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## SENATE—*Friday, September 19, 1997*

The Senate met at 9:30 a.m. and was called to order by the President pro tempore [Mr. THURMOND].

### PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Gracious God, it is startling to realize that there are over 6,000 people who work together to keep this Senate moving forward effectively. We thank You for the chiefs of staff, the schedulers, the legislative assistants, the secretaries, the media liaisons, the State staffs, and the interns who work in the Senators' offices. We thank You for the officers of the Senate, the Senate committee staffs, the security force, the custodians, and waiters and waitresses. Wherever we turn there are people employed to assist 100 men and women do their work of leading our Nation with excellence. Help us to take no one for granted. May this be a day in which we say, "I appreciate you; thanks for what you do!" to the people who work for us and those with whom we work. We are grateful for the gift of each person. In the name of our Lord and Saviour. Amen.

### RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able acting majority leader.

### SCHEDULE

Mr. JEFFORDS. Mr. President, I announce on behalf of the majority leader that today the Senate will resume consideration of S. 830, the FDA reform bill, with Senator KENNEDY being recognized until the hour of 10:30 a.m. for debate only. Under the previous consent, at 10:30 a.m. Senator DURBIN will be recognized to debate his two amendments. Further, at 12 noon the Senate will proceed to a period of morning business, with Senator COVERDELL or his designee being recognized for 90 minutes from 12 noon until 1:30 p.m., and Senator DASCHLE, or his designee being recognized for 90 minutes, from 1:30 p.m. to 3 p.m.

As previously announced, there will be no rollcall votes during today's session of the Senate. Also as announced, the next rollcall votes will occur on Tuesday, September 23, at 9:30 a.m., on Senator DURBIN's amendments to S. 830, the FDA reform bill.

I thank my colleagues for their attention.

### FOOD AND DRUG ADMINISTRATION MODERNIZATION AND ACCOUNTABILITY ACT OF 1997

The PRESIDING OFFICER (Mr. SESSIONS). The clerk will report S. 830.

The assistant legislative clerk read as follows:

A bill (S. 830) to amend the Federal Food, Drug and Cosmetic Act and the Public Health Service Act to improve the regulation of foods, drugs, devices and biological products, and for other purposes.

The Senate resumed the consideration of the bill.

Pending:

Modified committee amendment in the nature of a substitute. (The modification incorporated the language of Jeffords amendment No. 1130, in the nature of a substitute.)

Harkin amendment No. 1137 (to amendment No. 1130), authorizing funds for each of fiscal years 1998 through 2000 to establish within the National Institutes of Health an agency to be known as the National Center for Complementary and Alternative Medicine.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized for up to 1 hour.

Mr. KENNEDY. Mr. President, I yield myself 50 minutes.

Mr. President, this morning we continue the discussion of one of the most important and one of the most controversial and I believe one of the most dangerous provisions of S. 830. We are hopeful that we will be able to garner the attention of the Members of the Senate to support an amendment that will be offered and voted on Tuesday next that will address this dangerous provision that puts the American consumer at risk.

At the outset, I want to mention that those of us who are concerned about this particular provision are many. The Department of Health and Human Services, which is the principal agency of our National Government responsible for the health and safety of the American people, is strongly opposed to section 404, and supports the position that I have taken here today.

Other groups opposed to section 404. Those groups that are opposed to the provision also include the Patients' Coalition, which represents patients from all over this country, a real grassroots organization that understands, at the grassroots level, or the Main Street level, the dangers that this particular provision will mean unless we address it; the Consumer Federation of America; the National Women's Health Network; the National Organization for Rare Disorders; the American Public Health Association, which is charged with protecting the public health of Americans; the Consumers Union, another grassroots organization that looks after the interests of the consumer for a range of different issues and has targeted this particular provision; the Center for Women's Policy Studies; the National Parent Network on Disabilities; the National Association of Social Workers; the Policy Center for Children, Youth and Families; the American Council on Consumer Awareness; and the TMJ Association, they are the victims of the artificial jaw joint group. All of these organizations, and there are many more, are reflecting the anxiety and very deep concern and legitimate concern that consumers have about a particular provision that is included in this legislation, which will effectively handcuff the FDA from looking beyond just the manufacturer's label to get to the bottom line, whether a particular device which has a manufacturer's label is really going to be both marketed and utilized in such a way as to pose a serious and grievous health hazard to the American consumer.

I think the National Women's Health Network states the situation very well. I will just take a moment, before getting into the principal reasons for hoping that we will be able to alter and change this provision on Tuesday next, to read it, because it really summarizes

● This "bullet" symbol identifies statements or insertions which are not spoken by a member of the Senate on the floor.

the concerns of, in this case, the National Women's Health Network representing the millions of women across this country.

> On behalf of the 13,000 individual and 300 organized members of the National Women's Health Network, I am writing to express our continued opposition to S. 830 because of the serious implications this legislation has for our Nation's women. The network is extremely concerned that section 404 prevents the FDA from requiring medical device companies to perform complete reviews of the safety and effectiveness of a medical device. This provision must be amended to give the FDA the authority to verify that the label used is not false or misleading.

That is what we are talking about this morning, labeling, by the manufacturing company, of a medical device, that is false and misleading. The amendment which we will offer next Tuesday will say that when FDA finds that the medical device company is filing a false and misleading label, that the FDA will be able to look at the safety considerations of that device in order to protect the American consumer.

The Food and Drug Administration has a staff of scientists and researchers, individuals who have expert knowledge of different medical devices, whose only purpose is to protect the public. It is that group of individuals that we entrust—we recognize that they are human and are capable of making mistakes, nonetheless, they are the principal agent to trust to protect the American public's health and safety. When we have false and misleading labels by medical device industries, we need to make sure that the FDA scientists and researchers, who are charged with protecting the American public, are going to be able to make a thorough determination as to the safety and the efficacy of the devices. This is the issue. That is what the National Women's Health Network illustrates. The letter continues:

> Women need the FDA to act as a safety sieve, screening out drugs and devices which are hazardous or ineffective. If section 404 were enacted, a device manufacturer could label its product for a very simple use and the FDA would be limited to asking for proof in safety and effectiveness about that use only. Even if it were clear from the device's technical characteristics that it might be used for other, riskier purposes, the FDA would be prevented from looking beyond the conditions of use on the label.

If we are concerned about protecting the American consumer, this makes no sense. We should not be tying the hands of the FDA when we should be protecting the health of the American consumer. Look at recent history and the medical device disasters that this country has faced. This bill opens the potential for those diasters to be replicated. We all hope they will not be. But one of the principal safeguards for preventing this is the FDA being able to examine the safety of devices. The letter goes on:

> Section 404 is a serious danger to women's health.

I repeat, this particular section, section 404—

> is a serious danger to women's health, which must be fixed before S. 830 is acted upon by the Senate. In light of today's front page coverage of the fen/phen catastrophe, in which women were the victims of off-label drug use, we find it inconceivable that the Senate would pass a bill with this provision.

There it is. They have it right. We just had the fen/phen disaster, in which scores of individuals have suffered—have perhaps lost their lives—as a result of off-label use. And here we have on the U.S. Senate floor a particular provision that will invite unscrupulous medical device companies not to clearly and accurately state what their medical device is going to be used for. This is the issue. We have scores of other letters, similar to the one I just read, expressing concern about section 404.

The issues are clear. Will the Senate vote in favor of approving a medical device based on false and misleading labels? Will the Senate allow dangerous medical devices that have not been tested for safety and effectiveness to be foisted on the American people? Will companies like U.S. Surgical Corp. be rewarded for deceiving the FDA? Will the Senate put a higher value on the profits of the powerful than the health of the American people?

Mr. President, let me point out, that if U.S. Surgical Corp. is able to have their way—if they are allowed to misleadingly label their medical device as being substantially equivalent—they will be virtually guaranteed approval under the language of this bill. Because this bill says that if the medical device is substantially equivalent to one that has been approved and meets those safety requirements, it must be approved. Despite the fact that this corporation, U.S. Surgical Corp., has a device that is being advertised and will be used for an entirely different purpose. A purpose for which it has not been tested for safety. What happens to the ethical companies? What happens to the other medical device companies that are trying to provide safe medical devices?

They are going to be at a competitive disadvantage because they will come up and say to the FDA, "Look, our device is for this purpose and we have conducted these expensive safety tests." That is going to cost that company, and it means that their medical device is going to be more expensive. What happens to these other companies when a company like the U.S. Surgical Corp. is able to get in the door without providing safety information, without doing that kind of testing? This is also an issue.

It is not the most important argument. The most important one is health and safety. If this language is not altered or changed, it will be an invitation for medical device companies all over America to jump through this loophole in order to get their products on line. Will the Senate put a higher value on the profits of the powerful than the health of the American people?

Section 404 of the bill requires FDA to approve a medical device based on the use claimed on the label submitted by the manufacturer—even if that label is false and misleading.

Think of it. The FDA will be required to give approval even though the label is false and misleading. Whose interests are we protecting? Are we protecting the American consumers' interests, or are we protecting the profits of the medical device company? The way this law is currently constructed, it will help protect the profits of companies like U.S. Surgical Corp. It prevents the FDA from requiring manufacturers to demonstrate that their product is safe and effective for the purposes for which it will be used as opposed to the purpose falsely claimed on the label.

It stands 20 years of progress toward safer and more effective medical devices on its head. For 20 years, since 1974, we have tried, through the FDA, to make sure that medical devices are safe and efficacious. This is the first time in over 20 years that we are taking a step backward. We take modest steps forward on the basis of experience, at both the FDA and across the country, to provide additional protections for the American consumer. Now we are faced with the first significant and major step backward.

Mr. President, to illustrate that, the U.S. Surgical Corp., a large and successful manufacturer of medical devices, submitted a new machine to the FDA for approval. This machine was called the Advanced Breast Biopsy Instrumentation System. The company claimed that the machine was to be used only for taking biopsies of breast tumors suspected of being cancerous. Cancer is a word that any family in America hates to hear. Many Members of this body, many Members of the House of Representatives and so many American families have been touched by cancer. There are few people listening today whose family has not been touched by cancer in some way. With the increasing number of breast cancers, this particular medical device is the most offensive, because the principal disaster is not only contracting cancer, but it is in the failure of being able to diagnose it and treat it effectively.

What has the U.S. Surgical Corp. done? The company claimed that the machine was to be used only for taking biopsies of breast tumors suspected of being cancerous, but the machine was designed to excise a piece of tissue 50 times as large as other biopsy devices already on the market. It was obvious from the machine's design that it was intended to remove breast cancer tumors, not simply take samples for biopsy.

Maybe it works. Maybe it is a major breakthrough. Maybe it can do all the things that the U.S. Surgical Corp. says can be done. Wouldn't that be wonderful? But we don't know. Maybe it doesn't. Maybe it doesn't work. Maybe when the doctor says we have excised the tumor, it doesn't do it completely. We don't know. Maybe when that woman walks out of the doctor's office or leaves the hospital, she is still in danger. She believes she has been treated effectively, but maybe this device isn't effective at removing tumors. Then there is the possiblity that in 4 weeks, 5 weeks, 6 months, 1 year, 1½ years, the cancer is still present and life and health are still at risk.

Why are we taking a chance, Mr. President? Because the medical device companies want this provision.

It was obvious from the machine's design that it was intended to remove breast cancer tumors. In fact, we have obtained a videotape, made in Canada, that demonstrates that the company knew it would be used for that purpose, despite their false claims to the FDA.

Here you have the U.S. Surgical Corp. saying to the FDA that we have a small biopsy needle the size of the lead in a pencil, that will be used to check a tumor, returning to the FDA for approval of what they label as a substantially equivalent medical device. Under this legislation—even though the company is out advertising that medical device for an entirely different purpose, for which they have not provided any health or safety information to the FDA and under this legislation—FDA would have to approve it. Despite the fact the FDA knows the device will be used for another purpose. Under this bill, the FDA could not say, "Provide the information to show that this is safe and effective."

This is the example, Mr. President. We are talking about cancer—breast cancer. We are talking about 1 out of 7 women who are going to be affected at some time in their lives. We know the enormous legitimate concerns that women have, that mothers have, that daughters have. And we are going to say we are prepared to allow them to have less than the best protections we can offer?

Mr. President, under this section of the FDA bill, the FDA would be forced to approve the new device without any evidence on the safety and effectiveness for new uses. American women do not want to die from breast cancer because the companies are allowed to sell devices whose safety and effectiveness have not been demonstrated.

No Senator would want their wife or mother or daughter to be subjected to such an untested device solely because a greedy company wants higher profits. The issue goes far beyond the products to excise breast cancer. It applies to lasers to treat prostate disease, stems to be placed in carotid arteries, imaging systems to detect breast cancer, and a host of other treatments for dreaded diseases.

Public health professionals will tell you as we continue to develop new technological advances this problem will only grow along with the threats to public health and safety. We will be rolling the dice. How many people are willing to roll the dice for a member of their family and use a medical device that has not been adequately tested? The companies are out there, Mr. President, and they won't mind if we roll the dice. Are we going to permit that?

This provision will give unscrupulous companies incentives to lie to the FDA. It will penalize ethical companies who are truthful and doing the necessary testing to demonstrate that their products are safe and effective. Most of all, it will put the health of the American people at risk so that a greedy few can increase profits. Companies that hope to benefit by weakening the FDA are already powerful and profitable. They believe they have the votes to push this disgraceful provision through the Senate—and this morning they probably would have. It is absolutely untenable and outrageous and unnecessary that we would, except to provide additional profits for a company that will use this loophole to get their devices on market earlier.

If the American people truly understand what is at stake, I do not believe they will permit this dangerous provision to become law. When the vote comes on Tuesday, we will see how many Senators are willing to stand with the American people and how many are willing to vote in favor of false and misleading labels. Let me make it very clear that the Tuesday vote will not be the end of the story. We will continue to fight to keep this provision from becoming law, and I believe we will succeed in the end. The FDA bill has many constructive elements, but this disgraceful provision should be eliminated. The false or misleading label should have no place in the approval of medical devices. Unscrupulous manufacturers do not deserve a free ride at the expense of the public.

Mr. President, what we are talking about is S. 830, and section 404, which prohibits the FDA from reviewing the safety of a device for uses not listed by the manufacturer.

This provision handicaps the principal agency of Government that is charged with safety, and we are writing into the law language that will prohibit FDA—which is the agency charged with protecting the American people from unsafe pharmaceutical drugs and medical devices—from doing its job. The FDA would be prohibited from reviewing the safety of a device for uses not listed by the manufacturer.

What our amendment says is, OK, we'll prohibit the FDA from reviewing the safety of a device for uses not listed by the manufacturer—unless the label is false or misleading. How can Members of this body say that they will refuse to stand with those of us who support the Reed amendment that says "unless the label is false and misleading"?

We have the example of U.S. Surgical Corp.'s biopsy needle. A needle designed to extract a small amount of cancerous tissue, maybe the size of a pen or the lead of a pencil. Now what has the company done? It has developed a much larger device that may be able to take a biopsy, but which, in fact, is primarily designed for tumor removal. But all they will have to be able to do is show that they are substantially equivalent.

Under this proposal, the FDA will not be able to look at what the real purpose of this medical device is. We know what the U.S. Surgical Corp.'s real purpose for this medical device is. We know because we have seen the advertisement they have already prepared. This device which can take out 50 times more material than its predecessor—50 times more material—is not intended to be used for a biopsy, but is designed to excise the tumor. Maybe it can do it well, Mr. President. Maybe it is an important and major step forward. But any woman who has a procedure done with this device, will not be able to judge from the safety information that is provided to the FDA because there has been none provided. They won't know the results of testing conducted on this device because there have been no tests submitted to the FDA. They won't know whether this is a successful device because there is no information to indicate its success.

We are talking about women and breast cancer. We are talking about a medical device that is put forward with virtually no intention for use for biopsies. Where an earlier smaller, less intrusive device already exists for biopsies. A device that is going to be used to remove tumors, and is advertised to doctors as such.

What are the American doctors supposed to believe? They say, "Well, we have FDA approval."

"Well, isn't that fine. Then it must be all right, it must be safe."

But no doctor is able to give that kind of assurance to a woman who is going to have this particular medical device utilized to excise a tumor, because it has not been done. How would our amendment change that? Our amendment would say that if the advertising is false or misleading, that anyone would be able to see that this particular device is going to be used to excise a tumor—U.S. Surgical, show us your studies, show us your information that would indicate that this is safe for American women. Show us where you have tested it to show that it does the job. Show us that it will do what you are advertising will be done. Let us examine that. And if that is the case, we approve it for that particular purpose.

This provision is unconscionable, Mr. President, when you look at the tragedies that have resulted from device disasters. We are not talking about Band-Aids and tongue depressors. We have seen medical device disasters which have cost the lives of hundreds and thousands of American consumers.

I was here and chaired the hearings on the Dalkon shield IUDs, which injured tens of thousands of women. Their injuries included pelvic inflammatory disease, sterility and perforated uteruses. That is because, Mr. President, with the Dalkon shield we found out that bacteria crept through the string of the device and caused infections in American women.

As a result of this disaster in the mid-1970's we set up protections for the American consumer with regard to medical devices to ensure that they would be safe and efficacious. Prior to the mid-1970's we did not test for safety and efficacy. We want to be able to make sure that the FDA is going to be able to test for safety and efficacy on a product that is going to be the predominant use of a particular medical device.

In another example of a human and public health tragedy involving a medical device, the firm Telectronics marketed a pacemaker wire for use in the heart. Twenty-five thousand of these pacemakers were marketed, beginning in 1994, before it was discovered that the wire could break, cause damage to the wall of the heart, or even destroy the aorta.

Why are we being asked in the U.S. Senate to deny the FDA adequate authority to protect the American people? Safe and effective medical devices is what the American public deserve and it is what Senator REED's amendment to section 404 would ensure.

Mr. President, another example is patients with defective Shiley heart valves who died, underwent painful and dangerous surgeries to remove the valves.

The company increased the degree of a particular vent from 60 degrees to 70 degrees. But because FDA had the power to examine whether this presented any additional health hazards to the American people, the modified valve was not marketed in the U.S. The company sold them in Europe. And the modified valve had six times the amount of disasters in the hearts as a result of that 10-percent increase. Hundreds of deaths resulted in Europe and thousands and thousands of people put at risk.

Then we have the angioplasty catheters that failed causing dozens to suffer emergency coronary bypass surgery, cardiac damage and death.

Mr. President, this is what we are talking about. We are talking about S. 830 which allows false and misleading labels for medical devices. S. 830 could result in the surgical needles that do not safely remove the breast cancer tumors.

FDA has been asked to clear surgical lasers for marketing despite the lack of safety data submitted to support the clear intent of the manufacturer—to cut prostate tissue. What we have are laser manufacturers that say, "Well, all right, we want to use lasers in the operations on the prostate. And a certain amount of cutting is going to be necessary." They effectively say, "Our laser is substantially equivalent to lasers that are already approved for general cutting," when the intention of the company is to use the newer designed laser not just in the ordinary cutting of tissues but for use in a prostate operation. Therefore, through this loophole, a device may be used for a purpose for which it was clearly designed but not adequately tested.

We have also, Mr. President, the example of contact lenses that may cause blindness. FDA can tell by the materials and design of a contact lens that it will be used for extended wear. But a company could submit data only on a labeled use of daily wear and FDA would be prohibited from asking for additional information on extended wear. Extended wear lenses that are not adequately tested may cause ulcers on the cornea and can be sight-threatening.

Mr. President, we may see in the future digital mammography screening machines that may misdiagnose breast cancer. We have seen enormous progress being made in terms of mammography with all the benefits of early detection of breast cancer which permits early treatment and saves lives.

These advanced technologies, Mr. President, may be able to perform diagnostic mammography but not mammography screening. There is an important difference. The screening is used to find out whether there are tumors as compared to examining a tumor for diagnostic purposes to make a determination of the appropriate kinds of medical treatment. A mammography instrument labeled for use as a diagnostic machine could have features specific to mammography screening and the safety data should be submitted to support that use.

Why do we have to take a chance on it? What is the compelling need to take a chance on women's health? Why shouldn't we say to FDA that if they have reason to believe that the primary purpose of this new machine is going to be for screening and the label is false and misleading that they can ask for safety data for the intended use.

Why should we hamstring the FDA when we know that the purpose for these new kinds of medical devices are not consistent with what is being labeled by the manufacturing company?

(Ms. COLLINS assumed the chair.)

Mr. KENNEDY. Under this legislation, the FDA, even though they know this might provide an important safety question for the American people, are handcuffed from doing anything about it. Why are we doing this to the American people? For what purpose? Are we that far behind in terms of online medical devices? We are not.

I can put in the RECORD the various publications of the medical device industry that show they have been making important progress over the past several years, and the profits have gone up, and a different atmosphere is out there to bring the various products on the market. A GAO report has shown that medical device review times are down.

So if that is the case, why, now, are we going to rush these devices on through when their purposes are clearly different from the labeled use and for which we do not have adequate safety data? This is a major step back, and puts the public at risk.

Madam President, we can go through what some of the dangers are when we find various devices are used for one purpose and then changed and altered for another purpose. In this diagram we have the long bone screws that are used effectively to mend bones. I have a member of my family that has had those implanted and they have been enormously effective. A member of the family had a broken shoulder, and I went back to see her 5 days later and she was able to move her arm, move her shoulder. It was unbelievable when you think of what most of us understood would be a recovery time of several months.

We have seen how, when used properly, how they can help mend a bone, give stability to bone, and be effective in helping and assisting those people with that kind of a break to long bones. Then what happened? We found out the screws were being sold to back surgeons for another purpose. They were marketed for use in the spinal column to give stability to the spine.

What happened? Madam President, the screws broke, and they were disasters for many Americans who had the operation. Those screws were not adequately tested for use in the back and should not have been used in that manner.

These examples are what is happening every day. We have the biopsy needle, the contact lenses, we have the long bone screws, and the list goes on. We ought to be very careful about denying the Food and Drug Administration needed information in terms of their safety and effectiveness.

Now, Madam President, we cannot prohibit off-label use of medical devices. We are not doing that in the proposed amendment. What we are saying is that when you have on the face of it a clear intention that the new proposal that is being submitted to the FDA is going to be used clearly as a dominant use for another purpose, such as the breast biopsy instrumentation, that the FDA ought to be able to look at the safety and efficacy of the device.

Why are we going through this, Madam President? Why are we tying the hands of the agency that has the skill and the knowledgeable people to try to protect the public?

All we are saying is when there is a clear record on the use of a device, make sure the American public's interest is going to be protected and not denied. All our amendment says is when the label is false and misleading, the FDA is going to be able to look behind it. That does not seem to me to be a very dramatic or radical kind of resolution to this particular issue.

We have indicated four or five different types of compromises to this particular measure to try to protect the public's interest. We are ready to look at different language to protect the public's interest. But the guiding light is, when we know a medical device is being submitted with false or misleading information and that the device is clearly designed for another purpose, the FDA should be able to look at the safety and the efficacy of the device.

We have seen in recent years the dangers of simple changes like the absorbency of tampon material. It looked like it was just a very modest kind of alteration or change. But women were injured, and subject to infections that caused toxic shock syndrome sometimes leading to death.

Why are we doing less for the protection of our consumers? Why are we restricting the protections of the American consumers? We are going to have a difficult enough time trying to make sure that when medical devices go through vigorous requirements for safety and effectiveness that they are indeed safe and efficacious. Some mistakes may very well be made. At least we will know we have given it our best shot. At least we will know we have given to the American people the best we have, in terms of scientists and researchers, to try to make sure those products are safe.

On this particular provision, for the first time in 23 years, we will be effectively rolling back public health protections at FDA. We will be effectively handcuffing the FDA on a major matter that affects the health and the safety of the American people. It is unwise. It is unjust. There is absolutely no rationale or justification for this provision other than the profits of the medical device industry.

Madam President, I cannot help but believe as the American people understand this issue, understand the health implications, understand on the one hand we are risking the public health of the American people in favor of the profits of the medical device industry, that they will be heard on this issue. This provision puts at serious risk the health of the American people—that is what the HHS says, that is what the Women's Health Network says, that is what the principal consumers groups that are out there to protect the American people say.

What is the benefit on the other side? The profits of unscrupulous medical device manufacturers. It is not only going to be the profit of those individual companies like U.S. Surgical, but it will be an invitation to other medical device companies to go through a loophole, because otherwise they will be put at a competitive disadvantage. It makes absolutely no sense.

I hope very much, that when the Senate addresses this issue in the next week, we can have the support of our colleagues and we will have the support of the House of Representatives and we can move forward with an otherwise reasonable bill.

I see my friend and colleague, Senator DURBIN, here on the floor. I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. DURBIN. It is my understanding under the unanimous consent I am allotted 30 minutes, 15 minutes on each side, on two separate amendments, amendments 1139 and 1140. Is that correct?

The PRESIDING OFFICER. The Senator has the right under the agreement to call up either amendment 1139 or 1140. When he does so, he will have 30 minutes on each amendment, equally divided.

Mr. DURBIN. I thank you, Madam President.

### AMENDMENT NO. 1140

(Purpose: To require that entities and individuals accredited to conduct reviews of device notifications be subject to the conflict of interest standards that apply to employees of the Food and Drug Administration)

Mr. DURBIN. I call up amendment 1140.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Illinois [Mr. DURBIN], for himself, Mr. FEINGOLD, and Mr. JOHNSON, proposes an amendment numbered 1140.

Mr. DURBIN. Madam President, I ask unanimous consent reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

In section 523 of the Federal Food, Drug, and Cosmetic Act, as added by section 204, strike subsection (b) and insert the following:

"(b) ACCREDITATION.—

"(1) IN GENERAL.—Within 180 days after the date of enactment of this section, the Secretary shall adopt methods of accreditation that ensure that entities or individuals who conduct reviews and make recommendations under this section are qualified, property trained, knowledgeable about handling confidential documents and information, and free of conflicts of interest.

"(2) STANDARDS.—In adopting the methods of accreditation, the Secretary shall ensure that the entities and individuals—

"(A) are subject to—

"(i) the conflict of interest standards applicable to employees of the Food and Drug Administration under subpart E, H, and I of part 73 of title 45, Code of Federal Regulations (as in effect on January 1, 1996); or

"(ii) if the standards described in clause (i) would be inappropriate for the entities and individuals, conflict of interest standards developed by the Secretary that are—

"(I) based on the standards described in clause (i); and

"(II) modified, as appropriate, to apply to the entities and individuals; and

"(B) are not subject to the conflict of interest standards under subpart J of such part.

"(3) PUBLICATION.—The Secretary shall publish the methods of accreditation in the Federal Register on the adoption of the methods.".

Mr. DURBIN. Before proceeding, I ask unanimous consent Senators FEINGOLD and JOHNSON be added as cosponsors of amendment 1140.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. Madam President, the bill before the Senate is one of the most important we will consider during the course of this Congress. I don't believe that is an overstatement. This bill addresses the future of the Food and Drug Administration, an agency which we literally entrust with the safety and efficacy of thousands of drugs and prescriptions which we keep in our home and give to members of our family.

This agency has to be above reproach, it has to be efficient and responsible. This amendment No. 1140 that I am offering is an attempt to make certain that the integrity of the Food and Drug Administration is not compromised by this bill. I think overall this is a good bill. There are some areas Senator KENNEDY and I and others feel need to be addressed. But the one part of this bill that I address with this amendment is one of great concern.

We are now going to say that we will take outside of this Federal agency, outside of the Food and Drug Administration, the review of medical devices. We will say to third parties, which are hired for the purpose of making these reviews, that they will decide whether or not a medical device is safe for the American people and whether it's effective; and having made that decision, that company will then have an opportunity to sell that device across America. We as consumers will believe, as we should, that we can trust that judgment.

The purpose of amendment No. 1140 is to address the question of whether or not the third-party reviewers are credible. This bill dramatically expands the ability of medical device companies to purchase their own third-party reviewers. Senators FEINGOLD and JOHNSON and I are offering this amendment so that it's clear that it's only reviews and not approvals themselves that can be bought under this system.

Up to 60 percent of medical devices going through the premarket notification process could utilize the outside reviewing system. A program of this magnitude will not permit the same level of close monitoring and oversight by the FDA as is currently undertaken. There are fewer than 10 firms that are credited for this purpose. That is why explicit anti-conflict-of-interest standards need to be laid out in the law. We should not cut corners when it comes to the question of conflict of interest. If we are going to give to these companies the authority to review and approve medical devices to be used across America, let us have no question that they are doing it in a professional way.

The Project on Government Oversight, a nonpartisan, nonprofit Government watchdog group, described the bill's provisions in this area as grossly inadequate, and the Government Accountability Project, which is another watchdog group, described the current FDA regulations for their pilot program as "inadequate to guard against conflict of interest." Both groups, along with a long list of consumer and patient groups, urge the Senate to adopt this Durbin amendment.

Given the importance to the public of keeping the approval process untainted by monetary influence, we must ensure that there are strict anti-conflict-of-interest standards for product reviews.

Only the vaguest language possible on the issue of preventing conflicts of interest is currently contained within the bill. Let me tell you what it says on page 16:

> The Secretary shall adopt methods of accreditation that ensure that entities or individuals who conduct reviews and make recommendations under this section are qualified, properly trained, knowledgeable about handling confidential documents and information and free of conflicts of interest.

Nowhere does the bill mention what we mean by "free of conflicts of interest." What are the standards that we will use? No reference point is given for a basic minimum that would satisfy and ensure unbiased review.

Senator HARKIN was successful in adding language that allows the FDA to look at contractual arrangements between an outside reviewing laboratory or entity and the company whose product is being reviewed. We would like to go a step further and add more protections against approval peddling.

FDA employees themselves are subject to a wide range of anti-conflict-of-interest regulations. This amendment seeks to establish basic requirements, and it is very simple. It merely asks that outside reviewers not be allowed to have a financial interest in the company they review.

Think about what I just said. The outside reviewer, which will decide whether a medical device should go on the market, should not have a financial interest in the company that he is reviewing. That seems rather simple to me. Nor should they be allowed to receive gifts from a company that has products being reviewed, and they should not be actively looking for a job with that company while they are in the process of making their review. No gifts, no job offers, no stocks. It seems simple.

It is amazing to me that we are arguing over this provision. I would have thought this would have been accepted long ago by the majority. But instead, there is a fight as to whether or not we are going to demand the highest level of integrity and honesty when it comes to these third-party reviewers.

Let me tell you why this is critically important. The approval by the FDA of a device can have a dramatic positive or negative economic impact on a company. If the FDA rejects a device and doesn't approve it, a stock can languish for months, if not years. If the FDA approval goes through, it is the seal of approval, and that company knows that there is money to be made.

Look at this chart indicating what happened in four different instances with medical device companies when there was an FDA approval. QLT Phototherapeutics, Inc. Look at how the stock shot right up with FDA approval. ATL Ultrasound. After FDA approval, it skyrockets. Thoratec Laboratories Corp., the same story; the stock is moving along slowly, and then, after FDA approval, it climbs dramatically, 50 or 60 percent in 1 day. It was the same thing with Integra LifeSciences Corp.

What we are trying to say is, the people making the decision on behalf of us, as consumers, should make that decision without any concern about the bottom line of that company. Would you think twice about giving to a reviewer the decision to approve a product if you knew that reviewer owned a thousand shares of the company that made the product? I think most of us would. What if that reviewer and his family had just come back from a Caribbean vacation, paid for by the company that submits the medical device for approval, or if that reviewer happens to have sent his resume to that company a week before, saying, "I would like to have a job with you and, incidentally, I am working on your FDA approval," with a wink and a nod? That doesn't make me feel any better about what we are dealing with here.

The Durbin amendment basically says, let's get rid of the doubt as to whether or not people are going to use the highest professional standards. We should not cut corners here when it comes to conflicts of interest, when it comes to these outside laboratories. We have to demand the highest standards of professionalism.

Time and again, companies have been shown to make dramatic profits with FDA approval. Dr. Kessler, a former head of the FDA, said, "Make no mistake, they talk a lot about approvals in Europe and in other countries. They can be lucrative, they can be profitable. But if you can get the approval of the Food and Drug Administration of the United States of America, it is a seal of approval recognized worldwide. The product you are trying to sell becomes a winner overnight." Shouldn't the people making the decision as to whether or not this product is safe and efficacious be doing it on the basis of science, rather than on the question of their own financial interest?

The medical device industry produces over $50 billion annually in sales. In fact, in a recent article in Medical Economics entitled "Why Medical Stocks Belong in Your Portfolio," the medical device industry was described as "a hot market that's only getting hotter." It doesn't take much imagination to see why we would not want to allow a reviewer to have stocks in the company they were reviewing. The connection between FDA approval and stock gain is just too clear. The money stakes are high for investors; however, the stakes are even higher for the patients who rely on these devices.

The approval of an unsafe drug or device can have a devastating impact. Doctors, hospitals, nurses, and families rely on these decisions. If a corner is cut, if this reviewer has a financial interest and decides, well, I am just going to tip it a little bit toward my own stock portfolio here, the losers ultimately are the innocent people. Reviews must be of the most stringent nature and must be carried out without any outside corrupting influence.

Surely, it is not too much to ask that a reviewer be prevented from accepting a gift or a loan from a company that he or she is reviewing. I can't imagine we are debating this. Should we allow the reviewer to take a gift from the company he is reviewing? That is an obvious conflict of interest and one that we can address explicitly. The language in the bill, unfortunately, is loaded with "weasel" words—weasel words about what a conflict of interest might be. We should make it crystal clear. It would give this bill more stature. It is an important bill and it should have that.

Furthermore, a reviewer or their spouse or minor child should not be allowed to have a financial interest in the company being reviewed. That means owning stock or a mutual fund that has more than 10 percent invested in the company. This is all laid out in subpart H of the regulations that we refer to in our amendment. A final restriction that we are asking for is that the reviewer may not be actively soliciting future employment within the company they are reviewing.

Our amendment, which sets out guidelines to prevent tainted reviews, allows the Secretary to modify such guidelines where it would be appropriate for outside reviewers.

Therefore, if any provision included in these regulations would clearly not apply or not be appropriate, the Secretary can modify it. We have that flexibility built into our amendment.

I have heard some of my colleagues argue for more flexibility. I believe our amendment gives enough. It sets out specific standards. I challenge any of my colleagues to suggest that a gift ban or a financial interest ban would be unreasonable. It would be a sad day in America if reviewers expect a gift, or a job offer, or some other financial gain in order to review a medical device and, worse, that we were not willing to categorically repudiate a potential for such "approval peddling."

This industry and their products are too important to the American people. These are literally life-and-death products. We should take a firm stand and specifically enumerate these basic standards within this legislation to prevent even the potential for the corruption of this process.

Madam President, I yield the remainder of my time on this amendment.

Mr. JEFFORDS addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. JEFFORDS. Madam President, first, let me very briefly review where we are. There has been considerable debate up to this point. I think it is important for me as the chairman of the committee to remind people as to where we are.

We have before us a 152-page bill, which is the first real overhaul of the Federal Food, Drug and Cosmetic Act in the last 30 years. We have taken little tweaks here and there, but it has not been thoroughly reviewed and brought into the modern world.

Out of that 152 pages, we are now spending most of the time debating on 2 or 3 pages. That is why the minority ranking member has praised the bill, but then picked on one—basically, we are here because of one provision, which is 404. On some standards, we cannot agree on the precise wording.

So everybody agrees on almost all of this bill. The amendment that is being offered by the Senator from Illinois does get into a very, very important area, and we do not disagree with that. We praise him for having given us the opportunity to review, to restudy, and determine as to whether or not the provision he is striking with his amendment and replacing is necessary or appropriate. We have concluded—I say "we" because I am sure that Senator KENNEDY joins me in this statement—that we adequately take care of the conflict of interest in this bill.

Let me go through what his amendment attempts to do and what the bill provides. First of all, the Senator's amendment, at best, duplicates the third-party provision that we have in the bill now and, at worst, it unnecessarily constrains the agency.

Section 204, conflict of interest protections, which is being stricken and replaced, provides a full statutory directive to the agency to prevent conflicts of interest that may be involved with both an individual reviewer and with the reviewing organization. As with Senator DURBIN, this was a critical concern for members of the committee.

Section 204(b) reads:

> Within 180 days after the date of enactment of this section, the Secretary shall adopt methods of accreditation that ensure that entities or individuals who conduct reviews and make recommendations under this section are . . . free of conflicts of interest.

Section 204 provides full discretion to the agency to develop appropriate standards. The agency will not be limited in any way in developing these guidelines.

We believe the FDA is the one that can best understand what will be effective in this regard. The agency has already developed extensive conflict of interest guidelines as a part of its existing third-party program. The notice of April 3rd, 1996, has almost a full page of Federal Register type laying out the standards, including restrictions if "the third party, or any of its personnel, involved in 510(k) reviews has any ownership, or other financial interest, in medical device, device manufacturer, or distributor."

That is a quote from the wording.

The agency has not identified any difficulties in the implementation of the conflict of interest guidelines, and it has expressed no concern about the conflict of interest provisions, as drafted. We have reviewed the FDA standards that appeared in the Federal Register on Wednesday, April 3, 1996, at page 14794, and believe that they adequately and appropriately address the problems which we are reviewing here. The agency's strict guidelines resulted in the elimination of 30 of the 37 applicants that originally sought accreditation. That means, obviously, that the FDA policy is effective, and it has outlined and again recognized—as the Senator from Illinois is aware—that there are problems that must be protected against. And we agree with him on that.

The Durbin amendment attempts to set standards but in fact may constrain the agency. In fact, the standards cited are reportedly outdated and do not reflect recent revision. This may explain why in the second part of the amendment Senator DURBIN effectively gives the agency discretion to craft appropriate guidelines. Section 204 provides a full statutory directive to the agency to prevent conflicts of interest that may be involved with both an individual reviewer and the reviewing organization. Therefore, it appears to us that the amendment, although well-intended, may even make it more complicated than necessary, and that we will end up perhaps with a less effective system than is already contained in the bill.

Madam President, I ask, if we yield back time, what happens to that time? May we be advised on that?

The PRESIDING OFFICER. The time would just lapse. I believe the Senator from Illinois has yielded his time on this amendment. If the Senator from Vermont yields the remainder of his time, then the Senator from Illinois could call up his second amendment.

Mr. JEFFORDS. If at the end of the time we, for instance, end up instead of using an hour on the Durbin amendment using half an hour, does that time fall into the same category as the last half-hour of this unanimous consent? So we have an hour in that last part of the unanimous-consent request.

The PRESIDING OFFICER. The Chair is not clear about the Senator's question. We would proceed to the next amendment, and there would be 30 minutes equally divided on that amendment. Then we would stay on the bill, if that is the wish of the managers.

Mr. JEFFORDS. Madam President, I believe I understand the ruling of the Chair. I appreciate that.

The PRESIDING OFFICER. Regardless of the amount of time we use today, on Tuesday we will have 5 hours on the bill itself equally divided.

Mr. JEFFORDS. I appreciate that clarification because this does get a little bit complicated as we move forward. This is an important issue.

I think at this time I will just again restate that we believe that the bill as written adequately covers the problems of the conflict of interest situation.

We commend the Senator from Illinois for really focusing attention on this and bringing it to our attention again so that all of my colleagues hopefully will understand that the bill—this is agreed to I believe also by Senator KENNEDY—is effective in accomplishing the goals of the Senator from Illinois.

So, again I commend him for what he has done.

Madam President, I yield the remainder of my time.

The PRESIDING OFFICER. All time on the amendment has been yielded.

### AMENDMENT NO. 1139 TO MODIFIED COMMITTEE SUBSTITUTE AMENDMENT NO. 1130

(Purpose: To eliminate provisions relating to the discretion of the Secretary of Health and Human Services to track devices or to conduct post-market surveillance of devices)

Mr. DURBIN. Madam President, under the unanimous-consent request, I would like to call up my amendment 1139.

The legislative clerk read as follows:

The Senator from Illinois [Mr. DURBIN], for himself, Mr. HARKIN, and Mr. JOHNSON, proposes an amendment numbered 1139 to the modified committee substitute amendment numbered 1130.

The amendment is as follows:

On page 46, beginning on part 5, strike sections 605 and 606.

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Mr. DURBIN. Madam President, I ask unanimous consent that Senator HARKIN be added as a cosponsor of amendment No. 1139.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. Madam President, the conflict of interest provision which we have just discussed is a very important one, but the one which I am addressing with this amendment may be even more important.

Consider this possibility. On Monday of next week you go out to buy a Pontiac. On Tuesday when you go to the doctor, he says, "You are going to have to go to the hospital, and you are going to need a pacemaker." In 1 week you have a Pontiac and a pacemaker. What is the difference? When you bought the Pontiac, General Motors took note of your name and address. If anything went wrong with the Pontiac, they would contact you in 6 months, 1 year, 2 years, or even later, and say, "Bring it in. It needs to be fixed." It might not be safe, if you didn't. However, under this bill the pacemaker that you are going to have implanted by the surgeon perhaps a few days later doesn't have the same kind of following. Why? Because we let that exist.

Why would we let people have lifesaving devices implanted in their bodies and not keep track of that fact? That is what this amendment is all about, because this bill, as good as it is, takes away the mandatory requirement that we have surveillance and tracking of these high-risk devices that can be implanted in people.

I am glad to be joined by Senators HARKIN and Senator JOHNSON in offering this amendment which strikes the sections of the bill that undermine many of the patient protections for medical devices put in place by the Safe Medical Device Act of 1990.

This act of 1990 instituted a mandatory surveillance program to identify quickly any potential problems with approved high-risk devices. A mandatory tracking system to locate patients in the event a safety recall was also added.

Sections 605 and 606 in this act are nothing more than a backdoor attempt to eliminate these programs that industry considers burdensome. Yes, they are burdensome. To keep track of the name and address of each person who is given a pacemaker is a big burden on industry. But what kind of burden is it on the patient when the pacemaker fails and the patient can't be found? I would suggest that it is a much greater burden. That is what this amendment addresses.

Proponents of sections 605 and 606 say that the FDA has not been vigilant with respect to overseeing these vital programs. Does anyone imagine they are going to be more vigilant in enforcing these safety protections when they are relegated to an optional or discretionary status? Especially given CBO's high estimate of this bill's additional costs to the FDA without any corresponding increase in funding. Pressure can only increase on the agency to curtail its efforts in discretionary programs.

Opponents of this amendment will point to the fact that the administration went along with this change. This point is in fact even more worrisome when you look at what types of devices we are talking about, and the tragedies that may occur.

Many of us remember the tragedies that resulted from the Bjork-Shiley heart valve failures. Extensive congressional hearings were held in the late 1980's examining what had gone wrong and how we might prevent future repeats of these terrible tragedies.

Over 300 people died in the United States from these heart valve failures, and over 1,000 worldwide.

After it was concluded that these heart valves were defective—after they realized the product had failed—over 50 percent of the patients with these heart valves couldn't be located.

One widow testified—and this is a tragic story—about how her husband, who had a Bjork-Shiley heart valve implant, suffered chest pains but had no idea that the heart valve was the cause of the problem. She was in a position to choose from two hospitals. She quickly raced to one hospital, and made the wrong choice. She went to the hospital that didn't specialize in heart surgery when her husband needed to live. She didn't know. Why didn't she know? She wasn't on the list. Her husband's name and address were not on the list to be notified that the heart valve he carried in his body was failing him.

What does tracking actually involve? It involves a patient—this is I don't think a burden from that perspective—filling out a registration form with their address so they can be located if there is a recall of a pacemaker, or high-risk device. Most companies make this request already.

What kind of devices are we talking about? Just about anything? No. There are 17 specific types of devices that require mandatory tracking. We are talking about heart valves; pacemakers and pacemaker leads; vascular stents; jaw, shoulder, and hip joint replacements; windpipe prosthesis; breathing monitors and ventilators.

It is hard to imagine the tracking of these high-risk devices could ever been made optional, and yet that is exactly what this bill does.

FDA has already complained that they find it extremely difficult to enforce this provision, and yet, instead of making it stronger and helping them with enforcement, this bill weakens it. It weakens the FDA's ability to make this kind of adequate tracking and surveillance available.

Automobile manufacturers are required to have a tracking system to notify those who buy cars. It even happens with motorcycles. Look at this. What a coincidence. In the Phoenix Gazette of Friday, January 11, 1991, there are two articles next to one another. Harley-Davison recalls its motorcycles. We have a problem here. It turns out that their brake calipers are defective and could cause their front wheels to lock while driving.

Right next to it, on Consumer Watch, jaw implants. It is found that the implants of Vitek of Houston caused bone degeneration. If we cannot track the people who bought the jaw implants through their surgeon, we can certainly find the owners of the Harley-Davidsons. Does that make sense?

I would like to submit for the RECORD a letter that I received from Victims Against Lethal Valves, a support group out of Pittsburgh for those who have suffered from defective heart valves. They urge the Senate to adopt my amendment. If you read this letter from the families of those who were caught unaware that they had a defective heart valve, you might think twice. I hope my colleagues will.

I ask unanimous consent that this letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

VICTIMS AGAINST LETHAL VALVES,
*Pittsburgh, PA, September 16, 1997.*

U.S. Senate,
*Washington, DC.*

DEAR SENATOR: As a Bjork-Shiley heart valve survivor and founder of VALV, a support group for people with the Bjork-Shiley heart valve, I strongly urge you to support Senator Durbin's amendment to S. 830 to maintain mandatory tracking and postmarket surveillance of high risk medical devices like heart valves.

The Bjork-Shiley heart valve experience was a major impetus to enacting these two provisions in 1990. Almost 1,000 people (world-wide, the device was marketed longer in Europe than in the U.S.) have died as a result of the fracture of the Bjork-Shiley valve. S. 830 makes tracking and postmarket surveillance of these very high risk devices discretionary rather than mandatory.

The Bjork-Shiley disaster highlighted the need to implement a systematic method for tracking the device recipients. When the FDA finally "caught up" with the significant numbers of Bjork-Shiley heart valve fractures and ordered the company to notify recipients of the valve's potential failure, what symptoms to look for, and what to do if these symptoms appeared, the manufacturer claimed that they had no record of how to find as many as half of the recipients. Should a defect in a device be identified, it is critical that device recipients be notified so they can seek medical attention.

The manufacturer knew that the Bjork-Shiley heart valve had a tendency to fracture very soon after it went on the market. But the firm conducted no systematic surveillance, and did not accurately report the information about problems it received to the FDA. Section 522 was designed to remedy this gap in reliable, verifiable information—so that the manufacturer would know, and the FDA could check—on problems with new post-1991 devices.

Most Market surveillance and tracking are consumer safeguards that were won with the lives of people like me and the members of VALV. We urge you to adopt Senator Durbin's amendment and keep these consumer protections in place.

Sincerely,

ELAINE LEVENSON,
*Founder.*

Mr. DURBIN. Madam President, another key aspect of the Safe Medical Device Act, which this bill undermines, is the mandatory surveillance program for high-risk medical devices.

These surveillance programs are extremely important for early detection.

In some cases, the initial breakage of a device may not cause instantaneous harm. For example, in the case of the Telectronics Heart Pacemaker "J" Leads which are found to be defective in 12 percent of the patients with them, breakage didn't result in any harm until the next bout of heart arythmia. Surveillance of these leads identified problems in some patients. And this led to the notification of patients with these leads of the need to have them checked.

Likewise, in the case of the Bjork-Shiley heart valves, 300 Americans died when this tiny heart valve no bigger than a pen turned out to have a structural defect.

This is a blowup of a photograph of a heart valve. And it shows a crack in one of these struts on this heart valve. This crack alone wouldn't be lethal. But when the strut next to it cracks, it is too late. You are going to die unless you have immediate surgical relief.

We believe that once you know that the heart valve is in danger, you should know the people who have received it so that you can notify them so that they can go to a doctor and have the necessary test to see if they are in danger.

Early detection and correction could have prevented many of the 300 deaths that occurred when this Bjork-Shiley valve failed.

Let me tell you about another case, teflon jaw implants. People with the temporal mandibular problems—TMJ—have turned to these implants as a way of dealing with a maddening situation, and a very painful one.

In the case of the implants made by Vitek in the 1980's, early detection unfortunately wouldn't help. These implants splintered and caused massive corrosion of jaws and skull due to the triggering of inflammation and other immune responses. By the time the patients suffered pain, for many of them it was too late. Many of the patients required the removal of much of their jawbone structure because this implant had failed. Even some of their skulls were exposing their brain because of this subsequent surgery.

If a surveillance program had been in place prior to the Vitek jaw implant defect, many of the patients would have been able to have their implants removed prior to the full deterioration of their jaws. In fact, many individuals would have been saved altogether from ever having the implants inserted in the first place.

Vitek jaw implants were first marketed in 1983, but it wasn't until 1990 that FDA sent out a safety alert, and in 1991 issued a recall.

Think about that, 7 or 8 years later we finally realized that there was a problem with this implant.

At that stage, between 25,000 and 26,000 patients had received these implants. The rate of failure was nearly 100 percent.

Here on these charts you see some of the sad stories of the victims. These are troublesome to see, but think about these poor people and what they went through. Asking these companies to keep track of the people who received these implants is not unreasonable when you take this lovely young lady in this picture and look how she deteriorated after these implants started to fail. And the same thing, this lovely lady in this picture and what happened to her face as a result of the implant failure. On this one, look at this. After the implant failed, look what happened. It actually emerged from the skin.

Is this something that we want to think twice about? I would think that as a matter of just decency we should include in this bill tracking and surveillance to try to avoid this from happening to anybody in the future.

Some may try to argue we still have the medical device reporting system. That is no substitute for company surveillance. The medical device reporting system is basically a body count program. We hope that we could have a strong program to detect problems before death and injury. That is exactly what a surveillance program does. Many medical devices on the market are approved on the basis of data from trials of shorter than the lifespan of the device. Vascular stint, approved by the FDA this year, was approved on data after 6 months of use. FDA requires surveillance to check if the device will be safe for a longer period similar to the life expectancy of the device.

I would like to also bring to the attention of my colleagues a recent GAO report on the inadequacies of the medical device reporting system before anyone starts arguing that it is a substitute for surveillance programs. This report from the GAO states that between March 1994 and April 1995, a backlog of about 48,000 malfunction reports from manufacturers accumulated at the FDA. Many of the malfunction reports, according to GAO, were not entered into the adverse event reporting system until 1996—almost 2 years in some instances. In fact, the House device bill suggests eliminating even this report because of its inefficiencies.

In contrast to that system, the tracking and surveillance programs which I am pushing for are much more effective. This January a good example of this was seen in the case of a runaway pacing implantable cardioverter defibrillator manufactured by Ventritex. Due to their surveillance programs, Ventritex realized the clock in the defibrillator was running radically.

For those who are not familiar, it is a situation where a person has a heart problem where the heart beats irregularly. The defibrillator feeds a shock to the heart to stop the defibrillation and save the person's life. The company realized it was not working right. That kind of problem could be fatal for individuals with these defective devices implanted. On January 15, the company met with FDA and proposed a temporary fix that could set these devices straight. Within less than a month, over 97 percent of the 5,600 patients were found and their devices were reprogrammed. Thousands of lives may have been saved by this effective tracking and surveillance.

Shouldn't this be the case for every lifesaving device? Why does this bill water it down? Why does this bill take away the tracking and surveillance that would give us the necessary information to track this very sort of thing to save people's lives.

In the pretracking days, before we started doing this, I have a letter from a lady named Charlotte Evans. She only discovered this year that her teflon jaw implant might be defective even though the product has been off the market for over 7 years, but no tracking program had been in effect when she bought it. For 11 years since she had this device implanted, her jaw had been undergoing deterioration due to this defect, but she had no notice of any problems with the device.

I think the final chart says it all. Mandatory surveillance leads to early detection of problems, which results in fewer deaths and less serious injuries. Mandatory tracking gives us effective recall and saves lives. To rely only on the medical device reporting system is to treat American people as though they were lab rats while we wait for the body and injury count to mount.

Let me tell you who supports my amendment: Victims Against Lethal Valves, the TMJ Association, the National Breast Implant Task Force, NORD, AARP, Consumers Union, Consumer Federation of America, Bazelon Center for Mental Health Law, the American College of Nurse-Midwives, AMFAR, the AIDS Action Council, DES Action, Center for Medical Consumers, Committee for Children, Human Rights Campaign, National Women's Health Network, Public Citizen, and the Treatment Action Group.

I hope that it will also be supported by a majority of my colleagues. If any of us believed for a moment that someone we love, a member of our family, was about to undergo a surgery and have a device implanted in their body and then be lost so that if something is found wrong with that device later on and their lives are in danger, we would think twice about this provision in the bill.

Let us keep tracking and surveillance in the bill. The medical device manufacturers must accept the burden of keeping track of the people who receive these devices. If something goes wrong, it is literally our only way to avoid injury and save lives.

Mr. President, at this point I yield back the remainder of my time.

The PRESIDING OFFICER (Mr. Burns). The time of the Senator from Illinois has expired. The Senator from Vermont.

Mr. JEFFORDS. Mr. President, I again commend the Senator from Illinois for focusing on some of the most critical problems that we have with respect to devices. However, I would only point out that the bill as is at this time is subject to a bipartisan agreement with full concurrence of FDA.

At this time I ask unanimous consent that Senator Collins be recognized for up to 10 minutes as if in morning business and that upon completion of her remarks the Senate return to the consideration of S. 830 and the Durbin amendment.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Maine is recognized for 10 minutes.

Ms. COLLINS. Mr. President, I thank the distinguished manager of the bill for yielding to me.

(The remarks of Ms. Collins pertaining to the introduction of S. 1199 are located in today's Record under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER. Who seeks recognition? The Senator from Vermont.

Mr. JEFFORDS. Mr. President, I now return to the Durbin amendment.

Section 605, is also the subject of bipartisan agreement, with FDA's concurrence. By way of brief explanation, device tracking is intended to facilitate a product recall.

Current law requires tracking for certain product types and also gives FDA discretion to require tracking for other products. It simply is not necessary for every device in the mandatory category to be subject to the tracking requirement. This provision allows FDA to affirmatively indicate which products in the mandatory category should be subject to tracking.

FDA may use its discretion to add new products to the list of products which must be tracked or put a product back on the list for tracking if evidence indicates the need.

This provision is needed because today, FDA will often indicate to a manufacturer that a product need not be tracked, even if it is in the mandatory category. While this many be good policy in the specific case, it puts both the FDA and the manufacturer in an undesirable legal situation. This provision allows FDA to exercise proper discretion and removes any potential cloud of legal liability which exists today.

It is inconceivable that FDA would not require tracking in the tragic cases identified by the Senator. The provision in the bill is logical, safe, and necessary. Further, the GAO report cited by the Senator refers to areas of FDA control totally unrelated to device tracking and surveillance.

### SECTION 606: POSTMARKET SURVEILLANCE

Some have asked why we have made the FDA's postmarket surveillance authority discretionary. I am pleased to address that question and I think my colleagues will understand the good reasons for doing so. First, let me clearly state the FDA is in full concurrence with the appropriateness of this policy. I should add that FDA has actually required relatively few products to conduct postmarket surveillance. It is important to differentiate between this authority and the medical device reporting [MDR] and user reporting programs which are unaffected by this provision. The Medical Device Reporter Program is the keystone to the post-approval system for identifying hazardous or defective medical devices on the market place. The MDR Program, coupled with FDA's authority to force product recalls and the device tracking provisions are a strong web of protection for the consumer. User reports, submitted to FDA and manufacturers by hospitals and physicians, are an additional layer of information on the status of medical devices in the healthcare system.

Postmarket surveillance has a different purpose—to gather additional data to provide the extra assurance in the relatively rare situation where FDA has approved a product, yet still believes that the product should be subject to a limited period of postmarket evaluation. This is because for certain types of devices, problems may arise years after approval—problems which may not be detected in even the most elaborate clinical trial but could be dangerous to the individual, or even life threatening.

It is instructive to consider the history of this authority. The Safe Medical Devices Act of 1990 included a provision requiring a manufacturer to conduct postmarket surveillance for any device first marketed after January 1, 1991, that is a permanent implant the failure of which may cause serious adverse health consequences or death, is intended for use in supporting or sustaining human life, or potentially presents a serious risk to human health.

In other words, if you have something which can prevent death or serious injury, you certainly want to try it and use it, but you want to keep track of it to make sure if it proves to be the reverse in certain situations, that you at least know that and then can take appropriate action.

In addition to this mandatory surveillance, FDA was authorized to require postmarket surveillance for any device when the agency determined that surveillance is necessary to protect the public health or to provide safety or effectiveness data. All manufacturers subject to mandatory postmarket surveillance were required to submit protocols for FDA approval within 30 days of first marketing the device. The FDA was required to determine the adequacy of the principal investigator and the protocol and to approve the protocol after review by an appropriately qualified advisory committee.

In practice, the provision for mandatory surveillance, like the one for mandatory tracking, is so broadly worded that it is causing a good deal of uncertainty about those devices which are subject to this requirement. In some cases, companies and the FDA are technically exposed to unfair liability when the FDA does not require surveillance for products where it is, in fact, not necessary. We simply give FDA the discretion to require postmarket surveillance on any product it deems appropriate. This provision in no way suggests that FDA should cease to require surveillance for the types of devices it is currently covering under the existing authority. Indeed, we expect that FDA will by and large continue to require surveillance for most if not all of the products currently covered in the mandatory category. The committee and FDA believe this will be an appropriate way to bring clarity and efficiency to this important agency function. Indeed, FDA Director of Surveillance, Larry Kessler, recently said that he hoped Congress would join FDA in moving toward doing more discretionary and less required postmarket surveillance. They want to ensure that they can use their time as is most appropriate and most effective and efficient for their work, and not be required to do things which their judgment has found not necessary to take their time.

So, for that reason I must oppose this, and as I pointed out, Senator KENNEDY, as well as the FDA, would concur in opposition to this amendment.

I think now I will take some of the time to go back and discuss the 404 situation here, why we are here. Senator KENNEDY has taken extensive time last night and today. Certainly this is an important issue. It is an extremely important issue.

The PRESIDING OFFICER. The Senator has 5 minutes.

### SECTION 404: LABELING CLAIMS FOR MEDICAL DEVICES

Mr. JEFFORDS. Mr. President, with the medical device amendments of 1976, Congress intended that device classification and approval decisions be made based on the intended use of devices as described in labeling. In the 20th century, major strides in medical technology have revolutionized the practice of medicine. Thanks to achievements in such fields as fiber optics, imaging, biomaterials, electronics, and biotechnology, today's medical technology is faster, more efficient and more productive than ever. These achievements have provided benefits to individual patients and to society at large—benefits such as better health, more cost-effective medical treatments and the return of patients to productive lives more quickly. Today more than ever, medical technology is advancing at an astounding rate. Around the world, medical providers and device innovators are working together to bring better, more cost effective therapies to patients.

That is what we are involved with here. So we want to keep in mind, and this is why we sometimes have an interesting dilemma, where you have something which the patients' groups are plotting and which the consumer groups sometimes take an opposite position on, based upon their fears that this process may lead to something getting on the market which might cause a problem and they do not have the confidence that is built into the oversight part. I urge people to understand, the devices we are talking about are important to health. If we delay, as has been the case here, delay after delay after delay, unnecessarily so, then those who need it, those who are trying to improve their health, are denied it because some are so concerned that the delays which are deemed, really, unnecessary, lead to people having devices denied them.

Over the years, FDA has made premarket regulatory decisions based on uses for devices that are unrelated to the intended uses set forth in labeling. S. 830 includes two provisions that express the committee's specific intention to limit FDA's review of premarket submissions to the proposed labeling before the agency. Considerations like cost-effectiveness, relative effectiveness, or whether the product effects some improvement in a patient's quality of life, are irrelevant to a premarket review unless such claims are included in proposed labeling. Simply put, the FDA should not exceed its jurisdictional responsibilities by incorporating into the review process claims not before the agency for review consideration.

For premarket notification submissions, the labeling proposed in the submission will be controlling of a device's intended use. If the intended use is the same or sufficiently similar to the intended use of a predicate device, then the device may be found to be substantially equivalent to the predicate. No considerations outside of the proposed labeling for the 510(k) device should bear on the question of whether or not the proposed labeling of the newer device is compatible with the labeling of the predicate device.

For premarket approval applications, the determination of whether or not there is a reasonable assurance of device safety and effectiveness must be based on claims in proposed labeling if such labeling is neither false nor misleading. The FDA may fairly consider all facts which are pertinent to proposed labeling in PMA's in determining whether or not the labeling is false or misleading. Facts which are pertinent to proposed labeling are those which directly relate to claims in such labeling. For example, proposed labeling which states that a device is for use in treating atherosclerosis cannot be false or misleading because another device is more effective for that purpose. Nor can the proposed labeling be false or misleading because another device provides the same treatment benefits but is less expensive to purchase and operate. However, the failure to state a material fact about the device itself will make labeling in a pending PMA false or misleading.

This provision, which has strong bipartisan support, provides a much needed element of due process to product reviews. We preserve all of FDA's enforcement authority and leave the agency wide discretion in making judgments about new products.

What is at stake here? The ability of FDA to hold up a manufacturer's product on the basis of how a product might be used in the future—even if the company does not seek authority to market a product for those future uses.

I think it will be helpful to delve a little deeper into the technical issues related to this amendment dealing with one part of section 404—it is worth a brief explanation of how FDA clears for marketing new products which are similar to older, legally marketed products, this is the 510(k) process. The agency considers whether the new product is substantially equivalent to the older one. In this process, FDA asks two questions. First, does the new product have the same intended use as the older product? Second, are there issues raised by technological differences in the new product compared to the older one?

On the first question, FDA must not be allowed to second guess or impute new intended uses that the manufacturer does not claim—essentially acting as judge and jury on that question. That is what our bill does. This is simply too subjective a question to allow FDA broad latitude. This bill would not allow that. If the product before FDA claims a legitimate intended use and the product can perform that intended use, this part of the test is met.

But what if the new product has technological features not present in the older product which give rise to different safety and efficacy concerns? Under the bill, and it would certainly be my intent, FDA should and can demand data on those concerns or else not clear the product for marketing. That is what they do today, and that is what they would do under the bill. Further, if FDA determines that a manufacturer is promoting a product for a use that is not approved, all of its enforcement authority is available to correct that situation.

Section 404 simply establishes a proper balance in the product review process and focuses FDA's authority on the more objective ground of technological considerations.

Mr. MACK. Mr. President, I want to add my strong support for S. 830, which will reauthorize the Prescription Drug User Fee Act as well as provide much-needed reforms to the FDA, and the approval process for prescription drugs and medical devices.

I want to specifically address one area of FDA reform which has become one of the most controversial, and most often misunderstood, provision of this legislation. I'm referring to the issue of off-label information dissemination.

This is an issue I've worked on for more than 2 years. Joining me in this effort have been Senators FRIST, DODD, WYDEN, and BOXER. We come from different political parties. We have different political philosophies. But, there is one principle upon which we strongly agree.

Physicians, and other health care professionals, should have the ability to receive credible scientific information from reputable medical journals and medical textbooks in order to make informed treatment decisions with their patients.

However, because of an FDA policy—not a law, not a regulation, but a policy—that is not happening today.

Let me explain.

When the FDA approves a prescription drug or medical device, it does so for specific uses. Frequently, scientists find the FDA-approved prescription drug or medical device is also effective for other uses. Doctors are legally able to prescribe drugs or use devices for these new uses, which are called off-label uses.

According to the American Medical Association, between 40 and 60 percent of all prescriptions written are for off-label uses. For cancer patients, up to 80 percent of prescriptions are for off-label uses. For example, the prescription drug Intron A has been approved by the FDA for the treatment of melanoma, hepatitis B, and other diseases. Additional studies, which were published in such prestigious publications as the New England Journal of Medicine and the Journal of Clinical Oncology, have shown the drug is also effective for such diseases as kidney cancer, myeloma—cancer of bone marrow—and bladder cancer.

However, since 1991, the FDA has maintained a policy which prohibits manufacturers from giving doctors and other health care professionals scientific data about new uses of FDA-approved drugs and medical devices.

That's simply bad public health policy—and the bipartisan agreement we have reached will correct this intolerable situation.

The agreement will permit the dissemination to health care professionals of balanced, peer-reviewed articles from reputable medical journals and medical textbooks about new uses of FDA-approved prescription drugs and medical devices.

It will also ensure that the important research on these important new uses of prescription drugs and medical devices moves forward.

We ensure that only the highest quality of information can be disseminated by defining the specific criteria for medical journals and medical textbooks. It is important to note this legislation does not permit the dissemination of marketing materials, brochures, promotional materials, newspaper or magazine articles, or other industry-generated materials.

Our legislation ensures that a balance of material about the use must be disseminated. Sixty days prior to dissemination, manufacturers must submit the article it desires to disseminate to FDA along with a bibliography of other medical journal articles about that off-label use. The Secretary has the option of adding an objective statement which describes additional scientific findings about that off-label use of the prescription drug or medical device.

The intent is that the statement be limited to objective and scientific information, and not present an opportunity to editorialize about independently derived scientific information. That statement, along with the required bibliography, must accompany the article or textbook. In addition, companies must also submit and disseminate a detailed statement which discloses that the article being disseminated describes a scientific study about an off-label use; any potential conflict of interest of the authors of the article; the source of funding for both the study and the dissemination of the article; and a statement which discloses if other products or treatments have been approved by the FDA for the use described in the article.

In other words, in addition to the article the company wants to share, the doctor will also receive: the disclosure statement; a statement of additional scientific findings from the Secretary of HHS; any previous FDA notices about that off-label use; a bibliography of other articles about that off-label use; and a copy of the FDA-approved labeling for the drug or device described in the article.

In order to disseminate the medical journal articles and textbooks, manufacturers must agree to conduct the required clinical trials in order to apply for a supplemental new drug application.

Companies must either certify they will file an SNDA within 6 months, or they must submit a clinical trial protocol and time schedule for conducting the needed studies to apply for an SNDA within 3 years. The Secretary of HHS may grant a 2-year extension to comply with this requirement if the company is acting in due diligence to conduct the studies in a timely manner. Periodic progress reports are required to be filed with the Secretary. Companies may apply for an exemption under very limited circumstances.

The manufacturer is also required to share with the Secretary new information about that same off-label use of the drug or device. If the Secretary determines the new information demonstrates that the drug or device may not be effective or may pose a significant risk to public health, then the Secretary shall, in consultation with the manufacturer, take corrective action to ensure public health and safety.

The provision provides the Secretary of HHS with strong oversight authority, including the ability to stop dissemination of articles and the ability to require manufacturers who violate the provisions of this legislation to either take corrective action or return to compliance. The Secretary can order a manufacturer to cease dissemination if the SNDA application is denied.

We also require that two future studies be performed. One study will examine the impact this legislation has had on FDA resources. The other study will assess the quality of the information disseminated and it will examine how useful the information has been to doctors and other health care providers.

It is important to note that this legislation will expire in 2006, unless Congress acts to continue it.

This legislation has earned the enthusiastic support of the American Medical Association. Let me quote from the AMA's Council on Scientific Affairs report:

> It is imperative that physicians have access to accurate and unbiased information about unlabeled uses of prescription drugs. Dissemination of independently derived scientific information about unlabeled uses by manufacturers to physicians can help physicians have access to the latest, scientifically credible information.

A Roper poll of oncologists released in July 1997 found that 70 percent of doctors believe FDA rules about off-label information stand in the way of doctors' efforts to get the most credible information about cancer treatments. The poll also found that 99 percent found peer-reviewed medical journal articles is a source they use when making prescription decisions.

In addition, numerous patient organizations also support the dissemination of scientific information regarding off-label uses of prescription drugs and medical devices. These organizations include the American Cancer Society, the Leukemia Society of America, the American Osteoporosis Foundation, the American Society of Clinical Oncology, the Cystic Fibrosis Foundation, the A-T Children's Project, the American Liver Foundation, and the National Alzheimer's Association.

Mr. President, for the past 2 years, this bipartisan group of Senators—myself and Senators FRIST, DODD, WYDEN, and BOXER—have worked together to craft legislation which will permit health care professionals to receive important scientific information while ensuring consumer safeguards.

This bipartisan effort is based upon the belief that health care professionals should be able to receive scientific data while ensuring patient protections.

Most importantly—and this is key—from a patient's point of view, this legislation will greatly increase one's odds of getting state-of-the-art treatment which could cure a disease, slow the progression of a disease, or, at minimum, improve one's quality of life.

It is simply wrong to continue this policy which denies the ability of a health care professional to receive an article from a medical journal or medical textbook.

Doctors, nurses, and other caregivers help patients make life or death decisions every day. They need access to credible scientific information to discuss with patients. We must take this commonsense step to make sure they are able to receive accurate, unbiased information, including information about off-label uses, which will help them make informed treatment decisions with their patients.

I am very pleased to report this agreement has received the support of our colleague, Senator TED KENNEDY, the ranking member of the Senate Committee on Labor and Human Resources. It also has the support of the Secretary of Health and Human Services, Donna Shalala.

I would like to thank them, along with Richard Tarplin, Assistant Secretary of HHS, and Bill Schultz and Dianne Thompson of the FDA, for their cooperation in reaching this historic agreement on what has been a very contentious issue.

Finally, I want to thank my colleagues who worked with me on this agreement, Senators FRIST, DODD, WYDEN, and BOXER. It's been a pleasure to work with each of you, and I look forward to working with you on other public health issues in the future.

Mr. President, I suggest the absence of a quorum

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JEFFORDS. I understand the Senator from Georgia has time, and I ask if he would yield me 5 minutes.

Mr. COVERDELL. I yield up to 5 minutes to the distinguished Senator from Vermont.

The PRESIDING OFFICER (Mr. HAGEL). Without objection, it is so ordered.

Mr. JEFFORDS. I am sorry to have to report, we have been trying in this last 45 minutes to see if we could move some amendments that everybody has agreed to and to show that we are really trying to bring this bill before this body and to make progress so we can decrease the amount of time that will be needed at the end as we move through the cloture process.

Unfortunately, we have not been able to get that agreement. So such amendments as those of Senator MURRAY, Senator DEWINE, and others, that would have been approved by unanimous consent by will have to wait for some future time in hopes that we can get agreement.

I want to point out there are a large number of amendments pending on this bill, many of which are agreed to, others that probably will fall by the wayside, it should not be that difficult to finish work on this bill. However, if we continue to have this delay, without any cooperation to move the process forward, then it is going to foul up our very crowded calendar. That is unfortunate, as we all want to get the legislation done, get the conference reports on appropriations bills passed, and other pending legislation which is essential, so that we do not have to shut the Government down. If we fail to get the cooperation of the minority in even agreeing to things that everybody agrees to, it is unfortunate.

Let me point out some of the Senators we would have helped today: Senator DEWINE, for instance, and Senator DODD; their amendments should have been agreed to. They have shown great leadership in advocating greater research into pediatric uses of new and existing drugs. Their amendment reflects Senator DEWINE's successful effort to marry the mandated approach in the administration's regulations with the incentive-based approach underlying Senator DEWINE and Senator DODD's provision. Senator MURRAY has worked diligently to protect the health and safety of children. Her amendment, which everybody agrees should be approved, modifies the national uniformity provision clarifying that the exemption requirement is applicable to the health and safety of children.

Other amendments by other Members that we could have adopted today will have to be done at some later time as long as the minority continues to block progress on the 152-page bill, of which 150 pages are agreed to. That does not make much sense. Why do we have this delay over a provision on which there is a disagreement, and general knowledge that the disagreement will have to be taken care of in the conference committee. The White House will insist that we come up with something different than is in the bill and the House has already taken a different position. Why should we delay the meeting of that conference committee?

I urge the minority to let us vote—they are holding up an extremely important piece of legislation. The only advantage in doing this is to raise more public attention to one issue—that the minority is willing to tie up the Senate over one sentence in this bill in full knowledge that further work will be done on the issue in conference.

So let's move this bill along, get it to conference. The House is moving expeditiously, so we can go to conference probably at the end of next week if we can get this bill done. I urge the minority to change the tactics of delaying any progress on this bill.

I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia.

## EDUCATION REFORM

Mr. COVERDELL. Mr. President, this Congress began its deliberations in a very interesting way. Our conference, our side of the aisle, met before the convening of the 105th Congress and concluded or defined 10 major issues they thought should be brought before the Nation.

The first issue, which resulted in the first piece of legislation for this Senate, for this Congress, was education. It was unanimous agreement in the conference that our first expression in this Congress on our side of the aisle would be about education and its importance. Not long after that the President of the United States announced that education would become a centerpiece of his activities during this Congress, and he actually visited Georgia, he visited various locales across the country, and he talked about, by and large, the requirement or need that people have some relief from the costs of higher education.

It is interesting, and in a sense in a bipartisan way, we had key leaders in both parties focusing on this issue. It is certainly exactly what ought to have happened. I believe the genesis of American glory is that we have been a free people. I have said more than once that an uneducated people cannot be free. An uneducated people cannot be free.

So as we, the custodians of this great democracy, prepare for a new century, we have to be asking ourselves the question over and over: Are we preparing the generation that will lead that century with the tools that they will need and require to be ready to do that job? Unfortunately, the news is not altogether comforting when you review the data.

Despite the intense interest in the last tax relief proposal on costs of higher education, that higher education is not where America is in trouble in its education. America is in trouble in its elementary and high school level.

I was reading just the other day a prominent survey of the condition in elementary schools. It is fairly alarming. It suggested that 4 out of 10 students in elementary school today are frightened by some aspect or fearful of violence in the school. Mr. President, the survey concluded that 3 out of 10 students in elementary school will have property stolen from them in the schools. It suggested that 1 out of 10 will be confronted with a deadly weapon while they are in school.

When you look at the condition of our reading proficiency, our basic skills—reading, writing, adding and subtracting—we are not comforted by the data which, of course, has led to this massive debate about skills that students have to achieve by the time they are in the fourth grade, have to achieve by the time they are in the eighth grade, and how are we going to certify that it has happened.

I have spent the better part of the last 2 years talking about the fact that we have a drug epidemic in the United States, particularly among our younger teenagers. We have seen statistics that show that drug use has doubled in the last 36 to 40 months. These are schoolchildren, Mr. President. If you go to these schools—and I invite anybody to do it—the students are very savvy, they know exactly what is happening, and they know that there are drugs and violence surrounding their environment in school.

So, 4 in 10 are fearful; 3 in 10 are going to be robbed; 1 in 10 is going to face a weapon; and all of them will tell you the nature of drugs and the availability of drugs.

Three out of ten who come to college this September will have to take remedial training in reading. In other words, 30 percent-plus of the students that have gone through our elementary school system and our high school system are not ready for college and can't read well. So I guess the story is beginning to frame itself: We have a problem in K through high school. An American family ought to at least expect that when their child graduates from an American high school, they can do the ABC's, they can read, they can write, and they can do their arithmetic, and they are not behind. Society spends millions upon millions of dollars retraining these students by the time they get to college.

Well, I think this data and these statistics, Mr. President, are the reason that when you poll Americans, the vast majority of them now put education as the No. 1 issue. It is because they are reading the same data that we are reading. And, of course, it is the reason that leadership in both parties have come forward of late and have suggested that we need to make the Federal Government be the appropriate partner—the appropriate partner; not the governor, not the manager, but a good partner—in helping our States and our local communities get a handle on what is going wrong in public education at the elementary and high school level.

So, as a result, the first bill was introduced, S. 1, which contained three major initiatives. First, there was tax relief making employer-provided educational assistance tax free to help make up this shortfall, help these employers bring new educational opportunity to their employees. That is now law.

S. 1 allows State prepaid tuition plans to pay for both college tuition and room and board. That is now law.

S. 1, our first piece of legislation, made interest on student loans tax deductible. That is now law.

S. 1 provided education savings accounts for college. That is now law. That was a compromise and a coming together of the President's proposals and of our conference proposals.

S. 1 dealt with the Individuals With Disabilities Education Act and made a commitment to full funding for the Individuals With Disabilities Education Act because, while passed originally in the 1970's with a promise that about half of the cost would be borne by the Federal Government, it was never done. Congress had reauthorized the act earlier this year. It attempted to modify it, to make it more flexible, more suitable for local school boards. And that is now law. Everything that we wanted to achieve in S. 1 was not, but much was.

There were key provisions in S. 1 for school safety. I alluded to this data just a moment ago—that you have 4 out of 10 that are fearful, 3 out of 10 that will be robbed, 1 out of 10 that confront a deadly weapon, and all of the students will tell you of the problems with drugs in and around their schools. This is not yet accomplished, this key provision of S. 1, and we plan to come back and address these issues as we move through this 105th Congress. As an example, we currently offered an amendment to the Labor-HHS appropriations bill that provides funding, Mr. President, for student hot lines to report acts of violence in school or for witness protection programs that would allow students additional protections if they would ever become a victim of a serious crime.

Now, Mr. President, in the course of the debate on tax relief, I introduced an amendment, cosponsored by many, that tried to make the tax relief proposal reflect more concern about the problems that we are having in elementary school and high school. As I said, if there is a criticism about the education components of the tax relief proposal, a constructive criticism, it is that it all focuses on higher education. But as I have just alluded to, Mr. President, the problem is not there. Yes, the problem of costs are associated with it, but it is an effective system, the envy of the world. Our elementary schools are not the envy of the world, and they are a source of great worry for us in the United States.

So we introduced in the Senate, in the debate on tax relief, a proposal that would empower parents to deal with education deficiencies, whatever they happen to be, for their children. We created and passed in the Senate, by a very powerful vote, 60 to 40, an education savings account for students, grades kindergarten through high school. It allowed parents to save up to $2,000 per year per child in after-tax dollars, but the interest buildup would not be taxed if, at the time the account was used, it was used for an educational purpose for that child.

Mr. President, the savings account has a very unique feature to it. It allows sponsors to contribute to the account. So the parents can contribute to the account, obviously, but the grandparents could as well, or an aunt, an uncle, a neighbor, a friend, an employer, an organization, an association—all of these could become partners to that family to help produce an account that that family could use on behalf of the child's education. Mr. President, this would result in billions of dollars over the next decade coming to the assistance of education where it really needs it—elementary and high school.

Mr. President, these new dollars, these billions of new dollars, I call the smart dollars. They are the most intelligent dollar investment that will occur in education. Why is that? Because they can be used for any education deficiency; whether the child needed a home computer or some other new technology, or the child might need a tutor because of a math deficiency, the child might need to be prepared for an SAT test, it might be necessary for an after-school program, or transportation, or uniforms, or whatever. But these dollars would be directed, like a bullet, right to whatever the problem was.

Now, vast public spending doesn't accomplish that. It sets up the broad parameters, but it has a difficult time getting to that child's specific deficiency. It may be medical, like dyslexia, or some other problem. But who knows best about those deficiencies? The parents. This arms those parents with an ability to go right to the problem, right on target.

So these billions of dollars would be the most intelligent invested dollars we could envision or imagine in education. Mr. President, these education savings accounts have created an enormous outpouring of support. There is some opposition, and I am going to deal with that in a minute. But the account could also be used for home schooling. The account could also be used for tuition, if the parents had decided that they needed to put that child in another learning environment, for whatever reason.

Mr. President, last week, we held a press conference here in Washington on behalf of two proposals that are part of our side's education initiatives. One was the proposal to provide funding for Washington, DC, public school scholarships, to allow students that are trapped in the most difficult schools an opportunity to have the resources, up to $3,200 per student, to move to a school that was either safer or was producing a quality education.

The other proposal that the press conference gathered to support was the education savings account that I have just described. It was one of the most moving press conferences I have seen in Washington, Mr. President. The Presiding Officer and all of us have been to one press conference after another, and you can almost cite the routine. But this one broke the routine. I knew the Speaker would be there, and the majority leader from the House, and myself and Senator COATS from Indiana, a leading spokesman for education reform. We walked into the room and were joined by Alveda Celeste King, a native of my home city; Congressman FLAKE of New York, an eloquent spokesperson who decided that he will resign from Congress and return to his ministry; a young woman named Starr Parker, who had written a book, "From Welfare Mother to Work." It tells the story of her life, freeing herself from the entrapment of dependency, and the independence she has gained by moving to regular work; a great spokesperson and a single mother of four from Cleveland, OH, giving an elongated story of her work to free her four children, who were in violent situations in public schools. They were in schools that were not teaching her children, and she told her story of freeing them from these schools and getting them to a new environment.

They were all there speaking on behalf of ideas like the education savings account and how important it would have been to them to help them deal with the particular problems that their children had faced and the entrapment that they were confronted with when no options were made available to them. The education savings account would have been a tool that they could have used to free themselves of these environments and get their children into the proper school environment that they sought.

It reminded me, Mr. President.

I see that we have been joined by our good colleague from Alaska, and I am going to turn to him in just a moment.

But my sister was a single mother of four with two sets of twins. I remember my father and I meeting many, many years ago and deciding that their education was going to be a major issue. We didn't have a lot to spare in those days. We opened up a savings account, and he and I both started contributing every month a little bit, and then a little bit more so there was a little nest egg available by the time these children were trying to deal with their college education.

If the education savings account had been in place, that nest egg would have been twice the size it was when it was ready for use because the interest would have built up, and it wouldn't have been taxed. We could have used those assets to help further and even do more than was done on behalf of their education. There is not a family in America—no matter whether their child is in school—that this concept wouldn't be applicable to, and no one knows more what the peculiar or particular deficiency is than the family.

So this is a powerful tool that will stand behind education wherever it is occurring—public schools or private schools or a home school or an employer environment.

Mr. President, I am going to turn to the Senator from Alaska, who has just joined us. He has been an eloquent spokesman in terms of our educational issues. I yield him up to 15 minutes, if that is appropriate.

Mr. MURKOWSKI addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. Mr. President, let me first commend my good friend from Georgia for his efforts to bring attention to the significance of the current education situation in the United States, and in particular, for emphasizing some of the shortcomings in our educational system and what we can do to change them. I am very pleased to join him in this effort.

Mr. President, I would like to talk about issues concerning education and the attitude of constituents with regard to what they see as insensitivity by the Federal Government. They look upon education as a responsibility that should be shared, with the primary concern resting with the parents, the educator, and then moving into the community as a whole and the school boards, as opposed to a centralized dictate from faceless and nameless bureaucrats in Washington, DC, dictating an educational system which suggests, "one size fits all".

When I go back to my State of Alaska, I consistently hear about the state of education—not only in my State but as it applies in our country today. I think it is fair to say that the American people are extremely concerned that, despite annually spending hundreds of billions of dollars at the Federal, State, and local level, our education system to a large degree is failing. The simple fact is that 78 percent—I am astounded at this—of all 2- and 4-year colleges offer remedial courses in math, reading, and writing; 78 percent. We would assume that our high school students have these skills when they get to the university. But that is not the case. Seventy-eight percent of all 2- and 4-year colleges now offer remedial courses in math, reading, and writing.

What does that suggest? It is pretty obvious that many high school students are being shortchanged in their academic preparations for adulthood.

Is that a responsibility of the parents, the educators, the school board, or the system? Well, I would have to say, it is pretty much the system.

As my friend from Georgia recently stated on this floor, the educational savings account offers relief. The recently enacted balanced budget bill contained nearly $40 billion in tax incentives to help parents and students defray college education costs.

In addition, the new law provides individuals a $2,000-per-year lifetime learning tax credit that can be used by an individual throughout his or her life, to enhance professional skills or complete graduate or undergraduate degrees.

I strongly support these tax incentives because in the globally competitive 21st century our Nation's economic success—our very future—will depend on a highly educated and high-skilled labor force.

It is so disturbing today as we look at some of the areas, particularly the inner-city areas of this country, where, unfortunately, many young people come from homes in which they spent little time with either parent, and oftentimes with a relative trying to do the best he or she could in raising those children as a single parent. Some of these children are involved at a very young age in simply transporting narcotics, a trade made easier because law enforcement agencies might not initiate any significant sentencing on these young people. Some of them become addicted as teenagers and young adults and thus depart on this trail which leads to dire consequences. Others may be incarcerated from time to time as teenagers. The fact is when they are looking for a job, their skills are very limited. Many of them can't read and can't write. They have a very bleak future. Oftentimes that future leads to crime, drugs, and ultimately, a burden on society.

It is just not the inner-city areas where we have this exposure. We have it in other areas of the country also. Obvioulsy, we need to alleviate this situation. To do so, we should assist families instead of offering a Federal solution which more often than not will not work.

So I go into this area to elaborate a little bit on the dilemma facing society today. Some of the solutions that have been proposed, and the tax incentive for higher education that was supported by the President along with the majority of Democrats and Republicans in Congress, do not contain restrictions that condition the incentives on students attending a public university. So families at the college level can take advantage of incentives whether the children attend State school or private universities.

But I think it is ironic that while the Congress and the President work so well together on promoting higher education incentives, the President, as we know, had threatened to veto the entire tax bill because a bipartisan group of Senators, including myself and the Senator from Georgia, sought to give parents with children in grades kindergarten through 12 basically similar tax choices.

Why is it that it is all right to provide incentives for attending private universities but similar incentives are deemed inappropriate while students are attending kindergarten through 12? The White House has not offered much of an explanation.

As important as a university education is this day and age, the best assurances that a child will do well in college, let alone be admitted to college, is the quality of education that student receives between the ages of approximately 5 through 18. When are study habits developed? When are reading, writing, and math skills developed? Everyone in this Chamber knows that children do not suddenly develop these disciplines when they enter college. The foundations for educational development begin at the early stages of kindergarten, preschool, and evolve as the student moves up in grades through junior high and high school.

As we look at other societies, particularly Japan, I have often been struck by the commitment of parents. Many times the mother will study with the child. As a consequence, a family unit takes a significant interest in the learning process. When those youngsters who are in the Japanese system want to go on to school, they must take an exam. There is a great deal of family excitement around the test as the student studies for the exam and the family experiences a great deal of anticipation as to whether or not the child will pass the exam. But it is a system, if you will, that is supported by strong parental association.

Sixty Senators voted in June to allow parents to establish educational savings accounts, proceeds of which could be used to offset the cost of private schools or home schools in the K through 12 grades. This would have given parents of young children a very modest tax subsidy if they choose to send their children to private school. Contributions to such accounts would not have been tax deductible. The only benefit of these accounts would have been that earnings could be withdrawn tax free.

Although modest in scope, these accounts could have given real choices to low- and middle-income families who believe their children's best chance for the future lies in gaining an education in a private school.

Income limits ensure that the benefits of these educational savings incentives would have been focused on middle-income families. Wealthy families most often do not need to use these educational accounts because they can easily afford the cost of private K through 12 tuition and because the tax base in wealthy communities often provides the best possible public education in the Nation.

But middle- and low-income families don't have the same choices that the wealthy have when it comes to education because they don't have the adequate resources to pay private tuition. Allowing these families the choice of using funds from educational savings accounts for grades K through 12 would enable families with modest incomes to send their children to the schools where they believe that the child will get the best preparation for college.

What is wrong with that?

Mr. President, if the education savings accounts can be justified for college tuition, shouldn't they also be allowed for the educational expense that gives the child the opportunity to apply to college?

Mr. President, Congress and the President will again have the opportunity to debate this aspect of educational choice in front of the American public.

I am pleased to be a cosponsor with my good friend, Senator COVERDELL, who is with me on the floor today, of his bill, PASS A+ Act—and I think that is an appropriate name, PASS A+ Act—which would allow parents to make contributions to education savings accounts that can be used to finance K through 12 education.

I hope we can pass this legislation before the end of the year. I hope that President Clinton will reconsider his opposition to helping families finance the cost of sending their children to the primary and secondary schools of their choice.

Mr. President, while I am a strong supporter of giving families a choice of where they send their children to school, I believe a vibrant and dynamic public school educational system is a strong bulwark of a free society, and I totally support it in this Nation.

That is why I supported an amendment to the Labor-HHS bill offered by Senator SLADE GORTON that will award all funds appropriated to the Department of Education for K through 12 programs directly to local school districts.

Let the local school districts bear the responsibility associated with the education process and let them be responsive to the parents of those children entrusted to the local boards of education for performance. That is the concept, the very basis of the accountability concept. It is pretty hard to hold nameless bureaucrats in Washington, DC, under a dictate one-size-fits-all. I think Senator GORTON's amendment puts the responsibility down at the local area, with the local school boards, by giving them, if you will, the necessary funding. His amendment I think reflects my fundamental belief that education policies and procedures are best determined by those who are the closest to the student. That means shifting decisionmaking to parents, teachers, and local school boards and away from Washington bureaucrats.

By simply block granting education dollars to local school boards, each of the thousands of communities in this country will have the flexibility to improve their education system at the local level, putting the responsibility on the people.

And by consolidating Federal education funds into a block grant we can assure that almost every school district will receive more funds for actual education rather than having the funds lost in a bureaucratic administration mire that exists here in Washington.

Under the Labor-HHS appropriations bill, more than $11 billion would be distributed under the block grant approach. Currently, the costs of administering the programs that would be block granted represent nearly 15 percent of the $11 billion. The block grant approach would free up the administrative dollars, meaning nearly $1.5 billion more—$1.5 billion more—could be used for students instead of filling out forms to be sent back to Washington, DC.

Mr. President, there are 788 Federal education programs that spend nearly $100 billion a year. How many of these are necessary? These programs are administered by 40 departments and agencies of the Federal Government. These agencies, I assure you, are not supportive of our proposal because they would not have anything to do.

Well, it is time to do a top-to-bottom review of how we could streamline the delivery of education dollars to local communities, and I think Senator GORTON's amendment is the first step. It is my hope the President will support this approach through educational funding that puts children and teachers ahead of bureaucrats and program managers in Washington.

So I think it is time for Washington to catch up with the American people on how to improve the educational opportunities of our children.

Mr. President, I wonder if I could defer and make a short introduction of a resolution that would follow as opposed to interrupting the presentation by my colleague.

Mr. COVERDELL. I will be glad to yield whatever time to deal with the resolution, and it is perfectly appropriate. The Senator is asking unanimous consent it follow this.

Mr. MURKOWSKI. I ask unanimous consent, Mr. President, the resolution follow the debate on education we are having here today.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. MURKOWSKI pertaining to the submission of Senate Concurrent Resolution 53 are located in today's RECORD under "Submission of Concurrent and Senate Resolutions.")

The PRESIDING OFFICER (Mr. COVERDELL). The Chair recognizes the Senator from Nebraska.

Mr. HAGEL. Mr. President, I thank the Chair. I rise to support the Coverdell bill, of which I am a cosponsor.

Mr. President, we have been debating several pieces of legislation on education here in this body over the last few weeks. It is important to clearly understand how all of this legislation fits together and why. This is about restoring the fundamental belief that education policy and curriculum belong at the local level; they are best determined by those closest to the students, who care most about the students, and who have the most to win or lose—the parents, the teachers, the local school boards, not Washington. As well-intentioned, as well-motivated, as the Department of Education is, as are the President and the Congress, who all care about education, it is those at the local level who understand it best.

The Gorton amendment, which has been referred to by my friend and colleague from Alaska, was passed last week during the debate on the Labor-HHS appropriations bill. This amendment block grants funds from several K-12 education programs in the Department of Education. It sends that money back to the States, back directly to school boards.

The Coverdell bill, another piece of the fundamental education philosophy debate in this body, is the Parent and Student Savings Account Plus Act. This legislation, as has been referred to many times this morning, allows parents to make up to a $2,000 per year contribution in after-tax dollars to an education IRA, or you could refer to it as an expanded education savings account for primary and secondary education. Parents would be free to choose how this money and where this money would be used on behalf of their own children's education.

The Coverdell bill helps families, especially lower-income families, exercise the same rights as wealthy people when it comes to deciding where their children go to school.

Mr. President, I always start with this premise: Whose money is this? Whose money are we talking about? It is not my money. It is not the President's money. It is not the money of the Secretary of Education. It is the parents' money, the taxpayers' money. My goodness, should they not be empowered with some responsibility, since it is their money, as to how they use that, where they focus to help educate their children? I think so.

Our education problems begin not at the college or postsecondary level. Somehow we glide over that. Our problems in education begin at the beginning, at the elementary and secondary levels. This is where we must capture these young people. This is where they learn to read and write and discipline themselves and develop logic and work through problems—at the beginning. Not in college; it is too late. This is where we should focus. This is where the choice should be. This is where students and parents desperately need a choice in education.

We will probably soon have the opportunity to vote on a third education reform measure in this body, that being the District of Columbia Student Opportunity Scholarship Act, another fit, Mr. President, in the overall education debate, the overall education philosophy.

It is no great secret that the District of Columbia school system is deeply troubled. It is not the parents' fault. It is not the students' fault. But this bill that we will debate would create a tuition scholarship fund that would allow 2,000 low-income students in the District to attend public schools, private schools, or parochial schools, but schools of their parents' choice. It would also provide direct aid to an additional 2,000 public school students who want to improve their academic skills through afterschool tutoring.

As Alveda King recently wrote, "Is it moral to tax families, compel their children's attendance at schools and then give them no choice between teaching methods, religious or secular education, and other matters?" I do not think it is. "Is it consistent to proclaim, meanwhile, that America is a Nation that prides itself on competition, consumer choice, freedom of religion, and parental responsibility," yet, in fact, we don't give our parents a choice where they send their children to school?

The Gorton amendment, the Coverdell bill and the DC Student Opportunity Scholarship Act are not an attempt to destroy public schools. My goodness. And that is an important point, Mr. President. I hear my colleagues on the other side of this debate saying, "Oh, you will destroy public schools. You will take funds from public schools." Nonsense. This Nation is a rich, great Nation because we have always had diversity. From the first days of the people who settled this Nation, it has been about diversity. People from all over the globe have made America great and continue to make America great. It is about diversity. It is about choice. It is about competition.

Americans should want their public schools to be the very best, to be the absolute best school systems that they can make, they can provide, they can develop. I have a daughter in a public school system in Virginia. It is a good school system. I am not standing in this Chamber today to do anything that would deteriorate, take away or harm the public school systems. But we must enable all people to choose the best education for their children, whatever their circumstances are in life. And we must restore the fundamental belief that education policy and curriculum are best determined by those closest to the students—parents, teachers, school boards—not Washington.

Mr. President, I strongly encourage my colleagues to support the Coverdell bill, and I yield my time. I thank the Chair.

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Washington.

Mr. GORTON. Mr. President, on Monday, millions of American children will board schoolbuses all across the country.

But when they get off those buses, will they be walking into schools that challenge them to learn and grow, or into empty shells of missed opportunities and lost hopes? Are we doing the best possible job of educating our children, or can we do better?

For decades, the conventional wisdom in our Nation's Capital has been that Washington, DC, knows what's best for our schools. I disagree. I think teachers, parents, principals, and school boards know what's best for our children.

Earlier this month, the U.S. Senate passed school reform to restore the traditional role that parents and teachers play in education.

The reform adopted by the Senate sends Federal education funds for kindergarten through high school directly to school districts.

Bypassing Federal and State bureaucracies, which siphon millions of dollars and attach regulatory strings, means more authority and more money for local educators.

All of us want the best education possible for our kids. We all want them to succeed.

A good education unlocks the future, provides a lifetime key to open doors of opportunity and helps our children reach their dreams. We can provide that opportunity to our children by restoring the role that parents, teachers, and principals need to play in education.

Unfortunately, Washington, DC, takes a different view—the President and Democrats in Congress have denounced this proposal.

Education should not be a partisan issue, but when this school reform measure was approved by the Senate, not a single Democrat voted for it. And the President has said he will veto this reform when it comes to his desk.

Apparently, he prefers a system that has Washington, DC, deciding what's best for schoolchildren in Chehalis, WA; New York City, and every place in between. By taking this position, I think the President is telling parents and teachers: "I don't trust you."

While I believe the President has taken the wrong position, I know that he and I share the same goal—we both want what is best for our children. The debate is not over who cares more for our children's future—the debate is about how to achieve our shared goal of doing the best we can for children.

There is nothing more important than our children's future. There are few issues as troubling as the state of our educational system. The next century will demand a lot—advanced technology, the global marketplace, an ever-changing American society—and I am concerned that our children aren't going to be completely prepared for their upcoming challenges.

There was a time in America when parents and teachers had more say in their children's education. Over time, Washington, DC, gradually took responsibility for education from our home towns, and put it in the hands of Federal bureaucrats. What have we gotten for allowing Washington, DC, to run our local schools?

Since 1960, education spending has risen 200 percent, but SAT scores are down. Teachers used to make up two-thirds of the full-time school staff—now it is barely half. And schools are more dangerous than ever.

The Washington, DC-knows best approach to education has also taken us away from the "back to basics" approach long-favored by parents. Skim through your daughter's American history book. Does it instill her with hope? Is it the story of how incredibly diverse people came from all over the globe to pursue boundless opportunities? Or is it a visionless narrative of American failures and shortcomings?

Those who oppose this measure argue that it's somehow dangerous to entrust parents and teachers with more control over our children's education. Those in Washington, DC guard their power jealously, and they won't give it up easily.

The President says this proposal will reduce funding for schools, and eliminates the Department of Education—it will not.

Under this proposal, local schools get more money, and the Department of Education plays a more modest role.

While fewer bureaucrats and a weakened Department of Education are valuable byproducts of this effort, they are not my primary concern—giving parents and teachers more control over their children's education is my single most important goal.

One Senator who opposes school reform said he actually thought that parents would build more swimming pools, instead of buying more books, if Washington, DC stops telling our schools how to educate our children.

I disagree. It's offensive to suggest that parents and teachers don't have the children's best interests in mind.

I believe that with the additional authority and funding schools would receive from this reform, our teachers, parents, principals, and school boards will be inspired to do even more—not to build swimming pools—they will be inspired to make sure that every child receives the best education possible.

It comes down to this—will local schools be improved through more rules from Washington, DC, or will they be improved if we restore the authority for education decisions that parents, teachers, and principals once had?

On this issue, I believe the answers are best left to our parents, teachers, and communities, not Washington, DC.

Mr. LOTT. Mr. President, I commend the Senator for what he has done with the education issue. I am really excited about the prospect of having, in fact, more education funds available for my State but decisions made about those funds going to the States and local governments. I commend him for doing that.

## UNANIMOUS-CONSENT REQUEST—CAMPAIGN FINANCE REFORM

Mr. LOTT. Mr. President, I ask unanimous consent that the majority leader, after consultation with the Democratic leader, must turn to S. 25, the McCain-Feingold campaign finance reform bill prior to the close of the 1st session of the 105th Congress, and Senator McCAIN be immediately recognized to modify the bill, and it be in order for the majority leader to immediately offer an amendment relative to campaign finances. I further ask unanimous consent that it not be in order for any Senator to offer any legislation regarding campaign finances prior to the initiation of this agreement.

The PRESIDING OFFICER. Is there objection?

Mr. DASCHLE. Reserving the right to object.

The PRESIDING OFFICER. The Chair recognizes the minority leader.

Mr. DASCHLE. Mr. President, I am very disappointed on what I thought was an understanding the majority leader and I had about the way we were going to do business around here. I worked very closely with him all day yesterday. We were able to get quite a bit done legislatively on Interior appropriations, and work through an agreement on FDA that required my cooperation. Yet I am presented with this about 30 seconds ago—no consultation, no discussion, no deliberation, no way with which to discuss whether this makes sense for either side; an ultimatum, take it or leave it.

That is not the way to do business around here. It is an affront to the Democratic caucus, to me personally, and it begs the question about how sincere this offer really is. If it were sincere I would think the majority leader and I would have a chance to sit down and talk about it together, work it through. No effort was made to do that.

So, it is enlightening, it is instructive, and it will be reciprocated.

I am delighted that the Republicans have finally seen fit to recognize the importance of dealing with this issue this year. I am pleased that at long last they have agreed at least to taking the bill up, the McCain-Feingold bill, that 45 Democrats have said they support. It only takes 2 more Republicans and we will have the 50 votes necessary to pass McCain-Feingold as it was introduced, as S. 25. So we are looking for two more Republicans. We are hoping that 5 Republicans and 45 Democrats will pass this legislation sometime this year.

What the majority leader is asking in this unanimous-consent request is that at some point between now and the time we adjourn—it could be the last day of this session—that we give consent to go onto this legislation.

Before the majority leader leaves the floor, I will have a question for him, if I could pose it? At least I would appreciate that respect.

Is it the intention of the majority leader to bring this bill up at a point that will allow a deliberation and consideration of the legislation well before the adjournment of the session in order to afford us the opportunity to have a good debate about the bill? Mr. President, I would ask the majority leader that question.

The PRESIDING OFFICER. The Chair recognizes the majority leader.

Mr. LOTT. In response to the question under the Senator's reservation to the unanimous consent, this agreement says that it would be done prior to the close of the 1st session of the 105th Congress. Certainly, there would be notification of what date that might be. I think, you know, we would have to talk to a lot of people on both sides of the aisle, including Senator McCAIN, among others, who could not be here at this hour because he has had a commitment and had to leave by airplane. It depends on a lot of other circumstances that we would have to take into consideration. We might want to do it early. We might want to do it later. But it would not be my intent to do it right at the end of the session. But I don't have a date in mind. We will have to look at what is happening with other bills all the way from FDA to appropriations conference reports.

Next week, for instance, the focus has to be on getting the appropriations conference reports agreed to. It would depend on what is happening with other major legislation like the transportation bill, the administration's proposal with regard to fast track—all of these will be taken into consideration. We want to do it in a time when it can be fully debated. I think it is important that we have a chance to look at different proposals and see if a consensus can be reached, see if there is some way that we can deal with the way the laws were broken in 1996 but see if it can be done without another big Government gag of free speech.

So, we fully intend to have notification of the date and an adequate discussion on all sides of the issue.

Mr. DASCHLE. Is it the majority leader's intention to adjourn on or about the date of November 14?

Mr. LOTT. I beg your pardon, repeat the question?

Mr. DASCHLE. Is it the intention of the majority leader to adjourn on or about the date of November 14?

Mr. LOTT. As we have discussed in the past, at the beginning of the year we sort of laid out a schedule for the whole year of the times that we would be in and out in each month. At the beginning of the year we had talked in terms of having a week in October off for the Jewish religious holidays as well as the Columbus Day period, and that we would—you know, our target day to adjourn was the 14th.

There has been some consideration of it being earlier than that. Senator

DASCHLE and I, as you recall, we did discuss the possibility of November 7. So I don't think we can at this point fix a specific date. I think more important is to get the work done that we must get done before we leave. But I think we are sort of shooting now for the 7th of November. But at the beginning of the year we said we would be out no later than the 14th.

Mr. DASCHLE. Well, if it is the 7th, or the 14th, somewhere in there, Mr. President, I ask unanimous consent that the request made by the majority leader be amended to say that "at a date no later than the 31st of October." That would leave, according to the Senator's answer, at least 1 week for us to debate this and not make a sham of this request.

Obviously, if he has no intention of bringing it up until the last day, this isn't a meaningful request. If we have at least a week to debate it, it is a meaningful request. So I would propose that we take S. 25 up before the Senate at a date no later than the 31st of October.

The PRESIDING OFFICER. Is there objection?

Mr. LOTT. Mr. President, I do not intend to have this issue come up the last day or the last week of the session, because I think we will have other issues that we would have to deal with or want to deal with and I assume the administration wants to deal with at that point. I presume that we would probably want to look for a date earlier in the month of October, maybe even the end of October.

But I think this consent request is an honest one and a fair one for now. I would like to leave it the way it is so that we will have a full panoply of options to make sure we have it brought up at the right time and we can have a full debate and look at all the other things that we need to consider.

So I object at this time to changing that date. Let's leave it for the end of the session. I do not intend to bring it up the last day. I don't want to do that. I don't want to go out and be cramped on this issue. I would like to have a free discussion much earlier, but I would like to have a chance to talk to Members who have worked it on both sides—Senator McCAIN, Senator McCONNELL, Senator FEINGOLD, the leadership on both sides, the committees that are involved—and come to an understanding and agreement that everybody is comfortable with.

Mr. DASCHLE. Mr. President, can I just request for the record why the majority leader has seen fit not to share this unanimous-consent request with me until we came to the floor? This is a highly unusual matter. I would be interested in the leader's response.

Mr. LOTT. If I could address that question, if the Senator is surprised, he is the only person in the room, in the building, in the media that is surprised by this. This has been a running discussion for quite some time. In fact, yesterday——

Mr. DASCHLE. Has the majority leader shared the language——

Mr. LOTT. Let me respond to the question, if I can, and give a full response. We were working on the language of the UC. I believe a copy was given to Senator McCAIN, perhaps a copy to Senator FEINGOLD. 'I understand Senator DASCHLE saw it. It is not a complicated UC. Basically, all it says is we are going to bring this up and how it will be brought up and it will be done before the end of the session.

As a matter of fact, Senator DASCHLE and I sat right there yesterday, and we talked about the parameters of this agreement, and I had the impression he knew full well what was in it.

The only difference in it now to what happened yesterday was to clarify that we are not going to have this popping up all the time while we have an agreement to get it brought up at a specific time.

So that is why it was done the way it was. He was notified I was going to make a unanimous-consent request. We don't have, usually, necessarily hours or days of running discussions. This was very simple and clear. I thought everybody would be delighted with this. Senator McCAIN is comfortable with it. I had the impression Senator FEINGOLD is comfortable with it. Senator McCONNELL is here ready to comment on it. He is comfortable with it.

If this is a sneak attack, there hasn't been such a well-covered sneak attack since Pearl Harbor. So everybody knew what was going on. I think it is a fair agreement. If we want to get this issue up in a way everybody understands and deal with some of the changes that we can make legitimately in campaign finances, including allowing employees and union members to have some say in how their dues and their fees are spent in campaigns, then we can do that.

Mr. DASCHLE. Well, the Senator from Mississippi is a smooth sell. Let me just say this. Senator McCONNELL ought to be very happy with this, because this plays right into the hands of the opponents of campaign finance reform. Senator FEINGOLD didn't know about this. I didn't know about this. There is no Democrat I am aware of who has seen any of this language.

So, I am very disappointed. We are not going to relegate our right to offer campaign finance reform in some form to other bills prior to the last day of this session, and that's really what the majority leader is asking here. He is asking us to forgo the opportunity to debate campaign finance reform until what could be the very last day of the session, and we will then be under the terms of this agreement, an agreement that I have not seen. And yet, yesterday we worked through several unanimous-consent requests, back and forth, in detail, in direct consultation, he and I working together to get an agreement on Interior appropriations, to get a deal, as difficult as it was, on FDA reform. We worked through that because he knows it is one thing to say we are going to schedule FDA next week, it is another thing to come up with an arrangement that brings about the unanimity of all 100 Senators that takes care of all the concerns raised by Senators who have issues and concerns that they want to raise.

That's how you work through unanimous-consent requests. You don't bring it to the floor and say, "Here it is, take it or leave it." You negotiate it.

If there was a real intent, a sincere intent to negotiate a real unanimous-consent agreement, do you suppose I would have been presented with it 2 minutes ago on the floor with no discussion, no negotiation?

We did have a discussion here on the floor a couple nights ago, or whenever that was. But it was, "You know what, we may actually bring up campaign finance reform and we may actually have an agreement I would like you to look at." I am looking at it, but this is the very first time.

In all the time I have been leader, every single time when there has been a sincere effort to resolve a unanimous-consent request, guess what happened? Senator Dole and I worked on it together, Senator LOTT and I worked on it together, and jointly we presented it to the body because we wanted to get it passed, we wanted everybody to agree.

This is designed for disagreement. This is designed to surprise. This is designed so all the people up there will write, "Democrats objected to a unanimous-consent request." That's what this is about. He knows it; I know it. We are playing a game this afternoon. We object.

The PRESIDING OFFICER. Objection is heard.

Mr. LOTT. Mr. President, I think we have made a very fair unanimous-consent offer here that we would bring this issue up before the end of this session of Congress, that we would bring up McCain-Feingold and then the latest iteration of that, which I believe is the McCain bill, and that I would have the opportunity, as majority leader, which I have anyway, to offer an amendment or a substitute for that. A very clear, understandable, fair process.

Now, if the Senator is surprised, I thought he had been talking to his own Senator FEINGOLD. I have in my hand a press release from yesterday that went out from Senator FEINGOLD's office announcing that Senators McCAIN, FEINGOLD, and LOTT, much to my surprise, "will discuss the McCain-Feingold campaign finance proposal in coordinated statements on the Senate floor this afternoon." That was yesterday. "Attached is an outline of the new proposal."

I thought if it had gone that far—which I thought was certainly jumping the gun because we were trying to make sure everybody had an opportunity to know how this unanimous-consent agreement was being constructed and what was in it, and Senator FEINGOLD, to his credit, apologized that it was done in the way it was. I said, no problem. I understand how sometimes we get a little carried away, maybe staff got a little exuberant and released it before it was completed.

For instance, I felt like I ought to at least talk to Senator McCONNELL and make sure he was aware of what we were developing here. I thought this was a very good proposal. This is a fair way to get the issue up, have a full discussion, for us to offer proposals that would correct some of the problems and abuses of union members, abuse of their dues, to deal with the illegal foreign contributions that we have seen over the past year in 1996, to deal with the other abuses of the law, tighten up the law and make it clear, or clearer if we need to, about the President and Vice President should not do certain things while on Federal property. Whatever.

It seemed like a fair proposal to me. And I was ready to go with that. And my intent is to try to get an agreement where we could do this some time early in October. But if the Senator feels constrained to object, that is certainly his right.

Mr. DASCHLE addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the minority leader.

Mr. DASCHLE. We will do it in October. I guarantee the majority leader of that. But we will do it either the easy way or the hard way. We will do it the easy way, by scheduling Democrats and Republicans in a way that makes sense in getting a unanimous consent that works, or we will do it the hard way, we will do it the way we had to do on Kennedy-Kassebaum, we will do it the way we had to do it on minimum wage, we will do it the way we did it on disaster. But we will do it and do it and do it until it is done. That is a promise.

So we can play games on schedule and we can position ourselves and talk about how much we are in favor of campaign finance reform, but the bottom line is it is going to be more than rhetoric. We are going to get this job done the hard way or the easy way. It is going to get done.

I yield the floor.

Mr. FEINGOLD addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, the road to campaign finance reform is obviously a long, hard one. But we are going to keep on it. I just want to say, because I am involved in a bipartisan effort here, that I believe the majority leader was engaged in the last couple of days in a good-faith effort, negotiating with Senator McCAIN, of course, with members of his own caucus, to try to resolve this issue.

I believe there has been a relatively small misunderstanding here with regard to the specifics that sounds a lot worse than it actually is. What we are down to here is merely a difference, based on the conversation I just heard, as to whether the bill will come up in early November or whether it might come back some time in October.

Surely, we will not allow such a difference to make the difference between whether we debate campaign finance reform or not.

I just had the opportunity to speak with Senator McCAIN briefly. He and I share the view that I think most of the American people share, that too much has happened with regard to this scandal in this area to not address this matter.

I think we need to work a little more on the UC. I had not seen the UC. I want that noted in the RECORD. I had not seen the UC, but I am not complaining. That is not my role in this institution to be the main person reviewing an agreement of that kind.

But I am confident, once this small matter is resolved, that we will have an agreement very much like the one that was just propounded. That agreement would be a historic agreement. I think it would be the first time in memory that the leaders of both parties in this body had agreed to bring up bipartisan campaign finance reform.

The nature of the proposal was quite reasonable. The proposal suggested that there would be full and open debate on this issue without a time limit, that there would be an opportunity to amend. We can fix the bill with amendments. We can accommodate Members' concerns. We can improve the bill or we can even defeat the bill, as my colleague from Kentucky may choose to do. But that is different than last year when we were given only 2 days, no amendments, and a cloture vote.

The agreement that was just propounded was significantly better in that regard. The agreement would give the American people the opportunity with some certainty to know about when this issue was going to come up so that the people across the country could write their Representatives, call their Representatives, e-mail their Representatives, and say, "We'd really like this bill passed" or "We'd like it killed" or "We'd like it changed." I think all of this is embodied in the proposal.

So I say, on behalf of myself and Senator McCAIN, if I may do so, that, apart from this small issue of the exact timing, that this agreement, once agreed to, will do what we want it to. It is what we want. It is what we worked for for a long time, while all the pundits, especially in this town, have said that the issue will never come up. Most importantly, when we have this debate—and it will be in the near future—I am confident it will be done in an orderly manner. And it will give the American people what they deserve, an opportunity to have a real debate on this issue instead of just an endless stream of reports of abuses with regard to campaign financing throughout their Government.

So, Mr. President, I am very optimistic that this brief conversation here was merely a blip and that we will not be forced to use the tactic of having to try to attach this legislation to other bills and in fact S. 25, which of course is still the McCain-Feingold bill, will in fact come before this body in the relatively near future.

I want to thank the majority leader for his cooperation on this. I want to thank my leader for his efforts to try to resolve these differences at this point. I want to thank all 45 members of my caucus, all the Democrats for having signed on to the McCain-Feingold bill. Of course I want to thank the other cosponsors of the bill, Senator THOMPSON and Senator COLLINS on the other side of the aisle.

I want to thank the President. The President has been very steadfast in trying to move this legislation forward. His staff has worked closely with us on a day-to-day basis to try to see if we could resolve the very difficult differences between the parties so we could have this matter debated.

Mr. President, we will get there. We are getting there. I hope we can today begin to tell the American people they are finally going to be able to participate in, hear and understand the debate about whether big money is going to continue to control the Government of the people of the United States.

Mr. President, I yield the floor.

Mr. McCONNELL addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Kentucky.

Mr. McCONNELL. Mr. President, I listened with interest to the comments of the Democratic leader and Senator FEINGOLD. I would just like to say briefly in response, there is no reluctance to debate this issue. Those of us who oppose McCain-Feingold look forward to the debate. We relish the debate.

My colleague in the chair remembers when we stayed up all night to debate this about 5 weeks before the 1994 election, which was the greatest victory for my party in congressional races in this century.

So let me just disabuse all of my colleagues of the notion that there is any reluctance on the part of those who oppose putting the Government in charge of political speech of individual groups, candidates, and parties in this country, any reluctance to debate the merits of that proposal. There is no reluctance whatsoever.

What the majority leader was trying to do here today was to structure that debate in such a way as to provide minimal inconvenience to Members of the Senate. The Democratic leader said we can get there the hard way or the easy way. We have no reluctance to get there the hard way, Mr. President, no reluctance whatsoever.

The majority leader was simply trying to accommodate all of the Senate by providing an orderly, structured way to have a debate that we relish, look forward to making. My experience with this issue over the years is the more colleagues and the American people and, yes, the press learns about the issue the better, the greater likelihood the first amendment will be protected.

So bring on the debate. We are ready for it. But, obviously, it will be a lot easier on everyone if we did it an orderly, structured way. That is what the majority leader was seeking to do. I commend him for that, and look forward to the debate that will be forthcoming. We will be happy to do it either the hard way or the easy way, whichever seems to suit the Senate the best.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. GORTON). The Senator from Georgia.

## EDUCATION REFORM

Mr. COVERDELL. Mr. President, we have spent the better part of the morning talking about our initiatives to begin to get at the core problems in elementary education in America. We have talked about creating an education savings account that allows every family the opportunity to save and build resources to deal with whatever deficiencies are troubling their children.

We talked about the Presiding Officer's amendment which would move $11 billion or $12 billion to local school districts without the strings and encumbrances that Washington cannot ever seem to free itself of. Just put the resource at the local level.

We have talked about a proposal to create scholarships in the District of Columbia to try to allow these families in certifiably troubled schools a way out.

Three things, all of which are addressed where the real problem in American education is occurring: Elementary and high school.

Now, what has been the opposition? What is the opposition? It began when the savings account was put in the tax relief proposal. The President told the Speaker that if it was left in the proposal, the savings account for families to help kids in elementary school, he would veto all of it, all the tax relief would be vetoed.

So obviously it was removed. But we have not retreated. We have brought the proposals back. The Speaker introduced the education savings account on the House side, and myself and the majority leader on this side.

Now, what is the reason? Why would the President go to such lengths to clamp down on an education savings account? Well, he and the Secretary of Education say it would undermine public education—remove resources from public education.

Mr. President, I have to assume they are just misinformed by their own staffs. I can come to no other conclusion—that they just have become so accustomed to the status quo and to beating down any new idea that there is a knee-jerk reaction. They always try to infer that these ideas will somehow impair or undermine public education. Wrong, wrong, and wrong.

In fact, it is the reverse, the exact reverse. The savings account will infuse public education with new money. The vast majority of students are in public schools and the vast majority of students will stay in public schools. The savings accounts that the parents of those children create will come to the aid of—there is not a single dime, Mr. President, not 10 cents, that will be removed from public schools.

Conversely, billions—billions—of new dollars will come to the support of public schools. The child in a public school who needs a tutor, the child in public school—which, incidentally, will be a public schoolteacher. If I was a public schoolteacher I would be rushing in support of the education savings account because it will give them a vast, vast new opportunity to teach, which they love to do, and earn compensation, which will help them. Not one dime is removed.

Every family that opens this savings account will continue to pay their property tax for the public school—every one. They will set up the savings account. They will hire tutors from the public school system. They will be tutoring children in the public school system. They will be buying home computers for children in the public school. And if the President's proposal is adopted sometime for uniforms, they will be buying uniforms in the public school system. They will be transporting students to afterschool programs or whatever in the public school system.

Now, Mr. President, it will also help private schools because those parents that have made that decision can also open up savings accounts, and all the things I have just said that would augment public education will augment private education.

Now, I guess this is the rub for the President. There will be some families who will use the savings account to change schools. They might leave a troubled school and go to another one, and he doesn't think they should have that right. He can say that. He can say it is good sound public policy for us to order families where they must go to school, but he may not assert that it undermines public schools, because it just isn't true. It is the reverse. It augments and brings vast new resources to all elementary education, public and private.

As I said when these remarks began, they are going to be the most intelligently spent dollars in all education because they are dollars being directed like a rifle shot to the exact problem the child has.

Vast public moneys, which do great good, cannot do that; parents do it. And we are giving them the tools to do it. That is a fact, Mr. President.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, as I understand the situation we are now under a time control of the minority leader?

The PRESIDING OFFICER (Mr. HAGEL). The Senator is correct.

Mr. KENNEDY. I thank the Chair. I yield myself such time as I might use.

## FOOD AND DRUG ADMINISTRATION MODERNIZATION AND ACCOUNTABILITY ACT OF 1997

Mr. KENNEDY. Mr. President, the underlying piece of legislation that we have before the Senate is S. 830, which is the drug reform legislation. Earlier in the course of the debate and discussion, I pointed out one of the most serious proposals in that particular piece of legislation that puts the future health care of all at serious. I also pointed out the bewilderment the President of the United States and I share, which every consumer group shares: Why in the world are we providing the kind of change in protections for the American consumer that are included in this legislation?

I am reminded, Mr. President, that 30 years ago this Nation was faced with a thalidomide tragedy, and all the implications that that terrible situation had for hundreds of mothers and children. Twenty years ago, we had the Dalkon Shield tragedy, where 18 women died from perforated uteruses, 2,700 women had miscarrages, and millions of women were adversely affected with great illness and sickness and, in many instances, were unable to have children in the future. Why? Because we had a medical device that wasn't safe for American women.

Ten years ago, we had the Shiley heart valve. A certain part of that heart valve that was found to be unsafe here in the United States, but it was advertised and used overseas and resulted in hundreds of deaths.

We know that some medical devices can be dangerous. We have to ask ourselves, as we are coming into the final consideration of this legislation, why in the world we are retreating from protecting the American public in this area? That is what we are doing. We are putting the interests of the medical device industry ahead of the public health of the American people. For what reason? For the profits of those medical device industries.

The provisions of the legislation are clear and simple. S. 830 says:

> . . . prohibits FDA from reviewing the safety of a device for uses not listed by the manufacturer.

If the manufacturer labels a device as substantially the same as another device that has already been approved, the Food and Drug Administration cannot look at that medical device, beyond the use listed on the lablel, in terms of its safety and effectiveness in protecting the American consumer.

We are effectively handcuffing the Food and Drug Administration with this language. The amendment, which will be offered by Senator REED—on which I will join him, says:

> . . . prohibits FDA from reviewing the safety of a device for uses not listed by the manufacturer unless the label is false and misleading.

Who could defend a medical device manufacturer that knowingly submits false and misleading information? Anybody who is listening to this would say, we can't believe that, Senator. We can't believe that is really happening. Well they should believe it because that is what is happening.

The clearest illustration of this development is the use of a certain biopsy needle that has been manufacture by U.S. Surgical Co. A biopsy needle used to excise tumor tissue to see whether it is cancerous or not. The biopsy needle is maybe the size of the lead in a pencil. It is used to remove sufficient amount of material to be analyzed. Now, along comes U.S. Surgical Corp., which develops medical devices, with a new medical device that can take 50 times more material than the earlier biopsy needle. U.S. Surgical says: Look, this new device is the same purpose as the other medical device. It is substantially the same. It is for taking material that can be a biopsied. We have been approved previously in terms of safety and effectiveness. According to our label, this new device is a biopsy needle and, according to the law, under S. 830, FDA cannot look beyond that use and into the real purpose of this new device to determine whether or not the device is safe and effective for that new use.

Well, Mr. President, unfortunately for U.S. Surgical Corp., a number of us have seen their ads and promotions for this particular medical device. What is U.S. Surgical Corp. promoting? It is promoting this new device as a device that is going to remove the tumor, not just take the biopsy, but remove the tumor from a woman's breast. Now, it may be very good in removing that tumor. It may be able to get all the cancerous material. It may do the job better than any other medical device we have had before. But we don't know that. The patient won't know it. The doctor won't know it. The family of the patient won't know it. Why? Because U.S. Surgical Corp. would not have to provide one paragraph of information demonstrating that this medical device is safe and effective for removing tumors. The doctors will see it and say, well, this has been approved by the FDA, it must be safe. I think I will use it, especially after reading about, hearing, or watching the promotion film used in Canada to promote this device.

The FDA would be prohibited from looking behind the labeling of the device to determine whether it is safe and effective. The FDA can say, look, we know the manufacturer is out there day in and day out promoting this device for tumor removal. They can hardly wait to get approval to go out and sell that medical device for the purposes of removing the tumor. According to the proposal under S. 830, if the label says that it is substantially equivalent to the biopsy needle, the Food and Drug Administration cannot require U.S. Surgical Corp. to provide information demonstrating that the device is safe and effective for its marketed purpose. That is wrong.

We are taking an important step backward in protecting the American people. And it is not just this particular medical device. The real concern is all the other medical devices that are out there now being considered. It is the mammography screening machines that are being used for breast cancer screening. The mammography screening machines may be very good in terms of the diagnostic evaluation of tumors, once the tumor is detected. They may be even better as screening tools to look for such a tumor. But we don't know because the FDA wouldn't be able to ask for safety and effectiveness data for its use in breast cancer screening. So we have examples of mammography machines coming into the FDA that will be approved because they are effective in terms of evaluating and diagnosing tumors, but have not been studied in terms of their effectiveness in screening. Yet we find the machine is being used for screening purposes. American women will say that they have been screened with mammography machines, and they have been found to be free of any kind of cancer. They will be very happy about that. Since we have no data on how effective this device is for screening, they may find later, maybe too late, that they have some kind of a tumor. They may find out that this machine didn't do what it was represented to do because it had not been tested in terms of effectiveness. That should not be the case.

That is true with regard to the surgical lasers that haven't been tested for safety and effectiveness in cutting cancerous prostate tissue. It has been demonstrated that the lasers are safe and effective in cutting general tissue. But, the manufacturer changes the design and puts another laser in that also cuts tissue. But the purpose of that new laser is to cut through tissue in the prostate area, whether it is a cancerous tissue or noncancerous tissue. The laser has not been approved for that purpose. We do not have safety information to know that it is effective in dealing with this particular kind of operation. The manufacturer doesn't have to provide it. All they have to do is say it is a laser that cuts tissue and they get approved. The FDA can be fully aware that they are going to promote it for prostate cutting, but they will not be able to ask the manufacturer to provide safety information for that use.

The same is true with contact lenses that get approved though this loophole channel—saying that the lenses are substantially equivalent to equipment that has already been approved. But those lens manufacturers are intend to promote these new lenses for long-term use rather than short-term use like the ones that have been approved. The FDA can know about the advertising—and can even tell from the change in materials used to make the new lenses that they are designed for long-term use. But they cannot evaluate the new lenses for safety and long-term use. We can see the dangers that could result—maybe even blindness.

Mr. President, we shouldn't be taking a risk with the health of the American people in this way. It is fundamentally wrong. The only reason to do so is to give a competitive advantage to unethical medical manufacturing companies. Those are the ones that will use this loophole. And when they do, they will gain a competitive advantage over the ethical manufacturers that take the time and spend the money to conduct the safety and effectiveness studies to show that their devices are safe. They will be at a financial and competitive disadvantage because less ethical companies will use this loophole for approval.

That is why each and every one of these consumer groups are opposed to this provision—why we have recommended five different alternatives to address this issue over the past weeks. The medical device industry has turned those down because they say they have the votes. They can roll over the public health concerns of the American people. That has happened in the past. But I hope it will not happen next Tuesday. This issue is too important. It is important for our wives, our daughters, our sons, our fathers, our grandparents—to be sure that when they have to use medical devices, those devices are going to be safe and effective. We have the ability to ensure safety in so many new ways—ways that were unimaginable years ago.

But with this provision, we are effectively tying the hands of the FDA. If there is an appropriate title for the provision, it is the false-claims provision of the medical device and pharmacy legislation, S. 830. And it is the wrong way to go.

We look forward to debating this issue next week. I am hopeful that we can address it in a way that will provide the real protection the American people deserve.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

## BANNING ANTIPERSONNEL LANDMINES

Mr. LEAHY. Mr. President, earlier this week, the President of the United States announced that the United States would not sign the landmine treaty that was just negotiated in Oslo. This treaty is the culmination of a process begun a year ago in Ottawa, Canada, by the Foreign Minister of Canada, Lloyd Axworthy, who invited nations around the world to sign a treaty that would be a comprehensive ban on the use and the export and the manufacture and stockpiling of antipersonnel landmines.

Antipersonnel landmines are these weapons that destroy the lives—either by maiming or killing—of 26,000 people a year. There are approximately 100 million landmines in the ground of the 65 nations—or more—around the world. And more are being put down every day. As one person from one of the nations most severely impacted by landmines told me once, they clear the landmines in their country "an arm and a leg at a time."

Thanks to the leadership of Canada, and Minister Axworthy, this effort gained support around the world. Close to 100 nations joined together in Oslo to put the final pieces together on a comprehensive landmine treaty that would be signed in Ottawa in December.

The United States had basically boycotted this process, preferring a much slower and less effective one in Geneva following a very traditional route, the one that showed absolutely no movement. To the administration's credit, they finally did join the process, although at the 11th hour. Unfortunately, when they went to Oslo, they went to Oslo saying that the United States would need some major changes in the treaty to accept it, that they would have to have the treaty rewritten to accommodate the United States, and that these positions were not negotiable.

I applauded the United States for going to Oslo, but I was disappointed in the steps they took once they were there. I went to Oslo for a few days and met with many of the delegates, including the chairman of the conference. Then it became clear to me—I also spoke to the American delegation—that the United States had come with basically a take-it-or-leave-it attitude and that other countries were not going to agree.

The President said that we had obligations in Korea that were unique to the United States. We do have special obligations in Korea. But that was not an insurmountable issue. In fact, those who went there had said almost a year before, if the United States made an effort, they would help accommodate our security interests in Korea, but the United States ignored the entire process.

Finally, hours, literally hours before the conference was to end, the United States became engaged and said, well, we need some changes. If you will give them to us, we can sign. The first change is to have a treaty that would not take effect for 9 years, plus the 10 years as provided for in the treaty to remove existing minefields. That is 19 years from this December. We would actually be in the year 2017 before the mines would be removed. The United States asked for a 19-year period even though countries far less powerful than us were willing to act much quicker. The United States was saying that even though we are the most powerful nation on Earth, we want the ability to be able to use our antipersonnel landmines all over the world for another 9 years, and the antipersonnel mines we use near antitank mines, forever. And, lastly, of course, accommodate us on Korea. It became a bridge too far for the other nations. They said we were asking too much. They were, after all, the nations being hurt by landmines and they would go forward with the treaty with or without the United States, and that is where we now stand.

After that, the President of the United States announced a number of steps that he is willing to take unilaterally, and I commend him for these steps because he has said that he also wants to see, as we all do, this scourge of landmines to end.

Interestingly enough, many of the steps that he talks about are in legislation pending before the Senate—legislation sponsored by both the distinguished occupant of the chair right now and myself. So I ask this: If, indeed, the main problem the administration has is our obligations, treaty obligations, defense and national security obligations in the Korean Peninsula, especially the defense of South Korea from a country that has proven its belligerence before, North Korea, a country that has an unstable political system today, faces drought, famine, and flooding—it is amazing it could have all those going on at once. It faces the consequences of its own secrecy and belligerence. If that is our main concern, they should look at the legislation we have before the Senate, similar legislation before the House of Representatives, the Leahy-Hagel bill in the Senate, the Evans-Quinn bill in the House.

I urge the administration, disappointing as it is that it has not joined the Ottawa process, disappointing as it is it has lost this golden opportunity, to work with the Congress, the Congress which has driven the debate in this country on banning landmines—not the executive branch—the administration should now come and work with the Congress and continue forward, because, after all, the ultimate goal is to end the scourge of landmines. There is only one way to do that, and that is for the United States to join in the Ottawa Treaty. If not in December, then in the future. We need to get there, one way or another. There is no other treaty, and without the United States, we will never see the worldwide ban we all seek.

We are coming to the close of the bloodiest century in history. It is a century where we have seen the world torn by wars, great and small, but wars that more and more saw their greatest toll in innocent civilian populations. Whether in Rwanda, in Angola, in Bosnia, in Mozambique, in Central America, or anywhere else, it is usually the noncombatants who suffer the most. And more and more those noncombatants suffer from the scourge of landmines.

Peace agreements are signed at some time, and someday armies march away and someday the guns grow silent, but in more and more of these countries, after that happens, landmines stay in the ground and continue killing and continue maiming long after all hostilities have otherwise ceased. Sometimes long after people can remember what they were fighting about, a child walking to school is blown apart, a farmer going with his or her animals into a field is blown apart, a mother, following a child down a road, is blown apart; and nobody knows who put the landmine there. They may not even remember what the war was about. But they know—that person knows—that their life is changed forever.

We have used, now, for several years, the Leahy war victims fund. We spend $5 million of our taxpayers' money each year for artificial limbs, for men, women, and children who have been injured by landmines.

My wife, who is a registered nurse, has gone with me to some of the clinics where we use the fund. We have seen people our age get their first wheelchairs, even though they lost their legs in wars long gone by. We have seen children who have lost half their body from a landmine. We have seen a child who went to pick up what she thought was a shiny metal toy on the side of the road and lost her face and her arm.

Mr. President, people talk about one type of landmine versus another type of landmine. They talk about the technical capabilities of one army or another. But what is often forgotten is the face of the victims. Some of those victims may no longer even have a face. When she was alive, I told the Princess of Wales that the greatest difference she made in the battle against landmines was to focus the world's attention on the faces of the victims. Because when she visited a hospital for landmine victims, the whole world visited that hospital with her. Those victims are still there. Just because the TV camera turns off, the victims don't disappear. They are still there. Their lives are still ruined. And in the time that I have been speaking, there have been two more victims of landmines. By the time we go home tonight, there will be a dozen more victims of landmines—26,000 this year alone.

I commend the effort begun by Canada, and Foreign Minister Axworthy. I commend those nations that came together in Oslo to sign the treaty. Not in my lifetime has there been an arms control issue that so many nations have moved so quickly on, to sign a treaty so comprehensive. Never before have so many nations responded so urgently, and so effectively, to a humanitarian problem such as this.

I regret very much that the United States was not among those who agreed to sign the treaty. Not because we are causing the problem. Other nations never even went to Oslo. Russia, China, Pakistan, India, others, who are part of the problem, they weren't even there. And that should be noted. But the United States is the most powerful nation history has ever known. The United States could be a moral beacon. Instead, the United States said: Notwithstanding our power, we want to keep our landmines, but you less powerful nations, you should give up yours.

We should join them. We should be willing to set an example. Not to pretend that we are giving up our landmines when in fact what we are doing is calling them by another name. Let us use the steps that we can, through congressional action, which will be taken, I am sure, because there is an ever-increasing number of Members in both parties who want to see stronger U.S. leadership.

Let us take that step here as a nation. But then let's give guidance to the rest of the world. Let's not have Russia, China, and others stay out of the process because the United States is staying out. Let us be wholeheartedly a part of this process and put pressure on other nations to join us, until the day arrives when we do with landmines what we have done with chemical weapons, and make their use a war crime.

Throughout this process, the U.S. position has been driven primarily by the Pentagon; not by the State Department, not by the White House. I think back to the 1920's, to the First Geneva Convention, when Gen. Blackjack Pershing, no theoretical dilettante he, said we should give up poison gas. But the Pentagon said no, not so fast, because there are some instances when it could be very helpful in protecting our troops. Fortunately, our civilian leaders understood that the humanitarian disaster that could result from using poison gas outweighed whatever military utility could be got from using it. And so over time, poison gas was stigmatized so that anyone who used it risked being branded a pariah. And it was virtually never used, even though in the Korean war, or in Vietnam, there were any number of instances when it might have been militarily advantageous.

Today we have a similar situation, where many of our best known, most decorated generals say let's give up landmines. Again, we hear the Pentagon saying, as General Pershing heard, "No, there are instances when landmines can help us." Of course there are. There are instances when any nation would want to use landmines. But earlier this week, 89 nations made the moral decision to put the lives of innocent people first.

The balance of power throughout the world would still be the same as it is today. The only thing that would change is there would not be the thousands of innocent civilian casualties every single year.

Again, my prayer for the next century is that armies of humanity remove and disarm landmines, and no armies, no armies, put any new landmines down. What greater gift could we give to those in the next century, than a world without landmines?

## PARTISAN ATTACKS ON THE INDEPENDENCE AND INTEGRITY OF THE JUDICIAL BRANCH

Mr. LEAHY. Mr. President, I think it is regrettable that this week the Senate has failed to consider and confirm judges necessary to fill vacancies that are leading to a crisis in the Federal courts. Instead, this is going to be remembered as the week that the Republican leadership in the House and the Republican leadership in the Senate talked openly about seeking to intimidate—their word—to intimidate the Federal judiciary.

I regret that any Senator or any Member of the House of either party would speak of a desire to intimidate the Federal judiciary. One of the greatest hallmarks of the United States of America is that we have an independent Federal judiciary of the highest integrity. We are the envy of the world in that respect. To hear Republican leaders in the House and the Senate talk about intimidating that Federal judiciary was disheartening. It indicates our system of government showing disrespect to the intelligence of the American people and sends a signal of shame throughout the world.

These partisan attacks threaten the independence that the Founders created to insulate the judiciary from politics. These attacks threaten the checks and balances on the political branches of our Federal Government that have served us so well for over 200 years. These bedrock principles have helped preserve our freedoms for two centuries and has helped make this country a model for emerging democracies around the world.

Not since Congress and the American people rejected the Court-packing scheme over 60 years ago have we faced such a threat to our third branch of Government and its ability to act as the guardian of our constitutionally guaranteed rights.

On Sunday, Congressman DELAY of Texas was quoted in the Washington Post openly asserting that "The judges need to be intimidated." We have heard Republicans clamor for impeachment when a judge renders a decision with which a Republican Member of the House of Representatives disagrees. We have heard demands that Congress destroy the orderly process of appellate court and Supreme Court review and, instead, assume the role of a supercourt and legislatively review and veto decisions on a case-by-case basis as it may suit Congress' passing political whim and fancy.

We have seen proposals to amend the U.S. Constitution to eliminate the independence and tenure that the Founders understood were essential if judges were to act impartially and in the interest of justice in each case rather than worry about partisan intrigue.

This extreme rhetoric and outlandish proposals have contributed to a poisonous atmosphere in which the Federal justice system is overloaded. We have heard testimony in the Judiciary Committee from judges around the country who fear that the quality of justice they will be able to provide in our Federal courts will be adversely affected. More and more courts around the country are being forced to rely on senior judges, retired judges, and visiting judges to hear cases. The Second Circuit Court of Appeals expects to include an outside visiting temporary judge on 80 percent—80 percent—of its panels over this year.

Other appellate courts have had to forego oral arguments in more and more cases, and litigants, the people who are paying the bills, the taxpayers of the United States, are denied any opportunity to see the judges who are deciding their causes and to have any reassurance that judges are personally considering their arguments and concerns. Court clerks and attorney staff are being used more and more extensively in the determination of cases as judges become overburdened and backlogs grow.

These are not the way to engender confidence in our system of justice or acceptance of the process and decisions being rendered or respect for courts and the Government.

The chief judge of the eleventh circuit has testified about "crushing workloads." He has noted that Federal courts are "no longer able to provide the public with the same standard of excellent service that [they] did in the past." The Chief Justice of the U.S. Supreme Court, William Rehnquist, has called the rising number of Federal judicial vacancies "the most immediate problem we face in the Federal judiciary." He warned at the end of 1996 that "filling judicial vacancies is crucial to the fair and effective administration of justice."

The second shoe dropped on Wednesday when it was reported that the Republican leader of the Senate echoed the sentiments of Mr. DELAY and defended the idea of Republicans plotting to intimidate the Federal judiciary and said, "It sounds like a good idea to me." I can only hope that the reports of this exchange with the majority leader of the Senate were in error. For the Republican leader in the Senate to join Republican leaders in the House in an acknowledged effort to undercut the independence and integrity of the Federal judiciary would be a sign of grave danger for the American people and would be a sign of danger for the system of government that has protected this democracy for over 200 years.

Wednesday marked the 210th anniversary of the signing of the U.S. Constitution. Rather than commemorating the principles that helped make this country great, the Republican leadership's statements this week undermined the separation of powers on which our charter is based.

Last Congress, the Republican leadership was bent on shutting down the executive branch of the Government. I remember being on the floor of the Senate arguing against that, but they shut down the Government. The American people rose up and rejected that effort outright, as the American people should. In my State, Republicans and Democrats alike roundly condemned what was done.

So now, these Republican forces have turned their fire on the branch of Government most protective of the people's rights but least equipped to protect itself from political attack.

They might not be able to speak up, but I will, because this year's continuing attack on the judicial branch, the slowdown in the processing of the scores of good women and men the President has nominated to fill vacancies on the Federal courts around the country, and widespread threats of impeachment are all part of a partisan ideological effort to intimidate the judiciary. Judges cannot take the floor of the U.S. Senate and defend themselves. I will.

I have felt privileged to serve in the U.S. Senate representing the State of Vermont for 23 years. I have served twice in the majority in the Senate and twice in the minority in the Senate. I have served with Republican and Democratic Presidents, and I have worked alongside great majority leaders, like Senator Mansfield, Senator BYRD, Senator Baker, Senator Dole and Senator Mitchell. I have never known a time when the leadership of the Senate would tolerate partisan and ideological politics so diverting this institution from its constitutional responsibilities with respect to the third constitutionally coequal branch of Government. If Wednesday's reports are accurate, sadly the American people must know that not only is the Senate leadership allowing these efforts, it is condoning them.

Mr. President, the United States is a great democracy, I believe the greatest democracy history has ever known. Something that sets our great country apart from virtually all others in the world is the independence of our Federal judiciary and the respect that it commands among all of us.

Every nation in this century that has moved from a dictatorship toward democracy has sent observers to the United States. Why? To see how they can emulate our judiciary.

Those working for democracy in countries that are still struggling to adopt democratic principles know that one thing that is holding them back, one thing that allows crime and corruption and economic breakdown, is a lack of a truly independent judiciary. They know that unless they can come close to something like our independent judiciary, they will never become truly great democracies or truly free.

We have the greatest judicial system in the world. We are the envy of people around the world who are struggling for freedom. Independence of our third coequal branch of Government helps allow it to act fairly and impartially. It is our judiciary that has for so long protected our fundamental rights and freedoms and served as a necessary check on overreaching by the other two branches that are so easily susceptible to the gusts of the political winds of the moment.

This is a sad week for America because it is a week in which a campaign to intimidate Federal judges was acknowledged and condoned.

Mr. President, I call upon the U.S. Senate to reject that effort and go forward to fulfil our constitutionally mandated duty to advise and consent on the nominations of judges that the President has sent to us. Vote them up or vote them down, but show that we are united, whatever party we belong to, in protecting the integrity and, most importantly, the independence of our Federal judiciary.

## MORNING BUSINESS

(During today's session of the Senate, the following morning business was transacted.)

## THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Thursday, September 18, 1997, the Federal debt stood at $5,374,488,603,408.56. (Five trillion, three hundred seventy-four billion, four hundred eighty-eight million, six hundred three thousand, four hundred eight dollars and fifty-six cents)

One year ago, September 18, 1996, the Federal debt stood at $5,193,857,000,000 (Five trillion, one hundred ninety-three billion, eight hundred fifty-seven million)

Five years ago, September 18, 1992, the Federal debt stood at $4,036,814,000,000. (Four trillion, thirty-six billion, eight hundred fourteen million)

Ten years ago, September 18, 1987, the Federal debt stood at $2,353,225,000,000. (Two trillion, three hundred fifty-three billion, two hundred twenty-five million)

Twenty-five years ago, September 18, 1972, the Federal debt stood at $436,926,000,000 (Four hundred thirty-six billion, nine hundred twenty-six million) which reflects a debt increase of nearly $5 trillion—$4,937,562,603,408.56 (Four trillion, nine hundred thirty-seven billion, five hundred sixty-two million, six hundred three thousand, four hundred eight dollars and fifty-six cents) during the past 25 years.

## SMITHSONIAN INSTITUTION AND THE BOY SCOUTS

Mr. ABRAHAM. Mr. President, I rise today to note a recent injustice done to one of America's most valuable associations, the Boy Scouts, by one of our most valued institutions, the Smithsonian. I also rise to express my appreciation to Smithsonian Secretary I. Michael Heyman for his assurance that such an injustice will not occur again in the future.

Mr. President, in January of this year the Smithsonian Institution denied an application from the Boy Scouts of America to use the National

Zoo's auditorium for a Court of Honor ceremony for District of Columbia area Scouts.

Why would the Smithsonian deny such an application from a group known for its commitment to environmental conservation? According to Robert J. Hoage, Chief of the Smithsonian's Office of Public Affairs, the Smithsonian's policy prohibits co-sponsoring events with any organization that exercises bias on the basis of religious beliefs.

Asked about this decision, the Smithsonian's communications director, David Umansky, explained: "Our lawyers have documented cases of the Boy Scouts denying membership to atheists, and that violates our non-discrimination code." The Smithsonian also claimed that the honor court event was not sufficiently relevant to the National Zoo's mission. But that claim stretches credulity because of the Boy Scouts' myriad programs devoted to environmental education and conservation. Indeed, the Scouts' highest honor, awarded to only about 1,000 Scouts since 1914, recognizes exceptional work for environmental conservation.

In a letter to my colleagues dated September 12, I expressed my dismay that the Boy Scouts, an organization that has helped literally millions of American boys reach responsible manhood, should be denied access to a federally supported institution because it exercises its constitutional right to free exercise of religion. I also expressed concern that the Smithsonian Institution should enforce a policy diametrically opposed to the principles on which our nation was founded. The Smithsonian, our premier teaching museum, is entrusted with, among other treasures, the Star Spangled Banner, the flag that Francis Scott Key saw flying when he penned our national anthem. I recently sponsored legislation appropriating $8 million to the Smithsonian for restoration of that flag. I was frankly disturbed to see that the institution to which it has been entrusted was acting in this manner.

However, Mr. President, I am now relieved to report that Secretary Heyman, in a September 15 letter to my distinguished colleague, Senator FRIST, who serves as a regent to that Institution, has apologized for this action. Further, Secretary Heyman's letter expressed his conviction that "our special events policy clearly allows the sponsorship of events by all groups, including religious groups, that are consistent with the mission and tradition of the Smithsonian."

Recent events at the Smithsonian, including the proposed *Enola Gay* exhibit, with its misleading and inaccurate treatment of the Second World War, and a number of new exhibits distorting history to cast America and American values in a bad light, have caused me to worry about the future of this distinguished and crucially important institution. I thank Secretary Heyman for his courageous statement of fundamental policy and hope that it heralds a new, more positive era at the Smithsonian.

Mr. President, I ask unanimous consent that the full text of my September 12 letter to my colleagues and the September 15 letter from Secretary Heyman to Senator FRIST be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
*Washington, DC, September 12, 1997.*

Smithsonian Snubs Boy Scouts

DEAR COLLEAGUE: I want to bring to your attention the latest in an unfortunate series of decisions made at the Smithsonian Institution, America's premier teaching museum. It has come to my attention that in January of this year the Smithsonian denied an application from the Boy Scouts of America to use the National Zoo's auditorium for a Court of Honor ceremony for District of Columbia area Scouts. The application was denied on the grounds that the scouts require members to believe in God and that the event supposedly did not meet the "relevance requirement" needed for Smithsonian cosponsorship.

In a letter to T. Anthony Quinn, president for District Operations for the National Capital Area of the Boy Scouts of America, Robert J. Hoage, Chief of the Smithsonian's Office of Public Affairs stated that "the Smithsonian's policy prohibits co-sponsoring events with any organization that exercises bias on the basis of religious beliefs." Asked by a reporter from the newsweekly Human Events to explain this decision, David Umansky, communications director for the Smithsonian responded: "Our lawyers have documented cases of the Boy Scouts denying membership to atheists, and that violates our non-discrimination code."

I find it deeply disturbing that the Boy Scouts, one of America's most important private organizations, which has helped literally millions of American boys reach responsible manhood, should be denied access to a federally supported institution because it exercises its Constitutional right to free exercise of religion. I also am disturbed that the Smithsonian Institution, the repository of so many objects central to our heritage as a people; should enforce a policy diametrically opposed to the principles on which our nation was founded.

In an August 14 follow-up letter to Mr. Quinn, Smithsonian Under Secretary Constance Berry Newman failed to so much as mention the "anti-discrimination" motivation behind this rejection. Instead the Under Secretary detailed two Smithsonian events involving Boy Scouts, both of which took place several years ago. Her argument was that Smithsonian "policy emphasizes that the activity or event proposed by the outside organization should have some Smithsonian involvement and participation in the proposed activity or event." That an event put on by the Boy Scouts, an organization devoted to outdoor activities and knowledge of the natural world, should be found "irrelevant" to the National Zoo stretches credulity to the limit. Further, recent events at the National Zoo clearly have had little to do with that institution's mission. Events have included a naturalization ceremony by the Immigration and Naturalization Service and a Washington Singers musical concert.

I urge you to contact Smithsonian Secretary Michael Heyman and/or members of his staff to express your deep concern that the Boy Scouts, an institution of long-standing importance to our culture, traditions and public life, is receiving such inappropriate treatment. Further questions on this matter can be directed to Bruce Frohnen of my office at extension 4–8841.

Sincerely,

SPENCER ABRAHAM,
*U.S. Senate.*

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SMITHSONIAN INSTITUTION,
*Washington, DC, September 15, 1997.*

Hon. WILLIAM H. FRIST,
*U.S. Senate, Washington, DC.*

DEAR SENATOR FRIST: As was discussed in this morning's meeting of the Board of Regents, and knowing of your concern on this issue, I am writing to apologize for an unfortunate decision that denied the use of facilities of the National Zoo to District of Columbia Boy Scouts last February. In a letter denying the request, a determination was made that the event did not comply with a requirement that all events be relevant to the mission of the Smithsonian and further that the Boy Scouts violated standards of non-discrimination with regards to religion. I have reviewed this determination and reversed it. Scouting is an important American institution that helps in educating young men and women about the outdoors with special emphasis on protection of the environment, a mission relevant to and shared by the National Zoo.

Further, as I mentioned in our meeting, I believe that our Special Events Policy clearly allows the sponsorship of events by all groups, including religious groups, that are consistent with the mission and tradition of the Smithsonian. This event certainly complied with that standard and its denial on that ground was in error.

The Smithsonian and the Scouts have over the years jointly sponsored many events too numerous to mention here. I apologize for this unfortunate mistake and look forward to continuing our long standing and mutually productive relationship with the Boy and Girl Scouts of America.

Sincerely,

I. MICHAEL HEYMAN,
*Secretary.*

## MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. McCathran, one of his secretaries.

### EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

## ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on September 19, 1997 he had presented to the President of the United States, the following enrolled bill:

S. 910. An act to authorize appropriations for carrying out the Earthquake Hazards Reduction Act 1997 for fiscal years 1998 and 1999, and for other purposes.

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Ms. COLLINS (for herself, Ms. SNOWE, Mr. HOLLINGS, and Mr. ROBB):

S. 1199. A bill to amend the Higher Education Act of 1965 regarding income protection allowances for certain students; to the Committee on Labor and Human Resources.

By Mr. CAMPBELL:

S. 1200. A bill to provide that countries receiving foreign assistance be conducive to United States business; to the Committee on Foreign Relations.

## SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. MURKOWSKI:

S. Con. Res. 53. A concurrent resolution commending Dr. Jason C. Hu, Representative of the Taipei Economic and Cultural Representative Office in the United States; to the Committee on the Judiciary.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Ms. COLLINS (for herself, Ms. SNOWE, Mr. HOLLINGS, and Mr. ROBB):

S. 1199. A bill to amend the Higher Education Act of 1965 regarding income protection allowances for certain students; to the Committee on Labor and Human Resources.

### THE WORKING STUDENTS' INCOME PROTECTION ACT

Ms. COLLINS. Mr. President, today, I am introducing the Working Students' Income Protection Act, a bill to increase the number of working students who are eligible for Federal Pell grants. I am pleased to have Senator SNOWE, Senator HOLLINGS, and Senator ROBB as cosponsors.

This bill will correct a problem created by the 1992 amendments to the Higher Education Act that unfairly denies aid to hundreds of thousands of deserving students. Let me explain the problem.

The formula used to determine the eligibility for Federal financial aid includes an income protection allowance, known as an IPA, which enables working students to retain a portion of their earnings to pay their basic living expenses. This allowance is not counted in determining eligibility for student aid. A portion of earnings above the IPA is used to calculate the contributions students can make to their education expenses. As students' incomes rise above the IPA, their eligibility for Federal student aid, especially for Pell grants, declines.

The 1992 amendments to the Higher Education Act dramatically and drastically lowered the income protection allowances. For single students, financially independent of their families, the IPA was reduced from $6,400 to $3,000. The IPA for working dependent students was lowered from $4,250 to $1,750. As a result, the amount a typical independent student can receive under the Pell Grant Program begins to decline when his or her income exceeds $3,000, and the student becomes completely ineligible at an income level of $10,000.

Because of this decrease in IPA's, the number of independent students receiving Pell grants declined from over a million in 1992 to about 750,000 in 1993—a loss of over a quarter of a million grants to independent working students.

This change has three unfortunate consequences:

First, many nontraditional students are not able to pursue post-secondary education. Typically these are older individuals with jobs who are attempting to improve their skills. Because the IPA is not enough to meet living expenses, independent students find themselves unable to pay tuition and meet their basic living expenses. They are forced to defer or even forgo higher education.

Second, the current law creates a disincentive to work. If a student knows that earning more than $3,000 will reduce the size of his or her Pell grant award, the student can easily conclude that there is no reason to try to earn more than $3,000 a year.

Third, it penalizes students who are trying to pay for their education through work rather than by borrowing. This is particularly unfair to the almost 75 percent of dependent undergraduates who are working while studying to pay college expenses. When earnings result in lower grants, these students must turn to larger loans to finance their education.

The Working Students' Income Protection Act will make great strides toward correcting these problems. It will allow single independent students to retain $6,000 of their earnings for basic living expenses, married working independent students to retain $9,000, and working dependent students to retain $4,200 before they begin to loose their Pell grants. This will not only make higher education more affordable for these students, it will also encourage and reward work, a worthwhile objective.

Moreover, these changes will correct an injustice by providing benefits to a segment of the student population that has been largely overlooked by the changes in student aid recently passed or currently under consideration. Increasing Pell grants by $300, for example, a move that I strongly support, which was included in the budget agreement, will not help the working students who are ineligible for these grants because of the inadequate level of the current IPA. Similarly, the tuition tax credit will not help them because they are not earning enough to pay taxes. By increasing the IPA, these students will be able to share in the government assistance available to those seeking to pursue a higher education.

I would like to give you some examples from the University of Southern Maine, a State-supported institution serving 10,000 students. These students have an average age of just under 30 years. They are largely independent students and they are balancing jobs, school, and often family responsibilities. When these students have incomes above the IPA, which they must have to survive, they are not eligible for Pell grants under the current law. Let me describe two of these students to you.

Both are single students. The first is a 25-year-old junior recreation therapy major. She has worked as a nurses aide since graduating from high school, and she continues to work full time during the summers and part time during the school year. The second is a 31-year-old social work major. He works year round in a variety of part-time restaurant and clerical jobs. Both have total gross earnings of about $15,000 per year.

The current income protection allowance permits each of these students to retain only $3,000 for basic living expenses. It assumes that the remainder is available for calculating the family contribution toward educational expenses. The Working Students' Income Protection Act will allow each of these students to retain $6,000 for basic living expenses and will restore their eligibility for Pell grants. It will allow them to complete their education without incurring significant amounts of debt.

The president of the University of Southern Maine, Richard Pattenaude, has often noted that the mission of a public university is to help people of diverse backgrounds achieve their goals. These citizens, including recent high school graduates, adult learners with jobs and families, and single parents, all come to us, he says,

> With dreams of becoming more than they are. I am always moved and inspired by how hard our students work to realize those dreams and how deeply they care about their educations. These students underscore the significance of maintaining support for higher education if we are to enter the 21st century with an educational system ready to meet the needs and challenges of the people we serve.

By increasing the income protection allowance, the Working Students' Income Protection Act will take a major step toward meeting this challenge by helping working students afford college and encouraging them to pursue higher education.

Later in this Congress, the Senate Labor and Human Resources Committee, whose chairman is here today, will mark up the Higher Education Act reauthorization legislation. It is my hope that this legislation will be incorporated into the committee's bill.

Enacting this modest change will make a significant and positive change in the lives of thousands and thousands of students in the United States I urge my colleagues to show their support by cosponsoring this bill.

Mr. President, I ask unanimous consent that a letter from the American Council of Education on behalf of seven higher education associations which support this bill be included in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

AMERICAN COUNCIL ON EDUCATION,
*Washington, DC, September 4, 1997.*

Hon. SUSAN M. COLLINS,
*U.S. Senate,*
*Washington, DC.*

DEAR SENATOR COLLINS: The higher education associations listed below, representing the nation's 3,700 colleges and universities, strongly support the legislation you are sponsoring to correct current inequities in the need analysis formula for the Pell Grant program. Your legislation parallels the reauthorization proposal we have advanced to reinstate or expand eligibility for single independent students and for dependent students who work.

A broad-based consensus exists among students, campus officials, and higher education policy analysts, as well as the Clinton administration and many members of Congress, that the 1992 Higher Education Act (HEA) amendments made it overly difficult for single, independent students and dependent students with earnings to receive Pell Grants. These changes were felt immediately and had a substantial, negative impact on access to higher education. For example, at least 200,000 single independent students lost their Pell Grants as a result of these changes in the first year they were implemented.

For a number of years, the cost of providing greater grant access for these extremely needy students has been cited as a reason against acting to assist them. However, the President has requested funds for this purpose this year, and the House Appropriations committee has included funds that will make a substantial contribution toward addressing this problem in its version of the FY 1998 Labor, Health and Human Services and Education appropriations bill. Securing these funds, along with passage of authorizing legislation such as yours to permit the funds to be spent, will provide tremendous relief and benefit to students on campuses across the country.

Again, we are grateful for your leadership on this important issue. Prompt consideration and passage of your bill immediately following the August recess will pave the way for appropriations to follow, enabling students and their families to make financial plans for the next academic year. We are eager to assist you in any way to secure passage of your legislation.

Sincerely,
STANLEY O. IKENBERRY,
*President.*

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By Mr. CAMPBELL:

S. 1200. A bill to provide that countries receiving foreign assistance be conducive to U.S. business; to the Committee on Foreign Relations.

### THE INTERNATIONAL ANTI-CORRUPTION ACT OF 1997

Mr. CAMPBELL. Mr. President, many of my colleagues and I have received complaints from constituent companies, or from constituents who are affiliated with companies, which are encountering unfair and illegal business practices in other countries. What is especially disturbing is that many of these countries are receiving significant amounts of U.S. foreign assistance.

Ukraine, for example, is the fourth largest recipient of United States foreign aid, receiving approximately $228 million in 1997. Yet, despite this generous U.S. assistance, corrupt government officials cheat and threaten U.S. businesses and investors.

In March of this year, the Motorola Corp. pulled out of a $500 million investment because of arbitrary decisions made by powerful bureaucrats. News reports indicated that Motorola's decision came less than 2 weeks after the consortium it was leading was selected as one of three winners in a tight competition to install cellular phone networks in that country. As reported, the government kept changing the rules up to the last minute which drove Motorola to its startling decision to pull out. The Wall Street Journal called Motorola's experience "a case study of the pitfalls faced by investors in Ukraine.

The Foreign Operations Subcommittee of which I am a member held a hearing on May 6 regarding the Ukraine, Russia, and the New Independent States. The hearing considered the administration's request for millions of dollars in new funding for these countries. A number of subcommittee members and I raised with the witnesses specific examples of United States companies and American investors who are victims of corruption and dishonesty by the Ukrainian Government.

I would like to take a minute and highlight some statements made by AID Assistant Administrator Thomas Dine at that hearing which underscore how serious the situation is in the Ukraine. Mr. Dine testified that "there are real problems in the Ukraine. The perceived level of official and unofficial corruption is pervasive and deep." He also testified that "the Deputy Prime Minister, the country's leading reformer, recently resigned." And, "major and small U.S. companies, faced with harassment, intimidation, and bribery are leaving the country." Mr. Dine further testified that "we cannot expect American investors to do business in Ukraine or any of the NIS countries if they are not going to be treated fairly." I fully agree with this last statement, and believe we in Congress should act to ensure American investors are treated fairly, especially in those countries which are receiving millions in American tax dollars.

Corruption is a major problem for companies around the world. The World Bank recently surveyed international executives who identified corruption as the biggest problem they face in doing business in Latin America, the Caribbean, and sub-Saharan Africa.

And, we have seen disturbing news reports of the extent of corruption and illegal practices which are adversely affecting U.S. businesses abroad. A New York Times article of May 24, 1997, cited a Commerce Department finding that U.S. companies lost approximately $11 billion in contracts since mid-1994 because of bribery by their foreign competitors of foreign officials. And, this staggering loss is attributed only to those high-profile cases which were identified. Another report cited in the June 2, 1997, Economist Intelligence Unit, cited a loss of $45 billion to American companies because of corruption.

How many more millions of dollars have U.S. companies lost because of corrupt practices by foreign officials?

Mr. President, corruption in foreign countries hurts the U.S. economy. Trade with foreign countries creates and supports American jobs. Trade helps keep prices low, provides a greater selection of goods, and creates a larger market in which American companies can sell their products. Corruption limits the possibilities for U.S. investment and exports. It increases the risk and costs of doing business to the detriment of U.S. businesses and consumers.

Some important steps are being taken on the international scene. In May 1997, the 29 member nations in the Organization for Economic Cooperation and Development [OECD], which is composed of the world's largest industrialized nations, reached an agreement to fight corruption. This agreement is the first international accord which makes it a crime to bribe foreign officials.

And, on July 31, the International Monetary Fund decided to end its $216 million loan agreement with Kenya because of corruption and governmental mismanagement in that country.

But, more needs to be done.

The United States, in effect, is subsidizing other countries which are harassing U.S. companies and American investors abroad. This is unfair to U.S. businesses and unfair to U.S. taxpayers. And, this practice should stop.

That is why I am introducing today the International Anti-Corruption Act of 1997. This legislation requires the State Department to submit a report and the President to certify by March 1 of each year that countries which are receiving U.S. foreign aid are, in fact, conducive to American businesses and investors. If a country is found to be hostile to American businesses, its aid from the United States would be cut off.

The certification would be based on whether a country is making significant progress in, and is committed to, economic reform aimed at stemming corruption. The specific factors of economic reform which the State Department would consider include: market principles, private ownership, equitable treatment of foreign private investment, adoption of a legal and policy framework necessary for such reform, protection of intellectual property rights, and respect for contracts. The certification also would determine whether that country is making significant progress to eliminate corrupt trade practices and become integrated into the world economy.

Based on the State Department's findings, the countries would be assigned to one of three categories regarding their business climate: Conducive for U.S. business; not conducive to U.S. business; or hostile to U.S. business.

If the President certifies that a country is hostile to U.S. businesses and investors, the U.S. Government would immediately cut off foreign aid to that country. The United States also would vote against any loans to this country in the multilateral development banks. The aid would remain suspended until the President certifies the country is making significant progress in implementing the specified economic indicators and is no longer hostile to U.S. business.

If the President certifies that a country's business climate is not conducive for U.S. businesses, that country will, in effect, be put on probation. The country would continue to receive U.S. foreign aid through the end of the fiscal year, but aid would be cut off on the first day of the next fiscal year unless the President certifies the country is making significant progress in implementing the specified economic indicators and is committed to being conducive to U.S. business.

This probationary period is similar to the one in S. 457, which I introduced on March 19, 1997, regarding the drug certification process. This new approach would provide a specific time period during which the country on probationary certification would be expected to comply with certain conditions stipulated by the administration. If these conditions were not met at the end of this period, the United States would act firmly and cut off aid.

I initially designed this alternative to put countries on notice that the United States had serious concerns about their lack of cooperation. But, I also wanted to provide a fair period of time during which those countries could address U.S. concerns.

I included the probationary period in the bill I am introducing today for those countries which fall in the "not conducive for U.S. businesses" category, because I believe it is important to provide adequate notice to these countries which may have important ties to the United States. And, access to more timely and specific information during this probationary period would assist Congress in exercising its legislative and oversight responsibilities.

The third category applies when the President certifies a country is conducive to U.S. businesses. Foreign aid continues without interruption.

My bill includes the customary waiver authority where the national interests of the United States are at stake. For countries certified as hostile to or not conducive for U.S. business, aid can continue if the President determines it is in the national security interest of the United States. However, the determination expires after 6 months unless the President determines its continuation is important to our national security interest.

The bill also contains a provision which would allow aid to continue to meet urgent humanitarian needs, including food, medicine, disaster and refugee relief; to support democratic political reform and rule of law activities; to create private sector and nongovernmental organizations that are independent of government control; or to develop a free market economic system.

Finally, the bill directs the Commerce Department to establish a corruption hotline. Through this toll-free number, U.S. businesses and investors will be able to report unfair and illegal practices they are encountering in foreign countries. The Commerce Department would use that information in its investigations and would pass the information along to the State Department to be included in its annual report.

At a time when we are working to balance the Federal budget and make tough spending choices here at home, we can no longer tolerate or afford to have our Government misdirect U.S. foreign assistance to corrupt countries, especially countries harassing American investors.

I urge my colleagues to support the bill I am introducing today to fight corruption, protect American investors and businesses abroad, and improve the allocation of U.S. foreign aid.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1200

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "International Anti-Corruption Act of 1997".

**SEC. 2. LIMITATIONS ON FOREIGN ASSISTANCE.**

(a) REPORT AND CERTIFICATION.—

(1) IN GENERAL.—Not later than March 1 of each year, the President shall submit to the appropriate committees a certification described in paragraph (2) and a report for each country that received foreign assistance under part I of the Foreign Assistance Act of 1961 during the fiscal year. The report shall describe the extent to which each such country is making progress with respect to the following economic indicators:

(A) Implementation of comprehensive economic reform, based on market principles, private ownership, equitable treatment of foreign private investment, adoption of a legal and policy framework necessary for such reform, protection of intellectual property rights, and respect for contracts.

(B) Elimination of corrupt trade practices by private persons and government officials.

(C) Moving toward integration into the world economy.

(2) CERTIFICATION.—The certification described in this paragraph means a certification as to whether, based on the economic indicators described in subparagraphs (A) through (C) of paragraph (1), each country is—

(A) conducive to United States business;

(B) not conducive to United States business; or

(C) hostile to United States business.

(b) LIMITATIONS ON ASSISTANCE.—

(1) COUNTRIES HOSTILE TO UNITED STATES BUSINESS.—

(A) GENERAL LIMITATION.—Beginning on the date the certification described in subsection (a) is submitted—

(i) none of the funds made available for assistance under part I of the Foreign Assistance Act of 1961 (including unobligated balances of prior appropriations) may be made available for the government of a country that is certified as hostile to United States business pursuant to such subsection (a); and

(ii) the Secretary of the Treasury shall instruct the United States Executive Director of each multilateral development bank to vote against any loan or other utilization of the funds of such institution to or by any country with respect to which a certification described in clause (i) has been made.

(B) DURATION OF LIMITATIONS.—Except as provided in subsection (c), the limitations described in clauses (i) and (ii) of subparagraph (A) shall apply with respect to a country that is certified as hostile to United States business pursuant to subsection (a) until the President certifies to the appropriate committees that the country is making significant progress in implementing the economic indicators described in subsection (a)(1) and is no longer hostile to United States business.

(2) COUNTRIES NOT CONDUCIVE TO UNITED STATES BUSINESS.—

(A) PROBATIONARY PERIOD.—A country that is certified as not conducive to United States business pursuant to subsection (a), shall be considered to be on probation beginning on the date of such certification.

(B) REQUIRED IMPROVEMENT.—Unless the President certifies to the appropriate committees that the country is making significant progress in implementing the economic indicators described in subsection (a) and is committed to being conducive to United States business, beginning on the first day of the fiscal year following the fiscal year in which a country is certified as not conducive to United States business pursuant to subsection (a)(2)—

(i) none of the funds made available for assistance under part I of the Foreign Assistance Act of 1961 (including unobligated balances of prior appropriations) may be made available for the government of such country; and

(ii) the Secretary of the Treasury shall instruct the United States Executive Director of each multilateral development bank to vote against any loan or other utilization of the funds of such institution to or by any country with respect to which a certification described in subparagraph (A) has been made.

(C) DURATION OF LIMITATIONS.—Except as provided in subsection (c), the limitations described in clauses (i) and (ii) of subparagraph (B) shall apply with respect to a country that is certified as not conducive to United States business pursuant to subsection (a) until the President certifies to the appropriate committees that the country is making significant progress in implementing the economic indicators described in subsection (a)(1) and is conducive to United States business.

(c) EXCEPTIONS.—

(1) NATIONAL SECURITY INTEREST.—Subsection (b) shall not apply with respect to a country described in subsection (b)(1) or (2) if the President determines with respect to such country that making such funds available is important to the national security interest of the United States. Any such determination shall cease to be effective 6 months after being made unless the President determines that it continuation is important to the national security interest of the United States.

(2) OTHER EXCEPTIONS.—Subsection (b) shall not apply with respect to—

(A) assistance to meet urgent humanitarian needs (including providing food, medicine, disaster, and refugee relief);

(B) democratic political reform and rule of law activities;

(C) the creation of private sector and nongovernmental organizations that are independent of government control; and

(D) the development of a free market economic system.

**SEC. 3. TOLL-FREE NUMBER.**

The Secretary of Commerce shall make available a toll-free telephone number for reporting by members of the public and United States businesses on the progress that countries receiving foreign assistance are making in implementing the economic indicators described in section 2(a)(1). The information obtained from the toll-free telephone reporting shall be included in the report required by section 2(a).

**SEC. 4. DEFINITIONS.**

In this Act:

(1) APPROPRIATE COMMITTEE.—The term "appropriate committees" means the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate.

(2) MULTILATERAL DEVELOPMENT BANK.—The term "multilateral development bank" means the International Bank for Reconstruction and Development, the International Development Association, and the European Bank for Reconstruction and Development.

## ADDITIONAL COSPONSORS

### S. 484

At the request of Mr. DEWINE, the name of the Senator from South Dakota [Mr. JOHNSON] was added as a cosponsor of S. 484, a bill to amend the Public Health Service Act to provide for the establishment of a pediatric research initiative.

### S. 1008

At the request of Mr. DURBIN, the names of the Senator from Nebraska [Mr. KERREY], the Senator from Missouri [Mr. BOND], and the Senator from Ohio [Mr. DEWINE] were added as cosponsors of S. 1008, a bill to amend the Internal Revenue Code of 1986 to provide that the tax incentives for alcohol used as a fuel shall be extended as part of any extension of fuel tax rates.

### AMENDMENT NO. 1137

At the request of Mr. HARKIN the names of the Senator from Indiana [Mr. LUGAR] and the Senator from Pennsylvania [Mr. SPECTER] were added as cosponsors of amendment No. 1137 proposed to S. 830, a bill to amend the Federal Food, Drug, and Cosmetic Act and the Public Health Service Act to improve the regulation of food, drugs, devices, and biological products, and for other purposes.

### AMENDMENT NO. 1139

At the request of Mr. DURBIN the name of the Senator from South Dakota [Mr. JOHNSON] was added as a cosponsor of amendment No. 1139 proposed to S. 830, a bill to amend the Federal Food, Drug, and Cosmetic Act and the Public Health Service Act to improve the regulation of food, drugs, devices, and biological products, and for other purposes.

### AMENDMENT NO. 1140

At the request of Mr. DURBIN the names of the Senator from Wisconsin [Mr. FEINGOLD] and the Senator from South Dakota [Mr. JOHNSON] were added as cosponsors of amendment No. 1140 proposed to S. 830, a bill to amend the Federal Food, Drug, and Cosmetic Act and the Public Health Service Act to improve the regulation of food, drugs, devices, and biological products, and for other purposes.

## SENATE CONCURRENT RESOLUTION 53—COMMENDING THE REPRESENTATIVE OF THE TAIPEI ECONOMIC AND CULTURAL REPRESENTATIVE OFFICE IN THE UNITED STATES

Mr. MURKOWSKI submitted the following concurrent resolution; which was referred to the Committee on the Judiciary:

### S. CON. RES. 53

Whereas Dr. Jason C. Hu has served with distinction as Representative of the Taipei Economic and Cultural Representative Office (TECRO) since June 1996, and has ably represented the interests of the Republic of China on Taiwan;

Whereas Dr. Hu has been a firm and consistent advocate of democratic principles throughout his distinguished career;

Whereas Dr. Hu has established many deep friendships with Members of Congress and other Americans during his tenure in Washington; and

Whereas Dr. Hu has been asked to return to Taiwan to serve as the Minister of Foreign Affairs of the Republic of China: Now, therefore, be it

*Resolved by the Senate (the House of Representatives concurring)*, That Congress hereby—

(1) commends Dr. Jason C. Hu for his service as Representative of the TECRO office; and

(2) expresses to Dr. Hu and his family its best wishes for his continued success in the future.

## COMMEMORATING REPRESENTATIVE JASON HU OF THE REPUBLIC OF CHINA ON TAIWAN

Mr. MURKOWSKI. Mr. President, I rise today to offer a Senate resolution to commemorate Representative Hu of the Republic of China for his outstanding service as the head of the Taipei Economic and Cultural Representative Office [TECRO] here in Washington, DC. President Lee Teng-hui has called Dr. Hu back to Taiwan to serve as the Minister of Foreign Affairs. This new appointment is a tremendous honor, and I am sure that he will serve his government as ably as Foreign Minister as he has done in Washington, and in his other previous posts.

Serving Taiwan so well here in Washington, DC, has been no easy task. Dr. Hu must balance the needs of Taiwan with the difficult dynamics associated with the issues surrounding the Republic of China. Maintaining stability and peace in Southeast Asia while promoting democracy and strengthening our ties with our allies should be a top priority for both our governments.

I have spoken often on the floor of the United States Senate regarding numerous issues including our commitments under the Taiwan Relations Act, Taiwan's bid to enter the World Trade Organization, President Lee's visit to Cornell in 1996, and military exercises by the People's Republic of China in the waters around the island of Taiwan on the eve of their historic Presidential elections. In all cases, Dr. Hu has provided valuable insights regarding these matters to me.

Throughout his career, Dr. Hu has distinguished himself among his countrymen. From his days as the ROC delegation leader at the U.N. World Youth Assembly in 1970 to his current post as the representative of the Taipei Economic and Cultural Representative Office here in Washington, DC, Dr. Hu has made a name for himself as an expert on foreign affairs. Obviously, President Lee recognizes Dr. Hu's abilities and has asked him to take the lead in foreign affairs. I hope Dr. Hu's replacement will be as helpful and knowledgeable about Taiwan issues.

Finally, I would like to wish both Dr. Hu, his wife Shirley, and their two children good luck and express to him my heartfelt thanks for a job well done.

## AUTHORITY FOR COMMITTEES TO MEET

### COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. COVERDELL. Mr. President, I ask unanimous consent on behalf of the Governmental Affairs Committee special investigation to meet on Friday, September 19, at 10 a.m. for a hearing on campaign financing issues.

The PRESIDING OFFICER. Without objection, it is so ordered.

## ADDITIONAL STATEMENTS

## THE 50TH ANNIVERSARY OF THE DEPARTMENT OF DEFENSE

• Mr. STEVENS. Mr. President, yesterday I attended a ceremony to mark the 50th anniversary of the Department of Defense. It was a most impressive event to honor the men and women who serve in the defense of our Nation.

Our former colleague, Secretary of Defense Bill Cohen, highlighted the achievements of the Department over these past 50 years. He reminded us of the Department's great legacy and challenges that lie ahead in the future.

The Vice Chairman of the Joint Chiefs of Staff and my good friend, Gen. Joe Ralston, also spoke at this event. His remarks illustrated the significant changes that have occurred since the Department's inception and saluted our soldiers, sailors, airmen, and marines who so honorably serve our country.

Mr. President, I request that the text of the remarks of both Secretary Cohen and General Ralston be printed in the CONGRESSIONAL RECORD.

The remarks follow:

### REMARKS BY WILLIAM S. COHEN, SECRETARY OF DEFENSE, ON THE 50TH ANNIVERSARY OF THE DEPARTMENT OF DEFENSE, SEPTEMBER 17, 1997

The poet Shelly called history "a cyclic poem written by time upon our memories."

Let me describe a certain pivot point in history: It is a time of daunting security challenges both at home and abroad. In Europe, the United States is proposing a bold plan to advance democracy, free markets and shared security. In the Pacific, America is the dominant power, but Korea remains dangerously divided and China is in a period of profound transition, its future uncertain, its intentions unclear. Meanwhile, breathtaking advances in technology are fueling a revolution in military affairs. And America's defense establishment is reorienting itself to confront the enormous security challenges of the new era.

I could be talking about September, 1997, for this picture captures our world today. But as history is "a cyclic poem," this picture also describes September, 1947, when the Department of Defense came into being.

We have been marking many golden anniversaries of late. These are the days of remembrance, a time to recall the historic trials and triumphs of half a century. The hallowed days—D-Day, VE-Day, VJ-Day. The historic deeds—the Marshall Plan, the National Security Act. And the enduring establishments—the United Nations, the US Air Force, the Central Intelligence Agency, the Department of Defense.

Why do we recall these trials and triumphs? Because they can help us face the portents and possibilities of the century ahead. As we talk of tomorrow, we must be mindful to hold up the lamplight of history, so that we may walk with confidence on the footpath to the future.

We are here today to celebrate not the golden anniversary of a bureaucracy, or that of a building—but rather of a bold idea. That idea was for a National Military Establishment that unified all of our military services, land, sea and air, under a single Department with a civilian chief, the whole greater than the sum of its remarkable parts.

By 1947, it was an idea whose time had come. The generation that won the Second World War set out to win the peace. They understood that to win the peace, America had to be engaged in global affairs as a global leader. They had learned from personal experience—from their "blood, toil, tears and sweat"—the central lesson of this century: That when America neglects the problems of the world, the world often brings its problems to America's doorstep. And so they created a Department of Defense that would engage the world with gathered strength and purpose.

To witness the wisdom of this bold idea and its historic achievements, you only have to walk the corridors of the Pentagon.

You will walk past George Marshall's desk. He was soldier who led our forces to victory against fascism; a diplomat who set forth a bold vision for a new Europe, healed, whole, free and linked to America in the spirit of help and hope; and a Secretary of Defense who helped to halt the columns of communism on the Korean peninsula.

You will walk past a section of the Berlin Wall, once a symbol of tyranny and peril, now a symbol of the triumph of freedom, and a triumph of the Department of Defense that trained, equipped and maintained the US Armed Forces—forces that gave America and our allies the power and the will to stand fast and stand firm through 40 winters of the Cold War, and gave us the opportunity to secure a lasting peace in Europe and Asia.

As you walk through the corridors of the Pentagon, you will see not only the artifacts of our trials and triumphs, but the individuals who endured the trials and ensured the triumphs.

You will see the portraits of the military leadership, and also those who led this Department—the Secretaries of Defense—some of whom have graced this ceremony with their presence today. Secretary Cap Weinberger, Secretary Frank Carlucci, Secretary Bill Perry: Each one of you has protected and defended those who protect and defend our nation. Each one of you has left the Department in better stead than when you arrived, and with a challenge to your successor to continue the legacy. I am honored and humbled to accept—and extend—this challenge.

But the legacy of leadership extends to those who were ready and willing to be led. And as you walk these corridors, you see the legacy of soldiers, sailors, airmen and Marines enshrined on our walls—from the Hall of Heroes that recall exceptional valor, to the exhibits that remember forgotten service—the Women's Military Corridor, the exhibits for Hispanic veterans and the Tuskegee Airmen.

To walk these corridors is to learn of courage and commitment; of service and sacrifice; of grit and greatness: From the frozen hills of Korea, to the twisted jungles of Vietnam; from Beirut to Grenada; Panama to Somalia; to the searing sands of Saudi Arabia and the mud and ice of Bosnia.

I dedicate our golden anniversary to their golden achievements.

In so doing, let me make a point which often becomes obscured in the reports which focus on our flaws: We have the best-trained, best-equipped and best-educated military in the history of the world, and we need to remember that despite our shortcomings, which we are eager to examine and confront openly, our forces are the envy of every other nation on this planet.

Finally, if you walk the corridors of the Pentagon, you will meet the backbone of this institution: The civilian employees who serve this Department and support the troops. The success of this Department is their success too.

But as we recall our trials and triumphs of the past, we face a new challenge: In 1997—as in 1947—we must build a Department of Defense that can face the dangers and the daring possibilities of the future. For a brave new world stretches beyond these lawns, past those shining monuments across the river. It is a world of momentous opportunity—of flourishing markets, stunning technologies, and new democracies. But it is also a world of startling new dangers—ethnic conflict, regional aggressors, and terrorism.

Fifty years hence, let those who look back on 1997 say that, we too, were not just a building or a bureaucracy, but that we too were bold. That we too were unafraid to think anew, to organize anew, to act anew. Let them say that by embracing the spirit of our era, we too were able to seize the challenges of our time: The challenge to shape the world; to respond to its threats; and to prepare for the future; to harness a Revolution in Military Affairs to give our forces the technology to dominate the battlefield; and to foment a Revolution in Business Affairs, to create a 21st Century Pentagon—a model of action, efficiency, economy and versatility.

Fifty years from now, let them say that our leadership, vision and courage helped catapult America into a new century. And 50 years from now, let them say that we bequeathed to them, what our predecessors bequeathed to us: The best trained, best equipped, best prepared military in history, the pride of our nation and the envy of the world.

I will close with the words from Daniel Webster, speaking at the dedication of the Bunker Hill Monument: "And now let us indulge an honest exultation in the conviction of the benefit which the example of our country has produced and is likely to produce on human freedom and happiness. And let us endeavor to comprehend in all its magnitude and to feel in all its importance the part assigned to us in the great drama of human affairs."

### REMARKS BY GEN. JOSEPH RALSTON, VICE CHAIRMAN OF THE JOINT CHIEFS OF STAFF ON THE 50TH ANNIVERSARY OF THE DEPARTMENT OF DEFENSE, SEPTEMBER 17, 1997

Secretary Cohen, Former Secretaries Weinberger, Carlucci, and Perry, Members of Congress, Gen. Jones, distinguished guests, ladies and gentlemen:

I am very proud to be here as the representative of the more than 3 million people currently serving in the defense of our nation as soldiers, sailors, airmen, marines, coast guardsmen—active duty, National Guard, Reserve, and civilians. It is an honor to be a part of this splendid anniversary; a celebration to commemorate fifty years of unwavering leadership to our armed forces.

Take a moment and put yourself back in time. Fifty years ago we had just won a world war and the country was still celebrating its victory. The might of the military machine was not broken, at least the American public didn't think so.

But we learned many lessons the hard way during that war and the leaders who fought that war knew we could and should do better.

These visionaries understood that to stand still would put the United States back where we were before the war . . . as isolationists.

Imagine if you can, the resistance these men faced as they attempted to reorganize our armed forces . . . a force that only a year prior had defeated a deranged dictator and an imperial army and navy.

These leaders, both civilian and military, realized the daunting task before them, but charged forward, amid intense debate, and agreed upon a "unification" course.

Although the reforms in 1947 were immense, ten years later the leaders of our country recognized the requirement for a course correction.

The Act of 1958, spearheaded by President Eisenhower, provided that course correction and called for the organization of all combat forces into unified commands and as he stated, "singly led and prepared to fight as one, regardless of Service."

With this new guidance our armed forces marched on for over 25 years. However, in 1986 a significant change occurred with the enactment of the Goldwater-Nichols Act. It not only reinforced our joint warfighting doctrine, but it also strengthened the civilian authority in the Department and increased the responsibility and authority of the Chairman. Today we have an armed force that is the envy of every nation on this Earth—and the pride of Americans.

Make no mistake . . . it is the magnificent men and women in uniform who make the sacrifices, who walk the jungles, fly over the deserts, sail on and under the seas, that provide the peace, freedom, and stability we enjoy as a Nation today.

But we must resist the temptation to relax and believe we have it just right. We must fight the complacency. We have much left to do as we revolutionize the way we do business, as we make the hard choices that will always put the needs of America's sons and daughters first.

Today I proudly salute the men and women of the Department of Defense.●

## IN RECOGNITION OF HARRY BELL

● Mr. HOLLINGS. Mr. President, I rise today in recognition of Harry Bell, a man well known to the people of South Carolina. We salute him as he retires in December as president of the South Carolina Farm Bureau Federation.

Harry Bell is known throughout the State as a successful farmer. With his son, William, he operates a productive, 1,450-acre farm in Saluda County, on which he raises cattle and plants soybeans, cotton, small grains, and strawberries. But Harry Bell's activities extend far beyond farming. He also is a savvy and successful businessman, with a long career in banking and insurance.

In fact, he began his business career as a bank clerk, currently serves on the local board of First Citizens' Bank, and has been president of the Palmetto Casualty Insurance Co. and director of the Ridge Banking Co.

But it is for his work with South Carolina farmers that Harry Bell is best known. He has served as president of the South Carolina Farm Bureau since 1971; in that time, he helped South Carolina farmers weather droughts, high interest rates, and the increasingly overwhelming competition of large-scale commercial farms. During his tenure as president, Harry helped preserve the State's heritage of family-owned farms, while at the same time assisting farmers to mechanize and modernize their operations. It is partly as a result of his efforts that agriculture remains a key component of South Carolina's economy.

Harry Bell's involvement with agriculture has not been confined to the South Carolina Farm Bureau Federation. He also was president of the Saluda County Farm Bureau Federation for 4 years, and was vice president of the American Farm Bureau Federation from 1986–94. From 1967–85, he was the farm representative on the South Carolina Water Resources Commission.

Fortunately for us, Harry Bell has employed his prodigious talents and energies not just in the service of the farming community, but of the whole community. He must have filled his every waking moment with public service of one kind or another.

He is active in his church, Johnston Presbyterian, having served as an elder and former deacon. He responded to another kind of call when his country summoned him to fight, serving on active duty in the U.S. Air Force from 1945–47 and from 1951–53. Additionally, he served in the Air Force Reserves until 1974, when he retired with the rank of lieutenant colonel.

Harry Bell exemplifies the ideal of public service. His career has combined devotion to God, country, and community. Thanks to his stewardship, South Carolina farmers can look forward to many future harvests. It has been my good fortune to work with Harry Bell for over 20 years on important issues affecting the farmers and economy of our State. We in South Carolina are proud to call him our own, and I am honored to salute him today.●

## TRADE NEGOTIATING AUTHORITY

● Mr. BAUCUS. Mr. President, I rise to discuss the administration's request for new trade negotiating authority.

Now, any discussion of trade policy should begin not with talk about new agreements. It should begin with a review of the basic facts, and of what we need to change in the international trade system to create jobs, raise wages, guarantee fairness, and create opportunities for Americans.

### THE BASIC FACTS

So let's first look at the facts. We are enjoying what will soon be the longest period of economic growth in our history. Since 1992, our economy has grown from $6.5 to $8 trillion dollars. Inflation has fallen to 2 percent. We have added a net gain of more than 12 million jobs. And while from 1986 to 1993 real wages fell every year, since 1994 real wages have risen every year.

A lot of things go into that record. Research and development by companies and the Government. Deficit reduction from $290 billion in 1992 to $36 billion before the recent budget agreement. Improved competitiveness. Most of all, hard work and sacrifice by ordinary people.

But our trade policy in the past 4 years deserves some credit as well. Since 1993, Ambassador Mickey Kantor and now Ambassador Barshefsky, along with their staffs, have worked very hard, stood up for our workers and farmers, and achieved a great deal. And the result has been a nearly 50-percent jump in exports, from just over $600 billion in 1992 to nearly $900 billion this year.

### FAR FROM FINISHED

That is a good record. But the work is far from finished.

Foreign countries routinely discriminate against our farm products. We can do more in high technology, where our telecommunications, computer hardware, and software firms are tremendously competitive. Subsidies and state trading companies in foreign countries distort trade tremendously. And our trade deficit remains unacceptably high. So we need to keep working to fix these things.

### NEED FOR NEGOTIATING AUTHORITY

And the administration needs trade negotiating authority to do it. Granting negotiating authority—I do not call it "fast track," because there is nothing fast about it—is a big step for Congress, but it is the right step. The fact is, big trade agreements are like base closing agreements. The best possible trade agreement will ask many different interests to give up a tariff, subsidy or other form of protection in exchange for an agreement that will help the entire country.

So I believe the Senate should approve a trade negotiating authority bill. And the one proposed yesterday by the administration is, I believe, a good start. It sets five general trade policy objectives: increasing market access; reducing barriers to trade; strengthening international trade rules; fostering economic growth and full employment; and addressing labor, environmental and other areas directly related to trade.

More specifically, the draft sets the following priorities: reducing tariff and non-tariff barriers; opening markets to services; protecting intellectual property; ensuring more transparency in international dispute settlement, which is extremely important to me; winning fairer investment rules, so countries no longer can force technology transfer or impose export requirements; and opening markets in agriculture. I am especially pleased by the inclusion of a specific negotiating objective of opening foreign markets to American farm products. The bill devotes appropriate attention to the problems we have with state trading enterprises like the boards which control grain trade in many of our trade competitors.

Finally, promoting internationally recognized labor standards and environmentally sustainable development.

### LABOR AND THE ENVIRONMENT

Let me talk briefly about this last issue. This has become a source of controversy for reasons that I don't quite understand.

Since 1947 we have concluded five rounds of GATT. More recently, we have passed three so-called free trade agreements, the Information Technology Agreement, the Agreement on Basic Telecommunications and hundreds of other sectoral and bilateral agreements on trade issues. As a result, tariffs are lower, quotas have shrunk in number and scope, and other formal trade barriers have diminished.

As these agreements go into effect, we quite logically find that other policies—intellectual property enforcement, antitrust policy, subsidies, rule of law, transparency, technical standards, Government procurement, labor regulations, and environmental law enforcement all have some impact on trade.

Our trade policy should deal with these issues, and it does. Intellectual property is a top priority, as well it should be. Government procurement and subsidies are as well. To rule out labor and environmental standards is simply to make an arbitrary, ideological judgment that these are almost the only forms of policy whose trade effects we will refuse to recognize.

That does not mean treating them the same in all trade agreements. The trade agreement with Mexico, for example, was a unique case. There we negotiated an agreement with a developing country, with which we shared a long border and in which we had existing experience with a free trade arrangement—the maquiladora program—which had created very obvious and serious labor and environmental problems. So in my opinion, that agreement required pretty strict labor and environmental side agreements.

That is not necessarily true in all other agreements. We should look them over case by case. Some very important agreements authorized by this negotiating authority bill—for example, agreements on services, intellectual property and state trading companies in agriculture—probably don't require labor and environmental provisions at all. But it is simply wrong and unfair to American workers and companies to say that we should never consider these issues. And I believe that on the whole, the administration proposal strikes a reasonable balance by calling for negotiations on labor and environmental issues directly related to trade.

### IMPROVING EXISTING AGREEMENTS

In one area, however, I think the proposal needs some additions.

That is, I consider it at least as important to enforce and improve existing trade agreements as to negotiate new ones. We now have a wide and complex web of agreements. Some work well. Others do not. Still others are bad agreements that ought to be improved or redone.

Let me offer an example. Ambassador Barshefsky recently scored a major success by opening Canada's market to our barley. That is a very good thing; but it also shows that NAFTA and the United States-Canada Free Trade Agreement are not perfect. They can be improved, and they should be. Likewise, the Uruguay round should have eliminated Japan's tariffs on wood products, but did not.

Thus I think we should also include language that reflects the importance of enforcing existing agreements and improving the ones we already have. And I hope to work with the administration to include such language.

### NEGOTIATING AUTHORITY VERSUS AGREEMENTS

Finally, we should not confuse negotiating authority with actual agreements. By passing trade negotiating authority, we do not sign blank checks. I expect that the Congress and the public will be fully consulted as we decide which agreements to pursue,; and then as we negotiate those agreements. And we have the right to disapprove trade agreements that do not meet the standards they should. So by endorsing new negotiating authority, I do not promise support for any particular agreement.

To sum up, the country needs a tough and aggressive trade policy in the years to come. And the President needs negotiating authority for that policy. I support the effort and I hope the Senate will do so as well.

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## IN HONOR OF JUDGE LAWRENCE H. COOKE

• Mr. MOYNIHAN. Mr. President, this weekend a glorious and important event will take place in Monticello, NY. On Sunday, September 20, 1997, the Courthouse in Sullivan County will be renamed the Lawrence H. Cooke Sullivan County Courthouse. Judge Cooke, a native of Monticello, is one of our State's more distinguished jurists. His legal career spans almost 60 years and is highlighted by his tenure from 1979 through 1984 as the chief judge of the New York State Court of Appeals, our State's highest court.

While Judge Cooke may be best known for his time on the court of appeals and his many years as a judge, practicing attorney, and town supervisor in Sullivan County, he also served as a member of my Judicial Screening Committee from 1985 through 1993. During his 8 years on the committee he provided wise counsel in helping me select candidates for Federal judgeships to be nominated by the President. While not necessarily the most glamorous part of being a Senator, selecting individuals for nomination to a Federal judgeship is one of our most important responsibilities. Long after a Senator has left the body, the judges whom he/she helped select may remain on the bench for many more years to come with life tenure. Judge Cooke provided invaluable assistance to me in this endeavor and I am pleased to say that he is now lending his talents to New York Governor George Pataki by serving on the Governor's judicial screening committee for State judgeships.

When I travel around New York State, one of the things I like to do if I have a couple of free minutes is to visit the local county courthouse. In most places, the courthouse is a grand and beautiful old building, and the courthouse in Sullivan County is no exception. Sullivan County was founded in 1809 and the current courthouse is actually the third it has had. The original burned down in 1844 and the second was replaced by the current structure in 1909. The newly named Cooke Courthouse is an Ohio sandstone building which was designed by William Beardsley of Poughkeepsie and built by the Kingston firm of Campbell and Dempsey for $143,000. In 1979 the building underwent a major renovation. It is a beautiful and historic building well befitting of Judge Cooke's name.

Mr. President, 1997 marks the sesquicentennial of the New York State Court of Appeals. With the exception of the U.S. Supreme Court, this court is perhaps the most important court in our Nation's legal history. One of the greatest jurists of the 20th century, Benjamin Cardozo, was a chief judge of this court before being nominated by President Franklin Roosevelt to the Supreme Court. Even today, every law student must read several of Judge Cardozo's opinions as part of a legal education and his opinion in Palsgraff versus Long Island Railroad is still the seminal case on proximate cause in torts. The current chief judge, Judith Kaye, is nationally recognized as a leader in judicial reform, especially in the area of jury selection. It is a proud and important tradition with which Judge Cooke is associated, and he certainly is an important part of that tradition.

On this special day on which we honor Judge Cooke, I want to wish the Judge and his wife Alice the best and thank him for his many years of service to me, to Sullivan County, to New York State, and to our justice system.●

## NORTH ATLANTIC FISHERIES RESOURCE CONSERVATION ACT

● Ms. SNOWE. Mr. President, yesterday Senator Kerry and I introduced the North Atlantic Fisheries Resource Conservation Act. Unfortunately, we neglected to specifically ask that the text of the bill be printed in the Record. In order to ensure that the public has easy access to the bill's language, I now ask that the text of this bill be printed in the Record.

The text of the bill is as follows:

S. 1192

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "North Atlantic Fisheries Resource Conservation Act".

**SEC. 2. HARVEST OF ATLANTIC MACKEREL AND HERRING BY LARGE FISHING VESSELS.**

(a) Permit Required.—Nothwithstanding any other provision of law to the contrary, the Secretary of Commerce may not authorize or permit any fishing vessel (as defined in section 3(17) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1802(17) that—

(1) is 165 feet in length or longer; or

(2) has an engine or engines capable of producing a total of more than 3000 horsepower,

to harvest Atlantic mackerel or Atlantic herring in a fishery unless the participation of such a vessel is specifically allowed under a fishery management plan developed and implemented for that fishery under the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.).

(b) Existing Permit To Be Revoked.—Within 5 days after the date of enactment of this Act, the Secretary shall revoke any permit issued by the Secretary before that date to a vessel described in subsection (a) under which the vessel would be permitted to harvest Atlantic mackerel or Atlantic herring in such a fishery.

(c) Fishery Management Plan.—

(1) Implementation of plan.—The New England Fishery Management Council shall prepare and submit a fishery management plan for Atlantic herring no later than June 30, 1998. The Secretary of Commerce shall implement the plan no later than September 30, 1998.

(2) Amendment of plan to permit larger vessels to harvest.—The Mid-Atlantic Fishery Management Council, in consultation with the New England Fishery Management Council, shall prepare and submit, no later than June 30, 1998, an amendment to the Fishery Management Plan for Atlantic Mackerel, Squid, and Butterfish Fisheries which specifically addresses the participation of vessels described in subsection (a) in the harvesting of Atlantic mackerel. The Secretary of Commerce shall implement the amendment no later than September 30, 1998.

(3) Vessel length and power criteria.—The Council and the Secretary may include vessel length or vessel power limitations, or both, in any fishery management plan or amendment under paragraph (1) or (2). The limitations may be greater or smaller than the vessel length and vessel power of a vessel described in subsection (a).●

## NATIONAL POW/MIA RECOGNITION DAY

● Mr. SMITH of New Hampshire. Mr. President, Friday, September 19, 1997, has been designated this year by President Clinton and numerous State Governors as National POW/MIA Recognition Day. This is a special day for paying tribute to our missing service members and civilians involved with our Nation's past military conflicts. It is a day for reaffirming throughout the United States our national commitment to obtaining the fullest possible accounting for America's POW's and MIA's.

It has been an honor and privilege for me, since my election to the Congress in 1984, to assist the POW/MIA families, our veterans, and their friends and supporters, with the many efforts that have been undertaken to try to achieve a proper accounting for so many of our Nation's bravest heroes still listed as missing. It has been a difficult and emotional task, complicated by on and off-again cooperation by foreign governments.

As many of my colleagues know, I served as vice-chairman of the Senate Select Committee on POW/MIA Affairs in 1992, and I currently serve as the U.S. chairman of the Vietnam War Working Group of the Joint United States-Russian Commission on POW's and MIA's. This past summer, I, along with Congressman Sam Johnson of Texas, himself a returned POW from North Vietnam, traveled to Russia, Poland, and the Czech Republic in our continuing efforts to open archives and interview people knowledgeable about the fate of American POW's. We both feel, as a result of our trip, that we have enhanced our Government's ability to further investigate POW/MIA leads. I have also continued my own efforts here in the Senate to ensure that U.S. Government records on this issue are declassified and made available to the public. I am pleased to report that I am making additional progress in that regard, specifically with respect to information from the Nixon administration that I hope will shed more light on our own Government's knowledge about POW's and MIA's when the Vietnam war ended in 1973.

As a result of my direct involvement with this issue, I can report that, even though we have made some progress over the years, there is still much work to do. It is, therefore, my hope that this administration will take the opportunity National POW/MIA Recognition Day provides to rededicate itself to using all appropriate resources available to the U.S. Government to resolve the POW/MIA issue.

I personally believe that public awareness is critical to ensuring that the United States vigorously presses Communist governments abroad, especially North Korea, China, Vietnam, and Laos, to give us the complete answers that we deserve on this humanitarian issue. Indeed, the support of the public has enabled us to continue to push forward with legislative initiatives in Congress that can help to ensure the POW/MIA issue is pursued as a top priority with the governments I just referenced.

I want to assure my own constituents and the many concerned Americans who have contacted me through the years that I remain absolutely committed to doing everything I think is appropriate to resolve the fate of our missing soldiers.

Mr. President, I thank the American people for remembering our unaccounted for POW's and MIA's on this special day.●

## EXECUTIVE SESSION

### EXECUTIVE CALENDAR

The PRESIDING OFFICER. By unanimous consent, the Senate will immediately proceed to executive session to consider the following nominations under the Executive Calendar, Nos. 249, 250, and 251; by unanimous consent, the nominations are deemed confirmed and the motions to reconsider laid upon the table, and any statements relating to the nominations will appear at this point in the Record, the President will be immediately notified of the Senate's action, and the Senate will return to legislative session.

The nominations considered and confirmed en bloc are as follows:

SOCIAL SECURITY ADMINISTRATION

Kenneth S. Apfel, of Maryland, to be Commissioner of Social Security for the term expiring January 19, 2001.

DEPARTMENT OF THE TREASURY

Gary Gensler, of Maryland, to be an Assistant Secretary of the Treasury.

Nancy Killefer, of Florida, to be Chief Financial Officer, Department of the Treasury.

## LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

## ORDERS FOR TUESDAY, SEPTEMBER 23, 1997

The PRESIDING OFFICER. By unanimous consent, when the Senate completes its business today, it will stand in adjournment until the hour of 9:30 a.m., Tuesday, September 23, and on Tuesday, immediately following the prayer, the routine requests through the morning hour will be granted and the Senate will immediately resume consideration of S. 830, the Food and Drug Administration reform bill, with 2 minutes of debate, equally divided in the usual form, on the Durbin amendment No. 1141.

At that point, there will be a series of stacked rollcall votes on Senator DURBIN's amendments Nos. 1339 and 1341. Members can anticipate additional rollcall votes on Tuesday in connection with the Food and Drug Administration legislation.

Following adoption of the committee substitute to that bill, the Senate will proceed to an immediate cloture vote on the Food and Drug Administration bill.

## ADJOURNMENT UNTIL TUESDAY, SEPTEMBER 23, 1997, AT 9:30 A.M.

The PRESIDING OFFICER. Under the previous order, the Senate stands in adjournment.

Thereupon, at 2:37 p.m., the Senate adjourned until Tuesday, September 23, 1997, at 9:30 a.m.

## NOMINATIONS

Executive nominations received by the Senate September 19, 1997:

### DEPARTMENT OF THE INTERIOR

M. JOHN BERRY, OF MARYLAND, TO BE AN ASSISTANT SECRETARY OF THE INTERIOR, VICE BONNIE R. COHEN.

### DEPARTMENT OF STATE

TERRENCE J. BROWN, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER, TO BE AN ASSISTANT ADMINISTRATOR OF THE AGENCY FOR INTERNATIONAL DEVELOPMENT, VICE LARRY E. BYRNE, RESIGNED.

### IN THE NAVY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE U.S. NAVY TO THE GRADE INDICATED UNDER TITLE 10, UNITED STATES CODE, SECTION 624:

*To be rear admiral (lower half)*

CAPT. MARION J. BALSAM, 8109.
CAPT. BARRY C. BLACK, 6743.
CAPT. RICHARD T. GINMAN, 6455.
CAPT. MICHAEL R. JOHNSON, 2467.
CAPT. CHARLES R. KUBIC, 6173.
CAPT. RODRIGO C. MELENDEZ, 1580.
CAPT. DANIEL H. STONE, 0520.

### THE JUDICIARY

MARY ANN COHEN, OF CALIFORNIA, TO BE A JUDGE OF THE U.S. TAX COURT FOR A TERM OF 15 YEARS AFTER SHE TAKES OFFICE. (REAPPOINTMENT)

### DEPARTMENT OF JUSTICE

SETH WAXMAN, OF THE DISTRICT OF COLUMBIA, TO BE SOLICITOR GENERAL OF THE UNITED STATES, VICE DREW S. DAYS III, RESIGNED.

## CONFIRMATIONS

Executive nominations confirmed by the Senate September 19, 1997:

### SOCIAL SECURITY ADMINISTRATION

KENNETH S. APFEL, OF MARYLAND, TO BE COMMISSIONER OF SOCIAL SECURITY FOR THE TERM EXPIRING JANUARY 19, 2001.

### DEPARTMENT OF THE TREASURY

GARY GENSLER, OF MARYLAND, TO BE AN ASSISTANT SECRETARY OF THE TREASURY.

NANCY KILLEFER, OF FLORIDA, TO BE CHIEF FINANCIAL OFFICER, DEPARTMENT OF THE TREASURY.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

# HOUSE OF REPRESENTATIVES—*Monday, September 22, 1997*

The House met at 12 noon and was called to order by the Speaker pro tempore [Mr. PETRI].

## DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
*September 22, 1997.*

I hereby designate the Honorable THOMAS E. PETRI to act as Speaker pro tempore on this day.

NEWT GINGRICH,
*Speaker of the House of Representatives.*

## PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

Give us we pray, O God, an exuberance for life and all its blessings. We know too well that the days are not only filled with goodness and gladness, but also the lives of people can be torn apart by illness and distress or violence. Whatever our condition and whatever our situation, or wherever we are or whatever we have done, we express our faith and conviction that You are our creator and redeemer and in You do we put our trust. So we pray for an enthusiasm for the new day and in a spirit of thanksgiving we laud and praise Your name, now and evermore. Amen.

## THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

## PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Please join the Chair in the pledge of allegiance.

The SPEAKER pro tempore led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

## MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 2107. An act making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1998, and for other purposes.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 2107) "An Act making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1998, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. GORTON, Mr. STEVENS, Mr. COCHRAN, Mr. DOMENICI, Mr. BURNS, Mr. BENNETT, Mr. GREGG, Mr. CAMPBELL, Mr. BYRD, Mr. LEAHY, Mr. BUMPERS, Mr. HOLLINGS, Mr. REID, Mr. DORGAN, and Mrs. BOXER to be the conferees on the part of the Senate.

The message also announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 1198. An act to amend the Immigration and Nationality Act to provide permanent authority for entry into the United States of certain religious workers.

## EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. PETRI) and to include extraneous matter:)

Mr. GINGRICH.
Mrs. JOHNSON of Connecticut.
Ms. ROS-LEHTINEN.
Mr. NEY.
Mr. BERMAN.

## ADJOURNMENT

The SPEAKER pro tempore. Without objection, the House stands adjourned until 12:30 p.m. tomorrow for morning hour debates.

There was no objection.

Accordingly (at 12 o'clock and 3 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, September 23, 1997, at 12:30 p.m. for morning hour debates.

## EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

5134. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Fenarimol; Pesticide Tolerances for Emergency Exemptions [OPP-300556; FRL-5745-6] (RIN: 2070-AB78) received September 19, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5135. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Endothall; Pesticide Tolerances for Emergency Exemptions [OPP-300544; FRL-5740-8] (RIN: 2070-AB78) received September 19, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5136. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Triadimefon; Pesticide Tolerances for Emergency Exemptions [OPP-300549; FRL-5743-6] (RIN: 2070-AB78) received September 18, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5137. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Bifenthrin; Pesticide Tolerances for Emergency Exemptions [OPP-300543; FRL-5740-6] (RIN: 2070-AB78) received September 18, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5138. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Maneb; Pesticide Tolerances for Emergency Exemptions [OPP-300545; FRL-5741-2] (RIN: 2070-AB78) received September 18, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5139. A letter from the Chairman and Chief Executive Officer, Farm Credit Administration, transmitting the Administration's final rule—Funding and Fiscal Affairs, Loan Policies and Operations, and Funding Operations; Cumulative Voting (RIN: 3052-AB75) received September 19, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5140. A letter from the Administrator, Grain Inspection, Packers and Stockyards Administration, transmitting the Administration's final rule—Fees for Official Inspection and Official Weighing Services (RIN: 0580-AA56) received September 18, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5141. A letter from the Director, Central Intelligence Agency, transmitting a report of two violations of the Anti-Deficiency Act, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

5142. A letter from the Acting Under Secretary of Defense (Comptroller), Department of Defense, transmitting a report of a violation of the Anti-Deficiency Act, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

5143. A letter from the Director, Office of Regulatory Management and Information,

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☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Maine; (General Conformity Rule) [ME–046–6996a; A–1–FRL–5894–8] received September 18, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5144. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Maryland; 15% Rate of Progress Plan for the Maryland Portion of the Metropolitan Washington, D.C. Area [MD 039–3019; FRL–5896–1] received September 18, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5145. A letter from the AMD—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Grandfathered Short-Spaced FM Stations [MM Docket No. 96–120, RM–7651] received September 19, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5146. A letter from the AMD—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Amendments of Parts 73 and 74 of the Commission's Rules to Permit Certain Minor Changes in Broadcast Facilities Without a Construction Permit [MM Docket 96–58] received September 19, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5147. A letter from the Director, Regulations Policy Management Staff, Office of Policy, Food and Drug Administration, transmitting the Administration's final rule—Biological Product Standards; Technical Amendment [21 CFR Part 610] received September 18, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5148. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially to Germany (Transmittal No. DTC–75–97), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

5149. A letter from the Assistant Secretary, Land and Minerals Management, Department of the Interior, transmitting the Department's final rule—Delegation of Authority, Cooperative Agreements and Contracts for Oil and Gas Inspections; Cooperative Agreements [WO–300–07–1310–00] (RIN: 1004–AD09) received September 18, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5150. A letter from the Acting Assistant Secretary of the Army (Civil Works), Department of the Army, transmitting a report on the authorization of harbor and environmental restoration improvements at St. Paul Island Harbor, Alaska, pursuant to Public Law 104–303 section 101(b)(3); to the Committee on Transportation and Infrastructure.

5151. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Bombardier Model CL–600–2B19 (Regional Jet Series 100) Series Airplanes (Federal Aviation Administration) [Docket No. 97–NM–48–AD; Amdt. 39–10132; AD 97–19–11] (RIN: 2120–AA64) received September 18, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5152. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 767 Series Airplanes (Federal Aviation Administration) [Docket No. 97–NM–239–AD; Amdt. 39–10136; AD 97–19–15] (RIN: 2120–AA64) received September 18, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5153. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Operational Measures to Reduce Oil Spills from Existing Tank Vessels Without Double Hulls (Coast Guard) [CGD 91–045] (RIN: 2115–AF51) received September 18, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5154. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Determination of Issue Price in the Case of Certain Debt Instruments Issued for Property [Rev. Rul. 97–41] received September 22, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

## ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 411: Mr. CAPPS.

H.R. 1126: Mr. MOLLOHAN.

H.R. 1771: Mr. FALEOMAVAEGA, Mr. DAVIS of Illinois, and Mr. PALLONE.

H.R. 1772: Mrs. MALONEY of New York, Mr. LAMPSON, and Mr. PALLONE.

H.R. 1836: Mr. FAWELL.

H.R. 2004: Mr. RODRIGUEZ.

H.R. 2009: Mrs. LOWEY, Mr. MARTINEZ, and Mrs. MORELLA.

H.R. 2077: Mr. MCGOVERN, Mr. LEWIS of Georgia, Ms. ROYBAL-ALLARD, Mr. BARRETT of Wisconsin, and Mr. LAFALCE.

H.R. 2388: Mr. HOUGHTON.

H.R. 2434: Mr. MCNULTY, Mr. EVANS, and Mr. FROST.

## PETITIONS, ETC.

Under clause 1 of rule XXII,

21. The SPEAKER presented a petition of Roger Liverman, Jr. of Provo, Utah, relative to a redress of grievances and petition for private claim; which was referred to the Committee on the Judiciary.

## AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 2267

OFFERED BY: MR. BENTSEN OF TEXAS

AMENDMENT NO. 44: Page 117, after line 2, insert the following new section:

SEC. 617. None of the funds appropriated or otherwise made available by this Act may be obligated or expended to implement, administer, or enforce any fee or surcharge pursuant to section 140(a) of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995, for issuance of a nonimmigrant visa or border crossing card with respect to a child entering the United States for prearranged donated medical treatment arranged by a United States charitable organization at a hospital or comparable medical facility (or to a parent or guardian of such a child traveling together with the child).

H.R. 2267

OFFERED BY: MR. BURTON OF INDIANA

AMENDMENT NO. 45: At the end of section 501 insert the following:

(d) CASE DISCLOSURE.—

(1) IN GENERAL.—Not later than January 1, 1998, the Legal Services Corporation shall implement a system of case information disclosure which shall apply to all basic field programs which receive funds from the Legal Services Corporation from funds appropriated in this Act.

(2) REQUIREMENT.—Any basic field program which receives Federal funds from the Legal Services Corporation from funds appropriated in this Act must disclose to the public in written form, upon request, and to the Legal Services Corporation in semi-annual reports, the following information about each case filed by its attorneys in any court:

(A) The name and full address of each party to the legal action unless such information is protected by an order or rule of a court or by State or Federal law or revealing such information would put the client of the recipient of such Federal funds at risk of physical harm.

(B) The cause of action in the case.

(C) The name and address of the court in which the case was filed and the case number assigned to the legal action.

(3) DISCLOSURE.—The case information disclosed in semi-annual reports to the Legal Services Corporation shall be subject to disclosure under section 552 of title 5, United States Code.

# EXTENSIONS OF REMARKS

## THE ARMY'S SENIOR REVIEW PANEL REPORT ON SEXUAL HARASSMENT

### HON. NANCY L. JOHNSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

*Monday, September 22, 1997*

Mrs. JOHNSON of Connecticut. Mr. Speaker, on September 11 the Army announced the results of its largest investigation ever on sexual misconduct. Before commenting on report findings and related recommendations, I wish to commend the Army on the thorough and candid manner in which this survey and report were completed. Now, after a 9-month investigation, we must focus on action to address the serious problems of sexual harassment and sexual discrimination identified by this investigation.

The report confirms that sexual harassment in the Army is not an isolated problem. Contrary to earlier beliefs, sexual harassment exists throughout the Army regardless of gender, rank, or race. More telling is the finding that sexual discrimination is more pervasive than sexual harassment. These systemic problems undermine the effectiveness, readiness, and recruitment ability of the Army.

Nothing will change until Army leadership takes responsibility and accountability for action. Policies, as outlined in the Army Equal Opportunity Program, must be transformed into practice—only leadership can make that happen.

Failure of leadership to treat this issue seriously has led to the belief by soldiers that their commanders have little interest in enforcing rules against sexual harassment. As a result, victims of sexual harassment or discrimination do not file complaints for fear of reprisals. This breakdown in leadership trust is detrimental not only to the dignity of our soldiers, but also to the military effectiveness of the Army.

In the past, the Army has dealt effectively with problems such as drug abuse and racial discrimination. In those cases, leadership was key to changing behavior. Similar action is needed now. We need to be certain that the military is enforcing its code of conduct and disciplining those who violate it. The military code of conduct is based on honor, respect, and loyalty to country and comrades. When this code is broken by allowing sexual harassment of colleagues, it undermines our trust and respect for the U.S. military.

The report confirm the findings of the congressional investigations into sexual misconduct led by chairman of the House National Security Committee Subcommittee on Military Personnel, STEVE BUYER and Representatives TILLIE FOWLER and JANE HARMAN. I agree with their recent statement that there are no quick fixes for this very complex issue, and that the Army's leadership must commit to long-term corrective actions.

In closing, I strongly urge the Secretary of the Army to move quickly from disclosure to decisive, corrective action.

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## EARTHQUAKE HAZARDS REDUCTION ACT OF 1977 AUTHORIZATION

SPEECH OF

### HON. STEVEN SCHIFF

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 16, 1997*

Mr. SCHIFF. Mr. Speaker, I rise in strong support of S. 910, legislation to reauthorize the National Earthquake Hazards Reduction Program [NEHRP]. I would like to thank Chairman SENSENBRENNER and Representative GEORGE BROWN, the Science Committee's ranking minority member, for their efforts to bring this bill to the floor.

Mr. Speaker, NEHRP has long enjoyed bipartisan support in the Science Committee because, through the program, the Nation has learned much about what to expect during earthquakes, where earthquakes are likely to occur, and how buildings and other structures are likely to fare during an earthquake.

While much has been achieved through NEHRP, the Nation still faces a very serious earthquake threat. If a major earthquake were to strike in any of the densely populated earthquake prone areas of the Nation, we might be facing losses of life numbering in the hundreds or thousands and property and economic losses in the hundreds of billions.

H.R. S. 910 provides NEHRP with a modest increase in funding so that the program may continue to contribute to a scientific and engineering infrastructure that provides critical knowledge used to further mitigate earthquakes. In addition, this legislation requires the director of National Science Foundation to produce a plan for upgrading earthquake engineering testing facilities. This is especially needed in order to perform the state-of-the-art research necessary to test buildings, lifelines, and materials. Other important provisions of this legislation include: assessments of seismological data gathering equipment and of disaster training facilities, and development of a real-time seismic hazards network, which would enable operators of critical lifelines to shut down in advance of an earthquake. Finally, section 2(c) of S. 910 highlights the Science Committee's commitment to education. This is a provision which encourages the National Science Foundation to disseminate Earth science educational materials to local schools.

Mr. Speaker, I believe that S. 910 is an important piece of legislation which, because of the work we have already done with the Senate, can be expeditiously sent to the President when we pass the bill in the House today. I urge the support of my colleagues.

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## PERSONAL EXPLANATION

### HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Monday, September 22, 1997*

Mr. NEY. Mr. Speaker, as I was unavoidably detained on July 29, 1997, I unfortunately missed rollcall votes Nos. 336 and 337. Had I been present I would have recorded an "aye" on both votes.

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## TRIBUTE TO THE COLOUR ME FREEDOM FOUNDATION

### HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, September 22, 1997*

Mr. BERMAN. Mr. Speaker, I am honored to pay tribute to the Colour Me Freedom Foundation, started by my friend, the Reverend W. James Bellamy. From September 22 to October 4 a foundation exhibit entitled "Amandla Awethu; African-Americans and African Solidarity—Political Change in Africa" will be on display at the Cannon Rotunda. I am proud to be the sponsor of this exceptional exhibit.

The Colour Me Freedom Foundation is dedicated to strengthening the ties between Africa and African-Americans. The foundation grew out of the Reverend Bellamy's travels to Africa. While in Senegal in 1980 he met his wife, Fama, and developed a new appreciation and understanding of African politics and culture. He returned to the United States determined to share his discovery with others.

Reverend Bellamy earned a bachelor's degree in pan-African studies. At the same time he satisfied his growing interest in theology and spirituality by entering the ministry. Three years ago he founded the All People's AME Church, which is developing a sister relationship with Africa and African culture.

The Colour Me Freedom Foundation exhibition documents the history of the South Africa from 1960 to 1994. It features 50 photos and documents showing South Africa's transition from apartheid to a multiracial democracy.

The exhibit details the horror and absurdity of apartheid alongside the story of its demise. At the same time the visitor can relive the triumphant rise to power of Nelson Mandela.

I ask my colleagues to join me today in saluting the Colour Me Freedom Foundation, which is educating all of us about the struggle for Africa and the African diaspora. Under the guidance of Reverend Bellamy the foundation is providing an invaluable service. I applaud his efforts and the work of the foundation.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

## COMMEMORATING THE GOLDEN ANNIVERSARY OF THE CITY OF WEST MIAMI

**HON. ILEANA ROS-LEHTINEN**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Monday, September 22, 1997*

Ms. ROS-LEHTINEN. Mr. Speaker, a city in my congressional district, West Miami, FL is celebrating its golden anniversary. From its humble beginnings 50 years ago, West Miami has blossomed into a diverse city distinguished by a strong sense of family and community.

At the time of incorporation in 1947, the town of West Miami had only 700 inhabitants. By 1951, the town's population had risen to 6,000 residents and consisted mostly of married couples averaging 30 years of age and it also included a small number of senior citizens.

I am proud to represent a city in my district where a sense of giving back to the community through outreach programs and community service is a core component to the city's success.

I would like to recognize all of the citizens of the city of West Miami and their mayor, Ms. Rebecca Sosa, the city's first female Cuban-American mayor, for their ongoing and continuing love and pride for their cherished city. May this 50th anniversary be one of hope and promise and may the little big town continue to serve as a model for all cities in the next millennium.

* * *

## SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, September 23, 1997, may be found in the Daily Digest of today's RECORD.

### MEETINGS SCHEDULED

#### SEPTEMBER 24

9:00 a.m.

Finance

To continue hearings to examine the practices and procedures of the Internal Revenue Service.

SD–106

9:30 a.m.

Commerce, Science, and Transportation

Manufacturing and Competitiveness Subcommittee

To hold hearings to examine the impact of new Environmental Protection Agency air quality standards on manufacturers.

SR–253

Energy and Natural Resources

Business meeting, to consider pending calendar business.

SD–366

Labor and Human Resources

Business meeting, to mark up the proposed Workforce Investment Partnership Act, and to consider pending nominations.

SD–430

10:00 a.m.

Banking, Housing, and Urban Affairs

Financial Institutions and Regulatory Relief Subcommittee

To oversight hearings on the operation of the Federal Housing Finance Board.

SD–538

Foreign Relations

To hold hearings on the nominations of Thomas S. Foley, of Washington, to be Ambassador to Japan, and Alphonse F. La Porta, of New York, to be Ambassador to Mongolia.

SD–419

Governmental Affairs

To continue hearings to examine certain matters with regard to the committee's special investigation on campaign financing.

SH–216

2:15 p.m.

Foreign Relations

Business meeting, to consider pending calendar business.

S–116, Capitol

#### SEPTEMBER 25

9:00 a.m.

Finance

To continue hearings to examine the practices and procedures of the Internal Revenue Service.

SD–106

9:30 a.m.

Energy and Natural Resources

To hold oversight hearings on the Federal agency energy management provisions of the Energy Policy Act of 1992.

SD–366

Rules and Administration

To hold hearings to examine U.S. Capitol security issues.

SR–301

10:00 a.m.

Banking, Housing, and Urban Affairs

Business meeting, to mark up proposed legislation to authorize funds for the transit provisions of the Intermodal Surface Transportation Efficiency Act (ISTEA).

SD–538

Commerce, Science, and Transportation

To hold hearings on S. 852, to establish nationally uniform requirements regarding the titling and registration of salvage, nonrepairable, and rebuilt vehicles.

SR–253

Foreign Relations

African Affairs Subcommittee

To hold hearings to examine religious persecution in Sudan.

SD–419

Governmental Affairs

To continue hearings to examine certain matters with regard to the committee's special investigation on campaign financing.

SH–216

Labor and Human Resources

To resume hearings to examine the scope and depth of the proposed settlement between State Attorneys General and tobacco companies to mandate a total reformation and restructuring of how tobacco products are manufactured, marketed, and distributed in America.

SD–430

2:00 p.m.

Energy and Natural Resources

Forests and Public Land Management Subcommittee

To hold hearings on S. 799, to direct the Secretary of the Interior to transfer to the personal representative of the estate of Fred Steffens of Big Horn County, Wyoming, certain land comprising the Steffens family property, S. 814, to direct the Secretary of the Interior to transfer to John R. and Margaret J. Lowe of Big Horn County, Wyoming, certain land so as to correct an error in the patent issued to their predecessors in interest, and H.R. 960, to validate certain conveyances in the City of Tulare, Tulare County, California.

SD–366

Foreign Relations

To hold hearings on the Maritime Boundary Treaty with Mexico (Treaty Doc. 96–6), Protocol Amending the 1916 Convention for the Protection of Migratory Birds (Treaty Doc. 104–28), and Protocol with Mexico Amending Convention for Protection of Migratory Birds and Gam Mammals (Treaty Doc. 105–26).

SD–419

#### SEPTEMBER 29

9:00 a.m.

Governmental Affairs

Permanent Subcommittee on Investigations

To hold hearings to review the operation of the Treasury Department's Office of Inspector General.

SD–342

2:00 p.m.

Judiciary

Administrative Oversight and the Courts Subcommittee

To hold hearings to review the operation of the FBI crime laboratory.

SD–226

#### SEPTEMBER 30

8:30 a.m.

Veterans' Affairs

To hold hearings on the nominations of Hershel Wayne Gober, of Arkansas, to be Secretary of Veterans Affairs, Richard J. Griffin, of Illinois, to be Inspector General, Department of Veterans Affairs, William P. Greene Jr., of West Virginia, to be an Associate Judge of the United States Court of Veterans Affairs, and Espiridion A. Borrego, of Texas, to be Assistant Secretary of Labor for Veterans' Employment and Training; to be followed by a business meeting to consider pending calendar business.

SR–418

9:30 a.m.
Commerce, Science, and Transportation
To hold hearings on the nominations of Michael K. Powell, of Virginia, Harold W. Furchtgott-Roth, of the District of Columbia, and Gloria Tristani (pending receipt by the Senate), each to be a Member of the Federal Communications Commission.
SR-253

10:00 a.m.
Governmental Affairs
To resume hearings to examine certain matters with regard to the committee's special investigation on campaign financing.
SH-216

10:30 a.m.
Judiciary
Constitution, Federalism, and Property Rights Subcommittee
To hold hearings to examine unconstitutional set-asides, focusing on ISTEA's race-based set-asides after the Supreme Court case "Adarand".
SD-226

2:00 p.m.
Judiciary
To hold hearings on pending judicial nominations.
SD-226

OCTOBER 1

9:00 a.m.
Appropriations
Labor, Health and Human Services, and Education Subcommittee
To hold hearings to examine the health risks of 1950's atomic tests.
SD-192

9:30 a.m.
Commerce, Science, and Transportation
To hold hearings on the nomination of William E. Kennard, of California, to be a Member of the Federal Communications Commission.
SR-253

Indian Affairs
To hold hearings on the proposed settlement between State Attorneys General and tobacco companies, focusing on the proposed Indian provision.
SR-485

10:00 a.m.
Governmental Affairs
To continue hearings to examine certain matters with regard to the committee's special investigation on campaign financing.
SH-216

Judiciary
To hold hearings to examine Congress' constitutional role in protecting religious liberty.
SD-226

OCTOBER 2

10:00 a.m.
Governmental Affairs
To continue hearings to examine certain matters with regard to the committee's special investigation on campaign financing.
SH-216

OCTOBER 6

10:00 a.m.
Governmental Affairs
Permanent Subcommittee on Investigations
To hold hearings to examine traditional frauds perpetrated over the Internet.
SD-342

OCTOBER 7

9:00 a.m.
Agriculture, Nutrition, and Forestry
To hold hearings on proposed legislation relating to food safety.
SR-332

10:00 a.m.
Governmental Affairs
To resume hearings to examine certain matters with regard to the committee's special investigation on campaign financing.
SH-216

2:00 p.m.
Energy and Natural Resources
Water and Power Subcommittee
To hold hearings on S. 725, to direct the Secretary of the Interior to convey the Collbran Reclamation Project to the Ute Water Conservancy District and the Collbran Conservancy District, S. 777, to authorize the construction of the Lewis and Clark Rural Water System and to authorize assistance to the Lewis and Clark Rural Water System, Inc. a nonprofit corporation, for the planning and construction of the water supply system, H.R. 848, to extend the deadline under the Federal Power Act applicable to the construction of the AuSable Hydroelectric Project in New York, H.R. 1184, to extend the deadline under the Federal Power Act for the construction of the Bear Creek Hydroelectric Project in the State of Washington, and H.R. 1217, to extend the deadline under the Federal Power Act for the construction of a hydroelectric project in the State of Washington.
SD-366

OCTOBER 8

9:30 a.m.
Indian Affairs
To hold hearings on S. 1077, to amend the Indian Gaming Regulatory Act.
Room to be announced

10:00 a.m.
Governmental Affairs
To continue hearings to examine certain matters with regard to the committee's special investigation on campaign financing.
SH-216

OCTOBER 9

10:00 a.m.
Governmental Affairs
To continue hearings to examine certain matters with regard to the committee's special investigation on campaign financing.
SH-216

OCTOBER 22

9:30 a.m.
Indian Affairs
To hold hearings on Indian self-goverance, focusing on proposed legislation to extend compacting to agencies of the Department of Health and Human Services.
SR-485

OCTOBER 29

9:30 a.m.
Indian Affairs
To resume oversight hearings on proposals to reform the management of Indian trust funds.
Room to be announced

## POSTPONEMENTS

SEPTEMBER 23

10:00 a.m.
Labor and Human Resources
To resume hearings to examine the confidentiality of medical information.
SD-430

# SENATE—*Tuesday, September 23, 1997*

The Senate met at 9:30 a.m., and was called to order by the President pro tempore [Mr. THURMOND].

### PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Gracious Father, thank You for the stirrings in our minds and the longings in our hearts that are sure evidence that You are calling us into prayer. Long before we call, You answer by creating the desire to renew our relationship with You. You allow that feeling of emptiness in the pit of our being to alert us to our hunger for fellowship with You.

Our thirst for Your truth, our quest for Your solutions to our needs, and our yearning for Your answers to our problems are all assurances that before we articulated our prayers, You were preparing the answers. It is a magnificent, liberating thought that all through this day when we cry out for Your help, You have already been waiting for us to give up our persistent self-reliance and start drawing on the supernatural strength and superabundant wisdom You are so eager to give us.

Thank You for a day filled with serendipities of Your intervention. In the name of our Lord and Saviour. Amen.

## RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able acting majority leader is recognized.

## SCHEDULE

Mr. JEFFORDS. Mr. President, this morning the Senate is immediately resuming consideration of S. 830, the FDA reform legislation. In a moment we will begin two consecutive rollcall votes on or in relation to the pending amendments offered by Senator DURBIN. Following those votes, additional amendments are expected and therefore rollcall votes will occur throughout the day.

Under the consent agreement there are 5 hours remaining for debate prior to a vote on the pending substitute amendment. I hope that once the debate time has expired, the Senate will be able to proceed to a vote and then passage of this important legislation.

The majority leader has also stated that this week the Senate will consider the D.C. appropriations bill and any appropriations conference reports that become available.

I yield the floor.

## FOOD AND DRUG ADMINISTRATION MODERNIZATION AND ACCOUNTABILITY ACT OF 1997

The PRESIDING OFFICER (Mr. HUTCHINSON). Under the previous order, the Senate will now resume consideration of S. 830, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 830) to amend the Federal Food, Drug and Cosmetic Act and the Public Health Service Act to improve the regulation of foods, drugs, devices and biological products, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

Jeffords amendment No. 1130, in the nature of a substitute.

Harkin amendment No. 1137 (to amendment No. 1130), authorizing funds for each of fiscal years 1998 through 2000 to establish within the National Institutes of Health an agency to be known as the National Center for Complementary and Alternative Medicine.

Durbin amendment No. 1140 (to amendment No. 1130), to require that entities and individuals accredited to conduct review of device notifications be subject to the conflict of interest standards that apply to employees of the Food and Drug Administration.

Durbin amendment No. 1139 (to amendment No. 1130), to eliminate provisions relating to the discretion of the Secretary of Health and Human Services to track devices or to conduct postmarket surveillance of devices.

### AMENDMENT NO. 1140

The PRESIDING OFFICER. The Senate will now resume consideration of the Durbin amendment No. 1140 with 2 minutes of debate prior to the vote.

The Senator from Illinois.

Mr. DURBIN. Mr. President, thank you for recognition this morning and the resumption of our consideration of this important bill.

Amendment No. 1140, which I have offered, is an amendment that I think is absolutely essential if this bill is to be airtight. We are giving to outside laboratories the authority to review and approve medical devices, medical devices which literally could mean life or death for millions of Americans.

When these approvals are given, these companies stand to make substantial profits because of FDA approval. The Durbin amendment corrects a serious error in this bill by making certain that there will be no conflict of interest by the third-party reviewers. We say in specific terms that those reviewing the medical devices cannot receive gifts from the company that is the owner of the medical device, they cannot receive or own stock of the company that they are reviewing, they cannot have been offered a job or solicited a job from the company that they are reviewing, and there must be a full financial disclosure.

If we are going to maintain the integrity of the process, protect American consumers, and avoid this sort of conflict of interest, I urge my colleagues to adopt the Durbin amendment.

Mr. JEFFORDS. Mr. President, the Senator's amendment at best duplicates the third-party conflict-of-interest protections in the bill and at worst unnecessarily constrains the agency. The ranking minority member, Senator KENNEDY, and the FDA join me in opposing this amendment.

Section 204 of the bill provides a full statutory directive to the agency adopt measures within 180 days of enactment to prevent conflicts of interest that may be involved with both an individual reviewer and with the reviewing organization. As with Senator DURBIN, this was a critical concern for members of the committee.

Section 204 provides full discretion to the agency to develop appropriate standards. The agency will not be limited in any way in developing these guidelines. In fact, the agency has already developed extensive conflict-of-interest guidelines as part of its existing third-party program, including protections from situations such as if the third party or any of its personnel involved in 510(k) reviews has any ownership or other financial interest in any medical device, device manufacturer, or distributor.

The Senator's concerns have caused us to reexamine the important issue of preventing conflicts of interest. We commend him for doing so, but I urge a no vote.

Mr. FEINGOLD. Mr. President, I am pleased to join my friends and colleagues, Mr. DURBIN of Illinois and Mr. JOHNSON of South Dakota, in cosponsoring amendment No. 1140. This amendment will ensure that private, third-party reviewers of class I and II medical devices will be subject to the same conflict-of-interest restrictions that federally employed reviewers are.

Under current law, employees of the Food and Drug Administration who review drugs and medical devices are subject to strict regulations governing their interaction with the companies whose products they are reviewing. They are not allowed to accept gifts from such companies. In addition, they cannot designate other persons to accept gifts on their behalf. Another important restriction prohibits reviewers from having a financial interest in any company whose products they are reviewing.

Mr. President, these are commonsense measures which help to maintain the public's confidence in the safety of our Nation's drugs and devices. The pharmaceutical and medical device industries command billions of dollars every year. We live in a world in which FDA approval can mean immediate and enormous profits for investors. In such an environment, it is absolutely critical that the Government be vigilant in its responsibility to ensure that applications are reviewed thoroughly and in an unbiased manner.

We all know people—family members and friends—whose health, and even lives, rely on important medication and devices. There are few jobs more significant than assuring the safety and efficacy of these items. In my mind, Mr. President, this is a role—protecting health and safety—that is best served by Government, rather than by the private sector. However, the bill before us takes a different view, and establishes a large-scale pilot project to allow private sector review of medical devices. If we are to take this step, it is absolutely critical that we subject those private sector reviewers to the same conflict-of-interest restrictions that Government reviewers are subject to.

The amendment sponsored by the Senator from Illinois would do just that. It would say to private sector reviewers, "You cannot own stock in any company whose product you review. You cannot accept any gifts from a company whose product you review, and you cannot designate any other person to receive such a gift." That's it. Pretty simple and straightforward. But very important.

As one of the lead sponsors of the Senate gift ban several years ago, I feel strongly that the public has a right to know that elected officials are working in the best interests of their constituency, and cannot be bought or sold over lunch provided by high-paid lobbyists. Just as politicians should not be trading on their influence, neither should private sector medical device reviewers be swayed in their decision process by gifts from industry representatives or the promise of huge profits derived from a recommendation for FDA approval.

I hope my colleagues will do the right thing, and limit the potential for corruption in this bill by voting for this important amendment.

The PRESIDING OFFICER. The yeas and nays have not been ordered.

Mr. JEFFORDS. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the Durbin amendment No. 1140.

The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from North Carolina [Mr. HELMS] is necessarily absent.

The PRESIDING OFFICER (Mr. ROBERTS). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 40, nays 59, as follows:

[Rollcall Vote No. 252 Leg.]

### YEAS—40

Akaka
Baucus
Biden
Bingaman
Boxer
Breaux
Bryan
Bumpers
Byrd
Cleland
Conrad
Daschle
Dorgan
Durbin
Feingold
Feinstein
Ford
Glenn
Graham
Harkin
Hollings
Inouye
Johnson
Kerry
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Moseley-Braun
Moynihan
Murray
Reed
Reid
Robb
Rockefeller
Sarbanes
Torricelli
Wellstone
Wyden

### NAYS—59

Abraham
Allard
Ashcroft
Bennett
Bond
Brownback
Burns
Campbell
Chafee
Coats
Cochran
Collins
Coverdell
Craig
D'Amato
DeWine
Dodd
Domenici
Enzi
Faircloth
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hagel
Hatch
Hutchinson
Hutchison
Inhofe
Jeffords
Kempthorne
Kennedy
Kerrey
Kohl
Kyl
Lott
Lugar
Mack
McCain
McConnell
Mikulski
Murkowski
Nickles
Roberts
Roth
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Warner

### NOT VOTING—1

Helms

The amendment (No. 1140) was rejected.

### AMENDMENT NO. 1139

The PRESIDING OFFICER. Under the previous order, we will resume consideration of amendment 1139 by the Senator from Illinois with 2 minutes of debate equally divided.

Mr. JEFFORDS. Mr. President, the Senate is not in order.

The PRESIDING OFFICER. The Senator from Vermont is correct. The House is seldom in order and the Senate is not in order. The Senate will come to order.

We will not resume consideration of the amendment until the Senate comes to order.

Will the Senators to my left please cease audible conversation?

The Senator from Vermont.

Mr. JEFFORDS. Mr. President, I would defer to the Senator from Illinois, and I reserve my time.

The PRESIDING OFFICER. The Senator from Illinois is recognized for 1 minute in behalf of his amendment.

Mr. DURBIN. Mr. President, if you buy a car in America the manufacturer keeps a record of your name and address, or if there is a defect they can recall the car. This bill removes the requirement for medical device manufacturers to keep a record of those people who receive pacemakers and heart valves. Why is that important? Because, if there is a defect in that lifesaving medical device, they can't find the patients. What results?

Just a few years ago 300 Americans died. They had the Bjork-Shiley heart valve that was defective and they couldn't be found. Does it make sense for us to remove this responsibility of medical device manufacturers?

Take a look on your desk at a letter from 27 different organizations representing patients across America who say it is only sensible to make certain that we track and keep track of those who are receiving these medical devices.

I urge my colleagues to vote for this amendment. It is not too great a burden on a medical device manufacturer to keep a record of those receiving pacemakers and heart valves.

The PRESIDING OFFICER. The time of the Senator from Illinois has expired.

Mr. JEFFORDS addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont is recognized to speak for 1 minute.

Mr. JEFFORDS. Mr. President, I disagree entirely with the statement made by the Senator from Illinois. The Senator's amendment strikes the agreement reached on these provisions among the bill's sponsors, the FDA, and Senator KENNEDY. The FDA should have the discretion to decide when it makes sense to require device tracking or surveillance for a product.

Current law requires tracking for certain product types and gives the FDA discretion to require tracking for other products. It is simply not necessary for every current and future device in the mandatory category to be subject to the tracking requirement. This provision allows FDA affirmatively to indicate which products in the mandatory category should be subject to tracking. FDA may use its discretion to add new products to the list of products which must be tracked, or put a product back on the list for tracking if evidence indicates the need.

The FDA is overburdened. We want to free them up to do the things that need to be done.

The FDA has publicly stated that it is unnecessary for all devices in the mandatory category—postmark and surveillance category—to be subject to its postapproval evaluation.

I urge defeat of the amendment.

The PRESIDING OFFICER. The time of the Senator has expired.

The question is on agreeing to the amendment of the Senator from Illinois. The yeas and nays have not been ordered.

Mr. JEFFORDS. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Illinois. On this question, the yeas and nays have been ordered and the clerk will call the roll.

The bill clerk called the roll.

The result was announced—yeas 39, nays 61, as follows:

[Rollcall Vote No. 253 Leg.]

YEAS—39

Akaka
Baucus
Bingaman
Boxer
Breaux
Bryan
Byrd
Cleland
Conrad
Daschle
Dorgan
Durbin
Feingold
Feinstein
Ford
Glenn
Graham
Harkin
Hollings
Hutchison
Inouye
Johnson
Kerrey
Kerry
Kohl
Leahy
Levin
Mikulski
Moseley-Braun
Murray
Reed
Reid
Robb
Rockefeller
Sarbanes
Shelby
Specter
Torricelli
Wellstone

NAYS—61

Abraham
Allard
Ashcroft
Bennett
Biden
Bond
Brownback
Bumpers
Burns
Campbell
Chafee
Coats
Cochran
Collins
Coverdell
Craig
D'Amato
DeWine
Dodd
Domenici
Enzi
Faircloth
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hagel
Hatch
Helms
Hutchinson
Inhofe
Jeffords
Kempthorne
Kennedy
Kyl
Landrieu
Lautenberg
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Moynihan
Murkowski
Nickles
Roberts
Roth
Santorum
Sessions
Smith (NH)
Smith (OR)
Snowe
Stevens
Thomas
Thompson
Thurmond
Warner
Wyden

The amendment (No. 1139) was rejected.

The PRESIDING OFFICER. Under the previous order, the Senator from Rhode Island is recognized to offer an amendment.

AMENDMENT NO. 1177

(Purpose: To ensure that determinations of the Secretary with respect to the intended uses of a device are based on the proposed labeling only if such labeling is not false or misleading)

Mr. REED. Mr. President, I have an amendment at the desk, amendment No. 1177. I would like to call up my amendment at this time.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Rhode Island [Mr. REED] proposes an amendment numbered 1177.

Mr. REED. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 30, line 16, insert before the first period the following: "if the proposed labeling is neither false nor misleading".

The PRESIDING OFFICER. The Senator is recognized.

Mr. REED. I ask unanimous consent Senators KENNEDY and BINGAMAN be added as cosponsors of this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REED. Mr. President, today we are debating very important legislation, important for the country in the reformation and reauthorization programs at the Food and Drug Administration. Particularly important in this legislation is the prescription drug user fee program, which has proven to be a remarkable achievement that has speeded the approval of drugs, getting these necessary medicines to the American public.

S. 830 includes a number of provisions that will include and streamline the regulation of prescription drugs, biological products and medical devices, and we have made great progress over the last several weeks and months in reaching this position today. This bill is a result of ongoing renegotiations, both prior to and subsequent to the markup of the legislation. Through this process, a number of provisions that could have threatened the public health and safety have been dropped or otherwise reformed in such a way that we have made, as I said, remarkable and very effective progress.

However, this legislation still contains provisions which could jeopardize the public health. I rise today to address one of these areas and that is the elimination of an important consumer protection against unsafe or ineffective medical devices. The bill, as it is proposed today, as we deal with it today, would limit the FDA's authority to ask device manufacturers for safety data. It prohibits the FDA from considering how a new device could be used, if the manufacturer has not included that use in the proposed labeling.

As a general matter, the FDA does not typically consider uses that the manufacturer has not included in its proposed labeling. However, there are instances where the label does not tell the whole story. In these instances, when the label may be false or misleading—it is in these instances that my amendment would give the FDA the authority to look behind the label. In fact, this is such a critical issue that the administration has made it clear that this provision could put the whole bill at risk, including, I might add, the reauthorization of the PDUFA, the prescription drug user fee amendment, because they have threatened, if this provision does survive, to veto the legislation. And that would, I think, derail a great deal of very positive work that we have done today.

A great deal of discussion has taken place on the medical device provisions of this bill. I certainly want to compliment Senator JEFFORDS and Senator KENNEDY and all my other colleagues on the committee for resolving most of these issues and doing so in a very reasonable, very thoughtful, and very responsible manner. However, the provision regarding device labeling still raises substantial concerns, as I have alluded to, and it could be corrected very simply by my amendment without, I believe, undermining the attempt of this bill which is to provide for a streamlined, effective process so that new medical devices, new pharmaceuticals can reach the market and be used by the American public for their health and well-being.

Let me preface discussion of my amendment by briefly describing the process of how the FDA regulates and clears medical devices for market. Under current law, manufacturers of new class I and class II devices can get their products onto the market quickly by showing that they are substantially equivalent to devices already on the market. For example, the manufacturer of a new laser can get that laser onto the market if it can show the FDA that the laser is, again, "substantially equivalent" to a laser that is already on the market. Similarly, the manufacturer of a new biopsy needle can get the biopsy needle onto the market by showing it is substantially equivalent to a biopsy needle already on the market. And the manufacturer of new patient examination gloves can get the same expedited market clearance by claiming substantial equivalency.

Under current law, manufacturers are required to demonstrate this substantial equivalency to the FDA by showing that the new product has the same intended use as the already-marketed product; and that the new product has the same technological characteristics of that already-existing product in the marketplace. If the new product has certain different technological characteristics, these characteristics must not raise new types of safety and effectiveness questions in order for the product to still be substantially equivalent to the older product. The logic of this process for moving medical devices onto the market is quite simple. If a product is very much like an existing product, it can go to market quicker. But if it raises new safety or effectiveness questions, those questions should be thoroughly answered before the product is made available to the public.

The process for getting new medical devices on the market is commonly known as the section 510(k) process or the 510(k) process. It's considered to be the easiest route for FDA approval. In fact, 95 percent of all medical devices that come onto the market come through this 510(k) process. In a sense, because of this, because of this ease, this is the process that is most used by manufacturers. There is, in many cases, an incentive to bring your new product through this 510(k) procedure. It has the lowest thresholds for approval, if you will, and this incentive requires, essentially, the manufacturers at times to look about in the marketplace and say this is going to do just what this item does currently, even though the new technology or the new innovation or new design might be adaptable to other purposes. But there is, I believe, a regulatory incentive to try to speed things through the FDA by saying: No, no, this is substantially equivalent, that's all we are going to do, this is it. As a result, I think the FDA has to seriously look at, not just the labeled use, but in certain circumstances—not common circumstances but in certain circumstances—look behind the label.

The bill as it is currently proposed would compromise the FDA's existing ability to do that and this change could raise substantial risks to the public health. My amendment addresses this bill that would prohibit the FDA from considering how a device would be used if the manufacturer has not included the use in its proposed label. My amendment would add 9 simple words to the bill. Let me first show you the existing language that is under discussion, and that is:

> The determination of the Secretary under this subsection and section 513(F)(1) with respect to the intended use of a device shall be based on the intended use included in the proposed labeling of the device submitted in a report under section 510(k).

Essentially, what this says is if a manufacturer says, "This is what we are going to do," on a label, this is all we can consider in our application process, even if the FDA considers the possibility of other uses or even, some would argue—even if the FDA felt that the label was misleading or, indeed, false.

My language would be added at the very end, and it would simply say, "if the proposed labeling is neither false nor misleading." In a sense, it would give the FDA the opportunity to look at a proposed use on a proposed label and say, "This is consistent with the device, consistent with use, let's get this onto the market through the 510(k) process expeditiously." But if they thought there was another possible use, another likely use, or that the intended use was really perhaps a subterfuge for other uses, they could challenge the application at that juncture.

I believe this is something that the FDA should have the authority to do. In fact, I would assume the American public believes that the FDA has this authority, that they can look very closely, very carefully; that they don't have to take as the final authority the characterization of the device by the manufacturer. And they can, by simply examining the device, using their experience, conclude that there might be other uses which should be evaluated before this device gets on the market.

As I indicated, my amendment would allow them to effectively look behind the label, look behind the characterization that was proposed by the company.

It is also important to note that this is not a particularly novel or startling approach to legislation. Because if you turn to the other major approval process, that is for a class II product, a new product that has to do extensive premarket review, in this case they do have the explicit authority, under present law, to look beyond the label. Because even if the manufacturer indicates one use on the label, they do not have to accept that use if they determine that it is false or misleading. So this is not a novel concept. In fact, I think it represents what should be the normal practice for the FDA, to be able to look behind the label.

My amendment would give the Food and Drug Administration this authority. It would give them the authority, and does so for new information, additional information, additional data. This is not an attempt to frustrate progress, to slow up the process, to impede the rapid deployment of new technologies into the marketplace. This is, I hope, an attempt to protect the public health and safety, protect the consumers of these devices; and, hopefully, to delineate the authority of the FDA which typically they would use only in rare circumstances so we don't have a battle at the FDA about whether this device is technologically different. So I hope, by using this approach, this language, we could conform the 510(k) process in this respect to the existing process and we could move forward with good, sound public policy regarding the Food and Drug Administration and medical devices.

Let me give just a few examples, because this is not just a legal, academic issue. This is a very real issue. There has been one example that has been discussed on the floor by my colleagues and that is the use of biopsy needles. Biopsy needles are approved for one use, principally. That is, as the name implies, to take a biopsy to remove tissue from a breast lesion, for example. Typically, these needles will remove a very small bit of tissue, about the size of the tip of a pencil. But a manufacturer could present a device that could remove 50 times that—not a typical pencil, but the width of a hot dog. And that would obviously raise questions about how this new device is going to be used.

But under the language in the legislation, there is a very strong argument that the FDA could not look to possible other uses because the manufacturer said simply, "We're going to use this for the traditional biopsy of tissue, a small biopsy of tissue. That's all. We're not going to use it or suggest it be used for the removal of tumors, the removal of tissue, just the biopsy." Then they would be essentially prevented from looking at this other use which may in fact be the actual use of the device in the marketplace.

So we have to be very careful about that. The FDA should be able in this case to say, "Well, this could be used for something beyond a simple biopsy. If that's the case, show us some data about its success rate, show us some data about the effects if it's used in this way and not the precise label use."

This is something that I believe we should have. There are proponents of the existing language which say that the FDA can get at that simply by saying this is a new technology, it is not equivalent to the old one. But the manufacturer could argue that there are no questions of safety or effectiveness even if it was a new technology. Essentially this new language designed to streamline the process could lead us right back to the contentious issues about whether or not this new technology endangers health and safety. It could lead us back, I think, in a way in which the FDA has the weaker hand in the argument.

I believe that the American public would like to see the FDA with the authority and the ability to ensure that these devices are thoroughly reviewed before they get to the marketplace.

As we go forth, there are other examples. In fact, my colleague from Massachusetts, I think, will talk specifically about one example of a biopsy needle which went on the market. Before this device went on the market, it was tested only on two cows and, I am told, 13 roast beef. Now we hear that the device marketed as a biopsy needle has in practice been used for other surgical procedures. Now, this is an example of how something, even if it was not deliberately designed by the manufacturer, can be changed in its use in practice. And, again, I think the FDA should be able to anticipate those rare circumstances where it might happen and take effective action to protect the public health.

There are other examples. Another good example is a surgical laser. Lasers have been used for decades for the removal of tissue. Several years ago a manufacturer added a side-firing mechanism to their laser to improve its use for prostate cancer. While the manufacturer did put that specific use in the proposed label, it was very, very clear that this new side-firing design was intended solely for this purpose of treating prostate patients. As a result the FDA, using its current authority, its ability to look beyond the actual labeling use, was able to require the manufacturer to submit data demonstrating the laser's safety and effectiveness in treating prostate patients.

This is precisely how the approval process should work. In rare circumstances, when the device obviously looks different than the label use, the FDA should be able to say, this could be used in ways that you are not labeling. We have to look at all the likely, obvious ways beyond the label. Let us do that. Let us get beyond the label. Under the present language, without the Reed-Kennedy-Bingaman amendment, the FDA would have a difficult time looking behind the label; looking at actual uses and requiring the data and the analysis which should be done beforehand, before the goods get on the market.

I do not think you have to do this simply because there are people out there who would have a maligned motive. This is a situation where, if we create through our legal structures opportunities to get products quicker to the marketplace, then companies, with their expert legal counsel, will exploit those ways. It is our responsibility to ensure that we have a process that protects the public health.

Whatever process we develop here today will be used by the companies in a way which, if we were executives of companies, we would use in the same way. But we have to take into consideration not the benefits or the position of the manufacturer, but the position, I think, of the general public that would use the devices.

So, I believe we have to have standards that are sufficient to give the Food and Drug Administration the authority they need to do the job. I believe that my amendment does this. I believe we have to have these procedures in place before a device gets into the marketplace. There are those who would argue that the FDA has the power to recall an item, has the power to intervene, but then of course it is too late because obviously the public has already suffered in some way.

Indeed, it is not as easy as it may appear for the FDA to step into the marketplace and get goods off or an item off the market that has already been approved. So I think the idea that this can be corrected after the fact is not sufficient weight to preclude us from taking effective steps before a device gets in the marketplace.

What I would like to do in my amendment is simply give the FDA the authority to look at a proposed use, a labeled use, make a determination that this device and this label is consistent and get it through the 510(k) process quicker. But in those rare circumstances where the device itself and the label do not appear to be consistent, coherent, where there is the possibility of a false label or a misleading label, or the possibility that the company may indeed in most cases in very good faith be insisting this is how they want to market it, this is how they propose it be used, but the medical profession itself would adapt this very quickly for other uses, in those circumstances I believe the FDA should have the authority.

I hope that my colleagues will recognize this, will support this amendment, support giving what the FDA has today: the authority to look behind the label and to require that companies provide data for the likely uses of the product they intend to market.

Before concluding, I ask, Mr. President, unanimous consent that Senator DURBIN be added as a cosponsor to this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REED. I thank the Chair.

The PRESIDING OFFICER. Who seeks time?

Mr. JEFFORDS addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. JEFFORDS. My colleague from Rhode Island is a welcome addition to the Labor Committee. He has been active and has made some good suggestions for improving this legislation, but this is not one of them.

This amendment sounds like simple good Government but in fact would gut the provision and 20 years of effective medical device regulation.

Mr. President, I yield 15 minutes to the Senator from Connecticut.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. DODD. Thank you, Mr. President.

Let me begin by commending the chairman of the committee, Mr. President, for the work he has done on this bill and for others who have been involved in it.

We are arriving at the point here where we have a 211-page bill put together in the past 2½ years, where we are, hopefully, down to its last provision, which has been the subject of some discussion over the last number of days.

I want to just at the outset commend those who have been involved in it, explaining what the purpose of the intent here is. We have passed this bill out of our committee 14 to 4. There was some disagreement over a number of provisions, but I believe we produced a very fine product which is going to assist tremendously in making this even more secure in the quality of products we are getting but also the efficiency with which those products become available to patients and people in this country. I thank my colleague from Rhode Island for the explanation.

This has become an arcane subject matter when we talk about paragraphs and titles and how the FDA process works. That is the reason the committee has spent so much time going back over this material, to try to sort out exactly what would work best and how it would apply.

Contrary to how it has been portrayed thus far, the provision in the bill which is the subject of this amendment—what it does, Mr. President, is it shrinks back to current law an authority that the FDA has been stretching, in our view, past the bounds of fair practices.

So the effort here is to try to get back exactly to what the intent has been. All we, the authors of the bill, are asking is that the FDA not force manufacturers to supply information on other than the imputed uses for which the manufacturer is not seeking approval and could not market the product even if they wanted to.

You can see how the FDA in the current practice of second-guessing manufacturers can certainly create uncertainty not only in terms of the manufacturer but also in terms of consumers. A manufacturer, Mr. President, can spend years designing a product for a specific purpose only to be told by the FDA that it should go back to the drawing board and test the product for uses other than those for which the product was created in the first place. That creates tremendous uncertainty.

Let me, if I can, Mr. President, try to describe this process and what we are talking about. That is where it gets a bit arcane. The Senator from Rhode Island, I think properly, characterized some of the differentiations here, but I think he gets lost on some people. What we are talking about here are not high-risk devices but lower risk devices.

Ninety-five percent of the products that come out of the FDA for approval in this area are lower risk devices. What is a lower risk device and what is the process that exists today that allows for the approval of these products to be marketed?

Well, the lower risk device goes through, as the Senator from Rhode Island has described, a 510(k) process. That is the applicable provisions at the FDA. Under that provision, if a manufacturer wants to bring out a lower risk medical device, they must prove that the new device is "substantially equivalent"—I am quoting here—"to a device already on the market," the so-called predicate device. That is why it is called a lower risk device. There already then has been the approval of a product that is substantially equivalent to a product that the manufacturer wants to bring out.

So the decision was made, instead of having a manufacturer go through a de novo process, which can take years, as it should, that we are going to expedite that process as long as there is a predicate out there—there is a predicate out there—there has already been a product that is "substantially equivalent," to quote the FDA. If that exists, then you can go, for the lower risk device, to the 510(k) process.

There are two tests—two tests—that you must meet if you are going to get FDA approval under that provision—the lower risk device, not the higher risk device. No one is debating that.

We are talking about the lower risk device. The two tests are the following.

The first is that the device has the same intended use as the predicate device. That is a subjective test. Does it have the same intended use? Does the label say that? Does the marketing, does the information the company is putting out have the same intended use? That is a subjective test. And if a manufacturer puts on the label some other use, then they would fail that test—the intended use.

To say that a manufacturer must also now have some imputed use that you could not imagine, that you did not design, that you did not think about, that some doctor may decide they want to use it for, is not what that paragraph is all about. That is the first test.

But the second test is far more important. This bill does nothing to the second test at all. The second test is that the new device's technological differences do not raise new questions of safety and efficacy. That is an objective test, Mr. President. That is an objective test. Nothing in this bill changes anything in that second test.

What we are trying to do is to get back to that first test and say it is the intended use of that predicate device, the intended use of the predicate device. If the manufacturer does not meet both of these tests, then the FDA does not have to clear the device.

This provision does not change that in any way whatsoever. You have to meet both tests. All that we are asking in this bill, among other things that we have tried to reform here, is that we be able to draw some lines around the first and very subjective test of the intended use while retaining FDA's full discretion on the much more objective tests of the technological differences. Now, in our view, with all due respect, the FDA has been stretching its authority by trying to impute uses that the manufacturer has no intention of doing.

We have been given some examples over the past week of how the act would only test the intended use on the label. In fact, as I said, there are two tests under 510(k). In each of the examples that have been given, the FDA had the ability to stop the devices from going on the market because they failed the second test. No reference has been made to that. They failed the second test, not the intended purpose, but the technological differences.

All the examples that have been given, of course, are tragic ones, deaths and injuries resulting from the Dalkon shield, a woman who contracted toxic-shock syndrome from superabsorbent tampons, disfigurement caused by artificial jaw joints, and faulty plastic eyelashes that led to blindness.

These are all tragic examples without question. But in every single case it was not because they failed the first test, the intended use; it was because they failed the second test. They were technologically flawed. It was not somehow that the manufacturer produced a product that was used for some different purpose than the intended use on the label, but that the product was faulty, technologically it was faulty.

So we cite these examples and then say the reason that people lost their lives or were disfigured was because the manufacturer used it for some purpose or someone used for it for a purpose other than was labeled. That is not the case. It just is not the case. So I urge my colleagues when looking at this, as technical and as arcane as it may be—and most Members do not follow FDA regulations, do not get involved in the details of it—but with lower risk devices there are two tests, all within this bill. This amendment we are dealing with is the first test, the intended use.

In every example cited, the horror stories cited, the tragic losses cited, in every single case it was the failure of the second test, which is not the subject of the amendment offered by the Senator from Rhode Island.

I urge my colleagues to pay attention to those of us who worked on this and understand what we are talking about. We are trying to see if we cannot narrow down the problem on the intended use sections.

Mr. President, let me talk here a bit about what our purposes are here. If we allow the FDA to have free rein in the sense of having to guess at what a lower risk product could conceivably be used for once it is in the hands of physicians, then there is no end, in my view, to the studies that could be required of manufacturers to produce.

Some suggest perhaps we need a threshold to that guessing; maybe the FDA is "kind of" sure that the doctors would not use the device for another purpose. That would be the right threshold. Maybe "really" being sure would be sufficient in some cases. Can you see how unworkable a concept like this would be? Anytime the FDA is told they can look into their crystal ball and guess how a doctor might use a product, the result is going to be uncertainty.

Mr. President, let me step back a second. There is not a single Member of this body that in any way wants to be associated with or part of an effort that is going to endanger anyone's life at all. In fact, quite the contrary. We want to do everything we can to see to it that people are getting safe products, efficient products, effective products that will serve their interests and protect their lives. That is our purpose and intent. We also want to see patients able to get products and have them reach the market. Certainly there are going to be those who will be fraudulent, bad actors. No one is suggesting they do not exist. Nothing we will do here will stop that, I suppose.

But to suggest somehow that because we are trying to in some way tighten up the intended use or purpose on the lower risk devices, that those who support this idea are guilty of somehow jeopardizing people all across this country, I think is an unfair characterization. It is quite the contrary.

In fact, a major company in my State of Connecticut, U.S. Surgical, with 9,000 employees, has come up with some of the most creative, imaginative, and effective devices to reduce the risks of injury and to preserve lives. It is a very reputable company. The company has brought to the American people revolutionary technology.

They were leaders in creating minimally invasive surgery using laparoscopes. Patients used to be laid up for months, or weeks anyway, after a gall bladder operation. As a result of laparoscopic surgery, now a person can be back at work within days because of the technology developed by U.S. Surgical.

The breast biopsy, which has been discussed here, was developed 2 years ago by U.S. Surgical and has been received by surgeons with overwhelming support in this country. Women have benefited from its use in over 7,000 cases worldwide. It is a safe and reputable company. I think it has been unfairly labeled as otherwise. In fact, regarding the biopsy, in trying to approve technology that would improve the technology, they should have received plaudits for that. The FDA approved it. There were questions raised about whether or not this was actually being used as a surgery to remove tumors. Never did the manufacturer ever suggest that was the case. Having listened to some of the debate, that was the implication.

Mr. President, I think it is unfortunate that that becomes the manner in which we debate a question here about one provision we are trying to narrow a bit in lower risk products.

Mr. President, there are a few examples of instances where the FDA has attempted to second-guess the manufacturers of a device about the device's intended use. One was an endoscope, an example where a manufacturer was asked to submit data on how the materials of a device would hold up after multiple uses. The company, in fact, insisted the label clearly state the product should only be used once and then discarded. That is what the label said. That is what the company and the manufacturer intended—one usage of this endoscope. In the second case, a manufacturer designed a hearing aid to reduce background noise. The FDA decided that the real intended use was better hearing, and required the manufacturer to submit clinical data to prove that the device helped hearing overall. In a third case, Mr. President, a manufacturer developed a catheter that was coated with a substance that enhances the integrity of the device materials when the device is implanted in the body. The FDA decided the coating was really intended to reduce infection, and required clinical data to prove it.

Mr. President, in each of these cases the manufacturer was not seeking to promote or market the device for the imputed use at all and would have been prohibited from doing so, and the FDA's authority in no way is eroded. If the FDA believes that the company is off on some imputed use they have the authority to deal with that problem. We don't change that in this law at all.

I also point out, Mr. President, in each case a useful device was delayed from reaching consumers in this country. That is what we are talking about here.

I talked earlier about the biopsy, the testing device developed by U.S. Surgical. U.S. Surgical received approval from the FDA for a breast biopsy needle to be used for diagnostic purposes only, diagnostic purposes only. After the product was approved and on the market, the FDA asked for more information about the efficacy and the safety of the device for taking adequate biopsy samples—an appropriate request. U.S. Surgical supplied the information, and the second approval for the product was given by the FDA. At no time was the device marketed for another purpose. At no time was the device marketed for any other purpose than for diagnostic purposes.

I come back to the section, the 510(k), the lower risk medical devices. Two tests—the subjective test of intended use based on the label; and the second test on the technological questions, which is an objective test. Had the manufacturer said on its label or in its information or its marketing packages, "By the way, this will be a good diagnostic device and it may just work in terms of dealing with the tumor," you have immediately violated the first test because your intended purpose is other than what you are seeking approval. But that is a subjective case. That is the way this works.

If you want to scrap 510(k) and put everything on the same footing, why don't we have an amendment that does that? I don't hear anyone suggesting that. We are trying to get these devices out where there is a predicate; that is, there has been a product already approved, which is substantially equivalent, substantially equivalent, to the device seeking approval. I urge my colleagues to remember that when you are considering how to vote on this. This is not high risk. This is low risk. Two tests—subjective test, intended purpose; second test, is it technologically faulty, is it safe?

In the case of U.S. Surgical's diagnostic test for breast cancer, which has been overwhelmingly received, by the way—in fact, I think we will hear later from a colleague of ours who is a beneficiary of this—overwhelmingly accepted. Had they thought to do something else with that biopsy, then they would be in violation of this test. That was not the case and to suggest otherwise is just not true.

If it had been, the FDA would have had full authority to request data on the safety and efficacy of the device for the unapproved purpose. It would still have that authority under this provision. At no time did the FDA request any data for U.S. Surgical regarding the use of the breast biopsy device for tumor removal. So when this case is cited now, twice I heard it cited, I hope my colleagues would understand what the facts are. This is a fine company and the suggestion somehow they are producing devices out there for purposes other than what was intended, risking consumers in this country, is unfair to that company and unfair to the people who work there.

Mr. President, I urge our colleagues when considering this amendment—and again I respect entirely the motivations behind it; certainly all of us want to see the safest possible devices on the market, but we also want to see a process that will allow the products to get to that marketplace and serve the people they are designed to serve. If we are talking about something new, the tests are different, and they should be. If it is substantially equivalent to a device already out there, we have made the collective determination 20 years ago that the test ought to be different. When you go beyond that, in effect, if you are trying to take a lower risk device and apply it to a standard that exists to a higher risk device you are defeating the very purpose for which 510(k) exists.

With all due respect to my colleague from Rhode Island, I urge this amendment be defeated. In my view, the responses here are not arguing this provision on its merits. Instead, we are hearing language that I don't think reflects exactly what the situation is, what the facts are. While appealing on the surface, because some horrible cases have been cited as I pointed out, in every single instance in those cases it was not a debate about whether or not the manufacturer was producing a product for one purpose and used for another. In every single case those devices failed the second test of 510(k), not the first test of the intended purpose.

By definition, the process of determining substantial equivalence, a label is neither true nor false. It is the same as the predicate. If it is not the same as the predicate, then it does not pass the first test. In effect, trying to squeeze false and misleading language into a place it doesn't fit means all devices would be undergoing the PMA process, a process that can take up to six times longer, six times longer. When there are patients out there and families out there that want to see this material get to them, we don't need to be complicating a process on low risk devices, delaying that event occurring, causing more pain and suffering. There are people who suffer as a result of a regulatory process that is so overburdened and so complicated that people cannot get these materials when they need them.

Mr. President, again, with all due respect, I urge my colleagues reject this amendment.

I yield the floor.

Mr. JEFFORDS. I yield to the Senator from Indiana 10 minutes.

The PRESIDING OFFICER (Mr. SANTORUM). The Senator is recognized for 10 minutes.

Mr. COATS. I thank the Senator for yielding.

I want to commend the Senator from Connecticut, Senator DODD, for his statement. Much of what I was going to say he has articulated probably better than I could articulate, in terms of the purpose of the 510(k) approval process, the nature of the tests that are involved in approving the devices that are substantially equivalent, and the technicalities that are involved in this that I know not a lot of Members have had the opportunity to focus on or really even the necessity of focusing on.

The point the Senator makes about the fact that the work of the committee over 2½ years has been careful and thoroughly undertaken in a way that is designed to provide the very best of protection for the consumer, the very best of safety and effectiveness so that the drugs and devices that are approved by FDA are devices and drugs that we can have confidence in.

No one on the committee is attempting to undermine the essential function and the essential purpose of the Food and Drug Administration. We want a dynamic, vibrant, effective agency in this country that tests the safety and effectiveness of devices and drugs before they are brought to the market.

Now, no process is ever going to be perfect. There will be mistakes. But we want to ensure that this agency has the very best of what it needs to accomplish that essential purpose. What we don't want, and what we are attempting to do with this reform bill is to have a situation continue where the approval process cannot even begin to meet the requirements that the agency thinks are appropriate and that we have dictated by law, by statute.

Numerous examples have been cited here on the floor, whether it is for drugs, or devices, or even other products that the FDA reviews, of unconscionable delays, of unnecessary delays, of letters being lost, of material that has been misplaced, of the inability of FDA to have the personnel, the manpower, the computer power, the administrative procedures in place that provides for effective, efficient approval. It is all of this that has led to a number of suggested reforms of FDA. And one, which has been working very successfully is the PDUFA, Prescription Drug User Fee Act, where the drug companies themselves put money into a fund that allows the FDA to hire individuals and to purchase equipment and speed up the approval of life-saving and health-improving drugs to the market. That has worked. We want that to continue. We are up against a deadline on that. Funding for that runs out on September 30, the end of the fiscal year. We have been pressing hard now for several months—in fact, all year—to try to move this process forward so we don't run up against this deadline. Yet, we have encountered delay after delay after delay because of disputes about very small portions of a 200-plus page bill, carefully undertaken by the committee over a 2½ year period.

This is not a partisan issue, as Members who have been engaged in this understand. The Senator from Connecticut; the Senator from Minnesota, Senator WELLSTONE; the Senator from Iowa, Senator HARKIN; the Senator from Maryland, Senator MIKULSKI, have joined with the majority, Senator JEFFORDS and others on the committee, to produce a very, very substantial majority in support of the original bill, a 14 to 4 margin. Since then, some of the concerns of those four have been addressed in ways that the vote margin and support for the bill has even increased. There were 30-some concessions, which I held up a list of on the floor last week—more than 30 such negotiations and concessions with those who had continuing concerns about the bill.

So it is not a matter of saying: we won, 14 to 4, and this is the bill, take it or leave it. We are open to producing the very best bill that we can, and we think we have. We have been open to negotiation. But every time we have met an objection, something new pops up. It is ironic that in the committee the amendment we have been talking about here, the amendment that Senator KENNEDY has been debating at length, the reason for the filibuster that has gone on, is over language that wasn't even brought up in committee. If this was such an important, egregious omission on the part of the committee, how come an amendment wasn't offered in the committee to debate it or to discuss it or to change it?

The language that we are talking about here was proposed by Senator WELLSTONE—hardly someone who is viewed as being anticonsumer or someone viewed as trying to open a loophole so that the health and safety of Americans is jeopardized. In the negotiations and discussions, postcommittee markup, this wasn't on the list. I have in my hand the memo from the Labor Committee, from David Nexon, suggesting items that need to be covered and need to be discussed. This isn't even on the list. We went over these amendments. All of a sudden, when at one point, the only thing left, to our knowledge, was a resolution of the cosmetic portion of the bill, which was resolved, all of a sudden this then pops up. So you have to question what is going on here.

We have a bipartisan coalition, people from liberal, conservative, and in-between perspectives, politically—Democrats, Republicans, people who worked on the committee, delved into the issues and worked to ensure that we have the very best bill possible. Yet, we meet delay after delay after delay and obstruction after obstruction after obstruction. So I think it is important not just to look at the specifics of the amendment, but to ask the question: What else is going on? What is the true intent here? Is it to undo FDA reform? Is it to block any reform? Here we are up against this deadline for PDUFA, and I think it is important that Members keep all that in mind.

I was going to go through the technicalities of the 510(k) process, but Senator DODD did a marvelous job explaining it. As he said, it's the lower risk devices. We are attempting to find a way in which we can efficiently expedite the approval of devices that are designed for the same purpose, which, in the FDA language, are substantially equivalent, and give those devices the opportunity to come to market without having to go through the same lengthy, costly approval process that the original device—the device called the predicate device—is subject to. Sometimes that takes months; often it takes years for that original device to accomplish a specific purpose to be approved. Once that is approved, there are others that can market and make devices that are roughly equivalent—not roughly, substantially equivalent to that. If the FDA determines that it is substantially equivalent under their review procedures, then that device can be approved.

As Senator DODD has said, however, that is only one part of the test. The other part of the test is that if there is a technological difference that raises safety and effectiveness concerns, FDA can say, "not substantially equivalent." You have to go through the process. FDA retains that authority. Nothing in this bill changes that authority. Nothing in this bill alters one iota of that authority. Every example raised by the Senator from Massachusetts ignored totally and failed to acknowledge that the second part of the test gives FDA the authority that they said FDA doesn't have.

So that's what is at issue here. It is an issue that doesn't have to be here. It is an issue that we don't need to be talking about. No one raised it in committee. No one raised it in negotiations postcommittee. No one indicated that this was a bill stopper. The last indication of a bill stopper was the cosmetic concern, which was negotiated and an acceptable compromise was reached. Then, all of a sudden, this provision, 404(b), the language offered by the Senator from Minnesota, Senator WELLSTONE, and accepted by the committee as part of the bill, without objection, all of a sudden this now becomes the bill stopper, the killer language, the language that is going to destroy the FDA and place 260 million Americans in jeopardy of their life and their health.

I think Senator DODD very effectively outlined why the examples used were not relevant examples. They are tragic examples. We all regret that they happened. But they have nothing to do with the language that we are talking about. They have nothing to do with the amendment offered by the Senator from Rhode Island. And so let's keep that in mind as we move forward here in this torturous process of getting a bill passed through the Senate that has been substantially delayed because of procedural practices, which enjoy no support from this body. We have had two votes. I think the opponents of the legislation got five votes on the first try and four votes on the second try. The other 95 of us, or 96, depending on how you count it, are still here attempting to move forward.

Now, we have the good fortune of having Dr. FRIST—Dr./Senator FRIST—on our committee. For those of us who don't have the medical training and expertise to fully understand all of this, we frequently—in fact, every opportunity we have on medical questions—turn to Dr. FRIST for the expert's view. I think it is a phenomenal addition to the Senate that we have this capability available to us. He will be commenting on this and, frankly, I put a great deal of reliance on his judgment. Some of us could be reading this the wrong way, could be not understanding certain aspects of the process. We represent companies that make these devices. We hear their side of the story and it certainly sounds reasonable, and we try to make sure there is a proper balance between the need to bring products to market quickly and a need to make sure they are safe and effective. So we turn to people like Dr. FRIST to give us the expert view in terms of what we are doing.

I know I have used my time here. I will have more to say about that, as I think we have considerable time left under the cloture procedures here.

At this point, I yield the floor.

Mr. LIEBERMAN. Mr. President, I rise to address Senator REED's amendment to S. 830, the FDA reform bill. The proponents of the amendment have failed to distinguish between devices that are substantially equivalent to devices the FDA has approved and devices for which no predicate exists.

That distinction is central to the regulatory scheme for device approval.

Most medical devices brought to the market represent a small incremental change. Around 95% of medical device approvals granted by the FDA involve devices that are substantially equivalent to a device already approved by the agency.

Most devices are not breakthroughs. They are not devices with bold new uses. They do not represent a sharp departure in medical science. They are devices with a foundation of testing, experience in the field, and most important, devices with a foundation in previous FDA approval.

Policies and regulations that are appropriate for devices without a predicate are not appropriate where devices are substantially equivalent to a device that has already received the FDA stamp of approval. If each new device represented such a break with the past, it would be sensible to fully reexamine safety and efficacy every time FDA was asked to grant approval.

But in a world of small changes, this unwarranted bureaucratic impediment would strangle progress, limit the benefits available to the public from technological advances, and yield little if any public health benefit.

To capture the public health benefits of small incremental change, such devices are approved by the FDA under special procedures called the 510(K) approval process. The critical test applied by the FDA in approving the device is demonstrating that the device is substantially equivalent to a device that has already been approved by the agency. The test of substantial equivalence is a flexible definition that includes both products that are identical to previously approved devices, and those with a certain degree of technological change.

In contrast, where the new device represents a major advance and is used in supporting life or avoiding substantial impairment of health, the FDA uses entirely different tests before approving the device. These breakthrough devices undergo extensive safety and effectiveness trials before marketing. They require extensive premarket review because the FDA has no assurance the new device is safe and effective based on studies of a previous device, field experience, or FDA approval.

Approving substantially equivalent products expeditiously allows the FDA to concentrate its resources on those devices that involve new technologies or uses rather than waste time and staff conducting full-blown reviews of the equivalent device again and again and again.

In the example we have heard so much about over the last few days, U.S. Surgical Corp.—which is headquartered in my State—submitted an application for approval of an advanced breast biopsy instrumentation device in October 5, 1995. The application was granted by the FDA on February 1, 1996. The FDA based their approval on substantial equivalence in design, materials, methods of use, and intended use to biopsy needles the FDA had previously approved. Since that date the ABBI device has been used in over 7,000 cases worldwide.

In granting approval to U.S. Surgical, the FDA applied the two statutory tests of substantial equivalence. First, the device was shown to have "the same intended use as the predicate device" and second, "the same technological characteristics as the predicate device".

Some Members have mistakenly stated that U.S. Surgical has marketed the device to remove breast cancer tumors, but the Members are in error.

A degree of technological variation is permissible and specifically envisioned in the statute. Where the device has different technological characteristics, it can still be approved under 510(K) if the manufacturer submits

> * * * information, including clinical data if deemed necessary by the Secretary, that demonstrates that the device is as safe and effective as a legally marketed device, and does not raise different questions of safety and efficacy than the predicate device.

ABBI uses a larger cannula than previously approved biopsy needles. The wide cannula allows the physician to extract a broader sample of breast tissue. The wide cross section allows more accurate diagnosis of breast lesions that appear in the x-ray as clusters of tiny particles rather than discrete nodes.

U.S. Surgical's product insert states in boxed, large type "The ABBI* system is to be used ONLY for diagnostic breast biopsy; it is NOT a therapeutic device." Its patient pamphlet on the device discusses biopsy uses to the exclusion of any other potential use.

In the ABBI example, the FDA requested clinical data from U.S. Surgical about impact of the new technology, broader cannula. U.S. Surgical submitted the data on September 23, 1996 and the FDA updated the 510(K).

The sponsors of the amendment state that manufacturers have an incentive to seek approval based on false and misleading statements of intended uses. Under the 510 (K) approval process, the device must have the "same intended use as the predicate device" but the amendment sponsors state that manufacturers are able to undercut this test. The amendment sponsors suggest that the FDA be allowed to establish a new intent test for 510(K) approvals that allows the FDA to impute new uses, demand new safety and efficacy tests, and ignore the manufacturers intended uses.

First, I would point out that U.S. Surgical specifically responded to the FDA's concerns by adding new labeling to its device clearly stating that the device was to be used "only for diagnostic breast biopsy".

Second, the FDA already has ample power to confront potential problems in labeling. For example, they sent a warning letter to the U.S. Surgical Corp., on June 3, 1996, regarding labeling and advertising claims made for the ABBI. The warning letter lead to the modifications in labeling and resubmission of the 510(K) application.

Finally, the FDA has a host of criminal and civil penalties to prevent the marketing of mislabeled products including administrative detention and seizure, criminal and civil penalties, injunction, mandatory consumer and physician mandatory notifications, mandatory recall, and adverse agency publicity.

For example, FDA can administratively detain devices that are misbranded based on FDA's unilateral determination that a detention is appropriated, and can last up to 30 days to permit the agency an opportunity to either perfect a civil seizure through the courts or obtain injunctive relief.

Into the middle of this, the Reed amendment would throw a major change. The amendment does not state grounds or procedures by which the FDA would determine that the proposed labeling was "false" or "misleading". The evidentiary basis by which the FDA will impute the manufacturers intent is unknown, as is the frequency of off-label uses that spurs additional FDA requirements or the adequacy of additional clinical trials necessary to satisfy their concerns. If the amendment passes, manufacturers have to be prepared to conduct trials of safety and efficacy for uses they are not seeking. Furthermore, the additional requirements only apply to the unapproved device—not to the predicate device previously approved by the FDA.

The 510(K) process is intended to provide an expedited basis for bringing new versions of previously approved products to the market. It employs relatively simple and easy to apply tests of substantial equivalence. The tests are straight forward and predictable in their application. We should continue to protect this path of technological innovation. The FDA has ample power to prevent mislabeled products from endangering the public health. If the amendment passes, many innovative devices will not be available to consumers and the public health will suffer.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I would like to just respond briefly to some of the points that have been made and then to get into the substance of the argument. I want to reiterate the importance of this particular provision. There are those who are trying to dismiss it as a relatively unimportant part of this legislation, and saying that we really didn't bring this issue to the attention of the committee until the final hours, therefore, we could not have been serious about it. Of course, this is completely untrue.

I won't take the time to put in the RECORD the agenda for June 17 where this was listed in "items under discussion" on section 4 of the labeling claims. This was exactly the matter that was brought up in the markup in June. It was identified by the Secretary of HHS in the June 11 letter to the committee. It was repeated on September 5. Secretary Shalala identified the very few items that she would recommend that the President veto this legislation about. She listed the environmental issue, the elimination of the environmental impact statement. Another one was a technical amendment dealing with PDUFA. A third item was the cosmetic provisions. But this is the provision that was identified by the principal protector of the American people's health as the most important provision in terms of adverse effects to public health, this provision. Let's understand that right from the beginning.

I know that my colleagues say, well, there are only a couple of Members of this body that are really concerned about this particular provision. Well, it is interesting that, time in and time out, the No. 1 person in the administration that has the principal responsibilities for protecting the American health has said this is it, this is the provision. With all due respect to those who say this is a low-risk issue that doesn't matter, that this is a technical question and we should just get through this business and get on with the vote, these arguments should be disregarded, because this is an enormously important issue. It was raised during the course of the markup back in June, and identified by the Secretary of HHS during the course of the summer. Many people were briefed by the Secretary indicating her priorities and this was right out there. It is in the papers submitted by her in September as being the primary technical concern in regard to safety for the American people. That might not make a difference to some Senators but it ought to make a difference to the American people. And it is not just the Secretary who is concerned about this provision. We have virtually every single group of health professionals charged with protecting the consumers' interests have expressed concern about this issue—the President of the United States, the Secretary of HHS, the Consumer Federation, the National Women's Health Network, the National Order for Rare Disorders. Who are these groups and individuals? They are the very people that benefit from innovations in medical devices. They are the people whose lives are enhanced. They are ones who are saying, "No, don't do this. Support the Reed amendment."

I am glad to listen to my colleagues. I am interested in the number of people employed by these companies. I am interested in what a great job a company does. I am interested in the opinion of some of our colleagues who say, "Well, this really isn't such an important measure because there are only a few people out there who oppose it."

Go down the list of the organizations that are out there protecting the people that will benefit most from progress in these areas, and they say, "Don't do this. Support the Reed amendment." Do they make the judgment that this is not important just because it deals only with class II devices—the relatively low risk devices. There has been the suggestion here on the floor of the Senate that these are virtually low-risk devices.

These are some of the devices: Ventilators. Low-risk? Who has not been in the hospital with a member of their family and hasn't understood the importance of making sure that ventilators are going to perform as they are labeled?

You have digital mammography with possibilities of missing tumors in women with breast cancer. We want to make sure that these devices are going to be safe and do what they are represented and designed to do—not just what is listed on the label.

You have the fetal cardiac monitors that monitor infants.

I saw them working yesterday in Springfield at the Bay State Fetal Center in one of the greatest neonatal centers in this country.

Do you want to take a chance on fetal cardiac monitors? Or on surgical lasers?

The list goes on—these are class II devices, low risk. We are not talking about tongue depressors. We are not talking about bedpans. We are talking about the kinds of items where we need to make sure they are going to be safe and effective. That is why these organizations whose job it is to protect the public are concerned.

With all respect to my colleague and friend from Connecticut, who I heard state three times that these products, which have not been approved for safety and effectiveness for the uses for which they are being advertised, are not being mislabeled. And that we shouldn't dispute or cast aspersions on the good, legitimate name of the U.S. Surgical Corp.

Mr. President, I have right here the letter from Dr. Monica Morrow, professor of surgery at Northwestern University School of Law, dated September 22.

> Dear Senator KENNEDY:
>
> I am writing you to express my feelings regarding the importance of the FDA's mandate to evaluate behind the scene use of devices and drugs. The need for such evaluation is clearly exemplified by the marketing strategy of U.S. Surgical's breast biopsy device. This device was approved as a diagnostic instrument. However, the company video clearly depicts the use of the device for definitive breast cancer therapy with no clinical trial using the accepted technology for comparing cancer treatments that have been conducted to evaluate this claim, and without such trials the device could potentially pose a significant risk to patients.
>
> In addition, other claims regarding approved cosmetic outcome and patient acceptance are similarly unsubstantiated. The indication for use of the devices and drugs should be determined by appropriate clinical and scientific data, and not by their appeal as a marketing gimmick. This video was dropped off at my office by a company representative as part of an effort to interest me in purchasing the company equipment.

I have it right here. For people who doubt it, take a minute and watch the video. Read the letter. Call Dr. Morrow.

It is being marketed out there today. This is what we are talking about. That is the issue. When colleagues get up and say, "Well, it has not been, and it won't be, and that is wrong if it is?" I say, "It is being done." And that is exactly the problem that we are attempting to address.

Mr. President, this is an enormously significant and important health issue. This body has taken many actions on medical devices since the mid-1970's to enhance public health the protections since the mid-1970's that enhanced protections for public health. This provision which will create a loophole through which unscrupulous manufacturers of a medical device will be able to drive a truck is the exception to that commendable history. This provision will make a mockery of the substantial equivalence requirement, and will allow irresponsible companies to go out, as this company has, and advertise and represent a particular product for a purpose and use that differs from the one they put on the label.

Mr. President, it was interesting that some of our colleagues addressing the Reed amendment pointed out that there are two ways of approving the medical device. Only about 5 percent medical devices use this particular provision, the premarket approval. That provision says, "In making the determination whether to approve or deny * * * the Secretary shall rely on the conditions of use included in the proposed labeling as the basis for determining whether or not there is a reasonable assurance of safety and effectiveness, if the proposed labeling is neither false nor misleading. In determining whether or not such labeling is false or misleading, the Secretary shall fairly evaluate all the material facts pertinent to the proposed labeling."

Mr. President, I daresay that there is probably a less compelling reason to use the proposed labeling as "neither false nor misleading" in this provision because you are going to have such a survey in an oversight for new materials as it is in the other provision.

What the proposal that is before us now, the one that is for 95 percent of all devices, says is, "* * * the determination of the Secretary under this subsection * * * with respect to the intended use shall be based on the intended use included in the proposed labeling."

I would like to point out to those that have suggested here on the floor that the intended use is a subjective decision to be made by the FDA, that isn't what the legislation says. It says, "* * * the determination of the Secretary under this * * * section with respect to the" * * * device "* * * shall be based on the intended use included in the * * * labeling."

Who makes up the labeling? The manufacturer has the labeling "submitted a report under this section."

The only thing the amendment of Senator REED is proposing is that the FDA be restricted to looking solely at the labeled use only in instances where "* * * the proposed labeling is neither false nor misleading."

How can anyone be opposed to that?

We have just seen the example of the approval of a biopsy needle for one particular purpose—taking the biopsy. Then we find that this similar machine is represented as being for the purpose of biopsies, here it is in their advertisement—the latest technique in minimally evasive breast biopsy. This device takes 50 times the amount of material as the other one. Here it is being advertised in Canada. Here it is being advertised in the United States—not for use in biopsies but to remove the tumor itself. And there is no information available to the Food and Drug Administration about how good or safe the device is for that use. Maybe it does work. We are not here to say it doesn't work. We just want the company to have to provide the information that says it does work. If that is what you are going to use it for, why should the Food and Drug Administration, which has the responsibility of protecting Americans, be limited by the language of this particular legislation that says you can only look at what is on the label? When, at the same time, they have letters from doctors and they have videotapes that show it is being used for an entirely different purpose.

That is the issue. The Reed amendment says, OK, we are willing to only look at the use on the label, but let's just make sure that we are not going to encourage false and misleading labeling.

Is the Senate of the United States going to say to the FDA that if even if they know that the labeling is false and misleading that they should be prevented from protecting the American public?

That is what you are going to do if you do not accept the Reed amendment. That is what this debate is about. It is as simple as that.

Here we have this extraordinary example, where you have a biopsy machine that is supposed to take a biopsy about the size of the lead in that pencil versus something that takes 50 times the amount and the purposes for it is intended to be used are quite different, as mentioned here in the letter which says, "I am expressing my feelings * * * the importance of the FDA mandate."

"The video was dropped off at my office" with the interest of purchasing the equipment.

When the FDA became aware that the company was promoting the device for this unauthorized purpose, it also became aware that it had made a mistake in clearing a device that was clearly designed for a purpose not stated on the labeling—tumor removal for clinical testing. The FDA then acted to require the company to include a strong label that the device was only to be used for tissue sampling; not tumor excision.

I cannot imagine why the company failed to give the full information on that. But, nonetheless, that is what is happening.

Mr. President, I listened with interest to many of our colleagues talking about how there really are no dangers in terms of medical devices, that my examples are not really what this issue is all about. They are mistaken.

We are committed to ensuring that these kinds of circumstances will not occur in the future. That is why we are out here. We don't have to go through another incidence similar to the Dalkon shield where 18 women died from a perforated uterus and 2,700 women suffered miscarriages. We don't want to go through another episode like the Shiley heart valve one where a change in the angle of the valve would have changed the way the device interacted with the heart raised questions as to its safety. The FDA discovered this and refused to let it go to market in the United States. But the modified device was marketed in Europe and 15 times the number of people died using the new device over the earlier one. With all respect to those who say how much better the system is in other countries—15 times the deaths. And the whole toxic shock issue that we raised and its impact on American women.

What we are pointing out is that there are dangers that can take place in our country, that affect our people, when you start fiddling around with safety and effectiveness and medical devices.

That is the issue.

There are those who say, "Look. We have a little loophole. But it really isn't quite the same as it is with some of these other terrible kinds of situations."

We have given the illustration of the kinds of challenges that are out there today.

There are the laser technologies, cutting tissue laser technologies, where you have submitted to the FDA a laser that, everyone who has really looked at it agrees, is going to be used for prostate surgery. But there is virtually no information as to the safety and effectiveness of that particular medical device for that use—none. That is what happens.

There are the various digital mammography devices that may be very good for obtaining diagnostic information and evaluating a particular tumor but may be questionable for screening purposes. Questionable as to there effectiveness in allowing women to know whether they are going to have the first indications of a small tumor. Don't we want to be sure that this isn't what it is going to be used for? Don't we know what they are out there marketing this for and how well it performs?

We have just seen in the period of the last 5 days, the example of the terrible events concerning the off-label use of the drug fen/phen—and the health hazards and challenges faced by the people who have used it.

Are we here today saying we don't want to include language in this bill that will allow the FDA to be able to look at safety of medical devices if they find the labeling is false and misleading? We have offered five different compromises to work this out. It is the No. 1 concern of the Secretary of Health and Human Services, the No. 1 concern by the FDA. I have listened here in the Chamber, to those who oppose this amendment who say the FDA has all the authority in the world to protect the public. I have quotes here from Senators who have said, in effect, that we should not be bothered by this because the FDA has all the power it needs and that this is really not a problem.

I was tempted to take the language of their quotes and offer it as an amendment because their description of the FDA is not what the law is and will be if this legislation is passed. We would have taken the kinds of protections that were implied by their quotes. Where they say, look, they have the real right to go behind if they think there is some kind of question in terms of safety.

The FDA would not have that authority under this bill as written. But if it is your understanding and that is what you want, let's take an amendment and ensure that they do.

But we do not have that opportunity. We are faced with the real possibility for a situation where the FDA does not believe it has the power and the authority to protect the American consumer. The FDA does not believe it has authority. If they know that the predominant use is going to be other than that which is listed on the label and which could provide a substantial threat to the American people, the FDA will not have the power or the authority to protect the American public.

Members of Congress can come out here and say, "Oh, yes, they do." I have listened to that argument. "Oh, I don't know why everyone is getting so worked up about it. You know, they really do have the authority."

They do not have it. The FDA itself states they do not. They have testified they do not. The President does not believe it. The Secretary of HHS does not believe it. The consumer groups do not believe it. National Women's Health Network does not believe it, the Consumer Federation, the Patients Coalition.

We have had this discussion and debate for a number of days. We believe we are finally getting through. But where are all the consumer calls saying, "Look, let's go with what is proposed in the legislation. We have read the record. We have looked at the law. We believe the FDA is out there and can protect the American public. I don't know what everybody is getting worked up about."

But we aren't getting those calls because virtually every consumer group that has looked at this issue, has discovered that the language in the bill will not provide adequate protection for consumers.

National Women's Health Network: "Women need the FDA to act as a safety sieve screening out drugs and devices that are hazardous and defective. If 404 is enacted, a device manufacturer could label its product for a very simple use. The FDA would be limited to ask for safety and effectiveness for that use only."

The groups understand this issue, and they are concerned. "Even if it were clear from the device's technical characteristics that it might be used for other more riskier purposes."

That is the biopsy needle. You have a needle that is 50 times larger than is necessary for a biopsy and you have the clear evidence from doctors, both in this country and abroad, who have seen the videotape that the company is out there marketing it for a different use. We have it right here—a slick promotion for this particular issue. All we are saying is if the FDA is able to show that the labeling is false and misleading, they can look at safety.

Mr. DODD. Will my colleague yield on that point?

Mr. KENNEDY. I yield, sure.

Mr. DODD. I would respectfully suggest to my colleague that U.S. Surgical is not marketing a video that promotes an unapproved use for this device. Now, there are clinicians out there who have put out videos and other educational materials on medical practice issues. U.S. Surgical is aware of that. It can happen. But the implication that U.S. Surgical is now actively promoting unapproved uses is not true.

Mr. KENNEDY. Has the Senator seen this video?

Mr. DODD. No, I have not, but I am told categorically that U.S. Surgical is not promoting or marketing this device other than for breast biopsies.

Mr. KENNEDY. I suggest the Senator take the time to see it because when you turn it on, the first thing that you are going to see is the U.S. Surgical logo on it. I don't see how you can say that it is not being promoted or advanced or whatever if that is exactly what you will see. I would suggest to the Senator, if you are saying that those of us who have represented that it is being promoted for other uses—and we have the doctors' letters and we have this video, which you haven't seen—I would think that perhaps you ought to check again with U.S. Surgical and find out what they are doing. We have just seen it.

Mr. DODD. Will my colleague yield?

Mr. KENNEDY. I will yield in a second. We have just seen what the medical companies were doing with fen/phen. They weren't promoting it. All they were doing was paying the doctors thousands and thousands of dollars to go out and promote it. When we look at this promotion, it has "U.S. Surgical" on it, and it is a U.S. Surgical medical device—and we have the doctors' letters on this that say, "The indications for the use of devices . . . it should be determined by appropriate—

> This video was dropped off in my office by a company representative—

Company representative—

> as part of an effort to interest me in purchasing this equipment.

Now, there may be other information. I am glad to have it included in the RECORD but I find this convincing.

Mr. DODD. If my colleague will yield. This company is not engaged in promoting unapproved uses for this biopsy needle. And U.S. Surgical categorically denies any association with any materials produced by others where this might have occurred. The FDA has approved the breast biopsy needle. The FDA has approved it twice, in fact, only for breast biopsies. Accordingly, U.S. Surgical does not promote the device or market the device for tumor removal. It is aware now that articles and videos do exist which discuss other uses of the devices. It is very common, and completely legal, for physicians to explore other possible uses of both drugs and devices as part of the practice of medicine. But the suggestion somehow that the company is now actively promoting this device for something other than diagnostic purposes, with all due respect, is just not true.

And the question that we should be asking here—a very important question—is, if this obviously illegal practice is occurring, if U.S. Surgical is actively promoting this product for an off-label use, why hasn't the FDA gone after the company? Now, clearly, if it were true, the FDA, with all the force of law would go out and pursue them vehemently. Promotion of a device for unapproved uses is one of the most egregious violations a company can commit. Surely if this were the case, and evidence of it were so readily available, FDA would have acted. But there has been no FDA action, because there has been no violation. And to suggest otherwise is irresponsible.

I mentioned earlier, if my colleague will continue to yield, that U.S. Surgical has promoted this device for the purpose for which it was approved—to give women and their surgeons a useful option in conducting breast biopsies. There are good medical reasons that a larger size biopsy might need to be taken. In conducting biopsies you cannot always get a reliable tissue sample just with a small needle—some tumors are just too diffuse. Evidence shows that, with some types of tumors, taking a larger biopsy gives the surgeon a far better chance of determining the quality of the tumor accurately without the need to take multiple, painful biopsies.

That is why this device was developed. And as women who have been through this will tell you, it is important to have this device as an option for taking an accurate and safe breast biopsy.

Mr. KENNEDY. Mr. President, I would like to regain my time.

I say that that is a promotional document. I would suggest the Senator watch it before he represents that it is not. It has the U.S. Surgical logo on it. We have the doctors who claim this is the case. The FDA has been going after U.S. Surgical.

That is another issue. It is an important issue. FDA ought to be concerned about it, and they are. But that doesn't get away from what the FDA may not be able to do sometime in the future. They won't be able to do it in the future, because all the FDA will have the power to do is look at what is on the label.

Mr. COATS. Will the Senator yield?

Mr. KENNEDY. No. I would like to just finish my presentation on this part here, and then I will be glad to yield.

Mr. COATS. If the Senator will yield——

Mr. KENNEDY. That is just the part I am going to mention.

Let me quote some extracts because that is the issue that is before us—the extracts of the promotion. This is the promotion that some do not think is being promoted by U.S. Surgical, even though its logo is on it, even though doctors have said it is being distributed by company representatives.

This is the quote:

> U.S. Surgical is entering a new millennium in breast surgery by combining advanced stereotactic technology with minimal invasive surgery.

Not biopsy, surgery.

> Unlike needle biopsies where small samples of the lesion are removed for pathological analysis, U.S. Surgical removes the entire specimen.

That sounds like an operation to me.

> If the specimen proves to be cancerous but pathology reports the entire margin is clear, it's up to the clinical judgment of the surgeon to decide to remove the additional tissue, or if the procedure can be considered complete.

Translated, if you use this device and you take out the tumor, then it is the doctor who removes the tumor who makes the judgment whether he has to do any other surgery. That is not a biopsy needle. It continues.

> The U.S. Surgical system allows the surgeon to provide the benefits of the minimally invasive technique to breast surgery. Benefits to the patients include reduced physical and emotional trauma as a woman undergoes only one versus two procedures. Minimal invasive breast surgery, a new standard of patient care offered only by United States Surgical Corporation.

I rest my case on that, Mr. President, about advertising and promotion. I rest my case on exactly the words of that promotion. "Minimal invasive breast surgery, a new standard of patient care offered only by United States Surgical Corporation."

If there are Members in this body who want to say U.S. Surgical is not promoting it, that they are not associated with it, that they don't know anything about it, I suggest that they watch this videotape.

Now, Mr. President, I want to just come back to—how much time remains because I know there are others who wish to speak.

The PRESIDING OFFICER. The Senator has used 33 minutes and 30 seconds.

Mr. KENNEDY. I yield at this point now. I would like to go on to just some other remarks.

Mr. COATS. Just briefly. Senator DODD asked the question, if this is such an egregious violation of FDA policy, why hasn't FDA acted on it? Why has it not acted?

Mr. KENNEDY. They have. As I understand, they have requested the additional information on safety and efficacy. They are demanding that kind of information now. I will be glad to provide that.

But that has as much relevancy as yesterday's score of the Green Bay Packers. They are out there now promoting this for unintended uses. I do not think they should be. FDA says they are looking into this. I will find out and give the Senator a more detailed description.

Mr. COATS. I have a copy of a letter. The Senator was handed a letter. I was handed a letter.

The letter was addressed to Senator KENNEDY thanking him personally for the assistance that he provided, for the "assistance provided by your staff" to U.S. Surgical "in our efforts to deal with the Food and Drug Administration on the matter of the certification of the Advanced Breast Biopsy Instrumentation."

That is what we are talking about.

Mr. KENNEDY. Sure.

Mr. COATS. It says here the Senator assisted in making sure the FDA did not withdraw it. It specifically cites, "Please convey my gratitude to Dr. David Nexon and Gerry Kavanaugh," who I believe are on the Senator's staff, "for their willing assistance." Maybe they are on the market because the Senator intervened to keep it on the market.

Mr. KENNEDY. Well, Senator, I will be glad, first of all, to have it included in the RECORD so the record is clear. But I will say to you that, if U.S. Surgical was distorting and misrepresenting to the American public, then I think they ought to be pursued to every extent of the law. That is my response on it.

I had no idea of that unfair kind of consideration at that time, but clearly they have misrepresented themselves in this instance. They practiced that kind of misrepresentation on me as they are doing it with the American public.

Mr. COATS. Will my colleague yield?

Mr. KENNEDY. Here is their—I will yield briefly on this point. But I want to get back to my theme.

Mr. COATS. Apparently they convinced your staff, Dr. Nexon, that this was a safe procedure and it should not be withdrawn.

Mr. KENNEDY. I will be glad to take a look at the letter.

Mr. COATS. I ask unanimous consent the letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THERMO ELECTRON,
*Waltham, MA, October 8, 1996.*

Hon. EDWARD M. KENNEDY,
*U.S. Senate, Russell Senate Office Building, Washington, DC.*

DEAR TED: I want to thank you personally for the guidance and assistance provided by your staff to our representatives, and those of U.S. Surgical Corporation, in our efforts to deal with the Food and Drug Administration on the matter of the certification of the Advanced Breast Biopsy Instrumentation (ABBI) system technology. Our concern, simply stated, is that the FDA will call for the withdrawal of this product from the market without appropriate cause.

The ABBI technology, jointly developed and marketed by both companies, is today in the marketplace, and as a result of its success, represents a fast-growing opportunity for Thermo Electron's Trex Medical Corporation subsidiary and our Connecticut partners, U.S. Surgical. The technology is a noninvasive, cost-effective alternative to surgery. In over 500 cases in which it has been utilized, there has not been a single complaint. Indeed, because it does represent a significant advance in women's health care, it is fast becoming the treatment of choice.

Thermo Electron has made a significant investment in this technology, and with the recent acquisition of XRE Corporation of Littleton, Massachusetts, plans to expand production of the product. Along with one hundred new jobs, we are projecting revenue production in excess of $50 million. Thermo Electron is proud of its responsiveness to societal needs. The ABBI technology is a step forward in the field of women's health care.

Thank you for your interest, and please convey my gratitude to Dr. David Nexon and Gerry Kavanaugh for their willing assistance.

Best regards,
GEORGE N. HARSOPOULOS,
*Chairman of the Board.*

(Mr. SESSIONS assumed the chair.)

Mr. KENNEDY. The Senator from Indiana introduced a copy of a letter from a Massachusetts constituent of mine dated October 8, 1996, which purports to thank me for the guidance and assistance my staff provided to U.S. Surgical Corp. in connection with the FDA certification of the advanced breast biopsy instrumentation [ABBI]. The Senator suggested that this letter was proof that I had intervened with the FDA to urge them to approve an off-label use for this device. The letter does not substantiate any such allegation, and it is untrue. I ask that the full text of the letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THERMO ELECTRON,
*Waltham, MA, October 8, 1996.*

Hon. EDWARD M. KENNEDY,
*U.S. Senate, Russell Senate Office Building, Washington, DC.*

DEAR TED: I want to thank you personally for the guidance and assistance provided by your staff to our representatives, and those of U.S. Surgical Corporation, in our efforts to deal with the Food and Drug Administration on the matter of the certification of the Advanced Breast Biopsy Instrumentation (ABBI) system technology. Our concern, simply stated, is that the FDA will call for the withdrawal of this product from the market without appropriate cause.

The ABBI technology, jointly developed and marketed by both companies, is today in the marketplace, and as a result of its success, represents a fast-growing opportunity for Thermo Electron's Trex Medical Corporation subsidiary and our Connecticut partners, U.S. Surgical. The technology is a noninvasive, cost-effective alternative to surgery. In over 500 cases in which it has been utilized, there has not been a single complaint. Indeed, because it does represent a significant advance in women's health care, it is fast becoming the treatment of choice.

Thermo Electron has made a significant investment in this technology, and with the recent acquisition of XRE Corporation of Littleton, Massachusetts, plans to expand production of the product. Along with one hundred new jobs, we are projecting revenue production in excess of $50 million. Thermo Electron is proud of its responsiveness to societal needs. The ABBI technology is a step forward in the field of women's health care.

Thank you for your interest, and please convey my gratitude to Dr. David Nexon and

Gerry Kavanaugh for their willing assistance.

Best regards,
GEORGE N. HARSOPOULOS,
*Chairman of the Board.*

Mr. KENNEDY. Obviously, if it is a biopsy needle and it was intended to do that, I had no idea they were out there promoting, as they have been, and representing it for an entirely different purpose. That is the issue we are talking about here, and that is what we want to do. We want to make certain that the FDA is going to be able to look beyond false and misleading information on devices labels.

Mr. DODD. Will my colleague yield?

Mr. KENNEDY. I will yield in just a moment now.

Mr. DODD. Just on this point, if I could, on the point of the needle.

Mr. KENNEDY. On the needle? All right.

Mr. DODD. I'd like to clear up for everyone why we are discussing the size of the needle for the biopsy. Let's put aside for a moment your question of what the company has or hasn't said since we have been told that the FDA has not found that they are promoting the needle for tumor removal.

Mr. KENNEDY. If I can reclaim my time, I cannot let that go by, that the FDA has said they are not promoting it. That is not the information on it. I cannot let the statement go by. It is your opinion that it is not promoting. I don't see how you can have that opinion in the face of the fact that this videotape has stated what it has, with this U.S. Surgical's logo right on it.

Mr. DODD. If my colleague will yield, as I said earlier, if U.S. Surgical were promoting for uses beyond those on the label, I think the FDA would be acting on it. But let me again get to the point of why a larger needle is useful in some biopsies situations. I am not a surgeon or a doctor, but I am just sharing with my colleagues here, and my colleague from Massachusetts, why this larger needle may be needed. This Advanced Breast Biopsy device, as it is called, does remove a larger amount of tissue than a conventional biopsy needle. Why? Why does it need to do that? This difference in needle size is not related to tumor removal. Rather, it addresses clinicians' requirements for sampling different types of lesions. Why do they do that?

Mr. KENNEDY. If my colleague——

Mr. DODD. I will just finish the paragraph. Breast lesions exist not only as discrete nodules but oftentimes as clusters of tiny particles known as microcalcifications. These microcalcifications appear diffuse on an X-ray; similar to the Milky Way. That's how surgeons describe it.

Due to this fact, obtaining adequate amounts of tissue for biopsy is important in order to optimize accurate diagnosis, so that women don't have to go through surgery unnecessarily. This needle allows clinicians to take a larger single sampling, rather than many, painful, smaller samples that could perhaps miss the tumor tissue. That is why this product was developed. That is why it has been so supported by women and by surgeons.

My colleague from Massachusetts can talk about videos that promote purposes other than this one. However, if that is the case, the FDA ought to be in there this very minute. But, they have not acted because no violation has occurred.

Mr. KENNEDY. The Senator is not correct. The FDA is out there looking into this, and it doesn't do much good to try to cloud up the issue as to what the purported purpose of this particular medical device is.

Here is what is in the ad. I say again, I wish the Senator would look at the ad, rather than just reading the U.S. Surgical statements on it. This is what their ad says:

> Minimal invasive breast surgery. A new standard of patient care offered only by United States Surgical Corporation.

That is what the ad says. It doesn't say minimal invasive biopsy; it says breast surgery.

Maybe that is a new way of doing it. Maybe that is the best way that has ever been devised for protecting American women in terms of breast tumors. But the FDA does not have one sentence of proof or evidence from U.S. Surgical that provides data on the safety and effectiveness on this method of removing a tumor that other medical devices should provide. They have the biopsy needle. It is effectively the size of this pencil. They want one that is 50 times larger. You don't have to have a lot of sense to know what this is all about.

Maybe U.S. Surgical convinced the Senator from Connecticut. But the documents and their promotional materials indicate what they are about, and that is to provide for removal of tumors from American women, one out of seven, who have breast cancer. And doctors who see, "Approved by the FDA," then tell their patient this has been approved by the FDA, that it must be safe, and so they undergo tumor removal with this device. These women are entitled to adequate protection, to know whether that device was safe in removing that tumor. They do not know that today.

And that is just the tip of the iceberg. You know about all the other kinds of medical devices that can fall within this category. We have mentioned some, like the mammography screening machines that may misdiagnose breast cancer. All this amendment says is, you cannot, if you are a medical device company, submit false and misleading information. I can say it another way, "Do you want false and misleading information on the labeling?" If you vote against our amendment, that is what you are going to be pegged with. We are going to be characterized as not caring if labels are false and misleading.

Why can't we say we will support the labeling as long as it is not false and misleading? That doesn't sound like an extraordinary or revolutionary concept. This is basically what we are arguing about. Those who are opposed to us say, "All right, let them provide false and misleading information." That is the other side of this argument. If they are not going to go through this kind of loophole, to promote it for some other reason, what do they have to fear?

Mr. President, there are all kinds of technologies out there that are just on the cusp, ready to go on ahead through this particular kind of loophole. You have the mammography screening machines that have not been certified for use in screening. The manufacturers have not been provided information on that use. We know the difficulty we have faced in terms of mammography machinery and false negatives and false positives.

Are we going to come out on the side of protecting American women on breast cancer, or are we going to say we are going support whatever any medical device company wants to do, no matter how false and misleading that information may be? The vast majority of manufacturers won't use this loophole. But you don't hear the arguments here about what the financial benefit will be to those companies that will not have to conduct the exhaustive tests for safety and efficacy. They will be at a competitive advantage over the other medical device companies that are trying to do it right.

Mr. DODD. Will my colleague yield?

Mr. KENNEDY. In a second. Because there will be those in those corporate boardrooms who will say, look, our competitor is getting in through this particular labeling device loophole. All you have to do is change the label a little bit. We will be able to do it as well. We can avoid the time it will take to do it right, we will save a good deal of our resources. We will get on the market sooner, we will beat the competitor, we will be on the shelves sooner.

We can use what U.S. Surgical did, where they denied—denied—that they were promoting it, and yet they had some other group that was putting promoting it with their logo, talking about using it for an entirely different purpose.

That is the issue. This is not a very complex issue. We heard earlier about sifting out the chaff and moving to the substance on this. This is it.

What woman in this country who is facing having a tumor removed from her breast by a medical device believes that device is a low risk device? What mother that looks over a sick child in the hospital and sees a ventilator, thinks that ventilator is low risk? That is the reason that the Secretary of HHS, the President of the United States, virtually every consumer group, every patients' group, every group that will benefit the most by this kind of innovative progress in terms of medical devices, are saying don't do this. Don't play with our future health, don't pass that provision without this language. That is what they are telling us here on the floor of the U.S. Senate.

We have been out here with five different sets of language ready to compromise. But, they won't compromise, they have the votes. They say, "We have the votes. We have the profits that are going to come from it." They will profit over their competition. Other hard-working, decent, ethical medical device companies that are trying to play by the rules, trying to get their product in—are going to think, "Why not? Why not go ahead and do it the other way? Our competitors are doing it and beating the pants off of us."

I have just a few moments and I will be glad to yield the floor.

The question is, will the Senate vote in favor of approving medical devices based on false or misleading labels? Will the Senate allow dangerous medical devices that have not been tested for safety and effectiveness to be foisted on the American people? Will companies like U.S. Surgical Corp. be rewarded for deceiving the FDA? Will the Senate put a higher value on the profits of the powerful than the health of the American people?

Section 404 of the FDA bill requires the FDA to approve a medical device based on the user claim on the label submitted by the manufacturer, even if that label is false or misleading. It prevents the FDA from requiring the manufacturers to show their product is safe and effective for the purposes for which it will really be used—as opposed to the purpose falsely claimed on the label. It stands 20 years of progress toward safer and more effective medical devices on its head.

Nothing better shows the need for the Reed-Kennedy amendment than the recent history of the advanced breast biopsy instrumentation system, a device developed and marketed by the U.S. Surgical Corp. This attempt to mislead the FDA and foist an untested machine on women with breast cancer shows why it is critical that section 404 not be passed in its current form.

The U.S. Surgical Corp. submitted their new machine to the FDA for approval based on a labeled claim that it was to be used for biopsying breast tissue suspected of being malignant. This is a common procedure used when mammograms or other diagnostic techniques identify suspicious looking areas of the breast that may indicate malignant tumors. If the biopsy of a small piece of the suspicious material indicates a malignancy, surgery would normally follow to remove the cancerous tissue.

But U.S. Surgical's labeled claim was false. One of the models of the machine was designed to excise a piece of tissue 50 times as large as previous biopsy instruments—the size of a piece of a hot dog as compared to the size of the tip of a lead pencil. It was clearly designed to be used to excise small tumors—not just to perform a biopsy. But the machine was not tested to see whether it was safe and effective for this purpose. The company was, in effect, proposing to subject women with breast cancer to surgery with a machine that might have been less effective in curing their illness than existing therapies.

Women ought to have a choice on existing therapies whether they want to take a chance on this.

It placed the company's profits first—and the patient's needs last.

In fact, the only clinical testing the company submitted to the FDA in support of their application had been performed on seven cow's udders and two pieces of beef.

Because FDA initially relied on U.S. Surgical's false and misleading label, the device was subjected only to an engineering review and was cleared for use on February 1, 1996. Had the product been honestly labeled, FDA would have reviewed it using a multidisciplinary team and required the company to present genuine clinical data in support of the application.

On March 29, 1996, the FDA obtained a copy of a promotional videotape that U.S. Surgical was distributing to physicians to try to sell their product. The videotape clearly describes the device as appropriate for surgically removing small lumps of cancerous tissue. Let me quote some extracts from this slick production:

> U.S. Surgical is entering a new millennium in breast surgery by combining advanced stereotactic technology with minimally invasive surgery * * *.
>
> Unlike needle biopsies where small samples of the lesion are removed for pathological analysis, the ABBI system removes the entire specimen * * *.
>
> If the specimen proves to be cancerous but pathology reports the entire margin is clear, it is up to the clinical judgment of the surgeon to decide to remove additional tissue or if the procedure can be considered complete.
>
> The ABBI system allows surgeons to provide the benefits of a minimally invasive technique to breast surgery. * * *
>
> Benefits to the patient include: reduced physical and emotional trauma as a woman undergoes only 1 versus 2 procedures. * * *
>
> Minimally invasive breast surgery. A new standard of patient care offered only by United States Surgical Corporation.

They have the audacity to suggest they are not promoting it.

It is clear that this company has designed this machine for breast surgery, not just biopsy. And it is promoting it for this purpose—despite the false and misleading label submitted to the FDA.

Here is what a distinguished physician, Dr. Monica Morrow, professor of surgery at Northwestern University, had to say about the company's machine—I referenced that—

> I am writing to express my feelings regarding the importance of the FDA's mandate to evaluate "behind the label" uses of devices and drugs.
>
> The need for such evaluation is clearly exemplified by the marketing strategy for the U.S. Surgical breast biopsy device (ABBI). This device was approved for use as a diagnostic instrument. However, the company video clearly depicts the use of the device for definitive breast cancer therapy.
>
> No clinical trials using the accepted techniques for comparing cancer treatments have been conducted to validate this claim, and without such trials, the device could potentially pose a significant risk to patients. In addition, other claims regarding improved cosmetic outcome and patient acceptance are similarly unsubstantiated. The indications for the uses of devices and drugs should be determined by appropriate clinical and scientific data, and not by their appeal as marketing gimmicks.
>
> This video was dropped off in my office by a company representative as part of an effort to interest me in purchasing this equipment.

When the FDA became aware that the company was promoting the device for this unauthorized purpose, it also became aware that it had made a mistake in clearing a device that was clearly designed for a purpose not stated on the label—tumor removal—without adequate clinical testing. The FDA then acted to require the company to include a strong cautionary label that the device was only to be used for tissue sampling, not tumor excision. And it required it to submit clinical data on its use for the original claimed purpose of biopsy. Based on this revised label and the new clinical data, the FDA recleared the machine for breast biopsy on September 24, 1996.

That is what the FDA has been doing, effectively denying them the opportunity to use it for these other purposes, and permitting them to use it only for biopsy.

And it further required the company to conduct studies on the safety and effectiveness of the machine for tumor removal, studies which are ongoing.

Evidently, the company, when asked to provide the additional studies, they agreed. That is interesting, isn't it? Now, once they have gotten caught they say, "OK, we'll supply the data."

If section 404 is passed in its current form, the FDA will be handcuffed in its efforts to protect the public against untested and potentially harmful—even fatal—devices. Under current law, the FDA is able to require that the company develop data to show that the new device was safe and effective for removing tumors—the real use intended by the company, not the false and misleading use submitted on their proposed label. When the FDA made a mistake and inappropriately cleared the device, it had the authority to go back to the company and warn that it would revoke their approval unless adequate warnings were placed on the label and necessary clinical testing was performed.

I hope our colleagues will listen to this.

But under section 404 of the FDA reform bill, the FDA would be forced to approve the new device without such evidence. Unscrupulous companies will not only be allowed but encouraged to submit misleading labels, because they will gain a competitive advantage over companies that play by the rules.

American women do not want to die from breast cancer because companies are allowed to sell devices that may be unsafe and ineffective. No Senator would want their own wife or mother or daughter to be subjected to such an untested device, solely because a greedy company wanted higher profits.

The issue goes far beyond products to excise breast cancer. If applies to lasers to treat prostate disease, stents to be placed in carotid arteries, imaging systems to detect breast cancer, and a host of other treatments for dread diseases.

The FDA believes those numbers will increase dramatically as the new technologies come into play.

If allowed to stand, this provision will give unscrupulous companies a license to lie to the FDA. It will penalize ethical companies who are truthful and do the necessary testing to prove that their products are safe and effective. Most of all, it will put the health of American people at risk so that a greedy few may profit.

Companies that hope to benefit by weakening the FDA are powerful and profitable. They believe they have the votes to push this disgraceful provision through the U.S. Senate. Later today, we will see if they are correct. But if the American people truly understand what is at stake, I do not believe they will permit this dangerous provision to become law. When the vote comes, we will see how many Senators are willing to stand with the American people—and how many are willing to vote in favor of false and misleading labeling. And let me make very clear that this vote will not be the end of the story, whichever way it ends up. We will continue to fight to keep this provision from becoming law, and I believe we will ultimately succeed.

The FDA reform bill has many constructive elements. But this disgraceful provision should be eliminated. False or misleading labels should have no place in approval of medical devices. Unscrupulous manufacturers do not deserve a free ride at the expense of public health.

The Reed-Kennedy amendment will protect Americans against dangerous machines and unethical practices. It is a simple amendment. It says that the FDA should not be bound by the company's label if the label is false or misleading. Every Member of the Senate should support this simple, commonsense change. I know that the American public supports it.

And I know that every patient and every physician deserve to know that the FDA has had a fair opportunity to assure that the devices on which lives and health depend are safe and effective.

I yield the floor.

Mr. JEFFORDS addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. JEFFORDS. Let me try to remove some of the confusion that I think must exist. Certainly the Senator from Massachusetts most eloquently has expressed his feelings, but his feelings and the law are not necessarily the same.

I point out, first of all, that false statements, all these kinds of problems, are certainly reachable. Let us get back to where we are. Let us remove first a couple of the things that have been invoked here in the discussion. Fen/phen, for instance. Fen/phen deals with drugs, not with devices. So do not get that confused with this particular situation here.

In addition to that, I point out that because of the off-label use of drugs, this committee appropriately put in place a system which would have probably even prevented fen/phen but at least would have made it possible for the FDA to intervene through the knowledge that they might not have had. So I want to take that completely out. That just raises insecurities in people which is inappropriate under this legislation.

Second, with respect to the debate on devices, I think it is important that we take a look at what we are talking about here. Devices are different from drugs. Devices have to do with things which are implanted in you or are used like the neck collar, whatever else, which do require approval.

There are two ways to approve these matters. One is the PMA, the premarketing approval.

The amendment that they are asking for would require not only the premarketing analysis but would move the same kinds of standards which are in the premarketing approval process over to the 510(k) process.

Why is that? First of all, the premarket approval is the one which requires all the clinical trials and tests and which makes it very clear as to whether a device is going to create a threat.

Let us put that into dimension here. Just in the 510(k) process, there were over 5,000 a year. Over the last 6 years that has been about 30,000 devices. There have only been five or six that have created any problem which required mandatory recall.

So that evidence is with respect to two points: First, these are rare things and, second, there is the present ability to handle those situations.

So by putting in these words "false and misleading," you take this device basically and move it back in under the premarketing approval process because, if you have to approve everything, if you have the duty of going out and inquiring among doctors, "Are you using this device which has already been approved?" and you say, "I have something which is substantially equivalent to be used for that purpose," they would have the burden of going out among the doctors and finding out what the practice of medicine is and whether their device was being used for something other than what it was approved for under the premarketing approval process.

That means a huge increase in costs to each of these companies that are trying to get something on the market to compete with the one that is already on the market. This creates huge delays. And for what reason? For no real purpose because it is only going to be used for that use intended unless somebody decides to use it otherwise.

So I think we have to remember here there is authority under the law for those people who abuse the process. But one of the purposes of the 510(k) was to reduce the time so that competition can get out there with a better device and bring the costs down because there would be no longer a monopoly in that situation.

The second purpose is to relieve the FDA from having to recheck and reexamine a device which is substantially or equivalent to the one that has already been studied and require the FDA to go out and examine all the doctors, all those kinds of things and create a huge burden on the FDA.

So our purpose here in the bill is to make sure that we have an efficient, effective FDA with adequate resources to do their job. So I want to make it clear as to what the discussion is supposed to be about. I also remind you that the 510(k) process only applies to those devices which are not life threatening, so they are not the devices that would do the kind of horrendous things that the Senator from Massachusetts has alluded to.

I yield to the Senator from Connecticut.

Mr. DODD. I thank my colleague for yielding.

Mr. President, may I ask—the hour of 12:30 is going to arrive here. I think there has been an earlier order that would have us recess.

Mr. JEFFORDS. I ask unanimous consent that we be allowed to proceed until 12:40.

Mr. DODD. I thank my colleague for yielding.

Mr. President, I sat here and listened to this debate this morning. A good part of it has been focused, not on the merits of the provision, but on one individual company in the State of Connecticut, U.S. Surgical Corp., and a device which they developed for diagnostic purposes related to breast cancer.

I think it is unfortunate that there have been so many misleading statements made about this company, who not once, but twice, received full FDA approval for this diagnostic device.

I would like to make the fact extremely clear—just for the purposes of the RECORD. The company's original application was submitted to the FDA on October 5, 1995 and was cleared by the FDA 119 days later, on February 1, 1996.

The company resubmitted their medical device under the 510(k) on September 23, 1996, with additional clinical data requested by the FDA. This resubmitted 510(k) was cleared by the FDA on December 20, 1996, 88 days later. The process works.

I cite for the RECORD here, Mr. President, what is on the label.

> Indication: For diagnostic sampling of breast tissue where large diameter incisional breast biopsies are desired.
>
> Contraindication: The device is used for diagnostic breast tissue biopsies; it is not [in bold letters] intended for therapeutic excision of tissues.

Now, I don't know what could be more clear than that. I ask unanimous consent this be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

*ABBI biopsy device chronology*

| *Original 510(K)* | *Indication: Transection of tissue during a surgical biopsy procedure* |
|---|---|
| October 5, 1995 through February 1, 1996 | Original 510(K) Premarket Notification submitted to FDA.<br>Minor questions answered.<br>FDA clears 510(K) and issues Substantial Equivalence letter. (119 days) |
| May 8, 1996 through June 6, 1996 | FDA raises questions regarding the ABBI device.<br>FDA states they made a mistake in clearing the original 510(K) without asking for clinical data.<br>FDA states USSC has done nothing wrong; it was FDA who neglected to request data.<br>FDA issues Warning Letter to USSC, 6/3/96, regarding labeling and advertising claims made for the ABBI.<br>FDA meeting held, 6/6/97, with USSC, Dr. Barbara Schwartzberg and Dr. Bill Kelly to review data demonstrating the safe and efficacious use of the ABBI as a diagnostic biopsy device. USSC agreed to work with FDA to gather retrospective clinical data from ABBI users to address FDA safety and efficacy issues stemming from larger core needle design. |
| *510(K) Resubmission* | *Indication: For diagnostic sampling of breast tissue where large diameter incisional breast biopsies are desired*<br>*Contraindication: The device is used for diagnostic breast tissue biopsies; it is NOT intended for therapeutic excision of tissues* |
| September 23, 1996 | USSC resubmits 510(K) for ABBI including modified labeling, 39 clinical case reports and commitment to submit additional clinical case reports over the next several days.<br>USSC submits additional clinical case reports to supplement the original 9/23/96 submission for a total of 312 ABBI clinical case reports. On 10/16/96 FDA requested that no more data be sent while they analyze what has been submitted.<br>USSC responded to numerous FDA questions regarding clinical data and labeling. |
| December 20, 1996 | FDA clears 510(K) resubmission and issues Substantial Equivalence letter. (88 days) |
| December 23, 1996 | FDA rescinds original 510(K), dated October 5, 1995, so no other substantially equivalent device will have a basis for submission without corresponding clinical data. |

Mr. DODD. This is the chronology of the events. This device is being used to try and improve biopsy and diagnostic purposes and reduce, hopefully, the need for unnecessary surgery—something most people applaud. And the label clearly limits the product to that purpose.

The Senator from Massachusetts suggests that this is somehow a rationale for us to reduce or change the language of this bill that deals with the approval process for less riskier medical devices. He cites a lot of examples that has nothing to do with this issue. Fen/phen has nothing to do with this amendment. The Dalkon shield has nothing to do with this amendment; that was a failure of technology that had nothing to do with the intended purpose of the device.

The examples cited, one after another, do not address the issue at hand. The issue at hand is how the FDA interprets intended use in making a substantial equivalence determination —the first test a lower risk device undergoes. That is what we are dealing with here.

If you have to say to a company that it must try and imagine what a device conceivably could be used for by some surgeon out there, and on that basis FDA can hold up its 510(k), you might as well scrap 510(k) and make every new device, even low-risk ones, go through the PMA process. You can make a case for that, I suppose. But I don't hear anyone advocating that. But if you really believe that we ought to so change this process, then get rid of 510(k) altogether—that is the safest way to go. But again, I don't hear anyone suggesting that.

All we are saying here is, the FDA ought to look at the intended purpose listed, and ought not try and go beyond that, particularly when they have full authority to apply the second test of reviewing technological differences. All we are trying to do here is to expedite the process a bit so we do not delay further the ability of very worthwhile devices to get approved by the FDA and get to the marketplace.

I regret deeply that a very fine company with a tremendous track record that has produced some wonderful devices has been the subject of an attack here on the floor. It is not deserved. It is not deserved. They produce a very worthwhile product, the breast biopsy needle, that has been approved by the FDA and is making a difference in women's lives. There are thousands of examples of where this device and other products made by this company have made a difference in people's lives. This company, U.S. Surgical, has been manufacturing medical devices in Connecticut for over 30 years now and has an excellent track record for producing safe, effective, and innovative products. In addition to setting the gold standard for the laproscopic surgery devices, as I mentioned earlier, I should also note that U.S. Surgical pioneered the technique of closing wounds with staples, rather than sutures—a revolution in everyday medical practice. The thousands of Connecticut workers who help create these products, ought to be applauded by our colleagues rather than used as an irrelevant example, somehow, of some attempt to limit the protections that the FDA offers.

For those reasons, Mr. President, I urge our colleagues, with all due respect, to reject the Reed-Kennedy amendment and to support the provision we have included in this legislation which we feel not only adequately protects people, but does even more than that. It allows them to get the materials they need to see they have a healthier and safe life.

Mr. JEFFORDS. I yield 5 minutes to the Senator from Indiana.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. COATS. Mr. President, again I want to tell Members I think it is important to keep their eye on the goal here and on the facts. Senator DODD went through part of the chronology of the approval of the device that Senator KENNEDY was talking about.

I say to my colleagues, the system is working the way it is supposed to work. FDA has the authority. The company submitted the application, FDA cleared the device, then questions came up about it, and the FDA responded and asked for some additional material, and then they acknowledge that, yes, we had the material, you sent it to us, but we didn't get a chance to review it. We have now reviewed it.

Mr. KENNEDY. Will the Senator yield?

Mr. COATS. I will be happy to in a moment.

They made a change in the "indication" and "contraindication" in accordance with what FDA asked them to do. They resubmitted for a new 510(k). FDA, with the help, apparently of Senator KENNEDY and his staff, approved the 510(k) and then the new 510(k) was applicable.

So that is exactly how FDA is supposed to work and it did work under the existing procedures.

Again, over and over and over, what has not been described and discussed is the authority that the FDA has regarding changes in technology that raised questions of safety and efficacy, effectiveness of the predicate device.

Mr. KENNEDY. Will the Senator yield?

Mr. COATS. Happy to yield for a question.

Mr. KENNEDY. If you would be willing just to maintain the current law, we could move very quickly toward final passage.

The Senator has just given an excellent explanation about how the FDA works at the present time. That procedure is being halted dramatically in this law. So if the Senator would support——

Mr. COATS. Reclaiming my time.

Mr. KENNEDY. I had yielded——

The PRESIDING OFFICER. The Senator from Indiana has the floor.

Mr. COATS. I think the Senator from Massachusetts knows exactly what it is we are attempting to do and why we are doing it. It is part of the two-part test. The second part, which the Senator admits on every example he uses and every example he uses does not apply to the situation as it exists. Dalkon shield has nothing to do with this; fen/phen, as the Senator knows, has nothing to do with this language. This whole thing was supposedly prompted by the fen/phen scare, and the Senator failed to admit that fen/phen is a drug and not a device.

Most of us are trying to keep some level of patience and some level of perspective on this whole process and procedure. I don't know of anybody at U.S. Surgical—they may have visited my staff. I have never talked to anybody that I know of from U.S. Surgical. I didn't even know they made that device. All I know is when they got in trouble they went to Senator KENNEDY, and the very device he is talking about that is so dangerous to women's health, he intervened, or at least participated in the process of clearing U.S. Surgical.

I had printed in the RECORD the letter citing specifically Senator KENNEDY's help and the help of Dr. David Nexon, Senator KENNEDY's staffer and Gerry Kavanaugh. There was no explanation of that minor omission in the Senator's presentation. I would be interested to hear what that might be.

So, the Senator criticizes the Senator from Connecticut for supporting this company and not being objective with the facts, when the Senator, who is raising the issue in the first place, has been the person to provide that support.

What we are attempting to do is to return to past law which sets in place a reasonable procedure whereby devices that are substantially equivalent under FDA's determination to devices that have already gone through lengthy premarket approval processes, where those devices can be expedited into the system because there is no difference and the question is on the label what the intended use is, not on what somebody tries to make the intended use to be. It would be impossible for anybody, any company, anybody to possibly speculate and list all the ways in which people might think up of using devices. The company produces it for a specific purpose, it provides an indicator for a specific purpose, and a contraindicator for how it is not to be used, and if there is in any way a technological change in that device, then FDA has full and complete authority to deny the substantial equivalency label.

Let's keep our eyes focused on what we are attempting to do here and not be confused by egregious examples that don't even fit the issue, that don't even go to the core of what we are debating. It makes for good theater. It makes for lousy legislation.

Mr. JEFFORDS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll. The bill clerk proceeded to call the roll.

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

### UNANIMOUS-CONSENT AGREEMENT

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the Senate stand in recess until 2:15 p.m., and when the Senate reconvenes, there be only the following time remaining, limited in the following fashion: 20 minutes under the control of Senator KENNEDY, 20 minutes under the control of Senator JEFFORDS, 10 minutes under the control of Senator HARKIN, and 10 minutes under the control of Senator FRIST.

The PRESIDING OFFICER. Is there objection?

Mr. HARKIN. Mr. President, reserving the right to object. I ask the manager of the bill, would the 10 minutes under my control occur prior to the vote on the Reed-Kennedy amendment or after the vote?

Mr. JEFFORDS. After the vote.

Mr. HARKIN. I appreciate that. I have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

## RECESS

Mr. JEFFORDS. Mr. President, I ask that the Senate now stand in recess under the order.

Thereupon, the Senate, at 12:53 p.m., recessed; whereupon, the Senate, at 2:15 p.m., reassembled when called to order by the Presiding Officer (Mr. COATS).

Mr. JEFFORDS addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. JEFFORDS. I yield 2 minutes to the Senator from Iowa.

The PRESIDING OFFICER. The Senator from Iowa is recognized to speak for 2 minutes.

## LANDMARK HEARINGS

Mr. GRASSLEY. Mr. President, today was a landmark day for the American people in hearings before two Senate committee on which I serve.

As chairman of the Special Committee on Aging and the request of my colleague, Senator SHELBY, I assembled several panels to raise the awareness of the second-leading cause of cancer death for men: prostate cancer.

In the Finance Committee, we opened up 3 days of unprecedented oversight hearings into systemic abuses of power by the Internal Revenue Service.

The telephones were ringing off the hook in my office as these hearings were underway. That's how much these issues struck a chord with the American people.

And suddenly, the hearings were canceled. Why? Was it a national emergency? The death of a colleague? An international crisis? Hardly.

Instead, the Democratic leadership used the Senate rules to shut down the public's business.

They shut down important policy debates on prostate cancer and IRS abuses. And that's only in the two committees I was involved with. Other committees were affected.

What's apparently more important to the Democratic leadership than these issues is a partisan political issue in Louisiana. It's an issue involving campaign irregularities in a campaign in Louisiana involving one of our colleagues.

Certainly, this is an important issue, although political. But is it important enough to systematically close down the public's business?

The hearing before the Committee on Aging this morning was called at the urging of Senator SHELBY. He is a prostate cancer survivor. The hearing was designed literally to help save lives.

This year alone 335,000 American men will be diagnosed with prostate cancer. The ranking member of the Committee on Aging—Senator BREAUX—and I worked to put together a healthy policy debate about treatment options.

This productive debate, a debate that could help save lives, was cut short this morning because of politically motivated maneuvering through Senate rules. We were therefore unable to engage in a full debate about when to screen and how to treat prostate cancer.

Among the 10 witnesses scheduled to testify this morning was the distinguished former Senate majority leader Bob Dole. I'm happy we were able to hear his statement before the shutdown.

Senator Dole's testimony this morning was his first official event on Capitol Hill since he left the Senate in June 1996.

No better way, in my view, to get the message out.

Today, I think this legislative body would be well-served to remember the productive, bi-partisan leadership of Senator Dole. The people's business was always Bob Dole's first concern as he presided over the work of the Senate for many years.

The second very important effort stopped by this maneuvering today was landmark hearings of the Finance Committee to expose the excesses and abuses of the American taxpayer at the hands of the Internal Revenue Service.

The fair-minded and very capable chairman, Senator ROTH, spent 8 months preparing these hearings to talk about the specific problems and to consider specific solutions on how the IRS can be restructured to work for taxpayers, not against them and at the expense of the civil liberties of individual Americans.

All of this was disrupted by the Democratic leadership who put petty politics ahead of the public's health. I'm very disappointed. And I wouldn't be surprised to learn of the public's disappointment as well.

The Democratic leadership needs to explain to the American people why partisan politics seems more important than No. 1: raising the awareness of the second-leading cause of cancer death for men, prostate cancer. No. 2: exposing abuse and mistreatment of hardworking taxpayers at the hands of the IRS.

If you don't like the investigation into campaign irregularities in Louisiana, fine. But should the priorities of the American people be shoved aside for the partisan concerns of a political party? I don't think so.

## ORDER OF PROCEDURE

Mr. JEFFORDS. Mr. President, I yield the Senator from New Hampshire 5 minutes.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, I appreciate the Senator yielding. I wanted to speak on another item.

Mr. JEFFORDS. We have a very limited debate time.

Mr. GREGG. Can I ask unanimous consent that I be allowed to proceed for 5 minutes under morning business?

The PRESIDING OFFICER. Is there objection?

Mr. KENNEDY. Reserving the right, I apologize to the manager. Could I hear that request again?

Mr. GREGG. The request was to proceed for 5 minutes as if in morning business.

Mr. KENNEDY. I have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from New Hampshire is recognized to speak as if in morning business for up to 5 minutes.

## U.N. ARREARAGES

Mr. GREGG. Mr. President, I understand we are in the middle of debate on FDA which has been going on for some days. I did want to talk briefly about the President's comments in New York yesterday relative to the United Nations.

The President went to the U.N. General Assembly and made a very eloquent speech, as he often does, in which he promised that he would be paying what is represented to be the arrears of the people of the United States that we owe to the United Nations, arrears which is somewhere around $1 billion. I think that was generous of the President to do that. But he should have made it much clearer what the conditions are for our paying those arrearages.

As chairman of the committee that has the authority over the spending of the money relative to the U.N. accounts, I have been working with Senator HELMS and Senator GRAMS, along with the administration and with House Members, and we have developed a package which makes that payment to the United Nations conditioned. Unfortunately, the way the President expressed it, the conditions were mentioned only in passing, and hardly even mentioned at that. But the conditions are critical.

The American people simply are not going to send another $1 billion to the United Nations unless the United Nations cleans up its act—unless they reduce the patronage; unless they put in place accounting procedures that are trackable—so that we when we send $1 there we know where it goes.

Today the American citizens pay 25 cents of every $1 spent at the United Nations and the United Nations has no idea where that money is spent. Not only do they have no idea where most of that money is spent—they may have an idea but they certainly don't know specifically where it goes—but, more importantly than that, they don't have any systems in place to assess whether or not the money is getting anything for the dollars that are being spent.

What we are seeing is an institution which is rampant with mismanagement and inefficiencies. Regrettably, the President didn't point that out. He had an excellent opportunity to stand before that body and say, "Listen, if you expect the American taxpayers to pay for a quarter of the cost of this institution then the American taxpayers expect adequate accounting. And the American taxpayers expect that it will be spent on programs that work. And the American taxpayers do not want to have their money spent on patronage. And they don't want to have it mismanaged, and do not want to have it inefficiently used."

The new Secretary General of the United Nations has given a significant number of talks on this topic. He has pushed forward an agenda for reform. But his agenda for reform doesn't go as far as the agreed to package, which passed out of this Senate with an overwhelming vote.

The simple fact is that I have come to the floor today to restate the obvious, which is that we are not going to send $1 billion to the United Nations until the conditions of that package are met, until we know that the dollars are being spent effectively, and until we know that there is in place a reform effort which is going to work.

I regret that the President did not take the opportunity to express that thought to the membership of the United Nations. But I think the point should be clarified before the people who are expecting to get their billion dollars think they have a blank check, because they don't. We are not going to tolerate it.

I yield the time.

## FOOD AND DRUG ADMINISTRATION MODERNIZATION AND ACCOUNTABILITY ACT OF 1997

The Senate continued with the consideration of the bill.

### AMENDMENT NO. 1177

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. Mr. President, I understand we have 20 minutes to each side.

The PRESIDING OFFICER. The Senator from Massachusetts has 19 minutes remaining.

Mr. KENNEDY. I yield 10 minutes to Senator REED. I will take 9 minutes.

Mr. REED. I thank the Senator. Thank you, Mr. President.

Mr. President, we debated this morning the Reed amendment, which would give the Food and Drug Administration the authority to look behind the labeled use in evaluating a class 1 or class 2 medical device before that device would be sold on the marketplace. My amendment is very simple. It would allow the FDA, if they felt the label was misleading or false, to ask for additional information with respect to possible uses other than the labeled use. This is consistent with their current practice. And it would protect the public health dramatically.

I urge all of my colleagues to support this amendment.

I heard opposition on the floor this morning to the amendment—first, not so much opposition but an attempt to diminish the importance of this amendment by saying, "Well, class 1 and 2 devices are just simple little medical devices. They are low-risk medical devices." I don't know about you. But, like many Americans, I think the definition of a low-risk medical device is a device that is being put into someone else's body, not my own. Because, if there is any type of device that is coming into a person's body, they expect and anticipate that the FDA would thoroughly review it, ask all the questions, and look at all the possible uses that are reasonably discernible from the device itself.

The other objection which has been made to the amendment is that it is unnecessary because the FDA can step in and ask for this type of information. But, in fact, that is not the case.

As some have explained here today, there is a two-prong test to get 501(k) approval under current. First, the device must be substantially equivalent to another device already on the market, and this device performs essentially the same task that the other device does. If there are technological differences in the device, then the FDA can make an evaluation of this technology to determine its effectiveness.

But all of these different tests collapse into one point. The question is, what is the device being used for?

That is where the current language in the bill is so restrictive of FDA responsibility and the obligation we expect them to discharge. Because, according to the language in the bill, the FDA and the Secretary of HHS reviewing any of these proposals could only do so with respect to the intended use of the device based on the intended use included in the proposed labeling of the device.

You have to evaluate these devices for safety and health, and efficacy based upon some use. And if the FDA is restricted solely to the use indicated on the label, then they will not be able to look behind the label to other possible uses—look beyond the label to other possible ways—in which the device could be used and ask for supporting data to justify those uses.

We have seen and heard examples today on the floor with respect to biopsy needles, with respect to lasers, with respect to a host of very important medical devices. The American public I hope would demand that these devices be evaluated thoroughly for all reasonable uses—not only the use that a manufacturer would suggest as a way to take advantage of this expedited procedure for review and entry into the marketplace.

One does not have to repute ill will or bad motives to the manufacturers of these devices. Simply stated, they have a tremendous incentive to get these items into the marketplace. Once they are in the marketplace, there are different uses that could be promoted.

Also, in terms of marketing, there are scores of salesmen and women who are zealous in trying to promote these goods. They might not be as scrupulous with respect to these uses as intended by the manufacturer.

All of these factored together suggest strongly that if we do not initially have a good approval process which allows the Food and Drug Administration to look behind the label, to look at likely uses other than the ones presented by the company, we could run the risk of introducing medical devices into the marketplace that would be harmful to the American public.

We have made great progress on this legislation. We have done so because we all feel sincerely that our chief responsibility is to protect the public health. My amendment would do so.

My amendment would give the FDA the authority to request additional safety information in the rare circumstances in which they have suspicions that the labeled use is either false or misleading. The FDA could look behind that label and require additional data before they would release a device onto the marketplace.

I hope that we all support this concept. I hope we can all rally around the principle that when in doubt, and when confused about the different interpretations of various sections, that we will ultimately allow the FDA to use its judgment and its discretion to protect the public health of the American people.

I yield our time.

The PRESIDING OFFICER. Who yields time?

Mr. JEFFORDS. Mr. President, I yield to the Senator from Tennessee 10 minutes.

The PRESIDING OFFICER. The Senator from Tennessee is recognized for 10 minutes.

Mr. FRIST. Mr. President, thank you.

Mr. President, the issue that we are facing in the next several minutes on which my colleagues will be voting appears very simple on the surface. Why would anybody oppose an amendment that really strikes at the heart of what so much of the FDA is about—that is, a medical label that is maybe false or misleading?

So, on the surface it seems simple. But it really is not. The larger bill, the underlying bill, is about strengthening the FDA, and making sure that we fulfill that mission to the American people of having products, drugs, and devices that improve health and not huge barriers that push over the great new technological advancements that we see—push them off into the future so that we cannot benefit from the technology that is out there today.

The amendment is unnecessary. The amendment we are going to be voting on right now is unnecessary, and a little bit worrisome because if it were to pass, there is a possibility that we hurt the system. In other words, we disallow improved devices which can benefit heart disease or lung disease, we put up barriers and push them off into the future. So if the amendment passes, it may be harmful. It clearly is unnecessary today.

The bottom line is this. The Food and Drug Administration is required to deny premarket approval for a device if the proposed label is false or misleading—current law—and that is why it is unnecessary.

To really understand the overall process, we talk about 510(k) and PMA, premarket approval. It is really pretty simple. You have a device today that goes through the FDA system that has all sorts of standards that have to be met in terms of safety, efficacy, and false and misleading labels. That device goes through that process, what is called the PMA, premarket approval of the device. Then with technology and science new devices, better devices are developed; for example, a stint in the heart after a heart attack. Over time you improve the stint. That is the great thing about science today. That improved device may be almost exactly like the earlier version of that device. The FDA has to make a decision. Does it go through a process which says they are so similar that there is no reason to make it go through all the other standards or is it different enough it has to go through all the initial requirements and jump through the hoops and standards, and the FDA has to make that decision. Premarket approval initially, an improvement on that device or a new device, is it similar enough. Now, the words are used, is it substantially equivalent to the initial device itself. FDA has to make that decision.

What we really have not talked very much about is how they make that decision. It is written in the current law. We do not do anything about current law today, whether or not this new version is "substantially equivalent." Those are the words.

What is the requirement? What is the current law? They are substantially equivalent if, No. 1, the new device has the same intended use as the earlier device and—and—it has the same technological characteristics as the predicate device.

Now, that is a pretty good standard because the idea is, if you get a little stint that you put in the heart and it is improved, it works better, same principles, technologically equivalent, same intended use, then you go through this process of the 510(k).

Now, the amendment we are going to be voting on says we have to put it back again through the false or misleading label requirement. Remember, this improved device going through this process has already met the criteria of false and misleading labeling when it was in the PMA, the initial approval. That is very important to understand because we all are against anything in terms of labeling that is false or misleading. It is very important to understand the process.

So what we are debating right now is not whether a label is false or misleading but whether the FDA will have the ability to compel a manufacturer to produce clinical data to prove safety and efficacy for uses that are not included on the label. This brings me to the worrisome part of this amendment. Again, I am very comfortable that the FDA has standards today to make sure that the labeling is honest, is truthful. The worrisome thing is about just what if the FDA came in and said that this device, which is medically equivalent to an earlier device, technologically improved but the equivalent device, what if the FDA says, "No, let's make people go back and jump through all the initial hoops once again."

We already know for a device that we are not meeting device approval or disapproval over the time required in statutes. Already it takes months and years to go through the approval process. So with every improvement, when it is substantially equivalent to the earlier device, if we take all those improvements, make them meet all these new criteria again, what are we going to do? We are going to push off the great advancements today to save lives, to improve the quality of life to some time in the future where we and maybe even our children cannot benefit from that device.

Now, a key question that I think we all have is, if a device is determined by the FDA to be safe and effective for the labeled use, should the FDA—for the labeled use that has been approved—should the FDA be able to force a manufacturer to produce a clinical device that is safe and effective for other uses, other uses. Remember, it is approved for what is on the label. I would answer no. We do not do that for pharmaceuticals today. We do not do it for drugs today. Should we do it for devices? I say no.

My real fear is that when the FDA reaches outside of the proposed labeling, it is going to require a very subjective decision in determining what goes through those initial PMA, premarket criteria.

Finally, let me also step back and look at the enforcement procedures that the FDA already has. My colleagues make it sound as if the FDA is unable to protect the public health by keeping unsafe products off the market. In fact, the FDA today has the enforcement authority which allows the agency to remove devices that endanger public health from use and availability immediately, even if the device is on the market and the manufacturer's intended use for a device changes over time.

Any device which the FDA has, and I quote, "a reason to believe is misbranded or adulterated in any way" can be detained today under law. FDA has a long list of remedies to protect consumers against persons who violate device laws including criminal prosecution, injunctions, civil seizures, and civil penalties.

Claims were made earlier by some of my colleagues that manufacturers will market and advertise for uses other than those approved by the FDA. That is illegal today.

Under the proposed bill—not the amendment, the underlying proposed bill—it is illegal. Again, let me say claims have been made over the course of the morning by some of my colleagues that manufacturers will market and advertise for uses other than those approved by the FDA. That is illegal. The Reed amendment does not change the fact that manufacturers cannot do this today, and it does not change the fact that the FDA has enforcement authority today.

With that, I urge my colleagues to oppose the amendment. Again, I think it is unnecessary and worrisome in the sense that it would raise the barriers sufficiently in an unnecessary way for approval of devices that are substantially equivalent to devices that already have jumped through the hoops.

I yield the floor.

The PRESIDING OFFICER. Who yields time? The Chair informs the Senator from Vermont there are 8 minutes 32 seconds remaining under his control and the Senator from Massachusetts has 12 minutes remaining under his control.

Mr. JEFFORDS. Mr. President, I yield 2 minutes to the Senator from Indiana.

The PRESIDING OFFICER (Mr. FRIST). The Senator from Indiana.

Mr. COATS. Mr. President, I am going to repeat points that have already been made, because I think it is essential to the understanding of what we are about here just before we are ready to vote.

Section 404, the section under debate, preserves a very key premarket statutory authority to the agency. It is important for Members to understand that the agency can call, still call for a premarket action requiring full data on the safety and effectiveness whenever there is a technological difference arising, and I quote from the statute, "that raises different questions of safety and effectiveness in the earlier approved device."

This authority is premarket. In other words, the product is never cleared for marketing. It is never distributed before the agency has an opportunity to act.

The authority is extremely broad. As soon as a product raises a question about safety and effectiveness, the agency can require the filing of a premarket authority, PMA. The agency retains full discretion to control the showing of safety and effectiveness. There are no words of limitation on that statutory authority. I point out that that authority has never been challenged successfully by a company in court.

It was Senator KENNEDY's own committee, as chairman of the committee, his own committee report on safe medical devices in the 1990 Device Act that confirmed the breadth of this authority, and I quote from that report.

> However, notwithstanding data that may demonstrate comparable performance, the agency will not find the device substantially equivalent to a predicate device where the newer device raises different safety and effectiveness considerations than the predicate device. Under these circumstances, a finding of not substantially equivalent is made, necessitating a class 3 designation and the requirement of an approved PMA before the new device is marketed.

This is the language that was—

Mr. REED. Will the Senator yield?

Mr. COATS. Incorporated in the 1990 Medical Device Act, demonstrating in the Senator's own committee report the breadth and scope of this particular authority.

The PRESIDING OFFICER. The Senator's 2 minutes have expired.

Mr. REED. Will the Senator yield?

Mr. COATS. My time has expired.

Mr. REED. Will the Senator yield?

Mr. KENNEDY. Two minutes.

Mr. REED. I concur with the Senator's notion that the FDA could look at safety and effectiveness but the critical question is safety and effectiveness to do what? To do what the labeled use is or to do something else. And the language of the bill restricts the answer to that question, to do what, statutorily to simply say whatever the company puts into the label. And that seems to be the crux of this debate. Yes, they can look at safety and effectiveness; yes, they can look at technological change, but only in the context of what the company purports in the label to say is the intended use. They can't look beyond it.

I yield back to the Senator from Massachusetts.

The PRESIDING OFFICER (Mr. COATS). Who yields time?

The Senator from Massachusetts.

Mr. KENNEDY. How much time, Mr. President?

The PRESIDING OFFICER. The Senator has 11 minutes 15 seconds.

Mr. KENNEDY. I yield myself 8 minutes.

Mr. President, my good friend from Rhode Island has put his finger on exactly the problem and the issue. Now, I listened to our friend, Senator FRIST, who believes that the FDA doesn't really have a problem if the information is going to be false and misleading, that the FDA has the authority to look behind the label itself and find out if that information is false and misleading.

If that is the case, we do not have a problem. We can accept an amendment that would restate what he has just said, or we can drop this whole provision.

It is interesting to listen to those who are opposed to the Reed amendment say, well, look, the FDA can do this and that and protect the public, while at the same time they are emasculating the very safety valve with this new provision—restricting the FDA in its ability to judge on the issues of substantial equivalence.

Now, Mr. President, before we move to the vote, I want to reiterate where we are so that those who have been listening to the debate for these last few minutes understand where we are.

We are talking about the preeminent issue identified by the administration's principal spokesperson charged with protecting American health. This has been identified as the one provision in the whole legislation that is of central concern to the public health of the American people. They mentioned the issues of cosmetics; they mentioned the fact that this eliminates environmental impact statements; they mentioned technical issues dealing with PDUFA; but there was only one public health issue that the Secretary of HHS has recognized, and it is this particular provision which Senator REED has tried to address.

It is of such importance that the Secretary of HHS indicated that if that provision remains unchanged, she would recommend that the President not sign the legislation. And it is not just the Senators from Rhode Island and Massachusetts who are concerned about this provision. Every single consumer group is concerned about it as well. All of the groups that speak for patient rights, all of the groups that are concerned about women's health issues, all of the various consumer groups—I have listed them before—all of them say that we ought to support the Reed amendment, if we are truly interested in protecting the American consumer. We have, over the last few days, talked about why this is so important.

Those who are opposed to this amendment keep repeating their assertions that the FDA has the authority to protect the public. That is hogwash. They may believe it. I have yet to see a Member of the Senate who is opposed to our amendment take out this legislation and thumb through it and point to the specific language that states the FDA will have authority to protect the public if this amendment is not carried by the Senate of the United States. They have not done it because they cannot do it. They cannot point to a provision in here that says, "OK, if we defeat the Reed amendment, FDA will still have the authority." They have these assertions on the floor of the U.S. Senate. But they have not pointed to specific language in this legislation, and that is what counts. They cannot point to it because it is not there.

We are talking, as the Senator from Rhode Island has pointed out, about medical devices submitted to the FDA for approval, which a company would say is "substantially equivalent" to an existing device. But which, in reality, is a device which has significant technological changes in its design and in fact, is designed for another use. However, when the new device is submitted for approval, the label will still maintain that the device will be used for the same purposes as the original device. That is what is happening. That is the danger and that is what the Reed amendment is attempting to prevent.

We have discussed the example of this that is currently unfolding. The biopsy needle that was supposed to be substantially equivalent to a biopsy needle the size of your pencil lead but which actually removes an amount of material the size of a hot dog. This device is used to take the place of surgery for women, but it is untested and untried for that purpose. We don't know if it's safe. The company hasn't submitted evidence as to whether it is safe. But we know that this device developed by U.S. Surgical was not designed for the narrow biopsy; it was designed for another purpose. It takes out 50 times the amount of material necessary for a biopsy.

We know what it was designed for, we have the promotion tape. We have the statements from doctors saying they were being solicited to use it for surgery, not biopsy.

You can claim that these are low-risk devices. You can claim that is really just a technical issue, that its not important. But we know that is not the case. We are talking about anesthesia machines which are used for major surgeries. We want those to be able to perform the way they should and to meet safety and efficacy standards. We are talking about fetal cardiac monitors. We want to make sure that children who need that kind of monitoring have a device that will be safe and do the job. What mother wants to discover that her child is using a fetal cardiac monitoring system that has been approved for some other use and here the hospital or clinic is using it for a different purpose without knowing that it is safe and effective for that use?

The list goes on. We have had the situation where surgical lasers are being submitted as general cutting tools when it is clear that the intention is to use them for surgeries for prostate cancer and no information about how safe or effective they are for that purpose has been submitted to the FDA. Why are we risking the health of the American people over this issue? What is the benefit?

I have cited examples where we have been called on in this body to make decisions about whether we are going to use a limited amount of money to feed the elderly people—how much will we use in congregate sites? How much will we use for home delivery? If you use more in home delivery, you will be able to feed fewer people. It's a painful issue, and whatever we do some are going to benefit, some are going to lose. We can understand men and women of good judgment differing on that issue.

But not on this issue. What is the balance? The balance is that the protections of American consumers are weakened in the area of medical devices—significantly weakened for the first time in 25 years. And the profits of the medical device industry go up. And they have a competitive advantage over the other companies who do the right thing and conduct the tests to provide health and safety information on their devices.

Why are we doing that? What is the rush? Why aren't we hearing from the other side that, "We have 10 consumers' groups that believe we can get the information much more rapidly and their health needs will be advanced and we don't need the Reed amendment." Where are those statements, why haven't we heard them. Because they are not there.

We have to decide whether we are going to retain, for the Food and Drug Administration, the ability to deal with labeling. The ability to look beyond the label when they find it to be false and misleading. That is a pretty high standard. FDA has to find it false and misleading. Only then can they look to safety. Some of us wish it was a lower standard, but that is the standard we have here, false and misleading.

We have given examples, ads have been used to promote medical devices for other purposes. That is happening now. We have also spelled out the human tragedies that occurred when medical devices malfunctioned, when we did not have all the necessary information to assess safety.

Are we going to deny the principal health agency charged with protecting the American public, the authority to ask for more data if they find that the label on a medical device is false and misleading. Are we going to say your hands are cuffed?

The PRESIDING OFFICER. The additional 2 minutes of the Senator have expired.

Mr. KENNEDY. How much time do we have?

The PRESIDING OFFICER. The Senator has 1 minute remaining.

Mr. KENNEDY. I yield that to myself.

Are we going to tie their hands, tell them that they cannot do a thing? Are we going to tell them that we understand that they have done the scientific review? We understand that the label is false and misleading, but you are not allowed to protect the consumers or the American public from it."

I think that is the wrong position for this body to take, and I hope the amendment is accepted for the reasons I have outlined and for the splendid reasons outlined by the Senator from Rhode Island. I withhold the remainder of my time.

Mr. JEFFORDS. I yield to the Senator from Connecticut 2 minutes.

Mr. DODD. Mr. President, let me say briefly to my colleagues that what I believe is false and misleading is to suggest what we are trying to do in any way is something injurious to the American consumer. What we are doing is saying that we shouldn't create roadblocks in a process that has been in place for more than 20 years and that has worked well for lower risk devices. To prove a device is substantially equivalent to a product that has already been in the marketplace there are tests which must be complied with, but you don't force the product to prove itself all over again. That negates the process that was set up to be quicker and more efficient and makes patients wait too long to get access to devices which can change their lives, even save their lives.

If you want to scrap the process altogether and require that every new variation of the predicate product begin this process all over, then let's do that. I don't hear anyone calling for that.

What the law says is that if it's substantially the same product and if the intended purpose as stated is the same, you don't ask the company to try to guess how someone may use that product for some purpose that the company has not supported. To suggest that a company is going to have to guess as to what other ideas someone may have for the use of that product, and develop data to support those uses—that would make this process null and void. We might as well scrap the entire section and 25 years of effort here.

The purpose of this bill is to take advantage of new technologies, to see to it we have safe and effective products that are going to reach consumers. To allow an agency to cause a company to have to guess and guess again as to what some other intended purpose would be, I think would be a mistake.

So I urge, with all due respect, this amendment be rejected and the committee bill be supported.

The PRESIDING OFFICER (Mr. KEMPTHORNE). The time of the Senator has expired. Who yields time? The Senator from Vermont.

Mr. JEFFORDS. Mr. President, as we close debate on this issue, I want to say if I listened to this and didn't understand the law and the protections in it, I would go home and be depressed that I was backing such legislation. However, knowing the law and knowing the process, I still come away totally opposed to this amendment.

First of all, let's take a look. We have had about 36,000 devices approved over the past 6 years. Out of that, there would have been six recalls. So this is not an issue that is something which has proved to be a failure in the law.

Second, what we are dealing with here is the definition of false and misleading. Actually, the regulations cover the important aspects of it. But false and misleading means if you knew or should have known. They want to get into the practice of medicine. They want to say if this person has this device, and it is the same as the device with the premarket approval, they should be looking around and deciding and finding out all the possible and conceivable uses out there, and then they could be required to run clinical trials on all these.

The purpose of the 510(k) process is to allow something that is identically the same, having gone through all this, not to have to go through it again. This would send fear through the device industry because it may know it is impossible to get anything improved again without expending thousands and thousands of dollars and waiting 2 or 3 years. That is totally unnecessary. The law fully protects the consumer now. This is totally unnecessary and will increase the cost to consumers and decrease the availability of devices to them in a timely manner. That is why I am opposed to it.

It has been greatly overexaggerated as to what kind of problem is created here.

Mr. President, I move to table the amendment.

The PRESIDING OFFICER. The time of the Senator from Massachusetts has not yet expired. If the Senator will withhold his motion? I recognize the Senator from Massachusetts.

Mr. KENNEDY. Mr. President, as I understand I have 30 seconds?

The PRESIDING OFFICER. That is correct.

Mr. KENNEDY. Mr. President, I list those who support the Reed amendment: The administration, the President, Patients' Coalition, Consumer Federation of America, National Women's Health Network, American Public Health Association, National Organization for Rare Disorders, the Consumers Union, and the Center for Women's Policy Studies. I believe my time is expired. I ask for the yeas and nays.

Mr. JEFFORDS. Mr. President, I move to table the amendment. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to table the amendment of the Senator from Rhode Island.

The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

The result was announced—yeas 65, nays 35, as follows:

[Rollcall Vote No. 254 Leg.]

YEAS—65

Abraham
Allard
Ashcroft
Bennett
Bond
Breaux
Brownback
Burns
Campbell
Chafee
Coats
Cochran
Collins
Coverdell
Craig
D'Amato
DeWine
Dodd
Domenici
Enzi
Faircloth
Ford
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hagel
Hatch
Helms
Hollings
Hutchinson
Hutchison
Inhofe
Jeffords
Kempthorne
Kyl
Landrieu
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Mikulski
Murkowski
Murray
Nickles
Roberts
Roth
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Warner
Wellstone
Wyden

NAYS—35

Akaka
Baucus
Biden
Bingaman
Boxer
Bryan
Bumpers
Byrd
Cleland
Conrad
Daschle
Dorgan
Durbin
Feingold
Feinstein
Glenn
Graham
Harkin
Inouye
Johnson
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Moseley-Braun
Moynihan
Reed
Reid
Robb
Rockefeller
Sarbanes
Torricelli

The motion to lay on the table the amendment (No. 1177) was agreed to.

### UNANIMOUS-CONSENT AGREEMENT

Mr. JEFFORDS. Mr. President, I have a unanimous-consent request which I will offer.

I ask unanimous consent that immediately following the cloture vote with respect to S. 830, if invoked, there be only the following time remaining in the following fashion: 4 hours equally divided between the chairman and the ranking minority member or their designee for use during today's session only; 4 hours equally divided between the chairman and the ranking minority member or their designee for use during the session of the Senate on Wednesday, September 24, beginning at noon.

I further ask, notwithstanding rule XXII, that following the conclusion or yielding back of time, the Senate proceed to vote on S. 830, as amended, without further action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

### AMENDMENT NO. 1137

The PRESIDING OFFICER. Under the previous agreement, we now have 20 minutes equally divided on the Harkin amendment numbered 1137, 10 minutes under the control of the Senator from Iowa and 10 minutes under the control of the Senator from Tennessee.

The Senator from Iowa is recognized.

Mr. HARKIN. I yield myself 5 minutes.

Mr. President, there are many positive provisions in this bill that I am pleased to support. However, I am disappointed that an essential element has not been included in this bill. A major goal of FDA reform is to ensure that the public has access to medical innovations without compromising public safety. But the multimillion-dollar cost of obtaining FDA approval often excludes from the review process all medical therapies not promoted by major corporations, those that are nonpatentable or low cost.

Very few sponsors of alternative medicines and treatments have the resources to go through this process. Unfortunately, this means that millions of Americans are denied access to important alternative medicines and treatments every day. In committee, I proposed and withdraw an amendment that would improve the access to medical care. It was called the Access to Medical Treatment Act. It was introduced this spring by Senator DASCHLE, cosponsored by the majority leader, Senator LOTT, Senators HATCH, INOUYE, myself, and many others. It would allow greater freedom of choice and increased access in the realm of alternative medical treatments, while preventing abuses of unscrupulous practitioners.

However, it appears that we may not be ready to move on this important consumer reform. Mr. President, while we may not be ready for this, we cannot delay in moving to assure and improve and expand rigorous scientific review of alternative and complementary therapies. That is the purpose of my amendment.

Mr. President, increasingly Americans are turning to alternative medicine. A study done by Harvard University showed, in 1990, American consumers spent over $14 billion on these practices. In that year, there were over 425 million visits to alternative practitioners, more than visits to conventional practitioners.

In light of that, in 1992, the Congress passed a bill setting up the Office of Alternative Medicine at the National Institutes of Health. We now have 4½ years' experience with that office operating. It has done some good things, but it has been severely hampered by the fact that it must go through the entire process at NIH, through the institutes at NIH, for its peer review and for its grant-making authority.

The amendment I have before the Senate now would simply change the status of the Office of Alternative Medicine from an office under the Director to a center for complementary and alternative medicine. It would not be an institute but a center. As such, that center could set up a peer review process and make its own grants.

Now, why is that important? Mr. President, every year since we established the office, we put in the legislation that the office's responsibility was to investigate and validate treatments, practices and medicines. That has been in there every year—to investigate and validate—because what we want is scientific analysis done of these treatments. Now, I have always heard, "There are a lot of quacks out there practicing alternative medicine." While that may be true, there are a lot of good people out there doing good things with alternative medicine. We need the review and the science to let us know what is good and what is working.

I asked the Director of NIH a few months ago, who was in my office, how many treatments, or practices, or medicines they had investigated and validated since 1992. I was met with a deafening silence. The answer is, none. Yet, next year we are putting $13 million into the Office of Alternative Medicine. One might rightly ask, where is it going? What is happening?

So the purpose of my amendment was to set up a center to elevate its status so that that center could do its own peer review and have its own grant-making authority. That way, we can cut through and save a lot of money and save a lot of time, without in any way compromising rigorous scientific review. That is what this amendment does. It also incorporates within that center the Office of Dietary Supplements, which was also set up at NIH, to bring the two of them together in a new center which would provide more independence, assure economies of scale and efficiencies without in any way denigrating good scientific research. That is the purpose of the amendment.

Now, I understand that the Senator from Tennessee is going to raise a point of order that this amendment is not germane. Under the rules of cloture, I admit that it is not germane. That doesn't mean it is not important. It is very important. It is critically important. It should be passed.

Mr. President, I understand my 5 minutes are up. I yield 2 minutes to one of my chief cosponsors, the Senator from Maryland.

The PRESIDING OFFICER. The Senator from Maryland is recognized.

Ms. MIKULSKI. Mr. President, I rise to cosponsor Senator HARKIN's amendment to establish the Center of Alternative Medicine. I helped him establish the Office of Alternative Medicine in 1993 at NIH. Why did I do that? One, because I want everyone who is sick in the United States of America to have access to all possible means of treatment that are safe and have efficacy. At the same time, I wanted to prevent quackery. I also was aware of the Harvard study by a Dr. Eisenberg that said one out of three Americans was using alternative or complementary medicine, but we were not aware of scientific investigation to establish its efficacy or its safety. Yet, many of us have enjoyed those practices.

Some years ago, I had some very severe illnesses. Western medicine was of limited utility for me and I turned to acupuncture. Acupuncture helped me get well and has helped me stay well. I am pleased about that. But there are many other modalities out there being utilized by the American consumer. I want to make sure they are safe. I want to make sure they have efficacy. I want NIH to investigate it, and then I want them to validate it. I believe there is merit in this.

I am puzzled why NIH wants to continually try to submerge this Office of Alternative or Complementary Medicine. The hallmark of NIH is to have an open mind and to pursue scientific investigation. I believe Senator HARKIN is on the right track. Though this amendment might not be germane, it is certainly relevant to the American people. If we don't find a way to move it on this bill, let's explore other ways.

I yield back such time as I might have.

The PRESIDING OFFICER. Who yields time?

Mr. JEFFORDS. I have a unanimous-consent request, Mr. President.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

UNANIMOUS-CONSENT AGREEMENT

Mr. JEFFORDS. Mr. President, I ask unanimous consent that following debate and disposition of the Harkin amendment, Senator MURRAY be recognized for 5 minutes to offer her amendment No. 1161, and that following her remarks, her amendment be agreed to.

I further ask unanimous consent that the following amendments be called up, considered en bloc and agreed to: A Jeffords amendment No. 1174; a Jeffords amendment No. 1175; a Kennedy amendment No. 1152; a Wellstone amendment No. 1156, and Senator DEWINE's amendment No. 1136, as modified in the amendment I send to the desk.

The PRESIDING OFFICER. Is there objection?

Mr. HARKIN. Reserving the right to object, Mr. President. I was hard-pressed to hear the numbers. Was amendment No. 1131 included in that?

Mr. JEFFORDS. There are no nongermane amendments in the unanimous-consent request.

Mr. HARKIN. I appreciate that.

The PRESIDING OFFICER. Without objection, it is so ordered.

Who yields time?

Mr. FRIST. Mr. President, I yield myself 9 minutes.

Mr. President, I rise today to respond to my colleague from Iowa with regard to an amendment to the Food and Drug Administration [FDA] reform bill, to establish a new national center for complementary and alternative medicine at the National Institutes of Health [NIH].

Again, remember the debate today and the past several days, and maybe through tomorrow, is on the FDA. Yet, we have introduced an amendment on another agency—the NIH. I oppose the offering of this proposal as an amendment to the FDA bill for that very reason.

Comments have been made earlier about the importance of complementary and alternative medicine to the public and to this country, the importance of science, and the importance of peer review—all of which I support. I have been in the field of medicine, in a broad sense, for the last 20 years. I have been involved in many medical fields, including a great part of which has been designated as alternative therapies—at least initially, because when I first started doing lung transplants, very few had been done in the history of this country before. Therefore, I, as a scientist, a medical professional, and a U.S. Senator, do feel that alternative medicine and complementary medicine is vitally important to the health and the well-being of Americans and people throughout the world.

What I do oppose, however, is dealing with this issue of elevating an office to the level of a center when most of our colleagues do not even know what a center in the NIH really means. What are the responsibilities of a center? What are the authorities? What is the difference between an office and a center and an institute? As I talk to my colleagues, they do not know. Why? Because we have not addressed the issue in the appropriate environment—that is, through the committee structure.

I am the chairman of the Subcommittee on Public Health and Safety, which oversees the reauthorization of the NIH. We are, right now, looking at the reauthorization of the NIH. We have held two hearings in the past examining how you set biomedical and medical research priorities. It is a process where we have people come in and testify, and we discuss and debate back and forth. This amendment, as proposed by the Senator from Iowa, has not been taken through that process. It is being brought to the floor on a bill that does not have anything to do with the NIH, but rather the FDA bill. Therefore, I do believe it is not germane.

I believe we should not be placing NIH authorizing legislation on an FDA bill. Rather, the more appropriate process would be to take it through the committee structure. I should also add, for the benefit of my colleagues, most of whom have not addressed this issue at all because it has not been through the committee process, that no legislative bill to establish a center of alternative medicine has been introduced into the Senate. Therefore, a bill has not been referred to the appropriate committee, it has not been vetted, it has not had hearings. There has been no formal debate. This would create a huge center within the NIH without that debate. Therefore, I object to bypassing this process, again, with a tremendous amount of respect for alternative medicine.

My colleague from Iowa is a senior member of the subcommittee, and he and I have had the discussion that we do need to look at the appropriate role for alternative medicine at the NIH. We have scheduled a hearing in early October. It has been mentioned on the floor of the Senate that one of the panels should address the issue of alternative medicine.

We have a 4-year history with the Office of Alternative Medicine. Let's debate and look at the results of that history. Let's see the results of peer review and see what advances have been made.

The issue of whether to elevate an office to a center—again, as I talked to my colleagues over the last few weeks about taking an office at the NIH and elevating it to a center—is one that I think we need to discuss, but not today on the FDA bill, not over the course of a few minutes, but look at it through the appropriate hearing process. What does it mean to elevate an office to center status? What is a center at the NIH? I hope my colleagues ask themselves right now, do I really know what a center at the NIH is? Most will say no. The role of the current Office of Alternative Medicine, the office—as outlined by the Senator from Iowa, my colleague, who basically defined what the office is—is to coordinate and foster the conduct and support of alternative medicine research at the NIH. Right now, the office provides a central focus for a research area that is germane to all NIH components. In other words, the office can work with all the various institutes.

I understand that the majority of complementary and alternative research is performed and supported by those 24 centers and institutes and divisions within the NIH, and it is integrated within the scientific research portfolio of each of those institutes. My colleague is arguing—and he may be right, and that is why we need to discuss it—that we must consider alternative medicine being a center in and of itself. But that would mean that the scientists and researchers who are responsible for broad areas of science may not have the opportunity to integrate alternative medicine into their respective research portfolios as they do today. It needs to be discussed. It needs to be debated in the appropriate forum.

I recognize that the Senator from Iowa has concerns about whether the current approach is working or not. Again, I look forward, through our reauthorizing committee, to the Subcommittee on Public Health and Safety, on which he serves, to address this very issue.

I do know that when you elevate an entity like an office to an institute or to center status, the scientific potential of the field should be sufficiently demonstrated so that the new institute or center can support a thriving intramural and extramural program. Are we at that point today? I do not know. I daresay that most of my colleagues have not studied this specific issue yet.

I will have to say that as I have reached out to people, many others in the scientific community have raised concerns about establishing a new center at the NIH. Let me read to you a portion of a letter sent to me from the Association of the American Medical Colleges expressing their concerns:

This is the AAMC, Association of the American Medical Colleges:

> Any change in the organizational structure of the NIH of this magnitude raises significant scientific and administrative questions. . . .
>
> Further, the AAMC believes all members of the research community should have the opportunity to address these issues in a full and public manner during a hearing conducted by the subcommittee.

Mr. President, I ask unanimous consent that the letter by the AAMC be printed in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

Association of
American Medical Colleges,
*Washington, DC, September 16, 1997.*

Hon. Bill Frist,
*Chairman, Subcommittee on Public Health and Safety, Committee on Labor and Human Resources, U.S. Senate, Washington, DC.*

Dear Chairman Frist: The Association of American Medical Colleges (AAMC) opposes efforts to attach to the pending FDA reform bill, S. 830, a proposal creating a National Center for Complementary and Alternative Medicine at the National Institutes of Health (NIH).

Any change in the organizational structure of the NIH of this magnitude raises significant scientific and administrative questions. The AAMC believes that research into complementary and alternative medical practices is best conducted by the individual disease-based institutes, and that creating a separate office will isolate and impede rather than promote and coordinate ongoing research activities in these areas. Moreover, it appears that the additional administrative costs associated with the creation of a new organizational entity at the NIH are not justified at the present time.

Further, the AAMC believes all members of the research community should have the opportunity to address these issues in a full and public manner during a hearing conducted by your subcommittee. The necessarily limited floor debate that would occur if this proposal is considered as an amendment to S. 830 would not afford sufficient time or opportunity for such deliberations.

The AAMC urges the Senate to reject the effort to attach this proposal to the FDA bill and instead consider it during the upcoming NIH reauthorization legislation.

Sincerely,

Jordan J. Cohen, M.D.

Mr. FRIST. Mr. President, raising the Office of Alternative Medicine to a center at NIH greatly increases its statutory authority. Has the field of alternative medicine demonstrated that track record to date? Again, let's review these issues in the committee process. The Office of Alternative Medicine today clearly does not have the organizational structure or the necessary budget to support this proposal—creating a national center for complementary and alternative medicine would require setting up a whole new administrative structure and a whole new research infrastructure to support this activity.

Are we ready for that today? Possibly.

Let's ask the scientists around the country. Let's have alternative medicine researchers come forward and testify. Let's ask the National Institutes of Health. Before we go out and create another center, which again is a new entity, we need to look at the proposal about its administration, and about how it will be paid for.

Again, the watchwords today are "consolidation and coordination," not proliferation.

Mr. President, I would like to reserve the remaining minute of my time.

The PRESIDING OFFICER. Who yields time?

Mr. HARKIN. Mr. President, I have a couple of minutes.

The PRESIDING OFFICER. The Senator from Iowa has 2 minutes and 45 seconds.

Mr. HARKIN. Mr. President, I will respond to my friend from Tennessee who made the argument. He said it would create a huge center at NIH. I am sorry. The Office of Alternative Medicine has 14 employees, the last count I had, and its budget next year is $13 million out of $13 billion at NIH. That is one-tenth of 1 percent. Huge? I beg to differ.

There are only two changes under this amendment. It provides that it could make grants, that it could do its own grants, and could have peer review. That is the only difference. We are not creating anything new and huge. It is up to the Congress to decide later on if they want to expand it or not. I am just changing its status.

Also, Mr. President, I want to say that if it were not for this point of order this amendment would pass. The cosponsors are Senators HATCH, DASCHLE, CRAIG, MIKULSKI, LUGAR, SPECTER, GRASSLEY, DURBIN, WELLSTONE, MOSELEY-BRAUN, and a number of others. I am not going to read them all.

This amendment would pass, if the point of order were not raised.

The Senator says it should go through the committee structure, that we have not had hearings, and stuff. I say in all friendship—and he is a great friend of mine, the Senator from Tennessee—that just a couple of weeks ago the Senator voted on the Gorton amendment that cut out title I—vocational education, safe and drug-free schools, education technology, bilingual education—knocked it all out. And, yet, we never had one hearing on it. It never went through our committee, of which the Senator and I both sit. We never had any hearings on that. Yet the Senator from Tennessee says fine. He stepped up and voted to abolish all of those without going through the hearing process.

But I would say to my friend from Tennessee, you want more testimony. Look at the Record. Our subcommittee on both the appropriations side and on the authorizing side have had hearing after hearing after hearing on this. We have had all kinds of testimony come in.

But the most compelling testimony, Mr. President, for this amendment is that more and more Americans are using alternative practices in medicines than they are using with mainstream doctors. They are spending billions of dollars a year. At last count it was over $13 billion in 1 year.

It is up to us to make sure that we do the adequate scientific research to find out what alternative medicines are working and what are not.

That is why this center is needed. It may not be germane to this bill. But I will tell you. It is needed. It is drastically needed today—not next year or 2 years or 3 years from now. We have had enough testimony basically from the American people.

Mr. President, I ask unanimous consent to have printed in the RECORD a letter from a number of organizations supporting the amendment.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

To the Honorable Tom Harkin, United States Senate:

We write in support of the proposed amendment to Bill S. 830, the purpose of which is to increase the authority of the Office of Alternative Medicine by creating in its place a national Center for Complementary and Alternative Medicine at NIH.

It is our understanding that this amendment would assure that relevant projects are reviewed by scientists with expertise in the particular area of complementary and alternative medicine proposed to be studied, and the Center would have the ability to directly fund projects without oversight from other NIH Institutes. In addition, the Office of Dietary Supplements would be included within the proposed Center, thereby ensuring improved coordination of research and resource allocation.

These reforms will, in our view, facilitate and expedite the implementation of rigorous and scientifically based evaluation of complementary and alternative medical therapies. Patients and their families need and deserve responsible and authoritative advice concerning the use or avoidance of these therapies. We must therefore do more to distinguish useful from useless complementary and alternative medical interventions.

We thank you for your efforts in this area.

Sincerely,

DAVID M. EISENBERG, M.D.,
*Beth Israel Deaconess Medical Center, Harvard Medical School.*
BRIAN M. BERMAN, M.D.,
*Complementary Medicine Program, University of Maryland.*
WILLIAM L. HASKELL, PH.D.,
*School of Medicine, Stanford University.*
FREDI KRONENBERG, PH.D.,
*Center for Complementary and Alternative Medicine Research in Women's Health, Columbia University.*
M. ERIC GERSHWIN, M.D.,
*Division of Rheumatology, Allergy, and Clinical Immunology, University of California, Davis.*
GUY S. PARCEL, PH.D.,
*Center for Health Promotion Research and Development, The University of Texas, Houston.*
SAMUEL C. SHIFLETT, PH.D.,
*Research Department, Kessler Institute for Rehabilitation, Inc.*
ANN GILL TAYLOR, R.N., EC.D., FAAN,
*Center for the Study of Complementary and Alternative Therapies, University of Virginia School of Nursing.*
LEANNA J. STANDISH, N.D., PH.D.,
*AIDS Research Center, Bastyr University.*
THOMAS J. KIRESUK, PH.D.,
*Center for Addiction and Alternative Medicine Research, University of Minnesota Medical School.*

Mr. DASCHLE. Mr. President, I am pleased to cosponsor this amendment with my friend from Iowa. The amendment promotes the same fundamental goals that have fueled FDA reform—that is, to improve access to safe and effective medical treatments, and respond to the growing popularity of alternative health care options.

I commend Senator HARKIN for his dedication to breaking down barriers that are too often a function of ignorance, inertia or territorialism in order to increase the health care options available to all Americans. Senator HARKIN has advocated long and hard for openminded exploration of treatments outside the box of western medicine, and we owe him a debt of gratitude both for his common sense and his vision in promoting the safe and effective use of promising alternative treatments.

I would also like to thank Senator JEFFORDS and Senator KENNEDY for their commitment and leadership throughout this process. I appreciate their willingness to work with us on reforms aimed at creating a more level playing field for alternative medical treatments.

And I would be remiss if I did not acknowledge my good friend Berkley Bedell, who represented Iowa's sixth congressional district so ably for 12 years. Berk has worked tirelessly, against strong odds, to give consumers more health care options, and the fact that we are here today, talking about the potential of alternative medicine, is largely due to his vision, conviction and persistence.

For those of us whose health and well-being may ultimately depend on these options, Berkley Bedell's contribution is an invaluable one. Thank you, Berk, for your time, energy and unyielding commitment to expanding consumers' choices.

The strategy outlined in this amendment—increasing the autonomy and authority of the NIH Office of Alternative Medicine—is a sorely needed and long overdue response to the obstacles hindering access to alternative medical treatments. Under this amendment, the role of the NIH Office of Alternative Medicine would be enhanced through the authority to conduct and support intramural and extramural research.

The Office would no longer be relegated to the second tier, placed in the untenable position of convincing other institutes within NIH to take on as part of their own resource-constrained agendas, projects the Office deems important. As a full research institute, the Office of Alternative Medicine could respond to the growing interest in alternative treatments by identifying research gaps and fulfilling those gaps on a timely basis.

Mr. President, as you may recall, in February Senator HARKIN and I reintroduced the Access to Medical Treatment Act, a bill intended to give consumers greater freedom to use alternative and complementary medical treatments. The bill provoked some controversy, as was expected.

There is no stronger opponent to change than the status quo, no matter how valuable. It has become abundantly clear that unless we shake things up a little, we will continue to tread water in our efforts to tap the full potential of alternative medical treatments. Like S. 578, this amendment definitely shakes things up, but it does so from a different angle.

S. 578 promotes the idea that consumers should be free to use nontraditional medicines. This amendment confronts the resource barriers that prevent essential research into the benefits and risks of alternative treatments.

Too often an alternative treatment is written off because, the traditional medical establishment claims, there is no proof of its effectiveness. In fact, untested does not necessarily translate as ineffective. It may mean that insufficient resources are available to definitively prove what has been demonstrated again and again on an anecdotal basis. A small firm or single practitioner may not have access to the resources necessary to conduct large-scale clinical trials in the U.S. to document the safety and effectiveness of a drug or device. If the treatment isn't patentable or profitable, it may be difficult to attract the interest of drug or device companies.

This doesn't mean the drug doesn't work or isn't safe. It means we don't know. How many beneficial alternative treatments gather dust because they are not "brand name" material?

Even more important is the issue of safety. Regardless of the obstacles hindering alternative medical treatments, they are increasingly popular. A 1993 article in the New England Journal of Medicine reported that more than one-third of Americans use alternative, nonconventional medical treatments.

In 1990 alone, Americans spent over $14 billion on these treatments. Consumers are using these medical treatments, yet research on the safety and effectiveness of alternative treatments remains scarce, and the current regulatory system remains focused on large-scale, mainstream medicines.

This amendment is intended to open doors to alternative treatments so that they can be assessed for safety and effectiveness and, when they are found to be safe and effective, made widely available.

It's the right thing to do, and the longer we wait to do it, the more opportunities we forsake to make use of beneficial medical treatments. This amendment promotes the best interests of every health care consumer in the Nation, and I am proud to support it.

The PRESIDING OFFICER. Who yields time?

Mr. FRIST. Mr. President, how much time is remaining?

The PRESIDING OFFICER. The Senator from Tennessee has 1 minute.

Mr. FRIST. Mr. President, in closing, to go right to the heart of the matter, to increase and elevate the alternative medicine from an office to a center needs to be addressed, but not in this forum. To establish a center means you give it grantmaking authority, establish an advisory council, and you instruct the center to study the integration of alternative medicine, establish a new data system, establish research centers, all of which is something that is not just moving toward peer review.

We will address it in the future—hopefully actually in a panel 2 or 3 weeks from now, in early October.

### POINT OF ORDER

Mr. President, I make a point of order that the pending amendment No. 1137 is not germane.

The PRESIDING OFFICER. The point of order is sustained.

The amendment falls.

Mr. COATS addressed the Chair.

The PRESIDING OFFICER. The Senator from Indiana is recognized.

Mr. COATS. Mr. President, I ask unanimous consent to speak for 2 minutes prior to the scheduled vote on the committee substitute.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. COATS. Mr. President, in 2 minutes we will be voting on the FDA reform bill.

This committee substitute has been legislated for a 2½ year period thoroughly and carefully and responsibly. It is a piece of work that has received a 14-to-4 vote in committee by Democrats and Republicans. People of different philosophical backgrounds have supported it. It is legislation that has survived two filibusters, and the cloture votes have been overwhelming to move forward. It is legislation that has been changed and modified 34 times to meet the objections of the Senator from Massachusetts and some others about its deficiencies; 34 modifications since that 14-to-4 committee vote.

There are 8 days left in this month before PDUFA—the tax on the drug companies that funds up to 600 employees at FDA to review and to expedite the review of drugs—8 days left before that authorization expires. The clock is ticking. FDA will be laying off more than 600 people in just 8 days unless we can move this legislation forward. We don't need more filibusters. We don't need more debate. It is time to move forward. If we do not, drug and device reviews will be delayed substantially, and reform will be stopped. Responsible people have legislated responsibly, and I urge my colleagues to support us on this vote coming up.

The PRESIDING OFFICER. Under the previous agreement, the Senator from Washington is recognized for up to 5 minutes on amendment No. 1161.

### AMENDMENT NO. 1161

(Purpose: To modify the exemption requirements relating to national uniformity for nonprescription drugs to provide an exemption for a State or political subdivision requirement that protects the health and safety of children)

Mrs. MURRAY. I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Washington (Mrs. MURRAY) proposes an amendment numbered 1161.

Mrs. MURRAY. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Beginning on page 117, strike line 24 and all that follows through page 118, line 10, and insert the following:

"(b) EXEMPTION.—

"(1) IN GENERAL.—Upon application of a State or political subdivision thereof, the Secretary may by regulation, after notice and opportunity for written and oral presentation of views, exempt from subsection (a), under such conditions as may be prescribed in such regulation, a State or political subdivision requirement that—

"(A) protects an important public interest that would otherwise be unprotected, including the health and safety of children;

"(B) would not cause any drug to be in violation of any applicable requirement or prohibition under Federal law; and

"(C) would not unduly burden interstate commerce.

"(2) TIMELY ACTION.—The Secretary shall make a decision on the exemption of a State or political subdivision requirement under paragraph (1) not later than 120 days after receiving the application of the State or political subdivision under paragraph (1).

Mrs. MURRAY. Thank you, Mr. President.

Mr. President, I filed two amendments to this bill, the intent of which were aimed at what I believe is a serious problem with national uniformity. And that is the issue of poison control labeling to prevent unintentional exposure to dangerous over-the-counter drugs and cosmetics by children.

During markup of this bill, national uniformity for labeling of over-the-counter drugs and cosmetics was adopted as an amendment. At the time, I raised concerns that I have about the State of Washington's successful Mr. Yuk campaign which simply teaches children and parents about the dangers of many common household products. I was concerned at the time that this program, which I have personal experience with and know how successful it is, would be in jeopardy.

This is a Mr. Yuk sticker. It is a small green sticker that parents and teachers can put onto products—toxic household products. And kids across my State are taught if they see a Mr. Yuk sticker they don't swallow what is inside of it.

I was concerned that national uniformity would harm my State's ability to continue this very important program. I raised this point during markup, and I was assured that the objective of the amendment on national uniformity was not to impede a State's ability to protect their children.

Since the markup, I have become even more concerned about poison control labeling. I am well aware of the fact that Mr. Yuk is voluntary, and there is no State mandate involved. However, this is where I became concerned. Under the uniformity language that is contained in this bill, a State can petition the Secretary for a mandated labeling requirement on OTC's and cosmetics if they meet certain public health and safety standards, and if—and only if—the labeling requirement does not unduly burden interstate commerce. This standard is extremely high and the only way for a State to meet the threshold is for the Secretary to make the requirement a national requirement.

What does this mean for Mr. Yuk? If New York, based on a local health concern files a petition with the Secretary for a symbol, like a skull and cross bones to be placed on mouthwash or hair coloring, and they make a strong and sound case, the Secretary can be convinced. However, in order to comply with the act and not unduly burden interstate commerce, she must make this a national labeling requirement. Now Washington State faces a situation where they have a Mr. Yuk Program and must also teach about the skull and cross bones warning. This would be extremely confusing to young children in my State. I can say that as a former teacher.

Both of my amendments that I put forward attempted to address this issue. My first amendment would add poison control efforts using symbols in the criteria a State can use to petition the Secretary and change the "and" to an "or" unduly burdening interstate commerce; giving the Secretary the opportunity to continue to allow States to have their own poison control programs if they decide that a voluntary effort has not worked. Only through a mandate requirement will they be able to protect young children. Simply changing the "and" to an "or" would give the Secretary the needed flexibility, and would at least guarantee that one State requirement would not become a national requirement if it was not applicable to all 50 States.

Mr. President, my amendments have strong opposition by the industry. They simply don't want to have 50 different State legislatures coming forward with 50 different proposals. And I certainly believe there is an argument for preemption in many situations. But I don't believe there is one in this case.

I am really at a loss as to why supporters of the uniformity language in one breath talk about the need to reform and revitalize the FDA to prevent unnecessary delays in approving drugs and devices and then in the next breath talk about how States must petition an already overburdened agency for the approval to do what they have been doing for years without any public threat of consumer confusion problems.

It is interesting to note that the managers' amendment does exempt one State from uniformity. Our State is going to be treated differently. One State, the State of California, will be allowed to bypass the petition process and have different health and safety labeling cosmetics.

Because of the strong opposition to my original amendment and the well-financed national campaign to defeat my amendment, I have revised my language. The new amendment which I am offering today will at least acknowledge the importance of protecting health and safety of children, and will require the FDA to act on a State's petition within 120 days. The new amendment does not address all of my concerns. But because there has been a strong lobby and I am only one Senator that seems to be concerned about poison control, I recognize that my original amendment does not have the votes. But I cannot allow these uniformity provisions to go to conference without some recognition of the health and safety of children.

So I thank the chairman for working with me. I am pleased that he has recognized my efforts and has supported the pending underlying amendment which has already been agreed to.

I thank the Chair. I yield my time.

The PRESIDING OFFICER. Is there further debate on the amendment offered by the Senator from Washington? If not, the question is on agreeing to the amendment of the Senator from Washington.

The amendment (No. 1161) was agreed to.

The PRESIDING OFFICER. Is there further debate?

Mr. JEFFORDS addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

### AMENDMENTS NOS. 1182, AS MODIFIED, AND 1183

Mr. JEFFORDS. Mr. President, I ask unanimous consent to call up and adopt Senator HATCH's amendment No. 1183, and 1182, as modified by the amendment, which I send to the desk.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

### AMENDMENT NO. 1182

Mr. HATCH. Mr. President, the Hatch-Wyden amendment, number 1182, modifies FDA's mission statement contained in S. 830.

For the first time, this legislation puts into statute a mission statement for the Food and Drug Administration. Because of its important public health role, Congress needs to give FDA the proper mission.

In short, the Hatch-Wyden amendment charges FDA to act in partnership with the public, scientific experts, and regulated entities as the agency performs its critical public health mission. The language of our amendment simply makes explicit what is already implicit, proper, and, in fact, necessary: that FDA should work, "in consultation with experts in science, medicine, and public health and in cooperation with consumers, users, manufacturers, importers, packers, distributors, and retailers of regulated products."

As longtime advocates of modernizing and reforming the FDA, Senator WYDEN and I are convinced that this amendment will help FDA improve and protect the public health. Regulators can increase their effectiveness if they act more closely in concert with the public that they serve.

As Vice President GORE, the leader of the administration's Reinventing Government initiative, has said:

> We can put the days of almighty holier-than-thou, mister-know-it-all Washington behind us. We can become partners."
>
> Business owners and local governments are noticing the changes, too, as the federal government becomes more of a partner and less of an adversary.
>
> Regulatory agencies are on orders to make partnership with business their standard way of operating. We have tested it long enough to know it increases compliance * * * Now we can move beyond pilot programs for partnership into the mainstream.

The purpose of the Hatch-Wyden amendment is to inject this spirit of partnership right into the FDA mission statement. Giving such prominence and visibility to the idea of partnership can help the agency better fulfill its public health mission.

In no way does the Hatch-Wyden amendment limit, or is intended to limit, FDA from carrying out its enforcement obligations. The Hatch-Wyden amendment does not concern itself with particular regulatory decisions, that is, product approvals, enforcement sanctions, etc., rather it simply clarifies that as part of the general manner in which the agency conducts itself, FDA should work closely with those affected by its regulatory actions.

We are informed that the FDA is supportive of this amendment so long as language is added to make clear that the Secretary has discretion to see that only appropriate interactions between FDA and outsiders take place. We have incorporated this change.

In order to fulfill its current statutory responsibilities FDA routinely solicits advice from dozens of standing advisory committees of outside experts and consults with its colleagues at the National Academy of Sciences, the National Institutes of Health, the Centers for Disease Control and Prevention and many others. Similarly, FDA works closely with consumer groups such as patient advocacy groups and various regulated entities such as manufacturers of foods, drugs, cosmetics and medical devices.

In fact, S. 830 contains many particular provisions that detail partnerships between FDA and others such as the reauthorization of the user fee provisions for new drug review, and the rules that grant access to experimental drugs for patients suffering from serious or life-threatening conditions.

In March 1997 testimony to the Senate Labor Committee, Dr. Michael Friedman, the highest ranking FDA official, observed:

> One of the themes that runs throughout the Agency's efforts to improve its performance of involving all stakeholders both in defining the problems that exist and in developing appropriate solutions.

While this amendment is philosophical and exhortatory in nature, we believe this philosophy, if adopted, can achieve tangible benefits for the FDA and pubic alike. As Lead Deputy Commissioner Friedman testified:

> This model of public participation . . . is most clearly delineated in the procedures the Agency has promulgated for the issuance and use of Agency guidance documents. Concerns about the absence of public input on guidance documents and the inappropriate application of such guidance raised in a Citizen's Petition . . . and were the subject of a [House] hearing. . . In response to these concerns, the Agency undertook a thorough review . . . We found inconsistencies and lack of clarity, and we set about to fix it.

As the FDA's testimony indicates, there is reason to believe that encouraging the agency to interact appropriately with the public can have practical benefits.

We firmly believe that if the Congress formally embraces the principle of partnership in the FDA mission statement we will help create an atmosphere conducive to improving the public health. Accordingly, I hope my colleagues will support giving the FDA a 21st century mission statement.

Mr. WYDEN. Mr. President, I am happy to join my colleague Senator HATCH in offering an amendment which will add strength, substance, and a new level of appropriate public accountability and involvement in the missions of the Food and Drug Administration.

Quite simply, our amendment provides for real access and participation by patients and consumer groups, science and health experts, and the regulated manufacturers in appropriate policy making functions within the scope of the agency's missions.

As my colleague Senator HATCH has pointed out, our amendment underscores the real partnership FDA must forge with all Americans as it conducts its work certifying the safety and effectiveness of so many products important to our everyday lives.

I certainly want to acknowledge and applaud the assistance and encouragement of our colleagues Senators JEFFORDS and KENNEDY with regard to the development of the FDA reform bill generally, and their work with us in perfecting the agency's mission statement in particular.

I believe this legislation will help create the dialog necessary between the agency and all interested parties in order to effectively exercise all of the other far-reaching elements of this reform bill. I was very pleased to have played some part in the development of that legislation and the broader reform effort, and I know that American citizens dependent on pure food, life-saving new drugs and medical devices, and safe electronic equipment will benefit for many years to come from the work we do here, today.

### AMENDMENT NO. 1183, AS MODIFIED

Mr. HATCH. Mr. President, the second amendment we are considering, No. 1183, will encourage the prompt and complete reporting of potentially vital public health information to the FDA.

Essentially, my proposal codifies a rule that already applies to drugs and medical devices and makes it applicable to all FDA-regulated products.

Specifically, my amendment would codify the liability disclaimer provisions that appear at 21 CFR section 803.16, for devices; 21 CFR section 314.80(l), for new drugs; and, 21 CFR 312.32(e), for investigational new drugs.

My amendment is closely patterned after these three provisions of existing regulation.

The public health benefit and rationale for my amendment are simple: A rule that encourages reporting to the FDA of any alleged adverse incident now and resolving liability issues later, helps the FDA achieve its public health mission.

The FDA is a public health agency, not an arbiter of tort liability. That is the job of the courts.

But what is important for the public health is that FDA be able to receive quickly and completely raw data pertaining to adverse experiences with products under its regulatory purview.

Please understand that my amendment, like the existing regulations, is tort neutral.

Nothing in my amendment, or in the existing regulations, increases or decreases an ultimate finding of liability.

The Hatch amendment simply says that the mere filing of an adverse reaction report or submission of other information to FDA does not necessarily reflect an admission of fault or a finding of liability on the part of a manufacturer or the Federal Government.

Of course, the actual information contained in the report may, or may not, justify a finding of liability but that is an entirely other matter.

What this amendment says is that the mere filing of a report does not automatically mean anything with respect to the issue of liability.

This is a public health amendment that encourages timely reporting and complete reporting to the FDA.

Let me give a little background into the amendment and the existing FDA rules that it builds upon.

Back in mid-1980's when FDA issued proposed and final rules governing mandatory reporting for adverse incidents with respect to medical devices, a concern arose among those subject to these new reporting requirements.

In particular, there arose concern about the tight reporting timeframe for reporting deaths and serious injuries.

The argument was that medical device firms should have an opportunity to conduct fully its own investigation into alleged malfunctions of its products before turning over these reports to FDA.

After all, went the argument, this information which may have come from interested third parties—such as doctors and patients—could place the manufacturing firm in a precarious position vis-a-vis liability.

Inevitably, some reports will contain inaccurate information but regardless of this it is clear that the FDA had an overriding public health interest in getting this information as quickly as possible to see whether a national trend was developing.

The way this matter was resolved in the final medical device reporting rule was with the inclusion of language that permitted manufacturers to disclaim liability based solely on the filing of the report with the FDA.

To be sure, the information contained in the report might be used to establish, or help establish, liability on the part of the manufacturer. That depends on what is in the report and the veracity of that information.

What the rule says simply is that the mere filing of the legally required report in and of itself does not establish liability.

One can easily imagine a case where a device malfunctioned and the MDR report does, and should properly be used to, establish liability. An example would be a case in which a heart pacemaker short circuited and failed.

On the other hand, there will be occasions when required reports do not necessarily establish any fault on the part of the manufacturer. An example of this might include a case in which a medical scalpel is used as a murder weapon; an unfortunate, legally reportable event no doubt, but not one likely to establish fault on the part of the manufacturer.

Building on the success of the disclaimer statement in the medical device rule, the FDA later included similar language both for approved and investigational drugs.

Once again, the rule advances the FDA's public health mission by helping to get information to the FDA in a timely and complete fashion.

The Hatch amendment codifies the basic regulation that now applies to mandatory reports that device and drug manufacturers now must make and establishes this basic principle of "report now, resolve liability issues later" for all products under the FDA's regulatory domain.

This would include products like foods, cosmetics, and dietary supplements, as well as drugs and devices.

So, I have drafted the amendment to cover situations where there are no rigorous mandatory reporting requirements, such as those which now govern drugs and devices.

For example, we have heard a lot in the press recently about the Chesapeake Bay outbreak of Pfiesteria. Obviously, it would be in the public interest for the Government to have reports about the incidence of this toxic microbe. That is something we would want to encourage.

I believe that it is more likely this information, even sketchy third-party, unverified reports, would be transmitted to FDA if this disclaimer clearly applied in this situation.

What is good policy for drugs and devices, is also good policy for foods, cosmetics, dietary supplements, and other products under FDA's jurisdiction.

The Hatch amendment embraces the "report now/resolve liability later" rule that is already in place by regulation for drugs and medical devices and applies this principle for all FDA-regulated products, and further applies the provision both to mandatory and voluntary reports.

This is a consumer-friendly, FDA-friendly, tort-neutral provision and I urge its adoption.

Mr. President, I ask unanimous consent that letters in support of these two amendments from Brian H. Moss, president of the Utah Life Science Industries Association, and Alan F. Holmer, president of the Pharmaceutical Research and Manufacturers of America, be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

PHARMACEUTICAL RESEARCH AND
MANUFACTURERS OF AMERICA,
*Washington, DC, September 17, 1997.*

Hon. ORRIN HATCH,
*U.S. Senate, Russell Senate Office Building, Washington, DC.*

DEAR MR. CHAIRMAN: You have asked for comment on two proposed amendments to S. 830. We are pleased to offer our support for these amendments.

We particularly endorse Section 908, Safety Report Disclaimers, which would place into law a disclaimer that is currently found in FDA regulations. It should be noted that on page 2, line 3, the word "necessarily" is no longer found in the Medwatch disclaimer which was drafted more recently than the FDA regulation and pertains to the same circumstances which give rise to the need for the disclaimer. It would be an improvement if the word necessarily were deleted from the amendment, but in any case PhRMA companies support the need for the disclaimer in legislation.

We would also support the suggested amendment to the mission statement which sets forth a more collaborative and cooperative mission for the agency. PhRMA believes that the agency has responsibility to both protect and promote the public health. There are times when the pendulum has swung too far toward enforcement at the expense of the agency's mission to help bring safe drugs to patients sooner.

Sincerely,

ALAN F. HOLMER.

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UTAH LIFE SCIENCE
INDUSTRIES ASSOCIATION,
*Salt Lake City, UT, September 18, 1997.*

Hon. JAMES M. JEFFORDS,
*U.S. Senate, Hart Senate Office Building, Washington, DC.*

DEAR MR. CHAIRMAN: I am writing as President of the Utah Life Science Industries Association, concerning the two proposed amendments by Senator Hatch to S. 830. We are happy to extend our support for the two amendments.

We are pleased to support the amendment to the missions statement. We support the idea of a partnership between the FDA and the private sector, in such that the FDA will consult with experts in science, medicine, public health, and in cooperation with consumers and users. We believe that this will "help ensure" the public health.

We are supportive of the amendment to the Safety Report Disclaimer, and can see a need for this amendment. The amendment will encourage manufacturers to send safety data to the FDA, therefore, helping the FDA to protect the public good.

Utah Life Science Industries Association was formed three years ago by the Biotechnical, Biomedical and Medical Device industries in Utah. We represent the interest of these Utah companies on local and national issues. We are pleased that you and Senator Hatch have shown such great interest and concern for our industry.

Sincerely,

BRIAN H. MOSS,
*President.*

Mr. JEFFORDS. Mr. President, I ask for the yeas and nays on the adoption of the committee amendment.

The PRESIDING OFFICER. Is there a sufficient second?

At the moment there is not a sufficient second.

Mr. JEFFORDS. Mr. President, I make a point of order that a quorum is not present.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. GORTON). Without objection, it is so ordered.

Mr. JEFFORDS. Mr. President, I ask for the yeas and nays on adoption of the committee amendment, as modified.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. Without objection, the two preceding amendments sent up by the Senator from Vermont are agreed to.

The amendments (Nos. 1182, as modified, and 1183) were agreed to, as follows:

### AMENDMENT NO. 1182

(Purpose: To improve the mission statement)

Beginning on page 4, strike line 11 and all that follows through page 5, line 6, and insert the following:

"(1) IN GENERAL.—The Secretary, acting through the Commissioner, and in consultation, as determined appropriate by the Secretary, with experts in science, medicine, and public health, and in cooperation with consumers, users, manufacturers, importers, packers, distributors, and retailers of regulated products, shall protect the public health by taking actions that help ensure that—

"(A) foods are safe, wholesome, sanitary, and properly labeled;

"(B) human and veterinary drugs, including biologics, are safe and effective;

"(C) there is reasonable assurance of safety and effectiveness of devices intended for human use;

"(D) cosmetics are safe; and

"(E) public health and safety are protected from electronic product radiation.

"(2) SPECIAL RULES.—The Secretary, acting through the Commissioner, shall promptly and efficiently review clinical research and take appropriate action on the marketing of regulated products in a manner that does not unduly impede innovation or product availability. The Secretary, acting through the Commissioner, shall participate with other countries to reduce the burden of regulation, to harmonize regulatory requirements, and to achieve appropriate reciprocal arrangements with other countries.".

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### AMENDMENT NO. 1183

(Purpose: To provide for a disclaimer with respect to safety reports)

At the appropriate place, insert the following:

**SEC. . SAFETY REPORT DISCLAIMERS.**

Chapter IX (21 U.S.C. 391 et seq.), as amended by section 804, is further amended by adding at the end the following:

**"SEC. . 908. SAFETY REPORT DISCLAIMERS.**

"With respect to any entity that submits or is required to submit a safety report or other information in connection with the safety of a product (including a product which is a food, drug, new drug, device, dietary supplement, or cosmetic) under this Act (and any release by the Secretary of that report or information), such report or information shall not be construed to necessarily reflect a conclusion by the entity or the Secretary that the report or information constitutes an admission that the product involved caused or contributed to an adverse experience, or otherwise caused or contributed to a death, serious injury, serious illness, or malfunction. Such an entity need not admit, and may deny, that the report or information submitted by the entity constitutes an admission that the product involved caused or contributed to an adverse experience or caused or contributed to a death, serious injury, serious illness, or malfunction.".

### AMENDMENTS NOS. 1174, 1175, 1152, 1156, AND 1136, AS MODIFIED

The PRESIDING OFFICER. Under the preceding order, the Senate will consider the following amendments, numbered 1174, 1175, 1152, 1156, 1136, as modified. The question is on agreeing to the amendments en bloc.

Without objection, the amendments en bloc are adopted.

The amendments (Nos. 1174, 1175, 1152, 1156, and 1136, as modified) were agreed to, as follows:

### AMENDMENT NO. 1174

(Purpose: To maintain authority of the Food and Drug Administration to regulate tobacco)

On page 30, strike lines 17 through 20, and insert the following:

(c) RULE OF CONSTRUCTION.—Nothing in the amendments made by subsections (a) and (b) shall be construed to alter any authority of the Secretary of Health and Human Services to regulate any tobacco product, or any additive or ingredient of a tobacco product.

Mr. NICKLES. Mr. President, Members of this Chamber are well aware of the national debate on the question of the Food and Drug Administration's jurisdiction to regulate tobacco and tobacco products. To highlight the scope of this debate, I want to point out that this question is currently under review by the U.S. Court of Appeals. It is also a significant issue of debate between Members of Congress as well as Congress and the administration. I am concerned that the inclusion of this provision may be interpreted by some as an attempt by Congress to indirectly affirm FDA's authority to regulate tobacco.

It is my understanding that a recent report from the American Law Division of the Congressional Research Service stated that section 404 or any other provision in the FDA reform bill "would not interfere with or lessen the agency's authority to regulate tobacco products." I notice that a rule-of-construction amendment has been included in the FDA reform bill that is intended to clarify further that section 404 of the bill will not affect any authority which the FDA may have to regulate tobacco. Is this the understanding of the Chairman?

Mr. JEFFORDS. Yes. This amendment I believe will address the concerns of several Senators who have a concern regarding the effect of this legislation on FDA's authority to regulate tobacco. I believe we all have the same intent.

In drafting S. 830, my intent was and is to improve the efficiency and accountability of the product review process at FDA. In drafting section 404, we modified a provision in the FDA reform bill from the 104th Congress in an effort to more accurately capture our policy intent—my point is that the subject matter in section 404 has been under consideration in the Senate Labor Committee, as well as in legislation introduced in the House, for several years. The concern over FDA's tobacco authority came to our attention only after the markup of this bill in committee, in June of this year.

Section 404 introduces needed elements of due process to certain, very limited aspects of medical device reviews. None of the language in S. 830 is intended to address FDA's tobacco authority. Late in the course of negotiations on this bill, FDA raised the possibility that section 404(b) might be interpreted to limit the agency's future tobacco regulation authority. At the time we told the agency we did not agree with their interpretation but eventually offered to insert the rule of construction now before us in the substitute to make absolutely clear our neutrality on the tobacco issue. Subsequently, FDA and others have raised the possibility that section 404(a) of S. 830 could also affect FDA's authority in this area. As you mentioned, the Congressional Research Service, American Law Division, has evaluated S. 830 and determined that it, in fact, does not interfere with any tobacco authority FDA may have. This analysis was made part of the CONGRESSIONAL RECORD on September 5.

None of the provisions of S. 830 or the substitute should be interpreted as taking a position, one way or the other, on whether FDA has any authority under current law to regulate tobacco products, which as you know, is the subject of ongoing litigation in the Federal courts. The intention of the rule of construction in the substitute is to make clear that the Federal courts can continue to determine FDA's authority over tobacco without any interference from this act. Thus, the language in section 404 has no effect on whether or not FDA has authority over tobacco products, it only relates to a procedural aspect of reviewing 510(k) medical device submissions.

To sum up, I am pleased to offer an amendment extending the rule of construction to all of section 404 on the basis outlined in my preceding remarks—to keep the bill strictly neutral on the question of FDA tobacco authority, that is that we are not prejudging the outcome of any pending litigation on any tobacco authority the FDA may have. Further, it is my view that if this provision is included in the final FDA reform bill as reported by the conference committee, the conference report should include language which reinforces this point.

Mr. NICKLES. I thank the chairman for his explanation of this provision and his efforts to bring this important legislation to the floor. At some point in the 105th Congress, we may be considering the national tobacco settlement entered into by the State's attorney's general and the tobacco companies. At the appropriate time Congress will have the opportunity to fully examine what FDA's role should be in the regulation of tobacco products.

### AMENDMENT NO. 1175

(Purpose: To provide that an environmental impact statement prepared in accordance with certain regulations of the Food and Drug Administration shall be considered to meet the requirements of section 102(2)(C) of the National Environmental Policy Act of 1969)

Strike section 602 and insert the following:

**SEC. 602. ENVIRONMENTAL IMPACT REVIEW.**

Chapter VII (21 U.S.C. 371 et seq.), as amended by section 402, is further amended by adding at the end the following:

**"SEC. 742. ENVIRONMENTAL IMPACT REVIEW.**

"Notwithstanding any other provision of law, an environmental impact statement prepared in accordance with the regulations published in part 25 of title 21, Code of Federal Regulations (as in effect on August 31, 1997) in connection with an action carried out under (or a recommendation or report relating to) this Act, shall be considered to meet the requirements for a detailed statement under section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)).".

### AMENDMENT NO. 1152

(Purpose: To improve the standard for binding determinations with respect to the specification of valid scientific evidence with respect to the effectiveness of devices)

On page 24, line 19, strike "is" and insert "could be".

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### AMENDMENT NO. 1156

(Purpose: To provide for a study and report concerning the treatment of health care economic information)

Strike section 612 and insert the following:

**SEC. 612. HEALTH CARE ECONOMIC INFORMATION.**

(a) IN GENERAL.—Section 502(a) (21 U.S.C. 352(a)) is amended by adding at the end the following: "Health care economic information provided to a formulary committee, or other similar entity, in the course of the committee or the entity carrying out its responsibilities for the selection of drugs for managed care or other similar organizations, shall not be considered to be false or misleading if the health care economic information directly relates to an indication approved under section 505 or 507 or section 351(a) of the Public Health Service Act (42 U.S.C. 262(a)) for such drug and is based on competent and reliable scientific evidence. The requirements set forth in section 505(a), 507, or section 351(a) of the Public Health Service Act (42 U.S.C. 262(a)) shall not apply to health care economic information provided to such a committee or entity in accordance with this paragraph. Information that is relevant to the substantiation of the health care economic information presented pursuant to this paragraph shall be made available to the Secretary upon request. In this paragraph, the term 'health care economic information' means any analysis that identifies, measures, or compares the economic consequences, including the costs of the represented health outcomes, of the use of a drug to the use of another drug, to another health care intervention, or to no intervention.".

(b) STUDY AND REPORT.—The Comptroller General of the United States shall conduct a study of the implementation of the provisions added by the amendment made by subsection (a). Not later than 4 years and 6 months after the date of enactment of this Act, the Comptroller General of the United States shall prepare and submit to Congress a report containing the findings of the study.

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### AMENDMENT NO. 1136, AS MODIFIED

(Purpose: To improve the provisions relating to pediatric studies)

Strike section 618 and insert the following:

**SEC. 618. PEDIATRIC STUDIES MARKETING EXCLUSIVITY.**

(a) GENERAL AUTHORITY.—Chapter V of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 351 et seq.) is amended by inserting after section 505 the following:

**"SEC. 505A. PEDIATRIC STUDIES OF DRUGS.**

"(a) MARKET EXCLUSIVITY FOR NEW DRUGS.—If, prior to approval of an application that is submitted under section 505(b)(1), the Secretary determines that information relating to the use of a drug in the pediatric population may produce health benefits in that population, the Secretary makes a written request for pediatric studies (which may include a timeframe for completing such studies), and such studies are completed within any such timeframe and the reports thereof submitted in accordance with subsection (d)(2) or completed within any such timeframe and the reports thereof are accepted in accordance with subsection (d)(3)—

"(1)(A) the period during which an application may not be submitted under subsections (c)(3)(D)(ii) and (j)(4)(D)(ii) of section 505 shall be five years and six months rather than five years, and the references in subsections (c)(3)(D)(ii) and (j)(4)(D)(ii) of section 505 to four years, to forty-eight months, and to seven and one-half years shall be deemed to be four and one-half years, fifty-four months, and eight years, respectively; or

"(B) the period of market exclusivity under subsections (c)(3)(D) (iii) and (iv) and (j)(4)(D) (iii) and (iv) of section 505 shall be three years and six months rather than three years; and

"(2)(A) if the drug is the subject of—

"(i) a listed patent for which a certification has been submitted under subsection (b)(2)(A)(ii) or (j)(2)(A)(vii)(II) of section 505 and for which pediatric studies were submitted prior to the expiration of the patent (including any patent extensions); or

"(ii) a listed patent for which a certification has been submitted under subsection (b)(2)(A)(iii) or (j)(2)(A)(vii)(III) of section 505,

the period during which an application may not be approved under subsection (c)(3) or (j)(4)(B) of section 505 shall be extended by a period of six months after the date the patent expires (including any patent extensions); or

"(B) if the drug is the subject of a listed patent for which a certification has been submitted under subsection (b)(2)(A)(iv) or (j)(2)(A)(vii)(IV) of section 505, and in the patent infringement litigation resulting from the certification the court determines that the patent is valid and would be infringed, the period during which an application may not be approved under subsection (c)(3) or (j)(4)(B) of section 505 shall be extended by a period of six months after the date the patent expires (including any patent extensions).

"(b) SECRETARY TO DEVELOP LIST OF DRUGS FOR WHICH ADDITIONAL PEDIATRIC INFORMATION MAY BE BENEFICIAL.—Not later than 180 days after the date of enactment of this section, the Secretary, after consultation with experts in pediatric research (such as the American Academy of Pediatrics, the Pediatric Pharmacology Research Unit Network, and the United States Pharmacopoeia) shall develop, prioritize, and publish an initial list of approved drugs for which additional pediatric information may produce health benefits in the pediatric population. The Secretary shall annually update the list.

"(c) MARKET EXCLUSIVITY FOR ALREADY-MARKETED DRUGS.—If the Secretary makes a written request for pediatric studies (which may include a timeframe for completing such studies) concerning a drug identified in the list described in subsection (b) to the holder of an approved application under section 505(b)(1) for the drug, the holder agrees to the request, and the studies are completed within any such timeframe and the reports thereof submitted in accordance with subsection (d)(2) or completed within any such timeframe and the reports thereof accepted in accordance with subsection (d)(3)—

"(1)(A) the period during which an application may not be submitted under subsections (c)(3)(D)(ii) and (j)(4)(D)(ii) of section 505 shall be five years and six months rather than five years, and the references in subsections (c)(3)(D)(ii) and (j)(4)(D)(ii) of section 505 to four years, to forty-eight months, and to seven and one-half years shall be deemed to be four and one-half years, fifty-four months, and eight years, respectively; or

"(B) the period of market exclusivity under subsections (c)(3)(D) (iii) and (iv) and (j)(4)(D) (iii) and (iv) of section 505 shall be three years and six months rather than three years; and

"(2)(A) if the drug is the subject of—

"(i) a listed patent for which a certification has been submitted under subsection (b)(2)(A)(ii) or (j)(2)(A)(vii)(II) of section 505 and for which pediatric studies were submitted prior to the expiration of the patent (including any patent extensions); or

"(ii) a listed patent for which a certification has been submitted under subsection (b)(2)(A)(iii) or (j)(2)(A)(vii)(III) of section 505,

the period during which an application may not be approved under subsection (c)(3) or (j)(4)(B) of section 505 shall be extended by a period of six months after the date the patent expires (including any patent extensions); or

"(B) if the drug is the subject of a listed patent for which a certification has been submitted under subsection (b)(2)(A)(iv) or (j)(2)(A)(vii)(IV) of section 505, and in the patent infringement litigation resulting from the certification the court determines that the patent is valid and would be infringed, the period during which an application may not be approved under subsection (c)(3) or (j)(4)(B) of section 505 shall be extended by a period of six months after the date the patent expires (including any patent extensions).

"(d) CONDUCT OF PEDIATRIC STUDIES.—

"(1) AGREEMENT FOR STUDIES.—The Secretary may, pursuant to a written request for studies, after consultation with—

"(A) the sponsor of an application for an investigational new drug under section 505(i);

"(B) the sponsor of an application for a drug under section 505(b)(1); or

"(C) the holder of an approved application for a drug under section 505(b)(1),

agree with the sponsor or holder for the conduct of pediatric studies for such drug.

"(2) WRITTEN PROTOCOLS TO MEET THE STUDIES REQUIREMENT.—If the sponsor or holder and the Secretary agree upon written protocols for the studies, the studies requirement of subsection (a) or (c) is satisfied upon the completion of the studies and submission of the reports thereof in accordance with the original written request and the written agreement referred to in paragraph (1). Not later than 60 days after the submission of the report of the studies, the Secretary shall determine if such studies were or were not conducted in accordance with the original written request and the written agreement and reported in accordance with the requirements of the Secretary for filing and so notify the sponsor or holder.

"(3) OTHER METHODS TO MEET THE STUDIES REQUIREMENT.—If the sponsor or holder and the Secretary have not agreed in writing on the protocols for the studies, the studies requirement of subsection (a) or (c) is satisfied when such studies have been completed and the reports accepted by the Secretary. Not later than 90 days after the submission of the reports of the studies, the Secretary shall accept or reject such reports and so notify the sponsor or holder. The Secretary's only responsibility in accepting or rejecting the reports shall be to determine, within the 90 days, whether the studies fairly respond to the written request, whether such studies have been conducted in accordance with commonly accepted scientific principles and protocols, and whether such studies have been reported in accordance with the requirements of the Secretary for filing.

"(e) Delay of Effective Date for Certain Applications; Period of Market Exclusivity.—If the Secretary determines that the acceptance or approval of an application under subsection (b)(2) or (j) of section 505 for a drug may occur after submission of reports of pediatric studies under this section, which were submitted prior to the expiration of the patent (including any patent extension) or market exclusivity protection, but before the Secretary has determined whether the requirements of subsection (d) have been satisfied, the Secretary shall delay the acceptance or approval under subsection (b)(2) or (j), respectively, of section 505 until the determination under subsection (d) is made, but such delay shall not exceed 90 days. In the event that requirements of this section are satisfied, the applicable period of market exclusivity referred to in subsection (a) or (c) shall be deemed to have been running during the period of delay.

"(f) Notice of Determinations on Studies Requirement.—The Secretary shall publish a notice of any determination that the requirements of subsection (d) have been met and that submissions and approvals under subsection (b)(2) or (j) of section 505 for a drug will be subject to the provisions of this section.

"(g) Limitation.—The holder of an approved application for a new drug that has already received six months of market exclusivity under subsection (a) or (c) may, if otherwise eligible, obtain six months of market exclusivity under subsection (c)(1)(B) for a supplemental application, except that the holder is not eligible for exclusivity under subsection (c)(2).

"(h) Study and Report.—The Secretary shall conduct a study and report to Congress not later than January 1, 2003 based on the experience under the program. The study and report shall examine all relevant issues, including—

"(1) the effectiveness of the program in improving information about important pediatric uses for approved drugs;

"(2) the adequacy of the incentive provided under this section;

"(3) the economic impact of the program; and

"(4) any suggestions for modification that the Secretary deems appropriate.

"(i) Termination of Market Exclusivity Extension Authority for New Drugs.—Except as provided in section 618(b) of the Food and Drug Administration Modernization and Accountability Act of 1997, no period of market exclusivity shall be extended under subsection (a) for a drug if—

"(1) the extension would be based on studies commenced after January 1, 2004; and

"(2) the application submitted for the drug under section 505(b)(1) was not approved by January 1, 2004.

"(j) Definitions.—In this section, the term 'pediatric studies' or 'studies' means at least 1 clinical investigation (that, at the Secretary's discretion, may include pharmacokinetic studies) in pediatric age-groups in which a drug is anticipated to be used.".

(b) Market Exclusivity Under Other Authority.—

(1) Through calendar year 2003.—

(A) Determination.—If the Secretary requests or requires pediatric studies, prior to January 1, 2004, under Federal law other than section 505A of the Federal Food, Drug, and Cosmetic Act (as added by subsection (a)), from the sponsor of an application, or the holder of an approved application, for a drug under section 505(b) of such Act (21 U.S.C. 355(b)), the Secretary shall determine whether the studies meet the completeness, timeliness, and other submission requirements of the Federal law involved.

(B) Market exclusivity.—If the Secretary determines that the studies meet the requirements involved, the Secretary shall ensure that the period of market exclusivity for the drug involved is extended for 6 months in accordance with the requirements of subsection (a), (c), (e), and (g) (as appropriate) of section 505A of such Act (as in effect on the date of enactment of this Act.).

(2) Calendar year 2004 and subsequent years.—

(A) New drugs.—Effective January 1, 2004, if the Secretary requests or requires pediatric studies, under Federal law other than section 505A of the Federal Food, Drug, and Cosmetic Act, from the sponsor of an application for a drug under section 505(b) of such Act, nothing in such law shall be construed to permit or require the Secretary to ensure that the period of market exclusivity for the drug is extended.

(B) Already marketed drugs.—

(i) Determination.—Effective January 1, 2004, if the Secretary requests or requires pediatric studies, under Federal law other than section 505A of the Federal Food, Drug, and Cosmetic Act (as added by subsection (a)), from the holder of an approved application for a drug under section 505(b) of such Act, the Secretary shall determine whether the studies meet the completeness, timeliness, and other submission requirements of the Federal law involved.

(ii) Market exclusivity.—If the Secretary determines that the studies meet the requirements involved, the Secretary shall ensure that the period of market exclusivity for the drug involved is extended for 6 months in accordance with the requirements of subsection (a), (c), (e), and (g) (as appropriate) of section 505A of such Act (as in effect on the date of enactment of this Act.).

(3) Definitions.—In this subsection:

(A) Drug.—The term "drug" has the meaning given the term in section 201 of such Act.

(B) Pediatric studies.—The term "pediatric studies" has the meaning given the term in section 505A of such Act.

(C) Secretary.—The term "Secretary" means the Secretary of Health and Human Services.

### SECTION 807

Mrs. FEINSTEIN. Section 807 of the committee substitute for S. 830 prohibits State and local governments from establishing or continuing—for nonprescription drugs, any requirement that is different from, in addition to or otherwise not identical to a Federal requirement; for cosmetics, any requirements for packaging and labeling that are different from, in addition to or otherwise not identical to a Federal requirement. This includes any requirement relating to public information or any other form of public communication relating to a warning of any kind for a nonprescription drug.

My State, California, has a long history of regulating nonprescription drugs and cosmetics and I would like to ask the bill manager's to engage in a colloquy with me to clarify his intent and the language of the bill.

The California Department of Health Services in a September 12 letter expressed their concern that they would have to request interpretations from FDA. They wrote: "For interpretation of Federal requirements, and in order to determine if a State conflict exists, it will be necessary for States to continually request from the Federal Government an interpretation of their requirements and both Federal and State legal review of those interpretations."

Could you explain the bill's intent?

Mr. JEFFORDS. In most cases, it will be abundantly clear and States will not have to continually request written interpretations of Federal law. There should be no need to delay enforcement.

Mrs. FEINSTEIN. According to California officials, a number of requirements now in force in California could be considered to be in addition to Federal law under this bill and therefore could be preempted.

The first area relates to public warning requirements. The California Department of Health Services maintains that the bill would likely prohibit State-initiated public health warnings.

California DHS asked, for example, if point-of-purchase placards could be required.

Could my colleague comment on the intent of the bill with regard to State public warning requirements?

Mr. JEFFORDS. The public information and communication provisions of S. 830 would not prevent a State from issuing its own public statements to warn the public. But although the State is free to utilize the media and other such avenues, the State could not require point-of-purchase placards to be posted.

Mrs. FEINSTEIN. For both drugs and cosmetics, currently under California law, if DHS has probable cause to believe that a drug or cosmetic is adulterated, misbranded, or falsely advertised, DHS can embargo the product, remove it from commerce. In their letter, DHS says, "This power may be considered in addition to a Federal requirement."

Could you clarify your intent in this area?

Mr. JEFFORDS. Enforcement authority is not covered by the preemption provision of the bill, so a State's embargo and other enforcement authority would not be affected.

Mrs. FEINSTEIN. For nonprescription drugs, California law requires comprehensive and annual inspections of manufacturers. Federal law requires limited inspections on no timetable. DHS maintains that the "State's requirements for drug manufacturer licensing and the annual inspections may be considered a requirement in addition to the Federal requirement."

What is the chairman's intent in this bill, as it addresses licensing and inspections by States?

Mr. JEFFORDS. As I said previously enforcement authority is not covered by the national uniformity provisions. Thus, drug manufacturer licensing and inspection in the States would not be affected.

Mrs. FEINSTEIN. My State has expressed concerns about advertising, saying that State law has advertising restrictions, that is prohibition on false and misleading advertisment, advertising of unproven remedies, that may be preempted. Could you elaborate on the bill's intent in the drug advertising area?

Mr. JEFFORDS. The national uniformity provisions would not affect traditional drug advertising laws because this bill does not address the authority of the Federal Trade Commission Act. State laws that prohibit false and misleading advertising or to prohibit unsubstantiated claims for nonprescription drugs, for example, would not be affected. Traditional advertising issues relating to claims substantiation, fair balanced and truth are outside the scope of national uniformity.

Mrs. FEINSTEIN. I thank my colleague. I hope that this discussion will clarify the true intent of the authors of this bill and provide some clarification of the State's authority to protect the public health under this bill.

### VOTE ON AMENDMENT NO. 1130, AS MODIFIED

The PRESIDING OFFICER. The question is on agreeing to the committee substitute, No. 1130, as modified. The yeas and nays are ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

The result was announced—yeas 98, nays 2, as follows:

[Rollcall Vote No. 255 Leg.]

YEAS—98

Abraham
Akaka
Allard
Ashcroft
Baucus
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bryan
Bumpers
Burns
Byrd
Campbell
Chafee
Cleland
Coats
Cochran
Collins
Conrad
Coverdell
Craig
D'Amato
Daschle
DeWine
Dodd
Domenici
Dorgan
Durbin
Enzi
Faircloth
Feingold
Feinstein
Ford
Frist
Glenn
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Hagel
Harkin
Hatch
Helms
Hollings
Hutchinson
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kempthorne
Kerrey
Kerry
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Mikulski
Moseley-Braun
Moynihan
Murkowski
Murray
Nickles
Reid
Robb
Roberts
Rockefeller
Roth
Santorum
Sarbanes
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Torricelli
Warner
Wellstone
Wyden

NAYS—2

Kennedy
Reed

The amendment (No. 1130), as modified, was agreed to.

Mr. LOTT. Mr. President, I move to reconsider the vote.

The PRESIDING OFFICER. Without objection, the motion to lay on the table the motion to reconsider is agreed to.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The majority leader.

### UNANIMOUS-CONSENT AGREEMENT

Mr. LOTT. Mr. President, I ask unanimous consent that the scheduled cloture vote be vitiated with the previous debate limitation still in effect.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. In light of the earlier consent with respect to debate time on the FDA bill—I believe Senator JEFFORDS got the unanimous-consent request agreed to a few moments ago—there will be no further votes this evening. The Senate will begin, now, up to 4 hours of debate on the FDA bill. The concluding 4 hours of debate will begin at 12 noon on Wednesday. Therefore, final passage will occur at approximately 3:45 on Wednesday, of the Food and Drug Administration reform bill.

I guess I should put that in the form of a request, Mr. President.

The PRESIDING OFFICER. Without objection, it is so ordered.

## UNANIMOUS-CONSENT AGREEMENT—CAMPAIGN FINANCE REFORM

Mr. LOTT. Mr. President, I ask unanimous consent the majority leader, after notification of the Democratic leader, must turn to S. 25, the McCain-Feingold campaign finance reform bill, prior to the close of the first session of the 105th Congress, and Senator MCCAIN will immediately be recognized, then, to modify the bill, and it be in order that the majority leader immediately offer an amendment relative to campaign finances. I further ask unanimous consent that it not be in order for any Senator to offer any legislation regarding campaign finances prior to the initiation of this agreement.

The PRESIDING OFFICER. Is there objection?

Mr. DASCHLE. Reserving the right to object.

The PRESIDING OFFICER. The Democratic leader.

Mr. DASCHLE. Mr. President, this is the same unanimous-consent request propounded last Friday. The difference is that I have now had the opportunity to consult with my colleagues, and also to consult with the President and those in the White House who have a great deal of interest in our progress on this legislation.

The President has just sent Senator LOTT and me a letter, indicating his desire to either keep us here or bring us back if we are not sufficiently successful in meeting the goals that we have all indicated we share with regard to the completion of the work on the McCain-Feingold bill.

Given his assurances that he will call us back or keep us here—and I certainly hope that that is not necessary because I think there is plenty of opportunity for us throughout the month of October to bring this legislation to the floor and have a good debate—we certainly would not object.

As I indicated on Friday, I had two concerns, one, that we would run out of time and, two, that I had not had the opportunity to discuss this matter, and we were precluded from offering the amendment to any other legislation in the event that we would have run out of time. Now there is no concern for running out of time because the President will see to it that we have whatever length of time we need to complete our work.

So Mr. President, I am very pleased that we have been able to make this progress, and we have no objection.

The PRESIDING OFFICER. Is there objection?

Mr. DASCHLE. I ask unanimous consent that the letter sent to me by the President be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE WHITE HOUSE,
*Washington, September 23, 1997.*

Hon. THOMAS A. DASCHLE,
*Democratic Leader, U.S. Senate, Washington, DC.*

DEAR MR. LEADER: Senators McCain and Feingold have pledged to bring their campaign reform legislation to a vote. When that happens, the American people will be watching. I encourage you to act responsibly and support passage of this long-overdue, bipartisan legislation.

This measure is of the utmost importance, and it deserves full consideration on the Senate floor. If any attempt is made to bring this bill up in a manner that would preclude sufficient time for debate, I will call on Congress to stay in session until all of the critical elements are fully considered.

There is a real need for reform. The amount raised by both political parties is doubling every four years. And as candidates are forced to spend ever greater amounts of time raising ever larger amounts of money, the people's business suffers. We have an obligation to restore the public trust.

The bipartisan measure that Senators McCain and Feingold intend to bring to the floor is balanced and effective. It addresses many of the most pressing needs for reform. It does not include every reform that I believe necessary. But it is an important first step—and it represents the only real opportunity to enact meaningful reform in this Congress. Any attempts to attach amendments that would make it unpalatable to one party or another are nothing less than attempts to defeat campaign finance reform.

> And a vote to filibuster this measure is nothing short of a vote to maintain the system that favors special interests over the public good. For years, the special interests and their allies have filibustered reform. But this year, the American people will hold accountable those who vote to maintain the status quo.
>
> Despite formidable odds, the Congress faces the best opportunity in a generation to enact campaign finance reform. Let up work together in a bipartisan spirit, as we have throughout this legislative session, to thwart special interests who seek to smother reform and deny the will of the people. I urge you to support the bipartisan efforts embodied in the McCain-Feingold proposal, permit the Senate to debate their bill, and vote to enact these needed changes to our political system.
>
> Sincerely,
>
> BILL.

Mr. LOTT. Mr. President, it is the same unanimous-consent request I offered last Friday. I thought it was a fair procedure within the bounds of the 105th Congress' 1st session to take up consideration of campaign finance reform. I still think it is a fair procedure. I indicated last Friday it was never my intent to try to have this come up on the last day or the last week. I do not think that would be in anybody's interest. And I did not intend to do that. I said at the time I did not intend to do that.

So I am glad we have this worked out. We will work now to try to determine a time to bring up consideration and debate of this issue in a way that will allow us to have time to discuss it freely but also give us time to look at other issues that we hope to have completed before the end of the session.

With regard to the President's letter, I have not had an opportunity to read the letter yet. I am always glad to have a communication from the President. I do not feel threatened or intimidated by the letter because we still have an awful lot of work to do together on appropriations bills. I am still hopeful that we can have the ISTEA follow-on transportation infrastructure bill passed. And we hope to even consider the fast-track legislation.

So the President has a lot of issues that he would like for us to work with him on. We would be glad to do that. And we intend to do that. However, we do not intend to be threatened or intimidated on this or any other issue.

The PRESIDING OFFICER. Is there objection?

Mr. McCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Reserving the right to object, and I will not object, first of all, I want to thank the majority leader for his willingness to take up this issue.

As I said on Friday when he made it very clear to all that we would take up this issue in a timely fashion under the conditions of the unanimous-consent agreement, as he stated, I thought it was eminently fair.

There are other issues that are before the Senate that need to be resolved. And over time I have great confidence that the majority leader will bring up this issue so that it can be adequately addressed.

As far as the letter from the President is concerned, let me just say, Mr. President, we all know that the President can call Congress into session all he wants to. He cannot make them act. And I see from time to time, as we address this issue, the seeking of some kind of political advantage and leverage here in this debate.

Let me make one thing perfectly clear, the only way we are going to achieve meaningful campaign finance reform is by sitting down together in a bipartisan fashion. We do not need letters from the President of the United States now. What we need is meaningful and serious negotiations between all parties committed to meaningful campaign finance reform. I intend to work with my colleagues on both sides of the aisle to achieve that.

Again, I want to thank the majority leader because he told me a long time ago that this issue would receive the serious consideration that it deserves, and he has confirmed that confidence with the unanimous-consent agreement today.

Mr. KERRY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Mr. President, I will not object either. I just want to ask the majority leader a couple questions.

Mr. President, I ask, is it possible for the majority leader to share with us any little bit deeper what his thinking might be as to when he thinks it might actually come? I know he cannot be precise, but is there some variation here in the course of the next 3 weeks, Mr. President?

Mr. LOTT. Well, we need to look at the conference reports on appropriations bills. We need to look at the continuing resolution, if one is needed. I presume it will be. We need to look at what progress is being made with regard to the ISTEA or the highway transportation bill. And we need to look at when we will need to schedule fast track. And we will need to consider when we are going to have an opportunity to take up serious product liability.

So there are several issues that we feel like, I think on both sides of the aisle, we must do this year, and one way or another—or should do—and we will look at all of that. It is not my intent to drag this out to the end of the session because I would like for us to be—if I had my way, I guess the last thing we would do would be probably the fast-track legislation in one form or another and to deal with it up or down. That would be my thinking what we would do last, not because I am pushing it off to the end but because we have to have some hearings, it has to be marked up, go to Finance and I think Banking and two or three other Committees. That is what looks like will probably come up toward the end of October or early November.

So it is my thinking that we would want to do it before then. I will try to, you know, make sure everybody has an input here. We have Senators on both sides that have interest. We have chairmen that have interest. It is not my desire to have this come up in the congestion at the end.

I want to find a window. I can see a possibility of one before long where we can take this up and consider it for a period of time that everybody might be comfortable with.

Mr. KERRY. Mr. President, I thank the majority leader for the breadth of that. I think it is very helpful to have that on the RECORD.

Secondly, I want to ask him just with respect to my own understanding of the request, the first amendment is the amendment from Senator McCAIN.

Mr. LOTT. The original McCain-Feingold.

Mr. KERRY. Followed immediately by an amendment from the majority leader; is that correct?

Mr. LOTT. No. Followed by the modified McCain-Feingold bill.

Mr. KERRY. With a second degree?

Mr. McCAIN. Substitute.

Mr. LOTT. My amendment would be a first-degree amendment after the McCain-Feingold modification.

Mr. KERRY. Mr. President, if I could ask, in furtherance of the effort here to keep the bipartisanship and discussions going, would it be possible in the near term for us to learn the content of that other amendment, of the amendment of the majority leader, so that we might be able to have something competent to be able to meet on and discuss?

Mr. LOTT. We have not made a final decision. We have a number of options we are reviewing. It could be an amendment or it could be an amendment in the nature of a substitute. And we are looking at both of those possibilities. But before we bring it to the floor, we will notify the Members of what our intent would be on that.

Mr. KERRY. I thank the majority leader.

Mr. FEINGOLD addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Let me take a moment, and reserve the right to object, to thank both of the leaders for coming together on this issue. It is of tremendous importance to everyone here in this body and to the American people. And I think they both have an extremely difficult task in dealing with an issue like this that is of such personal importance to each Member of the Senate.

It is very heartening to know that we have an agreement that will allow the open debate on this issue. Last year when the debate came up, there were no amendments and a cloture vote within 2 days. It was not a great opportunity for the body and for the members of the public to be involved in. So I think this is a great step forward.

I want to thank my leader, Senator DASCHLE, for his persistence on this. I want to thank the President for his absolutely relentless support of our legislation for over 2 years now. And I appreciate his involvement in this as well.

But overall, what I think we have seen here is a bipartisan ability to come together on timing. I hope it leads to a bipartisan ability to come together on a meaningful piece of legislation.

With that, I yield the floor.

Mr. McCONNELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. McCONNELL. Mr. President, I too want to thank the distinguished majority leader for working with others who are interested in this legislation to create an atmosphere in which we can have an important debate on an issue of enormous significance to our country. I think it is a sensible and orderly way to give everyone an opportunity to have his or her say. I commend the majority leader and Senator McCAIN as well for their good work to bring us to this point.

The PRESIDING OFFICER. Is there objection to the unanimous consent request of the majority leader? Without objection, it is so ordered.

Mr. JEFFORDS addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

## FOOD AND DRUG ADMINISTRATION MODERNIZATION AND ACCOUNTABILITY ACT OF 1997

The Senate continued with the consideration of the bill.

Mr. JEFFORDS. What is the pending business?

The PRESIDING OFFICER. There is now to be 4 hours of debate equally divided on S. 830. The Senator from Vermont controls half that time.

Mr. JEFFORDS. I yield to the Senator from Utah 5 minutes.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I ask unanimous consent that the RECORD reflect the fact that amendment No. 1182, as modified, which was adopted was a Hatch-Wyden amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATCH. Mr. President, there is an old saying, "No good deed goes unpunished." And it applies only too well to those who tackle the job of shepherding the FDA legislation through Congress.

The legislation we are debating today has its foundation in the last Congress. From my experience, I know that FDA bills are inherently contentious and complicated—and that would be true even if my friend from Massachusetts, Senator KENNEDY, was not on the Labor Committee. Sometimes I believe that it was this FDA bill that drove our good friend Nancy Kassebaum out of the Senate.

So we should all take off our hats and thank JIM JEFFORDS for his efforts in forging this important compromise bill. The overwhelming votes on cloture and on the motion to proceed are testament to the fact that S. 830 is a solid piece of bipartisan legislation that will benefit the American public for years to come.

Every Member of this body understands only too well the necessity of having good staff. Our staffs work long hours in order to resolve very difficult issues. I commend the work of all of the staff involved in the development of this bill. I will defer to tradition and allow the chairman and ranking member to single them out when the bill achieves its final passage.

However, I do want to depart from tradition for a moment to compliment the work of Senator JEFFORDS' point person on FDA reform, Jay Hawkins. It is always safe to bet against the passage of FDA legislation, but Jay joined the Labor Committee this past winter and hit the ground running and has helped the chairman in crafting and bringing S. 830 through the committee and onto the floor.

Jay has worked hard, listened patiently to diverse viewpoints, identified and solved problems, and has exhibited sound judgment and tremendous energy throughout this process.

Unfortunately for Jay and his family, on August 20, his mother, Mrs. Donna Lotz Hawkins, died after a long battle with cancer. Jay's mom was a mountain climber, ocean swimmer, and distance runner who had many friends that will deeply miss her.

The loss of a parent can never be replaced. While I never met Jay's mom, as a parent I know that she must have been extremely proud of her son for all of his important work in the Senate.

It is only fitting that this bill, which has so much of Jay's imprint, promises to speed the development of the next generation of cancer treatments.

I just wanted to take these few moments to salute Jay and the chairman for their considerable efforts on the FDA bill, and I want to extend my condolences to the Hawkins family on the loss of his mother.

I yield the floor.

Mr. D'AMATO addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. JEFFORDS. I yield 5 minutes to the Senator from New York.

Mr. D'AMATO. I thank the chairman and ask unanimous consent that I may proceed as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. D'AMATO pertaining to the introduction of S. 1203 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. KENNEDY. Mr. President, I yield such time as the Senator from Rhode Island might use.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. We have made great progress with respect to the Food and Drug Administration [FDA] bill. That is a tribute to Chairman JEFFORDS and the ranking member, Senator KENNEDY from Massachusetts, and all the members of the committee and the Members of the Senate participating in this debate.

However, there remains at least one issue of concern, one issue that was a subject of extensive debate today. That issue is a provision regarding the 510(k) approval process for class I and class II devices. As I mentioned previously, these class I and class II devices are serious medical devices. This is not a Band-Aid or gauze. These are lasers or biopsy needles or many other complicated, necessary medical devices.

As a result, we cannot, I think, assume that this is a small or inconsequential issue we are debating. It is a very important issue.

Essentially, the legislation that is before the Senate today limits the FDA from looking behind the stated use on the label presented by the manufacturer when they request approval to put a new product on the market. It is important, in certain cases, to make such a searching review beyond the proposed use by the manufacturer. It is particularly important in the case where there is strong suspicion that the label is either misleading or fraudulent or false. Although my amendment was not favorably considered earlier today, it would have given the authority to the FDA to look beyond the label in cases where they could show—and this is a very high standard of proof—that the label was false or misleading.

There is no other provision in this new legislation that would give the FDA such authority. Indeed, one could ask why the proponents of this legislation deliberately chose to remove the FDA's authority and to effectively prevent the FDA from conducting a thorough review of medical devices as they come on the market.

I have outlined, as many of my colleagues have, the detailed reaction of several sections of the FDA law. It is complicated, arcane legislative language.

I have tried to think of a more homely and mundane example which might illustrate the dilemma the FDA would be facing as it contemplates this new legislation. If the FDA were in the position of not approving medical devices but approving, for example, land transportation vehicles, they might be confronted with an existing model, perhaps a Ford Mustang. And say, for example, a new product such as an F–16 fighter plane is presented for review. Both can move over the ground, both of them are fairly fast, and both of them have certain similar aerodynamic capacities. Both of them can carry passengers. So one could make the argument that the F–16 could be substantially equivalent in use as a ground transportation vehicle.

But I think anyone would have to say, upon looking at both of these devices, that there is a strong suggestion the F–16 can be used for something else. If the FDA, or in this example, the hypothetical agency, did not have the authority to ask the simple question: Will it be used to fly and can it fly? The hypothetical agency may not be doing the job.

That is a homely example to illustrate that the FDA is frequently confronted with devices that are presented as being substantially equivalent to existing devices. These new devices may be similarly labeled to that existing device, but they have the potential for other uses. If it is obvious that the device is for uses not listed on the label, the FDA should have the authority to make an inquiry into those other uses.

In fact, my suspicion is that in the development of new medical devices there is a long history of starts and stops. A history of contact with other individuals, many researchers working together, exploring different uses and alternatives, different materials. In that process, it is very likely that other issues are contemplated, evaluated and perhaps designed into the device.

Today we have a system where there is more incentive for approaching the FDA with a petition of a 510(k) approval because that is the fastest way to the marketplace. Even if there were uses that were discussed and contemplated, even if there are obvious uses that might become part of common practice, those may be dismissed in order to get this through the system quickly.

What we have done today by not adopting my amendment is effectively prohibit the FDA from making that searching inquiry into possible uses. The consequences can be severe to the public health.

Despite all of these issues we have discussed, this bill represents significant progress on many fronts. We are very, very close. I hope in the ensuing conference—or before we go to conference—that we could address this particular issue. It is an issue that has been highlighted by Secretary Shalala. It has been highlighted with respect to the potential for a Presidential veto. I hope we don't reach that point.

The hard work that has been done over many months by my colleagues, the hard work of many representatives of the industry, and the hard work of public health advocates I think will lead us, if we can get over this hurdle, to a bill that we will all be proud of.

In conclusion, today we have spent some time discussing the industry. We have spent some time discussing the FDA. There have been criticisms by Members with respect to both the industry and the FDA. Our job at this point is not to demonize or deify anyone. It is to get good laws passed. I believe this legislation can be approved and can succeed.

I note the majority leader is standing by, and I yield back my time.

## VISIT TO THE SENATE BY THE EUROPEAN PARLIAMENT

Mr. LOTT. Madam President, I am pleased to welcome a delegation from the European Parliament to the U.S. Senate. The parliamentarians are in the United States for the 47th interparliamentary meeting.

Europe continues to move forward with economic integration and the European Parliament's role is increasingly important. As the European Union—like the North Atlantic Treaty Organization—expands, the role of the European Parliament will become even more important.

The United States and the European Union have the world's largest commercial relationship, with trade and investment approaching $1 trillion.

I believe increased interaction between our legislature and the European Parliament will serve the interests of both sides. I would like to add that I met with the U.S. Ambassador to the European Union, Mr. Vernon Weaver, earlier this summer and was impressed with the job he is doing to protect American interests in Brussels and across Europe.

I urge my colleagues to greet this delegation, led by Mr. Alan Donnelly of the United Kingdom.

Madam President, I ask unanimous consent that a list of all of the delegation be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

### EUROPEAN PARLIAMENT DELEGATION FOR RELATIONS WITH THE UNITED STATES

(47th EP/US Congress interparliamentary meeting, 21–26 September 1997, Washington DC)

### LIST OF MEMBERS (15)

Mr. Alan Donnelly, Chairman, PSE, United Kingdom.

Mr. Bryan Cassidy, 1st Vice-Chairman, PPE, United Kingdom.

Mr. Lucio Manisco, 2nd Vice-Chairman, GUE/NGL, Italy.

Ms. Nuala Ahern, V, Ireland.

Ms. Mary Banotti, PPE, Ireland.

*Mr. Jacques Donnay, UPE, France.

*Mr. Willi Görlach, PSE, Germany.

Ms. Ilona Graenitz, PSE, Austria.

Mr. Fernand Herman, PPE, Belgium.

*Mr. Mark Killilea, UPE, Ireland.

Ms. Elly Plooij-Van Gorsel, ELDR, Netherlands.

Mr. Barry Seal, PSE, United Kingdom.

Mr. Michael Tappin, PSE, United Kingdom.

Mr. Josep Verde I. Aldea, PSE, Spain.

Rapporteur on Transatlantic Trade and Economic Relations, Ms. Erika Mann, PSE, Germany.

NOTE—Abbreviations:

PSE: Group of Party of European Socialists.

PPE: Group of the European People's Party (Christian-Democratic Group).

UPE: Union for Europe Group.

ELDR: Group of the European Liberal Democrat and Reform Party.

GUE/NGL: Confederal Group of the European United Left—Nordic Green Left.

V: Green Group in the European Parliament.

### RECESS

Mr. LOTT. Mr. President, I ask unanimous consent the Senate stand in recess for 5 minutes so we may greet our guests from the European Parliament.

There being no objection, the Senate, at 4:58 p.m., recessed until 5:06 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Ms. SNOWE).

## FOOD AND DRUG ADMINISTRATION MODERNIZATION AND ACCOUNTABILITY ACT OF 1997

The Senate continued with the consideration of the bill.

Mr. KENNEDY. Madam President, we are making substantial progress on the FDA bill, and I applaud that progress. We have worked out a number of key issues on a bipartisan basis since the committee markup in June. We have worked out the issues on fast tracking some innovative opportunities for dealing with the special challenges we are facing. We built on the fast tracking that we have done on AIDS drugs, and we are trying to do more in the areas of cancer and Alzheimer's, following what has been an important initiative at FDA for getting drugs out faster. We have even worked out differences on the off-label uses of various pharmaceuticals and devices and what information and studies will be required in terms of safety and efficacy. We have worked out the early consultation between device manufacturers and the FDA.

We have been working toward reducing the total development time. A key element in our negotiations has been going upstream and working with the pharmaceutical companies, as well as the manufacturers, in shaping and formulating their applications so that they will move more rapidly through the approval process. Many of these initiatives were worked out by Dr. Kessler. We have put them into legislation under the leadership of Senator JEFFORDS and others on the committee. We have settled the issues of cosmetics, after good debate and discussion. We have also worked our third-party review pilot programs and timeframes for some of the drug approvals. Each one of these issues was worked out in a way that protects the public health.

This process continues now with further debate today and tomorrow on what I, and others with me, consider to be the most significant threat to the public health remaining in the bill. These other areas that are complex and difficult, where a wide variety of different positions had divided the committee in a significant way. We have been able to make important and significant progress in ways that advance public health. I believe that we have advanced the interest in the public health. This final issue remains and has been identified by the President of the United States and the Secretary of HHS as being the No. 1 public health risk within this legislation. We had a good debate on that issue earlier today and a real engagement of the differing ideas. I find that we were able to make important progress. The Members realize and recognize what is really at stake. We were unable to win the majority of the Members, but we have a substantial group of Members who are likewise concerned about the public health issues.

We have heard from the various consumer groups and they are the ones that will benefit the most from breakthrough devices. If you read through their concern and opposition to the provision in the legislation and their strong support for the Reed amendment, you understand why we are so concerned about this particular provision.

The House is in the process of taking up legislation dealing with the same subject matter, although they have reached a stalemate with regard to the extension on PDUFA. PDUFA, which I certainly support, provides the additional resources for the FDA to get the kind of trained disciplined personnel that represents the top of our research technology to work very effectively in the evaluation of these various products.

As the prime sponsor of that proposal here in the Senate, with my friend and colleague, ORRIN HATCH, we are clearly strongly in support of PDUFA. We tried to take similar action with regard to the medical device industry, but we were unable to do that. But we were able to accomplish it with the pharmaceutical industry, and it is necessary to have this extension.

The House will take up the FDA. We will continue to work with the administration, and with the leaders of the Energy and Commerce Committees in the House to make sure the compromises reached in the Senate are retained or improved. We will work to make sure that the medical device issue that we have been debating on the Senate floor is fixed.

We believe that the Food and Drug Administration should not be faced with a situation where a device is submitted with a label that contains false and misleading information that would effectively deny FDA an opportunity to review the device on its real uses. And deny them the authority to require the medical device company to provide information relevant to the safety of that medical device.

There is nothing that we have heard that changes my very view that the interests of the American consumer and the American public are best protected by strengthening the lead agency for safety—the Food and Drug Administration. The agency to which all Americans turn when they find that there is tampering with pharmaceuticals, or they are concerned about the importation of pesticides on grapes from Chile, or they are concerned about drugs and medical devices. We saw that across the country this last week withis last week with the fen/phen tragedy.

Now we are being asked to reduce the protections for the American people by prohibiting this lead agency, with all its expertise, from protecting the public when it comes to medical devices. We are handcuffing them from being able to reachthe American public when a medical device is falsely labeled. That is a serious error on our part.

A great deal of discussion has taken place in the committee and out here on the floor of the U.S. Senate as to the FDA's ability to approve medical devices in a timely manner. We heard it expressed this morning. We heard. "Just look how bad the FDA really is." We have to accept this provision because it is going to make such a difference to the patients that need these medical devices.

Let us look at what the record has been with regard to the FDA.

If you go through the GAO study on the FDA and its approval record, the progress that has been made in the recent time is truly remarkable. I have it here. This shows the review times that have been decreasing, starting in 1994, continuing 1995, and 1996. This is the General Accounting Office.

The premarket notification 501, the median FDA review time for notification as judged to be equivalent devices already on the market has dropped consistently from 199 days to 95 days in 1996. Look at that difference between 1993 and 1996. The time reduced from 199 days to more than half for the medical devices that are the substantial equivalent.

Here is the premarket approvals. Those take longer than the premarket notifications because the FDA reviews the substantial amount of evidence to determine if the devices are safe and effective. The median time for PMA has dropped from 766 days in 1993 to 280 days in 1996. Again, a 40 percent reduction of the time—a dramatic improvement in the most complicated medical devices that are new; to convince the FDA with the range of different new technologies that are coming and that are being implanted in people. We have reduced that time for clearance on the newest devices that have to be tested carefully and evaluated in terms of their safety. We have dropped the time by about 35 or 40 percent. Approval times have been reduced and we still have the best safety record. We are seeing dramatic improvement in approval time for the most complicated medical devices, and we are seeing dramatic improvement in approval times for the kinds of medical devices that are substantially equivalent. And we still have a strong safety record. But that isn't enough for the medical device industry. They are refusing to support an amendment which would permit the FDA to look at the safety features of medical devices that ought to be looked at.

It would be an entirely different matter if these improvements had not been made. At least you would have an argument to say you needed dramatic changes in the approval process. But the time it takes for the newest kinds of medical devices are improving dramatically.

We heard on the floor of the Senate, "Well, we have to be able to get these devices out there because all of us are aware of how fast those devices are being approved in Europe. If we do not accept this provision, all our medical device companies are going to go abroad. We are going to lose jobs. This is an issue of jobs. We will take a chance with the health of the American people on this so we can keep our industry here and protect our public."

Well, let's look at the facts on this one. We have just had the GAO report of June 1997 showing the remarkable progress that is being made in terms of approving these devices while still doing comprehensive examinations of the complex safety issues. They can evaluate the new kinds of safety information provided by the medical device industry, and do it in a timely way, and protect the public. That is what Senator REED and myself believe should be done with regard to this provision.

Madam President, this is a May 12, 1997 document by the World Medical Device Diagnostic News.

This is April 21, 1997.

I will include the relevant parts in the RECORD. But I am reading now:

> France calls on EU to tighten device controls. In a letter to the European Council of Ministers, the French government has called for tighter controls over high-risk medical devices. The government is particularly concerned about implantable devices and other products that fall into the high-risk categories, class 3, class 2.

The letter which was sent to other EU member states has not been released publicly. It forms part of the French campaign of ever-increasing intensity for more stringent relations on medical devices. France is also questioning the validity of the European approach to the regulation of products that pose a high risk to health.

Then in another section talking again about the European Union, industry experts speculate the French might argue on the basis of the results and the question of medical device directors being unable to cope with the high-risk products.

These are storm warnings with regard to the use of high-risk products—storm warnings from our European friends about what is happening over there with their medical device industry. Then we heard here, "Well, those may be high risk but we are only looking at low risk devices." Low risk? The list of the products that are being suggested as low risk: Ventilators, fetal cardiac monitors, imaging devices, MRI ultrasound, x-ray. Who wants to take chances about whether the ultrasound that an expectant mother is having is going to do the job or not? We think that is a low risk? We don't think that mother ought to be able to get satisfactory information about the adequacy of the protection and the soundness of x rays and CAT scans and ultrasound and MRI's, imaging devices. Low risk? Anesthesia machines. Low risk? We have the storm warnings about what is happening in our own country.

Here is the February Business Outlook for the Medical Device Link. Here is their cover story February 1997:

> With the improvements in FDA product review performance, despite an ever more challenging domestic market, device company executives are more optimistic than ever.

They talk about the FDA being cited by many as the leading source of their pessimism.

While nearly as many blamed the disconcerting restructuring of health care providers, two years later—that is now. This is going back to 1994 and 1995.

> "* * * two years later device company executives report a substantial improvement in FDA's performance, particularly in the 510(k) product approval times.

This is the medical device industry document. It continues.

> In fact, this year's survey conducted last October marks the highest business climate ratings ever in the 5-year history of the survey.

The highest degree of approval rating ever in the 5-year history.

It is going well, my friends. We do not have a Shiley Heart Valve tragedy today. We don't have a Dalkon Shield tragedy today. It is working in terms of protecting the public. But the industry is demanding changes in providing the protection. Why? This is what the industry is saying about the FDA. "The impact of FDA's internal reforms and review time is more significant than might appear. The agency has not only reduced the approval delays that slowed newer products but, perhaps more importantly, has greatly reduced uncertainty as to the timeliness of future product introductions."

I will include the appropriate amount of this. I will not take up the whole record, although it is a fairly short document.

It continues along: Respondents' rating of the current business climate for the medical device. Here are the results. A substantial majority of medical device executives said, medical device industry, good or excellent.

Then it has executive ratings of device industry business climate, 1993 to 1997: 58 percent good or excellent. Last year it was 58 to 11. Find me an agency of Government where those who are being covered by the regulators are saying 58 percent approval, 11 percent disapproval. An examination of this review shows that it was down just in 1995, 37 to 23—37 percent approval, 23 percent disapproval. Now that disapproval has gone from 23 to 12 to 11 in 1997 and the 37 is up to 58 in 2 years. This is the reflection of those who are involved in medical device businesses.

"Expectation of respondents for business conditions in the medical device and diagnostic industry," again, going up, enormously favorable.

"One important cause of this year's improved outlook is the clearly perceived improvement in relations with the FDA. As shown in figure 5"—that will be in the RECORD—"the decline in complaints about the agency mirrors the increase in positive business outlooks."

You could not get a greater endorsement. You could not find better support for an agency that is being regulated. You could not see a more dramatic improvement in how that agency has been dealing with those that it is required to police. And all the while still protecting the public health, all being done to protect the public health. As the Secretary of HHS and the President of the United States said, of all the different provisions, this is the one that puts the public health at risk. All against a background of a device industry that is saying things have never been better.

Several committee members have expressed concerns that the FDA will try to think of every possible off-label use for a device and harass the industry to death. There is no justification for that attitude. It is good rhetoric, but it just defies any kind of understanding about what is happening in the medical device industry today. The medical device manufacturers and personnel find that their relationship with the FDA is improving significantly in terms of how they are being treated, the times that are involved, the way that the agency has been considering various applications like the ones we have been talking about. The public health is being protected, but we are being asked to change it.

How many times around here do you hear, "If it is not broke, why fix it?" Well, this is the attempt to try to fix something that is not broke. And we are not talking about widgets here. We are talking about real health implications to the American public.

Why should we take a chance on people's health when those medical devices are being carefully tailored and designed technologically to do something that is different than is on the label? It just defies me. That is the issue.

So, as we go on through this survey report, talking about international markets: "Just as outlooks on business are influenced by market segments, so, too, they are affected by geographical markets. In fact, large companies have a clear advantage over small ones in entering foreign markets. Of the companies surveyed, 91 percent were selling to the United States, just over half were doing business in Europe and Canada, while 36 to 40 percent were in Latin America. Of the largest companies surveyed within the various"—$50 million in annual revenues, 90 percent or more were involved in the survey and they show here when asked what markets offered them the best prospects in 1997, more respondents, 80 percent, named the United States than any other market. This are the medical device companies from Central and South America talking about what they believe the greatest opportunity for market expansion is in the United States, and they are going to have to meet the strict requirements that are being put out by the FDA. They think, even going through those requirements for safety and ensuring the public is going to be protected, that there is this dramatic opportunity for growth.

And it just continues. If we go through the Medical Economics magazine of this year, January, it talks about the enormous explosion of the various devices, talking of the demand for devices to treat arteriosclerosis, enlarged prostates, infertility and many others creates a worldwide market of $120 billion, including about $50 billion in the United States. That's growing by 8 percent annually. Feeding this demand are technologies that offer new ways to treat disease, allow doctors to treat illness more quickly, effectively and safely. The coronary stint, for example, created a submarket that exploded from $220 million globally to more than $1 billion in 1996. Sales of this device are growing 30 to 40 percent.

I used that as one of the examples here the other day. This is a $1 billion industry. We are talking about the power of this industry to put pressure on Congress, with this kind of economic power, that pressure is dramatic. To resist that kind of pressure when it is contrary to the protection of the public health I think is enormously important.

What we are saying is simple and fundamental. That is, the proposal that is being advanced here will permit the medical device industry to submit various medical devices to the FDA and the FDA will be limited to examining only the uses listed on the label of the medical devices. If it is substantially equivalent to a medical device that's been approved, all the company has to be able to show is that it has the same kind of safety protections that the earlier device had, even though—even though—it is the intention of the medical device manufacturer to use that medical device for an entirely different purpose and market it for an entirely different purpose, the FDA is prohibited from examining the safety features.

Maybe those safety features are such that they will significantly improve the health and well-being of the person that is using the medical device, but we ought to make sure at least that the agency has the information that would justify that utilization. All this is happening against a background which demonstrates that the medical device industry is happier with the FDA than at any time in the history of the 20 years, 23 years, of medical device legislation. Happier that there has been a dramatic improvement in approval timeframes, important improvement in terms of safety. We are taking that excellent record and risking it with this particular provision. It does not make sense.

This makes absolutely no sense at all. We strongly believe that this provision has to be altered or changed. We have missed the opportunity to do that on this particular legislation, but we will have further opportunities to do so in the near future.

It is amazing to me, as we went through consideration and as we were able to make progress on so many other items while advancing public health, but the medical device industry does not want to deal with this one. They felt they had the votes. They had them this afternoon. But this is a long road. It is a long road, the completion of this whole process, and we are going to fight every step of the way. We have seen a variety of different options that would attend the kind of concerns that the medical device industry has put expressed, which we and the FDA and the administration were prepared to deal with, but the device industry is unprepared and unwilling to do so.

So if they are unwilling, we are unwilling at least to roll over. There are a variety of different procedures which we will have to resort to in order to make sure that this threat to the public health of the American people does not go forward over the objections of those who are in the best position and do represent the patients and the consumers.

By accepting this change in the protections available to the American public at this time, we are not saying that the health of the American people is going to be advanced. If this particular provision remains unchanged, a provision which effectively handcuffs the FDA, it is the bottom line of the medical device companies that will be enhanced. And ethical companies and the protection of the American people will suffer.

That makes absolutely no sense. It is basically and fundamentally wrong, and we will continue the battle ahead.

### APPROPRIATIONS "TRIGGER"

Mr. COCHRAN. Madam President, as chairman of the Appropriations Subcommittee with funding jurisdiction for the Food and Drug Administration, I am compelled to state my opposition to the appropriations mandate in this bill. While this bill reauthorizes prescription drug user fees for the next 5 years, it also states that the FDA cannot assess those fees unless the appropriation for FDA salaries and expenses is at least equal to the appropriation for fiscal year 1997, adjusted for inflation.

The Appropriations Subcommittee will continue to balance the needs and requirements of all agencies and activities under its jurisdiction within the total amounts available for discretionary appropriations. Any member of the Senate who disagrees with the committee's recommendations is free to seek to change the allocation of resources proposed in the bill.

However, annual appropriations decisions should not be predetermined by the establishment of arbitrary appropriations "floors" and "ceilings" in authorization bills. In this particular case, the bill seeks to dictate that FDA's salaries and expenses appropriation be "held harmless" against inflation—that for each of the next five fiscal years, the appropriations be at least equal to the current appropriations level, adjusted for inflation. If not, FDA cannot assess prescription drug user fees.

Madam President, I am certain that each agency and program which receives appropriations would like to secure a similar protection against inflation. However, this is unrealistic in the current budget environment and inconsistent with the levels available for discretionary appropriations under the bipartisan budget agreement.

Industry paid fees are expected to supplement rather than supplant FDA spending for drug approvals. For this reason, I understand the industry's desire to make sure that FDA maintains its current level of effort relative to the drug approval process. However, as I indicated, it is unreasonable to attempt to guarantee FDA protection against inflation at the possible expense of other programs and activities. It would be difficult for me as chairman of the Appropriations Subcommittee of jurisdiction to predict what agency or program restructuring might occur over the next 5 fiscal years, what a program or agency's future resource requirements might be, or the fiscal constraints the subcommittee might face in each future year.

Mr. President, it could be that the minimum mandated appropriations level in this bill is met in each of those years. However, it is just as likely that it would not be. The Appropriations Committee will continue to do its work by considering the needs of every program and agency within its jurisdiction within the total resources available to it. It will not feel constrained to meet the proposed appropriations "trigger" for the collection of prescription drug user fees if it remains in this bill.

I do not think it is the intent of the Labor and Human Resources Committee or the Senate to set an arbitrary mandate that might result in a situation during the course of the next 5 years where these fees may not be collected. I believe this would undermine the existing drug approval process and run counter to the interests of the federal government, the industry, and the American public. The issues and concerns I raise are similar to those expressed by Senators GREGG and MCCONNELL in the additional views they incorporated in the committee's report accompanying S. 830.

Madam President, I am hopeful that the committee take this issue seriously and will work in conference to remove this appropriations mandate and possible impediment to the continued success of the Prescription Drug User Fee Act.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. JEFFORDS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Madam President, I am prepared to yield the remainder of our time this evening.

Mr. JEFFORDS. Madam President, we are not prepared to at this time, so I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DASCHLE. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

## MILITARY AIR CRASHES

Mr. DASCHLE. Madam President, on Friday afternoon of last week, I was shocked and saddened to learn that a B–1B bomber had crashed near Alzada, MT, during a routine training mission over the Powder River military operations area. The bomber was assigned to Ellsworth Air Force Base in South Dakota, and all four crew members aboard the aircraft were killed.

I wish to extend my deepest sympathies to the families of those courageous individuals. They died in the service of their country, and I know my colleagues join me in honoring their memory and their sacrifice.

The B–1 accident was the sixth military air crash in 7 days. Although there is no apparent connection between the accidents, Secretary of Defense William Cohen rightly asked the Air Force and the other branches of the Armed Forces to implement a 24-hour safety stand down to allow those who fly and maintain U.S. military aircraft to focus on safety.

Despite the rash of accidents that occurred in recent days, the past year has been a relatively safe year for the Department of Defense.

Fifty-five military aviation accidents occurred this year compared to 67 last year, 69 in 1995, and 86 in 1994. Although this appears to be a good trend, the Pentagon must strive to improve its safety record even further, and they are doing that.

I commend Secretary Cohen for implementing a safety stand down and am confident it will yield positive results. If it helps to prevent just one crash or the loss of just one life, the safety review will be well worth the effort.

As Secretary Cohen recently said, "The lives of our aircrews and passengers are very precious, and each loss is a great tragedy."

As the Air Combat Command, the Air Force and other branches of the Armed Forces study safety this week, I hope all of us will take a moment to reflect on those committed and dedicated individuals who lost their lives in military crashes in recent days. I would like to take a moment to review the exceptional lives of those four service members from Ellsworth Air Force Base who died in the tragic accident last week.

Col. Anthony Beat was born in Willard, OH, in 1951. He graduated from Ohio State University in 1973 and earned his commission through the Air Force Reserve Officer Training Corps the same year.

During his long tenure in the Air Force, Tony served in a number of capacities. He was a B–52 copilot, aircraft commander and instructor pilot. He was also assigned to the Bases and Units Division in the Strategic Air Command headquarters. Most recently, he served as the vice commander of the 28th Bomb Wing at Ellsworth Air Force Base.

My staff and I had worked closely with Colonel Beat on a number of issues during his tenure as vice commander. His expertise and many accomplishments had a profound impact on Ellsworth Air Force Base.

Colonel Beat was a member of the Ellsworth Black Hills Chapel and enjoyed jogging, hunting, and fishing. He is survived by his wife, Dolores Ann, and their son, James Allen.

Maj. Clay Culver grew up in Memphis, TN, and graduated from the Memphis State University in 1981. Since earning his commission in 1983, Major Culver was an Advanced Electronic Warfare Systems instructor in the 453d Flying Training Squadron, an assistant operations officer, and defensive systems officer instructor.

Most recently, he served as an assistant operations officer and weapons systems officer in the 37th Bomb Squadron at Ellsworth Air Force Base.

Major Culver is survived by his wife, Cynthia; a daughter, Ann; and son, Parker. Mrs. Culver said recently her husband "was doing the right thing, and it was a very honorable way to go."

Maj. Kirk Cakerice was born in 1954 in Eldora, IA. He graduated from the University of Northern Iowa in 1977 and married Myra Van Sickle the same year.

Kirk earned his commission in 1982 and served in a number of assignments including B–1B Aircraft Commander, instructor of B–1B Aircraft Commanders, and cadet squadron commander at the U.S. Air Force Academy in Colorado Springs. Most recently, he served as an assistant operations officer in the 37th Bomb Squadron at Ellsworth Air Force Base.

A longtime friend of Major Cakerice said Kirk was the "prototypical Iowa boy." He "grew up in smalltown Iowa, tremendous sense of humor, very talented at sports, could learn something quickly and do it."

Major Cakerice was a member of the Canyon Lake United Methodist Church in Rapid City, SD. He is survived by his wife, Myra; son, Brett; and daughter, Kendra.

Capt. Gary Everett, who was engaged to be married, was the youngest of the four who died in the B–1B crash on Friday. He was born in Brooklyn, NY, in 1962 and grew up near Louisville, KY.

His parents, three brothers, and one sister still live in Kentucky.

Gary graduated from the University of Louisville with a degree in physics in 1986 and earned his commission through the Officers Training School 2 years later. He served as B–1B Defensive Systems Officer in the 34th Bomb Squadron and as a weapons systems officer in the 37th Bomb Squadron at Ellsworth Air Force Base.

Gary had many interests outside the Air Force, including an online service called RapidNet that he founded with two partners in Rapid City. Gary's sister-in-law, Karen Everett, said "Gary was a hero to all his younger cousins. He was a wonderful role model for all his achievements, in starting his own business, and for his emphasis on how important education is."

Captain Everett is survived by his parents, Joseph and Dorothy Everett, of Glasgow, KY; three brothers, James, Joe, and William; one sister, Carol Ann Johnson; and his fiancée, Karen Tallent of Rapid City, SD.

Mr. President, we suffered a tragic loss on Friday. Col. Tony Beat, Maj. Clay Culver, Maj. Kirk Cakerice, and Capt. Gary Everett served nobly, and they will be deeply missed. Their commitment and dedication to their families, the Air Force, and our country will not be forgotten.

Like many in South Dakota and throughout the country, my thoughts and prayers are with the families of those who lost their loved ones in this terrible tragedy. And we think of them now.

I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Senator LEAHY, how long will you go?

Mr. LEAHY. Madam President, I am sorry, I did not see the Senator from New Mexico. Under our normal practice in these kind of times we tend to go back and forth, so obviously the Senator from New Mexico would proceed.

Mr. DOMENICI. I have a few remarks regarding the IRS and the National Federation of Independent Businesses.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

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## NFIB CAMPAIGN TO ABOLISH THE IRS CODE BY 2000

Mr. DOMENICI. Madam President, in 1990 Senator Nunn and I cochaired the Strengthening of America Commission which among its recommendations, called for abolishing the current income tax code, and replacing it with a progressive consumption-based income tax code that would encouraged savings and investment.

The National Federation of Independent Business is in Independence, MO, today starting a nationwide petition drive that encourages all small business owners to sign a petition calling upon the President and Congress to abolish the IRS Code as of December 31, 2000 and to replace it with a simpler, fairer tax code which will reward work and savings.

I intend to sign this petition and encourage all of my colleagues to do likewise.

NFIB is launching the petition drive in Independence, MO, home of President Harry Truman, who said, "The Buck stops here." NFIB is telling the American public that "the code stops here."

NFIB could have started their campaign in the town of Truth or Consequences, New Mexico. When dealing with the IRS, "tell the truth or pay the consequences" could be their motto.

But things have gone wrong. Compliance has become lax or nasty.

Despite a $7 billion in annual budget and 106,000 employees the IRS failed to collect an estimated $200 billion of taxes a year.

Tax collection is as nasty as it is lax.

In New Mexico, there is a sense of frustration among people trying to comply. Taxpayers receive computer generated letters. The letter is either a short, brutish demand for more money or an incomplete and unclear request for more documentation. The letters usually include no phone number, and no contact person. Now, that is actually from my staff working with constituents. The letters usually include no phone numbers and no contact person.

The letter strikes fear. The message is clear—TRUTH or PAY the consequences. But the letter usually fails to explain what truth, in the form of additional documentation, is needed to avoid the consequences.

In New Mexico, my home State, the IRS letter could originate in Phoenix, AZ, Ogden, UT, Albuquerque, NM, or Dallas, TX. When constituents fail to figure out the point-of-origin themselves they come to my office. It takes a professional case worker at least 2 days just to track down the IRS office handling the case of a New Mexico resident.

I know that the National Commission on Restructuring the IRS has issued its report and that Senators GRASSLEY and KERRY have turned the recommendations into legislation that takes a top-down approach giving the IRS commissioner a longer term and more flexibility.

But knowing what I know, I believe the legislation also needs to take a bottom-up, common sense approach. Simple things will make big differences.

For example, letters from the IRS should have a contact person and phone number that will be answered by that one-and-the-same person. I don't mean a 1-800 number that is totally automated. You have heard about it. It is the number that is always busy, but if you persist for about an hour you can get through. Then it puts you on hold for another hour, and finally provides the following helpful choices:

Press one for more instructions that you can't understand;

Press 2 for more information that will frighten you;

Press 3 for information that will confuse you further;

Press 4 for information that contradicts what we told you when you pressed one, two or three;

Press 5 for information that contradicts what we told your accountant yesterday.

I wish I were kidding.

Part of the problem is the IRS. But part of the problem is the Congress, because we passed the tax laws that made the code too complicated. And for that we should all stand up, if we voted for those tax measures, and take our share of the blame.

The IRS simplest return, the EZ form 1040 has 33 pages of instructions. That is the easy form. The Form 1040 has 76 pages. The Earned Income Tax credit instructions are 23 pages and the worksheet is as ambiguous as it is long.

The National Federation of Independent Businesses estimates that America's businesses will spend 3.4 billion hours, and individuals will spend 1.7 billion hours, simply trying to comply with the tax code. That's equivalent to 3 million people working full time, year around, just on taxes.

Another problem with IRS compliance is that there are too many steps. I was recently contacted by constituents trying to get their Earned Income check. The IRS is 6 months behind in New Mexico in reviewing the tax forms filed for Earned Income credits. The IRS is looking into about 1,600 claims and requesting additional information from the taxpayers. I don't fault the IRS for making sure that the claims are legitimate, but I do find fault with their process.

The first letter from the IRS merely informs you that you are not going to get your EIC check until you contact IRS.

The next step is to contact them and wait. In 6 weeks they will get back to you with information on what information they want from you to verify your claim.

In northern New Mexico, many people speak Spanish. It is difficult for them to understand English and certainly difficult for them to understand the complexities that I have just described. It would be helpful if instructions were in Spanish as well as English. The Grassley-Kerry bill calls for the creation of taxpayer assistance centers where people can go for face-to-face assistance. I would suggest that some of these places these people be bilingual for those who have difficulty speaking English and filling out complicated forms.

The current code is so complicated that unintended consequences are unavoidable.

We recently passed a middle class tax cut—but what the Congress intended, the alternative minimum tax takes away. New information from the Joint Committee on Taxation estimate that individuals paying the alternative minimum tax will increase from 605,000 in 1997 to 8.4 million families by 2007 unless something is changed. Part of this increase is caused by the new $500 child credit and college tuition credits. The perversity of the alternative minimum tax is that the more credits a family is entitled to, the more likely it is that the family will have to pay the alternative minimum tax. But we just built these new credits into the code, taking much credit with middle-income Americans. Yet, the alternative minimum tax on individuals remains in effect. Put another way, the alternative minimum tax is hostile to families claiming the $500 child credit and the college tuition tax credit. Middle class families will find that their middle class tax cut is partially taken away because of the alternative minimum tax.

The alternative minimum tax is complicated but it is also punitive. Families who thought they were in the 15 percent tax bracket find themselves in a 26 percent alternative minimum tax bracket. An 11 percent jump sounds bad but it is even worse when you remember that the alternative minimum tax base is broader than the regular income tax base. In other words, you apply the new rate, the higher rate, against a broader income than what you would have applied under the ordinary return.

As I wrote Secretary Rubin last Friday: "The alternative minimum tax is a trap for a growing number of American families. Most people don't know that it exists and those who do, view it as a tax on the rich, and not something to bother with. But that is not the case."

"The passage of the Taxpayer Relief Act is going to turn more and more middle class taxpayers into alternative minimum tax payers, and at the same time deny them a signficant portion of the middle class tax cut[s we have given them]."

We have to fix this unintended consequence, and do it quickly.

Restructuring the IRS to be kinder and gentler will make taxpayers less frustrated, but an equally serious problem is the destructive impact that the current code has on the economy.

The current code adds about one-third to the cost of capital, makes us less competitive because it is not border adjustable, and it penalizes savings and investment—two activities that are of tremendous value to our economy.

I have given dozens of speeches on the Senate floor about why this is so. I am not going to do that today.

My message today is first, to encourage every member of the Congress to sign the NFIB petition calling for a sunset to the IRS code, second, for Congress to work quickly to solve the alternative minimum tax problem which threatens to undermine the middle class tax cut that everyone worked so hard for, and, third, to move toward a new Tax Code that will foster economic growth.

Mr. President, I yield the floor.

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER [Mr. BROWNBACK]. The Senator from Vermont is recognized.

Mr. LEAHY. I thank the Chair.

## FCC REGULATIONS AFFECTING RURAL TELEPHONE RATES

Mr. LEAHY. Mr. President, I would like to express my dismay, actually my increasing dismay, at the direction the Federal Communications Commission is taking, the misguided deregulation of local telephone markets.

When the Telecommunications Act was debated, and then when it was signed into law, many supporters hailed the legislation first and foremost as a boon to consumers.

We were told that because of the magical hand of competition, telephone rates for consumers would decrease; the free market system would take over.

Now, competition, if it is correctly injected into the telephone market, can lead to lower prices for consumers. But the FCC's ham-handed attempts to implement poor legislation—and it was poor legislation, which is why I voted against it—has made the problem even worse.

During the debate of the telecommunications bill, I took the Senate floor and expressed real strong concerns that skyrocketing telephone rates for rural areas, like my own State of Vermont, seemed likely. I wish I had been wrong, but unfortunately my concerns seem justified.

Even a bad telecommunications bill—and this was—could have been partially mitigated by careful and proper implementation. But the FCC seems bent on wanting to take what was a poorly done bill and make it worse. They want to exacerbate the conditions I expressed concern about during debate on the bill.

Here is what has happened.

Instead of increasing telephone service competition, there are three alarming FCC decisions that will in fact reduce telephone competition in rural areas and will likely result in much larger monthly telephone bills in States such as Vermont.

The result may be that many rural customers will not be able to afford a telephone at home. The dream of linking America together on the information superhighway, a dream of linking all parts of America, urban and rural, together will remain just that, a dream, not a reality, because rural America will be cut off.

The Telecommunications Act directed the FCC to ensure that rates for phone service in rural areas remain reasonably comparable to rates in urban areas. Now, I understand there are details being worked out, but many of the decisions already rendered by the FCC do not bode well for rural States like Vermont.

For instance, the FCC decided the Federal universal service support would be raised only from the interstate revenues of interstate carriers. So what does that do? The FCC places off limits more than half of the retail revenue available from the telephone industry.

Second, the FCC has ruled they would support only 25 percent of the need even in a high-cost rural State like Vermont. This leaves 75 percent of the need to be raised by the States themselves, presumably from the intrastate revenues generated in those States, in other words, to raise the largest amount from the small rural States.

And third, they seem to repeal the high-cost support as we know it.

Let me show you on this chart, Mr. President. This shows a likely result of the FCC's three decisions.

This assumes the States are going to have to make up the support that the FCC now says it will not provide. Let us see what this means. The blue vertical bars show the anticipated State surcharges on intrastate revenues; that is, if they want to make up the difference. The red bars show an alternative approach, which the FCC did not adopt, where all needed support would come from a uniform Federal surcharge on all telephone revenues.

Let me tell you what this means. If they had done what they should have done, almost all States would have paid about a 2-percent surcharge to make up the difference. That is the red line on the chart. Whether you are in the District of Columbia or North Dakota, whether you are in New Jersey or Wyoming, you will be paying roughly the same.

However, instead of doing that, what the FCC has said, to heck with rural States. Instead of keeping a surcharge about the same for everybody, they tell North Dakota they will have to come up with about 33 percent, South Dakota about the same, Wyoming, just under 30 percent, Montana similar to that, New Mexico and Kansas up over about 12 percent. If you are a small rural State, what they are saying is forget about being part of the telecommunication revolution. If you are a small rural State, forget about being told the U.S. Congress has given you a good deal in the Telecommunications Act. You have just got a disconnect signal. In fact, you probably have to pay for that.

Of the top 15 States, almost all rural States, they can buy with only a rate surcharge of 9 percent. That is money out of pocket. The act requires States to have reasonably comparable rates. Boy, this sounds great. You are from a rural State or from an urban State, roughly comparable rates. Who could disagree? Except what happens, if you are paying a 1- or 2-percent surcharge in one State and in another State a 30- or 35-percent surcharge, you are not roughly comparable, and there is no way these States can compete.

Would it not have made more sense to say every State pays about 2.6, 2.5 percent surcharge? Then everybody would be on an even playing field, whether you are a company in North Dakota or in Vermont, or you are a company in Michigan or Pennsylvania, at least basic costs would remain the same. If you were a homeowner, if you were a renter, if you were in those States, your costs would be roughly comparable.

Under the FCC's proposal, which make no sense at all, many experts predict an increase in the 100 percent to 200 percent range for phone rates in these very rural States. Now, I am one Vermonter who would not stand for that, and I cannot imagine any other Vermonter standing for that.

I think the time will prove these unfortunate predictions correct, as rural phone companies go out of business, the bigger competitors cherry pick the best customers, and the rural areas, you might as well go back to smoke signals, Pony Express, or shouting across the valleys because you will not be able to do it by picking up the phone.

I think the FCC is letting a golden opportunity slip by. I think, Mr. President, we may have given them the opportunity by casting rural areas over the side in that Telecommunications Act. Even tossing them over side, you would have thought the FCC would have put out a net or a helping hand. Instead, it looks like they tied the anchor around their neck as they went by and dropped them into the ocean.

## LANDMINE BAN TREATY

Mr. LEAHY. Mr. President, last week, President Clinton announced that the United States would not join nearly 100 nations, including most of our NATO allies, in a treaty to ban antipersonnel landmines.

I want to take a few minutes to respond to the President's decision. First, let me say that President Clinton and I have spoken many times about the landmine issue. I am convinced he wants to see these weapons banned from the face of the Earth. He and I have discussed the horrendous toll of innocent lives that landmines cause, and in speeches at the United Nations he has twice called for a worldwide ban.

President Clinton said, "The United States will lead a global effort to eliminate these terrible weapons and stop the enormous loss of human life." Those were inspiring words. However, as convinced as I am of the President's desire for a ban, I am as convinced that a tremendous opportunity was lost last week. An opportunity that rarely comes in history.

As a USA Today editorial put it, "having blown the best chance ever to negotiate an acceptable international ban on landmines, the Clinton administration now finds itself churning in the wake of world affairs. The United States has joined a few nations, including rogue states like Iran and Iraq, on the outside of a remarkable process."

There are many losers in the administration's last-minute failed attempt to negotiate in Oslo. Unfortunately, the most notable losers were the innocent victims of landmines who the treaty aims to protect. Mr. President, the victims of landmines are almost invariably children and innocent civilians.

Because while the treaty is immensely important for establishing a new norm of conduct, until the United States signs it, there will never be a worldwide ban. There is simply no substitute for the credibility and influence of the United States to bring reluctant nations on board and make sure that violators of the treaty are caught and punished. There is no way to fully stigmatize these weapons and curtail the use, as has been done with poison gas, without U.S. leadership far stronger than we have seen today.

And the tragedy of our country's decision is that it was avoidable. Although the President said his administration had gone the extra mile to find an acceptable compromise in Oslo, I must respectfully and honestly disagree.

Two weeks ago I went to Oslo where I met with representatives of governments, including the United States, and nongovernmental organizations that were participating in the treaty negotiations.

The treaty they adopted was nothing short of a miracle. In less than a year, nations as diverse as our closest European allies who have been major producers of landmines, to Mozambique whose people have been killed and maimed by landmines, joined together in finalizing a treaty that does nothing less than ban the use, production, stockpiling, and transfer of a category of weapons that Civil War General William Tecumseh Sherman called "a violation of civilized warfare" over a century ago.

I call the Ottawa Treaty a miracle because it was only 11 months ago that Canadian Foreign Minister Lloyd Axworthy launched what is now called the "Ottawa process." At the time, no one knew how many nations would take part or where it would lead, not even Minister Axworthy. It was a bold and courageous leap of faith, and the same kind of leadership I and so many others hoped to see from the White House last week.

The Ottawa Treaty culminates two decades of failed attempts to deal effectively with the landmine problem. Two decades ago many of the same nations that gathered in Oslo met in Geneva to draft a treaty to address the growing concerns of the effects of landmines on civilian populations. Landmines had been widely used in Southeast Asia, and they were being sown like seed in Afghanistan and Central America and many African countries. Vast areas were being laid to waste with the innocents paying the horrifying price. I have seen victims, all over the world, of these indiscriminate weapons.

My wife is a registered nurse and has visited the hospitals where the amputations take place, where broken bodies are put back together as best can be done in countries where medical care is often rudimentary.

That treaty, however—the Conventional Weapons Convention—utterly failed to achieve its goal. It was doomed to fail because of the fact that landmines are inherently incapable of distinguishing between civilians and combatants, and that fact was never even acknowledged in Geneva, much less addressed. Instead, in diplomatic niceties, by people who would never have to face landmines themselves, they adopted vague limits of how mines could be used. Those limits were then routinely ignored. In the years since then, the devastation inflicted by landmines on innocent people, often the poorest people in the world, has increased dramatically. In fact, Mr. President, it was the widespread recognition of the failure of that treaty which led to the Conventional Weapons Review Conference 2 years ago. Finally, it seemed there could no longer be any excuse for doing whatever was necessary to stop the carnage wrought by landmines.

That was the hope. Unfortunately, the reality was a lot different. Rather than devise a roadmap for ridding the world of these weapons, governments, including our own, fought for the right to use them. The idea of a ban was barely mentioned. The amended protocol, while preferable to the original, did far more to reaffirm the legitimacy of landmines than to stop their use. Once again, governments had failed to act with anything like the decisiveness that was called for.

So it is important to remember that the Ottawa process evolved only after years of failed attempts by governments to solve this problem in the traditional way. There was no shortage of impassioned speeches about the harm landmines were causing the innocent. But the expressions of outrage were qualified with the assertion that the problem wasn't the mines themselves, but other people, always other people, who used them irresponsibly. You would think it was a tea party rather than arms control. And the carnage, of course, continued.

But we hear those same arguments today. The same failed arguments of a decade ago. Today when a Pentagon official was asked about the tens of thousands of American landmine casualties in Vietnam, he said that was no longer relevant because "smart" mines had "solved their problem."

Of course, they have not solved it. Almost no one besides the United States uses those mines. In Bosnia, more than 250 U.N. and NATO soldiers and thousands of civilians have been injured or killed today by the same types of mines used in Vietnam a generation ago.

As I have said so many times, an effective international agreement based on stigmatizing a weapon cannot have different standards for different nations. The importance of this principle cannot be overstated. It is what underlies any international agreement.

When the Princess of Wales spoke about the insidious toll of landmines, she said, "Before I went to Angola, I knew the facts, but the reality was a shock." Unfortunately, the reality that Princess Diana saw was a reality which far too few government officials have experienced, including many people at the Pentagon. When people have gone with me and seen the carnage caused by landmines, they have a new understanding.

A year ago, after the President urged all nations to complete a ban treaty "as soon as possible," it became clear that the administration was not willing to show the kind of leadership that was necessary to turn those words into reality.

Instead, other countries, led by Canada and hundreds of nongovernmental organizations, stepped into the void. In a matter of months we saw the number of nations participating in the Ottawa process exceed 100, including many nations that were producers and exporters and users of antipersonnel mines.

Those nations came together determined to overcome past failures because they knew about those failures. Many had suffered the effects of landmines because of those failures. They came together to do the only thing that could solve the landmine problem—ban the types of landmines that are triggered by an innocent footstep, ban them without exception, ban them without reservation. And they wanted the United States to be part of it. When I was in Oslo I found a genuine desire to try to accommodate the United States, if it could be done without weakening the treaty.

But the administration seriously underestimated the worldwide commitment for a ban. For months, the White House belittled the Ottawa process. Since it wasn't their idea, they refused to take it seriously. And rather than throw the weight of the United States behind Canada to help achieve something unprecedented in history, something that would have taken both courage and imagination, the administration tried to talk other governments out of taking part.

They wasted valuable time by pursuing negotiations in the U.N. Conference on Disarmament even when it was clear that avenue was blocked. They said the United States would only give up its mines if all nations did, knowing that, like the chemical weapons treaty, there is no chance of that happening for decades. And when they finally decided at the 11th hour to go to Oslo, they went with demands that had no chance of being accepted, and little flexibility to negotiate.

Any of the nations in Oslo that have pledged to sign the Ottawa treaty could make a stronger case to continue using these weapons than the world's only superpower. Basically, the United States went to Oslo and said: we are the most powerful Nation on earth, but we can't give up our anti-personnel mines because we have better technology, but you less powerful nations, you should give up your mines.

Well, Mr. President, the Pentagon is, understandably, deeply reluctant to give up a weapon that has some utility—and it does—even if doing so would pressure others to end the suffering of innocent people. Like any government department, the Pentagon's job is to protect its options. It has always resisted giving up weapons, from countermanding General Pershing in the 1920's at the first Geneva convention when he wanted to ban poison gas, to nuclear testing in the 1990's. If a Pentagon official is asked what he or she needs, the answer is always "more." More firepower might mean fewer casualties, so the Pentagon has resisted the pressure to give up antipersonnel landmines.

The President is constantly faced with departments that do not want to cut their budget or eliminate programs. That is why he has the National Security bureaucracy, to make those hard decisions. In the case of weapons of mass destruction like nuclear and chemicals weapons, his advisers have found ways to work closely with the Pentagon to find creative solutions.

But when issue of landmines reached the surface a year and a half ago, nobody in the administration was willing to aggressively challenge and prod the Pentagon into finding a workable solution. Without that prodding, the Joint Chiefs put far more effort into blocking the U.S. from joining the ban than into planning how to live with it—even though there were those in the Pentagon who at least were honest enough to privately point out the fallacies in the assumptions underlying the Pentagon's own arguments.

As recently as a few weeks ago—and the Pentagon did not serve the White House well in this—White House officials were not even aware of the weaknesses in the Pentagon's doomsday predictions about the consequences of removing antipersonnel mines from Korea, or even aware of the fact that the Pentagon was, at least internally, divided over some of the same arguments they had made at the White House.

They did not even have a thorough grasp of the treaty's provisions. Right up until the end, there were those in the administration who were unaware that the treaty effectively grants a twelve-year grace period for removing existing minefields, such as in Korea. Last week, the Secretary of Defense wrote in the Washington Post that "millions" of lives could be lost if the U.S. signed the treaty because North Korea might interpret our signing as a loss of resolve and start a war because of it. Good Lord, Mr. President. This is as bad as "the Russians are coming, the Russians are coming" scenario we heard, even as the Russian army was collapsing internally. Not only is that about that as far-fetched as any dire Pentagon prediction I have heard yet—and that includes its assessment of the Red Army that was fit to conquer the world—it could not even conquer Chechnya—it ignores the conclusion of every serious Pentagon analyst that a North Korean invasion would be destroyed, with or without antipersonnel landmines, before it could traverse 50 miles down narrow, pre-targeted mountain passes to Seoul. If antipersonnel landmines are going to determine the fate of South Korea, South Korea ought to surrender. But the fact is, South Korea has a far better trained, better equipped army, is better motivated than North Korea, and is backed by the might of the most powerful Nation on earth. A North Korean invasion would be suicidal, and they know it and everyone knows it. A former commander of our forces in Korea says scattering landmines there would impede the mobility of our own forces, and inflict casualties on our own troops.

But it does not even matter, because the other countries in Oslo were prepared to try to accommodate U.S. concerns on Korea. Had the White House not waited until the last minute to get involved, a solution could have been found. In fact, many of us told them that months ago.

Over 60 Members of the U.S. Senate, Republicans and Democrats, including every veteran of combat in the Vietnam war, have signed onto legislation to ban antipersonnel landmines. In fact, Mr. President, the Leahy-Hagel bill would do no more than what Great Britain, Germany, South Africa, France, and a lot of other nations have already pledged to do, over the objections of some of their own armed forces. In fact, it does not go as far because it gives the President broad flexibility on Korea, which the Pentagon has called a unique situation—"the Cold War's last frontier." The Pentagon said they need time to take care of Korea. Our legislation gives them more time than they need.

I was encouraged by the President's statement last week that he wants to work with Congress. I welcome that, and I thank him for the kind words he spoke about my efforts. I really do believe that he wants to see a worldwide ban on landmines. I have always supported efforts to negotiate an international export ban in the U.N. Conference on Disarmament.

But, Mr. President, the clock is ticking, and there should be no mistake. The Ottawa treaty is the only hope for achieving a comprehensive worldwide ban on these weapons. There is no other treaty. If the United States does not sign in December, we have to find a way to sign at the earliest possible time.

That is not going to happen as long as the Pentagon pretends that a weapon it called an antipersonnel landmine a few months ago, and which the President pledged to ban a year ago, has suddenly, miraculously, overnight become no longer an antipersonnel mine if it's placed near an antitank mine. They tried that in Oslo; they tried to change the definition. It would have invited any nation in the world to use antipersonnel mines—dumb, smart, just average, or any type—indefinitely, as long as they were in the vicinity of an antitank mine. It was a terrible idea and literally a loophole big enough to fly a 747 through.

If the use of antipersonnel mines near antitank mines is what prevents the United States from signing the treaty, then solve it. We run a little Rover around on Mars. If we can do that, we can solve this problem. If the Pentagon had spent the past three years since the President first called for a worldwide ban really trying to solve that problem rather than to keep from having to solve it, the United States might have been able to show the leadership on this issue that the world needs and, frankly, the world wants.

This is not a public relations problem to be managed. This is not about trying to find some way to convince a focus group. It is not a question of valuing the lives of American soldiers more or less than the lives and limbs of innocent civilians. Both soldiers and civilians will benefit from a landmine ban. It is about the one nation on this planet, whose power and influence and moral authority are unmatched, the nation that I am proud to serve in the U.S. Senate. It is about this nation seizing the best opportunity there is ever going to be to deal with a problem that is needlessly plaguing so many countries.

Staying outside this treaty is not an option. We have to be part of it, if not now, then we need to do what needs to be done to become part of it.

I might note, Mr. President, that Japan, which like the U.S. also expressed concerns about the treaty in Oslo, is apparently reconsidering its position and may sign in Ottawa after all. I wrote to their foreign minister saying I hope they do this. It would be extremely significant, as many Asian nations look to Japan for leadership.

President Clinton also spoke of efforts the United States is making to help other nations get rid of landmines, and to aid the victims. I join him in that. But I remind the President and the Pentagon that each of these efforts was started by the Congress. They are vitally important, and I welcome the President's announcement that he wants to expand them. But even expanding something like the Leahy War Victims Fund is no substitute for putting an end to the use of these weapons.

I want the United States to show the kind of leadership that is expected of the world's leading democracy, the greatest democracy history has ever known. The United States was a founder of the League of Nations and the United Nations. We have been a leading force in every significant humanitarian law treaty and arms control treaty in history. Leadership by definition means taking risks. It means having the faith and courage to seize an opportunity that comes rarely in history and rejecting the conventional wisdom, and taking a dramatic step.

The chemical weapons treaty would not exist had it not been for the United States taking such a step. The nuclear test ban treaty would not exist without our leadership.

The United States showed its capacity for greatness with the Marshall Plan. We didn't say we would rebuild Europe "except for this country or that country." We said all should benefit, including our former enemies. I am proud of what my country did then, and I want to see the same kind of leadership now.

The Ottawa treaty will be signed in December. There is still time for the White House to reconsider. Fourteen Nobel laureates sent a letter to President Clinton last week urging him to reconsider. There is still time to aggressively engage the Pentagon on the technical issues that have prevented the President from agreeing to sign. If we do not have a plan for solving them by December, then get busy and solve them. At least commit to signing it at a future date. That is what the world needs to hear. It is the least we can do.

Mr. President, the Ottawa treaty will set a moral standard for the next century that even those nations who do not sign will ignore at the risk of being condemned as international outlaws. It will be a tribute to those nations who recognize the urgency that this humanitarian crisis demands. The treaty ends the 20th century, the bloodiest in history, in a way in which the world can be justly proud. It is our gift to the next century. The United States should be part of it.

I said in Oslo that my wife and I look forward, with great pleasure, to the birth of our first grandchild at the beginning of next year and, God willing, that child will live most of his or her life in the next century. My prayer is that it will be a century where armies of humanity dig up and destroy landmines and no one puts new ones down.

I ask unanimous consent that the Nobel laureates' letter to the President be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

SEPTEMBER 18, 1997.

DEAR PRESIDENT CLINTON: We are writing to demonstrate our support of the many other individuals and organizations urging the United States government to sign a treaty for a comprehensive ban on anti-personnel landmines along with 100 other nations scheduled to meet in Ottawa this December.

Mr. President, we ask you to reflect on repercussions of your final decision on this matter. We are aware that you plan to condition your approval of the ban on the inclusion of certain exceptions considered vital to U.S. security interests and in the best interest of military personnel. Consider for a moment the dangerous precedent that would be set if the United States asks for concessions. Indecision by a world superpower is sure to undermine the long effort to reach this ban, only leading to further delays.

It is clear that every additional week of delay will leave hundreds of innocent men, women, and children dead or maimed due to these devices whose military value is highly questionable. The recently publicized 1972 US Army report vividly describes the terrible toll US anti-personnel landmines have taken on its own soldiers during the Korean and Vietnam conflicts.

We, Nobel Peace Laureates, are joining the Albert Schweitzer Institute for the Humanities, named after the renowned humanist and Nobel Peace laureate Dr. Albert Schweitzer, and the Connecticut Coalition to Abolish Landmines in the international call to ban landmines. We add our collective voice to that of many other individuals, organizations and governments who strongly support this ban.

As the leader of a major world power, it is in your hands to demonstrate courageous leadership and endorse the comprehensive ban on landmines.

Donald S. Gann, on behalf of American Friends Service Committee, 1947; Dr. Norman E. Borlaug, 1970; Mairead Maguire, 1976; Betty Williams, 1976; Mother Theresa, 1979 (verbal agreement given three days before her death); Adolfo Perez Esquivel, 1980; Lech Walesa, 1983; The Most Rev. Desmond Tutu, 1984; Dr. Gurwarj Mutalik, on behalf of International Physicians for the Prevention of Nuclear War, 1985; Elie Wiesel, 1986; Oscar Arias Sanchez, 1987; Mikhail S. Gorbachev, 1990; Joseph Rotblat, on behalf of Pugwash Conferences on Science and World Affairs, 1995; Bishop Carlos Felipe Belo, 1996; Jose Ramos Horta, 1996.

## FOOD AND DRUG ADMINISTRATION MODERNIZATION AND ACCOUNTABILITY ACT OF 1997

The Senate continued with the consideration of the bill.

Mr. LEAHY. Mr. President, after consultation with my distinguished colleague, my dear friend from Vermont, Senator JEFFORDS, I have been authorized to yield back all remaining time for today on S. 830.

The PRESIDING OFFICER. The time is yielded back.

Mr. LEAHY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I thank the Chair for his consideration and listening to this long speech. While I have spoken maybe 50 times on this issue on the floor, I thought it was important to put in the RECORD exactly what has happened and why the United States is not on the treaty, but to also implore the President, who I feel does want to see it ban landmines, to take the steps necessary so the United States can be part of this treaty.

I yield the floor.

Mr. ENZI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

## MORNING BUSINESS

Mr. ENZI. Mr. President, I ask unanimous consent that there now be a period of morning business with Senators permitted to speak for up to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

## LABOR, HEALTH AND HUMAN SERVICES, EDUCATION APPROPRIATIONS ACT—AMENDMENT NO. 1122

Mr. GORTON. Mr. President, I am here to outline certain changes to my amendment that was accepted as part of the Labor, Health and Human Services, Education Appropriations Act as passed by the Senate. These changes will be submitted to the House-Senate conference committee. My amendment, No. 1122, would block grant funds from several K–12 education programs in the Department of Education and send those funds directly to school districts. These changes have been incorporated into a new draft of the amendment.

The genesis of the changes is a series of discussions with my colleagues in the Senate and other interested parties. While these changes correct minor drafting errors, they do so without changing the overall philosophy of the amendment. The most significant of the changes exclude from the block grant entirely any funds from the Adult Education, Vocational Education, and Rehabilitation Services programs, programs not primarily directed at K–12 education. Other programs excluded from the block grant are: Indian Education, the Inexpensive

Book Distribution Program, Arts In Education, Star Schools Program, and Technology Innovation Challenge grants.

Finally, the distribution of bilingual education funds is changed. These funds will be sent to school districts in the same proportion as the funds were distributed in fiscal year 1997, much like title I funds are distributed in the amendment. For example, if a school district were eligible for .25 percent of all bilingual education funds in fiscal year 1997, it will be eligible for the same share in fiscal year 1998.

Mr. President, these changes correct minor drafting errors and incorporate the suggestions of several supporters for minor improvements. These changes, however, do not affect the amendment's overall philosophy, which is to restore the decisionmaking authority for the education of our children to where it belongs; the hands of parents, teachers, principals, superintendents, and school board members. I look forward to discussing this issue further with my colleagues during conference committee meetings.

## THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Monday, September 22, 1997, the Federal debt stood at $5,378,803,586,241.44. (Five trillion, three hundred seventy-eight billion, eight hundred three million, five hundred eighty-six thousand, two hundred forty-one dollars and forty-four cents)

Five years ago, September 22, 1992, the Federal debt stood at $4,040,323,000,000. (Four trillion, forty billion, three hundred twenty-three million)

Ten years ago, September 22, 1987, the Federal debt stood at $2,353,878,000,000. (Two trillion, three hundred fifty-three billion, eight hundred seventy-eight million)

Fifteen years ago, September 22, 1982, the Federal debt stood at $1,107,571,000,000. (One trillion, one hundred seven billion, five hundred seventy-one million)

Twenty-five years ago, September 22, 1972, the Federal debt stood at $437,448,000,000 (Four hundred thirty-seven billion, four hundred forty-eight million) which reflects a debt increase of nearly $5 trillion—$4,941,355,586,241.44 (Four trillion, nine hundred forty-one billion, three hundred fifty-five million, five hundred eighty-six thousand, two hundred forty-one dollars and forty-four cents) during the past 25 years.

## CONGRATULATIONS TO CHARLEY L. BYRD CELEBRATING HIS 100TH BIRTHDAY

Mr. ASHCROFT. Mr. President, I rise today to encourage my colleagues to join me in congratulating Charley L. Byrd of Lentner, MO, who will celebrate his 100th birthday on October 23, 1997. Charley is a truly remarkable individual. He has witnessed many of the events that have shaped our Nation into the greatest the world has ever known. The longevity of Charley's life has meant much more, however, to the many relatives and friends whose lives he has touched over the last 100 years.

Charley's celebration of 100 years of life is a testament to me and all Missourians. His achievements are significant and deserve to be recognized. I would like to join Charley's many friends and relatives in wishing him health and happiness in the future.

## HONORING THE JOHNSONS ON THEIR 50TH WEDDING ANNIVERSARY

Mr. ASHCROFT. Mr. President, families are the cornerstone of America. The data are undeniable: Individuals from strong families contribute to the society. In an era when nearly half of all couples married today will see their union dissolve into divorce, I believe it is both instructive and important to honor those who have taken the commitment of "till death us do part" seriously, demonstrating successfully the timeless principles of love, honor, and fidelity. These characteristics make our country strong.

For these important reasons, I rise today to honor Lois and Delmer Johnson of St. Joseph, MO, who on October 12, 1997, will celebrate their 50th wedding anniversary. My wife, Janet, and I look forward to the day we can celebrate a similar milestone. The Johnsons' commitment to the principles and values of their marriage deserves to be saluted and recognized.

## BUREAU OF LABOR STATISTICS TOXICOLOGY ANALYSIS

Mr. ENZI. Mr. President, the lack of information pertaining to alcohol and substance abuse fatalities in the workplace is alarming. If we are serious about the safety of American workers, we must carefully examine all contributing factors that pose a potential threat while on the job.

I had intended to offer an amendment to the Labor, HHS and Education Appropriations bill that would instruct the BLS to incorporate in their annual report an analysis of toxicology reports in the Census of Fatal Occupational Injuries. After meeting with the BLS Commissioner, Katharine Abraham, we agreed that the BLS will again perform this important analysis during the calendar year 1998 and issue a report no later than 6 months after the data collection is completed. This agreement dismisses the need for a congressional mandate. I appreciate BLS's cooperation in properly addressing this matter.

In 1992, the Department of Labor initiated a program to compile data on how alcohol and drugs contributed to fatal work injuries. The BLS's Census of Fatal Occupational Injuries Program collected 1,355 toxicology reports from 43 States and the District of Columbia—roughly one report for every four of the 1992 fatalities. About one-sixth of the cases for which toxicology reports were available, fatally injured workers tested positive for toxic substances. The most frequent cases showed alcohol use followed by cocaine and marijuana.

Unfortunately, the BLS stopped collecting this data in 1995. Although this data was only reported over a 3-year span, it clearly shows that alcohol and substance abuse is a major contributor to fatal workplace injuries. In an effort to understand the safety of American workers, we must have data available to us. The inclusion of this analysis in the annual report sends a message that we do care about the safety of American workers.

Prior to being elected to the U.S. Senate, I was an accountant for Dunbar Well Service in Wyoming—a large, independent oil well servicing company. Aside from my accounting responsibilities, I also traveled the State collecting urine and saliva samples from our employees. Not only have I given alcohol and substance abuse tests, but I've been tested. I understand a thing or two about validity and dignity. This analysis doesn't hinder either of those traits. Safety in the workplace should be everyone's concern. However, if we don't understand how our workers are killed on the job, then we only deceive ourselves. This analysis will provide a better understanding of why and how frequently alcohol and drugs play a contributory role in fatal work injuries.

Mr. President, I ask unanimous consent that the letter sent to me from BLS Commissioner, Katharine Abraham, be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. DEPARTMENT OF LABOR,
*Washington, DC, September 4, 1997.*

Hon. MICHAEL B. ENZI,
*U.S. Senate, Hart Senate Office Building, Washington, DC.*

DEAR SENATOR ENZI: I am writing regarding the proposal to require the Bureau of Labor Statistics (BLS) to gather and analyze toxicology reports on workers who have been fatally injured on the job.

Since 1991, the Bureau has conducted the Census of Fatal Occupational Injuries (CFOI), which compiles a complete roster of workers who are fatally injured at work each year, along with details about the fatal events. In 1991 and 1992, the Bureau conducted research studies in which toxicology reports were collected as part of the fatality census. The reports were analyzed with the help of Dr. William M. Marine, Professor of Preventive Medicine and Biometrics at the University of Colorado Health Sciences Center.

Toxicology reports were obtained from a variety of sources, including medical examiner or coroner reports, police reports of motor vehicle accidents, and autopsy reports. In some jurisdictions, toxicology reports are not available to BLS because of State confidentiality requirements. It also should be noted that toxicology tests are not completed for all deaths. Often tests are performed only when there is a suspicion of drugs present, though the practice regarding conduct of toxicology tests varies by State. In 1991, for example, the share of work-related fatalities for which toxicology reports were available varied from more than 50 percent (in 8 of 23 States for which reports were provided) to less than 10 percent (in 10 of the 23 States).

For 1991, 23 of 31 States that participated in the fatality census provided toxicology reports. Toxicology reports were available for 28% (829) of the 2,968 work-related fatalities in the 23 States. For 1992, 43 States and the District of Columbia submitted toxicology reports. Reports were received for 1,355 deaths representing 25% of the total work-related fatalities in these States.

Positive toxicology results were found for 125 of 829 cases for which reports were available for 1991. Alcohol was present in 49% of the 125 cases; amphetamines were present in 12%; marijuana in 12%; and cocaine in 10%. For 1992, positive toxicology results were found for 214 deaths out of 1,355 for which reports were received. Alcohol was present in 52% of the 214 cases; cocaine in 17%; marijuana in 13%; and antidepressants, amphetamines, barbiturates, morphine, codeine, methadone or other substances in 17%. These figures exclude cases in which there were toxicological findings that could have been due to the life-saving efforts of hospitals or others. A positive toxicological finding nonetheless does not establish the extent to which alcohol or drugs contributed to the fatality.

I would be happy to meet with you or your staff to discuss the toxicological studies the Bureau has conducted and their findings. If you feel, based on that discussion, that it would be valuable to repeat this type of study, the Bureau will gather and analyze toxicology reports on workers who have been fatally injured on the job during calendar year 1998, and will issue a report no later than six months after the data collection is completed.

I hope you find this information useful. Please let me know if we can be of further assistance.

Sincerely yours,

KATHARINE G. ABRAHAM,
*Commissioner.*

## REGARDING PRODUCT LIABILITY REFORM

Mr. ENZI. President, I rise to briefly discuss S. 648, a bill to establish standards and procedures for products liability legislation. I am proud to be a cosponsor of that bill and I feel that it should be a legislative priority for consideration during this session of the 105th Congress.

In the 104th Congress, both the House and Senate passed meaningful product liability reform legislation only to have it vetoed by President Clinton. The President now indicates that he wants to sign a products liability reform bill. Legal reform has the broad support of the American people and strong bipartisan support in Congress.

With each passing day, we are losing an opportunity to do the people's business by not enacting common sense legal reform. S. 648 is designed to inject some common sense into runaway punitive damage awards in view of the need for some semblance of uniformity in our National interstate commerce system.

Last May, the United States Supreme Court held in *BMW in North America* v. *Gore*, that punitive damages can be considered so excessive as to violate a defendant's constitutional due process rights. It seems that many courts have not heeded this lesson. Just a few weeks ago, another case received national attention for the enormity of its punitive damage award. A jury in a Louisiana State court levied a $2.5 billion punitive damage award against CSX Transportation corporation and $1 billion against the other defendants in the case for their involvement in a 1987 tank car fire. The court awarded this enormous punitive judgment despite findings by the National Transportation Safety Board (NTSB) that CSXT did not cause the accident and that no serious injuries resulted from the accident.

In light of these egregious examples, it is time for Congress to pass legislation to reign in these exploding legal costs which have hurt American businesses, stifled ingenuity, and punished consumers through higher prices and decreased competition. S. 648 would mark an important first step in reforming a tort system which all too often better resembles a lottery than a forum of justice. I urge our leadership to make S. 648 a priority in the first session of the 105th Congress.

## MESSAGES FROM THE PRESIDENT RECEIVED DURING ADJOURNMENT

Under the authority of the order of the Senate of January 7, 1997, the Secretary of the Senate on September 22, 1997, received a message from the President of the United States submitting a nomination which was referred to the Committee on Foreign Relations.

The nomination received on September 22, 1997, is shown in today's RECORD at the end of the Senate proceedings.

## EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-2996. A communication from the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 12-117 adopted by the Council on July 1, 1997; to the Commitee on Governmental Affairs.

EC-2997. A communication from the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 12-119 adopted by the Council on July 1, 1997; to the Commitee on Governmental Affairs.

EC-2998. A communication from the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 12-125 adopted by the Council on July 1, 1997; to the Commitee on Governmental Affairs.

EC-2999. A communication from the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 12-128 adopted by the Council on July 1, 1997; to the Commitee on Governmental Affairs.

EC-3000. A communication from the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 12-129 adopted by the Council on July 1, 1997; to the Commitee on Governmental Affairs.

EC-3001. A communication from the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 12-130 adopted by the Council on July 1, 1997; to the Commitee on Governmental Affairs.

EC-3002. A communication from the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 12-131 adopted by the Council on July 1, 1997; to the Commitee on Governmental Affairs.

EC-3003. A communication from the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 12-132 adopted by the Council on July 1, 1997; to the Commitee on Governmental Affairs.

EC-3004. A communication from the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 12-139 adopted by the Council on July 1, 1997; to the Commitee on Governmental Affairs.

EC-3005. A communication from the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 12-140 adopted by the Council on July 1, 1997; to the Commitee on Governmental Affairs.

EC-3006. A communication from the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 12-143 adopted by the Council on July 1, 1997; to the Commitee on Governmental Affairs.

EC-3007. A communication from the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 12-144 adopted by the Council on July 1, 1997; to the Commitee on Governmental Affairs.

EC-3008. A communication from the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 12-126 adopted by the Council on July 1, 1997; to the Commitee on Governmental Affairs.

EC-3009. A communication from the Acting Comptroller General of the United States, transmitting, pursuant to law, the reports and testimony for July 1997; to the Committee on Governmental Affairs.

EC-3010. A communication from the Acting Comptroller General of the United States, transmitting, pursuant to law, the report of a financial audit relative to the Internal Revenue Service; to the Committee on Governmental Affairs.

EC-3011. A communication from the Acting Comptroller General of the United States, transmitting, pursuant to law, a report relative to General Accounting Office employees; to the Committee on Governmental Affairs.

EC-3012. A communication from the Deputy Director of the U.S. Office of Government Ethics, transmitting, pursuant to law, a rule entitled "Removal of Superseded References to the Former Honorarium Ban" (RIN3209-AA00, AA04) received on September 11, 1997; to the Committee on Governmental Affairs.

EC–3013. A communication from the Director of the Office of the Secretary of Defense (Administration and Management), transmitting, pursuant to law, a rule entitled "The Privacy Program" received on September 8, 1997; to the Committee on Governmental Affairs.

EC–3014. A communication from the Executive Director, Committee for Purchase From People Who are Blind or Severely Disabled, transmitting, pursuant to law, a rule relative to additions to the procurement list, received on September 5, 1997; to the Committee on Governmental Affairs.

EC–3015. A communication from the Director of the U.S. Office of Personnel Management, transmitting, pursuant to law, a rule entitled "Federal Employees Health Benefits Program Acquisition Regulation" (RIN3206–AH45) received on September 8, 1997; to the Committee on Governmental Affairs.

EC–3016. A communication from the Acting Director of the U.S. Office of Personnel Management, transmitting, pursuant to law, a rule entitled "Pay Administration (General)" (RIN3206–AF89) received on September 18, 1997; to the Committee on Governmental Affairs.

EC–3017. A communication from the Acting Director of the U.S. Office of Personnel Management, transmitting, pursuant to law, a rule entitled "Federal Employees Health Benefits Program Acquisition Regulation" (RIN3206–AF32, AG79, AG68); to the Committee on Governmental Affairs.

EC–3018. A communication from the Director of the U.S. Office of Personnel Management, transmitting, a draft of proposed legislation to amend title 5, U.S.C., to extend the Federal physicians comparability allowance authority, and for other purposes; to the Committee on Governmental Affairs.

EC–3019. A communication from the Chief Financial Officer of the Department of the Interior, transmitting, pursuant to law, the report on accountability for fiscal year 1996; to the Committee on Governmental Affairs.

EC–3020. A communication from the Director of the National Archives and Records Administration, Information Security Oversight Office, transmitting, pursuant to law, the report for calendar year 1996; to the Committee on Governmental Affairs.

EC–3021. A communication from the Chairman of the U.S. Merit Systems Protection Board, transmitting, pursuant to law, the report of cases decided during fiscal year 1996; to the Committee on Governmental Affairs.

EC–3022. A communication from the Chairman of the U.S. Merit Systems Protection Board, transmitting, pursuant to law, a report entitled "Achieving a Representative Federal Workforce: Addressing the Barriers to Hispanic Participation"; to the Committee on Governmental Affairs.

EC–3023. A communication from the Deputy Associate Administrator for Acquisition Policy, Office of Governmentwide Policy, U.S. General Services Administration, transmitting, pursuant to law, a rule entitled "Federal Acquisition Regulation" (RIN9000–AH21) received on September 23, 1997; to the Committee on Governmental Affairs.

EC–3024. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report relative to paperwork; to the Committee on Governmental Affairs.

EC–3025. A communication from the Acting Comptroller General of the United States, transmitting, pursuant to law, the report of the list of General Accounting Office reports and testimony for August 1997; to the Committee on Governmental Affairs.

## EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. MCCAIN, from the Committee on Commerce, Science, and Transportation:

Robert L. Mallett, of Texas, to be Deputy Secretary of Commerce.

W. Scott Gould, of the District of Columbia, to be Chief Financial Officer, Department of Commerce.

W. Scott Gould, of the District of Columbia, to be an Assistant Secretary of Commerce, vice Thomas R. Bloom.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

Mr. President, for the Committee on Commerce, Science, and Transportation, I report favorably four nominations lists in the Coast Guard, which were printed in full in the CONGRESSIONAL RECORD on September 3, 15, and 18, 1997, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar, that these nominations lie at the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The nominations ordered to lie on the Secretary's desk were printed in the RECORDS of September 3, 15, and 18, 1997, at the end of the Senate proceedings)

The following cadets of the U.S. Coast Guard Academy for appointment to the grade indicated in the U.S. Coast Guard under title 14, United States Code, section 211:

*To be ensign*

Steven C. Acosta, 4434
Sterling V. Adlakha, 8096
Marcie L. Albright, 8666
Katie R. Alexander, 4838
Jeremy J. Anderson, 2197
William L. Arritt, 3278
Leanne M. Bacon, 9040
Matthew J. Baer, 5000
Abraham C. Banks, 6021
Gregory R. Barbiaux, 4960
Jonathan Bates, 0944
Paul R. Beavis, 7412
Sean C. Bennett, 8348
Chandler Benson, 3827
Cheryl A. Berezny, 7435
Brent R. Bergan, 6147
Alex W. Bergman, 7763
James B. Bernstein, 5566
Jason M. Biggar, 5645
Bryan R. Blackmore, 3957
Anne M. Blandford, 4325
Robert R. Borowczak, 3661
John B. Brady, 7280
Marc Brandt, 1992
Thomas K. Brasted, 0856
Mark A. Braxton, 2632
Veronica A. Brecht, 2425
Jason A. Brennell, 5452
Joseph D. Brown, 5483
Randall E. Brown, 4955
David L. Burger, 4918
Katrina D. Burritt, 1710
Erin E. Calvert, 4832
Gregg W. Casad, 2016
George W. Cathey, 4579
Kimberly B. Chapman, 5428
Scott A. Clementz, 7569
Jennifer J. Cook, 5653
Thomas D. Crane, 3048
Charles C. Culotta, 3877
Kenneth C. Cutler, 4933
Thomas C. D'Arcy, 7316
Thomas W. Denucci, 7958
Frederick D. Detar, 8837
Alexander D. Dodd, 0459
Roger S. Doyle, 7304
John M. Dunlap, 7047
Reginald C. Eisenhauer, 3482
Meredith M. Engelke, 9087
Brian C. Erickson, 5870
Anthony S. Erickson, 3659
Joshua W. Fant, 0836
Louis B. Faulkner, 3288
Gregory J. Ferry, 8980
Benjamin E. Fleming, 2334
Aurora I. Fleming, 6906
Anthony T. Fratianne, 5425
Matthew J. Funderburk, 3700
Lawrence D. Gaillard, 2676
Brent Garriepy, 4312
Benjamin A. Gates, 3299
Edward P. Geraghty, 8641
Jennifer L. Girton, 7316
Benjamin M. Golightly, 5582
Jason M. Goodman, 5388
Jennifer A. Green, 1860
Robert M. Green, 8767
Patrick A. Groves, 8036
Andrew L. Guedry, 1193
Thomas J. Hall, 7891
Matthew W. Hammond, 7851
Sean P. Hannigan, 4537
Alan D. Hansen, 1996
Justin H. Harper, 3154
Rebecca J. Heatherington, 1162
Casey J. Hehr, 8012
Eric A. Helgen, 6326
Brian J. Henry, 1458
Edward J. Hernaez, 6705
Wesley H. Hester, 1704
Curtis G. Huntington, 8892
Kristin A. Jagmin, 6291
Cassie Q. Janssen, 2646
Graig T. Jeanquart, 4706
Raymond M. Jebsen, 4628
Andrew S. Joca, 2032
Scott B. Jones, 4258
Michael A. Keane, 4896
Corinna M. Kellicut, 4653
Paul W. Kemp, 2823
Ibrahim M. Khalil, 9910
Michael E. Kicklighter, 4427
Justin A. Kimura, 3311
Elizabeth A. Kirner, 2586
Michael K. Klinge, 8304
Lisa E. Knopf, 2361
Dirk L. Krause, 3923
Brian C. Krautler, 2309
Jon M. Kreischer, 9557
Jeffrey W. Kuck, 3204
Matthew F. Lammer, 0676
John J. Larkin, 1318
Jeremy P. Law, 8422
Nina C. Leonard, 6479
Marcus A. Lines, 6920
Monica B. Lomascolo, 5942
Natalie J. Magnino, 0501
Dana C. Mancinelli, 6060
Heather R. Mattern, 9791
Benjamin J. Maule, 9889
Bryan L. May, 0361
Benjamin E. Maynard, 8196
James E. McCollum, 3580
Iain L. McConnell, 4341
Matthew V. McGuan, 5353
Joseph E. Mause, 3491
Joshua P. Miller, 8037
John Miller, 5360

Dean J. Milne, 0947
Chris S. Moland, 9381
Robert W. Moore, 8211
Matthew P. Moore, 4642
Stephanie A. Morrison, 0372
Christian A. Munoz, 6800
Sean D. Murphy, 1123
David R. Ojeda, 9557
Jeffrey P. Pace, 0940
Timothy D. Payton, 6543
Eric D. Peace, 5277
Kristian B. Pickrell, 8296
Jeffrey J. Pile, 1006
Christopher M. Pisares, 2949
Michael J. Plumley, 3711
Jessica L. Plummer, 5174
Eric C. Popiel, 4540
Jody T. Popp, 2187
Juan M. Posada, 3219
Gabrielle E. Potter, 4516
Clinton J. Prindle, 3908
David A. Quattro, 9554
Christopher G. Raia, 4947
Arthur L. Ray, 4049
Katie B. Richardson, 5430
Roger G. Robitaille, 1652
Brust B. Roethler, 2402
Pedro J. Rubio, 7979
Paul F. Rudick, 6966
Shaun R. Ruffell, 6061
Robert G. Salembier, 8789
Stanton C. Sanchez, 8264
Deanna L. Sand, 3821
Michael R. Sarnowski, 6293
Jamie L. Scholzen, 3489
Richard M. Scott, 5172
Kelly C. Seals, 5700
James T. Sears, 9339
Stephanie M. Sheridan, 6959
Kenneth E. Shovlin, 4937
Michael R. Sinclair, 8868
Kelly K. Skiles, 7867
Jason M. Stamper, 3960
Joshua T. Steffen, 3479
Erich V. Stein, 6956
Blake D. Stockwell, 2779
Jill A. Swaynos, 0567
Scott G. Syring, 2185
Evelyn L. Taylor, 0609
Shad A. Thomas, 2260
Patrick M. Thompson, 8271
Allen L. Thompson, 8294
Gregory M. Tozzi, 4288
Jason P. Travis, 5469
Neil P. Travis, 7275
Melissa M. Tulio, 7686
Michael E. Vance, 8958
Dianna L. Vanvalkenburg, 8603
Joseph J. Vealencis, 5836
Kristi L. Walker, 1439
Daniel R. Warren, 9798
Zachary A. Weiss, 8445
Timothy P. Wieland, 9376
Jerred C. Williams, 1536
Darlene D. Wilson, 7335
Amy E. Wirts, 6495
Christopher G. Wolfe, 0218
Marc A. Zlomek, 8943

The following-named officers for appointment to the grade indicated in the U.S. Coast Guard under title 14, United States Code, section 271:

*To be commander*

Frank M. Paskewich, 6576
Anthony S. Reynolds, 0002
Theodore A. Bull, 1867
Timothy F. Mann, 0878
Gary M. Alexander, 4201
Gregory R. Haack, 8803
Mark P. O'Mally, 2568
Robert M. Palatka, 9379
John J. Cook, 0777
Mark A. Rose, 2181
John F. Kaplan, 5601
Timothy M. Close, 5959
Pamela A. Russell, 1686
William T. Devereaux, 6536
Matthew J. Glomb, 2447
David C. Eky, 3368
Stephan A. Billian, 5131
Mark E. Butt, 1144
Peter S. Simons, 8565
Thaddeus G. Sliwinski, 8394
Steven R. Corporon, 5574
James Y. Poyer, 2228
Vince S. Sedwick, 2255
Eugene F. Cunningham, 4318
Joseph E. Mihelic, 2021
Steven E. Carlson, 7484
Michael C. Cosenza, 2007
Raymond J. Petow, 9505
Daniel J. McClellan, 9813
Arthur C. Walsh, 6486
Michael R. Kelley, 1094
John A. Watson, 3770
David A. Durham, 8936
Leonard R. Radziwanowicz, 9657
Michael N. Parks, 8307
Craig A. Bennett, 9660
Douglas G. Russell, 3726
Thomas R. Hale, 6821
George P. Hannifin, 3218
James L. McDonald, 1785
Kevin M. O'Day, 2118
William J. Diehl, 5483
Terry A. Bickham, 4604
Morris B. Stewart, 8484
Brian D. Kelley, 1492
Thomas F. Atkin, 1758
Joseph A. Servidio, 5588
Joseph P. Seebald, 0513
Edward W. Greiner, 9005
Jeffrey S. Hammond, 5671
John M. Weber, 7782
Charley L. Diaz, 7153
Fred M. Midgette, 3815
Mark J. Dandrea, 0073
Jeffrey S. Griffin, 5567
William M. Randall, 4964
Charles A. Mathieu, 9420
Evan Q. Kahler, 6858
Sandra L. Stosz, 7129
George P. Cummings, 5773
Fred T. White, 6418
Andrew J. Berghorn, 3076
Stephen P. Metruck, 7265
Vincent B. Atkins, 7523
Thomas S. Morrison, 5698
Thomas A. Abbate, 5534
Roger E. Dubuc, 4272
Michael E. Lehocky, 7279
Edward Sinclair, 2245
Mark A. Torres, 8453
David R. Callahan, 2805
Michael E. Sullivan, 1259
Lance O. Benton, 2925
Robert G. Mueller, 0018
Hal R. Savage, 1548
Rudy T. Holm, 0541
David D. Simms, 1727
Ronald E. Kaetzel, 0805
Steven R. Baum, 2011
Lyle A. Rice, 0007
Joseph M. Hanson, 1221
James B. McPherson, 9585
Stephen M. Wheeler, 6961
Richard G. Brunke, 5955
Leonard L. Ritter, 0174
Mark M. Campbell, 9251
Fred R. Call, 1968
Christopher W. Doane, 7360
Michael A. Hamel, 1066
Peyton A. Coleman, 1472
Steven C. Taylor, 7835
Michael D. Dawe, 9233
Frank M. Reed, 2927
Thomas M. Heitstuman, 2101
Thomas E. Atwood, 5275
Michael E. Kendall, 4492
Robert L. Desh, 6175
Daniel B. Abel, 0184
Richard T. Gromlich, 4763
Lincoln D. Stroh, 9240
Keith A. Taylor, 2063
Mark R. Higgins, 0540
Frederick W. Tucher, 3420
Kristy L. Plourde, 7123
Richard D. Belisle, 9382
Maura S. Albano, 8844
David H. Gordner, 3813
Paul E. Wiedenhoeft, 4925
John C. Odell, 1737
Karl L. Schultz, 1109
Bruce L. Toney, 9463
Terry A. Boyd, 5496
Edwin B. Thiedeman, 1548
Kenneth K. Moore, 6150
Mathew D. Bliven, 8920
Todd Gentile, 7595
Richard K. Murphy, 6899
Eugene Gray, 9256
John J. Jennings, 8526
Robert M. Pyle, 2435

The following-named officers of the U.S. Coast Guard Permanent Commissioned Teaching Staff at the Coast Academy for appointment to the grade indicated in the U.S. Coast Guard under title 14, United States Code, Section 189:

*To be commander*

Stephen E. Flynn, 3850
Jonathan C. Russell, 0954
Michael A. Alfultis, 2553
Vincent Wilczynski, 7381

The following-named officers for appointment to the grade indicated in the U.S. Coast Guard under title 14, United States Code, section 271:

*To be captain*

Michael F. Holmes, 5531
Herbert H. Sharpe, 9416
Erik N. Funk, 5090
Marvin J. Pontiff, 4877
John J. Davin, 5309
Richard R. Houck, 2876
David M. Mogan, 8544
Richard R. Kowalewski, 2015
James D. Spitzer, 6785
Sally Brice-Ohara, 6264
Kenneth W. Keane, 1593
Peter A. Richardson, 1401
Christopher J. Snyder, 8853
Paul D. Luppert, 6154
Lawrence T. Yarborough, 5893
Ronald J. Morris, 3163
Randolph Meade, 4668
Ronald L. Rutledge, 7807
Eric N. Fagerholm, 6446
George R. Matthews, 1394
Geoffrey D. Powers, 7737
Alan H. Moore, 1758
Theodore C. Lefeuvre, 1444
Richard R. Kelly, 1773
Lawrence J. Bowling, 4499
Glenn W. Anderson, 5028
Loren P. Tschohl, 2850
John A. Gentile, 0773
Surran D. Dilks, 1702
Terrence C. Julich, 3782
John M. Krupa, 2299
John C. Miller, 6459
Geoffrey L. Abbott, 0291
James S. Thomas, 5111
Joseph A. Halsch, 6702
Wayne R. Buchanan, 2526
Glenn A. Wiltshire, 4597
Mark S. Kern, 2754
James E. Evans, 7909
Stephen J. Krupa, 2290
Richard D. Poore, 6880
James W. Decker, 9643

Glenn R. Gunn, 7485
William W. Peterson, 9816
Scott E. Davis, 2893
Mark H. Johnson, 3895
Glenn E. Gately, 7431
James F. Murray, 2169
Ivan T. Luke, 2133
Arthur H. Hanson, 1245
Michael K. Grimes, 8996
James R. Mongold, 6724
David J. Visneski, 4619
Gregory J. Macgarva, 1522
Arn M. Heggers, 2771
James W. Stark, 0909
John Astley, 2214
Gilbert J. Kanazawa, 5086
Scott J. Glover, 1447
Kevin L. Marshall, 1558
Paul A. Langlois, 6470
Daniel B. Lloyd, 2154
John P. Currier, 9150
Wayne E. Justice, 9391
William R. Webster, 6753
Eric A. Nicolaus, 1272
Charles J. Dickens, 8599
Howard P. Rhoades, 5323
Robert D. Allen, 6107
Jody A. Breckenridge, 8738
Russell N. Terrell, 9077
Gregory F. Adams, 7427
William L. Ross, 1546
Beverly G. Kelley, 0741

(The above nominations were reported with the recommendation that they be confirmed.)

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. FRIST:

S. 1201. A bill to improve teacher preparation at institutions of higher education; to the Committee on Labor and Human Resources.

By Mrs. FEINSTEIN:

S. 1202. A bill providing relief for Sergio Lozano, Fauricio Lozano, and Ana Lozano; to the Committee on the Judiciary.

By Mr. D'AMATO (for himself, Mr. BENNETT, Mr. DODD, and Mr. BRYAN):

S. 1203. A bill to amend the Electronic Fund Transfer Act to limit consumer liability for the unauthorized use of a debit card, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. COVERDELL (for himself, Ms. LANDRIEU, Mrs. HUTCHISON, Mr. CRAIG, Mr. MACK, Mr. BROWNBACK, Mr. KYL, Mr. BURNS, Mr. HATCH, Mr. ENZI, Mr. GRAMM, Mr. THURMOND, Mr. DORGAN, and Mr. REID):

S. 1204. A bill to simplify and expedite access to the Federal courts for injured parties whose rights and privileges, secured by the United States Constitution, have been deprived by final actions of Federal agencies, or other government officials or entities acting under color of State law; to prevent Federal courts from abstaining from exercising Federal jurisdiction in actions where no State law claim is alleged; to permit certification of unsettled State law questions that are essential to resolving Federal claims arising under the Constitution; and to clarify when government action is sufficiently final to ripen certain Federal claims arising under the Constitution; to the Committee on Judiciary.

By Mrs. MURRAY:

S. 1205. A bill to amend the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 to clarify that records of arrival or departure are not required to be collected for purposes of the automated entry-exit control system developed under section 110 of such Act, for Canadians who are not otherwise required to possess a visa, passport, or border crossing identification card; to the Committee on Judiciary.

By Ms. SNOWE (for herself, Mr. JEFFORDS, Ms. MIKULSKI, Mr. ALLARD, Mr. HARKIN, and Mr. GRASSLEY):

S. 1206. A bill to provide for an enumeration of family caregivers as part of the 2000 decennial census of population; to the Committee on Governmental Affairs.

By Mrs. BOXER (for herself, Mr. BINGAMAN, Mrs. FEINSTEIN, Mr. DASCHLE, Mr. DORGAN, Mr. HARKIN, Mr. WELLSTONE, Mr. CONRAD, Ms. LANDRIEU, Mr. REED, and Mrs. MURRAY):

S. 1207. A bill to authorize the President to award a congressional gold medal to the family of the late Raul Julia, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mrs. BOXER (for herself and Mrs. MURRAY):

S. 1208. A bill to protect women's reproductive health and constitutional right to choice, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. KENNEDY (for himself, Mr. DODD, and Mr. KERRY):

S. 1209. A bill improving teacher preparation and recruitment; to the Committee on Labor and Human Resources.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. FEINSTEIN:

S. 1202. A bill providing relief for Sergio Lozano, Fauricio Lozano, and Ana Lozano; to the Committee on the Judiciary.

### PRIVATE RELIEF LEGISLATION

Mrs. FEINSTEIN. Mr. President, I rise today to offer legislation that provides permanent resident status to three children, Sergio, 17 years old; Fauricio 15 years old; and Ana Lozano, 14 years old; who were granted immigrant visas to come to the United States with their mother earlier this year. Now they have lost their mother and could be deported because they were recently orphaned.

The children have lived with their mother, Ana Ruth Lozano, until her death in February of this year due to complications from typhoid fever. Since their mother's death, the children have been living with their closest relative, their U.S.-citizen grandmother who lives in Los Angeles.

Without their mother, the children do not have the legal right to remain in the United States. The Lozano children can be deported because the immigration law prohibits permanent legal residency to minor children without their parents.

Without their mother, these children can be deported by the INS despite the fact the children have no family who will take care of them in El Salvador except their estranged father who, INS reports show, was abusive to the mother and the children.

Without this bill, the children will most likely be sent to an orphanage in El Salvador. Here in the United States, the childern have their U.S.-citizen grandmother and uncles who will give them a loving home.

I have previously sought administrative relief for the Lozano children by asking the INS district office in Los Angeles and Commissioner Meissner if any humanitarian exemptions could be made in their case. INS has told my staff that there is nothing further they can do administratively and a private relief bill may be the only way to protect the children from deportation.

I hope you will support this bill so that we can help the Lozano children begin to rebuild their lives in the United States.

Mr. President, I ask for unanimous consent that the attached news article and the bill be entered into the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

### S. 1202

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1: PERMANENT RESIDENCE.**

Notwithstanding any other provision of law, for purposes of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), Sergio Lozano, Fauricio Lozano and Ana Lozano, shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act upon payment of the required visa fees.

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[From the Los Angeles Times, May 29, 1997]

### YOUTH'S VISAS IN DOUBT AFTER MOTHER'S DEATH

(By Patrick J. McDonnell)

Three El Salvadoran teenagers who were granted U.S. government permission to move to Los Angeles with their mother earlier this year now face deportation because their mother's death has left them without a legal right to be in the United States.

Ana Ruth Lozano a single mother who worked in a garment factory in El Salvador, had long dreamed that she and her children would be able to join relatives in Los Angeles, a glittering place with promise beyond the postwar tumult of Central America.

She died in El Salvador in February at the age of 33, apparently of complications from typhoid fever, three weeks after her family received visas to emigrate to the United States following an eight-year wait.

Ironically, relatives say; Lozano took ill on the day she was informed by officials in the U.S. Embassy in San Salvador that authorities were approving the family's long-delayed application.

"My mother always said we'd go to the United States and have a real chance to succeed," said Sergio Lozano, 17, who finally arrived here last month with his siblings, Fauricio, 15, and Ana, 14.

With the shock of her unexpected death still raw, the family is facing another blow:

The Immigration and Naturalization Service says that Lozano's death means that her children must go back to El Salvador. Because she was the primary visa beneficiary, the INS says, the law calls for the papers of her children—the "derivative beneficiaries"—to be revoked upon her death.

The incredulous Lozano family has fallen into one of the many cracks in U.S. immigration law. Their case stands out even amid the often dramatic consequences in a legal arena replete with tales of separated families.

"It's just not fair to send these children back now," Zoila Esperanza Lozano, 54, the children's maternal grandmother, said as she fought back tears during an interview at her Los Angeles apartment, where a photograph of her late daughter and a Mother's Day poem from her are displayed prominently.

Rosemary Melville, INS deputy district director in Los Angeles, declined to discuss the Lozano case specifically, citing privacy laws. But she confirmed that visas for family members are considered "null and void" if the principal beneficiary dies before the visa is used. In "compelling" cases, Melville added, the agency has discretion to grant residency or block deportation based on humanitarian concerns.

In another era, legal observers say, authorities may have been inclined to stretch the letter of the law or issue a waiver allowing the Lozano children to stay. But such exceptions are more problematic amid today's national climate generally hostile to immigration.

"The unfortunate track record of immigration law is if you make one exception you find it spinning out of control," said Ira Mehlman of the Federation for American Immigration Reform, a group that seeks to reduce immigration levels and assails "loopholes" in the law.

Relatives of the Lozano children say they were assured by officials at the U.S. Embassy in San Salvador that the children's visas were still good, despite the mother's death. They learned otherwise upon the youths' arrival at Los Angeles International Airport last month, when, according to the family, the three youngsters were held and questioned for six hours and faced being sent back to El Salvador on the spot—an expedited "removal" procedure that has been in the INS arsenal since April 1, when a tough new immigration law went into effect.

Finally, inspectors agreed to allow the three into the country conditionally, pending the outcome of an agency review. The three teenagers have another date with the INS in Los Angeles on June 25.

The Lozano family has mobilized to do whatever necessary to keep the children in Los Angeles. The three, now enrolled at Belmont High School, are staying in their grandmother's one-bedroom Westlake apartment.

"For me, the children are a blessing from my beautiful daughter, and I'll do whatever I can for them," their grandmother said.

Though of modest means, relatives here say they are willing to sign legally binding accords to care for the three and ensure that they do not become public charges.

Francisco Lozano, Ana Ruth's younger brother, is spearheading a letter-writing campaign to officials in Congress and elsewhere. "If I have to go and see President Clinton, I will," said Lozano, a hotel pastry chef.

In El Salvador, the family says, the three children have nothing to go back to: no home, no close kin, no means of support. Ana Ruth Lozano had been estranged from the children's father for years, relatives say. Most close relatives on their mother's side of the family are in the United States and Canada, as are many other Salvadorans, who left their homeland during the civil war that engulfed it in the 1980s.

The children's grandmother has supported them in El Salvador for years, sending back monthly checks of up to $300, almost half her pay as a live-in housekeeper.

Seated in their grandmother's home on a recent afternoon, all three Lozano youths spoke of their desire to remain in the United States, study, and embark upon careers: Sergio wants to be a graphic artist, Fauricio would like to be an airline pilot, and Ana hopes to become a lawyer.

"I don't think I'd have any chance to even dream about such a thing back home," said Fauricio.

"Here one has the chance to better oneself," said the slender, reserved Ana. "This place is what our mother always wanted for us."

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By Mr. D'AMATO (for himself, Mr. BENNETT, Mr. DODD, and Mr. BRYAN):

S. 1203. A bill to amend the Electronic Fund Transfer Act to limit consumer liability for the unauthorized use of a debit card, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

### THE DEBIT CARD CONSUMER PROTECTION ACT OF 1997

Mr. D'AMATO. Mr. President, today I introduce legislation that will protect tens of millions of consumers who carry bank debit cards, as well as millions more who are being targeted by banks to use this relatively new and unfamiliar payment card. This bill extends to the users of debit cards the protections that now already apply to users of credit cards. And I would like to thank my colleagues, Senators BENNETT, DODD, and BRYAN, for cosponsoring this important legislation.

In the past few years, millions of Americans have opened envelopes from their banks to find these new payment cards. These cards look like credit cards. They have "VISA" or "MasterCard" logos on the front of them—I am holding one up now—but they are actually debit cards, or, in the language of the industry, they are "off-line" debit cards. They are called "off-line" cards because they can be used with just a signature, and no PIN No., in order to access the consumer's bank account directly.

These off-line cards combine the convenience of a credit card with the simplicity of an ATM card. In order to make a purchase, the consumer simply presents the debit card to a merchant and signs a sales slip. The money for the payment is then automatically withdrawn from the consumer's bank account and transferred to the merchant.

But if an off-line card is lost or stolen, it poses a little known and potentially unlimited danger to the consumer. Because it needs only a signature to authorize a purchase, a criminal who finds the card or who steals the card can easily use it to make purchases. He can go on a wild shopping spree and buy thousands of dollars worth of goods on that stolen card.

But unlike a stolen credit card, these fraudulent charges are immediately deducted from the victim's bank account. And unlike a stolen credit card, the law provides virtually no limit to the victim's liability.

And what happens to the consumer whose bank account is cleaned out by fraud? Soon her checks begin bouncing, bills go unpaid, late charges and overdraft fees pile up, suddenly the victim is facing financial disaster. Unraveling this mess can mean weeks of letters and phone calls, and nobody will compensate the victim for the lasting damage to his or her name or reputation.

Furthermore, the victim will be literally penniless until the bank investigates the theft and, hopefully, restores the account.

Under current law, the bank could take up to 20 days to complete this investigation. Imagine losing one's entire bank balance and then being unable to write a check for rent, car payment or groceries for 20 days.

Mr. President, I am concerned that consumers do not understand the off-line debit card. They may think it is just like an ordinary ATM card. But without the protection of a secret PIN number, the card is not secure. In reality, it is a direct line of access to the consumer's bank account. That line of access is open to anyone who possesses the card, including a thief. Just the number on the face of the card is all the thief needs to totally drain the consumer's bank account.

Financial institutions have sent out tens of millions of these cards unsolicited in the last few years. By 1994, there were 25 million off-line cards in circulation. By 1996, the number had jumped to more than 60 million. Millions more will be mailed out this year, because although banks cannot legally mail out an unsolicited credit card, a loophole in the law allows them to mail out these unsolicited off-line debit cards as replacements for consumer's ATM cards.

Mr. President, this is a ticking time bomb for millions of unwary consumers. Does the consumer understand how this new card differs from an ordinary ATM card? Does the consumer understand the risk that comes from carrying the new off-line card? Too often the answer is no. A recent survey by Mastercard found that 59 percent of the consumers who carry debit cards do not realize just how important it is to report a lost or stolen card immediately. At a minimum, consumers need to be warned before they start carrying these off-line cards, and they need protection in the event that anything goes wrong.

Mr. President, we need reform and we need it soon. The bill we have introduced today, the Debit Card Consumer Protection Act of 1997, provides a level of protection that is clearly needed.

First, it prohibits the banks from mailing out unsolicited debit cards. Only people who want these cards should be getting them in the mail.

Second, it requires a clear disclosure to the consumer that the card provides a direct line of access to the consumer's bank account.

Third, it prohibits the bank from sending out live debit cards. Cards must not be valid for use until the recipient identifies himself or herself as the rightful owner.

Fourth, it limits the consumer's liability to $50 in the event the card is lost or stolen.

Fifth, it expedites the restoration of funds to the consumer's account within 5 business days. Current law can make the consumer wait 20 business days.

Mr. President, this bill would bring the consumer protection laws up to date and into line with what the consumer is entitled to and expects. That is why consumer groups strongly support this bill, including the Consumer Federation of America, the Consumers Union, and the U.S. Public Interest Research Group. These organizations have all gone on record to say that this legislation provides essential protection for users of debit cards.

Now, Mr. President, some of the provisions of this bill were recently put forth in another bill, S. 1154, by my colleague, Senator REED of Rhode Island, who I see is on the floor. And some of these measures are now being implemented voluntarily by the industry. I want to commend Senator REED for his work in this area. I think that a consensus exists that consumer protections are needed to improve a situation that presents a very real risk for millions of consumers.

In fact, MasterCard and VISA recently announced that they will voluntarily cap the consumer's liability at $50 in the event of an unauthorized use. One bank, Bank of America, has announced it will not hold consumers liable for any unauthorized charges. I commend the industry for responding to these concerns. Because of this responsiveness, I am hopeful the industry will vigorously support legislation to make these essential consumer protection laws permanent and universal.

Finally, I thank Senators BENNETT, DODD, and BRYAN for cosponsoring this bill. Senator BENNETT, as chairman of the Banking Subcommittee on Financial Services and Technology, is very aware of the enormous impact financial fraud is having on the industry and consumers. This legislation will help to protect both the industry and consumers from having to pay these high costs.

Mr. President, I ask unanimous consent the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1203

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Debit Card Consumer Protection Act of 1997".

**SEC. 2. CONSUMER LIABILITY FOR UNAUTHORIZED DEBIT CARD TRANSACTIONS.**

Section 909 of the Electronic Fund Transfer Act (15 U.S.C. 1693g) is amended by striking subsection (a) and inserting the following:

"(a) LIMITATION ON LIABILITY.—

"(1) IN GENERAL.—A consumer shall be liable for an unauthorized electronic fund transfer only if—

"(A) the card or other means of access used to make the unauthorized electronic fund transfer was an accepted card or other means of access;

"(B) the liability, including any overdraft or other fee imposed by the financial institution in connection with or as a result of the unauthorized electronic fund transfer, is not in excess of the lesser of—

"(i) $50; or

"(ii) the amount of money or value of property or services obtained in such unauthorized electronic fund transfer prior to the time at which the financial institution is notified of, or otherwise becomes aware of, circumstances which lead to the reasonable belief that an unauthorized electronic fund transfer involving the consumer's account has been or may be effected;

"(C) the financial institution that issued the card or other means of access gave adequate notice to the cardholder of the potential liability;

"(D) such financial institution provided the consumer with a description of a means by which the institution may be notified of loss or theft of the card or other means of access, which description may be provided on the face or reverse side of the statement required by section 906(c) or on a separate notice accompanying such statement;

"(E) the unauthorized electronic fund transfer occurred before the financial institution was notified of such unauthorized transfer, or that such unauthorized transfer may occur as the result of loss, theft, or otherwise; and

"(F) the financial institution has provided a method whereby the consumer to whom the card or other means of access was issued can be identified as the person authorized to use it.

"(2) SUFFICIENCY OF NOTICE.—For purposes of paragraph (1), the financial institution has been notified when such steps have been taken as may be reasonably required in the ordinary course of business to provide the financial institution with the pertinent information, whether or not any particular officer, employee, or agent of the financial institution does in fact receive such information.".

**SEC. 3. AMENDMENTS TO DEFINITIONS.**

Section 903 of the Electronic Fund Transfer Act (15 U.S.C. 1693a) is amended—

(1) in paragraph (1), by striking "and received" and all that follows through "services" and inserting "or renewed and received such card or other means of access (including a non-protected access card and a protected access card)";

(2) by redesignating paragraphs (9) through (11) as paragraphs (11) through (13), respectively; and

(3) by inserting after paragraph (8) the following new paragraphs:

"(9) the term 'protected access card' means an accepted card or other means of access that requires use of a personalized code or other unique identifier (other than a signature) to initiate access to the account of a consumer;

"(10) the term 'non-protected access card' means an accepted card or other means of access that does not require the use of a unique identifier to initiate access to the account of a consumer, except that for purposes of this paragraph, a signature shall not be considered to be a personalized code or other unique identifier;".

**SEC. 4. TIMING OF ERROR RESOLUTION.**

Section 908 of the Electronic Fund Transfer Act (15 U.S.C. 1693f) is amended—

(1) in subsection (a)—

(A) by redesignating paragraphs (1) through (3) as subparagraphs (A) through (C), respectively, and indenting accordingly;

(B) by striking "(a) If a financial" and inserting the following:

"(a) IN GENERAL.—

"(1) NOTICE TO INSTITUTION.—If a financial";

(C) in the first sentence, by striking "ten business" and inserting "5 business"; and

(D) in the second sentence, by striking "The financial" and inserting the following:

"(2) WRITTEN CONFIRMATION OF ORAL NOTIFICATION.—The financial"; and

(E) by striking "the previous sentence" each place it appears and inserting "this paragraph";

(2) in subsection (c), by striking "ten business" and inserting "5 business"; and

(3) in subsection (f)(1), by inserting before the semicolon ", including such unauthorized transfer by use of a protected access card or a non-protected access card".

**SEC. 5. ISSUANCE OF CARDS.**

(a) LIMITATIONS ON ISSUANCE.—Section 911 of the Electronic Fund Transfer Act (15 U.S.C. 1693i) is amended—

(1) in subsection (a)—

(A) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively, and indenting accordingly;

(B) by striking "(a) No" and inserting the following:

"(a) LIMITATIONS ON ISSUANCE.—

"(1) IN GENERAL.—No"; and

(C) by adding at the end the following:

"(2) RENEWALS; SUBSTITUTIONS.—For purposes of paragraph (1), a non-protected access card may only be issued in response to a request or application for, or as a renewal of or substitution for, a non-protected access card.";

(2) in subsection (b)—

(A) by striking "(b) Notwithstanding" and all that follows through "basis" and inserting the following:

"(b) CRITERIA FOR ISSUANCE.—A person may only issue to a consumer";

(B) by striking "distribution" each place it appears and inserting "issuance"; and

(C) by striking "distribute" and inserting "issue".

(3) in subsection (c), by striking "(c) For" and inserting the following:

"(d) DEFINITION.—For"; and

(4) by inserting after subsection (b) the following new subsection:

"(c) DISCLOSURE OF NON-PROTECTED ACCESS CAPABILITY.—In any case in which a non-protected access card is issued to a consumer, such issuance shall be accompanied by a clear and conspicuous printed disclosure designated as a warning that—

"(1) the card does not require a personalized code or other unique identifier (other than a signature) to initiate access to the consumer's account; and

"(2) loss or theft of the card could result in unauthorized access to the consumer's account.".

(b) FORM OF DISCLOSURE.—Section 904(b) of the Electronic Fund Transfer Act (15 U.S.C. 1693b(b)) is amended by striking "section 905" and inserting "sections 905 and 911".

**SEC. 6. NOTIFICATION TO CONSUMERS OF RESTITUTION POLICY.**

Section 905 of the Electronic Fund Transfer Act (15 U.S.C. 1693c) is amended—

(1) in paragraph (2), by striking "than an" and inserting "that an";

(2) in paragraph (7), by striking ". The financial institution" and all that follows through "year" and inserting ", which summary shall be transmitted to the consumer thereafter not less frequently than annually";

(3) by redesignating paragraphs (8) and (9) as paragraphs (9) and (10), respectively; and

(4) by inserting after paragraph (7) the following new paragraph:

"(8) the policy of the financial institution regarding restitution to the consumer of any fees imposed by a person other than the financial institution as a result of an unauthorized electronic fund transfer, including returned check fees, late charges, and other fees;".

Mr. DODD. Thank you, Mr. President. I am pleased to take the floor today in support of the Consumer Payment Card Security Act of 1997. This legislation, of which I am an original cosponsor, would address a serious gap in our consumer laws which govern the use of debit or check cards. I would particularly like to thank my friend and Chairman of the Banking Committee, Senator D'AMATO, for his leadership role in developing this legislation.

Many of my colleagues may be aware of these cards through the intensive ad campaign mounted by VISA and MasterCard with such famous celebrities as Michael Jordan, Bugs Bunny, and our former colleague, Bob Dole. But these commercials may not exactly explain how these check cards—or debit cards—work. Essentially, a debit card is a card that looks just like your ATM card that uses the National Credit Card Electronic Networks to access your checking account. In this way, you could go into any business that accepts VISA or MasterCard, and instead of charging your purchase, you could pay for it right out of your checking account. Thus, bank customers have access to their accounts in hundreds of thousands of locations across the globe, not just at the ATM machines that are part of their banks' network.

In general, I believe that the private sector should be commended for developing this new technology. Clearly, if used properly, these debit cards will provide bank customers with greater flexibility and convenience.

However, we would not be standing on the floor today introducing legislation if the introduction of this card had gone as smoothly as everyone may have hoped. As with all new technologies, there are growing pains, and in this particular case, legislation appears necessary to help ease those pains.

The goal of this legislation is refreshingly simple: It puts debit cards under the same umbrella of consumer protections that currently govern the use of both credit cards and ATM cards.

Let me briefly recount some of the debit card problems—some might go so far as to say abuses—confronted by consumers and how the legislation would address them.

First, since a debit cards looks almost identical to an ATM card, many consumers don't know that their bank has made a switch. Until very recently, this could have posed a significant financial hardship for consumers since debit card liability—if it's lost or stolen—isn't capped at $50 the way it is capped for both credit cards and ATM cards. Also, debit cards are known as "off-line" cards; in other words, no PIN—personal identification number—is required to use the card—a crook can simply swipe it through any electronic scanner, just like a credit card, and empty your bank account.

It should be noted that in the last few weeks, the industry—particularly VISA and MasterCard, responding to increasing public pressure, has voluntarily moved to change these practices. Nevertheless, these belated efforts, while laudable, do not provide the same certainty to consumers that the statutes do. This legislation would clearly limit consumer liability to $50. It would also ensure that consumer disclosure is improved so that the bank customer is aware that these cards do not need a PIN to be used.

The legislation would also end the practice of replacing ATM cards with debit cards without a customer's consent. One of the ways in which these cards become subject to abuse is that consumers aren't aware that they've even received this debit card as a replacement for their old ATM card. The legislation would conform debit cards with credit cards by preventing the mailing of unsolicited cards to bank customers.

Last, the bill would address a potential problem by shortening the dispute resolution process from 20 to 5 days, again conforming it to the standards currently in use for credit cards. When there is credit card fraud, the cardholder is credited for the loss until the investigation is complete, and that investigation must be done within 5 days. Under current law, debit cardholders are not always credited pending investigation and those investigations can take as long as 20 days. That's a long time for someone whose checking account has been emptied by a criminal.

Again, Mr. President, I note that in most instances, the legislation codifies what has become the industry standard. But the fact remains that given the difficulties surrounding the introduction of debit cards, and the uncertainties that arise from some companies failing to follow the industry standard, it is incumbent upon the Congress to provide the same statutory safeguards for debit card users as we have for both credit card and ATM card users.

I hope that I will soon be able to stand here and mark the passage of this important legislation.

By Mr. COVERDELL (for himself, Ms. LANDRIEU, Mrs. HUTCHISON, Mr. CRAIG, Mr. MACK, Mr. BROWNBACK, Mr. KYL, Mr. BURNS, Mr. HATCH, Mr. ENZI, Mr. GRAMM, Mr. THURMOND, Mr. DORGAN, and Mr. REID):

S. 1204. A bill to simplify and expedite access to the Federal courts for injured parties whose rights and privileges, secured by the U.S. Constitution, have been deprived by final actions of Federal agencies, or other government officials or entities acting under color of State law; to prevent Federal courts from abstaining from exercising Federal jurisdiction in actions where no State law claim is alleged; to permit certification of unsettled State law questions that are essential to resolving Federal claims arising under the Constitution; and to clarify when government action is sufficently final to ripen certain Federal claims arising under the Constitution; to the Committee on the Judiciary.

## THE PROPERTY OWNERS ACCESS TO JUSTICE ACT OF 1997

Mr. COVERDELL. Mr. President, I am introducing today, with Senators LANDRIEU and DORGAN, the Property Owners Access to Justice Act of 1997, a bill to simplify access to the Federal courts for private property owners whose rights may have been injured by government action. The fifth amendment to the U.S. Constitution provides individuals with protection from having their property taken by the Government. The Constitution requires that when private property is taken for a public purpose, the property owner must be compensated.

However, property owners seeking protection of their rights are frequently frustrated by endless bureaucratic delay and countless procedural hurdles that prevent them from having their day in court. They are told they must resolve all of their State court remedies and all of their administrative remedies before their case is ripe for a hearing in Federal court.

Unfortunately, most property owners cannot afford the long and often fruitless process of resolving all possible remedies before their case is ripe. This process can mean years of court battles and tens of thousands of dollars in legal fees just to win the right to have the merits of the case heard in Federal court. The hurdles are so oppressive that one study concluded less than 6 percent of takings claims filed during the 1980's were ever deemed ripe for Federal court adjudication.

This unfair result happens because the requirement to exhaust all administrative remedies before getting their day in court subjects property owners to endless rounds of appeals with the relevant agency. However, property owners should be able to know with some degree of certainty what rights they have in their own property. The Property Owners Access to Justice Act says that property owners must try to resolve their differences with the agency in question, but once the agency has denied their appeal or waiver attempt, the property owner has the right to go to court.

The property owner would still shoulder the burden of proof that he or she has been injured and deserves compensation, but at least the owner will be able to have the merits of the case heard. And there is an end to the process, instead of leaving the property owner in the regulatory limbo of appealing and appealing and appealing before getting the right to seek relief in court.

To deal with the problem of resolving all State court remedies, this bill essentially gives property owners a choice of how to assert their property rights under the Constitution. If the property owner wants to pursue action against a local or State agency that has infringed on his or her rights, the property owner can sue in State or local court, as he would now. Or, if the property owner wants to reject that route and instead pursue only a fifth amendment takings claim, the case can be heard in Federal court.

This will correct the current situation in which a property owner can be bounced between State and Federal courts for years, with the merits of their Federal claim never being heard.

The Property Owners Access to Justice Act of 1997 is strictly procedural in nature. It does not change substantive law. It does not define a taking or establish a trigger for when compensation is due. It does not give property owners any special access to the Federal courts. On the contrary, it allows property owners the same access to Federal courts that other claimants currently have. Citizens alleging violations of their first amendment rights or fourth amendment rights are not told to resolve their administrative and State court remedies first—they go to Federal court. Property owners deserve to be treated the same as everyone else.

Mr. President, this bipartisan bill is simply an effort to provide property owners with a less complicated way to have their day in court. It gives them the access to justice and the chance to present the merits of their case that all Americans expect as a matter of simple fairness.

I urge my colleagues on both sides of the aisle to support the Property Owners Access to Justice Act of 1997 and ask unanimous consent that the full text of the bill be entered in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1204

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Property Owners Access to Justice Act of 1997".

**SEC. 2. JURISDICTION IN CIVIL RIGHTS CASES.**

Section 1343 of title 28, United States Code, is amended by adding at the end the following:

"(c) Whenever a district court exercises jurisdiction under subsection (a), it shall not abstain from exercising or relinquish its jurisdiction to a State court in an action where no claim of a violation of a State law, right, or privilege is alleged.

"(d) Where the district court has jurisdiction over an action under subsection (a) that cannot be decided without resolution of a significant but unsettled question of State law, the district court may certify the question of State law to the highest appellate court of that State. After the State appellate court resolves the question certified to it, the district court shall proceed with resolving the merits. The district court shall not certify a question of State law under this subsection unless the question of State law—

"(1) will significantly affect the merits of the injured party's Federal claim; and

"(2) is so unclear and obviously susceptible to a limiting construction as to render premature a decision on the merits of the constitutional or legal issue in the case.

"(e)(1) Any claim or action brought under section 1979 of the Revised Statutes of the United States (42 U.S.C. 1983) to redress the deprivation of a property right or privilege secured by the Constitution shall be ripe for adjudication by the district courts upon a final decision rendered by any person acting under color of any statute, ordinance, regulation, custom, or usage, of any State or territory of the United States, that causes actual and concrete injury to the party seeking redress.

"(2) For purposes of this subsection, a final decision exists if—

"(A) any person acting under color of any statute, ordinance, regulation, custom, or usage, of any State or territory of the United States, makes a definitive decision regarding the extent of permissible uses on the property that has been allegedly infringed or taken, without regard to any uses that may be permitted elsewhere; and

"(B) the applicable statute, ordinance, regulation, custom, or usage provides for a right of appeal or waiver from such decision, and the party seeking redress has applied for, but has been denied, one such appeal or waiver.

The party seeking redress shall not be required to apply for an appeal or waiver described in subparagraph (B) if the prospects of success are reasonably unlikely and intervention by the district court is warranted to decide the merits.

"(3) For purposes of this subsection, a final decision shall not require the party seeking redress to exhaust judicial remedies provided by any State or territory of the United States.".

**SEC. 3. UNITED STATES AS DEFENDANT.**

Section 1346 of title 28, United States Code, is amended by adding at the end the following:

"(h)(1) Any claim brought under subsection (a) that is founded upon a property right or privilege secured by the Constitution, but was allegedly infringed or taken by the United States, shall be ripe for adjudication upon a final decision rendered by the United States, that causes actual and concrete injury to the party seeking redress.

"(2) For purposes of this subsection, a final decision exists if—

"(A) the United States makes a definitive decision regarding the extent of permissible uses on the property that has been allegedly infringed or taken, without regard to any uses that may be permitted elsewhere; and

"(B) an applicable law of the United States provides for a right of appeal or waiver from such decision, and the party seeking redress has applied for, but has been denied, one such appeal or waiver.

The party seeking redress shall not be required to apply for an appeal or waiver described in subparagraph (B), if the prospects of success are reasonably unlikely and intervention by the district court or the United States Court of Federal Claims is warranted to decide the merits.".

**SEC. 4. JURISDICTION OF COURT OF FEDERAL CLAIMS.**

Section 1491(a) of title 28, United States Code, is amended by adding at the end the following:

"(3) Any claim brought under this subsection founded upon a property right or privilege secured by the Constitution, but allegedly infringed or taken by the United States, shall be ripe for adjudication upon a final decision rendered by the United States, that causes actual and concrete injury to the party seeking redress. For purposes of this paragraph, a final decision exists if—

"(A) the United States makes a definitive decision regarding the extent of permissible uses on the property that has been allegedly infringed or taken, without regard to any uses that may be permitted elsewhere; and

"(B) an applicable law of the United States provides for a right of appeal or waiver from such final decision, and the party seeking redress has applied for, but has been denied, one such appeal or waiver.

The party seeking redress shall not be required to apply for an appeal or waiver described in subparagraph (B) if the prospects of success are reasonably unlikely and intervention by the United States Court of Federal Claims is warranted to decide the merits.".

**SEC. 5. EFFECTIVE DATE.**

The amendments made by this Act shall apply to actions commenced on or after the date of the enactment of this Act.

Ms. LANDRIEU. Mr. President, I am proud to join my colleague from Georgia, Senator COVERDELL, in introducing the Property Owners Access to Justice Act of 1997.

Mr. President, in my view, this bill is particularly aptly named. Justice and fairness are what this bill is all about. Unlike other countries, when this Nation was created, we did so with a contract between the people and the Government. It is not very long, but the freedoms it guarantees are quite profound. Among its provisions is a simple promise from the Government to the people. Private property shall not be taken for public use without just compensation. These very few words included in our Constitution provide one of the strongest defenses we have against arbitrary government. The certainty that our property cannot be expropriated by government without our being compensated, provides the essential infrastructure for America's great economic strength. We could never be the world's largest market without such an assurance.

However, for often well-intentioned reasons, all levels of government have made claims on private property which conflict with the protections of the fifth amendment. Whether through zoning, environmental protections, or claims of eminent domain, people have found their property rights under increasing assault. Unfortunately, not only are their rights under assault, but then they have inadequate protection in our legal system.

We should not be confused as to whom this bill helps. Large corporations and wealthy landowners and developers do not need our help in Congress. They can hire a legion of lawyers and lobbyists to take up their case at city hall, at the statehouse, or even here in Washington. Whether this bill passes or not, their interests will be protected. The people we help with this bill are the small landowners and family farmers who lack the means to expedite the administrative process. It will help first-time home buyers in my State, who are trying to build their first home but have to put their plans on hold because they run into administrative deadlocks.

Our bill will help these people and countless others in two ways. First, it will clarify when a person has exhausted their administrative remedies. Right now, property owners spend countless hours and great expense in fruitless litigation over this subject. Legislation to end this unproductive debate should be welcomed by all parties.

Second, the bill would allow property owners to choose between bringing their claim for relief before Federal or State courts. As it stands, we all possess a fifth amendment right which we have no practical way of enforcing. The Supreme Court has interpreted the fifth amendment as applying to the States under the due process clause of the fourteenth amendment. However, the Federal courts have left it to State courts to adjudicate fifth amendment claims in this area. Only if issues of State law are resolved in the case, may plaintiffs have their constitutional claim heard in Federal court. Working people simply cannot afford a process that would require them to go all the way through the State court system and then into the Federal courts to enforce their constitutional rights.

Mr. President, it is my hope that our colleagues will join this bipartisan effort and take a concrete step to provide real relief to middle class people. We will all benefit by a judicial process that is more equitable and transparent.

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By Mrs. MURRAY:

S. 1205. A bill to amend the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 to clarify that records of arrival or departure are not required to be collected for purposes of the automated entry-exit control system developed under section 110 of such act for Canadians who are not otherwise required to possess a visa, passport, or border crossing identification card; to the Committee on the Judiciary.

### THE ILLEGAL IMMIGRATION ACT CANADIAN EXEMPTION ACT OF 1997

Mrs. MURRAY. Mr. President, today I am introducing legislation to amend a controversial provision in last year's illegal immigration legislation that threatens to stifle legal travel and commerce between the United States and Canada.

Section 110 of the 1996 Immigration Reform Act requires the Immigration and Naturalization Service to develop an automated entry and exit system for the purpose of documenting the entry and departure of every alien entering and leaving the United States. The legislation I am introducing today, will amend the illegal immigration legislation to clarify that records of entry and departure are not required for Canadians. This is consistent with longstanding U.S. policy toward Canadian citizens traveling to the United States.

My constituents are extremely concerned about the onerous implications of section 110. As a frequent visitor to Bellingham and Whatcom County, I hear again and again from the local community about the importance of unimpeded travel between the United States and Canada. I've visited the border crossings at Blaine, WA. At certain times, travel between the United States and Canada is already subject to lengthy delays and traffic back-ups that sometimes exceed 1 mile in length. Section 110 will further complicate border crossings if it is ever instituted on our northern border.

I have been a long proponent of strengthening and promoting the partnership between Washington State and British Columbia, Canada. British Columbia is a billion dollar neighbor for my State, generating jobs and economic activity important to all of Washington. Canadian tourism and commerce is particularly important to Bellingham and northwest Washington where border trade thrives to the benefit of both Americans and Canadians.

This legislative initiative follows up on a late 1996 letter I sent to Attorney General Janet Reno inquiring about section 110. The letter expressed my strong opposition to a border fee or other interpretation of section 110 which would inhibit legal tourism and trade between the United States and Canada. I continue to vigorously oppose nuisance measures that will unduly delay legal border crossings. A border tax is the most obvious nuisance measure however, section 110 if fully implemented will have a potentially disastrous impact on communities in my State.

I do not expect section 110 to ever be applied to Canadians. To do so, would be a phenomenal waste of limited resources. We can't neglect our northern border, but we can certainly be a lot smarter. Exempting Canadians from section 110 is the smart thing, the right thing to do.

I encourage my colleagues to review this important legislation and to join me in supporting the passage of this legislative exemption at the earliest opportunity.

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By Ms. SNOWE (for herself, Mr. JEFFORDS, Ms. MIKULSKI, Mr. ALLARD, Mr. HARKIN, and Mr. GRASSLEY):

S. 1206. A bill to provide for an enumeration of family caregivers as part of the 2000 decennial census of population; to the Committee on Governmental Affairs.

### THE FAMILY CAREGIVERS ACT OF 1997

Ms. SNOWE. Mr. President, I rise today to introduce legislation to highlight the millions of family caregivers across this country, by calling on the Census Bureau to count family caregivers in the Census 2000. This bill is a companion to House legislation introduced by Representative CANADY. I would like to thank Senators JEFFORDS, MIKULSKI, ALLARD, HARKIN, and GRASSLEY for joining me in support of family caregivers by cosponsoring this bill.

As the population of this country ages, more and more Americans have and will assume the role of family caregivers—people who provide noncompensated care for an elderly or disabled family member in their own home. Today, nearly 80 percent of elderly people needing long-term care services are estimated to reside outside the nursing home setting, and many nonelderly people are cared for by a family member as well. In fact, family caregivers provide two-thirds of all home care services in this country.

The decision to care for a loved one who is ill or incapacitated on a full-time basis requires significant personal sacrifice on the caregiver's part. Yet the compassionate services provided by family caregivers to those who are unable to care for themselves is invaluable. Without the contributions of caregivers, immense pressure would be brought to bear on our nursing home and health care systems. Unfortunately, caregivers and their contributions to the Nation's public health system have historically gone unrecognized.

While the issue of family caregivers has obvious policy implications, adequate statistical and survey information is not available to help policymakers address issues concerning these individuals. That is why I am introducing legislation to request that family caregivers be counted by the Census Bureau in the Census 2000. By counting caregivers in the census, we will be able to collect more information about this rapidly-growing group and form policy solutions that will take into account their special needs.

In her book, "Helping Yourself Help Others," former First Lady Rosalynn Carter reminds us that there are only four kinds of people in the world: those who have been caregivers, those who are caregivers, those who will be caregivers, and those who will need caregivers. I urge my colleagues to support this important legislation and to draw attention to the needs of family caregivers.

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By Mrs. BOXER (for herself, Mr. BINGAMAN, Mrs. FEINSTEIN, Mr. DASCHLE, Mr. DORGAN, Mr. HARKIN, Mr. WELLSTONE, Mr. CONRAD, Ms. LANDRIEU, Mr. REED, and Mrs. MURRAY):

S. 1207. A bill to authorize the President to award a Congressional Gold Medal to the family of the late Raul Julia, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

### CONGRESSIONAL GOLD MEDAL LEGISLATION

Mrs. BOXER. Mr. President, I rise today to introduce legislation authorizing the President of the United States to award a Congressional Gold Medal in honor of the late Raul Julia, a remarkable person who touched the lives of millions.

Raul Julia is known to most people as a talented actor who performed in movies and on stage. He excelled in such films as "The Kiss of the Spider Woman," "Presumed Innocent," and "The Eyes of Laura Mars." In his greater love, the theater, he starred in several productions, including the New York Shakespeare Festival's "Macbeth," "Othello," and "The Taming of the Shrew." His brilliant career earned him four Tony Award nominations and a countless number of accolades.

However, Raul Julia was more than just a remarkable actor and entertainer—through his work, he was able to conquer stereotypes unfairly attached to Latin actors and performers. It is clear that the Latino community still suffers discrimination in the entertainment field. Too many times, we see Latinos cast as gang members, drug dealers, and other negative characters.

With his dignified presence and undeniable talent, Raul Julia was able to overcome these stereotypes. He became a role model for Latinos trying to break into the entertainment industry, and today is still an inspiration to Latino and non-Latino alike.

Raul Julia was also a dedicated activist and humanitarian. He was especially concerned with worldwide hunger, in part because of his upbringing in Puerto Rico. In honor of his lifetime of unselfish giving, this legislation will divide profits from the sale of duplicate medals equally between the Raul Julia Hunger Fund and the National Hispanic Foundation for the Arts.

A Congressional Gold Modal is a fitting tribute to the life and work of Raul Julia. I urge my colleagues to support this bill.

I ask unanimous consent that the full text of the bill be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1207

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. FINDINGS.**

The Congress finds that—

(1) Raul Julia was an accomplished, talented performer, entertaining millions through his work in film and theater;

(2) Raul Julia was a leader in the entertainment industry, particularly as a tireless mentor and role model to emerging Latino actors;

(3) a dedicated activist and humanitarian, Raul Julia was a major supporter and spokesperson for the Hunger Fund, a nonprofit organization committed to the eradication of world hunger; and

(4) Raul Julia received the Hispanic Heritage Award recognizing his many career achievements for the Latino community, including his involvement in "La Familia", a New York City outreach program for Latino families in need, the Puerto Rican traveling theater, the Museo del Barrio, and the New York Shakespeare Festival.

**SEC. 2. CONGRESSIONAL GOLD MEDAL.**

(a) PRESENTATION AUTHORIZED.—The President is authorized to present, on behalf of the Congress, to the family of the late Raul Julia a gold medal of appropriate design, in recognition of his dedication to ending world hunger and his great contributions to the Latino community and to the performing arts.

(b) DESIGN AND STRIKING.—For purposes of the presentation referred to in subsection (a), the Secretary of the Treasury (hereafter in this Act referred to as the "Secretary") shall strike a gold medal with suitable emblems, devices, and inscriptions to be determined by the Secretary.

(c) GIFTS AND DONATIONS.—

(1) IN GENERAL.—The Secretary may accept, use, and disburse gifts or donations of property or money to carry out this section.

(2) APPROPRIATION AUTHORIZED.—No amount is authorized to be appropriated to carry out this section.

**SEC. 3. DUPLICATE MEDALS.**

The Secretary may strike and sell duplicates in bronze of the gold medal struck pursuant to section 2 under such regulations as the Secretary may prescribe, at a price sufficient to cover the cost thereof, including labor, materials, dies, use of machinery, and overhead expenses, and the cost of the gold medal.

**SEC. 4. STATUS OF MEDALS.**

The medals struck pursuant to this Act are—

(1) national medals, for purposes of chapter 51 of title 31, United States Code; and

(2) numismatic items, for purposes of section 5134 of title 31, United States Code.

**SEC. 5. TRANSFER OF ANY PROFIT TO LIBRARY OF CONGRESS.**

The Secretary shall transfer in equal amounts from the Numismatic Public Enterprise Fund an amount equal to the amount by which the sum of any gifts and donations received by the Secretary in accordance with section 2(c)(1) and any proceeds from the sale of duplicate medals pursuant to section 3 exceeds the total amount of the costs incurred by the Secretary in carrying out this Act to—

(1) the Raul Julia Ending Hunger Fund; and

(2) the National Hispanic Foundation for the Arts.

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By Mrs. BOXER (for herself and Mrs. MURRAY):

S. 1208. A bill to protect women's reproductive health and constitutional right to choice, and for other purposes; to the Committee on Labor and Human Resources.

### THE FAMILY PLANNING AND CHOICE PROTECTION ACT OF 1997

Mrs. BOXER. Mr. President, I come today to the Senate floor to introduce the Family Planning and Choice Protection Act of 1997, a comprehensive pro-choice, pro-family planning, and pro-women's health bill. The bill is cosponsored in the Senate by Senator MURRAY, and the companion bill was introduced by Representative NITA LOWEY.

This bill has three purposes: to improve family planning programs and services; to strengthen women's right to choose; and to increase research on women's health.

In the past months and years, Congress has curbed women's reproductive rights again and again. We've seen it in the appropriations process, as women in the military and military dependents are prevented from using their own funds to obtain an abortion at military facilities. Similarly, the District of Columbia has been prevented from using local funds to provide abortion services. These are just two examples. Bit by bit, anti-choice legislators are chipping away at women's fundamental right to choose.

Even family planning programs and services have been under attack. In June, the House of Representatives voted to cut off funding for family planning to overseas organizations unless they comply with certain restrictions. These restrictions amount to a global gag rule, prohibiting these organizations from using even non-Federal funds to provide abortion services or advocate to change abortion laws or policies abroad.

The Family Planning and Choice Protection Act of 1997 addresses these attacks. It is a positive statement of what freedom of choice really means. The bill has three parts—family planning, choice protection, and health.

The family planning part does four things. First, it authorizes additional funds for family planning services. Second, it bans gag rules, which have restricted the information health providers can give and women can receive about reproductive health services. Third, it requires all health plans to cover contraceptive services and drugs if they cover other prescription drugs. Fourth, it promotes understanding of emergency contraceptives, which can be used after intercourse to prevent pregnancy.

The part on choice protection has four elements. First and foremost, it takes the basic principles of Roe versus Wade and makes them Federal law. Second, it repeals the many restrictions that Congress has placed on funding of abortions, including services for poor women, women in the military, women in the District of Columbia, and Federal employees. Third, it calls for additional Federal resources to ensure that women and health care providers have safe access to reproductive health clinics, and protection against violence at these clinics. Fourth, it directs the Department of Health and Human Services to ensure that the approval of RU–486 is based on health considerations only—not political decisions.

The third part of the bill focuses on women's health. First, it supports funding for preventive health measures in all 50 States, such as screening for breast and cervical cancer and chlamydia. Second, it calls for funding for more research on contraception and infertility.

The American people overwhelmingly support a woman's right to choose, family planning, and women's health research. Yet there are those in this Congress who are determined to turn the clock back. This bill works to ensure that no American woman will ever have to go back to the days of ignorance, isolation, and injustice. The women of America cannot afford to go back. The Family Planning and Choice Protection Act of 1997 calls on Congress to strengthen women's right to choose and to hold firm against further attacks on this fundamental right.

I am proud to sponsor this important initiative in the Senate, and proud to join Representative LOWEY and groups such as the National Abortion Rights Action League to make this positive statement for women's rights and health.

Mr. President, I ask unanimous consent that the full text of this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1208

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Family Planning and Choice Protection Act of 1997".

**SEC. 2. FINDINGS.**

Congress finds that—

(1) reproductive rights are central to the ability of women to exercise full enjoyment of rights secured to women by Federal and State law;

(2) abortion has been a legal and constitutionally protected medical procedure throughout the United States since 1973 and has become part of mainstream medical practice as is evidenced by the positions of medical institutions including the American Medical Association, the American College of Obstetricians and Gynecologists, the American Medical Women's Association, the American Nurses Association, and the American Public Health Association;

(3) the availability of abortion services is diminishing throughout the United States, as evidenced by—

(A) the fact that 84 percent of counties in the United States have no abortion provider; and

(B) the fact that, between 1982 and 1992, the number of abortion providers decreased in 45 States; and

(4)(A) the Department of Health and Human Services and the Institute of Medicine of the National Academy of Sciences have contributed to the development of a report entitled "Healthy People 2000", which urges that the rate of unintended pregnancy in the United States be reduced by nearly 50 percent by the year 2000;

(B) nearly 60 percent, or approximately 3,100,000, of all pregnancies in the United States each year are unintended, resulting in 1,500,000 abortions in the United States each year; and

(C) the provision of family planning services, including emergency contraception, is a cost-effective way of reducing the number of unintended pregnancies and abortions in the United States; and

(5) at a minimum, Congress must enact legislation establishing or retaining the following policies to preserve the choice and reproductive health of women:

(A) Authorization of family planning programs.

(B) The prohibition of any gag rule on information pertaining to reproductive medical services.

(C) The promotion of equitable treatment and coverage of prescription contraception drugs and devices in the provision of health insurance.

(D) The provision of funding for emergency contraceptive education.

(E) The establishment of breast cancer, cervical cancer, and chlamydia screening programs in all 50 States.

(F) Full implementation of contraceptive and infertility research programs.

(G) Funding through the medicaid program under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) for abortion services.

(H) Protection of women from clinic violence.

(I) Final approval of the drug called Mifepristone or RU-486.

(J) The maintenance of a fundamental right to choose, as stated in the Supreme Court decision in Roe v. Wade, 410 U.S. 113 (1973).

(K) The establishment of the right of the District of Columbia to access locally raised revenue to provide abortion services to low-income women.

(L) The promotion of fairness in insurance.

(M) The establishment of the ability of military personnel overseas to obtain abortion services.

## TITLE I—PREVENTION

### Subtitle A—Family Planning

**SEC. 101. FAMILY PLANNING AMENDMENTS.**

Section 1001(d) of the Public Health Service Act (42 U.S.C. 300(d)) is amended to read as follows:

"(d) For the purpose of making grants and entering into contracts under this section, there are authorized to be appropriated $275,000,000 for fiscal year 1999 and such sums as may be necessary for each of fiscal years 2000 through 2003.".

**SEC. 102. FREEDOM OF FULL DISCLOSURE.**

Title XI of the Civil Rights Act of 1964 (42 U.S.C. 2000h et seq.) is amended by adding at the end the following:

**"SEC. 1107. INFORMATION ABOUT AVAILABILITY OF REPRODUCTIVE HEALTH CARE SERVICES.**

"(a) DEFINITION.—As used in this section, the term 'governmental authority' means any authority of the United States.

"(b) GENERAL AUTHORITY.—Notwithstanding any other provision of law, no governmental authority shall, in or through any program or activity that is administered or assisted by such authority and that provides health care services or information, limit the right of any person to provide, or the right of any person to receive, nonfraudulent information about the availability of reproductive health care services, including family planning, prenatal care, adoption, and abortion services.".

### Subtitle B—Prescription Equity and Contraceptive Coverage

**SEC. 111. FINDINGS.**

Congress finds that—

(1) each year, approximately 3,100,000 pregnancies, or nearly 60 percent of all pregnancies, in this country are unintended;

(2) contraceptive services are part of basic health care, allowing families to both adequately space desired pregnancies and avoid unintended pregnancy;

(3) studies show that contraceptives are cost-effective: for every $1 of public funds invested in family planning, $4 to $14 of public funds is saved in pregnancy and health care-related costs;

(4) by reducing rates of unintended pregnancy, contraceptives help reduce the need for abortion;

(5) unintended pregnancies lead to higher rates of infant mortality, low-birth weight, and maternal morbidity, and threaten the economic viability of families;

(6) the National Commission to Prevent Infant Mortality determined that "infant mortality could be reduced by 10 percent if all women not desiring pregnancy used contraception";

(7) most women in the United States, including two-thirds of women of childbearing age, rely on some form of private employment-related insurance (through either their own employer or a family member's employer) to defray their medical expenses;

(8) the vast majority of private insurers cover prescription drugs, but many exclude coverage for prescription contraceptives;

(9) private insurance provides extremely limited coverage of contraceptives: half of traditional indemnity plans and preferred provider organizations, 20 percent of point-of-service networks, and 7 percent of health maintenance organizations cover no contraceptive methods other than sterilization;

(10) women of reproductive age spend 68 percent more than men on out-of-pocket health care costs, with contraceptives and reproductive health care services accounting for much of the difference;

(11) the lack of contraceptive coverage in health insurance places many effective forms of contraceptives beyond the financial reach of many women, leading to unintended pregnancies; and

(12) the Institute of Medicine Committee on Unintended Pregnancy recently recommended that "financial barriers to contraception be reduced by increasing the proportion of all health insurance policies that cover contraceptive services and supplies".

### SEC. 112. AMENDMENTS TO THE EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974.

(a) In General.—Subpart B of part 7 of subtitle B of title I of the Employee Retirement Income Security Act of 1974 (as added by section 603(a) of the Newborns' and Mothers' Health Protection Act of 1996 and amended by section 702(a) of the Mental Health Parity Act of 1996) is further amended by adding at the end the following new section:

### "SEC. 713. STANDARDS RELATING TO BENEFITS FOR CONTRACEPTIVES.

"(a) Requirements for Coverage.—A group health plan, and a health insurance issuer providing health insurance coverage in connection with a group health plan, may not—

"(1) exclude or restrict benefits for prescription contraceptive drugs or devices approved by the Food and Drug Administration, or generic equivalents approved as substitutable by the Food and Drug Administration, if such plan provides benefits for other outpatient prescription drugs or devices; or

"(2) exclude or restrict benefits for outpatient contraceptive services if such plan provides benefits for other outpatient services provided by a health care professional (referred to in this section as 'outpatient health care services').

"(b) Prohibitions.—A group health plan, and a health insurance issuer providing health insurance coverage in connection with a group health plan, may not—

"(1) deny to an individual eligibility, or continued eligibility, to enroll or to renew coverage under the terms of the plan because of the individual's or enrollee's use or potential use of items or services that are covered in accordance with the requirements of this section;

"(2) provide monetary payments or rebates to a covered individual to encourage such individual to accept less than the minimum protections available under this section;

"(3) penalize or otherwise reduce or limit the reimbursement of a health care professional because such professional prescribed contraceptive drugs or devices, or provided contraceptive services, described in subsection (a), in accordance with this section; or

"(4) provide incentives (monetary or otherwise) to a health care professional to induce such professional to withhold from a covered individual contraceptive drugs or devices, or contraceptive services, described in subsection (a).

"(c) Rules of Construction.—

"(1) In general.—Nothing in this section shall be construed—

"(A) as preventing a group health plan and a health insurance issuer providing health insurance coverage in connection with a group health plan from imposing deductibles, coinsurance, or other cost-sharing or limitations in relation to—

"(i) benefits for contraceptive drugs under the plan, except that such a deductible, coinsurance, or other cost-sharing or limitation for any such drug may not be greater than such a deductible, coinsurance, or cost-sharing or limitation for any outpatient prescription drug otherwise covered under the plan;

"(ii) benefits for contraceptive devices under the plan, except that such a deductible, coinsurance, or other cost-sharing or limitation for any such device may not be greater than such a deductible, coinsurance, or cost-sharing or limitation for any outpatient prescription device otherwise covered under the plan; and

"(iii) benefits for outpatient contraceptive services under the plan, except that such a deductible, coinsurance, or other cost-sharing or limitation for any such service may not be greater than such a deductible, coinsurance, or cost-sharing or limitation for any outpatient health care service otherwise covered under the plan; and

"(B) as requiring a group health plan and a health insurance issuer providing health insurance coverage in connection with a group health plan to cover experimental or investigational contraceptive drugs or devices, or experimental or investigational contraceptive services, described in subsection (a), except to the extent that the plan or issuer provides coverage for other experimental or investigational outpatient prescription drugs or devices, or experimental or investigational outpatient health care services.

"(2) Limitations.—As used in paragraph (1), the term 'limitation' includes—

"(A) in the case of a contraceptive drug or device, restricting the type of health care professionals that may prescribe such drugs or devices, utilization review provisions, and limits on the volume of prescription drugs or devices that may be obtained on the basis of a single consultation with a professional; or

"(B) in the case of an outpatient contraceptive service, restricting the type of health care professionals that may provide such services, utilization review provisions, requirements relating to second opinions prior to the coverage of such services, and requirements relating to preauthorizations prior to the coverage of such services.

"(d) Notice Under Group Health Plan.—The imposition of the requirements of this section shall be treated as a material modification in the terms of the plan described in section 102(a)(1), for purposes of assuring notice of such requirements under the plan, except that the summary description required to be provided under the last sentence of section 104(b)(1) with respect to such modification shall be provided by not later than 60 days after the first day of the first plan year in which such requirements apply.

"(e) Preemption.—Nothing in this section shall be construed to preempt any provision of State law to the extent that such State law establishes, implements, or continues in effect any standard or requirement that provides protections for enrollees that are greater than the protections provided under this section.

"(f) Definition.—In this section, the term 'outpatient contraceptive services' means consultations, examinations, procedures, and medical services, provided on an outpatient basis and related to the use of contraceptive methods (including natural family planning) to prevent an unintended pregnancy.".

(b) Clerical Amendment.—The table of contents in section 1 of such Act, as amended by section 603 of the Newborns' and Mothers' Health Protection Act of 1996 and section 702 of the Mental Health Parity Act of 1996, is amended by inserting after the item relating to section 712 the following new item:

"Sec. 713. Standards relating to benefits for contraceptives.".

(c) Effective Date.—The amendments made by this section shall apply with respect to plan years beginning on or after January 1, 1998.

### SEC. 113. AMENDMENTS TO THE PUBLIC HEALTH SERVICE ACT RELATING TO THE GROUP MARKET.

(a) In General.—Subpart 2 of part A of title XXVII of the Public Health Service Act (as added by section 604(a) of the Newborns' and Mothers' Health Protection Act of 1996 and amended by section 703(a) of the Mental Health Parity Act of 1996) is further amended by adding at the end the following new section:

### "SEC. 2706. STANDARDS RELATING TO BENEFITS FOR CONTRACEPTIVES.

"(a) Requirements for Coverage.—A group health plan, and a health insurance issuer providing health insurance coverage in connection with a group health plan, may not—

"(1) exclude or restrict benefits for prescription contraceptive drugs or devices approved by the Food and Drug Administration, or generic equivalents approved as substitutable by the Food and Drug Administration, if such plan provides benefits for other outpatient prescription drugs or devices; or

"(2) exclude or restrict benefits for outpatient contraceptive services if such plan provides benefits for other outpatient services provided by a health care professional (referred to in this section as 'outpatient health care services').

"(b) Prohibitions.—A group health plan, and a health insurance issuer providing health insurance coverage in connection with a group health plan, may not—

"(1) deny to an individual eligibility, or continued eligibility, to enroll or to renew coverage under the terms of the plan because of the individual's or enrollee's use or potential use of items or services that are covered in accordance with the requirements of this section;

"(2) provide monetary payments or rebates to a covered individual to encourage such individual to accept less than the minimum protections available under this section;

"(3) penalize or otherwise reduce or limit the reimbursement of a health care professional because such professional prescribed contraceptive drugs or devices, or provided contraceptive services, described in subsection (a), in accordance with this section; or

"(4) provide incentives (monetary or otherwise) to a health care professional to induce such professional to withhold from a covered individual contraceptive drugs or devices, or contraceptive services, described in subsection (a).

"(c) Rules of Construction.—

"(1) In general.—Nothing in this section shall be construed—

"(A) as preventing a group health plan and a health insurance issuer providing health insurance coverage in connection with a group health plan from imposing deductibles, coinsurance, or other cost-sharing or limitations in relation to—

"(i) benefits for contraceptive drugs under the plan, except that such a deductible, coinsurance, or other cost-sharing or limitation for any such drug may not be greater than such a deductible, coinsurance, or cost-sharing or limitation for any outpatient prescription drug otherwise covered under the plan;

"(ii) benefits for contraceptive devices under the plan, except that such a deductible, coinsurance, or other cost-sharing or limitation for any such device may not be greater than such a deductible, coinsurance, or cost-sharing or limitation for any outpatient prescription device otherwise covered under the plan; and

"(iii) benefits for outpatient contraceptive services under the plan, except that such a deductible, coinsurance, or other cost-sharing or limitation for any such service may not be greater than such a deductible, coinsurance, or cost-sharing or limitation for any outpatient health care service otherwise covered under the plan; and

"(B) as requiring a group health plan and a health insurance issuer providing health insurance coverage in connection with a group health plan to cover experimental or investigational contraceptive drugs or devices, or experimental or investigational contraceptive services, described in subsection (a), except to the extent that the plan or issuer provides coverage for other experimental or investigational outpatient prescription drugs or devices, or experimental or investigational outpatient health care services.

"(2) Limitations.—As used in paragraph (1), the term 'limitation' includes—

"(A) in the case of a contraceptive drug or device, restricting the type of health care professionals that may prescribe such drugs or devices, utilization review provisions, and limits on the volume of prescription drugs or devices that may be obtained on the basis of a single consultation with a professional; or

"(B) in the case of an outpatient contraceptive service, restricting the type of health care professionals that may provide such services, utilization review provisions, requirements relating to second opinions prior to the coverage of such services, and requirements relating to preauthorizations prior to the coverage of such services.

"(d) Notice.—A group health plan under this part shall comply with the notice requirement under section 713(d) of the Employee Retirement Income Security Act of 1974 with respect to the requirements of this section as if such section applied to such plan.

"(e) Preemption.—Nothing in this section shall be construed to preempt any provision of State law to the extent that such State law establishes, implements, or continues in effect any standard or requirement that provides protections for enrollees that are greater than the protections provided under this section.

"(f) Definition.—In this section, the term 'outpatient contraceptive services' means consultations, examinations, procedures, and medical services, provided on an outpatient basis and related to the use of contraceptive methods (including natural family planning) to prevent an unintended pregnancy.".

(b) Effective Date.—The amendments made by this section shall apply with respect to group health plans for plan years beginning on or after January 1, 1998.

### SEC. 114. AMENDMENT TO THE PUBLIC HEALTH SERVICE ACT RELATING TO THE INDIVIDUAL MARKET.

(a) In General.—Subpart 3 of part B of title XXVII of the Public Health Service Act (as added by section 605(a) of the Newborn's and Mother's Health Protection Act of 1996) is amended by adding at the end the following new section:

### "SEC. 2752. STANDARDS RELATING TO BENEFITS FOR CONTRACEPTIVES.

"The provisions of section 2706 shall apply to health insurance coverage offered by a health insurance issuer in the individual market in the same manner as they apply to health insurance coverage offered by a health insurance issuer in connection with a group health plan in the small or large group market.".

(b) Effective Date.—The amendment made by this section shall apply with respect to health insurance coverage offered, sold, issued, renewed, in effect, or operated in the individual market on or after January 1, 1998.

## Subtitle C—Emergency Contraceptives

### SEC. 121. EMERGENCY CONTRACEPTIVE EDUCATION.

(a) Definition.—In this section:

(1) Emergency contraceptive.—The term "emergency contraceptive" means a drug or device (as the terms are defined in section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321)) that is designed—

(A) to be used after sexual relations; and

(B) to prevent pregnancy, by preventing ovulation, fertilization of an egg, or implantation of an egg in a uterus.

(2) Health care provider.—The term "health care provider" means anyone licensed or certified under State law to provide health care services who is operating within the scope of such license.

(3) Institution of higher education.—The term "institution of higher education" has the meaning given the term in section 1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1141(a)).

(b) Emergency Contraceptive Public Education Program.—

(1) In general.—The Secretary of Health and Human Services, acting through the Director of the Centers for Disease Control, shall develop and disseminate to the public information on emergency contraceptives.

(2) Development and dissemination.—The Secretary may develop and disseminate the information directly or through arrangements with nonprofit organizations, consumer groups, institutions of higher education, Federal, State, or local agencies, and clinics.

(3) Information.—The information shall include, at a minimum, information describing emergency contraceptives, and explaining the use, effects, efficacy, and availability of the contraceptives.

(c) Emergency Contraceptive Information Program for Health Care Providers.—

(1) In general.—The Secretary of Health and Human Services, acting through the Administrator of the Health Resources and Services Administration, shall develop and disseminate to health care providers information on emergency contraceptives.

(2) Information.—The information shall include, at a minimum—

(A) information describing the use, effects, and efficacy and availability of the contraceptives;

(B) a recommendation from the Secretary regarding the use of the contraceptives in appropriate cases; and

(C) information explaining how to obtain copies of the information developed under subsection (b), for distribution to the patients of the providers.

(d) Authorization of Appropriations.—There is authorized to be appropriated to carry out this section $5,000,000 for the period consisting of fiscal years 1999 through 2001.

## TITLE II—RESEARCH

### SEC. 201. PREVENTIVE HEALTH MEASURES REGARDING BREAST AND CERVICAL CANCER AND CHLAMYDIA.

It is the sense of Congress that the programs of grants under section 318 and title XV of the Public Health Service Act (42 U.S.C. 247c and 300k et seq.) should receive a level of funding that is adequate for all States, or entities in all States, as appropriate, to receive grants under such section and title.

### SEC. 202. PROGRAMS REGARDING CONTRACEPTION AND INFERTILITY.

(a) Research Centers.—It is the sense of Congress that the program assisting research centers under section 452A of the Public Health Service Act (42 U.S.C. 285g–5) should receive a level of funding that is adequate for a reasonable number of research centers to be operated under the program.

(b) Loan Repayment Program Regarding Conduct of Research.—It is the sense of Congress that the program of loan-repayment contracts under section 487B of the Public Health Service Act (42 U.S.C 288–2) should receive a level of funding that is adequate for a reasonable number of individuals to conduct research under the program.

## TITLE III—CHOICE PROTECTION

### SEC. 301. FUNDING FOR ABORTION SERVICES.

It is the sense of Congress that Federal and State governments should provide funding for abortion services to women eligible for assistance through the medicaid program carried out under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.), as such services are essential to the health and well-being of women.

### SEC. 302. CLINIC VIOLENCE.

It is the sense of Congress that—

(1) Federal resources are necessary to ensure that women have safe access to reproductive health facilities and that health professionals can deliver services in a secure environment free from violence and threats of force; and

(2) it is necessary and appropriate to use Federal resources to combat the nationwide campaign of violence and harassment against reproductive health centers.

### SEC. 303. APPROVAL OF RU–486.

The Secretary of Health and Human Services shall—

(1) ensure that a decision by the Food and Drug Administration to approve the drug called Mifepristone or RU–486 shall be made only on the basis provided in law; and

(2) assess initiatives by which the Department of Health and Human Services can promote the testing, licensing, and manufacturing in the United States of the drug or other antiprogestins.

### SEC. 304. FREEDOM OF CHOICE.

(a) Findings.—Congress finds the following:

(1) The 1973 Supreme Court decision in Roe v. Wade, 410 U.S. 113 (1973) established constitutionally based limits on the power of States to restrict the right of a woman to choose to terminate a pregnancy. Under the strict scrutiny standard enunciated in the Roe v. Wade decision, States were required to demonstrate that laws restricting the right of a woman to choose to terminate a pregnancy were the least restrictive means available to achieve a compelling State interest. Since 1989, the Supreme Court has no longer applied the strict scrutiny standard in reviewing challenges to the constitutionality of State laws restricting such rights.

(2) As a result of the recent modification by the Supreme Court of the strict scrutiny standard enunciated in the Roe v. Wade decision, certain States have restricted the right of women to choose to terminate a pregnancy or to utilize some forms of contraception, and the restrictions operate cumulatively to—

(A)(i) increase the number of illegal or medically less safe abortions, often resulting in physical impairment, loss of reproductive capacity, or death to the women involved;

(ii) burden interstate and international commerce by forcing women to travel from States in which legal barriers render contraception or abortion unavailable or unsafe to other States or foreign nations;

(iii) interfere with freedom of travel between and among the various States;

(iv) burden the medical and economic resources of States that continue to provide women with access to safe and legal abortion; and

(v) interfere with the ability of medical professionals to provide health services;

(B) obstruct access to and use of contraceptive and other medical techniques that are part of interstate and international commerce;

(C) discriminate between women who are able to afford interstate and international travel and women who are not, a disproportionate number of whom belong to racial or ethnic minorities; and

(D) infringe on the ability of women to exercise full enjoyment of rights secured to the women by Federal and State law, both statutory and constitutional.

(3) Although Congress may not by legislation create constitutional rights, Congress may, where authorized by a constitutional provision enumerating the powers of Congress and not prohibited by a constitutional provision, enact legislation to create and secure statutory rights in areas of legitimate national concern.

(4) Congress has the affirmative power under section 8 of article I of the Constitution and under section 5 of the 14th amendment to the Constitution to enact legislation to prohibit State interference with interstate commerce, liberty, or equal protection of the laws.

(b) PURPOSE.—The purpose of this section is to establish, as a statutory matter, limitations on the power of a State to restrict the freedom of a woman to terminate a pregnancy in order to achieve the same limitations as were provided, as a constitutional matter, under the strict scrutiny standard of review enunciated in the Roe v. Wade decision and applied in subsequent cases from 1973 through 1988.

(c) DEFINITION.—As used in this section, the term "State" includes the District of Columbia, the Commonwealth of Puerto Rico, and each other territory or possession of the United States.

(d) GENERAL AUTHORITY.—A State—

(1) may not restrict the freedom of a woman to choose whether or not to terminate a pregnancy before fetal viability;

(2) may restrict the freedom of a woman to choose whether or not to terminate a pregnancy after fetal viability unless such a termination is necessary to preserve the life or health of the woman; and

(3) may impose requirements on the performance of abortion procedures if such requirements are medically necessary to protect the health of women undergoing such procedures.

(e) RULES OF CONSTRUCTION.—Nothing in this section shall be construed to—

(1) prevent a State from protecting unwilling individuals or private health care institutions from being required to participate in the performance of abortions to which the individuals or institutions are conscientiously opposed;

(2) prevent a State from declining to pay for the performance of abortions; or

(3) prevent a State from requiring a minor to involve a parent, guardian, or other responsible adult before terminating a pregnancy.

### SEC. 305. FAIRNESS IN INSURANCE.

Notwithstanding any other provision of law, no Federal law shall be construed to prohibit a health plan from offering coverage for the full range of reproductive health care services, including abortion services.

### SEC. 306. REPRODUCTIVE RIGHTS OF WOMEN IN THE MILITARY.

Section 1093 of title 10, United States Code, is amended—

(1) in subsection (a), by inserting before the period the following: "or in a case in which the pregnancy involved is the result of an act of rape or incest or the abortion involved is medically necessary or appropriate";

(2) by striking subsection (b) (as added by section 738 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat. 383)); and

(3) by adding at the end the following:

"(b) ABORTIONS IN FACILITIES OVERSEAS.—Subsection (a) does not limit the performing of an abortion in a facility of the uniformed services located outside the 48 contiguous States of the United States if—

"(1) the cost of performing the abortion is fully paid from a source or sources other than funds available to the Department of Defense;

"(2) abortions are not prohibited by the laws of the jurisdiction where the facility is located; and

"(3) the abortion would otherwise be permitted under the laws applicable to the provision of health care to members and former members of the uniformed services and their dependents in such facility.".

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By Mr. KENNEDY (for himself, Mr. DODD, and Mr. KERRY):

S. 1209. A bill improving teacher preparation and recruitment; to the Committee on Labor and Human Resources.

### THE HIGHER EDUCATION ACT TITLE V REAUTHORIZATION ACT OF 1997

Mr. KENNEDY. Mr. President, I am honored to introduce President Clinton's proposal for the reauthorization of title V of the Higher Education Act. The goal of this important legislation is to improve the quality of teacher preparation programs and to bring more qualified teachers into America's classrooms, particularly in the areas of highest need.

Investing in teachers is an investment in the Nation's children and its future. The Nation is clearly committed to the highest quality training for our doctors, engineers, and attorneys, both in their initial training and in subsequent professional development opportunities. President Clinton is right to ask us to make that same commitment to the training of teachers who are charged with educating the Nation's most precious resource—our children. Not since the Teacher Corps initiatives of the 1970's has the Federal Government given such high priority to teaching and teachers. Through inaction, the Nation has tacitly condoned low standards in too many schools, particularly in urban and rural areas. Through inaction, we have left too many of these schools understaffed and unsupported. We must recognize the urgency of this situation and act now.

In other initiatives, we are already asking teachers to ensure that children meet high standards, but we are not asking whether teachers are ready to meet this challenge. Because of the shortage of teachers, many educators are forced to teach subjects outside their certification area. This shortage is especially serious in communities with high concentrations of students from low-income families. Annually, more than 50,000 underprepared teachers enter the classroom. One in four new teachers do not fully meet State certification requirements, and 12 percent of new hires have had not teacher training at all. Students in inner-city schools have only a 50-percent chance of being taught by a qualified science or math teacher. In Massachusetts, 30 percent of teachers in high-poverty schools do not even have a minor degree in their field.

This gap is unacceptable. Teachers must have a strong knowledge base in their subject area, so that they can motivate young learners and teach strong basic skills. Teachers must be comfortable with topics, so that they encourage extended thinking and questioning on issues. Teachers must also have opportunities to improve their own skills, learn how to integrate technology, and employ strategies that encourage all students to achieve.

Clearly, we must invest in better teacher preparation, do all we can to ensure that all of our schools are fully staffed with qualified teachers. We must attract the best and the brightest new teachers to adequately prepare students to compete in the global marketplace. During the next decade, because of rising student enrollment and massive teacher retirement, the Nation will need over 2 million new teachers. But teacher preparation programs are currently producing between 100,000 and 150,000 new teachers a year, leaving the system with an annual deficit of at least 50,000 teachers, particularly in underserved, high-poverty schools.

The Federal Government, through the Eisenhower Professional Development Program, already invests in upgrading the skills of current teachers, but the investment is far from sufficient. In addition, we must invest in the front end of teacher training, to ensure that the Nation's children are taught by highly qualified, well informed teachers. The President's proposal will help improve teacher preparation and bring well-qualified teachers into more classrooms.

The legislation addresses these issues by encouraging strong partnerships among institutions of higher education with exemplary teacher preparation programs, other institutions that want to improve their programs, and the school districts that they serve. The program would be authorized at $67 million for fiscal year 1999. A Lighthouse Partnership Program will identify lead institutions from the variety of successful teacher preparation programs that now exist. These programs provide aspiring teachers with the newest information about the best classroom practices, and give them the concrete clinical experiences they need to develop the skills to help students achieve high standards.

State and local education agencies, community colleges, and other professional groups will participate as partner institutions. The lead institutions will demonstrate their strength in cutting-edge, clinically based teacher preparation and course content. They must also demonstrate that they are committed to strong ongoing cooperation with school districts that serve needy families in rural and urban America.

A second major part of the President's proposal focuses on recruiting the best and the brightest teachers to serve in needy school districts. It supports partnerships between teacher preparation institutions and local education agencies that provide scholarships and other assistance to students who complete teacher preparation programs and agree to teach in targeted underserved areas for at least 3 years.

President Clinton's proposal is far-reaching, and it discusses broad bipartisan support. The United States is in urgent need of creating and maintaining a stronger supply of world-class teachers. These wise investments will provide high-quality opportunities today to the teachers who will be teaching the Nation's children tomorrow. I look forward to working with my colleagues on both sides of the aisle to enact this major teacher recruitment and training proposal.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1209

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

TITLE V—EDUCATOR RECRUITMENT, PREPARATION, AND INDUCTION

Sec. 501. Findings.
Sec. 502. Purpose.
Sec. 503. Authorization of appropriations.

PART A—LIGHTHOUSE PARTNERSHIPS

Sec. 511. Definitions.
Sec. 512. Grants to Lighthouse Partnerships.
Sec. 513. Preapplications and applications.
Sec. 514. Uses of funds.
Sec. 515. Selection of applications.
Sec. 516. Evaluation.
Sec. 517. National activities.

PART B—RECRUITING NEW TEACHERS FOR UNDERSERVED AREAS

Sec. 521. Program authorized.
Sec. 522. Definitions.
Sec. 523. Grant conditions.
Sec. 524. Grant applications.
Sec. 525. Uses of funds.
Sec. 526. Selection of applicants.
Sec. 527. Duration and amount of assistance; relation to other assistance.
Sec. 528. Scholarship conditions.
Sec. 529. Service requirements.
Sec. 530. Evaluation.
Sec. 531. National activities.

“TITLE V—EDUCATOR RECRUITMENT, PREPARATION, AND INDUCTION

“FINDINGS

“SEC. 501. The Congress finds as follows:

“(1) What teachers know and can do has a critical impact on student achievement, yet too often prospective teachers are not receiving the initial preparation they need in order to teach children from diverse backgrounds to challenging standards.

“(2) A number of elementary and secondary schools throughout the United States are implementing educational reform strategies that are research-based, have records of demonstrated effectiveness in enabling students to achieve to high State or local standards, are replicable in diverse and challenging circumstances, and are supported by networks of researchers and experienced practitioners. Yet preparation to implement these strategies is not generally a central component of initial teacher preparation.

“(3) Institutions of higher education that provide teachers for urban and rural schools that enroll concentrations of children from low-income families often have the greatest need to restructure their teacher preparation programs because the teachers they graduate will face the greatest classroom challenges.

“(4) Improvement of teacher preparation in mathematics and reading represents a particular challenge for American education. For example, most future elementary and middle-school mathematics teachers take no more than one or two college-level mathematics courses, and these courses are not designed for prospective teachers and do not cover the mathematics content that elementary and middle-school teachers should teach to enable students to meet challenging mathematics standards. In reading, most teacher preparation programs have not incorporated the large body of research on effective reading instruction.

“(5) If current trends continue, American schools will need to hire more than two million teachers in the next decade to educate an increasing number of students and to replace current teachers who will retire or leave the profession. High-poverty urban and rural schools will experience the most severe teacher shortages. Of the more than two million teachers needed, approximately 15 percent, or 345,000, will be needed in central cities, in schools with large concentrations of low-income students. An additional 207,000 teachers will be needed in isolated, and often poor, rural areas. Recent trends in the number of people preparing to enter teaching indicate that the normal operation of the labor market, by itself, will not produce the number of qualified teachers schools will need.

“(6) Schools are already having trouble recruiting qualified teachers. Nearly three-quarters of physical science students and one-third of English students in high-poverty schools take classes with teachers who lack even a college minor in their field. The National Commission on Teaching and America's Future found that 50,000 uncertified individuals annually enter teaching because schools, frequently those in urban and rural areas with large concentrations of children from low-income families, cannot find all the certified teachers they need.

“(7) Teaching excellence and diversity are inextricably connected. By bringing distinctive life experiences and perspectives into the classroom, enriching the instructional curriculum and the school climate, and strengthening connections to parents and communities, teachers from diverse racial and ethnic groups, and those with disabilities, enhance the quality of American education. Yet today, while one-third of American students are members of minority groups, members of racial and ethnic minority groups make up only 13 percent of the teaching force and nearly half the school districts in the Nation have no minority teachers. In addition, few individuals with disabilities are teaching in American classrooms.

“(8) The Federal Government, by itself, cannot ensure needed improvements in teacher preparation or solve the problem of teacher shortages. However, the Government can make limited, targeted investments that—

“(A) encourage more institutions of higher education that operate teacher preparation programs, working in partnership with local educational agencies and States, to adopt the practices and strategies of the best programs;

“(B) encourage a more diverse mix of Americans to enter teaching and complete high-quality preparation programs; and

“(C) encourage more Americans to serve as teachers in underserved communities.

“PURPOSE

“SEC. 502. The purpose of this title is to help meet the national need to recruit, prepare, and retain a high-quality and diverse supply of elementary and secondary education teachers, and to help meet the needs of schools in urban and rural areas with concentrations of children from low-income families, by—

“(1) authorizing support for partnerships among institutions of higher education that operate exemplary teacher preparation programs, other institutions of higher education seeking to improve their programs, public elementary and secondary schools, and States, in order to improve the quality of the initial preparation of teachers for high-poverty communities;

“(2) authorizing support for partnerships to increase the number and diversity of students who enter teacher education programs and complete high-quality preparation programs, and to increase the quality of teaching in underserved urban and rural communities; and

“(3) encouraging, through such partnerships, the creation of a more diverse teaching force, through the recruitment and preparation of minority individuals, including language minority individuals, and individuals with disabilities, to enter teaching.

“AUTHORIZATION OF APPROPRIATIONS

“SEC. 503. (a) AUTHORIZATION FOR PARTS A AND B.—There are authorized to be appropriated—

“(1) $30,000,000 for fiscal year 1999 and such sums as may be necessary for each of the four succeeding fiscal years to carry out the program of Lighthouse Partnerships under part A; and

“(2) $37,000,000 for fiscal year 1999 and such sums as may be necessary for each of the four succeeding fiscal years to carry out the program of Recruiting New Teachers for Underserved Areas under part B.

“(b) TRANSITION.—Notwithstanding any other provision of law, the Secretary may use funds appropriated under subsection (a) to make continuation awards for projects that were funded under subpart 2 of part E of title V of this Act, as in effect prior to enactment of [inset name of reauthorization Act].

### "PART A—LIGHTHOUSE PARTNERSHIPS

### "DEFINTIONS

"SEC. 511. As used in this part, the following terms have the following meanings:

"(1)(A) The term 'lead institution' means an institution of higher education that—

"(i) operates an exemplary teacher preparation program of significant size in one or more areas of teacher preparation, which may include the preparation of principals and other educational administrators;

"(ii) desires to assist other institutions of higher education in improving their programs and to serve as a national model for effective teacher preparation; and

"(iii) places a significant percentage of its teacher preparation graduates in teaching positions in urban and rural communities with concentrations of children from low-income families.

"(B) A lead institution may participate in a consortium with one or more two-year colleges with which it has articulation agreements relating to teacher preparation.

"(2) The term 'lighthouse partnership' means a partnership of a lead institution, partner institutions, and State and local educational agencies, that is dedicated to improving the quality of teacher preparation programs. Within each partnership, the lead institution shall act as the fiscal agent for the grant.

"(3) The term 'local educational agency' has the meaning given that term in section 14101(18) of the Elementary and Secondary Education Act of 1965.

"(4) The term 'partner institution' means an institution of higher education that—

"(A) prepares teachers for their initial entry into the teaching profession;

"(B) desires to improve its program with assistance from a lead institution; and

"(C) prepares teachers for teaching positions in urban and rural communities with concentrations of children from low-income families.

"(5) The term 'teacher preparation program' means a program operated by an institution of higher education that prepares students to obtain initial teacher licensure and to teach in elementary and second schools. Such a program may also prepare students to become preschool teachers if the institution serves a State or school districts in which preschool education is provided as free, public education.

### "GRANTS TO LIGHTHOUSE PARTNERSHIPS

"SEC. 512. (a) GRANTS AUTHORIZED.—(1) From funds appropriated under section 503(a)(1) for this part for each fiscal year, the Secretary shall make competitive grants to lighthouse partnerships.

"(2) Each grant under paragraph (1) shall be for a period not to exceed five years.

"(3) The Secretary shall—

"(A) make continuation awards, for the second and succeeding years, only after determining that the partnership is making satisfactory progress in carrying out the grant; and

"(B) conduct an intensive review of the partnership's progress, with the assistance of outside experts, before making the continuation award for the fourth year of the grant.

"(b) LIMITATION.—No partnership may receive more than two grants under this part.

### "PREAPPLICATIONS AND APPLICATIONS

"SEC. 513. (a) PREAPPLICATIONS.—Each lead institution that wishes to participate in a lighthouse partnership that will apply for a grant under this part shall submit a preapplication to the Secretary at such time, in such manner, and containing such information as the Secretary may require, except that the lead institution need not identify the other members of the partnership until it submits an application under subsection (b). The Secretary shall use a peer review process to review these preapplications.

"(b) APPLICATIONS REQUIRED.—Any lighthouse partnership desiring to receive a grant under this part shall submit an application to the Secretary at such time, in such form, and containing such information as the Secretary may require.

"(c) CONTENTS.—Each application shall include—

"(1) a description of the teacher preparation program operated by the lead institution, including information on the curriculum, the faculty, and the number and characteristics of students served;

"(2) evidence of the quality of the institution's teacher preparation program, covering—

"(A) the extent to which the institution provides a coherent program that—

"(i) reflects the best of what is known, from research and practice;

"(ii) prepares teachers to implement research-based instructional programs of demonstrated effectiveness and to teach their students, particularly those in high-poverty schools, to high State and local content standards; and

"(iii) reflects high standards for teaching, such as the standards of the National Board for Professional Teaching Standards, and for teacher education;

"(B) the commitment of the institution to its program of teacher preparation;

"(C) the connections between the institution's teacher preparation program and its departments or schools of arts and sciences, to ensure the integration of pedagogy and content in teacher preparation;

"(D) the extent to which the institution operates a clinically based teacher preparation program, particularly in high-poverty schools, through which prospective teachers participate in intensive, structured clinical experiences, with extensive faculty involvement, throughout their preservice education, and the extent to which those experiences are integrated into the curriculum;

"(E) the extent to which the institution's program offers continuous assistance to its graduates during their initial years in the classroom;

"(F) the extent to which the institution's program meets the needs of, and has strong connections with, elementary and secondary education (particularly with urban and rural schools and school systems that serve concentrations of students from low-income families and with the education reforms under way in the institution's State), which may include the involvement of elementary and secondary educators in the continuing development, improvement, and implementation of the teacher preparation program;

"(G) the success of the institution in preparing teachers to teach individuals from diverse populations effectively;

"(H) the extent to which the institution is preparing teachers to use technology to teach children to high standards;

"(I) the record of the institution's teacher preparation program in attracting and graduating a diverse student body (including the recruitment and enrollment of individuals with disabilities);

"(J) the procedures the institution uses to measure the quality of its teacher preparation program (including the extent to which graduates improve their subject matter knowledge and teaching ability as a result of their participation in the program) and to improve its program, using information generated through those procedures;

"(K) the success of the program in graduating students who are fully qualified to teach to high standards in the State or region served by the institution;

"(L) the quality of the program's graduates, as documented through such evidence as the graduates' record of obtaining (and retaining) teaching positions and the opinions of school district officials, in the State or region, of the quality of those graduates;

"(M) if applicable, the quality of the institution's program for the preparation of school principals and other school administrators, and of the success of that program; and

"(N) involvement and leadership of the institution in national, regional, and State efforts to improve teacher education and licensure;

"(3) evidence of the extent to which—

"(A) graduates have taken teaching positions in urban and rural schools in communities with concentrations of students from low-income families; and

"(B) the institution recruits and serves students (such as education paraprofessionals) from those communities;

"(4) evidence of the experience of the lead institution in creating or participating in networks with other institutions to improve the quality of teacher preparation programs;

"(5) a description of how the partnership will operate a program under this part, including—

"(A) a description of the governance structure that the partnership will establish (through a written partnership agreement) for the grant, which shall include the active involvement of high-level administrators of the lead institution and representatives of—

"(i) both the teacher preparation program and the school or department of arts and sciences in the lead institution;

"(ii) the partner institutions involved with the grant;

"(iii) local educational agencies (including teachers and other school-level officials) served by the lead institution and one or more of the partner institutions; and

"(iv) State officials with authority over teacher licensure and teacher preparation in the States in which the lead institution and one or more of the partner institutions are located;

"(B) a description of how the partnership will fully engage local educational agencies in the activities carried out under the grant, including how the partnership will use grant funds to address the teacher training needs of the local educational agencies that are members of the partnership, consistent with section 514;

"(C) a description of how the activities undertaken with the grant will support, and be integrated with, the educational reforms under way in the States of the lead and the partner institutions, including a description of plans for coordinating activities carried out under the grant with activities carried out under other Federal or State professional development programs or activities designed to improve pre-service and in-service teacher training; and

"(D) a description of—

"(i) the measurable goals the partnership expects to achieve through the grant, including—

"(I) goals for improvements in the teacher preparation programs of the partner institutions;

"(II) goals for improvements in the quality, and increases in the number, of the graduates of teacher preparation programs operated by members of the partnership who take teaching positions in high-poverty schools of the local educational agencies in the partnership;

"(III) goals for meeting the teacher preparation needs of the local educational agencies in the partnership, in order to improve student achievement; and

"(IV) such other goals, consistent with the purposes of this part, as the partnership may select;

"(ii) how the partnership will achieve the goal of increased diversity among its teacher preparation graduates; and

"(iii) how the partnership will determine whether it is meeting the goals described in clauses (i) and (ii); and

"(6) a description of the partnership's plan for institutionalizing the activities it is carrying out under this part, so that those activities will continue once Federal funding ceases.

### "USES OF FUNDS

"Sec. 514. (a) Required Activities.—In order to increase the quality and number of teachers it is preparing for positions in urban and rural areas with concentrations of low-income families, and to increase the diversity of elementary and secondary teachers, each partnership selected to receive a grant under this part shall use the grant funds for each of the following purposes:

"(1) Further development, refinement, assessment of, and dissemination of information on, the teacher preparation programs operated by the lead institution, including activities that document, for other institutions nationally and for policymakers, effective practices in teacher preparation and that produce curricular and other materials for use by other institutions preparing teachers.

"(2) Technical assistance by the lead institution to the partner institutions in improving the partner institutions' teacher preparation programs (and, if applicable, their principal and other administrator preparation programs), based on the experience of the lead institution and the particular needs of the partners.

"(3) Making subgrants to the partner institutions for implementation of program improvements at those institutions, through adoption or adaptation of the teacher preparation practices of the lead institution, to meet the needs of the high-poverty schools in the urban and rural communities they serve. Each partnership shall use at least 40 percent of its grant for this purpose.

"(4) Joint activities with the local educational agencies in the partnership, and with other local educational agencies, that increase the involvement of classroom teachers and school administrators in the design and implementation of teacher preparation programs operated by the lead and partner institutions (and thereby make those programs more responsive to the needs of teachers and administrators), and other activities to improve teaching and administration, and to support new teachers, in the high-poverty schools of those local educational agencies.

"(5) Cooperation and interaction with other lighthouse partnerships and with other institutions, organizations, and public agencies, on activities aimed at the improvement of teacher preparation nationally, including improvement of teacher licensure and relicensure requirements.

"(6) Assessment of the effectiveness of the activities carried out under the grant, including the extent to which the partnership is achieving its goals under section 513(c)(5)(D).

"(b) Optional Activities.—Each partnership selected to receive a grant under this part may also use the grant funds for joint activities with States that promote the development and implementation of State policies to facilitate the improvement of teacher preparation programs (and, if applicable, principal and other administrator preparation programs) within the States, as a component of comprehensive education reforms.

### "SELECTION OF APPLICATIONS

"Sec. 515. (a) Peer Review.—The Secretary shall, using a peer review process, select applicants to receive grants under this part on the basis of—

"(1) the quality of the teacher preparation program operated by the lead institution in a proposed partnership;

"(2) the quality of the partnership's plan for carrying out activities under the grant; and

"(3) the capacity of the lead institution and its partners to carry out the proposed activities successfully.

"(b) Criteria.—(1) In selecting grantees under this part, the Secretary shall seek to ensure that—

"(A) lighthouse partnerships represent a variety of approaches to teacher preparation;

"(B) lead institutions represent a variety of institutions of higher education; and

"(C) there is an equitable geographic distribution of awards.

"(2) In addition to complying with paragraph (1), the Secretary shall give special consideration to applications for—

"(A) projects that are likely to have the most significant impact on the quality of teaching in high-poverty urban and rural schools;

"(B) projects that are likely to result in improvement of teacher preparation in the areas of mathematics and reading; and

"(C) projects that are likely to prepare a significant number of minority individuals, including language minority individuals, and individuals with disabilities to be effective teachers.

"(c) Second Five-Year Grants.—In selecting grantees to receive second grants under this part, the Secretary shall give a preference to applicants whose projects have resulted in—

"(1) the placement and retention of a substantial number of high-quality graduates in teaching positions in underserved, high-poverty schools;

"(2) the adoption of effective teacher preparation programs, particularly those meeting the needs of high-poverty urban and rural ares, by the partner institutions; and

"(3) effective partnerships with elementary and secondary schools that are supporting improvements in student achievement.

### "EVALUATION

"Sec. 516. The Secretary shall provide for an evaluation of the program carried out under this part, including an assessment of such issues as—

"(1) the extent to which the activities carried out through Lighthouse Partnership grants result in significant and positive changes in the teacher preparation programs operated by partner institutions, as well as improvements in the programs operated by lead institutions, that are likely to lead to improvements in teaching and learning;

"(2) the extent to which lighthouse Partnership grants enhance the effectiveness, including the technological proficiency, and the diversity, of students completing teacher preparation programs in the institutions of higher education participating in the grants; and

"(3) the involvement of elementary and secondary schools and school districts serving concentrations of children from low-income families in the activities carried out under this part, and the extent to which those activities result in benefits to those schools and districts, including information on the extent to which involvement in the grants improves the instructional programs and the educational outcomes for students in those schools and districts.

### "NATIONAL ACTIVITIES

"Sec. 517. The Secretary may reserve up to 5 percent of the funds appropriated to carry out this part for any fiscal year for—

"(1) peer review of applications;

"(2) evaluation of the program under section 516, and measurement of its effectiveness in accordance with the Government Performance and Results Act of 1993;

"(3) conferences and networks of lighthouse partnerships, and other entities, in order to facilitate the exchange of information and ideas among the participating partnerships and other institutions, agencies, and individuals, including recipients of funds under part B of this title, who are interested in the improvement of teacher preparation and parallel improvements in principal and administrator preparation; and

"(4) technical assistance and other activities to enhance the success of the program carried out under this part or of teacher education more generally.

## "Part B—Recruiting New Teachers for Underserved Areas

### "PROGRAM AUTHORIZED

"Sec. 521. From funds appropriated to carry out this part under section 503(a)(2) for each fiscal year, the Secretary shall make competitive grants to eligible applicants for programs that—

"(1) provide scholarships and, as necessary, support services for students with high potential to become effective teachers, particularly minority students, including language minority students, and students with disabilities, seeking to complete teacher preparation programs;

"(2) increase the quality and number of new teachers nationally; and

"(3) increase the ability of schools in underserved areas to recruit a qualified teaching staff.

### "DEFINITIONS

"Sec. 522. As used in this part, the following terms have the following meanings:

"(1)(A) The term 'eligible applicant' means a partnership of—

"(i) an institution of higher education that grants baccalaureate degrees and prepares teachers for their initial entry into the teaching profession; and

"(ii) one or more local educational agencies that are in underserved areas.

"(B) Such a partnership may also include—

"(i) two-year colleges that operate teacher preparation programs and maintain articulation agreements, with the baccalaureate-granting institution, for the transfer of credits in teacher preparation;

"(ii) State agencies that have responsibility for policies related to teacher preparation and licensure; and

"(iii) other public and private, nonprofit agencies and organizations that serve, or are located in, communities served by the local educational agencies in the partnership, and that have an interest in teacher recruitment, preparation, and induction.

"(2) The term 'local educational agency' has the meaning given that term in section 14101(18) of the Elementary and Secondary Education Act of 1965.

"(3) The term 'support service' includes—

"(A) academic advice and counseling;

"(B) tutorial services;

"(C) mentoring; and

"(D) child care and transportation, if funding for those services cannot be arranged from other sources; and

"(4) The term 'underserved area' means—

"(A) the three local educational agencies in the State that have the highest numbers of children, ages 5 through 17, from families below the poverty level (based on data satisfactory to the Secretary); and

"(B) any other local educational agency in which the percentage of such children is at least 20 percent, or the number of such children is at least 10,000.

### "GRANT CONDITIONS

"SEC. 523. (a) GRANTS AUTHORIZED.—(1)(A) The Secretary shall carry out this part by making competitive grants to eligible applicants.

"(B) Each grant under subparagraph (A) shall be for a period not to exceed five years.

"(2) The Secretary shall—

"(A) make continuation awards, for the second and succeeding years, only after determining that the grantee is making satisfactory progress in carrying out the grant; and

"(B) conduct an intensive review of the grantee's progress, with the assistance of outside experts, before making the award for the fourth year of the grant.

"(3) No partnership may receive more than two grants under this subsection.

"(b) MATCHING REQUIREMENT.—(1) The Federal share of the cost of activities carried out under a grant made under subsection (a) shall not exceed—

"(A) 90 percent of the cost in the first year of the grant;

"(B) 80 percent in the second year;

"(C) 70 percent in the third year;

"(D) 60 percent in the fourth year; and

"(E) 50 percent in the fifth year and any succeeding year (including each year of the second grant, if any).

"(2) The non-Federal share of activities carried out with a grant under subsection (a) may be provided in cash or in kind, fairly evaluated, and may be obtained from any non-Federal public or private source.

"(c) PLANNING GRANTS.—(1) The Secretary may make planning grants to eligible applicants that are not yet ready to implement programs under subsection (a).

"(2) Each planning grant shall be for a period of not more than one year, which shall be in addition to the period of any grant under subsection (a).

"(3) Any recipient of a planning grant under this subsection that wishes to receive a grant under subsection (a)(1) shall separately apply for a competitive grant under that subsection.

### "GRANT APPLICATIONS

"SEC. 524. (a) APPLICATIONS REQUIRED.—Any eligible applicant desiring to receive a grant under this part shall submit an application at such time, in such form, and containing such information as the Secretary may require.

"(b) APPLICATION CONTENTS.—Each application for a grant under section 523(a) shall include—

"(1) a designation of the institution or agency, within the partnership, that will serve as the fiscal agent for the grant;

"(2) information on the quality of the institution's teacher preparation program, which may include the types of information described in section 513(c)(2), and how the applicant will ensure, through improvements in its teacher preparation practices or other appropriate strategies, that scholarship recipients will receive high-quality preparation;

"(3) a description of the assessment the institution, the local educational agency partners, and other partners have undertaken—

"(A) to determine—

"(i) the most critical needs of the local educational agencies, particularly the needs of schools in high-poverty areas, for new teachers (which may include teachers in particular subject areas or at certain grade levels, including the prekindergarten level, minority teachers, and teachers who are disabled who will contribute to the diversity of the local educational agency's teachers, or teachers who are fluent in languages spoken by students in the local educational agency); and

"(ii) how the project carried out under the grant will address those needs; and

"(B) that reflects the input of all significant entities in the community (including organizations representing teachers and parents) that have an interest in teacher recruitment, preparation, and induction;

"(4) a description of the project the applicant will carry out with the grant, including information on—

"(A) the recruitment and outreach efforts the applicant will undertake to publicize the availability of scholarships and other assistance under the program;

"(B)(i) the number and types of students that the applicant will serve under the program, which may include education paraprofessionals seeking to achieve full teacher certification; teachers whom the partner local educational agencies have hired under 'emergency certification' procedures; or former military personnel, mid-career professionals, or AmeriCorps or Peace Corps volunteers, who desire to enter teaching; and

"(ii) the criteria that the applicant will use in selecting those students, including criteria to determine whether individuals have the capacity to benefit from the program, complete teacher certification requirements, and become effective teachers;

"(C) the activities the applicant will carry out under the grant, including a description of, and justification for, any support services the institution will offer to participating students;

"(D) the number and funding range of the scholarships the institution will provide to students; and

"(E) the procedures the institution will establish for entering into, and enforcing, agreements with scholarship recipients regarding their fulfillment of the service commitment described in section 529;

"(5) a description of how the institution will use funds provided under the grant only to increase the number of students with high potential to be effective teachers, participating in its teacher preparation programs, or in the particular type or types of preparation programs that the grant would support, or to increase the number of their graduates with high potential to be effective teachers who are minority individuals, including language minority individuals, or individuals with disabilities;

"(7) a description of commitments, by the partner local educational agencies, to hire qualified scholarship recipients in their schools and in the subject areas or grade levels for which the recipients will be trained, and description of the actions the grantee institution, the local educational agencies, and the other partners will take to facilitate the successful transition of those recipients into teaching; and

"(8) a description of the applicant's plan for institutionalizing the activities it is carrying out under this part, so that those activities will continue once Federal funding ceases.

### "USES OF FUNDS

"SEC. 525. IN GENERAL.—Each grantee under section 523 (a) shall use the grant funds for the following:

"(1) Scholarships to help students pay the costs of tuition, room, board, and other expenses of completing a teacher preparation program.

"(2) Support services, if needed to enable scholarship recipients to complete postsecondary education programs.

"(3) Follow-up services provided to former schoalrship recipients during their first three years of teaching.

"(4) Payments to partner local educational agencies, if needed to enable them to permit paraprofessional staff to participate in teacher preparation programs (such as the cost of 'release time' for those staff).

"(5) If appropriate, and if no other funds are available, paying the costs of additional courses taken by former scholarship recipients during their initial three years of teaching.

"(b) PLANNING GRANTS.—A recipient of a planning grant under section 523(c) shall use the grant funds for the costs of planning for the implementation of a grant under section 523(a).

### "SELECTION OF APPLICANTS

"SEC. 526. (a) PEER REVIEW.—The Secretary, using a peer review process, shall select applicants to receive funding under this part on the basis of—

"(1) the quality of the teacher preparation program offered by the institution;

"(2) the quality of the program that would be carried out under the application; and

"(3) the capacity of the partnership to carry out the grant successfully.

"(b) CRITERIA.—(1) making selections, the Secretary shall seek to ensure that—

"(A) in the aggregate, grantees carry out a variety of approaches to preparing new teachers; and

"(B) there is an equitable geographic distribution of awards.

"(2) In addition to complying with paragraph (1), the Secretary shall give special consideration to—

"(A) applications most likely to result in the preparation of increased numbers of individuals with high potential for effective teaching who are minority individuals, including language minority individuals, and individuals with disabilities; and

"(B) applications from historically black colleges and universities, Hispanic-serving institutions, and Tribal Colleges and Universities, as defined in title III of this Act.

"(c) SECOND FIVE-YEAR GRANTS.—In selecting grantees to receive second grants under this part, the Secretary shall give a preference to applicants whose projects have resulted in—

"(1) the placement and retention of a substantial number of high-quality graduates in teaching positions in undeserved, high-poverty schools;

"(2) the adoption of effective programs that meet the teacher preparation needs of high-poverty urban and rural areas; and

"(3) effective partnerships with elementary and secondary schools that are supporting improvements in student achievement.

### "DURATION AND AMOUNT OF ASSISTANCE; RELATION TO OTHER ASSISTANCE

"Sec. 527. (a) Duration of Assistance.—No individual may receive scholarship assistance under this part—

"(1) for more than five years of postsecondary education; and

"(2) unless that individual satisfies the requirements of section 484(a)(5) of this Act.

"(b) Amount of Assistance.—No individual may receive an award under this program that exceeds the cost of attendance, as defined in section 472 of this Act, at the institution the individual is attending.

"(c) Relation to Other Assistance.—A scholarship awarded under this part—

"(1) shall not be reduced on the basis of the individual's receipt of other forms of Federal student financial assistance; and

"(2) shall be regarded as other financial assistance available to the student, within the meaning of sections 471(3) and 480(j)(1) of this Act, in determining the student's eligibility for grant, loan, or work assistance under title IV of this Act.

### "SCHOLARSHIP CONDITIONS

"Sec. 528. (a) In General.—A recipient of a scholarship under this part shall continue to receive the assistance only as long as he or she is—

"(1) enrolled as a full-time student and pursuing a course of study leading to teacher certification, unless he or she is working in a public school (as a paraprofessional, or as a teacher under emergency credentials) while participating in the program; and

"(2) maintaining satisfactory progress as determined by the institution.

"(b) Special Rule.—Each grantee shall modify the application of section 527(a)(1) and of subsection (a)(1) of this section to the extent necessary to accommodate the rights of students with disabilities under section 504 of the Rehabilitation Act of 1973.

### "SERVICE REQUIREMENTS

"Sec. 529. (a) Requirement.—Each partnership receiving a grant under this part shall enter into an agreement, with each student to whom it awards a scholarship under this part, providing that a scholarship recipient who completes a teacher preparation program under this part shall, within five years of completing that program, teach full-time for at least three years in a high-poverty school in an underserved geographic area or repay the amount of the scholarship, under the terms and conditions established by the Secretary.

"(b) Regulations.—The Secretary shall prescribe regulations relating to the requirements of subsection (a), including any provisions for waiver of those requirements.

### "EVALUATION

"Sec. 530. The Secretary shall provide for an evaluation of the program carried out under this part, which shall assess such issues as—

"(1) whether institutions taking part in the partnerships are successful in preparing scholarship recipients to teach to high State and local standards;

"(2) whether scholarship recipients are successful in completing teacher preparation programs, becoming fully certified teachers, and obtaining teaching positions in underserved areas, and whether they continue teaching in those areas over a period of years;

"(3) the national impact of the program in assisting local educational agencies in underserved areas to recruit, prepare, and retain diverse, high-quality teachers in the areas in which they have the greatest needs;

"(4) the long-term impact of the grants on teacher preparation programs conducted by grantees and on grantees' relationships with their partner local educational agencies and other partners; and

"(5) the relative effectiveness of different approaches for preparing new teachers to teach in underserved areas, including their effectiveness in preparing new teachers to teach to high content and performance standards.

### "NATIONAL ACTIVITIES

"Sec. 531. The Secretary may retain up to five percent of the funds appropriated for this part for any fiscal year for—

"(1) peer review of applications;

"(2) conducting the evaluation required under section 530; and

"(3) technical assistance and other activities to facilitate the exchange of information and ideas among participating partnerships, and other activities to enhance the success of the program carried out under this part.".

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## ADDITIONAL COSPONSORS

### S. 61

At the request of Mr. LOTT, the names of the Senator from Kansas [Mr. BROWNBACK] and the Senator from Iowa [Mr. GRASSLEY] were added as cosponsors of S. 61, a bill to amend title 46, United States Code, to extend eligibility for veterans' burial benefits, funeral benefits, and related benefits for veterans of certain service in the United States merchant marine during World War II.

### S. 219

At the request of Mr. DASCHLE, the names of the Senator from Montana [Mr. BAUCUS], the Senator from Illinois [Mr. DURBIN], and the Senator from Montana [Mr. BURNS] were added as cosponsors of S. 219, a bill to amend the Trade Act of 1974 to establish procedures for identifying countries that deny market access for value-added agricultural products of the United States.

### S. 449

At the request of Mr. KYL, the name of the Senator from South Dakota [Mr. JOHNSON] was added as a cosponsor of S. 449, a bill to prohibit the restriction of certain types of medical communications between a health care provider and a patient.

### S. 512

At the request of Mr. FAIRCLOTH, his name was added as a cosponsor of S. 512, a bill to amend chapter 47 of title 18, United States Code, relating to identity fraud, and for other purposes.

### S. 755

At the request of Mr. CAMPBELL, the names of the Senator from Iowa [Mr. GRASSLEY], the Senator from Kansas [Mr. BROWNBACK], the Senator from Arkansas [Mr. HUTCHINSON], the Senator from Iowa [Mr. HARKIN], the Senator from Montana [Mr. BURNS], and the Senator from North Dakota [Mr. CONRAD] were added as cosponsors of S. 755, a bill to amend title 10, United States Code, to restore the provisions of chapter 76 of that title (relating to missing persons) as in effect before the amendments made by the National Defense Authorization Act for fiscal year 1997 and to make other improvements to that chapter.

### S. 778

At the request of Mr. LUGAR, the names of the Senator from Mississippi [Mr. COCHRAN] and the Senator from Connecticut [Mr. LIEBERMAN] were added as cosponsors of S. 778, a bill to authorize a new trade and investment policy for sub-Saharan Africa.

### S. 887

At the request of Ms. MOSELEY-BRAUN, the name of the Senator from New York [Mr. D'AMATO] was added as a cosponsor of S. 887, a bill to establish in the National Service the National Underground Railroad Network to Freedom Program, and for other purposes.

### S. 1135

At the request of Mr. MCCONNELL, the name of the Senator from North Carolina [Mr. HELMS] was added as a cosponsor of S. 1135, a bill to provide certain immunities from civil liability for trade and professional associations, and for other purposes.

### S. 1154

At the request of Mr. REED, the name of the Senator from Connecticut [Mr. DODD] was added as a cosponsor of S. 1154, a bill to amend the Electronic Fund Transfer Act to clarify consumer liability for unauthorized transactions involving debit cards that can be used like credit cards, and for other purposes.

### S. 1169

At the request of Mr. REED, the name of the Senator from New York [Mr. MOYNIHAN] was added as a cosponsor of S. 1169, a bill to establish professional development partnerships to improve the quality of America's teachers and the academic achievement of students in the classroom, and for other purposes.

### S. 1182

At the request of Ms. SNOWE, the name of the Senator from Washington [Mr. GORTON] was added as a cosponsor of S. 1182, a bill to amend the Congressional Budget and Impoundment Control Act of 1974 to limit consideration of nonemergency matters in emergency legislation and permit matter that is extraneous to emergencies to be stricken as provided in the Byrd rule.

### S. 1192

At the request of Ms. SNOWE, the names of the Senator from Rhode Island [Mr. CHAFEE], and the Senator from Maine [Ms. COLLINS] were added as cosponsors of S. 1192, a bill to limit the size of vessels permitted to fish for Atlantic mackerel or herring, to the size permitted under the appropriate fishery management plan.

### S. 1194

At the request of Mr. KYL, the names of the Senator from Alaska [Mr. MURKOWSKI], the Senator from South Carolina [Mr. HOLLINGS], the Senator from Indiana [Mr. COATS], the Senator from North Carolina [Mr. FAIRCLOTH], and the Senator from Florida [Mr. MACK] were added as cosponsors of S. 1194, a bill to amend title XVIII of the Social Security Act to clarify the right of medicare beneficiaries to enter into private contracts with physicians and other health care professionals for the provision of health services for which no payment is sought under the medicare program.

### SENATE CONCURRENT RESOLUTION 51

At the request of Mr. HELMS, the names of the Senator from Oregon [Mr. SMITH], the Senator from Minnesota [Mr. WELLSTONE], and the Senator from Virginia [Mr. ROBB] were added as cosponsors of Senate Concurrent Resolution 51, a concurrent resolution expressing the sense of Congress regarding elections for the legislature of the Hong Kong Special Administrative Region.

### SENATE RESOLUTION 119

At the request of Mr. FEINGOLD, the names of the Senator from South Dakota [Mr. DASCHLE], and the Senator from Maine [Ms. COLLINS] were added as cosponsors of Senate Resolution 119, a resolution to express the sense of the Senate that the Secretary of Agriculture should establish a temporary emergency minimum milk price that is equitable to all producers nationwide and that provides price relief to economically distressed milk producers.

### AMENDMENT NO. 1177

At the request of Mr. REED the names of the Senator from Massachusetts [Mr. KENNEDY], and the Senator from New Mexico [Mr. BINGAMAN] were added as cosponsors of amendment No. 1177 proposed to S. 830, a bill to amend the Federal Food, Drug, and Cosmetic Act and the Public Health Service Act to improve the regulation of food, drugs, devices, and biological products, and for other purposes.

At the request of Mr. DURBIN his name was added as a cosponsor of Amendment No. 1177 proposed to S. 830, supra.

### AMENDMENT NO. 1182

At the request of Mr. HATCH the name of the Senator from Oregon [Mr. WYDEN] was added as a cosponsor of amendment No. 1182 proposed to S. 830, a bill to amend the Federal Food, Drug, and Cosmetic Act and the Public Health Service Act to improve the regulation of food, drugs, devices, and biological products, and for other purposes.

## NOTICE OF HEARINGS

### COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. JEFFORDS. Mr. President, I would like to announce for information of the Senate and the public that a Executive Session of the Senate Committee on Labor and Human Resources will be held on Wednesday, September 24, 1997, 9:30 a.m., in SD–430 of the Senate Dirksen Building. The following are on the agenda to be considered: S.1186, Workforce Investment Partnership Act of 1997; and nominations, Public Health Service Corps, 128 candidates. For further information, please call the committee, 202/224–5375.

### COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. JEFFORDS. Mr. President, I would like to announce for information of the Senate and the public that a hearing of the Senate Committee on Labor and Human Resources will be held on Thursday, September 25, 1997, 10 a.m , in SD–430 of the Senate Dirksen Building. The subject of the hearing is Tobacco Settlement, part II. For further information, please call the committee, 202/224–5375.

### COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MURKOWSKI. Mr. President, for the information of the Senate and the public I am announcing that the Committee on Energy and Natural Resources will hold an oversight hearing to receive testimony on the impacts of a new climate treaty on U.S. labor, electricity supply, manufacturing, and the general economy.

The hearing will be held on Tuesday, September 30, 1997, at 9:30 a.m., in room SD–366 of the Dirksen Senate Office Building.

Those interested in testifying or submitting material for the hearing record should write to the Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510 attn: David Garman at (202) 224–8115.

## ADDITIONAL STATEMENTS

## TRIBUTE TO THE UNIFORMED SERVICES UNIVERSITY OF THE HEALTH SCIENCES UPON ITS 25TH ANNIVERSARY

● Ms. MIKULSKI. Mr. President, it is with great pride that I rise today to recognize the 25th anniversary of the Uniformed Services University of the Health Sciences [USUHS]. Over the past 25 years, USUHS has provided an invaluable service to our Armed Forces and to our Nation.

The founders of USUHS wanted to create a medical school to produce physicians who would remain on active duty for a full career, ensuring the continuity of lessons learned in the practice of uniformed medicine. This concept has made USUHS a unique institution which enables doctors to target their skills to meet the changing demands of the modern battlefield.

USUHS is essential to our military mission because it ensures readiness. Readiness doesn't just mean supplying our troops with the best equipment and training. It also means that we are ready to provide the best possible medical care in the worst possible situations. If we send our military to battle without skilled and experienced medical professionals—we are sending them out unarmed.

This concept for medical training was a success during recent conflicts. During Operation Desert Storm, USUHS physicians were immediately deployable to combat areas and utilized their training in military combat, unconventional warfare, and preventive medicine. This saved countless lives during the gulf war and will keep our troops safe in any future military conflict.

I am proud of USUHS's accomplishments. I hope they will continue serving our armed services by keeping them safe and healthy well into the 21st century.●

## AVIATION INSURANCE REAUTHORIZATION ACT OF 1997

● Mr. GORTON. Mr. President, I am pleased to join with my distinguished colleagues, Senator MCCAIN, Senator HOLLINGS, and Senator FORD, to introduce the aviation insurance reauthorization Act of 1997. The bill would reauthorize the aviation insurance program for 5 years. The program is set to expire at the end of this fiscal year.

The aviation insurance program, commonly known as war-risk insurance, has been in place since 1951. It insures air carriers against losses resulting from war, terrorism, or other hostile acts, when commercial insurance is canceled, or is unavailable at reasonable rates. For an air carrier to qualify for the program, the President must determine that a flight is essential to the foreign policy interests of the United States.

The FAA can issue both premium and nonpremium insurance under the program. Premium insurance is issued to air carriers flying commercial operations in foreign air commerce, or between two or more points outside the United States. Nonpremium insurance is issued to air carriers flying missions for Federal agencies, such as the Departments of Defense and State, that have indemnification agreements with the Department of Transportation. Nonpremium insurance accounts for 99 percent of the aviation insurance program.

Both the premium and nonpremium insurance provides hull coverage for the loss of, or damage to aircraft. The insurance also provides liability coverage for death or bodily injury, and damage to property, baggage and personal effects. Program coverage is limited to the amount of insurance that an air carrier's commercial policy would have provided. The program is self-financed through the aviation insurance revolving fund.

Reauthorization of the aviation insurance program is noncontroversial. The program enjoys the support of all of its participants. I want to note, however, that my bill adds a new element to the program. It authorizes the Federal Aviation Administration [FAA] to borrow money from the Federal treasury to pay a claim, in the event that the revolving fund is not sufficient to cover a large claim, or simultaneous claims. I believe that this provision is necessary to ensure that timely payments for hull losses can be made to air carriers. These same carriers typically lease aircraft under agreements that stipulate that the carriers must repair or replace damaged aircraft within 30 days of the incident.

Although the Congressional Budget Office claims that this provision does not have a significant budget impact, I understand that the Office of Management and Budget [OMB] may disagree. The FAA and the OMB are working with the aviation leadership on the Commerce Committee to resolve this issue. I pledge my full cooperation, and I hope and expect that we can resolve this issue before the Commerce Committee reports out the legislation.

The Commerce Committee plans to report out the bill as early as next week. The House plans to approve companion legislation next week, as well. I urge my colleagues to work with me to reauthorize the aviation insurance program before it expires at the end of the fiscal year.•

## IN RECOGNITION OF 10TH ANNUAL HEAT'S ON DAY

• Mr. LEVIN. Mr. President, I rise today to bring to my colleagues' attention to the HEAT'S ON partnership of Grand Rapids, MI, which serves people who need special assistance in preparation for the harsh winter months that lie ahead.

On Saturday, September 27, 1997, plumbers and steamfitters of UA Local 70 and the Mechanical Contractors Association of Grand Rapids will join together with Community Action to participate in the 10th annual HEAT'S ON Day. The HEAT'S ON—Handicapped and Elderly Assistance to Serve Our Neighbors—Program began in 1987 in Minneapolis and St. Paul, MN. HEAT'S ON Day has become an annual event in the Grand Rapids area, as members of plumbers and steamfitters local 70 and the Mechanical Contractors Association of Grand Rapids donate their time and talents to ensure that the homes of elderly and disabled people in Grand Rapids and the nearby cities of Grandville, Kentwood, Walker, and Wyoming are safe for the winter.

Participating servicepeople check homes approved for the program and repair and replace broken parts in furnaces and heating units. They also install easy-to-read thermostats and smoke alarms for people who need them. In the past 9 years, HEAT'S ON participants have discovered more serious—and potentially life-threatening—problems, such as plugged chimneys, defective furnaces, and homes exposed to carbon monoxide poisoning. These discoveries have enabled homeowners to have the problems repaired before suffering dangerous accidents.

HEAT'S ON is a community effort, as evidenced by local businesses who contribute time, money, and products to help defray the costs. Consumers Power, Meijer, and Dominos are just a few of the local businesses who participate in this vital program.

HEAT'S ON Day brings together many people to help ensure that nobody who requires assistance needlessly suffers through a cold winter. In Grand Rapids, union workers and business owners combine their resources and abilities to serve those in need. They are an inspiration, and they deserve our recognition. I know my colleagues will join me in extending our congratulations and thanks to the HEAT'S ON partnership of Grand Rapids, MI for 10 years of service to their community.•

## CHARACTER COUNTS IN NEW MEXICO

• Mr. DOMENICI. Mr. President, as we approach National Character Counts Week, October 19-25, I want to relate another example of how character education programs are expanding across the State of New Mexico.

In New Mexico, over 30 communities and cities have adopted partnerships with their school systems to promote the Six Pillars of Character: trustworthiness, respect, responsibility, fairness, caring, and citizenship. There are literally thousands of young people involved in character-related programs in their youth organizations and public or private schools. Some communities have expanded their local efforts to include Character in the Workplace programs.

Character Counts is not just a slogan. It represents, instead, exciting and well-developed programs by citizens who believe there are important and positive benefits to be derived from good character. Because families, churches, community groups, civic leaders, and school administrators and teachers want to place more emphasis on the value of ethical behavior, Character Counts has become one of the fastest growing and localized movements in the State's history.

As an example, in Farmington, NM, the Navajo Preparatory School is initiating an all-encompassing character education program for its students. The Navajo Preparatory School is chartered by the Navajo Nation to operate as a college preparatory school program for Navajo and other native American youth. Its mission is to educate highly motivated and talented students who have the potential and desire to achieve a college education and become leaders of their respective communities. It has 195 boarding and day students from the Navajo Nation, Jicarilla Apache, and various Pueblo Tribes. It has an excellent academic record, with 85 percent of its graduating students enrolled in college.

Some weeks ago I was invited to visit the school to hear about its Character Counts Program. Attending were teachers, students, school administration officials, and members of the board of trustees. The briefing included an innovative audio-visual program designed to transfer the concepts of the Six Pillars of Character into traditional Navajo teachings, as well as a review of the schools's translation of the Six Pillars into the Navajo language. In addition to its Character Counts curriculum, Navajo Prep also supports the development of student activities that will maximize the messages of the Six Pillars. It wants to ensure that its students have a comprehensive and cohesive program that surrounds both their academic and social conduct.

The board of trustees presented their resolution for "Endorsing and Implementing the Character Counts Program at the Navajo Preparatory School." I would like to quote from this resolution so Members of Congress will know how thoroughly the school's officials have developed this character education program.

> The Navajo Preparatory School Board supports and endorses Character Counts which are based on six core ethical values: trustworthiness, respect, responsibility, fairness, caring, and citizenship.
>
> The Navajo Preparatory School Board requests its staff to examine the curriculum and integrate Navajo-specific character development teachings, strategies, methods and partnership initiatives into the overall school program as an ongoing part of school instruction.
>
> The Navajo Preparatory School Board empowers the school staff to join forces with the State of New Mexico Navajo Nation and other local organizations and become a leader for community action through teaching, enforcing, advocating and modeling the six pillars of character.
>
> The Navajo Preparatory School staff shall pursue available funding to develop Navajo curriculum materials which promote the development of good character.

As evidenced by Navajo Prep's creative character education program and as explained well in its resolution, "* * * no single entity can instill ethical behavior in youth and adults if it is acting without the support of the other institutions and groups." Character-building activities are for all. They can be embraced by the young and old and the public and private sectors in a way the transcends political, cultural, religious, and socioeconomic differences.

In New Mexico, Character Counts is a statewide and communitywide effort. It is a program with unbelievable energy because everyone who hears about it believes in it and wants it to work. It works because people, like those associated with the Navajo Preparatory School, are wholeheartedly committed to making it a reality.

I applaud the fine work of the Navajo Preparatory School, and welcome it as a new member of the ever-growing family of Character Counts enthusiasts.•

## THE 50-YEAR ANNIVERSARY OF THE KSEN RADIO STATION IN SHELBY, MT

• Mr. BURNS. Mr. President, I rise today to salute the KSEN radio station in Shelby, MT, for 50 years of service to the Golden Triangle area in north central Montana.

As a former broadcaster, I applaud KSEN for the valuable service they provide to the Shelby area, especially to the agricultural community. KSEN works hard to provide the area with farm and market reports, weather, local news, and sports broadcasting as well as national programs. KSEN radio is a very important tool for the area's farmers and ranchers.

KSEN radio has won more broadcasting awards than any other station in Montana and is the smallest market in the United States to receive the Crystal Award from the National Association of Broadcasters for its outstanding public service.

Congratulations to Mr. Jerry Black and the staff at KSEN radio in Shelby, MT, for a fabulous 50 years of service to our great State.•

## THE 50TH ANNIVERSARY OF THE WISCONSIN LEGISLATIVE COUNCIL

• Mr. FEINGOLD. Mr. President, today, I want to pay tribute to an important institution in the Wisconsin State Legislature on its 50th anniversary: the Wisconsin Legislative Council.

The legislative council was created as a joint committee of the State legislature in 1947, charged with convening special committees each biennium to study the more complex, controversial or sometimes tedious but necessary legislative issues, and to develop legislative solutions. The unique aspect of the council's directive has been to identify and appoint knowledgeable Wisconsin citizens to work alongside legislators to craft bills, often recodifying whole chapters of the statutes at a time.

The Wisconsin Legislative Council is derived from the same Wisconsin Idea, fostered by the Progressives in the early part of this century, that created the Congressional Research Service. Senator "Fighting Bob" LaFollette saw the importance of having nonpartisan, professional staff provide research, analysis and bill-drafting to legislative bodies. The Wisconsin version, which has been the model for many other State legislatures, further improves on the concept by setting up a mechanism for open discussion and citizen participation directly in the development of legislative solutions in subjects selected by a bicameral body every 2 years.

Since its inception, the joint legislative council has overseen 426 individual studies, conducted by not only State legislators but also including over 6,000 Wisconsin citizens as full voting members of committees. These committees are staffed by the legislative council staff under the direction of the joint legislative council. These nonpartisan professional staff members further support the work of the legislature by staffing committees, providing research and analysis to individual legislators and their staff, and performing a technical review of all proposed State regulations.

Many of the members of the Wisconsin congressional delegation have had the experience of serving on legislative council committees—I served on three, once as chairman of a study committee reviewing laws on interstate sales and use taxes.

On its 50th anniversary, I am pleased to pay tribute to Wisconsin's Joint Legislative Council and the dedication of the legislative council staff. May they continue their service to the state for many years to come.•

## DAVID SCHMELTZER

• Mr. D'AMATO. Mr. President, today I rise to honor a truly outstanding, dedicated public servant—David Schmeltzer. Dave is retiring from the Federal Government after 35 years of service, including 25 years at the U.S. Consumer Product Safety Commission, where he is the Director of the Office of Compliance. Over the years I have been fortunate to have gotten to know Dave personally. A native New Yorker, he received a bachelor of arts degree from Long Island University in 1957. He attended Brooklyn Law School with my dear friend Larry Elovich, and became a member of the New York Bar after graduating in 1960. I want to wish Dave, his wife Louise, and their son Daniel and his family the best of luck on this happy occasion.

David Schmeltzer has had a truly remarkable career in Federal service. I am unaware of anyone with Dave's experience and knowledge when it comes to product safety regulation and enforcement. At the U.S. Consumer Product Safety Commission, in addition to his current position as Director of the Office of Compliance, Dave has served as both Deputy General Counsel and Acting General Counsel. Before joining the Commission in 1973—at its inception, I should note—Dave served as the Assistant Chief Counsel for Enforcement and Administrative Law with the National Highway Traffic Safety Administration. He has also served as the Vice Chairman for the International Consumer Health and Safety Organization Symposium [ICPHSO] and is presently on ICPHSO's executive committee.

While the list of Government positions Dave has held is quite impressive, it does not begin to measure his contributions in improving product safety for all Americans of all ages, from infants to our seniors. Dave has never been someone who has ducked the tough calls, and he has been willing to take the heat for doing so when many others would have run away. He has always been fair and balanced in exercising his judgment, a real straight shooter. The results speak for themselves. On behalf of those consumers who have been spared the pain of a loss or devastating injury to a child or other loved one, I want to thank Dave Schmeltzer for his years of service and wish him well in his future endeavors.•

## COMMEMORATING THE INDEPENDENCE OF ARMENIA

• Mr. LEVIN. Mr. President, I rise today to honor the sixth anniversary of Armenian Independence.

With the fall of the Soviet Union, Armenians were quickly faced with the possibility of realizing a vision which they had long sought—independence. On September 21, 1991, Armenia held a referendum to decide its future. More than 94 percent of Armenia's eligible voters turned out to support independence. Two days later, on September 23, the Armenian Parliament made the people's desire official when it declared Armenia's independence from the Soviet Union.

The historic vote for independence on September 21, 1991, has far greater significance when examined in light of Armenia's modern history. Throughout the last century, the Armenian people have experienced incredible hardship and tragedy in their efforts to rule themselves. Armenia began the 20th century under the control of the Ottoman Turks. Ottoman Turk rule turned savage at the beginning of World War I when it waged a government-organized genocide on the Armenians. During the Armenian Genocide of 1915–23, 1.5 million people perished as the Ottoman Turks tried to permanently silence Armenian calls for independence.

Following the defeat of the Ottoman Turks in World War I, Armenians were able to briefly fulfill their wishes of independence. On May 28, 1918, the Republic of Armenia was established. However, this independence was short-lived as the Republic of Armenia soon collapsed because of renewed Turkish and Soviet pressure. On November 29, 1920, Armenia was declared a Soviet republic and spent the next 71 years under Soviet rule. With the fall of the Soviet Union in 1991, Armenia was finally able to fulfill its goal of self-determination.

Today, September 23, Armenia celebrates the sixth anniversary of its independence. I know that the many Armenian-Americans in Michigan and the United States join in this celebration. The support Armenian-Americans have given to their homeland has been indispensable as Armenia emerges from many years of Soviet domination. I applaud their efforts and the efforts of the Armenian people to build an independent and democratic Armenia.•

## FURTHER EVIDENCE OF NEED FOR LEGAL REFORM NOW

• **Mr. GORTON.** A jury in New Orleans the other week issued a clarion call for legal reform. A monstrous judgment against CSX Transportation and four other companies illustrates once again the arbitrary and perverse nature of our current tort system.

Mr. President, I rise today to bring to my colleagues' attention a $2.5 billion punitive damage award against CSX Transportation stemming from a 1987 chemical-car fire in the New Orleans neighborhood of Gentilly. Even in the context of our current broken legal system, this one is shocking. The jury awarded $2.5 billion, out of a total punitive damage award of $3.4 billion, against CSXT, Mr. President, despite the fact that Federal experts had determined that CSX was not at fault; despite the fact that the jury did not allocate any significant portion of the compensatory damages to CSXT; despite the fact that actual compensatory damages awarded to date in the case are only $2 million; and despite the fact that the accident resulted in no deaths, no serious injuries, and no significant property damage.

Comparisons made in a New Orleans Times Picayune article put the total punitive damage award into perspective, warped as it is. Consider that the punitive damage award in this case is seven times the amount Union Carbide paid to settle a claim relating to a chemical leak in Bhopal, India, that killed 4,000 people and injured 300,000. Despite only minor property damage, this award is two-thirds of the punitive damage award against Exxon for the environmentally devastating spill that occurred in Alaska in 1989.

Let me set out the facts of the case as I understand them from the press accounts. On September 9, 1987, a railroad tank car containing butadiene, a volatile compound used in making synthetic rubber, was located in a rail yard in New Orleans on tracks that belonged to CSXT. Due to a faulty gasket, the contents of the car leaked and the car caught fire. Local officials determined that the best approach was to let the fire burn itself out. To avoid harm to nearby residents, authorities ordered the evacuation of those living near the yard. Many people were inconvenienced, but although there are 8,000 people in the plaintiff class, only 2,300 people claim to have been located within the evacuation zone, and contemporary estimates of how many people were actually evacuated put the number at about 1,000.

One year after the accident, the National Transportation Safety Board, the Federal agency that investigates transportation accidents, determined that a misaligned gasket and other factors, not involving CSXT, had caused the accident. In fact, other than providing the track on which the train car was placed, CSXT had no connection to the car. CSXT did not own or repair the tank car, and it did not transport the car.

Significantly, even though the NTSB determined that CSTX had not caused the accident, the jury held CSXT 15 percent responsible for the $2 million on compensatory damages that have been awarded to 20 plaintiffs at this time. The remaining plaintiffs will have to prove their damages in separate proceedings. Though it seems unfair that CSXT would be responsible for any compensatory damages if it was not at fault, it is unspeakably outrageous that CSXT would be assessed over 75 percent of the punitive damages, and only 15 percent of the compensatory damages.

How can it be that a Federal agency determines that a company has no responsibility for causing an accident and yet this huge verdict is awarded? The answer, unfortunately, is that our tort system is broken. The case in New Orleans is the latest, though perhaps most egregious, example of why we have to reform our civil justice system, to place some reasonable limit on punitive damage awards, to modify the laws regarding joint and several liability, and to provide disincentives for lawyers to go after the "deep pockets," simply because they're there.

CSXT is a big corporation, but that should not be reason to impose huge penalties on it, penalties that could affect its thousands of employees, thousands of middle-class stockholders who own shares in the company through their pension plans, and everyone who uses its vital transportation facilities. Until we undertake meaningful legal reform, we will continue to disadvantage businesses and consumers, stunt career opportunities, breed contempt for the law, and do injustice.•

## THE 200TH ANNIVERSARY OF TRUMBULL, CT

• **Mr. DODD.** Mr. President, located in the hilly country of southwestern Connecticut in the watershed of the Pequonnock River is the quaint residential community of Trumbull. Despite its proximity to many highly industrialized cities, Trumbull has been able to preserve its small-town New England character and charm, and this year the town of Trumbull will celebrate its 200th anniversary.

The Trumbull area was permanently settled in 1690, and in the following years families began migrating to this secluded wilderness region, building mills, churches, and schools. In 1725, the settlement officially became the village of Unity, and this village was eventually absorbed by the larger community of North Stratford. Nearly a century after it was settled, the residents began the petition process for independence from North Stratford, and in 1797, the general assembly granted this request, established town bounds, and declared that this area shall forever be a distinct town known by the name of "Trumbull."

The town was named after one of the most respected families in Connecticut history, the Trumbulls of Lebanon, CT. The family's patriarch, Jonathan Trumbull, Sr., was the first of four "Governor Trumbulls" in Connecticut. He was a close ally of George Washington, and he was the only colonial Governor to support the Revolution. In recognition of his contributions to his State and his country, a statue of Jonathan Trumbull, Sr., currently stands in the Statuary Hall of the U.S. Capitol.

His son, Jonathan Trumbull, Jr., also had an illustrious career as an early American statesman. He was a member of the U.S. House of Representatives where he served as Speaker of the House. He also represented the State as a U.S. Senator and was elected Connecticut's Governor in 1797, shortly after the town of Trumbull was incorporated.

In addition, Jonathan Trumbull, Sr.'s youngest child, John, was one of the most noteworthy American artists known for painting important historical events. Today, four of his paintings hang in the U.S. Capitol rotunda, his most famous being "The Surrender of Cornwallis."

While the namesakes for this town were truly heroic individuals, the many generations of Trumbull residents who have settled this town and shepherded its evolution over the years are equally heroic in their own right. They met the crises of their times. They worked hard to ensure a promising future for their children. They lent a helping hand to their neighbors when they were in need. They did all of the things that are necessary to sustain a community and help it develop into a wonderful place to live.

Today, Trumbull is a vibrant residential community which is dedicated to the preservation of its family-oriented atmosphere. Its schools are among the best in the State and the Parent-Teachers Association is very active. There are places of worship for more than a dozen different religions, strengthening the fabric of the community and adding to its diversity. More than 1,000 acres of town-owned open space are set aside for recreational use, and Trumbull is renowned for its numerous public parks. Trumbull has also invested in its children by establishing an excellent youth sports program. In fact, one of the town's and the State of Connecticut's proudest moments came when a resilient group of 11- and 12-year-olds from Trumbull pulled off one of the greatest upsets in baseball history and won the Little League World Series in 1988.

Trumbull's motto is "Pride in our past. Faith in our future." I would like to personally say that the people of Trumbull should be very proud of their town's history and heritage. But more important, I have complete faith that the future for the people of Trumbull will be even brighter than the past. I congratulate the town of Trumbull on this historic milestone and offer my best wishes for future centuries of success and prosperity.

## INTERIOR APPROPRIATIONS—NATIONAL PARK AND ENVIRONMENTAL IMPROVEMENT FUND

• Mr. McCAIN. Mr. President, as part of the Interior appropriations bill (H.R. 2107) the Senate adopted an amendment I offered with Senator STEVENS to create a National Park and Environmental Improvement Fund. The fund is financed with $800 million in disputed oil revenue awarded to the Federal Government by the Supreme Court. Under the amendment, the annual interest from the fund would be available, subject to appropriation, for top priority capital improvements within the National Park System; to assist States with their own park planning and development; and to finance ocean research.

As I stated, disbursements of the interest revenue would be subject to appropriation. I want to be clear that it is not our intent to create this fund in vain, by appropriating the interest and reducing other vital park or environmental accounts in order to remain below the applicable budget caps. Our goal and intent is to ensure these funds will supplement the appropriations parks and environmental accounts would otherwise receive. The distinguished chairmen of the Budget Committee and the Appropriations Committee have agreed to work to ensure that end and I thank them for their courtesy and leadership.

Mr. DOMENICI. Mr. President, the Senator is correct. I look forward to working with him next year to address this issue during the budget process to ensure this fund provides additional resources to meet park and relevant environmental needs so that it will not require offsets from other park or vital environmental accounts.

Mr. STEVENS. Mr. President, I concur with my colleagues, and I will work as chairman of the Appropriations Committee to make sure that these funds are additional, not replacement, revenues to meet park and environmental purposes.•

## ELIMINATION OF SECRET SENATE "HOLDS"

• Mr. WYDEN. Mr. President, I am submitting for the RECORD a notification of a proposal I intend to offer.

I ask that the proposal be printed in the RECORD.

The proposal follows:

(Purpose: To eliminate secret Senate "holds")

At the appropriate place, insert:

**SEC. . ELIMINATING SECRET SENATE "HOLDS."**

(a) STANDING ORDER.—It is a standing order of the Senate that a Senator who provides notice to leadership of his or her intention to object to proceeding to a motion or matter shall disclose the objection (hold) in the Congressional Record not later than 2 session days after the date of said notice.

(b) RULEMAKING.—This section is adopted—

(1) as an exercise of the rulemaking power of the Senate and as such it is deemed a part of the Rules of the Senate and it supersedes other rules only to the extent that it is inconsistent with such rules; and

(2) with full recognition of the constitutional right of the Senate to change its rules at any time, in the same manner, and to the same extent as in the case of any other rule of the Senate.•

## RETIREMENT TRIBUTE TO JIM WENGERT

• Mr. HARKIN. Mr. President, I rise to pay tribute to the work of Jim Wengert—a good friend and great fighter for working people across the State of Iowa and around the country.

For well over a generation, Jim Wengert has been a leader at the Iowa Federation of Labor. From 1966 to 1979, he was Secretary-Treasurer of the statewide organization. And from 1979 until his retirement this year, Jim has been at the helm of the Iowa Federation of Labor serving as its President.

Prior to his years at the Iowa Fed, Jim worked at Swift and Company in Sioux City. In 1952, he joined Local 71 of the United Packinghouse Workers of America and he wasted no time rising up the ranks. He served as Vice President and Steward of his local—and Recording Secretary and President of the Woodbury County Labor Council.

In addition, Jim has been a legislator in the Iowa General Assembly, and a member of the United States Commission on Civil Rights, the University of Iowa Labor Advisory Committee, and the Iowa Workers' Compensation Advisory Committee.

Mr. President, Jim Wengert has had a long and distinguished career but there is a common thread that weaves all his work together. For almost half a century, Jim Wengert has been on the frontlines of the battle for dignity and economic and social justice for the working people of this country.

That fight has not been easy—far too often, the deck has been stacked against working people. But Jim never picked his battles because the odds were on his side. He did it because America's best values were on his side. Values like dignity, justice, and fair play. Time and again, Jim Wengert put it on the line for workers on the line.

To Jim, it's simple. Fighting for working people is a labor of love. That's why he has used his position and his platform to speak out for good jobs, a living wage, secure pensions, and a better future for our children and grandchildren.

And if one looks across the landscape of Iowa and at all that's happened that's been good for working people, I guarantee you'll find the fingerprints of Jim Wengert. Because whether it's passing legislation, electing progressive candidates, or changing attitudes, Jim helped make it happen.

Mr. President, Jim Wengert is an optimist, a doer and a believer. He believes with his head and his heart that tomorrow can be better than today. And the power to make that happen isn't in the hands of "them"—the powerful and privileged. The power to make the future brighter rests with us—by organizing and working together.

That is what a union is all about. And that's what Jim Wengert is all about.

I know the Senate joins me in wishing Jim many more years of health and happiness. And even though his retirement is a loss for the working people of Iowa, it is truly a gain for the Wengert family—for Jim's wife Joanne, his children and, of course, his grandchildren.

Once again, Mr. President, I want to thank Jim Wengert for his commitment and service. We owe him an enormous debt for a lifetime of building our communities and advancing the cause of justice and dignity for the working people of Iowa and our Nation.•

## AUSTRIAN-AMERICAN DAY

Mr. ENZI. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 168, S. Res. 122.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 122) declaring September 26, 1997 as "Austrian-American Day."

There being no objection, the Senate proceeded to consider the resolution.

Mr. ENZI. Mr. President, I ask unanimous consent that the resolution be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the resolution appear at this point in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 122) was considered and agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

S. RES. 122

Whereas 1997 marks the 50th anniversary of General George C. Marshall's plan for assisting the free countries of Europe in their post-World War II rebuilding process;

Whereas on September 26, 1945, upon the insistence of the United States, a conference was held in Vienna by the Allies and the 9 Austrian Federal State Governors, that laid the foundation for the first post-war Austrian Government recognized by the United States and the other Allied Forces;

Whereas this treaty saved Austria from being divided into an East and West, as in Germany;

Whereas Austrians are thankful for the generosity demonstrated by the citizens and the Government of the United States after World War II;

Whereas Austrian-Americans have made important contributions to the American way of life as well as in industry, education, culture, and the arts and sciences; and

Whereas Austrian born Americans, or Americans of Austrian descent, have brought prestige and recognition to the United States as Nobel laureates in medicine, economics, and the sciences: Now, therefore, be it

*Resolved*, That the Senate—

(1) declares September 26, 1997, as "Austrian-American Day"; and

(2) authorizes and requests the President to commend this observance to the citizens of the United States in honor of this momentous occasion.

## CONVEYANCE OF A PARCEL OF LAND TO THE DOS PALOS AG BOOSTERS

Mr. ENZI. Mr. President, I ask unanimous consent the Agriculture Committee be discharged from further consideration of H.R. 111, and further the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 111) to provide for the conveyance of a parcel of unused agricultural land in Dos Palos, California to the Dos Palos Ag Boosters for use as a farm school.

Mr. ENZI. I ask unanimous consent the bill be considered read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill appear at this point in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 111) was considered read the third time, and passed.

## EXECUTIVE SESSION

## EXECUTIVE CALENDAR

Mr. ENZI. Mr. President, I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nominations on the Executive Calendar, Calendar No. 259 and Calendar No. 260.

I further ask unanimous consents the nominations be confirmed, the motions to reconsider be laid upon the table, and any statements relating to the nominations be printed at this point in the RECORD, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed are as follows:

NAVY

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

*To be admiral*

Adm. Harold W. Gehman, Jr., 3817.

MARINE CORPS

The following named officer for appointment in the United States Marine Corps to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

*To be general*

Lt. Gen. Charles E. Wilhelm, 4063.

## LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will resume legislative session.

## REMOVAL OF INJUNCTION OF SECRECY—TREATY DOCUMENTS NOS. 105-28, 105-29, AND 105-30

Mr. ENZI. As in executive session, I ask unanimous consent that the injunction of secrecy be removed from the following treaties transmitted to the Senate on September 23, 1997, by the President of the United States:

Comprehensive Nuclear Test-Ban Treaty (Treaty Document No. 105-28);

Protocol Amending Tax Convention With Canada (Treaty Document No. 105-29);

Extradition Treaty With India (Treaty Document No. 105-30).

I further ask that the treaties be considered as having been read the first time; that they be referred, with accompanying papers, to the Committee on Foreign Relations and ordered to be printed; and that the President's messages be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The President's messages are as follows:

*To the Senate of the United States:*

I transmit herewith, for the advice and consent of the Senate to ratification, the Comprehensive Nuclear Test-Ban Treaty (the "Treaty" or "CTBT"), opened for signature and signed by the United States at New York on September 24, 1996. The Treaty includes two Annexes, a Protocol, and two Annexes to the Protocol, all of which form integral parts of the Treaty. I transmit also, for the information of the Senate, the report of the Department of State on the Treaty, including an Article-by-Article analysis of the Treaty.

Also included in the Department of State's report is a document relevant to but not part of the Treaty: The Treaty on the Establishment of a Preparatory Commission for the Comprehensive Nuclear Test-Ban Treaty Organization, adopted by the Signatory States to the Treaty on November 19, 1996. The Text provides the basis for the work of the Preparatory Commission for the Comprehensive Nuclear Test-Ban Treaty Organization is preparing detailed procedures for implementing the Treaty and making arrangements for the first session of the Conference of the States Parties to the Treaty. In particular, by the terms of the Treaty, the Preparatory Commission will be responsible for ensuring that the verification regime established by the Treaty will be effectively in operation at such time as the Treaty enters into force. My Administration has completed and will submit separately to the Senate an analysis of the verifiability of the Treaty, consistent with section 37 of the Arms Control and Disarmament Act, as amended. Such legislation as may be necessary to implement the Treaty also will be submitted separately to the Senate for appropriate action.

The conclusion of the Comprehensive Nuclear Test-Ban Treaty is a signal event in the history of arms control. The subject of the Treaty is one that has been under consideration by the international community for nearly 40 years, and the significance of the conclusion of negotiations and the signature to date of more than 140 states cannot be overestimated. The Treaty creates an absolute prohibition against the conduct of nuclear weapon test explosions or any other nuclear explosion anywhere. Specifically, each State Party undertakes not to carry out any nuclear weapon test explosion or any other nuclear explosion; to prohibit and prevent any nuclear explosions at any place under its jurisdiction or control; and to refrain from causing, encouraging, or in any way participating in the carrying out of any nuclear weapon test explosion or any other nuclear explosion.

The Treaty establishes a far reaching verification regime, based on the provision of seismic, hydroacoustic, radionuclide, and infrasound data by a global network (the "International Monitoring System") consisting of the facilities listed in Annex 1 to the Protocol. Data provided by the International Monitoring System will be stored, analyzed, and disseminated, in accordance with Treaty-mandated operational manuals, by an International Data Center that will be part of the Technical Secretariat of the Comprehensive Nuclear Test-Ban Treaty Organization. The verification regime includes rules for the conduct of on-site inspections, provisions for consultation and clarification, and voluntary confidence-building measures designed to contribute to the timely resolution of any compliance concerns arising from possible misinterpretation of monitoring data related to chemical explosions that a State Party intends to or has carried out. Equally important to the U.S. ability to verify the Treaty, the text specifically provides for the rights of States Parties to use information obtained by national technical means in a manner consistent with generally recognized principles of international law for purposes of verification generally, and in particular, as the basis for an on-site inspection request. The verification regime provides each State Party the right to protect sensitive installations, activities, or locations not related to the Treaty. Determinations of compliance with the Treaty rest with each individual State Party to the Treaty.

Negotiations for a nuclear test-ban treaty date back to the Eisenhower Administration. During the period 1978–1980, negotiations among the United States, the United Kingdom, and the USSR (the Depositary Governments of the Treaty on the Non-Proliferation of Nuclear Weapons (NPT)) made progress, but ended without agreement. Thereafter, as the nonnuclear weapon states called for test-ban negotiations, the United States urged the Conference on Disarmament (the "CD") to devote its attention to the difficult aspects of monitoring compliance with such a ban and developing elements of an international monitoring regime. After the United States, joined by other key states, declared its support for comprehensive test-ban negotiations with a view toward prompt conclusion of a treaty, negotiations on a comprehensive test-ban were initiated in the CD, in January 1994. Increased impetus for the conclusion of a comprehensive nuclear test-ban treaty by the end of 1996 resulted from the adoption, by the Parties to the NPT in conjunction with the indefinite and unconditional extension of that Treaty, of "Principles and Objectives for Nuclear Non-Proliferation and Disarmament" that listed the conclusion of a CTBT as the highest measure of its program of action.

On August 11, 1995, when I announced U.S. support for a "zero yield" CTBT, I stated that:

> ". . . as part of our national security strategy, the United States must and will retain strategic nuclear forces sufficient to deter any future hostile foreign leadership with access to strategic nuclear forces from acting against our vital interests and to convince it that seeking a nuclear advantage would be futile. In this regard, I consider the maintenance of a safe and reliable nuclear stockpile to be a supreme national interest of the United States.
>
> "I am assured by the Secretary of Energy and the Directors of our nuclear weapons labs that we can meet the challenge of maintaining our nuclear deterrent under a CTBT through a Science Based Stockpile Stewardship program without nuclear testing. I directed the implementation of such a program almost 2 years ago, and it is being developed with the support of the Secretary of Defense and the Chairman of the Joint Chiefs of Staff. This program will now be tied to a new certification procedure. In order for this program to succeed, both the Administration and the Congress must provide sustained bipartisan support for the stockpile stewardship program over the next decade and beyond. I am committed to working with the Congress to ensure this support.
>
> "While I am optimistic that the stockpile stewardship program will be successful, as President I cannot dismiss the possibility, however unlikely, that the program will fall short of its objectives. Therefore, in addition to the new annual certification procedure for our nuclear weapons stockpile, I am also establishing concrete, specific safeguards that define the conditions under which the United States can enter into a CTBT. . ."

The safeguards that were established are as follows:

—The conduct of a Science Based Stockpile Stewardship program to ensure a high level of confidence in the safety and reliability of nuclear weapons in the active stockpile, including the conduct of a broad range of effective and continuing experimental programs.

—The maintenance of modern nuclear laboratory facilities and programs in theoretical and exploratory nuclear technology that will attract, retain, and ensure the continued application of our human scientific resources to those programs on which continued progress in nuclear technology depends.

—The maintenance of the basic capability to resume nuclear test activities prohibited by the CTBT should the United States cease to be bound to adhere to this Treaty.

—The continuation of a comprehensive research and development program to improve our treaty monitoring capabilities and operations.

—The continuing development of a broad range of intelligence gathering and analytical capabilities and operations to ensure accurate and comprehensive information on worldwide nuclear arsenals, nuclear weapons development programs, and related nuclear programs.

—The understanding that if the President of the United States is informed by the Secretary of Defense and the Secretary of Energy (DOE)—advised by the Nuclear Weapons Council, the Directors of DOE's nuclear weapons laboratories, and the Commander of the U.S. Strategic Command—that a high level of confidence in the safety or reliability of a nuclear weapon type that the two Secretaries consider to be critical to our nuclear deterrent could no longer be certified, the President, in consultation with the Congress, would be prepared to withdraw from the CTBT under the standard "supreme national interests" clause in order to conduct whatever testing might be required.

With regard to the last safeguard:

—The U.S. regards continued high confidence in the safety and reliability of its nuclear weapons stockpile as a matter affecting the supreme interests of the country and will regard any events calling that confidence into question as "extraordinary events related to the subject matter of the treaty." It will exercise its rights under the "supreme national interests" clause if it judges that the safety or reliability of its nuclear weapons stockpile cannot be assured with the necessary high degree of confidence without nuclear testing.

—To implement that commitment, the Secretaries of Defense and Energy—advised by the Nuclear Weapons Council or "NWC" (comprising representatives of DOD, JCS, and DOE), the Directors of DOE's nuclear weapons laboratories and the Commander of the U.S. Strategic Command—will report to the President annually, whether they can certify that the Nation's nuclear weapons stockpile and all critical elements thereof are, to a high degree of confidence, safe and reliable, and, if they cannot do so, whether, in their opinion and that of the NWC, testing is necessary to assure, with a high degree of confidence, the adequacy of corrective measures to assure the safety and reliability of the stockpile, or elements thereof. The Secretaries will state the reasons for their conclusions, and the views of the NWC, reporting any minority views.

—After receiving the Secretaries' certification and accompanying report, including NWC and minority views, the President will provide them to the appropriate committees of the Congress, together with a report on the actions he has taken in light of them.

—If the President is advised, by the above procedure, that a high level of confidence in the safety or reliability of a nuclear weapon type critical to the Nation's nuclear deterrent could no longer be certified without nuclear testing, or that nuclear testing is necessary to assure the adequacy of corrective measures, the President will be prepared to exercise our "supreme national interests" rights under the Treaty, in order to conduct such testing.

—The procedure for such annual certification by the Secretaries, and for advice to them by the NWC, U.S. Strategic Command, and the DOE nuclear weapons laboratories will be embodied in domestic law.

As negotiations on a text drew to a close it became apparent that one member of the CD, India, would not join in a consensus decision to forward the text to the United Nations for its adoption. After consultations among countries supporting the text, Australia requested the President of the U.N. General Assembly to convene a resumed session of the 50th General Assembly to consider and take action on the text. The General Assembly was so convened, and by a vote of 158 to 3 the Treaty was adopted. On September 24, 1996, the Treaty was opened for signature and I had the privilege, on behalf of the United States, of being the first to sign the Treaty.

The Treaty assigns responsibility for overseeing its implementation to the Comprehensive Nuclear Test-Ban Treaty Organization (the "Organization"), to be established in Vienna. The Organization, of which each State Party will be a member, will have three organs: the Conference of the States Parties, a 51-member Executive Council, and the Technical Secretariat. The Technical Secretariat will supervise the operation of and provide technical support for the International Monitoring System, operate the International Data Center, and prepare for and support the conduct of on-site inspections. The Treaty also requires each State Party to establish a National Authority that will serve as the focal point within the State Party for liaison with the Organization and with other States Parties.

The Treaty will enter into force 180 days after the deposit of instruments of ratification by all of the 44 states listed in Annex 2 to the Treaty, but in no case earlier than 2 years after its being opened for signature. If, 3 years from the opening of the Treaty for signature, the Treaty has not entered into force, the Secretary-General of the United Nations, in his capacity as Depositary of the Treaty, will convene a conference of the states that have deposited their instruments of ratification if a majority of those states so requests. At this conference the participants will consider what measures consistent with international law might be undertaken to accelerate the ratification process in order to facilitate the early entry into force of the Treaty. Their decision on such measures must be taken by consensus.

Reservations to the Treaty Articles and the Annexes to the Treaty are not permitted. Reservations may be taken to the Protocol and its Annexes so long as they are not incompatible with the object and purpose of the Treaty. Amendment of the Treaty requires the positive vote of a majority of the States Parties to the Treaty, voting in a duly convened Amendment Conference at which no State Party casts a negative vote. Such amendments would enter into force 30 days after ratification by all States Parties that cast a positive vote at the Amendment Conference.

The Treaty is of unlimited duration, but contains a "supreme interests" clause entitling any State Party that determines that its supreme interests have been jeopardized by extraordinary events related to the subject matter of the Treaty to withdraw from the Treaty upon 6-months' notice.

Unless a majority of the Parties decides otherwise, a Review Conference will be held 10 years following the Treaty's entry into force and may be held at 10-year intervals thereafter if the Conference of the States Parties so decides by a majority vote (or more frequently if the Conference of the States Parties so decides by a two-thirds vote).

The Comprehensive Nuclear Test-Ban Treaty is of singular significance to the continuing efforts to stem nuclear proliferation and strengthen regional and global stability. Its conclusion marks the achievement of the highest priority item on the international arms control and nonproliferation agenda. Its effective implementation will provide a foundation on which further efforts to control and limit nuclear weapons can be soundly based. By responding to the call for a CTBT by the end of 1996, the Signatory States, and most importantly the nuclear weapon states, have demonstrated the bona fides of their commitment to meaningful arms control measures.

The monitoring challenges presented by the wide scope of the CTBT exceed those imposed by any previous nuclear test-related treaty. Our current capability to monitor nuclear explosions will undergo significant improvement over the next several years to meet these challenges. Even with these enhancements, though, several conceivable CTBT evasion scenarios have been identified. Nonetheless, our National Intelligence Means (NIM), together with the Treaty's verification regime and our diplomatic efforts, provide the United States with the means to make the CTBT effectively verifiable. By this, I mean that the United States:

—will have a wide range of resources (NIM, the totality of information available in public and private channels, and the mechanisms established by the Treaty) for addressing compliance concerns and imposing sanctions in cases of noncompliance; and

—will thereby have the means to: (a) assess whether the Treaty is deterring the conduct of nuclear explosions (in terms of yields and number of tests) that could damage U.S. security interests and constraining the proliferation of nuclear weapons, and (b) take prompt and effective counteraction.

My judgment that the CTBT is effectively verifiable also reflects the belief that U.S. nuclear deterrence would not be undermined by possible nuclear testing that the United States might fail to detect under the Treaty, bearing in mind that the United States will derive substantial confidence from other factors—the CTBT's "supreme national interests" clause, the annual certification procedure for the U.S. nuclear stockpile, and the U.S. Safeguards program.

I believe that the Comprehensive Nuclear Test-Ban Treaty is in the best interests of the United States. Its provisions will significantly further our nuclear nonproliferation and arms control objectives and strengthen international security. Therefore, I urge the Senate to give early and favorable consideration to the Treaty and its advice and consent to ratification as soon as possible.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *September 22, 1997.*

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*To the Senate of the United States:*

I transmit herewith for Senate advice and consent to ratification the Protocol Amending the Convention Between the United States of America and Canada with Respect to Taxes on Income and on Capital Signed at Washington on September 26, 1980 as Amended by the Protocols Signed on June 14, 1983, March 28, 1984 and March 17, 1995, signed at Ottawa on July 29, 1997. This Protocol modified the taxation of social security benefits and the taxation of gains from the sale of shares of foreign real-property holding companies.

I recommend that the Senate give early and favorable consideration to this Protocol and give its advice and consent to ratification.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *September 23, 1997.*

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*To the Senate of the United States:*

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the Extradition Treaty Between the Government of the United States of America and the Government of the Republic of India, signed at Washington on June 25, 1997.

In addition, I transmit, for the information of the Senate, a related exchange of letters signed the same date and the report of the Department of State with respect to the Treaty. As the report states, the Treaty will not require implementing legislation.

The provisions in this Treaty follow generally the form and content of extradition treaties recently concluded by the United States.

Upon entry into force, this Treaty would enhance cooperation between the law enforcement authorities of both countries, and thereby make a significant contribution to international law enforcement efforts. With respect to the United States and India, the Treaty would supersede the Treaty for the Mutual Extradition of Criminals between the United States of America and Great Britain, signed at London December 22, 1931, which was made applicable to India on March 9, 1942, and is currently applied by the United States and India.

I recommend that the Senate give early and favorable consideration to the Treaty and give its advice and consent to ratification.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *September 23, 1997.*

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## ORDERS FOR WEDNESDAY, SEPTEMBER 24, 1997

Mr. ENZI. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in adjournment until the hour of 12 noon on Wednesday, September 24. I further ask that on Wednesday, immediately following the prayer, the routine requests through the morning hour be granted and the Senate immediately resume consideration of S. 830, the FDA reform bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

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## PROGRAM

Mr. ENZI. Mr. President, tomorrow the Senate will resume consideration of S. 830, the FDA reform bill. Under the previous order, at noon the Senate will conclude the remaining 4 hours of debate on that measure. Therefore, Members can anticipate a vote on final passage of S. 830, between 3:45 and 4 o'clock tomorrow afternoon.

Following disposition of S. 830, it is hoped the Senate will begin consideration of the District of Columbia appropriations bill. Members can expect additional votes during Wednesday's session of the Senate, following the final passage vote of S. 830. In addition, the Senate may consider any other legislative or executive business that can be cleared for action.

I thank all Senators for their attention.

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## ADJOURNMENT

Mr. ENZI. Mr. President, I now ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 7:04 p.m, adjourned until Wednesday, September 24, 1997, at 12 noon.

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## NOMINATIONS

Executive nominations received by the Secretary of the Senate September 22, 1997, under authority of the order of the Senate of January 7, 1997:

### DEPARTMENT OF STATE

RICHARD FRANK CELESTE, OF OHIO, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO INDIA.

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## CONFIRMATIONS

Executive nominations confirmed by the Senate September 23, 1997;

### NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE U.S. NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

*To be Admiral*

ADM. HAROLD W. GEHMAN, JR., 3817.

### IN THE MARINE CORPS

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT IN THE U.S. MARINE CORPS TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601;

*To be general*

LT. GEN. CHARLES E. WILHELM, 4063.

# HOUSE OF REPRESENTATIVES—*Tuesday, September 23, 1997*

The House met at 12:30 p.m.

## MORNING HOUR DEBATES

The SPEAKER. Pursuant to the order of the House of January 21, 1997, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each Member except the majority leader, the minority leader, or the minority whip limited to not to exceed 5 minutes.

The Chair recognizes the gentleman from Florida [Mr. GIBBONS] for 5 minutes.

## VOTE "NO" ON H.R. 1270

Mr. GIBBONS. Mr. Speaker, I would like to address this Chamber as well as all America on an issue that is extremely important to all of us, and that is the issue of nuclear waste.

In a recent advertisement, in fact, an advertisement paid for by the nuclear energy lobbyists, it appeared in the Congressional Daily, dated September 22, 1997, and I quote, "Thanks to nuclear energy, the air in Maine and New Hampshire is cleaner." The ad goes on to say, "Since nuclear powerplants don't burn anything to generate electricity, they do not pollute the air."

Well, Mr. Speaker, if nuclear energy is as environmentally safe an energy source as they claim it to be, then why do they not store the wastes associated with those nuclear energy plants in their own States?

Why not keep that nuclear waste safely stored at nuclear powerplants throughout the country, as this claim advertises, and let me say, generating electricity with nuclear energy produces a small amount of used nuclear fuel. Today this used fuel is safely stored at 109 nuclear powerplants throughout the country.

The headline, Mr. Speaker, should read, "Thanks to nuclear energy, innocent people all across this country will be put at risk as 80,000 tons or more of nuclear waste is transported through their communities."

Mr. Speaker, the American people should say thanks, but no thanks. I urge my colleagues to understand the facts, that as nuclear waste is transported through their communities, Americans are put at risk, and I urge them to get the facts on nuclear waste. I urge them to vote "no" on H.R. 1270.

Mr. Speaker, I include for the RECORD the ad from National Journal's CongressDaily.

### THANKS TO NUCLEAR ENERGY, THE AIR IN MAINE AND NEW HAMPSHIRE IS CLEANER

Nuclear energy provides electricity to millions of people in Maine, New Hampshire and throughout America, and because nuclear plants don't burn anything to generate electricity, they don't pollute the air.

#### BUT WHAT ABOUT THE WASTE?

Generating electricity with nuclear energy produces a small amount of used nuclear fuel. Today, this used fuel is safely stored at 109 nuclear power plants throughout the country. However, the government has the legal responsibility to dispose of this waste beginning January 31, 1998.

H.R. 1270 would move used nuclear fuel to a single, engineered storage facility at a remote desert location. It's a common-sense strategy that will ensure nuclear energy continues to provide electricity to Maine and New Hampshire and nationwide for years to come.

H.R. 1270: Act Now On Nuclear Waste Disposal.

## PROVIDING FLEXIBILITY AND COMMUNITY INVOLVEMENT IN ISSUES OF TRANSPORTATION

The SPEAKER pro tempore (Mr. SHIMKUS). Under the Speaker's announced policy of January 21, 1997, the gentleman from Oregon [Mr. BLUMENAUER] is recognized during morning hour debates for 5 minutes.

Mr. BLUMENAUER. Mr. Speaker, I recently returned from a weekend visit to the metropolitan areas of Seattle and Miami, where I had an opportunity to visit with a wide array of individual citizen activists, academics, journalists, government officials, health professionals, people who are struggling with a variety of issues to make their communities livable.

I was struck, Mr. Speaker, by the fact that those conversations were identical in those two communities, separated by our continent, and in fact would be indistinguishable from conversations that I have in my own hometown of Portland, OR.

They are wrestling with notions of public safety, affordable housing, water resources, open space, how to make the most out of scarce land use resources, and, most of all, the defining issue they felt was one of transportation.

It was a timely series of conversations, Mr. Speaker, because we are now dealing with the reauthorization of the Surface Transportation Act. Six years ago the Federal Government entered into a new era of partnership with ISTEA, a new way of thinking about transportation, of providing flexibility and community involvement.

Stories from all across America attest to the success of this visionary process. We are now about to begin the next stage with the reauthorization.

Congress has the opportunity to build upon this solid foundation. I am concerned, Mr. Speaker, that we in Congress not be bogged down on some of the details that are not unimportant, that seem to be swirling about the issue. We need to be aware of the questions regarding donor and donee States, and continue to make progress toward more equitable and fair distribution.

We need to be aware of the conflicts between individual motorists and the trucking industry, understanding their issues as well.

But it is critical that we not be engaged in some sort of zero sum game, where we look at roads, rail, air and water as being somehow set off against one another. That way of thinking should be a thing of the past.

Our goal is how do we make the pieces fit together. If, for instance, a community has determined that a rail line might be far more cost effective to provide transportation capacity, the Federal Government ought not to stand in the way of their making that decision. If a community determines that sound land use planning and arranging the land uses in a thoughtful way is the most cost effective alternative to building another freeway, the Federal Government should not stand in their way.

Tomorrow in the Committee on Transportation and Infrastructure we begin the markup of H.R. 2400, the so-called BESTEA. It is a good bill, and it is in fact getting better. It is critical that we keep our eye on five essential elements:

No. 1, we deal with an adequate funding level. These resources are, after all, trust funds that the American people have paid through user fees. We have a responsibility to make sure they get the resources they need.

No. 2, we need to make sure that the enhancements that have meant so much to communities across the country are protected and encouraged.

No. 3, we need to expand the community input in the decisionmaking process, which has unlocked creativity across the country.

No. 4, we must continue to encourage the careful planning. We can ill afford to misspend these resources, when in fact we find out that improperly spent

□This symbol represents the time of day during the House proceedings, e.g., □1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

they can actually make the problems worse.

Most important, we must work to promote a balanced transportation system to get the most out of the money, the land, and our existing infrastructure.

Mr. Speaker, I urge my colleagues to pay careful attention to this next stage in the most important environmental and economic development legislation of this session.

## MARRIAGE TAX PENALTY MUST BE CHANGED

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997, the gentleman from Illinois [Mr. WELLER] is recognized during morning hour debates for 5 minutes.

Mr. WELLER. Mr. Speaker, it is my privilege to represent Illinois' most diverse district. I represent part of the city of Chicago, the south suburbs in Cook and Will Counties, bedroom communities like Morris, where I live, at the center geographically of our district, and also rural communities and cornfields. Even though it is a very, very diverse district, as a local legislator I always look for the things that are in common throughout this district.

Clearly the election results in 1996, which reelected a Democrat President and a Republican majority in Congress for the first time in history, clearly gave us a message, a common message, that we should work together in a bipartisan way to solve the challenges that we face.

We have answered that challenge just in the last several months with the first balanced budget in 28 years, the first meaningful tax relief for middle-class families in 16 years, and extending the life of Medicare for 10 years. Those are bipartisan victories, and clearly the middle-class working families are the winners.

Now as I travel throughout the diverse district that I have the privilege of representing, when I listen at my town meetings, VFW and local union halls and the grain elevators, there is a common concern that is getting louder and louder all the time, and that is the issue regarding the marriage tax penalty.

Let me explain why the marriage tax penalty is a common concern to so many working middle-class families with a couple of questions. Do Americans feel that it is fair that our Tax Code imposes a higher tax on married couples than on nonmarried couples? Do Americans feel it is fair that the average married working couple pays almost $1,400 more in taxes than a working couple with identical incomes living together outside of marriage?

I think not. I know that the taxpayers and middle-class families that I represent think not. The marriage tax penalty is not only unfair, but it is wrong.

□ 1245

It is immoral. It is immoral that our Tax Code punishes our society's most basic institution, the institution of marriage. According to the Congressional Budget Office, 21 million American couples, married couples, suffer the marriage tax penalty.

Let me give an example of an Illinois couple from my district who has a combined income of $61,000. Of course, the marriage tax penalty results, because a married couple usually files jointly so their incomes are combined, and of course that pushes them into a higher tax bracket.

Now, the couple that I have here as individuals, after we factor in their personal exemptions and standard deduction, would be in the 15-percent tax bracket if they filed as singles, but because they filed jointly as a married couple, they are pushed into the 28-percent tax bracket.

What this means for this Illinois working couple is a marriage tax penalty of $1,378. That is wrong. That is unfair. It is unfair that a married couple pays higher taxes just because they are married. Our current Tax Code punishes working Illinois married couples, middle-class families, with an average marriage tax penalty of almost $1,400.

Think about what that means for this Illinois family. This Illinois working couple who just happens to be married, like 21 million American couples. That extra $1,400 is a significant portion of a downpayment on a home. It is several months' worth of car payments. It is tuition for their child to go to a local parochial school or for a child who they themselves as adults go to local community college. That is wrong, that is unfair.

What we propose to do with the enactment of the Marriage Tax Elimination Act, H.R. 2456, is to give working couples the power to choose which filing status makes sense for them. They would have the opportunity under the Marriage Tax Elimination Act to choose to file jointly or as singles, whichever is to their financial advantage. And as two singles, this couple here from Illinois could benefit from greater standard deductions, of course, but they would also get the full advantage, the full advantage of the lower tax rates. In this case each individual would pay in the 15-percent tax bracket rather than the 28 percent. It is a fair solution to the marriage tax penalty.

It is similar also to what the State of Virginia has already done, a case where the States are always ahead of the Federal Government, where there is one form or two columns for each individual and the couple to file singly, and, of course, they avoid the marriage tax penalty.

What is the bottom line? The Marriage Tax Elimination Act puts a married working couple on an equal tax footing with working singles. Thanks to this Congress, in 1996 we helped working middle-class families with the adoption of the tax credit, this year with the child tax credit. Our legislation deserves bipartisan support, and I ask for bipartisan support.

Mr. Speaker, I include for the RECORD data in support of the Marriage Tax Elimination Act.

### CHRISTIAN COALITION CALLS FOR END TO MARRIAGE TAX PENALTY

### SUPPORTS MARRIAGE TAX ELIMINATION ACT

CHESAPEAKE, VA.—Christian Coalition President Don Hodel announced that the pro-family grass-roots citizens action organization would fully support the Marriage Tax Elimination Act, introduced today by Reps. Dave McIntosh and Jerry Weller in a press conference on Capitol Hill.

Elimination of the marriage penalty was first called for by the Christian Coalition in its Contract with the American Family, unveiled in May 1995. This proposal was also included in the American Dream Restoration Act of the 104th Congress, which was approved by the House of Representatives on April 5, 1995. Under current law, many married couples pay more in taxes than they would if they remained single. Hodel called, again, for an end to the marriage tax penalty two weeks ago while announcing the Coalition's top legislative priorities for this Fall, which included additional family tax relief following the victory over the $500 per child tax credit recently signed into law.

"Government, by taxing married couples at higher rates than singles, has, for too long, been a part of the problem," said Hodel. "At a time when family breakups are so common, the Congress should pass legislation to encourage marriage and ease the burden on families trying to form and stay together. This legislation places government on the side of families when it comes to taxation policy."

With the Marriage Tax Elimination Act, married, working couples will receive the same tax treatment as singles. Couples will be allowed to choose the tax filing status that makes the most sense for them. The Congressional Budget Office reported that more than 21 million couples suffered a marriage tax penalty averaging $1,400, and some exceeded $20,000.

"For most Americans $1,400 is a lot of money," said Hodel. "That is money that a young family can use to buy clothes for their children, invest in a college savings account or make repairs on a home. The bottom line is it's their money, and a government that truly values families will let families keep it."

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INDEPENDENT WOMEN'S FORUM,
*Arlington, VA, September 12, 1997.*

Hon. DAVID MCINTOSH,
Hon. JERRY WELLER,
*U.S. House of Representatives,*
*Washington, DC.*

DEAR GENTLEMAN: The Independent Women's Forum urges Congress to put the tax code where its rhetoric is, and eliminate marriage penalties. Serious steps to reform tax laws would mean real liberation for women, those who work and those who may have to in the future.

Marriage taxes can impose a nearly 50% marginal tax rate on second earners, most of whom are wives and mothers. This is state sponsored discrimination against women, the unintended consequences of which is to discourage women from entering the labor force. If Congress is sincere in improving the lives of American women and their families, it will eliminate tax loopholes that choke their paychecks. Real support for the family begins with tax reform.

Sincerely,

BARBARA J. LEDEEN,
*Executive Director for Policy.*

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AMERICANS FOR TAX REFORM,
*Washington, DC, September 5, 1997.*

Hon. JERRY WELLER,
*U.S. House of Representatives,*
*Washington, DC.*

Subject: End the Marriage Penalty Now!

DEAR MR. WELLER: Americans for Tax Reform supports the Marriage Tax Elimination Act offered by Representatives Jerry Weller (R–IL) and David McIntosh (R–IN). We believe that married working couples deserve the same tax treatment as singles. Now is the perfect time for action because the Congressional Budget Office (CBO) is anticipating an earlier than expected fiscal surplus.

For many Americans, the average marriage tax is approximately equal in value to half a year of car payments. With an extra $1,400, a couple might be able to send a child to the school of their choice. The bottom line is that the marriage tax is very real to many working couples in this country.

In fact, many working Americans are so skeptical of real tax relief that they have expressed doubt the Taxpayer Relief Act, which became law on August 5, 1997, would provide them with any real relief of their tax burden. Giving them the opportunity to choose to end their marriage tax penalty will go a long way in restoring their confidence in the process and tax reform. The Marriage Penalty Elimination Act would allow couples to select the filing status that makes the most sense to their personal finances.

Americans for Tax Reform supports the efforts of the Sophomore Republican Class lead the march towards tax relief for working American couples. We support efforts to enact the Marriage Tax Elimination Act for America's working couples. We would like to thank you and Davis McIntosh in particular for your efforts.

Sincerely,

GROVER G. NORQUIST.

## HEALTHY PRACTICES FOR CHILDREN AND FAMILIES

The SPEAKER pro tempore (Mr. SHIMKUS). Under the Speaker's announced policy of January 21, 1997, the gentleman from Massachusetts [Mr. MCGOVERN] is recognized during morning hour debates for 5 minutes.

Mr. MCGOVERN. Mr. Speaker, during the past several years, the American Health Foundation, which is based in New York City, has led the charge to reestablish National Child Health Day. Initially proclaimed by President Coolidge back in 1928, this day had unfortunately fallen from our national calendar before being taken up by this foundation. In an effort to bring Child Health Day back on to the calendar, Congressman JOHN PORTER and I recently invited Members of Congress to attend a bipartisan luncheon here in the Capitol which was hosted by the American Health Foundation. While focusing on children's health and healthy behavior is something we should do every day, Child Health Day has the potential to focus our Nation's attention on this issue like never before.

Beginning on October 6, which is National Child Health Day, families across this country are encouraged to make the healthy practices pledge. This pledge consists of five healthy habits that our children can learn at a young age and which can create the foundation for healthy adult lives.

I have been working to take the message of Child Health Day back to my home State of Massachusetts, and on October 6, Massachusetts will proudly unveil the first and only State report card on children's health modeled after the American Health Foundation's national publication. This report is being put together by a team of local volunteers to quantify our strengths and weaknesses in the area of children's health so we can see what we have done right and address those areas where we can improve.

While we have several events planned in my district that will address both children's health and early childhood development, these efforts will be wasted if people do not take the message of keeping children healthy into their homes and to their own families.

Mr. Speaker, I want to take a couple of minutes today to share this pledge that has been put together with my colleagues, and I urge all of those parents who are watching here today to agree to sign this pledge. As my colleagues can see, the five items here are not impossible to achieve, and they could make a lasting difference to the lifelong health of our children.

First, have a healthy breakfast. While those of us caught up in the rat race seem to rush around more today than ever before, there is no reason to leave for work without making sure that our kids have the nutrition they need to start their day. Let us show our kids that we care about this issue and make certain that we at least take the time to sit down with them for a healthy breakfast at least at a minimum 1 day a week.

Second, stop smoking. Children learn by example. Ninety percent of today's smokers became addicted while they were still children. If one personally cannot kick the habit, try to make it a habit not to smoke in front of your children or grandchildren.

Third, engage in physical activities. Watching television is the No. 1 afterschool activity for American 6- to 17-year-olds. Childhood obesity is on the rise to the point where some 25 percent of our children are believed to be overweight. Let us make a pledge to teach our children the value of exercise. Supporting our children in sports or just getting out the door and taking a walk will teach our children the importance of healthy physical activity.

Fourth, live and play safely. In my own State of Massachusetts, some 40 percent of parents do not buckle their children in the car. Every day, buckle up. Put your children in the back seat with their seatbelts snugly fastened, secure rear-facing infant seats in the back seat, and have our children wear helmets when biking and in-line skating, and teach them the importance of sunscreen and proper sunglasses. We all know these few steps can really help save lives. We need to commit ourselves to making them a central part of enjoying the outdoors with our kids.

Finally, we need to teach kids to take care of their teeth. Prevention here is so simple. In 1987, some 27 percent of our kids had untreated tooth decay. The number of children who do not brush regularly is staggering. Again, we are the ones who need to set a good example for our kids. Let us make a point to show our kids how important good oral hygiene really is.

Mr. Speaker, although these tips require some effort and planning on our part, their long-term benefits will lead to the better health and full development of our children. Child Health Day gives us an important opportunity to lead the way toward healthier lives for our children. I urge my colleagues to join with me in reestablishing October 6 as a day for us to celebrate our national commitment to our kids.

## PROBLEMS WITH FAST TRACK

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997, the gentleman from Michigan [Mr. STUPAK] is recognized during morning hour debates for 5 minutes.

Mr. STUPAK. Mr. Speaker, I come to the floor this afternoon to talk about fast track. Recently the President has requested fast track authority from the United States Congress to extend the NAFTA-like trade agreements to South America, Chile, and the Caribbean Basin.

Mr. Speaker, what the fast track authority really does is extend trade agreements to countries without any chance of the U.S. Congress or the U.S. Senate to amend, alter, or change these agreements. We are very concerned about this fast track authority. We do not know what the rush is and why we have to enter into another fast track type of agreement when we find problems with past fast track legislation, namely, the NAFTA agreement.

In the past, Mr. Speaker, when we may have criticized fast track agreements, and it centered on labor or environmental concerns, and these are good reasons to oppose fast track if they do not address our environmental or labor concerns, but there is a third reason and maybe a more pressing reason to reject this new fast track authority for the President if the fast track legislation does not contain food safety and pesticide use and control of fruits, vegetables, meats, poultry coming into this country.

Food safety should be of the utmost concern of all Americans. It is not a trade issue, it is a safety issue, based upon the food we present to our family each and every day.

If we take a look at the NAFTA experience, Mr. Speaker, we find that over the past 3 years that NAFTA has been implemented, we find that the standards for food safety, pesticide use on food and products coming into the United States has actually been lowered under NAFTA. Why should our standards, our high qualities that we enjoy here in the United States to ensure proper food, nutrition, and safety on our dinner tables, be waived or lowered in the name of some fast track agreement?

If we take a look at the May 1997 General Accounting Office review of the NAFTA and the food safety issue, we find that over 9,000 trucks per day come into this country from Mexico. That is 3.3 million trucks a year. When we take a look at it, there is very little or no enforcement or inspection of these vehicles entering the United States.

For instance, the GAO study reports that strawberries alone has an 18-percent violation of our health food and safety standards. Carrots have a 12-percent violation. Head lettuce that comes into the United States from Mexico, 15 percent of them are found to be in violation of our food and health standards. Now, these are not my statistics, or it is not my report, but that of the Government Accounting Office, May 1997 study.

When we eat contaminated food, we have problems, as we have seen recently in this country, with E. coli, or hepatitis A. Hepatitis A along the Mexican border with Texas has a 2 to 5 times greater hepatitis outbreak in certain counties in Texas than the national average, and it is directly related to food entering into the United States not properly cared for, inspected, and treated before it is being placed on our tables. Even in Michigan where I am from, Mr. Speaker, this past year we had 130 schoolchildren who were infected with hepatitis A when they consumed strawberries that were grown in Mexico.

When we talk about pesticides, which ones can and cannot be used to grow fruits and vegetables, many of those standards are waived under the current NAFTA agreement, and I am afraid that under the new fast track authority for the South American and Caribbean Basin that there will not be adequate pesticide standards placed in that agreement.

Again, this is not a trade issue, but really a safety issue. We should not lower our standards. We should not jeopardize the health and safety of our families in the name of trade, but let us not lower our standards.

Mr. Speaker, the gentleman from Ohio [Mr. BROWN] and myself have been preparing a letter to send to the President which asks him, before he agrees to any fast track authority, we would ask him and we would urge him to do the following: Renegotiate the provisions of NAFTA which relate to border inspections and food safety, and ensure that any future requests for fast track authority include strong food safety protections. Increase the funding for border inspections, or in the alternative, limit the increasing rate of food imports to ensure that safety of our food is paramount at the time of inspection. We would also ask the President to begin an aggressive program to label all food, including fresh and frozen fruits, vegetables, and meats, and also place what country they are from.

What we find now is food coming into the United States, and they are in a big truck or container ship.

## FAST TRACK DEBATE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997, the gentleman from Ohio [Mr. BROWN] is recognized during morning hour debates for 5 minutes.

Mr. BROWN of Ohio. Mr. Speaker, I got confirmation yesterday from the Embassy of Chile that former Presidential candidate Bob Dole is going to represent the Government of Chile against the United States in a trade dispute over salmon. The Embassy expressed the hope and expectation that former Senator Dole would advise the Chilean Government on its political strategy on the fast track debate currently underway in the United States Congress.

I would urge Senator Dole to reconsider his decision. Unfortunately, this is business as usual, and it underscores how bad trade agreements make their way through Congress. Foreign governments have tremendous resources to hire American lobbyists and Washington DC law firms with powerful connections. Often these lobbyists are prominent ex-Members of Congress, former Senators, and ex-trade officials. But Bob Dole is different. He is not just another politician. I am not saying that Senator Dole has done anything wrong. He left the Senate in June 1996, so he is not bound by the 1-year revolving door laws.

□ 1300

He is free to represent Chile if he wants. But I am saying that this is too much business as usual. Senator Dole is playing on the visitor's team, and we want him back on the home team. We want him on America's team, not Chile's team. Chile has threatened to take the United States to the World Trade Organization if we act to protect our American salmon farmers and salmon fishermen.

What do the American people think when they see Bob Dole working as a lobbyist for a foreign government which is suing the U.S. Government? I believe there are many American working families, particularly in New England, especially in Maine and in the State of Washington and in the Pacific Northwest and in the State of Alaska, who will be astounded to learn that the same Bob Dole who asked for their support in a Presidential election just 10½ months ago is now trying to beat them and take their jobs in the international arena.

Clearly, this sends the wrong signal to the American people. Clearly, that is why I am asking Senator Dole to reconsider his decision.

We are going to have a tough and vigorous debate over fast track legislation in the House of Representatives. There are many of us, especially on the Democratic side, who are adamantly opposed to fast track without labor and environmental provisions and safeguards. We know we have a tough fight on our hands. We want to keep focused on the issues: jobs in America, environmental protection, food safety, worker and labor provisions, truck safety. We are going to take our case to the American people.

Senator Dole has signed on to help Chile with its political strategy for fast track in the U.S. Congress. This is a perfect example of how things like fast track get approved, even when the American people are so adamantly against them.

## USDA ACCOUNTABILITY AND EQUITY ACT OF 1997

The SPEAKER pro tempore (Mr. SHIMKUS). Under the Speaker's announced policy of January 21, 1997, the gentlewoman from North Carolina [Mrs. CLAYTON] is recognized during morning hour debates for 5 minutes.

Mrs. CLAYTON. Mr. Speaker, the National Black Farmers Association marched yesterday in front of the White House. They marched for equality, they marched for change, they marched for fairness, and they marched for justice.

Why do they march, we may ask? They march because the USDA has a documented history of discrimination against blacks and other minority farmers. Over the last 32 years there have been numerous reports declaring and describing the problems of deliberate discrimination by the USDA against black farmers, by agencies such as the U.S. Commission on Civil Rights, the inspector general, and our very own Committee on Government Operations, as it was known then.

Farmers and ranchers are invaluable resources to all of us. American producers, who represent less than 3 percent of the total population, provide more than enough food and fiber to meet the needs of our Nation, as well as many nations overseas. By now it should be clear that it is not in our national interest to accept the elimination of small farmers, family farmers, nor minority farmers and the limited resource farmers in the name of progress.

From 1910 to 1993 the number of American farms have declined from a little more than 6.4 million to less than 2.1 million, roughly a 70-percent decline and decrease. This decline is even greater in the year 1997. The decline in minority farmers is even sharper.

In my home State of North Carolina, there has been a 64-percent decline in minority farmers just over the last 15 years, from 6,996 farms in 1978 to 2,498 farms in 1992. There are several reasons why the number of minority and limited-resource farmers are declining so rapidly, but the one that has been documented time and time again is the discriminatory environment present in the Department of Agriculture, the very agency established by the U.S. Government to accommodate and assist special needs of all farmers and all ranchers.

The General Accounting Office found instances of discrimination in fiscal years 1995 and 1996. GAO also found the disapproval rates of loans were 6 percent higher for minority farmers than the 10 percent rate for the nonminority farmers. The very next month two related reports were released: the Office of Inspector General's Evaluation Report for the Secretary on civil rights issues and the Civil Rights Action Team Report.

The authors of these hard-hitting reports came to the identical conclusion that those who had looked at this issue some 32 years before did. There are significant problems of discrimination within the Department of Agriculture. The very same conclusion, 32 years later.

The farmers and ranchers of America, including minority and limited-resource producers, through their labor and sustained effort, sustain each and every one of us and maintain the lifeblood of our Nation through providing food to us. Without these hard-working men and women, how could we be fed and clothed, regardless of their race?

These people do not discriminate with their product. That is why, Mr. Speaker, each of us should commit ourselves that we should not have the extra burden of discrimination or racism rearing its ugly head. Secretary Glickman has said he is personally committed to returning USDA to its original status as a people's department, to serve all the people, all the people, without regard to their racial identification.

I am equally committed in that effort to achieve that goal. I introduced H.R. 2185, the USDA Accountability and Equity Act of 1997, in conjunction with the gentleman from Georgia, Mr. SANFORD BISHOP, the gentleman from Alabama, Mr. EARL HILLIARD, and the gentleman from Mississippi, Mr. BENNY THOMPSON.

Mr. Speaker, we all should have the goal that discrimination has no basis for the farmers and producers for all of America. Please, Mr. Speaker, I urge all my colleagues to join with me in that goal.

## WE MUST REMEMBER OUR POW'S AND MIA'S

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997, the gentlewoman from California [Ms. SANCHEZ] is recognized during morning hour debates for 2 minutes.

Ms. SANCHEZ. Mr. Speaker, last Friday I joined the Veterans of Foreign Wars from my district in recognizing and remembering Prisoner-of-War, Missing-in-Action day. POW-MIA day offers us an opportunity not only to remember and recognize those that we have lost, but also to rededicate ourselves to the cause of finding these men or their remains and bringing them home to their family and to their grateful Nation. We must work together to ensure the fullest possible accounting of these men, for their families and for all Americans who have benefitted from their fight for liberty and freedom.

There are still over 164 POW's and MIA's from California from the Vietnam war unaccounted for. This means that these 164 men will not walk home tonight to their wives and children, 164 men who will not be able to enjoy the freedom for which they gave the last full measure of devotion.

I urge my colleagues to join me in recognizing and in remembering these men. We must continue to fight and remember those we have lost in battle for freedom. Until all of these men from throughout this country have been accounted for, we must not rest in our efforts.

## RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until 2 p.m.

Accordingly (at 1 o'clock and 8 minutes p.m.), the House stood in recess until 2 p.m.

□ 1400

## AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore [Mr. PEASE] at 2 p.m.

## PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

As we offer our thanks and praise to You, O gracious God, we listen to Your word of faith, Your message of hope, and Your gift of love. Enable us as best we can to hear Your word even with the clamor of the world about us compelling our attention and demanding our allegiance. Help us to distinguish Your message of justice and mercy and humility from the cries of any false prophet who prescribes words of selfishness or arrogance. We are grateful for Your favor to us, O God, by which You bless us and our Nation, and we pray for Your benediction upon us, now and evermore. Amen.

## THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

## PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Ohio [Mr. CHABOT] come forward and lead the House in the Pledge of Allegiance.

Mr. CHABOT led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

## EDUCATION AT THE HEART OF THE AMERICAN DREAM

(Mr. BALLENGER asked and was given permission to address the House for 1 minute.)

Mr. BALLENGER. Mr. Speaker, if any issue goes to the heart of the concept that every child should have a shot at the American dream, education is it. Without a good education, many dreams will lie forever beyond the reach of those who wish to get ahead in life.

But there are many difficult obstacles standing in the way of a good education, especially for those born to disadvantage and hardship. Of course, it is easy for the liberal elite, safely ensconced in their suburban homes and enclaves, to send their own children to exclusive private school. But the disadvantaged, the very same people they pretend to champion, do not have that luxury.

That is why it is particularly distressing to see that the liberal elite is opposed to giving kids a chance to go to a better school, all because the special interests would see their power threatened.

This issue cries for some kind of fairness. It is not fair that some kids have to start out with two strikes against them. Let us give parents a choice so more kids will have a chance. Parental choice means more kids will realize their dreams.

### IRS HAS A QUOTA SYSTEM

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, according to news reports, the IRS has a quota system. IRS agents got bonuses for ripping off taxpayers. And many times taxpayers settled their cases even though they were innocent.

What is so shocking about all that? The American people have known this for years, and the American people have been telling us the IRS is incompetent, the IRS is arrogant, the IRS has abused their powers. It has gotten so bad the IRS is even above the law.

That is right, in America the accuser has the burden of proof, but not in a civil tax case. The IRS accuses, the taxpayer must prove their case. Beam me up.

Let me say this. There can be no true reform in American tax law without changing the burden of proof. It is time to handcuff them to a chain link fence and flog them with their own hefty Tax Code.

I yield back their unauthorized seizures and excessive penalties.

### THE MEMORY PROBLEM AT THE WHITE HOUSE

(Mr. CHABOT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CHABOT. Mr. Speaker, I think I am beginning to understand what the problem in education is today. It is pretty clear that everyone in the White House was educated in the 1960's style feel-good mushiness where rote memorization was taboo. How else to explain the astounding number of times the White House officials say "I don't recall, I can't remember" whenever they are asked to testify about all the various White House scandals under investigation.

Mr. Speaker, what else are we to conclude if even the so-called best and brightest seem to have no capacity whatsoever to recall simple facts about the misdeeds of their employees? Is this perhaps a medical condition that we should be aware of, some kind of environmental problem in the water over at the White House that strikes at the very heart of the memory process?

Mr. Speaker, the "I do not recall" problem over at the White House should not be allowed to infect the rest of the Nation, especially as children everywhere are heading back to school. Children should be taught that memory skills are important, too, that rote memorization that many of us had to do in schools, even if they are in short supply down at the White House.

### MEMORY PROBLEM EXTENDS ACROSS AMERICA

(Mr. DOGGETT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DOGGETT. Mr. Speaker, I find that memory problem not limited to the White House. Indeed, I find it extending across America. If you ask the people of America when is the last time that this Congress did anything to reform the problems of campaign finance, most people will have to scratch their head and say, "Gee, I can't remember. I don't recall the Congress doing anything."

Yes, there were a lot of hot speeches about wrong here on one party or wrong here on another, but in terms of getting down to constructive reform to do something about changing the system in which special interests dump millions and millions of dollars into the coffers of both parties, nothing has been done because Speaker GINGRICH refuses to schedule a ban, backed by Republicans and Democrat, a ban on soft money.

At least some Members of this Congress in the other body have moved from investigating to legislating. It is time for this House to do the same thing. Then no one in America will have a memory problem because not only will we prosecute and enforce existing laws, but we will clean up a system that has gone bad.

### FURTHER TAX REFORM NEEDED

(Mr. NEUMANN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. NEUMANN. Mr. Speaker, I would like to begin by just briefly responding to my colleague from the other side of the aisle and suggest that with the laws currently on the books, millions and millions of dollars came in illegally, and I think we need to enforce those laws that are on the books where there are clear-cut violations at this time.

But I rise today really to call attention to the part of the recently passed plan that balances the budget for the first time since 1969, reduces taxes for the first time in 16 years, and restores Medicare to that part of the plan that specifically addresses education, because education is extremely important in this Nation.

As a former math teacher, I know that without a proper education, our students do not have a shot at the American dream. In this tax cut package we have $1,500 for most freshmen and sophomores in college. That is, when their parents fill out their tax forms next year, they will simply subtract $1,500 of the bottom line and keep that in their own homes, instead of sending it to Washington, DC. For most juniors and seniors that number is $1,000.

For grandparents and parents who would like to start saving for their children's education in the future, we have established an account called an Education Savings Account, and it works like this: You can put up to $500 per year per child into the account to prepare for their education.

### CAMPAIGN FINANCE REFORM NEEDED NOW

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, this weekend over a variety of morning news shows the comment was raised as to where are the defenders of the President and Vice President of the United States.

I think, first of all, we should hold those offices, as we have done in years past, with great respect. But I do think that we will find in the wallowing of partisan politics those two individuals used as the most recent scapegoats in the refusal by the majority of this Congress to deal realistically and forthrightly with campaign finance reform.

Over 50 percent of Americans have said "The heck with both of you, Republicans and Democrats. You are both involved." So the real issue is not whether the President and Vice President acted within laws of which they did, but it is a question of addressing forthrightly the idea of cleaning up this mess called getting elected, through campaign finance reform.

We believe that we should have campaign finance reform. The real issue is will the Republican leadership bring campaign finance reform to the floor of the House for us to address it realistically, or will they wallow in the continued accusations that make no sense, because one can easily point the finger at the other side of the room, and do nothing.

### THE TAXPAYER RELIEF AND PROTECTION ACT

(Mr. KNOLLENBERG asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KNOLLENBERG. Mr. Speaker, I just want to remind the gentlewoman who just spoke, it is enforcing the existing laws that really should be looked at, enforcing the laws in effect now.

Mr. Speaker, while the recently enacted tax relief package represents a major step in the right direction, tax cutters cannot stop and rest on their laurels.

Taxes are still too high, and many Americans, primarily single adults without children, will receive little or no relief from the recently enacted tax cuts. Therefore, it is imperative, I believe, that we provide the American people with more tax relief.

In the next few days I will introduce a proposal that offers the next logical step in our efforts to increase the take-home pay of the American people. My proposal, the Taxpayer Relief and Protection Act, cuts marginal tax rates across the board by 5 percent, it eliminates the marriage penalty, and it moves the tax filing date from April 15 to November 1.

This proposal benefits every American who earns a paycheck. It injects some fairness into the Tax Code, and makes it harder for Washington politicians to raise taxes in the future.

Mr. Speaker, I urge my colleagues to support this bill.

## CRUNCH TIME FOR CAMPAIGN REFORM

(Ms. DELAURO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DELAURO. Mr. Speaker, Sunday's New York Times says it all. It is "crunch time for campaign reform." The leader of the other body has even promised his Members a vote on campaign finance reform next month.

Mr. Speaker, I ask you, where is our vote? Where is the vote in the people's House? There have been 85 campaign finance proposals introduced, but there has been not one hearing on campaign finance reform. The Republican leadership is giving us no opportunity to debate the issue on the floor of this House and no opportunity to vote on any one of these 85 proposals.

The New York Times editorial goes on to say that "There are legislators in both parties who want to preserve a system that makes money more important than the public will."

Mr. Speaker, please prove that you value the will of the American people over your campaign coffers. Live up to the promise you made in New Hampshire over 2 years ago. Schedule a vote on campaign finance reform today.

## CAMPAIGN LAWS BEING BROKEN

(Mr. TIAHRT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TIAHRT. Mr. Speaker, the President wants the Federal Government to set national standards for education. How well will it work? I think it will work at least as well as our campaign laws.

Last year campaign laws, which are a form of national standards, were twisted, turned, and outright broken. In Kansas, according to the Wichita Eagle, the Democrat National Party violated the law by laundering some $315,000 through individuals and county parties.

The first part of campaign reform is to obey the laws we have on the books today. The Democrat National Party apparently broke the laws by coming into our communities, while money laundering is not one of the values our communities like to uphold. Likewise, we do not need Washington to set our educational standards in the communities.

□ 1415

Kansas already has educational standards. Let us not degrade educational standards to the level of campaign laws.

## TED TURNER'S GIFT

(Mr. LEWIS of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEWIS of Georgia. Mr. Speaker, Ted Turner's $1 billion gift to the United Nations is remarkable. This man saw a problem in this country, in this world, and he decided to help. He did not have to act, but he wanted to make a difference, and he will.

Ted Turner's gift is an inspiration to us all. It should inspire Congress to pay our debt to the United Nations. Bosnia, El Salvador, Somalia, as a community of nations, we have helped millions around the world.

Ted Turner's gift should also inspire each and every one of us to serve. Even though we all cannot give large amounts of money, we can care, we can get involved, in our schools and our neighborhoods, and we can make a difference.

So thank you, Ted Turner. You have reminded us all to be a little more caring and do a little more sharing.

## AMERICANS ARE IGNORANT OF OUR NATIONAL HERITAGE

(Mr. PAPPAS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PAPPAS. Mr. Speaker, a recent poll showed that the majority of Americans do not even know the most basic facts about American history. Just listen to these revelations.

Six out of ten respondents did not know that the Revolutionary War began in 1775. Sixty percent did not know that Thomas Paine wrote "Common Sense," the political manifesto that helped inspire the revolution. Eighty-nine percent did not know that James Madison wrote the Bill of Rights. Thirty-six percent could not identify George Washington as the subject of the phrase, "First in war, first in peace, and first in the hearts of his countrymen."

In sum, the birth of this great Nation is a mystery to most of its citizens.

What can explain this development where generations of children graduate from school lacking in basic knowledge about American history? Academic fads, the substitution of nonsense for facts, the denigration of Western ideals and American achievements, and an utter lack of standards that are actually enforced. Unless that changes, generations will continue to graduate ignorant of our national heritage.

## CAMPAIGN INTEGRITY ACT OF 1997

(Mr. ALLEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ALLEN. Mr. Speaker, those of us who are freshmen experienced the 1996 elections in a different way. There was soft money involved in those elections on a scale never before seen. Issue advocacy groups were participating in the election on a scale that has never happened before.

Beginning in February, our Freshmen Task Force sat down and tried to figure out how we could pass real campaign finance reform in this session. We proposed a soft money ban. That bill is now H.R. 2183, the Campaign Integrity Act of 1997. It bans soft money, it provides new restrictions or new requirements for disclosure on issue advocacy, and it tightens up candidate disclosure. It is a good bill. It needs to come to the floor of this Congress for a vote.

Mr. Speaker, I urge the Republican leadership and the other side not simply to keep investigating without legislating; bring this bill to the floor, and let us give the Members of this Congress a chance to do something besides investigate. Let us change the way we finance campaigns. Let us vote on the bill.

## ROBERT STODOLA HOMELESS ASSISTANCE ACT

(Mr. METCALF asked and was given permission to address the House for 1 minute.)

Mr. METCALF. Mr. Speaker, recently I introduced legislation to assist homeless veterans. H.R. 1754, the Robert Stodola Homeless Assistance Act, will require that at least 20 percent of the McKinney Home Assistance Act be allocated for activities designed to serve homeless veterans. Many veterans' organizations have joined me in support of this legislation. Approximately 30 of my colleagues have joined in sponsoring this bill.

In time of need, we ask our veterans to defend this Nation. It is time for us to provide for their needs. Helping homeless veterans is a small price to pay to these people who in many cases have risked their lives so that we may remain free.

I am asking my colleagues to assist me in support of this worthwhile legislation by cosponsoring H.R. 1754.

### FAST TRACK DEBATE

(Mr. BROWN of Ohio asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BROWN of Ohio. Mr. Speaker, former Presidential candidate Bob Dole has been hired by the Government of Chile to sue the United States in a trade dispute over salmon. The Chilean Embassy expressed the hope and expectation that Senator Dole would advise the Chilean Government on its political strategy on the fast track debate now being conducted in Congress. I would urge Senator Dole to reconsider his decision.

This is business as usual, and it underscores how bad trade agreements make their way through Congress. Foreign governments have tremendous resources to hire lobbyists with powerful connections. These lobbyists often are prominent ex-Senators, ex-trade officials, and ex-Members of Congress. However, Bob Dole is different; he is not just another politician.

I am not saying Senator Dole has done anything wrong. He left the Senate in June 1996, so he is not bound by the 1-year revolving door laws. He is free to represent Chile if he wants. Former Presidential candidate Dole is free to sue the American Government on behalf of the Government of Chile if he wants, but it is simply not right. Senator Dole is playing on the visitor's team. He should play on the home team. We want him on America's team, not Chile's team.

### RAYMON ROEBUCK LEAVES HIS MARK ON HOUSE OF REPRESENTATIVES

(Mr. STOKES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STOKES. Mr. Speaker, I am saddened to announce the passing of a dedicated former employee of the House, Mr. Raymon Roebuck. I know that Members on both sides of the aisle join me in expressing our deepest sympathy to members of Raymon's family.

In 1993 we came together on the House floor to pay tribute to Raymon on the occasion of his retirement. "Chez Raymon," as he was affectionately known, decided to retire after 30 years of loyal service. In the cloakroom snack bar where he was employed, one could always count on Raymon's friendly conversation. Along with serving the best tuna sandwiches on Capitol Hill, Raymon also delivered accurate information on the number of votes we could anticipate and the time that the House would adjourn.

In addition to his friendship with Members of Congress, Raymon leaves a host of young people all over America whom he befriended and counseled when they served as congressional pages.

Chez Raymon has left his mark on this institution. We are saddened that we can no longer experience his radiant smile. However, we realize that God has called home a good soldier to rest. Raymon was a good friend and a loyal employee of the House of Representatives.

### CAMPAIGN FINANCE REFORM

(Mrs. MALONEY of New York asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. MALONEY of New York. Mr. Speaker, when it comes to finance reform, it seems our colleagues on the other side of the aisle would prefer to keep the focus on whether or not elected officials are using bad form rather than our desire for reform.

Despite their best efforts, our message is finally being heard. I thought the Wall Street Journal put it well on Monday in their publication. The story read, and I quote, "They," the Republican leadership, "have been pushing for an independent counsel for months, but they have resisted calls for sweeping changes in campaign financing."

We are being heard in major publications, and we are being heard in the Senate where the Committee has apparently agreed to shift its focus from fingerpointing to problem-solving. But we need to be heard on this floor, and we need to bring campaign finance reform to the floor of this House for a vote before we recess.

### CAMPAIGN FINANCE REFORM FOR DEMOCRATS AND REPUBLICANS

(Mr. DeFAZIO asked and was given permission to address the House for 1 minute.)

Mr. DeFAZIO. Mr. Speaker, there is a flood of money corroding the foundation of our democracy. Now, the Republicans would have us believe that it is only the foundations on this side of the aisle or downtown at the White House that are endangered by this flood of money, but that is not quite true, because we remember Simon Fireman. Simon Fireman was the vice-chair of Bob Dole's fund-raising. He pled guilty to 64 counts of money laundering, paid $6 million in fines and 6 months in jail.

This is a bipartisan problem. Both sides suffer from this problem, and it does not serve either side to stonewall reform. There are many of us on this side of the aisle calling sincerely for just a debate, an open rule. Let us see what happens. Let us vote on campaign finance reform before we go home.

Even on the Senate side now they have relented, and they say they are going to take up campaign finance reform. Let us take it up here in the House of Representatives, or do many Members think, as the Speaker does, that there is not enough money spent on campaigns yet corroding our democracy.

### CORRECTIONS CALENDAR

The SPEAKER pro tempore (Mr. Pease). This is the day for the call of the Corrections Calendar.

The Clerk will call the bill on the Corrections Calendar.

### THRIFT DEPOSITOR PROTECTION OVERSIGHT BOARD ABOLISHMENT ACT

The Clerk called the bill (H.R. 2343) to abolish the Thrift Depositor Protection Oversight Board, and for other purposes.

The Clerk read the bill, as follows:

H.R. 2343

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Thrift Depositor Protection Oversight Board Abolishment Act".

**SEC. 2. ABOLISHMENT OF THE THRIFT DEPOSITOR PROTECTION OVERSIGHT BOARD.**

(a) In General.—Effective at the end of the 3-month period beginning on the date of enactment of this Act, the Thrift Depositor Protection Oversight Board established under section 21A of the Federal Home Loan Bank Act (hereafter in this section referred to as the "Oversight Board") is hereby abolished.

(b) Disposition of Affairs.—

(1) Power of chairperson.—Effective on the date of the enactment of this Act, the Chairperson of the Oversight Board (or the designee of the Chairperson) may exercise on behalf of the Oversight Board any power of the Oversight Board necessary to settle and conclude the affairs of the Oversight Board.

(2) Availability of funds.—Funds available to the Oversight Board shall be available to the Chairperson of the Oversight Board to pay expenses incurred in carrying out the requirements of paragraph (1).

(c) Savings Provision.—

(1) Existing rights, duties, and obligations not affected.—No provision of this Act shall be construed as affecting the validity of any right, duty, or obligation of the United States, the Oversight Board, the Resolution Trust Corporation, or any other person which—

(A) arises under or pursuant to the Federal Home Loan Bank Act, or any other provision of law applicable with respect to the Oversight Board; and

(B) existed on the day before the abolishment of the Oversight Board in accordance with subsection (a).

(2) CONTINUATION OF SUITS.—No action or other proceeding commenced by or against the Oversight Board with respect to any function of the Oversight Board shall abate by reason of the enactment of this Act.

(3) LIABILITIES.—

(A) IN GENERAL.—All liabilities arising out of the operation of the Oversight Board between August 9, 1989, and the end of the 3-month period beginning on the date of enactment of this Act shall remain the direct liabilities of the United States.

(B) NO SUBSTITUTION.—The Secretary of the Treasury shall not be substituted for the Oversight Board as a party to any such action or proceeding.

(4) CONTINUATIONS OF ORDERS, RESOLUTIONS, DETERMINATIONS, AND REGULATIONS PERTAINING TO THE RESOLUTION FUNDING CORPORATION.—

(A) IN GENERAL.—All orders, resolutions, determinations, and regulations regarding the Resolution Funding Corporation which—

(i) have been issued, made, and prescribed, or allowed to become effective by the Oversight Board, or by a court of competent jurisdiction, in the performance of functions which are transferred by this Act; and

(ii) are in effect at the end of the 3-month period beginning on the date of the enactment of this Act,

shall continue in effect according to the terms of such orders, resolutions, determinations, and regulations until modified, terminated, set aside, or superseded in accordance with applicable law.

(B) ENFORCEABILITY OF ORDERS, RESOLUTIONS, DETERMINATIONS, AND REGULATIONS BEFORE TRANSFER.—Before the effective date of the transfer of the authority and duties of the Resolution Funding Corporation to the Secretary of the Treasury under section 3, all orders, resolutions, determinations, and regulations pertaining to the Resolution Funding Corporation shall be enforceable by and against the United States.

(C) ENFORCEABILITY OF ORDERS, RESOLUTIONS, DETERMINATIONS, AND REGULATIONS AFTER TRANSFER.—On and after the effective date of the transfer of the authority and duties of the Resolution Funding Corporation to the Secretary of the Treasury, all orders, resolutions, determinations, and regulations pertaining to the Resolution Funding Corporation shall be enforceable by and against the Secretary of the Treasury.

### SEC. 3. TRANSFER OF THRIFT DEPOSITOR PROTECTION OVERSIGHT BOARD AUTHORITY AND DUTIES OF RESOLUTION FUNDING CORPORATION TO THE SECRETARY OF THE TREASURY.

The authority and duties of the Thrift Depositor Protection Oversight Board under sections 21A(a)(6)(I) and 21B of the Federal Home Loan Bank Act are hereby transferred to the Secretary of the Treasury (or the designee of the Secretary) as of the end of the 3-month period beginning on the date of enactment of this Act.

### SEC. 4. MEMBERSHIP OF THE AFFORDABLE HOUSING ADVISORY BOARD.

Effective on the date of enactment of this Act, section 14(b)(2) of the Resolution Trust Corporation Completion Act (12 U.S.C. 1831q note) is amended—

(1) by striking subparagraph (C); and

(2) by redesignating subparagraphs (D) and (E) as subparagraphs (C) and (D), respectively.

The SPEAKER pro tempore. Pursuant to the rule, the bill is considered read for amendment.

COMMITTEE AMENDMENT IN THE NATURE OF A SUBSTITUTE

The SPEAKER pro tempore. The Clerk will report the committee amendment in the nature of a substitute recommended by the Committee on Banking and Financial Services.

The Clerk read as follows:

Committee amendment in the nature of a substitute:

Strike out all after the enacting clause and insert:

### SECTION 1. SHORT TITLE.

This Act may be cited as the "Thrift Depositor Protection Oversight Board Abolishment Act".

### SEC. 2. ABOLISHMENT OF THE THRIFT DEPOSITOR PROTECTION OVERSIGHT BOARD.

(a) IN GENERAL.—Effective at the end of the 3-month period beginning on the date of enactment of this Act, the Thrift Depositor Protection Oversight Board established under section 21A of the Federal Home Loan Bank Act (hereafter in this section referred to as the "Oversight Board") is hereby abolished.

(b) DISPOSITION OF AFFAIRS.—

(1) POWER OF CHAIRPERSON.—Effective on the date of the enactment of this Act, the Chairperson of the Oversight Board (or the designee of the Chairperson) may exercise on behalf of the Oversight Board any power of the Oversight Board necessary to settle and conclude the affairs of the Oversight Board.

(2) AVAILABILITY OF FUNDS.—Funds available to the Oversight Board shall be available to the Chairperson of the Oversight Board to pay expenses incurred in carrying out the requirements of paragraph (1).

(c) SAVINGS PROVISION.—

(1) EXISTING RIGHTS, DUTIES, AND OBLIGATIONS NOT AFFECTED.—No provision of this Act shall be construed as affecting the validity of any right, duty, or obligation of the United States, the Oversight Board, the Resolution Trust Corporation, or any other person which—

(A) arises under or pursuant to the Federal Home Loan Bank Act, or any other provision of law applicable with respect to the Oversight Board; and

(B) existed on the day before the abolishment of the Oversight Board in accordance with subsection (a).

(2) CONTINUATION OF SUITS.—No action or other proceeding commenced by or against the Oversight Board with respect to any function of the Oversight Board shall abate by reason of the enactment of this Act.

(3) LIABILITIES.—

(A) IN GENERAL.—All liabilities arising out of the operation of the Oversight Board between August 9, 1989, and the end of the 3-month period beginning on the date of enactment of this Act shall remain the direct liabilities of the United States.

(B) NO SUBSTITUTION.—The Secretary of the Treasury shall not be substituted for the Oversight Board as a party to any such action or proceeding.

(4) CONTINUATIONS OF ORDERS, RESOLUTIONS, DETERMINATIONS, AND REGULATIONS PERTAINING TO THE RESOLUTION FUNDING CORPORATION.—

(A) IN GENERAL.—All orders, resolutions, determinations, and regulations regarding the Resolution Funding Corporation which—

(i) have been issued, made, and prescribed, or allowed to become effective by the Oversight Board, or by a court of competent jurisdiction, in the performance of functions which are transferred by this Act; and

(ii) are in effect at the end of the 3-month period beginning on the date of the enactment of this Act,

shall continue in effect according to the terms of such orders, resolutions, determinations, and regulations until modified, terminated, set aside, or superseded in accordance with applicable law.

(B) ENFORCEABILITY OF ORDERS, RESOLUTIONS, DETERMINATIONS, AND REGULATIONS BEFORE TRANSFER.—Before the effective date of the transfer of the authority and duties of the Resolution Funding Corporation to the Secretary of the Treasury under section 3, all orders, resolutions, determinations, and regulations pertaining to the Resolution Funding Corporation shall be enforceable by and against the United States.

(C) ENFORCEABILITY OF ORDERS, RESOLUTIONS, DETERMINATIONS, AND REGULATIONS AFTER TRANSFER.—On and after the effective date of the transfer of the authority and duties of the Resolution Funding Corporation to the Secretary of the Treasury, all orders, resolutions, determinations, and regulations pertaining to the Resolution Funding Corporation shall be enforceable by and against the Secretary of the Treasury.

### SEC. 3. TRANSFER OF THRIFT DEPOSITOR PROTECTION OVERSIGHT BOARD AUTHORITY AND DUTIES OF RESOLUTION FUNDING CORPORATION TO THE SECRETARY OF THE TREASURY.

The authority and duties of the Thrift Depositor Protection Oversight Board under sections 21A(a)(6)(I) and 21B of the Federal Home Loan Bank Act are hereby transferred to the Secretary of the Treasury (or the designee of the Secretary) as of the end of the 3-month period beginning on the date of enactment of this Act.

### SEC. 4. MEMBERSHIP OF THE AFFORDABLE HOUSING ADVISORY BOARD.

Effective on the date of enactment of this Act, section 14(b)(2) of the Resolution Trust Corporation Completion Act (12 U.S.C. 1831q note) is amended—

(1) by striking subparagraph (C); and

(2) by redesignating subparagraphs (D) and (E) as subparagraphs (C) and (D), respectively.

### SEC. 5. TIME OF MEETINGS OF THE AFFORDABLE HOUSING ADVISORY BOARD.

(a) IN GENERAL.—Section 14(b)(6)(A) of the Resolution Trust Corporation Completion Act (12 U.S.C. 1831q note) is amended—

(1) by striking "4 times a year, or more frequently if requested by the Thrift Depositor Protection Oversight Board or" and inserting "2 times a year or at the request of"; and

(2) by striking the 2d sentence.

(b) CLERICAL AMENDMENT.—The heading for section 14(b)(6)(A) of the Resolution Trust Corporation Completion Act (12 U.S.C. 1831q note) is amended by striking "AND LOCATION".

Mr. LEACH (during the reading). Mr. Speaker, I ask unanimous consent that the amendment in the nature of a substitute be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Iowa [Mr. LEACH] and the gentleman from New York [Mr. LAFALCE] each will control 30 minutes.

The Chair recognizes the gentleman from Iowa [Mr. LEACH].

Mr. LEACH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the bill before us, H.R. 2343, would abolish a Federal agency, the Thrift Depositor Protection Board, which was established to oversee the activities of the now defunct Resolution Trust Corporation and the Resolution Funding Corporation.

By background, the oversight board was created in the Financial Institutions Reform, Recovery and Enforcement Act, FIRREA, in 1989. FIRREA was the Federal Government's response to the massive financial crisis of the savings and loan industry and its insolvent insurance fund, the Federal Savings and Loan Insurance Corporation.

With the enactment of FIRREA, the Resolution Trust Corporation was created to close or sell the failed institutions transferred to it by the industry's new regulator, the Office of Thrift Supervision. The RTC was then tasked with selling the assets of failed thrifts.

FIRREA also established the Resolution Funding Corporation, REFCORP, a mixed-ownership Government corporation for the purpose of providing financing for the RTC. The oversight board was created to oversee the RTC and its use of taxpayer funds, as well as activities of REFCORP.

Today, the oversight board is no longer needed, given that its primary responsibility ceased when the RTC's doors were closed on December 31, 1995. The oversight board's remaining programmatic responsibilities are: First, oversight of the REFCORP; and Second, through fiscal year 1998, a nonvoting membership on the Affordable Housing Advisory Board.

H.R. 2343 would transfer the REFCORP oversight responsibilities to the Secretary of the Treasury, and the Affordable Housing Advisory Board would be restructured to eliminate the nonvoting seat held by the oversight board. As a result, CBO estimates the passage of this bill would result in annual savings of over $250,000 in personnel and overhead costs for the remaining 33 years of the board's life. In short, the bill will abolish a Government agency that is no longer needed and result in significant savings to the taxpayers.

H.R. 2343 has the support of all three members of the oversight board, Acting Chairman Hawke, Secretary Cuomo, and Chairman Greenspan. In addition, the Committee has been informed that the Office of Management and Budget has no objection to this legislation.

In terms of procedure, the committee held a hearing on September 9 and favorably reported the bill on a unanimous voice vote. In this context, I would like to express my appreciation to Mr. LAFALCE and Mr. VENTO for their cooperation in this endeavor and for the corrections day task force for its constructive support. I hope this commonsense legislation will receive the approval of the House. After all, the bill eliminates an unneeded Government agency, has bipartisan support, and saves the taxpayer money.

Mr. Speaker, I reserve the balance of my time.

□ 1430

Mr. LAFALCE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I join with the distinguished chairman of the Committee on Banking and Financial Services in urging the House to pass H.R. 2343, the Thrift Depositor Protection Oversight Board Abolishment Act.

The legislation was adopted unanimously by our Committee on Banking and Financial Services by voice vote. It formally abolishes the Thrift Depositor Protection Oversight Board which Congress created in 1989 to oversee the Resolution Trust Corporation.

The Oversight Board played a significant role in supervising the RTC's takeover and resolution of nearly 750 failed thrift institutions. However, since its elimination in 1995, the Oversight Board's activities have been minimal. Its only remaining responsibility involves overseeing repayment of the $30 billion in REFCorp bonds issued between 1989 and 1991 as part of the RTC's initial funding. This responsibility requires that the Oversight Board remain in existence for another 33 years, when the last REFCorp bonds are repaid.

Since the Treasury Department pays approximately $2.3 billion of the $2.6 billion in annual interest payments on the REFCorp bonds, most responsibilities relating to REFCorp repayment are performed by Treasury staff. Nevertheless, the Oversight Board must by law maintain separate offices and separate staff, and perform administrative and reporting functions imposed largely because of its existence as a separate entity of the Government. These functions require annual expenditures of over one-quarter of a million dollars.

Mr. Speaker, these are unnecessary costs that taxpayers should not have to continue paying for another 33 years. The abolition of the Oversight Board is supported by the administration, by the Treasury Department, and by all three members of the Oversight Board, including Federal Reserve Board Chairman Alan Greenspan. CBO reports that the legislation will produce annual savings of over $250,000, and OMB reports no objections to the bill.

An additional provision of the bill added during markup by our colleague, the gentleman from Alabama [Mr. BACHUS], would provide additional savings to taxpayers by reducing the mandated meeting requirements of the Affordable Housing Advisory Board. That board was created by Congress to advise the FDIC on the use of the sizeable stock of foreclosed residential properties it acquired from failed thrift institutions.

The FDIC also supports these changes. It is time to put these last vestiges of the S&L crisis behind us and to provide some tangible savings for taxpayers. I would urge adoption of the legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. LEACH. Mr. Speaker, I yield 5 minutes to the gentlewoman from New Jersey [Mrs. ROUKEMA], the distinguished chairwoman of the Committee on Banking and Financial Services's Subcommittee on Financial Institutions and Consumer Credit.

Mrs. ROUKEMA. Mr. Speaker, I thank the gentleman for yielding time to me, and I certainly thank the chairman of the subcommittee.

Mr. Speaker, I rise today as a full-fledged battle-scarred veteran of the savings and loan debacle. I was a member of this committee when we put into place the mechanisms that have been identified today that were so desperately needed to clean up and put this scandal behind us.

During the long hours we spent passing FIRREA back in 1989, as has been explained by the chairman and ranking member, we created the Resolution Trust Corporation so we were able to close or sell the failed institutions transferred to it by the OTS. That has all been clearly pointed out, and I think we did a good job, or they did a good job of that over the years. The chairman has already pointed out how in the process of that we created not only RTC, but REFCorp and this Oversight Board. And the dispositions of these properties valued at hundreds of millions of dollars was done without scandal.

However, I think that the fact now remains that since 1995, when RTC was terminated, having concluded its business, essentially, the primary role of the cleanup and oversight is now nonexistent. Its remaining functions are formal and routine at most, and can easily be carried out by the Treasury Department.

This legislation, in fact, transfers the REFCorp oversight and the board oversight to the Secretary of the Treasury and portions to the Affordable Housing Advisory Board. I strongly support that.

I want to commend the gentleman from Iowa, Chairman LEACH, for his leadership on this, and also reiterate the fact that all responsible people, including Alan Greenspan of the Federal Reserve Board, the chairman, and the Department of the Treasury and OMB have no exceptions. They all support this legislation.

It has been pointed out that the estimate is that it is going to save millions of dollars for the taxpayer, $250,000 per year, and it seems to me that in this age when we are all talking in the Congress about downsizing government and finding constructive ways to reduce overburdening regulation, this is a wonderful example of how we can constructively move in that direction, and at the same time, save the taxpayers' money.

Mr. LEACH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the gentlewoman for her terrific leadership on this and so many other issues related thereto.

Mr. Speaker, I reserve the balance of my time.

Mr. LAFALCE. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Minnesota [Mr. VENTO], ranking Democrat on the Subcommittee on Financial Institutions and Consumer Credit.

Mr. VENTO. Mr. Speaker, I thank the gentleman from New York [Mr. LAFALCE], the ranking member, for yielding time to me. I rise with the chairman and my colleagues to support the passage of this bill.

Mr. Speaker, the Resolution Trust Corporation initiated in FIRREA, the Financial Institutions Reform, Recovery, and Enforcement Act of 1989, was very important. In fact, they managed the closure or the assets of nearly 750 different S&L's, literally managing a half a trillion dollars over the course of its history, which, as my colleague, the gentlewoman from New Jersey [Mrs. ROUKEMA], pointed out, the RTC was folded into the Federal Deposit Insurance Corporation in 1995. In fact, many of the policies they followed were the policies of the insurance agency, the Federal Deposit Insurance Corporation, and one of its successors, the insurer of the S&L's.

In any case, the Oversight Board, which they are talking about today, played an oversight role. But many of us as well closely monitored the success and the problems of the RTC as they tried to navigate their way through the disposal of, as I said, literally hundreds of billions of dollars worth of assets. It was very controversial at times.

I think the Oversight Board did a good job. I think we in Congress did a good job in terms of monitoring the RTC, too, especially with the backdrop of the S&L crisis of the 1980's. We really needed to do that type of task. I commend my colleagues that we have reached this particular chapter. Hopefully we will continue to watch the FDIC and monitor its progress, if in fact problems should arise with the substantial issue of managing the billions in assets, a result of failed institutions that faced the Resolution Trust Corporation in the recent past.

Our congressional task force did a good job as did the oversight of the RTC. Now we are going to save $250,000 a year by eliminating it. It is no longer needed as an oversight group. I commend this measure to my colleagues.

Mr. Speaker, I rise in support of H.R. 2343, the Thrift Depositor Oversight Board Abolishment Act. I joined as a cosponsor of this legislation before its passage by the Banking Committee 2 weeks ago. Passage of this legislation is key for several reasons. First, it will draw the RTC era to a close. Second, this closure will potentially save the taxpayer more than $250,000 a year by ending the Thrift Depositor Oversight Board and transferring the few remaining and relatively routine functions to the Treasury Department. And third, they will provide for the abolition of an agency for all the right reasons: basically, the unique function and mission of the Oversight Board have been completed.

As any of my colleagues know, I served as the Chairman of the Resolution Trust Corporation [RTC] Oversight Task Force for several years. During those early times of the RTC, there were many, many implementation problems. We worked hard on the RTC Task Force, and with the Oversight Board on some occasions, to call for and require improvements in several areas such as internal controls and information systems. The task focused on a number of contract issues including procurement systems. I am certain that without our oversight, monitoring, and the improvements made because of it, the costs of the S&L crisis to the U.S. taxpayers would have been higher. There were ample problems with the RTC, and the practices of the FDIC deserve our continued monitoring.

Through the end of 1995, of the $105 billion provided for thrift resolution and asset disposition activities, $91.3 billion was released by the Oversight Board to the RTC. Actual loss funds used by the RTC from its inception through December 31, 1995, were originally estimated to be $87.9 billion. According to the latest GAO financial statement audit of the FDIC, however, total costs incurred were $86.4 billion. Innovation provisions written into the 1989 law, the Financial Institutions Reform, Recovery, and Enforcement Act (FIRREA], had to be congressionally monitored and followed closely. The RTC Oversight Board and the House's RTC Task Force did their jobs to be certain that the public focus was not lost.

During the 6 years of the RTC, 747 failed thrifts transferred to it were resolved. In the process, the RTC protected 25 million federally insured deposit accounts. The RTC disposed of $458 billion in assets through December 21, 1995, recovering $397 billion with a rate in excess of 86 percent of book value. The RTC disposed of more than 98 percent of the assets that came under its supervision. Roughly $7.7 billion—book value—in assets were placed under FDIC management when the RTC closed. These numbers do not adequately tell the story of the immensity of their task and the complex issues that this new Agency faced. They do show clearly, however, why vigilant oversight was very pertinent and critical at the time and in the future should the FDIC be engaged in a greater number of financial institution closures.

Additionally, Mr. Speaker, there was also a silver lining on the RTC cloud. The Affordable Housing Program disposed of 24,000 properties with a book value of $2.5 billion and also provided more than 109,000 housing units for low- and moderate-income families through the single-family program and the multifamily buildings. This program took assets we had in abundance and turned them into much needed housing opportunities for folks across the country.

Mr. Speaker, it is time to put the Oversight Board to rest. The RTC's work has been completed for some time now and the few tasks that remain can easily be absorbed by the Department of Treasury. The transition of assets, personnel and operations to the FDIC is complete. I thank the gentleman from Iowa for moving this bill expeditiously. I support passage of H.R. 2343 and urge my colleagues to support it as well.

Mr. LAFALCE. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. LEACH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to conclude with one brief observation. Methodologically, this bill is being brought up under the Consent Calendar, and I would just simply like to state that I think this is a very appropriate manner to bring a bill of this nature to the floorup. I think it has been a very constructive and helpful circumstance to have the calendar which this is being brought up under. I apologize, I do not mean the Consent Calendar, I mean the new Corrections Calendar that was established for this kind of correction.

In any regard, I also want to particularly thank the minority for their help in this matter, and our committee for its unanimous support.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. PEASE). Pursuant to the rule, the previous question is ordered on the amendment in the nature of a substitute recommended by the Committee on Banking and Financial Services and on the bill.

The question is on on the amendment in the nature of a substitute recommended by the Committee on Banking and Financial Services.

The amendment in the nature of a substitute was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken.

Mrs. MALONEY of New York. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

Pursuant to clause 5 of rule I, further proceedings on this question are postponed until after 5 p.m. today.

The point of no quorum is considered withdrawn.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered or on which the vote is objected to under clause 4 of rule XV.

Such rollcall votes, if postponed, will be taken after debate is concluded on all motions to suspend the rules, but not before 5 p.m. today.

## 50 STATES COMMEMORATIVE COIN PROGRAM ACT

Mr. CASTLE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2414) to provide for a 10-year circulating commemorative coin program to commemorate each of the 50 States, and for other purposes, as amended.

The Clerk read as follows:

H.R. 2414

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "50 States Commemorative Coin Program Act".

**SEC. 2. FINDINGS.**

The Congress hereby finds the following:

(1) It is appropriate and timely to—

(A) honor the unique Federal republic of 50 States that comprise the United States; and

(B) promote the diffusion of knowledge among the youth of the United States about the individual States, their history and geography, and the rich diversity of the national heritage.

(2) The circulating coinage of the United States has not been modernized within the past 25 years.

(3) A circulating commemorative 25-cent coin program could produce earnings of $110,000,000 from the sale of silver proof coins and sets over the 10-year period of issuance and would produce indirect earnings of an estimated $2,600,000,000 to $5,100,000,000 to the United States Treasury, money that will replace borrowing to fund the national debt to at least that extent.

(4) It is appropriate to launch a commemorative circulating coin program that encourages young people and their families to collect memorable tokens of all the States for the face value of the coins.

**SEC. 3. ISSUANCE OF REDESIGNED QUARTER DOLLARS OVER 10-YEAR PERIOD COMMEMORATING EACH OF THE 50 STATES.**

Section 5112 of title 31, United States Code, is amended by adding at the end the following new subsection:

"(k) Redesign and Issuance of Quarter Dollar in Commemoration of Each of the 50 States.—

"(1) Redesign beginning in 1999.—

"(A) In general.—Notwithstanding the 4th sentence of subsection (d)(1) and subsection (d)(2), quarter dollar coins issued during the 10-year period beginning in 1999, shall have designs on the reverse side selected in accordance with this subsection which are emblematic of the 50 States.

"(B) Transition provision.—Notwithstanding subparagraph (A), the Secretary may continue to mint and issue quarter dollars in 1999 which bear the design in effect before the redesign required under this subsection and an inscription of the year '1998' as required to ensure a smooth transition into the 10-year program under this subsection.

"(2) Single state designs.—The design on the reverse side of each quarter dollar issued during the 10-year period referred to in paragraph (1) shall be emblematic of 1 of the 50 States.

"(3) Issuance of coins commemorating 5 states during each of the 10 years.—

"(A) In general.—The designs for the quarter dollar coins issued during each year of the 10-year period referred to in paragraph (1) shall be emblematic of 5 States selected in the order in which such States ratified the Constitution of the United States or were admitted into the Union, as the case may be.

"(B) Number of each of 5 coin designs in each year.—Of the quarter dollar coins issued during each year (of the 10-year period referred to in paragraph (1)), the Secretary of the Treasury shall prescribe, on the basis of such factors as the Secretary determines to be appropriate, the number of quarter dollars which shall be issued with each of the 5 designs selected for such year.

"(4) Selection of design.—

"(A) In general.—Each of the 50 designs required under this subsection for quarter dollars shall be—

"(i) selected by the Secretary after consultation with—

"(I) the Governor of the State being commemorated, or such other State officials or group as the State may designate for such purpose; and

"(II) the Commission of Fine Arts; and

"(ii) reviewed by the Citizens Commemorative Coin Advisory Committee.

"(B) Selection and approval process.—Designs for quarter dollars may be submitted in accordance with the design selection and approval process developed by the Secretary in the sole discretion of the Secretary.

"(C) Participation.—The Secretary may include participation by State officials, artists from the States, engravers of the United States Mint, and members of the general public.

"(D) Standards.—Because it is important that the Nation's coinage and currency bear dignified designs of which the citizens of the United States can be proud, the Secretary shall not select any frivolous or inappropriate design for any quarter dollar minted under this subsection.

"(E) Prohibition on certain representations.—No head and shoulders portrait or bust of any person, living or dead, and no portrait of a living person may be included in the design of any quarter dollar under this subsection.

"(5) Treatment as numismatic items.—For purposes of sections 5134 and 5136, all coins minted under this subsection shall be considered to be numismatic items.

"(6) Numismatic items.—

"(A) Quality of coins.—The Secretary may mint and issue such number of quarter dollars of each design selected under paragraph (4) in uncirculated and proof qualities as the Secretary determines to be appropriate.

"(B) Silver coins.—Notwithstanding subsection (b), the Secretary may mint and issue such number of quarter dollars of each design selected under paragraph (4) as the Secretary determines to be appropriate with a content of 90 percent silver and 10 percent copper.

"(C) Sources of bullion.—The Secretary shall obtain silver for minting coins under subparagraph (B) from available resources, including stockpiles established under the Strategic and Critical Materials Stock Piling Act.

"(7) Application in event of the admission of additional states.—If any additional State is admitted into the Union before the end of the 10-year period referred to in paragraph (1), the Secretary of the Treasury may issue quarter dollar coins, in accordance with this subsection, with a design which is emblematic of such State during any 1 year of such 10-year period, in addition to the quarter dollar coins issued during such year in accordance with paragraph (3)(A).".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Delaware [Mr. CASTLE] and the gentleman from New York [Mr. FLAKE] each will control 20 minutes.

The Chair recognizes the gentleman from Delaware [Mr. CASTLE].

Mr. CASTLE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to bring H.R. 2414 before the House today. H.R. 2414, which is known as the 50 States Commemorative Coin Program Act of 1997, would authorize the United States Mint to strike over a 10-year period a series of 50 quarters that would preserve the portrait of George Washington on the front or obverse side of the coin, and retain all the traditional mottoes and identifying marks the current quarter carries.

On the back or reverse side of the quarter, there would be a series of designs honoring each of the 50 States. The coins would be issued at the rate of 5 each year, starting in 1999, first in the order of States' ratification of the Constitution, then in order of their admission to the Union.

Such a program would reinvigorate our circulating coin program for both the public and collectors in a responsible, affordable way. In addition, it would be educational and fun, would promote pride among the States, and would be a winner financially for the Government.

Mr. Speaker, my subcommittee, the Subcommittee on Domestic and International Monetary Policy of the House Committee on Banking and Financial Services, has been studying the concept of a circulating commemorative coin since 1997. We have held public hearings, authorized an independent study conducted by Coopers & Lybrand, which is substantial, and have worked with the Treasury Department on all aspects of this issue.

We are confident that all questions regarding the design process, production, and public acceptance of the new quarters have been fully addressed. As Members may recall, the quarter, save for a brief commemorative design on its reverse for the 1975–76 bicentennial, has been unchanged since 1932, the longest period for any coin in U.S. history.

Interestingly, the current quarter itself was intended as a circulating commemorative, scheduled to circulate only one year to commemorate the 200th anniversary of Washington's birthday. This country has not had a circulating commemorative coin since the very popular Bicentennial quarter.

While that coin commemorated the bicentennial of the country's birth and was not designed as a fundraising mechanism, it was very popular with both the general public and with coin collectors. Of the 1.67 billion quarters struck, only 20 percent are still in circulation, so approximately 330 million dollars' worth of coins were saved by people and taken out of circulation.

The fact that people save the coins saves the Government money. It represented a cost avoidance, meaning the Treasury did not need to borrow that money to pay interest on the national debt. Although this was not the original intent of this project, it turns out, based on the study commissioned last year by the Treasury Department and conducted by the accounting firm of Coopers & Lybrand, that minting a circulating commemorative quarter offering the 50 States would be a pretty impressive moneymaker.

□ 1445

Here is how the mint will earn an estimated $11 million annually, $110 million over the life of the program, from the sale of silver proof sets of the quarter. The Coopers & Lybrand study showed that, as with the Bicentennial quarter, the 50-State quarter will be very popular with the public. The study showed that while 51 percent of the 2,000 people surveyed said that they thought the program would be a good idea, 75 percent said they would collect some or all of the quarters.

Because the study found that an overwhelming number of people would save the quarters, Coopers & Lybrand estimated that between 2.6 and 5.1 billion dollars' worth of quarters would be taken out of circulation, meaning this program could save taxpayers billions of dollars.

Given that the survey excluded people under the age of 18, the entire universe of schoolchildren that might be expected to collect the coins, those figures seem very conservative. Estimates by the General Accounting Office and the Congressional Budget Office and the mint of the amount that would be collected are generally consistent with the Coopers & Lybrand study.

It must be noted that these estimates are necessarily a little imprecise because nothing of this scope, on average, roughly 700 million quarters will be minted of each State's design, ever has been attempted in this country before.

Our neighbor to the north, Canada, conducted a similar program in 1992 when that country issued a series of quarters commemorating the provinces. While the scale is much smaller, nearly all of these coins are said to have been removed from circulation by collectors so quickly that the supply of coins struck dried up in 3 months. Given this, the program will certainly be a financial benefit to the Government.

The program will also draw the interest of all Americans. As my colleagues have seen in the news, there has been coverage of the 50-State coin proposal on news pages and feature pages and editorial pages in newspapers across the country. Residents of many States have already been speculating what symbols would best represent their State.

In my home State of Delaware, the Wilmington News Journal conducted a contest in which Delawareans designed a number of creative suggestions, including an outline of the State, the old Cape Henlopen Lighthouse, the Delaware Blue Hen, and Caesar Rodney, who made a heroic ride to Philadelphia to vote in favor of American independence in 1776. The News Journal had well over 100 entries, and I am told that I should expect these designs in my office in coming days. As a matter of fact, they did a full feature in one of their sections in the paper on this subject.

Even informal contests, like the one in Delaware, will encourage school children and all Americans to learn more about the history of their States and suggest designs for their State's quarter to the Treasury. The public will have a chance to discuss the symbols and history of the States, and this will produce an even greater interest in this coin program.

It is important to point out that we have worked with the Department of Treasury to ensure that the design of the coins will be carefully managed to ensure that they maintain the high standards our coin designs have reflected over the years.

Treasury Secretary Rubin and I are in agreement that all the new designs should be dignified. To that end, the legislation authorizing the new quarters stipulates that the Secretary, and I quote, "shall not select any frivolous or inappropriate design." The bill also specifies that the Governors of the individual States, and I quote again, "or such other State officials or group as the State may designate" will consult with the Secretary of the Treasury, who will select the final designs.

When each State's final decision choice is sent to Washington, it must be approved by both the Federal Commission of Fine Arts and the Citizens Commemorative Coin Advisory Commission, the latter chaired by the director of the mint, before going to the Treasury Secretary for final approval. In other words, the Secretary of the Treasury has complete authority to ensure that the designs are appropriate and reflect the goals of the program and the high standards of our Nation.

Importantly, while the bill would have quarters struck in the order the States came into the Union, the quarters for the first year would represent Delaware, Pennsylvania, New Jersey, Georgia, and Connecticut, there is provision for growth of the Union. The bill states that if any new State is admitted to the Union during the 10-year period when the commemorative quarters are being struck, the Secretary may, using the above guidelines, issue a circulating commemorative quarter for that State.

Mr. Speaker, the 50 State Coin Program will promote State pride, reinvigorate interest in our circulating coinage, help educate our young people, and produce savings for the Treasury. It has been carefully developed and will be of real benefit to the Nation. I urge the immediate adoption of H.R. 2414.

Mr. Speaker, I reserve the balance of my time.

MR. FLAKE. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, I would like to thank my colleagues for the expedited scheduling of what I believe to be a truly exciting event in the history of United States coinage, the 50 States Commemorative Coin Program Act.

This bill also marks the last time that I will have the opportunity to bring a bill to the floor as ranking member of the Subcommittee on Domestic and International Monetary Policy. Thus, it is both a proud and bittersweet occasion for me, particularly given the relationship that I have had with the gentleman from Delaware [Mr. CASTLE], chairman of this subcommittee.

It has been a tremendous experience that we have shared. We have had a great opportunity to bring bills before the floor, particularly coin bills, and have been in agreement in terms of numbers and standards and those things which we feel are important for the American people.

So I would like to thank the gentleman from Delaware [Mr. CASTLE] for the opportunity to serve as ranking member of this Committee on Domestic and International Monetary Policy.

In introducing this bill last year, the committee suggested several reasons as to why now is the time to introduce a series of circulating commemorative coins. We noted that it is appropriate to honor and celebrate our 220th anniversary as a republic. In addition, it was brought to our attention that Congress has not modernized U.S. coinage for nearly 25 years.

I am pleased to recognize and recommend this program to the House, not only because it will reinvigorate the circulating coin program for both the public and collectors, but also because of the obvious educational benefits that can be derived from it.

Each of the 50 coins will bear an image capturing the unique character of each and every individual State. This will promote public awareness of the roots of the Federal system upon which our Nation is founded and increase knowledge of the individuality of each and every State in the Nation.

Beyond the educational dividends, the gentleman from Delaware [Mr. CASTLE] and I crafted H.R. 2414 to benefit the Federal budget as well. Indirect savings from the program will result in an estimated $3.4 billion, plus interest, gain for the Treasury over the 10 years that this program is in effect.

Beyond these issues, the circulating commemorative program for quarters makes management sense for the mint. Last year, the gentleman from Delaware [Mr. CASTLE], the chairman, and I produced a bill that would limit the number of noncirculating commemorative coins. As many here may know, there has been a glut on the commemorative coin market over the last few years, and the mint and numismatic community have urged Congress to reduce the number of commemoratives.

At the same time, we have been urged to authorize a circulating program. The program proposed in H.R. 2414 will strike a balance between the mint's productivity capacity and the desire to create artistic collectible coinage.

In what better way could we create excitement in U.S. coinage? This program, as one witness in committee hearings described it, would put pride back into the pockets of the American citizens. The American public will become more aware of the rich history of the U.S. coinage, which dates all the way back to the 1790's.

To illustrate this fact, we need to look back no further than 1976, the year we commemorated our Nation's bicentennial on the quarter. The bicentennial coins honored the people, places, events, and ideals which were the foundation of our great Nation.

I expect that the 50 States Commemorative Coin Program will reflect similar values which exist in each of our 50 States while also celebrating our Nation's diversity. Moreover, I believe the legislation will generate a collective pride among Americans about not only their home States, but also the United States in general.

Mr. Speaker, I hope that our colleagues will join us in support of H.R. 2414.

Mr. Speaker, I reserve the balance of my time.

Mr. CASTLE. Mr. Speaker, I yield such time as he may consume to the gentleman from Iowa [Mr. LEACH], chairman of the Committee on Banking and Financial Services.

Mr. LEACH. Mr. Speaker, I thank my distinguished friend, the gentleman from Delaware [Mr. CASTLE], for whom we are all in such great debt.

Mr. Speaker, at issue with American coinage and currency is the need for stability and confidence, combined with the need for keeping up with the times. This bipartisan legislation, largely the work of the gentleman from Delaware [Mr. CASTLE] and the gentleman from New York [Mr. FLAKE], chairman and ranking member of the Subcommittee on Domestic International Monetary Policy, uniquely is designed to maintain continuity by keeping George Washington on one side of the quarter, while celebrating American history, and particularly that of her 50 States, in new ways on the reverse side.

The legislation provides an opportunity for artistic expressions from our citizenry; it celebrates State history in an uplifting way; and it allows for collectors to collect all 50 quarters for only $12.50. Not only is this exciting approach educational, indeed fun, but the Government projects that the program will produce interest savings on the debt of between $2.6 and $5.1 billion.

I know of very few bills ever brought before Congress in which one can find a more unique combination of circumstance: a celebration of history, an exercise in artistic expression, and multibillion dollar savings to the Federal Government.

This modest modification of our coinage could not be more in the public interest. I congratulate the gentleman from Delaware [Mr. CASTLE] and the gentleman from New York [Mr. FLAKE] on their imaginative initiative.

Mr. FLAKE. Mr. Speaker, I yield such time as he may consume to the gentleman from New York [Mr. LAFALCE].

Mr. LAFALCE. Mr. Speaker, I thank the gentleman from New York [Mr. FLAKE] for yielding me the time.

Mr. Speaker, I rise to support H.R. 2414, legislation intended to revitalize the American public's interest in our circulating coins. I surely join in all the remarks that have been made thus far by the gentleman from New Jersey [Mr. CASTLE], the gentleman from New York [Mr. FLAKE], and the gentleman from Iowa [Mr. LEACH].

This is a unique way to celebrate history, to celebrate the dual sovereignty that exists. We have a symbol of the Federal Government standard throughout each and every coin, and we allow for an expression from each and every State in celebration of the dual sovereignty.

But more than anything else, I want to take this opportunity to, while the gentleman from Delaware [Mr. CASTLE], as the chairman of the committee, is worthy of greatest praise for this particular bill, I want to single out the work of the gentleman from New York [Mr. FLAKE] because this may well be the last bill that he will report out to the floor and manage. His contribution, not just on this bill, but his contributions on countless bills and legislation and issues over the years has been virtually legendary.

He is one of those unique individuals who can and does reach out to all sides, whether Democrat or Republican, whether liberal or conservative, in order to find common ground. He is not only one of the most respected Members of this Chamber, it is quite clear too he is perhaps the best-liked Member of this Chamber, and I think that is because of the conciliatory approach that he has taken.

So, it is with some sadness that I participate in today's ceremony because it might mark the last bill that the gentleman from New York [Mr. FLAKE] manages.

Mr. CASTLE. Mr. Speaker, I yield 1 minute to the gentleman from Washington [Mr. METCALF]. Let me just say, in matters of monetary policy and currency and coins, I do not think there is anyone other than the next two speakers on our side who have shown as much interest on this subcommittee. We appreciate that work.

Mr. METCALF. Mr. Speaker, in 1976, the U.S. Mint introduced the Bicentennial quarter. The success of this coin in the coin collecting groups was astounding. Today we have a new opportunity to change a coin for the better.

The new quarter, uniquely representing all 50 States individually, will be an outstanding addition to the coin family and will encourage coin savings. The earnings for the Treasury, let's hold it, can you imagine a Federal project earning money? But this time it is true. The earnings for the Treasury, by all indications, will be substantial.

I want to thank the gentleman from Delaware [Mr. CASTLE] and the gentleman from New York [Mr. FLAKE] for this positive legislation.

Mr. FLAKE. Mr. Speaker, I yield as much time as she may consume to the brilliant gentlewoman from the District of Columbia (Ms. NORTON].

Ms. NORTON. Mr. Speaker, I thank the gentleman from New York [Mr. FLAKE] for yielding me the time. I must say, I learned only today that this may be his last bill. I hope this is not his last hoorah, however. I am sure it will not be, especially since I understand there is a $23 million cathedral that awaits him in Queens.

May I also thank the gentleman from Delaware [Mr. CASTLE] for his kindness in agreeing to support a subsequent bill that he would cosponsor with me and with the other delegate to add us to the 50 States who are being commemorated with these coins.

I rise, then, in support of H.R. 2414. And I congratulate the chairman and ranking member on a very innovative and worthwhile bill that manages to commemorate and make savings for the Treasury at the same time. Would that we could more often accomplish this dual feat.

□ 1500

We come to the floor, however, to remind our colleagues that this is a union of 50 States, four insular areas and the District of Columbia. I know it is important to all of us to think of our country in all of its fullness.

There are, of course, among us those of us who still sting from the fact that the vote that we won on the House floor was, in fact, taken back when the majority arrived. My taxpaying citizens have not forgotten that. It is one thing to take back a vote that we won on the floor and was approved by the courts. It is quite another to exclude our jurisdictions from a mere commemorative act. The fact is that there was no intent to exclude us, and we should have come forward sooner.

I very much appreciate the way in which the chairman has worked with me to see that the four insular areas and the District are subsequently included. I daresay, Mr. Speaker, that including us in the commemorative coin act means more to my district than to that of most Members. That has to do with our peculiar history. This bill seeks to, and I am quoting, promote the diffusion of knowledge among the youth of the United States about the individual States, their history and geography and the rich diversity of the national heritage. The commemorative coin, when it includes the territories and the District, will probably for the first time inform many Americans that there are such areas and the District.

The bill seeks also to encourage young people and their families to collect memorable tokens of all of the States, yes, and of the four insular areas and the District.

We are most pleased that we have been able to come to an agreement to support what is surely one of the more worthwhile and innovative bills that will come to the floor during the 105th Congress.

Mr. CASTLE. Mr. Speaker, I yield myself 30 seconds. I would like to just state that the delegate from the District of Columbia and I have had some very fruitful and meaningful discussions about this, and I am in agreement with her. We are going to cosponsor along, I am sure, with the delegates from the insular areas legislation that would hopefully be able to be added to this at some point in the future. I think there would be some historical and educational aspects of that that could be helpful to the young people of our country. We do have to go back to Treasury and do some clearance, but we will be glad to go to work on that right away.

Mr. Speaker, I yield such time as he may consume to the gentleman from Oklahoma [Mr. Lucas], another Member who has been just of tremendous help in dealing with the issues of coinage, monetary policy, and related issues of our subcommittee.

Mr. LUCAS of Oklahoma. Mr. Speaker, I rise today to support H.R. 2414, the 50 States Commemorative Coin Program Act of 1997. Although most Americans are not coin collectors and do not give them much of a thought, coins are in reality a part of our daily lives. For most, the change in our pockets is something we do not think about. We simply pick through it when making a purchase, paying a toll on the highway, or buying a soda from a vending machine. Perhaps once in a while we may stop to look at a coin when it catches our eye. But for most of us, the pennies, nickels, dimes, and quarters are simply coins in our pockets.

In a sense, it is unfortunate that we take coins for granted, because they tell a story. For over 2,000 years nations and governments have used coins for commerce. And while many of those nations and governments have not survived, the coins that they created have survived the passage of time and provide a window into the past.

In the case of our Nation's coins, we are reminded of our Nation's history and of those people, places, and events which were part of what made this country great. Although I am confident that our Nation will survive for centuries, I believe our coins, and specifically these commemorative quarters, will leave a record for generations to come.

It is for that exact reason I am such an avid supporter of this legislation. H.R. 2414 will temporarily change how the quarter looks and replace it with designs emblematic of our 50 States. Beginning in 1999, there will be five new designs every year for the following 10 years, as the chairman and ranking member so eloquently pointed out, in the order in which the States ratified the Constitution.

I truly believe that the real benefit of this program is that it will encourage coin collecting by all Americans. Because this is a circulating program, there will be no surcharge, no fees that have often made coin collecting prohibitive for most Americans. The cost of collecting the commemorative quarter set will be $12.50 spread out over 10 years. This means that Americans, regardless of age or income, will be able to collect a complete set.

My vision is that this legislation will change the way we see coins. When this program is in place, I hope Americans will stop and take a look at the change they receive when making a purchase, instead of just throwing it in a pocket or a wallet. I hope everyone will stop to look at the designs on the quarters and reflect on our Nation's diverse and rich history which will be reflected in each design.

I would like to thank the gentleman from Delaware [Mr. Castle], the chairman, and the gentleman from New York [Mr. Flake], the ranking member, for introducing this legislation and for their efforts to bring it to the floor in such a timely manner. As someone with a personal interest in coins, I appreciate this effort to realize the potential of our Nation's coinage programs. Once again, I urge all Members to support H.R. 2414.

Mr. FLAKE. Mr. Speaker, I yield 2 minutes to the gentleman from Guam [Mr. Underwood].

Mr. UNDERWOOD. I thank the gentleman from New York for yielding me this time. Mr. Speaker, I rise to support H.R. 2414, the 50 State Commemorative Coin Act. This is a worthwhile project for all the reasons that have already been pointed out and one that we should certainly support. The main sponsor, the gentleman from Delaware, certainly has a very worthwhile project.

There is one element of the project that I hasten to point out, and that is to suggest that in the future, instead of taking $12.50 out, we could perhaps move that to $13.75 by including the District of Columbia and the insular areas. One comes here to the House of Representatives and one of the things that is most notable about this institution is that the seals of all the 50 States and the insular areas and the District of Columbia are all around us. I take opportunity to point that out to various Members of the House so that they continue to remember us in their legislation.

As has already been indicated by the gentleman from Delaware, he recognizes that this legislation does not include the District of Columbia or any of the insular territories, and that he will work along with us to make sure that that defect and that deficiency will be corrected in the future.

If the purpose of this is truly educational, I can think of no areas that need more of an educational boost in the American consciousness than the insular areas. I repeatedly, even in my personal dealings in the Washington, D.C. area, have been routinely told that my driver's license is no good, my checks are no good because I come from a foreign country. When I hasten to point out that I am a Member of the House of Representatives, they would say they did not know they let foreigners in there. But I want to point out that without the District of Columbia and the territories, we really devalue our national symbols, and without us, we forget the contributions of millions of citizens to the life of this Nation.

Mr. FLAKE. Mr. Speaker, I yield 2 minutes to the gentlewoman from the beautiful Virgin Islands [Ms. Christian-Green].

Ms. CHRISTIAN-GREEN. I thank the gentleman for yielding me this time. Mr. Speaker, I rise to support H.R. 2414, the 50 State, soon to be 50 State, the District of Columbia and Territories Commemorative Coin Program, and to thank the gentleman from Delaware [Mr. CASTLE], the chairman, for agreeing to work with those of us who represent the District and offshore areas to have us included. I also want to thank the gentlewoman from the District of Columbia [Ms. NORTON] for her leadership and persistence on this issue and to join my colleagues in recognizing the efforts of the gentleman from New York [Mr. FLAKE] and his distinguished service to this House and this country.

Mr. Speaker, as the representative of the people of the U.S. Virgin Islands, full American citizens who have fought in record numbers alongside Americans from the District, Guam, American Samoa, Puerto Rico and the States, we want and deserve to be a part of this program. We look forward to having our young people and their families embark on this wonderful educational journey with their fellow Americans.

Mr. CASTLE. Mr. Speaker, I yield myself such time as I may consume. I have already spoken to the issue raised by the delegates who have been so eloquent in carrying their message here today. I think the historical perspective of what they say and what the District of Columbia says does make a great deal of sense. In fact, the more I hear, the more I like it, and we should go forward with that as soon as we can.

I would like to close not necessarily by talking about the legislation, but talking about the distinguished gentleman from New York [Mr. FLAKE], the ranking member, with whom I have worked for some 3 years now in the position of chair and ranking member. I do not know of any working relationship in this Congress which has been stronger than ours. We have never had a disparaging word between us. We have been in sync on practically everything. One time when he got rolled on something, he told me, and I got rolled on it almost as rapidly, on something we were not sure we really wanted to do.

He has been just an absolute pleasure to work with. I thought of presenting some sort of resolution having all 435 Members urging the distinguished gentleman from New York [Mr. FLAKE] to stay in Congress, but I thought his church might vote about 3,000 to nothing as opposed to 435 to nothing and perhaps be able to overwhelm us. We will miss him tremendously.

I do not know if this will be his last piece of legislation or not. If we can conjure up some other trouble out there, we probably will, because we have had a habit of doing that, but in case it is, I just want to give public recognition to one of the fine public servants in America today who has been called to a higher calling, if you will, and I respect that, much as it troubles me to have to lose him on the committee and in the Congress of the United States.

He has obviously been tremendously helpful in the preparation and presentation of this legislation, which, by the way, is not being heard here for the first time. We have been working on this for over 2 years together, and we have had many, many discussions with the Treasury and the mint working out and refining all of the details.

Mr. Speaker, I reserve the balance of my time.

Mr. FLAKE. Mr. Speaker, I yield myself such time as I may consume. I would just like to thank the chairman of the committee. This has been 3 wonderful years. I have enjoyed my tenure here over the last 11 years, both as a chairman of the Subcommittee on General Oversight and Investigations at a point and also as ranking member.

I can honestly say that I do not leave the Congress because of the changes that have taken place in leadership. I leave the Congress because the Lord has blessed me to build a wonderful church community in Jamaica, Queens, NY, with over 9,000 members in that church now and a myriad of community development programs, over 800 employees. It is impossible for me to maintain both my church responsibilities and the responsibilities of this Congress.

I was called at 15 to preach, and I was pastoring by the time I was 19. I am 52 now, so I know what my calling is, and though I leave this place with some regret, because I have been very fortunate to work with both sides of the aisle, no one any greater than the gentleman from Delaware [Mr. CASTLE] for the last 3 years. I certainly do appreciate the kind of respect that we have had for each other and the kind of work that we have been able to do. Hopefully as I leave, I am certain there are persons who can take up this mantle and continue in that kind of relationship.

I look forward to my days. Someone said I was going so I would have a lighter schedule. I would assure my colleagues that my schedule will be much heavier than it is even here. But I cannot do two full-time jobs. I have been working overtime in both. I am just privileged to have had this opportunity to be here.

My one regret about my congressional life is that my mother and father did not live long enough to see me come here, but I know that they rejoice in what I have been able to do.

I do hope the gentleman from New York [Mr. LAFALCE], soon to be ranking member, who has served on this committee with me and the gentleman from Texas [Mr. Gonzalez], who was chairman and ranking member, they have been exemplary in their work with me and legislation, and I am grateful for that.

Mr. Speaker, I yield back the balance of my time.

Mr. CASTLE. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore [Mr. PEASE]. The question is on the motion offered by the gentleman from Delaware [Mr. CASTLE] that the House suspend the rules and pass the bill, H.R. 2414, as amended.

The question was taken.

Mr. CONDIT. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 5, rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

□ 1515

## PROVIDING AUTHORIZATION FOR ARBITRATION IN U.S. DISTRICT COURTS

Mr. COBLE. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 996) to provide for the authorization of appropriations in each fiscal year for arbitration in United States district courts, as amended.

The Clerk read as follows:

S. 996

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. ARBITRATION IN DISTRICT COURTS.**

Section 905 of the Judicial Improvements and Access to Justice Act (28 U.S.C. 651 note) is amended in the first sentence by striking "for each of the fiscal years 1994 through 1997" and inserting "for each fiscal year".

**SEC. 2. ENHANCEMENT OF JUDICIAL INFORMATION DISSEMINATION.**

Section 103(b)(2) of the Civil Justice Reform Act of 1990 (Public Law 101–650; 104 Stat. 5096; 28 U.S.C. 471 note) is amended—

(1) by inserting "(A)" after "(2)";

(2) by striking "sections 471 through 478" and inserting "sections 472, 473, 474, 475, 477, and 478"; and

(3) by adding at the end of the following new subparagraph:

"(B) The requirements set forth in section 476 of title 28, United States Code, as added by subsection (a), shall remain in effect permanently.".

**SEC. 3. EXTENSION OF CERTAIN TEMPORARY JUDGESHIPS.**

Section 203(c) of the Judicial Improvements Act of 1990 (28 U.S.C. 133 note) is amended—

(1) by striking paragraph (1) and redesignating the succeeding paragraphs accordingly; and

(2) by striking the last 3 sentences and inserting the following: "Except with respect to the western district of Michigan and the eastern district of Pennsylvania, the first vacancy in the office of district judge in each of the judicial districts named in this subsection, occurring 10 years or more after the

confirmation date of the judge named to fill the temporary judgeship created by this subsection, shall not be filled. The first vacancy in the office of district judge in the western district of Michigan, occurring after December 1, 1995, shall not be filled. The first vacancy in the office of district judge in the eastern district of Pennsylvania, occurring 5 years or more after the confirmation date of the judge named to fill the temporary judgeship created for such district under this subsection, shall not be filled. For districts named in this subsection for which multiple judgeships are created by this Act, the last of those judgeships filled shall be the judgeships created under this section.”.

**SEC. 4. TRANSFER OF FEDERAL COURT JUDGESHIP.**

The table contained in section 133(a) of title 28, United States Code, is amended by amending the item relating to Louisiana to read as follows:

| | |
|---|---|
| “Louisiana: | |
| “Eastern | 12 |
| “Middle | 3 |
| “Western | 7”. |

The SPEAKER pro tempore [Mr. PEASE]. Pursuant to the rule, the gentleman from North Carolina [Mr. COBLE] and the gentlewoman from Texas [Ms. JACKSON-LEE] each will control 20 minutes.

The Chair recognizes the gentleman from North Carolina [Mr. COBLE].

GENERAL LEAVE

Mr. COBLE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks on the Senate bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. COBLE. Mr. Speaker, I yield myself such time as I may consume, and I rise in support of S. 996, a bill introduced to reauthorize the existing Federal court arbitration programs established in Chapter 44 of Title 28 of the U.S. Code.

On June 23 of this year we passed by voice vote the House version of this bill, H.R. 1581. The bill reauthorizes 20 pilot arbitration programs which have been in existence in the U.S. district courts around the country for 20 years. These programs have been unquestionably successful over the years in resolving Federal litigation in a fair and expeditious manner and improving the efficiency of those Federal courts which participate in the program.

Upon consideration of this bill by the Senate an amendment was adopted to reauthorize another very successful reform from the Civil Justice Reform Act, the requirement that a list of each Federal judge's 6-month-old motions and 3-year-old cases be published and disseminated twice each year. According to one report, this reporting requirement has led to a 25-percent reduction in the number of cases pending more than 3 years in the Federal system.

The version of S. 996 being considered today contains two additional provisions. The first is an amendment to reauthorize for 5 more years certain temporary judgeships which are due to expire this year. Statistics compiled from the Administrative Office of the U.S. Courts indicate that the case loads in these districts require the continued use of temporary judgeships to prevent case backlogs. The amendment contains provisions similar to those introduced by the gentleman from Illinois [Mr. HYDE], chairman of the Committee on the Judiciary, and Senator ORRIN HATCH, chairman of the Senate Judiciary Committee.

The other provision would transfer a Federal judgeship from the Eastern District of Louisiana to the Middle District of Louisiana. The amendment seeks to alleviate the burdensome caseload facing the Middle District there, which is four times the national average. The change is similar to the legislation Senator JOHN BREAUX has pending in the other body.

The current authorization of the arbitration programs expires on September 30 of this year, and thus there is some urgency, Mr. Speaker, in reauthorizing these very successful programs prior to that date.

I urge my colleagues to vote in favor of this bipartisan bill.

Mr. Speaker, I reserve the balance of my time.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise as well in support of S. 996, the House version of which was reported out of the House Committee on the Judiciary on June 23 of this year. S. 996 includes an extension of certain arbitration programs in the Federal district courts that have been in place now for 20 years. It is well known that as the court systems have increased both the interests of the public and the number of litigation matters that have appeared before our Federal courts around the Nation, and arbitration has been a very effective and useful tool to bring parties to the opportunity of resolution and fairness and equity and justice, and as proponents of that on the floor of the House I think it is extremely important that we give this vehicle an opportunity to work further.

This bill also creates a reauthorization of caseload reporting requirements from Federal courts, and might I say that as we secure these caseload requirements it was noted that part of the result is to assist judges in making sure they clean up cases that have been on the dockets for 3 years and motions for 6 months. I also hope, however, that the utilization of this data helps us to recognize the great burden that is placed on many of our district courts and will see us encouraging, one, the creation of new courts to help alleviate the burden because where we have burden and case logs, cases jammed, we also have a denial of justice. So this would hopefully help us to remedy the problems that we might have in overload in many of our Federal courts. This legislation also creates an extension of certain temporary judgeships and a transfer of a judgeship from one Louisiana district to another.

I am aware at this time, Mr. Speaker, of no objections to this legislation before us. I certainly would like to commend the hard work of the gentleman from North Carolina [Mr. COBLE] who worked very hard on this legislation. I am sure that many of our courts around the Nation, our Federal district courts, will appreciate some of the assistance that is given to them through this legislation, and I also thank the ranking member, the gentleman from Massachusetts [Mr. FRANK], for his leadership, along with our staffs for concluding work on this important piece of legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. COBLE. Mr. Speaker, I thank the gentlewoman from Texas for her generous comments.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina [Mr. COBLE] that the House suspend the rules and pass the Senate bill, S. 996, as amended.

The question was taken.

Mr. CONDIT. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 5, rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

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## REGARDING CANADIAN BORDER BOAT LANDING PERMIT

Mr. SMITH of Texas. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2027) to provide for the revision of the requirements for a Canadian border boat landing permit pursuant to section 235 of the Immigration and Nationality Act, and to require the Attorney General to report to the Congress on the impact of such revision.

The Clerk read as follows:

H.R. 2027

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. CHANGE IN CANADIAN BORDER BOAT LANDING PERMIT REQUIREMENTS.**

(a) REVISED REGULATION.—Not later than 60 days after the date of enactment of this

Act, the Attorney General, in consultation with the Commissioner of Immigration and Naturalization, shall issue revised regulations for the implementation of section 235 of the Immigration and Nationality Act with respect to the requirement that certain individuals entering the United States from Canada by boat obtain a landing permit. The revised regulations shall provide that, in the case of a United States citizen traveling in a boat of not more than 65 feet in length (including a boat of not more than 65 feet in length (including a boat used for commercial purposes) on a trip between the United States and Canada of not more than 72 hours duration, the citizen need not obtain such a permit if—

(1) the citizen carries a United States passport for the duration of the trip; and

(2) the citizen is not an owner, or an operator, of the boat.

(b) SUNSET.—The revised regulations issued under subsection (a) shall cease to be effective on December 31, 1998. After such date, the regulations that were in effect on the day before the enactment of this Act with respect to the requirement that certain individuals entering the United States from Canada by boat obtain a landing permit shall resume to be effective, in the same manner and to the same extent as if this Act had not been enacted.

(c) REPORT.—Not later than March 1, 1999, the Attorney General shall report to the Congress on the impact of the revised regulations issued under subsection (a) on the number and nature of unauthorized entrances by individuals into the United States.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas [Mr. SMITH] and the gentleman from North Carolina [Mr. WATT] each will control 20 minutes.

The Chair recognizes the gentleman from Texas [Mr. SMITH].

GENERAL LEAVE

Mr. SMITH of Texas. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. SMITH of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I appreciate the time and effort the gentleman from Ohio [Mr. LATOURETTE] has devoted in working with me to devise a bill that addresses the legitimate concerns of his Great Lakes constituency while at the same time keeping the U.S. border as secure as possible. H.R. 2027 carefully balances the two competing interests. I urge my colleagues to vote in support of this legislation.

By way of background American and Canadian small boat operators and their passengers returning to the U.S. from Canadian waters must either enter through a port of entry or possess approved I–68 forms issued by the INS and good for 1 year. While the I–68 forms allow individuals on boats to enter the United States without being inspected at each docking, the persons are physically inspected and entered into INS records once a year in applying at INS offices for the forms. H.R. 2027 would set up a pilot program whereby a United States citizen passenger on a small boat would be able to return from Canadian waters without an inspection or an I–68 form as long as the passenger was carrying an United States passport.

I do not want to leave the impression that I do not have concerns about any waiving of the I–68 requirement. The Subcommittee on Immigration and Claims recently held a hearing on alien smuggling in which it was learned that smuggling from Canada has been increasing and will continue to increase as beefed-up border control presence makes the southern border less hospitable. Unfortunately, smugglers will look for any available weak link in our border security apparatus.

However there are two aspects to the bill of the gentleman from Ohio [Mr. LATOURETTE] that minimize these security concerns. First, passengers must still carry U.S. passports. Because a passport is the identification document most difficult to counterfeit, alien smugglers will find it difficult to use. Second, experimenting with an I–68 waiver as a pilot program lasting until the end of 1998 will enable the INS to measure its effects and report back to Congress on whether making the waiver permanent is warranted.

Again, I urge my colleagues to vote in favor of H.R. 2027.

Mr. Speaker, I reserve the balance of my time.

Mr. WATT of North Carolina. Mr. Speaker, I yield myself such time as I might consume.

Mr. Speaker, I rise in opposition to the bill, and let me state from the outset that if a vote is called on this bill, it will not be because I called for the vote. It seems to me that we are getting votes on each one of the suspension bills today for other reasons. I rise in opposition to this bill not because there are not competing arguments, but because there are competing arguments, and I think my colleagues deserve to hear arguments on all sides of this bill.

This is a bipartisan bill, and a number of my colleagues on the Democratic side will be speaking in favor of it, and so I hope that my colleagues will just pay attention to the debate and make their own decisions about it.

We used to say when I was growing up that consistency is the hobgoblin of small minds, but we also used to say that when you ignore consistency sometimes you can be extremely hypocritical, and, so according, this dilemma here. On the one hand we are substantially beefing up our borders along especially the southern borders and throughout the rest of the United States. On the other hand, this bill relaxes our border around the Great Lakes, and it seems to me that we at least need to be aware that this is inconsistent with everything else we are saying about immigration policy.

The bill, like every other bill related to U.S. immigration policy, is about striking the proper balance between securing U.S. borders against illegal immigration while allowing trade and tourism to continue to flow freely. I am not convinced that H.R. 2027 strikes the proper balance between these competing interests. The fact is that the southwest border of the United States between Mexico and the United States is becoming more and more secure, or at least we are attempting to make it more and more secure, and as a result pressures are being increased on other borders for people to try to immigrate to this country illegally across other borders. There have already been incidents of smugglers bringing illegal aliens into the U.S. through upstate New York, and while there have been no reported incidents of alien smuggling on the Great Lakes, there have been innumerable instances of alcohol and tobacco products being smuggled across the Great Lakes into Canada to avoid the steep Canadian excise taxes. If we continue to relax the border on the Great Lakes we may be setting the stage for an influx of illegal immigrants directly into the heartland of the United States, and that is the dilemma we are in with this bill.

I think it is commendable to try to make it as easy as we can make it for citizens to get back, for our citizens to get back and forth, into and out of Canada. Unfortunately it is not possible always to know who our citizens are, and the law, as currently written, provides some protections while not creating so much of an inconvenience that it is unreasonable.

□ 1530

Madam Speaker, I reserve the balance of my time.

Mr. SMITH of Texas. Madam Speaker, I yield 5 minutes to the gentleman from Ohio [Mr. LATOURETTE], who has been a tireless advocate of recreational boaters who have to comply with the requirements of the I–68 form. While the subcommittee had concerns with the gentleman's earlier version of this legislation, he was willing to work with me and other members of the subcommittee, and that is much appreciated. Thanks to the gentleman from Ohio [Mr. LATOURETTE], H.R. 2027 strikes an important balance and ensures our borders remain secure and brings relief to the boating public.

Mr. LATOURETTE. Madam Speaker, I want to thank the chairman of the subcommittee, the gentleman from Texas [Mr. SMITH], for his cooperation and leadership on this bill. While, as the gentleman noted, we had a difference of opinion initially on this piece of legislation, I appreciate his willingness to work out a compromise and move H.R. 2027 to the floor.

I also want to thank the gentleman from North Carolina [Mr. WATT], the ranking member of the subcommittee, and although I have not been as successful in convincing him of the worthiness of our bill as I was with the gentleman from Texas [Mr. SMITH], I do want to thank him for his cooperation and also appreciate the thoughtfulness of his remarks.

Madam Speaker, before I begin my remarks about the bill itself, I want to extend a personal apology to several supporters of this legislation who asked to be cosponsors of the bill, and, much to my disappointment, were not added. If there is one positive effect to this revelation, it is that I did not ignore any one Member of Congress, I excluded all of the potential cosponsors to the bill so as to not slight anyone.

Accordingly, I want to take a moment to mention the champions of the boating public who serve in the House on both sides of the aisle and thank them for their efforts on this issue. I want the record to reflect their cosponsorship of H.R. 2027.

They are the gentleman from Michigan [Mr. BONIOR], who happens to be the cochairman of the Congressional Boating Caucus; the gentleman from Michigan [Mr. DINGELL], the dean of the House, a bad one to leave off; my colleagues the gentleman from Ohio [Mr. TRAFICANT], the gentleman from Ohio [Mr. OXLEY] and the gentlewoman from Ohio [Ms. KAPTUR]; the gentleman from New York [Mr. PAXON]; the gentleman from Michigan [Mr. STUPAK]; also the gentleman from Washington [Mr. METCALF], and also on the floor with us here today is the gentleman from New York [Mr. LAFALCE], a tireless champion for the boating public as well.

Madam Speaker, earlier this year I introduced legislation to modify the I-68 program to allow greater flexibility for recreational boaters from the United States that wished to call on a Canadian port and return home without the inconvenience that that current program places on boaters.

The INS is charged with the important responsibility of keeping our borders secure from illegal immigration, a mission which I wholeheartedly support. Current law requires vessels that have visited Canada undergo a face-to-face inspection with INS upon return, but since 1963 boaters have been afforded the opportunity to apply for what is known as an I–68 permit that would allow multiple crossings without inspection.

This permit was issued without charge until 1995. They then began charging a $16 personal fee and required that all passengers apply to the INS office.

Until this change, many boaters thought they were complying with the law by calling in to customs and were unaware of the INS inspection requirement. This has caused much confusion along the Canadian-United States border because they are not required to pay a fee at Canadian-United States land crossings. These boaters rightfully wonder if once again they are being singled out as a broad target for additional user fees such as the ill-conceived FCC radio license fee.

Madam Speaker, I am a supporter of the fee-for-service concept and I believe that if a particular class of citizens is receiving an individualized service from the government, it should help pay for it. However, there appears to be no discernible increase in INS inspection activities for the recreational borders along the border with the I–68.

Additionally, if INS is willing to forego the face-to-face inspection requirement for a $16 annual fee, it appears it does not consider recreational boaters as a major conduit for illegal aliens, but rather as a source for additional revenue.

The I–68 permit has caused an adverse economic impact in my district, and I would suggest all of the districts along the Great Lakes border. This has translated in my district to 6,000 less boat trips and an economic loss of about $2 million for each of the countries involved in the destination spending.

With the counsel of the gentleman from Texas, Chairman SMITH, and the support of other members of the subcommittee, we have crafted a bill that we think crafts a good compromise. It will give boaters an additional option to the I–68 without compromising the security of the United States-Canadian border.

The bill will allow passengers on the vessel to utilize the U.S. passport, which is the document we use to travel all over the world, without paying an additional fee. Thanks to Chairman SMITH's wisdom, we have also included a provision that there will be a report sent to Congress that will evaluate the effectiveness of our change and will also sunset after a 1-year exploration period.

Also I wanted to commend the INS. They are now engaged in a pilot program where they have video phones installed in the district of the gentleman from New York [Mr. MCHUGH], and it is my hope that if we cannot eliminate either the fee or the I–68, eventually we can expand that pilot program to the ports of entry along the Great Lakes.

Again I want to thank the gentleman from Texas, Chairman SMITH, for his cooperation and also the gentleman from North Carolina [Mr. WATT], the ranking member.

Madam Speaker, with the balance of the time that I have been yielded, I would ask the gentleman from Ohio [Mr. TRAFICANT] if he has observations he wanted to make?

Mr. TRAFICANT. Madam Speaker, will the gentleman yield?

Mr. LATOURETTE. I yield to the gentleman from Ohio.

Mr. TRAFICANT. Madam Speaker, I appreciate that very much and your efforts. I was part of an effort to offer an amendment last year that was approached but was finally dropped from the bill that deals with this particular issue. I would like to say that the arguments and positions presented in opposition by the gentleman from North Carolina [Mr. WATT] make a lot of sense, and I hope before it is all over some of those things will be worked out, because his position is very valid. I want to commend him for the effort he has made. We have an awful lot of boaters up there and I believe there has been an undue hassle. Sometimes we can cut through the red tape.

Mr. WATT of North Carolina. Madam Speaker, I yield 6 minutes to the gentleman from New York [Mr. LAFALCE].

Mr. LAFALCE. Madam Speaker, I support the purpose of this bill to make it easier for recreational boaters to cross the waters between the United States and Canada. Very often those waters are as far from the one wall of this Chamber to the other wall of this Chamber. It is important to understand that. But I do think there are two modifications to the bill before us that I hope will be made in conference that could significantly improve the legislation.

One of the main complaints I hear about the current I–68 program is that a United States citizen who is invited to go on a pleasure ride aboard a friend's boat must first go to an immigration office to complete the I–68 application and pay the required fee even for a one-time recreational excursion that never stops in Canada.

This is crazy. This is crazy. So H.R. 2027 would take a step in the right direction by exempting passengers who are U.S. citizens from the requirement of obtaining an I–68 permit, but only if they carry a U.S. passport.

I have some difficulty with that, because the passport requirement is unprecedented with respect to the United States and Canada, and, in my judgment, extremely impractical. We are talking about friends who come up with their bathing suits and their children and they do not have passports to go out on these recreational boats for a swim, to fish, et cetera.

United States citizens have never been required to carry a passport to reenter the United States from Canada. Indeed, such a requirement would violate the specific intent of the United States-Canada Accord on our shared border to open and improve the flow of United States and Canadian citizens across the border. As a practical matter, requiring recreational boaters and their guests, many of them children, to carry a passport while boating, is quite unrealistic.

I understand they can have the I–68 instead, but the INS enacted regulations last week that attempt to simplify the process for obtaining these permits for some boaters by allowing applications to be made by mail. Well, this is a welcome change, but it does not alleviate the problem for most guests because the initial application must still be made at an immigration office.

For these reasons, I hope the final version of the bill will strike the passport requirement, and we never required a passport for Canada, while retaining the I–68 exemption for United States citizen passengers. As this bill provides, boat owners would still be required to obtain a permit.

Now, a second, even stronger complaint I hear from my constituents involves the fee that the INS began charging for these permits in 1995. Again, I am saying INS began charging fees in 1995. They did not charge fees before. They never wanted to, they did not, but in 1995, they looked at a law and said we think this law requires us to charge a fee. For 32 years they interpreted the law to say no fee is necessary and will not charge one, because the amount we raise is negligible. But for the past 2 years, because of this new interpretation of an old law, they have been charging $16 for individuals and $32 for family permits.

We need to change the law so that they can operate in the future the way they did for 30-some years. How much money have they raised per year by charging these fees? About $30,000. That is what we are talking about. It is peanuts. But insofar as the number of permits, well, in 1995, when no fee was required, we had about 10,000 permits; in 1996, with that fee, about 1,000; 1,000 percent more in 1995 than 1996. Who is adversely affected? American businesses along the border, where those recreational boaters are not stopping. That is who is being hurt.

I believe that Congress should provide direction to the INS by authorizing the Attorney General to eliminate the fee, the way they did for 30-some years. These fees act as a deterrent to boaters in obtaining the permit, particularly in light of the fact that Canada does not require such a fee for entry.

I again applaud the gentleman from Ohio [Mr. LaTourette] for his excellent leadership on this, and I look forward to working with the gentleman from North Carolina [Mr. Watt] and the gentleman from Texas [Mr. Smith] as this bill proceeds and goes into conference.

Mr. LaTOURETTE. Madam Speaker, will the gentleman yield?

Mr. LaFALCE. I yield to the gentleman from Ohio.

Mr. LaTOURETTE. Madam Speaker, I want to thank the gentleman from New York [Mr. LaFalce] for his thoughtful comments and suggestions. I can assure the gentleman that I support both of the proposals to improve the current I–68 program. The original legislation, as the gentleman knows, proposed exactly the gentleman's thoughts. However, in working through the legislative process with the subcommittee, it became apparent that such a proposal would not win the approval of the committee and hence no floor action.

I made it clear to our colleagues on the subcommittee that we hope the study included in this bill would give us evidence to come back and hopefully get rid of the fee and/or the I–68. I look forward to working with the gentleman, and I thank him for his thoughts.

Mr. SMITH of Texas. Madam Speaker, I yield 3 minutes to the gentleman from Washington [Mr. Metcalf].

Mr. METCALF. Madam Speaker, I want to take us on a short excursion through the Second Congressional District of Washington State, one of the most beautiful inland waterways in the world. With over 200 islands, give or take a few, depending on the tide, it is no wonder that the San Juan Islands and Northern Puget Sound have been called the boating capital of the world. In fact, the San Juan Islands are always ranked among the top tourist spots in the Northwest, and on any given day in the summer months, thousands of boaters travel the inland waters between Canada and the United States.

But today, Madam Speaker, the Immigration and Naturalization Service in their infinite wisdom has decided that this kind of boating needs much more regulation. It is not enough that American boaters must report to the Canadian authorities when they enter Canada and to customs agents when they return from Canada. Now they must procure a special form from the INS called the I–68 form when they travel back and forth from United States to Canada. This form must be in the possession of every member on board the vessel at a cost of about $20 a head.

I frankly do not think the INS knows exactly what it is getting into. For one thing, where is the money coming from which will fund the hundreds of new INS agents that we are going to need to enforce this outlandish regulation? It will not raise that much money. Finally, I do not think many of my constituents are excited about going through the bureaucratic nightmare, drive perhaps 100 miles to an INS facility, stand in line for possibly hours, pay a $20 fee for a piece of paper that now gives them the OK by INS to travel into Canada and back.

Let me thank the gentleman from Ohio [Mr. LaTourette] and the gentleman from New York [Mr. LaFalce] for their work on this issue. Let us not further increase bureaucratic redtape at the border for law abiding citizens.

□ 1545

Let us get rid of one more Federal form, the I–68.

Mr. WATT of North Carolina. Madam Speaker, I yield 2 minutes to the gentleman from Michigan [Mr. Stupak].

Mr. STUPAK. Madam Speaker, I thank the gentleman for yielding me this time. I would like to thank the gentleman from Ohio [Mr. LaTourette] for his leadership on this issue.

Madam Speaker, I urge the passage of H.R. 2027. While not a perfect bill, it is a move in the right direction. This bill will establish a pilot program that aims to prove that once again, while the Federal Government has good intentions, its regulations can, at times, be overburdensome on American citizens.

For years, recreational boaters were permitted to obtain form I–68 from the Immigration and Naturalization Service, or INS, for free. This form allowed the boaters to reenter the United States without inspections on bodies of water along the Canadian border during the navigation season. In the Great Lakes, Canadian waters can be as close as a stone's throw away. In fact, in my congressional district, which has more shoreline than any congressional district except Alaska, and most of that shoreline is with Canada, we want the freedom to move back and forth without further interference and disruption from the Federal Government.

Two years ago, the INS began charging a fee for this form. What this all boils down to is that American citizens are paying a new fee for the privilege of reentering the United States. They are not receiving services, because that was the whole purpose of the form, to allow citizens to move back and forth freely without inspection. I find it incredible that we are now charging U.S. citizens for the simple act of reentering their own country.

Furthermore, individuals must apply and pay for this form in person. This may not seem like such a hardship to other States, but in northern Michigan, this could mean at least an 8-hour drive for many of my constituents to the nearest INS office.

This bill is simply an 18-month pilot program that reestablishes a system that has worked well for years. I urge my colleagues to support this legislation and to restore a small sense of integrity to the Federal Government.

Mr. SMITH of Texas. Madam Speaker, I have no further speakers, and I would hope the gentleman from North Carolina [Mr. Watt] would finish up with his speakers and we could proceed.

Mr. WATT of North Carolina. Madam Speaker, I yield myself the balance of my time to just say in conclusion that this bill clearly is an improvement over similar legislation which passed the House on the Suspension Calendar last year, but there is no escaping the fact that the net effect of the bill is to further relax border security on the Great Lakes. While I understand that the current system may be inconvenient to Great Lakes boaters, I do not believe that such inconvenience justifies any further relaxation of the border along the Great Lakes, especially at a time when the Congress and this administration have increased efforts to secure all of America's borders against illegal immigration and drug smuggling.

Madam Speaker, I yield back the balance of my time.

Mr. CONYERS. Madam Speaker, I support this very narrow and time limited change to the law which will allow guests of boat owners sailing on the Great Lakes to be exempted from the INS I–68 permit. The I–68, called the Canadian border boat landing permit, allows boaters to travel to and from Canada without inspection for the entire summer boating season.

This bill will not exempt boat owners from I–68 permit requirements. It will merely permit a nonfamily member guest from having to apply for the I–68, paying $16 and waiting 2 weeks for the permit just to take a possible one time recreational ride on a boat on the Great Lakes. Guests will still be required to have a U.S. passport.

This bill is not a carte blanche opening of the Great Lake borders, it is tailored very narrowly. H.R. 2027 will sunset in December 1998 and requires the Attorney General to make a report to Congress on the impact of the revised regulation. Therefore, next year, INS will be able to ascertain whether this limited exemption has had any adverse impact on illegal immigration or narcotics smuggling. In the meantime, this small but important change will enhance tourism on both sides of the border.

The Great Lakes provide great summer recreation to many American citizens and Canadian nationals. In Detroit, we can see Windsor, Canada, and share the Detroit River with them. Many of my constituents vacation on the Great Lakes in the Upper Peninsula and frequently cross over to the Canadian shore. By modernizing the I–68 permit requirement we can ease the paperwork burdens on their travel as guests. I urge your support on this very narrowly tailored and practical bill.

Mr. SMITH of Texas. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. EMERSON). The question is on the motion offered by the gentleman from Texas [Mr. SMITH] that the House suspend the rules and pass the bill, H.R. 2027.

The question was taken.

Mr. CONDIT. Madam Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

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## JACOB WETTERLING CRIMES AGAINST CHILDREN AND SEXUALLY VIOLENT OFFENDERS REGISTRATION IMPROVEMENTS ACT OF 1997

Mr. MCCOLLUM. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 1683) to clarify the standards for State sex offender registration programs under the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act, as amended.

The Clerk read as follows:

H.R. 1683

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

***SECTION 1. SHORT TITLE.***

*This Act may be cited as the "Jacob Wetterling Crimes Against Children and Sexually Violent Offenders Registration Improvements Act of 1997".*

***SEC. 2. STANDARDS FOR SEX OFFENDER REGISTRATION PROGRAMS.***

*(a) IN GENERAL.—Section 170101(a) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14071(a)) is amended—*

*(1) in paragraph (1)—*

*(A) in subparagraph (A), by striking "with a designated State law enforcement agency"; and*

*(B) in subparagraph (B), by striking "with a designated State law enforcement agency";*

*(2) by striking paragraph (2) and inserting the following:*

*"(2) DETERMINATION OF SEXUALLY VIOLENT PREDATOR STATUS; WAIVER; ALTERNATIVE MEASURES.—*

*"(A) IN GENERAL.—A determination of whether a person is a sexually violent predator for purposes of this section shall be made by a court after considering the recommendation of a board composed of experts in the behavior and treatment of sex offenders, victims' rights advocates, and representatives of law enforcement agencies.*

*"(B) WAIVER.—The Attorney General may waive the requirements of subparagraph (A) if the Attorney General determines that the State has established alternative procedures or legal standards for designating a person as a sexually violent predator.*

*"(C) ALTERNATIVE MEASURES.—The Attorney General may also approve alternative measures of comparable or greater effectiveness in protecting the public from unusually dangerous or recidivistic sexual offenders in lieu of the specific measures set forth in this section regarding sexually violent predators."; and*

*(3) in paragraph (3)—*

*(A) in subparagraph (A), by striking "that consists of—" and inserting "in a range of offenses specified by State law which is comparable to or which exceeds the following range of offenses:";*

*(B) in subparagraph (B), by striking "that consists of" and inserting "in a range of offenses specified by State law which is comparable to or which exceeds the range of offenses encompassed by"; and*

*(4) by adding at the end the following:*

*"(F) The term 'employed, carries on a vocation' includes employment that is full-time or part-time for a period of time exceeding 14 days or for an aggregate period of time exceeding 30 days during any calendar year, whether financially compensated, volunteered, or for the purpose of government or educational benefit; and*

*"(G) The term 'student' means a person who is enrolled on a full-time or part-time basis, in any public or private educational institution, including any secondary school, trade, or professional institution, or institution of higher education.".*

*(b) REQUIREMENTS UPON RELEASE, PAROLE, SUPERVISED RELEASE, OR PROBATION.—Section 170101(b) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14071(b)) is amended—*

*(1) in paragraph (1)—*

*(A) by striking the paragraph designation and heading and inserting the following:*

*"(1) DUTIES OF RESPONSIBLE OFFICIALS.—";*

*(B) in subparagraph (A)—*

*(i) in the matter preceding clause (i), by striking "or in the case of probation, the court" and inserting "the court, or another responsible officer or official";*

*(ii) in clause (ii), by striking "give" and all that follows before the semicolon and inserting "report the change of address as provided by State law"; and*

*(iii) in clause (iii), by striking "shall register" and all that follows before the semicolon and inserting "shall report the change of address as provided by State law and comply with any registration requirement in the new State of residence, and inform the person that the person must also register in a State where the person is employed, carries on a vocation, or is a student"; and*

*(C) in subparagraph (B), by striking "or the court" and inserting ", the court, or another responsible officer or official";*

*(2) by striking paragraph (2) and inserting the following:*

*"(2) TRANSFER OF INFORMATION TO STATE AND FBI; PARTICIPATION IN NATIONAL SEX OFFENDER REGISTRY.—*

*"(A) STATE REPORTING.—State procedures shall ensure that the registration information is promptly made available to a law enforcement agency having jurisdiction where the person expects to reside and entered into the appropriate State records or data system. State procedures shall also ensure that conviction data and fingerprints for persons required to register are promptly transmitted to the Federal Bureau of Investigation.*

*"(B) NATIONAL REPORTING.—A State shall participate in the national database established under section 170102(b) in accordance with guidelines issued by the Attorney General, including transmission of current address information and other information on registrants to the extent provided by the guidelines.";*

*(3) in paragraph (3)(A)—*

*(A) in the matter preceding clause (i), by striking "on each" and all that follows through "applies:" and inserting the following: "State procedures shall provide for verification of address at least annually."; and*

*(B) by striking clauses (i) through (v);*

*(4) in paragraph (4), by striking "section reported" and all that follows before the period at the end and inserting the following: "section shall be reported by the person in the manner provided by State law. State procedures shall ensure that the updated address information is promptly made available to a law enforcement agency having jurisdiction where the person will reside and entered into the appropriate State records or data system";*

*(5) in paragraph (5), by striking "shall register" and all that follows before the period at*

*the end and inserting "and who moves to another State, shall report the change of address to the responsible agency in the State the person is leaving, and shall comply with any registration requirement in the new State of residence. The procedures of the State the person is leaving shall ensure that notice is provided promptly to an agency responsible for registration in the new State, if that State requires registration"; and*

*(6) by adding at the end the following:*

*"(7) REGISTRATION OF OUT-OF-STATE OFFENDERS, FEDERAL OFFENDERS, PERSONS SENTENCED BY COURTS MARTIAL, AND OFFENDERS CROSSING STATE BORDERS.—As provided in guidelines issued by the Attorney General, each State shall ensure that procedures are in place to accept registration information from—*

*"(A) persons who were convicted in another State, convicted of a Federal offense, or sentenced by a court martial; and*

*"(B) nonresident offenders who have crossed into another State in order to work or attend school.".*

*(c) REGISTRATION OF OFFENDER CROSSING STATE BORDER.—Section 170101 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14071(c)) is amended by redesignating subsections (c) through (f) as (d) through (g), respectively, and inserting after subsection (b) the following:*

*"(c) REGISTRATION OF OFFENDER CROSSING STATE BORDER.—Any person who is required under this section to register in the State in which such person resides shall also register in any State in which the person is employed, carries on a vocation, or is a student.".*

*(d) RELEASE OF INFORMATION.—Section 170101(e)(2) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14071(e)(2)), as redesignated by subsection (c) of this section, is amended by striking "The designated" and all that follows through "State agency" and inserting "The State or any agency authorized by the State".*

*(e) IMMUNITY FOR GOOD FAITH CONDUCT.—Section 170101(f) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14071(f)), as redesignated by subsection (c) of this section, is amended by striking ", and State officials" and inserting "and independent contractors acting at the direction of such agencies, and State officials".*

*(f) FBI REGISTRATION.—(1) Section 170102(a)(2) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14072(a)(2)) is amended by striking "and 'predatory'" and inserting the following: "'predatory', 'employed, or carries on a vocation', and 'student'".*

*(2) Section 170102(a)(3) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14072(a)(3)) is amended—*

*(A) in subparagraph (A), by inserting "in a range of offenses specified by State law which is comparable to or exceeds that" before "described";*

*(B) by amending subparagraph (B) to read as follows:*

*"(B) participates in the national database established under subsection (b) of this section in conformity with guidelines issued by the Attorney General;"; and*

*(C) by amending subparagraph (C) to read as follows:*

*"(C) provides for verification of address at least annually;".*

*(g) PAM LYCHNER SEXUAL OFFENDER TRACKING AND IDENTIFICATION ACT OF 1996.—Section 10 of the Pam Lychner Sexual Offender Tracking and Identification Act of 1996 is amended by inserting at the end the following:*

*"(d) EFFECTIVE DATE.—States shall be allowed the time specified in subsection (b) to establish minimally sufficient sexual offender registration programs for purposes of the amendments made by section 2. Subsections (c) and (k) of section 170102 of the Violent Crime Control and Law Enforcement Act of 1994, and any requirement to issue related regulations, shall take effect at the conclusion of the time provided under this subsection for the establishment of minimally sufficient sexual offender registration programs.".*

*(h) FEDERAL OFFENDERS AND MILITARY PERSONNEL.—(1) Section 4042 of title 18, United States Code, is amended—*

*(A) in subsection (a)(5), by striking "subsection (b)" and inserting "subsections (b) and (c)";*

*(B) in subsection (b), by striking paragraph (4);*

*(C) by redesignating subsection (c) as subsection (d); and*

*(D) by inserting after subsection (b) the following:*

*"(c) NOTICE OF SEX OFFENDER RELEASE.—(1) In the case of a person described in paragraph (4) who is released from prison or sentenced to probation, notice shall be provided to—*

*"(A) the chief law enforcement officer of the State and of the local jurisdiction in which the person will reside; and*

*"(B) a State or local agency responsible for the receipt or maintenance of sex offender registration information in the State or local jurisdiction in which the person will reside.*

*The notice requirements under this subsection do not apply in relation to a person being protected under chapter 224.*

*"(2) Notice provided under paragraph (1) shall include the information described in subsection (b)(2), the place where the person will reside, and the information that the person shall be subject to a registration requirement as a sex offender. For a person who is released from the custody of the Bureau of Prisons whose expected place of residence following release is known to the Bureau of Prisons, notice shall be provided at least 5 days prior to release by the Director of the Bureau of Prisons. For a person who is sentenced to probation, notice shall be provided promptly by the probation officer responsible for the supervision of the person, or in a manner specified by the Director of the Administrative Office of the United States Courts. Notice concerning a subsequent change of residence by a person described in paragraph (4) during any period of probation, supervised release, or parole shall also be provided to the agencies and officers specified in paragraph (1) by the probation officer responsible for the supervision of the person, or in a manner specified by the Director of the Administrative Office of the United States Courts.*

*"(3) The Director of the Bureau of Prisons shall inform a person described in paragraph (4) who is released from prison that the person shall be subject to a registration requirement as a sex offender in any State in which the person resides, is employed, carries on a vocation, or is a student (as such terms are defined for purposes of section 170101(a)(3) of the Violent Crime Control and Law Enforcement Act of 1994), and the same information shall be provided to a person described in paragraph (4) who is sentenced to probation by the probation officer responsible for supervision of the person or in a manner specified by the Director of the Administrative Office of the United States Courts.*

*"(4) A person is described in this paragraph if the person was convicted of any of the following offenses (including such an offense prosecuted pursuant to section 1152 or 1153):*

*"(A) An offense under section 1201 involving a minor victim.*

*"(B) An offense under chapter 109A.*

*"(C) An offense under chapter 110.*

*"(D) An offense under chapter 117.*

*"(E) Any other offense designated by the Attorney General as a sexual offense for purposes of this subsection.*

*"(5) The United States and its agencies, officers, and employees shall be immune from liability based on good faith conduct in carrying out this subsection and subsection (b).".*

*(2)(A) Section 3563(a) of title 18, United States Code, is amended by striking the matter at the end of paragraph (7) beginning with "The results of a drug test" and all that follows through the end of such paragraph and inserting that matter at the end of section 3563.*

*(B) The matter inserted by subparagraph (A) at the end of section 3563 is amended—*

*(i) by striking "The results of a drug test" and inserting the following:*

*"(e) RESULTS OF DRUG TESTING.—The results of a drug test"; and*

*(ii) by striking "paragraph (4)" each place it appears and inserting "subsection (a)(5)".*

*(C) Section 3563(a) of title 18, United States Code, is amended—*

*(i) so that paragraphs (6) and (7) appear in numerical order immediately after paragraph (5);*

*(ii) by striking "and" at the end of paragraph (6);*

*(iii) in paragraph (7), by striking "assessments." and inserting "assessments; and"; and*

*(iv) by inserting immediately after paragraph (7) (as moved by clause (i)) the following new paragraph:*

*"(8) for a person described in section 4042(c)(4), that the person report the address where the person will reside and any subsequent change of residence to the probation officer responsible for supervision, and that the person register in any State where the person resides, is employed, carries on a vocation, or is a student (as such terms are defined under section 170101(a)(3) of the Violent Crime Control and Law Enforcement Act of 1994).".*

*(D) Section 3583(d) of title 18, United States Code, is amended by inserting after the second sentence the following: "The court shall order, as an explicit condition of supervised release for a person described in section 4042(c)(4), that the person report the address where the person will reside and any subsequent change of residence to the probation officer responsible for supervision, and that the person register in any State where the person resides, is employed, carries on a vocation, or is a student (as such terms are defined under section 170101(a)(3) of the Violent Crime Control and Law Enforcement Act of 1994).".*

*(E) Section 4209(a) of title 18, United States Code, insofar as such section remains in effect with respect to certain individuals, is amended by inserting after the first sentence the following: "In every case, the Commission shall impose as a condition of parole for a person described in section 4042(c)(4), that the parolee report the address where the parolee will reside and any subsequent change of residence to the probation officer responsible for supervision, and that the parolee register in any State where the parolee resides, is employed, carries on a vocation, or is a student (as such terms are defined under section 170101(a)(3) of the Violent Crime Control and Law Enforcement Act of 1994).".*

*(3)(A) The Secretary of Defense shall specify categories of conduct punishable under the Uniform Code of Military Justice which encompass a range of conduct comparable to that described in section 170101(a)(3)(A) and (B) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14071(a)(3)(A) and (B)), and such other conduct as the Secretary deems appropriate for inclusion for purposes of this paragraph.*

*(B) In relation to persons sentenced by a court martial for conduct in the categories specified under subparagraph (A), the Secretary shall prescribe procedures and implement a system to—*

*(i) provide notice concerning the release from confinement or sentencing of such persons;*

*(ii) inform such persons concerning registration obligations; and*

*(iii) track and ensure compliance with registration requirements by such persons during any period of parole, probation, or other conditional release or supervision related to the offense.*

*(C) The procedures and requirements established by the Secretary under this paragraph shall, to the maximum extent practicable, be consistent with those specified for Federal offenders under the amendments made by paragraphs (1) and (2).*

*(D) If a person within the scope of this paragraph is confined in a facility under the control of the Bureau of Prisons at the time of release, the Bureau of Prisons shall provide notice of release and inform the person concerning registration obligations under the procedures specified in section 4042(c) of title 18, United States Code.*

*(i) PROTECTED WITNESS REGISTRATION.—Section 3521(b)(1) of title 18, United States Code, is amended—*

*(1) by striking "and" at the end of subparagraph (G);*

*(2) by redesignating subparagraph (H) as subparagraph (I); and*

*(3) by inserting after subparagraph (G) the following:*

*"(H) protect the confidentiality of the identity and location of persons subject to registration requirements as convicted offenders under Federal or State law, including prescribing alternative procedures to those otherwise provided by Federal or State law for registration and tracking of such persons; and".*

### *SEC. 3. SENSE OF CONGRESS AND REPORT RELATING TO STALKING LAWS.*

*(a) SENSE OF CONGRESS.—It is the sense of Congress that each State should have in effect a law that makes it a crime to stalk any individual, especially children, without requiring that such individual be physically harmed or abducted before a stalker is restrained or punished.*

*(b) REPORT.—The Attorney General shall include in an annual report under section 40610 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14039) information concerning existing or proposed State laws and penalties for stalking crimes against children.*

### *SEC. 4. EFFECTIVE DATE.*

*This Act shall take effect on the date of the enactment of this Act, except that—*

*(1) paragraphs (1), (2), and (3) of section 2(h) shall take effect 1 year after the date of the enactment of this Act; and*

*(2) States shall have 3 years from such date of enactment to implement amendments made by this Act which impose new requirements under the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act, and the Attorney General may grant an additional 2 years to a State that is making good faith efforts to implement these amendments.*

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida [Mr. MCCOLLUM] and the gentlewoman from Texas [Ms. JACKSON-LEE] each will control 20 minutes.

The Chair recognizes the gentleman from Florida [Mr. MCCOLLUM].

### GENERAL LEAVE

Mr. McCOLLUM. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the bill now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. McCOLLUM. Madam Speaker, I yield myself such time as I may consume.

The Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Improvements Act of 1997 builds upon previous efforts of Congress to establish a system to keep track of convicted sex offenders and to notify communities of their presence. This bill will substantially strengthen the sex offender registration programs in our States, commonly referred to as "Megan's law," and close several loopholes which currently allow convicted sex offenders to avoid registering their whereabouts with local law enforcement.

In the 1994 crime bill, Congress established the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act. This act contained guidelines for the States to set up sex offender registration programs. Currently, all 50 States and the District of Columbia have established such registration programs. These registries provide an invaluable law enforcement tool by providing quick access to computerized information on sex offenders living nearby. Just this year, the President signed Megan's law, and the Pam Lychner National Sexual Offender Tracking Identification Act into law, two bills which strengthen the community notification laws with regard to registered sex offenders and provided law enforcement the tools to keep track of sex offenders who move from State to State.

The States have taken this issue quite seriously and should be commended, but despite these efforts, some child sex offenders are slipping through the cracks. It is well recognized that sexual predators are remarkably clever and persistently transient. These offenders are not confined within State lines, and neither should our efforts to keep track of them, which brings us to the purpose of today's bill.

In consultation with State and local law enforcement and the National Center for Missing and Exploited Children, we have developed this very important piece of legislation which will strengthen the Jacob Wetterling Act, in addition to providing more flexibility to the States as they implement their own sex offender registration program. H.R. 1683 will make three primary improvements:

First, this bill will require offenders convicted under Federal or military law of certain sex offenses to register in the State in which they reside. Convicted military personnel will be required to register in the State in which they reside and the State in which they are permanently assigned, if applicable. It is important to note that this bill does not establish a Federal registry system, nor does it require States to pass new laws. It does require Federal offenders to register under already existing State programs. Convicted sex offenders in the Federal system may be just as dangerous as offenders in all of our States. We must keep track and notify communities of their whereabouts.

Second, this bill will also apply to offenders crossing State borders. Offenders are required to register in the State in which they reside and the States in which they are employed, or are enrolled in school, if applicable. State and local law enforcement agencies have struggled with numerous serial rapes in which offenders worked or went to school in a bordering State and were able to commit crimes in these nearby communities, free from the registration requirements of the State in which they were convicted.

Third, this bill will provide more flexibility to States as they implement their own registration programs, in addition to providing more time to come into compliance with registration requirements imposed by sex offenders registry legislation passed last fall. The original 1994 act was written in such detailed language that some States have struggled to understand the intent of Congress. Moreover, some States have come up with better, more creative ways to implement the act, and therefore, it is the purpose of this bill to provide States with the freedom to implement these improvements.

Last, the Jacob Wetterling Improvements Act addresses an issue which has been very important to the citizens of my State of Florida, and I am sure many other States as well, that of child stalking. The Florida State Legislature just passed the Jennifer Act, which punishes individuals who stalk children. This bill is intended to heighten awareness of this issue by requiring the Department of Justice to submit to Congress a report describing existing State laws with regard to child stalking. This provision, along with provisions which will significantly improve the Jacob Wetterling Act of 1994, will serve as an effective law enforcement tool to better protect Americans from sexual victimization. I urge my colleagues to support this bill.

Madam Speaker, I reserve the balance of my time.

Ms. JACKSON-LEE of Texas. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise today to share my approval, and yet my concerns, concerning H.R. 1683, the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Improvements Act of 1997.

In 1994, Congress enacted this legislation, the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act, which encourages States to operate sex offender registration programs. States which operate such programs receive criminal justice grant funds. States which do not are denied access to these funds. This act specifies in considerable detail what the State must do to operate its program, and administering the act has proved to be complex and difficult.

H.R. 1683 is intended to remedy certain of these difficulties. H.R. 1683 is deficient, however, in that it fails to address the danger of the unjust application of sex offender registration laws, a danger which has become apparent in the 3 years since the Jacob Wetterling Act became law. It forces the Federal Government to intrude in the local jurisdiction and governments of certain States, by requiring registration for acts not related to children.

H.R. 1683 does nothing to prevent States from forcing individuals convicted of consensual adult sex or similar offenses to register as sexual offenders. This is a glaring deficiency and takes away from the chief issue that we are concerned with, the acts of sexual violence against our children and others. We want to protect women against rape and other sexual abuses and violence, and we certainly want to effect an impact on our children.

I have, over the years of my tenure in this Congress, Madam Speaker, supported vigorously registration legislation that deals with the idea of protecting our communities and neighborhoods from a sexual predator against our children and certainly against women from moving from one State to the next. I fully believe that we should not wake up one morning and find next door a child molester, and let me go on record by saying, we in Texas, and particularly in the Houston area, have been bombarded by tragic incidences of the abduction of children or the rape and molestation of children in our community.

So I like the original intent of this legislation, to protect victims, many times women and children, against sex crimes. This act was designed to protect the community and particularly young children from violence at the hands of sexual offenders. The registration requirements were aimed at those with a history of, and therefore a presumed propensity for, the forcible victimization of others. However, in at least four States, Kansas, Louisiana, Mississippi, and South Carolina, people with convictions for consensual adult sex, which form thereof violates State laws, are being forced to register with the police as sexual offenders.

This is unfair and discriminatory and also violates individual privacy rights. The act was never intended to encompass such individuals, and there is no reason whatsoever to think that individuals convicted of these so-called offenses pose any danger to the community. Their crimes involve no force or threat of force, nor do they involve adults having sex with children.

I can assure my colleagues, I stand at the front door and at the front of the line to block any sort of legislation which would deny us the right to track persons who have been convicted of sexual acts against our children. However, this has absolutely nothing to do with generally predatory offenses, such as rape and child molestation.

At the Committee on the Judiciary markup of H.R. 1683, the gentleman from New York [Mr. SCHUMER] offered an amendment that would have added another condition to the listing of requirements that States must obey under the Wetterling law. States would be prohibited from requiring someone to register as a sex offender solely on the basis of a conviction for consensual adult sex of which the State would find illegal. As we all know, such statutes have been used to persecute individuals due to homophobic attitudes. Therefore, it is unfair to further victimize them under this law.

States that require this are lumping homosexuals together with rapists and child molesters. That, I think for all of us who understand that there are rights of privacy under constitutional law, is offensive, and certainly not what this Congress intended to do with the Wetterling program.

Again, Madam Speaker, I applaud this legislation. I celebrate it for what it does for the children of America, for it protects our children and attempts to protect our children even further from these malicious, inherently vicious child predators who move from State to State.

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How many of us have cried tears of frustration of trying to prevent such terrible tragedies. So I ask in particular that we consider recognizing the violation of personal individual rights as it relates to adults and consensual sex as not to violate the spirit of this legislation.

Let me also acknowledge that this legislation pays tribute to Pam Lyncher, who tragically lost her life in TWA 800, who was a leading spokesperson in the organization, Justice for All, she always worked to oppose the viciousness of those who would travel from State to State to State to perpetrate violent acts against children as it relates to sex crimes and other violent crimes. We thank her for that.

Madam Speaker, the Committee on the Judiciary members who took exception to the provision regarding consensual sex were responded to by members of the Committee on the Judiciary that this would inject the Federal Government into decisions made by States. We know that that is a ludicrous argument, primarily because we are injecting ourselves already, and I am happy to inject us when it comes to protecting children, women and others against violate sexual crimes. As I said, I will be at the front of the line on any of these occasions. The act itself already imposes a multitude of requirements on the States.

Might I add that I want to have as many States as possible be able to access these funds. I hope the chairman will review ways that we can help make it simpler for States to respond so they can get the money. I want to make sure that everyone who is able to do so is not distracted by the complexity of the reporting requirements.

Therefore, we already intrude upon the States as it relates to burdens. In fact, the act contains four pages of dense statutory language telling States how to operate their programs. The amendment simply would have added one additional requirement to these pages and pages of requirements.

Madam Speaker, Congress cannot possibly intend for the Jacob Wetterling Act, an outstanding piece of legislation as it relates to children and those abused by violent sexual acts, to cover individuals, adults, engaged in consensual sexual activity. Therefore, it is our responsibility hopefully to work together to ensure that this not happen in this critically important legislation, that could do damage to what we intend to do.

With that, Madam Speaker, I would conclude by saying "Hurrah" for the children of America, and yet we must also recognize that we must address the constitutional rights of other individuals in this country.

Madam Speaker, I reserve the balance of my time.

Mr. McCOLLUM. Madam Speaker, I yield 2 minutes to the gentleman from Minnesota [Mr. GUTKNECHT].

Mr. GUTKNECHT. Madam Speaker, I thank the gentleman for yielding time to me.

Madam Speaker, in our discussions today it is important to remember the boy behind the bill. Eleven-year-old Jacob Wetterling was kidnapped at gunpoint in rural Minnesota on October 22, 1989. He is still missing. All of us hope and pray for his safe return.

I was a member of the Minnesota State Legislature when we passed an early version of the Wetterling Act in 1991. In 1994 Congress recognized the importance of this idea, and required all States to register the addresses of convicted kidnappers or child sex offenders. Last year we passed Megan's Law to notify communities when one of these people moves into the neighborhood.

While every State now requires registration of child sex offenders, many community notification programs have been stalled by legal challenges and confusion as to what plan would be most effective. Because of this, it is unclear how many States are fully following the Wetterling Act requirements. H.R. 1683 gives the States much needed flexibility as they seek to comply with this law.

To help States even further, 31 of my colleagues, and I want to especially thank my colleague, the gentleman from Texas [Mr. LAMPSON], have joined me in cosponsoring and introducing House Concurrent Resolution 125, which provides the States with a model community notification program that they can follow if they choose. I encourage all of my colleagues to consider cosponsoring it.

Winston Churchill once said, "Never give in; never give in; never, never, never, never—in nothing great or small, large or petty—never give in except to convictions of honor." These are fitting words for Patty Wetterling, Chairman McCOLLUM, and everyone who works tirelessly to protect America's children. I am proud to be an original cosponsor of H.R. 1683, and I urge my colleagues to vote for it.

Mr. McCOLLUM. Madam Speaker, I yield 2 minutes to the gentleman from Florida [Mr. FOLEY].

Mr. FOLEY. Madam Speaker, I rise in strong support of this bill. I commend our chairman, the gentleman from Florida [Mr. McCOLLUM] for initiating it. He has been a leader in these types of initiatives, and they are very, very important in protecting our children.

Madam Speaker, this legislation provides additional strength to the critical measures we have enacted in the past, most significantly, Megan's Law, to protect the children of our Nation against violent sexual predators. One of its main goals is to ensure that everyone convicted of violent sexual crimes is required to register in the places in which they live and work so that their whereabouts are known.

The community notification that we provided last year under Megan's Law is only as good as the sex offender registrations that have been set up in each State now. If those registries do not have complete information on the whereabouts of sexual predators, then our attempts to keep track of those who will continue to prey on young children will be flawed.

Madam Speaker, John Walsh of Fox TV's America's Most Wanted said that in his show he has helped capture 64 child molesters in one 6-month period. Over half of them were people who had worked with children. Sixty-four people, child molesters, caught in a 6-month period; over half of them had worked with children.

Parents and families have a right to know if those living near their children or working with their children are convicted violent sexual offenders who have victimized children. They cannot know this unless we have strong registration and notification laws that provide that information.

Madam Speaker, I cosponsored Megan's Law, and I am cosponsoring this bill to strengthen Megan's Law for the sake of the children it is designed to serve and to save.

Mr. McCOLLUM. Madam Speaker, I yield 2 minutes to the gentleman from Kansas [Mr. SNOWBARGER].

Mr. SNOWBARGER. Madam Speaker, I rise today to urge my colleagues to support this violent offender registration proposal. For the last several years I have been working on similar legislation, first in the Kansas legislature and now here in Congress. I was encouraged in this effort by my friends, the Schmidts, whose daughter Stephanie was murdered.

I know we would all like to think this kind of thing happens in other places, to other people's children in other parts of the country, but no community is immune from violence. Stephanie Schmidt was a beautiful young woman who was violently murdered by a coworker in 1993. Her parents, my constituents, Gene and Peggy Schmidt, have made it their life's work to make sure that other families are spared the grief they so well know.

There is something we can do to help solve this problem. That is why I have been a consistent supporter of community notification statutes. It is my hope that this information, used responsibly, will keep dangerous sex offenders away from potential victims. Specifically, this act's provisions will require that sex offenders who work or go to school in a State other than the State in which they reside will be required to register in those other States. This is especially important to the families of the Kansas City area, which is a major metropolitan area that straddles the State line.

I would like to thank Chairman McCOLLUM and my distinguished colleagues from the other side of the aisle for leading this fight. Today as we pass these important changes to the Jacob Wetterling Act and Megan's Law, I will think of Stephanie Schmidt and hope that what we do today will help prevent another tragedy.

Ms. JACKSON-LEE of Texas. Madam Speaker, I yield 2 minutes to my distinguished colleague, the gentleman from Texas [Mr. LAMPSON], who is chairman of the caucus for missing and exploited children.

Mr. LAMPSON. Madam Speaker, I thank the gentlewoman from Houston, Texas, for yielding time to me, and for her good and gracious work on this bill.

As chairman of the congressional missing and exploited children's caucus, I rise in strong support of the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Improvement Act of 1997. I congratulate and thank the gentleman from Florida [Mr. McCOLLUM] for his work on this bill.

Scientific studies have shown that those who commit acts of sexual violence against children have the highest rate of recidivism among all criminals and crimes. In fact, the typical offender molests an average of 117 children, most of whom never report the offense. These are innocent children being preyed upon by devious and sick individuals.

The legislation before the House will widen the net that registers these predators. Megan's Law mandated registration, and through this bill we will close loopholes in making sure that every sexual predator is on the books whenever and wherever they relocate in this country, regardless of the original jurisdiction in which they were convicted.

Is this unfortunate? Yes. Is it necessary? Absolutely. The statistics speak for themselves. The memories of Jacob Wetterling, Megan Kanka, Laura Smither, and hundreds of other victims of senseless abuse cry out for every possible protection we are able to offer.

Madam Speaker, I have taken to the floor of the House twice this year to report the abduction of young girls in my district. It is my hope that by speaking on behalf of legislation like this, I will never be faced with that sad duty again. So I urge strong support for H.R. 1683.

Ms. JACKSON-LEE of Texas. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I would like to thank the committee and the chairman for the hard work they have put into this effort. I think by the expressions being made, so many of us can recount the tragedies of children in our community being dragged away from the safety and sanctity of their home and school and as a vicious sexual attack is perpetrated upon them.

We certainly stand in support of moving forward to assist in creating an atmosphere where not one tree leaf or not one cover can keep us away from spotting a malicious child molester or sexual predator. I hope as we proceed, as well, that we will consider some of the concerns that I have expressed. I think in the course of reconciliation and the understanding of this issue of individual rights, certainly those concerns should be addressed.

Needless to say, I thank the chairman of the committee and thank Members who, unanimously, agree that children in this country must be protected and sexual predators must be targeted and must be eliminated from our communities and made never to perpetrate their violent act again on our innocent children and citizens in this country. That is why this bill deserves our consideration.

Mr. MCCOLLUM. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I simply want to thank the gentlewoman from Texas [Ms. JACKSON-LEE] for her cooperation in this matter, and note the fact that each of the speakers today on this legislation was an original cosponsor of the bill that was introduced. It is a good bill. It should be adopted.

Mr. RAMSTAD. Madam Speaker, as the author of the Jacob Wetterling Act of 1994, I am proud to be a cosponsor of H.R. 1683, the Jacob Wetterling Improvements Act of 1997, and I urge my colleagues to support this important child protection measure.

The 1994 Wetterling Act signaled a national, coordinated commitment to protecting America's children. For the first time, we instituted a national system for registering the worst kind of convicted criminals—those who prey on children.

This landmark law was named after Jacob Wetterling, an extraordinary youngster who was kidnapped in 1989 from the small community of St. Joseph, MN, when he was 11 years old. We have not heard from Jacob since his abduction, but we continue to pray for his safe return and for the safe return of hundreds of children stolen from their families.

Jacob's incredible mother, Patty Wetterling, has become a tireless advocate for protecting children. Patty and her husband, Jerry, formed the Jacob Wetterling Foundation, which promotes child safety and responds to child abductions. With Patty's help, we were able to enact the 1994 Wetterling Act. With her help, we are building stronger child protection laws every day.

H.R. 1683 builds on the foundation of the 1994 Jacob Wetterling Act, and applies the Wetterling requirements to offenders convicted under Federal or military law. In addition, it will give the FBI access to state sex offender registries and allow the U.S. Marshals Service to monitor offenders enrolled in the Federal Witness Protection Program. This bill will also give additional flexibility to states to help them establish effective offender registration programs.

Just a few months ago, I stood with Patty Wetterling, Ernie Allen of the National Center for Missing and Exploited Children, the other sponsors of H.R. 1683 when we introduced the bill during Child Safety Week. I am grateful to all these people—and particularly Mr. MCCOLLUM, the bill's sponsor and chair of the Crime Subcommittee—for helping to move this important legislation so quickly through the process.

I look forward to continued progress toward ending the tragedy of stolen childhoods and making American communities safer places to grow up.

Mr. DIAZ-BALART. Madam Speaker, I rise in strong support for the Jacob Wetterling Crimes Against Children and Sexually Violent Offenders Registration Improvements Act of 1997 (H.R. 1683). I would like to commend the Subcommittee on Crime and its chairman, Mr. MCCOLLUM, for bringing forth this meritorious legislation and for working to ensure that law enforcement agencies have the tools needed to protect our children from any and all dangerous individuals who would harm them or threaten their safety.

Of particular importance is the need for tough laws to combat child stalking. Florida has taken the lead in this respect. H.R. 1683 acknowledges the worthy initiative taken by the State of Florida in its successful implementation of the Jennifer Act (Fla. Stat. Sec. 784.048). The Jennifer Act designates the stalking of a child under the age of 16 as a third degree felony. The act provides that a person who willfully, maliciously, and repeatedly follows or harasses a child younger than 16 years of age commits aggravated stalking.

The Florida State law is named after a 13-year-old Dade County girl in my district who was stalked in 1996 by an acquaintance. Police told the girl's mother they could not arrest the man unless he had hurt or kidnapped her daughter. Unable to obtain a judicial restraining order, Jennifer's mother worked closely with her State senator and representative to enlist support for a change in the law to remove the requirement that physical harm or abduction occur before the police could intervene. Thanks to her tenacious and courageous persistence, the law was signed into Florida law on April 29, 1997, and becomes effective October 1, 1997.

I am very pleased that today this House has recognized the importance of putting the States on notice that this is a very critical gap in their criminal codes that needs to be corrected. To this end, H.R. 1683 requires that the attorney general survey and publish current or proposed State laws, which concern the criminal elements and penalties for stalking against children. In this way, States will be required to examine the state of their antistalking laws and Congress will oversee their efforts.

This is the first step toward making the effective deterrence of child stalking a Federal priority. Accordingly, I will work to ensure that the Jennifer Act becomes the national model for State action.

Mr. CUNNINGHAM. Madam Speaker, I am a proud original cosponsor of H.R. 1683. And I am delighted to support this bipartisan, bicameral legislation today.

This bill is based on us listening to citizens and law enforcement, to see what can work best to protect children and communities from violent predators.

What we heard, is that it is time for the law to take the side of innocent citizens and victims of crime, and to crack down on criminals, especially sex offenders and people who commit crimes against children.

Congress developed the Wetterling Act to create a sex offender registry. I was proud to help develop Megan's law, to create community notification of certain sex offenders and enable citizens to protect themselves against criminals. Now, we are making the Wetterling Act and Megan's law better for communities, better for law enforcement, better for citizens and children and victims of crime, and a lot worse for criminals.

H.R. 1683 closes loopholes relating to sex offenders who are Federal criminals, military personnel, and people who live in one state and work or study in another. It helps us obtain more information from the States on their laws that combat the stalking of juveniles. It gives states more flexibility to implement the law, to make registration of these criminals work better for everyone. And it provides protection from liability of those who work in good faith with law enforcement on criminal registration and community notification.

In the fight against crime, it's time for us to fight for the victims and the law-abiding citizens, and against the criminals. That's what we will do today, by enacting H.R. 1683.

I thank Chairman MCCOLLUM and Chairman HYDE for their leadership in moving this bill. And I also want to recognize Congresswoman DUNN and Congressman DEAL, for their longstanding hard work on this issue.

I encourage my colleagues to support H.R. 1683, and I yield back the balance of my time.

Mr. MCCOLLUM. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. EMERSON). The question is on the motion offered by the gentleman from Florida [Mr. MCCOLLUM] that the House suspend the rules and pass the bill, H.R. 1683, as amended.

The question was taken.

Mr. CONDIT. Madam Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

## CARL B. STOKES U.S. COURTHOUSE

Mr. KIM. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 643) to designate the United States courthouse to be constructed at the corner of Superior and Huron Roads, in Cleveland, OH, as the "Carl B. Stokes United States Courthouse".

The Clerk read as follows:

H.R. 643

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. DESIGNATION.**

The United States courthouse to be constructed at the corner of Superior and Huron Roads, in Cleveland, Ohio, shall be known and designated as the "Carl B. Stokes United States Courthouse".

**SEC. 2. REFERENCES.**

Any reference in a law, map, regulation, document, paper, or other record of the United States to the United States courthouse referred to in section 1 shall be deemed to be a reference to the "Carl B. Stokes United States Courthouse".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California [Mr. KIM] and the gentleman from Ohio [Mr. TRAFICANT] each will control 20 minutes.

The Chair recognizes the gentleman from California [Mr. KIM].

Mr. KIM. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, H.R. 643 designates the U.S. Courthouse in Cleveland, OH, as the "Carl B. Stokes United States Courthouse." In 1962 Carl Stokes began public service upon his election to the Ohio General Assembly. Five years later Carl Stokes broke new ground when he won Cleveland's mayoral election, becoming the first African American to be elected mayor of a major city.

Declining reelection in 1971, Carl Stokes entered the field of journalism with WNBC TV in New York City. For his work at WNBC, he received an Emmy Award. In 1983 Carl Stokes returned to Cleveland, where he won election to Cleveland's municipal court.

□ 1615

Within weeks he was elected both presiding and administrative judge. In 1994, President Clinton appointed him the Ambassador to the African Island Republic of Seychelles. In his position, he advised emerging African nations on the establishment of a democratic form of government and lobbied the administration in support of the African continent.

Carl Stokes passed away on April 3, 1996. This is a fitting tribute to a man who dedicated so much of his life to the public service. I support the bill and urge my colleagues to join in this support.

Madam Speaker, I reserve the balance of my time.

Mr. TRAFICANT. Madam Speaker, I yield myself as much time as I may consume.

Carl Stokes probably will be remembered for being the first black political figure to be elected in a major urban area of our country, that being Cleveland, OH, and all of Ohio participated in that great election.

I can remember from Youngstown, OH, now my constituents, that had traveled to Cleveland to help elect Carl back then. I think his record is exemplary, and I think everybody in here also knows that he is the brother of LEWIS STOKES, LOU STOKES, one the strongest leaders of Congress for many years and has set a record for the Stokes family that is unparalleled in our country regardless of race or religion or however we want to categorize it.

So, on behalf of all from Ohio, I want to extend to the gentleman from Ohio [Mr. LATOURETTE], the sponsor of this bill, and to the Stokes family, and to the legacy of Carl Stokes in Cleveland and to the record in contributions of LOU and the entire family, I am very honored to have been a part of this and support the bill wholeheartedly.

Madam Speaker, I reserve the balance of my time.

Mr. KIM. Madam Speaker, I yield 2½ minutes to my colleague, the gentleman from Ohio [Mr. LATOURETTE].

Mr. LATOURETTE. Madam Speaker, I thank the gentleman from California [Mr. KIM] for yielding me the time.

Madam Speaker, I want to thank the gentleman from California [Mr. KIM], the chair of our subcommittee, for his assistance and also in getting this bill to the floor. I also want to thank the gentleman from Youngstown, OH [Mr. TRAFICANT], ranking member of our subcommittee. I also want to extend my appreciation to the staff of the subcommittee on their hard work.

Madam Speaker, this bill was passed by the House under suspension in the last Congress, but unfortunately the Senate adjourned before taking it up. I am pleased to report that, in the 105th Congress, the Senate has already passed this bill, sponsored by Senator DEWINE of Ohio. If we are successful today, and given the bipartisan support this bill enjoys I assume we will be, we can complete this tribute.

Madam Speaker, Carl Stokes grew up in the ghetto of Cleveland but never let his surroundings hold him back. In fact, he made it his life's devotion to make a difference in the lives of others and to help others aspire to the greatness lurking within them.

In 1962, Carl Stokes became the first black Democrat to be elected to the Ohio House of Representatives, winning a seat in Cuyahoga County. At the time, the population of Cuyahoga County was only 14 percent black.

In 1967, Carl Stokes came back and beat the Democratic mayor by 20,000 votes. And in 1967, he was elected mayor of the city of Cleveland. And he faced in that election one of Ohio's and the country's most notable political families, the Tafts. That November in 1967, Carl Stokes, who was the great-grandson of a slave, defeated Seth Taft, the grandson of President William Howard Taft.

Madam Speaker, in April of 1996, cancer claimed the life of Carl Stokes. At his funeral, Carl Stokes was remembered with great fondness and admiration. Few, of course, were able to capture the essence of the magic of Carl Stokes more than his brother, the gentleman from Ohio [Mr. STOKES], our colleague for many years, who described his brother's life this way:

> A life that has been a series of 'firsts' for African-Americans. A life that opened up doors and opportunities and raised the aspirations of African-Americans everywhere. He wrote a different American story. He wrote the poor American black boy's story. He didn't rise from rags to riches. He went from poverty to power. And he used that power to help people.

Cleveland, Ohio will never forget Mayor Stokes' contributions, Judge Stokes' contributions, and Ambassador Stokes' contributions. He served his city and country with dignity and purpose. And it is only fitting that Carl Stokes, the true visionary, one of Cleveland's most remarkable sons, now be honored by the naming of the Carl B. Stokes U.S. Courthouse.

Mr. TRAFICANT. Madam Speaker, I yield such time as she may consume to the distinguished gentlewoman from Texas [Ms. JACKSON-LEE].

Ms. JACKSON-LEE of Texas. Madam Speaker, I likewise am delighted for the kindness of the distinguished gentleman from Ohio [Mr. TRAFICANT] and certainly congratulate the proponents of this legislation.

Some would say that there is something in the water in Ohio. I would say there is something in the water of the Stokes home in Ohio.

Carl Stokes was born on June 21, 1927, in Cleveland, OH, and he was only 2 years old when his father, Charles, a laundry worker, died. His widowed mother, Mrs. Louise Stokes, supported her two sons by working as a domestic, and for a time the family was on public assistance.

He and his older brother LOUIS, who must have drank from the same well and the same water, a Member of this body and a great leader in this Congress, went ahead to augment the family income as newspaper carriers for the old Cleveland News and by working in neighborhood stores.

What I am trying to say, Madam Speaker, is these are true American stories and heroes. Certainly, the honorable and the late Carl Stokes exhibits the ability and the fact that you can pull yourself up by your bootstraps and, as well, continue to fight against the oppression of some of those who would not lose their prejudice.

They represent, the two, the brothers, and as we are celebrating and commemorating the Honorable Carl Stokes, the fact that you can stand for what you believe in. The Honorable Carl B. Stokes held the title of mayor and ambassador, two of the finest and most honored titles that anyone can hold in a lifetime. His life's work was centered around expanding opportunity for others that had been denied to him in his youth.

What we are actually saying is he did not hold a grudge, he did not have a chip on his shoulder, he kept pressing forward. And even until the time he took ill, he was serving his country as an ambassador. Carl Stokes was a great communicator who shared his gift of the spoken and written word and thereby challenged the minds of his constituents to reach beyond where they were to where they could go in life. His dedication to others through his work as a public servant will be most missed by those who can appreciate his spirit of egalitarianism.

Carl Stokes' work promoted equal political, economic, and social rights for all through sharing his vital perspective on the human condition with this world. As mayor, he challenged his city to be great. And as ambassador, he challenged his Nation to be even greater.

Madam Speaker, let me say that I am delighted to join by honoring this very fine gentleman and providing with him a lasting legacy along with his works.

Madam Speaker, I include the following statement into the RECORD.

Madam Speaker, I rise in support of H.R. 643, which would designate a U.S. courthouse to be constructed in Cleveland, OH, as the "Carl B. Stokes United States Courthouse."

Carl Stokes was born on June 21, 1927, in Cleveland, OH. He was only 2 years old when his father, Charles, a laundry worker, died. His widowed mother, Mrs. Louise Stokes, supported her two sons by working as a domestic and for a time the family was on public assistance. He and his older brother Louis, who is a Member of this body, augmented the family income as newspaper carriers for the old Cleveland News, and by working in neighborhood stores.

The Honorable Carl B. Stokes held the title of mayor and ambassador, two of the finest and most honored titles that anyone can hold in a lifetime. His life's work was centered around expanding opportunities for others that had been denied him in his youth. Carl Stokes was a great communicator who shared his gift of the spoken and written word, and thereby challenged the minds of his constituents to reach beyond where they were, to where they could go in life. His dedication to others through his work as a public servant will be most missed by those who can appreciate his spirit of egalitarianism. Carl Stokes' work promoted equal political, economic, and social rights for all through sharing his vital perspective on the human condition with the world.

In November 1962, Carl Stokes became the first African-American Democrat in the history of the State of Ohio to be elected to the Ohio General Assembly. He was reelected in 1964 and 1966. At that time members of the assembly were elected countywide. Cuyahoga County's population was only 14 percent African-American.

On November 13, 1967, Carl Stokes attracted international attention when he was sworn in as mayor of the city of Cleveland—the first African-American mayor of a large American city. At that time Cleveland's population was only 37 percent African-American.

Public service provides a path through and around barriers in life which violence and harsh words can never penetrate. We know through the example of Cesar Chavez, John F. Kennedy, Martin Luther King, and Carl Stokes, that violent actions are much weaker than the strength of powerful positive messages which have been instrumental in leading us all to a better understanding of each other, and the world around us. These heroes were each guided by a strong personal philosophy rooted in the belief that, indeed, one person could make a difference in this world.

In August 1994, President Clinton appointed then Judge Carl Stokes to be his Ambassador Extraordinary and Plenipotentiary of the United States to the Republic of the Seychelles.

Carl Stokes was a full participant in life who believed in making a difference in the lives of others, strangers and friends alike, and his legacy to this Nation will be the positive lives that each person he reached through personal example have chosen to lead.

Dedication of the new U.S. courthouse to be constructed in Cleveland, OH, in recognition of the work which Carl Stokes engaged in is most appropriate. He devoted his life to the promotion of human welfare and the advancement of social reforms. The Honorable Carl Stokes lived a life based on his personal philosophy; that the sole moral obligation of humankind is the improvement of human welfare. The tireless humanitarian work he performed in the area of economic redevelopment and revitalization of the diverse Cleveland community reflects the character of a unique individual. His extraordinary efforts gave the gifts of employment, housing, and a brighter future to families throughout that city. His commitment to Cleveland and the Nation provided many with the good news that caring translated into hard work, determination, and perseverance leads to a better quality of life for everyone.

I would like to offer my thanks to the leadership of both parties for allowing this measure to come before the full House for consideration. I urge all of my colleagues to join me in support of this important bill.

Mr. KIM. Madam Speaker, I do not have any more speakers, and I reserve the balance of my time.

Mr. TRAFICANT. Madam Speaker, I yield 3 minutes to the gentleman from Ohio [Mr. KUCINICH], a young fighter newly elected, who knows the Stokes family well.

Mr. KUCINICH. Madam Speaker, I thank the gentleman from Ohio [Mr. TRAFICANT] for yielding me the time.

It is an honor to be on this floor and actually between the gentleman from Ohio [Mr. TRAFICANT] on my right and the gentleman from Ohio [Mr. STOKES] on my left to read this tribute today in honor of Ambassador Carl B. Stokes, the former mayor of the city of Cleveland.

Carl Stokes grew up in the depths of the Great Depression and scaled the heights of public service. He was a visionary and a great leader who inspired those who worked around him. The world will remember him as the first African-American mayor of a major American city. I will always remember him as a special friend, as a confidant, and as a mentor who helped me navigate the rough waters of Cleveland politics and the even rougher circumstances of being mayor of Cleveland, an office which Carl and I have both held.

Carl B. Stokes was the son of a laundry worker who died when he was 2 years old. His mother worked as a domestic. He and his brother, the honorable gentleman from Ohio [Mr. STOKES], worked in neighborhood stores and delivered newspapers to help out their family.

Over the years, Carl Stokes excelled in many aspects of life: as a soldier during World War II, as a middleweight boxing champion in 1948, as someone who could shoot a pretty good game of pool I might add, as an attorney and investigator for the Ohio Department of Liquor Control.

In his 1973 autobiography "Promises of Power," we see a classic work of Cleveland political literature. The story of Carl Stokes and his career is a story of accomplishments. In 1962, he became the first black Democrat elected to the Ohio General Assembly. In 1967, he became the first African-American to be elected mayor of a major American city. He appeared on the cover of Time Magazine after that victory.

As mayor, before environmental issues attracted wild public attention, he developed a program to clean up the Cuyahoga River and started the first clean water task force in the city's history. In 1970, he was elected president of the National League of Cities, the first African-American to hold that post.

After 4 years as mayor, he moved on to a journalist career in New York City, becoming the first African-American to serve as the daily anchorman for a television news program. I am sure those who are familiar with American politics at that time know that in 1968, he was actually being considered as a possible running mate to Hubert Humphrey. So we may have had the first African-American Vice President of the United States in Carl Stokes. He was later elected as judge of the Cleveland Municipal Court. In 1994, President Clinton appointed Carl Stokes as Ambassador to the Seychelles.

The legacy of Carl Stokes is with us today. As the Reverend Jesse Jackson said about Carl Stokes, "All that exists now in the political spectrum for African-Americans are seeds from trees that Carl Stokes planted."

It is a fitting tribute to the legacy of Carl Stokes that we name the new Federal courthouse in Cleveland as the "Carl B. Stokes United States Courthouse."

I join with the gentleman from Ohio [Mr. LATOURETTE] and other Members of the Ohio delegation in asking my colleagues to support this tribute.

Mr. TRAFICANT. Madam Speaker, evidently Louise Stokes was a great woman. And Charles Stokes, I think we all know his legacy.

But the gentleman I am introducing now is one of the stalwarts of this Congress, one of the most respected men of our Congress. He stands up there with the gentleman from Illinois [Mr. HYDE], shoulder to shoulder with the giants that have been here for many years. I want to thank him on behalf of all Ohioans for his record and his distinguished service.

Madam Speaker, I yield as much time as he may consume to the gentleman from Ohio [Mr. STOKES]. I think it is fitting that he should have an opportunity to pay tribute to his younger brother.

Mr. STOKES. Madam Speaker, I thank the gentleman from Ohio [Mr. TRAFICANT], my distinguished friend and colleague, for yielding to me and also want to thank the gentleman from

Ohio [Mr. TRAFICANT], the ranking member of the committee, for his work bringing this legislation to the floor and for his very kind and generous words.

I also want to express my appreciation to the distinguished gentleman from California [Mr. KIM] for making this resolution possible today and for his action in bringing this bill to the floor. I want to say to the gentleman from Ohio [Mr. LATOURETTE], my friend and colleague, the sponsor of this legislation to name the new courthouse to be built in Cleveland, OH, the "Carl B. Stokes Courthouse," how much I appreciate this honor to be bestowed upon my late brother.

To all of my colleagues who have spoken so eloquently about the life of my brother Carl, I thank them for the eloquent statements spoken here on the floor today regarding the meaning of his life, his accomplishments, and the reasons for memorializing his name in this manner. They have far exceeded my ability to in any manner enhance their eloquent statements here on the floor.

I would confine my remarks on this occasion to expressing the heartfelt appreciation of Carl's wife Raija, his daughters Cordi and Cynthia, his sons Carl, Jr., and Cordell, and his grandchildren, Jevonne, Cybil, and Cordell, Jr., for the action being taken by the House today.

The naming of this courthouse, which will sit in the heart of downtown Cleveland, will be a lasting and fitting memorial to the man who became America's first black mayor of a major American city and who became mayor of Cleveland in 1967.

As my colleagues have already heard, Carl and I were both born and raised in Cleveland. Our mother, Louise Stokes, was a woman who believed in the American dream. Shortly after her marriage to our father, he became ill and died, leaving her with two young boys. I was 3 years old, and Carl was only a year old.

Our mother had only an eighth grade education. So as a widow with two young boys and a mother to care for, she became a domestic worker. My mother worked in suburban homes around Cleveland, caring for children, cleaning homes, serving dinners, washing windows, scrubbing floors, doing whatever domestic work was required of her. In order to make ends meet, she also went on welfare. And in order to provide decent housing for Carl and me, she applied for and obtained a home in public housing.

It was in this setting that she urged both of us to get an education, "Get something in your heads so you don't have to work with your hands, as I've had to work with mine."

□ 1630

My mother's greatest dream was that someday her two boys would not have to scrub floors as she did. She dreamed that they would have high school diplomas. In her wildest dreams she did not realize that she would be the inspiration for one of her sons to become America's first black mayor, following the achievement of becoming the first black American to be elected to the Ohio Legislature as a Democrat.

As my colleagues have already heard, Carl followed these achievements with his career as an Emmy award-winning TV anchorman and journalist, lawyer, and then judge of the Cleveland Municipal Court, and finally by appointment by President Bill Clinton as United States Ambassador to the Seychelles.

The election of Carl B. Stokes as mayor of Cleveland in 1967 sparked and inspired black Americans all over America to aspire to the highest offices in the land. As mayor of Cleveland, Carl was proud of his accomplishments for a city which in 1967 was the eighth largest city in the United States. It was also not a black city. At the time of his election, Cleveland was only 37 percent black.

The naming of this courthouse in honor of Carl B. Stokes will be a fitting and lasting tribute to a son who not only was a credit to his mother Louise Stokes, but was a credit to the city of Cleveland, the State of Ohio and to our Nation. Again, I thank the House for this honor which you would bestow upon my brother.

Mr. TRAFICANT. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I, too, want to thank the gentleman from California [Mr. KIM] as well as the gentleman from Pennsylvania [Mr. SHUSTER], the chairman of our committee, and the gentleman from Minnesota [Mr. OBERSTAR], the ranking member. I, too, want to concur with all the statements made here today.

Mr. TRAFICANT. Madam Speaker, I rise in support of H.R. 643 and thank Mr. LATOURETTE for introducing a bill to honor Carl B. Stokes.

Carl B. Stokes achieved many remarkable things in his life—he was a member of the Ohio General Assembly, a news anchor for WNBC–TV in New York City, a Judge, and a U.S. Ambassador. Perhaps his greatest achievement was his landmark election as the mayor of Cleveland, becoming the first African-American to hold great urban, political power.

He is the brother of Louis Stokes, our friend and colleague. It is most fitting to honor Carl Stokes by designating the new U.S. courthouse in Cleveland in his honor.

Mr. CLAY. Madam Speaker, I am happy to support HR 643, a bill to name the new Federal Courthouse in Cleveland, Ohio in honor of the late Ambassador Carl B. Stokes. Carl Burton Stokes was one of our nation's preeminent Black leaders and this legislation is a fitting tribute in memory of his noteworthy accomplishments.

Ambassador Stokes was a trailblazer. He was the first Black Democrat in history to be elected to the Ohio General Assembly. In 1967 he became the first Black American to be elected mayor of a major city. When the people of Cleveland, Ohio elected Carl Stokes, the grandson of a slave over Seth Taft, the grandson of a President, his victory was acclaimed around the world.

In 1983 Carl Stokes was elected Judge of the Cleveland Municipal Court and his colleagues soon elected him Administrative Judge of the Court and later chose him to be Presiding Judge. In 1994 President Clinton appointed Judge Stokes Ambassador Extraordinary and Plenipotentiary of the United States to the Republic of Sychelles. Ambassador Stokes had the distinction of being among the few Americans to serve at the highest levels in all three branches of the government—legislative, executive and judicial.

I was a dear friend and great admirer of Carl Stokes. He was a man of courage and dedication. His life was about overcoming obstacles and advancing true justice and social equality for all. Stokes was a man blessed with vision and courage. He lived a life of true conviction to the principles of social justice. His many contributions to our society have forever changed the course of our Nation's history. I urge my colleagues to support this legislation to designate the Carl Burton Stokes Federal Courthouse.

Mr. BISHOP. Madam Speaker, I rise today to pay tribute to a great American and distinguished Ohioan, Carl Burton Stokes. Mr. Stokes rose to prominence in this country at a time when it was unheard of for an African-American male to serve as a big-city Mayor. In his death, Mr. Stokes has left a legacy of accomplishment both personally and professionally. He is the first African-American ever to be elected to all three branches of government—the legislative, the executive, and the judicial.

Ambassador Stokes' career was both long and distinguished. It began in November, 1962 when he was elected to the Ohio General Assembly. In 1967, Mr. Stokes attracted international attention when he was sworn in as Mayor of the city of Cleveland, a major American city with a population of 810,000. In 1983, he was elected as a Judge of Cleveland Municipal Court, Ohio's largest court. In 1994, President Bill Clinton appointed then-Judge Stokes as his Ambassador of the United States to the Republic of the Seychelles. He served in this position until his death. I encourage all my colleagues to join with me in paying tribute to a leader, a visionary, a role model and above all, a wonderful and warm human being, Carl Burton Stokes.

Mr. GILMAN. Madam Speaker, I rise in support of the designation of the Carl B. Stokes United States Courthouse.

In 1967, Carl Stokes was elected as the first Afro-American mayor of Cleveland. His victory was a milestone in the black empowerment movement of the late sixties and early seventies.

Mayor Stokes was born June 21, 1927, in a Cleveland housing project. His upbringing is what made it possible for him to be so close to all his constituents. The bond he shared especially with the lower income families of Cleveland had motivated him to push legislative acts such as the awarding of Federal money to urban renewal projects and programs that required city contractors to employ more minorities.

Carl Stokes' career is also highlighted with his service as a Cleveland municipal judge. As a Ohio State legislator subsequent to his service as mayor, he became a New York City anchorman. In 1994, he was appointed an Ambassador to Seychelles by President Clinton where he served until his death in 1996.

The service of Ambassador Stokes is deserving of this honor and I strongly urge my colleagues join me in support of this bill.

Mr. TRAFICANT. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. KIM. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. EMERSON). The question is on the motion offered by the gentleman from California [Mr. KIM] that the House suspend the rules and pass the bill, H.R. 643.

The question was taken.

Mr. CONDIT. Madam Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 5, rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

## GENERAL LEAVE

Mr. KIM. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 643.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

## HOWARD T. MARKEY NATIONAL COURTS BUILDING

Mr. KIM. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 824) to redesignate the Federal building located at 717 Madison Place, NW., in the District of Columbia, as the "Howard T. Markey National Courts Building".

The Clerk read as follows:

### H.R. 824

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. REDESIGNATION.**

The Federal building located at 717 Madison Place, NW., in the District of Columbia and known as the National Courts Building shall be known and designated as the "Howard T. Markey National Courts Building".

**SEC. 2. REFERENCES.**

Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building referred to in section 1 shall be deemed to be a reference to the "Howard T. Markey National Courts Building".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California [Mr. KIM] and the gentleman from Ohio [Mr. TRAFICANT] each will control 20 minutes.

The Chair recognizes the gentleman from California [Mr. KIM].

Mr. KIM. Madam Speaker, I yield 2 minutes to the gentleman from Illinois [Mr. HYDE].

Mr. HYDE. Madam Speaker, I thank the gentleman for yielding me this time. I cannot possibly say what I want to say in 2 minutes. Howard Markey was my lifetime friend. This honor is certainly deserved.

Madam Speaker, H.R. 824 would redesignate the Federal building located at 717 Madison Place, NW., in the District of Columbia, as the "Howard T. Markey National Courts Building." Judge Markey clearly deserves this recognition as a result of and in tribute to his service to others and to this country.

Howard Markey has been a leader in the Federal judiciary from the time of his initial appointment in 1972. Judge Markey presided on the U.S. Court of Appeals for the Federal Circuit, which sits in the building to be redesignated, from the court's creation in 1982 until he stepped down as chief judge. He also served as judge and chief judge of the former Court of Customs and Patent Appeals. He was a brilliant practicing patent lawyer prior to ascending to the bench, and served as Dean of the John Marshall School of Law in Chicago after stepping down from the bench. Howard was also one of this country's first test pilots of jets and rose to the rank of major general.

Wholly apart from his monumental contributions to American jurisprudence through his arguments at the bar and his opinions from the bench, Howard had a profound and ameliorative impact upon our legal system when he led the movement that resulted in the creation of the U.S. Court of Appeals for the Federal Circuit. Howard had the insight to recognize, and the intellectual power to make the case, that the Nation would be better served if appeals in the domains of intellectual property law, Federal claims, and Federal civil service matters were taken to a single national tribunal rather than disparate geographic courts. He demonstrated this could be done without undermining the Federal nature of our legal system or doing injury to the logic that generally sustains the geographic division of the circuits. As the U.S. Court of Appeals for the Federal Circuit's first and most influential chief judge, Howard led it to its stature as the world's most respected and followed court on matters of intellectual property, international trade, governmental obligations to citizens, and public sector personnel law.

There is some urgency to this legislation as Howard, who was widowed a few years ago, is in a nursing home and in frail health. There is no more fitting name for the building that houses the judicial structure that he fathered than that of Howard Markey, and no better way to remember Howard Markey than to attach his name to the hall of justice in which he worked so long and so well for the American people. I am pleased that the Congress will enact this bill and redesignate this building for this great American.

Madam Speaker, I include the following material for the RECORD:

### HOWARD T. MARKEY

Howard T. Markey assumed duties as Dean of the John Marshall Law School in July, 1991. He retired October 31, 1994 and now serves as Dean Emeritus.

A distinguished jurist, serving as Chief Judge of the United States Court of Appeals for the Federal Circuit from 1982 to 1990 and was an active judge on this court after his resignation as chief judge. Prior to serving on the Federal Circuit Court of Appeals, he served since 1972 as chief judge for the United States Court of Customs and Patent Appeals.

Dean Markey is the first active judge to have sat with every Federal Court of Appeals. He has sat in over 1,400 cases and written more than 250 opinions for the Regional Circuit Courts in every field of law, in addition to 5,000 cases and 800 opinions for the Court of Customs and Patent Appeals and the Court of Appeals for the Federal Circuit.

Dean Markey received his juris doctor degree in 1949 from Loyola University in Chicago, where he graduated *cum laude* and served as editor-in-chief of the Loyola University Law Review. He earned a master's degree from The John Marshall Law School in 1950.

Dean Markey has published extensively in legal periodicals, and has taught at George Washington University, Loyola University, the Federal Judicial Center, and the John Marshall Law School.

He is the recipient of numerous awards and honorary degrees—the most recent being the A. Sherman Christensen Award from the American Inns of Court. He has been chairman of the Ethics Advisory Committee on Codes of Conduct, and a senior member of the Judicial Conference of the United States. He currently is chairman of the board of the American Inns of Court Foundation, and a member of the board of trustees of the Supreme Court Historical Society.

Prior to serving in the federal judiciary, Dean Markey was a partner for many years in the Chicago law firm of Parker, Markey & Plyer.

A retired major general in the United States Air Force, Dean Markey is a highly decorated veteran of both World War II and the Korean War, and was one of the first jet test pilots in the United States.

He is a brilliant orator, administrator, jurist and lawyer—and he richly deserves this honor.

Mr. KIM. Madam Speaker, H.R. 824 redesignates the Federal building located at 717 Madison Place in the District of Columbia as the "Howard T. Markey National Courts Building. Judge Howard Markey presided on the U.S. Court of Appeals for the Federal Circuit from 1982 until he stepped down as chief judge in 1990. He also served as judge and chief judge of the former Court of Customs and Patent Appeals.

Judge Markey has been a leader in the Federal judiciary from the time of his initial appointment in 1972. He had a profound impact upon our legal system by leading the movement in the creation of the Federal circuit. As the Federal circuit's first chief judge, Judge Markey raised the court's stature to the world's most respected court on matters of intellectual property, international trade, governmental obligations to citizens, and public sector personnel law. This is a fitting tribute to this esteemed jurist. I support the bill, and I urge my colleagues to join in this support.

Mr. Speaker, I reserve the balance of my time.

Mr. TRAFICANT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I do not know Judge Markey. I know of his record and the great distinguished service that has been brought forward, but I know the gentleman from Illinois [Mr. HYDE]. I know that the gentleman from Illinois made this recommendation, the gentleman from Illinois believes that he is a great man, and I am sure he is and most deserving. I just want to join forces today here from our side of the aisle to support the recommendation of the gentleman from Illinois [Mr. HYDE], the distinguished chairman. I want to thank the gentleman from California [Mr. KIM], the gentleman from Pennsylvania [Mr. SHUSTER] and the gentleman from Minnesota [Mr. OBERSTAR] for having allowed that opportunity.

Mr. Speaker, I yield back the balance of my time.

Mr. KIM. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. CAMPBELL].

Mr. CAMPBELL. Mr. Speaker, it is an honor to stand as a matter of family pride in behalf of this resolution for my friend Judge Howard Markey. I say family for two reasons. First of all, my father was chief judge of the Federal court in Chicago and on many occasions served with Judge Markey by designation on the seventh circuit. It was my father, Judge William Campbell who first introduced me to Judge Markey. My father passed away just a few weeks before I was elected to Congress, but I think he is smiling in heaven to know that his son today is paying tribute to his friend, our family friend, Howard Markey.

It is a family honor as well because of the man I consider as close as a brother, Joseph Morris of Chicago, who with his wife Kathleen, are with us in the gallery today for the purpose of watching this honor given to Howard Markey. It is Mr. Morris who reminded me that though Judge Markey is now confined most of the time to a nursing home in Chicago, he still comes downtown to teach class at John Marshall Law School once a week so that his students will have the benefit of his encyclopedic, insightful knowledge of intellectual property law.

It is a matter of professional pride as well as family pride that I rise to add my words to those of my colleagues in this worthy designation, because Howard Markey is an academic without equal in the field of intellectual property. As a professor of law at Stanford University, I recognize an academic colleague in Howard Markey whose knowledge and influence in making intellectual property law consistent with free-market economics is second to none.

Last, as a native son of Chicago, I rise with tremendous pride to see how well another son of Chicago has done, bringing the wisdom of the prairie to the Capital of the United States, something that some of us can only aspire to do—and that via detour through California.

Mr. TRAFICANT. Mr. Speaker, I join Mr. KIM in supporting H.R. 824, a bill to designate the National Courts Building here in Washington in honor of Judge Howard Markey.

Judge Markey was the first active judge to have sat with every Federal Court of Appeals. He participated in over 1,400 cases and wrote more than 250 opinions for the regional courts and over 800 opinions for the Court of Customs. He is a World War II and Korean war veteran and his biography is filled with numerous honors and distinctions. It is most fitting to honor Judge Markey in this manner.

Mr. KIM. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. GUTKNECHT). The question is on the motion offered by the gentleman from California [Mr. KIM] that the House suspend the rules and pass the bill, H.R. 824.

The question was taken.

Mr. CONDIT. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 5, rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

## GENERAL LEAVE

Mr. KIM. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 824.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

## ROBERT J. DOLE UNITED STATES COURTHOUSE

Mr. KIM. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1000) to designate the U.S. courthouse at 500 State Avenue in Kansas City, KS, as the "Robert J. Dole United States Courthouse".

The Clerk read as follows:

S. 1000

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. DESIGNATION OF ROBERT J. DOLE UNITED STATES COURTHOUSE.**

The United States courthouse at 500 State Avenue in Kansas City, Kansas, shall be known and designated as the "Robert J. Dole United States Courthouse".

**SEC. 2. REFERENCES.**

Any reference in a law, map, regulation, document, paper, or other record of the United States to the United States courthouse referred to in section 1 shall be deemed to be a reference to the "Robert J. Dole United States Courthouse".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California [Mr. KIM] and the gentleman from Ohio [Mr. TRAFICANT] each will control 20 minutes.

The Chair recognizes the gentleman from California [Mr. KIM].

Mr. KIM. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, S. 1000 designates the U.S. courthouse in Kansas City, KS, as the Robert J. Dole United States Courthouse.

Senator Dole has served and continues to serve his country in many ways. He is an honorable leader and a respected statesman who will long be considered one of the most powerful Senators and brilliant legislators of our times.

He was raised in the small town of Russell, KS, and though he gained national prominence, he remained a faithful advocate for the State of Kansas. Senator Dole attended the University of Kansas and Washburn University, but left to join the U.S. Army in World War II. During his tour of duty, he was severely wounded, permanently hindering his right arm. Upon leaving the military, he returned to school and earned his college and law degrees, graduating magna cum laude.

In 1950, Senator Dole began his political career by his election to the Kansas State legislature. Following his term in the State house, he became the prosecuting attorney of Russell County from 1953 until he successfully bid for a seat in the United States House of Representatives in 1960. In 1968 Senator Dole successfully won a term in the U.S. Senate. Early in his tenure, he was recognized for his organizational skills by being selected as national chairman of the Republican Party. Senator Dole became the majority leader of the Senate in 1985, and served as majority and minority leader in the Senate from that time until his resignation in April 1996. Senator Dole holds a place of distinction as the longest serving Republican majority leader. He earned national acclaim for his leadership on behalf of the disadvantaged, Americans with disabilities, tax reform and military veterans, and for his mastery of foreign affairs.

Senator Dole now presides as the chairman of the Commission on the World War II Memorial, and is leading the effort to raise $100 million to construct the memorial on the mall.

The naming of this U.S. courthouse is a fitting tribute to Senator Dole. He played an instrumental role in maintaining its location in downtown Kansas City.

I am honored to bring this measure to the floor. It is a fine tribute to a distinguished public servant who has given so much of his life in service to his country. I support the measure, and urge my colleagues to join me in this effort.

Mr. Speaker, I reserve the balance of my time.

Mr. TRAFICANT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I join the gentleman from California [Mr. Kim], the chairman, and all of those speaking on behalf of the truly distinguished service record of a former Senator, and although Senator Dole's duties required him to have a national focus, he never forgot the people of his hometown and never forgot the people of his home State of Kansas. He continually worked on their behalf, he listened to their concerns on issues such as farm prices, safe roads, economic development, schools, and the safety of their children. I think that is what distinguished his career. He never lost sight of where he had come from and who he was. As all have stated, his career is filled with these lasting contributions and certainly great success. It is fitting to honor Senator Dole by designating the U.S. courthouse in Kansas as the Robert J. Dole United States Courthouse. I am honored to be a participant in that.

Mr. Speaker, I reserve the balance of my time.

Mr. KIM. Mr. Speaker, I yield 2 minutes to the gentleman from Kansas [Mr. Snowbarger].

Mr. SNOWBARGER. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I would like to thank the gentleman from California [Mr. Kim], the subcommittee chairman, and the gentleman from Ohio [Mr. Traficant], the ranking member, for their effort in bringing this bill to the floor. Additionally I would like to recognize the work and solidarity of the congressional delegation from Kansas. The gentleman from Kansas [Mr. Tiahrt], the gentleman from Kansas [Mr. Moran], and the gentleman from Kansas [Mr. Ryun] are cosponsors of H.R. 2177, which is the companion bill to S. 1000.

Mr. Speaker, it is truly an honor for me to stand before this body today and pay tribute to a great Kansan, a dedicated patriot, and one of our Nation's most honorable statesmen, a man who has committed his life to this country.

As we all know by now, Bob Dole was born in the small town of Russell, KS. It was there that he learned from example the importance of hard work and the value of integrity. These lessons were sacred, they have never been neglected, and they remain uncompromised.

When World War II broke out, Bob Dole enlisted in the Army and put his life on the line to fight for his country. He led a platoon of the legendary 10th Mountain Division in Italy, and was severely wounded by shrapnel from enemy fire. His injuries were so severe that several times during his 4-year struggle to recover, his family was told he might not live. His ability to overcome the injuries sustained on the battlefield is testimony to his heroic will and the power of perseverance.

Bob Dole came home and served the town of Russell and our State of Kansas as an elected representative in the statehouse. In 1960 he was elected to the U.S. Congress and served honorably in this body until 1968 when then Congressman Dole became Senator Dole. In his 36 years of public service in Washington, Bob Dole commanded the highest respect of his colleagues. He earned the appreciation of his country by forging common ground on which progress could be made. President Clinton honored him with the Presidential Medal of Freedom for his significant contributions to this Nation.

□ 1645

Bob Dole has dedicated himself to moving this country forward. In every undertaking Senator Dole exhibited passion that shaped leaders and inspired others to follow and, more importantly, to trust. This trust is the greatest compliment that we pay to an individual, and it is the trademark of Bob Dole's public life. Bob Dole showed us what it means to lead by integrity built on principle. In the sound bite pace of this modern era we seem to have lost our understanding of this important concept. We are most fortunate to have such visible reference to guide us in our public and personal lives.

Senator Dole's life has clearly proven the advantages of conducting oneself by this maxim. The true power of his example resides in his ability to serve as a model for all of us to emulate.

Despite his ascension to the Senate as Senate majority leader, Bob Dole never forgot Kansas. Despite ascension to Senate majority leader, he never forgot the values that he learned as a child in rural America, and we will never forget his love and devotion to his country and home. Kansas is honored to have Bob Dole as her son. The dedication of the U.S. courthouse in the Third Congressional District of Kansas as the Robert J. Dole United States Courthouse is a small way to honor Senator Dole for his years of sacrifice and unwavering commitment to our State. I urge my colleagues to support this legislation and join Kansans and Americans in thanking Senator Dole for his service and example.

Mr. KIM. Mr. Speaker, I yield 2 minutes to the gentleman from Kansas [Mr. Tiahrt], my colleague.

Mr. TIAHRT. Mr. Speaker, I want to thank the gentleman from California for yielding me 2 minutes, and I also want to thank the committee chairman for bringing this bill forward, and I also want to thank the gentleman from Ohio [Mr. Traficant], who appreciates Senator Dole's work to reform the IRS, and I want to congratulate the gentleman from Kansas [Mr. Snowbarger] for his hard work getting this bill moved forward in the House.

As my colleagues know, I do not have enough time to really tell about all the feelings and thoughts I have about Senator Dole, but I do want to tell my colleagues that I think he is an American hero, that he is still today living the American dream. He is a personal friend, and I still seek his sage counsel. In 1992 when I was first involved in the political process, he helped because he thought Kansas needed a farm team of young individuals who would be willing to serve their country, and I was part of his effort. In Kansas he spoke of smaller government, of States rights, of individual responsibility. It was the message of Bob Dole and the message of Kansas that still rings true today. I was proud to support him during his presidential campaign, and like the gentleman he is, he graciously stepped back from public life into the private, but I want to tell my colleagues that in Kansas he will always be No. 1 in our hearts.

Mr. Speaker, I rise today to support the naming of the new Federal courthouse in Kansas City, KS, for a man who has lived his life dedicated to the people of his State and the ideals of his Nation.

Bob Dole's commitment and service to America began in WWII, and nearly ended there. On a mountain in Italy named simply Hill 913, Lt. Bob Dole was leading the 2d platoon with the Army's 85th Mountain Regiment when he nearly lost his life. He endured terrible wounds that would last a lifetime.

He returned from this experience to the comfort and support of his home in Russell, KS, where he had grown up the hard-working son of a cream and egg station operator. Back home, he began his recovery and continued his career of serving his neighbors and country.

Bob Dole was elected to the U.S. House of Representatives in 1960, and elected to the Senate in 1968, where he served as the Republican leader for a record 11 years. He ran for Vice President with President Gerald Ford in 1976 and ran for the Republican Presidential nomination in 1980 and 1988, and was the Republican nominee for President in 1996.

And he never ceased working for the Kansans he represented for so long.

In the 1980's he worked extensively helping farmers get through the financial crisis they were facing—many family farms across our State and our Nation still work their own lands due to Bob Dole's leadership.

Senator Dole also took the lead in the effort to rebuild McConnell Air Force Base in Wichita, KS, after a devastating tornado hit.

In addition, he was deeply involved as an advocate for Kansas in every farm bill, tax bill, or any other issue which affected Kansas.

During the latter part of his career Bob Dole became one of the preeminent legislators and statesmen of our day. He has been a major player in just about every substantial policy debate of the last three decades—budget deals, tax packages, health reform, saving Social Security, farm bills, advocating for the disabled—Bob Dole's deft legislative ability and talent were imparted on hundreds of issues and countless pieces of legislation.

Norman Ornstein of the American Enterprise Institute has called Senator Dole one of the five most significant Senators of the last half of the 20th century.

Upon his farewell from the Senate to pursue the Presidency, his former colleagues used the words honor and integrity probably more than any others to pay tribute to Bob Dole. These two simple terms seem to best describe a truly great man.

It is with great pleasure that I come to the floor today to support the naming of the Bob Dole Federal courthouse in Kansas City, KS.

Mr. TRAFICANT. Mr. Speaker, I yield such time as he may consume to the gentleman from Ohio [Mr. REGULA], my neighbor from Canton, one of our distinguished cardinals not only for his tremendous support of the naming of the courthouse for Bob Dole but also the fact that he was a very good friend of Carl Stokes.

Mr. REGULA. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I just wanted to say as to Senator Dole that my observation of his service as a legislator was that of a caring person. I noticed that in his speeches, in his legislative programs, that he had a great empathy for the people of this Nation, and would reach out to them. I think it reflected his background, coming from Kansas and coming from a family and community situation where people worked hard and lived our cherished American values. Senator Dole showed these in the way that he dealt with legislative issues, that he cared about people.

As far as Carl Stokes, my first term as a member of the Ohio Legislature I had the good fortune to be placed on the Judiciary Committee, and one of my colleagues was Carl Stokes. I came from a rural area, he came from Cleveland, and yet we discovered we had sympatico and we had the same concerns for people. Carl was a great warm human being, and that was reflected in his approach to legislative issues. He was helpful to me as a new member of the Committee on the Judiciary, and we became good friends. I was there when he was inaugurated as the mayor of Cleveland. Our friendship continued over the years. He visited with his family at our home. We live on a farm about 60 miles south of Cleveland, and I will never forget Carl saying, "Well, one thing I would like to do is to have a farm." He just had a real yen for living in the rural area, and I was somewhat surprised given the fact that he was a product of the big city, but that is something that really appealed to him.

The other thing is that in one of—I guess it tells us a lot about Carl that in one of the political races in which I was involved, Carl went out of his way to endorse me before a group in my district for a Senate race. Given our political differences, that came as a little bit of a shock to quite a few people, but that is because Carl made his decisions based on personal relationships, and we had the same approach on a lot of issues. He therefore felt that the would like to support me even though we were of different parties. And I think again that tells us a lot about Carl Stokes. The important thing with him is what people were, what they stood for and how we could best serve them, and he was willing to support people who approached things in the same way even though of different political parties.

I am pleased that we are naming the courthouse in Cleveland. I am confident that knowing Carl, he would be very pleased and proud to have this type of recognition. The same would be true with Senator Dole. I was proud to work on his campaign for President. I think he is a great American in the finest sense of the words.

Mr. TRAFICANT. Mr. Speaker, S. 1000 is a bill to designate the U.S. courthouse at 500 State Ave. in Kansas City in honor of Senator Robert Dole.

Senator Dole represented the people of Kansas with honor and distinction for over 40 years. His biography is several pages long and includes numerous activities and civic positions such as being a member of the American Bar Association, the Veterans of Foreign War, National Society of Autistic Children, National Association of Retarded Children, and the American Heart Association.

Although Senator Dole's senatorial duties required him to have a national focus he never forgot the people of Kansas. He continually worked on their behalf listening to their concerns on such issues as farm prices, safe roads, and economic development. His career is filled with lasting contributions and success. It is fitting to honor Senator Dole by designating the U.S. courthouse in Kansas as the "Robert J. Dole United States Courthouse."

Mr. RYUN. Mr. Speaker, I rise today not only in support of S. 1000, but also in support of one of my State's greatest citizens, Senator Bob Dole.

Bob Dole faithfully served the people of Kansas for 46 years, starting in the State House, continuing through his leadership in Congress, and ending with a run for the Presidency. Even before this service though, Bob Dole answered his country's call. He bravely served in the Army during World War II where he was gravely injured. By the grace of God and a strong will, Bob Dole overcame adversity to continue his fight for America.

This designation—the Robert J. Dole Courthouse—is but a small symbol of our Nation's appreciation for his years of selfless sacrifice and his fight for our freedom.

I have admired this great man since I was a boy running through the Kansas countryside. That was back when Bob Dole was helping run the country as a Member of this great legislative body.

Now, as a freshman Representative from Kansas' Second District, I am grateful for Bob Dole's legacy.

Senator, a grateful Nation honors you today for a lifetime of dedicated service to your country.

Mr. GILMAN. Mr. Speaker, I am pleased to rise in support of the bill passed by the Senate honoring Robert J. Dole. Mr. Dole is a man of character and of dedication to the people of Kansas and the United States. The designation of the Robert J. Dole U.S. Courthouse in Kansas City, KS, is an honor that is duly earned.

Senator Dole served the United States for more than 50 years. It was in the Army during World War II that Bob Dole devoted his life to national service. His ability to overcome the injuries he sustained in combat demonstrates an enormous capacity to overcome adversity through trying and difficult times.

After serving the State of Kansas as an attorney and a State representative, Bob Dole spent four terms in the U.S. House of Representatives diligently working for his district's constituents. It was from the House that he moved to the Senate where his legacy would be built.

The election of Robert Dole to the Senate in 1968 was the beginning of an illustrious career in the national spotlight. During his terms, Senator Dole served as the Republican National Party chairman and twice as Senate majority leader. Most of the country came to know Bob Dole in his national campaigns for the Presidency and Vice Presidency. In his bids for these offices Mr. Dole demonstrated a skilled ability for reaching out to Americans and in supporting legislation he believed to be in their best interests.

It was an honor and a pleasure to have served with Senator Dole here on Capitol Hill. He is a friend and someone with whom I worked with many times on issues of importance to the people we represented. Our efforts together on POW/MIA issues, the Americans with Disabilities Act, senior food programs, and our campaigns against domestic violence were among some of the more significant projects on which Senator Dole displayed great interest, devotion, and expertise. It was a pleasure for me to work with him on these issues.

Though retired now from elected office, Bob Dole still works on behalf of issues that he deems important to our national well being. His tireless efforts are admirable and deserve our adulation. I urge my colleagues to join with the Senate in passing this bill honoring a great American.

Mr. TRAFICANT. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. KIM. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. KIM] that the House suspend the rules and pass the Senate bill, S. 1000.

The question was taken.

Mr. CONDIT. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 5, rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

## GENERAL LEAVE

Mr. KIM. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just considered.

The SPEAKER pro tempore (Mr. GUTKNECHT). Is there objection to the request of the gentleman from California?

There was no objection.

## KIKA DE LA GARZA UNITED STATES BORDER STATION

Mr. KIM. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 994) to designate the U.S. border station located in Pharr, TX, as the "Kika de la Garza United States Border Station".

The Clerk read as follows:

H.R. 994

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. DESIGNATION.**

The United States border station located in Pharr, Texas, shall be known and designated as the "Kika de la Garza United States Border Station".

**SEC. 2. REFERENCES.**

Any reference in a law, map, regulation, document, paper, or other record of the United States to the border station referred to in section 1 shall be deemed to be a reference to the "Kika de la Garza United States Border Station".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California [Mr. KIM] and the gentleman from Ohio [Mr. TRAFICANT] each will control 20 minutes.

The Chair recognizes the gentleman from California [Mr. KIM].

Mr. KIM. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Resolution 994 designates the United States border station in Pharr, TX as the Kika de la Garza United States Border Station. Kika de la Garza was a distinguished Member of this body of 32 years. During his tenure he became one of the most outspoken advocates for U.S. agriculture. He was first elected to the House of Representatives in 1964. Since his first term in Congress he has been a member of the Committee on Agriculture, from 1981 to 1994. Kika de la Garza served as a chairman of this committee and successfully oversaw the passage of three omnibus farm bills in 1981, 1985, and 1990. He has also been successful in securing Federal funds to provide water and sewer services to depressed areas of Texas.

The distinguished gentleman from Texas retired from Congress at the end of the 104th Congress. He was a respected colleague whose presence will be missed by many. The naming of the U.S. border station in his honor is a fitting tribute to Congressman Kika de la Garza. I support this legislation, and I urge my colleagues to support the bill.

Mr. Speaker, I reserve the balance of my time.

Mr. TRAFICANT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am very honored today to participate in the passing of this bill, being the sponsor of H.R. 994. Kika de la Garza was just a great man. I think the gentleman from California [Mr. KIM] has outlined many of his contributions. I would just like to say that he was the first Hispanic American to become a chair of a standing committee in this body, that being the Committee on Agriculture, and under his watchful eye legitimate substantive reform legislation for the USDA was crafted that made many needed and important changes, and those changes helped America's farmers and protected the public as well. That bill ultimately became law, and it made remarkable changes at USDA, and because of Chairman de la Garza's leadership and counsel the bill represented the right way to reinvent government, take government back to the people, and that is, I believe, the outstanding legacy of Kika de la Garza.

He never forgot the people that he served. Throughout those 32 years he fought tirelessly for his constituents, and he believed that all Americans and especially every farmer was his specific constituent, and how true he was.

We miss that smile, we miss his savvy, his common sense, and he always had a good word, and if he did not have a good word, he saved his word. I think everybody loved him.

I would just like to add here that the chairman, Kika de la Garza, was an amateur linguist and gourmet cook; that is right. And on many occasions he conversed with foreign dignitaries in their native tongue, to the surprise of people around the world at the scope and breath of his knowledge and intelligence. I am proud to have called him my friend, and I am honored to have sponsored this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. KIM. Mr. Speaker, I yield 2 minutes to the gentleman from Kansas [Mr. MORAN].

Mr. MORAN of Kansas. Mr. Speaker, I appreciate the gentleman yielding this time to me. I apologize for being a few minutes late, but I rise today to join my colleagues in seeking to honor former Senator and Majority Leader Bob Dole by renaming the Federal Court House located in Kansas City, KS the Robert J. Dole United States Courthouse. I am extremely pleased to have the opportunity to officially recognize and pay tribute to my fellow Kansan.

Growing up in western Kansas, I like so many others viewed Bob Dole as more than just a war hero, which he truly was, more than an able statesman which also he truly was, and more than an articulate voice for the disabled and veterans, which he truly was. To me he is someone who exemplifies the heritage of Kansas, hard-working, determined and having the ability to overcome great adversity.

Like our State's motto which means "to the stars through difficulty," Bob Dole rose to be one of the most distinguished figures of this century and did so while overcoming tremendous obstacles. His ascendancy to greatness began from his family's humble beginnings in Russell, KS, to the war-ravaged mountains of northern Italy and ultimately to serve as majority leader of the United States. As a young man Bob Dole was a athlete and scholar, and like so many of his generation, went off without hesitation to defend his country. On a snow-covered mountain in northern Italy he suffered near fatal wounds. Later, after a difficult and prolonged recovery, he returned to Kansas to finish his education utilizing the GI bill and embarked upon a public career we pay tribute to here today.

Bob Dole's appreciation for his boyhood community and the State of Kansas is without question. As a reminder of where he came from and what shaped his character throughout his career, he kept a cigar box on his desk containing receipts of various contributions made by his neighbors and friends to help pay for his difficult recovery after the war. Those receipts might have been for a dollar, 5 cents, 15 cents, it did not matter. Collectively they not only aided his rehabilitation, but they helped to find his sense of purpose and determination to give back to a community that had given so much to him.

□ 1700

Many people have told me how years ago they would pass the Russell County Courthouse late at night and notice the second floor light on. It was the light of the young county prosecutor named Bob Dole. Though his injuries from the war required him to spend long, additional hours at work, he never complained and continued to work tirelessly.

Later he went on to serve Kansas's First Congressional District, which I am honored to serve, and then in the U.S. Senate. Senator Dole set an example while in both the House and Senate. It is his legacy that I must now attempt to follow.

Culminating his distinguished career in public service, Bob Dole was nominated by my party as the Presidential candidate for the 1996 election. In achieving all of his great accomplishments, Bob Dole served with character, candor, and a cunning wit that cannot be matched.

Mr. Speaker, renaming this Federal Court House as the Robert J. Dole United States Courthouse is a simple tribute to a great man and reflects our Nation's admiration and appreciation for his service. Kansans especially appreciate Senator Dole's dedication to them. His service will long be remembered.

Mr. TRAFICANT. Mr. Speaker, I would like to say a few words about H.R. 994, a bill to designate the border crossing station in Pharr, TX, in honor of Kika de la Garza. As you are aware, I am the sponsor of H.R. 994, a bill to honor my friend and former colleague, Kika de la Garza. He was the first Hispanic-American to become a chair of a standing committee, the Agriculture Committee.

Under his watchful eye, reform legislation for USDA was crafted that made many needed and important changes—without eviscerating those USDA programs that were effective and needed to help America's farmers and protected the public. The bill that ultimately became law made remarkable changes at USDA. Because of Chairman de la Garza's leadership and sage counsel the bill represented the right way to reinvent Government.

Throughout his 32-year career in Congress, Kika never lost sight of the folks back home. He fought tirelessly for his constituents. He also proved to be an able and effective advocate for American farmers. In no small measure because of his leadership, American agriculture remains the envy of the world.

Kika also is an amateur linguist and gourmet cook. On many occasions he conversed with foreign dignitaries in their native tongue. Personally, Kika is my friend. I am proud to sponsor this legislation.

Mr. BENTSEN. Mr. Speaker, I rise in strong support of H.R. 994 to designate the U.S. border station located in Pharr, TX, as the "Kika de la Garza U.S. Border Station." I believe this is an appropriate way to honor Congressman de la Garza's many years of service to the United States and the State of Texas, during which he provided tremendous leadership in support of agriculture, economic growth of south Texas, improved relations with Mexico, a better quality of life for residents along the border, and many other issues.

I am honored to have had the opportunity to serve in Congress with Kika de la Garza, even if for only 2 of his 32 years in this body. He is an example to all of us of a true gentleman and public servant who brought honor to this House through the civility, respect, and commitment to doing what is right that he brought to conducting the people's business. He is also a true Texan who worked with his colleagues from both sides of the aisle to further the best interests of our State.

Congressman de la Garza is best remembered for his leadership on behalf of American agriculture. He served as chairman of the Agriculture Committee for a longer interrupted period than anyone else in history and presided over the drafting and successful enactment of three major omnibus farm bills, 1981, 1985, and 1990, that have reformed our Nation's agricultural policies. He also guided efforts to reduce the cost of agricultural programs through several deficit reduction bills that have been approved by Congress. His other legislative accomplishments include legislation to streamline the agricultural lending system, strengthen Federal pesticide laws, and various other measures to assist American agriculture, encourage rural development, and improve human nutrition.

Congressman de la Garza was also one of Congress' leading experts on United States-Mexico relations and a proponent of greater trade with Mexico. In 1966, he became the first Member of Congress from the Texas-Mexico border area to serve on the Mexico-United States Interparliamentary Group, which promotes dialog between legislators from the two countries. He was an early congressional supporter of opening negotiations with Mexico to develop a free trade agreement and helped rally congressional support that led to approval of the North American Free Trade Agreement [NAFTA].

Throughout his career, Kika de la Garza also fought for Government policies that fostered better living and economic conditions for all Americans but particularly in south Texas. He obtained Federal funds to provide much-needed water and sewer services to Texas' impoverished colonias. He was a strong supporter of civil rights for all Americans, better educational opportunities, and improved access to health care for the elderly, veterans, and low-income individuals. He also supported policies to improve the Nation's infrastructure and maintain a strong, cost-effective national defense.

Our entire Nation benefited from Kika de la Garza's service in Congress, and his legacy includes an agricultural system that continues to lead and feed the world, better relations and expanded trade with Mexico and other nations, and a better quality of life for many Texans and Americans. I am pleased to join my colleagues in honoring Kika de la Garza and in urging approval of this legislation to designate the Kika de la Garza United States Border Station.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise this afternoon in support of H.R. 994, legislation designating the Kika de la Garza U.S. Border Station in honor of our former Democratic colleague from my home State of Texas. This legislation is a fitting honor to a great legislator.

Born in 1927, Kika de la Garza is currently husband to Lucille and the father of three children. He attended Edinburg Junior College, received his law degree from St. Mary's University in San Antonio, TX, and practiced law in southern Texas. De la Garza was a U.S. artillery officer in Korea.

Former Representative de la Garza began his career in public service as a six-term Member of the Texas House of Representatives. In 1964, he was elected by the people of the 15th Congressional District of Texas to represent them in the U.S. House of Representatives. After 32 years of service de la Garza retired from public office in December 1996.

A member of the House Agriculture Committee beginning in 1965, Representative de la Garza served as chairman of the committee from 1981 to 1994. In that role Representative de la Garza was a true friend of agriculture. He was a strong supporter of the agriculture industry and cast many deciding votes for the industry over thee years. He will be remembered for his faithful commitment to farmers, ranchers, and U.S. agricultural industry. Representative de la Garza's accomplishments during his career included support of farm legislation, an overhaul of the agricultural lending system, and reform in Federal crop insurance and pesticide law.

Representative de la Garza was also a friend to the citizens of the State of Texas. He will be remembered for his steadfast dedication and outstanding leadership in support of better living and economic conditions, and for his ardent support of the educational research and extension activities of Texas universities.

I would like to offer the leadership of both parties my thanks for bringing this measure before the House for consideration. It is a fitting tribute to one of our former leaders. I urge my colleagues to join me in support of this legislation.

Mr. GILMAN. Mr. Speaker, I rise to support the designation of the Kika de la Garza U.S. Border Station. Representative de la Garza has duly earned this honor for the dedication he has demonstrated not only to the people of Texas but to the entire agricultural community of our Nation for the last 33 years.

Kika de la Garza started humbly. His first job was as a shoeshine boy on the streets of McAllen. His hard word and dedication earned him a seat in the Texas House of Representatives in 1953, where he served until 1965. He was elected to the U.S. House of Representatives in 1964 and served with us for 16 consecutive terms.

In 1982, he became chairman of the House Agriculture Committee and served in this position for 14 years.

During that period he has shown selfless dedication to the people of our Nation who earned their livelihood from the land and who grow food for all of us. He has focused the spotlight on important issues such as drought relief, pesticide use, and land preservation. Due to his efforts, he made the Agriculture Committee one of the least partisan in the House.

Accordingly, I strongly urge my colleagues to join with me in support of the designation of the Kika de la Garza U.S. Border House. It is rare to honor someone who is so deserving of this kind of accolade.

Mr. TRAFICANT. Mr. Speaker, I have no further requests for time, I urge the adoption of the bill, and I yield back the balance of my time.

Mr. KIM. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. KIM] that the House suspend the rules and pass the bill, H.R. 994.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

## GENERAL LEAVE

Mr. KIM. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 994.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

## RONALD H. BROWN FEDERAL BUILDING

Mr. KIM. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 29) to designate the Federal building located at 290 Broadway in New York, NY, as the "Ronald H. Brown Federal Building."

The Clerk read as follows:

H.R. 29

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. DESIGNATION.**

The Federal building located at 290 Broadway in New York, New York, shall be known and designated as the "Ronald H. Brown Federal Building".

**SEC. 2. REFERENCES.**

Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building referred to in section 1 shall be deemed to be a reference to the "Ronald H. Brown Federal Building".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California [Mr. KIM] and the gentleman from Ohio [Mr. TRAFICANT] each will control 20 minutes.

The Chair recognizes the gentleman from California [Mr. KIM].

Mr. KIM. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Resolution 29 designates the Federal building located at 490 Broadway, New York City, as the Ronald H. Brown Federal Building. Ronald H. Brown was the first African-American Secretary of Commerce. He was a strong advocate for economic development, promoting United States exports, technology, and entrepreneurship throughout the world, in pursuit of accelerating the Nation's economic growth and the creation of new job opportunities for America.

Secretary Brown was also a dedicated advocate for the Department of Commerce. He avidly pursued the Department's mission to ensure economic opportunity for all the citizens of the United States and provided a strong voice for business in the Presidential Cabinet.

Secretary Brown was killed in a plane crash in April 1996 while overseas on an economic development mission. He is survived by his wife and two children, a son and daughter. This is a fine tribute to his memory. I support this legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. TRAFICANT. Mr. Speaker, I yield such time as he may consume to the gentleman from New York [Mr. RANGEL], the author of this bill, one of the strongest Members in the Congress and leader on tax and trade issues.

Mr. RANGEL. Mr. Speaker, I thank the ranking member of the committee, the subcommittee chairman, the members of the committee and the entire committee for considering this great honor we pay to one of our own who was in Government. The reason I am so close to this is because I come from that same community that the late Ron Brown did come from, and it just makes you feel more of an American when you can see someone soar with the eagles and able to perform for our great Nation, and you remembered him from the streets of Lennox Avenue in Harlem, remembered him as a kid in a hotel where his dad was the manager of that hotel, and I, of course, served as a desk clerk there. I remember him going to school, working late in law school at night, and at the same time, fighting for people's rights with the Urban League.

To see him succeed and still not lose any of the grace that he had when he was a younger man and to move up even further to become our great Secretary of Commerce, I think it honors not just the people from the Harlem that I come from, but those communities throughout this great Nation of ours that have so little hope for themselves that vicariously they can see that any American, regardless of his or her background or their color, that our country would not be able to clamp the personality, the pride, and the distinguishing features that he had to make our Nation even greater. So we have already passed this bill, and it was not worked on by the other side. I do hope that we are successful this time, that we all can persuade the Senate to basically do the right thing.

Mr. TRAFICANT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to associate myself with those remarks. I would like to say that were it not for the political savvy, acumen, and skill, we may not have had a President by the name of William Jefferson Clinton. Ron did a tremendous job in bringing the Democrat Party forward, working out many of the problems, and as Secretary of Commerce he advanced the interests of the business concerns of the United States of America around the world.

He was a leader, he was a fighter, he was tenacious, and he was a kind and gentle person and he cared for people. It is absolutely fitting that we join forces with the gentleman from New York [Mr. RANGEL] here today and pass this.

Let me say this to the gentleman from California [Mr. KIM], we will need all the help of the gentleman from Pennsylvania [Mr. SHUSTER] and everyone on that side of the aisle, because this is a fitting tribute and naming and we will need help with the other body. I thank the gentleman for working with us on this issue and his staff.

Mr. HOYER. Mr. Speaker, it is with great pleasure that I rise today in support of H.R. 29, a bill designating a Federal building in New York City as the "Ronald H. Brown Federal Building." I want to recognize the efforts of Representative RANGEL who introduced this legislation in January with 25 cosponsors.

Mr. Speaker, as you know, in April 1996, 33 Americans including Secretary Ron Brown, employees of the Department of Commerce, business leaders, and military personnel died in a plane crash in Croatia. Ron Brown spent his entire life as a consensus builder working hard for his family and his Nation, constantly striving to bring people together. He was a man who was always in the arena striving for greatness and truly embodied what is right in America. With his death, America lost a tremendous leader.

Having served as the first African-American Secretary of Commerce, Ron Brown was always seeking to bridge the racial divide in our country and worked hard to create and protect American jobs. He brought a sense of energy and creativity to the Commerce Department which allowed him to successfully rally labor and management, Republicans and Democrats, and foreign governments with American interests. This was most evident in the strong support that the private sector had shown for the Department.

Today, the House will pass this legislation which represents a small, yet meaningful, gesture of our admiration and appreciation for a man whom many considered the best Secretary of Commerce ever. I am sure that Alma and the entire Brown family is proud to see this building named in honor of Ron Brown. I applaud the leadership in bringing this legislation to the floor and join with my colleagues in supporting H.R. 29 and allowing the legacy of Ron Brown to live on in the Federal building located at 290 Broadway in New York City.

Mr. TRAFICANT. Mr. Speaker, I join Mr. RANGEL in supporting H.R. 29 a bill to designate the new Federal building at 290 Broadway in New York City as the Ron Brown Federal Building.

Ron Brown was an extraordinary man—a leader who gave his boundless energy and enthusiasm to numerous causes. He served as an army captain, vice president of the National Urban League, counsel to the Senate Judiciary Committee, and was the first African-American Secretary of Commerce.

He was an attorney, a trusted adviser, friend, husband, and father.

It is most fitting to honor Ron Brown by designating the new Federal building in his hometown of New York as the Ron Brown Federal Building.

Mr. BISHOP. Mr. Speaker, I rise today to pay tribute to a friend and great American, Ronald H. Brown or as he was known to millions of people around the world, those who knew him well and those who barely knew him, Ron. This fact alone, is a testament to the great charisma that Ron possessed and indeed, the true mark of a statesman.

Ron worked tirelessly as the Secretary of Commerce to forge new ground for U.S. commerce and create new jobs for all Americans. He traveled the world seeking out new opportunities for U.S. businesses. It was on one of these fateful trips that Ron lost his life in an airplane crash on a hill in Bosnia. Ron made the ultimate sacrifice for something he believed in—the United States of America.

It is fitting that this building that houses Federal agencies and the site of the recently discovered African slave burial ground, serve as a memorial to this American son who worked so hard and gave so much to make this country an even greater one.

I encourage all my colleagues to join me in designating this Federal building the Ronald H. Brown Federal building as a tribute to one of America's hardest working public servants, Ronald H. Brown.

Mr. TRAFICANT. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. KIM] that the House suspend the rules and pass the bill, H.R. 29.

The question was taken.

Mr. BASS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 5, rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

## GENERAL LEAVE

Mr. KIM. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 29.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

## OKLAHOMA CITY NATIONAL MEMORIAL ACT OF 1997

Mr. HANSEN. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 871) to establish the Oklahoma City National Memorial as a unit of the National Park System; to designate the Oklahoma City Memorial Trust, and for other purposes, as amended.

The Clerk read as follows:

S. 871

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Oklahoma City National Memorial Act of 1997".

**SEC. 2 FINDINGS AND PURPOSES.**

(a) FINDINGS.—Congress finds that—

(1) few events in the past quarter-century have rocked Americans' perception of themselves and their institutions, and brought together the people of our Nation with greater intensity than the April 19, 1995, bombing of the Alfred P. Murrah Federal Building in downtown Oklahoma City;

(2) the resulting deaths of 168 people, some of whom were children, immediately touched thousands of family members whose lives will forever bear scars of having those precious to them taken away so brutally;

(3) suffering with such families are countless survivors, including children, who struggle not only with the suffering around them, but their own physical and emotional injuries and with shaping a life beyond April 19;

(4) such losses and struggles are personal and, since they resulted from so public an attack, they are also shared with a community, a nation, and the world; and,

(5) the story of the bombing does not stop with the attack itself or with the many losses it caused. The responses of Oklahoma's public servants and private citizens, and those from throughout the nation, remain as a testament to the sense of unity, compassion, even heroism, that characterized the rescue and recovery following the bombing.

(6) During the days immediately following the Oklahoma City bombing, Americans and people from around the world of all races, political philosophies, religions and walks of life responded with unprecedented solidarity and selflessness; and

(7) Given the national and international impact and reaction, the federal character of the site of the bombing, and the significant percentage of the victims and survivors who were federal employees the Oklahoma City Memorial will be established, designed, managed and maintained to educate present and future generations, through a public/private partnership, to work together efficiently and respectfully in developing a National Memorial relating to all aspects of the April 19, 1995, bombing in Oklahoma City.

**SEC. 3. DEFINITIONS.**

In this Act:

(1) MEMORIAL.—The term "Memorial" means the Oklahoma City National Memorial designated under section 4(a).

(2) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(3) TRUST.—The term "Trust" means the Oklahoma City National Memorial Trust designated under section 5(a).

**SEC. 4. OKLAHOMA CITY NATIONAL MEMORIAL.**

(a) ESTABLISHMENT.—In order to preserve for the benefit and inspiration of the people of the United States and the World, as a National Memorial certain lands located in Oklahoma City, Oklahoma, there is established as a unit of the National Park System the Oklahoma City National Memorial. The Memorial shall be administered by the Trust in cooperation with the Secretary and in accordance with the provisions of this Act, the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 1 et. seq.), and the Act of August 21, 1935 (49 Stat 666; 16 U.S.C. 461–467).

(b) The Memorial area shall be comprised of the lands, facilities and structures generally depicted on the map entitled "Oklahoma City National Memorial", numbered OCNM 001, and dated May 1997 (hereinafter referred to in this Act as the "map"):

(1) Such map shall be on file and available for public inspection in the appropriate offices of the National Park Service and the Trust.

(2) After advising the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives, in writing, the Trust, as established by section 5 of this Act, in consultation with the Secretary, may make minor revisions of the boundaries of the Memorial when necessary by publication of a revised drawing or other boundary description in the Federal Register.

**SEC. 5. OKLAHOMA CITY NATIONAL MEMORIAL TRUST.**

(a) ESTABLISHMENT.—There is established a wholly owned government corporation to be known as the Oklahoma City National Memorial Trust.

(b) BOARD OF DIRECTORS.—

(1) IN GENERAL.—The powers and management of the Trust shall be vested in a board of Directors (hereinafter referred to as the "Board") consisting of the following 9 members:

(A) The Secretary or the Secretary's designee.

(B) Eight individuals, appointed by the President, from a list of recommendations submitted by the Governor of the State of Oklahoma; and a list of recommendations submitted by the Mayor of Oklahoma City, Oklahoma; and a list of recommendations submitted by the United States Senators from Oklahoma; and, a list of recommendations submitted by United States Representatives from Oklahoma. The President shall make the appointments referred to in this subparagraph within 90 days after the enactment of this Act.

(2) TERMS.—Members of the Board appointed under paragraph (1)(B) shall each serve for a term of 4 years, except that of the members first appointed, 2 shall serve for a term of 3 years; and 2 shall serve a term of 2 years. Any vacancy in the Board shall be filled in the same manner in which the original appointment was made, and any member appointed to fill a vacancy shall serve for the remainder of that term for which his or her predecessor was appointed. No appointed member may serve more than 8 years in consecutive terms.

(3) QUORUM.—Five members of the Board shall constitute a quorum for the conduct of business by the Board.

(4) ORGANIZATION AND COMPENSATION.—The Board shall organize itself in such a manner as it deems most appropriate to effectively carry out the authorized activities of the Trust. Board members shall serve without pay, but may be reimbursed for the actual and necessary travel and subsistence expenses incurred by them in the performance of the duties of the Trust.

(5) LIABILITY OF DIRECTORS.—Members of the Board of Directors shall not be considered Federal employees by virtue of their membership on the Board, except for purposes of the Federal Tort Claims Act and the Ethics in Government Act, and the provisions of chapter 11 of title 18, United States Code.

(6) MEETINGS.—The Board shall meet at least three times per year in Oklahoma City, Oklahoma and at least two of those meetings shall be opened to the public. Upon a majority vote, the Board may close any other meetings to the public. The Board shall establish procedures for providing public information and opportunities for public comment regarding operations maintenance and management of the Memorial; as well as, policy, planning and design issues.

(7) STAFF.—

(A) NON-NATIONAL PARK SERVICE STAFF.—The Trust is authorized to appoint and fix the compensation and duties of an executive director and such other officers and employees as it deems necessary without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and may pay them without regard to the provisions of chapter 51, and subchapter III of chapter 53, title 5, United States Code, relating to classification and General Schedule pay rates.

(B) INTERIM PARK SERVICE STAFF.—At the request of the Trust, the Secretary shall provide for a period not to exceed 2 years, such personnel and technical expertise, as necessary, to provide assistance in the implementation of the provisions of this Act.

(C) PARK SERVICE STAFF.—At the request of the Trust, the Secretary shall provide such uniformed personnel, on a reimbursable basis, to carry out day to day visitor service programs.

(D) OTHER FEDERAL EMPLOYEES.—At the request of the Trust, the Director of any other Federal agency may provide such personnel, on a reimbursable basis, to carry out day to day visitor service programs.

(8) NECESSARY POWERS.—The Trust shall have all necessary and proper powers for the exercise of the authorities vested in it.

(9) TAXES.—The Trust and all properties administered by the Trust shall be exempt from all taxes and special assessments of every kind by the State of Oklahoma, and its political subdivisions including the county of Oklahoma and the city of Oklahoma City.

(10) GOVERNMENT CORPORATION.—

(A) The Trust shall be treated as a wholly owned Government corporation subject to chapter 91 of title 31, United States Code (commonly referred to as the Government Corporation Control Act). Financial statements of the Trust shall be audited annually in accordance with section 9105 of title 31 of the United States Code.

(B) At the end of each calendar year, the Trust shall submit to the Committee on Energy and Natural Resources of the United States Senate and the Committee on Resources of the House of Representatives a comprehensive and detailed report of its operations, activities, and accomplishments for the prior fiscal year. The report also shall include a section that describes in general terms the Trust's goals for the current fiscal year.

### SEC. 6. DUTIES AND AUTHORITIES OF THE TRUST.

(a) OVERALL REQUIREMENTS OF THE TRUST.—The Trust shall administer the operation, maintenance, management and interpretation of the Memorial including, but not limited to, leasing, rehabilitation, repair and improvement of property within the Memorial under its administrative jurisdiction using the authorities provided in this section, which shall be exercised in accordance with—

(1) the provisions of law generally applicable to units of the National Park Service, including: "An Act to establish a National Park Service, and for other purposes" approved August 25, 1916 (39 Stat. 535; 16 U.S.C. 1, 2-4);

(2) the Act of August 21, 1935 (49 Stat. 666; U.S.C. 461–467;

(3) the general objectives of the "Memorial Mission Statement", adopted March 26, 1996, by the Oklahoma City Memorial Foundation;

(4) the "Oklahoma City Memorial Foundation Intergovernmental Letter of Understanding", dated, October 28, 1996; and

(5) the Cooperative Agreement to be entered into between the Trust and the Secretary pursuant to this Act.

(b) AUTHORITIES.—

(1) The Trust may participate in the development of programs and activities at the properties designated by the map, and the Trust shall have the authority to negotiate and enter into such agreements, leases, contracts and other arrangements with any person, firm, association, organization, corporation or governmental entity, including, without limitation, entities of Federal, State and local governments as are necessary and appropriate to carry out its authorized activities. Any such agreements may be entered into without regard to section 321 of the Act of June 30, 1932 (40 U.S.C. 303b).

(2) The Trust shall establish procedures for lease agreements and other agreements for use and occupancy of Memorial facilities, including a requirement that in entering into such agreements the Trust shall obtain reasonable competition.

(3) The Trust may not dispose of or convey fee title to any real property transferred to it under this Act.

(4) Federal laws and regulations governing procurement by Federal Agencies shall not apply to the Trust, with the exception of laws and regulations related to Federal Government contracts governing working conditions, and any civil rights provisions otherwise applicable thereto.

(5) The Trust, in consultation with the Administrator of Federal Procurement Policy, shall establish and promulgate procedures applicable to the Trust's procurement of goods and services including, but not limited to, the award of contracts on the basis of contractor qualifications, price, commercially reasonable buying practices, and reasonable competition.

(c) MANAGEMENT PROGRAM.—Within one year after the enactment of this Act, the Trust, in consultation with the Secretary, shall develop a cooperative agreement for management of those lands, operations and facilities within the Memorial established by this Act. In furtherance of the general purposes of this Act, the Secretary and the Trust shall enter into a Cooperative Agreement pursuant to which the Secretary shall provide technical assistance for the planning, preservation, maintenance, management, and interpretation of the Memorial. The Secretary also shall provide such maintenance, interpretation, curatorial management, and general management as mutually agreed to by the Secretary and the Trust.

(d) DONATIONS.—The Trust may solicit and accept donations of funds, property, supplies, or services from individuals, foundations, corporations, and other private or public entities for the purposes of carrying out its duties.

(e) PROCEEDS.—Notwithstanding section 1341 of title 31 of the United States Code, all proceeds received by the Trust shall be retained by the Trust, and such proceeds shall be available, without further appropriation, for the administration, operation, preservation, restoration, operation and maintenance, improvement, repair and related expenses incurred with respect to Memorial properties under its administrative jurisdiction. The Secretary of the Treasury, at the option of the Trust shall invest excess monies of the Trust in public debt securities which shall bear interest at rates determined by the Secretary of the Treasury taking into consideration the current average market yield on outstanding marketable obligations of the United States of comparable maturity.

(f) SUITS.—The Trust may sue and be sued in its own name to the same extent as the Federal Government. Litigation arising out of the activities of the Trust shall be conducted by the Attorney General; except that the Trust may retain private attorneys to provide advice and counsel. The District Court for the Western District of Oklahoma shall have exclusive jurisdiction over any suit filed against the Trust.

(g) BYLAWS, RULES AND REGULATIONS.—The Trust may adopt, amend, repeal, and enforce bylaws, rules and regulations governing the manner in which its business may be conducted and the powers vested in it may be exercised. The Trust is authorized, in consultation with the Secretary, to adopt and to enforce those rules and regulations that are applicable to the operation of the National Park System and that may be necessary and appropriate to carry out its duties and responsibilities under this Act. The Trust shall give notice of the adoption of such rules and regulations by publication in the Federal Register.

(h) INSURANCE.—The Trust shall require that all leaseholders and contractors procure proper insurance against any loss in connection with properties under lease or contract, or the authorized activities granted in such lease or contract, as is reasonable and customary.

### SEC. 7. LIMITATIONS ON FUNDING.

(a) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—In furtherance of the purposes of this Act, there is hereby authorized the sum of $5,000,000, to remain available until expended.

(2) MATCHING REQUIREMENT.—Amounts appropriated in any fiscal year to carry out the provisions of this Act may only be expended on a matching basis in a ratio of at least one non-Federal dollar to every Federal Dollar. For the purposes of this provision, each non-Federal dollar donated to the Trust or to the Oklahoma City Memorial Foundation for the creation, maintenance, or operation of the Memorial shall satisfy the matching dollar requirement without regard to the fiscal year in which such donation is made.

### SEC. 8. ALFRED P. MURRAH FEDERAL BUILDING.

(a) Prior to the construction of the Memorial the Administrator of General Services shall, among other actions, exchange, sell, lease, donate, or otherwise dispose of the site of the Alfred P. Murrah Federal Building, or a portion thereof, to the Trust. Any such disposal shall not be subject to—

(1) the Public Buildings Act of 1959 (40 U.S.C. 601 et seq.);

(2) the Federal Property and Administrative Services Act of 1949 (40 U.S.C. et seq.); or

(3) any other Federal law establishing requirements or procedures for the disposal of Federal property.

### SEC. 9. GENERAL ACCOUNTING OFFICE STUDY.

(a) Six years after the first meeting of the Board of Directors of the Trust, the General Accounting Office shall conduct an interim study of the activities of the Trust and shall report the results of the study to the Committee on Energy and Natural Resources and the Committee on Appropriations of the United States Senate, and the Committee on Resources and Committee on Appropriations of the House of Representatives. The study shall include, but shall not be limited to, details of how the Trust is meeting its obligations under this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah [Mr. HANSEN] and the gentleman from Guam [Mr. UNDERWOOD] each will control 20 minutes.

The Chair recognizes the gentleman from Utah [Mr. HANSEN].

Mr. HANSEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 1849 was introduced on June 10, 1997, by the gentleman from Oklahoma [Mr. LUCAS]. The purpose of the bill is to establish the Oklahoma City National Memorial as a unit of the National Park System, to designate the Oklahoma City Memorial Trust, and for other purposes.

H.R. 1849 focuses on the terrorist bombing at the Alfred P. Murrah Federal Building in Oklahoma City, OK, on April 19, 1995. The purposes and findings refer to the death of 168 men, women, and children, the heroic rescue efforts that followed in the aftermath, and the national and international impact of this event.

H.R. 1849 establishes the Oklahoma City National Memorial as a unit of the National Park System. The concept is to have an interactive learning museum, an institute dedicated to the prevention of terrorism and violence, and, finally, a landscape memorial consisting of the formal Federal building site and surrounding area.

H.R. 1849 designates a wholly owned governmental corporation, the Oklahoma City Memorial Trust, to design, construct, interpret, operate, and maintain the memorial under a cooperative agreement with the National Park Service. The Trust will raise $14 million or more from donations to carry out the provisions of this bill. The bill requires that expenditures will be on a matching basis in a ratio of at least one non-Federal dollar for each Federal dollar.

Mr. Speaker, the gentleman from Oklahoma [Mr. LUCAS] should be commended for the introduction of H.R. 1849. This is truly a unique approach to the establishment of a unit of the National Park Service. This is an extremely innovative initiative from citizens to local government, to the State government, and, finally, to the Federal Government, forming a partnership that is coordinated with the private sector and citizen involvement. This broad-based local and State approach to addressing the national issue is what we in Congress should have been talking about for years. The citizens of Oklahoma have presented a truly world class memorial to the Congress to support.

Mr. Speaker, I encourage all my colleagues to support this worthy legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. UNDERWOOD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, along with the rest of the world, I stood in shock and silence on April 19, 1995, as I watched the TV news accounts of the bombing of the Alfred P. Murrah Federal Building in Oklahoma City.

My thoughts went immediately to the people who worked inside the building. I wanted to believe that maybe the building was empty or maybe the children in the daycare center were at a city park far away. But seeing the destruction, I knew of the carnage that would be. The building was filled with people, and 168 innocent victims lost their lives.

Then, just as we were trying to grasp the tragedy before us, we were forced to face the realization that this horrendous act was carried out by an American and the victims selected solely because they worked for the Federal Government.

Mr. Speaker, my thoughts were then and continue to be with the families and friends of those killed or wounded in the blast. To lose a loved one under any circumstances is painful, but to have it happen through such a random and cowardly act must be almost unbearable. It is, therefore, extremely appropriate that a memorial be established at the scene of the attack and supported by the Federal Government.

I agree with the recommended themes developed by the Memorial Task Force, which spent a year talking and listening to people about a fitting memorial site. As recommended, this site should be a place of remembrance of both victims and survivors as individuals.

It should bring peace to the visitor, along with spirituality and hope. The cherished children need their own place within the memorial designed for their size and their ability to learn. Further, the memorial should be a comfort to any visitor, and provide recognition for all those who responded to help those in need.

Finally, the memorial needs to be a place of learning for all those who visit, so the tragedy is never to be forgotten.

This legislation establishes the Oklahoma City National Memorial as a unit of the National Park System. The memorial will be managed by the Oklahoma City National Memorial Trust through a cooperative agreement with the National Park Service. Working together, I am sure the Trust and the National Park Service will provide a fitting memorial to a tragic day in American history.

I ask all Members to support this legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. HANSEN. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Oklahoma [Mr. LUCAS], the sponsor of this legislation.

Mr. LUCAS of Oklahoma. Mr. Speaker, I rise today in support of S. 871, the Oklahoma City National Memorial Act of 1997. I am a sponsor of the companion language, H.R. 1849, which was reported out of the Committee on Resources by unanimous vote on Wednesday, September 17. An amendment in the nature of a substitute was offered by the gentleman from Colorado [Mr. HEFLEY]. The language in the substitute amendment was agreed upon by all parties involved.

Mr. Speaker, I commend Chairman HANSEN's Subcommittee on National Parks and Public Lands and their staff for their hard work they have done on this legislation.

I would also like to thank the gentleman from Alaska, Chairman YOUNG, and the ranking member, the gentleman from California, Mr. MILLER, of the Committee on Resources for their support and efforts to move this legislation as expeditiously as is possible.

This historic legislation is a huge step in the healing process for the people of my State and the entire Nation. When a massive bomb exploded in front of the Alfred P. Murrah Federal Building on April 19, 1995, it shook Oklahoma City's foundations and shocked the Nation. Few events in history have rocked America's perception of themselves and their institutions and brought together the people of our great Nation with the intensity equal to this devastating crime.

□ 1715

Although those losses and struggles are personal, they resulted from a public attack and are shared by my heartland community, the Nation, and the world.

One of my district offices is less than a block and a half away from that ill-fated building. When I saw the damage to my office, so near to ground zero, the disbelief that I shared with my staff will never be forgotten.

As my colleagues can well imagine, there is no legislative road map to follow in the wake of this tragic event. It is both gratifying and a bit disheartening to realize that much of my legislative agenda in my short career in the House has been shaped by such an evil act.

Over the past years, I have had the privilege and opportunity to help ease the burden on Oklahoma City that it has borne as a result of this devastating tragedy, and this is what brings me here today. Given the national and international impact and reaction, the Federal character of the site of the bombing and the significant percentage of victims and survivors who were Federal employees, a national memorial designation is highly appropriate. This legislation heralds the spirit, determination and hopes of Oklahomans and all Americans who have persevered in the wake of such a tragic event.

This memorial will be established, designed, managed, and maintained to educate present and future generations. Through a comprehensive cooperative agreement, the Oklahoma City

Memorial Trust will work together efficiently and respectfully with the National Park Service in developing a national memorial relating to all aspects of the April 19, 1995, bombing. Mr. Speaker, I wholeheartedly believe this memorial deserves to be designated a national memorial.

So as to not further burden the Federal Government and the National Park Service, this legislation is unique in its approach toward establishing a unit of the National Park System. The memorial will be a local, State, and Federal Government partnership, with coordination with private sector and public donations. It will consist of three distinct components: an interactive learning museum, an institute dedicated to the prevention of crime and violence, and a remembrance component. The memorial's remembrance component design was unanimously chosen through an extensive international design competition, which drew entries from all 50 States and 23 countries.

The love and respect Oklahoma City has received since being thrust into the national spotlight was most evident in the vast participation and outpouring during the international design competition. The winning design will be a fabulous beacon drawing mankind to a site that will remind us of our Nation's greatness. This Nation, as has been proven many times in the past, will not be defeated by forces that seek to divide us. On August 13, President Clinton put his seal of support on this memorial and embraced the design in a Rose Garden ceremony.

S. 871 provides for establishment of a unit of the National Park Service and authorizes a wholly owned Government corporation, the Oklahoma City National Memorial Trust. As the entity responsible, through a cooperative agreement with the Park Service for the administration, operation, maintenance, management and interpretation of the site, the cooperative agreement, as provided by this legislation, states that the Secretary of the Interior will provide technical assistance for planning, preservation, maintenance, curator management, and the interpretation of the site as mutually agreed to with the Trust.

What has been most gratifying to me during this process is the good character of Oklahomans that continue to be on display in their asking the Federal Government for financial assistance for this meaningful project. The memorial trust is refusing to accept a dollar of Federal funding unless it is matched dollar for dollar by private donations.

Mr. Speaker, I urge my colleagues to support this worthwhile legislation.

Mr. UNDERWOOD. Mr. Speaker, I yield such time as he may consume to the gentleman from Minnesota [Mr. VENTO].

Mr. VENTO. Mr. Speaker, I rise in support of the measure, and I want to commend my colleagues from Oklahoma who have worked on this, as well as the staff from the Committee on Resources and the gentleman from Utah [Mr. HANSEN], the chairman of the subcommittee; and the gentleman from Alaska [Mr. YOUNG], chairman of the full committee; and others that were interested and instrumental in bringing this bill forward.

It is an unusual designation of a national park site in this legislation in that the principal responsibilities will reside with the local community and the State of Oklahoma. There is, as my colleagues are well aware, a great enthusiasm for our National Park System, and many would like to have the park arrow or the bison added to their brochures or to their materials in terms of indicating that they are associated with the National Park System, and that is as it should be. Candidly, when we add a Park Service designation or designate a national park unit, such as we are doing in this legislation today, with it I think inherently is the understanding that the responsibilities to protect that resource and to interpret it properly have to also meet those national standards.

This legislation attempts to do that in an unusual way. First of all, it references the 1916 Organic Act and prescribes that as a program to be followed by the entity that is managing this resource, plus the 1935 Historic Preservation Act.

Furthermore, of course, on page 12 of the legislation, as we passed it out of committee and as I know has been changed, the Senate measure has been changed, we provide for mutual consent in the implementation of a cooperative agreement which must be addressed by the Department of the Interior and by the Park Service, that that cooperative agreement would deal with most of the specifics. The Secretary shall provide such technical assistance, but then must mutually agree to most of the precepts in this legislation. Hopefully, this model will accomplish the goals of making certain that our national parks have consistent standards, that they are consistently maintained, in fact, when we have the designation that it achieves the objective.

This, I think, will bear close scrutiny. I do not suspect that there are problems with this, but there is the potential for issues to arise and misunderstandings to occur with regards to this. So I will be closely watching this, as I am certain will the Members of Congress, to see that this is executed properly and that it does attain those high standards.

People around the world, frankly, have come to expect a certain degree of excellence from our National Park Service, a system and an organization, I think, which most of us are very proud of, and we hope that this model, these amendments that were added to it, after some discussion in the House, will accomplish the objective of keeping that quality intact in this particular park unit and across the 375 units that comprise the National Park System today.

Mr. UNDERWOOD. Mr. Speaker, I reserve the balance of my time.

Mr. HANSEN. Mr. Speaker, I yield such time as he may consume to the gentleman from Oklahoma [Mr. ISTOOK].

Mr. ISTOOK. Mr. Speaker, I rise in support of this legislation regarding the Oklahoma City memorial. I commend my friend, the gentleman from Oklahoma [Mr. LUCAS], for shepherding this through the legislative process, as, of course, in the Senate, Senator NICKLES has done likewise.

Mr. Speaker, I think this is a unique arrangement for this particular memorial because of the unique manner in which things occurred in Oklahoma City. The Federal money to be expended on this memorial ultimately will be outweighed by four to five times as much additional money that will come from other sources, from private sources, perhaps someone from State and local government sources as well. So even though it will be a national memorial, actually, the Federal Government will only bear one-fourth or one-fifth of the cost.

Mr. Speaker, that is the way that it should be, because the terrorist act in Oklahoma City, taking the lives of 168 persons, was not just something that influenced Oklahoma. We all know about the people who came to Oklahoma City as rescue workers to assist, and we know that the assistance in building this memorial will come from places around the country, too. But more than anything else, just like the participation in the rescue efforts, just as the outreach to the rescue workers, to make them know how appreciated they were, came from Oklahomans, so too most of the resources for this memorial will come from Oklahomans. It will be a memorial that is designed by people acting under the community's guidance, under the guidance of the people who are survivors, under the guidance of those who had loved ones and family members who were killed or severely injured or otherwise impacted in the explosion at the Murrah Building.

People came from across the country, and the donations for this will come from businesses, from individuals, from housewives, from school children, from family and friends, and it is going to remind me, Mr. Speaker, of the phenomena that we saw. There are a lot of people who were doing rescue work in Oklahoma, and they would take a dollar bill out of their pocket and they would say, that is an Oklahoma dollar, because when I was with one of the rescue teams that came to Oklahoma, they would say, I tried when I had time away to buy a meal or to pay for something, but as soon as somebody knew that I had come to help, they would not let me spend my money. Everything was given to me, was provided, by the good people of this State, and that is the same spirit in which this memorial is being created.

Now, to some, they say, well, this ought to be like any other national monument. After all, these people were Federal workers that were killed; it was a Federal building that was bombed, and that was the reason that it was singled out by terrorists as a target. Mr. Speaker, to some people, perhaps, they were just Federal workers, they were people that worked with Social Security or General Services or the Secret Service, but to folks in Oklahoma City, these are the neighbors who coached the Little League teams and the soccer teams; they are the ones who drove the carpools, who attended the parent-teacher conferences, who taught Sunday school, who we saw when we bought gasoline and groceries, who played the piano, and ordered pizza, and sang in choirs and took their kids to the zoo. They were not just Federal workers, they were Mom and Dad, and children and grandparents, and friends and neighbors.

I believe that this memorial is in the highest example and the highest manner of personal involvement, because Oklahoma has taken the lead in this. Despite the Federal contribution, most of the effort will come from the people who saw the victims not as Federal workers, but as friends and neighbors and family and want to be responsible for taking care of our own. For in Oklahoma, Mr. Speaker, we do believe, and we will always believe, that we are our brother's keeper.

I certainly urge adoption of this act, and I appreciate the support of my colleagues

Mr. UNDERWOOD. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Texas [Ms. JACKSON-LEE].

Ms. JACKSON-LEE of Texas. Mr. Speaker, I do want to acknowledge the good work of the gentleman from Oklahoma [Mr. LUCAS]. I rose to the floor in particular because we are neighbors, and I am very proud to say that many Houstonians, including the Houston Fire Department, joined the people of Oklahoma and Oklahoma City.

I certainly thank the subcommittee chair and ranking member, but I do want to focus on the gentleman from Oklahoma [Mr. LUCAS] and his district, because I want it to be mentioned, although there are some technical nuances that have brought this particular legislation to the floor, I will step aside from that as I am not a member of the committee.

□ 1730

I rise to state that this monument is a recognition of the heroism of Oklahomans and Oklahoma City residents. They are American heroes. I think this should be the point of this monument and this park, as we on the floor of the House are acknowledging that the death of the 168 and those that were maimed and injured was in fact in support of the freedom of this Nation. They died because this nation is a free Nation, and we should never forget the sacrifice that was made by them. I wanted to acknowledge and commend this effort and this acknowledgment of this sacrifice.

Mr. Speaker, let me also acknowledge that I did not arrive on the floor in time to support the naming of the former U.S. Federal Building in New York for Ronald H. Brown, and I do want to enthusiastically support that particular legislation for the great American, Mr. Brown.

In conclusion, sometimes the naming of buildings are taken lightly. These monuments are sometimes taken lightly. I hope the American people understand that in many instances we rise to commemorate great Americans, great heroes, and great members of our Nation that sacrificed their lives so we might live in freedom.

I rise in tribute to the citizens of Oklahoma and in tribute to Ron H. Brown.

Mr. Speaker, I rise today in strong support of H.R. 29 which would redesignate a U.S. Federal building in New York, in the name of Ronald H. Brown. Ronald H. "Ron" Brown, former chairman of the Democratic National Committee during the 1992 Presidential election and Secretary of Commerce in the first Clinton administration, was a man who served his country and its people above and beyond the call of duty. His performance in every area of his public life maintained and sustained a standard of excellence surpassed by few.

In particular, Mr. Brown was a gift to the African-American community. As the first African-American Secretary of Commerce, Mr. Brown remains a symbol of what we can all achieve when we strive to be the very best. While growing up in Harlem as a boy, often at his family's business, the famed Hotel Theresa, young Ron regularly interacted with the cutting edge leaders in the African-American community. From these experiences he learned the subtle nuances of leadership and sought to apply them in both his professional and political careers.

As a trained and practicing attorney, Mr. Brown regularly distinguished himself as more than simply competent, but exceptional. It was this drive and natural ability that propelled Ron to the Chair of the Democratic National Committee, and through his brilliant tactical leadership helped to put our current President in office. President Clinton, in return, rewarded the brilliant mind which had helped to make the White House a reality for him, by appointing Ron Brown to be the Secretary of Commerce. For 3½ years, Ron Brown pushed a new and exciting international commercial agenda to benefit parties both home and abroad until his tragic airplane accident in April 1996 near Bosnia. Secretary Brown lost his life in the service of his country, and for that, he stands as a hero for millions of Americans.

Athough the loss to his family and loved ones can never be replaced, the least we can do, as a body, as a nation, is to show our eternal gratitude. So by the rededication of this Federal building, we remember and honor his life, his loss, and his legacy; on these grounds, I implore the whole House to vote in favor of H.R. 29.

Mr. WATTS of Oklahoma. Mr. Speaker, I want to thank Congressman LUCAS for introducing the Oklahoma City National Memorial Act of 1997. I applaud Congressman LUCAS's efforts in realizing the importance of this legislation to all the people of Oklahoma.

April 19, 1995 was a terrible day for the State of Oklahoma. The whole world witnessed what minutes before seemed like an unthinkable act of terrorism. We, as a state and a country, pulled together as one to help all of those in need. Everyone was awed by the outpouring of love and generosity during this time of tragedy in our State.

A national memorial for the victims of the Oklahoma City bombing will help continue the healing process in Oklahoma. This will serve as a central place where all people, who were either victimized or lost a family member or friend, can go to remember not only the day of the tragedy but also the love and support offered by the people of this great Nation.

We must not forget the horrific actions that occurred on the morning of April 19th, 1995. This memorial will allow us to reflect on that day and all those who were affected by this tragedy. It will serve as a memorial of hope, showing future generations of Americans how we as country came together during a time of unimaginable tragedy.

Thank you again Congressman LUCAS for introducing this bill. All of Oklahoma thanks you for your efforts in the passage of this legislation.

Mr. UNDERWOOD. Mr. Speaker, I yield back the balance of my time.

Mr. HANSEN. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. GUTKNECHT). The question is on the motion offered by the gentleman from Utah [Mr. HANSEN] that the House suspend the rules and pass the Senate bill, S. 871, as amended.

The question was taken.

Mr. CONDIT. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 5 of rule 1 and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

## GENERAL LEAVE

Mr. HANSEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the Senate bill just considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Utah?

There was no objection.

## NATIONAL WILDLIFE REFUGE SYSTEM IMPROVEMENT ACT OF 1997

Mr. YOUNG of Alaska. Mr. Speaker, I move to suspend the rules and concur in the Senate amendments to the bill (H.R. 1420) to amend the National Wildlife Refuge System Administration Act of 1966 to improve the management of the National Wildlife Refuge System, and for other purposes.

The Clerk read as follows:

Senate amendments:

Page 4, line 11, after "a" insert "wildlife-dependent recreational use or any other".

Page 11, line 19, strike out "and".

Page 11, strike out lines 22 and 23 and insert "fish and wildlife agencies during the course of acquiring and managing refuges; and

"(N) monitor the status and trend of fish, wildlife, and plants in each refuge.".

Page 15, line 8, after "use" insert ", except that, in the case of any use authorized for a period longer than 10 years (such as an electric utility right-of-way), the reevaluation required by this clause shall examine compliance with the terms and conditions of the authorization, not examine the authorization itself".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Alaska [Mr. YOUNG] and the gentleman from California [Mr. MILLER] will each control 20 minutes.

The Chair recognizes the gentleman from Alaska [Mr. YOUNG].

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, on June 3 the House passed H.R. 1420 by a vote of 407 to 1. They approved the National Wildlife Refuge System Improvement Act. This measure is the result of 3 years of hard work by the Committee on Resources, the minority and majority. The gentleman from California [Mr. MILLER] and myself and the gentleman from Michigan [Mr. DINGELL] and other people were involved.

We conducted seven hearings and three markups on ways to improve our National Wildlife Refuge System. It is the culmination of successful negotiations between members of the committee, the administration, hunting and conservation and environmental groups.

The other body has now overwhelmingly approved the amended version of H.R. 1420. The three differences in the legislation include an expanded definition of the term "compatible use" to mean "a wildlife-dependent recreational use or any other use of a refuge"; a requirement that the Secretary monitor the status and trends of fish, wildlife, and plants in each refuge; and a clarification requiring existing rights-of-way within refuges.

I have carefully reviewed these changes and find them acceptable. By approving this measure today, we will conclude the legislative process and send the bill to the President of the United States. By so doing, I am convinced we have enacted an organic act for our 509 wildlife refuge units that will serve our Nation well in the 21st century.

In the final analysis, this is a fine piece of conservation legislation that is true to the legacy of Theodore Roosevelt, and it reaffirms the National Wildlife System Act of 1966.

Before closing, again I would like to mention the people that have participated in this extraordinary effort: My good friend, the gentleman from Michigan, Mr. DINGELL, who was one of the fathers of the Wildlife Refuge Act; the gentleman from New Jersey, Mr. JIM SAXTON, the chairman of the subcommittee; the gentleman from Tennessee, Mr. JOHN TANNER; and the gentleman from California, Mr. DUKE CUNNINGHAM.

I would like to recognize and express my appreciation to Secretary Bruce Babbitt; Majority Leader TRENT LOTT; the ranking minority member, the gentleman from California, Mr. GEORGE MILLER, who cosponsored this bill; the leadership of the Senate Environment and Public Works Committee; and all the conservation and environmental and hunting organizations supporting this effort.

Together we have been successful in crafting a bill that will effectively conserve and manage our fish and wildlife for the future, while allowing millions of Americans to enjoy wildlife-dependent recreation within our refuge system.

Mr. Speaker, this is a good bill, and I urge an "aye" vote on H.R. 1420.

Mr. Speaker, I reserve the balance of my time.

Mr. MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of the amendments to H.R. 1420 made by the other body. This is in fact a bona fide compromise which resulted from concessions on both sides. When the House last considered this bill, it was 407 to 1. Maybe we can find that one person and they can vote for it this time.

I want to thank my chairman of the committee, the members, and so many people who helped on this measure: Secretary Babbitt, the gentleman from Michigan [Mr. DINGELL], the gentleman from Alaska [Mr. YOUNG], and the gentleman from New Jersey [Mr. SAXTON], who really did in fact search for common ground on this bill.

This bill continues building on the original version of the refuge system put together by the gentleman from Michigan [Mr. DINGELL], a true National Wildlife Refuge System that was envisioned at that time, and ensures that wildlife refuges, the only public lands dedicated to wildlife conservation, are properly managed and protected, while encouraging greater public appreciation for wildlife and the use of the refuge system.

Whether or not Members like to shoot birds with a Browning or a Nikon, this bill will enhance their appreciation of the refuge system. I urge passage of the legislation.

Mr. TANNER. Mr. Speaker, H.R. 1420, the National Wildlife Refuge System Improvement Act for the first time establishes a conservation mission for America's 509 refuge units.

Equally important, the measure establishes hunting, fishing, and environmental education, as legitimate and appropriate priority general public uses of the 92 million-plus acres of land and water that make up our refuge system. It also affirms the refuge system not only as a home to all wildlife, but also as a haven to endangered wildlife and fish.

Indeed, each of the six National Wildlife Refuges in Tennessee are either entirely or in part in my congressional district and you can fish and hunt on each of them.

Through the Pittman-Robertson Wildlife Restoration Program, the North American Wetlands Conservation Fund, the Dingell-Johnson-Wallop-Breaux Sportfish Restoration Program, the purchase of Federal duck stamps, and many other conservation and restoration programs, hunters and anglers are the unquestioned leaders when it comes to wildlife and fisheries restoration and conservation.

America's hunters and anglers have contributed well over $6 billion to wildlife and fisheries restoration over the past 60 years. And last year alone, they spent nearly $60 billion pursuing the twin traditions of hunting and fishing. And with this legislation, hunters and anglers are again leading the conservation movement.

In the best tradition of President Theodore Roosevelt, an avid hunter, this bill recognizes that fact. So I want to applaud Chairman YOUNG, Representative DINGELL, Chairman SAXTON, Representative MILLER, Secretary Babbitt, and those at the U.S. Fish and Wildlife Service are all to be commended for their leadership on this measure.

The bipartisan process that led to this consensus agreement should be a model for problem solving.

This is an excellent vote for conservation, hunting, and fishing, as we approach the 100th anniversary of our National Wildlife Refuge System. Earlier this year our bill received 407 votes in the House, the Senate passed it earlier this month by unanimous consent, and the President has said he will sign the legislation.

I would urge everyone's support of this bill so that we can send it to President Clinton for his signature.

Mr. SAXTON. Mr. Speaker, I rise in support of H.R. 1420, the National Wildlife Refuge System Improvement Act.

This bill passed the House on June 3, 1997 on a recorded vote of 407 to 1. The National Wildlife Refuge Improvement Act provides an organic act for the Refuge System similar to those which exist for other public lands. Its principle focus is to establish clearly the conservation mission of the System, provide a mechanism for unit-specific refuge planning, and give refuge managers clear direction and procedures for making determinations regarding wildlife conservation and public uses of the System and individual refuges.

The other body passed this bill, amended, on October 9, 1997. The House concurs to the amendments.

I urge all Members to vote in support of this bill, which greatly benefits the Refuge System.

Mr. DELAHUNT. Mr. Speaker, when President Theodore Roosevelt established the first wildlife refuge in Florida 94 years ago, he could hardly have imagined a national system of 500 refuges covering 93 million acres.

Today, we have another opportunity to make a genuine contribution to this remarkable legacy of wildlife conservation and management. It is in that spirit that I rise today in support of H.R. 1420, the National Wildlife Refuge System Improvement Act of 1997. The Chairman and Ranking Member have worked together to craft a bill that ensures the future biological integrity of our refuges.

Legacies are not historic relics: like the species that inhabit our refuges, they survive only if they prosper and evolve. This bill will help protect species large and small, beautiful and not-so-beautiful, endangered and common alike, and specifically recognizes the benefits that refuges bring to people who live and work near them.

The bill explicitly encourages the Interior Department to work with local communities, states and private and non-profit groups. It is precisely such a partnership that has characterized our progress toward one of the newest additions to the refuge system, in Mashpee on Cape Cod, home to over 180 migratory fish and bird species.

Like so many others across the country, the Mashpee Refuge has value even beyond its statutory objectives—in this case, in safeguarding the quality and quantity of the area's fragile water resources. This imperative has become particularly acute with recent findings that pollution emanating from a nearby military reservation is seriously contaminating groundwater and jeopardizing future drinking water supplies.

For all these reasons, I urge my colleagues to enact H.R. 1420—and then to pay for it by passing a 1998 Interior appropriations bill that includes the $700 million for land acquisition provided for in the budget agreement.

This bill draws on historic, bipartisan support for the basic mission of the refuge system, and makes adjustments that keep this refuge system alive and vibrant. I urge my colleagues to again join me in helping the House send this legislation to the President.

Mr. MILLER of California. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. YOUNG of Alaska. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Alaska [Mr. YOUNG] that the House suspend the rules and concur in the Senate amendments to H.R. 1420.

The question was taken.

Mr. CONDIT. Mr. Speaker, I object to the vote on the ground that a quorum is not present and I make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

## GENERAL LEAVE

Mr. YOUNG of Alaska. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the legislation just considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alaska?

There was no objection.

## HOOD BAY LAND EXCHANGE ACT OF 1997

Mr. YOUNG of Alaska. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1948) to provide for the exchange of lands within Admiralty Island National Monument, and for other purposes, as amended.

The Clerk read as follows:

### H.R. 1948

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Hood Bay Land Exchange Act of 1997".

**SEC. 2. FINDINGS.**

The Congress makes the following findings:

(1) The Alaska National Interest Lands Conservation Act established the Admiralty Island National Monument which is managed by the Secretary of Agriculture, by and through the Forest Service.

(2) The Forest Service has established a policy of encouraging the acquisition of private land inholdings within Admiralty Island National Monument on a willing buyer/willing seller basis. Congress has supported this policy, for example by passage of the Greens Creek Land Exchange Act of 1996 which provided for a land exchange of certain public and private lands in Admiralty Island National Monument.

(3) Lands owned by Alaska Pulp Corporation, consisting of 54 acres, more or less, located in Hood Bay on Admiralty Island within the boundaries of the Kootznoowoo Wilderness are available for transfer to Federal ownership on a willing seller/willing buyer basis. The acquisition of these lands would provide Federal ownership of this valuable land in a critical area of Admiralty Island National Monument.

(4) The United States is the owner of certain reversionary interests to 143.87 acres, more or less, located adjacent to Silver Bay near Sitka, Alaska, which interests were reserved in patent No. 1213671 issued to the Alaska Pulp Corporation on October 18, 1960. The transfer of the reversionary interests of the United States in such lands adjacent to Silver Bay to the Alaska Pulp Corporation would facilitate future use and development of that land.

(5) The future acquisition by the United States of the Chaik Bay property on Admiralty Island to be incorporated into the Kootznoowoo Wilderness would be in the public interest.

**SEC. 3. DEFINITIONS.**

As used in this Act:

(1) The term "ANILCA" means the Alaska National Interest Lands Conservation Act (16 U.S.C. 3101 et seq.).

(2) The term "Company" means the Alaska Pulp Corporation, an Alaska corporation, its successors, and assigns.

(3) The term "Company Property" means the property depicted on United States Survey Plat 1058 approved March 20, 1917, consisting of approximately 54 acres of land.

(4) The term "Federal Property" means the reversionary interest of the United States described in paragraphs (6) and (7) of the patent dated October 18, 1960, granted by the Bureau of Land Management to Alaska Lumber & Pulp Co., which was recorded at Book 15, Pages 271–273, Sitka Recording District on November 9, 1960. The term "Federal Property" does not include the interests described in paragraphs (1) through (5) of the said patent.

(5) The term "Monument" means the Admiralty Island National Monument, which was established by section 503 of ANILCA and which is managed by the Secretary of Agriculture as a unit of the National Forest System.

(6) The term "Secretary" means the Secretary of Agriculture.

(7) The term "Sitka" means the city and borough of Sitka, Alaska, a home-rule borough formed in accordance with the laws of the State of Alaska.

(8) The term "Sitka Property" means the property depicted on the maps entitled "Sitka Property", dated August 29, 1997, consisting of approximately 49 acres of land.

**SEC. 4. LAND EXCHANGE, TRANSFER, RELINQUISHMENT.**

(a) EXCHANGE OF COMPANY AND FEDERAL PROPERTY.—After the Company conveys to the United States, by general warranty deed, all right, title, and interest of the Company in and to the Company Property, the Secretary shall within 60 days of acceptance of delivery of said deed, unconditionally and without limitation except as provided herein, relinquish to the Company all right, title, and interest of the United States in and to the Federal Property and shall evidence that relinquishment by conveying to the Company a quitclaim deed to the Federal Property.

(b) RELINQUISHMENT OF PROPERTY TO SITKA.—Upon relinquishment of the Federal Property to the Company under subsection (a), the Company shall transfer all right, title, and interest of the Company in the Sitka Property to Sitka.

(c) AVAILABILITY OF MAPS.—The maps referred to in section 3(3) depicting the Company Property and in section 3(4) depicting Federal Property shall be on file and available for public inspection in the Office of the Forest Supervisor, Chatham Area, Tongass National Forest, in Sitka Alaska. The maps referred to in section 3(8) depicting the Sitka Property shall be on file and available for public inspection in the office of the Manager of the City and Borough of Sitka, Alaska, until the conveyance described in subsection (b), at which time the map shall be recorded along with the deed.

**SEC. 5. PROCESSING OF AND TERMS AND CONDITIONS RELATING TO LAND EXCHANGE.**

(a) SURVEYS.—Notwithstanding any other provision of law, the Secretary of the Interior may conduct and approve all cadastral surveys that are necessary for completion of the exchange. The cost of any surveys shall be borne by the Company.

(b) EQUAL VALUE EXCHANGE.—The values of the Federal Property and the Company Property are deemed to be of equal value.

(c) ADMINISTRATION.—The Secretary is directed to implement and administer the rights and obligations of the United States under this Act.

(d) CLEANUP OBLIGATIONS.—Nothing in this Act shall impact or alter the Company's rights, duties, and obligations regarding investigation, remediation, cleanup, and restoration under its September 10, 1995, Commitment Agreement with the State of Alaska or other applicable law. The Company shall use its property consistent with all restrictive covenants, including those restrictive covenants recorded on September 4, 1997.

(e) TITLE STANDARDS.—Title to the Company Property to be conveyed to the United States shall be acceptable to the Secretary consistent with the title review standard of the Attorney General of the United States.

**SEC. 6. GENERAL PROVISIONS.**

(a) MANAGEMENT OF COMPANY PROPERTY.—Upon acquisition of the Company Property by the United States pursuant to this Act, said property shall be managed as a part of the Admiralty Island National Monument and the Kootznoowoo Wilderness.

(b) AUTHORIZATION TO NEGOTIATE FOR ACQUISITION OF PROPERTY.—In furtherance of the purposes of the Kootznoowoo Wilderness, the Secretary, acting through the Forest Service, is authorized to enter into negotiations with the owners of private property in Chaik Bay on Admiralty Island, with the objective of acquiring such property. The Secretary is authorized to enter into an option to purchase or an exchange agreement with the owners of such property to be effected either through existing administrative mechanisms provided by law and regulation, or by subsequent ratification by Act of Congress.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Alaska [Mr. YOUNG] and the gentleman from California [Mr. MILLER] will each control 20 minutes.

The Chair recognizes the gentleman from Alaska [Mr. YOUNG].

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 1948 is the result of several months of work on a land exchange proposal to help the City and Borough of Sitka, Alaska, to develop new economic opportunities.

Sitka is located in southeast Alaska, and is not accessible by road. Its major source of year-round jobs for several decades was a pulp mill which shut down in 1993.

The land for the pulp mill site was originally granted to the Alaska Pulp Corporation in 1960. However, the Federal Government retained a reversionary interest in it. This means that the United States may take ownership of the site if there is no timber processing on it for 5 consecutive years.

With the mill closure, the property cannot be used for anything other than timber processing, even though it is one of the best available locations for new economic development in Sitka.

The closure has several severe effects on the local economy. Year-round jobs were lost, the tax rolls took a hit, and people moved out of the city, to name a few.

Sitka has taken a number of steps to revitalize the community. An important component of this effort is to reuse the pulp mill land in order to offset the job losses. Since the Federal reversionary interest clouds the ownership status of the land, the site cannot be put to productive use. H.R. 1948 takes care of this problem through a land exchange between the company and the United States.

Under the legislation, the Federal reverter interest in the pulp mill will be removed. In exchange, APC will convey to the United States a spectacular inholding it holds on Hood Bay, within Admiralty Island National Monument. The Hood Bay property is a prime parcel of land that the Forest Service seeks to acquire, and it will be incorporated into the wilderness.

Finally, the bill also conveys a portion of the mill site land to the city of Sitka, which currently has an easement on the property for its hydro project and water supply system.

The Committee on Resources held a hearing on this legislation during the August recess. Major concerns were raised and resolved. The result is a fair exchange which benefits Sitka as well as Admiralty Island National Monument.

The committee ordered H.R. 1948 reported with an amendment on September 10, 1997, by a unanimous voice vote. The bill is in the best interests of the Federal Government and of Sitka. I look forward to its passing.

Mr. Speaker, I reserve the balance of my time.

Mr. MILLER of California. Mr. Speaker, I yield such time as he may consume to the gentleman from Tennessee [Mr. TANNER].

Mr. TANNER. Mr. Speaker, I rise in support of H.R. 1948.

Mr. MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, it is truly an honor and joy to be here joining the gentleman from Alaska in putting additional lands into wilderness. It is only 54 acres, but hope springs eternal on this side of the aisle.

But the fact of the matter is that the gentleman from Alaska [Mr. YOUNG], the Alaska Pulp Corporation, and the Forest Service have worked out a land swap that is of benefit to the local area and also a benefit to the Nation's wilderness system.

Very often during these land exchanges I have asked whether or not these exchanges are of fair and equal value. In this case I am relying on the chief appraiser of the Forest Service, who has concluded the values of the property interests to be exchanged are equal.

In addition, my concerns about a NEPA waiver in the bill as introduced have been addressed with language to assure us that APC meets its clean-up obligations at the former mill site lands. By enacting this bill, we do not intend to alter APC's obligations to pay for cleaning up pulp-mill-related pollution. So I think the gentleman in fact has brought again to the floor a bill that we can all support.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to thank the gentleman from California [Mr. MILLER]. I am extremely pleased that hope springs eternal. Just do not be too hopeful. Fifty-four acres is a lot of land, in my mind. But it is a good bill.

Mr. MILLER of California. If the gentleman will yield, it would be a big deal in Delaware.

Mr. YOUNG of Alaska. And it would be a big deal in Rhode Island.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Alaska [Mr. YOUNG] that the House suspend the rules and pass the bill, H.R. 1948, as amended.

The question was taken.

Mr. CONDIT. Mr. Speaker, I object to the vote on the ground that a quorum is not present and I make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 5 of rule 1 and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

## ALLOWING ELECTION OF DELEGATE FROM GUAM BY OTHER THAN SEPARATE BALLOT

Mr. YOUNG of Alaska. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1460) to allow for election of the Delegate from Guam by other than separate ballot, and for other purposes, as amended.

The Clerk read as follows:

H.R. 1460

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. BALLOT REQUIREMENT FOR DELEGATE.**

Section 2(a) of the Act entitled "An Act to provide that the unincorporated territories of Guam and the Virgin Islands shall each be represented in Congress by a Delegate to the

House of Representatives" approved April 10, 1972 (48 U.S.C. 1712(a)), is amended—

(1) by inserting "from the Virgin Islands" before "shall be elected at large"; and

(2) by inserting "The Delegate from Guam shall be elected at large and by a majority of the votes cast for the office of Delegate." before "If no candidate".

**SEC. 2. PROGRAM EXTENSION FOR COMMUNITIES IN THE FORMER UNITED STATES TRUST TERRITORY.**

Section 103(h)(2) of the Compact of Free Association Act of 1985 (48 U.S.C. 1903(h)(2)) is amended—

(1) by striking "ten" and inserting "fifteen"; and

(2) by adding at the end of subparagraph (B) the following: "The President shall ensure the assistance provided under these programs reflects the changes in the population since the inception of such programs.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Alaska [Mr. YOUNG] and the gentleman from Guam [Mr. UNDERWOOD] will each control 20 minutes.

The Chair recognizes the gentleman from Alaska [Mr. YOUNG].

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this is a Democrat bill, I would say to the gentleman from California [Mr. CONDIT]. I am sure the gentleman is going to ask for a vote, too.

The legislation by the delegate from Guam, H.R. 1460, will change existing Federal law to permit the Government of Guam to elect a delegate by other than separate ballot. The bill, as reported unanimously by the Committee on Resources, is being amended at my urging to continue a crucial program for certain small communities in the former Trust Territory of the Pacific Islands which were affected by the United States nuclear testing. As the current authorization expires at the end of this fiscal year, it is essential to take action to permit the continuance of this necessary program.

As H.R. 1460 is consistent with increasing local self-government both in Guam and in the small atoll communities in the former U.S.-administered trust territory, and does not result in any adverse budgetary impact, I would urge my colleagues to adopt the measure. This is a good piece of legislation. I congratulate the gentleman from Guam for introducing the legislation.

Mr. Speaker, the legislation by the Delegate from Guam, H.R. 1460, will change existing Federal law to permit the Government of Guam to elect the Delegate by other than separate ballot. This will potentially save costs for the Government of Guam if in fact Guam decides to change from the separate ballot requirement which has been in law since the authorization for the office of Delegate for Guam.

The bill as reported unanimously by the Committee on Resources is being amended at my urging as committee chairman to continue a crucial program for certain small communities in the former Trust Territory of the Pacific Islands which were affected by United States nuclear testing. As the current authorization expires at the end of this fiscal year, it is essential to take action to permit the continuance of this necessary program.

This matter was the subject of a committee hearing in 1996 and is supported by the administration. On June 12, 1997, the Senate passed this measure as section 2 of S. 210, an omnibus territories bill, which has not been reported due to other nonrelated provisions.

This program will continue to assist four remote atoll communities in the Marshall Islands, which were the locale for U.S. nuclear testing in the atmosphere, ground level, and below the ocean surface. Given the slow decay rate of radioactivity, and the lack of scientific knowledge for radiological rehabilitation, the people of these communities have been forced to rely on external food supplies. Locally grown products are contaminated by high levels of radioactivity, which has hampered resettlement efforts.

However, federally funded research has identified methods which are believed to be safe for raising safe food, which is necessary for any realistic effort of establishing a self-sustaining community. While active efforts are ongoing as part of the resettlement and rehabilitation processes, it will take an undetermined additional period for these new rehabilitation procedures to be analyzed to see if they can in fact produce enough radiation-free food to sustain the populations.

There is expected to be overall minor fiscal impact by extending the program, as the number of people in these communities is relatively small and it involves foodstuffs and not cash. In addition, the savings from helping to maintain the health of the people in these communities and preventing extended care or increased risk from radiological related problems may ultimately reduce the ongoing treatment costs to the Federal Government.

As H.R. 1460 is consistent with increasing local self-government both in Guam and in the small atoll communities in the former U.S. administered trust territory, and does not result in any adverse budgetary impact, I would urge my colleagues to adopt the measure.

Returning to the subject of amending Federal statues defining Guam's political process, the report of the Committee on Resources on this bill (Report No. 105–253 of September 18, 1997) elaborates on the necessity for a change in Federal law. In particular, the committee notes that Congress is being requested by Guam's territorial leaders to enact various amendments to the 1950 Organic Act concerning matters of internal government and local administrative affairs. This is happening because Guam has not established internal self-government under a local constitution adopted by the people of the territory, as authorized by Congress in 1976 under Public Law 94–584.

While the committee has approved the noncontroversial amendment to Federal law in this bill as a cost-saving measure, other amendments to organic law which have been proposed involve matters of internal affairs and self-government which could be addressed through a local constitution, which the people of Guam could amend on their own initiative through their own internal constitutional process. As long as the Organic Act continues to define the state of self-government in Guam, Congress will exercise its authority and responsibility under the territorial clause of the U.S. Constitution, and accordingly will consider amendments which may be proposed. However, as the committee report notes, establishment of local constitutional self-government would promote greater self-determination and autonomy for Guam and Congress would not be required to become involved in matters of a purely local nature. Perhaps most importantly, the report states that "The adoption of a local constitution is a significant part of the evolution of self-government, but its does not preclude the right of further self-determination in the advance toward a final political status."

The committee's emphasis of this latter issue is important in light of the adoption on September 15, 1997, of Guam Legislature Resolution 85 (LS). This measure requests Congress to confirm that adoption of a local constitution will not be prejudicial to further self-determination for Guam. The committee's report unequivocally confirms that there is no adverse affect on the right of self-determination for the people of Guam upon implementing local constitutional government and their right to seek a final political status.

It should be noted that the 1976 statute (section 2 of P.L. 94–548) explicitly defines the nature of local constitutional government authorized by that act as being "within the existing territorial-Federal relationship." While this seems to clearly mean that adoption of a local constitution does not diminish the right of self-determination regarding an ultimate political status, it is understandable that after over two decades the Legislature of Guam has now requested Congress to clarify and confirm this in Federal law, as stated in Guam Legislature Resolution No. 85 (LS), as follows:

RESOLUTION NO. 85

Whereas, in 1976 the United States Congress enabled the people of Guam, pursuant to P.L. No. 95–584, to organize a government under a constitution of our own adoption, which upon approval by Congress and the people of Guam, would provide for local government over the internal affairs of our Island; and

Whereas, when the current government of Guam structure for territorial government was established under the 1950 Organic Act, it was welcomed by the people of Guam as progress toward greater local government, but it was instituted without the consent of the people of Guam through a democratic act of self-determination or participation in the Federal lawmaking process on the basis of equal citizenship or equal representation; and

Whereas, the 1977 Constitution of Guam, drafted pursuant to Federal and local statutes, was approved by Congress but was not approved by the people of Guam in the 1979 referendum; and

Whereas, the process of establishment of internal local government under a local constitution was suspended after linkage was created between the draft constitution and the political status process; and

Whereas, in light of representation and speculations inconsistent with the foregoing from 1979 to the present, it is essential for Congress to confirm its original and continued intention and expectation that authorization and approval of local constitutional government in Guam would not preclude or be prejudicial to the exercise of the right to self-determination, as part of the process through which ultimate political status of the territory of Guam is to be determined; now therefore, be it

*Resolved, by the Guam Legislature, on behalf of the people of Guam*, request the One Hundred and Fifth Congress of the United States to amend Public Law No. 94–585, Oct. 21, 1976, 90 Stat. 2899, as amended by Public Law No. 96–597, Title V. Sec. 501, Dec. 24, 1980, 94 Stat. 3479, by adding a new Section 6 to read as follows:

"Section 6. Establishment of local constitutional local government pursuant to this Act shall not preclude or prejudice the further exercise in the future by the people of Guam or the Virgin Islands of the right of self-determination regarding the ultimate political status of either territory."

and be it further

*Resolved*, That the Speaker certifies to, and the Legislative Secretary attests, the adoption hereof and that copies thereafter be transmitted to the President of the United States of America; to the President Pro Tempore, United States Senate; to the Majority Leader, United States Senate; to the Minority Leader, United States Senate; to the Chairman of the Committee of Energy and Natural Resources, United States Senate; to the Speaker, U.S. House of Representatives; to the Majority Leader, U.S. House of Representatives; to the Minority Leader, U.S. House of Representatives; to the Chairman of the Committee on Resources, U.S. House of Representatives; to the Resident Commissioner of Puerto Rico, U.S. House of Representatives; to the Virgin Islands Delegate to Washington, U.S. House of Representatives; to the Guam Delegate to Washington, U.S. House of Representatives; to the President of the Mayor's Council; and to the Honorable Carl T. Gutierrez, Governor of Guam.

Duly and regularly adopted on the 15th day of September, 1997.

Mr. YOUNG of Alaska. Mr. Speaker, I reserve the balance of my time.

Mr. UNDERWOOD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I encourage my colleagues to support H.R. 1460 as amended by the Committee on Resources. Section 1 of the legislation would provide cost savings to the Government of Guam in its conduct of the election of the Guam Delegate to Congress.

This section has no opposition and has no impact on the Federal budget. The legislation would remove the much-dated single ballot requirement that has been in place in Guam since the inception of the Guam Delegate position. This would enable the ballot to be combined with those for other elective offices by the Guam Election Commission, and the Commission estimates a cost savings of more than $10,000.

Section 2 of this legislation would extend the Eniwetok Food and Agricultural Program for an additional 5 years. Many of my colleagues should remember the nuclear testing that was conducted by the United States in the atolls of the Marshall Islands. Eniwetok Atoll, along with Bikini Atoll, were the subjects of these nuclear tests.

These tests caused a release of radioactive contaminants on these atolls and into their atmosphere. The people of these islands were displaced and resettled on other atolls, and there was always a commitment by the United States that they would be resettled at a later time.

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Although some of this has occurred 20 or more years later, the vast majority of the land, some 75 percent, is not suitable or available for food production.

The livelihood of the Eniwetok people has been advanced by this food and agricultural program. The program provides the Eniwetok people with safe imported food for consumption as well as nutritional and agricultural rehabilitation assistance. Also included in this legislation is language that would address the growth and the population of the Eniwetok people since the program was created more than 10 years ago.

We have a unique relationship with the Marshall Islands which needs support and understanding. The Marshalls is in free association with the U.S. Aside from the nuclear testing we have conducted in the Marshalls, we continue to use Kwajalein Atoll as part of a system of missile testing. We should be mindful of this unique and beneficial relationship when programs like the Eniwetok Food and Agricultural effort are reviewed. We must support the people of Eniwetok and indeed all of the Marshalls.

Mr. Speaker, I reserve the balance of my time.

Mr. YOUNG of Alaska. Mr. Speaker, I have no further requests for time, but I yield such time as he may consume to the gentleman from Michigan [Mr. DINGELL], if I may, if he would like to speak on our favored bill. He was not here. But if he wants to speak on something else, that is fine, too. After all, he is a senior Member of this House and I bow to his wisdom and maturity.

Mr. DINGELL. Mr. Speaker, I do want to thank and commend my dear friend, the gentleman from Alaska [Mr. YOUNG], and I do want to note the fine work of the gentleman on the Refuge System Improvement Act of 1997 and tell him what a great pleasure it was for me to work with him, what a good piece of legislation I think it is. And it brings back great memories that he and I shared of years past, when he used to work on the same kind of questions back when this business was done in the Subcommittee on Fisheries and Wildlife Conservation on the Committee on Merchant Marine and Fisheries, where the gentleman from Alaska [Mr. YOUNG] was a valuable member, as he is today a valuable member as the chair of the Committee on the Interior, and I thank him, and I had a few remarks which I think would just help say nice things about him and others who have made possible a significant advance in terms of protection of a great national treasure, our refuge system.

Mr. Speaker, today we find ourselves in the very fortunate position of having agreed to legislation which almost everyone agrees will better protect species and habitat on our Nation's wildlife refuges. It does so while articulating an overall mission for the National Wildlife Refuge System and providing general management guidance that the System has sorely needed for too long.

Not only does this codify almost all of the administrative reforms signed by President Clinton last year, it makes very clear the important role that hunting, fishing, and other wildlife-dependent recreational uses play in the successful option of our refuge system.

I understand that the Senate adopted three minor changes that it deemed important to the continued vitality of the Refuge System. After reviewing these proposals, I agree. Those changes include making clear that compatible uses can include wildlife and non-wildlife dependent uses; requires the Secretary to monitor the status and trends of fish, wildlife, and plants on refuges; and makes clear how periodic re-evaluation of secondary uses, such as electric utility rights-of-way, will be conducted consistent with the National Wildlife Refuge System Administration Act of 1966, as will soon be amended.

Mr. Speaker, many people deserve credit for bringing this legislation to a point where the President will sign it. I'd like to thank Chairman YOUNG, Ranking Member MILLER, and Secretary Bruce Babbitt for their leadership in helping bring about passage of this most important legislation.

I might note in closing, Mr. Speaker, that these same people are all very interested in the future protection of wildlife and plants that are NOT on refuge lands but still in need of federal protection. There is much discussion in both chambers about how to reauthorize *the Endangered Species Act*. I understand that the other body had a hearing on a consensus, bipartisan bill introduced last week. While I understand that the Senate bill is not a perfect bill, I wish to take note of the fact that reauthorization of the Endangered Species Act is 5 years overdue. With the passage of the Refuge Bill, it is my hope that all of the Members and interests that have an interest in the Endangered Species Act will negotiate in good faith so we might bring about better, *smarter* protection of species on all of our lands across the nation.

Mr. Speaker, in the meantime we have before us a good bill that is the product of hard work, sensible compromise, and in the interest of our refuges' future. I urge my colleagues to support H.R. 1420.

Mr. YOUNG of Alaska. Mr. Speaker, I yield back the balance of my time.

Mr. UNDERWOOD. Mr. Speaker, I yield such time as she may consume to the gentlewoman from the Virgin Islands [Ms. CHRISTIAN-GREEN].

Ms. CHRISTIAN-GREEN. Mr. Speaker, I thank my colleague the gentleman from Guam [Mr. UNDERWOOD] for yielding me this time.

Mr. Speaker, I rise today to urge my colleagues to support passage of H.R.

1460, which was introduced by our colleague the gentleman from Guam [Mr. UNDERWOOD]. I also want to take this time to commend the gentleman for his hard work in getting Congress to address not only the provisions of this bill, but the many issues faced by the people of Guam.

Mr. Speaker, next year marks the 100th anniversary of Guam's becoming a member of the American family at the end of the Spanish-American War. It would be a deserving tribute to the people of Guam if this House, in recognition of the loyalty and support that Guam has shown for this Nation during those 100 years, could pass H.R. 100, the Guam Commonwealth Act, before this 100th anniversary ends.

Mr. Speaker, the Guam Election Commission has requested that Congress pass H.R. 1460 to remedy the cost of the Federal requirement that election ballots for delegates of Guam to the House of Representatives be by separate ballot from those of other elected officials.

Mr. Speaker, we should unanimously support our colleague and H.R. 1460 because it would facilitate the election of the delegate in Guam and avoid unnecessary costs. I urge my colleagues to support enactment of this bill.

Mr. Speaker, I would further like to thank the gentleman from Alaska [Mr. YOUNG], chairman of the Committee on Resources, as well as the gentleman from California [Mr. MILLER], the ranking Democrat, for their efforts to bring this bill to the floor today.

Mr. UNDERWOOD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to thank the chairman and the ranking member for their attention to the issues pertaining to Guam, and I am particularly grateful to the gentleman from Alaska [Mr. YOUNG] for his interest in the insular areas and in attending to issues pertaining to us.

Mr. FALEOMAVAEGA. Mr. Speaker, I rise today in support of H.R. 1460, a bill which will permit the Government of Guam to include the candidates for the position of Guam's Delegate to the U.S. House of Representatives on the same ballot with candidates running for territorial office. The bill will also extend for 5 years a food assistance program in the Republic of the Marshall Islands.

Mr. Speaker, we have been trying to help the Government of Guam reduce its election expenses for a couple of years now. I want to thank Chairman DON YOUNG and senior Democrat GEORGE MILLER for scheduling committee action on this legislation so we could address Guam's election problem.

For the record, there are similar provisions in the Federal laws which govern the election of congressional delegates in American Samoa and the Virgin Islands, but it is my understanding that the leaders of these two governments prefer not to change the laws governing their elections at this time.

Mr. Speaker, I also rise in strong support of extending the food assistance program for the Republic of the Marshall Islands. The United States created a multidimensional disaster when it conducted atmospheric tests of nuclear weapons in the Pacific and the people of the Marshall Islands are still suffering from the aftermath of those tests. We have a moral obligation to provide this food assistance, and much more, for the damage we did to their country with our atmospheric tests. As this is the same provision which passed the Senate as section 1 of S. 210, I am glad to see we are considering at least this small portion of that legislation, so these Pacific islanders can continue to receive this necessary assistance.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. GUTKNECHT). The question is on the motion offered by the gentleman from Alaska [Mr. YOUNG] that the House suspend the rules and pass the bill, H.R. 1460, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and bill, as amended, was passed.

A motion to reconsider was laid on the table.

## GENERAL LEAVE

Mr. YOUNG of Alaska. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 1460, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alaska?

There was no objection.

## APPOINTMENT OF CONFEREES ON H.R. 2107, DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 1998

Mr. REGULA. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 2107) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1998, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

### MOTION TO INSTRUCT OFFERED BY MR. YATES

Mr. YATES. Mr. Speaker, I offer a motion to instruct conferees.

The Clerk read as follows:

Mr. Yates moves that the managers on the part of the House be instructed to agree to the amendments of the Senate numbered 120, 121, and 122.

The SPEAKER pro tempore. Under the rule, the gentleman from Ohio [Mr. REGULA] will be recognized for 30 minutes and the gentleman from Illinois [Mr. YATES] will be recognized for 30 minutes.

The Chair recognized the gentleman from Illinois [Mr. YATES].

Mr. YATES. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this is a motion to instruct the conferees on the Interior appropriations bill, to accept the provisions of the Senate bill improving funding for the National Endowment of the Arts.

The House, my colleagues will recall, provided no funds for the National Endowment of the Arts because it was said it was unauthorized. And yet, Mr. Speaker, 14 other agencies in the House bill which were unauthorized received waivers from the Committee on Rules in order to permit them to receive money for their operations.

NEA was the only unauthorized agency that did not receive a waiver of the Committee on Rules. And therefore, it was subject to being stricken by the bill on a point of order. That is why we attacked the rule, Mr. Speaker. We sought to vote down the previous question to correct the discriminatory treatment accorded to the NEA.

Mr. Speaker, we lost by one vote. One vote, Mr. Speaker. And NEA was stricken from the bill on a point of order when the bill came to the floor. That strong showing, Mr. Speaker, indicates to me that there is strong support for the NEA in the House, and that is why I believe the House is ready and willing to join the Senate in providing the fund for NEA, and that is why, Mr. Speaker, I have filed this motion to agree with the Senate.

I urge support for my motion.

Mr. Speaker, I reserve the balance of my time.

### GENERAL LEAVE

Mr. REGULA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and that I may include tabular and extraneous material.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. REGULA. Mr. Speaker, I have not had any requests for time at this point on this motion to instruct. I reserve the balance of my time if the gentleman from Illinois [Mr. YATES] would go forward.

Mr. YATES. Mr. Speaker, I yield 4 minutes to the gentlewoman from New Jersey [Mrs. ROUKEMA].

Mrs. ROUKEMA. Mr. Speaker, I thank the gentleman from Illinois [Mr. YATES] for yielding me the time.

I rise in strong support of the motion of the gentleman from Illinois [Mr. YATES]. I supported it in the House when we first brought this issue up. But of course, it was eliminated, as the gentleman stated, really on a parliamentary maneuver, not only the lack of a waiver but the parliamentary maneuver to defeat the rule.

I am afraid that a lot of people were opposing it because they thought it was reducing the budget deficit, and I do not believe that had validity. But more importantly, there was a parliamentary maneuver that denied us the vote, not only denied us the vote, but really gave some people the opportunity to dodge the issue instead of confronting it directly. I am afraid that it put the House on record as being part of a dumbing down of America. I hate to say that, but I regretfully must admit that is the way the people across the country interpreted that vote. And in my opinion, it will be part of a "dumbing down" and denying Americans and the children especially the benefits of cultural and educational programming.

Fortunately, the Senate had the wisdom to include the funding. And indeed, I want to remind my colleagues, as they are aware from their own situations in their own communities, this is not just something that is good for urban communities; it supplements in urban, suburban, and rural areas alike improve the educational and the cultural qualities, whether we are talking about community orchestras or dance companies or the numbers of other children's programs that are supported by the NEA.

I want to tell my colleagues also, from my own experience as a member of the authorizing committee and for those that are fearful that there are some violations of community ethical and cultural standards and some that are still operating under the assumption that there is somehow a pornographic or indecent material here, I want to speak now as one of those who worked with our late departed colleague Paul Henry in 1990 to put the reforms in place.

This statement and debate was not permitted because we were denied, under the previous rule, the opportunity to debate this issue under the rules. The law as it now exists as to how the community standards must be met and it is precise as to how those selections are made. There is no longer any reason to look askance at the NEA as violating community standards of decency or projects that have questionable background.

So I guess in summary I want to say, for those who are concerned that we are violating community standards under this proposal, that is a thing of the past. Our committee put in good operational standards as long ago as 1990. This is no longer valid as an argument against the NEA. But to those who were taken in by the parliamentary maneuver so that some dodged the issue as to whether they stood squarely for continuing support for the National Endowment for the Arts, I want to say, this is a straight up-or-down vote. We are agreeing or disagreeing directly with the funding and authorization for the National Endowment for the Arts and following the wisdom of the Senate.

I know that all those letters and telephone calls that my colleagues had those editorials, commentary that was highly critical of us in the House, we now have a way, a direct up-or-down vote, to correct that problem that we created for ourselves under the parliamentary procedure and to correct it and follow the lead that the Senate has given us and bring all those orchestras and those community activities and those children's educational programs back to our communities across this Nation.

I urge support of the motion to instruct the conferees.

□ 1800

Mr. YATES. Mr. Speaker, I yield 3 minutes to the gentleman from Virginia [Mr. MORAN].

Mr. MORAN of Virginia. Mr. Speaker, this is an opportunity for the House to do the right thing. I know in my heart that the chairman as well as the ranking Democrat on this subcommittee know that the National Endowment for the Arts deserves funding. I think that most people that have looked into what the National Endowment for the Arts has done over the last several years, particularly since Jane Alexander took over, recognize that all the projects are scrutinized, that the ones that have been used for rhetorical purposes are all past history. They were marginal projects, anyway. They certainly do not define what the National Endowment for the Arts is all about.

What defines what the National Endowment for the Arts is all about is a young woman that grew up just a few blocks from the Kennedy Center but never could afford to go to the Kennedy Center. When she was a teenager, she attended a National Endowment for the Arts opera recital and realized she wanted to sing opera. Now she is an internationally acclaimed star because the National Endowment for the Arts gave the kind of inspiration to Denyce Graves as it has to many thousands of artists around the country and to communities that wanted their people to be able to appreciate what this country's artists have to offer. These are not grants that go to the well-funded cities. These are grants that go out into communities that appreciate the arts but lack the funding to offer them to their citizens.

We heard from the chairman of CBS last week. The gentlewoman from New York [Ms. SLAUGHTER] sponsored the breakfast. He stood up, and said he represented corporate America. He told us that when the NEA gives its endorsement to a project, they know that it is worth investing in. They want to invest in the arts. They know it is in the best interests of their employees, that it is in the best interest of America.

But if we were to give it to the States or to otherwise eviscerate what the NEA stands for, then we will not have that kind of credibility, that the projects that need funding will not get funding. It is only the projects which have the contacts, which know the wealthy people, which know the right people which will get funded. Thousands of other projects around the country will not get funded because they do not have a National Endowment for the Arts ready, willing, and able to fund the most meritorious artists.

Mr. Speaker, I ask the Members of this House to do the right thing, support NEA, and follow the lead of the gentleman from Illinois [Mr. YATES], our ranking Democrat, in instructing the conferees to restore its funding.

Mr. YATES. Mr. Speaker, I yield 3½ minutes to the gentlewoman from New York [Ms. SLAUGHTER].

Ms. SLAUGHTER. I thank the gentleman for yielding me this time.

Mr. Speaker, I want to support this motion very strongly to instruct the conferees to include the Senate level of $100 million in this conference report. This is absolutely essential for us, Mr. Speaker, as part of the most important link that we have in the United States to humanize and to give the opportunity for every child in this country to participate in arts programs.

We hear all the time, the debate always centers around where all these grants go. Oh, they say they go to New York City, to Chicago, and to Los Angeles. Yes, a lot of them do. Why do they do that? What do they do with the money in New York, Chicago, and Los Angeles? They send out troupes of artists, of dancers, of musicians, of teachers to every nook and cranny of the United States.

That really is what our obligation is here. Those famous and wonderful institutions that have art museums throughout the country will probably survive without the NEA, but I can guarantee Members that those programs that reach into the smallest of schools, to the most deprived of areas in the United States, those will not survive, and they will die.

Will it matter? You bet it matters. What do we do with children who have arts programs in school? In the first place, they are going to tell us that these are kids who never drop out, and on art day all those children are going to be there. Absenteeism is cut down. But one of the most important things is that, according to the college board in the United States, students with 4 years of art, they score 59 points higher on their verbal scores on the SAT's and 44 points higher on math portions than kids with no arts classes. There is nothing else that we do for education that gives us back that return.

Newsweek recently highlighted a school in Raleigh, NC, that used art to transform what was a troubled elementary school with below-average test scores to a school where the kids are excited about learning and the scores have gone up. University of California at Irvine researchers found that music training, specifically piano instruction, is far superior to computer instruction, dramatically enhancing the children's abstract reasoning skills necessary for learning math and science. A study in Florida shows there is a connection between arts education and dropout prevention. This is the best thing we do for children at risk.

Can we afford not to do that? Can we afford to not do these small programs, the small investment that we make to make sure as we are here on the cusp of the next century that every child in the public school system in the United States has that opportunity to expand its brainpower and its own ability, its verbal scores, and do better on the SAT's? How foolish for us not to do that.

The NEA's budget is less than 0.01 percent of the Federal budget. What does it do? It returns $3.4 billion to the Treasury. I promise my colleagues that we make no other investment in the Congress of the United States that brings that kind of return. It supports 1.3 million jobs and generates $36.8 billion annually. In addition, the arts produce $790 million in local government revenue and $1.2 billion in State government revenue.

Let me just close with something that is very important. Recently the New York Times ran the words of Harold Holzer, the Metropolitan Museum of Art's vice president. He said that in the fiscal year which ended June 30, the Metropolitan Museum of Art had greater attendance, 5.5 million persons, than the New York Mets, the Yankees, the Rangers, and the Knicks combined. That certainly says to us that people in this country are hungry to have art, hungry to hear music, anxious to dance, want their children to have the opportunity to expand their brains, to be everything they can be, to help us be ready to go into the next century with our children prepared.

Mr. YATES. Mr. Speaker, I yield 2 minutes to the gentleman from New York [Mr. NADLER].

Mr. NADLER. Mr. Speaker, I strongly support this motion to restore funding to the National Endowment for the Arts. I am grateful that the other body has more clearly understood the value of the NEA and has in its wisdom not only rejected efforts to eliminate the agency, but has also rejected efforts that would have dramatically altered the fundamental structure and mission of the NEA.

The NEA has a proven track record of supporting the creation of excellent art and facilitating Americans' access to it. For 30 years the NEA has helped bring art and culture to those who otherwise would be without it.

The NEA is sometimes accused of being elitist, but just the opposite is the case. Before the NEA, there were 38 orchestras in the country just 30 years ago. Today there are more than 1,000. Before the NEA, there were 37 professional dance companies. Now there are 300. Before the NEA, 30 years ago, only 1 million people attended theater each year. Today more than 55 million attend. All of this because of the NEA.

The NEA plays a crucial role in the nonprofit arts industry, which supports 1.3 million jobs and generates more than $3.4 billion in Federal income taxes. We cannot afford either culturally or economically to eliminate the NEA.

I am especially pleased that the House of Representatives will now finally be allowed to vote on whether or not to fund the NEA. Earlier this year the leadership of this House took extraordinary steps to prevent the House from even considering funding the NEA. On the controversial vote on the rule, several Members of Congress who have supported the arts in the past and had pledged to support the NEA failed to do so at that critical moment. I hope that these Members in particular will seize this opportunity to demonstrate their support for the NEA by voting for this motion to instruct conferees. I urge all of my colleagues to support the National Endowment for the Arts and to vote to accept the Senate funding level of $100 million for the NEA.

Mr. YATES. Mr. Speaker, I yield 3 minutes to the gentleman from Wisconsin [Mr. OBEY].

Mr. OBEY. Mr. Speaker, I know that there are a few persons in politics who will use the fact that an occasional fool has misused NEA funding to produce decadent and objectionable pieces of art under endowment funding, but I would simply point out one thing. Even Babe Ruth struck out 1,300 times, and no sane manager would have benched Babe Ruth. I do not think we should bench the National Endowment for the Arts.

I would say that for every occasional grant that any Member of this body can find that has funded a piece of so-called art that we would find objectionable or outrageous, there are literally tens of thousands of grants that are provided that raise people's spirits, that open the eyes of young people to their greater and finer possibilities. And I would just suggest that it is not the urban centers of this country who would be the great losers if the Endowment were to die, it would be the thousands of small communities across this country who need the seed money that the Endowment provides in order to enrich the cultural lives of their children in many areas where they would otherwise not have the opportunity to see some of the grand things that funding under the Endowment can provide.

Mr. Speaker, I would simply urge that we support this motion of the gentleman from Illinois. I also want to take this opportunity to say about the gentleman that I do not think there is a finer human being who has ever served in this House than the gentleman from Illinois [Mr. YATES]. He has devoted a great portion of his energies and his passions to improving the lives of many people in material ways as well as spiritual ways. I think this endowment is just one of the ways that he has tried to do that. On behalf of every person who cares about this program all across the country, I would like to personally thank him for the efforts he has shown. I think he does the House proud when he takes the positions that he has. We are, I think, all very happy to stand with him today in this effort to make the Congress finally do what is right on this issue.

Mr. YATES. Mr. Speaker, I yield myself such time as I may consume. I thank the gentleman from Wisconsin for his kind remarks.

Mr. REGULA. Mr. Speaker, will the gentleman yield?

Mr. YATES. I yield to the gentleman from Ohio.

Mr. REGULA. Is it my understanding that this motion to instruct would in no way bind the conferees in terms of conditions that would be put on the grant? I know that the gentleman from Illinois has suggested we have six Members, three from the House and three from the Senate, on the NEA Board so that we have continuing input. There has been some talk about limiting the percentage that any State could receive and also no individual grants even for literature. Is my understanding correct that those types of conditions could be imposed by the conferees, and that this motion would in no way restrict our ability to do so?

Mr. YATES. That was my understanding as well. I subscribe to that.

Mr. Speaker, I yield back the balance of my time.

Mr. REGULA. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. GUTKNECHT). Without objection, the previous question is ordered on the motion.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from Illinois [Mr. YATES].

The motion to instruct was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. Without objection, the Chair appoints the following conferees:

Messrs. REGULA, MCDADE, KOLBE, SKEEN, TAYLOR of North Carolina, Nethercutt, Miller of Florida, Wamp, Livingston, Yates, Murtha, Dicks, Skaggs, Moran of Virginia, and Obey.

There was no objection.

☐ 1815

## APPOINTMENT OF CONFEREES ON H.R. 2264, DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 1998

Mr. PORTER. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 2264) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 1998, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

The SPEAKER pro tempore (Mr. Gutknecht). Is there objection to the request of the gentleman from Illinois?

There was no objection.

### MOTION TO INSTRUCT OFFERED BY MR. OBEY

Mr. OBEY. Mr. Speaker, I offer a motion to instruct conferees.

The Clerk read as follows:

Mr. Obey moves that in resolving the differences between the House and Senate, the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the bill, H.R. 2264, be instructed to insist on the Senate position to provide $368,716,000 for congregate meals for the elderly.

The SPEAKER pro tempore. Under the rule, the gentleman from Illinois [Mr. Porter] will be recognized for 30 minutes, and the gentleman from Wisconsin [Mr. Obey] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Wisconsin [Mr. Obey].

Mr. OBEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I do not intend to take very much time. This amendment simply would raise by $4.1 million above the House figure the amount that we would support for congregate meals for the elderly. The Senate is $4 million higher than the House bill is. This would simply instruct the conferees to move to the Senate position.

This program reaches our most vulnerable senior citizens, and I would think and hope that it would have broad support within the House.

Mr. Speaker, I reserve the balance of my time.

Mr. PORTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we accept the gentleman's motion.

### GENERAL LEAVE

Mr. PORTER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and that I may include tabular and extraneous material.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. PORTER. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. OBEY. Mr. Speaker, I, too, yield back the balance of my time, and I move the previous question on the motion.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from Wisconsin [Mr. Obey].

The motion was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. Without objection, the Chair appoints the following conferees:

Messrs. Porter, Young of Florida, Bonilla, Istook, Miller of Florida, Dickey, Wicker, Mrs. Northup, and Messrs. Livingston, Obey, Stokes, Hoyer, Ms. Pelosi, Mrs. Lowey, and Ms. DeLauro. There was no objection.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 5 of rule I, the Chair announces that he will now put the question on the Corrections Calendar bill and then on three motions to suspend the rules on which further proceedings were postponed earlier today, in the order in which the motions were entertained.

Votes will be taken in the following order: H.R. 2343 on the Corrections Calendar, de novo; H.R. 2414, de novo; S. 996, de novo; H.R. 2027, de novo; H.R. 1683, de novo; H.R. 643, de novo; H.R. 824, de novo; S. 1000, de novo; H.R. 29, de novo; S. 871, de novo; H.R. 1420, concurring in Senate amendments, de novo; and H.R. 1948, de novo.

Again, under previous agreement there will be three electronic votes during this voting period.

The Chair will reduce to 5 minutes the time for any electronic vote after the first such vote in this series.

## THRIFT DEPOSITOR PROTECTION OVERSIGHT BOARD

The SPEAKER pro tempore. The pending business is the question of passage of the bill, H.R. 2343, on which further proceedings were postponed.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. MILLER of California. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 420, nays 0, not voting 13, as follows:

[Roll No. 416]

YEAS—420

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berman
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Filner
Flake
Foglietta
Foley
Forbes
Ford
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Johnson (CT)
Johnson (WI)
Johnson, E.B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo

Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McDermott
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Owens
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Paul
Paxon
Payne
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Redmond
Regula
Reyes
Riggs
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryun
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Schumer
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Stokes
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Tierney
Torres
Towns
Traficant
Turner
Upton
Velázquez
Vento
Visclosky
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wise
Wolf
Wynn
Yates
Young (AK)
Young (FL)

NOT VOTING—13

Bonilla
Edwards
Eshoo
Gonzalez
Hastings (FL)
Hefner
John
Lofgren
Ortiz
Pelosi
Schiff
Smith, Linda
Woolsey

☐ 1845

Ms. DANNER changed her vote from "nay" to "yea."

So (three-fifths having voted in favor thereof) the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore [Mr. GUTKNECHT]. Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device may be taken on the next two motions to suspend the rules on which the Chair has postponed further proceedings, and on which recorded votes may be ordered.

Votes on additional suspension motions will be postponed until approximately 9 p.m.

## THE 50 STATES COMMEMORATIVE COIN PROGRAM ACT

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 2414, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Delaware [Mr. CASTLE] that the House suspend the rules and pass the bill, H.R. 2414, as amended.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. TIERNEY. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 413, noes 6, not voting 14, as follows:

[Roll No. 417]

AYES—413

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berman
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Coyne
Cramer
Crane
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Filner
Flake
Foglietta
Foley
Forbes
Ford
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hinchey
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Livingston
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McDermott
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Owens
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Paul
Paxon
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Redmond
Regula
Reyes
Riggs
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roybal-Allard
Royce
Rush
Ryun
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Schumer
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Stokes
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Thomas
Thompson
Thune
Thurman
Tiahrt
Tierney
Torres
Towns
Traficant
Turner
Upton
Velázquez
Vento
Visclosky
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wise
Wolf
Wynn
Yates
Young (AK)
Young (FL)

NOES—6

Coburn
Ganske
LoBiondo
Roukema
Slaughter
Thornberry

NOT VOTING—14

Bonilla
Cox
Edwards
Eshoo
Gonzalez
Hastings (FL)
Hefner
Hinojosa
John
Lofgren
Ortiz
Schiff
Taylor (NC)
Woolsey

□ 1856

So (two-thirds having voted in favor thereof), the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair would remind Members that this will be the last recorded vote in this series. This will be a 5-minute vote.

## PROVIDING AUTHORIZATION FOR ARBITRATION IN UNITED STATES DISTRICT COURTS

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the Senate bill, S. 996, as amended.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina [Mr. COBLE] that the House suspend the rules and pass the Senate bill, S. 996, as amended.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. DOGGETT. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 421, noes 0, not voting 12, as follows:

[Roll No. 418]

AYES—421

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berman
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Etheridge
Evans
Everett
Farr
Fattah
Fawell
Fazio
Filner
Flake
Foglietta
Foley
Forbes
Ford
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McDermott
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Owens
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Paul
Paxon
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Redmond
Regula
Reyes
Riggs
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryun
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Schumer
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Stokes
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Tierney
Torres
Towns
Traficant
Turner
Upton
Velázquez
Vento
Visclosky
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wise
Wolf
Wynn
Yates
Young (AK)
Young (FL)

NOT VOTING—12

Bonilla
Edwards
Eshoo
Ewing
Gonzalez
Hastings (FL)
Hefner
John
Lofgren
Ortiz
Schiff
Woolsey

□ 1904

So (two-thirds having voted in favor thereof), the rules were suspended and the Senate bill, as amended, was passed.

The result of the vote was announced as above recorded.

The title of the Senate bill was amended so as to read:

"An Act to provide for the authorization of appropriations in each fiscal year for arbitration in United States district courts, and for other purposes.".

A motion to reconsider was laid on the table.

## PERSONAL EXPLANATION

Ms. ESHOO. Mr. Speaker, I was unavoidably delayed and missed votes 416, 417, and 418 because my flight from San Francisco to Washington, United flight 964, was canceled and I had to take a later flight. Had I been present, I would have voted "aye" on 416, "aye" on 417, and "aye" on 418.

## RECESS

The SPEAKER pro tempore (Mr. GUTKNECHT). Pursuant to clause 12 of rule I, the Chair declares the House in recess until approximately 9 p.m.

Accordingly (at 7 o'clock and 7 minutes p.m.), the House stood in recess until approximately 9 p.m.

□ 2100

## AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. GUTKNECHT) at 9 p.m.

## REPORT ON RESOLUTION WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 2209, LEGISLATIVE BRANCH APPROPRIATIONS ACT, 1998

Mr. SOLOMON, from the Committee on Rules, submitted a privileged report (Rept. No. 105–263) on the resolution (H. Res. 238) waiving points of order against the conference report to accompany the bill (H.R. 2209) making appropriations for the legislative branch for the fiscal year ending September 30, 1998, and for other purposes, which was referred to the House Calendar and ordered to be printed.

### REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2267, DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 1998

Mr. SOLOMON, from the Committee on Rules, submitted a privileged report (Rept. No. 105-264) on the resolution (H. Res. 239) providing for consideration of the bill (H.R. 2267) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1998, and for other purposes, which was referred to the House Calendar and ordered to be printed.

### CONFERENCE REPORT ON H.R. 2266, DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 1998

Mr. YOUNG of Florida submitted the following conference report and statement on the bill (H.R. 2266) making appropriations for the Department of Defense for the fiscal year ending September 30, 1998, and for other purposes:

CONFERENCE REPORT (H. REPT. 105-265)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2266) "making appropriations for the Department of Defense for the fiscal year ending September 30, 1998, and for other purposes," having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert:

*That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 1998, for military functions administered by the Department of Defense, and for other purposes, namely:*

#### *TITLE I*

#### *MILITARY PERSONNEL*

##### *MILITARY PERSONNEL, ARMY*

*For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Army on active duty (except members of reserve components provided for elsewhere), cadets, and aviation cadets; and for payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), to section 229(b) of the Social Security Act (42 U.S.C. 429(b)), and to the Department of Defense Military Retirement Fund; $20,452,057,000.*

##### *MILITARY PERSONNEL, NAVY*

*For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Navy on active duty (except members of the Reserve provided for elsewhere), midshipmen, and aviation cadets; and for payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), to section 229(b) of the Social Security Act (42 U.S.C. 429(b)), and to the Department of Defense Military Retirement Fund; $16,493,518,000.*

##### *MILITARY PERSONNEL, MARINE CORPS*

*For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Marine Corps on active duty (except members of the Reserve provided for elsewhere); and for payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), to section 229(b) of the Social Security Act (42 U.S.C. 429(b)), and to the Department of Defense Military Retirement Fund; $6,137,899,000.*

##### *MILITARY PERSONNEL, AIR FORCE*

*For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Air Force on active duty (except members of reserve components provided for elsewhere), cadets, and aviation cadets; and for payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), to section 229(b) of the Social Security Act (42 U.S.C. 429(b)), and to the Department of Defense Military Retirement Fund; $17,102,120,000.*

##### *RESERVE PERSONNEL, ARMY*

*For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Army Reserve on active duty under sections 10211, 10302, and 3038 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty or other duty, and for members of the Reserve Officers' Training Corps, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund; $2,032,046,000.*

##### *RESERVE PERSONNEL, NAVY*

*For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Navy Reserve on active duty under section 10211 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty, and for members of the Reserve Officers' Training Corps, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund; $1,376,601,000.*

##### *RESERVE PERSONNEL, MARINE CORPS*

*For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Marine Corps Reserve on active duty under section 10211 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty, and for members of the Marine Corps platoon leaders class, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund; $391,770,000.*

##### *RESERVE PERSONNEL, AIR FORCE*

*For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Air Force Reserve on active duty under sections 10211, 10305, and 8038 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty or other duty, and for members of the Air Reserve Officers' Training Corps, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund; $815,915,000.*

##### *NATIONAL GUARD PERSONNEL, ARMY*

*For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Army National Guard while on duty under section 10211, 10302, or 12402 of title 10 or section 708 of title 32, United States Code, or while serving on duty under section 12301(d) of title 10 or section 502(f) of title 32, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund; $3,333,867,000.*

##### *NATIONAL GUARD PERSONNEL, AIR FORCE*

*For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Air National Guard on duty under section 10211, 10305, or 12402 of title 10 or section 708 of title 32, United States Code, or while serving on duty under section 12301(d) of title 10 or section 502(f) of title 32, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund; $1,334,712,000.*

#### *TITLE II*

#### *OPERATION AND MAINTENANCE*

##### *OPERATION AND MAINTENANCE, ARMY*

*(INCLUDING TRANSFER OF FUNDS)*

*For expenses, not otherwise provided for, necessary for the operation and maintenance of the Army, as authorized by law; and not to exceed $11,437,000, can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Army, and payments may be made on his certificate of necessity for confidential military purposes; $16,754,306,000 and, in addition, $50,000,000 shall be derived by transfer from the National Defense Stockpile Transaction Fund: Provided, That of the funds appropriated in this paragraph, not less than $300,000,000 shall be made available only for conventional ammunition care and maintenance.*

##### *OPERATION AND MAINTENANCE, NAVY*

*(INCLUDING TRANSFER OF FUNDS)*

*For expenses, not otherwise provided for, necessary for the operation and maintenance of the*

*Navy and the Marine Corps, as authorized by law; and not to exceed $5,500,000, can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Navy, and payments may be made on his certificate of necessity for confidential military purposes; $21,617,766,000 and, in addition, $50,000,000 shall be derived by transfer from the National Defense Stockpile Transaction Fund.*

### OPERATION AND MAINTENANCE, MARINE CORPS

*For expenses, not otherwise provided for, necessary for the operation and maintenance of the Marine Corps, as authorized by law; $2,372,635,000.*

### OPERATION AND MAINTENANCE, AIR FORCE

(INCLUDING TRANSFER OF FUNDS)

*For expenses, not otherwise provided for, necessary for the operation and maintenance of the Air Force, as authorized by law; and not to exceed $8,362,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Air Force, and payments may be made on his certificate of necessity for confidential military purposes; $18,492,883,000 and, in addition, $50,000,000 shall be derived by transfer from the National Defense Stockpile Transaction Fund.*

### OPERATION AND MAINTENANCE, DEFENSE-WIDE

*For expenses, not otherwise provided for, necessary for the operation and maintenance of activities and agencies of the Department of Defense (other than the military departments), as authorized by law; $10,369,740,000, of which not to exceed $25,000,000 may be available for the CINC initiative fund account; and of which not to exceed $28,850,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of Defense, and payments may be made on his certificate of necessity for confidential military purposes.*

### OPERATION AND MAINTENANCE, ARMY RESERVE

*For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Army Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications; $1,207,891,000.*

### OPERATION AND MAINTENANCE, NAVY RESERVE

*For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Navy Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications; $921,711,000.*

### OPERATION AND MAINTENANCE, MARINE CORPS RESERVE

*For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Marine Corps Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications; $116,366,000.*

### OPERATION AND MAINTENANCE, AIR FORCE RESERVE

*For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Air Force Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications; $1,632,030,000.*

### OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

*For expenses of training, organizing, and administering the Army National Guard, including medical and hospital treatment and related expenses in non-Federal hospitals; maintenance, operation, and repairs to structures and facilities; hire of passenger motor vehicles; personnel services in the National Guard Bureau; travel expenses (other than mileage), as authorized by law for Army personnel on active duty,' for Army National Guard division, regimental, and battalion commanders while inspecting units in compliance with National Guard Bureau regulations when specifically authorized by the Chief, National Guard Bureau; supplying and equipping the Army National Guard as authorized by law; and expenses of repair, modification, maintenance, and issue of supplies and equipment (including aircraft); $2,419,632,000: Provided, That not later than March 15, 1998, the Director of the Army National Guard shall provide a report to the congressional defense committees identifying the allocation, by installation and activity, of all base operations funds appropriated under this heading.*

### OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

*For operation and maintenance of the Air National Guard, including medical and hospital treatment and related expenses in non-Federal hospitals; maintenance, operation, repair, and other necessary expenses of facilities for the training and administration of the Air National Guard, including repair of facilities, maintenance, operation, and modification of aircraft; transportation of things, hire of passenger motor vehicles; supplies, materials, and equipment, as authorized by law for the Air National Guard; and expenses incident to the maintenance and use of supplies, materials, and equipment, including such as may be furnished from stocks under the control of agencies of the Department of Defense; travel expenses (other than mileage) on the same basis as authorized by law for Air National Guard personnel on active Federal duty, for Air National Guard commanders while inspecting units in compliance with National Guard Bureau regulations when specifically authorized by the Chief, National Guard Bureau; $3,013,282,000.*

### OVERSEAS CONTINGENCY OPERATIONS TRANSFER FUND

(INCLUDING TRANSFER OF FUNDS)

*For expenses directly relating to Overseas Contingency Operations by United States military forces; $1,884,000,000: Provided, That the Secretary of Defense may transfer these funds only to operation and maintenance accounts within this title, and working capital funds: Provided further, That the funds transferred shall be merged with and shall be available for the same purposes and for the same time period, as the appropriation to which transferred: Provided further, That the transfer authority provided in this paragraph is in addition to any other transfer authority contained elsewhere in this Act.*

### UNITED STATES COURT OF APPEALS FOR THE ARMED FORCES

*For salaries and expenses necessary for the United States Court of Appeals for the Armed Forces; $6,952,000, of which not to exceed $2,500 can be used for official representation purposes.*

### ENVIRONMENTAL RESTORATION, ARMY

(INCLUDING TRANSFER OF FUNDS)

*For the Department of the Army, $375,337,000, to remain available until transferred: Provided, That the Secretary of the Army shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of the Army, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Army, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: Provided further, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: Provided further, That not more than twenty-five per centum of funds provided under this heading may be obligated for environmental remediation by the Corps of Engineers under total environmental remediation contracts.*

### ENVIRONMENTAL RESTORATION, NAVY

(INCLUDING TRANSFER OF FUNDS)

*For the Department of the Navy, $275,500,000, to remain available until transferred: Provided, That the Secretary of the Navy shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of the Navy, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Navy, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: Provided further, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.*

### ENVIRONMENTAL RESTORATION, AIR FORCE

(INCLUDING TRANSFER OF FUNDS)

*For the Department of the Air Force, $376,900,000, to remain available until transferred: Provided, That the Secretary of the Air Force shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of the Air Force, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Air Force, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: Provided further, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.*

### ENVIRONMENTAL RESTORATION, DEFENSE-WIDE

(INCLUDING TRANSFER OF FUNDS)

*For the Department of Defense, $26,900,000, to remain available until transferred: Provided, That the Secretary of Defense shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of Defense, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of Defense, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: Provided further, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.*

### ENVIRONMENTAL RESTORATION, FORMERLY USED DEFENSE SITES

(INCLUDING TRANSFER OF FUNDS)

*For the Department of the Army, $242,300,000, to remain available until transferred: Provided,* *That the Secretary of the Army shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris at sites formerly used by the Department of Defense, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Army, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: Provided further, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.*

### *Overseas Humanitarian, Disaster, and Civic Aid*

*For expenses relating to the Overseas Humanitarian, Disaster, and Civic Aid programs of the Department of Defense (consisting of the programs provided under sections 401, 402, 404, 2547, and 2551 of title 10, United States Code); $47,130,000, to remain available until September 30, 1999.*

### *Former Soviet Union Threat Reduction*

*For assistance to the republics of the former Soviet Union, including assistance provided by contract or by grants, for facilitating the elimination and the safe and secure transportation and storage of nuclear, chemical and other weapons; for establishing programs to prevent the proliferation of weapons, weapons components, and weapon-related technology and expertise; for programs relating to the training and support of defense and military personnel for demilitarization and protection of weapons, weapons components and weapons technology and expertise; $382,200,000, to remain available until September 30, 2000: Provided, That of the amounts provided under this heading, $35,000,000 shall be available only to support the dismantling and disposal of nuclear submarines and submarine reactor components in the Russian Far East: Provided further, That of the amounts provided under this heading, $5,000,000 shall be available only for the Arctic Military Environmental Cooperation Program.*

### *Quality of Life Enhancements, Defense*

*For expenses, not otherwise provided for, resulting from unfunded shortfalls in the repair and maintenance of real property of the Department of Defense (including military housing and barracks); $360,000,000, for the maintenance of real property of the Department of Defense (including minor construction and major maintenance and repair), which shall remain available for obligation until September 30, 1999, as follows:*

*Army, $100,000,000;*
*Navy, $70,000,000;*
*Marine Corps, $45,000,000; and*
*Air Force, $145,000,000.*

## *TITLE III*

## *PROCUREMENT*

### *Aircraft Procurement, Army*

*For construction, procurement, production, modification, and modernization of aircraft, equipment, including ordnance, ground handling equipment, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes; $1,346,317,000, to remain available for obligation until September 30, 2000.*

### *Missile Procurement, Army*

*For construction, procurement, production, modification, and modernization of missiles, equipment, including ordnance, ground handling equipment, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes; $762,409,000, to remain available for obligation until September 30, 2000.*

### *Procurement of Weapons and Tracked Combat Vehicles, Army*

*For construction, procurement, production, and modification of weapons and tracked combat vehicles, equipment, including ordnance, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes; $1,298,707,000, to remain available for obligation until September 30, 2000.*

### *Procurement of Ammunition, Army*

*For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities authorized by section 2854 of title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes; $1,037,202,000, to remain available for obligation until September 30, 2000.*

### *Other Procurement, Army*

*For construction, procurement, production, and modification of vehicles, including tactical, support, and non-tracked combat vehicles; communications and electronic equipment; other support equipment; spare parts, ordnance, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes; $2,679,130,000, to remain available for obligation until September 30, 2000.*

### *Aircraft Procurement, Navy*

*For construction, procurement, production, modification, and modernization of aircraft, equipment, including ordnance, spare parts, and accessories therefor; specialized equipment; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; $6,535,444,000, to remain available for obligation until September 30, 2000.*

### *Weapons Procurement, Navy*

*For construction, procurement, production, modification, and modernization of missiles, torpedoes, other weapons, and related support equipment including spare parts, and accessories therefor; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; $1,102,193,000, to remain available for obligation until September 30, 2000.*

### *Procurement of Ammunition, Navy and Marine Corps*

*For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities authorized by section 2854 of title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes; $397,547,000, to remain available for obligation until September 30, 2000.*

### *Shipbuilding and Conversion, Navy*

*For expenses necessary for the construction, acquisition, or conversion of vessels as authorized by law, including armor and armament thereof, plant equipment, appliances, and machine tools and installation thereof in public and private plants; reserve plant and Government and contractor-owned equipment layaway; procurement of critical, long leadtime components and designs for vessels to be constructed or converted in the future; and expansion of public and private plants, including land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title, as follows:*

*For continuation of the SSN–21 attack submarine program, $153,444,000;*

*NSSN, $2,314,903,000;*
*NSSN (AP), $284,859,000;*
*CVN–77 (AP), $50,000,000;*
*CVN Refuelings, $1,615,003,000;*
*CVN Refuelings (AP), $46,855,000;*
*DDG–51 destroyer program, $3,411,200,000;*
*DDG–51 destroyer program (AP), $157,806,000;*
*LPD–17 amphibious transport dock ship (AP), $100,000,000;*
*Oceanographic ship program (AP), $16,000,000;*
*LCAC landing craft air cushion program, $20,000,000; and*
*For craft, outfitting, post delivery, conversions, and first destination transportation, $137,521,000;*

*In all: $8,235,591,000, to remain available for obligation until September 30, 2002: Provided, That additional obligations may be incurred after September 30, 2002, for engineering services, tests, evaluations, and other such budgeted work that must be performed in the final stage of ship construction: Provided further, That none of the funds provided under this heading* *for the construction or conversion of any naval vessel to be constructed in shipyards in the United States shall be expended in foreign facilities for the construction of major components of such vessel: Provided further, That none of the funds provided under this heading shall be used for the construction of any naval vessel in foreign shipyards.*

### *OTHER PROCUREMENT, NAVY*

*For procurement, production, and modernization of support equipment and materials not otherwise provided for, Navy ordnance (except ordnance for new aircraft, new ships, and ships authorized for conversion); the purchase of not to exceed 194 passenger motor vehicles for replacement only; and the purchase of one vehicle required for physical security of personnel, notwithstanding price limitations applicable to passenger vehicles but not to exceed $232,340 per vehicle; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; $3,144,205,000, to remain available for obligation until September 30, 2000.*

### *PROCUREMENT, MARINE CORPS*

*For expenses necessary for the procurement, manufacture, and modification of missiles, armament, military equipment, spare parts, and accessories therefor; plant equipment, appliances, and machine tools, and installation thereof in public and private plants; reserve plant and Government and contractor-owned equipment layaway; vehicles for the Marine Corps, including the purchase of not to exceed 40 passenger motor vehicles for replacement only; and expansion of public and private plants, including land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; $482,398,000, to remain available for obligation until September 30, 2000.*

### *AIRCRAFT PROCUREMENT, AIR FORCE*

*For construction, procurement, and modification of aircraft and equipment, including armor and armament, specialized ground handling equipment, and training devices, spare parts, and accessories therefor; specialized equipment; expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes including rents and transportation of things; $6,480,983,000, to remain available for obligation until September 30, 2000: Provided, That of the funds made available under this heading, $331,000,000 shall be available for long lead activities related to the procurement of additional B–2 bombers: Provided further, That if the President determines that no additional B–2 bombers should be procured during this fiscal year, and he certifies to the Congress his decision, the funding described in the previous proviso shall be made available to modify and repair the existing fleet of B–2 bombers.*

### *MISSILE PROCUREMENT, AIR FORCE*

*For construction, procurement, and modification of missiles, spacecraft, rockets, and related equipment, including spare parts and accessories therefor, ground handling equipment, and training devices; expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes including rents and transportation of things; $2,394,202,000, to remain available for obligation until September 30, 2000.*

### *PROCUREMENT OF AMMUNITION, AIR FORCE*

*For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities authorized by section 2854, title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes; $398,534,000, to remain available for obligation until September 30, 2000.*

### *OTHER PROCUREMENT, AIR FORCE*

*For procurement and modification of equipment (including ground guidance and electronic control equipment, and ground electronic and communication equipment), and supplies, materials, and spare parts therefor, not otherwise provided for; the purchase of not to exceed 196 passenger motor vehicles for replacement only; the purchase of one vehicle required for physical security of personnel, notwithstanding price limitations applicable to passenger vehicles but not to exceed $232,340 per vehicle; and expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon, prior to approval of title; reserve plant and Government and contractor-owned equipment layaway; $6,592,909,000, to remain available for obligation until September 30, 2000.*

### *PROCUREMENT, DEFENSE-WIDE*

*For expenses of activities and agencies of the Department of Defense (other than the military departments) necessary for procurement, production, and modification of equipment, supplies, materials, and spare parts therefor, not otherwise provided for; the purchase of not to exceed 381 passenger motor vehicles for replacement only; expansion of public and private plants, equipment, and installation thereof in such plants, erection of structures, and acquisition of land for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway; $2,106,444,000, to remain available for obligation until September 30, 2000.*

### *NATIONAL GUARD AND RESERVE EQUIPMENT*

*For procurement of aircraft, missiles, tracked combat vehicles, ammunition, other weapons, and other procurement for the reserve components of the Armed Forces; $653,000,000, to remain available for obligation until September 30, 2000: Provided, That the Chiefs of the Reserve and National Guard components shall, not later than 30 days after the enactment of this Act, individually submit to the congressional defense committees the modernization priority assessment for their respective Reserve or National Guard component.*

## *TITLE IV*

## *RESEARCH, DEVELOPMENT, TEST AND EVALUATION*

### *RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY*

*For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment; $5,156,507,000, to remain available for obligation until September 30, 1999.*

### *RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY*

*For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment; $8,115,686,000, to remain available for obligation until September 30, 1999: Provided, That funds appropriated in this paragraph which are available for the V–22 may be used to meet unique requirements of the Special Operations Forces.*

### *RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE*

*For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment; $14,507,804,000, to remain available for obligation until September 30, 1999: Provided, That of the funds made available in this paragraph, $4,000,000 shall be only for development of coal-derived jet fuel technologies.*

### *RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE*

*For expenses of activities and agencies of the Department of Defense (other than the military departments), necessary for basic and applied scientific research, development, test and evaluation; advanced research projects as may be designated and determined by the Secretary of Defense, pursuant to law; maintenance, rehabilitation, lease, and operation of facilities and equipment; $9,821,760,000, to remain available for obligation until September 30, 1999: Provided, That not less than $409,898,000 of the funds appropriated in this paragraph shall be made available only for the Sea-Based Wide Area Defense (Navy Upper-Tier) program: Provided further, That funds appropriated for the Dual-Use Applications Program under section 5803 of the Treasury, Postal Service, and General Government Appropriations Act, 1997 (Public Law 104–208), shall remain available for obligation until September 30, 1998.*

### *DEVELOPMENTAL TEST AND EVALUATION, DEFENSE*

*For expenses, not otherwise provided for, of independent activities of the Director, Test and Evaluation in the direction and supervision of developmental test and evaluation, including performance and joint developmental testing and evaluation; and administrative expenses in connection therewith; $258,183,000, to remain available for obligation until September 30, 1999.*

### *OPERATIONAL TEST AND EVALUATION, DEFENSE*

*For expenses, not otherwise provided for, necessary for the independent activities of the Director, Operational Test and Evaluation in the direction and supervision of operational test and evaluation, including initial operational test and evaluation which is conducted prior to, and in support of, production decisions; joint operational testing and evaluation; and administrative expenses in connection therewith; $31,384,000, to remain available for obligation until September 30, 1999.*

## *TITLE V*

## *REVOLVING AND MANAGEMENT FUNDS*

### *DEFENSE WORKING CAPITAL FUNDS*

*For the Defense Working Capital Funds; $971,952,000.*

### *National Defense Sealift Fund*

*For National Defense Sealift Fund programs, projects, and activities, and for expenses of the National Defense Reserve Fleet, as established by section 11 of the Merchant Ship Sales Act of 1946 (50 U.S.C. App. 1744); $1,074,948,000, to remain available until expended: Provided, That none of the funds provided in this paragraph shall be used to award a new contract that provides for the acquisition of any of the following major components unless such components are manufactured in the United States: auxiliary equipment, including pumps, for all shipboard services; propulsion system components (that is; engines, reduction gears, and propellers); shipboard cranes; and spreaders for shipboard cranes: Provided further, That the exercise of an option in a contract awarded through the obligation of previously appropriated funds shall not be considered to be the award of a new contract: Provided further, That the Secretary of the military department responsible for such procurement may waive these restrictions on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate, that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes.*

## *TITLE VI*

## *OTHER DEPARTMENT OF DEFENSE PROGRAMS*

### *Defense Health Program*

*For expenses, not otherwise provided for, for medical and health care programs of the Department of Defense, as authorized by law; $10,369,075,000, of which $10,095,007,000 shall be for Operation and maintenance, of which not to exceed two per centum shall remain available until September 30, 1999, and of which $274,068,000, to remain available for obligation until September 30, 2000, shall be for Procurement.*

### *Chemical Agents and Munitions Destruction, Defense*

*For expenses, not otherwise provided for, necessary for the destruction of the United States stockpile of lethal chemical agents and munitions in accordance with the provisions of section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521), and for the destruction of other chemical warfare materials that are not in the chemical weapon stockpile, $600,700,000, of which $462,200,000 shall be for Operation and maintenance, $72,200,000 shall be for Procurement to remain available until September 30, 2000, and $66,300,000 shall be for Research, development, test and evaluation to remain available until September 30, 1999: Provided, That of the funds available under this heading, $1,000,000 shall be available until expended each year only for a Johnston Atoll off-island leave program: Provided further, That the Secretaries concerned shall, pursuant to uniform regulations, prescribe travel and transportation allowances for travel by participants in the off-island leave program.*

### *Drug Interdiction and Counter-Drug Activities, Defense*

*(INCLUDING TRANSFER OF FUNDS)*

*For drug interdiction and counter-drug activities of the Department of Defense, for transfer to appropriations available to the Department of Defense for military personnel of the reserve components serving under the provisions of title 10 and title 32, United States Code; for Operation and maintenance; for Procurement; and for Research, development, test and evaluation; $712,882,000: Provided, That the funds appropriated under this head shall be available for obligation for the same time period and for the same purpose as the appropriation to which transferred: Provided further, That the transfer authority provided in this paragraph is in addition to any transfer authority contained elsewhere in this Act.*

### *Office of the Inspector General*

*For expenses and activities of the Office of the Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended; $138,380,000, of which $136,580,000 shall be for Operation and maintenance, of which not to exceed $500,000 is available for emergencies and extraordinary expenses to be expended on the approval or authority of the Inspector General, and payments may be made on his certificate of necessity for confidential military purposes; and of which $1,800,000, to remain available until September 30, 2000, shall be for Procurement.*

## *TITLE VII*

## *RELATED AGENCIES*

### *Central Intelligence Agency Retirement and Disability System Fund*

*For payment to the Central Intelligence Agency Retirement and Disability System Fund, to maintain proper funding level for continuing the operation of the Central Intelligence Agency Retirement and Disability System; $196,900,000.*

### *Intelligence Community Management Account*

*(INCLUDING TRANSFER OF FUNDS)*

*For necessary expenses of the Intelligence Community Management Account; $121,080,000, of which $39,011,000 for the Advanced Research and Development Committee and the Environmental Intelligence and Applications Program shall remain available until September 30, 1999: Provided, That of the funds appropriated under this heading, $27,000,000 shall be transferred to the Department of Justice for the National Drug Intelligence Center to support the Department of Defense's counter-drug intelligence responsibilities, and of the said amount, $1,500,000 for Procurement shall remain available until September 30, 2000, and $3,000,000 for Research, development, test and evaluation shall remain available until September 30, 1999.*

### *Payment to Kaho'olawe Island Conveyance, Remediation, and Environmental Restoration Fund*

*For payment to Kaho'olawe Island Conveyance, Remediation, and Environmental Restoration Fund, as authorized by law; $35,000,000, to remain available until expended.*

### *National Security Education Trust Fund*

*For the purposes of title VIII of Public Law 102–183, $2,000,000, to be derived from the National Security Education Trust Fund, to remain available until expended.*

## *TITLE VIII*

## *GENERAL PROVISIONS*

*SEC. 8001. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes not authorized by the Congress.*

*SEC. 8002. During the current fiscal year, provisions of law prohibiting the payment of compensation to, or employment of, any person not a citizen of the United States shall not apply to personnel of the Department of Defense: Provided, That salary increases granted to direct and indirect hire foreign national employees of the Department of Defense funded by this Act shall not be at a rate in excess of the percentage increase authorized by law for civilian employees of the Department of Defense whose pay is computed under the provisions of section 5332 of title 5, United States Code, or at a rate in excess of the percentage increase provided by the appropriate host nation to its own employees, whichever is higher: Provided further, That this section shall not apply to Department of Defense foreign service national employees serving at United States diplomatic missions whose pay is set by the Department of State under the Foreign Service Act of 1980: Provided further, That the limitations of this provision shall not apply to foreign national employees of the Department of Defense in the Republic of Turkey.*

*SEC. 8003. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year, unless expressly so provided herein.*

*SEC. 8004. No more than 20 per centum of the appropriations in this Act which are limited for obligation during the current fiscal year shall be obligated during the last two months of the fiscal year: Provided, That this section shall not apply to obligations for support of active duty training of reserve components or summer camp training of the Reserve Officers' Training Corps.*

*(TRANSFER OF FUNDS)*

*SEC. 8005. Upon determination by the Secretary of Defense that such action is necessary in the national interest, he may, with the approval of the Office of Management and Budget, transfer not to exceed $2,000,000,000 of working capital funds of the Department of Defense or funds made available in this Act to the Department of Defense for military functions (except military construction) between such appropriations or funds or any subdivision thereof, to be merged with and to be available for the same purposes, and for the same time period, as the appropriation or fund to which transferred: Provided, That such authority to transfer may not be used unless for higher priority items, based on unforeseen military requirements, than those for which originally appropriated and in no case where the item for which funds are requested has been denied by Congress: Provided further, That the Secretary of Defense shall notify the Congress promptly of all transfers made pursuant to this authority or any other authority in this Act: Provided further, That no part of the funds in this Act shall be available to prepare or present a request to the Committees on Appropriations for reprogramming of funds, unless for higher priority items, based on unforeseen military requirements, than those for which originally appropriated and in no case where the item for which reprogramming is requested has been denied by the Congress: Provided further, That of the authority provided under this section, not to exceed $65,000,000 shall be available to meet requirements for termination of the Reserve Mobilization Insurance Program, notwithstanding chapter 1214 of title 10 of the United States Code.*

*(TRANSFER OF FUNDS)*

*SEC. 8006. During the current fiscal year, cash balances in working capital funds of the Department of Defense established pursuant to section 2208 of title 10, United States Code, may be maintained in only such amounts as are necessary at any time for cash disbursements to be made from such funds: Provided, That transfers may be made between such funds: Provided further, That transfers may be made between working capital funds and the "Foreign Currency Fluctuations, Defense" appropriation and the "Operation and Maintenance" appropriation accounts in such amounts as may be determined by the Secretary of Defense, with the approval of the Office of Management and Budget, except that such transfers may not be made unless the Secretary of Defense has notified the Congress of the proposed transfer. Except in amounts equal to the amounts appropriated to working capital funds in this Act, no obligations may be made against a working capital fund to procure or increase the value of war reserve material inventory, unless the Secretary of Defense has notified the Congress prior to any such obligation.*

*SEC. 8007. Funds appropriated by this Act may not be used to initiate a special access program without prior notification 30 calendar days in session in advance to the congressional defense committees.*

*SEC. 8008. (a) None of the funds provided in this Act shall be available to initiate (1) a multiyear contract that employs economic order quantity procurement in excess of $20,000,000 in any one year of the contract or that includes an unfunded contingent liability in excess of $20,000,000, or (2) a contract for advance procurement leading to a multiyear contract that employs economic order quantity procurement in excess of $20,000,000 in any one year, unless the congressional defense committees have been notified at least thirty days in advance of the proposed contract award: Provided, That no part of any appropriation contained in this Act shall be available to initiate a multiyear contract for which the economic order quantity advance procurement is not funded at least to the limits of the Government's liability: Provided further, That no part of any appropriation contained in this Act shall be available to initiate multiyear procurement contracts for any systems or component thereof if the value of the multiyear contract would exceed $500,000,000 unless specifically provided in this Act: Provided further, That no multiyear procurement contract can be terminated without 10-day prior notification to the congressional defense committees: Provided further, That the execution of multiyear authority shall require the use of a present value analysis to determine lowest cost compared to an annual procurement.*

*Funds appropriated in title III of this Act may be used for multiyear procurement contracts as follows:*

*Apache Longbow radar;*

*AV–8B aircraft; and*

*Family of Medium Tactical Vehicles.*

*(b) None of the funds provided in this Act and hereafter may be used to submit to Congress (or to any committee of Congress) a request for authority to enter into a contract covered by those provisions of subsection (a) that precede the first proviso of that subsection unless—*

*(1) such request is made as part of the submission of the President's Budget for the United States Government for any fiscal year and is set forth in the Appendix to that budget as part of proposed legislative language for appropriations bills for the next fiscal year; or*

*(2) such request is formally submitted by the President as a budget amendment; or*

*(3) the Secretary of Defense makes such request in writing to the congressional defense committees.*

*SEC. 8009. Within the funds appropriated for the operation and maintenance of the Armed Forces, funds are hereby appropriated pursuant to section 401 of title 10, United States Code, for humanitarian and civic assistance costs under chapter 20 of title 10, United States Code. Such funds may also be obligated for humanitarian and civic assistance costs incidental to authorized operations and pursuant to authority granted in section 401 of chapter 20 of title 10, United States Code, and these obligations shall be reported to Congress on September 30 of each year: Provided, That funds available for operation and maintenance shall be available for providing humanitarian and similar assistance by using Civic Action Teams in the Trust Territories of the Pacific Islands and freely associated states of Micronesia, pursuant to the Compact of Free Association as authorized by Public Law 99–239: Provided further, That upon a determination by the Secretary of the Army that such action is beneficial for graduate medical education programs conducted at Army medical facilities located in Hawaii, the Secretary of the Army may authorize the provision of medical services at such facilities and transportation to such facilities, on a nonreimbursable basis, for civilian patients from American Samoa, the Commonwealth of the Northern Mariana Islands, the Marshall Islands, the Federated States of Micronesia, Palau, and Guam.*

*SEC. 8010. (a) During fiscal year 1998, the civilian personnel of the Department of Defense may not be managed on the basis of any end-strength, and the management of such personnel during that fiscal year shall not be subject to any constraint or limitation (known as an end-strength) on the number of such personnel who may be employed on the last day of such fiscal year.*

*(b) The fiscal year 1999 budget request for the Department of Defense as well as all justification material and other documentation supporting the fiscal year 1999 Department of Defense budget request shall be prepared and submitted to the Congress as if subsections (a) and (b) of this provision were effective with regard to fiscal year 1999.*

*(c) Nothing in this section shall be construed to apply to military (civilian) technicians.*

*SEC. 8011. Notwithstanding any other provision of law, none of the funds made available by this Act shall be used by the Department of Defense to exceed, outside the fifty United States, its territories, and the District of Columbia, 125,000 civilian workyears: Provided, That workyears shall be applied as defined in the Federal Personnel Manual: Provided further, That workyears expended in dependent student hiring programs for disadvantaged youths shall not be included in this workyear limitation.*

*SEC. 8012. None of the funds made available by this Act shall be used in any way, directly or indirectly, to influence congressional action on any legislation or appropriation matters pending before the Congress.*

*SEC. 8013. (a) None of the funds appropriated by this Act shall be used to make contributions to the Department of Defense Education Benefits Fund pursuant to section 2006(g) of title 10, United States Code, representing the normal cost for future benefits under section 3015(c) of title 38, United States Code, for any member of the armed services who, on or after the date of enactment of this Act—*

*(1) enlists in the armed services for a period of active duty of less than three years; or*

*(2) receives an enlistment bonus under section 308a or 308f of title 37, United States Code,*

*nor shall any amounts representing the normal cost of such future benefits be transferred from the Fund by the Secretary of the Treasury to the Secretary of Veterans Affairs pursuant to section 2006(d) of title 10, United States Code; nor shall the Secretary of Veterans Affairs pay such benefits to any such member: Provided, That in the case of a member covered by clause (1), these limitations shall not apply to members in combat arms skills or to members who enlist in the armed services on or after July 1, 1989, under a program continued or established by the Secretary of Defense in fiscal year 1991 to test the cost-effective use of special recruiting incentives involving not more than nineteen noncombat arms skills approved in advance by the Secretary of Defense: Provided further, That this subsection applies only to active components of the Army.*

*(b) None of the funds appropriated by this Act shall be available for the basic pay and allowances of any member of the Army participating as a full-time student and receiving benefits paid by the Secretary of Veterans Affairs from the Department of Defense Education Benefits Fund when time spent as a full-time student is credited toward completion of a service commitment: Provided, That this subsection shall not apply to those members who have reenlisted with this option prior to October 1, 1987: Provided further, That this subsection applies only to active components of the Army.*

*SEC. 8014. None of the funds appropriated by this Act shall be available to convert to contractor performance an activity or function of the Department of Defense that, on or after the date of enactment of this Act, is performed by more than ten Department of Defense civilian employees until a most efficient and cost-effective organization analysis is completed on such activity or function and certification of the analysis is made to the Committees on Appropriations of the House of Representatives and the Senate: Provided, That this section shall not apply to a commercial or industrial type function of the Department of Defense that: (1) is included on the procurement list established pursuant to section 2 of the Act of June 25, 1938 (41 U.S.C. 47), popularly referred to as the Javits-Wagner-O'Day Act; (2) is planned to be converted to performance by a qualified nonprofit agency for the blind or by a qualified nonprofit agency for other severely handicapped individuals in accordance with that Act; or (3) is planned to be converted to performance by a qualified firm under 51 per centum Native American ownership.*

*(TRANSFER OF FUNDS)*

*SEC. 8015. Funds appropriated in title III of this Act for the Department of Defense Pilot Mentor-Protege Program may be transferred to any other appropriation contained in this Act solely for the purpose of implementing a Mentor-Protege Program developmental assistance agreement pursuant to section 831 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510; 10 U.S.C. 2301 note), as amended, under the authority of this provision or any other transfer authority contained in this Act.*

*SEC. 8016. None of the funds in this Act may be available for the purchase by the Department of Defense (and its departments and agencies) of welded shipboard anchor and mooring chain 4 inches in diameter and under unless the anchor and mooring chain are manufactured in the United States from components which are substantially manufactured in the United States: Provided, That for the purpose of this section manufactured will include cutting, heat treating, quality control, testing of chain and welding (including the forging and shot blasting process): Provided further, That for the purpose of this section substantially all of the components of anchor and mooring chain shall be considered to be produced or manufactured in the United States if the aggregate cost of the components produced or manufactured in the United States exceeds the aggregate cost of the components produced or manufactured outside the United States: Provided further, That when adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis, the Secretary of the service responsible for the procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations that such an acquisition must be made in order to acquire capability for national security purposes.*

*SEC. 8017. None of the funds appropriated by this Act available for the Civilian Health and Medical Program of the Uniformed Services (CHAMPUS) shall be available for the reimbursement of any health care provider for inpatient mental health service for care received when a patient is referred to a provider of inpatient mental health care or residential treatment care by a medical or health care professional having an economic interest in the facility to which the patient is referred: Provided, That this limitation does not apply in the case of inpatient mental health services provided under the program for the handicapped under subsection (d) of section 1079 of title 10, United*

States Code, provided as partial hospital care, or provided pursuant to a waiver authorized by the Secretary of Defense because of medical or psychological circumstances of the patient that are confirmed by a health professional who is not a Federal employee after a review, pursuant to rules prescribed by the Secretary, which takes into account the appropriate level of care for the patient, the intensity of services required by the patient, and the availability of that care.

SEC. 8018. Funds available in this Act may be used to provide transportation for the next-of-kin of individuals who have been prisoners of war or missing in action from the Vietnam era to an annual meeting in the United States, under such regulations as the Secretary of Defense may prescribe.

SEC. 8019. Notwithstanding any other provision of law, during the current fiscal year, the Secretary of Defense may, by Executive Agreement, establish with host nation governments in NATO member states a separate account into which such residual value amounts negotiated in the return of United States military installations in NATO member states may be deposited, in the currency of the host nation, in lieu of direct monetary transfers to the United States Treasury: Provided, That such credits may be utilized only for the construction of facilities to support United States military forces in that host nation, or such real property maintenance and base operating costs that are currently executed through monetary transfers to such host nations: Provided further, That the Department of Defense's budget submission for fiscal year 1999 shall identify such sums anticipated in residual value settlements, and identify such construction, real property maintenance or base operating costs that shall be funded by the host nation through such credits: Provided further, That all military construction projects to be executed from such accounts must be previously approved in a prior Act of Congress: Provided further, That each such Executive Agreement with a NATO member host nation shall be reported to the congressional defense committees, the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate thirty days prior to the conclusion and endorsement of any such agreement established under this provision.

SEC. 8020. None of the funds available to the Department of Defense may be used to demilitarize or dispose of M–1 Carbines, M–1 Garand rifles, M–14 rifles, .22 caliber rifles, .30 caliber rifles, or M–1911 pistols.

SEC. 8021. Notwithstanding any other provision of law, none of the funds appropriated by this Act shall be available to pay more than 50 per centum of an amount paid to any person under section 308 of title 37, United States Code, in a lump sum.

SEC. 8022. No more than $500,000 of the funds appropriated or made available in this Act shall be used during a single fiscal year for any single relocation of an organization, unit, activity or function of the Department of Defense into or within the National Capital Region: Provided, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the congressional defense committees that such a relocation is required in the best interest of the Government.

SEC. 8023. A member of a reserve component whose unit or whose residence is located in a state which is not contiguous with another state is authorized to travel in a space required status on aircraft of the Armed Forces between home and place of inactive duty training, or place of duty in lieu of unit training assembly, when there is no road or railroad transportation (or combination of road and railroad transportation between those locations: Provided, That a member traveling in that status on a military aircraft pursuant to the authority provided in this section is not authorized to receive travel, transportation, or per diem allowances in connection with that travel.

SEC. 8024. In addition to funds provided elsewhere in this Act, $8,000,000 is appropriated only for incentive payments authorized by section 504 of the Indian Financing Act of 1974, 25 U.S.C. 1544: Provided, That these payments shall be available only to contractors which have submitted subcontracting plans pursuant to 15 U.S.C. 637(d), and according to regulations which shall be promulgated by the Secretary of Defense within 90 days of the passage of this Act: Provided further, That contractors participating in the test program established by Section 854 of Public Law 101–189 (15 U.S.C. 637 note) shall be eligible for the program established by Section 504 of the Indian Financing Act of 1974 (25 U.S.C. 1544).

SEC. 8025. During the current fiscal year, none of the funds available to the Department of Defense may be used to procure or acquire (1) defensive handguns unless such handguns are the M–9 or M–11 9mm Department of Defense standard handguns, or (2) offensive handguns except for the Special Operations Forces: Provided, That the foregoing shall not apply to handguns and ammunition for marksmanship competitions.

SEC. 8026. During the current fiscal year, funds appropriated or otherwise available for any Federal agency, the Congress, the judicial branch, or the District of Columbia may be used for the pay, allowances, and benefits of an employee as defined by section 2105 of title 5 or an individual employed by the government of the District of Columbia, permanent or temporary indefinite, who—

(1) is a member of a Reserve component of the Armed Forces, as described in section 10101 of title 10, or the National Guard, as described in section 101 of title 32;

(2) performs, for the purpose of providing military aid to enforce the law or providing assistance to civil authorities in the protection or saving of life or property or prevention of injury—

(A) Federal service under sections 331, 332, 333, or 12406 of title 10, or other provision of law, as applicable; or

(B) full-time military service for his or her State, the District of Columbia, the Commonwealth of Puerto Rico, or a territory of the United States; and

(3) requests and is granted—

(A) leave under the authority of this section; or

(B) annual leave, which may be granted without regard to the provisions of sections 5519 and 6323(b) of title 5, if such employee is otherwise entitled to such annual leave:

Provided, That any employee who requests leave under subsection (3)(A) for service described in subsection (2) of this section is entitled to such leave, subject to the provisions of this section and of the last sentence of section 6323(b) of title 5, and such leave shall be considered leave under section 6323(b) of title 5.

SEC. 8027. None of the funds appropriated by this Act shall be available to perform any cost study pursuant to the provisions of OMB Circular A–76 if the study being performed exceeds a period of twenty-four months after initiation of such study with respect to a single function activity or forty-eight months after initiation of such study for a multi-function activity.

SEC. 8028. Funds appropriated by this Act for the American Forces Information Service shall not be used for any national or international political or psychological activities.

SEC. 8029. Notwithstanding any other provision of law or regulation, the Secretary of Defense may adjust wage rates for civilian employees hired for certain health care occupations as authorized for the Secretary of Veterans Affairs by section 7455 of title 38, United States Code.

SEC. 8030. None of the funds appropriated or made available in this Act shall be used to reduce or disestablish the operation of the 53rd Weather Reconnaissance Squadron of the Air Force Reserve, if such action would reduce the WC–130 Weather Reconnaissance mission below the levels funded in this Act.

SEC. 8031. (a) Of the funds for the procurement of supplies or services appropriated by this Act, qualified nonprofit agencies for the blind or other severely handicapped shall be afforded the maximum practicable opportunity to participate as subcontractors and supplies in the performance of contracts let by the Department of Defense.

(b) During the current fiscal year, a business concern which has negotiated with a military service or defense agency a subcontracting plan for the participation by small business concerns pursuant to section 8(d) of the Small Business Act (15 U.S.C. 637(d)) shall be given credit toward meeting that subcontracting goal for any purchases made from qualified nonprofit agencies for the blind or other severely handicapped.

(c) For the purpose of this section, the phrase "qualified nonprofit agency for the blind or other severely handicapped" means a nonprofit agency for the blind or other severely handicapped that has been approved by the Committee for the Purchase from the Blind and Other Severely Handicapped under the Javits-Wagner-O'Day Act (41 U.S.C. 46–48).

SEC. 8032. During the current fiscal year, net receipts pursuant to collections from third party payers pursuant to section 1095 of title 10, United States Code, shall be made available to the local facility of the uniformed services responsible for the collections and shall be over and above the facility's direct budget amount.

SEC. 8033. During the current fiscal year, the Department of Defense is authorized to incur obligations of not to exceed $350,000,000 for purposes specified in section 2350j(c) of title 10, United States Code, in anticipation of receipt of contributions, only from the Government of Kuwait, under that section: Provided, That, upon receipt, such contributions from the Government of Kuwait shall be credited to the appropriations or fund which incurred such obligations.

SEC. 8034. Of the funds made available in this Act, not less than $26,247,000 shall be available for the Civil Air Patrol, of which $22,702,000 shall be available for Operation and maintenance.

SEC. 8035. (a) None of the funds appropriated in this Act are available to establish a new Department of Defense (department) federally funded research and development center (FFRDC), either as a new entity, or as a separate entity administrated by an organization managing another FFRDC, or as a nonprofit membership corporation consisting of a consortium of other FFRDCs and other non-profit entities.

(b) LIMITATION ON COMPENSATION—FEDERALLY FUNDED RESEARCH AND DEVELOPMENT CENTER (FFRDC).—No member of a Board of Directors, Trustees, Overseers, Advisory Group, Special Issues Panel, Visiting Committee, or any similar entity of a defense FFRDC, and no paid consultant to any defense FFRDC, may be compensated for his or her services as a member of such entity, or as a paid consultant, except under the same conditions, and to the same extent, as members of the Defense Science Board: Provided, That a member of any such entity referred to previously in this subsection shall be allowed travel expenses and per diem as authorized under the Federal Joint Travel Regulations, when engaged in the performance of membership duties.

(c) Notwithstanding any other provision of law, none of the funds available to the department from any source during fiscal year 1998 may be used by a defense FFRDC, through a fee or other payment mechanism, for charitable contributions, for construction of new buildings, for payment of cost sharing for projects funded by government grants, or for absorption of contract overruns.

(d) Notwithstanding any other provision of law, of the funds available to the department during fiscal year 1998, not more than 6,206 staff years of technical effort (staff years) may be funded for defense FFRDCs: Provided, That of the specific amount referred to previously in this subsection, not more than 1,105 staff years may be funded for the defense studies and analysis FFRDCs.

(e) Notwithstanding any other provision of law, the Secretary of Defense shall control the total number of staff years to be performed by defense FFRDCs during fiscal year 1998 so as to reduce the total amounts appropriated in titles II, III, and IV of this Act by $71,800,000: Provided, That the total amounts appropriated in titles II, III, and IV of this Act are hereby reduced by $71,800,000 to reflect savings from the use of defense FFRDCs by the department.

(f) Within 60 days after enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report presenting the specific amounts of staff years of technical effort to be allocated by the department for each defense FFRDC during fiscal year 1998: Provided, That, after the submission of the report required by this subsection, the department may not reallocate more than five per centum of an FFRDC's staff years among other defense FFRDCs until 30 days after a detailed justification for any such reallocation is submitted to the congressional defense committees.

(g) The Secretary of Defense shall, with the submission of the department's fiscal year 1999 budget request, submit a report presenting the specific amounts of staff years of technical effort to be allocated for each defense FFRDC during that fiscal year.

(h) No part of the reductions contained in subsection (e) of this section may be applied against any budget activity, activity group, subactivity group, line item, program element, program, project, subproject or activity which does not fund defense FFRDC activities within each appropriation account, and the reductions in subsection (e) shall be allocated on a proportional basis.

(i) Not later than 90 days after enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report listing the specific funding reductions allocated to each category listed in subsection (h) above pursuant to this section.

SEC. 8036. None of the funds in this or any other Act shall be available for the preparation of studies on—

(a) the cost effectiveness or feasibility of removal and transportation of unitary chemical weapons or agents from the eight chemical storage sites within the continental United States to Johnston Atoll: Provided, That this prohibition shall not apply to General Accounting Office studies requested by a Member of Congress or a Congressional Committee; and

(b) the potential future uses of the nine chemical disposal facilities other than for the destruction of stockpile chemical munitions and as limited by section 1412(c)(2), Public Law 99–145: Provided, That this prohibition does not apply to future use studies for the CAMDS facility at Tooele, Utah.

SEC. 8037. None of the funds appropriated or made available in this Act shall be used to procure carbon, alloy or armor steel plate for use in any Government-owned facility or property under the control of the Department of Defense which were not melted and rolled in the United States or Canada: Provided, That these procurement restrictions shall apply to any and all Federal Supply Class 9515, American Society of Testing and Materials (ASTM) or American Iron and Steel Institute (AISI) specifications of carbon, alloy or armor steel plate: Provided further, That the Secretary of the military department responsible for the procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes: Provided further, That these restrictions shall not apply to contracts which are in being as of the date of enactment of this Act.

SEC. 8038. For the purposes of this Act, the term "congressional defense committees" means the National Security Committee of the House of Representatives, the Armed Services Committee of the Senate, the Subcommittee on Defense of the Committee on Appropriations of the Senate, and the Subcommittee on National Security of the Committee on Appropriations of the House of Representatives.

SEC. 8039. During the current fiscal year, the Department of Defense may acquire the modification, depot maintenance and repair of aircraft, vehicles and vessels as well as the production of components and other Defense-related articles, through competition between Department of Defense depot maintenance activities and private firms: Provided, That the Senior Acquisition Executive of the military department or defense agency concerned, with power of delegation, shall certify that successful bids include comparable estimates of all direct and indirect costs for both public and private bids: Provided further, That Office of Management and Budget Circular A–76 shall not apply to competitions conducted under this section.

SEC. 8040. (a)(1) If the Secretary of Defense, after consultation with the United States Trade Representative, determines that a foreign country which is party to an agreement described in paragraph (2) has violated the terms of the agreement by discriminating against certain types of products produced in the United States that are covered by the agreement, the Secretary of Defense shall rescind the Secretary's blanket waiver of the Buy American Act with respect to such types of products produced in that foreign country.

(2) An agreement referred to in paragraph (1) is any reciprocal defense procurement memorandum of understanding, between the United States and a foreign country pursuant to which the Secretary of Defense has prospectively waived the Buy American Act for certain products in that country.

(b) The Secretary of Defense shall submit to Congress a report on the amount of Department of Defense purchases from foreign entities in fiscal year 1998. Such report shall separately indicate the dollar value of items for which the Buy American Act was waived pursuant to any agreement described in subsection (a)(2), the Trade Agreement Act of 1979 (19 U.S.C. 2501 et seq.), or any international agreement to which the United States is a party.

(c) For purposes of this section, the term "Buy American Act" means title III of the Act entitled "An Act making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1934, and for other purposes", approved March 3, 1933 (41 U.S.C. 10a et seq.).

SEC. 8041. The total amounts appropriated in titles II, III, and IV of this Act are hereby reduced by $300,000,000 to reflect savings from the use of advisory and assistance services by the Department of Defense: Provided, That the savings shall be applied to the following titles in the following amounts:

Title II, Operation and Maintenance, $112,000,000;

Title III, Procurement, $62,000,000; and

Title IV, Research, Development, Test and Evaluation, $126,000,000:

Provided further, That the savings specified shall be applied only to funds budgeted to purchase advisory and assistance services: Provided further, That the savings shall be applied on a pro-rata basis to each program, project and activity which included budget funds for advisory and assistance services.

SEC. 8042. Appropriations contained in this Act that remain available at the end of the current fiscal year as a result of energy cost savings realized by the Department of Defense shall remain available for obligation for the next fiscal year to the extent, and for the purposes, provided in section 2865 of title 10, United States Code.

SEC. 8043. Notwithstanding any other provision of this Act, the amounts provided in all appropriation accounts in titles III and IV of this Act are reduced by 1.5 percent: Provided, That these reductions shall be applied on a pro-rata basis to each line item, program element, program, project, subproject, and activity within each appropriation account: Provided further, That not later than 60 days after the enactment of this Act, the Undersecretary of Defense (Comptroller) shall submit a report to the congressional defense committees listing the specific funding reductions allocated to each category listed in the preceding proviso pursuant to this section.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8044. Amounts deposited during the current fiscal year to the special account established under 40 U.S.C. 485(h)(2) and to the special account established under 10 U.S.C. 2667(d)(1) are appropriated and shall be available until transferred by the Secretary of Defense to current applicable appropriations or funds of the Department of Defense under the terms and conditions specified by 40 U.S.C. 485(h)(2) (A) and (B) and 10 U.S.C. 2667(d)(1)(B), to be merged with and to be available for the same time period and the same purposes as the appropriation to which transferred.

SEC. 8045. During the current fiscal year, appropriations available to the Department of Defense may be used to reimburse a member of a reserve component of the Armed Forces who is not otherwise entitled to travel and transportation allowances and who occupies transient government housing while performing active duty for training or inactive duty training: Provided, That such members may be provided lodging in kind if transient government quarters are unavailable as if the member was entitled to such allowances under subsection (a) of section 404 of title 37, United States Code: Provided further, That if lodging in kind is provided, any authorized service charge or cost of such lodging may be paid directly from funds appropriated for operation and maintenance of the reserve component of the member concerned.

SEC. 8046. The President shall include with each budget for a fiscal year submitted to the Congress under section 1105 of title 31, United States Code, materials that shall identify clearly and separately the amounts requested in the budget for appropriation for that fiscal year for salaries and expenses related to administrative activities of the Department of Defense, the military departments, and the Defense Agencies.

SEC. 8047. Notwithstanding any other provision of law, funds available for "Drug Interdiction and Counter-Drug Activities, Defense" may be obligated for the Young Marines program.

*SEC. 8048. Notwithstanding any other provision of this Act, the total amount appropriated in title IV of this Act is hereby reduced by $474,000,000: Provided, That each program element, program, project, subproject, and activity funded in title IV of this Act shall be allocated a pro-rata share of any of the reductions made by this section: Provided further, That not later than 60 days after the enactment of this Act, the Undersecretary of Defense (Comptroller) shall submit a report to the congressional defense committees listing the specific funding reductions allocated to each category listed in the preceding proviso pursuant to this section.*

*SEC. 8049. During the current fiscal year, amounts contained in the Department of Defense Overseas Military Facility Investment Recovery Account established by section 2921(c)(1) of the National Defense Authorization Act of 1991 (Public Law 101–510; 10 U.S.C. 2687 note) shall be available until expended for the payments specified by section 2921(c)(2) of that Act.*

*SEC. 8050. Of the funds appropriated or otherwise made available by this Act, not more than $119,200,000 shall be available for payment of the operating costs of NATO Headquarters: Provided, That the Secretary of Defense may waive this section for Department of Defense support provided to NATO forces in and around the former Yugoslavia.*

*SEC. 8051. During the current fiscal year, appropriations which are available to the Department of Defense for operation and maintenance may be used to purchase items having an investment item unit cost of not more than $100,000.*

*SEC. 8052. (a) During the current fiscal year, none of the appropriations or funds available to the Department of Defense Working Capital Funds shall be used for the purchase of an investment item for the purpose of acquiring a new inventory item for sale or anticipated sale during the current fiscal year or a subsequent fiscal year to customers of the Department of Defense Working Capital Funds if such an item would not have been chargeable to the Department of Defense Working Capital Funds during fiscal year 1994 and if the purchase of such an investment item would be chargeable during the current fiscal year to appropriations made to the Department of Defense for procurement.*

*(b) The fiscal year 1999 budget request for the Department of Defense as well as all justification material and other documentation supporting the fiscal year 1999 Department of Defense budget shall be prepared and submitted to the Congress on the basis that any equipment which was classified as an end item and funded in a procurement appropriation contained in this Act shall be budgeted for in a proposed fiscal year 1999 procurement appropriation and not in the supply management business area or any other area or category of the Department of Defense Working Capital Funds.*

*SEC. 8053. None of the funds provided in this Act and hereafter shall be available for use by a Military Department to modify an aircraft, weapon, ship or other item of equipment, that the Military Department concerned plans to retire or otherwise dispose of within five years after completion of the modification: Provided, That this prohibition shall not apply to safety modifications: Provided further, That this prohibition may be waived by the Secretary of a Military Department if the Secretary determines it is in the best national security interest of the United States to provide such waiver and so notifies the congressional defense committees in writing.*

*SEC. 8054. None of the funds appropriated by this Act for programs of the Central Intelligence Agency shall remain available for obligation beyond the current fiscal year, except for funds appropriated for the Reserve for Contingencies, which shall remain available until September 30, 1999.*

*SEC. 8055. Notwithstanding any other provision of law, funds made available in this Act for the Defense Intelligence Agency may be used for the design, development, and deployment of General Defense Intelligence Program intelligence communications and intelligence information systems for the Services, the Unified and Specified Commands, and the component commands.*

*SEC. 8056. Of the funds appropriated by the Department of Defense under the heading "Operation and Maintenance, Defense-Wide", not less than $8,000,000 shall be made available only for the mitigation of environmental impacts, including training and technical assistance to tribes, related administrative support, the gathering of information, documenting of environmental damage, and developing a system for prioritization of mitigation and cost to complete estimates for mitigation, on Indian lands resulting from Department of Defense activities.*

*SEC. 8057. Amounts collected for the use of the facilities of the National Science Center for Communications and Electronics during the current fiscal year pursuant to section 1459(g) of the Department of Defense Authorization Act, 1986, and deposited to the special account established under subsection 1459(g)(2) of that Act are appropriated and shall be available until expended for the operation and maintenance of the Center as provided for in subsection 1459(g)(2).*

*SEC. 8058. None of the funds appropriated in this Act may be used to fill the commander's position at any military medical facility with a health care professional unless the prospective candidate can demonstrate professional administrative skills.*

*SEC. 8059. (a) None of the funds appropriated in this Act may be expended by an entity of the Department of Defense unless the entity, in expending the funds, complies with the Buy American Act. For purposes of this subsection, the term "Buy American Act" means title III of the Act entitled "An Act making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1934, and for other purposes", approved March 3, 1933 (41 U.S.C. 10a et seq.).*

*(b) If the Secretary of Defense determines that a person has been convicted of intentionally affixing a label bearing a "Made in America" inscription to any product sold in or shipped to the United States that is not made in America, the Secretary shall determine, in accordance with section 2410f of title 10, United States Code, whether the person should be debarred from contracting with the Department of Defense.*

*(c) In the case of any equipment or products purchased with appropriations provided under this Act, it is the sense of the Congress that any entity of the Department of Defense, in expending the appropriation, purchase only American-made equipment and products, provided that American-made equipment and products are cost-competitive, quality-competitive, and available in a timely fashion.*

*SEC. 8060. None of the funds appropriated by this Act shall be available for a contract for studies, analysis, or consulting services entered into without competition on the basis of an unsolicited proposal unless the head of the activity responsible for the procurement determines—*

*(1) as a result of thorough technical evaluation, only one source is found fully qualified to perform the proposed work, or*

*(2) the purpose of the contract is to explore an unsolicited proposal which offers significant scientific or technological premise, represents the product of original thinking, and was submitted in confidence by one source, or*

*(3) the purpose of the contract is to take advantage of unique and significant industrial accomplishment by a specific concern, or to insure that a new product or idea of a specific concern is given financial support:*

*Provided, That this limitation shall not apply to contracts in an amount of less than $25,000, contracts related to improvements of equipment that is in development or production, or contracts as to which a civilian official of the Department of Defense, who has been confirmed by the Senate, determines that the award of such contract is in the interest of the national defense.*

*SEC. 8061. (a) Except as provided in subsections (b) and (c), none of the funds made available by this Act may be used—*

*(1) to establish a field operating agency; or*

*(2) to pay the basic pay of a member of the Armed Forces or civilian employee of the Department who is transferred or reassigned from a headquarters activity if the member or employee's place of duty remains at the location of that headquarters.*

*(b) The Secretary of Defense or Secretary of a military department may waive the limitations in subsection (a), on a case-by-case basis, if the Secretary determines, and certifies to the Committees on Appropriations of the House of Representatives and Senate that the granting of the waiver will reduce the personnel requirements or the financial requirements of the department.*

*(c) This section does not apply to field operating agencies funded within the National Foreign Intelligence Program.*

*SEC. 8062. Funds appropriated by this Act for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414) during fiscal year 1998 until the enactment of the Intelligence Authorization Act for Fiscal Year 1998.*

*SEC. 8063. Notwithstanding section 303 of Public Law 96–487 or any other provision of law, the Secretary of the Navy is authorized to lease real and personal property at Naval Air Facility, Adak, Alaska, pursuant to 10 U.S.C. 2667(f), for commercial, industrial or other purposes.*

*(RESCISSIONS)*

*SEC. 8064. Of the funds provided in Department of Defense Appropriations Acts, the following funds are hereby rescinded from the following accounts in the specified amounts:*

*"Shipbuilding and Conversion, Navy, 1996/2000", $35,600,000;*

*"Other Procurement, Navy, 1996/1998", $3,300,000;*

*"Aircraft Procurement, Army, 1997/1999", $5,000,000;*

*"Procurement of Ammunition, Army, 1997/1999", $5,000,000;*

*"Other Procurement, Army, 1997/1999", $6,000,000;*

*"Other Procurement, Navy, 1997/1999", $2,200,000;*

*"Aircraft Procurement, Navy, 1997/1999", $24,000,000;*

*"Research, Development, Test and Evaluation, Army, 1997/1998", $6,000,000;*

*"Research, Development, Test and Evaluation, Navy, 1997/1998", $40,000,000;*

*"Research, Development, Test and Evaluation, Air Force, 1997/1998", $25,000,000;*

*"Research, Development, Test and Evaluation, Defense-Wide, 1997/1998", $24,000,000.*

*SEC. 8065. None of the funds available in this Act may be used to reduce the authorized positions for military (civilian) technicians of the Army National Guard, the Air National Guard, Army Reserve and Air Force Reserve for the purpose of applying any administratively imposed civilian personnel ceiling, freeze, or reduction on military (civilian) technicians, unless such reductions are a direct result of a reduction in military force structure.*

*SEC. 8066. None of the funds appropriated or otherwise made available in this Act may be obligated or expended for assistance to the Democratic People's Republic of North Korea unless specifically appropriated for that purpose.*

*SEC. 8067. During the current fiscal year, funds appropriated in this Act are available to compensate members of the National Guard for duty performed pursuant to a plan submitted by a Governor of a State and approved by the Secretary of Defense under section 112 of title 32, United States Code: Provided, That during the performance of such duty, the members of the National Guard shall be under State command and control: Provided further, That such duty shall be treated as full-time National Guard duty for purposes of sections 12602 (a)(2) and (b)(2) of title 10, United States Code.*

*SEC. 8068. Funds appropriated in this Act for operation and maintenance of the Military Departments, Unified and Specified Commands and Defense Agencies shall be available for reimbursement of pay, allowances and other expenses which would otherwise be incurred against appropriations for the National Guard and Reserve when members of the National Guard and Reserve provide intelligence support to Unified Commands, Defense Agencies and Joint Intelligence Activities, including the activities and programs included within the General Defense Intelligence Program and the Consolidated Cryptologic Program: Provided, That nothing in this section authorizes deviation from established Reserve and National Guard personnel and training procedures.*

*SEC. 8069. During the current fiscal year, none of the funds appropriated in this Act may be used to reduce the civilian medical and medical support personnel assigned to military treatment facilities below the September 30, 1997 level: Provided, That the Service Surgeons General may waive this section by certifying to the congressional defense committees that the beneficiary population is declining in some catchment areas and civilian strength reductions may be consistent with responsible resource stewardship and capitation-based budgeting.*

*(INCLUDING TRANSFER OF FUNDS)*

*SEC. 8070. None of the funds appropriated in this Act may be transferred to or obligated from the Pentagon Reservation Maintenance Revolving Fund, unless the Secretary of Defense certifies that the total cost for the planning, design, construction and installation of equipment for the renovation of the Pentagon Reservation will not exceed $1,118,000,000.*

*SEC. 8071. (a) None of the funds available to the Department of Defense for any fiscal year for drug interdiction or counter-drug activities may be transferred to any other department or agency of the United States except as specifically provided in an appropriations law.*

*(b) None of the funds available to the Central Intelligence Agency for any fiscal year for drug interdiction and counter-drug activities may be transferred to any other department or agency of the United States except as specifically provided in an appropriations law.*

*(TRANSFER OF FUNDS)*

*SEC. 8072. Appropriations available in this Act under the heading "Operation and Maintenance, Defense-Wide" for increasing energy and water efficiency in Federal buildings may, during their period of availability, be transferred to other appropriations or funds of the Department of Defense for projects related to increasing energy and water efficiency, to be merged with and to be available for the same general purposes, and for the same time period, as the appropriation or fund to which transferred.*

*SEC. 8073. None of the funds appropriated by this Act may be used for the procurement of ball and roller bearings other than those produced by a domestic source and of domestic origin: Provided, That the Secretary of the military department responsible for such procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate, that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes.*

*SEC. 8074. Notwithstanding any other provision of law, funds available to the Department of Defense shall be made available to provide transportation of medical supplies and equipment, on a nonreimbursable basis, to American Samoa: Provided, That notwithstanding any other provision of law, funds available to the Department of Defense shall be made available to provide transportation of medical supplies and equipment, on a nonreimbursable basis, to the Indian Health Service when it is in conjunction with a civil-military project.*

*SEC. 8075. None of the funds in this Act may be used to purchase any supercomputer which is not manufactured in the United States, unless the Secretary of Defense certifies to the congressional defense committees that such an acquisition must be made in order to acquire capability for national security purposes that is not available from United States manufacturers.*

*SEC. 8076. Notwithstanding any other provision of law, the Naval shipyards of the United States shall be eligible to participate in any manufacturing extension program financed by funds appropriated in this or any other Act.*

*SEC. 8077. Notwithstanding any other provision of law, each contract awarded by the Department of Defense during the current fiscal year for construction or service performed in whole or in part in a State which is not contiguous with another State and has an unemployment rate in excess of the national average rate of unemployment as determined by the Secretary of Labor, shall include a provision requiring the contractor to employ, for the purpose of performing that portion of the contract in such State that is not contiguous with another State, individuals who are residents of such State and who, in the case of any craft or trade, possess or would be able to acquire promptly the necessary skills: Provided, That the Secretary of Defense may waive the requirements of this section, on a case-by-case basis, in the interest of national security.*

*SEC. 8078. During the current fiscal year, the Army shall use the former George Air Force Base as the airhead for the National Training Center at Fort Irwin: Provided, That none of the funds in this Act shall be obligated or expended to transport Army personnel into Edwards Air Force Base for training rotations at the National Training Center.*

*SEC. 8079. (a) The Secretary of Defense shall submit, on a quarterly basis, a report to the congressional defense committees, the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate setting forth all costs (including incremental costs) incurred by the Department of Defense during the preceding quarter in implementing or supporting resolutions of the United Nations Security Council, including any such resolution calling for international sanctions, international peacekeeping operations, and humanitarian missions undertaken by the Department of Defense. The quarterly report shall include an aggregate of all such Department of Defense costs by operation or mission.*

*(b) The Secretary of Defense shall detail in the quarterly reports all efforts made to seek credit against past United Nations expenditures and all efforts made to seek compensation from the United Nations for costs incurred by the Department of Defense in implementing and supporting United Nations activities.*

*SEC. 8080. (a) LIMITATION ON TRANSFER OF DEFENSE ARTICLES AND SERVICES.—Notwithstanding any other provision of law, none of the funds available to the Department of Defense for the current fiscal year may be obligated or expended to transfer to another nation or an international organization any defense articles or services (other than intelligence services) for use in the activities described in subsection (b) unless the congressional defense committees, the Committee on International Relations of the House of Representatives, and the Committee on Foreign Relations of the Senate are notified 15 days in advance of such transfer.*

*(b) COVERED ACTIVITIES.—This section applies to—*

*(1) any international peacekeeping or peace-enforcement operation under the authority of chapter VI or chapter VII of the United Nations Charter under the authority of a United Nations Security Council resolution; and*

*(2) any other international peacekeeping, peace-enforcement, or humanitarian assistance operation.*

*(c) REQUIRED NOTICE.—A notice under subsection (a) shall include the following:*

*(1) A description of the equipment, supplies, or services to be transferred.*

*(2) A statement of the value of the equipment, supplies, or services to be transferred.*

*(3) In the case of a proposed transfer of equipment or supplies—*

*(A) a statement of whether the inventory requirements of all elements of the Armed Forces (including the reserve components) for the type of equipment or supplies to be transferred have been met; and*

*(B) a statement of whether the items proposed to be transferred will have to be replaced and, if so, how the President proposes to provide funds for such replacement.*

*SEC. 8081. To the extent authorized by subchapter VI of chapter 148 of title 10, United States Code, the Secretary of Defense shall issue loan guarantees in support of U.S. defense exports not otherwise provided for: Provided, That the total contingent liability of the United States for guarantees issued under the authority of this section may not exceed $15,000,000,000: Provided further, That the exposure fees charged and collected by the Secretary for each guarantee, shall be paid by the country involved and shall not be financed as part of a loan guaranteed by the United States: Provided further, That the Secretary shall provide quarterly reports to the Committees on Appropriations, Armed Services and Foreign Relations of the Senate and the Committees on Appropriations, National Security and International Relations in the House of Representatives on the implementation of this program: Provided further, That amounts charged for administrative fees and deposited to the special account provided for under section 2540c(d) of title 10, shall be available for paying the costs of administrative expenses of the Department of Defense that are attributable to the loan guarantee program under subchapter VI of chapter 148 of title 10.*

*SEC. 8082. None of the funds available to the Department of Defense shall be obligated or expended to make a financial contribution to the United Nations for the cost of an United Nations peacekeeping activity (whether pursuant to assessment or a voluntary contribution) or for payment of any United States arrearage to the United Nations.*

*SEC. 8083. None of the funds available to the Department of Defense under this Act shall be obligated or expended to pay a contractor under a contract with the Department of Defense for costs of any amount paid by the contractor to an employee when—*

*(1) such costs are for a bonus or otherwise in excess of the normal salary paid by the contractor to the employee; and*

*(2) such bonus is part of restructuring costs associated with a business combination.*

SEC. 8084. (a) None of the funds appropriated or otherwise made available in this Act may be used to transport or provide for the transportation of chemical munitions or agents to the Johnston Atoll for the purpose of storing or demilitarizing such munitions or agents.

(b) The prohibition in subsection (a) shall not apply to any obsolete World War II chemical munition or agent of the United States found in the World War II Pacific Theater of Operations.

(c) The President may suspend the application of subsection (a) during a period of war in which the United States is a party.

SEC. 8085. None of the funds provided in title II of this Act for "Former Soviet Union Threat Reduction" may be obligated or expended to finance housing for any individual who was a member of the military forces of the Soviet Union or for any individual who is or was a member of the military forces of the Russian Federation.

SEC. 8086. During the current fiscal year, no more than $10,000,000 of appropriations made in this Act under the heading "Operation and Maintenance, Defense-Wide" may be transferred to appropriations available for the pay of military personnel, to be merged with, and to be available for the same time period as the appropriations to which transferred, to be used in support of such personnel in connection with support and services for eligible organizations and activities outside the Department of Defense pursuant to section 2012 of title 10, United States Code.

SEC. 8087. For purposes of section 1553(b) of title 31, United States Code, any subdivision of appropriations made in this Act under the heading "Shipbuilding and Conversion, Navy" shall be considered to be for the same purpose as any subdivision under the heading "Shipbuilding and Conversion, Navy" appropriations in any prior year, and the one percent limitation shall apply to the total amount of the appropriation.

SEC. 8088. Notwithstanding 31 U.S.C. 1552(a), not more than $14,000,000 appropriated under the heading "Aircraft Procurement, Air Force" in Public Law 102–396 which was available and obligated for the B–2 Aircraft Program shall remain available for expenditure and for adjusting obligations for such program until September 30, 2003.

SEC. 8089. During the current fiscal year, in the case of an appropriation account of the Department of Defense for which the period of availability for obligation has expired or which has closed under the provisions of section 1552 of title 31, United States Code, and which has a negative unliquidated or unexpended balance, an obligation or an adjustment of an obligation may be charged to any current appropriation account for the same purpose as the expired or closed account if—

(1) the obligation would have been properly chargeable (except as to amount) to the expired or closed account before the end of the period of availability or closing of that account;

(2) the obligation is not otherwise properly chargeable to any current appropriation account of the Department of Defense; and

(3) in the case of an expired account, the obligation is not chargeable to a current appropriation of the Department of Defense under the provisions of section 1405(b)(8) of the National Defense Authorization Act for Fiscal Year 1991, Public Law 101–510, as amended (31 U.S.C. 1551 note): Provided, That in the case of an expired account, if subsequent review or investigation discloses that there was not in fact a negative unliquidated or unexpended balance in the account, any charge to a current account under the authority of this section shall be reversed and recorded against the expired account: Provided further, That the total amount charged to a current appropriation under this section may not exceed an amount equal to one percent of the total appropriation for that account.

(TRANSFER OF FUNDS)

SEC. 8090. Upon enactment of this Act, the Secretary of Defense shall make the following transfers of funds: Provided, That the amounts transferred shall be available for the same purposes as the appropriations to which transferred, and for the same time period as the appropriation from which transferred: Provided further, That the amounts shall be transferred between the following appropriations in the amount specified:

From:

Under the heading, "Shipbuilding and Conversion, Navy, 1989/2000":

SSN–688 attack submarine program, $3,000,000;

DDG–51 destroyer program, $1,500,000;

LHD–1 amphibious assault ship program, $8,000,000;

T–AO fleet oiler program, $3,453,000;

AOE combat support ship program, $3,600,000; and

For craft, outfitting, and post delivery, $2,019,000;

To:

Under the heading, "Shipbuilding and Conversion, Navy, 1989/2000":

SSN–21 attack submarine program, $21,572,000;

From:

Under the heading, "Shipbuilding and Conversion, Navy, 1991/2001":

DDG–51 destroyer program, $1,060,000;

LHD–1 amphibious assault ship program, $1,600,000;

LSD–41 cargo variant ship program, $2,666,000;

AOE combat support ship program, $7,307,000; and

For craft, outfitting, and post delivery, $12,000,000;

To:

Under the heading, "Shipbuilding and Conversion, Navy, 1991/2001":

SSN–21 attack submarine program, $24,633,000;

From:

Under the heading, "Shipbuilding and Conversion, Navy, 1996/2000":

LHD–1 amphibious assault ship program, $5,592,000;

To:

Under the heading, "Shipbuilding and Conversion, Navy, 1996/2000":

SSN–21 attack submarine program, $5,592,000;

From:

Under the heading, "Shipbuilding and Conversion, Navy, 1994/1998":

LHD–1 amphibious assault ship program, $400,000; and

DDG–51 destroyer program, $1,054,000;

From:

Under the heading, "Shipbuilding and Conversion, Navy, 1995/1999":

For craft, outfitting, and post delivery, conversions, and first destination transportation, $715,000;

From:

Under the heading, "Shipbuilding and Conversion, Navy, 1996/2000":

LHD–1 amphibious assault ship program, $17,513,000; and

For craft, outfitting, and post delivery, conversions, and first destination transportation, $878,000;

From:

Under the heading, "Shipbuilding and Conversion, Navy, 1997/2001":

For craft, outfitting, and post delivery, conversions, and first destination transportation, $3,600,000;

To:

Under the heading, "Shipbuilding and Conversion, Navy, 1997/2001":

DDG–51 destroyer program, $24,160,000;

From:

Under the heading, "Shipbuilding and Conversion, Navy, 1996/2000":

Fast Patrol Boat, $9,500,000;

To:

"Research, Development, Test and Evaluation, Navy, 1998/1999", $9,500,000;

From:

Under the heading, "Shipbuilding and Conversion, Navy, 1997/2001":

Oceanographic ship SWATH, $45,000,000;

To:

"Research, Development, Test and Evaluation, Navy, 1998/1999", $45,000,000;

From:

"Aircraft Procurement, Air Force, 1997/1999", $73,531,000;

To:

"Research, Development, Test and Evaluation, Air Force, 1997/1998", $73,531,000:

Provided further, That notwithstanding any other provision of law, to facilitate a full and final settlement of all claims under contracts N00024–79–C–2614 and N00024–77–C–2031, the Secretary of the Navy may offset the amount of $1,660,680.84, owed by the Navy under contract N00024–79–C–2614 for the T–ARC–7 against an equal amount, $1,660,680.84, owed to the Navy under contract N00024–77–C–2031 for the AD 43.

SEC. 8091. The Under Secretary of Defense (Comptroller) shall submit to the congressional defense committees by February 1, 1998 a detailed report identifying, by amount and by separate budget activity, activity group, subactivity group, line item, program element, program, project, subproject, and activity, any activity for which the fiscal year 1999 budget request was reduced because Congress appropriated funds above the President's budget request for that specific activity for fiscal year 1998.

SEC. 8092. (a) None of the funds available to the Department of Defense under this Act may be obligated or expended to reimburse a defense contractor for restructuring costs associated with a business combination of the defense contractor that occurs after the date of enactment of this Act unless—

(1) the auditable savings for the Department of Defense resulting from the restructuring will exceed the costs allowed by a factor of at least two to one; or

(2) the savings for the Department of Defense resulting from the restructuring will exceed the costs allowed and the Secretary of Defense determines that the business combination will result in the preservation of a critical capability that might otherwise be lost to the Department; and

(3) the report required by Section 818(e) of Public Law 103–337 to be submitted to Congress in 1997 is submitted.

(b) Not later than April 1, 1998, the Comptroller General shall, in consultation with the Inspector General of the Department of Defense, the Secretary of Defense, and the Secretary of Labor, submit to Congress a report which shall include the following:

(1) an analysis and breakdown of the restructuring costs paid by or submitted to the Department of Defense to companies involved in business combinations since 1993;

(2) an analysis of the specific costs associated with workforce reductions;

(3) an analysis of the services provided to the workers affected by business combinations;

(4) an analysis of the effectiveness of the restructuring costs used to assist laid off workers in gaining employment; and

(5) in accordance with section 818 of Public Law 103–337, an analysis of the savings reached from the business combination relative to the restructuring costs paid by the Department of Defense.

(c) The report should set forth recommendations to make this program more effective for *workers affected by business combinations and more efficient in terms of the use of Federal dollars.*

*SEC. 8093. Funds appropriated in title II of this Act for supervision and administration costs for facilities maintenance and repair, minor construction, or design projects may be obligated at the time the reimbursable order is accepted by the performing activity: Provided, That for the purpose of this section, supervision and administration costs includes all in-house Government cost.*

*SEC. 8094. The Secretary of Defense may waive reimbursement of the cost of conferences, seminars, courses of instruction, or similar educational activities of the Asia-Pacific Center for Security Studies for military officers and civilian officials of foreign nations if the Secretary determines that attendance by such personnel, without reimbursement, is in the national security interest of the United States: Provided, That costs for which reimbursement is waived pursuant to this subsection shall be paid from appropriations available for the Asia-Pacific Center.*

*SEC. 8095. (a) Notwithstanding any other provision of law, the Chief of the National Guard Bureau may permit the use of equipment of the National Guard Distance Learning Project by any person or entity on a space-available, reimbursable basis. The Chief of the National Guard Bureau shall establish the amount of reimbursement for such use on a case-by-case basis.*

*(b) Amounts collected under subsection (a) shall be credited to funds available for the National Guard Distance Learning Project and be available to defray the costs associated with the use of equipment of the project under that subsection. Such funds shall be available for such purposes without fiscal year limitation.*

*SEC. 8096. Using funds available by this Act or any other Act, the Secretary of the Air Force, pursuant to a determination under section 2690 of title 10, United States Code, may implement cost-effective agreements for required heating facility modernization in the Kaiserslautern Military Community in the Federal Republic of Germany: Provided, That in the City of Kaiserslautern such agreements will include the use of United States anthracite as the base load energy for municipal district heat to the United States Defense installations: Provided further, That at Landstuhl Army Regional Medical Center and Ramstein Air Base, furnished heat may be obtained from private, regional or municipal services, if provisions are included for the consideration of United States coal as an energy source.*

*SEC. 8097. Notwithstanding any other provision of law, and notwithstanding the provisions in section 7306 of title 10, United States Code, in addition to amounts otherwise appropriated or made available by this Act, $13,000,000 is appropriated to the Department of the Navy and shall be available only for a grant to the Intrepid Sea-Air-Space Foundation only for the refurbishment of the former U.S.S. Intrepid (CV 11).*

*SEC. 8098. In accordance with section 1557 of title 31, United States Code, the following obligated balance shall be exempt from subchapter IV of chapter 15 of such title and shall remain available for expenditure without fiscal year limitation: Funds obligated by the Economic Development Administration for EDA Project No. 04–49–04095 from funds made available in the Department of Defense Appropriations Act, 1994 (Public Law 103–189).*

*SEC. 8099. None of the funds provided by this Act may be used to pay costs of instruction for an Air Force officer for enrollment commencing during the 1998–1999 academic year in a postgraduate degree program at a civilian educational institution if—*

*(1) the degree program to be pursued by that officer is offered by the Air Force Institute of Technology (or was offered by that institute during the 1996–1997 academic year);*

*(2) the officer is qualified for enrollment at the Air Force Institute of Technology in that degree program; and*

*(3) the number of students commencing that degree program at the Air Force Institute of Technology during the first semester of the 1998–1999 academic year is less than the number of students commencing that degree program for the first semester of the 1996–1997 academic year.*

*SEC. 8100. During the current fiscal year, the amounts which are necessary for the operation and maintenance of the Fisher Houses administered by the Departments of the Army, the Navy, and the Air Force are hereby appropriated, to be derived from amounts which are available in the applicable Fisher House trust fund established under 10 U.S.C. 2221 for the Fisher Houses of each such department.*

*SEC. 8101. During the current fiscal year, refunds attributable to the use of the Government travel card by military personnel and civilian employees of the Department of Defense may be credited to operation and maintenance accounts of the Department of Defense which are current when the refunds are received.*

*SEC. 8102. During the current fiscal year, not more than a total of $60,000,000 in withdrawal credits may be made by the Marine Corps Supply Management activity group of the Navy Working Capital Fund, Department of Defense Working Capital Funds, to the credit of current applicable appropriations of a Department of Defense activity in connection with the acquisition of critical low density repairables that are capitalized into the Navy Working Capital Fund.*

*SEC. 8103. Notwithstanding 31 U.S.C. 3902, during the current fiscal year interest penalties may be paid by the Department of Defense from funds financing the operation of the military department or defense agency with which the invoice or contract payment is associated.*

*SEC. 8104. At the time the President submits his budget for fiscal year 1999, the Department of Defense shall transmit to the congressional defense committees a budget justification document for the active and reserve Military Personnel accounts, to be known as the "M–1", which shall identify, at the budget activity, activity group, and subactivity group level, the amounts requested by the President to be appropriated to the Department of Defense for military personnel in any budget request, or amended budget request, for fiscal year 1999.*

*SEC. 8105. Notwithstanding any other provision in this Act, the total amount appropriated in this Act is hereby reduced by $100,000,000 to reflect savings due to excess inventory, to be distributed as follows: "Operation and Maintenance, Army", $40,000,000; "Operation and Maintenance, Navy", $40,000,000; and "Operation and Maintenance, Air Force", $20,000,000.*

*SEC. 8106. Notwithstanding any other provision in this Act, the total amount appropriated in title III of this Act is hereby reduced by $75,000,000 to reflect savings from repeal of section 2403 of title 10, United States Code.*

*SEC. 8107. The Secretary of the Army may exchange or sell one Army C–20 aircraft and may apply the exchange allowance or sale proceeds in whole or in part payment for the acquisition of one C–37 aircraft: Provided, That in addition to such exchange allowance or sale proceeds, of the amount appropriated for fiscal year 1998 for Aircraft Procurement, Air Force, not more than $6,000,000 shall be made available for acquisition of the C–37 for the United States Army: Provided further, That in addition to such exchange allowance or sale proceeds, of the amount appropriated for fiscal year 1997 for Aircraft Procurement, Air Force, not more than $27,100,000 shall be made available for acquisition of the C–37 for the United States Army.*

*SEC. 8108. During the current fiscal year, the Secretary of Defense may award contracts for capital assets having a development or acquisition cost of not less than $100,000 of a Working Capital Fund in advance of the availability of funds in the Working Capital Fund for minor construction, automatic data processing equipment, software, equipment, and other capital improvements.*

*SEC. 8109. From funds made available by this Act for the Maritime Technology Program up to $250,000 shall be made available to assist with a pilot project that will facilitate the transfer of commercial cruise ship shipbuilding technology and expertise to U.S. yards, utilize the experience and expertise of existing U.S.-flag cruise ship operators, and enable the operation of a U.S.-flag foreign-built cruise ship, and two newly-constructed U.S.-flag cruise ships: Provided, That a person (including a related person with respect to that person) who, within 18 months after the date of enactment, enters into a binding contract for construction in the United States of two cruise ships, which contract shall provide for the construction of two cruise ships of equal or greater size than the cruise ship being operated by such person on the date of enactment and shall require the delivery of the first cruise ship no later than January 1, 2005, and the second cruise ship no later than January 1, 2008, may document with a coastwise endorsement a cruise ship constructed pursuant to this section and a foreign-built cruise ship otherwise in compliance with 46 U.S.C. sections 289, 883 and 12106 until such date which is twenty-four (24) months after the delivery of the second cruise ship or any subsequently delivered cruise ship: Provided further, That a person (including a related person with respect to that person) within the meaning of 46 U.S.C. section 801 may not operate a U.S.-flag foreign-built cruise ship, or any other cruise ship, in coastwise trade between or among the islands of Hawaii, upon execution of the contract referred to in this section and continuing throughout the life expectancy (as that term is used in 46 U.S.C. App 1125) of a newly constructed U.S. flag cruise ship referred to in this section, unless the cruise ship is operated by a person (including a related person with respect to that person) that is operating a cruise ship in coastwise trade between or among the islands of Hawaii on the date of enactment, except if any cruise ship constructed pursuant to this section operates in regular service other than between or among the islands of Hawaii: Provided further, That for purposes of this section the term "cruise ship" means a vessel that is at least 10,000 gross tons (as measured under chapter 143 of title 46, United States Code) and has berth or stateroom accommodations for at least 275 passengers: Provided further, That for purposes of this section, unless otherwise defined in this section, the term "person" means a corporation, partnership or association the controlling interest of which is owned by citizens of the United States within the meaning of 46 U.S.C. section 802(b): Provided further, That for purposes of this section the term "related person" means with respect to a person (i) a holding company, subsidiary, affiliate or association of the person and (ii) an officer, director, or agent of the person or of an entity referred to in (i): Provided further, That none of the funds provided in this or any other Act may be obligated for the tooling to construct or the construction of vessels addressed by this section.*

*SEC. 8110. The Secretary of Defense shall submit to the congressional defense committees not later than November 15, 1997 an aviation safety plan outlining an appropriate level of navigational safety upgrades for all Department of Defense aircraft and the associated funding profile to install these upgrades in an expeditious manner.*

*SEC. 8111. Notwithstanding any other provision of law, the Secretary of Defense shall obligate the funds provided for University Research Initiatives in the Department of Defense Appropriations Act, 1997 (titles I through VIII under section 101(b) of Public Law 104–208) for the projects and in the amounts provided for in House Report 104–863 of the House of Representatives, 104th Congress, second session.*

*SEC. 8112. The Secretary of Defense shall submit to the Committees on Appropriations of the House of Representatives and Senate, not later than April 15, 1998, a report on alternatives for current theater combat simulations: Provided, That this report shall be based on a review and evaluation by the Defense Science Board of the adequacy of the current models used by the Department of Defense for theater combat simulations, with particular emphasis on the tactical warfare (TACWAR) model and the ability of that model to adequately measure airpower, stealth, and other asymmetrical United States warfighting advantages, and shall include the recommendations of the Defense Science Board for improvements to current models and modeling techniques.*

*SEC. 8113. Effective on June 30, 1998, section 8106(a) of the Department of Defense Appropriations Act, 1997 (titles I through VIII of the matter under section 101(b) of Public Law 104–208; 110 Stat. 3009–111; 10 U.S.C. 113 note), is amended by striking out "$3,000,000" and inserting in lieu thereof "$1,000,000".*

*SEC. 8114. None of the funds appropriated in title IV of this Act may be used to procure end-items for delivery to military forces for operational training, operational use or inventory requirements: Provided, That this restriction does not apply to end-items used in development, prototyping, and test activities preceding and leading to acceptance for operational use: Provided further, That this restriction does not apply to programs funded within the National Foreign Intelligence Program: Provided further, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that it is in the national security interest to do so.*

*SEC. 8115. It is the sense of the Congress that all member nations of the North Atlantic Treaty Organization (NATO) should contribute their proportionate share to pay for the costs of the Partnership for Peace program and for any future costs attributable to the expansion of NATO.*

*SEC. 8116. The budget of the President for fiscal year 1999 submitted to Congress pursuant to section 1105 of title 31, United States Code, and each annual budget request thereafter, shall include budget activity groups (known as "subactivities") in the operation and maintenance accounts of the military departments and other appropriation accounts, as may be necessary, to separately identify all costs incurred by the Department of Defense to support the expansion of the North Atlantic Treaty Organization. The budget justification materials submitted to Congress in support of the budget of the Department of Defense for fiscal year 1999, and subsequent fiscal years, shall provide complete, detailed estimates for the incremental costs of such expansion.*

*SEC. 8117. None of the funds made available in this Act may be obligated or expended to enter into or renew a contract with a contractor that is subject to the reporting requirement set forth in subsection (d) of section 4212 of title 38, United States Code, but has not submitted the most recent report required by such subsection for 1997 or a subsequent year.*

*SEC. 8118. None of the funds made available in this Act may be used to approve or license the sale of the F–22 advanced tactical fighter to any foreign government.*

*SEC. 8119. None of the funds appropriated or otherwise made available by this Act may be made available for the United States Man and the Biosphere Program, or related projects.*

*SEC. 8120. Up to $4,500,000 of funds available to the Department of Defense may be available for the payment of claims for loss and damage to personal property suffered as a direct result of the flooding in the Red River Basin during April and May, 1997 by members of the Armed Forces residing in the vicinity of Grand Forks Air Force Base, North Dakota, without regard to the provisions of section 3721(e) of title 31, United States Code.*

*SEC. 8121. Of the total amount appropriated under title II for the Navy, the Secretary of the Navy shall make $25,000,000 available for a program to demonstrate expanded use of multitechnology automated reader cards throughout the Navy and the Marine Corps, including demonstration of the use of the so-called "smartship" technology of the ship-to-shore work load/off load program.*

*SEC. 8122. (a) FINDINGS.—(1) The North Atlantic Treaty Organization, at the Madrid summit, decided to admit three new members, the Czech Republic, Poland and Hungary.*

*(2) The President, on behalf of the United States endorsed and advocated the expansion of the North Atlantic Treaty Organization to include three additional members.*

*(3) The Senate will consider the ratification of instruments to approve the admissions of new members to the North Atlantic Treaty Organization.*

*(4) The United States has contributed more than $20,000,000,000 since 1952 for infrastructure and support of the Alliance.*

*(5) In appropriations Acts considered by the Congress for fiscal year 1998, $449,000,000 has been requested by the President for expenditures in direct support of United States participation in the Alliance.*

*(6) In appropriations Acts considered by the Congress for fiscal year 1998, $9,983,300,000 has been requested by the President in support of United States military expenditures in North Atlantic Treaty Organization countries.*

*(b) REPORT TO CONGRESS.—The Secretary of Defense shall identify and report to the congressional defense committees not later than October 1, 1997—*

*(1) the amounts necessary, by appropriation account, for all anticipated costs to the United States for the admission of the Czech Republic, Poland and Hungary to the North Atlantic Treaty Organization for the fiscal years 1998, 1999, 2000, 2001 and 2002; and*

*(2) any new commitments or obligations entered into or assumed by the United States in association with the admission of new members to the Alliance, to include the deployment of United States military personnel, the provision of defense articles or equipment, training activities and the modification and construction of military facilities.*

*SEC. 8123. (a) The Secretary of Defense may, on a case-by-case basis, waive with respect to a foreign country each limitation on the procurement of defense items from foreign sources provided in law if the Secretary determines that the application of the limitation with respect to that country would invalidate cooperative programs entered into between the Department of Defense and the foreign country, or would invalidate reciprocal trade agreements for the procurement of defense items entered into under section 2531 of title 10, United States Code, and the country does not discriminate against the same or similar defense items produced in the United States for that country.*

*(b) Subsection (a) applies with respect to—*

*(1) contracts and subcontracts entered into on or after the date of the enactment of this Act; and*

*(2) options for the procurement of items that are exercised after such date under contracts that are entered into before such date if the option prices are adjusted for any reason other than the application of a waiver granted under subsection (a).*

*(c) Subsection (a) does not apply to a limitation regarding construction of warships, ball and roller bearings, and clothing or textile materials as defined by section 11 (chapters 50–65) of the Harmonized Tariff Schedule and products classified under headings 4010, 4202, 4203, 6401 through 6406, 6505, 7019, and 9404.*

*SEC. 8124. It is the sense of Congress that should the Senate ratify NATO enlargement, that the proportional cost of the United States share of the NATO common budget should not increase, and that if any NATO member does not pay its share, the United States shall not pay either.*

*SEC. 8125. Congress finds that the Defense Base Closure and Realignment Commission directed the transfer of only 10 electro-magnetic test environment systems from Eglin Air Force Base, Florida, to Nellis Air Force Base, Nevada.*

*SEC. 8126. (a) FINDINGS.—(1) The Department of Defense budget is insufficient to fulfill all the requirements on the unfunded priorities lists of the military services and defense agencies;*

*(2) the documented printing expenses of the Department of Defense amount to several hundred million dollars per year, and a similar amount of undocumented printing expenses may be included in external defense contracts;*

*(3) printing in two or more colors generally increases costs;*

*(4) the Joint Committee on Printing of the Congress of the United States has established regulations intended to protect taxpayers from extravagant Government printing expenses;*

*(5) the Government Printing and Binding Regulations published by the Joint Committee on Printing direct that ". . . it is the responsibility of the head of any department, independent office or establishment of the Government to assure that all multicolor printing shall contribute demonstrable value toward achieving a greater fulfillment of the ultimate end-purpose of whatever printed item in which it is included.";*

*(6) the Department of Defense publishes a large number of brochures, calendars, and other products in which the use of multicolor printing does not appear to meet the demonstrably valuable contribution requirement of the Joint Committee on Printing, but instead appears to be used primarily for decorative effect; and*

*(7) the Department of Defense could save resources for higher priority needs by reducing printing expenses.*

*(b) SENSE OF THE SENATE.—Therefore, it is the sense of the Senate that—*

*(1) the Secretary of Defense should ensure that the printing costs of the Department of Defense and military services are held to the lowest amount possible;*

*(2) the Department of Defense should strictly comply with the Printing and Binding Regulations published by the Joint Committee on Printing of the Congress of the United States;*

*(3) the Department of Defense budget submission for fiscal year 1999 should reflect the savings that will result from the stricter printing guidelines in paragraphs (1) and (2).*

### *(RESCISSIONS)*

*SEC. 8127. Of the funds provided in title III of the Department of Defense Appropriations Act, 1996 (Public Law 104–61), $62,000,000 are rescinded, and of the funds provided in title IV of the Department of Defense Appropriations Act, 1997 (as contained in section 101(b) of Public Law 104–208), $38,000,000 are rescinded: Provided, That such rescissions shall not be made* *before July 1, 1998: Provided further, That not later than June 1, 1998, the Undersecretary of Defense (Comptroller) shall submit a report to the congressional defense committees listing the specific programs, projects and activities proposed for rescission subject to the provisions of this section.*

*SEC. 8128. Section 303(e) of the 1997 Emergency Supplemental Appropriations Act for Recovery from Natural Disasters, and for Overseas Peacekeeping Efforts, Including Those in Bosnia (Public Law 105–18; 111 Stat. 168) is struck and the following is inserted in lieu thereof:*

*"(e) AVAILABILITY OF FUNDS.—The Secretary may use funds available in the Defense Working Capital Fund for the payment of the costs of utilities, maintenance and repair, and improvements entered into under the lease under this section.".*

*SEC. 8129. Subject to amounts appropriated under the heading "Shipbuilding and Conversion, Navy" in this Act for the New Attack Submarine Program, and notwithstanding any provisions of the National Defense Authorization Act for Fiscal Year 1996 and of the National Defense Authorization Act for Fiscal Year 1997 to the contrary, and notwithstanding section 2304(k) of title 10, United States Code, and the policy set forth in paragraph (1) of that section, the Secretary of the Navy may enter into a contract during fiscal year 1998 for the necessary procurement of four submarines under the New Attack Submarine Program with one of the two shipbuilders which are party to the Team Agreement between Electric Boat Corporation and Newport News Shipbuilding and Dry Dock Company dated February 25, 1997, that was submitted to the Congress by the Secretary of the Navy on March 31, 1997, as the prime contractor on the condition such prime contractor enter into one or more subcontracts (under such prime contract) with the other shipbuilder which is a party to such Team Agreement as contemplated in such Team Agreement, with such contract providing for construction of the first submarine in fiscal year 1998 and for the advance construction and advance procurement of material for the second, third, and fourth submarines in fiscal year 1998: Provided, That such prime contract shall provide that if such contract is terminated, the United States shall not be liable for termination costs in excess of the total amount appropriated for the New Attack Submarine Program.*

*SEC. 8130. In addition to the amounts provided elsewhere in this Act, $3,000,000 is hereby appropriated for "Operations and Maintenance, Defense-Wide", and shall be made available only for the establishment of the "21st Century National Security Study Group" (hereinafter in this section referred to as the "Study Group"): Provided, That these funds may be obligated only upon the completion of a memorandum of agreement between the Secretary of Defense (after consultation with the President), the Speaker of the House of Representatives, the Minority Leader of the House of Representatives, the Majority Leader of the Senate, and the Minority Leader of the Senate: Provided further, That this memorandum of agreement will set forth the scope of the Group's work, as well as its charter, composition, authorities, lifespan, and products to be generated: Provided further, That this memorandum of agreement shall be completed not later than December 15, 1997.*

*SEC. 8131. (a) PANEL TO REVIEW LONG RANGE AIR POWER.—(1) There is hereby established an independent panel to evaluate the adequacy of current planning for United States long-range air power and the requirement for continued low-rate production of B–2 stealth bombers.*

*(2) The panel shall be composed of nine members appointed as follows:*

*(A) Two members shall be named by the President;*

*(B) Two members shall be named by the Speaker of the House of Representatives;*

*(C) One member shall be named by the minority leader of the House of Representatives;*

*(D) Two members shall be named by the majority leader of the Senate;*

*(E) One member shall be named by the minority leader of the Senate; and*

*(F) One member, will serve as chairman of the panel, shall be named by the President.*

*(b) FUNCTIONS OF PANEL.—(1) Not later than March 1, 1998, the panel shall submit to the President and Congress a report containing its conclusions and recommendations concerning the appropriate B–2 bomber force and specifically stating its recommendation on whether additional funds for the B–2 should be used for continued low-rate production of the B–2 or for upgrades to improve deployability, survivability and maintainability.*

*(2) As part of its evaluation and review, the panel shall consider, but not be limited to, the following:*

*(A) Scenarios involving no warning time and little warning time from potential adversaries;*

*(B) The make-up of the current bomber fleet and expected attrition to that fleet over the next fifteen years;*

*(C) The potential effect of additional B–2 bombers on deterrence;*

*(D) The potential effect of additional B–2 bombers in the "halt phase" of a conflict;*

*(E) The potential of a biological or chemical "lock-out" of tactical U.S. assets by future adversaries and the effect of additional B–2 bombers toward mitigating such a tactic;*

*(F) Trade-offs between additional B–2 bombers and other programmed DOD assets in meeting the scenarios described in subsections (b)(2)(A) through (b)(2)(E) above;*

*(G) The desirability of an increased rate of purchase of precision-guided munitions for aircraft in the existing B–2 fleet;*

*(H) The desirability of improving the low observable characteristics of the existing B–2 fleet; and*

*(I) The affordability of additional B–2 bombers in the context of projected levels of future defense funding.*

*(c) PANEL ADMINISTRATION.—(1) The members of the panel shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the panel.*

*(2) Upon the request of the chairman of the panel, the Secretary of Defense may detail to the panel, on a nonreimbursable basis, personnel of the Department of Defense to assist the panel in carrying out its duties. The Secretary of Defense shall furnish to the panel such administrative and support services as may be requested by the chairman of the panel and shall ensure that all appropriate actions are taken to preserve the options of the President until the panel submits its report under subsection (b)(1).*

*(d) FUNDING.—The Secretary of Defense shall, upon the request of the panel, make available to the panel such amounts as the panel may require to carry out its duties under this section.*

*(e) TERMINATION OF THE PANEL.—The panel shall terminate 30 days after the date on which it submits its report under subsection (b)(1).*

*SEC. 8132. None of the funds in this Act may be made available for the deployment of United States armed forces in the Republic of Bosnia and Herzegovina after June 30, 1998, unless the President, after consultation with the bipartisan leadership of the Senate and the House of Representatives, transmits to the Congress not later than May 15, 1998 a certification that the continued presence of United States armed forces is required in order to meet the national security interests of the United States: Provided, That such certification shall specify the following aspects of any deployment beyond June 30, 1998—*

*(1) The reasons why such deployment is in the national interest;*

*(2) The number of United States military personnel to be deployed in and around the Republic of Bosnia and Herzegovina and the former Yugoslavia:*

*(3) The expected duration of any such deployment;*

*(4) The mission and objectives of United States military forces deployed in and around the Republic of Bosnia and Herzegovina and the former Yugoslavia;*

*(5) The exit strategy for United States forces engaged in such deployment;*

*(6) The costs associated with any deployment beyond June 30, 1998; and*

*(7) The impact of such deployment on the morale, retention, and effectiveness of U.S. forces: Provided further, That concurrent with said certification, the President shall submit a supplemental appropriations request for such amounts as are necessary for any continued deployment beyond June 30, 1998: Provided further, That nothing in this section shall be deemed to restrict the authority of the President under the Constitution to protect the lives of United States citizens.*

*This Act may be cited as the "Department of Defense Appropriations Act, 1998".*

And the Senate agree to the same.

BILL YOUNG,
JOSEPH M. MCDADE,
JERRY LEWIS,
JOE SKEEN,
DAVID L. HOBSON,
HENRY BONILLA,
GEORGE R. NETHERCUTT,
Jr.,
ERNEST ISTOOK,
RANDY "DUKE"
CUNNINGHAM,
BOB LIVINGSTON,
JOHN P. MURTHA,
NORM DICKS
(except on amendment dealing with the B–2 bomber.),
W.G. BILL HEFNER,
MARTIN OLAV SABO,
JULIAN C. DIXON,
PETER J. VISCLOSKY,
*Managers on the Part of the House.*

TED STEVENS,
THAD COCHRAN,
ARLEN SPECTER,
PETE DOMENICI,
CHRISTOPHER S. BOND,
MITCH MCCONNELL,
RICHARD SHELBY,
JUDD GREGG,
KAY BAILEY HUTCHISON,
DANIEL K. INOUYE,
ROBERT BYRD,
PATRICK J. LEAHY,
DALE BUMPERS,
FRANK R. LAUTENBERG,
BYRON L. DORGAN,
*Managers on the Part of the Senate.*

## JOINT EXPLANATORY STATEMENT

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2266), making appropriations for the Department of Defense for the fiscal year ending September 30, 1998, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report.

The conference agreement on the Department of Defense Appropriations Act, 1998, incorporates some of the provisions of both the House and Senate versions of the bill. The language and allocations set forth in House Report 105–206 and Senate Report 105–45 should be complied with unless specifically addressed in the accompanying bill and statement of the managers to the contrary.

Senate Amendment: The Senate deleted the entire House bill after the enacting clause and inserted the Senate bill. The conference agreement includes a revised bill.

### DEFINITION OF PROGRAM, PROJECT, AND ACTIVITY

The conferees agree that for the purposes of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99–177) as amended by the balanced Budget and Emergency Deficit Control Reaffirmation Act of 1987 (Public Law 100–119) and by the Budget Enforcement Act of 1990 (Public Law 101–508), the term program, project, and activity for appropriations contained in this Act shall be defined as the most specific level of budget items identified in the Department of Defense Appropriations Act, 1998, the accompanying House and Senate Committee reports, the conference report and accompanying joint explanatory statement of the managers of the Committee of Conference, the related classified annexes and reports, and the P–1 and R–1 budget justification documents as subsequently modified by Congressional action. The following exception to the above definition shall apply:

for the Military Personnel and the Operation and Maintenance accounts, the term "program, project, and activity" is defined as the appropriations accounts contained in the Department of Defense Appropriations Act. At the time the President submits his budget for fiscal year 1999, the conferees direct the Department of Defense to transmit to the congressional defense committees budget justification documents to be known as the "M–1" and "O–1" which shall identify, at the budget activity, activity group, and subactivity group level, the amounts requested by the President to be appropriated to the Department of Defense for operation and maintenance in any budget request, or amended budget request, for fiscal year 1999.

## TITLE I—MILITARY PERSONNEL

The conferees agree to the following amounts and end strength totals for the Military Personnel accounts as follows:

[In thousands of dollars]

| | Budget | House | Senate | Conference |
|---|---|---|---|---|
| Active personnel: | | | | |
| Army | $20,492,257 | $20,445,381 | $20,426,457 | $20,452,057 |
| Navy | 16,501,118 | 16,504,911 | 16,508,218 | 16,493,518 |
| Marine Corps | 6,147,599 | 6,141,635 | 6,148,899 | 6,137,899 |
| Air Force | 17,145,556 | 17,044,874 | 17,206,056 | 17,102,120 |
| Reserve personnel: | | | | |
| Army | 2,024,446 | 2,045,615 | 2,037,046 | 2,032,046 |
| Navy | 1,375,401 | 1,377,249 | 1,374,901 | 1,376,601 |
| Marine Corps | 381,070 | 391,953 | 384,770 | 391,770 |
| Air Force | 814,936 | 814,772 | 815,745 | 815,915 |
| National Guard Personnel: | | | | |
| Army | 3,200,667 | 3,245,387 | 3,446,867 | 3,333,867 |
| Air Force | 1,319,712 | 1,331,417 | 1,334,712 | 1,334,714 |
| Total, Military Personnel | 69,411,762 | 69,343,194 | 69,683,671 | 69,470,505 |

### PERSONNEL UNDERSTRENGTH

The conferees recommend a total reduction of $303,200,000 to the services military personnel accounts due to lower than estimated end strengths during fiscal year 1997. The conferees understand that the Services will begin fiscal year 1998 with fewer personnel on-board than originally budgeted, therefore, the requirements for pays and allowances of personnel are overstated. A summary of the understrength reductions is shown in the table below:

[In thousands of dollars]

| | |
|---|---|
| Army | –$240,000 |
| Navy | –10,000 |
| Marine Corps | –3,600 |
| Air Force | –44,600 |
| Army Reserve | –5,000 |
| Total | –303,200 |

### FORCE STRUCTURE CHANGES

The fiscal year 1998 budget request included reductions in the size of Primary Aircraft Authorized (PAA) levels for Air Force B–52's, and Air Force Reserve and Air National Guard C–130's units. The conferees recommend restoring these aircraft levels during fiscal year 1998. In addition, the conferees recommend adding funds to support the Air Force Reserve's WC–130 Weather Reconnaissance mission, and Navy Reserve LAMPS squadrons. In total, the conferees recommend an additional $11,779,000 in the military personnel accounts and $64,373,000 in the services Operations and Maintenance accounts for personnel and support costs of these units. A summary of the funds provided follows:

| | Military personnel | O&M | Procurement | Total |
|---|---|---|---|---|
| Air Force, B–52's | 4,500 | 42,400 | 10,400 | 57,300 |
| Air Force Reserve, C–130's | 1,409 | 6,780 | | 8,189 |
| Air National Guard C–130's | 4,000 | 13,063 | | 17,063 |
| Air Force Reserve, WC–130 Weather Reconnaissance | 170 | 830 | | 1,000 |
| Navy/Navy Reserve, Magic Lantern | 1,700 | 1,300 | | 3,000 |
| Total | 11,779 | 64,373 | 10,400 | 86,552 |

### FOREIGN CURRENCY SAVINGS

The budget request reduces the active duty military personnel accounts by $62,000,000 for foreign currency savings due to favorable fluctuations in overseas exchange rates. The conferees understand that there are additional savings and recommend a further reduction of $16,000,000 to the personnel accounts, for a total foreign currency reduction of $78,000,000.

### CONTINGENCY OPERATIONS FUNDING

The fiscal year 1998 budget request recommended $213,600,000 for pay and allowances of military personnel in the "Overseas Contingency Operations Transfer Fund", for cost of operations in Bosnia during fiscal year 1998. The conferees agree to the realignment of these funds into the Services military personnel accounts.

### TEMPORARY EARLY RETIREMENT AUTHORITY

The conferees recommend a total of $126,902,000 for Army and Air Force Temporary Early Retirement Authority. Of this amount, the conferees agree to restore $36,902,000, the budget request, for Army separation payments. However, due to enlisted understrength projections, the conferees recommend $90,000,000, a reduction of $57,836,000 from the budget request, for Air Force separation payments.

### ACTIVE END STRENGTH

[Fiscal year 1998]

| | Budget | Conference | Conference vs. budget |
|---|---|---|---|
| Army | 495,000 | 495,000 | |
| Navy | 390,802 | 390,802 | |
| Marine Corps | 174,000 | 174,000 | |
| Air Force | 371,577 | 371,699 | +122 |
| Total, Active Personnel | 1,431,379 | 1,431,501 | +122 |

### MILITARY PERSONNEL, ARMY

The conference agreement on items addressed by either the House or the Senate is as follows:

[In thousands of dollars]

| | House | Senate | Conference |
|---|---|---|---|
| Basic Allowance for Quarters | 10,326 | | |
| Foreign Currency Savings | –4,000 | | –9,000 |
| Temporary Early Retirement Program | –36,902 | | |
| Service Academies Foreign Students | –1,000 | | –1,000 |
| Personnel Understrength Savings | –183,100 | | –240,000 |
| Family Separation Allowance | 9,600 | | 9,600 |
| Contingency Operations Transfer—Bosnia | 158,200 | 158,200 | 158,200 |
| End Strength Reduction | | –266,000 | |
| Additional Recruiting Support | | 42,000 | 42,000 |
| Total, Military Personnel, Army | –46,876 | –65,800 | –40,200 |

### MILITARY PERSONNEL, NAVY

The conference agreement on items addressed by either the House or the Senate is as follows:

[In thousands of dollars]

| | House | Senate | Conference |
|---|---|---|---|
| Basic Allowance for Quarters | 9,393 | | |
| Foreign Currency Savings | -1,000 | | -3,000 |
| Service Academies Foreign Students | -1,000 | | -1,000 |
| Personnel Understrength Savings | -10,000 | | -10,000 |
| Unemployment Compensation Savings | -10,000 | | -10,000 |
| Family Separation Allowance | 9,300 | | 9,300 |
| Contingency Operations Transfer-Bosnia | 7,100 | 7,100 | 7,100 |
| Total, Military Personnel, Navy | 3,793 | 7,100 | -7,600 |

### MILITARY PERSONNEL, MARINE CORPS

The conference agreement on items addressed by either the House or the Senate is as follows:

[In thousands of dollars]

| | House | Senate | Conference |
|---|---|---|---|
| Basic Allowance for Quarters | 2,736 | | |
| Foreign Currency Savings | | | -1,000 |
| Personnel Understrength Savings | -3,600 | | -3,600 |
| Family Separation Allowance | -3,600 | | -3,600 |
| Unemployment Compensation Savings | -10,000 | | -10,000 |
| Contingency Operations Transfer-Bosnia | 1,300 | 1,300 | 1,300 |
| Total, Military Personnel, Marine Corps | -5,964 | 1,300 | -9,700 |

### MILITARY PERSONNEL, AIR FORCE

The conference agreement on items addressed by either the House or the Senate is as follows:

[In thousands of dollars]

| | House | Senate | Conference |
|---|---|---|---|
| Basic Allowance for Quarters | 8,654 | | |
| Temporary Early Retirement Program | -147,836 | | -57,836 |
| Foreign Currency Savings | -1,000 | | -3,000 |
| Service Academies Foreign Students | -1,000 | | -1,000 |
| Personnel Understrength Savings | -18,000 | | -44,600 |
| Family Separation Allowance | 2,500 | | 2,500 |
| Contingency Operations Transfer-Bosnia | 47,000 | 47,000 | 47,000 |
| B–52 Force Structure | | 4,500 | 4,500 |
| Total, Military Personnel, Air Force | -109,682 | 51,500 | -52,436 |

### NATIONAL GUARD AND RESERVE FORCES

The conferees agree to provide $9,284,911,000 in Reserve personnel appropriations, $9,310,912,000 in Operation and maintenance appropriations, and $653,000,000 in the National Guard and Reserve Equipment appropriation. These funds support a Selected Reserve strength of 892,597 as shown below.

### RESERVE STRENGTHS

| | Fiscal year 1998 | | |
|---|---|---|---|
| | Budget | Conference | Conference vs. Budget |
| Selected Reserve: | | | |
| Army Reserve | 208,000 | 208,000 | |
| Navy Reserve | 94,294 | 94,326 | +32 |
| Marine Corps Reserve | 42,000 | 42,000 | |
| Air Force Reserve | 73,431 | 73,598 | +167 |
| Army National Guard | 366,516 | 366,516 | |
| Air National Guard | 107,377 | 108,157 | +780 |
| Total | 891,618 | 892,597 | +979 |
| AGR/TARS: | | | |
| Army Reserve | 11,500 | 11,500 | |
| Navy Reserve | 16,136 | 16,168 | +32 |
| Marine Corps Reserve | 2,559 | 2,559 | |
| Air Force Reserve | 963 | 963 | |
| Army National Guard | 22,310 | 22,310 | |
| Air National Guard | 10,616 | 10,671 | +55 |
| Total | 64,084 | 64,171 | +87 |
| Technicians: | | | |
| Army Reserve | 6,501 | 6,501 | |
| Air Force Reserve | 9,622 | 9,659 | +37 |
| Army National Guard | 25,250 | 25,250 | |
| Air National Guard | 22,968 | 23,068 | +100 |
| Total | 64,341 | 64,478 | +137 |

### RETENTION OF MILITARY LEAVE FOR FEDERAL EMPLOYEES

The conferees reject the budget request proposal to eliminate military leave for those members of the Reserve components who are Federal employees.

### RESERVE MOBILIZATION INCOME INSURANCE PROGRAM

The conferees include language in section 8005 of the general provisions which provides the Department of Defense reprogramming authority to meet its financial obligations with respect to the termination of this program in the absence of a supplemental appropriation.

### RESERVE PERSONNEL, ARMY

The conference agreement on items addressed by either the House or the Senate is as follows:

[In thousands of dollars]

| | House | Senate | Conference |
|---|---|---|---|
| Unit Readiness/Training | 8,000 | | |
| Basic Allowance for Quarters | 569 | | |
| Reserve Duty Drill Pay | 20,400 | 20,400 | 20,400 |
| Health Scholarship Stipend | −7,800 | −7,800 | −7,800 |
| Personnel Understrength Savings | | | −5,000 |
| Total, Reserve Personnel, Army | 21,169 | 12,600 | 7,600 |

### RESERVE PERSONNEL, NAVY

The conference agreement on items addressed by either the House or the Senate is as follows:

[In thousands of dollars]

| | House | Senate | Conference |
|---|---|---|---|
| Basic Allowance for Quarters | 648 | | |
| Reserve Duty Drill Pay | 8,500 | 8,500 | 8,500 |
| Health Scholarship Stipend | −9,000 | −9,000 | −9,000 |
| Magic Lantern Aircraft | 1,700 | | 1,700 |
| Total, Reserve Personnel, Navy | 1,848 | −500 | 1,200 |

### NAVY RESERVE FORCES

The conferees concur in the House direction regarding Navy Reserve Forces.

### RESERVE PERSONNEL, MARINE CORPS

The conference agreement on items addressed by either the House or the Senate is as follows:

[In thousands of dollars]

| | House | Senate | Conference |
|---|---|---|---|
| Annual Training/School Tours | 7,000 | | 7,000 |
| Basic Allowance for Quarters | 183 | | |
| Reserve Duty Drill Pay | 3,700 | 3,700 | 3,700 |
| Total, Reserve Personnel, Marine Corps | 10,883 | 3,700 | 10,700 |

### RESERVE PERSONNEL, AIR FORCE

The conference agreement on items addressed by either the House or the Senate is as follows:

[In thousands of dollars]

| | House | Senate | Conference |
|---|---|---|---|
| Basic Allowance for Quarters | 266 | | |
| Reserve Duty Drill Pay | 8,200 | 8,200 | 8,200 |
| Health Scholarship Stipend | −8,800 | −8,800 | −8,800 |
| WC–130 Weather Reconnaissance | 170 | | 170 |
| C–130 Force Structure | | 1,409 | 1,409 |
| Total, Reserve Personnel, Air Force | −164 | 809 | 979 |

### NATIONAL GUARD PERSONNEL, ARMY

The conference agreement on items addressed by either the House or the Senate is as follows:

[In thousands of dollars]

| | House | Senate | Conference |
|---|---|---|---|
| School/Special Training | 10,000 | 115,000 | 40,000 |
| Basic Allowance for Quarters | 1,520 | | |
| Reserve Duty Drill Pay | 33,200 | 33,200 | 33,200 |
| Annual Training | | 33,000 | 15,000 |
| Inactive Duty Training | | 20,000 | 10,000 |
| Initial Entry Training | | 35,000 | 30,000 |
| Bonus/Transition Benefits | | 10,000 | 5,000 |
| Total, National Guard Personnel, Army | 44,720 | 246,200 | 133,200 |

### NATIONAL GUARD PERSONNEL, AIR FORCE

The conference agreement on items addressed by either the House or the Senate is as follows:

[In thousands of dollars]

| | House | Senate | Conference |
|---|---|---|---|
| Basic Allowance for Quarters | 705 | | |
| Reserve Duty Drill Pay | 11,000 | 11,000 | 11,000 |
| C–130 Force Structure | | 4,000 | 4,000 |
| Total, National Guard Personnel, Air Force | 11,705 | 15,000 | 15,000 |

## TITLE II—OPERATION AND MAINTENANCE

A summary of the conference agreement on the items addressed by either the House or the Senate is as follows:

[In thousands of dollars]

| | Budget | House | Senate | Conference |
|---|---|---|---|---|
| O&M. ARMY | 17,049,484 | 17,078,218 | 16,913,473 | 16,754,306 |
| TRANSFER—STOCKPILE | (50,000) | (50,000) | (50,000) | (50,000) |
| O&M. NAVY | 21,508,130 | 21,779,365 | 21,576,419 | 21,617,766 |
| TRANSFER—STOCKPILE | (50,000) | (50,000) | (50,000) | (50,000) |
| O&M. MARINE CORPS | 2,301,345 | 2,598,032 | 2,328,535 | 2,372,635 |
| O&M. AIR FORCE | 18,817,785 | 18,740,167 | 18,592,385 | 18,492,883 |
| TRANSFER—STOCKPILE | (50,000) | (50,000) | (50,000) | (50,000) |
| O&M. DEFENSEWIDE | 10,390,938 | 10,053,956 | 10,399,638 | 10,639,740 |
| O&M. ARMY RESERVE | 1,192,891 | 1,207,891 | 1,212,891 | 1,207,891 |
| O&M. NAVY RESERVE | 834,711 | 924,711 | 834,211 | 921,711 |
| O&M. MARINE CORPS RESERVE | 110,366 | 119,266 | 110,366 | 116,366 |
| O&M. AIR FORCE RESERVE | 1,624,420 | 1,635,250 | 1,631,200 | 1,632,030 |

[In thousands of dollars]

| | Budget | House | Senate | Conference |
|---|---|---|---|---|
| O&M, ARMY NATIONAL GUARD | 2,258,932 | 2,313,632 | 2,449,932 | 2,419,632 |
| O&M, AIR NATIONAL GUARD | 2,991,219 | 2,995,719 | 3,010,282 | 3,013,282 |

[In thousands of dollars]

| | Budget | House | Senate | Conference |
|---|---|---|---|---|
| OVERSEAS CONTINGENCY OPERATIONS TRANSFER FUND | 1,467,500 | 1,855,400 | 1,889,000 | 1,884,000 |
| UNITED STATES COURT OF APPEALS FOR THE ARMED FORCES | 6,952 | 6,952 | 6,952 | 6,952 |
| ENVIRONMENTAL RESTORATION, ARMY | 377,337 | 377,337 | 375,337 | 375,337 |
| ENVIRONMENTAL RESTORATION, NAVY | 277,500 | 277,500 | 275,500 | 275,500 |
| ENVIRONMENTAL RESTORATION, AIR FORCE | 378,900 | 378,900 | 376,900 | 376,900 |
| ENVIRONMENTAL RESTORATION, DEFENSE-WIDE | 27,900 | 27,900 | 26,900 | 26,900 |
| ENVIRONMENTAL RESTORATION, FORMERLY USED DEFENSE SITES | 202,300 | 202,300 | 242,300 | 242,300 |
| OVERSEAS HUMANITARIAN, DISASTER, AND CIVIC AID | 80,130 | 55,557 | 40,130 | 47,130 |
| FORMER SOVIET UNION THREAT REDUCTION | 382,200 | 284,700 | 382,200 | 382,200 |
| QUALITY OF LIFE ENHANCEMENTS, DEFENSE | .................... | .................... | 100,000 | 360,000 |
| GRAND TOTAL, O&M | 82,280,940 | 82,912,753 | 82,774,551 | 82,895,461 |

### REAL PROPERTY MAINTENANCE

The conferees are concerned about the extensive backlog of real property maintenance in the Department of Defense and the effect this has on the morale of U.S. service personnel. Accordingly, the conferees agree to provide a total of $724,620,000, of which $360,000,000 is provided in the Quality of Life Enhancements, Defense account. The conferees also agree that, of the funds for real property maintenance provided within Operation and Maintenance, Army at $15,000,000 shall be used for demolition requirements previously identified by the Department of the Army. In the case of real property maintenance funding provided directly to the services' Operation and maintenance accounts, the conferees agree the Department of Defense should provide written notification to the congressional defense committees for transfers of greater than $15,000,000 to or from the total real property maintenance amount provided to each service.

### OPERATION AND MAINTENANCE BUDGET EXECUTION DATA

The conferees support the position expressed in the House report accompanying the Defense Appropriations bill for fiscal year 1998 requiring the Department of Defense to provide the congressional defense committees with quarterly budget execution data. Such data should be provided not later than forty-five days past the close of each quarter of the fiscal year, and should provide data for each O–1 budget activity, activity group, and subactivity for each of the active, defense-wide, reserve and national guard components. These reports should also include: the budget request and actual obligations for each O–1 budget activity, activity group, and subactivity; the DoD distribution of any unallocated congressional adjustments to the budget request to each budget activity, activity group, and subactivity group; and, adjustments to each budget activity, activity group and subactivity group resulting from DoD reprogramming actions.

### OPERATION AND MAINTENANCE REPROGRAMMING

The conferees agree that proposed transfers of funds between O–1 budget activities in excess of $15,000,000 are subject to normal, prior approval reprogramming procedures.

The Department should also follow prior approval reprogramming procedures for the cumulative value of transfers in excess of $15,000,000 into or out of the following O–1 subactivity groups.

*Operation and Maintenance, Army*

Depot maintenance.

*Operation and maintenance, Navy*

Aircraft depot maintenance, ship depot maintenance, and Intermediate maintenance.

*Operation and maintenance, Marine Corps*

Depot maintenance.

The conferees further direct the Secretary of the Air Force to identify in separate budget subactivities depot maintenance for budget activity one and budget activity two in the fiscal year 1999 budget request and subsequent budget requests. In addition, due to continuing concerns about force readiness and the apparent diversion of Operation and maintenance funds, the conferees agree that the Department should provide written notification of the congressional defense committees for the cumulative value of any and all transfers in excess of $15,000,000 from or into the following budget activities and subactivity group categories:

*Operation and maintenance, Army*

Land Forces: Divisions, Corps combat forces, Corps support forces, Echelon above corps forces, Land forces operations support; Land Forces Readiness: Land forces depot maintenance.

*Operation and maintenance, Navy*

Air Operations: Mission and other flight operations; Fleet air training, Aircraft depot maintenance; Ship Operations: Mission and other ship operations, Ship operational support and training, Intermediate maintenance, Ship depot maintenance.

*Operation and maintenance, Marine Corps*

Expeditionary Forces: Operational forces, depot maintenance.

*Operation and maintenance, Air Force*

Air Operations: Primary combat forces, Primary combat weapons, Air operations training; Mobility Operations: Airlift operations, payments to the transportation business area.

### DEFENSE COMPUTER INVESTIGATIONS TRAINING PROGRAM

### COMPUTER FORENSICS LAB

The conferees support the Department of Defense efforts to improve information security and investigative capabilities related to computer crimes. The conferees urge the Department of Defense to allocate $8,500,000 of the funds available in Operation and Maintenance, Navy and $2,700,000 available in Operation and Maintenance, Air Force to improve capabilities in this area. Further, the conferees direct that the Department of Defense fully fund these activities in the fiscal year 1999 budget request.

### CHEMICAL-BIOLOGICAL DEFENSE FUNDING

The conferees recommend that the Department of Defense use existing facilities with explosives ranges capable of handling large blasts and existing instructional and research programs in response to blast, radiological, biological and chemical threats.

### DISTANCE EDUCATION

The conferees recognize that in recent nationwide surveys, one out of three homeless men identifies himself as a military veteran. The conferees further recognize that a significant percentage of the thousands of men and women leaving the armed forces each year are doing so without having earned either an associates or bachelors degree. This lack of formal education credentials may be making it more difficult for veterans to secure good jobs following their military service. Therefore, the conferees encourage the Department to explore distance education initiatives that could assist active duty personnel and their family members, DoD civilian employees and veterans in pursuing college-level degrees. These distance education degree-granting initiatives must be portable so that they can be pursued regardless of changes of duty station.

### ENVIRONMENTALLY SAFE FUEL STORAGE TANKS

The conferees support Department of Defense efforts to develop and install environmentally safe fuel storage tanks. Accordingly, the conferees direct that $2,000,000 of the funds in Operation and Maintenance, Marine Corps, and $2,000,000 of the funds made available in Operation and Maintenance, Air Force be used to support such efforts.

### NORTHERN MARIANA ISLANDS

The conferees are aware of communications between the Government of the Northern Mariana Islands and the Department of Defense concerning future development of certain lands on the island of Tinian in the Commonwealth of the Northern Mariana Islands under lease to the United States. Accordingly, the conferees believe the Secretary of Defense should consider a development plan approved by the Government of the Commonwealth of the Northern Mariana Islands to be a "Permitted Use" within the meaning of Article 1, Subsection D of the Leaseback and Disposal Agreement between the Commonwealth of the Northern Mariana Islands and the United States of America dated August 4, 1994, provided that (1) such a plan has been approved by the Government of the Commonwealth of the Northern Mariana Islands, and (2) the plan does not preclude use of the land for urgent military purposes.

### OPERATION AND MAINTENANCE, ARMY

The conference agreement on items addressed by either the House or the Senate is as follows:

[In thousands of dollars]

| | | Budget | House | Senate | Conference |
|---|---|---|---|---|---|
| 100 | OPERATION AND MAINTENANCE, ARMY | | | | |
| 150 | BUDGET ACTIVITY 1: OPERATING FORCES | | | | |
| 200 | LAND FORCES | | | | |
| 250 | DIVISIONS | 1,221,794 | 1,267,007 | 1,161,494 | 1,173,494 |
| 300 | CORPS COMBAT FORCES | 350,942 | 350,942 | 327,242 | 332,942 |
| 350 | CORPS SUPPORT FORCES | 323,190 | 323,190 | 323,190 | 323,190 |
| 400 | ECHELON ABOVE CORPS FORCES | 440,542 | 440,542 | 440,542 | 440,542 |
| 450 | LAND FORCES OPERATIONS SUPPORT | 658,067 | 658,067 | 658,067 | 658,067 |
| 500 | LAND FORCES READINESS | | | | |
| 550 | FORCE READINESS OPERATIONS SUPPORT | 898,356 | 898,356 | 898,356 | 898,356 |
| 600 | LAND FORCES SYSTEMS READINESS | 346,651 | 346,651 | 346,651 | 346,651 |
| 650 | LAND FORCES DEPOT MAINTENANCE | 637,044 | 806,744 | 701,044 | 780,244 |
| 700 | LAND FORCES READINESS SUPPORT | | | | |
| 750 | BASE SUPPORT | 2,417,712 | 2,441,712 | 2,417,712 | 2,440,712 |
| 800 | MAINTENANCE OF REAL PROPERTY | 693,328 | 693,328 | 743,328 | 693,328 |
| 850 | MANAGEMENT AND OPERATIONAL HEADQUARTERS | 130,012 | 130,012 | 131,212 | 131,212 |
| 900 | UNIFIED COMMANDS | 70,620 | 70,620 | 63,620 | 52,620 |
| 950 | MISCELLANEOUS ACTIVITIES | 179,864 | 185,264 | 179,864 | 179,864 |
| 955 | CLASSIFIED PROGRAMS, UNDISTRIBUTED | | | 1,800 | |
| 1045 | TOTAL, BUDGET ACTIVITY 1 | 8,368,122 | 8,612,435 | 8,394,122 | 8,451,222 |
| 1050 | BUDGET ACTIVITY 2: MOBILIZATION | | | | |
| 1100 | MOBILITY OPERATIONS | | | | |
| 1200 | STRATEGIC MOBILIZATION | 317,241 | 317,241 | 317,241 | 317,241 |
| 1250 | WAR RESERVE ACTIVITIES | 171,100 | 171,100 | 171,100 | 171,100 |
| 1300 | INDUSTRIAL PREPAREDNESS | 78,103 | 59,099 | 78,103 | 59,099 |
| 1350 | TOTAL, BUDGET ACTIVITY 2 | 566,444 | 547,440 | 566,444 | 547,440 |
| 1400 | BUDGET ACTIVITY 3: TRAINING AND RECRUITING | | | | |
| 1450 | ACCESSING TRAINING | | | | |
| 1500 | OFFICER ACQUISITION | 63,992 | 62,592 | 63,992 | 62,592 |
| 1550 | RECRUIT TRAINING | 12,620 | 12,620 | 12,620 | 12,620 |
| 1600 | ONE STATION UNIT TRAINING | 14,723 | 14,723 | 14,723 | 14,723 |
| 1650 | RESERVE OFFICER TRAINING CORPS (ROTC) | 113,128 | 113,128 | 113,578 | 113,578 |
| 1700 | BASE SUPPORT (ACADEMY ONLY) | 72,470 | 72,470 | 72,470 | 72,470 |
| 1750 | MAINTENANCE OF REAL PROPERTY (ACADEMY ONLY) | 28,123 | 28,123 | 28,123 | 28,123 |
| 1800 | BASIC SKILL/ADVANCE TRAINING | | | | |
| 1850 | SPECIALIZED SKILL TRAINING | 217,202 | 217,202 | 217,202 | 217,202 |
| 1900 | FLIGHT TRAINING | 213,906 | 213,906 | 227,906 | 224,906 |
| 1950 | PROFESSIONAL DEVELOPMENT EDUCATION | 69,594 | 69,594 | 69,594 | 69,594 |
| 2000 | TRAINING SUPPORT | 484,484 | 484,484 | 482,484 | 479,484 |
| 2050 | BASE SUPPORT (OTHER TRAINING) | 897,433 | 897,433 | 897,433 | 897,433 |
| 2100 | MAINTENANCE OF REAL PROPERTY (OTHER TRAINING) | 321,089 | 321,089 | 350,089 | 321,089 |
| 2150 | RECRUITING/OTHER TRAINING | | | | |
| 2200 | RECRUITING AND ADVERTISING | 222,718 | 229,718 | 241,718 | 235,718 |
| 2250 | EXAMINING | 75,922 | 75,922 | 75,922 | 75,922 |
| 2300 | OFF-DUTY AND VOLUNTARY EDUCATION | 94,364 | 94,364 | 94,364 | 94,364 |
| 2350 | CIVILIAN EDUCATION AND TRAINING | 81,481 | 78,629 | 81,481 | 81,481 |
| 2400 | JUNIOR ROTC | 73,439 | 74,189 | 73,439 | 74,189 |
| 2450 | BASE SUPPORT (RECRUITING LEASES). 163,,010 | 163,010 | 163,010 | 163,010 | 163,010 |
| 2500 | TOTAL, BUDGET ACTIVITY 3 | 3,219,698 | 3,223,196 | 3,280,148 | 3,238,498 |
| 2550 | BUDGET ACTIVITY 4: ADMIN & SERVICEWIDE ACTIVITIES | | | | |
| 2600 | SECURITY PROGRAMS | | | | |
| 2650 | SECURITY PROGRAMS | 366,085 | 366,085 | 366,085 | 366,085 |
| 2700 | LOGISTICS OPERATIONS | | | | |
| 2750 | SERVICEWIDE TRANSPORTATION | 531,326 | 531,326 | 531,326 | 531,326 |
| 2800 | CENTRAL SUPPLY ACTIVITIES | 405,371 | 405,371 | 405,371 | 405,371 |
| 2850 | LOGISTIC SUPPORT ACTIVITIES | 253,138 | 286,338 | 275,038 | 289,138 |
| 2900 | AMMUNITION MANAGEMENT | 369,407 | 369,407 | 369,407 | 369,407 |
| 2950 | SERVICEWIDE SUPPORT | | | | |
| 3000 | ADMINISTRATION | 294,972 | 246,971 | 294,972 | 246,372 |
| 3050 | SERVICEWIDE COMMUNICATIONS | 620,825 | 620,825 | 632,925 | 626,825 |
| 3100 | MANPOWER MANAGEMENT | 152,437 | 152,437 | 152,437 | 152,437 |
| 3150 | OTHER PERSONNEL SUPPORT | 155,307 | 155,307 | 155,307 | 155,307 |
| 3200 | OTHER SERVICE SUPPORT | 593,446 | 595,446 | 529,485 | 531,485 |
| 3250 | ARMY CLAIMS ACTIVITIES | 151,092 | 151,092 | 151,092 | 151,092 |
| 3300 | REAL ESTATE MANAGEMENT | 63,526 | 63,526 | 63,526 | 63,526 |
| 3350 | BASE SUPPORT | 667,779 | 624,279 | 667,779 | 623,779 |
| 3400 | MAINTENANCE OF REAL PROPERTY | 131,528 | 131,528 | 145,028 | 135,028 |
| 3550 | SUPPORT OF OTHER NATIONS | | | | |
| 3600 | INTERNATIONAL MILITARY HEADQUARTERS | 270,413 | 270,413 | 255,413 | 255,413 |
| 3650 | MISC SUPPORT OF OTHER NATIONS | 34,568 | 34,568 | 34,568 | 34,568 |
| 3700 | TOTAL, BUDGET ACTIVITY 4 | 5,061,220 | 5,004,919 | 5,029,759 | 4,937,159 |
| 3710 | CLASSIFIED PROGRAMS UNDISTRIBUTED | | −6,895 | | −6,895 |
| 3715 | CIVILIAN PERSONNEL UNDERSTRENGTH | | −33,300 | −131,000 | −96,400 |
| 3720 | GENERAL REDUCTION, NATIONAL DEFENSE STOCKPILE FUND | −50,000 | −50,000 | −50,000 | −50,000 |
| 3730 | FOREIGN CURRENCY FLUCTUATION/BUDGET AMEND | −116,000 | −135,000 | −135,000 | −167,000 |
| 3770 | INFORMATION RESOURCE MANAGEMENT | | −25,000 | | −25,000 |
| 3785 | REAL PROPERTY MAINTENANCE | | 232,000 | | 98,812 |
| 3787 | ECONOMIC ASSUMPTIONS | | | −41,000 | −41,000 |
| 3790 | TDY EXPENSES | | −19,930 | | −22,930 |
| 3795 | QDR CIVILIAN PERSONNEL REDUCTIONS | | −140,347 | | −70,000 |
| 3800 | CONTINGENCY OPERATIONS TRANSFER—SWA | | −80,300 | | |
| 3815 | NON-BRAC CARETAKER STATUS | | −51,000 | | −40,000 |
| 3835 | MEMORIAL EVENTS | | | | 400 |
| 4100 | TOTAL, OPERATION AND MAINTENANCE, ARMY | 17,049,484 | 17,078,218 | 16,913,473 | 16,754,306 |
| 4150 | TRANSFER | (50,000) | (50,000) | (50,000) | (50,000) |
| 4200 | TOTAL FUNDING AVAILABLE | (17,099,484) | (17,128,218) | (16,963,473) | (16,804,306) |

### ADJUSTMENTS TO BUDGET ACTIVITIES

Adjustments to the budget activities are as follows:

[In thousands of dollars]

| | |
|---|---|
| Budget Activity 1: Operating Forces: | |
| 250 Readiness Training—NTC Rotation Shortfall | 30,000 |
| 250 Parachute Maintenance and Repair | 2,000 |
| 250 Contingency Operations Transfer | −80,300 |
| 300 Hunter UAV | 12,000 |
| 300 Flying Hour Program | −30,000 |
| 650 Depot Maintenance—Other | 143,200 |
| 750 Organizational Clothing and Equipment (Increment I) | 20,000 |
| 750 Range Safe System | 1,700 |
| 750 Ft. Irwin, George AFB Airhead | 1,300 |
| 850 USARPAC Reserve Component Integration | 1,200 |
| 900 JCS Exercises and Headquarters Reduction | −18,000 |
| Budget Activity 2: Mobilization: | |
| 1300 Industrial Preparedness-Nominal Growth | −19,004 |
| Budget Activity 3: Training and Recruiting: | |
| 1500 Service Academies-Foreign Students | −1,400 |
| 1650 Army Air Battle Captain Program | 450 |
| 1900 Army Pilot Modernization Program | 11,000 |
| 2000 Training Infrastructure Reduction | −5,000 |
| 2200 Recruiting-Enlisted Advertising | 7,000 |
| 2200 Recruiter Support | 3,500 |
| 2200 Recruiting-College Loan Repayment Program | 2,500 |
| Budget Activity 4: Administration and Servicewide Activities: | |
| 2400 Indiana University Northwest JROTC Mentoring Program | 750 |
| 2850 Army Logistics Automation | 20,000 |
| 2850 Central Logistics—SSTS, Depot Maintenance, SDT | 16,000 |
| 3000 Headquarters and Administrative Activity Reduction | −48,600 |
| 3050 SBIS | 6,000 |
| 3200 Army Conservation and Ecosystem Management | 3,000 |
| 3200 Eisenhower Center | 2,000 |
| 3200 Pentagon Reservation Transfer | −66,961 |
| 3350 Laser-Leveling | 1,000 |
| 3350 FEMP | −45,000 |
| 3400 Rock Island Arsenal Bridge | 3,500 |
| 3600 International Military Headquarters | −15,000 |
| Undistributed: | |
| 3710 Classified Undistributed | −6,895 |
| 3715 Civilian Personnel Understrength | −96,400 |
| 3730 Foreign Currency Fluctuation | −51,000 |
| 3770 High Risk Automation Systems | −25,000 |
| 3785 Real Property Maintenance | 98,812 |
| 3787 Revised Economic Assumptions | −41,000 |
| 3790 TDY Expenses | −22,930 |
| 3795 QDR—Civilian Personnel Reductions | −70,000 |
| 3815 Non-BRAC Caretaker Status | −40,000 |
| 3835 Capitol Memorial Events | 400 |

### DEPOT MAINTENANCE

The conferees recommend increasing the Army depot maintenance funding by $143,200,000 above the budget request. In addition, $16,000,000 is provided in budget activity 4, Administration and Service-wide support to provide for transportation and warehousing costs associated with the increase in the funded depot maintenance program. The conferees remain concerned about backlogs in the repair and maintenance of communications and electronic equipment. Accordingly, $43,500,000 of the total depot maintenance increase is allocated to the U.S. Army Communications-Electronics Command Battlefield Communications Review program, for performance at Army depots, of the following workloads: $21,000,000 for repair/maintenance of Mobile Subscriber Equipment shelters, prime movers, and accessories or support equipment; $15,800,000 for the repair/maintenance of Non-Integrated Communications Secure and Integrated Communications Secure SINCGARS radios and accessories or support equipment; and $6,700,000 for the repair, maintenance or modification of the AN/TS-85 and AN/TSC-93 Tactical Satellite Communications Terminals, associated antenna systems, accessories or support equipment.

In addition, the conferees are concerned about the increasing backlog of depot maintenance workload associated with inventory drawdowns in support of contingency operations. Accordingly, the conferees recommend that the Army apply $30,000,000 of the total increase to this workload.

### ARMY LOGISTICS AUTOMATION

The House and Senate bills each addressed separate shortfalls totaling $46,900,0900 in Army Logistics Automation. The conferees agree to provide $20,000,000 in Operations and Maintenance, Army and $10,000,000 in Other Procurement, Army (LOGTECH) to support both these critical efforts.

### AIR BATTLE CAPTAIN PROGRAM

The conferees concur with the funding provided for the continuation of the Air Battle Captain program, and direct that program continue to accept new students.

### EISENHOWER CENTER

The conferees have provided $2,000,000 only for the Eisenhower Center for military history and education efforts focusing on combat leadership, motivation, endurance and including historical exhibits, equipment, and the collection, transcribing, and cataloging of oral histories and written memoirs of combat veterans

### NORTH STAR BOROUGH LANDFILL

Of the funds provided in this account, the conferees direct the Department of the Army to provide $5,000,000 for developmental costs associated with the expansion of the North Star Borough landfill.

### OPERATION AND MAINTENANCE, NAVY

The conference agreement on items addressed by either the House or the Senate is as follows:

[In thousands of dollars]

| | | Budget | House | Senate | Conference |
|---|---|---|---|---|---|
| 4250 | OPERATION AND MAINTENANCE, NAVY | | | | |
| 4300 | BUDGET ACTIVITY 1: OPERATING FORCES | | | | |
| 4350 | AIR OPERATIONS | | | | |
| 4400 | MISSION AND OTHER FLIGHT OPERATIONS | 2,101,423 | 2,423,423 | 2,035,663 | 2,357,663 |
| 4450 | FLEET AIR TRAINING | 667,112 | 667,112 | 682,112 | 682,112 |
| 4500 | INTERMEDIATE MAINTENANCE | 58,087 | 58,087 | 58,087 | 58,087 |
| 4550 | AIR OPERATIONS AND SAFETY SUPPORT | 73,248 | 73,248 | 73,248 | 73,248 |
| 4600 | AIRCRAFT DEPOT MAINTENANCE | 716,300 | 865,300 | 1,012,094 | 782,094 |
| 4650 | AIRCRAFT DEPOT OPERATIONS SUPPORT | 21,575 | 21,575 | 21,.575 | 21,575 |
| 4700 | BASE SUPPORT | 789,892 | 789,892 | 789,892 | 789,892 |
| 4750 | MAINTENANCE OF REAL PROPERTY | 262,452 | 262,452 | 262,452 | 262,452 |
| 4760 | JCS EXERCISES & HEADQUARTERS REDUCTION | ............ | ............ | −7,500 | −9,000 |
| 4800 | SHIP OPERATIONS | | | | |
| 4850 | MISSION AND OTHER SHIP OPERATIONS | 2,130,636 | 2,130,636 | 2,117,112 | 2,117,112 |
| 4900 | SHIP OPERATIONAL SUPPORT AND TRAINING | 735,660 | 735,660 | 735,660 | 735,660 |
| 4950 | INTERMEDIATE MAINTENANCE | 511,125 | 511,125 | 511,125 | 511,125 |
| 5000 | SHIP DEPOT MAINTENANCE | 2,040,690 | 2,115,690 | 2,040,690 | 2,100,690 |
| 5050 | SHIP DEPOT OPERATIONS SUPPORT | 786,021 | 786,021 | 785,817 | 785,817 |
| 5100 | BASE SUPPORT | 840,646 | 840,646 | 840,646 | 840,646 |
| 5150 | MAINTENANCE OF REAL PROPERTY | 245,904 | 245,904 | 245,904 | 245,904 |
| 5160 | JCS EXERCISES & HEADQUARTERS REDUCTION | ............ | ............ | −7,500 | −9,000 |
| 5200 | COMBAT OPERATION/SUPPORT | | | | |
| 5250 | COMBAT COMMUNICATIONS | 210,776 | 210,776 | 210,776 | 210,776 |
| 5300 | ELECTRONIC WARFARE | 7,763 | 7,763 | 7,763 | 7,763 |
| 5350 | SPACE SYSTEMS AND SURVEILLANCE | 136,869 | 136,869 | 136,869 | 136,869 |
| 5400 | WARFARE TACTICS | 125,892 | 125,892 | 125,892 | 125,892 |
| 5450 | OPERATIONAL METEOROLOGY AND OCEANOGRAPHY | 209,188 | 208,188 | 228,688 | 228,688 |
| 5500 | COMBAT SUPPORT FORCES | 383,830 | 383,830 | 383,815 | 383,815 |
| 5550 | EQUIPMENT MAINTENANCE | 177,708 | 178,208 | 176,906 | 177,406 |
| 5600 | DEPOT OPERATIONS SUPPORT | 908 | 908 | 908 | 908 |
| 5650 | BASE SUPPORT | 317,266 | 317,266 | 317,266 | 317,266 |
| 5700 | MAINTENANCE OF REAL PROPERTY | 42,864 | 42,864 | 46,864 | 46,864 |
| 5710 | CLASSIFIED PROGRAMS UNDISTRIBUTED | — | — | 5,500 | — |
| 5750 | WEAPONS SUPPORT | | | | |
| 5800 | CRUISE MISSILE | 92,462 | 92,482 | 92,482 | 92,482 |
| 5850 | FLEET BALLISTIC MISSILE | 811,451 | 811,451 | 811,451 | 811,451 |
| 5900 | IN-SERVICE WEAPONS SYSTEMS SUPPORT | 54,927 | 54,927 | 54,927 | 54,927 |

[In thousands of dollars]

| | | Budget | House | Senate | Conference |
|---|---|---|---|---|---|
| 5950 | WEAPONS MAINTENANCE | 400,817 | 422,717 | 400,817 | 414,817 |
| 6000 | BASE SUPPORT | 71,540 | 71,540 | 71,540 | 71,540 |
| 6050 | MAINTENANCE OF REAL ESTATE PROPERTY | 27,516 | 27,516 | 30,016 | 27,516 |
| 6200 | TOTAL, BUDGET ACTIVITY 1 | 15,052,568 | 15,620,968 | 15,345,257 | 15,451,057 |
| 6250 | BUDGET ACTIVITY 2: MOBILIZATION. | | | | |
| 6300 | READY RESERVE AND PREPOSITIONING FORCES | | | | |
| 6350 | SHIP PREPOSITIONING AND SURGE | 455,030 | 455,030 | 454,948 | 454,948 |
| 6400 | ACTIVATIONS/INACTIVATIONS | | | | |
| 6450 | AIRCRAFT ACTIVATIONS/INACTIVATIONS | 3,081 | 3,081 | 3,081 | 3,081 |
| 6500 | SHIP ACTIVATIONS/INACTIVATIONS | 701,583 | 701,583 | 701,583 | 701,583 |
| 6550 | MOBILIZATION PREPAREDNESS. | | | | |
| 6600 | FLEET HOSPITAL PROGRAM | 19,814 | 19,814 | 19,814 | 19,814 |
| 6650 | INDUSTRIAL READINESS | 29,196 | 703 | 29,196 | 15,196 |
| 6700 | COAST GUARD SUPPORT | 18,363 | 18,363 | 18,363 | 18,363 |
| 6750 | TOTAL, BUDGET ACTIVITY 2: | 1,227,067 | 1,198,574 | 1,226,985 | 1,212,985 |
| 6800 | BUDGET ACTIVITY 3: TRAINING AND RECRUITING | | | | |
| 6850 | ACCESSION TRAINING | | | | |
| 6900 | OFFICER ACQUISITIONS | 69.274 | 67.874 | 69.274 | 67.874 |
| 6950 | RECRUIT TRAINING | 4,646 | 4,646 | 4,646 | 4,646 |
| 7000 | RESERVE OFFICIERS TRAINING CORPS (ROTC) | 67,795 | 67,795 | 67,695 | 67,795 |
| 7050 | BASE SUPPORT | 57,605 | 57,605 | 57,605 | 57,605 |
| 7100 | MAINTENANCE OF REAL PROPERTY | 74,215 | 42,715 | 74,215 | 74,215 |
| 7150 | BASIC SKILLS AND ADVANCED TRAINING | | | | |
| 7200 | SPECIALIZED SKILL TRAINING | 236,487 | 236,487 | 218,487 | 216,987 |
| 7250 | FLIGHT TRAINING | 314,790 | 314,790 | 314,790 | 314,790 |
| 7300 | PROFESSIONAL DEVELOPMENT EDUCATION | 69,044 | 65,071 | 64,044 | 66,044 |
| 7350 | TRAINING SUPPORT | 135,051 | 137,051 | 122,051 | 122,551 |
| 7400 | BASE SUPPORT | 339,627 | 339,627 | 339,627 | 339,627 |
| 7450 | MAINTENANCE OF REAL PROPERTY | 95,601 | 95,601 | 104,101 | 95,601 |
| 7500 | RECRUITING AND OTHER TRAINING AND EDUCATION | | | | |
| 7550 | RECRUITING AND ADVERTISING | 122,454 | 129,454 | 122,454 | 125,454 |
| 7600 | OFF-DUTY AND VOLUNTARY EDUCATION | 69,495 | 69,495 | 69,495 | 69,495 |
| 7650 | CIVILIAN EDUCATION AND TRAINING | 29,198 | 28,176 | 29,198 | 29,198 |
| 7700 | JUNIOR ROTC | 23,642 | 23,642 | 23,642 | 23,642 |
| 7750 | BASE SUPPORT | 445 | 445 | 445 | 445 |
| 7800 | MAINTENANCE OF REAL PROPERTY | 62 | 62 | 62 | 62 |
| 7850 | TOTAL, BUDGET ACTIVITY 3 | 1,709,431 | 1,680,536 | 1,681,931 | 1,676,031 |
| 7900 | BUDGET ACTIVITY 4: ADMIN & SERVICEWIDE ACTIVITIES | | | | |
| 7950 | SERVICEWIDE SUPPORT | | | | |
| 8000 | ADMINISTRATION | 574,305 | 535,225 | 545,494 | 497,194 |
| 8050 | EXTERNAL RELATIONS | 24,141 | 24,141 | 24,141 | 24,141 |
| 8100 | CIVILIAN MANPOWER AND PERSON MANAGEMENT | 118,544 | 118,544 | 118,544 | 118,544 |
| 8150 | MILITARY MANPOWER AND PERSON MANAGEMENT | 124,403 | 124,403 | 124,403 | 124,403 |
| 8200 | OTHER PERSONNEL SUPPORT | 199,446 | 199,446 | 199,446 | 199,446 |
| 8250 | SERVICEWIDE COMMUNICATIONS | 260,056 | 260,056 | 259,749 | 259,749 |
| 8300 | BASE SUPPORT | 197,537 | 172,537 | 197,537 | 172,537 |
| 8400 | MAINTENANCE OF REAL PROPERTY | 39,623 | 39,623 | 42,923 | 39,623 |
| 8450 | LOGISTICS OPERATIONS AND TECHNICAL SUPPORT | | | | |
| 8500 | SERVICEWIDE TRANSPORTATION | 149,675 | 149,675 | 149,675 | 149,675 |
| 8550 | PLANNING, ENGINEERING AND DESIGN | 258,779 | 258,779 | 258,779 | 258,779 |
| 8600 | ACQUISITION AND PROGRAM MANAGEMENT | 491,003 | 495,003 | 491,003 | 493,003 |
| 8650 | AIR SYSTEMS SUPPORT | 271,149 | 271,149 | 271,149 | 271,149 |
| 8700 | HULL, MECHANICAL AND ELECTRICAL SUPPORT | 46,904 | 46,904 | 46,904 | 46,904 |
| 8750 | COMBAT/WEAPONS SYSTEMS | 41,547 | 41,547 | 41,547 | 41,547 |
| 8800 | SPACE AND ELECTRONIC WARFARE SYSTEMS | 70,344 | 70,344 | 70,344 | 70,344 |
| 8850 | BASE SUPPORT | 152,606 | 152,606 | 152,606 | 152,606 |
| 8900 | MAINTENANCE OF REAL PROPERTY | 20,470 | 20,470 | 20,470 | 20,470 |
| 8950 | SECURITY PROGRAMS | | | | |
| 9000 | SECURITY PROGRAMS | 536,691 | 536,691 | 536,691 | 536,691 |
| 9050 | BASE SUPPORT | 6,886 | 6,886 | 6,886 | 6,886 |
| 9100 | MAINTENANCE OF REAL PROPERTY | 1,520 | 1,520 | 1,520 | 1,520 |
| 9150 | SUPPORT OF OTHER NATIONS | | | | |
| 9200 | INTERNATIONAL HEADQUARTERS AND AGENCIES | 6,435 | 6,435 | 6,435 | 6,435 |
| 9350 | TOTAL, BUDGET ACTIVITY 4 | 3,592,064 | 3,531,984 | 3,568,246 | 3,491,646 |
| 9360 | CLASSIFIED PROGRAMS UNDISTRIBUTED | ............ | 1,902 | ............ | 4,902 |
| 9365 | INFORMATION RESOURCE MANAGEMENT | ............ | −19,000 | ............ | −19,000 |
| 9370 | GENERAL REDUCTION, NATIONAL DEFENSE STOCKPILE FUND | −50,000 | −50,000 | −50,000 | −50,000 |
| 9380 | FOREIGN CURRENCY FLUCTUATION/BUDGET AMEND | −23,000 | −23,000 | −21,000 | −29,000 |
| 9390 | CIVILIAN PERSONNEL UNDERSTRENGTH | ............ | −108,300 | −113,000 | −16,000 |
| 9415 | ENVIRONMENTAL COMPLIANCE | ............ | 5,500 | ............ | 3,300 |
| 9417 | ECONOMIC ASSUMPTIONS | ............ | ............ | −62,000 | −62,000 |
| 9420 | OTHER CONTRACTS | ............ | −29,719 | ............ | −29,719 |
| 9425 | REAL PROPERTY MAINTENANCE | ............ | 98,540 | ............ | 14,924 |
| 9430 | TDY EXPENSES | ............ | −12,060 | ............ | −15,060 |
| 9435 | QDR CIVILIAN PERSONNEL REDUCTIONS | ............ | −34,960 | ............ | −17,000 |
| 9440 | ASBESTOS ERADICATION | ............ | 2,000 | ............ | ............ |
| 9445 | CONTINGENCY OPERATIONS TRANSFER—SWA | ............ | −84,900 | ............ | ............ |
| 9450 | MAGIC LANTERN | ............ | 1,300 | ............ | 1,300 |
| 9750 | TOTAL, OPERATION AND MAINTENANCE, NAVY | 21,508,130 | 21,779,365 | 21,576,419 | 21,617,766 |
| 9800 | TRANSFER | (50,000) | (50,000) | (50,000) | (50,000) |
| 9850 | TOTAL FUNDING AVAILABLE | (21,558,130) | (21,829,365) | (21,626,419) | (21,667,766) |

ADJUSTMENTS TO BUDGET ACTIVITIES

Adjustments to the budget activities are as follows:

[In thousands of dollars]

Budget Activity 1: Operating Forces:

| | |
|---|---|
| 4400 Flying Hour Program Shortfalls | 322,000 |
| 4400 Contingency Operations Transfer | −65,760 |
| 4450 PMRF | 15,000 |
| 4600 Depot Maintenance—Aviation Backlog | 70,000 |
| 4600 Contingency Operations Transfer | −4,206 |
| 4760 JCS Exercises and Headquarters Reduction | −9,000 |
| 4850 Contingency Operations Transfer | −13,524 |
| 5000 Depot Maintenance—Unfunded Ship Availabilities | 60,000 |
| 5050 Contingency Operations Transfer | −204 |
| 5160 JCS Exercises and Headquarters Reduction | −9,000 |
| 5450 Naval Meteorology and Oceanography Command | 19,500 |
| 5500 Contingency Operations Transfer | −15 |
| 5550 Reverse Osmosis Desalinators—Refurbishment | 500 |

| | |
|---|---|
| 5550 Contingency Operations Transfer | −802 |
| 5950 Gun Weapon Overhaul and Support, Louisville | 12,000 |
| 5950 Ship Self Defense System (SSDS) Equipment—Wallops Island | 2,000 |
| Budget Activity 2: Mobilization: | |
| 6350 Contingency Operations Transfer | −82 |
| 6650 Industrial Preparedness—Nominal Growth | −14,000 |
| Budget Activity 3: Training and Recruiting: | |
| 6900 Service Academies—Foreign Students | −1,400 |
| 7200 Training Infrastructure Reduction | −19,500 |
| 7300 Naval Postgraduate School—Laboratory Improvements | 2,000 |
| 7300 Training Infrastructure Reduction | −5,000 |
| 7350 CNET—Distance Learning | 2,000 |
| 7350 Training Infrastructure Reduction | −14,500 |
| 7550 Recruiting and Advertising | 3,000 |
| Budget Activity 4: Administration and Servicewide Activities: | |
| 8000 Pentagon Reservation Transfer | −28,811 |
| 8000 Headquarters and Administrative Activity Reduction | −48,300 |
| 8250 Contingency Operations Transfer | −307 |
| 8300 FEMP | −25,000 |
| 8600 ATIS | 2,000 |
| Undistributed: | |
| 9360 Classified Undistributed | 4,902 |
| 9365 DoD Software Program Managers Network | 6,000 |
| 9365 High Risk Automation Systems | −25,000 |
| 9380 Foreign Currency Fluctuation | −6,000 |
| 9390 Civilian Personnel Understrength | −16,600 |
| 9415 Electrotechnologies | 3,300 |
| 9417 Revised Economic Assumptions | −62,000 |
| 9420 Other Contracts—Program Growth | −29,719 |
| 9425 Real Property Maintenance | 14,924 |
| 9430 TDY Expenses | −15,060 |
| 9435 QDR—Civilian Personnel Reductions | −17,000 |
| 9450 Magic Lantern | 1,300 |

### SHIP DEPOT MAINTENANCE

The conferees agree to provide $2,100,690,000 for ship depot maintenance, and delete the language recommended by the Senate establishing a floor on ship depot maintenance funding. The conferees' recommendation will provide the fleet commanders flexibility in managing their operation and maintenance funds during the fiscal year, in recognition that emergencies can lead to funding shortfalls. However, the conferees strongly urge the Navy leadership to ensure that all funds provided for ship maintenance are used solely for that purpose except in the most unusual of circumstances.

The conferees understand that the Navy will initiate a pilot program beginning on October 1, 1997 to study whether combining fleet intermediate facilities with Navy shipyards might yield economies of scale and allow maintenance managers to better balance workloads in the Navy shipyards. The conferees believe it will take at least two years before the Navy can determine whether this new arrangement is in fact cost effective and should be made permanent or expanded to other locations. Therefore, the conferees direct that the pilot program shall not be expanded until six months after the Navy reports to the Committees on Appropriations on its findings, and that such report shall be made on or after April 1, 1999. Further, the conferees direct that the Navy shall not make any changes to the workforce in terms of total numbers of employees and shall not change the name of the Navy activity involved or make any permanent changes until this pilot study has been completed and evaluated by the Congress. The conferees are hopeful that the study will lead to significant improvements in Navy maintenance functions and look forward to approving permanent changes throughout the Navy beginning in fiscal year 2000.

### 1998 WORLD EXPOSITION

The conferees understand that the Navy has requested to participate as one of the United States Government sponsors of the U.S. exhibit focused on ocean research and technology at the 1998 World Exposition in Lisbon, Portugal. Should the Secretary of the Navy determine that Navy participation is beneficial to the interests of the service, the conferees agree that adequate funds should be made available from the Operation and Maintenance account to assist in the creation and operation of the U.S. national pavilion. Funds shall be used to exhibit defense capabilities in global oceanography and environmental security to include interaction among NOAA and the appropriate entities of the Department of Defense.

### OPERATION AND MAINTENANCE, MARINE CORPS

The conference agreement on items addressed by either the House or the Senate is as follows:

[In thousands of dollars]

| | | Budget | House | Senate | Conference |
|---|---|---|---|---|---|
| 9900 | OPERATION AND MAINTENANCE, MARINE CORPS | | | | |
| 9950 | BUDGET ACTIVITY 1: OPERATING FORCES | | | | |
| 10000 | EXPEDITIONARY FORCES | | | | |
| 10050 | OPERATIONAL FORCES | 345,077 | 404,577 | 364,077 | 378,077 |
| 10100 | FIELD LOGISTICS | 183,660 | 183,660 | 183,660 | 183,660 |
| 10150 | DEPOT MAINTENANCE | 121,339 | 146,339 | 121,339 | 133,339 |
| 10200 | BASE SUPPORT | 639,495 | 674,895 | 639,495 | 653,995 |
| 10250 | MAINTENANCE OF REAL PROPERTY | 263,593 | 263,593 | 286,193 | 263,593 |
| 10255 | JCS EXERCISES & HEADQUARTERS REDUCTION | | | −5,000 | −8,000 |
| 10300 | USMC PREPOSITIONING | | | | |
| 10350 | MARITIME PREPOSITIONING | 77,380 | 77,380 | 77,380 | 77,380 |
| 10400 | NORWAY PREPOSITIONING | 3,603 | 3,603 | 3,603 | 3,603 |
| 10450 | TOTAL, BUDGET ACTIVITY 1 | 1,634,147 | 1,754,047 | 1,670,747 | 1,685,647 |

[In thousands of dollars]

| | | Budget | House | Senate | Conference |
|---|---|---|---|---|---|
| 10500 | BUDGET ACTIVITY 3: TRAINING AND RECRUITING | | | | |
| 10550 | ACCESSION TRAINING | | | | |
| 10600 | RECRUIT TRAINING | 9,098 | 9,098 | 9,098 | 9,098 |
| 10650 | OFFICER ACQUISITION | 282 | 282 | 282 | 282 |
| 10700 | BASE SUPPORT | 51,266 | 61,266 | 51,266 | 58,766 |
| 10750 | MAINTENANCE OF REAL PROPERTY | 18,115 | 18,115 | 19,715 | 18,115 |
| 10800 | BASIC SKILLS AND ADVANCED TRAINING | | | | |
| 10850 | SPECIALIZED SKILLS TRAINING | 28,647 | 28,647 | 33,147 | 28,647 |
| 10900 | FLIGHT TRAINING | 156 | 156 | 156 | 156 |
| 10950 | PROFESSIONAL DEVELOPMENT EDUCATION | 5,803 | 5,803 | 5,803 | 5,803 |
| 11000 | TRAINING SUPPORT | 78,749 | 78,749 | 77,649 | 75,649 |
| 11050 | BASE SUPPORT | 54,557 | 64,557 | 54,557 | 62,057 |
| 11100 | MAINTENANCE OF REAL PROPERTY | 25,051 | 25,051 | 27,251 | 25,051 |
| 11150 | RECRUITING AND OTHER TRAINING EDUCATION | | | | |
| 11200 | RECRUITING AND ADVERTISING | 74,442 | 78,842 | 74,442 | 78,742 |
| 11250 | OFF-DUTY AND VOLUNTARY EDUCATION | 15,063 | 15,063 | 15,063 | 15,063 |
| 11300 | JUNIOR ROTC | 9,006 | 9,006 | 9,006 | 9,006 |
| 11350 | BASE SUPPORT | 8,100 | 8,100 | 8,100 | 8,100 |
| 11400 | MAINTENANCE OF REAL PROPERTY | 2,447 | 2,447 | 2,747 | 2,447 |
| 11450 | TOTAL, BUDGET ACTIVITY 3 | 380,782 | 405,182 | 388,282 | 396,982 |

[In thousands of dollars]

| | | Budget | House | Senate | Conference |
|---|---|---|---|---|---|
| 11500 | BUDGET ACTIVITY 4: ADMIN & SERVICEWIDE ACTIVITIES | | | | |
| 11550 | SERVICEWIDE SUPPORT | | | | |
| 11650 | SPECIAL SUPPORT | 219,312 | 219,312 | 207,102 | 207,102 |
| 11700 | SERVICEWIDE TRANSPORTATION | 30,617 | 30,617 | 30,617 | 30,617 |

[In thousands of dollars]

| | | Budget | House | Senate | Conference |
|---|---|---|---|---|---|
| 11750 | ADMINISTRATION | 26,105 | 26,105 | 26,105 | 26,105 |
| 11800 | BASE SUPPORT | 12,370 | 12,370 | 12,370 | 9,870 |
| 11850 | MAINTENANCE OF REAL PROPERTY | 2,012 | 2,102 | 2,312 | 2,012 |
| 11900 | TOTAL, BUDGET ACTIVITY 4 | 290,416 | 290,416 | 278,506 | 275,706 |
| 11915 | FOREIGN CURRENCY FLUCTUATION/BUDGET AMEND | –4,000 | –4,000 | –2,000 | –4,000 |
| 11935 | REAL PROPERTY MAINTENANCE | | 154,100 | | 30,500 |
| 11937 | ECONOMIC ASSUMPTIONS | | | –7,000 | –7,000 |
| 11940 | QDR CIVILIAN PERSONNEL REDUCTIONS | | –1,713 | | –1,000 |
| 11960 | CIVILIAN PERSONNEL UNDEREXECUTION | | | | –1,200 |
| 11965 | TDY EXPENSES | | | | –3,000 |
| 12300 | TOTAL, OPERATION AND MAINTENANCE, MARINE CORPS | 2,301,345 | 2,598,032 | 2,328,535 | 2,372,635 |

ADJUSTMENTS TO BUDGET ACTIVITIES

Adjustments to the budget activities are as follows:

[In thousands of dollars]

| | |
|---|---|
| Budget Activity 1: Operating Forces: | |
| 10050 Readiness Training—Operating Forces Training Support | 25,000 |
| 10050 Initial Issue (Clothing/Body Armor/Bivouac gear) | 8,000 |
| 10150 Depot Maintenance Backlog Reduction | 12,000 |
| 10200 Base Support | 7,500 |
| 10200 Personnel Support Equipment | 7,000 |
| 10255 JCS Exercises and Headquarters Reduction | –8,000 |
| Budget Activity 3: Training and Recruiting: | |
| 10700 Base Support | 7,500 |
| 11000 Training Infrastructure Reduction | –3,100 |
| 11050 Base Support | 7,500 |
| 11200 Recruiting and Advertising | 4,300 |
| Budget Activity 4: Administration and Servicewide Activities: | |
| 11650 Pentagon Reservation Transfer | –12,210 |
| 11800 Base Support | 7,500 |
| 11800 FEMP | –10,000 |
| Undistributed: | |
| 11935 Real Property Maintenance | 30,500 |
| 11937 Revised Economic Assumptions | –7,000 |
| 11940 QDR—Civilian Personnel Reductions | –1,000 |
| 11960 Civilian Personnel Understrength | –1,200 |
| 11965 TDY Expenses | –3,000 |

OPERATION AND MAINTENANCE, AIR FORCE

The conference agreement on items addressed by either the House or the Senate is as follows:

[In thousands of dollars]

| | | Budget | House | Senate | Conference |
|---|---|---|---|---|---|
| 12450 | OPERATION AND MAINTENANCE, AIR FORCE | | | | |
| 12500 | BUDGET ACTIVITY 1: OPERATING FORCES | | | | |
| 12550 | AIR OPERATIONS: | | | | |
| 12600 | PRIMARY COMBAT FORCES | 2,719,301 | 3,020,301 | 2,571,801 | 2,572,801 |
| 12650 | PRIMARY COMBAT WEAPONS | 457,939 | 457,939 | 457,939 | 457,939 |
| 12700 | COMBAT ENHANCEMENT FORCES | 253,099 | 253,099 | 256,199 | 256,199 |
| 12750 | AIR OPERATIONS TRAINING | 617,828 | 617,828 | 617,828 | 617,828 |
| 12800 | COMBAT COMMUNICATIONS | 981,936 | 981,936 | 981,936 | 981,936 |
| 12850 | BASE SUPPORT | 1,758,461 | 1,786,261 | 1,758,461 | 1,770,561 |
| 12900 | MAINTENANCE OF REAL PROPERTY | 576,409 | 576,409 | 626,009 | 576,409 |
| 12905 | JCS EXERCISES & HEADQUARTERS REDUCTION | | | –15,000 | –18,000 |
| 12907 | CLASSIFIED PROGRAMS UNDISTRIBUTED | | | 800 | |
| 12950 | COMBAT RELATED OPERATIONS: | | | | |
| 13000 | 5GLOBAL C3I AND EARLY WARNING | 712,916 | 712,916 | 712,916 | 712,916 |
| 13050 | NAVIGATION/WEATHER SUPPORT | 131,608 | 131,608 | 131,608 | 131,608 |
| 13100 | OTHER COMBAT OPS SUPPORT PROGRAMS | 205,449 | 208,249 | 205,449 | 207,249 |
| 13150 | JCS EXERCISES | 45,306 | 45,306 | 45,306 | 45,306 |
| 13200 | MANAGEMENT/OPERATIONAL HEADQUARTERS | 113,400 | 113,400 | 113,400 | 113,400 |
| 13250 | TACTICAL INTEL AND OTHER SPECIAL ACTIVITIES | 231,411 | 234,411 | 231,411 | 232,911 |
| 13300 | SPACE OPERATIONS | | | | |
| 13350 | LAUNCH FACILITIES | 226,956 | 226,956 | 226,956 | 226,956 |
| 13400 | LAUNCH VEHICLES | 103,576 | 103,576 | 103,576 | 103,576 |
| 13450 | SPACE CONTROL SYSTEMS | 283,597 | 283,597 | 284,997 | 284,997 |
| 13500 | SATELLITE SYSTEMS | 42,235 | 42,235 | 42,235 | 42,235 |
| 13550 | OTHER SPACE OPERATIONS | 82,972 | 82,972 | 82,972 | 82,972 |
| 13600 | BASE SUPPORT | 310,370 | 310,370 | 310,370 | 310,370 |
| 13650 | MAINT OF REAL PROPERTY | 119,869 | 119,869 | 130,269 | 119,869 |
| 13700 | TOTAL, BUDGET ACTIVITY 1 | 9,974,638 | 10,309,238 | 9,877,438 | 9,830,038 |
| 13750 | BUDGET ACTIVITY 2: MOBILIZATION | | | | |
| 13800 | MOBILITY OPERATIONS: | | | | |
| 13850 | AIRLIFT OPERATIONS | 1,793,506 | 1,848,106 | 1,853,506 | 1,908,106 |
| 13900 | AIRLIFT OPERATIONS C31 | 16,267 | 16,267 | 16,267 | 16,267 |
| 13950 | MOBILIZATION PREPAREDNESS | 145,868 | 140,763 | 145,868 | 140,763 |
| 14000 | PAYMENTS TO TRANSPORTATION BUSINESS AREA | 514,000 | 514,000 | 514,000 | 514,000 |
| 14050 | BASE SUPPORT | 427,865 | 427,865 | 427,865 | 427,865 |
| 14100 | MAINTENANCE OF REAL PROPERTY | 151,842 | 151,842 | 165,842 | 151,842 |
| 14150 | TOTAL, BUDGET ACTIVITY 2 | 3,049,348 | 3,098,843 | 3,122,848 | 3,158,843 |
| 14200 | BUDGET ACTIVITY 3: TRAINING AND RECRUITING | | | | |
| 14250 | ACCESSION TRAINING: | | | | |
| 14300 | OFFICER ACQUISITION | 51,605 | 50,205 | 51,605 | 50,205 |
| 14350 | RECRUIT TRAINING | 3,971 | 3,971 | 3,971 | 3,971 |
| 14400 | RESERVE OFFICER TRAINING CORPS (ROTC) | 47,611 | 47,611 | 47,611 | 47,611 |
| 14450 | BASE SUPPORT (ACADEMIES ONLY) | 57,262 | 57,262 | 57,262 | 57,262 |
| 14500 | MAINTENANCE OF REAL PROPERTY (ACADEMIES ONLY) | 50,662 | 50,662 | 50,662 | 50,662 |
| 14550 | BASIC SKILLS AND ADVANCED TRAINING: | | | | |
| 14600 | SPECIALIZED SKILL TRAINING | 196,980 | 196,980 | 176,980 | 175,980 |
| 14650 | FLIGHT TRAINING | 394,075 | 394,075 | 394,075 | 394,075 |
| 14700 | PROFESSIONAL DEVELOPMENT EDUCATION | 88,682 | 68,216 | 76,682 | 75,682 |
| 14750 | TRAINING SUPPORT | 63,296 | 63,296 | 51,296 | 50,296 |
| 14800 | BASE SUPPORT (OTHER TRAINING) | 370,436 | 370,436 | 370,436 | 370,436 |
| 14850 | MAINTENANCE OF REAL PROPERTY (OTHER TRAINING) | 87,072 | 87,072 | 96,372 | 87,072 |
| 14900 | RECRUITING, AND OTHER TRAINING AND EDUCATION: | | | | |
| 14950 | RECRUITING AND ADVERTISING | 55,039 | 59,539 | 55,039 | 57,239 |
| 15000 | EXAMINING | 2,212 | 2,212 | 2,212 | 2,212 |
| 15050 | OFF DUTY AND VOLUNTARY EDUCATION | 85,609 | 85,609 | 85,609 | 85,609 |
| 15100 | CIVILIAN EDUCATION AND TRAINING | 67,183 | 64,832 | 67,183 | 67,183 |
| 15150 | JUNIOR ROTC | 26,052 | 26,052 | 26,052 | 26,052 |
| 15200 | TOTAL, BUDGET ACTIVITY 3 | 1,647,747 | 1,628,030 | 1,613,047 | 1,601,547 |

[In thousands of dollars]

| | | Budget | House | Senate | Conference |
|---|---|---|---|---|---|
| 15250 | BUDGET ACTIVITY 4: ADMIN & SERVICEWIDE ACTIVITIES | | | | |
| 15300 | LOGISTICS OPERATIONS: | | | | |
| 15350 | LOGISTICS OPERATIONS | 788,680 | 788,680 | 788,680 | 788,680 |
| 15400 | TECHNICAL SUPPORT ACTIVITIES | 390,267 | 390,267 | 390,267 | 390,267 |
| 15450 | SERVICEWIDE TRANSPORTATION | 236,372 | 236,372 | 236,372 | 236,372 |
| 15500 | BASE SUPPORT | 753,449 | 720,449 | 753,449 | 720,449 |
| 15550 | MAINTENANCE OF REAL PROPERTY | 194,617 | 194,617 | 213,217 | 194,617 |
| 15600 | SERVICEWIDE ACTIVITIES: | | | | |
| 15650 | ADMINISTRATION | 126,642 | 75,480 | 126,642 | 73,942 |
| 15700 | SERVICEWIDE COMMUNICATIONS | 297,316 | 297,316 | 300,016 | 297,316 |
| 15750 | PERSONNEL PROGRAMS | 100,343 | 100,343 | 100,343 | 100,343 |
| 15800 | RESCURE AND RECOVERY SERVICES | 55,881 | 55,881 | 55,881 | 55,881 |
| 15900 | ARMS CONTROL | 29,565 | 29,565 | 29,565 | 29,565 |
| 15950 | OTHER SERVICEWIDE ACTIVITIES | 524,545 | 525,045 | 494,945 | 495,445 |
| 16000 | OTHER PERSONNEL SUPPORT | 33,623 | 33,623 | 33,623 | 33,623 |
| 16050 | CIVIL AIR PATROL CORPORATION | 17,927 | 18,727 | 22,327 | 21,527 |
| 16100 | BASE SUPPORT | 155,791 | 155,791 | 155,791 | 155,791 |
| 16150 | MAINTENANCE OF REAL PROPERTY | 10,728 | 10,728 | 12,828 | 10,728 |
| 16200 | SECURITY PROGRAMS: | | | | |
| 16250 | SECURITY PROGRAMS | 510,046 | 510,046 | 482,846 | 510,046 |
| 16300 | SUPPORT TO OTHER NATIONS: | | | | |
| 16350 | INTERNATIONAL SUPPORT | 13,260 | 13,260 | 13,260 | 13,260 |
| 16400 | TOTAL, BUDGET ACTIVITY 4 | 4,239,052 | 4,161,190 | 4,210,052 | 4,127,852 |
| 16410 | CLASSIFIED PROGRAMS UNDISTRIBUTED | | 13,900 | | 4,000 |
| 16415 | CIVILIAN PERSONNEL UNDERSTRENGTH | | -70,000 | -82,000 | -7,700 |
| 16420 | GENERAL REDUCTION, NATIONAL DEFENSE STOCKPILE FUND | -50,000 | -50,000 | -50,000 | -50,000 |
| 16430 | FOREIGN CURRENCY FLUCTUATION/BUDGET AMEND | -43,000 | -53,000 | -53,000 | -67,000 |
| 16475 | INFORMATION RESOURCE MANAGEMENT | | -16,000 | | -16,000 |
| 16487 | ECONOMIC ASSUMPTIONS | | | -46,000 | -46,000 |
| 16490 | OTHER CONTRACTS | | -93,981 | | -93,981 |
| 16495 | CHEMICAL/BIOLOGICAL DEFENSE—PACOM | | 10,000 | | 10,000 |
| 16500 | CONTINGENCY OPERATION TRANSFER—SWA | | -459,900 | | |
| 16505 | REAL PROPERTY MAINTENANCE | | 358,200 | | 100,384 |
| 16510 | TDY EXPENSES | | -20,000 | | -23,000 |
| 16515 | QDR—CIVILIAN PERSONNEL REDUCTIONS | | -76,253 | | -36,000 |
| 16800 | TOTAL, O&M, AIR FORCE | 18,817,785 | 18,740,167 | 18,592,385 | 18,492,883 |
| 16850 | TRANSFER | (50,000) | (50,000) | (50,000) | (50,000) |
| 16900 | TOTAL FUNDING AVAILABLE | (18,867,785) | (18,790,167) | (18,642,385) | (18,542,883) |

ADJUSTMENTS TO BUDGET ACTIVITIES

Adjustments to the budget activities are as follows:

[In thousands of dollars]

| | |
|---|---|
| Budget Activity 1: Operating Forces: | |
| 12600 Flying Hour Program Shortfalls (AVDLR Shortfall) | 240,000 |
| 12600 B-52 Attrition Reserve | 42,400 |
| 12600 SR-71 | 30,000 |
| 12600 Battle Labs | 1,000 |
| 12600 Contingency Operations Transfer | -459,900 |
| 12700 NBC Defense Program | 3,100 |
| 12850 Force Protection-Base Physical Security | 12,100 |
| 12905 JCS Exercises and Headquarters Reduction | -18,000 |
| 13100 SIMVAL | 1,800 |
| 13250 JFACC Situational Awareness System (JSAS) | 1,500 |
| 13450 Spacetrack | 1,400 |
| Budget Activity 2: Mobilization: | |
| 13850 Flying Hour Program Shortfalls (AVDLR Shortfall) | 60,000 |
| 13850 Depot Maintenance-KC-135 DPEM | 54,600 |
| 13950 Industrial Preparedness-Nominal Growth | -5,105 |
| Budget Activity 3: Training and Recruiting: | |
| 14300 Service Academies-Foreign Students | -1,400 |
| 14600 Training Infrastructure Reduction | -21,000 |
| 14700 Training Infrastructure Reduction | -13,000 |
| 14750 Training Infrastructure Reduction | -13,000 |
| 14950 Recruiting and Advertising | 2,200 |
| Budget Activity 4: Administration and Sevicewide Activities: | |
| 15500 FEMP | -33,000 |
| 15650 HEADQUARTERS AND ADMINISTRATIVE ACTIVITY REDUCTION | -52,700 |
| 15950 CAMP | 500 |
| 15950 Pentagon Reservation Transfer | -29,600 |
| 16050 Civil Air Patrol—Counterdrug Activities | 2,800 |
| 16050 Civil Air Patrol Corporation | 800 |
| Undistributed: | |
| 16410 Classified Undistributed | 4,000 |
| 16415 Civilian Personnel Under Strength | -7,700 |
| 16430 Foreign Currency Fluctuation | -24,000 |
| 16475 REMIS | -8,900 |
| 16475 High Risk Automation Systems | -25,000 |
| 16487 Revised Economic Assumptions | -46,000 |
| 16490 Other Contracts—Program Growth | -93,981 |
| 16495 Chemical/Biological Defense—PACOM | 10,000 |
| 16505 Real Property Maintenance | 100,384 |
| 16510 TDY Expenses | -23,000 |
| 16515 QDR—Civilian Personnel Reductions | -36,000 |

B-52S

The conferees provide a total of $57,300,000 to fund attrition reserve B-52 aircraft:

| | |
|---|---|
| Operation and maintenance | $42,400,000 |
| Aircraft procurement; mods | 10,400,000 |
| Military personnel | 4,500,000 |

The conferees direct that this funding be used to operate and maintain the current force structure of 94 B-52s and to continue standard maintenance and upgrades on the attrition reserve aircraft. For the purposes of this procurement funding, the conferees direct the Air Force to treat all 94 B-52s now in the force structure as planes to be retained for the six-year period beginning October 1, 1997.

WILLIAM LEHMAN AVIATION CENTER

The William Lehman Aviation Center at Florida Memorial College—a Historically Black College located in Miami, Florida—is well positioned to assist in the recruitment and training of minorities in military aviation. The conferees urge the Department of the Air Force to work closely with the College in fully utilizing and developing FMC's faculty, equipment, facilities and expertise.

ENVIRONMENTAL QUALITY RESPONSIBILITIES

The conferees are concerned of potentially duplicative activities undertaken by the Air Force Center for Environmental Excellence (AFCEE) and other Departmental environmental centers. The conferees direct that the Air Force review this situation and take prompt action to ensure that the mission and responsibilities of the AFCEE fully conform to the commitments made by the Air Force when this center was first established and that its activities are focused on the mission for which it was established.

OPERATION AND MAINTENANCE, DEFENSE-WIDE

The conference agreement on items addressed by either the House or the Senate is as follows:

[In thousands of dollars]

| | | Budget | House | Senate | Conference |
|---|---|---|---|---|---|
| 16950 | OPERATION AND MAINTENANCE, DEFENSE-WIDE | | | | |

[In thousands of dollars]

| | | Budget | House | Senate | Conference |
|---|---|---|---|---|---|
| 17000 | BUDGET ACTIVITY 1: OPERATING FORCES | | | | |
| 17050 | JOINT CHIEFS OF STAFF | 541,169 | 491,169 | 454,007 | 452,007 |
| 17100 | SPECIAL OPERATIONS COMMAND | 1,085,927 | 1,129,027 | | 1,119,327 |
| 17150 | TOTAL, BUDGET ACTIVITY 1 | 1,627,096 | 1,620,196 | 454,007 | 1,571,334 |
| 17200 | BUDGET ACTIVITY 2: MOBILIZATION | | | | |
| 17250 | DEFENSE LOGISTICS AGENCY | 27,260 | 27,260 | 27,260 | 27,260 |
| 17350 | BUDGET ACTIVITY 3: TRAINING AND RECRUITING | | | | |
| 17400 | DEFENSE ACQUISITION UNIVERSITY | 99,964 | 96,064 | 94,964 | 94,964 |
| 17450 | AMERICAN FORCES INFORMATION SERVICE | 11,586 | 11,586 | 11,586 | 11,586 |
| 17500 | DEFENSE HUMAN RESOURCES FIELD ACTIVITY | 14,200 | 14,200 | 14,200 | 14,200 |
| 17550 | DEFENSE SPECIAL WEAPONS AGENCY | 475 | 475 | 475 | 475 |
| 17600 | SPECIAL OPERATIONS COMMAND | 37,930 | 37,930 | 37,930 | 37,930 |
| 17650 | TOTAL, BUDGET ACTIVITY 3 | 164,155 | 160,255 | 159,155 | 159,155 |
| 17700 | BUDGET ACTIVITY 4: ADMIN & SERVICEWIDE ACTIVITIES | | | | |
| 17750 | AMERICAN FORCES INFORMATION SERVICE | 94,956 | 94,956 | 94,956 | 94,956 |
| 17800 | CLASSIFIED AND INTELLIGENCE | 3,490,397 | 3,392,136 | 3,461,797 | 3,450,966 |
| 17900 | DEFENSE CONTRACT AUDIT AGENCY | 329,264 | 326,764 | 329,264 | 326,764 |
| 17950 | DEFENSE FINANCE AND ACCOUNTING SERVICE | 91,654 | | 91,654 | 70,654 |
| 18000 | DEFENSE HUMAN RESOURCES FIELD ACTIVITY | 124,735 | 122,735 | 124,735 | 122,735 |
| 18050 | DEFENSE INFORMATION SYSTEMS AGENCY | 725,858 | 717,658 | 690,258 | 689,058 |
| 18100 | DEFENSE INVESTIGATIVE SERVICE | 186,661 | 186,661 | 186,661 | 186,661 |
| 18150 | DEFENSE LEGAL SERVICES AGENCY | 8,839 | 8,839 | 8,087 | 8,087 |
| 18200 | DEFENSE LOGISTICS AGENCY | 1,086,443 | 1,138,043 | 1,099,443 | 1,126,043 |
| 18300 | DEFENSE POW/MIA OFFICE | 14,195 | 14,195 | 14,195 | 14,195 |
| 18350 | DEFENSE SPECIAL WEAPONS AGENCY | 87,837 | 87,837 | 87,837 | 87,837 |
| 18400 | DEFEBSE SUPPORT ACTIVITIES | 69,270 | 69,270 | 69,270 | 69,270 |
| 18450 | DEFENSE TECHNOLOGY SECURITY ADMINISTRATION | 10,545 | 10,545 | 10,545 | 10,545 |
| 18500 | DEPARTMENT OF DEFENSE DEPENDENTS EDUCATION | 1,321,196 | 1,325,196 | 1,321,496 | 1,332,496 |
| 18550 | FEDERAL ENERGY MANAGEMENT PROGRAM | | 15,000 | | 15,000 |
| 18600 | JOINT CHIEFS OF STAFF | 128,561 | 126,561 | 113,661 | 117,561 |
| 18650 | OFFICE OF ECONOMIC ADJUSTMENT | 40217 | 49,217 | 40,217 | 114,217 |
| 18700 | OFFICE OF THE SECRETARY OF DEFENSE | 406,894 | 343,127 | 399,056 | 316,489 |
| 18755 | CIVIL-MILITARY PROGRAMS | | | 72,000 | 72,000 |
| 18800 | ON SITE INSPECTION AGENCY | 109,226 | 98,026 | 95,626 | 95,626 |
| 18850 | SPECIAL OPERATIONS COMMAND | 45,532 | 45,532 | 45,532 | 45,532 |
| 18900 | WASHINGTON HEADQUARTERS SERVICE | 213,147 | 198,847 | 213,147 | 210,147 |
| 18905 | CANADIAN CLEANUP | | | −10,400 | |
| 18920 | REPAIRS TO FEDERALLY-FUNDED SCHOOLS | | | 10,000 | 10,000 |
| 18950 | TOTAL, BUDGET ACTIVITY 4 | 8,585,427 | 8,371,145 | 8,569,037 | 8,586,839 |
| 18951 | BUDGET ACTIVITY 5: SPECIAL OPERATIONS | | | | |
| 18952 | SPECIAL OPERATIONS COMMAND | | 1,123,527 | | |
| 18960 | LEGACY | | | 10,000 | 10,000 |
| 18965 | PENTAGON RENOVATION TRANSFERS | | | 137,652 | 137,652 |
| 18970 | CIVILIAN PERSONNEL UNDERSTRENGTH | | −33,900 | −42,000 | −8,000 |
| 18975 | FOREIGN CURRENCY FLUCTUATION/BUDGET AMEND | −13,000 | −13,000 | −10,000 | −16,000 |
| 18980 | IMPACT AID | | 35,000 | | |
| 18982 | ECONOMIC ASSUMPTIONS | | | −29,000 | −29,000 |
| 19010 | INFORMATION RESOURCE MANAGEMENT | | −15,000 | | −15,000 |
| 19030 | PENTAGON RENOVATION SWING SPACE | | −9,500 | | −9,500 |
| 19045 | DEFENSE AUTOMATED PRINTING SERVICE | | −15,000 | | −8,000 |
| 19065 | CENTER FOR THE STUDY OF THE CHINESE MILITARY | | 5,000 | | |
| 19085 | CONTINGENCY OPERATIONS TRANSFER—SWA | | −9,500 | | |
| 19090 | QDR—6% REDUCTION | | −72,000 | | −37,000 |
| 19095 | QDR—RESTRUCTURING RESERVE | | 18,000 | | |
| 19100 | GENERAL REDUCTION | | −15,000 | | |
| 19350 | TOTAL, OPERATION AND MAINTENANCE, DEFENSE-WIDE | 10,390,938 | 10,053,956 | 10,399,638 | 10,369,740 |

ADJUSTMENTS TO BUDGET ACTIVITIES

Adjustments to the budget activities are as follows:

[In thousands of dollars]

| | |
|---|---|
| Budget Activity 1: Operating Forces: | |
| 17050 JCS Exercises | −50,000 |
| 17050 Partnership for Peace | −44,162 |
| 17050 Exercise Northern Edge | 5,000 |
| 17100 SOCOM—Readiness OPTEMPO | 28,530 |
| 17100 SOCOM—CP/WMD | 11,270 |
| 17100 SOCOM—GORTEX/NOMEX Flight Suits | 3,300 |
| 17100 Contingency Operations Transfer—SOCOM/SWA | −3,200 |
| 17100 SOCOM—JCS Exercises | −6,500 |
| Budget Activity 3: Training and Recruiting: | |
| 17400 DAU—Continuing Acquisition Education | −5,000 |
| Budget Activity 4: Administration and Servicewide Activities: | |
| 17800 Contingency Operations Transfer | −2,700 |
| 17800 Classified and Intelligence | −36,731 |
| 17900 DCAA—Within Grade Increases | −2,500 |
| 17950 DFAS—Executive and Professional Training | −4,500 |
| 17950 DFAS—Property Accountability System | −16,500 |
| 18000 DHRFA—Operations | −2,000 |
| 18050 DISA—White House Communications Agency | −8,200 |
| 18050 DISA—Contingency Operations Transfer | −28,600 |
| 18150 Defense Legal Services Agency | −752 |
| 18200 DLA—Security Locks | 25,000 |
| 18200 DLA—Automated Document Conversion | 20,000 |
| 18200 DLA—Procurement Technical Assist. Program | 17,000 |
| 18200 DLA—DPSC Demolition | 10,000 |
| 18200 DLA—Cargo Methods and Technologies | 3,000 |
| 18200 DLA—Blankets | −2,400 |
| 18200 DLA—Housing Improvement Fund Management | −7,000 |
| 18200 DLA—DWCF Transfer | −26,000 |
| 18500 DoDDS—Guam Schools | 18,000 |
| 18500 DoDDS—Family Counseling and Crisis Services | 3,000 |
| 18500 DoDDS—Math Teacher Leadership Development Project | 300 |
| 18500 DoDDS—Unobligated Balances | −10,000 |
| 18550 Federal Energy Management Program | 15,000 |
| 18600 JCS—Travel and Administrative Costs | −11,000 |
| 18650 Monterey Institute Counter-Proliferation Analysis | 9,000 |
| 18650 Industrial Modernization | 50,000 |
| 18650 Ford Ord Defense Conversion Center | 7,500 |
| 18650 San Diego Conversion Center | 7,500 |
| 18700 OSD—Partnership for Peace Transfer | 44,162 |
| 18700 OSD—Military Personnel Information System | 5,000 |
| 18700 OSD—First Responder Training | 1,300 |
| 18700 OSD—C3I Mission and Analysis Fund | −5,000 |
| 18700 OSD—Funding Transfer | −17,000 |
| 18700 OSD—Administrative Savings | −20,000 |
| 18700 OSD—Civil Military Programs Transfer | −40,000 |
| 18700 OSD—Civil Military Programs | −58,867 |
| 18755 Civil Military Programs | 72,000 |
| 18800 OSIA—Treaty Requirements | −10,000 |
| 18800 OSIA—Transfer to Contingency Operations | −3,600 |
| 18900 WHS—TDY and Administrative Expenses | −3,000 |

| | |
|---|---|
| 18920 Repairs to Federally Funded Schools | 10,000 |
| Undistributed: | |
| 18960 Legacy | 10,000 |
| 18965 Pentagon Reservation Transfer | 137,652 |
| 18970 Civilian Personnel Understrength | −8,000 |
| 18975 Foreign Currency Fluctuation | −3,000 |
| 18982 Revised Economic Assumptions | −29,000 |
| 19010 High Risk Automation Systems | −15,000 |
| 19030 Pentagon Renovation Fund—Swing Space Costs | −9,500 |
| 19045 Defense Automated Printing Service | −8,000 |
| 19090 QDR Defense Agency Reductions | −37,000 |

### DEFENSE FINANCE AND ACCOUNTING SERVICE

The Department requested $91,654,000 for activities that the conferees believe are more properly funded through the Defense Working Capital Fund. The conferees therefore agree to a reduction of $21,000,000 and direct DFAS to budget for these activities within the Defense Working Capital Fund in future budget submissions.

### DEFENSE HUMAN RESOURCES FIELD ACTIVITY

The conferees agree to provide $138,935,000 for the Defense Human Resources Field Activity, a reduction of $2,000,000 from the President's Budget. The conferees direct that none of this reduction be taken against the Department's very successful efforts with Operation Mongoose.

### DEFENSE LOGISTICS AGENCY

The Defense Logistics Agency (DLA) budget included $42,900,000 for expenses that were in the Defense Working Capital Fund (DWCF). Of these the conferees believe that $36,000,000, as identified in House Report 105-206, should have stayed within the DWCF and directs DLA to budget for these expenses within the DWCF in the future.

### NATIONAL IMAGERY AND MAPPING AGENCY

The conferees agree to delete House language, but expect the National Imagery and Mapping Agency (NIMA) to abide by its commitment and recent Policy Directive 8600R1 that a qualifications based selection (QBS) process for mapping, charting and geodesy service contracts will be used and that NIMA will seek a revision to the Federal Acquisition Regulations to this effect.

### NEW PARENT SUPPORT PROGRAM

The conferees agree that the New Parent Support Program complements and works in concert with all programs associated with violence prevention, child development and family advocacy. In recent years, funds have been provided for expansion of this program within all the Services. The conferees encourage the Department to continue funding this program at current levels during fiscal year 1998, and to budget sufficient resources in future budget submissions.

### INDUSTRIAL MODERNIZATION

The conference report includes $50,000,000 only for projects or programs to assist in the commercial reutilization and modernization of government industrial complexes no longer in service. The conferees direct that such funds be used to support no more than 10 percent of the total project cost, and be committed only for projects that are determined by the Secretary (1) to be financially self-sustaining over the long-term, and (2) to enhance the national defense. The conferees intend that these funds be used for grants for operational transition, planning, and training costs.

### RESERVE PEACETIME SUPPORT TO ACTIVE DUTY AND CIVILIAN ACTIVITIES

The conferees agree to provide $10,000,000 for Reserve peacetime support to active duty and civilian activities. The conferees direct the Department of Defense to report to the Committees on Appropriations on how the fiscal year 1997 funding was allocated by theater, activities or exercises supported by this program, and the number of reservists by service who participated under this initiative. This report is to be provided not later than January 15, 1998.

### CIVIL MILITARY PROGRAMS

The conferees recommend a total of $72,000,000 for civil/military programs for fiscal year 1998 as follows:

[In thousands of dollars]

| | |
|---|---|
| Youth Challenge program | 48,000 |
| Innovative Readiness Training | 20,000 |
| Starbase youth program | 4,000 |
| Total | 72,000 |

### ON-SITE INSPECTION AGENCY

The conferees have agreed to reduce funding for the On-Site Inspection Agency. If additional funds prove necessary to meet emergent requirements stemming from valid treaty obligations, the conferees expect the Department of Defense to submit a reprogramming request subject to normal, prior approval reprogramming procedures.

### TRAVEL REENGINEERING

The Department of Defense report on Travel Reengineering states that the Department spends approximately $3,000,000,000 annually on temporary duty travel. Of this amount, 15 to 30 percent is for management overhead costs. The Department believes that, through reengineering, they can reduce these costs by more than half, a savings of over $300,000,000 per year. The conferees are supportive of these goals, but remain concerned about how DoD will identify and capture these savings. The conferees therefore direct the Department to provide a detailed report, no later than January 1, 1998, of what savings it expects to result from implementing this program in Travel Region 6, where those savings will come from and how DoD intends to capture those savings in its future budget requests. The conferees also direct the Department to provide a similar report with respect to full implementation prior to expanding this program beyond Travel Region 6.

### LEGACY

Of the funds appropriated for the Legacy program, the Committee directs that $100,000 be utilized to develop a management plan, in cooperation with the appropriate state and local entities, to preserve and protect the Revolutionary War gunboat that was recently discovered on the bottom of Lake Champlain.

### JOB PLACEMENT PROGRAM

The Conferees direct the Department of Defense to provide at least $6,000,000 from within available funds for the implementation of a combined job placement and community outreach services program. This program should market and coordinate involvement of existing qualified service providers through the Job Training Partnership Act, facilitate municipal offering of community outreach services and provide data for the evaluation of federal job placement programs. This program should be implemented in communities where military bases have undergone downsizing.

### OPERATION AND MAINTENANCE, ARMY RESERVE

The conference agreement on items addressed by either the House or the Senate is as follows:

[In thousands of dollars]

| | | Budget | House | Senate | Conference |
|---|---|---|---|---|---|
| 19500 | OPERATION AND MAINTENANCE, ARMY RESERVE | | | | |
| 19550 | BUDGET ACTIVITY 1: OPERATING FORCES | | | | |
| 19600 | MISSION OPERATIONS | | | | |
| 19650 | BASE SUPPORT | 309,446 | 309,446 | 309,446 | 309,446 |
| 19700 | MAINTENANCE OF REAL PROPERTY | 85,255 | 90,255 | 85,255 | 90,255 |
| 19750 | DEPOT MAINTENANCE | 41,366 | 41,366 | 41,366 | 41,366 |
| 19850 | TRAINING OPERATIONS | 620,827 | 630,827 | 640,827 | 630,827 |
| 19900 | TOTAL, BUDGET ACTIVITY 1 | 1,056,894 | 1,071,894 | 1,076,894 | 1,071,894 |
| 19950 | BUDGET ACTIVITY 4: ADMIN & SERVICEWIDE ACTIVITIES. | | | | |
| 20000 | ADMINISTRATION AND SERVICEWIDE ACTIVITIES. | | | | |
| 20050 | INFORMATION MANAGEMENT | 20,033 | 20,033 | 20,033 | 20,033 |
| 20100 | PUBLIC AFFAIRS | 489 | 489 | 489 | 489 |
| 20150 | PERSONNEL ADMINISTRATION | 50,196 | 50,196 | 50,196 | 50,196 |
| 20200 | STAFF MANAGEMENT | 27,405 | 27,405 | 27,405 | 27,405 |
| 20250 | RECRUITING AND ADVERTISING | 37,874 | 37,874 | 37,874 | 37,874 |
| 20300 | TOTAL, BUDGET ACTIVITY 4 | 135,997 | 135,997 | 135,997 | 135,997 |
| 20700 | TOTAL, OPERATION AND MAINTENANCE, ARMY RESERVE | 1,192,891 | 1,207,891 | 1,212,891 | 1,207,891 |

ADJUSTMENTS TO BUDGET ACTIVITIES

Adjustments to the budget activities are as follows:

[In thousands of dollars]

| | |
|---|---|
| Budget Activity 1: Operating Forces: 19700 Maintenance of Real Property | 5,000 |
| 19850 Training Operations/ Ground OPTEMPO | 10,000 |
| Total adjustments | +15,000 |

OPERATION AND MAINTENANCE, NAVY RESERVE

The conference agreement on items addressed by either the House or the Senate is as follows:

[In thousands of dollars]

| | | Budget | House | Senate | Conference |
|---|---|---|---|---|---|
| 20850 | OPERATION AND MAINTENANCE, NAVY RESERVE | | | | |
| 20900 | BUDGET ACTIVITY 1: OPERATING FORCES | | | | |
| 20950 | RESERVE AIR OPERATIONS | | | | |
| 21000 | MISSION AND OTHER FLIGHT OPERATIONS | 302,531 | 302,531 | 302,531 | 319,531 |
| 21050 | FLEET AIR TRAINING | 200 | 200 | 200 | 200 |
| 21100 | INTERMEDIATE MAINTENANCE | 17,528 | 17,528 | 17,528 | 17,528 |
| 21150 | AIR OPERATION AND SAFETY SUPPORT | 2,574 | 3,074 | 2,574 | 3,074 |
| 21200 | AIRCRAFT DEPOT MAINTENANCE | 58,053 | 68,053 | 58,053 | 65,053 |
| 21250 | AIRCRAFT DEPOT OPS SUPPORT | 315 | 315 | 315 | 315 |
| 21300 | BASE SUPPORT | 99,563 | 99,563 | 99,563 | 99,563 |
| 21350 | MAINTENANCE OF REAL PROPERTY | 24,512 | 24,512 | 24,512 | 24,512 |
| 21400 | RESERVE SHIP OPERATIONS | | | | |
| 21450 | MISSION AND OTHER SHIP OPERATIONS | 59,509 | 59,509 | 59,509 | 59,509 |
| 21500 | SHIP OPERATIONAL SUPPORT AND TRAINING | 638 | 638 | 638 | 638 |
| 21550 | INTERMEDIATE MAINTENANCE | 10,326 | 10,326 | 10,326 | 10,326 |
| 21600 | SHIP DEPOT MAINTENANCE | 68,324 | 68,324 | 68,324 | 68,324 |
| 21650 | SHIP DEPOT OPERATIONS SUPPORT | 1,487 | 1,487 | 1,487 | 1,487 |
| 21700 | RESERVE COMBAT OPERATIONS SUPPORT | | | | |
| 21800 | COMBAT SUPPORT FORCES | 25,632 | 25,632 | 25,632 | 25,632 |
| 21850 | BASE SUPPORT | 38,503 | 38,503 | 38,503 | 38,503 |
| 21900 | MAINTENANCE OF REAL PROPERTY | 9,220 | 9,220 | 9,220 | 9,220 |
| 21950 | RESERVE WEAPONS SUPPORT | | | | |
| 22000 | WEAPONS MAINTENANCE | 4,136 | 4,136 | 4,136 | 4,136 |
| 22050 | TOTAL, BUDGET ACTIVITY 1 | 723,551 | 733,551 | 723,051 | 747,551 |
| 22100 | BUDGET ACTIVITY 4: ADMIN & SERVICEWIDE ACTIVITIES | | | | |
| 22150 | ADMINISTRATION AND SERVICEWIDE ACTIVITIES | | | | |
| 22200 | ADMINISTRATION | 6,209 | 6,209 | 6,209 | 6,209 |
| 22250 | CIVILIAN MANPOWER AND PERSONNEL MANAGEMENT | 2,012 | 2,012 | 2,012 | 2,012 |
| 22300 | MILITARY MANPOWER AND PERSONNEL MANAGEMENT | 32,102 | 32,102 | 32,102 | 32,102 |
| 22400 | SERVICEWIDE COMMUNICATIONS | 33,155 | 33,155 | 33,155 | 33,155 |
| 22450 | BASE SUPPORT | 26,692 | 26,692 | 26,692 | 26,692 |
| 22500 | MAINTENANCE OF REAL PROPERTY | 5,051 | 5,051 | 5,051 | 5,051 |
| 22550 | COMBAT/WEAPONS SYSTEMS | 2,723 | 2,723 | 2,723 | 2,723 |
| 22600 | GENERAL DEFENSE INTELLIGENCE PROGRAM | 511 | 511 | 511 | 511 |
| 22605 | LOGISTICS OPERATIONS AND TECHNICAL SUPPORT | | | | |
| 22610 | AIR SYSTEMS SUPPORT | 2,705 | 2,705 | 2,705 | 2,705 |
| 22750 | TOTAL, BUDGET ACTIVITY 4 | 111,160 | 111,160 | 111,160 | 111,160 |
| 22760 | NSIPS | .................. | 43,500 | .................. | 43,500 |
| 22765 | CONTINGENCY OPERATIONS TRANSFER—SWA | .................. | −500 | .................. | −500 |
| 22770 | MAINTENANCE OF REAL PROPERTY | .................. | 37,000 | .................. | 20,000 |
| 23150 | TOTAL, OPERATION AND MAINTENANCE, NAVY RESERVE | 834,711 | 924,711 | 834,211 | 921,711 |

ADJUSTMENTS TO BUDGET ACTIVITIES

Adjustments to the budget activities are as follows:

[In thousands of dollars]

| | |
|---|---|
| Budget Activity 1: Operating Forces: | |
| 21000 Mission and Other Flight Operations/Flying Hours | 17,000 |
| 21200 Aircraft Depot Maintenance | 7,000 |
| Other Adjustments: | |
| 22760 NSIPS | 43,500 |
| 22765 Contingency Operations Transfer—SWA | −500 |
| 22770 Maintenance of Real Property | 20,000 |
| Total adjustments | +87,000 |

MILITARY PERSONNEL INFORMATION SYSTEMS

The conferees have agreed to provide $69,000,000 only for Military Personnel Information Systems and support the direction in House Report 105–206 on management control and use of these programs and funds by the Commander, Naval Reserve Forces. Of the funds identified in the House report, only $11,500,000 is specifically for the Navy Standard Integrated Personnel System (NSIPS) and $5,000,000 is for the Joint Requirements and Integration Office. These funds are in addition to those already budgeted for these programs. The remaining funds are for all the related activities described in the House report, such as continuing the Navy central design activity consolidation and providing initial outfitting equipment and infrastructure support for information system facilities. The conferees direct the Navy and DoD to ensure that no other military personnel information system initiatives duplicate NSIPS or the DoD objective personnel system, now known as the Defense Integrated Military Human Resources System (DIMHRS). The conferees also direct DoD and the services to identify and allocate acquisition certified personnel for the DIMHRS Joint Program Management Office no later than November 1, 1997 and to fully fund and budget for NSIPS and DIMHRS.

OPERATION AND MAINTENANCE, MARINE CORPS RESERVE

The conference agreement on items addressed by either the House or the Senate is as follows:

[In thousands of dollars]

| | | Budget | House | Senate | Conference |
|---|---|---|---|---|---|
| 23300 | OPERATION AND MAINTENANCE, MARINE CORPS RESERVE | | | | |
| 23350 | BUDGET ACTIVITY 1: OPERATING FORCES. | | | | |
| 23400 | MISSION FORCES | | | | |
| 23450 | TRAINING | 14,559 | 18,459 | 14,559 | 17,559 |
| 23500 | OPERATING FORCES | 30,174 | 35,174 | 30,174 | 33,174 |
| 23550 | BASE SUPPORT | 16,309 | 16,309 | 16,309 | 16,309 |
| 23600 | MAINTENANCE OF REAL PROPERTY | 6,898 | 6,898 | 6,898 | 6,898 |
| 23650 | DEPOT MAINTENANCE | 2,555 | 2,555 | 2,555 | 2,555 |
| 23700 | TOTAL, BUDGET ACTIVITY 1 | 70,495 | 79,395 | 70,495 | 76,495 |
| 23750 | BUDGET ACTIVITY 4: ADMIN & SERVICEWIDE ACTIVITIES | | | | |
| 23800 | ADMINISTRATION AND SERVICEWIDE ACTIVITIES | | | | |
| 23850 | RECRUITING AND ADVERTISING | 7,726 | 7,726 | 7,726 | 7,726 |
| 23900 | SPECIAL SUPPORT | 11,199 | 11,199 | 11,199 | 11,199 |
| 23950 | SERVICEWIDE TRANSPORTATION | 5,161 | 5,161 | 5,161 | 5,161 |
| 24000 | ADMINISTRATION | 7,039 | 7,039 | 7,039 | 7,039 |

[In thousands of dollars]

| | | Budget | House | Senate | Conference |
|---|---|---|---|---|---|
| 24050 | BASE SUPPORT | 8,746 | 8,746 | 8,746 | 8,746 |
| 24200 | TOTAL, BUDGET ACTIVITY 4 | 39,871 | 39,871 | 39,871 | 39,871 |
| 24600 | TOTAL, O&M, MARINE CORPS RESERVE | 110,366 | 119,266 | 110,366 | 116,366 |

ADJUSTMENTS TO BUDGET ACTIVITIES

Adjustments to the budget activities are as follows:

[In thousands of dollars]

| | |
|---|---|
| Budget Activity 1: Operating Forces: | |
| 23450 Training/M1A1 Tank Training | 3,000 |
| 23500 Operating Forces/Initial Issue | 3,000 |
| Total adjustments | +6,000 |

OPERATION AND MAINTENANCE, AIR FORCE RESERVE

The conference agreement on items addressed by either the House or the Senate is as follows:

[In thousands of dollars]

| | | Budget | House | Senate | Conference |
|---|---|---|---|---|---|
| 24750 | OPERATION AND MAINTENANCE, AIR FORCE RESERVE | | | | |
| 24800 | BUDGET ACTIVITY 1: OPERATING FORCES | | | | |
| 24850 | AIR OPERATIONS | | | | |
| 24900 | AIRCRAFT OPERATIONS | 1,227,609 | 1,227,609 | 1,234,389 | 1,234,389 |
| 24950 | MISSION SUPPORT OPERATIONS | 39,482 | 39,482 | 39,482 | 39,482 |
| 25000 | BASE SUPPORT | 216,573 | 216,573 | 216,573 | 216,573 |
| 25050 | MAINTENANCE OF REAL PROPERTY | 60,314 | 70,314 | 60,314 | 60,314 |
| 25150 | TOTAL, BUDGET ACTIVITY 1 | 1,543,978 | 1,543,978 | 1,550,758 | 1,550,758 |
| 25200 | BUDGET ACTIVITY 4: ADMIN & SERVICEWIDE ACTIVITIES | | | | |
| 25250 | ADMINISTRATION AND SERVICEWIDE ACTIVITIES | | | | |
| 25300 | ADMINISTRATION | 46,363 | 46,363 | 46,363 | 46,363 |
| 25350 | MILITARY MANPOWER AND PERSONNEL MANAGEMENT | 19,262 | 19,262 | 19,262 | 19,262 |
| 25400 | RECRUITING AND ADVERTISING | 7,966 | 7,966 | 7,966 | 7,966 |
| 25450 | OTHER PERSONNEL SUPPORT | 6,310 | 6,310 | 6,310 | 6,310 |
| 25500 | AUDIOVISUAL | 541 | 541 | 541 | 541 |
| 25510 | WC-130 WEATHER RECONN | | 830 | | 830 |
| 25550 | TOTAL, BUDGET ACTIVITY 4 | 80,442 | 81,272 | 80,442 | 81,272 |
| 25950 | TOTAL, O&M, AIR FORCE RESERVE | 1,624,420 | 1,635,250 | 1,631,200 | 1,632,030 |

ADJUSTMENTS TO BUDGET ACTIVITIES

Adjustments to the budget activities are as follows:

[In thousands of dollars]

| | |
|---|---|
| Budget Activity 1: Operating Forces: | |
| 24900 Aircraft Operations/C-130 Force Structure | 6,780 |
| Budget Activity 4: Administration and Servicewide Activities: | |
| 25510 WC-130 Weather Reconnaissance | 830 |
| Total adjustments | +7,610 |

OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

The conference agreement on items addressed by either the House or the Senate is as follows:

[In thousands of dollars]

| | | Budget | House | Senate | Conference |
|---|---|---|---|---|---|
| 26100 | OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD | | | | |
| 26150 | BUDGET ACTIVITY 1: OPERATING FORCES | | | | |
| 26200 | MISSION OPERATIONS | | | | |
| 26250 | TRAINING OPERATIONS | 1,704,250 | 1,728,950 | 1,749,250 | 1,728,950 |
| 26350 | MEDICAL SUPPORT | 26,701 | 26,701 | 26,701 | 26,701 |
| 26400 | DEPOT MAINTENANCE | 53,824 | 58,824 | 63,824 | 61,324 |
| 26450 | BASE SUPPORT | 250,700 | 250,700 | 250,700 | 250,700 |
| 26500 | MAINTENANCE OF REAL PROPERTY | 50,618 | 60,618 | 150,618 | 135,618 |
| 26550 | TOTAL, BUDGET ACTIVITY 1 | 2,086,093 | 2,125,793 | 2,241,093 | 2,203,293 |
| 26600 | BUDGET ACTIVITY 4: ADMIN & SERVICEWIDE ACTIVITIES | | | | |
| 26650 | ADMINISTRATION AND SERVICEWIDE ACTIVITIES | | | | |
| 26700 | INFORMATION MANAGEMENT | 32,376 | 32,376 | 53,376 | 53,376 |
| 26800 | PERSONNEL ADMINISTRATION | 62,082 | 62,082 | 62,082 | 62,082 |
| 26850 | STAFF MANAGEMENT | 45,190 | 45,190 | 45,190 | 45,190 |
| 26900 | RECRUITING AND ADVERTISING | 33,191 | 33,191 | 33,191 | 33,191 |
| 26910 | CHEM/BIO MISSION STUDIES | | 10,000 | | 10,000 |
| 26912 | STOCK FUND SECONDARY ITEMS | | | 15,000 | 7,500 |
| 26915 | SOFTWARE ACQUISITION AND SECURITY TRAINING | | 5,000 | | 5,000 |
| 26950 | TOTAL, BUDGET ACTIVITY 4 | 172,839 | 187,839 | 208,839 | 216,339 |
| 27350 | TOTAL, OPERATION AND MAINTENANCE, ARMY NAT. GUARD | 2,258,932 | 2,313,632 | 2,449,932 | 2,419,632 |

ADJUSTMENTS TO BUDGET ACTIVITIES

Adjustments to the budget activities are as follows:

[In thousands of dollars]

| | |
|---|---|
| Budget Activity 1: Operating Forces: | |
| 26250 Training Operations/Ground Optempo | 20,000 |
| 26250 Training Operations/Angel Gate Academy | 4,200 |
| 26250 Training Operations/Laser Leveling | 500 |
| 26400 Depot Maintenance | 7,500 |
| 26500 Maintenance of Real Property | 85,000 |
| Budget Activity 4: Administration and Servicewide Activities: | |
| 26700 Information Management | 21,000 |
| 26910 Chem/Bio Mission Studies | 10,000 |
| 26912 Stock Fund Secondary Items | 7,500 |
| 26915 Software Acquisition and Security Training | 5,000 |
| Total adjustments | +160,700 |

MAINTENANCE OF REAL PROPERTY

The conferees recommend $85,000,000 above the budget request for maintenance of real property for Army National Guard facilities. The conferees direct that these funds be used to reduce the growing backlog within the 54 Army National Guard organizations, not for studies or other administrative functions.

### CHEMICAL/BIOLOGICAL DEFENSE AND COUNTER TERRORISM MISSION PLANNING

The conferees recommend $10,000,000 only to support efforts to develop the National Guard's domestic chemical/biological counter terrorism mission. The conferees reiterate the directive in the House report and strongly endorse efforts to accelerate implementation of this important mission. The conferees expect the National Guard to develop a mission plan that is fully coordinated with all related plans and programs of the Office of the Secretary of Defense, the active forces, and all other Reserve Components so as to leverage existing capabilities to the maximum extent possible. A mechanism for review and input from all relevant organizations must be an integral part of this planning effort. The conferees also intend that a portion of these funds may be used to conduct joint, interagency training for federal, state, and local responders with respect to counter terrorism operations and the defense against weapons of mass destruction and for testing and evaluating equipment related to the support of the chemical/biological defense mission.

### HOME STATION MOBILIZATION

The conferees support the expansion of Home Station Mobilization during fiscal year 1998, as a way to reduce mobilization costs and increase the availability of the Reserve Components. The conferees direct the Department of the Army to report to the congressional defense committees on how this program can be expanded in both the Army National Guard and the Army Reserve not later than January 15, 1998. The report should also provide a timetable to implement the results of this review during fiscal year 1998. It should address costs (both personnel and resources) associated with deploying from home station versus a mobilization station and recommendations regarding mission transfers to the Reserve Components.

### OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

The conference agreement on items addressed by either the House or the Senate is as follows:

[In thousands of dollars]

| | | Budget | House | Senate | Conference |
|---|---|---|---|---|---|
| 27500 | OPERATION AND MAINTENANCE, AIR NATIONAL GUARD | | | | |
| 27550 | BUDGET ACTIVITY 1: OPERATING FORCES | | | | |
| 27600 | AIR OPERATIONS | | | | |
| 27650 | AIRCRAFT OPERATIONS | 2,243,510 | 2,245,010 | 2,262,573 | 2,262,573 |
| 22770 | MISSION SUPPORT OPERATIONS | 334,314 | 334,314 | 334,314 | 334,314 |
| 27750 | BASE SUPPORT | 296,196 | 296,196 | 296,196 | 296,196 |
| 27800 | MAINTENANCE OF REAL PROPERTY | 77,879 | 77,879 | 77,879 | 77,879 |
| 27850 | DEPOT MAINTENANCE | 30,048 | 30,048 | 30,048 | 30,048 |
| 27900 | TOTAL, BUDGET ACTIVITY 1 | 2,981,947 | 2,986,447 | 3,001,010 | 3,004,010 |
| 27950 | BUDGET ACTIVITY 4: ADMIN & SERVICEWIDE ACTIVITIES | | | | |
| 28000 | SERVICEWIDE ACTIVITIES | | | | |
| 28050 | ADMINISTRATION | 3,073 | 3,073 | 3,073 | 3,073 |
| 28100 | RECRUITING AND ADVERTISING | 6,199 | 6,199 | 6,199 | 6,199 |
| 28150 | TOTAL, BUDGET ACTIVITY 4 | 9,272 | 9,272 | 9,272 | 9,272 |
| 28550 | TOTAL, O&M, AIR NATIONAL GUARD | 2,991,219 | 2,995,719 | 3,010,282 | 3,013,282 |

### ADJUSTMENT TO BUDGET ACTIVITIES

Adjustments to the budget activities are as follows:

[In thousands of dollars]

| | |
|---|---|
| Budget Activity 1: Operating Forces: | |
| 27650 Aircraft Operations/159th Fighter Group | 1,500 |
| 527650 Aircraft Operations/C–130 Force Structure | 13,063 |
| 27650 Aircraft Operations/C–130 Operations | 4,500 |
| 27850 Depot Maintenance | 3,000 |
| Total adjustments | +22,063 |

### OVERSEAS CONTINGENCY OPERATIONS TRANSFER FUND

The conferees agree to provide $1,884,000,000 for the Overseas Contingency Operations Transfer Fund. The conferees agree to realign funding for operations in Southwest Asia from the services' Operation and maintenance accounts into the Overseas Contingency Operations Transfer Fund. Accordingly, the conferees agree to transfer $416,500,000 into this account.

### UNITED STATES COURT OF APPEALS FOR THE ARMED FORCES

The conference agreement provides $6,952,000 for the United States Court of Appeals of the Armed Forces as requested in the budget.

### ENVIRONMENTAL RESTORATION, ARMY

The conferees agree to provide $375,337,000 for Environmental Restoration, Army.

### ENVIRONMENTAL RESTORATION, NAVY

The conferees agree to provide $275,500,000 for Environmental Restoration, Navy.

### ENVIRONMENTAL RESTORATION, AIR FORCE

The conferees agree to provide $376,900,000 for Environmental Restoration, Air Force.

### ENVIRONMENTAL RESTORATION, DEFENSE-WIDE

The conferees agree to provide $26,900,000 for Environmental Restoration, Defense-Wide.

### ENVIRONMENTAL RESTORATION, FORMERLY USED DEFENSE SITES

The conferees agree to provide $242,300,000 for Environmental Restoration, Formerly Used Defense Sites.

### NEWMARK

The conferees understand that both the Environmental Protection Agency (EPA) and the City of San Bernardino believe that the Newmark and Muscoy plume contamination in San Bernardino, CA is a direct result of industrial waste from a World War II depot and maintenance facility (Camp Ono). The report accompanying the fiscal year 1997 DoD Appropriations Act highlighted the urgency of this problem and requested prompt action by the Department of Defense. Because the Department has not adequately responded to last year's report language concerning this important issue, the conferees direct the DoD, within 90 days of enactment of this Act, to provide a report to the congressional defense committees which fully explains the Department's current and future plans relating to its role in the cleanup of the Newmark/Muscoy site.

### OVERSEAS HUMANITARIAN, DISASTER, AND CIVIC AID

The conferees agree to provide $47,130,000 for Overseas Humanitarian, Disaster and Civic Aid. The conferees direct that none of the reduction should be taken against the Department's demining efforts. In addition, the conferees expect the Department of Defense to coordinate its efforts on the rehabilitation of land mine victims with other U.S. Government agencies performing similar activities, including any center devoted to these efforts within the Department of Education.

### FORMER SOVIET UNION THREAT REDUCTION

The conferees agree to provide $382,200,000, for the Former Soviet Union Threat Reduction program.

### QUALITY OF LIFE ENHANCEMENTS, DEFENSE

The conferees agree to provide a total of $360,000,000 for Quality of Life Enhancements, Defense. Given the substantial backlog of real property maintenance in the areas of barracks, dormitories and related facilities, the conferees direct that these funds be applied to workload for such projects. The conferees further direct the Secretaries of each of the Military Services to provide the congressional defense committees with a report on each additional project to be funded from funds available in this account prior to solicitation for these projects. This report shall include the location, estimated cost and projected commencement and completion dates for each project.

## TITLE III—PROCUREMENT

The conference agreement is as follows:

[In thousands of dollars]

| | Budget | House | Senate | Conference |
|---|---|---|---|---|
| SUMMARY | | | | |
| ARMY: | | | | |
| AIRCRAFT | 1,029,459 | 1,541,217 | 1,356,959 | 1,346,317 |
| TRANSFER | (133,000) | ........ | ........ | ........ |
| MISSILES | 1,178,151 | 771,942 | 1,173,081 | 762,409 |
| WEAPONS, TRACKED COMBAT VEHICLES | 1,065,707 | 1,332,907 | 1,156,506 | 1,298,707 |
| AMMUNITION | 890,902 | 1,062,802 | 1,042,602 | 1,037,202 |
| OTHER | 2,455,030 | 2,502,886 | 2,783,735 | 2,679,130 |
| TOTAL, ARMY | 6,619,249 | 7,211,754 | 7,512,883 | 7,123,765 |
| NAVY: | | | | |
| AIRCRAFT | 5,951,965 | 6,753,465 | 6,312,937 | 6,535,444 |
| TRANSFER | (134,000) | ........ | ........ | ........ |
| WEAPONS | 1,136,293 | 1,175,393 | 1,138,393 | 1,102,193 |
| AMMUNITION | 336,797 | 423,797 | 344,797 | 397,547 |
| SHIPS | 7,438,158 | 7,628,158 | 8,510,458 | 8,235,591 |
| OTHER | 2,825,500 | 3,084,485 | 2,832,800 | 3,144,205 |
| MARINE CORPS | 374,306 | 491,198 | 440,106 | 482,398 |
| TOTAL, NAVY | 18,063,019 | 19,556,496 | 19,579,491 | 19,897,378 |
| AIR FORCE: | | | | |
| AIRCRAFT | 5,684,847 | 6,386,479 | 6,390,847 | 6,480,983 |
| TRANSFER | (133,000) | ........ | ........ | ........ |
| MISSILES | 2,557,741 | 2,320,741 | 2,411,741 | 2,394,202 |
| AMMUNITION | 403,984 | 414,884 | 400,984 | 398,534 |
| OTHER | 6,561,253 | 6,588,939 | 6,653,053 | 6,592,909 |
| TOTAL, AIR FORCE | 15,207,825 | 15,711,043 | 15,856,625 | 15,866,628 |
| DEFENSE-WIDE | 1,695,085 | 2,186,669 | 1,753,285 | 2,106,444 |
| NATIONAL GUARD AND RESERVE EQUIPMENT | ........ | 850,000 | 653,000 | 653,000 |
| TOTAL PROCUREMENT | 41,585,178 | 45,515.962 | 45,355,284 | 45,647,215 |
| TRANSFER | (400,000) | ........ | ........ | ........ |

AIRCRAFT PROCUREMENT, ARMY

The conference agreement is as follows:

[In thousands of dollars]

| | Budget | House | Senate | Qty | Conference |
|---|---|---|---|---|---|
| AIRCRAFT PROCUREMENT, ARMY: | | | | | |
| C–XX (MEDIUM RANGE) AIRCRAFT | ........ | ........ | 23,000 | ........ | 23,000 |
| GUARDRAIL COMMON SENSOR (TIARA) | 3,388 | 13,046 | 3,388 | ........ | 13,046 |
| SHORT RANGE UAV | ........ | 20,000 | ........ | ........ | ........ |
| UH–60 BLACKHAWK (MYP) | 183,231 | 309,231 | 310,531 | 28 | 272,231 |
| UH–1 MODS | 4,679 | 4,679 | 2,679 | ........ | 2,679 |
| UH–60 MODS | 14,353 | 14,353 | 23,853 | ........ | 26,853 |
| KIOWA WARRIOR | 38,822 | 213,822 | 53,822 | ........ | 53,822 |
| EH–60 QUICKFIX MODS | 38,140 | 44,640 | 38,140 | ........ | 44,640 |
| ASE MODS | 4,578 | 19,078 | 12,678 | ........ | 19,078 |
| AIRCRAFT SURVIVABILITY EQUIPMENT | 905 | 15,705 | 905 | ........ | 8,305 |
| TRAINING DEVICES | ........ | 9,300 | 18,600 | ........ | 13,300 |
| ECONOMIC ASSUMPTIONS | ........ | ........ | −8,000 | ........ | −8,000 |

## EXPLANATION OF PROJECT LEVEL ADJUSTMENTS

[In thousands of dollars]

| | Budget | House | Senate | Conference |
|---|---|---|---|---|
| U–H60 Blackhawk (MYP) | 183,231 | 309,231 | 310,531 | 272,231 |
| Aircraft | ........ | +120,000 | +127,300 | +83,000 |
| Q-kits for Active Army | ........ | +6,000 | ........ | +6,000 |
| (Note: Additional funds are to procure at least 10 additional aircraft. Procurement of the 28 new aircraft are to result in the fielding of 28 aircraft from the Army to the Army National Guard.) | | | | |
| UH–60 MODS | 14,353 | 14,353 | 23,853 | 26,853 |
| Senate add | ........ | ........ | +9,500 | +9,500 |
| UH–60L Blackhawk Fire Hawk kits | ........ | ........ | ........ | +3,000 |
| (Note: UH–60L Fire Hawk kits are to be transferred to the Army National Guard.) | | | | |
| Kiowa Warrior | 38,822 | 213,822 | 53,822 | 53,822 |
| Aircraft | ........ | +157,177 | ........ | 0 |
| Safety modifications | ........ | +23,300 | +15,000 | +15,000 |
| ASE MODS | 4,578 | 19,078 | 12,678 | 19,078 |
| Laser detection sets | ........ | +7,000 | ........ | +7,000 |
| Advanced threat infrared countermeasures | ........ | +7,500 | +8,100 | +7,500 |
| Aircraft Survivability Equipment | 905 | 15,705 | 905 | 8,305 |
| ASET IV | ........ | +14,800 | ........ | +7,400 |
| Common Ground Equipment | +0 | +18,600 | +9,300 | +13,300 |
| Geographic databases | ........ | +18,600 | +9,300 | +13,300 |

MISSILE PROCUREMENT, ARMY

The conference agreement is as follows:

[In thousands of dollars]

| | Budget | House | Senate | Qty | Conference |
|---|---|---|---|---|---|
| MISSILE PROCUREMENT, ARMY: | | | | | |
| PATRIOT SYSTEM SUMMARY (MYP) | 349,109 | ........ | 349,109 | ........ | ........ |
| AVENGER SYSTEM SUMMARY | ........ | ........ | 13,000 | ........ | 7,400 |

[In thousands of dollars]

| | Budget | House | Senate | Qty | Conference |
|---|---|---|---|---|---|
| HELLFIRE SYS SUMMARY | 279,687 | 228,287 | 268,987 | 1,200 | 248,987 |
| MLRS ROCKET | 2,863 | 14,863 | 19,863 | | 19,863 |
| MLRS LAUNCHER SYSTEMS | 102,649 | 105,649 | 127,749 | 35 | 125,749 |
| ARMY TACTICAL MSL SYS (ATACMS) (MYP) | 97,814 | 97,814 | 87,044 | 153 | 97,814 |
| BAT | 85,208 | 45,208 | 45,208 | 40 | |
| EFOG–M | | | | | 13,300 |
| PATRIOT MODS | 20,825 | 30,825 | 20,825 | | 8,000 |
| ECONOMIC ASSUMPTIONS | | | −8,000 | | −8,000 |

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS

[In thousands of dollars]

| | Budget | House | Senate | Conference |
|---|---|---|---|---|
| Patriot System Summary | 349,109 | 0 | 349,109 | 0 |
| Transfer to Procurement, Defense Wide | | −349,109 | | −349,109 |
| Avenger System Summary | 0 | 0 | 13,000 | 7,400 |
| Slew-to-cue | | | 13,000 | 7,400 |
| Hellfire System Summary | 279,687 | 228,287 | 268,987 | 248,987 |
| Unused prior year ECO funding | | −5,400 | | 0 |
| Reduce Longbow Hellfire production ramp-up | | −38,300 | | −20,000 |
| Reduce Longbow ramp-up tooling | | −7,700 | | 0 |
| Unobligated prior year funds | | | −10,700 | −10,700 |
| MLRS Rocket | 2,863 | 14,863 | 19,863 | 19,863 |
| MLRS–ER | | 12,000 | 17,000 | 17,000 |
| MLRS Launcher System | 102,649 | 105,649 | 127,749 | 125,749 |
| Transfer to MLRS–ER rockets | | −12,000 | | −12,000 |
| Vehicular Intercommunication System (VIS) upgrades | | 15,000 | | 10,000 |
| Launcher upgrades | | | 25,100 | 25,100 |
| Army Tactical Missile System (ATACMS) | 97,814 | 97,814 | 87,044 | 97,814 |
| Contract savings | | | −10,770 | 0 |
| EFOG–M | | | | 13,300 |
| Transfer from research and development | | | | 13,300 |
| Patriot Modifications | 20,825 | 30,825 | 20,825 | 30,825 |
| GEM +/− | | 10,000 | | 8,000 |

PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY

The conference agreement is as follows:

[In thousands of dollars]

| | Budget | House | Senate | Qty | Conference |
|---|---|---|---|---|---|
| PROCUREMENT OF W&TCV, ARMY.. | | | | | |
| BRADLEY BASE SUSTAINMENT | 125,591 | 240,591 | 187,991 | | 220,591 |
| FIELD ARTILLERY AMMUNITION SUPPORT VEH | | 40,000 | | 36 | 40,000 |
| CARRIER, MOD | 20,244 | 28,644 | 40,244 | | 40,244 |
| HOWITZER, MED SP FT 155MM M109A6 (MOD) | 18,706 | 74,706 | 18,706 | 36 | 74,706 |
| IMPROVED RECOVERY VEHICLE (M88 MOD) | 28,601 | 56,401 | 14,000 | 12 | 32,601 |
| ARMOR MACHINE GUN, 7.62MM M240 SERIES | | 20,000 | | | 15,000 |
| GRENADE LAUNCHER, AUTO, 40MM, MK19–3 | | | 13,000 | | 8,000 |
| MEDIUM MACHINE GUNS (MODS) | | | 15,000 | | |
| ECONOMIC ASSUMPTIONS | | | −5,000 | | −5,000 |

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS

[In thousands of dollars]

| | Budget | House | Senate | Conference |
|---|---|---|---|---|
| Bradley Base Sustainment | 125,591 | 240,591 | 187,991 | 220,591 |
| A0 to ODS variant for the National Guard | | +115,000 | | +95,000 |
| Bradley base upgrades | | | +62,400 | +0 |
| Carrier, mod | 20,244 | 28,644 | 40,244 | 40,244 |
| M113 night vision driver viewers | | +8,400 | | +5,000 |
| Carrier modifications | | | +20,000 | +15,000 |
| (Note: $15,000,000 is only for the competitive procurement of reactive armor) | | | | |
| Improved Recovery Vehicle | 28,601 | 56,401 | 14,000 | 32,601 |
| IRV production | | +27,800 | | 0 |
| Program slip | | | −14,601 | 0 |
| Engineering change proposals | | | | +4,000 |
| (Note: Senate provided additional funds for ECP's in RDT&E, A) | | | | |

PROCUREMENT OF AMMUNITION, ARMY

The conference agreement is as follows:

[In thousands of dollars]

| | Budget | House | Senate | Qty | Conference |
|---|---|---|---|---|---|
| PROCUREMENT OF AMMUNITION, ARMY: | | | | | |
| CTG, 5.56MM, ALL TYPES | 63,588 | 65,988 | 63,588 | | 64,988 |
| CTG, 7.62MM, ALL TYPES | 1,136 | 7,136 | 1,136 | | 4,136 |
| CTG, .50 CAL. ALL TYPES | 19,977 | 20,177 | 19,977 | | 20,177 |
| CTG, 40MM, ALL TYPES | 26,203 | 26,203 | 33,203 | | 31,203 |
| CTG MORTAR 120MM FULL RANGE PRACTICE M931 | 24,432 | 34,432 | 24,432 | 59 | 32,432 |
| CTG MORTAR 120MM HE M934 W/MO FUZE | 29,908 | 38,908 | 44,908 | 32 | 38,908 |
| CTG MORTAR 120MM ILLUM XM930 W/MTSQ FZ | | 3,000 | | | 3,000 |
| CTG 120MM HEAT-MP-T M830A1 | | 10,000 | | | 8,000 |
| CTG TANK 120MM TPCSDS-T M865 | 111,653 | 124,453 | 124,353 | 184 | 119,353 |
| CTG ARTY 105MM DPICM XM915 | | 20,000 | 10,000 | | 10,000 |
| PROJ ARTY 155MM HE M795 | | 55,000 | | | 36,000 |
| FUZE MULTI OPTION | | 20,000 | 20,000 | | 15,000 |
| MINE AT/AP M87 (VOLCANO) | | | 20,000 | | 17,000 |
| BUNKER DEFEATING MUNITION (BDM) | | 8,000 | | | 8,000 |
| ROCKET, HYDRA 70, ALL TYPES | 12,067 | 48,267 | 48,267 | | 37,267 |

[In thousands of dollars]

| | Budget | House | Senate | Qty | Conference |
|---|---|---|---|---|---|
| SIMULATORS, ALL TYPES | 4,573 | 5,073 | 4,573 | | 4,573 |
| PROVISION OF INDUSTRIAL FACILITIES | 45,857 | 24,857 | 45,857 | | 24,857 |
| CONVENTIONAL AMMO DEMILITARIZATION | 106,118 | 96,118 | 93,118 | | 93,118 |
| ARMS INITIATIVE | 5,000 | 5,000 | 45,000 | | 25,000 |
| ECONOMIC ASSUMPTIONS | | | −6,000 | | −6,000 |

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS

[In thousands of dollars]

| | Budget | House | Senate | Conference |
|---|---|---|---|---|
| Fuze, multi option | 0 | 20,000 | 20,000 | 15,000 |
| Electronic timed M767 fuze | | +20,000 | +20,000 | +15,000 |
| Provision of Industrial Facilities | 45,857 | 24,857 | 45,857 | 24,857 |
| Excess funds | | −21,000 | | −21,000 |
| Large caliber deep drawn cartridge | | (3,000) | | (3,000) |

### KINETIC ENERGY TANK AMMUNITION

The conferees are concerned that there may be a break in production between the current 120mm kinetic energy round, the M829A2, and the follow-on round, the M829E3. The conferees direct the Army to maintain M829A2 future annual production at minimum sustaining levels and accelerate the development of the M829E3. The conferees direct the Army submit to the congressional defense committees their plan for funding M829A2 production and maintaining the capability to produce kinetic energy rounds no later than December 15, 1997.

### OTHER PROCUREMENT, ARMY

The conference agreement is as follows:

[In thousands of dollars]

| | Budget | House | Senate | Qty | Conference |
|---|---|---|---|---|---|
| OTHER PROCUREMENT, ARMY: | | | | | |
| TACTICAL TRAILERS/DOLLY SETS | 8,053 | 8,053 | 18,053 | | 13,053 |
| SEMITRAILER FB BB/CONT TRANS 22½ T | 9,361 | | 9,361 | 350 | 2,000 |
| SEMITRAILER, TANK, 5000G | 7,581 | 3,000 | 7,581 | 74 | 3,000 |
| SEMITRAILER, TANK, 7500G, BULKHAUL | 10,408 | 2,000 | 10,408 | 231 | 3,000 |
| HI MOB MULTI-PURP WHLD VEH (HMMWV) (MYP) | 66,233 | 104,933 | 141,233 | 774 | 131,233 |
| FAMILY OF MEDIUM TACTICAL VEH (MYP) | 209,446 | 209,446 | 253,446 | 1,506 | 209,446 |
| FAMILY OF HEAVY TACTICAL VEHICLES (MYP) | 9,071 | 87,071 | 137,071 | | 114,071 |
| ARMORED SECURITY VEHICLES (COMBAT SPT) TACTIC | 9,470 | 10,970 | 9,470 | 25 | 10,970 |
| DEFENSE SATELLITE COMMUNICATIONS SYSTEM (SPAC) | 87,643 | 83,143 | 87,643 | | 85,643 |
| SAT TERM, EMUT (SPACE) | 7,264 | 6,064 | 7,264 | 207 | 6,064 |
| NAVSTAR GLOBAL POSITIONING SYSTEM (SPACE) | 6,796 | 5,596 | 6,796 | 17 | 5,596 |
| SCAMP (SPACE) | 4,305 | 10,405 | 16,605 | | 16,605 |
| GLOBAL BRDCST SVC—GBS | 4,967 | | 4,967 | | 4,967 |
| ARMY DATA DISTRIBUTION SYSTEM (ADDS) | 57,165 | 57,065 | 94,465 | | 67,465 |
| SINCGARS FAMILY | 290,164 | 302,164 | 290,164 | | 296,164 |
| ACUS MOD PROGRAM (WIN–T/T) | 82,391 | 82,391 | 115,391 | | 105,391 |
| COMBAT SURVIVOR EVADER LOCATOR (CSEL) | 5,677 | | 5,677 | | 5,677 |
| INFORMATION SYSTEM SECURITY PROGRAM—ISSP | 10,208 | 10,208 | 10,208 | | 13,708 |
| INFORMATION SYSTEMS | 20,498 | 20,498 | 51,498 | | 51,498 |
| GENERAL DEFENSE INTELL PROG (GDIP) | 18,856 | 19,756 | 18,856 | | 19,356 |
| ITEMS LESS THAN $2.0M (INTEL SPT)—TIARA | | 2,800 | | | 2,800 |
| ALL SOURCE ANALYSIS SYS (ASAS) (TIARA) | 7,772 | 26,959 | 7,772 | | 23,459 |
| JTT/CIBS–M (TIARA) | 11,438 | 11,438 | 6,438 | 56 | 11,438 |
| SHORTSTOP | | 6,000 | | | 6,000 |
| SENTINEL | 41,014 | 51,014 | 61,214 | 12 | 61,214 |
| NIGHT VISION DEVICES | 85,312 | 99,712 | 121,312 | | 111,712 |
| LOGTECH | 3,358 | 3,358 | 3,358 | | 13,358 |
| STANDARD INTEGRATED CMD POST SYSTEM | 26,551 | 36,551 | 26,551 | | 33,551 |
| AUTOMATED DATA PROCESSING EQUIP | 125,099 | 151,899 | 125,099 | | 132,099 |
| RESERVE COMPONENT AUTOMATION SYS (RCAS) | 114,323 | 114,323 | 84,323 | | 114,323 |
| CALIBRATION SETS EQUIPMENT | | | 25,000 | | 15,000 |
| INTEGRATED FAMILY OF TEST EQUIP (IFTE) | | 29,000 | | | 20,000 |
| COMBAT SUPPORT MEDICAL | 11,808 | 11,808 | 18,808 | | 18,808 |
| ITEMS LESS THAN $2.0 MILLION (MAINT EQ) | 1,167 | 5,167 | 1,167 | | 4,167 |
| CRANE, WHEEL MTD, 25T, ¾ CU YD, RT | 6,055 | 6,055 | 6,055 | 22 | 14,055 |
| RAILWAY CAR, FLAT, 100 TON | 17,755 | | 17,755 | | |
| TRAINING DEVICES, NONSYSTEM | 49,668 | 53,668 | 59,668 | | 53,668 |
| SIMNET/CLOSE COMBAT TACTICAL TRAINING | 92,968 | | 71,468 | | 54,600 |
| BASE LEVEL COM'L EQUIPMENT | 4,283 | 4,283 | 17,283 | | 4,283 |
| DEPOT MAINTENANCE OF OTHER END ITEMS | 24,819 | | 24,819 | | |
| GUN LAYING POSITIONING SYSTEM | | 6,000 | | | 6,000 |
| RADIO FREQUENCY TECHNOLOGY | | 2,900 | | | 1,200 |
| LIGHTWEIGHT LASER DESIGNATOR/RANGE FINDER | | 2,800 | | | |
| COMBAT SYNTHETIC TRAINING ASSESSMENT RANGE | | 5,400 | | | |
| ARMY AIRBORNE COMMAND & CONTROL SYSTEM | | 11,100 | | | |
| AVENGER SLEW TO CLUE | | 7,400 | | | |
| PALLETIZED LOADING SYSTEM ENHANCED | | 3,000 | | | 3,000 |
| ECONOMIC ASSUMPTIONS | | | −18,000 | | −18,000 |

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS

[In thousands of dollars]

| | Budget | House | Senate | Conference |
|---|---|---|---|---|
| Army Data Distribution System | 57,165 | 57,065 | 94,465 | 67,465 |
| EPLRS | | +20,000 | +37,400 | +30,400 |
| JTIDS—transfer to BMDO | | −20,100 | | −20,100 |
| Information Systems Security System | 10,208 | 10,208 | 10,208 | 15,780 |
| KY–100 device | | 0 | 0 | +3,500 |
| (Note: Earmarked in Senate bill for $5,500,000) | | | | |
| All Source Analysis System | 7,772 | 26,959 | 7,772 | 23,459 |
| ASAS RWS | | +13,500 | | +10,000 |
| CHATS | | +5,687 | | +5,687 |
| Night Vision Devices | 85,312 | 99,712 | 131,312 | 111,712 |
| AN/PAS–13 thermal weapon sights | | +11,400 | +10,000 | +6,900 |
| Lightweight video system | | +3,000 | | +2,000 |
| Infrared Aiming Lights (AN/PEQ–2) | | | +8,000 | +5,500 |
| AN/PVS–70 systems | | | +17,000 | +11,000 |
| Bore lights | | | +1,000 | +1,000 |
| MELIOS | | | | (5,000) |

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS—Continued

[In thousands of dollars]

| | Budget | House | Senate | Conference |
|---|---|---|---|---|
| (Note: Funds are only to procure MELIOS for the Army National Guard) | | | | |
| LOGTECH | 3,358 | 3,358 | 3,358 | 13,358 |
| Army Logistic Automation | | | | +10,000 |
| (Note: Funds transferred from Automated Data Processing Equipment) | | | | |
| Automated Data Processing Equipment | 125,099 | 151,899 | 125,099 | 132,099 |
| SBIS | | +13,000 | | +7,000 |
| (Note: Funds transferred to O&M, Army) | | | | |
| Army Logistics Automation | | +13,800 | | 0 |
| (Note: Funds transferred to LOGTECH) | | | | |
| Crane, Wheel Mtd, 25T,¾ CU YD, RT | 6,055 | 6,055 | 6,055 | 14,055 |
| All terrain cranes | | | | +8,000 |
| (Note: Funds are only to procure all all-terrain cranes for the Army Reserve) | | | | |
| Radio Frequency Technology | 0 | 2,900 | 0 | 1,200 |
| (Note: $1,700,000 transferred to Research, Development, Test and Evaluation, Army) | | | | |
| Lightweight designator/range finder | 0 | 2,800 | 0 | 0 |
| (Note: Funds transferred to Research, Development, Test and Evaluation, Army) | | | | |
| Combat synthetic training assessment range | 0 | 5,400 | 0 | 0 |
| (Note: Funds transferred to Research, Development, Test and Evaluation, Army) | | | | |
| Army Airborne Command & Control System | 0 | 11,100 | 0 | 0 |
| (Note: Funds transferred to Research, Development, Test and Evaluation, Army) | | | | |
| Avenger Slew to Cue | 0 | 7,400 | 0 | 0 |
| (Note: Funds transferred to Missile Procurement, Army) | | | | |

FAMILY OF MEDIUM TACTICAL VEHICLES

The conferees strongly support the Army's Family of Medium Tactical Vehicle (FMTV) acquisition strategy. The conferees endorse the Army's plan to continue procuring FMTV's from the current producer while qualifying a second source in fiscal year 1998 and 1999. The conferees agree to provide the authority in Section 8008 to enter into a multiyear contract for the FMTV.

COMMANDER'S TACTICAL TERMINAL/JOINT TACTICAL TERMINAL

The conferees agree that the amounts appropriated in fiscal year 1998 and prior year funds be used to re-award the Joint Tactical Terminal (JTT) contract and to procure only urgently needed Commander's Tactical Terminals (CTT) in fiscal year 1998 until the production under a new contract progresses sufficiently to minimize the fielding gap between these two terminals.

DIRECT SUPPORT ELECTRICAL SYSTEMS TEST SETS (DSESTS)

The conferees encourage the Department of Defense to include DSESTS in the automatic test equipment family.

AIRCRAFT PROCUREMENT, NAVY

The conference agreement is as follows:

[In thousands of dollars]

| | Budget | House | Senate | Qty | Conference |
|---|---|---|---|---|---|
| AIRCRAFT PROCUREMENT, NAVY: | | | | | |
| AV–8B (V/STOL) HARRIER | 277,648 | 310,648 | 283,890 | 12 | 283,890 |
| AV–8B (V/STOL) HARRIER (AP–CY) | 18,914 | 18,914 | 17,900 | | 17,900 |
| V–22 (MEDIUM LIFT) | 472,007 | 661,307 | 627,007 | 7 | 627,007 |
| V–22 (MEDIUM LIFT) (AP–CY) | 69,659 | 69,659 | 62,124 | | 62,124 |
| E–2C (EARLY WARNING) HAWKEYE | 236,474 | 304,474 | 236,474 | 4 | 304,474 |
| CH–60 HELICOPTER | | | | 2 | 30,400 |
| CH–60 HELICOPTER (AP–CY) | 31,837 | 31,837 | | | |
| T–45TS (TRAINER) GOSHAWK | 243,960 | 243,960 | 291,899 | 15 | 289,383 |
| KS–130J | | 179,700 | | 2 | 120,000 |
| EA–6 SERIES | 86,783 | 169,783 | 126,783 | | 116,783 |
| F–14 SERIES | 290,500 | 290,500 | 275,200 | | 287,200 |
| F–18 SERIES | 156,213 | 156,213 | 140,713 | | 164,713 |
| H–53 SERIES | 35,704 | 35,704 | 45,704 | | 45,704 |
| H–1 SERIES | 18,489 | 16,389 | 18,489 | | 18,389 |
| P–3 SERIES | 164,907 | 293,907 | 226,307 | | 238,207 |
| E–2 SERIES | 49,073 | 50,673 | 85,210 | | 49,073 |
| CARGO/TRANSPORT A/C SERIES | 29,911 | 29,911 | 20,911 | | 25,911 |
| SPECIAL PROJECT AIRCRAFT | 16,527 | 16,527 | 23,527 | | 23,527 |
| POWER PLANT CHANGES | 13,972 | 13,972 | 15,572 | | 15,572 |
| COMMON AVIONICS CHANGES | 131,599 | 130,599 | 117,439 | | 130,399 |
| COMMON GROUND EQUIPMENT | 287,114 | 274,114 | 287,114 | | 274,114 |
| ECONOMIC ASSUMPTIONS | | | −44,000 | | −44,000 |

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS

[In thousands of dollars]

| | Budget | House | Senate | Conference |
|---|---|---|---|---|
| T–45 | 243,960 | 243,960 | 291,899 | 289,383 |
| Additional aircraft | | | +96,600 | +53,000 |
| Multiyear procurement savings | | | −51,084 | 0 |
| Peculiar training equipment | | | +10,000 | 0 |
| Engineering change orders | | | −3,728 | −3,728 |
| Engine contract award savings | | | −3,849 | −3,849 |
| EA–6B Series | 86,783 | 169,783 | 126,783 | 116,783 |
| Center wing sections | | +50,000 | +25,000 | +25,000 |
| Late obligations | | | −10,000 | −10,000 |
| Engine turbine blade | | +18,000 | 0 | 0 |
| USQ–113 receiver | | +15,000 | 0 | +15,000 |
| Support jamming upgrade | | 0 | +25,000 | 0 |
| F–14 Series | 290,500 | 290,500 | 275,200 | 287,200 |
| Critical systems mod | | | −3,300 | −3,300 |
| LANTIRN | | | −12,000 | 0 |
| F–18 Series | 156,213 | 156,213 | 140,713 | 164,713 |
| Late obligations | | | −15,500 | −15,500 |
| Mods for Naval Reserve | | | | +24,000 |
| H–1 Series | 18,489 | 16,389 | 18,489 | 18,389 |
| Transfer to R&D | | −5,600 | | −5,600 |
| Internal rescue hoist | | +3,500 | | +3,500 |
| AN/AAQ–22 | | | | +2,000 |
| P–3 Series | 164,907 | 293,907 | 226,307 | 238,207 |
| SRP | | +35,100 | +25,100 | +25,000 |
| AIP | | +56,600 | +17,300 | +17,300 |
| SEI | | +18,500 | 0 | +13,000 |
| LESPA | | +6,000 | +11,000 | +8,000 |
| Replacement data storage system | | +12,800 | +8,000 | +10,000 |
| Common Avionics Changes | 131,599 | 130,599 | 117,439 | 130,399 |
| AAW–13 | | +9,000 | | +6,000 |
| Authorization reduction | | −10,000 | | 0 |

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS—Continued

[In thousands of dollars]

| | Budget | House | Senate | Conference |
|---|---|---|---|---|
| Late obligations | | | – 10,000 | – 10,000 |
| Ground proximity warning system | | | | +4,000 |
| Systems engineering growth | | | – 1,200 | – 1,200 |

CH–60 HELICOPTERS

The conferees agree to provide $30,400,000 only to procure 2 CH–60 helicopters for the Naval Reserve.

AV–8B HARRIER ENGINES

The conferees recognize the need to replace engines in AV–8B Harrier trainer aircraft, and would welcome a reprogramming request from the Department of Defense should it elect to address this requirement in fiscal year 1998.

P–3

The conferees are disturbed by the Navy's approach to budgeting for the P–3 Sustained Readiness Program (SRP). The conferees direct the Navy to budget for the purchase of no less than 20 SRP kits and for the installation of 15 SRP kits in fiscal year 1999, in order to obtain best value for the Department of Defense in accordance with the Variation in Quantity contract signed by the Navy.

WEAPONS PROCUREMENT, NAVY

The conference agreement is as follows:

[In thousands of dollars]

| | Budget | House | Senate | Qty. | Conference |
|---|---|---|---|---|---|
| WEAPONS PROCURMENT, NAVY | | | | | |
| TRIDENT II | 292,248 | 292,248 | 227,248 | 5 | 227,248 |
| TRIDENT II (AP–CY) | 47,021 | 32,021 | 47,021 | — | 47,021 |
| TOMAHAWK | 51,820 | 51,820 | 71,820 | 65 | 51,820 |
| ESSM | 15,529 | 5,529 | 15,529 | — | 10,529 |
| JSOC | 58,665 | 68,665 | 58,665 | 113 | 63,665 |
| STANDARD MISSILE | 196,492 | 181,092 | 196,492 | 127 | 181,092 |
| PENGUIN | — | — | 15,000 | — | 7,500 |
| AERIAL TARGETS | 72,923 | 65,923 | 66,723 | — | 65,923 |
| HELLFIRE | — | 37,500 | — | — | 20,000 |
| STANDARD MISSILES MODS | 35,601 | 68,601 | 50,901 | — | 50,901 |
| WEAPONS INDUSTRIAL FACILITIES | 34,923 | 25,932 | 34,932 | — | 30,432 |
| CIWS MODS | 9,990 | 29,990 | 24,990 | — | 24,990 |
| 5/54 GUN MOUNT MODS | 241 | 241 | 13,241 | — | 10,241 |
| PIONEER | 3,962 | 3,962 | 6,962 | — | 6,962 |
| SPARES AND REPAIR PARTS | 26,943 | 21,943 | 26,943 | — | 21,943 |
| ECONOMIC ASSUMPTIONS | — | — | – 8,000 | — | – 8,000 |

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS

[In thousand of dollars]

| | Budget | House | Senate | Conference |
|---|---|---|---|---|
| Trident II | 292,248 | 292,248 | 227,248 | 227,248 |
| Missile reduction | | | – 65,000 | – 65,000 |
| Trident II (AP–CY) | 47,021 | 32,021 | 47,021 | 47,021 |
| Excess long lead funding | | – 15,000 | | 0 |
| ESSM | 15,529 | 5,529 | 15,529 | 10,526 |
| Premature tooling | | – 10,000 | | – 5,000 |
| JSOW | 58,665 | 68,665 | 58,665 | 63,665 |
| Additonal weapons | | 10,000 | | 5,000 |
| Standard Missile | 196,492 | 181,092 | 196,492 | 181,092 |
| Transfer Navy Lower Tier to Procurement, DW | | – 15,400 | | – 15,400 |
| Aerial Targets | 72,923 | 65,923 | 66,723 | 65,923 |
| Reduced requirements | | – 7,000 | | – 7,000 |
| Reduction | | | – 6,200 | 0 |
| Standard Missile Mods | 35,601 | 68,601 | 50,901 | 50,901 |
| SM–2 Block IIIB | | 33,000 | 15,300 | 15,300 |
| CIWS Mods | 9,990 | 29,990 | 24,990 | 24,990 |
| Surface mode IB | | 20,000 | | 15,000 |
| Block I upgrade | | | 15,000 | 0 |
| 5/54 Gun Mount Mods | 241 | 241 | 13,241 | 10,241 |
| Ordalt kits | | | 13,000 | 10,000 |
| Pioneer | 3,962 | 3,962 | 6,962 | 6,962 |
| CARS | | | 3,000 | 3,000 |
| [Funds provided for logistics are intended to support all Common Automatic Recovery Systems (CARS) throughout DoD.] | | | | |
| Spares and Repair Parts | 26,943 | 21,943 | 26,943 | 21,943 |
| Unobligated prior year funds | | – 5,000 | | – 5,000 |

TOMAHAWK

The budget request includes $51,820,000 to procure 65 Block III Tomahawk missiles in fiscal year 1998. The Navy has recently informed the conferees that it is working on a proposal to develop and produce a new variant of this missile, to be known as the Tactical Tomahawk or the Block IV+. It would be the Navy intention to forgo the procurement of the 65 Block III Tomahawk's in fiscal year 1998 and use these funds, in part, for the accelerated development of the new Block IV+. While the conferees support a program to upgrade the capabilities of the Tomahawk missile and reducing the missile's unit cost, there remains many acquisition and funding issues to be resolved before favorable consideration of the proposed funding realignment can be granted. The conferees encourage the Navy to submit a reprogramming action once these issues are resolved.

5/54 GUN MOUNT MODIFICATIONS

The conferees agree to provide $13,241,000 for the procurement of gun safety, shock hardening, and fire support Ordalts kits for the 5 inch MK–45 and MK–75 gun mounts.

WEAPONS INDUSTRIAL FACILITIES

The conferees agree to provide $30,432,000 for capital rehabilitation projects at government-owned, contractor operated plants for Navy missile systems, a reduction of $4,500,000 from the budget request. The conferees direct that none of the reduction may be applied to the amounts requested in the budget for facilities restoration at the Allegheny Ballistics Laboratory.

PROCUERMENT OF AMMUNITION, NAVY AND MARINE CORPS

The conference agreement is as follows:

[In thousands of dollars]

| | Budget | House | Senate | Qty. | Conference |
|---|---|---|---|---|---|
| PROCUREMENT OF AMMUNITION, NAVY & MARINE CORPS | | | | | |
| PRACTICE BOMBS | 41,766 | 56,766 | 41,766 | | 51,766 |
| 5 INCH/54 GUN AMMUNITION | 27,669 | 60,169 | 27,669 | | 50,169 |
| 20MM PGU–28 | | 3,500 | | | 1,750 |
| 5.56 MM, ALL TYPES | 33,000 | 36,000 | 33,000 | | 36,000 |
| 7.62 MM, ALL TYPES | 2,900 | 8,900 | 2,900 | | 5,900 |

[In thousands of dollars]

| | Budget | House | Senate | Qty. | Conference |
|---|---|---|---|---|---|
| LINEAR CHARGES, ALL TYPES | 2,290 | 17,290 | 2,290 | .......... | 9,790 |
| 40 MM, ALL TYPES | 5,701 | 10,701 | 5,701 | .......... | 7,201 |
| FUZE, ET. XM762 | .......... | 7,000 | .......... | .......... | 3,500 |
| ROCKETS, ALL TYPES | 15,047 | 15,047 | 25,047 | .......... | 25,047 |
| ECONOMIC ASSUMPTIONS | .......... | .......... | −2,000 | .......... | −2,000 |

SHIPBUILDING AND CONVERSION, NAVY

The conference agreement is as follows:

[In thousands of dollars]

| | Budget | House | Senate | Qty. | Conference |
|---|---|---|---|---|---|
| SHIPBUILDING & CONVERSION, NAVY | | | | | |
| ADVANCED PROCUREMENT/CONSTRUCTION CVN–77 | .......... | .......... | 345,000 | .......... | 50,000 |
| CVN REFUELING OVERHAULS | 1,615,003 | 1,628,403 | 1,615,003 | 1 | 1.615.003 |
| CVN REFUELING OVERHAULS (AP–CY) | 92,8553 | 46,855 | 92,855 | .......... | 46,855 |
| DDG–51 | 2,665,767 | 2,695,367 | 3,385,767 | 4 | 3,411,200 |
| LPD–17 (AP–CY) | .......... | 185,000 | .......... | .......... | 100,000 |
| OCEANOGRAPHIC SIPS (AP–CY) | .......... | .......... | 73,000 | .......... | 16,000 |
| LCAC LANDING CRAFT | .......... | 24,000 | 73,300 | .......... | 20,000 |
| OUTFITTING | 28,140 | 21,140 | 24,140 | .......... | 21,140 |
| POST DELIVERY | 90,177 | 81,177 | 83,177 | .......... | 81,177 |
| ECONOMIC ASSUMPTIONS | .......... | .......... | −72,000 | .......... | −72,000 |

CVN REFUELING OVERHAULS

The conferees agree to provide $1,615,003,000 for complex overhaul of the U.S.S. Nimitz (CVN–68). Within that amount, $20,000,000 is only for installation of the ship self-defense system. The conferees do not agree to bill language proposed by the House concerning overhaul of CVN–69, which is no longer necessary since the Navy has committed to include ship self-defense and cooperative engagement capability as part of the overhaul of the ship.

DDG–51

The conferees agree to provide $3,411,200,000 for 4 ships. This includes: increases of $720,000,000 for another ship, $15,233,000 for acceleration of baseline 6 hardware and software for theater ballistic missile defense, and $14,000,000 only for installation of cooperative engagement capability on 1 ship; and a decrease of $3,800,000 resulting from saving due to foreign military sale of Aegis equipment. The conferees do not agree to bill language proposed by the House concerning theater ballistic missile defense, but direct the Navy to include cooperative engagement capability and theater ballistic missile defense capability on a significant number of the DDG–51 ships to be procured under a 14 ship multiyear contract.

CRUISER CONVERSION

The conferees agree to the House report language endorsing the Navy plan to compete conversion of its 27 Aegis cruisers. This direction does not supersede current Navy policy concerning homeport overhauls.

LCAC SERVICE LIFE EXTENSION

The conferees agree to provide $20,000,000 and concur with the House report language. Since this program will extend the original capital investment in these craft in lieu of replacement, the conferees direct the Navy to use Shipbuilding and Conversion for all elements of the service life extension program.

OTHER PROCUREMENT, NAVY

The conference agreement is as follows:

[In thousands of dollars]

| | Budget | House | Senate | Qty | Conference |
|---|---|---|---|---|---|
| OTHER PROCUREMENT, NAVY | | | | | |
| LM–2500 GAS TURBINE | 7,548 | 5,548 | 7,548 | .......... | 5,548 |
| OTHER NAVIGATION EQUIPMENT | 31,552 | 39,052 | 49,552 | .......... | 42,052 |
| FIREFIGHTING EQUIPMENT | 14,081 | 27,081 | 14,081 | .......... | 19,081 |
| POLLUTION CONTROL EQUIPMENT | 156,775 | 147,775 | 135,775 | .......... | 135,775 |
| SUBMARINE BATTERIES | 9,043 | 8,443 | 9,043 | .......... | 8,443 |
| STRATEGIC PLATFORM SUPPORT EQUIP | 6,435 | 21,435 | 6,435 | .......... | 21,435 |
| REACTOR COMPONENTS | 193,880 | 180,880 | 193,880 | .......... | 180,880 |
| RADAR SUPPORT | 1,708 | 23,708 | 10,708 | .......... | 23,708 |
| AN/SQQ–89 SURF ASW COMBAT SYSTEM | 16,628 | 16,228 | 16,628 | .......... | 16,228 |
| SSN ACOUSTICS | 77,953 | 46,453 | 85,953 | .......... | 85,953 |
| SURFACE SONAR WINDOWS AND DOME | .......... | 6,000 | .......... | .......... | 6,000 |
| C–3 COUNTERMEASURES | 6,891 | 6,591 | 6,891 | .......... | 6,591 |
| COMBAT DF | 10,473 | 5,873 | 10,473 | .......... | 5,873 |
| BATTLE GROUP PASSIVE HORIZON EXTEN | 50,221 | 47,421 | 50,221 | .......... | 47,421 |
| NAVY TACTICAL DATA SYSTEM | 14,335 | 24,335 | 26,335 | .......... | 25,335 |
| COOPERATIVE ENGAGEMENT CAPABILITY | .......... | 114,800 | .......... | .......... | 75,000 |
| JMCIS AFLOAT | 22,403 | 22,403 | 34,403 | .......... | 28,403 |
| NAVAL TACTICAL COMMAND SUPPORT SYSTEM (NTCSS) | 49,710 | 49,710 | 92,910 | .......... | 80,710 |
| ATDLS | 16,991 | 15,391 | 16,991 | .......... | 15,391 |
| SHALLOW WATER MCM | .......... | .......... | 10,000 | .......... | 10,000 |
| AUTOMATIC CARRIER LANDING SYSTEM | 13,200 | 12,200 | 13,200 | .......... | 12,200 |
| ID SYSTEMS | 11,293 | 9,193 | 11,293 | .......... | 9,193 |
| JMCIS TACTICAL/MOBILE | 2,888 | 47,888 | 2,888 | .......... | 37,888 |
| CALIBRATION STANDARDS | 2,075 | 2,075 | 20,075 | .......... | 12,075 |
| SHIP COMMUNICATIONS AUTOMATION | 25,799 | 25,799 | 49,799 | .......... | 29,799 |
| SUBMARINE COMMUNICATIONS EQUIPMENT | 37,239 | 47,239 | 37,239 | .......... | 45,239 |
| SATCOM SHIP TERMINALS (SPACE) | 107,608 | 107,608 | 122,808 | .......... | 109,608 |
| NSIPS | .......... | 20,500 | .......... | .......... | 20,500 |
| JEDMICS | .......... | 5,000 | .......... | .......... | 5,000 |
| NAVAL SHORE COMMUNICATIONS | 72,465 | 72,465 | 96,465 | .......... | 101,465 |
| INFO SYSTEMS SECURITY PROGRAM (ISSP) | 31,667 | 31,667 | 39,667 | .......... | 34,667 |
| AN/SSQ–36 (BT) | 1,402 | 2,902 | 1,402 | .......... | 1,752 |
| AN/SSQ–53 (DIFAR) | 28,382 | 49,382 | 47,382 | .......... | 47,382 |
| AN/SSQ–57 | .......... | 4,500 | .......... | .......... | 500 |
| AN/SSQ–62 (DISCASS) | 24,291 | 32,291 | 31,291 | .......... | 31,291 |
| WEAPONS RANGE SUPPORT EQUIPMENT | 4,858 | 14,358 | 4,858 | .......... | 10,858 |
| AVIATION LIFE SUPPORT | 15,345 | 12,645 | 15,345 | .......... | 12,645 |
| AIRBORNE MINE COUNTERMEASURES | 20,192 | 27,692 | 20,192 | .......... | 27,692 |
| LAMPS MK III SHIPBOARD EQUIPMENT | 5,805 | 4,560 | 5,805 | .......... | 4,560 |
| NATO SEASPARROW | 6,866 | 10,866 | 14,866 | .......... | 12,866 |
| SHIP SELF DEFENSE SYSTEM | 5,841 | 17,841 | 5,841 | .......... | 17,841 |
| AEGIS SUPPORT EQUIPMENT | 26,813 | 21,113 | 26,813 | .......... | 21,113 |
| SURFACE TOMAHAWK SUPPORT EQUIPMENT | 65,502 | 65,302 | 65,502 | .......... | 65,302 |
| STRATEGIC MISSILE SYSTEMS EQUIP | 231,528 | 228,728 | 61,528 | .......... | 228,728 |
| ANTI-SHIP MISSILE DECOY SYSTEM | 24,696 | 24,696 | 33,696 | .......... | 33.696 |
| SURFACE TRAINING DEVICE MODS | 4,829 | 13,329 | 4,829 | .......... | 8,829 |
| CONSTRUCTION & MAINTENANCE EQUIP | 3,700 | 5,200 | 3,700 | .......... | 5,200 |
| AMPHIBIOUS EQUIPMENT | 6,233 | 11,233 | 6,233 | .......... | 9,233 |

[In thousands of dollars]

| | Budget | House | Senate | Qty | Conference |
|---|---|---|---|---|---|
| POLLUTION CONTROL EQUIPMENT | 28,650 | 25,080 | 25,050 | .............. | 25,050 |
| COMMAND SUPPORT EQUIPMENT | 15,915 | 17,915 | 15,915 | .............. | 17,915 |
| PORT SECURITY UNIT EQUIPMENT | .............. | .............. | 13,500 | .............. | 13,500 |
| INTELLIGENCE SUPPORT EQUIPMENT | 22,449 | 22,749 | 22,449 | .............. | 22,449 |
| ENVIRONMENTAL SUPPORT EQUIPMENT | 15,678 | 15,678 | 21,678 | .............. | 21,678 |
| ECONOMIC ASSUMPTIONS | .............. | .............. | −19,000 | .............. | −19,000 |
| UNDISTRIBUTED REDUCTION | .............. | .............. | −33,000 | .............. | .............. |

[In thousands of dollars]

| | Budget | House | Senate | Conference |
|---|---|---|---|---|
| Other Navigation Equipment | 31,552 | 39,052 | 49,552 | 42,052 |
| WSN–7 | .............. | +9,000 | +18,000 | +12,000 |
| Contract savings | .............. | -1,500 | .............. | -1,500 |
| Navy Tactical Data System | 14,335 | 24,335 | 26,335 | 25,335 |
| Emulators | .............. | .............. | +12,000 | +6,000 |
| UYQ–70/cruisers | .............. | +10,000 | .............. | +5,000 |

PORT SECURITY UNIT EQUIPMENT

The conferees agree to provide $13,500,000 only for port security unit equipment for the Coast Guard.

JOINT U.S./U.K. SSTD PROGRAM

The conferees note that the Department of Defense has commissioned an independent study to review the Surface Ship Torpedo Defense (SSTD) program. The conferees note that a joint U.S./U.K. collaborative SSTD program has been under way since 1988 on a 50/50 cost share basis. Until the findings of the independent study are reported and acted upon, the conferees direct the Department of Defense to continue the joint U.S./U.K. collaborative program.

CHOKE POINT SURVEILLANCE SYSTEM

The conferees understand that the Choke Point Surveillance System (CPSS), in conjunction with forces ashore and land attack missile capable ships, can provide a real-time integrated surveillance and targeting system. The conferees direct the Navy to investigate the possible funding and incorporation of CPSS into future weapon system plans and to provide a report to the Appropriations Committees of the House and Senate prior to submission of the fiscal year 1999 budget on its recommendations regarding the CPSS program.

NAVY TACTICAL DATA SYSTEM

The conferees agree to provide $25,000,000 for the Navy Tactical Data System. Within that amount $5,000,000 is only to install AN/UYQ-70 full production workstations on Aegis cruisers for execution only by the navy's Tactical Embedded Computer Resources office.

IT–21

The Secretary of the Navy shall report to the Committees on Appropriations that funds allocated for IT–21 implementation will be spent in accordance with the letter and spirit of the Federal Acquisition Regulation and meet the requirements for security, scalability, network management, real time processing, and reliability as outlined in the Joint Technical Architecture.

JEDMICS

The Joint Engineering Data Management Information and Control System (JEDMICS) requires the incorporation of a security solution in order to prevent unauthorized access, as required by National Security Policy and federal regulations. To meet near term and future requirements the security system must be a Ratings and Maintenance Phase derivative of a product evaluated at the National Security Agency (NSA) B2 level for Information Security; meet NSA's Communications Security requirements for encryption of information from user desktop to JEDMICS servers; provide true multilevel security at the network level; and be a product of US origin. Therefore, the conferees provide $5,000,000 in Other Procurement, Navy to be used only to procure and integrate into JEDMICS a security system meeting the above requirements. Due to the critical nature of JEDMICS, the conferees expect the Department to execute a contract as soon as practicable.

PROCUREMENT, MARINE CORPS

The conference agreement is as follows:

[In thousands of dollars]

| | Budget | House | Senate | Qty | Conference |
|---|---|---|---|---|---|
| PROCUREMENT, MARINE CORPS | | | | | |
| ITEMS UNDER $2.0 MILLION (TRKD VEH) | 99 | 1,999 | 99 | .............. | 1,999 |
| INTELLIGENCE SUPPORT EQUIPMENT | 16,413 | 21,805 | 16,413 | .............. | 21,805 |
| GENERAL PURPOSE MECHANICAL TMDE | 2,179 | 2,179 | 22,179 | .............. | 17,179 |
| NIGHT VISION EQUIPMENT | .............. | .............. | 7,000 | .............. | 7,000 |
| COMM & ELEC INFRASTRUCTURE SUPPORT | 41,809 | 84,409 | 66,609 | .............. | 66,609 |
| ¼T TRUCK HMMWV (MYP) | 696 | 40,696 | 696 | .............. | 30,696 |
| FIELD MEDICAL EQUIPMENT | 1,081 | 11,081 | 1,081 | .............. | 11,081 |
| ECONOMIC ASSUMPTIONS | .............. | .............. | -3,000 | .............. | -3,000 |

AIRCRAFT PROCUREMENT, AIR FORCE

The conference agreement is as follows:

[In thousands of dollars]

| | Budget | House | Senate | Qty | Conference |
|---|---|---|---|---|---|
| AIRCRAFT PROCUREMENT, AIR FORCE | | | | | |
| B–2A | 174,086 | 505,286 | 157,786 | .............. | 331,000 |
| ADVANCED TACTICAL FIGHTER (AP–CY) | 80,864 | 74,864 | .............. | .............. | 74,864 |
| F–15A | 159,000 | 159,000 | 259,800 | 5 | 226,300 |
| F–16 C/D (MYP) | .............. | 82,500 | .............. | 3 | 82,500 |
| C–17 (MYP) | 1,923,311 | 1,914,211 | 2,341,811 | 9 | 1,901,611 |
| C–17 (MYP) (AP–CY) | 278,200 | 265,600 | 278,200 | .............. | 278,200 |
| EC–130J | .............. | 49,900 | .............. | 1 | 49,900 |
| C–130J | 49,928 | 49,928 | 48,000 | .............. | 24,000 |
| WC–130J | .............. | .............. | 177,000 | 2 | 132,850 |
| CIVIL AIR PATROL A/C | 2,645 | 4,498 | 2,645 | 27 | 3,045 |
| SMALL VCX (C–37) | .............. | .............. | 6,000 | 1 | 6,000 |
| LARGE VCX (C–32A) | 190,116 | 190,116 | .............. | 2 | 190,116 |
| E–8C | 313,991 | 317,991 | 309,291 | 1 | 313,291 |
| PREDATOR UAV | 116,506 | 146,506 | 116,506 | 15 | 141,506 |
| B–1B MOBS | 114,245 | 138,245 | 96,845 | .............. | 114,245 |
| B–52 MODS | 28,907 | 31,807 | 39,307 | .............. | 39,307 |
| F–15 MODS | 169,568 | 157,068 | 197,568 | .............. | 181,368 |
| F–16 MODS | 216,158 | 199,358 | 232,058 | .............. | 220,158 |
| C–130 MODS | 94,511 | 119,211 | 94,511 | .............. | 119,211 |
| E–3 MODS | 134,659 | 134,659 | 123,559 | .............. | 132,159 |
| PASSENGER SAFETY MODIFICATIONS | .............. | .............. | 75,000 | .............. | 50,000 |

[In thousands of dollars]

| | Budget | House | Senate | Qty | Conference |
|---|---|---|---|---|---|
| DARP MODS | 67,136 | 139,136 | 163,736 | | 150,136 |
| F–15 POST PROD SUPP | 8,089 | 6,289 | 8,089 | | 6,289 |
| F–16 POST PROD SUPP | 22,402 | 22,402 | 22,402 | | 38,402 |
| WAR CONSUMABLES | 67,565 | 60,165 | 67,565 | | 63,565 |
| MISC PRODUCTION CHARGES | 275,804 | 269,583 | 267,012 | | 275,804 |
| DARP | 141,493 | 146,493 | 141,493 | | 170,493 |
| ECONOMIC ASSUMPTIONS | | | –37,000 | | –37,000 |

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS

[In thousands of dollars]

| | Budget | House | Senate | Conference |
|---|---|---|---|---|
| B–2A | 174,086 | 505,286 | 157,786 | 331,000 |
| Restart B–2 production | | 331,200 | | |
| Increased other Government costs | | | –10,100 | |
| Engineering Change Order growth | | | –6,200 | |
| Increase | | | | 156,914 |
| F–22 Advanced Tactical Fighter (AP–CY) | 80,864 | 74,864 | 0 | 74,864 |
| Transfer OPP funds to RDTEAF | | –6,000 | | –6,000 |
| Delay F–22 production | | | –80,864 | 0 |
| F–15A | 159,000 | 159,000 | 259,800 | 226,300 |
| Attrition reserve aircraft | | | 100,800 | 67,300 |
| F–16 C/D (MYP) | 0 | 82,500 | 0 | 82,500 |
| Attrition reserve aircraft | | 82,500 | | 82,500 |
| C–17 (MYP) | 1,923,311 | 1,914,211 | 2,341,811 | 1,901,611 |
| Expiring funds | | –9,100 | | 0 |
| Additional aircraft | | | 440,200 | 0 |
| Late obligations and favorable contract negotiation | | | –21,700 | –21,700 |
| C–17 (MYP)(AP–CY) | 278,200 | 265,600 | 278,200 | 278,200 |
| Contract savings | | –12,600 | | 0 |
| C–130J | 49,928 | 49,928 | 48,000 | 24,000 |
| One C–130J (shifted to NGRE account) | | | –49,928 | –49,928 |
| C–130J spares and logistics | | | 48,000 | 24,000 |
| WC–130J | | | 177,000 | 132,850 |
| Additional Aircraft | | | 177,000 | 118,000 |
| Spares/Support Equipment | | | | 14,850 |
| Large VCX (C–32A) | 190,116 | 190,116 | 0 | 190,116 |
| Convert 2 aircraft purchase to lease | | | –190,116 | 0 |
| E–8C | 313,991 | 317,991 | 309,291 | 313,291 |
| Rephased prior year requirements | | 16,000 | | 16,000 |
| Improved Data Modem | | 1,000 | | 1,000 |
| Excess Engineering Change Order funding | | –13,000 | | –13,000 |
| Systems engineering growth | | | –4,700 | –4,700 |
| PREDATOR UAV | 116,506 | 146,506 | 116,506 | 141,506 |
| Additional funding to purchase attrition vehicles and spare parts | | 30,000 | | 25,000 |
| B–1B Mods | 114,245 | 138,245 | 96,845 | 114,245 |
| Link 16 | | 24,000 | | 0 |
| Block D modification concurrency | | | –17,400 | 0 |
| B–52 Mods | 28,907 | 31,807 | 39,307 | 39,307 |
| Electro-optical viewing system | | 2,900 | | 0 |
| Increase | | | 10,400 | 10,400 |
| F–15 Mods | 169,568 | 157,068 | 197,568 | 181,368 |
| Terminated upgrades | | –11,800 | | –5,000 |
| APG–63 radar upgrade pricing | | –13,500 | | 0 |
| [APG–63 radar funds provided without restriction or reporting requirements] | | | | |
| Radar support equipment | | –10,000 | | 0 |
| F–100–220E engine upgrade | | 22,800 | 22,800 | 12,800 |
| MIDS fighter data link terminals | | | 5,200 | 4,000 |
| F–16 Mods | 216,158 | 199,358 | 232,058 | 220,158 |
| GPS | | –13,000 | | –13,000 |
| Block 40 night vision imaging system | | –3,800 | | 0 |
| HARM targeting system upgrades | | | 3,500 | 3,000 |
| 600 gallon fuel tanks | | | 10,000 | 8,000 |
| Late obligations | | | –12,600 | –6,000 |
| Digital Terrain System | | | 15,000 | 12,000 |
| OBOGS | | | | (1,080) |
| C–130 Mods | 94,511 | 119,211 | 94,511 | 119,211 |
| EC–130 mod | | 24,700 | | 24,700 |
| E–3 Mods | 134,659 | 134,659 | 123,559 | 132,159 |
| Extend sentry computers and display concurrency | | | –8,600 | 0 |
| Offensive counter air change orders | | | –2,500 | –2,500 |
| Passenger Safety Modifications | 0 | 0 | 75,000 | 50,000 |
| Navigation safety | | | 75,000 | 32,500 |
| GATM | | | | 17,500 |
| [Conferees encourage use of COTS/NDI equipment to satisfy GATM requirements] | | | | |
| H–1 Mods | 2,778 | 3,578 | 3,578 | 3,578 |
| Oil debris detection system | | 800 | 800 | 800 |
| DARP MODS | 67,136 | 139,136 | 163,736 | 150,136 |
| MWIR Trf | | 20,000 | | 5,600 |
| RJ Sensors | | 0 | | 35,000 |
| RJ Reengining | | 52,000 | 52,600 | 27,400 |
| RJ Heaters | | | 6,000 | 6,000 |
| SR–71 Mods | | | 9,000 | 9,000 |
| U–2 Senior Glass | | | 24,000 | 0 |
| U–2 SYERS | | | 5,000 | 0 |
| F–16 Post Production Supp | 22,402 | 22,402 | 22,402 | 38,402 |
| F–16 Improved Avionics Intermediate Shop for Air National Guard | | | | 16,000 |
| F–15 Post Prod Supp | 8,089 | 6,289 | 8,089 | 6,289 |
| F–15 tooling disposition | | –1,800 | | –1,800 |
| War Consumables | 67,565 | 60,165 | 67,565 | 63,565 |
| Towed decoy engineering change orders | | –7,400 | | –4,000 |
| Misc Production Charges | 275,804 | 269,583 | 267,012 | 275,804 |
| Podded electro-optical camera systems | | –6,221 | | 0 |
| Reduction | | | –8,792 | 0 |
| DARP | 141,493 | 146,493 | 141,493 | 170,493 |
| U–2 Senior Glass | | | | 24,000 |
| U–2 SYERS | | | | 5,000 |

### B–2

The conferees provide $331,000,000 for B–2 procurement for long-lead activities related to the procurement of additional B–2s or for upgrades to the existing B–2 force to improve mission capabilities, deployability, and maintainability.

The conferees recognize that significant disagreement exists on the question of continued low-rate production of additional B–2 stealth bombers. The conferees believe the question over whether to continue with low-rate B–2 production is a critical national security matter which must be decided on the basis of future national security requirements, projected threats, and affordability. Therefore, the conferees have included a general provision (Section 8131) establishing a panel to review and make recommendations on this matter. The panel shall report to the President and Congress no later than March 1, 1998 its conclusions and recommendations, including whether additional funds for the B–2 should be used for continued low-rate production of the B–2 or for upgrades to improve deployability, survivability and maintainability.

### F–22

The conferees agree with the House direction regarding F–22 Out Of Production Parts (OPPs). The conferees further agree that the authority provided in that direction applies only to the F–22. The conferees direct the military departments to seek the prior approval of the congressional defense committees to gain similar authority for other programs.

### F–16 MODIFICATIONS

The conferees direct that all new production F–16 aircraft shall include On-Board Oxygen Generating Systems (OBOGS), including the six aircraft approved in fiscal year (FY) 1997. The conferees further direct that $1,080,000 within the F–16 Modifications line shall be available only to make the necessary production changes to incorporate OBOGS in new production F–16's.

The conferees support the Air Force's planned four-year OBOGS installation program for F–16's scheduled to start no later than fiscal year 2001, and the plan should include field installation.

### AIR COMBAT TRAINING—RANGELESS (ACT–R) KADENA INTERIM TRAINING SYSTEM (KITS)

The conferees are aware of a new air combat training capability recently delivered to Kadena Air Base, Okinawa. The Kadena Interim Training System (KITS) provides a new rangeless or untethered capability allowing it to be used on aircraft for air combat training anywhere there is available training airspace over land or sea. The conferees believe that systems like KITS can provide improvements to the readiness of our forward deployed forces. The conferees direct the Air Force to review and evaluate KITS as it applies to immediate air combat training requirements throughout the active and reserve component air forces and to submit a report to the Appropriations Committees on its procurement and fielding plans for this system.

### MISSILE PROCUREMENT, AIR FORCE

The conference agreement is as follows:

[In thousands of dollars]

| | Budget | House | Senate | Qty. | Conference |
|---|---|---|---|---|---|
| MISSILE PROCEDURE, AIR FORCE | | | | | |
| HAVE NAP | | | 39,000 | | 25,000 |
| JOINT STANDOFF WEAPON | 1,139 | 30,139 | 1,139 | | 20,139 |
| AMRAAM | 117,768 | 107,168 | 76,668 | 173 | 107,168 |
| AGM–130 POWERED GBU–15 | 1,539 | 42,539 | 1,539 | | 25,000 |
| CONVENTIONAL ALCM | | 15,300 | | | |
| AGM–88A HARM | | | 9,600 | | 9,600 |
| AGM–65 MAVERICK | | 11,000 | | | 8,000 |
| GLOBAL POSITIONING (MYP) SPACE | 163,837 | 122,137 | 163,837 | 3 | 163,837 |
| TITAN SPACE BOOSTERS SPACE | 555,304 | 473,304 | 455,304 | | 464,304 |
| MEDIUM LAUNCH VEHICLE SPACE | 165,783 | 147,783 | 165,783 | 4 | 156,783 |
| DEFENSE SUPPORT PROGRAM (MYP) SPACE | 113,708 | 108,708 | 113,708 | | 108,708 |
| SPECIAL PROGRAMS | 773,400 | 597,400 | 737,900 | | 658,400 |
| ECONOMIC ASSUMPTIONS | | | –18,000 | | –18,000 |

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS

[In thousands of dollars]

| | Budget | House | Senate | Conference |
|---|---|---|---|---|
| AMRAAM | 117,768 | 107,168 | 76,668 | 107,168 |
| Excess engineering change order funding | | –10,600 | | –10,600 |
| Contractor overcharging | | | –41,100 | 0 |

### GLOBAL POSITIONING SYSTEM (GPS)

The conferees agree to provide $163,837,000 for the acquisition of three satellites in fiscal year 1998. The conferees agree that while the Air Force is procuring GPS satellites well in advance of their actual need, the total costs of modifying the present GPS multiyear contract are greater than the short term saving to be derived from deferring the acquisition of one GPS satellite. The conferees direct the Department of the Air Force to submit an acquisition plan to the Appropriations Committees for the next multiyear procurement of GPS satellites which more closely aligns the acquisition of satellites with actual launch need dates. The Air Force is also directed to submit a report which compares the total costs of procuring the next block of GPS satellites under the terms of a multiyear contract with the alternative of procuring the satellites under a base year contract with variable quantity options. These reports shall be submitted no later than March 31, 1998.

### PROCUREMENT OF AMMUNITION, AIR FORCE

The conference agreement is as follows:

[In thousands of dollars]

| | Budget | House | Senate | Qty | Conference |
|---|---|---|---|---|---|
| PROCUREMENT OF AMMUNITION, AIR FORCE: | | | | | |
| 20MM PGU–28 | | 3,500 | | | 1,750 |
| GBU–29 HARD TARGET PENETRATOR | | 16,800 | | | 8,400 |
| JOINT DIRECT ATTACK MUNITION | 61,307 | 61,307 | 61,307 | 2,673 | 56,307 |
| WIND CORRECTED MUNITIONS DISPENSER | 19,871 | 10,471 | 19,871 | 280 | 12,271 |
| ECONOMIC ASSUMPTIONS | | | –3,000 | | –3,000 |

### OTHER PROCUREMENT, AIR FORCE

The conference agreement is as follows:

[In thousands of dollars]

| | Budget | House | Senate | Qty | Conference |
|---|---|---|---|---|---|
| OTHER PROCUREMENT, AIR FORCE: | | | | | |
| ITEMS LESS THAN $2,000,000 | 5,025 | 3,625 | 5,025 | — | 3,625 |
| HMMWV, ARMORED | 24,181 | 7,781 | 24,181 | 125 | 24,181 |
| ITEMS LESS THAN $2,000,000 | 6,738 | 6,194 | 6,738 | — | 6,194 |
| 60K A/C LOADER | 83,143 | 51,143 | 83,143 | 45 | 83,143 |
| INTELLIGENCE DATA HANDLING SYS | 20,739 | 24,339 | 20,739 | — | 24,339 |
| WEATHER OBSERV/FORCAST | 18,013 | 22,013 | 18,013 | — | 22,013 |
| STRATEGIC COMMAND AND CONTROL | 20,505 | 19,005 | 20,505 | — | 20,505 |
| TAC SIGINT SUPPORT | 4,114 | 9,114 | 4,114 | — | 6,114 |
| MINIMUM ESSENTIAL EMERGENCY COMM NET | 3,488 | 3,488 | 3,488 | — | 11,988 |
| C3 COUNTERMEASURES | 14,904 | 13,004 | 14,904 | — | 13,004 |
| BASE LEVEL DATA AUTO PROGRAM | 46,778 | 46,778 | 55,678 | — | 46,778 |
| BASE INFORMATION INFRASTRUCTURE | 88,945 | 136,945 | 88,945 | — | 112,945 |

[In thousands of dollars]

| | Budget | House | Senate | Qty | Conference |
|---|---|---|---|---|---|
| AF SATELLITE CONTROL NETWORK SPACE | 32,197 | 23,097 | 32,197 | —— | 23,097 |
| TACTICAL C–E EQUIPMENT | 16,968 | 16,968 | 54,968 | —— | 34,968 |
| RADIO EQUIPMENT | 12,844 | 19,344 | 12,844 | —— | 19,344 |
| ITEMS LESS THAN $2,000,000 | 8,960 | 6,160 | 8,960 | —— | 8,960 |
| NIGHT VISION GOGGLES | 2,371 | 13,271 | 2,371 | —— | 2,371 |
| FLOODLIGHTS SET TYPE NF2D | 7,696 | 4,696 | 7,696 | —— | 6,196 |
| MEDICAL/DENTAL EQUIPMENT | 13,295 | 8,095 | 13,295 | —— | 10,695 |
| PRODUCTIVITY INVESTMENTS | 5,980 | 5,980 | 10,980 | —— | 10,980 |
| INTELLIGENCE PRODUCTION ACTIVITY | 60,572 | 58,572 | 49,272 | —— | 50,072 |
| DARP RC135 | 12,778 | 47,778 | 12,778 | —— | 12,778 |
| SELECTED ACTIVITIES | 5,003,960 | 4,994,490 | 5,080,160 | —— | 5,016,060 |
| ECONOMIC ASSUMPTIONS | —— | —— | −25,000 | —— | −25,000 |
| CIVIL AIR PATROL | —— | —— | —— | —— | 500 |

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS

[In thousands of dollars]

| | Budget | House | Senate | Conference |
|---|---|---|---|---|
| ITEMS LESS THAN $2,000,000 | 5,025 | 3,625 | 5,025 | 3,625 |
| Minor replacement items | | −1,400 | | −1,400 |
| HMMWV, Armored | 24,181 | 7,781 | 24,181 | 24,181 |
| Duplicative force protection/anti-terrorist items | | −16,400 | | 0 |
| Items less than $2,000,000 | 6,738 | 6,194 | 6,738 | 6,194 |
| Contract savings and contingency funding | | −544 | | −544 |
| 60K A/C Loader | 83,143 | 51,143 | 83,143 | 83,143 |
| Production ramp-up | | −32,000 | | 0 |
| Intelligence Data Handling Sys | 20,739 | 24,339 | 20,739 | 24,334 |
| JSAS | | 3,600 | | 3,600 |
| Weather Observ/Forcast | 18,013 | 22,013 | 18,013 | 22,013 |
| ASOS | | 4,000 | | 4,000 |
| Strategic Command and Control | 20,505 | 19,005 | 20,505 | 20,505 |
| Improved Technical Data System | | −10,000 | | 0 |
| DIRECT (transfer to MEECN) | | 8,500 | | 0 |
| Tac Sigint Support | 4,114 | 9,114 | 4,114 | 6,114 |
| Integrated Broadcast Service | | 5,000 | | 2,000 |
| MEECN | 3,488 | 3,488 | 3,488 | 11,988 |
| DIRECT (transfer from Strategic Command and Control) | | | | 8,500 |
| C3 Countermeasures | 14,904 | 13,004 | 14,904 | 13,004 |
| Excess prior year funds | | −1,900 | | −1,900 |
| BASE LEVEL DATA AUTO PROGRAM | 46,778 | 46,778 | 55,678 | 46,778 |
| REMIS | | | 8,900 | |
| [Conferees agree to provide $8,900,000 in O&M,AF for this purpose.] | | | | |
| Base Information Infrastructure | 88,945 | 136,945 | 88,945 | 112,945 |
| Security enhancements to base information systems | | 48,000 | | 24,000 |
| AF Satellite Control Network Space | 32,197 | 23,097 | 32,197 | 23,097 |
| Cancellation of Military Satellite Communications system | | −9,100 | | −9,100 |
| Tactical C–E Equipment | 16,968 | 16,968 | 54,968 | 34,968 |
| Theater deployable communications | | | 38,000 | 18,000 |
| Radio Equipment | 12,844 | 19,344 | 12,844 | 19,344 |
| Scope Command | | 6,500 | | 6,500 |
| ITEMS LESS THAN $2,000,000 | 8,960 | 6,160 | 8,960 | 8,960 |
| Contract award delays | | −2,800 | | 0 |
| Night Vision Goggles | 2,371 | 13,271 | 2,371 | 2,371 |
| Accelerate procurement | | 10,900 | | 0 |
| Floodlights Set Type NF2D | 7,696 | 4,696 | 7,696 | 6,196 |
| Contract award delays | | −3,000 | | −1,500 |
| Medical/Dental Equipment | 13,295 | 8,095 | 13,295 | 10,695 |
| Prior year program savings | | −5,200 | | −2,600 |
| Productivity Investments | 5,980 | 5,980 | 10,980 | 10,980 |
| Supply asset tracking systems | | | 5,000 | 5,000 |
| Civil Air Patrol | | | | 500 |
| [Transfer from Aircraft Procurement, Air Force] | | | | |

PROCUREMENT, DEFENSE-WIDE

The conference agreement is as follows:

[In thousands of dollars]

| | Budget | House | Senate | Qty | Conference |
|---|---|---|---|---|---|
| PROCUREMENT, DEFENSE-WIDE: | | | | | |
| MAJOR EQUIPMENT, OSD | 104,601 | 114,601 | 104,601 | | 114,601 |
| DEFENSE AIRBORNE RECONNAISSANCE PROGRAM | 14,380 | 44,955 | 14,380 | | 14,380 |
| ITEMS LESS THAN $2.0 MILLION | 7,461 | 14,661 | 14,461 | | 14,661 |
| AUTOMATIC DOCUMENT CONVERSION SYSTEM | | 10,000 | 20,000 | | 20,000 |
| MAJOR EQUIPMENT, DSPO | 19,334 | 14,334 | 19,334 | | 19,334 |
| MAJOR EQUIPMENT, TJS | 46,847 | 46,847 | 36,847 | | 36,847 |
| PATRIOT PAC–3 | | 349,109 | | 52 | 349,109 |
| NAVY AREA TBDM PROGRAM | | 15,400 | | | 15,400 |
| BMC3 | | 20,100 | | | 20,100 |
| SOF ROTARY WING UPGRADES | 36,042 | 36,042 | 76,542 | | 36,042 |
| PC, CYCLONE CLASS | | 10,700 | | | 10,700 |
| ADVANCED SEAL DELIVERY SYSTEM (ASDS) | 38,800 | 38,800 | 38,800 | | 4,500 |
| ADVANCED SEAL DELIVERY SYSTEM (ASDS) (AP–CY) | 2,465 | 2,465 | 2,465 | | 365 |
| REMOTE ACTIVATION MUNITION SYSTEM | | | 2,000 | | 1,000 |
| SOF INTELLIGENCE SYSTEM | 21,175 | 25,475 | 23,175 | | 24,175 |
| SOF SMALL ARMS & WEAPONS | 10,269 | 10,269 | 12,669 | | 11,269 |
| SOLDIER ENHANCEMENT PROGRAM | | | 2,300 | | 2,300 |
| CLASSIFIED PROGRAMS | 108,339 | 112,539 | 108,339 | | 112,539 |
| CLASSIFIED PROTECTION | 64,855 | 74,855 | 64,855 | | 79,855 |
| COLLECTIVE PROTECTION | 17,316 | 37,316 | 17,316 | | 27,316 |
| CLASSIFIED PROGRAM | 354,289 | 359,289 | 358,289 | | 355,039 |
| ECONOMIC ASSUMPTIONS | | | −12,000 | | −12,000 |

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS

[In thousands of dollars]

| | Budget | House | Senate | Conference |
|---|---|---|---|---|
| Special Operations Command | | | | |
| Other Procurement: | | | | |
| SOF Intelligence Systems | 21,175 | 25,475 | 23,175 | 24,175 |
| ISP/MATTS | | +1,800 | | +1,500 |
| JTWS | | +2,000 | +2,000 | +1,500 |
| SOF Small Arms & Weapons | 10,269 | 10,269 | 12,669 | 11,269 |
| Night Firing Scopes for M4A1 Carbines | | | +2,400 | +1,000 |
| Chemical/Biological Defense: | | | | |
| Individual Protection | 64,855 | 74,855 | 64,855 | 79,855 |
| JSLIST suits | | +10,000 | | +5,000 |
| JSLIST industrial production | | | | +10,000 |
| Collective Protection | 17,316 | 37,316 | 17,316 | 27,316 |
| Collective Protection Shortfalls in Korea | | +20,000 | | +5,000 |
| M17–LDS water sprayers | | | | +2,000 |
| 7 HMVV medical shelters | | | | +3,000 |

SECURE TERMINAL EQUIPMENT

The conferees direct that $17,000,000 of the funds appropriated for Procurement, Defense-wide be made available only for the procurement of the tactical Secure Terminal Equipment program.

SOCOM PROCUREMENT OF NAVAL SPECIAL WARFARE BOATS

The recent acquisition strategy initiated by the Special Operations Command (SOCOM) to procure new Naval Special Warfare 33 foot rib boat systems resulted in an initial procurement of boat systems that cost about $1,000,000 each, while other competitive designs being procured by other federal agencies were reportedly available for less than one-third that amount. The high initial cost for this procurement prompts the conferees to encourage SOCOM to conduct a fresh review of the field of competition on the next round of procurement for large (30 foot and above) rib boats. The conferees request that SOCOM keep the Congressional defense committees informed of its plans for future procurement of this type.

ADVANCED SEAL DELIVERY SYSTEM

In response to a request from the Special Operations Command, the conferees have reduced the Advanced Seal Delivery System (ASDS) Procurement lines by $36,400,000 and added the same amount to the Special Operations Tactical Systems Development project in Title IV to complete the final stage of ASDS development.

JSLIST PRODUCTION

The conferees recommend an increase of $10,000,000 to the Marine Corps, specifically to cover the nonrecurring facilitation and equipment costs incurred by the three National Industries for the Severely Handicapped (NISH) affiliated community rehabilitation centers currently under contract that form Department of Defense Joint Service Lightweight Integrated Suits (JSLIST) program industrial base. The Department may vest the title to the facilities and equipment with these three contractors.

NATIONAL GUARD AND RESERVE EQUIPMENT

The conference agreement is as follows:

[In thousands of dollars]

| | Budget | House | Senate | Qty. | Conference |
|---|---|---|---|---|---|
| NATIONAL GUARD & RESERVE EQUIPMENT | | | | | |
| RESERVE EQUIPMENT | | | | | |
| ARMY RESERVE | | | | | |
| MISCELLANEOUS EQUIPMENT | | 20,000 | 65,000 | | 75,000 |
| CH–47 D CARGO (CHINOOK) | | 65,000 | | | |
| NAVY RESERVE | | | | | |
| MISCELLANEOUS EQUIPMENT | | 5,000 | 40,000 | | 80,000 |
| C–9 REPLACEMENT AIRCRAFT | | | 40,000 | | |
| F–14A MODS | | 34,000 | | | |
| MAGIC LANTERN | | 7,500 | | | |
| F/A–18 MODS | | 58,000 | | | |
| MARINE CORPS RESERVE | | | | | |
| MISCELLANEOUS EQUIPMENT | | 25,000 | 40,000 | | 65,000 |
| CH–53 HELICOPTERS | | 64,000 | | | |
| T–39 REPLACEMENT AIRCRAFT | | 10,000 | | | 10,000 |
| AIR FORCE RESERVE | | | | | |
| MISCELLANEOUS EQUIPMENT | | 45,000 | 40,000 | | 50,000 |
| LOGISTIC SUPPORT FOR WC–130J | | | 29,700 | | |
| C–5 SIMULATOR | | 27,000 | | | |
| NATIONAL GUARD EQUIPMENT | | | | | |
| ARMY NATIONAL GUARD | | | | | |
| MISCELLANEOUS EQUIPMENT | | 43,000 | 140,00 | | 70,000 |
| VIBRATION MANAGEMENT ENHANCEMENT PROGRAM | | 3,000 | | | |
| UH–60L | | 3,000 | | | |
| LASER LEVELING | | 1,000 | | | |
| ENGAGEMENT SKILLS TRAINERS | | 3,000 | | | |
| MELIOS, AN–PVS–6 | | 5,000 | | | |
| AIR NATIONAL GUARD | | | | | |
| MISCELLANEOUS EQUIPMENT | | 5,000 | 40,000 | | 25,000 |
| C–130J | | 293,000 | 95,800 | 4 | 226,000 |
| EC–130J | | | 70,500 | | |
| KC–135R ENGINE KITS | | 100,000 | 52,000 | 2 | 52,000 |
| F–16 IMPROVED AVIONICS INTERMEDIATE SHOP | | 32,000 | | | |
| ULTIMATE BUILDING MACHINES | | 1,500 | | | |

MISCELLANEOUS EQUIPMENT

The conferees agree that each of the Chiefs of the Reserve and National Guard components should exercise control of modernization funds provided in this account including aircraft and aircraft modernization. The conferees further agree that separate submissions of a detailed assessment of its modernization priorities by each of the Guard and Reserve component commanders is required to be submitted to the defense committees. The conferees expect the component commanders to give priority consideration to the following items: CH–47D helicopters, F–14A modifications, magic lantern, F/A–18 modifications, C–9 replacement aircraft, CH-53 helicopters, C–5 simulators, vibration management enhancement program, UH–60L, laser leveling equipment, engagement skills trainers, MELIOS night vision devices, F–16 improved avionics intermediate shops, ultimate building machines, air defense alerting devices (ADAD), A–2 bradley upgrades, ALR-56 radar warning receiver, AN/TQM–41 MMS, avengers, theater deployable communication packages, dragon missile upgrades, multiple launch rocket system (MLRS), magic lantern spares, small arms simulators, senior scout modifications, field artillery ammunition support vehicles (FAASVs), KC–135R reengining, night vision devices and driver's night viewers, heavy equipment transport system (HETS), paladin, M–1A2 tanks, CH–47 FADEC, medium truck extended service programs (ESP), F–16 C/D onboard oxygen generating system field installation and evaluation by the Air National Guard, M–270 launcher mechanical systems (ILMS), high mobility multipurpose wheeled vehicles, LITENING targeting and navigation pods, all-terrain cranes, modular airborne fire fighting system units, CH–47 internal crash worthy fuel cells, back scatter truck inspection systems, night vision equipment, CH–47 ICH aircraft, commercial industrial equipment, high speed dirt compactors, AH–64 combat mission simulators, high mobility trailers for HMMWVs, palletized loading systems, heavy expanded mobility tactical truck wreckers, M109A6, automatic building machines, air defense alerting device systems, interactive simulators, master cranes, deployable universal combat earth movers, HEMTT wreckers, and AN/VRC–102 Radios.

NATIONAL GUARD AND RESERVE AIRCRAFT

The conferees agree to provide $288,000,000 specifically for the acquisition and modernization of the following aircraft to support Reserve and National Guard missions:

| | |
|---|---|
| T–39 replacement aircraft for the Marine Corps Reserves | $10,000,000 |
| C–130J aircraft for the Air National Guard (4) | 226,000,000 |
| KC–135R engine kits for the Air National Guard | 52,000,000 |

## TITLE IV—RESEARCH, DEVELOPMENT, TEST AND EVALUATION

The conference agreement is as follows:

[In thousands of dollars]

| | Budget | House | Senate | Conference |
|---|---|---|---|---|
| RDTE, ARMY | 4,510,843 | 4,686,427 | 4,984,083 | 5,156,507 |
| RDTE, NAVY | 7,611,022 | 7,907,837 | 7,532,846 | 8,115,686 |
| RDTE, AIR FORCE | 14,451,379 | 14,313,456 | 14,127,873 | 14,507,804 |
| RDTE, DEFENSE-WIDE | 9,069,680 | 9,509,337 | 9,608,689 | 9,821,760 |
| DEVELOPMENTAL TEST AND EVALUATION | 268,183 | 268,183 | 251,183 | 258,183 |
| OPERATIONAL TEST AND EVALUATION | 23,384 | 32,684 | 31,384 | 31,384 |
| GRAND TOTAL, RDTE | 35,934,491 | 36,717,924 | 36,536,058 | 37,891,324 |

### RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY

The conference agreement is as follows:

[In thousands of dollars]

| | Budget | House | Senate | Conference |
|---|---|---|---|---|
| RESEARCH DEVELOPMENT TEST & EVAL ARMY: | | | | |
| IN-HOUSE LABORATORY INDEPENDENT RESEARCH | 15,113 | 14,113 | 15,113 | 14,113 |
| DEFENSE RESEARCH SCIENCES | 138,165 | 120,165 | 136,798 | 125,798 |
| UNIVERSITY AND INDUSTRY RESEARCH CENTERS | 45,576 | 45,576 | 52,876 | 46,576 |
| MATERIALS TECHNOLOGY | 9,811 | 9,811 | 13,811 | 12,811 |
| SENSORS AND ELECTRONIC SURVIVABILITY | 19,294 | 24,294 | 21,794 | 26,794 |
| AVIATION TECHNOLOGY | 27,282 | 22,282 | 25,982 | 22,982 |
| EW TECHNOLOGY | 16,528 | 16,528 | 19,528 | 19,528 |
| MISSILE TECHNOLOGY | 22,335 | 22,335 | 26,335 | 25,335 |
| COMBAT VEHICLE AND AUTOMOTIVE TECHNOLOGY | 33,112 | 40,112 | 58,112 | 62,112 |
| BALLISTICS TECHNOLOGY | 33,317 | 38,317 | 33,317 | 41,317 |
| CHEMICAL, SMOKE AND EQUIPMENT DEFEATING TECHNOLOGY | 4,739 | 2,739 | 4,739 | 3,739 |
| JOINT SERVICE SMALL ARMS PROGRAM | 4,786 | 9,286 | 7,786 | 9,286 |
| WEAPONS AND MUNITIONS TECHNOLOGY | 26,980 | 26,980 | 30,876 | 30,876 |
| ELECTRONICS AND ELECTRONIC DEVICES | 20,192 | 22,692 | 26,042 | 26,792 |
| HUMAN FACTORS ENGINEERING TECHNOLOGY | 14,256 | 18,256 | 19,356 | 17,256 |
| ENVIRONMENTAL QUALITY TECHNOLOGY | 17,519 | 42,219 | 58,419 | 61,919 |
| MILITARY ENGINEERING TECHNOLOGY | 36,422 | 43,922 | 47,422 | 58,422 |
| LOGISTICS TECHNOLOGY | 17,689 | 19,689 | 17,689 | 18,689 |
| MEDICAL TECHNOLOGY | 74,684 | 142,484 | 74,684 | 165,484 |
| MEDICAL ADVANCED TECHNOLOGY | 10,677 | 142,177 | 196,277 | 190,177 |
| AVIATION ADVANCED TECHNOLOGY | 31,330 | 53,830 | 34,330 | 92,330 |
| WEAPONS AND MUNITIONS ADVANCED TECHNOLOGY | 18,255 | 25,255 | 30,255 | 26,255 |
| COMBAT VEHICLE AND AUTOMOTIVE ADVANCED TECHNOLOGY | 32,685 | 35,685 | 35,285 | 42,242 |
| COMMAND, CONTROL, COMMUNICATIONS ADVANCED TECHNOLOGY | 19,688 | 19,688 | 28,688 | 26,688 |
| TRACTOR HIKE | 14,350 | .................... | 14,350 | 14,350 |
| TRACTOR ROSE | 9,204 | 9,204 | 11,204 | 11,204 |
| MISSILE AND ROCKET ADVANCED TECHNOLOGY | 117,139 | 59,439 | 120,139 | 93,839 |
| LANDMINE WARFARE AND BARRIER ADVANCED TECHNOLOGY | 19,332 | 25,932 | 32,932 | 32,932 |
| JOINT SERVICE SMALL ARMS PROGRAM | 4,754 | 11,754 | 7,754 | 9,254 |
| LINE-OF-SIGHT TECHNOLOGY DEMONSTRATION | 13,000 | .................... | 13,000 | 5,000 |
| MILITARY ENGINEERING ADVANCED TECHNOLOGY | 12,231 | 12,231 | 24,331 | 20,331 |
| ARMY MISSILE DEFENSE SYSTEMS INTEGRATION (DEM/VAL) | 24,138 | 55,638 | 87,638 | 75,638 |
| ARMAMENT ENHANCEMENT INITIATIVE | 40,313 | 60,313 | 33,313 | 38,313 |
| NATO RESEARCH AND DEVELOPMENT | 13,168 | .................... | 13,168 | 9,168 |
| AVIATION—ADV DEV | 7,132 | 15,132 | 12,132 | 14,132 |
| ARTILLERY SYSTEMS—DEM/VAL | 324,380 | 324,380 | 301,321 | 324,380 |
| EW DEVELOPMENT | 66,212 | 86,524 | 67,712 | 87,024 |
| ALL SOURCE ANALYSIS SYSTEM | 24,045 | 27,545 | 27,245 | 27,245 |
| FAMILY OF HEAVY TACTICAL VEHICLES | .................... | 5,000 | .................... | 5,000 |
| ADVANCED COMMAND AND CONTROL VEHICLE (AC2V) | 8,867 | 8,867 | 11,867 | 10,867 |
| ENGINEER MOBILITY EQUIPMENT DEVELOPMENT | 56,196 | 56,196 | 50,196 | 52,196 |
| COMBAT FEEDING, CLOTHING, AND EQUIPMENT | 55,964 | 65,264 | 55,964 | 61,964 |
| NON-SYSTEM TRAINING DEVICES—ENG DEV | 76,749 | 76,749 | 81,749 | 80,249 |
| AIR DEFENSE COMMAND, CONTROL AND INTELLIGENCE—ENG DE | 18,350 | 18,350 | 22,350 | 22,350 |
| AUTOMATIC TEST EQUIPMENT DEVELOPMENT | 2,582 | 11,582 | 2,582 | 8,582 |
| BRILLIANT ANTI-ARMOR SUBMUNITION (BAT) | 202,302 | 202,302 | 187,302 | 237,302 |
| COMBINED ARMS TACTICAL TRAINER (CATT) | 2,823 | 13,323 | 2,823 | 13,323 |
| WEAPONS AND MUNITIONS—ENG DEV | 3,577 | 3,577 | 5,077 | 5,077 |
| LANDMINE WARFARE/BARRIER—ENG DEV | 22,605 | 8,905 | 8,732 | 8,732 |
| SENSE AND DESTROY ARMAMENT MISSILE—ENG DEV | 22,372 | 5,494 | 22,372 | 11,494 |
| THREAT SIMULATOR DEVELOPMENT | 14,004 | 14,004 | 18,004 | 17,004 |
| ARMY KWAJALEIN ATOLL | 138,769 | 138,769 | 124,769 | 124,769 |
| DOD HIGH ENERGY LASER TEST FACILITY | 14,952 | 30,952 | 29,952 | 29,952 |
| MATERIAL SYSTEMS ANALYSIS | 29,707 | 14,707 | 29,707 | 29,707 |
| SUPPORT OF OPERATIONAL TESTING | 81,672 | 51,672 | 81,672 | 81,672 |
| PROGRAMWIDE ACTIVITIES | 86,208 | 66,208 | 82,208 | 82,208 |
| INTERNATIONAL COOPERATIVE RESEARCH AND DEVELOPMENT | 1,581 | 1,581 | — | — |
| MUNITIONS STANDARDIZATION, EFFECTIVENESS AND SAFETY | 6,317 | 9,317 | 6,317 | 11,417 |
| ENVIRONMENTAL COMPLIANCE | 51,378 | 56,378 | 58,378 | 58,378 |
| MAINTENANCE AND REPAIR (RPM)—RDT&E | 85,119 | 85,119 | 86,419 | 86,419 |
| MANAGEMENT HEADQUARTERS (RESEARCH AND DEVELOPMENT) | 4,837 | 4,837 | 31,337 | 25,837 |
| MLRS PRODUCT IMPROVEMENT PROGRAM | 26,678 | 26,678 | 40,378 | 37,678 |
| AEROSTAT JOINT PROJECT OFFICE | 86,193 | — | 96,193 | 35,000 |
| COMBAT VEHICLE IMPROVEMENT PROGRAMS | 136,520 | 152,520 | 176,720 | 167,020 |
| AIRCRAFT MODIFICATIONS/PRODUCT IMPROVEMENT PROGRAMS | 2,609 | 22,609 | 32,609 | 22,609 |
| DIGITIZATION | 156,960 | 75,560 | 120,043 | 71,560 |
| MISSILE/AIR DEFENSE PRODUCT IMPROVEMENT PROGRAM | 17,412 | 27,412 | 31,412 | 31,412 |
| JOINT TACTICAL GROUND SYSTEM | 3,195 | 6,195 | 3,195 | 5,195 |
| SPECIAL ARMY PROGRAM | 5,547 | 7,417 | 5,547 | 7,547 |
| INFORMATION SYSTEMS SECURITY PROGRAM | 9,647 | 12,147 | 9,647 | 12,147 |
| SATCOM GROUND ENVIRONMENT (SPACE) | 57,827 | 57,827 | 56,227 | 56,227 |
| END ITEM INDUSTRIAL PREPAREDNESS ACTIVITIES | 44,326 | 54,326 | 57,326 | 66,326 |
| FORCE XXI INITIATIVE | — | 38,900 | — | 38,900 |
| STRIKER | — | 3,900 | — | 3,900 |
| MORTAR FIRE CONTROL | — | 10,000 | — | 10,000 |
| ECONOMIC ASSUMPTIONS | — | — | –17,000 | –17,000 |

[In thousands of dollars]

| | Budget | House | Senate | Conference |
|---|---|---|---|---|
| COUNTER MRL—TSPO | — | 5,000 | — | 2,000 |
| RADIO FREQUENCY | — | — | — | 1,700 |
| LIGHTWEIGHT LASER DESIGNATOR/RANGE FINDER | — | — | — | 2,800 |
| COMBAT SYNTHETIC TRAINING ASSESSMENT RANGE | — | — | — | 5,400 |
| ARMY AIRBORNE COMMAND & CONTROL SYSTEM | — | — | — | 11,000 |

## EXPLANATION OR PROJECT LEVEL ADJUSTMENTS

[In thousands of dollars]

| | Budget | House | Senate | Conference |
|---|---|---|---|---|
| Defense Research Sciences | 138,165 | 120,165 | 136,798 | 125,798 |
| Program growth | | – 18,000 | | – 10,000 |
| Defense Information Warfare Initiative | | (1,000) | +3,500 | +2,500 |
| Scientific problems with military applications | | | – 4,867 | – 4,867 |
| University and Industry Research Centers | 45,576 | 45,576 | 52,876 | 46,576 |
| Federated Labs | | | +2,300 | (2,300) |
| (Note: The conferees direct that within funds available, an additional $2,300,000 is to be used for the federated labs.) | | | | |
| Hypervelocity physics project | | | +1,000 | +1,000 |
| Electric Rail Gun | | | +4,000 | 0 |
| (Note: Transferred to Ballistics Technology.) | | | | |
| Sensors and Electronic Survivability | 19,294 | 24,294 | 21,794 | 26,794 |
| PDCUE | | | +2,500 | +2,500 |
| Passive millimeter wave camera | | +5,000 | | +5,000 |
| Aviation Technology | 27,282 | 22,282 | 25,982 | 22,982 |
| FY 1997 Freeze | | – 5,000 | | – 3,000 |
| Budget correction | | | – 1,300 | – 1,300 |
| Combat vehicle and automotive technology | 33,112 | 40,112 | 58,112 | 62,112 |
| Voice Instructional Device | | +3,000 | | +3,000 |
| Tank and Vehicle Simulation Laboratory | | +6,000 | | +6,000 |
| National Automotive Center | | | +4,000 | +4,000 |
| Joint Robotics Development Program on Ground vehicle survivability | | | +6,000 | +4,500 |
| Air Defense Alerting Device integration—Bradley Stinger Vehicle | | | +5,000 | +4,000 |
| High-output diesel engine testing | | (1,000) | +1,000 | +1,000 |
| HMMWV 6.2L engine rebuild program | | | +4,000 | +4,000 |
| Alternative vehicle propulsion systems | | | +5,000 | +2,500 |
| Program termination | | – 2,000 | | 0 |
| Ballistics technology | 33,317 | 38,317 | 33,317 | 41,317 |
| Liquid propellant | | +5,000 | | +4,000 |
| Electric Rail Gun | 0 | 0 | 0 | +4,000 |
| (Note: Transferred from University & Research Centers.) | | | | |
| Weapons and Munitions Technology | 26,980 | 26,980 | 30,876 | 30,876 |
| Budget correction | | | – 1,104 | – 1,104 |
| Plastic-cased ammunition | | | +5,000 | +5,000 |
| Electronics and electronic Devices | 20,192 | 22,692 | 26,042 | +26,792 |
| Thermophotovoltaic generators | | +2,500 | | +1,500 |
| "AA" zinc battery | | | +1,500 | +1,500 |
| Low-cost reusable alkaline manganese zinc | | | +1,000 | +1,000 |
| Enzyme-based chemical & biological detection technology | | | +2,250 | +1,500 |
| Advanced nonmetallic rechargeable battery system | | | +600 | +600 |
| Rechargeable coin cells | | | +500 | +500 |
| Environmental Quality Technology | 17,519 | 42,219 | 58,419 | 61,919 |
| Gallo Center | | +5,000 | | +4,000 |
| Natural Gas boiler demonstration—CERL | | +2,000 | | 0 |
| Commercialization of Technologies to Lower Defense Cost Init. | | +5,000 | | +5,000 |
| Bioremediation Education, Science, & Technology Center | | +4,000 | +4,000 | +4,000 |
| Plasma Energy Pyrolysis System | | +8,700 | +8,700 | +6,000 |
| Radford Environmental Development & Management Program | | | +6,000 | +5,000 |
| Environmental projects at the WETO facility | | | +8,800 | +7,000 |
| Small Business development program | | | +5,400 | +5,400 |
| Agriculturally based remediation in Pacific Island ecosystems | | | +4,000 | +4,000 |
| Resource Recovery Technology Center | | | +4,000 | 0 |
| Computer based land management | | | | +4,000 |
| Military Engineering Technology | 36,422 | 43,922 | 47,422 | 58,422 |
| Cold Regions Research and Engineering Lab | | | +1,000 | +1,000 |
| Climate change fuel cells—U.S. Army | | +7,500 | | +7,500 |
| Center for Geosciences Atmospheric Research | | | +10,000 | +7,500 |
| Molten carbonate fuel cells technology | | | | +6,000 |
| Medical Technology | 74,684 | 142,484 | 74,684 | 165,484 |
| Neurotoxin Exposure Treatment research | | +25,000 | | +25,000 |
| Neurofibromatosis | | +9,800 | | +9,800 |
| Army nutrition research | | +3,500 | | +3,500 |
| Orthopedic implant research (Volumetrically controlled manufacturing) | | +3,500 | | +2,500 |
| LSTAT | | +6,000 | | 0 |
| Ovarian cancer | | +10,000 | | +10,000 |
| Prostate cancer research | | +10,000 | | +40,000 |
| Medical Advanced Technology | 10,677 | 142,177 | 196,277 | 190,177 |
| Army-managed peer-reviewed breast cancer research | | +100,000 | +175,000 | +135,000 |
| MRE nutrition research | | | +3,600 | 0 |
| Prostate cancer diagnostic imaging | | | +5,000 | +5,000 |
| National Medical Testbed | | +8,000 | | +8,000 |
| Intravenous membrane oxygenator tech | | | +1,000 | 0 |
| Mustard gas research | | | +1,000 | +1,000 |
| Walter Reed Lab upgrades | | +6,000 | | +6,000 |
| Advanced cancer detection | | +3,500 | | +3,500 |
| Cooperative teleradiology | | +3,000 | | +3,000 |
| Advanced trauma care | | +6,000 | | +3,000 |
| Artificial lung research | | +1,500 | | +1,500 |
| Emergency telemedicine | | +3,500 | | +2,500 |
| Volume Angiocat (VAC) | | | | +4,000 |
| Periscopic minimally-invasive surgery | | | | +3,000 |
| Proton beam | | | | +4,000 |
| Aviation Advanced Technology | 31,330 | 53,830 | 34,330 | 92,330 |
| Short range UAV | | +5,000 | | 0 |
| Integrated manned and unmanned aerial vehicle study | | +2,500 | | +1,000 |
| Stinger Universal launcher | | +11,600 | | +11,600 |
| Starstreak | | +3,400 | +3,000 | +3,400 |
| Outrider UAV | | | | +45,000 |
| Weapons and Munitions Advanced Tech | 18,255 | 25,255 | 30,255 | 26,255 |
| Trajectory correctable munition | | +5,000 | +8,000 | +6,000 |
| Precision guided mortar munition | | +2,000 | +4,000 | +2,000 |
| Combat Vehicle and Automotive Adv Tech | 32,685 | 35,685 | 35,285 | 42,242 |
| Composite armored vehicle technology transfer | | +3,000 | | +2,000 |
| Aluminum metal matrix composites | | | +9,000 | +6,500 |
| Commercial derivative engine for the palletized load system | | | +3,600 | +3,600 |
| Program adjustment | | | – 10,000 | – 2,543 |

EXPLANATION OR PROJECT LEVEL ADJUSTMENTS—Continued

[In thousands of dollars]

| | Budget | House | Senate | Conference |
|---|---|---|---|---|
| Command, Control, Communications—Adv Tech | 19,688 | 19,688 | 28,688 | 26,688 |
| Wavenet technology | | | +4,000 | +2,000 |
| Field Laser Radar Demo (FLD) Data Analysis Center | | | +5,000 | +5,000 |
| Missile and Rocket Advanced Technology | 117,139 | 59,439 | 120,139 | 93,839 |
| EFOG–M | | – 57,700 | | – 26,300 |
| Future missile technology integration | | | +3,000 | +3,000 |
| Landmine Warfare and Barrier Adv. Tech. | 19,332 | 25,932 | 32,932 | 32,932 |
| Vehicular Mounted Mine Detection | | +2,700 | +2,700 | +2,700 |
| Stand off ground penetrating radar | | +3,900 | +3,900 | +3,900 |
| Airborne standoff minefield detection system | | | +7,000 | +7,000 |
| Joint Service Small Arms Program | 4,754 | 11,754 | 7,754 | 9,254 |
| OICW | | +5,500 | +3,000 | +3,000 |
| Adv. light antiarmor weapons system | | +1,500 | | +1,500 |
| Military Engineering Advanced Technology | 12,231 | 12,231 | 24,331 | 20,331 |
| Rapidly installed breakwater technology | | | +2,000 | +2,000 |
| Civil engineer assistance to forward deployed engineer forces | | | +2,000 | +2,000 |
| Combat engineering systems logistics over shore | | | +8,100 | +4,100 |
| Advanced light anti-armor weapons system | | | (4,500) | 0 |
| Army Missile Defense Systems Integration | 24,138 | 55,638 | 87,638 | 75,638 |
| Battlefield Integration Center | | | +22,000 | +17,000 |
| THEL | | +31,500 | +41,500 | +34,500 |
| Armament Enhancement Initiative | 40,313 | 60,313 | 33,313 | 38,313 |
| TERM-KE-seeker development, lethality testing, & associated-hardware | | +20,000 | +10,000 | +15,000 |
| Smart-top attack | | | – 17,000 | – 17,000 |
| (Note: The conferees expect the Army to submit a reprogramming for appropriate close out and termination costs.) | | | | |
| Aviation Adv Dev | 7,132 | 15,132 | 12,132 | 14,132 |
| Integrated aircrew common helmet | | +3,000 | | +2,000 |
| Retinal display technologies-integrated crew helmet | | +5,000 | +5,000 | +5,000 |
| EW Development | 66,212 | 86,524 | 67,712 | 87,024 |
| Force XXI lessons learned (GBCS) | | +20,312 | | +15,312 |
| Suite of integrated countermeasures | | | – 6,000 | 0 |
| ATIRCM | | | +7,500 | +5,500 |
| Brilliant Anti-armor submunition | 202,302 | 202,302 | 187,302 | 237,302 |
| BAT P31 | | | – 15,000 | 0 |
| Transfer from procurement | | | | +35,000 |
| DoD High Energy Laser Test Facility | 14,952 | 30,952 | 29,952 | 29,952 |
| THEL testing at HELSTF | | +10,000 | +10,000 | +10,000 |
| High energy solid state laser development | | +6,000 | +5,000 | +5,000 |
| Munitions Standardization, Effectiveness & Safety | 6,317 | 9,317 | 6,317 | 11,417 |
| Blast chamber—Blue Grass Army Depot | | +3,000 | | +2,000 |
| Blast chamber—Anniston Army Depot | | | | +2,000 |
| (Note: Added by Senate in RDT&E, Defense-wide). | | | | |
| Explosive waste incinerator | | | | +1,100 |
| Environmental compliance | 51,378 | 56,378 | 58,378 | 58,378 |
| Climate Change Fuel Cell-CERL | | +5,000 | +5,000 | +5,000 |
| Natural gas boiler demonstration-CERL | | | +2,000 | +2,000 |
| MLRS Product Improvement Program | 26,678 | 26,678 | 40,378 | 37,678 |
| Guided MLRS | | | +8,100 | +7,000 |
| MLRS improved launcher mechanical system (ILMS) | | | +5,600 | +4,000 |
| Aerostate Joint Project Office | 86,193 | 0 | 96,193 | 35,000 |
| Program reduction | | – 86,193 | | – 51,193 |
| Aerostat development | | | +10,000 | 0 |
| Combat Vehicle Improvement Programs | 136,520 | 152,520 | 176,720 | 167,020 |
| M1 flat panel displays | | +12,000 | +12,000 | +12,000 |
| AN/VVR–1 laser warming receiver | | +4,000 | +4,000 | +4,000 |
| Abrams SEP | | | +8,000 | +6,500 |
| ADAD for Bradley Stinger fighting vehicle | | | +4,000 | +4,000 |
| M–7 Bradley fire support team (BFIST) vehicle test program sets | | | +3,000 | +2,000 |
| Bradley A3 Test Program sets | | | +3,500 | +2,000 |
| Heavy recovery vehicle traction control system | | | +5,700 | 0 |
| Digitization | 156,960 | 75,560 | 120,043 | 71,560 |
| Force XXI | | – 100,000 | – 36,917 | – 100,000 |
| Tactical Personal Communications | | +10,000 | | +6,000 |
| Applique | | +2,600 | | +2,600 |
| Tactical Internet | | +6,000 | | +6,000 |
| (Note: The conferees do not agree with the House direction requiring the Army to establish a Battlefield Acquisition Program Office.) | | | | |
| Missile/Air Defense Product Improvement | 17,412 | 27,412 | 31,412 | 31,412 |
| Patriot upgrade | | +10,000 | +10,000 | +10,000 |
| Stinger target acquisition sensor study and Stinger Blk II pre-EMD efforts | | | +4,000 | +4,000 |
| Joint Tactical Ground System | 3,195 | 6,195 | 3,195 | 5,195 |
| Phase II P31 | | | | |
| End Item Industrial Preparedness | 44,326 | 54,326 | 57,326 | 66,326 |
| M829E3 munitions development | | +5,000 | | +5,000 |
| Munitions manufacturing technology | | +5,000 | | +3,000 |
| Instrumented Factory for Gears (INFAC) | | | +4,000 | +3,000 |
| Total integration munitions engineering | | | +5,000 | +8,000 |
| Electronic Circuit Board Manufacturing Development Center | | | +4,000 | +3,000 |
| Radio Frequency | 0 | 0 | 0 | 1,700 |
| (Note: Funds have been transferred from Other Procurement, Army.) | | | | |
| Lightweight laser designator range finder | 0 | 0 | 0 | 2,800 |
| (Note: Funds have been transferred from Other Procurement, Army.) | | | | |
| Combat synthetic training assessment range | 0 | 0 | 0 | 5,400 |
| (Note: Funds have been transferred from Other Procurement, Army.) | | | | |
| Army Airborne Command & Control | 0 | 0 | 0 | 11,000 |
| (Note: Funds have been transferred from Other Procurement, Army.) | | | | |

ARMY HIGH PERFORMANCE COMPUTING RESEARCH

The conferees urge the Army to provide within the defense research sciences program element, $750,000 to hook up four historically-black colleges with the Army High Performance Computing Center in Minneapolis and $500,000 for work stations at these colleges to optimize the use of the new computing facilities which were made available through the fiscal year 1997 defense appropriations act.

ENVIRONMENTAL QUALITY TECHNOLOGY

The conferees agree to provide $4,000,000 in the Army Environmental Quality Technology line only to develop computer-based land management modeling projects designed to help reduce time and costs associated with recovery of military training areas. The conferees expect the U.S. Army Construction Engineering Research Laboratory to prudently manage this additional funding to achieve maximum results.

MEDICAL TECHNOLOGY

VOLUMETRICALLY CONTROLLED MANUFACTURING

The conferees have provided $2,500,000 only for the development of a prototype artificial hip using multidimensional volumetrically controlled manufacturing of synthetic materials.

MEDICAL ADVANCED TECHNOLOGY

COLLABORATIVE EFFORTS IN TELEMEDICINE

The conferees recognize the need to continue establishment of collaborative efforts for design of a telemedicine trauma/emergency medical services system to provide necessary diagnostic and treatment interventions and improve medical outcomes. This effort should include participation by appropriate DoD agencies and public/institutions.

PROSTATE DIAGNOSTIC IMAGING

The conferees are concerned about the quality and efficacy of prostate diagnostic imaging, and believe that prostate cancer detection and treatment would greatly benefit from more accurate and refined equipment and procedures. The conferees direct the Army to establish a public/private research project in coordination with appropriate Government agencies and private institutions to explore promising technologies for improvement of prostate diagnostic imaging. The conferees provide $5,000,000 only for this purpose in the Medical Advanced Technology line. The conferees expect funding management to be accomplished by Walter Reed Army Medical Center.

DIAGNOSTIC IMAGING TECHNOLOGY

The conferees recognize the excellent work being conducted at Walter Reed in diagnostic imaging technology and direct that a Diagnostic Imaging Technology Center of Excellence be established at Walter Reed Army Hospital and that the Army be the lead agent in this endeavor. All DoD efforts in this area should be coordinated with the center. In this vein, the conferees are extremely encouraged with the potential benefits of the Volume Angio CAT (VAC) and have provided an additional $4,000,000 to continue efforts on this promising imaging technology.

PERISCOPIC MINIMALLY-INVASIVE SURGERY

The conferees agree to provide $3,000,000 in the Army Medical Technology line only to pursue further development of minimally-invasive surgery techniques. The conferees believe greater understanding of this cutting-edge technology could result in significant benefits for US armed forces.

AVIATION ADVANCED TECHNOLOGY

OUTRIDER TUAV

The conferees agree to provide $45,000,000 to continue the development, testing and evaluation of the Outrider tactical unmanned aerial vehicle (TUAV). The conferees direct the Secretary of the Army submit an acquisition strategy to the Committees on Appropriations of the House and Senate after the user-testing and evaluation are completed.

MUNITIONS STANDARDIZATION, EFFECTIVENESS AND SAFETY

The conferees are aware of the need to close and clean up the open pit burning ground currently being used to dispose of explosive waste at Picatinny Arsenal. The Army has concluded that additional funds are needed to complete the construction of the Explosive Waste Incinerator and the conferees agree to provide $1,100,000 only to finish this project.

MATTRACKS

The conferees urge the Army to begin development testing of the MATTRACKS track system within available research, development, test and evaluation funding. The MATTRACKS track system, which has been control tested by the Army and Marine Corps with excellent results, appears to have great value for military uses particularly mine clearing efforts.

## RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY

The conference agreement is as follows:

[In thousands of dollars]

| | Budget | House | Senate | Conference |
|---|---|---|---|---|
| RESEARCH DEVELOPMENT TEST & EVAL NAVY: | | | | |
| IN-HOUSE INDEPENDENT LABORATORY RESEARCH | 15,834 | 14,683 | 15,834 | 14,683 |
| DEFENSE RESEARCH SCIENCES | 366,283 | 336,463 | 366,283 | 334,463 |
| SURFACE/AEROSPACE SURVEILLANCE AND WEAPONS TECHNOLOGY | 32,273 | 29,273 | 32,273 | 29,273 |
| SURFACE SHIP TECHNOLOGY | 46,859 | 53,859 | 52,859 | 50,359 |
| AIRCRAFT TECHNOLOGY | 23,590 | 25,390 | 23,590 | 25,390 |
| COMMAND, CONTROL, AND COMMUNICATIONS TECHNOLOGY | 65,566 | 59,566 | 56,566 | 56,566 |
| READINESS, TRAINING, AND ENVIRONMENTAL QUALITY TECHNOLOGY | 31,762 | 47,362 | 31,762 | 39,362 |
| MATERIALS, ELECTRONICS AND COMPUTER TECHNOLOGY | 76,653 | 73,653 | 80,153 | 75,503 |
| ELECTRONIC WARFARE TECHNOLOGY | 22,810 | 21,810 | 22,810 | 21,810 |
| UNDERSEA SURVEILLANCE WEAPON TECHNOLOGY | 51,033 | 46,033 | 51,033 | 46,033 |
| MINE COUNTERMEASURES, MINING AND SPECIAL WARFARE | 42,737 | 42,737 | 21,600 | 42,737 |
| OCEANOGRAPHIC AND ATMOSPHERIC TECHNOLOGY | 48,211 | 77,711 | 66,961 | 73,711 |
| UNDERSEA WARFARE WEAPONRY TECHNOLOGY | 35,736 | 31,736 | 43,736 | 37,736 |
| AIR SYSTEMS AND WEAPONS ADVANCED TECHNOLOGY | 35,093 | 41,193 | 27,693 | 35,693 |
| PRECISION STRIKE AND AIR DEFENSE | 43,320 | 44,320 | 43,320 | 44,320 |
| ADVANCED ELECTRONIC WARFARE TECHNOLOGY | 18,144 | 17,144 | 18,144 | 17,144 |
| SHIP PROPULSION SYSTEM | 39,737 | 34,737 | 49,737 | 49,737 |
| MARINE CORPS ADVANCED TECHNOLOGY DEMONSTRATION (ATD) | 34,178 | 63,478 | 51,178 | 61,678 |
| MEDICAL DEVELOPMENT | 18,332 | 72,732 | 19,632 | 70,232 |
| MANPOWER, PERSONNEL AND TRAINING ADV TECH DEV | 18,812 | 20,502 | 20,042 | 22,502 |
| ENVIRONMENTAL QUALITY AND LOGISTICS ADVANCED TECHNOLOGY | 18,249 | 18,999 | 28,249 | 26,249 |
| UNDERSEA WARFARE ADVANCED TECHNOLOGY | 54,785 | 46,385 | 46,385 | 49,385 |
| SHALLOW WATER MCM DEMOS | 41,602 | 38,352 | 41,602 | 38,352 |
| ADVANCED TECHNOLOGY TRANSITION | 87,285 | 75,052 | 72,285 | 76,285 |
| C3 ADVANCED TECHNOLOGY | 23,768 | 22,368 | 23,768 | 22,368 |
| AVIATION SURVIVABILITY | 7,859 | 16,959 | 7,859 | 16,959 |
| ASW SYSTEMS DEVELOPMENT | 22,869 | 26,669 | 22,869 | 24,869 |
| SURFACE AND SHALLOW WATER MINE COUNTERMEASURES | 58,231 | 71,131 | 76,431 | 73,631 |
| ADVANCED SUBMARINE COMBAT SYSTEMS DEVELOPMENT | 61,122 | 62,422 | 61,122 | 62,422 |
| CARRIER SYSTEMS DEVELOPMENT | 98,587 | 10,187 | 115,587 | 20,587 |
| SHIPBOARD SYSTEM COMPONENT DEVELOPMENT | 19,194 | 22,694 | 19,194 | 22,694 |
| ADVANCED SUBMARINE SYSTEM DEVELOPMENT | 59,067 | 162,067 | 59,067 | 114,000 |
| SHIP PRELIMINARY DESIGN & FEASIBILITY STUDIES | 38,682 | 38,682 | 63,682 | 53,682 |
| ADVANCED SURFACE MACHINERY SYSTEMS | 49,741 | 44,741 | 49,741 | 47,741 |
| CONVENTIONAL MUNITIONS | 34,190 | 38,190 | 34,190 | 38,390 |
| ADVANCED WARHEAD DEVELOPMENT (MK-50) | 2,012 | .......... | 2,012 | .......... |
| MARINE CORPS ASSAULT VEHICLES | 60,134 | 70,134 | 60,134 | 68,134 |
| MARINE CORPS GROUND COMBAT/SUPPORT SYSTEM | 36,464 | 40,064 | 36,464 | 40,064 |
| COOPERATIVE ENGAGEMENT | 139,229 | 223,229 | 149,229 | 213,229 |
| ENVIRONMENTAL PROTECTION | 52,401 | 56,401 | 54,401 | 58,401 |
| FACILITIES IMPROVEMENT | 1,720 | 6,720 | 1,720 | 6,720 |
| RETRACT ELM | 21,822 | 24,522 | 21,822 | 24,522 |
| NATO RESEARCH AND DEVELOPMENT | 13,330 | .......... | 13,330 | 10,000 |
| LAND ATTACK TECHNOLOGY | 37,809 | 81,909 | 37,809 | 60,809 |
| JOINT STRIKE FIGHTER (JSF)—DEM/VAL | 448,855 | 448,855 | 476,855 | 463,855 |
| SPACE AND ELECTRONIC WARFARE (SEW) ARCHITECTURE/ENGINE | 4,705 | 4,705 | 9,705 | 7,705 |
| OTHER HELO DEVELOPMENT | 73,354 | 85,354 | 113,304 | 130,191 |
| STANDARDS DEVELOPMENT | 36,297 | 40,297 | 38,297 | 38,297 |
| S-3 WEAPON SYSTEM IMPROVEMENT | 4,735 | 4,735 | 930 | 930 |
| P-3 MODERNIZATION PROGRAM | 3,191 | 3,191 | 15,191 | 13,191 |
| TACTICAL COMMAND SYSTEM | 31,518 | 41,518 | 31,518 | 36,518 |
| H-1 UPGRADES | 80,735 | 86,335 | 80,735 | 86,335 |
| ACOUSTIC SEARCH SENSORS | 16,947 | 20,947 | 16,947 | 18,947 |
| AIR CREW SYSTEMS DEVELOPMENT | 12,111 | 18,111 | 12,111 | 18,111 |
| EW DEVELOPMENT | 101,803 | 104,603 | 91,127 | 99,127 |
| SURFACE COMBATANT COMBAT SYSTEM ENGINEERING | 87,934 | 142,134 | 122,934 | 148,134 |
| ARSENAL SHIP | 102,994 | .......... | 75,994 | 35,000 |
| LPD-17 CLASS SYSTEMS INTEGRATION | 471 | 13,471 | 471 | 13,471 |
| TRI-SERVICE STANDOFF ATTACK MISSILE | 9,644 | .......... | 5,456 | 5,456 |
| VLA UPGRADE | .......... | 12,000 | .......... | 9,000 |
| AIRBORNE MCM | 16,503 | 19,503 | 16,503 | 18,503 |
| SSN-688 AND TRIDENT MODERNIZATION | 42,294 | 52,294 | 67,294 | 57,294 |
| SUBMARINE COMBAT SYSTEM | 23,701 | 2,366 | 23,701 | 18,701 |
| NEW DESIGN SSN | 311,076 | 331,076 | 316,076 | 323,076 |
| SSN-21 DEVELOPMENTS | 49,542 | 12,332 | 49,542 | 49,542 |
| SHIP CONTRACT DESIGN/LIVE FIRE T&E | 75,713 | 64,713 | 100,713 | 92,713 |
| NAVY TACTICAL COMPUTER RESOURCES | 4,794 | 39,294 | 4,794 | 35,294 |

[In thousands of dollars]

| | Budget | House | Senate | Conference |
|---|---|---|---|---|
| LIGHTWEIGHT TORPEDO DEVELOPMENT | 17,290 | 19,302 | 17,290 | 19,302 |
| NAVY ENERGY PROGRAM | 2,088 | 2,088 | 4,588 | 2,088 |
| JOINT STANDOFF WEAPON SYSTEMS | 71,526 | 71,526 | 71,526 | 80,526 |
| SHIP SELF DEFENSE—EMD | 132,270 | 190,870 | 134,270 | 163,270 |
| MEDICAL DEVELOPMENT | 3,620 | 16,920 | 3,620 | 16,920 |
| DISTRIBUTED SURVEILLANCE SYSTEM | 33,048 | 43,448 | 23,048 | 43,448 |
| TARGET SYSTEMS DEVELOPMENT | 48,308 | 45,408 | 45,308 | 45,408 |
| MAJOR T&E INVESTMENT | 33,236 | 39,236 | 33,236 | 36,236 |
| STUDIES AND ANALYSIS SUPPORT—NAVY | 8,755 | 6,679 | 8,755 | 6,679 |
| TECHNICAL INFORMATION SERVICES | 8,763 | 763 | 8,763 | 3,263 |
| RDT&E SCIENCE AND TECHNOLOGY MANAGEMENT | 57,591 | 55,961 | 57,591 | 55,961 |
| TEST AND EVALUATION SUPPORT | 263,934 | 235,908 | 251,934 | 246,934 |
| MARINE CORPS PROGRAM WIDE SUPPORT | 8,207 | 12,707 | 8,207 | 12,707 |
| F/A–18 SQUADRONS | 316,976 | 207,776 | 290,976 | 293,976 |
| TOMAHAWK AND TOMAHAWK MISSION PLANNING CENTER (TMPC) | 93,359 | 91,500 | 93,359 | 91,500 |
| CONSOLIDATED TRAINING SYSTEMS DEVELOPMENT | 58,956 | 36,456 | 63,956 | 68,956 |
| HARM IMPROVEMENT | 6,169 | 41,169 | 6,169 | 41,169 |
| AVIATION IMPROVEMENTS | 60,025 | 51,025 | 60,025 | 51,025 |
| NAVY SCIENCE ASSISTANCE PROGRAM | ............ | ............ | 12,000 | 12,000 |
| MARINE CORPS COMMUNICATIONS SYSTEMS | 38,296 | 45,296 | 40,296 | 45,296 |
| MARINE CORPS GROUND COMBAT/SUPPORTING ARMS SYSTEMS | 12,568 | 14,668 | 12,568 | 14,668 |
| DEFENSE METEOROLOGICAL SATELLITE PROGRAM (SPACE) | 3,165 | 1,198 | 3,165 | 1,198 |
| INDUSTRIAL PREPAREDNESS | ............ | 55,000 | 54,000 | 55,000 |
| CLASSIFIED PROGRAM | 488,489 | 531,489 | 188,489 | 494,989 |
| ECONOMIC ASSUMPTIONS | ............ | ............ | −18,000 | −18,000 |

## EXPLANATION OF PROJECT LEVEL ADJUSTMENTS

[In thousands of dollars]

| | FY 98 budget | House | Senate | Conference |
|---|---|---|---|---|
| DEFENSE RESEARCH SCIENCES | 336,283 | 336,463 | 366,283 | 334,463 |
| General reduction | ............ | −39,820 | ............ | −39,820 |
| Molecular Design Institute | ............ | 10,000 | ............ | 8,000 |
| SURFACE SHIP TECHNOLOGY | 46,859 | 53,859 | 52,859 | 50,359 |
| General reduction | ............ | −5,000 | ............ | −5,000 |
| Power electronic building blocks | ............ | 6,000 | 6,000 | 6,000 |
| Power node control centers | ............ | 1,500 | ............ | 1,500 |
| Micromechanical systems/damage tolerant networks | ............ | 2,500 | ............ | 0 |
| Underwater vehicle derived control technology | ............ | 2,000 | ............ | 1,000 |
| READINESS, TRAINING, AND ENVIRONMENTAL QUALITY TECH | 31,762 | 47,362 | 31,762 | 39,362 |
| General reduction | ............ | −3,000 | ............ | −3,000 |
| JMLS ACTD for sea-state 3 lighterage | ............ | 16,000 | ............ | 8,000 |
| Smart aircrew integrated life support system | ............ | 2,600 | ............ | 2,600 |
| MATERIALS, ELECTRONICS AND COMPUTER TECHNOLOGY | 76,653 | 73,653 | 80,153 | 75,503 |
| General reduction | ............ | −7,000 | ............ | −10,000 |
| Resin transfer molding/carbon fibers | ............ | 2,000 | 2,000 | 2,000 |
| Composite storage capsule | ............ | 2,000 | ............ | 2,000 |
| Vacuum electronics | ............ | ............ | −4,000 | −3,000 |
| Photomagnetic research | ............ | ............ | 350 | 350 |
| Plasma quench technology | ............ | ............ | 3,000 | 2,000 |
| Advanced Material Intelligent Processing Center | ............ | ............ | 2,500 | 2,500 |
| Terfenol-D | ............ | ............ | ............ | 3,000 |
| OCEANOGRAPHIC AND ATMOSPHERIC TECHNOLOGY | 48,211 | 77,711 | 66,961 | 73,711 |
| Autonomous underwater vehicle/sensor development | ............ | 10,000 | ............ | 10,000 |
| Ocean partnerships | ............ | 16,000 | 16,000 | 12,000 |
| Naval Surface Warfare Center South Florida Test Facility | ............ | 2,750 | 2,750 | 2,750 |
| PM–10 | ............ | 750 | 750 | 750 |
| Arctic research | ............ | (2,000) | ............ | (2,000) |
| UNDERSEA WARFARE WEAPONRY TECHNOLOGY | 35,736 | 31,736 | 43,736 | 37,736 |
| General reduction | ............ | −4,000 | ............ | −4,000 |
| COTS airgun as an acoustic source | ............ | (5,000) | ............ | 0 |
| 6.25" torpedo project | ............ | ............ | 4,000 | ............ |
| Undersea warfare and weapons technology | ............ | ............ | 4,000 | 3,000 |
| AIR SYSTEMS AND WEAPONS ADVANCED TECHNOLOGY | 35,093 | 41,193 | 27,693 | 35,693 |
| Maritime avionics subsystems and technology | ............ | 11,500 | ............ | 7,000 |
| Integrated high payoff rocket technology | ............ | 2,000 | ............ | 1,000 |
| General reduction | ............ | −7,400 | ............ | −7,400 |
| Integrated HP turbine engine technology | ............ | ............ | −7,400 | ............ |
| SHIP PROPULSION SYSTEM | 39,737 | 34,737 | 49,737 | 49,737 |
| Active control of machinery rafts | ............ | 5,000 | ............ | 5,000 |
| General reduction | ............ | −10,000 | ............ | −5,000 |
| Composite helicopter hanger | ............ | ............ | 10,000 | 10,000 |
| MARINE CORPS ADVANCED TECHNOLOGY DEMONSTRATION (ATD) | 34,178 | 63,478 | 51,178 | 61,678 |
| Commandant's Warfighting Lab | ............ | 20,300 | 15,000 | 17,500 |
| SMAW–CS product improvement program | ............ | 5,000 | ............ | 5,000 |
| 2 KW proton exchange membrane fuel cell | ............ | 4,000 | ............ | 3,000 |
| CARS | ............ | ............ | 2,000 | 2,000 |
| Modeling/simulation | ............ | ............ | (2,450) | (2,450) |
| MEDICAL DEVELOPMENT | 18,332 | 72,732 | 19,632 | 70,232 |
| Bone marrow | ............ | 34,000 | ............ | 34,000 |
| National Biodynamics Lab | ............ | 2,600 | ............ | 2,600 |
| Biocide materials research | ............ | 5,500 | ............ | 5,500 |
| Freeze dried blood | ............ | 2,500 | 2,500 | 1,500 |
| Dental research | ............ | 4,000 | ............ | 2,000 |
| Mobile medical monitor | ............ | 4,000 | ............ | 2,000 |
| Rural health | ............ | 3,000 | ............ | 3,000 |
| Natural gas cooling/desiccant demonstration | ............ | ............ | ............ | 2,500 |
| Fleet health | ............ | −1,200 | −1,200 | −1,200 |
| MANPOWER, PERSONNEL AND TRAINING ADV TECH DEV | 18,812 | 20,502 | 20,042 | 22,502 |
| Virtual reality environment/training research | ............ | 3,690 | 1,230 | 3,690 |
| Center for integrated Manufacturing Studies | ............ | ............ | ............ | 2,000 |
| General reduction | ............ | −2,000 | ............ | −2,000 |
| ENVIRONMENTAL QUALITY AND LOGISTICS ADVANCED TECH | 18,249 | 18,999 | 28,249 | 26,249 |
| 250KW proton exchange membrane fuel cell | ............ | 1,750 | 1,750 | 1,750 |
| Visualization of technical information | ............ | 1,000 | 2,000 | 2,000 |
| General reduction | ............ | −2,000 | ............ | −2,000 |
| Smart base | ............ | ............ | 6,250 | 6,250 |
| UNDERSEA WARFARE ADVANCED TECHNOLOGY | 54,785 | 46,385 | 46,385 | 49,385 |
| General reduction | ............ | −8,400 | ............ | 0 |
| Shallow water surveillance technology | ............ | ............ | −3,000 | −3,000 |
| Beartrap advanced technology | ............ | ............ | −5,400 | −5,400 |
| COTS airgun as an acoustic source | ............ | ............ | ............ | 3,000 |
| ADVANCED TECHNOLOGY TRANSITION | 87,285 | 73,052 | 72,285 | 76,285 |

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS—Continued

[In thousands of dollars]

| | FY 98 budget | House | Senate | Conference |
|---|---|---|---|---|
| General reduction | | −18,233 | −20,000 | −20,000 |
| High frequency surface wave radar | | 4,000 | (4,000) | 4,000 |
| SWATH technology development | | | 5,000 | 5,000 |
| Affordable array | | | (4,900) | (4,900) |
| ASW SYSTEMS DEVELOPMENT | 22,869 | 26,669 | 22,869 | 24,869 |
| Geopositioning for the air deployable low frequency projector | | 3,800 | | 2,000 |
| SURFACE AND SHALLOW WATER MINE COUNTERMEASURES | 58,231 | 71,131 | 76,431 | 73,631 |
| Remote minehunting system | | 7,900 | 7,900 | 7,900 |
| Integrated combat weapon system | | 5,000 | 10,300 | 7,500 |
| ADVANCED SUBMARINE COMBAT SYSTEMS DEVELOPMENT | 61,122 | 62,422 | 61,122 | 62,422 |
| Lightweight wide aperture advanced array, fiber optic | | 4,000 | | 4,000 |
| Savings identified by GAO | | −2,700 | | −2,700 |
| CARRIER SYSTEMS DEVELOPMENT | 98,587 | 10,187 | 115,587 | 20,587 |
| CVX | | −88,400 | | −78,000 |
| CVN–77 | | | 17,000 | 0 |
| SHIPBOARD SYSTEM COMPONENT DEVELOPMENT | 19,194 | 22,694 | 19,194 | 22,694 |
| Direct carbonate fuel cell powerplant/ship electric service | | 3,500 | 1,000 | 3,500 |
| COOPERATIVE ENGAGEMENT | 139,229 | 223,229 | 149,229 | 213,229 |
| E–2/CEC integration | | 20,000 | | 10,000 |
| TBMD/CEC integration | | 15,000 | | 15,000 |
| Low cost common equipment set | | 15,000 | | 15,000 |
| Reduced schedule risk/logistics support | | 13,000 | | 13,000 |
| SSDE/CEC integration | | 5,000 | | 5,000 |
| Hawk/CEC integration | | 5,000 | | 3,000 |
| Design agent transfer | | 5,000 | | 0 |
| Fleet exercises | | 3,000 | | 3,000 |
| LAMPS data link | | 3,000 | | 0 |
| Space | | | 10,000 | 10,000 |
| ENVIRONMENTAL PROTECTION | 52,401 | 56,401 | 54,401 | 58,401 |
| Resource recovery technology center | | 4,000 | | 4,000 |
| Asbestos removal | | | 2,000 | 2,000 |
| Hospital desiccant demonstration | | | (1,500) | 0 |
| FACILITIES IMPROVEMENT | 1,720 | 6,720 | 1,720 | 6,720 |
| Engineered lumber development | | 5,000 | | 5,000 |
| (NOTE: Funds for engineered lumber developoment are only to complete the ongoing effort already under contract by the Navy for cost-shared development and deployment of carbon fiber-reinforced, recycled thermoplastic engineered lumber which incorporates chemically treated waste-wood materials.) | | | | |
| LAND ATTACK TECHNOLOGY | 37,809 | 81,909 | 37,809 | 60,809 |
| Extended range guided munition | | 15,100 | | 8,000 |
| MEMS guidance and control | | 5,000 | | 2,000 |
| Land attack Standard Missile | | 4,000 | | 3,000 |
| Navy ATACMS | | 20,000 | | 10,000 |
| JOINT STRIKE FIGHTER (JSF)—DEM/VAL | 448,855 | 448,855 | 476,855 | 463,855 |
| Eddy current sensor/eddy current array sensor | | (6,000) | | (6,000) |
| Engine turbine fan improvement | | (1,000) | | (1,000) |
| Alternative engine | | | 28,000 | 15,000 |
| (NOTE: Projects which are directed to be funded from within available funds may not be financed by decrements to DARPA programs.) | | | | |
| OTHER HELO DEVELOPMENT | 73,354 | 85,354 | 113,304 | 130,191 |
| SH–60R block II | | 7,000 | 25,000 | 15,000 |
| Air interoperability center | | 5,000 | 5,000 | 5,000 |
| Parametric airborne dipping sonar | | | 10,000 | 5,000 |
| CH–60 development. | | | | |
| (NOTE: CH–60 funds are transferred form Aircraft Procurement, Navy) | | | | |
| STANDARDS DEVELOPMENT | 36,297 | 40,297 | 38,297 | 38,297 |
| Ground Proximity Warning System | | 4,000 | | 0 |
| ICAS | | | 2,000 | 2,000 |
| (NOTE: Funds for ground proximity warning system ar funded in Aircraft Procurement, Navy) | | | | |
| S–3 WEAPON SYSTEM IMPROVEMENT | 4,735 | 4,735 | 930 | 930 |
| Common support aircraft | | | −3,805 | −3,805 |
| (NOTE: Reduction to common support aircraft is made without prejudice.) | | | | |
| EW DEVELOPMENT | 101,803 | 104,603 | 91,127 | 99,127 |
| Precision targeting | | 2,800 | | 2,000 |
| Joint emitter targeting system | | | −2,000 | −2,000 |
| Common missile warning system | | | −6,000 | 0 |
| ICAP III | | | −2,676 | −2,676 |
| SURFACE COMBATANT COMBAT SYSTEM ENGINEERING | 87,934 | 142,134 | 122,934 | 148,134 |
| TBMD/UYQ–70 architecture | | 43,000 | | 38,000 |
| Program shortfalls | | 14,000 | | 0 |
| Postponed sea test | | −2,800 | | −2,800 |
| High power discriminator | | | 35,000 | 25,000 |
| NEW DESIGN SSN | 311,076 | 331,076 | 316,076 | 323,076 |
| ASTECS/integrated mast | | 17,000 | | 8,000 |
| Sonar domes | | 3,000 | 5,000 | 4,000 |
| SHIP CONTRACT DESIGN/LIVE FIRE T&E | 75,713 | 64,713 | 100,713 | 92,713 |
| CVN–77 | | 17,000 | | 17,000 |
| DD–21 | | −28,000 | 25,000 | 0 |
| NAVY TACTICAL COMPUTER RESOURCES | 4,794 | 39,294 | 4,794 | 35,294 |
| UYQ–70 for submarines | | 17,500 | | 17,500 |
| Virtual prototyping of electronic circuits | | 10,000 | | 6,000 |
| UYQ–70 for USMC expeditionary force | | 7,000 | | 7,000 |
| NAVY ENERGY PROGRAM | 2,088 | 2,088 | 4,588 | 2,088 |
| Natural gas coiling/desiccant demonstration | | | 2,500 | 0 |
| (NOTE: Funds for natural gas cooling/desiccant demonstration are provided in Medical Development) | | | | |
| SHIP SELF DEFENSE—EMD | 132,270 | 190,870 | 134,270 | 163,270 |
| QRCC | | 19,000 | | 10,000 |
| Test ship | | 12,000 | | 6,000 |
| Wallps Island test operations | | 8,600 | | 4,000 |
| SPQ–9B | | 9,000 | | 5,000 |
| IRST | | 10,000 | | 4,000 |
| Nulka | | | 2,000 | 2,000 |
| DISTRIBUTED SURVEILLANCE SYSTEM | 33,048 | 43,448 | 23,048 | 43,448 |
| AODS integration into ADS | | 7,800 | | 7,800 |
| ADS algorithms | | 2,600 | | 2,600 |
| General reduction | | | −10,000 | 0 |
| TARGET SYSTEMS DEVELOPMENT | 48,308 | 45,408 | 45,308 | 45,408 |
| Non-cooperative airborne vector scorer | | −2,900 | | −2,900 |
| General reduction | | | −3,000 | 0 |
| TEST AND EVALUATION SUPPORT | 263,934 | 235,908 | 251,934 | 246,934 |
| General reduction | | −30,026 | −12,000 | −18,000 |
| Safety items | | 2,000 | | 1,000 |
| F/A–18 SQUADRONS | 316,976 | 207,776 | 290,976 | 293,976 |
| Management reserves | | −114,200 | −26,000 | −26,000 |
| TARPS | | 5,000 | | 3,000 |
| CONSOLIDATED TRAINING SYSTEMS DEVELOPMENT | 58,956 | 36,456 | 63,956 | 68,956 |
| JTCTS | | −27,500 | | 0 |
| BFTT | | 5,000 | | 5,000 |

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS—Continued

[In thousands of dollars]

| | FY 98 budget | House | Senate | Conference |
|---|---|---|---|---|
| PMRF sensors | .......... | .......... | 5,000 | 5,000 |
| INDUSTRIAL PREPAREDNESS | 0 | 55,000 | 54,000 | 55,000 |
| General increase | .......... | 55,000 | 50,000 | .......... |
| Center for Integrated Manufacturing Studies | .......... | .......... | 4,000 | 0 |
| (NOTE: Funds for the Center for Integrated Manufacturing Studies is provided in Manpower, Personnel, and Training Advanced Technology Development.) | | | | |

AIRCRAFT TECHNOLOGY

The conferees direct that the Navy Vectored Thrust Ducted Propeller (VTDP) compound helicopter program focus the current VTDP technology development program on utilization of the H-60 helicopter as the demonstration platform. The conferees further direct that from within available funds $200,000 is only for the Navy's H-60 program office (PMA-299) to manage the VTDP program and all current and prior year funds appropriated for this program.

MATERIALS, ELECTRONICS, AND COMPUTER TECHNOLOGY

The conferees agree to provide $3,000,000 for Terfenol-D, which is used in Navy sonar programs. The conferees direct that this amount shall be available only to allow the Navy to achieve further cost reductions in the application of a magnetostrictive, iron/terbium/dysprosium alloy for new high performance sonar systems. The conferees further direct that such effort shall be undertaken through a partnership between any entity which has made a financial commitment and has experience in the production of such an alloy and the National Center for Excellence in Metal Working Technology.

NAVY AIRCREW EJECTION SEATS

The conferees believe the Navy must place greater emphasis on aircrew protection and safety, a problem that is of growing concern with the introduction of lighter-weight crew members. In fiscal year 1997, the Congress appropriated an additional $5,000,000 to initiate Phase II of the Navy Aircrew Escape System (NACES) P3I program. The conferees are disappointed that this effort has not yet begun, particularly in light of technological advancements in propulsive stabilization and sensors that could substantially decrease the technical risk of resolving the safety shortcomings of the NACES. These same advances may also be applicable to making needed safety improvements in the GRU-7 seat flying in the EA-6B aircraft.

The conferees are aware of Navy plans to restructure the NACES P3I program. While voicing no objection at this time, the conferees expect that the restructured effort be conducted in a manner to include a flight demonstration of the life-saving benefits of these technologies to existing ejection seats, and that EMD planning for introduction to the fleet be completed. The conference agreement includes an additional $6,000,000 only to accelerate the NACES P3I program to include demonstrated propulsive stabilization solutions.

NON-MAGNETIC, STAINLESS STEEL ADVANCED DOUBLE HULL WARSHIP DESIGN

The conferees note the technical challenge that the Navy faces in the design and manufacture of very large and complex structural systems that have historically been made of traditional steel materials but are now incorporating the use of more advanced materials like non-magnetic steels. The joining of the advanced double hull concept with non-magnetic steel offers the potential to reduce acquisition and operation costs and to improve survivability. The conferees direct the Navy to study this design on the DD-21 and to explore the opportunities available with existing Centers of Excellence that have capability in non-magnetic, stainless steel advanced double hull warship design.

DISTRIBUTED SURVEILLANCE SYSTEM

The conferees agree to provide $43,448,000, of which $7,800,000 shall be for the testing and packaging of the all-optical deployable system into an advanced deployable system (ADS) and at least $7,000,000 shall be for the development of signal processing and detection algorithms for the ADS.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE

The conference agreement is as follows:

[In thousands of dollars]

| | Budget | House | Senate | Conference |
|---|---|---|---|---|
| RESEARCH DEVELOPMENT TEST & EVAL AF | | | | |
| DEFENSE RESEARCH SCIENCES | 226,832 | 183,332 | 222,249 | 207,249 |
| MATERIALS | 70,224 | 73,224 | 71,224 | 73,224 |
| ARMSTRONG LAB EXPLORATORY DEVELOPMENT | 76,102 | 76,102 | 79,102 | 76,102 |
| AEROSPACE PROPULSION | 69,303 | 69,303 | 60,577 | 60,577 |
| AEROSPACE AVIONICS | 69,401 | 68,061 | 66,484 | 64,144 |
| HYPERSONIC TECHNOLOGY PROGRAM | 9,840 | 9,840 | 12,840 | 9,840 |
| PHILLIPS LAB EXPLORATORY DEVELOPMENT | 111,136 | 131,636 | 112,009 | 127,259 |
| COMMAND CONTROL AND COMMUNICATIONS | 86,067 | 89,067 | 86,067 | 88,567 |
| ADVANCED MATERIALS FOR WEAPON SYSTEMS | 20,596 | 26,596 | 30,096 | 28,096 |
| AEROSPACE PROPULSION SUBSYSTEMS INTEGRATION | 30,564 | 28,318 | 27,031 | 24,785 |
| AEROSPACE STRUCTURES | 15,032 | 10,423 | 15,032 | 10,423 |
| AEROSPACE PROPULSION AND POWER TECHNOLOGY | 37,014 | 37,014 | 35,183 | 35,183 |
| CREW SYSTEMS AND PERSONNEL PROTECTION TECHNOLOGY | 17,204 | 26,204 | 17,204 | 26,204 |
| FLIGHT VEHICLE TECHNOLOGY INTEGRATION | 7,795 | 6,423 | 7,795 | 6,423 |
| ELECTRONIC COMBAT TECHNOLOGY | 25,621 | 30,871 | 24,121 | 34,371 |
| SPACE AND MISSILE ROCKET PROPULSION | 16,247 | 30,047 | 16,247 | 18,147 |
| BALLISTIC MISSILE TECHNOLOGY | .......... | 8,000 | .......... | 8,000 |
| ADVANCED SPACECRAFT TECHNOLOGY | 40,846 | 72,846 | 100,846 | 98,346 |
| CONVENTIONAL WEAPONS TECHNOLOGY | 26,227 | 28,227 | 23,187 | 24,687 |
| ADVANCED WEAPONS TECHNOLOGY | 41,238 | 56,238 | 59,238 | 55,238 |
| C3 ADVANCED DEVELOPMENT | 12,897 | 12,897 | 13,897 | 13,647 |
| ADVANCED MILSATCOM (SPACE) | 41,448 | 41,000 | 41,448 | 41,000 |
| POLAR ADJUNCT (SPACE) | 29,585 | .......... | 29,585 | 15,000 |
| NATIONAL POLAR-ORBITING OPERATIONAL ENVIRONMENTAL SAT. | 51,504 | 26,504 | 51,504 | 34,004 |
| SPACE BASED INFRARED ARCHITECTURE (SPACE)—DEM/VAL | 222,401 | 217,401 | 222,401 | 217,401 |
| NATO RESEARCH AND DEVELOPMENT | 13,433 | .......... | 13,433 | 11,000 |
| INTERCONTINENTAL BALLISTIC MISSILE—DEM/VAL | 32,837 | 49,337 | 32,837 | 49,337 |
| GLOBAL BROADCAST SERVICE | 56,977 | 46,977 | 56,977 | 56,977 |
| VARIABLE STABILITY IN-FLIGHT SIMULATOR TEST AIRCRAFT | .......... | .......... | 8,000 | 6,000 |
| INTEGRATED AVIONICS PLANNING AND DEVELOPMENT | 16,494 | 12,994 | 16,494 | 16,494 |
| B–1B | 216,886 | 222,886 | 216,886 | 220,886 |
| SPECIALIZED UNDERGRADUATE PILOT TRAINING | 80,238 | 77,238 | 80,238 | 72,238 |
| F–22 EMD | 2,071,234 | 2,077,234 | 1,858,234 | 2,077,234 |
| EW DEVELOPMENT | 78,465 | 65,965 | 82,308 | 80,465 |
| MUNITIONS DISPENSER DEVELOPMENT | 18,076 | 15,900 | 18,076 | 19,676 |
| JOINT DIRECT ATTACK MUNITION | 19,553 | 15,353 | 19,553 | 24,553 |
| LIFE SUPPORT SYSTEMS | 3,726 | 5,726 | 3,726 | 4,726 |
| COMPUTER RESOURCE TECHNOLOGY TRANSITION (CRTT) | 1,459 | 6,459 | 1,459 | 4,459 |
| JOINT AIR-TO-SURFACE STANDOFF MISSILE (JASSM) | 203,321 | .......... | 107,021 | 128,000 |
| JSLAM | .......... | 63,000 | .......... | 43,021 |
| THREAT SIMULATOR DEVELOPMENT | 51,846 | 50,346 | 56,746 | 54,346 |
| MAJOR T&E INVESTMENT | 47,336 | 62,136 | 41,336 | 56,336 |
| TEST AND EVALUATION SUPPORT | 389,348 | 386,348 | 389,348 | 387,848 |
| DEVELOPMENT PLANNING | 6,049 | 6,049 | 4,549 | 4,549 |
| POLLUTION PREVENTION | 5,880 | 5,880 | 10,880 | 9,880 |
| ROCKET SYSTEMS LAUNCH PROGRAM (SPACE) | 8,013 | 33,013 | 8,013 | 28,013 |
| MAINTENANCE AND REPAIR (RPM)—RDT&E | 55,200 | 55,200 | 58,000 | 56,000 |
| ADVANCED MEDIUM RANGE AIR-TO-AIR MISSILE (AMRAAM) | 50,781 | 33,781 | 50,781 | 43,781 |
| AIRCRAFT ENGINE COMPONENT IMPROVEMENT PROGRAM | 93,122 | 115,122 | 93,122 | 103,122 |
| AGM–86C CONVENTIONAL AIR-LAUNCHED CRUISE MISSILE SYS | .......... | 3,500 | 3,500 | .......... |

[In thousands of dollars]

| | Budget | House | Senate | Conference |
|---|---|---|---|---|
| AIRBORNE WARNING AND CONTROL SYSTEM (AWACS) | 46,807 | 47,807 | 46,807 | 46,807 |
| ADVANCED PROGRAM TECHNOLOGY | 95,056 | 95,056 | 71,556 | 100,056 |
| THEATER BATTLE MANAGEMENT (TBM) C4I | 24,013 | 24,013 | 28,013 | 27,013 |
| JOINT SURVEILLANCE AND TARGET ATTACK RADAR SYSTEM | 119,189 | 123,189 | 124,189 | 126,189 |
| ADVANCED PROGRAM EVALUATION | 214,011 | 224,011 | 205,219 | 223,019 |
| WORLD-WIDE MILITARY COMMAND AND CONTROL SYSTEMS | 6,820 | 7,820 | 6,820 | 7,820 |
| AIR TRAFFIC CONTROL, APPROACH, AND LANDING SYSTEM | 6,571 | 6,571 | 13,471 | 13,471 |
| SECURITY AND INVESTIGATIVE ACTIVITIES | 530 | 1,530 | 530 | 3,530 |
| TITAN SPACE VEHICLES (SPACE) | 82,384 | 67,384 | 82,384 | 74,884 |
| DEFENSE AIRBORNE RECONNAISSANCE PROGRAM | | 14,990 | | 14,990 |
| SPACETRACK (SPACE) | 28,573 | 28,573 | 36,073 | 43,073 |
| C–17 AIRCRAFT | 113,605 | 113,605 | 113,605 | 110,605 |
| AIR CARGO MATERIAL HANDLING (463–L) (NON-IF) | 7,947 | 3,447 | 7,947 | 5,947 |
| PRODUCTIVITY, RELIABILITY, AVAILABILITY, MAINTAIN PRO | 1,032 | 12,032 | 11,032 | 19,032 |
| NATO JOINT STARS | 36,061 | 18,061 | 23,061 | 26,061 |
| COBRA BALL (FLD) | | | 12,000 | 12,000 |
| CLASSIFIED PROGRAM | 4,684,348 | 4,633,315 | 4,640,248 | 4,648,415 |
| ECONOMIC ASSUMPTIONS | | | –76,000 | –76,000 |
| GENERAL REDUCTION | | –2,000 | | |

## EXPLANATION OF PROJECT LEVEL ADJUSTMENTS

[In thousands of dollars]

| | Budget | House | Senate | Conference |
|---|---|---|---|---|
| Defense Research Sciences | 226,832 | 183,332 | 222,249 | 207,249 |
| Reduction | | –48,500 | | –18,000 |
| Center for Adaptive Optics | | 5,000 | | 3,000 |
| Sacramento Peak Observatory | | (650) | (650) | (650) |
| Math and computer science | | | –2,755 | –2,755 |
| Electronics | | | –1,828 | –1,828 |
| Materials | 70,224 | 73,224 | 71,224 | 73,224 |
| Composite shelters | | 3,000 | | 2,000 |
| Inorganic/organic optical limiters | | | 1,000 | 1,000 |
| Aerospace Propulsion | 69,303 | 69,303 | 60,577 | 60,577 |
| Turbine engine technology | | | –6,861 | –6,861 |
| High thermal stability hydrocarbon fuel | | | –1,865 | –1,865 |
| Aerospace Avionics | 69,401 | 68,061 | 66,484 | 64,144 |
| Reduction | | –1,340 | | –1,340 |
| Photonic and A-to-D Technology | | | –2,701 | –2,701 |
| Intertial navigation unit components | | | –3,216 | –3,216 |
| Environmental laser mapping | | | 3,000 | 2,000 |
| Hypersonic Technology Program | 9,840 | 9,840 | 12,840 | 9,840 |
| Hypersonic wind tunnel design study | | | 3,000 | 0 |
| Phillips Lab Exploratory Development | 111,136 | 131,636 | 112,009 | 127,259 |
| Phase III terabit fiber optic technology | | 8,000 | | 6,000 |
| Mightysat | | 10,000 | | 5,000 |
| IHPRPT | | 7,500 | 2,000 | 4,750 |
| Tactical missile propulsion | | | –3,127 | –3,127 |
| Coherent laser diode arrays | | | –3,000 | –1,500 |
| HAARP | | | 5,000 | 5,000 |
| Command Control and Communications | 86,067 | 89,067 | 86,067 | 88,567 |
| Protein memory | | 3,000 | | 2,500 |
| Advanced Materials for Weapon Systems | 20,596 | 26,596 | 30,096 | 28,096 |
| IR signature suppresion coatings | | 6,000 | 6,000 | 5,000 |
| Electrochemical fatigue sensing with mechanical stimulation for turbines | | | 3,500 | 2,500 |
| Aerospace Propulsion Subsystems Integration | 30,564 | 28,318 | 27,031 | 24,785 |
| Reduction | | –2,246 | | –2,246 |
| Aircraft propulsion subsystem | | | –3,533 | –3,533 |
| Aerospace Structures | 15,032 | 10,423 | 15,032 | 10,423 |
| Reduction | | –4,609 | | –4,609 |
| Aerospace Propulsion and Power Technology | 37,014 | 37,014 | 35,183 | 35,183 |
| Advanced turbine engine gas generator | | | –1,831 | –1,831 |
| Crew Systems and Personnel Protection Technology | 17,204 | 26,204 | 17,204 | 26,204 |
| Ejection seat technology | | 5,000 | | 5,000 |
| Helmet display technology | | 3,000 | | 3,000 |
| Laser eye protection | | 1,000 | | 1,000 |
| Flight Vehicle Technology Integration | 7,795 | 6,423 | 7,795 | 6,423 |
| Reduction | | –1,372 | | –1,372 |
| Electronic Combat Technology | 25,621 | 30,871 | 24,121 | 34,371 |
| CLIRCM | | 5,250 | | 3,750 |
| Laser based IR countermeasures | | | –1,500 | 0 |
| ALR–69 PLAID | | | | 5,000 |
| Space and Missile Rocket Propulsion | 16,247 | 30,047 | 16,247 | 18,847 |
| IHPRPT | | 3,800 | | 1,900 |
| Scorpius | | 10,000 | | 0 |
| Ballistic Missile Technology | 0 | 8,000 | 0 | 8,000 |
| Radiation hardened electronics | | 8,000 | | 3,200 |
| Missile Technology Demonstration (MTD) flight testing | | | | 4,800 |
| Advanced Spacecraft Technology | 40,846 | 72,846 | 100,846 | 98,346 |
| Military spaceplane | | 15,000 | | 10,000 |
| Solar thermionics orbital transfer vehicle | | 10,000 | 10,000 | 7,500 |
| Miniature threat satellite reporting system | | 7,000 | | 5,000 |
| Clementine | | | 50,000 | 30,000 |
| Scorpius (transfer from Space and Missile Rocket Propulsion) | | | | 5,000 |
| Conventional Weapons Technology | 26,227 | 28,227 | 23,187 | 24,687 |
| Optical correlator technology | | 2,000 | | 1,500 |
| Next generation air to air threats | | | –3,040 | –3,040 |
| Advanced Weaons Technology | 41,238 | 56,238 | 59,238 | 55,238 |
| Geo space object imaging | | 10,000 | 15,000 | 10,000 |
| LIME | | 5,000 | | 0 |
| High energy laser technology | | | –3,000 | –2,000 |
| Field LADAR Demonstrator (FLD) upgrades | | | 6,000 | 6,000 |
| C3 Advanced Development | 12,897 | 12,897 | 13,897 | 13,647 |
| Survivable asynchronous transfer mode | | | 1,000 | 750 |
| Advanced MILSATCOM (SPACE) | 41,448 | 41,000 | 41,448 | 41,000 |
| Program management | | –448 | | –448 |
| National Polar-Orbiting Operational Environment | 51,504 | 26,504 | 51,504 | 34,004 |
| Schedule delays | | –25,000 | | –17,500 |
| Space and Missile Rocket Propulsion | 222,401 | 217,401 | 222,401 | 217,401 |
| Program management and FFRDC | | –5,000 | | –5,000 |
| NATO Research and Development | 13,433 | 0 | 13,433 | 11,000 |
| Reduction | | –13,433 | | –2,433 |
| Intercontinental Ballistic Missile—DEMVAL | 32,837 | 49,337 | 32,837 | 49,337 |
| Conventional ballistic missle | | 16,500 | | 16,500 |
| Global Broadcast Service | 56,977 | 46,977 | 56,977 | 56,977 |

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS—Continued

[In thousands of dollars]

| | Budget | House | Senate | Conference |
|---|---|---|---|---|
| Schedule delays | | −10,000 | | 0 |
| Integrated Avionics Planning and Development | 16,494 | 12,994 | 16,494 | 16,494 |
| JHMCS EMD Award | | −3,500 | | 0 |
| B–1B | 216,886 | 222,886 | 216,886 | 220,886 |
| ECOs | | −7,000 | | −4,000 |
| JSOW/JSLAM integration | | 13,000 | | 8,000 |
| Specialized Undergraduate Pilot Training | 80,238 | 77,238 | 80,238 | 72,238 |
| T–38 schedule delays | | −3,000 | | −3,000 |
| JPATS GBTS contract savings | | | | −5,000 |
| F–22 EMD | 2,071,234 | 2,077,234 | 1,858,234 | 2,077,234 |
| Out of Production Parts (OPP) redesign | | 6,000 | | 6,000 |
| Termination liability | | | −213,000 | 0 |
| EW Development | 78,465 | 65,965 | 82,308 | 80,465 |
| F–15 IDECM delay | | −6,000 | | −3,000 |
| F–15 CMWS | | −6,500 | | −2,000 |
| CMWS | | | −6,157 | 0 |
| Advanced flares for the C–17 and B–1 | | | 10,000 | 7,000 |
| Munitions Dispenser Development | 18,076 | 15,900 | 18,076 | 19,676 |
| WCMD Contract Savings | | −1,300 | | −1,300 |
| WCMD operational assets | | −862 | | −862 |
| Transfer savings from procurement account | | | | 3,762 |
| Joint Direct Attack Munition | 19,553 | 15,353 | 19,553 | 24,553 |
| Excess funds | | −4,200 | | 0 |
| Transfer from procurement | | | | 5,000 |
| Life Support Systems | 3,726 | 5,726 | 3,726 | 4,726 |
| Ejection seats | | 2,000 | | 1,000 |
| Computer Resource Technology Transition (CRTT) | 1,459 | 6,459 | 1,459 | 4,459 |
| NPLACE/PLAS | | 5,000 | | 3,000 |
| Intercontinental Ballistic Missile—EMD | 137,944 | 152,944 | 152,944 | 152,944 |
| MK–21 Guidance Replacement Program | | 15,000 | 15,000 | 15,000 |
| Joint Air-to-Surface Standoff Missile (JASSM) | 203,321 | 0 | 107,021 | 128,000 |
| Cancel program | | −203,321 | | 0 |
| Weapon system development | | | −18,200 | 0 |
| Test support | | | −49,400 | 0 |
| Program office/mission support | | | −10,900 | 0 |
| Aircraft integration costs | | | −17,800 | 0 |
| Alternate engine source study | | | (5000) | 1,000 |
| Reduction pending AOA decision | | | | −76,321 |
| JSLAM | 0 | 63,000 | 0 | 43,021 |
| Threat Simulator Development | 51,846 | 50,346 | 56,746 | 54,346 |
| SADS-2b/f | | −1,500 | | −1,500 |
| Digital integrated air defense system | | | 2,400 | 2,000 |
| Digital IADS integration with ECIT | | | 2,000 | 1,500 |
| Airborne radar maintenance | | | 500 | 500 |
| Major T&E Investment | 47,336 | 62,136 | 41,336 | 56,336 |
| Modernization of Eglin range C4I capabilities | | 14,800 | | 10,000 |
| Reduction | | | −6,000 | −3,000 |
| Hypersonic wind tunnel design study (transfer from 0602269F) | | | | 2,000 |
| Test and Evaluation Support | 389,348 | 386,348 | 389,348 | 387,848 |
| Unjustified aircraft support growth | | −3,000 | | −1,000 |
| Prior year unobligated funds | | −8,000 | | −6,500 |
| South Base Birk flight test facility | | 8,000 | | 6,000 |
| Development Planning | 6,049 | 6,049 | 4,549 | 4,549 |
| Reduction | | | −1,500 | −1,500 |
| Pollution Prevention | 5,880 | 5,880 | 10,880 | 9,880 |
| E–SMART | | | 5,000 | 4,000 |
| Maintenance and Repair (RPM)—RDT&E | 55,200 | 55,200 | 58,000 | 56,000 |
| Landing gear life extension | | | 6,000 | 4,000 |
| Infrastructure support | | | −3,200 | −3,200 |
| Advanced Medium Range Air-to-Air Missile (AMRAAM) | 50,781 | 33,781 | 50,781 | 43,781 |
| Rephased upgrade efforts | | −14,000 | | −4,000 |
| P3I Phase III | | −3,000 | | −3,000 |
| AGM–86C Conventional Air Launched Cruise Missile | 0 | 3,500 | 3,500 | 0 |
| Hard target penetrator variant | | 3,500 | 3,500 | 0 |
| Airborne Warning and Control System (AWACS) | 46,807 | 47,807 | 46,807 | 46,807 |
| Extend Sentry | | 1,000 | | 0 |
| Theater Battle Management (TBM) C4I | 24,013 | 24,013 | 28,013 | 27,013 |
| Theater Battle Management Core Systems (TBMCS) | | | 4,000 | 3,000 |
| Joint Surveillance and Target Attack Radar System | 119,189 | 123,189 | 124,189 | 126,189 |
| Improved Data Modem | | 4,000 | | 4,000 |
| Cruise missile defense technology | | | 5,000 | 3,000 |
| World-Wide Military Command and Control Systems | 6,820 | 7,820 | 6,820 | 7,820 |
| Integration of JSAS into GCCS | | 1,000 | | 1,000 |
| Air Traffic Control, Approach, and Landing System | 6,571 | 6,571 | 13,471 | 13,471 |
| Air traffic control simulators | | | 6,900 | 6,900 |
| Security and Investigative Activities | 530 | 1,530 | 530 | 3,530 |
| AFOSI computer crime investigations program | | 1,000 | | 1,000 |
| Defensive Information Warfare and Critical Infrastructure Protection | | | | 2,000 |
| SPACETRACK (SPACE) | 28,573 | 28,573 | 36,073 | 43,073 |
| AEOS development and integration with MSSS | | | 7,500 | 7,500 |
| Have Stare upgrade to support missile defense testing | | | | 7,000 |
| Air Cargo Material Handling | 7,947 | 3,447 | 7,947 | 5,947 |
| Next Generation Small Loader test funding requirements | | −4,500 | | −2,000 |
| Industrial Preparedness | 48,429 | 48,429 | 48,429 | 48,429 |
| National Technology Transfer Center | | (1000) | | 0 |
| Productivity, Reliability, Availability, Maintainability Program | 1,032 | 12,032 | 11,032 | 19,032 |
| Aging aircraft improvements | | 11,000 | | 10,000 |
| Blade repair facility | | | 10,000 | 8,000 |
| NATO JSTARS | 36,061 | 18,061 | 23,061 | 26,061 |
| Lack of NATO decision | | −18,000 | | 0 |
| Phase II proposal preparation | | | −3,000 | −3,000 |
| Interim logistics support long lead | | | −10,000 | −7,000 |
| COBRA BALL (FLD) | 0 | 0 | 12,000 | 12,000 |
| Advanced Airborne Sensor | | | 12,000 | 12,000 |

ADVANCED SPACECRAFT TECHNOLOGY

The conferees recommend a Solar Thermionic Orbital Transfer Vehicle program that balances designing the flight demonstrator with further development of key technologies including thermionics, high temperature materials for power and propulsion, and direct gain propulsion utilizing lightweight inflatable collectors.

NATIONAL POLAR-ORBITING OPERATIONS ENVIRONMENTAL SATELLITE SYSTEM

(NPOESS)

The conferees agree to provide $34,004,000 for the National Polar-Orbiting Operational Environmental Satellite System (NPOESS), a decrease of $17,500,000. The conferees direct the Deputy Under Secretary of Defense for Space (DUSD (Space)) to conduct an architectural review of the defense space-based meteorological mission area as part of the fiscal year 1998 program plan. DUSD (Space) is further directed to submit to the conferees a report detailing its plans to conduct the review no later than January 1, 1998.

### SPACE BASED INFRARED SYSTEM (SBIRS)

The conferees are concerned that the Air Force has retained the present developer of the SBIRS high component as the overall system of systems engineer for the entire program. The conferees believe that the potential exists for conflict of interest since the SBIRS high component developer will compete for the SBIRS low component of the program.

While the Air Force has taken certain measures to attempt to ensure the fairness of the SBIRS low competition, the conferees believe that it would be appropriate for the Under Secretary of Defense for Acquisition and Technology to review any Air Force implementation plan formulated to avoid conflicts of interest in the SBIRS low component competition. The conferees therefore, direct the USD (A&T) to certify to the congressional defense committees that tha Air Force's "SBIRS Organizational Conflict of Interest Mitigation Plan for the SBIR Low Component Program" adequately safeguards the objectivity of the competition for the SBIR Low program. If it is determined that the Air Force's risk mitigation plan does not ensure a fair competition, the congressional defense committees shall be notified and provided such recommendations as the USD (A&T) determines are necessary to ensure a fair competition, protect proprietary data, and mitigate potential SBIR high component program developer bias. The certification shall be provided no later than March 31, 1998.

The conferees further direct that the Deputy Under Secretary of Defense for Space, DUSD (Space), review any final allocation of requirements between the SBIRS high and low component to determine whether such allocations are justified on the basis of cost and performance. The conferees direct that the results of this review be provided to the congressional defense committees.

### EVOLVED EXPENDABLE LAUNCH VEHICLE (EELV)

The conferees note that the Evolved Expendable Launch Vehicle (EELV) program is an important step in reducing the Department of Defense's space launch costs, and that two industry teams are now competing for a contract to develop an EELV. The conferees believe that the Air Force should require that a successful bidder share in the development cost of the EELV, system. In addition the conferees expect that the Air Force will recognize the commercial requirements of the EELV and allow industry to develop system solutions to meet these needs. Therefore, the conferees agree to the House language which directs the Air Force to include as significant factors in the EELV acquisition the degree to which the competitive proposals include the commercial needs of the U.S. launch vehicle industry as well as government compensation and cost recoupment offers from the EELV competitors. The Under Secretary of Defense for Acquisition and Technology is also directed to provide the congressional defense committees not later than June 1, 1998, a revised EELV Single Acquisition and Management Plan (SAMP) that addresses these concerns.

### JOINT AIR-TO-SURFACE STANDOFF MISSILE

### JOINT STANDOFF LAND ATTACK MISSILE

The conferees have provided a total of $171,021,000 for the Joint Air-to-Surface Standoff Missile (JASSM)/Joint Standoff Land Attack Missile (JSLAM) program. Within the JASSM program element, the conferees direct that the first priority for the available funds shall be to maintain competition on the program and to avoid an early decision to select a single contractor. The funds within this program element are provided to continue the JASSM program through completion of the Analysis of Alternatives (AOA).

The conferees have also provided $43,021,000 in a JSLAM program element. The conferees direct that none of the JSLAM funds may be obligated until the Secretary of Defense notifies the congressional defense committees regarding the acquisition strategy the Defense Department chooses to pursue based on the results of the JASSM AOA. The conferees direct that the JSLAM program element funds shall be available for the option recommended by the Secretary of Defense.

### CRUISE MISSILE DEFENSE

The conferees are concerned about the growing threat posed by advanced air-launched and surface-launched cruise missiles and urge the Department to pursue an enhanced capability on the AWACS to detect, track, and identify cruise missiles. The conferees direct the Air Force to provide a report on their specific schedule and funding plans for continued development of this needed capability.

### NATO JSTARS

The conferees agree that none of the funds can be reprogrammed out of the NATO JOINT STARS program element without the prior approval of the congressional defense committees. The conferees agree to place no further restrictions on these funds.

### RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE

The conference agreement is as follows:

[In thousands of dollars]

| | Budget | House | Senate | Conference |
|---|---|---|---|---|
| RESEARCH DEVELOPMENT TEST & EVAL DEFWIDE | | | | |
| IN-HOUSE LABORATORY INDEPENDENT RESEARCH | 2,169 | | 2,169 | 1,569 |
| DEFENSE RESEARCH SCIENCES | 76,009 | 70,000 | 76,009 | 70,000 |
| UNIVERSITY RESEARCH INITIATIVES | 237,788 | 215,212 | 251,788 | 230,788 |
| GOVERNMENT/INDUSTRY COSPONSORSHIP OF UNIV RESEARCH | 14,713 | | 9,713 | 7,713 |
| CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM | 25,190 | 28,690 | 25,190 | 27,190 |
| NEXT GENERATION INTERNET | 40,000 | 50,000 | 10,000 | 42,000 |
| SUPPORT TECHNOLOGIES—APPLIED RESEARCH | 101,932 | 141,932 | 115,932 | 113,932 |
| LINCOLN LABORATORY RESEARCH PROGRAM | 20,474 | 13,730 | 20,474 | 18,474 |
| COMPUTING SYSTEMS AND COMMUNICATIONS TECHNOLOGY | 341,752 | 325,057 | 344,252 | 327,557 |
| BIOLOGICAL WARFARE DEFENSE | 61,600 | 61,600 | 55,100 | 59,600 |
| CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM | 60,023 | 75,323 | 66,023 | 73,023 |
| TACTICAL TECHNOLOGY | 157,329 | 126,244 | 158,329 | 151,329 |
| INTEGRATED COMMAND AND CONTROL TECHOLOGY | 37,000 | 39,000 | 55,000 | 49,000 |
| MATERIALS AND ELECTRONICS TECHNOLOGY | 192,192 | 208,192 | 224,692 | 237,692 |
| DEFENSE SPECIAL WEAPONS AGENCY | 211,971 | 200,593 | 226,971 | 212,593 |
| DEMINING | 7,663 | 7,663 | 18,063 | 16,663 |
| COUNTERROR TECHNICAL SUPPORT | 34,863 | 34,863 | 40,863 | 40,863 |
| COUNTERPROLIFERATION SUPPORT—ADV DEV | 58,264 | 67,264 | 61,264 | 68,264 |
| SUPPORT TECHNOLOGIES—ADVANCED TECHNOLOGY DEVELOPMENT | 147,557 | 147,557 | 351,957 | 311,557 |
| JOINT DOD-DOE MUNITION TECHNOLOGY DEVELOPMENT | 16,141 | 16,141 | 17,700 | 17,700 |
| AUTOMATIC TARGET RECOGNITION | 4,789 | 5,989 | 4,789 | 6,789 |
| CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM—ADVANCED DEV | 41,223 | 50,773 | 41,233 | 41,223 |
| SPECIAL TECHNICAL SUPPORT | 11,750 | 9,750 | 14,750 | 11,750 |
| VERIFICATION TECHNOLOGY DEMONSTRATION | 83,370 | 69,070 | 73,370 | 84,370 |
| GENERIC LOGISTICS R&D TECHNOLOGY DEMONSTRATIONS | 17,267 | 23,867 | 24,867 | 22,267 |
| STRATEGIC ENVIRONMENTAL RESEARCH PROGRAM | 54,874 | 61,874 | 57,874 | 61,874 |
| JOINT WARFIGHTING PROGRAM | 14,172 | 14,172 | 9,172 | 9,172 |
| AGILE PORT DEMONSTRATION | | | 10,000 | 5,000 |
| ADVANCED ELECTRONICS TECHNOLOGIES | 277,044 | 285,044 | 295,044 | 299,044 |
| ADVANCED CONCEPT TECHNOLOGY DEMONSTRATIONS | 121,076 | 61,076 | 101,076 | 81,076 |
| COMMERCIAL TECHNOLOGY INSERTION PROGRAM | 47,889 | | 20,000 | 20,000 |
| ELECTRONIC COMMERCE RESOURCE CENTERS | 14,972 | 47,972 | 14,972 | 47,972 |
| HIGH PERFORMANCE COMPUTING MODERNIZATION PROGRAM | 126,211 | 124,880 | 151,211 | 149,880 |
| COMMAND, CONTROL AND COMMUNICATIONS SYSTEMS | 163,800 | 163,800 | 153,800 | 157,800 |
| SENSOR AND GUIDANCE TECHNOLOGY | 166,855 | 154,855 | 162,855 | 169,555 |
| LAND WARFARE TECHNOLOGY | 82,580 | 89,180 | 81,980 | 82,980 |
| DUAL USE APPLICATIONS PROGRAMS | 225,000 | 100,000 | 125,000 | 125,000 |
| JOINT WARGAMING SIMULATION MANAGEMENT OFFICE | 71,338 | 59,968 | 66,338 | 64,338 |
| PHYSICAL SECURITY EQUIPMENT | 31,553 | 18,676 | 31,553 | 18,676 |
| JOINT ROBOTICS PROGRAM | 23,196 | 23,196 | 32,196 | 28,196 |
| ADVANCED SENSOR APPLICATIONS PROGRAM | 15,379 | 15,379 | 18,379 | 18,379 |
| CALS INITIATIVE | 1,916 | 5,916 | 5,916 | 9,916 |
| NATO RESEARCH AND DEVELOPMENT | 13,584 | | 13,584 | 8,584 |
| ENVIRONMENTAL SECURITY TECHNICAL CERTIFICATION PROGRAM | 15,164 | 15,164 | 20,164 | 15,164 |
| THEATER HIGH-ALTITUDE AREA DEFENSE SYSTEM—TMD—DEM/ | 294,647 | 238,647 | 353,427 | 406,127 |
| NAVY THEATER WIDE MISSILE DEFENSE—DEM/VAL | 194,898 | 444,898 | 274,898 | 409,898 |
| BOOST PHASE INTERCEPT THEATER MISSILE DEFENSE ACQUISIT | 12,885 | | 17,885 | 16,385 |

[In thousands of dollars]

| | Budget | House | Senate | Conference |
|---|---|---|---|---|
| JOINT THEATER MISSILE DEFENSE—DEM/VAL | 542,619 | 542,619 | 612,619 | 605,419 |
| ASAT | | | 50,000 | 37,500 |
| CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM—EMD | 120,535 | 138,535 | 120,535 | 130,535 |
| THEATER HIGH-ALTITUDE AREA DEFENSE SYSTEM—TMD—EMD | 261,480 | 261,480 | | |
| NAVY AREA THEATER MISSILE DEFENSE—EMD | 267,822 | 289,822 | 267,822 | 289,822 |
| TECHNICAL STUDIES, SUPPORT AND ANALYSIS | 38,376 | 31,248 | 30,376 | 30,376 |
| JOINT THEATER AIR AND MISSILE DEFENSE ORGANIZATION | 23,100 | 23,100 | 12,900 | 16,100 |
| CLASSIFIED PROGRAM USD(P) | 5,979 | 5,979 | 5,979 | 9,079 |
| DEFENSE SUPPORT ACTIVITIES | 5,992 | 7,492 | 8,992 | 8,992 |
| MANAGEMENT HEADQUARTERS (RESEARCH AND DEVELOPMENT) | 39,193 | 34,469 | 39,193 | 36,193 |
| INFORMATION SYSTEMS SECURITY PROGRAM | 258,593 | 258,593 | 258,593 | 253,593 |
| DEFENSE IMAGERY AND MAPPING PROGRAM | 109,430 | 134,430 | 109,430 | 119,430 |
| DEFENSE RECONNAISSANCE SUPPORT ACTIVITIES (SPACE) | 49,403 | 41,003 | 57,403 | 52,503 |
| TACTICAL UAVS | 122,004 | 60,007 | 34,507 | 54,507 |
| ENDURANCE UAVS | 216,712 | 192,812 | 216,712 | 192,722 |
| AIRBORNE RECONNAISSANCE SYSTEMS | 212,961 | 193,961 | 201,790 | 196,961 |
| MANNED RECONNAISSANCE SYSTEMS | 27,784 | 51,784 | 27,784 | 27,784 |
| DARP MANAGEMENT SUPPORT | 21,543 | 7,543 | 21,543 | 7,543 |
| COUNTERDRUG INTELLIGENCE SUPPORT | | 2,500 | | |
| MANAGEMENT HEADQUARTERS (AUXILIARY FORCES) | 1,926 | 1,926 | 7,626 | 1,926 |
| PARTNERSHIP FOR PEACE ACTIVITIES | 1,993 | 1,993 | | |
| SPECIAL OPERATIONS ADVANCED TECHNOLOGY DEVELOPMENT | 8,009 | 9,009 | 8,009 | 9,009 |
| SPECIAL OPERATIONS TACTICAL SYSTEMS DEVELOPMENT | 73,073 | 73,073 | 75,773 | 109,473 |
| SPECIAL OPERATIONS INTELLIGENCE SYSTEMS DEVELOPMENT | 4,914 | 13,914 | 8,914 | 10,914 |
| SOF OPERATIONAL ENHANCEMENTS | 26,357 | 32,937 | 17,757 | 23,937 |
| CERP | | 12,000 | | 10,000 |
| CLASSIFIED PROGRAM | 995,689 | 1,054,970 | 1,036,689 | 1,068,589 |
| ECONOMIC ASSUMPTIONS | | | – 49,000 | – 49,000 |

## EXPLANATION PROJECT LEVEL ADJUSTMENTS

[In thousands of dollars]

| | Budget | House | Senate | Conference |
|---|---|---|---|---|
| University Research Initiatives | 237,788 | 215,212 | 251,788 | 230,788 |
| DEPSCOR | | +10,000 | +10,000 | +10,000 |
| Program reduction | | – 32,576 | — | – 20,000 |
| Southern Observatory for Astronomical Research | | — | +4,000 | +3,000 |
| CARE | | (3,000) | — | (3,000) |
| Chemical and Biological Defense Program | 25,190 | 28,690 | 25,190 | 27,190 |
| Non-antibiotic therapies | | +1,500 | — | — |
| Novel agent research | | +2,000 | — | +2,000 |
| Support Technologies—Applied Research | 101,932 | 141,932 | 115,932 | 113,932 |
| AIT | | +30,000 | — | — |
| Wide bandgap electronics | | +10,000 | +14,000 | +12,000 |
| Computing Systems and Communications Technology | 341,752 | 325,057 | 344,252 | 327,557 |
| Program reduction | | – 16,695 | — | – 16,695 |
| Reuse Technology Adoption Program (RTAP) | | (7,500) | +2,500 | +2,500 |
| Chemical and Biological Defense Program | 60,023 | 75,323 | 66,023 | +73,023 |
| Medical Biological Research | | +9,500 | — | — |
| SAFEGUARD | | +5,800 | +6,000 | +3,000 |
| Joint Service Chem/Bio Point Detection Sensor | | — | (1,500) | (1,500) |
| Chemical agent sensor technology | | — | — | +10,000 |
| Tactical Technology | 157,329 | 126,244 | 158,329 | 151,329 |
| Simulation based design (Gulf Coast Region Maritime Ctr) | | +3,000 | — | +3,000 |
| Program reduction | | – 34,085 | — | – 10,000 |
| Compact lasers | | — | – 3,000 | – 3,000 |
| Chemically specific detection | | — | – 3,000 | – 3,000 |
| Center of Excellence for Researching in Ocean Sciences | | — | +7,000 | +7,000 |
| Facial recognition technology | | — | (3,000) | (3,000) |
| Integrated Command and Control Technology | 37,000 | 39,000 | 55,000 | 49,000 |
| High definition camera | | +2,000 | — | — |
| High definition display systems | | (4,000) | — | (4,000) |
| Flat Panel Display | | — | +18,000 | +12,000 |
| High-definition optoelectric digital camera | | — | (2,000) | (2,000) |
| Materials and Electronics Technology | 192,192 | 208,192 | 224,692 | 237,692 |
| Defense Microelectronics Activity | | +10,000 | — | +10,000 |
| Nanofabrication Laboratory | | +6,000 | — | +6,000 |
| Seamless high-off chip connectivity | | — | +7,500 | +6,000 |
| Hard carbon based coatings | | — | +1,000 | +1,000 |
| Multitechnology integration in mixed mode electronics | | — | +9,000 | +7,500 |
| Life support trauma and transport | | — | +4,000 | +4,000 |
| 3-D multi-chip module electronics | | — | +5,000 | +5,000 |
| Cryogenic electronics | | — | +6,000 | +6,000 |
| Defense Special Weapons Agency | 211,971 | 200,593 | 226,971 | 212,593 |
| Bioenvironmental research | | +5,000 | | +5,000 |
| Program reduction | | – 16,378 | | – 16,378 |
| Nuclear weapons effects core competencies | | | +15,000 | +12,000 |
| Explosive Demilitarization | 12,259 | 12,259 | 12,259 | 12,259 |
| Cryogenic washout program | | (2,000) | | (2,000) |
| Demining | 7,663 | 7,663 | 18,063 | 16,663 |
| Humanitarian demining technologies | | | +10,400 | +9,000 |
| Mechanical clearance support | | | (1,000) | (1,000) |
| Remote area disassembly vehicle | | | (3,000) | (2,000) |
| Counterterror Technical Support | 34,863 | 34,863 | 40,863 | 40,863 |
| PFNA | | | +3,000 | +3,000 |
| Antibiological device (ABD) | | | +3,000 | +3,000 |
| Counterproliferation Support | 58,264 | 67,264 | 61,264 | 68,264 |
| Countrproliferation Analysis and Planning Systems (CAPS) | | +9,000 | | +7,000 |
| HAARP | | | +3,000 | +3,000 |
| Support Technologies—Advanced Technology Development | 147,557 | 147,557 | 341,957 | 311,557 |
| Advanced intercept technology | | | +40,000 | +30,000 |
| Space-based laser | | | +118,000 | +98,000 |
| Midcourse space experiment | | | +6,400 | +5,000 |
| APEX Program | | | +10,000 | +8,000 |
| Russian-American observational satellites (RAMOS) | | | +15,000 | +13,000 |
| Photo conduction on active pixel sensor technology | | | +5,000 | +5,000 |
| Scorpius | | | +10,000 | +5,000 |
| Automatic Target Recognition | 4,789 | 5,989 | 4,789 | 6,789 |
| Optical correlators | | +1,200 | | |
| Hyperspectral IPT | | | | +2,000 |
| Chemical and Biological Defense Program | 41,223 | 50,773 | 41,223 | 41,223 |
| Medical biological programs | | +6,700 | | |
| Joint Service Integrated Suit (JSLIST) | | +2,850 | | |
| Special Technical Support | 11,750 | 9,750 | 14,750 | +11,750 |
| Program reduction | | – 2,000 | | – 2,000 |

EXPLANATION PROJECT LEVEL ADJUSTMENTS—Continued

[In thousands of dollars]

| | Budget | House | Senate | Conference |
|---|---|---|---|---|
| Evaluate maritime combatant craft | | | +3,000 | +2,000 |
| Verification Technology | 83,370 | 69,070 | 73,370 | 84,370 |
| Industry-based program to accelerate nuclear detection | | +5,000 | | +5,000 |
| Enhanced segregated-surface solid state detectors | | +3,000 | | +3,000 |
| Russian monitoring technologies | | +3,000 | | +3,000 |
| Program reduction | | − 25,300 | | − 10,000 |
| Nuclear monitoring technologies (explosion seismology) | | (7,100) | | (7,100) |
| Hydroacoustics | | (700) | | (700) |
| Program reduction | | | − 10,000 | |
| Caribbean radiation early warning system (CREWS) | | | (3,000) | |
| Strategic Environmental Research Program | 54,874 | 61,874 | 57,874 | 61,874 |
| Environmental clean-up workers health and safety program | | +2,000 | | +2,000 |
| Risk-based toxic chemicals research | | +2,000 | | +2,000 |
| Green energetics | | +3,000 | +3,000 | +3,000 |
| Advanced Electronics Technologies | 277,044 | 285,044 | 295,044 | 299,044 |
| Center for Advanced Microstructures Devices (CAMD) | | +3,000 | | |
| Cryoelectronics | | +5,000 | | |
| Flat Panel Displays | | (18,000) | | |
| Lithographic & Alternative Semiconductor Processing (LAST) | | | +23,000 | +18,000 |
| Point Source x-ray lithography | | | +3,000 | +3,000 |
| MT–06 program reduction | | | − 3,000 | |
| Defense Techlink rural technology transfer | | | +1,000 | +1,000 |
| Center for Advanced Microstructures Devices (CAMD) | | | +4,000 | +4,000 |
| MAFET | | | − 10,000 | − 4,000 |
| Institute for Advanced Flexible Manufacturing | | | (4,000) | (4,000) |
| Laser plasma x-ray source technology | | | | (5,000) |
| High Performance Computing Modernization Program | 126,211 | 124,880 | 151,211 | 149,880 |
| Program reduction | | − 1,331 | | − 1,331 |
| Operation, maintenance, and upgrade of supercomputers purchased with DoD RDT&E funds | | | +25,000 | +25,000 |
| Sensor and Guidance Technology | 166,855 | 154,855 | 162,855 | 169,555 |
| GEOSAR | | +13,000 | | +10,700 |
| GPS Guidance Package | | (6,000) | | (6,000) |
| Program reduction | | − 25,000 | | − 5,000 |
| Large Millimeter Wave Telescope | | | +3,000 | +3,000 |
| Tactical Radar Program | | | − 7,000 | − 6,000 |
| Marine Technology | 69,143 | 21,943 | 21,943 | 21,943 |
| Arsenal Ship | | − 47,200 | − 47,200 | − 47,200 |
| Smart anti-submarine warfare and sonar STAP | | (6,000) | | (4,000) |
| Land Warfare Technology | 82,580 | 89,180 | 81,980 | 82,980 |
| Active structural control | | +6,600 | +4,400 | +5,400 |
| Small unit operations | | | − 5,000 | − 5,000 |
| CALS Initiative | 1,916 | 5,916 | 5,916 | 9,916 |
| Integrated Data Environment (IDE) | | +4,000 | +4,000 | +4,000 |
| RAMP | | | | +4,000 |
| Joint Theater Missile Defense—Dem/Val | 542,619 | 542,619 | 612,619 | 605,419 |
| Extended air defense testbed | | | +9,600 | +7,800 |
| Advanced Research Center (ARC) | | | +7,000 | +7,000 |
| ARROW | | | +15,000 | +12,000 |
| Kauai test facility | | | +5,000 | +5,000 |
| Upgrades for theater missile defense (PMRF) | | | +33,400 | +31,000 |
| Chemical and Biological Defense Program—EMD | 120,535 | 138,535 | 120,535 | 130,535 |
| Joint vaccine program | | +8,000 | | +5,000 |
| Decontamination technology | | +10,000 | | +5,000 |
| Defense Imagery and Mapping Program | 109,430 | 134,430 | 109,430 | 119,430 |
| SAR imagery | | +25,000 | | +5,000 |
| USIGS Improv | | | | +5,000 |
| Defense Reconnaissance Support Activities (Space) | 49,403 | 41,003 | 57,403 | 52,503 |
| Program reduction | | − 8,400 | | − 4,900 |
| Pacific Disaster Center | | | +8,000 | +8,000 |
| Tactical UAVS | 122,004 | 60,007 | 34,507 | 54,507 |
| Outrider | | − 87,497 | − 87,497 | − 87,497 |
| TCS for the Predator | | +11,500 | | +8,000 |
| MSAG | | +4,000 | | +4,000 |
| Vertical takeoff and landing | | +10,000 | | +8,000 |
| Endurance UAVS | 216,712 | 192,812 | 216,712 | 192,722 |
| Predator transfer | | − 14,900 | | − 14,900 |
| HAE Ground Support | | − 9,000 | | − 9,000 |
| Airborne Reconnaissance Systems | 212,961 | 193,961 | 201,790 | 196,961 |
| JMTE Advanced Technology | | +8,000 | | |
| E-O Framing technology | | +15,000 | | +7,000 |
| ABIT System Test and Evaluation | | +3,000 | | +1,000 |
| JASA Standards | | − 3,000 | | − 3,000 |
| HFE Development | | − 3,000 | | − 3,000 |
| Global Hawk SIGINT | | − 16,200 | − 16,200 | − 16,200 |
| JSAF high band subsystem | | − 25,800 | +5,000 | − 1,800 |
| High Data Rate Lasercom Sys | | +3,000 | | |
| Special Operations Tactical Systems Development | 73,073 | 73,073 | 75,773 | 109,473 |
| Remote act munitions | | | +1,000 | |
| Helmet | | | +1,700 | |
| Advanced Seal Delivery System | | | | +,36,400 |
| Special Operations Intelligence Systems Development | 4,914 | 13,914 | 8,914 | 10,914 |
| Enhancements for Special Ops Intelligence Vehicle | | +5,000 | | +3,000 |
| Joint Threat Warning System (JTWS) | | +4,000 | +4,000 | +3,000 |
| SOF Operational Enhancements | 26,357 | 32,937 | 17,757 | 23,937 |
| Special Tech Assault Craft | | +5,800 | | +5,800 |
| Classified | | +780 | | +780 |
| .50 calibre ball ammo | | | +400 | |
| Program reduction | | | − 9,000 | − 9,000 |

MISSILE FEASIBILITY ASSESSMENTS

The conferees note the past success achieved by the Countermeasures Hands-On Program (CHOP) and Hands-On Threat Demonstration (HTD) programs in assessing the feasibility of countermeasures to ballistic missile defense programs and cruise missile threats to the United States. The conferees believe a similar program to assess the feasibility of the development of long-range ballistic missile capabilities by rogue or other states will be useful in assessing potential missile threats to the United States. Accordingly, the conferees provide $2,400,000 to the CHOP program from the amount provided for National Missile Defense for the initiation of an effort to demonstrate the feasibility of building and testing a long-range ballistic missile using open source literature and materials likely to be available to potential rogue nations. The effort shall be conducted using the same approach employed by the CHOP and HTD programs.

Furthermore, of the amount provided for National Missile Defense Demonstration and Validation (Program Element 0603871C), not less than $150,000 shall be provided to the HTD Program for completion of cruise missile flight testing.

### ELECTRONIC COMMERCE RESOURCE CENTERS (ECRC'S)

The conferees direct that the establishment of additional ECRC sites shall be based on a Department of Defense analysis of regional needs, with priority given to States not currently having such a facility already established.

### ECRC PERFORMANCE MEASURES

The conferees believe that significant cost saving benefits will be derived from the government adopting and using electronic commerce (EC) and electronic data interchange (EDI) in its business functions. The conferees view Electronic Commerce Resource Centers as a key element in advancing the Department's process of transferring its business process from a paper to electronic medium, especially as this process is implemented with small and medium size businesses. The conferees are aware that it has proven difficult to assess how effective the ECRC concept has been given the many variables that affect the pace and efficiency at which DoD and the rest of the federal government convert from paper-based management functions to EC/EDI. Nevertheless, the conferees believe better program performance measures must be established for the ECRC program to help implement a policy of making the ECRC's essentially self-sustaining over a five-year period to measure their comparative value to DoD, and to evaluate methods to improve EC outreach, education and training, and technical support to both government and industry. The Department is directed to work with the ECRC integrators to develop a set of performance indicators (metrics) for the ECRCs that (1) focus on their ability to become self-sustaining, (2) prove their value in the market place, (3) encourage them to support and aid the government effort to develop FACENET or other forms of electronic commerce, (4) measure their value to DoD relative to one another, (5) keep their operating costs low, (6) track the number of instances in which a customer adopts or expands use of EC/EDI, and (7) measure customer satisfaction.

### ATMOSPHERIC RESEARCH

The conferees understand that the Ballistic Missile Defense Organization has expressed interest in the development of a pan-oceanic environmental and atmospheric research laboratory. The conferees would encourage the Defense Department to allocate funding within BMDO to initiate this program during fiscal year 1998. The conferees expect to address additional funding for this program in fiscal year 1999.

### MATERIALS AND ELECTRONICS TECHNOLOGY

The conferees have provided $5,000,000 to be used only for 3-D multi-chip module (MCM) electronics. These funds will be used to develop and demonstrate key technologies behind a packaging concept that uses a stacked MCM approach to reduce interconnect length and increase physical connectivity between layers of electronics.

### SUPPORT TECHNOLOGIES—BMDO

The conferees direct that the $13,000,000 provided for the Russian-American Observational Satellites (RAMOS) program shall be available only for the RAMOS program.

### VTOL UAV TECHNOLOGY

The conferees agree to provide $8,000,000 to continue the development of a Vertical Takeoff and Landing (VTOL) unmanned aerial vehicle (UAV) and to initiate a demonstration program of future VTOL UAV technology, which should include demonstrating a stopped rotor, high speed, and reaction driven concept. The development and acquisition strategy for this demonstration program should be coordinated with the Navy Science and Technology Requirements Office.

### ENDURANCE UAVS

The conferees agree to a $9,000,000 reduction for HAE support. This reduction shall not be applied against the development and testing for the two HAE common ground segments.

### UNIVERSITY AFFILIATED RESEARCH CENTERS (UARCS)

The conferees believe that a UARC should be defined as a university receiving more than $10,000,000 in sole source non-competitive contracts.

### INSTITUTE FOR DEFENSE ANALYSES

The conferees do not agree to place restrictions on funds for the Institute for Defense Analyses proposed by the House, since the Defense Department has recently indicated its willingness to provide classified tactical aircraft IDA studies to the Appropriations Committees.

## DEVELOPMENTAL TEST AND EVALUATION, DEFENSE

The conference agreement is as follows:

[In thousands of dollars]

| | Budget | House | Senate | Conference |
|---|---|---|---|---|
| DEVELOPMENTAL TEST & EVAL. DEFENSE: | | | | |
| CENTRAL TEST AND EVALUATION INVESTMENT DEVELOPMENT (CT) | 131,353 | 131,353 | 116,353 | 123,353 |
| ECONOMIC ASSUMPTIONS | | | −2,000 | −2,000 |

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS

[In thousands of dollars]

| | Budget | House | Senate | Conference |
|---|---|---|---|---|
| DEVELOPMENTAL TEST AND EVALUATION, DEFENSE: | | | | |
| CENTRAL TEST AND EVALUATION INVESTMENT | 131,353 | 131,353 | 116,353 | 123,353 |
| PROGRAM REDUCTION | | | −15,000 | −8,000 |
| ECONOMIC ASSUMPTIONS | | | −2,000 | −2,000 |

### NATIONAL ASSESSMENT GROUP (NAG)

The conferees recognize the critical requirement for this activity and its mission as outlined in its charter, and direct that, at the beginning of fiscal year 1998, $4,654,973 in Defense, Test and Evaluation Program Element 0605804D be transferred to Assessment and Evaluation Program Element 0604942D. This transfer is required to establish the National Assessment Group as a fully operational and autonomous organization. It is directed that outyear funding for NAG be included in PE 0604942D.

## OPERATIONAL TEST AND EVALUATION, DEFENSE

The conference agreement is as follows:

[In thousands of dollars]

| | Budget | House | Senate | Conference |
|---|---|---|---|---|
| OPERATIONAL TEST & EVALUATION, DEFENSE: | | | | |
| OPERATIONAL TEST AND EVALUATION | 13,187 | 13,187 | 21,187 | 17,187 |
| LIVE FIRE TESTING | 10,197 | 19,497 | 10,197 | 14,197 |

[In thousands of dollars]

| | Budget | House | Senate | Conference |
|---|---|---|---|---|
| Operational Test and Evaluation | 13,187 | 13,187 | 21,187 | 17,187 |
| Operational field testing | | | +8,000 | +4,000 |
| Live fire testing | 10,197 | 19,497 | 10,197 | 14,197 |
| Simulation and modeling | | +9,300 | | +4,000 |

### OPERATIONAL TEST AND EVALUATION

The conferees agree to provide $4,000,000 for operational field assessments. However, the conferees are concerned about the widely differing views within the Department of Defense on this issue. To clarify this situation, the conferees direct the Joint Staff Director for Force Structure, Resources and Assessment (J–8) to conduct a thorough review of all aspects of operational field assessments. The review should assess past and current efforts, potential duplication of existing assessment capabilities, users of the assessment program, and the roles of possible participants, to include OT&E, the Services, NRO, DIA, and others as appropriate.

The report is to be provided to the Committees on Appropriations by March 30, 1998.

The conferees direct that the funds provided for operational field assessments shall not be obligated until the required report is provided to Congress.

### TITLE V—REVOLVING AND MANAGEMENT FUNDS

The conferees agree to the following amounts for Revolving and Management Funds programs:

| | Budget | House | Senate | Conference |
|---|---|---|---|---|
| Defense Working Capital Funds | 33,400 | 971,942 | 871,952 | 971,952 |
| Military Commissary Fund, Defense | 938,552 | | | |
| National Defense Sealift Fund | 1,191,426 | 1,199,926 | 516,126 | 1,074,948 |
| Total, Revolving and Management Funds | 2,163,378 | 2,171,878 | 1,388,078 | 2,046,900 |

### DEFENSE WORKING CAPITAL FUNDS

The conferees agree to provide $971,952,000 for the Defense Working Capital Fund. The conferees agree to merge funding for operations of the Defense Commissary Agency into the Defense working capital fund rather than including such funding in a separate account.

### NATIONAL DEFENSE SEALIFT FUND

The conferees agree to provide $1,074,948,000. This includes reductions of $131,000,000 for cost adjustments on previous LMSR conversion ships which can be deferred until fiscal year 1999 and $478,000 of excess advance procurement funds for new LMSR construction. The agreement also includes $15,000,000 only for procurement of lighterage.

### TITLE VI—OTHER DEPARTMENT OF DEFENSE PROGRAMS

The conference agreement is as follows:

[In thousands of dollars]

| | Budget | House | Senate | Conference |
|---|---|---|---|---|
| Defense Health | 10,301,650 | 10,309,750 | 10,317,675 | 10,369,075 |
| Chemical Agents and Munitions Destruction, Defense | 620,700 | 595,700 | 609,700 | 600,700 |
| Drug Interdiction and Counter-Drug Activities, Defense | 652,582 | 713,082 | 691,482 | 712,882 |
| Office of the Inspector General | 138,380 | 142,980 | 135,380 | 138,380 |
| Total, Other Department of Defense Programs | 11,713,312 | 11,761,512 | 11,754,237 | 11,821,037 |

### DEFENSE HEALTH PROGRAM

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS

[In thousands of dollars]

| | Budget | House | Senate | Conference |
|---|---|---|---|---|
| Medical Programs, O&M | | +8,100 | +16,025 | +67,425 |
| Breast Cancer (military programs) | | +25,000 | | +25,000 |
| Head Injury | | +1,000 | | +1,000 |
| Air Force Neuroscience | | +4,900 | | +4,900 |
| Diabetes Research | | +4,000 | | +4,000 |
| Epidermolysis Bullosa | | +1,000 | | +1,000 |
| Medical Imaging | | +4,700 | | +3,500 |
| Tissue Engineering | | +4,700 | | +3,500 |
| HIV | | +15,000 | | +15,000 |
| Minimally Invasive Research | | +13,000 | | +13,000 |
| Lab Upgrades | | +8,000 | | +8,000 |
| Nervous System Studies | | +4,500 | | +4,500 |
| Gulf War Illness | | +4,500 | | +4,500 |
| PACMEDNET | | +10,000 | | +10,000 |
| High risk automation systems | | −20,000 | | −20,000 |
| HPSP Tax Liability | | −70,800 | −70,800 | −70,800 |
| Economic adjustment | | −1,400 | | |
| Hepatitis A Vaccine | | | +25,000 | +17,000 |
| Military Health Information Services | | | +10,000 | +7,000 |
| USUHS | | | +13,000 | +13,000 |
| Pacific Island Health Care Program | | | +5,000 | +5,000 |
| Brown Tree Snakes | | | +1,000 | +1,000 |
| Cancer Control Program | | | +8,925 | +8,925 |
| Army Research Institute | | | +5,400 | +5,400 |
| Committee Increase | | | +1,500 | |
| Military Nursing Research | | | +5,000 | +5,000 |
| Disaster Management Training | | | +5,000 | +5,000 |
| Holloman Air Force Base | | | +7,000 | +5,000 |
| Restoration of Army O&M (VAC) | | | | +8,000 |
| Economic Adjustment | | | | −20,000 |

### BREAST CANCER

The conferees have provided a total of $160,000,000 only for breast cancer research and related treatment. Of that amount $135,000,000 is for the Army's peer-reviewed research program. The conferees are very encouraged with the administration of this program and with the composition of, and strategy developed by the program's peer review panel and believe this should be maintained. The remaining $25,000,000 is to be used to improve access to care for military members and their families.

### TELEMEDICINE

The conferees agree that pursuant to the GAO report "Telemedicine: Federal Strategy is Needed to Guide Investments", DoD Health Affairs should contract with an outside organization, which has previously demonstrated the ability to assess and plan strategic telehealth initiatives, to enumerate current telehealth efforts and recommend coordination activities among the tri-services to prevent duplication and enhance "dual use" telecommunications for health care delivery, education and related public sector applications. This assessment should also include the worldwide computer-based patient record as a necessary component of telehealth. The resulting report and recommendations shall be provided to the congressional defense committees by April 1, 1998.

### NATIONAL REHABILITATION HOSPITAL

The conferees are pleased with the success of the cooperative effort between the Department of the Army and the National Rehabilitation Hospital at the Assistive Technology Research Center. Through its efforts, individuals with disabilities are benefiting from technology advances previously limited to the military. The conferees urge that this effort be continued.

### MILITARY RETIREE HEALTH CARE

The conferees are encouraged by the recent decision to implement the Medicare subvention demonstration, to provide health care for Medicare-eligible military retirees who are not currently covered under TRICARE. The conferees believe a properly tailored subvention demonstration, coupled with continued assessment of the TRICARE program, is essential to develop the data needed to evaluate the success, and adequacy, of military managed care programs. The conferees understand the Department is focusing its efforts in the first phase of the Medicare subvention demonstration on rapid implementation. However, this emphasis may not provide a true picture of the relative merits of the subvention program, as it may preclude analysis of a representative sampling of beneficiary populations (such as those in rural areas, or in regions with a high density retiree population).

The conferees believe the Department should rapidly move towards a second phase Medicare subvention demonstration, which takes into account such factors and will give the Department a more diverse sampling of data and one more representative of the actual challenges facing the military health care delivery system. The Department is directed to submit a report to the congressional defense committees not later than March 1, 1998, on its plans for phase one of the Medicare subvention demonstration as well as its plans regarding subsequent demonstration phases.

While encouraged by the advent of the subvention effort, the conferees note that alternative options, such as providing the Federal Employees Health Benefits Plan (FEHBP) to Medicare-eligible military retirees, exist and could serve to further ameliorate the problems caused by TRICARE "lock-out." In response to a directive in last year's Defense Appropriations Act to assess the FEHBP option, the Department indicated there may be some merit in conducting a limited FEHBP demonstration program. The conferees believe such an effort, if analyzed in conjunction with TRICARE and the Medicare subvention options, would provide the Department of Defense, other affected Federal agencies, and Congress with a more complete picture of the potentially available means for providing health care for the over-65 military beneficiary population. Therefore, the conferees direct the Secretary of Defense, in consultation with the Director of the Office of Personnel management, to submit a legislative proposal for Congressional consideration next year to implement a limited FEHBP demonstration program. The program plan should cover only Medicare-eligible beneficiaries and include cost estimates that are based on current beneficiary participation data.

### DNA DATA BANK

The conferees strongly support Department of Defense policies that protect information in its "DNA Data Bank" for soldiers, as outlined in its April 2, 1996 policy memorandum. Because this pool of genetic data is one of the largest in the country, the conferees are concerned about the possibility for health, life, and disability insurers to use this data for inappropriate and discriminator purposes. The conferees direct the Department of Defense to continue to promote policies that provide the utmost protection of the genetic information in the "Armed Forces Repository of Specimen Samples for the Identification of Remains."

### CHEMICAL AGENTS AND MUNITIONS DESTRUCTION, DEFENSE

The conference agreement is as follows:

[In thousands of dollars]

| | Budget | House | Senate | Qty | Conference |
|---|---|---|---|---|---|
| CHEM AGENTS & MUNITION DESTRUCTION, DEF. | | | | | |
| CHEM DEMILITARIZATION—O&M | 472,200 | 472,200 | 467,200 | | 462,200 |
| CHEM DEMILITARIZATION—PROC. | 82,200 | 67,200 | 77,200 | | 72,200 |
| CHEM DEMILITARIZATION— RDTE | 66,300 | 56,300 | 70,300 | | 66,300 |
| ECONOMIC ASSUMPTIONS | | | −5,000 | | |

### DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE

The conference agreement is as follows:

[In thousand of dollars]

| | Budget | House | Senate | Conference |
|---|---|---|---|---|
| Dismantling Cartels | 54,306 | | | 54,306 |
| Source Nation Support | 166,763 | | | 174,963 |
| National Imagery & Mapping Agency | 8,374 | 7,574 | 8,374 | 7,574 |
| LEA Support (1004) | 3,585 | 18,585 | 3,585 | 3,585 |
| Riverine Interdiction Initiative | | | 4,200 | 9,000 |
| Detection and Monitoring | 124,686 | | | 124,686 |
| Law Enforcement Agency Support | 223,589 | | | 275,189 |
| Gulf States Counterdrug Initiative | 3,366 | 16,166 | 10,066 | 16,166 |
| Multi-Jurisdictional Task Force | 2,047 | 6,047 | 2,047 | 6,047 |
| Southwest Border Information System | | 5,000 | | 4,000 |
| Civil Air Patrol | 1,175 | 3,975 | 1,175 | 1,175 |
| National Interagency Counter-drug Institute | | 3,000 | | |
| Southwest Border Fence | | 7,000 | | 4,000 |
| Optionally Piloted Air Vehicle | | 2,500 | | |
| HIDTA Crack House Demolition | | 2,300 | | 2,300 |
| C-26 Aircraft Photo Reconnaissance Upgrade | | 11,000 | | 4,500 |
| Non-Intrusive Inspection Systems RDT&E | 16,013 | 11,413 | 16,013 | 16,013 |
| National Guard | 132,358 | 132,358 | 157,358 | 149,358 |
| Regional Police Information System | | | 3,000 | 3,000 |
| Demand Reduction | 83,238 | | | 83,738 |
| Young Marines Program | 500 | 1,000 | 500 | 1,000 |
| Total | 652,582 | 713,082 | 691,482 | 712,882 |

### GULF STATES INITIATIVE

The conferees agree with the direction contained in House report 105–206 and provide $16,166,000 for the Gulf States Initiative (GSI). The conferees have funded this program in the Drug Interdiction account, but direct that management of this program, with the exception of the Regional Counterdrug Training Academy, be transferred to the Joint Military Intelligence Program (JMIP). The conferees direct the Coordinator for Drug Enforcement Policy and Support to provide $13,135,000 to the JMIP to manage and operate the GSI in fiscal year 1998.

### CIVIL AIR PATROL

The conferees agree to provide $2,800,000 above the budget request for the Civil Air Patrol, but have provided those funds in the Operation and Maintenance Title.

### HIDTA CRACK HOUSE DEMOLITION

The conferees agree to provide $2,300,000 as recommended by the House for Crack House Demolition and related missions. The conferees are concerned about the physical protection of National Guard personnel during demolition missions and expect the Guard and local law enforcement agencies to arrange for protection prior to the execution of these missions. The conferees are also concerned about the status of the properties to be demolished. The conferees understand that the National Guard intends to require legal certification from the lead public agency that titles to the structures to be demolished are controlled by the public agency, that hazardous materials are not present and that the appropriate law enforcement agency has certified the sites as drug distribution centers.

### OFFICE OF THE INSPECTOR GENERAL

The conferees agree to provide $138,380,000 for the Office of the Inspector General. Of this amount, $136,580,000 shall be for operation and maintenance activities and $1,800,000 shall be for procurement.

## TITLE VII—RELATED AGENCIES

The conferees agree to the following amounts for Related Agencies:

[In Thousands of dollars]

| | Request | House | Senate | Conference |
|---|---|---|---|---|
| Intelligence Community Management Account | 122,580 | 125,580 | 122,580 | 121,080 |
| National Security Education Trust Fund | 2,000 | 2,000 | 2,000 | 2,000 |
| Central Intelligence Agency Retirement and Disability System Fund | 196,900 | 196,900 | 196,900 | 196,900 |
| Payment to Kaho'olawe Island Conveyance, Remediation, and Environmental Restoration Fund | 10,000 | 10,000 | 10,000 | 35,000 |

### INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT

Details of the adjustments to this account are addressed in the classified annex accompanying this report.

### TITLE VIII—GENERAL PROVISIONS

The conference agreement incorporates general provisions of the House and Senate versions of the bill which were not amended. Those general provisions that were amended in conference follow:

The conferees included a general provision (Section 8005) which amends Senate language concerning transfer authority and which provides $65,000,000 for termination costs of the Reserve Mobilization Income Insurance Program.

The conferees included a general provision (Section 8008) providing multiyear procurement authority for certain programs.

The conferees included a general provision (Section 8024) which amends Senate language earmarking funds for Indian Financing Act Incentives and extends eligibility to contractors participating in the test program established by Section 854 of Public Law 101–89.

The conferees included a general provision (Section 8034) earmarking funds for the Civil Air Patrol.

The conferees included a general provision (Section 8035) governing the activities of defense federally funded research and development centers (FFRDCs).

The conferees included a general provision (Section 8043) which amends a Senate provision offsetting funds provided to meet flying hour shortfalls. The conference agreement contains significant increases over the budget request to meet shortfalls in flying hour and spare parts funding, depot maintenance, and other readiness requirements of both the Active and Reserve components. Section 8043 provides offsets for these critical readiness programs through reductions, on a pro-rata basis, to each activity funded in titles III and IV of the conference agreement.

The conferees included a new general provision (Section 8048) which offsets funding provided for National Missile Defense (NMD). In title IV, the conference agreement includes an additional $474,000,000 over the President's request for NMD, responding to a request from the Secretary of Defense after significant shortfalls were discovered in programmed funding. Section 8048 offsets the additional funds provided in the conference agreement for NMD by a like reduction, on a pro-rata basis, to each activity funded in title IV.

The conferees included a general provision (Section 8056) which amends Senate language regarding the mitigation of environmental impact of DoD activities on Indian lands.

The conferees included a general provision (Section 8061) which amends House language concerning the increase or transfer of DoD personnel assigned to headquarters activities and field operating agencies.

The conferees included a general provision (Section 8062) which amends Senate language authorizing intelligence activities.

The conferees included a general provision (Section 8064) which amends House and Senate language recommending rescissions.

| | House | Senate | Conference |
|---|---|---|---|
| FISCAL YEAR 1996 | | | |
| SHIPBUILDING AND CONVERSION, NAVY: | | | |
| AFS Ship | –35,600,000 | 0 | –35,600,000 |
| Subtotal | –35,600,000 | 0 | –35,600,000 |
| OTHER PROCUREMENT, NAVY: | | | |
| SHINCOM | –3,300,000 | | –3,300,000 |
| Subtotal | –3,300,000 | 0 | –3,300,000 |
| Total fiscal year 1996 | –38,900,000 | 0 | –38,900,000 |
| FISCAL YEAR 1997 | | | |
| AIRCRAFT PROCUREMENT, ARMY: | | | |
| Blackhawk Advance Procurement | –5,000,000 | 0 | –5,000,000 |
| Subtotal | –5,000,000 | 0 | –5,000,000 |
| PROCUREMENT OF AMMUNITION, ARMY: | | | |
| Armament Retooling and Manufacturing Support | –5,000,000 | 0 | –5,000,000 |
| Subtotal | –5,000,000 | 0 | –5,000,000 |
| OTHER PROCUREMENT, ARMY: | | | |
| Maneuver Control System | –6,000,000 | 0 | –6,000,000 |
| Subtotal | –6,000,000 | 0 | –6,000,000 |
| AIRCRAFT PROCUREMENT, NAVY: | | | |
| F/A–18E/F (Fighter) Hornet (AP–CY) | –24,000,000 | 0 | –24,000,000 |
| Subtotal | –24,000,000 | 0 | –24,000,000 |
| OTHER PROCUREMENT, NAVY: | | | |
| SHINCOM | –2,200,000 | 0 | –2,200,000 |
| Subtotal | –2,200,000 | 0 | –2,200,000 |
| RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY: | | | |
| Armored System Modernization-Adv Development | 0 | 0 | –6,000,000 |
| Subtotal | 0 | 0 | –6,000,000 |
| RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY: | | | |
| Classified programs | 0 | 0 | –40,000,000 |
| Subtotal | 0 | 0 | –40,000,000 |
| RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE: | | | |
| Classified programs | 0 | –25,000,000 | –25,000,000 |
| Subtotal | 0 | –25,000,000 | –25,000,000 |
| RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE: | | | |
| Tactical UAV Outrider | 0 | –20,000,000 | –20,000,000 |
| Follow-on-TMD Airborne sensors for ballistic missile tracking | 0 | –9,700,000 | –4,000,000 |
| Subtotal | 0 | –29,700,000 | –24,000,000 |
| Total fiscal year 1997 | –2,200,000 | –54,700,000 | –137,200,000 |
| Grand total | –81,000,000 | –54,700,000 | –176,100,000 |

The conferees have rescinded a portion of the fiscal year 1997 funds provided for the Airborne Sensors for Ballistic Missile Tracking project. The conferees direct that the first priority for the remaining funds shall be to accomplish any valid technology transfer to Airborne Laser (ABL) program.

The conferees included a general provision (Section 8086) which amends Senate language making funds available for Reserve peacetime support to active duty and civilian activities.

The conferees included a general provision (Section 8090) which amends House language for ship cost adjustments requested by the Navy and program adjustments for the F-22. It also includes transfer of funds formerly for prior year ship construction projects to the RDT&E appropriation. The conferees direct that $9,500,000 within the Research, Development, Test and Evaluation, Navy appropriation be used only in the Advanced Transition Technology program for the integration of advanced propulsion technology within a composite structure and mission capable communications to be used for multi-mission patrol craft.

The conferees included a new general provision (Section 8097) to provide funding for the refurbishment of the USS Intrepid.

The conferees included a general provision (Section 8105) which amends House language reducing funding provided to the Operation and Maintenance accounts of the Army, Navy, and Air Force to compensate for excess inventory.

The conferees included a general provision (Section 8106) which amends House language concerning savings from changes to law proposed by the House National Security Committee and the Senate Armed Services Committees on warranties in contracts for the acquisition of defense weapon systems. The conferees agree to a reduction of $75,000,000 rather than $50,000,000 as proposed by the House.

The conferees included a general provision (Section 8109) which amends Senate language concerning a pilot project within the Maritime Technology Program to make technical corrections.

The conferees included a general provision (Section 8114) which amends House language restricting the use of Research and Development funding for the procurement of end-items.

The conferees included a general provision (Section 8117) which prohibits the Department from entering into or renewing a contract with an entity unless the contractor has submitted an annual report to the Department of Labor concerning the employment of veterans. The conferees express their understanding that under current regulations, the annual report for 1997 must be submitted not later than September 30, 1998.

The conferees included a general provision (Section 8121) which amends Senate language earmarking funds to demonstrate expanded use of multi-technology automated reader cards.

The conferees included a general provision (Section 8122) which amends Senate language requiring a report on all anticipated costs to the United States for the admission of the Czech Republic, Poland and Hungary to NATO.

The conferees included a general provision (Section 8123) which amends Senate language concerning reciprocal trade agreements and the conditions under which the Secretary of Defense may issue waivers to the Buy America Act.

The conferees included a new general provision (Section 8127) which rescinds $100,000,000 from funds appropriated in previous Defense Department Appropriations Acts which are expected to expire at the end of fiscal year 1998.

The conferees included a new general provision (Section 8128) which allows the Secretary of Defense to provide funds for operational costs associated with the Lexington Bluegrass facility.

The conferees included a new general provision (Section 8129) to facilitate contractor teaming for construction of submarines. It is required by the Navy in order to implement the President's budget request and appropriation in this Act for funding for the New Attack Submarine.

The conferees included a new general provision (Section 8130) establishing the National Security Strategy Study Group.

The conferees included a new general provision (Section 8131) establishing a panel to review the need for continued production of the B-2 bomber.

The conferees included a general provision (Section 8132) which amends House language restricting the use of funds for the U.S. military deployment in Bosnia after June 30, 1998. The amended provision denies the use of funds in the Defense Appropriations Act, 1998, for the deployment of U.S. armed forces in the Republic of Bosnia and Herzegovina after June 30, 1998, unless the President, after consultation with the bipartisan leadership of the Senate and House of Representatives, transmits to the Congress not later than May 15, 1998 a certification that the continued presence of United States armed forces is required in order to meet the national security interests of the United States. Any such certification shall specify the following aspects of any deployment beyond June 30, 1998:

(1) The reasons why such deployment is in the national interest;

(2) The number of United States military personnel to be deployed in and around the Republic of Bosnia and Herzegovina and the former Yugoslavia;

(3) The expected duration of any such deployment;

(4) The mission and objectives of United States military forces deployed in and around the Republic of Bosnia and Herzegovina and the former Yugoslavia; and

(5) The exit strategy for United States forces engaged in such deployment;

(6) The costs associated with any deployment beyond June 30, 1998; and

(7) The impact of such deployment on the morale, retention, and effectiveness of U.S. forces:

Pursuant to Section 8132, concurrent with the submission of any such certification, the President shall submit to the Congress a fiscal year 1998 supplemental appropriations request for such amounts as are necessary for any continued deployment beyond June 30, 1998.

CONFERENCE TOTAL—WITH COMPARISONS

The total new budget (obligational) authority for the fiscal year 1998 recommended by the Committee of Conference, with comparisons to the fiscal year 1997 amount, the 1998 budget estimates, and the House and Senate bills for 1998 follow:

| | |
|---|---|
| New budget (obligational) authority, fiscal year 1997 | $242,389,726,000 |
| Budget estimates of new (obligational) authority, fiscal year 1998 | 243,923,541,000 |
| House bill, fiscal year 1998 | 248,335,303,000 |
| Senate bill, fiscal year 1998 | 247,184,859,000 |
| Conference agreement, fiscal year 1998 | 247,708,522,000 |
| Conference agreement compared with: | |
| New budget (obligational) authority, fiscal year 1997 | +5,318,796,000 |
| Budget estimates of new (obligational) authority, fiscal year 1998 | +3,784,981,000 |
| House bill, fiscal year 1998 | −626,781,000 |
| Senate bill, fiscal year 1998 | +523,663,000 |

BILL YOUNG,
JOSEPH M. MCDADE,
JERRY LEWIS,
JOE SKEEN,
DAVID L. HOBSON,
HENRY BONILLA,
GEORGE R. NETHERCUTT, Jr.,
ERNEST ISTOOK,
RANDY "DUKE" CUNNINGHAM,
BOB LIVINGSTON,
JOHN P. MURTHA,
NORM DICKS,
*(Except on amendment dealing with the B-2 bomber),*
W.G. BILL HEFNER,
MARTIN OLAV SABO,
JULIAN C. DIXON,
PETER J. VISCLOSKY,
*Managers on the Part of the House.*

TED STEVENS,
THAD COCHRAN,
ARLEN SPECTER,
PETE DOMENICI,
CHRISTOPHER S. BOND,
MITCH MCCONNELL,
RICHARD SHELBY,
JUDD GREGG,
KAY BAILEY HUTCHISON,
DANIEL K. INOUYE,
ROBERT BYRD,
PATRICK J. LEAHY,
DALE BUMPERS,
FRANK R. LAUTENBERG,
BYRON L. DORGAN,
*Managers of the Part of the Senate.*

## REGARDING CANADIAN BORDER BOAT LANDING PERMITS

The SPEAKER pro tempore (Mr. GUTKNECHT). The pending business is the question de novo of suspending the rules and passing the bill, H.R. 2027.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas [Mr. SMITH] that the House suspend the rules and pass the bill, H.R. 2027.

The question was taken.

Mr. CONDIT. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The Chair announces that this will be followed by a series of 5-minute votes.

The vote was taken by electronic device, and there were—yeas 412, nays 5, not voting 16, as follows:

[Roll No. 419]

YEAS—412

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baesler

Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Bentsen
Bereuter
Berman
Berry
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Filner
Foley
Forbes
Ford
Fowler
Fox
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McDermott
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Paul
Paxon
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Redmond
Regula
Riggs
Riley
Rivers
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryun
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Schumer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Stokes
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thune
Thurman
Tiahrt
Tierney
Towns
Traficant
Turner
Upton
Velázquez
Vento
Visclosky
Walsh
Wamp
Watkins
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wise
Wolf
Woolsey
Wynn
Young (AK)
Young (FL)

NAYS—5

Becerra
Carson
Scott
Waters
Watt (NC)

NOT VOTING—16

Bilbray
Bonilla
Flake
Foglietta
Frank (MA)
Gonzalez
Hastings (FL)
Johnson, Sam
Lowey
Reyes
Rodriguez
Schiff
Serrano
Thompson
Torres
Yates

□ 2125

Ms. WATERS changed her vote from "yea" to "nay."

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. GUTKNECHT). Pursuant to the provisions of clause 5, rule I, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device may be taken on each additional motion to suspend the rules on which the Chair has postponed further proceedings.

## JACOB WETTERLING CRIMES AGAINST CHILDREN AND SEXUALLY VIOLENT OFFENDERS REGISTRATION IMPROVEMENTS ACT OF 1997

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 1683, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. McCOLLUM] that the House suspend the rules and pass the bill, H.R. 1683, as amended.

The question was taken.

RECORDED VOTE

Mr. CONDIT. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a five-minute vote.

The vote was taken by electronic device, and there were—ayes 415, noes 2, answered "present" 1, not voting 15, as follows:

[Roll No. 420]

AYES—415

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berman
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Filner
Foley
Forbes
Ford
Fowler
Fox
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)

Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McDermott
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Paxon
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Redmond
Regula
Riggs
Riley
Rivers
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryun
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schumer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Stokes
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thune
Thurman
Tiahrt
Tierney
Towns
Traficant
Turner
Upton
Velázquez
Vento
Visclosky
Walsh
Wamp
Waters
Watkins
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wise
Wolf
Woolsey
Wynn
Young (AK)
Young (FL)

### NOES—2

Scott
Watt (NC)

### ANSWERED "PRESENT"—1

Paul

### NOT VOTING—15

Bonilla
Flake
Foglietta
Frank (MA)
Gonzalez
Hastings (FL)
Lowey
Reyes
Rodriguez
Schaffer, Bob
Schiff
Serrano
Thompson
Torres
Yates

□ 2133

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## CARL B. STOKES UNITED STATES COURTHOUSE

The SPEAKER pro tempore (Mr. GUTKNECHT). The pending business is the question de novo of suspending the rules and passing the bill, H.R. 643.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. KIM] that the House suspend the rules and pass the bill, H.R. 643.

The question was taken.

### RECORDED VOTE

Mr. CONDIT. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 420, noes 0, not voting 13, as follows:

[Roll No. 421]

### AYES—420

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berman
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Filner
Foley
Forbes
Ford
Fowler
Fox
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McDermott
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Paul
Paxon
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Redmond
Regula
Reyes
Riggs
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryun
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Schumer
Scott
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Stokes
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thune
Thurman
Tiahrt
Tierney
Torres
Towns
Traficant
Turner
Upton
Velázquez
Vento
Visclosky
Walsh
Wamp
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wise
Wolf
Woolsey
Wynn
Young (AK)
Young (FL)

### NOT VOTING—13

Bonilla
Flake
Foglietta
Frank (MA)
Gonzalez
Hastings (FL)
John
Lowey
Schiff
Serrano
Thompson
Waters
Yates

□ 2141

The Clerk announced the following pairs:

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was placed on the table.

## HOWARD T. MARKEY NATIONAL COURTS BUILDING

The SPEAKER pro tempore. The pending business is the question de novo of suspending the rules and passing the bill, H.R. 824.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. KIM] that the House suspend the rules and pass the bill, H.R. 824.

The question was taken.

RECORDED VOTE

Mr. CONDIT. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 420, noes 0, not voting 13, as follows:

[Roll No. 422]

AYES—420

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berman
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Filner
Foley
Forbes
Ford
Fowler
Fox
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McDermott
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Paul
Paxon
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Redmond
Regula
Reyes
Riggs
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryun
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Schumer
Scott
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Stokes
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Tierney
Torres
Towns
Traficant
Turner
Upton
Velàzquez
Vento
Visclosky
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wise
Wolf
Woolsey
Wynn
Young (AK)
Young (FL)

NOT VOTING—13

Bonilla
Coburn
Flake
Foglietta
Frank (MA)
Gonzalez
Hastings (FL)
Johnson, Sam
Lowey
Portman
Schiff
Serrano
Yates

□ 2150

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## ROBERT J. DOLE UNITED STATES COURTHOUSE

The SPEAKER pro tempore (Mr. GUTKNECHT). The pending business is the question de novo of suspending the rules and passing the Senate bill, S. 1000.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. KIM] that the House suspend the rules and pass the Senate bill, S. 1000.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

## RONALD H. BROWN FEDERAL BUILDING

The SPEAKER pro tempore. The pending business is the question de novo of suspending the rules and passing the bill, H.R. 29.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. KIM] that the House suspend the rules and pass the bill, H.R. 29.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

## OKLAHOMA CITY NATIONAL MEMORIAL ACT OF 1997

The SPEAKER pro tempore. The pending business is the question de novo of suspending the rules and passing the Senate bill, S.871, as amended.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah [Mr. HANSEN] that the House suspend the rules and pass the Senate bill, S. 871, as amended.

The question was taken.

RECORDED VOTE

Mr. CONDIT. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 414, noes 7, not voting 12, as follows:

[Roll No. 423]

AYES—414

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berman
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Capps
Cardin
Carson
Castle
Chabot
Chambliss
Christensen
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Engel
English
Ensign
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Filner
Foley
Forbes
Ford
Fowler
Fox
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E.B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McDermott
McGovern
McHale
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Paxon
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Redmond
Regula
Reyes
Riggs
Riley
Rivers
Rodriguez
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryun
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Schumer
Scott
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Stokes
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Tierney
Torres
Towns
Traficant
Turner
Upton
Velázquez
Vento
Visclosky
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wise
Wolf
Woolsey
Wynn
Young (AK)
Young (FL)

NOES—7

Campbell
Chenoweth
McIntosh
Paul
Rogan
Sanford
Sensenbrenner

NOT VOTING—12

Bonilla
Coburn
Emerson
Flake
Foglietta
Frank (MA)
Gonzalez
Hastings (FL)
Lowey
Schiff
Serrano
Yates

□ 2159

Mr. ROGAN changed his vote from "aye" to "no."

So (two-thirds having voted in favor thereof), the rules were suspended and the Senate bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## NATIONAL WILDLIFE REFUGE SYSTEM IMPROVEMENT ACT OF 1997

The SPEAKER pro tempore (Mr. GUTKNECHT). The pending business is the question de novo of suspending the rules and concurring in the Senate amendments to the bill, H.R. 1420.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Alaska [Mr. YOUNG] that the House suspend the rules and concur in the Senate amendments to the bill, H.R. 1420.

The question was taken.

### RECORDED VOTE

Mr. CONDIT. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 419, noes 1, not voting 13, as follows:

[Roll No. 424]

AYES—419

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berman
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Engel
English
Ensign
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Filner
Foley
Forbes
Ford
Fowler
Fox
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum

McCrery
McDade
McDermott
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Paxon
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts

Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Redmond
Regula
Reyes
Riggs
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryun
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Schaefer, Dan
Schaffer, Bob
Schumer
Scott
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam

Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Stokes
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Tierney
Torres
Towns
Traficant
Turner
Upton
Velázquez
Vento
Visclosky
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wise
Wolf
Woolsey
Wynn
Young (AK)
Young (FL)

NOES—1

Paul

NOT VOTING—13

Bonilla
Coburn
Emerson
Flake
Foglietta

Frank (MA)
Gonzalez
Hastings (FL)
Lowey
Scarborough

Schiff
Serrano
Yates

☐ 2208

So (two-thirds having voted in favor thereof), the rules were suspended and the Senate amendments were concurred in.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

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## HOOD BAY LAND EXCHANGE ACT OF 1997

The SPEAKER pro tempore. The pending business is the question de novo of suspending the rules and passing the bill, H.R. 1948, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Alaska [Mr. YOUNG] that the House suspend the rules and pass the bill, H.R. 1948, as amended.

The question was taken.

### RECORDED VOTE

Mr. CONDIT. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 420, noes 0, not voting 13, as follows:

[Roll No. 425]

AYES—420

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berman
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Conyers
Cook
Cooksey

Costello
Cox
Coyne
Cramer
Crane
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Engel
English
Ensign
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Filner
Foley
Forbes
Ford
Fowler
Fox
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger

Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Levin

Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McDermott
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Pappas

Parker
Pascrell
Pastor
Paul
Paxon
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Redmond
Regula
Reyes
Riggs
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryun
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Schumer
Scott
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs

Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Stokes
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Tierney
Torres
Towns
Traficant
Turner
Upton
Velázquez
Vento
Visclosky
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wise
Wolf
Woolsey
Wynn
Young (AK)
Young (FL)

NOT VOTING—13

Bonilla
Coburn
Emerson
Flake
Foglietta

Frank (MA)
Gonzalez
Hastings (FL)
Lewis (GA)
Lowey

Schiff
Serrano
Yates

☐ 2215

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid upon the table.

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## PARLIAMENTARY INQUIRY

Mr. SCARBOROUGH. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore (Mr. GUTKNECHT). The gentleman will state his parliamentary inquiry.

Mr. SCARBOROUGH. Mr. Speaker, I understand that earlier this evening this House voice voted an agreement to acquiesce to funding for the NEA, to the Senate's position on NEA.

Is there any method that Members that do not want to acquiesce to the Senate's funding levels of NEA could bring up another vote to have a recorded vote before this House?

The SPEAKER pro tempore. The Chair would inform the gentleman from Florida that the motion to reconsider was laid upon the table.

There may be other options available to the gentleman from Florida at some later point, but the motion to reconsider was laid upon the table.

Mr. SCARBOROUGH. Mr. Speaker, parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. SCARBOROUGH. Mr. Speaker, I understand also that there was a voice vote designating the Ronald H. Brown Federal Building earlier this evening, also by voice vote.

Is there a possibility that Members that want a recorded vote on the Ronald H. Brown Federal Building also would have the opportunity to vote on that issue?

The SPEAKER pro tempore. Again, the Chair would state to the gentleman from Florida the motion to reconsider was laid upon the table.

## PERSONAL EXPLANATION

Ms. WOOLSEY. Mr. Speaker, I was unavoidably detained during rollcalls 416, 417, and 418 earlier today because of a mechanical failure of my airplane from San Francisco to Washington, DC. Had I been present, I would have voted "aye" on each of these bills.

## PERSONAL EXPLANATION

Ms. LOFGREN. Mr. Speaker, I was also, unfortunately, on the 8 a.m. flight on United from San Francisco to Washington that never did take off. So I was unavoidably detained. I also missed rollcalls 416, 417, and 418. Had I been present, I would have voted "aye" on each of these bills.

## PERSONAL EXPLANATION

Mrs. EMERSON. Mr. Speaker, on rollcall Nos. 423, 424, and 425, I was unable to vote because I was called home to attend to a sick daughter. Had I been present, I would have voted "aye" on each vote.

## SPECIAL ORDERS

The SPEAKER pro tempore (Mr. GUTKNECHT). Under the Speaker's announced policy of January 7, 1997, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

## INHUMANE INCARCERATION OF JENNIFER DAVIS IN PERU

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. Ewing] is recognized for 5 minutes.

Mr. EWING. Mr. Speaker, I have requested this special order time to alert my colleagues and the country to the plight of a 20-year-old young lady from my district who has been incarcerated in inhumane conditions in Peru for one year this Thursday. One year after her arrest on September 25, 1996, Jennifer Davis has been denied due process of law, including a trial and sentencing, and she still has no idea when to expect a trial.

Jennifer was arrested 1 year ago when she foolishly agreed to serve as a "mule" in an increasingly common practice in Latin America in which gullible Americans are used to transport drugs into the United States in exchange for a free vacation and payment. In Jennifer's case, she was offered a free trip to Peru and $5,000 in exchange for carrying 3.3 kilograms of cocaine.

I want to say at the outset that in no way do I condone or apologize for what Jennifer Davis did. As a Member of Congress, I have repeatedly stressed my belief that the abuse of drugs is one of the most pressing issues facing our country and it is one of the biggest problems facing young people of our country.

What Jennifer did was inexcusable and she must be punished for her acts. Jennifer was 19 when she was arrested. She had never been in trouble with the law before and I believe her mistake was one of youthful indiscretion and poor judgment. She is not a professional drug runner but a teenage kid who made a big mistake.

I have met with her parents and they are good, Christian people who have no tolerance for drugs or breaking the law. Jennifer immediately admitted her guilt to the police at the time of her arrest and offered to atone for her mistake by cooperating fully with the authorities. She has repeatedly admitted that she is guilty and has turned in several professional drug traffickers from Peru who arranged for this crime. At every opportunity over the past year, Jennifer has fully cooperated and has helped to lock up professional drug runners.

Her willingness to cooperate and admit her guilt has gotten Jennifer nowhere. A year after her arrest, she sits in a jail with no trial or sentence. In fact, Jennifer has been punished because of her cooperation. Her trial has been repeatedly delayed because under the strange legal system in Peru her case is tied to the provisional drug runners who she turned in. They have repeatedly delayed Jennifer's trial. And if any of them appeal their sentence under this strange system, Jennifer's case will go through appeal, too, this despite her willingness to admit her guilt.

The Government of Peru offers weak and unconvincing excuses for this delay. We have repeatedly found out that the officer who arrested Jennifer was later arrested himself for drug trafficking. He has already had a trial, has been sentenced, served 6 months, and is already out on the streets, all this while Jennifer sits in jail awaiting a sentence. It is clear to me that someone in high places in Peru wants inaction. One year without a sentence is completely inexcusable.

I again call on the Government of Peru to move forward with this case. It is time that people in high places in Peru give action to this young lady. The conditions which Jennifer is being held in is inexcusable. The prison was built to hold 300 but has 700 women in it. There is no running water, inadequate nourishment, including no fruits or vegetables, disease is rampant and health care inadequate. Sick animals, roaches, and rats abound in the prison.

Jennifer has lost over 20 pounds during the years she has been held. The prison conditions violate dozens of internationally recognized standards for the treatment of prisoners, standards to which the government of Peru has agreed to comply.

I have tried to convey my concerns with the Peruvian ambassador to the United States, Mr. Luna. He has refused to meet with me and other Members of Congress to discuss the case. I am inserting in the RECORD a copy of a letter I received from the ambassador in which he refused our request to meet with him.

□ 2230

This issue has attracted attention in this Congress, but unfortunately the Government of Peru does not seem to care one iota about due process of law. Both the House and the Senate have passed sense of Congress resolutions calling for the Government of Peru to respect due process of law. The House Appropriations Committee has adopted language raising concerns about the matter, and the full Senate has adopted an amendment cutting foreign aid to Peru. The American people are beginning to question why this country should continue to send about $100 million in aid to Peru every year when the country has no respect for our laws. I will continue to raise a question in Congress and remind my colleagues that Ambassador Luna could not care less about the U.S. Congress.

Mr. Speaker, on this 1-year anniversary of Jennifer Davis's arrest, I call on the Government of Peru to start treating prisoners like humans and start respecting the right to due process of law. I call on the United States Secretary of State to personally bring this important matter to the highest officials in Peru.

Embassy of Peru,
*Washington, DC, June 17, 1997.*

Mr. Thomas W. Ewing,
*Member of Congress, Rayburn House Office Building, Washington, DC.*

Dear Congressman Ewing: I refer to your letter requesting a meeting for June 19th in order to discuss the cases of Ms. Jennifer Davis and Ms. Krista Barnes, two American citizens who were detained in Peru with 6.4 Kgrs. of cocaine.

Although I appreciate your kind invitation, I must remind you that this is an internal domestic matter that involves the Peruvian Judicial branch which is separate and independent from the Executive branch. Therefore, as the representative of the Head of State, and the Executive in particular, I am not authorized to discuss the issue with foreign authorities. All information I have about these cases has been provided to you and some of your colleagues in a letter dated June 9th.

Finally, I understand that on May 1st, you and the Congressional Caucus on Human Rights organized an informal conversation about prison conditions and the judicial system in Peru. This Embassy attended the meeting and presented an informal paper on the issue.

Sincerely yours,
Richardo V. Luna,
*Ambassador.*

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Congress of the United States,
House of Representatives,
*Washington, DC, June 16, 1997.*

Ambassador Ricardo Luna,
*Embassy of Peru,*
*Washington, DC.*

Dear Mr. Ambassador: We are writing to respectfully request a meeting with you so that we may personally discuss the matter of two Americans being held at the Santa Monica de Chorillos women's prison in Peru, Ms. Jennifer Davis and Ms. Krista Barnes.

We have arranged our schedules to accommodate a meeting with you at 3:15 p.m. on Thursday, June 19 in the office of Rep. Ewing, 2417 Rayburn Building. We hope this time is convenient for you. Please let us know as soon as possible whether you will be able to participate in this meeting by contacting Eric Nicoll in the office of Rep. Ewing at 225-2371.

Other members of Congress have expressed an interest in this case and may participate in this meeting. We will provide you with a list of attendees prior to the meeting. Thank you very much for your continued attention to this matter and we look forward to meeting with you.

Sincerely,
Thomas W. Ewing,
*Member of Congress.*
Richard Durbin,
*U.S. Senator.*
Henry J. Hyde,
*Member of Congress.*

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## HOUSTON NEEDS NONSTOP SERVICE TO TOKYO

The SPEAKER pro tempore (Mr. Whitfield). Under a previous order of the House, the gentleman from Texas [Mr. Green] is recognized for 5 minutes.

Mr. GREEN. Mr. Speaker, the United States is currently negotiating a new bilateral aviation agreement with Japan. It is vitally important that the United States press for the broadest possible agreement that would open up nonstop service to Tokyo from Houston, TX. Priority must be given first to providing service to those major U.S. cities, including Houston, that have no nonstop service to Tokyo at all currently.

There is ample traffic to support daily nonstop service between Houston and Tokyo. In addition, more competition is needed between new United States gateways and Japan rather than additional increased service from existing United States -Japan service points.

Why does Houston deserve nonstop service? Houston is the fourth largest city in the Nation and is a huge market which is currently unserved by nonstop service to Japan. The addition of nonstop air service will result in substantial economic benefit to Houston as it would increase annual output by over $800 million, provide over 5,600 new jobs, and increase incomes in Houston by $170 million.

Here are more facts to back up this argument. Houston is the largest city in the United States without nonstop service to Tokyo. Houston is also the second largest United States metropolitan area in terms of Asian population that does not have single plane service to Asia. Houston is the second largest international traffic gateway without single plane service to Asia.

Two hundred seventy-three Houston firms currently trade goods and services with Japan. Nearly 540 other Houston companies do business with East Asia as a whole, including Japan. Japanese companies have almost 90 subsidiaries in Houston as well as the largest concentration of Japanese specialty chemical companies outside of Japan. That is also in Houston. Houston is the Nation's second leading city for international business.

I am proud to have joined the gentleman from Texas [Mr. Archer], the chairman, and my other Houston colleagues in a letter to the President earlier this year on this issue. As negotiations continue with Japan, consideration should be given to the fact that new service between unserved United States cities and Japan is more competitive and more preferable than additional service from cities that already have service to Japan.

Ms. JACKSON-LEE of Texas. Mr. Speaker, will the gentleman yield?

Mr. GREEN. I yield to the gentlewoman from Texas.

Ms. JACKSON-LEE of Texas. I thank the gentleman from Texas, particularly for his effort. I simply want to join in his remarks and acknowledge as a representative for the downtown business community one of the strains on expanding business and expanding trade is a lack of a direct route from Houston to Tokyo. I would encourage the negotiators to seriously look at the importance of the fourth largest city in the Nation having a direct route from Houston to Tokyo, and particularly with respect to Continental Airlines and other airlines that are looking at that issue.

Mr. GREEN. In reclaiming my time, Mr. Speaker, and I know it is a biparisan effort by both Republicans and Democrats, because I am honored to represent the Intercontinental Airport now that the Federal court saw fit last year to give it to me from district 18, having lived there for many years. It is important to the whole business community and all of Houston because of the port and the trade we already do with Japan to have that nonstop service. I hope those negotiators understand that.

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## MONTANA MINING DISPUTE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Montana [Mr. Hill] is recognized for 5 minutes.

Mr. HILL. Mr. Speaker, I rise this evening to tell a story to my colleagues about a place called Cooke City, MT. Cooke City, MT, is an isolated community in south central Montana. It is located about 3 miles northeast of Yellowstone Park. It is surrounded by a historical mining district where there has been active mining for well over 100 years. It also happens to be the home of a place called the New World Mine.

Some of my colleagues might recognize the name the New World Mine. On October 12, 1996, a little over a year ago, President Clinton announced that he had entered into an agreement with a foreign mining company and an environmental community to stop the process of proceeding with the development of a new gold mine at the site of the New World Mine. He did so based upon concerns that had been raised by members of the environmental community that mining at that site might pose some risk to Yellowstone Park. However, in the process of interrupting the process of the mine, the President also interrupted the environmental impact statement that would have given us for certain an understanding of what the real risks would have been. So in secret the President, a foreign mining company and an environmental community agreed to give away 65 million dollars' worth of public land in Montana in exchange for this mine.

Mr. Speaker, that created outrage in Montana. Sportsmens' groups and environmentalists expressed outrage because Montanans feel great attachment to the public land. They hunt, they fish, they hike, they pick berries, they camp. Mr. Speaker, many of them actually make their living on public lands.

Sensing that outrage, the President changed his mind, and he decided instead of 65 million dollars' worth of public land, he would take $100 million out of the Conservation Reserve Program from Montana and give that to this mining company instead. That created outrage, Mr. Speaker. Farmers, environmentalists and sportsmen, all of whom believe greatly in the Conservation Reserve Program, expressed their outrage.

So then the President said no, he wanted $65 million from the Congress. And Congress said, whoa, wait a minute.

There are three big problems, Mr. Speaker, with the President's plan. First, the White House forgot about Montana. The General Accounting Office just issued a report that said that Montana is going to lose 466 jobs, $45 million in revenues. In fact, local Park County will lose $1.2 million in revenues in the first 5 years.

The second problem is that we have discovered the mine was not an asset, but rather a liability. There are serious water quality problems arising out of previous mining activities, and the President has proposed that the taxpayers assume those liabilities.

But, Mr. Speaker, the really big problem with this deal was that we found out that the mining company did not own the ore. There is a lady by the name of Margaret Reeb, who lives in Livingston, MT, whose mother was the first woman in the Cooke City mining camp, who over the years has acquired those mining claims, and she owns the ore. The problem was she was not consulted, she was not asked, she never signed. Margaret owns the asset.

Mr. Speaker, when the White House was asked about this, what will happen if Margaret Reeb does not want to sell her ore, which she said she does not, the White House said, "Well, there's more than one way to skin a cat." Mr. Speaker, we do not call it cat skinning in Montana, we call it claim jumping. It is wrong in Washington, and it is wrong in Montana.

Now the President has said that if we do not give him a blank check in the Interior appropriations bill, he is going to veto the Interior appropriations bill. What do we do? Some people say we should just walk away from this deal. Others say that we should just give the President the $65 million and forget about it.

I think both of those options are wrong. I think that we have an obligation, Mr. Speaker, to pay a mining company for what its real interest and the real value of its assets are. I think we have an obligation, Mr. Speaker, to protect Margaret Reeb and her private property rights. I think we have an obligation, Mr. Speaker, to make whole the State of Montana by replacing the minerals that will be withdrawn with other minerals that might be developed. And so I have offered a fair proposal, a proposal that will protect those property rights, that will reimburse the State of Montana, and will help that local community that is isolated and needs those jobs and that economic impact.

I would hope that my colleagues will help me in trying to convince the President that there is a fairer plan than stealing Margaret Reeb's property rights. There is a fairer plan than denying Montana the jobs and the economic opportunities.

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## THE DEFICIT AND THE DEBT

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from Wisconsin [Mr. NEUMANN] is recognized for half the time until midnight, 40 minutes, as the designee of the majority leader.

Mr. NEUMANN. Mr. Speaker, I rise tonight to talk about the good news that we can bring from Washington, D.C., for a change and how much things have changed from the past to where we stand today.

I think to start this discussion, it would make sense that we talk about the difference between debt and deficit, much like folks in their own home understand the difference between a checkbook and borrowing a mortgage on a home. When we talk about the deficit in this Nation, what we are talking about is the amount of money that our Federal Government borrows each year more than what it takes in. That is how much it spends out of its checkbook each year more than what it takes in. That is the deficit. So the amount they overdraw their checkbook, it is not a lot different than in our own home. If you overdraw your checkbook, that is called a deficit.

What our Government does each year after they overdraw their checkbook is they go out and borrow money to make their checks good. When they borrow money, of course, each year, that amount that they have borrowed keeps adding up and up and up.

This chart I have brought with me tonight shows how the debt has been growing facing this Nation. As a matter of fact, in 1995 when I took office for the first time, the debt had reached this point.

One can see the especially steep climb that has been going on from, oh, really the middle to late 1970's, right straight on through 1995. It is leading us to a huge problem in this great Nation that we live in. The total amount of debt that we as a Nation face today, the total amount that they have borrowed cumulative then over the last 30 years, the last time we had a balanced budget was 1969, the total amount they have borrowed since that date is $5.3 trillion. $5.3 trillion they have spent more than they have taken in in this community by the year 1995.

Let me translate that into English so my colleagues and anyone else viewing this tonight can understand if you divide the total debt by the number of people in the United States of America, our Government has borrowed literally $20,000 for every man, woman and child in the United States of America. For a family of five like mine, that is $100,000 total that our family is in debt on behalf of this Government, because, after all, we are the Government. The interest alone for that family of five on this debt is $7,000 a year, or roughly $580 per month. That is the interest alone on the Federal debt for a family of five is $580 a month.

A lot of people say, "Well, I don't pay that much in taxes." But the fact is every time you walk in the store and do something as simple as buy a loaf of bread, the store owner makes a small profit on that loaf of bread, and part of that profit gets sent to Washington, D.C., to pay the interest on the Federal debt.

Mr. Speaker, I yield to the gentleman from Florida [Mr. FOLEY] who has joined me this evening.

Mr. FOLEY. How much is the annual cost to the taxpayers aggregate for the interest on the debt alone?

Mr. NEUMANN. It is roughly 7 percent of this number, so the Federal Government is spending about $330 billion every year. Roughly $1 out of every 6 that the United States Government spends is to pay nothing but interest on this Federal debt.

We should remember a good part of this debt is held by people in foreign countries, which means we are really collecting tax dollars out of working families' paychecks out here in Washington, and then we are paying that interest out to foreign entities who hold a good portion of this debt.

Mr. FOLEY. What the gentleman is saying tonight is that $330 billion that is paying the interest on the debt does not reduce the $5.3 trillion in debt?

Mr. NEUMANN. That is exactly right. That does nothing but pay the interest on the Federal debt. So even after we get to a balanced budget, this debt is still out there hanging over our heads. If we do not do anything about it, of course, this debt will be the legacy that we leave for the next generation.

Mr. FOLEY. To put it in simple terms, a family, if they borrowed against their home on a 30-year mortgage and paid a mortgage payment every month for 30 years, but it was strictly interest, would still then owe the full principal as they started 30 years prior?

Mr. NEUMANN. That is exactly right, and that is exactly what we are doing out here with one slight difference. Out here we are adding to that amount every year. Since 1969, this number has gotten bigger and bigger and bigger. So if we put this in perspective for the families out there who own a home, it is not only like they are just making the interest payment and not making any principal payment on that mortgage, it is like they are paying the interest but adding to the mortgage amount every year. So if you bought a house and you borrowed $80,000 to buy that house, it is like we are paying the interest on the $80,000, but we are adding $4,000 to it next year; so you are at $84,000 at the end of the first year, and $88,000 after that, and so on. Up and up it goes.

□ 2245

That is how we got to that $5.3 trillion in debt. As a matter of fact, I brought another chart here to kind of show how we got to this point, and this chart shows not only how we got here but how different things really are between the past and since 1995 when you and I were both elected. For the first time Republicans have controlled the House of Representatives in a long time. This shows what Gramm-Rudman-Hollings promised to do. What they promised to do is stop overdrawing their checkbook. This is the deficit line or the amount they were going to overdraw their checkbook that they promised back in the late 1980's and early 1990's, and we can see that they planned to balance the budget for the first time; that is, not spend any more money than what they had in their checkbook. They planned to do that in 1993. The red line shows what they actually did. That is to say, the red line shows that they kept overspending their checkbook year after year after year after year, and of course the debt just keeps going up and up and up. That is how we got to this $5.3 trillion in debt. These are the broken promises of the past that the American people got so upset with that led them to making the change in this House of Representatives in 1994, elected you, elected myself and elected 70-some others just like us because they were very frustrated that they had been given this promise and the promise was broken.

But I think it is also important that we understand how much things have changed since the American people did send a new group out here in 1995, yourself and myself included. This blue line shows what we promised the American people when we came in 1995, and notice the red line in a very different spot. We are not only on track to balancing the budget in the 7-year plan that we laid out, we are significantly ahead of schedule. As a matter of fact, it would now appear that the budget will be balanced for the first time since 1969 next year. That is in 1998, 4 years ahead of schedule, we will have had the first balanced budget in 30 years because of the efforts of this Congress and the changes that have been made.

There is another way of looking at this, and I think it is important that we understand that if we had come out here and done absolutely nothing, this would not have happened. When we were elected in 1995, this red line shows where the deficits were headed. The yellow line shows how much progress we made.

To my friend from Florida, my colleague from Florida, does he remember what the first hundred days out here were like in that first year? Does he remember the hassles and the fights we went through during that first year? What we were going through is bringing this red line, deficit line, down to here, and in the meantime we laid this plan into place, how we were going to get to a balanced budget by 2002. But the reality is we are outperforming our projections, and I am happy to bring to the American people the good news that the budget will in fact be balanced. We are not only on track but ahead of schedule, very different than the Congress that was here before, on track and ahead of schedule, and we will have a balanced budget in 1998 for the first time in 30 years.

I have one more chart here that I think is really important. I have been out with my constituents across the State of Wisconsin, and you know when I tell them these things they say, "Well, you guys are lucky the economy is performing so well that you have got all this extra revenue coming in and because the revenue is coming in, you have got a balanced budget, and you all are trying to look good because of it." Well, I first point out that we have had good economies in the past, since 1969, and when we had good economies in the past my good friend from Florida might recall what the Congresses that were here before us did. When the economies were good and extra revenue came in it does not take Einstein to figure out what Washington did. Washington spent the money, and that is very different in this Congress. While the revenues were coming in strong because the economy was good, not only did we not spend the money, at the same time we slowed the growth of Washington spending. So at the same time extra revenues were coming in this Congress slowed the growth of Washington spending. Before we got here this red column shows it was growing by 5.2 percent a year. Since we have been here it has only grown by 3.2 percent a year, still faster than some would like, like myself. I would like to see this even smaller yet, but it is very significant to note that the growth of Washington spending has been slowed by 40 percent in the first 2 years that we have been in office.

So it is not only a strong economy; certainly that is part of it, but in addition to the strong economy we also have slowed the growth of Washington spending, and the 2 things put together have put us in this position where we are going to balance the budget for the first time in 30 years next year, 4 years ahead of the promises we made to the American people.

But as my good friend from Florida has been talking to his constituents about, I know even after we get to a balanced budget we still have that $5 trillion debt hanging over our heads.

Mr. FOLEY. Mr. Speaker, if the gentleman would yield, that is something I want to emphasize.

You know, it is great to boast about progress we are making, and I think we have turned this place light years around from where we were. But none of us have actually talked enough about that looming $5.3 trillion debt that will remain even with the balanced budget. Some estimates suggest that that number may climb to $6 trillion by the year 2001, 2002.

So I think we have to underscore right now that we are talking about a significant amount of debt that remains after the balanced budget.

Mr. NEUMANN. Well, I think that it is important to look at how far we have come, and we should applaud the fact that we are going to have the first balanced budget since 1969, and, you know, before we go forward we should also mention that 1993, that same year they broke the promise that they were supposed to have a balanced budget, that is a very famous year for another reason. Without a single Republican vote in the House of Representatives they passed the largest tax increase in American history, and to my colleagues that have forgotten what this was like before we were here, in 1993 we were talking about raising the marginal income tax rate, we talked about a 4.3 cent per gallon gasoline tax increase, and the money did not even get spent on building roads to provide a better infrastructure. They extended a 2.5 cent per gallon gasoline tax increase, they raised the taxes on Social Security. Before 1993 we were faced not only with the broken promises of a balanced budget but with the discussion about how high to raise taxes and which taxes should be raised first. That has changed too. In 1997 we passed the first tax cut in 16 years, and I know we want to talk about where else we are going here on paying off the debt, but I think we should look at the fact that we have a balanced budget for the first time in 30 years, lower taxes for the first time in 16 years, and also restored Medicare in a very different way than they did in 1993.

Mr. FOLEY. If the gentleman will yield again, I think we also have to underscore the tax increase that seniors suffered in 1993, which included taking away some of their interest earnings in income and taxing their Social Security in order to balance the budget. People who had retired, who had worked all their life for this country, now were being taxed under a new plan in order to balance the budget, but we did not really balance it because we kept spending more and more and more.

Mr. NEUMANN. And therein lies the key. Reclaiming my time, therein lies the key. When we got here we realized that it was important that we curtailed or slowed the growth of Washington spending, and that is why this other chart we had here is so important. When we got here we did slow the growth of Washington spending.

I brought a line chart that kind of shows the same thing. This red line shows how fast spending was going up again before 1995, and after 1995 we can see the red lines going up at a slower rate. Well, if the red line is going up at the slower rate, the blue line shows how fast revenue is growing up. Well, if revenue and spending was going up at the same rate, the deficit remained. But we now have a good economy, so the blue line starts going up a little faster. At the same time the red line is going up slower. Spending is going up slower. Revenue is going up faster. That gets us to a balanced budget ahead of schedule, and that is exactly what has happened. But not only is the budget balanced at this point, we can see what is going to happen next: With the spending going up at a slower rate than the rate of revenue growth, we are going to start running a surplus.

And I know my good friend from Florida has been working on this because a surplus is important to the seniors in his district, and I would be happy to yield to hear what his seniors have to say about the idea of paying off some of the debt so we can restore the Social Security trust fund.

Mr. FOLEY. Well, let me suggest that I spent this past weekend back in Florida in my district, and I will also suggest that my district, when I first got elected, was the No. 1 of all the freshmen in the 104th Congress with the most Medicare recipients. I am number 7 in the Nation of every Member of Congress with the most seniors in my district. So they are concerned about the future of this country, they are concerned about Medicare and Social Security, but they are also smart enough, many who have lived through the Depression, that they understand what it means to save a buck.

You know I use an analogy about my grandmother. My grandmother, if she would receive an unexpected refund check from the IRS, not that that happens that frequently, but if she got $50 back unexpected, she would put it in a savings account. My generation would get $50 unexpected, go out a buy a $100 stereo and convince themselves it really only costs $50 for the stereo because the $50 was found money.

What we have to do and what I was telling them about this weekend which met with great response from Democrat, Republican and Independent voters in my district, from all age brackets and all economic strata, we laid out the plan that you carefully authored, the Debt Repayment Act of 1997, which will only allow the Federal Government once we hit a surplus to spend 99 cents of every dollar of revenues; 1 percent has to be earmarked for replacement of the funds that this Congress has borrowed out of Social Security. Again we talk about a trust fund. There is no trust there. It has been borrowed and raided for years and decades. We replace money into the trust fund. We also replace money into the highway trust fund and use some of the dollars to pay down that deficit that looms, as well as additional tax cuts. One percent, thanks to your great creative work on this bill, will be earmarked for those 3 categories.

And when I describe it to the seniors, they say that is so common sense. We in our family save 5 to 10 percent of every paycheck whenever possible. It is not always possible, families run into struggles, different unexpected demands on their paycheck, but most families as a rule save 2, 5, 10 percent of weekly paychecks so that they can put it in toward retirement, toward a family vacation, toward the Christmas club account, toward what have you for safety and security.

Mr. NEUMANN. Just to expand on that a little bit, exactly how this would work, what we do is after we balance the budget we cap the growth of Washington spending at a rate 1 percent under the rate of revenue growth, at least 1 percent, it might be even more.

In English let me translate that into a picture here. If spending is going up, that is the red line, at a slower rate than the revenue is going up, we have capped the growth of spending at a slower rate than the growth of revenue. That creates this surplus in here. The surplus is used two-thirds to pay back that Federal debt. Now part of that Federal debt is that money you are talking about that is supposed to be in the Social Security trust fund. Every year the government is taking in more money for Social Security than what it is paying back out to our seniors in benefits. That extra money is supposed to be set aside in a savings account so when there is not enough money coming in for the seniors we go to the savings account, get the money and make good on the Social Security checks. Unfortunately all of that money has been spent, and that trust fund, that savings account, is now all part of that $5.3 trillion debt.

Now, as we put this plan into place and the surplus develops, what happens is we start paying that debt down, and as we are paying the debt down the money is put back into the Social Security trust fund, making Social Security once again solvent for our senior citizens. But I would add there are a couple of other outcomes of this bill. One-third of this surplus is dedicated to further tax reductions. We have made a good start here in 1997. We have reduced taxes for the first time in 16 years. But what happens under this plan is we developed a surplus, one-third of the surplus is dedicated to additional tax cuts, two-thirds to paying down the debt, and of course as we pay down the debt, the Social Security trust fund is restored.

But the most important thing of all and the thing that means something to me and, I think, to all generations, future generations of Americans, by the year 2026 the entire Federal debt would be repaid and we could pass this Nation on to our children and our grandchildren absolutely debt-free. We would leave our children the legacy of a debt-free Nation instead of the legacy of a $5.3 trillion debt.

Mr. NADLER. Would the gentleman yield for a question?

I was just listening fascinated. I must say I am here for the next special order but I was listening to your presentation. The question struck me. You say that we have been borrowing from the Social Security trust fund.

Mr. NEUMANN. I would personally call it theft, but I would.

Mr. NADLER. Call it what you will. We have been taking the money out of the Social Security trust fund and using it to fund the deficit. And what you are proposing——

Mr. NEUMANN. Well, actually we have been using it on other wasteful Washington programs.

Mr. NADLER. Using it for other purposes. And under your plan you say we would use a certain amount of the surplus to repay the trust fund.

Mr. NEUMANN. That is correct.

Mr. NADLER. Okay. My question is what would you do with—my understanding of the trust fund has always been that since 1935, when Social Security was enacted, the law has always provided that all money that comes into Social Security that is not paid out must be put into government securities.

Mr. NEUMANN. That is correct.

Mr. NADLER. Which is considered the safest investment, aside from putting it under the mattress or investing it in private stocks or bonds which are less safe; you must buy government bonds, and that is what has been done with it. What would you do with this money if you are not buying government bonds, which you then characterize as whatever you characterize it as, theft, where would you put the money in the trust fund when you are repaying it?

Mr. NEUMANN. That is an excellent question. I would be happy to respond to the gentleman.

First off we need to understand that the government bonds that it is currently held in are called nonnegotiable government bonds. Definition of nonnegotiable means they cannot be sold, which also means when we reach a shortfall in the Social Security trust fund these nonnegotiable bonds, called by USA Today IOUs, called by the Library of Congress IOUs, these IOUs out there are nonnegotiable; that is, they are nonmarketable, they cannot be sold.

My suggestion would be that we simply put negotiable Treasury bonds into the Social Security trust fund so when the money is needed to make good on the Social Security checks for our senior citizens, we simply cash the negotiable or sell the negotiable instrument that is in there. A negotiable Treasury bond is something you or your parents or my parents could go into the bank and buy themselves in the local community.

□ 2300

Mr. NADLER. So in effect you would still have a bond. It would not be a negotiable bond.

Mr. NEUMANN. Let us make this very clear, though, that we have changed from a nonnegotiable bond; that is, a bond that cannot be liquidated, sold, in the marketplace, when the money is needed to make good on the Social Security checks, we have changed from that entity, an IOU, nothing but an IOU, we have changed from that entity to a marketable instrument.

Let me go one step further. As this plan is put into place, I think it is very significant that we recognize that we will stop using the Social Security trust fund money to mask the true size of the deficit. When we say the budget is balanced, we are still dipping into the Social Security trust fund, taking out $100 billion, putting it in our checkbook and calling our checkbook balanced. Under this plan, that practice would stop as well. I think it is very important we have also introduced the Social Security Preservation Act, which would stop that practice immediately.

Mr. FOLEY. I will tell you what I am hearing in my community from younger generations, baby boomers. They are suggesting maybe some day we should experiment with privatization of Social Security. We are not certainly calling for that under this act. We do not even talk about privatizing Social Security. But some of our future generations may decide instead of buying these nonnegotiable Treasury bills, they would rather have a chance to have some investments in mutual funds. So maybe the government no longer is the arbiter of what is the best investment for families. Maybe we are able to turn away from the government and say let the private sector determine, and yet preserve some security.

I wanted to be very careful and state carefully for seniors that are listening tonight, we are not talking about privatizing your Social Security system. We are talking about preserving and protecting. What we are talking about is 30 years from now when we pay off the huge debt that this Congress has run up for the past 40 years, we are talking about making for the first time meaningful financial reform of our government so that we expect from our government the same we expect from our families. I will tell you and I will claim as I have done in my district, if a family bounces checks the way we bounced our budget, they would be arrested and charged with theft and a crime.

Mr. NEUMANN. Would the gentleman yield? I would add one more step. If there is any business owner in America today that set up a pension fund for his employees or her employees and then did not put the money in the pension fund, put in nonnegotiable instruments owned by the company, or IOU's, as USA Today calls it, as well as several others, that business owner would be locked up in jail. Also it would be illegal. What is being done in the trust fund and private sector would not be permitted.

That is why it is so important to get the National Debt Repayment Act and Social Security Preservation Act put into place to preserve Social Security for our seniors. When you talk about privatizing or the thought of young people doing something different on that, let me be clear where I stand on that.

Before we begin that discussion, as far as I am concerned, I want to make sure the money that is supposed to be in the trust fund to preserve Social Security for our seniors today is put back into that trust fund.

That leads us back to this bill. We capped the growth of Government spending at a rate slower than the rate of revenue growth, and it is very clear on this chart what happens. When spending is going up slower than the revenue growth, we create this surplus. That is where we get the money to put back into the Social Security that has been taken out and spent on other government programs for the last 15 or 20 years before we got here to stop this thing. I think one of the important directives we have gotten from the American people when they changed control of the House of Representatives in 1994 was to balance the budget, restore the Social Security trust fund, and let us start lowering taxes. All of those things are beginning to come together.

Mr. FOLEY. So that suggests that the young gentleman here who was helping turn charts for you, who is a page in this Congress, whose parents from California have sent him here proudly to be a part of this government, watch it in action, he may inherit a Nation and be a leader of this Nation, one which has a surplus in its budget.

Mr. NEUMANN. Let me go a step further. What I think is really significant on that, when I think of my children in the same spot that we were a few years back where our kids are growing up and have a family, are married, have got 3 kids in their household, just think what it would mean if we could leave $580 a month in that household, instead of Washington confiscating that money out of their paychecks, bringing it out here to Washington, and dispensing it to whoever gets the interest on all of these notes. Make sure we understand, there are people getting the interest back on these notes. Would it not be great if a generation from now a family of 5 was not required to pay that $580 a month out here to Washington. What a great gift we would be giving to the next generation of Americans.

Mr. FOLEY. Let me get this straight and let us reiterate, because this sounds so simple that it may not actually work in Washington, because they will not get it.

We are going to spend less than we take in, we are going to use some of the surplus to repay moneys we borrowed from trust funds, we are going to give additional tax relief, and we are going to improve our Nation's highways in the process and restore fiscal accountability. Is that correct?

Mr. NEUMANN. That is exactly right. For the senior citizens in our Nation under this bill, the Social Security trust fund would be repaired in its entirety and Social Security would once again be solvent for our senior citizens. For the workers out there today, all the workers in the work force today, under this bill one-third of the surpluses are dedicated to additional tax cuts. That means they can keep more of their money in their own homes with their own families and send less out here to Washington. Most important of all for the children and grandchildren in this great Nation of ours, they inherit a debt-free Nation instead of the legacy of a $5.3 trillion debt.

Mr. FOLEY. Something else I thought of. We may not have to pass supermajorities to raise taxes. We may not ever have to confront a tax increase again in our Nation's history if we abide by your plan.

Mr. NEUMANN. I am glad you brought that up. I see my good friend from New York has joined us as well. One of the complaints I have gotten, there is static that we have changed the course from the 1993 tax increases. They are happy with the $500 per child and happy with the college tuition credit and capital gains reduction and they like the idea they do not owe tax when they sell their homes any more. They love all of that, but think it is extremely complicated. I know the gentleman from New York has an idea that I am certainly a strong supporter of.

Mr. PAXON. I appreciate the gentleman from Wisconsin and the gentleman from Florida's comments tonight. I am sitting here reflecting on your opening comments. You said up front that there is good news, and listening this evening, you cannot help but be enthused.

We said in 1994, when you arrived, the two gentlemen arrived here in 1994, and you said something that was rather audacious at that time: We are going to say by 2002 the budget will be balanced.

Nobody within the Washington Beltway thought that was possible. Everybody, from the President, to the then, up until then, majority in this Congress, said we are not going to even talk about it. That is Fantasyland.

It is not anymore. Because of your persistence and the will of the American people, the budget is now being balanced. Hopefully by this time next year or shortly thereafter, for the first time in a generation or longer the budget will be balanced.

Then I hear you talk this evening about probably one of the most important proposals I have seen come forward, that not just talks about paying down the debt to the point that when my little year-and-a-half daughter is just a few years out into the work force, she is going to inherit a country that is debt-free, and in addition to that, ensure the fact that Social Security is protected for seniors today and in the future.

These are exciting times. The gentleman mentioned a proposal that I put forward that is being supported by many in this chamber, we just announced last week on this very floor H.R. 2043, which seeks to address another problem that, of course, they said could not be solved, and that is the problem of the abuses in the Internal Revenue system that has gotten out of control, 5.5 million words.

The solution, to be honest with you, came from your enthusiasm and your persistence in balancing the Nation's budget. We set a date, based on the election of Republican Congress in 1994, that the budget would be balanced by 2002. We set the end of the game; now, let us figure out how the debate will structure to get us there.

I think we should do exactly the same thing in terms of the Tax Code. H.R. 2483 simply says that by December 31, 2000, the Tax Code ceases to exist. Ninety-six of 99 chapters are gone. We will, therefore, begin the debate, just like we did with the balanced budget, on what will replace it, how we will get there.

There are many great ideas in this chamber, the flat income tax, a national sales tax and others. But our goal is let us start that debate, let us pass that bill. And I want to make one caveat, just as we talked about Social Security, our legislation exempts Social Security. It does not touch the parts of the Tax Code that deal with Social Security or Medicare.

We want to make sure every senior in America and every American knows, we are not talking about the funding for Social Security and Medicare. Simply let us stop the abuses of the Income Tax Code, 5.5 words, 113,000 IRS bureaucrats, and let us bring the American people into a dialogue on what we can do to replace it that is better.

Mr. FOLEY. If the gentleman would yield, is the gentleman suggesting actually sunsetting a law that was created here in our Nation's Capital?

Mr. PAXON. That is right. Absolutely correct. More so, a law that began in the first years of this century, that we will have end, if this Congress has the courage to do it, will end only the last day of this century, so we begin the next millennium with a fairer Tax Code, that treats Americans as honest citizens, not guilty until proven innocent.

Mr. NEUMANN. If the gentleman would yield, would it be safe to say that if the Tax Code were simpler and fairer and the people understood it better, that it would be near impossible to raise taxes?

Mr. PAXON. You have gone to one of the most important points of this legislation. Right now, with 5.5 million words interpreted by 113,000 IRS folks and by all the Members of Congress, no one ever knows whether or not their tax burden is too much or too little compared to their neighbor, their friend, the person down the street. That is why half of Americans today have to rely on professional help to fill out their tax forms.

Mr. NEUMANN. Did you know that the entire Bible that we were given to tell us all the important things that are in the Bible that are so important to so many of us is only 800,000 words, compared to the 5.5 million words in the IRS code?

Mr. PAXON. Absolutely correct.

Mr. NEUMANN. Would you yield for one other question? Did you know the IRS sends out 8 billion pages every year to keep people up to speed on the IRS? From an environmental point of view, do you have any idea how many trees have to be cut down to supply eight billion pages?

Mr. PAXON. The gentleman is absolutely correct. Of course, I am not taking sides in the debate on what should replace it. I think we should involve the American people in that debate. Let us do something right, let us make the decision we are going to end the Tax Code on December 31, 2000, and then every one of us go home and listen to our constituents, as the gentleman did in his state, as I know the gentleman from Wisconsin does every week go home, and maybe we will come up with a flat rate income tax that you can fill out on a postcard this big, you will not need the IRS system, or maybe we will come up with a national sales tax and you will not need anybody at the IRS.

Mr. NEUMANN. Could I just add that that would save 290,000 trees in the United States of America if we were able to do that? It takes 293,000 trees to provide the paper necessary to send out those eight billion pages. It is staggering the amount.

Mr. FOLEY. We had 200 people in Port St. Lucie, 100 at Fort Pierce, about 125 in Hobe Sound, Florida, this weekend. In every meeting, in every town hall meeting I had over the weekend, someone asked about the IRS. Somebody asked about the gentleman from New York's bill and the reform efforts. Someone would ask about Mr. ARMEY's attempts to have a flat tax, some would ask about Mr. ARCHER's National Sales Tax.

But it was interesting, each and every person had their own analogy or story about what they went through with the IRS. I guess the most telling is when my own CPA and others have told me they have to seek professional help themselves to figure out their own taxes, so they do not make an error, on their own taxes. So a CPA has to do a CPA's taxes and have them proofread by another person in order to make certain that they comply with the law we have created, so complex, so convoluted. That should frighten the average person.

Again, I think it is extraordinary that we are at a point in time we can talk about two significant changes in the Federal program: One, a surplus in Federal revenues over expenditures, and, two, actually revisiting and looking at the complexity of the code, making it simpler and fairer for every American.

Mr. PAXON. If the gentleman would yield, I would say the gentleman has hit the nail on the head. Every week we go home and hear from constituents that say it is time to change the system, we are tired of abuses. I would just mention for those few, there may be two or three Americans that do not believe there needs to be change in the Tax Code, significant sweeping reform, they should get a transcript of "60 Minutes," the CBS show from Sunday night, that detailed I think the severe problems there are with the current tax system and the way it is enforced by the IRS.

In addition, for those that do not have a chance to get that transcript, they should tune in. C-SPAN has been running tremendous coverage, as well as the other networks, of what has been going on in the Senate hearings that Senator ROTH and the Senate Finance Committee is conducting, again underscoring the abuses of this system.

I am particularly pleased this week H.R. 2483 has picked up two important endorsements. The National Federation of Independent Business, I think the most important grassroots business organization representing 600,000 American small businesses, has endorsed our effort under H.R. 2483 to sunset the Tax Code; and Americans for Hope, Growth, and Opportunity this week, which is an important national advocacy organization, praised this legislation to sunset the Tax Code.

I really believe that we would not have a chance to talk about ending the IRS as we know it and replacing it with some other system if it was not for the work of the gentleman from Wisconsin and the gentleman from Florida, who have pushed first and foremost to get our Nation's budget balanced and are now focusing on the important efforts of eliminating that debt that burdens every child in this country, and, in so doing, ensuring the solvency of our Social Security system.

Mr. FOLEY. I want to make one point as well. When we talk about the IRS, I want to be abundantly clear, as I know the gentleman from New York is. We are not upset with the workers that work for IRS. These are great family people who are doing a job. It is the complexity of the code they have to deal with that was passed by Members of Congress for the last 40, 50, and 60 years.

Once in a while when I go out to town hall meetings, it seems we are agitated against the IRS, and they look at the person that works at the IRS as the culprit. It is not the average worker at IRS we are talking about tonight. We are talking about the system, the unfairness of the system that does render you guilty until proven innocent, and about the complexity of a Tax Code that is impossible to understand by an average lay person.

After all, government is of the people, by the people and for the people, and if you cannot explain it in a very short sound bite or very short span of time, then it is too much for all individuals to assume.

□ 2315

Mr. NEUMANN. Is this not an exciting conversation? Where we have been tonight, we have talked about the past before the change in this Congress in 1995, before the people changed America with the 1994 elections and we took office; the past of the broken promises where we could not get to a balanced budget in this city because they could not control spending, and the past where they talked about higher taxes and which taxes should go up and how high should they go; and then we have talked about the present, 1995 to today and how different things are; how, instead of talking about broken promises and budgets that cannot be balanced because spending is out of control, we have controlled the growth of Washington spending. It has been slowed by 40 percent in the first 2 years. In fact, we will have our first balanced budget since 1969 next year, an amazing accomplishment in and of itself, but coupled with that, instead of those tax increases of 1993, we did not do it that way.

Coupled with the first balanced budget is a tax cut, a tax cut where the American people get to keep more of their own money instead of sending it out here to Washington, DC; Medicare restored and not by raising taxes on the people, but by reforming the system to provide better services in a more efficient manner to our senior citizens. The present is a balanced budget, the first time since 1969; lower taxes, the first time in 16 years; and Medicare restored for our senior citizens.

Then it gets really exciting because we talk about where we are going to next. After the budget is balanced, we start paying down that awful debt; we pay it off by the year 2026, and by doing so, we also lower taxes on people using one-third of the surpluses for tax cuts, two-thirds to pay down that debt, and in paying back the debt we are restoring the Social Security trust fund so Social Security is safe for our senior citizens.

Forgive me if I get excited talking about this. This is exciting. It is good news coming from Washington, DC, and the most important thing of all in that future plan: We pay the entire Federal debt off so that our children and our grandchildren can inherit a debt-free nation.

The other exciting news coming out of Washington in the last couple of weeks: Reforming the Tax Code. Some people said it cannot be done. They said we could not balance the budget, too, and that is done. That is done 3 years ahead of schedule. We did it.

They said we could not balance the budget and lower taxes, but that is done, too. They said we could not restore Medicare without hurting senior citizens and without raising taxes, and that is done, too.

We can reform the Tax Code. We can take these 20,000 pages that make up the IRS Code and regulations today and reform it with something that is simpler, fairer, and easier for our people to understand. We can do that. It cannot be any harder than balancing the budget 4 years ahead of schedule. We can pay down the Federal debt. It is not any more complicated or harder than what we have done in the past.

With that, I would conclude tonight by saying it is an exciting time to talk about paying off the debt so we can give our children this Nation debt-free.

Mr. FOLEY. Mr. Speaker, if the gentleman would yield 1 additional second, because it reminds me of watching TV at home and the ominous voice of the announcer comes on and says, have you overextended your credit? Have you spent more than you have in your account? It is time for credit counseling. You need to see a professional to get yourself out of debt.

What we are doing here tonight does exactly what we caution all Americans to do: Get out of debt, get equity, build a future for yourselves and your family. Finally, finally, the Federal Government is going to set and lead by example, rather than setting an example that I think has been devastating to the Nation, because they feel if politicians in Washington and bureaucrats can spend more than they bring in, then it must be all right for me.

## IMPORTANT CONCERNS ABOUT THE CASSINI SPACE MISSION

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from New York [Mr. NADLER] is recognized for the remaining time, until midnight, as the designee of the minority leader.

Mr. NADLER. Mr. Speaker, I rise today to urge the Members of this House and this Congress and this country to take a close look at the facts surrounding the planned launching by NASA of the Cassini space probe to Saturn next month. Then we must do a very simple thing: We must reconsider that launch.

I support space exploration, Mr. Speaker. I deeply believe that discovering more about our solar system, as the Cassini probe is designed to do, has the potential to yield crucial data about our universe and to enrich the lives of all of us here on Earth. But we have to ask, at what cost, at what risk?

We must look at the Cassini probe objectively and responsibly, considering all the facts available to us. We must look at the danger. We must think about that danger realistically and critically. We must, with open eyes, take the responsibility of ensuring that lives are not put needlessly at risk.

The Cassini space probe will carry 72.3 pounds of plutonium-238 as fuel to power the probe's instruments. Plutonium-238 is 280 times more radioactive than plutonium-239, the material used in atomic bombs and nuclear reactors. This plutonium will be stored in three radioactive thermoelectric generators, or RTG's.

Now, it is well-known that plutonium is one of the most toxic, most carcinogenic, most deadly substances known. So if we intend to launch this into space, it is incumbent upon us to ask, what are the risks? What happens if the rocket containing the Cassini probe with all this plutonium, all of this toxic carcinogenic material, explodes? What happens if it crashes? Will the plutonium escape into the atmosphere? Will it cause potentially millions of cancer cases and fatalities?

NASA claims this cannot happen. NASA says the plutonium pellets and the RTG's are heavily shielded and will survive any explosion, will not be dispersed into the atmosphere; the shielding will hold them. But Dr. Horst Poehler, for 22 years a scientist for NASA contractors at the Kennedy Space Center, provides a different analysis. He points out that the so-called heavy shielding consists of an iridium shell, 3/128 of an inch think, two one-quarter-inch graphite shells, some insulating foil, and a one-sixteenth of an inch aluminum housing. As Dr. Polar says, the shielding around the plutonium is really fingernail thin, hardly what one would call heavily shielded.

Alan Kohn, who for 30 years was a NASA emergency preparedness operations officer for NASA, puts it this way: "They call the RTG's indestructible, just like the Titanic was unsinkable."

Common sense would seem to suggest that these plutonium casings are not impervious to damage. But we do not have to rely on common sense, Mr. Speaker. We can look at NASA's own reports.

In the final environmental impact statement for the Cassini mission, NASA acknowledges that there are three main contingencies in which plutonium could be released. First, it could be released in an explosion during launch, if the capsules, RTG capsules, then impact on a hard surface.

Second, NASA says, plutonium could be released during the subsequent flight up to orbit, if an accident occurs while the probe is flying over Africa and the capsules then impact on rock surfaces below.

Third, plutonium could be released in 1999 when Cassini returns to Earth after flying to Venus for a fast and low fly-by of the Earth. In what NASA calls a slingshot maneuver, Cassini is designed to use Earth's gravity to increase its velocity so that it can reach Saturn by buzzing by, buzzing past the Earth, less than 500 miles up, at 42,000 miles per hour.

If there is a slight miscalculation, or a slight defect in the rocket burn in outer space for the midcourse correction, and Cassini comes in too low, it could burn up in the Earth's atmosphere, and its plutonium payload would be dispersed to the winds.

These are the scenarios which NASA itself cites as ways in which an accident could take place. Now, we must ask, what would be the result of such an accident? NASA has some ideas about this, too. If the plutonium comes down on natural vegetation, NASA speaks of decontamination methods. What are the decontamination methods NASA recommends? If it comes down on natural vegetation, NASA says, remove and dispose of the topsoil, relocate animals. In other words, eliminate the farms.

If it comes down on an agricultural area, its proposal is to ban future agricultural land use. Eliminate the farms. And if plutonium rains down on a populated area, on an urban area, NASA says, "Demolish some or all structures, relocate affected population permanently."

Mr. Speaker, as a representative of part of New York City, I, for one, do not consider tearing down some or all structures and relocating the population permanently to be acceptable solutions.

What if the probe breaks up in the atmosphere on its 1999 fly-by? NASA thinks that much of the plutonium fuel would disperse as "vapor or respirable particles," the form in which lethal lung cancer doses of plutonium could be breathed in by thousands or millions of people. NASA goes on, "Approximately 5 billion of the estimated 7 billion to 8 billion world population," that is billion, not million, "approximately 5 billion of the estimated 7 billion to 8 billion world population, could receive 99 percent or more of the radiation exposure." In other words, most of the world's population would be exposed to radiation in that eventuality.

NASA thinks the cancer death toll from such an accident would be only 2,300 people; only 2,300 extra people would die of cancer if an accident happens to Cassini. Independent scientists cite figures closer to 20,000, or even 200,000, and some say millions.

These are the dangers posed by the Cassini mission. These are the dangers NASA itself admits are within the realm of possibility. So why is the mission going forward? Why are there only weeks left before Cassini is scheduled to be launched? Why are we taking this risk? Is this risk justified? How do we justify putting at risk the lives of thousands or millions of people to gather information about outer space and about Saturn? Because NASA said that although any of these accidents would be devastating, they are very unlikely. But we have to look at the odds and see how unlikely they are and see not just what we want to see, but what the facts are. We have made that mistake before. NASA has made that mistake before.

Before 1986, NASA put the odds of a catastrophic space shuttle accident at 1 in 100,000. Then the Challenger blew up. Not surprisingly, after the Challenger disaster, even with all of the improvements, all the safety improvements made to the space shuttles as a result of the investigation into the Challenger disaster, the odds of a space shuttle, of a catastrophic space shuttle accident are now stated to be not 1 in 100,000, but 1 in 76.

This time NASA says the odds of something going terribly wrong are 1 in a million. Mr. Speaker, very few events which can be affected by human error are 1 in a million. Which is more likely, that an unnamed engineer might completely by accident put a gasket in backwards, or that any of us will walk outside later tonight and immediately be struck by lightning?

There are other reasons to doubt the 1 in a million estimate. Cassini is scheduled to be launched by a Titan IV rocket. In the past, Titan IV rockets have exploded during launch about 1 time out of 20. That is 5 percent of the time; 1 time out of 20, not 1 time out of a million.

As for the possible success of the 1999 fly-by, in science one can only know the odds through empiricism, through tests and experiments and experience. There have been only two similar Earth fly-bys involving U.S. space devices. Can we be confident of any odds advanced with such limited data?

In response to these objections, NASA said a great deal about the time and money already invested in this mission. But those arguments are not a defense. They boil down to we have gone to so much trouble, so let us close our eyes and hope everything goes OK. Let us play Russian roulette with thousands of people because we have already gone to a lot of trouble. That is not enough of a justification to take the sort of risks that have made 30-year veterans of NASA stand up and object.

Opposition to the Cassini mission is not a case of Chicken Little saying, the sky is falling. In fact, I would say right now that the sky is not about to fall immediately, in all likelihood. Cassini may very well be launched in October, and everything may go fine. The odds are it will go fine, but the odds are not big enough: Five percent of Titan IV launches, that it will explode, that when we are talking about the possibility of a disaster that could kill thousands or millions of people, 5 percent odds of a disaster are pretty high odds.

The Cassini mission is like a game of Russian roulette. You put a gun to your head and pull the trigger. The chamber might be empty, you might live, but then again, you might not, especially if you do this over and over again. And Cassini is just one in a continuing series, the biggest so far, the most plutonium, if we are going to do this again and again and again, and when we have 20 such launches and 30 and 40, eventually the chamber is going to be loaded, and there is going to be a catastrophe.

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That is not a risk we ought to be willing to take. It does not take a rocket scientist to realize that very real scientific questions have been raised and they must be answered before we permit this and other missions like it to go forward.

That is why I have invited my fellow Members of Congress to join in signing a letter to President Clinton asking him to delay the launch of Cassini, not cancel it but delay it, until a detailed, realistic, real, not propaganda, threat assessment has been conducted.

The time to reconsider this mission is now. As elected officials, we must have the courage to do so. I only pray that the President will have the courage to say, "Stop this game of Russian roulette and let us take a hard, hard look," before we have a *Challenger* disaster that does not put 7 lives at risk, but 7,000, or 700,000, or 7 million.

Mr. Speaker, I yield to the gentlewoman from California [Ms. WOOLSEY].

Ms. WOOLSEY. Mr. Speaker, I thank my colleague for having this special order and starting this conversation on the House floor about the Cassini mission.

Mr. Speaker, I am a strong supporter of space exploration and a strong supporter of NASA. NASA has made many exciting and valuable discoveries over the years, discoveries that have been important to all of us in one way or another, worldwide. The motto for NASA, which is supposed to be better, faster, cheaper, not risky, hazardous, and expensive, actually is not what we had hoped to have in this country. We want the better, faster, cheaper. We do not want the risky, hazardous, and expensive. The Cassini mission does not live up to this better, faster, cheaper motto, and NASA should delay and redesign the Cassini project.

Mr. Speaker, the Cassini spacecraft, which is scheduled to launch from Cape Canaveral next month, carries an unprecedented amount of plutonium, 72.3 pounds of plutonium. That poses a danger to all of us. An accident at launch or in space during a swing-by around the Earth could send the craft and its plutonium-powered batteries crashing down upon us.

If an accident occurs during launch, it is possible that individuals may be exposed to radiation. If an accident occurs during the swing-by, the spacecraft may burn up during reentry, scattering over 70 pounds of plutonium throughout our atmosphere.

Some argue that the chances of such an accident are slim, as my colleague said, and that even if one did occur, the health impact from exposure would be small. Prominent scientists and safety experts have questioned both of these assumptions, however. The *Challenger* disaster proved that NASA can still suffer catastrophic failures. In fact, 3 of the 24 U.S. space missions and 6 of the 29 Russian missions using nuclear power met with accidents.

Given this track record, Mr. Speaker, it is understandable that notable scientists and even a former NASA safety expert, Alan Kohn, believe that risks in this mission are simply too high. Several scientists have also stated that the health impact from exposure to plutonium following an accident would be much higher than what NASA has claimed. Since plutonium is one of the most toxic substances we know of, these assertions deserve further scrutiny. We do not want to find out after an accident that these critics were right.

Moreover, Mr. Speaker, alternatives do exist. An advanced solar-powered craft, while not available now, could be ready within a few years. Other alternatives are viable right now. NASA's discovery program has shown that the United States can launch a planetary probe without relying on vast amounts of plutonium, and they do not rely on it as part of their primary power source.

For example, Mr. Speaker, instead of sending one large plutonium-powered spacecraft to Mars, NASA launched the Mars Pathfinder using a fraction of the plutonium Cassini is planning to carry. Over the next 10 years, NASA is planning to send six additional spacecraft to study the red planet using electrical energy obtained through solar panel technology. Not only are these planetary probes safer, they are also much cheaper.

Considering that most discovery projects cost less than $200 million, NASA could launch several planetary probes to Saturn without using large amounts of plutonium. Even the old Voyager and Pioneer programs used much less plutonium for their deep space travel. It is just bad policy for the United States to rely on such large quantities when NASA can design missions at a lower risk and cost to the public.

I would also note that in such controversial missions, public concern must play an important role. We must also note that experts have given us disasters like Three Mile Island and Chernobyl, so possibly they are making a mistake with Cassini, too.

However, NASA's predisposition to the use of plutonium as a power source has led the agency to simply reaffirm their position, rather than consider the concerns of the public. That is why I support the establishment of a neutral review panel, to provide a voice for both the public and scientific dissenters.

Finally, we cannot ignore a tear in Cassini's heat insulation that has now delayed the launch. As a result, the window of opportunity for a successful launch is now much smaller. Quite frankly, NASA does not have the luxury of running into any new problems, because the agency is now scrambling to launch Cassini in time. Because of that, this rush could create additional safety risks.

If NASA does not succeed in launching before November 4, this delay could cost taxpayers over $100 million, and the spacecraft will be required to travel 2 years longer than originally planned. In other words, for a lot more money, we will get much less data.

In a little more than 2 years another launch window will open for a mission to Saturn. NASA should postpone the planned Cassini launch in October and use the time wisely to redesign the mission so it carries a safer power source. Even if it takes longer than 2 years to make this project safer, Saturn and its Moons will still be there, waiting for exploration. They have been there a long time, Mr. Speaker. A few more years for the safety of our Nation and our world and our planet will make very little difference in the long run.

Space exploration is vitally important, not only to the practical and theoretical sciences, but to humankind's very destiny. It is too important to squander the public's trust on a risky mission. Americans will support a NASA that instills hope for the future, but not fear of tragedy.

## LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. BONILLA (at the request of Mr. ARMEY), for today and the balance of the week, on account of family illness.

Mr. GONZALEZ (at the request of Mr. GEPHARDT), for today and the balance of the week, on account of medical reasons.

Ms. WOOLSEY (at the request of Mr. GEPHARDT), for today before 7:30 p.m., on account of airline delay.

## SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. MCNULTY) to revise and extend their remarks and include extraneous material:)

Mr. DAVIS of Illinois, for 5 minutes, today.

Mr. GREEN, for 5 minutes, today.

Mr. MARTINEZ, for 5 minutes, today.

(The following Members (at the request of Mr. EWING) to revise and extend their remarks and include extraneous material:)

Mr. DIAZ-BALART, for 5 minutes, today.

Mr. EWING, for 5 minutes, today and on September 24 and 25.

Mr. SHIMKUS, for 5 minutes, on September 26.

Mr. HILL, for 5 minutes, today.

## EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. MCNULTY) and to include extraneous matter:)

Mr. CLEMENT.

Mr. SERRANO.

Mr. PASCRELL.

Mr. STARK.

Mr. BOUCHER.

Mr. KENNEDY of Rhode Island.
Mr. HOYER.
Mrs. KENNELLY of Connecticut.
Ms. KAPTUR.
Mr. OBERSTAR.
Mr. VISCLOSKY.

(The following Members (at the request of Mr. EWING) and to include extraneous matter:)

Mr. SMITH of Oregon.
Mr. GILMAN, in three instances.
Mr. GINGRICH.
Mr. LEWIS of California.
Mr. EVERETT.
Mr. BLUNT.
Ms. ROS-LEHTINEN.
Mr. COLLINS.
Mrs. MORELLA.
Mrs. ROUKEMA.
Mr. ARMEY.
Mr. FOX.

(The following Members (at the request of Mr. NADLER) and to include extraneous matter:)

Mr. KIND.
Mr. GRAHAM.
Mr. SKAGGS.
Mr. BECERRA.
Mr. GUTIERREZ.
Mr. NEAL of Massachusetts.
Mr. PACKARD.
Mr. FARR of California.
Mr. RIGGS.
Mr. JOHNSON of Wisconsin.

## ENROLLED BILL SIGNED

Mr. THOMAS, from the Committee on House Oversight, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 680. An act to amend the Federal Property and Administrative Services Act of 1949 to authorize the transfer of surplus personal property to States for donation to nonprofit providers of necessaries to impoverished families and individuals, and to authorize the transfer of surplus real property to States, political subdivisions and instrumentalities of States, and nonprofit organizations for providing housing or housing assistance for low-income individuals or families.

## ADJOURNMENT

Mr. NADLER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 39 minutes p.m.), the House adjourned until tomorrow, Wednesday, September 24, 1997, at 10 a.m.

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## EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Reports concerning the foreign currencies and U.S. dollars utilized by various committees of the House of Representatives during the second quarter of 1995 in connection with official foreign travel, pursuant to Public Law 95–384, are as follows:

### AMENDED REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON BANKING AND FINANCIAL SERVICES, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APRIL 1 AND JUNE 30, 1997

| Name of Member or employee | Date | | Country | Per diem [1] | | Transportation | | Other purposes | | Total | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | Arrival | Departure | | Foreign currency | U.S. dollar equivalent or U.S. currency [2] | Foreign currency | U.S. dollar equivalent or U.S. currency [2] | Foreign currency | U.S. dollar equivalent or U.S. currency [2] | Foreign currency | U.S. dollar equivalent or U.S. currency [2] |
| Hon. Maxine Waters | 5/26 | 5/28 | South Africa | | 501.00 | | | | | | 501.00 |
| | 5/28 | 5/30 | Angola | | 688.00 | | | | | | 688.00 |
| | 5/30 | 6/2 | Zimbabwe | | 701.00 | | | | | | 701.00 |
| Committee total | | | | | 1,890.00 | | | | | | 1,890.00 |

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

JIM LEACH, Chairman, Sept. 5, 1997

### REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON INTERNATIONAL RELATIONS, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APRIL 1 AND JUNE 30, 1997

| Name of Member or employee | Date | | Country | Per diem [1] | | Transportation | | Other purposes | | Total | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | Arrival | Departure | | Foreign currency | U.S. dollar equivalent or U.S. currency [2] | Foreign currency | U.S. dollar equivalent or U.S. currency [2] | Foreign currency | U.S. dollar equivalent or U.S. currency [2] | Foreign currency | U.S. dollar equivalent or U.S. currency [2] |
| Deborah Bodlander | 3/21 | 3/24 | Saudia Arabia | | 300.00 | | | | | | 300.00 |
| | 3/24 | 3/25 | Bahrain | | 180.00 | | | | | | 180.00 |
| | 3/26 | 3/28 | Kuwait | | 742.00 | | | | | | 742.00 |
| | 3/28 | 3/30 | Oman | | 582.00 | | | | | | 582.00 |
| | 3/30 | 4/1 | UAE | | 507.00 | | | | | | 507.00 |
| | 4/1 | 4/4 | Yemen | | 783.00 | | | | | | 783.00 |
| Commercial airfare | | | | | | | 7,088.15 | | | | 7,088.15 |
| Parker Brent | 5/26 | 5/28 | South Africa | | 501.00 | | | | | | 501.00 |
| | 5/28 | 5/30 | Angola | | 688.00 | | | | | | 688.00 |
| | 5/30 | 6/2 | Zimbabwe | | [3] 701.00 | | | | | | 701.00 |
| Peter Brookes | 3/29 | 3/30 | Hong Kong | | [3] 369.00 | | | | | | 369.00 |
| | 3/30 | 4/2 | Vietnam | | [3] 807.00 | | | | | | 807.00 |
| | 4/2 | 4/3 | Laos | | [3] 25.00 | | | | | | 25.00 |
| | 4/3 | 4/6 | Cambodia | | [3] 642.00 | | | | | | 642.00 |
| | 4/6 | 4/7 | Thailand | | [3] 192.00 | | | | | | 192.00 |
| Commercial airfare | | | | | | | 4,530.95 | | | | 4,530.95 |
| Hon. Tom Campbell | 5/24 | 5/24 | England | | [3] 50.00 | | | | | | 50.00 |
| | 5/25 | 5/28 | Angola | | [3] 500.00 | | | | | | 500.00 |
| | 5/28 | 5/29 | Kenya | | [3] 100.00 | | | | | | 100.00 |
| | 5/29 | 5/30 | Rwanda | | [3] 100.00 | | | | | | 100.00 |
| Commercial airfare | | | | | | | 3,537.15 | | | | 3,537.15 |
| CODEL Campbell delegation expenses | 5/25 | 5/28 | Angola | | | | 7,163.00 | | 477.50 | | 7,640.50 |
| Jodi Christiansen | 5/26 | 5/28 | South Africa | | 501.00 | | | | | | 501.00 |
| | 5/28 | 5/30 | Angola | | 688.00 | | | | | | 688.00 |
| | 5/30 | 6/2 | Zimbabwe | | [3] 701.00 | | | | | | 701.00 |
| Theodore Dagne | 5/24 | 5/24 | England | | 321.00 | | | | | | 321.00 |
| | 5/25 | 5/28 | Angola | | 1,032.00 | | | | | | 1,032.00 |
| | 5/28 | 5/29 | Kenya | | 235.00 | | | | | | 235.00 |
| | 5/29 | 5/30 | Rwanda | | 469.00 | | | | | | 469.00 |
| | 5/30 | 5/31 | Kenya | | 0 | | | | | | 0 |
| | 6/1 | 6/2 | Eritrea | | 272.00 | | | | | | 272.00 |
| | 6/2 | 6/3 | England | | 321.00 | | | | | | 321.00 |
| Commercial airfare | | | | | | | | 6,181.25 | | | 6,181.25 |
| Michael Ennis | 3/29 | 3/30 | Hong Kong | | [3] 356.00 | | | | | | 356.00 |
| | 3/30 | 4/2 | Vietnam | | [3] 682.00 | | | | | | 682.00 |

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON INTERNATIONAL RELATIONS, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APRIL 1 AND JUNE 30, 1997—Continued

| Name of Member or employee | Date | | Country | Per diem[1] | | Transportation | | Other purposes | | Total | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | Arrival | Departure | | Foreign currency | U.S. dollar equivalent or U.S. currency[2] | Foreign currency | U.S. dollar equivalent or U.S. currency[2] | Foreign currency | U.S. dollar equivalent or U.S. currency[2] | Foreign currency | U.S. dollar equivalent or U.S. currency[2] |
| | 4/2 | 4/3 | Laos | | 125.00 | | | | | | 125.00 |
| | 4/3 | 4/6 | Cambodia | | [3]567.00 | | | | | | 567.00 |
| | 4/6 | 4/7 | Thailand | | 217.00 | | | | | | 217.00 |
| Commercial airfare | | | | | | | | 4,530.95 | | | 4,530.95 |
| Hon. Eni F.H. Faleomavaega | 6/7 | 6/11 | Marshall Islands | | 900.00 | | | | | | 900.00 |
| Commercial airfare | | | | | | | 2,279.29 | | | | 2,279.29 |
| Martin Gage | 3/25 | 3/28 | Estonia | | [3]512.00 | | | | | | 512.00 |
| | 3/28 | 3/29 | Latvia | | [3]210.00 | | | | | | 210.00 |
| | 3/29 | 4/1 | Poland | | [3]752.00 | | | | | | 752.00 |
| | 4/2 | 4/3 | Czech Republic | | [3]247.00 | | | | | | 247.00 |
| Commercial airfare | | | | | | | 1,488.95 | | | | 1,488.95 |
| | 5/23 | 5/27 | Slovenia | | [3]524.00 | | | | | | 524.00 |
| | 5/27 | 5/28 | Macedonia | | [3]106.00 | | | | | | 106.00 |
| | 5/28 | 5/29 | Luxembourg | | [3]213.00 | | | | | | 213.00 |
| Hon. Lee Hamilton | 5/27 | 5/29 | Canada | | [3]284.93 | | | | | | 284.93 |
| Commercial airfare | | | | | | | 543.05 | | | | 543.05 |
| Hon. Alcee Hastings | 5/26 | 5/28 | South Africa | | 501.00 | | | | | | 501.00 |
| | 5/28 | 5/30 | Angola | | 688.00 | | | | | | 688.00 |
| | 5/30 | 6/2 | Zimbabwe | | [3]701.00 | | | | | | 701.00 |
| Richard Kessler | 3/29 | 3/30 | Hong Kong | | 394.00 | | | | | | 394.00 |
| | 3/30 | 4/2 | Vietnam | | [3]682.00 | | | | | | 682.00 |
| | 4/2 | 4/3 | Laos | | 125.00 | | | | | | 125.00 |
| | 4/3 | 4/6 | Cambodia | | [3]642.00 | | | | | | 642.00 |
| | 4/6 | 4/7 | Thailand | | 217.00 | | | | | | 217.00 |
| Commercial airfare | | | | | | | 4,530.95 | | | | 4,530.95 |
| Christopher Kojm | 3/21 | 3/24 | Saudia Arabia | | 300.00 | | | | | | 300.00 |
| | 3/24 | 3/25 | Bahrain | | 180.00 | | | | | | 180.00 |
| | 3/26 | 3/28 | Kuwait | | | 742.00 | | | | | 742.00 |
| | 3/28 | 3/30 | Oman | 582.00 | | | | | | | 582.00 |
| | 3/30 | 4/1 | UAE | | 507.00 | | | | | | 507.00 |
| | 4/1 | 4/4 | Yemen | | 783.00 | | | | | | 783.00 |
| Commercial airfare | | | | | | | 7,088.15 | | | | 7,088.15 |
| Clifford Kupchan | 5/24 | 5/24 | England | | 321.00 | | | | | | 321.00 |
| | 5/25 | 5/28 | Angola | | [3]860.00 | | | | | | 860.00 |
| | 5/28 | 5/29 | Kenya | | 235.00 | | | | | | 235.00 |
| | 5/29 | 5/30 | Rwanda | | 324.00 | | | | | | 324.00 |
| Commercial airfare | | | | | | | 6,429.15 | | | | 6,429.15 |
| John Mackey | 5/23 | 5/24 | Panama | | 179.00 | | | | | | 179.00 |
| | 5/24 | 5/27 | Colombia | | 636.00 | | | | | | 636.00 |
| | 5/27 | 2/20 | Bolivia | | 298.00 | | | | | | 298.00 |
| Commercial airfare | | | | | | | 1,663.65 | | | | 1,663.65 |
| Denis McDonough | 6/13 | 6/16 | Haiti | | [3]450.00 | | | | | | 450.00 |
| Commercial airfare | | | | | | | 678.95 | | | | 678.95 |
| Hon. Cynthia McKinney | 5/8 | 5/9 | Zimbabwe | | 195.00 | | | | | | 195.00 |
| | 5/9 | 5/12 | Zaire | | 552.00 | | | | | | 552.00 |
| Commercial airfare | | | | | | | 7,485.95 | | | | 7,485.95 |
| Hon. Robert Menendez | 5/26 | 5/28 | South Africa | | 501.00 | | | | | | 501.00 |
| | 5/28 | 5/30 | Angola | | [3]410.00 | | | | | | 410.00 |
| | 5/30 | 6/2 | Zimbabwe | | [3]701.00 | | | | | | 701.00 |
| Lester Munson | 5/24 | 5/24 | England | | 321.00 | | | | | | 321.00 |
| | 5/25 | 5/28 | Angola | | [3]895.00 | | | | | | 895.00 |
| | 5/28 | 5/29 | Kenya | | 235.00 | | | | | | 235.00 |
| | 5/29 | 5/30 | Rwanda | | 324.00 | | | | | | 324.00 |
| Commercial airfare | | | | | | | 6,414.15 | | | | 6,414.15 |
| Kenneth Nelson | 5/17 | 5/29 | Canada | | [3]314.00 | | | | | | 314.00 |
| Commercial airfare | | | | | | | 543.05 | | | | 543.05 |
| Roger Noriega | 6/13 | 6/16 | Haiti | | [3]400.00 | | | | | | 400.00 |
| Commercial airfare | | | | | | | 678.00 | | | | 678.00 |
| Hon. Donald Payne | 5/24 | 5/24 | England | | 321.00 | | | | | | 321.00 |
| | 5/25 | 5/28 | Angola | | 1,020.00 | | | | | | 1,020.00 |
| | 5/28 | 5/29 | Kenya | | 235.00 | | | | | | 235.00 |
| | 5/29 | 5/30 | Rwanda | | 324.00 | | | | | | 324.00 |
| Commercial airfare | | | | | | | 7,468.25 | | | | 7,468.25 |
| Walker Roberts | 3/21 | 3/24 | Saudia Arabia | | 300.00 | | | | | | 300.00 |
| | 3/24 | 3/25 | Bahrain | | 180.00 | | | | | | 180.00 |
| | 3/26 | 3/28 | Kuwait | | [3]589.00 | | | | | | 589.00 |
| | 3/28 | 3/30 | Oman | | 582.00 | | | | 182.76 | | 764.76 |
| | 3/30 | 4/1 | UAE | | 507.00 | | | | | | 507.00 |
| | 4/1 | 4/4 | Yemen | | 783.00 | | | | | | 783.00 |
| Commercial airfare | | | | | | | 7,088.15 | | | | 7,088.15 |
| Hon. Edward Royce | 5/26 | 5/28 | South Africa | | 501.00 | | | | | | 501.00 |
| | 5/28 | 5/30 | Angola | | [3]410.00 | | | | | | 410.00 |
| | 5/30 | 6/2 | Zimbabwe | | [3]701.00 | | | | | | 701.00 |
| CODEL Royce delegation expenses | 5/28 | 5/30 | Angola | | | | 11,770.00 | | 1,812.00 | | 13,582.00 |
| Thomas Sheehy | 5/26 | 5/28 | South Africa | | 501.00 | | | | | | 501.00 |
| | 5/28 | 5/30 | Angola | | 688.00 | | | | | | 688.00 |
| | 5/30 | 6/2 | Zimbabwe | | [3]701.00 | | | | | | 701.00 |
| Gregory Simpkins | 5/26 | 5/28 | South Africa | | 501.00 | | | | | | 501.00 |
| | 5/28 | 5/30 | Angola | | 688.00 | | | | | | 688.00 |
| | 5/30 | 6/2 | Zimbabwe | | [3]701.00 | | | | | | 701.00 |
| Committee total | | | | | 43,432.93 | | 99,182.09 | | 2,472.26 | | 145,087.28 |

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

[3] Represents refund of unused per diem.

BEN GILMAN, Chairman, Sept. 16, 1997.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON RESOURCES, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APRIL 1 AND JUNE 30, 1997

| Name of Member or employee | Date | | Country | Per diem[1] | | Transportation | | Other purposes | | Total | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | Arrival | Departure | | Foreign currency | U.S. dollar equivalent or U.S. currency[2] | Foreign currency | U.S. dollar equivalent or U.S. currency[2] | Foreign currency | U.S. dollar equivalent or U.S. currency[2] | Foreign currency | U.S. dollar equivalent or U.S. currency[2] |
| Hon. Richard Pombo | 6/15 | 6/22 | Zimbabwe | | 1,193.00 | | 6,804.55 | | | | 7,997.55 |
| Hon. George Miller | 6/13 | 6/21 | Zimbabwe | | 1,550.00 | | 6,731.35 | | | | 8,281.35 |
| Bonnie Bruce | 6/13 | 6/21 | Zimbabwe | | 1,550.00 | | 6,870.75 | | | | 8,420.75 |

## REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON RESOURCES, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APRIL 1 AND JUNE 30, 1997—Continued

| Name of Member or employee | Date | | Country | Per diem [1] | | Transportation | | Other purposes | | Total | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | Arrival | Departure | | Foreign currency | U.S. dollar equivalent or U.S. currency [2] | Foreign currency | U.S. dollar equivalent or U.S. currency [2] | Foreign currency | U.S. dollar equivalent or U.S. currency [2] | Foreign currency | U.S. dollar equivalent or U.S. currency [2] |
| Karen Steuer | 6/8 | 6/21 | Zimbabwe | | 2,500.00 | | 6,711.35 | | | | 9,211.35 |
| John Lawrence | 6/13 | 6/21 | Zimbabwe | | 1,550.00 | | 6,731.35 | | | | 8,281.35 |
| Michael Hardiman | 6/13 | 6/22 | Zimbabwe | | 1,750.00 | | 6,737.35 | | | | 8,487.35 |
| Christopher Mann | 6/8 | 6/13 | Mexico | | 965.00 | | 972.27 | | | | 1,937.27 |
| Committee total | | | | | 11,058.00 | | 41,558.97 | | | | 52,616.97 |

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

DON YOUNG, Chairman, July 31, 1997.

## REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APRIL 1 AND JUNE 30, 1997

| Name of Member or employee | Date | | Country | Per diem [1] | | Transportation | | Other purposes | | Total | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | Arrival | Departure | | Foreign currency | U.S. dollar equivalent or U.S. currency [2] | Foreign currency | U.S. dollar equivalent or U.S. currency [2]0 | Foreign currency | U.S. dollar equivalent or U.S. currency [2] | Foreign currency | U.S. dollar equivalent or U.S. currency [2] |
| Hon. Bud Shuster | 4/1 | 4/3 | Japan | | 608.00 | | (3) | | | | 608.00 |
| | 4/3 | 4/5 | China | | 519.00 | | (3) | | | | 519.00 |
| | 4/5 | 4/8 | Hong Kong | | 1,182.00 | | (3) | | | | 1,182.00 |
| Hon. Jim Oberstar | 4/1 | 4/3 | Japan | | 608.00 | | (3) | | | | 608.00 |
| | 4/3 | 4/5 | China | | 519.00 | | (3) | | | | 519.00 |
| | 4/5 | 4/8 | Hong Kong | | 1,182.00 | | (3) | | | | 1,182.00 |
| Hon. Sherwood Boehlert | 4/1 | 4/3 | Japan | | 608.00 | | (3) | | | | 608.00 |
| | 4/3 | 4/5 | China | | 519.00 | | (3) | | | | 519.00 |
| | 4/5 | 4/8 | Hong Kong | | 1,182.00 | | (3) | | | | 1,182.00 |
| Hon. Bob Borski | 4/1 | 4/3 | Japan | | 608.00 | | (3) | | | | 608.00 |
| | 4/3 | 4/5 | China | | 519.00 | | (3) | | | | 519.00 |
| | 4/5 | 4/8 | Hong Kong | | 1,182.00 | | (3) | | | | 1,182.00 |
| Hon. Stephen Horn | 4/1 | 4/3 | Japan | | 608.00 | | (3) | | | | 608.00 |
| | 4/3 | 4/5 | China | | 519.00 | | (3) | | | | 519.00 |
| | 4/5 | 4/8 | Hong Kong | | 1,182.00 | | (3) | | | | 1,182.00 |
| Hon. Steve LaTourette | 4/1 | 4/3 | Japan | | 608.00 | | (3) | | | | 608.00 |
| | 4/3 | 4/5 | China | | 519.00 | | (3) | | | | 519.00 |
| | 4/5 | 4/8 | Hong Kong | | 1,182.00 | | (3) | | | | 1,182.00 |
| Hon. Jack Metcalf | 4/1 | 4/3 | Japan | | 608.00 | | (3) | | | | 608.00 |
| | 4/3 | 4/5 | China | | 519.00 | | (3) | | | | 519.00 |
| | 4/5 | 4/8 | Hong Kong | | 1,182.00 | | (3) | | | | 1,182.00 |
| Hon. Juanita Millender-McDonald | 4/1 | 4/3 | Japan | | 608.00 | | (3) | | | | 608.00 |
| | 4/3 | 4/5 | China | | 519.00 | | (3) | | | | 519.00 |
| | 4/5 | 5/8 | Hong Kong | | 1,182.00 | | (3) | | | | 1,182.00 |
| Michael Strachn | 4/1 | 4/3 | Japan | | 608.00 | | (3) | | | | 608.00 |
| | 4/3 | 4/5 | China | | 519.00 | | (3) | | | | 519.00 |
| | 4/5 | 4/8 | Hong Kong | | 1,182.00 | | (3) | | | | 1,182.00 |
| David Heymsfeld | 4/1 | 4/3 | Japan | | 608.00 | | (3) | | | | 608.00 |
| | 4/3 | 4/5 | China | | 519.00 | | (3) | | | | 519.00 |
| | 4/5 | 4/8 | Hong Kong | | 1,182.00 | | (3) | | | | 1,182.00 |
| Carol Wood | 4/1 | 4/3 | Japan | | 608.00 | | (3) | | | | 608.00 |
| | 4/3 | 4/5 | China | | 519.00 | | (3) | | | | 519.00 |
| | 4/5 | 4/8 | Hong Kong | | 1,182.00 | | (3) | | | | 1,182.00 |
| Jeff Nelligan | 4/1 | 4/3 | Japan | | 608.00 | | (3) | | | | 608.00 |
| | 4/3 | 4/5 | China | | 519.00 | | (3) | | | | 519.00 |
| | 4/5 | 4/8 | Hong Kong | | 1,182.00 | | (3) | | | | 1,182.00 |
| Jimmy Miller | 4/1 | 4/3 | Japan | | 608.00 | | (3) | | | | 608.00 |
| | 4/3 | 4/5 | China | | 519.00 | | (3) | | | | 519.00 |
| | 4/5 | 4/8 | Hong Kong | | 1,182.00 | | (3) | | | | 1,182.00 |
| Kathy Guilfoy | 4/1 | 4/3 | Japan | | 608.00 | | (3) | | | | 608.00 |
| | 4/3 | 4/5 | China | | 519.00 | | (3) | | | | 519.00 |
| | 4/5 | 4/8 | Hong Kong | | 1,182.00 | | (3) | | | | 1,182.00 |
| Darrell Wilson | 4/1 | 4/3 | Japan | | 608.00 | | (3) | | | | 608.00 |
| | 4/3 | 4/5 | China | | 519.00 | | (3) | | | | 519.00 |
| | 4/5 | 4/8 | Hong Kong | | 1,182.00 | | (3) | | | | 1,182.00 |
| David Schaffer | 4/1 | 4/3 | Japan | | 608.00 | | (3) | | | | 608.00 |
| | 4/3 | 4/5 | China | | 519.00 | | (3) | | | | 519.00 |
| | 4/5 | 4/8 | Hong Kong | | 1,182.00 | | (3) | | | | 1,182.00 |
| Mary Walsh | 4/1 | 4/3 | Japan | | 608.00 | | (3) | | | | 608.00 |
| | 4/3 | 4/5 | China | | 519.00 | | (3) | | | | 519.00 |
| | 4/5 | 4/8 | Hong Kong | | 1,182.00 | | (3) | | | | 1,182.00 |
| John Cullather | 4/1 | 4/3 | Japan | | 608.00 | | (3) | | | | 608.00 |
| | 4/3 | 4/5 | China | | 519.00 | | (3) | | | | 519.00 |
| | 4/5 | 4/8 | Hong Kong | | 1,182.00 | | (3) | | | | 1,182.00 |
| Committee total | | | | | 41,562.00 | | | | | | 41,562.00 |

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

BUD SHUSTER, Chairman, July 30, 1997.

## REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, OSCE PARLIAMENTARY ASSEMBLY, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 5 AND JULY 8, 1997

| Name of Member or employee | Date | | Country | Per diem [1] | | Transportation | | Other purposes | | Total | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | Arrival | Departure | | Foreign currency | U.S. dollar equivalent or U.S. currency [2] | Foreign currency | U.S. dollar equivalent or U.S. currency [2] | Foreign currency | U.S. dollar equivalent or U.S. currency [2] | Foreign currency | U.S. dollar equivalent or U.S. currency [2] |
| Hon. Henry Hyde | 7/5 | 7/8 | Poland | | 834.00 | | (3) | | | | 834.00 |
| Hon. Steny Hoyer | 7/5 | 7/8 | Poland | | 834.00 | | (3) | | | | 834.00 |
| Hon. Pat Danner | 7/5 | 7/8 | Poland | | 834.00 | | (3) | | | | 834.00 |
| Hon. Peter King | 7/5 | 7/8 | Poland | | 834.00 | | (3) | | | | 779.00 |
| Hon. Alcee Hastings | 7/5 | 7/8 | Poland | | 834.00 | | (3) | | | | 834.00 |
| Hon. John Dingell | 7/5 | 7/8 | Poland | | 834.00 | | (3) | | | | 834.00 |

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, OSCE PARLIAMENTARY ASSEMBLY, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 5 AND JULY 8, 1997—Continued

| Name of Member or employee | Date | | Country | Per diem [1] | | Transportation | | Other purposes | | Total | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | Arrival | Departure | | Foreign currency | U.S. dollar equivalent or U.S. currency [2] | Foreign currency | U.S. dollar equivalent or U.S. currency [2] | Foreign currency | U.S. dollar equivalent or U.S. currency [2] | Foreign currency | U.S. dollar equivalent or U.S. currency [2] |
| Hon. Maurice Hinchey | 7/5 | 7/8 | Poland | | 834.00 | | (3) | | | | 834.00 |
| Hon. Bob Clement | 7/5 | 7/8 | Poland | | 834.00 | | (3) | | | | 834.00 |
| Hon. Jesse L. Jackson | 7/5 | 7/8 | Poland | | 834.00 | | (3) | | | | 834.00 |
| Hon. Louise McIntosh Slaughter | 7/5 | 7/8 | Poland | | 834.00 | | (3) | | | | 834.00 |
| Hon. Judy Wolverton | 7/5 | 7/8 | Poland | | 834.00 | | (3) | | | | 634.00 |
| Hon. Marlene Kaufmann | 7/5 | 7/8 | Poland | | 1,112.00 | | (3) | | | | 1,112.00 |
| Hon. Erika Schlager | 7/5 | 7/8 | Poland | | 834.00 | | (3) | | | | 708.51 |
| Hon. Ron McNamara | 7/5 | 7/8 | Poland | | 834.00 | | (3) | | | | 789.00 |
| Hon. Mark Gage | 7/5 | 7/8 | Poland | | 834.00 | | (3) | | | | 691.50 |
| Hon. Caroline Cooper | 7/5 | 7/8 | Poland | | 834.00 | | (3) | | | | 622.00 |
| Hon. Cliff Kupchan | 7/5 | 7/8 | Poland | | 834.00 | | (3) | | | | 624.00 |
| Committee total | | | | | 14,456.00 | | | | | | 13,466.01 |

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

HENRY HYDE, Aug. 6, 1997.

## EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

5155. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on International Relations.

5156. A letter from the Acting Comptroller General, General Accounting Office, transmitting a list of all reports issued or released in August 1997, pursuant to 31 U.S.C. 719(h); to the Committee on Government Reform and Oversight.

5157. A letter from the Executive Director, National Capital Planning Commission, transmitting a report of activities under the Freedom of Information Act for the calendar years 1992–1996, pursuant to 5 U.S.C. 552(d); to the Committee on Government Reform and Oversight.

5158. A letter from the Acting Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting the Department's "Major" final rule—Migratory Bird Hunting; Final Frameworks for Late-Season Migratory Bird Hunting Regulations (RIN: 1018–AE14) received September 22, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5159. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Weighted Average Interest Rate Update [Notice 97–51] received September 22, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5160. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Partner's Distributive Share [Revenue Ruling 97–38] received September 22, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and references to the proper calendar, as follows:

Mr. SENSENBRENNER: Committee on Science. H.R. 2429. A bill to reauthorize the Small Business Technology Transfer Program through fiscal year 2000; with an amendment (Rept. 105–259 Pt. 1). Ordered to be printed.

Mr. LIVINGSTON: Committee on Appropriations. Report on the revised subdivision totals for fiscal year 1998 (Rept. 105–260). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 1948. A bill to provide for the exchange of lands within Admiralty Island National Monument, and for other purposes; with an amendment (Rept. 105–261). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. House Concurrent Resolution 131. Resolution expressing the sense of Congress regarding the ocean; with amendments (Rept. 105–262). Referred to the House Calendar.

Mr. McINNIS: Committee on Rules. House Resolution 238. Resolution waiving points of order against the conference report to accompany the bill (H.R. 2209) making appropriations for the legislative branch for the fiscal year ending September 30, 1998, and for other purposes (Rept. 105–263). Referred to the House Calendar.

Mr. DREIER: Committee on Rules. House Resolution 239. Resolution providing for consideration of the bill (H.R. 2267) making appropriations for the Departments of Commerce, Justice, and State, the judiciary, and related agencies for the fiscal year ending September 30, 1998, and for other purposes (Rept. 105–264). Referred to the House Calendar.

Mr. YOUNG of Florida: Committee of Conference. Conference report on H.R. 2266. A bill making appropriations for the Department of Defense for the fiscal year ending September 30, 1998, and for other purposes (Rept. 105–265). Ordered to be printed.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 1787. A bill to assist in the conservation of Asian elephants by supporting and providing financial resources for the conservation programs of nations within the range of Asian elephants and projects of persons with demonstrated expertise in the conservation of Asian elephants; with an amendment (Rept. 105–266 Pt. 1). Ordered to be printed.

## TIME LIMITATION OF REFERRED BILL

Pursuant to clause 5 of rule X the following action was taken by the Speaker:

H.R. 1787. Referral to the Committee on International Relations extended for a period ending not later than October 6, 1997.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. ARCHER (for himself, Mr. HULSHOF, Mr. RANGEL, Mr. THOMAS, Mr. HOUGHTON, Mr. NUSSLE, Ms. DUNN of Washington, and Mr. LEVIN):

H.R. 2513. A bill to amend the Internal Revenue Code of 1986 to restore and modify the provision of the Taxpayer Relief Act of 1997 relating to exempting active financing income from foreign personal holding company income and to provide for the nonrecognition of gain on the sale of stock in agricultural processors to certain farmers' cooperatives; to the Committee on Ways and Means, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TORRES:

H.R. 2514. A bill to authorize the President to award a congressional gold medal to the family of the late Raul Julia, and for other purposes; to the Committee on Banking and Financial Services.

By Mr. SMITH of Oregon (for himself, Mr. STENHOLM, Mr. COMBEST, Mr. BISHOP, Mr. CALLAHAN, Mrs. EMERSON, and Mr. PETERSON of Pennsylvania):

H.R. 2515. A bill to address the declining health of forests on Federal lands in the United States through a program of recovery and protection consistent with the requirements of existing public land management and environmental laws, to establish a program to inventory, monitor, and analyze public and private forests and their resources, and for other purposes; to the Committee on Agriculture, and in addition to the Committee on Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SHUSTER (for himself, Mr. Oberstar, Mr. Petri, and Mr. Rahall):

H.R. 2516. A bill to extend the Intermodal Surface Transportation Efficiency Act of 1991 through March 31, 1998; to the Committee on Transportation and Infrastructure.

By Mr. RILEY (for himself, Mr. Aderholt, Mr. Graham, Mr. Hayworth, Mr. Scarborough, Mr. Hill, Mr. Watts of Oklahoma, Mr. Souder, Mr. Tiahrt, Mr. Largent, Mr. Shimkus, Mr. Salmon, Mr. Sessions, Mr. Fox of Pennsylvania, Mr. Cunningham, Mr. Cooksey, Mr. Brady, Mr. Thune, Mr. Solomon, Mr. Wamp, and Mr. Christensen):

H.R. 2517. A bill to eliminate automatic pay adjustments for Members of Congress; to the Committee on House Oversight, and in addition to the Committee on Government Reform and Oversight, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BOEHNER (for himself, Mr. Gordon, Mr. McIntosh, Mr. Herger, Mr. Hayworth, and Mr. Hutchinson):

H.R. 2518. A bill to amend the Higher Education Act of 1965 to increase student options for the consolidation of their student loan obligations, and for other purposes; to the Committee on Education and the Workforce.

By Ms. DeGETTE:

H.R. 2519. A bill to increase the legal age of smoking from 18 to 21; to the Committee on Commerce.

By Mr. ENGLISH of Pennsylvania:

H.R. 2520. A bill to suspend the duty on halofenozide until January 1, 2001; to the Committee on Ways and Means.

By Mr. ENGLISH of Pennsylvania:

H.R. 2521. A bill to suspend the duty on modified secondary and modified secondary-tertiary amine phenol/formaldehyde copolymers until January 1, 2001; to the Committee on Ways and Means.

By Mr. FRANK of Massachusetts:

H.R. 2522. A bill to amend the Civil Rights Act of 1964 to prohibit discrimination on the basis of sex in programs receiving Federal financial assistance; to the Committee on the Judiciary.

By Mr. GEJDENSON (for himself, Mr. Weldon of Pennsylvania, Mr. Andrews, Mr. Boehlert, Mr. Visclosky, Mr. Hinchey, Mr. Sessions, Mr. Cummings, Mrs. Mink of Hawaii, Mr. Baldacci, Mr. Frost, Mr. Forbes, Mr. Davis of Virginia, Mr. Ney, Mr. Evans, and Mr. Hall of Texas):

H.R. 2523. A bill to amend the Internal Revenue Code of 1986 to expand the types of equipment which may be acquired with tax-exempt financing by volunteer fire departments and to provide a comparable treatment for emergency medical service organizations; to the Committee on Ways and Means.

By Mrs. KENNELLY of Connecticut (for herself, Mr. Rangel, Mr. Neal of Massachusetts, and Ms. Rivers):

H.R. 2524. A bill to amend the Internal Revenue Code of 1986 to allow the nonrefundable personal credits, the standard deduction, and the deduction for personal exemptions in determining alternative minimum tax liability; to the Committee on Ways and Means.

By Mrs. LOWEY (for herself, Ms. Pelosi, Ms. Norton, Mrs. Maloney of New York, Ms. Waters, Ms. Woolsey, Ms. DeLauro, Ms. Millender-McDonald, Ms. Rivers, Ms. Harman, and Ms. Slaughter):

H.R. 2525. A bill to protect women's reproductive health and constitutional right to choice, and for other purposes; to the Committee on Commerce, and in addition to the Committees on the Judiciary, and Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. MORELLA (for herself, Mr. Davis of Virginia, Mr. Hoyer, and Mr. Moran of Virginia):

H.R. 2526. A bill to amend title 5, United States Code, to make the percentage limitations on individual contributions to the Thrift Savings Plan more consistent with the dollar amount limitation on elective deferrals, and for other purposes; to the Committee on Government Reform and Oversight.

By Mr. NEAL of Massachusetts (for himself, Mr. Rangel, Mr. Matsui, Mrs. Kennelly of Connecticut, Mr. Coyne, Mrs. Thurman, and Mr. Lewis of Georgia):

H.R. 2527. A bill to repeal the provision in the Taxpayer Relief Act of 1997 relating to the termination of certain exceptions from rules relating to exempt organizations which provide commercial-type insurance; to the Committee on Ways and Means.

By Mr. PETRI (for himself, Mr. Shays, and Ms. Slaughter):

H.R. 2528. A bill to amend the Federal Election Campaign Act of 1971 to require certain disclosure and reports relating to polling by telephone or electronic device; to the Committee on House Oversight.

By Mr. PETRI:

H.R. 2529. A bill to amend the Federal Election Campaign Act of 1971 to require certain disclosure and reports relating to polling by telephone or electronic device, and for other purposes; to the Committee on House Oversight, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SKAGGS:

H.R. 2530. A bill to prohibit the Student Loan Marketing Association from conditioning the waiver of redemption premiums, otherwise chargeable in connection with the refinancing of securities acquired by the Association while it was a government-sponsored enterprise, on the use of its own investment banking subsidiary; to the Committee on Education and the Workforce.

By Mr. SMITH of New Jersey:

H.R. 2531. A bill to provide for increased international broadcasting activities to China; to the Committee on International Relations.

By Mr. STARK:

H.R. 2532. A bill to amend the Internal Revenue Code of 1986, the Public Health Service Act, and the Employee Retirement Income Security Act of 1974 to expand access to health insurance coverage without pre-existing condition exclusions in the group and individual health insurance markets; to the Committee on Commerce, and in addition to the Committees on Ways and Means, and Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ENGLISH of Pennsylvania (for himself, Mr. Davis of Virginia, and Mr. Frost):

H. Con. Res. 155. Concurrent resolution expressing the sense of the Congress that a postage stamp should be issued in honor of U.S. Masters Swimming, Inc.; to the Committee on Government Reform and Oversight.

By Mrs. MALONEY of New York (for herself, Mr. Rohrabacher, Ms. Ros-Lehtinen, Mr. Markey, Ms. Millender-McDonald, Ms. Velazquez, Mrs. Kelly, Ms. Eshoo, Mrs. Mink of Hawaii, Mr. Lantos, Ms. DeLauro, Mr. Watts of Oklahoma, Mr. Gejdenson, Mr. Blagojevich, Mr. Kennedy of Massachusetts, Mr. McNulty, Mrs. Thurman, Mr. Frank of Massachusetts, Mr. Olver, Mr. Capps, Mr. Underwood, Mr. Solomon, Mrs. Lowey, Mr. Farr of California, Mrs. Morella, and Mr. Berman):

H. Con. Res. 156. Concurrent resolution expressing concern for the continued deterioration of human rights in Afghanistan and emphasizing the need for a peaceful political settlement in that country; to the Committee on International Relations.

By Mr. McINNIS:

H. Res. 238. Resolution waiving points of order against the conference report to accompany the bill (H.R. 2209) making appropriations for the Legislative Branch for the fiscal year ending September 30, 1998, and for other purposes; House Calendar No. 94. House Report No. 105–263.

By Mr. DREIER:

H. Res. 239. Resolution providing for consideration of the bill (H.R. 2267) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1998, and for other purposes; House Calendar No. 95. House Report No. 105–264.

By Mr. PASTOR:

H. Res. 240. Resolution recognizing Hispanic culture in the United States; to the Committee on Education and the Workforce.

By Mrs. TAUSCHER (for herself, Mr. Leach, Ms. Furse, Mr. Abercrombie, Mr. Ackerman, Mr. Allen, Mr. Baldacci, Mr. Barrett of Wisconsin, Mr. Berman, Mr. Blumenauer, Mr. Bonior, Mr. Borski, Ms. Brown of Florida, Mr. Brown of California, Mr. Brown of Ohio, Mr. Capps, Ms. Carson, Ms. Christian-Green, Mr. Clay, Mr. Conyers, Mr. Cummings, Mr. Davis of Illinois, Mr. DeFazio, Ms. DeGette, Mr. Delahunt, Ms. DeLauro, Mr. Dellums, Mr. Dooley of California, Mr. Edwards, Mr. Ehlers, Mr. Engel, Ms. Eshoo, Mr. Evans, Mr. Faleomavaega, Mr. Farr of California, Mr. Fazio of California, Mr. Filner, Mr. Flake, Mr. Frank of Massachusetts, Mr. Gejdenson, Mr. Gephardt, Mr. Greenwood, Mr. Gutierrez, Mr. Hall of Ohio, Mr. Hamilton, Mr. Hinchey, Ms. Hooley of Oregon, Mr. Jackson, Ms. Eddie Bernice Johnson of Texas, Mr. Kennedy of Massachusetts, Mr. Kennedy of Rhode Island, Ms. Kilpatrick, Mr. Kind of Wisconsin, Mr. Kucinich, Mr. LaFalce, Mr. Lampson, Mr. Lantos, Mr. Lewis of Georgia, Ms. Lofgren, Mrs. Lowey, Mr. Luther, Mrs. Maloney of New York, Mr. Markey, Mr. Matsui, Mrs. McCarthy of New York, Mr. McDermott, Mr. McGovern, Ms. McKinney, Mr. Meehan, Mrs. Meek of Florida, Ms. Millender-McDonald, Mr. Miller of California, Mr. Minge, Mrs. Mink of Hawaii, Mrs. Morella, Mr. Nadler, Ms. Norton, Mr. Olver, Mr. Pallone, Mr. Pascrell, Mr. Payne, Ms. Pelosi, Mr. Pomeroy, Mr. Porter, Mr. Poshard, Mr. Price of North Carolina, Ms. Rivers, Mr. Rothman, Ms. Roybal-Allard, Mr. Rush, Mr. Sabo, Mr. Sanders, Mr. Sawyer, Mr. Schumer, Mr. Serrano, Mr. Shays, Mr. Skaggs, Ms. Slaughter, Ms. Stabenow, Mr. Stark, Mr. Strickland, Mr. Stupak, Mr. Tierney, Mr. Torres, Mr. Towns, Mr. Underwood, Mr. Vento, Mr. Watt of North Carolina, Mr. Wexler, Ms. Woolsey, and Mr. Yates):

H. Res. 241. A resolution expressing the sense of the House of Representatives that the Senate should act swiftly and expeditiously to give its advice and consent to ratification of the Comprehensive Test Ban Treaty; to the Committee on International Relations.

## ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 15: Mr. Mascara.

H.R. 58: Mr. Largent.

H.R. 176: Mr. Sessions.

H.R. 224: Mr. Bono.

H.R. 225: Mr. Petri.

H.R. 253: Mrs. Lowey and Mr. Filner.

H.R. 399: Mr. Holden.

H.R. 590: Mr. Gutierrez.

H.R. 632: Mr. Aderholt and Mr. Kim.

H.R. 678: Mr. Davis of Illinois, Mr. Forbes, Ms. Lofgren, Mr. Bass, Mr. LaFalce, Ms. Pelosi, Mr. Campbell, and Mr. English of Pennsylvania.

H.R. 714: Mr. Pitts, Mr. Peterson of Pennsylvania, Mr. Goodling, and Mr. Kanjorski.

H.R. 754: Mr. Brown of California and Ms. Sanchez.

H.R. 778: Ms. Slaughter.

H.R. 779: Ms. Slaughter.

H.R. 780: Ms. Slaughter.

H.R. 789: Mr. Bunning of Kentucky and Mr. Pastor.

H.R. 925: Mr. Rothman.

H.R. 972: Mr. Rothman.

H.R. 977: Mr. Solomon.

H.R. 991: Ms. Norton, Mr. Kildee, Mr. Smith of New Jersey, Mr. Capps, Mr. Allen, and Mr. Baldacci.

H.R. 1039: Mr. Minge.

H.R. 1059: Mr. Dreier and Mr. Barr of Georgia.

H.R. 1072: Mr. Stark, Mr. McGovern, and Mr. Frost.

H.R. 1100: Ms. Rivers and Mr. Gekas.

H.R. 1114: Mr. Dellums.

H.R. 1176: Mr. Wexler, Mr. Whitfield, and Mr. Blumenauer.

H.R. 1231: Mr. Wexler and Mr. Gilman.

H.R. 1260: Mr. Kanjorski.

H.R. 1319: Mr. Pitts.

H.R. 1330: Mr. Rahall, Mr. Rush, Mr. Frost, Mr. Fattah, and Mr. Filner.

H.R. 1353: Mr. Shays.

H.R. 1371: Mr. Capps.

H.R. 1373: Mr. Martinez and Ms. Woolsey.

H.R. 1426: Mr. Andrews.

H.R. 1438: Ms. Carson and Mr. Rothman.

H.R. 1440: Mr. Kucinich and Mr. Wexler.

H.R. 1531: Mr. Foley and Mr. Horn.

H.R. 1534: Mr. Armey, Mr. Scarborough, Mrs. Tauscher, Mr. Buyer, Mr. Manzullo, Mr. DeLay, Mr. Weldon of Florida, Mr. Ney, Mr. John, Mr. Horn, Mr. Wolf, Mr. Dan Schaefer of Colorado, Mr. Lucas of Oklahoma, Mr. Coburn, Mr. Bartlett of Maryland, Mr. Barton of Texas, Mr. Bilbray, Mr. Young of Florida, Mr. Whitfield, Mr. Archer, Mr. Moran of Kansas, Mr. Linder, Mr. Paul, Mr. Blunt, Mr. Norwood, Mr. Skelton, Mr. Redmond, Mr. Thompson, Mr. Hoyer, Mrs. Emerson, and Mr. Davis of Virginia.

H.R. 1539: Mr. Scarborough.

H.R. 1689: Mr. Bunning of Kentucky, Mr. McHale, Mr. Goodling, Mr. Pitts, Mr. Greenwood, Mr. Condit, Mr. Barr of Georgia, and Mr. Gekas.

H.R. 1704: Mr. Tauzin, Mr. Saxton, Mr. Lazio of New York, Mr. Archer, Mr. Hastert, Mr. LaHood, Mr. Duncan, Mr. Bereuter, Mrs. Roukema, and Mr. Horn.

H.R. 1737: Mr. Ackerman, Mr. Stearns, and Mr. Capps.

H.R. 1735: Mr. Bishop, Mr. Kucinich, Mr. Kleczka, Mr. Weygand, Mr. Bliley, Mr. Neal of Massachusetts, Mr. Meehan, Mr. Foley, Mr. Underwood, Mr. Martinez, Mr. Hinojosa, Mr. Green, Mr. Whitfield, Mr. Frost, Mr. Reyes, Mr. Baldacci, Mr. Souder, and Mr. Barcia of Michigan.

H.R. 1788: Mrs. Thurman, Mr. McDermott, and Mr. Capps.

H.R. 1797: Mr. Wicker, Mr. Weldon of Florida, Mr. Burton of Indiana, Mr. Sam Johnson, Mr. Miller of Florida, Mr. Greenwood, Mr. Rogan, Mr. Cox of California, and Mr. Weller.

H.R. 1816: Mr. Hostettler.

H.R. 1839: Mr. Latham.

H.R. 1842: Mr. Thornberry, Mr. Calvert, and Mr. Kim.

H.R. 1891: Mr. Markey, Mr. Blunt, Mr. Sununu, Mrs. Northup, Mr. Paul, Mr. Scarborough, Mr. Weller, Mr. Dickey, Mr. Ehlers, Mr. Watkins, Mr. Moran of Virginia, Mr. Andrews, and Mr. Lewis of Georgia.

H.R. 1967: Mr. Frank of Massachusetts.

H.R. 1984: Mr. Tauzin, Mr. Kim, Mr. Wicker, Mr. Spence, Mr. Bateman, and Mr. Weldon of Florida.

H.R. 2021: Mr. Dooley of California.

H.R. 2023: Mr. Stark and Mr. Engel.

H.R. 2069: Mr. Bonior and Mr. Dellums.

H.R. 2072: Mr. Sam Johnson, Mr. DeLay, Mr. Sessions, Mr. Stenholm, and Mr. Hall of Texas.

H.R. 2103: Ms. Granger and Ms. Pryce of Ohio.

H.R. 2121: Ms. Slaughter.

H.R. 2131: Ms. Stabenow, Mrs. Mink of Hawaii, Mr. Faleomavaega, MR. McGovern, Mr. Filner, and Mr. Kennedy of Rhode Island.

H.R. 2140: Mr. Traficant and Mr. Reyes.

H.R. 2198: Mr. Watt of North Carolina.

H.R. 2206: Mrs. Chenoweth.

H.R. 2220: Mr. Saxton and Mr. Andrews.

H.R. 2221: Mr. Torres, Mr. Latham, and Mr. Rohrabacher.

H.R. 2223: Mr. Riggs and Mr. Hansen.

H.R. 2302: Mrs. Johnson of Connecticut, Mr. McGovern, Mr. Davis of Virginia, Ms. Roybal-Allard, Ms. Norton, Mrs. Mink of Hawaii, Mr. Frank of Massachusetts, Mr. Filner, Mr. Bonior, Mr. Moakley, Mr. Delahunt, Mr. Serrano, Mr. Wexler, Mr. Ackerman, Mrs. Morella, Mr. Reyes, Mrs. McCarthy of New York, Mr. Olver, and Ms. Lofgren.

H.R. 2317: Mr. Davis of Illinois and Mr. Sherman.

H.R. 2332: Mr. Capps.

H.R. 2382: Mr. Borski, Mr. Bonior, Mr. Frank of Massachusetts, Mr. DeFazio, and Mr. Brown of Ohio.

H.R. 2387: Mr. Martinez, Mr. Brown of Ohio, Mr. Evans, and Mrs. Johnson of Connecticut.

H.R. 2436: Mr. Manton, Mr. Engel, Mrs. Maloney of New York, Mr. Nadler, Ms. Slaughter, Mr. Quinn, Mrs. Kelly, Mr. McNulty, Mr. King of New York, Mr. Boehlert, Mr. Walsh, Mr. Houghton, Mrs. Lowey, Mr. Flake, Mrs. McCarthy of New York, Ms. Velázquez, Mr. McHugh, Mr. Forbes, and Mr. Schumer.

H.R. 2437: Mr. Manton, Mr. Engel, Mrs. Maloney of New York, Mr. Nadler, Mr. Quinn, Mrs. Kelly, Mr. McNulty, Mr. King of New York, Mr. Boehlert, Mr. Walsh, Mr. Houghton, Mrs. Lowey, Mr. Flake, Mrs. McCarthy of New York, Ms. Velazquez, Mr. McHugh, Mr. Forbes, and Mr. Schumer.

H.R. 2450: Mr. Clement.

H.R. 2454: Mr. Weldon of Pennsylvania, Mr. LoBiondo, Mr. Barrett of Wisconsin, Mr. Hinchey, Mrs. Myrick, Ms. Eddie Bernice Johnson of Texas, and Mr. Clement.

H.R. 2456: Mr. Greenwood.

H.R. 2457: Mr. LoBiondo, Mr. Hinchey, Mr. Miller of California, Ms. Eddie Bernice Johnson of Texas, and Mr. English of Pennsylvania.

H.R. 2460: Mr. Gekas.

H.R. 2464: Mr. Pomeroy, Mr. Nadler, and Mrs. Northup.

H.R. 2483: Mr. Fox of Pennsylvania, Mr. English of Pennsylvania, Mr. Scarborough, Mr. Metcalf, Mr. Neumann, Mr. Smith of Michigan, Mr. Packard, Mr. Blunt, Mr. Sensenbrenner, Mr. Gibbons, and Mr. Moran of Kansas.

H.R. 2492: Mr. Lewis of Kentucky.

H.R. 2495: Mr. Rangel and Mr. Kucinich.

H.R. 2500: Ms. Pryce of Ohio.

H.R. 2509: Mrs. Johnson of Connecticut.

H. Con. Res. 6: Mr. Inglis of South Carolina.

H. Con. Res. 52: Ms. Furse, Mr. Walsh, Mr. DeFazio, and Mr. Boyd.

H. Con. Res. 65: Ms. Stabenow.

H. Con. Res. 80: Mr. Sandlin and Mr. Conyers.

H. Con. Res. 112: Mr. Lampson, Mr. McGovern, Mr. Filner, Mr. Delahunt, Mr. Poshard, and Mr. Rangel.

H. Con. Res. 116: Mr. Doyle and Ms. Christian-Green.

H. Con. Res. 127: Ms. Danner, Mr. Packard, and Mr. Bishop.

H. Con. Res. 141: Mr. Sherman.

H. Con. Res. 144: Mr. Ackerman, Mr. Hastings of Washington, Mr. Snowbarger, Mr. Markey, Mrs. Emerson, Mr. Barrett of Wisconsin, Mr. Capps, and Mr. Hinchey.

H. Con. Res. 152: Mr. Menendez.

H. Con. Res. 153: Mr. Serrano.

H. Res. 139: Mr. Burr of North Carolina and Mr. Salmon.

H. Res. 172: Mr. Frost, Mr. Borski, Mr. Bonior, and Mr. Filner.

H. Res. 212: Mr. Gingrich, Mr. Baker, Mr. Bishop, and Mr. Waxman.

H. Res. 235: Mr. Evans, Mr. Foley, Mrs. Northup, Mr. Petri, Mr. Torres, Mr. Delahunt, Mr. Capps, Mr. Forbes, Ms. Carson, Mr. Rangel, Mr. LaTourette, Mr. Bartlett of Maryland, Mr. Shaw, Mr. Clement, and Mr. Weldon of Florida.

## AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

### H.R. 2267

Offered By: Mr. Forbes

Amendment No. 46: Page 117, after line 2, insert the following:

SEC. 617. None of the funds appropriated or otherwise made available by this Act may be made available for projects in Gaza or the West Bank.

H.R. 2267

OFFERED BY: MR. FORBES

AMENDMENT NO. 47: Page 117, after line 2, insert the following:

SEC. 617. None of the funds appropriated or otherwise made available by this Act may be made available for the Gaza Waste Water Project.

H.R. 2267

OFFERED BY: MS. LOFGREN

AMENDMENT NO. 48: Page 50, line 13, after the dollar amount insert "(increased by $4,900,000)".

Page 50, line 23, after the dollar amount insert "(increased by $4,900,000)".

Page 51, line 11, after the second dollar amount insert "(increased by $4,900,000)".

Page 51, line 13, after the dollar amount insert "(increased by $4,900,000)".

Page 51, line 18, after the dollar amount insert "(increased by $4,900,000)".

Page 107, line 16, after the dollar amount insert "(reduced by $4,900,000)".

H.R. 2267

OFFERED BY: MR. SCHUMER

AMENDMENT NO. 49: Page 31, line 16, after the dollar amount, insert "(decreased by $5,000,000)".

Page 31, line 18, after the semicolon, insert the following: "of which $5,000,000 shall be for programs authorized under subtitle H of title III of the 1994 Act;".

H.R. 2267

OFFERED BY: MR. SCHUMER

AMENDMENT NO. 50: Page 67, after line 19, insert the following:

DESIGNATION OF FOREIGN TERRORIST ORGANIZATIONS

For expenses necessary for the designation of organizations as foreign terrorist organizations pursuant to section 219(a) of the Immigration and Nationality Act (8 U.S.C. 1189(a)), as added by section 302 of Public Law 104–132 (110 Stat. 1214, 1248); and the amount otherwise provided in this title for "DEPARTMENT OF STATE—Administration of Foreign Affairs—Salaries and Expenses" is hereby reduced by $7,270,260.

H.R. 2267

OFFERED BY: MR. SCHUMER

AMENDMENT NO. 51: At the end of the bill, insert after the last section (preceding the short title) the following new section:

SEC. 617. (a) None of the funds provided under this Act may be used to provide assistance to any State for the National Sexual Offender Registry.

(b) The limitation established in subsection (a) shall apply to any State that has in effect throughout the State a law which requires that a person register in accordance with section 170101 of the Violent Crime Control and Law Enforcement Act of 1994 solely on the basis of a conviction for consensual sodomy between adults.

H.R. 2267

OFFERED BY: MR. SCHUMER

AMENDMENT NO. 52: At the end of the bill, insert after the last section (preceding the short title) the following new section:

SEC. 617. (a) None of the funds provided under this Act may be used to provide assistance to any State under part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968 in an amount that exceeds 90 percent of the amount to be provided to such State under such part.

(b) The limitation established in subsection (a) shall apply to any State that has in effect throughout the State a law which requires that a person register in accordance with section 170101 of the Violent Crime Control and Law Enforcement Act of 1994 solely on the basis of a conviction for consensual sodomy between adults.

H.R. 2267

OFFERED BY: MR. SCOTT

AMENDMENT NO. 53: Page 29, line 10, insert after the amount "(reduced by $258,750,000)" and insert as follows: page 28, line 17, after the amount insert "(increased by $80,000,000)"; page 29, line 20, after the amount insert "(increased by $13,000,000)" and on line 22, after the amount insert "(increased by $8,000,000)" and on line 25 after the amount insert "(increased by $40,000,000)"; page 31, line 1, after the amount insert "(increased by $37,000,000)" and on line 21 after the amount insert '(increased by $76,750,000)" and on line 13 after the amount insert "(increase by $4,000,000)".

H.R. 2267

OFFERED BY: MR. SMITH OF NEW JERSEY

AMENDMENT NO. 54: Page 117, after line 2, insert the following new section:

SEC. 617. None of the funds appropriated or otherwise made available by this Act may be obligated or expended to pay the salary or expenses of any official or employee of the Department of State to make or carry out any contract authorizing any private entity to assess a charge or fee upon United States citizens for information about United States passports.

H.R. 2267

OFFERED BY: MS. WATERS

AMENDMENT NO. 55: Page 29, line 10, after the dollar amount, insert "(decreased by $30,000,000)".

Page 31, line 12, after the dollar amount, insert "(increased by $30,000,000)".

H.R. 2267

OFFERED BY: MR. WATT OF NORTH CAROLINA

AMENDMENT NO. 56: Page 20, line 21, strike "March 1" and insert "September 30".

# EXTENSIONS OF REMARKS

## THE POSITIVE IMPACT OF SCHOOL CHOICE

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### HON. NEWT GINGRICH

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 23, 1997*

Mr. GINGRICH. Mr. Speaker, I am pleased to submit into the CONGRESSIONAL RECORD two articles highlighting the positive impact of giving parents the ability to choose their children's school.

[From the New York Times, Sept. 18, 1997]

### SCHOOL VOUCHER STUDY FINDS SATISFACTION

(By Tamar Lewin)

In the first independent evaluation of Cleveland's groundbreaking school voucher program, a Harvard University study has found that the program was very popular with parents and raised the scores of those students tested at the end of the first year.

"We found that parents who have a choice of school are much happier, and these private schools seem to be able to create an educational environment that parents see as safer, more focused on academics and giving more individual attention to the child" said Paul E. Peterson, director of the Education Policy and Governance at Harvard's John F. Kennedy School of Government, which issued the report. "This happens despite the fact that these are very low-income students."

The Cleveland experiment has been closely watched as school vouchers emerge as a potent political issue across the country.

The report found that two-thirds of the parents whose children received vouchers to attend a private or parochial school were "very satisfied" with the academic quality of the school, compared to fewer than 30 percent of the parents of students who applied for vouchers but remained in public schools.

In addition, the parents using vouchers were also more than twice as likely to be happy with the school's discipline, class size, condition and teaching of moral values than those remaining in public school.

During the last school year, the Ohio Department of Education gave 1,996 Cleveland students from low-income families vouchers covering up to 90 percent of private or parochial school tuition, to a maximum of $2,250. The amount is slightly more than a third of what the public school system spends annually per pupil.

Most students used the vouchers at Catholic schools. But about a quarter of those who received vouchers—mostly those who could not find another suitable placement—attended two new independent schools set up by advocates of the voucher program, known as Hope schools.

The study found that those students, tested at the beginning and end of the school year, made significant academic strides, gaining 15 percentage points in math and 5 percentage points on reading tests, relative to the national norms. However, language scores declined 5 percentage points overall, and 19 points among first graders.

The Cleveland schools have been troubled for years; in 1955, the system was put under state control when it ran out of money halfway through the year. Rick Ellis, a spokesman for the Cleveland schools, said that because the school system was now operated by the state, and the state also runs the voucher program, the Cleveland schools had taken no position on the program, which has been expanded to cover 3,000 students this year.

But Cleveland's voucher program—like the nation's only other large scale voucher program, in Milwaukee—remains under the cloud of a continuing court challenge. In May, an Ohio appeals court ruled that because the vouchers could be used at religious schools, the program was an unconstitutional mingling of church and state. The State Supreme Court, however, ruled that the program could continue this year, pending its review. With the Milwaukee voucher program pending in State Supreme Court, it is likely that one or both of the cases will ultimately wend their way to the United States Supreme Court.

Despite the legal uncertainties, vouchers remain a powerful political issue across the country:

In New Jersey in April, the Education Commission barred Lincoln Park, a suburban school board, from using tax money for vouchers.

In Vermont last year, the education office took away education funds of the Chittenden Town School District when it tried to include parochial schools in a voucher program for high schools.

In New York City and several other cities, small programs, privately financed by philanthropists, provide scholarships allowing some public school students to attend parochial schools.

In Washington, House and Senate Republicans have proposed a Cleveland-style program for the District of Columbia schools.

The evaluation of the Cleveland program is based on a survey of 2,020 parents who applied for vouchers, including 1,014 parents of voucher recipients, and 1,006 parents who applied but did not use the vouchers.

Those who applied, but ultimately remained in public school, cited transportation financial consideration and admission to a desired public school or failure to be admitted to the desired private school.

The average income of families using vouchers was lower than those whose children remained in public schools, but the two groups did not differ significantly with respect to ethnicity, family size, religion, or mother's education or employment. But those staying in public schools were more likely to be in special education classes or classes for the gifted.

The vast majority of participants, 85 percent, said their main reason for applying to the voucher program was to improve education for their children. Other commonly cited reasons were greater safety, location, religion and friends.

"I like to emphasize that parents said what was really important to them was academic quality of the school," said Professor Peterson, whose co-authors were Jay P. Greene of the University of Texas and William G. Howell of Stanford University. "A lot of people say low-income families don't care about quality, that they choose schools based on other factors, but that's not what the parents say."

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[From the Wall Street Journal, Sept. 18, 1997]

### CLEVELAND SHATTERS MYTHS ABOUT SCHOOL CHOICE

(By Jay P. Greene, William G. Howell, and Paul E. Peterson)

As delays in repairs keep the doors to Washington D.C.'s public schools closed, Congress is debating whether to approve the District of Columbia Student Opportunity Scholarship Act, which could help restructure this dreary, patronage-ridden system and give at least a couple of thousand poor students a chance to attend the private school of their choice. True to his teacher-union allies, President Clinton remains adamantly opposed to giving poor children the same chance at a private education that his daughter, Chelesa, had.

In deciding whether to challenge the president, Congress would do well to consider what's been happening in Cleveland, site of the first state-funded program to give low-income students a choice of both religious and secular schools. Of more than 6,200 applicants, pupils entering grades K–3 last year, nearly 2,000 received scholarships to attend one of 55 schools. The scholarships cover up to 90% of a school's tuition, to a maximum of $2,250, little more than a third of the per-pupil cost of Cleveland public schools.

This past summer we surveyed more than 2,000 parents, both scholarship recipients and those who applied but did not participate in the program. We found that parents of scholarship recipients new to choice schools were much more satisfied with every aspect of their school than parents of children still in public school. Sixty-three percent of choice parents report being "very satsified" with the "academic quality" of their school, as compared with less than 30% of public-school parents. Nearly 60% were "very satisfied" with school safety, as compared with just over a quarter of those in public school. With respect to school discipline, 55% of new choice parents, but only 23% of public-school parents, were "very satisfied."

The differences in satisfication rates were equally large when parents were asked about the school's individual attention to their child, parental involvement, class size and school facilities. The most extreme differences in satisfaction pertained to teaching moral values: 71% of the choice parents were "very satisfied," but only 25% of those in public schools were.

Our other findings provide powerful answers to many of the arguments raised by voucher opponents:

Parents, especially poor parents, are not competent to evaluate their child's educational experience. But test scores from two of the newly established choice schools justly parental enthusiasm. Choice students attending these schools, approximately 25% of the total coming from public schools, gained, on average, five percentile points in reading

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

and 15 points in mathematics during the course of the school year.

*Choice schools don't retain their students.* In fact, even though low-income, inner-city families are a highly mobile population, only 7% of all scholarship recipients reported that they did not attend the same school for the entire year. Among recipients new to choice schools the percentage was 10%. The comparable percentages for central-city public schools is twice as large.

*Private schools expel students who cannot keep up.* But only 0.4% of the parents of scholarship students new to school choice report this as a reason they changed schools this fall.

*Poor families pick their children's schools on the basis of sports, friends, religion or location, not academic quality.* Yet 85% of scholarship recipients from public schools listed "academic quality" as a "very important reason" for their application to the program. Second in importance was the "greater safety" to be found at a choice school, a reason given by 79% of the recipients. "Location" was ranked third. "Religion" was ranked fourth, said to be very important by 37%. Friends were said to be very important by less than 20%.

*Private schools engage in "creaming," admitting only the best, easiest-to-educate students.* But most applicants found schools willing to accept them, even though a lawsuit filed by the American Federation of Teachers prevented the program from operating until two weeks before school started. When those who were offered but did not accept a scholarship were asked why, inability to secure admission to their desired private school was only the fourth most frequently given reason, mentioned by just 21% of the parents remaining in public schools. Transportation problems, financial considerations and admissions to a desired public school were all mentioned more frequently. (Cleveland has magnet schools that may have opened their doors to some scholarship applicants.)

The data from Cleveland have some limitations, because the program was not set up as a randomized experiment. Yet the comparisons between scholarship recipients new to choice schools and those remaining in public schools are meaningful. That's because, with respect to most of their demographic characteristics—such as mother's education, mother's employment, and family size—the families of scholarship recipients did not differ from those remaining in public schools. In fact, the voucher recipients actually had lower incomes than the group to which they were compared.

Cleveland's success at school choice should not remain an exception to public schools' monopoly on education. If members of Congress care at all about the education of poor children living in the innercity, they should approve the voucher legislation for Washington now before them.

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## PEOPLE HAVE TROUBLE SEEING DOCTORS BECAUSE THEY DON'T HAVE ENOUGH MONEY—NOT BECAUSE MEDICARE PAYS DOCTORS TOO LITTLE

### HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 23, 1997*

Mr. STARK. Mr. Speaker, the just-enacted Balanced Budget Act includes a provision that allows doctors not to participate in Medicare for 2 years at a time, but instead to private contract with patients so that they can charge these patients much more than the Medicare fee schedule.

There is now a move underway to strike the 2-year requirement and let doctors do wallet biopsies—decide on a patient-by-patient basis whether they are going to ask patients to give up their Medicare rights and insurance and pay the extra in an individual private contract.

I can think of nothing that will encourage patients to move into HMO's faster, so that they are protected against the fear of this type of doctor extortion. The American Medical Association supports the proposal, but it is an idea that must have been deviously planted in their association by a mole from the HMO lobby—the American Association of Health Plans.

The proposal is pure greed wrapped in the flag of freedom.

Before the Congress is drowned in the rhetoric of this issue, we should note the facts. To the extent that Medicare beneficiaries have trouble seeing doctors, it is almost totally due to the fact that the cost is too much for the beneficiaries—not that Medicare doesn't pay the doctor enough to allow the doctor to see patients.

The latest data from the independent congressional advisory panel—the Physician Payment Assessment Commission—shows that only 4 percent of all Medicare beneficiaries reported having trouble getting health care in the last year. About 11 percent had a medical problem, but failed to see a physician, while 12 percent did not have a physician's office as a usual source of care. Roughly 10 percent of Medicare beneficiaries delayed care due to cost. Considering all four access measures, about 26 percent of Medicare beneficiaries cited experiencing at least one of these problems.

PhysPRC reports that from their surveys of those who failed to see a physician for their serious medical problem, 43 cited cost as the reason. About 8 percent of those who failed to see a physician could not get an appointment or find an available physician. For another 8 percent, transportation was the problem, 13 percent felt there was nothing a doctor could do, and 11 percent were afraid of finding out what was wrong.

In another words, Congress is preparing to let doctors charge patients infinitely higher fees because less than 1 percent of all Medicare beneficiaries had trouble finding a doctor—perhaps they lived in a rural area, etc. Yet over 5 percent of Medicare's nearly 40 million beneficiaries could not get to a doctor because they didn't have enough money—and Congress is silent.

Mr. Speaker, a humane Congress, a compassionate Congress, a logical, rational Congress would put five times as much effort into addressing the problem of doctors costing too much as it would in addressing what may be a 1-percent problem of a few doctors wanting to get paid more.

Where are our priorities, Mr. Speaker? A vote to let doctors, the richest 1-percent income group in our Nation, charge the sky's the limit, while ignoring the needs nearly 2 million seniors who find doctors already too expensive is a shameful vote.

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## TRIBUTE TO HOLY FAMILY PARISH

### HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 23, 1997*

Mr. SERRANO. Mr. Speaker, I rise today to pay tribute to Holy Family Parish for its 100 years of providing spiritual guidance, counseling, and education to the south Bronx community.

On September 20, the parish celebrated its 100th anniversary in my south Bronx congressional district. On this joyful occasion, Archbishop John Cardinal O'Connor officiated at a Thanksgiving Mass. Parishioners joined together in prayer to thank the Lord for the parish's 100 years of fruitful service.

Holy Family Parish has a long and inspiring history of perseverance and commitment to making a difference in the south Bronx. Through the years, the church has served a vibrant community of people from many ethnic backgrounds.

In the late 1890's, Rev. Joseph S. Mechler saw the need to serve an emerging community in the Bronx. In the fall of 1897, the cornerstone for the new church was laid, and by Christmas of that same year the congregation celebrated their first mass in the new building.

Archbishop Michael Corrigan dedicated the church in 1898. He lived in the basement of the parish and served his community until his final years.

Since 1903, eight pastors have faithfully served the parish. Among them was Father Urban Nageleisen, who served the church for 37 years, until his death in 1949. He was a friend and spiritual adviser to the growing German immigrant community of the time. Under his pastorate, the church also established a school for children with the help of the Sisters of St. Agnes.

During the difficult years of the Depression, the church continued serving the faithful and the congregation actually grew in numbers.

With the passing away of Father Nageleisen, Father John Mechler assumed the leadership of the church. During those years, the church and the convent that housed the Sisters of St. Agnes were both very deteriorated. Pastor Mechler proposed and raised the funding to build a new convent and a new church in the south Bronx. The new parish kept the original cornerstone.

Throughout its history, the Holy Family Parish has been responsive to the changing needs of its community. In 1981, the parish celebrated their first mass in Spanish in recognition of the growing Hispanic community, which had become an integral part of the church. In addition, the lower part of the church has been transformed into a meeting place for senior citizens, where hot lunches, recreational activities, and medical services are provided.

Today, Father James D. Flanagan leads the church. After 100 years, the church continues to be a catalyst of positive change in our community. Over 700 children are currently enrolled in the school, which educates students from kindergarten to eighth grade. In addition, hundreds of members of the community have grown in their faith.

Mr. Speaker, I ask my colleagues to join me in recognizing Holy Family Parish for its 100 years of history at the service of the south Bronx community.

## AUTHORIZING USE OF CAPITOL ROTUNDA TO ALLOW MEMBERS OF CONGRESS TO RECEIVE HIS ALL HOLINESS PATRIARCH BARTHOLOMEW

SPEECH OF

### HON. PATRICK J. KENNEDY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 16, 1997*

Mr. KENNEDY of Rhode Island. Mr. Speaker, I submit this statement in support of House Concurrent Resolution 134 authorizing the use of the Capitol rotunda for a ceremony for His All Holiness Ecumenical Patriarch Bartholomew, the 270th Archbishop of Constantinople and new Rome on October 21, 1997, from 11 a.m. to 12 noon.

The Ecumenical Patriarch occupies the foremost position among the National Autocephalos Orthodox Churches worldwide and has the responsibility to coordinate the affairs of the Russian, Eastern Europe, Middle, and Far Eastern churches. Worldwide, the Patriarch is the spiritual leader of 300 million Orthodox Christians of which 5 million reside in the United States.

Therefore, it is important that Members of Congress, as leaders of a nation that was built on religious freedom and tolerance, have an opportunity to receive and honor one of the world's preeminent religious leaders. Ecumenical Patriarch Bartholomew not only promotes peace and religious understanding throughout the world, but he is also profoundly committed to preserving and protecting the environment. Today, as the 270th successor to Apostle Andrew, His All Holiness continues efforts on behalf of religious freedom and human rights.

In closing support, is an expression of appreciation to the members of the Hellenic Caucus for their advocacy of this resolution as well as H.R. 2248, the recommendation to award the Patriarch with a Congressional Gold Medal, of which I am a proud cosponsor. H.R. 134 as introduced by BILIRAKIS from Florida, is a measure which provide the occasion to receive such an individual of high character and moral standing as His All Holiness in a manner befiting their rank and title.

## A TRIBUTE TO THE JERRY L. PETTIS MEMORIAL VETERANS AFFAIRS MEDICAL CENTER

### HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 23, 1997*

Mr. LEWIS of California. Mr. Speaker, I would like to bring to your attention the fine work and outstanding public service of the Jerry L. Pettis Memorial Veterans Affairs Medical Center in Loma Linda, CA. As the chairman of the House Appropriations Subcommittee that provides funding for veterans programs, including veterans medical care, I am especially proud of this facility at this historic moment. On Thursday, September 25, this fine facility will celebrate 20 years of service to veterans who live and work in southern California. My dear friend and predecessor in Congress, Shirley Pettis Roberson, will address those attending this very special ceremony at the medical center.

In June 1974, a large crowd gathered for the ground breaking to begin construction of this facility. The first patient was admitted in December 1977, realizing a dream and long-term goal of former Congressman Jerry Pettis. Jerry Pettis was a good man and a close personal friend. Today, his legacy lives on through the commitment and fine work of the men and women who strive to serve our veterans with great care and respect. Jerry Pettis would certainly be proud of this fine institution and the many worthy people it serves.

The Pettis VA Medical Center has 125 acute care beds and 106 nursing home beds. With a budget of approximately $109 million, over 600 volunteers, and over 1,200 employees, the facility last year alone, had over 6,500 admissions and over 230,000 outpatient visits. Working closely with Loma Linda University in many areas of clinical research and study, the medical center continues to conduct critical work in a variety of scientific disciplines.

In addition, the Pettis VA Medical Center has vigorously explored ways of providing the best possible service to the more than 290,000 veterans in Riverside County and San Bernardino County. The recently opened Victorville outpatient clinic, for example, has greatly improved access to primary care for thousands of veterans in California's high desert region.

Mr. Speaker, I ask that you join me and our colleagues in paying special tribute to the Jerry L. Pettis Memorial VA Medical Center on its 20th anniversary. All of us owe a tremendous debt of gratitude to our veterans, and we also owe a special thanks to the memory of our good friend and former colleague, for whom this facility is named. To both Jerry Pettis, and our veterans, Congress thanks you—and salutes you—on this historic day.

## IN HONOR OF KEITH AND ANNE MEDEIROS

### HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 23, 1997*

Mr. STARK. Mr. Speaker, today I rise to commend Keith and Anne Medeiros for their distinguished careers of service to the community of Fremont, California. For 42 years, Keith and Anne lived in the Fremont area. In that time, they consistently worked to make our community a better place. Both have been dedicated to the field of education as elementary school teachers. Keith Medeiros also served as school principal, and as a member of the Alameda County Board of Education. Anne Medeiros taught English as a second language.

Their service to the community has been diverse. Keith Medeiros worked as an Indian Guide Dad, a Pathfinder Toastmaster, a Chamber of Commerce activist, a Fremont Rotarian, an on and off stage actor and toastmaster, and a Washington Township Men's Club member. Anne Medeiros served the community as a representative for Congressman Don Edwards, and as a board member for the Serra Center and the Committee to Restore the Mission. They shared their talents as members of the Fremont Gourmet Club, the Fremont Dance Club, and the Fremont Kite Flyers. They have been world-wide travelers, goodwill ambassadors, and advocates for historic Mission San José.

Keith and Anne Medeiros set a new standard as innkeepers for those whose travels took them to the Bay Area. Their hospitality was a welcome respite for travelers.

On September 22, 1997 the friends and colleagues of Keith and Anne Medeiros will honor their many years of community service. I join my neighbors as they extend a thank you to Keith and Anne for all they have done for Fremont.

## TRIBUTE TO ST. RAYMOND NONNATUS PARISH

### HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 23, 1997*

Mr. SERRANO. Mr. Speaker, it is an honor for me to pay tribute to the Parish of St. Raymond Nonnatus, which yesterday celebrated 100 years of serving the community in my South Bronx congressional district.

The parish was named after a 13th century Spanish mercedarian and cardinal. It is located at 1759 Castle Hill Avenue, in the Bronx.

A mass of Thanksgiving offered by Archbishop John Cardinal O'Connor opened the ceremonies of the parish's 100th anniversary. The church belongs to the family of parishes that were established in the late 1890's in New York City; among them is Holy Family Parish, which this year also celebrates its 100th anniversary.

The origins of St. Raymond Nonnatus Parish date back to 1843. A small church was erected under the leadership of Bishop John Hughes. In the 1890's Father Edward McKenna saw the church in poor condition and decided to erect a new building. The church was built in 1897 in a beautiful Byzantine style, with wonderful stained-glass windows.

Since its beginnings, the church has served a multiethnic community. In the early 1900's Catholics from all over Europe were members of the congregation. More recently, African-Americans and members of the Hispanic and Asian communities have joined the parish.

In 1908, under the pastorate of Father McKenna, a school was established to educate the children of the community. In the 1950's, Father Thaddeus Tierney oversaw the construction of a new school to accommodate the growing number of students. Even today, it remains one of the best equipped elementary schools in the Nation.

In addition, two other schools were established, the Boy's High School in 1958, and St. Raymond's Academy for Girls in 1960. A convent, a rectory and a cemetery are also integral parts of the parish.

Since the 1970's a social ministry was expanded to better serve the needs of the community. Monsignor Henry J. Vier added a Spanish mass to the Sunday schedule. He also established the Bronx Association for Special Education, the Archdiocesan Drug Addiction Program and the East Bronx Hunger Program.

Through the years, the church has been renovated several times. It now houses a magnificent marble alter, a great canopy, and an organ.

Today Father Charles Kavanagh leads the church. He is the 16th pastor of St. Raymond Nonnatus Parish. The parish now provides the community with various social services, including the Family Outreach and Youth Program, St. Raymond's Head Start, an expanded East Bronx Hunger Program, the After School Program, and the senior center.

Mr. Speaker, I ask my colleagues to join me in recognizing the Parish of St. Raymond Nonnatus for its glorious history and service to our South Bronx community.

## WHAT IS JUST ABOUT ENVIRONMENTAL JUSTICE

### HON. NEWT GINGRICH

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 23, 1997*

Mr. GINGRICH. Mr. Speaker, I would like to insert into the RECORD and encourage Members to read the following editorial by Henry Payne which appeared in the Wall Street Journal on Tuesday, September 16, 1997.

### 'ENVIRONMENTAL JUSTICE' KILLS JOBS FOR THE POOR

(By Henry Payne)

Last Wednesday the Environmental Protection Agency delayed its approval of a proposed plastics plant in the predominantly black southern Louisiana town of Convent. It was the EPA's first ruling based on the idea of "environmental injustice" or "environmental racism"—the claim that polluting industries locate in minority areas because their residents are politically powerless to stop them. "It is essential that minority and low-income communities not be disproportionately subjected to environmental hazards," EPA Administrator Carol Browner wrote in her decision obstructing Shintech Inc.'s plans for a $700 million manufacturing facility.

But if Ms. Browner had bothered asking the residents of Convent what they think, it would have been clear that the injustice is being perpetrated not by industry but by environmental elitists and their political allies, who falsely claim to represent local citizens while promoting their own ideological agenda. "None of these people are speaking for our community," says Carol Gaudin, a black resident of Convent and the organizer of a local pro-Shintech group, the St. James Citizen Coalition. "These environmental groups never came here and asked me if I wanted the plant. They can't just come in here and take it from us."

Gladys Maddie, a black mother who lives within a mile of the plant's proposed location, agrees. "We have witnessed groups such as Greenpeace descend on [Convent] like a plague of locusts," she wrote to the local newspaper. 'We find the exploitative use of the color of our skin and our socio-economic condition sickening and insulting."

A recent poll by the local NAACP chapter found that 73% of the people in the black communities near the proposed plant favor it. But the Clinton administration is listening instead to the radical environmental group Greenpeace, which has waged a long war against the plastics industry. Greenpeace has offered its political and organizational muscle to the small group of mostly middle-class Convent residents who oppose the plant.

Louisiana's Department of Environmental Quality—charged by the EPA to regulate state industry—found in May that Shintech's plans satisfied the state's demanding emissions standards. But Greenpeace and its allies, determined to stop the plant, invoked President Clinton's 1994 executive order on environmental injustice, which compels federal agencies to consider whether minorities bear an unfair burden in the location of industrial facilities.

In Convent, the charge of environmental racism is laughable. Louisiana has actually practiced economic affirmative action by declaring the area a state enterprise zone. The state encouraged Shintech to locate in Convent, offering it tax breaks in return for hiring 35% of its work force from the surrounding population. Shintech operates a similar plant in Freeport, Texas, a prosperous, mostly white Gulf Coast city south of Houston. When Convent residents, including Ms. Maddie and Ms. Gaudlin, visited Freeport earlier this year, they saw a standard of living they'd like to bring home.

Ms. Maddie's brother Roosevelt Teroud does backbreaking seasonal labor in Convent's sugarcane fields for $6 an hour. To him, Shintech's more stable $12- to $15-an-hour jobs look like an opportunity, not an injustice. And the cultivation of sugarcane entails environmental hazards of its own: fields sprayed with insecticides and the resulting runoff that pollutes local water. Convent residents understand that industrial development entails environmental trade-offs, but they also think industry is their key to a better future. "The big plants up the river came in and gave those communities opportunities," says Nanette Jolivette, a lawyer representing Convent resident, "My clients want the same opportunity."

Forty-five miles away, the taxpayer-subsidized Tulane University Environmental Law Clinic represents plant opponents before the EPA. I asked Tulane lawyer Lisa Lavie what the citizens of Convent can do about economic development if her side wins. Her reply: "That area has some beautiful old plantations. They could build a cultural tourism industry."

"That's horrible!" Carol Gaudin gasps. "My ancestors were slaves on those plantations. These white opponents don't understand—we don't want to remember our past. We want a future."

Aligned against media-savvy, full-time environmentalists and their Washington allies, Convent residents know they have an uphill battle. They're not getting much help from the national black leadership. Lobbied by Greenpeace, both the Rev. Jesse Jackson and the Rev. Joseph Lowry of the Southern Christian Leadership Conference spoke out against the plant this summer.

"They blatantly ignored the opinions of all the local elected African-American officials," says an outraged Ms. Jolivette, noting that neither Mr. Jackson nor Mr. Lowry contacted Convent's local councilmen, all of whom voted in favor of the plant.

The EPA didn't give environmentalists everything they wanted. They had hoped for a firm definition of environmental racism that would set a plant-killing precedent for other such cases. The EPA only called for more study; it did not kill the Shintech plant outright. But the opponents' strategy seems to follow a common pattern: Throw up enough bureaucratic roadblocks and Shintech will eventually give up.

Sadly, this strategy works. In Claiborne Parish, La., where the federal Atomic Energy Board held up construction of a $850 million nuclear fuel enrichment facility this May on grounds of environmental injustice, one investor—Northern States Power—has announced that it will pull out after a seven-year (and counting) regulatory process. "At some point these companies just throw up their hands in frustration," sighs Mary Boyd, a spokeswoman for the Claiborne facility.

For the residents of Convent, eager for the 165 jobs and $5.6 million in school revenue that the Shintech plant will bring, the EPA's obstruction is unconscionable. "Why do these people want to take away our jobs?" asks Gladys Maddie. "If we run Shintech away, we're finished."

## PERSONAL EXPLANATION

### HON. BOB CLEMENT

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 23, 1997*

Mr. CLEMENT. Mr. Speaker, on rollcall vote No. 415, I was unavoidably detained on official business. Had I been present, I would have voted "aye."

## TRIBUTE TO THE 125TH ANNIVERSARY OF THE NORTH JERSEY HERALD AND NEWS

### HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 23, 1997*

Mr. PASCRELL. Mr. Speaker, I would like to call to your attention the momentous occasion of the 125th anniversary of New Jersey's North Jersey Herald and News.

The Herald and News had its beginning in 1872. Debuting as a weekly newspaper, the Herald and News has a storied and remarkable history which has impacted the people of northern New Jersey. For more than 125 years, the Herald and News has stood as a symbol of the character of its loyal readers. The commitment and dedication shown by its founders and its ability to adapt to a changing world have made the newspaper an important part of Passaic County's history.

The Herald and News has always maintained a respected, balanced, and detailed coverage of the people and events which have been brought to life on the pages each day. The Herald and News is more than just a newspaper—it is an institution in the everyday life of northern New Jersey. It has a heritage unique in the annals of American journalism and American history. The men and women who make the newspaper today are proud of its glorious traditions and continue to build on this impressive legacy.

Mr. Speaker, I would like for you to join me, our colleagues, the men and women of the Herald and News, and the people of northern New Jersey in recognizing the North Jersey Herald and News' 125th anniversary. As we celebrate the 125 years of its service to the community, it is only proper that we extend our heartfelt congratulations on a remarkable tradition and best wishes for continued success and prosperity well into the new century.

## ALABAMA TEACHER IN BOSNIA AND HERZEGOVINA HELPS DEVELOP SUPPORT FOR DEMOCRACY AND FREE ELECTIONS

### HON. TERRY EVERETT

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 23, 1997*

Mr. EVERETT. Mr. Speaker, I am proud to recognize Joan Byington Stough of my congressional district, who participated in CIVITAS@Bosnia and Herzegovina, an intensive program from August 1–17, 1997, designed to train teachers from throughout Bosnia and Herzegovina with materials and methods developed to educate for democracy. Joan Byington Stough is a counselor-teacher at Dalraida Elementary School in the Montgomery County School System, Montgomery, AL.

Ms. Stough was part of a team of 20 American educators who were assigned to 16 locations throughout Bosnia and Herzegovina, including the Republika of Srpska. The Americans teamed with 18 teachers from the Council of Europe in nine of these sites. This education for program reached 550 teachers from both entities of Bosnia and Herzegovnia.

The summer training program was developed by the Center for Civic Education, which supplied me with this information, as part of a major civic education initiative in Bosnia and Herzegovnia supported by the U.S. Information Agency and the United States Department of Education. It built on a program which began in 1996. I am told that the U.S. Information Service in Sarajevo provided valuable assistance to the program. The goals of the program are to provide teachers with the tools necessary to help prepare students and their communities for competent and responsible citizenship, including participation in elections and other opportunities to take part in the political life of their communities. Achieving this goal will contribute to the reconstitution of a sense of community, cooperation, tolerance and support for democracy and human rights in this war torn area.

Mr. Speaker, I wish to commend Joan Byington Stough for her dedication and commitment during the summer training program. Her work is helping to achieve the overall objective of building democracy in Bosnia and Herzegovina.

## TRIBUTE TO HUNTS POINT MULTI-SERVICE CENTER, INC.

### HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 23, 1997*

Mr. SERRANO. Mr. Speaker, I rise to pay tribute to the Hunts Point Multi-Service Center, Inc., for 30 years of service to the South Bronx community. The anniversary was celebrated on September 14 at 630 Jackson Avenue, in my South Bronx congressional district.

Ramon S. Velez, the center's founder and president, understood the need to establish a center that could provide South Bronx residents with a wide variety of services right in the community. The Center started as a Federal demonstration project, established with the collaboration of Federal, State, and local governments.

Throughout its 30 years of service, the center has been a model of excellence in providing our community with quality health care, counseling, substance abuse services, education, training, child care, and housing services.

With the collaboration of a qualified staff, the center expanded its network to include additional services in conjunction with other local organizations and medical centers. Among these are: the South Bronx Mental Health Council, the Lincoln Medical and Mental Health Center, United Bronx Parents, the Bronx Perinatal Consortium, the New York State Division of Parole, the Osborne Association, Argus Community, and the Bronx-Lebanon Hospital Center.

Highlights of the 30th anniversary celebration were the inauguration of a new health center and dedications for a new Head Start Center and the South Bronx School of Technology. It also featured a community parade, an ethnic festival, and performances by many artists, including Tito Puente.

The achievements of the Hunts Point Multi-Service Center are measured by the people it has served. Thousands of residents have been employed and benefited from the center's education and training programs. And hundreds of thousands of people, from children to senior citizens, have received quality health care.

Mr. Speaker, it is a privilege for me to honor the family and friends of the Hunts Point Multi-Service Center, Inc. for their 30 years of success and dedication serving the South Bronx community.

## IN 1995, MEDICARE PAID 393 DOCTORS MORE THAN $1 MILLION FOR SERVICES; 3,152 DOCTORS RECEIVED BETWEEN $500,000 AND $1,000,000. NOW A GREEDY FEW WANT MORE

### HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 23, 1997*

Mr. STARK. Mr. Speaker, the Medicare agency tells me that in 1995, Medicare paid 393 doctors more than $1 million for services; 3,152 doctors received between $500,000 and $1,000,000. Now a Greedy Few want more.

Despite the ability of doctors to make a fortune from Medicare by providing lots of services to beneficiaries, a few doctors are pushing an amendment by Senator KYL to let doctors privately contract with Medicare benefits.

Strip away the rhetoric, and a private contract is a contract between a doctor who holds his life in your hands in which he demands that you give up your Medicare benefits and that you promise not to file a claim with Medicare. Instead, you agree to let him charge you anything he wants—because you are desperate for your health. We like to think of contracts between equals, negotiated fairly. There is no equality, there is no fairness in these contracts.

Want an example of a private contract? Look at today's Washington Post, page B–3, where a doctor in Manassas, VA is being investigated for charging a Medicare-eligible patient $12,000 for the injection of a massive dose of aloe vera into the stomach in order to combat lung cancer. The investigation is due to the fact the man died in the doctor's office after the injection. Medicare does not cover quackery. It does not pay $12,000 for an injection. But this man and this doctor had a private contract. There will be a lot more of this murderous nonsense if the Kyl amendment succeeds.

[From the Washington Post, Sept. 23, 1997]

VA. DOCTOR'S TREATMENT OF MAN WHO DIED IS SCRUTINIZED

(By Leef Smith)

A Texas man who had lung cancer died in the spring in the office of a Manassas physician to whom he had gone for a costly intravenous treatment that is not officially sanctioned but that he hoped would save his life, according to Virginia State Police.

The man, Clarence Holland Lander, 83, became "violently ill" shortly after the $12,000 treatment was administered, and he died May 17, according to records in Prince William County Circuit Court.

The physician, Donald L. MacNay, an orthopedic surgeon, is under investigation in connection with Lander's death and with the treatment allegedly employed—intravenous administration of "a concentrated form of aloe vera and other substances," police said. Aloe vera, a cactus-like member of the lily family, is known to have some healing properties.

Police said that their investigation is continuing and that MacNay has not been charged with any offense. MacNay, who investigators said still is licensed to practice medicine, did not return phone calls to his Manassas office yesterday.

An assistant to MacNay, Ronald Ragan Sheetz, 41, of Manassas, was arrested Thursday and charged with nursing without a license. According to an affidavit that accompanied the request for the arrest warrant, MacNay ordered Sheetz to give Lander the aloe vera injection.

"This procedure was carried out by the subject believed to be Ronald Sheetz who has no medical license of file, under Dr. MacNay's direction and presence," the warrant states. State Police spokeswoman Lucy Caldwell said MacNay also is under investigation in connection with Sheetz's action.

"We're looking into questionable medical practices, drug transactions and suspicious cancer treatments of this doctor's office," Caldwell said. "At this time we're trying to determine how wide-reaching the practice here may be. It's still too early to say."

A spokeswoman for the U.S. Food and Drug Administration said that the intravenous aloe vera treatment has not been approved by the agency and that officials with the National Cancer Institute said they are not studying aloe in connection with cancer treatment.

At the same time, the healing properties of aloe are being studied by researchers exploring alternative medicines to treat diseases, and papers and advertisements about oral aloe-based concentrates are found easily on the Internet. Experts say that as many as 50 percent of the cancer patients in the United States try some kind of therapy that is not officially sanctioned.

Such treatments include special diets, vitamins, mental imagery, wearing magnets, coffee enemas and consuming cartilage and oil from sharks.

Lander's son, James Lander, said that his father was in excellent health before the terminal cancer was diagnosed and that he jumped at the chance to beat the disease. He said his father learned about the aloe treatment from reading an article and found MacNay through word-of-mouth referrals.

"The treatment gave him hope," James Lander said. "He completely brightened up. You could just see it. I'm sure he thought it would cure him or he wouldn't have gone to Virginia" from his home in Waco, Tex.

In a search warrant affidavit filed Friday in Circuit Court, investigators said they were seeking "patient files and other records related to appointments and [the] treatment of other patients who have received this treatment and have both lived and died."

An affidavit was filed yesterday in Fairfax County Circuit Court to obtain a search warrant for an office in Annandale that police said MacNay opened in July.

Sheetz was released from jail on personal recognizance. If convicted of the felony charge, he could be sentenced to up to five years in prison.

## THE RESPONSIBLE BORROWER PROTECTION BANKRUPTCY ACT

### HON. RICK BOUCHER

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 23, 1997*

Mr. BOUCHER. Mr. Speaker, I am pleased to join with my friend, BILL MCCOLLUM, in introducing the Responsible Borrower Protection Bankruptcy Act. This legislation is intended to ensure that our personal bankruptcy laws operate fairly, efficiently, and free of abuse.

Today's consumer bankruptcy system is fundamentally flawed. The Bankruptcy Code makes virtually no attempt to calibrate the level of bankruptcy protection to the level of each debtor's need. Rather, it allows a debtor to discharge debts even if the debtor can repay those debts. Currently, about 70 percent of bankruptcy filers use chapter 7, which has no provision for debt repayment even if the filer can repay. Only 30 percent use chapter 13, which sets up repayment plans. At present, individuals with significant income and the ability to repay some of their debts can obtain the same full discharge of debts as individuals with little or no income and assets.

Our legislation addresses this problem by requiring that a debtor demonstrate that he or she actually needs bankruptcy relief and, if so, provides only the amount of relief that is needed. This needs-based system would create a simple formula, based on a debtor's income and obligations, to determine exactly how much relief the debtor needs. Individuals with no means to repay their debts could file for bankruptcy under chapter 7, thereby obtaining complete debt relief and a fresh start. Individuals who can repay a portion of their debts would file under chapter 13 and begin a repayment plan based on what they can afford. Recognizing that an individual's circumstances can change, the legislation also requires a periodic review of a debtor's financial situation so the repayment can be adjusted if necessary.

The legislation also imposes a number of procedural reforms to improve the bankruptcy process. It streamlines bankruptcy proceedings so that they are more efficient for all parties involved. It requires that debtors receive information about alternatives to bankruptcy, including credit counseling. Educating consumers about their options should help to spare many consumers from the bankruptcy process, since many creditors are willing to create alternative repayment programs with people in financial distress.

With this change in the Bankruptcy Code, the bankruptcy system would protect consumers in financial difficulty without unfairly imposing inappropriate additional costs and burdens on consumers who continue to pay their debts. The Responsible Borrower Protection Bankruptcy Act recognizes that individuals who file for bankruptcy should receive the amount of debt relief they truly need—no more and no less.

All consumers should benefit from this legislation—every consumer pays higher prices for goods and services and higher interest rates as a result of bankruptcy losses. Enactment of the Responsible Borrower Protection Bankruptcy Act will reduce the level of those bankruptcy losses, thereby reducing the cost of credit for all consumers.

Also benefiting from this reform will be borrowers who pose some risk for lenders. The ease of filing for chapter 7 relief today discourages the making of loans to these creditworthy but somewhat marginal borrowers. Honest, well-intentioned low-income consumers will find greater opportunities to obtain credit when our legislation is enacted.

I am pleased to be an original cosponsor of this legislation and will work closely with my colleague, Mr. MCCOLLUM, to ensure its passage.

## INTRODUCTION OF THE FOREST RECOVERY AND PROTECTION ACT OF 1997

### HON. ROBERT SMITH

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 23, 1997*

Mr. SMITH of Oregon. Mr. Speaker, today, I am introducing the Forest Recovery and Protection Act of 1997 to address the grave forest health problems that exist, not only in my home State of Oregon, but across the United States.

I am delighted to be joined by Representative CHARLIE STENHOLM, ranking Democrat on the Agriculture Committee, Representative LARRY COMBEST, who chairs the Subcommittee on Forests, Resource Conservation and Research, as well as Representatives BISHOP, CALLAHAN, EMERSON, and PETERSON (PA), who are original cosponsors of the bill. A companion to this bill will also be introduced in the Senate by Senator GORDON SMITH of Oregon.

That this bill enjoys bipartisan support in the House, and equally substantial support in the Senate, indicates both the significance of our growing forest health crisis and the commitment of Members in both Chambers of Congress and on both sides of the aisle to address the issue in a productive and cooperative way.

This bill is the result of six Agriculture Committee hearings on the health of America's forest, in which the committee listened to and learned from the administration, scientists, academics, lawmakers, State foresters, land managers, environmentalists, and the forest products industry.

It establishes a nationwide, scientific, organized, efficient, and timely strategy for addressing forest health concerns in all regions of the country. This legislation is desperately needed, because, as our hearing record attests:

The long-term health of America's forest is threatened by wildfire, disease, insect infestations, and the loss of habitat.

Each region of the country has significant and unique forest health problems requiring individualized and carefully tailored remedies.

A tremendous body of scientific knowledge exists that both documents declining forest conditions, and promotes strategies for land managers to restore and recover vulnerable forest resources.

Delayed or passive management of our forests will certainly result in long-term resource damage. The most effective way to reverse this grave trend is through active, scientific, timely management.

The Chief of the Forest Service has testified that 40 million acres of national forest are at imminent risk of being lost to catastrophic wildfire. Yet, we are investing just $50 million per year in on-the-ground wildfire prevention, while spending as much as $1 billion per year fighting wildfire.

This is backward. Unless we invest more in prevention, wildfires will continue to increase in frequency and intensity, destroying human life and property and degrading habitat, watershed values, and the quality of our air and water.

The Forest Recovery and Protection Act sets forth a strategy that will assist the Forest Service in rolling up its shirt sleeves and tackling chronic forest conditions in an organized and timely way and within the parameters of all existing environmental laws and forest plans.

This legislation creates a national, 5-year program to restore forest health by directing the Forest Service to systematically identify and prioritize forest recovery areas at greatest risk of loss to wildfire, insect infestations and disease, and conduct recovery projects in these areas.

To assist the agency in identifying and ranking the areas at greatest risk, a new scientific panel is established in an advisory capacity. Because adequate monitoring of management activities is so important, this panel is also charged with providing recommendations on a monitoring plan for the national program.

Prior to implementation of the 5-year program, the bill directs the agency to implement advance forest recovery projects. These projects will proceed in areas where the risk of destruction to human life and property or of serious resource degradation is obvious and imminent and where extensive scientific assessments have already been completed, and treatments can be designed and implemented quickly.

The bill also provides a new source of funding to assist the Forest Service in implementing advance recovery projects and administering the national program. In order to maximize agency accountability for the use of this new funding, the bill requires that the fund's availability be tied to timely decision-making and reporting by the agency. This will create an incentive for the agency to act in a time-sensitive and responsible manner.

The bill sets a standard of accountability for the agency consistent with the requirements of the Government Performance and Results Act. The Forest Service is required to report both to Congress and the American public on the results achieved by the projects conducted under this act. In addition, the USDA Inspector General and the General Accounting Office are required to conduct a comprehensive audit of the national program to aid Congress in its determination of whether to continue the program in the long term.

Finally, the bill requires more frequent and standardized inventories of forest lands through an existing Forest Service program called Forest Inventory and Analysis. This provision will assist private, Federal, and other public land managers in planning and management decisions through the availability of the best and more current scientific data.

I look forward to receiving thoughtful and constructive comment on this bill as it moves through the committee process. I am confident that, with a bipartisan effort in the Agriculture Committee and the cooperation of the administration, we will produce a finished plan of action for improving and protecting our country's forest resources both in the short term and for generations to come

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## TRIBUTE TO SOUTHWEST MISSOURI STATE UNIVERSITY

### HON. ROY BLUNT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 23, 1997*

Mr. BLUNT. Mr. Speaker, I am pleased to rise today to recognize an institution in southwest Missouri for promoting and laying the foundation upon which character is built. The institution I speak of is Southwest Missouri State University [SMSU] where I had the privilege to earn my master's in history. The award is the "Templeton Foundation Honor Roll for Character Building Colleges." Some 135 institutions were selected out of 2,208 eligible universities and colleges. More impressive is that of the 6 percent of universities that were privileged to receive this award, only eight were public institutions and SMSU was the only public institution in Missouri to receive this award.

In 1995, SMSU began a statewide mission in public affairs that focuses on developing traits within students that help them to become responsible citizens. That is why it is no surprise that SMSU would meet the standards needed to be recognized as a character building institution. Those standards considered as determinants of the award are the extent to which students are inspired to develop and strengthen their moral reasoning skills, the encouragement of spiritual growth and moral values, community building experiences, a drug-free lifestyle and whether the institution conducts critical assessments of its character-building programs and activities.

SMSU begins to establish each of these values when students start their first year through forums where nationally known role models emphasize personal responsibility and character. Freshmen also attend a mandatory class that focuses on responsible citizenship in a learning community. This class teaches that drug and alcohol abuse will not be tolerated but also demonstrates alternatives that encourage physical, social, and spiritual well-being. Frequent roundtable discussions focus on incorporating principle values that help a learning institution like SMSU flourish. More than 20 religious organizations on campus are very active and play an influential role in student life. The city of Springfield has benefited from the community involvement of SMSU where just last year students, faculty, and staff contributed more than 69,500 hours of community service. SMSU students also are responsible for coordinating the nationwide "Into the Streets" program for the city of Springfield. SMSU surveys alumni and faculty to assess the civic involvement and also studies other universities to learn their assessment techniques.

While I know that students, faculty, and staff of SMSU will celebrate this award, the community of Springfield and every parent whose child is attending SMSU should as well. Employees can know that when they hire someone with a degree from SMSU they can trust them to be faithful employees of character and good citizenship. Parents can be confident that when they send their children to SMSU they will learn not only book knowledge but also the values needed to produce good character.

Finally may I add that we remember the words of Herbert Spencer when he said "Education has for its object the formation of character." Thank you SMSU for making that your object as well.

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## TRIBUTE TO "ORQUESTA ARAGÓN"

### HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 23, 1997*

Mr. SERRANO. Mr. Speaker, I would like to submit the following tribute for publication in the CONGRESSIONAL RECORD. It was presented on September 13, 1997, at a special event in my South Bronx congressional district.

Mr. Speaker, I rise to pay tribute to one of the most famous orchestras of Cuban music of all times—the "Orquesta Aragón," from Cuba. "Orquesta Aragón" will perform on September 13 at a special event at Hostos Community College in my South Bronx congressional district.

Thousands of people are expected to attend and enjoy the music of this world famous orchestra. At this event, Andy Montañez, one of Cuba's most talented composers and singers, will join the orchestra. The success of this event is a symbol of the close relationship that exists between the people of that Caribbean Island, the South Bronx community and beyond.

"Orquesta Aragón" was founded in 1939 by bass player Orestes Aragón. In 1945, violin player Rafael Lay became the director of the orchestra at the age of 19. During the 1940's and 1950's, it became the best orchestra of "son", "mambo", "danzón", and "cha-cha-chá" in Cuba.

As a publication in Cuba simply described it: "Charanga bands were divided into two groups; in one was Aragón and, in the other, were all the rest."

That was the time when all radio stations in Havana carried Aragón music. This fact, and the signing of a recording contract with RCA-Victor, assured the orchestra tremendous international success.

The orchestra went on tour and gained the hearts of fans in Europe, the Far East and the Americas. It has performed on famous stages worldwide, including the Tchaikovsky Conservatory in Moscow and the Lincoln Center's Avery Fisher Hall.

One of the compositions created by Richard Egües, "El Bodeguero", was soon recorded by Nat King Cole and other famous musicians.

With the passing away of Rafael Lay, the orchestra's baton was passed on to Richard Egües, and most recently to Lay's son, Rafael Lay, Jr.

Throughout its 58 years of playing great Afro-Cuban music, "Orquesta Aragón" has recorded over 700 tunes and recorded dozens of LP's and CD's. It has also received numerous honors, including the Egrem's Grand Prize for breaking record sales with its golden anniversary recording, "50 Años de Oro."

The orchestra continues to be acclaimed internationally. In 1992, it enjoyed great success at the Carnival in Barranquilla, Colombia.

Mr. Speaker, it is with great pleasure that I ask my colleagues to join me in recognizing the exceptional talent of the "Orquesta Aragón" and in wishing its members continued success.

## HONORING THE HEROIC ACTS OF KIRK FISTICK

### HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 23, 1997*

Mr. HOYER. Mr. Speaker, I rise today to recognize the heroic acts of a young man from my district. Kirk Fistick set aside his own fears of disease and infection to save another life. What sets this courageous act apart is that it took place in Russia. By crossing both language and cultural barriers with this remarkable act, Kirk became an Ambassador for the United States. Kirk's heroic acts led the Boy Scouts of America to award him the Honor Medal, an honor only given to 36 people in 1993.

Kirk was one of 40 students selected by the National Freedom Support Act Scholarship to represent our country as a foreign exchange student in Russia. One day during his stay in Russia, he came across a man on the side of the road who had stopped breathing. Kirk risked his own life to perform CPR three times before the ambulance arrived and was able to keep him alive until he could receive medical care. Kirk reminds us all, Russian and American, that the Good Samaritan still exists today.

Kirk Fistick is the son of Robert and Patricia Fistick who reside in Charlotte Hall, MD. Kirk has an exceptional list of accomplishments. In addition to recently being awarded the Honor Medal, Kirk is an Eagle Scout and was awarded a National Certificate of Merit by the Boy Scouts of America for his help at the site of an automobile accident.

Kirk's life has not been all fun and games. He had to endure a 2-year bout with Lyme disease which he contracted during the summer of 1993. At times during these 2 years he was so critically ill he could not walk or sit up straight and required hospitalization or home care, but Kirk is a fighter. Throughout his illness, he managed to achieve honor roll status and played ice hockey as part of his physical therapy.

Mr. Speaker and colleagues, please join with me in honoring this outstanding young man for his many accomplishments and congratulate him on being awarded the Honor Medal.

## THE NUCLEAR WASTE POLICY ACT OF 1997

### HON. LINDSEY O. GRAHAM

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 23, 1997*

Mr. GRAHAM. Mr. Speaker, I would like to congratulate Chairman BLILEY and the Commerce Committee for passing out of committee H.R. 1270, The Nuclear Waste Policy Act of 1997.

Fifteen years ago the Department of Energy, under the Nuclear Waste Policy Act, was given the responsibility of determining the best location for a centralized nuclear storage facility and for readying it to receive irradiated fuel by January 1998.

The rate payers, our constituents, have financed this operation at a cost of $13 billion. We have built and tested shipping containers and found them to be reliable and safe. Our European counterparts regularly ship similar canisters both domestically and internationally. With the passage of H.R. 1270, we can consolidate our spent nuclear fuel in a centralized facility.

So why the holdup? The problem is not money or safety, but politics.

As we wait for passage of H.R. 1270, the price tag to our constituents grows. Continued delays could force nuclear powerplants to build additional storage space at the rate payers' expense. Furthermore, because Congress fails to use the funds accumulated in the nuclear waste fund, other nonrelated projects siphon money from this depleting account.

It is time that money collected for the nuclear waste fund be spent for its intended purpose and that the administration keeps their promise to the American people. Let's stop wasting our citizen's money and finish the job: Support H.R. 1270.

## ON BILL REGARDING SALLIE MAE REFINANCING

### HON. DAVID E. SKAGGS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 23, 1997*

Mr. SKAGGS. Mr. Speaker, on September 18, when I introduced H.R. 2511, a bill to correct an unfair practice occurring as a result of the privatization of Sallie Mae, the bill's effective date was in error. I am introducing the same legislation, but with an effective date of today to correct the problem.

## CAMPAIGN FINANCE REFORM

### HON. RON KIND

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 23, 1997*

Mr. KIND. Mr. Speaker, 3 weeks have now passed since the August congressional recess, and still no campaign finance reform. The frustration among Members is growing over the inability of this House to take action on this issue.

There is no issue that is demanding more attention this fall, yet we have not found the time to consider any bill in the Government Reform and Oversight Committee or on the floor of the House. On today's calendar we are considering 15 pieces of legislation, including a bill to study the feasibility of changing the U.S. quarter-dollar coin to commemorate all 50 states. While this idea may have some merit, it clearly is not as pressing an issue as campaign finance reform. The trend in this Congress, the last several months, has been to investigate rather than legislate. Today, unfortunately, we have decided to commemorate rather than legislate.

Mr. Speaker, I and my constituents are tired of hearing no as an answer. It is time to schedule campaignn finance reform for a vote.

## TRIBUTE TO THE CATHOLIC HOSPICE

### HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 23, 1997*

Ms. ROS-LEHTINEN. Mr. Speaker, I rise today to applaud the efforts of the Catholic Hospice, a nonprofit organization located in my congressional district, and the commitment and efforts of all of their volunteers. The Catholic Hospice is an organization established in 1988 by the Catholic Archdiocese of Miami, SSI Mercy Health System, and St. Francis Medical Health Care Services, whose mission it is to serve the physical and emotional needs of terminally ill patients and their families of all faiths in Dade and Monroe Counties.

Among some of the projects Catholic Hospice offers are Camp Hope, a 3-day intensive therapy session that is offered to children who have lost a parent or very close caregiver within the last 12 months; bereavement support groups, which are counseling sessions offered to adults to assist them to deal with grief and loss; and a volunteer program, where volunteers offer their services free of charge to patients and families who need basic support through a very critical time.

In recognition of the dedication of their volunteers, the Catholic Hospice will be having its annual volunteer luncheon this September 27, where their most valuable volunteers will be recognized. It is volunteers such as Claire Salichs, Tish O'Neil, Lois Newmark, and Berta Friedman, among many others, who have selflessly given their time and energy to assist patients as well as their families during these difficult periods. It is these same individuals who have been indispensable in making the Catholic Hospice a success and whose efforts I commend.

I congratulate the Catholic Hospice for serving so many of south Florida's patients and families and I applaud the efforts of all its volunteers for their dedication to all of those who are sickly or bereaving the loss of a loved one. Death is an experience that is hard to bear for everyone and it is the support of the volunteers at Catholic Hospice that allow those who have lost a loved one to heal more rapidly and enjoy the memories of those who have passed away.

## PERSONAL EXPLANATION

### HON. XAVIER BECERRA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 23, 1997*

Mr. BECERRA. Mr. Speaker, on September 16, 1997, I was unavoidably detained during two rollcall votes: No. 398, on agreeing to the Goodling amendment and No. 399, on agreeing to the Hoekstra amendment. Had I been present for the votes, I would have voted "yes" on No. 398 and "no" on No. 399.

## GAO'S OUTSTANDING RESULTS ACT WORK

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### HON. RICHARD K. ARMEY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 23, 1997*

Mr. ARMEY. Mr. Speaker, the Government Performance Results Act, popularly known as the Results Act, holds the promise of achieving a smaller, smarter, commonsense Federal Government. It provides the tools we need to comprehensively evaluate Federal programs and agencies in order to determine what's working, what's wasted, what needs to be improved, and what needs to be rethought. It will help us ferret out fraud, waste, error, and redundancy in current programs.

For these reasons, effective implementation of the Results Act is a high priority for the Congress. Indeed, we have already devoted much attention to ensuring that the act achieves its full potential. We recently completed extensive congressional consultations on draft agency strategic plans through a coordinated effort that involved virtually all House committees and featured outstanding teamwork across jurisdictional and party lines. Our September 4 interim report, entitled "The Results Act: It Matters Now," provides an overall assessment of the agency draft plans based on our consultations.

Our evaluations and feedback on agency draft plans drew heavily on analyses done for us by the General Accounting Office. I want to take this opportunity to commend the GAO and its many dedicated employees for their superb work on this project.

At our request, GAO conducted comprehensive reviews of draft strategic plans for 28 departments and agencies. In order to meet the need to complete congressional consultations promptly, GAO reported to us within 30 days following receipt of each agency's draft plan. The reports were uniformly thorough and insightful. Their detailed analyses and constructive criticisms provided invaluable assistance to us, to our committee teams, and to the agencies. In addition to issuing written products, the GAO staff responsible for each report provided oral briefings to our committee teams.

GAO's ability to produce so much outstanding work in such a short time period is a tribute to the breadth of knowledge, expertise, and commitment of its outstanding staff. Each of the individuals involved in this project can rightly be proud of his or her accomplishment. This project reflects the highest standards of GAO's service to the Congress and to the American taxpayers.

Mr. Speaker, I wish to insert in the RECORD letters of commendation that we sent to Jim Hinchman, the Acting Comptroller General, and to Chris Mihm, who coordinated the entire GAO project. I would also like to insert in the RECORD the names of all the other fine GAO employees who made major contributions to this project. A special commendation is in order for Henry Wray, who is a detailee to the Congress from GAO who is a tireless, professional optimist who has given of this time and talents on behalf of Government reforms in which he believes.

My hearty thanks to all those with GAO who have provided such a solid support for the Congressional effort to get to a smaller, smarter, more commonsense government using all the tools, laws, and resources available to us.

CONGRESS OF THE UNITED STATES,
*Washington, DC, September 22, 1997.*

Mr. J. CHRISTOPHER MIHM,
*Acting Associate Director, General Government Division, U.S. General Accounting Office, Washington, DC.*

DEAR CHRIS: On behalf of ourselves and many others in the Congress, we wish to commend you for your superb contributions to effective implementation of the Government Performance and Results Act.

For the past several years, you have spearheaded a number of excellent GAO efforts in support of the Results Act. They include the following products, among many others: *Executive Guide: Effectively Implementing the Government Performance and Results Act*, GAO/GGD–96–118 (June 1996); *Agencies' Strategic Plans Under GPRA: Key Questions to Facilitate Congressional Review*, GAO/GGD–10.1.16 (May 1997); and *The Government Performance and Results Act: 1997 Governmentwide Implementation Will Be Uneven*, GAO/GGD–97–109 (June 1997).

Most recently, you played a key role in producing the 28 reports on agency draft strategic plans that GAO provided to us, each of which was done within a 30-day deadline. The reports were uniformly thorough and insightful. Their detailed analyses and constructive criticisms of each plan provided invaluable assistance to us and to our Results Act consultation teams. You coordinated GAO's overall effort to produce these reports and personally reviewed and contributed to the substance of many of them. On September 4, we issued an Interim Report on implementation of the Act, entitled "The Results Act: It Matters Now," which provides an overall assessment of agency draft strategic plans and draws heavily on the GAO analyses.

In addition to these efforts, you have been a constant and invaluable source of informal assistance on Results Act issues to many members of Congress and Congressional staff in both the House and the Senate and on both sides of the aisle. You have demonstrated outstanding expertise on the Results Act and government management issues in general, remarkable energy and enthusiasm, and an unfailing spirit of cooperation. You should take great pride in all of these efforts. They reflect the highest standards of public service.

Once again, thank you for all of your outstanding support of Results Act implementation. As you know, we view effective implementation of the Act as a high priority. We look forward to continuing to work with you to ensure that this vitally important law achieves its full promise.

Sincerely,

DICK ARMEY,
*House Majority Leader.*
DAN BURTON,
*Chairman, House Government Reform and Oversight Committee.*
JOHN KASICH,
*Chairman, House Budget Committee.*
BOB LIVINGSTON,
*Chairman, House Appropriations Committee.*

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CONGRESS OF THE UNITED STATES,
*Washington, DC, September 22, 1997.*

Mr. JAMES F. HINCHMAN,
*Acting Comptroller General of the United States, U.S. General Accounting Office, Washington, DC.*

DEAR MR. HINCHMAN: On September 4, we issued an Interim Report on implementation of the Government Performance and Results Act. The report, entitled "The Results Act: It Matters Now," provides an overall assessment of agency draft strategic plans based on Congressional consultations on those plans as mandated by the Act. The report draws heavily from the analyses of agency draft plans done for us by the General Accounting Office as part of our consultations. We wish to take this opportunity to commend the GAO and its many dedicated employees for this superb work.

By letter dated June 12, 1997, we requested that the GAO assist us and our Results Act consultation teams by conducting comprehensive evaluations of agency draft strategic plans. Our request included all of the 24 departments and major independent agencies covered by the Chief Financial Officers (CFO) Act, as well as several other agencies. Given the need to complete Congressional consultations promptly, we further requested that GAO report to us within 30 days following receipt of each agency's draft plan.

In response to our request, GAO submitted a total of 28 reports on agency strategic plans. All of these reports were issued within the 30-day deadline. We understand that this project as a whole involved staff from all of GAO's program divisions and virtually all of its issue areas. The reports were uniformly thorough and insightful. Their detailed analyses and constructive criticisms provided invaluable assistance to us and to our teams. In addition to issuing written products, the GAO staff responsible for each report provided oral briefings to our consultation teams.

GAO's ability to produce so much outstanding work in such a short time period is a tribute to the breadth of knowledge, expertise, and commitment of its outstanding staff. You can rightly take great pride in this effort. It reflects the highest standards of GAO's service to the Congress and to the American taxpayers.

In addition to incorporating much of GAO's analysis in our feedback to the agencies, we shared the GAO reports with the agencies and OMB. We hope and expect that the GAO reports, along with other Congressional input, will lead to much improved final strategic plans by September 30. The development of strategic plans is the first major phase of the Results Act's implementation. The success of the Act's upcoming phases will, in large part, turn on the viability and quality of agency strategic plans. We intend to ask GAO to follow up on its excellent work for us by analyzing the final plans.

We also wish to commend GAO and express our full support for all of the many other excellent projects it has undertaken to support the Results Act. As you know, we view effective implementation of the Results Act as a high priority. We look forward to continuing to work with you to ensure that this vitally important law achieves its full promise.

Sincerely,

DICK ARMEY,
*House Majority Leader.*
DAN BURTON,
*Chairman, House Government Reform and Oversight Committee.*

JOHN KASICH,
*Chairman, House Budget Committee.*
BOB LIVINGSTON,
*Chairman, House Appropriations Committee.*

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The following individuals were major contributors to GAO's reviews, reports, and briefings on agency draft strategic plans under the Results Act:

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## INTRODUCTION OF LEGISLATION TO RESTORE THE TAX EXEMPT STATUS OF TIAA-CREF

### HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 23, 1997*

Mr. NEAL of Massachusetts. Mr. Speaker, recently, Senators MOYNIHAN, D'AMATO, and GRAHAM introduced legislation to repeal the provision in the Taxpayer Relief Act of 1997 which terminated the tax exempt status of TIAA–CREF, the Teacher's Insurance Annuity Association College Retirement Equities Fund. Today, along with Representatives RANGEL, MATSUI, KENNELLY, COYNE, LEWIS of Georgia, and THURMAN, I am introducing companion legislation.

This legislation would simply strike section 1042 of the Taxpayer Relief Act of 1997 which repeals the tax exempt status of TIAA–CREF and Mutual of America. This legislation would restore the tax exemption that TIAA–CREF has had since its establishment in 1918 by the Carnegie Foundation. TIAA–CREF provides retirement benefits exclusively for employees of U.S. colleges, universities, independent schools and other nonprofit educational and research organizations. TIAA–CREF serves nearly 2 million current and retired employees at over 6,000 institutions. This repeal also would restore the tax exemption for Mutual of America, which has served as pension administrator for welfare organizations for over 50 years and is modeled after TIAA–CREF.

The repeal of TIAA–CREF's 79-year old tax exemption might cost the average retiree who receives a $12,000 annual pension about $600 in income and this is a 5-percent reduction in pension benefits. Future retirees currently paying into the system could face reductions as large as 10 to 15 percent. Many of these retirees are not wealthy and they include librarians, assistant professors, and teachers at community colleges.

TIAA–CREF was established to insure that the Nation's college professors had adequate retirement. TIAA–CREF serves as a model for multiemployer pension plans. The creation of TIAA–CREF enabled teachers to save for retirement even if they moved from school to school. TIAA–CREF has always been well managed and sought to shield unsophisticated investors from too many choices and risks. Throughout its history, TIAA–CREF has maintained a well run pension fund with large reserves. The management of TIAA–CREF has focused on counseling and education. We should be awarding such plans, not punishing them by removing their tax-exempt status. I urge you to join me as an original cosponsor of this legislation.

## CONGRATULATING FORT BENNING FOR BEING AWARDED PRESIDENTIAL AWARD FOR QUALITY

### HON. MAC COLLINS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 23, 1997*

Mr. COLLINS. Mr. Speaker, it is with great pride that I rise today to recognize Fort Benning, GA—the home of the infantry and the Army's premier installation—for being the sole nominee and winner of the 1997 Presidential Award for Quality, recognizing the best Federal agency in the Federal Government.

On July 10, Fort Benning was honored with the award, having already received the Army Community of Excellence Commander-in-Chief's Award for being the best Army installation in the world three times in the last 4 years and the Army Community of Excellence Army Chief of Staff Award for being the best Army installation in the continental United States in each of the last 5 years.

These awards are indicative of both the ability and professionalism of the tens of thousands of soldiers that pass through Fort Benning's gate every year and of the successful partnership that has developed over the years between Fort Benning and the greater Columbus area. No military facility can be fully effective without developing a positive relationship with the local community. Fort Benning has accomplished this and has developed a military/civilian team that is unmatched in its efficiency and effectiveness.

In spite of the fact that the military population of Fort Benning is in a continuous state of transition, the installation has been able to maintain its high standards of quality. This is, in large part, thanks to the nearly 7,000 civilians who work behind the scenes to advance Bennings' mission. These are individuals like Sarah McLaney, Fort Benning's ACOE coordinator, who has seen the facility receive the Commander-in-Chief Award under three different commanding generals. Dedicated workers like Sarah have been instrumental not only in achieving Fort Benning's military mission, but also in the development of the strong ties that bind Fort Benning to the Columbus community.

General Ernst and his able staff have further reinforced Fort Benning's longstanding commitment to military quality. Focusing on the watchwords "First in Training, First in Readiness, and First in Quality of Life," Fort Benning soldiers constitute a cornerstone of our Nation's Armed Forces.

Since 1918, Fort Benning has operated the world's foremost military institutional training center. As the home of the infantry, Fort Benning's mission is to produce the world's finest combat-ready infantrymen, to provide the Nation with a power projection platform capable of rapid deployment, and to continue to be the Army's premier installation and home for soldiers, families, civilian employees, and military retirees. This mission is achieved with distinction on a daily basis.

While the Infantry remains the central focus of activity at Fort Benning, a number of other types of units have been added over the years, enhancing the ability of the installation to accomplish its mission. In addition to being home of the infantry, Fort Benning now houses the Airborne School, the Army Ranger School, the 29th Infantry Regiment—training unit for the Bradley fighting vehicle—the 36th Engineer Group, and the U.S. Army School of the Americas. Each of these units works tirelessly to defend our national interests around the world and to serve our communities at home.

To the military and civilian personnel of Fort Benning, I am once again honored to offer my sincere thanks and congratulations for a job well done.

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## IN RECOGNITION OF THE FOOD BANK OF NEW JERSEY

### HON. MARGE ROUKEMA

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 23, 1997*

Mrs. ROUKEMA. Mr. Speaker, I had a most remarkable and heartwarming experience yesterday. I visited the Community Food Bank of New Jersey, in Hillside. The Food Bank of New Jersey is a sterling example of how private citizens, church groups, and business volunteers can come together and work hard to improve the lives of the less-fortunate in their community. I want to give my thanks and appreciation to Kathleen DiChiara, executive director of the Community Food Bank of New Jersey, and Sister Christine Vladimiroff, president of Second Harvest, the National Food Bank Network. But most importantly, I want to thank the thousands of volunteers whose hard work and extraordinary dedication make the Food Bank's success possible.

The Food Bank is an amazingly effective organization, distributing as much as 12 dollars' worth of food for each $1 of its budget. Acting as a sort of wholesale-level savior for the hungry, it distributes an incredible 10 to 14 million pounds of food and other groceries each year to the places where hungry people turn for help—food pantries, shelters for the homeless, soup kitchens child care centers, battered women's shelters, and senior nutrition programs. In all, it serves more than 1,500 organizations in 18 New Jersey counties from its headquarters in Hillside and its Southern Branch in Egg Harbor Township. The Food Bank also operates the extra helping program, the first prepared food rescue program in the state, distributing 30,000 meals a year including kosher meals.

The facilities are impressive: a fully equipped, 280,000-square-foot warehouse, 15,000 square feet of freezer and cooler space, a fleet of trucks on the road daily, including refrigerated trucks, and an experienced, professional staff.

None of this would be possible without volunteers, More than 6,000 people contribute 50,000 hours a year of their time. Many community organizations are involved—the Center for Food Action in Mahwah, the Church of the Presentation in Saddle River, Little Sisters of the Poor in Totowa, the NORWESCAP Food Bank in Phillipsburg, Ridgewood United Methodist Church, and the Salvation Army, to name just a few. The Food Bank is also supported by a number of national organizations such as Bread for the World and Second Harvest, of which it is a member.

Businesses play a huge role in the operation of the Food Bank, with more than 250 companies making large-scale donations of food. The companies that work with the Food Bank are among New Jersey's most outstanding corporate citizens clearly showing their concern for the most basic of human needs.

On the day of my visit, more than 200 volunteers were on hand who had been allowed to take the day away from their regular jobs at KPMG Peat Marwick's Montvale and Short Hills offices in order to help sort food for distribution. Their presence was part of KPMG Peat Marwick's "World of Spirit Day," on which 20,000 employees in 130 offices across the country were given the day off with pay in order to volunteer at schools, hospitals, nursing homes, parks, youth centers, and other locations. This is a wonderful innovation on the part of KPMG Peat Marwick and shows the sincere commitment of this corporation to the communities where it does business. I am fully committed to urging other businesses to establish policies following this outstanding example. KPMG Peat Marwick's effort yesterday, in fact, was part of activities being undertaken by 300 companies across the country to fulfill pledges made 6 months ago at the Summit for America's Future. These companies are answering President Clinton and Congress' call for a nation of volunteers by providing free childhood immunizations, donating computer software to public libraries, and providing free books for schools, among other actions.

The Summit for America's Future has sparked a wave of volunteerism, including 150 State and local minisummits that are spreading the word. We must work, however, to ensure that this is not a one-time occurrence and to show that corporate volunteerism is not a fad. Corporate volunteerism is the right thing to do. It is also good business—consumers will see which companies care about the communities around them.

The need for volunteers—and organizations such as the Food Bank—is great. Between 20 and 30 million Americans suffer from hunger, including 1 of every 12 pre-teen children, according to studies by the Congressional Hunger Center and the Food Research and Action Center. Nearly 26 million Americans rely on food banks for emergency food assistance every year. In my own State of New Jersey, more than 500,000 people depend on food stamps to get by each month. Eleven percent of New Jersey children live below the poverty level and almost 300,000 under the age 12 are hungry or at the risk of hunger. Neither the government nor private organizations can help these people without the assistance of volunteers.

Not all of these hungry children and adults are homeless people on the streets or in other obviously distraught situations. Sometimes they are a single mother, earning minimum wage, who has to decide between getting her car repaired so she can keep her job or buying food to feed her children. A middle-aged homeowner laid off in a corporate downsizing may have exhausted his savings and unemployment benefits. A grandmother living on Social Security might get by on tea and toast in order to pay the rent.

These tragic circumstances in this the most wealthy country in the world must be addressed and eliminated and tragedies such as these are why I am a sponsor of the Hunger Has A Cure Act. The Hunger Has A Cure Act is supported by a large coalition of some of the Nation's largest hunger organizations, including: Bread for the World; the Campaign To End Childhood Hunger; the Center on Hunger, Poverty and Nutrition Policy; Foodchain; the Food Research and Action Center; Results: Second Harvest; Share Our Strength; and World Hunger Year. This bill is essential if we are to protect the safety net for those in need and ensure that the climate of budget cutting in Washington doesn't take the food out of the mouths of hungry babies. As I pledged to the volunteers and directors of the Food Bank yesterday, "I'll be there for you." Just as we saved WIC funding and protected food stamp eligibility this year, I will continue to work to ensure that nutrition programs are protected.

I spent only a short time at the Food Bank but I was inspired to work even harder to complement their work, hard work, energy and dedication, and end hunger in our time. To see the large number of individuals who give freely of their time in order to see that others do not go hungry is heartwarming and inspiring. We have made great progress in caring for the poor and hungry in our Nation but we must do more. We need more organizations like the Food Bank and more individuals like its volunteers. We must all do our part, whether it be by making donations, volunteering time, or helping pass legislation. We cannot stop because the battle will never be won as long as there is one hungry child or adult left in America.

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## INTRODUCTION OF THE FEDERAL EMPLOYEE THRIFT SAVINGS PLAN ENHANCEMENT ACT

### HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 23, 1997*

Mrs. MORELLA. Mr. Speaker, today I am introducing legislation, the Federal Employee Thrift Savings Plan Enhancement Act of 1997, to allow Federal employees to increase their retirement savings. This legislation would bolster a critical component of Federal employee's retirement benefits—the Thrift Savings Plan—at no cost to taxpayers.

The Thrift Savings Plan [TSP] is a retirement savings and investment plan for Federal and postal employees. It offers the same type of savings and tax benefits that many private corporations offer their employees under 401(k) plans. The TSP is critical for all Federal employees, but it is particularly important for those employees hired in the last decade who, under the Federal Employees Retirement System, receive smaller civil service benefits and need to invest more to enhance their retirement income.

Last year, the Congress passed legislation I introduced that added two new funds to the Thrift Savings Plan. Before my bill was enacted, Federal employees were limited to three investment funds: The Government Securities Investment (G) Fund, the Common Stock Index Investment (C) Fund, and the Fixed Income Investment (F) Fund, where 82 percent of the largest corporations offer four or more investment options in their defined contribution plans, and 50 percent offer five or more options. This legislation, however, gave Federal workers two new investment options under the Thrift Savings Plan: a Small Capitalization Stock Index Investment Fund and International Stock Index Fund. These funds offer a long-term investment strategy comparable to private pension plans.

The Congress did not pass, however, the most important component of the bill: a provision to allow Federal employees to invest more of their own money in the TSP. The bill I am introducing today would allow employees to invest up to the IRS limit, $9,500, to the TSP without changing the Government contribution. Currently, FERS employees can put in up to 10 percent of their salary with a Government match up to 5 percent, and CSRS employees can invest up to 5 percent of their salary. America has one of the lowest saving rates among industrialized countries. It has fallen steadily over the last 20 years, seriously jeopardizing Americans' security during what is supposed to be their golden years. Even though Americans recognize that they should be saving more, half of all family heads in their late fifties possess less than $10,000 in net financial assets. With the retirement of America's baby boomers approaching, Congress is beginning to consider how we can encourage Americans to save more. This legislation is a sensible way to encourage Federal employees to increase their savings for retirement.

This legislation would also allow employees entering the Federal Government to "roll-in" money from a private sector 401(k) to the TSP, and it would allow those employees entering Federal Service to begin contributing to the TSP immediately, instead of waiting anywhere from 6 to 12 months to begin to save for their retirement. As under current law, the Government's contribution would not begin until the second open season.

Federal employees face uncertainty caused by Federal downsizing, and they are increasingly insecure about their retirement. Please join me in supporting this legislation to enable Federal employees to bolster their retirement benefits.

## PERSONAL EXPLANATION

### HON. LUIS V. GUTIERREZ

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 23, 1997*

Mr. GUTIERREZ. Mr. Speaker, in the afternoon of Wednesday, September 18, 1997, I was unavoidably delayed from reaching this Chamber and therefore missed rollcall vote No. 402, the vote for final passage on the bill making appropriations for the Departments of Labor, Health and Human Services and Education, and related agencies for fiscal year 1998. I want the record to show that if I had been able to be present in this Chamber when this vote was cast, I would have voted "yea."

## TRIBUTE TO REPRESENTATIVE JASON HU

### HON. ROBERT SMITH

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 23, 1997*

Mr. SMITH of Oregon. Mr. Speaker, I rise today to join my colleagues in paying tribute to Representative Jason Hu on his promotion to the esteemed post of Taiwan's foreign minister.

Representative Hu's promotion requires his return to Taipei and we will miss him a great deal. Representative Hu has been a tireless diplomat for Taiwan and has represented his country's interests well.

Representative Hu is constantly seeking to improve the relations between Taiwan and the United States. He is a true advocate of his country's causes. I commend President Lee for his choice of Representative Hu as Taiwan's top diplomat.

I will miss Representative Hu's presence in Washington but I know for sure that we will have a friend in Taipei who truly understands us and the United States. I urge my colleagues to join me in congratulating Representative Hu and in giving him a fond farewell.

# SENATE—*Wednesday, September 24, 1997*

The Senate met at 12 noon, and was called to order by the President pro tempore [Mr. THURMOND].

## PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Thank You, dear God, for the anchor of hope in You that we have for the storms of life. When we lower our anchor, we know it will hold solid in the bedrock of Your faithfulness in spite of the billows of adversity and blasts of conflict. We are able to ride out the storms of difficulty and discouragement because we know You will sustain us. We share the psalmist's confidence, "I wait for the Lord, my soul waits, and in His word I do hope."—Psalm 130:5.

Our hope is not in the supposed reliability of people, the presumed predictability of circumstances, nor the imagined security of human power. Our hope is in Your grace and truth. We know You will never leave us nor forsake us.

Keep us anchored today so we won't drift from our commitment to serving You. We claim Your destiny for our life. And throughout this day, may we feel the tug of the anchor and know that we are indeed secure. In the name of our Lord and Saviour. Amen.

## RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able acting majority leader, the senior Senator from Vermont, is recognized.

Mr. JEFFORDS. Thank you, Mr. President.

## SCHEDULE

Mr. JEFFORDS. Mr. President, today the Senate is resuming consideration of S. 830, the FDA reform legislation. Under the consent agreement, there will be 4 hours of debate prior to a vote on final passage of the bill. Some of that debate time may be yielded back. Therefore, Senators can expect a rollcall vote on passage of S. 830 between 3:45 and 4 o'clock this afternoon.

Following that vote, the Senate may begin consideration of the D.C. appropriations bill. Additional rollcall votes may occur throughout the day as the Senate considers the last of the appropriations bills. The Senate may also consider any of the available appropriations conference reports.

I thank my colleagues for their attention.

## FOOD AND DRUG ADMINISTRATION MODERNIZATION AND ACCOUNTABILITY ACT OF 1997

The PRESIDING OFFICER (Mr. SMITH of Oregon). Under the previous order, the Senate will now resume consideration of S. 830, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 830) to amend the Federal Food, Drug and Cosmetic Act and the Public Health Service Act to improve the regulation of foods, drugs, devices and biological products, and for other purposes.

The Senate resumed consideration of the bill.

The PRESIDING OFFICER. Under the previous order, there will now be 4 hours of debate to be equally divided between the chairman and the ranking member.

Mr. JEFFORDS. Mr. President, this is, hopefully, the final moments of debate on the FDA reform bill. There is no Senator who has been of more help and assistance, not only to the committee but to her constituents, than the Senator from Maryland. Thus, I am pleased that the one who will be opening the debate today is that Senator. So I yield her such time as she may consume; and may she consume a lot of time.

The PRESIDING OFFICER. The Senator from Maryland is recognized.

Ms. MIKULSKI. Mr. President, thank you.

Mr. President, in a few hours we will be voting on the final passage of the FDA Modernization and Accountability Act.

I am so pleased that this day has finally arrived. I thank the chairman of the Labor Committee, Mr. JEFFORDS, for all of his incredible patience, persistence, dedication, and attention to really lead the mission to move FDA into the 21st century. I thank him for his heartfelt devotion to accomplishing this mission and for never giving up. I also want to thank his staff for their hard work and for the bipartisan, nonpartisan way in which they worked.

Let me also acknowledge the tremendous contribution of the ranking member, Senator KENNEDY. There is no doubt that this is a better bill and FDA will be in better shape because of his efforts.

Mr. President, I have worked on FDA reform for a number of years. When I was a Member of the House of Representatives, we embarked, on a bipartisan basis, to ensure consumer protection, to prevent dumping of drugs that did not meet our standards into Third World countries.

Then coming to the Senate, I joined with my colleague from Massachusetts, Senator KENNEDY, and with the Senator from Utah, Mr. HATCH, in fashioning something called the Prescription Drug User Fee Act, otherwise nicknamed PDUFA. What PDUFA did is provide, through a user fee mechanism, the ability to hire 600 more people at FDA to analyze the safety and efficacy of pharmaceuticals to move them to the marketplace.

Because of PDUFA and the great legislative idea of Kennedy-Hatch, FDA was able to hire more people to examine products that were being presented for evaluation and get them to clinical practice more quickly.

The leadership of Kennedy-Hatch on PDUFA has not only stood the test of time, but it has shown that we can expedite the drug approval process while maintaining safety and efficacy.

But while PDUFA made a huge difference, it became clear that PDUFA was not enough. More staff operating in an outdated regulatory framework without a clear legislative framework was deficient.

That is when we began to consult with experts in the field of public health, particularly those involved in drugs and biologics on where we needed to go. While we were considering this, the world of science was changing. We were experiencing a tremendous revolution in biology. We went from basic discoveries in science, particularly in the field of chemistry and physics, to a whole new explosion in biology and genetics and biologic materials. We also went from a smokestack economy to a cyberspace economy in which the very tools of information technology could enable us to improve our productivity.

It became clear that we needed an FDA with a new legislative framework and a new culture and a continued commitment to the traditional values of safety and efficacy. This is when we began to put together what we called the sensible center on FDA reform. One often hears about partisan bickering. One often hears about prickly relationships between the two parties. But I tell you, thanks to the leadership of Senator Kassebaum, who initially chaired this initiative, we, Republicans and Democrats, worked together because we never wanted to play politics with the lives of the American people. What we wanted to do is to make sure the American medical community and the world medical community had the best clinical tools at their disposal to help save lives.

We saw the reform of FDA accomplishing two important policy goals—

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

saving lives and at the same time generating jobs in our own American economy in the fields of pharmaceuticals, biologics, and medical devices.

Senator Kassebaum took important steps forward. Senator JEFFORDS assumed that mantle and brought us to this point today.

What will this bill do? Why is it so important? It gives, first of all, a clear statement on what is the mission and purpose of FDA—to save lives with pharmaceutical and biologic products and to maintain the safety of our food supply. This bill does not deal with the food safety issue, but it sure does focus on those things that normally would take place in clinical practice.

Why is it so important? It streamlines the regulatory process, it reauthorizes that very highly successful PDUFA, to make sure we have adequate staff, and it creates an FDA that rewards significant science while protecting public health.

It means that new lifesaving drugs and devices will get into clinical practice more quickly. It will enable us to produce products that we can sell around the world saving lives and generating jobs.

What is so great about pharmaceuticals, biologics, and medical devices is that they are translingual, they are transcultural. When you need a new drug and it is approved by FDA, whether you live in Baltimore or whether you live in London or whether you live in Bangladesh, you need it. If you then use a medical device, you know if it is safe in Maryland, it will be safe in Moscow or Malaysia. This is why this will offer us a whole new opportunity in exports.

I am really proud of FDA. I am proud of all the people who work at FDA, and under very Spartan resources. Why? Because it is known as the gold standard around the world for product approval. We want to maintain that high standard, and at the same time we want to make sure that the FDA is ready to enter the 21st century.

This legislation will be the bridge to the future, maintaining the evaluation of safety and efficacy with the new tools to be able to participate in a 21st century science environment and a 21st century economy. This bill sets up a new legislative and regulatory framework which reflects the latest scientific advancements. That framework continues the FDA's strong mission to public health and safety, but it sets a new goal for FDA—enhancing public health by not impeding innovation or product liability through unnecessary red tape that only delays approval.

There is an urgency about reauthorizing PDUFA. Its authority expires at the end of this month. PDUFA has enabled FDA to hire 600 new reviewers, and to cut review times from 29 to 17 months over the last 5 years. If we fail to act now, it means the people who have been working on behalf of the American people and the world will get RIF notices. We cannot let them down, because we do not want them to let the American people or the world down. We risk losing talented employees and slowing down the approval process.

Delay will hurt dedicated employees, but more importantly it will hurt patients. Patients benefit the most from this legislation. Safe and effective new medical tools will be helping patients live longer lives or get better quicker.

We are not just extending PDUFA. We are improving it. Currently, PDUFA only addresses something called the review phase of the approval process. Our bill extends PDUFA to streamline the early drug development phase as well.

What does this mean? New innovations. We are going to be able to allow for electronic submissions. We want to improve productivity. Instead of carloads of paper, stacks and stacks of material not being able to be utilized in an efficient way being deposited at FDA, companies will be able to make those electronic submissions. This reduces not only paperwork but actually provides a more agile way for scientific reviewers to get through the data in a way that improves efficiency while they are analyzing efficacy.

Updating the approval process for biotechnology is another critical component of this bill. Biotechnology is one of the fastest growing industries in our country. In my own State of Maryland, there are 143 of these companies. They are working on everything from AIDS to Alzheimer's to Parkinson's disease, to breast and ovarian cancer, as well as new immunizations for children.

These are absolutely vital areas of endeavor. We want to be able to help them develop these new areas, go through a submission at FDA to make sure they are safe, and get new products out there doing their job of improving people's health.

The job of FDA is to make sure that safe and effective products get to our patients. Our job, as Members of Congress, is to fund scientific research through NIH and other Federal laboratories and extramural research at great institutions like the University of Maryland and Johns Hopkins and at the same time to provide FDA the regulatory and legislative framework to evaluate new products to make them available to doctors and to patients.

That is why I am fighting for this. There have been many issues raised in this debate. Some have been very robust. Some have even been prickly. But I tell you, I want to absolutely say that I am on the side of FDA. I am absolutely on the side of safety. I am absolutely on the side of efficacy. I believe this is what this bill does.

This legislation should not be a battle of wills, it should not be a battle over this line item or that line item. It should be really a battle over what is the best way to make sure the American people have from their physicians and other clinical practitioners the best devices and products to be able to save their lives.

Mr. President, my dear father died of Alzheimer's. He was in the final stages when I became a U.S. Senator. He was so ill that he could not come to that marvelous night in my life when I won the general election and knew I would be the first Democratic woman ever elected in her own right. I spoke to my father that election night, via TV because he could not be there, to thank him for what he did for me and my sisters. With Alzheimer's, I watched my father die one brain cell at a time. It did not matter that I was a U.S. Senator, it did not matter that I was helping fund research at NIH, my father was dying.

My father was a modest man. He didn't want a fancy tombstone or a lot of other things, but I vowed, I promised, in my heart of hearts I would do all I could to find a cure for Alzheimer's. I would do all I could for those people who have Alzheimer's or other forms of dementia or other mind diseases. While I did that, I promised also that I would do all I could to make sure those tools moved to the clinical practice as fast as they could.

Every one of us has faced some type of tragedy in our lives where we look to the American medical, pharmaceutical, biological, and device communities to help us. I have done that so many times. I am grateful to the medical communities in the United States of America.

When my own mother had one of her last horrible heart attacks that was rapidly leading to a stroke there was a new drug that was so sophisticated that if it was administered quickly could help her avoid having a stroke. It required informed consent, because even though it was approved it was so dramatic in the way it thins the blood, almost to a hemophilia level, that you needed consent on the scene.

I heard all of the medical pros and cons of that. I was advised by a great clinician at Mercy Hospital and I gave that approval because my mother was not conscious and not able to do that. And guess what? That new drug approved by FDA, developed in San Francisco, got my mother through her critical medical crisis with the hands-on care of the Sisters of Mercy at Mercy Hospital. My mother did not have a stroke because we avoided the clotting with the help of this new dramatic drug.

I give praise and thanksgiving to God for that and the ingenuity of the American medical community that enabled my mother to stay with us 100 more days so she could be back at home, have conversations with us, her grandchildren, and so she could, even in her final days, continue a telephone ministry that she had. She was a member of a parish group called the Cheer Up Club where other shut-ins called each other. Let me tell you, the best "Cheer Up Club" I can belong to is right here in the U.S. Senate when we pass FDA reform to make sure that when a physician works with a patient or a family they are cheered because they have these new tools.

Mr. President, I thank you for the time given to me to speak today. If I seem a little emotional, you bet. I love my family, as so many of us do, and this is why I so rely upon the American medical community and FDA to make sure that the best pharmaceutical, biological, and medical devices are available to the American people and also to the people of the world.

I look forward to voting for final passage and having a conference report to bring back.

Mr. JEFFORDS. I thank the Senator from Maryland for a most eloquent and moving personalized statement, as well as her efforts that have gone on to improve the FDA for all of us.

Mr. KENNEDY. Mr. President, I also join in expressing great appreciation to the Senator from Maryland in terms of the FDA reform.

She speaks very eloquently, passionately, and emotionally about the family's personal experience with the breakthroughs of modern medicine and what it can mean to those afflicted by the scourge of so many of these diseases.

I must say I join with Senator JEFFORDS in saying that no one on the committee has been as tireless in pursuit of FDA reform as the Senator from Maryland. As a tireless advocate for FDA, she has brought great knowledge and understanding to achieve the goals that she has outlined here and I think all of us pay tribute to her.

I want to thank her, as well, for commenting positively on the work of the people at the agency. There are many individuals at FDA who could, at the drop of a hat, go to the private sector and other areas and be better off financially. But who, because of their commitment to the public, are trying to do a job they believe in and are willing to serve the public.

Ms. MIKULSKI. I thank the Senators from Massachusetts and Vermont for their very kind comments.

I also thank you for the cooperation of your staff, and wish to acknowledge the roles of Lynne Lawrence and Roberta Haeberle.

But let's get FDA the right staff that they need.

Mr. JEFFORDS. Mr. President, before yielding to the Senator from New Hampshire I would like to say he has spent as much or more time than anyone on this legislation and has had the very difficult chore of working in this very controversial area of uniformity. It is so essential that this Nation have uniformity so that when they buy a product they can know with the assurance of the FDA that the product they are getting is one that will be safe and helpful. Many, many hours the Senator has spent working on this issue, as well as the bill generally. I praise and thank him.

Mr. GREGG. I thank the chairman of the committee.

Mr. JEFFORDS. I yield such time as the Senator from New Hampshire desires.

The PRESIDING OFFICER (Mr. ROBERTS). The Senator from New Hampshire.

Mr. GREGG. I wish to join with others in stating my admiration for the chairman's efforts here in getting this bill forward. He understates his role if he thinks somebody has worked harder than he. He is clearly the person who has put the most time in this and developed an excellent bill.

That is the point. The bill reported out of the committee came out of the committee with a huge vote, 14–4, a very definitive statement by the committee which has a fair number of experts—one of whom you just heard, Senator MIKULSKI from Maryland, on various parts of this bill—a fair number of experts who understand the importance of bringing the FDA into the 21st century.

Why is it important? I think the statement has been made over and over again here in the last few days, but I think it needs to be made again. The fact is this involves people's lives. We have spent a lot of time on this bill and we have had a lot of votes on this bill. We had an 89–5 cloture vote on September 5; a 94–4 cloture vote on September 17; and yesterday, a 98–2 vote in favor of the bill. At some point, people should be willing to say enough is enough. It was inappropriate to delay this bill as much as it has been delayed.

This is about people's lives. The capacity to get these drugs out, to get these devices out, to give people the ability to use these various pharmaceutical treatments and various device treatments which are in many instances going to save lives and in almost all instances going to improve lives, is critical.

I have a situation in New Hampshire. An attorney named John Hanson wrote to me about a friend of his who, regrettably, has ALS, or Lou Gehrig's disease. This is a horrible disease. It is a disease that eats away at your capacity as an individual to function. Although your mind stays sharp, the rest of your body fails. Every day that goes by is a critical day to this individual, every day that goes by.

Now, the FDA had a product before it called myotropin which is waiting for approval. The people who have ALS are very interested in getting this drug, but they can't get it because the FDA has taken the position that it is not yet available on the market.

Why is that? It is because of this long lead time of bureaucratic activity that is the wrap-up period for the approval of drugs. Regrettably, as a result of that long lead time, which can be years and years and years, many people are unable to get these drugs which are so important to them. In a case like ALS, of course, it really is the individual who should have some option in being able to choose whether or not to use a drug. That individual has a pretty stark choice before them—die as a result of the disease you have; or maybe have a chance of surviving as a result of taking a drug which maybe has not had years of review but has only had a few years of review.

So the issue is how do we get the FDA to approve these drugs, approve these devices in a prompter manner, in a manner which doesn't give up any of the need for making sure that the drugs are safe and that they work, making sure that the devices are safe and that they work, but does give up the bureaucracy which has for so long and so often stifled a prompt review process.

So this bill which the Senator from Vermont has brought forward today really does attempt to overcome what you might call the culture of overcautiousness which has become, regrettably, the culture of the FDA. It is an attempt to say to the FDA in a very definitive way, listen, we understand the importance of what you do, we understand that you are sincere and committed individuals. But we also understand there is another part of this formula that is called getting the drugs to the patients, getting the devices to the patients.

So, let's start working as a team to get these things out quickly. To accomplish that, a number of proposals were put forward to make the FDA work more effectively and make the drugs and devices which are distributed across this country more understandable in their usage and also more readily available when they work.

We have heard a lot of discussion, of course, about section 404. I note that the Senator from Massachusetts has another group of lists up there on section 404 of people involved in this issue. One thing that has been mentioned is that this new section 404 may in some way be tied into the fen/phen issue. Well, it is not. Section 404 is a device section. It is not a drug section and does not apply to drugs or drug manufacturers. Using that as an example, which just recently occurred, is truly a red herring. The purpose of section 404 obviously is to try and get these devices out in a more prompt and efficient manner.

Now this language was put together after a lot of work and a lot of negotiation, a lot of discussion, with all the different parties involved. I know the Senator from Vermont was actively involved, the Senator from Indiana was aggressively involved. My sense is that everybody who had a legitimate concern about section 404 had a fair hearing before the committee, and the committee decided that the compromise language which was put in the bill—and believe me, it was compromise language—on section 404 was the most effective and appropriate way to go. The committee decided it by a 14–4 vote.

I hope this Congress and this Senate specifically would give considerable respect to the efforts that were made at the committee level on this specific issue. I do think in this instance the Senator from Massachusetts is just plain wrong. His position is not consistent, in my opinion, because he has brought in debate over drugs with the medical device issue, but more importantly, it is not the position which was adopted by a vast majority of the members of the committee, because we understood the importance as a majority in the committee, 14 people who voted for this, of getting out some major reform in the FDA laws which would allow for a prompter approval process without giving up any of the issues of safety or effectiveness of the drugs or the devices that are being involved here.

I congratulate the Senator from Vermont again for moving forward. It appears we may actually be getting to the end of the day on this bill relative to passage. I hope we would not see any more of this delay tactic as we move down the road because every day that gets delayed potentially costs a life, and certainly causes people who need these drugs, need these devices, a tremendous amount of anxiety on top of a situation which in almost every instance is already filled with extraordinary anxiety because of the type of disease or problem they have. So let's get on with doing the business of the Senate and pass this bill.

Mr. JEFFORDS. Mr. President, I want to take a moment to thank the Senator from New Hampshire again for the incredible amount of work he has done, and I hope we heed his advice.

I yield the floor.

Mr. KENNEDY. Mr. President, I yield as much time as he needs to the Senator from New Mexico.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. BINGAMAN. Mr. President, I thank the Senator from Massachusetts and I wish to speak as in morning business for up to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. BINGAMAN pertaining to the introduction of S. 1210 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. KENNEDY. Mr. President, we are moving on in the consideration of FDA reform. I would like to review where we are, where we have come from, and where I believe we ought to go on this important issue that is intimately tied to the public health and safety of the American people.

I would just like to remind our colleagues and others about the importance of this agency. We will be debating about section 404 of the FDA legislation that is before us. It might sound like a small, narrow provision in a complicated piece of legislation, but its implications are profound in terms of potential impacts on the health and safety of millions of American people.

Senator REED, myself, and others have attempted to make the case that we are unnecessarily risking the health of the American people. We are doing this because we are effectively permitting false and misleading information to be placed on the labels of medical devices that are submitted to the FDA for review. We are doing this and at the same time, tying the hands of the FDA to look behind those labels and into the real purpose of the medical device. We are creating a loophole that will allow companies to submit their products under a protocol they know will allow for quick approval, but whose clear intention is to market the device for uses that are different from those they listed when they went through the approval process.

Over the last few days, we have reviewed the most prominent example of this issue when we talked about the biopsy needle of U.S. Surgical Co. We discussed how they were able to get approval for the device by telling FDA that it was substantially equivalent to a device they already had on the market. But, in reality, the biopsy needle that was on the market excised an amount of tissue that was less than the size of the lead in a pencil, and the new device they submitted to FDA removes a piece of tumor that is 50 times larger than would be removed with the existing needle biopsy device.

It is quite clear from the evidence that we are able to advance on the floor of the Senate, both the correspondence we received from doctors about marketing practices and a promotional videotape, that this device was being promoted for an entirely different purpose than the one U.S. Surgical listed on the label it submitted to FDA. Due to this maneuvering, we did not have the proper kind of safety information available to the principal agency of Government that is charged with protecting the safety and health of the American people.

I cannot understand why we, by way of this legislation, are denying that Federal agency the opportunity to adequately protect the American people. And it isn't just me, 35 other Members of the Senate, more than a third of the Senate, indicated a similar position with their votes yesterday. Virtually all of the consumer groups are with us as well.

I have illustrated on this chart some of the organizations that are working to protect patients, that listen to patients, and that understand the need of patients, and that stand with us on this issue. They are virtually unanimous in their concern about this particular provision.

I have in my hand articles about the FDA which have been published over the period of the last 2 days. This is an agency that is on the cutting edge of many health-related issues. It is charged with many different responsibilities that have enormous impacts on the lives and well-being of American people.

Here we have on September 22 a major article: "Doctors want approval to inject themselves with live virus"—HIV. This will be a decision the group will seek approval. From whom? From the FDA.

Here is another—"FDA sets rules on supplemental labels." The FDA published final rules yesterday aimed at making * * * manufacturers put more information on labels.

Why are they doing that? To protect the American public. They have responsibilities for that.

> FDA acts to get more women in drug studies. That is very appropriate and very important to do.
>
> FDA moved [yesterday] to force drug companies to stop excluding young women from studies of promising new medicines out of fear they will get pregnant, curbing the research.

And, again:

> FDA told the drug companies to include women in all stages of drug tests.

Then it goes on about the importance of having women represented in drug trials so we can understand how they will affect women. That can't be learned from studying the effects on men because of the metabolic and other differences between men and women.

Here is another example of FDA looking out after public health issues, and the impact of pharmaceuticals on our population.

On September 23 here is the long story in the New York Times.

> Thirty-seven years later, a second chance for thalidomide. Officials at the agency announced today they intend to approve thalidomide for use in leprosy patients, as long as the New Jersey . . . company seeking market approval adheres to conditions, including elaborate restrictions intended to keep the drugs away from women who might be pregnant.

Here is the FDA looking after what? Looking after a possible cure for leprosy and making sure that women who are expecting are protected from thalidomide.

What is the role of the agency? Looking after the women and children—looking at trying to find some cure for leprosy.

What is another role of the FDA? Trying to make sure that all members of our population are included in the review of various pharmaceuticals.

Here is a story on E. coli bacteria. We remember the stories across the country a little over a year ago and the dangers that were posed in terms of the health of the American people. This has no direct connection with the issue surrounding FDA reform except that it, too, comes against a background of years of determination, —the "meat industry and anti-regulatory forces to block long overdue improvements in the way the Government monitors the meat safety."

Here is an example of an editorial advising us to be cautious in our rush to regulatory reform. Let's not override safety.

That is what this editorial is about—the same message we are delivering today—in our rush to reach these thoughtful and important reforms, let's not override safety.

This editorial involved a different issue—E. coli and meat products. It may be E. coli today, but it may be an unsafe medical device tomorrow.

Again, on the 23d, FDA. The approval of thalidomide, lawsuits filed against the fen/phen, and many other articles. The FDA published a rule on the 23d—from the Washington Post:

> Final rules aimed at making supplemental manufacturers put more information on the labels. The rules restrict the use of the term "high potency," requiring products such as vitamins, minerals, herbs, and amino acids to be labeled as dietary supplements and labeled also to provide information about serving size.

What is the agency doing in each of these cases that made the newspapers over the past few days? Protecting the American public. In each and every example that we have cited FDA is trying to protect the American public on a wide variety of issues.

We are talking today about doing the same thing with regard to medical devices, protecting the public from false and misleading labels. That is the issue. It is not the only issue, but the Senator from Massachusetts, the Senator from Rhode Island, for the patient advocacy and consumer groups, it's the primary issue. There hasn't been a single patient advocacy group that has been advanced by those that are opposed to our position here during the course of this debate. Not one. Why? Because they cannot find any. Why? Because this provision is a direct threat to the health and safety of the American consumers. And virtually every group that has studied it, that has reviewed it, understands that.

That is where we are. We want to let the American people know the importance of the FDA. Let them know how it is out there trying to provide protection for the American people. That is what we believe should be the case on the provisions that we have been discussing here, with section 404.

Because of the Senate vote yesterday tabling the Reed amendment, the FDA reform bill still includes the provision that seriously threatens the public health—the provision that must be removed before this legislation becomes law. This provision encourages device manufacturers to lie to the FDA and forces FDA to approve medical devices that have not been adequately tested to assure that they are safe and effective. Weeks ago, the Secretary of HHS identified this provision as one that would lead her to recommend a veto if it were not removed. Despite what some of my colleagues say, this is not a new issue. The Secretary identified it last June, identified it again in July, and identified it again in September as one of the administration's principal concerns.

It is virtually the only technological issue that remains to be resolved on this bill. Every major public health and consumer organization that has taken a position on this provision strongly opposes it.

While the Reed amendment was defeated yesterday, I anticipate the bill itself will be adopted by the Senate today. This is not the end of the story. There are many procedural steps that must be taken before the bill becomes law, including action by the House, reconciliation of the bills passed by the House and Senate, and the signature of the President. There will be many more opportunities for debate before this bill can even go to conference. I believe that in the end the public interest will prevail.

I intend to discuss this provision during the course of today's debate on the bill. I would like to begin by reviewing the reasons we embarked on an FDA reform bill in the first place and how much we have been able to improve the original bill.

As I mentioned earlier, there are few more important agencies of the Federal Government than the Food and Drug Administration. The FDA is responsible for assuring that the Nation's food supply is pure and healthy. The FDA provides a guarantee that the drugs and devices we rely on to cure or treat diseases are safe and effective. It wasn't always that way. Medical device legislation was adopted in the mid-1970's.

If it does its job well, the FDA can speed medical miracles from the lab bench to the patient's bedside. And if the agency does its job poorly, it can expose millions of Americans to unsafe or ineffective medical products and jeopardize the safety of our food.

The record of the FDA in moving these various medical devices through the process and moving them from the manufacturer onto the market is improving. We have seen significant and dramatic improvement over the period of the last 3 years. In the premarket notification process known as 510(k), which about 95 percent of all the medical devices come through, the median review times have dropped from 199 days to 93 to 85 days, meeting the standard of 95 percent of all of those submitted. That is extraordinary progress. And for the more complicated, newer devices, the breakthrough kinds of devices, which account for only 5 percent of submissions, review times have been reduced to about 40 percent of the time between 1993 and 1996.

This is the record. That is why there is within the medical device industry, general support for the steps taken by the agency.

Here is the Medical Device and Diagnostic Industry magazine of this year.

> With improvements in FDA product review performance, despite a more challenging domestic market, device companies are more optimistic than ever. Company executives report a substantial improvement in FDA performance, particularly in 510(k) product approval times.

This is the Medical Device and Diagnostic Industry magazine commenting on the performance of the FDA in terms of its approval ratings.

> This year's survey of medical device manufacturers marks the highest business climate ratings ever.

Here we have the industry magazine talking about how effective the FDA is in moving these devices through the process expeditiously. And now, even with this information, we are undermining the ability of that agency to provide adequate protections for public health and safety.

(Mr. COATS assumed the chair.)

Mr. KENNEDY. If the agency was not doing a good job, if we were seeing these bureaucratic delays denying patients products, at least there would be an arguable position. But what we are talking about here is the industry's own assessment about the effectiveness of the agency. They are pointing out how hopeful and optimistic they are about the recent performance of the agency in quickly approving devices.

Not only have they made progress in moving them expeditiously, but now a number of the medical manufacturers want to diminish the existing power of the FDA to assure proper safety. The American people must ask why. We do not have the kind of problems that we had years ago with the Dalkon shield and the Shiley heart valve. We do not have the kinds of problems that we had with earlier medical device tragedies. What we have now is an excellent record of safety and effectiveness with devices, and it is against that background we find some in the medical device industry want to make it even more profitable for themselves, and to do so at the risk of the public.

Continuing along with the survey:

> The overall results of the survey indicate widespread satisfaction with the medical device business climate. A substantial majority of the survey respondents characterized

> business conditions for the device industry as good to excellent. One important cause of this year's improved outlook is perceived improvement in relationships with the FDA. The declining complaints about the agency mirror the increase in positive business outlooks. Much of this improvement is no doubt due to the dramatic decrease in the last 2 years of 510(k) product approval times which the FDA has made a lead focus of its internal reforms.
>
> Ray Larkin, President and CEO, Nelcor, Purett & Bennett, Pleasanton, CA, underlines the extent of the improvement of the FDA: "As critical as I may have been a year ago, I think they have made significant improvements in the product approval and the compliance side. The whole regulatory environment is improving."

This is what industry itself is saying about the FDA. This is not just those of us who are opposed to this particular provision. This is the industry itself. How many times have we heard, "If it is not broke, why fix it." And here we have the wide approval by the regulated industry itself. And yet some here in this body want to deride this progress and put the American public at risk by denying the agency the ability to review important information about safety and effectiveness when the information on the label is false and misleading.

And here is Medical Economics of this year.

> The demand for devices has created a worldwide market of $120 billion including $50 billion in the U.S.

That's growing by 8 percent annually.

A healthy industry, thank goodness, because I think all of us know the importance of these medical devices when they are safe and effective. But we have to make sure they are safe and effective. We do not want to compromise the current superb safety record.

An extensive study was conducted by the Medical Device Diagnostic Industry magazine this year that showed that the executive rating of device industry business is at an all-time high—58 percent favorable, 11 percent unfavorable. "Expectations of the medical device business conditions." The best that it has been in any time in recent years. All the measures indicating that the medical device industry is doing well, that the public is being served, safety is being addressed.

Even with regulatory protections for safety, the speed with which these devices are being approved has been improved, nonetheless we are being asked to alter those conditions. We are being asked to handcuff the FDA from being able to look at that medical device that may meet the safety standard substantial equivalence but it clearly intended to be used and marketed for another purpose. A purpose for which safety and effectiveness data have not been gathered or evaluated.

Let's get back to the fundamentals. The main purpose of the FDA reform bill was to reauthorize the Prescription Drug User Fee Act of 1992 known as PDUFA. PDUFA is one of the most effective regulatory reform programs ever enacted. Under PDUFA, the pharmaceutical industry pays the user fees that cover part of the cost of FDA's drug approval and regulatory functions. And with these additional resources the FDA has been able to hire additional personnel so that drugs can be reviewed more promptly. As important as these additional resources were, equally important were the specific performance targets for speedier drug review negotiated between the industry and the FDA as part of the PDUFA agreement.

This is where the industry, working with the agency, said, well, if we give support for this and it becomes law and they get the additional resources to hire the personnel, can we reach these target timeframes for approval, and the agency agreed to that. And we had extraordinary accountability. We found a 90 to 95 percent compliance with those goals. The industry establishing the support for the PDUFA fee resulted in important and dramatic progress made. The combination of performance targets, additional resources, and the leadership of Dr. Kessler, the former FDA Commissioner, has created a regulatory revolution at the FDA.

Listening to some of the speeches we have heard during the course of this debate, you would think the FDA was a regulatory dinosaur mired in the past, cumbersome and bureaucratic, imposing unnecessary and costly regulatory burdens on industry and denying patients speedy access to lifesaving drugs.

That is a myth that those who want to destroy the FDA in the interest of an extreme ideological agenda or in the interest of higher profits and at the expense of the patients, would love you to believe. It is not true. The FDA's regulatory record is the envy of the world, and it sets the gold standard for protection of patient health and safety.

Over the last few years, in partnership with Congress and the administration, the FDA has responded to growing criticisms of delays in approving new products by taking impressive steps to improve its performance. The Prescription Drug User Fee Act of 1992 was one of the most effective regulatory reform programs ever enacted. The bill established a new partnership between the industry and the agency. The industry agreed to provide the additional resources. The agency agreed to a measurable performance standard to speed the review of products, and every goal set by the legislation has not only been met but been exceeded.

So today the FDA is unequaled in the world for its record in getting new drugs to market quickly, without sacrificing patient protection. In fact, last year average review times in the United States were twice as fast as in Europe. Fifteen new drugs were approved in both the European Union and the United States. In 80 percent of the cases, the United States approved the new drugs either first or at the same time as the European Union. More companies chose the United States for the introduction of breakthrough drugs than any other country.

That is the current record. In addition to speeding the review times, the FDA has taken far-reaching steps to reduce unnecessary burdens on industry and modernize its regulatory processes. More needs to be done, but these steps have added up to a quiet revolution in the way FDA fulfills its critical mission. When the prescription drug user fee was originally passed, the device industry refused to agree to the user fees that would give the FDA additional resources and performance standards that have contributed so much to the agency's outstanding record on drugs and biologics. But even in the device area, the recent FDA achievements have been impressive.

I think it is fair to say that following passage of PDUFA, the primary priority of the FDA was to implement that commitment and contract with the pharmaceutical industry. And I do think that the agency gave that a higher priority than it did moving ahead in terms of the medical devices.

I think that is probably a fair criticism. But once PDUFA had been effectuated, the priorities shifted to the medical device industry.

I remember the debate on PDUFA quite clearly. I welcomed the opportunity to join with my colleague, Senator HATCH, and others in the adoption of PDUFA, and I remember the efforts we made in the area of the medical device industry to do exactly the same thing. But we were unable to get the device industry to agree to that. I think it is unfortunate. Any fair evaluation in terms of the FDA in looking over the period of the time since the passage of the PDUFA, the changes in the way that the agency worked in advancing and accelerating the consideration of pharmaceuticals and biologics would understand that they get the priority. It has been only in recent years that the device industry has received attention, with the results which I mentioned just a few moments ago.

The so-called 510(k) application devices, which are approved on the basis of substantial equivalence to a device already on the market, account for 95 percent of the device submissions. The FDA has virtually eliminated its backlog. Last year it reviewed 94 percent of these devices within the statutory timeframe compared to 40 percent just 4 years ago—dramatic improvement. And we haven't compromised safety in the process. Why are we now attempting to undermine the health and the safety of the American public? Why are we risking it?

Mr. President, even in the area of class III devices, which is where most problems remain, the FDA has improved its performance substantially. According to a study by the GAO, median review times dropped 60 percent between 1991 and 1996. A recent survey of device industry executives reported that the business climate for the industry is the best in a 5-year history of the survey. The sponsor of the survey attributes the favorable response in large measure to the improvements at FDA and concludes:

> The agency has not only reduced the product approval delays that slowed new product introductions, but, perhaps more importantly, has also greatly reduced both executives' and investors' uncertainty about the timeliness of future product introductions.

That is the conclusion of the General Accounting Office. That is not the conclusion of those of us who are trying to say look, the system is working, the devices that are getting into the FDA are being approved in record time, they are getting out to benefit the people and we have a solid safety record.

We are being asked here to walk away from that safety record. We are being asked here, for the first time since we passed serious medical device legislation 25 years ago, to take steps backward in the area of protecting the American public.

In a recent FDA report, the agency sets new targets for even quicker review of the class III devices while still giving assurances that we are going to continue to protect the public. The agency is doing a good job now. It will be doing an even better job in the future. There is no justification for weakening the FDA power to protect the public—not based on the myth that it is denying patients prompt access to needed new products.

If you listened to this debate for the past days, the other side's description of the FDA may have been accurate 5 years ago or 10 years ago, but does not reflect where the FDA is today. And that is not just my opinion, but it is what we hear from the General Accounting Office, and what we have the industry itself saying.

The most important aspect of this bill is the reauthorization of PDUFA. The new PDUFA program was negotiated between the FDA and the industry. It expands existing programs by setting additional performance standards and puts special emphasis on expanding early cooperation between the FDA and industry so the drug development process, not just the regulatory process, can be stepped up. The agency has been creative in anticipating the possibility of major new drug breakthroughs. They have been working with the industry in new ways to help shape and formulate the way the industry effects its application so it can be approved in more expeditious manner. This is because we are not just interested in drug approvals but also development times.

We had a long debate about how we were going to reduce the number of days: 180, 360, 120, or 90 days—for the approval on these various issues. That was taking our eye off the ball. What is important is development time. In our own review of FDA, what makes the most difference reducing total approval time is reducing development time. The agency has been doing really excellent work. In addition to PDUFA, there are a number of other provisions changing the way the agency does business, particularly in the area of medical devices. As originally introduced, the bill included many extreme provisions that posed significant threats to public health. It was important that these provisions be modified before the legislation could be allowed to move forward. I compliment Senator JEFFORDS and the other members of the committee, Republicans and Democrats alike, on their willingness to compromise on these unacceptable proposals over the months we worked on the bill. I would like to review a number of these provisions for the Members of the Senate so they understand the changes this legislation makes and the pitfalls that have been avoided. These compromises must not be undone as the bill moves further through the legislative process. I am proud the progress that has been made. We have reached constructive compromises on more than 20 items.

I have here the letter that was sent to the chairman by the Secretary of Health and Human Services in June, June 11, as the committee was considering the FDA reform. In this, the Secretary mentions, "Unfortunately, the Chairman's substitute to S. 830, also includes a number of provisions which as drafted do not reflect consensus and about which I have very significant concerns."

I will not take the time of the Senate now to review those. But basically they include some 20 different provisions. I ask unanimous consent to have those printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

SECRETARY OF HEALTH
AND HUMAN SERVICES,
*Washington, DC, June 11, 1997.*

Hon. JAMES M. JEFFORDS,
*Chairman, Committee on Labor and Human Resources,*
*U.S. Senate, Washington, DC.*

DEAR SENATOR JEFFORDS: For the past several months the Administration has been working with the Senate Labor and Human Resources Committee on legislation to improve the performance and accountability of the Food and Drug Administration (FDA or the Agency), while preserving and enhancing the Agency's ability to protect and promote the public health. I appreciate the efforts that you, Senator Kennedy, and the other members of the Committee have made in this regard and believe that considerable progress has been made toward these goals.

The Food and Drug Administration Modernization and Accountability Act of 1997, S. 830, includes approximately 20 provisions that represent significant consensus reforms. Among the provisions that we all agree on are those that set forth the Agency's mission, codify reforms to the regulations of biotechnology products, provide expedited authority for the adoption of third party performance standards for device review and for the classification of devices, and streamline submission requirements for manufacturing changes and marketing applications for drugs and biologics.

I must emphasize that these provisions represent very significant reform, on which all parties have worked hard to reach consensus, and which I hope will not be jeopardized by insistence on other provisions on which we have not reached agreement.

Unfortunately, the Chairman's substitute to S. 830, also includes a number of provisions which as drafted do not reflect consensus and about which I have very significant concerns. Also, the current version is not "balanced" in that it does not take advantage of significant opportunities to strengthen current law so FDA can more effectively protect the public health. The most significant of the non-consensus provisions, summarized on the enclosed list, would undermine the public health protections that the American people now enjoy, by: (1) lowering the review standard for marketing approval; (2) allowing distribution of experimental therapies without adequate safeguards to assure patient safety or completion of research on efficacy; (3) allowing health claims for foods and economic claims for drugs and biologic products without adequate scientific proof; (4) requiring third party review even for devices that require clinical data; and (5) burdening the Agency with extensive new regulatory requirements that will detract resources from critical Agency functions without commensurate enhancement of the public health. Another significant nonconsensus item is the set of adjustment provisions in sections 703 and 704, which together require significant increases in FDA's appropriations levels over FY 1998 through 2002 (almost $100 million above the FY 1998 Budget with levels rising thereafter). We recognize that the ability of the FDA to commit to specific performance goals under PDUFA depends on the resources it will have available. We would support a user fee proposal that is consistent with our FY 1998 Budget proposal, but we are concerned that the proposal to collect user fees in this legislation imposes additional pressure on the fixed level of the discretionary resources agreed to under the Bipartisan Budget Agreement.

We note the inclusion of the provision on pediatric labeling in the most recent version of the Committee mark. We believe it should be revised to assure a more appropriate system for testing drugs for pediatric use before they are prescribed for children.

I want to commend you and members of the Committee on both sides of the aisle on the progress we have made together to develop a package of sensible, consensus reform provisions that are ready for consideration with reauthorization of the Prescription Drug User Fee Act (PDUFA). We are interested and prepared to continue working with the Committee to reach consensus on additional issues—and have proposed acceptable alternative approaches to many of the objectionable provisions. My concern is the time for reauthorization of PDUFA is running perilously short. As I indicated in my recent letter to you, I am concerned that the inclusion of non-consensus issues in the Committee's bill will result in a protracted and contentious debate. This would not serve our mutual goal of timely reauthorization of PDUFA and passage of constructive, consensus bipartisan FDA reform.

A copy of this letter is also being sent to the ranking Minority member, Senator Kennedy, and the other members of the Senate Labor and Human Resources Committee.

Sincerely,

DONNA E. SHALALA.

Enclosure.

S. 830 (CHAIRMAN'S SUBSTITUTE)

*A. Major Concerns:*

1. Cumulative Regulatory Burdens/No Provisions to Promote Public Health.—Many new regulatory burdens are being imposed on FDA (list enclosed) and little that can be advanced as promoting public health.

2. Third Party Review of Devices (Sec. 204).—Expansion of FDA's existing pilot project for review of medical devices (includes devices that require clinical data) by organizations accredited by FDA.

3. Approval Standard for Drugs/Biologics/Devices (Secs. 404/409/609/610/611/619).—Effectiveness standard for drugs and biologics needs further clarification; for supplements (applications for new uses) lowers standard such that they might not ever require a single investigation; limits FDA authority to evaluate clinical outcomes for devices; and lowers approval standard for radiopharmaceuticals, including PET drugs.

4. Health Claims For Foods (Sec. 617).—Health claims not approved by the FDA but consisting of information published by authoritative government scientific bodies (e.g., NAS or NCI) would be permitted for use by companies in the labeling of food products, even if it is very preliminary.

5. Expanded Access to Investigational Therapies (Sec. 102).—Would allow drug and device companies to sell an investigational product for any serious disease or condition without FDA approval and without appropriate protections for clinical investigations.

6. Device Modifications (Sec. 601).—Would allow companies to make manufacturing changes that affect a device's safety and effectiveness without FDA agreement.

7. Health Economic Claims (Sec. 612).—Would allow industry to discuss health economic claims given to managed care organizations under a lower evidentiary standard and without FDA review, even if the claim compared the safety or efficacy of two drugs.

8. Pediatric Labeling.—Would provide an incentive of six months of market exclusivity to encourage pharmaceutical companies to conduct necessary clinical trials for FDA approval of their products for children; doesn't assure that necessary labeling for children will be included; and might undercut FDA's ability to use other means such as regulations.

*B. Other Significant Concerns:*

1. Expanded Humanitarian Use of Devices (Sec. 103).

2. Device Collaborative Determinations/Review (Secs. 301/302).

3. Limitations on Initial Classification Determinations (Sec. 407).

4. Evaluation of Automatic Class III Designation (Sec. 604).

5. PMS (Sec. 606).

*C. Currently In The Bill—No Language Provided Yet:*

1. Off-Label Use of Drugs (floor amendment expected).

2. Drug Compounding (amendment expected).

Mr. KENNEDY. They are listed here. There are 20 items, major concerns about the cumulative aspect of the regulatory burdens, the various kinds of advisory committees, the advisory committees and the regulatory burdens that would have added to the complexity, and even the process of considering new drugs. The basic concerns the administration had on features of the third-party review, the approval standard for some of the drug and biologic devices, limits that were put on the FDA to evaluate some of the clinical outcomes for devices, and the lower approval standards that were included in some radio-pharmaceuticals.

They had some concerns about the health claims for foods and expanded access to investigational therapies, which allow drug or devices companies to sell investigational products for any serious disease without FDA approval and without appropriate protections for clinical investigators. The device modification allowed the companies to make manufacturing changes that affected devices' safety and effectiveness without ever notifying the FDA; the health economic claims that would allow industry to discuss health economic claims given to managed care organizations under a low evidentiary standard and without FDA review.

There was pediatric labeling, and the whole question on the humanitarian use of devices and collaborative determinations. There were also some concerns about off-label use of drugs, drug compounding.

If you look at the improvements in the bill and the compromises worked out here, 19 of the 20 have been worked out to the satisfaction of HHS and the FDA. There may be some groups that do not feel that certain provisions are worked out adequately. But I am prepared to defend those compromises. There is only one that remains. That is the provision that we are addressing here. Whether we are going to permit false and misleading labeling on a particular product and deny the FDA the right to look behind that label in order to protect the safety of the families of America. There were 19 accepted, only one remains—but it is an important one.

Why is it, if we are able to work out 19 of the 20, can't work out this one? The Senator from Rhode Island offered an excellent amendment yesterday saying, "OK, we will go along with the existing language that is in the bill. But we will also add the language that nothing in the label will be false and misleading." False and misleading; that was defeated. Those Members who voted against it, I expect, will have to explain to their constituents why they would resist an amendment that said we should not permit the medical manufacturer to submit something false and misleading.

Members are saying that this has been a long process that has taken a good deal of time. This measure was considered in the last Congress and now again in this Congress. We could have acted on these measures. We could have acted before June 11 and not dealt with any of the outstanding health and safety issues. But the fact of the matter is, we took the time, we listened to the arguments of the FDA and the Department of Health and Human Services, the people who are charged with protecting the American people. We worked out the 19 of the 20. Everyone gave a little, took a little, but 19 of those 20 have been worked out. Not this particular provision. It took time to work out those compromises. I think the time spent was well worth it. This is a much better bill than would have come out of that committee or on the floor in June or July or August, or even the early part of September.

What were those steps that we took? First of all, we preserved the States' oversight of the safety of cosmetics. This compromise assures that the States will be able to continue to regulate the safety of cosmetics. The Gregg proposal in the underlying bill would have barred the States from any regulation whatsoever of cosmetics, even though the FDA has neither the authority nor the staff to regulate these products. The compromise allowed the States to continue their regulation unless a specific inconsistent regulation has been issued by the FDA in a particular area. We went through that debate. We found the examples, particularly with regard to the State of California, how they were able to protect their consumers. In some cases there were carcinogens in the products and the manufacturing company changed the formula and were able to get right back out there and produce the product and have record sales.

The toluene that was in lipstick, which is related to another carcinogen that was related to some birth defects with children was altered and changed.

We have had important studies that have been done up in Seattle, WA, at the University of Washington and other medical centers, about some of the potential dangers of use of talcum powder on small infants and its relationship to ovarian cancer.

These were studies, scientific studies that were done by the States, that are directly related to protecting health and safety. The FDA does not provide for that kind of protection. Nonetheless, there was an effort to preempt States from protecting health and safety. We were able to defeat that. I think that was important. I believe the consumers in those States think so.

Second, the safeguard for off-label use of drugs. This important compromise will allow companies to circulate reputable journal articles about off-label use of drugs but will ultimately enhance the public's health and safety because the FDA will be given the opportunity to review, comment on, and approve articles which the companies circulate. The compromise also requires the companies to undertake studies on the safety of their drugs for the specific off-label use and submit applications to the FDA for approval for their drugs for these uses within 3 years. That was not in the legislation prior to this compromise. We saw the steps that were taken to meet the safety standards.

Currently, companies are circulating articles without reviewing them for off-label use, without seeking review or approval by the FDA, and without conducting the studies which would lead to an ultimate FDA approval or disapproval of the drug.

We wanted to make sure that the companies were going to conduct the safety standards for the use of those particular drugs. We were able to work that out. Again, to protect the American public.

Expanding access to drugs for patients and fast track approval. The fast track approval—this is one of the most important new initiatives in the legislation—will provide the same streamlined availability for drug treatments for patients with any life-threatening disease now available to patients with cancer or AIDS. It is a major breakthrough for patients who have life-threatening diseases.

We were moving through the measures in the bill and pointing out in June of last year that the Secretary of HHS identified 20 major areas that we ought to review and work through in trying to accommodate some of the health and safety concerns.

Effectively, we have resolved 19 of those. The only unresolved matter, according to the letter from the HHS, is the provision on section 404.

What I was trying to do is to point out a number of these areas where we have made important progress and to mention the safety provisions that had been worked out and included in a bipartisan way.

I was mentioning the expanded access to drugs for patients on the fast-track approval. We have had more than 17 different pharmaceuticals or drugs that have been identified for fast-track procedure. We are taking what has been the practice of the FDA and actually demonstrating by legislation, the importance of this particular procedure. We are trying to make the progress available to all those that have life-threatening diseases by giving authority to those researchers who believe the opportunities for fast-tracking these various pharmaceuticals will benefit the American public.

That has been successful for AIDS and cancer, and now we are encouraging its use for other life-threatenting conditions.

We have also expanded access for drugs under investigation for patients who have no other alternative. So an individual who might not otherwise qualify for various clinical trial protocols can get access to a drug if they have no other alternative. If this is the last gasp, the last hope that they will be able to have access to some of the modalities that might not have been particularly identified for this particular illness or sickness but their medical professionals believe they should have access, and we are moving in that direction. I think that gives a degree of hope to many of those who really wonder if they have any hope at all in trying to get some of the modern kinds of breakthrough drugs

We have accepted the Snowe-Feinstein piece of legislation that will give individuals who have a particular life-threatening illness or sickness the opportunity to tap into the NIH database to find out what clinical trials are taking place. This is a very, very important additional provision, and I commend our Senators who are not on the committee but who have been interested and involved in this. That is very, very important.

Mr. President, another area that we reviewed is the streamlining of the FDA procedures. The concern initially was in the areas of contracting out of various functions of the FDA. We talk about not only timeliness but also about the importance of preserving quality. We have to make sure that we are not only interested in timeliness, but we are also concerned about the quality.

We have also, in this streamlining of the FDA procedures, worked out how we were going to try to review third-party review. That was worked out in a way which I think has virtual broad support. It permits 70 percent of all the devices that would be eligible to be reviewed. But in the areas that are the very significant higher level of class II—a limited number of class II and class III will remain outside of that particular protocol so that we will have a chance to review the results of the research that will be done. We have accelerated the time for that review, so the information will come back in quicker and we will be able to evaluate the results of that particular process.

Mr. FRIST addressed the Chair.

The PRESIDING OFFICER (Mr. THOMAS). The Senator from Tennessee.

Mr. FRIST. It is a real pleasure for me to take a few moments and reflect on my interpretation of where we are today and the significance of the bill that is before us.

It was 1938, not that long ago, that Congress passed the Food, Drug and Cosmetic Act. And at that time the primary mission was defined fairly clearly to be to protect the public health by safeguarding Americans from unsafe and ineffective products.

Over the past 60 years, the FDA has truly done an excellent job on the whole in fulfilling this mission to make sure that food is safe and wholesome and that drugs and medical devices are safe and effective for treating disabilities and the diseases that have plagued us over the years.

You can look back and cite numerous, numerous examples that recall the FDA's important role, their vigilance in protecting the American public from unsafe drugs. Think back to Thalidomide. We think back to the FDA's quick response to the Tylenol tampering case as evidence of the effectiveness that that very important Government entity plays that affects each of our lives in ways that many of us do not realize.

But during this same period of time, the United States has been the most innovative nation in the world, particularly in the arena of medical research. I think back to my dad, who is 86 years of age, who practiced medicine for 55 years. I remember when I was a very young boy traveling with him as he would make house calls, and now to think how much things have changed over that period of time in terms of antibiotics, antiviral agents, vaccines, treatments for diseases that when I was a child were devastating to large populations. You look at hepatitis B, chicken pox, polio, many forms of cancer, the list goes on of what we can treat today.

We have developed important new surgical procedures. As a surgeon who has been in the medical field for the past 20 years, I have had the real privilege to watch fields unfold that were nonexistent even when I was in medical school. I think of certain types of tissue transplants, lung transplants, which I was doing routinely before coming to the Senate, that 15 years ago were not done at all.

I think of the new medical device implants like little stents we can now place in the coronary arteries which feed the heart, which were nonexistent 10 years ago; the artificial joints, the hips, the knees.

Thanks to the new biomedical drugs and products, we have new protocols for treating everything from AIDS, where we demonstrated tremendous success in the last year, to the treatment of other diseases like cystic fibrosis.

However, in recent decades the FDA, which has never had in writing a clear mission statement to guide its hand, has become too bureaucratic, too top heavy, with excessive regulation. I say this again out of tremendous respect for the FDA, having seen firsthand the tremendous successes of that agency.

To address this problem the FDA, to its credit, has been very aggressive in undertaking a number of reforms internally that have reduced the regulatory burden on industry and have improved patient access to new therapies.

However, it is clear that much, much more needs to be done. In the past, medical discoveries typically reached the patient in a relatively short period of time. Again, when my father first started the practice of medicine, it took an average of anywhere from 7 to 8 years for a new drug, a new pharmaceutical agent to pass through the entire discovery and approval process. Now, although in certain areas there has been tremendous improvement, it takes anywhere from 10 to 15 years to go through that discovery process and through that approval or disapproval process. Everybody agrees that is too long. Everybody agrees that you can have the same or improved standards if we streamline, if we coordinate, if we modernize the Food and Drug Administration.

That is what this bill is about, not a lowering of standards, not putting devices or pharmaceutical agents out on the market that have not gone through that eye of the needle of disciplined, very high standards that we all expect of the Food and Drug Administration.

Unfortunately, up-to-the-minute advances in medical science, advances that are occurring at increasing speed, are not making it to our marketplace as quickly as they should. Many times these advances are going overseas.

Too often you see that a drug that is in this long pipeline, and we know it is a potential benefit, all of a sudden moves overseas. It moves overseas for trials, for ultimate approval too often. Many times the manufacturing of that drug or of that device also follows it overseas.

I think the FDA regulatory structure simply has not kept pace with the rapid rate at which scientific discovery is being made. In too many cases, which I personally hear among investigators in the academic community and the private sector, the FDA has become a barrier, a barrier instead of a partner, to innovation and to access to medical therapies. It is that concept of dropping down the barrier and facilitating that partnership with very high standards that this bill achieves.

I mentioned U.S. biomedical research moving overseas. The implications are significant. It is very hard to put a price tag on this in the short term. But if we drive our very best biomedical science, our very best biomedical research off our shores to other countries, over the long term it is to the detriment of our health care, to our quality of life, and to our economy. Our once almost impenetrable edge in a U.S. dominated market can be lost forever if we do not act responsibly now.

I find my fellow doctors often travel to Europe to train, to study, to see, not the general foundation of medical knowledge of which we have the best in the world, evident by people from all over the world coming here to study medicine, but for innovative, breakthrough therapies. Too often today the therapies, the technologies, the research is moving overseas, and, therefore, even my colleagues go overseas to learn something that they should be learning right here in this country.

In the future, as medical science moves away from the contemporary practice of just treating overt symptoms when somebody comes in with a complaint, an organ failure, to a medical field where we begin to fabricate organs, where we do transplants, where we diagnose and treat disease at the molecular level, at the genetic level, playing off the tremendous success we have seen in the human genome project, a project that I might add as an aside is coming in under budget and much quicker than we would have ever anticipated even 6 years ago, the possibilities for new drugs, new devices, new methods of patient treatment are virtually limitless.

Thus, we need a structure to address these great breakthroughs, this great innovation, that is up to date, that is modernized, that is well organized, that is disciplined, that is coordinated. That is what this bill achieves. With the explosive growth in technology, the FDA needs to better use the considerable genius and talent of non-Government scientists and researchers.

There is always a great fear when we approach this issue of so-called contracting out because people can paint the picture that only Government people, only Government scientists have the ethics, have the honesty, have the integrity to be able to make decisions, to be able to look at clinical data and say what is best, what is dangerous, what is a benefit to the patient.

That is just not right. We have many good people in the private sector. In truth, because science is moving so fast and is so complicated, so intricate, it is almost absurd for us to expect that we can hire in the Federal Government all of the research scientists necessary to be able to conduct studies, look at studies, interpret data from the studies. Almost by necessity, because of the speed with which science is developing, we need to reach out and access many very, very good experts that are in the private sector.

One of the greatest complaints against the FDA that I hear is a feeling that the FDA has not been willing to collaborate and partner with others in the private sector, it might be industry, might by academia, it might be the academies, it might be individual scientists. People come in and say, "You know, I sat down with the FDA," but there is a real feeling of an adversarial relationship rather than a collegial relationship.

We need to make fundamental changes in this regard at the FDA. We need to build upon the successes in protecting the American public by reenergizing the process. We need to revitalize the process of product approval, speeding approval where appropriate, meeting high standards, improving and enhancing communication between the FDA and the public it serves, nurturing, not stifling, research and innovation. And, yes, we need to draw upon the untapped scientific excellence outside the FDA, at all times remembering that the FDA has the final say as to whether or not to accept the conclusions from that partnering with outside individuals and agencies.

The bill before us today, S. 830, the Food and Drug Administration Modernization and Accountability Act of 1997, does represent a bipartisan effort, including significant input from the Food and Drug Administration aimed at making the FDA more efficient. The bill was passed out of the Labor Committee on June 18 with a bipartisan vote, again, 14–4. On September 23, the Senate overwhelmingly approved the substitute amendment by Senator JEFFORDS.

I want to take this opportunity to commend Senators JEFFORDS, COATS, DODD, and MIKULSKI and my other colleagues on the Labor Committee, Senator KENNEDY, all for their tireless efforts and commitment to modernizing the FDA.

But to the American people I hope we have sent a signal that we can accomplish a very good bill, yes, a first step, but a very good bill in updating an organization, in updating a Federal agency which will affect the lives of every American in a positive way.

I do urge my colleagues later today to support this bill. But I also ask that we all view this legislation and discussion as an ongoing commitment to improve the agency, not just a one-shot change in the agency, which we will put aside and come look at again in 10 years, but realize this needs to be an ongoing process with continued oversight.

The Prescription Drug User Fee Act, commonly known as PDUFA, has been commented upon today. It has been one of the great successes in the relationship between the FDA, industry, and the American people. This bill is much more than just a reauthorization of PDUFA. It is also about improving the FDA and fostering, better communication and partnering with the private sector.

I am a cosponsor of this bill because I believe it is a needed step in the right direction. We need to continue the debate, to look at both short and long-term investment of resources in order to move the agency forward in areas of regulatory research, professional development, collaboration between Government, academia and the private sector. I hope to continue working with my colleagues in a bipartisan manner to further improve FDA in the following years.

The Senator from Massachusetts was going through a number of the items in the bill and talking about the work on both sides of the aisle in pulling together areas that were contentious initially. I want to thank him formally, and his staff, for working together on what I consider a very important aspect of this bill that has to do with dissemination of scientifically, peer-reviewed medical literature to my colleagues, to people in the health care profession, about the uses of drugs, both on-label and off-label.

As a physician, I understand the need for this up-to-date sharing of more information than is currently allowed today. Off-label uses have been in the news recently, both in terms of pharmaceuticals, and we have talked a lot about it in terms of devices recently.

I think it is very confusing to the American people what off-label use of medicines is. In truth, about 90-percent of all cancer therapies are off-label today. So if you have cancer, there is a 90-percent chance you will be receiving off-label medicine. When we say off-label, it doesn't mean the medicines are bad. Sometimes it means those are the most effective, and in cancer therapy, it does mean they are the most effective, up-to-date modern therapy to have if you want your cancer treated. The American Medical Association has estimated between 40 and 60 percent of all prescriptions are for off-label uses, and up around 50 to 60 percent for the pediatric population, which means if your child is sick today medical therapy is likely to be off-label.

Why? It only makes sense. The FDA can't study every use for every drug in every combination of drug available. It is impossible to do today.

I want to acknowledge the tremendous work by Senator MACK on this particular provision during the last few years. I have had the opportunity to work with him over the last 2½ years on this specific provision of dissemination of information. I want to thank Senators DODD, WYDEN, and BOXER, and Senator KENNEDY for his work in negotiating with us in order to allow the inclusion of this important provision which will be to the benefit of all Americans in S. 830.

The bill before the Senate today will help meet the need for increased access to scientific and technical expertise that is currently lacking at the FDA. I touched upon this. It is that whole concept of interagency collaboration with Federal agencies and with the private sector. We will see more collaboration with the National Institutes of Health, more collaboration with the Centers for Disease Control, the National Academy of Sciences.

The bill allows the FDA to contract with outside reviewers and expand its current third-party medical device review pilot program which has been very successful to date. Everyone agrees that it has been successful, which in turn will help conserve FDA resources, so that those resources can be used in other areas. Because the FDA always retains the final authority to approve or disapprove new drugs or medical devices reviewed by outside experts, the FDA always has the final authority, and it will not impede nor weaken the FDA's ability to safeguard the public health. To help alleviate the confusion and frustration that many feel today in working with the FDA, the bill codifies evidence requirements for new drug and medical device application submissions, it improves communication between the agency and industry. After almost 60 years, the FDA will be held and made accountable by giving it a specific mission statement and requiring the FDA to develop a plan of action to meet its requirements under law.

Again, we talk a lot about the specific provisions of the bill. The bill as a whole, once it is passed, will be of benefit to every American, to every consumer, to every patient. Thanks to the bipartisan efforts of Senators SNOWE, FEINSTEIN, and DODD, individuals with serious life-threatening disease will be able to access new clinical trial databases providing expedited access to investigational therapies.

Imagine yourself being in a situation of having a disease which somebody says is not treatable, it is incurable. Where do you turn today? Nobody knows. There is no central repository, no database for sharing information of where the most up-to-date clinical trials exist. There will be after this bill is passed.

This bill will also expand the fast-track drug approval process for new drugs intended for the treatment of serious or life-threatening conditions. It puts a focus right on those conditions that we know people are dying from every day. Let's focus in that particular area, make sure we get potential drugs to market if they are safe, sooner than the 15 years that we are averaging over the last decade from beginning to the initial discovery to final placement on the market. The bill itself will provide access to investigational therapies for patients who have no other alternative but to try an unapproved investigational product.

Consumers will also benefit from this bill. The Senator from New Hampshire talked earlier this morning about national uniformity. It is critically important. We have not talked much about that in terms of food and drugs over the last several days. The uniformity aspect of over-the-counter drugs, the uniformity there will have a huge impact. Again, touching people in all sorts of ways. It will keep prices down, it will provide the consumer with a unified and consistent information for self-medication.

Another benefit to consumers, if the health claim information for food, published by the NIH or the CDC, Centers for Disease Control, or other Government, well-respected scientific bodies, will be allowed to appear on food labeling, giving the consumer accurate information, educating the consumer, empowering the consumer when they make their dietary choices.

In closing, Mr. President, this bill is a good bill that will benefit all Americans now and into the future. Medical science, moving at skyrocketing speed, offers promise of not just longer, but healthier lives, a higher quality of life. In the not-too-distant future, medical science and medical technology will not just thwart the assaults of infectious agents, but will eliminate many of the ailments of modern life.

The FDA must facilitate, not complicate, that endeavor. We need a new model for a new century. It is time to update the FDA. This bill accomplishes that reform, that modernization. It will give a starting point for a model that will facilitate, not stifle, the medical progress of mankind.

I yield the floor.

Mr. JEFFORDS. Mr. President, I would like to express my sincere appreciation to Senator FRIST, especially for his most recent discussion.

We have been concentrating on one small part of this bill—small in the sense of the number of pages or words relative to the rest of the bill, and by outlining and expressing the tremendous advancements we made in many of these areas in this bill, which has kind of gotten lost in the dialog, especially in the off-label use which has been a very contentious issue. But I think the resolution which you and Senator MACK, working with Senator KENNEDY, myself and others have come up with is a tremendous step forward in preventing such things that have occurred in fen/phen and things like that, and making sure we exchange knowledge and that we work together to improve what can be improved.

I deeply appreciate the comments of the Senator and all the work the Senator has put into this bill. Your expertise and your knowledge has been a reward to us and has given us confidence that we have done the right thing. You have done a fantastic job and it is deeply appreciated. I yield the floor.

Mr. KENNEDY. Mr. President, I join in expressing all of our appreciation for the Senator's involvement. As has been pointed out he brings a very unique perspective to the understanding of these issues based on a long and very distinguished career. We are all very much in his debt for his involvement in the time he has taken with the shaping of the legislation. We have certainly appreciated the opportunity to work with him on a lot of different provisions and will continue to do so and look forward to in the future, as well.

I see the Senator from Delaware on the floor. I would be glad to yield to him for the time that he might take.

The PRESIDING OFFICER (Mr. GREGG). The Senator from Delaware is recognized.

Mr. BIDEN. I thank my colleague. With the permission of the Chair and my colleagues, I will take about 12 minutes, if I may.

Mr. President, the purpose of this FDA reform bill we are considering today is obviously to streamline the process for approving drugs so that they are available to people who need them more quickly. I support the bill and I look forward to its becoming law.

But, Mr. President, I rise today to speak to several amendments and several points that were, quite frankly, made nongermane as a consequence of the cloture vote, so I will pursue this at another date. I rise today to discuss the problem of drugs that do not get to the market, even though we need them desperately, because there are insufficient financial incentives for pharmaceutical companies to develop these drugs that we need to get to the market. In particular, I am speaking about medicines to treat addiction to illegal drugs like cocaine and heroin, so-called pharmacotherapies—that is, drugs that would be able to be developed and used to combat addiction to cocaine and heroin and other scheduled drugs.

Since 1989, when I first offered a comprehensive report, which—I don't know whether I am going to burden the RECORD with it, but I will point it out to my colleagues. It was a report entitled "Pharmacotherapy: A Strategy for the 1990s." Since that time, I have argued that a key component of our national drug strategy should be the development of these pharmacotherapies that would act as antigens or antagonists to the effects of the illegal drugs being purchased on the streets.

These medicines are critical for turning around addicts, particularly addicts who are difficult to treat with traditional methods. Getting these addicts off of drugs is one of the most important efforts we can undertake to reduce the harm done to our Nation by the drug epidemic—because these treatment-resistant addicts commit such a large percentage of the drug-related crime, we would, if we could find some of the answers, significantly impact on and increase the safety of all Americans.

In my 1989 report, I posed the question: "If drug use is an epidemic, are we doing enough to find a medical 'cure' for this disease?" The obvious answer, as the report concludes, is, no, we are not. If, for example, everyone who was victimized by a drug addict who has knocked them on the head or hurt them or robbed them or burglarized their home, and everyone who is addicted to drugs had a rare disease instead of the victims of drug addiction, or of being addicted to drugs, we would have a multibillion dollar national campaign to find a medical cure for it, as we rightfully are attempting to do with AIDS, breast cancer, or cancer generally. But there is precious little going on, although there is a lot of potential in the area of developing medicines, drugs, to combat drug addiction.

Based on my report, I offered legislation with Senators KENNEDY, MOYNIHAN, and others, enacted into law in 1992, which created the Medications Development Program of the National Institute of Drug Abuse and commissioned a major study by the National Academy of Science on pharmacotherapies.

This study highlighted the promise of the medical research that I referred to. In fact, in recent years, there have been a number of promising advances that give hope that effective medicines could be developed if we dedicated a sufficient amount of energy and resources.

One example of this promising research is the recent development of a compound that appears to immunize laboratory animals against the effects of cocaine. Let me say that again. There is a compound that has been developed in a laboratory that appears—it hasn't gone through clinical trials—to be able to immunize laboratory animals against the effects of cocaine. The compound works like a vaccine by stimulating the immune system to develop an antibody that blocks cocaine from entering the brain.

Now, this is pure conjecture on my part. Let's assume that that was able to be developed and it worked for human beings. What an incredible impact it would have on the United States of America. What an incredible impact it would have not only on the addicts, but on those of us who are victims of the addicts. I want to remind everybody that over 60 percent of all the violent crime committed in America is committed by people who are addicted. At the moment they are committing the crime, they are high, they are on a drug or a substance. Just think what a difference that would make.

Now, there are at least eight new medicines with promising potential, beyond the one that I mentioned, to treat drug addictions which are at various stages of research and development. By the way, I commend to my colleagues the report put out by the Institute of Medicine called the "Development of Medications for the Treatment of Opiate and Cocaine Addiction."

Now, of the eight promising medicines that are out there, one is LAAM, a treatment for heroin addiction, the first new medicine since methadone was approved in the early 1970's. Others are Naloxone, Naltrexone, Imipramine, Desipramine, Carbamazepine, Burprenorphine, and Diltiazem. These are all medicines identified by the various studies—in this case, by the Institute of Medicine—that in fact have promising capacity to deal with either blocking the effect of the drug when it is ingested by an addict or someone attempting to use it for the first time, or it has the effect of causing that person to be sick and not wanting to take the drug again. Not a silver bullet that cures everything, but every single drug expert I have spoken with indicates that if these could be developed, they would be significant tools in aiding in the recovery of addiction and preventing addiction.

The National Academy of Sciences study also outlined the key steps we have to take to fully realize the promise of pharmacotherapeutic research. Yet, almost a decade after my original report, almost a decade after Senators KENNEDY, MOYNIHAN, myself and others moved to change the law in 1992, despite promising research, despite the tremendously important gains that such medicines would mean for our national effort against a drug epidemic, despite the fact that it's clear what steps we have to take to speed and encourage the research in this area, despite all this, we are still not doing enough to encourage the development of medicines to treat drug addiction.

That is why I have come to the floor today, Mr. President—to discuss three amendments I had offered to the FDA reform bill. These amendments sought to take three different approaches to addressing our critical need to develop pharmacotherapies to deal with our drug epidemic.

First, I believe we should reauthorize the Medications Development Program of the National Institute of Drug Abuse and increase its funding to $100 million by the year 2002. I might add, every time we identify serious and pernicious diseases like breast cancer, prostate cancer, or AIDS, what do we do? We all immediately know that if we spend more money on research, we will attract more brilliant women and men into the field to find the answer because they have funding to do their research, and we increase exponentially the prospects that we will find a cure or find something to mitigate against the ravages of the disease. But not all people instinctively reach that conclusion. Why don't we reach that conclusion about drug addiction when the medical community says there are so many promising avenues we could go down? It would be different if the National Academy of Sciences and researchers and experts said, "You know, there isn't any promise here, there is nothing we should bother to do, there is nothing we can do. This is like trying to be able to go warp speed in our Challenger." Well, that would be one thing. But that is not the case. That is not the case.

Currently, the program I have referred to at the National Institute of Drug Abuse receives about $67 million.

Increasing that level by 50 percent over the next 5 years is the very least we should be doing in light of the savings in crime reduction, reduction in health care costs, and other expenses that would be eliminated or diminished if we could effectively treat drug addiction with medicine.

Yet, despite the progress being made by Government and university researchers, the Federal Government cannot solve this problem by itself, even if the amendment I proposed were not out of order or were accepted.

Private industry has not aggressively developed pharmacotherapies for a variety of reasons, including a small customer base, difficulties in distributing medicines to the targeted population, and fear of being associated with the notion of substance abuse.

There are two major, major drug companies in my State—Zeneca and Du Pont Merck. They have a number of brilliant researchers. I have visited their laboratories.

They say to me what every other drug company says. "OK. BIDEN, how many addicted drug people are there in all America?" I believe the number is estimated at 5.6 million people. Let's say we spend $200 million, $300 million, $500 million, or $700 million developing it. They say, "Say we go out and spend all this money. And let's say we come up with a cure or a silver bullet. How do we get that to the 5.6 million people who need it? They don't have the money to buy it. Are you going to guarantee us that you will buy it? Are you going to guarantee us they will take it? What are you going to do? Our return on investment is de minimis. We will lose money in all probability, even if we come up with a silver bullet," which they are not suggesting they will.

Conversely, if they come up with a silver bullet for prostate cancer, or a silver bullet for breast cancer, the world would beat a path to their door to buy it. That is one of the reasons they don't want to get into the game, even though they acknowledge that these are promising opportunities.

Second, none of these companies, or anyone I named—Lilly, Squibb, any of them—wants to be known as the company that deals with drug addiction. It is bad public relations.

So for these and many other reasons, private industry has not really gotten into the fray. We need to create financial incentives to encourage pharmaceutical companies to develop and market these treatments. And we need to develop a new partnership between private industry and the public sector in order to encourage the active marketing and distribution of new medicines so they are accessible to all addicts who need treatment.

My amendments sought to create these incentives in two ways.

First, I believe we must provide additional patent protections for companies that develop drugs to treat substances abuse. Under my bill, pharmacotherapies could be designated "Orphan Drugs" and qualify for an exclusive 7-year patent.

These extraordinary patent rights would increase the market value or pharmacotherapies—providing a financial reward for companies that invest in the search to cure drug addiction.

This provision was contained in a bill introduced by Senator KENNEDY and me which passed the Senate in 1990, but the provision was dropped in conference. It was also contained in the pharmacotherapy bill I introduced last year and the youth violence bill I introduced this year.

In addition, I proposed an amendment which would provide a substantial monetary reward for companies that develop medicines to treat drug addition and shift responsibility for marketing and distributing such drugs to the Government—a "Biden Bounty" as some have called it.

This approach would create a financial incentive for drug companies to invest in research and development but enable them to avoid any stigma associated with distributing medicine to substance abusers.

To qualify for the award, a pharmaceutical company would have to demonstrate that the new medicine meets strict guidelines—developed by the National Academy of Sciences—that the medicine effectively treats cocaine or heroin addition.

At a minimum, the guidelines will require the producer of the drug to conduct a controlled, long-term performance test which demonstrates that: Patients—addicts—will actually take the medicine; addicts will continue taking the medicine for as long as it takes to cure the addition; a significant percentage of those who receive treatment refrained from using cocaine or heroin for at least 3 years; and the medicine has a reasonable cost.

So, it is real simple—if a medicine meets the National Academy of Science test and it is approved by the Food and Drug Administration, then the Government will purchase the patent rights for the drug from the company that developed it.

So this bounty that would be made available to them is literally a reward. A reward, not unlike if I were a billionaire and say, "I will give any company $100 million if they found the cure for cancer, or for any cancer." It is the same notion.

The key reason the Government must not only reward companies with a bounty for developing medicines, but also purchase the patent rights is due to the stigma problem identified by the National Academy of Sciences report. This stigma problem is the legitimate concern of companies that they not be identified as the drug addicts company.

I would also note, that if a company does want to market and distribute the medicine, they do not have to sell the patent to the Government. But if they don't want to they can sell the patent to Government, and we market it.

The purchase price for the patent rights is established by law: $100 million for a drug to treat cocaine addiction and $50 million for a drug to treat heroin addiction, figures recommended by the Tufts University Center on Drug Development.

So the way it works. You develop a patent. You don't want to be distributing it because you don't want to be known as that company. The Federal Government would pay you $100 million for the patent after it has demonstrated that it works, and it was effectively done, and we would be the one engaged in the business of doing it. We can pay all of this money to buy cops, we can pay all of this money for prisons, and pay all of these other moneys for other things. It is a reasonable expenditure for taxpayer dollars, in my view, to deal with the problem and scourge of drug addiction.

Once the Government has purchased the patent rights, then the Government would contract out the production of the drug and distribute it to the existing clinics, hospitals, State and local governments, and other entities qualified to operate drug treatment programs.

This is not a radically different process from how our military procurement works: The Pentagon specifies what they want a fighter plane to be capable of—how fast, its stealth capabilities, what kind of weapons, et cetera; then the powers of the private sector are unleased because the Government will buy the best plane which meets the specifications.

If my colleagues doubt that any such medicine could ever be developed, fine.

If you are right, the Government will never spend the money.

But, if I am right—just imagine the promise—in terms of reduced drug abuse; reduced crime; and reduced health care costs.

The bottom line is that—this joint public/private endeavor I seek will harness the most important engine of innovation the world knows—the private sector.

The three pharmacotherapy amendments I offered were directly related to the purpose of the FDA reform bill and I hoped they would be accepted. Nonetheless, I understand that for procedural reasons, my amendments were out of order and could not be offered for a vote.

Still, I urge the Labor Committee to hold hearings on the topic and consider this legislation as soon as possible. And, I put my colleagues on notice that I will be back to offer these amendments on the next appropriate legislation.

In closing, I would observe that America's drug epidemic is reduced each and every time a drug abuser quits his or her habit. Fewer drug addicts mean fewer crimes, fewer hospital admissions, fewer drug-addicted babies and fewer neglected children. The benefits to our country of developing new treatment options such as pharmacotherapies are manifold.

Each dollar we spend on advancing options in this area can save us 10 or 20 times as much in years to come. The question should not be—"can we afford to pursue a pharmacotherapy strategy?" But rather, "can we afford not to?"

I urge my colleagues to join me in promoting an important, and potentially ground breaking, approach to addressing one of our Nation's most serious domestic challenges.

A lot of the scientific community says that there are great promising medicines out there but which the companies will not move on for the reasons I have stated. We should be doing all that we can for our own safety's sake.

I thank my colleagues. I yield the floor.

Mr. JEFFORDS addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. JEFFORDS. Mr. President, I yield to the distinguished Senator from Ohio who has worked tirelessly on this bill as well as the bill we reported out of committee by unanimous agreement relative to the work force improvement. So I yield to him 6 minutes.

The PRESIDING OFFICER. The Senator from Ohio.

### PRIVILEGE OF THE FLOOR

Mr. DEWINE. Mr. President, let me first make a unanimous-consent request that my congressional fellow, Jan Burrus, be granted floor privileges during the duration of this debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DEWINE. Mr. President, I wish to make some comments about one particular element of this year's FDA reform bill—one that I believe is especially important and valuable.

I want to thank Chairman JEFFORDS and my colleagues for including in this bill a revised version of the Better Pharmaceutical for Children Act (S. 713). Senator DODD and I introduced this bill earlier this year because an overwhelming majority of pharmaceuticals currently on the market have not been tested for safety or effectiveness in children.

In fact, Mr. President, a shocking 80 percent of the drugs that are on the market today have never been tested for children.

We need to provide our young people with prescription drugs that have been studied for their effects on children's bodies and appropriately labeled with doses suitable for young ages. Too many children today are taking adult-size drugs because we don't have a comprehensive strategy to test drugs to determine appropriate dosages for children.

Children deserve better than this. Children deserve he same assurance adults have—that the drugs they take are safe and effective.

Section 618 of the FDA reform bill includes a modified version of the bill Senator DODD and I have worked so hard on. It provides an additional 6 months of market exclusivity to drug manufacturers who complete requested or required pediatric studies on drugs that are useful for children. This exclusivity will act as financial incentive for manufacturers to do research on their products for young patients.

As our legislation with incentives came close to final passage, the FDA proposed a rule to mandate pediatric studies. The rule was proposed last month and would require pediatric studies for most new drugs and for many drugs that are already on the market.

When the administration released its new regulation, I applauded their decision to join Senator DODD and myself in trying to fix this problem. I offered to work with them in a bipartisan way to combine the proposals for the benefit of the Nation's children. The legislation before us today does just that, and in essence combines our bill along with the administration's proposal.

We have adapted the legislation that Senator DODD and I originally introduced so that it will work with the FDA's regulation. To ensure that we do the best that we can for children, we have combined the two approaches to this problem: the financial incentives from the better pharmaceuticals for children bill and the mandates from the proposed FDA rule.

We're now moving in the right direction. This combined approach may not yet be perfect, but we can still work on it. I have extended an invitation to all interested parties to continue to work toward a better compromise between now and conference. The most important thing is to get it right. I think this compromise between a market-based approach and mandates goes a long way toward that.

Time is of the essence in ensuring that children and their doctors have the information they need to safely and effectively use pharmaceuticals. Providing market incentives to manufacturers will help speed this process along.

In closing, Mr. President, I would like to again congratulate Chairman JEFFORDS for the tremendous job that he has done over a long period of time in bringing this bill to the floor. This is a good FDA reform bill. The "Better Pharmaceuticals for Children" section is only one of many creative, practical steps this bill makes and takes in the right direction.

The reform bill makes commonsense changes that will help patients get access to new medical technologies. At the same time, Mr. President, it maintains assurances that products are safe and that they are effective.

Again, I applaud Chairman JEFFORDS for this bill. I look forward to its speedy passage.

Mr. JEFFORDS. Mr. President, I thank the Senator for his excellent comments and praise him again for his work.

Mr. President, the goal of this legislation is to ensure a strong and efficient FDA.

The modernization and revitalization provision included in S. 830 makes for a better FDA—not a weaker one, as some have suggested.

Like many of my colleagues, I have had the opportunity to meet with industry groups here in Washington, and with consumers, patients, and physicians—both here and at my home in Vermont. All of these interested parties have made important points about how to modernize the agency while ensuring that its stellar standards for public safety remain as strong as ever. Though the large industries regulated by FDA are by and large not present in Vermont, all of us use their products. The people and the patient advocates in Vermont have told me that more needs to be done to ensure their timely access to the best therapies available.

I believe we have accomplished that with this bill.

Mr. President, I yield the floor.

### FOOD LABELING REFORMS

Mr. McCONNELL. Mr. President, I want to thank Senator JEFFORDS and Senator KENNEDY for the inclusion of my two amendments in S. 830. My amendments address specific food labeling reforms that benefit both consumers and the food and agriculture industry.

First, the Nutrition Labeling and Education Act of 1990 [NLEA] requires that any nutrient content claim on a food label be accompanied by a referral statement—"See Back Panel for Nutrition Information." The original intent of this provision was to help educate consumers about the presence and location of nutrition information on food products. Based on the NLEA's success, today few consumers even notice this generic referral statement because most individuals immediately look to the mandatory Nutrition Facts panel to obtain nutrition information.

My proposal seeks to improve the effectiveness of this consumer notice by requiring a referral statement only in those instances where the FDA identifies that a food contains a nutrient at a level that could increase the risk of a health condition for vulnerable persons.

For example, if a food label states that the product is low in fat, but the FDA finds that the sodium content could prove harmful to persons with high blood pressure, the referral statement would state—"See Nutrition Information Panel for Sodium Content."

Through the continued use of a specific referral statement, persons who may find themselves at risk from potentially harmful levels of some nutrients would be reminded where to find detailed nutrition information. My proposal simply removes the requirement for a generic referral statement whose purpose is now fulfilled by active consumer use of the Nutrition Facts panel.

My second proposal addresses a keen concern for American consumers today—food safety. The much publicized outbreaks of E. Coli 0157:H7, cyclospora, and salmonella have captured the attention and apprehension of Americans, particularly parents, who are concerned about the inadvertent exposure to food pathogens.

Since the 1960's, food irradiation has presented a safe, simple, and inexpensive process to kill harmful pathogens in many foods. Today, this approved food safety technology promises to reduce the incidence of many food borne illnesses which threaten the health of millions of Americans, especially the very young and the very old.

The food irradiation process is quite straightforward. Food is exposed to a carefully measured amount of intense radiant energy which kills parasites and micro-organisms. Food irradiation is not a cure-all, but it can be an important food safety tool. Broader use of FDA-approved irradiation promises a significant step forward in improving our Nation's food safety. Dr. Michael T. Osterholm of the Minnesota Department of Health eloquently sets forth the argument in favor of food irradiation's use in his May 1997 editorial in the New England Journal of Medicine. I ask that the text of his editorial be printed in the RECORD after my statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. MCCONNELL. In addition to the FDA, the World Health Organization, the American Medical Association, and the U.S. Department of Agriculture agree that food irradiation presents no health risk, and have endorsed irradiation as a method to prevent food borne diseases. Today, more than 35 countries have approved irradiation as a safe food treatment technology.

Despite their well-documented food safety benefits, few irradiated foods are marketed in the United States. Why? Because the current labeling requirements render the foods virtually unmarketable. FDA regulations require that irradiated foods prominently and conspicuously bear the international radura symbol and the phrase "treated with irradiation" or "treated by irradiation." Clearly, public notice of irradiation is necessary for informed consumer choice. However, the degree of prominence for the current irradiation labeling creates a false impression among many consumers that the irradiation statement is a warning. This unintended labeling result must be corrected. Targeted improvements in the labeling will provide consumers with clearer information on irradiation's approved use and provide a simple means to further food safety in our Nation.

My amendment simply requires irradiated foods to bear an appropriate disclosure requirement and specifies that the FDA-approved disclosure need not be more prominent than the ingredient statement. The intent of my amendment is for the FDA to revise its irradiation disclosure requirement to assure that consumers do not misinterpret this disclosure as a warning.

Clearly, the FDA should have the authority to require appropriate disclosure of food irradiation. However, the use of a disclosure design that discourages the utilization of this government-approved technology compromises efforts by the FDA and food processors to improve food safety in our Nation.

Mr. President, two dozen well-known and well-respected food and agriculture groups—such as the American Farm Bureau Federation, the National Cattlemen's Beef Association, and the Institute of Food Technologists—have endorsed this targeted change as a means of promoting greater use of irradiation as a food safety tool. I ask that the text of their letter of support be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Mr. MCCONNELL. I want to emphasize that even with this amendment FDA would retain full authority to regulate all aspects of irradiation on food, including products on which it can be used, what dose can be used, and the content and placement of irradiation labeling. Under my amendment, the FDA can still use the current radura symbol and the disclosure statement. No information would be hidden from consumers. In the same manner that the FDA alerts purchasers to the presence of allergens, the FDA has the ability to inform consumers of the use of food irradiation. I also want to emphasize that this modest labeling improvement does not diminish the need for the FDA, USDA, the food industry, and consumer groups to work together to improve the public's understanding of how food irradiation works and its potential benefits to public health.

Mr. President, I believe that the inclusion of these amendments in S. 830 demonstrates the U.S. Senate's interest in food safety and effective labeling. Again, I greatly appreciate the consideration that the chairman and ranking member of the Senate Committee on Labor and Human Resources have given to these targeted food labeling reforms.

Exhibit 1

[From the New England Journal of Medicine, May 29, 1997]

### CYCLOSPORIASIS AND RASPBERRIES—LESSONS FOR THE FUTURE

(By Michael T. Osterholm)

One hundred years ago, Osler observed that to know syphilis was to know clinical medicine. Today, to know and appreciate the many clinical, microbiologic, and public health aspects of the outbreak of cyclosporiasis associated with raspberries that Herwaldt and colleagues describe in this issue of the Journal[1] is to know foodborne disease in the modern world. The investigation conducted by Herwaldt et al. illustrates the changing epidemiologic characteristics of foodborne disease in this country.

Two of the key factors that have contributed to these changes are the substantial alterations in the American diet over the past two decades and the globalization of the food supply.[2] Although the promotion of a "heart-healthy" diet (high consumption of fruits and vegetables and low consumption of fat) may be improving cardiovascular health, it has led to a new range of problems for the gastrointestinal tract. Infectious-disease specialists frequently remind persons traveling to developing countries to reduce the risk of traveler's diarrhea by eating only foods that can be boiled or peeled. Yet seasonally, up to 70 percent of selected fruits and vegetables consumed in this country come from developing countries. One does not need to leave home to contract traveler's diarrhea caused by an exotic agent. Although produce from U.S. growers is also a source of pathogens, fruits and vegetables from developing countries are cause for additional concern. Many developing countries are just entering the global produce market. The first raspberry vine was planted in Guatemala in 1987, yet approximately 20 percent of all fresh raspberries sold in May 1996 in the United States came from Guatemala.

Emerging or reemerging infectious agents are another factor associated with the changing epidemiologic characteristics of foodborne disease. *Cyclospora cavetanensis* is such an agent. When an emerging foodborne agent is first recognized, there are typically many unanswered questions about the epidemiologic characteristics of the infection and its prevention. Furthermore, clinicians need to be aware of the clinical presentations associated with new agents. For example, a patient presenting with a diarrheal illness of five or more days' duration, severe fatigue, and loss of appetite should be evaluated for cyclosporiasis regardless of whether the patient has traveled to a foreign country or consumed contaminated water. Clinical laboratories now need to be proficient at performing routine examinations for a wide variety of emerging agents. Moreover, public health officials need to be aware of the importance of initiating and maintaining population-based surveillance for these types of agents. Today, the resources for conducting surveillance are severely limited at the state and local levels.

A serious problem posed by new agents such as *C. cayetanensis* is our lack of understanding of their biology. Herwaldt et al. emphasize the potential role of contaminated water. However, there appears to have been only limited consideration of the role that

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Footnotes at end of article.

birds or other animals may have had in contaminating the berries. Recent evidence suggests that eimeria, a recognized coccidial parasite in birds, may be very similar to *C. cayetanensis*, if not the same agent.[3,4] Eimeria has long been recognized as an important cause of diarrheal disease in birds. Consumption of berries by birds is a major cause of crop loss and results in frequent contamination of the berries. The use of high-quality water for irrigation and pesticide spraying and other good management practices will not solve the problem of *C. cayetanensis* contamination if birds play a major part in that contamination. A similar outbreak of cyclosporiasis in Florida during the spring of 1995 was only later recognized as likely to be associated with Guatemalan raspberries. Yet no outbreaks were documented in association with the fall harvest and shipment of Guatemalan raspberries in 1995 or 1996. The season migration of wild birds in Guatemala needs to be evaluated as a possible explanation for the patterns seen with berry shipments and outbreaks of disease in the United States. One test of this hypothesis will be whether there is another outbreak of cyclosporiasis associated with this year's spring shipment of raspberries from Guatemala.

I believe that one of the unfortunate lessons of the outbreak in the spring of 1996 came from public announcement of the apparent association between a product and an illness without sufficient epidemiologic evidence. The implications of this lesson reach far into the future. When an outbreak occurs, public health agencies are often under pressure to act quickly. The public has come not only to expect a quick response but also to demand it. The Texas Department of Health and the Houston Department of Health and Human Services investigated a cluster of cases of cyclosporiasis among 20 participants at a May 9, 1996, conference in Houston. On June 8, these agencies issued a press release summarizing the results of their epidemiologic investigation. In that announcement, they concluded that the consumption of fresh California strawberries was associated with the illness. The need to warn the public is legitimate, but it must be weighted carefully against the possibility of being wrong, which will result in economic loss for the falsely accused industry, as well as weaken the confidence of both industry and the public in future public health warnings. Confusion about the actual cause of this outbreak persisted for more than six weeks, until additional epidemilogic studies conducted by state and local public health agencies, the Centers for Disease Control and Prevention, and health officials in Canada concluded that raspberries from Guatemala were the source of the outbreak.[5]

We need to establish well-defined criteria for evaluating the quality of epidemiologic data from investigations of outbreaks, particularly when the etiologic agent is not readily isolated from the implicated food product. Furthermore, when a widely distributed product is implicated in an outbreak, we must ensure that before public announcements are made, all available epidemiologic and microbiologic evidence and information on product distribution are reviewed quickly and that the conclusion is supported by federal, state, and local experts in foodborne disease.

On January 25, 1997, President Bill Clinton announced an important new initiative to improve the safety of the nation's food supply, including improvements in our ability to detect foodborne outbreaks and coordination of the local, state, and federal responses. However, we already have the means of virtually eliminating the problem of cyclosporiasis associated with fruit and vegetable consumption—namely, irradiation. The use of ionizing radiation for food pasteurization has been extensively evaluated and is supported by the World Health Organization, the Food and Agriculture Organization, the International Atomic Energy Agency, and various other international agencies, scientists, and government officials.[6] Irradiation provides the greatest likelihood of substantially reducing bacterial and parasitic causes of foodborne disease associated with numerous foods, including fresh fruits and vegetables. However, the food industry remains reluctant to use this technique out of fear of incurring the wrath of activist groups that wrongly proclaim that irradiation is unsafe or seriously compromises the quality of the food product. The time has come to use irradiation; we must not let any group use arguments without a scientific basis to keep such an important technique from the marketplace. This may be the most crucial lesson to be learned from the story of cyclosporiasis and imported raspberries.

FOOTNOTE REFERENCES

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[4] Garcia-Lopez HL, Rodriguez-Tovar LE, Medina-De la Garza CE, Identification of Cyclospora in poultry. Emerg Intect Dis 1996; 2:356–7.

[5] Update: outbreaks of Cyclospora cayetanensis infection—United States and Canada, 1996. MMWR Morb Mortal Wkly Rep 1996; 45:611–2.

[6] Monk JD, Beuchat LR, Doyle MP. Irradiation inactivation of foodborne microorganisms. J Food Prot 1995; 58:197–208.

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EXHIBIT 2

JUNE 10, 1997.

Hon. MITCH MCCONNELL,
*Committee on Labor and Human Resources, U.S. Senate, Russell Senate Office Building, Washington, DC.*

DEAR SENATOR MCCONNELL: We are writing to advise you of our enthusiastic support for an amendment you may offer to FDA Reform legislation regarding labeling of food products under the Federal Food, Drug, and Cosmetic Act. We understand that your amendment is intended to remove labeling impediments that discourage consumer acceptance of irradiation as a technology designed to strengthen food safety and expand the availability of safe and affordable food products.

Irradiation is a simple and inexpensive process used since the 1950s to kill harmful pathogens in many foods, but is rarely used today because of FDA's label disclosure requirements. Irradiated food products must prominently bear the international "radura" symbol and the phrase "treated with radiation" or "treated by irradiation." These bold labeling requirements more prominent than required warning statements, render the foods virtually unmarketable. Again, we understand that your amendment would require irradiated foods to bear an appropriate disclosure requirement, but specifies that the disclosure need not be more prominent than the ingredient statement. In this way, concerned Americans may be assured that food that has been irradiated will be marked as such but the prominence of disclosure will not be so bold as to create the false impression that the irradiation statement is a warning. Broader use of irradiation and other pathogen-reducing technologies promises a significant step forward in further improving food safety.

We enthusiastically support your irradiation prominence-of-disclosure amendment. It would provide for labeling policies that encourage the use of FDA-approved food safety and agricultural production technologies.

Sincerely,

American Farm Bureau Federation, American Feed Industry Association, American Meat Institute, Animal Health Institute, Apple Processors Association, Chocolate Manufacturers Association, Florida Fruit And Vegetable Association, Food Distributors International, Institute of Food Technologists, Millers' National Federation, National Cattlemen's Beef Association, National Confectioners' Association, National Fisheries Institute, National Food Processors Association, National Meat Association, National Pork Producers Council, National Turkey Federation, Northwest Horticulture Association, Produce Marketing Association, U.S. Chamber of Commerce, United Egg Producers, United Egg Association, United Fresh Fruit & Vegetable Association, and Western Growers Association.

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Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator from Massachusetts has 30 minutes.

Mr. KENNEDY. Mr. President, I yield myself 20 minutes.

Mr. President, I will just review quickly the work that was done by the committee.

As I outlined earlier, there were 20 major proposals that were made by the Secretary in June. We have addressed 19 of those. The one remaining proposal we have not addressed is the one that brought about the Reed-Kennedy amendment which was defeated yesterday, and the one which virtually all of the consumer groups feel ought to be altered and changed before we get to final resolution and passage of this legislation.

I reviewed some of the other provisions and the changes that were made as a result of bipartisan efforts, which I think are important and significant improvements, and also provide additional kinds of protection.

I mentioned the fast tracking of the various products, and the ability of individuals who do not have expanded access to drugs still under investigation for patients who have no alternatives, the inclusions of the Snowe-Feinstein bill that will help to expand opportunities by using the NIH database, and some of the streamlining of the FDA procedures.

I will mention just a final few.

One concerned the improved consultation between manufacturers and the FDA. Prior to this provision, if there were any changes being implemented by manufacturers with these medical devices, they had to be cleared.

We have changed that so that manufacturers can make adjustments and changes that are not going to affect issues of safety in order to make their production more efficient. But we also have some protections for safety included in there.

The environmental issues. The original bill would have eliminated all the environmental impact statements from FDA applications. I didn't think that was what we were doing when we were extending PDUFA. We made adjustments and changes on that to ensure that those environmental impact statements will be preserved.

The strengthening of the safety protections of the various medical devices. FDA will still require device manufacturers to file supplemental applications when they are making changes that affect safety and effectiveness of the devices, but we have made efforts to streamline that provision.

The tracking of various devices after approval. Under the initial bill, there was a termination of tracking of medical devices. We had a good debate on this. I thought the Senator from Illinois [Mr. DURBIN] made a strong case for continuing postmarketing surveillance of medical devices. We have now compromised and said that we permit the FDA to make the judgment. We have found that a principal reason for postmarketing surveillance was a safety factor, a belief that if you track the various medical devices and are able to get information that shows that those medical devices may pose a danger to the people, you should be able to notify others who might have used a similar kind of device to give those individuals protections as well.

Initially it was thought that by having that kind of review, you could advance these medical devices because you are going to have a pretty good evaluation of those medical devices as they affect people by having tracking mechanisms rather than just attempting to evaluate safety and effectiveness prior to the time that the medical devices are actually utilized. So it was an attempt to speed up the process that the tracking provisions were put into effect initially. Now they are enormously important because if we find out that people do have adverse impacts from these medical devices—and we have tracking mechanisms—we can protect not only those individuals but also others who might have the same kind of device implanted in them.

We worked out a compromise, and I think the public interest is protected. It would not have been if we had not worked it out.

The tightening of the process for FDA approval of medical devices. We have 180 days for these devices. What we are saying is at the end of 100 days the FDA indicates the deficiencies in those devices but still has 180 days to be able to make a final judgment. But it does give an earlier indication to the medical device manufacturer about the potential problems that they are going to face.

Recordkeeping by distributors of devices. In the initial bill, they wiped out all of that information. So if there was an adverse impact from the medical device, the distributors would not have collected the information and the FDA would not know about it. What we have done is maintained that the distributors have to keep the information which they have with regard to adverse impacts from devices. They do not have to report it to the FDA, but they have to keep it. And then if there is some kind of indication about adverse impact, the FDA will be able to pursue it. It saves a good deal of paperwork. And, it still adequately protects the public.

We have made many changes in a bipartisan effort to improve and strengthen the bill. We have safety standards for drugs to ensure that the alternative use of a drug is going to meet high safety standards. That is an improvement.

Health care economic information. When pharmaceuticals are given or sold to health care organizations, there is going to be complete information given in terms of alternative treatments for individuals, and this is a very important element.

Health claims for food products. In the initial proposal, this legislation which was to extend the PDUFA to ensure faster consideration of pharmaceutical drugs, was effectively going to eliminate any FDA rule on health claims for food products. There was an example where the industry was leaning on us again in order to undermine the kind of information that would be given to consumers on these various food products, the health claims.

I was around here in the late 1980's when we passed the legislation with regard to food labeling to make sure that the consumer was going to have the right information as to the health assets a particular food might provide, and our committee wanted to effectively eliminate those advances. We were able to maintain them. I think that was important. Those are some of the items. And in each and every instance, the public health was enhanced, with the exception of one—404. There is the record. I could have taken more time and gone into greater detail. And there can be no review of any of those 19 that would bring one to a different conclusion except for the one that we are talking about here. That is the only one that was brought out in the June 11 letter by the Secretary of HHS that said you have to address it because of the compelling need to protect the public.

That is the one that every consumer group has said, why don't you address that the way you did the other 19? You worked out bipartisan agreements on all of the other 19 proposals and enhanced the public protection. Why can't you do it on this one?

Well, we have been unable to. But we still hear from some of our colleagues about what a long process this has been, that we could have passed this in June, you would not have passed it without those health protections. I think that we protected the public with the one exception—and that stands out.

We have gone over the FDA's impact on the lives of the consumers of this country. How in so many different ways it impacts and affects our lives and how they have taken action in each and every one of those circumstances to protect the public health. I have gone through in detail about how the medical device industry is prospering. They have a more positive attitude than they have ever had.

Now what they are going to do is restrict the protection of the public health with this particular provision, and it is wrong. The issue is clear. Will medical devices be approved on the basis of false and misleading labels? All we needed was to add the words "false and misleading" to the bill. This bill would have gone through unanimously. But we were defeated on the amendment that would have prohibited false or misleading labels. When our colleagues go back home and they are asked in their town halls, why were you for permitting medical device companies to submit false information? I hope they have a good answer, because I cannot think of one, not when the industry is making the progress it is making and is having record sales, and safety is still being protected.

Will dangerous medical devices that have not been tested for safety and effectiveness be foisted on the American people?

Will unscrupulous companies like U.S. Surgical Corp. be rewarded for deceiving the FDA?

Will there be a higher value placed on the profits of the powerful than the health of the American people?

Section 404 of the FDA bill requires the FDA to approve a medical device based on the use identified on the label submitted by the manufacturer, even if that label is false or misleading. It prevents the FDA from requiring the manufacturers show that their product is safe and effective for the purpose for which it will be really used as opposed to the purpose falsely claimed on the label. It stands 20 years of progress toward safer and more effective medical devices on its head.

Nothing better shows the need for the Reed-Kennedy amendment than the recent history on the Advanced Breast Biopsy Instrumentation system device developed and marketed by the U.S. Surgical Corp. This attempt to mislead the FDA and foist an untested machine on women with breast cancer shows why it is critical that section 404 not be passed in its current form.

The U.S. Surgical Corp. submitted their new machine to FDA for approval based on a label claim that it was to be used for biopsy of breast tissue suspected of being malignant. This is a common procedure used in mammograms or other diagnostic techniques to identify suspicious looking areas of the breast that may indicate malignant tumors. If the biopsy of a small piece of the suspicious material indicates a malignancy, surgery would normally follow to remove the cancerous tissue.

But U.S. Surgical's label claim was false. One of the models of the machine was designed to excise a piece of tissue 50 times as large as previous biopsy instruments—the size of a piece of hot dog as compared to the size of the tip of a lead pencil. It was clearly designed to be used to excise small tumors, not just to perform a biopsy. But the machine was not tested to see whether it was safe and effective for this purpose. The company was, in effect, proposing to subject women with breast cancer to surgery with a machine that might have been less effective in treating their illness than existing therapies. It placed the company's profits first and the patient's needs last.

Because FDA initially relied on U.S. Surgical's false and misleading label, the device was subjected only to an engineering review and was cleared for use on February 1, 1996. Had the product been honestly labeled, FDA would have reviewed it using a multidisciplinary team and required the company to present genuine clinical data in support of the application.

On March 29, 1996, the FDA obtained a copy of a promotional videotape that U.S. Surgical was distributing to physicians to try to sell their product.

We have a copy of it right here, Mr. President, and the videotape clearly describes the device as appropriate for surgically removing small lumps of cancerous tissues. Let me quote some extracts from this slick production.

> U.S. Surgical is entering a new millennium in breast surgery by combining advanced stereotactic technology with minimally invasive surgery.
>
> Unlike needle biopsies where small samples of the lesion are removed for pathological analysis, the ABBI system removes the entire specimen.
>
> If the specimen proves to be cancerous but pathology reports the entire margin is clear, it is up to the clinical judgment of the surgeon to decide to remove additional tissue or if the procedure can be considered complete.
>
> The ABBI system—

Which is the needle I referred to—

> allows surgeons to provide the benefits of a minimally invasive technique to breast surgery. . .. Benefits to the patient include: Reduced physical and emotional trauma as a woman undergoes only one versus two procedures.
>
> Minimally invasive breast surgery. A new standard of patient care offered only by United States Surgical Corp.

Here is their advertisement: "The latest technique is minimally invasive breast biopsy."

And here is the language included in the videotape that says minimal invasive breast surgery. And we heard out on the floor, well, U.S. Surgical Corp. did not have anything to do with promoting this. "A new standard of patient care offered by the United States Surgical Corp."

It is clear that this company has designed this machine for breast surgery, not just biopsy, and is promoting it for this use despite the false and misleading label submitted to the FDA.

Here is what a distinguished physician, Dr. Monica Morrow, professor of surgery at Northwestern University, had to say about the company's machine:

> I am writing to express my feelings regarding the importance of the FDA's mandate to evaluate "behind the label" uses of devices and drugs.
>
> The need for such evaluation is clearly exemplified by the marketing strategy for the U.S. Surgical breast biopsy device (ABBI). This device was approved for use as a diagnostic instrument. However, the company video clearly depicts the use of the device for definitive breast cancer therapy.
>
> No clinical trials using the accepted techniques for comparing cancer treatments have been conducted to validate this claim, and without such trials, the device could potentially pose a significant risk to patients. In addition, other claims regarding improved cosmetic outcome and patient acceptance are similarly unsubstantiated. The indications for the uses of devices and drugs should be determined by appropriate clinical and scientific data, and not by their appeal as marketing gimmicks.
>
> This video was dropped off in my office by a company representative as part of an effort to interest me in purchasing this equipment.

When the FDA became aware that the company was promoting the device for this unauthorized purpose, it also became aware that it had made a mistake in clearing a device that was clearly designed for a purpose not stated on the label—tumor removal—without adequate clinical testing. The FDA then acted to require the company to include a strong cautionary label that the device was only to be used for tissue sampling, not tumor excision. And it required it to submit clinical data on its use for the original claimed purpose of biopsy. Based on this revised label and the new clinical data, the FDA recleared the machine for breast biopsy on September 24, 1996.

And it further required the company to conduct studies on the safety and effectiveness of the machine for tumor removal, studies which are ongoing.

Evidently the company sees its potential now, and now is doing the studies which it didn't do before on the removal of the breast. Now they are doing it, after the FDA caught them promoting this device for that purpose.

We have listened out here, "This is just another machine. This is just another biopsy machine." And we find the clearest example of a case where it gets approved for one purpose, it is promoted and used for another purpose. When it is caught by the FDA, they did submit additional clinical information for the removal of breast—and they are doing it now. They didn't say, Tumor removal? We never thought we were going to use it for tumor removal. Why is the FDA suggesting that we had ever intended to use it for that, but, OK, there is an idea, we will go out and conduct the clinical studies.

Let's be realistic here, they had intended to use it for an alternative use. They promoted it for an alternative use. And they never supplied the FDA with the safety information on that alternative use.

How much time do I have remaining?

The PRESIDING OFFICER. The Senator has 10 minutes.

Mr. KENNEDY. Mr. President, U.S. Surgical's public response to this sorry record of profiteering at public expense is a disgraceful attempt to avoid responsibility for its unacceptable behavior. It claimed it had not produced the video—even though the video carries the company log and it is impossible to watch it without it being clear that the company paid for it, produced it, and wrote the script.

It claimed that it had not distributed the video, even though there is no reason to produce a promotional video except to distribute it, and even though Dr. Morrow has written that the video was delivered to her office by a company representative trying to convince her to buy the U.S. Surgical machine. And, according to the Associated press, a company spokesman said that "the label * * * makes clear that the biopsy device is 'to be used only for diagnostic breast biopsy and is not a therapeutic device.'" But as the history of this machine makes clear, that clear disclaimer is only on the label because the FDA stepped in and stopped the company from its illegal promotional efforts.

If section 404 is passed in its current form, the FDA will be handcuffed in its efforts to protect the public against untested and potentially harmful—even fatal—devices. Under current law, the FDA is able to require that the company develop data to show that the new device was safe and effective for removing tumors—the real use intended by the company, not the false and misleading use submitted on their proposed label. When the FDA made a mistake and inappropriately cleared the device, it had the authority to go back to the company and warn that it would revoke their approval unless adequate warnings were placed on the label and necessary clinical testing was performed.

But under section 404 of the FDA reform bill, the FDA would be forced to approve the new device without such evidence. Unscrupulous companies will not only be allowed but encouraged to submit misleading labels, because they will gain a competitive advantage over companies that play by the rules.

American women do not want to die from breast cancer because companies are allowed to sell devices that may be unsafe and ineffective. No Senator would want their own wife or mother or daughter to be subjected to such an untested device, solely because a greedy company wanted higher profits.

Supporters of this measure claim that FDA will still have the power to require that dangerous devices be shown to be safe and effective before they are sold. They point to the language of the statute that says a device approved as substantially equivalent must meet two tests. First, it must have the same intended use as the predecessor device. Second, "the information submitted that the device is substantially equivalent to the predicate device contains information, including clinical information if deemed necessary by the Secretary, that demonstrates that the device is safe and effective as a legally marketed device, and does not raise different questions of safety and efficacy that the predicate product."

What their argument ignores is the first part of the test—the intended use test. Today, the FDA can look at the device and say, from the technical characteristics of the product, that it is obvious that it has been redesigned so that it is primarily for a different use than the older device. But under the amendment, they would be barred from doing this. They would be forced to accept the manufacturer's word as to the intended use of the device—even if that label were false and misleading, even if the manufacturer was lying. That is what happened with U.S. Surgical and the biopsy machine that was really designed to treat breast cancer. Under the current law, FDA could require that U.S. Surgical show their device was safe and effective for treating breast cancer. Under the amendment, they could not.

This is not just my opinion. It is the reason that the administration has singled out this provision as possible grounds for a veto. It is the reason it is opposed by a broad coalition of consumer and public health groups. It is obvious that the only reason that the proponents of this provision are not willing to compromise is that they want to hamstring the FDA for the benefit of the industry. How else can they possibly justify requiring FDA to evaluate a device based on a false and misleading label.

If allowed to stand, this provision will give unscrupulous companies a license to lie to the FDA. It will penalize ethical companies who are truthful and do the necessary testing to prove that their products are safe and effective.

Most of all, it will put the health of American people at risk so that a greedy few may profit.

The issue goes far beyond products to excise breast cancer. If applies to lasers to treat prostate disease, stents to place in carotid arteries, imaging systems to detect breast cancer, and a host of other treatment for dread diseases.

A few days ago, the public was made aware of the tragedy that resulted from the use of diet drugs in ways that had not been approved by the FDA as safe and effective. This so-called off-label use of fenphen may well have caused serious and irreversible heart damage in tens of thousands of women who thought the drugs were safe.

The legislation before us would actually encourage the use of off-label, unapproved uses of medical devices. It can fairly be called the fen-phen device provision.

It is shocking that this shameful provision has been so cavalierly included in this bill. It is incomprehensible that reputable device manufactures are not prepared to support a compromise that allows the FDA to look behind labels that are false or misleading.

Medical devices can heal, but they can also maim and kill. The history of medical devices is full of stories of unnecessary death and suffering.

But thanks to the authority the FDA now has, there are also many stories of lives saved by the vigilance of the FDA. What is incomprehensive about the bill before us is that it would take backward—in the direction of less protection of public health rather than more. The whole history of device regulation has been to provide the public greater protections.

Two decades ago, the Dalkon shield disaster led to the passage of a law giving the FDA greater authority over medical devices. At the time, this birth control device went on the market, the FDA had no authority to require manufacturers to show that devices are safe and effective before they are sold. In 1974, an FDA advisory committee recommended that the Dalkon shield be taken off the market—after almost 3 million women had used it.

The device was found to cause septic abortions and pelvic inflammatory disease. Hundreds of women had become sterile, and many required hysterectomies. According to the manufacturer's own estimates, 90,000 women in the United States alone were injured. The manufacturer, A.H. Robbins, refused to halt distribution of the device, even though the FDA requested it, while the issue was reviewed by the advisory committee.

The Shiley heart valve disaster was so serious that it led to the enactment of further legislation. This mechanical heart valve was approved in 1979. It was developed by the Shiley Co. the Shiley Co. was subsequently sold to Pfizer, which continued marketing the valve. It was taken off the market in 1986 because of its high-breakage rate.

By that time, as many as 30,000 of these devices had been implanted in heart patients in the United States. One hundred and ninety-five valves broke and 130 patients died. Thousands of other patients who had the defective valves in their hearts had to make an impossible choice—between undergoing a new operation to remove the device, or living with the knowledge that they had a dangerous device in their heart that could rupture and kill them at any moment. Depositions taken from company employees indicated that cracks in defective valves may have been concealed from customers.

Before the defective valve was withdrawn, the manufacturer had tried to introduce a new version with a 70 degree tilt instead of the 60 degree tilt approved by the FDA.

The increased tilt was intended to improve blood flow and reduce the risk of clotting. The FDA's review found that the greater tilt increased the likelihood of metal fatigue and valve breakage, and the new version was not approved for use in the United States. Four thousand of the new devices were implanted in Europe. The failure rate was six times higher than for the earlier valve—causing at least 150 deaths.

In another example of a human and public health tragedy involving a medical device, the firm Telectronics marketed a pacemaker wire for use in the heart.

Twenty-five thousand of these pacemakers were marketed, beginning in 1994, before it was discovered that the wire could break, cause damage to the wall of the heart, or even destroy the aorta.

Another device disaster is toxic shock syndrome from superabsorbent tampons. Most women would not think that a tampon could kill them or a change as minor as increasing the absorbency of the material used could have life-threatening consequences. About 5 percent of toxic shock syndrome cases are fatal. As a result of this problem FDA began requiring testing of the absorbency of all types of tampons. Women deserve protection. FDA should be strengthened, not crippled.

The case of artificial jaw joints—referred to as TMJ devices—are another tragedy that devastated tens of thousands of patients, mostly women. These devices were implanted to assist patients with arthritic degeneration of the jaw joint, most with relatively mild discomfort. But the impact of the new joints, sold by a company called Vitek, was catastrophic. The new joints often disintegrated, leaving the victims disfigured and in constant, severe pain. To make matters worse, Vitek refused to notify surgeons of the problems with the joints, and FDA had to get a court order to stop distribution of the product. Similar problems were experienced with Dow Corning silicone jaw implants.

In yet another example, the FDA was able to block a device that involved a plastic lens implanted in the eye to treat nearsightedness. The device was widely marketed in France, but the FDA refused to approve it for use in the United States. Long-term use of the device was later shown to cause damage to the cornea, with possible blindness.

The angioplasty catheter marketed by the Bard Corp. turned out to be a dangerous device that the company sold with a reckless disregard for both the law and public health. The device was modified several times by the corporation without telling the FDA in advance, as required by the law. The company was prosecuted and pleaded guilty to 391 counts in the indictment, including mail fraud and lying to the Government.

Thirty-three cases of breakage occurred in a 2-month period, leading to serious cardiac damage, emergency coronary bypass surgery, and even death.

Devices as simple as patient restraints used in nursing homes and hospitals have been implicated in 231 injuries, including 128 deaths.

The list goes on and on.

These tragedies resulted in expanded powers for the FDA to protect the public against dangerous devices and greater vigilance on the part of the agency. But this bill steps backward by forcing the FDA to try to protect the public with one hand tied behind its back.

This bill actually forces the FDA to approve devices based on false and misleading labels.

Under the provision, the FDA cannot look behind the manufacturer's proposed use to demand appropriate safety and effectiveness data, even if it is obvious that the device has been designed for an altogether different use than the manufacturer claims. I have already discussed the dangers of a breast cancer biopsy needle that would have been used to treat breast cancer without adequate evidence that it was effective. There are many other examples of the kind of dangerous devices that could be foisted on the American public, if the provision of the bill allowing false and misleading labels is allowed to stand.

Surgical lasers are increasingly used for general cutting, in place of traditional instruments such as scalpels. In a recent case, a manufacturer called Trimedyne adapted the laser in a way that indicated it was clearly intended for prostate surgery. But it submitted an application to the FDA saying that the laser was only intended for general cutting. The label was clearly false, and the FDA was able to require adequate safety data before the product was allowed on the market. But under this bill, the FDA would be forced to approve the product, without requiring evidence that the device is safe and effective for prostate surgery.

Prostate surgery is a very common procedure affecting tens of thousands, if not hundreds of thousands of older men.

Failed surgery can result in permanent incontinence and other devastating side effects. Do we really want surgical tools to be used to treat this common illness that may not be safe and effective? If this legislation passes unchanged, that is exactly the risk that large numbers of patients needing prostate surgery could face.

A further example involves digital mammography, an imaging technology that is becoming an alternative to conventional film mammography. The new device is approved for better diagnostic imaging of a potentially cancerous lump in the breast that has already been detected. But it is not known whether the new machine can be used effectively in screening for breast cancer when there are no symptoms.

Under this bill, if a manufacturer seeks approval for a digital mammography machine that is clearly designed for breast cancer screening, not just for diagnosis, the FDA would be prohibited from requiring data to show that the machine is effective for screening. Does the Senate really want to support legislation that could result in women dying needlessly from undetected breast cancer? That is what this device provision could cause.

Another example involves the large number of patients who have suffered serious fractures and who benefit from orthopedic implants that help the broken bones to heal. In some cases, these implants are designed to be removed after the healing is complete. In other cases, to avoid further surgery or to strengthen the bone, the implants are left in place.

Under this legislation, a manufacturer of plates and screws approved for short-term use could modify them in a way that clearly shows they are intended for long-term use. The FDA would be prohibited by this bill from looking behind the false and deceptive label and requiring the manufacturer to show that the device will not degenerate or weaken the bone during long-term use.

Pedicle screws are a clear example of just such behavior by manufacturers. Originally designed to hold long bones in place after a fracture, they were modified by the manufacturer so that they could be used to make the spine more rigid, with the goal of reducing painful back problems. But the many manufacturers of these screws did not present safety and effectiveness data to the FDA for this new use.

The result: the screws sometimes broke and sometimes caused spinal fractures. Reoperation rates ranged from 14 to 52 percent—and patients suffered permanent pain and disability. This is exactly the kind of unethical behavior by manufacturers that this bill encourages.

Other examples in the way that this provision could allow unsafe and ineffective devices abound. A stent designed to open the bile duct for gallstones could be modified in a way that clearly was designed to make it a treatment for blockages of the carotid artery. Without adequate testing, it could put patients at risk of stroke or death. But under this bill, the FDA would be prohibited from looking behind the label to the actual intended use of the device.

Still another example involves contact lenses, which can be approved for either short- or long-term wear. Extended wear contact lenses can be left in the eye overnight, and sometimes are worn for weeks. Under this bill, a manufacturer could take contact lenses approved for short-term wear, and modify them in a way clearly intended for long-term wear. The FDA would have to approve the modified lenses based on the false and misleading label for short-term use. Unsuspecting patients could suffer corneal ulcers and even blindness.

The vast majority of medical device manufacturers meet high-ethical standards. Most devices are fully tested and evaluated by the FDA before they are marketed.

But as many examples make clear, if the FDA does not have adequate authority to protect innocent patients, the result can be unnecessary death and injury to patients across the country. There is no justification—none whatever—for Congress to force the FDA to approve devices with false or misleading labels. And there is certainly no justification for giving a competitive advantage to unscrupulous companies who will exploit this gaping loophole in the law.

Companies that hope to benefit by weakening the FDA are powerful and profitable. They believe they have the votes to push this disgraceful provision through the U.S. Senate. Today, they probably do have the votes.

But if the American people truly understand what is at stake, I do not believe they will permit this dangerous provision to become law. When the vote comes on Tuesday, we will see how many Senators are willing to stand with the American people—and how many are willing to vote in favor of false and misleading labeling.

The legislation we are considering has many constructive elements. But it does not deserve to go forward unless this disgraceful provision is removed. False or misleading labels should have no place in approval of medical devices. Unscrupulous manufacturers do not deserve a free ride at the expense of public health.

I intend to continue to fight to modify this provision so that public health can be protected, and I believe that we will ultimately be able to reach a compromise that will not sacrifice the public interest to the profits of greedy manufacturers. We have been successful in assuring that every other objectionable provision of this bill has been modified so that the public health is protected. This provision must be changed as well.

Here are some significant advances in the FDA bill and compromises worked out on S. 830 since the committee markup on June 18.

First, preserving State oversight of safety of cosmetics. This compromise assured that the States will be able to continue to regulate the safety of cosmetic products. The Gregg proposal in the underlying bill would have barred States from any regulation whatsoever of cosmetics, even though the FDA has neither the authority nor the staff to regulate these products. The compromise allows States to continue their regulation unless a specific inconsistent regulation has been issued by the FDA in a particular area.

Second, safeguards for off-label use of drugs. This important compromise will allow companies to circulate reputable journal articles about off-label use of drugs but will ultimately enhance the public health and safety because the FDA will be given the opportunity to review, comment on, and approve articles which the companies will circulate. The compromise also requires companies to undertake studies on the safety of their drugs for the specific off-label use and submit applications to the FDA for approval of their drugs for these uses within 3 years. Currently, companies are circulating articles without reviewing them for off-label use without seeking review or approval by the FDA and are also never conducting the studies which would lead to ultimate FDA approval or disapproval of the drug.

Third, expanding access to drugs for patients and fast track approval:

Fast track approval. This is one of the most important new initiatives in the legislation. Fast track approval will provide the same streamlined availability for drug treatments for patients with any life-threatening disease now available only to patients with cancer or AIDS.

Expanded access to drugs still under investigation for patients who have no other alternatives. The compromise combines protections for patients with expanded access to new investigational therapies, without exposing patients to unreasonable risks.

Providing access for patients to information about clinical trials for serious or life-threatening diseases. This compromise will assure that patients suffering from serious or life-threatening diseases will have available to them information about ongoing clinical trials relating to these diseases.

Fourth, streamlining FDA procedures. In order to expedite some product reviews, the compromise authorizes the Secretary to contract out to third-party reviewers when it will improve timeliness, but not when it will reduce quality. For medical devices, the compromise establishes in law an already existing pilot program for reviewing devices by outside third parties. The compromise limits the review only to low-risk class I devices and specifically excludes higher risk devices that are life-sustaining or if the device was not shown to be appropriate could cause substantial impairment to human health. The FDA will not have to expend resources on unnecessary reports which may be duplicative of other reports already required to be filed by the agency.

Fifth, improved consultation between manufacturers and FDA. The compromise increases the requirements on the FDA to consult with device manufacturers and specifically to work toward achieving agreement on what set of data needs to be provided by the device manufacturer before approval can be granted. In addition, the device manufacturers are required to supply progress reports to the FDA, and in particular, report significant deficiencies in the device which have developed during the review period.

Sixth, environmental issues. The original bill would have eliminated environmental impact statements from FDA applications. The compromise ensures that the bill does not undermine environmental protections provided by the Environmental Protection Act.

Seventh, strengthening safety protections of medical devices. Safety and effectiveness of devices. The FDA will still require device manufacturers to file supplemental applications when they are making changes to their manufacturing procedures which may affect the safety and effectiveness of the devices.

Tracking of devices after approval. The compromise ensures that FDA can require surveillance of products after they have been approved for as long as needed to protect the public health.

Tightening up the process for FDA approval of medical devices. The FDA will now be required to accept the classification made by the manufacturer unless questions are raised within a specific period of time. The compromise also tightens up timeframes within which the FDA must make a final decision on a device application.

Recordkeeping by distributors of devices. The compromise requires limited recordkeeping by device distributors so that patients using devices will be readily identifiable if there is a health problem.

Eighth, other issues:

Safety standards for drugs. Supplemental applications for drug approvals need to meet the same safety standards as the original application.

Health care economic information. Only valid and supportable health economic claims may be made by drug manufacturers.

Health claims for food products. This compromise assures that the Nutrition Labeling Act is not undercut or weakened, and that any health claims by food manufacturers have to be substantiated.

Mr. President, we want to be able to give the FDA the authority, when it is clearly indicated as a result of the technological changes in that medical device that an alternative use is intended, to look in behind the proposal and examine the safety data that would indicate that device is going to be safe, for the American public to be protected.

That is the issue. We have had too many medical device tragedies in this country. It has not been that long ago, whether it is the Dalkon shield or the Shiley heart valve, or even the adjustments in absorption level in tampons that produced toxic shock and resulted in the deaths of women—there have been too many medical device tragedies. We have been able to avoid them in recent times. The industry is doing well. We are having new breakthrough technologies.

We have reviewed 19 of the 20 key elements that have been raised by those who have been most concerned about the safety and security of the American people. We have addressed them and advanced the public's interest in protecting the health of the American people with the exception of this provision.

It would be wrong and a major mistake to permit this legislation to be passed without making that change.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. JEFFORDS. Mr. President, I yield such time as he may consume to the Senator from Indiana, who has been somewhat involved in this issue. I am sure he may have a few things to say.

Take as long as you like.

Mr. COATS. Mr. President, I thank the Senator from Vermont. I have been listening carefully to the words of the Senator from Massachusetts. I have clearly come to the conclusion the only remaining problem with the entire 215-page bill is section 404. We have had considerable debate about that yesterday and today. The Senator said this is the last remaining piece. The Senator correctly pointed out, of the 20 items that he was interested in, 19 have been resolved. That is an awfully good batting average, 19 out of 20. Yet the Senator says the bill cannot go forward until the last one is resolved.

We had a debate on this. The Senator passionately presented his case, but it was not persuasive. Mr. President, 65 Members of the Senate did not agree with the Senator from Massachusetts. We had the vote. That issue has been dispensed with. I know the Senator is upset that his view did not prevail, but it did not prevail, despite lengthy and passionate argument to the contrary.

But, putting that aside, I hope we can take the Senator at his word, that this is the only part of the bill that remains of concern to him. I have word the FDA lobbyists are currently trying to work the House to undo the negotiations, some of the negotiations on some of those 19 items. I trust the Senator, having acknowledged that those have been negotiated fairly and addressed, would support us in maintaining the language that is in the Senate bill when this bill goes to conference, and not encourage any kind of modification of that or weakening down of that agreed-upon compromise.

I assume that means section 406 is satisfactory and there is nothing more we need to do with it, based on the Senator's remarks. I am pleased we can go forward on that basis.

I also heard the Senator say that basically everything is fine at FDA, that this revolution that has taken place under Dr. Kessler solved the problem, admitting there were problems before but we really don't need to do anything more. To quote him, he said, "If it ain't broke, don't fix it." FDA is improving as we speak. Everything is going fine at FDA.

The reason why we are here is that everything is not going fine at FDA. It has not for 20 years. We have been attempting to reform the process at FDA for the past 20 years and there are some reasons for that. It is not fine because there clearly have been delays that have resulted in impaired health and safety of Americans.

You know, there are two edges to this sword. There are two sides to this issue. One side is making sure that we have a Food and Drug Administration that follows careful procedures before approving drugs and devices, because clearly that is in the best interests of the health and safety of Americans. There is no one on this floor, as Senator DODD said yesterday, who does not want to maintain a vital FDA, with the authority to review drugs and to review devices and to make sure, to the best of their ability, that those drugs and devices promote the health and promote the safety of Americans.

They will not always be perfect, as we have learned in this discussion. They make mistakes. Sometimes politicians lean on them to approve things that should not be approved and they approve them only to find out later that they should not have approved them. Maybe they should not be subject to that political pressure. They should not. None of us, whether we are for or against a particular drug or device, should be involved in the scientific process of approving or not approving a drug. But we can involve ourselves in requiring that the FDA do what is necessary to avoid the bureaucratic delays, avoid the inefficiencies, and make itself a more efficient administration. I will talk about that in just a moment.

But let me talk about the other side of this issue. Let me talk about the patients and the consumers, the Americans whose health and safety and whose lives have been jeopardized or lost because of inefficient FDA bureaucratic delays. We talk about those who have been impacted by drugs that have been approved, in some people's view, too quickly. What about those whose health and safety has been impaired and who have died because the drugs have not been approved quickly enough? A very prestigious institution, the Hudson Institution, has done a seminal study on that issue and put out a report in November of 1995 titled, "The Human Cost of Regulation. The Case of Medical Devices and the FDA."

I hope my colleagues will read this to understand the other side of the issue, the rest of the story. I will just quote briefly from it.

> When policymakers weigh the costs and benefits of our current policies governing the production of new medical technologies, persons who die from the absence of a device that should have been available should count as much as the victims of a defective device.

We have heard a lot here about victims of defective devices, but we have not heard very much about victims of devices that have been unnecessarily delayed that could have saved patients' lives, that could have improved their safety.

Mr. KENNEDY. Will the Senator yield just for a question?

Mr. COATS. I will be happy to yield to the Senator for a question.

Mr. KENNEDY. What is the date of that particular study? I did refer to recent studies. I was just interested in the date.

Mr. COATS. November 1995. I will quote further:

> Although these improvements are certainly laudable, they are not worth the human costs of the FDA's approval system. Rather than protecting public safety, in some cases the FDA's system for approving medical devices actually endangers lives.

Let me cite some examples: Coronary stents. Coronary stents are simply a wire mesh tube that holds the artery open to facilitate the flow of blood to the heart muscle. During angioplasty, which nearly 400,000 Americans a year undergo, before the coronary stent was developed 15 percent of patients undergoing that operation had a blood vessel collapse and had to go into emergency bypass surgery, which placed them at greater risk, and a lot of lives were lost. The coronary stent, however, became an alternative method of treatment for most of these patients and reduced dramatically the amount of collapsed blood vessels and dramatically the lives that were lost.

You would think that, given the importance of this technological breakthrough, the FDA would have given expeditious handling to the application for approval of the stent. Sadly, for thousands of Americans who died when they could have benefited from this stent, this was not the case. It took 9 months for the device's developers to obtain permission from the FDA to even begin preliminary phase I clinical trials. These trials took another year. Then the manufacturer conducted phase II trials for 9 months, and based on those results requested immediate permission to begin the final phase III trials.

The FDA rejected this request. The manufacturer appealed and then again requested permission to begin phase III trials. Three more months and the FDA came back and said no, you can't start. In the meantime, the manufacturer had repeated a whole series of phase II trials again. Finally, 7 months later, the manufacturer completed the first segment of phase III after the FDA finally granted permission, and on and on it went for another 15 months.

Four months later the FDA's advisory panel of medical experts said OK, we will issue the order granting approval—excuse me. They recommended the order to grant approval. It then took the FDA 12 months to comply with their medical experts' request to order the approval of the stent.

The Hudson Institute estimated the number of lives lost, and it is an estimate. But, based on a very thorough study, and it is all documented here in this report, they estimated that the lag time attributable to the FDA cost Americans 2,888 lives. That is the other side of the story.

We hear about mistakes, and, yes, mistakes are made. We are all humans after all. We hear about mistakes, and the Senator from Massachusetts has detailed and had his charts up about individual patients who have been injured, or had their health jeopardized through FDA approval of a product and then the fact that product was not everything that it was billed to be. But we have not heard anything said about the 2,888 patients who died because of FDA bureaucracy and inefficiency in approving a lifesaving medical device.

Let's assume that only 25 percent of that delay was due to FDA. We are still talking about 1,570 lives. That is the other side of the story.

I could go on and on. The omnicarbon heart valve, the left ventricular assist device, the heart transplant procedures, all of these, just dealing with the heart—delays because of FDA inefficiency.

That is why the committee has been so insistent on moving forward with reform. That is why the committee has said, no, everything is not fine at FDA. Yes, we appreciate the fact that they are doing a little bit better since they taxed the pharmaceutical industry to provide the funds to hire the researchers to expedite the approval of drugs. But they have not done better with devices.

The statements that the Senator has made were wrong. We have not had improvement in the way that devices are handled. High-risk and novel device review times in 1995 increased from 348 days to 773 days; if you count the days in FDA hands, 247 to 606. That is on average.

I could go over example after example. In fact, in the budget this year, in responding to that, FDA said we are actually going to slow down, we are actually going to have to slow down review times with respect to device submissions. The agency itself predicted that they would complete 6 percent fewer reviews but review them 20 percent slower. Part of that is our fault. We are not giving them the resources that they need to speed up the process.

But there is another part of this story that we have not heard from the Senator from Massachusetts. That is the testimony of the then-Commissioner of FDA, Dr. David Kessler. The Senator this morning said that under the revolution that is taking place under the leadership of Dr. Kessler, everything now is just hunky-dory.

Well, we had Dr. Kessler before our committee. Dr. Kessler did not say everything was hunky-dory. Dr. Kessler did not say everything was fine. In fact, Dr. Kessler pretty much threw up his hands and said, "I can't control the agency. I can't administer this agency." In an astounding statement to Members of Congress, he said, "It's only under pressure from the Congress that we have been able to expedite and move things here." He said, "I'm at a loss to do this, but you keep the pressure on."

Well, if we listen to the Senator from Massachusetts, we would take the pressure off. Then they probably would revert to the same old ways. It is a bureaucracy that has not been administered well under the previous Commissioner. Let us hope the current acting Commissioner or the new Commissioner can do a lot better job than the previous Commissioner. The previous Commissioner seemed more intent on pursuing a political agenda than he did in approving drugs and approving devices that save the lives and improve the health of Americans.

To respond to a question from a Member of Congress, to make the statement that, "The only way we can improve is if you put pressure on us," probably explains the sudden rash of approvals that have come out of FDA. Why? Because we have a reform bill in the process. They have gotten the message. They have gotten the message that Congress will no longer tolerate this delay.

They heard it not just from Republicans, not just from people who so-called represent the device industry or the pharmaceutical industry or the business side, they have heard it from Republicans and Democrats, Liberals and Conservatives, people on both sides of the aisle.

How did we possibly get out of that Committee on Labor and Human Resources, probably as divided philosophically as any committee in the U.S. Senate, how did we possibly get 14 out of 18 votes? We got it because Liberals, Democrats, Republicans, Conservatives, all came to the same conclusion. The conclusion was: FDA needs reform, and it needs it now.

We have delayed several weeks here, and even months here, simply trying to get this thing through the Congress. We have had two filibusters. We have had untold procedural tricks and gimmicks, all perfectly within the rules but designed to delay the process. We have had one objection after another.

It was not that long ago when the Senator from Massachusetts was down on the floor saying, "If we can just fix this cosmetic"—he had his pictures up with problems with the cosmetic and food industry. "That doesn't go to the heart of the problem; the FDA's drugs and devices, that part is fine. That part is settled. We just have to fix the cosmetic part." And so we said, "OK. We'll fix it." And Senator GREGG negotiated a compromise with the Senator from Massachusetts and the Senators from California, and others, and we eliminated that concern.

All of a sudden, when we were told that that is all we needed to do to move this forward, all of a sudden a new issue comes popping up, not one that was offered by amendment in the committee. If it was the primary, the No. 1 priority of the President and the Secretary of Health and Human Services, you would have thought the Senator from Massachusetts or someone would have offered an amendment in committee. But no, it was then the next thing to delay the bill, the next cause celeb, the next throw down the gauntlet, the next draw down the line in the sand, the next "we can't move forward," the next "this bill is totally worthless without a fix here." Fix 19 out of 20. Actually it was 34. The Senator miscounted. Since markup—14-4—since markup, 30 sections of this 60-section bill have been altered. And 34 provisions—as I hold this here in my hand—of negotiations trying to get the Senator to allow us to move forward with this bill.

The Wall Street Journal today in an op-ed piece calls this a timid bill. It has been watered down. It has been watered down substantially. A lot of us would have liked to have gone a lot farther than we have been able to go with this bill. We had provisions which would allow outside help for the agency, third-party accreditation. Only over the strenuous objections and resistance of the Senator from Massachusetts were we able to move forward with that.

Yet, the FDA had its own pilot program going on that. This is the medical device equivalent of the PDUFA, of the user fee. Let us get some outside help from accredited agencies that FDA certifies, not that DAN COATS selects, not that some device company selects, but that FDA selects. We gave FDA the authority to go out and find scientific laboratories and testing laboratories that met their standards and, under their standards, would be able to assist them in the process of speeding up the review time of devices. Then we built in all kinds of—all kinds of—FDA authority to select the companies, to make sure that there was no conflict of interest, to oversee the process, to withdraw it at any time, to have a final veto over the approved product. Those are just some of them. I have 5 pages in this bill here of accredited party participation, restrictions that go to FDA to make sure that process is valid, to make sure it has integrity, to make sure it is not a loophole.

Here we are trying to do something that helps FDA, that helps speed the approval of devices that can save lives and improve health. We give FDA all kinds of authority, and we still have to negotiate as if this was going to destroy FDA. Every latest thing we saw, and then something else comes up. "This is going to destroy FDA." FDA retains plenty of authority here, but it gets some help in the reform business and gets a strong message from Congress to "get your act together, get a Commissioner that knows how to administer as well as how to politic."

I am more exercised than I usually get on this legislation. We have all tried to be patient as we have worked through this process. But more than one person on this Senate floor can get indignant and upset when people's safety and health and lives are in jeopardy. And there is more than one way that people's safety, health and lives are in jeopardy. Delay of this bill, obfuscation, resistance also jeopardize people's health and safety and lives. To suggest that those of us who do not agree that the Senator's 20th item that he wants compliance with is something that is going to destroy FDA, undermine the entire device section of FDA, put Americans at risk of their health and safety and maybe even their lives, I do not think that is a responsible charge.

I think the obvious answer to that is, delay puts just as many, if not more, people at risk. The Hudson study certainly points that out. What does that mean? It does not mean that we should have no FDA reform. It does not mean we should necessarily have the FDA reform I think we should have. But it means we should have FDA reform. It means we ought to move forward without an ill-conceived attempt to destroy the whole bill.

I do not think the opposition here has been designed to make this a better bill. I think the opposition—and I think it has been made clear with the Senator's statement this morning that everything is fine at FDA, hunky-dory, it is not broke, it does not need to be fixed, it is improving as we speak, with revolutionary changes under Dr. Kessler. I do not think anybody believes that. Well, maybe two people. We had a vote yesterday 98 to 2. Sixty-five people voted for the so-called provision that the Senator said would absolutely kill the bill. And then 33 more joined with those 65 in voting for the bill, even though the Senator's point did not prevail.

So 98 to 2 is a pretty good indication that there is a solid belief here for reform and the solid need for reform. I just hope now we do not have to go through this same tortuous delay process in the House of Representatives where the hard work that has been accomplished here is undermined by those foes of any change in FDA, the status quo people. "Everything's fine. Let us just keep it as it is. Let's just keep denying Americans the health and safety improvements. Let's keep denying them an efficient FDA."

Anybody who can stand up and defend efficiency and the effectiveness of this Government-run monopoly has not had very much experience with the private sector. All we are trying to do here is—not strip FDA's authority; there is a public function for that. We are trying to give them some help in accomplishing what I think, what 98 of us at least believes needs to be accomplished.

I am glad I do not have to vent my spleen any more than I already have on this because we are nearing final disposition of this in the Senate. It goes to the House. We will have a contentious conference. I think those who do not want FDA reform will continue to resist this. As I said yesterday, the clock is ticking. If we want funds to provide for the expedited review of drugs, we have to complete this very shortly. September 30 is the date on which it runs out.

We are not going to go forward with PDUFA funds, appropriations or reauthorization unless it includes the reforms that are in this bill. I think that has been made clear. And I think 98 people made that clear yesterday.

I will tell you what. I am reluctant to put this whole Hudson study in. It is several pages. It would be at considerable cost to the taxpayers. I ask unanimous consent that excerpts, some portions, of the Hudson briefing paper be printed in the RECORD so it is not so voluminous. But it is available in my office for anybody to review it.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[Excerpts from the Hudson Briefing Paper, Nov. 1995]

### THE HUMAN COSTS OF REGULATION: THE CASE OF MEDICAL DEVICES AND THE FDA

(By David C. Murray)

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### GIANTURCO-ROUBIN CORONARY STENTS

The development of coronary stents has revolutionized the treatment of certain heart conditions related to a severe blockage in or collapse of a coronary artery, the vessel that carries blood to the heart muscle. A sent is basically a wire mesh tube. The surgeon places the stent over an uninflated balloon on the tip of a long guide wire, inserts it into the body through a major blood vessel, and snakes it through the blood vessels into a coronary artery. Next, he anchors the stent inside the artery by inflating the balloon. Then he deflates the balloon, leaving the stent in place to hold the artery open and facilitate the flow of blood to the heart muscle. During the next few weeks, the lining of the artery grows over the stent, anchoring it permanently in place.

Several other interventional techniques, including angioplasty, can treat blockages of a coronary artery. During angioplasty, the surgeon inserts an angioplasty balloon into the coronary artery and expands the balloon next to the blockage, thereby compressing the blockage into the artery wall and allowing blood to flow freely through the artery.

During angioplasty, the coronary artery may collapse, preventing the flow of blood to the heart muscle. This occurs in 2 to 4 percent of the 400,000 such operations performed in the U.S. each year. Unless the flow of blood is restored, the patient suffers a heart attack. Before the development of stents, the surgeon could restore the flow of blood to the heart in about half of all patients by performing an emergency coronary artery bypass graft (CABG) surgery. This operation was quite risky, resulting in the death of approximately 15 percent of patients undergoing the bypass operation.

The coronary stent, however, became an alternative method of treatment for most of these patients. In fact, at hospitals that evaluated the stent during clinical trials, only 8 percent of the patients suffering from abrupt closure of the artery needed to have the bypass surgery. Of those that did require the bypass surgery, only 5 percent died. At the time the clinical studies were done, the late 1980s and early 1990s, there were approximately 350,000 angioplasties done per year in the U.S. Based on these numbers, it is estimated that roughly 1,300 Americans died each year from abrupt closure before the stent was available. Had the stent been approved for use at that time, it is estimated that only 70 Americans would have died per year from abrupt closure, resulting in roughly 1,230 lives being saved per year.

Given the importance of this technological breakthrough, one would assume that the FDA would have given expeditious handling to the application for approval of the stent. Sadly for the thousands of Americans who died when they could have benefited from the stent, this was not the case. It took nine months for the device's developers to obtain permission from the FDA to begin preliminary, or Phase I, clinical trials. These trials took another year. The manufacturer then conducted Phase II trials for nine months and, based upon the results of these trials, requested immediate permission to begin the final Phase III trials.

The FDA rejected this request. The manufacturer appealed and again requested permission to begin Phase III trials. After three more months, the FDA said no. In the meantime, the manufacturer had begun a second set of Phase II trials. The manufacturer appealed again, and after another three months, the FDA finally granted permission for the Phase III trials to begin. Seven months later, the manufacturer had completed the first segment of the Phase III trial and requested permission to expand it. After another seven months, the FDA granted this request; this trial was completed in another 15 months. Four months later, the FDA's advisory panel of medical experts recommended approval of the device, but the FDA did not issue the actual order granting approval until another 12 months had passed. At last, on May 28, 1993, more than six and a half years after the initial application to begin the clinical trials, the FDA approved the device for use in the U.S.

Obtaining approval in Europe was quite another matter. Belgium first approved the device in June 1992, after only a few months of review. Several other European countries quickly followed suit. On the face of it, there appears to be only an eleven-month lag between the European and FDA approval dates, but the whole approval process in Belgium took only a few months, compared with two years for the formal review of the data by the FDA and four and a half years for the clinical trials.

One could argue that the European approval process was a "free rider" on the clinical trials the FDA mandated, thus making this comparison unfair. The Europeans did use much of the clinical data generated for the FDA approval process, but the Europeans have a streamlined process for facilitating clinical trials, with the go-ahead generally granted in fewer than 60 days. It is unlikely that it would have taken nine months just to get the clinical trials under way in Europe, as it did in the U.S., just as it is unlikely that the manufacturer would have encountered so many delays in expanding the clinical trials. Indeed, manufacturers who move their clinical trials to Europe cite regulatory flexibility in designing and conducting clinical trials as their primary reason.

Given the complexity of the situation, it is worthwhile to create a range of estimates for the human costs of the FDA's regulatory delays in approving the coronary stent. At an absolute minimum, the delay in approval time between Belgium and the U.S. was 11 months. Using the estimated loss of 1,230 lives per year, the minimum human cost of the 11-month delay is approximately 1,128 lives (11/12 times 1,230). This estimate, however, does not include the delays associated with the FDA's design and oversight of the clinical trials.

TABLE 1.—ESTIMATED NUMBER OF LIVES LOST DUE TO REGULATORY DELAY IN APPROVING THE CORONARY STENT

| Regulatory Phase | Time lag (months) | Percent of Lag Attributable to the FDA | | | |
|---|---|---|---|---|---|
| | | 25% | 50% | 75% | 100% |
| Investigational Device Application | 7 | 182 | 365 | 547 | 718 |
| Begin Phase III trials | 5 | 130 | 260 | 391 | 521 |
| Expand Phase III trials | 5 | 130 | 260 | 391 | 521 |
| Clinical Subtotal | 17 | 442 | 885 | 1,329 | 1,760 |
| Approval Lag | 11 | 1,128 | 1,128 | 1,128 | 1,128 |
| Total | 27 | 1,570 | 2,013 | 2,457 | 2,888 |

Taking these delays into account substantially increases the human costs attributable to the U.S. system. Table 1 provides varying estimates of the number of lives lost due to FDA regulatory delay. The estimates vary according to whether the FDA is assumed to be 25 percent, 50 percent, 75 percent, or 100 percent responsible for the delay at each phase of the approval process. The lags in clinical trials in the table are the time in excess of 60 days that it took a manufacturer to obtain FDA permission to proceed to the phase in question. The table estimates FDA responsibility for the 11-month lag between European and FDA approval at 100 percent for all scenarios.

It seems reasonable to estimate that between 1570 and 2888 lives were lost in the U.S. due to the regulatory lags imposed by the FDA for this device. It is readily evident that delay does have a heavy price.

### IMPLANTABLE CARDIOVERTER-DEFIBRILLATORS

As mentioned earlier, implantable-defibrillators have saved the lives of tens of thousands of Americans, many of whom would have survived only a short time had they not received the implant. The U.S. first approved implantiable defibrillators for use in 1986; CPI, then a subsidiary of Eli Lilly and Company, first brought them to market. The original defibrillators were so large that they could not be implanted in the chest; instead the surgeon placed them inside the patient's abdomen. To connect the defibrillator to the patient's heart, the patient needed a thoracotomy, which involves cracking the sternum and opening the chest. The surgeon then embedded a wire or lead from the defibrillator into the chest and grafted it onto the heart. Needless to say, this was quite a traumatic procedure for the patient and resulted in substantial operative mortality. The early defibrillators certainly saved many, many more lives than they claimed; however, they were only able to deliver one type of energy shock to the patient's heart. The high-energy shock that these devices delivered was effective in some patients, but not all.

A second generation of implantable-defibrillators was approved for use in Europe in 1988 and in the U.S. in 1991. These devices could deliver both high- and low-energy shocks to the patient's heart and the physician could program them to maximize effectiveness.

The third generation of implantable defibrillators was approved for use in Europe in 1991 and in the U.S. in 1993. These were multiprogrammable. The physician could tailor the type of shock the defibrillator would deliver, according to the patient's needs, even after the device was implanted, through the use of an electronic wand. The defibrillator also had an internal memory that kept a record of the number times it had discharged, as well as several key statistics concerning the nature of the shock it had delivered. The physician could access this information with the wand. The defibrillator could also pace the patient's heartbeat; it incorporated recent advancements in pacing technology that allowed the device to correct for both slow- and rapid-beating problems.

The physician used either epicardial or endocardial leads to attach third-generation defibrillators to the heart. He grafted epicardial leads onto the heart muscle by means of screw-in or stab-tab electrodes. This type of lead required a thoractomy, or open chest procedure. Endocardial leads, on the other had, could be threaded through the patient's blood vessels to the heart. Because these leads stay inside the blood vessels, there is no reason to open the chest. Endocardial leads were not originally approved for use with third-generation defibrillators in the U.S., but became available in December 1993. Endocardial leads were first widely available in Europe in late 1991, two years before they were widely available in the U.S.

The clinical evidence in favor of endocardial leads over epicardial leads is extremely strong. A clinical study carried out at 125 participating hospital centers demonstrated that 4.2 percent of patients receiving the epicardial leads died within 30 days following surgery, and only 0.8 percent of patients receiving the endocardial leads died during the same period. Two years after surgery, 87.6 percent of the patients receiving endocardial leads were alive, but only 81.9 percent of patients with epicardial leads were still alive. The medical characteristics of patients in both groups were similar. Other studies have also demonstrated the superiority of endocardial leads, exhibiting a differential in survival rates of about 4 percent.

The fourth generation of implantable defibrillators is much smaller than the previous three. These can be implanted in the chest, under the pectoral muscle, much like a conventional pacemaker. This greatly reduces the length of the leads required and results in a smaller incision. The devices can send out a more efficient type of energy wave that allows the use of endocardial leads in nearly all patients. This new wave, which is biphasic, achieves the same results as the formerly used monophasic waves, but at substantially lower energy levels and with fewer electrodes. The gains in efficiency allow near-universal use of endocardial leads. Another result of the enhancement in efficiency is that the device needs far less testing while the patient is on the operating table. This leads to a reduction in the time the patient is in surgery and should decrease several other complications.

Operative mortality with this fourth-generation device again fell, this time to less than 0.5 percent. The smaller device is also said to be much more comfortable for the patient than the bulkier devices previously implanted in the abdomen. Fourth-generation defibrillators were first approved for use in Europe in October 1993 and in the U.S. in March 1995.

It is evident that during the last several years European consumers have had earlier access to the latest model of implantable defibrillators than American consumers. In fact, American consumers were one full product cycle behind their European counterparts for most of the past five years. Given the improvements in patient survival for each generation of the device, this is hardly a trivial issue. It is estimated that in the early 1990s roughly 13,200 Americans received defibrillators each year, and that the figure reached 20,000 by the mid-1990s.

Because of the regulatory lags outlined earlier, it can be estimated that 1,206 Americans died who, statistics indicate, would not have died if the same device that was available in Europe had been available in the U.S. The two-year regulatory lags in approving endocardial leads led to 1,056 of these deaths, and the 18-month regulatory lag in the approval of fourth-generation defibrillators was responsible for the remaining 150 deaths. Once again, the price of inefficient regulation carried a heavy human cost for American heart patients.

Mr. COATS. Let me yield the floor, because I do not think I will speak again, but not before commending the chairman of the committee, who has persisted with the patience here that is remarkable. He has persisted because he believes that this is an important thing to move forward on, that this issue is important to the health and safety and lives of Americans. I appreciate his effort and work and his cooperation and his standing tall with us even though it has not been easy.

So I thank the chairman, The Senator from Vermont, and, in view of that, yield the floor.

Mr. JEFFORDS addressed the Chair.

The PRESIDING OFFICER (Ms. COLLINS). The Senator from Vermont.

Mr. JEFFORDS. Madam President, I want to thank the Senator from Indiana for bringing to the awareness of my colleagues what the other side of the story is with respect to the famous 404 provision relative to devices.

I only add, as I would point out, there are some 6,000 devices approved each year, and during the period of the last 5 years around 30,000, of which there were only 5 or 6 that were found to have had problems after approval. So I want to try to get the dimensions of this problem which has really dominated our time.

I thank the Senator from Indiana.

Madam President, I ask unanimous consent that the statement of the managers be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

### STATEMENT OF THE MANAGERS

After the mark-up of S. 830, supporters of the bill, the minority, and the FDA were able to come to agreement on several provisions, previously the subject of disagreement, on the basis of new legislative history. Other new provisions were agreed to which require accompanying legislative history. The following substitutes for the language in the committee report for S. 830, which shall not be considered part of the legislative history of this bill on the topics discussed below.

### SECTION 601—MINOR MODIFICATIONS

The Committee changed section 601 only as that section relates to manufacturing changes, and this statement only supplants prior legislative history to the extent such history describes and explains manufacturing changes to approved PMA devices covered by the markup version of 601(c). Section 601 now better reflects the Committee's desire to ensure a workable means of expediting the clearance of significant manufacturing changes. The provision permits manufacturers to submit a notice to FDA describing manufacturing changes, summarizing data and information supporting the changes, and asserting that the changes were made in accordance with current good manufacturing practices. Before commercially distributing a device subject to such manufacturing changes, the manufacturer must wait 30 days from the date of the Secretary's receipt of the notice. If within the 30 day period the manufacturer receives from the Secretary a written statement that the notice is inadequate, the device may not be distributed until sufficient information is added to the notice to make it adequate within the meaning of the notice requirements of this subsection.

The Secretary will also have the option of requesting PMA supplements for the manufacturing changes identified in notices. If such a request is made, the Secretary will have 135 days from the date of receipt of the manufacturing supplement to approve or deny it. However, to the extent that a notice satisfies the content requirements for a manufacturing supplement, the time used by the Secretary for reviewing the notice will be deducted from the 135 day review period. For example, if the Secretary used 30 days to review a notice and requested a PMA manufacturing supplement, then the Secretary would have 105 days to review the supplement from the day of its receipt by the Secretary. The Committee expects that the Secretary commonly will permit manufacturing changes through the 30 day notice procedure after gaining experience with the procedures outlined by this subsection and with the performance of regulated persons. Important to the Committee's consideration in advancing this approach to manufacturing changes was the Secretary's recent implementation of pre-production design controls which require consideration of manufacturing specifications in the overall design evaluation of a device.

### SECTION 604—AUTOMATIC CLASS III DESIGNATION

Section 604 includes a process that permits the Secretary to classify devices based on the Act's risk-based classification criteria when a device is found to be not substantially equivalent to a predicate devise. Specifically, thirty days after receipt of a not substantially equivalent determination, the person receiving the Secretary's classification order may request that the Secretary make a risk based classification determination for the person's device, if the type of device had not been previously classified. The manufacturer should provide information to assist the Secretary in making the risk-based classification. The Secretary will then determine the device's classification based on the classification definitions in section 513(a)(1) and any material provided for the Secretary's review. These classification definitions have been used by the Secretary to classify or reclassify over a thousand types of devices.

Within 60 days of the above request, the Secretary must make a classification determination, placing the device into one of three statutory device classes. If the device is placed into classes I or II, it may be commercially distributed immediately. Of course, like any device, devices classified into class I or II under section 604 will be subject to all provisions of the Act. However, if the device is placed in class III, its status will remain unchanged from its not substantially equivalent designation; that is, the device will be classified into class III and will require an approved premarket application under section 515 before marketing.

Once a device is classified into class I or II under section 604, it becomes a predicate for future premarket notification submissions. Persons who file reports under section 510(k) may demonstrate the substantial equivalence of newer devices to these predicates in the same manner as under current law.

The Committee realizes that "special controls" can be controls or a variety of controls that will assist in providing a reasonable assurance of device safety and effectiveness. When conducting a classification review under this section, the Secretary may classify a device into class II even when special controls do not yet exist.

Importantly, the fact that a device is subject to a special control under this section does not mean that enforcement authority over such controls in other parts of the Act become ineffective. For example, postmarket surveillance and labeling can be special controls. Nonetheless, postmarket surveillance is still enforceable as a misbranding under section 502(t) and specified labeling instructions remain enforceable under either section 502(a) or 502(f)(1) as misbrandings, depending on the labeling control at issue.

The Committee included section 604 to avoid the needless expenditure of the Secretary's resources that would occur if lower risk devices were subjected to premarket approval reviews under section 515 because such devices were unique and found to be not substantially equivalent to a predicate device. The Committee also believes that section 604 may permit the Secretary to avoid time and resource consuming substantial equivalence determinations that rely on remote predicates. The committee does not intend that this provision will alter the Act's substantial equivalence provisions or the Secretary's longstanding approach to the 510(k) classification process.

In sum, insofar as special controls are referenced in section 604, the committee intends to clearly communicate that any special control is enforceable to the extent enforcement authority specifically addressing such controls exists in the Act. Special controls that are voluntary, for example standards recognized by FDA under section 205 or agency guidance documents, may not be required to demonstrate substantial equivalence or, more generally, compliance with any requirements under the Act; however, alternate means of achieving compliance must be demonstrated by regulated persons.

### SECTION 612—HEALTH CARE ECONOMIC INFORMATION

The purpose of section 612 is to make it possible for drug companies to provide information about the economic consequences of the use of their products to parties that are charged with making medical product selection decisions for managed care or similar organizations. Such parties include formulary committees, drug information centers, and other multidisciplinary committees within health care organizations that review scientific studies and technology assessments and recommend drug acquisition and treatment guidelines. The provision is limited to analyses provided to such entities because such entities are constituted to consider this type of information through a deliberative process and are expected to have the appropriate range of expertise to interpret health care economic information presented to them to inform their decision-making process, and to distinguish facts from assumptions. This limitation is important because it will ensure that the information is presented only to parties who have established procedures and skills to interpret the methods and limitations of economic studies. The provision is NOT intended to permit manufacturers to provide such health care economic information to medical practitioners who are making individual patient prescribing decisions nor is it intended to permit the provision of such information in the context of medical education.

Health care economic information is defined as an analysis that identifies, measures, or compares the economic consequences of the use of the drug to the use of another drug or another health care intervention or no intervention. Incorporated into economic consequences are the costs of health outcomes. Data about health outcomes associated with the use of drug, other treatments, or no treatment are therefore incorporated into the economic analysis. This provision limits such incorporation to health outcomes that are directly related to the approved use of the drug and are based on competent and reliable scientific evidence. The provision presumes that the current standard practice of including full disclosure of all assumptions and health outcomes used in the economic analysis will continue.

The type of health care economic information that can be provided pursuant to this section is that which is directly related to an approved labeled indication. To illustrate this point, economic claims based on preventing disease progression would ordinarily not be considered to be directly related to an approved indication for the treatment of symptoms of a disease, for a drug for which the use in prevention of disease progression has not been approved. For example, rheumatoid arthritis drugs are approved for the treatment of symptoms and not for the prevention of deformity. Therefore, economic claims based in part on an assumption of prevention of deformity would not be considered directly related to the approved indications for these drugs.

Similarly, economic claims based on prolonging patient survival would not be considered directly related and would not, therefore, be permitted under this subsection, for agents approved for the symptomatic treatment of heart failure, but not approved for prolonging survival in heart failure patients. This provision also is NOT intended to provide manufacturers a path for promoting off label indications or claiming clinical advantages of one drug over another when such claims do not satisfy FDA's evidentiary standards for such claims.

However, the provision would permit health care economic information that includes reasonable assumptions about health care economic consequences derived from, but not explicitly cited in, the approved indication that is supported by competent and reliable scientific evidence. The nature of the evidence needed will depend on how closely related the assumptions are to the approved indication and to the health significance of the assumptions. For example, modeling the resource savings from tight control of blood sugar in Type 1 diabetes with insulin therapy could include costs savings associated with the prevention of retinopathy (an eye disease) and nephropathy (kidney disease) based on well-controlled study(ies) that demonstrate that control of blood sugar levels with insulin leads to a reduction of such consequences. Because prevention of retinopathy and nephropathy could not simply be assumed to be a result of blood sugar control, these prevention claims would have to be shown by well-controlled study(ies) before inclusion as health care outcome assumptions.

In contrast, economic claims that model, based on observational studies in a population of women, the economic consequences of prevention of fractures due to osteoporosis would be permitted for drugs already approved for prevention of fractures due to osteoporosis. This is possible because observational data may be considered competent and reliable for making an assumption about the secondary consequences of an osteoporotic fracture once the primary prevention has been established. Similarly, the long-term economic consequences of the prevention of meningitis by haemophilus be influenza vaccine could be modeled using population-based data once the primary prevention claim is established.

The standard of competent and reliable scientific evidence (49 Fed. Reg. 30999—August 2, 1984) supporting health care economic information provided under this subsection takes into account the current scientific standards for assessing the various types of data and analyses that underlie such information. Thus, the nature of the evidence required to support various components of health care economic analyses depends on which component of the analysis is involved. For example, the methods for establishing the economic costs and consequences used to construct the health care economic information would be assessed using standards widely accepted by economics experts. The methods used in establishing the clinical outcome assumptions used to construct the health care economic analysis would be evaluated using standards widely accepted by experts familiar with evaluating the merits of clinical assessments. In addition, the evidence needed could be affected by other pertinent factors.

Under FDA's current postmarketing reporting regulations, health care economic information as defined in this section must be submitted to FDA at the time it is initially provided to a formulary committee or other similar entity. In addition, pursuant to this provision, FDA will have access, upon request, to any data or other information related to the substantiation of the health care economic information. Such information is evaluated by the Secretary to determine if the health care economic information meets the requirements of this section. This consists of, for example, health outcome data, health resource utilization data and other information related to the economic consequences of the use of the drug. It would not include, for example, confidential corporate financial data, including confidential pricing data.

### SECTION 617—HEALTH CLAIMS

Section 617 of the bill amends section 403(r)(3) of the Act to authorize a health claim based upon a published authoritative statement of an authoritative body of the United States. Such a claim would be lawful if it meets the requirements of clause (C), including the requirement that the Secretary be notified 120 days prior to a claim appearing on a food in interstate commerce. It is expected that the Secretary will ensure that all relevant offices of the Department give sufficient priority to evaluating the information in the notice submitted under clause (C) so that only accurate and appropriate claims appear on food labels. Specifically, the Committee expects that where the Secretary determines that a claim should be modified or prohibited under clause (D), a regulation can be drafted by the Food and Drug Administration within 100 days, and that the remaining 20 days will be adequate for other necessary reviews, including review within FDA and within the Department. The Committee also expects that the Office of Management and Budget will either waive its review of a regulation promulgated under clause (D) or complete that review expeditiously. In the event that FDA must consult with the authoritative body whose statement forms the basis of the claim, the Committee expects that the authoritative body will give the highest priority to that consultation to facilitate, within the 120 day notification period, the resolution of any outstanding differences.

### SECTION 619—POSITRON EMISSION TOMOGRAPHY

The Committee intends in section 619 to require FDA to develop a framework for the regulation of radiotracers used in positron emission tomography (PET) scans based on the unique characteristics of PET and taking into account, where appropriate, the differences between the limited quantities of PET radiotracers compounded by not for profit institutions, such as academic medical centers, and the larger quantities that may be produced by commercial PET centers.

The Committee has established a period of four years as a reasonable time period in which appropriate new regulatory procedures will be developed by FDA and any necessary applications submitted by PET centers. Until the expiration of that four year period, the Committee intends to require that PET radiotracers meet the standards set by the United States Pharmacopoeia (USP) for safety, efficacy and compounding, and that the FDA or state agencies will enforce the standards set by the USP. In addition, makers and users of PET radiotracers will continue to be subject to the requirements of the various state boards of medicine and pharmacy which they are currently required to meet.

USP standards are recognized in the Food, Drug, and Cosmetic Act (FDCA) in the adulteration and misbranding sections of the Act (Secs. 501(b) and 502 respectively). USP establishes standards for marketed drugs in the U.S. It first provided standards for PET pharmaceuticals in 1988. During these years, USP standards have served to standardize and help assure the quality of these items and protect the public health. USP establishes standards or drugs through a rigorous peer reviewed process, and the FDA provides input and comment to USP as part of this process.

Section 619(a)(1) amends the FDCA to add a definition of a "compounded positron emission tomography drug" to mean a PET drug and associated software and hardware which has been compounded in accordance with state law by or on the order of a practitioner licensed in that State or in a federal facility in accordance with the law of the State in which it is located.

Section 619(b)(1) amends the FDCA to provide that a compounded PET drug is adulterated, and thus subject to regulatory and/or legal action by FDA, if it is compounded, processed, packed, or held other than in accordance with the PET compounding standards and the official monographs of the USP.

Section 619(b)(2) provides that the amendment effected by section 619(b)(1) shall cease to be effective four years after the date of enactment of this act, or two years after the adoption by FDA of the requirements specified in section 619(c), which occurs later.

Section 619(c)(1) requires that, no later than two years after the enactment of this act, FDA shall establish appropriate procedures for the approval of PET drugs pursuant to section 505 of the FDCA and appropriate current good manufacturing practice standards for such drugs. In both instances, the Committee intends that FDA shall take due account of any relevant differences between non-profit institutions that compound PET drugs for their own patients and commercial manufacturers of such drugs. FDA is directed to consult with patient advocacy groups, professional associations, manufacturers and physicians and scientists licensed to make and/or use PET drugs prior to establishing the procedures and requirements contemplated by this provision.

Section 619(c)(2) provides that FDA shall not require the submission of a new drug application for an abbreviated new drug application pursuant to section 505 of the FDCA for PET drugs which meet the appropriate USP standards referenced by section 619(b)(1) for a period of four years after the enactment of this act, or for two years after the establishment of the procedures and requirements under section 619(c)(1), whichever occurs later. The Committee intends that FDA shall use up to two years of the four year period to consult with the groups mentioned above and to formulate its procedures and requirements. Thereafter, the Committee intends that a period of one year be allowed to prepare and submit any necessary applications. Finally, FDA is given one year to review and act upon the applications. The Committee would expect that FDA would take no action against an applicant if, at the end of the four year period, the agency has neither approved nor issued a not approvable letter in response to an application filed within one year after the agency's procedures for PET drugs have been promulgated.

Section 619(d) requires the revocation of certain Federal Register notices which announced a rule inconsistent with this legislation.

PET is an imaging technique that produces a computerized image (scan) using small quantities of a radioactive tracer to measure biochemical activity in the body. It has been demonstrated to be an effective method of separating benign from malignant lesions, staging the degree of metastasis, determining therapeutic effectiveness and identifying early recurrence of disease in several types of cancer, including lung, breast, colorectal, head and neck. In addition, PET has a high degree of accuracy in identifying early signs of coronary artery disease and in assessing whether cardiac tissue is alive following a heart attack. In more than one million uses of PET tracers in Europe and one million in the United States, the Committee is unaware of any reported instance of an adverse reaction to PET radiotracers. PET radiopharmaceuticals have been used in patients in the United States for over 30 years. Recent research and advances in imaging technology have enhanced the clinical importance of PET.

PET radiotracers are unique among radiopharmaceuticals because of their short half-lives, ranging from 30 seconds to 110 minutes. Therefore, most PET radiotracers are made using a cyclotron which is at or near the PET site, and most are made up on an individual dose basis upon the prescription of a licensed physician. At present, there are 70 PET centers in the United States, almost all of which are part of academic medical centers. PET technology and its applications were developed in large part with almost $2 billion in federal research funds. Yet, while PET is widely used in Europe, its benefits have not been widely available to American patients, mainly because of lack of reimbursement and inappropriate and costly regulations promulgated by FDA.

Under current FDA requirements, PET centers which compound PET radiopharmaceuticals on an individual dose basis would be required to meet FDA's Current Good Manufacturing Practices (CGMP) and to file

NDA's and ANDA's for each type of PET tracer and for each indication for which the tracer might be used. This is the same type of regulation which the FDA applies to large pharmaceutical manufacturers.

Academic medical centers are facing unprecedented cost pressures. Without regulatory relief and expanded reimbursement, particularly from the Medicare program, many PET centers are likely to close, and the benefits of PET will be unavailable to the taxpayers who funded their development. For example, the University of California at Los Angeles estimated that FDA's new PET regulations would cost the University at least $300,000 for a single application for a single use of a PET radiotracer.

The Committee intends that adoption of this section will permit FDA to establish a regulatory framework for PET drugs that will enable PET centers to continue to make this valuable technology available to patients at reasonable cost and assure that the public health will be protected. The Committee also expects that the Health Care Financing Administration will, until four years after the enactment date, consider PET drugs which meet USP standards under the provisions of this section to be approved by FDA for purposes of Medicare reimbursement.

### SECTION 807—NATIONAL UNIFORMITY

### *Warnings*

New Section 761 provides for national uniformity for OTC drugs for human use. Under this section state and local governments may not in general have requirements for OTC drugs that are different from or in addition, or otherwise not identical with, a requirement under this Act, the Poison Prevention Packaging Act of 1970 or the Fair Packaging and Labeling Act.

Section 761(c)(2) makes it clear that the scope of national uniformity extends to any state requirement upon a manufacturer or distributor to mandate, by any method of communication, a warning of any kind. Such a requirement might relate to a warning on the label, in labeling, through posters or advertising, in letters or other mailing, or in any other form of public notification. Similarly, the provision applies to all forms of required warnings, not just those formally designated as a "warning." It includes any statement, vignette, or other representation which indicates, directly or by implication, that the drug presents or may present a hazard to health or safety. For public health reasons, any warning of any kind, in any type of public communication, should be uniform throughout the country.

The reference to "a warning of any kind" is intended to make clear that a state requirement is preempted if it relates to a warning, regardless of whether the state requirement is described as a "warning." For example, if the substance of a state requirement is to mandate a warning, it would be subject to preemption even if it were called a "notification" or "information" requirement.

It should be noted that the provision would not prevent the states from undertaking unilateral action to issue their own public statements in the form of health department releases, public service announcements, or public education campaigns to alert state consumers about its concerns about an OTC drug.

### *Exceptions*

Subsection (d) deals with the situation where a drug is neither subject to a new drug application (NDA) or a final OTC drug monograph, and therefore has not been the subject of a full review by FDA of all applicable regulatory requirements. Until that FDA review occurs, national uniformity only applies where a state requirement relates to the same subject as a federal regulation or the same subject as a federal statutory amendment made on or after the date of enactment, but is different from, or in addition to that specific federal requirement. Where there is no such specific federal requirement and the drug is not subject to an NDA or a final monograph, the state remains free to impose its own requirement.

Thus, a state generally can impose a requirement on the content or labeling of a product not the subject of a final monograph. But a state cannot establish a different requirement (warning or otherwise) for a drug not subject to a final monograph where a final federal regulation on the subject is in place. For example, alcohol containing OTC drug products intended for ingestion (whether or not the subject of a final monograph) must meet the requirements of a final federal regulation which specifies maximum permissible concentrations of alcohol. A state could not issue a different regulation on that subject even if the state regulation applied only to products not subject to a final monograph. A similar situation is presented by FDA's proposed regulation requiring massive and in-depth changes in labeling format for OTC drugs. That proposal applies to all OTC drugs whether or not they are subject to a final monograph and therefore when final would preempt any different or additional state requirements.

Once FDA has conducted its full review in the form of an NDA or final OTC drug monograph, the FDA regulatory program will have a general preemptive effect for drugs subject to an NDA or final monograph, no state may enact any additional or different requirement that is of the type imposed by the three designated federal statutes. States may enforce identical provisions, but not requirements that are in addition to, different from, or otherwise not identical with the federal requirements. The full FDA review involved in an NDA or final monograph, along with the requirements of other applicable FDA regulations assures that all appropriate regulatory requirements including those involving safety, effectiveness, manufacturing, packaging, and labeling, are all in place for OTC drug products. For that reason, no other state requirements will be permitted.

Thus, generally (unless another final federal regulation applies) a state can require a warning for a drug that is not subject to an NDA or a final monograph, because FDA has not yet had an opportunity to conduct a full review of all potential warnings applicable to the drug. Once FDA approves an NDA or promulgates a final OTC drug monograph for the drug, however, no state may thereafter require any form of warning on any subject, through any form of public communication, unless it is identical with whatever warning is required by FDA. Additional or different warnings would thereafter be precluded.

### SECTION 811—INFORMATION EXCHANGE

### Incentives for Research

It is the Committee's belief that section 771 will provide health care practitioners important scientific information about uses that are not included in the approved labeling of drugs, biologics, and devices. We recognize, however, that our goal should also be to ensure that these new uses get onto the product label. That is why we have incorporated strong incentives to conduct the research needed to get those uses on the label. Pursuant to subsection (a)(3)(A), a manufacturer who seeks to disseminate information about a new use must either certify that it will file a supplemental application for the new use (if the studies have already been completed) or must submit a proposed protocol and schedule for conducting the necessary studies and a certification that a supplemental application will be filed. If the studies are completed at the time dissemination begins, a supplemental application must be filed within 6 months from the date of the initial dissemination. If the manufacturer commits to conduct the studies, a supplemental application must be filed within 3 years, unless the Secretary determines that more time is needed to complete the studies and submit a supplemental application. The Secretary may grant an extension of the three year period if the manufacturer has acted with due diligence to conduct the studies in a timely manner, but such extension may not exceed two years.

Although our goal is to ensure that the research is done to get new uses on the product label, we also recognize that there may be limited circumstances when it is appropriate to exempt a manufacturer from the requirement to file a supplemental application. Subsection (a)(3)(C) provides that a manufacturer may file a request for an exemption from the requirement if such manufacturer can demonstrate (I) that due to the size of the patient population or lack of potential benefit to the sponsor, the cost of obtaining clinical information and submitting a supplemental application is economically prohibitive, or (ii) it would be unethical to conduct the studies necessary to obtain adequate evidence for approval of a supplemental application.

In making the determination of whether to grant an exemption pursuant to subsection (a)(3)(C), the Secretary may consider, among other things, the following factors, if relevant, whether:

(1) the new use meets the requirements of section 186(t)(2)(B) of the Social Security Act;

(2) a medical specialty society that is represented in or recognized by the Council of Medical Specialty Societies (or is a subspecialty of such society) or is recognized by the American Osteopathic Association, has found that the new use is consistent with sound medical practice;

(3) the new use is described in a recommendation or medical practice guidelines of a Federal health agency, including the National Institutes of Health, the Agency for Health Care Policy and Research, and the Centers for Disease Control and Prevention of the Department of Health and Human Services;

(4) the new use is described in one of three compendia: The U.S. Pharmacopeia—Drug Information; the American Medical Association Drug Evaluations; or the American Hospital Association Formulary Service Drug Information;

(5) the new use involves a combination of products of more than one sponsor of a new drug application, a biological license application, a device premarket notification, or a device premarket approval application; and

(6) the patent status of the product.

Subsection (a)(3)(D) requires manufacturers who commit to conduct studies to obtain evidence on new uses to provide the Secretary with periodic reports that describe the status of the studies. The reports required by this provision are not intended to be burdensome. In many cases it would be sufficient for manufacturers to provide brief updates on the status of the studies. In general, the purpose of this provision is to keep the Secretary apprised of how patient enrollment is proceeding, any significant problems that could affect the manufacturers' ability to complete the studies, and expected completion dates.

### Additional Information

The principal policy considerations that underlie this provision are the facilitation of greater access to timely and accurate information to health care providers. Coupled with this goal is a recognition that the FDA has a responsibility to protect the public health. Thus, the discretionary authority of the Secretary to offer objective statements on the proposed dissemination and to require the manufacturer to disseminate additional information to achieve objectivity and balance is preserved.

It is important to recognize that it has been the long held view of Congress that the FDA cannot, and should not, regulate the practice of medicine. Thus, the FDA has no authority or jurisdiction to regulate how physicians prescribe approved drugs. This means that physician prescribing of off label uses of approved products is not within the jurisdiction of the FDA. In this case, because the physician is receiving information from a drug sponsor (whose conduct is within the jurisdiction of the FDA) the FDA has a role to play with respect to assuring balanced and objectivity necessary to fulfill its statutory mission. Because health care providers retain responsibility of making treatment decisions with respect to individual patients, the FDA's role with respect to individual treatment decisions based on peer reviewed articles and textbooks is advisory. In that advisory capacity the FDA will take steps to make sure that the amount of information given to the provider is useful, useable, and in compliance with this section. This requirement should not be read as requiring the FDA to comment on each and every proposed dissemination, rather this authority will likely be used in the limited circumstances in which balance can not be fully met by the options listed above of appending other journal articles or data or analyses. The intent is that the statement be limited to objective and scientific information and not present an opportunity to editorialize independently-derived scientific information. The statement is intended to provide significant scientific information to the health care providers.

### New Information

This section offers a safeguard to assure the health care provider community that a disseminated journal article or textbook which discusses an off label use will trigger an update requirement in the event that the Secretary determines that there is a risk that the drug may not be effective or may present a significant risk to public health. The new information submitted by the manufacturer will be in a form prescribed by the Secretary in regulations. The Committee notes that manufacturers are already legally required by section 314.81 of volume 21 of the Code of Federal Regulations to submit annual reports to the Secretary. As opposed to the comprehensive data required under section 314.81, this requirement is limited to data on safety and efficacy. The Committee assumes that this requirement will not be burdensome, rather tailored to meet the public health responsibilities to be exercised by the Secretary. In addition, after the Secretary makes a finding under this provision the Secretary is required to consult with the manufacturer before determining what corrective actions are commensurate with the public health need of the affected health care provider community and what is in the best interests of potentially affected patients.

### Rule of Construction

Subsection (d) provides that nothing in section 771 shall be construed as prohibiting a manufacturer from disseminating information in response to an unsolicited request from a health care practitioner. The Committee has an interest in ensuring that current agency policies that encourage scientific exchange are not being modified by section 771. At the same time, insofar as the Secretary may currently have authority in other sections of the statute to restrict a manufacturer's dissemination of information in response to an unsolicited request from a health care practitioner, nothing in section 771 is intended to change or limit that authority.

### Establishment of List of Articles and Textbooks Disseminated and List of Providers That Received Articles and Reference Textbooks

In order to effectively implement the authority of the Secretary to require corrective actions be taken by the manufacturer, the regulations promulgated by the Secretary may include record keeping requirements to make sure that such corrective actions are effective. These record keeping provisions should be tailored to meet the underlying purpose of the provision requiring corrective action. For example, in the case of new information under Section 771 that requires an update of a disseminated article, it may be appropriate to require the publication of an advertisement in the journal of a specific medical specialty society; or, in other cases, a "Dear Doctor" letter may be appropriate. It should not be necessary for manufacturers to keep a list of all providers who receive information disseminated under this section, if the company is willing to notify by letter or advertisement a larger group of health care providers in order to implement a corrective action.

### PDUFA SIDELETTER

Ms. MIKULSKI. Madam President, I would like to have the chairman's understanding of the letter to be submitted by the Secretary of Health and Human Services concerning the performance goals of the FDA in connection with the reauthorization of the Prescription Drug User Fee Act of 1997, PDUFA.

Mr. JEFFORDS. I thank the Senator from Maryland for raising this very important point. As with the 1992 law, I intend that the FDA's performance goals that have been worked out between FDA and industry in the PDUFA reauthorization be covered in a separate letter. The letter will be sent by Secretary Shalala to Chairman BLILEY and me, as well as the distinguished ranking members of the House Commerce Committee, Mr. DINGELL, and our committee, Mr. KENNEDY.

This letter is referenced in the findings section of the user fees provisions of the bill. It will spell out in detail the performance goals that FDA has agreed to meet for each of the 5 years of the reauthorized user fee law.

I consider the provisions that will be in the Secretary's letter and attachment to be as mandatory as if they were in the statute itself. I expect the FDA will treat them as such just as it has with the provisions in the 1992 letter.

Ms. MIKULSKI. Mr. Chairman, I agree completely with what you just stated. The provisions that have been negotiated between FDA and industry and set forth in the sideletter from the Secretary are a key part of PDUFA. These provisions cover electronic submissions, meeting management goals, clinical holds, major dispute resolution, special protocol question assessment and agreement, and additional procedures, such as action letters.

Not only should these performance goals be considered fully binding on the agency, they should be considered as minimum, not maximum commitments. If the agency can do better, it should. I know that FDA will do its best to exceed the performance goals and other matters spelled out in the letter, just as it has exceeded its commitments in the 1992 PDUFA letter.

### EFFECTIVE AND AGGRESSIVE OVERSIGHT OF THE FDA

Mr. JEFFORDS. I yield to the Senator from Washington, a member of the Senate Labor and Human Resources Committee for purposes of engaging in a colloquy.

Mrs. MURRAY. As a new member of the Senate Labor and Human Resources Committee I have spent the last 8 months coming up to speed on the FDA, reform proposals and the impact of these proposals. I have met with groups representing all sides on these issues—from the biotech industry to groups representing patients. I have tried to keep an open mind and work to find acceptable solutions to the many problems pointed out by industry and the patient groups. There appears to be a general mistrust among all interested parties. As a result each side is concerned about going too far—industry is concerned about burdensome and unnecessary regulation by FDA and the patients are concerned about effective regulation of the industry. It appears that this general mistrust is based on past experiences and each side can give numerous examples.

My objective was to revitalize the FDA to give it the regulatory flexibility to effectively regulate the pharmaceutical and medical device industry without jeopardizing timely approval of safe and effective lifesaving drugs and devices. At the same time, I am well aware of the prominent public health role played by the FDA—it is after all, a public health agency, not a drug or device manufacturer. My support for real reforms by no means says that I did not support an aggressive public health agency role for the FDA.

Several weeks ago, I met directly with several biotech companies in the State of Washington. As I sat at the table listening to their concerns I was struck by the amount of experience at the table and level of integrity that many of the companies are known for. I am proud to represent these companies that are on the cutting edge of medical technology and have contributed significantly to improving health care for all Americans. I knew that those companies would not market a dangerous, life threatening drug or device; that none of these companies deliberately act to falsify clinical data or would refuse to complete clinical trials. I knew that these companies were more concerned with getting their lifesaving technologies to patients than simply making a profit. They know the value of one's reputation and are truly proud of the lifesaving work they have done. Sadly, however, not all companies have the same commitment to the patient's health and are allowing stockholders, not scientists, to make decisions. Because of this, I am asking for the Chairman's commitment that the Senate Labor and Human Resources Committee will retain a strong and aggressive oversight role.

We are making some sweeping and some may argue dramatic changes in the way the FDA operates. We need to be sure that these changes are positive and that FDA has the resources and ability to remain an effective public health agency. If we detect future problems or conflicts, I need your commitment and support for swift and thorough hearings. I need to know that we will continue to monitor the FDA, and if legislative revisions are necessary to protect the public health, we will act with great speed. There is probably no other Member more hopeful that some of these reforms will means that patients get access to safe and effective drugs and devices sooner, but I also know that we cannot forget the past. There are certainly many examples of situations where the public health was put into jeopardy by unscrupulous pharmaceutical and medical device manufacturers. I need your assurances that if problems arise we will act to address any potential threat to the public health.

Mr. JEFFORDS. I share the Senator's goal of ensuring a strong FDA and believe the modernization and revitalization provisions included in S. 830 make for a better FDA, not a weaker one. Like you I have had the opportunity to meet with industry groups here in Washington and with consumers, patients, and physicians both here and at home in Vermont. All of these interested parties have made important points about how to modernize the agency while ensuring that its stellar standard for public safety remain as strong as ever. Though Vermont doesn't have any of these large industries regulated by the FDA, all of us use their products. The people and the patient advocates of Vermont have told me that more needs to be done to ensure their timely access to the best therapies available. I believe we have accomplished that with this bill.

I think that the Senator from Washington would agree that it's important to put aside once and for all that consumers, patients, and physicians universally oppose this measure. Vermont patient groups and their members—and I'm sure you have heard from your constituents—have told me that they support this effort to modernize the FDA. The Vermont Epilepsy Association, the Vermont Medical Society, the Vermont Association for the Deaf, the Vermont Board of Pharmacy, the Vermont Alliance for the Mentally Ill, and the Epilepsy Foundation of Vermont have all urged passage of the measure. At the national level we have heard from innumerable groups that support S. 830 and urge its passage. For example, the National Health Council—which includes the Arthritis Foundation, the National Multiple Sclerosis Society, and the Leukemia Society among its over 100 member organizations—took out a full-page advertisement in the Roll Call newspaper urging that the Senate move forward with this legislation.

I agree with my colleague from Washington and you can be assured that if problems do arise, I would act quickly to address any threat to the public health. Simply because we are authorizing PDUFA for 5 years does not mean that we cannot change other sections of the Food, Drug and Cosmetic Act. It could also turn out that some of these reforms, like expanded third party review for medical devices, will become such a success that the FDA will want to extend the program beyond the pilot phase.

Effective and aggressive oversight is one of the most important tools of the Labor and Human Resources Committee for making sure that the FDA can keep pace with the rapid changes in medical technology and still be a public health agency that is the envy of the world. I thank the Senator for her commitment to working toward real reforms that strengthen the FDA and the contributions she has made in crafting this bipartisan measure.

Mrs. MURRAY. I thank the Chairman for his support and commitment to a strong FDA and am grateful for his leadership on this legislation.

### PHARMACY COMPOUNDING

Mr. KENNEDY. Madam President, I would like to engage my colleagues, Senator JEFFORDS, the distinguished chairman of the Labor and Resources Committee, and Senator HUTCHINSON, the distinguished Senator from Arkansas, regarding a provision in S. 830 pertaining to the practice of pharmacy compounding.

Mr. JEFFORDS. I would be pleased to enter into such a colloquy with the distinguished Senators from Massachusetts and Arkansas.

Mr. KENNEDY. First, I want to commend my colleagues and their staffs for their efforts in the difficult task of drawing the line between drug manufacturing and pharmacy compounding. Ordinary pharmacy compounding has been traditionally regulated by the States, but drug manufacturing, even when conducted by State-licensed pharmacists, is regulated under Federal law. Under current law, the Federal Food, Drug, and Cosmetic Act specifically exempts from the inspection and registration provisions of the act pharmacies that compound drugs for sale in the regular course of dispensing or selling drugs at retail. However, FDA and the courts that have addressed the matter interpret the act as not providing any general exemption from the new drug, adulteration, and misbranding provisions for drugs compounded by pharmacists. It is my understanding that section 809 of S. 830 would bring the legal status of compounding in line with FDA's longstanding enforcement policy of regulating only drug manufacturing, not ordinary pharmacy compounding. This legislation would, as I understand it, exempt drugs compounded in pharmacies from the new drug, and certain other, provisions of the act, but the exemption would not create a loophole that would allow unregulated drug manufacturing to occur under the guise of pharmacy compounding.

Mr. HUTCHINSON. As the sponsor of the amendment that became section 809 of S. 830, I concur with the distinguished ranking minority member of the Labor and Human Resources Committee that this legislation would ensure patient access to individualized drug therapy, and prevent unnecessary FDA regulation of health professional practice. This legislation would exempt pharmacy compounding from several regulatory requirements but would not exempt drug manufacturing from the act's requirements. The legislation also sets forth a number of conditions that would have to be met in order to qualify for the exemption from the act's requirements. I would note that the conditions established by section 809 should be used by the State boards of pharmacy and medicine for proper regulation of pharmacy compounding in addition to State-specific regulations. When a State board determines that certain compounding activities are outside the parameters established in section 809, that State board should refer the practitioners in question to the FDA for review.

Mr. KENNEDY. I thank the distinguished Senator from Arkansas for describing the reasons why this section is so important to patients and to the health professions. I want to especially commend his staff for working with mine to develop this legislation that exempts from Federal law the activities that are appropriately regulated by the States.

It is my understanding that some of the conditions are intended to ensure that the volume of compounding does not approach that ordinarily associated with drug manufacturing. Other conditions appear to be intended to ensure that the compounded drugs that qualify for the exemption have appropriate assurances of quality and safety since these compounded drugs would not be subject to the more comprehensive regulatory requirements that apply to manufactured drug products.

Mr. JEFFORDS. I believe the Senator is correct in his understanding.

Mr. DOMENICI. Madam President, I rise in support of S. 830, the FDA Modernization Act. This bill provides comprehensive—and long overdue reform to the FDA.

The primary focus of S. 830 is to streamline and strengthen the FDA's review and approval of lifesaving drugs and medical devices. One important mechanism for doing this is the Prescription Drug User Fee Act [PDUFA]. PDUFA authorizes the FDA to use fees collected from prescription drug manufacturers to expedite the FDA's review of drugs. The fees collected go to hiring new employees to increase the FDA's resources for reviewing new drugs.

With all of the advances in science and medicine, we must ensure the swift review of new drugs for life-threatening diseases. When there are backlogs and delays in drug approval, American lives can be lost. For example:

The 7-year delay in the FDA's eventual approval of beta blocker heart medicines cost the lives of 119,000 Americans; and

The FDA's 3½-year delay in approving the new drug Interleukin-2 (IL–2) cost 25,000 Americans to die of kidney cancer, even though the drug already had been approved for use in nine other countries.

This bill is good because it will give Americans access to lifesaving medication, without needless delay.

I would like to share with you the story of one man from my home State of New Mexico who would benefit from this bill.

Leonard Alderete is 39 years old and has lived in Albuquerque, NM all of his life. In 1987, Leonard was diagnosed HIV positive. Five years later, Leonard sought medical intervention because his condition worsened and he feared his life would end. Leonard began taking the standard AZT. In 1996, Leonard's health again took a downturn. Blood tests revealed that the virus had spread at an alarming rate through his system. In order to slow the spread of the virus, Leonard needed an aggressive treatment.

Leonard's doctor prescribed the drug regiment of 3TC, AZT, and Crixivan, which is also known as a triple cocktail. A key drug in this mixture is the protease inhibitor, Crixivan. Through PDUFA, Crixivan was made available to consumers within 3 months of its submission to the FDA. Shortly thereafter, Leonard began taking Crixivan.

Thanks to the "triple cocktail," the virus is now below detectable levels. Although this is not a cure, it does provide Leonard hope—a more long-term hope for the future.

Leonard is a member of the Governor's task force on HIV/AIDS. He is the only member who has HIV. As a member of the Task Force, he advocates for the rights of those who are HIV infected—as well as those in the community who are affected.

Leonard has written, called, and even traveled to my office in Washington, DC two times this year to urge my support for this bill. Leonard provides testimonial for the importance of FDA reform, and especially PDUFA.

Fortunately, patients afflicted with AIDS as well as other life threatening diseases have a "Leonard" advocating for them. There are many other Leonards both silent and vocal all across the country who will benefit from this bill. It is on their behalf that I urge my colleagues to support S. 830.

Ms. MOSELEY-BRAUN. Madam President, I support S. 830, the Food and Drug Administration Modernization and Accountability Act of 1997. I also want to commend Senators JEFFORDS and KENNEDY for their hard work on this legislation, and the compromises that will ultimately improve the FDA and improve the public's access to cutting edge medical technology.

Despite recent improvements, I am concerned that the length of time and amount of paperwork required for FDA approval of new products may still be excessive. For many companies desiring to market new products, application to the FDA is a formidable obstacle. In some cases, the length and complexity of the process can deter companies from even applying. This is a particularly troubling prospect given the increasing globalization of markets for health care products and food.

The FDA cannot continue to protect the public health through its traditional methods. Most industrialized and emerging nations participate in multilateral trade agreements that aim to reduce trade barriers. These agreements will continue to bring pressure on the FDA to harmonize its regulatory policies with other international safety and performance standards. The policies that have made the United States the "gold standard" in public health protection must be reformed to function properly in this global economy. This does not mean that we cannot continue to be the gold standard. It simply means that market forces will bring pressure on the FDA to implement policies that encourage the launching of new products in this country, as opposed to Europe, and ensures that the United States maintains its technical and scientific leadership in health disciplines.

As stewards of this generation, we must move to strike the balance between protecting the public health, fostering global trade under multilateral agreements, ensuring swift access to new health technology for Americans, and strengthening the U.S. technical and scientific leadership. S. 830 is a very good effort to balance those sometimes competing goals.

First, the bill reauthorizes the Prescription Drug User Fee Act [PDUFA] for an additional 5 years. PDUFA has been one the most successful pieces of governmental reform legislation. During the 5 years since we first passed PDUFA, the average approval time for pharmaceutical products has dropped over 40 percent. There is still more room for improvement. Many product reviews remain cumbersome, and applicants at times do not have a clear indication of the type of information necessary for FDA review.

S. 830 also makes considerable progress in expediting patients access to important new therapies and potentially life-saving experimental treatments. Just a few months ago, one of my constituents encountered considerable bureaucratic red-tape in her effort to access a potentially life-saving treatment for Hodgkin's disease. Only after countless appeals by my office and hundreds of my constituents did the FDA acquiesce. The troubling part of this incident was that the FDA had approved the same treatment for other patients several years prior. This is not to say that the people who work at the FDA were not following their current guidelines. They were probably following the guidelines to the letter. But the spirit of the FDA's mission was utterly lost in the process. S. 830 makes the much needed reforms.

Along the same lines, the bill also establishes a national registry of clinical trials. The primary impediment to patients access to potentially life-saving treatment is not the FDA but actually a lack of knowledge about ongoing research. A national database, which patients can access, will greatly assist people across the Nation who are searching for hope for their illnesses. This important reform is long overdue and absolutely necessary to continue providing Americans the best in medical treatment and technology.

Finally, the bill strikes an appropriate balance between protecting the public interests and allowing manufacturers to share important off-label use information with providers. It would have been a grave mistake to either prevent the distribution of off-label use information or not allow the FDA to play a vital role in ensuring the adequacy of information being distributed by manufacturers. I know that a lot of work went into the compromise reached regarding off-label usage information and the agreement greatly benefits the American public.

I would like to congratulate the architects of legislation including patient and industry groups who worked so hard to achieve balance. Patients groups are to be especially congratulated for their steadfast pursuit of this reform. Just 2 weeks ago, I met with some of my constituents who have multiple sclerosis and amyotrophic lateral sclerosis—also known as Lou Gehrig's disease. Their message was loud and clear—pass FDA reform now. This is a resounding message that I cannot ignore.

Madam President, it is equally important to say that this legislation is not meant as an attack on the efforts of the women and men who work at FDA. I have great respect for the role that the agency and its employees play in protecting consumers from unsafe and ineffective healthcare, food, and cosmetic products. The FDA has taken a number of steps over the last several years to streamline administrative functions and work better with industry and consumers to facilitate the availability of cutting edge medical technology. The success that FDA has achieved in reducing the time to review new drugs and get potentially lifesaving therapies on the market is laudable. The reviewers at FDA should take pride in these accomplishments. This legislation simply builds on those reforms.

My support for S. 830 should not be construed as a complete endorsement of the bill. This is not a perfect piece of legislation. There are features that patient advocates, industry, and regulators simply do not support. Senator KENNEDY has done a good job of highlighting some of the issues and there have been a number of amendments accepted that further improve the bill.

I am particularly concerned that the bill does not adequately address food safety, which will certainly emerge as a major public health issue. Most of the recent criticism of the FDA has focused on the biologics and medical technology areas. Regulation of imported food products will probably be the pressing issue of the next millennium. As more imported agricultural products find their way to American tables, there will be more pressure upon FDA to act to prevent tainted products from getting to the market.

Nonetheless, reform is absolutely necessary and S. 830 is a good start in that direction. This bill represents a full year of work by stakeholders aimed at reaching compromise legislation. The bill does not contain the draconian hammer provisions that made many of us reluctant to support FDA reform last year. I am happy to have a bill that I can support and that I truly believe moves the country in the right direction. S. 830 is good for patients, good for the industry, and good for the Nation's global competitiveness. I hope that my colleagues will join me in supporting this important legislation.

Mr. McCONNELL. Madam President, in 1906, Congress approved the first national statute to prevent the sale of adulterated and misbranded food and drugs. Since then, the FDA's responsibility to protect the health and safety of American consumers from unsafe products has expanded to cover over one-third of the products sold in our Nation.

While medical research and technological developments have revolutionized our Nation's capacity to advance the public health, the FDA's adherence to bureaucratic and inefficient practices threatens to undermine the potential benefit of these hard-earned innovations. In the 1950's, it took a new drug or medical device approximately 8 years or less to achieve FDA approval. Today, the average time for approval runs between 12 to 15 years. Over the course of 20 years, the FDA's product approval system has undergone careful study by Congress, investigational committees, and the FDA itself, and each has identified key areas of reform that would enhance FDA performance.

This week, the U.S. Senate considers vital legislation to ensure that the FDA can successfully fulfill its core mission to protect public health and safety through priority management, timely review of product applications, and effective use of expert resources. S. 830, the Food and Drug Administration Modernization and Accountability Act, reflects the fundamental recommendation of the Advisory Committee on the Food and Drug Administration that the FDA "should be guided by the principle that expeditious approval of useful and safe new products enhances the health of the American people." The Advisory Committee noted that product approval "can be as important as preventing the marketing of harmful or ineffective products, . . . especially . . . for people with life-threatening illnesses and for diseases for which alternative therapies have not been approved." In other words, antiquated procedures that promote unnecessary delays in the review of new products and therapies fail to promote the public health.

In recent weeks, misinformation regarding the purpose and application of S. 830 reforms has been disseminated. As a supporter of S. 830 and a member of the Senate Committee on Labor and Human Resources, I want to clarify the objectives of this important legislative initiative.

First, this bill clearly sets forth the FDA's mission to protect the public health by ensuring products meet appropriate regulatory standards, and to act promptly and efficiently in its review of clinical research and other information relevant to the marketing of approved products.

Second, S. 830 responds to increasing public concern on the lack of access to investigational products for patients suffering from serious or life-threatening diseases. The FDA has established programs for the compassionate use of investigational products, however, only a limited number of patients have benefited from these opportunities. This bill will enable any patient with a seriously debilitating or immediately life-threatening condition to gain access to an investigational drug or device if the request is made by a licensed physician and the product's use meets the FDA's standards for expanded access. S. 830 also improves patient access to new therapies through a new fast-track drug approval process.

Third, the bill addresses key deficiencies in the assessment of pharmaceutical effects on children. Currently, there is no systematic means for testing drug safety and efficacy for pediatric use. S. 830 will allow the Secretary to request pediatric clinical trials for new drug applications and provide an extra 6 months of market exclusivity to manufacturers who voluntarily meet conditions under the trial program.

Fourth, this measure will improve the availability of health care economics information for medical providers, and create data bases about on-going research and clinical trials for new lifesaving therapies for patients. Access to clear, concise information will help both health care professionals and patients identify the best course of medical treatment available.

Fifth, S. 830 contains a series of reforms to assure that the FDA utilizes the scientific expertise of qualified Federal agencies, like the National Institutes of Health, and accredited outside organizations in order to improve the timeliness and quality of product reviews. The bill also contains reforms to ensure that the application process for new products is governed by consistent and equitable regulatory requirements in the areas of product classification, review, and approval.

Sixth, this measure reaffirms the FDA's accountability for the performance of its Federal obligations. As a member of the Senate Appropriations Subcommittee for Agriculture, I have repeatedly questioned the FDA regarding its failure to prioritize resources for the fulfillment of its statutory requirements. In response to these concerns, S. 830 requires the FDA to develop a clear plan outlining how it will comply with its obligations under Federal statute, and report to Congress annually on the plan's implementation. In addition, the FDA must streamline and update procedures for product review and inspection so its resources are applied cost effectively.

Seventh, S. 830 contains targeted reforms for food regulation. The bill simplifies the approval process for indirect food contact substances. It provides a more reasonable standard for the use of bona fide health claims based on the authoritative recommendations of qualified scientific bodies, such as the National Institutes of Health and the Centers for Disease Control and Prevention. While food reforms take on a minor role in this bill, I look forward to working with my fellow members on legislation that will more thoroughly address the regulatory concerns of the food industry.

Finally, S. 830 reauthorizes the Prescription Drug User Fee Act. In 1992, the FDA and pharmaceutical industry agreed to the collection of additive user fees to pay for the additional staff needed to rectify delays in the review of new drug applications. This reauthorization proposal seeks to build upon those successes through new performance goals and equipment modernization plans. PDUFA serves as a clear example that the FDA can work with regulated industry and consumers to advance the public health through priority management and efficient use of resources.

Madam President, S. 830 has been formed brick by brick from inclusive, bipartisan negotiations by representatives of the FDA, the Clinton administration, the U.S. Senate, industry, and consumer groups. The purpose of this bill is not to weaken the FDA's ability to defend the public health, but rather to enhance its capacity to fulfill this statutory obligation. Whether the issue is food safety or a breakthrough medical treatment, our Nation's researchers will only be successful if the FDA is prepared to effectively respond to the quickening pace of scientific discovery. S. 830 lays this essential foundation for the FDA's future, and I urge my colleagues to join in its approval.

Mr. REED. Madam President, I rise today to address S. 830, the Food and Drug Administration Modernization and Accountability Act of 1997. This is an important bill with serious implications for the health of the American people.

The FDA is responsible for assuring that the Nation's food supply is pure and healthy as well as providing a guarantee that drugs and medical devices are safe and effective. The FDA has an immense impact on the lives of all Americans. Few government agencies provide this kind of important protection for the American people. Indeed, the FDA's mandate requires it to regulate over one-third of our Nation's products. Daily, the FDA faces the delicate balance between ensuring that patients have swift access to new drugs and devices, while guaranteeing that those new products are safe and effective.

S. 830 contains many positive elements. It reauthorizes the important Prescription Drug User Fee Act, one of the most effective regulatory reforms ever enacted. S. 830 also includes a number of provisions that will improve and sensibly streamline the regulation of prescription drugs, biologic products, and medical devices. I believe that these important reforms to the operation of the Food and Drug Administration will increase its efficiency and speed the delivery of important new medical treatments to patients.

One of the most important elements of this legislation is the reauthorization of the Prescription Drug User Fee Act, often referred to as PDUFA. PDUFA established an important partnership between the agency and the industry, and has successfully streamlined the drug approval process.

I am pleased that S. 830 will provide expedited access to investigational therapies. This provision builds on current FDA programs related to AIDS and cancer drugs. Another important element will allow designation of some drugs as fast track drugs, thus facilitating development and expediting approval of new drugs for the treatment of serious or life-threatening conditions. The bill will also require the Secretary of the Department of Health and Human Services to establish a database on the status of clinical trials relating to the treatment, detection, and prevention of serious or life-threatening diseases and conditions. Patients have long deserved access to such information, and I am pleased that this bill provides it.

S. 830 is the result of ongoing negotiations both prior to and subsequent to the markup of the legislation. Through this process, a number of provisions that seriously threatened public health and safety were dropped or otherwise resolved. I am particularly pleased that improvements made since the markup include important protections to the third party review process. Important changes have also been made to provisions regarding health claims for food products, health care economic claims and a number of other provisions in the original legislation.

Yet, there was one important change that was not made to S. 830. Yesterday, along with Senators KENNEDY, BINGAMAN, and DURBIN, I offered an amendment that would make a change on device labeling claims—an issue that has been identified by the Secretary of HHS as worthy of a recommendation to the President to veto this bill. Although our amendment did not prevail, I am still hopeful that this issue can be resolved as the bill continues through the legislative process.

In effect, the bill limits the FDA's current authority to ask device manufacturers for safety data. It prohibits the FDA from considering how a new device could be used if the manufacturer has not included that use in the proposed labeling application. As a general matter, the FDA does not consider uses that the manufacturer has not included in its proposed labeling materials. However, there are instances when the label does not tell the whole story. It is these instances—when the label is false or misleading—that our amendment addressed.

I am disappointed that we were not able to resolve this one issue, because the rest of the bill is worthy of support. However, I am unable to support this bill today because the device labeling issue remains unresolved. This matter is too important to the health and safety of Americans to vote for S. 830 at this time.

I look forward to working with my colleagues to resolve the issue of the FDA's authority in the device approval process. And when this issue is resolved, I am prepared to vote in favor of this bill.

Mrs. BOXER. Madam President, I want to begin my remarks by acknowledging the tremendous amount of work both Senator JEFFORDS and Senator KENNEDY have put into this bill. I know there are a few issues where there is still disagreement. I also realize that some of my colleagues may be offering amendments which they believe will strengthen the bill.

On balance, however, I believe this is a good bill that will have a very positive impact on helping to streamline and expedite some of the FDA review processes; and thus, help patients get access to new and promising treatments and devices in a safe, efficient, and expeditious manner. There is no agency within the Federal Government which has as direct or significant an impact on the American people as the Food and Drug Administration.

The FDA is responsible for ensuring the foods that we eat are safe, wholesome, sanitary, and properly labeled, that the drugs that we take, and that we give our pets, are safe and effective and that there is a reasonable assurance that the medical devices which we use are safe and effective. I believe the FDA has done, and continues to do, a tremendous job in carrying out this mission—it is internationally recognized as the gold standard for the approval of medical products.

The most important aspect of any FDA reform bill must be public safety. We have the safest food, drugs, and medical devices of any country in the world; and nothing we do should ever undermine this—period.

I also believe, however, that rapid technological advancements being made by biotechnology companies, and others, necessitate, and allow for, an expeditious product review and approval process. Obviously, this product review and approval process must simultaneously assure safety and efficacy. Again, safety and efficacy should not be compromised.

Let me share with my colleagues an example of the technological advances being made by the biotechnology industry. Affymax, a biotechnology company located in my home State of California, has developed a technology to speed-up the analysis of drug and biological compounds.

Affymax is a leader in the emerging field of combinatorial chemistry. Combinatorial chemistry functions by creating large numbers of diverse compounds to test against different disease targets. Affymax combines chemistries, sophisticated software and innovative molecular biology techniques to rapidly analyze and synthesize these potentially useful drug and biological compounds.

I know about this process because I had the pleasure of seeing it when I toured Affymax's laboratories last year. Affymax has greatly accelerated the pace of drug discoveries by developing high technology automated machines which can synthesize and screen 10,000 compounds in just one week. The same testing, previously done in test tubes and petri dishes, used to take about 5 years.

These are the kinds of advancements which I believe make it necessary for the FDA to streamline its process, in those areas which can be streamlined, so that patients may get safe and effective products as expeditiously as possible. There are literally hundreds of thousands of patients around the country waiting for the next new and promising drug therapy and/or device to be approved.

There are, of course, other very important aspects of this bill. Not the least of which is the reauthorization of the Prescription Drug User Fee Act—commonly referred to as PDUFA.

PDUFA is generally considered the most successful piece of FDA reform legislation in recent history. It enables the FDA to collect user fees from pharmaceutical and biotechnology companies. Those fees are used to pay the salaries of hundreds of additional product reviewers and to fund product review. As a result, the FDA is able to speed-up its drug approval process and to more expeditiously get new and promising drug therapies, and medical devices, to those that need them.

By all measures, PDUFA has been enormously successful. One measure of that success is the assertion by all parties involved—the FDA, patients, prescription drug manufacturers, consumer groups, and policymakers—that the program has worked. Certainly any program that receives the unanimous support of industry, consumer groups, the FDA, and policymakers must be extremely beneficial and should continue to be supported.

This bill has other constructive elements as well. For example, the bill allows for expedited access to investigational drug therapies and for the expanded humanitarian use of devices. The bill also provides an incentive for drug manufacturers to conduct studies which support the safety and effectiveness of pediatric drugs and it provides for expanded collaboration and communication between the FDA and device manufacturers.

The pediatric drug provision in this bill is especially important inasmuch as the overwhelming number of drugs on the market today are not tested for safety and effectiveness on children. It is important, therefore, that we provide drug manufacturers an incentive to test their products on children.

I believe this provision, which gives drug manufacturers an additional 6 months of market exclusivity, is a reasonable and appropriate incentive, and will be a first step toward getting more drugs labeled for pediatric use. A very important and significant goal.

I am also excited about the provision in this bill which allows for expanded communication and collaboration between the FDA and device manufacturers. It is important that device manufacturers and FDA examiners, early on in the review process, clearly establish the type of scientific evidence that will be necessary to demonstrate device effectiveness. Not only will this provision help bring about increased clarity and certainty in the review process, it will also help speed safe and effective devices to market. I believe this is especially important given the rapid technological advancements being made in this area.

Finally, I want to thank Senators GREGG and JEFFORDS for working with me to ensure that California's proposition 65 will not be preempted by the uniformity provisions of this bill. California's proposition 65 was passed by California voters in 1986 and requires that persons who expose others to certain levels of carcinogens or reproductive toxins give a clear and reasonable warning.

Proposition 65 has successfully reduced toxic contaminants in a number of consumer products sold in California and it has even led the FDA to adopt more stringent standards for some consumer products. For example, proposition 65 has been used successfully to reduce toxic contaminants in ceramic dishware and in lead-foil wine bottle caps. Notably, the FDA followed the lead of California in both those instances. In fact, the FDA has adopted a standard completely barring the use of lead-foil wine bottle caps pursuant to California's agreement with the wine industry to convert to tin or plastic bottle caps. So I am very pleased that the FDA reform bill now being debated will exempt California's proposition 65.

As I stated at the outset, I believe, on balance, this is a good bill and will be beneficial in helping to get safe and effective drugs and devices to the American people in a more expeditious manner.

Mrs. FEINSTEIN. Madam President, S. 830, the bill before us today, will improve the tools used by the Federal Food and Drug Administration to bring more, safe and effective drugs, biologics and medical devices to the American people more quickly.

FDA is one of our Government's most important agencies because FDA approves life-saving medicines and devices and FDA protects us from unsafe and ineffective medicines and devices. Thanks to FDA, products like defective heart pacemakers, dangerous intrauterine devices, and overheating infant incubators are not sold.

FDA's 2,100 scientists and 7,000 other employees monitor about $1 trillion worth of products each year, inspect over 15,000 facilities a year, and examine about 80,000 product samples. FDA finds about 3,000 products a year unfit for consumers and detains 30,000 imports a year at ports of entry.

### HOPE FOR CURES FOR DISEASES

Millions of Americans have serious, debilitating illnesses for which there is no treatment or cure. There are 3,000 to 4,000 genetic diseases alone. Cancer kills half a million Americans per year. Diabetes afflicts 15 million Americans a year, half of whom do not even know they have it. Fifteen thousand American children die every year. And, for children, the rates of asthma, bronchitis, sinusitis, heart murmurs, epilepsy, and anemia are on the rise. We put our faith in the medical industry and Government to find cures and therapies. Americans want an FDA that brings safe and effective drugs to market as quickly as possible to alleviate suffering, pain, and disease and to prevent death.

The bulk of the bill before us today, a bill to accelerate the approval of prescription drugs, biologics, and devices, is an important bill to the Nation and especially to my State. It is a good bill, except for section 807, "National Uniformity," provisions that could interfere with California's efforts to protect the public health laws.

### CALIFORNIA'S ROLE

California is the Nation's premier medical technology base, public and private. Many of the Nation's leading drug, biotech, and device companies collaborate with the State's nine academic medical centers and conduct some of the world's leading health research. The UC system has spawned 30 Nobel laureates. Forty percent of California's biotech companies were started by UC scientists.

The Nation's largest concentration of health care technology companies is in California who employ 165,000 people. California's 900 health care technology companies are producing leading edge products, for example, the first new therapy for cystic fibrosis in 30 years, Genentech; technology that enables doctors to do heart surgery without opening the chest cavity, Heartport; a cancer drug that is genetically engineered and stimulates the bone marrow to produce important white blood cells, Amgen; and linear accelerators for treating cancer, Varian, and intraocular eye lenses, Allergan.

California produces 19 percent of all U.S. medical instruments, 20 percent of all diagnostic materials, and 13 percent of all biologics. There are 915 drugs, biologics, and devices under development in my State.

So the bill before us is important to both the human health and the economic health of the Nation and of California.

### KEY PROVISIONS

The bill includes several improvements over current law that will bring more drugs, medical devices, and biotech products to people more quickly:

1. Extends User Fees: Extends for 5 years the Prescription Drug User Fee Act to accelerate drug and biologics approvals. The prescription drug user fees, enacted in 1992, have enabled FDA to hire 600 additional drug reviewers and FDA has cut drug approval times almost in half, from 29.2 months in 1992 to 15.5 months in 1996, according to the drug industry. This means that patients have had access to drugs almost a year sooner. These include a new class of drugs for asthma; a new treatment for multiple sclerosis; five new cancer drugs; the first new insulin product in 14 years; and three new antiviral medicines for AIDS, including two protease inhibitors.

This bill reflects the agreement of the drug and biotech industries to pay over $500 million in new user fees over the next 5 years, which could bring to the public 1,000 medicines now in the pipeline. These renewed user fees could help FDA cut drug approval times even more, an additional 10 to 16 months.

2. Clinical Trials Database (the Feinstein-Snowe bill): Requires NIH to establish a database, including a 1-800 number, for patients and medical providers to obtain information on clinical trials on serious and life-threatening diseases. This provision incorporates S. 87, a bill I introduced with Senator SNOWE, last August, was suggested by one of my constituents in a hearing of the Senate Cancer Coalition, which I co-chair. Facilitating access to information can help patients and their doctors learn about research underway and can expand the pool of research participants.

4. Pediatric Drugs: Provides 6 months of additional market exclusivity of a drug when the manufacturer, at the request of the FDA, conducts pediatric studies to support pediatric labeling for a drug.

According to the American Academy of Pediatrics, only 20 percent of drugs have been tested and proven to be safe and effective for use in infants and children. This creates serious problems for pediatricians who must prescribe with inadequate information or deny children important therapies. In a July 24 letter to me, they give the example of asthma and say that in most children it manifests itself by age five, but there is only one asthma drug labeled for children under age five.

5. Accelerating Approvals: The bill includes a number of provisions designed to modernize, streamline, and accelerate the drug and device approval process. For example, it allows products manufactured at a small or pilot facility to demonstrate safety and efficacy prior to scaling up to full manufacturing, unless FDA determines that a full-scale facility is necessary to ensure safety and effectiveness.

For biotech products, it establishes one license, rather than the current two, covering both the biologics or product license and the plant's manufacturing processes license . For medical devices it requires FDA to meet with manufacturers to establish the type of scientific data needed to demonstrate efficacy of the device and it requires FDA and the applicant to meet to evaluate the status of an application 100 days after submitting applications.

### PREEMPTING CALIFORNIA'S PUBLIC HEALTH LAWS

California has a long history of regulating nonprescription drugs and cosmetics and has led the Nation in many instances in protecting the public in these areas. For example, in 1981, California adopted a requirement that nonprescription drugs carry a label warning pregnant or nursing women to consult with their physician or pharmacist prior to using a drug. In the following year, FDA adopted the California requirement.

But section 807 of the bill, titled "National Uniformity," restricts States' actions by prohibiting States from establishing or continuing, for nonprescription drugs, any requirement that is "different from or in addition to or that is otherwise not identical with" a Federal requirement. For cosmetics, Section 807 prohibits States from establishing or continuing requirements for packaging and labeling that are "different from or in addition to or that is otherwise not identical with" a Federal requirement.

California Attorney General Lungren, in a July 14 letter, cites the Sherman Food, Drug, and Cosmetic Law as an example. He argues, "* * * we are concerned that this provision may be construed to preempt states from imposing any requirements on cosmetics or over-the-counter drugs, and could therefore prevent the State of California from enforcing significant laws dealing with the health and safety of its citizens in the absence of a specific FDA exemption."

The California Department of Health Services has also raised concerns about the preemption language, concern about the bill's impact on their ability to protect the public health. I believe in allowing states to enact stronger laws to protect the health of citizens and introduced an amendment on September 15 to allow California's laws to stand.

I appreciate the colloquy of my colleague and the bill manager, Senator JEFFORDS, that clarifies the extent of preemption intended by the authors of the bill. Senator JEFFORDS clarified that it is not the intent of this bill to prohibit the State from issuing public statements to warn the public about public health dangers. He said that it is not the intent of the bill to preempt State enforcement authority such as California's power to embargo products and to license and annually inspect facilities. On advertising, he stated that it is not the intent of the bill to affect State laws that prohibit false and misleading advertising or to prohibit unsubstantiated claims for nonprescription drugs. My office will remain in communication with the State to determine if problems develop and work with Senators JEFFORDS and KENNEDY in this regard.

The bill does include, at my request, an explicit protection—an exemption from preemption—for California's "Proposition 65," a ballot initiative enacted in 1986 on a 63 to 37 percent vote which requires anyone exposing someone to chemicals known to cause cancer or birth defects to give a warning. Attorney General Lungren wrote on July 14 to Senator JEFFORDS, "S. 830 [as reported from the Labor Committee] would, in the absence of specific FDA exemption, appear to prevent the State of California from enforcing both the Sherman Food, Drug and Cosmetic Law as well as Proposition 65, a state 'Right to Know' statute, passed by the voters of California in 1986. * * * We therefore respectfully urge you to seek modification of your bill to address this issue."

Proposition 65 has provided important protections to the public and has prompted manufacturers to reformulate products. Because of this law, for example, manufacturers removed toluene from nail polish, lead from antacids, and calcium supplements and leadfoil from wine bottles. I am pleased that the Senate agreed with my request to explicitly exempt proposition 65, preserving this important California law, and I thank my colleagues for their support.

I believe it is wrong to preempt California's progressive drug and cosmetic laws. The citizens of my State have chosen to safeguard the public health through a strong State law and I have worked to protect our State's laws in this bill.

### CONCLUSION

By extending prescription drug user fees, we can give FDA some of the resources it needs to bring products to the public and alleviate human suffering. I hope that this bill can move quickly to enactment so that the public will have a strong FDA.

Mr. WELLSTONE. Madam President, I take this opportunity to thank my colleagues for all of the hard work that they have done on S. 830, the FDA Modernization and Improvement Act of 1997. Senator JEFFORDS has provided his leadership in bringing this legislation forward, and my other colleagues have worked to negotiate agreement on provisions where there was concern. I would like to thank Senator COATS, who was true to his word that he would work with us to come to an agreement on third party issues, and Senator GREGG, who worked to reach a compromise on the national uniformity provision.

It is my belief that we can provide medical products to consumers in a more timely manner through many of the provisions in this bill, while retaining significant consumer protections. Many of the provisions in S. 830 will take a significant step toward addressing Americans' concerns with the FDA. The legislation would improve the predictability, timeliness and focus of the regulatory process for medical products. The legislation would also improve communication and collaboration between the FDA and the regulated industries. I strongly endorse the view that these objectives can be met and unnecessary regulatory burdens can be minimized without compromising the quality of the reviews.

My colleagues and I have worked very hard on bringing forward needed reform proposals with respect to the review and approval of medical devices. We have negotiated many of the original provisions in the bill to the point that we have reached agreement on them, and can join together in supporting them. We have taken into consideration the comments and concerns of consumers and industry in order to present a bill that will improve the review and approval processes.

As you know, I have always been and will continue to be a strong consumer advocate. I think that S. 830 provides many things for consumers and will help to bring them medical therapies that are safe and effective in a more timely fashion. This is especially true with respect to devices. This is the part of the bill on which I have focused the bulk of my attention, and I do think that a large number of concerns that I and some of my colleagues, in particular Senator KENNEDY, had have been addressed.

There has been a great deal of discussion and debate about section 404 of the bill, which deals with labeling for intended use of devices. This issue is highly technical, but it is clear that all of us have the same goals in mind: First, to provide a degree of consistency in the way devices are reviewed by individual reviewers, so that reviewers do not try to second guess an honest manufacturer with respect to the intended use of a device, and second, to prevent the very few companies who might try to avoid presenting the FDA with adequate data about safety and effectiveness from having their devices classified and brought to market under the 510(k) process. I do not believe that the provision in this bill prohibits the FDA from exercising its authority to not find a device substantially equivalent to its predicate device when there are technological differences that raise new issues of safety and effectiveness. But obviously, there are differences of opinion with respect to this provision. Since we all agree on the goals that we are trying to achieve, I think that there must be a way of clarifying the authority of the FDA in a way that is satisfactory to everyone.

The Reed-Kennedy amendment offered one option, but this option is not the appropriate one. Several other suggestions for language to clarify this have been offered, but none capture what we are all trying to do. Rather than reiterate all of the arguments that were stated in the debate over the past several days, I will ask that my colleagues who are appointed as conferees work together to ensure that this provision is worded to make clear that it will penalize anyone who tries to get around the law, but will not penalize those who are complying with the intent of Congress and the law.

Madam President, as I have said before, I think this is an important piece of legislation. It is clearly important that we reauthorize and improve PDUFA, and that we work to bring safe and effective medical therapies to the public in a timely manner. Again, I would like to thank my colleagues, especially Senator JEFFORDS and Senator KENNEDY and their staff members for all of their efforts on this bill. I would also like to thank the consumer groups for their input, and the administration for its assistance in the negotiations process. I trust that the conferees will keep the importance of this bill in mind as they negotiate to bring the final legislation to the floor for passage.

Mr. JEFFORDS. I ask unanimous consent that a letter from the Nonprescription Drug Manufacturers Association to Senator LOTT be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NONPRESCRIPTION DRUG
MANUFACTURERS ASSOCIATION,
*Washington, DC, September 15, 1997.*

Hon. TRENT LOTT
*U.S. Senate, Washington, DC.*

DEAR SENATOR LOTT: In a letter to you dated September 4, the National Governors' Association (NGA), National Conference of State Legislatures (NCSL) and Association of State and Territorial Health Officials (ASTHO) stated their opposition to the national uniformity provision (§761) in S. 830, the Prescription Drug User Fee Act (PDUFA) and FDA modernization legislation. Unfortunately, their letter contained several incorrect and misleading statements concerning nonprescription, over-the-counter (OTC) medicines and the application of the national uniformity provision. In order to set the record straight on this important issue, I offer the following comments.

### 1. NATIONAL UNIFORMITY FOR OTC DRUGS WILL PROTECT THE PUBLIC HEALTH AND SAFETY

One national, uniform system of regulation for OTC drugs protects the interests of all American consumers. There is simply no difference in the safety, effectiveness, and proper labeling of OTC drugs from one state to another. An OTC drug that is safe, effective, and properly labeled for a consumer in Louisiana is safe, effective, and properly labeled for a consumer in Massachusetts, and vice versa.

Allowing states to establish a patchwork of different requirements for OTC drugs makes no sense. It would even be detrimental, resulting, for example, in confusion as consumers are confronted with different labels for the very same OTC drug obtained in different states. Moreover, non-uniform laws for OTCs would drive up consumer expense through the costs of different and inconsistent state requirements for testing, labeling, and packaging, and through disruption of the distribution for products required to meet as many as 50 disparate state systems.

The authors assert that there is no evidence that shows a need to preempt state laws regulating OTC drugs. Attachment A lists several examples of state proposals, which, if enacted, would have disrupted national uniformity.

### 2. IMPORTANT STATE INTERESTS WOULD BE FULLY PROTECTED UNDER S. 830

The authors mistakenly say that states would be prevented from effectively addressing compelling OTC drug problems unique to their states under S. 830. They particularly criticize the exemption procedure in S. 830. The exemption provision enables a state to petition FDA to depart from the single uniform national standard for an OTC drug. The preparation and submission of an exemption petition will not be a very burdensome or expensive process, and FDA can be expected to rule on such petitions promptly. Moreover, the three requirements for exemption from uniformity for a state are logical. If the public interest represented by the state proposal is already protected, there is no need for a state exemption to protect it. As interstate products, OTC drugs could not and should not violate other applicable federal laws. The prohibition against unduly burdening interstate commerce simply requires a sensible balancing of competing interests.

The authors also claim that states would be prohibited from taking action on their own even where there are compelling local conditions. They argue that states are expected to address compelling local conditions and that the Constitution already prohibits state laws that unduly burden state commerce. Therefore, they argue that the preemption provision of S. 830 is unneeded, and that states should not be required to petition FDA for exemptions from preemption.

The authors' premises are flawed. States are not limited to laws that address "compelling" local conditions. They have broad police powers to enact laws that deal with any legitimate issue. Moreover, they can pass laws that affect not just local conditions but regional and national ones as well.

When analyzed under the "dormant" Commerce Clause, state laws enjoy a presumption of validity, and they will not be invalidated unless they impose burdens on interstate commerce that are clearly excessive in comparison to their benefits. This is a very different test from the one embodied in the national uniformity provision of S. 830 for OTC drugs.

A state law that does address a compelling local condition and does not unduly burden interstate commerce would be eligible for FDA consideration of an exemption petition. Many state laws, however, will not meet such a test and therefore should not be permitted to stand. The only way to distinguish one type of law from the other is to establish an exemption petition procedure. The petition process would not be expected to be burdensome, as described above.

Apart from the exemption procedure from preemption in S. 830, states would retain full authority to take action in emergency and (non-emergency) situations involving OTC drugs as follows: First, the bill would not affect the right of a state to take action immediately, without consultation with FDA, to deal with an authentic local emergency involving a nonprescription drug, such as outbreak of an abuse problem. If there is a true local emergency, as the authors acknowledge, the state could take immediate action to place a nonprescription drug on prescription status until the problem abates: And as noted below, some states have done that in the case of ephedrine-containing OTC drug products.

Second, the bill would prevent the states from undertaking unilateral action, again without consultation with the FDA, to issue their own public statements in the form of health department releases, public service announcements, or other public education campaigns to alert state consumers about its concerns about an OTC drug. The bill would simply prevent the states from imposing 50 different notification requirements on the OTC maker, whether in labeling, packaging or other form of public communication, which would disrupt the longstanding national system of review and marketing for nonprescription drugs.

Third, the bill would not prevent the states from utilizing their enforcement authority to take immediate action against an OTC drug that was adulterated, misbranded, or otherwise out of compliance with laws that are the same as federal laws.

Fourth, as recognized by the authors, the states can also require an OTC drug to be dispensed only by prescription.

### 3. STATES CAN PETITION FOR ADOPTION OF THEIR IDEAS AS THE NATIONAL UNIFORM STANDARD

The authors comment that FDA lacks adequate resources to act and states must be permitted to provide "important protections" FDA is unable to provide. This is specious. FDA has not failed to act in any case in the OTC area where action was otherwise warranted, on the basis of resources. FDA regulation of OTC drugs under the OTC Review, for example, is unrivaled in the world as the most comprehensive system of safety, effectiveness, and labeling review of its kind ever undertaken. Similarly, FDA is currently embarked upon a mammoth program to completely overhaul and standardize the format and content of all OTC drug labels.

The authors' argument also ignores the fundamental policy embodied in the national uniformity provision—that FDA is a national expert agency that should set national standards. The states remain laboratories of good ideas, which FDA can adopt as national standards or allow to take effect locally if they qualify for an exemption. But there is no constitutional or policy reason to prefer 50 mini-FDAs over a singly national one.

The bill would preserve the states right to petition the FDA to adopt a state proposal as the uniform national standard for OTC drugs. If a state believes it has an innovative idea for protection of the nation's OTC drug consumers as a whole that is superior to protection provided by FDA, it can petition FDA to adopt the idea as the national standard. That way, potential improvements in the OTC regulatory system can be evaluated by all interested parties against the background of the overall FDA regulatory program for OTC drugs. If FDA concludes that the state's proposal is the right one, then it can adopt it as the national standard.

### 4. STATES WOULD NOT BE PREEMPTED IN REGULATION OF DIETARY SUPPLEMENTS OR OTHER KINDS OF FOODS

The authors mistakenly assume that dietary supplement state regulation and other health food regulation would be affected by preemption. Neither dietary supplements nor foods of any kind, including dietary supplements or health foods containing ephedrine, would be covered by the OTC drug preemption provision of S. 830. Thus, none of the state laws cited by the authors in Louisiana, New York, Michigan, Maryland, Vermont, Washington, or Minnesota, would be preempted by S. 830 because there is no preemption of food laws.

### 5. STATES WOULD NOT BE PREEMPTED FROM REGULATING OTC DRUGS OTHER THAN WITH RESPECT TO THE FEDERAL LAWS GOVERNING OTCS THAT ARE SPECIFICALLY ENUMERATED IN S. 830

With respect to ephedrine-containing OTC drug products, contrary to the authors' statements, no state has imposed any labeling or packing restrictions on these products different from or beyond those imposed by the FDA. Some states have taken action on some OTC ephedrine products to place certain products on a controlled substance schedule, to place ephedrine on prescription status, to limit access to adults, and to prohibit possession of large quantities of the drug with intent to make methamphetamine. None of these state laws or actions would be preempted by the national provision of S. 830, because they are not laws enumerated in the section 807 of the bill (Sec. 761(a)(1)(B)).

### 6. ALL OTC DRUGS ARE SUBJECT TO THE SAME EXACTING FDA SAFETY, EFFECTIVENESS AND LABELING REQUIREMENTS

The authors make an unfounded and alarmist assertion that as more medications are switched from prescription to OTC status, consumers, especially the elderly and youth, are placed at greater risk. All nonprescription drugs, whether brought to market by being switched from prescription status, or marketed as OTC drugs from the outset, are subject to the same high and exacting standards for safety, effectiveness, and labeling. Indeed, nonprescription drugs are required to have an especially wide margin of safety precisely because they are intended to be purchased and used by consumers without the intervention of a doctor.

### 7. NATIONAL UNIFORMITY IS SUPPORTED BY MANY STATE AND NATIONAL ORGANIZATIONS AND SEVERAL FORMER FDA COMMISSIONERS

Support for national uniformity of OTC medicines is widespread and continues to grow. Over 90 organizations including the American Medical Association, National Consumers League, United Seniors Health Cooperative, as well as several state pharmacy, medical and retail organizations are in favor of one, uniform system of regulation for these important products. In addition, four former FDA Commissioners support this provision. (See Attachment B.)

Thank you for considering our views on this important subject. We urge you to continue your support for national uniformity for OTC medicines.

Sincerely,

JAMES D. COPE.
*President.*

Attachments: (A) Examples of State Proposals That Would Disrupt National Uniformity; (B) Organizations Supporting National Uniformity.

## ATTACHMENT A

### EXAMPLES OF STATE PROPOSALS THAT WOULD DISRUPT NATIONAL UNIFORMITY

The authors state that there is no evidence that there is a need for pre-exemption of state laws that seek to regulate OTC drug packaging and labeling. That quite simply is not true!. Here are just a few examples of state proposals that would, if enacted, disrupt national uniformity.

First, in 1993 alone, three states proposed to require bittering agents in certain OTC medicines sold in those states to deter childhood poisonings and overdoses. These state bills received consideration despite the federal CPSC's rejection of bittering agents under the Poison Prevention Packaging Act in favor of child resistant packaging and consumer education to address the problem.

Second, in the 1990s, at least fifteen state legislatures have considered legislation to require "environmentally-friendly packaging" of OTC drugs, that would mandate certain recycled content levels and plastic resins. These proposals would have conflicted with FDA's safety requirements that certain drugs be packaged only in "virgin" materials to prevent adulteration of the drugs. In some cases, these various proposals would conflict with each other as well.

Third, numerous states have proposed to require certain language and label warnings on OTC drugs that add additional, inconsistent and confusing precautions to these labels, in addition to the lengthy and comprehensive labeling requirements imposed by the FDA. Where would this extra room on OTC labels come from to accommodate all the suggestions that would be imposed by 50 states? Most OTC drugs are relatively small products, and thus have very limited label space.

OTC drug labels contain much FDA required information essential to their safe and proper use; therefore state-by-state proposals requiring additional label information obscure FDA-mandated warnings. Such proposals must be viewed in the context of the available label space. FDA makes these judgments recognizing the need for judicious use of scarce label space. Examples of these state-by-state proposed requirements include:

Conflicting proposed legislation in various states that would require—(1) the word "poison" along with antidote, (2) a "Mr. Yuk" symbol affixed to the label, (3) a special poison warning including a dark green background, and (4) a black "X"—each of these different state proposals seek to address the same problem of childhood poisonings; label disclaimers that the elderly should disregard label dosages and consult a physician before taking any OTC drug, despite an absence of any scientific evidence that drug absorption or metabolism is connected to turning 65 years old; label disclosure that a certain product was tested on animals in its development, even though the FDA may require animal testing of the drug prior to its use in humans; label warnings that a product is unsuitable for disposal on land or in water; one state's attempt to require extensive label cautions on fluoride-containing toothpastes that fluoride is an enzymatic and protoplasmic poison 15 times more poisonous than arsenic; and initiatives or legislation in ten states that would have required special label warnings that certain ingredients may be carcinogens, even where the FDA has reviewed the drug and determined that it is safe and effective at the levels that the ingredient is used in that product. These states would reject the FDA's careful risk/benefit analysis of medications in favor of scaring consumers even where only trace quantities of the substance are present.

One can easily understand the confusion to consumers that would result if these warnings showed up on products in one state but not on the same identical product destined for another state. If any of the above ideas are good ones, they should be considered by FDA; receive comments from the public, the states, and the industry; and if they are determined to be sound public policy, they should be made national requirements.

There is absolutely a need for national uniformity to prevent such state proposals from disrupting commerce and confusing consumers.

### ATTACHMENT B

### ORGANIZATIONS SUPPORTING NATIONAL UNIFORMITY

American Association of Colleges of Pharmacy; American Beauty Association; American Medical Association; American Society of Health-System Pharmacists; Area Agencies on Aging Association of Michigan; Arizona Retailers Association; Associated Food Dealers of Michigan; Association of Commerce and Industry of New Mexico; California Arthritis Foundation Council; California Chapters of the National Association of Pediatric Nurse Associates & Practitioners; California Coalition of Hispanic Organizations; Central Ohio Retail Grocers Association; Chain Drug Marketing Association, Inc.; Citizens for the "Right to Know"; and Congress of California Seniors.

Congress of California Seniors—Los Angeles; Connecticut State Medical Society; Florida Medical Association; Food Marketing Institute; Generic Pharmaceutical Industry Association; Giant Food, Inc.; Gulf Coast Grocers Association (Texas); Health Advocacy Services (California); Independent Cosmetic Manufacturers & Distributors, Inc.; Indiana Manufacturers Association; Indiana Retail Council; Industry and Commerce Association of South Dakota; Interamerican College of Physicians and Surgeons; Iowa Retail Federal, Inc.; and Maryland Association of Chain Drug Stores.

Maryland Retailers Association; Medical Society of the State of New York; Medical Society of Virginia; Michigan Chamber of Commerce; Michigan Distributors and Venders Association, Inc.; Michigan State Medical Society; Minnesota Chamber of Commerce; Minnesota Grocers Association; Minnesota Retail Merchants Association; Mississippi Wholesale Distributors Association; Missouri Grocers Association; Missouri Retailers Association; Missouri State Medical Association; National Association of Chain Drug Stores; and National Association of Manufacturers.

National Coalition of Hispanic Health and Human Services; National Community Pharmacists Association; National Consumers League; National Council on the Aging; National Hispanic Council on Aging; National Retail Federation; National Wholesale Druggists' Association; New Hampshire Medical Society; New Mexico Pharmaceutical Association; Nonprescription Drug Manufacturers Association; North Carolina Retail Merchants Association; Ohio Council of Retail Merchants; Ohio Grocers Association; Ohio Wholesale Druggists Association; and Pennsylvania Association of Chain Drug Stores, Inc.

Philadelphia Association of Retail Druggists; Philadelphia College of Pharmacy; Retail Merchants Association of New Hampshire; Retailers Association of Massachusetts; Robbie Vierra-Lambert Spinal Cord Organization for Regaining Excellence; Safety & Health Council of New Hampshire; Safeway, Inc.; Senior Medication Awareness & Training Coalition, Sickle Cell Disease Association of America, Inc.; South Dakota Pharmacists Association; Tennessee Association of Business; Tennessee Grocers Association; Texas Association of Business & Chambers of Commerce; Texas Food Industry Association; and The 60 Plus Association.

United Seniors Association; United Seniors Health Cooperative; United States Hispanic Chamber of Commerce; Ukrop's; Vermont Board of Pharmacy; Vermont Chamber of Commerce; Vermont Grocers Association; Vermont Medical Society; Virginia Chamber of Commerce; Virginia Manufacturers Association; Virginia Pharmacists Association; Virginia Retail Merchants Association; Washington Retailers Association's Retail Pharmacy Council; Washington State Medical Association; White House Conference on Small Business, New Jersey Delegation; Wisconsin Grocers Association, Inc.; and Wisconsin Manufacturers and Commerce.

### FORMER FDA COMMISSIONERS SUPPORTING NATIONAL UNIFORMITY

Charles C. Edwards, M.D.; Arthur Hull Hayes, Jr., M.D.; Donald Kennedy, Ph.D.; and Herbert Ley, Jr., M.D.

Mr. JEFFORDS. Madam President, we are nearing the end of the debate. I have no more requests for time that I am aware of. So I will make some comments and then go into a quorum call. But I want to alert Senators that if I do not have a request within the next 10 minutes, it is my intention to yield back the remainder of my time, assuming the minority would do the same thing, so that we can expedite the process and the movement of legislation through the Senate.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. JEFFORDS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JEFFORDS. Madam President, I yield 6 minutes to the Senator from Arkansas.

## CONSTITUTIONALITY OF MINING AMENDMENT

Mr. BUMPERS. Madam President, I rise today because I believe the Senate set a terrible precedent last Thursday when it voted to uphold a point of order that was made against an amendment that Senator GREGG and I offered to H.R. 2107, the Interior appropriations bill. This amendment proposed to collect the royalty from hardrock mining operations on public land and a reclamation fee from hardrock mining operations on land that was patented pursuant to the 1872 mining law. The receipts collected from the royalty and reclamation fee would have been deposited in a trust fund to be used to reclaim abandoned hardrock mines in the West.

Opponents of my amendment, in an attempt to prevent Senators from going on record in support of an effort to make the mining industry help pay for the environmental disasters it has created, raised a point of order arguing that the reclamation fee constituted a tax proposed by the Senate and thus the amendment violated the origination clause of the Constitution; that is, that all revenue measures must originate in the House. Unfortunately, the Senate voted to uphold the point of order even though the amendment was not even close to being unconstitutional.

The Supreme Court has held on numerous occasions that while a tax provision may not originate in the Senate, a governmental fee can. "A statute that creates a particular governmental program and that raises revenue to support that program, as opposed to a statute that raises revenue to support government generally, it is not a 'bill for raising revenue' within the meaning of the origination clause." That is confirmed in United States versus Munoz-Florez. My amendment would have imposed a royalty and a fee in order to directly fund the reclamation of abandoned hardrock mines. It was not intended to raise revenues for the Treasury.

In fact, Madam President, the Parliamentarian has already ruled that the reclamation fee provision does not constitute a tax when the Parliamentarian referred S. 326, which includes the very same reclamation fee proposal that I had, to the Senate Energy and Natural Resources Committee rather than the Finance Committee. The House Parliamentarian made the very same ruling when he referred the House companion to S. 326 to the House Natural Resources Committee rather than the Ways and Means Committee.

I find it perplexing that anybody could argue that the amendment that Senator GREGG and I offered to the Interior appropriations bill could possibly constitute a tax. However, even if that were the case, it ought to be noted that the Interior appropriations bill originated in the House of Representatives in accordance with the origination clause of the Constitution. It does not matter that the amendment was offered in the Senate as long as the bill originated in the House. In *Flint* v. *Stone Tracy Company*, 220 U.S. 107 (1911), the Supreme Court ruled that legislation which created the tax on corporations complied with the origination clause even though the corporate tax was proposed by the Senate as a substitute to an inheritance tax that was included in the bill as reported by the House.

The fact that H.R. 2107 was reported by the Appropriations Committee rather than the Finance Committee is not relevant. The Senate has in the past added an amendment which modified the Tax Code to an appropriations bill. For example, in 1982 the Senate added a provision to the supplemental appropriations bill which limited the availability of certain tax deductions for Members of Congress.

Madam President, Senate rules do not permit the Parliamentarian to rule when a point of order is made against an amendment on constitutional grounds. If the Parliamentarian had been able to rule, the point of order would not have even been made and the decision would not have been close. Instead, the point of order was made with the knowledge that Senators would be able to defeat the Bumpers-Gregg amendment without actually going on record in support of allowing mining companies to continue acquiring billions of dollars worth of minerals from the taxpayers of this country without compensation and leaving those same taxpayers with environmental disasters to clean up.

Mr. President, I yield the floor.

Mr. JEFFORDS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. DEWINE). The clerk will call the roll.

The bill clerk proceeded to call the roll.

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## FOOD AND DRUG ADMINISTRATION MODERNIZATION AND ACCOUNTABILITY ACT OF 1997

The Senate continued with the consideration of the bill.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. How much time remains, Mr. President?

The PRESIDING OFFICER. The Senator from Massachusetts has 7 minutes.

Mr. KENNEDY. Mr. President, I yield myself 3 minutes.

Just a short while ago, we heard some comments on the floor about how this whole process has taken a long period of time. It has taken a period of time. But I think one can see from any fair review of the history of the legislation that very substantial progress has been made in making this a better bill. As I pointed out earlier in the debate, of the 20 major health safety issues identified by the administration, 19 have been addressed, not only in our committee markup, but also in the negotiations that we had prior to the time of the legislation coming to the floor. There is the one remaining item, which deals with safety and medical devices. It is extremely important. We have given focus to this issue because it deserves the focus that we have given it.

Mr. President, I have in my hand the statement of the administration policy. It indicates that it has two major concerns with the bill. One is the technical provision with regard to the budget agreement and how they are going to allocate to PDUFA, which is a technical issue. But the other issue mentioned by the administration is this particular provision:

> First, section 404 of the bill would lower the review standard for marketing approval by precluding the FDA from reviewing medical devices for uses other than those for which the manufacturer says they are intended.

The administration indicates, as they did in the letter in September, as they did in June, that this particular provision is dangerous in terms of the consumers in this country.

We have reviewed, over the course of the debate, the dangerous situations that have been the result of medical device disasters. We are committed to avoiding that kind of disaster in the future. We have a good safety record at the present time, but we are endangering that record with section 404. We noted that virtually every consumer group supports changing section 404. It is enormously important. It goes to the fundamental question of providing FDA with the power and authority to pursue the protections of the American health in the area of medical devices.

Mr. President, I ask unanimous consent that the statement of the administration policy supporting our position regarding 404 be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

EXECUTIVE OFFICE OF THE PRESIDENT, OFFICE OF MANAGEMENT AND BUDGET,  
*Washington, DC, September 24, 1997.*

STATEMENT OF ADMINISTRATION POLICY

(This statement has been coordinated by OMB with the concerned agencies.)

S. 830—FDA MODERNIZATION AND ACCOUNTABILITY ACT OF 1997

(Senator Jeffords (R) VT)

The Administration applauds the Senate for its bipartisan effort to improve S. 830 since it was reported by the Senate Committee on Labor and Human Resources, and appreciates the Senate's responsiveness to concerns that have been raised. Because of the importance of obtaining a five-year extension of the Prescription Drug User Fee Act (PDUFA), the Administration has no objection to passage of the bill by the Senate at this time. However, the Administration finds that the provisions identified below are unacceptable and as the legislative process continues, will work to ensure that our remaining concerns are resolved.

In general, this legislation represents a significant step toward accomplishing our mutual goal of assuring the agency's optimum performance while protecting the health of the American public. The Administration, however, continues to have two major concerns with the bill.

First, section 404 of the bill would lower the review standard for marketing approval by precluding the Food and Drug Administration (FDA) from reviewing new medical devices for uses other than those for which the manufacturer says they are intended. Second, the PDUFA trigger as proposed in S. 830 undercuts the bipartisan budget agreement (BBA) by requiring budget increases for FDA not envisioned by the BBA, and would interfere with HHS' ability to allocate resources appropriately throughout the Department.

In order to be able to support the final bill, the Administration will continue to work with the House of Representatives and in conference to resolve these and other identified issues.

Mr. KENNEDY. We hope that we can be convincing as this legislation goes forward. We have not been convincing here on the floor. We hope provisions can be accepted that will make 404 acceptable in terms of the public health issues. I want to express my sincere appreciation to the chairman of the committee, Senator JEFFORDS, who has been a chairman's chair. He is strong in his belief. He is a fighter for the things that he champions. He has been willing to accommodate differing views. He protects his strong posture and positions on his own views, and I respect that. I thank the other Members of this body for their courtesy during the course of what I know has been a continuing discussion and debate on a very important measure. I thank all of our Members for their courtesy and consideration as we move toward a vote on this legislation. I thank my chairman.

At the time when the Senator from Vermont is prepared to yield back his time, I will be prepared to do so likewise and move to our vote.

UNANIMOUS-CONSENT REQUEST

Mr. JEFFORDS. Mr. President, first, I have a unanimous-consent request, which has been cleared on both sides.

I ask unanimous consent that it be in order to consider amendment No. 1184, as modified, with changes that are at the desk; further, that the amendment be agreed to, and the motion to reconsider be laid upon the table.

I'm sorry, Mr. President, I withdraw that request at this moment.

The PRESIDING OFFICER. It is withdrawn.

Mr. JEFFORDS. Mr. President, first of all, I thank the ranking member for his help on this bill. We agree on 19 out of 20 provisions. His steadfast and articulate objection to the 20th, relative to section 404, has been done sincerely and very well done on that issue. I believe that we have a good bill, but we remain open to suggestions, as always, as to how the bill can be improved. I am extremely pleased that the Senate has overwhelmingly approved S. 830 yesterday. I believe this is an important step forward for ensuring a stronger and more efficient FDA.

Throughout this process, we have had the benefit of input from all interested parties on how best to modernize the Agency, while ensuring that its stellar standard for public safety remains as strong as ever. I am extremely proud of the strong support of this legislation expressed by the health community. For instance, the National Health Council, a coalition of over 100 health and patient organizations, has urged the Senate to move forward with this legislation. We have also received support from physician groups, including the American Medical Association and the American Academy of Pediatrics.

We must remember that drugs and medical devices delayed at the FDA are often lives lost. When cardiac defibrillators were first developed in the late 1980's, they brought new hope and opportunity to many of the 350,000 Americans who would otherwise suffer sudden cardiac death each year.

But the first version of this technology required opening the chest and separating the ribs to apply this technology to the heart. This procedure carried a 4.2 percent mortality rate.

Improvements to this defibrillator technology were widely available in Europe two years before patients could benefit in this country. The new technology did not require cracking the patient's chest, but only a small incision to allow the technology to be threaded through a vein into the heart.

During this unnecessary 2-year delay, it is estimated that 1,056 Americans died from complications related to the more invasive technique. Delay does cost lives.

And far from allowing dangerous products on the market as Senator KENNEDY has alleged, section 404 of this bill keeps intact FDA's authority to investigate technological issues which raise new safety and effectiveness questions, does not limit FDA's enforcement authority, and does not touch FDA's regulations which require that medical device applications be truthful and not omit any material facts.

Section 404 does quite appropriately keep FDA out of regulating the practice of medicine. That is important and we should fight to protect the intent of this provision.

Patients will also benefit from other provisions of the bill including the registry of clinical trials, fast-track approval for drugs treating life-threatening diseases, expanded access to investigational therapies, and the incentives established to investigate pediatric uses of drugs.

I want to thank the patient, consumer, and physician groups, and all the others we have worked with, for their commitment to working toward real reforms that strengthen the FDA and the contributions they have made in crafting this bipartisan measure.

Mr. President, how much time do I have left?

The PRESIDING OFFICER. The Senator from Vermont has 9 minutes remaining.

Mr. JEFFORDS. I yield 2 minutes to the Senator from Florida.

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. MACK. Mr. President, I thank Senator JEFFORDS for yielding.

First of all, I want to commend him for a tremendous amount of work. This is an incredibly complicated piece of legislation. It has involved a lot of different interest groups in some issues that have become very charged.

So I again want to thank the Senator from Vermont for his willingness to work with Senator FRIST and I as we worked on the so-called off-label issue.

I also want to express my appreciation to Senator KENNEDY. He had some deep concerns about the legislation, and as a result of extensive discussions we were able to find a compromise. I think it was one of the reasons that this bill was able to move forward.

So I thank Senator JEFFORDS and Senator KENNEDY. And I also want to put in a comment with respect to Mark Smith, my staffer who has worked on this issue for more than some 2½ years.

Again, I thank Senator JEFFORDS for what he has done.

Mr. JEFFORDS. I thank the Senator for his comments, and I want to praise him for his efforts with respect to off-label. This is an incredibly important amendment that Senator MACK and Senator FRIST have worked out with the FDA and the minority. That is going to give a great deal of assistance to people in this country who are in need of help in straightening out a relatively difficult area with such preciseness. The Senator from Florida did a good job.

AMENDMENT NO. 1184, AS MODIFIED

Mr. President, I ask unanimous consent that it be in order to consider amendment No. 1184, as modified, with changes that are at the desk; further, that the amendment be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The amendment (No. 1184), as modified, was agreed to, as follows:

Strike section 809 and insert the following:

**SEC. 809. APPLICATION OF FEDERAL LAW TO THE PRACTICE OF PHARMACY COMPOUNDING.**

Section 503 (21 U.S.C. 353) is amended by adding at the end the following:

"(h)(1) Sections 501(a)(2)(B), 502(f)(1), 502(1), 505, and 507 shall not apply to a drug product if—

"(A) the drug product is compounded for an identified individual patient, based on a medical need for a compounded product—

"(i) by a licensed pharmacist in a State licensed pharmacy or a Federal facility, or a licensed physician, on the prescription order of a licensed physician or other licensed practitioner authorized by State law to prescribe drugs; or

"(ii) by a licensed pharmacist or licensed physician in limited quantities, prior to the receipt of a valid prescription order for the identified individual patient, and is compounded based on a history of the licensed pharmacist or licensed physician receiving valid prescription orders for the compounding of the drug product that have been generated solely within an established relationship between the licensed pharmacist, or licensed physician, and—

"(I) the individual patient for whom the prescription order will be provided; or

"(II) the physician or other licensed practitioner who will write such prescription order; and

"(B) the licensed pharmacist or licensed physician—

"(i) compounds the drug product using bulk drug substances—

"(I) that—

"(aa) comply with the standards of an applicable United States Pharmacopeia or National Formulary monograph; or

"(bb) in a case in which such a monograph does not exist, are drug substances that are covered by regulations issued by the Secretary under paragraph (3);

"(II) that are manufactured by an establishment that is registered under section 510 (including a foreign establishment that is registered under section 510(i)); and

"(III) that are accompanied by valid certificates of analysis for each bulk drug substance;

"(ii) compounds the drug product using ingredients (other than bulk drug substances) that comply with the standards of an applicable United States Pharmacopeia or National Formulary monograph and the United States Pharmacopeia chapter on pharmacy compounding;

"(iii) only advertises or promotes the compounding service provided by the licensed pharmacist or licensed physician and does not advertise or promote the compounding of any particular drug, class of drug, or type of drug;

"(iv) does not compound a drug product that appears on a list published by the Secretary in the Federal Register of drug products that have been withdrawn or removed from the market because such drug products or components of such drug products have been found to be unsafe or not effective;

"(v) does not compound a drug product that is identified by the Secretary in regulation as presenting demonstrable difficulties for compounding that reasonably demonstrate an adverse effect on the safety or effectiveness of that drug product; and

"(vi) does not distribute compounded drugs outside of the State in which the drugs are compounded, unless the principal State agency of jurisdiction that regulates the practice of pharmacy in such State has entered into a memorandum of understanding with the Secretary regarding the regulation of drugs that are compounded in the State and are distributed outside of the State, that provides for appropriate investigation by the State agency of complaints relating to compounded products distributed outside of the State.

"(2)(A) The Secretary shall, after consultation with the National Association of Boards of Pharmacy, develop a standard memorandum of understanding for use by States in complying with paragraph (1)(B)(vi).

"(B) Paragraph (1)(B)(vi) shall not apply to a licensed pharmacist or licensed physician, who does not distribute inordinate amounts of compounded products outside of the State, until—

"(i) the date that is 180 days after the development of the standard memorandum of understanding; or

"(ii) the date on which the State agency enters into a memorandum of understanding under paragraph (1)(B)(vi),

whichever occurs first.

"(3) The Secretary, after consultation with the United States Pharmacopeia Convention Incorporated, shall promulgate regulations limiting compounding under paragraph (1)(B)(i)(I)(bb) to drug substances that are components of drug products approved by the Secretary and to other drug substances as the Secretary may identify.

"(4) The provisions of paragraph (1) shall not apply—

"(A) to compounded positron emission tomography drugs as defined in section 201(ii); or

"(B) to radiopharmaceuticals.

"(5) In this subsection, the term 'compound' does not include to mix, reconstitute, or perform another similar act, in accordance with directions contained in approved drug labeling provided by a drug manufacturer and other drug manufacturer directions consistent with that labeling.".

Mr. JEFFORDS. Mr. President, I ask unanimous consent that Senator ABRAHAM be added as a cosponsor of S. 830.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JEFFORDS. Mr. President, if the minority is ready and will yield all remaining time, I will yield mine.

It is my understanding the minority will yield this time. I yield the remainder of my time.

The PRESIDING OFFICER. Without objection, the minority time is yielded.

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the administration policy that was received as a message be printed in the RECORD.

I thank them for bringing it to our attention at this time.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

EXECUTIVE OFFICE OF THE PRESIDENT, OFFICE OF MANAGEMENT, AND BUDGET,
*Washington, DC, September 24, 1997.*

STATEMENT OF ADMINISTRATION POLICY

(THIS STATEMENT HAS BEEN COORDINATED BY OMB WITH THE CONCERNED AGENCIES.)

S. 830—FDA Modernization and Accountability Act of 1997

(Sen. Jeffords (R) VT)

The Administration applauds the Senate for its bipartisan effort to improve S. 830 since it was reported by the Senate Committee on Labor and Human Resources, and appreciates the Senate's responsiveness to concerns that have been raised. Because of the importance of obtaining a five-year extension of the Prescription Drug User Fee Act (PDUFA), the Administration has no objection to passage of the bill by the Senate at this time. However, the Administration finds that the provisions identified below are unacceptable and as the legislative process continues, will work to ensure that our remaining concerns are resolved.

In general, this legislation represents a significant step toward accomplishing our mutual goal of assuring the agency's optimum performance while protecting the health of the American public. The Administration, however, continues to have two major concerns with the bill.

First, section 404 of the bill would lower the review standard for marketing approval by precluding the Food and Drug Administration (FDA) from reviewing new medical devices for uses other than those for which the manufacturer says they are intended. Second, the PDUFA trigger as proposed in S. 830 undercuts the bipartisan budget agreement (BBA) by requiring budget increases for FDA not envisioned by the BBA, and would interfere with HHS' ability to allocate resources appropriately throughout the Department.

In order to be able to support the final bill, the Administration will continue to work with the House of Representatives and in conference to resolve these and other identified issues.

Mr. JEFFORDS. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass? On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

The PRESIDING OFFICER (Mr. SANTORUM). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 98, nays 2, as follows:

[Rollcall Vote No. 256 Leg.]

YEAS—98

Abraham
Akaka
Allard
Ashcroft
Baucus
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bryan
Bumpers
Burns
Byrd
Campbell
Chafee
Cleland
Coats
Cochran
Collins
Conrad
Coverdell
Craig
D'Amato
Daschle
DeWine
Dodd
Domenici
Dorgan
Durbin
Enzi
Faircloth
Feingold
Feinstein
Ford
Frist
Glenn
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Hagel
Harkin
Hatch
Helms
Hollings
Hutchinson
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kempthorne
Kerrey
Kerry
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Mikulski
Moseley-Braun
Moynihan
Murkowski
Murray
Nickles
Reid
Robb
Roberts
Rockefeller
Roth
Santorum
Sarbanes
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Torricelli
Warner
Wellstone
Wyden

NAYS—2

Kennedy
Reed

The bill (S. 830), as amended, was passed, as follows:

S. 830

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Food and Drug Administration Modernization and Accountability Act of 1997".

**SEC. 2. TABLE OF CONTENTS.**

The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.
Sec. 3. References.

TITLE I—IMPROVING PATIENT ACCESS

Sec. 101. Mission of the Food and Drug Administration.
Sec. 102. Expanded access to investigational therapies.
Sec. 103. Expanded humanitarian use of devices.

TITLE II—INCREASING ACCESS TO EXPERTISE AND RESOURCES

Sec. 201. Interagency collaboration.
Sec. 202. Sense of the committee regarding mutual recognition agreements and global harmonization efforts.
Sec. 203. Contracts for expert review.
Sec. 204. Accredited-party reviews.
Sec. 205. Device performance standards.

TITLE III—IMPROVING COLLABORATION AND COMMUNICATION

Sec. 301. Collaborative determinations of device data requirements.
Sec. 302. Collaborative review process.

TITLE IV—IMPROVING CERTAINTY AND CLARITY OF RULES

Sec. 401. Policy statements.
Sec. 402. Product classification.
Sec. 403. Use of data relating to premarket approval.
Sec. 404. Consideration of labeling claims for product review.
Sec. 405. Certainty of review timeframes.
Sec. 406. Limitations on initial classification determinations.
Sec. 407. Clarification with respect to a general use and specific use of a device.
Sec. 408. Clarification of the number of required clinical investigations for approval.
Sec. 409. Prohibited acts.

TITLE V—IMPROVING ACCOUNTABILITY

Sec. 501. Agency plan for statutory compliance and annual report.

TITLE VI—BETTER ALLOCATION OF RESOURCES BY SETTING PRIORITIES

Sec. 601. Minor modifications.
Sec. 602. Environmental impact review.
Sec. 603. Exemption of certain classes of devices from premarket notification requirement.
Sec. 604. Evaluation of automatic class III designation.
Sec. 605. Secretary's discretion to track devices.
Sec. 606. Secretary's discretion to conduct postmarket surveillance.

Sec. 607. Reporting.
Sec. 608. Pilot and small-scale manufacture.
Sec. 609. Requirements for radiopharmaceuticals.
Sec. 610. Modernization of regulation of biological products.
Sec. 611. Approval of supplemental applications for approved products.
Sec. 612. Health care economic information.
Sec. 613. Expediting study and approval of fast track drugs.
Sec. 614. Manufacturing changes for drugs and biologics.
Sec. 615. Data requirements for drugs and biologics.
Sec. 616. Food contact substances.
Sec. 617. Health claims for food products.
Sec. 618. Pediatric studies marketing exclusivity.
Sec. 619. Positron emission tomography.
Sec. 620. Disclosure.
Sec. 621. Referral statements relating to food nutrients.

TITLE VII—FEES RELATING TO DRUGS

Sec. 701. Short title.
Sec. 702. Findings.
Sec. 703. Definitions.
Sec. 704. Authority to assess and use drug fees.
Sec. 705. Annual reports.
Sec. 706. Effective date.
Sec. 707. Termination of effectiveness.

TITLE VIII—MISCELLANEOUS

Sec. 801. Registration of foreign establishments.
Sec. 802. Elimination of certain labeling requirements.
Sec. 803. Clarification of seizure authority.
Sec. 804. Intramural research training award program.
Sec. 805. Device samples.
Sec. 806. Interstate commerce.
Sec. 807. National uniformity for nonprescription drugs and cosmetics.
Sec. 808. Information program on clinical trials for serious or life-threatening diseases.
Sec. 809. Application of Federal law to the practice of pharmacy compounding.
Sec. 810. Reports of postmarketing approval studies.
Sec. 811. Information exchange.
Sec. 812. Reauthorization of clinical pharmacology program.
Sec. 813. Monograph for sunburn products.
Sec. 814. Safety report disclaimers.

### SEC. 3. REFERENCES.

Except as otherwise expressly provided, wherever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321 et seq.).

## TITLE I—IMPROVING PATIENT ACCESS

### SEC. 101. MISSION OF THE FOOD AND DRUG ADMINISTRATION.

Section 903 (21 U.S.C. 393) is amended—

(1) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively; and

(2) by inserting after subsection (a) the following:

"(b) MISSION.—

"(1) IN GENERAL.—The Secretary, acting through the Commissioner, and in consultation, as determined appropriate by the Secretary, with experts in science, medicine, and public health, and in cooperation with consumers, users, manufacturers, importers, packers, distributors, and retailers of regulated products, shall protect the public health by taking actions that help ensure that—

"(A) foods are safe, wholesome, sanitary, and properly labeled;

"(B) human and veterinary drugs, including biologics, are safe and effective;

"(C) there is reasonable assurance of safety and effectiveness of devices intended for human use;

"(D) cosmetics are safe; and

"(E) public health and safety are protected from electronic product radiation.

"(2) SPECIAL RULES.—The Secretary, acting through the Commissioner, shall promptly and efficiently review clinical research and take appropriate action on the marketing of regulated products in a manner that does not unduly impede innovation or product availability. The Secretary, acting through the Commissioner, shall participate with other countries to reduce the burden of regulation, to harmonize regulatory requirements, and to achieve appropriate reciprocal arrangements with other countries.".

### SEC. 102. EXPANDED ACCESS TO INVESTIGATIONAL THERAPIES.

Chapter V (21 U.S.C. 351 et seq.) is amended by adding at the end the following:

### "Subchapter D—Unapproved Therapies and Diagnostics

### "SEC. 551. EXPANDED ACCESS TO UNAPPROVED THERAPIES AND DIAGNOSTICS.

"(a) EMERGENCY SITUATIONS.—The Secretary may, under appropriate conditions determined by the Secretary, authorize the shipment of investigational drugs (including investigational biological products), or investigational devices, (as defined in regulations prescribed by the Secretary) for the diagnosis, monitoring, or treatment of a serious disease or condition in emergency situations.

"(b) INDIVIDUAL PATIENT ACCESS TO INVESTIGATIONAL PRODUCTS INTENDED FOR SERIOUS DISEASES.—Any person, acting through a physician licensed in accordance with State law, may request from a manufacturer or distributor, and any manufacturer or distributor may provide to such physician after compliance with the provisions of this subsection, an investigational drug (including an investigational biological product), or investigational device, (as defined in regulations prescribed by the Secretary) for the diagnosis, monitoring, or treatment of a serious disease or condition if—

"(1) the licensed physician determines that the person has no comparable or satisfactory alternative therapy available to diagnose, monitor, or treat the disease or condition involved, and that the risk to the person from the investigational drug or investigational device is not greater than the risk from the disease or condition;

"(2) the Secretary determines that there is sufficient evidence of safety and effectiveness to support the use of the investigational drug or investigational device in the case described in paragraph (1);

"(3) the Secretary determines that provision of the investigational drug or investigational device will not interfere with the initiation, conduct, or completion of clinical investigations to support marketing approval; and

"(4) the product sponsor, or clinical investigator, of the investigational drug or investigational device submits to the Secretary a clinical protocol consistent with the provisions of section 505(i) or 520(g) and any regulations promulgated under section 505(i) or 520(g) describing the use of investigational drugs or investigational devices in a single patient or a small group of patients.

"(c) TREATMENT INDs/IDEs.—Upon submission by a product sponsor or a physician of a protocol intended to provide widespread access to an investigational product for eligible patients, the Secretary shall permit an investigational drug (including an investigational biological product) or investigational device to be made available for expanded access under a treatment investigational new drug application or investigational device exemption (as the terms are described in regulations prescribed by the Secretary) if the Secretary determines that—

"(1) under the treatment investigational new drug application or investigational device exemption, the investigational drug or investigational device is intended for use in the diagnosis, monitoring, or treatment of a serious or immediately life-threatening disease or condition;

"(2) there is no comparable or satisfactory alternative therapy available to diagnose, monitor, or treat that stage of disease or condition in the population of patients to which the investigational drug or investigational device is intended to be administered;

"(3)(A) the investigational drug or investigational device is under investigation in a controlled clinical trial for the use described in paragraph (1) under an effective investigational new drug application or investigational device exemption; and

"(B) all clinical trials necessary for approval of that use of the investigational drug or investigational device have been completed;

"(4) the sponsor of the controlled clinical trials is actively pursuing marketing approval of the investigational drug or investigational device for the use described in paragraph (1) with due diligence;

"(5) the provision of the investigational drug or investigational device will not interfere with the enrollment of patients in ongoing clinical investigations under section 505(i) or 520(g);

"(6) in the case of serious diseases, there is sufficient evidence of safety and effectiveness to support the use described in paragraph (1); and

"(7) in the case of immediately life-threatening diseases, the available scientific evidence, taken as a whole, provides a reasonable basis to conclude that the product may be effective for its intended use and would not expose patients to an unreasonable and significant risk of illness or injury.

A protocol submitted under this subsection shall be subject to the provisions of section 505(i) or 520(g) and regulations promulgated under section 505(i) or 520(g). The Secretary may inform national, State, and local medical associations and societies, voluntary health associations, and other appropriate persons about the availability of an investigational drug or investigational device under expanded access protocols submitted under this subsection. The information provided by the Secretary, in accordance with the preceding sentence, shall be of the same type of information that is required by section 402(j)(3).

"(d) TERMINATION.—The Secretary may, at any time, with respect to a person, manufacturer, or distributor described in this section, terminate expanded access provided under this section for an investigational drug (including an investigational biological product) or investigational device if the requirements under this section are no longer met.".

### SEC. 103. EXPANDED HUMANITARIAN USE OF DEVICES.

Section 520(m) (21 U.S.C. 360j(m)) is amended—

(1) in paragraph (2), by adding at the end the following flush sentences:

"The request shall be in the form of an application submitted to the Secretary. Not later than 75 days after the date of the receipt of the application, the Secretary shall issue an order approving or denying the application.";

(2) in paragraph (4)—

(A) in subparagraph (B), by inserting after "(2)(A)" the following: ", unless a physician determines that waiting for such an approval from an institutional review committee will cause harm or death to a patient, and makes a good faith effort to obtain the approval, and does not receive a timely response from an institutional review committee on the request of the physician for approval to use the device for such treatment or diagnosis"; and

(B) by adding at the end the following flush sentences:

"In a case in which a physician described in subparagraph (B) uses a device without an approval from an institutional review committee, the physician shall, after the use of the device, notify the chairperson of the institutional review committee of such use. Such notification shall include the identification of the patient involved, the date on which the device was used, and the reason for the use."; and

(3) by striking paragraph (5) and inserting the following:

"(5) The Secretary may require a person granted an exemption under paragraph (2) to demonstrate continued compliance with the requirements of this subsection if the Secretary believes such demonstration to be necessary to protect the public health or if the Secretary has reason to believe that the criteria for the exemption are no longer met.".

## TITLE II—INCREASING ACCESS TO EXPERTISE AND RESOURCES

### SEC. 201. INTERAGENCY COLLABORATION.

Section 903(b) (21 U.S.C. 393(b)), as added by section 101(2), is amended by adding at the end the following:

"(3) INTERAGENCY COLLABORATION.—The Secretary shall implement programs and policies that will foster collaboration between the Administration, the National Institutes of Health, and other science-based Federal agencies, to enhance the scientific and technical expertise available to the Secretary in the conduct of the duties of the Secretary with respect to the development, clinical investigation, evaluation, and postmarket monitoring of emerging medical therapies, including complementary therapies, and advances in nutrition and food science.".

### SEC. 202. SENSE OF THE COMMITTEE REGARDING MUTUAL RECOGNITION AGREEMENTS AND GLOBAL HARMONIZATION EFFORTS.

It is the sense of the Committee on Labor and Human Resources of the Senate that—

(1) the Secretary of Health and Human Services should support the Office of the United States Trade Representative, in consultation with the Secretary of Commerce, in efforts to move toward the acceptance of mutual recognition agreements relating to the regulation of drugs, biological products, devices, foods, food additives, and color additives, and the regulation of good manufacturing practices, between the European Union and the United States;

(2) the Secretary of Health and Human Services should regularly participate in meetings with representatives of other foreign governments to discuss and reach agreement on methods and approaches to harmonize regulatory requirements; and

(3) the Office of International Relations of the Department of Health and Human Services (as established under section 803 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 383)) should have the responsibility of ensuring that the process of harmonizing international regulatory requirements is continuous.

### SEC. 203. CONTRACTS FOR EXPERT REVIEW.

Chapter IX (21 U.S.C. 391 et seq.) is amended by adding at the end the following:

### "SEC. 906. CONTRACTS FOR EXPERT REVIEW.

"(a) IN GENERAL.—

"(1) AUTHORITY.—The Secretary may enter into a contract with any organization or any individual (who is not an employee of the Department) with expertise in a relevant discipline, to review, evaluate, and make recommendations to the Secretary on part or all of any application or submission (including a petition, notification, and any other similar form of request) made under this Act for the approval or classification of an article or made under section 351(a) of the Public Health Service Act (42 U.S.C. 262(a)) with respect to a biological product. Any such contract shall be subject to the requirements of section 708 relating to the confidentiality of information.

"(2) INCREASED EFFICIENCY AND EXPERTISE THROUGH CONTRACTS.—The Secretary shall use the authority granted in paragraph (1) whenever the Secretary determines that a contract described in paragraph (1) will improve the timeliness or quality of the review of an application or submission described in paragraph (1), unless using such authority would reduce the quality, or unduly increase the cost, of such review. Such improvement may include providing the Secretary increased scientific or technical expertise that is necessary to review or evaluate new therapies and technologies.

"(b) REVIEW OF EXPERT REVIEW.—

"(1) IN GENERAL.—Subject to paragraph (2), the official of the Food and Drug Administration responsible for any matter for which expert review is used pursuant to subsection (a) shall review the recommendations of the organization or individual who conducted the expert review and shall make a final decision regarding the matter within 60 days after receiving the recommendations.

"(2) LIMITATION.—A final decision under paragraph (1) shall be made within the applicable prescribed time period for review of the matter as set forth in this Act or in the Public Health Service Act (42 U.S.C. 201 et seq.).

"(3) AUTHORITY OF SECRETARY.—Notwithstanding subsection (a), the Secretary shall retain full authority to make determinations with respect to the approval or disapproval of an article under this Act, the approval or disapproval of a biologics license with respect to a biological product under section 351(a) of the Public Health Service Act, or the classification of an article as a device under section 513(f)(1).".

### SEC. 204. ACCREDITED-PARTY REVIEWS.

(a) IN GENERAL.—Subchapter A of chapter V (21 U.S.C. 351 et seq.) is amended by adding at the end the following:

### "SEC. 523. ACCREDITED-PARTY PARTICIPATION.

"(a) ACCREDITATION.—Not later than 1 year after the date of enactment of this section, the Secretary shall accredit entities or individuals who are not employees of the Federal Government to review reports made to the Secretary under section 510(k) for devices and make recommendations to the Secretary regarding the initial classification of such devices under section 513(f)(1), except that this paragraph shall not apply to a report made to the Secretary under section 510(k) for a device that is—

"(1) for a use in supporting or sustaining human life;

"(2) for implantation in the human body for more than 1 year; or

"(3) for a use that is of substantial importance in preventing the impairment of human health.

"(b) ACCREDITATION.—Within 180 days after the date of enactment of this section, the Secretary shall adopt methods of accreditation that ensure that entities or individuals who conduct reviews and make recommendations under this section are qualified, properly trained, knowledgeable about handling confidential documents and information, and free of conflicts of interest. The Secretary shall publish the methods of accreditation in the Federal Register on the adoption of the methods.

"(c) WITHDRAWAL OF ACCREDITATION.—The Secretary may suspend or withdraw the accreditation of any entity or individual accredited under this section, after providing notice and an opportunity for an informal hearing, if such entity or individual acts in a manner that is substantially not in compliance with the requirements established by the Secretary under subsection (b), including the failure to avoid conflicts of interest, the failure to protect confidentiality of information, or the failure to competently review premarket submissions for devices.

"(d) SELECTION AND COMPENSATION.—A person who intends to make a report described in subsection (a) to the Secretary shall have the option to select an accredited entity or individual to review such report. Upon the request by a person to have a report reviewed by an accredited entity or individual, the Secretary shall identify for the person no less than 2 accredited entities or individuals from whom the selection may be made. Compensation for an accredited entity or individual shall be determined by agreement between the accredited entity or individual and the person who engages the services of the accredited entity or individual and shall be paid by the person who engages such services.

"(e) REVIEW BY SECRETARY.—

"(1) IN GENERAL.—The Secretary shall require an accredited entity or individual, upon making a recommendation under this section with respect to an initial classification of a device, to notify the Secretary in writing of the reasons for such recommendation.

"(2) TIME PERIOD FOR REVIEW.—Not later than 30 days after the date on which the Secretary is notified under paragraph (1) by an accredited entity or individual with respect to a recommendation of an initial classification of a device, the Secretary shall make a determination with respect to the initial classification.

"(3) SPECIAL RULE.—The Secretary may change the initial classification under section 513(f)(1) that is recommended by the accredited entity or individual under this section, and in such case shall notify in writing the person making the report described in subsection (a) of the detailed reasons for the change.

"(f) DURATION.—The authority provided by this section terminates—

"(1) 5 years after the date on which the Secretary notifies Congress that at least 2 persons accredited under subsection (b) are available to review at least 60 percent of the submissions under section 510(k); or

"(2) 4 years after the date on which the Secretary notifies Congress that at least 35 percent of the devices that are subject to review under subsection (a), and that were the subject of final action by the Secretary in the fiscal year preceding the date of such notification, were reviewed by the Secretary under subsection (e),

whichever occurs first.

"(g) REPORT.—

"(1) IN GENERAL.—Not later than 1 year after the date of enactment of this section, the Secretary shall contract with an independent research organization to prepare and submit to the Secretary a written report examining the use of accredited entities and individuals to conduct reviews under this section. The Secretary shall submit the report to Congress not later than 6 months prior to the conclusion of the applicable period described in subsection (f).

"(2) CONTENTS.—The report by the independent research organization described in paragraph (1) shall identify the benefits or detriments to public and patient health of using accredited entities and individuals to conduct such reviews, and shall summarize all relevant data, including data on the review of accredited entities and individuals (including data on the review times, recommendations, and compensation of the entities and individuals), and data on the review of the Secretary (including data on the review times, changes, and reasons for changes of the Secretary).".

(b) RECORDKEEPING.—Section 704 (21 U.S.C. 374) is amended by adding at the end the following:

"(f)(1) A person accredited under section 523 to review reports made under section 510(k) and make recommendations of initial classifications of devices to the Secretary shall maintain records documenting the training qualifications of the person and the employees of the person, the procedures used by the person for handling confidential information, the compensation arrangements made by the person in accordance with section 523(d), and the procedures used by the person to identify and avoid conflicts of interest. Upon the request of an officer or employee designated by the Secretary, the person shall permit the officer or employee, at all reasonable times, to have access to, to copy, and to verify, the records.

"(2) Within 15 days after the receipt of a written request from the Secretary to a person accredited under section 523 for copies of records described in paragraph (1), the person shall produce the copies of the records at the place designated by the Secretary.".

### SEC. 205. DEVICE PERFORMANCE STANDARDS.

(a) ALTERNATIVE PROCEDURE.—Section 514 (21 U.S.C. 360d) is amended by adding at the end the following:

"Recognition of a Standard

"(c)(1)(A) In addition to establishing performance standards under this section, the Secretary may, by publication in the Federal Register, recognize all or part of a performance standard established by a nationally or internationally recognized standard development organization for which a person may submit a declaration of conformity in order to meet premarket submission requirements or other requirements under this Act to which such standards are applicable.

"(B) If a person elects to use a performance standard recognized by the Secretary under subparagraph (A) to meet the requirements described in subparagraph (A), the person shall provide a declaration of conformity to the Secretary that certifies that the device is in conformity with such standard. A person may elect to use data, or information, other than data required by a standard recognized under subparagraph (A) to fulfill or satisfy any requirement under this Act.

"(2) The Secretary may withdraw such recognition of a performance standard through publication of a notice in the Federal Register that the Secretary will no longer recognize the standard, if the Secretary determines that the standard is no longer appropriate for meeting the requirements under this Act.

"(3)(A) Subject to subparagraph (B), the Secretary shall accept a declaration of conformity that a device is in conformity with a standard recognized under paragraph (1) unless the Secretary finds—

"(i) that the data or information submitted to support such declaration does not demonstrate that the device is in conformity with the standard identified in the declaration of conformity; or

"(ii) that the standard identified in the declaration of conformity is not applicable to the particular device under review.

"(B) The Secretary may request, at any time, the data or information relied on by the person to make a declaration of conformity with respect to a standard recognized under paragraph (1).

"(C) A person relying on a declaration of conformity with respect to a standard recognized under paragraph (1) shall maintain the data and information demonstrating conformity of the device to the standard for a period of 2 years after the date of the classification or approval of the device by the Secretary or a period equal to the expected design life of the device, whichever is longer.".

(b) SECTION 301.—Section 301 (21 U.S.C. 331) is amended by adding at the end the following:

"(x) The falsification of a declaration of conformity submitted under subsection (c) of section 514 or the failure or refusal to provide data or information requested by the Secretary under section 514(c)(3).".

(c) SECTION 501.—Section 501(e) (21 U.S.C. 351(e)) is amended—

(1) by striking "(e)" and inserting "(e)(1)"; and

(2) by inserting at the end the following:

"(2) If it is declared to be, purports to be, or is represented as, a device that is in conformity with any performance standard recognized under section 514(c) unless such device is in all respects in conformity with such standard.".

## TITLE III—IMPROVING COLLABORATION AND COMMUNICATION

### SEC. 301. COLLABORATIVE DETERMINATIONS OF DEVICE DATA REQUIREMENTS.

Section 513(a)(3) (21 U.S.C. 360c(a)(3)) is amended by adding at the end the following:

"(C)(i)(I) The Secretary, upon the written request of any person intending to submit an application under section 515, shall meet with such person to determine the type of valid scientific evidence (within the meaning of subparagraphs (A) and (B)) that will be necessary to demonstrate the effectiveness of a device for the conditions of use proposed by such person, to support an approval of an application. The written request shall include a detailed description of the device, a detailed description of the proposed conditions of use of the device, a proposed plan for determining whether there is a reasonable assurance of effectiveness, and, if available, information regarding the expected performance from the device. Within 30 days after such meeting, the Secretary shall specify in writing the type of valid scientific evidence that will provide a reasonable assurance that a device is effective under the conditions of use proposed by such person.

"(II) Any clinical data, including 1 or more well-controlled investigations, specified in writing by the Secretary for demonstrating a reasonable assurance of device effectiveness shall be specified as a result of a determination by the Secretary—

"(aa) that such data are necessary to establish device effectiveness; and

"(bb) that no other less burdensome means of evaluating device effectiveness is available that would have a reasonable likelihood of resulting in an approval.

"(ii) The determination of the Secretary with respect to the specification of valid scientific evidence under clause (i) shall be binding upon the Secretary, unless such determination by the Secretary could be contrary to the public health.".

### SEC. 302. COLLABORATIVE REVIEW PROCESS.

Section 515(d) (21 U.S.C. 360e(d)) is amended—

(1) in paragraph (1)(A), by striking "paragraph (2) of this subsection" each place it appears and inserting "paragraph (4)";

(2) by redesignating paragraphs (2) and (3) as paragraphs (4) and (5), respectively; and

(3) by inserting after paragraph (1) the following:

"(2)(A)(i) The Secretary shall, upon the written request of an applicant, meet with the applicant, not later than 100 days after the receipt of an application from the applicant that has been filed as complete under subsection (c), to discuss the review status of the application.

"(ii) If the application does not appear in a form that would require an approval under this subsection, the Secretary shall in writing, and prior to the meeting, provide to the applicant a description of any deficiencies in the application identified by the Secretary based on an interim review of the entire application and identify the information that is required to correct those deficiencies.

"(iii) The Secretary and the applicant may, by mutual consent, establish a different schedule for a meeting required under this paragraph.

"(B) The Secretary shall notify the applicant immediately of any deficiency identified in the application that was not described as a deficiency in the written description provided by the Secretary under subparagraph (A).".

## TITLE IV—IMPROVING CERTAINTY AND CLARITY OF RULES

### SEC. 401. POLICY STATEMENTS.

Section 701(a) (21 U.S.C. 371(a)) is amended—

(1) by striking "(a) The" and inserting "(a)(1) The"; and

(2) by adding at the end the following:

"(2) Not later than February 27, 1999, the Secretary, after evaluating the effectiveness of the Good Guidance Practices document published in the Federal Register at 62 Fed. Reg. 8961, shall promulgate a regulation specifying the policies and procedures of the Food and Drug Administration for the development, issuance, and use of guidance documents.".

### SEC. 402. PRODUCT CLASSIFICATION.

Chapter VII (21 U.S.C. 371 et seq.) is amended by adding at the end the following:

### "Subchapter D—Classification of Products and Environmental Impact Reviews

### "SEC. 741. CLASSIFICATION OF PRODUCTS.

"(a) REQUEST.—A person who submits an application or submission (including a petition, notification, and any other similar form of request) under this Act, may submit a request to the Secretary respecting the classification of an article as a drug, biological product, device, or a combination product subject to section 503(g) or respecting the component of the Food and Drug Administration that will regulate the article. In submitting the request, the person shall recommend a classification for the article, or a component to regulate the article, as appropriate.

"(b) STATEMENT.—Not later than 60 days after the receipt of the request described in subsection (a), the Secretary shall determine the classification of the article or the component of the Food and Drug Administration that will regulate the article and shall provide to the person a written statement that identifies the classification of the article or the component of the Food and Drug Administration that will regulate the article and the reasons for such determination. The Secretary may not modify such statement except with the written consent of the person or for public health reasons.

"(c) INACTION OF SECRETARY.—If the Secretary does not provide the statement within the 60-day period described in subsection (b), the recommendation made by the person under subsection (a) shall be considered to be a final determination by the Secretary of the classification of the article or the component of the Food and Drug Administration that will regulate the article and may not be modified by the Secretary except with the written consent of the person or for public health reasons.".

### SEC. 403. USE OF DATA RELATING TO PREMARKET APPROVAL.

(a) IN GENERAL.—Section 520(h)(4) (21 U.S.C. 360j(h)(4)) is amended to read as follows:

"(4)(A) Any information contained in an application for premarket approval filed with the Secretary pursuant to section 515(c) (including information from clinical and preclinical tests or studies that demonstrate the safety and effectiveness of a device, but excluding descriptions of methods of manufacture and product composition) shall be available, 6 years after the application has been approved by the Secretary, for use by the Secretary in—

"(i) approving another device;

"(ii) determining whether a product development protocol has been completed, under section 515 for another device;

"(iii) establishing a performance standard or special control under this Act; or

"(iv) classifying or reclassifying another device under section 513 and subsection (l)(2).

"(B) The publicly available detailed summaries of information respecting the safety and effectiveness of devices required by paragraph (1)(A) shall be available for use by the Secretary as the evidentiary basis for the agency actions described in subparagraph (A).".

(b) CONFORMING AMENDMENT.—Section 517(a) (21 U.S.C. 360g(a)) is amended—

(1) in paragraph (8), by adding "or" at the end;

(2) in paragraph (9), by striking ", or" and inserting a comma; and

(3) by striking paragraph (10).

### SEC. 404. CONSIDERATION OF LABELING CLAIMS FOR PRODUCT REVIEW.

(a) PREMARKET APPROVAL.—Section 515(d)(1)(A) (21 U.S.C. 360e(d)(1)(A)) is amended by adding at the end the following flush sentences:

"In making the determination whether to approve or deny the application, the Secretary shall rely on the conditions of use included in the proposed labeling as the basis for determining whether or not there is a reasonable assurance of safety and effectiveness, if the proposed labeling is neither false nor misleading. In determining whether or not such labeling is false or misleading, the Secretary shall fairly evaluate all material facts pertinent to the proposed labeling.".

(b) PREMARKET NOTIFICATION.—Section 513(i)(1) (21 U.S.C. 360c(i)(1)) is amended by adding at the end the following:

"(C) Whenever the Secretary requests information to demonstrate that the devices with differing technological characteristics are substantially equivalent, the Secretary shall only request information that is necessary to make a substantial equivalence determination. In making such a request, the Secretary shall consider the least burdensome means of demonstrating substantial equivalence and shall request information accordingly.

"(D) The determination of the Secretary under this subsection and section 513(f)(1) with respect to the intended use of a device shall be based on the intended use included in the proposed labeling of the device submitted in a report under section 510(k).".

(c) RULE OF CONSTRUCTION.—Nothing in the amendments made by subsections (a) and (b) shall be construed to alter any authority of the Secretary of Health and Human Services to regulate any tobacco product, or any additive or ingredient of a tobacco product.

### SEC. 405. CERTAINTY OF REVIEW TIMEFRAMES.

(a) CLARIFICATION ON THE 90-DAY TIMEFRAME FOR PREMARKET NOTIFICATION REVIEWS.—Section 510(k) (21 U.S.C. 360) is amended by adding at the end the following flush sentence:

"The Secretary shall review the report required by this subsection and make a determination under section 513(f)(1) not later than 90 days after receiving the report.".

(b) ONE-CYCLE REVIEW.—Section 515(d) (21 U.S.C. 360e(d)), as amended by section 302, is amended by inserting after paragraph (2) the following:

"(3) Except as provided in paragraph (1), the period for the review of an application by the Secretary under this subsection shall be not more than 180 days. Such period may not be restarted or extended even if the application is amended. The Secretary is not required to review a major amendment to an application, unless the amendment is made in response to a request by the Secretary for information.".

### SEC. 406. LIMITATIONS ON INITIAL CLASSIFICATION DETERMINATIONS.

Section 510 (21 U.S.C. 360) is amended by adding at the end the following:

"(m) The Secretary may not withhold a determination of the initial classification of a device under section 513(f)(1) because of a failure to comply with any provision of this Act that is unrelated to a substantial equivalence decision, including a failure to comply with the requirements relating to good manufacturing practices under section 520(f).".

### SEC. 407. CLARIFICATION WITH RESPECT TO A GENERAL USE AND SPECIFIC USE OF A DEVICE.

Not later than 270 days after the date of enactment of this section, the Secretary of Health and Human Services shall promulgate a final regulation specifying the general principles that the Secretary of Health and Human Services will consider in determining when a specific intended use of a device is not reasonably included within a general use of such device for purposes of a determination of substantial equivalence under section 513(f)(1) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360c(f)(1)).

### SEC. 408. CLARIFICATION OF THE NUMBER OF REQUIRED CLINICAL INVESTIGATIONS FOR APPROVAL.

(a) DEVICE CLASSES.—Section 513(a)(3)(A) (21 U.S.C. 360c(a)(3)(A)) is amended by striking "clinical investigations" and inserting "1 or more clinical investigations".

(b) NEW DRUGS.—Section 505(d) (21 U.S.C. 355(d)) is amended by adding at the end the following: "Substantial evidence may, as appropriate, consist of data from 1 adequate and well-controlled clinical investigation and confirmatory evidence (obtained prior to or after such investigation), if the Secretary determines, based on relevant science, that such data and evidence are sufficient to establish effectiveness.".

### SEC. 409. PROHIBITED ACTS.

Section 301(l) (21 U.S.C. 331(l)) is repealed.

## TITLE V—IMPROVING ACCOUNTABILITY

### SEC. 501. AGENCY PLAN FOR STATUTORY COMPLIANCE AND ANNUAL REPORT.

Section 903(b) (21 U.S.C. 393(b)), as amended by section 201, is further amended by adding at the end the following:

"(4) AGENCY PLAN FOR STATUTORY COMPLIANCE.—

"(A) IN GENERAL.—Not later than 180 days after the date of enactment of this paragraph, the Secretary, after consultation with relevant experts, health care professionals, representatives of patient and consumer advocacy groups, and the regulated industry, shall develop and publish in the Federal Register a plan bringing the Secretary into compliance with each of the obligations of the Secretary under this Act and other relevant statutes. The Secretary shall biannually review the plan and shall revise the plan as necessary, in consultation with such persons.

"(B) OBJECTIVES OF AGENCY PLAN.—The plan required by subparagraph (A) shall establish objectives, and mechanisms to be used by the Secretary, acting through the Commissioner, including objectives and mechanisms that—

"(i) minimize deaths of, and harm to, persons who use or may use an article regulated under this Act;

"(ii) maximize the clarity of, and the availability of information about, the process for review of applications and submissions (including petitions, notifications, and any other similar forms of request) made under this Act, including information for potential consumers and patients concerning new products;

"(iii) implement all inspection and postmarket monitoring provisions of this Act by July 1, 1999;

"(iv) ensure access to the scientific and technical expertise necessary to ensure compliance by the Secretary with the statutory obligations described in subparagraph (A);

"(v) establish a schedule to bring the Administration into full compliance by July 1, 1999, with the time periods specified in this Act for the review of all applications and submissions described in clause (ii) and submitted after the date of enactment of this paragraph; and

"(vi) reduce backlogs in the review of all applications and submissions described in clause (ii) for any article with the objective of eliminating all backlogs in the review of the applications and submissions by January 1, 2000.

"(5) ANNUAL REPORT.—

"(A) CONTENTS.—The Secretary shall prepare and publish in the Federal Register and solicit public comment on an annual report that—

“(i) provides detailed statistical information on the performance of the Secretary under the plan described in paragraph (4);

“(ii) compares such performance of the Secretary with the objectives of the plan and with the statutory obligations of the Secretary;

“(iii) analyzes any failure of the Secretary to achieve any objective of the plan or to meet any statutory obligation;

“(iv) identifies any regulatory policy that has a significant impact on compliance with any objective of the plan or any statutory obligation; and

“(v) sets forth any proposed revision to any such regulatory policy, or objective of the plan that has not been met.

“(B) STATISTICAL INFORMATION.—The statistical information described in subparagraph (A)(i) shall include a full statistical presentation relating to all applications and submissions (including petitions, notifications, and any other similar forms of request) made under this Act and approved or subject to final action by the Secretary during the year covered by the report. In preparing the statistical presentation, the Secretary shall take into account the date of—

“(i) the submission of any investigational application;

“(ii) the application of any clinical hold;

“(iii) the submission of any application or submission (including a petition, notification, and any other similar form of request) made under this Act for approval or clearance;

“(iv) the acceptance for filing of any application or submission described in clause (iii) for approval or clearance;

“(v) the occurrence of any unapprovable action;

“(vi) the occurrence of any approvable action; and

“(vii) the approval or clearance of any application or submission described in clause (iii).

“(C) SPECIAL RULE.—If the Secretary provides information in a report required by section 705 of the Food and Drug Administration Modernization and Accountability Act of 1997 or a report required by the amendments made by the Government Performance and Results Act of 1993 and that information is required by this paragraph, the report shall be deemed to satisfy the requirements of this paragraph relating to that information.”.

## TITLE VI—BETTER ALLOCATION OF RESOURCES BY SETTING PRIORITIES

### SEC. 601. MINOR MODIFICATIONS.

(a) ACTION ON INVESTIGATIONAL DEVICE EXEMPTIONS.—Section 520(g) (21 U.S.C. 360j(g)) is amended by adding at the end the following:

“(6)(A) The Secretary shall, not later than 120 days after the date of enactment of this paragraph, by regulation modify parts 812 and 813 of title 21, Code of Federal Regulations to update the procedures and conditions under which a device intended for human use may, upon application by the sponsor of the device, be granted an exemption from the requirements of this Act.

“(B) The regulation shall permit developmental changes in a device (including manufacturing changes) in response to information collected during an investigation without requiring an additional approval of an application for an investigational device exemption or the approval of a supplement to such application, if the sponsor of the investigation determines, based on credible information, prior to making any such changes, that the changes—

“(i) do not affect the scientific soundness of an investigational plan submitted under paragraph (3)(A) or the rights, safety, or welfare of the human subjects involved in the investigation; and

“(ii) do not constitute a significant change in design, or a significant change in basic principles of operation, of the device.”.

(b) ACTION ON APPLICATION.—Section 515(d)(1)(B) (21 U.S.C. 360e(d)(1)(B)) is amended by adding at the end the following:

“(iii) The Secretary shall accept and review data and any other information from investigations conducted under the authority of regulations required by section 520(g), to make a determination of whether there is a reasonable assurance of safety and effectiveness of a device subject to a pending application under this section if—

“(I) the data or information is derived from investigations of an earlier version of the device, the device has been modified during or after the investigations (but prior to submission of an application under subsection (c)) and such a modification of the device does not constitute a significant change in the design or in the basic principles of operation of the device that would invalidate the data or information; or

“(II) the data or information relates to a device approved under this section, is available for use under this Act, and is relevant to the design and intended use of the device for which the application is pending.”.

(c) ACTION ON SUPPLEMENTS.—Section 515(d) (21 U.S.C. 360e(d)), as amended by section 302, is further amended by adding at the end the following:

“(6)(A)(i) A supplemental application shall be required for any change to a device subject to an approved application under this subsection that affects safety or effectiveness, unless such change is a modification in a manufacturing procedure or method of manufacturing and the holder of the approved application submits a written notice to the Secretary that describes in detail the change, summarizes the data or information supporting the change, and informs the Secretary that the change has been made under the requirements of section 520(f).

“(ii) The holder of an approved application who submits a notice under clause (i) with respect to a manufacturing change of a device may distribute the device 30 days after the date on which the Secretary receives the notice, unless the Secretary within such 30-day period notifies the holder that the notice is not adequate and describes such further information or action that is required for acceptance of such change. If the Secretary notifies the holder that a premarket approval supplement is required, the Secretary shall review the supplement within 135 days after the receipt of the supplement. The time used by the Secretary to review the notice of the manufacturing change shall be deducted from the 135-day review period if the notice meets appropriate content requirements for premarket approval supplements.

“(B)(i) Subject to clause (ii), in reviewing a supplement to an approved application, for an incremental change to the design of a device that affects safety or effectiveness, the Secretary shall approve such supplement if—

“(I) nonclinical data demonstrate that the design modification creates the intended additional capacity, function, or performance of the device; and

“(II) clinical data from the approved application and any supplement to the approved application provide a reasonable assurance of safety and effectiveness for the changed device.

“(ii) The Secretary may require, when necessary, additional clinical data to evaluate the design modification of the device to provide a reasonable assurance of safety and effectiveness.”.

### SEC. 602. ENVIRONMENTAL IMPACT REVIEW.

Chapter VII (21 U.S.C. 371 et seq.), as amended by section 402, is further amended by adding at the end the following:

### “SEC. 742. ENVIRONMENTAL IMPACT REVIEW.

“Notwithstanding any other provision of law, an environmental impact statement prepared in accordance with the regulations published in part 25 of title 21, Code of Federal Regulations (as in effect on August 31, 1997) in connection with an action carried out under (or a recommendation or report relating to) this Act, shall be considered to meet the requirements for a detailed statement under section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)).”.

### SEC. 603. EXEMPTION OF CERTAIN CLASSES OF DEVICES FROM PREMARKET NOTIFICATION REQUIREMENT.

(a) CLASS I AND CLASS II DEVICES.—Section 510(k) (21 U.S.C. 360(k)) is amended by striking “intended for human use” and inserting “intended for human use (except a device that is classified into class I under section 513 or 520 unless the Secretary determines such device is intended for a use that is of substantial importance in preventing impairment of human health or such device presents a potential unreasonable risk of illness or injury, or a device that is classified into class II under section 513 or 520 and is exempt from the requirements of this subsection under subsection (l))”.

(b) PUBLICATION OF EXEMPTION.—Section 510 (21 U.S.C. 360) is amended by inserting after subsection (k) the following:

“(l)(1) Not later than 30 days after the date of enactment of this subsection, the Secretary shall publish in the Federal Register a list of each type of class II device that does not require a notification under subsection (k) to provide reasonable assurance of safety and effectiveness. Each type of class II device identified by the Secretary not to require the notification shall be exempt from the requirement to provide notification under subsection (k) as of the date of the publication of the list in the Federal Register.

“(2) Beginning on the date that is 1 day after the date of the publication of a list under this subsection, the Secretary may exempt a class II device from the notification requirement of subsection (k), upon the Secretary's own initiative or a petition of an interested person, if the Secretary determines that such notification is not necessary to assure the safety and effectiveness of the device. The Secretary shall publish in the Federal Register notice of the intent of the Secretary to exempt the device, or of the petition, and provide a 30-day period for public comment. Within 120 days after the issuance of the notice in the Federal Register, the Secretary shall publish an order in the Federal Register that sets forth the final determination of the Secretary regarding the exemption of the device that was the subject of the notice.”.

### SEC. 604. EVALUATION OF AUTOMATIC CLASS III DESIGNATION.

Section 513(f) (21 U.S.C. 360c(f)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (B), by striking “paragraph (2)” and inserting “paragraph (3)”; and

(B) in the last sentence, by striking “paragraph (2)” and inserting “paragraph (2) or (3)”;

(2) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively; and

(3) by inserting after paragraph (1) the following:

"(2)(A) Any person who submits a report under section 510(k) for a type of device that has not been previously classified under this Act, and that is classified into class III under paragraph (1), may request, within 30 days after receiving written notice of such a classification, the Secretary to classify the device under the criteria set forth in subparagraphs (A) through (C) subsection (a)(1). The person may, in the request, recommend to the Secretary a classification for the device. Any such request shall describe the device and provide detailed information and reasons for the recommended classification.

"(B)(i) Not later than 60 days after the date of the submission of the request under subparagraph (A) for classification of a device under the criteria set forth in subparagraphs (A) through (C) of subsection (a)(1), the Secretary shall by written order classify the device. Such classification shall be the initial classification of the device for purposes of paragraph (1) and any device classified under this paragraph shall be a predicate device for determining substantial equivalence under paragraph (1).

"(ii) A device that remains in class III under this subparagraph shall be deemed to be adulterated within the meaning of section 501(f)(1)(B) until approved under section 515 or exempted from such approval under section 520(g).

"(C) Within 30 days after the issuance of an order classifying a device under this paragraph, the Secretary shall publish a notice in the Federal Register announcing such classification.".

### SEC. 605. SECRETARY'S DISCRETION TO TRACK DEVICES.

(a) RELEASE OF INFORMATION.—Section 519(e) (21 U.S.C. 360i(e)) is amended by adding at the end the following flush sentence:

"Any patient receiving a device subject to tracking under this section may refuse to release, or refuse permission to release, the patient's name, address, social security number, or other identifying information for the purpose of tracking.".

(b) PUBLICATION OF CERTAIN DEVICES.—Not later than 180 days after the date of enactment of this Act, the Secretary of Health and Human Services shall develop and publish in the Federal Register a list that identifies each type of device subject to tracking under section 519(e)(1) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360i(e)(1)). Each device not identified by the Secretary of Health and Human Services under this subsection or designated by the Secretary under section 519(e)(2) shall be deemed to be exempt from the mandatory tracking requirement under section 519 of such Act. The Secretary of Health and Human Services shall have authority to modify the list of devices exempted from the mandatory tracking requirements.

### SEC. 606. SECRETARY'S DISCRETION TO CONDUCT POSTMARKET SURVEILLANCE.

(a) IN GENERAL.—Section 522 (21 U.S.C. 360l) is amended by striking "SEC. 522." and all that follows through "(2) DISCRETIONARY SURVEILLANCE.—The" and inserting the following:

"SEC. 522. (a) DISCRETIONARY SURVEILLANCE.—The".

(b) SURVEILLANCE APPROVAL.—Section 522(b) (21 U.S.C. 360l(b)) is amended to read as follows:

"(b) SURVEILLANCE APPROVAL.—

"(1) IN GENERAL.—Each manufacturer that receives notice from the Secretary that the manufacturer is required to conduct surveillance of a device under subsection (a) shall, not later than 30 days after receiving the notice, submit for the approval of the Secretary, a plan for the required surveillance.

"(2) DETERMINATION.—Not later than 60 days after the receipt of the plan, the Secretary shall determine if a person proposed in the plan to conduct the surveillance has sufficient qualifications and experience to conduct the surveillance and if the plan will result in the collection of useful data that can reveal unforeseen adverse events or other information necessary to protect the public health and to provide safety and effectiveness information for the device.

"(3) LIMITATION ON PLAN APPROVAL.—The Secretary may not approve the plan until the plan has been reviewed by a qualified scientific and technical review committee established by the Secretary.".

### SEC. 607. REPORTING.

(a) REPORTS.—Section 519 (21 U.S.C. 360i) is amended—

(1) in subsection (a)—

(A) in the first sentence by striking "make such reports, and provide such information," and inserting "and each such manufacturer or importer shall make such reports, provide such information, and submit such samples and components of devices (as required by paragraph (10)),";

(B) in paragraph (8), by striking "; and" and inserting a semicolon; and

(C) by striking paragraph (9) and inserting the following:

"(9) shall require distributors to keep records and make such records available to the Secretary upon request; and";

(2) by striking subsection (d); and

(3) in subsection (f), by striking ", importer, or distributor" each place it appears and inserting "or importer".

(b) REGISTRATION.—Section 510(g) (21 U.S.C. 360(g)) is amended—

(1) by redesignating paragraph (4) as paragraph (5);

(2) by inserting after paragraph (3), the following:

"(4) any distributor who acts as a wholesale distributor of devices, and who does not manufacture, repackage, process, or relabel a device; or"; and

(3) by adding at the end the following flush sentence:

"In this subsection, the term 'wholesale distributor' means any person who distributes a device from the original place of manufacture to the person who makes the final delivery or sale of the device to the ultimate consumer or user.".

### SEC. 608. PILOT AND SMALL-SCALE MANUFACTURE.

(a) NEW DRUGS.—Section 505(c) (21 U.S.C. 355(c)) is amended by adding at the end the following:

"(4) A new drug manufactured in a pilot or other small facility may be used to demonstrate the safety and effectiveness of the new drug and to obtain approval of the new drug prior to scaling up to a larger facility, unless the Secretary determines that a full scale production facility is necessary to ensure the safety or effectiveness of the new drug.".

(b) NEW ANIMAL DRUGS.—Section 512(c) (21 U.S.C. 360b(c)) is amended by adding at the end the following:

"(4) A new animal drug manufactured in a pilot or other small facility may be used to demonstrate the safety and effectiveness of the new drug and to obtain approval of the new drug prior to scaling up to a larger facility, unless the Secretary determines that a full scale production facility is necessary to ensure the safety or effectiveness of the new drug.".

### SEC. 609. REQUIREMENTS FOR RADIOPHARMACEUTICALS.

(a) REQUIREMENTS.—

(1) REGULATIONS.—

(A) PROPOSED REGULATIONS.—Not later than 180 days after the date of enactment of this Act, the Secretary of Health and Human Services, after consultation with patient advocacy groups, associations, physicians licensed to use radiopharmaceuticals, and the regulated industry, shall issue proposed regulations governing the approval of radiopharmaceuticals designed for diagnosis and monitoring of diseases and conditions. The regulations shall provide that the determination of the safety and effectiveness of such a radiopharmaceutical under section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355) or section 351 of the Public Health Service Act (42 U.S.C. 262) shall include (but not be limited to) consideration of the proposed use of the radiopharmaceutical in the practice of medicine, the pharmacological and toxicological activity of the radiopharmaceutical (including any carrier or ligand component of the radiopharmaceutical), and the estimated absorbed radiation dose of the radiopharmaceutical.

(B) FINAL REGULATIONS.—Not later than 18 months after the date of enactment of this Act, the Secretary shall promulgate final regulations governing the approval of the radiopharmaceuticals.

(2) SPECIAL RULE.—In the case of a radiopharmaceutical intended to be used for diagnostic or monitoring purposes, the indications for which such radiopharmaceutical is approved for marketing may, in appropriate cases, refer to manifestations of disease (such as biochemical, physiological, anatomic, or pathological processes) common to, or present in, 1 or more disease states.

(b) DEFINITION.—In this section, the term "radiopharmaceutical" means—

(1) an article—

(A) that is intended for use in the diagnosis or monitoring of a disease or a manifestation of a disease in humans; and

(B) that exhibits spontaneous disintegration of unstable nuclei with the emission of nuclear particles or photons; or

(2) any nonradioactive reagent kit or nuclide generator that is intended to be used in the preparation of any such article.

### SEC. 610. MODERNIZATION OF REGULATION OF BIOLOGICAL PRODUCTS.

(a) LICENSES.—

(1) IN GENERAL.—Section 351(a) of the Public Health Service (42 U.S.C. 262(a)) is amended to read as follows:

"(a)(1) Except as provided in paragraph (4), no person shall introduce or deliver for introduction into interstate commerce any biological product unless—

"(A) a biologics license is in effect for the biological product; and

"(B) each package of the biological product is plainly marked with—

"(i) the proper name of the biological product contained in the package;

"(ii) the name, address, and applicable license number of the manufacturer of the biological product; and

"(iii) the expiration date of the biological product.

"(2)(A) The Secretary shall establish, by regulation, requirements for the approval, suspension, and revocation of biologics licenses.

"(B) The Secretary shall approve a biologics license application on the basis of a demonstration that—

"(i) the biological product that is the subject of the application is safe, pure, and potent; and

"(ii) the facility in which the biological product is manufactured, processed, packed, or held meets standards designed to assure that the biological product continues to be safe, pure, and potent.

"(3) A biologics license application shall be approved only if the applicant (or other appropriate person) consents to the inspection of the facility that is the subject of the application, in accordance with subsection (c).

"(4) The Secretary shall prescribe requirements under which a biological product undergoing investigation shall be exempt from the requirements of paragraph (1).".

(2) ELIMINATION OF EXISTING LICENSE REQUIREMENT.—Section 351(d) of the Public Health Service Act (42 U.S.C. 262(d)) is amended—

(A) by striking "(d)(1)" and all that follows through "of this section.";

(B) in paragraph (2)—

(i) by striking "(2)(A) Upon" and inserting "(d)(1) Upon;" and

(ii) by redesignating subparagraph (B) as paragraph (2); and

(C) in paragraph (2) (as so redesignated by subparagraph (B)(ii))—

(i) by striking "subparagraph (A)" and inserting "paragraph (1)"; and

(ii) by striking "this subparagraph" each place it appears and inserting "this paragraph".

(b) LABELING.—Section 351(b) of the Public Health Service Act (42 U.S.C. 262(b)) is amended to read as follows:

"(b) No person shall falsely label or mark any package or container of any biological product or alter any label or mark on the package or container of the biological product so as to falsify the label or mark.".

(c) INSPECTION.—Section 351(c) of the Public Health Service Act (42 U.S.C. 262(c)) is amended by striking "virus, serum," and all that follows and inserting "biological product.".

(d) DEFINITION; APPLICATION.—Section 351 of the Public Health Service Act (42 U.S.C. 262) is amended by adding at the end the following:

"(i) In this section, the term 'biological product' means a virus, therapeutic serum, toxin, antitoxin, vaccine, blood, blood component or derivative, allergenic product, or analogous product, or arsphenamine or derivative of arsphenamine (or any other trivalent organic arsenic compound), applicable to the prevention, treatment, or cure of a disease or condition of human beings.".

(e) CONFORMING AMENDMENT.—Section 503(g)(4) (21 U.S.C. 353(g)(4)) is amended—

(1) in subparagraph (A)—

(A) by striking "section 351(a)" and inserting "section 351(i)"; and

(B) by striking "262(a)" and inserting "262(i)"; and

(2) in subparagraph (B)(iii), by striking "product or establishment license under subsection (a) or (d)" and inserting "biologics license application under subsection (a)".

(f) SPECIAL RULE.—The Secretary of Health and Human Services shall take measures to minimize differences in the review and approval of products required to have approved biologics license applications under section 351 of the Public Health Service Act (42 U.S.C. 262) and products required to have approved full new drug applications under section 505(b)(1) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(b)(1)).

### SEC. 611. APPROVAL OF SUPPLEMENTAL APPLICATIONS FOR APPROVED PRODUCTS.

(a) PERFORMANCE STANDARDS.—Not later than 180 days after the date of enactment of this section, the Secretary of Health and Human Services shall publish in the Federal Register performance standards for the prompt review of supplemental applications submitted for approved articles under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321 et seq.).

(b) GUIDANCE TO INDUSTRY.—Not later than 180 days after the date of enactment of this section, the Secretary of Health and Human Services shall issue final guidances to clarify the requirements for, and facilitate the submission of data to support, the approval of supplemental applications for the approved articles described in subsection (a). The guidances shall—

(1) clarify circumstances in which published matter may be the basis for approval of a supplemental application;

(2) specify data requirements that will avoid duplication of previously submitted data by recognizing the availability of data previously submitted in support of an original application; and

(3) define supplemental applications that are eligible for priority review.

(c) RESPONSIBILITIES OF CENTERS.—The Secretary of Health and Human Services shall designate an individual in each center within the Food and Drug Administration (except the Center for Food Safety and Applied Nutrition) to be responsible for—

(1) encouraging the prompt review of supplemental applications for approved articles; and

(2) working with sponsors to facilitate the development and submission of data to support supplemental applications.

(d) COLLABORATION.—The Secretary of Health and Human Services shall implement programs and policies that will foster collaboration between the Food and Drug Administration, the National Institutes of Health, professional medical and scientific societies, and other persons, to identify published and unpublished studies that may support a supplemental application, and to encourage sponsors to make supplemental applications or conduct further research in support of a supplemental application based, in whole or in part, on such studies.

### SEC. 612. HEALTH CARE ECONOMIC INFORMATION.

(a) IN GENERAL.—Section 502(a) (21 U.S.C. 352(a)) is amended by adding at the end the following: "Health care economic information provided to a formulary committee, or other similar entity, in the course of the committee or the entity carrying out its responsibilities for the selection of drugs for managed care or other similar organizations, shall not be considered to be false or misleading if the health care economic information directly relates to an indication approved under section 505 or 507 or section 351(a) of the Public Health Service Act (42 U.S.C. 262(a)) for such drug and is based on competent and reliable scientific evidence. The requirements set forth in section 505(a), 507, or section 351(a) of the Public Health Service Act (42 U.S.C. 262(a)) shall not apply to health care economic information provided to such a committee or entity in accordance with this paragraph. Information that is relevant to the substantiation of the health care economic information presented pursuant to this paragraph shall be made available to the Secretary upon request. In this paragraph, the term 'health care economic information' means any analysis that identifies, measures, or compares the economic consequences, including the costs of the represented health outcomes, of the use of a drug to the use of another drug, to another health care intervention, or to no intervention.".

(b) STUDY AND REPORT.—The Comptroller General of the United States shall conduct a study of the implementation of the provisions added by the amendment made by subsection (a). Not later than 4 years and 6 months after the date of enactment of this Act, the Comptroller General of the United States shall prepare and submit to Congress a report containing the findings of the study.

### SEC. 613. EXPEDITING STUDY AND APPROVAL OF FAST TRACK DRUGS.

(a) IN GENERAL.—Chapter V (21 U.S.C. 351 et seq.), as amended by section 102, is further amended by adding at the end the following:

#### "Subchapter E—Fast Track Drugs and Reports of Post-Market Approval Studies

#### "SEC. 561. FAST TRACK DRUGS.

"(a) DESIGNATION OF DRUG AS A FAST TRACK DRUG.—

"(1) IN GENERAL.—The Secretary shall facilitate development, and expedite review and approval of new drugs and biological products that are intended for the treatment of serious or life-threatening conditions and that demonstrate the potential to address unmet medical needs for such conditions. In this Act, such products shall be known as 'fast track drugs'.

"(2) REQUEST FOR DESIGNATION.—The sponsor of a drug (including a biological product) may request the Secretary to designate the drug as a fast track drug. A request for the designation may be made concurrently with, or at any time after, submission of an application for the investigation of the drug under section 505(i) or section 351(a)(4) of the Public Health Service Act.

"(3) DESIGNATION.—Within 30 calendar days after the receipt of a request under paragraph (2), the Secretary shall determine whether the drug that is the subject of the request meets the criteria described in paragraph (1). If the Secretary finds that the drug meets the criteria, the Secretary shall designate the drug as a fast track drug and shall take such actions as are appropriate to expedite the development and review of the drug.

"(b) APPROVAL OF APPLICATION FOR A FAST TRACK DRUG.—

"(1) IN GENERAL.—The Secretary may approve an application for approval of a fast track drug under section 505(b) or section 351 of the Public Health Service Act (21 U.S.C. 262) upon a determination that the drug has an effect on a surrogate endpoint that is reasonably likely to predict clinical benefit.

"(2) LIMITATION.—Approval of a fast track drug under this subsection may be subject to the requirements—

"(A) that the sponsor conduct appropriate post-approval studies to validate the surrogate endpoint or otherwise confirm the clinical benefit of the drug; and

"(B) that the sponsor submit copies of all promotional materials related to the fast track drug during the preapproval review period and following approval, at least 30 days prior to dissemination of the materials for such period of time as the Secretary deems appropriate.

"(3) EXPEDITED WITHDRAWAL OF APPROVAL.—The Secretary may withdraw approval of a fast track drug using expedited procedures (as prescribed by the Secretary in regulations) including a procedure that provides an opportunity for an informal hearing, if—

"(A) the sponsor fails to conduct any required post-approval study of the fast track drug with due diligence;

"(B) a post-approval study of the fast track drug fails to verify clinical benefit of the fast track drug;

"(C) other evidence demonstrates that the fast track drug is not safe or effective under conditions of use of the drug; or

"(D) the sponsor disseminates false or misleading promotional materials with respect to the fast track drug.

"(c) Review of Incomplete Applications for Approval of a Fast Track Drug.—

"(1) In general.—If preliminary evaluation by the Secretary of clinical efficacy data for a fast track drug under investigation shows evidence of effectiveness, the Secretary shall evaluate for filing, and may commence review of, portions of an application for the approval of the drug if the applicant provides a schedule for submission of information necessary to make the application complete and any fee that may be required under section 736.

"(2) Exception.—Any time period for review of human drug applications that has been agreed to by the Secretary and that has been set forth in goals identified in letters of the Secretary (relating to the use of fees collected under section 736 to expedite the drug development process and the review of human drug applications) shall not apply to an application submitted under paragraph (1) until the date on which the application is complete.

"(d) Awareness Efforts.—The Secretary shall—

"(1) develop and widely disseminate to physicians, patient organizations, pharmaceutical and biotechnology companies, and other appropriate persons a comprehensive description of the provisions applicable to fast track drugs established under this section; and

"(2) establish an ongoing program to encourage the development of surrogate endpoints that are reasonably likely to predict clinical benefit for serious or life-threatening conditions for which there exist significant unmet medical needs.".

(b) Guidance.—Within 1 year after the date of enactment of this Act, the Secretary of Health and Human Services shall issue guidance for fast track drugs that describes the policies and procedures that pertain to section 561 of the Federal Food, Drug, and Cosmetic Act.

### SEC. 614. MANUFACTURING CHANGES FOR DRUGS AND BIOLOGICS.

(a) In General.—Chapter VII (21 U.S.C. 371 et seq.), as amended by section 602, is further amended by adding at the end the following:

### "Subchapter E—Manufacturing Changes

### "SEC. 751. MANUFACTURING CHANGES.

"(a) In General.—A change in the manufacture of a new drug, including a biological product, or a new animal drug may be made in accordance with this section.

"(b) Changes.—

"(1) Validation.—Before distributing a drug made after a change in the manufacture of the drug from the manufacturing process established in the approved new drug application under section 505, the approved new animal drug application under section 512, or the license application under section 351 of the Public Health Service Act, the applicant shall validate the effect of the change on the identity, strength, quality, purity, and potency of the drug as the identity, strength, quality, purity, and potency may relate to the safety or effectiveness of the drug.

"(2) Reports.—The applicant shall report the change described in paragraph (1) to the Secretary and may distribute a drug made after the change as follows:

"(A) Major manufacturing changes.—

"(i) In general.—Major manufacturing changes, which are of a type determined by the Secretary to have substantial potential to adversely affect the identity, strength, quality, purity, or potency of the drug as the identity, strength, quality, purity, and potency may relate to the safety or effectiveness of a drug, shall be submitted to the Secretary in a supplemental application and drugs made after such changes may not be distributed until the Secretary approves the supplemental application.

"(ii) Definition.—In this subparagraph, the term 'major manufacturing changes' means—

"(I) changes in the qualitative or quantitative formulation of a drug or the specifications in the approved marketing application for the drug (unless exempted by the Secretary from the requirements of this subparagraph);

"(II) changes that the Secretary determines by regulation or issuance of guidance require completion of an appropriate human study demonstrating equivalence of the drug to the drug manufactured before such changes; and

"(III) other changes that the Secretary determines by regulation or issuance of guidance have a substantial potential to adversely affect the safety or effectiveness of the drug.

"(B) Other manufacturing changes.—

"(i) In general.—As determined by the Secretary, manufacturing changes other than major manufacturing changes shall—

"(I) be made at any time and reported annually to the Secretary, with supporting data; or

"(II) be reported to the Secretary in a supplemental application.

"(ii) Distribution of the drug.—In the case of changes reported in accordance with clause (i)(II)—

"(I) the applicant may distribute the drug 30 days after the Secretary receives the supplemental application unless the Secretary notifies the applicant within such 30-day period that prior approval of such supplemental application is required;

"(II) the Secretary shall approve or disapprove each such supplemental application; and

"(III) the Secretary may determine types of manufacturing changes after which distribution of a drug may commence at the time of submission of such supplemental application.".

(b) Existing Law.—The requirements of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321 et seq.) and the Public Health Service Act (42 U.S.C. 201 et seq.) that are in effect on the date of enactment of this Act with respect to manufacturing changes shall remain in effect—

(1) for a period of 24 months after the date of enactment of this Act; or

(2) until the effective date of regulations promulgated by the Secretary of Health and Human Services implementing section 751 of the Federal Food, Drug, and Cosmetic Act,

whichever is sooner.

### SEC. 615. DATA REQUIREMENTS FOR DRUGS AND BIOLOGICS.

Within 12 months after the date of enactment of this Act, the Secretary of the Health and Human Services, acting through the Commissioner of Food and Drugs, shall issue guidance that describes when abbreviated study reports may be submitted, in lieu of full reports, with a new drug application under section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355) and with a biologics license application under section 351 of the Public Health Service Act (42 U.S.C. 262) for certain types of studies. Such guidance shall describe the kinds of studies for which abbreviated reports are appropriate and the appropriate abbreviated report formats.

### SEC. 616. FOOD CONTACT SUBSTANCES.

(a) Food Contact Substances.—Section 409(a) (21 U.S.C. 348(a)) is amended—

(1) in paragraph (1)—

(A) by striking "subsection (i)" and inserting "subsection (j)"; and

(B) by striking at the end "or";

(2) by striking the period at the end of paragraph (2) and inserting "; or";

(3) by inserting after paragraph (2) the following:

"(3) in the case of a food additive as defined in this Act that is a food contact substance, there is—

"(A) in effect, and such substance and the use of such substance are in conformity with, a regulation issued under this section prescribing the conditions under which such additive may be safely used; or

"(B) a notification submitted under subsection (h) that is effective."; and

(4) by striking the matter following paragraph (3) (as added by paragraph (2)) and inserting the following flush sentence:

"While such a regulation relating to a food additive, or such a notification under subsection (h) relating to a food additive that is a food contact substance, is in effect, and has not been revoked pursuant to subsection (i), a food shall not, by reason of bearing or containing such a food additive in accordance with the regulation or notification, be considered adulterated under section 402(a)(1).".

(b) Notification for Food Contact Substances.—Section 409 (21 U.S.C. 348), as amended by subsection (a), is further amended—

(1) by redesignating subsections (h) and (i), as subsections (i) and (j), respectively;

(2) by inserting after subsection (g) the following:

"Notification Relating to a Food Contact Substance

"(h)(1) Subject to such regulations as may be promulgated under paragraph (3), a manufacturer or supplier of a food contact substance may, at least 120 days prior to the introduction or delivery for introduction into interstate commerce of the food contact substance, notify the Secretary of the identity and intended use of the food contact substance, and of the determination of the manufacturer or supplier that the intended use of such food contact substance is safe under the standard described in subsection (c)(3)(A). The notification shall contain the information that forms the basis of the determination, the fee required under paragraph (5), and all information required to be submitted by regulations promulgated by the Secretary.

"(2)(A) A notification submitted under paragraph (1) shall become effective 120 days after the date of receipt by the Secretary and the food contact substance may be introduced or delivered for introduction into interstate commerce, unless the Secretary makes a determination within the 120-day period that, based on the data and information before the Secretary, such use of the food contact substance has not been shown to be safe under the standard described in subsection (c)(3)(A), and informs the manufacturer or supplier of such determination.

"(B) A decision by the Secretary to object to a notification shall constitute final agency action subject to judicial review.

"(C) In this paragraph, the term 'food contact substance' means the substance that is the subject of a notification submitted under paragraph (1), and does not include a similar or identical substance manufactured or prepared by a person other than the manufacturer identified in the notification.

"(3)(A) The process in this subsection shall be utilized for authorizing the marketing of a food contact substance except where the Secretary determines that submission and review of a petition under subsection (b) is necessary to provide adequate assurance of safety, or where the Secretary and any manufacturer or supplier agree that such manufacturer or supplier may submit a petition under subsection (b).

"(B) The Secretary is authorized to promulgate regulations to identify the circumstances in which a petition shall be filed under subsection (b), and shall consider criteria such as the probable consumption of such food contact substance and potential toxicity of the food contact substance in determining the circumstances in which a petition shall be filed under subsection (b).

"(4) The Secretary shall keep confidential any information provided in a notification under paragraph (1) for 120 days after receipt by the Secretary of the notification. After the expiration of such 120 days, the information shall be available to any interested party except for any matter in the notification that is a trade secret or confidential commercial information.

"(5)(A) Each person that submits a notification regarding a food contact substance under this section shall be subject to the payment of a reasonable fee. The fee shall be based on the resources required to process the notification including reasonable administrative costs for such processing.

"(B) The Secretary shall conduct a study of the costs of administering the notification program established under this section and, on the basis of the results of such study, shall, within 18 months after the date of enactment of the Food and Drug Administration Modernization and Accountability Act of 1997, promulgate regulations establishing the fee required by subparagraph (A).

"(C) A notification submitted without the appropriate fee is not complete and shall not become effective for the purposes of subsection (a)(3) until the appropriate fee is paid.

"(D) Fees collected pursuant to this subsection—

"(i) shall not be deposited as an offsetting collection to the appropriations for the Department of Health and Human Services;

"(ii) shall be credited to the appropriate account of the Food and Drug Administration; and

"(iii) shall be available in accordance with appropriation Acts until expended, without fiscal year limitation.

"(6) In this section, the term 'food contact substance' means any substance intended for use as a component of materials used in manufacturing, packing, packaging, transporting, or holding food if such use is not intended to have any technical effect in such food.";

(3) in subsection (i), as so redesignated by paragraph (1), by adding at the end the following: "The Secretary shall by regulation prescribe the procedure by which the Secretary may deem a notification under subsection (h) to no longer be effective."; and

(4) in subsection (j), as so redesignated by paragraph (1), by striking "subsections (b) to (h)" and inserting "subsections (b) to (i)".

(c) EFFECTIVE DATE.—Notifications under section 409(h) of the Federal Food, Drug, and Cosmetic Act, as added by subsection (b), may be submitted beginning 18 months after the date of enactment of this Act.

### SEC. 617. HEALTH CLAIMS FOR FOOD PRODUCTS.

Section 403(r)(3) (21 U.S.C. 343(r)(3)) is amended by adding at the end the following:

"(C) Notwithstanding the provisions of clauses (A)(i) and (B), a claim of the type described in subparagraph (1)(B) that is not authorized by the Secretary in a regulation promulgated in accordance with clause (B) shall be authorized and may be made if—

"(i) an authoritative scientific body of the Federal Government with official responsibility for public health protection or research directly relating to human nutrition (such as the National Institutes of Health or the Centers for Disease Control and Prevention), the National Academy of Sciences, or a subdivision of the scientific body or the National Academy of Sciences, has published an authoritative statement, which is currently in effect, about the relationship between a nutrient and a disease or health-related condition to which the claim refers;

"(ii) a person has submitted to the Secretary at least 120 days before the first introduction of a food into interstate commerce a notice of the claim, including a concise description of the basis upon which such person relied for determining that the requirements of subclause (i) have been satisfied;

"(iii) the claim and the food for which the claim is made are in compliance with clause (A)(ii), and are otherwise in compliance with paragraph (a) and section 201(n); and

"(iv) the claim is stated in a manner so that the claim is an accurate representation of the authoritative statement referred to in subclause (i) and so that the claim enables the public to comprehend the information provided in the claim and to understand the relative significance of such information in the context of a total daily diet.

For purposes of this paragraph, a statement shall be regarded as an authoritative statement of such a scientific body described in subclause (i) only if the statement is published by the scientific body and shall not include a statement of an employee of the scientific body made in the individual capacity of the employee.

"(D) A claim submitted under the requirements of clause (C), may be made until—

"(i) such time as the Secretary issues an interim final regulation—

"(I) under the standard in clause (B)(i), prohibiting or modifying the claim; or

"(II) finding that the requirements of clause (C) have not been met; or

"(ii) a district court of the United States in an enforcement proceeding under chapter III has determined that the requirements of clause (C) have not been met.

Where the Secretary issues a regulation under subclause (i), good cause shall be deemed to exist for the purposes of subsections (b)(B) and (d)(3) of section 553 of title 5, United States Code. The Secretary shall solicit comments in response to a regulation promulgated under subclause (i) and shall publish a response to such comments.".

### SEC. 618. PEDIATRIC STUDIES MARKETING EXCLUSIVITY.

(a) GENERAL AUTHORITY.—Chapter V of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 351 et seq.) is amended by inserting after section 505 the following:

### "SEC. 505A. PEDIATRIC STUDIES OF DRUGS.

"(a) MARKET EXCLUSIVITY FOR NEW DRUGS.—If, prior to approval of an application that is submitted under section 505(b)(1), the Secretary determines that information relating to the use of a drug in the pediatric population may produce health benefits in that population, the Secretary makes a written request for pediatric studies (which may include a timeframe for completing such studies), and such studies are completed within any such timeframe and the reports thereof submitted in accordance with subsection (d)(2) or completed within any such timeframe and the reports thereof are accepted in accordance with subsection (d)(3)—

"(1)(A) the period during which an application may not be submitted under subsections (c)(3)(D)(ii) and (j)(4)(D)(ii) of section 505 shall be five years and six months rather than five years, and the references in subsections (c)(3)(D)(ii) and (j)(4)(D)(ii) of section 505 to four years, to forty-eight months, and to seven and one-half years shall be deemed to be four and one-half years, fifty-four months, and eight years, respectively; or

"(B) the period of market exclusivity under subsections (c)(3)(D) (iii) and (iv) and (j)(4)(D) (iii) and (iv) of section 505 shall be three years and six months rather than three years; and

"(2)(A) if the drug is the subject of—

"(i) a listed patent for which a certification has been submitted under subsection (b)(2)(A)(ii) or (j)(2)(A)(vii)(II) of section 505 and for which pediatric studies were submitted prior to the expiration of the patent (including any patent extensions); or

"(ii) a listed patent for which a certification has been submitted under subsection (b)(2)(A)(iii) or (j)(2)(A)(vii)(III) of section 505,

the period during which an application may not be approved under subsection (c)(3) or (j)(4)(B) of section 505 shall be extended by a period of six months after the date the patent expires (including any patent extensions); or

"(B) if the drug is the subject of a listed patent for which a certification has been submitted under subsection (b)(2)(A)(iv) or (j)(2)(A)(vii)(IV) of section 505, and in the patent infringement litigation resulting from the certification the court determines that the patent is valid and would be infringed, the period during which an application may not be approved under subsection (c)(3) or (j)(4)(B) of section 505 shall be extended by a period of six months after the date the patent expires (including any patent extensions).

"(b) SECRETARY TO DEVELOP LIST OF DRUGS FOR WHICH ADDITIONAL PEDIATRIC INFORMATION MAY BE BENEFICIAL.—Not later than 180 days after the date of enactment of this section, the Secretary, after consultation with experts in pediatric research (such as the American Academy of Pediatrics, the Pediatric Pharmacology Research Unit Network, and the United States Pharmacopoeia) shall develop, prioritize, and publish an initial list of approved drugs for which additional pediatric information may produce health benefits in the pediatric population. The Secretary shall annually update the list.

"(c) MARKET EXCLUSIVITY FOR ALREADY-MARKETED DRUGS.—If the Secretary makes a written request for pediatric studies (which may include a timeframe for completing such studies) concerning a drug identified in the list described in subsection (b) to the holder of an approved application under section 505(b)(1) for the drug, the holder agrees to the request, and the studies are completed within any such timeframe and the reports thereof submitted in accordance with subsection (d)(2) or completed within any such timeframe and the reports thereof accepted in accordance with subsection (d)(3)—

"(1)(A) the period during which an application may not be submitted under subsections (c)(3)(D)(ii) and (j)(4)(D)(ii) of section 505 shall be five years and six months rather than five years, and the references in subsections (c)(3)(D)(ii) and (j)(4)(D)(ii) of section 505 to four years, to forty-eight months, and to seven and one-half years shall be deemed to be four and one-half years, fifty-four months, and eight years, respectively; or

"(B) the period of market exclusivity under subsections (c)(3)(D) (iii) and (iv) and (j)(4)(D) (iii) and (iv) of section 505 shall be three years and six months rather than three years; and

"(2)(A) if the drug is the subject of—

"(i) a listed patent for which a certification has been submitted under subsection (b)(2)(A)(ii) or (j)(2)(A)(vii)(II) of section 505 and for which pediatric studies were submitted prior to the expiration of the patent (including any patent extensions); or

"(ii) a listed patent for which a certification has been submitted under subsection (b)(2)(A)(iii) or (j)(2)(A)(vii)(III) of section 505,

the period during which an application may not be approved under subsection (c)(3) or (j)(4)(B) of section 505 shall be extended by a period of six months after the date the patent expires (including any patent extensions); or

"(B) if the drug is the subject of a listed patent for which a certification has been submitted under subsection (b)(2)(A)(iv) or (j)(2)(A)(vii)(IV) of section 505, and in the patent infringement litigation resulting from the certification the court determines that the patent is valid and would be infringed, the period during which an application may not be approved under subsection (c)(3) or (j)(4)(B) of section 505 shall be extended by a period of six months after the date the patent expires (including any patent extensions).

"(d) Conduct of Pediatric Studies.—

"(1) Agreement for studies.—The Secretary may, pursuant to a written request for studies, after consultation with—

"(A) the sponsor of an application for an investigational new drug under section 505(i);

"(B) the sponsor of an application for a drug under section 505(b)(1); or

"(C) the holder of an approved application for a drug under section 505(b)(1),

agree with the sponsor or holder for the conduct of pediatric studies for such drug.

"(2) Written protocols to meet the studies requirement.—If the sponsor or holder and the Secretary agree upon written protocols for the studies, the studies requirement of subsection (a) or (c) is satisfied upon the completion of the studies and submission of the reports thereof in accordance with the original written request and the written agreement referred to in paragraph (1). Not later than 60 days after the submission of the report of the studies, the Secretary shall determine if such studies were or were not conducted in accordance with the original written request and the written agreement and reported in accordance with the requirements of the Secretary for filing and so notify the sponsor or holder.

"(3) Other methods to meet the studies requirement.—If the sponsor or holder and the Secretary have not agreed in writing on the protocols for the studies, the studies requirement of subsection (a) or (c) is satisfied when such studies have been completed and the reports accepted by the Secretary. Not later than 90 days after the submission of the reports of the studies, the Secretary shall accept or reject such reports and so notify the sponsor or holder. The Secretary's only responsibility in accepting or rejecting the reports shall be to determine, within the 90 days, whether the studies fairly respond to the written request, whether such studies have been conducted in accordance with commonly accepted scientific principles and protocols, and whether such studies have been reported in accordance with the requirements of the Secretary for filing.

"(e) Delay of Effective Date for Certain Applications; Period of Market Exclusivity.—If the Secretary determines that the acceptance or approval of an application under subsection (b)(2) or (j) of section 505 for a drug may occur after submission of reports of pediatric studies under this section, which were submitted prior to the expiration of the patent (including any patent extension) or market exclusivity protection, but before the Secretary has determined whether the requirements of subsection (d) have been satisfied, the Secretary shall delay the acceptance or approval under subsection (b)(2) or (j), respectively, of section 505 until the determination under subsection (d) is made, but such delay shall not exceed 90 days. In the event that requirements of this section are satisfied, the applicable period of market exclusivity referred to in subsection (a) or (c) shall be deemed to have been running during the period of delay.

"(f) Notice of Determinations on Studies Requirement.—The Secretary shall publish a notice of any determination that the requirements of subsection (d) have been met and that submissions and approvals under subsection (b)(2) or (j) of section 505 for a drug will be subject to the provisions of this section.

"(g) Limitation.—The holder of an approved application for a new drug that has already received six months of market exclusivity under subsection (a) or (c) may, if otherwise eligible, obtain six months of market exclusivity under subsection (c)(1)(B) for a supplemental application, except that the holder is not eligible for exclusivity under subsection (c)(2).

"(h) Study and Report.—The Secretary shall conduct a study and report to Congress not later than January 1, 2003 based on the experience under the program. The study and report shall examine all relevant issues, including—

"(1) the effectiveness of the program in improving information about important pediatric uses for approved drugs;

"(2) the adequacy of the incentive provided under this section;

"(3) the economic impact of the program; and

"(4) any suggestions for modification that the Secretary deems appropriate.

"(i) Termination of Market Exclusivity Extension Authority for New Drugs.—Except as provided in section 618(b) of the Food and Drug Administration Modernization and Accountability Act of 1997, no period of market exclusivity shall be extended under subsection (a) for a drug if—

"(1) the extension would be based on studies commenced after January 1, 2004; and

"(2) the application submitted for the drug under section 505(b)(1) was not approved by January 1, 2004.

"(j) Definitions.—In this section, the term 'pediatric studies' or 'studies' means at least 1 clinical investigation (that, at the Secretary's discretion, may include pharmacokinetic studies) in pediatric age-groups in which a drug is anticipated to be used.".

(b) Market Exclusivity Under Other Authority.—

(1) Through calendar year 2003.—

(A) Determination.—If the Secretary requests or requires pediatric studies, prior to January 1, 2004, under Federal law other than section 505A of the Federal Food, Drug, and Cosmetic Act (as added by subsection (a)), from the sponsor of an application, or the holder of an approved application, for a drug under section 505(b) of such Act (21 U.S.C. 355(b)), the Secretary shall determine whether the studies meet the completeness, timeliness, and other submission requirements of the Federal law involved.

(B) Market exclusivity.—If the Secretary determines that the studies meet the requirements involved, the Secretary shall ensure that the period of market exclusivity for the drug involved is extended for 6 months in accordance with the requirements of subsection (a), (c), (e), and (g) (as appropriate) of section 505A of such Act (as in effect on the date of enactment of this Act.).

(2) Calendar year 2004 and subsequent years.—

(A) New drugs.—Effective January 1, 2004, if the Secretary requests or requires pediatric studies, under Federal law other than section 505A of the Federal Food, Drug, and Cosmetic Act, from the sponsor of an application for a drug under section 505(b) of such Act, nothing in such law shall be construed to permit or require the Secretary to ensure that the period of market exclusivity for the drug is extended.

(B) Already marketed drugs.—

(i) Determination.—Effective January 1, 2004, if the Secretary requests or requires pediatric studies, under Federal law other than section 505A of the Federal Food, Drug, and Cosmetic Act (as added by subsection (a)), from the holder of an approved application for a drug under section 505(b) of such Act, the Secretary shall determine whether the studies meet the completeness, timeliness, and other submission requirements of the Federal law involved.

(ii) Market exclusivity.—If the Secretary determines that the studies meet the requirements involved, the Secretary shall ensure that the period of market exclusivity for the drug involved is extended for 6 months in accordance with the requirements of subsection (a), (c), (e), and (g) (as appropriate) of section 505A of such Act (as in effect on the date of enactment of this Act).

(3) Definitions.—In this subsection:

(A) Drug.—The term "drug" has the meaning given the term in section 201 of such Act.

(B) Pediatric studies.—The term "pediatric studies" has the meaning given the term in section 505A of such Act.

(C) Secretary.—The term "Secretary" means the Secretary of Health and Human Services.

### SEC. 619. POSITRON EMISSION TOMOGRAPHY.

(a) Regulation of Compounded Positron Emission Tomography Drugs Under the Federal Food, Drug, and Cosmetic Act.—

(1) Definition.—Section 201 (21 U.S.C. 321) is amended by adding at the end the following:

"(ii) The term 'compounded positron emission tomography drug'—

"(1) means a drug that—

"(A) exhibits spontaneous disintegration of unstable nuclei by the emission of positrons and is used for the purpose of providing dual photon positron emission tomographic diagnostic images; and

"(B) has been compounded by or on the order of a practitioner who is licensed by a State to compound or order compounding for a drug described in subparagraph (A), and is compounded in accordance with that State's law, for a patient or for research, teaching, or quality control; and

"(2) includes any nonradioactive reagent, reagent kit, ingredient, nuclide generator, accelerator, target material, electronic synthesizer, or other apparatus or computer program to be used in the preparation of such a drug.".

(b) ADULTERATION.—

(1) IN GENERAL.—Section 501(a)(2) (21 U.S.C. 351(a)(2)) is amended by striking "; or (3)" and inserting the following: "; or (C) if it is a compounded positron emission tomography drug and the methods used in, or the facilities and controls used for, its compounding, processing, packing, or holding do not conform to or are not operated or administered in conformity with the positron emission tomography compounding standards and the official monographs of the United States Pharmacopeia to assure that such drug meets the requirements of this Act as to safety and has the identity and strength, and meets the quality and purity characteristics, that it purports or is represented to possess; or (3)".

(2) SUNSET.—Section 501(a)(2)(C) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 351(a)(2)(C)) shall not apply 4 years after the date of enactment of this Act or 2 years after the date or which the Secretary of Health and Human Services establishes the requirements described in subsection (c)(1)(B), whichever is later.

(c) REQUIREMENTS FOR REVIEW OF APPROVAL PROCEDURES AND CURRENT GOOD MANUFACTURING PRACTICES FOR POSITRON EMISSION TOMOGRAPHY.—

(1) PROCEDURES AND REQUIREMENTS.—

(A) IN GENERAL.—In order to take account of the special characteristics of compounded positron emission tomography drugs and the special techniques and processes required to produce these drugs, not later than 2 years after the date of enactment of this Act, the Secretary of Health and Human Services shall establish—

(i) appropriate procedures for the approval of compounded positron emission tomography drugs pursuant to section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355); and

(ii) appropriate current good manufacturing practice requirements for such drugs.

(B) CONSIDERATIONS AND CONSULTATION.—In establishing the procedures and requirements required by subparagraph (A), the Secretary of Health and Human Services shall take due account of any relevant differences between not-for-profit institutions that compound the drugs for their patients and commercial manufacturers of the drugs. Prior to establishing the procedures and requirements, the Secretary of Health and Human Services shall consult with patient advocacy groups, professional associations, manufacturers, and physicians and scientists licensed to make or use compounded positron emission tomography drugs.

(2) SUBMISSION OF NEW DRUG APPLICATIONS AND ABBREVIATED NEW DRUG APPLICATIONS.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the Secretary of Health and Human Services shall not require the submission of new drug applications or abbreviated new drug applications under subsection (b) or (j) of section 505 (21 U.S.C. 355), for compounded positron emission tomography drugs that are not adulterated drugs described in section 501(a)(2)(C) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 351(a)(2)(C)) (as amended by subsection (b)), for a period of 4 years after the date of enactment of this Act, or for 2 years after the date or which the Secretary establishes procedures and requirements under paragraph (1), whichever is later.

(B) EXCEPTION.—Nothing in this Act shall prohibit the voluntary submission of such applications or the review of such applications by the Secretary of Health and Human Services. Nothing in this Act shall constitute an exemption for a compounded positron emission tomography drug from the requirements of regulations issued under section 505(i) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(i)) for such drugs.

(d) REVOCATION OF CERTAIN INCONSISTENT DOCUMENTS.—Within 30 days after the date of enactment of this Act, the Secretary of Health and Human Services shall publish in the Federal Register a notice terminating the application of the following notices and rule, to the extent the notices and rule relate to compounded positron emission tomography drugs:

(1) A notice entitled "Regulation of Positron Emission Tomographic Drug Products: Guidance; Public Workshop", published in the Federal Register on February 27, 1995.

(2) A notice entitled "Guidance for Industry: Current Good Manufacturing Practices for Positron Emission Tomographic (PET) Drug Products; Availability", published in the Federal Register on April 22, 1997.

(3) A final rule entitled "Current Good Manufacturing Practice for Finished Pharmaceuticals; Positron Emission Tomography", published in the Federal Register on April 22, 1997.

(e) DEFINITION.—As used in this section, the term "compounded positron emission tomography drug" has the meaning given the term in section 201 of the Federal Food, Drug and Cosmetic Act (21 U.S.C. 321).

### SEC. 620. DISCLOSURE.

Chapter IV (21 U.S.C. 341 et seq.) is amended by adding after section 403B the following:

"DISCLOSURE

"SEC. 403C. (a) No provision of section 403(a), 201(n), or 409 shall be construed to require on the label or labeling of a food a separate radiation disclosure statement that is more prominent than the declaration of ingredients required by section 403(i)(2).

"(b) In this section, the term 'radiation disclosure statement' means a written statement that discloses that a food or a component of the food has been intentionally subject to radiation.".

### SEC. 621. REFERRAL STATEMENTS RELATING TO FOOD NUTRIENTS.

Section 403(r)(2)(B) (21 U.S.C. 343(r)(2)(B)) is amended to read as follows:

"(B) If a claim described in subparagraph (1)(A) is made with respect to a nutrient in a food, and the Secretary makes a determination that the food contains a nutrient at a level that increases to persons in the general population the risk of a disease or health-related condition that is diet related, then the label or labeling of such food shall contain, prominently and in immediate proximity to such claim, the following statement: 'See nutrition information panel for ____ content.' The blank shall identify the nutrient associated with the increased disease or health-related condition risk. In making the determination described in this clause, the Secretary shall take into account the significance of the food in the total daily diet.".

## TITLE VII—FEES RELATING TO DRUGS

### SEC. 701. SHORT TITLE.

This title may be cited as the "Prescription Drug User Fee Reauthorization Act of 1997".

### SEC. 702. FINDINGS.

Congress finds that—

(1) prompt approval of safe and effective new drugs and other therapies is critical to the improvement of the public health so that patients may enjoy the benefits provided by these therapies to treat and prevent illness and disease;

(2) the public health will be served by making additional funds available for the purpose of augmenting the resources of the Food and Drug Administration that are devoted to the process for review of human drug applications;

(3) the provisions added by the Prescription Drug User Fee Act of 1992 have been successful in substantially reducing review times for human drug applications and should be—

(A) reauthorized for an additional 5 years, with certain technical improvements; and

(B) carried out by the Food and Drug Administration with new commitments to implement more ambitious and comprehensive improvements in regulatory processes of the Food and Drug Administration; and

(4) the fees authorized by amendments made in this title will be dedicated toward expediting the drug development process and the review of human drug applications as set forth in the goals identified in appropriate letters from the Secretary of Health and Human Services to the chairman of the Committee on Commerce of the House of Representatives and the chairman of the Committee on Labor and Human Resources of the Senate.

### SEC. 703. DEFINITIONS.

Section 735 (21 U.S.C. 379g) is amended—

(1) in the second sentence of paragraph (1)—

(A) by striking "Service Act, and" and inserting "Service Act,"; and

(B) by striking "September 1, 1992." and inserting the following: "September 1, 1992, does not include an application for a licensure of a biological product for further manufacturing use only, and does not include an application or supplement submitted by a State or Federal Government entity for a drug or biological product that is not distributed commercially. Such term does include an application for licensure, as described in subparagraph (D), of a large volume biological product intended for single dose injection for intravenous use or infusion.";

(2) in the second sentence of paragraph (3)—

(A) by striking "Service Act, and" and inserting "Service Act,"; and

(B) by striking "September 1, 1992." and inserting the following: "September 1, 1992, does not include a biological product that is licensed for further manufacturing use only, and does not include a drug or biological product that is not distributed commercially and is the subject of an application or supplement submitted by a State or Federal Government entity. Such term does include a large volume biological product intended for single dose injection for intravenous use or infusion.";

(3) in paragraph (4), by striking "without" and inserting "without substantial";

(4) by striking paragraph (5) and inserting the following:

"(5) The term 'prescription drug establishment' means a foreign or domestic place of business which is at 1 general physical location consisting of 1 or more buildings all of which are within 5 miles of each other, at which 1 or more prescription drug products are manufactured in final dosage forms.";

(5) in paragraph (7)(A)—

(A) by striking "employees under contract" and all that follows through "Administration," and inserting "contractors of the Food and Drug Administration,"; and

(B) by striking "and committees," and inserting "and committees and to contracts with such contractors,";

(6) in paragraph (8)—

(A) in subparagraph (A)—

(i) by striking "August of" and inserting "April of"; and

(ii) by striking "August 1992" and inserting "April 1997";

(B) by striking subparagraph (B) and inserting the following:

"(B) 1 plus the decimal expression of the total percentage increase for such fiscal year since fiscal year 1997 in basic pay under the General Schedule in accordance with section 5332 of title 5, United States Code, as adjusted by any locality-based comparability payment pursuant to section 5304 of such title for Federal employees stationed in the District of Columbia."; and

(C) by striking the second sentence; and

(7) by adding at the end the following:

"(9) The term 'affiliate' means a business entity that has a relationship with a second business entity if, directly or indirectly—

"(A) 1 business entity controls, or has the power to control, the other business entity; or

"(B) a third party controls, or has power to control both of the business entities.".

## SEC. 704. AUTHORITY TO ASSESS AND USE DRUG FEES.

(a) Types of Fees.—Section 736(a) (21 U.S.C. 379h(a)) is amended—

(1) by striking "Beginning in fiscal year 1993" and inserting "Beginning in fiscal year 1998";

(2) in paragraph (1)—

(A) by striking subparagraph (B) and inserting the following:

"(B) Payment.—The fee required by subparagraph (A) shall be due upon submission of the application or supplement.";

(B) in subparagraph (D)—

(i) in the subparagraph heading, by striking "NOT ACCEPTED" and inserting "REFUSED";

(ii) by striking "50 percent" and inserting "75 percent";

(iii) by striking "subparagraph (B)(i)" and inserting "subparagraph (B)"; and

(iv) by striking "not accepted" and inserting "refused"; and

(C) by adding at the end the following:

"(E) Exception for designated orphan drug or indication.—A human drug application for a prescription drug product that has been designated as a drug for a rare disease or condition pursuant to section 526 shall not be subject to a fee under subparagraph (A), unless the human drug application includes indications for other than rare diseases or conditions. A supplement proposing to include a new indication for a rare disease or condition in a human drug application shall not be subject to a fee under subparagraph (A), provided that the drug has been designated pursuant to section 526 as a drug for a rare disease or condition with regard to the indication proposed in such supplement.

"(F) Exception for supplements for pediatric indications.—A supplement to a human drug application for an indication for use in pediatric populations shall not be assessed a fee under subparagraph (A).

"(G) Refund of fee if application withdrawn.—If an application or supplement is withdrawn after the application or supplement is filed, the Secretary may waive and refund the fee or a portion of the fee if no substantial work was performed on the application or supplement after the application or supplement was filed. The Secretary shall have the sole discretion to waive and refund a fee or a portion of the fee under this subparagraph. A determination by the Secretary concerning a waiver or refund under this paragraph shall not be reviewable.";

(3) by striking paragraph (2) and inserting the following:

"(2) Prescription drug establishment fee.—

"(A) In general.—Each person that—

"(i) is named as the applicant in a human drug application; and

"(ii) after September 1, 1992, had pending before the Secretary a human drug application or supplement;

shall be assessed an annual fee established in subsection (b) for each prescription drug establishment listed in its approved human drug application as an establishment that manufactures the prescription drug product named in the application. The annual establishment fee shall be assessed in each fiscal year in which the prescription drug product named in the application is assessed a fee under paragraph (3) unless the prescription drug establishment listed in the application does not engage in the manufacture of the prescription drug product during the fiscal year. The establishment fee shall be payable on or before January 31 of each year. Each such establishment shall be assessed only 1 fee per establishment, notwithstanding the number of prescription drug products manufactured at the establishment. In the event an establishment is listed in a human drug application by more than 1 applicant, the establishment fee for the fiscal year shall be divided equally and assessed among the applicants whose prescription drug products are manufactured by the establishment during the fiscal year and assessed product fees under paragraph (3).

"(B) Exception.—If, during the fiscal year, an applicant initiates or causes to be initiated the manufacture of a prescription drug product at an establishment listed in its human drug application—

"(i) that did not manufacture the product in the previous fiscal year; and

"(ii) for which the full establishment fee has been assessed in the fiscal year at a time before manufacture of the prescription drug product was begun;

the applicant will not be assessed a share of the establishment fee for the fiscal year in which manufacture of the product began."; and

(4) in paragraph (3)—

(A) in subparagraph (A)—

(i) in clause (i), by striking "is listed" and inserting "has been submitted for listing"; and

(ii) by striking "Such fee shall be payable" and all that follows through "section 510." and inserting the following: "Such fee shall be payable for the fiscal year in which the product is first submitted for listing under section 510, or for relisting under section 510 if the product has been withdrawn from listing and relisted. After such fee is paid for that fiscal year, such fee shall be payable on or before January 31 of each year. Such fee shall be paid only once for each product for a fiscal year in which the fee is payable."; and

(B) in subparagraph (B), by striking "505(j)." and inserting the following: "505(j), or under an abbreviated new drug application pursuant to regulations in effect prior to the implementation of the Drug Price Competition and Patent Term Restoration Act of 1984, or is a product approved under an application filed under section 507 that is abbreviated.".

(b) Fee Amounts.—Section 736(b) (21 U.S.C. 379h(b)) is amended to read as follows:

"(b) Fee Amounts.—Except as provided in subsections (c), (d), (f), and (g), the fees required under subsection (a) shall be determined and assessed as follows:

"(1) Application and supplement fees.—

"(A) Full fees.—The application fee under subsection (a)(1)(A)(i) shall be $250,704 in fiscal year 1998, $256,338 in each of fiscal years 1999 and 2000, $267,606 in fiscal year 2001, and $258,451 in fiscal year 2002.

"(B) Other fees.—The fee under subsection (a)(1)(A)(ii) shall be $125,352 in fiscal year 1998, $128,169 in each of fiscal years 1999 and 2000, $133,803 in fiscal year 2001, and $129,226 in fiscal year 2002.

"(2) Fee revenues for establishment fees.—The total fee revenues to be collected in establishment fees under subsection (a)(2) shall be $35,600,000 in fiscal year 1998, $36,400,000 in each of fiscal years 1999 and 2000, $38,000,000 in fiscal year 2001, and $36,700,000 in fiscal year 2002.

"(3) Total fee revenues for product fees.—The total fee revenues to be collected in product fees under subsection (a)(3) in a fiscal year shall be equal to the total fee revenues collected in establishment fees under subsection (a)(2) in that fiscal year.".

(c) Increases and Adjustments.—Section 736(c) (21 U.S.C. 379h(c)) is amended—

(1) in the subsection heading, by striking "INCREASES AND";

(2) in paragraph (1)—

(A) by striking "(1) REVENUE" and all that follows through "increased by the Secretary" and inserting the following: "(1) Inflation adjustment.—The fees and total fee revenues established in subsection (b) shall be adjusted by the Secretary";

(B) in subparagraph (A), by striking "increase" and inserting "change";

(C) in subparagraph (B), by striking "increase" and inserting "change"; and

(D) by adding at the end the following flush sentence:

"The adjustment made each fiscal year by this subsection will be added on a compounded basis to the sum of all adjustments made each fiscal year after fiscal year 1997 under this subsection.";

(3) in paragraph (2), by striking "October 1, 1992," and all that follows through "such schedule." and inserting the following: "September 30, 1997, adjust the establishment and product fees described in subsection (b) for the fiscal year in which the adjustment occurs so that the revenues collected from each of the categories of fees described in paragraphs (2) and (3) of subsection (b) shall be set to be equal to the revenues collected from the category of application and supplement fees described in paragraph (1) of subsection (b)."; and

(4) in paragraph (3), by striking "paragraph (2)" and inserting "this subsection".

(d) Fee Waiver or Reduction.—Section 736(d) (21 U.S.C. 379h(d)) is amended—

(1) by redesignating paragraphs (1), (2), (3), and (4) as subparagraphs (A), (B), (C), and (D), respectively, and indenting appropriately;

(2) by striking "The Secretary shall grant a" and all that follows through "finds that—" and inserting the following:

"(1) IN GENERAL.—The Secretary shall grant a waiver from or a reduction of 1 or more fees assessed under subsection (a) where the Secretary finds that—";

(3) in subparagraph (C) (as so redesignated by paragraph (1)), by striking ", or" and inserting a comma;

(4) in subparagraph (D) (as so redesignated by paragraph (1)), by striking the period and inserting ", or";

(5) by inserting after subparagraph (D) (as so redesignated by paragraph (1)) the following:

"(E) the applicant is a small business submitting its first human drug application to the Secretary for review."; and

(6) by striking "In making the finding in paragraph (3)," and all that follows through "standard costs." and inserting the following:

"(2) USE OF STANDARD COSTS.—In making the finding in paragraph (1)(C), the Secretary may use standard costs.

"(3) RULES RELATING TO SMALL BUSINESSES.—

"(A) DEFINITION.—In paragraph (1)(E), the term 'small business' means an entity that has fewer than 500 employees, including employees of affiliates.

"(B) WAIVER OF APPLICATION FEE.—The Secretary shall waive under paragraph (1)(E) the application fee for the first human drug application that a small business or its affiliate submits to the Secretary for review. After a small business or its affiliate is granted such a waiver, the small business or its affiliate shall pay—

"(i) application fees for all subsequent human drug applications submitted to the Secretary for review in the same manner as an entity that does not qualify as a small business; and

"(ii) all supplement fees for all supplements to human drug applications submitted to the Secretary for review in the same manner as an entity that does not qualify as a small business.".

(e) ASSESSMENT OF FEES.—Section 736(f)(1) (21 U.S.C. 379h(f)(1)) is amended—

(1) by striking "fiscal year 1993" and inserting "fiscal year 1997"; and

(2) by striking "fiscal year 1992" and inserting "fiscal year 1997 (excluding the amount of fees appropriated for such fiscal year)".

(f) CREDITING AND AVAILABILITY OF FEES.—Section 736(g) (21 U.S.C. 379h(g)) is amended—

(1) in paragraph (1), by adding at the end the following: "Such sums as may be necessary may be transferred from the Food and Drug Administration salaries and expenses appropriation account without fiscal year limitation to such appropriation account for salaries and expenses with such fiscal year limitation. The sums transferred shall be available solely for the process for the review of human drug applications within the meaning of section 735(6).";

(2) in paragraph (2)—

(A) in subparagraph (A), by striking "Acts" and inserting "Acts, or otherwise made available for obligation,"; and

(B) in subparagraph (B), by striking "over such costs for fiscal year 1992" and inserting "over such costs, excluding costs paid from fees collected under this section, for fiscal year 1997"; and

(3) by striking paragraph (3) and inserting the following:

"(3) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for fees under this section—

"(A) $106,800,000 for fiscal year 1998;

"(B) $109,200,000 for fiscal year 1999;

"(C) $109,200,000 for fiscal year 2000;

"(D) $114,000,000 for fiscal year 2001; and

"(E) $110,100,000 for fiscal year 2002,

as adjusted to reflect adjustments in the total fee revenues made under this section and changes in the total amounts collected by application, supplement, establishment, and product fees.

"(4) OFFSET.—Any amount of fees collected for a fiscal year which exceeds the amount of fees specified in appropriation Acts for such fiscal year, shall be credited to the appropriation account of the Food and Drug Administration as provided in paragraph (1), and shall be subtracted from the amount of fees that would otherwise be authorized to be collected under appropriation Acts for a subsequent fiscal year.".

(g) REQUIREMENT FOR WRITTEN REQUESTS FOR WAIVERS, REDUCTIONS, AND FEES.—Section 736 (21 U.S.C. 379h) is amended—

(1) by redesignating subsection (i) as subsection (j); and

(2) by inserting after subsection (h) the following:

"(i) WRITTEN REQUESTS FOR WAIVERS, REDUCTIONS, AND REFUNDS.—To qualify for consideration for a waiver or reduction under subsection (d), or for a refund, of any fee collected in accordance with subsection (a), a person shall submit to the Secretary a written request for such waiver, reduction, or refund not later than 180 days after such fee is due.".

(h) SPECIAL RULE FOR WAIVER, REFUNDS, AND EXCEPTIONS.—Any requests for waivers, refunds, or exceptions for fees paid prior to the date of enactment of this Act shall be submitted in writing to the Secretary of Health and Human Services within 1 year after the date of enactment of this Act.

### SEC. 705. ANNUAL REPORTS.

(a) FIRST REPORT.—Beginning with fiscal year 1998, not later than 60 days after the end of each fiscal year during which fees are collected under part 2 of subchapter C of chapter VII of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379g et seq.), the Secretary of Health and Human Services shall prepare and submit to the Committee on Commerce of the House of Representatives and the Committee on Labor and Human Resources of the Senate a report concerning the progress of the Food and Drug Administration in achieving the goals identified in the letter described in section 702(4) during such fiscal year and the future plans of the Food and Drug Administration for meeting the goals.

(b) SECOND REPORT.—Beginning with fiscal year 1998, not later than 120 days after the end of each fiscal year during which fees are collected under the part described in subsection (a), the Secretary of Health and Human Services shall prepare and submit to the Committee on Commerce of the House of Representatives and the Committee on Labor and Human Resources of the Senate a report on the implementation of the authority for such fees during such fiscal year and the use, by the Food and Drug Administration, of the fees collected during such fiscal year for which the report is made.

### SEC. 706. EFFECTIVE DATE.

The amendments made by this title shall take effect October 1, 1997.

### SEC. 707. TERMINATION OF EFFECTIVENESS.

The amendments made by sections 703 and 704 cease to be effective October 1, 2002 and section 705 ceases to be effective 120 days after such date.

## TITLE VIII—MISCELLANEOUS

### SEC. 801. REGISTRATION OF FOREIGN ESTABLISHMENTS.

Section 510(i) (21 U.S.C. 360(i)) is amended to read as follows:

"(i)(1) Any establishment within any foreign country engaged in the manufacture, preparation, propagation, compounding, or processing of a drug or a device that is imported or offered for import into the United States shall register with the Secretary the name and place of business of the establishment and the name of the United States agent for the establishment.

"(2) The establishment shall also provide the information required by subsection (j).

"(3) The Secretary is authorized to enter into cooperative arrangements with foreign countries to ensure that adequate and effective means are available for purposes of determining, from time to time, whether drugs or devices manufactured, prepared, propagated, compounded, or processed by an establishment described in paragraph (1), if imported or offered for import into the United States, shall be refused admission on any of the grounds set forth in section 801(a).".

### SEC. 802. ELIMINATION OF CERTAIN LABELING REQUIREMENTS.

(a) PRESCRIPTION DRUGS.—Section 503(b)(4) (21 U.S.C. 353(b)(4)) is amended to read as follows:

"(4)(A) A drug that is subject to paragraph (1) shall be deemed to be misbranded if at any time prior to dispensing the label of the drug fails to bear, at a minimum, the symbol 'Rx only'.

"(B) A drug to which paragraph (1) does not apply shall be deemed to be misbranded if at any time prior to dispensing the label of the drug bears the symbol described in subparagraph (A).".

(b) MISBRANDED DRUG.—Section 502(d) (21 U.S.C. 352(d)) is repealed.

(c) CONFORMING AMENDMENTS.—

(1) Section 503(b)(1) (21 U.S.C. 353(b)(1)) is amended—

(A) by striking subparagraph (A); and

(B) by redesignating subparagraphs (B) and (C) as subparagraphs (A) and (B), respectively.

(2) Section 503(b)(3) (21 U.S.C. 353(b)(3)) is amended by striking "section 502(d) and".

(3) Section 102(9)(A) of the Controlled Substances Act (21 U.S.C. 802(9)(A)) is amended—

(A) in clause (i), by striking "(i)"; and

(B) by striking "(ii)" and all that follows.

### SEC. 803. CLARIFICATION OF SEIZURE AUTHORITY.

Section 304(d)(1) (21 U.S.C. 334(d)(1)) is amended—

(1) in the fifth sentence, by striking "paragraphs (1) and (2) of section 801(e)" and inserting "subparagraphs (A) and (B) of section 801(e)(1)"; and

(2) by inserting after the fifth sentence the following: "Any person seeking to export an imported article pursuant to any of the provisions of this subsection shall establish that the article was intended for export at the time the article entered commerce.".

### SEC. 804. INTRAMURAL RESEARCH TRAINING AWARD PROGRAM.

Chapter IX (21 U.S.C. 391 et seq.), as amended by section 203, is further amended by adding at the end the following:

### "SEC. 907. INTRAMURAL RESEARCH TRAINING AWARD PROGRAM.

"(a) IN GENERAL.—The Secretary, acting through the Commissioner of Food and Drugs, may, directly or through grants, contracts, or cooperative agreements, conduct and support intramural research training in regulatory scientific programs by predoctoral and postdoctoral scientists and physicians, including support through the use of fellowships.

"(b) LIMITATION ON PARTICIPATION.—A recipient of a fellowship under subsection (a) may not be an employee of the Federal Government.

"(c) SPECIAL RULE.—The Secretary, acting through the Commissioner of Food and Drugs, may support the provision of assistance for fellowships described in subsection (a) through a Cooperative Research and Development Agreement.".

### SEC. 805. DEVICE SAMPLES.

(a) RECALL AUTHORITY.—

(1) IN GENERAL.—Section 518(e)(2) (21 U.S.C. 360h(e)(2)) is amended by adding at the end the following:

"(C) If the Secretary issues an amended order under subparagraph (A), the Secretary may require the person subject to the order to submit such samples of the device and of components of the device as the Secretary may reasonably require. If the submission of such samples is impracticable or unduly burdensome, the requirement of this subparagraph may be met by the submission of complete information concerning the location of 1 or more such devices readily available for examination and testing.".

(2) TECHNICAL AMENDMENT.—Section 518(e)(2)(A) (21 U.S.C. 360h(e)(2)(A)) is amended by striking "subparagraphs (B) and (C)" and inserting "subparagraph (B)".

(b) RECORDS AND REPORTS ON DEVICES.—Section 519(a) (21 U.S.C. 360i(a)) is amended by inserting after paragraph (9) the following:

"(10) may reasonably require a manufacturer or importer to submit samples of a device and of components of the device that may have caused or contributed to a death or serious injury, except that if the submission of such samples is impracticable or unduly burdensome, the requirement of this paragraph may be met by the submission of complete information concerning the location of 1 or more such devices readily available for examination and testing.".

### SEC. 806. INTERSTATE COMMERCE.

Section 709 (21 U.S.C. 379a) is amended by striking "a device" and inserting "a device, food, drug, or cosmetic".

### SEC. 807. NATIONAL UNIFORMITY FOR NONPRESCRIPTION DRUGS AND COSMETICS.

(a) NONPRESCRIPTION DRUGS.—Chapter VII (21 U.S.C. 371 et seq.), as amended by section 614(a), is further amended by adding at the end the following:

### "Subchapter F—National Uniformity for Nonprescription Drugs and Preemption for Labeling or Packaging of Cosmetics

### "SEC. 761. NATIONAL UNIFORMITY FOR NONPRESCRIPTION DRUGS.

"(a) IN GENERAL.—Except as provided in subsection (b), (c)(1), (d), (e), or (f), no State or political subdivision of a State may establish or continue in effect any requirement—

"(1) that relates to the regulation of a drug that is not subject to the requirements of section 503(b)(1) or 503(f)(1)(A); and

"(2) that is different from or in addition to, or that is otherwise not identical with, a requirement under this Act, the Poison Prevention Packaging Act of 1970 (15 U.S.C. 1471 et seq.), or the Fair Packaging and Labeling Act (15 U.S.C. 1451 et seq.).

"(b) EXEMPTION.—

"(1) IN GENERAL.—Upon application of a State or political subdivision thereof, the Secretary may by regulation, after notice and opportunity for written and oral presentation of views, exempt from subsection (a), under such conditions as may be prescribed in such regulation, a State or political subdivision requirement that—

"(A) protects an important public interest that would otherwise be unprotected, including the health and safety of children;

"(B) would not cause any drug to be in violation of any applicable requirement or prohibition under Federal law; and

"(C) would not unduly burden interstate commerce.

"(2) TIMELY ACTION.—The Secretary shall make a decision on the exemption of a State or political subdivision requirement under paragraph (1) not later than 120 days after receiving the application of the State or political subdivision under paragraph (1).

"(c) SCOPE.—

"(1) IN GENERAL.—This section shall not apply to—

"(A) any State or political subdivision requirement that relates to the practice of pharmacy; or

"(B) any State or political subdivision requirement that a drug be dispensed only upon the prescription of a practitioner licensed by law to administer such drug.

"(2) SAFETY OR EFFECTIVENESS.—For purposes of subsection (a), a requirement that relates to the regulation of a drug shall be deemed to include any requirement relating to public information or any other form of public communication relating to a warning of any kind for a drug.

"(d) EXCEPTIONS.—

"(1) IN GENERAL.—In the case of a drug described in subsection (a)(1) that is not the subject of an application approved under section 505 or 507 or a final regulation promulgated by the Secretary establishing conditions under which the drug is generally recognized as safe and effective and not misbranded, subsection (a) shall apply only with respect to a requirement of a State or political subdivision of a State that relates to the same subject as, but is different from or in addition to, or that is otherwise not identical with—

"(A) a regulation in effect with respect to the drug pursuant to a statute described in subsection (a)(2); or

"(B) any other requirement in effect with respect to the drug pursuant to an amendment to such a statute made on or after the date of enactment of this section.

"(2) STATE INITIATIVES.—This section shall not apply to a State public initiative enacted prior to the date of enactment of this section.

"(e) NO EFFECT ON PRODUCT LIABILITY LAW.—Nothing in this section shall be construed to modify or otherwise affect any action or the liability of any person under the product liability law of any State.

"(f) STATE ENFORCEMENT AUTHORITY.—Nothing in this section shall prevent a State or political subdivision thereof from enforcing, under any relevant civil or other enforcement authority, a requirement that is identical to a requirement of this Act.".

(b) INSPECTIONS.—Section 704(a)(1) (21 U.S.C. 374(a)(1)) is amended by striking "prescription drugs" each place it appears and inserting "prescription drugs, nonprescription drugs intended for human use,".

(c) MISBRANDING.—Paragraph (1) of section 502(e) (21 U.S.C. 352(e)(1)) is amended to read as follows:

"(1)(A) If it is a drug, unless its label bears, to the exclusion of any other nonproprietary name (except the applicable systematic chemical name or the chemical formula)—

"(i) the established name (as defined in subparagraph (3)) of the drug, if there is such a name;

"(ii) the established name and quantity or, if deemed appropriate by the Secretary, the proportion of each active ingredient, including the quantity, kind, and proportion of any alcohol, and also including whether active or not the established name and quantity or if deemed appropriate by the Secretary, the proportion of any bromides, ether, chloroform, acetanilide, acetophenetidin, amidopyrine, antipyrine, atropine, hyoscine, hyoscyamine, arsenic, digitalis, digitalis glucosides, mercury, ouabain, strophanthin, strychnine, thyroid, or any derivative or preparation of any such substances, contained therein: *Provided*, That the requirement for stating the quantity of the active ingredients, other than the quantity of those specifically named in this paragraph, shall not apply to nonprescription drugs not intended for human use; and

"(iii) the established name of each inactive ingredient listed in alphabetical order on the outside container of the retail package and, if deemed appropriate by the Secretary, on the immediate container, as prescribed in regulation promulgated by the Secretary, but nothing in this clause shall be deemed to require that any trade secret be divulged: *Provided*, That the requirements of this clause with respect to alphabetical order shall apply only to nonprescription drugs that are not also cosmetics: and *Provided further*, That this clause shall not apply to nonprescription drugs not intended for human use.

"(B) For any prescription drug the established name of such drug or ingredient, as the case may be, on such label (and on any labeling on which a name for such drug or ingredient is used) shall be printed prominently and in type at least half as large as that used thereon for any proprietary name or designation for such drug or ingredient: *Provided*, That to the extent that compliance with the requirements of clause (A)(ii) or (iii) or this clause of this subparagraph is impracticable, exemptions shall be established by regulations promulgated by the Secretary.".

(d) COSMETICS.—Subchapter F of chapter VII, as amended by subsection (a), is further amended by adding at the end the following:

### "SEC. 762. PREEMPTION FOR LABELING OR PACKAGING OF COSMETICS.

"(a) IN GENERAL.—Except as provided in subsection (b), (d), or (e), a State or political subdivision of a State shall not impose or continue in effect any requirement for labeling or packaging of a cosmetic that is different from or in addition to, or that is otherwise not identical with a requirement specifically applicable to a particular cosmetic or class of cosmetics under this Act, the Poison Prevention Packaging Act of 1970 (15 U.S.C. 1471 et seq.), or the Fair Packaging and Labeling Act (15 U.S.C. 1451 et seq.).

"(b) EXEMPTION.—Upon application of a State or political subdivision thereof, the Secretary may by regulation after notice and opportunity for written and oral presentation of views, exempt from subsection (a), under such conditions as may be prescribed in such regulation, a State or political subdivision requirement for labeling and packaging that—

"(1) protects an important public interest that would otherwise be unprotected;

"(2) would not cause a cosmetic to be in violation of any applicable requirements or prohibition under Federal law; and

"(3) would not unduly burden interstate commerce.

"(c) SCOPE.—For purposes of subsection (a), a reference to a State requirement that relates to the packaging or labeling of a cosmetic means any specific requirement relating to the same aspect of such cosmetic as a requirement specifically applicable to that particular cosmetic or class of cosmetics under this Act for packaging or labeling, including any State requirement relating to public information or any other form of public communication.

"(d) NO EFFECT ON PRODUCT LIABILITY LAW.—Nothing in this section shall be construed to modify or otherwise affect any action or the liability of any person under the product liability law of any State.

"(e) STATE INITIATIVE.—This section shall not apply to a State requirement adopted by a State public initiative or referendum enacted prior to September 1, 1997.".

### SEC. 808. INFORMATION PROGRAM ON CLINICAL TRIALS FOR SERIOUS OR LIFE-THREATENING DISEASES.

(a) IN GENERAL.—Section 402 of the Public Health Service Act (42 U.S.C. 282) is amended—

(1) by redesignating subsections (j) and (k) as subsections (k) and (l), respectively; and

(2) by inserting after subsection (i), the following:

"(j)(1) The Secretary, acting through the Director of the National Institutes of Health and subject to the availability of appropriations, shall establish, maintain, and operate a program with respect to information on research relating to the treatment, detection, and prevention of serious or life-threatening diseases and conditions. The program shall, with respect to the agencies of the Department of Health and Human Services, be integrated and coordinated, and, to the extent practicable, coordinated with other data banks containing similar information.

"(2)(A) After consultation with the Commissioner of Food and Drugs, the directors of the appropriate agencies of the National Institutes of Health (including the National Library of Medicine), and the Director of the Centers for Disease Control and Prevention, the Secretary shall, in carrying out paragraph (1), establish a data bank of information on clinical trials for drugs, and biologicals, for serious or life-threatening diseases and conditions.

"(B) In carrying out subparagraph (A), the Secretary shall collect, catalog, store, and disseminate the information described in such subparagraph. The Secretary shall disseminate such information through information systems, which shall include toll-free telephone communications, available to individuals with serious or life-threatening diseases and conditions, to other members of the public, to health care providers, and to researchers.

"(3) The data bank shall include the following:

"(A) A registry of clinical trials (whether federally or privately funded) of experimental treatments for serious or life-threatening diseases and conditions under regulations promulgated pursuant to sections 505 and 520 of the Federal Food, Drug, and Cosmetic Act that provides a description of the purpose of each experimental drug or biological protocol, either with the consent of the protocol sponsor, or when a trial to test efficacy begins. Information provided shall consist of eligibility criteria, a description of the location of trial sites, and a point of contact for those wanting to enroll in the trial, and shall be in a form that can be readily understood by members of the public. Such information must be forwarded to the data bank by the sponsor of the trial not later than 21 days after the approval by the Food and Drug Administration.

"(B) Information pertaining to experimental treatments for serious or life-threatening diseases and conditions that may be available—

"(i) under a treatment investigational new drug application that has been submitted to the Food and Drug Administration pursuant to part 312 of title 21, Code of Federal Regulations; or

"(ii) as a Group C cancer drug.

The data bank may also include information pertaining to the results of clinical trials of such treatments, with the consent of the sponsor, including information concerning potential toxicities or adverse effects associated with the use or administration of such experimental treatments.

"(4) The data bank shall not include information relating to an investigation if the sponsor has provided a detailed certification to the Secretary that disclosure of such information would substantially interfere with the timely enrollment of subjects in the investigation, unless the Secretary, after the receipt of the certification, provides the sponsor with a detailed written determination that finds that such disclosure would not substantially interfere with such enrollment.

"(5) For the purpose of carrying out this subsection, there are authorized to be appropriated such sums as may be necessary. Fees collected under section 736 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379h) shall not be authorized or appropriated for use in carrying out this subsection.".

(b) COLLABORATION AND REPORT.—

(1) IN GENERAL.—The Secretary of Health and Human Services, the Director of the National Institutes of Health, and the Commissioner of Food and Drugs shall collaborate to determine the feasibility of including device investigations within the scope of the registry requirements set forth in subsection (j) of section 402 of the Public Health Service Act.

(2) REPORT.—Not later than 2 years after the date of enactment of this section, the Secretary of Health and Human Services shall prepare and submit to the Committee on Labor and Human Resources of the Senate and the Committee on Commerce of the House of Representatives a report that shall consider, among other things—

(A) the public health need, if any, for inclusion of device investigations within the scope of the registry requirements set forth in subsection (j) of section 402 of the Public Health Service Act; and

(B) the adverse impact, if any, on device innovation and research in the United States if information relating to such device investigation is required to be publicly disclosed.

### SEC. 809. APPLICATION OF FEDERAL LAW TO THE PRACTICE OF PHARMACY COMPOUNDING.

Section 503 (21 U.S.C. 353) is amended by adding at the end the following:

"(h)(1) Sections 501(a)(2)(B), 502(f)(1), 502(l), 505, and 507 shall not apply to a drug product if—

"(A) the drug product is compounded for an identified individual patient, based on a medical need for a compounded product—

"(i) by a licensed pharmacist in a State licensed pharmacy or a Federal facility, or a licensed physician, on the prescription order of a licensed physician or other licensed practitioner authorized by State law to prescribe drugs; or

"(ii) by a licensed pharmacist or licensed physician in limited quantities, prior to the receipt of a valid prescription order for the identified individual patient, and is compounded based on a history of the licensed pharmacist or licensed physician receiving valid prescription orders for the compounding of the drug product that have been generated solely within an established relationship between the licensed pharmacist, or licensed physician, and—

"(I) the individual patient for whom the prescription order will be provided; or

"(II) the physician or other licensed practitioner who will write such prescription order; and

"(B) the licensed pharmacist or licensed physician—

"(i) compounds the drug product using bulk drug substances—

"(I) that—

"(aa) comply with the standards of an applicable United States Pharmacopeia or National Formulary monograph; or

"(bb) in a case in which such a monograph does not exist, are drug substances that are covered by regulations issued by the Secretary under paragraph (3);

"(II) that are manufactured by an establishment that is registered under section 510 (including a foreign establishment that is registered under section 510(i)); and

"(III) that are accompanied by valid certificates of analysis for each bulk drug substance;

"(ii) compounds the drug product using ingredients (other than bulk drug substances) that comply with the standards of an applicable United States Pharmacopeia or National Formulary monograph and the United States Pharmacopeia chapter on pharmacy compounding;

"(iii) only advertises or promotes the compounding service provided by the licensed pharmacist or licensed physician and does not advertise or promote the compounding of any particular drug, class of drug, or type of drug;

"(iv) does not compound a drug product that appears on a list published by the Secretary in the Federal Register of drug products that have been withdrawn or removed from the market because such drug products or components of such drug products have been found to be unsafe or not effective;

"(v) does not compound a drug product that is identified by the Secretary in regulation as presenting demonstrable difficulties for compounding that reasonably demonstrate an adverse effect on the safety or effectiveness of that drug product; and

"(vi) does not distribute compounded drugs outside of the State in which the drugs are compounded, unless the principal State agency of jurisdiction that regulates the practice of pharmacy in such State has entered into a memorandum of understanding with the Secretary regarding the regulation of drugs that are compounded in the State and are distributed outside of the State, that provides for appropriate investigation by the State agency of complaints relating to compounded products distributed outside of the State.

"(2)(A) The Secretary shall, after consultation with the National Association of Boards of Pharmacy, develop a standard memorandum of understanding for use by States in complying with paragraph (1)(B)(vi).

"(B) Paragraph (1)(B)(vi) shall not apply to a licensed pharmacist or licensed physician, who does not distribute inordinate amounts of compounded products outside of the State, until—

"(i) the date that is 180 days after the development of the standard memorandum of understanding; or "(ii) the date on which the State agency enters into a memorandum of understanding under paragraph (1)(B)(vi),

whichever occurs first.

"(3) The Secretary, after consultation with the United States Pharmacopeia Convention Incorporated, shall promulgate regulations limiting compounding under paragraph (1)(B)(i)(I)(bb) to drug substances that are components of drug products approved by the Secretary and to other drug substances as the Secretary may identify.

"(4) The provisions of paragraph (1) shall not apply—

"(A) to compounded positron emission tomography drugs as defined in section 201(ii); or

"(B) to radiopharmaceuticals.

"(5) In this subsection, the term 'compound' does not include to mix, reconstitute, or perform another similar act, in accordance with directions contained in approved drug labeling provided by a drug manufacturer and other drug manufacturer directions consistent with that labeling.".

### SEC. 810. REPORTS OF POSTMARKETING APPROVAL STUDIES.

(a) In General.—Chapter V (21 U.S.C. 351 et seq.), as amended by section 613(a), is further amended by adding at the end the following:

### "SEC. 562. REPORTS OF POSTMARKETING STUDIES.

"(a) Submission.—

"(1) In general.—A sponsor of a drug that has entered into an agreement with the Secretary to conduct a postmarketing study of a drug shall submit to the Secretary, within 1 year after the approval of such drug and annually thereafter until the study is completed or terminated, a report of the progress of the study or the reasons for the failure of the sponsor to conduct the study. The report shall be submitted in such form as prescribed by the Secretary in regulations issued by the Secretary.

"(2) Agreements prior to effective date.—An agreement entered into between the Secretary and a sponsor of a drug, prior to the date of enactment of this section, to conduct a postmarketing study of a drug shall be subject to the requirements of paragraph (1). An initial report for such an agreement shall be submitted within 6 months after the date of the issuance of the regulations under paragraph (1).

"(b) Consideration of Information as Public Information.—Any information pertaining to a report described in paragraph (1) shall be considered to be public information to the extent that the information is necessary—

"(1) to identify the sponsor; and

"(2) to establish the status of a study described in subsection (a) and the reasons, if any, for any failure to carry out the study.

"(c) Status of Studies and Reports.—The Secretary shall annually develop and publish in the Federal Register a report that provides a status of the postmarketing studies—

"(1) that sponsors have entered into agreements to conduct; and

"(2) for which reports have been submitted under subsection (a)(1).".

(b) Report to Congressional Committees.—Not later than October 1, 2001, the Secretary shall prepare and submit to the Committee on Labor and Human Resources of the Senate and the Committee on Commerce of the House of Representatives a report containing—

(1) a summary of the reports submitted under section 562 of the Federal Food, Drug, and Cosmetic Act; and

(2) an evaluation of—

(A) the performance of the sponsors in fulfilling the agreements with respect to the conduct of postmarketing studies described in such section of such Act;

(B) the timeliness of the Secretary's review of the postmarketing studies; and

(C) any legislative recommendations respecting postmarketing studies.

### SEC. 811. INFORMATION EXCHANGE.

(a) In General.—Chapter VII (2 U.S.C. 371 et seq.), as amended by section 807, is further amended by adding at the end the following:

## "Subchapter G—Dissemination of Treatment Information

### "SEC. 771. DISSEMINATION OF TREATMENT INFORMATION ON DRUGS, BIOLOGICAL PRODUCTS, AND DEVICES.

"(a) Dissemination of Treatment Information.—

"(1) In general.—Notwithstanding sections 301(d), 502(f), 505, and 507 and section 351 of the Public Health Service Act (42 U.S.C. 262), and subject to the requirements of paragraphs (2) through (6) and subsection (b), a manufacturer may disseminate to a health care practitioner, a pharmacy benefit manager, a health maintenance organization or other managed health care organization, or a health care insurer or governmental agency, written information concerning the safety, effectiveness, or benefit (whether or not such information is contained in the official labeling) of a drug, biological product, or device for which—

"(A) an approval of an application filed under section 505(b), 505(j), or 515, a clearance in accordance with section 510(k), an approval in accordance with section 507, or a biologics license issued under section 351 of the Public Health Service Act, is in effect; and

"(B) if the use is not described in the approved labeling of the product, the manufacturer has submitted to the Secretary a certification that a supplemental application for that use will be submitted to the Secretary pursuant to paragraph (3) or the manufacturer has received an exemption under paragraph (3)(C).

"(2) Authorized information.—A manufacturer may disseminate the written information under paragraph (1) only if the information—

"(A) is in the form of an unabridged—

"(i) reprint or copy of a peer-reviewed article from a scientific or medical journal (as defined in subsection (c)(5)) of a clinical investigation, with respect to a drug, biological product or device, that would be considered to be scientifically sound by experts qualified by scientific training or experience to evaluate the safety or effectiveness of the drug, biological product, or device that is the subject of such clinical investigation; or

"(ii) reference textbook (as defined in subsection (c)(4)) that includes information about a clinical investigation with respect to a drug, biological product, or device, that would be considered to be scientifically sound by experts qualified by scientific training or experience to evaluate the safety or effectiveness of the drug, biological product, or device that is the subject of such clinical investigation; and

"(B) is not false, not misleading, and would not pose a significant risk to the public health.

"(3) Commitment to file a supplemental application; incentives for research.—

"(A) In general.—A manufacturer may disseminate information about a use not described in the approved labeling of a drug, biological product, or device pursuant to paragraph (1) only if—

"(i) the manufacturer has submitted to the Secretary a certification that the studies needed to file a supplemental application for such use have been completed and such supplement will be filed within 6 months after the date of the initial dissemination of information under paragraph (1); or

"(ii)(I) the manufacturer has submitted to the Secretary a proposed protocol and schedule for conducting the studies needed to submit a supplemental application for such use and has certified that the supplement will be submitted within 36 months after the date of the initial dissemination of information under paragraph (1); and

"(II) the Secretary has determined that the protocol for conducting such studies is adequate and that the schedule for completing such studies is reasonable.

"(B) Extension.—

"(i) Longer period of time.—The Secretary may grant a longer period of time for a manufacturer to submit a supplemental application pursuant to subparagraph (A) if the Secretary determines that the studies needed to submit a supplemental application cannot be completed and submitted within 36 months.

"(ii) Extension of 3-year period.—The Secretary may extend the time within which a manufacturer must submit a supplemental application pursuant to subparagraph (A) if the manufacturer demonstrates that the manufacturer has acted with due diligence to conduct the studies in a timely manner. Such extension shall not exceed a period of 24 months.

"(C) Exemptions.—A manufacturer may file a request for an exemption from the requirements set forth in subparagraph (A). Such request shall be submitted in the form and manner prescribed by the Secretary and shall demonstrate that—

"(i) due to the size of the patient population or the lack of potential benefit to the sponsor, the cost of obtaining clinical information and submitting a supplemental application is economically prohibitive; or

"(ii) it would be unethical to conduct the studies necessary to obtain adequate evidence for approval of a supplemental application.

The Secretary shall act on a request for an exemption under this subparagraph within 60 days after the receipt of the request. If the Secretary fails to act within 60 days, the manufacturer may begin to disseminate information pursuant to paragraph (1) without complying with subparagraph (A). If the Secretary subsequently denies the request for an exemption, the manufacturer either shall cease dissemination or shall comply with the requirements of subparagraph (A) within 60 days after such denial. If the manufacturer ceases dissemination pursuant to this subparagraph solely on the basis that the manufacturer does not comply with subparagraph (A), the Secretary may take appropriate corrective action, but may not order the manufacturer to take corrective action.

"(D) Report.—A manufacturer who submits a certification to the Secretary under subparagraph (A) shall provide the Secretary periodic reports that describe the status of the studies being conducted to obtain adequate evidence for approval of a supplemental application.

"(4) Information on new uses.—

"(A) In general.—If the information being disseminated under paragraph (1) meets the requirements of this section, a manufacturer may disseminate information under paragraph (1) concerning the new use of a drug, biological product, or device (described in paragraph (1)) 60 calendar days after the manufacturer has submitted to the Secretary—

“(i) a copy of the information; and

“(ii) any clinical trial information the manufacturer has relating to the safety or efficacy of the new use, any reports of clinical experience pertinent to the safety of the new use, and a summary of such information.

If any of the information required to be provided under clause (ii) has already been provided to the Secretary, the manufacturer may meet the requirements of clause (ii) by providing any such information obtained by the manufacturer since the manufacturer's last submission to the Secretary and a summary that identifies the information previously provided.

“(B) ADDITIONAL INFORMATION.—If the Secretary determines that the information submitted by a manufacturer under subparagraph (A)(i) with respect to a new use of a drug, biological product, or device fails to provide data, analyses, or other written matter, that is objective and balanced, the Secretary may require the manufacturer to disseminate along with the information described in subparagraph (A)—

“(i) additional information with respect to the new use of the drug, biological product, or device that—

“(I) is in the form of an article described in paragraph (2)(A); and

“(II) provides data, analyses, or other written matter, that is scientifically sound;

“(ii) additional objective and scientifically sound information that pertains to the safety or efficacy of the use and is necessary to provide objectivity and balance, including any information that the manufacturer has submitted to the Secretary, or where appropriate, a summary of such information, or any other information that the Secretary has authority to make available to the public;

“(iii) an objective statement prescribed by the Secretary based on information described in clause (i) or (ii), provided the manufacturer has access to the data that forms the basis of such statement unless the Secretary is prohibited from making such data available to the manufacturer; and

“(iv) a statement that describes any previous public announcements by the Secretary relevant to the new use.

“(5) NEW INFORMATION.—If a manufacturer that is disseminating information pursuant to paragraph (1) becomes aware of new information relating to the safety or efficacy of a new use of a drug, biological product, or device for which information was disseminated under paragraph (1), the manufacturer shall notify the Secretary with respect to the new information. If the Secretary determines that the new information demonstrates that a drug, biological product, or device may not be effective or may present a significant risk to public health, the Secretary shall, in consultation with the manufacturer, take such appropriate action as the Secretary determines necessary to ensure public health and safety. The Secretary may limit the types of new information that must be submitted under this paragraph.

“(6) CESSATION OF DISSEMINATION; CORRECTIVE ACTION.—The Secretary may order a manufacturer to cease the dissemination of all information being disseminated pursuant to paragraph (1) if—

“(A) the Secretary finds that a supplemental application does not contain adequate information for approval for the use that is the subject of the information;

“(B) the Secretary determines, after an informal hearing, that the manufacturer is not acting with due diligence to complete the studies necessary to file a supplemental application for the use that is the subject of the information being disseminated; or

“(C) the Secretary determines that the information being disseminated does not comply with the requirements set forth in this section, after providing notice, an opportunity for a meeting, and for minor violations of this section (if there has been substantial compliance with this section), an opportunity to correct such information.

If the Secretary orders cessation of dissemination pursuant to this paragraph, the Secretary may order the manufacturer to take appropriate corrective action.

“(7) SPONSORED RESEARCH.—If a manufacturer has sponsored research that results in information as described in paragraph (2)(A), another manufacturer may not distribute the information under this section, unless such manufacturer is required by the Secretary to distribute the information.

“(b) DISCLOSURE STATEMENT.—In order to afford a full and fair evaluation of the information described in subsection (a), a manufacturer disseminating the information shall include along with the information—

“(1) a prominently displayed statement that discloses—

“(A) that the information concerns a use of a drug, biological product, or device or other attribute of a drug, biological product, or device that has not been approved by the Food and Drug Administration;

“(B) if applicable, that the information is being disseminated at the expense of the manufacturer;

“(C) if applicable, the name of any authors of the information who are employees of, or consultants to, or have received compensation from, the manufacturer, or who have a significant financial interest in the manufacturer;

“(D) the official labeling for the drug, biological product, or device and all updates with respect to the labeling;

“(E) if applicable, a statement that there are products or treatments that have been approved for the use that is the subject of the information being disseminated pursuant to subsection (a)(1); and

“(F) the identification of any person that has provided funding for the conduct of a study relating to a new use of a drug, biological product, or device for which such information is being disseminated; and

“(2) a bibliography of other articles from a scientific reference textbook or scientific or medical journal that have been previously published about the new use of a drug, biological product, or device covered by the information disseminated (unless the information already includes such bibliography).

“(c) DEFINITIONS.—As used in this section:

“(1) HEALTH CARE PRACTITIONER.—The term ‘health care practitioner’ means a medical provider that is licensed to prescribe a drug or biological product, or to prescribe or use a device, for the treatment of a disease or other medical condition.

“(2) MANUFACTURER.—The term ‘manufacturer’ includes a person who manufactures, distributes, or markets a drug, biological product, or device.

“(3) NEW USE.—The term ‘new use’ used with respect to a drug, biological product, or device means a use of a drug, biological product, or device not included in the approved labeling of such drug, biological product, or device.

“(4) REFERENCE TEXTBOOK.—The term ‘reference textbook’ means a reference publication that—

“(A) has not been written, edited, excerpted, or published specifically for, or at the request of a manufacturer of a drug, biological product, or device;

“(B) has not been edited or significantly influenced by a manufacturer of a drug, biological product, or device;

“(C) is not solely distributed through a manufacturer of a drug, biological product, or device but is generally available in bookstores or other distribution channels where medical textbooks are sold;

“(D) does not focus on any particular drug, biological product, or device of a manufacturer that disseminates information under subsection (a), and does not have a primary focus on new uses of drugs, biological products, or devices that are marketed or under investigation by a manufacturer supporting the dissemination of information; and

“(E) presents materials that are not false or misleading.

“(5) SCIENTIFIC OR MEDICAL JOURNAL.—The term ‘scientific or medical journal’ means a scientific or medical publication—

“(A) that is published by an organization—

“(i) that has an editorial board;

“(ii) that utilizes experts, who have demonstrated expertise in the subject of an article under review by the organization and who are independent of the organization, to review and objectively select, reject, or provide comments about proposed articles; and

“(iii) that has a publicly stated policy, to which the organization adheres, of full disclosure of any conflict of interest or biases for all authors or contributors involved with the journal or organization;

“(B) whose articles are peer-reviewed and published in accordance with the regular peer-review procedures of the organization;

“(C) that is generally recognized to be of national scope and reputation;

“(D) that is indexed in the Index Medicus of the National Library of Medicine of the National Institutes of Health;

“(E) that presents materials that are not false or misleading; and

“(F) that is not in the form of a special supplement that has been funded in whole or in part by 1 or more manufacturers.

“(d) CONSTRUCTION.—Nothing in this section shall be construed as prohibiting a manufacturer from disseminating information in response to an unsolicited request from a health care practitioner.

“(e) STUDIES AND REPORTS.—

“(1) GENERAL ACCOUNTING OFFICE.—

“(A) IN GENERAL.—The Comptroller General of the United States shall conduct a study to determine the impact of this section on the resources of the Department of Health and Human Services.

“(B) REPORT.—Not later than January 1, 2002, the Comptroller General of the United States shall prepare and submit to the Committee on Labor and Human Resources of the Senate and the Committee on Commerce of the House of Representatives a report of the results of the study.

“(2) DEPARTMENT OF HEALTH AND HUMAN SERVICES.—

“(A) IN GENERAL.—In order to assist Congress in determining whether the provisions of this section should be extended beyond the termination date specified in section 811(e) of the Food and Drug Administration Modernization and Accountability Act of 1997, the Secretary of Health and Human Services shall, in accordance with subparagraph (B), arrange for the conduct of a study of the scientific issues raised as a result of the enactment of this section, including issues relating to—

“(i) the effectiveness of this section with respect to the provision of useful scientific information to health care practitioners;

“(ii) the quality of the information being disseminated pursuant to the provisions of this section;

“(iii) the quality and usefulness of the information provided, in accordance with this section, by the Secretary or by the manufacturer at the request of the Secretary; and

“(iv) the impact of this section on research in the area of new uses, indications, or dosages, particularly the impact on pediatric indications and rare diseases.

“(3) PROCEDURE FOR STUDY.—

“(A) IN GENERAL.—The Secretary shall request the Institute of Medicine of the National Academy of Sciences to conduct the study required by paragraph (2), and to prepare and submit the report required by subparagraph (B), under an arrangement by which the actual expenses incurred by the Institute of Medicine in conducting the study and preparing the report will be paid by the Secretary. If the Institute of Medicine is unwilling to conduct the study under such an arrangement, the Secretary shall enter into a similar arrangement with another appropriate nonprofit private group or association under which the group or association will conduct the study and prepare and submit the report.

“(B) REPORT.—Not later than September 30, 2005, the Institute of Medicine, the group, or association, as appropriate, shall prepare and submit to the Committee on Labor and Human Resources of the Senate, the Committee on Commerce of the House of Representatives, and the Secretary a report of the results of the study required by paragraph (2). The Secretary, after the receipt of the report, shall make the report available to the public.

“(4) AUTHORIZATION OF APPROPRIATION.—There are authorized to be appropriated such sums as are necessary to carry out this subsection.

### “SEC. 772. ESTABLISHMENT OF LIST OF ARTICLES AND TEXTBOOKS DISSEMINATED AND LIST OF PROVIDERS THAT RECEIVED ARTICLES AND REFERENCE TEXTBOOKS.

“(a) IN GENERAL.—A manufacturer that disseminates information in the form of articles or reference textbooks under section 771 shall prepare and submit to the Secretary biannually—

“(1) a list containing the titles of the articles and reference textbooks relating to the new use of drugs, biological products, and devices that were disseminated by the manufacturer to a person described in section 771(a)(1) for the 6-month period preceding the date on which the manufacturer submits the list to the Secretary; and

“(2) a list that identifies the categories of providers (as described in section 771(a)(1)) that received the articles and reference textbooks for the 6-month period described in paragraph (1).

“(b) RECORDS.—A manufacturer that disseminates information under section 771 shall keep records that identify the recipients of articles and textbooks provided pursuant to section 771. Such records are to be used by the manufacturer when, pursuant to section 771(a)(6), such manufacturer is required to take corrective action and shall be made available to the Secretary, upon request, for purposes of ensuring or taking corrective action pursuant to paragraph (3), (5), or (6) of section 771(a).

### “SEC. 773. CONSTRUCTION.

“(a) DISSEMINATION OF INFORMATION ON DRUGS OR DEVICES NOT EVIDENCE OF INTENDED USE.—Notwithstanding subsection (a), (f), or (o) of section 502, or any other provision of law, the dissemination of information relating to a new use of a drug or device, in accordance with section 771, shall not be construed by the Secretary as evidence of a new intended use of the drug or device that is different from the intended use of the drug or device set forth in the official labeling of the drug or device. Such dissemination shall not be considered by the Secretary as labeling, adulteration, or misbranding of the drug or device.

“(b) PATENT PROTECTION.—Nothing in section 771 shall affect patent rights in any manner.

“(c) AUTHORIZATION FOR DISSEMINATION OF ARTICLES AND FEES FOR REPRINTS OF ARTICLES.—Nothing in section 771 shall be construed as prohibiting an entity that publishes a scientific journal (as defined in section 771(c)(5)) from requiring authorization from the entity to disseminate an article published by such entity and from charging fees for the purchase of reprints of published articles from such entity.”.

(b) PROHIBITED ACT.—Section 301 (21 U.S.C. 331), as amended by section 205(b), is further amended by adding at the end the following:

“(y) The dissemination of information pursuant to section 771 by a manufacturer who fails to comply with the requirements of such section.”.

(c) REGULATIONS.—Not later than 1 year after the date of enactment of this Act, the Secretary of Health and Human Services shall promulgate regulations to implement the amendments made by this section.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect 1 year after the date of enactment of this Act, or upon the Secretary's issuance of final regulations pursuant to subsection (c), whichever is sooner.

(e) TERMINATION OF EFFECTIVENESS.—The amendments made by this section cease to be effective September 30, 2006, or 7 years after the date on which the Secretary promulgates the regulations described in subsection (c), whichever is later.

### SEC. 812. REAUTHORIZATION OF CLINICAL PHARMACOLOGY PROGRAM.

Section 2 of Public Law 102–222 (105 Stat. 1677) is amended—

(1) in subsection (a), by striking “a grant” and all that follows through “Such grant” and inserting the following: “grants for a pilot program for the training of individuals in clinical pharmacology at appropriate medical schools. Such grants”; and

(2) in subsection (b), by striking “to carry out this section” and inserting “, and for fiscal years 1998 through 2002 $3,000,000 for each fiscal year, to carry out this section”.

### SEC. 813. MONOGRAPH FOR SUNBURN PRODUCTS.

Not later than 18 months after the date of enactment of this Act, the Secretary of Health and Human Services shall issue a final monograph for over-the-counter sunburn products for prevention or treatment of sunburn.

### SEC. 814. SAFETY REPORT DISCLAIMERS.

Chapter IX (21 U.S.C. 391 et seq.), as amended by section 804, is further amended by adding at the end the following:

### “SEC. 908. SAFETY REPORT DISCLAIMERS.

“With respect to any entity that submits or is required to submit a safety report or other information in connection with the safety of a product (including a product which is a food, drug, new drug, device, dietary supplement, or cosmetic) under this Act (and any release by the Secretary of that report or information), such report or information shall not be construed to necessarily reflect a conclusion by the entity or the Secretary that the report or information constitutes an admission that the product involved caused or contributed to an adverse experience, or otherwise caused or contributed to a death, serious injury, serious illness, or malfunction. Such an entity need not admit, and may deny, that the report or information submitted by the entity constitutes an admission that the product involved caused or contributed to an adverse experience or caused or contributed to a death, serious injury, serious illness, or malfunction.”.

Mr. JEFFORDS. Mr. President, I move to reconsider the vote.

Mr. COATS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. JEFFORDS. Mr. President, I thank my colleagues and I thank them profusely for their vote, for their support in the committee, and all the work that has gone into this. But, as we all know, there are people who work behind the scenes, those who are probably more responsible for this vote than we on the floor are. I just want to take a moment to thank the staff.

In the office of Senate Legislative Counsel, Robin Bates, Elizabeth Aldridge, and Bill Baird worked tirelessly to produce countless bill drafts and amendments. And how they came out with them as expeditiously as they did, I'm not sure.

The staff at CRS, especially Donna Vogt, and at GAO, including Bernice Steinhardt deserve thanks for their willingness to provide essential information and documents on extremely short notice. We must always remember to appreciate these organizations that provide so much assistance to the Congress.

The staff to the members of the committee contributed greatly to the success of this bill. In particular, Vince Ventimiglia with Senator COATS' staff worked closely with ours in a true partnership on all aspects of S. 830.

In addition, Kimberly Spaulding with Senator GREGG, Sue Ramthun with Senator FRIST, Saira Sultan with Senator DEWINE, and Kate Lambrew-Hull with Senator HUTCHINSON all played important roles in fashioning compromises on key provisions of this bill. Also, Mark Smith with Senator MACK's staff worked very hard to make the agreement on off-label dissemination of information possible.

I would also like to thank the many staff of the administration who have worked on this legislation.

In particular, I want to thank Bill Schultz, Diane Thompson, and Peggy Dotzel, of the FDA.

Similarly, three staffers for members of the minority on the committee played pivotal roles even before committee markup took place in making this bill a bipartisan success.

Lynne Lawrence with Senator MIKULSKI deserves special mention in recognition of her hard work in the last Congress on FDA reform and her willingness to put her future career plans on hold to commit herself again to the long hard job of bringing this bill to the floor this year. Jeanne Ireland with Senator DODD and Linda DeGutis, a fellow with Senator WELLSTONE also provided invaluable assistance.

Of course I would like to thank the Labor and Human Resources Committee majority and minority staffs who did the most work on this. In particular, I want to recognize Susan Hattan who stayed on with the committee after Senator Kassebaum's retirement.

She, and another Senator Kassebaum staffer, Jane Williams, who is now on the staff of Representative FRED UPTON, worked long hours last year to put FDA reform on the Senate agenda and brought a bill to successful committee markup in the last Congress—we stand here today in large part due to their hard work.

On the minority staff, I would like to thank Nick Littlefield and David Nexon and two minority fellows Diane Robertson and Debbie Kochever. Finally, I would like to thank the majority staff director Mark Powden, Jay Hawkins, and majority fellow Sean Donohue.

I want to take a moment to elaborate on my comments regarding one of the majority staff who has worked so diligently on this measure—Jay Hawkins. Jay joined my staff in January—literally hit the ground running—and I don't think he has stopped moving since.

He has set a new standard of dedication for professional staff to find the best solution in a difficult and controversial policy arena. He has been saluted by other Senators' staffs, from both majority and minority offices, for his willingness to include them in all aspects of this effort.

Mr. President, part of the job description for Senate staff is to take abuse. Jay unfortunately received more than his share, but it said more about his critics than him.

More recently—a little more than a month ago—Jay lost his mother to her 4-year battle with cancer. My friend, Senator HATCH, acknowledged on the floor just yesterday this hardship Jay faced and was eloquent in his praise for both Jay and for his mother—Donna Lotz Hawkins. Mrs. Hawkins was not unfamiliar with challenge and adversity. She was an experienced mountain climber and conquered some of the world's most difficult mountains in the Alaska range, the Tetons, the Alps, and the Himalayas. She was a dedicated ocean swimmer and conquered the white waters in Waikiki and Maui.

It is clear to us who know Jay that he too has the spirit of taking on the task when faced with adversity and challenge. We know the source of that sense of commitment and we cannot thank him enough for his efforts on this bill.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, in typical fashion, Senator JEFFORDS has given great credit where credit is due, and as I mentioned just before, the chairman of our committee really deserves credit for the passage of this very important bill. I commend him.

If I could, I will just take a moment of the Senate's time, but I think it is important to mention on our side David Nexon and Diane Robertson, who worked so closely with us; Jim Manly, Debbie Kochevar, Meg Archdeacon, Burt Cowgill, Susan Hammersten, Jonathan Halperin, and Danielle Drissel, Carrie Coberly and Addy Schmidt; Bonnie Hogue on Senator REED's staff and Deborah Walker on Senator BINGAMAN's staff; Sabrina Corlette with Senator HARKIN and Anne-Marie Murphy with Senator DURBIN.

I would like to believe the staffs have been helpful to all of us and don't work so much in a partisan way as in a common spirit, to try to advance the common interests. That has been, certainly, true on this legislation.

I thank all of those, and the majority staff as well, for all of their courtesies and for their cooperation. I think the record ought to show the dedication of, really, an outstanding group of men and women who have really served the Senate very, very well. I thank the chairman.

Mr. JEFFORDS. Mr. President, I thank the ranking minority member on my committee for his words. I commend him, also. We disagreed rather strongly on one issue here, but 19 out of 20 we were together and worked together, and certainly that's a pretty good average.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FAIRCLOTH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

## DISTRICT OF COLUMBIA APPROPRIATIONS ACT, 1998

Mr. FAIRCLOTH. Mr. President, I ask unanimous consent that the Senate now turn to consideration of Calendar No. 155, S. 1156, the District of Columbia appropriations bill.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (S. 1156) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1998, and for other purposes.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the bill.

The Senator from North Carolina.

### PRIVILEGE OF THE FLOOR

Mr. FAIRCLOTH. Mr. President, I send to the desk a list of staff. I ask unanimous consent they be allowed full privilege of the floor during the consideration of S. 1156, the D.C. appropriations bill.

The list follows:

Mary Beth Nethercutt; Jay Kimmitt; Terry Sauvain; Neyla Arnas;s Kate O'Malley; David Landers; Liz Tankersley; Quinn Dodd; and Jim Hyland.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FAIRCLOTH. Mr. President, I am pleased to present the fiscal year 1998 District of Columbia appropriations bill to the Senate.

This budget is the first I have had the opportunity to present to the Senate since becoming the chairman of the District of Columbia Appropriations Subcommittee. This is essentially a clean bill, with no new policy riders.

I am very pleased that this budget was reported favorably by the full Appropriations Committee by a vote of 27 to 1. This is a bipartisan bill, and a bill that reflects the consensus of both the Financial Control Board established by Congress and the city's elected leadership.

This budget of $4.2 billion is a smaller budget than last year's $5.1 billion budget for two reasons.

First, the Federal Government is providing the city with fewer Federal dollars. This past July, Congress enacted landmark legislation restructuring the city's budget, transferring some city functions to the Federal Government, and in exchange, cutting the Federal payment to the District.

That legislation also added some important management reforms at my urging. I'll have more to say about these structural changes and management reforms in a moment.

Second, this is a smaller budget because it is the first balanced budget submitted to the Congress by city officials since 1993. That one proved very unbalanced. This one will be balanced.

As many of my colleagues know, the law enacted by Congress in 1995 creating a Financial Control Board included a timetable requiring the city of Washington, DC to submit a balanced budget to Congress by next year.

Fortunately, the Control Board and the D.C. Council managed to agree on enough spending cuts to submit a balanced budget to Congress 1 year ahead of schedule. That is essentially the budget before the Senate today.

This balanced budget cuts roughly $85 million from last year's operating budget, not to mention a reduction of over $500 million in the direct Federal contribution to the city, from $712 million last year down to $190 million this year.

Most agencies in the District of Columbia government have been cut. One exception is the police department, which received a modest increase reflecting a citywide effort—and I might say a nationwide effort—to crack down on crime within the city.

Perhaps the most important point is that both the Control Board and the D.C. Council have agreed to these cuts. The Control Board and the D.C. Council worked together to craft a consensus budget. That consensus has been incorporated into this bill.

I do not think it is necessary for the U.S. Senate to revisit every spending decision that has been agreed upon by both the council and the control board, especially since we have achieved a balanced budget 1 year ahead of time.

Such decisions are long overdue even if it took some prodding from the Congress to get. I think it is the responsibility of the Senate to ratify those decisions once they have been made.

In addition to being the first balanced budget in several years, this budget pays for many of the structural changes and management reforms, including the District of Columbia Revitalization Act, signed into law on August 5, 1997.

For example, the Revitalization Act transferred the city's prison system, the courts, and a huge unfunded pension liability of $5 billion to the Federal Government. In exchange, the Congress will no longer provide an annual Federal payment of $660 million or a $52 million annual payment on the pension liability. Instead, this bill provides a one-time Federal contribution of $190 million as authorized by the Revitalization Act. Of that $190 million, the bill directs that $30 million be applied to pay down on the city's debt.

The Revitalization Act has been called a rescue plan for the District of Columbia. I feel strongly that any rescue plan must first rescue the city from terrible mismanagement, waste, and unresponsive and irresponsible local government.

I insisted that the rescue plan, and the majority leader with me insisted that the rescue plan include the Management Reform Act of 1997 to begin the process of cleaning house in each of the major city agencies.

The Management Reform Act authorized the control board to hire professional consultants to conduct a top-to-bottom review of nine major city agencies to map out a plan for improving the quality of services.

This District of Columbia appropriations bill provides $8 million to pay for the consultants to go into the various city agencies.

The structural changes in the Revitalization Act provide the city with a one-time windfall of $200 million. I am pleased that the mayor, the council, and the Control Board agreed that this windfall should not be used for a spending spree and that none of the funds should go toward increasing the operating costs of the city.

Of the $200 million available, $160 million will be applied to pay down the city's accumulated deficit. The remaining $40 million will be used to make infrastructure repairs and the management changes and productivity improvements suggested by the management consultants. The infrastructure of the city is in dire need of much improvement.

The Management Reform Act also called for the immediate dismissal of the heads of nine major city agencies and called on the Mayor to either nominate new officials or renominate the current officials to head each of the agencies, with each nomination subject to the consent and approval of the Control Board. In other words, a final decision rests with the Control Board.

In order to preserve the checks and balances between the executive and the legislative branches and the District of Columbia, section 133 of this appropriations bill makes clear that the D.C. Council does have official responsibility for confirming the Mayor's nominations to head those agencies. But then again, I reiterate, the final decision rests with the Control Board.

Some Members expressed concern to me that funding for the homeless may be reduced by a consequence of this very tight budget. Section 146 of the bill directs the District government to maintain homeless services at the same level for fiscal year 1998 as the level for fiscal year 1997. I think this can be accomplished in a manner that is consistent with the spending restraints needed to maintain a balanced budget.

Perhaps no issue received more attention in recent weeks than the inability of the District's public schools to open on time. It was a local and a national embarrassment. As the new chairman of the D.C. subcommittee, I am going to make sure that such a delay does not happen again.

Section 147 of this bill directs the Control Board and General Becton, the CEO of the D.C. public schools, to report to the House and Senate appropriations and authorizing committees for the District of Columbia no later than April 1, 1998, of any and all necessary measures to ensure that the schools open on time in the fall of 1998.

Mr. President, I thank my colleagues on the subcommittee, Senator BOXER, the ranking member, and Senator HUTCHISON of Texas.

I also thank the chairman of the Committee on Appropriations, Senator STEVENS, and our distinguished ranking member, Senator BYRD, for their leadership and assistance on this bill.

In summary, as I said, this is a consensus bill and the first balanced budget the District has seen in some time. This one truly is balanced. This bill funds the tough medicine of management reforms as well as restructuring of courts and corrections enacted by the Congress and signed into law by the President. It is a good bill and it is a bipartisan bill.

With that, Mr. President, I yield to our ranking member, my good friend, Senator BOXER.

Mrs. BOXER addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Thank you very much, Mr. President.

I thank the chairman of the D.C. Appropriations Subcommittee, Senator FAIRCLOTH. I thank him for the hard work he has put into this bill. I thank his staff, and I thank the staff on our side. I think it is very fair to say they worked beautifully together.

We do have basically a consensus bill here. There are a couple of provisions that I am sure Senator FAIRCLOTH isn't enamored with and I am sure there are a couple of provisions that this Senator isn't enamored with. I do believe in local control —that cities and counties should be able to make their own policies in terms of how they spend their own health funds, how they spend funds that they raise.

There are a couple of problems in this bill. But Senator FAIRCLOTH is correct, there are no new riders here. The problems that I have with this bill this year were in this bill last year. So I just hope that as we take up this last appropriations bill—this is the 13th one—that we will have a relatively easy time of it.

I hope that any amendments that are offered here will be noncontroversial amendments that both sides can agree to. Unfortunately, I am hearing that may not be the case, that this bill may become the vehicle for some very controversial amendments.

If that happens, so be it. Senator FAIRCLOTH and I will be on our feet, and we will manage that in the best way we can with the cooperation of colleagues. But I really do hope that Senators from both sides would refrain from those kinds of amendments, because this bill was a long time in coming. This kind of consensus over the District of Columbia was a long time in coming. We put so much work into it, particularly the chairman.

I see that Congresswoman ELEANOR HOLMES NORTON has joined us to sit in on this debate. There was a tremendous amount of work on her part in getting us to reach this consensus.

I have heard that it is possible we are going to have an amendment on vouchers. I want to make the point right here as the minority ranking member that I have discussed this amendment with my colleagues on this side. We are not going to look kindly upon any amendment that would look at helping 2 to 3 percent of the children in Washington, DC, while leaving 97 to 98 percent of those children without anything at all.

Ms. MOSELEY-BRAUN. Will the Senator yield for a question?

Mrs. BOXER. I will yield in a moment so I do not lose this track. I will absolutely yield.

I say to my colleagues who may or may not be listening to the opening of the debate, should we be faced with that, we will have an alternative that will help 100 percent of the children—that will help 100 percent of the children. We are working on that because we are here talking about people's lives, not about philosophy of education, not about trying somebody's pet idea. We should not be doing that. We should be in fact reaching out to all the children.

Again, I say to my colleagues, I could offer a number of amendments here that would be controversial. I do not really want to do that. I know other colleagues could as well. I know that I feel as strongly as any colleague on certain of these matters. But this is an appropriations bill. This isn't an authorization bill. This isn't the education authorization bill where we can debate, from morning till night, what helps kids most—making sure that our public schools are the best in the world or taking a small segment of children and saying, Well, if you draw the lucky straw, you can run away from a public school, instead of making that public school the greatest it could be.

I have to say that I went to public schools from kindergarten through college. Some of the people who like me could say, Well, look what great things public schools can do, and some who do not, could say, You see, those public schools aren't very good. But the bottom line is, whatever you think of an individual who did get that chance, we do know that we have the education in this country that we can give to our children so they can be the future Senators, they can be the future leaders of the world.

When we lose that because we decide we are going to abandon our children because of some political theory, I think it is a sad state for us. So I am very much hoping that we do not get into that debate. But if we do, as you can see, we are prepared for it.

I will be glad to yield to my friend from Illinois.

Ms. MOSELEY-BRAUN. Thank you.

I actually was prepared to put a question to the Senator from California.

I want to commend the Senator for her stewardship and working with the Senator from North Carolina on this issue because getting this appropriations passed for the District of Columbia is not only important but long overdue. It is unfortunate that the District winds up being a guinea pig of sorts for every kind of experiment that we have.

I just commend the Senator from California for the poignancy of her statement and her plea that amendments not be brought to this bill that would delay its passage.

It is kind of open knowledge that the schools in the District of Columbia, many of them, have been closed because they were crumbling and falling down. The courts would not allow children to attend schools in that kind of condition. And they have just recently reopened.

In fact, we had working in my office two young high schoolers from the District of Columbia. Pursuant to a project that Congresswoman ELEANOR HOLMES NORTON put together for all the displaced children of the District, we took two of them into our office as interns while the schools were closed down.

The schools have now reopened and those children are back where they ought to be, in a classroom, but it just seems to me to further displace all of those children because of a filibuster or an argument around an experiment with the District of Columbia schools would be cruel to say the least, and certainly an unfortunate development.

So I commend my colleague for her plea in the first instance that we not have this battle because there is so much at stake, but also to put the question to her whether or not it is her opinion that the District can afford to delay further to wait for this appropriation to be finalized?

Mrs. BOXER. I say to my friend, clearly, all the work that the chairman has done, along with Congresswoman NORTON, Senator HUTCHISON, myself, all of our staffs, this has been hard. As Senator FAIRCLOTH has said, we have a balanced budget submitted here. As a part of the agreement on the balanced budget plan of 1997, signed into law, the President forwarded to Congress a series of budget amendments to implement the Revitalization Act for Washington, DC.

So we are moving along. It has not been easy. I think every Member of the Senate—at least it is my feeling—would like to see us turn this Capital around. I think we have great pride in this Capital. We are very concerned about some of its problems. I think we are on the road to addressing them.

So my colleague, in asking her question, is implying that a delay would send the wrong signal to Washington, DC, residents, would send the wrong signal, frankly, to the whole country, that we are backing off, and here they go again, adding extraneous matters to a DC appropriations bill.

What I hear around is not very promising. I hear that these controversial amendments are coming. I make this plea to whoever might be listening to this opening debate on both sides: That we refrain from controversial amendments. This is the last bill we are getting together here. We should move it forward, keep it free of this controversy, move forward, do our business, do our work and get on with the Senate's business.

Mr. President, the fiscal year 1998 District of Columbia appropriations bill was reported by the Senate Appropriations Committee on September 9, 1997, by a vote of 26 to 1. I commend the chairman of the subcommittee, Mr. FAIRCLOTH, for his efforts to produce a bipartisan appropriations bill for the District of Columbia. While the bill contains a few provisions I do not support, in most respects, I think we succeeded in producing a consensus bill.

I will speak briefly about the three principal aspects of this bill: Federal funds in the bill; District of Columbia funds in the bill; and general provisions in the bill.

### FEDERAL FUNDS

The bill includes $820 million in budget authority in Federal funds for the District of Columbia. These funds are to be used to implement the provisions of the National Capital Revitalization and Self-Government Improvement Act of 1997, which was incorporated into the Balanced Budget Act of 1997, and enacted into law on August 5, 1997.

Subsequently, on August 14, 1997, the President forwarded to Congress a series of budget amendments to implement the provisions of the Revitalization Act. The bill fully funds the President's revised budget and, in addition, provides $8 million for management reforms, $30 million for the full authorization of $190 million for the Federal contribution and $5 million for a reimbursement to the National Park Service for Park Police services.

### DISTRICT OF COLUMBIA FUNDS

In response to the Revitalization Act, the District government, including the mayor and the city council, and the control board, submitted to Congress a consensus and balanced budget, incorporating the changes made by the Revitalization Act.

The revised District budget for fiscal year 1998 is $4,693,637,000. The committee adopted the consensus balanced budget without change.

### GENERAL PROVISIONS

Most of the general provisions included in the bill have been included in previous years and restate existing law.

With regard to section 134, which restricts the use of funds for abortions, the bill states that no funds—Federal or local—may be used for this purpose.

As I said during committee markup, I believe this provision to be an unwarranted intrusion in the affairs of the

District of Columbia and I may offer an amendment at the appropriate time to allow the District of Columbia to use its own funds to pay for abortions for poor women.

Another general provision prohibits funds being used by the District to implement its domestic partners law. Again, I believe this is an unwarranted and inappropriate intrusion by the Federal Government into matters under local control.

One general provision was included in the bill at my request. It would provide that the D.C. initiative homeless services in the District of Columbia be maintained in fiscal year 1998 at the fiscal year 1997 level.

My amendment prevents a reduction in services to the homeless which had been recommended in the consensus budget from the District.

Again, I commend the chairman of the subcommittee, Senator FAIRCLOTH, for his efforts to produce a bipartisan bill. I would also like to express my thanks to the Appropriations Committee staff—Terry Sauvain of the Democratic staff and Mary Beth Nethercutt of the majority—for their assistance in helping us bring this bill to the floor today.

Finally, Mr. President, with respect to amendments that may be offered to this bill, I hope my colleagues will refrain from proposing amendments that are not germane to this measure. The new fiscal year begins in only a few days, and the District of Columbia desperately needs to have its new budget in place. So I hope we can quickly pass a bill with broad bipartisan support and send it to the President for signature.

Mr. DOMENICI. Mr. President, the pending measure is S. 1156, the fiscal year 1998 District of Columbia appropriations bill.

This appropriations bill provides Federal payments to the District of Columbia totaling $820.0 million. The bill provides $190 million for the Federal contribution to the District of Columbia, $169 million to operate the District's correctional facilities for felons, $302 million to build new correctional facilities to replace the Lorton facility, $146 million to operate the District Court System, $8 million to implement management reform initiatives, and $5 million to the National Park Service to support U.S. Park Police operations in the District.

This appropriation is in addition to the resources allocated to the District by the Balanced Budget Act and the Taxpayer Relief Act of 1997. Combined, the two laws provide tax breaks and mandatory spending worth $4.5 billion over 10 years. Because the cost of taking over the District's $5.8-billion pension liability is largely delayed until after this period, the total bailout is worth substantially more to the District.

This appropriation bill is at the subcommittee's revised 302(b) allocation for both budget authority and outlays.

Mr. President, I ask unanimous consent that a table displaying the Budget Committee scoring of the bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

D.C. APPROPRIATIONS, 1998, SPENDING COMPARISONS—SENATE-REPORTED BILL

[Fiscal year 1998, in millions of dollars]

| | Defense | Nondefense | Crime | Mandatory | Total |
|---|---|---|---|---|---|
| Senate-reported bill: | | | | | |
| Budget authority | .......... | 820 | .......... | .......... | 820 |
| Outlays | .......... | 500 | .......... | .......... | 500 |
| Senate 302(b) allocation: | | | | | |
| Budget authority | .......... | 820 | .......... | .......... | 820 |
| Outlays | .......... | 500 | .......... | .......... | 500 |
| President's request: | | | | | |
| Budget authority | .......... | 777 | .......... | .......... | 777 |
| Outlays | .......... | 479 | .......... | .......... | 479 |
| House-passed bill: | | | | | |
| Budget authority | .......... | .......... | .......... | .......... | .......... |
| Outlays | .......... | .......... | .......... | .......... | .......... |
| Senate-Reported bill compared to: | | | | | |
| Senate 302(b) allocation: | | | | | |
| Budget authority | .......... | .......... | .......... | .......... | .......... |
| Outlays | .......... | .......... | .......... | .......... | .......... |
| President's request: | | | | | |
| Budget authority | .......... | 43 | .......... | .......... | 43 |
| Outlays | .......... | 21 | .......... | .......... | 21 |
| House-passed bill: | | | | | |
| Budget authority | .......... | 820 | .......... | .......... | 820 |
| Outlays | .......... | 500 | .......... | .......... | 500 |

Note.—Details may not add to totals due to rounding. Totals adjusted for consistency with current scorekeeping conventions.

AMENDMENT NO. 1248

(Purpose: Technical amendments on the part of the managers of the bill)

Mr. FAIRCLOTH. Mr. President, I send an amendment to the desk, which is a series of technical amendments, on behalf of myself and Senator BOXER, and I ask they be considered en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from North Carolina [Mr. FAIRCLOTH], for himself and Mrs. BOXER, proposes an amendment numbered 1248.

Mr. FAIRCLOTH. Mr. President, I ask unanimous consent reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 2, strike all after the word "Authority" on line 11, to the end of line 12.

On page 2, line 22, before the colon, insert: ", which shall be deposited into an escrow account held by the District of Columbia Financial Responsibility and Management Assistance Authority, which shall allocate the funds to the Mayor at such intervals and in accordance with such terms and conditions as it considers appropriate to implement the financial plan for the year".

On page 4, line 4, strike "$116,000,000" and insert in lieu thereof "$103,000,000".

On page 4, line 15, strike "$30,000,000" and insert in lieu thereof "$43,000,000".

On page 29, strike all after "the" on line 16, to the end of line 25, and insert: "District of Columbia Financial Responsibility and Management Assistance Authority (Authority). Appropriations made by this Act for such programs or functions are conditioned only on the approval by the Authority of the required reorganization plans.".

On page 33, strike all after "Financial" on line 19, and insert: "Responsibility and Management".

On page 41, strike all after "(B)" on line 24, through "$129,946,000" on line 25, and insert: "$4,811,906,000 (of which $118,269,000".

On page 42, line 16, after "Assistance," insert: "Authority".

On page 17, after the period on line 25, insert:

CORRECTIONAL INDUSTRIES FUND

For the Correctional Industries Fund, established by the District of Columbia Correctional Industries Establishment Act, approved October 3, 1964 (78 Stat. 1000; Public Law 88–622), $3,332,000 from other funds.

Mrs. BOXER. Mr. President, this amendment has been cleared, and I ask for its immediate adoption.

Mr. FAIRCLOTH. This has been cleared. We urge adoption.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1248) was agreed to.

Mr. FAIRCLOTH. Mr. President, we were expecting some other people to offer amendments and I assume they are coming down.

In the meantime, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. FAIRCLOTH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT—LEGISLATIVE BRANCH APPROPRIATIONS CONFERENCE REPORT

Mr. FAIRCLOTH. Mr. President, I ask unanimous consent at 5:45 p.m. tonight the Senate proceed to the legislative branch appropriation conference report and at that time a vote occur on adoption of the conference report.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FAIRCLOTH. I ask that it be in order now to ask for the yeas and nays on the conference report.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 1249

(Purpose: To provide scholarship assistance for District of Columbia elementary and secondary school students)

Mr. COATS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Indiana [Mr. COATS], for himself, Mr. LIEBERMAN, Mr. BROWNBACK, Mr. ASHCROFT, Mr. COVERDELL and Mr. GREGG, proposes an amendment numbered 1249.

Mr. COATS. Mr. President, I ask unanimous consent reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

Mr. COATS. Mr. President, I know the Senator from Oregon is waiting to bring forward an amendment and I will not take but just a few minutes. We have sent the amendment to the desk as the pending business. It will be debated tomorrow. Senator LIEBERMAN and I are joining as cosponsors in offering this amendment. I have a number of Senators, I think on both sides of the aisle, that wish to speak to it. There will be ample time for them to speak tomorrow on the amendments. They do not need to be concerned about rushing over here now. We did, however, want to have the amendment introduced so it is the pending business when we begin tomorrow.

In brief summary, the amendment provides opportunity scholarships for children in the District of Columbia in grades K through 12 whose family income is 185 percent or below the poverty level. The scholarships can be used for tuition costs of public or private scholarships in the District of Columbia, and adjacent counties in Virginia and Maryland. Scholarships are available for tutoring of students who attend public schools in the District.

The legislation creates a District of Columbia Scholarship Commission, a seven-member private, nonprofit corporation, to administer the scholarship program and certify institutions that will be eligible to participate in the scholarship program. One board member will be appointed by the mayor of Washington, DC, and the remaining six are to be appointed by the President, three from the list of nominees provided by the Speaker of the House of Representatives and three by a list of nominees provided by the majority leader of the Senate, both in consultation with the minority. Members must be residents of the District of Columbia and may not be Federal Government employees.

Students whose family incomes are below the poverty line may receive a scholarship of up to $3,200. Students whose family incomes are above the poverty line but below 185 percent of that level may receive the lesser of 75 percent of the cost of tuition, and mandatory fees for and transportation to attend an eligible institution, or $2,400. Students receiving tutoring assistance are eligible for up to $500. Both of these figures are indexed for inflation.

If there are not sufficient funds available for all of the eligible applicants, scholarships are to be awarded on a random basis by a lottery selection. The lottery is required to the extent practical to award an equal number of tuition scholarships and scholarships for fees. In other words, there will be no skimming of the green, there will be no biasing of the selection. If there are more scholarships than students, then, of course, every student would receive a scholarship that requested one. It is on a voluntary basis. If there are more students than scholarships, they will be awarded on a random basis. The amendment authorizes $7 million for spending in fiscal 1998 out of the Federal contribution earmarked to repay the cumulative Federal fund deficit for the District of Columbia. This total is $30 million. This $7 million earmark would leave $23 million remaining for that specific purpose of deficit fund reduction.

I point out that that is above the amount recommended by the administration. The administration requested a total Federal contribution for the District of Columbia of $160 million, and the bill before us, the D.C. Appropriations bill, contains $190 million.

In summary, then, we are not taking a dollar or a penny away from the D.C. public schools. We are not taking any money away from the current operating requirements of the District of Columbia that we are funding. In fact, we are adding $30 million for the purpose of reducing the general fund deficit. Of that additional $30 million, we are earmarking $7 million for these opportunity scholarships.

In the interest of time, I will not continue here. I will have much more to say about this tomorrow. I am looking forward to offering this amendment, together with my counterpart, Senator LIEBERMAN. This is a bipartisan effort. We are hopeful that we can begin the process of providing alternatives to students and their parents, who do not feel they are getting an adequate education. Our goal is not to undermine the school system of the District of Columbia; it is to improve it. Our goal is to move from the status quo, which is failing many, many students. We think this is an opportunity to do that. We look forward to debating this issue.

I yield the floor.

Mr. WYDEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Oregon is recognized.

Mr. FAIRCLOTH. Mr. President, if the Senator from Oregon will yield, I would like to ask for a time agreement of 30 minutes for the discussion of the amendment Senator WYDEN has. Is that agreeable?

The PRESIDING OFFICER. The Senator from North Carolina is proposing a 30-minute time agreement.

Mr. WYDEN. Mr. President, I need 30 minutes on my side.

Mr. FAIRCLOTH. Mr. President, I ask unanimous consent that we have 30 minutes on each side.

The PRESIDING OFFICER. Is there objection to a 1-hour time limit equally divided?

Without objection, it is so ordered.

Mr. WYDEN. Mr. President, I ask that the pending amendment be temporarily set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1250

(Purpose: To eliminate secret Senate "holds")

Mr. WYDEN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Oregon [Mr. WYDEN], for himself and Mr. GRASSLEY, proposes an amendment numbered 1250.

The amendment is as follows:

At the appropriate place, insert:

**SEC. . ELIMINATING SECRET SENATE "HOLDS."**

(a) STANDING ORDER.—It is a standing order of the Senate that a Senator who provides notice to leadership of his or her intention to object to proceeding to a motion or matter shall disclose the objection (hold) in the Congressional Record not later than 2 session days after the date of said notice.

Mr. WYDEN. Mr. President, I offer this amendment today on behalf of myself and Senator GRASSLEY of Iowa. Mr. President, one of the most significant personal powers of a U.S. Senator is the power to effectively block the consideration of a bill or nomination from coming to the floor of the U.S. Senate. This power has become known as putting a "hold" on a measure or bill that a Senator opposes. It is a power that a U.S. Senator can exercise in secret. The name of the Senator placing a hold on Senate business is now held confidentially by party leadership.

This extraordinary power was once used rarely by Senators, usually as a matter of common courtesy. In the last 20 years, however, the hold has become a special tool for influence and leverage. It is especially valuable at this time—at a time when we are moving toward the end of the session—because it allows a Senator, secretly, to exercise an enormous amount of clout over a matter when time is short.

Mr. President, the record is replete with statements of Members of this body who have indicated that there have been abuses of the hold, and that this is a procedure that has completely gotten out of hand. Let me read from the words of Senator JOHN GLENN during the final hours of the 101st Congress. Senator GLENN said:

> I find it deplorable that, suddenly, anonymously, a Senator or a combination of Senators on the Republican side can stand against the strong desire of the President and the Office of Management and Budget for this legislation.

Lest anyone think that this be a partisan matter, Senator THURMOND said:

> I think abuse does arise out of that.

Senator HATCH said:

> We get victimized by holds, especially at the end of a session.

Senator LEAHY of Vermont, another senior Member said:

> There should not be any holds at all.

He said we just should not have any holds.

Well, I am not proposing anything like that. But I do think that every Member of the U.S. Senate ought to be held publicly accountable. I think when one Member of the U.S. Senate moves to effectively block the consideration of a bill or a nomination, they ought to make it clear to their constituents that they are the individual blocking this matter.

Mr. President, as I have worked on this issue with Senator GRASSLEY, on a bipartisan basis, for a year and a half, I have found that very few Senators are aware of how extensive some of these abuses are until it happens to them. For example, I learned last year that, often, a member of the staff places a hold on a measure and the Senator whose name in which the hold is placed isn't even aware of it. So what you have are secret holds, not just by someone with an election certificate, but by someone who doesn't have an election certificate at all—a member of the staff.

So I believe that it is time to ensure that the rights of Senators and the rights under the Senate rules afford substantial opportunities for Senators to make sure that they are heard and, to represent their folks, are accompanied by responsibilities. I want to make it clear to each and every Senator that I, in no way, would limit the right to filibuster. I would, in no way, limit the right to ensure that they can speak at length on a motion to proceed. And, in fact, I am not even going so far as to put any limits on the right to place a hold on a measure or a matter, other than that a U.S. Senator be public about what they are doing.

As I have talked about it with my constituents, they raise serious questions about whether one Member of the U.S. Senate should be able to effectively block consideration of Senate business at all. So I think that the American people will consider this a very modest reform. I see no evidence that citizens want this kind of information held confidential, held secret. So I want to make clear to my colleagues that what I am against is the secrecy. It is the secrecy that is wrong, not the question of whether a Senator wants to exercise their rights.

Let me also say that I think it is particularly appropriate for the Senate to move now. I have discussed this, over the last 15 months, on a number of occasions with the majority leader, Senator LOTT. Senator LOTT, to his credit, has taken several steps to improve the procedures of the Senate and in dealing with the holds that I think are very constructive. But what has not been done is there has been no change in the Senate rules to deal with the issue that I bring up today. A hold can still be kept secret. A hold can still be kept confidential with the party leadership.

So, in my view, Senator LOTT's proposal and the proposal that he made on January 27 of this year is a constructive one. It puts in place a number of sensible changes, such as disallowing what are known as "block holds," where a Senator would put a hold on a block of bills. But it still keeps this procedure and the use of one of the most extensive personal powers a U.S. Senator has secret. So I hope that as the Senate considers this legislation—and it is only one sentence long, it is not a complicated amendment; it is only one sentence long. I hope that the Senators will see this for what it is, which is to bring sunlight to the debate over the Senate's rules.

I will be speaking for a few additional minutes, Mr. President, but I understand that the chairman of the subcommittee has asked to make a change in the time for the vote that he had arranged earlier. I am happy to yield to him at this time.

The PRESIDING OFFICER. The Senator from North Carolina.

### UNANIMOUS CONSENT AGREEMENT—LEGISLATIVE BRANCH APPROPRIATIONS CONFERENCE REPORT

Mr. FAIRCLOTH. Mr. President, speaking for the leader, I ask unanimous consent that the vote on the legislative branch appropriations conference report now occur at 6 o'clock today, rather than 5:45.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Oregon.

### AMENDMENT NO. 1250

Mr. WYDEN. Mr. President, this effort that Senator GRASSLEY and I have pursued for many months has been endorsed by a number of groups that are seeking to try to make the U.S. Senate more open in the way it conducts its business. Common Cause, for example, is an organization that has sought to have public disclosure of this particular procedure.

What we are talking about here is if a Member of the U.S. Senate is going to exercise this extraordinary, unilateral power, there should be sunshine; sunshine, we all know, is the very best disinfectant. It is an opportunity for all Members of the U.S. Senate to have a chance to be part of the debate because at least they will know who they are debating with. What is the most ironic part of the use of the hold is that the Senate, in which every Member takes pride, an institution to foster debate about important issues, doesn't in many instances allow for a Member of the U.S. Senate to even know who they are debating with because one Member of the Senate has anonymously blocked the issue. So let me be clear with respect to what this legislation does. This applies to a Senator who is digging in and making it clear that they object to a measure or a nomination.

This is not an individual who perhaps needs to know when an amendment is coming up, or perhaps have an opportunity to come over to the Senate floor to speak on a measure or matter. That is not what is being discussed here. What is being discussed here is making sure that when there is a full court press to oppose a bill or a nomination that that kind of opposition be brought to light.

We had some recent experience with how influential polls can be. For example, we saw that in the last Congress, to quote USA Today on the matter, "A skulk of faceless Senators is using a series of parliamentary holds to dry gulch legislation extending health insurance to millions of Americans."

That wasn't 20 years ago. That wasn't 30 years ago. That was an anonymous hold that was used to influence an important piece of health care legislation in the last session of the U.S. Congress. The fact is, Mr. President, that this procedure, which was once a matter of common courtesy, is now so widely used that it has become one of the most frequent ways to prevent any public disclosure of Senate business.

I hope that as we look to these last few days of this session—I bring this to the floor now because I believe that the abuse of the hold is most likely during these last few days of the session—that we take this opportunity to make the U.S. Senate more open and more accountable.

Right now, if a Senator seeks to personally block a measure or matter, there is no cost to them. They face no disapproval because no one would know who they were disapproving of. The fact is that this is a process and a power, an enormous power, held by the U.S. Senate that is exercised in the dark. It seems to me that it carries the odor of back room deals, abuse of privilege, and a body that cares more about individual personal desires than those of the American people.

This isn't cutting off the right of any Member of the U.S. Senate. Every Senator can still filibuster. Every Senator can still exercise their rights with respect to a motion to proceed. It simply says that it has to be done publicly.

Let me also say that it has been the experience of Senator GRASSLEY and myself that you can do this, and, as Senator GRASSLEY has told me, it doesn't hurt. For example, just a week ago Senator SMITH and I felt strongly, on a bipartisan basis, about issues with respect to a C–130 crash that carried Oregonians who were reservists. At that time, because we were seeking answers from the military and given the fact that the appointment of the new head of the Joint Chiefs of Staff was forthcoming, I put a hold on that nomination for a brief period of time. I made it clear on the floor and in other forums that I was the Member of the Senate who did it. I published it in the CONGRESSIONAL RECORD, just as my amendment calls for.

So, during that period, there was, over a short few days, an effort to have a public discussion about this matter. There were also bipartisan discussions with Senator THURMOND and Senator MCCAIN, and others were extremely helpful in the efforts that Senator SMITH and I made on this matter. And early the next week the hold that I had, which was public, I lifted. The needs of my constituents were addressed, and the American people saw a good man—a good man—General Shelton, confirmed to head the Joint Chiefs of Staff.

So, Mr. President, what we have done, Senator GRASSLEY and I, is we have practiced what we preach. We don't believe that it abridges our rights in any way. All we are saying is that there is no reasonable place for protracted ongoing anonymous delay. That is what we think is wrong. There is no place, as the New York Times recently said, for "the hold as currently practiced."

So I am not suggesting today, Mr. President and colleagues, that the hold be abolished. I am not suggesting that the filibuster be changed in any way. I am not suggesting that on the motion to proceed there be any change. All I am saying is when a hold is put on a matter so that a Senator digs in to personally effectively block the consideration of a measure or a matter, that within 2 days of that time they notify party leadership that they are the individual seeking to prevent consideration of that measure or matter on the floor of the U.S. Senate, and that they just put a little notice in the CONGRESSIONAL RECORD. No big procedure, no hassle, just a notice, just a notice identifying that Senator as the Senator who has put a hold on a measure or matter.

Mr. President, my guess is that if my amendment passes, there may be a variety of ways that Senators may still seek to vitiate the spirit of what Senator GRASSLEY and I are seeking to do. But I do think that passage of this amendment will put the U.S. Senate on record. We will be on record for sunshine. We will be on record as being opposed to secrecy, and especially we will be taking steps so that at this time of the session as the session moves into the last few weeks when history shows that you are most likely to have abuses of the hold, we will have shown that we are willing to make changes that hold the U.S. Senate and each Member here publicly accountable for their actions.

Mr. President, none of us got here easily. Like many other Senators, my campaign and my election was something of a trial by fire. No Member of this body lacks fortitude. I think we can stand some extra added light. I think we can stand some extra added sunshine. I think that we can take the secrecy out of the hold procedure and still make sure that each and every Senator is able to exercise their rights and protect their constituents.

I believe that the passage of this amendment, at a time when millions of Americans are especially cynical and skeptical about Government, will cause citizens to say that the Senate is doing the right thing, and we will see constituents have a bit more respect for this body as a result of Senators being willing to be held publicly accountable. This amendment is not about getting rid of the hold. It is not about doing anything to a hold other than saying that a Senator has to be publicly accountable when that one Senator effectively moves to block the consideration of a bill or a nomination.

Mr. President, I have not been here as long as some, but I read the statements of Senators who have been here for quite some time—Senator GLENN, who called it deplorable; Senator THURMOND, who said that there has been an abuse; Senator HATCH, who said that every Senator has been victimized by it; and, Senator LEAHY, who went far far farther than anything I would be talking about. He said there shouldn't be any holds at all.

In fact, in my conversations with Senators, I have been told that some Senators find this procedure so abhorrent that they will not exercise it at all, and they are especially frustrated by their colleagues who do.

So, in closing, Mr. President, let me go back to just how great the abuse is.

It is one thing if Chairman FAIRCLOTH or Senator BOXER or another Member of U.S. Senate puts a hold on a matter. All of the Senators are directly responsible to their constituents. What I found is a lot of Senators didn't even know that a hold had been placed on a bill in their name.

One senior Member of the U.S. Senate came to me last session, and said, "I am for your bill. I think it is a good idea. We need some public disclosure of these holds. And the reason I am for it is a few minutes ago a Senator came up to me and said, 'Why do you have a hold on my bill?' And the person who was sympathetic to what I have been trying to do said, 'I don't have a hold on your bill.'" It turned out that a staff person had done it in their name.

So what we have is a situation where not just are holds by Senators kept anonymous and kept confidential, but now we have staff that doesn't have an election certificate putting holds on these matters as well.

The hold started out many years ago. I gather from historians that it is well over 100 years old. It started out as a matter of common courtesy. It was something that Senators did to accommodate each other to make sure that an individual could be present to speak on an amendment, to ensure that they would have an opportunity to be heard if they had some sort of glitch in their time schedule. That is not what this amendment addresses. That is not what this amendment addresses at all.

This amendment is about ensuring that when a U.S. Senator uses all of their power, every bit of their power, to block a measure or a nomination, and they exercise those extraordinary rights that each of us has, that it be accompanied by a responsibility to the American people. That responsibility to the American people is to tell them, tell your constituents, when you exercise this extraordinary power that you are the one who did it. You are the one who blocked a bill or a nomination.

Let's bring some sunshine here.

I will tell leadership—let me say that Senator DASCHLE and Senator LOTT have talked with me about this. Both of them have been very gracious. Senator DASCHLE indicated that he is in support of this. I believe that what I am proposing in this amendment complements the useful changes that Senator LOTT, the majority leader, made this January.

The majority leader, Senator LOTT, implemented a number of changes that I think are constructive, but they still allow for the secrecy. They still allow for one Senator to effectively block consideration of a measure or matter.

I gather that the vote on this amendment will be tomorrow.

Mr. President, I ask unanimous consent at this time to be able, prior to the vote tomorrow, to speak on this amendment again for up to 10 minutes, to be able to ensure that Senators prior to the vote——

The PRESIDING OFFICER. Is there objection?

Mr. FAIRCLOTH. There is objection.

The PRESIDING OFFICER. Objection is heard.

Mr. WYDEN. Mr. President, reclaiming the floor, will the Senator from North Carolina be open to a question at this time?

Mr. FAIRCLOTH. Yes.

Mr. WYDEN. I am proposing that an amendment be accepted by the Senate that would modestly change one of a Senator's most extensive powers, the power to secretly block a measure or matter from coming to the Senate floor. Does the Senator believe that it is not appropriate to have 10 minutes of discussion of it tomorrow before it comes up?

Mr. FAIRCLOTH. It might be all right to have 10 minutes, but we will have to decide it tomorrow. I am not ready now to agree to it.

The PRESIDING OFFICER. Objection is heard.

Mr. JOHNSON addressed the Chair.

The PRESIDING OFFICER. The Senator from South Dakota is recognized.

Mr. JOHNSON. Mr. President, I ask unanimous consent that I may speak in morning business for up to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JOHNSON. I will not use the full 10 minutes.

## HONORING THE LIVES OF AIRMEN ANTHONY BEAT, CLAY CULVER, KIRK CAKERICE, AND GARY EVERETT

Mr. JOHNSON. Mr. President, a B-1 bomber from Ellsworth Air Force Base near Rapid City, SD, crashed last Friday killing all four of the flight crew members. All four men who lost their lives were highly decorated American airmen receiving such awards as the Meritorious Service Medal, the Air Force Commendation Medal, the Humanitarian Service Medal, the Combat Readiness Medal, and the National Defense Service Medal.

The four men were Col. Anthony Beat of the 28th Bomb Wing, vice commander. He was from Attica, OH, and is survived by his wife, Delores Ann, and sons, James and Alan. Maj. Clay Culver was the 37th Bomb Squadron assistant operations officer and weapons systems officer. He was from Sulfur, LA, and is survived by his wife, Cynthia, his daughter, Ann, and son, Parker, all of Rapid City. Maj. Kirk Cakerice, the 37th Bomb Squadron assistant operations officer and instructor pilot, was from Eldora, IA, and is survived by his wife, Myra, son, Brett, and daughter, Kendra, all of Rapid City. Capt. Gary Everett was the 37th Bomb Systems weapons systems officer from Brooklyn, NY, and is survived by his parents, Joseph and Dorthy Everett, of Glasgow, KY, and several brothers and sisters and fiance.

On Monday, over 1,500 friends, peers, colleagues, and family mourned the loss of these four brave men in a memorial service at Ellsworth Air Force Base. At this time of tragedy, thoughts and prayers and the attention of people of the Black Hills region and the State of South Dakota and our Nation are with the families and friends of these four crewmen.

This tragic incident underscores how quickly lives of even our bravest and most skilled military personnel can be lost. It is important that the legacy of these four men live on as dedicated airmen, proud parents, loving husbands, grateful sons, and honorable men. Our loss reflects the fact that in peacetime, as well as during conflict, the men and women of our military, our friends, our spouses, our children, put their lives on the line each and every day to preserve and protect our liberty as Americans.

Colonel Beat, Major Cakerice, Major Culver, and Captain Everett were decorated veterans and honorable men who approached their military service with extraordinary dedication, commitment, pride, and professionalism.

In this time of tragedy, we must also acknowledge that our Nation is stronger and our liberties more secure because of the willingness of these patriots to commit their talent, their leadership, and ultimately their lives to the defense of our Nation.

Colonel Beat, Major Cakerice, Major Culver, and Captain Everett were shining examples of the quality, the expertise and the talents of the men and women who put on the uniforms of our Armed Forces.

And so again, Mr. President, our prayers are with the families of these four great American airmen. We know that every day of the week others embark on similar training experiences and similar endeavors. Lives are always at risk in times of peace as well as in conflict in order to protect our liberties as Americans, including our ability in this Senate to gather, to debate, to discuss policy issues affecting our Nation.

So it is in the great effort of these airmen, and others like them in all of our branches of the military, that we owe great gratitude. All people in the State of South Dakota share the grief but also the pride of these families in the great contribution that these airmen have made to our Nation.

I yield back my time.

The PRESIDING OFFICER. Who yields time?

Mr. FAIRCLOTH. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GORTON. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Ms. Collins). Without objection, it is so ordered.

## LEGISLATIVE BRANCH APPROPRIATIONS ACT, 1998—CONFERENCE REPORT

The PRESIDING OFFICER. The report will be stated.

The legislative clerk read as follows:

> The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 2209) having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by all of the conferees.

The Senate proceeded to consider the conference report.

(The conference report is printed in the House proceedings of the Record of September 18, 1997.)

Mr. BENNETT. Madam President, I am pleased to report that the House and Senate conferees reached an agreement on funding for the legislative branch for the fiscal year 1998. The agreement we reached provides for total spending of slightly under $2.5 billion—an increase of 2 percent over the fiscal year 1997 level and a decrease of 6 percent from the President's budget.

Before we begin, I would like to state for the record that the issue of pay for Members of Congress is not in this bill.

However, there were significant differences in the amount of funding in the House and Senate bills. The House wanted to limit the growth of the legislative branch to the fiscal year 1997 level exclusive of Senate items. The Senate had made a commitment to the General Accounting Office—a commitment which was made when Senator Mack chaired this subcommittee and oversaw a 25-percent reduction in GAO. This was a 25-percent reduction in their budget and a 33-percent reduction in staff. I participated in the decision to reduce the agency, and I was also a party to the Senate's commitment to stabilize the agency once it made the reduction. Senator Dorgan shared my desire to meet that commitment.

I want to thank Senator Dorgan for his hard work, and interest in the bill. It was only with his strong support that we were able to provide adequate funding—a $7 million increase in direct appropriations plus and increase of $1.5 million in offsetting receipts over the fiscal year 1997 level.

The Federal Government will spend almost $1.7 trillion next year. The legislative branch has the responsibility to oversee this budget and make sure that taxpayer funds are being spent wisely. GAO is responsible for identifying wasteful Federal spending and recommending ways in which we can save billions of dollars. This past year GAO has identified $6 billion in measurable savings in the Federal Government. That does not include other savings which cannot be measured in dollars—such as better organization, ways in which an agency can better serve taxpayers, etc. For every $1 appropriated to GAO, they have identified $50 savings. This is an agency which is worth the investment.

Maintenance was another issue in this bill. I believe strongly in the need to invest in maintenance. Saving a small amount of money now on maintenance will only result in higher costs in the future.

I learned in business that if you do not properly maintain your building and equipment you will soon find yourself spending much more money to replace those items which have crumbled or can no longer function. There are a number of maintenance and security items which the Senate identified as priorities such as, repairs to the Library of Congress roof, investment in the Capitol powerplant, and Capitol security.

Funding for the Joint Committee on Taxation was also an issue. The Senate conferees agreed at the strong urging of the House conferees to split the difference between the House and Senate bills resulting in an increase of $91,500 over the Senate bill. For many years now the Joint Committee on Taxation has operated as an extension of the Finance and Ways and Means committees. Members of Congress who are not members of those committees have not been able to get revenue estimates for their proposals. Without the revenue estimates, it is almost impossible to go to the floor to offer an amendment to a tax bill.

We have been assured by the House that Congressman ARCHER—the current chairman of the Joint Committee on Taxation is committed to working harder to provide to Senators and Representatives revenue estimates in a timely fashion. It is our intent to ensure that the Joint Committee on Taxation assists all Members of Congress. Included in the statement of managers on page 26 of the conference report is language identifying the scope of the assistance we expect the Joint Committee to provide to Members.

During the course of the next year, I would like to hear from my colleagues if they are finding the Joint Committee to be helpful.

In reaching this agreement, the Senate came down $37 million in budget authority and the House went up $24 million. I am comfortable that the legislative branch will be able to meet its oversight responsibilities with the funding provided in this agreement.

Again, I would like to thank Senator DORGAN as the ranking member for his hard work on reaching this agreement. In addition, I would like to thank Senator STEVEN, Senator CRAIG and Senator BOXER for their assistance on the subcommittee as well as the following staff: Christine Ciccone, Jim English, Mary Dewald, Mary Hawkins, Chuck Turner, and Chip Yost, for their superior work.

I thank my colleagues in advance for their support of the conference report.

Mr. DORGAN. Madam President, I rise in support of the conference agreement to H.R. 2209, the fiscal year 1998 legislative branch appropriation bill. The conference agreement provides a total of $2.25 billion for fiscal year 1998 for the Congress and other legislative branch agencies. This represents a reduction of $144 million from the budget request.

All in all, this is a good conference agreement. I wish to take just a minute to point out the level of funding agreed to by the conferees with respect to the General Accounting Office [GAO]. As Members are aware, an agreement was reached last Congress between the GAO and appropriators to reduce the GAO's budget by a total of 25 percent over fiscal years 1996 and 1997. The GAO successfully implemented a plan for this reduction, without having to be dragged kicking and screaming. Our commitment to them, in return, was to stabilize their funding at that reduced level. Unfortunately, for fiscal year 1998, the House recommended an appropriation of only $323.5 million for the GAO, a reduction of $37.9 million below their budget request. The Senate bill, after thorough consideration and cooperation from the GAO itself, found that an appropriation of $346.8 million would be sufficient to maintain GAO's level of operations.

Madam President, this was the most difficult issue in the conference. Chairman BENNETT joined me in urging the House to come up substantially from their level. Ultimately, the conferees agreed to an appropriation of $339.5 million for fiscal year 1998, $7 million above the fiscal year 1997 appropriation and $16 million above the House-passed bill. While not providing GAO every last dollar that they would like to have had, this level of funding comes very close to fulfilling our commitment to the GAO.

I commend Senator BENNETT for his fairness and the leadership he showed during our conference with the House. I also compliment the House conferees, particularly the House subcommittee chairman, Congressman WALSH, and his minority counterpart, Congressman SERRANO, as well as their very capable staffs, Ed Lombard for the majority and Greg Dahlberg for the minority.

Madam President, I urge my colleagues to vote for this conference agreement.

Mr. McCAIN. Madam President, as I said when this bill came before the Senate for consideration, this is, overall, a good bill. It contains very few of the types of earmarks and set-asides for pork-barrel spending that are included in most of the appropriations bills.

Of course, I don't believe I have ever had the pleasure of reading an appropriations bill that is completedly devoid of earmarks, and this bill is no exception.

When this bill came before the Senate, I applauded the Senate's decision to eliminate or reduce funding for several projects that did not appear to be high-priority projects. The Senate cut $50,000 for a study of electromagnetic fields in the Russell Senate Office Building, reduced funding for elevator modernization in the Hart Building by $200,000. Unfortunately, the Senate did include $100,000 for a new subway from the Russell Building to the Capitol.

Because of these and other reductions, the overall budget for Senate buildings was reduced by about $2 million. This conference agreement restores the full $52 million originally proposed for the Senate.

My staff was told by the Appropriations Subcommittee staff that this restored money will not be used for the projects noted above that the Senate explicitly cut. Instead, $2 million will be transferred and used for maintenance and repair projects and security improvements in the Capitol. Although I can find nothing in the conference agrement that would ensure this is the case, I trust that none of the restored funds will be used, for example, to study electromagnetic fields in the Russell Senate Office Building.

Finally, I am disappointed that the conferees chose to specifically reverse the direction in the Senate report that would require the General Accounting Office to place higher priority on Members' requests for audits, studies, and investigations. This has been a particular matter of concern to me, and I was pleased that the Senate Appropriations Committee chose to take the initiative to establish the proper priority for the GAO's work.

I am sure most of my colleagues have, at one time or another, been advised that the GAO cannot complete work we have requested in a timely fashion. But I don't know if my colleagues are aware that GAO does a great deal of work that is either self-initiated or requested informally by staff members. And often this work is placed ahead of work that is requested by Members in the GAO's assignment of staff and resources to complete the work. I don't believe most of my colleagues would think that is the proper prioritization for an agency that works for the Congress.

Frankly, I can see no good reason why the conferees took the unusual step of repudiating this very much-needed directive. Unfortunately, however, because this provision has been summarily reversed by the conferees, I will have to consider other appropriate means to ensure that GAO's prioritization of work reflects the needs of the Congress, not the GAO itself.

Madam President, these are not major problems. The total of the pork-barrel provisions in this bill is only slightly more than $1 million. However, again, I remind my colleagues that every taxpayer dollar we waste reinforces the disdain of the American people for the Congress and our way of doing business.

I ask unanimous consent that a list of objectionable provisions be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD.

### OBJECTIONABLE PROVISIONS IN THE CONFERENCE REPORT ON THE FY 1998 LEGISLATIVE BRANCH APPROPRIATIONS BILL

#### BILL LANGUAGE

$100,000 from the Library of Congress budget for an International Copyright Institute.

$2,250 from the Library of Congress budget for official representational and reception expenses offor activities of the International Copyright Institute.

Earmark of unlimited amount of GAO's funds to finance an appropriate share of the expenses of: the Joint Financial Management Improvement Program, including the salary of the Executive Director and secretarial support; the National Intergovernmental Audit Forum or a Regional Intergovernmental Audit Forum, as determined by the respective forum, including necessary travel expenses of non-Federal participants; and the costs of the American Consortium on International Public Administration, including any expenses attributable to its membership in the International Institute of Administrative Sciences.

REPORT LANGUAGE

$300,000 for improved lighting in the Senate Chamber.

$100,000 to design a new subway from the Russell Building to the Capitol Building.

$550,000 to modernize elevators in the Hart Building.

Total Objectionable Provisions: $1.052 million.

Mr. DOMENICI. Madam President, I rise in support of the conference report on H.R. 2209, the legislative branch appropriations bill for fiscal year 1998.

The bill, as reported, provides $2.25 billion in new budget authority and $2 billion in outlays for the Congress and other legislative branch agencies, including the Library of Congress, the General Accounting Office, and the Government Printing Office, among others.

When outlays from prior year appropriations and other adjustments are taken into account, the bill totals $2.3 billion in budget authority and outlays. The bill is under the subcommittee's 302(b) allocation by $36 million in budget authority and $86 million in outlays.

I want to commend the distinguished chairman and ranking member of the Legislative Branch Subcommittee for producing a bill that is substantially within their 302(b) allocation. I am pleased that this bill continues to hold the line on congressional spending.

I ask unanimous consent to have printed in the RECORD a table displaying the Budget Committee scoring of H.R. 2209, as reported by the committee of conference. I urge the Senate to support this conference report.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

H.R. 2209, LEGISLATIVE BRANCH APPROPRIATIONS, 1998 SPENDING COMPARISONS—CONFERENCE REPORT

[Fiscal year 1998, in millions of dollars]

| | Defense | Nondefense | Crime | Mandatory | Total |
|---|---|---|---|---|---|
| Conference Report: | | | | | |
| Budget authority | | 2,251 | | 92 | 2,343 |
| Outlays | | 2,251 | | 92 | 2,343 |
| Senate 302(b) allocation: | | | | | |
| Budget authority | | 2,287 | | 92 | 2,379 |
| Outlays | | 2,337 | | 92 | 2,429 |
| President's request: | | | | | |
| Budget authority | | 2,386 | | 92 | 2,478 |
| Outlays | | 2,352 | | 92 | 2,444 |
| House-passed bill: | | | | | |
| Budget authority | | 2,261 | | 92 | 2,353 |
| Outlays | | 2,262 | | 92 | 2,354 |
| Senate-passed bill: | | | | | |
| Budget authority | | 2,286 | | 92 | 2,378 |
| Outlays | | 2,269 | | 92 | 2,361 |
| CONFERENCE REPORT COMPARED TO: | | | | | |
| Senate 302(b) allocation: | | | | | |
| Budget authority | | −36 | | | −36 |
| Outlays | | −86 | | | −86 |
| President's request: | | | | | |
| Budget authority | | −135 | | | −135 |
| Outlays | | −101 | | | −101 |
| House-passed bill: | | | | | |
| Budget authority | | −10 | | | −10 |
| Outlays | | −11 | | | −11 |
| Senate-passed bill: | | | | | |
| Budget authority | | −35 | | | −35 |
| Outlays | | −18 | | | −18 |

Note.—Details may not add to totals due to rounding. Totals adjusted for consistency with current scorekeeping conventions.

The PRESIDING OFFICER. The question now occurs on agreeing to the conference report. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 90, nays 10, as follows:

[Rollcall Vote No. 257 Leg.]

YEAS—90

Abraham
Akaka
Ashcroft
Baucus
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Bryan
Bumpers
Byrd
Campbell
Chafee
Cleland
Cochran
Collins
Conrad
Coverdell
Craig
D'Amato
Daschle
DeWine
Dodd
Domenici
Dorgan
Durbin
Enzi
Faircloth
Feingold
Feinstein
Ford
Frist
Glenn
Gorton
Graham
Grams
Grassley
Gregg
Hagel
Harkin
Hatch
Helms
Hollings
Hutchinson
Hutchison
Inouye
Jeffords
Johnson
Kempthorne
Kennedy
Kerrey
Kerry
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Mikulski
Moseley-Braun
Moynihan
Murkowski
Murray
Nickles
Reed
Reid
Robb
Roberts
Rockefeller
Roth
Santorum
Sarbanes
Sessions
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Torricelli
Warner
Wellstone
Wyden

NAYS—10

Allard
Brownback
Burns
Coats
Gramm
Inhofe
Kohl
Kyl
Shelby
Smith (NH)

The conference report was agreed to.

Mr. BENNETT. I move to reconsider the vote and I move to lay it on the table.

The motion to lay on the table was agreed to.

## DISTRICT OF COLUMBIA APPROPRIATIONS ACT, 1998

The Senate continued with the consideration of the bill.

AMENDMENT NO. 1250

Mr. FAIRCLOTH. Madam President, I ask unanimous consent when the Senate resumes the Wyden amendment No. 1250, there be 20 minutes equally divided remaining, and following the conclusion or yielding back of time, the amendment be agreed to, and the motion to reconsider be laid upon the table, all without further action or debate.

Mr. WYDEN. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Oregon is recognized.

Mr. WYDEN. Madam President, I do not intend to object. I have had a chance to discuss this with the majority leader who has been gracious in offering me his time on this matter.

I ask only that the further discussion of this amendment take place at a time when the majority leader could be on the floor and he and I could discuss this briefly. I believe the proposals he has made with respect to holds are constructive. This proposal goes one step further, to have public disclosure of holds.

I ask only that the majority leader, at a time convenient with his schedule, be allowed to participate in that 20-minute discussion so he and I could briefly discuss that.

With that, I have no objection.

The PRESIDING OFFICER. Is there further objection? If not, without objection, it is so ordered.

Mr. McCAIN. Madam President, I must applaud the actions of the chairman of the D.C. Appropriations Subcommittee, Senator FAIRCLOTH, for his restraint in putting together this bill.

The bill is the first step in implementing the National Capital Revitalization and Self-Government Improvement Act that Congress passed this summer. This bill provides the funding necessary to carry out that act, and includes several provisions that will ensure fiscal responsibility and adherence to the act.

In reviewing this bill, I have found only one section in the report language that causes some concern. On page 31 of the report, the following language appears:

> The Committee is aware of the need for an adult and pediatric heart transplant program at a not-for-profit academic medical center servicing this Nation's Capital. The D.C. metropolitan area is the only major metropolitan area that does not have an academic medical center with a heart transplant program. Since this not-for-profit medical center has recently enhanced its capabilities by the additional of a nationally and internationally renowned cardiovascular surgeon and a nationally known pediatric cardiologist, the Committee strongly recommends that the State health planning and development agency approve the certificate of need application for a nonprofit academic medical center in the District of Columbia that has an approved lung transplant program.

I am sure my colleagues are aware of the likely result of this type of language in an Appropriations Committee report. Although not bound to do so, I would expect that the State health planning and development agency will feel pressured to approve the application of this academic facility. Although that may not be an inappropriate decision, I continue to believe it is inappropriate for Congress to direct these types of decisions on a case-by-case basis, rather than assessing the broader requirements for health facilities in the District of Columbia. I would hope the committee would see fit to withdraw this near-directive and allow the agency to make decisions based on the criteria it has developed for all such matters.

Again, this bill is free of the types of earmarks that we have seen in virtually every other appropriations measure to come before the Senate this year.

As the last appropriations measure to come before the Senate for debate, perhaps this is a welcome sign of things to come as we turn to the appropriations conference reports.

Mr. FAIRCLOTH. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FAIRCLOTH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

### UNANIMOUS-CONSENT AGREEMENT—AMENDMENT NO. 1249

Mr. FAIRCLOTH. Mr. President, on behalf of the leader, I ask unanimous consent that debate on amendment No. 1249 begin at 12 noon on Thursday and the time between noon and 5 p.m. be equally divided in the usual form. I further ask that at 5 p.m. the amendment be laid aside until Tuesday, September 30, and a cloture vote occur on the amendment at 11 a.m. on Tuesday, September 30, with the mandatory quorum under rule XXII being waived, and the time between 10 a.m. and 11 a.m. on Tuesday be equally divided between Senators COATS and KENNEDY. I further ask that no second-degree amendments be in order to amendment No. 1249 prior to the cloture vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

### CLOTURE MOTION

Mr. FAIRCLOTH. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The bill clerk read as follows:

#### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the pending COATS amendment numbered 1249 to S. 1156:

> Senators Trent Lott, Dan Coats, Richard Shelby, Mitch McConnell, Connie Mack, Lauch Faircloth, James Inhofe, Alfonse D'Amato, Rod Grams, John Warner, Pat Roberts, Chuck Hagel, Ted Stevens, John McCain, Susan Collins, and Sam Brownback.

## MORNING BUSINESS

Mr. FAIRCLOTH. Mr. President, on behalf of the leader, I ask unanimous consent that there now be a period of morning business with Senators permitted to speak for up to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

## THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Tuesday, September 23, 1997, the Federal debt stood at $5,382,650,076,978.81. (Five trillion, three hundred eighty-two billion, six hundred fifty million, seventy-six thousand, nine hundred seventy-eight dollars and eighty-one cents)

One year ago, September 23, 1996, the Federal debt stood at $5,192,406,000,000. (Five trillion, one hundred ninety-two billion, four hundred six million)

Five years ago, September 23, 1992, the Federal debt stood at $4,042,399,000,000. (Four trillion, forty-two billion, three hundred ninety-nine million)

Ten years ago, September 23, 1987, the Federal debt stood at $2,354,292,000,000. (Two trillion, three hundred fifty-four billion, two hundred ninety-two million)

Fifteen years ago, September 23, 1982, the Federal debt stood at $1,110,216,000,000 (One trillion, one hundred ten billion, two hundred sixteen million) which reflects a debt increase of more than $4 trillion—$4,272,434,076,978.81 (Four trillion, two hundred seventy-two billion, four hundred thirty-four million, seventy-six thousand, nine hundred seventy-eight dollars and eighty-one cents) during the past 15 years.

## MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

### EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting a treaty and sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

## REPORT OF THE NOTICE RELATIVE TO THE CONTINUATION OF THE EMERGENCY WITH RESPECT TO UNITA—MESSAGE FROM THE PRESIDENT—PM 68

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs.

*To the Congress of the United States:*

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent the enclosed notice, stating that the emergency declared with respect to the National Union for the Total Independence of Angola ("UNITA") is to continue in effect beyond September 26, 1997, to the *Federal Register* for publication.

The circumstances that led to the declaration on September 26, 1993, of a national emergency have not been resolved. The actions and policies of UNITA pose a continuing unusual and extraordinary threat to the foreign policy of the United States. United Nations Security Council Resolution 864 (1993) continues to oblige all Member States to maintain sanctions. Discontinuation of the sanctions would have a prejudicial effect on the Angolan peace process. For these reasons, I have determined that it is necessary to maintain in force the broad authorities necessary to apply economic pressure to UNITA to reduce its ability to pursue its aggressive policies of territorial acquisition.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *September 24, 1997.*

## MESSAGES FROM THE HOUSE

At 12:02 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bill, with an amendment, in which it requests the concurrence of the Senate:

S. 871. An act to establish the Oklahoma City National Memorial as a unit of the National Park System; to designate the Oklahoma City Memorial Trust, and for other purposes.

The message also announced that the House has passed the following bill, with amendments, in which it requests the concurrence of the Senate:

S. 996. An act to provide for the authorization of appropriations in each fiscal year for arbitration in United States district courts.

The message further announced that the House has passed the following bill, without amendment:

S. 1000. An act to designate the United States courthouse at 500 State Avenue in Kansas City, Kansas, as the "Robert J. Dole United States Courthouse."

The message further announced that the House agrees to the amendments of the Senate to the bill (H.R. 1420) to amend the National Wildlife Refuge System Administration Act of 1966 to improve the management of the National Wildlife Refuge System, and for other purposes.

The message also announced that the House disagrees to the amendments of the Senate to the bill (H.R. 2107) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1998, and for other purposes, and agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon; and appoints Mr. REGULA, Mr. MCDADE, Mr. KOLBE, Mr. SKEEN, Mr. TAYLOR of North Carolina, Mr. NETHERCUTT, Mr. MILLER of Florida, Mr. WAMP, Mr. LIVINGSTON, Mr. YATES, Mr. MURTHA, Mr. DICKS, Mr. SKAGGS, Mr. MORAN of Virginia, and Mr. OBEY as the managers of the conference on the part of the House.

The message further announced that the House disagrees to the amendment of the Senate to the bill (H.R. 2264) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 1998, and for other purposes, and agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon; and appoints Mr. PORTER, Mr. YOUNG of Florida, Mr. BONILLA, Mr. ISTOOK, Mr. MILLER of Florida, Mr. DICKEY, Mr. WICKER, Mrs. NORTHUP, Mr. LIVINGSTON, Mr. OBEY, Mr. STOKES, Mr. HOYER, Ms. PELOSI, Mrs. LOWEY, and Ms. DELAURO as the managers of the conference on the part of the House.

The message also announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 29. An act to designate the Federal building located at 290 Broadway in New York, New York, as the "Ronald H. Brown Federal Building."

H.R. 643. An act to designate the United States courthouse to be constructed at the corner of Superior and Huron Roads, in Cleveland, Ohio, as the "Carl B. Stokes United States Courthouse."

H.R. 824. An act to redesignate the Federal building located at 717 Madison Place, N.W., in the District of Columbia, as the "Howard T. Markey National Courts Building."

H.R. 994. An act to designate the United States border station located in Pharr, Texas, as the "Kika de la Garza United States Border Station."

H.R. 1460. An act to allow for election of the Delegate from Guam by other than separate ballot, and for other purposes.

H.R. 1683. An act to clarify the standards for State sex offender registration programs under the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act.

H.R. 1948. An act to provide for the exchange of lands within Admiralty Island National Monument, and for other purposes.

H.R. 2027. An act to provide for the revision of the requirements for a Canadian border boat landing permit pursuant to section 235 of the Immigration and Nationality Act, and to require the Attorney General to report to the Congress on the impact on such revision.

H.R. 2343. An act to abolish the Thrift Depositor Protection Oversight Board, and for other purposes.

H.R. 2414. An act to provide for a 10-year circulating commemorative coin program to commemorate each of the 50 States, and for other purposes.

### ENROLLED BILL SIGNED

The message further announced that the Speaker has signed the following enrolled bill:

H.R. 680. An act to amend the Federal Property and Administrative Services Act of 1949 to authorize the transfer of surplus personal property to States for donation to nonprofit providers of necessaries to impoverished families and individuals, and to authorize the transfer of surplus real property to States, political subdivisions and instrumentalities of States, and nonprofit organizations for providing housing or housing assistance for low-income individuals or families.

The enrolled bill was signed subsequently by the President pro tempore [Mr. THURMOND].

At 2:07 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 2209) making appropriations for the Legislative Branch for the fiscal year ending September 30, 1998, and for other purposes.

At 5:48 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House disagrees to the amendment of the Senate to the bill (H.R. 2378) making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1998, and for other purposes, and agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon; and appoints the following Members as the managers of the conference on the part of the House:

For consideration of the House bill, and the Senate amendment, and modification committed to conference: Mr. KOLBE, Mr. WOLFE, Mr. LIVINGSTON, Mr. HOYER, and Mr. OBEY.

As additional conferees solely for consideration of titles I through IV of the House bill, and titles I through IV of the Senate amendment, and modifications committed to conference: Mr. ISTOOK, Mrs. NORTHUP, and Mrs. MEEK of Florida.

### ENROLLED BILL SIGNED

The message also announced that the Speaker has signed the following enrolled bill:

H.R. 111. An act to provide for the conveyance of a parcel of unused agricultural land in Dos Palos, California, to the Dos Palos Ag boosters for use as a farm school.

The enrolled bill was signed subsequently by the President pro tempore [Mr. THURMOND].

## MEASURES REFERRED

The following bills were read the first and second times by unanimous consent and referred as indicated:

H.R. 29. An act to designate the Federal building located at 290 Broadway in New York, NY, as the "Ronald H. Brown Federal Building"; to the Committee on Environment and Public Works.

H.R. 643. An act to designate the U.S. courthouse to be constructed at the corner of Superior and Huron Roads, in Cleveland, OH, as the "Carl B. Stokes United States Courthouse"; to the Committee on Environment and Public Works.

H.R. 824. An act to redesignate the Federal building located at 717 Madison Place NW., in the District of Columbia, as the "Howard T. Markey National Courts Building"; to the Committee on Environment and Public Works.

H.R. 994. An act to designate the U.S. border station located in Pharr, TX, as the "Kika de la Garza United States Border Station"; to the Committee on Environment and Public Works.

H.R. 1460. An act to allow for election of the Delegate from Guam by other than separate ballot, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 1683. An act to clarify the standards for State sex offender registration programs under the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act; to the Committee on the Judiciary.

H.R. 2027. An act to provide for the revision of the requirements for a Canadian border boat landing permit pursuant to section 235 of the Immigration and Nationality Act, and to require the Attorney General to report to the Congress on the impact on such revision; to the Committee on the Judiciary.

H.R. 2343. An act to abolish the Thrift Depositor Protection Oversight Board, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

H.R. 2414. An act to provide for a 10-year circulating commemorative coin program to commemorate each of the 50 States, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

## MEASURE PLACED ON THE CALENDAR

The following measure was read the first and second times by unanimous consent and placed on the calendar:

H.R. 1948. An act to provide for the exchange of lands within Admiralty Island National Monument, and for other purposes.

## EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–3026. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, five rules received on August 25, 1997; to the Committee on Commerce, Science, and Transportation.

EC–3027. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, eighteen rules received on August 28, 1997; to the Committee on Commerce, Science, and Transportation.

EC–3028. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, twelve rules received on September 4, 1997; to the Committee on Commerce, Science, and Transportation.

EC–3029. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, five rules received on September 8, 1997; to the Committee on Commerce, Science, and Transportation.

EC–3030. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, thirteen rules received on September 11, 1997; to the Committee on Commerce, Science, and Transportation.

EC–3031. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, twelve rules received on September 15, 1997; to the Committee on Commerce, Science, and Transportation.

EC–3032. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, three rules received on September 18, 1997; to the Committee on Commerce, Science, and Transportation.

EC–3033. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, ten rules received on September 23, 1997; to the Committee on Commerce, Science, and Transportation.

EC–3034. A communication from the Secretary of Defense, transmitting, pursuant to law, a notice regarding encryption policies; to the Committee on Commerce, Science, and Transportation.

EC–3035. A communication from the Secretary of the Federal Trade Commission, transmitting, pursuant to law, a rule concerning disclosures regarding energy consumption; to the Committee on Commerce, Science, and Transportation.

EC–3036. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report relative to the National Transportation Safety Board for calendar year 1996; to the Committee on Commerce, Science, and Transportation.

EC–3037. A communication from the Secretary of Transportation, transmitting, a draft of proposed legislation entitled "The Motor Carrier Safety Act of 1997"; to the Committee on Commerce, Science, and Transportation.

EC–3038. A communication from the Chairman of the Surface Transportation Board, transmitting, pursuant to law, a rule received on September 8, 1997; to the Committee on Commerce, Science, and Transportation.

EC–3039. A communication from the Chairman of the Surface Transportation Board, transmitting, pursuant to law, a rule received on September 10, 1997; to the Committee on Commerce, Science, and Transportation.

## REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. ROTH, from the Committee on Finance, without amendment:

S. 1216. An original bill to approve and implement the OECD Shipbuilding Trade Agreement (Rept. No. 105–84).

By Mr. McCAIN, from the Committee on Commerce, Science, and Transportation, with amendments:

S. 738. A bill to reform the statutes relating to Amtrak, to authorize appropriations for Amtrak, and for other purposes (Rept. No. 105–85).

By Mr. JEFFORDS, from the Committee on Labor and Human Resources, with an amendment in the nature of a substitute:

S. 1020. A bill to amend the National Foundation on the Arts and Humanities Act of 1965 and the Art and Artifacts Indemnity Act to improve and extend the Acts, and for other purposes (Rept. No. 105–86).

By Mr. CHAFEE, from the Committee on Environment and Public Works, without amendment:

H.R. 2443. A bill to designate the Federal building located at 601 Fourth Street, N.W., in the District of Columbia, as the "Federal Bureau of Investigation, Washington Field Office Memorial Building", in honor of William H. Christian, Jr., Martha Dixon Martinez, Michael J. Miller, Anthony Palmisano, and Edwin R. Woodriffe.

By Mr. HELMS, from the Committee on Foreign Relations, without amendment and with a preamble:

H. Con. Res. 99. A concurrent resolution expressing concern over recent events in the Republic of Sierra Leone in the wake of the recent military coup d'etat of that country's first democratically elected president.

By Mr. HELMS, from the Committee on Foreign Relations, without amendment and with a preamble:

S. Res. 123. An original resolution honoring the memory of former Peace Corps Director Loret Miller Ruppe.

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

S. 1015. A bill to provide for the exchange of lands within Admiralty Island National Monument, and for other purposes.

By Mr. HELMS, from the Committee on Foreign Relations, without amendment:

S. 1211. An original bill to provide permanent authority for the administration of au pair programs.

By Mr. HELMS, from the Committee on Foreign Relations, without amendment and with a preamble:

S. Con. Res. 51. A concurrent resolution expressing the sense of Congress regarding elections for the legislature of the Hong Kong Special Administrative Region.

## EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees are submitted:

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources:

John C. Angell, of Maryland, to be an Assistant Secretary of Energy (Congressional and Intergovernmental Affairs).

Mary Anne Sullivan, of the District of Columbia, to be General Counsel of the Department of Energy.

Ernest J. Moniz, of Massachusetts, to be Under Secretary of Energy.

Michael Telson, of the District of Columbia, to be Chief Financial Officer, Department of Energy

Dan Reicher, of Maryland, to be an Assistant Secretary of Energy (Energy, Efficiency, and Renewable Energy).

Robert Wayne Gee, of Texas, to be an Assistant Secretary of Energy (Policy, Planning, and Program Evaluation).

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

Mr. JEFFORDS. Mr. President, for the Committee on Labor and Human Resources, I report favorably two nomination lists in the Public Health Service which were printed in full in the CONGRESSIONAL RECORD of September 4 and 12, 1997, and ask unanimous consent, to save the cost of reprinting on the Executive Calendar, that this nominations lie at the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The nominations ordered to lie on the Secretary's desk were printed in the RECORDS of September 4 and 12, 1997, at the end of the Senate proceedings.)

The following candidates for personnel action in the regular component of the Public Health Service Commissioned Corps subject to qualifications therefor as provided by law and regulations:

1. FOR APPOINTMENT:

*To be assistant surgeon*

Jennifer L. Betts
Matthew A. Clark
Gretchen M. Esplund
Philip T. Farabough
Laurie E. Olnes
Susannah Q. Olnes
Melissa A. Sipe
Joanette A. Sorkin
Rebecca J. Werner

The following candidates for personnel action in the regular component of the Public Health Service Commissioned Corps subject to qualifications therfor as provided by law and regulations:

1. FOR APPOINTMENT:

*To be medical director*

William E. Halperin

*To be senior surgeon*

Diane L. Rowley

*To be surgeon*

Jay C. Butler
Robert H. Johnson

*To be senior assistant surgeon*

Joseph M. Chen
Susan A. Lippold
Carlos M. Rivera
Thomas J. Vangilder
Steven S. Wolf
Priscilla L. Young
Stephanie Zaza

*To be dental surgeon*

Richard M. Davidson

*To be senior assistant dental surgeon*

Glen A. Eisenhuth
Mark S. Elliott
Clay D. Henning
Steven A. Johnson
Michael J. Mindiola
Donald L. Ross
James H. Tennyson

*To be nurse director*

Susan P. Hubbard

*To be senior nurse officer*

Elizabeth J. McCarthy

*To be nurse officer*

Veronica G. Stephens

*To be senior surgeon nurse officer*

Brian P. Asay
Amy V. Buckanaga
Deborah K. Burkybile
Thomas L. Doss
Deann M. Eastman-Jansen
Edwin M. Galan
Louis J. Glass
Nelson Hernandez
Richard G. Hills
Leonard L. Howell
Lenora B. Jones
Joan F. Kelley
Eric A. Lasure
Patricaia A. Lawrence
Lucienne D. Nelson
Susan M. Nord
Martha T. Olone
Judy L. Pearce
Juliana M. Sadovich
Carmelita Sorrelman
Mary T. Vanieuven
Daniel J. Weskamp
Vernon L. Wilkie

*To be Assistant Nurse Officer*

Karen E. Bikowicz
Guadalupe R. Demske
Robert T. Edwards
William C. Guinn
Michael J. Lackey
Richard N. Leland
Mark J. Martineau
Edward A. Sexton

*To be engineer director*

Richard R. Truitt

*To be senior assistant engineer officer*

David M. Apanian
Charles S. Hayden, II
Lee C. Jackson
John W. Longstaff
Kathy M. Poneleit
Stephen P. Rhodes
Carol L. Rogers
Hung Trinh
Richard S. Wermers
Andrew J. Zajac

*To be assistant engineer officer*

Michael S. Coene
Paul J. Ritz

*To be scientist*

Susan M. Caviness

*To be senior assistant scientist*

Drue H. Barrett
Roy A. Blay
Ann M. Malarcher
Robert L. Williams

*To be sanitarian*

Edwin J. Fluette

*To be senior assistant sanitarian*

Clint R. Chamberlin
Jeffrey A. Church
Nancy J. Collins
Eric J. Esswein
Wendy L. Fanaselle
Michael G. Halko
Diana M. Kuklinski
Joseph D. Little
Gina L. Locklear
Joe L. Maloney
Michael A. Noska
David E. Robbins
Sarath B. Seneviratne
Daniel C. Strausbaugh
Jessilynn B. Taylor
Timothy Walker

*To be veterinary officer*

William S. Stokes

*To be senior assistant pharmacist*

Lisa A. Cohn
Alison R. Dion
Cindy P. Dougherty
Thomas P. Gammarano
Robert W. Griffith
Jill D. Mayes
Paul J. Na
Cheryl A. Namtvedt
William A. Russell, Jr.
Donna A. Shriner
Pamela J. West
Rochelle B. Young

*To be assistant pharmacist*

Christopher A. Bina

*To be senior assistant dietitian*

Jo Ann A. Holland
Marilyn A. Welschenbach

*To be senior assistant therapist*

Cindy R. Melanson

*To be assistant therapist*

Michelle Y. Jordan
Jean E. Marzen

*To be health services officer*

Eugene A. Migliaccio

*To be senior assistant health services officer*

Debora S. Descombes
Michael J. Flood
Donald H. Gabbert
Denis L. Goudelock
Jane Martin
Doreen M. Melling
David J. Miller
Peggy J. Roys
William Tool

*To be assistant health services officer*

James A. Gregory
Trinh K. Nguyen

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

By Mr. HELMS, from the Committee on Foreign Relations:

Robin Lynn Raphel, of Washington, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Tunisia.

Johnny Young, of Maryland, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the State of Bahrain.

Susan E. Rice, of the District of Columbia, to be an Assistant Secretary of State.

Nancy Dorn, of the District of Columbia, to be Member of the Board of Directors of the Inter-American Foundation for a term expiring June 26, 2002.

Peter L. Scher, of the District of Columbia, for the rank of Ambassador during his tenure of service as Special Trade Negotiator.

Harold C. Pachios, of Maine, to be a Member of the United States Advisory Commission on Public Diplomacy for a term expiring July 1, 1999.

Paula Dobriansky, of Maryland, to be a Member of the United States Advisory Commission of Public Diplomacy for a term expiring July 1, 1998.

R. Nicholas Burns, of Virginia, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Greece.

Nominee: R. Nicholas Burns.

Post: Greece.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, amount, date, donee:

1. Self, R. Nicholas Burns, None.

2. Spouse, Elizabeth Allen Baylies, None.

3. Children and Spouses Names: Sarah; Elizabeth; Caroline, None.

4. Parents Names: Robert P. & Esther A. Burns—$25—1996—Newt Gingrich.

$100—1994—Romney for Senate in Massachusetts.

5. Grandparents Names: James & Delia Burns, deceased.

Richard & Helen Toomey, deceased.

6. Brothers and Spouses Names: Christopher & Nayla Burns, None; Jeffrey & Denise Burns, None.

7. Sisters and Spouses Names: Roberta Esther & Richard Hutchins, None; Stanton & Gigi Burns, None.

Barbara K. Bodine, of California, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Yemen.

Nominee: Barbara K. Bodine.

Post: The Republic of Yemen.

The following is a list of all members of my immediate family and their spouses. I have been able to ask only my father to inform me of the pertinent contributions made by him. To the best of my knowledge, the information contained in this report is complete and accurate.

| Contributions | Amount | Date | Donee |
|---|---|---|---|
| 1. Self | None | n/a | n/a |
| 2. Spouse—none | n/a | n/a | n/a |
| 3. Children None, spouses none. | n/a | n/a | n/a |
| 4. Father: Robert J. Bodine | Low $100's each time. | Over several years. | Sen. Ashcroft<br>Sen. Bond<br>Sen. Mack<br>Cong. Goss |

Mother: Barbara Bode Bodine Red (NFI), Have not had any contact since Sept. 1982, Doubt any contributions of any note.

Step-mother: Joann Bodine—Have never met or spoken with my step-mother. Have no idea what donations/contributions she may have made.

Step-father: Alan (NFI)—Met once in summer '82. Do not recall surname; do not know address; do not know politics.

5. Grandparents: all deceased except maternal grandfather's fourth wife/widow. Does not make political contributions.

6. Half-brother: Jonathan B. Red (wife: Deborah Brockley), No contact since July, 1982.

7. Half-sister: Carol Bodine (married; husband's name unknown), No contact ever.

Half-sister: Gail Bodine (married; husband's name unknown), No contact ever.

Brian Dean Curran, of Florida, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Mozambique.

Nominee: Brian Dean Curran.

Post: Maputo, Mozambique.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, amount, date, donee:

1. Self.
2. Spouse.
3. Children and Spouses Names.
4. Parents Names.
5. Grandparents Names.
6. Brothers and Spouses Names: Mr./Mrs. David Curran, $100, 1994, Harms for Congress.
7. Sisters and Spouses Names: Janice Curran, none.

[Brian Dean Curran, Post: Maputo, Mozambique]

| Contributions | Amount | Date | Donee |
|---|---|---|---|
| 1. Self | $50 | 3/3/92 | Clinton for President. |
| | 50 | 3/20/93 | Democratic National Committee. |
| | 50 | 8/8/93 | Democratic National Committee. |

[Brian Dean Curran, Post: Maputo, Mozambique]

| Contributions | Amount | Date | Donee |
|---|---|---|---|
| | 50 | 7/12/94 | Citizens for Sarbanes. |
| | 50 | 10/9/94 | Friends of Tom Andrews. |
| | 13 | 3/20/93 | Human Rights Campaign Fund. |
| | 155 | 9/29/94 | Human Rights Campaign Fund. |
| | 175 | 11/95 | Human Rights Campaign Fund. |
| | 50 | 10/96 | Democratic National Committee. |

5. Grandparents (all deceased) Wadsworth Harris Williams, none; Leila Williams, none; Winnefred Curran, none; Coleman Curran, none.

Corinne Claiborne Boggs, of Louisiana, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Holy See.

NOMINEE: Corinne Claiborne Boggs.

POST: Ambassador to the Holy See.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, amount, date, donee.

1. Self: Corinne Claiborne Boggs.

2. Spouse: Thomas Hale Boggs (Deceased 1972).

3. Children and Spouses: Barbara Boggs Sigmund (Deceased 1990).

Thomas Hale Boggs Jr. m. Barbara Denechaud.

Corinne Boggs m. Steven V. Roberts. None.

4. Parents: Corinne Morrison (Deceased 1978), Roland Claiborne (Deceased 1918).

5. Grandparents: Rose Claiborne (Deceased 1935) m. Louis Claiborne (Deceased 1934), Eustatia Morrison (Deceased 1895) m. Edward S. Morrison (Deceased 1923).

6. Brothers and Spouses: None.

7. Sisters and Spouses: None.

LINDY BOGG'S FEDERAL CAMPAIGN CONTRIBUTIONS (JANUARY 1, 1993—PRESENT)

| Date | Amount | Political organization | Name |
|---|---|---|---|
| Oct. 30, 1993 | $250.00 | Democratic Senatorial Campaign Committee | |
| Nov. 14, 1993 | 250.00 | Catherine Baker Knoll | Catherine Baker Knoll. |
| May 28, 1994 | 250.00 | Tom Foley | Tom Foley. |
| May 28, 1994 | 250.00 | Jolene Unsoeld | Jolene Unsoeld. |
| July 27, 1994 | 1,000.00 | Robb for the Senate | Charles Robb. |
| Aug. 5, 1994 | 250.00 | Friends of Patrick Kennedy | Patrick Kennedy. |
| Aug. 23, 1994 | 200.00 | D.C.C.C | |
| Oct. 9, 1994 | 250.00 | Friends of Jim Cooper | Jim Cooper. |
| Oct. 22, 1994 | 500.00 | Ted Kennedy | Ted Kennedy. |
| Oct. 24, 1994 | 250.00 | Kathleen Townsend | Kathleen Townsend. |
| Oct. 24, 1994 | 100.00 | Democratic National Committee | |
| Oct. 24, 1994 | 250.00 | Diane Feinstein | Diane Feinstein. |
| Nov. 1, 1994 | 1,000.00 | Democratic Leadership Council | |
| Jan. 30, 1995 | 500.00 | Carol Moseley Braun for US Senate | Carol Moseley Braun. |
| Feb. 21, 1995 | 250.00 | Feinstein for Senate '94 | Diane Feinstein. |
| Dec. 29, 1995 | 250.00 | President Clinton Dinner (D.N.C.) | |
| Dec. 31, 1995 | 240.00 | Jim Chapman | Jim Chapman. |
| Dec. 31, 1995 | 500.00 | Carol Moseley Braun for US Senate | Carol Moseley Braun. |
| Mar. 26, 1996 | 25.00 | Joe Biden | Joe Biden. |
| Mar. 31, 1996 | 500.00 | Mary Landrieu | Mary Landrieu. |
| May 6, 1996 | 500.00 | Mary Landrieu | Mary Landrieu. |
| May 16, 1996 | 250.00 | Barbara Kennelly | Barbara Kennelly. |
| May 28, 1996 | 250.00 | D.C.C.C. of LA Federal | |
| June 6, 1996 | 200.00 | D.C.C.C. | |
| Sept. 2, 1996 | 150.00 | LA Democratic Victory Fund | |
| Feb. 16, 1997 | 200.00 | D.C.C.C. | |

THOMAS HALE BOGGS, JR.'S FEDERAL CAMPAIGN CONTRIBUTIONS (JANUARY 1, 1993–PRESENT)

| Date | Amount | Political organization | Name |
|---|---|---|---|
| | | 1993 | |
| Jan. 4, 1993 | $500.00 | Wilson for Chairman | John Wilson. |
| Feb. 2, 1993 | 1,000.00 | Ed Markey for Congress Committee | Ed Markey. |
| Feb. 3, 1993 | 250.00 | Friends of Paul McHale | Paul McHale. |
| Feb. 23, 1993 | 100.00 | Epsy for Congress | Mike Epsy. |
| Mar. 9, 1993 | 250.00 | Portman for Congress | Rob Portman. |
| Mar. 16, 1993 | 1,000.00 | Bob Krueger Campaign | Bob Krueger. |
| Mar. 23, 1993 | 200.00 | Simon for Senate | Paul Simon. |
| Mar. 24, 1993 | 1,000.00 | The Jefferson Committee | William Jefferson. |
| Mar. 30, 1993 | 1,000.00 | Citizens for Biden | Joseph Biden. |
| Mar. 30, 1993 | 500.00 | Thornton for Congress | Ray Thornton. |
| Apr. 20, 1993 | 1,000.00 | Murtha for Re-Election committee | John Murtha. |
| Apr. 28, 1993 | 500.00 | Bliley for Congress Committee | Thomas Bliley. |
| Apr. 28, 1993 | 500.00 | Jimmie Hayes for Congress | Jimmie Hayes. |
| May 14, 1993 | 1,000.00 | DeConcini '94 Committee | Dennis DeConcini. |
| June 14, 1993 | 1,000.00 | Committee to Re-elect Jack Brooks | Jack Brooks. |
| June 16, 1993 | 500.00 | The Lautenberg Committee | Frank Lautenberg. |
| June 29, 1993 | 500.00 | Wheat for Congress | Alan Wheat. |
| June 29, 1993 | 500.00 | Kerrey for US Senate | Bob Kerrey. |
| July 20, 1993 | 1,000.00 | Joseph M. McDade Legal Defense Fund | Joseph M. McDade. |
| Sep. 22, 1993 | 250.00 | Paul Simon for Senate | Paul Simon. |
| Sep. 28, 1993 | 500.00 | Friends of Neal Smith | Neal Smith. |
| Sep. 29, 1993 | 500.00 | English for Congress Committee | Glenn English. |
| Oct. 13, 1993 | 500.00 | Coloradans for David Skaggs | David Skaggs. |
| Oct. 14, 1993 | 310.51 | Lieberman '94 Committee (in-kind) | Joseph Lieberman. |
| Oct. 27, 1993 | 250.00 | Friends of Alan Wheat | Alan Wheat. |
| Oct. 27, 1993 | 1,000.00 | Daniel K. Inouye in 98 | Daniel K. Inouye. |
| Nov. 9, 1993 | 500.00 | Citizens for David Mann | David Mann. |
| Nov. 10, 1993 | 500.00 | Lynn Schenk for Congress Committee | Lynn Schenk. |
| Nov. 18, 1993 | 500.00 | Citizens Committee for Ernest F. Hollings (aka the Citizens Committee) | Ernest Hollings. |
| Dec. 2, 1993 | 250.00 | Sanford Bishop for Congress | Sanford Bishop. |
| Dec. 3, 1993 | 689.49 | Lieberman '94 Committee | Joseph Lieberman. |
| Dec. 8, 1993 | 1,000.00 | Jim Cooper for Congress Committee | Jim Cooper. |
| Dec. 9, 1993 | 1,000.00 | The Lautenberg Committee/$500-Prim-500-Gen | Frank Lautenberg. |
| Dec. 16, 1993 | 500.00 | Ed Markey for Congress | Ed Markey. |
| Dec. 16, 1993 | 500.00 | Hoyer for Congress Committee | Steny Hoyer. |
| | | 1994 | |
| Jan. 13, 1994 | 500.00 | Hoyer for Congress | Steny Hoyer. |
| Jan. 25, 1994 | 1,000.00 | Committee for Sam Gibbons | Sam Gibbons. |
| Jan. 26, 1994 | 11.60 | The Lautenberg Committee (in-kind postage) | Frank Lautenberg. |
| Jan. 31, 1994 | 600.00 | Mitchell for Senate Committee | George J. Mitchell. |
| Mar. 14, 1994 | 500.00 | Moynihan Campaign | Daniel Moynihan. |
| Mar. 23, 1994 | 500.00 | Hoyer for Congress Committee | Steny H. Hoyer. |
| Mar. 23, 1994 | 500.00 | Hoagland for Congress Committee | Peter Hoagland. |
| Apr. 26, 1994 | 500.00 | Friends of Congressman George Miller | George Miller. |

### THOMAS HALE BOGGS, JR.'S FEDERAL CAMPAIGN CONTRIBUTIONS (JANUARY 1, 1993–PRESENT)—Continued

| Date | Amount | Political organization | Name |
|---|---|---|---|
| May 10, 1994 | 1,000.00 | Laughlin for Congress | Greg Laughlin. |
| May 10, 1994 | 500.00 | Committee for Congressman Charlie Rose | Charlie Rose. |
| May 17, 1994 | 350.00 | Lancaster for Congress Committee | H. Martin Lancaster. |
| May 17, 1994 | 1,000.00 | Robb for Senate Committee | Charles Robb. |
| May 18, 1994 | 100.00 | Friends of Lem Chester | Lem Chester. |
| June 27, 1994 | 500.00 | Friends of Patrick J. Kennedy for Congress | Patrick J. Kennedy. |
| July 7, 1994 | 250.00 | Peter Deutsch for Congress | Peter Deutsch. |
| Aug. 11, 1994 | 500.00 | Bill Wheeler for Congress | Bill Wheeler. |
| Sep. 20, 1994 | 50.00 | Friends of Mark Takano for Congress | Mark Takano. |
| Sep. 26, 1994 | 1,000.00 | Johnston Senate Committee | Bennet Johnston. |
| Nov. 30, 1994 | 1,000.00 | Citizens for Harkin | Tom Harkin. |
| | | 1995 | |
| Jan. 24, 1995 | 500.00 | Friends of Senator Rockefeller | John D. Rockefeller. |
| Feb. 15, 1995 | 1,000.00 | Nadler for Congress | Jerrold Nadler. |
| Feb. 28, 1995 | 1,000.00 | Re-elect Senator Mark Hatfield | Mark O. Hatfield. |
| Feb. 28, 1995 | 1,000.00 | Dole for President | Bob Dole. |
| Mar. 2, 1995 | 1,000.00 | Friends of John Warner | John Warner. |
| Mar. 7, 1995 | 1,000.00 | John D. Dingell for Congress Committee | John D. Dingell. |
| Mar. 8, 1995 | 500.00 | Foglietta for Congress | Thomas M. Foglietta. |
| Mar. 8, 1995 | 500.00 | Ackerman for Congress | Gary L. Ackerman. |
| Mar. 21, 1995 | 500.00 | Louise Slaughter Re-election Committee | Louise Slaughter. |
| Mar. 28, 1995 | 500.00 | Billy Tauzin Committee | W.J. (Billy) Tauzin. |
| Mar. 28, 1995 | 500.00 | Ed Markey for Congress | Ed Markey. |
| Mar. 29, 1995 | 1,000.00 | Arlen Specter '96 | Arlen Specter. |
| Apr. 4, 1995 | 500.00 | Martin Frost Campaign | Martin Frost. |
| Apr. 5, 1995 | 500.00 | Greg Laughlin Campaign | Greg Laughlin. |
| Apr. 27, 1995 | 500.00 | Friends of Chriss Dodd | Christopher J. Dodd. |
| May 2, 1995 | 1,000.00 | The Kerry Committee | John F. Kerry. |
| May 31, 1995 | 1,000.00 | Robb for Senate | Charles S. Robb. |
| June 13, 1995 | 250.00 | Fazio for Congress | Vic Fazio. |
| June 19, 1995 | 300.00 | Citizens Committee for Ernest Hollings | Ernest Hollings. |
| June 27, 1995 | 1,000.00 | Matsui for Congress | Robert T. Matsui. |
| June 28, 1995 | 1,000.00 | Friends of Joe Curran | Joe Curran. |
| June 29, 1995 | 500.00 | Citizens for John Kasich | John Kasich. |
| June 29, 1995 | 500.00 | Danner for Congress | Pat Danner. |
| July 15, 1995 | 1,000.00 | Robb for Senate | Charles Robb. |
| July 18, 1995 | 1,000.00 | Dick Molpus Campaign | Dick Molpus. |
| July 25, 1995 | 802.93 | Richard Shelby Luncheon | Richard Shelby. |
| July 26, 1995 | 1,000.00 | Friends of Barbara Boxer | Barbara Boxer. |
| Sep. 12, 1995 | 1,000.00 | Clinton/Gore '96 | Clinton/Gore. |
| Sep. 27, 1995 | 500.00 | Riggs for Congress | Frank Riggs. |
| Sep. 28, 1995 | 1,000.00 | Jesse Jackson Jr. for Congress | Jesse Jackson jr. |
| Oct. 2, 1995 | 1,000.00 | The Freedom Project | Boehner Multi-Candidate PAC. |
| Oct. 10, 1995 | 500.00 | Jesse Jackson Jr. for Congress | Jess Jackson Jr. |
| Oct. 20, 1995 | 700.00 | Citizens Committee for Ernest Hollings $500-Gen. $200-Prim | Ernest Hollings. |
| Oct. 24, 1995 | 500.00 | Glen D. Johnson | Glen D. Johnson. |
| Nov. 1, 1995 | 1,000.00 | Citizens for Jim Hunt | Jim Hunt. |
| Nov. 9, 1995 | 500.00 | Duncan for Congress | John J. Duncan, Jr. |
| Nov. 16, 1995 | 1,000.00 | Wyden for Senate | Ron Wyden. |
| Nov. 16, 1995 | 1,000.00 | The Kerry Committee | John Kerry. |
| Dec. 1, 1995 | 446.00 | Nebraskans for Nelson | |
| Dec. 14, 1995 | 500.00 | The Evan Bayh Committee | Evan Bayh. |
| | | 1996 | |
| Jan. 31, 1996 | 1,000.00 | Friends of Dick Durbin | Dick Durbin. |
| Feb. 6, 1995 | 1,000.00 | Braun for US Senate | Carol Moseley-Braum. |
| Mar. 13, 1996 | 72.00 | Coyne for Congress (in kind to La Brasserie) | William Coyne. |
| Mar. 20, 1996 | 1,000.00 | Matsui for Congress Committee | Robert Matsui. |
| Mar. 28, 1996 | 129.75 | Weiland for Congress (in kind to W. Millar & Co.) | Rick Weiland. |
| Apr. 17, 1996 | 154.00 | Bryant for Congress (in kind to Le Bon) | John Bryant. |
| June 29, 1996 | 1,000.00 | Gephardt's in Congress Committee | Richard Gephardt. |
| July 17, 1996 | 1,000.00 | Citizens Committee for Ernest F. Hollings | Ernest Hollings. |
| Sep. 4, 1996 | 1,500.00 | DNC Services Corporation/Democratic National Committee | |
| Oct. 18, 1996 | (500.00) | Citizens Committee for Ernest F. Hollings | Ernest F. Hollings. |
| Oct. 18, 1996 | 562.74 | Bedford for US Senate (in kind to Giant Food) | Roger Bedford. |
| Oct. 18, 1996 | 533.11 | Tom Bruggere for US Senate (in kind to Giant Food) | Tom Bruggere. |
| Nov. 1, 1996 | (600.00) | Johnston Senate Committee | Bennett Johnston. |
| Nov. 1, 1996 | 600.00 | Jeff Coopersmith for Congress | Jeff Coopersmith. |
| Nov. 1, 1996 | 1,000.00 | Congressman Bart Gordon Committee | Bart Gordon |
| Dec. 30, 1996 | 1,000.00 | Leahy for U.S. Senator | Patrick Leahy. |
| | | 1997 | |
| Jan. 14, 1997 | 400.00 | DCCC | DCCC. |
| Feb. 11, 1997 | 1,000.00 | Carol Mosely-Braun for US Senate | Carol Moseley-Braun. |
| Feb. 27, 1997 | 1,000.00 | Shelby for Senate | Richard Shelby. |
| Feb. 27, 1997 | 5,000.00 | DCCC | |
| Mar. 6, 1997 | 500.00 | Alaskans for Don Young | Don Young. |
| Mar. 10, 1997 | 1,000.00 | Friends of Kent Conrad | Kent Conrad. |
| Mar. 17, 1997 | 500.00 | Friends of George Miller | George Miller. |
| Mar. 18, 1997 | 500.00 | Frank Riggs for Congress | Frank Riggs. |
| Mar. 19, 1997 | 1,00.00 | Friends of Barbara Boxer | Barbara Boxer. |
| Apr. 9, 1997 | 1,000.00 | Gephardt in Congress Committee | Richard Gephardt. |
| Apr. 14, 1997 | 1,000.00 | Murtha for Congress Committee | John Murtha. |
| May 7, 1997 | 1,000.00 | Friends of Byron Dorgan | Byron Dorgan. |
| May 20, 1997 | 1,000.00 | Hagle for Nebraska | Chuck Hagle. |
| June 4, 1997 | 500.00 | Markey for Congress Committee | Ed Markey. |
| June 10, 1997 | 500.00 | Pelosi for Congress | Nancy Pelosi. |
| June 10, 1997 | 250.00 | Friends of Rosa DeLauro | Rose DeLauro. |
| June 10, 1997 | 250.00 | Stenholm for Congress Committee | Charles Stenholm. |
| June 12, 1997 | 500.00 | Luther for Congress | |
| June 24, 1997 | 500.00 | Martin Frost Campaign | Martin Frost. |

### BARBARA DENECHAUD BOGGS'S FEDERAL CAMPAIGN CONTRIBUTION (JANUARY 1, 1994—PRESENT)

| Date | Amount | Political organization | Name |
|---|---|---|---|
| | | 1994 | |
| April 18, 1994 | $1,000.00 | Kerrey for U.S. Senate Committee | Bob Kerrey. |
| April 28, 1994 | 1,000.00 | Citizens for Senator Wofford | Harris Wofford. |
| May 13, 1994 | 1,000.00 | Laughlin for Congress | Greg Laughlin. |
| May 18, 1994 | 1,000.00 | Murtha for Congress Committee | John Murtha. |
| June 14, 1994 | 1,000.00 | Committee to Re-elect Jack Brooks | Jack Brooks. |
| June 21, 1994 | 1,000.00 | Friends of Robert C. Byrd Committee | Robert C. Byrd. |
| June 28, 1994 | 500.00 | Committee to Re-elect Tom Foley | Tom Foley. |
| June 29, 1994 | 1,000.00 | Markey for Congress Committee | Ed Markey. |

BARBARA DENECHAUD BOGGS'S FEDERAL CAMPAIGN CONTRIBUTION (JANUARY 1, 1994—PRESENT)—Continued

| Date | Amount | Political organization | Name |
|---|---|---|---|
| July 25, 1994 | 1,000.00 | Friends of Jim Sasser | Jim Sasser. |
| September 29, 1994 | 500.00 | Friends of Sherrod Brown | Sherrod Brown. |
| September 29, 1994 | 1,000.00 | Oberly Senate Committee | |
| September 30, 1994 | 250.00 | Thurman for Congress | Karen Thurman. |
| October 6, 1994 | 500.00 | New Mexicans for Bill Richardson | Bill Richardson. |
| October 7, 1994 | 1,000.00 | Effective Government Committee | |
| October 7, 1994 | 500.00 | Lancaster for Congress Committee | |
| October 7, 1994 | 1,000.00 | Friends of Jerry Kleczka | Jerry Kleczka. |
| October 13, 1994 | 1,000.00 | Akaka in 94 | Daniel Akaka. |
| November 15, 1994 | (380) | DeConcini '94 Committee | Dennis DeConcini. |
| | | 1995. | |
| March 31, 1995 | 500.00 | Friends of Jane Harman | Jane Harman. |
| April 10, 1995 | 500.00 | Laughlin for Congress | Greg Laughlin. |
| December 6, 1995 | 500.00 | Friends of Rosa DeLauro | Rosa DeLauro. |
| | | 1996 | |
| March 4, 1996 | 1,000.00 | Friends of Jerry Kleczka | Jerry Kleczka. |
| April 18, 1996 | 1,000.00 | Bonior for Congress | Daniel Bonior. |
| October 24, 1996 | 500.00 | Friends of Senator Rockefeller | Rockefeller. |
| April 29, 1996 | 1,000.00 | Gephardt in Congress Committee | Richard Gephardt. |
| May 1, 1996 | 250.00 | Susan B. Anthony List Pac, Inc. | |
| May 23, 1996 | 1,000.00 | Murtha for Congress Committee | John Murtha. |
| May 20, 1996 | 250.00 | People for Weiland | |
| May 29, 1996 | 500.00 | Peter Deutsch for Congress | Peter Deutsch. |
| May 31, 1996 | 1,000.00 | Harvey Gantt for Senate Campaign Committee | Harvey Gantt. |
| June 27, 1996 | 1,000.00 | Levin for Congress Committee | Sander Levin. |
| July 3, 1996 | 500.00 | Friends of Congressman George Miller | George Miller. |
| September 13, 1996 | 250.00 | Friends of John Warner 1996 Committee | John Warner. |
| September 25, 1996 | 1,000.00 | Don Mooers for Congress Committee Inc. | Don Mooers. |
| September 26, 1996 | 1,000.00 | Clinton/Gore '96 Gen Election Legal & Accounting Compliance | Clinton/Gore. |
| September 30, 1996 | 250.00 | Friends of John Warner 1996 Committee | John Warner. |
| October 5, 1996 | 1,000.00 | Friends of Max Cleland for the U.S. Senate Inc. | Max Cleland. |
| November 4, 1996 | 1,000.00 | Kerry Committee | John Kerry. |

Timberlake Foster, of California, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Islamic Republic of Mauritania.

Nominee: Timberlake Foster.

Post: Mauritania.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, amount, date, and donee:

1. Self, none.
2. Spouse, Pamela Biolley, none.
3. Children and spouses names, Noel Foster (age 11), none.
4. Parents names, Lang and Clarice foster, none.
5. Grandparents names, Ira and Lillian Jones, deceased; Charles and Elberta Foster, deceased.
6. Brothers and spouses names, Lang Foster, Jr., none.
7. Sisters and spouses names, no sisters.

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Thomas J. Dodd, of the District of Columbia, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Costa Rica.

Nominee: Thomas J. Dodd.

Post: U.S. Ambassador to Costa Rica.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, amount, date, and donee:

1. Self, none.
2. Spouse, N/A.
3. Children and spouses names, none.
4. Parents names, none.
5. Grandparents names, none.
6. Brothers and spouses names, Senator Christopher J. Dodd, none.
7. Sisters and spouses names, Martha Dodd Buonanno/Bernard V. Buonanno (see attached), $4,700, 1989-1997, Sen. Jack Reed; $2,000, 1989-1997, Sen. John Chafee.

BUONANNO CONTRIBUTIONS—1989-1997

| Year | Reed | Chafee | Total |
|---|---|---|---|
| 1989 | $500.00 | $200.00 | $700.00 |
| 1990 | 100.00 | — | 100.00 |
| 1991 | 750.00 | 375.00 | 1,125.00 |
| 1992 | 500.00 | — | 500.00 |
| 1993 | 700.00 | 1,000.00 | 1,700.00 |
| 1994 | 550.00 | 425.00 | 975.00 |
| 1995 | 1,600.00 | — | 1,600.00 |
| 1996 | — | — | — |
| 1997 | — | — | — |
| Total | 4,700.00 | 2,000.00 | 6,700.00 |

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Thomas M. Foglietta, of Pennsylvania, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Italy.

Nominee: Thomas M. Foglietta.

Post: Ambassador.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, amount, date, and donee:

1. Self, no personal contributions. See attached schedule of campaign contributions.
2. Spouse, none.
3. Children and spouses names, none.
4. Parents names, Rosaria and Michael Foglietta, deceased.
5. Grandparents names, deceased.
6. Brothers and spouses names, Theodore Michael Foglietta, deceased.
7. Sisters and spouses names, Bertha Foglietta Bruentti, Margaret Jacqueline Foglietta, none.

Federal Campaign Contributions Reporting—Foglietta for Congress

| Candidate or Organization | Date | Amount |
|---|---|---|
| DCCC | 4/7/92 | $5,000.00 |
| America 500 | 7/6/92 | 1,000.00 |
| Russo for Congress | 11/24/92 | 1,000.00 |
| Kostmayer for Congress | 1/14/93 | 1,000.00 |
| Hayes for Congress | 2/1/93 | 500.00 |
| DCCC | 2/3/93 | 5,000.00 |
| Dem. Campaign Comm. | 4/27/93 | 1,250.00 |
| Gejdensen Re-Elect | 9/21/94 | 1,000.00 |
| Tucker for Congress | 9/23/94 | 500.00 |
| Mezvinsky for Congress | 11/1/94 | 1,000.00 |
| DCCC | 4/10/95 | 5,000.00 |
| DCCC | 7/24/96 | 5,000.00 |
| Hefner for Congress | 8/7/96 | 1,000.00 |
| Coles for Congress | 8/7/96 | 500.00 |
| Ruth Rudy for Congress | 9/20/96 | 1,000.00 |
| Hinchey for Congress | 9/20/96 | 500.00 |
| Price for Congress | 9/20/96 | 500.00 |
| Blagojevich for Congress | 9/20/96 | 500.00 |
| Turney for Congress | 9/20/96 | 500.00 |
| Carolyn McCarthy for Congress | 9/20/96 | 500.00 |
| Owens for Congress | 9/20/96 | 500.00 |
| McKinney for Congress | 9/20/96 | 500.00 |
| Coles for Congress | 9/20/96 | 500.00 |
| Peter Navarro for Congress | 9/20/96 | 500.00 |
| Gejdensen for Congress | 9/20/96 | 500.00 |
| Tauscher for Congress | 9/20/96 | 500.00 |
| George Brown for Congress | 9/20/96 | 500.00 |
| Capps for Congress | 9/20/96 | 500.00 |
| McHale for Congress | 9/20/96 | 1,000.00 |
| Ron DiNicola for Congress | 9/20/96 | 500.00 |
| Kucinich for Congress | 10/1/96 | 500.00 |
| Bentsen for Congress | 10/1/96 | 500.00 |
| Julia Carson for Congress | 10/1/96 | 500.00 |
| Michela Alioto for Congress | 10/1/96 | 1,000.00 |
| Loretta Sanchez for Congress | 10/1/96 | 500.00 |
| Bentsen for Congress | 11/20/96 | 1,000.00 |
| Lampson for Congress | 11/20/96 | 1,000.00 |

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Donna Jean Hrinak, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Bolivia.

Nominee: Donna Jean Hrinak.

Post: Ambassador to La Paz.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, amount, date, and donee:

1. Self, none.
2. Spouse, Gabino M. Flores, none.
3. Children and spouses names, Wyatt A. Flores, none.
4. Parents names, John and Mary Hrinak, none.
5. Grandparents names, John and Anna Hrinak, Joseph and Julia Pukach, deceased.
6. Brothers and spouses names, David J. Hrinak, none.
7. Sisters and spouses names, none.

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Curtis Warren Kamman, of the District of Columbia, a Career Member of the Senior

Foreign Service, Class of Career Minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Colombia.

Nominee: Curtis Warren Kamman.

Post: Ambassador to Colombia.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, amount, date, and donee:

1. Self, none.
2. Spouse, Mary Curtis Kamman, none.
3. Children and spouses names, Edward Kamman and spouse Esta Kamman, John Kamman, W. Stephen Kamman, none.
4. Parents names, father Glenn Kamman (deceased), mother Mildred Kamman (deceased), none.
5. Grandparents names, Horace and Bertha Kamman (deceased), Warren and Ella Merry (deceased), none.
6. Brothers and spouses names, Robert E. Kamman, Jon Kamman and spouse Beverly Medlyn, none.
7. Sisters and spouses names, no sisters.

Nancy Jo Powell, of Iowa, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Uganda.

Nominee: Nancy Jo Powell.

Post: Kampala.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, amount, date, donee:

1. Self.
2. Spouse.
3. Children and spouses, names.
4. Parents, names, Joseph William Powell, Jennie Maxine Powell.
5. Grandparents, names (deceased).
6. Brothers and spouses, names William Craig Powell.
7. Sisters and spouses names.

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Tom McDonald, of Ohio, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Zimbabwe.

Nominee: Tom McDonald.

Post: Ambassador to Zimbabwe.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, amount, date, donee:

1. Self (see attached list).
2. Spouse, $1,000, 1994, Sherrod Brown for Congress Comm.; $1,000, 1996, Sherrod Brown for Congress Comm.
3. Children and spouses names.
4. Parents, names.
5. Grandparents, names.
6. Brothers and spouses, names.
7. Sisters and spouses, names.

POLITICAL CONTRIBUTIONS OF TOM McDONALD

| Federal contributions | Year | Contribution |
|---|---|---|
| Louis Stokes for Congress Committee | 1993 | $1,000 |
| Rob Portman for Congress Committee | 1993 | 500 |
| Sherrod Brown for Congress Committee | 1993 | 250 |
| Judy Hancock for Congress Committee | 1993 | 500 |
| Deborah Pryce for Congress Committee | 1993 | 500 |
| Deborah Pryce for Congress Committee | 1993 | 250 |
| Democratic National Committee | 1993 | 1,000 |
| Fingerhut for Congress | 1993 | 350 |
| Helen Smith for Congress | 1994 | 250 |
| 11th Congressional District Caucus PAC | 1994 | 70 |
| Ted Strickland for Congress Committee | 1994 | 500 |
| Patrick Moynihan for U.S. Senate Committee | 1994 | 1,000 |
| Friends of John Glenn (Paying off 1984 Presidential debt) | 1994 | 1,000 |
| Friends of John Glenn (Paying off 1984 Presidential debt) | 1994 | 1,000 |
| The Hyatt Committee (Primary election contribution) | 1994 | 1,000 |
| The Hyatt Committee (General election contribution) | 1994 | 1,000 |
| Louis Stokes for Congress Committee | 1994 | 1,000 |
| Robert Matsui for Congress Committee | 1994 | 1,000 |
| Rob Portman for Congress Committee | 1994 | 1,000 |
| Friends of Eric Fingerhut | 1994 | 1,000 |
| Kennedy for Senate Committee | 1994 | 1,000 |
| Judy Hancock for Congress | 1994 | 1,000 |
| Democratic National Committee | 1994 | 5,000 |
| Rob Portman for Congress Committee | 1995 | 100 |
| Clinton/Gore '96 | 1995 | 1,000 |
| Democratic National Committee | 1996 | 5,000 |
| Dennis Kucinich for Congress | 1996 | 500 |
| Kucinich for Congress | 1996 | 250 |
| Ted Strickland for Congress Committee | 1996 | 250 |
| Bill Richardson for Congress Committee | 1996 | 200 |
| Bob Torricelli for Senate Committee | 1996 | 500 |
| Tom Coyne for Congress Committee | 1996 | 250 |
| Stokes for Congress Committee | 1996 | 250 |
| Gephardt for Congress Committee | 1996 | 1,000 |
| Sherrod Brown for Congress | 1996 | 1,000 |
| Tom Sawyer for Congress Committee | 1996 | 1,000 |
| Democratic National Committee | 1996 | 5,000 |
| Judy Hancock for Congress Committee | 1996 | 1,000 |
| Rangel for Congress Committee | 1996 | 1,000 |
| Sherrod Brown for Congress Committee | 1997 | 500 |
| The Gephardt Committee | 1997 | 1,000 |

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Mark Robert Parris, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Turkey.

Nominee: Mark R. Parris.

Post: Ambassador to Turkey.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, amount, date, donee:

1. Self, Mark Robert Parris, (none).
2. Spouse, Joan Gardner Parris, $25, 1992, DNC.
3. Children and Spouses, Names, Katherine Parris, (Not available—Peace Corps in Gabon), Christopher Parris (none).
4. Parents, Names, Robert L. Parris, (none), Anita M. Parris, (none).
5. Grandparents, Names, Ernest Parris (deceased), Warren Rutter (deceased), Lucille Parris (deceased), Mildred Rutter (deceased).
6. Brothers and Spouses, Names, See attached continuation sheet.
7. Sisters and Spouses, Names, no sisters.

Continuation sheet:

(A) Kevin Scott Parris, (none), m. Peggy Parris (none).

(B) Paul Ernest Parris, small amounts, up to $200 total, 1992–1996, DNC, m. Susan Parris, (none).

(C) Eric Warren Parris (none).

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Nominee: Robin Lynn Raphel.

Post: Tunis, Tunisia.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, amount, date, donee:

1. Self, Robin Lynn Raphel.
2. Spouse, Leonard Arthur Ashton, none.
3. Children and Spouses, Names, Alexandra Raphel, none, Anna Ashton, none.
4. Parents, Names, Vera Johnson. My mother has over the years made very modest contributions (less than $50) on occasion to Washington state Congressional candidates. In 1996 she made no such contribution.
5. Grandparents, Names, deceased.
6. Brothers and Spouses, Names, I do not have any brothers.
7. Sisters and Spouses, Names, Karen Freeze, none, Deborah Johnson, none.

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Amerlia Ellen Shippy, of Washington, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Malawi.

Nominee: Amelia Ellen Shippy.

Post: American Embassy, Lilongwe.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, amount, date, donee:

1. Self, Amelia Ellen Shippy—see attached.
2. Spouse, none.
3. Children and spouses, names, none.
4. Parents, names, Homer Charles Shippy, none, Amelia Giles Shippy, deceased.
5. Grandparents, names, Leroy and Harriet Shippy, deceased, James Tandy and Sophia Amelia Giles, deceased.
6. Brothers and spouses, names, none.
7. Sisters and spouses, names, Jean Ann and Phil Witherspoon—see attached.

Amelia Ellen Shippy:

$100, February 15, 1993, Americans for Democratic Action (ADA).

$100, February 15, 1993, Democratic Senatorial Campaign Committee (DSCC).

$50, February 15, 1993, Schroeder for Congress Committee.

$100, February 28, 1993, National Committee for an Effective Congress (NCEC).

$100, March 13, 1993, Emily's List.

$100, March 13, 1993, Shipnuck for Congress.

$100, March 13, 1993, Blackwell for Congress.

$100, May 2, 1993, NCEC.

$10, May 31, 1993, Lynn Yeakel for U.S. Senate, Debt Retirement.

$100, September 20, 1993, NCEC.

$100, October 11, 1993, DSCC.

$100, December 5, 1993, Margolies-Mezvinsky for Congress.

$100, December 5, 1993, English for Congress.

$100, December 5, 1993, Clayton for Congress.

$100, December 20, 1993, DSCC.

$100, December 20, 1993, Emily's List.

$100, January 5, 1994, Schroeder for Congress Committee.

$100, January 18, 1994, Center for National Independence in Politics/Project Vote Smart (CNIP).

$100, January 23, 1994, ADA.

$100, March 8, 1994, NCEC.

$100, March 12, 1994, CNIP.

$100, September 26, 1994, NCEC.

$100, January 11, 1995, NCEC.

$50, October 15, 1995, Emily's List.

$50, November 12, 1995, CNIP.

$100, January 9, 1996, ADA.

$100, February 4, 1996, NCEC.

$100, September 15, 1996, McKinney for Congress.

$100, September 15, 1996, Rivers for Congress.

$50, November 14, 1996, CNIP.

$100, December 16, 1996, Emily's List.

Jean and Phil Witherspoon (sister and her spouse):

$15, April 1993, $10, June 1993, Jeff Bingaman Reelection Fund.

$30, June 1993, Kerry for Senate.

$10, September 1993, Jeff Bingaman Reelection Fund.

$50, September 1993, Democratic Campaign.

$10, December 1993, Jeff Bingaman Reelection Fund.

$40, January 1994, $10, March 1994, Kerry for Senate.

$50, June 1994, Jeff Bingaman Reelection Fund.

$50, July 1994, Democratic Party.

$25, August 1994, $25, October 1994, Kerry for Senate.

$50, October 1994, Jeff Bingaman Reelection Fund.

$50, October 1994, Bill Richardson Campaign.

$55, January 1995, Democratic Campaign Fund.

$30, February 1995, Democratic National Committee.

$30, April 1995, Jeff Bingaman Reelection Fund.

$30, June 1995, Democratic National Committee.

$100, June 1995, Clinton-Gore Campaign.

$10, October 1995, $35, November 1995, Jeff Bingaman Reelection Fund.

$25, November 1995, Clinton-Gore Media Campaign..

$10/month, March 1996 to the present, Democratic National Committee.

$10/quarter, April 1996 to the present, People for Bingaman.

$100, October 1996, Democratic Senatorial Campaign.

$100, October 1996, Clinton-Gore '96 GELAC.

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Edward E. Shumaker, III, of New Hampshire, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Trinidad and Tobago.

Nominee: Edward E. Shumaker, III.

Post: Ambassador to Trinidad and Tobago.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, amount, date, donee:

1. Self, $20.00, 01/03/94, Verge for Congress, $500.00, 03/29/94, Swett for Congress, $500.00, 04/09/94, Citizens for Biden, $250.00, 07/01/94, Friends of Dave McCurdy, $250.00, 10/15/94, McCurdy for Senate, $100.00, 06/22/95, Wilhelm for Senate, $1,000.00, 11/08/95, Clinton/Gore '96, $250.00, 11/16/95, Jack Reed for Senate, $500.00, 12/22/95, Biden for Senate, $250.00, 06/03/96, Keefe for Congress, $250.00, 06/21/96, Arnesen for Congress, $100.00, 09/17/96, Keefe for Congress, $250.00, 09/19/96, Swett for Senate, $500.00, 10/28/96, Keefe for Congress.
2. Spouse, Polly D. Shumaker, none.
3. Children, Nathan D. Shumaker, none, Daniel E. Shumaker, none, Michael D. Shumaker, none.
4. Parents, Edward E. Shumaker, Jr. (deceased), Marie G. Shumaker, none.
5. Grandparents, Edward E. Shumaker (deceased), Josephine Mary Shumaker (deceased), John F. Gilliams (deceased), Mary E. Gilliams (deceased).
6. Brothers, John G. Shumaker (deceased).
7. Sisters, Linda M. (Shumaker) Vasso, none, George Vasso, none.

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Nominee: Johnny Young.

Post: State of Bahrain.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, amount, date, donee:

1. Self, Johnny Young, N/A.
2. Spouse, Angelena V. Young, N/A.
3. Children and spouses, names, David J. Young, Michelle J. Young, N/A.
4. Parents names, Eva Grant, deceased, N/A, Lucille Pressy (adoptive) deceased, N/A, John Young, deceased, N/A.
5. Grandparents, names, Alice Young, deceased, N/A, Louis Young, deceased, N/A.
6. Brothers and spouses, names, N/A.
7. Sisters and spouses, names, Lottie Mae Young, deceased, N/A, Loretta Young, N/A.

Mr. HELMS. Mr. President, for the Committee on Foreign Relations, I also report favorably one nomination list in the Foreign Service which was printed in full in the CONGRESSIONAL RECORD of September 4, 1997, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar, that this nomination lie at the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The nominations ordered to lie on the Secretary's desk were printed in the RECORD of September 4, 1997, at the end of the Senate proceedings.)

The following-named persons of the agencies indicated for appointment as Foreign Service Officers of the classes stated, and also for the other appointments indicated herewith:

For appointment as Foreign Service Officers of Class One, Consular Officers and Secretaries in the Diplomatic Service of the United States of America:

AGENCY FOR INTERNATIONAL DEVELOPMENT

Dominic Alfred D'Antonio, of Connecticut
Joseph J. Pastic, of Virginia

UNITED STATES INFORMATION AGENCY

Nancy R. LeRoy, of Florida

DEPARTMENT OF STATE

David F. Davidson, of Virginia

For appointment as Foreign Service Officers of Class Two, Consular Officers and Secretaries in the Diplomatic Service of the United States of America:

AGENCY FOR INTERNATIONAL DEVELOPMENT

Earell Edwin Kissinger III, of Colorado
Michael James Yates, of Virginia

For appointment as Foreign Service Officers of Class Three, Consular Officers and Secretaries in the Diplomatic Service of the United States of America:

AGENCY FOR INTERNATIONAL DEVELOPMENT

Charles S. Morgan, of Virginia
Susan Mutijima Page, of Illinois

UNITED STATES INFORMATION AGENCY

Frank J. Whitaker, of Virginia

For appointment as Foreign Service Officers of Class Four, Consular Officer and Secretaries in the Diplomatic Service of the United States of America:

U.S. INFORMATION AGENCY

Mary Jane Wolansky Bushnaq, of Virginia
Thomas E. Cooney, of Michigan
Nida A. Emmons, of Florida
Sheila R. Parkman, of Pennsylvania
Karyn Allison Posner-Mullen, of Florida
Aleta Fay Wenger, of Washington

DEPARTMENT OF STATE

Christopher D. Berlew, of Virginia
Betty A. Bernstein-Zabza, of the District of Columbia
Janine R. Boiarsky, of California
Russel John Brown, of Montana
Kelly Colleen Degnan, of California
Leslie Stephen deFraffenried, of Texas
Cynthia Ras Doell, of Nebraska
Mark Christopher Elliott, of Maryland
Karen Lynn Enstrom, of Pennsylvania
Gabriel Escobar, of Texas
Jonathan David Fritz, of Florida
J. Robert Garverick, of Ohio
Jonathan Hanick, of California
Barbara A.P. Hibben, of Maryland
Jan Krc, of the District of Columbia
Patricia J. Koetelancik, of Illinois
Margaret U. Kurtz-Randall, of Illinois
Adam Duane Lamoreaux, of Utah
Timothy A. Lenderking, of New Hampshire
Cheryl S. Lester, of Virginia
Brian R. Naranjo, of New Mexico
Helen Patricia Reed-Rowe, of Maryland
Joan Marie Richard, of California
Elizabeth Helen Rood, of Maryland
William Johann August Schmonsees III, of South Carolina
David Jonathan Schwartz, of Florida
Kenneth A. Thomas, of Oregon

For appointment as Foreign Service Officer of Class Four, Consular Officer and Secretary in the Diplomatic Service of the United States of America, effective May 29, 1997:

DEPARTMENT OF STATE

Christine Anne Harold, of Maryland

The following-named Members of the Foreign Service of the Department of Commerce and the Departmetof State and the U.S. Information Agency to be Consular Officers and/or Secretaries in the Diplomatic Service of the U.S. of America, as indicated:

Consular Officers and Secretaries in the Diplomatic Service of the United States of America:

Abigail Kessler Aronson, of New Jersey
Mark Andrew Assur, of Virginia
Brian S. Austin, of Virginia
Martha L. Austin, of Virginia
Alan M. Browning, of Virginia
Richard C. Bulman, Jr., of Florida
Don L. Brown, of Texas
Elaine A. Byers, of Virginia
Peter Callamari, of Virginia
John M. Cardwell, of Virginia
Florence Carson, of Virginia
Marc Walter Carson, of Virginia
Cheryl D. Comfort-Carter, of Virginia
Erin Crowe, of Michigan
Linda Elisa Daetwyler, of California
Gary A. Dziedzic, of Virginia
Cheryl L. Eichorn, of Virginia
Albert Elgamil, of Virginia
Jose M. Estevez, of Puerto Rico
Randolph Francis Fagan, Jr., of Virginia
Robert L. Farris, of Virginia
David Eric Fass, of Virginia
John Edward Friberg, Jr., of Virginia
Daniel T. Froats, of California
Stephen C. Galloway, of Virginia
Russell C. Gilger, of Virginia
Terry Arthur Ginsburg, of Virginia
Joshua D. Glazeroff, of New York
Caren F. Gordon, of Virginia
Christopher J. Green, of Virginia
Giselle C. Griggs, of Maryland
George K. Hale, of Washington

Sabina Ann Hasmi, of Virginia
James W. Hentschel, of Virginia
David Alan Higdon, of Texas
John J. Hill, of Alabama
Michelle M. Hopkins, of California
James C. Hsu, of Texas
Anthony N. Ieronimo, of New Jersey
S. George Imredy, of the District of Columbia
Christopher Lee Jaeger, of Maryland
Thomas T. Kim, of Virginia
Douglas Alan Kriesel, of the District of Columbia
Sanjai Kumar, of Virginia
Julie Lange, of Virginia
Betty Jo Little, of the District of Columbia
LizaBeth Lowell, of Florida
Kathleen A. Lundy, of Virginia
George W. Lynn, of Virginia
Jose Elias Merrero, of Florida
Jacques L. Massengill, of Virginia
Robert Peter McCarthy, of New York
John M. McCaslin, of Ohio
Francis M. McGuinness, of Virginia
Mitzi M. McNamara, of Virginia
Theresa M. Michaud, of Virginia
William L. Moyer, of Virginia
Barbara Beth Morrison, of New Jersey
Susan V. Naraine, of the District of Columbia
Martin A. Newell, of Maryland
David Roy O'Connor, of the District of Columbia
Darin K. Olson, of Virginia
Michael Andrew Ordonez, of Washington
Douglas L. Padget, of Virginia
Kenneth L. Parson, of Virginia
Rebecca Ann Pasine, of Indiana
Troy Eric Pederson, of Virginia
Rosetta Perri, of Pennsylvania
J. Philip Plowman, of Virginia
David B. Ponsar, of California
John David Radel, of Virginia
Hope C. Rawding, of Virginia
Scott Michael Renner, of Colorado
Deborah Carrie Rhea, of Virginia
Nicholas E. Reynolds, of Virginia
John P. Richardson, of Virginia
John C. Roberts, of Mississippi
Abigail Elizabeth Rupp, of Virginia
Cynthia M. Saddy, of Virginia
Luis A. Santos, of Maryland
Amy Wing Schedlbauer, of Texas
Michael B. Schneider, of Virginia
Brian G. Scott, of Virginia
James Semivan, of Virginia
Janet E. Seng, of Pennsylvania
Kathleen F. Seroskie, of Virginia
Scott A. Shaw, of Illinois
Rita M. Sheehan, of Virginia
Vincent P. Shugrue, of Virginia
David J. Smith, of Maryland
Lyn R. Sumner, of Virginia
Gavin Alexander Sundwall, of North Carolina
Andrew J. Tichava, of Virginia
Nancy E. Totten, of Virginia
William M. Totten, of Virginia
Dee B. White, of Virginia
Teresa Wilkin, of the District of Columbia
Sean Michael Wiswesser, of Virginia
Charles M. Wolf, Jr., of Virginia
Kristin Marie Wood, of Virginia
David Michael Zimov, of Ohio

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. BINGAMAN:

S. 1210. A bill to authorize the acquisition of the geologic formation known as the Valles Caldera currently managed by the Baca Land and Cattle Company, and to provide for an effective management program for this resource within the Department of Agriculture, and consistent land management to protect the watershed of the Bandelier National Monument; to the Committee on Energy and Natural Resources.

By Mr. HELMS:

S. 1211. An original bill to provide permanent authority for the administration of au pair programs; from the Committee on Foreign Relations; placed on the calendar.

By Mr. DORGAN:

S. 1212. A bill to amend the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 to clarify that records of arrival or departure are not required to be collected for purposes of the automated entry-exit control system developed under 110 of such Act for Canadians who are not otherwise required to possess a visa, passport, or border crossing identification card; to the Committee on the Judiciary.

By Mr. HOLLINGS (for himself, Mr. STEVENS, Mr. KERRY, Ms. SNOWE, Mr. INOUYE, Mr. BREAUX, Mr. MCCAIN, Mr. KENNEDY, Mrs. BOXER, Mr. BIDEN, Mr. LAUTENBERG, Mr. AKAKA, and Mr. MURKOWSKI):

S. 1213. A bill to establish a National Ocean Council, a Commission on Ocean Policy, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. ALLARD:

S. 1214. A bill to amend the Line Item Veto Act of 1996 to eliminate the requirement that a Federal budget deficit must exist in order for the President to use the line-item veto authority; to the Committee on the Budget and the Committee on Governmental Affairs, jointly, pursuant to the order of August 4, 1977, as modified by the order of April 11, 1986, with instructions that if one Committee reports, the other Committee have thirty days to report or be discharged.

By Mr. ASHCROFT:

S. 1215. A bill to prohibit spending Federal education funds on national testing; to the Committee on Labor and Human Resources.

By Mr. ROTH:

S. 1216. An original bill to approve and implement the OECD Shipbuilding Trade Agreement; from the Committee on Finance; placed on the calendar.

By Mr. HOLLINGS:

S. 1217. A bill for the relief of Olga Gorgiladze; to the Committee on the Judiciary.

By Mr. KERREY:

S. 1218. A bill to assure the integrity of information, transportation and telecommunications upon the arrival of the year 2000; to the Committee on Commerce, Science, and Transportation.

## SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. HELMS:

S. Res. 123. An original resolution honoring the memory of former Peace Corps Director Loret Miller Ruppe; from the Committee on Foreign Relations; placed on the calendar.

By Mr. ROTH (for himself, Mr. THOMAS, Mrs. FEINSTEIN, and Mr. GRAMS):

S. Res. 124. A resolution to state the sense of the Senate that members of the Khmer Rouge who participated in the Cambodian genocide should be brought to justice before an international tribunal for crimes against humanity; to the Committee on Foreign Relations.

By Mr. MURKOWSKI:

S. Res. 125. A resolution commending Dr. Jason C. Hu, Representative of the Taipei Economic and Cultural Representative Office in the United States; considered and agreed to.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BINGAMAN:

S. 1210. A bill to authorize the acquisition of the geologic formation known as the Valles Caldera currently managed by the Baca Land and Cattle Co., and to provide for an effective management program for this resource within the Department of Agriculture, and consistent land management to protect the watershed of the Bandelier National Monument; to the Committee on Energy and Natural Resources.

### VALLE GRANDE VALLES CALDERA PRESERVATION LEGISLATION

Mr. BINGAMAN. Mr. President, this bill that I have just sent to the desk, in my view, gives us a chance in this Congress to grasp a historic opportunity to make a real difference for the American people for generations to come.

Most Americans can name various geologic treasures and places of wonder within our land. Places like Diamond Head in Hawaii, the Sawtooth Mountains in Idaho, the Grand Canyon in Arizona, and Rocky Mountain National Park in Colorado readily come to mind because our people have access to them. However, there is a place in New Mexico that rivals these areas in splendor and yet, few people know about, or fully appreciate its significance. It is called the Valles Caldera.

The Valles Caldera is one of the world's greatest volcanic features. A large circular crater 12–15 miles in diameter, the views from the rim are awe inspiring. As one looks across the vast green valleys and mountains that now sit within the ring of the caldera, and realizes that they are all merely the cooled workings of a resurgent lava dome, one is struck by the sheer magnitude of the natural forces that created the Jemez Mountains in north central New Mexico.

The explosions that created the caldera, some 1.2 million years ago, ejected over 100 cubic miles of earth, rock, and lava. It is estimated that if the original mountain had come to a peak that it would have been taller than Mount Everest.

However very few people, even in New Mexico, have ever been on this land. Since 1860, it has been in private ownership. At that time it was granted by the United States to the heirs of Don Luis Maria Cabeza de Vaca as part of a settlement of Spanish land grant claims under the Treaty of Guadalupe Hidalgo, and has since been known as the Baca Land & Cattle Company.

It has passed through several owners since 1860, and about once in a generation the United States has tried to purchase the land. The first time was in the 1930's. Again, in the 1960's the late former Senator from New Mexico, Clinton P. Anderson tried to negotiate a deal for the land. Finally in 1980, the owner of the land, James "Pat" Dunigan, was in negotiations with the Government to sell the land when he died a premature death. Now, his family has come forward and said they would like to fulfill his dream of seeing this land move into public ownership.

Mr. President, this is an opportunity that we cannot let pass us by. In 1993, the Forest Service completed a study of this land which lays out the tremendous value it could have within public ownership:

First, the Valles Caldera is the classic example of a resurgent lava dome. The study of its features has helped geologists to understand volcanic processes throughout the world;

Second, the recreation potential is enormous. Hiking, camping, cross-country skiing, photography, horse back riding, hunting, and fishing are obvious possibilities.

The headwaters of the Jemez and San Antonio rivers are located on this land, and represent some of the best trout fishing streams in New Mexico. There are nearly 27 miles of trout streams on the ranch, most of which meander through grass meadows perfect for fly fishing.

Also over 6,000 elk live on this land, making it ideal for hunting.

Perhaps the most unique features of this land are the seven enormous open grassland valleys that are tailor made for horseback riding.

Third, finally, and perhaps most important, this land has been well preserved. Through careful management of their grazing land, selective timbering, and the use of proscribed fire, the current owners have maintained the caldera as an ecological jewel. With over 65,000 acres of conifer forests mixed with aspen, gamble oak, and broken rock known as felsenmeer, and 30,000 acres of lush grasslands, the Caldera supports an abundance of wildlife, including black bears and cougars.

Mr. President, words are a poor substitute for seeing this land, and although pictures cannot convey its grandeur, they may provide my colleagues with a sense of it:

First, to give people a sense of location, here is a map of north central New Mexico. To the south is Albuquerque and then Santa Fe above it. You'll notice that the Baca Ranch is nestled between the Santa Fe National Forest, and Bandelier National Monument, which many members of the public have visited.

Second, here is a satellite photo of the volcano. The black outline represents the Baca Ranch, approximately 95,000 acres. For perspective, on the right side of this photo is Los Alamos, NM, and just below it is the Bandelier National Monument. This large yellow spot on the bottom right corner of the caldera rim is known as the Valle Grande. It is the only part of the Ranch that most people have seen because state highway 4 comes through on the side, but it is only one of seven valleys on the property.

Third, here's a picture of the Valle Grande, it's about 4 miles wide and 6 miles long covering over 17,000 acres.

Fourth, and here is the upper Jemez river which originates and meanders through the Valle Grande.

Fifth, finally, here is a picture of the Valle Toledo the third largest valley on the property, about 4,000 acres.

Mr. President, the legislation I'm introducing today does two things: it gives the Forest Service the authority to start negotiating for the purchase of this land in good faith by authorizing appropriations, land exchanges, and the acceptance of donations; and it rationalizes the boundaries between the Santa Fe National Forest and Bandelier National Monument for consistent management of their respective watersheds.

Acquiring land of this quality and magnitude will not be cheap or easy. It will take a lot of work on the part of this body and our counterparts on the House, and on the part of the administration. However, if we don't close this deal this time, I'm not sure the American people will ever forgive us. Although the Dunigan's have been great stewards of the land, they want to sell it. Who knows how future owners may use this land.

When Senator Anderson tried to acquire this land for the United States 35 years ago, we could have bought this land for less than $5 million. Now the costs will be much, much greater, and if it is ever subdivided, the costs will go up exponentially.

Mr. President, I know that many people will want to argue about the management of this land. There are many, many uses that this land could be put to, but I would caution my colleagues that now is not the time to argue over future use. Let's worry about how we will acquire the land first. Management options can be worked out later.

I think it will take additional time before a full management plan can be put in place for the property. It would be an exercise in futility for us to try to work all of that out before we move to take advantage of this historic opportunity.

Mr. President, I understand that there is support for this effort to bring this property into public ownership by others in the delegation. I very much want to work with them and with people in the administration to see this happen. It is a very important initiative and a very important goal for us to pursue in the second session of this Congress. So I hope very much that we can make progress on it.

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By Mr. DORGAN:

S. 1212. A bill to amend the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 to clarify that records of arrival or departure are not required to be collected for purposes of the automated entry-exit control system developed under 110 of such act for Canadians who are not otherwise required to possess a visa, passport, or border crossing identification card; to the Committee on the Judiciary.

### THE ILLEGAL IMMIGRATION REFORM AND IMMIGRANT RESPONSIBILITY ACT CLARIFICATION AMENDMENT ACT OF 1997

Mr. DORGAN. Mr. President, approximately 1 year ago the Illegal Immigration Reform and Immigrant Responsibility Act became law.

Next year at this time, September 30, 1998, section 110 of this act will be implemented and will adversely—and unintentionally—affect our neighbors in Canada. Section 110 requires the Immigration and Naturalization Service [INS] to develop an automated entry and exit system for the purpose of documenting the entry and departure of every alien arriving and leaving the United States. The United States has never had such an alien departure management system.

Unfortunately, section 110 as enacted fails to recognize the decades-long practice of not requiring most Canadian nationals to fill out INS documents—referred to as "I–94s" at the border.

In a December 18, 1996 letter to the Ambassador of Canada at the time, Raymond Chretien, Senator Alan Simpson, and Representative LAMAR SMITH, the chairmen of the Senate and the House Judiciary Subcommittees on Immigration, respectively, indicated to Ambassador Chretien that it was not the intention of the Judiciary Committee to impose any new requirements for border crossing cards—so-called I–94's—on Canadians who are not presently required to possess such documents.

The legislation which I am introducing today—which was introduced in the House on September 16 by Congressman JOHN LAFALCE of New York—would simply clarify the intent of Congress by exempting from the section 110 provisions of the act Canadian nationals who are not now required by law to possess a visa, passport, or border-crossing identification card to enter the United States.

There is no logical reason to inhibit the flow of traffic between the United

States and Canada. If the committee's intention is not clarified, and section 110 is implemented at the Canadian border, congestion would become intolerable.

According to U.S. Customs, the port in Pembina, ND, saw 963,665 individuals cross into North Dakota in fiscal year 1996, averaging 2,640 people a day. Customs estimates that if the entry/exit system had to be implemented on the Canadian border, providing the agent to spend just 1 minute per person entering it would take two customs workers a nonstop daily shift of 22 hours to process them.

An estimated 116 million persons cross into the United States at all land points on the Canadian border. Of these, 76 million are Canadian or United States permanent residents. More than $1 billion in goods and services trade crosses the United States/Canadian border each day. I urge the Judiciary Committee to consider soon mine or other legislation to clarify the intent of the 1996 act.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1212

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. EXEMPTION FOR CERTAIN ALIENS FROM ENTRY-EXIT CONTROL SYSTEM.**

(a) IN GENERAL.—Section 110(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1221 note) is amended to read as follows:

"(a) SYSTEM.—

"(1) IN GENERAL.—Subject to paragraph (2), not later than 2 years after the date of the enactment of this Act, the Attorney General shall develop an automated entry and exit control system that will—

"(A) collect a record of departure for every alien departing the United States and match the records of departure with the record of the alien's arrival in the United States; and

"(B) enable the Attorney General to identify, through on-line searching procedures, lawfully admitted nonimmigrants who remain in the United States beyond the period authorized by the Attorney General.

"(2) EXEMPTION FOR CERTAIN ALIENS.—The system under paragraph (1) shall not collect a record of arrival or departure for an alien—

"(A) who is—

"(i) a Canadian national; or

"(ii) an alien having a common nationality with Canadian nationals and who has his or her residence in Canada; and

"(B) who is not otherwise required by law to be in possession, for purposes of establishing eligibility for admission into the United States, of—

"(i) a visa;

"(ii) a passport; or

"(iii) a border crossing identification card.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as if included in the enactment of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (Public Law 104-208; 110 Stat. 3009-546).

By Mr. HOLLINGS (for himself, Mr. STEVENS, Mr. KERRY, Ms. SNOWE, Mr. INOUYE, Mr. BREAUX, Mr. MCCAIN, Mr. KENNEDY, Mrs. BOXER, Mr. BIDEN, Mr. LAUTENBERG, Mr. AKAKA, and Mr. MURKOWSKI):

S. 1213. A bill to establish a National Ocean Council, a Commission on Ocean Policy, and for other purposes; to the Committee on Commerce, Science, and Transportation.

### THE OCEANS ACT OF 1997

Mr. HOLLINGS. Mr. President, I rise today to introduce the Oceans Act of 1997. I am pleased to be joined in this endeavor by Senators STEVENS, KERRY, SNOWE, BREAUX, MCCAIN, INOUYE, KENNEDY, BOXER, BIDEN, LAUTENBERG, AKAKA, and MURKOWSKI. Mr. President, plainly and simply, this bill calls for a plan of action for the 21st century to explore, protect, and use our oceans and coasts.

This is not the first time we have faced the need for a national ocean policy. Three decades ago, our Nation roared into space, investing tens of billions of dollars to investigate the Moon and the Sea of Tranquility. During that golden era of science, some of us also recognized the importance of exploring the seas on our own planet. In 1966, Congress enacted the Marine Resources and Engineering Development Act in order to define national objectives and programs with respect to the oceans. That legislation laid the foundation for U.S. ocean and coastal policy and programs and has guided their development for three decades. I was elected to the Senate just 3 months after the 1966 act was enacted into law, but I am pleased that both Senators INOUYE and KENNEDY, the two cosponsors of the 1966 act still serving in the Senate, have agreed to join me today in introducing the Oceans Act.

One of the central elements of the 1966 act was establishment of a Presidential commission to develop a plan for national action in the oceans and atmosphere. Dr. Julius A. Stratton, a former president of the Massachusetts Institute of Technology and then-chairman of the Ford Foundation, led the Commission on an unprecedented, and since unrepeated, investigation of this Nation's relationship with the oceans and the atmosphere. The Stratton Commission and its congressional advisers—including Senators Warren G. Magnuson and Norris Cotton—worked together in a bipartisan fashion. In fact, the Commission was established and carried out its mandate in the Democratic administration of Lyndon Johnson and saw its findings implemented by the Republicans under President Richard Nixon. With a staff of 35 people, the commissioners heard and consulted over 1,000 people, visited every coastal area of this country, and submitted some 126 recommendations in a 1969 report to Congress entitled "Our Nation and the Sea." Those recommendations led directly to the creation of the National Oceanic and Atmospheric Administration in 1970, laid the groundwork for enactment of the Coastal Zone Management Act [CZMA] in 1972, and established priorities for Federal ocean activities that have guided this Nation for almost 30 years.

While the Stratton Commission performed its job with vision and integrity, the world has changed since 1966. Today, half of the U.S. population lives within 50 miles of our shores and more than 30 percent of the gross domestic product is generated in the coastal zone. Ocean and coastal resources once considered inexhaustible are severely depleted, and wetlands and other marine habitats are threatened by pollution and human activities. In addition, the U.S. regulatory and legal framework has developed over the years with the passage of a number of statutes in addition to CZMA. These include the Endangered Species Act, the Marine Mammal Protection Act, the Marine Protection, Research, and Sanctuaries Act, the Magnuson-Stevens Fishery Conservation and Management Act, the Coastal Barrier Resources Act, and the Oil Pollution Act. Finally, the United Nations has declared 1998 to be the International Year of the Ocean, focusing global attention on the state of the world's oceans. In short, it is time to reexamine our Nation's relationship to the sea.

The Oceans Act is vital to the continued health of the oceans and prosperity of our coasts. It is patterned after and would replace the 1966 act. Like that act, it is comprised of three major elements:

First, the bill calls for development and implementation of a coherent national ocean and coastal policy to conserve and sustainably use fisheries and other ocean and coastal resources, protect the marine environment and human safety, explore ocean frontiers, create marine technologies and economic opportunities, and preserve U.S. leadership on ocean and coastal issues.

Second, the bill establishes a 15-member Commission, similar to the Stratton Commission, to examine ocean and coastal activities and report within 18 months on recommendations for a national policy. Commission members would be appointed by the President and the Congress. In developing its recommendations, the Commission would assess Federal programs and funding priorities, ocean-related infrastructure requirements, conflicts among marine users, and technological opportunities. The bill authorizes appropriations of $6 million over 2 years to support Commission activities.

Third, the bill creates a high-level Federal interagency Council that is chaired by the Secretary of Commerce and includes the heads of the Departments of Navy, State, Transportation, and the Interior, the Environmental Protection Agency, the National Science Foundation, the Office of Science and Technology Policy, the Office of Management and Budget, the Council on Environmental Quality, and the National Economic Council. This new Council will advise the President and serve as a forum for developing and implementing an ocean and coastal policy, will provide for coordination of Federal budgets and programs, and will work with non-Federal and international organizations.

By establishing an action plan for ocean and coastal activities, the Oceans Act should contribute substantially to national goals and objectives in the areas of education and research, economic development, and public safety. With respect to education and research, our view of the oceans 30 years ago was based on a remarkably small amount of information. When Jack Kennedy was in the White House, we were just beginning to develop the capability for exploring the oceans, and the driving factor was the military need to hide our submarines from the Soviets during the cold war. What we knew of the oceans at that time was based as much on what fishermen brought up in their nets as it was on reliable scientific investigation.

Today, we still have explored only a tiny fraction of the sea, but with the use of new technologies what we have found is truly incredible. For example, hydrothermal vents, hot water geysers on the deep ocean floor, were discovered just 20 years ago by oceanographers trying to understand the formation of the Earth's crust. Now this discovery has led to the identification of nearly 300 new types of marine animals with untold pharmaceutical and biomedical potential.

Many of our marine research efforts could have profound impacts on our economic well-being. For example, research on coastal ocean currents and other processes that affect shoreline erosion is critical to effective management of the shoreline. Oceanographers are working with Federal, State, and local managers to use this new understanding in protecting beachfront property and the lives of those who reside and work in coastal communities.

Development of underwater cameras and sonar, begun in the 1940's for the U.S. Navy, has led to major strides not only for military uses, but for marine archaeologists and scientists exploring unknown stretches of sea floor. Consumers have benefited from the technology now used in video cameras. Sonar has broad applications in both the military and commercial sector.

Finally, marine biotechnology research is thought to be one of the greatest remaining technological and industrial frontiers. Among the opportunities which it may offer are to: restore and protect marine ecosystems; monitor human health and treat disease; increase food supplies through aquaculture; enhance seafood safety and quality; provide new types and sources of industrial materials and processes; and understand biological and geochemical processes in the world ocean.

In addition to the economic opportunities offered by our marine research investment, traditional marine activities play an important role in our national economic outlook. Ninety-five percent of our international trade is shipped on the ocean and each year products valued at more than $220 billion are shipped within the United States via the water. In 1996, commercial fishermen in the United States landed almost 10 billion pounds of fish with a value of $3.5 billion. Their fishing-related activities contributed over $42 billion to the U.S. economy. During the same period, marine anglers contributed another $20 billion. Travel and tourism also contribute over $700 billion to our economy, much of which is generated in coastal areas. Last year, in South Carolina alone, the total impact of tourism in coastal areas was almost $6 billion. With a sound national ocean and coastal policy and effective marine resource management, these numbers have nowhere to go but up.

With respect to public safety, it is particularly important to develop ocean and coastal priorities that reflect the changes we have seen in recent years. Before World War II, most of the U.S. shoreline was sparsely populated. There were long, wild stretches of coast, dotted with an occasional port city, fishing village, or sleepy resort. Most barrier islands had few residents or were uninhabited. After the war, people began pouring in, and coastal development began a period of explosive growth. In my State of South Carolina, our beaches attract millions of visitors every year, and more and more people are choosing to move to the coast—making the coastal counties the fastest growing ones in the State. Seventeen of the 20 fastest growing States in the Nation are coastal States—which compounds the situation that the most densely populated regions already border the ocean. With population growth comes the demand for highways, shopping centers, schools, and sewers that permanently alter the landscape. If people are to continue to live and work on the coast, we must do a better job of planning how we impact the very regions in which we all want to live.

There is no better example of how our ocean and coastal policies affect public safety, than to look at the effects of hurricanes. Throughout the 1920's, hurricanes killed 2,122 Americans while causing about $1.8 billion in property damages. By contrast, in the first 5 years of the 1990's, hurricanes killed 111 Americans, and resulted in damages of about $35 billion. While we have made notable advances in early warning and evacuation systems to protect human lives, the risk of property loss continues to escalate and coastal inhabitants are more vulnerable to major storms than they ever have been. In 1989, Hurricane Hugo came ashore in South Carolina, leaving more than $6 billion in damages. Of that total from Hugo, the Federal Government paid out more than $2.8 billion in disaster assistance and more than $400 million from the National Flood Insurance Program. The payments from private insurance companies were equally staggering. In 1992, Hurricane Andrew struck southern Florida and slammed into low-lying areas of Louisiana, forever changing the lives of more than a quarter of a million people and causing an estimated $25 to $30 billion in damage. Hurricanes demonstrate that the human desire to live near the oceans and along the coast comes with both a responsibility and a cost.

The oceans are part of our culture, part of our heritage, part of our economy, and part of our future. Therefore, we need to be smart about ocean policy—we need the best minds to come together and take a look at what the real challenges are. It is not enough to sit back and assume the role of caretakers. We must be proactive and develop a plan for the future.

Mr. President, Members who doubt the need for this legislation need only pick up a newspaper and they will be face to face with pressing ocean and coastal issues: fish covered with lesions in the Chesapeake Bay and North Carolina; a powerful El Nino brewing in the Pacific; condemnation of vacation homes as the beaches beneath them erode; U.S. ships held hostage over fishing disputes; and the list could go on. Deciding how to manage these problems and use the seas is one of the most complicated tasks we can tackle. There are no boundaries at sea, no national borders with fences and checkpoints. The resources of the sea are a common heritage, shared by all. While our coastal waters are governed by the United States for all of us, there are few rules on the high seas and progress relies primarily on international cooperation.

The United Nations has declared 1998 to be the Year of the Ocean. One reason for launching the International Year of the Ocean is to wake up the governments and the public so we pay adequate attention to the need to protect the marine environment and to ensure a healthy ocean. This is an unprecedented opportunity to celebrate and enhance what has been accomplished in understanding and managing the ocean.

The Stratton Commission stated in 1969: "How fully and wisely the United States uses the sea in the decades ahead will affect profoundly its security, its economy, its ability to meet increasing demands for food and raw materials, its position and influence in the world community, and the quality of the environment in which its people live." Those words are as true today as they were 30 years ago.

Mr. President, it is time to look toward the next 30 years. This bill offers us the vision and understanding needed to establish sound ocean and coastal policies for the 21st century. I thank the cosponsors of the legislation for joining with me in recognizing its significance and trust that this body will work quickly to enact it into law. I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1213

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Ocean Act of 1997".

**SEC. 2. CONGRESSIONAL FINDINGS; PURPOSE AND OBJECTIVES.**

(a) FINDINGS.—The Congress makes the following findings:

(1) Covering more than two-thirds of the Earth's surface, the oceans and Great Lakes play a critical role in the global water cycle and in regulating climate, sustain a large part of Earth's biodiversity, provide an important source of food and a wealth of other natural products, act as a frontier to scientific exploration, are critical to national security, and provide a vital means of transportation. The coasts, transition between land and open ocean, are regions of remarkably high biological productivity, contribute more than 30 percent of the Gross Domestic Product, and are of considerable importance for recreation, waste disposal, and mineral exploration.

(2) Ocean and coastal resources are susceptible to change as a direct and indirect result of human activities, and such changes can significantly impact the ability of the oceans and Great Lakes to provide the benefits upon which the Nation depends. Changes in ocean and coastal processes could affect global climate patterns, marine productivity and biodiversity, environmental quality, national security, economic competitiveness, availability of energy, vulnerability to natural hazards, and transportation safety and efficiency.

(3) Ocean and coastal resources are not infinite, and human pressure on them is increasing. One half of the Nation's population lives within 50 miles of the coast, ocean and coastal resources once considered inexhaustible are now threatened with depletion, and if population trends continue as expected, pressure on and conflicting demands for ocean and coastal resources will increase further as will vulnerability to coastal hazards.

(4) Marine technologies hold tremendous promise for expanding the range and increasing the utility of products from the oceans and Great Lakes, improving the stewardship of ocean and coastal resources, and contributing to business and manufacturing innovations and the creation of new jobs.

(5) Marine research has uncovered the link between oceanic and atmospheric processes and improved understanding of world climate patterns and forecasts. Important new advances, including availability of military technology, have made feasible the exploration of large areas of the ocean which were inaccessible several years ago. In designating 1998 as "The Year of the Ocean", the United Nations highlights the value of increasing our knowledge of the oceans.

(6) It has been 30 years since the Commission on Marine Science, Engineering, and Resources (known as the Stratton Commission) conducted a comprehensive examination of ocean and coastal activities that led to enactment of major legislation and the establishment of key oceanic and atmospheric institutions.

(7) A review of existing activities is essential to respond to the changes that have occurred over the past three decades and to develop an effective new policy for the twenty-first century to conserve and use sustainable ocean and coastal resources, protect the marine environment, explore ocean frontiers, protect human safety, and create marine technologies and economic opportunities.

(8) While significant Federal ocean and coastal programs are underway, those programs would benefit from a coherent national ocean and coastal policy that reflects the need for cost-effective allocation of fiscal resources, improved interagency coordination, and strengthened partnerships with State, private, and international entities engaged in ocean and coastal activities.

(b) PURPOSE AND OBJECTIVES.—The purpose of this Act is to develop and maintain a coordinated, comprehensive, and long-range national policy with respect to ocean and coastal activities that will assist the Nation in meeting the following objectives:

(1) The protection of life and property against natural and manmade hazards.

(2) Responsible stewardship, including use, of fishery resources and other ocean and coastal resources.

(3) The protection of the marine environment and prevention of marine pollution.

(4) The enhancement of marine-related commerce, transportation, and national security, and the resolution of conflicts among users of the marine environment.

(5) The expansion of human knowledge of the marine environment including the role of the oceans in climate and global environmental change and the advancement of education and training in fields related to ocean and coastal activities.

(6) The continued investment in and development and improvement of the capabilities, performance, use, and efficiency of technologies for use in ocean and coastal activities.

(7) Close cooperation among all government agencies and departments to ensure—

(A) coherent regulation of ocean and coastal activities;

(B) availability and appropriate allocation of Federal funding, personnel, facilities, and equipment for such activities; and

(C) cost-effective and efficient operation of Federal departments, agencies, and programs involved in ocean and coastal activities.

(8) The preservation of the role of the United States as a leader in ocean and coastal activities, and, when it is in the national interest, the cooperation by the United States with other nations and international organizations in ocean and coastal activities.

**SEC. 3. DEFINITIONS.**

As used in this Act—

(1) The term "Commission" means the Commission on Ocean Policy.

(2) The term "Council" means the National Ocean Council.

(3) The term "marine research" means scientific exploration, including basic science, engineering, mapping, surveying, monitoring, assessment, and information management, of the oceans, coasts, and Great Lakes—

(A) to describe and advance understanding of—

(i) the role of the oceans, coasts and Great Lakes in weather and climate, natural hazards, and the processes that regulate the marine environment; and

(ii) the manner in which such role, processes, and environment are affected by human actions;

(B) for the conservation, management and sustainable use of living and nonliving resources; and

(C) to develop and implement new technologies related to sustainable use of the marine environment.

(4) The term "marine environment" includes—

(A) the oceans, including coastal and offshore waters and the adjacent shore lands;

(B) the continental shelf;

(C) the Great Lakes; and

(D) the ocean and coastal resources thereof.

(5) The term "ocean and coastal activities" includes activities related to marine research, fisheries and other ocean and coastal resource stewardship and use, marine aquaculture, energy and mineral resource extraction, national security, marine transportation, recreation and tourism, waste management, pollution mitigation and prevention, and natural hazard reduction.

(6) The term "ocean and coastal resource" means, with respect to the oceans, coasts, and Great Lakes, any living or non-living natural resource (including all forms of animal and plant life found in the marine environment, habitat, biodiversity, water quality, minerals, oil, and gas) and any significant historic, cultural or aesthetic resource.

**SEC. 4. NATIONAL OCEAN AND COASTAL POLICY.**

(a) EXECUTIVE RESPONSIBILITIES.—The President, with the assistance of the Council and the advice of the Commission, shall—

(1) develop and maintain a coordinated, comprehensive, and long-range national policy with respect to ocean and coastal activities; and

(2) with regard to Federal agencies and departments—

(A) review significant ocean and coastal activities, including plans, priorities, accomplishments, and infrastructure requirements;

(B) plan and implement an integrated and cost-effective program of ocean and coastal activities including, but not limited to, marine research, stewardship of ocean and coastal resources, protection of the marine environment, maritime transportation safety and efficiency, the marine aspects of national security, marine recreation and tourism, and marine aspects of weather, climate, and natural hazards;

(C) designate responsibility for funding and conducting ocean and coastal activities; and

(D) ensure cooperation and resolve differences arising from laws and regulations applicable to ocean and coastal activities which result in conflicts among participants in such activities.

(b) COOPERATION AND CONSULTATION.—In carrying out responsibilities under this Act, the President and the Council may use such staff, interagency, and advisory arrangements as they find necessary and appropriate and shall consult with non-Federal organizations and individuals involved in ocean and coastal activities.

### SEC. 5. NATIONAL OCEAN COUNCIL.

(a) ESTABLISHMENT.—The President shall establish a National Ocean Council which shall consist of—

(1) the Secretary of Commerce, who shall be Chairman of the Council;

(2) the Secretary of the Navy;

(3) the Secretary of State;

(4) the Secretary of Transportation;

(5) the Secretary of the Interior;

(6) the Administrator of the Environmental Protection Agency;

(7) the Director of the National Science Foundation;

(8) the Director of the Office of Science and Technology Policy;

(9) the Chairman of the Council on Environmental Quality;

(10) the Chairman of the National Economic Council;

(11) the Director of the Office of Management and Budget; and

(12) such other Federal officers and officials as the President considers appropriate.

(b) ADMINISTRATION.—

(1) The President or the Chairman of the Council may from time to time designate one of the members of the Council to preside over meetings of the Council during the absence or unavailability of such Chairman.

(2) Each member of the Council may designate an officer of his or her agency or department appointed with the advice and consent of the Senate to serve on the Council as an alternate in the event of the unavoidable absence of such member.

(3) An executive secretary shall be appointed by the Chairman of the Council, with the approval of the Council. The executive secretary shall be a permanent employee of one of the agencies or departments represented on the Council and shall remain in the employ of such agency or department.

(4) For the purpose of carrying out the functions of the Council, each Federal agency or department represented on the Council shall furnish necessary assistance to the Council. Such assistance may include—

(A) detailing employees to the Council to perform such functions, consistent with the purposes of this section, as the Chairman of the Council may assign to them; and

(B) undertaking, upon request of the Chairman of the Council, such special studies for the Council as are necessary to carry out its functions.

(5) The Chairman of the Council shall have the authority to make personnel decisions regarding any employees detailed to the Council.

(c) FUNCTIONS.—The Council shall—

(1) serve as the forum for developing an ocean and coastal policy and program, taking into consideration the Commission report, and for overseeing implementation of such policy and program;

(2) improve coordination and cooperation, and eliminate duplication, among Federal agencies and departments with respect to ocean and coastal activities;

(3) work with academic, State, industry, public interest, and other groups involved in ocean and coastal activities to provide for periodic review of the Nation's ocean and coastal policy;

(4) cooperate with the Secretary of State in—

(A) providing representation at international meetings and conferences on ocean and coastal activities in which the United States participates; and

(B) coordinating the Federal activities of the United States with programs of other nations; and

(5) report at least biennially on Federal ocean and coastal programs, priorities, and accomplishments and provide budgetary advice as specified in section 7.

### SEC. 6. COMMISSION ON OCEAN POLICY.

(a) ESTABLISHMENT.—

(1) The President shall, within 90 days of the enactment of this Act, establish a Commission on Ocean Policy. The Commission shall be composed of 15 members including individuals drawn from Federal and State governments, industry, academic and technical institutions, and public interest organizations involved with ocean and coastal activities. Members shall be appointed for the life of the Commission as follows:

(A) 7 shall be appointed by the President of the United States, no more than 3 of whom may be from the executive branch of the Government.

(B) 2 shall be appointed by the Majority Leader of the Senate in consultation with the Chairman of the Senate Committee on Commerce, Science, and Transportation.

(C) 2 shall be appointed by the Minority Leader of the Senate in consultation with the Ranking Member of the Senate Committee on Commerce, Science, and Transportation.

(D) 2 shall be appointed by the Speaker of the House of Representatives in consultation with the Chairman of the House Committee on Resources and the Chairman of the House Committee on Science.

(E) 2 shall be appointed by the Minority Leader of the House of Representatives in consultation with the Ranking Member of the House Committee on Resources and the Ranking Member of the House Committee on Science.

(2) CHAIRMAN.—The President shall select a Chairman and Vice Chairman from Among such 15 members.

(3) ADVISORY MEMBERS TO THE COMMISSION.—The President shall appoint 4 advisory members from among the Members of the Senate and House of Representatives as follows:

(A) Two Members, one from each party, selected from the Senate.

(B) Two Members, one from each party, selected from the House of Representatives.

(b) FINDINGS AND RECOMMENDATIONS.—The Commission shall report to the President and the Congress on a comprehensive national ocean and coastal policy to carry out the purpose and objectives of this Act. In developing the findings and recommendations of the report, the Commission shall—

(1) review and suggest any necessary modifications to United States laws, regulations, and practices necessary to define and implement such policy;

(2) assess the condition and adequacy of investment in existing and planned facilities and equipment associated with ocean and coastal activities including human resources, vessels, computers, satellites, and other appropriate technologies and platforms;

(3) review existing and planned ocean and coastal activities of Federal agencies and departments, assess the contribution of such activities to development of an integrated long-range program for marine research, ocean and coastal resource management, and protection of the marine environment, and identify any such activities in need of reform to improve efficiency and effectiveness;

(4) examine and suggest mechanisms to address the interrelationships among ocean and coastal activities, the legal and regulatory framework in which they occur, and their inter-connected and cumulative effects on the marine environment, ocean and coastal resources, and marine productivity and biodiversity;

(5) review the known and anticipated demands for ocean and coastal resources, including an examination of opportunities and limitations with respect to the use of ocean and coastal resources within the exclusive economic zone, projected impacts in coastal areas, and the adequacy of existing efforts to manage such use and minimize user conflicts;

(6) evaluate relationships among Federal, State, and local governments and the private sector for planning and carrying out ocean and coastal activities and address the most appropriate division of responsibility for such activities;

(7) identify opportunities for the development of or investment in new products, technologies, or markets that could contribute to the objectives of this Act;

(8) consider the relationship of the ocean and coastal policy of the United States to the United Nations Convention on the Law of the Sea and other international agreements, and actions available to the United States to effect collaborations between the United States and other nations, including the development of cooperative international programs for marine research, protection of the marine environment, and ocean and coastal resource management; and

(9) engage in any other preparatory work deemed necessary to carry out the duties of the Commission pursuant to this Act.

(c) DUTIES OF CHAIRMAN.—In carrying out the provisions of this subsection, the Chairman of the Commission shall be responsible for—

(1) the assignment of duties and responsibilities among staff personnel and their continuing supervision; and

(2) the use and expenditures of funds available to the Commission.

(d) COMPENSATION OF MEMBERS.—Each member of the Commission who is not an officer or employee of the Federal Government, or whose compensation is not precluded by a State, local, or Native American tribal government position, shall be compensated at a rate equal to the daily equivalent of the annual rate payable for Level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Commission. All members of the Commission who are officers or employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States.

(e) STAFF.—

(1) The Chairman of the Commission may, without regard to the civil service laws and regulations, appoint and terminate an executive director who is knowledgeable in administrative management and ocean and coastal policy and such other additional personnel as may be necessary to enable the Commission to perform its duties. The employment and termination of an executive director shall be subject to confirmation by a majority of the members of the Commission.

(2) The executive director shall be compensated at a rate not to exceed the rate payable for Level V of the Executive Schedule under section 5316 of title 5, United States Code. The Chairman may fix the compensation of other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for such personnel

may not exceed the rate payable for GS–15, step 7, of the General Schedule under section 5332 of such title.

(3) Upon request of the Chairman of the Commission, the head of any Federal Agency shall detail appropriate personnel of the agency to the Commission to assist the Commission in carrying out its functions under this Act. Federal Government employees detailed to the Commission shall serve without reimbursement from the Commission, and such detailee shall retain the rights, status, and privileges of his or her regular employment without interruption.

(4) The Commission may accept and use the services of volunteers serving without compensation, and to reimburse volunteers for travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code. Except for the purposes of chapter 81 of title 5, United States Code, relating to compensation for work injuries, and chapter 171 of title 28, United States Code, relating to tort claims, a volunteer under this section may not be considered to be an employee of the United States for any purpose.

(5) The Commission is authorized to procure the temporary and intermittent services of experts and consultants in accordance with section 3109 of title 5, United States Code, but at rates not to exceed the daily rate payable for GS–15, step 7, of the General Schedule under section 5332 of title 5, United States Code.

(f) ADMINISTRATION.—

(1) All meetings of the Commission shall be open to the public, except when the Chairman of the Commission or a majority of the members of the Commission determine that the meeting or any portion of it may be closed to the public. Interested persons shall be permitted to appear at open meetings and present oral or written statements on the subject matter of the meeting. The Commission may administer oaths or affirmations to any person appearing before it.

(2) All open meetings of the Commission shall be preceded by timely public notice in the Federal Register of the time, place, and subject to the meeting.

(3) Minutes of each meeting shall be kept and shall contain a record of the people present, a description of the discussion that occurred, and copies of all statements filed. Subject to section 552 of title 5, United States Code, the minutes and records of all meetings and other documents that were made available to or prepared for the Commission shall be available for public inspection and copying at a single location in the offices of the Commission.

(4) The Federal Advisory Committee Act (5 U.S.C. App.) does not apply to the Commission.

(g) COOPERATION WITH OTHER AGENCIES.—

(1) The Commission is authorized to secure directly from any Federal agency or department any information it deems necessary to carry out its functions under this Act. Each such agency or department is authorized to cooperate with the Commission and, to the extent permitted by law, to furnish such information to the Commission, upon the request of the Chairman of the Commission.

(2) The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

(3) The General Services Administration shall provide to the Commission on a reimbursable basis the administrative support services that the Commission may request.

(4) The Commission may enter into contracts with Federal and State agencies, private firms, institutions, and individuals to assist the Commission in carrying out its duties. The Commission may purchase and contract without regard to section 303 of the Federal Property and Administration Services Act of 1949 (41 U.S.C. 253), section 18 of the Office of Federal Procurement Policy Act (41 U.S.C. 416), and section 8 of the Small Business Act (15 U.S.C. 637), pertaining to competition and publication requirements, and may arrange for printing without regard to the provisions of title 44, United States Code. The contracting authority of the Commission under this Act is effective only to the extent that appropriations are available for contracting purposes.

(h) REPORT.—The Commission shall submit to the President, via the Council, and to the Congress not later than 18 months after the establishment of the Commission, a final report of its findings and recommendations. The Commission shall cease to exist 30 days after it has submitted its final report.

(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to support the activities of the Commission a total of $6,000,000 for fiscal years 1998 and 1999. Any sums appropriated shall remain available without fiscal year limitation until expended.

**SEC. 7. REPORT AND BUDGET COORDINATION.**

(a) BIENNIAL REPORT.—Beginning in January, 1999, the President, through the Council, shall transmit to the Congress biennially a report, which shall include—

(1) a comprehensive description of the ocean and coastal activities and related accomplishments of all agencies and departments of the United States during the preceding two fiscal years; and

(2) an evaluation of such activities and accomplishments in terms of the purpose and objectives of this Act. Reports made under this section shall contain such recommendations for legislation as the President may consider necessary or desirable.

(b) BUDGET COORDINATION.—

(1) Each year the Council shall provide general guidance to each Federal agency or department involved in ocean or coastal activities with respect to the preparation of requests for appropriations.

(2) Working in conjunction with the Council, each agency or department involved in such activities shall include with its annual request for appropriations a report which—

(A) identifies significant elements of the proposed agency or department budget relating to ocean and coastal activities; and

(B) specifies how each such element contributes to the implementation of a national ocean and coastal policy.

(3) Each agency or department that submits a report under paragraph (1) shall submit such report simultaneously to the Council.

(4) The President shall, in a timely fashion, provide the Council with an opportunity to review and comment on the budget estimate of each such agency or department.

(5) The President shall identify in each annual budget submitted to the Congress under section 1105 of title 31, United States Code, those elements of agency or department budget that contribute to the implementation of a national ocean and coastal policy.

**SEC. 8. REPEAL OR 1966 STATUTE.**

The Marine Resources and Engineering Development Act of 1966 (33 U.S.C. 1101 et seq.) is repealed.

Mr. STEVENS. Madam President, I am pleased to be an original cosponsor of Senator HOLLINGS' bill to require a wholesale review of the Nation's oceans and coastal policies to prepare for the 21st century. We have not done this since the 1960's, and the time has come.

The bill has three important components: First, it calls for the development of a coherent national ocean and coastal policy; second, it establishes a 15-member commission similar to the Stratton Commission to make recommendations within 18 months on this national ocean and coastal policy; and third, it creates an interagency council of all the Federal agencies involved in oceans and coastal matters, chaired by the Secretary of Commerce, to coordinate the implementation of the national policy.

I applaud Senator HOLLINGS for developing this legislation. As has been pointed out, over half of the U.S. population lives within 50 miles of our shores. In my State, the oceans employ more people in the private sector than any other industry. The demands on our oceans and coastal resources continues to grow, and we must be prepared to meet these demands in the 21st century.

Mr. KERRY. Mr. President, I rise today to support the efforts of my esteemed colleagues, particularly the ranking member of the Commerce Committee, Senator HOLLINGS, and the chairman of the Appropriations Committee, Senator STEVENS, and to cosponsor the Oceans Act of 1997. I have great respect for Senators HOLLINGS and STEVENS and their stewardship of our ocean and coastal resources.

Since the day I first arrived in the Senate nearly 12 years ago, I have worked hard to address the many challenges confronting our common ocean and coastal resources. I have led this effort principally through my participation and leadership on the Commerce, Science, and Transportation Committee, and particularly as ranking member on the Oceans and Fisheries Subcommittee and as cochair of its predecessor, the national ocean policy study [NOPS].

Over the last 25 years, Congress has worked to develop innovative policy solutions to enable the long-term protection, conservation, utilization, and management of our vulnerable marine resources. We have acted to ensure strong coastal economies in Massachusetts and a clean, healthy coastal environment from the Gulf of Maine to the Gulf of Alaska.

In that vein therefore, I believe that it is time for us, like the Stratton Commission did over 30 years ago, to take an inventory of where our Nation has been and where we are going regarding the great responsibility of stewardship of our coastal resources. The Oceans Act of 1997 will provide the framework for that effort.

The bill contains three major provisions. First, it calls for development of a national ocean and coastal policy to provide for protection from natural hazards, stewardship of fisheries and coastal resources, protection of the marine environment, enhanced marine transportation and security, continued investment in marine technologies, ocean monitoring and exploration, Government cooperation and coordination, and continued U.S. international leadership. Second, it establishes a Commission on Ocean Policy to complete an 18-month examination and evaluation of ocean and coastal activities and provide recommendations for national policy. Third, it creates an interagency National Ocean Council, headed by the Secretary of Commerce to advise the President and serve as a forum for developing and implementing ocean and coastal policy programs, designate funding responsibilities, provide coordination of Federal budgets, and work with non-Federal organizations to periodically review the Nation's ocean and coastal policy.

The time for this legislation is now, the world population will double to over 10 billion by the middle of the next century. Today over 50 percent of world population resides in coastal areas. The United States and its insular areas have more than 95,000 miles of coastline and the offshore U.S. Exclusive Economic Zone [EEZ] encompasses more than 3.4 million square miles, nearly equal to the land area of the United States.

Over the last 30 years the coastal area populations have increased from 80 to over 110 million and is projected to reach 127 million by 2010. If these trends continue, much heavier demands will be placed on ocean and coastal resources, that is, need for food from the sea for world protein requirements and energy and mineral production from offshore deposits. Ocean threats from this vast expansion include; sewage, chemical, and garbage disposal, runoff from agricultural and forested lands, exploitation of fisheries resources, development of energy and mineral resources, and coastal infrastructure development. Moreover, recent years have yielded a degradation of coastal water quality, loss of wetlands, closure of beach and recreational areas, pollution of fishery and shellfish management resources that diminish the resource base, contaminate seafood, and endanger human health. In fact over 70 percent of U.S. commercial and recreational fish and shellfish depend on estuaries at some point in their life cycle.

Toxic chemicals and sewage dumped have contaminated the Nation's harbors and waterways. More than 20,000 combined sewer overflows [CSO's], sewers that combine storm water and sanitary flows empty directly into rivers and coastal waters. In 1992 heavy rains and flooding caused severe CSO overflows in Los Angeles which forced the temporary closing of over 70 miles of adjacent coastal areas. Coastal area real estate development has accelerated to the point that over 50 percent of annual U.S. residential construction during the past two decades has occurred in coastal areas. This trend is expected to continue and is expected to stress coastal ecosystems even further mostly in California and Florida, two of the Nation's most productive coastal areas. This also increases risk to life and property due to hurricanes and other major storms. For example the price tag for Hurricane Andrew, one of the largest storms in history, was estimated to be $25 to $30 billion. Further sea level rise from global warming will exacerbate this already growing problem.

Further, as the world population grows, we will become more and more dependent on food from the sea. Since 1977 total fish harvest from the EEZ increased more than 325 percent to a peak of 6.65 billion pounds annually in 1986–88, but has subsequently declined—only 6.32 in 1993. Alaska pollock and Gulf of Mexico shrimp were the leading fisheries in 1993. Imported seafood comprised 57 percent of U.S. consumption during 1996, a 3 percent increase from 1995.

Many problems exist however in the way we manage the world's fisheries. A Time magazine article of August 11, 1997, on the world overfishing problem, stated that "fish of all kinds are being hauled from the sea faster than they can reproduce." We addressed many of those concerns with the passage of "Sustainable Fisheries Act" last year. With a focus on overfishing, we established National goals to rebuild most currently overfished stocks in 10 years, provided for the protection of fish habitats and Pacific Insular Areas, established a by-catch reduction program, and encouraged the development of underutilized species.

However, more can be done, particularly on an international level. Fish stocks migrate across jurisdictions. Nations approach fisheries conservation and manage differently. Development of conversation objectives of nations harvesting common fish stocks often clash, and overcapitalized fleets are over-harvesting the available resources in many areas.

Again, much work remains and we must be vigilant in our duty to preserve and protect the oceans and coastal resources as we start the next century.

Ms. SNOWE. Mr. President, I am pleased to join the ranking member of the Commerce Committee, Senator HOLLINGS, in the introduction of the Oceans Act of 1997. This bill will establish a commission like the Stratton Commission of 1966 to review the many ocean and coastal issues facing the United States, and to develop a comprehensive, coordinated, national ocean and coastal policy.

Prior to introduction, I raised a few concerns with Senator HOLLINGS on some provisions of the draft bill. Basically, I had recommended some language that made it clear that as we develop a new ocean and coastal policy for the Nation, we keep in mind the facts that our fiscal resources are limited, and that our Federal investments in ocean and coastal resources must be spent efficiently and wisely. I also raised some concerns about the fact that the original draft had the President appointing all of the members of this important commission.

Mr. President, Senator HOLLINGS has graciously agreed to make some changes to the bill pursuant to my recommendations. For instance, the bill now authorizes the Congress to appoint more than half of the commission members, and the commission is directed to identify opportunities to reform Federal ocean programs to improve efficiency and effectiveness. I commend Senator HOLLINGS for his willingness to work with me and other Republican Senators before introduction of the bill. After introduction, I look forward to working with the distinguished Senator from South Carolina, a Senator who worked on the original Stratton Commission bill 30 years ago and who is a true champion of ocean protection, in the Oceans and Fisheries Subcommittee on any further refinements along these lines that might be constructive.

Again, I thank Senator HOLLINGS and commend him upon introduction of this bill.

Mr. KENNEDY. Mr. President, it is an honor for me to join as a sponsor of the Oceans Act of 1997. Our goal in this legislation is to deal more effectively with one of the most important aspects of our overall policy for the environment—our efforts to preserve and protect our magnificent ocean and coastal resources.

I commend Senator HOLLINGS for his leadership on this important legislation.

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By Mr. ALLARD:

S. 1214. A bill to amend the Line-Item Veto Act of 1996 to eliminate the requirement that a Federal budget deficit must exist in order for the President to use the line-item veto authority; to the Committee on the Budget and the Committee on Governmental Affairs, jointly, pursuant to the order of August 4, 1977, as modified by the order of April 11, 1986, with instructions that if one committee reports, the other committee have 30 days to report or be discharged.

### LEGISLATION TO STRENGTHEN THE LINE-ITEM VETO

Mr. ALLARD. Mr. President, today I am pleased to introduce legislation that will strengthen the recently enacted line-item veto.

Currently, the line-item veto can only be exercised by the President when there is a deficit. This legislation would eliminate that restriction and provide for line-item veto authority whether there is a deficit or a surplus.

Mr. President, the purpose of the line-item veto should be to reduce wasteful Government programs, as well as reduce deficits.

Last year the Congress approved legislation that granted the President line-item veto authority beginning in 1997. The Congress did this out of principle. Members did not wait to see which candidate won the election before deciding whether to grant the new authority, and in August history was made when President Clinton became the first President to exercise the line-item veto.

While some Members of Congress may not agree with the specific provisions that the President selected to line-item veto, the important point is that any President should have this power as a check on narrow special interest spending and tax provisions. If Congress wishes to restore a vetoed provision it can do so with the requisite two-thirds vote.

I have long been a supporter of line-item veto authority for the President. In my view it will serve as a powerful check on Congress' ability to load up bills with wasteful provisions.

I think it is safe to say that the President's use of the line-item veto has created an environment in which narrow spending and tax provisions are going to be scrutinized much more carefully before they are loaded onto legislation.

I recognize that there have been court challenges concerning the constitutionality of the statutory line-item veto. I believe that this authority is constitutional and I certainly hope that the Supreme Court comes down on that side. However, this issue is important enough that we should amend the Constitution if necessary. That is why earlier this year I introduced a line-item veto constitutional amendment.

Today, however we should focus on the line-item veto that is before us and look for ways to improve that law. That is the purpose of this legislation.

In the last several years our economy has been very healthy and tax revenues have come in at much higher levels than previously forecast. This has created a situation where we may actually see a budget surplus at some point in the next several years. Does this mean we should rescind the line-item veto authority we have given the President? Of course not, but that would be the result as the law was drafted in 1996.

My view is that the line-item veto should be used in both deficit and surplus times. While we may have some surplus years on the horizon, it is clear that without entitlement reform massive deficits will return just after the turn of the century. This means that we must be constantly working to eliminate wasteful Government programs. A line-item veto is one way to help do that.

Mr. President, I cast my vote for a permanent line-item veto. The President and Congress cannot afford to take a vacation from the battle against wasteful Government programs.

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By Mr. ASHCROFT:

S. 1215. A bill to prohibit spending Federal education funds on national testing; to the Committee on Labor and Human Resources.

### NATIONAL TESTING LEGISLATION

Mr. ASHCROFT. Mr. President, I rise today to introduce legislation to prohibit the Federal Government from developing and/or imposing new national individualized tests on students across the country.

During his State of the Union Address this year, President Clinton announced his intentions to establish national tests for students in fourth grade reading and eighth grade mathematics. Without waiting for congressional authority, the Department of Education surged ahead and began development of uniform national tests, with plans to administer them starting in 1999. In August, the Department announced the award of a $13 million contract for its national testing initiative, and plans to spend an estimated $50.6 million under the contract from fiscal year 1998 through fiscal year 2001, including $12.3 million for fiscal year 1998.

In response, Representative BILL GOODLING, chairman of the Committee on Education and the Workforce, offered an amendment in the House which prohibits the expenditure of fiscal year 1998 funds for a new national testing program. While the Senate failed to consider fully and vote on the Goodling approach during its debate of the Labor-HHS appropriations bill, the House embraced the Goodling amendment, approving it by a resounding vote of 295 to 125.

The House vote sends a clear and strong signal that Congress should prohibit Federal funds for national testing in education. In fact, the alliance of members from both sides of the political spectrum demonstrates the universal concern that the administration's proposal is besieged by problems. Here are just a few of the many reasons why national tests should be opposed:

First, education experts such as Dr. Donald J. Senese, former Assistant Secretary for Educational Research and Improvement during the Reagan administration, warn that national testing will lead to a national curriculum.

Second, Lynne Cheney, former chairperson of the National Endowment for the Humanities, reminds us that Federal efforts to set standards and tests have been disastrous. She points to the politically correct Federal history standards and the English-language arts standards, which were such an ill-considered muddle that even the Clinton Department of Education cut off funding for them after having spent more than $1 million in taxpayer funds.

Third, the proposed math test is steeped in the new, unproven whole math or fuzzy math philosophy, which encourages students to rely on calculators, discourages basic math skills, and has resulted in declines in math performance. For example, the median percentile computation scores on the Comprehensive Test of Basic Skills taken by more than 37,000 DODDS students one year after the Defense Department introduced whole math dropped 9 points for third graders, 12 for fourth graders, 11 for fifth graders, 10 for sixth graders, 10 for seventh graders, and 4 for eighth graders.

Finally, Federal testing takes away local control and parental involvement. The Federal Government should not impose its will on school boards, parents, and teachers about the education of their children. Rather, education should be controlled by school boards in local communities, where parents have the greatest opportunity to be involved in the education of their child, by participating in the development of school curriculum and testing. After all, research confirms that parental involvement is the single most important element in educating our children.

Mr. President, the big losers from national tests will be students, parents, teachers, and local school boards. Once Federal exams are in place, teachers and schools will teach the test. In other words, they will change their classes to fit the Federal tests, in order to get higher scores. Textbooks and instructional materials will follow suit, even in areas that attempt to avoid national tests. As a result, Washington bureaucrats who design the tests will shape local curriculum decisions. National control of curriculum is absolutely unacceptable to me. Once the Federal Government is using tests to shape curriculum, parental control through local school boards will be doomed.

Who should control local education? I believe our schools should remain under the control of parents, teachers, and school boards, in cooperation with the States. The flawed whole math approach which brought major losses in computation test scores demonstrates the central threat in national control: When the bureaucrats make a mistake, everybody pays, from coast to coast.

Parents are looking to Congress to protect their right and their ability to shape the education of their children. A national testing system would deprive parents of this vital opportunity. As Members of Congress, we can show our support for education by saying "no" to national testing and "yes" to parental control of their children's learning.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1215

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. PROHIBITION ON NATIONAL TESTING.**

Part C of the General Education Provision Act (20 U.S.C. 1231 et seq.) is amended by adding at the end the following:

**"SEC. 447. PROHIBITION ON NATIONAL TESTING.**

"(a) GENERAL PROHIBITION.—Notwithstanding any other provision of Federal law, funds provided to the Department or for an applicable program may not be used to develop, plan, implement, or administer any national testing program.

"(b) EXCEPTION.—Subsection (a) shall not apply to the following:

"(1) The National Assessment of Educational Progress carried out under section 411 of the National Education Statistics Act of 1994 (20 U.S.C. 9010).

"(2) The Third International Mathematics and Science Study (TIMSS).".

By Mr. HOLLINGS:

S. 1217. A bill for the relief of Olga Gorgiladze; to the Committee on the Judiciary.

PRIVATE RELIEF LEGISLATION

Mr. HOLLINGS. Mr. President, I am introducing a bill today that will grant permanent residency in the United States to Olga Gorgiladze.

I serve as the ranking member of the Appropriations Subcommittee that has jurisdiction and oversight over both the Immigration and Naturalization Service and the Executive Office for Immigration Review. I can tell you that with respect to Mrs. Gorgiladze's case—they have missed the mark. They have done this woman an injustice. It is a wrong that this Senate and this Congress should make right.

Olga Gorgiladze's case is a special situation that involves the turmoil and changes that came with the fall of the Berlin Wall and the collapse of the Soviet Union. In September 1991, Mrs. Gorgiladze came to the United States to stay with her lifelong friend, Merilyn Hodgson. Three months later the Soviet Union was dissolved and civil and ethnic war broke out in Georgia, the Soviet Republic where Mrs. Gorgiladze's husband was from. She applied for asylum in this country in March 1992. INS and the Executive Office of Immigration Review finally got to her case in late 1995 and turned down her request. They instructed Mrs. Gorgiladze to obtain Georgian citizenship and to leave for that country. The irony, of course, is that Olga Gorgiladze is not now and never has been a Georgian citizen. In fact, quite the contrary she fears for her safety should she be forced to go to that nation. She loves the United States. She loves our democratic society that protects freedom of speech and religion. Most importantly, she feels safe in a nation that has racial and ethnic diversity. The reality is that Olga Gorgiladze wants to become an American, not a Georgian citizen.

Olga Gorgiladze is not even ethnically Georgian. She is half Chinese and half Russian. She was born in China in 1940 to a Russian father and a Chinese mother. Her father was a naval officer in the Tsarist navy and fought against the Bolsheviks during the Russian Revolution. Her mother met Mrs. Gorgiladze's father in Shanghai where he had fled after the war. Olga grew up in China, speaking Chinese. But, once again in 1954, her family had to flee another violent Communist takeover—and her father moved the family back to the Soviet Union. They were sent to work on the undeveloped desert lands of Kazakhstan. In 1959, after her father died of cancer she was given permission by the Soviet authorities to move to Sukhami, Georgia, near the Russian border.

In 1971, Olga graduated from the Teachers College of Foreign Languages where she majored in English. However, she was denied a teaching position because preference was given to Georgians. She finally got a job as a part-time teacher at the college from which she graduated, but was later fired when all classes for Russian speaking groups were terminated. Despite her advanced education—equivalent to a masters degree in this country—she has continually been forced to take low-paying clerk positions because of discrimination against her as a non-Georgian. Other discriminations displayed against her included housing which is controlled by the state and purchasing of food and supplies.

Since 1991, the Caucasus nations have been plagued by ethnic strife and warfare. We have all watched the violence and bloodshed in the Abkhaszia region of Georgia, between Armenia and Azerbaijan in Nagorno-Karabakh, and the war in Chechneya. Less well televised is the hostility and persecution of outsiders and ethnic minorities. In Georgia, there is hostility to anything or anyone affiliated with Russia. As a woman who looks Chinese, speaks only Russian and English, Olga Gorgiladze has been subject to countless incidents of verbal, physical, and mental abuse. Mrs. Gorgiladze does not and cannot blend into the Georgian population. She has been beaten, spit on, verbally and physically abused. Her safety and livelihood have always felt threatened every minute of every day while living in Georgia. For example, while riding the bus, Mrs. Gorgiladze has been beaten and threatened with knifes, chains, and various other weapons.

Her husband of 25 years, Malkhaz Gorgiladze, stayed in Georgia and warned Olga of the dangers posed to her if she returned to that country. He encouraged her to seek asylum in the United States and collected evidence for her hearing. He especially worked to document police inactivity and the Georgian officials' complicity in attacks on non-Georgians by violent nationalist groups. The police warned him to stop his efforts. Malkhaz Gorgiladze began to receive anonymous phone calls and threats and warnings to stop criticizing the police. In 1996, while returning home from a New Year's Eve gathering, his car was rammed by a Georgian police car and Olga's husband was killed.

When asked by the immigration judges at Justice, our State Department reported that Georgia is in a state of cease-fire and everybody is getting along with each other. Further, the Justice Department conjectured that if the Georgian police wanted Olga's husband killed, the would have used means other than an auto accident involving a police car. The INS and immigration judges down there at the Justice Department have used this information and conclusions to deny Mrs. Gorgiladze's request for asylum. Yet, there were numerous letters and affidavits by witnesses regarding Malkhaz Gorgiladze's murder. And, in Georgia, the ultranationalists blame non-Georgians, and in particular blame Russians, for all their misfortunes and lack of economic development. Friends and relatives of Olga Gorgiladze have warned her that she should not return. They tell her that she will never be able to get a job and always will be an outcast. They say she will be considered a traitor. And, Malkhaz will not be there to try and defend her as in the past. In short, they fear for her safety, as do I.

Mrs. Gorgiladze's case is truly heartwrenching. And, here is a woman I might add—that has worked for the last 5 years at MCI Customer Service Representative International Department and turned around and paid her taxes to the State of Virginia and the U.S. Government. In my view, she has been an outstanding resident in our Nation who serves as an example of the American dream. She has never broken any law and has never been on welfare or asked the Government for handouts. She has followed the immigration rules every step of the way. She is what America is all about. What astonishes me is why the Justice Department would want to deport this 57-year-old woman.

Mr. President, I have served in the U.S. Senate over 30 years. Every now and then we get an opportunity to stand up for someone who the Federal bureaucracy has mistreated. This is one of those times. Olga Gorgiladze's situation has touched me. Since her friend brought the case to my attention, I can't stop thinking about how unfair it seems. I've sat in Senate hearing after hearing on the Immigration and Naturalization Service asking why action is not taken to deport illegal aliens who got into this country through deception. I have listened to this administration try to explain how in 1996 they naturalized thousands of aliens with criminal backgrounds. And, I find it astonishing, these very same Justice immigration judges have ruled in separate cases that homosexuality per se does constitute a legitimate claim for asylum. But, in this case we have a woman who came to the United States legally, who is not and never has been a citizen of Georgia, who had her husband killed by Georgian authorities, who legitimately fears for her safety if sent there, who has complied with all the United States immigration laws, and who has paid her own way and has not been a burden to taxpayers in this country—and this is who the Justice Department wants to deny asylum and deport? Maybe I should forgo this bill and simply tell Olga to pretend that she is homosexual. This is injustice. This is just simply wrong.

Mr. President, I am introducing this bill today because the system is not working. I believe that Olga Gorgiladze has legitimate reasons to fear being deported to Georgia. She is not Georgian and does not belong in that country. It is ludicrous for the United States Government to be ordering her to apply for Georgian citizenship. What she has demonstrated is that she does belong in this country. In her case the system has failed and I think it is incumbent upon the United States Senate to put things right. I am pleased to sponsor this bill. I intend to work with the Judiciary Committee, with Senators ABRAHAM, KENNEDY, HATCH, and LEAHY, to ensure that Mrs. Olga Gorgiladze is permitted to remain in the United States.

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By Mr. KERREY.

S. 1218. A bill to assure the integrity of information, transportation, and telecommunications upon the arrival of the year 2000; to the Committee on Commerce, Science, and Transportation.

### THE MILLENNIUM ACT

Mr. KERREY. Mr. President, one of the challenges of the 21st century is already upon us. It is commonly known as the year 2000 computer problem or the millennium bug. At issue is a programming technique that could lead to the malfunction of computer systems worldwide on January 1, 2000. It is essential that government, business, and personal computer users take adequate steps to fix this problem in advance of December 31, 1999, to ensure that cyberspace enters the next millennium without a hitch.

During the early years of computing, computer storage space was incredibly expensive. Storage space that costs only 10 cents per megabyte today, cost $36 per megabyte in 1972. In an effort to reduce storage costs, computer programmers commonly programmed date information using only two digits to indicate the year. For example, 1999 would be programmed as 99. This clever space saving trick saved computer users millions of dollars and became industry practice because programmers believed that by the time the year 2000 arrived any code they were working on would be obsolete and out of service. Unfortunately, the conventional wisdom was wrong and many computer systems still use these programs. Computers and computer software programmed in this fashion may misinterpret the year 2000 as 1900. This electronic confusion could lead to serious malfunction or collapse of computers and computer networks around the world.

Date information plays a significant role in almost all computer applications developed over the last 30 years. The year 2000 problem has many practical implications from the relatively benign to the very serious. Credit cards may be read as invalid, traffic lights may not operate, 99 years of bank records could be destroyed or the Nation's air traffic control systems could fail. The list of possible failures is nearly endless and can be found in systems used by the government, the business community, and personal computer users worldwide. Personal computers are less susceptible to the problem and in most cases can be quickly fixed. However, business and government leaders should be working night and day to ensure that the computer systems the country depends on are reprogrammed to correctly recognize the date in time for the arrival of New Year's Day 2000.

The time and financial commitment necessary to replace the problematic date code is stunning. The Gartner Group estimates that costs could exceed $600 billion. Newsweek magazine points out that this sum is enough to fund a year's worth of education costs, preschool through graduate school. Correcting the problem is technically simple, however in order to find the date information the entire program must be manually scanned line for line. Often, the programs are written in the outdated COBAL programming language and finding programmers skilled in older languages to solve the problem is very difficult because the demand for their services is sky rocketing. After a competent technician is hired and they have analyzed the code and made the necessary changes, the programs must go through a time consuming testing phase. In sum, it is a very complex task and it is quickly becoming too late to begin the reprogramming process.

Many companies and government offices have already taken steps to avert this problem and are well on their way to making their systems year 2000 compliant. Unfortunately, many others have not addressed the problem and the time needed to analyze, modify, and test the code used by these entities is quickly slipping away. I am very concerned that further delays will leave the government and many private companies unprepared to carry out normal transactions in the early days of the next century. In order to address this problem, I have joined Senator MOYNIHAN as a cosponsor of S. 22. S. 22 would create a commission that would be required to report to the President, by July 3, 1997, with proposals for new procedures or regulations to address the year 2000 computer problem for systems of Federal, State, and local governments and would make recommendations for funding levels that might be needed to address this problem.

In addition I am introducing a bill today that would instruct the Federal Communications Commission to initiate a proceeding to determine the integrity of the telecommunications networks as the year 2000 arrives. It also requires the National Institute of Standards and Technology to review the risks to personal computers and requires the Department of Transportation to assure that transportation safety is not compromised.

Inconvenience can be tolerated, but every effort must be taken to assure that the health and safety of humans and the security and integrity of networks and data are not compromised by what we know to be a significant weakness in our computer networks and software.

In conclusion, I am also very concerned by reports that small and midsize businesses are experiencing difficulty in determining if their computer systems are year 2000 compliant because some third-party systems vendors are not forthcoming with information about their products. An already difficult task is further complicated by uncooperative third party vendors who fail to help these companies understand how the year 2000 problem could affect their businesses. These companies have a responsibility to provide their customers with the information they need to make their systems year 2000 compliant.

There is still time to act and prevent dangerous disruptions in computer, transportation and computer networks and the loss of valuable data. If the private and public sector does that, then Americans can party, and not panic when the clock strikes midnight on New Year's eve 1999. Mr. President I ask unanimous consent that the text of my bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1218

*Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be referred to as the "Millennium Act."

**SEC. 101. TELECOMMUNICATIONS NETWORKS.**

(a) The Federal Communications Commission shall initiate a proceeding to evaluate the potential dangers to the nation's telecommunications networks from to software and systems which are unable to effectively toll the passage of time from December 31, 1999 to January 1, 2000.

(b) The Commission shall make necessary and appropriate regulatory changes within their jurisdiction to ensure the integrity of the nation's telecommunications networks.

**SEC. 102. PERSONAL COMPUTERS.**

The National Institute of Standards and Technology shall evaluate the potential risks to information stored on personal computers from to software and systems which are unable to effectively toll the passage of time from December 31, 1999 to January 1, 2000 and shall take necessary and appropriate actions within its jurisdiction to propose solutions and inform the public.

**SEC. 103. TRANSPORTATION NETWORKS.**

The Secretary of Transportation shall initiate a comprehensive plan to assure that computer hardware and software in transportation systems which are unable to effectively toll the passage of time from December 31, 1999 to January 1, 2000 do not create a safety risk to transportation workers and the general public. Should a risk to safety be identified, the Department shall take necessary and appropriate measures to assure safety and inform the public of such risks.

## ADDITIONAL COSPONSORS

S. 22

At the request of Mr. MOYNIHAN, the names of the Senator from Oregon [Mr. WYDEN] and the Senator from South Dakota [Mr. DASCHLE] were added as cosponsors of S. 22, a bill to establish a bipartisan national commission to address the year 2000 computer problem.

S. 67

At the request of Ms. SNOWE, the name of the Senator from New York [Mr. D'AMATO] was added as a cosponsor of S. 67, a bill to amend the Public Health Service Act to extend the program of research on breast cancer.

S. 489

At the request of Mr. KYL, the name of the Senator from Missouri [Mr. BOND] was added as a cosponsor of S. 489, a bill to improve the criminal law relating to fraud against consumers.

S. 830

At the request of Mr. JEFFORDS, the name of the Senator from Michigan [Mr. ABRAHAM] was added as a cosponsor of S. 830, a bill to amend the Federal Food, Drug, and Cosmetic Act and the Public Health Service Act to improve the regulation of food, drugs, devices, and biological products, and for other purposes.

S. 850

At the request of Mr. AKAKA, the name of the Senator from California [Mrs. FEINSTEIN] was added as a cosponsor of S. 850, a bill to amend the Packers and Stockyards Act, 1921, to make it unlawful for any stockyard owner, market agency, or dealer to transfer or market nonambulatory livestock, and for other purposes.

S. 852

At the request of Mr. LOTT, the name of the Senator from South Dakota [Mr. DASCHLE] was added as a cosponsor of S. 852, a bill to establish nationally uniform requirements regarding the titling and registration of salvage, nonrepairable, and rebuilt vehicles.

S. 941

At the request of Mr. INOUYE, the name of the Senator from South Carolina [Mr. HOLLINGS] was added as a cosponsor of S. 941, a bill to promote the utilization of marine ferry and high-speed marine ferry services.

S. 1069

At the request of Mr. MURKOWSKI, the names of the Senator from Utah [Mr. HATCH], the Senator from Illinois [Ms. MOSELEY-BRAUN], the Senator from Virginia [Mr. ROBB], and the Senator from Rhode Island [Mr. REED] were added as cosponsors of S. 1069, a bill entitled the "National Discovery Trails Act of 1997".

S. 1100

At the request of Mr. AKAKA, the name of the Senator from Hawaii [Mr. INOUYE] was added as a cosponsor of S. 1100, a bill to amend the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America, the legislation approving such covenant, and for other purposes.

S. 1105

At the request of Mr. COCHRAN, the name of the Senator from Texas [Mrs. HUTCHISON] was added as a cosponsor of S. 1105, a bill to amend the Internal Revenue Code of 1986 to provide a sound budgetary mechanism for financing health and death benefits of retired coal miners while ensuring the long-term fiscal health and solvency of such benefits, and for other purposes.

S. 1106

At the request of Mr. COATS, the name of the Senator from Iowa [Mr. HARKIN] was added as a cosponsor of S. 1106, a bill to provide for the establishment of demonstration projects designed to determine the social, civic, psychological, and economic effects of providing to individuals and families with limited means an opportunity to accumulate assets, and to determine the extent to which an asset based policy may be used to enable individuals and families with limited means to achieve economic self-sufficiency.

S. 1115

At the request of Mr. LOTT, the names of the Senator from Arkansas [Mr. HUTCHINSON], the Senator from Louisiana [Mr. BREAUX], the Senator from Nevada [Mr. BRYAN], and the Senator from North Dakota [Mr. DORGAN] were added as cosponsors of S. 1115, a bill to amend title 49, United States Code, to improve one-call notification process, and for other purposes.

S. 1180

At the request of Mr. KEMPTHORNE, the names of the Senator from Oregon [Mr. SMITH], the Senator from Alaska [Mr. STEVENS], and the Senator from Utah [Mr. BENNETT] were added as cosponsors of S. 1180, a bill to reauthorize the Endangered Species Act.

S. 1194

At the request of Mr. KYL, the names of the Senator from Montana [Mr. BURNS], the Senator from Idaho [Mr. KEMPTHORNE], and the Senator from Iowa [Mr. GRASSLEY] were added as cosponsors of S. 1194, a bill to amend title XVIII of the Social Security Act to clarify the right of Medicare beneficiaries to enter into private contracts with physicians and other health care professionals for the provision of health services for which no payment is sought under the Medicare program.

SENATE CONCURRENT RESOLUTION 51

At the request of Mr. HELMS, the names of the Senator from Tennessee [Mr. FRIST], and the Senator from Connecticut [Mr. DODD] were added as cosponsors of Senate Concurrent Resolution 51, a concurrent resolution expressing the sense of Congress regarding elections for the legislature of the Hong Kong Special Administrative Region.

SENATE RESOLUTION 96

At the request of Mr. CRAIG, the names of the Senator from Utah [Mr. BENNETT], the Senator from California [Mrs. BOXER], the Senator from Georgia [Mr. CLELAND], the Senator from Indiana [Mr. COATS], the Senator from California [Mrs. FEINSTEIN], the Senator from Arkansas [Mr. HUTCHINSON], and the Senator from Alabama [Mr. SHELBY] were added as cosponsors of Senate Resolution 96, a resolution proclaiming the week of March 15 through March 21, 1998, as "National Safe Place Week."

## SENATE RESOLUTION 123—HONORING THE MEMORY OF FORMER PEACE CORPS DIRECTOR LORET MILLER RUPPE

Mr. HELMS, from the Committee on Foreign Relations, reported the following original resolution; which was placed on the calendar:

S. RES. 123

Whereas the Members of the Senate were greatly saddened by the death of Loret Miller Ruppe, the longest-serving Director of the Peace Corps; and

Whereas Loret Miller Ruppe's inspirational vision, dedication, and leadership (1) revitalized the Peace Corps as she began or revived programs in Sri Lanka, Haiti, Burundi, Guinea-Bissau, Chad, Equatorial Guinea, and the Cape Verde Islands; (2) energized a new generation of Americans to accept the challenge of serving in the Corps; (3) refocused the Corps on its mission of development to achieve world peace; and (4) did a great service to America and to the millions of the world's citizens touched by her efforts: Now, therefore, be it

*Resolved*, That (a) the Senate recognizes and acknowledges the achievements and contributions of the longest-serving Director of the Peace Corps, Loret Miller Ruppe, and the volunteers she inspired, not only for their service in other countries but also in their own communities.

(b) It is the sense of the Senate that the President should honor the memory of the Peace Corps' great leader Loret Miller Ruppe and reaffirm the commitment of the United States to international peace and understanding.

## SENATE RESOLUTION 124—RELATIVE TO AN INTERNATIONAL TRIBUNAL FOR CRIMES AGAINST HUMANITY

Mr. ROTH (for himself, Mr. THOMAS, Mrs. FEINSTEIN and Mr. GRAMS) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 124

Whereas, the Khmer Rouge recently staged a show trial of Pol Pot, the reputed leader of the Khmer Rouge during the Cambodian genocide;

Whereas, the Khmer Rouge have been promoting their National Solidarity Party and proclaiming their support for "liberal democracy" as a means to legitimate their role in Cambodian politics;

Whereas, while the Khmer Rouge have been weakened since the Paris Peace Accords of 1991, they remain a key source of violence in Cambodia;

Whereas, Cambodian People's Party leader and Second Prime Minister Hun Sen staged a bloody and illegal coup against the First Prime Minister and leader of the FUNCINPEC Party, Norodom Ranaridhh;

Whereas, Hun Sen maintains that the coup was necessary because elements of FUNCINPEC were on the verge of consummating a deal to bring the Khmer Rouge military and political organization into the legitimate political arena;

Whereas, Norodom Ranaridhh, by contrast, has argued that FUNCINPEC had no plan to form an alliance with the Khmer Rouge and that this allegation was used as a pretext by Hun Sen for the coup;

Whereas, Norodom Ranaridhh asserts instead that he was on the verge of finally destroying the Khmer Rouge and bringing them to justice;

Whereas, Norodom Ranaridhh further asserts that the real reason for the coup was that Hun Sen fears that convening an international tribunal to bring the Khmer Rouge to justice would implicate Hun Sen in genocidal atrocities;

Whereas, Hun Sen has consistently argued that the top Khmer Rouge leadership—including, but not limited to Pol Pot—must be brought to justice before an international criminal tribunal;

Whereas, earlier this year, Norodom Ranaridhh and Hun Sen wrote to United Nations Secretary-General Kofi Annan asking for "the assistance of the United Nations and the international community in bringing to justice those persons responsible for genocide and crimes against humanity during the rule of the Khmer Rouge from 1975 to 1979";

Whereas, after the coup, troops loyal to Norodom Ranaridhh appear to have formed a military alliance with troops loyal to the Khmer Rouge leadership, thus reinforcing the fears of the Cambodia people that the Khmer Rouge will use any means necessary to regain power;

Whereas, peace, democracy, stability, the rule of law and national reconciliation in Cambodia are unlikely to be achieved until the Khmer Rouge are brought to justice;

Whereas, the Cambodian Genocide Justice Act states that it is the policy of the United States to support efforts to bring to justice members of the Khmer Rouge for their crimes against humanity; and in circumstances which the President deems appropriate, to encourage the establishment of an international criminal tribunal for the prosecution of those accused of genocide in Cambodia and provide such tribunal with relevant information;

*Resolved*, That it is the sense of the Senate that:

(1) a primary objective of U.S. policy toward Cambodia should be the establishment of an international tribunal for the prosecution those responsible for the Cambodian genocide;

(2) in compliance with the Cambodian Genocide Justice Act and the objectives stated above, the President should immediately deem it appropriate to encourage the establishment of an international criminal tribunal for the prosecution of such members of the Khmer Rouge;

(3) in further compliance with the Cambodian Genocide Justice Act, the United States should support efforts to bring members of the Khmer Rouge—including Pol Pot—to justice for their crimes against humanity before an international tribunal, including providing that tribunal with any information available on such members' involvement in the Cambodian genocide;

(4) the Secretary of State should encourage all Member countries of the Association of Southeast Asian Nations, the People's Republic of China, Japan and other interested countries to support such a tribunal.

Mr. ROTH. Mr. President, I rise today on behalf of myself, Mr. THOMAS, Mrs. FEINSTEIN, and Mr. GRAMS to a sense-of-the-Senate resolution that the Khmer Rouge and other participants in the Cambodian genocide should be brought to justice before an international tribunal.

Just a couple of months ago, we witnessed the grotesque spectacle of a Khmer Rouge show trial of Pol Pot, the leader of the Khmer Rouge during its genocidal reign in the 1970's. In July, Cambodian People's Party leader and Second Prime Minister Hun Sen staged a bloody coup against the First Prime Minister and leader of the FUNCINPEC Party, Norodom Ranaridhh.

Hun Sen has claimed the coup was necessary because Norodom Ranaridhh was attempting to gain Khmer Rouge support for his party.

Norodom Ranaridhh, on the other hand, has labeled Hun Sen's allegations a false pretext for the coup. Norodom Ranaridhh has also asserted that Hun Sen fears an international tribunal on the Cambodian genocide would implicate Hun Sen for atrocities he committed during his tenure as a senior Khmer Rouge official.

Finally, troops loyal to Norodom Ranaridhh now appear to have formed a military alliance with troops loyal to the Khmer Rouge leadership, thus reinforcing the fears of the Cambodia people that the Khmer Rouge will use any means necessary to regain power.

These events and the assertions of the two Prime Ministers demonstrate that while the Khmer Rouge have been weakened since the Paris Peace Accords of 1991, they remain central to the continuing conflict in Cambodia. Recent events also demonstrate that the objectives of bringing peace, democracy, national reconciliation, and the rule of law to Cambodia are likely to remain out of reach until the Khmer Rouge are brought to justice.

What this resolution does, Mr. President, is make it clear that an international tribunal is essential if we are to achieve these objectives. It also points out that before the coup and before their allegations against one another about their respective involvement with the Khmer Rouge, Norodom Ranaridhh and Hun Sen wrote a joint letter to U.N. Secretary-General Kofi Annan asking for U.N. assistance in convening such a tribunal.

We should take them up on their request because removing the Khmer Rouge as a military and political force in Cambodia is essential if we are to avoid another slide toward authoritarianism and war. I believe an international tribunal will also prevent the Khmer Rouge from succeeding in their transparent attempt to emerge as a legitimate political force in Cambodia. Indeed, at the show trial of Pol Pol they staged, the Khmer Rouge loudly proclaimed their support for liberal democracy. Other members of the Khmer Rouge have been promoting the National Solidarity Party to give Khmer Rouge a legitimate voice in Cambodian politics.

According to the Yale Cambodian Genocide project, the principal organization documenting atrocities committed by the Khmer Rouge, such a tribunal "would soon return indictments against all or most of the current Khmer Rouge leadership.

Mr. President, the Cambodian tragedy will never end until the Khmer Rouge are brought to justice. I offer this resolution to move us closer to that goal and to demonstrate this body's continued interest in the development of a free, democratic, and peaceful Cambodia.

## SENATE RESOLUTION 125—COMMENDING THE REPRESENTATIVE OF THE TAIPEI ECONOMIC AND CULTURAL REPRESENTATIVES OFFICE IN THE UNITED STATES

Mr. MURKOWSKI (for himself and Mr. LOTT) submitted the following resolution; which was considered and agreed to:

### S. RES. 125

Whereas Dr. Jason C. Hu has served with distinction as Representative of the Taipei Economic and Cultural Representatives Office (TECRO) since June 1996, and has ably represented the interests of the Republic of China on Taiwan;

Whereas Dr. Hu has been a firm and consistent advocate to democratic principles throughout his distinguished career;

Whereas Dr. Hu has established many deep friendships with Members of Congress and other Americans during his tenure in Washington: and

Whereas Dr. Hu has been asked to return to Taiwan to serve as the Minister of Foreign Affairs of the Republic of China: Now, therefore, be it

*Resolved by the Senate*, That the Senate hereby—

(1) commends Dr. Jason C. Hu for his service as Representative of the TECRO office; and

(2) expresses to Dr. Hu and his family its best wishes for his continued success in the future.

## AMENDMENTS SUBMITTED

## THE DISTRICT OF COLUMBIA APPROPRIATIONS ACT, 1998

### FAIRCLOTH (AND BOXER) AMENDMENT NO. 1248

Mr. FAIRCLOTH (for himself and Mrs. BOXER) proposed an amendment to the bill (S. 1156) making appropriations for the Government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1998, and for other purposes; as follows:

On page 2, strike all after the word "Authority" on line 11, to the end of line 12.

On page 2, line 22, before the colon, insert: ", which shall be deposited into an escrow account held by the District of Columbia Financial Responsibility and Management Assistance Authority, which shall allocate the funds to the Mayor at such intervals and in accordance with such terms and conditions as it considers appropriate to implement the financial plan for the year".

On page 4, line 4, strike "$116,000,000" and insert in lieu thereof "$103,000,000".

On page 4, line 15, strike "$30,000,000" and insert in lieu thereof "$43,000,000".

On page 29, strike all after "the" on line 16, to the end of line 25, and insert: "District of Columbia Financial Responsibility and Management Assistance Authority (Authority). Appropriations made by this Act for such programs or functions are conditioned only on the approval by the Authority of the required reorganization plans."

On page 33, strike all after "Financial" on line 19, and insert: "Responsibility and Management".

On page 41, strike all after "(B)" on line 24, through "$129,946,000" on line 25, and insert: "$4,811,906,000 (of which $118,269,000".

On page 42, line 16, after "Assistance," insert: "Authority".

On page 17, after the period on line 25, insert:

CORRECTIONAL INDUSTRIES FUND

For the Correctional Industries Fund, established by the District of Columbia Correctional Industries Establishment Act, approved October 3, 1964 (78 Stat. 1000; Public Law 88-622), $3,332,000 from other funds.

### COATS (AND OTHERS) AMENDMENT NO. 1249

Mr. COATS, for himself, Mr. LIEBERMAN, Mr. BROWNBACK, Mr. ASHCROFT, Mr. COVERDELL, and Mr. GREGG) proposed an amendment to the bill, S. 1156, supra; as follows:

At the end, insert the following:

**TITLE ___—STUDENT OPPORTUNITY SCHOLARSHIPS**

**SEC. ___01. SHORT TITLE; FINDINGS; PRECEDENTS.**

(a) SHORT TITLE.—This title may be cited as the "District of Columbia Student Opportunity Scholarship Act of 1997".

(b) FINDINGS.—Congress makes the following findings:

(1) Public education in the District of Columbia is in a crisis, as evidenced by the following:

(A) The District of Columbia schools have the lowest average of any school system in the Nation on the National Assessment of Education Progress.

(B) 72 percent of fourth graders in the District of Columbia tested below basic proficiency on the National Assessment of Education Progress in 1994.

(C) Since 1991, there has been a net decline in the reading skills of District of Columbia students as measured in scores on the standardized Comprehensive Test of Basic Skills.

(D) At least 40 percent of District of Columbia students drop out of or leave the school system before graduation.

(E) The National Education Goals Panel reported in 1996 that both students and teachers in District of Columbia schools are subjected to levels of violence that are twice the national average.

(F) Nearly two-thirds of District of Columbia teachers reported that violent student behavior is a serious impediment to teaching.

(G) Many of the District of Columbia's 152 schools are in a state of terrible disrepair, including leaking roofs, bitterly cold classrooms, and numerous fire code violations.

(2) Significant improvements in the education of educationally deprived children in the District of Columbia can be accomplished by—

(A) increasing educational opportunities for the children by expanding the range of educational choices that best meet the needs of the children;

(B) fostering diversity and competition among school programs for the children;

(C) providing the families of the children more of the educational choices already available to affluent families; and

(D) enhancing the overall quality of education in the District of Columbia by increasing parental involvement in the direction of the education of the children.

(3) The 350 private schools in the District of Columbia and the surrounding area offer a more safe and stable learning environment than many of the public schools.

(4) Costs are often much lower in private schools than corresponding costs in public schools.

(5) Not all children are alike and therefore there is no one school or program that fits the needs of all children.

(6) The formation of sound values and moral character is crucial to helping young people escape from lives of poverty, family break-up, drug abuse, crime, and school failure.

(7) In addition to offering knowledge and skills, education should contribute positively to the formation of the internal norms and values which are vital to a child's success in life and to the well-being of society.

(8) Schools should help to provide young people with a sound moral foundation which is consistent with the values of their parents. To find such a school, parents need a full range of choice to determine where their children can best be educated.

(c) PRECEDENTS.—The United States Supreme Court has determined that programs giving parents choice and increased input in their children's education, including the choice of a religious education, do not violate the Constitution. The Supreme Court has held that as long as the beneficiary decides where education funds will be spent on such individual's behalf, public funds can be used for education in a religious institution because the public entity has neither advanced nor hindered a particular religion and therefore has not violated the establishment clause of the first amendment to the Constitution. Supreme Court precedents include—

(1) Wisconsin v. Yoder, 406 U.S. 205 (1972); Pierce v. Society of Sisters, 268 U.S. 510 (1925); and Meyer v. Nebraska, 262 U.S. 390 (1923) which held that parents have the primary role in and are the primary decision makers in all areas regarding the education and upbringing of their children;

(2) Mueller v. Allen, 463 U.S. 388 (1983) which declared a Minnesota tax deduction program that provided State income tax benefits for educational expenditures by parents, including tuition in religiously affiliated schools, does not violate the Constitution;

(3) Witters v. Department of Services for the Blind, 474 U.S. 481 (1986) in which the Supreme Court ruled unanimously that public funds for the vocational training of the blind could be used at a Bible college for ministry training; and

(4) Zobrest v. Catalina Foothills School District, 509 U.S. 1 (1993) which held that a deaf child could receive an interpreter, paid for by the public, in a private religiously affiliated school under the Individual with Disabilities Education Act (20 U.S.C. 1400 et seq.). The case held that providing an interpreter in a religiously affiliated school did not violate the establishment clause of the first amendment of the Constitution.

**SEC. ___02. DEFINITIONS.**

As used in this title—

(1) the term "Board" means the Board of Directors of the Corporation established under section ___03(b)(1);

(2) the term "Corporation" means the District of Columbia Scholarship Corporation established under section ___03(a);

(3) the term "eligible institution"—

(A) in the case of an eligible institution serving a student who receives a tuition scholarship under section ___04(c)(1), means a public, private, or independent elementary or secondary school; and

(B) in the case of an eligible institution serving a student who receives an enhanced achievement scholarship under section ___04(c)(2), means an elementary or secondary school, or an entity that provides services to a student enrolled in an elementary or secondary school to enhance such student's achievement through instruction described in section ___04(c)(2);

(4) the term "parent" includes a legal guardian or other person standing in loco parentis; and

(5) the term "poverty line" means the income official poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)) applicable to a family of the size involved.

**SEC. 03. DISTRICT OF COLUMBIA SCHOLARSHIP CORPORATION.**

(a) GENERAL REQUIREMENTS.—

(1) IN GENERAL.—There is authorized to be established a private, nonprofit corporation, to be known as the "District of Columbia Scholarship Corporation", which is neither an agency nor establishment of the United States Government or the District of Columbia Government.

(2) DUTIES.—The Corporation shall have the responsibility and authority to administer, publicize, and evaluate the scholarship program in accordance with this title, and to determine student and school eligibility for participation in such program.

(3) CONSULTATION.—The Corporation shall exercise its authority—

(A) in a manner consistent with maximizing educational opportunities for the maximum number of interested families; and

(B) in consultation with the District of Columbia Board of Education or entity exercising administrative jurisdiction over the District of Columbia Public Schools, the Superintendent of the District of Columbia Public Schools, and other school scholarship programs in the District of Columbia.

(4) APPLICATION OF PROVISIONS.—The Corporation shall be subject to the provisions of this title, and, to the extent consistent with this title, to the District of Columbia Nonprofit Corporation Act (D.C. Code, sec. 29–501 et seq.).

(5) RESIDENCE.—The Corporation shall have its place of business in the District of Columbia and shall be considered, for purposes of venue in civil actions, to be a resident of the District of Columbia.

(6) FUND.—There is established in the Treasury a fund that shall be known as the District of Columbia Scholarship Fund, to be administered by the Secretary of the Treasury.

(7) DISBURSEMENT.—The Secretary of the Treasury shall make available and disburse to the Corporation, before October 15 of each fiscal year or not later than 15 days after the date of enactment of an Act making appropriations for the District of Columbia for such year, whichever occurs later, such funds as have been appropriated to the District of Columbia Scholarship Fund for the fiscal year in which such disbursement is made.

(8) AVAILABILITY.—Funds authorized to be appropriated under this title shall remain available until expended.

(9) USES.—Funds authorized to be appropriated under this title shall be used by the Corporation in a prudent and financially responsible manner, solely for scholarships, contracts, and administrative costs.

(10) AUTHORIZATION.—

(A) IN GENERAL.—There are authorized to be appropriated to the District of Columbia Scholarship Fund—

(i) $7,000,000 for fiscal year 1998;

(ii) $8,000,000 for fiscal year 1999; and

(iii) $10,000,000 for each of fiscal years 2000 through 2002.

(B) LIMITATION.—Not more than 7.5 percent of the amount appropriated to carry out this title for any fiscal year may be used by the Corporation for salaries and administrative costs.

(b) ORGANIZATION AND MANAGEMENT; BOARD OF DIRECTORS.—

(1) BOARD OF DIRECTORS; MEMBERSHIP.—

(A) IN GENERAL.—The Corporation shall have a Board of Directors (referred to in this title as the "Board"), comprised of 7 members with 6 members of the Board appointed by the President not later than 30 days after receipt of nominations from the Speaker of the House of Representatives and the Majority Leader of the Senate.

(B) HOUSE NOMINATIONS.—The President shall appoint 3 of the members from a list of 9 individuals nominated by the Speaker of the House of Representatives in consultation with the Minority Leader of the House of Representatives.

(C) SENATE NOMINATIONS.—The President shall appoint 3 members from a list of 9 individuals nominated by the Majority Leader of the Senate in consultation with the Minority Leader of the Senate.

(D) DEADLINE.—The Speaker of the House of Representatives and Majority Leader of the Senate shall submit their nominations to the President not later than 30 days after the date of the enactment of this Act.

(E) APPOINTEE OF MAYOR.—The Mayor shall appoint 1 member of the Board not later than 60 days after the date of the enactment of this Act.

(F) POSSIBLE INTERIM MEMBERS.—If the President does not appoint the 6 members of the Board in the 30-day period described in subparagraph (A), then the Speaker of the House of Representatives and the Majority Leader of the Senate shall each appoint 2 members of the Board, and the Minority Leader of the House of Representatives and the Minority Leader of the Senate shall each appoint 1 member of the Board, from among the individuals nominated pursuant to subparagraphs (A) and (B), as the case may be. The appointees under the preceding sentence together with the appointee of the Mayor, shall serve as an interim Board with all the powers and other duties of the Board described in this title, until the President makes the appointments as described in this subsection.

(2) POWERS.—All powers of the Corporation shall vest in and be exercised under the authority of the Board.

(3) ELECTIONS.—Members of the Board annually shall elect 1 of the members of the Board to be the Chairperson of the Board.

(4) RESIDENCY.—All members appointed to the Board shall be residents of the District of Columbia at the time of appointment and while serving on the Board.

(5) NONEMPLOYEE.—No member of the Board may be an employee of the United States Government or the District of Columbia Government when appointed to or during tenure on the Board, unless the individual is on a leave of absence from such a position while serving on the Board.

(6) INCORPORATION.—The members of the initial Board shall serve as incorporators and shall take whatever steps are necessary to establish the Corporation under the District of Columbia Nonprofit Corporation Act (D.C. Code, sec. 29–501 et seq.).

(7) GENERAL TERM.—The term of office of each member of the Board shall be 5-years, except that any member appointed to fill a vacancy occurring prior to the expiration of the term for which the predecessor was appointed shall be appointed for the remainder of such term.

(8) CONSECUTIVE TERM.—No member of the Board shall be eligible to serve in excess of 2 consecutive terms of 5 years each. A partial term shall be considered as 1 full term. Any vacancy on the Board shall not affect the Board's power, but shall be filled in a manner consistent with this title.

(9) NO BENEFIT.—No part of the income or assets of the Corporation shall inure to the benefit of any Director, officer, or employee of the Corporation, except as salary or reasonable compensation for services.

(10) POLITICAL ACTIVITY.—The Corporation may not contribute to or otherwise support any political party or candidate for elective public office.

(11) NO OFFICERS OR EMPLOYEES.—The members of the Board shall not, by reason of such membership, be considered to be officers or employees of the United States Government or of the District of Columbia Government.

(12) STIPENDS.—The members of the Board, while attending meetings of the Board or while engaged in duties related to such meetings or other activities of the Board pursuant to this title, shall be provided a stipend. Such stipend shall be at the rate of $150 per day for which the member of the Board is officially recorded as having worked, except that no member may be paid a total stipend amount in any calendar year in excess of $5,000.

(c) OFFICERS AND STAFF.—

(1) EXECUTIVE DIRECTOR.—The Corporation shall have an Executive Director, and such other staff, as may be appointed by the Board for terms and at rates of compensation, not to exceed level EG–16 of the Educational Service of the District of Columbia, to be fixed by the Board.

(2) STAFF.—With the approval of the Board, the Executive Director may appoint and fix the salary of such additional personnel as the Executive Director considers appropriate.

(3) ANNUAL RATE.—No staff of the Corporation may be compensated by the Corporation at an annual rate of pay greater than the annual rate of pay of the Executive Director.

(4) SERVICE.—All officers and employees of the Corporation shall serve at the pleasure of the Board.

(5) QUALIFICATION.—No political test or qualification may be used in selecting, appointing, promoting, or taking other personnel actions with respect to officers, agents, or employees of the Corporation.

(d) POWERS OF THE CORPORATION.—

(1) GENERALLY.—The Corporation is authorized to obtain grants from, and make contracts with, individuals and with private, State, and Federal agencies, organizations, and institutions.

(2) HIRING AUTHORITY.—The Corporation may hire, or accept the voluntary services of, consultants, experts, advisory boards, and panels to aid the Corporation in carrying out this title.

(e) FINANCIAL MANAGEMENT AND RECORDS.—

(1) AUDITS.—The financial statements of the Corporation shall be—

(A) maintained in accordance with generally accepted accounting principles for nonprofit corporations; and

(B) audited annually by independent certified public accountants.

(2) REPORT.—The report for each such audit shall be included in the annual report to Congress required by section 11(c).

(f) ADMINISTRATIVE RESPONSIBILITIES.—

(1) SCHOLARSHIP APPLICATION SCHEDULE AND PROCEDURES.—Not later than 30 days after the initial Board is appointed and the first Executive Director of the Corporation is hired under this title, the Corporation shall implement a schedule and procedures for processing applications for, and awarding, student scholarships under this title. The schedule and procedures shall include establishing a list of certified eligible institutions, distributing scholarship information

to parents and the general public (including through a newspaper of general circulation), and establishing deadlines for steps in the scholarship application and award process.

(2) INSTITUTIONAL APPLICATIONS AND ELIGIBILITY.—

(A) IN GENERAL.—An eligible institution that desires to participate in the scholarship program under this title shall file an application with the Corporation for certification for participation in the scholarship program under this title that shall—

(i) demonstrate that the eligible institution has operated with not less than 25 students during the 3 years preceding the year for which the determination is made unless the eligible institution is applying for certification as a new eligible institution under subparagraph (C);

(ii) contain an assurance that the eligible institution will comply with all applicable requirements of this title;

(iii) contain an annual statement of the eligible institution's budget; and

(iv) describe the eligible institution's proposed program, including personnel qualifications and fees.

(B) CERTIFICATION.—

(i) IN GENERAL.—Except as provided in subparagraph (C), not later than 60 days after receipt of an application in accordance with subparagraph (A), the Corporation shall certify an eligible institution to participate in the scholarship program under this title.

(ii) CONTINUATION.—An eligible institution's certification to participate in the scholarship program shall continue unless such eligible institution's certification is revoked in accordance with subparagraph (D).

(C) NEW ELIGIBLE INSTITUTION.—

(i) IN GENERAL.—An eligible institution that did not operate with at least 25 students in the 3 years preceding the year for which the determination is made may apply for a 1-year provisional certification to participate in the scholarship program under this title for a single year by providing to the Corporation not later than July 1 of the year preceding the year for which the determination is made—

(I) a list of the eligible institution's board of directors;

(II) letters of support from not less than 10 members of the community served by such eligible institution;

(III) a business plan;

(IV) an intended course of study;

(V) assurances that the eligible institution will begin operations with not less than 25 students;

(VI) assurances that the eligible institution will comply with all applicable requirements of this title; and

(VII) a statement that satisfies the requirements of clauses (ii) and (iv) of subparagraph (A).

(ii) CERTIFICATION.—Not later than 60 days after the date of receipt of an application described in clause (i), the Corporation shall certify in writing the eligible institution's provisional certification to participate in the scholarship program under this title unless the Corporation determines that good cause exists to deny certification.

(iii) RENEWAL OF PROVISIONAL CERTIFICATION.—After receipt of an application under clause (i) from an eligible institution that includes a statement of the eligible institution's budget completed not earlier than 12 months before the date such application is filed, the Corporation shall renew an eligible institution's provisional certification for the second and third years of the school's participation in the scholarship program under this title unless the Corporation finds—

(I) good cause to deny the renewal, including a finding of a pattern of violation of requirements described in paragraph (3)(A); or

(II) consistent failure of 25 percent or more of the students receiving scholarships under this title and attending such school to make appropriate progress (as determined by the Corporation) in academic achievement.

(iv) DENIAL OF CERTIFICATION.—If provisional certification or renewal of provisional certification under this subsection is denied, then the Corporation shall provide a written explanation to the eligible institution of the reasons for such denial.

(D) REVOCATION OF ELIGIBILITY.—

(i) IN GENERAL.—The Corporation, after notice and hearing, may revoke an eligible institution's certification to participate in the scholarship program under this title for a year succeeding the year for which the determination is made for—

(I) good cause, including a finding of a pattern of violation of program requirements described in paragraph (3)(A); or

(II) consistent failure of 25 percent or more of the students receiving scholarships under this title and attending such school to make appropriate progress (as determined by the Corporation) in academic achievement.

(ii) EXPLANATION.—If the certification of an eligible institution is revoked, the Corporation shall provide a written explanation of the Corporation's decision to such eligible institution and require a pro rata refund of the proceeds of the scholarship funds received under this title.

(3) PARTICIPATION REQUIREMENTS FOR ELIGIBLE INSTITUTIONS.—

(A) REQUIREMENTS.—Each eligible institution participating in the scholarship program under this title shall—

(i) provide to the Corporation not later than June 30 of each year the most recent annual statement of the eligible institution's budget; and

(ii) charge a student that receives a scholarship under this title not more than the cost of tuition and mandatory fees for, and transportation to attend, such eligible institution as other students who are residents of the District of Columbia and enrolled in such eligible institution.

(B) COMPLIANCE.—The Corporation may require documentation of compliance with the requirements of subparagraph (A), but neither the Corporation nor any governmental entity may impose requirements upon an eligible institution as a condition for participation in the scholarship program under this title, other than requirements established under this title.

**SEC. ___04. SCHOLARSHIPS AUTHORIZED.**

(a) ELIGIBLE STUDENTS.—The Corporation is authorized to award tuition scholarships under subsection (c)(1) and enhanced achievement scholarships under subsection (c)(2) to students in kindergarten through grade 12—

(1) who are residents of the District of Columbia; and

(2) whose family income does not exceed 185 percent of the poverty line.

(b) SCHOLARSHIP PRIORITY.—

(1) FIRST.—The Corporation first shall award scholarships to students described in subsection (a) who—

(A) are enrolled in a District of Columbia public school or preparing to enter a District of Columbia public kindergarten, except that this subparagraph shall apply only for academic years 1997–1998, 1998–1999, and 1999–2000; or

(B) have received a scholarship from the Corporation for the academic year preceding the academic year for which the scholarship is awarded.

(2) SECOND.—If funds remain for a fiscal year for awarding scholarships after awarding scholarships under paragraph (1), the Corporation shall award scholarships to students who are described in subsection (a), not described in paragraph (1), and otherwise eligible for a scholarship under this title.

(3) LOTTERY SELECTION.—The Corporation shall award scholarships to students under this subsection using a lottery selection process whenever the amount made available to carry out this title for a fiscal year is insufficient to award a scholarship to each student who is eligible to receive a scholarship under this title for the fiscal year.

(c) USE OF SCHOLARSHIP.—

(1) TUITION SCHOLARSHIPS.—A tuition scholarship may be used for the payment of the cost of the tuition and mandatory fees for, and transportation to attend, an eligible institution located within the geographic boundaries of the District of Columbia; Montgomery County, Maryland; Prince Georges County, Maryland; Arlington County, Virginia; Alexandria City, Virginia; Falls Church City, Virginia; Fairfax City, Virginia; or Fairfax County, Virginia.

(2) ENHANCED ACHIEVEMENT SCHOLARSHIP.—An enhanced achievement scholarship may be used only for the payment of the costs of tuition and mandatory fees for, and transportation to attend, a program of instruction provided by an eligible institution which enhances student achievement of the core curriculum and is operated outside of regular school hours to supplement the regular school program.

(e) NOT SCHOOL AID.—A scholarship under this title shall be considered assistance to the student and shall not be considered assistance to an eligible institution.

**SEC. ___05. SCHOLARSHIP AWARDS.**

(a) AWARDS.—From the funds made available under this title, the Corporation shall award a scholarship to a student and make scholarship payments in accordance with section ___06.

(b) NOTIFICATION.—Each eligible institution that receives the proceeds of a scholarship payment under subsection (a) shall notify the Corporation not later than 10 days after—

(1) the date that a student receiving a scholarship under this title is enrolled, of the name, address, and grade level of such student;

(2) the date of the withdrawal or expulsion of any student receiving a scholarship under this title, of the withdrawal or expulsion; and

(3) the date that a student receiving a scholarship under this title is refused admission, of the reasons for such a refusal.

(c) TUITION SCHOLARSHIP.—

(1) EQUAL TO OR BELOW POVERTY LINE.—For a student whose family income is equal to or below the poverty line, a tuition scholarship may not exceed the lesser of—

(A) the cost of tuition and mandatory fees for, and transportation to attend, an eligible institution; or

(B) $3,200 for fiscal year 1998, with such amount adjusted in proportion to changes in the Consumer Price Index for all urban consumers published by the Department of Labor for each of fiscal years 1999 through 2002.

(2) ABOVE POVERTY LINE.—For a student whose family income is greater than the poverty line, but not more than 185 percent of the poverty line, a tuition scholarship may not exceed the lesser of—

(A) 75 percent of the cost of tuition and mandatory fees for, and transportation to attend, an eligible institution; or

(B) $2,400 for fiscal year 1998, with such amount adjusted in proportion to changes in the Consumer Price Index for all urban consumers published by the Department of Labor for each of fiscal years 1999 through 2002.

(d) ENHANCED ACHIEVEMENT SCHOLARSHIP.—An enhanced achievement scholarship may not exceed the lesser of—

(1) the costs of tuition and mandatory fees for, and transportation to attend, a program of instruction at an eligible institution; or

(2) $500 for 1998, with such amount adjusted in proportion to changes in the Consumer Price Index for all urban consumers published by the Department of Labor for each of fiscal years 1999 through 2002.

**SEC. 06. SCHOLARSHIP PAYMENTS.**

(a) PAYMENTS.—The Corporation shall make scholarship payments to the parent of a student awarded a scholarship under this title.

(b) DISTRIBUTION OF SCHOLARSHIP FUNDS.—Scholarship funds may be distributed by check, or another form of disbursement, issued by the Corporation and made payable directly to a parent of a student awarded a scholarship under this title. The parent may use the scholarship funds only for payment of tuition, mandatory fees, and transportation costs as described in this title.

(c) PRO RATA AMOUNTS FOR STUDENT WITHDRAWAL.—If a student receiving a scholarship under this title withdraws or is expelled from an eligible institution after the proceeds of a scholarship is paid to the eligible institution, then the eligible institution shall refund to the Corporation on a pro rata basis the proportion of any such proceeds received for the remaining days of the school year. Such refund shall occur not later than 30 days after the date of the withdrawal or expulsion of the student.

**SEC. 07. CIVIL RIGHTS.**

(a) IN GENERAL.—An eligible institution participating in the scholarship program under this title shall not discriminate on the basis of race, color, national origin, or sex in carrying out the provisions of this title.

(b) APPLICABILITY AND CONSTRUCTION WITH RESPECT TO DISCRIMINATION ON THE BASIS OF SEX.—

(1) APPLICABILITY.—With respect to discrimination on the basis of sex, subsection (a) shall not apply to an eligible institution that is controlled by a religious organization if the application of subsection (a) is inconsistent with the religious tenets of the eligible institution.

(2) CONSTRUCTION.—With respect to discrimination on the basis of sex, nothing in subsection (a) shall be construed to require any person, or public or private entity to provide or pay, or to prohibit any such person or entity from providing or paying, for any benefit or service, including the use of facilities, related to an abortion. Nothing in the preceding sentence shall be construed to permit a penalty to be imposed on any person or individual because such person or individual is seeking or has received any benefit or service related to a legal abortion.

(3) SINGLE-SEX SCHOOLS, CLASSES, OR ACTIVITIES.—With respect to discrimination on the basis of sex, nothing in subsection (a) shall be construed to prevent a parent from choosing, or an eligible institution from offering, a single-sex school, class, or activity.

(c) REVOCATION.—Notwithstanding section 03(f)(2)(D), if the Corporation determines that an eligible institution participating in the scholarship program under this title is in violation of subsection (a), then the Corporation shall revoke such eligible institution's certification to participate in the program.

**SEC. 08. CHILDREN WITH DISABILITIES.**

Nothing in this title shall affect the rights of students, or the obligations of the District of Columbia public schools, under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.).

**SEC. 09. RULE OF CONSTRUCTION.**

(a) IN GENERAL.—Nothing in this title shall be construed to prevent any eligible institution which is operated by, supervised by, controlled by, or connected to, a religious organization from employing, admitting, or giving preference to, persons of the same religion to the extent determined by such institution to promote the religious purpose for which the eligible institution is established or maintained.

(b) SECTARIAN PURPOSES.—Nothing in this title shall be construed to prohibit the use of funds made available under this title for sectarian educational purposes, or to require an eligible institution to remove religious art, icons, scripture, or other symbols.

**SEC. 10. REPORTING REQUIREMENTS.**

(a) IN GENERAL.—An eligible institution participating in the scholarship program under this title shall report to the Corporation not later than July 30 of each year in a manner prescribed by the Corporation, the following data:

(1) Student achievement in the eligible institution's programs.

(2) Grade advancement for scholarship students.

(3) Disciplinary actions taken with respect to scholarship students.

(4) Graduation, college admission test scores, and college admission rates, if applicable for scholarship students.

(5) Types and amounts of parental involvement required for all families of scholarship students.

(6) Student attendance for scholarship and nonscholarship students.

(7) General information on curriculum, programs, facilities, credentials of personnel, and disciplinary rules at the eligible institution.

(8) Number of scholarship students enrolled.

(9) Such other information as may be required by the Corporation for program appraisal.

(b) CONFIDENTIALITY.—No personal identifiers may be used in such report, except that the Corporation may request such personal identifiers solely for the purpose of verification.

**SEC. 11. PROGRAM APPRAISAL.**

(a) STUDY.—Not later than 4 years after the date of enactment of this Act, the Comptroller General shall enter into a contract, with an evaluating agency that has demonstrated experience in conducting evaluations, for an independent evaluation of the scholarship program under this title, including—

(1) a comparison of test scores between scholarship students and District of Columbia public school students of similar backgrounds, taking into account the students' academic achievement at the time of the award of their scholarships and the students' family income level;

(2) a comparison of graduation rates between scholarship students and District of Columbia public school students of similar backgrounds, taking into account the students' academic achievement at the time of the award of their scholarships and the students' family income level;

(3) the satisfaction of parents of scholarship students with the scholarship program; and

(4) the impact of the scholarship program on the District of Columbia public schools, including changes in the public school enrollment, and any improvement in the academic performance of the public schools.

(b) PUBLIC REVIEW OF DATA.—All data gathered in the course of the study described in subsection (a) shall be made available to the public upon request except that no personal identifiers shall be made public.

(c) REPORT TO CONGRESS.—Not later than September 1 of each year, the Corporation shall submit a progress report on the scholarship program to the appropriate committees of Congress. Such report shall include a review of how scholarship funds were expended, including the initial academic achievement levels of students who have participated in the scholarship program.

(d) AUTHORIZATION.—There are authorized to be appropriated for the study described in subsection (a), $250,000, which shall remain available until expended.

**SEC. 12. JUDICIAL REVIEW.**

(a) JURISDICTION.—

(1) IN GENERAL.—The United States District Court for the District of Columbia shall have jurisdiction in any action challenging the constitutionality of the scholarship program under this title and shall provide expedited review.

(2) STANDING.—The parent of any student eligible to receive a scholarship under this title shall have standing in an action challenging the constitutionality of the scholarship program under this title.

(b) APPEAL TO SUPREME COURT.—Notwithstanding any other provision of law, any order of the United States District Court for the District of Columbia which is issued pursuant to an action brought under subsection (a) shall be reviewable by appeal directly to the Supreme Court of the United States.

**SEC. 13. EFFECTIVE DATE.**

This title shall be effective for each of the fiscal years 1998 through 2002.

On page 3, line 3, strike "$30,000,000" and insert "$23,000,000".

On page 3, line 4, before the period insert ": *Provided further*, That $7,000,000 of the funds made available under this heading shall be used to carry out the District of Columbia Student Opportunity Scholarship Act of 1997".

## WYDEN (AND GRASSLEY) AMENDMENT NO. 1250

Mr. WYDEN (for himself and Mr. GRASSLEY) proposed an amendment to the bill, S. 1156, supra; as follows:

At the appropriate place, insert:

**SEC. . ELIMINATING SECRET SENATE "HOLDS."**

(a) STANDING ORDER.—It is a standing order of the Senate that a Senator who provides notice to leadership of his or her intention to object to proceeding to a motion or matter shall disclose the objection (hold) in the Congressional Record not later than 2 session days after the date of said notice.

## NOTICES OF HEARINGS

### COMMITTEE ON ENERGY AND NATURAL RESOURCES, SUBCOMMITTEE ON NATIONAL PARKS, HISTORIC PRESERVATION AND RECREATION

Mr. THOMAS. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Subcommittee on National Parks, Historic Preservation and Recreation of the Committee on Energy and Natural Resources.

The hearing will take place on Wednesday, October 1, 1997, a 2 p.m., in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of this hearing is to receive testimony on S. 940 to provide for a study of the establishment of Midway Atoll as a national memorial to the Battle of Midway; and H.R. 765 to ensure the maintenance of a herd of wild horses in Cape Lookout National Seashore.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Subcommittee on National Parks, Historic Preservation and Recreation, Committee on Energy and Natural Resources, U.S. Senate, 364 Dirksen Senate Office Building, Washington, DC 20510–6150.

For further information, please contact Jim O'Toole of the subcommittee staff at (202) 224–5161.

### COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MURKOWSKI. Mr. President, I would like to announce for the information of the Senate and the public that a full committee hearing has been scheduled before the Committee on Energy and Natural Resources.

The hearing will take place on Wednesday, October 8, 1997, at 9:30 a.m., in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of this hearing is to receive testimony on S. 1064 to amend the Alaska National Interest Lands Conservation Act to more effectively manage visitor service and fishing activity in Glacier Bay National Park and for other purposes.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, U.S. Senate, 364 Dirksen Senate Office Building, Washington, DC 20510–6150.

For further information, please contact Jim O'Toole of the committee staff at (202) 224–5161.

### COMMITTEE ON ENERGY AND NATURAL RESOURCES, SUBCOMMITTEE ON NATIONAL PARKS, HISTORIC PRESERVATION AND RECREATION

Mr. THOMAS. Mr. President, I would like to announce for the information of the Senate and the public that an oversight hearing has been scheduled before the Subcommittee on National Parks, Historic Preservation and Recreation of the Committee on Energy and Natural Resources.

The hearing will take place on Thursday, October 9, 1997, at 2 p.m., in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of this hearing is to receive testimony on the feasibility of using bonding techniques to finance large-scale capital projects in the National Park System.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Subcommittee on National Parks, Historic Preservation and Recreation, Committee on Energy and Natural Resources, U.S. Senate, 364 Dirksen Senate Office Building, Washington, DC 20510–6150.

For further information, please contact Jim O'Toole of the subcommittee staff at (202) 224–5161.

## AUTHORITY FOR COMMITTEES TO MEET

### COMMITTEE ON FINANCE

Mr. JEFFORDS. Mr. President, the Finance Committee requests unanimous consent to conduct a hearing on Wednesday, September 24, 1997, beginning at 9 a.m., in room 106 Dirksen.

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON FOREIGN RELATIONS

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, September 24, 1997, at 10 a.m., to hold a hearing, and at 2:15 p.m., to hold a business meeting.

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. JEFFORDS. Mr. President, I ask unanimous consent on behalf of the Governmental Affairs Committee Special Investigation to meet on Wednesday, September 24, at 10 a.m., for a hearing on campaign financing issues.

The PRESIDING OFFICER. Without objection, it is so ordered.

## ADDITIONAL STATEMENTS

## TRIBUTE TO LT. COL. THOMAS R. MILLER

• Mr. SANTORUM. Mr. President, I would like to take this opportunity to recognize an outstanding citizen from Allison Park, PA. On October 3, Lt. Col. Thomas Miller will retire from his position as the joint program office site director at the Software Engineering Institute [SEI] of Carnegie Mellon University.

Thomas was born in Valley View, PA. He earned an undergraduate degree in computer science from Utah State University. Later, Thomas received a M.S. degree in systems management from the Florida Institute of Technology.

In 1974, Thomas received his Air Force Commission from the Reserve Officer Training Corps. Since then, he has had an exemplary military career. Lieutenant Colonel Miller has served as a computer systems acquisition engineer at the Air Force Electronic Systems Division for the Joint Tactical Information Distribution System Joint Program Office; the computer systems acquisition manager for the seismic portion of the Atomic Energy Detection System; the software division chief at the Joint Surveillance Target Attack Radar Systems [JSTARS] Joint Program Office; and the chief of the Advanced Medium Range Air-to-Air Missile Systems Division at Eglin AFB.

Lieutenant Colonel Miller became the joint program office site director at the Software Engineering Institute in 1992. During his tenure at SEI, Lieutenant Colonel Miller earned the respect and admiration of his colleagues. A proven leader, Thomas will be sincerely missed.

Mr. President, after many years of service to his country, Lieutenant Colonel Miller is retiring to private life. In honor of his service, I ask my colleagues to join me in extending the Senate's best wishes to Lt. Col. Thomas Miller, his wife Colleen, and their three children.•

## FRANK LLOYD WRIGHT BUILDING CONSERVANCY ANNUAL CONFERENCE

• Mr. MOYNIHAN. Mr. President, this past weekend I was invited to speak at the annual conference of the Frank Lloyd Wright Building Conservancy which took place in Buffalo, NY. I promised some of the attendees that I would enter my keynote address in the CONGRESSIONAL RECORD. I ask that the full text of my address be printed in the RECORD.

The text follows:

### KEYNOTE ADDRESS BY SENATOR DANIEL PATRICK MOYNIHAN

Not long ago I happened to be in Phoenix and took the opportunity to visit Taliesin West, Frank Lloyd Wright's desert commune. I was most generously received and shown everywhere, including the atelier where the plans were being drawn for Wright's splendid Monona Terrace Community and Convention Center, just now completed in Milwaukee. At length, I was shown the splendid, terraced dining room where, in the manner of the Englishman in the jungle, all communards, faithful to the Master's edict, dress for dinner on Saturday night.

We are less formal here in Buffalo, but no less welcoming, and greatly honored to be at the site of this year's Frank Lloyd Wright Building Conservancy Annual Conference.

Each of us, I cannot doubt, has a personal story of an encounter with the spiritual and physical force of architecture. As Americans, we tend to begin in Europe, but with time, more and more we return to our own.

I have two tales to tell.

The first is simple enough. In 1992, I was asked to address the convention of the American Sociological Association then meeting in Pittsburgh. I arrived in a fine new hotel in the Golden Triangle expecting all manner of posters and pronouncements as had been the fashion of a few decades earlier. Instead, I was greeted by a large sign announcing the times of departure for the tour of Fallingwater. American sociologists are finally getting their priorities straight.

My second tale, more personal and specific to Buffalo, took place some twenty-one years ago. I was then in a five-way primary contest for the Democratic nomination for United States Senator. In the manner of such campaigns, most of one's time is spent in strategy sessions in hotel rooms. One August day, having spent the morning and afternoon at the Statler Hotel in a seemingly endless succession of these consultations, I announced I was going out for a walk. An economist would call it a random walk. I had no direction in mind, save any that would get me away from that hotel room.

And so I wandered westerly to Church Street and reached Pearl. Glancing south along Church Street, of a sudden I saw something that did not exist. Couldn't exist. Certainly something I for certain had not known to exist. A Sullivan skyscraper. The Guaranty Building. The beginning of an American architecture that would come to be known as the International Style. Sure enough, on the east side of the street there were three tall skyscrapers (an American term, incidentally, the topmost sail of a clippership, save when the moonraker is rigged). One was by an old friend, Minoru Yamasaki. Each was an exact copy, if you would just look at the essentials, of Sullivan's building across the street, built fifty or sixty years earlier. (On closer examination, there had been a fire of sorts, and the building was all but abandoned.)

I then and there resolved to win the Democratic primary, become a United States Senator and save the Sullivan building.

My first task was to get the City of Buffalo interested. One day the Mayor agreed to walk over with me from City Hall. He was a fine new Mayor; if he had any weakness, it was that he agreed with you on everything. I mean everything. Well, most things. "Mr. Mayor," I proclaimed, "if we can save that building, the time will come when people will get on airplanes and fly to Buffalo just to see it." "Bull," said His Honor.

May I say, it was a special pleasure to see in Thursday's Buffalo News a picture of Eugenio De Anzorena of Alexandria, Virginia, one of your conferees, making videotapes of the designs on the wall of the Guaranty Building. "Appreciating Architecture" was the caption, although I should have preferred, "The Mayor Refuted!"

No matter. The Buffalo "Evening News," as it then was, got the point. I began to learn the history of this great achievement of the Prairie School, the first American architecture, soon to be seen world-wide.

We begin in middle of the 19th Century, in the village of Stockton in nearby Chautauqua, County. It was in Stockton where one Hascal L. Taylor, a carriage maker, had grown up. Taylor would in time make a great deal of money in the oil fields of western Pennsylvania. His vision was to build a monument, the largest office building in the city, in downtown Buffalo. Taylor immediately sought the prestigious Chicago firm of Dankmar Adler and Louis Sullivan, who had of course built the Wainright Building in St. Louis four years earlier—in 1892.

Adler, the engineer, and Sullivan, the designer, had created a new form. A form based on function. Taylor got it. He, however, died in 1894. Fortunately the Guaranty Company bought the plans for the building and the site. Note the brevity of the subsequent succession: The Guaranty purchased the land and plans in December of 1894. The constructors began laying the foundation for the new building in February of 1895. By July of 1895, the steel frame was complete, and in March of 1896, barely a year after laying the foundation, the first occupants were moving in. Incredible.

Using his "organic" philosophy, Sullivan, had created a 'sister' work to St. Louis's Wainwright Building. The new, taller building, a 13 story, 140,000 square foot structure was called the nation's second skyscraper. An ornate masterpiece, embellished with a warm terra cotta exterior but forceful in its verticality, was the new "American skyscraper." Let me say, that I would rather see Mount Vernon torn down, or even the White House. They are fine buildings, but they are copies. Copies of European buildings, which in turn were copies of Greek and Roman buildings. The skyscraper is ours. Invented by this man of singular American genius, Louis Sullivan. In architecture, as in much else, we had followed the rest of the world. Then came Sullivan, and ever since the world has followed us. Indeed, the Guaranty is our treasure, and yet remarkably it has not always been appreciated as such.

By the 1940s the building had already changed owners. In the 1950s the owners were concerned about the accumulation of dirt on the facade. They chose an unfortunately destructive solution: they hired sandblasters to clean the terra cotta on the first two stories. Other "improvements" included adding suspended acoustical ceilings and tile flooring, thereby altering the perspectives of Sullivan's rooms and hiding some of the exquisite interior decorations.

Even though it was located downtown, its facilities became "outmoded" and its rental space was in very little demand. Even though it was listed on the National Register of Historic Places in 1973 and designated a national historic landmark in 1975, a fire in 1974 forced much of the building to close, and placed the building's future in jeopardy.

In June of 1977, Progressive Architecture, reported: "Discreet inquiries have been made by owners of Louis Sullivan's Prudential Building (formerly Guaranty) in Buffalo, NY about steps to demolish a historic landmark." Thus by 1977, architects were speaking of the building in terms of how best to demolish it. In April of 1977 the City threatened to destroy the building.

In September of 1977, the Greater Buffalo Development Foundation established a volunteer task force of business and community leaders to study the possible renovation of the building. After concluding that it should be done, they came up with new financial strategies that included tax exempt financing rates, partial property tax abatement, and private loans. The cost was estimated to be around $12.4 million.

I wrote to the Secretaries of Housing and Urban Development, Commerce, and Interior seeking funds for the building. In October of 1977, I convinced Vice President Mondale to tour the building whilst visiting here. (He needed no persuading, having the Owatonna Bank back home.) In November of 1978, we got our first grant, small but symbolic—$50,000 from The Department of Interior's Historic Preservation Program. And in April of 1981, we secured a $2.4 million Urban Development Action Grant (UDAG) from the US Department of Housing and Urban Development (HUD). In addition, as a site on the National Register of Historic Places, the building was qualified to receive a 25 percent tax credit on the entire investment under the Economic Recovery Tax Act of 1981.

After a majestic renovation by the architectural and engineering firm Canon, the building re-opened in December of 1983.

But there is a lesson to be learned here. Fortunately, throughout the process of renovating the Guaranty building there were those of us, spurred on by the Buffalo News, who began to recover the memory, if you will, of one of the greatest tragedies of architecture in this nation—the demolition of Frank Lloyd Wright's Larkin building. An examination of that misguided chain of events tells us a little more about the dangers of neglect, and introduces New York to the mind of Louis Sullivan's greatest pupil.

As all of you know, Sullivan was Frank Lloyd Wright's "Lieber meister". In his book largely on Sullivan, Genius and the Mobocrocy, Wright wrote of his early days with Sullivan:

"'Wright,' the young draughtsman nineteen, he would often say to me with undisguised contempt: 'Wright! I have no respect at all for a draughtsman!' . . . His haughty disregard had already offended most of the Adler and Sullivan employees. His contempt may have been due to the fact that he was so marvelous a draughtsman himself. But I knew what he really meant . . . He taught me nothing nor did he ever pretend to do so except as he was himself the thing he did and as I could see it for myself. He ('the designing partner') was the educational document in evidence."

Wright then clarified Sullivan's genius and its relationship to the 'mobocrocy':

"Do you realize, that here in his [Sullivan's] own way, is no body of culture evolving through centuries of time but a scheme and 'style' of plastic expression which an individual, working away in the poetry crushing environment of a more cruel materialism than any seen since the days of the brutal Roman, has made out of himself? Here was a sentient individual who evoked the goddess whole civilizations strove in vain for centuries to win, and wooed her with this charming interior style—all on his own in one lifetime all too brief . . . [Sullivan's] language of self expression was as complete in itself" as that "of any of the great style which time took so many ages to perfect."

Yet, I do not want to mislead. They had their disagreements.

By 1902, Wright had perfected some of his outside commissions in the form of the Prairie house. On September 11, 1902, Darwin Martin—Secretary of the successful Larkin Company of Buffalo—visited his brother William in Chicago. William was looking for a site for a new home, and as they toured Oak Park they became intrigued with Wright's designs there. William met with Wright a month later and wrote his brother that he was most favorably impressed. William wrote:

"He would be pleased to design your house - & further he is the man to build your office - he has had large experience in the large office buildings with Adler and Sullivan . . . he says it is strange that he is only known as a residence architect - when his best and largest experience was in large buildings."

Meryle Secrest in his biography of Wright, A House Divided, wrote that Wright saw the Larkin Project as his chance to "break into the world of large building commissions," but that he “shamelessly exaggerated the importance of his role at Adler and Sullivan.” For Martin later told Larkin that: “the $500,000 Wainwright Building and the Union Trust Building and the Union Trust Building of St. Louis; the Schiller Theater and the Stock Exchange in Chicago; the Seattle and Pueblo Opera Houses, all Adler and Sullivan’s work, were, I inferred from Mr. Wright, largely his creations.’ ”

The Larkin Company of Buffalo commissioned him (at Mr. Darwin Martin’s recommendation) to design its administrative building across from the soap factory and warehouse. For Wright, it was an opportunity to develop complex spatial ideas. His exterior was an expression of almost pure geometric form, with no ornamentation save for two piers topped by sculptures supporting globes to symbolize the company’s international aspirations. Wright intended the reductive form to be a “genuine and constructive affirmation of the new Order of the Machine Age.”

The Larkin Building was not at first widely praised in architectural circles. It began to exert a great deal of influence on European architects with the publication of Wright’s work by Ernst Wasmuth in Berlin in 1910. By the mid-1920s the European appreciation of the Larkin Building had crossed the Atlantic. The building gained prominence in American surveys of modern architecture and does so to this day.

Yet, the proliferation of chain stores in small towns began to cut into the Larkin Company’s mail order business. The Depression caused further problems. Assets were liquidated to pay creditors. By 1943 the Larkin Company had no assets other than the building, on which it owed $85,000 in back taxes.

In August, 1949 the Western Trading Corporation offered the Common Council $5,000 and promised to raze the Larkin Building and replace it with something that would improve the tax base. Two months later Mayor Dowd accepted the offer. The building was demolished to make way for a truck terminal, but Western Trading then petitioned to move the terminal to a larger lot. A vacant lot exists on the site today.

So too in downtown Chicago, one of Sullivan’s first buildings was replaced by a multistory parking garage. Wright had warned of the “poetry crushing environment of a more cruel materialism” and both his and Sullivan’s works were victims of this environment. The burden falls on men and women like you to remind us all of the value of these works.

It was just such a reminder that opened my eyes to the wonder, and neglect of the Darwin Martin House. It was Saint Patrick’s Day, 1991, and Jason Aronoff, the head of the Landmark Society of the Niagara Frontier’s Martin House Task Force had asked me to look into the condition of the Darwin Martin House. I was not prepared.

We first visited the splendidly maintained Heath House with its gracious young family. We then went across to see the Darwin Martin House, which was quite simply a ruin. The concrete was running away like sand. Two of the great ornamental urns were missing from the front step and were only later found discarded in the yard. On the front door and side windows thereof there was a printed sign which read:

NOTICE

“New York State’s Current fiscal condition has caused the closing of the Darwin D. Martin House to the public until further notice. Queries about future opening date and restoration plans for the House should be Mailed to . . .”

I immediately wrote to the Buffalo News in an effort to alert all to the horrid state of this wonderful House. What had become of this masterpiece? Who was to blame? How can we avoid such a tragedy in the future?

In the Martin House, Wright showed what he could do with what became an almost unlimited budget. Construction on the Martin House began in early 1904 and ended in 1906 with 20 rooms and 11,000 square feet, at a cost of $160,000.

Because of, perhaps in spite of, their numerous dialogues over the plans for and the cost of the house, Martin and Wright became fast friends. Martin helped Wright get many other commissions through the years. Late in life Martin offered Wright one last commission, a monument for the family plot in the Forest Lawn Cemetery. Martin wanted a design to cover only the space for one grave. Typically, Wright produced a much larger design with a flight of marble steps climbing the slope of the lot to a single headstone bearing the family names. The stock market crash prevented the commission from being realized. On learning of Martin’s death in 1935, Wright referred to him as “My best friend.”

After Darwin Martin died the house stood vacant for the next 17 years. There is no clear explanation for his son’s lack of appreciation for the house, no clear answer to why Darwin Jr. began to strip the house of its doors, lighting, wiring, moldings, heating, and plumbing systems and installing them in other buildings he owned. When he finally vacated the house, he left the doors unlocked. Neighborhood children would come in for roller skating, or to smash some windows or some of the remaining mosaic tiles over the fireplace. Eventually part of the roof fell in from the weight of snow.

In 1946 the City was the sole bidder on the Martin House at the foreclosure sale. In 1954 Buffalo architect Sebastian Tauriello bought the house, the pergola, the conservatory, and the garage for $22,000. He wrote to Wright for the original plans and received the following reply: “Dear Tauriello: Hope you treat the opus according to its merits. When we return to Wisconsin May first I will look up the plans and send you a set of prints with a bill for the prints. Frank Lloyd Wright.”

Fearing an exorbitant fee, Tauriello proceeded without them. The doors, heating, and plumbing systems were replaced by August and the Tauriello’s moved in. Part of his plan for financing the restoration of the house was the sale of a portion of the property. The pergola, conservatory, and garage were in varying stages of decay. They were demolished and the apartments you see today were built to Mr. Tauriello’s design.

Mr. Tauriello was not wealthy, and was not in a position to restore the house to its 1908 condition. He also wanted to add modern conveniences and some individual touches. As he did not need a 20 room house and did need restoration funds, he created two five-room apartments inside. But regardless of the changes he made, he saved the house. Tauriello died in 1965. The next year his wife sold the house to SUNY Buffalo at the request of new president Martin Meyerson, a Wright aficionado. He left Buffalo in 1970. Several university offices were located in the house until 1980, when it again stood unused, as it was on the day of our visit in 1991.

There was a restoration plan in place, but next to no money. I went to ROBERT C. BYRD, chairman of the subcommittee that funds Federal historic preservation programs, and asked for his help. While there was no program that provides specific funds to restore specific buildings, he saw to it that the Darwin Martin House got $500,000 that year. In 1995 we were able to reprogram another $500,000, this time in funds from the Department of Housing and Urban Development, for the house. Last spring, at the urging of Stan Lipsey, I asked Senator GORTON of Washington State for another $500,000 in historic preservation funds, and the Senate bill, HR 2107, which we passed on Thursday night, includes that amount.

I should warn you not to look at these appropriations and think any deserving preservation project, even a Wright house, can count on Federal funds. None can. The $40 million we provide each year for preservation goes directly to the State Preservation offices. There is no “Save This Building” account. Is there support for one? I quote the Senate bill we just passed: “This will be the final year of appropriations to the National Trust for Historic Preservation.” That is a battle for next year, but we have all we can do to keep what programs we have.

Thus on a couple of last notes, I hope you have had a chance to visit Kleinhans Music Hall, another of Buffalo’s wonders. It is one of the great later works of Eliel Saarinen. It is also one of the first commissions on which son Eero worked side by side with him. The building’s sense of balance is representative of, in Eliel’s words, the structure’s “masculine” and “feminine” traits as exhibited by “strongly indicative line” in the former and a “playful pattern of wall space” in the latter. But function was certainly important to the Saarinens; Kleinhans is a splendid hall in which to hear a concert. It is also one of but three examples of Eliel’s work in the East.

In 1984 I secured a tax provision—a “sale-leaseback” provision, that could have been worth millions to the upkeep and restoration of Kleinhans. But one of the investors backed out at the last minute before the legal deadline and the deal fell through. A decade later the need for restoration funds had not diminished. I got $1.5 million for the effort in 1994.

Then, of course, there are the buildings by H. H. Richardson. Wright disclosed that Sullivan had a respect for Richardson, that he (Richardson) had for few others. Again from, Genius and the Mobocrocy: “Later I [Wright] discovered his [Sullivan’s] secret respect, leaning toward envy (I am ashamed to suspect), for H.H. Richardson.”

Eight of the original eleven buildings designed for the Buffalo State Hospital stand today. The most splendid being the twin towered centerpiece buildings. In 1990, the state spent $4.5 million to restore one of the seven remaining patient pavilions. However, these buildings were vacated in 1993 and 1995. Ominously, the state has designated the buildings “surplus property” and is looking to sell them on the open market. Thus our battle continues.

We restored the Guaranty—the soul of this city. We are on our way to restoring Darwin Martin—the treasure of scale, of form and of relationship of interior to exterior. Kleinhans Music Hall and the Roycroft Inn are also to be included in a tablet of success. However, Federal support is waning. As you state in the opening of the conference, Wright wrote that the “Prairie begins west of Buffalo.” We must do our best to see that our treasures do not become dust on the prairie. It happened to the Larkin building. It may yet happen to those of Richardson. So again I say the burden is unduly forced on men and women like you to remind us of the symphony that continues to play around us, like this great symphonic interplay we have here in Buffalo.●

## NATIONAL UNDERGROUND RAILROAD NETWORK TO FREEDOM ACT, S. 887

● Mr. D'AMATO. Mr. President, I rise today to urge my colleagues to join me in cosponsoring legislation that will commemorate the physical as well as spiritual triumph over one of our Nation's most tragic legacies. This legislation is designed to help the National Park Service present a dramatic chapter in American history; the perseverance of the quest for liberty that saw hundreds of thousands risk their lives so that they might live free. The National Underground Railroad Network to Freedom Act, S. 887, will give, for the first time, Federal recognition and acknowledgment to this avenue of hope for those who sought freedom from tyranny and oppression.

The Underground Railroad was a loosely organized system of escape routes for hundreds of thousands of enslaved African-Americans. Average men and women, who shared a love of freedom and a hatred of the institution of slavery, committed themselves to help free a people by offering food, shelter, clothing, money, or whatever would assist passengers along the Underground Railroad. Typically, a stop along the Underground Railroad would be a farmhouse or a church where passengers would be hidden in the attic or the basement, or behind false walls or even under floorboards. A person on the railroad would be concealed until it was determined that it was safe to travel to the next site. This scenario was repeated over and over again until the passenger reached safety in the North or in Canada, Mexico, or the Caribbean.

Although largely clandestine, the Underground Railroad is a tangible example of the extent that resistance to slavery existed during the 18th and 19th centuries. Indeed, some 380 sites—28 of which are in New York—have been documented in a National Park Service study as sites potentially significant to the Underground Railroad movement. It is likely that there are more sites about which we will never know. Of the sites that do exist, it is important to highlight their role in abetting the elimination of the shameful practice of slavery.

It is important to our national heritage that we recognize and remember the bravery of those who risked their lives to make the journey along the Underground Railroad and those who provided sanctuary to them. This legislation will help raise awareness about these locations along the Underground Railroad, enhancing the chances that the sites will be maintained or restored. We must recognize and preserve these historic sites, which represent the extraordinary efforts, perils, sacrifices, and triumphs of those who risked their lives so that they might taste freedom. I urge my colleagues to join me in cosponsoring this important measure.●

## TRIBUTE TO ENTREPRENEUR WALLY AMOS

● Mr. CLELAND. Mr. President, I come to the floor today to pay tribute to my good friend Wally Amos. "Famous Amos" known to many Americans as the founder of Famous Amos Cookies and the father of the gourmet chocolate chip cookie industry, is an example to all of us. He is an example because of his dedication to our country as a veteran of the U.S. Air Force, and for what he has accomplished as an entrepreneur and businessman. He is a citizen of this country who has reaped great success but has not neglected his responsibilities to the community. And even more than that, Mr. President, Wally Amos brings a powerful and inspirational message to people in all walks of life.

I have said over and over that I believe that small businesses and entrepreneurship are the foundation of the economic engine of this country. Wally Amos has for some time now written a monthly column subtitled "Grow Your Business," and I would like to take just a few moments to highlight several principals that he has offered as a result of good and bad experiences he has lived though: First, effort doesn't always equal results. You grow a business by assessing your personal strengths and contributing them to the efforts of the team. Second, some of the greatest personal growth comes as a result of some of the most challenging experiences. What you give attention to grows. Rather than give attention to what you don't have, focus on what you do have. Third, fear creates anger, resentment, anxiety, frustration, and worry, none of which will help you succeed in business. Fourth, be passionate about your business. Demonstrate that you care for your employees and business associates. People are your most important asset. Fifth, your employees have a vested interest in your success. Sixth, dogmatic behavior and stubbornness have not created long-term success. The quickest way to failure is to believe that your way is the only way.

Mr. President, in every job Wally Amos has had, he always started at the bottom and worked his way to the top. I hope that others will look to the example of citizenship and entrepreneurship of Wally Amos and be inspired as I am.●

## ST. MONICA CATHOLIC CHURCH

● Mr. BOND. Mr. President, today I stand before you to pay tribute to the Saint Monica Catholic Church in Creve Coeur, Missouri. On Sunday, September 28, 1997, the St. Monica Catholic Church will celebrate its 125th anniversary with Archbishop Justin Rigali.

Among the several outstanding aspects of St. Monica Catholic Church is a school which has contributed to the community in service and education. The St. Monica Parish Family is the center of the Creve Coeur community and has always prided themselves in their family oriented approach in faith.

I commend the St. Monica Catholic Church staff and members for their spirit and energy throughout their many years of existence and hope they continue to enrich the Creve Coeur community for years to come.●

## TRIBUTE TO SUSAN M. WOODWARD, OUTSTANDING TEACHER

● Mr. SMITH of New Hampshire. Mr. President, I rise today to honor Susan M. Woodward, the New Hampshire winner of the Sallie Mae First Class Teacher's Award, which recognizes the Nation's outstanding elementary and secondary school teachers in their first year of teaching. Susan was selected for her outstanding dedication to teaching and her love for her students in her first year at Mastricola Middle School in Merrimack, NH.

Ms. Woodward received her bachelor of arts degree from Rivier College in Nashua, NH, in 1995. She graduated summa cum laude and was valedictorian of her class. Ms. Woodward joined the staff of the Merrimack School District as a substitute, and is currently employed as a full-time French teacher at Mastricola Middle School.

Dedicated, creative, hard-working and inspirational are all words which describe Ms. Woodward. A perfectionist by nature, Susan uses a variety of instructional techniques, auditory and visual, so her students are always active participants in their learning. She makes her classes fun, employing a marvelous sense of humor, fairness and compassion. Ms. Woodward believes every student has potential, every student is special, and makes every effort to be available for her students.

Active inside and outside the classroom, Ms. Woodward is a good role model for her students. Whether staying after school helping her students or dancing at a school dance, Ms. Woodward is always available for advice and support.

The mark of a great teacher is one who cares, unconditionally, about the success and well-being of students. Mr. President, as a former teacher myself, I understand the challenges, responsibilities and dedication involved with teaching. I admire and respect Ms.

Woodward for establishing herself as an irreplaceable teacher in the school district of Merrimack. Most importantly, she is helping to shape the lives of the young students who are the future of New Hampshire and the country. I am very honored to have Ms. Woodward as a teacher in the Granite State. The Sallie Mae Award has indeed gone to a first-class teacher.●

## REMOVAL OF INJUNCTION OF SECRECY—TREATY DOCUMENT NO. 105–31

Mr. FAIRCLOTH. As in executive session, I ask unanimous consent that the Injunction of Secrecy be removed from the following treaty transmitted to the Senate on September 4 by the President of the United States:

Tax Convention with Ireland (Treaty Document No. 105–31.)

I further ask that the treaty be considered as having been read the first time, that it be referred with accompanying papers to the Committee on Foreign Relations and ordered to be printed and that the President's message be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The message of the President is as follows:

*To the Senate of the United States:*

I transmit herewith for Senate advice and consent to ratification the Convention Between the Government of the United States of America and the Government of Ireland for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income and Capital Gains, signed at Dublin on July 28, 1997, (the "Convention") together with a Protocol and an exchange of notes done on the same date. Also transmitted is the report of the Department of State concerning the Convention.

This Convention, which is similar to tax treaties between the United States and other OECD nations, provides maximum rates of tax to be applied to various types of income and protection from double taxation of income. The Convention also provides for resolution of disputes and sets forth rules making its benefits unavailable to residents that are engaged in treaty shopping.

I recommend that the Senate give early and favorable consideration to this Convention, with its Protocol and exchange of notes, and that the Senate give its advice and consent to ratification.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *September 24, 1997.*

## THE CALENDAR

Mr. FAIRCLOTH. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of the following bills en bloc: Calendar No. 147, S. 542; Calendar No. 148, S. 662; and Calendar No. 149, S. 880.

Mr. President, I further ask unanimous consent that any committee amendment be considered as agreed to, the bills be considered read a third time and passed, the motions to reconsider be laid upon the table, and that any statement relating to the bills be printed at the appropriate point in the RECORD and that the proceedings all occur en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

## CERTIFICATE OF DOCUMENTATION FOR THE VESSEL "FAR HORIZONS"

The Senate proceeded to consider the bill (S. 542) to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel *Far Horizons.*

The bill was considered, ordered to be engrossed for a third reading, read the third time, and passed; as follows:

S. 542

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. CERTIFICATE OF DOCUMENTATION.**

Notwithstanding section 27 of the Merchant Marine Act, 1920 (46 U.S.C. App. 883), section 8 of the Act of June 19, 1886 (24 Stat. 81, chapter 421; 46 U.S.C. App. 289), and sections 12106 through 12108 of title 46, United States Code, the Secretary of Transportation may issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel FAR HORIZONS, United States official number 1044011.

## CERTIFICATE OF DOCUMENTATION FOR THE VESSEL "VORTICE"

The Senate proceeded to consider the bill (S. 662) to authorize the Secretary of Transportation issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel *Vortice*, which had been reported from the Committee on Commerce, Science, and Transportation, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

S. 662

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That notwithstanding sections 12106 and 12108 of title 46, United States Code, section 8 of the Act of June 19, 1886 (46 U.S.C. App. 289), and section 27 of the Merchant Marine Act, 1920 (46 U.S.C. App. 883), the Secretary of Transportation may issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel VORTICE (Bari, Italy, registration number 256), if the vessel meets the ownership requirements of section 2 of the Shipping Act, 1916 (46 U.S.C. App. 802).

The bill (S. 662), as amended, was passed.

## CERTIFICATE OF DOCUMENTATION FOR THE VESSEL "DUSKEN IV"

The Senate proceeded to consider the bill (S. 880) to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel *Dusken IV*, which had been reported from the Committee on Commerce, Science, and Transportation, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

S. 880

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That notwithstanding sections 12106 and 12108 of title 46, United States Code, section 8 of the Act of June 19, 1886 (24 Stat. 81, chapter 421; 46 U.S.C. App. 289), and section 27 of the Merchant Marine Act, 1920 (46 U.S.C. App. 883), the Secretary of Transportation may issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel DUSKEN IV (United States official number 952645).

The bill (S. 880), as amended, was passed.

## COMMENDING OF DR. JASON C. HU

Mr. FAIRCLOTH. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 125 submitted earlier today by Senator MURKOWSKI.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The bill clerk read as follows:

A resolution (S. Res. 125) commending Dr. Jason C. Hu, Representative of the Taipei Economic and Cultural Representative Office in the United States.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. FAIRCLOTH. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statement relating to the resolution appear at this point in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution was agreed to.

The preamble was agreed to.

The resolution (S. Res. 125), with its preamble, read as follows:

S. RES. 125

Whereas Dr. Jason C. Hu has served with distinction as Representative of the Taipei Economic and Cultural Representative Office (TECRO) since June 1996, and has ably represented the interests of the Republic of China on Taiwan;

Whereas Dr. Hu has been a firm and consistent advocate of democratic principles throughout his distinguished career;

Whereas Dr. Hu has established many deep friendships with Members of Congress and other Americans during his tenure in Washington; and

Whereas Dr. Hu has been asked to return to Taiwan to serve as the Minister of Foreign Affairs of the Republic of China: Now, therefore, be it

*Resolved by the Senate*, That the Senate hereby—

(1) commends Dr. Jason C. Hu for his service as Representative of the TECRO office; and

(2) expresses to Dr. Hu and his family its best wishes for his continued success in the future.

## EXECUTIVE SESSION

### EXECUTIVE CALENDAR

Mr. FAIRCLOTH. Mr. President, I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nominations on the Executive Calendar: No. 246 and No. 258.

I further ask unanimous consent that the nominations be confirmed, the motions to reconsider be laid upon the table, any statements relating to the nominations appear at this point in the RECORD, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

FEDERAL TRADE COMMISSION

Sheila Foster Anthony, of Arkansas, to be a Federal Trade Commissioner for the term of seven years from September 26, 1995.

AIR FORCE

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601 and to be appointed as Chief of Staff, United States Air Force under the provisions of title 10, U.S.C., section 8033:

*To be general*

Gen. Michael E. Ryan, 9889.

STATEMENT ON THE NOMINATION OF MS. SHEILA ANTHONY TO BE FEDERAL TRADE COMMISSIONER

Mr. HOLLINGS. Mr. President, as the ranking Democratic member of the Senate Commerce Committee, I am proud to support the nomination of Ms. Sheila F. Anthony to serve as a Commissioner of the Federal Trade Commission [FTC]. The FTC is now functioning with only four Commissioners. Because of the Commission's myriad of responsibilities, it is imperative the agency operates with maximum participation of its designated Commissioners to ensure its efficiency.

The primary duties of the Federal Trade Commission are: First, to protect consumers from unfair and deceptive practices, and second to ensure the operation of an efficient and competitive market-place. As part of its administrative responsibilities, the Commission administers a number of Federal statutes, including the Federal Trade Commission Act, which provides the Commission its consumer protection authority, and the Sherman, Clayton & Robinson-Patman antitrust statutes, as well as the Fair Credit Reporting, Fair Debt Collection Practices, and Truth in Lending Acts. A few of the Commission's specific duties include safeguarding the public from false advertisement of goods and services, telemarketing fraud, unfair pricing of products, unfair mergers and acquisitions, illegal boycotts, and other unfair methods of competition.

Ms. Anthony's record reveals she is well qualified to serve as a Commissioner on the FTC. Her past experience includes serving as an Assistant Attorney General with the U.S. Department of Justice, as well as working as a private practice attorney on matters such as copyright, trademark, and antitrust.

Ms. Anthony has stated she is ready to take on the many present challenges of the FTC. I look forward to working with her and urge my colleagues to support her nomination.

## LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

## AUTHORIZING THE PRESIDENT TO AWARD A GOLD MEDAL

Mr. FAIRCLOTH. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 2248 which was received from the House.

The PRESIDING OFFICER. The clerk will report the bill by title.

The bill clerk read as follows:

A bill (H.R. 2248) to authorize the President to award a gold medal on behalf of the Congress to Ecumenical Patriarch Bartholomew in recognition of his outstanding and enduring contributions toward religious understanding and peace, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. D'AMATO. Mr. President, I rise today to urge my colleagues to support swift passage of H.R. 2248. This bill is identical to the bill that I introduced along with Senator SARBANES as original cosponsor. Both bills authorize the presentation of the Congressional Gold Medal to His All Holiness, the Ecumenical Patriarch Bartholomew, leader of the Orthodox Christian Church.

It is fitting that we recognize the tremendous leadership this religious figure provides to nearly 300 million people worldwide during his upcoming visit to our country.

While many consider countries such as Russia and Greece to be Orthodox Christian strongholds, the fact is that nearly 5 million United States citizens of Greek, Russian, Ukrainian, and Serbian descent are Orthodox Christians. The contributions of these Americans to our rich history and culture exemplify the values, ideals, and dreams of this great Nation.

The Patriarch Bartholomew has followed a calling in his life—to selflessly serve not only people of Greek origin, but millions of believers from all over the world, through his strong faith.

Patriarch Bartholomew was enthroned as the 270th spiritual leader of the Orthodox Christians in 1991. This new title came with enormous responsibilities and burdens. But, the Patriarch Bartholomew was prepared to meet the task. Not only has he fulfilled the demanding role as preeminent leader of Orthodox Christians, he has dedicated himself and used his station to promote worthy, noble causes.

Mr. President, in the name of religious unity and cooperation, Patriarch Bartholomew is working to promote interfaith dialog between the Orthodox Church, and the Roman Catholic Church, leading Protestant denominations, Muslim leaders, and various other faiths.

He has also sought to strengthen the bonds between Judaism and Orthodox Christianity. In 1994, the Patriarch worked side by side with Rabbi David Schneier and the Appeal of Conscience Foundation to cosponsor the Peace and Tolerance Conference, bringing together Christians, Jews, and Muslims for human and religious freedom.

And Patriarch Bartholomew's compassion is far-reaching. In the war-torn countries of the Balkans, he has helped to advance reconciliation among Catholic, Muslim, and Orthodox communities.

As a citizen of Turkey, Patriarch Bartholomew is deeply concerned about the need to sustain the cause of peace. He has been a dynamic leader in efforts to ease Greek-Turkish tensions and to promote international cooperation, adherence to international law, and respect for human rights of victims of aggression.

Mr. President, Patriarch Bartholomew, also referred to as the "Green Patriarch" has a sincere commitment to the environmental legacy we will one day leave to our children. Together with global leaders, he convened an international environmental symposium emphasizing the health and well-being of the world's oceans. The Patriarch is also a cosponsor of an annual conference addressing the protection of our global environment.

Mr. President, in October of this year, Patriarch Bartholomew will visit the United States to offer his spiritual message of unity, compassion, and brotherhood. It is my belief that Congress should honor the work of this great leader in recognition of his outstanding and enduring contributions to religious freedom, tolerance, world peace, environmental protection, and human rights.

In closing, Mr. President, I call upon my colleagues to support bestowing the Congressional Gold Medal upon a visionary for our times, Ecumenical Patriarch Bartholomew. I would also like to take the opportunity to extend thanks to my 48 colleagues in the Senate who have lent their bipartisan support to this effort.

Mr. SARBANES. Mr. President, I am pleased to join Senator D'AMATO, chairman of the Senate Committee on Banking, Housing, and Urban Affairs, in urging immediate passage of H.R. 2248.

Patriarch Bartholomew will be visiting the United States from October 19 through November 17, 1997. This bill awards the Congressional Gold Medal to Ecumenical Patriarch Bartholomew, the spiritual leader of approximately 300 million Orthodox Christians worldwide. The occasion of this legislation is to recognize Patriarch Bartholomew's outstanding contributions to world peace and understanding during his tenure as head of this ancient branch of Christianity and to honor Patriarch Bartholomew's first visit to the United States as Patriarch. As a Greek-Orthodox American and member of the Greek Orthodox Cathedral of the Annunciation in Baltimore, I am particularly gratified to join in this tribute.

During his American visit Patriarch Bartholomew will meet with thousands of Orthodox faithful and will take the opportunity to convey his message of reconciliation to Americans of all backgrounds and beliefs. His All Holiness has been a leader in ecumenical understanding and has convened important meetings which have brought together participants of all religious backgrounds. In 1994, in cooperation with Rabbi David Schneier and the Appeal of Conscience Foundation, he cosponsored a Peace and Tolerance Conference in Istanbul where Christians, Jews, and Muslims joined together to discuss important and pressing issues.

As spiritual head of world Orthodoxy, Patriarch Bartholomew has been a leader in the quest for peace throughout the world, particularly in Eastern Europe, the Balkans, and the Middle East. He has vigorously spoken out against extremists and those who would use violence to achieve their ends and has counseled respect for all peoples, irrespective of their nationality and religion; his ministry has been a call to our best virtues.

From his historical seat in Istanbul, Turkey, Patriarch Bartholomew has served as a mediator between East and West, Christians and Muslims, and as a force for openness and tolerance in the newly emerging independent countries of Eastern Europe.

As he pursues the goal of peace, Patriarch Bartholomew is equally vigorous in his desire to preserve and promote the Earth's environment as a reflection of God's creation. Working with the European Commission, the Worldwide Fund for Nature, and his Royal Highness Prince Philip, he has cosponsored significant international conferences on the environment, including one scheduled for this month on the future ecological health of the Black Sea.

I believe it is most fitting that the visit and the accomplishments of Patriarch Bartholomew should be recognized and honored by this Gold Medal as it will reflect the appreciation of the American people for his ministry of peace and reconciliation.

Mr. FAIRCLOTH. I ask unanimous consent that the bill be considered read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 2248) was passed.

## FEDERAL BUREAU OF INVESTIGATION, WASHINGTON FIELD OFFICE MEMORIAL BUILDING

Mr. FAIRCLOTH. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 2443, which was reported by the Environment and Public Works Committee today.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

> A bill (H.R. 2443) to designate the Federal building located at 601 Fourth Street, N.W., in the District of Columbia, as the "Federal Bureau of Investigation, Washington Field Office Memorial Building", in honor of William H. Christian, Jr., Martha Dixon Martinez, Michael J. Miller, Anthony Palmisano, and Edwin R. Woodriffe.

The Senate proceeded to consider the bill.

Mr. FAIRCLOTH. I ask unanimous consent the bill be considered read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 2443) was considered read the third time, and passed.

## ORDERS FOR THURSDAY, SEPTEMBER 25, 1997

Mr. FAIRCLOTH. Mr. President, on behalf of the leader, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until the hour of 12 noon on Thursday, September 25. I further ask that on Thursday, immediately following the prayer, the routine requests through the morning hour be granted and the Senate immediately resume consideration of S. 1156, the District of Columbia appropriations bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

## PROGRAM

Mr. FAIRCLOTH. Mr. President, tomorrow the Senate will resume consideration of S. 1156, the District of Columbia appropriations bill. Under the previous order, the Senate will debate the Coats amendment, No. 1249, regarding school vouchers, from 12 noon until 5 p.m.

As a reminder, a cloture motion was filed this evening on the Coats amendment with the cloture vote scheduled to occur Tuesday, September 30, at 11 a.m., with the mandatory quorum under rule XXII being waived. Following the debate tomorrow on the Coats amendment, the Senate will continue debating amendments to the D.C. appropriations bill. As Members are aware, this is the last of the 13 appropriations bills the Senate will consider. Therefore, all Members' cooperation is appreciated in notifying the managers of the legislation of their intent to offer amendments so we can have timely consideration of this legislation. In addition, the Senate may consider any other legislative or executive business that can be cleared for action.

## ADJOURNMENT

Mr. FAIRCLOTH. Mr. President, I now ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 7:10 p.m, adjourned until Thursday, September 25, 1997 at 12 noon.

## NOMINATIONS

Executive nominations received by the Senate September 24, 1997:

### THE JUDICIARY

ARTHUR J. TARNOW, OF MICHIGAN, TO BE U.S. DISTRICT JUDGE FOR THE EASTERN DISTRICT OF MICHIGAN, VICE JULIAN A. COOK, JR., RETIRED.

GEORGE CARAM STEEH III, OF MICHIGAN, TO BE U.S. DISTRICT JUDGE FOR THE EASTERN DISTRICT OF MICHIGAN, VICE BARBARA K. HACKETT, RETIRED.

### DEPARTMENT OF STATE

SHAUN EDWARD DONNELLY, OF INDIANA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE DEMOCRATIC SOCIALIST REPUBLIC OF SRI LANKA, AND TO SERVE CONCURRENTLY AND WITHOUT ADDITIONAL COMPENSATION AS AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF MALDIVES.

EDWARD S. WALKER, JR., OF MARYLAND, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO ISRAEL.

## CONFIRMATIONS

Executive nominations confirmed by the Senate September 24, 1997:

### FEDERAL TRADE COMMISSION

SHEILA FOSTER ANTHONY, OF ARKANSAS, TO BE A FEDERAL TRADE COMMISSIONER FOR THE TERM OF 7 YEARS FROM SEPTEMBER 26, 1995.

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

IN THE AIR FORCE

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT IN THE U.S. AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601, AND TO BE APPOINTED AS CHIEF OF STAFF, U.S. AIR FORCE, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 8033:

*To be general*

GEN. MICHAEL E. RYAN, 9889

# HOUSE OF REPRESENTATIVES—*Wednesday, September 24, 1997*

The House met at 10 a.m. and was called to order by the Speaker pro tempore [Mr. HEFLEY].

## DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
*September 24, 1997.*

I hereby designate the Honorable JOEL HEFLEY to act as Speaker pro tempore on this day.

NEWT GINGRICH,
*Speaker of the House of Representatives.*

## PRAYER

Commissioner Robert A. Watson, national commander, the Salvation Army, Alexandria, VA, offered the following prayer:

Let us all pray. Sovereign Lord, You invite Your children to come to You in prayer, so we do so just now in gratitude and faith.

You are the Creator, Preserver, and Governor of all things. We acknowledge and worship You today as "Wonderful, Counselor, the Mighty God, the Everlasting Father, the Prince of Peace." And when we address You as "Our Father," we acknowledge that we are brothers and sisters. Help us to care for each other and for those around us.

We thank You for the gifts of mind and heart which the Members of this House bring to their awesome task. Grant them sensitivity to the needs of the people they represent and the moral courage to stand for that which is right, honorable, and just.

In Your holy name. Amen.

## THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. DOGGETT. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER pro tempore. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. DOGGETT. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 5, rule I, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

## PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentlewoman from Connecticut [Ms. DELAURO] come forward and lead the House in the Pledge of Allegiance.

Ms. DELAURO led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

## MESSAGE FROM THE SENATE

A message from the Senate by Ms. McDevitt, one of its clerks, announced that the Senate had passed without amendment a bill of the House of the following title:

H.R. 111. An act to provide for the conveyance of a parcel of unused agricultural land in Dos Palos, California, to the Dos Palos Ag Boosters for use as a farm school.

## MOTION TO ADJOURN

Mr. MILLER of California. Mr. Speaker, I have a preferential motion at the desk.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. MILLER of California moves that the House do now adjourn.

The SPEAKER pro tempore. The question is on the motion to adjourn offered by the gentleman from California [Mr. MILLER].

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. MILLER of California. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 59, nays 342, not voting 32, as follows:

[Roll No. 426]

YEAS—59

Allen
Andrews
Barrett (WI)
Becerra
Berry
Blumenauer
Bonior
Brown (OH)
Conyers
Coyne
Davis (FL)
DeFazio
Delahunt
DeLauro
Deutsch
Doggett
Farr
Fattah
Fazio
Filner
Furse
Gejdenson
Gephardt
Goode
Harman
Hoyer
Jefferson
Johnson (WI)
Kaptur
Kennelly
Kilpatrick
Kind (WI)
Levin
Lewis (GA)
Lowey
Maloney (CT)
Martinez
McDade
McDermott
McNulty
Miller (CA)
Mink
Murtha
Obey
Olver
Owens
Pallone
Pelosi
Sawyer
Scott
Slaughter
Spratt
Strickland
Stupak
Tierney
Turner
Vento
Waxman
Wexler

NAYS—342

Abercrombie
Ackerman
Aderholt
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bentsen
Bereuter
Berman
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blunt
Boehlert
Boehner
Borski
Boswell
Boucher
Boyd
Brady
Brown (CA)
Brown (FL)
Bryant
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Costello
Cox
Cramer
Cubin
Cummings
Cunningham
Danner
Davis (IL)
Davis (VA)
Deal
DeGette
DeLay
Dellums
Dickey
Dicks
Dixon
Dooley
Doolittle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Etheridge
Evans
Everett
Ewing
Fawell
Flake
Foley
Ford
Fowler
Fox
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Gordon
Goss
Green
Greenwood
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Houghton
Hulshof
Hutchinson
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kildee
Kim
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lucas
Luther
Maloney (NY)
Manton
Manzullo
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
Meehan
Meek
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Minge
Moakley
Mollohan
Moran (KS)
Morella
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Ortiz
Oxley
Packard
Pappas
Parker
Pascrell
Pastor
Paul
Paxon
Payne
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Redmond
Regula
Reyes
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryun
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Stabenow
Stark
Stearns
Stenholm
Stump
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thompson
Thornberry
Thune
Thurman
Tiahrt
Towns
Traficant
Upton
Velázquez
Visclosky
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Weygand
White
Whitfield
Wicker
Wise
Wolf
Wynn

NOT VOTING—32

Bonilla
Bono
Burr
Crane
Crapo
Diaz-Balart
Dingell
Doyle
Foglietta
Forbes
Frank (MA)
Gonzalez
Graham
Granger
Gutierrez
Hastings (FL)
Hefner
Hostettler
Hunter
Hyde
McCrery
Moran (VA)
Riggs
Schiff
Schumer
Stokes
Thomas
Torres
Woolsey
Yates
Young (AK)
Young (FL)

□ 1023

Mr. ARCHER and Mr. CUMMINGS changed their vote from "yea" to "nay."

So the motion to adjourn was rejected.

The result of the vote was announced as above recorded.

## THE JOURNAL

The SPEAKER pro tempore (Mr. HEFLEY). Pursuant to clause 5 of rule I, the pending business is the question of the Speaker's approval of the Journal of the last day's proceedings.

The question was taken; and on a division (demanded by Mr. DOGGETT) there were—yeas 157, nays 70.

### RECORDED VOTE

Mr. FAZIO of California. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 324, noes 81, not voting 28, as follows:

[Roll No. 427]

AYES—324

Allen
Andrews
Archer
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Berman
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bono
Boswell
Boucher
Boyd
Brady
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Carson
Castle
Chabot
Chambliss
Christensen
Clement
Coble
Coburn
Combest
Condit
Cook
Cooksey
Cox
Coyne
Cramer
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeGette
Delahunt
DeLay
Dellums
Deutsch
Dickey
Dicks
Dingell
Dixon
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
Eshoo
Etheridge
Everett
Ewing
Farr
Fattah
Fawell
Flake
Foley
Ford
Fowler
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gilchrest
Gilman
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Green
Greenwood
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hobson
Hoekstra
Holden
Horn
Houghton
Hutchinson
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kildee
Kim
Kind (WI)
King (NY)
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Manton
Manzullo
Markey
Mascara
Matsui
McCarthy (MO)
McCollum
McDade
McHale
McHugh
McInnis
McIntyre
McKeon
McKinney
Meehan
Metcalf
Mica
Millender-McDonald
Miller (FL)
Minge
Mink
Moakley
Mollohan
Moran (KS)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Northup
Nussle
Obey
Ortiz
Owens
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Paul
Paxon
Payne
Pease
Pelosi
Peterson (MN)
Petri
Pickering
Pitts
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Rangel
Redmond
Regula
Reyes
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryun
Sanchez
Sanders
Sandlin
Saxton
Scarborough
Schaefer, Dan
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snyder
Solomon
Spence
Spratt
Stabenow
Stark
Stokes
Stump
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (NC)
Thomas
Thornberry
Thurman
Tiahrt
Tierney
Towns
Traficant
Turner
Upton
Velázquez
Walsh
Wamp
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Wexler
Weygand
White
Wicker
Wise
Woolsey
Wynn
Yates

NOES—81

Abercrombie
Ackerman
Aderholt
Barrett (WI)
Becerra
Bentsen
Borski
Brown (CA)
Brown (FL)
Brown (OH)
Clay
Clayton
Clyburn
Costello
DeFazio
DeLauro
Doggett
English
Ensign
Evans
Fazio
Filner
Fox
Furse
Gephardt
Gibbons
Gillmor
Gordon
Gutierrez
Gutknecht
Hilleary
Hilliard
Hinchey
Hinojosa
Hooley
Hulshof
Johnson (WI)
Kennelly
Kilpatrick
Kingston
Kucinich
LaFalce
Lewis (GA)
LoBiondo
Maloney (NY)
Martinez
McCarthy (NY)
McDermott
McGovern
McIntosh
McNulty
Meek
Menendez
Miller (CA)
Norwood
Oberstar
Olver
Pickett
Pombo
Poshard
Ramstad
Sabo
Salmon
Sanford
Sawyer
Schaffer, Bob
Shimkus
Snowbarger
Souder
Stearns
Stenholm
Strickland
Stupak
Taylor (MS)
Thompson
Thune
Vento
Visclosky
Waters
Weller
Wolf

NOT VOTING—28

Armey
Bonilla
Bonior
Chenoweth
Collins
Conyers
Crane
Diaz-Balart
Foglietta
Forbes
Frank (MA)
Gonzalez
Hastings (FL)
Hefner
Hostettler
Hoyer
Hunter
Hyde
McCrery
Moran (VA)
Peterson (PA)
Riggs
Schiff
Schumer
Torres
Whitfield
Young (AK)
Young (FL)

□ 1043

So the Journal was approved.

The result of the vote was announced as above recorded.

## PERSONAL EXPLANATION

Mrs. LOWEY. Mr. Speaker, I missed rollcall 419 through 425 because of the birth of a beautiful new grandson, Daniel Henry Luttway. Had I been present, I would have been delighted to vote "aye."

The SPEAKER pro tempore (Mr. HEFLEY). Please receive the congratulations of the House.

## PERSONAL EXPLANATION

Mrs. CHENOWETH. Mr. Speaker, earlier today I was unavoidably detained and missed rollcall vote 427. Had I been here, I would have voted "yea."

## IN APPRECIATION OF COMMISSIONER ROBERT A. WATSON

(Mr. JONES asked and was given permission to address the House for 1 minute.)

Mr. JONES. Mr. Speaker, I would like to extend my appreciation to Commissioner Robert A. Watson for his words and wisdom as he opened the House of Representatives in prayer this morning.

Commissioner Watson was born in eastern North Carolina. He has made invaluable contributions to our society. He has led a lifetime of service to his community and to his fellow man throughout the world.

Commissioner Watson and his wife, Alice, have served together as officers in the Salvation Army for more than 40 years. Since November 1995, they have served as the organization's national leaders for the United States. The Watsons' selfless work in both the Salvation Army and many other charitable organizations has helped countless individuals worldwide.

Commissioner Watson is an outstanding American, an invaluable asset to our society, and a true man of God. I thank him for his words this morning, for his inspiration, and for all that he does to make our world a better place.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain fifteen 1-minutes on each side.

## WE DO NOT NEED CAMPAIGN FINANCE REFORM

(Mr. SAM JOHNSON of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SAM JOHNSON of Texas. Mr. Speaker, it is impossible for me to believe the hypocrisy coming from the White House on campaign finance reform and the way we have been treated on this floor. We just wasted 45 minutes.

Just days after Attorney General Janet Reno started a 30-day investigation into Clinton and GORE's fund-raising practices, he has the audacity to threaten to call Congress back into session if we adjourn without at least debating campaign finance reform.

I feel compelled to point out that we do not need campaign finance reform, we need elected officials who will follow the current law. If we enforce the laws, such as no foreign contributions, we would not need an independent counsel to tell us that President Clinton and Vice President GORE broke the law, plain and simple.

Mr. Speaker, the President should be using that phone in the White House to do his job, not line his pockets.

## CAMPAIGN FINANCE REFORM

(Mr. DOGGETT asked and was given permission to address the House for 1 minute.)

Mr. DOGGETT. Mr. Speaker, a meaningful reform of the way Federal campaigns are conducted has been obstructed by one Republican roadblock after another.

Yesterday, half of the route was cleared. It did take a letter from the President saying he would convene a special session to deal with this issue if necessary. It took the leadership of the minority leader to say that no committees would meet. And yet, the reform is proceeding in half this Capitol building in Washington. Outside the people's House, there is a giant "yield right of way sign." It says "yield right of way to the arrogance of a Republican leadership that will not schedule 1 minute of debate on this issue." It is a giant "yield right of way sign" to the special interests who keep dumping in more and more soft money to soften up this Republican leadership.

Well, today we are escalating the action for reform and demanding that this issue be considered not only in the Senate, but here in the House, so that there can be genuine bipartisan reform to address this arrogance.

## PARLIAMENTARY INQUIRY

Mr. HINCHEY. Mr. Speaker, parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. HINCHEY. Mr. Speaker, since the majority party in this House has not scheduled an opportunity for the House to debate and vote upon campaign finance reform, my inquiry is, why are we recessing tonight between 3 and 6 p.m. and then coming back for votes which will run later on into the evening?

The SPEAKER pro tempore. The Chair cannot respond to that. That is not a parliamentary inquiry.

## TAX PACKAGE REINFORCES COMMITMENT TO EDUCATION

(Mr. NEUMANN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. NEUMANN. Mr. Speaker, back when I was growing up, my daddy taught me how to read a map; and the first thing he taught me is I had to know where I was before I could decide how I was going to get to where I was going to.

When we talk about campaign finance reform, I think the first thing we ought to do is make sure that the laws that are currently on the books are being enforced and understood by the people. So before we can figure out what needs to be changed, somebody ought to make sure that the laws that are already on the books are being enforced.

And in fact, that is what is going on right now. But the other side does not care to talk about that, because, of course, there have been some violations down the street on Pennsylvania Avenue as it comes to that.

So I think, just like my daddy taught me when I was growing up, we need to know where we are at first so that we should spend enough time making sure that those laws are being enforced.

I really rose this morning to reinforce how important education is to our side of the aisle and how it is reflected in the tax cut package. As a former math teacher and a father of three, two in college, and one in high school, I would just like to point out how the tax cut package reinforces our commitment to education. From the $500 per child education savings account opportunity for parents who want to save for their children growing up, they can put $500 a year per child into a savings account. That money accumulates tax free for their children when they need the education.

## LORETTA SANCHEZ ELECTION

(Mr. MENENDEZ asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MENENDEZ. Mr. Speaker, 10 months ago the people of the 46th District of California spoke. They decided to elect the gentlewoman from California [Ms. SANCHEZ] as their Representative in Congress, an election certified by the Republican California Secretary of State.

Mr. Dornan and some Republicans do not like that. But in our system, they are not the ones that get to make that decision. The only people who get to make that decision are the people of California's 46th District.

Questions are not enough to overturn the election. Allegations are not enough. Innuendo is not enough. Confusion is not enough. But for 10 months, that is all we have gotten. Several hundred thousand taxpayer dollars have been used for a witch hunt to go through INS records and question the legality of voters simply on the basis of having an Hispanic surname.

Should Hispanic-Americans assume that they will first be considered illegal voters until they can disprove it? Is the assumption that all Hispanic voters must have voted for the gentlewoman from California [Ms. SANCHEZ]?

The Los Angeles Times reported Tuesday that almost halfway to the next election there is, and I quote, "no evidence that Sanchez benefited from fraudulent votes." The L.A. Times is right, what we have is not evidence, it is an assault on every Hispanic-American.

## END RELIGIOUS PERSECUTION WORLDWIDE

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, I urge all Americans and, in particular, every Member of Congress to join in recognizing the International Day of Prayer this coming Sunday for those persecuted for their faith around the world.

Our country was founded on the principles of inalienable rights. Central among them was the right to choose and practice one's faith in God. Today, thousands around the globe still must flee their home countries because of severe persecution for practicing their beliefs.

Many international human rights agencies report that in the 1990's severe religious persecution continues at an intolerable rate. In China and Vietnam, pastors have frequently been arrested and beaten. In Mexico, believers have been murdered by mobs. In Egypt and Pakistan, young women have been raped and beaten. In China, churches have been bulldozed. In Saudi Arabia, Christians have been tortured. In the Sudan, children have been forced to convert to Islam in order to receive food rations. All this because of their faith in God.

We who live in freedom cannot be idle spectators to such widespread injustice. I urge all Members to join in the work to end religious persecution worldwide.

## AMERICANS ARE SPENDING, SPENDING, SPENDING

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, White House economists say the economy is breaking all records. The proof is Americans are spending, spending, spending.

Let us check out the records. Credit card debt is at a record high, $2 trillion. Individual bankruptcies are at a record high, record high; and they are up a record 27 percent again this year.

Evidently, God made weathermen to make White House economists look good, Mr. Speaker. The truth is, the reason America is spending, spending, spending is because Americans are borrowing, borrowing, and borrowing. The truth is, these White House economists are so dumb they could fall out of bed and miss the floor.

I accuse them all of inhaling over there, No. 1. And No. 2, they have become spastic over plastic in this economy. I yield back all the lost jobs that are good paying. I yield back all the record debt. And I yield back all the record bankruptcies.

## KYOTO NEGOTIATIONS

(Mr. KNOLLENBERG asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KNOLLENBERG. Mr. Speaker, as the Kyoto negotiations on global warming draw near, millions of Americans' jobs are on the chopping block. The Clinton administration seems to be willing to sign on to an agreement that places the entire burden of reducing carbon emissions on the industrialized nations.

In fact, the current language of the treaty exempts 132 of the world's 166 nations. Why is that troubling? Because the nations exempt from this U.N. treaty currently produce 50 percent, one-half, of carbon emissions and will account for 75 percent of such emissions over the next century.

Therefore, this treaty would provide almost no benefit at all, but the economic impact on the United States would be devastating. Placing the entire burden on complying with this treaty on countries like the United States could turn the Third World into an enterprise zone and create a giant sucking sound of American jobs going overseas.

Mr. Speaker, during the Kyoto negotiations, the Clinton administration must protect American workers, demand fairness, and reject any treaty that places the entire burden of reducing carbon emissions on the United States and on the other industrialized nations. Anything less would be like giving jobs away.

## AMERICAN PEOPLE DEMAND CAMPAIGN FINANCE REFORM

(Mr. PALLONE asked and was given permission to address the House for 1 minute.)

Mr. PALLONE. Mr. Speaker, I have been listening to my Republican colleagues this morning. It is amazing to me that they are still trying to obstruct campaign finance reform.

Clearly, the time has come today for the House Republican leadership to bring up campaign finance reform for a vote on the floor. We know the Senate is doing it. Mr. LOTT has said that he is going to bring it up. The President has sent a letter saying he will have a special session if necessary.

But so far there is only silence by the Speaker and the House Republican leadership on the issue. They suggest it is for the future and certainly not for this session of Congress, and this has to change because the American people are demanding reform.

There is simply too much money in the system. The average American does not feel that he or she matters anymore because wealthy individuals and corporations have all the influence.

Mr. Speaker, bring up campaign finance reform for a vote on the House floor. We can move on bipartisan reform legislation. The American people demand it, and we should move on it immediately.

## SCHOLARSHIPS AND TAX-FREE EDUCATION ACCOUNTS FOR CHILDREN

(Mr. ROGAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROGAN. Mr. Speaker, I was raised by a mom who was a single mom with four children on welfare and food stamps. And the only reason I have had the privilege of coming from that background and now serving in the Congress of the United States is because my mother loved her children enough to make sure that they got the best education possible.

It is absolutely hypocritical for people to believe that poor children's mothers do not care about them enough to get a good education for them. And nowhere is that more evident than here in the District of Columbia, where thousands of children are condemned to ill-performing schools. Their parents want the same chance for their children that my mother wanted for her children. We Republicans are trying to give that to them.

We have two proposals. First, opportunity scholarships for 2,000 of the poorest children in the city of the District of Columbia. The second would be a proposal that would allow parents tax-free education accounts.

Today I read in the Los Angeles Times that the Secretary of Education is calling this a fad and urging the President to veto this proposal. That is a terrible mistake. I urge the Secretary to reconsider. These people want good educations for their children, and we have an obligation to make sure they get them.

## CAMPAIGN FINANCE REFORM

(Ms. DELAURO asked and was given permission to address the House for 1 minute.)

Ms. DELAURO. Mr. Speaker, since the very first day of this Congress, Democrats have been urging our Republican colleagues to take action on campaign finance reform. Democrats believe that we need to stop the flow of money into politics, and we have used every single procedure at our disposal to attempt to force a vote on this issue.

But despite his famous handshake with President Clinton 2 years ago, the gentleman from Georgia [Mr. GINGRICH] has thus far refused to act on the issue, refused to schedule a hearing, refused to schedule debate. He has refused to schedule a vote on campaign finance reform.

Mr. Speaker, Democrats believe and the American people believe that our political system is broken and that it needs fixing. The Republican leader of the other body finally caved in to Democratic pressure and has promised to vote on campaign finance reform.

Mr. Speaker, I ask, "Where is our vote in the House of Representatives, in the people's House?"

□ 1100

### OHIO ENERGY COMPANY SHOWS LEADERSHIP IN QUEST FOR CLEAN AIR

(Mr. CHABOT asked and was given permission to address the House for 1 minute.)

Mr. CHABOT. Mr. Speaker, I just want to take a moment to pay my compliments to a Cincinnati firm that is moving full speed ahead in an effort to bring cleaner air to southern Ohio and to the surrounding region. Cinergy Corp. announced yesterday that it will voluntarily reduce nitrogen oxide emissions from its plants by two-thirds from 1990 levels. The company will also conduct a demonstration of advanced technology at its plant in North Bend, OH, converting nitrogen oxide into harmless nitrogen gas and water. If successful, the technology could reduce nitrogen oxide emissions at the plant by 30 to 40 percent.

Mr. Speaker, Cinergy's leadership in the ongoing battle for a cleaner environment in the Ohio-Kentucky-Indiana region will hopefully encourage others in the energy-producing field to take similar positive steps on their own. I congratulate Cinergy, and I wish all of those involved in this critical environmental project the best of luck.

### LET ELECTION IN 46TH DISTRICT OF CALIFORNIA STAND

(Ms. MCKINNEY asked and was given permission to address the House for 1 minute.)

Ms. MCKINNEY. Mr. Speaker, I know a little something about snatching victory from the jaws of defeat. All over this country, so-called folks in the know counted me out. And in the 46th District of California the same thing happened. Nobody gave LORETTA SANCHEZ a chance of beating the infamous Bob Dornan. But she won in an election fair and square. But stung by the fact that he lost to a woman, he has not given up the fight. One would think he would just declare his intention to run in the next election, but no, not this Bob Dornan. And no, not this Republican Party. They have conducted a well-organized witch-hunt that is insulting to America's values. They have targeted every Hispanic voter as if they did not have the right to vote. And the Republican leadership has sided with Dornan over the people of the 46th District. Could it be that they think that Hispanic voters do not count?

The Republicans would have us believe that they have changed, that they have mellowed. Unless they stop the race baiting now, they will prove themselves to be what we always suspected all along.

### NATIONAL CONGRESSIONAL TEST

(Mr. KINGSTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KINGSTON. Mr. Speaker, there is a lot of talk about national testing, so I designed one for Congress. Multiple choice. If a Federal official raises money from a taxpayer-funded office, he is:

A. Breaking the law.

B. OK if it is soft money.

C. OK if he does not remember doing it.

Number 2. A Buddhist temple is:

A. A place of worship.

B. A great spot for a fund-raiser.

C. I do not recall. I never went to one. I never heard of it. Anyway, it was not a fund-raiser.

True or false/Definitions. If you were subpoenaed by the Thompson committee, DNC stands for "did not come."

If you were a major TV network during the Thompson hearings, DNC stands for "did not cover."

If you are the Vice President, DNC stands for "did not call."

If you are a foreign national, DNC stands for "did not contribute."

Finally, Discussion Questions. What is the difference between "Find Waldo" and John Huang?

Answer: You can eventually find Waldo.

### OPPOSE GORTON AMENDMENT IN INTEREST OF PUBLIC EDUCATION

(Mr. BLAGOJEVICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BLAGOJEVICH. Mr. Speaker, Abraham Lincoln said that the most important commitment we as a people can make is to public education. Yet there are forces here in Congress who would undermine that commitment. Programs like the Safe and Drug-Free Schools Act, which provides local school districts with security guards, installs metal detectors and teaches children about the dangers of drugs and gangs are in jeopardy. If the Gorton amendment passes, not a single Federal dollar would be guaranteed to fund that program.

Mr. Speaker, college is not for everyone. The School To Work Program is designed to help students make the transition from high school to work. If the Gorton amendment passes, not a single Federal dollar would be guaranteed to help students make that transition.

More than ever, as we approach the 21st century, our children rely on computers to prepare them for the high-tech world. If the Gorton amendment passes, not a single Federal dollar would be there to help them have computers and technology in their classrooms.

We must not allow this to happen. Let us make our schools safe and drug-free, let us give our high school graduates employment options, and let us oppose the Gorton amendment and redouble our efforts to public education.

### EDUCATION POLICY FROM A REPUBLICAN STANDPOINT

(Mr. PAPPAS asked and was given permission to address the House for 1 minute.)

Mr. PAPPAS. Mr. Speaker, I was home in my district this past weekend and was introduced to someone by a friend. The person I met with told me something that I found very troubling. She told me, "Hi, I'm a strong conservative and an enthusiastic supporter of the Republican Party, but I'm also very pro-education."

"But?" I said.

She said that she had to admit that she was very upset by all the things she had heard about us cutting education. Then I had to admit that I was very troubled to hear her say this.

Mr. Speaker, it is Republicans who believe that education is primarily a task that is best handled by local school boards and not by the Federal Government. It is Republicans who believe that parents should have the most control over their children's education, not bureaucrats in Washington, DC. We must continue to stand up to the liberals who want to federalize education and bring Washington, DC into curriculum decisions that are best made by those in the local community, school boards, teachers, and parents.

### CAMPAIGN FINANCE REFORM TRAILS HANDSHAKES

(Mr. SNYDER asked and was given permission to address the House for 1 minute.)

Mr. SNYDER. Mr. Speaker, in June 1995, the President and Speaker of the House made a commitment to campaign finance reform in this country. Since that time, there have been approximately 85 bills introduced in this session of Congress showing great interest in that topic. What has happened since that time? How many hearings have we had? None. How many campaign finance reform bills have passed? None. Where does that leave the score right now, Mr. Speaker, at the end of the baseball season? It leaves the score currently handshakes one, campaign finance reform nothing.

The President has stated his commitment to campaign finance reform. The Republican leadership in this House needs to get on board and lead the American people, because currently, under current law, if we do not change it, you may make a legal donation to the party of your choice in this amount. I do not know what this number is, but I think it is big.

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## RELIGIOUS FREEDOM WEEK

(Mr. ADERHOLT asked and was given permission to address the House for 1 minute.)

Mr. ADERHOLT. Mr. Speaker, in September 1789, Congress proposed and sent to the States for ratification the 10 constitutional amendments known as the Bill of Rights. This morning I join my colleagues in celebrating Religious Freedom Week, designated as such by Congress and by Presidential proclamation in 1988 by President Ronald Reagan.

The first amendment guards Americans from persecution by protecting our right to expression, protecting our words, both secular and religious, whether spoken, written or sung. Freedom comes at a price, however. The gospel, the words of Jesus Christ, cost him his life. Those who signed the Declaration of Independence knew it could be their death sentence.

The freedoms we enjoy today as Americans are a precious gift of the generations who have gone before us. Religious Freedom Week is a great opportunity to express thanks for that gift and to celebrate the profound foresight that was given our Founding Fathers in protecting the free exercise of religion.

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## REPUBLICANS CAUGHT IN CONTRADICTION IN DISPUTED ELECTION

(Mr. SERRANO asked and was given permission to address the House for 1 minute.)

Mr. SERRANO. Mr. Speaker, once again we find the Republicans caught in a very big contradiction. On one hand they put out feelers to the Hispanic community saying, "Come into the party, join us, we want to serve you, we want to help you." On the other hand they launch the unprecedented attack on LORETTA SANCHEZ and Hispanics throughout the Nation, somehow insisting that every Hispanic in the country, perhaps including myself, participated on election day in some fraud to get LORETTA elected.

It is time that Americans realize that this is their way of not dealing with the truth. Self-denial is a very pitiful state to be in, and that is what Republicans find themselves in. Americans do not like it. Hispanics like it even less. It is time that Republicans got it through their right-wing, reactionary minds that this is not going to work. It is not going to work. LORETTA won fair and square, and it is time to let her go on with this work in this House and stop harassing Hispanics throughout this country.

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## GET BACK TO BASICS IN EDUCATION

(Mr. TIAHRT asked and was given permission to address the House for 1 minute.)

Mr. TIAHRT. Mr. Speaker, somewhere in the education debate, we have lost the reason we send our children to school. If we ask parents, they want their kids to capture the ability to learn, something their children can take with them into higher education or into the work environment so that they can pursue the American dream. But the parents' wishes are ignored. Instead the debate is about national education standards that measure how much paper teachers can produce and how much money we can spend, not how well our children are learning.

This Nation is blessed with many wonderful teachers, but they have been betrayed. In most school systems, less than half the money actually makes its way into the classroom. The teachers are diverted from scholastics to social engineering, and the paperwork demanded by the education bureaucracy steals teaching time. Education is about learning, discipline, respect for authority, and scholastics. Let us get back to the basics in education.

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## AGAINST H.R. 856, PUERTO RICO STATEHOOD BILL

(Mr. GUTIERREZ asked and was given permission to address the House for 1 minute.)

Mr. GUTIERREZ. Mr. Speaker, I rise to oppose H.R. 856, the Puerto Rico statehood bill. Supporters want us to believe the goal of H.R. 856 is to give Puerto Ricans a fair opportunity to decide their future relationship with the United States. Sadly, the only goal of H.R. 856 is to bring statehood to Puerto Rico, despite the clear and consistent opposition of the majority of Puerto Ricans.

I want to be an enthusiastic supporter of a true process of self-determination. That is why I am adamantly opposed to any efforts to force statehood on Puerto Ricans. This flawed bill distorts the definition of "commonwealth," the favored status of the plurality of the Puerto Rican people, threatening to deny U.S. citizenship to the children of Puerto Ricans if commonwealth is chosen. It threatens the Puerto Rican people with the loss of Federal benefits if they reject statehood. It denies Puerto Ricans on the mainland in the United States the right to participate in this vital process. It neglects our distinct Puerto Rican history as a people and a nation. It abandons the idea of democracy and embraces the imposition of the will of the few on the hopes and dreams of the many. I urge my colleagues to stand with the majority of the Puerto Rican people and oppose H.R. 856.

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## CENSUS SAMPLING

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, today this House will begin to address the year 2000 census and the adverse effect of sampling. Sampling is not about politics. It is about the Constitution. The Constitution clearly states that the actual enumeration shall be made within 3 years after the first meeting of Congress within every 10 years in such manner as Congress shall by law direct.

Further, title 13 of the U.S. Code authorizes sampling except for the determination of population for purposes of apportionment of Representatives in Congress shall be allowed. This exception was enacted because when determining congressional districts, guessing is just not good enough.

Nowhere in this country is the case against sampling any clearer than in my home State of Nevada. Nevada has only two Representatives in Congress, and it has nearly 2 million people. Nevada is the fastest growing State in the Nation. This sampling could greatly underestimate our State's growing population, costing Nevada residents their constitutional right of representation.

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## CALIFORNIA ELECTION AN ABUSE OF DISCRETION

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, I am not sure how Bob Dornan appreciates the precious right to vote, but Americans understand how precious it is to exercise our rights to vote in this Nation. I would ask on behalf of the American people, let Congresswoman LORETTA SANCHEZ do the job that she was duly elected to do. No proof, no truth, no justice; only abuse of Hispanic voters and horrible immigrant terrorizing, reminding me of the Republican poll watchers who went into the deep South and watched black voters and intimidated them from voting.

That is right, Mr. Speaker. The process of determining the election of Congresswoman LORETTA SANCHEZ is an abuse of discretion. No fraud has been found, only a Republican runaway committee and a runaway Congress.

The voters of California's 46th Congressional District have spoken. These voters want you to stop harassing Hispanic surnames and Hispanic citizens and those who want to vote and those who will have justice and truth. Republicans, stop the abuse of Americans and our Hispanic citizens.

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## CALIFORNIA ELECTION AND EDUCATION

(Mr. GRAHAM asked and was given permission to address the House for 1 minute.)

Mr. GRAHAM. Mr. Speaker, as to Mr. Dornan's case, I believe the procedures that the House has to review elections are being followed. It is a question of how many ineligible, illegal people voted. That is something we should take up, and I am confident that as a body we will do a good job of doing that when the time comes.

Education. A lot has been said about education. Apparently there is a great confrontation about the Nation. The President said he would veto the Labor-HHS bill if we do not agree to national testing. Mr. President, you just do that. If you want to federalize education, we will have a fight. It is a fight long overdue.

Your agenda has been since day one to take everything local and make it national. National testing is a $39 million farce, 90 to $100 million to implement the test in 1999. It is truly a local function being done in abundance. We need to stop testing children. We know the problems. We need to start educating children. If he wants to veto the bill and shut the Government down to federalize education, I think that is a debate that is long overdue, and I await that day.

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## BOB DORNAN'S TAXPAYER-FINANCED WITCH HUNT

(Mr. BECERRA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BECERRA. Mr. Speaker, now almost 1 year and a half a million dollars later neutral observers are saying what everyone in this House has been saying for the longest of times. The people of the 46th Congressional District in California voted Bob Dornan out of office, and they voted the gentlewoman from California [Ms. SANCHEZ] in. Yet the Republican leadership continues to waste taxpayer dollars funding Bob Dornan's election witch hunt against the gentlewoman from California [Ms. SANCHEZ] and his customary tirades. Now we hear that the Republican leadership has a scheme to reject the vote of the people of the 46th Congressional District and to take away the job that the gentlewoman from California [Ms. SANCHEZ] earned from the voters. The leadership on the Republican side will allege that there were too many questionable votes in the 984-vote victory of the gentlewoman from California.

Who was the target of this so-called questionable voting campaign? Hispanics. Who was the target of the harassment in this investigation? Hispanic voters.

It is the people of America who vote people into office; it is the people of America who vote people out. It is not witch hunts that are paid for and financed by taxpayers at the expense of those people who vote and do so. Bob Dornan does not have the right to do this at taxpayer expense.

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## DEMOCRATS SHRED EVIDENCE, THEN ACT OUTRAGED ABOUT "THE SYSTEM"

(Mrs. LINDA SMITH of Washington asked and was given permission to address the House for 1 minute.)

Mrs. LINDA SMITH of Washington. Mr. Speaker, sometimes we just have to sit back and admire the Democrats for their breathtaking audacity. Democrats have found themselves caught red-handed in more than one sense taking money from foreign sources. Let us make it very clear that is illegal. That is why the Democrat Party has already returned millions of dollars in contributions from foreign sources. Of course that is after they used the money to help the President get reelected.

So now they feel qualified to tell the American people how to do it and that they are the party that would be expert in raising money. Well, would that still be from foreign sources? Maybe they think that under a better system, a system that does not force them to break the law, it should be OK to raise money for political campaigns from Communist China, launder that money to conceal its source, shred evidence to conceal the criminal behavior and then act outraged about the system.

Or maybe they just want to change the subject.

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## FRESHMEN BIPARTISAN TASK FORCE ON FINANCE REFORM HAS PRODUCED A COMMON SENSE APPROACH

(Mr. KIND asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KIND. Mr. Speaker, we are now in day 83, 83 days after July 4, the day that the President asked this body to enact campaign finance reform.

I do not know what we are so concerned about, what we are so afraid of on this side of the congressional House. The Senate is starting to make some movement; I think it is time for us in the House of Representatives to do the same.

But I do not want to have a false debate or a false bill come before this floor. I do not want a bill that we are going to sit here and look at that contains a poison pill. A poison pill is something that is going to place one party at a distinct disadvantage of another party. That is why I am proud of the product that I and other Members of the freshman bipartisan task force on finance reform have produced and have introduced. It is a commonsense approach that gets rid of the biggest of the big money, a soft money ban, requires greater identification of groups trying to influence the outcome of elections, requiring greater disclosure of candidates and where the money sources are coming from, but we need to schedule this now: An honest debate, a bill that is receiving bipartisan support, something that us freshmen have produced together, working in a way that can receive support on both sides of the aisle.

The time to get to work is now.

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## WE DO NOT NEED NEW LAWS ON CHEATING

(Mr. McINNIS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McINNIS. Mr. Speaker, well, it is pretty clear somebody has been cheating out there. We do not need new laws, we already have laws against illegal campaign contributions. And let me remind those colleagues of mine who have been up here talking moment after moment about campaign cheating, look at the headlines on this morning's paper, and let me read it:

"Democratic National Committee Teamsters Traded Funds."

It reminds me in high school when one of my classmates got caught cheating. The first thing he told the teacher was everybody was. "Well, everybody is cheating." Well, not everybody was cheating; he was the only one in that classroom that was cheating. Then his next excuse to get out of trouble for cheating was, "Well, you know you need to make new rules, Mr. Teacher. You need to make new rules about cheating. And therefore let me off the hook."

Mr. Speaker, I will be one of the first to stand up and say we should not have cheating. That is exactly what the Democratic National Committee is doing. We have campaign laws in effect, we have an Attorney General that should investigate those, should appoint an independent investigator, and we have a Democratic National Committee that should step forward immediately and let the American public know the scenario and the scheme they have got going with the Teamsters.

## CALLING ON THE SPEAKER TO SCHEDULE A VOTE ON CAMPAIGN FINANCE REFORM TODAY

(Mr. LEWIS of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEWIS of Georgia. Mr. Speaker, the American people continue to wait for real campaign finance reform. The need for campaign finance reform is clear. Both parties raised millions and millions of dollars last year, twice as much as they raised just 4 years ago. The Senate is scheduling a vote on campaign finance reform; the President is waiting for a deal. Two years ago, just 2 years ago, the Speaker shook hands with the President on the promise of campaign finance reform. What happened to that promise? What happened to that vow? What happened to his word?

The American people deserve better, Mr. Speaker, than to be stonewalled, put down, put off and ignored. They deserve to be heard. They deserve to be respected. The Speaker is the only one in Washington standing in the way of campaign finance reform.

Mr. Speaker, it is time to end the delay. Schedule a vote on campaign finance reform today.

## IF THEY CANNOT OBEY CURRENT LAW, WHY WOULD THEY OBEY FUTURE LAW?

(Mr. WALSH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WALSH. Mr. Speaker, listening to the other side get exercised about campaign finance reform would be hilarious if corruption of our political process were not such a serious matter. We can just see the White House now with their new slogan, "We've got four more years so let's change the rules." Does the other side really think that the American people think it is OK to break the rules? Then carry on about how we need to change them? Does the other side really feel comfortable defending deliberate attempts to violate the law and then blame the existence of the law as the real problem? Does the other side really think the White House is above the law, that all the little people have to obey the law but they are exempt from having to do so?

No matter how many times the other side wants to change the subject by talking about campaign finance reform the truth will finally come out. If they cannot obey the current law, what makes anybody think they will obey future law?

## MOTION TO ADJOURN

Mr. GEPHARDT. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER pro tempore. The question is on the motion to adjourn offered by the gentleman from Missouri [Mr. GEPHARDT].

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. GEPHARDT. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

### MOTION OFFERED BY MR. DOGGETT

Mr. DOGGETT. Mr. Speaker, I move to reconsider the ordering of the yeas and nays.

### MOTION OFFERED BY MR. MC INNIS

Mr. McINNIS. Mr. Speaker, I move to lay on the table the motion to reconsider.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Colorado [Mr. McINNIS] to lay on the table the motion to reconsider offered by the gentleman from Texas [Mr. DOGGETT].

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. DOGGETT. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The SPEAKER pro tempore. This will be a 15-minute vote.

The vote was taken by electronic device, and there were—yeas 217, nays 197, not voting 19, as follows:

[Roll No. 428]

YEAS—217

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Blunt
Boehlert
Boehner
Bono
Brady
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Christensen
Coble
Coburn
Collins
Combest
Cook
Cooksey
Cox
Crane
Crapo
Cubin
Cunningham
Davis (VA)
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Foley
Forbes
Fowler
Fox
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Goss
Graham
Granger
Greenwood
Gutknecht
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hutchinson
Hyde
Inglis
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King (NY)
Kingston
Klug
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Manzullo
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Moran (KS)
Morella
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Packard
Pappas
Parker
Paul
Paxon
Pease
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Redmond
Regula
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryun
Salmon
Sanford
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Shimkus
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stearns
Stump
Sununu
Talent
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Traficant
Upton
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)

NAYS—197

Abercrombie
Ackerman
Allen
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Bentsen
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brown (CA)
Brown (FL)
Brown (OH)
Capps
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
Delahunt
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Fazio
Filner
Flake
Foglietta
Ford
Frost
Furse
Gejdenson
Gephardt
Goode
Gordon
Green
Gutierrez
Hall (OH)
Hall (TX)
Hamilton
Harman
Hefner
Hilliard
Hinchey
Hinojosa
Holden
Hooley
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (WI)
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHale
McIntyre
McKinney
McNulty
Meehan
Meek
Menendez
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Mollohan
Moran (VA)
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pickett
Pomeroy
Poshard
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer

Scott
Serrano
Sherman
Sisisky
Skaggs
Skelton
Slaughter
Smith, Adam
Snyder
Spratt
Stabenow
Stark
Stenholm
Stokes
Strickland
Stupak
Tanner
Tauscher
Thompson
Thurman
Tierney
Towns
Turner
Velázquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Wexler
Weygand
Wise
Woolsey
Yates

NOT VOTING—19

Bliley
Bonilla
DeGette
Fawell
Frank (MA)
Gonzalez
Hastings (FL)
Hoyer
Hunter
Largent
Livingston
Oxley
Porter
Riggs
Saxton
Schiff
Schumer
Torres
Wynn

☐ 1145

Messrs. ROEMER, LIPINSKI, CLYBURN, CUMMINGS, and KENNEDY of Massachusetts, and Ms. EDDIE BERNICE JOHNSON of Texas and Ms. SLAUGHTER changed their vote from "yea" to "nay."

Messrs. HILL, COBLE, BOB SCHAFFER of Colorado, EVERETT, PICKERING, WATKINS and TAYLOR of North Carolina changed their vote from "nay" to "yea."

So the motion to table the motion to reconsider was agreed to.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. CAMP). The question is on the motion to adjourn offered by the gentleman from Missouri [Mr. GEPHARDT] on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 124, nays 293, not voting 16, as follows:

[Roll No. 429]

YEAS—124

Ackerman
Allen
Andrews
Barrett (WI)
Becerra
Bentsen
Berry
Bonior
Borski
Brown (FL)
Brown (OH)
Cannon
Cardin
Clay
Clayton
Conyers
Costello
Coyne
Cummings
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dellums
Deutsch
Dingell
Doggett
Eshoo
Etheridge
Evans
Farr
Fattah
Fazio
Filner
Flake
Foglietta
Ford
Furse
Gejdenson
Gephardt
Greenwood
Gutierrez
Harman
Hefner
Hilleary
Hilliard
Hinchey
Hinojosa
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (WI)
Johnson, E. B.
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kilpatrick
Kind (WI)
LaFalce
Lampson
Levin
Lewis (GA)
Lipinski
Lowey
Maloney (CT)
Maloney (NY)
Markey
Martinez
Matsui
McCarthy (NY)
McDermott
McGovern
McNulty
Meehan
Meek
Menendez
Miller (CA)
Mink
Moakley
Nadler
Neal
Oberstar
Obey
Olver
Pallone
Payne
Pelosi
Pomeroy
Reyes
Rodriguez
Rothman
Roybal-Allard
Rush
Sanchez
Sanders
Sawyer
Schumer
Scott
Slaughter
Smith, Adam
Snyder
Spratt
Stabenow
Stark
Strickland
Stupak
Tauscher
Thompson
Tierney
Torres
Towns
Velázquez
Vento
Waters
Waxman
Wexler
Weygand
Woolsey
Yates

NAYS—293

Abercrombie
Aderholt
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Berman
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bono
Boswell
Boucher
Boyd
Brady
Brown (CA)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Capps
Carson
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clyburn
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Cox
Cramer
Crane
Crapo
Cubin
Cunningham
Davis (VA)
Deal
DeLay
Diaz-Balart
Dickey
Dicks
Dixon
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Everett
Ewing
Fawell
Foley
Forbes
Fowler
Fox
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Green
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hulshof
Hyde
Inglis
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones
Kanjorski
Kasich
Kelly
Kildee
Kim
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaHood
Lantos
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Livingston
LoBiondo
Lofgren
Lucas
Luther
Manton
Manzullo
Mascara
McCarthy (MO)
McCrery
McDade
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
Metcalf
Mica
Millender-McDonald
Miller (FL)
Minge
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Ortiz
Owens
Oxley
Packard
Pappas
Parker
Pascrell
Pastor
Paul
Paxon
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Redmond
Regula
Riley
Rivers
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryun
Sabo
Salmon
Sandlin
Sanford
Saxton
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stearns
Stenholm
Stokes
Stump
Sununu
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thune
Thurman
Tiahrt
Traficant
Turner
Upton
Visclosky
Walsh
Wamp
Watkins
Watt (NC)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wise
Wolf
Young (AK)
Young (FL)

NOT VOTING—16

Bonilla
Clement
Danner
Frank (MA)
Gilman
Gonzalez
Goodling
Hastings (FL)
Hunter
Hutchinson
Largent
McCollum
Riggs
Scarborough
Schiff
Wynn

☐ 1203

Mr. KOLBE changed his vote from "yea" to "nay."

So the motion to adjourn was rejected.

The result of the vote was announced as above recorded.

## MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Sherman Williams, one of his secretaries.

## REQUEST FOR PERMISSION TO SPEAK OUT OF ORDER

Mr. HINCHEY. Mr. Speaker, I ask unanimous consent to speak out of order for 1 minute in order to pose a question to the majority leader or his designee.

The SPEAKER pro tempore (Mr. BEREUTER). Is there objection to the request of the gentleman from New York?

Mr. McINNIS. I object, Mr. Speaker.

The SPEAKER pro tempore. Objection is heard.

## CONFERENCE REPORT ON H.R. 2209, LEGISLATIVE BRANCH APPROPRIATIONS ACT, 1998

Mr. McINNIS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 238 and ask for its immediate consideration.

The SPEAKER pro tempore. The gentleman will suspend.

### POINT OF ORDER

Mr. HINCHEY. Point of order, Mr. Speaker.

The SPEAKER pro tempore. The gentleman from New York [Mr. HINCHEY] will state his point of order.

Mr. HINCHEY. My point of order, Mr. Speaker, is that the House is currently being operated in a disorderly fashion.

Mr. McINNIS. That is not a point of order.

Mr. HINCHEY. The propensity of the majority to schedule long hiatuses day after day in the middle of the proceedings in order that some Members may socialize betrays not just a lack of consideration——

Mr. McINNIS. Regular order.

Mr. HINCHEY. Of the Members, but it betrays also a deep-seated——

Mr. McINNIS. Mr. Speaker, regular order.

Mr. HINCHEY. The House is being operated in a disorderly manner.

Mr. McINNIS. Regular order.

The SPEAKER pro tempore. The gentleman from New York has not stated a proper point of order.

The gentleman from Colorado [Mr. McInnis] is recognized.

Mr. McINNIS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 238 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 238

*Resolved*, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (H.R. 2209) making appropriations for the Legislative Branch for the fiscal year ending September 30, 1998, and for other purposes. All points of order against the conference report and against its consideration are waived.

The SPEAKER pro tempore. The gentleman from Colorado [Mr. McINNIS] is recognized for 1 hour.

Mr. McINNIS. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from Ohio [Mr. HALL], pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purposes of debate only.

Mr. Speaker, House Resolution 238 is a straightforward resolution. The proposed bill waives all points of order against the conference report and against its consideration. This resolution was reported out of the Committee on Rules by a voice vote.

Mr. Speaker, this appropriation bill, which provides the funds for operations of the House, the Senate, and entities such as the Library of Congress, often serves as a lightning rod for partisan conflicts. However, during the course of the debate on House Resolution 238 I hope Members will keep in mind that we are debating a simple, plain vanilla, rule.

Mr. Speaker, I urge my colleagues to support this rule, and I reserve the balance of my time.

Mr. HALL of Ohio. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as the gentleman from Colorado [Mr. McINNIS] explained, this resolution is a rule waiving all points of order against the conference report to accompany H.R. 2209, a bill making appropriations for the legislative branch for fiscal year 1998.

The bill appropriates a total of $2.2 billion for the operations of Congress and other agencies in the legislative branch. This amount is a modest 2-percent higher than last year's appropriation.

Too often consideration of the legislative branch funding bill becomes an opportunity to criticize Congress. However, I want to take this opportunity to point out our achievements. Congress is the most responsive agency in the Federal Government. More than any other agency, we are the ones who can act immediately to solve problems and make changes.

As the Federal Government expanded over the past two decades, Congress kept down the increase in its spending. The men and women who make up the Members and staff of this institution are honorable, they are hard-working public servants dedicated to making the country a better place.

This year we approved a plan to balance the budget, and this is an achievement that will be a lasting contribution to future generations of Americans. So as we take up the bill to fund Congress, I want to emphasize that this is money well spent for the American people.

Mr. Speaker, the rule was approved by the Committee on Rules on a voice vote with no objections. I urge adoption of the rule.

Mr. Speaker, I yield 3 minutes to the gentleman from California [Mr. MILLER].

Mr. MILLER of California. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, today, we are dealing with a rule on legislative appropriations for the House of Representatives. I rise to speak on this rule because I am also deeply concerned that while we are dealing with the funding of the formal operations of the Congress of the United States in terms of the nuts and bolts that keep this place going from year to year, I am deeply concerned that we are not addressing another problem of funding of the Congress of the United States. That is the manner in which Members of Congress fund their campaigns.

Somehow we are able to deal with those provisions of law that deal with the paper clips, the pencils, the paper, the notebooks, and everything else that goes into the Congress of the United States, but what we are not able to deal with is the issue of how we fund our campaigns, how Members of Congress get here and how Members of Congress stay here.

We now are witnessing across the entire Government of the United States, except for the House of Representatives, a commitment to debate and to propose campaign finance reform. The President of the United States has called for that. In fact, over 2 years ago, he shook hands with the Speaker of the House. Yesterday, he sent a letter to the Senate saying he would expect the Senate and would keep the Senate in session if a proper debate could not be had on campaign finance reform. Senator DASCHLE closed the Senate down yesterday, and finally Senator LOTT agreed that they would in fact schedule a full and open debate on campaign finance reform measures in the Senate.

Yet, we have had no response, in spite of bipartisan letters, in spite of calls from Members of the Republican Caucus, in spite of letters from the Democrats, in spite of a handshake with the President of the United States, an appeal by the President of the United States for campaign finance reform in a State of the Union Message, we have had no response except "no" from the Republican leadership of the House.

A far more serious question than the formal funding that this resolution makes in order in the legislative appropriations bill is the informal funding that goes on around here. We are now seeing the influence of soft money on the decisionmaking process within the Congress of the United States, how bills are scheduled, how amendments are scheduled, how bills are not scheduled and how amendments are not scheduled.

What we have learned in the hearings in the Senate is that soft money is about access; it is about access to committee chairmen, it is about access to the President of the United States, it is about access to the Vice President of the United States, it is about access to the leadership in the House and the Senate.

Letters go out on almost a monthly basis saying, if you give us $10,000 or $25,000, you can sit down with the chairman of your choice, the committee chairman of your choice of jurisdiction where you have legislation, you can have a private meeting, a private dinner, a private lunch.

That is unacceptable. That is unacceptable. That is the funding we should be discussing in the House of Representatives. But to date, unfortunately, in spite of all the public record that has been displayed, we are unable to address campaign finance reform.

### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair would advise Members they should not refer to debate on actions or inactions of the other body.

Mr. HALL of Ohio. Mr. Speaker, I yield 3½ minutes to the gentleman from Texas [Mr. DOGGETT].

Mr. DOGGETT. Mr. Speaker, the rule that we are considering at this time concerns legislative appropriations and the expenditure of $2.2 billion of taxpayer money. But the American people should not labor under the misassumption that that is the only money involved in the operation of this body. The $2.2 billion pays for the actual operations of all aspects of this body. But a considerable additional amount of money is involved in what brings each Member of this body here to spend the $2.2 billion. That is, the hundreds of a million dollars that are being spent in the campaigns that bring Members to this legislative branch where that $2.2 billion is involved.

☐ 1215

This morning we have had a series of votes. We have had a series of objections. And undoubtedly, there are some Members of this body who view those as inconvenient, as troublesome. But I would emphasize that they are about very serious, substantive matters.

Unlike the other body, it is not possible under the rules of this House, under the rule that is being debated here this morning, for us to offer an amendment on campaign finance reform. Our hands are completely tied behind our backs in this House, unlike the other body, and our ability to come to this floor and say let us have a simple and direct ban on soft money which is being used to soften up the political leadership in this House, the corrupting influence of soft money, we cannot come forward and simply offer an amendment to this rule or to this bill to accomplish that objective. And, so, the only way to focus the attention of the American people on this issue is with the types of motions and objections that are being made, not out of any frivolity, indeed because they go to the heart of our democracy and the way that democracy is being corrupted by the soft money system.

We are in the course, given the total stonewall we have, even after the President says he will call this Congress back into special session, even after half the road is cleared thanks to the leadership of the minority leader and the Senate committees are stopped, even after all that we are told no vote, no consideration even of Republican proposals to deal with this campaign finance issue.

All that we can do is go to the Speaker and say it is going to take him more time not to consider campaign finance reform than it would to consider campaign finance reform and let all of these proposals come forward. The freshmen Members, in a bipartisan basis, say ban soft money, do something about these problems. There are Members of the Republican side and of the Democratic side who have ideas to advance. But the Speaker's response is, we do not need less money in our campaigns. We need more, more campaign ads, more television ads.

This bill deals with one part of the legislative process. But anyone who watches this process knows that it is much more than the $2.2 billion; it is the influence peddling going on outside; it is the "yield right of way" sign yielding to the special interests that influence this operation.

Today we have a chance to begin to change that, and that is why we will have more motions and more votes and more action, because we cannot let this matter be delayed. This is our last chance to influence the cleanup of the 1998 elections.

Mr. McINNIS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I find the comments somewhat interesting from the gentleman from Texas [Mr. DOGGETT] and from the gentleman from California [Mr. MILLER].

First of all, I note, with some interest, that both of the gentlemen have voted twice today to adjourn the House. I understand that there is a golf game or something recreational that is necessary. But let me ask them this. We have got work to do here. Today we have spent hours of time wasted on procedural motions to adjourn the House. What our side of the aisle is asking, and by the way, a good portion of your side of the aisle agrees with us, we need to go to work. We have got a lot of work to do. We have got a lot of budgetary issues to consider, and we ought to do it.

Here is a perfect example. Mr. Speaker, this rule was noncontroversial. This rule was passed by voice vote out of the Committee on Rules last night. This rule is supported by the gentleman from Ohio [Mr. HALL]. In fact, the gentleman from Ohio [Mr. HALL] has encouraged a vote for it. But instead, we are now going to convert.

They have invited me to participate in a debate regarding campaign finance reform, and I will accept that invitation, although somewhat limited. First of all, I would hope that the gentleman who brought this issue will also devote a good deal of time to the article in the headlines today, "Democratic National Committee-Teamsters Traded Funds."

There are laws against that kind of thing. We have laws in the books right now. Listening to what my colleagues say out there, they give the perception to the American people that there are not laws regarding campaign finance reform. There are lots of laws out there.

The fact is, in my opinion, that they have been broken. So instead of trying to divert from the fact that the laws have been broken by saying we need more laws, let us enforce the laws that we have got.

I would hope that my colleagues put their energy and resources into going to the Democratic National Committee today and say, "Hey, fellas, even though I am a Democrat, even though I have a special interest in this party, I want us to lay out to the American people, let us be truthful, let us find out what we did with the Teamsters."

Furthermore, I would suggest that maybe they take a foreign trip. We have got a break coming up. Help us find some of these witnesses like Charlie Trie or John Huang and some of these people that have conveniently disappeared out of our reach so we cannot find out what went on. Let us find out what went on, determine what we have to stop that, and what laws were broken. And then if we find a hole in the law or a way around the law, then let us do something about it.

I also want to point out an article which I read in Roll Call. I think it was yesterday's Roll Call. "With support building in both Chambers for a complete ban on soft money, sources said that Democrats like FAZIO and Democratic Congressional Campaign Committee Chairman MARTIN FROST," your colleague from the State of Texas, "have been working furiously behind the scenes to reach a compromise that would save the currently unlimited and unregulated contributions from extermination."

Let us be serious about this. First of all, we have got work to do. Quit doing those motions to adjourn time after time. You know that every time, and I speak in a generic form, the people that support this motion, the people that make this motion to adjourn, the American people are out there, they do not vote to go home from work at 10 o'clock in the morning. We were wasting our time here on this House floor voting on a motion to adjourn.

By the way, on the first vote, only one Republican voted to go home at 10 o'clock in the morning. Every other Republican here said we ought to stay and work. But my colleagues from Texas and California voted to go home at 10 o'clock in the morning. And that was not good enough, the rest of the body said, no, we are not going to go home at 10 o'clock. We are going to work.

We have got work to complete in these Chambers What happens? Well, the clock gets close to 12 and apparently some of my colleagues feel we put in a complete workday, time to adjourn and go home or go to the golf course or down to the racquet club.

My colleagues, we have got business to do. Let us get on with our business, and let us focus on the subject at hand, which is a rule. If my colleagues want to debate the rest of the time we have this morning on this rule on campaign finance reform, I look forward to it.

Mr. DOGGETT. Mr. Speaker, will the gentleman yield?

Mr. McINNIS. No, I will not yield. It seems to me, if I remember procedural order, I have the floor. Am I incorrect?

If my colleagues would like to proceed with the people's business, which is to get this rule out of the way and let us get to the bill, we have got a lot of work to do, then let us proceed. It is up to my colleagues.

Mr. Speaker, I reserve the balance of my time.

Mr. HALL of Ohio. Mr. Speaker, I yield 1 minute to the gentleman from Texas [Mr. FROST].

Mr. FROST. Mr. Speaker, I thank the gentleman from Ohio [Mr. HALL] on the Committee on Rules for yielding me the time.

Since the gentleman from Colorado [Mr. McINNIS] on the other side of the aisle mentioned my name, I did want to take this opportunity to make it very clear that I support the efforts to pass campaign finance reform this year.

There is a difference of opinion as to what the content of that legislation should be. There are legitimate, honest differences of opinion on what should be in the bill. But I fully support the efforts of the gentleman from California [Mr. MILLER] and others to force a vote on this legislation this year. There should be no misunderstanding about that.

To the extent that the other side does not want this vote, does not want to have a vote on this issue this year, they are not serving the interest of the American public. There are legitimate differences of opinion about how we should reform the process. There is no difference of opinion about the fact that we should reform the process.

Mr. MCINNIS. Mr. Speaker, I reserve the balance of my time.

Mr. HALL of Ohio. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. MILLER].

Mr. MILLER of California. Mr. Speaker, I would just say that I appreciate that the gentleman from Colorado [Mr. MCINNIS] has raised the issue of procedural motions.

As the gentleman from Texas [Mr. DOGGETT] has pointed out, there is nothing else we can do. And he must understand what we have seen now throughout this entire session: If we do nothing, nothing will happen. Because the Republican leadership that controls the schedule, that controls the agenda has determined that we cannot have a debate on campaign finance reform.

So there is nothing left for us to do than to raise these procedural motions to try to raise the visibility in the public's mind and in the press as to what is going on on the Republican side. And that is the old four-corner stall in UCLA. They are hoping to play "beat the clock," that if they can pretend like they are doing the people's business, this is not about the people's business, but if they were doing the people's business, we would be reforming the campaign finance system.

That locks the people out of the election, allows a special interest, this allows special money in and huge contributions to overwhelm people who try to participate in elections. That is why we have the majority leader in the Senate and Speaker of the House proposing a $50 billion tax rebate for the tobacco companies, because the tobacco companies were the biggest contributors to the party, and in the middle of the night they got what they wanted.

But the people did not want a $50 billion tax cut for tobacco companies. It is rather interesting when we forced them to vote in the light of day, it was unanimous. Only three people voted against it in the Senate, unanimous in the House. That is the difference between doing the people's business and doing the special interest business.

We will continue to call these votes because the gentleman from Georgia [Mr. GINGRICH] leaves us no alternatives. We apologize for the inconvenience. But what is at stake here is the democratic institution of which we serve and the democratic process of electing people, whether or not we will turn that over to the special interests in this country, as opposed to the people from the constituencies which we are elected. That is what the struggle is here. That is what the debate is about.

Mr. McINNIS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am enthralled by the energy level of the gentleman from California [Mr. MILLER]. I like that kind of enthusiasm, and I hope that the gentleman from California [Mr. MILLER], No. 1, puts that enthusiasm to doing the people's business and quit supporting these motions to adjourn.

We have got work to do. Put the golf game aside, forget the racquet club. They can do that on Saturday and Sunday. But more importantly, I hope the gentleman from California [Mr. MILLER] finds time this afternoon to go back to the office and pursue this headline "Democratic National Committee-Teamsters Traded Funds."

What is going on? I hope that we have that kind of vigor and that kind of strength when he talks on the floor about saying we need to get to the bottom of what has happened to the Teamsters. We need to get the people's work done in this House.

Mr. Speaker, I yield 2 minutes to the gentleman from Virginia [Mr. WOLF].

Mr. WOLF. Mr. Speaker, I thank the gentleman from Colorado [Mr. MCINNIS] for yielding me the time.

Mr. Speaker, I was sitting in my office, and I wanted to kind of tell the people what I feel, whether they like it really or not. I think both sides are destroying this institution.

Your side ought to stop calling these votes, and our side ought to stop recessing between the hours of 6 and 9 so people can go to dinners downtown and then keep those of us who have families here in town locked in our rooms where we have to wait for people to come back.

Last night we recessed from 6 until 9, we did no business. And we stayed here until 10:30. Tonight we are not going to do any business and votes between the hours of 6 and 9. Those of us who have families, those of us who live here, the staff, these people out here, the staff, the guards, the restaurants, and everybody else, they stay here when we stay here.

Your side is destroying this institution, and our side is destroying this institution. Stop calling the votes. Stop calling the votes. Let me just tell the gentleman, I do not take money from the tobacco interests and I come from a tobacco State, And I am for abolishing soft money. And for this side, stop calling and recessing between the hours of 6 and 9. Let us work like regular people.

My closing comment is, and I hope they do not take the time from me, we are living a dysfunctional life in a dysfunctional institution, and dysfunctional things come out of living it. Both sides ought to stop what they are doing.

Mr. MCINNIS. Mr. Speaker, reclaiming my time, to the gentleman from Virginia [Mr. WOLF], let me just tell him, if I were the majority leader, we would work 24 hours a day. Every time they put up a motion to adjourn this House in the middle of the day or beginning of the day, and I used to be a majority leader in the State of Colorado, we will just work, we will just work around the clock. We have got business to do, and we ought to get it done.

Mr. Speaker, I reserve the balance of my time.

Mr. HALL of Ohio. Mr. Speaker, I yield myself such time as I may consume to respond to what my friend the gentleman from Virginia [Mr. WOLF] said.

The gentleman from Virginia [Mr. WOLF] is my best friend in the Congress of the United States. I, 100 percent, endorse what he had to say. I think that we have had enough conversation on issues relative to campaign finance at this particular time. I think it is time to pass the rule.

As I said before, this legislative branch funding is a very modest increase. I think that I have tried to point out the achievements of this Congress from the standpoint of some of the bills and some of the things that we have passed. I just want to say that there are tremendous people here in the Congress, both Republican and Democrat. I think that they are doing their best, people of good character. They work hard. And I think that sometimes we tear each other down to the point where it reflects upon us.

□ 1230

I am sick and tired of it, too, like the gentleman from Virginia [Mr. WOLF]. I want to see us start to stand up for what we are all about. We do good things here. We have good staffs. I would say 99 percent of the people here are people of good character. Yet if you were to ask the people in the country about us, the way we fight, squabble, and jump up and down sometimes, we do not do ourselves justice. I think it is time to get on and pass this rule and get over with the bill.

Mr. Speaker, I yield back the balance of my time.

Mr. McINNIS. Mr. Speaker, I yield myself such time as I may consume. I think that the gentleman from Ohio, who, by the way, in my opinion, is one of the most respected Members of the House, is certainly a professional, he is a gentleman, and his points are well taken. I should point out, though, contrary to what the gentleman from Virginia [Mr. WOLF] said, the gentleman from Virginia lives close to the Capitol. I live a long way from the Capitol. My district geographically is larger than the State of Florida. It takes me a long time to get there. It takes me a long time to get across there. I would rather work late hours at night so I can get back to my district.

I think in defense of the majority leader, the fact that last night we scheduled votes so we had a bunch of votes at 10 o'clock instead of votes between 8 and 10 o'clock in the evening was to accommodate Members and their families so that they can go out and have dinner and know that we will delay the votes; or not delay them from voting, the debate still continues, the House still has action, but we will move the votes to a period of time. So I think the criticism here, while I understand the frustration of what is going on, I must say that some of this scheduling is done for the convenience of Members so they can have dinner with their families.

Mr. Speaker, I yield 1 minute to the gentleman from Arizona [Mr. HAYWORTH].

Mr. HAYWORTH. Mr. Speaker, I thank the gentleman from Colorado for yielding me this time. I listened with great interest to the debate. I do respect the gentleman from Ohio a great deal, the minority member who is managing his side's debate on this rule.

I have just one point to clear up with the gentleman from California. Rather than some sort of sports tactic involving basketball, sadly what we are seeing from some intense partisans on the other side is more of a football technique called the misdirection play, where you try to draw attention away from misdeeds and causes of concern.

I believe it is especially important for us to go on record in this Congress as saying that everyone who runs for political office, including those in the executive branch, should obey existing law. There is the point from whence the problem stems, not any far-flung notion or vision of new campaign reform. And the question comes, sadly, as questions develop as relevant as today's headlines, what type of influences are out there? We should answer those questions with existing law.

Mr. McINNIS. Mr. Speaker, I yield myself such time as I may consume.

First of all, Mr. Speaker, again I want to express that I consider it a privilege to work with the gentleman from Ohio [Mr. HALL] in these kind of things. Again I appreciate his comments.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore (Mr. BEREUTER). The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. MILLER of California. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clause 5 of rule XV, the Chair will reduce to a minimum of 5 minutes the period of time for any electronic vote, if ordered, on the question of agreeing of the resolution.

The vote was taken by electronic device, and there were—yeas 237, nays 186, not voting 10, as follows:

[Roll No. 430]

YEAS—237

Aderholt
Archer
Armey
Bachus
Baesler
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bono
Boucher
Brady
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Christensen
Coble
Coburn
Collins
Combest
Cook
Cooksey
Cox
Crane
Crapo
Cubin
Cunningham
Davis (VA)
Deal
DeLay
Diaz-Balart
Dickey
Dingell
Doolittle
Dreier
Duncan

Dunn
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Everett
Ewing
Fawell
Foley
Forbes
Fowler
Fox
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Goss
Graham
Granger
Greenwood
Gutknecht
Hall (OH)
Hamilton
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Holden
Horn
Hostettler
Houghton
Hulshof
Hutchinson
Hyde
Inglis
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King (NY)

Kingston
Klink
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Livingston
LoBiondo
Lucas
Manzullo
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Obey
Oxley
Packard
Pappas
Parker
Paul
Paxon
Pease
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Rahall

Ramstad
Regula
Riggs
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryun
Sabo
Salmon
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions

Shadegg
Shaw
Shays
Shimkus
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stearns
Stump
Sununu
Talent
Tauzin

Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Traficant
Upton
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)

NAYS—186

Abercrombie
Ackerman
Allen
Andrews
Baldacci
Barcia
Barrett (WI)
Becerra
Bentsen
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boyd
Brown (CA)
Brown (FL)
Brown (OH)
Capps
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dixon
Doggett
Dooley
Doyle
Edwards
Eshoo
Etheridge
Evans
Farr
Fattah
Fazio
Filner
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Goode
Gordon

Green
Gutierrez
Hall (TX)
Harman
Hefner
Hilliard
Hinchey
Hinojosa
Hooley
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (WI)
Johnson, E.B.
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
Kleczka
Kucinich
LaFalce
Lampson
Lantos
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHale
McIntyre
McKinney
McNulty
Meehan
Meek
Menendez
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Nadler
Neal
Oberstar
Olver

Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pickett
Pomeroy
Poshard
Price (NC)
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sanchez
Sanders
Sandlin
Sawyer
Schumer
Scott
Serrano
Sherman
Sisisky
Skaggs
Skelton
Slaughter
Smith, Adam
Snyder
Spratt
Stabenow
Stark
Stenholm
Stokes
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson
Thurman
Tierney
Torres
Towns
Turner
Velázquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Wexler
Weygand
Wise
Woolsey
Wynn
Yates

NOT VOTING—10

Bonilia
Dellums
Flake
Foglietta

Gonzalez
Hastings (FL)
Hunter
Kennelly

Redmond
Schiff

□ 1252

Mr. CLYBURN and Mr. SPRATT changed their vote from "yea" to "nay."

Mr. EWING changed his vote from "nay" to "yea."

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. BEREUTER). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

### RECORDED VOTE

Mr. MILLER of California. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 408, noes 5, not voting 20, as follows:

[Roll No. 431]

AYES—408

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonior
Bono
Borski
Boswell
Boyd
Brady
Brown (FL)
Brown (OH)
Bryant
Bunning
Burr
Burton
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Filner
Foley
Forbes
Ford
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Greenwood
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hulshof
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McDermott
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meek
Menendez
Metcalf
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Paul
Paxon
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Riggs
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryun
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Schaefer, Dan
Schaffer, Bob
Schumer
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skeen
Skelton
Slaughter
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Stokes
Stump
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Tierney
Torres
Towns
Traficant
Turner
Upton
Velázquez
Vento
Visclosky
Walsh
Wamp
Waters
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wise
Wolf
Woolsey
Wynn
Yates
Young (AK)
Young (FL)

NOES—5

Green
Largent
Meehan
Scarborough
Strickland

NOT VOTING—20

Berman
Bonilla
Boucher
Brown (CA)
Buyer
DeGette
Dellums
Flake
Foglietta
Gonzalez
Gutierrez
Hastings (FL)
Hoyer
Hunter
Kennelly
Redmond
Schiff
Skaggs
Smith (MI)
Watkins

□ 1301

Mr. BERRY changed his vote from "no" to "aye."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

### PERSONAL EXPLANATION

Mr. SMITH of Michigan. Mr. Speaker, on rollcall No. 431. I was detained presiding over a Budget Committee meeting on Social Security. Had I been present, I would have voted "yes."

### PERSONAL EXPLANATION

Mr. REDMOND. Mr. Speaker, on rollcall No. 430 and 431 I was not present. Had I been present, I would have voted "yes" for both votes.

Mr. WALSH. Mr. Speaker, pursuant to House Resolution 238, I call up the conference report on the bill (H.R. 2209) making appropriations for the legislative branch for the fiscal year ending September 30, 1998, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. BEREUTER). Pursuant to House Resolution 238, the conference report is considered as having been read.

(For conference report and statement, see proceedings of the House of September 18, 1997, at page 19348.)

The SPEAKER pro tempore. The gentleman from New York [Mr. WALSH] and the gentleman from New York [Mr. SERRANO] each will control 30 minutes.

The Chair recognizes the gentleman from New York [Mr. WALSH].

### GENERAL LEAVE

Mr. WALSH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and that I may include tabular and extraneous material on H.R. 2209.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. WALSH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, it is a pleasure to present today the conference report on the fiscal year 1998 legislative branch appropriations bill, H.R. 2209. Before I proceed with my summary of the report, let me take a brief moment to thank my colleague, the gentleman from New York [Mr. SERRANO] for his help throughout this process. The gentleman is a friend and someone of the highest integrity. We would not be here today without his tremendous leadership and skill.

My counterpart in the other body, Senator BENNETT, was also very helpful as we worked to achieve this conference report. I consider him to be a person of the highest character.

Last, to the majority and minority staff members in both bodies, their work is deeply appreciated. I speak for every Member of the House in recognizing their contributions. Their hard work reflects the dedication of all the employees in the Congress. As I said on this floor several weeks ago, Members need to look around their work environment every day and recognize those who work with us in this legislative body. These are good people who serve with pride and deserve our respect.

Mr. Speaker, to summarize the conference agreement, the agreement appropriates $2.25 billion in the new budget authority to the Congress and the support agencies and offices of the legislative branch. This amount is approximately $146 million below the request of the President, which is a 6.1 percent reduction over what the President asked for.

The actual funding level for 1998 is about a 2-percent increase over 1997. This appropriation level is below the amount appropriated for legislative branch in 1994 and 1995, so we are still below 1994's level. So the downsizing program begun in the 104th Congress is still intact.

The highlights of the conference report: Operations of the Senate are $461 million, operations of the House are $708 million; joint items, including Capitol police, et cetera, joint committees, $12.7 million; Architect of the Capitol, $179 million. This includes the Botanic Garden and the library buildings. Library of Congress, $346 million, including Congressional Research Service; Congressional Budget Office, just under $25 million. Office of Compliance, $2.5 million; Government Printing Office is about $100 million, plus a transfer of $11 million from the Government Printing Office revolving fund. General Accounting Office, which received an increase this year, will be at about $347 million.

I will include a table showing details and a list of the highlights of the conference agreement. It may be of some interest to compare the conference agreement to the bill that passed the House on July 28.

As is customary, that bill did not contain funds for the operations of the Senate. The House bill, without the Senate, was $1.711 billion. For those same items, the conferees agreed to a level of $1.735 billion. The House came up about $24 million, the Senate came down about $37 million, so the House conferees did well.

The result is an increase of just about $13.7 million over the current year. That is an eight-tenths of 1 percent increase above 1997, well below even the modest rate of inflation in the economy. In addition, full-time equivalent positions have been reduced; in other words, we have reduced staff again by about 200 jobs.

The adjustment to House-passed items agreed to includes: In the conference the conferees added $8 million over the current level for the General Accounting Office. This level will allow price level adjustments in travel, training, and begin a technology upgrade delayed the past 3 years. For the Architect, the roofing project at the library, an additional $1.5 million, adjustments to electricity and fuel costs at the Capitol powerplant, funds for the design of a new chiller system at the powerplant, funds for staff of the Conservatory and for the Library of Congress an additional $3.8 million to begin the $40 million replacement of the Library's bibliography records and a $1.25 million increase to begin a program to replace an additional 10,000 playback machines for blind and physically handicapped readers.

Mr. Speaker, the other item of concern to the conferees was the funding for the Joint Committee on Taxation. For Joint Committee on Taxation, the conferees agreed to fund an increase of 2.5 FTE's. In addition, the Senate agreed to remove from the bill the provision that requires operational adjustment in their workload. Instead report language was inserted in the joint explanatory statement that addresses the problem to direct the Joint Tax Committee to be more responsive to Members who are not in the committees of jurisdiction for taxation, House Committee on Ways and Means, Senate Committee on Finance.

Mr. Speaker, several legislative matters were agreed to in conference. Under the Capitol police, there is a provision providing authority for the Capitol Police Board to establish a unified pay and leave schedule for the police. For congressional printing, a longstanding provision carried in the House bill on availability of funds to pay printing costs has been retained.

There is language under the Library of Congress specifying the amount available for the integrated library system project, along with report language directing the Library to secure approval before obligating the funds.

Two administrative provisions were added under the Library. One establishes a revolving fund for reimbursable work at the Library. The other permits the investment of Library gift funds in the same manner as trust funds.

Under the Government Printing Office revolving fund, $1.5 million is made available for management audit. Under title III of the bill, all the provisions in the House-passed bill were retained. In addition, the conferees agreed to a provision relating to Senate restaurant employees and a provision which will allow cost of living allowances for senior level staff in the Office of the Architect.

Three House housekeeping provisions were also added at the request of Committee on House Oversight.

In summary, Mr. Speaker, the bill provides $2.2 billion for the funding for the legislative branch. It is 6 percent below the request of the President. FTE levels have been reduced by just over 200. The bill retains a smaller legislative branch as established by the policy set in the 104th Congress and provides stability to those operations that must support our legislative needs. I urge the adoption of the conference report.

Mr. Speaker, I include the following for the RECORD:

## LEGISLATIVE BRANCH APPROPRIATIONS BILL, 1998 (H.R. 2209)

| | FY 1997 Enacted | FY 1998 Estimate | House | Senate | Conference | Conference compared with enacted |
|---|---|---|---|---|---|---|
| TITLE I - CONGRESSIONAL OPERATIONS | | | | | | |
| SENATE | | | | | | |
| Expense Allowances | | | | | | |
| Expense allowances: | | | | | | |
| Vice President | 10,000 | 10,000 | | 10,000 | 10,000 | |
| President Pro Tempore of the Senate | 10,000 | 10,000 | | 10,000 | 10,000 | |
| Majority Leader of the Senate | 10,000 | 10,000 | | 10,000 | 10,000 | |
| Minority Leader of the Senate | 10,000 | 10,000 | | 10,000 | 10,000 | |
| Majority Whip of the Senate | 5,000 | 5,000 | | 5,000 | 5,000 | |
| Minority Whip of the Senate | 5,000 | 5,000 | | 5,000 | 5,000 | |
| Chairman of the Majority Conference Committee | 3,000 | 3,000 | | 3,000 | 3,000 | |
| Chairman of the Minority Conference Committee | 3,000 | 3,000 | | 3,000 | 3,000 | |
| Subtotal, expense allowances | 56,000 | 56,000 | | 56,000 | 56,000 | |
| Representation allowances for the Majority and Minority Leaders | 30,000 | 30,000 | | 30,000 | 30,000 | |
| Total, Expense allowances and representation | 86,000 | 86,000 | | 86,000 | 86,000 | |
| Salaries, Officers and Employees | | | | | | |
| Office of the Vice President | 1,513,000 | 1,612,000 | | 1,612,000 | 1,612,000 | +99,000 |
| Office of the President Pro Tempore | 325,000 | 371,000 | | 371,000 | 371,000 | +46,000 |
| Offices of the Majority and Minority Leaders | 2,195,000 | 2,388,000 | | 2,388,000 | 2,388,000 | +193,000 |
| Offices of the Majority and Minority Whips | 1,156,000 | 1,221,000 | | 1,221,000 | 1,221,000 | +65,000 |
| Conference committees | 1,992,000 | 2,122,000 | | 2,122,000 | 2,122,000 | +130,000 |
| Offices of the Secretaries of the Conference of the Majority and the Conference of the Minority | 384,000 | 409,000 | | 409,000 | 409,000 | +25,000 |
| Policy Committees | 1,930,000 | 2,155,000 | | 2,155,000 | 2,155,000 | +225,000 |
| Office of the Chaplain | 234,000 | 265,000 | | 260,000 | 260,000 | +26,000 |
| Office of the Secretary | 12,714,000 | 13,431,000 | | 13,306,000 | 13,306,000 | +592,000 |
| Office of the Sergeant at Arms and Doorkeeper | 34,037,000 | 35,126,000 | | 33,037,000 | 33,037,000 | -1,000,000 |
| Offices of the Secretaries for the Majority and Minority | 1,135,000 | 1,215,000 | | 1,165,000 | 1,165,000 | +30,000 |
| Agency contributions and related expenses | 17,000,000 | 19,208,000 | | 19,208,000 | 19,208,000 | +2,208,000 |
| Total, salaries, officers and employees | 74,615,000 | 79,523,000 | | 77,254,000 | 77,254,000 | +2,639,000 |
| Office of the Legislative Counsel of the Senate | | | | | | |
| Salaries and expenses | 3,447,000 | 3,635,000 | | 3,605,000 | 3,605,000 | +158,000 |
| Office of Senate Legal Counsel | | | | | | |
| Salaries and expenses | 936,000 | 966,000 | | 966,000 | 966,000 | +30,000 |
| Expense Allowances of the Secretary of the Senate, Sergeant at Arms and Doorkeeper of the Senate, and Secretaries for the Majority and Minority of the Senate | | | | | | |
| Expenses allowances | 12,000 | 12,000 | | 12,000 | 12,000 | |
| Contingent Expenses of the Senate | | | | | | |
| Inquiries and investigations | 69,561,000 | 75,300,000 | | 75,600,000 | 75,600,000 | +6,039,000 |
| Expenses of United States Senate Caucus on International Narcotics Control | 305,000 | | | 370,000 | 370,000 | +65,000 |
| Secretary of the Senate | 1,511,000 | 1,511,000 | | 1,511,000 | 1,511,000 | |
| Sergeant at Arms and Doorkeeper of the Senate | 65,931,000 | 78,163,000 | | 64,400,000 | 64,833,000 | -1,098,000 |
| Miscellaneous items | 6,791,000 | 7,905,000 | | 7,905,000 | 7,905,000 | +1,114,000 |
| Senators' Official Personnel and Office Expense Account | 208,000,000 | 231,736,000 | | 228,600,000 | 228,600,000 | +20,600,000 |
| Stationery (revolving fund) | 13,000 | 13,000 | | 13,000 | 13,000 | |
| Official Mail Costs | | | | | | |
| Expenses | 10,000,000 | 9,000,000 | | 300,000 | 300,000 | -9,700,000 |
| Total, contingent expenses of the Senate | 362,112,000 | 403,628,000 | | 378,699,000 | 379,132,000 | +17,020,000 |
| Total, Senate | 441,208,000 | 487,850,000 | | 460,622,000 | 461,055,000 | +19,847,000 |

## LEGISLATIVE BRANCH APPROPRIATIONS BILL, 1998 (H.R. 2209) — continued

| | FY 1997 Enacted | FY 1998 Estimate | House | Senate | Conference | Conference compared with enacted |
|---|---|---|---|---|---|---|
| HOUSE OF REPRESENTATIVES | | | | | | |
| Payments to Widows and Heirs of Deceased Members of Congress | | | | | | |
| Gratuities, deceased Members | 267,200 | | | | | -267,200 |
| Salaries and Expenses | | | | | | |
| House Leadership Offices | | | | | | |
| Office of the Speaker | 1,535,000 | 1,625,000 | 1,590,000 | 1,590,000 | 1,590,000 | +55,000 |
| Office of the Majority Floor Leader | 1,526,000 | 1,588,000 | 1,626,000 | 1,626,000 | 1,626,000 | +100,000 |
| Office of the Minority Floor Leader | 1,534,000 | 1,574,000 | 1,652,000 | 1,652,000 | 1,652,000 | +118,000 |
| Office of the Majority Whip | 957,000 | 953,000 | 1,024,000 | 1,024,000 | 1,024,000 | +67,000 |
| Office of the Minority Whip | 949,000 | 975,000 | 998,000 | 998,000 | 998,000 | +49,000 |
| Speaker's Office for Legislative Floor Activities | 376,000 | 378,000 | 397,000 | 397,000 | 397,000 | +21,000 |
| Republican Steering Committee | 664,000 | 680,000 | 736,000 | 736,000 | 736,000 | +72,000 |
| Republican Conference | 1,130,000 | 1,161,000 | 1,172,000 | 1,172,000 | 1,172,000 | +42,000 |
| Democratic Steering and Policy Committee | 1,191,000 | 1,222,000 | 1,277,000 | 1,277,000 | 1,277,000 | +86,000 |
| Democratic Caucus | 603,000 | 619,000 | 631,000 | 631,000 | 631,000 | +28,000 |
| Nine minority employees | 1,127,000 | 1,133,000 | 1,190,000 | 1,190,000 | 1,190,000 | +63,000 |
| Subtotal, House Leadership Offices | 11,592,000 | 11,916,000 | 12,293,000 | 12,293,000 | 12,293,000 | +701,000 |
| Members' Representational Allowances | | | | | | |
| Expenses | 363,313,000 | 405,450,000 | 379,789,000 | 379,789,000 | 379,789,000 | +16,476,000 |
| Committee Employees | | | | | | |
| Standing Committees, Special and Select (except Appropriations) | 80,222,000 | 90,310,000 | 86,268,000 | 86,268,000 | 86,268,000 | +6,046,000 |
| Committee on Appropriations (including studies and investigations) | 17,580,000 | 18,276,000 | 18,276,000 | 18,276,000 | 18,276,000 | +696,000 |
| Subtotal, Committee employees | 97,802,000 | 108,586,000 | 104,544,000 | 104,544,000 | 104,544,000 | +6,742,000 |
| Salaries, Officers and Employees | | | | | | |
| Office of the Clerk | 15,074,000 | 14,715,000 | 16,804,000 | 16,804,000 | 16,804,000 | +1,730,000 |
| Office of the Sergeant at Arms | 3,638,000 | 3,598,000 | 3,564,000 | 3,564,000 | 3,564,000 | -74,000 |
| Office of the Chief Administrative Officer | 55,209,000 | 59,688,000 | 50,727,000 | 50,727,000 | 50,727,000 | -4,482,000 |
| Office of Inspector General | 3,954,000 | 4,344,000 | 3,808,000 | 3,808,000 | 3,808,000 | -146,000 |
| Office of the Chaplain | 126,000 | 126,000 | 133,000 | 133,000 | 133,000 | +7,000 |
| Office of the Parliamentarian | 1,036,000 | 1,129,000 | 1,101,000 | 1,101,000 | 1,101,000 | +65,000 |
| Office of the Parliamentarian | (786,000) | (861,000) | (852,000) | (852,000) | (852,000) | (+66,000) |
| Compilation of precedents of the House of Representatives | (250,000) | (268,000) | (249,000) | (249,000) | (249,000) | (-1,000) |
| Office of the Law Revision Counsel | 1,767,000 | 1,881,000 | 1,821,000 | 1,821,000 | 1,821,000 | +54,000 |
| Office of the Legislative Counsel | 4,687,000 | 4,824,000 | 4,827,000 | 4,827,000 | 4,827,000 | +140,000 |
| Corrections Calendar Office | | 441,000 | 791,000 | 791,000 | 791,000 | +791,000 |
| Other authorized employees | 768,000 | 1,024,000 | 780,000 | 780,000 | 780,000 | +12,000 |
| Former Speakers | (594,000) | (855,000) | (594,000) | (594,000) | (594,000) | |
| Technical Assistants, Office of the Attending Physician | (174,000) | (169,000) | (186,000) | (186,000) | (186,000) | (+12,000) |
| Subtotal, Salaries, Officers and Employees | 86,259,000 | 91,770,000 | 84,356,000 | 84,356,000 | 84,356,000 | -1,903,000 |
| Allowances and Expenses | | | | | | |
| Supplies, materials, administrative costs and Federal tort claims | 2,374,000 | 2,977,000 | 2,225,000 | 2,225,000 | 2,225,000 | -149,000 |
| Official mail (committees, leadership, administrative and legislative offices) | 1,000,000 | 1,000,000 | 500,000 | 500,000 | 500,000 | -500,000 |
| Document management system | | 1,500,000 | | | | |
| Reemployed annuitants reimbursements | 71,000 | 71,000 | | | | -71,000 |
| Government contributions | 120,779,000 | 128,451,000 | 124,390,000 | 124,390,000 | 124,390,000 | +3,611,000 |
| Miscellaneous items | 641,000 | 662,000 | 641,000 | 641,000 | 641,000 | |
| Subtotal, Allowances and expenses | 124,865,000 | 134,661,000 | 127,756,000 | 127,756,000 | 127,756,000 | +2,891,000 |
| Total, salaries and expenses | 683,831,000 | 752,383,000 | 708,738,000 | 708,738,000 | 708,738,000 | +24,907,000 |
| Total, House of Representatives | 684,098,200 | 752,383,000 | 708,738,000 | 708,738,000 | 708,738,000 | +24,639,800 |

## LEGISLATIVE BRANCH APPROPRIATIONS BILL, 1998 (H.R. 2209) — continued

| | FY 1997 Enacted | FY 1998 Estimate | House | Senate | Conference | Conference compared with enacted |
|---|---|---|---|---|---|---|
| JOINT ITEMS | | | | | | |
| Joint Committee on Inaugural Ceremonies of 1997 | 950,000 | | | | | -950,000 |
| Joint Economic Committee | 2,750,000 | 2,750,000 | 2,750,000 | 2,750,000 | 2,750,000 | |
| Joint Committee on Printing | 777,000 | 807,000 | 804,000 | 807,000 | 804,000 | +27,000 |
| Joint Committee on Taxation | 5,470,000 | 6,126,000 | 5,907,000 | 5,724,000 | 5,815,500 | +345,500 |
| Office of the Attending Physician | | | | | | |
| Medical supplies, equipment, expenses, and allowances | 1,225,000 | 1,266,000 | 1,266,000 | 1,266,000 | 1,266,000 | +41,000 |
| Capitol Police Board | | | | | | |
| Capitol Police | | | | | | |
| Salaries: | | | | | | |
| Sergeant at Arms of the House of Representatives | 33,437,000 | 35,507,000 | 34,118,000 | 35,507,000 | 34,118,000 | +681,000 |
| Sergeant at Arms and Doorkeeper of the Senate | 35,919,000 | 38,428,000 | 36,837,000 | 38,428,000 | 36,837,000 | +918,000 |
| Subtotal, salaries | 69,356,000 | 73,935,000 | 70,955,000 | 73,935,000 | 70,955,000 | +1,599,000 |
| General expenses 1/ | 6,032,000 | 5,401,000 | 3,099,000 | 5,401,000 | 3,099,000 | -2,933,000 |
| Subtotal, Capitol Police | 75,388,000 | 79,336,000 | 74,054,000 | 79,336,000 | 74,054,000 | -1,334,000 |
| Capitol Guide Service and Special Services Office | 1,991,000 | 1,991,000 | 1,991,000 | 1,991,000 | 1,991,000 | |
| Statements of Appropriations | 30,000 | 30,000 | 30,000 | 30,000 | 30,000 | |
| Total, Joint Items | 88,581,000 | 92,308,000 | 86,802,000 | 91,904,000 | 86,710,500 | -1,870,500 |
| OFFICE OF COMPLIANCE | | | | | | |
| Salaries and expenses | 2,609,000 | 2,600,000 | 2,479,000 | 2,600,000 | 2,479,000 | -130,000 |
| CONGRESSIONAL BUDGET OFFICE | | | | | | |
| Salaries and expenses | 24,532,000 | 24,995,000 | 24,797,000 | 24,995,000 | 24,797,000 | +265,000 |
| ARCHITECT OF THE CAPITOL | | | | | | |
| Office of the Architect of the Capitol | | | | | | |
| Salaries | 8,454,000 | | | | | -8,454,000 |
| Travel (limitation on official travel expenses) | (20,000) | | | | | (-20,000) |
| Contingent expenses | 100,000 | | | | | -100,000 |
| Subtotal, Office of the Architect of the Capitol | 8,554,000 | | | | | -8,554,000 |
| Capitol Buildings and Grounds | | | | | | |
| Capitol buildings, salaries and expenses 2/ | 23,505,000 | 42,084,000 | 36,827,000 | 39,554,000 | 36,977,000 | +13,472,000 |
| Capitol grounds | 5,020,000 | 6,818,000 | 4,991,000 | 6,203,000 | 5,116,000 | +96,000 |
| Senate office buildings 3/ | 40,290,000 | 52,021,000 | | 50,922,000 | 52,021,000 | +11,731,000 |
| House office buildings | 32,556,000 | 39,403,000 | 37,181,000 | 37,181,000 | 36,610,000 | +4,054,000 |
| Capitol Power Plant | 34,749,000 | 37,771,000 | 36,032,000 | 37,645,000 | 37,932,000 | +3,183,000 |
| Offsetting collections | -4,000,000 | -4,000,000 | -4,000,000 | -4,000,000 | -4,000,000 | |
| Net subtotal, Capitol Power Plant | 30,749,000 | 33,771,000 | 32,032,000 | 33,645,000 | 33,932,000 | +3,183,000 |
| Subtotal, Capitol buildings and grounds | 132,120,000 | 173,877,000 | 111,031,000 | 167,505,000 | 164,656,000 | +32,536,000 |
| Total, Architect of the Capitol | 140,674,000 | 173,877,000 | 111,031,000 | 167,505,000 | 164,656,000 | +23,982,000 |
| LIBRARY OF CONGRESS | | | | | | |
| Congressional Research Service | | | | | | |
| Salaries and expenses | 62,641,000 | 66,830,000 | 64,603,000 | 65,134,000 | 64,603,000 | +1,962,000 |
| GOVERNMENT PRINTING OFFICE | | | | | | |
| Congressional printing and binding | 81,669,000 | 84,025,000 | 70,652,000 | 82,269,000 | 70,652,000 | -11,017,000 |
| (Transfer from revolving fund) | | | (11,017,000) | | (11,017,000) | (+11,017,000) |
| Total, title I, Congressional Operations | 1,526,012,200 | 1,684,866,000 | 1,069,102,000 | 1,603,767,000 | 1,583,690,500 | +57,678,300 |

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1/ FY 1997 enacted includes $3,250,000 provided in P.L. 104-208, Title V.

2/ FY 1997 enacted includes $250,000 provided in P.L. 104-208.

3/ FY 1997 enacted includes $850,000 provided in P.L. 104-208.

### LEGISLATIVE BRANCH APPROPRIATIONS BILL, 1998 (H.R. 2209)—Continued

| | FY 1997 Enacted | FY 1998 Estimate | House | Senate | Conference | Conference compared with enacted |
|---|---|---|---|---|---|---|
| TITLE II - OTHER AGENCIES | | | | | | |
| BOTANIC GARDEN | | | | | | |
| Salaries and expenses 1/ | 36,402,000 | 11,862,000 | 1,771,000 | 3,228,000 | 3,016,000 | -33,386,000 |
| LIBRARY OF CONGRESS | | | | | | |
| Salaries and expenses | 216,007,000 | 232,058,000 | 223,507,000 | 229,904,000 | 227,016,000 | +11,009,000 |
| Authority to spend receipts | -7,869,000 | -7,869,000 | -7,869,000 | -7,869,000 | -7,869,000 | |
| Net subtotal, Salaries and expenses | 208,138,000 | 224,189,000 | 215,638,000 | 222,035,000 | 219,147,000 | +11,009,000 |
| Copyright Office, salaries and expenses | 33,402,000 | 35,787,000 | 34,361,000 | 34,567,000 | 34,361,000 | +959,000 |
| Authority to spend receipts | -22,269,000 | -22,507,000 | -22,426,000 | -22,426,000 | -22,426,000 | -157,000 |
| Net subtotal, Copyright Office | 11,133,000 | 13,280,000 | 11,935,000 | 12,141,000 | 11,935,000 | +802,000 |
| Books for the blind and physically handicapped, salaries and expenses | 44,964,000 | 48,025,000 | 45,836,000 | 47,870,000 | 46,561,000 | +1,597,000 |
| Furniture and furnishings | 4,882,000 | 4,882,000 | 4,178,000 | 4,178,000 | 4,178,000 | -704,000 |
| Total, Library of Congress (except CRS) | 269,117,000 | 290,376,000 | 277,587,000 | 286,224,000 | 281,821,000 | +12,704,000 |
| ARCHITECT OF THE CAPITOL | | | | | | |
| Library Buildings and Grounds | | | | | | |
| Structural and mechanical care | 9,753,000 | 15,756,000 | 10,073,000 | 14,699,000 | 11,573,000 | +1,820,000 |
| GOVERNMENT PRINTING OFFICE | | | | | | |
| Office of Superintendent of Documents | | | | | | |
| Salaries and expenses | 29,077,000 | 30,477,000 | 29,364,000 | 29,077,000 | 29,077,000 | |
| GENERAL ACCOUNTING OFFICE | | | | | | |
| Salaries and expenses | 338,425,000 | 368,828,000 | 330,924,000 | 354,155,000 | 346,903,000 | +8,478,000 |
| Offsetting collections | -5,905,000 | -7,404,000 | -7,404,000 | -7,404,000 | -7,404,000 | -1,499,000 |
| Total, General Accounting Office | 332,520,000 | 361,424,000 | 323,520,000 | 346,751,000 | 339,499,000 | +6,979,000 |
| Total, title II, Other agencies | 676,869,000 | 709,894,000 | 642,315,000 | 679,979,000 | 664,986,000 | -11,883,000 |
| Grand total | 2,202,881,200 | 2,394,560,000 | 1,711,417,000 | 2,283,746,000 | 2,248,676,500 | +45,795,300 |
| TITLE I - CONGRESSIONAL OPERATIONS | | | | | | |
| Senate | 441,208,000 | 487,850,000 | | 460,622,000 | 461,055,000 | +19,847,000 |
| House of Representatives | 684,098,200 | 752,383,000 | 708,738,000 | 708,738,000 | 708,738,000 | +24,639,800 |
| Joint Items | 88,581,000 | 92,308,000 | 86,802,000 | 91,904,000 | 86,710,500 | -1,870,500 |
| Office of Compliance | 2,609,000 | 2,600,000 | 2,479,000 | 2,600,000 | 2,479,000 | -130,000 |
| Congressional Budget Office | 24,532,000 | 24,995,000 | 24,797,000 | 24,995,000 | 24,797,000 | +265,000 |
| Architect of the Capitol | 140,874,000 | 173,877,000 | 111,031,000 | 167,505,000 | 164,856,000 | +23,982,000 |
| Library of Congress: Congressional Research Service | 62,641,000 | 66,830,000 | 64,603,000 | 65,134,000 | 64,603,000 | +1,962,000 |
| Congressional printing and binding, Government Printing Office | 81,669,000 | 84,025,000 | 70,652,000 | 82,269,000 | 70,652,000 | -11,017,000 |
| Total, title I, Congressional operations | 1,526,012,200 | 1,684,666,000 | 1,069,102,000 | 1,603,767,000 | 1,583,690,500 | +57,678,300 |
| TITLE II - OTHER AGENCIES | | | | | | |
| Botanic Garden | 36,402,000 | 11,862,000 | 1,771,000 | 3,228,000 | 3,016,000 | -33,386,000 |
| Library of Congress (except CRS) | 269,117,000 | 290,376,000 | 277,587,000 | 286,224,000 | 281,821,000 | +12,704,000 |
| Architect of the Capitol (Library buildings and grounds) | 9,753,000 | 15,756,000 | 10,073,000 | 14,699,000 | 11,573,000 | +1,820,000 |
| Government Printing Office (except congressional printing and binding) | 29,077,000 | 30,477,000 | 29,364,000 | 29,077,000 | 29,077,000 | |
| General Accounting Office | 332,520,000 | 361,424,000 | 323,520,000 | 346,751,000 | 339,499,000 | +6,979,000 |
| Total, title II, Other agencies | 676,869,000 | 709,894,000 | 642,315,000 | 679,979,000 | 664,986,000 | -11,883,000 |
| Grand total | 2,202,881,200 | 2,394,560,000 | 1,711,417,000 | 2,283,746,000 | 2,248,676,500 | +45,795,300 |

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1/ FY 1997 includes $33,500,000 provided in P.L. 105-18.

### CONFERENCE AGREEMENT—FISCAL YEAR 1998 LEGISLATIVE APPROPRIATIONS, H.R. 2209

Total appropriation: $2.2 billion ($2,248,676,500); in addition, $158,189,000 will be available from receipts and reimbursements collected by the General Accounting Office and Library of Congress.

Appropriations compared to budget request: A reduction of $145.9 million ($145,883,500) under the amounts contained in the President's budget.

Compared to fiscal year 1997: An increase of $45,795,300 above the amount appropriated in fiscal year 1997.

Highlights:

Operations of the Senate: $461,055,000 plus $52 million for office building maintenance;

Operations of the House: $708,738,000 plus $36.6 million for office building maintenance;

Joint items (Joint committees, Capitol police, guide service, etc.): $12,656,500;

Architect of the Capitol: $127,224,000, including the Botanic Garden;

Library of Congress: $346,424,000, including the Congressional Research Service;

Congressional Budget Office: $24,797,000;

Office of Compliance: $2,479,000;

Government Printing Office: $99,729,000, plus a transfer of $11,017,000 from the GPO revolving fund; and

General Accounting Office: $346,903,000 total funds available, including $7,404,000 from offsetting collections.

Specific items:

The $24.6 million increase for House operations is primarily for staff COLA's, employee benefits, and other staff salary mandatory increases;

There is an additional $31.6 million for Senate operations and buildings;

Several capitol budget projects are funded in the Capitol buildings and grounds accounts under the Architect of the Capitol:

Dome repair: $1,500,000; various improvements in House and Senate chambers: $1,230,000; renovations to the canine facility: $200,000; physical security: $625,000; design of chiller plant: $1,000,000; additional fuel and electricity costs: $1,700,000; vertical roof replacement, Thomas Jefferson Building: $1,500,000; fire, safety, and telecommunication improvements; and grounds and buildings improvements for physically challenged staff and visitors: $6.6 million; and $550,000 for cooling the Botanic Garden and National Garden learning center.

For the General Accounting Office, the FY98 level is an increase of $8,478,000 over FY 1997 and achieves a stable resource base coming after the 25% reduction in FY 1996 and FY 1997:

Funding for 3450 FTE's, an increase of 137 jobs over the 3313 currently on board; and funds are provided for increased travel, training, technology upgrades, and incentive salary payments.

For the Library of Congress, the funding for current programs is maintained. In addition:

$5.6 million is provided for an integrated library system (ILS) to replace outmoded bibliographic systems, the initial stage of a multi-year $40 million project; an increase in the number of replacement playback machines from 48,000 to 55,000 for use by blind and physically handicapped readers; authorization for the cooperative acquisitions program which provides assistance to research and academic libraries throughout the U.S.; and authority to reinvest gift fund receipts.

For the Joint Tax Committee, $5,818,500 is provided, including funds for an additional 2.5 FTE's;

For the Government Printing Office, level funding is provided including authority to transfer from the revolving fund; and

A $1.5 million management audit of GPO will be conducted by the General Accounting Office.

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### FISCAL YEAR 1998 LEGISLATIVE APPROPRIATIONS, H.R. 2209—DIFFERENCES BETWEEN CONFERENCE AGREEMENT AND HOUSE ADOPTED BILL

On July 28, 1997, the House passed H.R. 2209, the fiscal year 1998 appropriations bill. The bill appropriated $1.7 billion ($1,711,417,000) for the salaries and expenses of the House of Representatives, various joint items (Capitol Police, Joint Committees, the Guide Service, etc.), Congressional Budget Office, Office of Compliance, Architect of the Capitol (excluding Senate office buildings), the Library of Congress, Government Printing Office, and General Accounting Office.

On July 29, 1997, the Senate passed H.R. 2209 after adding funds for Senate operations and amending the items contained in the House bill for other legislative agencies. That bill totaled $2.3 billion ($2,283,746,000).

On September 17, the committee of conference reported an agreement on H.R. 2209 which appropriates $2.2 billion ($2,248,676,500). In addition, $158 million in offsetting receipts and reimbursements are authorized.

DIFFERENCES BETWEEN HOUSE BILL AND CONFERENCE AGREEMENT

| | House bill | Conference agreement | Difference |
|---|---|---|---|
| New items not contained in House bill due to traditional House-Senate comity: | | | |
| Senate and Senate office buildings | | $513,076,000 | +$513,076,000 |
| Senate items in Capitol buildings and grounds | | 500,000 | +500,000 |
| Subtotal | | 513,576,000 | +513,076,000 |
| Comparable items contained in both House and Senate bills: | | | |
| House and House office buildings | $745,919,000 | 745,348,000 | −571,000 |
| Joint items | 86,802,000 | 86,710,500 | −91,500 |
| Office of Compliance | 2,479,000 | 2,479,000 | |
| Congressional Budget Office | 24,797,000 | 24,797,000 | |
| Architect of the Capitol (excl. office buildings) | 85,694,000 | 90,114,000 | +4,420,000 |
| Library of Congress (incl. CRS) | 342,290,000 | 346,424,000 | +4,134,000 |
| Government Printing Office | 99,916,000 | 99,729,000 | −187,000 |
| General Accounting Office | 323,520,000 | 339,499,000 | +15,979,000 |
| Subtotal | $1,711,417,000 | $1,735,100,500 | [1] +23,683,500 |

[1] Plus 1.4 percent.

The conferees added funds to the House bill in three programs: The Architect of the Capitol, the Library of Congress, and the General Accounting Office.

Architect of the Capitol:

The conferees added $4.4 million above the House bill. Primarily, the increase was for high priority projects that cannot be delayed:

$775,000 for additional fuel costs at the power plant necessitated by the conversion of the 2 coal-fires burners to natural gas. The need for this conversion was identified after consideration of the House bill when the Architect was notified by local authorities that power plant emissions are exceeding legal standards;

$1,500,000 was added to finish the roofing replacement at the Thomas Jefferson Building. The additional funds will be used to augment the current work underway so that the vertical copper components of the roof are included in the job;

$1,000,000 was added for the design of the chiller replacements necessary at the east refrigeration plant. Replacement units are needed because the chlorofluorocarbon coolant is no longer available and will require an extensive replacement project; and

The balance of the increase, $1,145,000, includes several small projects and funds for the Conservatory staff who will be needed during the Conservatory renovation project.

Library of Congress:

The conferees added $4.1 million above the House bill, for two essential items:

$3.8 million was added for the integrated library system project, which will replace the currently outmoded bibliographic records. This project is ready for bid and the General Accounting Office is monitoring progress. Delaying this project will result in added costs to the $40 million now estimated, and will reduce or stretch out the savings and benefits expected; and

$625,000 was added to accelerate a replacement program for playback machines being used by blind and physically handicapped users of the Library's talking book collections.

General Accounting Office:

The conferees added $16 million to the House bill in order to stabilize the GAO program. GAO has been downsized by 25 percent in funding in two years and 33 percent in staff over a three year period. The conferees have provided an $8 million increase over 1997 ($16 million above the House bill) to cover the "mandatory" increase necessary for the COLA's and related employee benefits for the remaining 3,450 FTE's. There should be sufficient funds for additional training, travel (much of GAO's work is done in the field), technology upgrades, and incentive salary payments which have been curtailed for several years.

### Fiscal Year 1998 Legislative Appropriations, H.R. 2209—Differences Between Conference Agreement and Enacted Amounts for Fiscal Year 1997

On July 28, 1997, the House passed H.R. 2209, the FY 1998 appropriations bill. The bill appropriated $1.7 billion ($1,711,417,000) for the salaries and expenses of the House of Representatives, various joint items (Capitol police, joint committees, the guide service, etc.), Congressional Budget Office, Office of Compliance, Architect of the Capitol (excluding Senate office buildings), the Library of Congress, Government Printing Office, and General Accounting Office.

On July 29, 1997, the Senate passed H.R. 2209 after adding funds for Senate operations and amending the items contained in the House bill for other legislative agencies. That bill totaled $2.3 billion ($2,283,746,000).

On September 17, the committee of conference reported an agreement on H.R. 2209 which provides $2.2 billion ($2,248,676,500).

CHANGES BETWEEN HOUSE-CONSIDERED ITEMS IN THE FISCAL YEAR 1997 AMOUNTS AND FISCAL YEAR 1998 CONFERENCE AGREEMENT

| | Enacted fiscal 1997 | Conference agreement | Difference |
|---|---|---|---|
| New items not contained in House bill due to traditional House-Senate comity: | | | |
| Senate and Senate office buildings | $481,498,000 | $513,076,000 | $+31,578,000 |
| Senate items within Capitol buildings and grounds | 350,000 | 500,000 | +150,000 |
| Subtotal | 481,848,000 | 513,576,000 | +31,728,000 |
| Comparable items contained in both House and Senate bills: | | | |
| House and House office buildings | 716,654,200 | 745,348,000 | +28,693,800 |
| Joint items | 88,581,000 | 86,710,500 | −1,870,500 |
| Office of Compliance | 2,609,000 | 2,479,000 | −130,000 |
| Congressional Budget Office | 24,532,000 | 24,797,000 | +265,000 |
| Architect of the Capitol | 113,633,000 | 90,114,000 | −23,519,000 |
| Library of Congress (incl CRS) | 331,758,000 | 346,424,000 | +14,666,000 |
| Government Printing Office | 110,746,000 | 99,729,000 | −11,017,000 |
| General Accounting Office | 332,520,000 | 339,499,000 | +6,979,000 |
| Subtotal | 1,721,033,200 | 1,735,100,500 | [1] +14,067,300 |

[1] Plus 0.8 percent.

Mr. WALSH. Mr. Speaker, I reserve the balance of my time.

Mr. SERRANO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of the conference report on H.R. 2209, the Legislative Branch Appropriations Act for 1998. This has not been an easy year for this bill, but the gentleman from New York, Chairman WALSH, has worked exceptionally hard to keep the bill moving and to forge a decent compromise in conference. He deserves great praise for his work, and I personally also wanted to thank the gentleman for the way he has treated me with dignity and respect and our staff.

Mr. Speaker, it is our responsibility on this subcommittee to provide the people's branch of our Government with the resources needed to carry out our legislative and oversight functions effectively, although some in this House do not seem to understand that. We must also consider the health and safety of all who work in and visit the Capitol complex and the physical integrity of this Capitol building and the other historic structures on our campus. Again, we sometimes run into the problem of some Members do not seem to care about that. There are necessary investments that still cannot be made within the spending limits of this bill. However, on balance the conferees have moved the bill in the right direction.

For the House alone, the conference report is about $25 million, or 3.6 percent, above fiscal year 1997, which is not an unreasonable increase.

□ 1315

Not counting Senate items, the conference report totals not quite $14 million, or less than 1 percent above fiscal year 1997. Levels in the conference report are modestly increased from the House bill for the Architect of the Capitol and the Library of Congress. The biggest difference between the House bill and the conference report is in GAO, which would receive the funding necessary to stabilize its staffing after 2 years of major downsizing.

I should also mention the Joint Committee on Taxation. Some have characterized House Democrats' efforts to reduce a requested increase of 12 staff positions, or 20 percent, for Joint Committee on Taxation for the year after the historic tax bill as partisan. Let me point out that Senators are, at least, as dissatisfied with JCT, and, at least, as insistent on reining it in as we are.

The concerns about the committee's role in making tax policy, its chief of staff, remember, acknowledged that tobacco lobbyists wrote the secret tobacco tax break that surfaced in the bill, and its responsiveness to Members are completely bipartisan. Indeed, the chairman of the Senate subcommittee was harshly critical of the Joint Committee on Taxation in conference. He was the author of bill language that would have cut the JCT increase to 1 staff position and required JCT to use that position to assist Members who are not on the Tax Committees.

In conference, the Senate gave in on this bill language, but pressed very hard for compromise report language found on page 26 of the conference report that puts joint tax on notice with the following: That both House and Senate Members expect timely and responsive assistance with revenue estimates, regardless of the committees they sit on; the conferees will monitor the committee's responsiveness, and, if improvements are not evident, the conferees may take statutory action next year.

So, we see the frustrations are real and held on both sides of the aisle and on both sides of the dome. The leadership of the Tax Committee should take note of this.

Mr. Speaker, in closing, I support this conference report and urge my colleagues to support it so we can get the bill enacted before the start of fiscal year 1998 next week.

Mr. ADERHOLT. Mr. Speaker, I rise today to speak out against an increase in pay for Members of Congress.

The Federal Government is still spending more than it takes in. Despite the fact that we have passed the historic balanced budget bill which will balance the budget by 2002, until that date, we are still adding to the national debt that we will pass onto the next generation of Americans. I believe to allow a pay raise for Members of Congress at this point in time is not the responsible thing to do.

Congress should not be increasing its pay while we have such a large national debt, especially when we are adding to that debt every day. This is one reason I am cosponsoring H.R. 632, the Balance the Budget First Act of 1997, introduced by Congressman JON CHRISTENSEN. This legislation not only repeals the automatic pay increase for Members of Congress, but it also expresses the sense of the Congress that pay of Members of Congress should not be increased until the Federal budget has been balanced.

I appreciate that under current law, the pay increase for Members of Congress is tied to the pay increase for the Federal Judiciary. That is why I am an original cosponsor of H.R. 2517, introduced by my colleague from Alabama, Congressman BOB RILEY. This legislation, like H.R. 632, would eliminate the automatic pay increase only for Members of Congress, not for Members of the Federal Judiciary.

I hope that we will have the good sense to listen to the American people and prevent this pay increase for Members of Congress.

Mr. SERRANO. Mr. Speaker, I yield back the balance of my time.

Mr. WALSH. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. BEREUTER). Without objection, the previous question is ordered on the conference report.

There was no objection.

The SPEAKER pro tempore. The question is on the conference report.

Pursuant to clause 7 of rule XV, the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 309, nays 106, not voting 18, as follows:

[Roll No. 432]

YEAS—309

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Bachus
Baesler
Baker
Baldacci
Ballenger
Barrett (NE)
Bartlett
Bass
Bateman
Bentsen
Bereuter
Berman
Bilbray
Bishop
Blagojevich
Bliley
Blumenauer
Boehlert
Boehner
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brown (CA)
Brown (FL)
Brown (OH)
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Castle
Chambliss
Christensen
Clay
Clayton
Collins
Combest
Cook
Cooksey
Coyne
Cramer
Crane
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (VA)
Deal
DeGette
Delahunt
DeLauro
DeLay
Dellums
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Engel
English
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Filner
Foley
Forbes
Ford
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Ganske
Gekas
Gephardt
Gilchrest
Gillmor
Gilman
Goodlatte
Gordon
Goss
Granger
Greenwood
Gutknecht
Hall (OH)
Hamilton
Hansen
Hastert
Hefner
Herger
Hilliard
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Horn
Houghton
Hoyer
Hyde
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, Sam
Kanjorski
Kaptur
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Lantos
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
Livingston
Lowey
Lucas
Maloney (NY)
Manton
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McDermott
McGovern
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Mink
Moakley
Mollohan
Moran (VA)
Morella
Murtha
Nadler
Neal
Nethercutt
Ney
Northup
Norwood
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Pappas
Pascrell
Pastor
Paxon
Payne
Pelosi
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Price (NC)
Pryce (OH)
Quinn
Rahall
Rangel
Redmond
Regula
Reyes
Riggs
Rivers
Rodriguez
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roybal-Allard
Ryun
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Scott
Serrano
Sessions
Shaw
Shuster
Sisisky
Skaggs
Skeen
Smith (NJ)
Smith (TX)
Smith, Adam
Snowbarger
Snyder
Solomon
Spence
Stokes
Sununu
Talent
Tanner
Tauzin
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Tierney
Torres
Towns
Upton
Velázquez
Vento
Visclosky
Walsh
Wamp
Waters
Watt (NC)
Waxman
Weldon (FL)
Weldon (PA)
Wexler
Weygand
White
Whitfield
Wicker
Wise
Wolf
Woolsey
Wynn
Yates
Young (AK)
Young (FL)

NAYS—106

Barcia
Barr
Barrett (WI)
Barton
Becerra
Berry
Bilirakis
Blunt
Brady
Bryant
Bunning
Burr
Carson
Chabot
Chenoweth
Clement
Clyburn
Coburn
Condit
Conyers
Costello
Cox
Davis (IL)
DeFazio
Deutsch
Doggett
Ensign
Eshoo
Fox
Gejdenson
Gibbons
Goode
Goodling
Green
Gutierrez
Hall (TX)
Harman
Hastings (WA)
Hayworth
Hefley
Hill
Hilleary
Hooley
Hostettler
Hulshof
Hutchinson
Johnson, E. B.
Jones
Kind (WI)
Kucinich
Lampson
Largent
Lewis (KY)
LoBiondo
Lofgren
Luther
Maloney (CT)
McHale
Miller (CA)
Minge
Moran (KS)
Myrick
Neumann
Nussle
Paul
Pease
Poshard
Radanovich
Ramstad
Riley
Roemer
Roukema
Royce
Rush
Salmon
Sanford
Scarborough
Schaefer, Dan
Schaffer, Bob
Schumer
Sensenbrenner
Shadegg
Shays
Sherman
Shimkus
Skelton
Slaughter
Smith (MI)
Smith, Linda
Souder
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Tauscher
Taylor (MS)
Thompson
Thurman
Traficant
Turner
Watkins
Watts (OK)
Weller

NOT VOTING—18

Armey
Bonilla
Coble
Emerson
Flake
Foglietta
Gonzalez
Graham
Hastings (FL)
Hunter
Inglis
Kasich
Parker
Peterson (MN)
Portman
Schiff
Smith (OR)
Spratt

□ 1341

Ms. SLAUGHTER, Mrs. MYRICK, Mrs. TAUSCHER, and Messrs. BRYANT, DAVIS of Illinois, RILEY, SKELTON, GIBBONS, and HILLEARY, Ms. EDDY BERNICE JOHNSON of Texas, Ms. ESHOO, and Messrs. COX of California, BARR of Georgia, LAMPSON, SMITH of Michigan, FOX of Pennsylvania, CLEMENT, and HAYWORTH changed their vote from "yea" to "nay."

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## MOTION TO ADJOURN

Mr. TIERNEY. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER. The question is on the motion to adjourn offered by the gentleman from Massachusetts [Mr. TIERNEY].

The question was taken; and the Speaker announced that the noes appeared to have it.

### RECORDED VOTE

Mr. TIERNEY. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 82, noes 325, not voting 26, as follows:

[Roll No. 433]

AYES—82

Ackerman
Allen
Andrews
Barrett (WI)
Bartlett
Becerra
Berry
Blumenauer
Bonior
Borski
Brown (OH)
Cardin
Clay
Clyburn
Conyers
Coyne
Davis (FL)
DeFazio
Delahunt
DeLauro
Deutsch
Doggett
Eshoo
Evans
Farr
Fattah
Fazio
Filner
Ford
Frank (MA)
Furse
Gejdenson
Gephardt
Harman
Hefner
Hostettler
Jefferson
Johnson (WI)
Johnson, E. B.
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kilpatrick
Kind (WI)
Lampson
Levin
Lewis (GA)
Lowey
Maloney (NY)
McDermott
McGovern
McNulty
Meehan
Miller (CA)
Mink
Moakley
Myrick
Nadler
Neal
Obey
Olver
Pallone
Pascrell
Pelosi
Rodriguez
Sawyer
Scott
Slaughter
Stark
Strickland
Stupak
Tauscher
Thompson
Tierney
Torres
Towns
Visclosky
Waters
Waxman
Woolsey
Yates

NOES—325

Abercrombie
Aderholt
Archer
Armey
Bachus
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barton
Bass
Bateman
Bentsen
Bereuter
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blunt
Boehlert
Boehner
Bono
Boswell
Boucher
Boyd
Brady
Brown (CA)
Brown (FL)
Bryant
Bunning
Burton
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Carson
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clayton
Clement
Coble
Coburn
Collins
Combest
Condit
Cook
Costello
Cox
Cramer
Crane
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (IL)
Davis (VA)
Deal
DeGette
DeLay
Dellums
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Etheridge
Everett
Ewing
Fawell
Foley
Forbes
Fowler
Fox
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Hastert
Hastings (WA)
Hayworth

Hefley
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Houghton
Hoyer
Hulshof
Hutchinson
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jenkins
John
Johnson (CT)
Johnson, Sam
Jones
Kanjorski
Kasich
Kelly
Kildee
Kim
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lucas
Luther
Maloney (CT)
Manton
Manzullo
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade

McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
Meek
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Minge
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Ortiz
Owens
Oxley
Packard
Pappas
Parker
Pastor
Paul
Paxon
Payne
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Redmond
Regula
Reyes
Riggs
Riley
Rivers
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roybal-Allard
Royce
Rush
Ryun
Salmon
Sanchez
Sandlin
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Schumer
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stearns
Stenholm
Stokes
Stump
Sununu
Talent
Tanner
Tauzin
Taylor (MS)
Thomas
Thornberry
Thune
Thurman
Tiahrt
Traficant
Turner
Upton
Velázquez
Walsh
Wamp
Watkins
Watt (NC)
Watts (OK)
Weldon (FL)
Weller
Weygand
White
Whitfield
Wicker
Wise
Wolf
Wynn
Young (AK)
Young (FL)

NOT VOTING—26

Baesler
Berman
Bonilla
Burr
Buyer
Cooksey
Flake
Foglietta
Frost
Gekas
Gonzalez
Greenwood
Gutierrez
Hastings (FL)
Hunter
Hyde
Markey
Martinez
Roukema
Sabo
Sanders
Schiff
Taylor (NC)
Vento
Weldon (PA)
Wexler

□ 1402

Mr. THUNE and Ms. HOOLEY of Oregon changed their vote from "aye" to "no."

So the motion to adjourn was rejected.

The result of the vote was announced as above recorded.

## PROVIDING FOR CONSIDERATION OF H.R. 2267, DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 1998

Mr. DREIER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 239 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 239

*Resolved*, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 2267) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1998, and for other purposes. The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. After general debate the bill shall be considered for amendment under the five-minute rule. The amendment printed in part 1 of the report of the Committee on Rules accompanying this resolution shall be considered as adopted in the House and in the Committee of the Whole. The bill, as amended, shall be considered as the original bill for the purpose of further amendment. Points of order against provisions in the bill, as amended, for failure to comply with clause 2 or 6 of rule XXI are waived. Before consideration of any other amendment it shall be in order to consider the amendment numbered 1 in part 2 of the report of the Committee on Rules, if offered by the Member designated in the report, which may amend portions of the bill not yet read for amendment. The amendments printed in part 2 of the report of the Committee on Rules may be offered only by a Member designated in the report and, except for the amendment numbered 1, may be offered only at the appropriate point in the reading of the bill. The amendments in part 2 of the report of the Committee on Rules shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against the amendment numbered 2 in part 2 of the report of the Committee on Rules are waived. Points of order against the amendments numbered 1 and 3 in part 2 of the report of the Committee on Rules for failure to comply with clause 2 of rule XXI are waived. During consideration of the bill for further amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the CONGRESSIONAL RECORD designated for that purpose in clause 6 of rule XXIII. Amendments so printed shall be considered as read. The Chairman of the Committee of the Whole may: (1) postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment; and (2) reduce to five minutes the minimum time for electronic voting on any postponed question that follows another electronic vote without intervening business, provided that the minimum time for electronic voting on the first in any series of questions shall be fifteen minutes. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill, as amended, to the House with such further amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mr. LAHOOD). The gentleman from California [Mr. DREIER] is recognized for 1 hour.

Mr. DREIER. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to my very good friend, the gentleman from Dayton, OH [Mr. HALL], pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, this rule makes in order H.R. 2267, the Departments of Commerce, Justice and State, and related agencies appropriations bill for fiscal year 1998 under an open rule. It waives all points of order against provisions of the bill as amended by this rule, containing unauthorized appropriations or constituting legislation in appropriations bills.

The rule self-executes the adoption of an amendment contained in the Committee on Rules report providing for judicial review of census sampling. It also makes in order three additional amendments contained in the report and provides the appropriate waivers. The rule also contains the standard procedures for priority recognition of amendments and the rolling of votes on amendments, as the reading clerk has outlined.

Mr. Speaker, this is a very reasonable rule that allows the House to work its will on a number of very contentious issues. It provides several options for dealing with the issue of reimbursing individuals paid by the Clerk of the House for legal expenses in conjunction with an unjustified Department of Justice prosecution.

It provides for the consideration of compromise language in the form of an amendment by the gentleman from Indiana [Mr. BURTON], the chairman of the Committee on Government Reform and Oversight, dealing with the Legal Services Corporation.

The rule also provides for a Mollohan-Shays alternative on funding for Census 2000 and the use of funds for activities related to sampling.

At the request of the minority, the Committee on Rules increased the debate time on that amendment from 30 minutes to 80 minutes.

Mr. Speaker, we have every right to be concerned about the Census Bureau's proposal to use statistical sampling to determine our Nation's population, especially since our U.S. Constitution very specifically states actual enumeration should take place. Statistical sampling is fraught with the potential for abuse.

One can only imagine how an administration policy which has actually led to the registration of noncitizens with criminal records to vote could also potentially lead to the abuse of statistical sampling.

I would like to commend the gentleman from Kentucky [Mr. ROGERS], the chairman, for his tremendous effort in putting together a bill that reflects our Nation's values and priorities. It provides additional funding for State and local law enforcement, juvenile crime control, State prison grants and drug enforcement, including efforts to stop drug trafficking across our borders.

The bill recognizes the ongoing financial burden that States bear for incarceration of illegal aliens. States such as my State of California and others heavily impacted by illegal immigration will be able to finally get additional relief from those burdens.

The bill also contains very important funding for the National Endowment for Democracy, which has played a key role in the peaceful transitions to democracy in Poland, Chile, and South Africa. On a budget of just $30 million, Mr. Speaker, the National Endowment for Democracy works in over 90 countries helping democratic forces. Countries like China, Cuba, Burma, Iraq, the Sudan, Nigeria, and the Republics of the former Yugoslavia have benefited from programs of the National Endowment for Democracy.

In China, the International Republican Institute, an organization with which I am happy to be affiliated, has made tremendous strides in bringing real democratic reforms in village elections across that country. By educating over 500 million Chinese people in the principles of democracy, the International Republican Institute and the National Endowment for Democracy are creating the foundations for a more prosperous and democratic China.

Mr. Speaker, since history shows that nations living under freely elected democracies are not military aggressors, spending a few million dollars for democracy building today will save billions of dollars later in defense spending because there will be fewer threats to our national security or our interests.

The bill also reduces funding for the Department of Commerce while maintaining the necessary resources to monitor and enforce our trade agreements, preserve core scientific programs, and refocus the Department toward its basic functions of trade promotion and public safety.

Mr. Speaker, this rule does not attempt to hide the fact that there are a number of, as I said earlier, contentious issues in this bill, but it deals with those issues in a fair and balanced way that allows all sides to be heard, and ultimately the House will work its will.

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So, Mr. Speaker, I urge my colleagues' support of both the rule and of the bill.

Mr. Speaker, with that I reserve the balance of my time.

Mr. HALL of Ohio. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to thank my colleague, the gentleman from California [Mr. DREIER] for yielding me the time. This is an open rule. It will allow full and fair debate on H.R. 2267, which is a bill that makes appropriations for the Department of Commerce, Justice, and State and related agencies.

Under the rule, germane amendments will be allowed under the 5-minute rule and the normal amending process in the House. All Members on both sides of the aisle will have the opportunity to offer amendments as long as those amendments do not violate House rules.

Also the rule itself executes an amendment by the gentleman from Illinois [Mr. HASTERT] substituting new language for a provision in the bill regarding statistical sampling in the 2000 census.

In addition, the rule waives points of order against three proposed floor amendments. One of these, to be offered by the gentleman from West Virginia [Mr. MOLLOHAN] and the gentleman from Connecticut [Mr. SHAYS], is a bipartisan effort to resolve a conflict over statistical sampling in the census. I appreciate the Committee on Rules making this amendment in order. Unless this amendment passes to change the bill's census provision, the administration will consider vetoing the bill.

Also, the rule also makes in order an amendment by the gentleman from Illinois [Mr. HYDE] concerning the payment of litigation expenses when a defendant prevails in Federal prosecution. The administration also here has threatened to veto the bill if this amendment is included because of the chilling effect it could have on Federal prosecutions.

I want to point out that the bill includes $2 million for Small Business Development Center defense economic transition initiatives. This assists small businesses that make the transition to a peaceful economy after the end of the cold war. And one of the centers is located in Kettering, OH, which is in my district. It has a very successful record of helping former employees of the Defense Electronics Supply Center of Kettering which was closed through the defense base closure process. It has also helped with transition of the Energy Department's Miamisburg Mound plant which shut down its nuclear weapons operation.

Mr. Speaker, the Committee on Rules reported this rule in a voice vote, and I would urge adoption of this open rule and of the bill.

Mr. Speaker, I reserve the balance of my time.

Mr. DREIER. Mr. Speaker, I yield 3 minutes to the gentleman from Nebraska [Mr. BEREUTER], my very good friend from Lincoln, the chairman of the Subcommittee on International Economic Policy and Trade.

Mr. BEREUTER. Mr. Speaker, I do rise in support of the rule, and I thank the gentleman for yielding me this time, but I wanted to take this opportunity to speak about a subject that will be covered by the legislation which this rule makes in order, and that is the growing problem of alien smuggling facing Nebraska and other Midwestern States.

Mr. Speaker, Nebraska and Iowa are a major destination today for illegal aliens and alien smugglers due to extremely low unemployment rates, the number of meat packing plants and other labor-intensive industries, and the two major interstate highways which cross our two States, I-80 and I-29. The Immigration and Naturalization Service, the INS district office in Omaha which covers all of Nebraska and all of Iowa, has responded to 25 alien smuggling cases, and I say responded because there are many that they have not been able to respond to, and they have arrested 754 illegal aliens since October 1, 1996. As I said, they could not respond to some approximately 55 possible instances of alien smuggling involving 382 suspected illegal aliens in Nebraska and Iowa because the resources needed to respond were unavailable.

The INS Omaha district office has a staff of 19 special agents who handle all the enforcement responsibilities in the States of Iowa and Nebraska. The INS office in Denver has, on the other hand, 44 special agents, and the INS office in Kansas City has 32 special agents. While several of the larger districts in the INS central region have anti-smuggling units in place, the district covering Nebraska and Iowa does not.

September 3 to September 5 the INS district office responded to 2 cases of suspected alien smuggling, apprehending 2 groups, one containing 33 illegal aliens and one containing 18 illegal aliens. However, it did not respond to a third incident concerning 14 suspected illegal aliens. The reason given by the INS district office was to respond to groups of illegal aliens smaller than 15 is discretionary, given its limited capability, and on that day the Omaha office did not have the necessary staff available due to the fact that some of those personnel from the Omaha office were on assignment in Guatemala, El Salvador, and south Texas.

This is a prime example, I believe, of the limitations placed on this district office's enforcement duties because of limited resources. It is clear that the Omaha INS district office needs more personnel and specifically designating an antismuggling unit; this problem is not being addressed.

In closing, this statement is intended to provide additional information explaining the reason for a colloquy that will be conducted with the chairman of the appropriation subcommittee, the gentleman from Kentucky [Mr. ROGERS], by the gentlemen from Iowa, Nebraska. It is an important issue for my constituents and the States of Nebraska and Iowa, and it cannot be overlooked.

I thank the gentleman for yielding me this time.

Mr. HALL of Ohio. Mr. Speaker, I yield 1 minute to the gentleman from Wisconsin [Mr. OBEY].

Mr. OBEY. Mr. Speaker, I simply want to make certain that Members on both sides of the aisle understand that if they are interested in either party's position on the census question and on sampling, there is absolutely no reason whatsoever to vote against this rule. The rule provides on a self-executing basis for the insertion of what will be considered the Republican preference on the issue. It also provides a straight opportunity for the gentleman from West Virginia [Mr. MOLLOHAN] to offer an amendment which would in essence allow sampling to go forward, as is the Democratic preference.

So, on either side of the aisle there is no reason to oppose this rule. Both sides have been accommodated fully.

Mr. DREIER. Mr. Speaker, I yield 3 minutes to the gentleman from Sanibel, FL [Mr. GOSS], the chairman of the Subcommittee on Legislative and Budget Process and, of course, the chairman of the Permanent Select Committee on Intelligence.

Mr. GOSS. Mr. Speaker, I thank the distinguished gentleman from greater San Dimas, CA, and the surrounding metropolitan area, the gentleman from California [Mr. DREIER], the vice chairman of the Committee on Rules, for yielding time. I rise in support of this open rule. This continues a trend of fair and responsible rules to get us through this year's appropriation process in an orderly fashion despite perhaps what some might call some dilatory tactics now and then.

I would like to begin by congratulating the gentleman from Kentucky [Mr. ROGERS] and the gentleman from West Virginia [Mr. MOLLOHAN] for their work on this important package. It is not a perfect bill, as we all know, but given some very fiscal and political constraints that are real I think they have done an extraordinary job.

This appropriations bill, probably more than any other that we have, demonstrates the importance of making tough choices when we are spending our precious tax dollars. There are obviously many national priorities housed in the agencies and programs funded by this particular legislation. Fighting crime, winning the war on drugs, representing our interests overseas, securing our national borders are just prime among many others. There are also clearly some wasteful programs and agencies that come under the Commerce-Justice-State label that need to be trimmed back, perhaps phased out altogether, something we shall no doubt discuss through the debate under this open rule.

As a starting point for that discussion this bill does a good job of increasing our commitment in the highest priority areas while scaling back expenditures on what many consider lower priority items. For example, the bill provides $300 million for a new juvenile crime block grant that helps States attack a growing threat of crime in our communities. I think that will be well received. The incredible rise in crimes committed by young people is known everywhere. This trend has hit hard in my district, too, in southwest Florida. These dollars will enable local folks to develop local solutions, and they seem to work.

I am especially pleased that the bill provides a $100 million increase for the State criminal alien assistance program. By fully funding this program we have acknowledged the dilemma that States like Florida face every day in a big way, how to pay for the incarceration of criminal illegal aliens, and unfortunately we have too many in Florida. Securing our borders is a Federal responsibility. So when we fail to do that, live up to that responsibility, we need to face up to the consequences and provide the States with the necessary resources to do the job we could not do in Washington.

The bill also makes a strong case about our commitment to winning the war on drugs rather than just accepting stalemate. I am fully supportive of the $34 million allocation for a new Caribbean antidrug initiative as part of the overall increase in funding for drug enforcement.

Mr. Speaker, we know this bill is not perfect. The Economic Development Administration, a relic of what I would call the Great Society, remains intact despite mountains of testimony to its ineffectiveness, and to that end I support the gentleman from Colorado [Mr. HEFLEY] in his effort to scale back the EDA to the Senate-passed level.

But overall this is a good bill, it deserves our support, and as we have heard testimony from both sides of the aisle, there is no reason not to support the rule. So let us pass the rule and get on with the debate and finish this appropriations bill.

Mr. HALL of Ohio. Mr. Speaker, I yield 5 minutes to the gentleman from West Virginia [Mr. MOLLOHAN].

Mr. MOLLOHAN. Mr. Speaker, I thank the gentleman from Ohio for yielding this time to me.

Mr. Speaker, I rise in support of the rule. I would like to take this opportunity to thank the distinguished chairman of the Committee on Rules, the gentleman from New York [Mr. SOLOMON], and the distinguished ranking member, the gentleman from Massachusetts [Mr. MOAKLEY], for their fair consideration of the issues and for this rule. I am pleased that the Committee on Rules recommended an open rule for consideration of this bill that allows all Members on both sides of the aisle the opportunity to debate these serious issues thoroughly.

Although this rule self-executes the Hastert amendment related to judicial review of the 2000 census, it also makes in order a substitute to be offered by myself and the gentleman from Connecticut [Mr. SHAYS]. While I am strongly opposed to the Hastert language, I appreciate the Rules Committee making the Mollohan-Shays amendment in order and providing for such a generous time for debate. Let me also thank my chairman, the gentleman from Kentucky [Mr. ROGERS] for supporting my request for the Committee on Rules. It is in keeping with his overall constructive approach to legislating.

I will not address the details of the sampling amendment at this time; however, I do want to let my colleagues know that both Chairman ROGERS and I worked diligently in good faith to try to reach an acceptable compromise on this issue. However, in the end we were unable to reach an agreement, and the Hastert language has at least two fatal flaws which have forced us to offer this substitute Mollohan-Shays amendment.

It is important to note that the President's senior advisers will recommend that he veto this bill if it is passed in its current form. The new fiscal year is almost upon us, Mr. Speaker, and it is time that we pass this bill and send it to the President for his signature. If the Mollohan-Shays amendment is not adopted, we jeopardize the future of all funding provided in this important measure.

The rule before us today also allows for a consideration of an additional amendment that I, along with the gentleman from Pennsylvania [Mr. FOX], intend to offer. It will increase funding for Legal Services by $109 million, and I urge my colleagues to support this amendment. It is very similar to the one that was proposed and adopted last year.

In conclusion, this is a fair rule which allows for an open debate on the merits of sampling on the floor, and other important issues, and I urge my colleagues to support the rule, Mr. Speaker.

Mr. GOSS. Mr. Speaker, we do not at this time have any additional speakers. I do not know what the status of the other side is.

Mr. HALL of Ohio. Mr. Speaker, I yield 2 minutes to the gentlewoman from Florida [Mrs. MEEK].

Mrs. MEEK of Florida. Mr. Speaker, I stand to support the Mollohan-Shays amendment and the rule.

Today I think this is a good rule. It permits the Census Bureau to continue planning for use of sampling.

The census always fails, Mr. Speaker, to count some people, but the under count is always higher among blacks and minorities, and if my colleagues can look at these data here which show the last six censuses and the under count that occurred at that time, they will note here beginning in 1940 each census, in each census the under count for blacks was more than 3 percent larger than it was for the whites.

□ 1430

The difference between the black undercount and the white undercount, Mr. Speaker, was greater, as you can see, in the 1990 census, which is here. In the 1990 census, 4.4 percent among blacks, more than any other census since the beginning of the count of the census. The 1990 census failed to count 1.4 million African-Americans. It also failed to count 2.6 million. So I am here to say to Members that this particular rule hopefully will support later on a greater accountability in our census. But the percentage of blacks that were not counted in 1990, 5.7 percent, was much larger than the percentage of whites not counted in 1990, which was 1.3 percent, as we can see from the chart. If we look here, those of us who can see the chart here, it was much greater in 1990.

Not counting, Mr. Speaker, African-Americans in the census did not originate recently; it originated with the Founders of the Constitution when they put in Article I, section 2 of the Constitution, way back in 1788.

To summarize, I am showing here that more blacks than non-blacks have been missed in the census. This rule is a good rule. It is a rule that understands that every American should be counted. The undercount has been significant. Let us be sure this time that we have an appropriate count.

Mr. HALL of Ohio. Mr. Speaker, I yield two minutes to the gentleman from Oregon [Mr. BLUMENAUER].

Mr. BLUMENAUER. Mr. Speaker, I am here today to express my support for the rule that will in fact permit us to have hopefully a rational discussion dealing with the year 2000 census. I am afraid that part of this discussion that we have been subjected to is a very clear example of the cold hand of partisan politics on something that needs to be enshrined, I think, in a very positive and constructive fashion.

The census is clearly designed to get an accurate count of the Nation's population. But according to the director of the census under President Bush, the current enumeration methods fall far short and simply "cannot count everybody."

Minorities and low income populations in cities are often underrepresented as a result, meaning that people who often need help the most are often not counted by their Government and are denied their fair share of government funding. It means billions in States like Texas and California.

Rather than wasting taxpayer money and pouring millions of dollars into a census effort trying to deal with a head count which ultimately will in fact fail, we propose a commonsense solution to save the taxpayers money and come up with a more accurate count.

Under the sampling plan, 90 percent of the population would still be counted using traditional methods. Sampling would only be used in those areas where the census response rate is dramatically lower than normal, and any adjustment would rely as much as possible on existing statistical information.

The scientific community is overwhelming in their endorsement of this approach. The Justice Department in the last three administrations, Reagan, Bush, and Clinton, has held that sampling is in fact constitutional. If we rely on old census methods, millions of Americans will be missed in the next census, tax dollars will continue to be wasted. Including census sampling in the next census will ensure we have the fairest, most accurate census in our Nation's history.

The irony is that the politicians, who when the chips are down spend hundreds of thousands of dollars based on sampling techniques, are not willing to allow this methodology to be used to guarantee an accurate and fair census. That is an outrage.

Mr. HALL of Ohio. Mr. Speaker, I yield one minute to the gentleman from North Carolina [Mr. WATT].

Mr. WATT of North Carolina. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I rise in support of the rule because the rule allows this bill to be amended freely and this bill needs to be amended. It allows an amendment to increase funding for the Legal Services Corporation, which we need to do, and it allows an amendment to have a fair census, which we need to do.

We are going to hear arguments about which party benefits maybe from a revised census count, but this is not a partisan issue. It is really about fairness to every single citizen in the United States. And to the extent that we fail to count any one individual in our Nation, we do a disservice to our process.

We make it possible for some people to have greater representation than other people, and we should make sure that that does not happen.

Mr. GOSS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we continue to have no speakers from here, but I did want to point something out, that this is the debate on the rule, and we all agreed this was a very important subject, the question of how we do the census constitutionally and accurately. It matters to everybody in this country.

We had therefore almost tripled the amount of time at the request of the gentleman from the Commonwealth of Massachusetts [Mr. MOAKLEY], the distinguished ranking member of the Committee on Rules, my former chairman and good friend, and I thought we provided for ample debate.

I suggest we take this noncontroversial rule and support it and get it passed and then get to the orderly process.

Mr. Speaker, I reserve the balance of my time.

Mr. HALL of Ohio. Mr. Speaker, I yield 1 minute to the gentleman from Massachusetts [Mr. FRANK].

Mr. FRANK of Massachusetts. Mr. Speaker, I will be voting for the amendment offered by the ranking member of the subcommittee.

The effort to get a Supreme Court decision on the census before we take the census simply will not work. The American Constitution is very clear. For once I wish some of my colleagues paid more attention to the very clear writing of Justice Scalia. You cannot by statute constitute the U.S. Supreme Court as an advisory body to tell us in advance of what happens.

There is an amendment that says you cannot go forward with the census sampling until the Supreme Court has decided it, but the Supreme Court will disregard this. Have we not learned from what happened with the line-item veto? The requirement that there be an actual case or controversy and an aggrieved party is something that is strictly enforced by the U.S. Supreme Court.

Mr. Speaker, if Members want to ban sampling, they ought to offer that as a vote. I would not be for it. But no one should console themselves that we can vote to have the Supreme Court by our instruction take a case which constitutionally they will not take and then have solved the problem.

Mr. HALL of Ohio. Mr. Speaker, I yield 1½ minutes to the gentleman from New Jersey [Mr. PASCRELL].

Mr. PASCRELL. Mr. Speaker, I thank the gentleman for yielding me time, and rise in support of the rule and the Mollohan-Shays amendment.

Mr. Speaker, we have never performed a census that did not contain an undercount. As long ago as George Washington, Thomas Jefferson lamented the inability to perform an accurate census. As a result, the Census Bureau has constantly reviewed the practices and worked with scientists to develop the most accurate census possible.

Years of work and years of scientific advancements have led this Census Bureau and the National Academy of Sciences to conclude that using sampling in addition to enumeration is the best possible option for an accurate census.

We spent in 1995 as a Nation $33 million to test the value of sampling. Where is the logic in appropriating $33 million to test the science of sampling, and then throw out the results afterwards? There is no logic. It is convoluted.

In my own city of Patterson, NJ, the census did a sampling and increased in 1995, because there were three cities involved, 8,000 the number of people there.

Think of how many people are undercounted throughout America. Think in those areas where there are overcounts as well. The experiment of 1995 proved quite clearly the value and necessity of sampling. We cannot count noses by simply counting noses.

Some have argued that sampling is unconstitutional. The counsels of three separate administrations have ruled to the contrary.

Mr. HALL of Ohio. Mr. Speaker, I yield 1 minute to the gentlewoman from Hawaii [Mrs. MINK].

Mrs. MINK of Hawaii. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, I rise in support of the rule, because it will allow this body to have an opportunity to listen to the debate on the Mollohan-Shays amendment, which will rectify the severe injustice contained in the bill itself. I speak of the question of the census and the necessity of making it possible for the undercount that occurred in the last census to be corrected.

It was a very serious, inaccurate count, and requires that this body pay attention to it and correct it. Ten percent of the count of the census was wrong. GAO estimates an error rate of 26 million, including people who were missed, counted twice, or in the wrong place.

Equally disturbing is the undercount of the number of racial and ethnic groups in the last census that were not counted. Hundreds of thousands of Asian-Pacific Americans were not counted in the census, an estimated rate of 2.3 percent; for Hispanics, a rate of 5 percent; and African-Americans, a rate of 4 percent.

Mr. Speaker, I urge that this rule be adopted and a serious debate on the Mollohan-Shays amendment occur.

Mr. HALL of Ohio. Mr. Speaker, I reserve the balance of my time.

Mr. GOSS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am willing to say that the majority is prepared to stipulate that this is a good rule; in fact, a very good rule. The majority is prepared to stipulate that it is noncontroversial. The majority is prepared to stipulate that we could get on with the debate and we will, therefore, reserve the balance of our time.

Mr. HALL of Ohio. Mr. Speaker, I yield back the balance of my time.

Mr. GOSS. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

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## CONTINUATION OF EMERGENCY WITH RESPECT TO UNITA—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 105–134)

The SPEAKER pro tempore (Mr. LAHOOD) laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations and ordered to be printed:

*To the Congress of the United States:*

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent the enclosed notice, stating that the emergency declared with respect to the National Union for the Total Independence of Angola ("UNITA") is to continue in effect beyond September 26, 1997, to the *Federal Register* for publication.

The circumstances that led to the declaration on September 26, 1993, of a national emergency have not been resolved. The actions and policies of UNITA pose a continuing unusual and extraordinary threat to the foreign policy of the United States. United Nations Security Council Resolution 864 (1993) continues to oblige all Member States to maintain sanctions. Discontinuation of the sanctions would have a prejudicial effect on the Angolan peace process. For these reasons, I have determined that it is necessary to maintain in force the broad authorities necessary to apply economic pressure to UNITA to reduce its ability to pursue its aggressive policies of territorial acquisition.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *September 24, 1997.*

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## MOTION TO ADJOURN

Mr. MILLER of California. Mr. Speaker, I have a preferential motion at the desk.

The SPEAKER pro tempore (Mr. LAHOOD). The Clerk will report the motion.

The Clerk read as follows:

Mr. MILLER of California moves that the House do now adjourn.

The SPEAKER pro tempore. The question is on the motion to adjourn offered by the gentleman from California [Mr. MILLER].

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. MILLER of California. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 66, nays 348, not voting 19, as follows:

[Roll No. 434]

YEAS—66

Allen
Andrews
Barrett (WI)
Becerra
Berry
Bonior
Borski
Brown (OH)
Cardin
Conyers
Coyne
Davis (FL)
DeFazio
Delahunt
DeLauro
Dellums
Deutsch
Doggett
Eshoo
Evans
Fazio
Filner
Ford
Frank (MA)
Furse
Gejdenson
Gephardt
Gutierrez
Harman
Hefner
Hinchey
Hostettler
Hoyer
Jefferson
Johnson (WI)
Johnson, E.B.
Kaptur
Kennelly
Kind (WI)
Lampson
Levin
Lewis (GA)
Lowey
Martinez
McDermott
McGovern
McNulty
Miller (CA)
Mink
Moakley
Neal
Obey
Olver
Pallone
Pelosi
Sawyer
Slaughter
Solomon
Strickland
Stupak
Tauscher
Tierney
Torres
Towns
Waxman
Woolsey

NAYS—348

Abercrombie
Ackerman
Aderholt
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bentsen
Bereuter
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bono
Boswell
Boucher
Boyd
Brady
Brown (CA)
Brown (FL)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Carson
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Combest
Condit
Cook
Cooksey
Costello
Cox
Cramer
Crane
Crapo
Cubin
Cunningham
Danner
Davis (IL)
Davis (VA)
Deal
DeGette
DeLay
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Dooley
Doolittle
Doyle

Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Etheridge
Everett
Ewing
Farr
Fattah
Fawell
Flake
Foley
Forbes
Fowler
Fox
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Houghton
Hulshof
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jenkins
John
Johnson (CT)
Johnson, Sam
Jones
Kanjorski
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kildee
Kilpatrick
Kim
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
Meehan
Meek
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Minge
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nethercutt
Neumann
Ney
Northup
Nussle
Oberstar
Ortiz
Owens
Oxley
Packard
Pappas
Parker
Pascrell
Pastor
Paul
Paxon
Payne
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Redmond
Regula
Reyes
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roybal-Allard
Royce
Rush
Ryun
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Saxton
Schaefer, Dan
Schaffer, Bob
Schumer
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Stump
Sununu
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Traficant
Turner
Upton
Velázquez
Visclosky
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Weldon (FL)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wise
Wolf
Wynn
Yates
Young (AK)
Young (FL)

NOT VOTING—19

Berman
Bonilla
Collins
Cummings
Foglietta
Gonzalez
Hastings (FL)
Hunter
Markey
Nadler
Norwood
Rangel
Riggs
Roukema
Scarborough
Schiff
Stokes
Vento
Weldon (PA)

□ 1503

So the motion to adjourn was rejected.

The result of the vote was announced as above recorded.

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## APPOINTMENT OF CONFEREES ON H.R. 2378, TREASURY, POSTAL SERVICE, AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 1998

Mr. KOLBE. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 2378) making appropriations for the Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain independent agencies, for the fiscal year ending September 30, 1998, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

The SPEAKER pro tempore (Mr. LAHOOD). Is there objection to the request of the gentleman from Arizona?

There was no objection.

### GENERAL LEAVE

Mr. KOLBE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the motion to instruct the conferees on H.R. 2378, and that I may include tabular and extraneous material.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

### MOTION TO INSTRUCT CONFEREES OFFERED BY MR. HOYER

Mr. HOYER. Mr. Speaker, I offer a motion to instruct.

The Clerk read as follows:

> Mr. HOYER moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill, H.R. 2378, be instructed to insist on the House position providing $514,000 for the fourth year of operation of the Exploited Child Unit of the National Center for Missing and Exploited Children.

The SPEAKER pro tempore. The gentleman from Maryland [Mr. HOYER] is recognized for 30 minutes.

### PARLIAMENTARY INQUIRY

Mrs. LINDA SMITH of Washington. Mr. Speaker, parliamentary inquiry.

The SPEAKER pro tempore. The gentlewoman will state it.

Mrs. LINDA SMITH of Washington. Mr. Speaker, I would ask, is the gentleman from Arizona [Mr. KOLBE] opposed to the motion?

Mr. KOLBE. Mr. Speaker, I am not opposed to the motion to instruct conferees.

Mrs. LINDA SMITH of Washington. Mr. Speaker, I say I am opposed to this motion not because of its content, but I am opposed because in the present form it is missing an addition I think is important to be before this House, the addition of language relating to a pay raise.

The SPEAKER pro tempore. The gentleman from Arizona [Mr. KOLBE] will be recognized for 20 minutes, the gentlewoman from Washington [Mrs. SMITH] will be recognized for 20 minutes, and the gentleman from Maryland [Mr. HOYER] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Maryland [Mr. HOYER].

Mr. HOYER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the Chair for that ruling. Mr. Speaker, on May 24, 1993, a 10-year-old little boy, Stanley Burdynski, Junior, was abducted in suburban Prince Georges County, just a few miles from where we stand. Four and one-half years later he is still missing. We must never forget little Stanley. I am sure that every one of the Members has a Stanley or a Mary in their district, a child who has been abducted by a demented criminal person in their districts and in mine.

What this motion to instruct says is that we need to make sure that the fourth year of the program directed at the operation of the Exploited Child Unit of the National Center for Missing and Exploited Children is fully funded.

Mr. Speaker, we need to do everything in our power to ensure the fact that we, to the greatest extent possible, can protect our children from exploitation, from being taken from their families, from their neighborhoods, from their playgrounds, from their schools, by those demented souls of which I spoke, subjecting those children to abuse and, yes, even to death. That is what we will vote on in this motion.

I would hope that the House would stand united and unanimous in its commitment to speaking out and acting out and putting our money where our mouth is in the fight against the abusers of children in America.

In 1996 I worked with other concerned Congress men and women to gain funding to create the Exploited Child Unit at the Center for Missing and Exploited Children in the Treasury-Postal bill. John Walsh of America's Most Wanted spoke out and came to Capitol Hill, and had a press conference on this very issue, and said he needed to have every one of us, as he was doing on television every week, committed to the fight against abusers of our children.

This unit creates a greater awareness and generates leaders for law enforcement to combat child sexual exploitation. There are many efforts underway at the Federal level to combat child sexual exploitation that I want to tell the Members about.

□ 1515

Under the leadership of the FBI, each of the seven major law enforcement agencies are coordinating efforts with the National Center to bring a priority approach to such child exploitation cases.

Through the 1994 crime bill, the Secret Service is working closely with the National Center, using unique forensic technology to track abductors. The Customs Service has established the International Pornography Investigation and Coordination Center. The U.S. Postal Service continues its aggressive efforts to crack down on child pornography. The FBI has also established a child abduction and serial killers unit.

Mr. Speaker, I hope that through these efforts we can create a new awareness throughout the land and make America's children safer and more secure. I urge my colleagues to support this very important effort to protect our children against exploitation, sexual abuse, and yes, even murder.

Mr. Speaker, I reserve the balance of my time.

Mr. KOLBE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of the motion of the gentleman from Maryland [Mr. HOYER] to instruct conferees. I think he has outlined very well the importance of the National Center for Missing and Exploited Children. It is a very small part of our bill, it is a very small part of the funding, but it is a critical part.

A few months ago, during our hearing process, I went over to Virginia and visited this office. It breaks my heart when I see some of the posters that are on the wall, some of the letters that are there from families who have lost their child, who desperately want help in trying to find that child, and turn in sheer despair, with no other place to go to but to the National Center for Missing and Exploited Children.

Sometimes it is hard for us in Congress to take a lot of credit or a lot of pride in the things we do. But if there is anything we can take pride in, it is the fact that we have funded this National Center.

It is one, as the gentleman from Maryland [Mr. HOYER] pointed out, that had its beginnings with John Walsh, whose son, Adam, was brutally kidnapped and murdered in Florida more than a decade ago. John Walsh started a private foundation. Due to the work of some other people, we came along a few years ago and we joined hands and created the National Center for Missing and Exploited Children.

We provide about $2 million to the Secret Service to assist in the investigations of missing children, mostly for fingerprinting, identification, handwriting analysis. The $514,000 that is the subject of this motion here is earmarked specifically for the exploitation unit which has been established.

We think it is absolutely critical that we deal not only with the children who are missing, but those who are being exploited by, as the gentleman from Maryland [Mr. HOYER] said, the demented souls who would use them, use children for pornography, who would abuse them mentally, who would abuse them physically.

That is what this Center for Exploitation deals with. We have never had a specific unit in the National Center dedicated to this before. We would earmark these funds in order to be sure that this is adequately funded and that we really can focus on this issue. That is really the subject of what we are debating here today.

I certainly hope that we will go to conference with a strong message urging our conferees to stand by our language on this so that we can go to the Senate and say "This is something we strongly believe in."

Mr. Speaker, I reserve the balance of my time.

Mrs. LINDA SMITH of Washington. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, I think it is very important that the first thing that we say is "We like this amendment." It makes sense. It made sense when we passed it. The protection of exploited children is a national issue important to all Americans' hearts.

But confidence in this Congress to handle fairly all issues vital to citizens is clouded by previous procedures used to allow a salary increase for Members of Congress to go through just last week without a vote. We are just going to ask to oppose the motion in its present form, not the content. We just want to add something. We would like to add that we would like to take the Senate language, they already voted against a salary increase, so we would say that to slow down a couple of minutes on this floor, to add this salary increase motion to this other vital motion is not much to ask to restore the confidence in America in Congress, in what we are doing.

Mr. Speaker, I reserve the balance of my time.

Mr. HOYER. Mr. Speaker, I reserve the balance of my time.

Mr. KOLBE. Mr. Speaker, I reserve the balance of my time.

Mrs. LINDA SMITH of Washington. Mr. Speaker, I yield 5 minutes to the gentleman from Arizona [Mr. HAYWORTH.]

Mr. HAYWORTH. Mr. Speaker, I thank the gentlewoman from Washington [Mrs. LINDA SMITH], for yielding me the time.

I would like to commend my colleagues on both sides of the aisle, the gentleman from Maryland [Mr. HOYER] and the gentleman from Arizona [Mr. KOLBE], for again bringing our attention to this vital issue.

Again, Mr. Speaker, it is important to reiterate that we agree on making sure that resources are there to make sure that we reach out to find those children who are missing, who are abducted.

But there is another question dealing with resource allocation, dealing with the finances of this country, which we must deal with in this very House, and it has to do with pay for Members who serve here in the Congress of the United States.

It is a vexing question and a unique question for those of us who sit in this Chamber who are charged, if you will, with the country's bank account, who have seen time and again overdrafts on that account, overdrafts that would not be countenanced for a single nanosecond outside the halls of Government. But because Government can make the rules, Government can engage in creative accounting.

Sadly, that has been the case all too often. Members here work hard. That is not the issue. But public service is a privilege rather than a career. Many Members of this institution have made financial sacrifices. That is something that at times is the price of freedom.

Another real world standard that seems to have left this debate is the notion of performance. In education, in business, in athletics, indeed in every endeavor in life, work or play, there is a performance criteria that must be accepted.

Speaking for myself and the people I represent in the Sixth District of Arizona, my constituents have made it crystal clear to me, and indeed I believe people from coast to coast and in Alaska and Hawaii as well, wanted those of us who serve in this Congress to work for fiscal accountability, to balance the budget, just as families around the kitchen table are forced to do. And at the very least, my colleagues, at the very least, Mr. Speaker, any increase in pay should be tied to performance.

I do not believe, in good conscience, that we who serve representing the citizens of the United States from a variety of walks of life, that we in good conscience can accept a cost of living adjustment or a pay hike, or whatever we want to call it, so long as we fail to balance the budget. That is the sole requirement I believe necessary for the American people to reward us, in their judgment, with a pay increase.

And indeed, Mr. Speaker, as we look from coast to coast and beyond to those who wear the uniforms of this Nation, who would put themselves in harm's way, we have read the accounts, we have heard the situation where some of those who defend America are forced to apply for food stamps to feed their families. How in good conscience can we rise even for a minimal cost of living adjustment when those needs still exist for those who would put their lives on the line?

Mr. Speaker, those who gathered at the structure we now call Independence

Hall in Philadelphia, in drafting that remarkable document that declared our independence from England in the Declaration of Independence, in those final key lines, our Founders said, "and to this we pledge our lives, our fortunes, and our sacred honor."

I would suggest, Mr. Speaker, that we can do no less. Vote "no" on the previous question.

Mr. KOLBE. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, I just want to give a little history. The gentleman from Arizona [Mr. HAYWORTH], my colleague and friend, spoke about performance and that we at this time should not receive any kind of a cost-of-living adjustment. I think it is worth the time for Members to understand where we have been legislatively with this.

It goes back before some of the Members who will speak on this were here. Because of the very great difficulty that we had with the issue of the pay raise, in 1989 this Congress passed a provision to permanent law, I want to underscore that, "permanent law," which took it out of the hands of Congress so that we would not engage in the kind of demagogic debate that sometimes goes on in this body over this particular issue. And we said that there would be a committee that would survey private sector wage rates for the previous year and the Federal employees would get an increase, a cost-of-living adjustment equal to that and that those at the very top of the scale, Cabinet officers, SES judges, executive service judges, and Members of Congress would get a cost-of-living adjustment that was half a percent below that, so that Members of Congress get a cost-of-living adjustment half a percent below what all other Federal employees would get.

Subsequent to that, of course, this Congress has entered into a number of debates on the subject. Despite the fact that we took it out of our own hands, we have entered into this debate and we have denied ourselves even the cost-of-living adjustment that was going to all other Federal employees.

It was specifically in order to avoid this debate of having Congress vote on whether it was raising its own salaries or giving itself a cost-of-living adjustment that we created that provision, that we adopted that procedure. I think it is important for Members of this body to know that that is the procedure that this body adopted.

Mr. Speaker, I yield 4 minutes to the gentleman from Louisiana [Mr. LIVINGSTON].

Mr. LIVINGSTON. Mr. Speaker, how wonderful it is to hear the same old speeches about how rotten a job the Members of Congress have done for the American people.

In the last 20 years, I have seen a moderate economy expand exponentially and then collapse. We have gone through various recessions. I have seen moderate inflation go to rampant inflation, 14, 15 percent rates of inflation, interest rates go to 21 percent. I have seen the Soviet empire, collapse. I have seen policies implemented to bring interest rates down, bringing inflation down, bringing unemployment down.

American people today are probably as well off as they have been in a generation. Interest rates are at a generational low. Inflation rates are at a generational low. The United States is not at war, hot or cold. I think we are doing pretty well. For the first time in 30 years, we have reached a balanced budget agreement, only a month ago. For the first time in 16 years, we have passed legislation for a tax cut for the American people.

For the speaker that was here two times ago to come before the House floor and say that the American people have been ill-served by the U.S. Congress is a disservice to the performance of this body and the other body.

□ 1530

The U.S. Congress is performing well, in bipartisan fashion, with conservatives and liberals and Republicans and Democrats alike working together. And to condemn the work product and say that we are lesser than all employees of the United States who all want a pay raise, to say that we are lesser than all Federal employees who have not missed a beat, or lesser than anybody else who gets an automatic cost-of-living adjustment does a disservice to the work product of this body.

I do not like to see the work product of the U.S. Congress denigrated when I believe that the last 20 years that I have witnessed have been some of the most productive years of American legislative history. The Congress found of its own self that practices of the past were questionable and should be abolished. The honoraria was given up in 1989 under the agreement that the Congress would be subject to the cost-of-living adjustment for every single year, but at a half point less than Federal employees. That agreement held for 2 years. In 1992, the Congress gave itself the last cost-of-living adjustment.

I daresay inflation has not kept constant, but the Congress has not had a cost-of-living increase, the Congress has not had any pay increase, and for Members to get on the floor and demagog and say they do not deserve any pay increase is for them to say that the American people do not deserve to keep up with the cost of living or that Federal employees do not deserve a cost-of-living adjustment.

It is not politically wise for me to stand here and make this speech. I will be roundly chastised in my district and around the country. But I believe strongly that for Members to demagog and say we are not worth what every other American citizen is worth, for Members to say that if you are a millionaire, you are better off, or you do not have to worry about pay raises, you only have to face up to the votes, the tough votes, is for Members simply to say the U.S. Congress is not worth the people's attention and their investment, and I do not believe that.

I believe that we are a productive, good body, and I believe that this cost-of-living adjustment is worth it. I believe that anybody that does not want the cost-of-living adjustment can do one thing: Say he does not want it and donate it to charity. That is all you have got to do.

I just put my last kid through college. All I have got to do is pay the bills. I am not independently wealthy. For those of our Members that do not have to worry about college bills or paying any bills, I am proud of you, because that is America. America is doing better. But I believe in public service, and I believe in equal pay for equal work, and I believe that if you do not believe it, you are wrong.

Mrs. LINDA SMITH of Washington. Mr. Speaker, I yield 2 minutes to the gentlewoman from Michigan [Ms. RIVERS].

Ms. RIVERS. Mr. Speaker, if there is any belief that our constituents cling to with stubborn resolve, it is that each of us have come here to either enrich ourselves financially or advance ourselves politically. Frankly, in the last few days we have done very little to acquit ourselves of any of these charges. We have a continuing refusal to bring campaign finance reform to the floor of the House despite the fact that the public is clamoring for such a debate and such change. We will soon debate a bill on the floor that carves out a whole new category of citizenship just for Members of Congress. And then we have the pay raise, a pay raise that was disguised in a bill by parliamentary sleight of hand. And last night when an attempt was made to make in order a revisitation of that pay raise, it was ruled out of order by the Committee on Rules and described in today's paper as frivolous. Whatever good will this body has built up over the past few months given our bipartisan budget decision and other proposals that the public supports, it is being eroded quickly.

Benjamin Disraeli, when he came into the government in Britain, said, "I was told that the privileged and the people form two nations." That is interesting, because when I got involved in government in the United States, I was told just the opposite. But it appears that our actions of the last few days suggest there are, in fact, the privileged and the people. That needs to change. This is the people's House. Let us return to the people's business, and let us restore some of the people's trust in this institution. Defeat the previous question. Have the debate.

Discuss the pay raise. Vote for it if you believe in it. Vote against it if you do not. But do not let the highest legislative body in this democracy shun public scrutiny.

Mr. HOYER. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from New Jersey [Mr. PALLONE].

Mr. PALLONE. Mr. Speaker, I have been listening to some of those who favor this motion by the gentlewoman which seeks to void the cost-of-living adjustment for Congress. I think that they are very far removed from the realities here. Our constituents, in my opinion, oppose efforts by Congress to carve out special treatment for themselves, for example, subsidizing activities here or perhaps special services that other Americans do not receive. But I think that they understand the concept of a COLA. It is an inflation factor. It is a cost-of-living adjustment. It is the same type of COLA or inflation factor that other Federal employees get, that members of the judiciary get, that Social Security recipients get, and many others get. In fact, it is a little less, a half percent even less than those.

I think that we are really not relaying, if you will, to the American people what is really going on here if we continue to talk about it as somehow something privileged or something very special. It is not. That is the difference. I know that when I talk to my constituents, if I told them that we were going to vote ourselves a 15,000 or 20,000 or $25,000 pay raise, they would say, that's outrageous. You don't deserve it. But when we tell them that we are just giving ourselves a COLA and we proceed in the fashion just like other Federal employees, just like Social Security, just like so many other Americans, I think they understand that. I think they understand that all of us have to make a living and that over the years, inflation and costs go up, and that we are justified in doing so.

I know that there has been some argument here about the way that we have gone about it. There is no question in my mind that the gentlewoman is perfectly justified in bringing up this motion today and having us vote on it and articulating what she is all about. But the basic philosophy behind the COLA makes sense. I think that if we settled with it, if we said, "OK, we're going to have the COLA, and it's going to go on every year," we would get away from this whole idea of having to come to the floor and in some cases disguise what we are actually doing. It should be no different than other Federal employees. I understand why she is bringing up the motion, but I would urge that we defeat her motion.

Mr. KOLBE. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. CUNNINGHAM].

Mr. CUNNINGHAM. Mr. Speaker, I voted against the bill that would have a pay increase. In our own conference when the veterans' COLA came up, I fought against my own Republican Party because they wanted to cut a veterans' COLA. Why? Veterans sign on a dotted line that if they serve the amount of time in the service of this country, and at the end of that time that is the contract they operated under, they would have a retirement; and that that retirement, should it lose money each year because of inflation, that was not the intent. I chastised my own party for that. We turned that around.

If you had a pay increase that gave you more money than just maintaining parity, it is a parity issue, does the dollar maintain the same value that you came with, then I think Members have got the right to chastise what we are doing here. But in an amendment that maintains parity, that is a half a percent below actual parity, then I do not think the Members have a complaint as far as a COLA, because most of us support a COLA for Social Security. We support it for our veterans. We support it for Federal employees, because it maintains the dollar value that those individuals have in their paycheck. It is not meant to get less and less and less with inflation, depending on what it is. That is the same reason most of us support indexing of capital gains, because it indexes the value of that dollar right along with inflation.

I think it is disingenuous, maybe with good intention, but disingenuous, to suggest that this was a pay increase. It is not. Because I will vote against a pay increase, a COLA that is more than just meeting parity. I think that is wrong. I think it is wrong, and most of us this day will not vote for a pay increase. I ask my colleagues to vote against the motion.

Mrs. LINDA SMITH of Washington. Mr. Speaker, I yield 2 minutes to the gentleman from Texas [Mr. BRADY].

Mr. BRADY. Mr. Speaker, a lot of people in America have lost faith in the institution of Congress. It did not happen overnight. It has been building for many years. All they want us to do in honest, open debate is to listen to issues and do the right things for the right reasons.

Last week was not one of our brighter moments, because we did not do any of that. Rather than having an honest, open debate on a pay raise—and we respectfully disagree; I oppose it and some Members support it—rather than standing on the principle of honest, open government, we hid behind a procedure. That was a loss for Congress, and it was a loss for America. Last week we spent more time commemorating the life of Jimmy Stewart than we did debating a $28 billion bill and a pay raise for Congress. That is wrong. The issue is not the pay raise. It is how we are going about it and what we stand for.

We have Members that I have been very impressed with in my short 9 months here, and I do not deny their strong feelings for a pay raise. We are not going to get a straightforward, open vote on this. This is as close as we are going to get, but we are going to make every effort to at least tell the American public on this vote how we feel as a Congress about a pay raise.

And a final thought. I served in the Texas Legislature before coming to Congress. At one time we had a proposal to give the biggest tax increase in Texas history as a growing State, and we were told that it took courage and guts to vote for a tax increase, that the easy thing was to hold the line on the budget and to live within our means, but if we had courage and guts, we would vote for a tax increase. That was a silly argument then, and it is a silly argument to believe that it is difficult and courageous to vote yourself a pay raise. Ask any family in America, and that is an easy decision.

Mr. HOYER. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from North Carolina [Mr. WATT].

Mr. WATT of North Carolina. Mr. Speaker, I rise in support of the motion to instruct offered by the gentleman from Maryland [Mr. HOYER] and in opposition to the motion of the gentlewoman to forgo the cost-of-living adjustment. I may be in a minority here among people who in 1992 took about a $25,000 cut when I was elected to the Congress of the United States. I had a successful law practice. I believe if I had been in the law practice for the 5 years that I have been here, I would probably have made by now $100,000 or $150,000 or $200,000 more than I have made as a Member of Congress. That to me is unimportant, because I signed on for this job with an expectation that we would maintain a level of parity in our salaries.

□ 1545

What is a lot more important than that to me is the judges who each year have contacted me and said, "Please, give us our cost-of-living adjustment so that we don't continue to lose good qualified people from our judiciary."

It is absolutely important in a democracy such as ours that we have qualified members of the judiciary, qualified members of the legislative branch, and qualified members of the executive branch.

I believe we have done a good job during the period that I have been in this body, and I encourage my colleagues to give up on this notion that we should browbeat ourselves and not maintain parity in our salaries.

Mr. KOLBE. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, let me just cover once again what this bill is and what it is not, what this motion is and what it is not.

The Treasury, Postal Service and general government appropriations bill that is before us does not have any provision dealing with Members' pay; it does not have any provision dealing with Federal employees' compensation or cost-of-living adjustments or Member's cost-of-living adjustments. There is, let me repeat, no provision in this bill dealing with compensation for Members or Federal employees. There is no provision dealing with this at all in our bill.

I think it is important that we keep that in mind because a lot of people have been saying that a vote on this bill has to do with a cost-of-living increase, a pay increase, increase in compensation for Members. It does not. And that is because this body and the other body, the Congress of the United States, decided in 1989 to take this issue out of our own hands and to make it that Members of Congress would get a cost-of-living adjustment and nothing else based on the increase in the ECI index, and that index with complicated formula which is different for Federal employees than Members of Congress because of the locality pay, but it is established that Members of Congress can never get beyond what a Federal employee gets in an increase in the cost-of-living adjustment.

That is the permanent law. That is the permanent law, and if Members of Congress do not like that, where are the bills to repeal that section? Why do we not have bills introduced? Why do we not get that debate on that issue? It is not an appropriation issue. There is no account in Treasury, this appropriation bill, for Members' salaries because Members are constitutional officers. There is no reason for us to vote on this bill and assume that we are in any way voting for an increase in Members' compensation.

Mr. Speaker, I reserve the balance of my time.

Mrs. LINDA SMITH of Washington. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to point out that the Senate does have a provision to strike the pay raise, and that is all the gentleman from Indiana [Mr. MCINTOSH] wanted to say, that they have struck the pay raise.

Mr. Speaker, I yield 3 minutes to the gentleman from Wisconsin [Mr. NEUMANN].

Mr. NEUMANN. Mr. Speaker, I rise with somewhat mixed feelings on this whole issue, and I would like to start by joining the gentleman from Maryland in supporting what he is trying to do, and the protection of children is certainly very important to all of us, but I do think we need to add a provision that allows us a "yes" or "no" vote on the pay raise issue. And let me make it clear that I would oppose a pay raise at this point in time myself. Personally I am opposed to any elected body giving itself a pay raise, but that is not really why I am rising to speak on this particular issue.

What I am really opposed to is the way the bill was passed last week, brought up unexpectedly with virtually no notice and not giving the Members of this body the opportunity to have a "yes" or "no" vote on this very, very important issue. This type of action is what makes our constituents back home so angry, the idea that we are going to try and slide something through with people unaware. That is what makes the American people angry, and that is why I am rising to speak today.

I would like to speak specifically to some of my colleagues who believe the cost-of-living adjustment is acceptable. I understand where they are coming from, and I honestly believe there are many, many people in America that would concur that a cost-of-living adjustment is appropriate, and I would like to also align myself with comments of the gentleman from Louisiana [Mr. LIVINGSTON]. He is absolutely right. Good things have been done by this Congress. We are having the first balanced budget since 1969, the first tax cut in 16 years, and the responsibility for much of that credit should go to the gentleman from Louisiana [Mr. LIVINGSTON] and the gentleman from Ohio [Mr. KASICH] for bringing us to this point.

But to my colleagues that think the cost-of-living adjustment is acceptable and what their constituents would want them to vote for I simply say, "Stand up, cast your vote, let your constituents know where you stand and why you stand there." There will be a lot of people in America who say it is acceptable in the view of our first balanced budget and taxes coming down and Medicare restored, that a cost-of-living adjustment is acceptable. All we are asking for is an up-or-down vote. Just give us a vote so that the American people do not think we are breaking their trust because, my colleagues, that is what this is all about.

Mrs. ROUKEMA. Mr. Speaker, will the gentleman yield?

Mr. NEUMANN. I yield to the gentlewoman from New Jersey.

(Mrs. ROUKEMA asked and was given permission to revise and extend her remarks.)

Mrs. ROUKEMA. Mr. Speaker, I would like to associate myself with the gentleman's remarks. This is a question of accountability. I myself am for the COLA. But the point is we have to be accountable to the public on either side of the issue.

Mr. Speaker, I want to associate myself with the remarks of my colleague, Representative NEUMANN and to urge that we defeat the previous question and to oppose the procedure that allows Members to collect an automatic COLA and shields them from public accountability without an upfront vote.

When I took my seat in Congress in 1981, among the first pieces of legislation I introduced was a bill injecting a new degree of sunlight into the Members' compensation process. My legislation was straightforward:

Every increase in Member's salary or benefits or a favorable change in their tax treatment must withstand a recorded vote in this Chamber and the other body. Once approved, that pay raise or tax change could not take effect until after the next congressional election.

Our logic was simple. If Members' felt they deserved a pay raise, they should be willing to stand up and vote for it publicly. Furthermore, to allow their constituents to determine if their Member was deserving of that pay raise, that Member would have to stand for election before collecting the larger paycheck.

Mr. Speaker, the keystone here is accountability—something that has been completely lacking around here lately.

Like many of my colleagues, I was appalled at the "fast track" consideration of the Treasury-Postal appropriations bill last week. Despite all the protestations to the contrary, it is clear that the Treasury-Postal bill was rammed through this House in record time in an effort to avoid a vote on a pay raise amendment.

Is it any wonder that the American people are growing more cynical about Congress and the political process every day?

First come the headlines that we have slipped in to the tax bill a secret $50 billion tax break for big tobacco.

Now, we refuse to find a way to vote on an amendment that would prevent Members from collecting an automatic pay increase.

And here we are today. I urge my colleagues to defeat the previous question so that our colleague, LINDA SMITH, can offer a new motion to instruct the conferees to kill the pay increase. And I do not argue that we cannot justify a COLA—I think we can but not by hiding it and avoiding an upfront vote.

Mr. NEUMANN. Mr. Speaker, I will conclude my remarks by saying for goodness sakes, colleagues, just when we are starting to restore the trust of the American people in this institution by fulfilling our promises to reach a balanced budget, by bringing their taxes down for the first time in a generation, restoring Medicare for our senior citizens, we are just starting to restore the trust of the American people, let us not go and do something like this that they perceive to be a move behind closed doors and behind their back trying too slide something through. For goodness sakes, we are starting to restore that trust, let us have an up-or-down vote on this. If my colleagues believe a COLA is acceptable, vote "yes," and if my colleagues think their constituents do not want a COLA, well then for goodness sakes vote "no," but let us have the vote.

Mr. HOYER. Mr. Speaker, I yield 2 minutes to the distinguished gentlewoman from Florida [Mrs. MEEK].

Mrs. MEEK of Florida. Mr. Speaker, I rise to oppose any motion to delete the COLA for us as citizens and as workers in this government.

First of all, I resent the self-flagellation that I am hearing against Members of Congress and this institution which we so ably represent. I think I among others work as hard as anyone in this government, harder than some, so I am not ashamed to come to this podium today to say we deserve a cost-of-living increase. I give no excuses for having to ask this Congress to do this. If we are not ashamed of the work we do, then we should not be ashamed to stand up and say, yes, we believe, we do believe, in the cost-of-living.

Soap costs me as much as it does anyone else. I pay the same money for soap as the woman out there on Pennsylvania Avenue pays. I work just as hard as she does, and I say to this Congress we deserve to do this, and I just want to say to my colleagues, "You need some pride in the institution which you represent. If you're not proud of it, then think of David McCullough's words as he spoke to us in the bipartisan retreat and we were finding, what he said, some type of pride in what we do, and the willingness to go forward to speak up for this wonderful institution which was brought to us by our Founding Fathers."

And I quote Mr. McCullough and I do not have a lot of time, but he said it has been the will of heaven that we, the Members of Congress, should be thrown into existence in a period when the greatest philosophers and law givers of antiquity have wished to have lived. Right away we see he is saying it is the will of heaven, there are larger forces than we ourselves, and he is applying the moment against the standard of the past, and that is antiquity.

It is a very large degree, a lesson in propulsion, a period when a coincidence of circumstances without an example has afforded to 13 colonies at once, and he goes on and on, Mr. Speaker. What he is trying to say to us, that there should be pride in those of us who represent this institution.

I give no excuses for being a Member of Congress. I am proud of it, and I say that every Member of this Congress works hard enough for a cost-of-living increase. We deserve it.

Mr. KOLBE. Mr. Speaker, I yield 2 minutes to the gentleman from New York [Mr. King].

Mr. KING. Mr. Speaker, I thank the gentleman for yielding this time to me.

Mr. Speaker, I rise today in opposition to the most intellectually vapid and vacuous arguments I have heard in opposition to the COLA. The fact is there is no logical argument to be made against the COLA other than those people who enjoy self-flagellation, who enjoy pandering and do not have the guts to stand up for what they believe in. If they do not have the pride to accept a COLA which was set in law then, quite frankly, I do not think they deserve to be in the House of Representatives.

What are they ashamed of? We are talking about an American economy which is stronger than any economy in the history of the world. We are talking about an American Government which right now is not at war. There is not one American soldier losing his life or her life anywhere in the world today, and yet we have people coming before the House and saying the American people are outraged at the Congress. The only reason the American people have a reason to be outraged at the Congress is they listen to some of the ridiculous arguments that were made here today by people who want to pander, who want to appeal to the least common denominator and who want to tear down this institution.

I am proud to be a Member of Congress; I will be very proud to accept the COLA because I believe I earn my money. I also believe that the position of a Member of Congress deserves the increase, whether or not that person happens to be qualified or not qualified, and quite frankly listening to some people today, I can see why they do not want to take a pay raise, because they have a good self-analysis, and maybe they believe, as individuals, they do not deserve the pay raise.

But in spite of that I believe that the institution as itself, as an institution, deserves to have a COLA, deserves to keep in line with the American people and with the cost of living, because if my colleagues follow their logic, when would there have been a COLA; during the Depression? During World War II? During the Korean war? During Watergate? During the cold war? There would never have been a raise, and we would end up having what we are coming close to having today, a Congress of wackos and millionaires reaching a situation where working people, and I am talking about the gentleman from New York [Mr. Ackerman].

But in any event, very seriously, if we are to be proud of ourselves as an institution, if we are going to have enough self pride to stand up for what we believe in, let us have the guts to accept the COLA and not be pandering, not be yielding to the lowest common denominator.

So, Mr. Speaker, I rise in strongest opposition to the motion of the gentlewoman from Washington, and I ask my colleagues to show some guts, show some courage, stand up for what they believe in.

Mrs. LINDA SMITH of Washington. Mr. Speaker, I yield a minute and a half to the gentleman from South Carolina [Mr. Sanford].

Mr. SANFORD. Mr. Speaker, I rise here acknowledging the fact that people work very hard in Congress, but what I think we have to remind ourselves is the fact that we are not veterans, some of us are, we are not farmers, we are not teachers, all of whom deserve a COLA, but what we are is the elected representative Government of the United States of America, and as such I think we have to in essence be held to a higher standard because what the American public expects of us is that we lead by example.

When Washington crossed the Delaware 200 years ago he did not say to the folks, "You guys get in the boat, and I'll meet you on the other side." He got in the boat with them. And if my colleagues look at our budget, 73 percent of the cuts, the savings, whatever they want to call them, still come in the last 2 years of the budget, so there is much savings still expected from our American public, and as such I think we need to lead by example.

The second reason I rise in support of this amendment is for the simple reason of sunshine. The gentleman from Wisconsin [Mr. Neumann] already suggested this but just in terms of process I think it is very important, whether we think it is a good thing or think it is a bad thing, that we take an up-or-down vote.

Mr. HOYER. Mr. Speaker, I yield 4 minutes to the distinguished gentleman from California [Mr. Fazio], who probably has taken more heat and shown more courage and more intellectual honesty on this issue than anybody in the House.

Mr. FAZIO of California. Mr. Speaker, I thank my good friend and colleague for those glowing remarks; I hope I live up to them. He certainly deserves a lot of credit for all the leadership he has provided on this issue.

Let me say that I want to speak more than anything else to the Members who have come here in the last 3 elections because I think they have overlooked a lot of history that this Congress struggled with throughout most of the 1980's and into this decade.

In 1989 a bipartisan task force was created and reported to this Congress a package of ethics reforms that I think are historic. Certainly that is what President Bush said when he signed them into law. They prohibited Members from accepting honoraria for speeches, a practice that was very prevalent here, and played into charges of special interest dominance; we severely restricted the ability of Members to receive outside income, in other words we could no longer put our name on the door of a law firm and draw down an income; we provided stricter financial reporting requirements which cover not only Members but all high-paid employees of this branch of government and others in the other two branches; we repealed the loophole that said we could take our campaign funds with us when we left Congress as income and live off them, and regrettably some had taken large sums with them; we restricted the ability to lobby in post-employment periods; and we also made a number of other changes that were fundamental and much acclaimed.

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We took action to increase compensation, and, by the way, the gentlewoman from Washington was wrong in a press release she issued. It was not a midnight pay raise. It was debated and voted in the light of day, a majority of both parties supported it, and we were proud not only of our courage in dealing with the pay issue, but in our ability to reform ourselves in a way that was long overdue.

We dealt also with the conflict of interest that we all have. We are blamed if we vote ourselves a pay raise, and we are blamed if we create a mechanism which absolves us of that responsibility if it is a COLA and not a pay raise.

We took the employment cost index, which is the measure of private sector pay, and said in the year following, we would take whatever our constituents earned, reduce it by half a percent, and take that as a cost-of-living adjustment, not as a pay raise. In fact, a court in the District of Columbia, an appellate court, ruled that this COLA is not a pay raise. If it were a pay raise, like the increase we took in 1989 and 1990, we would have to vote on it by law. This reform required it. But we believe and polls confirm that a cost-of-living adjustment is acceptable to the American people. Otherwise, if we fail to take COLA's we will be back in the position of having to vote ourselves, periodically, a large pay raise—one we cannot defend to the public.

We wanted to avoid doing that, and yet at the same time compensate our judges, our executive officers, our top staff, yes, ourselves, by providing not what others were getting on average something less but making an attempt to keep pace with the cost of living. No more, no less.

It was, and I believe still is, the recommendation of a bipartisan, unanimous task force. Congress approved this as a way of avoiding the conflict of voting ourselves a pay raise.

Now, I realize that accountability is important. Credibility is also, just as it was then. I would urge every Member to either take the raise and be public about it as a cost-of-living adjustment, or not take it and be public about that, if that is what serves your personal needs or political interests. But do not come to the floor and prevent this mechanism which we agreed to in a bipartisan way from being implemented.

This is the key vote on whether or not Members have enough self-respect to adequately represent their constituents. I ask for an aye vote on the previous question and final passage.

Mrs. LINDA SMITH of Washington. Mr. Speaker, I wanted to make a point that actually the majority voted against the pay increase last week, 102 to 112, so they would not have passed it had they been the only people here.

Mr. Speaker, I yield 1½ minutes to the gentleman from Alabama [Mr. RILEY].

Mr. RILEY. Mr. Speaker, I am still trying to decide if I am a wacko or a millionaire. It is probably a wacko.

But as a businessman, for the last 32 years, the one thing that I do realize is if my company was $5 trillion in debt and still losing money, the last thing I would do is give management a pay raise. If we do that, we are sending the wrong message to this country.

That is why yesterday I introduced a bill that will for once and for all do away with COLA's. We do not need COLA's in this body. The people of this country want us to stand up like men and women, representing our own constituencies; they want us to stand up and vote on whether or not we should give that.

Is that too much to ask for the people of this country? My bill basically does away with COLA's, and if we want a pay raise, let us come to the floor, let us ask for the pay raise, let us vote on it, vote it up or down, and then we can go home and be accountable to our people.

But without that, Mr. Speaker, I think we will continue to go through this every year, as we have for the last 3 or 4 years, and every year the same debate comes up. So let us once and for all do away with the COLA's. If we want a pay raise, let us be up front about it, let us bring it before this body, and let everyone vote on it, and vote it up or down.

Mr. HOYER. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Texas [Mr. LAMPSON].

Mr. LAMPSON. Mr. Speaker, I rise to speak about the children, not the 27 pictures that I hold in my hand right now, whose pictures were printed in the Houston Chronicle on Sunday, all of whom were abducted and most of whom have been found, unfortunately, dead.

We have got to speak to the lives of the 114,500 children that the National Center for Missing and Exploited Children are trying to be the strong voice for and having them returned to their families. I think it is wrong for us to be playing politics with an issue as major as that of protecting our children. I find it very interesting that this is a day that we have so much interest on such a totally different issue.

We need to put our kids first, Mr. Speaker.

Mrs. LINDA SMITH of Washington. Mr. Speaker, I yield 1 minute to the gentleman from Nebraska [Mr. CHRISTENSEN].

Mr. CHRISTENSEN. Mr. Speaker, I would like to identify myself with the remarks of the previous speaker. I agree. And today's debate would not be needed if last week's event would not have occurred during the Treasury-Postal debate.

It was last week that we were supposed to be debating this type of motion and this issue. I walked onto the floor ready to talk about the issue, and whether you believe in the COLA or whether you disagree with the COLA, what we were talking about was a vote on the issue.

I was here, ready to talk about it. I stepped into the cloakroom and made a phone call, and by the time I came out, it had been slipped through and we voted on it, and it passed.

What we are talking about here is open, honest government. It is not about whether we deserve or do not deserve a COLA. What we are talking about is integrity in the institution. Like the gentleman from Wisconsin talked about earlier, whether you believe in it or do not believe in it, it is not right to be deceitful and deceiving the American people.

Mr. Speaker, I urge strong approval of this motion. Vote against the rule.

Mr. HOYER. Mr. Speaker, I yield myself 5 seconds to inform Members that the bill was on the floor for over three-quarters of an hour.

Mrs. LINDA SMITH of Washington. Mr. Speaker, I yield 1 minute to the gentleman from Montana [Mr. HILL].

Mr. HILL. Mr. Speaker, there are two issues before us: One, do you favor or oppose an automatic pay raise; and the second is do you believe or do you not believe in accountability?

This first vote is are you willing to stand up for what you believe in? I have heard a lot of people talk about courage and principle here, and then tell everybody here that they want to cast a vote that is going to use procedure to avoid being counted for where they stand. Now, I do not think that is accountability and I do not think that is responsibility.

Mr. Speaker, I want to remind all Members in this Chamber, only by voting no on the previous question will we get the opportunity to give these people who profess courage the opportunity to actually cast a vote that they are claiming courage for.

Mrs. LINDA SMITH of Washington. Mr. Speaker, I yield 30 seconds to the gentleman from Pennsylvania [Mr. FOX].

Mr. FOX of Pennsylvania. Mr. Speaker, I rise in support of the Smith amendment. I ask my colleagues to consider the senior citizens living on fixed incomes, the American working families trying to make ends meet while holding down two to three jobs, working 7 days a week, and consider our young people, hoping to achieve the American dream, while paying off thousands of dollars in school loans and car payments. I ask Members to vote against the cost-of-living adjustment.

Mr. KOLBE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, before I yield the balance of my time to the distinguished majority whip, let me respond to a comment made a moment earlier about this bill being slipped through. It was done in the middle of the afternoon. It had been on the whip notice for 2 weeks that it was coming up when we finished the interminable debate over Labor-HHS.

If in 48 minutes Members cannot find their way to the floor and offer an amendment, I do not know why. Maybe it says something. Maybe the cost of living adjustment is not justified under those circumstances. There was no attempt to be deceitful. There was no attempt to do anything that was not above board.

Mr. Speaker, I yield the balance of my time to the gentleman from Texas [Mr. DELAY], the distinguished Majority Whip.

The SPEAKER pro tempore [Mr. LAHOOD]. The gentleman from Texas is recognized for 4½ minutes.

Mr. DELAY. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I just want to say if this were a pay raise, as so many have portrayed it, I would oppose it, what we are talking about here today. This is not a pay raise; this is about an inflation adjustment. It is about upholding a law that was passed in 1989.

I know Members have deep feelings on this issue. I just disagree with them. What is really sad to me in the press reports, because many journalists have gotten it wrong and they got it wrong mainly because they were told wrong. I was on the floor the entire time this bill was debated last week, and there were Members who were against the COLA that were on the floor and did not offer an amendment, even though it was germane, and chose not to use the procedure by which they could as Members of the House effect what they want.

This bill does not even speak to inflation adjustment. No appropriation bills do. In fact, to the gentleman from Montana, if you want to use procedure, you have to use procedure in order to have an amendment to change the law of 1989.

So I just say that if Members want sunshine and they want a vote on the law of 1989, then learn the legislative process. Introduce a bill and repeal or amend the 1989 law that set up the pay process that we go through.

The 1989 law that we passed, as many have said, is a law that tried to deal with this terrible issue of making sure that Members of Congress have a standard of living by which they can raise their families and live decently while they serve. No outside income is allowed. We eliminated outside income, except in certain cases.

Now, millionaires that serve here and people with previous businesses are able to supplement their income when they find out that they cannot live on this salary. Well, I challenge them to live on this salary and then come down here and oppose a cost of living adjustment.

We eliminated honoraria, which was a terrible practice, and instituted a pay raise that brought us into parity with the kind of purchasing power that Members had back in the 1970's. We did not have this huge pay raise. We just came back to that purchasing power.

Mr. Speaker, do you know what the purchasing power of the pay for Members of Congress was in 1969 if you use 1997 dollars? It is $186,676 in today's money. Yet we raised pay to $133,600. Now, where is the pay raise in that? So if you are going to be on this floor and talk about pay raises, at least get it in perspective about what we are talking about.

We passed a constitutional amendment, the Madison amendment, that was ratified in 1992, that said no pay raise would go into effect until there is an intervening election. I think that is the kind of reform that we should have done.

Now, where we shot ourselves in the foot is constantly allowing procedure to be used in order to bring an amendment to the floor nongermane to the bills, so we could all stand up and beat our chest and say "I am going to refuse the cost of living adjustment."

Mr. Speaker, I will tell you something: Members of this House have families.

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They have two homes, in most cases. Some Members are living in their offices, because they cannot afford a second residence. The Members of this House are at the age when they have their children in college, and I have to tell my colleagues, and I am not making excuses or apologizing, it is difficult to raise a family and serve in Congress under these conditions, not to speak of the times that we spend away from our wives and children and the sacrifices they make to allow us to be here.

Well, I tell my colleagues, my wife, and my children sacrifice enough. They deserve a decent living, and I am going to give it to them, because I am going to vote for the previous question and vote for the motion to instruct.

Mrs. SMITH of Washington. Mr. Speaker, I yield the balance of my time to the gentleman from Indiana [Mr. MCINTOSH].

Mr. MCINTOSH. Mr. Speaker, first of all, let me point out that legislation has been introduced to end this automatic pay increase for Congress. In fact, one of my good friends, the gentleman from New York [Mr. SOLOMON], is a cosponsor of that, but for some reason, it has not been on the floor of this House for a vote. So to say that there are other ways to do this, I think, is somewhat disingenuous.

For the record, Members of Congress earn $133,000 each year. The COLA that we are talking about is a $3,000 pay increase that would go into effect next year, and my problem with this process is that there is too much unfinished business in this House for us to vote a pay increase for ourselves.

Many said it is merely a COLA, just like Social Security has a COLA. Well, Social Security still is not secure, because we are stealing from that trust fund to pay for the cost of Government.

They say it is just like the COLA in capital gains, but we failed to pass a COLA for capital gains. It was not indexed in our tax cut. They say it is just like the COLA for veterans, but we still have not made up the lost ground to our veterans from the Clinton cut in their COLA. So there is too much unfinished business in this Congress for us to be passing a pay raise.

Let me tell my colleagues exactly what will happen in a few minutes. We will be asked to vote on the previous question. I urge my colleagues to vote "no." What that does is say we will not have a gag process; we will let a vote come forward on whether or not this Congress should have a pay increase, and then one can vote up or down as to whether we should agree to the Senate position, and the Senate position is that there should be no pay increase until we have finished our business.

I urge my friends and colleagues to think of this as a matter of unfinished business for this Congress, to do what is right, act correctly, and let us have a vote on this pay increase issue. Vote "no" on the previous question when it comes up in a few minutes.

Mr. HOYER. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, my colleagues, this is a vote about what we think of ourselves, what we think of this institution, and the trust and confidence we have in those who send us here; a vote on whether we believe that they believe we are worth what they pay us.

This issue is about staying even; not about raises, about staying even. Ask any of our Social Security recipients or our veterans when they get a cost-of-living adjustment if they got a raise, and they will say, my friend, you do not understand. My grocery costs went up, my prescription drugs went up, my oil heat bill went up. Yes, perhaps even my college tuition for my child went up. This is about staying even.

Let me reiterate what the gentleman from California [Mr. FAZIO] said. In 1989, the Members of this House, in a courageous and honest vote, said to their constituents, we are not going to take outside income. We will rely only on our salary, not on the payment of special interest gussied up to be honoraria for speeches. In 16 out of 28 years, or 18 out of 26 years, we said we were going to take no cost-of-living adjustment, and as a result, the pent-up needs of our families led us to invoke, from time to time, raises of very substantial proportions, as much as 27 percent.

Our constituents and our public were outraged, because they did not know that we had not gotten a raise the 6 previous years. They did not know that we were catching up. They thought that we were taking some outrageous pay. Can you blame them? Of course not.

So what the gentleman from California [Mr. FAZIO] and the Republican leadership proposed was a mechanism whereby we would not do that to ourselves, to this institution, or, very frankly, to add to the cynicism of our public, and that all we would take is a cost-of-living adjustment, which, as I reiterate, keeps us even with the increased costs that we are confronted with on an annual basis. That increased cost would be less by half a point than the private sector increase.

Now, my friends, let me say, so we do not feel badly about what I hope we are going to do, that since 1970, the CPI has increased by 292 percent. Military pay has increased by 320 percent. All private sector pay has increased by 264 percent. Manufacturing blue collar workers, I tell my friends, has increased by 281 percent. Federal retiree pensions increased by 291 percent, just about the CPI Federal civilian pay by 243 percent, and Members of Congress by 207 percent; I tell my friends, again, some 70 percent below manufacturing jobs.

Mr. Speaker and my colleagues, the gentleman from Arizona talked about our Founding Fathers who pledged their lives, their fortunes, and their sacred honor. Most of us in this body do not have fortunes to pledge, but if, as the chairman of the Committee on Appropriations said, we do not on a regular basis stay even, not a raise, stay even with the increased costs confronted by our families, then, of necessity, we will become a body of those who only have fortunes.

Our honor. I ask every one of my colleagues who has come up to me over the last 10 years and said, I hope you effect a pay raise, to vote for this, for if that is true, there will be about 375 of my colleagues who will vote "yes" on the previous question. Vote for exploited children's protection, vote "yes" on the previous question, vote "yes" on the amendment to instruct the Senate to protect exploited children.

Mr. BONILLA. Mr. Speaker, I strongly object to the motion being considered today and urge may colleagues to oppose it and vote no. Simply put, this congress has not had the opportunity to vote on stopping the automatic cost-of-living increase for Members of Congress. I believe that it is wrong to increase congressional pay at a time when we must make further cuts in Government spending to balance the budget. At the very least, the American people are entitled to a vote so that they know their Member of Congress' position on increasing their own salaries. I want to make it very clear that I would vote no if there was such a vote. Should we fail in our effort to stop the pay raise I will donate the entire amount to charity. I will only accept the salary I was elected to receive.

Mr. LAMPSON. Mr. Speaker, as we proceed in this debate, and as chairman of the Congressional Missing and Exploited Children's Caucus, I would like to remind my colleagues of the importance of the National Center for Missing and Exploited Children. The National Center has helped locate 114,600 missing children. We should not play politics with its funding. Missing children and frightened families should be held sacred by this body.

Just last Sunday, the Houston Chronicle printed the pictures of 27 girls who have been abducted in the area in and around the Ninth Congressional District. Our most recent tragedies include 12-year-old Laura Smither of Friendswood. Laura was abducted while on her morning jog. Her body was found 2 weeks later. She had been murdered. And now we are searching for 17-year-old Jessica Cain of Tiki island. Jessica never came home after a party on August 19. Her truck was found with the engine running and her wallet still on the front seat. I have met the Smither and Cain families. I have searched through woods looking for their daughters. Most importantly, in becoming involved with this issue, I have come to know and respect the excellent work done by the National Center for Missing and Exploited Children on behalf of these children and their families.

We need to give our full support to the National Center for Missing and Exploited Children and give the issue our full attention and respect. I ask my colleagues to protect the funding for the National Center for Missing and Exploited Children and to untie any provision affecting the National Center from the COLA. I oppose the COLA, but I am deeply saddened that Members of this body may have to cast a vote against the National Center to express their opposition to the COLA.

The SPEAKER pro tempore (Mr. LAHOOD). All time has expired.

The question is on ordering the previous question on the motion to instruct offered by the gentleman from Maryland [Mr. HOYER].

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mrs. LINDA SMITH of Washington. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clause 5 of rule XV, the Chair will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device, if ordered, will be taken on the question of agreeing to the motion to instruct.

The vote was taken by electronic device, and there were—yeas 229, nays 199, not voting 6, as follows:

[Roll No. 435]

YEAS—229

Ackerman
Archer
Armey
Bachus
Ballenger
Barr
Barton
Bateman
Becerra
Bentsen
Berman
Bilbray
Bilirakis
Bishop
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonior
Bono
Borski
Boucher
Brown (CA)
Brown (FL)
Brown (OH)
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Cardin
Castle
Clay
Clayton
Clement
Clyburn
Coble
Collins
Condit
Conyers
Cox
Coyne
Crane
Crapo
Cummings
Cunningham
Davis (VA)
Deal
Delahunt
DeLay
Dellums
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Dunn
Edwards
Ehlers
Ehrlich
Engel
Eshoo
Ewing
Farr
Fattah
Fawell
Fazio
Filner
Flake
Foley
Fowler
Frank (MA)
Frelinghuysen
Frost
Furse
Gallegly
Ganske
Gephardt
Gilchrest
Gilman
Gingrich
Goodlatte
Goss
Greenwood
Hall (OH)
Hansen
Harman
Hastert
Hastings (WA)
Hefley
Hefner
Hilliard
Hinchey
Hobson
Hoekstra
Horn
Houghton
Hoyer
Hyde
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E.B.
Johnson, Sam
Kanjorski
Kennedy (MA)
Kim
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Lantos
Latham
LaTourette
Lazio
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
Livingston
Lowey
Maloney (NY)
Manton
Markey
Martinez
Matsui
McCarthy (NY)
McCollum
McCrery
McDade
McDermott
McHugh
McKeon
McNulty
Meek
Menendez
Millender-McDonald
Miller (CA)
Miller (FL)
Moakley
Mollohan
Moran (VA)
Morella
Murtha
Nadler
Neal
Ney
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Parker
Paxon
Payne
Pelosi
Pickering
Pickett
Pombo
Porter
Pryce (OH)
Quinn
Rahall
Rangel
Regula
Rogers
Rohrabacher
Ros-Lehtinen
Roybal-Allard
Rush
Sabo
Sawyer
Saxton
Schaefer, Dan
Scott
Serrano
Shaw
Shuster
Sisisky
Skaggs
Skeen
Smith (NJ)
Smith (OR)
Smith (TX)
Solomon
Spence
Spratt
Stark
Stokes
Stupak
Tanner
Tauzin
Taylor (NC)
Thomas
Thompson
Torres
Towns
Upton
Velázquez
Vento
Waters
Watt (NC)
Waxman
Weldon (FL)
Weldon (PA)
Wexler
Wicker
Wolf
Woolsey
Wynn
Yates
Young (AK)
Young (FL)

NAYS—199

Abercrombie
Aderholt
Allen
Andrews
Baesler
Baker
Baldacci
Barcia
Barrett (NE)
Barrett (WI)
Bartlett
Bass
Bereuter
Berry
Blagojevich
Boswell
Boyd
Brady
Bryant
Bunning
Burr
Canady
Cannon
Capps
Carson
Chabot
Chambliss
Chenoweth
Christensen
Coburn
Combest
Cook
Cooksey
Costello
Cramer
Cubin
Danner
Davis (FL)
Davis (IL)

DeFazio
DeGette
DeLauro
Deutsch
Duncan
Emerson
English
Ensign
Etheridge
Evans
Everett
Forbes
Ford
Fox
Franks (NJ)
Gejdenson
Gekas
Gibbons
Gillmor
Goode
Goodling
Gordon
Graham
Granger
Green
Gutierrez
Gutknecht
Hall (TX)
Hamilton
Hayworth
Herger
Hill
Hilleary
Hinojosa
Holden
Hooley
Hostettler
Hulshof
Hutchinson
Inglis
Istook
Jenkins
John
Johnson (CT)
Johnson (WI)
Jones
Kaptur
Kasich
Kelly
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
Kucinich
Lampson
Largent
Leach
Lewis (KY)
LoBiondo
Lofgren
Lucas
Luther
Maloney (CT)
Manzullo
Mascara
McCarthy (MO)
McGovern
McHale
McInnis
McIntosh
McIntyre
McKinney
Meehan
Metcalf
Mica
Minge
Mink
Moran (KS)
Myrick
Nethercutt
Neumann
Northup
Norwood
Nussle
Pappas
Pascrell
Pastor
Paul
Pease
Peterson (MN)
Peterson (PA)
Petri
Pitts
Pomeroy
Portman
Poshard
Price (NC)
Radanovich
Ramstad
Redmond
Reyes
Riggs
Riley
Rivers
Rodriguez
Roemer
Rogan
Rothman
Roukema
Royce
Ryun
Salmon
Sanchez
Sanders
Sandlin
Sanford
Scarborough
Schaffer, Bob
Schumer
Sensenbrenner
Sessions
Shadegg
Shays
Sherman
Shimkus
Skelton
Slaughter
Smith (MI)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Souder
Stabenow
Stearns
Stenholm
Strickland
Stump
Sununu
Talent
Tauscher
Taylor (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Traficant
Turner
Visclosky
Walsh
Wamp
Watkins
Watts (OK)
Weller
Weygand
White
Whitfield
Wise

NOT VOTING—6

Bonilla
Foglietta
Gonzalez
Hastings (FL)
Hunter
Schiff

☐ 1643

Ms. CARSON and Messrs. ADAM SMITH of Washington, LUCAS of Oklahoma, MINGE, WHITFIELD, and SCHUMER changed their vote from "yea" to "nay."

Ms. PELOSI, Ms. WOOLSEY, and Mr. KANJORSKI changed their vote from "nay" to "yea."

So the previous question was ordered.

The result of the vote was announced as above recorded.

☐ 1645

The SPEAKER pro tempore (Mr. LAHOOD). The question is on the motion to instruct offered by the gentleman from Maryland [Mr. HOYER].

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. HOYER. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 412, noes 2, answered "present" 6, not voting 13, as follows:

[Roll No. 436]

AYES—412

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berman
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Filner
Flake
Foley
Forbes
Ford
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E.B.
Johnson, Sam
Jones
Kanjorski
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McDermott
McGovern
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Minge
Mink
Moakley
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Neumann
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Paul
Paxon
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Redmond
Regula
Reyes
Riggs
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryun
Sabo
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Schaefer, Dan
Schaffer, Bob
Schumer
Scott
Sensenbrenner
Serrano
Sessions
Shaw
Shays
Sherman
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Snowbarger
Snyder
Solomon
Spratt
Stabenow
Stark
Stearns
Stenholm
Stokes
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Tierney
Torres
Towns
Traficant
Turner
Upton
Velázquez
Vento
Visclosky
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wise
Wolf
Woolsey
Wynn
Yates
Young (AK)
Young (FL)

NOES—2

Coburn
Shimkus

ANSWERED "PRESENT"—6

Goode
Salmon
Scarborough
Shadegg
Smith, Linda
Souder

NOT VOTING—13

Bonilla
Foglietta
Gonzalez
Hastings (FL)
Hunter
Kaptur
McHale
Miller (CA)
Ney
Pastor
Schiff
Spence
Weldon (PA)

☐ 1651

Mr. SALMON changed his vote from "aye" to "present."

So the motion to instruct was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. PASTOR. Mr. Speaker, on rollcall No. 436, I was in a meeting and the beeper did not work, and I missed the vote. Had I been present, I would have voted "aye."

The SPEAKER pro tempore. Without objection, the Chair appoints the following conferees:

For consideration of the House bill, and the Senate amendment, and modifications committed to conference: Messrs. KOLBE, WOLF, LIVINGSTON, HOYER, and OBEY.

As additional conferees solely for consideration of titles I through IV of the House bill, and titles I through IV of the Senate amendment, and modifications committed to conference: Mr. ISTOOK, Mrs. NORTHUP, and Mrs. MEEK of Florida.

There was no objection.

## MOTION TO ADJOURN

Ms. ESHOO. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER pro tempore. The question is on the motion to adjourn offered by the gentlewoman from California [Ms. ESHOO].

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

### RECORDED VOTE

Ms. ESHOO. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 70, noes 342, not voting 21, as follows:

[Roll No. 437]

### AYES—70

Andrews
Barrett (WI)
Becerra
Berry
Bonior
Borski
Brown (OH)
Capps
Cardin
Conyers
Coyne
Davis (FL)
DeFazio
Delahunt
DeLauro
Deutsch
Doggett
Eshoo
Evans
Farr
Fazio
Filner
Ford
Frank (MA)
Furse
Gejdenson
Gephardt
Harman
Hinchey
Hostettler
Hoyer
Jefferson
Kaptur
Kennelly
Kilpatrick
Kind (WI)
LaFalce
Largent
Lewis (GA)
Lowey
Maloney (NY)
Martinez
McDermott
McGovern
McNulty
Meehan
Meek
Miller (CA)
Mink
Moakley
Nadler
Oberstar
Obey
Olver
Pallone
Salmon
Sawyer
Scarborough
Shadegg
Slaughter
Souder
Strickland
Stupak
Tauscher
Tierney
Torres
Towns
Vento
Visclosky
Waxman

### NOES—342

Abercrombie
Ackerman
Aderholt
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bentsen
Bereuter
Berman
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Boswell
Boucher
Boyd
Brady
Brown (CA)
Brown (FL)
Bryant
Bunning
Burr
Burton
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Carson
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Costello
Cox
Cramer
Crane
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (IL)
Davis (VA)
Deal
DeGette
DeLay
Dellums
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Dooley
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Etheridge
Everett
Ewing
Fattah
Flake
Foley
Fowler
Fox
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutierrez
Gutknecht
Hall (TX)
Hamilton
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hill
Hilleary
Hilliard
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Houghton
Hulshof
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kildee
Kim
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Lantos
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lucas
Luther
Maloney (CT)
Manton
Manzullo
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Minge
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Ortiz
Owens
Oxley
Packard
Pappas
Parker
Pascrell
Pastor
Paul
Paxon
Payne
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Redmond
Regula
Reyes
Riggs
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryun
Sanchez
Sandlin
Sanford
Saxton
Schaefer, Dan
Schaffer, Bob
Schumer
Scott
Sensenbrenner
Serrano
Sessions
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Stokes
Stump
Sununu
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Traficant
Turner
Upton
Velázquez
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wise
Wolf
Wynn
Young (FL)

### NOT VOTING—21

Allen
Bonilla
Bono
Buyer
Doolittle
Fawell
Foglietta
Forbes
Gonzalez
Hall (OH)
Hastings (FL)
Hunter
McHale
Pelosi
Sabo
Sanders
Schiff
Smith (MI)
Woolsey
Yates
Young (AK)

□ 1716

So the motion to adjourn was rejected.

The result of the vote was announced as above recorded.

## ANNOUNCEMENT OF PROCEDURES FOR DEBATE TONIGHT ON H.R. 2267, DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 1998

(Mr. ROGERS asked and was given permission to address the House for 1 minute.)

Mr. ROGERS. Mr. Speaker, shortly we will be calling up the appropriations bill for the Commerce, Justice, and State Departments when we go into the Committee of the Whole. It is our intention, and we have conferred with the minority on this point, it is our intention to have general debate tonight, and debate the Hyde amendment to title 6, but postpone any vote on that matter until tomorrow. Then we would read through title I of the bill and debate any amendments thereto until 9 o'clock, or if we finish title I before 9 o'clock, stop at the conclusion of title I, roll any votes that may occur to title I until tomorrow, and then pass over any amendments in title I dealing with Legal Services Corporation until tomorrow. We would debate and vote LSC tomorrow.

That is our general intention, and I have conferred with my dear colleague, the gentleman from West Virginia [Mr. MOLLOHAN], the ranking member of the subcommittee, and if he would like to discuss it, I will yield to him at this time.

Mr. MOLLOHAN. Mr. Speaker, will the gentleman yield?

Mr. ROGERS. I yield to the gentleman from West Virginia.

Mr. MOLLOHAN. Mr. Speaker, we have discussed this. I think it is a good way to proceed tonight, and I have no objection.

Mr. ROGERS. So, Mr. Speaker, Members would be advised that barring a motion to adjourn or some such very important matter there would be no further votes this evening.

Mr. MOLLOHAN. Mr. Speaker, if the gentleman would continue to yield, it is my understanding that after general debate the gentleman from Kentucky will be asking unanimous consent to pass over Legal Services?

Mr. ROGERS. That is correct, until tomorrow or later in the bill, to take it out of order.

Mr. MOLLOHAN. And we consider Mr. HYDE's amendment and not vote on it until tomorrow?

Mr. ROGERS. I am sorry; I did not hear the gentleman.

Mr. MOLLOHAN. We would consider Mr. HYDE's amendment tonight.

Mr. ROGERS. We would consider Mr. HYDE's amendment tonight but roll any vote on that until tomorrow.

## DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 1998

The SPEAKER pro tempore [Mr. LAHOOD]. Pursuant to House Resolution 239 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 2267.

The Chair designates the gentleman from Washington [Mr. HASTINGS] as Chairman of the Committee of the Whole, and requests the gentleman from Nebraska [Mr. BARRETT] to assume the chair temporarily.

□ 1722

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2267) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1998, and for other purposes, with Mr. BARRETT of Nebraska, Chairman pro tempore, in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Kentucky [Mr. ROGERS] and the gentleman from West Virginia [Mr. MOLLOHAN] each will control 30 minutes.

The Chair recognizes the gentleman from Kentucky [Mr. ROGERS].

Mr. ROGERS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, H.R. 2267, the Commerce, Justice, State, and Judiciary appropriations bill for fiscal year 1998, is the centerpiece of action by the Congress this year to: First, continue the war on crime and drugs; second, make our neighborhoods safer for families and children; third, bring our borders under control; and fourth, address skyrocketing rate of juvenile crime with an aggressive new initiative in this bill.

Mr. Chairman, the determination of this Nation to reduce crime is paying off. The Nation's crime rate today is lower than any time since 1985. In 1996 serious reported crime in the United States declined 3 percent, including an 11 percent decline in murder rates.

The Congress deserves substantial credit for beginning to turn the corner on crime after many years of effort. Over the past 2 fiscal years, this subcommittee and the Congress have increased funding for law enforcement programs by $4.5 billion, a 30 percent increase, and this year we redouble those efforts.

Overall, our bill provides $31.7 billion. That is an increase of $750 million or 3 percent over fiscal 1997 in discretionary spending, and another $750 million from the Violent Crime Reduction Trust Fund. But 90 percent of the increase in this bill is for law enforcement programs.

For the Department of Justice the bill provides $17.6 billion, an increase of $1.2 billion, 7 percent over current year, $339 million more than was requested by the administration for law enforcement. We provide an increase of $726 million for State and local law enforcement, $738 million more than the President asked of us.

We restore the Local Law Enforcement block grant at $523 million to provide direct funding to our communities for their most pressing needs. The President proposed to eliminate it. We disagreed.

This bill attacks the growing problem of juvenile crime, a crisis that must be addressed by the country. Twenty percent of those arrested for violent crime are less than 18 years of age, 70 percent higher than it was 10 years ago. Weapons offenses and homicides are two of the fastest growing crimes committed by juveniles.

This bill faces that issue straight on. We include a total of $538 million for new juvenile crime initiatives. We provide $300 million for new juvenile crime block grants, compared to $150 million requested by the White House to fund H.R. 3 that passed the House by a 2 to 1 margin. Another $238 million in the bill is for juvenile crime prevention programs, $64 million over last year, $7 million more than we were requested, and that funds H.R. 1818, the bipartisan bill that passed the House in July, an initiative again of the Congress.

For violence against women programs we provide $306 million. That is a $109 million increase over current spending, $57 million more than the President requested.

For the war on drugs we provide a $200 million increase, including a $134 million increase for the Drug Enforcement Administration; a $34 million initiative in the Caribbean, a main route into our Nation from South America of hard drugs; a $51 million increase for the Southwest border, the other big avenue for drugs coming into our country; and $46 million to combat heroin and the reemergence of methamphetamines as a scourge on our young people.

To control our borders that are still allowing 300,000 more illegal immigrants into the country each year, we provide a $272 million increase for the Immigration and Naturalization Service. That includes a thousand new border patrol agents, which is twice what we were asked for by the White House.

We provide $25 million to restore integrity to the naturalization process, ending the fingerprint scam that has contributed to felons receiving the most precious grant that we have, citizenship in the United States. We require criminal record checks before they are granted citizenship, and we revoke citizenship wrongfully granted to criminals by the dozens of thousands just last year.

The bill also authorizes and directs the Attorney General to fire on the spot any INS employee who does not follow department policy on granting citizenship or who willfully deceives the Congress, as has occurred in the past year.

□ 1730

Six hundred million dollars goes to States for their costs in jailing illegal aliens, a $100 million increase over last year and over the President's request.

This bill, Mr. Chairman, does not let up in the war on crime, drugs, and illegal immigration, and we break new ground on juvenile crime and juvenile crime prevention.

For the balance of the bill, with very few exceptions, funding is provided at or below current levels. For the Commerce Department, the bill provides $4.1 billion, a $332 million increase, and that is related to the ramp-up for the decennial census in the year 2000.

On the 2000 census, Mr. Chairman, the issue is whether to spend more than $4 billion in the next three years for a census that abandons for the first time in our history an actual head count before we know whether or not such a procedure is constitutional and legal, or whether to do the most prudent and logical thing and get the courts to tell us beforehand whether or not sampling, if you will, is constitutional and legal.

The bill provides $382 million for the census. That is an increase of $298 million over current spending and $27 million more than we were asked, so there can be no question of our willingness to spend what it takes to conduct the census in the right way, in the way it has always been done, every 10 years in the history of this Nation.

The Administration wants us to abandon our history and take off on a new, untested, and many of us think, illegal, or unlawful, and unconstitutional process. The issue is what is required by our Constitution and the laws on the books. It is a legal question, and the bill assures there is a fair and impartial answer from the only body that can provide that, the Supreme Court.

The legislative branch and the executive branch of government differ on this point. They say it is legal; we say it is not. The third branch, the Judiciary, under our Constitution, is the only body that can deliberate that question and answer it.

Before billions of dollars of taxpayers' monies are put at risk for the first time in a sampling process that we think is unconstitutional, the Congress, the Administration, and, most importantly, the public deserve to have the dispute resolved beforehand, and that is what we do in the bill.

For the international programs in the bill, State Department operations, the United States Information Agency, the Arms Control and Disarmament Agency, for all practical purposes, the bill level funds them.

The only new initiative is $40 million to fund a 24 hour broadcasting operation to China through Radio Free Asia and Voice of America, an initiative proposed by the Speaker and endorsed by the President.

For international organizations and peacekeeping the bill provides $3 million less than in fiscal 1997. Within that reduced amount, we provide $100 million for United Nations arrearages, but only if an authorization bill passes the Congress and only if that authorization bill contains real and substantial reforms of the United Nations as a condition for release of the money. It has been this Subcommittee all these years that has been the driving force in pushing for reform of the United Nations, and it is beginning to work. Reforms first, and only then the first step toward payment of the arrearages.

For the Legal Services Corporation, the bill provides $141 million, which is half of the current level. We keep the restrictions on these funds to ensure that they are spent only to provide civil legal assistance to the poor, and adds a new one to give LSC more authority to sanction grantees that violate those important restrictions.

I want to thank my very able ranking minority member, the very able gentleman from West Virginia [Mr. MOLLOHAN], who has been a very helpful and wise helpmate in drafting of the bill. I want to thank our full committee chairman, the gentleman from Louisiana [Mr. LIVINGSTON], who has been especially helpful, as well as the ranking full committee minority member, the gentleman from Wisconsin [Mr. OBEY], for being very helpful, and, of course, all the members of our subcommittee who have been able and helpful workmates in preparing this bill. We appreciate their help and support, more than we can say.

Mr. Chairman, this bill will give the American people a stronger domestic defense against crime, while exercising restraint and insisting on reform in the balance of the bill. It is a bill that I commend highly to our colleagues, and urge their support.

## DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, AND THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS BILL, 1998 (H.R. 2267)

| | FY 1997 Enacted | FY 1998 Estimate | Bill | Bill compared with Enacted | Bill compared with Estimate |
|---|---|---|---|---|---|
| TITLE I - DEPARTMENT OF JUSTICE | | | | | |
| General Administration | | | | | |
| Salaries and expenses | 75,773,000 | 79,959,000 | 76,199,000 | +426,000 | -3,760,000 |
| Emergency appropriations | 3,600,000 | | | -3,600,000 | |
| Total, salaries and expenses | 79,373,000 | 79,959,000 | 76,199,000 | -3,174,000 | -3,760,000 |
| Counterterrorism fund | 9,450,000 | 29,450,000 | 20,000,000 | +10,550,000 | -9,450,000 |
| Emergency appropriations | 20,000,000 | | | -20,000,000 | |
| Total, Counterterrorism fund | 29,450,000 | 29,450,000 | 20,000,000 | -9,450,000 | -9,450,000 |
| Administrative review and appeals: | | | | | |
| Direct appropriation | 62,000,000 | 70,007,000 | 66,700,000 | +4,700,000 | -3,307,000 |
| Emergency appropriations | 1,000,000 | | | -1,000,000 | |
| Crime trust fund | 48,000,000 | 59,251,000 | 59,000,000 | +11,000,000 | -251,000 |
| Total, Administrative review and appeals | 111,000,000 | 129,258,000 | 125,700,000 | +14,700,000 | -3,558,000 |
| Office of Inspector General | 31,960,000 | 33,211,000 | 33,211,000 | +1,251,000 | |
| Total, General administration | 251,783,000 | 271,878,000 | 255,110,000 | +3,327,000 | -16,768,000 |
| Appropriations | (179,183,000) | (212,627,000) | (196,110,000) | (+16,927,000) | (-16,517,000) |
| Emergency appropriations | (24,600,000) | | | (-24,600,000) | |
| Crime trust fund | (48,000,000) | (59,251,000) | (59,000,000) | (+11,000,000) | (-251,000) |
| United States Parole Commission | | | | | |
| Salaries and expenses | 4,845,000 | 4,799,000 | 4,799,000 | -46,000 | |
| Legal Activities | | | | | |
| General legal activities: | | | | | |
| Direct appropriation | 420,793,000 | 466,557,000 | 445,000,000 | +24,207,000 | -21,557,000 |
| Emergency appropriations | 1,719,000 | | | -1,719,000 | |
| Crime trust fund | 7,750,000 | 7,969,000 | 7,969,000 | +219,000 | |
| Total, General legal activities | 430,262,000 | 474,526,000 | 452,969,000 | +22,707,000 | -21,557,000 |
| Vaccine injury compensation trust fund | 4,028,000 | 4,028,000 | 4,028,000 | | |
| Independent counsel (permanent, indefinite) | 3,000,000 | 9,500,000 | 9,500,000 | +6,500,000 | |
| Antitrust Division | 92,447,000 | 97,542,000 | 94,542,000 | +2,095,000 | -3,000,000 |
| Offsetting fee collections - carryover | -16,000,000 | -10,000,000 | -10,000,000 | +6,000,000 | |
| Offsetting fee collections - current year | -58,905,000 | -70,000,000 | -70,000,000 | -11,095,000 | |
| Direct appropriation | 17,542,000 | 17,542,000 | 14,542,000 | -3,000,000 | -3,000,000 |
| United States Attorneys: | | | | | |
| Direct appropriation | 923,340,000 | 1,018,617,000 | 973,000,000 | +49,660,000 | -45,617,000 |
| Emergency appropriations | 10,900,000 | | | -10,900,000 | |
| Crime trust fund | 43,876,000 | 50,828,000 | 62,828,000 | +18,952,000 | +12,000,000 |
| Total, United States Attorneys | 978,116,000 | 1,069,445,000 | 1,035,828,000 | +57,712,000 | -33,617,000 |
| United States Trustee System Fund | 107,950,000 | 116,721,000 | 107,950,000 | | -8,771,000 |
| Offsetting fee collections | -49,869,000 | -116,721,000 | -107,950,000 | -58,081,000 | +8,771,000 |
| Direct appropriation | 58,081,000 | | | -58,081,000 | |
| Foreign Claims Settlement Commission | 953,000 | 1,226,000 | 1,226,000 | +273,000 | |
| United States Marshals Service: | | | | | |
| Direct appropriation | 457,495,000 | 475,244,000 | 462,944,000 | +5,449,000 | -12,300,000 |
| Crime trust fund | 25,000,000 | 25,553,000 | 25,553,000 | +553,000 | |
| Total, United States Marshals Service | 482,495,000 | 500,797,000 | 488,497,000 | +6,002,000 | -12,300,000 |
| Federal Prisoner Detention | 405,262,000 | 462,831,000 | 405,262,000 | | -57,569,000 |
| Fees and expenses of witnesses | 100,702,000 | 75,000,000 | 75,000,000 | -25,702,000 | |
| Community Relations Service | 5,319,000 | 7,500,000 | 5,319,000 | | -2,181,000 |
| Assets forfeiture fund | 23,000,000 | 23,000,000 | 23,000,000 | | |
| Total, Legal activities | 2,508,760,000 | 2,645,395,000 | 2,515,171,000 | +6,411,000 | -130,224,000 |
| Appropriations | (2,419,515,000) | (2,561,045,000) | (2,418,821,000) | (-694,000) | (-142,224,000) |
| Emergency appropriations | (12,619,000) | | | (-12,619,000) | |
| Crime trust fund | (76,626,000) | (84,350,000) | (96,350,000) | (+19,724,000) | (+12,000,000) |
| Radiation Exposure Compensation | | | | | |
| Administrative expenses | 2,000,000 | 2,000,000 | 2,000,000 | | |
| Advance appropriation | | 2,000,000 | 2,000,000 | +2,000,000 | |
| Payment to radiation exposure compensation trust fund | 13,736,000 | 4,381,000 | 4,381,000 | -9,355,000 | |
| Advance appropriation | | 29,000,000 | 29,000,000 | +29,000,000 | |
| Total, Radiation Exposure Compensation | 15,736,000 | 37,381,000 | 37,381,000 | +21,645,000 | |
| Interagency Law Enforcement | | | | | |
| Interagency crime and drug enforcement | 359,430,000 | 294,967,000 | 294,967,000 | -64,463,000 | |

## DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, AND THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS BILL, 1998 (H.R. 2267)—Continued

| | FY 1997 Enacted | FY 1998 Estimate | Bill | Bill compared with Enacted | Bill compared with Estimate |
|---|---|---|---|---|---|
| Federal Bureau of Investigation | | | | | |
| Salaries and expenses | 2,257,880,000 | 2,462,267,000 | 2,475,463,000 | +217,583,000 | -6,804,000 |
| Anti-terrorism activities (emergency appropriations) | 115,610,000 | | | -115,610,000 | |
| Counterintelligence and national security | 147,081,000 | 147,081,000 | 147,081,000 | | |
| FBI Fingerprint Identification | 84,400,000 | 84,400,000 | 84,400,000 | | |
| Advance appropriation, FY 1999 | | 47,800,000 | | | -47,800,000 |
| Health care fraud enforcement | -38,000,000 | | | +38,000,000 | |
| Subtotal | 2,566,971,000 | 2,761,548,000 | 2,706,944,000 | +139,973,000 | -54,604,000 |
| Crime trust fund | 169,000,000 | 179,121,000 | 179,121,000 | +10,121,000 | |
| Telecommunications carrier compliance fund | | 50,000,000 | | | -50,000,000 |
| Defense function | | 50,000,000 | 50,000,000 | +50,000,000 | |
| Emergency appropriations | 60,000,000 | | | -60,000,000 | |
| Construction | 41,639,000 | 49,006,000 | 38,506,000 | -3,133,000 | -10,500,000 |
| Total, Federal Bureau of Investigation | 2,837,610,000 | 3,089,675,000 | 2,974,571,000 | +136,961,000 | -115,104,000 |
| Appropriations | (2,493,000,000) | (2,862,754,000) | (2,795,450,000) | (+302,450,000) | (-67,304,000) |
| Advance appropriations | | (47,800,000) | | | (-47,800,000) |
| Emergency appropriations | (175,610,000) | | | (-175,610,000) | |
| Crime trust fund | (169,000,000) | (179,121,000) | (179,121,000) | (+10,121,000) | |
| Drug Enforcement Administration | | | | | |
| Salaries and expenses | 798,212,000 | 740,293,000 | 872,731,000 | +74,519,000 | +132,438,000 |
| Diversion control fund | -52,824,000 | -58,268,000 | -58,268,000 | -5,444,000 | |
| Direct appropriation | 745,388,000 | 682,025,000 | 814,463,000 | +69,075,000 | +132,438,000 |
| Emergency appropriations | 5,000,000 | | | -5,000,000 | |
| Crime trust fund | 220,000,000 | 400,037,000 | 310,037,000 | +90,037,000 | -90,000,000 |
| Construction | 30,806,000 | 5,500,000 | 5,500,000 | -25,306,000 | |
| Total, Drug Enforcement Administration | 1,001,194,000 | 1,087,562,000 | 1,130,000,000 | +128,806,000 | +42,438,000 |
| Appropriations | (776,194,000) | (687,525,000) | (819,963,000) | (+43,769,000) | (+132,438,000) |
| Emergency appropriations | (5,000,000) | | | (-5,000,000) | |
| Crime trust fund | (220,000,000) | (400,037,000) | (310,037,000) | (+90,037,000) | (-90,000,000) |
| Immigration and Naturalization Service | | | | | |
| Salaries and expenses | 1,590,159,000 | 1,651,463,000 | 1,609,441,000 | +19,282,000 | -42,022,000 |
| Emergency appropriations | 15,000,000 | | | -15,000,000 | |
| Immigration initiative (crime trust fund) | 500,000,000 | 732,251,000 | 690,957,000 | +190,957,000 | -41,294,000 |
| Subtotal, Direct and crime trust fund | (2,105,159,000) | (2,383,714,000) | (2,300,398,000) | (+195,239,000) | (-83,316,000) |
| Fee accounts: | | | | | |
| Immigration legalization fund | (1,893,000) | (1,259,000) | (1,259,000) | (-634,000) | |
| Immigration user fee | (388,664,000) | (419,296,000) | (419,296,000) | (+30,632,000) | |
| Land border inspection fund | (11,054,000) | (8,888,000) | (8,888,000) | (-2,166,000) | |
| Immigration examinations fund | (567,550,000) | (646,916,000) | (667,477,000) | (+99,927,000) | (+20,561,000) |
| Breached bond fund | (6,613,000) | (104,471,000) | (104,471,000) | (+97,858,000) | |
| Immigration enforcement fines | | (13,800,000) | (13,800,000) | (+13,800,000) | |
| Subtotal, Fee accounts | (975,774,000) | (1,194,630,000) | (1,215,191,000) | (+239,417,000) | (+20,561,000) |
| Construction | 8,841,000 | 73,831,000 | 70,959,000 | +62,118,000 | -2,872,000 |
| Total, Immigration and Naturalization Service | (3,089,774,000) | (3,652,175,000) | (3,586,548,000) | (+496,774,000) | (-65,627,000) |
| Appropriations | (1,599,000,000) | (1,725,294,000) | (1,680,400,000) | (+81,400,000) | (-44,894,000) |
| Emergency appropriations | (15,000,000) | | | (-15,000,000) | |
| Crime trust fund | (500,000,000) | (732,251,000) | (690,957,000) | (+190,957,000) | (-41,294,000) |
| (Fee accounts) | (975,774,000) | (1,194,630,000) | (1,215,191,000) | (+239,417,000) | (+20,561,000) |
| Federal Prison System | | | | | |
| Salaries and expenses | 2,858,316,000 | 3,015,642,000 | 2,959,642,000 | +101,326,000 | -56,000,000 |
| Prior year carryover | -90,000,000 | -50,000,000 | -90,000,000 | | -40,000,000 |
| Direct appropriation | 2,768,316,000 | 2,965,642,000 | 2,869,642,000 | +101,326,000 | -96,000,000 |
| Crime trust fund | 25,224,000 | 26,135,000 | 26,135,000 | +911,000 | |
| Total, Salaries and expenses | 2,793,540,000 | 2,991,777,000 | 2,895,777,000 | +102,237,000 | -96,000,000 |
| Buildings and facilities | 395,700,000 | 252,833,000 | 255,133,000 | -140,567,000 | +2,300,000 |
| Federal Prison Industries, Incorporated (limitation on administrative expenses) | (3,042,000) | (3,930,000) | (3,490,000) | (+448,000) | (-440,000) |
| Total, Federal Prison System | 3,189,240,000 | 3,244,610,000 | 3,150,910,000 | -38,330,000 | -93,700,000 |
| Office of Justice Programs | | | | | |
| Justice assistance: | | | | | |
| Direct appropriation | 101,429,000 | 166,665,000 | 162,500,000 | +61,071,000 | -4,165,000 |
| Emergency appropriations | 17,000,000 | | | -17,000,000 | |
| Total, Justice assistance | 118,429,000 | 166,665,000 | 162,500,000 | +44,071,000 | -4,165,000 |

## DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, AND THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS BILL, 1998 (H.R. 2267)—Continued

| | FY 1997 Enacted | FY 1998 Estimate | Bill | Bill compared with Enacted | Bill compared with Estimate |
|---|---|---|---|---|---|
| State and local law enforcement assistance: | | | | | |
| Direct appropriations: | | | | | |
| Byrne grants (discretionary) | 60,000,000 | | 46,500,000 | -13,500,000 | +46,500,000 |
| Byrne grants (formula) | 301,000,000 | | 491,500,000 | +190,500,000 | +491,500,000 |
| Weed and seed fund (earmark) | (28,500,000) | (28,500,000) | 40,000,000 | +40,000,000 | +40,000,000 |
| Subtotal, Direct appropriations | 361,000,000 | | 578,000,000 | +217,000,000 | +578,000,000 |
| Crime trust fund: | | | | | |
| Byrne grants (direct/formula) | 199,000,000 | 580,000,000 | 13,500,000 | -185,500,000 | -566,500,000 |
| Community oriented policing services | 1,400,000,000 | 1,400,000,000 | 1,400,000,000 | | |
| Police corps | 20,000,000 | 20,000,000 | 20,000,000 | | |
| Law enforcement scholarship program | | 20,000,000 | | | -20,000,000 |
| Police recruitment grants program | | 5,000,000 | | | -5,000,000 |
| Procecutorial initiatives targeting crime and violent juveniles program | | 100,000,000 | | | -100,000,000 |
| Juvenile crime block grant | | | 300,000,000 | +300,000,000 | +300,000,000 |
| Local law enforcement block grant | 523,000,000 | | 523,000,000 | | +523,000,000 |
| Boys and Girls clubs (earmark) | (20,000,000) | | (20,000,000) | | (+20,000,000) |
| Drug courts | 30,000,000 | 75,000,000 | 30,000,000 | | -45,000,000 |
| Upgrade criminal history records | 50,000,000 | 45,000,000 | 45,000,000 | -5,000,000 | |
| State prison grants | 670,000,000 | 710,500,000 | 722,500,000 | +52,500,000 | +12,000,000 |
| State criminal alien assistance program | 330,000,000 | 350,000,000 | 420,000,000 | +90,000,000 | +70,000,000 |
| Violence Against Women grants | 196,500,000 | 248,750,000 | 305,500,000 | +109,000,000 | +56,750,000 |
| State prison drug treatment | 30,000,000 | 63,000,000 | 63,000,000 | +33,000,000 | |
| State courts assistance | | 50,000,000 | | | -50,000,000 |
| Other crime control programs | 7,650,000 | 30,605,000 | 14,650,000 | +7,000,000 | -15,955,000 |
| Subtotal, Crime trust fund | 3,456,150,000 | 3,697,855,000 | 3,857,150,000 | +401,000,000 | +159,295,000 |
| Total, State and local law enforcement | 3,817,150,000 | 3,697,855,000 | 4,435,150,000 | +618,000,000 | +737,295,000 |
| Juvenile justice programs | 174,500,000 | 230,422,000 | 237,922,000 | +63,422,000 | +7,500,000 |
| Public safety officers benefits program: | | | | | |
| Death benefits | 30,126,000 | 31,003,000 | 31,003,000 | +877,000 | |
| Disability benefits | 2,200,000 | 2,264,000 | | -2,200,000 | -2,264,000 |
| Federal law enforcement education assistance | | 2,000,000 | 2,000,000 | +2,000,000 | |
| Total, Office of Justice Programs | 4,142,405,000 | 4,130,209,000 | 4,868,575,000 | +726,170,000 | +738,366,000 |
| Appropriations | (669,255,000) | (432,354,000) | (1,011,425,000) | (+342,170,000) | (+579,071,000) |
| Emergency appropriations | (17,000,000) | | | (-17,000,000) | |
| Crime trust fund | (3,456,150,000) | (3,697,855,000) | (3,857,150,000) | (+401,000,000) | (+159,295,000) |
| Total, title I, Department of Justice | 16,425,003,000 | 17,264,021,000 | 17,602,841,000 | +1,177,838,000 | +338,820,000 |
| Appropriations | (11,680,174,000) | (12,006,221,000) | (12,353,091,000) | (+672,917,000) | (+346,870,000) |
| Advance appropriations | | (78,800,000) | (31,000,000) | (+31,000,000) | (-47,800,000) |
| Emergency appropriations | (249,829,000) | | | (-249,829,000) | |
| Crime trust fund | (4,495,000,000) | (5,179,000,000) | (5,218,750,000) | (+723,750,000) | (+39,750,000) |
| (Limitation on administrative expenses) | (3,042,000) | (3,930,000) | (3,490,000) | (+448,000) | (-440,000) |
| TITLE II - DEPARTMENT OF COMMERCE AND RELATED AGENCIES | | | | | |
| TRADE AND INFRASTRUCTURE DEVELOPMENT | | | | | |
| Office of the United States Trade Representative | | | | | |
| Salaries and expenses | 21,449,000 | 22,092,000 | 21,700,000 | +251,000 | -392,000 |
| International Trade Commission | | | | | |
| Salaries and expenses | 40,850,000 | 41,980,000 | 41,400,000 | +550,000 | -580,000 |
| Total, Related agencies | 62,299,000 | 64,072,000 | 63,100,000 | +801,000 | -972,000 |
| DEPARTMENT OF COMMERCE | | | | | |
| International Trade Administration | | | | | |
| Operations and administration | 270,000,000 | 271,636,000 | 279,500,000 | +9,500,000 | +7,864,000 |
| Export Administration | | | | | |
| Operations and administration | 36,000,000 | 43,126,000 | 41,000,000 | +5,000,000 | -2,126,000 |
| Emergency appropriations | 3,900,000 | | | -3,900,000 | |
| Total, Export Administration | 39,900,000 | 43,126,000 | 41,000,000 | +1,100,000 | -2,126,000 |
| Economic Development Administration | | | | | |
| Economic development assistance programs | 328,500,000 | 319,000,000 | 340,000,000 | +11,500,000 | +21,000,000 |
| Emergency appropriations | 25,000,000 | | | -25,000,000 | |
| Emergency appropriations (1997 supplemental) | 50,200,000 | | | -50,200,000 | |
| Subtotal | 403,700,000 | 319,000,000 | 340,000,000 | -63,700,000 | +21,000,000 |

## DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, AND THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS BILL, 1998 (H.R. 2267)—Continued

| | FY 1997 Enacted | FY 1998 Estimate | Bill | Bill compared with Enacted | Bill compared with Estimate |
|---|---|---|---|---|---|
| Salaries and expenses | 20,036,000 | 24,028,000 | 21,000,000 | +964,000 | -3,028,000 |
| Emergency appropriations (1997 supplemental) | 2,000,000 | .......... | .......... | -2,000,000 | .......... |
| Total, Economic Development Administration | 425,736,000 | 343,028,000 | 361,000,000 | -64,736,000 | +17,972,000 |
| Minority Business Development Agency | | | | | |
| Minority business development | 28,000,000 | 27,811,000 | 25,000,000 | -3,000,000 | -2,811,000 |
| Total, Trade and Infrastructure Development | 825,935,000 | 749,673,000 | 769,600,000 | -56,335,000 | +19,927,000 |
| ECONOMIC AND INFORMATION INFRASTRUCTURE | | | | | |
| Economic and Statistical Analysis | | | | | |
| Salaries and expenses | 45,900,000 | 52,196,000 | 47,000,000 | +1,100,000 | -5,196,000 |
| Bureau of the Census | | | | | |
| Salaries and expenses | 135,000,000 | 138,056,000 | 136,499,000 | +1,499,000 | -1,557,000 |
| Periodic censuses and programs | 210,500,000 | 523,126,000 | 550,126,000 | +339,626,000 | +27,000,000 |
| Total, Bureau of the Census | 345,500,000 | 661,182,000 | 686,625,000 | +341,125,000 | +25,443,000 |
| National Telecommunications and Information Administration | | | | | |
| Salaries and expenses | 15,000,000 | 18,074,000 | 17,100,000 | +2,100,000 | -974,000 |
| Public broadcasting facilities, planning and construction | 15,250,000 | .......... | 16,750,000 | +1,500,000 | +16,750,000 |
| Information infrastructure grants | 21,490,000 | 36,000,000 | 21,490,000 | .......... | -14,510,000 |
| Total, National Telecommunications and Information Administration | 51,740,000 | 54,074,000 | 55,340,000 | +3,600,000 | +1,266,000 |
| Patent and Trademark Office | | | | | |
| Salaries and expenses | 61,252,000 | 27,000,000 | 27,000,000 | -34,252,000 | .......... |
| Fees collected | (601,723,000) | (629,320,000) | (664,000,000) | (+62,277,000) | (+34,680,000) |
| (Prior year carryover) | (30,000,000) | .......... | (18,000,000) | (-12,000,000) | (+18,000,000) |
| Total, Patent and Trademark Office | (692,975,000) | (656,320,000) | (709,000,000) | (+16,025,000) | (+52,680,000) |
| Total, Economic and Information Infrastructure | 504,392,000 | 794,452,000 | 815,965,000 | +311,573,000 | +21,513,000 |
| SCIENCE AND TECHNOLOGY | | | | | |
| Technology Administration | | | | | |
| Salaries and expenses | 9,500,000 | 9,230,000 | 8,500,000 | -1,000,000 | -730,000 |
| National Institute of Standards and Technology | | | | | |
| Scientific and technical research and services | 268,000,000 | 276,852,000 | 282,852,000 | +14,852,000 | +6,000,000 |
| Industrial technology services | 313,000,000 | 399,000,000 | 298,600,000 | -14,400,000 | -100,400,000 |
| Construction of research facilities | .......... | 16,692,000 | 111,092,000 | +111,092,000 | +94,400,000 |
| Total, National Institute of Standards and Technology | 581,000,000 | 692,544,000 | 692,544,000 | +111,544,000 | .......... |
| National Oceanic and Atmospheric Administration | | | | | |
| Operations, research and facilities | 1,854,067,000 | 1,476,245,000 | 1,406,400,000 | -447,667,000 | -69,845,000 |
| Offsetting collections - fees | -3,000,000 | -3,000,000 | -3,000,000 | .......... | .......... |
| Direct appropriation | 1,851,067,000 | 1,473,245,000 | 1,403,400,000 | -447,667,000 | -69,845,000 |
| (By transfer from Promote and Develop Fund) | (66,000,000) | (62,381,000) | (62,381,000) | (-3,619,000) | .......... |
| (By transfer from Damage assessment and restoration revolving fund, permanent) | 6,000,000 | 5,000,000 | 5,000,000 | -1,000,000 | .......... |
| (Damage assessment and restoration revolving fund) | -6,000,000 | -5,000,000 | -5,000,000 | +1,000,000 | .......... |
| Total, Operations, research and facilities | 1,851,067,000 | 1,473,245,000 | 1,403,400,000 | -447,667,000 | -69,845,000 |
| Capital assets acquisition | .......... | 503,464,000 | 460,600,000 | +460,600,000 | -42,864,000 |
| Advance appropriations, FY 1999 - 2010 | .......... | 3,485,517,000 | .......... | .......... | -3,485,517,000 |
| Coastal zone management fund | (7,800,000) | (7,800,000) | (7,800,000) | .......... | .......... |
| Mandatory offset | (-7,800,000) | (-7,800,000) | (-7,800,000) | .......... | .......... |
| Construction | 58,250,000 | .......... | .......... | -58,250,000 | .......... |
| Emergency appropriations (1997 supplemental) | 10,800,000 | .......... | .......... | -10,800,000 | .......... |
| Fleet modernization, shipbuilding and conversion | 8,000,000 | .......... | .......... | -8,000,000 | .......... |
| Fishing vessel and gear damage fund | 200,000 | .......... | .......... | -200,000 | .......... |
| Fishermen's contingency fund | 1,000,000 | 953,000 | 953,000 | -47,000 | .......... |
| Foreign fishing observer fund | 196,000 | 189,000 | 189,000 | -7,000 | .......... |
| Fisheries finance program account | 250,000 | 238,000 | 250,000 | .......... | +12,000 |
| Total, National Oceanic and Atmospheric Administration | 1,929,763,000 | 5,463,606,000 | 1,865,392,000 | -64,371,000 | -3,598,214,000 |
| Total, Science and Technology | 2,520,263,000 | 6,165,380,000 | 2,566,436,000 | +46,173,000 | -3,598,944,000 |

## DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, AND THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS BILL, 1998 (H.R. 2267)—Continued

| | FY 1997 Enacted | FY 1998 Estimate | Bill | Bill compared with Enacted | Bill compared with Estimate |
|---|---|---|---|---|---|
| General Administration | | | | | |
| Salaries and expenses | 28,490,000 | 30,085,000 | 28,490,000 | | -1,595,000 |
| Office of Inspector General | 20,140,000 | 21,677,000 | 20,140,000 | | -1,537,000 |
| Working capital fund (by transfer) | (3,000,000) | | | (-3,000,000) | |
| Total, General administration | 48,630,000 | 51,762,000 | 48,630,000 | | -3,132,000 |
| National Institute of Standards and Technology | | | | | |
| Construction of research facilities (rescission) | -16,000,000 | | | +16,000,000 | |
| National Oceanic and Atmospheric Administration | | | | | |
| Operations, research and facilities (rescission) | -20,000,000 | | -5,000,000 | +15,000,000 | -5,000,000 |
| Total, Department of Commerce | 3,800,921,000 | 7,697,195,000 | 4,132,531,000 | +331,610,000 | -3,564,664,000 |
| Total, title II, Department of Commerce and related agencies | 3,863,220,000 | 7,761,267,000 | 4,195,631,000 | +332,411,000 | -3,565,636,000 |
| Appropriations | (3,807,320,000) | (4,275,750,000) | (4,200,631,000) | (+393,311,000) | (-75,119,000) |
| Rescissions | (-36,000,000) | | (-5,000,000) | (+31,000,000) | (-5,000,000) |
| Advance appropriations | | (3,485,517,000) | | | (-3,485,517,000) |
| Emergency appropriations | (91,900,000) | | | (-91,900,000) | |
| (By transfer) | (69,000,000) | (62,381,000) | (62,381,000) | (-6,619,000) | |
| TITLE III - THE JUDICIARY | | | | | |
| Supreme Court of the United States | | | | | |
| Salaries and expenses: | | | | | |
| Salaries of justices | 1,704,000 | 1,654,000 | 1,654,000 | -50,000 | |
| Other salaries and expenses | 25,453,000 | 27,624,000 | 27,624,000 | +2,171,000 | |
| Total, Salaries and expenses | 27,157,000 | 29,278,000 | 29,278,000 | +2,121,000 | |
| Care of the building and grounds | 2,800,000 | 3,997,000 | 3,400,000 | +600,000 | -597,000 |
| Total, Supreme Court of the United States | 29,957,000 | 33,275,000 | 32,678,000 | +2,721,000 | -597,000 |
| United States Court of Appeals for the Federal Circuit | | | | | |
| Salaries and expenses: | | | | | |
| Salaries of judges | 1,898,000 | 1,887,000 | 1,887,000 | -11,000 | |
| Other salaries and expenses | 13,115,000 | 14,269,000 | 13,620,000 | +505,000 | -649,000 |
| Total, Salaries and expenses | 15,013,000 | 16,156,000 | 15,507,000 | +494,000 | -649,000 |
| United States Court of International Trade | | | | | |
| Salaries and expenses: | | | | | |
| Salaries of judges | 1,447,000 | 1,483,000 | 1,483,000 | +36,000 | |
| Other salaries and expenses | 9,667,000 | 9,995,000 | 9,995,000 | +328,000 | |
| Total, Salaries and expenses | 11,114,000 | 11,478,000 | 11,478,000 | +364,000 | |
| Courts of Appeals, District Courts, and Other Judicial Services | | | | | |
| Salaries and expenses: | | | | | |
| Salaries of judges and bankruptcy judges | 225,956,000 | 227,674,000 | 227,674,000 | +1,718,000 | |
| Other salaries and expenses | 2,330,044,000 | 2,614,166,000 | 2,472,395,000 | +142,351,000 | -141,771,000 |
| Emergency appropriations | 10,000,000 | | | -10,000,000 | |
| Direct appropriation | 2,566,000,000 | 2,841,840,000 | 2,700,069,000 | +134,069,000 | -141,771,000 |
| Crime trust fund | 30,000,000 | 50,000,000 | 40,000,000 | +10,000,000 | -10,000,000 |
| Total, Salaries and expenses | 2,596,000,000 | 2,891,840,000 | 2,740,069,000 | +144,069,000 | -151,771,000 |
| Vaccine Injury Compensation Trust Fund | 2,390,000 | 2,450,000 | 2,450,000 | +60,000 | |
| Defender services | 308,000,000 | 329,529,000 | 329,529,000 | +21,529,000 | |
| Fees of jurors and commissioners | 67,000,000 | 69,651,000 | 66,196,000 | -804,000 | -3,455,000 |
| Court security | 127,000,000 | 170,304,000 | 167,214,000 | +40,214,000 | -3,090,000 |
| Total, Courts of Appeals, District Courts, and Other Judicial Services | 3,100,390,000 | 3,463,774,000 | 3,305,458,000 | +205,068,000 | -158,316,000 |
| Administrative Office of the United States Courts | | | | | |
| Salaries and expenses | 49,450,000 | 54,108,000 | 52,000,000 | +2,550,000 | -2,108,000 |
| Federal Judicial Center | | | | | |
| Salaries and expenses | 17,495,000 | 18,425,000 | 17,495,000 | | -930,000 |
| Judicial Retirement Funds | | | | | |
| Payment to Judiciary Trust Funds | 30,200,000 | 32,200,000 | 34,200,000 | +4,000,000 | +2,000,000 |

## DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, AND THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS BILL, 1998 (H.R. 2267)—Continued

| | FY 1997 Enacted | FY 1998 Estimate | Bill | Bill compared with Enacted | Bill compared with Estimate |
|---|---|---|---|---|---|
| United States Sentencing Commission | | | | | |
| Salaries and expenses | 8,490,000 | 9,480,000 | 9,000,000 | +510,000 | -480,000 |
| Total, title III, the Judiciary | 3,262,109,000 | 3,638,896,000 | 3,477,816,000 | +215,707,000 | -161,080,000 |
| Appropriations | (3,222,109,000) | (3,588,896,000) | (3,437,816,000) | (+215,707,000) | (-151,080,000) |
| Emergency appropriations | (10,000,000) | ... | ... | (-10,000,000) | ... |
| Crime trust fund | (30,000,000) | (50,000,000) | (40,000,000) | (+10,000,000) | (-10,000,000) |
| TITLE IV - DEPARTMENT OF STATE | | | | | |
| Administration of Foreign Affairs | | | | | |
| Diplomatic and consular programs | 1,700,900,000 | 1,291,277,000 | 1,715,577,000 | +14,677,000 | +424,300,000 |
| Registration fees | 700,000 | 700,000 | 700,000 | ... | ... |
| Emergency appropriations (security) | 23,700,000 | ... | ... | -23,700,000 | ... |
| Security | ... | ... | 23,700,000 | +23,700,000 | +23,700,000 |
| Fee proposal | ... | 595,000,000 | ... | ... | -595,000,000 |
| Total, Diplomatic and consular programs | 1,725,300,000 | 1,886,977,000 | 1,739,977,000 | +14,677,000 | -147,000,000 |
| Salaries and expenses | 352,300,000 | 363,513,000 | 363,513,000 | +11,213,000 | ... |
| Capital investment fund | 24,600,000 | 64,600,000 | 50,600,000 | +26,000,000 | -14,000,000 |
| Office of Inspector General | 27,495,000 | 28,300,000 | 28,300,000 | +805,000 | ... |
| Representation allowances | 4,490,000 | 4,300,000 | 4,300,000 | -190,000 | ... |
| Protection of foreign missions and officials | 8,332,000 | 7,900,000 | 7,900,000 | -432,000 | ... |
| Security and maintenance of United States missions | 364,495,000 | 373,081,000 | 373,081,000 | +8,586,000 | ... |
| Emergency appropriations | 24,825,000 | ... | ... | -24,825,000 | ... |
| Total, Security and maintenance of United States missions | 389,320,000 | 373,081,000 | 373,081,000 | -16,239,000 | ... |
| Emergencies in the diplomatic and consular service | 5,800,000 | 5,500,000 | 5,500,000 | -300,000 | ... |
| Repatriation Loans Program Account: | | | | | |
| Direct loans subsidy | 593,000 | 593,000 | 593,000 | ... | ... |
| Administrative expenses | 663,000 | 607,000 | 607,000 | -56,000 | ... |
| Total, Repatriation loans program account | 1,256,000 | 1,200,000 | 1,200,000 | -56,000 | ... |
| Payment to the American Institute in Taiwan | 14,490,000 | 14,490,000 | 14,000,000 | -490,000 | -490,000 |
| Payment to the Foreign Service Retirement and Disability Fund | 126,491,000 | 129,935,000 | 129,935,000 | +3,444,000 | ... |
| Total, Administration of Foreign Affairs | 2,679,874,000 | 2,879,796,000 | 2,718,306,000 | +38,432,000 | -161,490,000 |
| International Organizations and Conferences | | | | | |
| Contributions to international organizations, current year assessment | 892,000,000 | 969,000,000 | 924,952,000 | +32,952,000 | -44,048,000 |
| Prior year assessment | ... | 54,000,000 | 54,000,000 | +54,000,000 | ... |
| Subtotal | 892,000,000 | 1,023,000,000 | 978,952,000 | +86,952,000 | -44,048,000 |
| Contributions for international peacekeeping activities, current year | 302,400,000 | 240,000,000 | 215,000,000 | -87,400,000 | -25,000,000 |
| Prior year assessment | 50,000,000 | 46,000,000 | 46,000,000 | -4,000,000 | ... |
| Subtotal | 352,400,000 | 286,000,000 | 261,000,000 | -91,400,000 | -25,000,000 |
| International conferences and contingencies | ... | 4,941,000 | 1,500,000 | +1,500,000 | -3,441,000 |
| Total, International Organizations and Conferences | 1,244,400,000 | 1,313,941,000 | 1,241,452,000 | -2,948,000 | -72,489,000 |
| International Commissions | | | | | |
| International Boundary and Water Commission, United States and Mexico: | | | | | |
| Salaries and expenses | 15,490,000 | 18,490,000 | 17,490,000 | +2,000,000 | -1,000,000 |
| Construction | 6,463,000 | 6,463,000 | 6,463,000 | ... | ... |
| American sections, international commissions | 5,490,000 | 5,660,000 | 5,490,000 | ... | -170,000 |
| International fisheries commissions | 14,549,000 | 14,549,000 | 14,490,000 | -59,000 | -59,000 |
| Total, International commissions | 41,992,000 | 45,162,000 | 43,933,000 | +1,941,000 | -1,229,000 |
| Other | | | | | |
| Payment to the Asia Foundation | 8,000,000 | 8,000,000 | 8,000,000 | ... | ... |
| Total, Department of State | 3,974,266,000 | 4,246,899,000 | 4,011,691,000 | +37,425,000 | -235,208,000 |
| RELATED AGENCIES | | | | | |
| Arms Control and Disarmament Agency | | | | | |
| Arms control and disarmament activities | 41,500,000 | 46,200,000 | 41,500,000 | ... | -4,700,000 |

## DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, AND THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS BILL, 1998 (H.R. 2267)—Continued

| | FY 1997 Enacted | FY 1998 Estimate | Bill | Bill compared with Enacted | Bill compared with Estimate |
|---|---|---|---|---|---|
| United States Information Agency | | | | | |
| International information programs | 440,000,000 | 434,097,000 | 430,597,000 | -9,403,000 | -3,500,000 |
| Emergency appropriations | 1,375,000 | | | -1,375,000 | |
| Total, salaries and expenses | 441,375,000 | 434,097,000 | 430,597,000 | -10,778,000 | -3,500,000 |
| Technology fund | 5,050,000 | 7,000,000 | 5,050,000 | | -1,950,000 |
| Educational and cultural exchange programs | 185,000,000 | 197,731,000 | 193,731,000 | +8,731,000 | -4,000,000 |
| Eisenhower Exchange Fellowship Program, trust fund | 600,000 | 600,000 | 600,000 | | |
| Israeli Arab scholarship program | 400,000 | 400,000 | 400,000 | | |
| International Broadcasting Operations | 325,000,000 | 366,750,000 | 391,550,000 | +66,550,000 | +24,800,000 |
| Broadcasting to Cuba (direct) | 25,000,000 | | | -25,000,000 | |
| Radio construction | 35,490,000 | 32,710,000 | 40,000,000 | +4,510,000 | +7,290,000 |
| East-West Center | 10,000,000 | 7,000,000 | | -10,000,000 | -7,000,000 |
| North/South Center | 1,495,000 | 1,500,000 | | -1,495,000 | -1,500,000 |
| National Endowment for Democracy | 30,000,000 | 30,000,000 | 30,000,000 | | |
| Total, United States Information Agency | 1,059,410,000 | 1,077,788,000 | 1,091,928,000 | +32,518,000 | +14,140,000 |
| Total, related agencies | 1,100,910,000 | 1,123,988,000 | 1,133,428,000 | +32,518,000 | +9,440,000 |
| Total, title IV, Department of State | 5,075,176,000 | 5,370,887,000 | 5,145,119,000 | +69,943,000 | -225,768,000 |
| Appropriations | (5,025,276,000) | (5,370,887,000) | (5,145,119,000) | (+119,843,000) | (-225,768,000) |
| Emergency appropriations | (49,900,000) | | | (-49,900,000) | |
| TITLE V - RELATED AGENCIES | | | | | |
| DEPARTMENT OF TRANSPORTATION | | | | | |
| Maritime Administration | | | | | |
| Operating-differential subsidies (liquidation of contract authority) | (148,430,000) | (135,000,000) | (51,030,000) | (-97,400,000) | (-83,970,000) |
| Maritime Security Program | 54,000,000 | 52,400,000 | 35,500,000 | -18,500,000 | -16,900,000 |
| Operations and training | 65,000,000 | 70,000,000 | 65,000,000 | | -5,000,000 |
| Maritime Guaranteed Loan Program Account: | | | | | |
| Guaranteed loans subsidy | 37,450,000 | 35,000,000 | 35,000,000 | -2,450,000 | |
| Administrative expenses | 3,450,000 | 4,000,000 | 3,450,000 | | -550,000 |
| Total, Maritime guaranteed loan program account | 40,900,000 | 39,000,000 | 38,450,000 | -2,450,000 | -550,000 |
| Total, Maritime Administration | 159,900,000 | 161,400,000 | 138,950,000 | -20,950,000 | -22,450,000 |
| Commission for the Preservation of America's Heritage Abroad | | | | | |
| Salaries and expenses | 206,000 | 206,000 | 250,000 | +44,000 | +44,000 |
| Commission on the Advancement of Federal Law Enforcement | | | | | |
| Salaries and expenses | 2,000,000 | | | -2,000,000 | |
| Commission on Civil Rights | | | | | |
| Salaries and expenses | 8,740,000 | 11,000,000 | 8,740,000 | | -2,260,000 |
| Commission on Immigration Reform | | | | | |
| Salaries and expenses | 2,196,000 | 500,000 | 496,000 | -1,700,000 | -4,000 |
| Commission on Security and Cooperation in Europe | | | | | |
| Salaries and expenses | 1,090,000 | 1,090,000 | 1,090,000 | | |
| Equal Employment Opportunity Commission | | | | | |
| Salaries and expenses | 239,740,000 | 246,000,000 | 239,740,000 | | -6,260,000 |
| Federal Communications Commission | | | | | |
| Salaries and expenses | 188,079,000 | 219,079,000 | 187,079,000 | -1,000,000 | -32,000,000 |
| Offsetting fee collections - current year | -152,523,000 | -162,523,000 | -152,523,000 | | +10,000,000 |
| Direct appropriation | 35,556,000 | 56,556,000 | 34,556,000 | -1,000,000 | -22,000,000 |
| Federal Maritime Commission | | | | | |
| Salaries and expenses | 14,000,000 | 14,300,000 | 13,500,000 | -500,000 | -800,000 |
| Federal Trade Commission | | | | | |
| Salaries and expenses | 101,930,000 | 106,000,000 | 105,000,000 | +3,070,000 | -3,000,000 |
| Offsetting fee collections - carryover | -16,000,000 | -10,000,000 | -10,000,000 | +6,000,000 | |
| Offsetting fee collections - current year | -58,905,000 | -70,000,000 | -70,000,000 | -11,095,000 | |
| Direct appropriation | 27,025,000 | 28,000,000 | 25,000,000 | -2,025,000 | -3,000,000 |
| Gambling Impact Study Commission | | | | | |
| Salaries and expenses | 4,000,000 | | | -4,000,000 | |

## DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, AND THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS BILL, 1998 (H.R. 2267)—Continued

| | FY 1997 Enacted | FY 1998 Estimate | Bill | Bill compared with Enacted | Bill compared with Estimate |
|---|---|---|---|---|---|
| Legal Services Corporation | | | | | |
| Payment to the Legal Services Corporation | 283,000,000 | 340,000,000 | 141,000,000 | -142,000,000 | -199,000,000 |
| Marine Mammal Commission | | | | | |
| Salaries and expenses | 1,189,000 | 1,240,000 | 1,000,000 | -189,000 | -240,000 |
| National Bankruptcy Review Commission | | | | | |
| Salaries and expenses | 494,000 | | | -494,000 | |
| Ounce of Prevention Council | | | | | |
| Direct appropriation | 500,000 | | | -500,000 | |
| Crime trust fund | | 9,000,000 | | | -9,000,000 |
| Securities and Exchange Commission | | | | | |
| Salaries and expenses | 305,400,000 | 317,412,000 | 315,000,000 | +9,600,000 | -2,412,000 |
| Offsetting fee collections | -222,622,000 | -249,523,000 | -249,523,000 | -26,901,000 | |
| Offsetting fee collections - carryover | -45,000,000 | -32,000,000 | -32,000,000 | +13,000,000 | |
| Direct appropriation | 37,778,000 | 35,889,000 | 33,477,000 | -4,301,000 | -2,412,000 |
| Small Business Administration | | | | | |
| Salaries and expenses | 239,547,000 | 246,100,000 | 235,047,000 | -4,500,000 | -11,053,000 |
| Offsetting fee collections | -4,500,000 | | | +4,500,000 | |
| Direct appropriation | 235,047,000 | 246,100,000 | 235,047,000 | | -11,053,000 |
| Office of Inspector General | 9,000,000 | 10,600,000 | 9,490,000 | +490,000 | -1,110,000 |
| Business Loans Program Account: | | | | | |
| Direct loans subsidy | 1,691,000 | | | -1,691,000 | |
| Guaranteed loans subsidy | 179,700,000 | 173,235,000 | 187,100,000 | +7,400,000 | +13,865,000 |
| Micro loan guarantees | 2,317,000 | | | -2,317,000 | |
| Administrative expenses | 94,000,000 | 94,000,000 | 94,000,000 | | |
| Total, Business loans program account | 277,708,000 | 267,235,000 | 281,100,000 | +3,392,000 | +13,865,000 |
| Disaster loans program account | 191,932,000 | 173,200,000 | 199,100,000 | +7,168,000 | +25,900,000 |
| Emergency appropriations | 135,000,000 | | | -135,000,000 | |
| Total, Disaster loans program account | 326,932,000 | 173,200,000 | 199,100,000 | -127,832,000 | +25,900,000 |
| Surety bond guarantees revolving fund | 3,730,000 | 3,500,000 | 3,500,000 | -230,000 | |
| Total, Small Business Administration | 852,417,000 | 700,635,000 | 728,237,000 | -124,180,000 | +27,602,000 |
| State Justice Institute | | | | | |
| Salaries and expenses 1/ | 6,000,000 | 13,550,000 | 3,000,000 | -3,000,000 | -10,550,000 |
| Total, title V, Related agencies | 1,675,831,000 | 1,619,366,000 | 1,369,036,000 | -306,795,000 | -250,330,000 |
| Appropriations | (1,540,831,000) | (1,610,366,000) | (1,369,036,000) | (-171,795,000) | (-241,330,000) |
| (Liquidation of contract authority) | (148,430,000) | (135,000,000) | (51,030,000) | (-97,400,000) | (-83,970,000) |
| TITLE VI - GENERAL PROVISIONS | | | | | |
| DEPARTMENT OF JUSTICE | | | | | |
| Congressional legal expenses (sec. 616) | | | 1,000,000 | +1,000,000 | +1,000,000 |
| GOVERNMENT-WIDE | | | | | |
| Defense function (by transfer) | | (34,025,000) | (34,025,000) | (+34,025,000) | |
| International function (by transfer) | | (47,089,000) | (47,089,000) | (+47,089,000) | |
| Domestic function (by transfer) | | (31,845,000) | (31,845,000) | (+31,845,000) | |
| Total, title VI, general provisions | | | 1,000,000 | +1,000,000 | +1,000,000 |
| Appropriations | | | (1,000,000) | (+1,000,000) | (+1,000,000) |
| (By transfer) | | (112,959,000) | (112,959,000) | (+112,959,000) | |
| TITLE VII - RESCISSIONS | | | | | |
| DEPARTMENT OF JUSTICE | | | | | |
| General Administration | | | | | |
| Working capital fund (rescission) | -36,400,000 | | | +36,400,000 | |
| Immigration and Naturalization Service | | | | | |
| Immigration Emergency fund (rescission) | -34,779,000 | | | +34,779,000 | |
| Total, title VII, Rescissions | -71,179,000 | | | +71,179,000 | |

## DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, AND THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS BILL, 1998 (H.R. 2267)—Continued

| | FY 1997 Enacted | FY 1998 Estimate | Bill | Bill compared with Enacted | Bill compared with Estimate |
|---|---|---|---|---|---|
| Grand total: | | | | | |
| New budget (obligational) authority | 30,230,160,000 | 35,654,437,000 | 31,791,443,000 | +1,561,283,000 | -3,862,994,000 |
| Appropriations | (25,275,710,000) | (26,852,120,000) | (26,506,693,000) | (+1,230,983,000) | (-345,427,000) |
| Advance appropriations | | (3,564,317,000) | (31,000,000) | (+31,000,000) | (-3,533,317,000) |
| Emergency appropriations | (536,629,000) | | | (-536,629,000) | |
| Rescissions | (-107,179,000) | | (-5,000,000) | (+102,179,000) | (-5,000,000) |
| Crime trust fund | (4,525,000,000) | (5,238,000,000) | (5,258,750,000) | (+733,750,000) | (+20,750,000) |
| (By transfer) | (69,000,000) | (175,340,000) | (175,340,000) | (+106,340,000) | |
| (Limitation on administrative expenses) | (3,042,000) | (3,930,000) | (3,490,000) | (+448,000) | (-440,000) |
| (Liquidation of contract authority) | (148,430,000) | (135,000,000) | (51,030,000) | (-97,400,000) | (-83,970,000) |

1/ President's budget proposes $5,000,000 for State Justice Institute.

Mr. Chairman, I reserve the balance of my time.

Mr. MOLLOHAN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I thank the gentleman from Kentucky [Mr. ROGERS], the distinguished chairman, for his kind remarks. I want to echo my remarks from the full committee markup regarding the fine job that our chairman has done on this bill. Chairman ROGERS characteristically has done an exemplary job with regard to this bill. He has worked diligently, he has taken excellent testimony from the agencies, from outside witnesses, and he has put together a document at the same time, including the concerns of the minority and certainly our input. We are very appreciative of that attitude and that way of proceeding and think it is very constructive and thank him for it.

I also want to commend at the beginning the fine work and hard work of some awfully good staff, Mr. Chairman. First of all, I want to note the excellent work that two members of my personal staff have done, Liz Whyte and Sally Gaines. I appreciate their tireless efforts throughout the fiscal year 1998 appropriations bill. It has been tremendous and the minority, we sometimes we work harder because we have less staff and they have done a tremendous job, both of my personal staff, and I am very appreciative.

Likewise, I am especially appreciative to the minority appropriations staff, Mark Murray, David Reich, and Pat Schlueter, for the excellent job they likewise have done in conjunction with the hard working committee staff, Jim Kulikowski, Therese McAuliffe, Jennifer Miller, Mike Ringler, and Jane Weisman. The committee is certainly well served by all these dedicated staff personnel.

Mr. Chairman, as the chairman has indicated in his remarks, much of which I associate myself with, there are a lot of things to like about this bill. Few will find fault with the robust funds that have been provided for the Department of Justice and law enforcement in general. Funds are provided in excess of those requested by the administration in many accounts.

Clearly law enforcement is an important priority of the Congress. It is an important priority of this administration, it is an important priority of the Nation, and the bill certainly rises to the occasion.

Members will be pleased to know that generous increases are provided over fiscal year 1997 spending levels for the FBI, for U.S. attorneys, for the U.S. Marshal Service, and for the Immigration and Naturalization Service. We have doubled the administration's requests for border patrol agents and provided more funds than requested by the President for the Drug Enforcement Administration.

Such funds will enable us to continue our important work in combating terrorism, illicit drug trafficking, and illegal immigration. Of particular note with regard to curbing the flow of illicit drugs into the United States, funds are provided for both a Southwest border initiative and a Caribbean initiative. In the area of State and local enforcement, I am pleased to report that full funding is provided for the COPS Program and the Byrne grant program. We see no debate on those issues on the floor this year.

Members of this committee will also be pleased to know the Violence Against Women's Act Program is funded above the President's request in this bill. I am happy to note that particular focus has been given to funding for juvenile justice delinquency prevention programs. We have provided a small increase above the President's request for juvenile crime prevention programs; $300 million has been provided for a new block grant program and funds for the local law enforcement block grant program are also included.

With respect to our international commitments, this bill represents the beginning of a bipartisan effort to eliminate our U.N. arrearages, and I am hopeful we will continue on this track in the future. I know there are some amendments addressing this issue. I hope that they are not seriously entertained by the Congress and that they are defeated.

Also, I want to mention that this bill provides increases over fiscal year 1997 for a number of State Department operating accounts.

Lastly, I feel that this bill in most instances deals fairly with the Commerce Department. The chairman has continued his commitment to such important programs as the public works grant program, PTFP, manufacturing extension partnership program, trade adjustment assistance, and the International Trade Administration.

Additionally, this bill provides more than the administration's request for the critical missions of the National Weather Service, being responsive to the concerns that were expressed during markup and during the summer and spring about the National Weather Service and its ability to perform its mission.

As pleased as I am with the funding levels, Mr. Chairman, for these programs that I have just mentioned, I want my colleagues to understand that this bill, like everything else, is not perfect. There are several issues which I would like to improve. I wanted to mention just a few of those that stand out.

First, although this bill provides more than the administration has requested for the 2000 census, I am deeply concerned with the restrictions placed on sampling, the most contentious issue in this bill, and restrictions on the Census Bureau in general.

The gentleman from Connecticut [Mr. SHAYS] and I plan to offer an amendment on this issue, which I hope my colleagues from both sides of the aisle will consider supporting. Sampling is the solution that the National Academy of Sciences has come up with to speak to the concerns expressed by many Members of this body after the 1990 census, when we were expressing doubts about the accuracy of the census. We asked experts to look at this issue and to recommend to the Congress how we could make the census more accurate, how we could count more people, how we could include more of the population in the process, and the answer was sampling.

Sampling is not new in the census process. It has been used for a number of the censuses, I am advised going back some 30 years, but the sophistication of the process and the extent of incorporating it into the census would be new, and the Census Bureau, regardless of what we do with sending it to the courts or sending it to the authorizers for legislative disposition of the issue of sampling, we need to be able to plan to incorporate sampling in the process.

Under the language in the bill, we cannot do that because of the delays inherent in the bill language. We would be so far into the process that the Census Bureau could not bring sampling into the census taking.

We need to fix that, and the Mollohan-Shays amendment does it. If the Mollohan-Shays amendment is not adopted, Mr. Chairman, the President will likely veto this bill.

This bill provides $185 million for the advanced technology program. While I am pleased that the chairman is providing some funding, it still is significantly below what was requested by the administration, and I hope we can increase that funding as time goes on.

Finally, Mr. Chairman, I regret that a 50 percent reduction was made to the funding for the Legal Services Corporation. As many know, the Legal Services Corporation is the only place many impoverished individuals in our Nation can turn to in times of legal need. The funding level provided in this bill will ensure that many, many of our most vulnerable citizens will not have legal representation in times of crisis. That is unacceptable in America.

I plan to offer an amendment later in the debate to restore $190 million in funding to this vital agency. We are going to destroy the language in the bill and replace it with the language in my amendment.

This will also be a bipartisan amendment, Mr. Chairman. The gentleman from Pennsylvania [Mr. FOX], who was a cosponsor of the amendment last year to restore funds to Legal Services, will also be the cosponsor on this bipartisan amendment.

This list is not exhaustive, but highlights a number of areas which I hope can improve the bill as it proceeds. I want to thank the chairman for his cooperation, leadership, good faith efforts, and responsiveness to our concerns.

Mr. Chairman, I reserve the balance of my time.

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Mr. ROGERS. Mr. Chairman, I yield myself such time as I may consume to join the gentleman from West Virginia [Mr. MOLLOHAN], my ranking member, in also thanking staff on the subcommittee and our personal staffs for the excellent work that they have done in getting us to this point. Were it not for them, we would not be here, obviously.

Mr. Chairman, I yield 2 minutes to the gentleman from Ohio [Mr. REGULA], one of the very able and hard-working members of this subcommittee, who also is chairman of one of the subcommittees of the Committee on Appropriations, the Subcommittee on Interior, and who also does a wonderful job there.

Mr. REGULA. Mr. Chairman, I thank the gentleman for yielding.

I will summarize. There are three important points I would like to make. First, this bill has an initiative to combat juvenile delinquency. This is a growing problem in our society, and we recognize it by increasing the appropriation for this program by 63 plus million dollars. How does it work? It works very well in terms of getting out and developing partnerships.

Recently the Attorney General of Ohio, Betty Montgomery, and myself participated in unveiling Ohio's OASIS project: Ohio's Accelerated School-based Intervention Solution. This is designed to establish a partnership among the State officials, the local officials, the schools, the private sector to deal with juvenile problems, and it focuses on early intervention, recognizing that the best medicine is preventive medicine, and if we can reach these young people early on, there is a good chance of helping them avoid trouble later down the road. This program is funded by the monies in this bill.

Secondly, there is money in this bill to promote U.S. exports abroad and to enforce U.S. trade laws at home. The Commerce Department's merchandizing export sales statistics from Canton-Massillon, which is part of my district, have increased 50 percent from 1993 to 1995. I think it indicates the importance of exports and ensures that these are done on a fair basis, that they are encouraged, and likewise, to prevent dumping into our own markets. Thus, it is important that we support the International Trade Administration. This bill contains an increase for the Commerce Department to ensure that the ITA will have adequate funds to ensure that trade laws are enforced correctly.

The last item is the "made in USA" label. Some thought that this could be reduced to 75 percent and still qualify on goods produced in the United States. I think that is wrong. If it is made in the USA, it should be made in the USA.

Mr. Chairman, I rise in support of the Fiscal Year 1997 Commerce, Justice, State and the Judiciary Appropriations Act. I would like to commend Chairman ROGERS and ranking member Mr. MOLLOHAN for balancing the many different functions and programs that are funded in this bill. You have worked hard, Mr. Chairman, to accommodate many diverse and competing interests in the bill.

One of the highlights of this bill is the initiative to combat juvenile delinquency. It is disturbing to note that since 1989, arrests of Ohio juveniles for violent crimes have risen 62 percent, and 20 percent of all violent crimes nationally are committed by youths under the age of 18.

But, there are many solutions being sought, and this bill contains a $63.4 million increase in funding for Juvenile Justice programs to fund many of these programs. The increased funding is directed not only toward law enforcement initiatives to punish violent juvenile offenders, but also toward quality intervention and prevention programs to help our youth from falling into the delinquency trap.

Earlier this month, I joined Ohio Attorney General Betty Montgomery in unveiling Project OASIS (Ohio Accelerated School-based Intervention Solution), an innovative new youth delinquency intervention and prevention program in Ohio. The program will provide intensive supervision for youth in grades 5–7 who are at-risk for increased delinquent behavior.

Project OASIS, which receives funding from the Justice Department's Office of Juvenile Justice and Delinquency, represents an effective solution crafted by a Federal, State and local partnership. I continue to strongly support this and other programs that provide specific solutions that work in a particular State or locality to help our youth stay on track and finish their educations.

Another issue of importance to north-east Ohio is the important work that the Commerce Department is doing to promote U.S. exports abroad and to enforce U.S. trade laws at home to ensure that U.S. companies have a level playing field in the global marketplace.

In recent statistics released by the Commerce Department, merchandise export sales from the Canton-Massillon area in my district have increased 50 percent from 1993 to 1995. We are further told by federal officials that, on average, jobs supported by exports pay 13 to 16 percent more than other U.S. jobs.

Therefore, I support the $9.5 million increase for the Commerce Department's International Trade Administration because expending exports, as well as protecting domestic companies against unfair foreign trade practices, are both crucial to creating and maintaining high wage jobs in the U.S.

Finally, I would like to highlight report language with respect to recent proposed changes to the "Made in the USA" label made by the Federal Trade Commission (FTC). These proposed new guidelines would allow the "Made in the USA" label to be used on products for which U.S. manufacturing costs are as low as 75 percent of the total manufacturing costs. The Committee report urges the FTC to retain the current standard for "Made in the USA" which requires that "all or virtually all" of the product must be made in America. U.S. consumers should not be misled and U.S. workmanship should not be undersold.

I urge my colleagues to support this important bill and I look forward to working with the Chairman when the bill reaches conference.

Mr. MOLLOHAN. Mr. Chairman, I yield 2 minutes to the gentleman from Colorado [Mr. SKAGGS], a very excellent member of the subcommittee.

Mr. SKAGGS. Mr. Chairman, I thank the gentleman for yielding me this time. I want to express my thanks to the gentleman from Kentucky [Mr. ROGERS], our chairman, and the gentleman from West Virginia [Mr. MOLLOHAN], and our excellent staff for their usual good work in putting this bill together. It really is an incredibly rich array of important funding for vital programs that this Government undertakes in behalf of all of our citizens. Many of them have already been mentioned: from law enforcement to crime prevention; border enforcement, immigration control and naturalization; the criminal and civil justice systems and our courts, all funded in this bill; important funding for the regulation of commerce, securities and communications; protection of intellectual property; the funding for research into the atmosphere and the oceans; cooperative efforts between government and private industry in cutting-edge technology through the ATP program; developing absolutely essential standards for commerce and industry through the National Institute for Standards and Technology; supporting this country's presence around the world in diplomacy and arms control and many other important international efforts; as the chairman pointed out, making major progress in resolving our U.N. funding arrearage issue; international trade, funding for the U.S. Trade Representatives all vital services.

In addition to the good work in these areas, we do have some serious problems. We have to raise the funding for legal services if our goal of equal justice under law is to be a meaningful one. We have to deal with the census sampling matter if we are honest about our desire to have an accurate count of the people in this country, and not using this as a passive aggressive technique for avoiding adding Representatives in this House from certain areas that are undercounted. Finally, there are some needs to reinforce funding in some vital trade areas and research areas, where I look forward to working with the chairman of the subcommittee as the bill moves through the process.

Mr. ROGERS. Mr. Chairman, I yield 2 minutes to the gentleman from New York [Mr. FORBES], a very hard-working member of our subcommittee.

Mr. FORBES. Mr. Chairman, I grew up on the eastern end of Long Island around Montauk Point. It is a beautiful part of the world, and needless to say, I have spent many a day during my youth swimming and fishing and boating on the Atlantic and Long Island Sound. Like so many, I possess a great respect for our natural coastal heritage.

I want to commend and sincerely thank my chairman, the gentleman from Kentucky [Mr. ROGERS], and of course the ranking member, the gentleman from West Virginia [Mr. MOLLOHAN], and the subcommittee staffs on both sides of the aisle, and, of course, my colleagues for crafting what I believe is an equitable, bipartisan bill that among so many good public policy issues addresses some of the problems facing the coastal areas, like my own on Long Island.

Brown Tide is a micro-algae bloom that was first reported in the bays along Rhode Island in 1985, devastating our shellfish industry, a multimillion-dollar industry, and reducing the harvest from a high of 278,000 pounds back in 1984 to just 250 pounds in 1988.

This Brown Tide is a phenomenon that has gripped many coastal areas around the country, and like its related kin, the Red Tide that the gentleman from Florida [Mr. MILLER], my good friend, has been struggling to fight down in the Florida area, this phenomenon has created quite a lot of havoc. So I want to commend the subcommittee for its sensitivity in making sure that the Brown Tide and the Red Tide phenomena are dealt with in this legislation.

Billions of dollars in economic growth and thousands of jobs, much less the countless recreational opportunities, are being wasted as a result of overfishing, and this bill deals in a good way with that problem. I support the committee's recommendation of $108.5 million for the National Marine Fisheries Service Conservation Management and Operations Program. It is an increase of about $5 million over existing funding, and it will provide the National Marine Fisheries with the kind of tools that it needs to deal with this very serious problem of overfishing in our waters.

Mr. MOLLOHAN. Mr. Chairman, I am pleased to yield 3 minutes to the gentleman from California [Mr. DIXON], a distinguished member of the subcommittee.

Mr. DIXON. Mr. Chairman, I thank the gentleman for yielding me this time.

I rise in support of H.R. 2267. I would like to compliment the staff for their fine work, but, most important, the Members that serve on this committee. They are dedicated; they worked very hard to reach a consensus, and they deal with some problems that really confront America.

This bill is very important to California. The issue of incarceration of illegal aliens has been a major problem for the budgetary constraints of the State of California, and I am pleased that, on a bipartisan basis, we have increased that fund from $500 million to $600 million this year, and I thank my colleagues for that.

As the chairman indicated, the bill provides for an additional 1,000 Border Patrol people. If we are to get a handle on people that come across the border illegally, it is important to increase the personnel, and we have provided $125 million to do so. The COPS Program that has provided new employment for law enforcement officers in so many communities is funded at last year's level, but most importantly, the COPS technology program has earmarked $30 million for programs to fight the war against drugs and, in particular, the methamphetamine program. California is the capital of the manufacturing of methamphetamine, and I am pleased that myself and the gentleman from California [Mr. LEWIS] were able to encourage the committee to mark $18 million to fight that drug war.

While I support this bill, there are serious problems with the bill that I hope will be modified and rectified as we move along on the floor and in conference. One is the limitation on sampling. I recognize that the chairman of the committee has come a long way in his effort to try to accommodate everybody on this issue, but I would urge my colleagues to listen to the debate and adopt and support the amendment offered by the gentleman from West Virginia [Mr. MOLLOHAN] and the gentleman from Connecticut [Mr. SHAYS].

As the gentleman from Colorado [Mr. SKAGGS] points out, it is very important that poor people have access to the civil courts of our society. This bill contains a 50 percent cut below last year's level of funding for the Legal Services Corporation, and I would ask my colleagues to support the Mollohan-Fox amendment that will raise it at least to $258 million.

In all, I think this is a good job, but it is certainly proof that as we move along on the floor and in conference, that we can improve this bill, and I look forward to working with my colleagues.

Mr. Chairman, I rise today in support of H.R. 2267, the Commerce, Justice, State Appropriations Act for fiscal year 1998. I commend Chairman ROGERS and Ranking Member MOLLOHAN for their work in bringing what can be a difficult bill to the floor. I want to thank the chairman and his staff for their openness and willingness to consider the concerns of all the subcommittee members. While I support H.R. 2267 and many of the important spending priorities reflected in the bill, I have very serious concerns about several provisions of this legislation, which I hope will be addressed on the floor and in conference with the Senate.

The bill continues to bolster our control over the southwest border; increases funding to fight illegal drugs and crime; funds crime prevention programs; and begins to address the serious issue of U.S. arrears to international organizations.

Controlling our southwestern border is of paramount importance to this Nation, my State of California, and particularly Los Angeles County. H.R. 2267 provides $125 million for 1,000 new Border Patrol agents, continuing the expansion of a force that has increased by 85 percent between fiscal year 1993 through fiscal year 1997. I applaud the 20-percent increase over fiscal year 1997 funding of State criminal alien assistance—from $500 million to $600 million—to reimburse States and localities for the cost of incarcerating illegal aliens who commit criminal offenses. These costs impose an enormous burden on States and localities as a result of the Federal Government's inability to control the border.

Control of the border is crucial also to our fight to stem the tide of illegal drugs coming into the United States. The State Department estimates that in 1996, 50–70 percent of cocaine, up to 80 percent of foreign grown marijuana, and 20–30 percent of heroin entered the United States from Mexico, across our southwestern border.

In addition to controlling the importation of illegal drugs, this bill also addresses production within our borders. Methamphetamine is the fastest growing abused drug in the Nation. Emergency room admissions related to "meth" more than tripled between 1991 and 1994. Unfortunately, my State is so active in meth production that the DEA has listed California as a source country for the drug. H.R. 2267 earmarks $30 million in COPS grants to States to combat meth production, including $18.2 million to the California Bureau of Narcotics Enforcement to assist its work in shutting down clandestine meth labs.

We continue to fund the COPS Program, working toward the goal of putting 100,000 more police officers on the street by 2000. Already COPS grants have funded the hiring of 61,000 new officers, including over 3,000 new or redeployed officers in Los Angeles. We are seeing results from this and other anticrime efforts, with violent crime dropping 12.4 percent in 1995. Additionally, the subcommittee has recognized the need for increased flexibility in the application of grant money, providing $35 million for COPS technology grants to help law enforcement use officers more efficiently in investigating, responding to, and preventing crime.

It is important to reiterate that addressing the Nation's crime problem requires a two-pronged approach involving both tough law enforcement and programs to prevent crime. While criminals must face sure punishment for their crimes, we must also be proactive. Once a crime is committed—once a person has been a victim of a crime—we have lost half the battle. H.R. 2267 provides over $280 million to help prevent crime, including nearly $238 million for juvenile justice and delinquency prevention. I strongly support this funding to steer our young people away from involvement with crime.

I am pleased that H.R. 2267 adequately funds most State Department accounts and fully funds current year dues owed to international organizations. In the post-cold-war environment, U.S. diplomatic engagement is essential to world stability, economic growth, and democratization.

This bill also begins to address the payment of U.S. arrears to the United Nations and other international institutions. These arrears are eroding both our credibility in the world community and our ability to press for important U.N. reforms. H.R. 2267 contains $54 million for international organizations arrears and $46 million for international peacekeeping arrears. These payments are an essential step toward fulfilling our obligations to international organizations.

Notwithstanding my support today for moving H.R. 2267 forward, there are provisions of the bill I oppose and which I hope can be rectified. While the bill generously funds all law enforcement agencies, the agency that enforces our civil rights laws—the EEOC—is flat funded. This bill generously funds the legal activities of the Justice Department, but severely underfunds the agency that guarantees access to legal representation for the poor—Legal Services Corporation funding has been cut from $283 million to $141 million. Finally, I believe that the provision related to the Census Bureau unnecessarily jeopardizes their ability to effectively administer Census 2000 by restricting its preparations.

The Equal Employment Opportunity Commission has been denied the small increase it requested. The EEOC is charged with enforcing our Nation's civil rights laws as they pertain to employment in both the private and public sectors. I share the committee's view that the agency's backlog is creating unacceptable delays in the resolution of discrimination cases. Although the agency under Chairman Gilbert Casellas has made significant progress in reducing its backlog, we need to ensure that these reductions were not onetime benefit. While I believe that the EEOC needs to more effectively track staff and resource usage, denying the agency a modest inflationary increase may only exacerbate the delay in resolution of these cases.

This bill provides only $141 million for Legal Services Corporation, just over 40 percent of its $340 million request for fiscal year 1998 and less than 50 percent of their $283 million fiscal year 1997 appropriation. These cuts seriously damage the ability of poor people to seek redress through the legal system.

In 1995 and 1996 the Congress placed restrictions on LSC's activities to address the concerns of members. LSC has also instituted reforms in its granting procedures that have resulted in more efficient delivery of its services. The agency is a model of efficient spending of scarce federal resources; its administrative costs represent a mere 3 percent of its appropriations. I urge my colleagues to adopt the Mollohan/Fox amendment, to increase Legal Services Corporation funding to $250 million.

Finally H.R. 2267's census provisions could seriously undermine preparation for the 2000 census. The bill, which allows the Census Bureau to spend only $100 million on census activities until an authorizing bill is enacted, may very well leave the Bureau unable to perform necessary activities such as dress rehearsals.

We know that the 1990 census had an undercount. We know that minorities, people in rural areas, and the homeless were disproportionately undercounted. We know that the sampling methods developed by the Bureau of the Census to get a more accurate count have the support of respected scientific organizations—including the National Academy of Sciences. I urge my colleagues to support the Mollohan-Shays amendment and not block efforts to obtain the most accurate count possible.

I urge my colleagues to support H.R. 2267 and look forward to continuing our work on problematic areas of this legislation.

Mr. ROGERS. Mr. Chairman, I yield 2 minutes to the gentleman from Iowa [Mr. LATHAM], one of the new members of our subcommittee who has done a great amount of work in formulating this legislation.

Mr. LATHAM. Mr. Chairman, I thank the gentleman for yielding me this time and for the opportunity to speak. It has been a real privilege to be on this subcommittee under the chairman's leadership and to work in a bipartisan way to really address a lot of very, very critical problems that we have nationwide, but in particular for me in Iowa.

The gentleman from California [Mr. DIXON] mentioned methamphetamines, and to me, this is a horrible problem that is exploding in the Upper Midwest, and the work that we are doing in this bill will help us tremendously as far as enforcement, when we look at the tri-State drug task force we have in Sioux City and being able to beef up those efforts to deal with this problem that is going to be devastating to our young people and really change the whole fabric of society in our area. This is something that I am very proud that this bill addresses.

Also, the question of more INS agents in our part of the country. A lot of people do not think Iowa has much of a problem. Well, the fact of the matter is we have a dramatic increase of illegals brought in by the attraction of certain industries, and we have been able to in this bill, after the completion of this bill, will have 12 INS agents in the State of Iowa where previously we have had none, and it is a severe problem. We will have a colloquy later on talking about INS and the problems we have.

But this bill goes a long way toward addressing other concerns we have, obviously, with agriculture, as far as trade and small business; extremely important to us, and obviously, with the State Department, too, and our relationships around the world to be able to continue fair and equal trade is very important.

Just maybe a second about the census. I believe that we have to have an actual count, that that is what the Constitution says, and this bill certainly follows what is constitutionally mandated.

Mr. MOLLOHAN. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from Ohio [Mr. SAWYER].

Mr. SAWYER. Mr. Chairman, there are a lot of people who are afraid of the political costs of an accurate census. I think most Americans are afraid of the costs overall of an inaccurate census. As a result, there has been a great deal of misinformation about what the plans are for 2000.

Let me just take a moment tonight to try to set the record straight. Some opponents of sampling have said the census will not even try to count everyone. That is simply not true. The Bureau will make an unprecedented effort to count more people than ever before in the history of the Nation directly. The Bureau will send four pieces of mail to every household; first a letter explaining the census, and then the form itself, and then the postcard reminding people to fill out the form, and finally a second form just in case the first one was missed, and that is just for starters.

□ 1800

People can pick up census forms in hundreds of thousands of locations, post office, stores, libraries, churches, and they can turn in their responses by phone for the first time. This will be supplemented by a huge advertising campaign using television, radio, billboards and newspapers, outreach and promotion through schools and with community-based organizations. We will use people hired from within the community. For the first time, the Bureau is working with local governments to make sure the address lists are correct before the census starts.

The Bureau is in the process of contacting all 39,000 local governments in this country asking for their help. Then and only then, after this unprecedented effort to count everyone by mail, will the census start going door-to-door, seeking those who still have not responded.

But going door-to-door is not the most accurate way to count everybody. In fact, in 1990 the door-to-door effort resulted in a census that was wrong over 10 percent of the time. To count 35 percent of the country that did not mail back the census form 10 years ago, the Bureau had to hire over 400,000 people. Just the size of that work force alone guarantees that there will be some mistakes because of inexperience and lack of adequate training.

More importantly, door-to-door work asking questions is a difficult and sometimes dangerous job. The Bureau has been working on this since 1950. Morris Hanson and W. Edwards Demming did some experiments that showed that knocking on doors was less accurate than mail-out mail-back, and the GAO agreed. Its evaluations of 1990 found that the error rate for people counted by mail was less than 3 percent compared to a rate nearly 10 times that for people who counted the census going door-to-door.

To overcome these problems, the Bureau developed a plan to improve the basic mail count and to improve the count of those who do not mail back their forms. That is the first time the sampling and statistical methods that I just described come in.

The Bureau plans to conduct a sample to complete the count of nonresponding households in a process known as direct sampling. The process will allow the Bureau to make direct contact with 90 percent of the households in every census tract in every neighborhood across the country, an unprecedented level of direct counting.

The Bureau will then apply the characteristics to the remaining 10 percent of households based on information it has gathered on all the other households it has counted directly. In census tracts where the mail response was lower, the size of the sample will be higher.

After the field work is complete and 100 percent of households have been included in the census, then the Bureau will conduct a second super-survey 5 times larger than ever before, 750,000 households, covering targeted census blocks in all 50 States, in order to check its previous work. It will use its best enumerators, with a new set of independent address lists, to make a final check of undercounts and overcounts. The results of that very precise, very fine-grained second survey will then be applied block by block to demographically similar areas across the country.

It is this combination of methods, the old with the new, the outdated with the modern, the conventional with the more accurate, that stands the only chance to produce a better census in 2000. Without these methods, they can only fall back on prior procedures that in the past have failed to count everyone.

Mr. Speaker, without the new methods, the Census Bureau can only fall back on procedures that have in the past failed to count everybody and that have failed to make the count more accurate. If we effectively keep the Bureau from using these methods, by preventing the Bureau from testing them in the dress rehearsal next year and cutting off the funds for them for an indeterminate period into the future, we will be saying to every community across the country that we do not care if the census misses people, and that is not an outcome that I think most Americans can support.

Mr. ROGERS. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. CALVERT].

Mr. CALVERT. Mr. Chairman, I rise for the purpose of engaging in a colloquy with the distinguished chairman of the Appropriations Subcommittee.

Mr. Chairman, this bill appropriates $70 million for NOAA's interannual and seasonal climate and global change research program, a $2 million increase over the current level, but at $4.9 million below the request. Concerns have been expressed that the committee's action did not include funding to continue the tropical ocean global atmosphere observing system known as TOGA. The TOGA observing system funds buoys across the equatorial Pacific to perform measurements that have proven invaluable to El Nino researchers. Scientists performing this research are concerned that the bill would prevent NOAA from continuing this critical program.

Can the chairman assure us that the $4.9 million funding is included in this bill for the TOGA array?

Mr. ROGERS. Mr. Chairman, will the gentleman yield?

Mr. CALVERT. I yield to the gentleman from Kentucky.

Mr. ROGERS. Mr. Chairman, I appreciate the gentleman raising this issue so that I can eliminate any confusion over the matter. There has been some confusion.

The bill provides $70 million for climate research and prediction activities. Of that amount, $4.9 million has been provided to continue the TOGA observation system, as well as a $2 million increase over the current funding level for additional climate research, including research into the El Nino phenomenon.

Mr. CALVERT. I thank the gentleman for clarifying this matter.

Mr. BILBRAY. Mr. Chairman, will the gentleman yield?

Mr. CALVERT. I yield to the gentleman from California.

Mr. BILBRAY. I thank the gentleman for yielding to me, Mr. Chairman.

I want to take this opportunity to thank Chairman ROGERS for clarifying the funding for this important program, TOGA, which not only predicted the El Nino but also predicted the massive floods that we saw last year in the Northwest.

I would also take this opportunity to thank you for including an increase of $2 million in your bill fro NOAA's climate research programs, including additional funds requested for the International Research Institute for Climate Prediction [IRI].

The IRI is cohosted by the Scripps Institute of Oceanography at U.C. San Diego, and the Lamont Doherty Earth Laboratory at Columbia University.

The IRI provides experimental forecasts on seasonal-to-long-term time scales of changing physical conditions, such as ocean temperature, to predict rainfall. It then assesses the regional impacts of these variations. This information is then used to support practical decisionmaking in critical sectors such as agriculture, emergency response, and public health and safety.

This funding increase will be used to improve regional forecasts, and to increase regional research and demonstration projects to explore impacts of these forecasts on specific areas. This information is increasingly important, as we are now learning with the onset of El Niño. However, the IRI does not focus on such applications here in the United States.

Mr. Chairman, I would like to work with you to explore how we might find additional support within the bill for the important research, separate from the IRI itself, which underlies the Climate Research Program. I recognize and appreciate the tight restrictions which you have had to work with in crafting your bill, and know the difficulties you face.

However, given the importance of this forward-looking research, and the benefits which our own Nation can derive as a result down the road, I believe it is important that we take every advantage of this opportunity to expand our understanding in this field.

As you are aware, Mr. Chairman, there are three specific functions within this program which would benefit from the additional funding which was originally requested by NOAA: Additional research to do seasonal-to-long-term forecasting for all of North America; beginning a regional applications process in the United States to make this forecasting useful to climate-sensitive regions, such as agricultural areas; and intensify the research effort into understanding long-term climate variability. Scientists now believe that long-term variability has as great an impact on North America as the El Niño.

As the chairman knows, I originally was prepared to offer an amendment, along with my colleague, the gentlelady from San José, to add $4.9 million to this bill for the purpose of ensuring that the TOGA Program would continue. Given the chairman's earlier clarifications of the TOGA Program, however, I would not seek to offer the amendment at this time.

But if the gentleman would be agreeable, I would like to work further with the chairman and our colleagues between now and the conference to ensure the stability of the underlying research base on this important topic.

Mr. ROGERS. I would be happy to work with the gentleman.

Mr. MOLLOHAN. Mr. Chairman, I am pleased to yield 30 seconds to the gentlewoman from California [Ms. LOFGREN].

Ms. LOFGREN. Mr. Chairman, I acknowledge the hard work of the gentlemen from California, Mr. BILBRAY and Mr. CALVERT. I do have concerns about the impact on other NOAA research. El Nino must be funded. I am eager to further understand the implications of what has been done here between now and tomorrow, in hopes that I can rise tomorrow in support of what has been outlined here.

I look forward to some further clarification from staff between now and tomorrow morning. I thank the gentleman.

Mr. MOLLOHAN. Mr. Chairman, I am pleased to yield 4 minutes to the gentlewoman from Florida [Mrs. MEEK].

Mrs. MEEK of Florida. Mr. Speaker, I strongly support the Mollohan-Shays amendment to permit the Census Bureau to continue planning for the 2000 census. I would just like to remind the House that the history of this Nation shows that the census has always failed to count some people, but, of course, we want to be sure that there is no significant undercount this time. But the undercount is always higher for African-Americans than for any other group.

Mr. Chairman, I would ask Members to look at the data for the last six censuses, which we will see is being brought to our attention now. If Members will look at this particular chart, they will see that beginning in 1940, in each census the undercount has been more than 3 percent larger than it was for whites. The undercount for blacks or African-Americans has been always more than 3 percent larger than it was for whites.

If we look at these data all across, from 1940 up until now, there has been this very serious undercount, but it was greater in 1990 than any other time. It was like 4.4 percent higher among African-Americans at that time in 1990, here, if Members will note, than at any other time. The 1990 census failed to count 1.4 million African-Americans.

I do not think anyone in this country wants an undercount. They want the very best. They want everyone counted. It appears that the only way that can be done is to do sampling. History has proven this undercount, so why should we go back to some of the same flaws that we had in the 1990 census?

It also failed in 1990 to count 2.6 million whites, but the percentage of blacks that was not counted in 1990 was 5.7 percent, more so than with whites. It was much larger than the percentage of whites not counted; 1.3 percent more were not counted during the 1990 census.

Not fully counting African-Americans in the census originated a long time ago with the Constitution. Article 1, section 2 of the Constitution that was ratified in 1788 provided African-Americans as three-fifths of a man. As a result, we were not counted correctly, even back then. But that was changed, so now we do have that corrected, the earlier misconception of the census.

But this is really a debate about political power. We do not want the undercount to happen again. This was repealed in 1868 by the 14th amendment. We must continue now to be sure that this old legacy that was brought to us a long time ago does not repeat itself.

Failing to count certain groups is not limited to blacks. I am appealing to the Congress, to the chairman and to the Members to be sure that the undercount we had in 1970, that we had in 1980, that we had in 1990, will not be repeated in the year 2000. We want everyone counted.

Mr. ROGERS. Mr. Chairman, I yield 3 minutes to the gentleman from Texas [Mr. SMITH], the distinguished chairman of the Subcommittee on Immigration and Claims of the Committee on the Judiciary.

Mr. SMITH of Texas. Mr. Chairman, I thank the chairman of the subcommittee for yielding me this time.

Mr. Chairman, I rise in strong support of H.R. 2267, the 1998 Commerce-State-Judiciary appropriations bill. My colleague, the gentleman from Kentucky [Mr. ROGERS] and my colleague, the gentleman from West Virginia [Mr. MOLLOHAN] have worked hard to draft a fair bill, and I commend them for their efforts.

As chairman of the Subcommittee on Immigration and Claims, I would like to highlight just a few of the specific programs which this bill funds within the Immigration and Naturalization Service and which I strongly support.

First, the bill, for the second year, provides funding for 1,000 additional Border Patrol agents for fiscal year 1998 instead of the 500 requested by the President. These new Border Patrol agents are vital to efforts to stem the flow of illegal drugs, aliens, criminals, and terrorists into the United States.

The bill also recognizes that the Border Patrol is not the only key to apprehending and removing illegal and criminal aliens. Additional funds need to be applied to interior enforcement: more investigators and special agents to apprehend illegal and criminal aliens, additional funding for the alien removal process, the expansion of detention space to hold aliens waiting to be removed, and additional funding of the special criminal alien removal program designed to remove criminal aliens as soon as they are released from prison.

All of these functions need to be better executed by the INS. I share the hopes of the chairman of the Subcommittee on Commerce, Justice, State, and Judiciary that by providing the INS with these additional funds, as this bill does, there should no longer be any doubt that these programs are top priority matters to Congress and should also be top priority matters to the INS.

The bill also recognizes and responds to the serious problems within INS's naturalization program. The program, known as Citizenship U.S.A., gave citizenship to criminals and aliens who were in deportation proceedings. These results were clearly the result of bad procedures and insecure fingerprint checks.

H.R. 2267 eliminates non-law enforcement entities who formerly were able to take fingerprints. Businesses such as Pookies Parcel and Post and Juanita's Beauty Salon should not be in the business of taking fingerprints used to obtain the most valuable thing the United States could give, that of citizenship.

The bill also requires that criminal checks be completed before naturalization takes place, a procedure too often overlooked in the first years of Citizenship U.S.A. I support this requirement. I also hope that as the naturalization procedures are improved and electronic fingerprint checks are implemented, items which my colleague, the gentleman from Kentucky [Mr. ROGERS] has agreed to fund, that the waiting time for processing naturalization applications is significantly reduced.

Also, the bill funds the Justice Department's audit of past improprieties in Citizenship U.S.A. and its efforts to denaturalize criminal aliens and aliens already in deportation proceedings. I thank my colleagues on the Committee on Appropriations for their great efforts on funding the INS, and I ask my colleagues to support this bill.

Mr. ROGERS. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. SOLOMON) having assumed the chair, Mr. HASTINGS of Washington, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2267), making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1998, and for other purposes, had come to no resolution thereon.

## REPORT ON RESOLUTION WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 2266, DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 1998

Mr. GOSS, from the Committee on Rules, submitted a privileged report (Rept. No. 105–267) on the resolution (H.Res. 242) waiving points of order against the conference report to accompany the bill (H.R. 2267) making appropriations for the Department of Defense for the fiscal year ending September 30, 1998, and for other purposes, which was referred to the House Calendar and ordered to be printed.

## REPORT RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 901, AMERICAN LAND SOVEREIGNTY PROTECTION ACT

Mr. GOSS, from the Committee on Rules, submitted a privileged report (Rept. No. 105–268) on the resolution (H.Res. 243) providing for consideration of the bill (H.R. 901) to preserve the sovereignty of the United States over public lands and acquired lands owned by the United States, and to preserve State sovereignty and private property rights in non-Federal lands surrounding those public lands and acquired lands, which was reported to the

House Calendar and ordered to be printed.

## GENERAL LEAVE

Mr. ROGERS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill (H.R. 2267) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1998, and for other purposes, and that I may include tabular and extraneous material.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

## DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 1998

The SPEAKER pro tempore (Mr. SOLOMON). Pursuant to House Resolution 239 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 2267.

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### IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 2267) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1998, and for other purposes, with Mr. HASTINGS of Washington in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole House rose earlier today, the gentleman from Kentucky [Mr. ROGERS] had 7 minutes remaining and the gentleman from West Virginia [Mr. MOLLOHAN] had 8½ minutes remaining.

The Chair recognizes the gentleman from West Virginia [Mr. MOLLOHAN].

Mr. MOLLOHAN. Mr. Chairman, I yield 3 minutes to the distinguished gentlewoman from Texas [Ms. JACKSON-LEE].

Ms. JACKSON-LEE of Texas. Mr. Chairman, I would like to thank the distinguished gentleman from West Virginia [Mr. MOLLOHAN] for all of his hard work and the chairman of this committee as well.

Let me acknowledge the importance of the moneys that have been included in this particular bill for the juvenile prevention program or effort that was initially started by the Riggs-Scott amendment. Let me also acknowledge that we would like to see and hope to see Legal Services Corporation fully funded, and I will be looking to support the Fox-Mollohan amendment.

I also wanted to note that I look forward to working with both the gentleman from West Virginia [Mr. MOLLOHAN] and the gentleman from Kentucky [Mr. ROGERS] on the Senate version of this bill, which includes $500,000 for the establishment of a National Center for Study and Prevention of Juvenile Crime and Delinquency, located at Prairie View A&M University, located near Houston, TX.

We believe that prevention is worth a pound of cure, if you will, if that is the correct metaphor, or in other words, it is worth spending money for juvenile crime prevention. So I thank the gentlemen for considering this funding for Prairie View A&M and working with me to make sure that these funds are funded.

I listened to my colleague, the honorable gentlewoman from Florida [Mrs. MEEK] and I have to also comment on the census. I am really disturbed that an amendment by the gentleman from Illinois [Mr. HASTERT] will ban sampling and is included in this legislation.

Statistical sampling is a scientific methodology that will make the 2000 census more accurate. Over 4,000 people were missed in the last census, particularly those living in rural areas, children, and minorities.

Mr. Chairman, this is not a political question "How many people will come to the United States Congress?" This is a question of how many Americans will we be able to serve as we work in the climate of a balanced budget. How many do we know that are in need, that need scholarships, that need education? How should the Government do its business? By guessing? Or should it do it by accurate counting?

The Academy of Sciences, the American Statistical Association, the GAO, and the census director under the Bush administration have all recommended the use of statistical sampling to make the census more accurate.

I urge my colleagues to join me in signaling their concerns over this provision of H.R. 2267 by supporting the Mollohan-Shays amendment. This amendment strikes the language added late last night by the Committee on Rules and in its place adds language prohibiting use of any 1998 funds to make irretrievable plans or preparations for the use of sampling or any other statistical method in taking the census for purposes of congressional apportionment.

It is important to recognize that this amendment will also create a board of observers for a fair and accurate census charged with the function of observing and monitoring all aspects of the preparation and execution of census 2000 to determine whether the process had been manipulated in any way that biases the results in favor of any geographic region, population growth, or political party.

How fair can we get, Mr. Chairman? This is a fair amendment in the instance of having an oversight board. We are fair in the instance of treating the American people fairly by saying every single person deserves to be counted, the homeless person deserves to be counted, a child needs to be counted. How can we serve this country if we do not have the kind of results that sampling will bring about?

My colleagues, please vote to be able to have sampling in the year 2000.

Mr. Chairman, I rise today to share my thoughts and concerns regarding H.R. 2267, the Commerce-Justice-State appropriations bill.

Let me first raise my objections to the census provisions of this bill. Last night, the Rules Committee adopted a rule that automatically adopted into the text of this bill an amendment offered by Representative HASTERT that will ban sampling and make the Census Bureau's funding contingent on a full judicial review of its methods. My colleagues, statistical sampling is a scientific methodology that will make the 2000 census more accurate. Over 4 million people were missed in the last census, particularly those living in rural areas, children, and minorities. The Academy of Sciences, the American Statistical Association, the GAO, and the census director under the Bush administration have all recommended the use of statistical sampling to make the census more accurate.

I urge my colleagues to join me in signaling their concerns over this provision of H.R. 2267 by supporting the Mollohan-Shays amendment. This amendment strikes the language added late last night by the Rules Committee and in its place adds language prohibiting use of any 1998 funds to make irretrievable plans or preparations for the use of sampling or any other statistical method in taking the census for purposes of congressional apportionment. This same language is included in the Senate-passed version of the bill.

Additionally, the Mollohan-Shays amendment will create a board of observers for a fair and accurate census, charged with the function of observing and monitoring all aspects of the preparation and execution of census 2000 to determine whether the process has been manipulated in any way that biases the results in favor of any geographic region, population group, or political party. The Mollohan-Shays amendment provides a fair and reasonable resolution to the controversy surrounding the 2000 census.

Further, I must raise my strong objections to the provisions in H.R. 2267 which cut funding for the Legal Services Corporation in half, leaving only $141 million for the entire program. A cut of this magnitude would cripple the program and undermine the Federal commitment to ensure that all Americans, regardless of income, have access to the judicial system.

The third issue that I must raise with respect to H.R. 2267 is an amendment that I will offer requiring the Justice Department to contract with the National Research Council of the National Academy of Sciences to conduct a study of computer-based technologies and other approaches that could help to restrict the availability of child pornographic images through electronic media, including the Internet and on-line services. My amendment would also provide for the identification of illegal pornographic images with the goal of criminally prosecuting those purveyors of such photographic images to children.

The goal of this study is to understand the technological capabilities currently available for identifying digitized pornographic images stored on a computer, network, or other computer communication mediums by the use of software or other computer technologies.

While this amendment was not made in order by the Rules Committee, I hope that my colleagues will join with me in its support to eliminate the growing threat of pornographic images faced by our children today.

Finally, I hope to draw my colleagues' attention to funding for the establishment of a National Center for the Study and Prevention of Juvenile Crime and Delinquency at Prairie View A&M University, located outside of Houston, TX. The Senate has included $500,000 for this center in its version of the bill.

The National Center would fill some very important functions: First, conducting academic programs, including continuing education and training for professionals in the juvenile justice field; second conducting policy research; and third, developing and assisting with community outreach programs focused on the prevention of juvenile violence, crime, drug use, and gang-related activities.

Studies show that prevention is far more cost-effective than incarceration in reducing the rates of juvenile crime. A study by the Rand Corp., titled "Diverting Children From a Life of Crime, Measuring Costs and Benefits," is the most recent comprehensive study done in this area. It is clear that juvenile crime and violence can be reduced and prevented, but doing so will require a long-term vigorous investment. The Rand study determined that early intervention programs can prevent as many as 250 crimes per $1 million spent. In contrast, the report said investing the same amount in prisons would prevent only 60 crimes a year.

Children hurting children on the streets of our Nation is costly for the moral fabric of our society and the burden on our government. Public safety is now becoming one of the most significant factors influencing the cost of State and local governments. We can begin to bring those costs down and make both short-term and long-term positive differences in the lives of our young people by targeting the prevention of juvenile crime.

In Texas, the historically black colleges and universities are forging ahead. The Juvenile Justice Center at Prairie View A&M University will become a State and national resource. It will perform a vital collaborative role by focusing on measures that target the prevention of juvenile violence, crime, delinquency, and disorder. The university will provide comprehensive teaching, research, and public service programs. There is no single answer to this problem, but this center will be a start to bridging the programs that work for the State of Texas and other States.

It is my understanding, through conversations that my staff have held with committee staff, that Chairman, ROGERS and ranking member MOLLOHAN agree that funding for the Juvenile Justice Center at Prairie View should be incorporated into the conference report. I would like very much to thank both the chairman and the ranking member for their support of this important Juvenile Justice Prevention Center.

Mr. ROGERS. Mr. Chairman, I yield 3 minutes to the gentleman from Florida [Mr. MCCOLLUM], the very able and hard working chairman of the Subcommittee on Crime of the Committee on the Judiciary.

Mr. MCCOLLUM. Mr. Chairman, I thank the gentleman from Kentucky [Mr. ROGERS] for yielding me the time, and I want to take the opportunity to commend him on the bill that the gentleman has produced along with the gentleman from West Virginia [Mr. MOLLOHAN].

Overall, it is an excellent product. I particularly am concerned and happy with the portion of it that deals with the criminal justice system and specifically want to talk for a few minutes about the juvenile crime moneys that are in this bill.

For the very first time, there is a new program being created that is going on in concert with H.R. 3, that was passed by this body in May, to help repair the juvenile justice systems that are broken in this country in the very States.

This is a $300 million grant program which is in this bill that would go to the States to use as they see fit to work with their juvenile authorities and to spend what they need for more detention centers or for more prosecutors or judges or whatever they want to, prevention, whatever it might be that is involving the juvenile justice system itself.

What we have seen all too much in the last few years is that juveniles are committing a lot of the violent crime in this country. In fact, they are the highest, as a group, the highest percentage of violent crimes committed by juveniles. More murders by 18-year-olds, more rapes by 17-year-olds, and a lot of shocking numbers on the increase in violent crime in this group.

The experts have told us that the reason why a lot of this is occurring right now is because there are no consequences in most of the juvenile justice systems around the country. Kids will go and commit misdemeanor crimes, vandalism, going into the homes or stores or spray painting graffiti on a warehouse wall. And then because of an overworked juvenile justice system, in many, many jurisdictions, they do not get the kind of punishment that they should be getting for that, community service or whatever it may be. In fact, many times the police do not even take the kids in before the juvenile justice system because they know nothing is going to happen to them.

So repairing this broken system is very, very important. What we have proposed in the underlying law is that if you pass muster, if the State assures the Attorney General of the United States that they have done four things, then they can get this money to spend as they want to on their juvenile justice system.

Those four things are very simple: That they assure the Attorney General that if a juvenile is 15 years of age or older in that State and has committed a murder or a rape or an assault with a gun, that they will permit, not require, but permit the prosecutor to prosecute the juvenile as an adult; No. 2, and I think this is the most important thing, that the State has established a system of graduated sanctions and that it will punish juveniles for the very first delinquent act and for every one thereafter in a graduated sanction fashion to put consequences back into the system; that the State assures the Attorney General that it will have a recordkeeping system if the juvenile has committed a felony and it is the second offense the juvenile has committed so we can keep those records instead of destroying them and know if the juvenile is a really bad apple, as unfortunately many of them are; and that there is a system to assure the accountability of parents in terms of those orders the juvenile court may give to them to help supervise the child.

If that is the case, then, as I said, the $300 million could be spent on just about anything that anybody wants to, for more prosecutors, or whatever it is.

I am just exceedingly pleased with this bill and this provision in the bill, and I strongly support it. Again, I want to thank the chairman for his work and thank him for the opportunity to let me speak about it tonight.

Mr. MOLLOHAN. Mr. Chairman, I yield 3 minutes to the distinguished gentlewoman from California [Ms. WATERS].

Ms. WATERS. Mr. Chairman, I rise to add my voice of support for the Mollohan-Shays amendment. I think it is very important for us to examine the question of the census and the count that we do to ensure the constitutional mandate of an accurate census count.

Why would we be involved in a debate about whether or not we count or want to count all Americans? Why would we be in a debate about whether or not we would use the best method to do that? I certainly do not understand why anybody would want to deny the most accurate count as mandated by the Constitution of the United States.

It is no question that this is constitutional, that we can use this statistical method that has been used in the past. The Department of Justice, under Presidents Carter, Bush, and Clinton, have all concluded and it has been confirmed by our court system, that we can use sampling as a way of ensuring an accurate count.

Why do we need to use sampling? Because 10 percent of the count was wrong in 1990, an error rate of 26 million people who were either missed, counted twice, or counted in the wrong place. So it is very important that we do not repeat what happened in 1990, but we use statistical sampling so that we can get that accurate count that is mandated.

Then it is a civil rights issue. The undercount is unfair to some groups because some groups are missed more than others. The African-Americans are 7 times as likely to be missed as whites, and it showed in the undercount in 1990, the highest ever recorded of people missed or miscounted. Equal representation is extremely important for African-Americans because it is a civil rights issue. If in fact we are undercounted, we are not counted, we will not be able to exercise our rights under the law.

Three separate panels that were convened by the National Academy of Sciences recommended the use of sampling to supplement their traditional counting. Some may have concluded that this is a political question, that there are those who believe that if we do an accurate count, we are going to get those people in the cities, those people in the rural communities that some would rather not have counted. I just cannot imagine anybody that would conclude it is in the best interest of America to have anybody not counted.

We know that in the final analysis, if we are about the business of justice, freedom, and equality, if we are about the business of wanting equal representation for all of our people, if we truly want to do the job that the Constitution mandates, we will do everything that we can to ensure an accurate count. One can only do that with sampling.

The CHAIRMAN. The Chair will inform Members that the gentleman from Kentucky [Mr. ROGERS] has 4 minutes remaining and the right to close and that the gentleman from West Virginia [Mr. MOLLOHAN] has 2½ minutes remaining.

Mr. ROGERS. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Delaware [Mr. CASTLE].

Mr. CASTLE. Mr. Chairman, I thank the gentleman from Kentucky [Mr. ROGERS] for yielding. I very much appreciate the Commerce, State, Justice appropriations bill. There are several things in there of special interest to me.

One is $5 million for the National Center for Missing and Exploited Children, which is truly critical funding for the Nation's primary resource for child protection.

Also, something else I was interested in is "no frills" prison language restricting Federal funds from being spent on prisoner amenities such as martial arts instruction, weight rooms, in-cell television, expensive electrical instruments.

I also appreciate the NOAA funding as it pertains to the Chesapeake Bay Restoration Program, which I think is vitally important for that area and some of the troubled water areas we have on the East Coast at the present time.

Finally, the manufacturing extension program, which is sort of a new program, but it is the program which has become I think a cost effective, Federal-State, public-private partnership that helps small and midsized American manufacturers to become modernized to compete in the demanding global marketplace.

These are just four different measures which this committee listened to and which I think can improve life in America. And I am very thankful to all the members of the committee who helped put this together.

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Mr. MOLLOHAN. Mr. Chairman, I yield the balance of my time to the distinguished gentlewoman from New York [Mrs. MALONEY].

The CHAIRMAN. The gentlewoman from New York is recognized for 2½ minutes.

Mrs. MALONEY of New York. I thank the gentleman for yielding me this time. Mr. Chairman, I rise in strong support of the bipartisan Mollohan-Shays amendment. I rise to talk about and point out to this House what I think is the civil rights issue of the 1990's, the right to be counted in the census.

The majority leadership has expressed concern that the data obtained in the census might be manipulated. The Mollohan-Shays amendment addresses that concern by setting up a three-member panel which would ensure that the results are tamperproof.

The new language of the gentleman from Illinois [Mr. HASTERT] which was added last night, I must point out, is no solution. Allowing the Supreme Court to rule on Census 2000 may sound like a just resolution, after all, who can argue with the Supreme Court, but what might look like a fair compromise is really a wolf in sheep's clothing.

Even an expedited Court decision could take up to a year, and that is much too much time. When a year has passed and the Court rules, as courts have in the past, that statistical sampling is constitutional, it will be too late. When the Court was asked to make an expedited review on the line-item veto, it took 14 months. The flag burning expedited review took 10 months. An expedited review on the census would push preparations for the most fair and accurate count ever far past important deadlines.

My colleagues who oppose an accurate count know that a lengthy delay means certain death. A fair and accurate count is the cornerstone of our democracy. I urge my colleagues to support the bipartisan Mollohan-Shays amendment to ensure a fair and accurate census count for the year 2000.

Mr. ROGERS. Mr. Chairman, I yield 1 minute to the gentlewoman from Ohio [Ms. KAPTUR].

Ms. KAPTUR. Mr. Chairman, I thank the gentleman for his consideration and also the gentleman from West Virginia [Mr. MOLLOHAN], the ranking member.

The fiscal year 1997 House report and conference report on Justice Department appropriations included language urging the Department of Justice within funds available for Byrne grants to give favorable consideration to funding for the community security program of the Local Initiative Support Corporation. As a result, Justice is now working with LISC to form partnerships in a number of communities in which local community-based organizations are willing to work with law enforcement officials to promote a more livable neighborhood. Using funds from private philanthropic organizations and corporations, LISC has had great success in promoting local community security efforts in New York and Seattle. There is great interest in this program in my State, and I am particularly pleased that LISC is working in Toledo, OH. It is my hope that Justice will once again be asked to give proposals from LISC favorable consideration.

Mr. ROGERS. Mr. Chairman, will the gentlewoman yield?

Ms. KAPTUR. I yield to the gentleman from Kentucky.

Mr. ROGERS. I thank the gentlewoman for bringing this to the attention of the committee. I support community-based initiatives to crime prevention and urge the Department to give favorable consideration to continue funding this program.

Mr. BROWN of California. Mr. Chairman, I rise in opposition to the amendment.

Over the last 3 years, the ATP and other public-private partnerships have been at the center of partisan legislative debates over the proper role of Government in technology development—despite the fact that the vast majority of these programs were begun in the

Reagan administration and strongly supported in the Bush administration. In the past few months, we have once again returned to a consensus on the Advanced Technology Program [ATP]. This bipartisan consensus was clear in May of this year when the House passed a noncontroversial 2-year authorization of the ATP program as part of H.R. 1274, the NIST Authorization Act. This amendment, unfortunately, threatens to shatter consensus once again.

There was bipartisan agreement on the authorization bill because of a number or reforms made to the ATP. Some of these reforms were initiated by the Science Committee in the authorization bill and others were initiated by Secretary Daley in response to congressional concerns.

These changes include: First, putting more emphasis on joint ventures and consortia—this has advantaged small- and medium-size single applicants and deemphasized awards to large companies. Already almost half of ATP awards have gone to small business; and more than 100 universities are involved in about 150 ATP projects. Second, increasing the cost-share ratio for large, Fortune 500, single applicant companies to 60 percent—ATP now has one of the highest cost-share ratios of any Government/industry program. Third, ensuring that ATP does not fund projects which can be wholly supported by private capital. Fourth, encouraging State participation in ATP awards—ATP joint ventures can now be led by States and State-sponsored nonprofit institutions. Fifth, building upon the Experimental Program to Stimulate Competitive Technology—EPSCoT will improve technology development and diffusion in the 18 States underrepresented in Federal R&D funding.

These changes preserve the fundamental mission of the program—providing funding for the breakthrough ideas whose commercialization horizon often fails to attract the attention of capital markets. These changes make ATP stronger and more viable by encouraging a greater diversity of partnerships. And I want to stress that ATP always has been and will continue to be a wholly merit-driven program based on peer-review.

In short, the House has already voted to support the authorizing committee in reforming and strengthening the ATP. No amendments to reduce ATP funding were offered during either the committee's or the House's consideration of the authorizing legislation. An appropriations bill is not the place to destroy this carefully crafted consensus.

I urge my colleagues to vote no on this amendment.

Mr. CAPPS. Mr. Chairman, I rise in support of this bill, which includes increased funding for crucial initiatives like the COPS program, juvenile crime and prevention programs, and Violence Against Women Grants.

But I am disappointed that the bill does not fully fund the President's request for the Federal Bureau of Prisons. This issue is particularly important to me because of a horrible tragedy that occurred in my district earlier this year.

On April 3, 1997, Correction Officer Scott Williams, a decorated marine who served in Desert Storm, was brutally attacked and killed at the U.S. penitentiary in Lompoc, CA. His death has forever changed the lives of his wife, Kristy, their two very small children, Kaitlin and Kallee, and this small hardworking community.

Scott's tragic death is a constant reminder to his fellow officers of the terrible danger in which they work every day. This Congress must do all that it can to ensure that these brave men and women are given the resources they need to do their jobs safely.

I have been out to the Lompoc penitentiary numerous times and I have spoken with Warden Rardin and many of the correctional officers and staff. We should be doing more to support these hardworking men and women who are charged with keeping America's most dangerous criminals locked up and off our streets.

These heroic men and women work in some of the most dangerous working environments in the country. We must pay them a decent salary, provide that there is a sufficient number of officers on duty at all times, and give them the tools to do their jobs in a safe and humane manner. To do otherwise is irresponsible.

As our prison population continues to rise, adequate funding for the salaries, benefits, and protection of correctional officers has never been more important. Scott and his fellow officers protected us and continue to protect us day after day. It is now our turn to protect them. I will continue to support these dedicated men and women and I urge my colleagues to do the same.

Mr. SANDERS. Mr. Chairman, I rise today in support of a provision within the fiscal year 1998 Commerce, Justice, State, Judiciary appropriations bill which provides full funding for the Small Business Administration's Small Business Development Center [SBDC] Program.

Mr. Chairman, it is clear that in my State of Vermont, and all across the country, small businesses are creating the lion's share of new jobs. And we should be doing more to help those who are most ready to create and invest here at home in our national economy.

The SBDC Program is one example where a small Federal investment has paid for itself many times over. With limited Federal funds, SBDC's have been able to leverage additional non-Federal funds in support of their mission and to forge very strong partnerships with State and local government, education, and business leaders to provide a unique array of local counseling, training, and financial services that would not otherwise be attainable in the private sector to small businesses, especially those employing fewer than 25 employees and the self-employed.

Ultimately, SBDC's pay off in the form of job creation and new economic development. The SBDC Program also generates increased revenues from a broader base of income and sales tax returns from thousands of new or more profitable small businesses that are helped by SBDC's.

Mr. Chairman, the SBDC Program has been very successful in Vermont. In their 1996 annual survey of 1,400 clients, the Vermont SBDC revealed sales increases of almost $83 million, and the creation of 1,750 jobs for Vermont—1,350 full-time and 450 part-time, at average hourly rates of $9.85 and $6.95. Reviewing the results of the survey, the Vermont tax commissioner validated a conservative return of over $1.2 million directly into the State treasury in income and sales taxes. This equates to a 4-to-1 return on the Federal dollars.

Mr. Chairman, unfortunately earlier this year the President's budget proposed to cut funding for SBDC's by 24 percent—from $73.5 million to-$57.5. This cut would have been particularly devastating for smaller States, such as Vermont, which barely have the resources to meet the current demand for services. I opposed this cut, and wrote a letter to Subcommittee Chairman HAROLD ROGERS, requesting that funding for the SBDC's be sustained at its current level, including a small adjustment for inflation. I am pleased to report that I was joined on my letter to the chairman by 94 Members of the House.

Mr. Chairman, I am especially pleased that the chairman and the subcommittee responded to this bipartisan effort by fully funding the SBDC Program for fiscal year 1998, including a $2-million increase for inflation. I urge all of my colleagues to support SBDC's by supporting this provision during floor consideration of the Commerce, Justice, State, Judiciary appropriations bill.

Mr. ETHERIDGE. Mr. Chairman, I rise in support of the Hoyer-Cardin-Etheridge amendment to H.R. 2267, the fiscal year 1998 Commerce, Justice, State Appropriations Act. This amendment will add $3 million to the National Ocean Service Account of the National Oceanic and Atmospheric Administration [NOAA] to respond effectively to Pfiesteria, and Pfiesteria-like conditions, along the Eastern Seaboard.

As you know, Pfiesteria is a single-celled organism which in certain stages, produces a toxin that kills fish and may have human health effects. In several cases now under investigations, individuals reported that they become ill after direct exposure to the organism's toxins. It was first linked to massive fish kills in North Carolina waters in 1988. In North Carolina alone, over a billion fish have been killed as a result of Pfiesteria. In light of recent findings, North Carolina has set up a toll-free hot line and organized a panel of experts to review how North Carolina should respond to future fish kills.

Chemical analysis is the key to other needed research that will answer more specific questions about health impacts. More funding is critically needed to augment the research that North Carolina has already begun on characterization and analysis of the Pfiesteria toxin. Presently, NOAA has the mechanisms in place to study and assess the causes and possible controls of Pfiesteria and Pfiesteria-like conditions.

Mr. Chairman, I urge my colleagues to support this amendment. It is a cost-effective measure, and it will enable NOAA to assist States from North Carolina to Delaware effected by this micro-organism.

Mr. ROGERS. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. All time for general debate has expired.

Mr. ROGERS. Mr. Chairman, I ask unanimous consent that any amendment otherwise in order under clause

2(f) of rule XXI that affects a paragraph in title I, and the item Legal Services Corporation, be in order at a later point in the reading of the bill notwithstanding that the affected paragraph of title I may have been read.

The CHAIRMAN. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The CHAIRMAN. Pursuant to the rule, the amendment printed in part 1 of House Report 105–264 is adopted and the bill, as amended, shall be considered as an original bill for further amendment under the 5-minute rule.

Before consideration of any other amendment, it shall be in order to consider amendment No. 1 printed in part 2 of the report, if offered by the Member designated in the report, which may amend portions of the bill not yet read for amendment. The amendments printed in part 2 of the report may be offered only by a Member designated in the report and, except for amendment No. 1, may be offered only at the appropriate point in the reading of the bill. Amendments in part 2 shall be considered read, shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

During consideration of the bill for amendment, the Chair may accord priority in recognition to a Member offering an amendment that has been printed in the CONGRESSIONAL RECORD. Those amendments will be considered read.

The Chairman of the Committee of the Whole may postpone a request for a recorded vote on any amendment and may reduce to a minimum of 5 minutes the time for voting on any postponed question that immediately follows another vote, provided that the time for voting on the first question shall be a minimum of 15 minutes.

The Clerk will read.

The Clerk read as follows:

H.R. 2267

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 1998, and for other purposes, namely:

AMENDMENT OFFERED BY MR. HYDE

Mr. HYDE. Mr. Chairman, I offer an amendment made in order pursuant by the rule.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part 2, Amendment No. 1 offered by Mr. HYDE:

Page 116, strike line 16 and all that follows through line 2 on page 117 and insert the following:

**SEC. 616. ATTORNEYS FEES AND OTHER COSTS IN CERTAIN CRIMINAL CASES.**

During fiscal year 1997 and in any fiscal year thereafter, the court, in any criminal case pending on or after the date of the enactment of this Act, shall award, and the United States shall pay, to a prevailing party, other than the United States, a reasonable attorney's fee and other litigation costs, unless the court finds that the position of the United States was substantially justified or that other special circumstances make an award unjust. Such awards shall be granted pursuant to the procedures and limitations provided for an award under section 2421 of title 28, United States Code. Fees and other expenses awarded under this provision to a party shall be paid by the agency over which the party prevails from any funds made available to the agency by appropriation. No new appropriations shall be made as a result of this provision.

The CHAIRMAN. Pursuant to House Resolution 239, the gentleman from Illinois [Mr. HYDE] and a Member opposed will each control 15 minutes.

The Chair recognizes the gentleman from Illinois [Mr. HYDE].

Mr. HYDE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, one of the reasons for being proud to be an American, one of the reasons I ran for Congress, one of the reasons I studied law was to try and achieve justice for people. Justice is what is your due. It is not being cheated, it is not being defrauded, and it is certainly not being pushed around.

I have learned in a long life that people do get pushed around, and they can be pushed around by their government. I was very late coming to that decision, but I learned that people in government, exercising government power are human beings, like anybody else, and they are capable of error, they are capable of hubris, they are capable of overreaching, and yes, on very infrequent occasions they are capable of pushing people around. And so when something like that happens, it is doubly shocking because you have no place to turn. If the Government, your last resort, is your oppressor, you really have no place to turn.

I am one who is hopeful and optimistic about the Government. I am very proud of my government. I think on the whole it tries very hard to do justice for its citizens. But occasionally it lapses, as I say, because it is made up of human beings.

We have a law called the Equal Access to Justice Act, which provides in a civil case if the Government sues you, and you prevail, if the Government cannot prove substantial justification in bringing the suit, you are entitled to have attorney's fees and costs reimbursed. That is justice. I do not say the Government, when they bring a civil suit against anybody or everybody, has to always win to be justified in bringing the suit, but if the suit was not substantially justified, in other words, if it was an abuse of process, if it was frivolous, if it was malicious, then the victim, the defendant who has prevailed, is entitled to attorney's fees, very modest, $125 an hour. But that is the law, and it has been the law for 17 years. There are cases interpreting it, interpreting what substantial justification for the Government to bring the litigation is, and we have had 17 years of successful interpretation and reinforcement of that law.

Now, it occurred to me, if that is good for a civil suit, why not for a criminal suit? What if Uncle Sam sues you, charges you with a criminal violation, even gets an indictment and proceeds, but they are wrong. They are not just wrong, they are willfully wrong, they are frivolously wrong. They keep information from you that the law says they must disclose. They hide information. They do not disclose exculpatory information to which you are entitled. They suborn perjury. They can do anything. But they lose the litigation, the criminal suit, and they cannot prove substantial justification. In that circumstance, as in the Equal Access to Justice Act for civil litigation, you should be entitled to your attorney's fees reimbursed and the costs of litigation, again at the same modest rate. That, my friends, is justice.

If you were to take a piece of paper and sit down and say, what is the most unjust thing in all of the law, you would have to say when you are pursued by somebody, and you are ultimately vindicated, and you have to swallow what can be bankrupting costs. You mortgage your house, you mortgage your future, and you may have won the case, but you have really lost the war because you are bankrupt. So this simply says to Uncle Sam, look, if you are going to sue somebody, and civilly we have had that for 17 years, under my amendment criminally, and you cannot prove substantial justification after the case is over, and the verdict is not guilty, then the prosecution pays something toward the attorney's fees of the victim. That is justice. It may be rough justice, but it is substantial justice. That is what we are attempting to do.

Now, in the bill, the gentleman from Pennsylvania [Mr. MURTHA] having in mind the case of someone we all know who went through hell, if I may use the term, for many years of being accused and finally prevailed at enormous expense, one he will never get out from under, but that brought to mind these circumstances and what could we do about them. The gentleman from Pennsylvania [Mr. MURTHA] decided to put in the bill an amendment that said for a Congressman or a member of the Congressman's staff, if they are sued by the Government criminally and they prevail, the Government owes them attorney's fees.

I felt that was inappropriate. First of all, it is too narrow. It only covers Congressmen and congressional staff. If it is good enough for them, it ought to be good enough for any citizen. Second, it was too broad, because you only had to win your case to be entitled to attorney's fees. It would seem to me that is not enough. You need a higher threshold. What you need is to have a case that was not substantially justified, one that should not have been brought. That finding is made by the trial judge who has heard the case. The Government must prove substantial justification or you get attorney's fees. It seems to me this is just.

The Justice Department does not like it, of course. Who would like having to prove substantial justification? But if you are interested in justice, if you are the defendant and you have this panoply of lawyers and resources and FBI against you, and not only are they wrong, but they have been substantially unjustified, they have been frivolous, there is no justification substantially for bringing the suit, I am not asking for damages, I am not asking that the prosecutor go to jail or be held in contempt of court, although were I the judge, I would be interested in hearing those arguments if the Government's case was not substantially justified, but we are asking that you repair the wound, the economic wound, somewhat by awarding attorney's fees. This is my amendment.

Mr. Chairman, I reserve the balance of my time.

□ 1845

Mr. SKAGGS. Mr. Chairman, I yield myself 4 minutes.

Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, every Member of this body has enormous respect for the gentleman from Illinois and the chairman of the Committee on the Judiciary, but I must observe that this is an extraordinary matter of policy to attempt to bring up for the first time as an amendment to an appropriations bill and, I think, wholly out of the judicious character with which the gentleman typically manages the business of his committee. I believe it is correct that this has been subject to no hearings, no opportunity for representatives of the Justice Department or the criminal defense bar or anyone else to really explicate the implications, the consequences, the costs of a significant change in the way the United States of America would manage its criminal justice responsibilities. Whatever the underlying merits of finding some way to make whole persons that may be unjustly prosecuted by the Justice Department and the law enforcement agencies of the United States when rarely but occasionally that happens, to attempt in the context of a floor amendment on an appropriations bill to address this issue I think does enormous disservice to the kind of standards of careful and thoughtful and considered work that this House ought to be doing.

It is for that reason among other substantive reasons that the administration has in its statement of policy on this indicated that, were this amendment to be adopted and be part of the final forum of this Commerce-Justice-State appropriations bill when presented to the President, that he would veto the bill, and let me just read briefly from the administration's statement.

I quote:

> Opposes the Hyde amendment that would require the United States to pay attorney fees and litigation costs to "prevailing parties" in Federal criminal cases unless the government can demonstrate the case was substantially justified. This provision would have a profound and harmful impact on the Federal criminal justice system.

And listen to this.

> It would create a monetary incentive for criminal defense attorneys to generate additional litigation in cases in which prosecutors have in good faith brought sound charges, tying up the scarce time and resources that are vital to bringing criminals to justice.

Think, for instance, what this would mean in areas of the criminal law that are already particularly difficult matters for prosecutors to successfully bring to conviction: rape cases, child molestation cases, in which one runs into reluctant witnesses and all sorts of difficulty in evidentiary and proof matters, cases brought under the Violence Against Women Act in particular. Do we really want to set up a system in which we are giving incentive to successful criminal defendants who have prevailed against such prosecution to tie up the limited resources, and limited they are in the United States criminal justice system, tie up those resources with these kinds of cases?

I would stipulate that we need to address the question of injustice, as rare and occasional as it may be, that the distinguished chairman of the Committee on the Judiciary brings to the House underlying this amendment. But let us do it in the regular order, let us do it through the good offices of the gentleman's committee with an opportunity for interested parties to be heard, for the representatives of the Justice Department to make their case about the real consequences of this kind of very, very significant change in national policy. We cannot do justice to this in this setting this evening under these circumstances.

Mr. HYDE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, my good friend, the gentleman from Colorado [Mr. SKAGGS], puts the best possible face on, in my judgment, a very untenable argument. He takes refuge in procedure, that this is the inappropriate vehicle to bring this forward. Injustice needs remedy and one seizes their opportunities when they come along. My amendment was just stated as a result of the gentleman from Pennsylvania [Mr. MURTHA] putting on this bill an amendment to reimburse attorney fees to Congressmen and their staffs if they prevail in a criminal suit, and I said no, that is too narrow, it only takes care of Congressmen and their staffs. It ought to protect anybody who is abused by a suit that is not substantially justified.

Say, I would hope this would take some time and resources from the Justice Department. They might think twice about bringing cases for which there is no substantial justification. If someone is a prosecutor and they are going to wrench somebody out of their job and their home and put them on trial as a criminal, there ought to be enough in the case that it is substantially justified.

To say one does not want them to waste their resources on cases that are not substantially justified, what about the resources of the citizen who has been put through the hoops? What is the remedy, if not this, for somebody who has been unjustly, maliciously, improperly, abusively tried by the Government, by the faceless bureaucrats who hire a law firm or get a U.S. attorney looking for a notch on his gun.

And I am for law enforcement; I am about as law and order as one can get around here, but I have seen abuses, and I know people who think because it is public power it is being wielded in the public interest. No, not necessarily. But when they transgress they ought to help pay the attorney fees to make the innocent defendant partly whole.

I remember the former Secretary of Labor, Ray Donovan, who was prosecuted and again and again and again and won every time, and when it was all over he said to himself, "Where do I go to get back my reputation?" Well, one cannot get that back, but, at least, if the Government tries to bankrupt someone because of attorney fees, they ought to pay that.

I am for law enforcement, I am for criminals going to jail, I am for the Justice Department prosecuting criminals, but not without substantial justification, and if my colleagues are against my amendment, they are saying let the Government do whatever it wants, and if they cannot prove substantial justification, tough luck.

I do not buy that.

Mr. Chairman, I reserve the balance of my time.

Mr. SKAGGS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, just quickly and in response to the gentleman's point, and then I will yield time to the gentlewoman from Michigan, I think the gentleman proves too much. Were the words "malicious" and "abusive" in his amendment, and maybe those are criteria that also ought to be introduced, it would be a different matter.

Those were not standards that are in his amendment although they were certainly the standards invoked in his rhetoric. But it is exactly those kinds of questions about which we need a more deliberative examination of this proposed change than is admitted this evening.

Mr. Chairman, I yield such time as she may consume to the gentlewoman from Michigan [Ms. RIVERS].

Ms. RIVERS. Mr. Chairman, I rise in opposition to this particular amendment, and while I join the gentleman from Illinois in several of his endeavors, including his concerns about forfeitures in this country and the business of the IRS, and have been on his bills in both Congresses, I do not agree with him on this particular issue.

Section 616 of the bill before us creates a new class of citizenship exclusively for Members of Congress and their staffs by extending to them the rights to reimbursement of legal expenses when a Justice Department prosecution fails to convict them. This would be alone among all American citizens, only Members of Congress and their staffs.

Now my distinguished colleague, the gentleman from Illinois [Mr. HYDE], proposes to replace that language in 616 with an amendment to extend these privileges to any defendant who is successful in defending themselves in Federal court. The claim is that this amendment will produce greater equity.

Mr. HYDE. Mr. Chairman, would the gentlewoman yield? I will give her some time if she yields on that point.

Ms. RIVERS. I yield to the gentleman from Illinois.

Mr. HYDE. Mr. Chairman, I do not extend this protection to anybody who is successful in Federal court. They are successful and the Government cannot substantially justify. That is not a tough threshold, that is not a tough threshold under the Government to meet.

Ms. RIVERS. Mr. Chairman, I will speak to that threshold.

While the claim is that this amendment will produce greater equity by eliminating differences between the treatment of Members and ordinary citizens and greater efficacy within the Justice Department, I believe it will do neither. Frankly, I believe this new proposal, when distilled down, is nothing more than a variation on the protect Members theme that is already written into this bill. While the language of the gentleman from Illinois [Mr. HYDE] allows the court to deny reimbursement if it believes the prosecution's case is substantially justified, Members can and will claim that their prosecution was politically motivated.

The words of the gentleman from Illinois [Mr. HYDE] support the suspicion. He argued in his written testimony to the Committee on Rules that there is, quote, a legitimate fear that a prosecutor could become politically involved with the particular case, could feel so compelled to win that he forgets his duty is not to win but to ensure justice. But, Mr. Chairman, it is a rare defendant that could claim that his prosecution was politically motivated. Only Members and other public officials will travel the path that this amendment lays out.

Concerns that this bill is really about Members are heightened in that this proposal was not introduced in previous Congresses and only surfaced after the angry glare of public opinion focused on H.R. 2267 and its existing Member exemption language. But even if one can accept the arguments that this proposal is about protecting all Americans, it appears to be unnecessary.

Our judicial system already provides many protections to seal defendants from frivolous cases. The gentleman from Illinois [Mr. HYDE] speaks to the civil court system but not to the criminal court system. If a case has been prosecuted, a judge has already decided, most likely several times, that the prosecution's evidence was sufficient to warrant trial, and as the Justice Department points out in their letter to Mr. HYDE, in every Federal felony case a grand jury has already determined the adequacy of the prosecution's case.

Similarly, defendants are already protected by the greatest force of justice we have in this country, the U.S. Constitution. The fifth amendment requirement of probable cause provides abiding and unambiguous protection for criminal defendants. The proposal of the gentleman from Illinois [Mr. HYDE] offers nothing more in terms of deterring errant prosecution. It simply creates a forum for Members of Congress to argue that they have been unjustly targeted for political reasons.

Mr. Speaker, it is clear that this proposal is not only unnecessary, it is most likely harmful. Members must be mindful of the chilling effect legislation of this kind could have on Federal prosecutions. The gentleman from Illinois [Mr. HYDE] has argued that politics should not be a part of the prosecutorial calculus. Agreed, but should money, given that the money at issue here comes from the Justice Department, budget losses under this amendment would decrease the Justice Department's ability to pursue other prosecutions and weaken their resolve to pursue tough but sometimes very necessary cases.

Likewise, the potential of reimbursement creates a form of prosecutorial poker wherein wealthy defendants who can and do spend large amounts of money on dream team defense counsel can raise the stakes regarding their possible prosecution.

And last but not least, please consider the after-the-fact exercise required under this bill to determine justification for prosecution. As the Justice Department points out, justification may not be evident on the trial record. There may be evidence that was relied upon in good faith by the prosecution in coming to its decision to prosecute, but was later suppressed at trial; there may be disclosure or required disclosure and compromise of confidential sources or law enforcement techniques, particularly when the Justice Department is dealing with organized crime and conspiracy cases. Likewise, we could find situations where the Justice Department must compel testimony from children who have been victims of abuse or pornography because they did not originally testify, but the prosecution relied upon their information. Similarly, if we are dealing with espionage or national security, we could force disclosure of classified information or, worse yet, we could create a situation where Justice declines to prosecute for fear of having to reveal information of a classified nature, which in fact then gives those kinds of defendants a negotiating room that most defendants do not enjoy.

Clearly this is not the sort of proposal that we should pass after just 30 minutes of discussion. It would work a fundamental change in our legal system and, according to the Department of Justice, would pose a substantial obstacle to the accomplishment of their essential mission.

I would urge a "no" vote.

Mr. HYDE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, first of all, the judge makes the decision; the U.S. attorney does not, the jury does not. The judge who has heard the case has heard all the evidence. Then, after the trial is over and the verdict is in, the judge then listens to the Government and says, "What was the substantial justification for bringing this suit?" So the judge decides.

As for yielding secrets and classified information, that has been taken care of in the courts for many years. The judge can hear the evidence in camera by himself. Nothing needs to be publicly disclosed.

Probable cause is not the same as substantial justification. The cases recite that. There are ninth circuit cases, there are all sorts of litigation in the Equal Access for Justice Act, 17 years of that which say that, "You may have probable cause, you may have an indictment, but you're not required as the prosecutor to produce exculpatory evidence, only evidence of guilt."

□ 1900

So the two concepts are dissimilar. So that does not count.

The gentlelady said the Constitution will protect us all.

The Constitution protects you, but it will not pay your bills. That Constitution you carry in your pocket, the landlord will not take that and your lawyer will not take that. They want to get paid with cash. When the Government sues you and, by the way, you seem to have sympathy for everybody in this picture but the victim, who has been sued and the Government cannot substantially justify the lawsuit. I really wish you had some imagination and could imagine yourself getting arrested, getting indicted, what happens to your name, to your family, and the Government has a case it cannot substantially justify. They do not need to defend against malice or hardness of heart or anything like that, just substantial justification. They do not have to win.

The fact that I picked this time and we have not had hearings, that is just a dodge. This is about as simple a concept as there is. We have had it and we have been satisfied with it in civil litigation. I am simply applying the same situation to criminal litigation.

Ms. RIVERS. Mr. Chairman, will the gentleman yield?

Mr. HYDE. I yield to the gentlewoman from Michigan.

Ms. RIVERS. Mr. Chairman, I just was responding to the gentleman's comment by I believe Mr. SKAGGS and I personally and wondered what information the gentleman had about whether we could or could not understand what it would be like to be a criminal defendant, whether we could or could not rely on any personal experience?

Mr. HYDE. Mr. Chairman, reclaiming my time, I do not know the gentlewoman's personal experience. Most people are not indicted by the U.S. attorney. But I can imagine, and I know people who have been, what a shattering experience it is.

Ms. RIVERS. Mr. Chairman, if the gentleman will continue to yield, what we know is most people are not indicted by a U.S. attorney. Of those that are and prosecuted, 87 percent are convicted. The question is why are we pursuing this particular bill and what indication there is——

Mr. HYDE. Mr. Chairman, there are 13 percent that were not, and if the litigation against them was not substantially justified, we are not talking about a lot of money to give them justice, are we?

Ms. RIVERS. Do we have any indication at this point how many of that 13 percent are substantially unjustified and whether or not there is actually a need for this kind of proposal? And would that not in fact come out in a hearing and help us all make better decisions?

Mr. HYDE. Mr. Chairman, reclaiming my time, let us pass this law and then we will have some experience and see how many cases are brought that they cannot prove substantial justification. To take the gentlewoman's version of things, every case is substantially justified. I am telling Members in the real world lives are ruined, people are bankrupted, and it is not just, and we have a chance to remedy it and we ought to.

Mr. Chairman, I yield back the balance of my time.

Mr. SKAGGS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I really am perplexed. The gentleman who offers this amendment obviously feels deeply and strongly about the wrong to be righted by this proposal, which is obviously legislative language. The gentleman chairs the committee of jurisdiction.

We are in the ninth month of this session of Congress. If the gentleman believes that this is such an important matter, the question obviously arises why, with his control over the jurisdiction of this committee, there has not been legislation introduced, hearings held and a bill reported, so that we would not be put to this very awkward business of trying to figure out the real practical implications, legally, in terms of cost and every other way by a proposal brought first to the floor of the House.

Mr. HYDE. Mr. Chairman, will the gentleman yield?

Mr. SKAGGS. I yield to the gentleman from Illinois.

Mr. HYDE. The only reason it is here now, I saw the Murtha amendment, it was coming to the floor, and I thought we could do it better. That is all. I am trying to improve someone else's amendment to make it fairer, to make it not too broad, and to give a standard. That is why we are here.

That is not to say we will not deal with it in the Committee on the Judiciary, I am sure we will, but there may be no need to after it passes.

Mr. SKAGGS. Mr. Chairman, reclaiming my time, if the gentleman is sure he will, I think he makes the point. Let us not do this fast, maybe wrong, and with ill consideration in the context of an appropriations bill.

The gentleman has indicated that if we defeat his amendment, and presumably later on defeat the Murtha language, this will be a matter taken up, as it should be, by the committee with jurisdiction over this kind of legislation, not a quick and possibly wrong resolution of the matter on an appropriations bill.

Mr. Chairman, I urge my colleagues to vote no on this amendment.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois [Mr. HYDE].

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. SKAGGS. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Pursuant to House Resolution 239, further proceedings on the amendment offered by the gentleman from Illinois [Mr. HYDE]) will be postponed.

The point of no quorum is considered withdrawn.

Mr. HULSHOF. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I had initially intended to offer an amendment that would have increased appropriations by $2 million for the victim and witness program at the Department of Justice. However, in discussions with the gentleman from Kentucky, Chairman ROGERS, I have decided that a colloquy would be the best way to address my concerns.

Mr. Chairman, I appreciate the opportunity to discuss with the gentleman from Kentucky, Chairman ROGERS, the need to further address victims' rights, and I also want to commend the ranking minority member of the appropriations subcommittee for his commitment to offering valuable services such as victim coordinators, as well as a national notification system to those that have been the unfortunate victims of violent crime.

Mr. Chairman, the American criminal justice system has neglected victims for far too long. As part of its responsibility, U.S. Attorney offices from across the country have recently established victim and witness assistance programs to close the gap between prosecutors and victims.

I can tell you as a former prosecuting attorney in the State of Missouri, that as a result of increasing caseloads, prosecutors have been given the near impossible task of convicting the guilty, protecting the innocent, and providing much needed services to victims of crimes.

Coordinators help victims of domestic violence and child abuse, as well as telemarketing and securities fraud, which often targets seniors, and even victims such as those that suffered in the Oklahoma City bombing. Clearly, Mr. Chairman, more should be done to meet the needs of these incredibly sensitive cases.

Coordinators are an integral part in keeping victims at the center of the criminal justice system, rather than on the outside looking in. Victims deserve to be educated in the legal rights they have in the judicial system and deserve the emotional support that coordinators provide. As we here in Congress continue to crack down on criminals, the needs of victims should be equally elevated.

Additionally, victim and witness assistance programs will be implementing a national notification system that ensures victims are kept informed of case developments. It is imperative that victims of domestic violence, rape or child molestation be notified of a criminal's release back into society. It is my hope, Mr. Chairman, that the U.S. Attorneys' Offices across the country will be able to move quickly in providing this service to victims.

The victim and witness assistance program is important to ensure public confidence in our criminal justice system, to make sure that it continues to aggressively prosecute dangerous criminals, while at the same time servicing the rights of victims. It is my hope, with the gentleman from Kentucky Chairman ROGERS, that I can work with the gentleman on an agreement to increase by $2 million the appropriation for the victim and witness assistance program in joint House and Senate conference negotiations.

It is my belief, Mr. Chairman, that individuals who have been tragically victimized by criminals should not be victimized a second time by our criminal justice system.

Mr. ROGERS. Mr. Chairman, will the gentleman yield?

Mr. HULSHOF. I yield to the gentleman from Kentucky.

Mr. ROGERS. Mr. Chairman, I thank the gentleman for his statement, and for his concern for victims' rights. I realize the gentleman's commitment toward this cause and the background he brings to this body as a former prosecuting attorney from the State of Missouri as Attorney General.

I agree that every effort must be made to ensure that victims are not forgotten in the criminal justice system. The measures included in this year's appropriations bill send us in the right direction to meeting the needs of victims of serious violent crime. The subcommittee provided funds for 74 new victim coordinators and advocates and the development of a national notification system.

Mr. Chairman, I look forward to working with the gentleman during the conference deliberations on the bill to find additional monies for this very vital program.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

### TITLE I—DEPARTMENT OF JUSTICE

### GENERAL ADMINISTRATION

### SALARIES AND EXPENSES

For expenses necessary for the administration of the Department of Justice, $76,199,000, of which not to exceed $3,317,000 is for the Facilities Program 2000, to remain available until expended: *Provided*, That not to exceed 43 permanent positions and 44 full-time equivalent workyears and $7,860,000 shall be expended for the Department Leadership Program exclusive of augmentation that occurred in these offices in fiscal year 1997: *Provided further*, That not to exceed 41 permanent positions and 48 full-time equivalent workyears and $4,660,000 shall be expended for the Offices of Legislative Affairs and Public Affairs: *Provided further*, That the latter two aforementioned offices shall not be augmented by personnel details, temporary transfers of personnel on either a reimbursable or non-reimbursable basis or any other type of formal or informal transfer or reimbursement of personnel or funds on either a temporary or long-term basis.

### COUNTERTERRORISM FUND

For necessary expenses, as determined by the Attorney General, $20,000,000, to remain available until expended, to reimburse any Department of Justice organization for (1) the costs incurred in reestablishing the operational capability of an office or facility which has been damaged or destroyed as a result of any domestic or international terrorist incident, (2) the costs of providing support to counter, investigate or prosecute domestic or international terrorism, including payment of rewards in connection with these activities, and (3) the costs of conducting a terrorism threat assessment of Federal agencies and their facilities: *Provided*, That funds provided under this heading shall be available only after the Attorney General notifies the Committees on Appropriations of the House of Representatives and the Senate in accordance with section 605 of this Act.

### ADMINISTRATIVE REVIEW AND APPEALS

For expenses necessary for the administration of pardon and clemency petitions and immigration related activities, $66,700,000.

### VIOLENT CRIME REDUCTION PROGRAMS, ADMINISTRATIVE REVIEW AND APPEALS

For activities authorized by section 130005 of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322), as amended, $59,000,000, to remain available until expended, which shall be derived from the Violent Crime Reduction Trust Fund.

### OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $33,211,000; including not to exceed $10,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General; and for the acquisition, lease, maintenance, and operation of motor vehicles, without regard to the general purchase price limitation for the current fiscal year: *Provided*, That up to one-tenth of one percent of the Department of Justice's allocation from the Violent Crime Reduction Trust Fund grant programs may be transferred at the discretion of the Attorney General to this account for the audit or other review of such grant programs, as authorized by section 130005 of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322).

### AMENDMENT OFFERED BY MR. SOUDER

Mr. SOUDER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SOUDER:

Page 4, line 4, after the dollar amount, insert the following: "(increased by $2,000,000)".

Page 19, line 2, after the dollar amount, insert the following: "(reduced by $3,000,000)".

Mr. SOUDER. Mr. Chairman, I should say at the outset this amendment is cosponsored by the gentleman from Illinois [Mr. HASTERT], the chairman of the Subcommittee on National Security, International Affairs, and Criminal Justice of the Committee on Government Reform and Oversight with oversight over the INS.

Mr. Chairman, this amendment simply transfers the $3 million from the Immigration and Naturalization Service and increases the Inspector General's office at the Justice Department by $2 million to provide adequate resources for a thorough investigation of the abuses of the Citizenship USA program administered by the INS.

The Citizenship USA program was devised in 1995 to increase the speed and efficiency of the naturalization process. The problem is that speed was a priority and efficiency was forgotten. In 1996, the number of naturalizations tripled to 1.1 million, an upsurge well timed for the November election.

In the Subcommittee on National Security, International Affairs, and Criminal Justice of the Committee on Government Reform and Oversight, I chaired a number of hearings on the resulting chaos from this accelerated process. It was said at that time that the appropriations committee had increased the funding for this acceleration.

As I pointed out, the gentleman from Kentucky, Chairman ROGERS, and all of us in Congress certainly did not intend to not have background checks be done. The goal was to correctly bring people who were legal aliens into citizenship and welcome them in and accelerate that process. That was the reason the appropriations committee increased the funding, not to bring people in without the proper background checks.

What we heard in those hearings was we heard from people who said that they had bound bundles of tests that were taken in the same pencil, in the same handwriting, and yet were being applied as individuals as opposed to groups that they were actually done by.

We heard from Dallas, for example, that they had boxes of forms that never went through FBI background checks; boxes, literally thousands in some of these offices.

We heard about the mass swearing in ceremonies, where often the green cards were dumped into bins without checking off where they were coming from and then reappeared in the streets.

We heard career INS employees telling how they were told not to ask questions and follow-up questions when people did not even know what city they lived in. This type of thing was not what was intended by Congress.

The accelerated activity resulted in 180,000 applications being approved without proper screening, according to Justice Department figures, and, of those, 10,800 had felony arrests.

On April 18, 1997, the Justice Department released a report conducted by KPMG Peat Marwick Company that made clear that the Justice Department had failed to take adequate corrective action. The report stated that because of the persistent problems in checking fingerprints of citizen applicants against FBI criminal history records, "we cannot provide assurances that INS is not continuing to incorrectly nationalize aliens without disqualifying conditions."

On April 28, 1997, the Inspector General of the Justice Department announced a wide-ranging special investigation by his office into allegations of mismanagement, misconduct and illegality in the controversial INS program to speed up the citizenship process.

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Yet still Attorney General Reno refuses to appoint an independent counsel to provide an objective and complete investigation.

I know that the gentleman from Kentucky [Mr. ROGERS] the chairman of the subcommittee, has held hearings on this subject, as we have done on the Committee on Government Reform and Oversight, and I thank the chairman for his leadership on this important matter.

I ask for my colleagues' support for a complete and objective investigation of illegal activity by the inspector general in order to restore the integrity and dignity of the naturalization process. Naturalization is a critical symbol of the American democratic experiment and the continuing contribution that immigrants make. The time has come to eliminate this blemish on the immigration system and those, the majority of whom, the overwhelming majority of whom, who legally pursue their citizenship. We should not cheapen it.

Mr. MOLLOHAN. Mr. Chairman, will the gentleman yield?

Mr. SOUDER. I yield to the gentleman from West Virginia.

Mr. MOLLOHAN. Mr. Chairman, I understood that we were going to accept this amendment without debating it. In the process of accepting the amendment for the purposes of the bill being considered on the floor here today, I just want it understood that all of the characterizations that the gentleman has made are not agreed to in the process of our accepting the amendment.

Mr. ROGERS. Mr. Chairman, will the gentleman yield?

Mr. SOUDER. I yield to the gentleman from Kentucky.

Mr. ROGERS. Mr. Chairman, the gentleman has made a very interesting point, and I am prepared to accept the amendment, because it gives additional oversight of the Immigration and Naturalization Service, an agency that I think is out of control.

I have to say this, if the gentleman will continue to yield. In this bill, in addition to the money that we hope is agreed to in the gentleman's amendment for additional oversight by the inspector general of the Department for INS, in the bill we make it illegal for the INS to waive the FBI criminal check before they grant citizenship to an individual.

The CHAIRMAN. The time of the gentleman from Indiana [Mr. SOUDER] has expired.

(By unanimous consent, Mr. SOUDER was allowed to proceed for 3 additional minutes.)

Mr. SOUDER. Mr. Chairman, I would like to make it clear, I intend to make no additional statement.

Mr. ROGERS. Mr. Chairman, will the gentleman yield?

Mr. SOUDER. I yield to the gentleman from Kentucky.

Mr. ROGERS. So we make it illegal for them to waive the criminal check by the FBI before they grant citizenship, as they did last year in at least 180,000 cases, and we have 10,000, at least, felons walking the streets of America today because the INS waived the policy against requiring criminal checks by the FBI before they grant citizenship. We make it law now in this bill, not just policy. It will be the law.

No. 2, in this bill we also authorize and direct the Attorney General to fire on the spot any INS employee who violates the law or policy of the Department in relation to the naturalization process. We will not tolerate the selling of American citizenship for votes or anything else in this country, and this bill makes that plain.

Mr. Chairman, I accept the gentleman's amendment.

Mr. WATT of North Carolina. Mr. Chairman, will the gentleman yield?

Mr. SOUDER. I yield to the gentleman from North Carolina.

Mr. WATT of North Carolina. Mr. Chairman, I do not want to prolong this, but as the ranking member of the Subcommittee on Immigration and Claims on the Committee on the Judiciary, I just want to make it clear that Peat Marwick has just finished the report and issued it. There were only 300 presumptively ineligible persons found out of 1.3 million, so this notion that there is some massive impropriety going on is just incorrect.

Mr. ROGERS. Mr. Chairman, will the gentleman yield?.

Mr. SOUDER. I yield to the gentleman from Kentucky.

Mr. ROGERS. Mr. Chairman, INS at this very moment is processing 5,000 revocations of citizenship because they are criminals; 5,000, and they have just started counting. The gentleman is incorrect.

Mr. SOUDER. Mr. Chairman, I thank the gentleman for his leadership.

Mr. WATT of North Carolina. Mr. Chairman, I move to strike the requisite number of words, and I will not take the 5 minutes.

I think we are talking about two separate issues, and I am not taking issue with what the chairman says, but the gentleman from Indiana [Mr. SOUDER] in his comments made reference to a report from Peat Marwick. That report just out indicates only 300 out of 1.3 million people who were presumptively ineligible for citizenship, and that is a different issue than the issue the chairman is addressing.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana [Mr. SOUDER].

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

### UNITED STATES PAROLE COMMISSION

### SALARIES AND EXPENSES

For necessary expenses of the United States Parole Commission as authorized by law, $4,799,000.

### LEGAL ACTIVITIES

### SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES

For expenses, necessary for the legal activities of the Department of Justice, not otherwise provided for, including not to exceed $20,000 for expenses of collecting evidence, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General; and rent of private or Government-owned space in the District of Columbia; $445,000,000, of which not to exceed $10,000,000 for litigation support contracts shall remain available until expended: *Provided*, That of the funds available in this appropriation, not to exceed $17,525,000 shall remain available until expended for office automation systems for the legal divisions covered by this appropriation, and for the United States Attorneys, the Antitrust Division, and offices funded through "Salaries and Expenses", General Administration: *Provided further*, That of the total amount appropriated, not to exceed $1,000 shall be available to the United States National Central Bureau, INTERPOL, for official reception and representation expenses.

### AMENDMENT OFFERED BY MR. ACKERMAN

Mr. ACKERMAN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ACKERMAN:

Page 5, line 9, insert "(increased by $300,000)" after "$445,000,000".

Mr. ACKERMAN. Mr. Chairman, many of our colleagues may already know the deeply troubling situation that exists in the United States with regard to the veterans of the Nazi war machine.

About 8 months ago I discovered that thousands of former soldiers from Hitler's elite Waffen-S.S. corps, now living all around the world, some of whom may have participated in crimes against humanity, have been receiving monthly pensions from the German Government. These fairly generous pensions called, ironically enough, war victims' pensions, are given to Nazi SS officers who sustained injuries during World War II.

However, my concern lies with the fact that neither the German Government nor any other government has ever bothered to cross-check the list of applicants and recipients with the international list of known Nazi war criminals. This is unacceptable, particularly since we have learned that at least 3,300 recipients of these Nazi pensions live right here in the United States.

The situation becomes ironically intolerable when we realize that according to the American Jewish Committee, which has done a tremendous job in working on this issue, that well over 15,000 Jewish survivors of the Holocaust, and probably at least as many non-Jewish survivors living in Eastern Europe and countries of the former Soviet Union, have never received any compensation from that government for the horrors they were forced to endure in Nazi ghettos and concentration camps.

These survivors have been dubbed the "double victims," as they were first victimized by the Nazi nightmare and then again by the Communist governments that took over after the war. Perhaps we need to call them "triple victims" at this point since they are once again being victimized by a government who continuously refuses to offer them any compensation. Many of these survivors are also in desperate financial straits as well as in poor health.

Based on the information we received regarding the issue of pensions to former Nazi Waffen-SS officers, I wrote to German Chancellor Helmut Kohl requesting that he send us the list of those living in the United States so that the Office of Special Investigations in our State Department and in our Department of Justice could do the necessary cross-checking before the trail to Nazi war criminals grows cold.

To the credit of Chancellor Kohl and the German people, he quickly acceded to the request, and our Office of Special Investigations, OSI, under the superb leadership of its Director, Eli Rosenbaum, is currently poring over these lists.

Let me also stress that the work that they are doing now is extremely slow and a very tedious and laborious process. OSI continues to be undermanned and underresourced, and this additional major surprise project further strains those capabilities.

Therefore, this amendment would simply add $300,000 to the Justice Department appropriation for the specific purposes of investigating the names on the lists that the German Government has provided us. I think this is a prudent and reasonable amendment, and I have been informed by the Director of OSI that this additional appropriation would allow them to hire the needed attorneys and historians in order to complete this list project effectively and efficiently and in a timely manner.

Mr. ROGERS. Mr. Chairman, will the gentleman yield?

Mr. ACKERMAN. I yield to the gentleman from Kentucky.

Mr. ROGERS. Mr. Chairman, the gentleman has worked very closely with us on his amendment. We believe this program has merit and is a good amendment, and we have no objection to it and support its adoption.

Mr. ACKERMAN. Mr. Chairman, I thank the chairman, the gentleman from Kentucky [Mr. ROGERS], for his cooperation and his decisive leadership in this matter, and I urge the adoption of this amendment in the House.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. ACKERMAN].

The amendment was agreed to.

Mr. MILLER of California. Mr. Chairman, I move to strike the last word to enter into a colloquy with the gentleman from Kentucky [Mr. ROGERS], the chairman of the subcommittee.

Mr. Chairman, I was going to offer an amendment, along with the gentlewoman from Hawaii [Mrs. MINK], the gentleman from South Carolina [Mr. SPRATT], and the gentlewoman from Connecticut [Ms. DELAURO] for the Office of the United States Attorney to augment this fund by $100,000 for additional resources for the Federal Victims' Assistance Program in the Commonwealth of the Marianas. However, I understand that the chairman of the subcommittee, the gentleman from Kentucky [Mr. ROGERS], is willing to engage us in a colloquy, and if I can do so, I would like to do that at this time, with the chairman's permission.

In lieu of offering that amendment, I understand that additional funds have already been provided in this bill that could accommodate the need for increased U.S. Attorneys' presence in the Commonwealth of the Northern Mariana Islands to address the increasing docket and strained resources for both the Federal district court and the Office of the U.S. Attorney located in Guam, which presently provides prosecution support to the CNMI.

The increased law enforcement of the Federal criminal statutes' victims protection and violations of the Occupational Health and Safety Act and the Fair Labor Standards Act will be furthered with additional U.S. attorney resources. This will also permit the increased cooperation between the Federal Government and the Commonwealth of the Northern Marianas in addressing any violation of workplace and housing laws.

What I would like to ask the chairman is will the chairman work to include the language in the statement of managers which directs the U.S. attorneys to provide an additional $100,000 in resources in Guam for the use of the Commonwealth of the Northern Marianas to address these issues?

Mr. ROGERS. Mr. Chairman, will the gentleman yield?

Mr. MILLER of California. I yield to the gentleman from Kentucky.

Mr. ROGERS. Mr. Chairman, let me compliment the gentleman from California [Mr. MILLER] for raising these concerns regarding law enforcement needs in the Northern Mariana Islands. We will work during the conference to include language to address the issue in the statement of managers.

Mr. MILLER of California. Mr. Chairman, I thank the gentleman very much for his statement of support and his willingness to work with myself and the other Members, and I appreciate the gentleman agreeing to do this colloquy.

The reason we did this, I say to my colleagues, is I think that it is accurate to say that most Members of Congress, like most Americans, are unaware of the tens of thousands of workers who toil on American soil in the U.S. Commonwealth of the Northern Marianas Islands who are routinely subjected to gross violations of their human rights and other rights, while being provided few of the legal protections afforded the rest of us.

This widespread and intolerable abuse have been credibly documented by the U.S. Department of the Interior, the Justice Department, the Commerce Department, State, Labor; and news organizations, including the television program Inside Edition, Reader's Digest, the Honolulu Star Bulletin, the Pacific Daily News, the Dallas Morning News, the Washington Post, the Los Angeles Times; the report of the Committee on Resources Democratic staff, foreign consulates, church and human rights workers, and many others.

It is regrettable that until today, this Congress is one of the few places where we have been unable to gain even minimal discussion of these abuses. Inside Edition captured the horrific conditions in the Marianas on film and for this Nation to view. Now we in Congress must respond to the outrages that they have documented.

Indeed, instead of allocating the resources to providing greater protection for these exploited and abused workers, the Commonwealth of the Northern Marianas Government has spent millions of dollars lobbying this Congress to allow these current practices to continue. The victims of this abuse are afraid to complain because they are impoverished and laboring in a foreign country, our country. They are bound by contracts and labor agreements that stifle the most minimum of constitutional and human rights. They know that complaining about the underpayment of wages, forced prostitution, and employer rape carries with it the risk of retaliation or immediate deportation, or actions against their families in China.

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Mr. Chairman, thousands of these women toil in the garment factories owned by the People's Republic of China, and they are forced to sign shadow contracts with the Chinese Government before they are allowed to work here that stipulate that they are forbidden from practicing religion while in the United States, and may not engage in free speech. This is simply unacceptable.

Here perhaps is the most shocking fact. The products that this exploited labor work force, the products that they work on, are admitted to our national markets duty-free, quota-free, and with the label sewn by these indentured workers that says, "Made in the U.S.A."

We can no longer accept this practice. Additional funds for the Attorney General's office in the Northern Marianas are desperately needed. I thank the chairman again for entering into this colloquy.

The CHAIRMAN. The time of the gentleman from California [Mr. MILLER] has expired.

(By unanimous consent, Mr. MILLER of California was allowed to proceed for 4 additional minutes.)

Mrs. MINK of Hawaii. Mr. Chairman, will the gentleman yield?

Mr. MILLER of California. I yield to the gentlewoman from Hawaii.

Mrs. MINK of Hawaii. I thank the gentleman for yielding to me, Mr. Chairman.

I am really very, very excited about the idea that for the first time since my coming here to Congress in 1990, we have a chance to discuss this issue. Many of us have been really worried and concerned about it. We have done what we could in letter writing and contacting and exposing this whole issue before our constituents, before the people that have some power to do something about this. But this is really a very, very serious situation.

When we talk about the Northern Marianas, so many people think that this is a foreign country. Why should we care about what the conditions are that these people work under?

Let me remind this House that in 1975 we entered into a compact with the Northern Marianas, a covenant which gave the indigenous people of this territory U.S. citizenship status. They are American citizens. They should abide by the fundamental laws of this country, but they do not.

The reason they do not was there was a provision in the covenant which yielded to their demands at that time to say that they should not have to apply or enforce the immigration laws of this country nor the labor laws. They argued that the immigration laws and labor laws would be too cumbersome, too many regulations. It would encumber the ability of this small place to prosper and become self-sufficient. So the Congress gave in and the covenant, therefore, excluded these two very vital provisions which safeguard people entering into the United States.

The Northern Marianas is part of the United States. Those people there are U.S. citizens. What they do is they comb across the Asian continent and they find unwitting, unsuspecting victims to lure to the Northern Marianas with promises of great prosperity, with promises that they will earn money and be able to send it back to their families so they can have a better life; that they would come to an American territory and really enjoy the benefits of a democracy.

What do they find? They sign a contract which requires that they repay thousands of dollars if they cancel it. They come to the Northern Marianas. They are really enslaved in these terrible warehouses, tens of thousands of foreigners impacted into this place. They do not have the protection of minimum wage. Oftentimes they work with no salary at all.

They cannot complain because if they want to break their contract, they have no money to give back to these people who hired them. They have no money to buy an airplane ticket. The women who come to this place are terrorized. They are brutalized. They are made into prostitutes. Young children, 14- and 15-year-olds, females, are put into bondage. It is the most disgraceful thing happening on U.S. soil.

Forget the fact that it is the Commonwealth of the Northern Marianas; it is a U.S. territory. The people with whom we signed the contract were U.S. citizens. It is our responsibility to make sure that these individuals are protected.

All we are asking this Congress to do is to pay heed to the victims who are brought there, tens of thousands, most of them women. One of them that I know in my State has been brought to the State of Hawaii as a victim. She came to Hawaii at age 14 and is now 16, and she cannot obtain justice. She has no funds with which to exist. There is no victim protection for her whatsoever. She was abused and raped and put into prostitution.

Mr. Chairman, if Members had an opportunity to witness this themselves and to talk to the people that have endured this system, Members would understand the rage and the furor that I feel about what is happening there. And the products, Mr. Chairman, as the gentleman in the well has said, they come to the United States with a "Made in the U.S.A." label. That is heinous.

The CHAIRMAN. The time of the gentleman from California [Mr. MILLER] has expired.

Mr. MILLER of California. Mr. Chairman, I ask unanimous consent for 3 additional minutes.

Mr. ROGERS. Reserving the right to object, Mr. Chairman, we have a great number of items to take up. I want us to air this fully, but I would hope that we could conclude.

Mr. MILLER of California. If the gentleman will yield, I thank the gentleman. The only reason we would do that is just so it could be in sequence. We did not know if they could strike the 5 minutes.

Mr. ROGERS. I have already agreed to do what the gentleman wants.

Mr. MILLER of California. I understand.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Ms. DELAURO. Mr. Chairman, will the gentleman yield?

Mr. MILLER of California. I yield to the gentlewoman from Connecticut.

Ms. DELAURO. Mr. Chairman, I thank my colleague for giving us the opportunity to talk about these deplorable human rights abuses, as has been stated, right here on U.S. territory.

The report that was issued in July indicates that local government in the Northern Mariana Islands looks the other way as tens of thousands of low-paid and disenfranchised women, mostly from China and the Philippines, are forced to live and work in squalid, unsafe conditions. Guards, barbed wire have prevented them from escaping. The women suffer, the owners of the sweatshops prosper. Some, as my colleague the gentlewoman from Hawaii [Mrs. MINK] pointed out, have been forced into prostitution.

Whistle blowers are abused, troublemakers are sent back to their home countries, while the local government has turned a blind eye, leaving these women and young girls with little hope for protection. This kind of treatment is intolerable.

I happen to have a particular interest in this area because my mother was a garment worker. She worked in a sweatshop in New Haven, CT, as so many women did, where they worked for pennies. They worked in all conditions.

This is not the right thing to do. We made some changes here in the country. We tend to think that sweatshops do not exist any longer. In fact, they do, and right under our very eyes in territories under U.S. control.

I am pleased we have an opportunity to insert some funds here which will allow for there to be law enforcement efforts. This would allow U.S. Federal law officials to do the right thing. More important, it would help thousands of women regain their dignity and their honor.

We responded immediately this past summer to discovering illegal sweatshops in New York City. Americans do know what is right in this area. Forced labor, entrapment into prostitution, are wrong. When we discovered the conditions in New York City, Americans were outraged. We demanded change, and it occurred. We should do the same for the women who are trapped in the Northern Marianas sweatshops.

Mr. MILLER of California. I thank the chairman and ranking member for their attendance to this problem.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

In addition, for reimbursement of expenses of the Department of Justice associated with processing cases under the National Childhood Vaccine Injury Act of 1986, as amended, not to exceed $4,028,000, to be appropriated from the Vaccine Injury Compensation Trust Fund.

### VIOLENT CRIME REDUCTION PROGRAMS, GENERAL LEGAL ACTIVITIES

For the expeditious deportation of denied asylum applicants, as authorized by section 130005 of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322), as amended, $7,969,000, to remain available until expended, which shall be derived from the Violent Crime Reduction Trust Fund.

### SALARIES AND EXPENSES, ANTITRUST DIVISION

For expenses necessary for the enforcement of antitrust and kindred laws, $84,542,000: *Provided*, That notwithstanding any other provision of law, not to exceed $70,000,000 of offsetting collections derived from fees collected for premerger notification filings under the Hart-Scott-Rodino Antitrust Improvements Act of 1976 (15 U.S.C. 18(a)) shall be retained and used for necessary expenses in this appropriation, and shall remain available until expended: *Provided further*, That the sum herein appropriated from the General Fund shall be reduced as such offsetting collections are received during fiscal year 1998, so as to result in a final fiscal year 1998 appropriation from the General Fund estimated at not more than $14,542,000: *Provided further*, That any fees received in excess of $70,000,000 in fiscal year 1998 shall remain available until expended, but shall not be available for obligation until October 1, 1998.

### SALARIES AND EXPENSES, UNITED STATES ATTORNEYS

For necessary expenses of the Office of the United States Attorneys, including intergovernmental and cooperative agreements, $973,000,000: of which not to exceed $2,500,000 shall be available until September 30, 1999, for (1) training personnel in debt collection, (2) locating debtors and their property, (3) paying the net costs of selling property, and (4) tracking debts owed to the United States Government: *Provided*, That of the total amount appropriated, not to exceed $8,000 shall be available for official reception and representation expenses: *Provided further*, That not to exceed $10,000,000 of those funds available for automated litigation support contracts shall remain available until expended: *Provided further*, That, in addition to reimbursable full-time equivalent workyears available to the Office of the United States Attorneys, not to exceed 9,010 positions and 9,116 full-time equivalent workyears shall be supported from the funds appropriated in this Act for the United States Attorneys: *Provided further*, That not to exceed $6,000,000 for office moves, expansions and renovations shall remain available until September 30, 1999: *Provided further*, That not to exceed $1,200,000 for the design, development and implementation of an information systems strategy for D.C. Superior Court shall remain available until expended.

### VIOLENT CRIME REDUCTION PROGRAMS, UNITED STATES ATTORNEYS

For activities authorized by sections 40114, 130005, 190001(b), 190001(d), and 250005 of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322), as amended, and section 815 of the Antiterrorism and Effective Death Penalty Act of 1996 (Public Law 104–132), $62,828,000, to remain available until expended, which shall be derived from the Violent Crime Reduction Trust Fund.

### UNITED STATES TRUSTEE SYSTEM FUND

For necessary expenses of the United States Trustee Program, as authorized by 28 U.S.C. 589a(a), $107,950,000, to remain available until expended and to be derived from the United States Trustee System Fund: *Provided*, That, notwithstanding any other provision of law, deposits to the Fund shall be available in such amounts as may be necessary to pay refunds due depositors: *Provided further*, That, notwithstanding any other provision of law, $107,950,000 of offsetting collections derived from fees collected pursuant to 28 U.S.C. 589a(b) shall be retained and used for necessary expenses in this appropriation and remain available until expended: *Provided further*, That the sum herein appropriated from the Fund shall be reduced as such offsetting collections are received during fiscal year 1998, so as to result in a final fiscal year 1998 appropriation from the Fund estimated at $0: *Provided further*, That any such fees collected in excess of $107,950,000 in fiscal year 1998 shall remain available until expended but shall not be available for obligation until October 1, 1998.

### SALARIES AND EXPENSES, FOREIGN CLAIMS SETTLEMENT COMMISSION

For expenses necessary to carry out the activities of the Foreign Claims Settlement Commission, including services as authorized by 5 U.S.C. 3109, $1,226,000.

### SALARIES AND EXPENSES, UNITED STATES MARSHALS SERVICE

For necessary expenses of the United States Marshals Service, including the acquisition, lease, maintenance, and operation of vehicles and aircraft, and the purchase of passenger motor vehicles for police-type use, without regard to the general purchase price limitation for the current fiscal year, $462,944,000, as authorized by 28 U.S.C. 561(i); of which not to exceed $6,000 shall be available for official reception and representation expenses; and of which not to exceed $4,000,000 for development, implementation, maintenance and support, and training for an automated prisoner information system, and not to exceed $2,200,000 to support the Justice Prisoner and Alien Transportation System shall remain available until expended: *Provided*, That, for fiscal year 1998 and thereafter, the service of maintaining and transporting State, local, or territorial prisoners shall be considered a specialized or technical service for purposes of 31 U.S.C. 6505, and any prisoners so transported shall be considered persons (transported for other than commercial purposes) whose presence is associated with the performance of a governmental function for purposes of 49 U.S.C. 40102.

### VIOLENT CRIME REDUCTION PROGRAMS, UNITED STATES MARSHALS SERVICE

For activities authorized by section 190001(b) of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322), as amended, $25,553,000, to remain available until expended, which shall be derived from the Violent Crime Reduction Trust Fund.

### FEDERAL PRISONER DETENTION

For expenses, related to United States prisoners in the custody of the United States Marshals Service as authorized in 18 U.S.C. 4013, but not including expenses otherwise provided for in appropriations available to the Attorney General, $405,262,000, as authorized by 28 U.S.C. 561(i), to remain available until expended.

### FEES AND EXPENSES OF WITNESSES

For expenses, mileage, compensation, and per diems of witnesses, for expenses of contracts for the procurement and supervision of expert witnesses, for private counsel expenses, and for per diems in lieu of subsistence, as authorized by law, including advances, $75,000,000, to remain available until expended; of which not to exceed $4,750,000 may be made available for planning, construction, renovations, maintenance, remodeling, and repair of buildings, and the purchase of equipment incident thereto, for protected witness safesites; of which not to exceed $1,000,000 may be made available for the purchase and maintenance of armored vehicles for transportation of protected witnesses; and of which not to exceed $4,000,000 may be made available for the purchase, installation and maintenance of a secure, automated information network to store and retrieve the identities and locations of protected witnesses.

### SALARIES AND EXPENSES, COMMUNITY RELATIONS SERVICE

For necessary expenses of the Community Relations Service, established by title X of the Civil Rights Act of 1964, $5,319,000 and, in addition, up to $2,000,000 of funds made available to the Department of Justice in this Act may be transferred by the Attorney General to this account: *Provided*, That notwithstanding any other provision of law, upon a determination by the Attorney General that emergent circumstances require additional funding for conflict prevention and resolution activities of the Community Relations Service, the Attorney General may transfer such amounts to the Community Relations Service, from available appropriations for the current fiscal year for the Department of Justice, as may be necessary to respond to such circumstances: *Provided further*, That any transfer pursuant to the previous proviso shall be treated as a reprogramming under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

### ASSETS FORFEITURE FUND

For expenses authorized by 28 U.S.C. 524(c)(1)(A)(ii), (B), (F), and (G), as amended, $23,000,000, to be derived from the Department of Justice Assets Forfeiture Fund.

## RADIATION EXPOSURE COMPENSATION

### ADMINISTRATIVE EXPENSES

For necessary administrative expenses in accordance with the Radiation Exposure Compensation Act, $2,000,000. Further, for the foregoing purposes during fiscal year 1999, $2,000,000.

### PAYMENT TO RADIATION EXPOSURE COMPENSATION TRUST FUND

For payments to the Radiation Exposure Compensation Trust Fund, $4,381,000. Further, for the foregoing purposes during fiscal year 1999, $29,000,000.

## INTERAGENCY LAW ENFORCEMENT

### INTERAGENCY CRIME AND DRUG ENFORCEMENT

For necessary expenses for the detection, investigation, and prosecution of individuals involved in organized crime drug trafficking not otherwise provided for, to include intergovernmental agreements with State and local law enforcement agencies engaged in the investigation and prosecution of individuals involved in organized crime drug trafficking, $294,967,000, of which $50,000,000 shall remain available until expended: *Provided*, That any amounts obligated from appropriations under this heading may be used under authorities available to the organizations reimbursed from this appropriation: *Provided further*, That any unobligated balances remaining available at the end of the fiscal year shall revert to the Attorney General for reallocation among participating organizations in succeeding fiscal years, subject to the reprogramming procedures described in section 605 of this Act.

### FEDERAL BUREAU OF INVESTIGATION

### SALARIES AND EXPENSES

For necessary expenses of the Federal Bureau of Investigation for detection, investigation, and prosecution of crimes against the United States; including purchase for police-type use of not to exceed 3,094 passenger motor vehicles, of which 2,270 will be for replacement only, without regard to the general purchase price limitation for the current fiscal year, and hire of passenger motor vehicles; acquisition, lease, maintenance, and operation of aircraft; and not to exceed $70,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General, $2,706,944,000; of which not to exceed $50,000,000 for automated data processing and telecommunications and technical investigative equipment and not to exceed $1,000,000 for undercover operations shall remain available until September 30, 1999; of which not less than $147,081,000 shall be for counterterrorism investigations, foreign counterintelligence, and other activities related to our national security; of which not to exceed $98,400,000 shall remain available until expended; of which not to exceed $10,000,000 is authorized to be made available for making advances for expenses arising out of contractual or reimbursable agreements with State and local law enforcement agencies while engaged in cooperative activities related to violent crime, terrorism, organized crime, and drug investigations; and of which $1,500,000 shall be available to maintain an independent program office dedicated solely to the relocation of the Criminal Justice Information Services Division and the automation of fingerprint identification services: *Provided*, That not to exceed $45,000 shall be available for official reception and representation expenses: *Provided further*, That no funds in this Act may be used to provide ballistics imaging equipment to any State or local authority which has obtained similar equipment through a Federal grant or subsidy unless the State or local authority agrees to return that equipment or to repay that grant or subsidy to the Federal Government.

### VIOLENT CRIME REDUCTION PROGRAMS

For activities authorized by the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322), as amended ("the 1994 Act"), and the Antiterrorism and Effective Death Penalty Act of 1996 ("the Antiterrorism Act"), $179,121,000, to remain available until expended, which shall be derived from the Violent Crime Reduction Trust Fund; of which $102,127,000 shall be for activities authorized by section 190001(c) of the 1994 Act and section 811 of the Antiterrorism Act; $57,994,000 shall be for activities authorized by section 190001(b) of the 1994 Act; $4,000,000 shall be for training and investigative assistance authorized by section 210501 of the 1994 Act; $9,500,000 shall be for grants to States, as authorized by section 811(b) of the Antiterrorism Act; and $5,500,000 shall be for establishing DNA quality-assurance and proficiency-testing standards, establishing an index to facilitate law enforcement exchange of DNA identification information, and related activities authorized by section 210501 of the 1994 Act.

### TELECOMMUNICATIONS CARRIER COMPLIANCE FUND

As authorized by section 110 of the Communications Assistance for Law Enforcement Act (47 U.S.C. 1009), $50,000,000 is appropriated for purposes of national security, without fiscal year limitation, to the Department of Justice Telecommunications Carrier Compliance Fund, for payments pursuant to section 401 of such Act (47 U.S.C. 1021).

### CONSTRUCTION

For necessary expenses to construct or acquire buildings and sites by purchase, or as otherwise authorized by law (including equipment for such buildings); conversion and extension of federally-owned buildings; and preliminary planning and design of projects; $38,506,000, to remain available until expended.

### DRUG ENFORCEMENT ADMINISTRATION

### SALARIES AND EXPENSES

For necessary expenses of the Drug Enforcement Administration, including not to exceed $70,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General; expenses for conducting drug education and training programs, including travel and related expenses for participants in such programs and the distribution of items of token value that promote the goals of such programs; purchase of not to exceed 1,602 passenger motor vehicles, of which 1,410 will be for replacement only, for police-type use without regard to the general purchase price limitation for the current fiscal year; and acquisition, lease, maintenance, and operation of aircraft; $814,463,000, of which not to exceed $1,800,000 for research and $15,000,000 for transfer to the Drug Diversion Control Fee Account for operating expenses shall remain available until expended, and of which not to exceed $4,000,000 for purchase of evidence and payments for information, not to exceed $10,000,000 for contracting for automated data processing and telecommunications equipment, and not to exceed $2,000,000 for laboratory equipment, $4,000,000 for technical equipment, and $2,000,000 for aircraft replacement retrofit and parts, shall remain available until September 30, 1999; and of which not to exceed $50,000 shall be available for official reception and representation expenses.

### VIOLENT CRIME REDUCTION PROGRAMS

For activities authorized by sections 180104 and 190001(b) of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322), as amended, and section 814 of the Antiterrorism and Effective Death Penalty Act of 1996 (Public Law 104–132), $310,037,000, to remain available until expended, which shall be derived from the Violent Crime Reduction Trust Fund.

### CONSTRUCTION

For necessary expenses to construct or acquire buildings and sites by purchase, or as otherwise authorized by law (including equipment for such buildings); conversion and extension of federally-owned buildings; and preliminary planning and design of projects; $5,500,000, to remain available until expended.

Mr. ROGERS (during the reading). Mr. Chairman, I ask unanimous consent that the bill through page 18, line 10, be considered as read, printed in the RECORD, and open to amendment at any time.

The CHAIRMAN. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The CHAIRMAN. Are there amendments to that portion of the bill through page 18, line 10?

### PARLIAMENTARY INQUIRY

Mr. ROHRABACHER. Parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. ROHRABACHER. Mr. Chairman, is all the debate passed for the time period that will be available to discuss what the gentleman from California [Mr. MILLER] had been proposing?

The CHAIRMAN. Would the gentleman from California [Mr. ROHRABACHER] restate his point of inquiry?

Mr. ROHRABACHER. On the Miller amendment, is all time passed when anyone can debate the subject matter of the amendment offered by the gentleman from California [Mr. MILLER]?

The CHAIRMAN. There was no debate. The gentleman did not offer the amendment.

Mr. ROHRABACHER. At this point, before we move on to another subject, is it permissible for this gentleman to strike the last word?

The CHAIRMAN. It certainly is.

Mr. ROHRABACHER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I will not take the entire 5 minutes. Let me just note, there is a philosophical difference between some of the people who have been expressing what I would consider the worst possible picture, painting the worst possible picture of the Northern Marianas Islands, and those of us who look at the Northern Marianas Islands and compare them to other such areas of the world and see a totally different picture.

Yes, if we painted a picture of the United States as a developing country 25 or let us say 50 to 75 years ago, people would say the United States is a horrible place as compared to the United States today. But the fact is that the United States as compared to other countries in the world 75 years ago was a pretty good place. The Northern Mariana Islands as compared to other areas of similar development, other islands, especially even island territories of the United States of America, is a pretty good place. They have had a great deal of reform, free enterprise reform, in the last 5 years that has totally turned around their economy.

I realize that there are people on the other side of the aisle who believe that government should regulate economic activity to improve the standard of living of the people of a given area. I do not think that works. What has happened in the Northern Marianas, when they were counting on handouts from the Federal Government, when they were counting on the United States government here in Washington, D.C. to provide them subsidies, the standard of living of everyone in those islands was going downhill.

Today, when they have developed a new strategy for the development of their little islands, the standard of living of their island people is going up. And of course, it is argued, my goodness, they have all of these guest workers who are working in terrible situations, they are getting less than the minimum wage in the United States, et cetera.

However, even those individuals, by and large the vast majority of those individuals, perhaps 90 percent of those individuals are living better than they would if they would not have jobs. That is why they came to the Northern Marianas.

My good friend, the gentleman from California [Mr. GEORGE MILLER], I do not know if he would prefer to have these people unemployed in the Philippines or unemployed in the various countries they come from, or if he would rather have them working and going back after 2 years with several thousand dollars in their pockets.

Mr. Chairman, I have as much objection as my good friend, the gentleman from California [Mr. MILLER] does to people who break their contracts with guest workers. That was a problem in the Northern Marianas. That is no longer a major problem, because the people and the government of the Northern Marianas have committed themselves to solving that problem, and preventing the poorest of the poor people who come in as guest workers from being exploited to the point that their contracts are not being honored.

I went there. I talked to many, many guest workers. I went to various factories. I talked also to the law enforcement agencies that are there, who said yes, there was a problem 5 years ago, but now we are forcing these employers to honor their contracts. Thus, these contract laborers are living better than they would if they were stuck in China or the Philippines.

I will tell the Members, the people of the Northern Marianas, their standard of living is going up, not down. That is compared to all these other island possessions of the United States which are relying on handouts from the American people, and those island economies are on the way down. So the Northern Marianas has found something successful.

Mr. MILLER of California. Mr. Chairman, will the gentleman yield?

Mr. ROHRABACHER. I yield to the gentleman from California.

Mr. MILLER of California. Mr. Chairman, I appreciate the gentleman yielding. We do not want to belabor the point. The chairman wants to move on. Hopefully we will have other opportunities to debate this.

The gentleman mentioned people from the Philippines. Let me just say, what we are asking for is the same thing that the Philippine Government has petitioned the Northern Marianas for these people, that they not be put into forced sex, young girls not be required to dance in bar clubs, and they not be put into prostitution, because that is going on today.

I appreciate what the gentleman is saying, except there is no independent validation of what the gentleman is saying with respect to the workers. Every independent group that has looked at this has found it to be just the opposite currently going on in the Northern Marianas.

Mr. ROHRABACHER. Mr. Chairman, no decent American or anyone else is going to turn the other way as young girls or any young person is exploited and a contract is not honored, or someone is being forced into a life style like the gentleman is suggesting.

But what I am saying here is the reason the Northern Marianas have been targeted, unlike New York City, which we have heard about just from our last speaker before I got up, is because the Northern Marianas, unlike other island possessions, are taking a free enterprise approach to development. It is increasing the standard of living of their people. Even the guest workers are better off than if they had no job at all.

The CHAIRMAN. The time of the gentleman from California [Mr. ROHRABACHER] has expired.

(On request of Mr. HALL of Texas, and by unanimous consent, Mr. ROHRABACHER was allowed to proceed for 2 additional minutes.)

Mr. HALL of Texas. Mr. Chairman, will the gentleman yield?

Mr. ROHRABACHER. I yield to the gentleman from Texas.

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Mr. HALL of Texas. Mr. Chairman, I do not always agree with the gentleman from California [Mr. MILLER] on issues, but I have high regard and high respect for him. We seem to be in agreement today that more resources and efforts have got to be committed to the law enforcement in the Commonwealth of Northern Mariana Islands.

It is my strong recommendation that additional funds be transferred to the appropriate category for use in adding an additional Assistant District Attorney. That is what they tell me they need. Going over there and staying 4 or 5 days does not make me an authority.

I did not find the things that have been related here. But I know the gentleman from California [Mr. MILLER] is an honorable man who knows how to detect these things. I hope he will go with the gentleman from Alaska [Mr. YOUNG] early next year.

As I understand, the committee of jurisdiction should be the Committee on Resources. It is my understanding that the gentleman from Alaska [Mr. YOUNG] is going to lead a delegation there in January. I strongly suggest that the gentleman from California [Mr. MILLER], who is a member of that committee, join the chairman in that group.

Hopefully, he will be persuaded, as I was, that there are many, many more people that are much better off because of the fact that they get an opportunity to leave the poverty of the Philippines and part of China and part of other areas, come there and work 2 years, go back very wealthy. And they have long lines to do that. And, of course, it is not perfect.

If there are any of the things that the gentleman from California [Mr. MILLER] has related going on there, none of us on this floor condone it. We just need to get the hard, cold facts out on the floor.

Mr. ROHRABACHER. Mr. Chairman, not only do we not condone it, I would applaud the gentleman from California [Mr. MILLER] that we should, as a country, make sure that we take the steps necessary to stop that.

But to condemn, basically to throw the baby out with the bath water and say this is part and parcel of this free-enterprise revolution that they have going on in the Northern Marianas is just an inaccurate picturing of what is going on in the lives of most people in the Northern Marianas.

I met with a lot of the reformers there from the churches who have been active in trying to correct the problems that the gentleman from California [Mr. MILLER] brought up, and they admitted to me that in the last 5 years things have gotten dramatically better because the decent people of the Northern Marianas, who, after all, in any area are decent people, have made a commitment to make those changes.

Mr. BRADY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would like to enter into a brief colloquy with the distinguished gentleman from Kentucky [Mr. ROGERS], chairman of the House Appropriations Subcommittee on Commerce, Justice, State, and Judiciary.

First, I want to thank the chairman for his work in providing $600 million in total funding for the Senate Criminal Alien Assistance Program. This is $100 million more than the Fiscal Year 1997 level and the Fiscal Year 1998 level requested by the President and recently passed by the Senate.

When this bill goes to conference, I urge the gentleman from Kentucky [Mr. ROGERS] to fight for the House-passed level. As the chairman is aware, language was included in the 1997 Commerce, Justice, State appropriations bill that allowed California to use its Violent Offender Incarceration and its Truth-In-Sentencing incentive grant awards to offset the cost of incarcerating criminal aliens. Such language is again included in the House committee-passed fiscal year 1998 appropriations bill.

Mr. Chairman, I believe that Texas, the State with the second largest criminal alien incarceration population, and other States with significant numbers of incarcerated criminal aliens would greatly benefit if they were given similar latitude in the use of their VOI grant award funds.

In conference, I urge the gentleman from Kentucky [Mr. ROGERS], the chairman, to work for the House-passed level of $600 million. However, if during negotiations that level is reduced, would the chairman be willing to work with us to provide some additional flexibilities to States like ours with high criminal alien incarceration populations in the use of their VOI grant award funds?

Mr. ROGERS. Mr. Chairman, will the gentleman yield?

Mr. BRADY. I yield to the gentleman from Kentucky.

Mr. ROGERS. Mr. Chairman, I am very sympathetic to the needs of Texas and other States that have the highest criminal alien incarceration populations and believe that the additional $100 million the House provides for in the program will alleviate most of the problems that my colleagues are encountering.

I recognize the need for those affected States to have greater flexibility in using their staff reimbursements. If we are not able to provide them this additional funding, I will work with my colleague and others to find a solution.

Mr. BRADY. I thank the gentleman from Kentucky [Mr. ROGERS], the chairman, for his leadership and assistance.

The CHAIRMAN: Are there further amendments to the bill through page 18, line 10?

If not, the Clerk will read.

The Clerk read as follows:

### IMMIGRATION AND NATURALIZATION SERVICE

### SALARIES AND EXPENSES

For expenses, not otherwise provided for, necessary for the administration and enforcement of the laws relating to immigration, naturalization, and alien registration, including not to exceed $50,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General; purchase for police type use (not to exceed 2,904, of which 1,711 are for replacement only), without regard to the general purchase price limitation for the current fiscal year, and hire of passenger motor vehicles; acquisition, lease, maintenance and operation of aircraft; research related to immigration enforcement; and for the care and housing of Federal detainees held in the joint Immigration and Naturalization Service and United States Marshals Service's Buffalo Detention Facility; $1,609,441,000; of which not to exceed $400,000 for research shall remain available until expended; of which not to exceed $10,000,000 shall be available for costs associated with the training program for basic officer training, and $5,000,000 is for payments or advances arising out of contractual or reimbursable agreements with State and local law enforcement agencies while engaged in cooperative activities related to immigration; and of which not to exceed $5,000,000 is to fund or reimburse other Federal agencies for the costs associated with the care, maintenance, and repatriation of smuggled illegal aliens: *Provided*, That none of the funds available to the Immigration and Naturalization Service shall be available to pay any employee overtime pay in an amount in excess of $30,000 during the calendar year beginning January 1, 1998: *Provided further*, That uniforms may be purchased without regard to the general purchase price limitation for the current fiscal year: *Provided further*, That not to exceed $5,000 shall be available for official reception and representation expenses: *Provided further*, That none of the funds provided in this or any other Act shall be used for the continued operation of the San Clemente and Temecula checkpoints unless the checkpoints are open and traffic is being checked on a continuous 24-hour basis: *Provided further*, That not to exceed 32 permanent positions and 32 full-time equivalent workyears and $3,101,000 shall be expended for the Office of Legislative Affairs and Public Affairs: *Provided further*, That the latter two aforementioned offices shall not be augmented by personnel details, temporary transfers of personnel on either a reimbursable or non-reimbursable basis or any other type of formal or informal transfer or reimbursement of personnel or funds on either a temporary or long-term basis: *Provided further*, That, during fiscal year 1998 and each fiscal year thereafter, none of the funds appropriated or otherwise made available to the Immigration and Naturalization Service may be used to accept, process, or forward to the Federal Bureau of Investigation any FD-258 fingerprint card, for the purpose of conducting criminal background checks for any benefit under the Immigration and Nationality Act, which has been prepared by, or received from, any individual or entity other than an office of the Immigration and Naturalization Service or State or local law enforcement agency and beginning on March 1, 1998 and each fiscal year thereafter only an office of the Immigration and Naturalization Service may accept, process or forward FD-258 fingerprint cards to the Federal Bureau of Investigation for any of these applications which require an interview: *Provided further*, That, during fiscal year 1998 and each fiscal year thereafter, none of the funds appropriated or otherwise made available to the Immigration and Naturalization Service shall be used to complete adjudication of an application for naturalization unless the Immigration and Naturalization Service has received confirmation from the Federal Bureau of Investigation that a full criminal background check has been completed, except for those exempted by regulation as of January 1, 1997: *Provided further*, That the number of positions filled through non-career appointment at the Immigration and Naturalization Service, for which funding is provided in this Act or is otherwise made available to the Immigration and Naturalization Service, shall not exceed four permanent positions and four full-time equivalent workyears: *Provided further*, That notwithstanding any other provision of law, during fiscal year 1998, the Attorney General is authorized and directed to impose disciplinary action, including termination of employment, pursuant to policies and procedures applicable to employees of the Federal Bureau of Investigation, for any employee of the Immigration and Naturalization Service who violates policies and procedures set forth by the Department of Justice relative to the granting of citizenship or who willfully deceives the Congress or Department Leadership on any matter.

### AMENDMENT OFFERED BY MR. WEYGAND

Mr. WEYGAND. Mr. Chairman, I offer an amendment.

The Clerk read as follows

Amendment offered by Mr. WEYGAND:

Page 20, line 10, strike "during fiscal year 1998" and insert "beginning June 1, 1998".

Page 20, line 21, strike "March" and insert "June".

Mr. WEYGAND. Mr. Chairman, I would like to first of all begin by thanking the gentleman from West Virginia [Mr. MOLLOHAN], our ranking member, and the gentleman from Kentucky [Mr. ROGERS], chairman of the committee, for their indulgence and their assistance and their advice on this amendment.

After a lot of discussions, Mr. Chairman, I will eventually withdraw the amendment. But what I would like to talk about is the key part of my amendment deals with the transition with regard to designated fingerprinting services. Because of the concerns over quality and veracity of the prints being given to the INS for background checks at the FBI, this bill halts the ability of INS to accept prints from various outside sources after March 1 of next year.

In addition, though, the committee very aptly put into the bill $22.3 million to be spent on a new electronic fingerprinting system which will scan the fingerprints of applicants and electronically transfer them to the FBI for background check, a very welcome and needed addition to the INS and naturalization process, very important for a number of reasons. First of all, it would be more accurate. Secondly, it would be more speedy.

Our concern, though, Mr. Chairman was the transition between what is presently in place right now to the new system. Currently, the bill will mandate that INS will take over all of those services as of March 1. In the interim, there will be a 5-month transition in which State and local law enforcement agencies will be able to provide these fingerprints to the INS.

But it will eliminate from this point forward any opportunity for DFS's or designated fingerprinting services, which are nonprofit or for-profit agencies to provide this service. And as the chairman has aptly pointed out, and correctly so, there have been many problems with many of the for-profit and even not-for-profit DFS's.

We have had a problem with people being naturalized that should never have been naturalized. But, quite frankly, there have been some very good DFS's that are providing valuable service to the INS.

In my district in Rhode Island, the INS branch office in Providence has found no problems with the four facilities that provide these fingerprinting services. In my State there are nine local law enforcement agencies that assist these 4 facilities. The three that are most used are the International Institute, the Catholic Social Service, and a community-based organization called Progresso Latino. These have been providing very good and important services to our people in our district.

An example, International Institute, located in Providence, not only does it provide DFS services to the INS, it provides such things as classes in citizenship, English as a second language, job training programs to many people who came here in the United States not having any skills whatsoever, computer classes and translation classes. It is a community-based organization which provides services for those trying to assimilate into our country and to become active and fruitful participants in the United States.

Before being certified as DFS's, these services are required by regulation to undergo training and must adhere to the strictest requirements to maintain their status. Unfortunately, those that have been bad DFS's in all parts of this country have not been really overseen quickly enough and fervently enough by the INS.

That is unfortunate, because there are some very good DFS's and there are some very bad. Unfortunately, we are going to be throwing all of these DFS's out as of October 1. I have talked to the chairman and to the ranking member. I can fully understand their position. It is a very complex and difficult situation. But I would hope in the future we can look at valuable institutions like the International Institute as being a backup for the INS when in fact they need them.

Mr. Chairman, I will withdraw my amendment at this time and I would ask that I would join with my colleague, the gentleman from North Carolina [Mr. WATT] in an amendment that will provide some additional extension of the transition with regard to the fingerprinting services.

Mr. Chairman, I ask unanimous consent to withdraw the amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Rhode Island?

There was no objection.

Mr. ROGERS. Mr. Chairman, I move to strike the last word. I will not take the full time. However, since the gentleman has brought up this subject, it requires me to say a couple of words about the problem at INS.

One of the problems at INS last year, when we discovered that INS had granted naturalization of citizenship to a million-three, which is four times the annual historic amount, we then discovered that they had waived the policy, the then policy of the department on requiring an FBI criminal check before a person becomes a citizen. We had always done that in every case.

Last year, for whatever reason, before the election the administration waived that, did not require it. Now we have discovered tens of thousands of people were naturalized who were felons, criminals, walking the streets of our country. We found out also that on those that they did require a background check, including a fingerprint, that INS had contracted out the fingerprinting process. So that one could go to any one of 3,000 different places to get fingerprints made, supposedly, which would then submit that fingerprint to the INS, the FBI for checking to see if someone did have a criminal record.

Now, who did they get to take the fingerprints? Let me just read my colleagues a couple of them here. This is in L.A. and these are the people, now bear in mind, that are submitting the proof as to whether or not one can become an American citizen with all the rights and privileges thereunto and appertaining.

They can go to Pookies' Parcel Post and get their fingerprints made. How about Harbour Liquors? How about Freeman's Hallmark Store. Or they could go to Fast Photo. I am not saying these are bad places. I am just saying I have got a question. New Land Travel and Tours. Fred's One Hour Photo. King Kong One Hour Photo. They can go to Sam's Electronics and get their fingerprints made to check it out to see if they were a criminal supposedly. They can go to Quick Sale Realty to get their fingerprints made. Or how about J.L. Investment and Traffic School, Mr. Chairman? Or they might go to Lindy's Mexican Products or even go to Lulu's Professional Services and get their fingerprints made. I will not comment any further on that.

However, Mr. Chairman, I think all of us can unanimously agree that the process of fingerprint taking for the purpose of becoming an American citizen has to be tightened up. And the bill does that. Our bill does away with places like Pookies' Parcel Post where we get our fingerprints made for American citizenship.

It is okay to go there for whatever one goes to Pookies' Parcel Post for, except for fingerprints for American citizenship. We abolish that practice. We make the INS do it in their shop or a law enforcement agency in due course in time. And we are giving them the money to get the fingerprint machine so this can be done in the proper way under proper supervision.

Number two, as I have said before, we make it a violation of the law anymore in waiving the criminal check. Anymore it becomes law, not just policy of the department in requiring a criminal check. It is not right for any agency of the United States Government to be authorized to grant American citizenship to someone who is a criminal, a felon, who has come to this country in violation of their laws, not to mention ours, and become an American citizen.

I commend the gentleman for his concern about the issue, and we will be dealing with it in a subsequent amendment that is coming up shortly.

### AMENDMENT OFFERED BY MR. WATT OF NORTH CAROLINA

Mr. WATT of North Carolina. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WATT of North Carolina:

Page 20, line 21, strike "March" and insert "June".

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Mr. WATT of North Carolina. Mr. Chairman, I want to start by thanking the chairman of the committee and the ranking member for their cooperation in getting to what I believe is an agreement on this amendment. It is my understanding that they are prepared to accept it.

Let me start by first of all agreeing with the chairman of the committee about what he just said. I do that because I sincerely do agree with him. What we need to put in context, however, is that Pookies' Parcel Post and Lulu's and Anita's are all private enterprises in this country. This is one of those times when this notion that we should privatize everything that the Federal Government is doing basically went awry. This program, the DFS program, has been in existence for 15 years. It was put in during the Reagan administration. And now what we have found is that there are certain things that private enterprise cannot do as well as the Federal Government.

So on that, I have to agree with the chairman of the committee. It probably never should have been done in the first place. This is too serious a proposition to give out to just anybody. Now, maybe there are some private enterprises out there who can do it, but we certainly should not have just done it carte blanche.

My amendment does not address that issue. It addresses another issue. Beginning March 1 of 1998, applicants for benefits which require an INS interview, such as naturalization, will be required to have their fingerprints taken at the INS. No other fingerprints will be accepted, not even those taken by State and local law enforcement agencies. The rationale for this change, as the chairman has amply indicated, is that the INS intends to implement a new system where fingerprints will be scanned electronically and transferred directly to the FBI for processing.

I support this change in the fingerprinting process. I believe the INS should use technology more effectively and believe the system proposed will be more efficient than current ones, and the current system is the DFS system, which the chairman has just talked about.

Because of the problems associated with DFS's, my amendment does not extend the DFS program; however, it would extend the March 1, 1998 deadline to give the INS adequate time to transition to an electronic fingerprinting system. What we would do is move that deadline from March 1 of 1998 back to June 1 of 1998.

The INS has not purchased all of the equipment yet. There is a concern that it will not be able to implement the new system fully before the March 1 deadline. If this deadline stays in place, and the INS does not shift to an electronic system, the net result would be a tremendous fingerprinting backlog, and that backlog would translate into a de facto moratorium on the naturalization process since no applications could be processed without fingerprints.

Mr. ROGERS. Mr. Chairman, will the gentleman yield?

Mr. WATT of North Carolina. I yield to the gentleman from Kentucky.

Mr. ROGERS. Mr. Chairman, the gentleman's amendment would give INS until June 1, 1998 to transition to a fingerprinting system that would require most fingerprints be taken at INS offices, as we have discussed. I believe the amendment seeks to ensure an orderly transition, and I share that goal. We have met with INS about this as well. The INS will be ready to implement the new system on June 1. They will not be ready on March 1. In light of that, I am prepared to accept the amendment and would urge its adoption.

Mr. WATT of North Carolina. I thank the gentleman for accepting the amendment.

Mr. WEYGAND. Mr. Chairman, I move to strike the last word. I want to compliment the gentleman from North Carolina [Mr. Watt]. I think the amendment is really necessary. In light of what the chairman just said, the extension is really necessary for INS to make that transition. It also gives us 3 more months to evaluate how they are doing and, if necessary, even come back and look at that again. I wholeheartedly support it, and I join him in cosponsoring this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from North Carolina [Mr. Watt].

The amendment was agreed to.

### AMENDMENT OFFERED BY MR. SCHUMER

Mr. SCHUMER. Mr. Chairman, I ask unanimous consent to offer an amendment that is on page 33 at this point.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. Schumer:

Page 33, line 20, strike "$35,000,000" and all that follows through the comma on line 21 and insert the following; "$34,000,000 shall be used for a law enforcement technology program, "$1,000,000 shall be used for police recruitment programs authorized under subtitle H of title III of the 1994 Act,".

Mr. SCHUMER (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the Record.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. SCHUMER. Mr. Chairman, I first want to thank the gentleman from Kentucky and the gentleman from West Virginia not only for helping put this amendment together, but allowing this unanimous-consent request. It is a simple and noncontroversial amendment. It would dedicate $1 million of unallocated balances from fiscal year 1997 for police recruitment grants authorized in the 1994 crime bill. The program was inspired by the efforts of St. Paul's Community Baptist Church in East New York. The purpose is to improve community policing by recruiting residents of inner-city neighborhoods to serve as police officers in their communities.

Mr. ROGERS. Mr. Chairman, will the gentleman yield?

Mr. SCHUMER. I yield to the gentleman from Kentucky.

Mr. ROGERS. Mr. Chairman, the gentleman has consulted with us on this amendment. We have examined it, believe it is meritorious, and are prepared to accept the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. Schumer].

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

### VIOLENT CRIME REDUCTION PROGRAMS

For activities authorized by sections 130002, 130005, 130006, 130007, and 190001(b) of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322), as amended, and section 813 of the Antiterrorism and Effective Death Penalty Act of 1996 (Public Law 104–132), $690,957,000, to remain available until expended, which will be derived from the Violent Crime Reduction Trust Fund.

### CONSTRUCTION

For planning, construction, renovation, equipping, and maintenance of buildings and facilities necessary for the administration and enforcement of the laws relating to immigration, naturalization, and alien registration, not otherwise provided for, $70,959,000, to remain available until expended.

## Federal Prison System

### SALARIES AND EXPENSES

For expenses necessary for the administration, operation, and maintenance of Federal penal and correctional institutions, including purchase (not to exceed 834, of which 599 are for replacement only) and hire of law enforcement and passenger motor vehicles, and for the provision of technical assistance and advice on corrections related issues to foreign governments, $2,869,642,000: *Provided*, That the Attorney General may transfer to the Health Resources and Services Administration such amounts as may be necessary for direct expenditures by that Administration for medical relief for inmates of Federal penal and correctional institutions: *Provided further*, That the Director of the Federal Prison System (FPS), where necessary, may enter into contracts with a fiscal agent/fiscal intermediary claims processor to determine the amounts payable to persons who, on behalf of the FPS, furnish health services to individuals committed to the custody of the FPS: *Provided further*, That uniforms may be purchased without regard to the general purchase price limitation for the current fiscal year: *Provided further*, That not to exceed $6,000 shall be available for official reception and representation expenses: *Provided further*, That not to exceed $90,000,000 for the activation of new facilities shall remain available until September 30, 1999: *Provided further*, That of the amounts provided for Contract Confinement, not to exceed $20,000,000 shall remain available until expended to make payments in advance for grants, contracts and reimbursable agreements, and other expenses authorized by section 501(c) of the Refugee Education Assistance Act of 1980, as amended, for the care and security in the United States of Cuban and Haitian entrants: *Provided further*, That notwithstanding section 4(d) of the Service Contract Act of 1965 (41 U.S.C. 353(d)), FPS may enter into contracts and other agreements with private entities for periods of not to exceed 3 years and 7 additional option years for the confinement of Federal prisoners.

### VIOLENT CRIME REDUCTION PROGRAMS

For substance abuse treatment in Federal prisons as authorized by section 32001(e) of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322), as amended, $26,135,000, to remain available until expended, which shall be derived from the Violent Crime Reduction Trust Fund.

### BUILDINGS AND FACILITIES

For planning, acquisition of sites and construction of new facilities; leasing the Oklahoma City Airport Trust Facility; purchase and acquisition of facilities and remodeling, and equipping of such facilities for penal and correctional use, including all necessary expenses incident thereto, by contract or force account; and constructing, remodeling, and equipping necessary buildings and facilities at existing penal and correctional institutions, including all necessary expenses incident thereto, by contract or force account; $255,133,000, to remain available until expended, of which not to exceed $14,074,000 shall be available to construct areas for inmate work programs: *Provided*, That labor of United States prisoners may be used for work performed under this appropriation: *Provided further*, That not to exceed 10 percent of the funds appropriated to "Buildings and Facilities" in this Act or any other Act may be transferred to "Salaries and Expenses", Federal Prison System, upon notification by the Attorney General to the Committees on Appropriations of the House of Representatives and the Senate in compliance with provisions set forth in section 605 of this Act: *Provided further*, That, of the total amount appropriated, not to exceed $2,300,000 shall be available for the renovation and construction of United States Marshals Service prisoner-holding facilities.

### FEDERAL PRISON INDUSTRIES, INCORPORATED

The Federal Prison Industries, Incorporated, is hereby authorized to make such expenditures, within the limits of funds and borrowing authority available, and in accord with the law, and to make such contracts and commitments, without regard to fiscal year limitations as provided by section 9104 of title 31, United States Code, as may be necessary in carrying out the program set forth in the budget for the current fiscal year for such corporation, including purchase of (not to exceed five for replacement only) and hire of passenger motor vehicles.

### LIMITATION ON ADMINISTRATIVE EXPENSES, FEDERAL PRISON INDUSTRIES, INCORPORATED

Not to exceed $3,490,000 of the funds of the corporation shall be available for its administrative expenses, and for services as authorized by 5 U.S.C. 3109, to be computed on an accrual basis to be determined in accordance with the corporation's current prescribed accounting system, and such amounts shall be exclusive of depreciation, payment of claims, and expenditures which the said accounting system requires to be capitalized or charged to cost of commodities acquired or produced, including selling and shipping expenses, and expenses in connection with acquisition, construction, operation, maintenance, improvement, protection, or disposition of facilities and other property belonging to the corporation or in which it has an interest.

### OFFICE OF JUSTICE PROGRAMS

### JUSTICE ASSISTANCE

For grants, contracts, cooperative agreements, and other assistance authorized by title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, and the Missing Children's Assistance Act, as amended, including salaries and expenses in connection therewith, and with the Victims of Crime Act of 1984, as amended, and sections 819 and 821 of the Antiterrorism and Effective Death Penalty Act of 1996, $162,500,000, to remain available until expended, as authorized by section 1001 of title I of the Omnibus Crime Control and Safe Streets Act, as amended by Public Law 102–534 (106 Stat. 3524); of which $25,000,000 is for the National Sexual Offender Registry.

### STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

For grants, contracts, cooperative agreements, and other assistance authorized by part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, for State and Local Narcotics Control and Justice Assistance Improvements, notwithstanding the provisions of section 511 of said Act, $538,000,000, to remain available until expended, as authorized by section 1001 of title I of said Act, as amended by Public Law 102–534 (106 Stat. 3524), of which $46,500,000 shall be available to carry out the provisions of chapter A of subpart 2 of part E of title I of said Act, for discretionary grants under the Edward Byrne Memorial State and Local Law Enforcement Assistance Programs.

Mr. ROGERS (during the reading). Mr. Chairman, I ask unanimous consent that the text of the bill through page 27, line 16, be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The CHAIRMAN. Are there amendments to that portion of the bill?

If not, the Clerk will read.

The Clerk read as follows:

### VIOLENT CRIME REDUCTION PROGRAMS, STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

For assistance (including amounts for administrative costs for management and administration, which amounts shall be transferred to and merged with the "Justice Assistance" account) authorized by the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322), as amended ("the 1994 Act"); the Omnibus Crime Control and Safe Streets Act of 1968, as amended ("the 1968 Act"); and the Victims of Child Abuse Act of 1990, as amended ("the 1990 Act"); $2,437,150,000, to remain available until expended, which shall be derived from the Violent Crime Reduction Trust Fund; of which $523,000,000 shall be for Local Law Enforcement Block Grants, pursuant to H.R. 728 as passed by the House of Representatives on February 14, 1995, except that for purposes of this Act, the Commonwealth of Puerto Rico shall be considered a "unit of local government" as well as a "State", for the purposes set forth in paragraphs (A), (B), (D), (F), and (I) of section 101(a)(2) of H.R. 728 and for establishing crime prevention programs involving cooperation between community residents and law enforcement personnel in order to control, detect, or investigate crime or the prosecution of criminals: *Provided*, That no funds provided under this heading may be used as matching funds for any other Federal grant program: *Provided further*, That $20,000,000 of this amount shall be for Boys and Girls Clubs in public housing facilities and other areas in cooperation with State and local law enforcement: *Provided further*, That funds may also be used to defray the costs of indemnification insurance for law enforcement officers; of which $45,000,000 shall be for grants to upgrade criminal records, as authorized by section 106(b) of the Brady Handgun Violence Prevention Act of 1993, as amended, and section 4(b) of the National Child Protection Act of 1993; of which $13,500,000 shall be available as authorized by section 1001 of title I of the 1968 Act, to carry out the provisions of subpart 1, part E of title I of the 1968 Act notwithstanding section 511 of said Act, for the Edward Byrne Memorial State and Local Law Enforcement Assistance Programs; of which $420,000,000 shall be for the State Criminal Alien Assistance Program, as authorized by section 242(j) of the Immigration and Nationality Act, as amended; of which $722,500,000 shall be for Violent Offender Incarceration and Truth in Sentencing Incentive Grants pursuant to subtitle A of title II of the 1994 Act, of which $180,000,000 shall be available for payments to States for incarceration of criminal aliens, and of which $25,000,000 shall be available for the Cooperative Agreement Program: *Provided further*, That funds made available for Violent Offender Incarceration and Truth in Sentencing Incentive Grants to the State of California may, at the discretion of the recipient, be used for payments for the incarceration of criminal aliens; of which $7,000,000 shall be for the Court Appointed Special Advocate Program, as authorized by section 218 of the 1990 Act; of which $2,000,000 shall be for Child Abuse Training Programs for Judicial Personnel and Practitioners, as authorized by section 224 of the 1990 Act; of which $160,000,000 shall be for Grants to Combat Violence Against Women, to States, units of local government, and Indian tribal governments, as authorized by section 1001(a)(18) of the 1968 Act: *Provided further*, That, of these funds, $7,000,000 shall be provided to the National Institute of Justice for research and evaluation of violence against women and $853,000 shall be provided to the Office of the United States Attorney for the District of Columbia for domestic violence programs in D.C. Superior Court; of which $115,750,000 shall be for Grants to Encourage Arrest Policies to States, units of local government, and Indian tribal governments, as authorized by section 1001(a)(19) of the 1968 Act, including $56,750,000 which shall be used exclusively for the purpose of strengthening civil and criminal legal assistance programs for victims of domestic violence; of which $15,000,000 shall be for Rural Domestic Violence and Child Abuse Enforcement Assistance Grants, as authorized by section 40295 of the 1994 Act; of which $2,000,000 shall be for training programs to assist probation and parole officers who work with released sex offenders, as authorized by section 40152(c) of the 1994 Act; of which $1,000,000 shall be for grants for televised testimony, as authorized by section 1001(a)(7) of the 1968 Act; of which $2,750,000 shall be for national stalker and domestic violence reduction, as authorized by section 40603 of the 1994 Act; of which $63,000,000 shall be for grants for residential substance abuse treatment for State prisoners, as authorized by section 1001(a)(17) of the 1968 Act; of which $10,000,000 shall be for grants to States and units of local government for projects to improve DNA analysis, as authorized by section 1001(a)(22) of the 1968 Act; of which $900,000 shall be for the Missing Alzheimer's Disease Patient Alert Program, as authorized by section 240001(c) of the 1994 Act; of which $750,000 shall be for Motor Vehicle Theft Prevention Programs, as authorized by section 220002(h) of the 1994 Act; of which $30,000,000 shall be for Drug Courts, as authorized by title V of the 1994 Act; of which $1,000,000 shall be for Law Enforcement Family Support Programs, as authorized by section 1001(a)(21) of the 1968 Act; of which $300,000,000 shall be for Juvenile Accountability Block Grants to become available only upon enactment of an authorization for this program; and of which $2,000,000 shall be for public awareness programs addressing marketing scams aimed at senior citizens, as authorized by section 250005(3) of the 1994 Act: *Provided further*, That funds made available in fiscal year 1998 under subpart 1 of part E of title I of the 1968 Act may be obligated for programs to assist States in the litigation processing of death penalty Federal habeas corpus petitions and for drug testing initiatives: *Provided further*, That if a unit of local government uses any of the funds made available under this title to increase the number of law enforcement officers, the unit of local government will achieve a net gain in the number of law enforcement officers who perform nonadministrative public safety service.

### AMENDMENT NO. 53 OFFERED BY MR. SCOTT

Mr. SCOTT. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 53 offered by Mr. SCOTT:

Page 29, line 10, insert after the amount "(reduced by $258,750,000)" and insert as follows: page 28, line 17, after the amount insert "(increased by $80,000,000)"; page 29, line 20, after the amount insert "(increased by $13,000,000)" and on line 22, after the amount insert "(increased by $8,000,000)" and on line 25 after the amount insert "(increased by $40,000,000)"; page 31, line 1, after the amount insert "(increased by $37,000,000)" and on line 21 after the amount insert "(increased by $76,750,000)" and on line 13 after the amount insert "(increase by $4,000,000)".

Mr. SCOTT. Mr. Chairman, this amendment would transfer one half of the funds in the truth-in-sentencing prison grant program, approximately $250 million, to crime prevention, drug treatment and family resource service programs that are inadequately funded in the bill.

Mr. Chairman, the so-called truth-in-sentencing approach to crime reduction is actually half-truth-in-sentencing. The proponents will tell you that no one gets out early. That is the half truth. The whole truth is that no one is held longer either. When States adopt truth-in-sentencing schemes, the first thing they do is to reduce the length of the total sentence and then direct that the defendant serve all of the reduced sentence.

I am not aware of any State that has been able to afford to abolish parole without reducing the time served by the worst criminals. For example, Mr. Chairman, in a 10-year sentence with parole, the average defendant will serve about 3½ years. The lowest risk prisoners will get out as early as 2 years. But the worst criminals will serve all 10 years. With truth-in-sentencing, everyone will serve the exact same average 3½ years. The less dangerous will serve more time; the most dangerous will serve less time. If the State were to triple the average time served so that everyone serves 10 years and were able to triple their prison budget, the worst criminals would still serve exactly what they serve today, the 10 years, and the taxpayer will have been bilked of billions of dollars.

Mr. Chairman, furthermore the States are already spending tens of billions of dollars on prison construction. The Federal money, less than half a billion dollars, cannot possibly make any measurable difference either in the number of prison beds to be built or in the reduction in crime. But if that money is spent in prevention, we can make a difference.

This amendment assures that at least some of the money will be used to encourage States to adopt crime reduction approaches that actually will reduce crime. Of the approximately $250 million, $80 million would go to increasing funds for building and running boys' and girls' clubs in public housing and other sites for at-risk youth. Boys' and girls' clubs have been shown through study and research to be cost-effective ways of reducing crime for both at-risk youth when they are young and when they become adults.

Another $40 million would go to grants to combat violence against women. $13 million would go to court-appointed special advocates to help troubled youth in the criminal justice system, and $8 million for the child abuse training programs funded in the bill. All of those are aimed at child abuse reduction. It is well documented that reducing family violence and child abuse will reduce crime.

The amendment also provides $37 million for residential drug treatment for prisoners before they are released and approximately $75 million for drug courts. Both prison drug treatment and drug courts have been shown to significantly reduce crime. The drug court program has been studied and compared to other persons who are sent to jail, and a year after completion of either the drug court or the prison sentence, they have found that those completing the drug court program had an 11 percent recidivism rate, while those who were sent to prison had a 68-percent recidivism rate. Moreover, those completing the drug court program had a cost of about $1,000, while those completing prison were in prison at a cost of $15,000 to $30,000. These funds would therefore not only reduce crime, but also save money.

The amendment also adds $4 million to the fund which supports law enforcement families.

Mr. Chairman, we do not have a problem putting people in jail in this country. The United States trades places with Russia year to year as the world's greatest incarcerator. This year Russia is ahead with 690 prisoners per 100,000, and the United States is a close second at 600 per 100,000, whereas the international average is only about 100 prisoners per 100,000 population. In some of our inner-city communities, the incarceration rate actually exceeds 3,000 per 100,000. So it is not a question of putting too few people in jail, and this amendment does not suggest that we incarcerate any less than we already do. It just says that if you are going to spend new money, we ought to use the money to encourage States to adopt crime reduction strategies which have been actually shown to reduce crime.

The CHAIRMAN. The time of the gentleman from Virginia [Mr. SCOTT] has expired.

(By unanimous consent, Mr. SCOTT was allowed to proceed for 1 additional minute.)

Mr. SCOTT. Mr. Chairman, the half billion dollars in truth-in-sentencing prison funding will not have a measurable effect in the crime rate because States are already spending tens of billions of dollars in prison construction, but this amendment will make the huge increases in proven crime prevention initiatives possible. I urge my colleagues to support this amendment to ensure that at least half of the money slated to be wasted on a few new prison beds will be redirected to productive use in actually reducing crime.

Mr. ROGERS. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, this would take $258,750,000 from the State prison grant, cutting in half the resources to build and expand much needed prison space. The gentleman's amendment is an attack on an important crime policy that has been passed by the Congress, the policy that requires persons who commit crimes be held accountable by serving prison time that fits the crime. The gentleman has offered amendments the last 2 years that would do nothing more than undo this policy. The point he is trying to make is that prisons do not work.

□ 2015

But his attempts have failed because it is recognized that crime is reduced when violent criminals stay locked up and off the streets. We are seeing the fruits of that policy today as crime rates are dropping, as more criminals are locked up.

Before Congress passed the Violent Offender Truth In Sentencing law, violent offenders were serving only about 43 percent of their sentences. That means in 1994, murderers with an average sentence of 16 years were released after serving only 7½ years. Rapists sentenced to 9 years were released after just 5.

This program is the only source of funding to help the States build prisons. Last year 48 States received funding through this program. With this money States built prisons, jails, juvenile facilities, and developed tougher sentencing policies, policies that assure offenders serve at least 85 percent of the sentence they receive. They deserve the support of Congress to insure that adequate bed space is available to maintain those kinds of policies. An estimated 9,000 new prison beds will be built with last year's prison funding, and we can expect 9,600 more offenders to be taken off the streets of our country as a result.

While the gentleman's amendment would increase funding for other important crime programs, this bill already provides substantial increases for the programs that he has mentioned. For example, we already provide a $109 million increase for Violence Against Women Act programs. That is $57 million more than the President asked us and a 44-percent increase over current year. We already more than double the State prison drug treatment program by fully funding the President's request of $63 million. He would also earmark an additional $80 million of funds from the local law enforcement block grant for Boys and Girls Clubs, which the bill already provides a $20 million boost for. This would take away much needed funds from the block grant for locally driven crime priorities such as law enforcement personnel, overtime, technology for our law enforcement people and equipment, safety measures around schools and drugs courts.

Mr. Chairman, crime is down across this country because we have provided a full arsenal of anticrime measures, more police with the tools and equipment they need, more prison space to make sure that criminals are held accountable for their crimes, and quality prevention programs designed to reduce risks. We cannot afford to lose the ground that we have gained against crime in the last few years.

Last year, Mr. Chairman, on this amendment or one similar to it, 326 Members, a majority of both parties, voted to support the State prison grant program and to defeat the gentleman's amendment which would have gutted the program. Three hundred twenty-six Members voted "no" on this amendment last year; I want to better that record at least by one.

I urge defeat of the gentleman's amendment.

Mr. McCOLLUM. Mr. Chairman, I move to strike the last word.

I rise to oppose this amendment which I know that the gentleman from Virginia is offering in all good conscience. He and I served together on the Committee on the Judiciary for a long time, and I know his views and I know they are sincere. But as the chairman of this committee has said so eloquently, there is a lot of money in this bill already for prevention programs, the specific ones the gentleman wants to shift money from the prison truth in sentencing program to.

But overall in the entire system for delinquent and at-risk youth we have over $4 billion, that is with a B, $4 billion currently being spent, and even more would be appropriated through this appropriations cycle. There are over 120 individual programs for these delinquent and at risk youths in 13 different agencies of the Federal Government. I think that many of those programs probably could be consolidated, but I support many of them. I think they are very good and fine. But to take away over half the money or at least half the money in the truth in sentencing prison program to add to this $4 billion that we are already spending on prevention just does not make any sense.

The truth in sentencing grant program was established in 1995. It has worked well since that time. What it has done, and what came through the committee I serve on as chairman of the Subcommittee on Crime and member of the Committee on the Judiciary, what it is designed to do is to provide incentives to States to take the most violent repeat offenders and lock them up for at least 85 percent of their sentences.

As we began years ago talking about this, prisoners who committed these violent crimes were only serving about a third of their sentences, then we got up to about 40 percent. Now, thanks to the fact that we have these truth in sentencing grants, we will be giving money to States to build more prisons if they will, in turn, agree to incarcerate their violent prisoners or felons for at least 85 percent of their sentence. We now have half the States who have adopted this, and we have States on average throughout this country with violent prisoners serving at least 50 percent of their sentences.

Now we need to get that up more. We need to get more than 25 of the 50 States doing this. And if we put out the $500 million in this bill that is there today as an incentive to the States and say, "Look," to those other 25 States, "you can join with those 25 that have already adopted this policy and get money to build more prisons as you need it," I think more States will do that, and I think we will rise from half the States, 25 up to 30, 40, maybe all 50 States who adopt the rule that says that if one commits a violent felony, especially if they are a repeat violent felon, they are going to serve at least 85 percent of their sentence.

Now why is that important? It is important because, first of all, violent felons who go back out on the street again are the ones committing most other violent felonies. The crime rate in many of our States, especially the violent rate, is down, primarily because these violent felons that are the repeat ones are not getting back on the streets again to commit those crimes again, so they are being incapacitated.

And in addition to that, by having people serve pretty much their full sentences, by having really truth in sentencing across this Nation, we are sending a deterrent message. We are saying to the criminal population and the would-be criminals, "You do the crime, you do the time." And it is a powerful message. Criminals do pay attention to such things, and in many cases they are deterred. But where they are not deterred, and of course many are not unfortunately, they are put away for long periods of time. They should be put away. They are really worst of the worst, should have the key thrown away, they should be locked in prison and just throw that key away. That is the objective.

Now again nobody is going to argue that we should not have some of these programs that the gentleman from Virginia wants to shift this money to. We already do have those programs. We should adequately fund those programs. But we should not do so at the expense of a program designed to protect the American public from the very worst violent criminals in this country, from those of the repeat violent felons. We need to have violent felons serving at least 85 percent of their sentences so that when some judge gives the sentence that says they are going to get 20 years, they are going to serve almost 20 years or very close to it, not out in a couple, 3 years as has been all too often the case. If somebody gets 40 years in prison, they ought to be serving pretty close to 40 years, 35 years or something like that. They should not be back out on the street again when they have served 8 or 10 years. The American justice system will not work until that happens.

So I urge the defeat of this amendment. We need to have the moneys going for the purposes they are intended in the underlying bill and the appropriations, the $500 million, to build more prisons for those States that are willing to adopt the rule of truth in sentencing that requires that those who commit these violent crimes serve at least 85 percent of their sentences and use other money to do the prevention programs.

Mr. WATT of North Carolina. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I yield to the gentleman from Virginia [Mr. SCOTT].

Mr. SCOTT. Mr. Chairman, I thank the gentleman for yielding.

I would just like to point out that one thing the proponents often leave out when they talk about 85 percent of the time is that the time given is less. For example, in Virginia we abolished parole and adopted the rhetoric of truth in sentencing. A 10-year sentence where some got out in a year and a half, some got out in 10 years, the average is 2½, we doubled the average time served to 5 years. But the most heinous criminals, those that could never make parole, were getting out in half the time they would have served. They will serve all 5 years, which is half the time they would have been able to serve if they had been, if the parole board had been able to deny the parole to the most dangerous, most heinous criminals. When one says 85 percent, one ought to say 85 percent of what, and the cost of getting up to half where the most dangerous criminals that get out in half the time, Virginia is in the process of spending $2 billion to do that. This amount of money that we are talking about nationally is less than a billion dollars, much less than a billion dollars. Virginia alone spent $2 billion, and the most dangerous criminals will be getting out in half the time.

Mr. WATT of North Carolina. Mr. Chairman, reclaiming my time, I want to commend my colleague from Virginia [Mr. SCOTT] for bringing forward this amendment and rise in support of the amendment. There is no doubt that the popular political rhetoric and probably the vote, as the chairman of the committee has indicated, will be in favor of incarcerating more and more people.

The truth of the matter, however, is that every single study including studies by the Rand Corp., a very conservative group, indicate that they are just wrong in terms of what is effective in reducing crime. And we have studied those things, we have brought them to the attention of the chairman of the Subcommittee on Crime of the Committee on the Judiciary, and notwithstanding that we keep devoting more and more and more money to the construction of prisons and prison beds, when if we just took a step back and looked at what actually works to reduce the incidence of crime in this country and did not yield to the temptation to just do what is politically popular and politically expedient, we would find that what the gentleman from Virginia [Mr. SCOTT] is saying is absolutely correct and we should support the gentleman's amendment.

I will not belabor the point. I know where the body is going to go on this because it is a lot more popular to beat oneself on the chest and say one is being hard on crime, but we have a legislative responsibility here to try to do something that is effective, not just politically popular.

Mr. HUTCHINSON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the Scott amendment, and I want to recognize that my friend from Virginia is offering this amendment in good faith and certainly well-intended, but I disagree on the policy statement reflected in this amendment.

One of the problems that I see in our Federal anticrime efforts and law enforcement efforts in this country is a lack of commitment and a lack of consistency in our programs. If we reflect back on the drug war that we initiated in the 1980's, we had soaring drug rates, we put in massive and substantial Federal efforts in this, and yet we saw in 1992 those efforts starting to decline. We changed our programs. We were starting to make progress with teen experimentation with drugs, we started to make progress in other areas of our drug war, and yet we stopped the substantial effort and the interdiction and other programs, and this saw the trend go back up again.

We have to have consistency in our Federal programs, and now our Federal truth in sentencing law is working, it is building public confidence and acting as a deterrent, and this grant program to the States is working with them as well. It is not the time to retreat from this very important program. One-half the States, as already has been pointed out, are participating in this program, receiving funding, moving toward truth in sentencing laws.

□ 2030

Violent crime is down. We cannot chop one-half of the funds to this important program and expect it to be effective; $258 million to be cut off would render this program useless. It would be a shift in our Federal priorities and would send the wrong signal to the criminals.

Let me ask, why is Truth in Sentencing important? I believe it is important not simply because it perhaps increases punishment, but Truth in Sentencing is important because it restores public confidence in our criminal justice system. As someone said, when we create a system in which death does not mean death, life does not mean life, and a term of 10 years means 18 months with time off for good behavior, it is understandable that the public is cynical and mistrustful of that system. We are reversing that trend State by State with Truth in Sentencing laws.

So it is important to build public confidence.

Second, it is important as a deterrent. Criminals right now do not want to go to Federal court. If they have a preference, they would rather go to many State courts because they know there is more flexibility, they know the sentences do not mean what they say. So the tough sentencing guidelines do provide a deterrent effect.

In 1992, the Department of Justice reported that convicted violent offenders only served 60 percent. Only 60 percent of them are sentenced to prison. That has changed. Since 1993, the murder rate has dropped 23 percent, rape has decreased 12 percent, and robbery has decreased 21 percent. So there has been an effective deterrent toward violent crime. We must maintain down that path.

Let us not take a step in the wrong direction. Let us not retreat. Let us stick with the program that works. For this reason, I would urge my colleagues to oppose the Scott amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Virginia [Mr. SCOTT].

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. SCOTT. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 239, further proceedings on the amendment offered by the gentleman from Virginia [Mr. SCOTT] will be postponed.

Are there further amendments to this section?

AMENDMENT NO. 55 OFFERED BY MS. WATERS

Ms. WATERS. Mr. Chairman, I offer Amendment No. 55.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 55 offered by Ms. WATERS: Page 29, line 10, after the dollar amount, insert "(decreased by $30,000,000)".

Page 31, line 12, after the dollar amount, insert "(increased by $30,000,000)".

Ms. WATERS. Mr. Chairman, I offer this amendment to change the funding of the Drug Courts Program from $30 to $60 million, a program which has already proven to be a tremendous success in reducing recidivism rates and encouraging rehabilitation for nonviolent first time drug offenders.

What are Drug Courts? What do they do? Drug Courts programs interview and assess selected nonviolent drug offenders and match qualified candidates with the appropriate level of treatment, whether it is in an outpatient or residential program or narcotics anonymous or alcoholics anonymous meetings. All participants undergo mandatory drug testing throughout their treatment.

Drug Court programs also coordinate the drug addiction programs with other rehabilitation programs, including vocational training and job placement services, so that a successful graduate of the program is prepared to contribute to society.

Successful Drug Court programs emphasize rehabilitation for one time, nonviolent drug offenders, and as a result reduce the need for new prison construction and the attendant costs.

The Drug Courts Program was funded at $30 million in fiscal year 1997. The President requested $75 million for the Drug Courts Program, an increase of $45 million. Unfortunately, the committee chose to fund the Drug Courts Program at last year's level of $30 million.

At the same time, the amount proposed for State prison grants is $517.5 million, which is $30 million more than provided in fiscal year 1997. This amendment would simply maintain the current funding to the State prison grant program at the same level as last year. The amendment would shift the proposed $30 million increase for the State prison grant program to the Drug Courts Program.

Preliminary data has shown that Drug Courts have saved the taxpayers money by spending less than $2,500 annually per offender. The Drug Courts Program saves the $20,000 to $50,000 annual cost of incarcerating drug using offenders. Successful Drug Court programs reduced the need to build more prison cells with the capital cost of up to $80,000 per sell.

Drug Courts have already been shown to work, even though they are relatively recent. The American University Drug Court Clearinghouse studied the effect of Drug Court programs and found over 70 percent of the 30,000 offenders placed in Drug Court programs in the past seven years either successfully completed or are currently enrolled in Drug Court programs. That means 70 percent of all of those offenders are turning their lives around and contributing to society as productive citizens.

Society gains, nonviolent first time drug offenders contribute, and we target our focus of incarceration on the really serious violent habitual offenders. Drug Courts not only save taxpayer money on new prison construction, they free up jail space for these violent and habitual offenders. Drug Courts are an appropriate response to the crisis in our courts and judicial system where we have been pursuing a one-size-fits-all approach to the epidemic of drugs.

The American Bar Association Journal described Los Angeles's successful Drug Court Program, which handles defendants from my district in south-central Los Angeles. Drug Courts defendants in Los Angeles get 12 to 14 months of treatment, including drug tests five times a week for at least the first 6 months. A defendant must test clean for 6 straight months before graduation. Defendants who are expelled from the program must face their original charges, like any other defendant. But the success rate in Los Angeles is nearly 45 percent. In fact, of the court's 120 graduates since 1995, less than 10 percent have been rearrested on any felony charge. That is compared to a 70 percent recidivism rate for most drug offenders.

We need to use our dollars well. We have been overincarcerating those first time, nonviolent offenders that can be rehabilitated instead of targeting the drug kingpins who have been shipping drugs into our communities and using murder and corruption to protect their narco profits.

The Congressional Black Caucus has made the fight against drugs our No. 1 priority.

Mr. Chairman, we have had a lot of rhetoric about dealing with the problem of drugs in our society, a lot of public relation efforts, a lot of just say no. And when we have the opportunity to really do something about drugs, I wonder what we are thinking when, in fact, we do not do something like increase the funding for Drug Courts, who have shown, who have proven, that they can turn these drug traffickers around, these first time offenders around.

Mr. Chairman, I urge my colleagues to support this very common sense amendment and expand the very successful Drug Courts programs nationwide.

Mr. McCOLLUM. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise to oppose the gentlewoman's amendment. I know that lots of people think the Drug Courts are wonderful, and in some communities they are, I am quite sure of that. The General Accounting Office, however, in a study within the last year, says that the validity and the usefulness of Drug Courts is not something they can make a conclusive statement, positively saying they are a benefit in every community. As a matter of fact, it is a very inconclusive report.

That is why historically I have personally opposed setting aside specific money for Drug Courts at the Federal level and saying here is a pot of money, if you establish a Drug Court, take it.

Instead, I much prefer the method we have done with most prevention programs now in the last couple of years and is the case in this bill, and that is to set aside a specific large sum of money, in this case $500 million, $1 billion was authorized, but $500 million has been appropriated the last couple of years and is in this bill, as block grants to the cities and the counties of this country to spend fighting crime as they see fit.

If a city wants to set up a Drug Court, they can use some of that $500 million and set up a Drug Court. If they prefer and do not believe that is the most effective thing for their community, they can buy a new police car. If they would rather have midnight basketball, they can choose to do that. It is the local community's choice how to spend the money. Maybe they need more police officers, they could even spend the money for that.

But to set aside even more money than this bill does, the bill sets aside $30 million in addition to the block grants, and any of the money in the block grants could be used for Drug Courts, it already sets aside $30 million separate and apart and in addition to that specifically for Drug Courts, to take more money and take it out of the Truth in Sentencing grant program for this purpose, is not a good public policy and not a good thing to do, in my judgment.

I would point out that Truth in Sentencing is already underfunded, and I commend the gentleman from Kentucky, I know all the problems he has in funding these programs, that he has increased it slightly, a little bit above $500 million this year, but the $30 million the gentlewoman points out is only a drop in the bucket, in the shortage we have in this program.

We had authorized $1 billion for Truth in Sentencing prison grants for the next several years. We have not been able to fund them but at half that rate. The little inching up that the gentleman from Kentucky and his colleagues on the appropriations subcommittee have been able to do is not adequate.

We need to be providing enough money in the Truth in Sentencing grants to the states that are willing to change their laws to get those other 25 states to change their laws, to make sure that those who commit repeat violent felonies serve at least 85 percent of their sentences, instead of the 50 percent or in some cases the third they do now, and to fund adequately those states that have already bought into the program, there are some 25 states that are already there, and as the gentleman from Arkansas pointed out a few minutes ago in discussing Truth in Sentencing grants, we need to be consistent. We need to continue to keep our promises and say look, to those 25 states, you knew you were going to get money when you changed your laws to go to this Truth in Sentencing concept, to up the length of time somebody who commits a felony has to serve to 85 percent of their sentence. Now we will give you some money. You have been expecting that to come along.

But we cannot afford to be pulling any away from them as we have more states come on line who are willing to buy into the program. We do not want to diminish the amount of money the states are getting who are already committing themselves and are building these new prisons. We want them to be able to finish building those prisons, the ones that are already committed, and be able to bring on line some more.

That is why the gentleman has very slightly plussed up the $500 million or so, and the gentlewoman would take away that little bit that he has added to the Truth in Sentencing grants and move it over to the Drug Courts area.

Again, I would say Drug Courts in some communities are fine, I see nothing wrong with them, although the reports are inconclusive about them. But I think that we ought to leave it at the present funding level for targeted Drug Courts, $30 million, and then any city or county in this country that wants to use some of their block grant moneys, $500 million spread out all over the country, lots of money going out to these communities, any of them that want to use them for Drug Courts, think that that is a better idea than spending their crime fighting money on something else, and it may well be, can do so.

Therefore, I urge the defeat of this amendment the gentlewoman offered.

Ms. WATERS. Mr. Chairman, will the gentleman yield?

Mr. McCOLLUM. I yield to the gentlewoman from California.

Ms. WATERS. Mr. Chairman, would the gentleman agree that the information that is available about the Drug Courts show the success rate that I indicated in my presentation to the House?

Mr. McCOLLUM. Mr. Chairman, reclaiming my time, I would say the gentlewoman's presentation was relying on studies that are not the GAO study I referred to, and they, as far as I know, are accurate to the degree they are there.

But the General Accounting Office, that reports to Congress when we request it, has reported the effectiveness of Drug Courts as inconclusive, they do not have enough data, do not have enough success stories.

I would submit to the gentlewoman, and I would give her the benefit of the doubt, and say this Member would like to believe and does believe Drug Courts generally are effective. But that does not mean we should put more money specifically targeted to them. There is plenty of money available for them. If they are successful as I hope they are and the gentlewoman believes, then the block grant program will fully fund them.

Mr. ROGERS. Mr. Chairman, I move to strike the requisite number of words and rise in opposition to the amendment.

□ 2045

Mr. Chairman, I rise in opposition to this amendment which would reduce the State prison grant funding by $30 million. I have already stated the reason why we should not do that in the previous amendment.

The money would be used to increase funding for drug courts, which is another important crime program. I am here saying that I agree that drug courts work, and that is the reason why we have already included funding for them in the bill. The gentlewoman's amendment is not necessary.

In addition to the $30 million already provided in the bill for the drug court program specifically, the gentlewoman from California [Ms. WATERS] should be aware that local communities can also use funding from the local law enforcement block grant for that purpose. Last year, in fact, localities chose to use $15 million of that money for drug courts.

We include $523 million for the local law enforcement block grant, which the President's request would have eliminated. Localities with choose to use any amount of that money for drug courts, and I would encourage them to do that, because I agree with the gentlewoman that they are very effective.

At any rate, Mr. Chairman, I urge my colleagues to reject this amendment, because the prison grant program is absolutely working.

Ms. CHRISTIAN-GREEN. Mr. Chairman, I move to strike the requisite number of words. I rise to support the amendment submitted by my esteemed chairwoman, the gentlewoman from California [Ms. WATERS].

Mr. Chairman, we heard earlier about the $200 million increase in the funding for drug programs, but Mr. Chairman, almost all of that money is for interdiction. This amendment addresses the needs of thousands in our community who are ill with the disease of drug addiction. People, even when they seek help, are turned away, less than 30 percent being able to receive needed treatment, and who crowd our jails.

Mr. Chairman, drug courts have been proven to provide a deterrent to drug-related crime, and we know that up to 85 percent of all criminal defendants are arrested under the influence or charged with crimes committed to support their substance abuse illness. Drug courts allow us to coordinate rather than duplicate programs, thus increasing the effectiveness of the funds and the programs that are available. They reduce recidivism, which reduces the impact on our communities, the courts, and the criminal justice system, and drug courts are cost-effective.

Mr. Chairman, this is a very worthy amendment. The States will not need the additional $30 million for prisons if we put it into drug courts, but more importantly, Mr. Chairman, many who have nowhere to turn and who depend on us to provide the help and the treatment they need will be given the chance that they deserve for a better life.

Mr. Chairman, I urge my colleagues to support this amendment.

Ms. WATERS. Mr. Chairman, will the gentlewoman yield?

Ms. CHRISTIAN-GREEN. I yield to the gentlewoman from California.

Ms. WATERS. Mr. Chairman, is the gentlewoman aware of the arguments that have been made by some of our friends on the other side of the aisle who have said over and over again, we cannot stop the use of drugs through interdiction, that we must decrease the demand, and while that argument has been made, we find that there is not a willingness to do what it takes to decrease the demand.

These drug courts are proven to be successful, and I appreciate the fact that the gentlewoman who chairs this subcommittee agrees with me. If, in fact, they are successful; if, in fact, we have the documentation to prove that they are successful; if, in fact, we are decreasing demand, are we not through these drug courts doing what those on the other side of the aisle have indicated we must do? Is that not the gentlewoman's understanding about what they have been saying in terms of decreasing the demand?

Ms. CHRISTIAN-GREEN. Mr. Chairman, yes, I am aware. Also, it was pointed out in one of the studies that out of 30,000 convicted criminals who went into drug courts, 70 percent, they have a 70 percent success rate. Seventy percent of those people over a 7-year period have not returned to crime or to drugs. That is a figure that we cannot argue with. It works, and we should support this amendment.

Ms. WATERS. I thank the gentlewoman.

Mr. SCOTT. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, we have heard about the need to get tough on crime and have people serve 85 percent of their time. They keep leaving out the fact that the time to be served is going to be less. As I indicated, in Virginia, a 10-year sentence where Charles Manson would have served all 10 years has been converted; where others may have gotten out early, Charles Manson would have served 10 years. Now, he will get out in half the time, but he will serve all 5 years.

Mr. Chairman, the cost of that, to have Charles Manson serve as much as half of his time, will cost Virginia about $2 billion. Even the supporters, after you have doubled the average time served, Charles Manson, of course, will serve less time, double the average time served, they only promise approximately 3 percent reduction in crime. I think arguments could poke holes in the 3 percent, but if we give them the benefit of the doubt, we are spending billions of dollars for virtually no measurable reduction in crime.

Mr. Chairman, there is a more cost-effective way of dealing with crime, and the drug court program is certainly one of those strategies. It uses the criminal justice system as a hammer to make sure the defendants are serious about drug rehabilitation. The money can be used not just for the court system, but also for services, because many courts have no local services to which they can refer the defendants. So the money can be used to establish meaningful rehabilitation.

Mr. Chairman, drug rehabilitation has been studied over and over again. The gentleman from Florida has indicated one study that he said was inconclusive, but the study in California showed that there was so much crime reduction and reduced health care expenses that the State saved $7 for every dollar they put into drug rehabilitation.

Mr. Chairman, we have a win/win possibility here. We cannot only reduce expenses, but also, we can reduce crime. We have to have the political courage to do it. I would hope that we would accept the amendment offered by the gentlewoman from California [Ms. WATERS].

Mr. WATT of North Carolina. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the amendment to transfer funds to the drug courts.

The statistics indicate that 56 percent of the people in our Federal prisons are in there on direct drug charges for possession or sale or distribution. When we add to that 56 percent figure the people who are in there because they robbed somebody or broke into somebody's house or mugged somebody or stole something because they had a drug habit that they were trying to support, the figure goes up over 80 percent.

So, if we could get some effective way of dealing with that 56 percent who are in there for direct drug charges, if we could treat them, if we could deal with them more intensively; many of them are first-time users or sellers, first-time charged people. If we could attack that problem, we would attack the robberies, the break-ins, the muggings, the thefts that result because people are strung out on drugs.

Now, what is the most effective tool in our whole system for dealing with those charged with drug offenses, especially first-time, minor offenses? It is drug courts, because drug courts, in drug courts they go and they deal intensively with the problem that is causing people to be in the court in the first place. That is why they have been shown to be effective.

Right in North Carolina, my home State, they have already determined that that is one of the most effective ways to deal with drug charges and to deal with the consequences that come thereafter from drug charges. They put these people on intensive probation. They try to deal with their home situation. They try to find them jobs. They try to keep them reporting over and over to the courts, and they try to provide some kind of treatment for the problem, rather than just putting them in jail, keeping them there for a while, putting them back out on the street; they go right back to the drug habit that they had, and then they are back for the second time. They go to jail again, serve some time, go back out on the street, still with the same habit, and then the next thing we know they are back in court for the third time.

There is no more effective program to deal with drug offenses, especially in the earlier cycles, the first-time offenses, second-time offenses, than drug courts, because they recognize the source of the problem. And if we are not going to take responsibility to get to the source of the problem, we are never going to deal with the problem of drugs in this country. We cannot deal with it. We cannot put enough people in jail to jail our way out of this problem. We cannot interdict enough at somebody else's borders to deal with our problems unless we attack the problem at the source, which is demand. We are not going to get to the source of the problem; we are not going to solve the problem; we are not going to improve the problem.

So, my colleagues, let us just try to do what makes sense. Sure, it makes political sense. It is politically expedient to put more money in prisons, but imprisoning a first-time drug user rather than dealing with them at the source of their problem in a drug court makes no sense. It is not cost-effective to do it that way.

I simply urge my colleagues to consider seriously the gentlewoman's amendment and support it.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from California [Ms. WATERS].

The question was taken; and the Chairman announced that the noes appeared to have it.

Ms. WATERS. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 239, further proceedings on the amendment offered by the gentlewoman from California [Ms. WATERS] will be postponed.

Are there further amendments to the bill through page 32, line 6?

If not, the Clerk will read.

The Clerk read as follows:

### WEED AND SEED PROGRAM FUND

For necessary expenses, including salaries and related expenses of the Executive Office for Weed and Seed, to implement "Weed and Seed" program activities, $40,000,000, which shall be obligated by July 1, 1998, for intergovernmental agreements, including grants, cooperative agreements, and contracts, with State and local law enforcement agencies engaged in the investigation and prosecution of violent crimes and drug offenses in "Weed and Seed" designated communities, and for either reimbursements or transfers to appropriation accounts of the Department of Justice and other Federal agencies which shall be specified by the Attorney General to execute the "Weed and Seed" program strategy: *Provided*, That funds designated by Congress through language for other Department of Justice appropriation accounts for "Weed and Seed" program activities shall be managed and executed by the Attorney General through the Executive Office for Weed and Seed: *Provided further*, That the Attorney General may direct the use of other Department of Justice funds and personnel in support of "Weed and Seed" program activities only after the Attorney General notifies the Committees on Appropriations of the House of Representatives and the Senate in accordance with section 605 of this Act.

### COMMUNITY ORIENTED POLICING SERVICES

### VIOLENT CRIME REDUCTION PROGRAMS

For activities authorized by the Violent Crime Control and Law Enforcement Act of 1994, Public Law 103–322 ("the 1994 Act") (including administrative costs), $1,400,000,000, to remain available until expended, which shall be derived from the Violent Crime Reduction Trust Fund, for Public Safety and Community Policing Grants pursuant to title I of the 1994 Act: *Provided*, That not to exceed 186 permanent positions and 186 full-time equivalent workyears and $20,553,000 shall be expended for program management and administration: *Provided further*, That of the unobligated balances available in this program, $100,000,000 shall be used for innovative community policing programs, of which $35,000,000 shall be used for a law enforcement technology program, $35,000,000 shall be used for policing initiatives in drug "hot spots", and $30,000,000 shall be used for policing initiatives to combat methamphetamine trafficking.

In addition, for programs of Police Corps education, training and service as set forth in sections 200101–200113 of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322), $20,000,000, to remain available until expended, which shall be derived from the Violent Crime Reduction Trust Fund.

### JUVENILE JUSTICE PROGRAMS

For grants, contracts, cooperative agreements, and other assistance authorized by the Juvenile Justice and Delinquency Prevention Act of 1974, as amended, including salaries and expenses in connection therewith to be transferred and merged with the appropriations for Justice Assistance, $225,922,000, to remain available until expended: *Provided*, That these funds shall be available for obligation and expenditure upon enactment of reauthorization legislation for the Juvenile Justice and Delinquency Prevention Act of 1974 (H.R. 1818 or comparable legislation).

In addition, for grants, contracts, cooperative agreements, and other assistance, $5,000,000 to remain available until expended, for developing, testing, and demonstrating programs designed to reduce drug use among juveniles.

In addition, for grants, contracts, cooperative agreements, and other assistance authorized by the Victims of Child Abuse Act of 1990, as amended, $7,000,000, to remain available until expended, as authorized by section 214B of such Act.

### AMENDMENT OFFERED BY MS. JACKSON-LEE OF TEXAS

Ms. JACKSON-LEE of Texas. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Ms. JACKSON-LEE of Texas:

On Page 34, line 13 insert after $225,922,000 the following: "(increased by $750,000)".

Ms. JACKSON-LEE of Texas. Mr. Chairman, let me first acknowledge the Chairman, Mr. ROGERS, of this committee and the ranking member, Mr. MOLLOHAN, for their cooperative spirit in this very, very challenging problem.

I would like to read the following to my Colleagues that in 1996 the Federal Bureau of Investigation announced that it executed search warrants in 20 cities as part of an ongoing nationwide investigation into the use of computer on-line services and the Internet to lure minors into illicit sexual relationships and to distribute child pornography using computers.

This amendment would allow the Department of Justice to enter into a contract with the National Research Council of the National Academy of Sciences to conduct a study of computer-based technologies and other approaches that could help to restrict the availability to children of pornographic images through electronic media, including the Internet and on-line services.

Additionally, this amendment could provide for the identification of illegal pornographic images with the goal of criminally prosecuting those purveyors of such pornographic images to children.

The estimated cost of this study is $750,000. This amendment would increase funds in Sec. I, the Department of Justice part of H.R. 2267.

□ 2100

Mr. Chairman, as I yield to the gentleman, let me simply say that this also does not impact on my commitment to Internet and telecommunicating technologies, and it also gives the Justice Department or would give them the time to do this study.

Mr. ROGERS. Mr. Chairman, will the gentlewoman yield?

Ms. JACKSON-LEE of Texas. I yield to the gentleman from Kentucky.

Mr. ROGERS. Mr. Chairman, I think the gentlewoman has brought up a very, very salient point. Her amendment is well-deserved. I am prepared to accept it.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the gentleman for his kindness.

I simply want to acknowledge that as the Justice Department proceeds to do this study, I would encourage the chairman and the ranking member to be of further assistance. I do not think any Member would want to vote to have children have access to pornography. This legislation is for the children. Let us get pornography off the Internet.

Mr. Chairman, I am offering an amendment to add $750,000 to the juvenile justice programs to the Commerce, Justice, State appropriations bill before the House today because our law enforcement community needs our help in order to better protect our Nation's children. I cannot imagine any Member of this body will speak against this amendment and in support of the purveyors of pornography, but I would hope that this amendment can be considered by the full House on its own merits. For this reason, I am offering this amendment to prevent children from being subjected to pornography on the Internet to the Commerce, Justice, State appropriations bill.

This amendment would direct that the Department of Justice enter into a contract with the National Research Council of the National Academy of Sciences to conduct a study of computer-based technologies and other approaches that could help to restrict the availability to children of pornographic images through electronic media including the Internet and online services. Additionally, this amendment would provide for the identification of illegal pornographic images with the goal of criminally prosecuting those purveyors of such pornographic images to children. The goal of this study is to understand the technological capabilities currently available for identifying digitized pornographic images stored on a computer, network, or other computer communication mediums by the use of software or other computer technologies.

The funding for this amendment would come from funds otherwise appropriated therefore revenue neutral to the Department of Justice, which should not exceed $750,000. I would like to ask that you join me in support of this amendment to help eliminate the growing threat of pornographic images that our children who use the technology must face. We can act today to help all of our Nation's children have a safer future.

This amendment would address the capabilities of present-day, computer-based control technologies for controlling electronic transmission of pornographic images, and our ability to impose technological restrictions on access of these images by children. It will also address research needed to develop computer-based control technologies to the point of practical utility for controlling the electronic transmission of pornographic images. The research that is conducted as a result of this amendment would look at the inherent limitations of computer-based control technologies for controlling electronic transmission of pornographic images.

The estimated cost of $750,000, in funding for this amendment would come from already appropriated funds. I would like to ask my colleagues to join me in support of this amendment.

On December 1996, the Federal Bureau of Investigation announced that it executed search warrants in 20 cities as part of an ongoing nationwide investigation into the use of computer online services and the Internet to lure minors into illicit sexual relationships and to distribute child pornography using computers.

FBI Director Louis J. Freeh said, that the "searches are a continuation of a highly successful investigation which has resulted in many convictions * * *. These cases have already revealed the ease and frequency with which criminals have used modern technology to cause grave harm to children."

Director Freeh went on to say that "The safety of children demands aggressive enforcement of the law." I say that the safety of children demands the aggressive research prescribed by this amendment to provide the aggressive enforcement of the law using the best methods available.

The work that the FBI is engaged in is commendable, but they could use additional resources that could be identified by the research authorized by this amendment. They currently are not using image identification to locate or block the access of children to the pornographic images.

We must and should act to direct through this amendment the work that the Department of Justice should be engaged to protect our Nation's children. Any delay can mean that countless lives could be lost or interrupted by the predators of childran which have been known to use the Internet to lure their victims away from the safety of their families.

I ask that my colleagues allow the inclusion of this amendment in the Commerce, Justice, State appropriations because this issue should not and cannot wait.

### PARLIAMENTARY INQUIRY

Ms. JACKSON-LEE of Texas. Parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentlewoman will state it.

Ms. JACKSON-LEE of Texas. I just want to be clear about the acceptance of the amendment, Mr. Chairman. Do we need to call for a vote?

The CHAIRMAN. The Chair will put the question.

Are there further remarks?

If not, the question is on the amendment offered by the gentlewoman from Texas [Ms. JACKSON-LEE].

The amendment was agreed to.

The CHAIRMAN. Are there further amendments?

### AMENDMENT NO. 35 OFFERED BY MR. COBURN

Mr. COBURN. Mr. Chairman, I offer amendment No. 35.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 35 offered by Mr. COBURN: Page 34, line 13, after dollar amount, insert the following: "(increased by $74,100,000)".

Page 49, line 9, after the dollar amount, insert the following: "(reduced by $74,100,000)".

Mr. COBURN. Mr. Chairman, this amendment is fairly straightforward. It is controversial to those who are receiving a subsidy from the Federal Government. It is not controversial in any other way.

The purpose of this amendment is to further fund juvenile justice block grants. It is to make an additional impact for the youth in our country. There are very alarming statistics that we need to deal with in terms of our young people. We have heard some of those tonight. But one of the things that the statistics do bear out is that the intervention programs that we have across the board are underfunded.

The statistics also bear out that the intervention programs we have are being successful. The FBI estimates that juvenile violent crimes will double by the year 2010. More than 260,000 juvenile arrests will be made. The growth in juvenile homicides and homicides involving juvenile offenders has surpassed that among adults. It is a very important concept. The number of juvenile homicides committed by juveniles has now exceeded the number of homicides that have been charged on adults.

Between 1982 and 1992 juvenile arrests have increased 117 percent, which is another statistic reflecting the growing rise in juvenile crime.

Why we should do this. More statistics. Juvenile arrests for aggravated assault, a 129-percent increase; juvenile arrests for murder, a 145-percent increase; juvenile arrests for forcible rape, predicted to increase 66 percent. We have good solutions for these problems. The juvenile justice block grant system has many programs that are not funded adequately.

Where do we get the money from? We take the money to support the juvenile justice block grant, $74 million, from the Advanced Technology Program, a program that has had some good, a program that today has $444 million in the pipeline that is not spent, money that has not been spent, and we are going to send another $200 million-plus down that pipeline.

Mr. Chairman, that may not be a good enough reason to oppose it. Then there is a reason to oppose it based on the people who have been getting the grants. International Business Machines, known as Big Blue, has received $111,279,000; General Motors, $82,134,000; General Electric, $75 million; Ford, $66 million; Sun Microsystems, $50 million, whose chief executive officer says they do not want this program. They do not believe that this is a program for established corporations.

Mr. Chairman, why is it important? Because those very corporations that I just listed, here are their earnings last year in net profit. International Business Machines earned $5.4 billion. Why should we give them $50 million to do research when we cannot take care of the youth in our country?

General Motors earned $4.9 billion net profit. Why should we give them $50 million to do research when they will do the research with their own profits? Why should we give money to General Electric, who earned $7.3 billion last year, and we cannot take care of the juvenile justice programs and problems in our country?

Mr. Chairman, this is a contrast about choices. It is a choice about whether the wealthiest corporations we are going to subsidize for R&D, or we are going to take care of the disadvantaged youth we just got through hearing about, where we do not have enough money for the drug court programs, where we do not have enough money for the Challenge programs?

Finally, I want to stop and discuss for a minute one of the programs that works, one of the programs that has been highly successful throughout this country called the Challenge program. The Challenge Program, there is one of them in Oklahoma. What it has done is taken young adults, juveniles, who have been in trouble with the law and have given them an opportunity to be self-sufficient, to win.

That program has been trimmed. That program has been cut. We are now raising money at the local levels to support Thunderbird Academy in Pryor, OK, an academy that has had an impact now in over 500 young people's lives, who would be in prison but now are paying taxes, are supporting our infrastructure, are actually participating as viable members of our society.

We have a choice to make. We are going to hear, this is a good program, that many things came about through this program. I do not deny that, that some positive research and benefits came. But when we have corporations like Ford Motor, who made $4.4 billion this last year, getting $1 million from the taxpayer to fund their research, or research they would not otherwise fund, we have to ask ourselves a question, are our youth worth it? Are we going to put corporate profits ahead of our youth? I do not think this body wants to do that.

Ms. STABENOW. Mr. Chairman, I move to strike the last word.

Mr. Chairman, first I would commend the subcommittee Chair and the ranking member for the good work in putting together this budget bill, and for the fact that in this budget we have an increase in juvenile crime and prevention dollars of nearly three times what has been in the fiscal year 1997 bill, and $157 million more than the President's request.

I would commend my colleagues for understanding what the maker of the amendment has eloquently talked about in terms of our juvenile justice needs. I would join with the gentleman in expressing a desire to have these dollars go for the intended purpose that he has spoken about.

But I would rise to oppose his amendment, because this really is a false choice that he has presented to us. We do have additional important dollars for juvenile justice in this bill, which I support and would continue to support. But we also have the opportunity as a country to move ahead and be competitive with other countries in creating jobs for the future through technology.

Unfortunately, there has been a tremendous amount of misinformation about the Advanced Technology Program. Just in the short term since I have been here as a Member in January, I know that this was also debated last session and voted down, and that there was a tremendous amount of misinformation at that time.

This program, which has been extremely successful in Michigan, is about partnering, and the Federal Government coming together with industries, like the automobile industry in Michigan, to form a partnership between large automobile companies, in our case, small business, our universities, and the Federal Government to look at systems change.

The dollars that have come in to us have gone to the universities. It is not characterized accurately to say that we are talking about a million dollars going to corporations that would otherwise be provided in research by the corporation. These are long-term, higher-risk kinds of projects that involve the importance of industries working together.

In a project report that was just put together regarding the Two Millimeter program in Michigan, and we have hot off the press a very important report about this, they indicate that there are numerous problems with a particular business trying to do this on their own; in this case, our automobile industry coming together to provide more quality in order to be able to compete internationally.

They indicate that the problem addressed by the Two Millimeter project is a systems problem requiring a high level of coordination among a number of quite different organizations. The problem at issue could not be solved by these individual organizations acting alone.

Forming large, complex research joint ventures to address a systems problem is a daunting effort. The ATP provided the impetus for companies to overcome coordination barriers. People that normally compete, GM versus Chrysler, all of our companies that normally are competing against each other, come together with the Federal Government serving as a neutral ground to allow them to organize, to look at long-term higher risk research that will allow us to create jobs.

This is about creating jobs. I would like to share with the Members some portions of a letter that IBM has submitted in opposition to information that was and continues to be shared regarding IBM. I will read just a portion of it. This was written to the maker of the amendment.

"Your Dear Colleague letter of September 18, 1997, about the ATP is inaccurate. It misrepresents IBM's participation in the ATP and seriously mischaracterizes the program.

"Your assertion that IBM has received $111,279,738 in R&D grants is wrong," is wrong. "Since 1992 IBM has participated in seven ATP projects, of which two were IBM projects and five were joint ventures."

They go on to explain that in the joint ventures, they have been one of over 40 organizations working together with dollars going to universities to create partnerships.

They indicate that ATP enables organizations to share costs, risks, and technology expertise in precompetitive R&D, not what the corporations would be doing in the short term, but the precompetitive high-risk research & development that looks long-term at creating jobs.

By pooling resources, it allows projects to be pursued that otherwise would not happen. Partnership programs like ATP help bridge the gap between the lab bench and the marketplace, and help spawn new innovations in industries.

The CHAIRMAN. The time of the gentlewoman from Michigan [Ms. STABENOW] has expired.

(By unanimous consent, Ms. STABENOW was allowed to proceed for 2 additional minutes.)

Ms. STABENOW. Mr. Chairman, if I might just summarize, we are competing as a country with other countries today. In those other countries, they are operating as a team: business, labor, universities, researchers, government, all together, focusing on long-term developments, and technologies so they can compete against America.

If we are not as wise as developing opportunities for teams to come together, we will lose the competitive race for new jobs. ATP is a very small program authorized by the Committee on Science at continuation levels that allows us to continue the ability to compete in a global marketplace.

It is not about corporate subsidies. It is about the ability for government and universities, researchers, and businesses, to work together to do those kinds of things that will allow us to continue to be innovative as a country. It is a very important investment in jobs.

INTERNATIONAL BUSINESS
MACHINES CORPORATION,
*Washington, DC, September 23, 1997.*

HON. TOM A. COBURN,
*Cannon House Office Building, U.S. House of Representatives, Washington, DC.*

DEAR REPRESENTATIVE COBURN: Your Dear Colleague letter of September 18, 1997 about the Advanced Technology Program (ATP) is inaccurate. It misrepresents IBM's participation in the ATP and seriously mischaracterizes the program.

Your assertion that IBM has received $111,279,738 in R&D grants is wrong. Since 1992, IBM has participated in seven ATP projects, of which two were IBM projects and five were joint ventures. Government funding totaled less than $4 million over three years in the single company projects. As the ATP requires, this was matched by IBM's own investment. In the joint venture projects, IBM was only one of over 40 organizations, including large and small companies and universities, which participated. Government investment in those projects was approximately $40 million over five years. Again, the federal funding was matched by the project participants.

The ATP enables organizations to share costs, risks, and technology expertise in precompetitive R&D. By pooling resources, it allows projects to be pursued that otherwise would lie dormant. Partnership programs like ATP help bridge the gap between the lab bench and the marketplace and help spawn new innovations and industries. ATP works through rigorous, open competition. It is accessible to all businesses. All costs are at least matched by the participants. Further, ATP provides a ready mechanism for large and small companies to work together. Many small businesses are suppliers to large companies. Cooperative research programs like ATP strengthen them measurably. Smaller companies frequently state that they want to work with larger ones. Through these relationships, they gain access to skills, technology, funding, and potential customers available in no other way.

In today's world, having the best technology or the best research is not sufficient for a country or company. Success depends upon speed—the time it takes to start new technological solutions. ATP partnerships create connections and enable faster technology introduction. The United States cannot ignore the international context of technology research and development. The nation cannot stand still while foreign infrastructures develop and improve.

I respectfully request that you reconsider your position and your justification for eliminating the Advanced Technology Program and that you share these facts with your colleagues.

Sincerely,

CHRISTOPHER G. CAINE.

Mrs. MORELLA. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I strongly oppose the amendment offered by the gentleman from Oklahoma [Mr. COBURN] to the Commerce-Justice-State appropriations bill. It would transfer $74 million from the $185 million provided in the bill for the National Institute of Standards and Technology's Advanced Technology Program in fiscal year 1998 to the Department of Justice's juvenile justice and delinquency prevention program.

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□ 2115

While we all support programs to reduce juvenile crimes, and I am on record as supporting them, H.R. 2267 already includes $538 million for juvenile crime prevention, almost three times the amount appropriated last year. I commend the chairman of the committee for so doing.

This amendment, of course, that has been offered is not an effort to fund juvenile justice, but merely simply an attempt to kill the Advanced Technology Program. The appropriations bill already mirrors the House-passed authorization for ATP, H.R. 1274, the NIST authorization bill, which came from my Subcommittee on Technology of the Committee on Science, and it passed the House on April 24 of this year.

That bill funded ATP at $185 million in fiscal year 1998, and that level is identical to the funding level in this appropriation bill. So it has been authorized and appropriated. The appropriated and authorized level for ATP already represents a cut to ATP of $40 million from the fiscal year 1997 appropriated level of $225 million. The total is $90 million below the administration's request for fiscal year 1998 and the administration requested $275 million.

So significant cuts have already been made and funding ATP at $10 million in fiscal year 1998 would amount to the U.S. Government turning its back on its obligations. The problem is that ATP funds long-term, 5-year research grants. The funding for the remaining years of these 5-year grants is termed a "mortgage."

According to the administration, ATP is likely to have mortgages totaling well over $100 million in fiscal year 1998. And while these mortgages are not liabilities for the Federal Government, they do represent commitments made by NIST to these research projects.

Terminating ATP would break NIST's commitments to its existing ATP partners. It would be like giving a 4-year scholarship to a student and then terminating it without cause after his or her freshman year.

The House-passed authorization for NIST already reforms ATP. The bill includes language to reform the grant process by requiring that grants can only go to projects that cannot proceed in a timely manner without Federal assistance.

The bill also increases the match requirements for ATP grant recipients to 60 percent for joint ventures and non-small business single applicants. Finally, the bill reduces ATP spending to $150 million in fiscal year 1999. And through these reforms, the House is moving ATP in the right direction.

So with the reforms, the obligations, the fact that we are stressing partnerships, we are talking about public-private partnerships that are so critically important, that is what this bill does. It has been very well-crafted. So with the passage of H.R. 1274, the House took strong positive steps to reform ATP. I really do not think we should reverse this course now.

Mr. COBURN. Mr. Chairman, will the gentleman yield?

Mrs. MORELLA. I yield to the gentleman from Oklahoma.

Mr. COBURN. Mr. Chairman, is it not true that in the report language coming out of the committee of the gentlewoman from Maryland [Mrs. MORELLA] that, in fact, what was said was "In an era of scarce Federal research and development dollars, funding ATP is simply a low priority"? That's No. 1.

No. 2, what was also said is that "ATP can function for 2 years without receiving 1 additional dollar from the Federal Government."

So why do we not just take this year and not fund the $74 million and give it to juvenile justice? It is not going to have an impact in terms of funding because the money is not in the pipeline. Why not do that?

Mrs. MORELLA. Mr. Chairman, reclaiming my time, because we have made commitments. We have companies working with the Federal Government in conjunction with each other. We have reformed the ATP Program. We have reduced the ATP. It is a program that needs to continue beyond that.

The chairman of the committee has already given us a significant increase to juvenile justice programs. So I think this public-private partnership needs to continue. We are monitoring it so very, very closely.

Mr. MOLLOHAN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, while I too would be the first person to admit that juvenile justice programs should be given the priority in this Congress, we have in fact in this bill made them a priority. If the purpose of the gentleman from Oklahoma [Mr. COBURN] is to ensure that this program is funded robustly, let me assure him that the committee did it for him.

In fact, the bill before us today provides $237.9 million for this line item, an increase of $55 million over the funds provided in fiscal year 1997 and $7.5 million above the administration's budget request for fiscal year 1998. Let me repeat. We have funded juvenile justice delinquency programs very robustly.

On the one hand, we funded juvenile justice very robustly. We appreciate the interest of the gentleman from Oklahoma [Mr. COBURN] in juvenile justice programs. But taking it from the ATP Program, if my colleague does want to increase juvenile justice, is not the right place to take it.

I would like to summarize my reasons for supporting this important ATP initiative. ATP is paramount to our Nation's global competitiveness. We are entering an era where global competitiveness is the way we really are going to compete in the world. Funding this program does nothing more than put us on a level playing field with our major competitors.

Right now, Mr. Chairman, the United States ranks 28th, 28th behind all of our major global competitors in the percentage of government R&D invested in civilian technologies. While we sit here debating an amendment that would cripple the ATP Program, across the oceans, our competitors, Japan, England, Germany, Australia, and Portugal, are investing heavily in similar initiatives.

Japan is spending about $9 billion a year on precompetitive technology development, and the European Community is funding advanced technology research to the tune of $5.5 billion annually.

Second, ATP funds precompetitive, generic technology developments which would not otherwise be undertaken by private industry. The ATP is not corporate welfare and it is not about picking winners and losers. The ATP is also not about product development. It is about funding the research and development efforts behind high-risk technologies.

While the Government provides a catalyst, industry conceives, manages, and executes ATP projects. ATP funds risky, precompetitive technologies that have the potential for a big payoff for our Nation's economy as we compete with those competitors that are investing so very heavily in similar programs.

Third, ATP was conceived as a bipartisan initiative. Although the ATP Program has become a political issue over the last several years, it did not start out that way. It did not start out that way. It had bipartisan beginnings. ATP was started under President Reagan's administration and was authorized by former Republican Congressman Don Ritter.

In fact, D. Allan Bromly, President Bush's science advisor, had the following to say about the ATP Program: "In the Bush administration, we made a start toward more effective use of our technology strengths as, for example, in the successful advanced technology program."

It is important to note that while the Clinton administration feels strongly about the merits of the ATP, the issues and concerns raised by my Republican colleagues have not fallen on deaf ears. In fact, in response to Republican concerns, the Commerce Department recently completed an extensive review of the ATP Program.

To allow for broad public input, the Technology Administration solicited public comment over a period of 30 days. The Commerce Department received 80 responses to this notice predominantly from individual firms and professional trade associations. Based on this review, Secretary Daley has decided to make several important changes to the operation and policies of ATP, changes that will result in a stronger, more viable program.

For example, he plans to shift the priorities of the program by putting more emphasis on joint ventures and small- and medium-sized single applicants and less emphasis on individual applications filed by large companies.

Additionally, the Secretary plans to increase the cost-share requirement for large, single-applicant companies, I think addressing legitimate concerns that have come from the other side.

It is a strong program. It is getting stronger. I urge my colleagues in this competitive international environment not to support the amendment of the gentleman.

The CHAIRMAN. The time of the gentleman from West Virginia [Mr. MOLLOHAN] has expired.

(On request of Mr. COBURN, and by unanimous consent, Mr. MOLLOHAN was allowed to proceed for 1 additional minute.)

Mr. MOLLOHAN. Mr. Chairman, I yield to the gentleman from Oklahoma [Mr. COBURN].

Mr. COBURN. Mr. Chairman, I want to ask a couple questions.

It is true that new moneys for the ATP Program are for new grants, not for grants in the pipeline; is that correct?

Mr. MOLLOHAN. Mr. Chairman, reclaiming my time, there is money here for new grants.

Mr. COBURN. Mr. Chairman, if the gentleman would yield further, it is for new grants. So any of the programs that are presently funded by ATP and are forward funded in such a manner will not be affected whatsoever by any decrease in the amount of ATP funds through this appropriation; is that true?

Mr. MOLLOHAN. Mr. Chairman, reclaiming my time, if that would be true, what is the point of the gentleman?

Mr. COBURN. Mr. Chairman, if the gentleman would continue to yield, the point is that we have a larger problem with juvenile justice and children and adolescents in this country where we are not addressing it. No matter what we have increased it, we have programs out there that are not going to be funded, like the Challenge Program.

Mr. MOLLOHAN. Mr. Chairman, reclaiming my time, that is obviously the question in debate here, "Where is our priority? Do we want to eliminate a program that is extremely important for our competiveness position as we move forward with this internationalization of our global economy, or not, and do we believe that this program contributes to that?"

I do. On a bipartisan basis, administrations have. And I hope that the body's majority does.

Mr. ROGERS. Mr. Chairman, I ask unanimous consent to proceed for 1 minute.

The CHAIRMAN. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The CHAIRMAN. The gentleman from Kentucky is recognized for 1 minute.

Mr. ROGERS. Mr. Chairman, we have one other amendment that is pending that is going to take some time. We are under a time constraint as it is, and we are on the verge of that time constraint.

Can we conclude debate on this fairly soon? I think we all know how we are going to vote anyway. Can we conclude this right away, Mr. Chairman?

The CHAIRMAN. The Chair would hope that the gentleman's words will be taken by Members on the floor.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise because I am on both the Committee on the Judiciary and Committee on Science, and I appreciate the leadership of the gentleman on this issue of juvenile prevention or juvenile crime prevention. We have worked on it for a very long period of time and very long hours.

I would have wished and encouraged the gentleman to have supported and been with the gentleman from Virginia [Mr. SCOTT], who was here on the floor earlier who had a similar piece of legislation, an amendment that would have answered the question that the gentleman is now raising about the concern of juvenile crime prevention. But let me acknowledge that his concern is important but his juxtaposing is not the correct way to do it.

As a member of the Committee on Science, let me say to my colleagues that since the inception of the ATP Program, 47 percent of all awarded projects have been led by small companies, particularly these ATP projects usually associated with universities.

In addition, even though the gentleman has mentioned that we would have ongoing money or money for present projects, we would have no money for future projects.

The reason why it is important that I rise and discuss this is because just a few minutes ago, I rose and received the support of the chairman and passed an amendment that dealt with technology. That was where the Justice Department could enter into $750,000 contract for 24-month period with the National Research Council of the National Academy of Sciences to conduct a study of computer-based technologies and other approaches that could help restrict the availability to children of pornographic images through electronic media, including Internet and on-line services, as well as identification of illegal pornographic images with the goal of prosecution.

I would never want that to be thought and conceived as being against an ATP Program that promotes the workings of those research entities to provide jobs for individuals moving into the 21st century.

□ 2130

Although the gentleman's intent is of high level and of great sense of commitment to the concerns dealing with juvenile crime, we already are moving in that direction. I applaud the leadership for increasing the amount in the bill. I would hope we would get more dollars, but I certainly think this is the wrong way.

Mr. Chairman, I rise to speak in opposition to the Coburn amendment which would transfer $74 million from the National Institute of Standards and Technology's Advanced Technology Program in fiscal year 1998 to the Department of Justice's Juvenile Justice and Delinquency Prevention Program.

Currently, legislation provides $225.9 million for juvenile justice programs. However this obligation of funds is dependent upon enactment of authorization legislation. At this point the fate of the reauthorization bills is uncertain.

Technology fuels the rapid growth in our Nation's economy. Every dollar invested through the Advanced Technology Program is returned through jobs, business expansion, and economic growth.

The Advanced Technology Program is not corporate welfare for large companies. The Advanced Technology Program is a competitive, peer reviewed, cost-shared program potentially high-payoff enabling technologies that otherwise would not be pursued because of technical risks and other obstacles that discourage private investment.

In the city of Houston, SI Diamond Technology, Inc., Applied Training Resources, Stress Engineering Services, Inc., and Genometrix, Inc. are a few of the firms which have been assisted by this important program.

Currently, there are 2,200 proposals submitted by industry with over 700 of which 280 projects were funded. Less than 4 percent of the proposals receive Advance Technology Program funds.

The Advance Technology Program has committed $970 million and industry has put up more than $1 billion in cost sharing.

Nearly half—46 percent—of the projects are led by small business who have also received about half the Advanced Technology Program funding.

There are more than 100 universities involved in 157 Advanced Technology Program projects.

The Advanced Technology Program is an efficient and effective way to assist technology's transition to the marketplace.

I urge my colleagues to vote against this amendment.

Mr. BROWN of California. Mr. Chairman, will the gentlewoman yield?

Ms. JACKSON-LEE of Texas. I yield to the gentleman from California.

Mr. BROWN of California. Mr. Chairman, I will just point out that this program was created in the 1988 trade bill. It was title X, as I recall, the contribution of the Committee on Science, and this program had been studied in the Committee on Science for several years before that as a way of approaching the decreasing competitiveness of American industry in world trade. I hope that the gentleman will keep that in mind.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oklahoma [Mr. COBURN].

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. COBURN. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 239, further proceedings on the amendment offered by the gentleman from Oklahoma [Mr. COBURN] will be postponed.

The Clerk will read.

The Clerk read as follows:

### PUBLIC SAFETY OFFICERS BENEFITS

To remain available until expended, for payments authorized by part L of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796), as amended, such sums as are necessary, as authorized by section 6093 of Public Law 100–690 (102 Stat. 4339–4340); and $2,000,000 for the Federal Law Enforcement Education Assistance Program, as authorized by section 1212 of said Act.

### GENERAL PROVISIONS—DEPARTMENT OF JUSTICE

SEC. 101. In addition to amounts otherwise made available in this title for official reception and representation expenses, a total of not to exceed $45,000 from funds appropriated to the Department of Justice in this title shall be available to the Attorney General for official reception and representation expenses in accordance with distributions, procedures, and regulations established by the Attorney General.

SEC. 102. Authorities contained in the Department of Justice Appropriation Authorization Act, Fiscal Year 1980 (Public Law 96–132, 93 Stat. 1040 (1979)), as amended, shall remain in effect until the termination date of this Act or until the effective date of a Department of Justice Appropriation Authorization Act, whichever is earlier.

SEC. 103. None of the funds appropriated by this title shall be available to pay for an abortion, except where the life of the mother would be endangered if the fetus were carried to term, or in the case of rape: *Provided*, That should this prohibition be declared unconstitutional by a court of competent jurisdiction, this section shall be null and void.

### AMENDMENT NO. 32 OFFERED BY MS. NORTON

Ms. NORTON. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 32 offered by Ms. NORTON: In title I, under the heading "General Provisions—Department of Justice", strike section 103.

Mr. ROGERS. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto close in 20 minutes, and that the time be equally divided between the gentlewoman from the District of Columbia [Ms. NORTON] and the gentleman from Illinois [Mr. HYDE].

The CHAIRMAN. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

Ms. NORTON. Mr. Chairman, I yield myself such time as I may consume. Mr. Chairman, I offer this amendment to offer the option of abortion to those that may be at once most in need of it and least likely to have access to this choice. I offer this amendment for the damned and the desperate.

In the United States 60 percent of pregnancies are unintended. Imagine what that figure is for women in prison. I ask for an exception to the ban on Federal funds in order that those funds be available for women in prison because they do not even have the option of other poor women. They cannot borrow, they cannot use State or Federal funds as some women who live in such localities can. They are in Federal custody. It would be barbaric to force such women to bear children against their will behind bars.

The number of women in Federal prisons has grown astronomically. There was 75 percent growth in the last decade. The annual growth rate is considerably greater than for State prisons. There is twice the growth rate for these women as for men. The rate of infection for HIV and AIDS exceeds the rate of infection for men in prison. Five percent of these women enter prison pregnant.

Who are these women? We have the figures for women in State prisons. They are roughly comparable to Federal figures. Forty percent have been sexually abused. Half committed the offense under the influence of alcohol or drugs. More than half used drugs the month before committing the offense. Forty percent use drugs daily. Forty-eight percent use alcohol, 20 percent every day.

Who are the children of these inmates? They are five times as likely to be imprisoned as other children. Half of the children in the juvenile justice system have a parent in prison. The racial implications are awesome. Blacks, regardless of sex, are six times more likely to go to prison than whites. Black women have nearly the same chance as white men of going to prison.

Why Federal funds? Federal funds, because Federal funds must pay for everything for these women, for their food, for their shelter, for their clothes. So if there is to be a choice, and here the choice is most necessary, it can only come from Federal funds.

Providing an exception here is akin to the exception we provide for rape. There is no other way. These are women who, if they desire, and only if they desire, an abortion, should be most granted that desire, given their particular history.

Moreover, there has been experience in 1993, when this body lifted the restrictions on abortions for women in prison, the Bureau of Prisons handled the matter with great sensitivity, no complaints about it. There was medical, religious and social counseling. There was written documentation that that counseling had taken place. Employees who had a moral or religious objection had that objection recognized.

I recognize that there is an objection of many to abortion. We have recognized some exceptions, very rare, to our admonition against abortion. Surely if there are to be exceptions, this should be one.

Mr. Chairman, I reserve the balance of my time.

Mr. HYDE. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from New Jersey [Mr. SMITH].

Mr. SMITH of New Jersey. I thank the gentleman for yielding me this time.

Mr. Chairman, I first of all want to thank the gentleman from Kentucky [Mr. ROGERS] for again renewing current law to prohibit taxpayer funding for abortion on demand in Federal prisons. And so I rise in very strong opposition to the Norton amendment which would strip this prolife provision out of the bill and thus authorize public funding for abortion on demand.

It is worth noting that in 1995, the House considered this issue and voted 281–146 to defeat the Norton amendment, and I urge a "no" vote again today.

Mr. Chairman, it is about time that we face the fact that abortion is violence against children. It is hard enough that this child abuse is legal and that each and every day boys and girls are slaughtered by the abortionists, but do not force us to pay for it. Abortion methods are violent acts. It is violence against children. Abortion methods are not designed to heal, but to kill. Abortion treats pregnancy like a disease to be vanquished and turns babies into objects, expendable, throwaways, so much junk.

It has been pointed out that many women are incarcerated because of drug offenses. The logic of that argument is that the children of these women are somehow better off dead. All I can say is that is a very cynical view. Since when is being a victim of drug abuse a capital offense? Should children be brutally killed for the crimes of their parents or because they might have been injured by those crimes? Of course not.

Mr. Chairman, in our culture, abortionists sport white coats and a paper-thin facade of respectability, but the gut-wrenching reality is that abortionists dismember and poison babies for profit. They inject highly concentrated salt water and other poisons into the baby that lead to a very slow and painful death for those children. Abortionists routinely dismember children. They cut off their heads. They cut off their arms and legs. That is the reality. People can smirk and smile and think that that is not what happens, but that is what happens in an abortion.

A few days ago, Dr. Nathanson showed a film of a suction abortion. He is a former abortionist who did thousands of them. He showed this film, a laparoscopy caught on videotape, a baby being dismembered literally limb by limb. That is the ugly reality that so often is sanitized by the rhetoric of choice. Abortion, Mr. Chairman, is violence against children.

A few days ago, the world noted, Mr. Chairman, and many of us mourned, the passing of a woman of very deep compassion and love, Mother Teresa. I think many also remember that at the 1994 National Prayer Breakfast, Mother Teresa addressed thousands of people who were assembled, including President Bill Clinton and Vice President GORE. Few could listen to Mother Teresa and not be moved to believe that in this small, frail, humble woman there stood a very powerful messenger to directly speak to a President and Nation that had lost its moral compass.

Mother Teresa said, and I quote, "Please don't kill the child. I want the child," she went on to say. "We are fighting abortion with adoption, by care of the mother and adoption of the baby." Mother Teresa further stated, and I quote, "The greatest destroyer of peace today is abortion, because it is a war against the child, a direct killing of an innocent child." She then urged all Americans and diplomats who were assembled to more fully understand the linkage of abortion with other forms of violence. She said, and I quote, "Any country that accepts abortion is not teaching people to love, but to use violence to get what they want. This is why the greatest destroyer of peace and love is abortion."

Mr. Chairman, the children of incarcerated women are of no less value than any other children. No child anywhere at any time, including unborn kids, is a throwaway. Being unwanted does not make you less human. It does not allow others to turn you into an object that could be killed with poison shots or by dismemberment of your body. The children of the incarcerated women are precious, and they deserve our love and respect; again, not dismemberment and poison shots. I urge Members of this body to vote "no" for taxpayer funding for abortion, to vote "no" on the Norton amendment.

Ms. NORTON. Mr. Chairman, I yield 2 minutes to the gentlewoman from California [Ms. WATERS].

Ms. WATERS. Mr. Chairman, I think it is about time that we stop the use of inflammatory language around this very personal issue. I think it is time that we talk about this issue at least in ways that we can respect everybody that is involved. I think it is time that we talk about what real violence is. Real violence is a woman who has to do time in the Federal prison who comes in drug-addicted, HIV-infected, pregnant, the 6 percent of them who come in that way and who say, I don't believe I have the right to force the kind of violence on this child that I am confronted with for this child. I believe it is time that these women have some choice.

We talk about how much we love these children, but what happens to them? What happens to these children that are born unwanted, to HIV-infected women, to drug-infected women? What happens to these children? We do not know what happens to them. They go out somewhere, into maybe foster care. These are the children that are doomed to poverty, doomed to the inability to have a decent life. And so that is not our choice. It is the choice of the woman who finds herself in this unfortunate predicament. I would ask for support for the Norton amendment and I would not be influenced by the kind of language that does not really speak to the issue but simply inflames on this issue.

Ms. NORTON. Mr. Chairman, I yield 2 minutes to the gentlewoman from the Virgin Islands [Ms. CHRISTIAN-GREEN].

□ 2145

Ms. CHRISTIAN-GREEN. Mr. Chairman, I rise in support of this amendment.

Mr. Chairman, this is a part of a much larger problem, that of increasing numbers of women in prison and their need for medical and other care. All too often these women are ignored. But beyond that, Mr. Chairman, I think about the plight of the women I visited within our correctional facility at home a few months ago, and I remember my good friend and classmate Angela. I recall her incarceration and the many visits I made to her to make sure that her many medical needs were met. What about the increasing number of women in our prisons who do not have a doctor for a friend?

It is primarily for this reason why I find the language of this bill before us today banning the use of Federal funds for abortion services for women in prison so troubling. Many female prisoners, as has been said, enter prison suffering from a myriad of physical and psychological ailments, and many are pregnant before they enter prison.

I know, Mr. Chairman, that the issue of abortion is one that has deep religious and philosophical implications, and it also deeply divides many Americans. Notwithstanding the complexity of this issue, the fact remains that abortion is still a legal health care option for women in this country and has been for over 20 years now.

I urge my colleagues to vote "yes" on this amendment. Women in prison deserve to have access to needed health care services, and they deserve to have choice.

Ms. NORTON. Mr. Chairman, I yield such time as she may consume to the gentlewoman from Maryland [Mrs. MORELLA].

Mrs. MORELLA. Mr. Chairman, I rise in favor of the amendment offered by the gentlewoman from the District of Columbia, a Member with great compassion for these poor women who are so often the victims of domestic violence, incest, and other problems, who need our help.

Ms. NORTON. Mr. Chairman, I yield 1 minute to the gentlewoman from Texas [Ms. JACKSON-LEE].

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the gentlewoman from the District of Columbia for her outstanding work on behalf of the District of Columbia.

I want to say that we love children, we love life. It is tragic that we have to look to this tragedy of life when we find women in prison who have unfortunately been in desperate situations, and we have to realize that 6 percent of them come in pregnant when they enter prison, abused and certainly suffering from physical or sexual abuse. Almost half of these women in the Federal penitentiary system are under the influence of drugs or alcohol. They have limited prenatal care, isolation from family and friends, and the great tragedy of having this infant, if to term, to be lost to them forever, but, more importantly, incapable of taking care of them.

Abortion is legal. The right to life and the right to choice are things that are not mutually exclusive. We want to give life again to these women who have been battered and abused. It is unfair to deny them the simple medical procedure that would allow them as well the rights of any woman who is in this United States of America. They are poor; they must not be abandoned.

Mr. HYDE. Mr. Chairman, how much time do I have remaining?

The CHAIRMAN. The gentleman from Illinois has 5 minutes remaining.

Mr. HYDE. Mr. Chairman, I yield 30 seconds to the gentleman from New Jersey [Mr. SMITH].

Mr. SMITH of New Jersey. Mr. Chairman, just to respond briefly to the gentlewoman from California, she talked about being doomed to poverty, and of course we all need to fight against poverty and do whatever we can. But it seems to me that when we doom an unborn child to a horrific killing of chemical poisoning or dismemberment of that child, no matter how that is sanitized by the pro-abortion crowd, that is a very, very sleazy, terrible thing; and that is not inflammatory, that is the truth. Read some of the text books and the descriptions given by the abortionists themselves. That is just a simple fact of what happens.

Let us not hide from the reality and the truth of what abortion is.

Mr. HYDE. Mr. Chairman, I yield myself the balance of my time.

The CHAIRMAN. The gentleman is recognized for 4½ minutes.

Mr. HYDE. Mr. Chairman, some years ago there was a great defense lawyer who worked out of Chicago. His name was Charles Darrow, and he was known as attorney for the dammed because he represented people who committed serious crimes, capital crimes, Loeb and Leopold, and he was very successful in helping them escape the penalties of the law. If I were practicing law and I could pick my clients, I would choose to represent the unborn child of a woman who is in prison. I cannot think of a more humiliating, more humble circumstance, more powerless, more unwanted, more unthought about, more inconvenient than a poor tiny little child.

We did not hear much about the child. We heard about the women, and God knows the woman is suffering and has had the cards dealt to her from the bottom of the deck, and needs and deserves and must have our compassion, but for God's sake, 10 seconds for the little tiny child made in the image and likeness for God.

Forgive me, but I believe that little child is precious, has an immortal soul, has a destiny, and give that little child a chance. Love that little child. There ought not to be a deficit of compassion and of love, not a failure of imagination. Think about that little tiny powerless human life that cannot vote, cannot rise up in the streets, cannot escape, depends on the care and the concern of those around.

Now all this amendment does is strike the part of the bill that says no Federal money to pay for abortions for people who are incarcerated in prison. That is all. It does not deny an abortion. God help us, if the woman wants to exterminate her unborn child, fine, the law does not forbid her, and the prison will escort her to private premises; and if it is a question of money, let Planned Parenthood, which gets millions of dollars, pay for the extermination, the killing, not of that little clump of cells, not of the products of conception, but that tiny little living, breathing infant that, given a chance at life, might well be a human being who could save our country or compose music or just be a decent citizen.

Do not be so pessimistic. There are places that will take these children within walking distance of this building. Saint Coletta's. There are care and counseling centers all over this country. Birthright, they will take that little child.

Mother Theresa said the great tragedy is to say there is not room for one more little baby.

Think of the baby. I will think of the woman, I will pray for the woman, I will work to make conditions ameliorated for them. Will my colleagues please think of the little child for a second? A second?

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The gentlewoman from the District of Columbia [Ms. NORTON] is recognized for the balance of the time, which is 1½ minutes.

Ms. NORTON. Mr. Chairman, the gentleman who just spoke eloquently of the unwanted powerless child who would be taken just a few blocks from this very Chamber, I beg to differ. Children whose parents have not been near prisons cannot be taken. We find no homes for them; and the children of incarcerated parents are more dammed than those whose parents have not been incarcerated. The figures tell the story of what happens to foster children and children in prison, and the figures do not lie. Now Mother Theresa might have taken them, but there are not other takers out here.

The gentleman would be the first to come to the floor if Planned Parenthood came forward to try to pay for abortions for these children, to try to deny them funds to pay for abortions for these women. We are talking about voluntary abortions here, as always. I would prefer if there were a mechanism for these women to have their children adopted, assuming there were people who would, in fact, adopt them. There are not people who will adopt a homeless child on the street today, and everybody knows that.

The notion of violence raised here in this context is an amazing one indeed. What would of course be violent is forced childbirth. That is what would be left here. All of the inflammatory debate about abortion has not reduced support for abortion in this country. It is legal for women in society; it should be legal and accessible for women in jail.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentlewoman from the District of Columbia [Ms. NORTON].

The question was taken; and the Chairman announced that the noes appeared to have it.

Ms. NORTON. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 239, further proceedings on the amendment offered by the gentlewoman from the District of Columbia [Ms. NORTON] will be postponed.

Mr. ROGERS. Mr. Chairman, I ask unanimous consent that the remainder of title I be considered as read, printed in the RECORD and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The text of the remainder of title I is as follows:

SEC. 104. None of the funds appropriated under this title shall be used to require any person to perform, or facilitate in any way the performance of, any abortion.

SEC. 105. Nothing in the preceding section shall remove the obligation of the Director of the Bureau of Prisons to provide escort services necessary for a female inmate to receive such service outside the Federal facility: *Provided*, That nothing in this section in any way diminishes the effect of section 104 intended to address the philosophical beliefs of individual employees of the Bureau of Prisons.

SEC. 106. Notwithstanding any other provision of law, not to exceed $10,000,000 of the funds made available in this Act may be used to establish and publicize a program under which publicly-advertised, extraordinary rewards may be paid, which shall not be subject to spending limitations contained in sections 3059 and 3072 of title 18, United States Code: *Provided*, That any reward of $100,000 or more, up to a maximum of $2,000,000, may not be made without the personal approval of the President or the Attorney General and such approval may not be delegated.

SEC. 107. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of Justice in this Act, including those derived from the Violent Crime Reduction Trust Fund, may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers: *Provided*, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation except in compliance with the procedures set forth in that section.

SEC. 108. Section 524(c)(8)(E) of title 28, United States Code, is amended by striking "1996" and inserting "1997 and thereafter".

SEC. 109. (a) Section 1402(d)(2) of the Victims of Crime Act of 1984, (42 U.S.C. 10601(d)), is amended—

(1) by striking paragraph (1); and

(2) in paragraph (2), by striking "the next" and inserting "The first".

(b) Any unobligated sums hitherto available to the judicial branch pursuant to the paragraph repealed by section (a) shall be deemed to be deposits into the Crime Victims Fund as of the effective date hereof and may be used by the Director of the Office for Victims of Crime to improve services for the benefit of crime victims, including the processing and tracking of criminal monetary penalties and related litigation activities, in the federal criminal justice system.

The CHAIRMAN. Are their amendments to that portion of title I?

If not, the Clerk will read.

The Clerk read as follows:

### TITLE II—DEPARTMENT OF COMMERCE AND RELATED AGENCIES

### TRADE AND INFRASTRUCTURE DEVELOPMENT

### RELATED AGENCIES

### OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

### SALARIES AND EXPENSES

For necessary expenses of the Office of the United States Trade Representative, including the hire of passenger motor vehicles and the employment of experts and consultants as authorized by 5 U.S.C. 3109, $21,700,000, of which $2,500,000 shall remain available until expended: *Provided*, That not to exceed $98,000 shall be available for official reception and representation expenses.

Mr. ROGERS. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. HUTCHINSON) having assumed the chair, Mr. HASTINGS of Washington, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2267), making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1998, and for other purposes, had come to no resolution thereon.

## RECOGNIZING IMPORTANT CONTRIBUTIONS MADE BY AMERICANS OF AUSTRIAN HERITAGE

Mr. HASTERT. Mr. Speaker, I ask unanimous consent that the Committee on International Relations be discharged from further consideration of the resolution (H. Res. 217) recognizing the important contributions made by Americans of Austrian heritage, and ask for its immediate consideration.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The Clerk read the resolution, as follows:

### H. RES. 217

Whereas the United States and the Republic of Austria have enjoyed close and friendly relations since the inception of the Republic of Austria;

Whereas 1997 marks the 50th anniversary of the Marshall Plan which was critically important to the reconstruction of the Republic of Austria and to the establishment of friendly ties between the Republic of Austria and the United States;

Whereas on September 26, 1945, a conference of representatives of the nine Federal states of the Republic of Austria was held in Vienna that laid the foundation for the provisional Austrian Government and the early elections in November 1945; and

Whereas a number of States have already proclaimed September 26, 1997, as "Austrian-American Day": Now, therefore, be it

*Resolved*, That the House of Representatives—

(1) declares that the warm and cordial relations between the people of the United States and the Republic of Austria should grow stronger; and

(2) acknowledges the important contributions to the United States by Americans of Austrian heritage.

### GENERAL LEAVE

Mr. HASTERT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the subject of this resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The SPEAKER pro tempore. The gentleman from Illinois [Mr. HASTERT] is recognized for 1 hour.

Mr. HASTERT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am very pleased to present this resolution on behalf of its author, the distinguished gentleman from Nebraska [Mr. BEREUTER] and the distinguished chairman of the Committee on International Relations, the gentleman from New York [Mr. GILMAN].

Mr. Speaker, September 26 will mark the 52d anniversary of the conference that established the post-war Austrian government. House Resolution 217 recognizes the pivotal role played by the United States in the establishment of a free and democratic Austria. It is particularly fitting that the gentleman from Nebraska [Mr. BEREUTER] be the author of this resolution as the only Austrian American currently serving in the House.

Mr. BEREUTER. Mr. Speaker, as the author of House Resolution 217, together with the distinguished chairman of the Committee on International Relations, this Member urges support for this simple and straightforward celebration of warm and cordial relations between Americans and the people of Austria.

September 26 will mark the 52d anniversary of the conference that established the post-war Austrian Government. Recognizing the pivotal role played by the United States in the establishment of a free and democratic Austria, the Government of Austria has declared September 26, 1997, to be Austrian-American Day. All around the United States, our State legislatures have followed suit, declaring September 26 to be Austrian-American Day.

Because of the rules of this body, we are not permitted to consider commemorative resolutions, or declare specific honorary days. However, this body can certainly join with the Government of Austria and the many State legislatures to note the long and positive history of Austrian-American relations. That is precisely what this House Resolution 217 does.

Mr. Speaker, as perhaps the only Austrian-American presently to be serving in the House, this Member would urge adoption of House Resolution 217.

Mr. HASTERT. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the resolution is agreed to.

There was no objection.

A motion to reconsider was laid on the table.

## ANNOUNCEMENT OF INTENTION TO OFFER RESOLUTION RAISING QUESTION OF PRIVILEGES OF THE HOUSE

Mr. BACHUS. Mr. Speaker, pursuant to clause 2 (a)(1) of rule IX, I hereby give notice of my intention to offer a resolution which raises a question of privileges of the House.

The form of the resolution is as follows:

### Resolution Directing the Committee on Standards of Official Conduct to Undertake an Appropriate Investigation of the Circumstances Surrounding Representative Hilliard's Travel to Libya

Whereas Libya is an unapologetic terrorist state that openly supports, promotes and inspires terrorists,

Whereas Libya arms, trains and harbors terrorists;

Whereas Libya was involved in the 1985 terrorist attacks on airports in Rome and Vienna that left 20 men, women and children, including 5 American citizens, dead;

Whereas Libya is responsible for the deaths of two American soldiers in a 1986 terrorist bombing in Berlin;

Whereas Libya is responsible for the deaths of 270 men, women and children, including 189 Americans, in the terrorist bombing of Pan Am flight 103 in 1988;

Whereas the Security Council of the United Nations has imposed sanctions on Libya in response to its responsibility for the bombings of both Pan Am flight 103 and UTA flight 772; and

Whereas those sanctions were put into effect in the United States in 1986 by imposing of Treasury Department regulations, the violation of which may be punishable by a civil penalty and by criminal penalties including fine or imprisonment, and which among other things bar United States persons from engaging in transactions relating to transportation to and from Libya and from dealing in any property in which the government of Libya has any interest;

Whereas Libyan leader Moammar Ghadafi has called terrorist attacks that have left innocent men, women and children dead and wounded "heroic operations";

Whereas Congress has gone on record in its opposition to the Libyan government, passing laws that condemn Libya for supporting terrorism, list Libya among the countries denied direct or indirect United States assistance, authorize the President to prohibit imports and exports to Libya, and ban investment in the Libyan oil industry;

Whereas Libya is dedicated to destroying the Middle East peace process;

Whereas the Department of State has reported that Representative Earl Hilliard traveled to Libya in August without authorization of or approval from the Department of State;

Whereas Representative Earl Hilliard has refused to confirm or deny whether he traveled to Libya or offer an explanation for his travel to Libya;

Whereas if Representative Hilliard did travel to Libya, his actions would be in direct violation of United States policy toward Libya;

Whereas this episode raises questions of propriety regarding travel to Libya, Representative Hilliard should explain his reasons for traveling to Libya and his activities while there;

Whereas the Committee should inquire of Representative Earl Hilliard what individual, organization, government agency or other entity paid for his travel to and from Libya and his expenses while in Libya;

Whereas Representative Hilliard has not disclosed whether he engaged in any transactions relating to his travel to and from Libya, or in other transactions while in Libya;

Whereas these circumstances warrant an immediate affirmation by the House of its unequivocal opposition to travel to Libya by its members and to terrorism and the terrorist agenda pursued by the Libyan government of Moammar Ghadafi; and

Whereas Representative Earl Hilliard has conducted himself in a manner which is inconsistent with the dignity of the House and is not conduct appropriate to the House and its members: Now, therefore, be it

*Resolved*, That the House Committee on Standards of Official Conduct undertake an immediate and thorough investigation of the circumstances surrounding Representative Earl Hilliard's travel to Libya and report back to the House.

□ 2200

The SPEAKER pro tempore (Mr. HUTCHINSON). Under rule IX, a resolution offered from the floor by a Member other than the majority leader or minority leader as a question of the privileges of the House has immediate precedence only at a time or place designated by the Chair in the legislative schedule within two legislative days of its being properly noticed.

The Chair will announce the Chair's designation at a later time. The Chair's determination as to whether the resolution constitutes a question of privilege will be made at the time designated by the Chair for consideration of the resolution.

#### PARLIAMENTARY INQUIRY

Mr. BACHUS. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. BACHUS. Mr. Speaker, presuming that the interpretation is that this resolution is an appropriate privileged resolution, would that mean that the resolution will have to be considered within the next two days, meaning either tomorrow or Friday?

The SPEAKER pro tempore. Under rule IX, the Speaker will designate a time on one of the next two legislative days to address the matter. At the designated time, the gentleman will be able to offer the resolution. The Chair cannot say how the House may consider it.

## SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

## ORDER OF BUSINESS

Ms. MILLENDER-McDONALD. Mr. Speaker, I ask unanimous consent to claim the time of the gentleman from Illinois (Mr. DAVIS).

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

## WOMEN OWNED BUSINESSES IN AMERICA

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California [Ms. MILLENDER-McDONALD] is recognized for 5 minutes.

Ms. MILLENDER-McDONALD. Mr. Speaker, I am proud to announce that tomorrow will be an historic day for women business owners. For the first time, women business owners from a range of professions will convene on Capitol Hill to share their stories with Members of the Congressional Caucus on Women's Issues. My colleague, the gentlewoman from New York [Ms. KELLY], and I will cochair this unprecedented bipartisan forum, addressing the vast growth of women-owned firms and the contrasting poor rate of procurement to these firms.

With the procurement rate to women-owned firms at less than 2 percent, the need to explore the problems women business owners are experiencing in trying to obtain Federal contracts and to develop concrete solutions to these problems has never been greater.

Over the past decade, this country has experienced an explosion in the growth of women-owned businesses. The statistics speak for themselves. Between 1987 and 1996, the number of firms owned by women grew by 78 percent, which is almost twice the rate of increase in the number of all U.S. firms, which is 47 percent. Sales increased by 236 percent, nearly $2.3 trillion, and employment increased by 183 percent.

In the same time period, the number of minority women-owned businesses increased by 153 percent, which is three times the rate of overall business growth in the United States, the rate of employment by minority firms grew by 276 percent, and revenues rose by 318 percent.

Between 1987 and 1996, the number of Hispanic women-owned firms grew 206 percent, the number of Asian, American Indian and Alaska native women-owned firms increased by 138 percent, and the number of African-American women-owned firms increased by 135 percent.

There are now approximately 8 million women-owned firms, providing jobs for 15.5 million people and generating nearly $1.4 trillion in sales. Women-owned businesses now employ 35 percent more people in the United States than the Fortune 500 companies employ worldwide.

Between 1987 and 1996, the industries with the fastest rate of growth for women-owned businesses were in nontraditional fields. Women-owned firms grew by 171 percent in construction, by 157 percent in wholesale trade, by 140 percent in transportation-communications, by 130 percent in agriculture, and by 112 percent in manufacturing.

In the same period, the same phenomenon of women-owned businesses growing at the fastest rate in nontraditional fields were even more astounding among minority women-owned businesses. These firms grew by 319 percent in construction, by 276 percent in wholesale trades, and by 253 percent in transportation-communications and public utilities.

Although the number of women-owned firms has grown in every State over the past several months, they have exploded in the State that I represent. In California, from 1987 to 1996 the number of women-owned firms has grown by 78 percent, employment has increased by 255 percent and sales have grown by 313 percent. Women-owned businesses now account for more than one-third of all firms in California.

As a result, California ranks first out of the 50 States in the number of women-owned firms, first in employment and first in sales. This unprecedented growth of women-owned firms is happening in the 37th District of California, Mr. Speaker, which is my district, generating $105 billion in the Los Angeles-Long Beach metropolitan areas.

This area ranks second out of the top 50 metropolitan areas in the number, employment and sales of women-owned firms. That sounds promising. Maybe. But, the rate of procurement for all women-owned businesses remains a meager 1.8 percent, far below the 5 percent goal which was established in 1994 by Congress.

Mr. Speaker, we cannot allow this discrepancy to continue. It is only hurting the strength of this Nation's economy. We are not utilizing this hidden resource within the business community.

When the Government continues to contract with the same large companies, America's taxpayers lose money, because when various agencies select their bid without real competition, it is highly unlikely that that bid is indeed the least expensive, more effective way of getting the job done.

Mr. Speaker, tonight I speak for millions of women business owners throughout the country. I ask that we recognize that tomorrow will be an historic day for women as we continue to grapple with the notion of women business owners and the lack of procurement and meeting the goals Congress has established.

□ 2215

## COMMEMORATING THE ANNIVERSARY OF EMANCIPATION OF AFRICANS HELD IN SLAVERY IN THE DANISH WEST INDIES—THE UNITED STATES VIRGIN ISLANDS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from the Virgin Islands [Ms. CHRISTIAN-GREEN] is recognized for 5 minutes.

Ms. CHRISTIAN-GREEN. Mr. Speaker, this evening I rise to bring to the attention of my colleagues and fellow Americans that July 3, 1998 will be the 150th anniversary of the emancipation of Africans held in slavery in the Danish West Indies, now the United States Virgin Islands, the district which I represent in the 105th Congress.

Mr. Chairman, there are few moments in human history as dramatic and inspiring as those that took place in the town of Frederiksted in St. Croix on the 2d and 3d of July, 1848. The story is one of courage and determination on the part of a people to live free and risk death in the process.

Historians tell us that at the sound of the conchshell, the unfree from across St. Croix converged on the fort under the leadership of Moses Gottlieb, who was called General Buddhoe. Their threat was to burn the island unless immediate freedom was obtained.

In response to reports of the uprising, Danish Governor Peter Von Scholten rushed from the town of Christiansted to confront the angry men and women who had assembled and who had established a 4 p.m. deadline for his declaration of emancipation.

Surrounded and outnumbered during his ride down King Street on his way to Fort Frederick, and encouraged by his mulatto mistress, Anna Haggaard, the Governor issued his famous proclamation: "All unfree in the Danish West Indies are from this day free." He later repeated his statement from the ramparts of Fort Christiansvern.

Although the revolt ended with little loss of property or life due mostly to the efforts of General Buddhoe, its key players paid a high price. General Buddhoe himself was arrested and sent away on a Danish man-o-war never to be heard from again. Governor Von Scholten returned to Denmark where he was tried and found guilty of exceeding his authority and dereliction of duty.

Mr. Speaker, the events of July 3d, 1848 are considered the second act of self-determination by Virgin Islanders, the first being the uprising in St. John in 1733, which brought that island under African rule for 6 months.

So July 3d of each year is designated Emancipation Day, and commemorates this most important and significant event in our history.

Mr. Speaker, it is also a significant event in the history of our great Nation, because it was the first such proclamation on what would later become American soil, coming 15 years before President Abraham Lincoln would issue his famous Emancipation Proclamation freeing slaves in the Confederate States during the Civil War.

There is irony as well as fate in the fact that Emancipation Day precedes the 4th of July, the day when America celebrates its independence. These twin days of celebration bind Virgin Islanders and all Americans to an eternal commitment to human freedom.

We of this generation are heirs to Valley Forge and Frederiksted and the great tradition of sacrifice and suffering in the cause of freedom. Future generations must bless and cherish the memory of General George Washington and General Buddhoe and keep the fires of freedom burning.

To recognize this great event, the Governor of the Virgin Islands has issued a proclamation calling for a month-long celebration beginning June 1, 1998 to July 5, 1998, culminating in a week-long observance from June 29, 1998 to July 5, 1998.

Mr. Speaker, in recognition of this I will shortly introduce a resolution in the House and seek the support of my colleagues in recognizing the 150th anniversary of the emancipation of my ancestors. I invite all Americans to join us in observance of this proud moment in American and Virgin Island history.

## CAMPAIGN FINANCE REFORM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arkansas [Mr. SNYDER] is recognized for 5 minutes.

Mr. SNYDER. Mr. Speaker, once again, my thanks to the staff here who are working late, as several of us have an opportunity to discuss these important issues.

Mr. Chairman, it is my opinion and the opinion of a great many Americans that while we live in the greatest democracy in the history of the world, our democracy and the way we currently conduct our business has some major problems. Specifically, how do we do our campaigns? How do we elect our officials to come to Washington and do the people's business?

Now, what is the specific problem? I will show my colleagues what the specific problem is. This is going to be a difficult number for me to read, because I do not know what this number is. I recognize $999,999. I can go one step further, $999,999,999. I can keep going to $999,999,999,999, and on and on. The reality is, whatever number this is, it is now legal for this amount of money to be donated to a political party, to a national political party. So if a person who had this kind of wealth wrote out a check to the Republican Party or the Democratic Party, it is completely legal to make this kind of donation and it not be disclosed where the money came from.

Well, many of us in this House, many of us in America, think that is the wrong way to finance campaigns, and on January 11, 1995, the President and the Speaker of the House, in a very famous garden shot, shook hands and committed themselves to campaign finance reform. Since that time, we have not seen much action.

The President is firmly committed to signing meaningful campaign finance reform, and as someone from Arkansas who was in the State Senate and worked with then Governor Clinton when he was in Arkansas, I know of his commitment to campaign finance reform and ethics reform. He had an experience when he was in Arkansas of calling a special session of the legislature in order to get ethics reform for lobbyists' disclosure, having that effort thwarted in the State legislature in the committee vote when that was the sole purpose of calling the session; and he took the issue to the States and initiated that to get signatures working in conjunction with organizations like Common Cause and others, got the signatures, took it to the vote of the people, and in 1990, it passed. The President is committed to cleaning up the problems in our democracy.

If the President is committed to it, then where is the problem? I see the problem, Mr. Chairman, as being the leadership in this House; specifically, the Republican leadership that will not let us bring this type of legislation to the floor. Since we have convened in January, we have had approximately 85 bills filed, but we have had no hearings on any bill, we have had, obviously, no bills passed, and so we find ourselves as we are talking now about winding down this first year, this first session of this Congress, making no progress on campaign finance reform, and I think that is a mistake. I think it is wrong, and I think the American people want something different.

My own preference in all of these bills is the Hutchinson-Allen bill, this is the gentleman from Arkansas [Mr. HUTCHINSON] and the gentleman from Maine [Mr. ALLEN]. And it is the freshman, bipartisan bill, Mr. HUTCHINSON being a Republican, Mr. ALLEN a Democrat, that has seriously looked at the problems and has tried to do the doable, and what it specifically does is ban the soft money, to do away with the potential of these huge, huge checks, the kinds of several-hundred-thousand-dollar, even million-dollar checks that sometimes come into political parties.

No one likes raising money. I do not know of any politician that likes raising money. My own feeling is that raising money makes you weird. Raising money just does weird things to elected officials. But for parties to raise those huge donations makes our democracy weird. It distorts the system, it disillusions the citizens, and we have to do something better.

So, Mr. Speaker, let me finally say, I do not want to see a check someday come in made out to a political party for $1 billion. I do not want to see checks come in to a political party for $500 million. We need to step forward. The Republican leadership needs to let this body consider campaign finance reform legislation, needs to let us vote on it, needs to let us debate on it, needs to let us move ahead with what the American people want: clean elections and a much-improved system of electing public officials.

## TRIP TO SOUTH AFRICA

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from Pennsylvania [Mr. WELDON] is recognized for 60 minutes as the designee of the majority leader.

Mr. WELDON of Pennsylvania. Mr. Speaker, I, too, want to thank the staff for bearing with me as I attempt to address two key issues that I think are extremely important to this country. I hope not to take the entire hour.

Mr. Speaker, my first issue has to do with a trip that I took this past weekend to South Africa. It was a very difficult weekend. I left Washington on Thursday and flew 22 hours to Durban, South Africa, and returned Monday to be able to be here for votes on Tuesday.

The reason I went to Africa, Mr. Speaker, and to Durban, was because the African Association of Physiological Sciences and the South African Physiological Society invited me to deliver the keynote speech at the conference representing those health care professionals throughout the African nations as they assembled for their annual conference, and in the case of the other organization, their biannual conference.

The purpose of the session was to convey what is happening in the technology area relative to this country and how it could assist Africa with the terrible problems they have with their medical care delivery. I was asked to give the keynote speech because of a major initiative that we are involved in in the Philadelphia area, including the States of Pennsylvania, New Jersey, Delaware, and Maryland, to create the first smart region in America, and in fact, in the world.

Over the past 2 years we have worked on a project that is known as HUBS, which stands for hospitals, universities and businesses and schools, to link all of these institutions through an aggressive, large, fiberoptic network into one major supercomputing center, as well as 14 satellite sub-HUB centers throughout the four-State region, and in doing so to be able to provide the storage and capability of high-speed transportation of data so that our health care institutions, our schools, our colleges, can, in fact, provide better use of the Internet and information for our citizens.

In fact, one example in the health care area of what the benefit of this kind of an instrument will be is best evidenced by the example of what the University of Pennsylvania has been able to do just within the last 2 years in terms of our HUBS project. The University of Pennsylvania has been, in fact, the primary processor for the imaging data collected from an MRI unit by the Children's hospital in Philadelphia so that when a child would undergo brain surgery, the imaging data from the MRI unit would be processed by the computers at Penn, which are very sophisticated, high-speed computers. In spite of their speed, it would normally take the Penn computers 5 hours to process the imaging data so that the surgeon could have a look at that child's brain prior to surgery.

Partly because of the effort that we started and the fact that Penn's lab is now connected to the fat pipe supercomputing center in Illinois, Chicago, and in San Diego, we can now process that same data for a child's brain surgery procedure in 3 seconds. So we have taken, because of the speed and the capability, the processing of data that in the past has taken 5 hours and given those surgeons the real-time capability of looking at that child's brain image in 3 seconds.

We want to give that same speed and capability of using data in the health care field to every medical institution in our region, but we want to do more than that, Mr. Speaker. In fact, we have two initiatives underway in the region, one of which is to market the health care services of the four-State region worldwide, and to market the Delaware Valley four-State health care network as the world's health care resource center. We want to establish not just this fast supercomputing capability within the four States, but we have already agreed with the Shanghai Government to establish a direct satellite linkage to Shanghai as they are in the process of now developing smart capability there. And also we want to establish that same capability for the African continent, and specifically to the African health care system.

Now, I am going to Africa, and I would ask unanimous consent, Mr. Speaker, to enter into the RECORD the letters of invitation that I received from the African medical leadership.

AFRICAN ASSOCIATION
OF PHYSIOLOGICAL SCIENCES,
*Lexington, KY, July 12, 1997.*

Hon. Dr. CURT WELDON,
*U.S. Congress,*
*Washington, DC.*

The African Association of Physiological Sciences (AAPS) was founded in 1989 in Helsinki, Finland, by the African delegates to the XXX Congress of the International Union of Physiological Sciences (IUPS), the most important and prestigious international organization of this all important field in the medical science profession.

AAPS is a non-governmental, non-profit making organization that aims to unite the entire African scientific communities, especially those involved in active research into and/or teaching of human or animal physiology in Africa. The Association primary objective is to advance physiological sciences, bring it to cutting edge that has been left behind in global human scientific discoveries in the last 5 centuries. It is our earnest hope that through this, we will bring medical sciences practice in the African continent to the way it should be practiced in the 20th century and the 21st century!

AAPS held his first scientific congress in Nairobi, Kenya in 1992 with the participation of 800 scientists from 40 countries, nearly all from Africa.

Due to our active pursue of excellence, and our inclusive policy of welcoming all scientists of the world, especially those from the African continent, AAPS was admitted as a regional member by IUPS in 1993 and presently has over 2000 members from every country in Africa. We are very proud to say that this makes it the largest and probably most significant scientific association in Africa.

The second congress will be held in Durban, South Africa, September 21–24, 1997. It will be the honor of not only our large congress, but by extrapolation the entire scientific community of Africa if you, as the technological, educational and international relations champion in the United States Congress, could bestow us the honor of accepting our invitation to deliver the keynote address at this congress.

I have been informed by Professor K.J.R. Abaidoo, Director-General AFRET and Adviser to the Government of Lesotho on Health, that upon hearing the possibility of having you as the keynote speaker, the Vice President of the Republic of South Africa, the Honorable Thabo Mbeki, has agreed to serve as your host while you are in the country. They are also trying to arrange a meeting between you and your entourage to meet with His Excellency Nelson Mandela.

For your information, subsequent AAPS congresses will be held as follows:

2000—Nigeria.
2004—Sudan.
2008—South Africa.
2012—Tanzania.

The idea of setting up an African Regional Training Center for the Basic Medical Sciences (AFRET) was conceived at the AAPS meeting in Nairobi, as an attempt to address the major concerns for the African medical education system.

AFRET is a regional resource sharing facility established to support the basic medical science teaching needs of African medical schools. It's major objective is the training of suitably qualified Africans in the disciplines of anatomy, biochemistry, biostatistics, epidemiology, microbiology, pharmacology, and physiology.

It is a regional support program designed to strengthen the basic medical sciences and the quality of medical training, to meet current and projected basic medical science teaching needs of African medical schools.

The AFRET congress in Durban, September 19–21, 1997, will focus on how to effectively begin the activities of the center.

The Center will embark on the following activities:

1. Network teaching of basic medical science across the region to support the immediate teaching needs of all African medical schools.
2. Graduate academic programs (MSc/Ph.D) to be carried out in designated centers of excellence in the region.
3. Specially designed programs for short-term fellows and scholars.
4. Workshops and seminars.
5. Evaluation, research and development activities as they relate to basic medical sciences.
6. Consultation and technical support to African medical school.
7. Publication of learning resources and materials.
8. Maintenance of a resource library.
9. Promotion of staff development and in-service training.

Dear Honorable Curt Weldon, as medical practitioners, educators and scientists for Africa, our journey is a very long, and indeed very arduous one. Even so, the longest journey will always begin with a first step. We see AAPS and the AFRET initiative as steps aimed at propelling the continent forward in Health care delivery.

We hope that you, with your worldwide reputation as one of the most farsighted leaders of the most industrialized and humane nation of the world that you will allow your reputation and gesture to assist us in this exciting trip for Africa into the new millennium. This will also be consistent with your efforts to make available healthcare system from your region to the large number of citizens of the global village. We want to have a share in your vision, as we see it as the only way to forge ahead.

Sincerely,

KAYODE ADENIYI, Ph.D.,
*Professor of Physiology,*
*University of Jos, Nigeria,*
*Secretary General, AAPS.*

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*Ladybrand, South Africa, July 16, 1997.*

Hon. Dr. CURT WELDON,
*U.S. Congress,*
*Washington, DC.*

YOUR EXCELLENCY, It would be an understatement to assert that your reputation as a champion of the Sciences, Technology, Education and International Relations have permeated every corner of the globe. Those of us, who have keenly followed your tremendous career and endeavours feel a certain definable closeness with you even though we are thousands of kilometers away from your immediate constituency. It is in these regards that we feel this extraordinary honour to be associated with you in this African endeavour, whose ultimate objective is to strengthen Medical Education and Health Care delivery in the African Region.

We would be greatly honoured if your Excellency would consider becoming the Patron of AFRET. Your association with this worthy continental cause would unquestionably be an invaluable boost in our efforts to stimulate African Heads of State to these enormous responsibilities that they are undoubtedly capable of.

His Excellency, Mr. Thabo Mbeki, Vice-President of the Republic of South Africa has been alerted of your participation in the AFRET and AAPS Congresses in Durban (September 19–25) and requested that he host your presence in the country. Arrangements are being made to ensure that you will also have the opportunity to meet the President, Mr. Nelson Mandela. Your vibrant voice in the cause of African health development will certainly echo throughout the continent and muster the kind of financial support needed to realise the noble aspirations of AFRET.

May I ask your Excellency to communicate with me in this regard at your convenience but timely enough for specific arrangements to be concluded.

Yours sincerely,

Prof. K.J.R. ABAIDOO,
*Adviser on Health (Government of Lesotho),*
*Director-General, AFRET.*

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### MEMORANDUM

To: Douglas D. Ritter, Chief of Staff, Congressman Curt Weldon.
From: Leonard M. Rosenfeld, Ph.D., Assistant Dean, College of Graduate Studies.
Date: 5 September 1997.
Re: Visit to African Regional Training Center, African Association for Physiological Science, Durban, South Africa.

The delegation of representatives of regional academic health centers which will accompany Congressman Weldon on his trip to South Africa includes:

Leonard M. Rosenfeld, Ph.D., Assistant Dean, College of Graduate Studies, Thomas Jefferson University.

Donald Silberberg, M.D., Associate Dean for International Affairs, Medical School, University of Pennsylvania.

Gerald J. Kelliher, Ph.D., Vice Provost for Education, Allegheny University for the Health Sciences.

Our backgrounds cover the range of basic medical science. I am a physiologist; Silberberg a neurobiologist; Kelliher a pharmacologist.

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Not only was I to give the keynote speech about technology linkages to the American health care system, namely the HUBS project that we are working on, as well as all of the medical breakthroughs that we are involved in, telemedicine, distance learning, virtual surgery and so forth, but also, Mr. Speaker, I was there at the request of the two leaders of the African physiological societies to become the patron of what is called AFRET.

□ 2230

AFRET is a newly emerging technology linkage between the major health care teaching institutions in each of the major African nations. So in going to Africa on Saturday, prior to giving the keynote speech at the conference of the medical professionals of Africa, I sat down and in fact helped work out what is going to be a formal process that hopefully will get funded which will provide the first technology linkage between every one of the 92 teaching hospitals in every nation in Africa.

In addition, we will move to establish a linkage through the satellite systems, so we in fact can provide the same kind of capability being used in our medical centers to help the medical centers in Africa reach out to all of the people who in many cases are suffering under very severe limitations relative to their health care system.

In forming this initiative called AFRET, I took along with me, Mr. Speaker, on the trip three major regional leaders who are involved as cutting edge leaders in health care initiatives worldwide: the assistant dean of the College of Graduate Studies at Thomas Jefferson University, Dr. Leonard Rosenfeld; the associate dean for international affairs at the Medical School of the University of Pennsylvania, Dr. Donald Silberberg; and the vice provost for education at Allegheny University for the Health Sciences, Dr. Gerald Kelleher.

These three doctors, traveling with me to Africa, represent over 75 of the Nation's finest medical institutions, and involving themselves in the meetings that I chaired, they made solid commitments from their institutions to involve themselves in the development of this new AFRET system. In fact, all three of them have been named to the 21-member advisory council that would oversee the development of the AFRET system.

In fact, Mr. Speaker, in working with the African medical leadership in deciding who would be the 21 members of the council, we have tapped some of the finest health care leaders, not just in the U.S., and six of the council members will be from the States, not just three from the Philadelphia institutions, but also representatives of the University of Michigan, Oklahoma State University, and Duke University's health care systems, but also respected medical leaders from Finland, from Germany, from Sudan, Nigeria, Ghana, and from a number of other institutions throughout the African continent.

These 21 council members represent all of the regions of Africa, and are helping us to put into place both the bylaws and the working documents relative to this AFRET system.

We estimate the cost of bringing AFRET into reality is approximately $600,000 over the first 3 years. That is a very modest amount of money when we talk about the benefits it will provide the people of Africa who are suffering so much in terms of a lack of proper medical care.

It will allow us to train their doctors, to help train their nurses, to do "train the trainer" sessions, to provide technical resources for every one of the 92 institutions that are involved in medical and health care education in each of the African nations. It will also allow us to send post-docs over to Africa to do their training, to provide capabilities through distance learning and telemedicine that the African health care community would not have access to.

In fact, the Chair of this council is the dean of the medical school in Zimbabwe. His name is Dr. Mufanda. He in fact is going to be leading this effort, which is largely under the control of the African health care system leaders.

Mr. Speaker, I am excited about this opportunity because it provides several opportunities for us. Obviously, it is helping Africa to empower its own health care system to meet the needs of its citizens, which are largely going unmet, into the 21st century, and to help accomplish that we are establishing a network of parliamentarians and ministerial leaders from each of the African nations to work with us to provide the solid support for this AFRET network. We are also networking with all of the professional medical societies in Africa to get their support.

In addition, we are identifying as we speak the major American contractors, the pharmaceutical companies who are today doing business in Africa so they can help us establish this system and this network.

The benefit to America is also significant. Not only will we be doing significant amounts of work to assist the African people to improve the quality of their health care and their health care education, but Mr. Speaker, we will also be opening new doors and new opportunities for the American health care system. Many of our institutions have been suffering dramatically because of the cutbacks in State and Federal funding. Many of them are having to close their doors. In speaking to many of these leaders, I have told them they have to find ways to grow their markets. The way to grow the market for the American health care system is to provide health care consultation and services not just to people in America, but to people around the world. This outreach effort to Africa is an example of how we can do that in a cooperative way.

Mr. Speaker, I am excited about what occurred this past weekend. The prospects I think are outstanding. We also met with the government leadership of Pretoria, in fact proposing to them that Pretoria and Johannesburg, which are already looking at high-speed high-capable telecommunications, that they become the network location where we can have a downlink capability that would ultimately reach all 92 medical institutions throughout Africa, and eventually become the high-capability technology center for the continent of Africa and for South Africa itself.

Mr. Speaker, I would ask our colleagues to become briefed on this initiative, to lend their support to this very worthwhile effort, so we can benefit both the people of the African continent and the individual nations in Africa, but also benefit our health care systems that are looking to establish new linkages around the world.

Mr. Speaker, the second issue that I want to talk about this evening is one that I have addressed many times on the floor of this body, and one which I think is certainly troubling to me as an elected official and as someone who works on issues involving the former Soviet States. This issue has to deal with two major news stories that have dominated the national media for the past several weeks, and which have raised very troubling concerns among both Members of Congress and the administration and peace-loving people around the world.

First of all, Mr. Speaker, significantly spread throughout the news of this country in our cities and even over in foreign countries, especially in Israel, has been the information that has linked Iran's missile technology development program with Russia. In fact, there have been reports that have been widely reported that the Russians have been actively working directly with Iran to help them develop a modification of their SS4 missile.

Why this is so significant, Mr. Speaker, is the fact that if in fact Iran develops this capability, which we have every reason to believe they are doing right now, within the next 2 to 3 years Iran would then have the capability of a medium-range missile, a medium-range sophisticated missile unlike the Scuds that Iraq used in Desert Storm, that would be capable of hitting any part of Israel, any part of the Middle East; in fact, any part of a 1,200 mile radius around Iran. This would be a missile that would be capable of carrying a chemical, a biological, a conventional weapon, or a nuclear weapon.

In addition to those nations, many of whom are our allies and friends, it would also be capable of being pinpointed onto American troops who are today involved in various operations in those nations within the range of the Iranian missiles.

What is so troubling, Mr. Speaker, is the fact that Iran has not developed this capability on their own. In fact, the evidence is that Iran has developed this capability with the strong, direct cooperation of Russia.

In addition to providing the direct cooperation of Russia, we have evidence, in fact, Mr. Speaker, that we are now trying to investigate thoroughly, in fact, I was at a closed CIA briefing today on this, that would in fact perhaps confirm what has been alleged in the American media, that Israeli intelligence is actually seeing documents that prove that actual agreements have been signed between the Russian space agency and the Iranian agency building the medium-range missiles.

Why is that so significant and important to us? It is important to us because we are the country pouring significant amounts of dollars into the Mir Space Station program which is overseen by the Russian space agency, meaning American tax dollars are going into the Mir space program, overseen by the agency that is also involved in contractual relationships with Iranian firms building medium-range missiles.

The problem with that is, Mr. Speaker, in effect, American taxpayers may in fact be subsidizing illegal treaty violation actions involving Russia with Iran. That is totally unacceptable.

In fact, Mr. Speaker, at last week's hearing in the Committee on Science I raised the issue publicly that in 1993 the administration witness before our committee, in discussing our involvement in the Mir program, said on the record that what would guide our involvement in the Mir program would be

Russia's adherence to the Missile Technology Control Regime, better known as the MTCR.

So here we have the administration testifying in 1993 that we will cooperate with Russia in this joint project, but only if Russia complies with the Missile Technology Control Regime. In fact, Mr. Speaker, the facts are that since 1993 Russia has violated the MTCR seven times. Seven specific times transfers of technology that are covered by that treaty have left Russia, and those violations have not in fact been called by this administration. No sanctions have been imposed, no actions have been taken, as are required by that treaty. My point is, Mr. Speaker, what good is a treaty if we are not going to enforce it?

So here we have Iranian-Russian cooperation on the SS4 program. That has received a lot of attention. In fact, the people in Israel, and Binyamin Netanyahu himself has spoken on this issue repeatedly, are extremely concerned because of what this new dilemma presents to the people of Israel and the people around Iran who in fact could be hit by these missiles.

The second news story, Mr. Speaker, that has received a lot of attention, in fact, that was the subject of a "60 Minutes" story 2 weeks ago, was the issue of a conversation that I had with General Lebed in Moscow in May of this year.

Mr. Speaker, I met with General Lebed twice this year. The first time was in January in Washington for 2 hours. The second time was in Moscow in the office of his campaign organization, again for 2 hours, at the end of May.

On that trip, Mr. Speaker, I had six of our colleagues. We were meeting with General Lebed without the media, without any reporters in, a very low-key, informal way to get his assessment on the ability of Russia to control its nuclear stockpile, and to also give us his insights as to whether or not there was in fact any problem with the control of Russia's strategic materials, and what the status of Russia's military in fact is at this point in time.

As we all know, General Lebed is one of the most respected generals who has served in the Soviet military. He was a command officer, actually, in helping to solve the Chechen uprising, and who in fact was Boris Yeltsin's point person on defense for a period of time.

In meeting with General Lebed, he went through a number of issues with us, giving us his feelings about the level of control of Russia over their nuclear arms, their nuclear devices, as well as the status of the conventional and strategic military forces.

All of what General Lebed discussed with us I wrote up into our trip report, which became public record about a month after the trip ended, and which was picked up by the producer of "60 Minutes." In August I was called by the producer of "60 Minutes" and asked if I would repeat what General Lebed told me in that interview that we had in May.

The subject of the "60 Minutes" piece then became the fact that General Lebed said that one of his responsibilities as Boris Yeltsin's chief defense policy analyst and adviser was to account for 132 suitcase-sized nuclear devices, nuclear bombs, that were built by the Soviet Union to be used in the case of an attack on that country, or to be used to bomb cities or to cause terrorism in areas where the Soviet Union felt they had to take action because they were being threatened, or because something was perhaps leading to an armed conflict.

General Lebed said his responsibility was to account for these devices, and in fact, of the 132, he could only account for 48. Mr. Speaker, that is a very troubling statement. That is not the only troubling statement that General Lebed gave to us, but it certainly is a troubling one. In fact, he was saying that the Soviet Union built 132 suitcase-sized nuclear bombs, each with a capability of one kiloton, and yet could only account for 48. He had no idea where the others are, as he said to us when we asked him that question.

What is the capability of one of these suitcase devices? By the way, we have very complete descriptions of them which appeared in the Russian media in an article in 1995 describing these nuclear suitcases in great detail. A tactical nuclear weapon with a yield of 1 kiloton, which is equivalent to 2.2 million pounds of TNT, could kill as effectively as seven artillery battalions. One suitcase-sized bomb automatically being able to discharge itself through the mechanism that is in the bomb itself, activated by two individuals who knew how to operate the device, could in fact provide the same effectiveness as seven artillery battalions.

□ 2245

It could destroy a major portion of one of our cities in this country. It could kill tens if not hundreds of thousands of people wherever in fact it was activated.

Now, do we know that Russia in fact or the Soviet Union in fact built these devices? Absolutely, without question. Do we know and do we have the assurance that the current leadership of Russia knows where they are? We do not. We do not have the assurance to know that Russia in fact has a full accounting for these nuclear devices.

General Lebed has said to me and he has said publicly in "60 Minutes" that he thinks that Russia does not have control of these devices. Now, as we expected, the immediate response from the Russian Government and from President Yeltsin and from Chernomyrdin and the other leaders in Russia and the military command operation was, "That is not true. General Lebed does not know what he is talking about. He never had the ability to know where these nuclear devices would be located. He never would in fact have been able to find out whether or not Russia had these under control. Therefore, he is not an authority to be able to speak on these devices."

Mr. Speaker, after going through a significant amount of briefings by our intelligence communities, after having talked to a number of people who are aware of this issue, I say that I am not convinced. In fact, Mr. Speaker, I can assure our colleagues tonight that we are not confident that Russia has control of these nuclear devices, nor are we sure that Russia has control of its strategic arsenal. And I will get into some of these items in a moment.

In fact, Mr. Speaker, since the article and the "60 Minutes" piece and other articles ran on the subject of the nuclear suitcases, another prominent Russian, Alexei Yablokov, who is one of the most outspoken Russian leaders in Moscow today, who himself was on Boris Yeltsin's staff, who was a key environmental advisor to Boris Yeltsin, who has been very critical of the Ministry of Atomic Energy, wrote an article in one of the leading Russian journals just last week where he in fact said that he thinks General Lebed was correct, that in fact Russia produced these devices.

Mr. Yablokov, who I know personally, who I had testified before my committee 2 years ago here in Washington on the issue of Russian nuclear waste and how we could assist Russia in that problem, Mr. Yablokov has said also that these devices were also under the control of what used to be the KGB, the Russian security forces.

So we have General Lebed and now Mr. Yablokov and others saying publicly that Russia built these devices and, in fact, they as Russians do not believe that the command and control situation in Russia is such that Russia's leadership know where they are and have full control of all the ones that were built.

Now that is extremely troubling, Mr. Speaker. Because if that is the case, that means the black market has been or could be right now and have been looking for the ability to buy one of these devices, pay the right price, and use it for a terrorist act.

Now these are the two major stories that have been dominating our news relative to our concerns with Russia over the past several weeks. Now, all of a sudden, Mr. Speaker, the administration has said they are shocked. The President says he is shocked that Russia would be cooperating with Iran on developing the SS-4 medium-range missile.

The administration has said it is concerned that Russia may, in fact, have suitcase size nuclear devices that they may not know where they are; even they said that they believe that Russia knows where they are. They cannot verify that, but they believe it.

My point today, Mr. Speaker, is, why is the administration shocked? Why are they shocked, when for the past 4 or 5 years we have repeatedly on this floor, in the House Committee on National Security and in every possible opportunity cited example after example of where this administration has ignored violations of arms control agreements, ignored them, where we know the Russians and the Chinese and other countries have in fact violated the missile technology control regime, have violated other arms control agreements, and we have not followed up action to go deal with that.

Why, then, is this administration shocked? In fact, my feeling is, Mr. Speaker, that the administration is the reason why we have the growing problem today of the lack of security as to where Russia's nuclear devices and strategic arms are. The administration's lack of strong and solid and consistent enforcement of arms control agreements, which they maintain are the basis of our bilateral relationship, is the very reason why Russia today is transferring technology, seeing nuclear devices being sold or attempted to be sold, missile material being stolen, attempts to buy long-range rockets, and in fact seeing Russia in a state today that could in fact pose a threat for peace-loving people everywhere.

I want to get into some of the specific examples that would lead me to believe that this administration should not have to wonder why and should not act surprised that Russia has been working with Iran, that in fact loose nuclear suitcases in fact could be out there. Let us talk about arms control violations.

Mr. Speaker, December 1995, front page story in the Washington Post. The front page story in the Washington Post in December 1995, the headlines screamed, "Jordanian and Israeli intelligence intercepts accelerometers and gyroscopes going from Russia to Iraq."

I was in Moscow in January 1996. I met with Ambassador Pickering, who was our ambassador at that time, at his office at the embassy; and I said, "Mr. Ambassador, what was the reaction of Russia when you asked them about the Washington Post story about the accelerometers and gyroscopes that the Israeli and Jordanian intelligence people found going from Russia to Iraq?" Ambassador Pickering said, "Congressman, I have not asked them yet." I said, "Mr. Ambassador, why haven't you asked them? Accelerometers and gyroscopes are very sophisticated, very expensive devices that are small that provide the guidance systems for long-range missiles. So that if Iran or Iraq could in fact develop a medium- to long-range missile, having Russian guidance systems would allow those missiles to be very accurate. So I would think it would be logical that we would ask Russia why were these devices going from your country to Iraq when that is a violation of the missile technology control regime? You are not allowed to transfer those types of devices. They are covered by the treaty." Ambassador Pickering said, "That has got to come from Washington."

So I came back to Washington, Mr. Speaker. On January 30, I wrote this letter to the President.

I include the letter for the RECORD, Mr. Speaker.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
*Washington, DC, January 30, 1996.*

President WILLIAM CLINTON,
*The White House, Washington, DC.*

DEAR MR. PRESIDENT: I am writing to express my concern about the recent attempted shipment of Russia missile components to Iraq. While this shipment, which included gyroscopes and accelerometers designed for use in long-range missiles, was intercepted in Jordan, it raises serious questions about the Russian government's willingness or ability to halt proliferation.

Reports of this shipment, in contravention of the Missile Technology Control Reime (MTCR), surfaced publicly in December, several months after Russia was admitted as a full member of the MTCR regime. Whether the Russian government sanctioned the shipment or not, the events which transpired underscore the fact that Russia is at best unable or at worst unwilling to fulfill its MTCR obligations.

Recently, I travelled to Russia and met with members of the Duma, defense advisors to President Yeltsin, and officials of Rosvooruzheniye, the main Russian state arms export company. Russian government officials with whom I raised the issue denied all knowledge of this highly reported incident. Rosvooruzheniye officials were aware of the attempted transfer, but denied any involvement. I also met with Ambassador Pickering, who indicated that the United States neither sought nor received any information or explanation from the Russian government about the attempted transfer.

This recent incident is not the first time that Russia has transferred missile technology to non-MTCR states. In 1993, Russia sold an associated production technology for cryogenic rocket engines to India. Recently, Russia transferred missile components to Brazil. To this very day, Russia continues to aggressively market a variant of its SS–25 missile under the guise of a "space launch vehicle."

If nonproliferation agreements are to have any meaning, they must be aggressively enforced through careful monitoring and the application of sanctions for violations. I believe that the Russian shipment of missile components deserves a forceful response from the United States, and I am deeply troubled by the U.S. government's apparent inaction in this regard. I would appreciate answers to the following questions in that regard:

1. Has the United States demanded from the Russian government a detailed explanation of the attempted shipment of gyroscopes and accelerometers to Iraq? If so, when did this occur and through what channels? If not, why not?

2. Has the Russian government responded, and what was the substance of the response? Does the Administration find it credible?

3. Do you believe that this shipment occurred with or without the knowledge of the Russian government, and what does your answer imply about Russia's willingness or ability to advance the U.S. nonproliferation agenda?

4. Why have sanctions not been imposed on Russia as a result of this attempted transfer of MTCR-prohibited missile components? What does the failure to impose sanctions, as required by U.S. law, say about the Administration's commitment to ensure the viability of the MTCR regime? Why wouldn't this set a dangerous precedent for other that might seek to circumvent or violate MTCR guidelines?

5. Russia's ascension to the MTCR regime as a full member imposes certain obligations on it that this incident demonstrates Russia is unwilling or unable to fulfill. What does the Administration intend to do to ensure full Russian compliance with its MTCR obligations in the future? Without acting firmly now in response to the attempted component transfer to Iraq, why should Russia believe that similar transfers will carry severe consequences in the future?

6. Please provide the dates and topic considered by the Missile Trade Analysis Group since the Russian shipment was reported.

7. Please list and describe all instances which raised U.S. concerns regarding compliance with the MTCR, all instances since 1987 in which the U.S. government considered imposing sanctions on a "foreign government or entity," whether sanctions were in fact imposed and against whom; how long those sanctions remained in effect, and the reason why there were lifted.

Thank you for responding to these serious issues.

Sincerely,

CURT WELDON,
*Member of Congress.*

The letter asked President Clinton "What is the story, Mr. President? What are we going to do about the accelerometers and gyroscopes going to Iraq."

Well, the President finally answered me on April 3.

Mr. Speaker, I include the President's letter for the RECORD, his answer to me.

THE WHITE HOUSE,
*Washington, DC, April 3, 1996.*

Hon. CURT WELDON,
*House of Representatives, Washington, DC.*

DEAR REPRESENTATIVE WELDON: Thank you for your letter regarding the recent interdiction of Russian missile guidance components destined for Iraq.

Gaining Russian restraint on missile sales is a major objective of this Administration. As you know, in September 1993 we concluded a Memorandum of Understanding with Russia on the control of missile equipment and technology. We also successfully worked with Russia to meet the requirements for Russian membership in the 28-nation Missile Technology Control Regime.

I agree with you that for our nonproliferation agreements to have meaning, they must be fully enforced. For this reason, we have made clear to the Russian Government our deep concern about the shipment of missile guidance components interdicted in Jordan on its way to Iraq. We fully expect Russian authorities to investigate this case and provide us the details of their investigation as well as take steps to preclude similar incidents in the future.

As this case points out, Russia needs to continue to strengthen its new export control system. That is why, with the support of Congress, we are providing export control assistance to the Russian Government. I believe that our continued engagement with Russia on export control issues is the key to long-term improvement on their part.

I appreciate hearing your views on this important issue.

Sincerely,

BILL CLINTON.

Mr. Speaker, the President's response was, basically, Congressman, thank you for your interest. We are as concerned as you are about these accelerometers and gyroscopes. But Russia has not yet had time to fully investigate this situation. We will not take any action until we are sure that we know what happened here. But we guarantee you we will follow through.

That was in April, Mr. Speaker. Here we are, a year and a half later, and we have not taken any action under the requirements of the MTCR. We did not impose any sanctions. And, in fact, there has been little talk about the accelerometers and gyroscopes up until the news media started focusing on the Iran SS-4 cooperation.

Last Thursday, in the Committee on Science, I held up in the committee a Russian accelerometer and a Russian gyroscope. In fact, we have, Mr. Speaker, 180 of these devices. These were not transferred once. We know of at least three times that someone in Russia transferred the most sophisticated guidance systems available today that were taken from an SS-18 missile, which were the missiles in the Russian submarines that were aimed at American cities, clipped those devices in perfectly good condition, and shipped them to Iraq.

We intercepted one shipment with the help of the Jordanians and Israelis. The other devices were found in the Tigris River Basin where Iraq threw them because they knew we know they had them. We know of at least three times this technology transfer occurred, and we suspect there were more.

All of a sudden, the administration is concerned that Russia may be cooperating with Iran on the SS-4 technology? Where was there concern 2 years ago, Mr. Speaker, when I raised the issue in Moscow and with the President on the accelerometer and the gyroscope transfer?

Let us go beyond that, Mr. Speaker. Let us, for the record, put into the RECORD seven specific violations of the missile technology control regime. Let us talk about the shipment of North Korea Scud launchers from Russia to Syria. That was in August 1993. What was the action on the MTCR as a violation? None, no action taken.

What about the sale to China of mobile multiple warhead high accuracy solid and liquid missile technology to modernize its strategic rocket forces? That was also in 1993. It is a violation of the MTCR. What was the response? Nothing, nada, no sanctions.

What about the Russian rocket builder who says it is still lending India space launch integration technology, that is in 1994, despite the MTCR and Russia's July 1993 pledge not to give India missile production assistance? No response, Mr. Speaker. No sanctions.

What about the Washington Post reporting in June of 1995 that Russia was helping Brazil build a large rocket? Violation of the MTCR. You cannot do that. No response. No sanction.

How about the shipping of the guidance sets to Iraq, as I just explained, which Jordan and Israel intercepted in November 1995 reported in the Washington Post in December 1995. No sanction, Mr. Speaker.

And now we have the sale of a 1,250-mile-range missile production technology to Iran in 1996 and 1997. Again no response accept a lot of hyperbole and the comment that the vice president just concluded serious meetings with Chernomyrdin, but no sanctions.

What about the sale to Armenia of 8 Scud-B missile launchers with 22 to 32 missiles through late 1996.

Mr. Speaker, I enter these violations into the RECORD.

RECKLESS RUSSIAN ROCKET EXPORTS

| Russian missile misdeed | Administration assessment | White House action taken to enforce U.S. missile technology sanctions law |
|---|---|---|
| Air ships North Korean Scud launchers to Syria (8/93) | Tel erector launcher units may have been mistaken by Russians to be trucks | None. |
| Sells China mobile, multiple-war-head, high-accuracy solid and liquid missile technology to modernize its aging strategic rocket forces (1993). | Russia made these transfers as an MICR adherent and so is legally exempt from US sanctions. Acting against Bejing would jeopardize U.S.-China relations. | None. |
| Russian rocket builder says it's still lending India space launch integration tech (6/94) despite MTCR & Russia's 7/93 pledge not to give India missile production assistance. | Shown evidence of Russia's continued missile assistance to India and warned it could jeopardize $100s of millions in U.S.-Russian space cooperation, White House tells House Space Committee Chairman (9/94) CIA will look into the matter. | None. |
| Washington Post reports Russia has been helping Brazil build a large rocket (6/8/95) | Waived U.S. missile sanctions against Brazil and Russia (citing US national security interest), admitted both into the MICR because of their creation of a "sound" systems of nonproliferation export controls. | None. |
| Ships intercontinental-range ballistic missile guidance sets to Iraq. Jordan interdicts shipment (11/95). | Shipment of gyroscopes was an "aberrational" action. Russia efforts to find who was responsible are inconclusive. | None. |
| Sells Iran 1,250-mile range missile production technology (96–97) | Administration official is quoted in Los Angeles Times explaining that the transfer may have been 'beyond the control of the government' (2/12/97). | None. |
| Sells Armenia 8 Scud-B missile launchers with 24-32 missiles (through late 1996) | Administration officials claim that there may have been no "transfer" since the Scud systems were in Armenia under Soviet control prior to the sale. Russian officials claim that they were only able to confirm these sales recently. | None. |

Mr. Speaker, the point is simple: The administration should not show its shock. The administration should not say they do not understand what is going on. The reason why technology is leaving Russia is because this administration has not enforced our arms control agreements. We have put our head in the sand. How can we have a bilateral relationship based on arms control agreements if we are not going to enforce them?

It is not a case of embarrassing Boris Yeltsin. As I have said on this floor perhaps 50 times, I want Yeltsin to succeed. I spent as much time in dealing with Russia as any Member of this institution. I chair the new Dumas-Congress Study Group, which I formed with the Speaker of our Congress, the gentleman from Georgia [Mr. GINGRICH] and the gentleman from Missouri [Mr. GEPHARDT] coordinating with us, with the deputy speaker of the Russian parliament, Mr. Shokin. I chair that.

I formed the FSU American Energy Caucus six years ago to work on helping Russia develop its energy resources, and I still stay involved with that, bringing billions of dollars into Russia for their economy. I work on the environmental issues with Russia through programs called GLOBE and ACOPS on ocean protection. I have fought for and put funding into the defense bill to help Russia clean up its nuclear waste, to help Russia with its environmental problems relative to both nuclear and non-nuclear sources of pollutants.

I was in Russia twice this year proposing with CHARLES TAYLOR a new initiative to create a housing incentive program modeled after our Freddie Mac and Fannie Mae to help middle-income Russians own their own homes. I support the cooperative threat reduction program. I support the cooperative space station program through Mir. Every possible opportunity, Mr. Speaker, I have been there.

But Mr. Speaker, we cannot in fact cooperate with Russia and want them to succeed and then expect to put our heads in the sand when they have violations occurring in front of us and think that Russia will respect us. Russian people and Russian leaders respect strength and they respect consistency. And we have given them neither.

When the violations occur, we turn our backs. We say we do not have enough information or we say that Russia has excused itself and said they are sorry, it will not happen again. Imagine the signal we send to rogues and Mafia types in Russia today who see seven straight times where they are caught transferring technology and America does nothing.

What kind of signal is that sending, Mr. Speaker? It is sending a signal to Russia that we are just not going to call them on these violations. We have done the wrong thing. This administration should not be surprised at the technology cooperation with Iran.

□ 2300

They should not be surprised that Russia cannot guarantee us control of their nuclear assets.

There is a second reason why the administration, I think, has failed in this area, Mr. Speaker. That is the fact that this administration and this President has used the bully pulpit to create the impression in America that Russia is no longer a threat.

I am not one of those who wants to re-create the Cold War. I do not think Russia is the evil empire. In fact I hope Boris Yeltsin and I work to see Boris Yeltsin succeed. But let me repeat the quote that President Clinton has used 140 times across this country over the past 4 years. In fact, Mr. Speaker, he used it three times standing in this room at the podium behind me. He looked the American people in the eye through the camera in front of me, the same camera I am looking at. Mr. Speaker, this is what he said: "America can sleep well tonight, because for the first time in 50 years, there are no long-range Russian ICBMs pointed at America's children."

One hundred forty times the President has used that same phrase in his speeches. For those who want to see, in past months I have placed all 140 times in the CONGRESSIONAL RECORD. He said it three times in State of the Union speeches. He said it on college campuses, international groups and national groups. He said it in Washington State, in California, in Texas, in Pennsylvania, in Florida, in Ohio and in Maine, in Illinois and in Indiana. And he said it even after last year on the defense bill, we asked the President to certify that to us. The Defense Department wrote back to us and said, we cannot certify that because Russia will not allow us to have access to their targeting practices, just as we will not allow them to have access to ours.

Furthermore, Mr. Speaker, even if we could verify that statement, you can retarget an offensive ICBM in under 30 seconds. But here we have a President going around the country, 140 times saying, "Sleep well tonight, America, there are no longer missiles pointed at you. You're safe."

So many of our colleagues who believe what the Commander in Chief says, he should know, he is the Commander in Chief, and the American people then become complacent and think Russia is not a problem. We have solved that problem. The Cold War is over.

Mr. Speaker, as I said a few moments ago, I do not believe Russia is an evil empire, but I could make the case very easily that Russia is more destabilized today than it has been at any time in the last 50 years. In fact, there is more of a chance of an accidental launch today from a Russian ICBM than at any time during the Cold War. Let me back that up with some examples.

January 1995. The Norwegians are going to launch a weather rocket to sample the upper atmosphere for weather conditions. As is normally done, Norway notified Russia, "Be prepared between a certain period of time, we're going to launch a weather rocket. Don't think anything of it. It is just to sample the weather."

The day came. Norway launched the rocket. Because Russia is so paranoid about the status of their conventional military, their radar picked up that rocket launch, their system went into play, their nuclear response capability was activated, and Russia came within 10 minutes of activating an all-out response to a weather rocket from Norway. Boris Yeltsin has publicly said on the record that the black box that he controls with what are called the chegets that control the activation of a response or an attack were activated, which meant that for a period of minutes, Boris Yeltsin, General Kalashnikov, the commander of the general staff, and the defense minister, Pavel Grachev, the three of them had the ability to launch a response because they were mistaken initially and thought that that Norwegian rocket going up for weather sampling was an attack by the U.S. or some other Nation. Within 10 minutes of an all-out nuclear response.

The President though says, "Don't worry. There's no more missiles pointed at America's kids." The fact is, Mr. Speaker, the situation in Russia today is unstable. The situation in Russia today is, in fact, troubling. We do not need to paint Russia into a corner, but we do not need to mislead the American people or the Russian people as well.

Major problems with the troops, Mr. Speaker. Let me cite from a book that is going to come out tomorrow that I am going to mention in a moment about the status of the Russian military.

> Forty-three percent of the draftees are found to be suffering from some form of mental illness. At a desolate far eastern military base at Komsomolsk-na-Amure, not far from where another Russian military leader died from hunger, two soldiers recently blew themselves up while trying to extract precious metals from the warhead of an air defense missile they had stolen from the ammunition dump. Others take the easy way out. Currently half the noncombat deaths in the military are due to suicide.

These comments are taken from a book coming out tomorrow called One Point Safe that documents in detail every issue I have raised on this floor for the past 4 and 5 years about the problems of lack of control, and the lack of adequate monitoring of Russia's strategic and nuclear materials and arsenal.

Mr. Speaker, it is not the right thing to tell the American people that there is no reason to worry. That is just as wrong as a conservative Republican standing up on the floor and recreating the evil empire. They are both extremes. The problem, Mr. Speaker, is one of those two people happens to be the President of the United States, who now expresses shock that we would find that Russia is cooperating with Iran on the SS-4 missile program; expresses concern that Russia may have nuclear suitcases that they cannot account for.

What else am I concerned about, Mr. Speaker, besides the violations of the missile control regimes and the bully pulpit creating a wrong impression in this country? I am concerned about deliberate distortions of intelligence data. Three years ago I had a senior American intelligence officer come into my office, ask to meet with me, I had never met the man before. He said: Congressman WELDON, I want to talk to you. I have been a career intelligence officer in the service of this country for, I think, 18 years. He showed me the highest award that you can get in the Intelligence Community that he had received from our government. He said, I have to tell you a story. I am coming to you because you work issues involving Russia, and because you are concerned about the proliferation of missiles, and because you work the issue of missile defense technology.

He said, my job at the intelligence agency for the Department of Energy has been to run a program called Russian fission. The Russian fission program, which was highly classified, was designed to monitor the ability for Russia to control fissile material in their nuclear stockpile. This individual, whose name is Jay Stewart, and I can say it publicly because this book now documents this story, this individual ran the Russian fission program.

This individual was asked to go over and brief the head of NATO, Manfred Worner, on the troubling conclusions he was coming to 3 and 4 years ago about the lack of control of Russia's nuclear stockpile. Manfred Worner cabled back in a secret cable to the State Department saying this briefing should be given to every country in NATO.

What did the administration do? The administration, through the Department of Energy, deliberately took apart the Russian fission program. They took Jay Stewart's job away. They eliminated the Russian fission program. In fact, Mr. Speaker, there was a briefing that was held on the status of the ability of Russia to control its nuclear stockpile 3 years ago. All of the documentation, all the film footage of that briefing was shredded.

This book, Mr. Speaker, documents the entire story. This book will be out tomorrow. I am not the author. I am not involved in any part of the marketing of it, except I have over the past 2 years helped these two writers identify the proper people to talk to to see whether or not they could verify the facts that were given to me.

I had our committee do a preliminary investigation of Jay Stewart's allegations, and they came back and said, well, DOE has circled the wagons, and under Hazel O'Leary's leadership they have all got their same story down, that Jay Stewart really was not removed for that reason, and it is really not true.

In our investigation, we found at least two other individuals who verified everything Jay Stewart said. Neither of them work for the Department of Energy. They were at labs, our energy labs in other parts of the country. One of those individuals, Jessica Stern, is in this book. She corroborates also what Jay Stewart said.

So now we have a third dimension, Mr. Speaker. We have a deliberate effort on the part of certain people in this administration to distort intelligence data that would allow this country to understand more about what was happening in Russia in regard to controlling their nuclear materials. And what was the administration's response? It was to destroy the data, rip up the records, shred the documents, shred the film footage and deny there is a problem.

Nothing could be worse for the security of this country, Mr. Speaker. In my opinion, our investigation coupled with what is in this book requires a congressional investigation that is not politicized; that, in fact, gets to the heart of what this administration now rails about, their concern and surprise and their shock at the fact that Russia would be cooperating with Iran on developing the SS-4. Forget the accelerometers and gyroscopes going to Iraq, forget the instability of nuclear devices as outlined by General Lebed. Forget about the problems associated with the Norwegian rocket launch. Forget about the morale problems in the military. Forget about all the other violations of the MTCR, but all of a sudden we are shocked.

I am not shocked, Mr. Speaker. And I am not here to stand here and blame the leadership of the Russian Government. I am here to say the reason why these things are occurring is because this administration has a policy that does not make sense. This administration does not have the backbone to enforce arms control agreements that it maintains are the basis of our bilateral relationship. This administration does not want us to put into play systems to defend our people and our troops even when we have technology being transferred that threatens our troops. And now all of a sudden they are shocked.

Here we are still cooperating and putting money into the Mir program when the agency in Russia running the Mir program has signed contracts with the same Iranian agency developing components of their medium-range missile.

Something is wrong, Mr. Speaker, and something is terribly wrong in terms of our lack of enforcement and our lack of dealing honestly with this problem that faces this Nation and people around the world who are concerned about nuclear material, who are concerned about technology that could be used against our troops, our allies and our people, and we just cannot brush it aside and say that all of a sudden we are concerned and we are going to do something about it.

With the most recent revelation about the Iranian cooperation, the President called back to work the retired U.S. Ambassador to India, Ambassador Wisner. Ambassador Wisner's assignment was to go to Moscow and to meet with the individual who runs the Russian space agency, Koptev.

Ambassador Wisner asked to brief me last week before he went to Moscow. He came in and we chatted for an hour. He said, Congressman, I assure you I am going to go over to Russia, meet with Koptev and tell him this is not acceptable.

Mr. Speaker, I am glad the Ambassador is doing that, and I am happy the administration is responding, but I think it is a little bit too late. I think that the policy of not enforcing agreements and not being consistent has now caused a feeling in Russia, especially with the problems of the Mafia being involved in a lot of the operations there, as General Lebed said. Former senior Russian commanders, General Lebed told us that the most capable generals and admirals in the Soviet Navy had been forced out of the military, and when they were forced out, they were not given housing to live in. Many of them have not even been paid their pensions. These are Russia's most capable military leaders. And General Lebed, who himself was one of those leaders, when asked what are they doing today, they are involved in rogue operations. They are selling the very equipment that they were responsible for maintaining and controlling as military leaders.

Do we know that to be true? Absolutely. In fact, we know, and it is in the record, and it is in this book that we now have evidence that a $1 billion sale of Russian military equipment took place that the Kremlin did not even know about. $1 billion of Russian military hardware, not nuclear, military hardware was being sold by a Russian official without the Kremlin even aware that the sale was taking place. And all of a sudden we are surprised?

Mr. Speaker, I rise tonight because of my concern at this administration not listening to what we have said for the past 5 years. We are not about backing Russia into a corner. We are about helping Russia stabilize itself. But the policy of this administration has not worked. Now the President, as he has recently done in Helsinki, wants to reinforce the ABM treaty, a treaty based on mutually assured destruction, a treaty that was designed for the 1960s and 1970s when you had two superpowers, each with long-range missiles, the Soviet Union and America, that no longer is relevant today because mutually assured deterrence does not work when you have China and North Korea and India and Pakistan and Iran and Iraq developing long-range missile capabilities. They are not signatories to the ABM treaty, but this administration, instead of reflecting a new attitude toward Russia, considering what is happening in China and North Korea and Iraq and Iran, wants to reinforce the ABM treaty.

□ 2315

The administration, Mr. Speaker, continues to go down the wrong path and I pledge, Mr. Speaker, that as long as I am in this body I am going to call it the way I see it. I am going to be vocal on these concerns that I have expressed, and I am going to continue to pursue this administration, I am going to work with it in helping to build a strong Russia, as I have been, I am going to support it when it asks for money to help in the case, but not unless we get more cooperation in sending a signal to Russia that they got to be more open with us.

One other issue, Mr. Speaker. We found out that Russia for the past 18 years has been working on a project in the Ural Mountains. This project is in a mountain called Yamantau. The project has basically been mining, an operation that has built a facility down inside of this mountain the size of the city of Washington, D.C. Our experts estimated it could withstand a direct nuclear hit. We do not know what it is for. We have asked the Russians; they have not given any response except in 1991 the general who runs the project, General Zyuganov, said it was a project for ore mining. In 1992 he said it was a facility to store food and shelter. In 1993 and 1994 the intelligence officer for that region said it was a state secret and they had no responsibility to tell us what it was.

If we are going to rely on trust and if we are going to follow this administration's stated policy of building trust based on agreements, then we need to know what happens in Yamantau Mountain. When the Russian military cannot be paid their pensions, when they cannot be given housing, how can

Russia continue to spend billions of dollars on a mountain in the middle of the Urals with a city of 65,000 people that is closed, working on this project day in and day out. We know it is there, our aerial surveillance has seen shots of what is going on, and yet Russia will not talk about it.

I raised this issue in May with the Minister of Atomic Energy, Mikhaylov, the Minister of Natural Resources, Orlov, and the Deputy Minister of Defense Kakoshin and the No. 2 general in the command, Staff General Manilow, and I told each of them, "If you want me to continue to work Russian American issues, I need to know something about Yamantau Mountain."

Each of them said, "We know of this project, but we cannot talk about it. You have to go to President Yeltsin." I asked them to assist me. I wrote a 3-page letter in Russian to President Yeltsin in July, and I have yet to receive a response. President Clinton supposedly raised the Yamantau Mountain issue with Yeltsin a year ago at an international summit, and to this day we have no new information on Yamantau Mountain.

Mr. Speaker, our relationship with Russia is a very simple one. Yes, we need to help stabilize them, yes, we need to work together with them aggressively, but most important, we need Russia to understand that we are here to work with them to make sure they have control of the strategic weapons, their nuclear technology and that when they allow or deliberately violate arms control agreements, they have to pay the price.

And so I say, Mr. Speaker, as we discuss these issues it is critical for this Nation to understand what has been going on, and I also want to encourage each of our colleagues to read this book, the most recent Steven Spielberg movie, "Peacemaker," the fictional movie is partially based on this book which is factual. This book in detail highlights all of the issues I have been raising on the floor of this institution for the last 4 years, and it names names, it names locations. I do not know how they got their data because much of what is in here was classified. But it is here in black and white. They are respected journalists. In fact Leslie Cockburn, who was a co-author with her husband Andrew, was a producer for ABC TV up until she resigned that position this year. They are capable, intelligent, articulate people who have finally documented all of the evidence that highlights the facts relative to this administration's position in terms of Russia and our relationship militarily and strategically.

Mr. Speaker, I thank the staff again for bearing with me in this special order.

## LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. GIBBONS (at the request of Mr. ARMEY), for today after 6 p.m. and for the balance of the week, on account of attending a funeral.

Mr. HUNTER (at the request of Mr. ARMEY), for today, on account of a death in the family.

Mr. SCHIFF (at the request of Mr. ARMEY), for today through October 3, on account of medical reasons.

Mr. MCHALE (at the request of Mr. GEPHARDT), for today after 3 p.m., on account of a funeral service for a district employee.

## SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. SNYDER) to revise and extend their remarks and include extraneous material:)

Mr. DAVIS of Illinois, for 5 minutes, today.

Ms. MILLENDER-MCDONALD, for 5 minutes, today.

Mrs. MALONEY of New York, for 5 minutes, today.

Ms. KILPATRICK, for 5 minutes, today.

Ms. MCKINNEY, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

Ms. CHRISTIAN-GREEN, for 5 minutes, today.

Mr. RUSH, for 5 minutes, today.

Mr. SNYDER, for 5 minutes, today.

(The following Members (at the request of Mr. WELDON of Pennsylvania) to revise and extend their remarks and include extraneous material:)

Mr. SHAYS, for 5 minutes each day, on September 30 and October 1.

Mr. NEUMANN, for 5 minutes, today.

Mr. METCALF, for 5 minutes, today.

Mr. DIAZ-BALART, for 5 minutes, today.

Mr. HILL, for 5 minutes, on September 25.

Mr. BILBRAY, for 5 minutes, today.

## EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. SNYDER) and to include extraneous matter:)

Mr. POSHARD.
Mr. SERRANO.
Mr. HAMILTON.
Mr. MURTHA.
Mr. NEAL of Massachusetts.
Mr. BARCIA.
Mr. SCHUMER.
Mr. LANTOS.
Mr. CLYBURN.
Mr. KUCINICH.
Mr. KILDEE.
Mr. VISCLOSKY.
Mr. PASTOR.
Mr. STARK.
Mrs. MALONEY of New York.
Mr. SANDERS.
Mr. MENENDEZ.
Mr. SHERMAN.
Mr. DOOLEY of California.
Mr. OLVER.
Mr. CAPPS.

(The following Members (at the request of Mr. WELDON) and to include extraneous matter:)

Mr. CRANE.
Mr. WELDON.
Mrs. CHENOWETH.
Mr. BOEHNER.
Mr. WELLER.
Mr. GILMAN.
Mr. STUMP.
Mr. PACKARD.
Mr. GOODLING.
Mr. BILIRAKIS.
Mr. CALVERT.
Mr. ROGAN.

(The following Members (at the request of Mr. WELDON of Pennsylvania) and to include extraneous matter:)

Mr. GOSS.
Mr. MCKEON.
Mr. LANTOS.
Mrs. TAUSCHER.
Ms. BROWN of Florida.

## ENROLLED BILLS SIGNED

Mr. THOMAS, from the Committee on House Oversight, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 111. An act to provide for the conveyance of a parcel of unused agricultural land in Dos Palos, California, to the Dos Palos Ag Boosters for use as a farm school.

## BILL PRESENTED TO THE PRESIDENT

Mr. THOMAS, from the Committee on House Oversight, reported that that committee did on this day present to the President, for his approval, a bill of the House of the following title:

H.R. 680. An act to amend the Federal Property and Administrative Services Act of 1949 to authorize the transfer of surplus personal property to States for donation to nonprofit providers of necessaries to impoverished families and individuals, and to authorize the transfer of surplus real property to States, political subdivisions and instrumentalities of States, and nonprofit organizations for providing housing or housing assistance for low-income individuals or families.

## ADJOURNMENT

Mr. WELDON of Pennsylvania. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 21 minutes p.m.), the House adjourned until tomorrow, Thursday, September 25, 1997, at 10 a.m.

## EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

5161. A letter from the Administrator, Agricultural Marketing Service, transmitting the Service's final rule—Kiwifruit Grown in California; Relaxation in Pack Requirements [Docket No. FV97–920–2 FR] received September 23, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5162. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, transmitting the Service's final rule—Expenses Associated With Transporting and Disposing of Tuberculosis-Exposed Animals [Docket No. 97–061–1] received September 24, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5163. A letter from the Secretary of Education, transmitting Final Regulations—Federal Perkins Loan Program, Federal Work-Study Program, and Federal Supplemental Educational Opportunity Grant Program, pursuant to 20 U.S.C. 1232(f); to the Committee on Education and the Workforce.

5164. A letter from the Assistant General Counsel for Regulations, Department of Education, transmitting the Department's report on the final regulations for the Federal Perkins Loan Program, Federal Work-Study Program, and Federal Supplemental Educational Opportunity Grant Program, pursuant to 5 U.S.C. 801(a)(1)(B); to the Committee on Education and the Workforce.

5165. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania, General Conformity Rule [PA105–4066a; FRL–5897–8] received September 23, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5166. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans, New Mexico; Recodification of, and Revisions to, the Air Quality Control Regulations [NM–31–1–7310a; FRL–5893–6] received September 23, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5167. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plan; Michigan [MI51–01–7259; FRL–5898–2] received September 23, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5168. A letter from the AMD—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Closed Captioning and Video Description of Video Programming; Implementation of Section 305 of the Telecommunications Act of 1996; Video Programming Accessibility [MM Docket No. 95–176] received September 23, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5169. A letter from the Director, Regulations Policy and Management Staff, Office of Policy, Food and Drug Administration, transmitting the Administration's final rule—Investigational Device Exemptions; Treatment Use [Docket No. 96N–0299] received September 23, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5170. A letter from the Director, Defense Security Assistance Agency, transmitting the Department of the Navy's proposed lease of defense articles to Korea (Transmittal No. 25–97), pursuant to 22 U.S.C. 2796a(a); to the Committee on International Relations.

5171. A letter from the Acting Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting the Department's "Major" final rule—Migratory Bird Hunting: Migratory Bird Hunting Regulations on Certain Federal Indian Reservations and Ceded Lands for the 1997–98 Late Season (RIN: 1018–AE14) received September 24, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5172. A letter from the Assistant Commissioner (Examination), Internal Revenue Service, transmitting the Service's final rule—Petroleum Industry Coordinated Issue: Capitalization of Delay Rentals—received September 23, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5173. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Work Opportunity Tax Credit and Welfare-to-Work Tax Credit [Notice 97–54] received September 23, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5174. A letter from the Assistant Commissioner (Examination), Internal Revenue Service, transmitting the Service's final rule—Utilities Industry Coordinated Issue: Department of Energy Decontamination and Decommissioning Fund—received September 23, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. GOSS: Committee on Rules. House Resolution 242. Resolution waiving points of order against the conference report to accompany the bill (H.R. 2266) making appropriations for the Department of Defense for the fiscal year ending September 30, 1998, and for other purposes (Rept. 105–267). Referred to the House Calendar.

Mr. HASTINGS of Washington: Committee on Rules. House Resolution 243. Resolution providing for consideration of the bill (H.R. 901) to preserve the sovereignty of the United States over public lands and acquired lands owned by the United States, and to preserve State sovereignty and private property rights in non-Federal lands surrounding those public lands and acquired lands (Rept. 105–268). Referred to the House Calendar.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. SMITH of Texas:

H.R. 2533. A bill to amend the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 and the Immigration and Nationality Act to clarify eligibility for relief from removal and deportation for certain aliens; to the Committee on the Judiciary.

By Mr. COMBEST (for himself, Mr. Dooley of California, Mr. Smith of Oregon, and Mr. Stenholm):

H.R. 2534. A bill to reform, extend, and repeal certain agricultural research, extension, and education programs, and for other purposes; to the Committee on Agriculture.

By Mr. McKEON (for himself, Mr. Goodling, Mr. Boehner, Mrs. Roukema, Mr. Barrett of Nebraska, Mr. Riggs, Mr. Graham, Mr. McIntosh, Mr. Norwood, Mr. Hoekstra, Mr. Sam Johnson, Mr. Greenwood, Mr. Peterson of Pennsylvania, and Mr. Upton):

H.R. 2535. A bill to amend the Higher Education Act of 1965 to allow the consolidation of student loans under the Federal Family Loan Program and the Direct Loan Program; to the Committee on Education and the Workforce.

By Mr. McKEON (for himself and Mr. Kildee):

H.R. 2536. A bill to amend the Higher Education Act of 1965 with respect to improving the administration of the student financial assistance programs under title IV of that Act; to the Committee on Education and the Workforce.

By Mr. STUMP:

H.R. 2537. A bill to amend title 10, United States Code, to revise the rules relating to the court-ordered apportionment of the retired pay of members of the Armed Forces to former spouses, and for other purposes; to the Committee on National Security, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. REDMOND:

H.R. 2538. A bill to establish a Presidential commission to determine the validity of certain land claims arising out of the Treaty of Guadalupe-Hidalgo of 1848 involving the descendants of persons who were Mexican citizens at the time of the Treaty; to the Committee on Resources.

By Mr. BEREUTER:

H.R. 2539. A bill to prohibit the use of United States funds to provide for the participation of certain Chinese officials in international conferences, exchanges, programs, and activities, and for other purposes; to the Committee on International Relations.

By Ms. MILLENDER-McDONALD (for herself, Mr. Filner, Ms. Christian-Green, Mrs. Meek of Florida, Mr. Underwood, Mr. Dellums, Mr. Clay, Mrs. Mink of Hawaii, Mr. McGovern, Mr. Frost, Mr. Yates, and Mr. Davis of Virginia):

H.R. 2540. A bill to amend the Immigration and Nationality Act to facilitate the immigration to the United States of certain aliens born in the Philippines or Japan who were fathered by United States citizens; to the Committee on the Judiciary.

By Mrs. MORELLA (for herself and Mr. Davis of Virginia):

H.R. 2541. A bill to amend title 5, United States Code, to extend the authority under which comparability allowances may be paid to Government physicians, and for other purposes; to the Committee on Government Reform and Oversight.

By Ms. RIVERS:

H.R. 2542. A bill to prevent Members of Congress from receiving any automatic pay adjustment which might otherwise take effect in 1998; to the Committee on House

Oversight, and in addition to the Committee on Government Reform and Oversight, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. STARK (for himself, Mr. Dellums, and Mr. Miller of California):

H.R. 2543. A bill to amend titles XVIII and XIX of the Social Security Act to require hospitals, skilled nursing facilities, home health agencies, hospice programs, clinical laboratories, and ambulance services to fund annual financial and compliance audits as a condition of participation under the Medicare and Medicaid programs; to the Committee on Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FALEOMAVAEGA:

H. Con. Res. 157. Concurrent resolution expressing the sense of the Congress regarding the effects of global warming-induced climate disruption on the Pacific nations that are allies of the United States and the resulting threat to the global interests of the United States; to the Committee on International Relations.

## ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 165: Mr. Capps.

H.R. 211: Mr. Frank of Massachusetts.

H.R. 404: Mr. Dan Schaefer of Colorado.

H.R. 492: Mr. Shays.

H.R. 551: Mr. Sanders.

H.R. 586: Mr. LaHood.

H.R. 594: Mr. Nadler, Mr. Chabot, Mr. Blumenauer, and Mr. Doyle.

H.R. 619: Mr. Fox of Pennsylvania, Ms. Hooley of Oregon, Mr. Blumenauer, Mr. Conyers, and Mr. LaTourette.

H.R. 716: Mr. Livingston.

H.R. 755: Mr. Souder.

H.R. 789: Mr. Roemer, Mr. Hefley, Mr. Blagojevich, Mr. McNulty, and Mr. Minge.

H.R. 802: Mr. Cox of California.

H.R. 815: Mr. Upton, Mr. Taylor of North Carolina, Mr. Vento, Mr. Delahunt, Ms. Eddie Bernice Johnson of Texas, Ms. Roybal-Allard, and Mr. Lantos.

H.R. 857: Mr. Sessions and Mr. Mica.

H.R. 965: Mr. Pickering.

H.R. 978: Mr. Kildee and Mr. Delahunt.

H.R. 986: Mr. Collins, Mr. Sessions, Mr. Hastert, and Mr. Hilleary.

H.R. 991: Mr. Kennedy of Rhode Island and Mrs. Lowey.

H.R. 993: Mr. Paxon.

H.R. 1025: Ms. Eshoo, Mrs. Maloney of New York, and Mr. Minge.

H.R. 1036: Mr. Bliley and Mr. Snowbarger.

H.R. 1054: Mr. Chabot, Mr. Coburn, Mr. Horn, Mr. Kennedy of Massachusetts, Mr. Foley, Mr. Blumenauer, Mr. Adam Smith of Washington, Mr. McIntosh, Mr. Underwood, Mr. Nethercutt, and Ms. Woolsey.

H.R. 1060: Mr. Berry.

H.R. 1075: Mr. Coyne, Mrs. McCarthy of New York, Ms. Furse, and Mr. Fattah.

H.R. 1108: Ms. Eddie Bernice Johnson of Texas.

H.R. 1126: Ms. DeGette.

H.R. 1173: Mr. Sununu, Mr. Young of Alaska, and Mr. Miller of California.

H.R. 1232: Mr. Sandlin and Mr. Inglis of South Carolina.

H.R. 1270: Mrs. Northup.

H.R. 1411: Mr. Cannon and Mr. Dooley of California.

H.R. 1493: Mr. Foley and Mr. Visclosky.

H.R. 1507: Mr. Ney and Mr. Hyde.

H.R. 1531: Mr. Levin and Mr. Owens.

H.R. 1534: Mr. Boyd, Mr. Gilman, Mr. Peterson of Pennsylvania, Mr. Sisisky, Mr. Green, Mr. Sununu, Mr. Oxley, Mr. Kasich, Mr. Istook, Mr. Lewis of Kentucky, Mr. Leach, Mrs. Johnson of Connecticut, Mr. Porter, Mr. Largent, Mr. Oberstar, Mr. Crane, and Mr. Murtha.

H.R. 1624: Ms. DeLauro, Mr. Strickland, Mr. Gejdenson, Mr. Kennedy of Massachusetts, Mr. McNulty, Mr. Dellums, Mr. Kildee.

H.R. 1704: Mr. Ganske.

H.R. 1719: Mr. Wicker.

H.R. 1754: Mr. Petri.

H.R. 1786: Mr. Moran of Virginia, Mr. Blagojevich, Mr. Neal of Massachusetts, Mr. Kucinich, Ms. Slaughter, Mr. Engel, Mr. Kennedy of Massachusetts, Ms. Velázquez, and Mr. Gutierrez.

H.R. 1814: Mr. Rothman.

H.R. 1836: Mr. Greenwood and Mr. Kanjorski.

H.R. 1881: Mr. Pallone.

H.R. 2020: Mr. Reyes, Ms. Rivers, Mr. Cook, Mr. Brown of Ohio, Mr. Hall of Ohio, Mr. Leach, Mr. Ehlers, Mr. Yates, and Mr. Hyde.

H.R. 2038; Mr. Hastings of Washington, Mr. Crapo, and Mr. Foley.

H.R. 2100: Mr. Cooksey.

H.R. 2128: Mr. Cooksey.

H.R. 2172: Mr. Barrett of Wisconsin.

H.R. 2273: Mr. Gordon, Mr. Andrews, Mr. Allen, Mr. Condit, Mr. Goode, Mrs. Morella, and Mr. Clement.

H.R. 2367: Mrs. Chenoweth and Mr. Clyburn.

H.R. 2409: Mr. Wolf and Mr. Evans.

H.R. 2424: Mr. Klug, Mr. Quinn, and Mr. Stupak.

H.R. 2451: Mr. Kennedy of Massachusetts.

H.R. 2456: Mr. Bateman, Mr. Radanovich, Mr. Whitfield, Mr. Ballenger, and Mr. Shaw.

H.R. 2476: Mr. Dellums, Mr. DeFazio, Mr. Oberstar, Mr. Filner, and Mr. Evans.

H.R. 2480: Mr. Cook and Mr. Foley.

H.R. 2481: Mr. Bonior, Mr. Baldacci, Mr. Barcia of Michigan, Mr. Houghton, Mr. Metcalf, Mr. Peterson of Minnesota, Mr. Sanders, Mr. Hinchey, Mr. McHugh, and Mr. Stupak.

H.R. 2488: Mr. Pallone and Mr. Greenwood.

H.R. 2493: Mr. Goodlatte.

H.R. 2502: Mr. Clement.

H.R. 2523: Mr. Bereuter.

H. Con. Res. 13: Mrs. Chenoweth and Mr. Brady.

H. Con. Res. 80: Ms. Brown of Florida.

H. Res. 190: Mr. Smith of Michigan.

## AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

### H.R. 2267

Offered by: Mr. Fox of Pennsylvania

Amendment No. 57: Page 117, after line 2, insert the following new section:

Sec. 617. None of the funds appropriated or otherwise made available by this Act may be obligated or expended, directly or indirectly, to make any payment to, provide any financial assistance to, or enter into any contract with, the Palestine Broadcasting Corporation, any affiliate or successor agency of such corporation, or any journalist employed by or representing such corporation.

### H.R. 2267

Offered by: Mr. Kleczka

Amendment No. 58: Page 117, after line 2, insert the following:

Sec. 617. None of the funds appropriated to carry out this Act may be used to purchase or install live fingerprint scanners in Immigration and Naturalization Service field offices or card scanners at Immigration and Naturalization Service centers unless the Immigration and Naturalization Service refunds, not later than 6 months after the date of the enactment of this Act, all fees paid to the Immigration and Naturalization Service for designated fingerprinting service certification under 8 C.F.R. §103.2(e).

### H.R. 2267

Offered By Ms. Lofgren

Amendment No. 59: Page 49, line 19, after the dollar amount insert "(reduced by $26,100,000)"

Page 49, line 21, after the dollar amount insert "(reduced by $26,100,000)"

Page 50, line 13, after the dollar amount insert "(increased by $4,900,000)"

Page 50, line 23, after the dollar amount insert "(increased by $4,900,000)"

Page 51, line 11, after the second dollar amount insert "(increased by $4,900,000)"

Page 51, line 13, after the dollar amount insert "(increased by $4,900,000)"

Page 51, line 18, after the dollar amount insert "(increased by $4,900,000)"

### H.R. 2267

Offered By Mrs. Lowey

Amendment No. 60: On page 51, line 16, after the dollar amount insert "(increased by $1,000,000)".

On page 51, line 23, after the dollar amount insert "(reduced by $1,000,000)";

### H.R. 2267

Offered By: Ms. Velázquez

Amendment No. 61: Page 117, after line 2, insert the following:

Sec. 627. (a) In General.—None of the funds appropriated to carry out this Act shall be used to deport or remove from the United States any alien who was provided by the Immigration and Naturalization Service one of the following identification numbers:

A76553660.
A76553650.
A76553651.
A76553661.
A76553858.
A76553862.
A76553863.
A76553876.
A76553877.
A76553665.
A76553659.
A76553658.
A76553679.
A76553678.
A76553681.
A76553654.
A74553078.
A74553079.
A74553077.
A76553683.
A76553674.
A76553652.
A76553692.
A76553649.
A76553673.
A76183163.
A76183162.
A76553653.

A76553686.
A76553688.
A76553664.
A76553871.
A76553888.
A76553684.
A76553887.
A76553657.
A76553672.
A76553685.
A76553655.
A76553688.
A76553667.
A76553682.
A76553680.
A74553085.
A74553076.
A76553690.
A76553691.
A76553698.

H.R. 2267

OFFERED BY: MS. WATERS

AMENDMENT NO. 62: Page 38, after line 11, insert the following:

SEC. 110. Considering the increased need for resources to wage a full scale counter-narcotics attack in the Caribbean basin, the Drug Enforcement Administration shall allocate 5 of the additional agents provided in this title to assess the impact of the recent decision of the World Trade Organization to discontinue the special relationship of Caribbean countries to the European Union on trade and the erosion of the ability of Caribbean countries to be independent and on increased drug trafficking in the region. The Drug Enforcement Administration shall report the results of such assessment to Congress not later than September 25, 1998.

# EXTENSIONS OF REMARKS

## HONORING MILDRED HESS

### HON. JON D. FOX

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 23, 1997*

Mr. FOX of Pennsylvania. Mr. Speaker, I rise today to honor, a long-time resident of Pennsylvania's 13th District who died recently at her home following a long illness. She was 87 years old.

I've known Mildred Hess for many years and she was a remarkable woman, dedicated to her family, her community, and her Nation. She was one of God's Angels on Earth who was known for her selfless spirit, positive outlook and love for all. Mildred was a public servant who committed herself to making life better for her neighbors. I will miss her very much and I share the grief felt by her entire family, especially her loving husband Clay, her friends and all the people of Montgomery County, PA.

Mildred Hess was born on December 10, 1909, in Upper Providence Township, Montgomery County. The daughter of the late Peter A. and Carrie Smith, Mildred Hess graduated in 1927 from the former Collegeville High School and entered the Pottstown Homeopathic Hospital School of Nursing where she graduated in 1930. She worked briefly as a nurse before marrying Clay C. Hess on February 7, 1931. She and Clay lived their entire married life on his family's farm in Collegeville, PA. True to the historic nature of the community in which she lived, Mildred liked to collect antique plates, salt shakers, and glassware and she was very proud of her collection.

Mildred Hess spent most of her life doing the most important job I know, raising her family and caring for her children. Occasionally, Mildred would assist her husband, Clay, as a clerk in his auctioneering business. For Mildred, her husband and family were her first love, her vocation, her devotion, and her primary responsibility.

Mildred Hess was a member of the Providence Church of the Brethren in Upper Providence and a 60-year member of Keystone Grange #2 in Trappe. She was also a member of the Towne & County Council of Republican Women.

Mr. Speaker, this woman of deep faith and family devotion suffered losses in her life and overcame the grief to fulfill her duties to her family. She was preceded in death by her loving children, Clark F. Hess and Norma Hess Fillman but despite her sorrow, Mildred was able to move on because of her devotion to those who lived on and who needed her. This loving woman is survived by her devoted husband, Clay, who I am proud to say has been a devoted friend and mentor to me for many years. Other family members who I join to share in their grief are her daughter-in-law, Susan Hess and her son-in-law, Walter Fillman.

Several generations have shared the love and warmth of Mildred Hess and my heart goes out to her grandchildren, Jane Daley, Gretchen Hess, Martin Hess, and Matthew Fillman as well as her great-grandchildren Gordon, Rachael, Daniel, Alexia, Audrey, and Samuel Fry and Rebecca Fillman and Benjamin Hess Daley.

Mr. Speaker, I am proud to rise today to honor this great woman but I do so with a heavy heart. For while Mildred led a long and productive life, I know that there was still much she wanted to do. As she did with her own children, I know she wanted to share in the joys and successes of her grandchildren and great-grandchildren.

Montgomery County has lost a great woman, Mr. Speaker, a family woman, a mother and care-giver. While it is close to the city of Philadelphia, Collegeville is still a small, rural neighborhood of close-knit families. The entire community will feel this loss as will all of Montgomery County where she and Clay have had such a strong influence over the years.

On a personal note, Mr. Speaker, I am deeply saddened by this loss because I feel as though I have lost a member of my own family. As I learned the lessons of public service under the guidance of her husband, Mildred Hess was always making me feel like part of her family. I saw the love she and Clay shared first-hand and it became just another of the many lessons I learned from this outstanding and gracious couple.

Mr. Speaker, the community of Collegeville, the congregation of the Providence Church of the Brethen, the people of Montgomery County and her family will take Mildred to her rest tomorrow, September 24. I regret that I can not be there to raise my voice in prayer along with the rest of the community but my duties as the Congressman from Pennsylvania's 13th Congressional District require my presence here on Capitol Hill. But I know that Mildred would remind me of my responsibilities and my obligation to those I am proud to represent, including her family.

So, Mr. Speaker, I will stand here tomorrow, in the halls of the people's House, gratefully providing the representation to which the citizens of Pennsylvania's 13th Congressional District are guaranteed by the Constitution of the United States. But my heart will be in Collegeville with Mildred and all those who loved her as I did. My prayers will be with my friend and mentor, Clay Hess, and the rest of Mildred's family. And my thoughts will be on the lessons I learned in the Hess household and the wisdom I gained from Mildred. This great lady has left her imprint on everyone she knew. As Henry Wadsworth Longfellow said in A Psalm of Life. "The lives of the great remind us, we can make our lives sublime. And, departing, leave behind us footprints on the sand of time." Mildred Hess, Mr. Speaker, has left indelible footprints on the lives of many and I am proud to have known her.

## NO MORE MANDATORY SEX TRAINING

### HON. RON PACKARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 23, 1997*

Mr. PACKARD. Mr. Speaker, I was particularly pleased by passage of the Treasury-Postal operations spending bill this past week because of a provision I worked hard to include in this legislation which will protect the rights of Federal employees. With the help of my colleague, ERNEST ISTOOK, who sits on this subcommittee, we were able to attach language to prohibit funding for nontechnical Federal employee training, including 'How-To' sessions on condom use, sex techniques, and the proper way to clean needles in order to shoot-up illicit drugs.

In 1995, I fought to deny funding for the Clinton administration's controversial agenda to promote diversity through mandatory training sessions. I have seen some of this training and it is truly shocking. I worked to retain this provision to ensure that Federal workers won't have to endure this training and taxpayers won't have to pay for it.

Mr. Speaker, the training sponsored by the administration goes far beyond employees' professional responsibilities. It is inappropriate for the Federal Government to use taxpayers' money to subject Federal employees to this kind of social engineering. Our language should put an end to this lunacy.

We should only fund those things vital to the function of the Government. I think most hard-working Americans would agree that training Federal employees to safely use drugs or wear condoms in no way falls under that category. I will work to ensure that this provision is retained in the conference report to the Treasury-Postal Operations spending bill. I encourage all of my colleagues to support this language.

## TRIBUTE TO CHARLES L. JOHNSON

### HON. JAY W. JOHNSON

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 23, 1997*

Mr. JOHNSON of Wisconsin. Mr. Speaker, I rise today to pay tribute to a true community leader in the city of Green Bay, WI, Mr. Charles L. Johnson.

In October, Chuck Johnson will begin his well-deserved retirement after 34 years of service to Procter & Gamble. He has served as the director of product supply manufacturing at the Procter & Gamble Paper Products Co. in Green Bay since 1990. Prior to arriving in Green Bay, Chuck worked for the company in Kansas, Maryland, and Pennsylvania.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

I have known Chuck for many years through his leadership in the United Way of Brown County. His service to the community knows no bounds. Chuck has also volunteered his time for the Greater Green Bay Chamber of Commerce, the local YMCA, St. Vincent's Hospital, Downtown Green Bay, Inc., and much more.

Under his direction, the Procter & Gamble Co. in Green Bay has given hundreds of thousands of dollars to area charities and civic organizations. Those dollars do not even begin to indicate the hundreds of hours that Chuck personally has given to the Green Bay community.

Somehow I suspect that Chuck's retirement will actually just mean that we will see him more in the community. I am certain that he will remain active and committed, because that is who he is.

Everywhere that Chuck has lived, he has reached out and given his time and effort to help others. He deserves our praise today because of the difference he has made in the lives of those around him. Today, we thank Chuck Johnson for all of the hard work he has done, we congratulate him on his many achievements and we wish him great luck in the years ahead.

## CONGRATULATIONS TO GARY CITY COUNCILMAN CLEO WESSON

### HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 23, 1997*

Mr. VISCLOSKY. Mr. Speaker, it is my distinct honor to congratulate a long-time friend of mine, Gary City Councilman Cleo Wesson, on his receipt of the Indiana Association of Cities and Towns [IACT], 1997 Meritorious Service Award. Cleo will receive this honor tomorrow, September 24, at the IACT annual conference, which is being held at the Fort Wayne Hilton in Fort Wayne, IN.

The Meritorious Service Award is presented by AICT to Indiana public figures who have devoted 40 years or more of noteworthy service to their communities. Cleo Wesson, who has displayed outstanding leadership qualities as a Gary City Councilmember for 38 years, has been selected as one of two people in the State of Indiana to receive the Meritorious Service Award, an honor which is in its first year of existence.

Cleo began his distinguished career of service when he enlisted in the U.S. Air Force upon his graduation from Gary Roosevelt High School. After his return from the military, Cleo began his political career when he was elected to the Gary Common Council in 1959. As the representative of Gary's Fifth District, Cleo has served in a variety of roles, including Precinct and Vice Committeeman, and 7-year president of the Common Council. He has served on every council committee, been elected delegate to the State Democratic Convention, and has served as Secretary to the Lake County Democratic Central Committee for a number of years. In recognition of his years of service, Cleo earned the title "Dean of the Gary Common Council" on May 16 of this year.

During his tenure as councilman, Cleo has worked tirelessly toward the betterment of the entire City of Gary. The construction of three neighborhood parks in the Fifth District, the effective restructuring of the police department, and the ordinance establishing in house demolition, were all projects conceived of and/or sponsored by Cleo Wesson. It was through the in house demolition ordinance that an unsightly junk yard at 21st and Madison Street was demolished, and in its place the Barbara Leek Wesson Community Center was erected. Other projects Cleo undertook include the relocation of the No. 4 fire station to 25th and Madison Street, the establishment of the Gary Community Mental Health Facility, and the founding of the Marina Committee and the Historical and Cultural Society.

Mr. Speaker, I ask you and my other distinguished colleagues to join me in commending Cleo Wesson on his receipt of the 1997 Meritorious Service Award. His numerous endeavors in the field of public service have left an indelible mark on the city of Gary, as well as Indiana's First Congressional District.

## TRIBUTE TO THE EUREKA RESCUE MISSION

### HON. FRANK RIGGS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 23, 1997*

Mr. RIGGS. Mr. Speaker, I rise today to honor the Eureka Rescue Mission and Family Shelter on its 13th anniversary. Located in Humboldt County on California's north coast, which I am privileged to represent in Congress, the mission is a model of faith-based community service.

The Eureka Rescue Mission was founded as a nondenominational Christian organization serving the homeless, needy, and poor of the city of Eureka and all of California's north coast. The mission, formerly the old Bay Hotel, was purchased for $11,000 in 1967 and dedicated to the Lord on February 27th of that year.

All the years since, the Eureka Rescue Mission has provided help, food, shelter, counseling, and hope to those in need. Poor families and individuals find food, clothing, and shelter; those suffering from addiction find counseling and recovery programs; those who have stumbled and need guidance find instruction and support.

I wish the Eureka Rescue Mission every success in the years to come as they look to expand their good works and extend their helping hand even farther. The dedicated and hard-working people who make the mission work, while taking no government money, provide a rich example to us all. They represent the full measure of Christian charity.

## MAINTAINING TRADE FAIRNESS

### HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 23, 1997*

Ms. KAPTUR. Mr. Speaker, I rise to discuss the importance of maintaining trade fairness and how that fairness has been restricted in our trade relations with Japan.

Some of you may know about the market access case the United States Government filed against the Government of Japan before the World Trade Organization concerning consumer film and photographic paper. Eastman Kodak Company has been routinely prevented from competing fairly in Japan by the Japanese Government, which has been protecting Fuji film, the domestic film manufacturer. For over 30 years, the Japanese Government has worked closely with Japanese business, using non-tariff barriers, unspoken agreements, and implicit understandings to keep foreign competition out of the Japanese market.

This case has far-reaching and precedent-setting ramifications. Why? First, this case highlights the nature of our trade relationship with Japan, where trade fairness has been a recurring concern. Japan is America's second largest trade partner but maintains America's largest trade deficit, which is 43 percent of our total trade deficit. Second, this case centers around the future of the WTO as an effective forum to settle international trade conflicts.

The ramifications of the photographic film and paper case before the WTO are immense. At stake is the future of free and open market access not just for film, but, for all companies looking to trade with Japan. I urge the administration to press the WTO to bring this complaint to a conclusion.

## PERSONAL EXPLANATION

### HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 23, 1997*

Mr. OBERSTAR. Mr. Speaker, last week, when the House of Representatives considered H.R. 2378, the fiscal year 1998 Treasury-Postal-General Government appropriations bill; House Resolution 168, the House Ethics Reform recommendations; and House Resolution 233, a resolution concerning the House floor privileges of former House Member Robert Dornan, my vote was not recorded.

On approval of H.R. 2378, I was unavoidably detained in a meeting with constituents and the following day, I was in Minnesota to care for my mother who had suffered a serious heart attack.

Had I been present, I would have voted "aye" on H.R. 2378, rollcall No. 403; I would have voted "nay" on the motion to adjourn, rollcall No. 405; I would have voted "aye" on the approval of the House Journal, rollcall, No. 406; I would have vote "nay" on the previous question on House Resolution 168, rollcall No. 407; I would have voted "aye" on the Livingston amendment to House Resolution 168, rollcall No. 408; I would have voted "nay" on the Murtha amendment to House Resolution 168, rollcall No. 409; I would have voted "nay" on the Tauzin amendment to House Resolution 168, rollcall No. 410; I would have voted "nay" on the Bunning amendment to House Resolution 168, rollcall No. 411; I would have voted "aye" on the Cardin motion to recommit House Resolution 168, rollcall No. 412; I would have voted "nay" on final passage of

House Resolution 168, rollcall No. 413; I would have voted "nay" on the Stearns motion to table House Resolution 233, rollcall No. 414; and I would voted "aye" on House Resolution 233, rollcall No. 415.

## THE 85TH ANNIVERSARY OF ST. JOSEPH THE WORKER CROATIAN CATHOLIC CHURCH

### HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 23, 1997*

Mr. VISCLOSKY. Mr. Speaker, it is my great pleasure to congratulate St. Joseph the Worker Croatian Catholic Church in Gary, IN, as it celebrates its 85th anniversary as a parish this Sunday, September 28, 1997. I would also like to take this opportunity to congratulate Father Benedict J. Benakovic, parish pastor, on this special occasion. The 85th anniversary festivities will begin with a Mass of Thanksgiving at 11 a.m. at the church, celebrated by the Most Reverend Dale J. Melczek, Bishop of Gary. After the service, a banquet will be held at the Croatian Center in Merrillville, IN.

I would also like to commend the members of the St. Joseph the Worker Parish Council for the work they have put forth in the planning of this momentous event. Members of the 1997 parish council include: Fred Benich, John Benich, Frank Bestich, Peter Bianco, Francis X. Coman, Mary Coman, Charles Doherty, Antoinette Dorochoff, George Flores, Irene Flores, Charlene Gyurko, Mary Horan, Patricia Howorth, Sophia Kruzic, Jasmine Kuyachich, Mary Mandly, Richard Mandly, Ann C. Marlow, Marta McCobb, Karl Metz, Marie Michalak, Marian Nicksich, Peter Podnar, Ann Wozniak, Charles Yelusich, and Paul Yurkas.

The founding of St. Joseph the Worker Croatian Catholic Church began in 1906 with the arrival of Croatian immigrants to the growing city of Gary, IN. A mixture of small business owners and steel workers, the immigrants immediately experienced prejudices and a language barrier. To foster a sense of belonging and community, they colonized and sought a parish of their own, where the church services would be spoken in their native language. With a large donation from the Gary Land Co., a Croatian Catholic church, called Holy Trinity, was built in 1913.

Holy Trinity Church, which would later be named St. Joseph the Worker, prospered over the years with the hard work of its clergy and parishioners. Shortly after the church's founding, Rev. Charles Jesih of Croatia began St. Joseph's expansion when he founded a parochial school for the education of the parish's youth. In 1919, a three-room school opened in the church hall, and, in 1921, a convent was completed to accommodate the nuns who taught at the school. With the onset of the Depression, the parish encountered problems of debt and the relocation of parishioners to the Glen Park area of Gary. By the 1940's, it had become apparent that the church would need to relocate, and in spite of the debt incurred during the Depression, construction of a new church, school, and convent was completed in 1945. As the parish continued to grow, it was determined in 1950 that an even larger church would be needed to accommodate new parishioners of different nationalities. Under the leadership of Father Venceslav Ardas, funds were secured from individual parishioners and church organizations for the construction of what would become a beautiful Romanesque style church. The church was completed in 1956, and consecrated St. Joseph the Worker in May of that year.

Since its founding, St. Joseph the Worker has continued to celebrate its Croatian heritage as an integral part of parish religious and social life. Over the years, ties to Croatia were maintained with the dedicated service of Croatian-born pastors, the preservation of masses in the Croatian language, and a concern for events transpiring in the homeland. With the disintegration of the former Yugoslavia, St. Joseph the Worker parishioners eagerly joined Croatians throughout the world in providing humanitarian aid to victims of the war-torn region. In the early 1990's, the parish celebrated both the recognition of Croatia as an independent nation and the visit of Cardinal Franjo Kuharic, Archbishop of Zagreb. The founding of such social organizations as the Croatian Catholic Union and the American Croatians United also contributed to the preservation of the Croatian heritage in the Gary community. Through the dedication of St. Joseph parishioners, these organizations sponsored numerous festivals and projects, which have served to introduce traditional Croatian food, music, and customs to future generations.

Mr. Speaker, I ask you and my other distinguished colleagues to join me in congratulating the St. Joseph the Worker parish on the 85th anniversary of its founding. As someone of Croatian descent, I commend the leadership that past and present parishioners and clergy have displayed in preserving their ethnicity while faithfully fulfilling the ideals of their Catholic religion. I wish St. Joseph the Worker parish continued prosperity and many blessings for a bright future.

## ON INTRODUCTION OF LEGISLATION TO MAKE NONREFUNDABLE PERSONAL CREDITS CREDITABLE AND THE STANDARD DEDUCTION AND THE DEDUCTION FOR PERSONAL EXEMPTIONS DEDUCTIBLE FOR AMT PURPOSES

### HON. BARBARA B. KENNELLY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 23, 1997*

Mrs. KENNELLY of Connecticut. Mr. Speaker, today I am introducing legislation to make good on a promise we made the American people. The recently enacted Taxpayer Relief Act of 1997 promised American families both an education and a family credit. Unfortunately for many American families these credits will turn out to be phantom credits.

Many average families will be thrown into the alternative minimum tax [AMT] simply because they take advantage of the new child and education credits. This happens because individuals pay the greater of regular tax reduced by nonrefundable credits or the AMT not reduced by refundable credits. And because both the family and the education credit are added back for purposes of the AMT, families with children are more likely to be thrown into the AMT simply by using these credits. In the case of families with three or more children young enough to be eligible for the family credit, the bill permits the family credit against the employee share of FICA so that the minimum tax is no longer a problem for those families. However, it will be an unpleasant surprise for many others.

In 2002, 2 million families will be thrown into the AMT because of the family credit alone. For example:

A single mother with two children in daycare with $51,400 in gross income would lose all of her child credit plus $141 of her dependent care credit in the year 2000 because she gets thrown into the AMT.

A two-parent family with three children, including one college freshman and $67,000 in gross income would lose $1,477 of their $2,500 combined family and HOPE scholarship credit because they get thrown into the AMT.

A two-parent family with two children in college and $64,100 in income would lose $723 of their Hope scholarship credit because they get thrown into the AMT.

This simply makes no sense. Therefore, today I am introducing legislation which would make nonrefundable personal credits, including the dependent care, child and education credits, creditable and the standard deduction and personal exemptions deductible for AMT purposes.

The AMT was meant to assure that sophisticated taxpayers couldn't zero out their taxes. It was never intended that your children would throw you into the AMT. I would urge my colleagues to support this important piece of legislation and keep our promises to the American people.

## AMERICA RECYCLES DAY

### HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 23, 1997*

Mr. FARR of California. Mr. Speaker, today I am introducing legislation that would express the sense of the House that the country ought to give itself a pat on the back for its progress in recycling. I am joined in this effort by Mr. PORTER, Mr. GEJDENSON, and Mr. GILCHREST and I am proud to have them as partners in this worthy effort.

This resolution would suggest that the House believes it appropriate that a national celebration of America Recycles Day be designated. This would be a day to celebrate the progress the country has made in establishing and integrating recycling programs in each state, in hundreds of cities, in thousands of communities.

Whether it be the simple act of depositing an old Coke can in an aluminum recycling bin, or meticulously separating brown glass from green glass from clear glass and hauling them all down to the city recycling center, it is clear that Americans have learned that recycling is a valuable means of conserving resources, saving money, and keeping our environment clean.

When you look at the trash that we generate in a year's time—208 million tons worth—it is clear that it is incumbent on us to use less, recycle more and find new ways of managing our finite resources. The numerous recycling programs throughout the country are dedicated to this cause and each person who recycles ought to be commended for their dedication to a cleaner, safer environment.

The resolution I introduce today with my colleagues will hopefully be a catalyst for more Americans to recycle and continue this positive and simple means to a better future.

Mr. Speaker, I ask unanimous consent that the text of the resolution be printed following my remarks.

H. RES. —

Whereas the people of the United States generate approximately 208,000,000 tons of municipal solid waste each year, or 4.3 pounds per person per day;

Whereas the average office worker in the United States generates between 120 and 150 pounds of recoverable white office paper a year;

Whereas the Environmental Protection Agency recently estimated that the recycling rate in the United States has reached 27 percent of the solid waste stream;

Whereas making products from recycled materials allows the people of the United States to get the most use of every tree, every gallon of oil, every pound of mineral, every drop of water, and every kilowatt of energy that goes into the products they buy;

Whereas manufacturing from recycled materials creates less waste and fewer emissions;

Whereas recycling saves energy, reducing the need to deplete nonrenewable energy resources;

Whereas it is estimated that 9 jobs are created for every 15,000 tons of solid waste recycled into new products;

Whereas recycling is completed only when recovered materials are returned to retailers as new products and are purchased by consumers;

Whereas buying recycled products conserves resources and energy, reduces waste and pollution, and creates jobs;

Whereas more than 4,500 recycled products are now available to consumers;

Whereas the United States has a two-way, use and reuse system of recycling and buying recyclables; and

Whereas Americans support recycling, but need a regular reminder of the importance of buying recycled content products, the availability of recycled content products, and how to recycle: Now, therefore, be it

*Resolved*, That—

(1) it is the sense of the House of Representatives that November 15, 1997, and November 15, 1998, should each be designated as "America Recycles Day"; and

(2) the House of Representatives requests that the President issue a proclamation calling on the people of the United States to observe each America Recycles Day with appropriate ceremonies and activities.

# OHIO LAWSUIT ABUSE AWARENESS WEEK

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## HON. JOHN A. BOEHNER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 24, 1997*

Mr. BOEHNER. Mr. Speaker, the week of September 22–27, 1997, has been recognized in my home State as Ohio Lawsuit Abuse Awareness Week. Ohio Citizens Against Lawsuit Abuse [OCALA] has worked tirelessly over the last few years to help reform our legal system. Citizens across the State of Ohio have organized behind OCALA to fight the problems of lawsuit abuse. Almost everyone agrees that America has become an overly litigious society. In the Federal courts alone, the number of lawsuits filed each year has tripled in the last 30 years to more than 260,000 cases per year. This dramatic growth in litigation carries high costs for the U.S. economy: manufacturers raise their prices, withdraw products from the market, discontinue product research, and reduce their work force. The total cost of litigation in the United States is estimated to be approximately $150 billion per year, substantially higher than any other country and 2½ times the international average. While it is important to protect those who are truly victims, we must reform our system to prevent frivolous lawsuits.

Republicans in the 104th Congress worked hard for meaningful reform of our Nation's legal system, and over the President's veto we enacted legislation protecting employers from abusive strike suits brought by the securities bar. Unfortunately, our efforts with broader-based legislation intended to end lawsuit-abuse, restore fairness to the legal system, and ensure that real victims—not greedy lawyers—are fairly compensated was vetoed by President Clinton at the urging of trial lawyers.

Despite this setback, I will continue to work hard with my colleagues in Congress and with organizations like OCALA to pass bipartisan, commonsense legislation that will end lawsuit abuse and protect American consumers and workers.

While OCALA has thousands of supporters in the State of Ohio, I would like to take the opportunity to recognize some individuals who have given countless hours to advance the need for ending lawsuit abuse. They are Dana Smith, executive director of OCALA, Jackie Fox, chairwomen, Dr Claire Wolfe, Dr. David Rummel, Gerald Miller, Ken Blair, Jr., James Martin, Oron Elliott, Jack Koester, and Peter Beck, each directors and supporters of the continual efforts of OCALA.

Mr. Speaker, I would like to commend all of the individuals who are involved in Ohio Citizens Against Lawsuit Abuse for their dedication to this important endeavor. Ohio and the country as a whole need organizations like OCALA which will continue to fight against lawsuit abuse and for legal reform that is fair to all American citizens.

# INTRODUCING THE 21ST CENTURY STUDENT FINANCIAL AID SYSTEM IMPROVEMENT ACT OF 1997

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## HON. HOWARD P. "BUCK" McKEON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 24, 1997*

Mr. MCKEON. Mr. Speaker, I rise today to introduce the 21st Century Student Financial Aid System Improvement Act.

This month the class of 2001, the first class of students to graduate in the new millennium, entered college. These students are preparing for the challenges of the information age. Unfortunately the system to help them finance their education is not measuring up to the same challenges.

As chairman of the subcommittee with jurisdiction over Federal higher education policy, I am responsible for the programs which provide Federal assistance in obtaining a higher education. I am pleased that the ranking minority member of that subcommittee, Mr. KILDEE has joined me as an original cosponsor of this legislation. We have listened to students, parents, and college officials, with whom we share the goals of—a simple and less bureaucratic system of student aid; a modern student aid system which is easy for students and parents to use; and an efficient and less expensive system that ensures that taxpayer funds are being well spent.

Unfortunately, today, under the current system, taxpayers are paying more and students are getting less. The Department of Education's budget for information systems has tripled over the last 5 years. Next year alone it will spend over $300 million on systems contracts to deliver student aid. Yet despite these significant expenditures, the current system is still wrapped in miles of redtape, requires dozens of paper forms, and suffers from needless processing delays and breakdowns.

Mr. Speaker, I believe that there is a better way for the Department of Education to do business. In fact, under the legislation that I am proposing today, the Department's student financial aid systems would be run more like a business—adopting the best practices from the private sector and focusing on bottom line results.

This legislation would establish a business-like performance based organization to manage the computer systems thereby ensuring that the Department of Education is not wasting money due to poor contract management. The Chief Operating Officer hired to manage this organization will be charged with: Simplifying the process of applying for financial aid for students and their families; and integrating student financial aid systems to improve efficiency, save money, and prevent fraud and abuse in the programs.

According to the GAO, the Department of Education has failed to resolve its long-standing management problems in the Office of Postsecondary Education, its data quality and management controls are inadequate, and its financial statements for the student loan programs cannot be audited. A customer-focused, performance-based organization within the Department, run by an experienced Chief

Operating Officer, can take the steps necessary to properly reengineer the current systems and contracts. In fact, the Department's own inspector general and the Independent Advisory Committee on Student Financial Assistance have both advocated this approach. It is also consistent with the recommendation to fundamentally restructure the routine processing of Federal student aid to take advantage of the best private sector practices. which was put forth to the subcommittee by the American Council on Education and 22 higher education associations in their recommendations for their reauthorization of the Higher Education Act.

This legislation would also require the Secretary to work cooperatively with the higher education community to adopt common and open electronic data standards for key elements in the delivery system such as digital signatures, personal identification numbers, and single institutional identifiers. By adopting these common standards, we can make great strides in simplification by eliminating paper forms, and unnecessary steps in the current process.

Students and their families deserve a modern student aid system that meets their needs. I urge my colleagues to join Mr. KILDEE and me in this effort, and to cosponsor this important legislation.

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## TRIBUTE TO THE JOLIET AMERICAN LEGION BAND

### HON. JERRY WELLER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 24, 1997*

Mr. WELLER. Mr. Speaker, I rise today to honor the Joliet American Legion Band for winning its 36th national title at the American Legion Senior Band Contest in Orlando, FL.

The Joliet American Legion Band was formed 51 years ago. Since that time, it has grown to 85 members from Joliet and the surrounding areas. The band boasts a wide variety of musicians, ranging in age from 16 to 60 and older. Directed by Tom Drake, the Joliet American Legion Band is proudly sponsored by American Legion Post No. 1284.

All members of the band are volunteers who donate significant practice and performance time for the benefit of the community. Band members delight listeners by marching in parades and playing for a variety of community events. The Joliet American Legion Band also offers several free public concerts throughout the year for the enjoyment of all persons in the community.

Since its formation, the Joliet American Legion Band has merited many accolades and awards. It has won 36 national titles, along with 41 State crowns. Their latest victory is a great source of pride for the Joliet community. Not only has the Joliet American Legion Band been recognized for its excellence by other American Legions across the Nation, but also received a gold medal in 1985 at the International Music Festival in Toronto, Canada.

I urge this body to identify and recognize other volunteer organizations in their communities whose actions have so greatly benefited and enlightened America's citizens.

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## RECOGNIZING CABRINI COLLEGE FOR EXCELLENCE IN EDUCATION

### HON. CURT WELDON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 24, 1997*

Mr. WELDON of Pennsylvania. Mr. Speaker, I rise to pay tribute to Cabrini College in Radnor, PA which has the distinguished honor of being named today to the John Templeton Foundation's 1997–98 Honor Roll for Character-Building Colleges.

One of only 134 colleges nationwide selected for this honor, Cabrini deserves recognition for its dedication to emphasizing character building as an integral part of student life. Cabrini College's commitment to character building is reflected by the school's inclusion of community service in its student curriculum.

Other aspects of Cabrini College that contributed to its being named to the John Templeton Foundation's Honor Roll include the school's emphasis on developing and strengthening of its students moral reasoning skills, its encouragement of spiritual growth and moral values, and its promotion of character-building programs and activities.

A private, Catholic college located in the suburbs of Philadelphia, Cabrini College's faculty-student interaction, beautiful campus, and excellent curriculum make it one of the most respected institutions in the region. I am pleased that Cabrini College is receiving the national recognition and respect that it has earned many times over.

I ask my colleagues to join me today in recognizing this significant accomplishment of Cabrini College and thanking the John Templeton Foundation for its promotion of character-building colleges like Cabrini.

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## DURYEA FARM IN MONSEY, NY TO CONTINUE SERVING COMMUNITY

### HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 24, 1997*

Mr. GILMAN. Mr. Speaker, it is with great pleasure that I am able to report the preservation of a much needed and valued property in my congressional district in Monsey, NY. Earlier this year the Duryea Farm was purchased by the Rudolf Steiner Fellowship Foundation, Inc., which has announced that the farm will retain its agricultural character. This is truly an event to be lauded.

On September 28, 1997, the Duryea Farm will be rededicated to the service of the people of Rockland County. One of the few remaining farms in Rockland, it will become the county's only organic farm. This step is noteworthy, marking the heritage of Rockland County, a place where orchards and barns were once the norm and not the exception.

In addition to reclaiming this fading period of history, the Duryea Farm will house the Jessup Learning Center, named in honor of two longtime area educators. The learning center will focus on farm life through storytelling, photographs, and equipment owned by the Duryea family. Educational programs through the Cooperative Extension will also be offered. The combination of education and farming represents an admirable and worthwhile venture on the behalf of the Rudolf Steiner Fellowship Foundation, Inc., and the people of Rockland County.

Saving this valuable parcel of land from the bulldozers of developers and giving it back to the community is a worthy gesture of goodwill. I ask my colleagues to join me in welcoming a bright future for the Duryea Farm.

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## ON TRACK WITH OUR NATION'S INTERESTS

### HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 24, 1997*

Mr. CRANE. Mr. Speaker, recently, several Members of Congress, including myself, met with the administration to discuss fast-track trading authority soon to be offered in the House for consideration. This legislation grants the administration authority to negotiate and implement trade agreements with other nations, which Congress would either support or vote down unamended. It is my opinion that this authority is a necessary step toward the President's goal of having hemispheric free trade by the year 2005. More importantly, fast track is a necessary step to strengthen the U.S. economy at home—helping producers, workers, and consumers. The agreements made as a result of fast track will expand our markets far beyond our shorelines to other nations who desire high quality, American-made products. Exporting companies offer workers jobs, which provide better pay and better benefits. Consumers have a larger variety of products to choose from at more competitive costs.

In the past, fast track has been derailed by special interests, who lack the foresight to see that the general interest of our Nation will benefit from free and open trade—a status that can be greatly assisted by extending traditional trading authority to this administration. The following article, which was printed in the Wall Street Journal, on September 12, 1997, highlights the need to pass fast track to maintain our Nation's role in the international marketplace. If it is not passed, special interests will in the end realize that their selfish motivations cause more harm than good. I hope my colleagues consider the points made in this article and support legislation to extend fast-track trading authority to the administration.

[From the Wall Street Journal, Sept. 12, 1997]

### U.S. EXPORTERS TO LATIN AMERICA NEED FAST-TRACK

(By Robert Mosbacher)

When President George Bush unveiled his Enterprise of the Americas Initiative in the early 1990s, many thought the emergent free trade bloc would develop according to a "hub-and-spoke" model. As the "hub" of hemispheric trade, the U.S. would form a series of inter-locking bilateral free trade agreements with the "spoke" nations of Latin America and the Caribbean until these agreements could be melded into a single free trade accord. That vision is slipping away.

President Clinton promised Wednesday to put trade expansion back on the front-burner. He plans to ask Congress to renew fast-track legislation, which would authorize the president to negotiate international trade agreements on which Congress would vote up or down. If he fails to secure fast-track authority, however, the U.S. will be relegated to "spoke" status in the emerging hemispheric trading order, leaving many U.S. businesses at a disadvantage. Furthermore, fast-track authority should be clean—that is, it must not be weighted down with requirements that trade agreements also mandate environmental and labor regulations.

Since the promising 1994 Miami summit, when the proposed trade initiative was renamed the Free Trade Area of the Americas, the U.S. has withdrawn from its leadership role on liberalized trade. Instead, inter-locking trade relationships have been forming around the southern cone customs union—Mercosur—comprising Brazil, Argentina, Uruguay and Paraguay.

Last year, while Washington dithered, Mercosur took decisive action, offering Chile and Bolivia associate membership. This created a market of 220 million potential consumers with a combined gross domestic product of about $1 trillion—more than twice the economic output of Asean, the Association of Southeast Asian Nations.

This year, while still waiting for the president to lead on fast-track, Mercosur is planning free trade talks with Colombia, Venezuela, Ecuador and Peru. Mercosur might soon realize its goal of establishing a South America Free Trade Area, which could serve as a counterweight to NAFTA, the North American Free Trade Agreement, in hemispheric free trade talks. Mercosur has already been approached by the European Union about a free trade alliance and will also soon begin free trade talks with Mexico, Canada and the Central American Common Market.

One of the consequences of Mercosur's expansion and the American retrenchment is that the U.S. is losing leverage in hemispheric free trade talks. While official negotiations are not scheduled to begin until 1998, the failure of the U.S. to secure fast-track leaves open the distinct possibility that the agenda and timetable for these talks will be dominated by other countries.

Lack of fast-track is also hurting U.S. companies seeking access to the region's dynamic consumer markets. American wine producers are losing market share in Venezuela to Chilean producers, not because Venezuelans prefer Chilean Merlot to Napa Valley Cabernet Sauvignon, but because Chile has a free trade agreement with Venezuela that allows its wines to enter the country tariff free. American wines, by contrast, carry a hefty 20% duty. If the duty were to be eliminated, industry experts believe that U.S. wine producers could see their share of the Venezuelan market jump from the current 5% to well over 30%.

While California wine producers cannot pull up their vines and move to more hospitable commercial climates, other industries are less restricted. Caterpillar Inc., based in Peoria, Ill., recently announced plans to produce bulldozers, excavators and off-road trucks in Brazil for export to Chile. The decision to build the equipment on foreign rather than U.S. soil was based on tariff considerations. U.S. exports to Chile face an average 11% tariff, while tariffs on Brazilian exports are being phased out under Mercosur. Other companies that may follow Caterpillar's lead include General Electric and Eastman Kodak.

Several major U.S.-based multinationals with joint ventures in Chile—including IBM, Southwestern Bell and McDonald's—have announced plans to source millions of dollars in equipment in Canada and Mexico rather than in the U.S. The reason, again, is that Canada and Mexico have bilateral free trade accords with Chile that permit their goods to enter the South American country tariff-free, while U.S. goods face prohibitive duties. According to the U.S. Chamber of Commerce, the loss of opportunity for U.S. exports to Chile is $480 million a year and climbing.

Those who question the need for deeper economic integration should consider the benefits of Nafta. Notwithstanding the 1994 peso devaluation—which halved the price of Mexico's exports to the U.S.—U.S. exports to Mexico and Canada have grown 34% since the pact took effect in 1994. They now outstrip total U.S. exports to either the Pacific Rim or Europe.

According to a Council of the Americas study of 21 U.S. states, nine states have witnessed 40% plus growth in exports to Mexico and Canada since 1993 and another seven have seen those export markets grow by more than 30% during that time. In 1996, California exported to Mexico more than $9 billion in goods and services. The California World Trade Commission estimates that exports to Mexico support more than 125,000 jobs in the Golden State, with almost 25,000 of these jobs resulting from export growth in 1995 alone.

Nafta has also helped promote U.S. interests in Mexico by helping stabilize the country in the aftermath of the peso crisis. After Mexico's 1982 peso devaluation, it took seven years before the country showed signs of recovery. By contrast, Mexico's economy touched bottom and began to turn around less than 12 months after the December 1994 devaluation. There is also little doubt that the climate of openness fostered by Nafta raised political consciousness and contributed to the July 6 electoral shakeup that ended 70 years of political dominance by the Institutional Revolutionary Party.

An activist American trade policy made possible by fast-track negotiating authority will keep the U.S. economy strong and guarantee that future generations enjoy rising living standards. That said, the importance of fast-track transcends economic issues. As Rep. Lee Hamilton (D., Ind.) recently said, "Fast-track is not just about trade, it is about U.S. leadership and influence in the world. And a president without fast-track is a president without power to promote U.S. interests abroad." We ignore this reality at our own peril.

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## PERSONAL EXPLANATION

### HON. PORTER J. GOSS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 24, 1997*

Mr. GOSS. Mr. Speaker, on rollcall Nos. 402–415, I was unable to record my votes because I was called away on a family emergency. Had I been present, I would have voted "yea" on rollcall Nos. 415, 413, 411, 410, 409, 408, 407, and 406, and "nay" on rollcall Nos. 414, 412, and 405.

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## IN HONOR OF THE 70TH ANNIVERSARY OF THE EAST SIDE CHAMBER OF COMMERCE

### HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 24, 1997*

Mrs. MALONEY of New York. Mr. Speaker, I rise today to pay a respectful tribute to the East Side Chamber of Commerce on the 70th anniversary of its founding. The chamber has had a remarkable and honorable history of serving the residents and businesses of the East Side of Manhattan for most of this century.

The chamber was born in 1927 when it fought, almost single-handedly, to have a suspended trolley service reinstated to the Upper East Side. The chamber's successful 2-year battle to save the trolley service was only the beginning of a long history of service for the East Side.

The chamber also encouraged and took an active role in the development of housing projects like the Peter Stuyvesant Apartments, Ageloff Towers, and the Nation's first public housing venture, the First Houses at Avenue A and 3d Street.

East Side businesses benefited from the chamber's efforts as well. One successful campaign the chamber waged was the battle against push-cart markets which were rapidly congesting the Lower East Side and posing a threat to the area's businesses. The chamber's proposed alternative, the Essex Street Retail Market, was an indoor market that successfully kept push-cart vendors in business, but off the streets.

Over the past 70 years, the chamber made numerous transportation improvements to the East Side to facilitate access. The chamber played an active role in widening East Side streets, providing adequate subways, such as campaigning to have the IND routed through the East Side, and initiating discussions for an East River Drive.

The East Side Chamber of Commerce in 1997, under the leadership of president Joseph Greene and chairman of the board of directors, Sidney Baumgarten, is involved in many of the issues that affect East Siders: sanitation, rent control, bridge reconstruction, housing, crime prevention, education, and much more.

Mr. Speaker, I ask that my colleagues rise with me in this tribute to the East Side Chamber of Commerce as it celebrates its 70th anniversary. Their formidable record of achievement in bettering the East Side has made it a better place to live and work. I am proud to have an important and respected organization in my district.

## INTRODUCING THE EMERGENCY STUDENT LOAN CONSOLIDATION ACT OF 1997

### HON. HOWARD P. "BUCK" McKEON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 24, 1997*

Mr. McKEON. Mr. Speaker, I rise today to introduce the Emergency Student Loan Consolidation Act of 1997.

Let me begin by saying that we must remember that everything we do in higher education has an impact on students, and the Department of Education's management problems are no different. It is no secret that I have had serious doubts about the long-term viability of the Direct Student Loan Program. Today we face a crisis in direct loan consolidation which only serves to heighten those concerns.

However, this is not about direct loans or guaranteed loans or which program is better. This is about students. This is about students who are currently unable to consolidate their direct loans. This is about student loan borrowers who may pay hundreds or even thousands of dollars in additional interest costs, who may have serious difficulty in securing other credit such as a mortgage, and who may even default on the student loans if we do not act now to fix this problem.

At this very moment, the contractor hired by the Department of Education to perform direct student loan consolidations is facing a backlog of 84,000 applications. This is clearly unacceptable. The number of students affected is actually much higher than this, since the Department of Education has now stopped accepting new applications for direct consolidation loans until this backlog is cleared. The Department hopes to accomplish this feat by December 1. However, to do that the contractor will have to quadruple the rate at which it is processing applications, and I have serious doubts as to whether this can be accomplished.

The legislation we are introducing today will fix this problem for students now, in the short term, rather than making borrowers wait months for the Department and its contractor to straighten things out. Currently, the Higher Education Act of 1965 prohibits direct student loan borrowers from consolidating their direct student loans into FFEL loans through private lenders and servicers. Even if borrowers could consolidate their direct loans into the FFEL Program, few would because in most cases they would pay a higher interest rate, and would lose their deferment benefits on any subsidized loans which were consolidated.

Upon enactment, the Emergency Student Loan Consolidation Act will immediately change this to allow borrowers to consolidate direct student loans into FFEL consolidation loans. The interest rate for all new consolidation loans will be the equivalent of the 91-day Treasury bill rate plus 3.1 percent, the same as in the Direct Loan Program, and borrowers who consolidate subsidized loans, whether in the Direct Student Loan Program or the FFEL program will not lose their deferment benefits simply because they consolidate their loans.

This is emergency legislation, so these changes will only remain in effect until September 30, 1998. The cost of this legislation will be paid for by reducing the administrative funds for the Direct Loan Program by $25 million.

In conclusion, let me just finish by sharing the individual comments of a few of the students effected by the direct loan consolidation fiasco. At a hearing before the Subcommittee on Postsecondary Education, Training and Life-Long Learning last week, Ms. Angela Jamison had this to say: "In the process of consolidating our student loans, my husband and I have been beset by chronic mistakes which range from incompetence to malfeasance." A process that was supposed to have taken her 8 to 12 weeks has taken her and her husband 8 months. The Jamisons were almost unable to close on their mortgage due to these delays, and to this day their loans have not been consolidated.

Many others have expressed a similar lack of confidence in the Department's ability to provide quality customer service, and you don't have to go very far to hear it. In church on Sunday, I spoke with David Higbee, a recent law school graduate. David had written me a letter about his problems with the direct loan consolidation process, and in it he said "we quickly received an estimate from Sallie Mae on the portion of our student loans we were refinancing there, the Department of Education was slow and refused every reasonable suggestion to expedite its inadequate 'customer service' process."

I am inclined to believe these students, and I am inclined to help them and the 84,000 like them with similar stories. The legislation that I am introducing today will provide these borrowers with immediate emergency relief. It is budget neutral. It is also the right thing to do. I urge my colleagues to help these students by supporting this important legislation and cosponsoring the Emergency Student Loan Consolidation Act.

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## TRIBUTE TO THE SOUTH BRONX OVERALL ECONOMIC DEVELOPMENT CORP. ON ITS 25TH ANNIVERSARY

### HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 24, 1997*

Mr. SERRANO. Mr. Speaker, I rise to pay tribute to the South Bronx Overall Economic Development Corp. for its 25 years of fruitful service to the South Bronx community.

In 1972, U.S. Senators Jacob Javits, New York State Attorney General Robert Abrams, and six major banks joined together to establish the South Bronx Overall Economic Development Corp. [SOBRO]. The corporation was founded at a time when the South Bronx was suffering from major economic devastation, jobs were scarce, and people were leaving the area.

Over the past 25 years, SOBRO has successfully encouraged investment and economic growth in the South Bronx and has provided education and job training to area residents. Among its many accomplishments, SOBRO has trained or placed in jobs more than 20,000 residents, created or retained more than 30,000 jobs in the area, stimulated more than $120 million in investments, and assisted in the reconstruction of commercial districts.

In collaboration with Mott Haven neighborhood strategies project, SOBRO has been successful in training residents and placing them in jobs with businesses in empowerment zone areas. SOBRO also provides business training and technical assistance to minority entrepreneurs. It has also established a credit loan program to facilitate financial services, including loans for small businesses.

In addition, by forming partnerships with local businesses and area high schools, SOBRO has succeeded in providing valuable internship programs and part-time jobs for high school and intermediate school students. The organization also trains adults in many skills including cable installation, computer repair, home health care, customer service, and building maintenance.

Moreover, SOBRO has assisted in the transformation of abandoned buildings into affordable housing and commercial space. It currently has many projects underway, including the reconstruction of a 60-unit housing project for people living with AIDS. In addition, SOBRO has been successful in renovating Bruckner Boulevard, which has attracted many artists, antique shops, and other businesses to the area.

Changes in the welfare law are placing greater constraints on organizations like SOBRO that. are trying to assist people in need. Despite this, SOBRO has continued to provide quality services to low-income South Bronx residents and to attract businesses to the area.

Mr. Speaker, it is an honor for me to recognize SOBRO for it 25 years of achievements, training and educating the youth, spurring economic growth, and beautifying our South Bronx congressional district.

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## TRIBUTE TO MARIE HAFF

### HON. ELLEN O. TAUSCHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 24, 1997*

Mrs. TAUSCHER. Mr. Speaker, I rise today to extend my heartfelt congratulations to my constituent, Marie Haff, on her birthday. This past June 29, 1997, Marie Haff turned 80 years young.

Marie Haff, a resident of Pleasanton, CA, is a strong believer in family, hard work, and education. She is the proud mother of three daughters, grandmother of nine children, and great grandmother of three. Although Marie officially retired in 1982 from her job, manager of Northern California Credit Bureaus, she certainly has not stopped working. Currently, she is a trustee emeritus of Western Management Institute of Washington, DC, and serves as executive secretary of Associated Credit Bureaus of California. In addition to this already busy schedule, Marie attends classes at the local college, and last year at the age of 79, set out to conquer the information age by obtaining her first computer.

For many years Marie has served as a volunteer for local charities. She is active in promoting womens rights, and chaired the national committee which wrote the Equal Credit Opportunity Act, giving women the right to have their own credit records. For her efforts she has received many awards, including the Soroptomist Woman of the Year Award, International Credit Association Outstanding Leadership Award, and the Distinguished Service Award, California Department of Consumer Affairs.

I am proud to know Marie Haff. I offer her my warmest congratulations, and best wishes for all the years ahead.

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## TRIBUTE TO LT. COL. DANIEL R. CUNNINGHAM

### HON. JOHN P. MURTHA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 24, 1997*

Mr. MURTHA. Mr. Speaker, I rise today to inform the Congress of the immminent retirement of Lt. Col. Daniel R. Cunningham, a truly outstanding soldier in the U.S. Army. He has served this Nation faithfully and honorably for more than 26 years. Lieutenant Colonel Cunningham is most deserving of our tribute. His career accomplishments reflect the type of military leader this Nation has depended upon for over 200 years during peace and war. I would like to take a few minutes to outline Dan's career milestones.

On May 9, 1971, as a distinguished military graduate from the Gonzaga University's Reserve Officers Training Corps Program, he was commissioned a second lieutenant in the infantry, Regular Army. For the next 7 years, he served in a number of troop-leading assignments that took him to the 9th Infantry Division, Fort Lewis, WA, the 3d Infantry Division, Kitzingen Germany, and the Infantry School, Fort Benning, GA.

While in Germany, he commanded a mechanized infantry company and served as the infantry battalion's principle staff officer for logistics. Following his tour in Germany, he attended military schools and completed a masters degree in business. After schooling, Dan's career turned toward military comptrollership and resource management. As a comptroller, he served in the Ballistic Missile Defense Advance Technology Center, Huntsville, AL, and at Headquarters Forces Command, Fort McPherson, GA. A highly successful comptroller, Colonel Cunningham went back to troops serving as an infantry brigade adjutant and an infantry battalion executive officer in the 25th Infantry Division, at Schofield Barracks, HI.

The last 7 years of Dan's career have been spent in the Pentagon with the exception of 7 months duty in Saudi Arabia with the 22d Support Command and Army Central Command during Desert Storm. For the past 5½ years he has served with distinction as the Army's liaison to the Appropriations Committees. Colonel Cunningham dilgently and successfully worked budget submissions and resource issues through seven legislative cycles. During that time he has accompanied me on countless trips to almost every trouble spot in the world from the hunger and violence of Somalia and Haiti, to the destruction in the Balkans. This officer was always on top of the issues of the day, and could always be relied on to insure the Congress got the right information.

Lieutenant Colonel Cunningham's awards include the Legion of Merit, five awards of the Meritorious Service Medal, two awards of the Army Commendation Medal, and two awards of Army Achievement Medal, the Southwest Asia Service Medal with Bronze Service Star, the Kuwait Liberation Medal, the Parachute Badge, the Air Assault Badge, and the Army Staff Badge.

Mr. Speaker, it is a great honor for me to present the credentials of Lieutenant Colonel Cunningham before the Congress today. It is clear through his stated and unstated accomplishments for his country that he has been a man who daily dedicates himself to the peace and freedom we enjoy as a nation today. All his actions reflect a true leader with a clear sense of purpose, conviction, and conscience of service to his Nation. We wish him continued success in his future endeavors.

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## RABBI AND MRS. SCHWAB HONORED BY TEMPLE SINAI

### HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 24, 1997*

Mr. GILMAN. Mr. Speaker, I am pleased to honor two remarkable residents of New York's 20th District. Rabbi Joel Schwab and Aviva Schwab of Orange County, NY, are, and have for years been, exemplary community leaders. So much so that they have been designated "Distinguished Members of the Year" by Temple Sinai in Middletown and will be honored at a luncheon on October 26.

Rabbi Schwab has served 15 years as rabbi of Temple Sinai. But his commitment to the Greater Middletown community goes beyond his rabbinical duties. The Jewish Family Service of Orange County was cofounded by Rabbi Schwab. He has been involved with numerous local organizations, many of which he is still actively involved with today. These include the Jewish Federation of Orange County, the Hebrew Day School of Orange County, Interfaith Council of Greater Middletown, the Emergency Housing Group, Middletown Psychiatric Center, and the Rabbinical Assembly of America, Mid-Hudson region. Rabbi Schwab has also served members of the Jewish faith while acting as chaplain at the Mid-Hudson Psychiatric Center, as well as serving on the clergy committee of Horton Hospital.

Mrs. Schwab, wife of Rabbi Schwab, has served in a significant role in the education of children of Orange, Rockland, and Dutchess Counties. The Systematic Training for Effective Parenting [STEP] has been of particular importance to her as she brings these STEP workshops to parents throughout the Hudson region. Her work with the David Moore Heights Children's Library and the Hebrew Day School of Orange County have added to his ongoing legacy of supporting education. Mrs. Schwab's work for the Jewish community has been outstanding. As a lifetime member of Hadassah, the temple shul crier, director of the High Holiday Sitting Service and Shabbat Morning Sitter Service, and member of Temple Sinai's Sisterhood, Women's American ORT, and the Jewish Federation of Orange County Aviva has selflessly given of herself to her community.

Mr. Speaker, Rabbi Joel and Aviva Schwab have clearly dedicated their lives on behalf of their community. Middletown and the entire 20th District are proud that these two outstanding citizens are such good neighbors.

I invite my colleagues to join in congratulating the Schwabs for their devotion to their community.

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## 150TH ANNIVERSARY OF THE PUBLICATION OF THE FIRST MERRIAM-WEBSTER DICTIONARY

### HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 24, 1997*

Mr. NEAL of Massachusetts. Mr. Speaker, I rise today to pay tribute to Merriam-Webster, Inc., who, today celebrates the 150th anniversary of the publication of its first dictionary. In the early 19th century, Noah Webster created the original work that laid the groundwork for the Merriam-Webster dictionaries of today. However, it was the initiative of two brothers, George and Charles Merriam, that established Merriam-Webster dictionaries as the standard.

In 1831, George and Charles Merriam opened a printing and book selling operation in Springfield, MA. G. and C. Merriam Co., later renamed Merriam-Webster in 1982, inherited the Webster legacy by revising and updating Webster's dictionary after his death in 1843. From that day on, the two brothers continued to uphold Webster's integrity and style and incorporated Webster's mastery into their own editions. In keeping with the Webster tradition, the Merriam brothers selected Chauncey Goodrich, Webster's son-in-law and literary heir, and William Webster's son, to serve as editors of the first Merriam-Webster dictionary.

President James K. Polk, several U.S. Senators, and many other prominent people regarded the first Merriam-Webster dictionary as a great resource for all. By 1850, it became a resource for students across the country and continues to be America's most trusted authority on the English language. Today, Merriam-Webster reference products are found in every office, home, and school. These products serve the global community and are acknowledged with much prestige.

For the past 150 years Merriam-Webster, Inc., has maintained a staff that embodies character and standards formulated by Noah Webster and the Merriam brothers. This philosophy continues to be the driving force behind the company, which today boasts the largest group of lexicographers in North America. This knowledgeable and experienced staff has and will continue to ensure that the style, voice, and integrity of its founding fathers continues into the future.

Mr. Speaker, I am proud and honored to have Merriam-Webster be a part of the Second Congressional District in Massachusetts. I ask my colleagues to join me today in congratulating Merriam-Webster, Inc., on the occasion of its 150th anniversary of its publicized dictionary.

## HONORING STAN MARSHALL

### HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 24, 1997*

Mr. KILDEE. Mr. Speaker, I rise today to urge my colleagues in the U.S. House of Representatives to join me in paying tribute to an outstanding individual, Mr. Stan Marshall. Mr. Marshall is being honored by United Automobile Workers Local 599 with the dedication of the Stan Marshall Union Hall on Saturday, September 27, 1997, in my hometown of Flint, MI. I am particularly pleased with this designation since UAW Local 599 was my father's local.

Stan Marshall is a giant in the labor movement. His career with Buick Motor Division began in 1950 working on the assembly line. He began working with the United Automobile Workers as an alternative committeeman and quickly moved to the positions of committeeman, shop committeeman, and chairman of the shop committee. Stan was appointed to the International Union staff in Region 1C in 1977. In 1983 he was elected to the United Automobile Workers International Executive Board as the director of Region 1C.

After two terms in this position Stan was elected as the United Automobile Workers vice-president in June, 1989. In this capacity he headed the union's Chrysler Department, the National Organizing Department, the General Dynamics Department, the foundry department, and the technical, office and professional department. He served in this position until his retirement in 1995.

Stan Marshall has been a major influence in the Flint community. In addition to his duties with the United Automobile Workers, Stan has devoted numerous ours working for the betterment of everyone. He has been active with the American Red Cross, the March of Dimes, the United Way for Southeastern Michigan, the Metropolitan Detroit AFL–CIO, the Metropolitan Affairs Corp., the Economic Alliance of Michigan, and the Delta Dental Plan of Michigan. He is also the father of seven children.

Mr. Speaker, it is an honor to rise today to pay tribute to an individual as special as Stan Marshall. His outstanding leadership abilities and communication skills have served the members of the United Automobile Workers well. He is an inspiration to me and many other individuals. I treasure his friendship and value his advice. I know that by naming this great facility in his honor his union brothers and sisters are expressing their gratitude for his selfless dedication to our community.

## A TRIBUTE TO ONE OF MY DEAREST FRIENDS, THELMA PAULINE MILLER—MAY SHE REST IN PEACE

### HON. GLENN POSHARD

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 24, 1997*

Mr. POSHARD. Mr. Speaker, I would like to pay tribute to one of my dearest friends, Thelma Pauline Miller. She passed away on July 27th, leaving a legacy of kindness and consideration that will be remembered by all who knew her. Pauline was not just a great friend of mine, but a friend to the entire community of Herrin, IL. Born on January 23, 1918 in Brookport, IL, Pauline was married for 43 years to Carl Miller, who served as Williamson County Sheriff. Carl preceded her in death as did her parents, Bryan and Clara Johnson, and her sister Geraldine Burgoon.

Pauline touched many people through her devoted work to numerous causes. She was never afraid to roll up her sleeves and get the job done, contributing her time to the Business and Professional Women's Club, Win One Class, First Christian Church in Herrin, and the Veterans of Foreign Wars Auxiliary and Eagles Auxiliary. She was also active in politics, serving as a Democrat State central committeeman and as Williamson County chairwoman. Professionally, Pauline worked for the Department of Unemployment for 12 years.

Pauline will be remembered by many people whose lives she graced over the years. She is survived by a loving family, including her daughter Linda, son, John, brother Howard Eugene, five grandchildren, and two great grandchildren. May God bless her family, and I know that the spirit with which she lived her life will be with us for some time to come.

## FOOD SAFETY

### HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 24, 1997*

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, September 24, 1997, into the CONGRESSIONAL RECORD.

IS YOUR SUPPER SAFE? U.S. FOOD SAFETY POLICY

Many Hoosiers have asked me if the food we eat is safe. Recent news reports on tainted hamburger, contaminated fruits and vegetables, and the impact of microbes on certain fish have renewed concern about the safety of our food supply. People are paying closer attention to food safety, and they are demanding that government and industry deal with those threats.

We continue to have one of the safest food supplies in the world. Publicity about contaminated food is one side-effect of a safer food supply—scientists are better-equipped to identify, trace, and warn consumers about possible risks. At the same time, our enormous food production chain can spread foodborne disease faster and farther than ever before. Food is often processed in huge factories in one state and shipped and eaten by individuals around the country, with plenty of opportunities for mishandling along the way.

Many of these food dangers are difficult to detect. E. Coli, salmonella, and other threats continue despite stronger meat inspection procedures. Vast amounts of imported foods treated with pesticides are entering U.S. markets uninspected. Several steps are needed to improve food safety.

EDUCATION

We need better consumer education. The most important step consumers can take is to prepare foods correctly. Fruits and vegetables should be washed thoroughly. Ground beef should be heated thoroughly to kill E. Coli and other bacteria. Poultry and eggs should be cooked fully to avoid salmonella, and surfaces that come into contact with raw poultry should be immediately cleaned. In fact, the number one cause of salmonella is preparing fruits and vegetables at home on surfaces that have been in contact with raw poultry. USDA offers free advice on safe food preparation on a toll-free hotline (1–800/535–4555).

SAFER PESTICIDES

We should make pesticides safer. Since World War II, agrichemicals have been a key factor in U.S. agricultural productivity—controlling weeds and insects, and boosting crop yields. Yet by definition pesticides are toxic and can pose health risks. The Environmental Protection Agency (EPA) decides which pesticides can be used, but hundreds of pesticides were approved long before we had the technology to assess their risks. It is estimated that these older pesticides constitute 90% of the dietary risk facing the public. Last year Congress reformed pesticide laws to encourage EPA to balance the risks and benefits of newer pesticides. This change should accelerate approval of safer pesticides to replace older ones.

BETTER INSPECTION

Government food inspection, which is currently divided between the Food and Drug Administration (FDA) and the U.S. Department of Agriculture (USDA), can be improved. Questions have been raised about illegal pesticides on the market; enforcement against violators has not been strong enough, and FDA tests less than 1% of food shipments. FDA inspections should be strengthened.

Meat and poultry sold in the United States must be inspected by USDA. Meat inspection legislation, which dates back to 1906, is far stricter than the FDA's rules for other foods. Each and every slaughtered animal is inspected by a federal inspector for visual contamination. If USDA has reason to believe a food or processing plant is unsanitary, it can suspend federal inspection—which amounts to shutting the plant down. USDA has used this authority to encourage companies to recall risky products and to insist on changes in processing methods. USDA does not currently have the authority to order a recall by itself.

In 1996, USDA began a program to modernize its meat inspection techniques. The old system, sometimes known as "poke and sniff", relied largely on sight, smell, and touch. While the system has worked reasonably well, it is not so effective at detecting invisible pathogens such as E. Coli. The new Hazard Analysis and Critical Control Point (HACCP) system will use scientific testing at a series of key points in meat processing. Inspectors will be better able to locate problems before they contaminate large amounts of food. The completed HACCP system should greatly increase our ability to prevent food contamination.

### ANIMAL AND PLANT RESEARCH

We should increase research on the causes and cures of food contamination. Animals are natural carriers of bacteria, but research indicates that certain feeds or antibiotics may greatly reduce the amount of harmful bacteria that are produced. New farming techniques and genetic research also offer new ways to reduce the use of pesticides. Some researchers, for example, have identified "good" bacteria that kill E. Coli inside a living animal. Others have developed crops with their own natural pesticides—reducing chemical risk and the cost of production. Congress should devote more attention to research aimed at preventing food-borne diseases.

### IRRADIATION

One technique gaining attention is food irradiation. Low doses of gamma rays can kill pathogens and extend shelf-life dramatically. The FDA has approved irradiation for pork, poultry, and produce. A similar proposal for beef is pending. Irradiation does not make food radioactive. It does not change a product's appearance or taste. Many hospitals serve irradiated foods, as do more than 40 countries. Irradiation has been deemed safe by the American Medical Association, the American Dietetic Association, and the World Health Organization. Yet consumers are reluctant to buy irradiated food, and food processors have not widely adopted irradiation. Some consumer groups argue that irradiation is more costly than improving production practices. Irradiation can also kill "good" bacteria, which often help digestion or fight other diseases. However, irradiation appears to be an effective way to increase food safety. We should increase research and consumer knowledge about this important technique.

### CONCLUSION

Helping to ensure a safe and healthy food supply is one of government's fundamental responsibilities. Current policies have succeeded by providing a relatively safe food supply at a reasonable cost. Proper food preparation is the most important step, but consumers have a right to demand a more modern system. With common sense and new technology, the United States should continue to have one of the safest food supplies in the world.

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## CONGRATULATIONS TO THE REVEREND DR. ROBERT LOWERY

### HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 24, 1997*

Mr. VISCLOSKY. Mr. Speaker, it is my great pleasure to congratulate the Reverend Dr. Robert Lowery on the 40-year anniversary of his dedicated service to St. Timothy Community Church in Gary, IN. Dr. Lowery will be honored by St. Timothy Church during a 3-day anniversary celebration, which will include a gala banquet to be held at St. Timothy Community Church on Saturday, September 27, 1997, at 6 p.m. The banquet, which is entitled "A Tribute: The Man and His Message," will be in honor of Dr. Lowery's service to his parish, as well as his demonstrated commitment to improving the communities of northwest Indiana.

On September 27, 1957, Dr. Lowery began his ministry at St. Timothy Community Church as an interim pastor armed with several degrees and an enthusiasm for serving the community. With a masters of divinity from Garret Theological Seminary and a doctorate of ministry from Chicago Theological Seminary, Dr. Lowery was well prepared for the self-defined role he would accept to spiritually guide, sustain, and shepherd the members of his parish and community. Since his arrival at St. Timothy Community Church, Dr. Lowery has devoted his time to providing guidance and training for the youth of northwest Indiana, planning and supporting positive urban initiatives, and addressing crucial issues related to education, health care, crime, and teenage pregnancy.

Dr. Lowery has carried out his youth-, education-, and urban-development-oriented agenda through his voluntarism with a number of prominent community service organizations. Currently, Dr. Lowery serves on the board of directors for the Northwest Indiana Boys and Girls Club, an organization which provides educational, social, and recreational services for young people, supports the Marion Home, a residential facility for young pregnant women, and is a Scoutmaster for Gary Boy Scout Troop 53. Through his work with such distinguished organizations as the Gary Educational Development Foundation and the Northwest Indiana Urban League, he has been instrumental in structuring a comprehensive framework for educational programs, which divert the energies of youth into productive activities. Dr. Lowery has also aided urban development during his tenure as an executive board member for the Northwest Indiana Urban League, Referral Emergency Services, and the Lake County Mental Health Association. In addition to faithfully serving numerous other organizations, Dr. Lowery holds an associate professorship at Indiana University-Northwest, where he teaches in the area of church society and psycho-dynamics of minority problems.

Over the years, Dr. Lowery has been recognized by a number of institutions for his outstanding commitment to northwest Indiana communities. As a result of his theological and humanitarian efforts, he was awarded an honorary doctorate of humane letters from Purdue University-Calumet in 1996, and an honorary doctorate of divinity from the Chicago Theological Seminary in 1991. In addition, he has received countless awards for his community service efforts from such organizations as the Boy Scouts of America, the NAACP, the March of Dimes, and the Lake Area United Way. Some of the more prominent service honors bestowed upon Dr. Lowery include the 1990 State of Indiana Sagamore of the Wabash Award, the 1996 Calumet College St. Joseph the Worker Award, and the 1997 Indiana University-Northwest Chancellor's Medallion Award Citation.

Mr. Speaker, I ask you and my other distinguished colleagues to join me in commending Dr. Lowery on his outstanding accomplishments during his 40 years of service to St. Timothy Community Church and its surrounding communities. His wife, Josephine Mathews-Lowery, and their daughters, Gay Marlene Lowery, Lynn Michele Lowery-Darby, and Jan Avis-Lowery, should be proud of his efforts, as his leadership has served as a beacon of hope throughout the Gary community. Dr. Lowery's devotion to improving the quality of life for the people of Indiana's First Congressional District is truly inspirational.

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## TRIBUTE TO MR. JAMES ROUNDTREE

### HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 24, 1997*

Mr. SERRANO. Mr. Speaker, I rise to pay tribute to Mr. James Roundtree, an individual who is dedicated to helping others in the South Bronx community.

Mr. Roundtree is currently the director of St. Benedict the Moor Neighborhood Center, a grassroots organization which provides assistance to people living with AIDS and with substance abuse problems.

At the center, located on St. Ann's Avenue, hot meals are served to 200 people a day, 5 days a week. The center also provides referrals to medical facilities, housing, and 12-step programs for victims of substance abuse problems.

The center is funded in part by donations. Some of the center's staff are paid by the national Americorps Program; however, many workers are volunteers.

Mr. Roundtree became the director of the center after Rev. Roger Ciglio, the founder of the program, passed away in 1990. Once a patient of the center himself, Mr. Roundtree has been committed to giving back to those in need.

Over the past 7 years, Mr. Roundtree has been a friend, a counselor, and an inspiration for many who, like him, have been victims of substance abuse.

Mr. Roundtree says that he does not give up on anybody. He knows first hand the difficult challenges faced by recovering victims.

St. Benedict the Moor Neighborhood Center formed a coalition with St. Ann's Church, Public School 30, and the Parks Council, to revitalize the area surrounding the center—the Mott Haven community. The coalition created a garden from 139th to 140th Street. Recovering patients take part in a gardening program as part of their therapy sessions. The garden is now visited by students and families with children. It is also the home for summer jazz concerts.

Mr. Roundtree may leave the center because of health reasons. His contributions to the community have not gone unnoticed and will not be forgotten. They are encouraging to the many individuals he has helped and for those who may follow in his footsteps.

Mr. Speaker, I ask my colleagues to join me in recognizing Mr. James Roundtree for his compassion and dedication to helping others in our South Bronx community.

## THE REOPENING OF THE BURLINGAME PUBLIC LIBRARY

### HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 24, 1997*

Mr. LANTOS. Mr. Speaker, it is my distinct privilege and honor to pay tribute to the Burlingame, CA, Public Library, one of the finest community institutions in our country. To me and to the thousands of Bay Area residents who have had the pleasure of using this outstanding facility, the importance of the Burlingame Public Library cannot be measured merely by its diverse collection of 239,000 books, nor its 400 periodical subscriptions, nor the beautiful Tuscan-style building which has housed these items since the days of the Great Depression; rather, the library is seen by all of us in terms of the memories amassed under the shadow of its beautiful tapestries. It is a place where our children learned to read, our high school students researched their first school reports, and our eyes were opened to limitless intellectual, educational, and creative pleasures.

Today, Mr. Speaker, I would like to pay tribute not only to this establishment's storied past, but to its glowing future. On October 4, 1997, more than 85 years after the people of Burlingame joined together to build their first public library, and after 8 years of dedicated planning, a new Burlingame Public Library will be dedicated by a justifiably proud and delighted community. The new structure will maintain the charm and elegance of the initial structure, while offering state-of-the-art facilities in line with the 21st century information age.

The grand tradition of the Burlingame Public Library came into being in the early 1900's as Burlingame experienced an influx of new residents from San Francisco and from other parts of the country. The creation of a new, free library in 1912 was one of many milestones in the town's growth. The library's first home was a former church building at Primrose and Bellevue, but this small structure was soon made obsolete by the continued growth of Burlingame's population. In 1930, construction began on a new Burlingame Public Library.

Designed by Col. E.L. Norberg, a longtime Burlingame resident, the new building was erected in a romantic style which evoked images of Tuscan villas and monasteries. Norberg's beautiful creation would serve Burlingame for over six decades as a cultural and literary center, a community gathering place, and a second home to thousands of students exploring its first rate academic collections. As Burlingame grew so did the library, and new additions were dedicated in 1960 and 1972. By the mid-1980's, the success of the Burlingame Public Library prompted calls for even more significant improvements to the building's structure, foundation, and technological facilities.

With the full support of the community, the process of planning and organizing the library's reconstruction soon began in earnest. This operation was led by Burlingame's skilled city librarian, Mr. Al Escoffier, along with an able library board, a wonderful staff, and untiring volunteers. Financial backing came from throughout Burlingame, most notably from two devoted sources: The Friends of the Library, which has been raising funds for the library for over four decades, and the Burlingame Library Foundation, organized in 1994 to collect moneys for furnishings and technology in the new space. These dedicated groups provided vital assistance during years of preparation and design study.

Group 4/Architecture, Research and Planning, Inc., one of northern California's most distinguished architectural firms, was selected to formultate a plan for the new library. The product of its labors was masterful, a blueprint for renovation that would merge the timeless beauty of Norberg's original composition with the requirements for expansion and modernization. Group 4's construction partners, Richard Sampson Associates, Inc., of Pleasanton and Dennis J. Amoroso Construction Company, Inc., of San Francisco joined to make this outstanding plan a reality.

Today, after 8 years planning, 17 months of construction, and an investment of $10 million, the splendid Burlingame Public Library is about to be reopened to the community. The building's original style has been maintained, as the two 1930's wings remain intact and other important details, such as the authentic wood windows and solid oak tables and chairs, are still there. While the essence of Norberg's creation will continue to be a Burlingame landmark for generations to come, the new library has nearly doubled in size, from 26,100 to 47,300 square feet, and its foundation has been reconstructed to flex in a seismic event. It will offer over 50 computer terminals to speed and simplify information access for both children and adults. The new library will even have available a new service, self check out, which will make taking out books as easy as obtaining money from an ATM machine and make lengthy lines at check-out counters obsolete. It is truly a community institution for the 21st century.

Mr. Speaker, I ask my collegues to join me in congratulating the people of Burlingame on the opening of their new library, and in commending the tireless community activists who brought this dream to fruition.

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## IN HONOR OF THE REVEREND WILLIAM AUGUSTUS JONES, JR.

### HON. CHARLES E. SCHUMER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 24, 1997*

Mr. SCHUMER. Mr. Speaker, I rise today and ask my colleagues to join me in paying tribute to the Reverend William Augustus Jones, Jr., pastor of the Bethany Baptist Church.

Pastor Jones came to Brooklyn in 1962. Within 5 years he had led a congregation to the building of a neogothic edifice now known as the Bethany Baptist Church. Under his masterful direction, and with the help of a full-time 27 member staff, the church conducts a multifaceted program to the community which includes outreach ministries via national radio and television.

Pastor Jones has served as national chairman of SCLC's Operation Breadbasket and as a member of the general council of the Baptist World Alliance. He was former president of the Progressive National Baptist Convention and founder of the National Black Pastor's Conference. In 1972, he was the recipient of the prestigious Frederick Douglas Award presented by the New York Urban League. For many years now he has been recognized by a number of distinguished organizations and awarded a variety of accolades, including, in 1996, a doctor of literature degree by the Evangelical Reformed School of Theology in Toledo, OH.

In addition to his clerical duties, he finds time to educate by serving as a visiting professor at a number of theological seminaries. He has also found time to pen such works as, "The Black Church Looks at the Bicentennial, Responsible Preaching" and "The African American Church: Past, Present and Future."

I urge my colleagues here today to join me in recognizing this outstanding individual, Pastor Jones, who has dedicated his life to the spiritual enhancement and educational improvement of the community. I wish to thank you, Pastor Jones, for sharing your gift with us all. Also, for showing us that a wholly spiritual life is indeed a fulfilling life.

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## TUNING IN TO COMPETITION

### HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 24, 1997*

Mr. BARCIA. Mr. Speaker, 18 months ago the President signed into law, the Telecommunications Act of 1996. Since that time, many people have complained that the competition that was supposed to develop hasn't yet materialized. While it's true that there hasn't been as much competition as those of us who supported the bill would have hoped—for example, not a single Bell Co. has been allowed to compete in the long-distance business—telephone companies are definitely providing competition in those areas where they are permitted to compete.

Monday's Wall Street Journal reported on competition in the delivery of cable television service, and detailed how customers have benefited from Ameritech's entry into that market. Customer service has improved. Innovative packaging of services has increased. Competition is serving the customer just as we knew it would.

Ameritech has already opened up its local market to competition. Local phone subscribers in Michigan have the ability to change their telephone companies, and many are doing so. Now it is time for the FCC to learn from success and open up competition in long distance, so that all the benefits of the 1996 act are available for the American people. I commend this article to our colleagues and to anyone who believes that competition hasn't materialized. Ameritech is leading the way. Let us encourage the FCC to follow.

[From the Wall Street Journal, Sept. 22, 1997]

### IT'S THE PHONE MAN AT THE DOOR—AND HE HAS A DEAL ON CABLE TV—AS COMPETITION BREAKS OUT, A TRAVELING SALESMAN FINDS A JADED AUDIENCE

(By Bryan Gruley)

ST. CLAIR SHORES, MI.—On a quiet street of neat frame houses, soaring oak trees and fluttering U.S. flags, William Kline stands in his driveway talking about cable television.

Actually, he's yelling.

The 73-year-old retiree is furious with his cable provider, Comcast Corp. "They raise the damn prices whenever they want," he says. He also hates the programs. "Who wants to watch that crap? Who wants to watch 'The Simpsons?' " And he is no fan of the customer service, either.

Listening patiently is Thomas Roland, a fresh-faced young salesman who hopes to persuade Mr. Kline to dump Comcast and switch to Ameritech New Media, a unit of Ameritech Corp., the Chicago Baby Bell. "It sounds like you're pretty upset," Mr. Roland says. "If you don't like the way your cable company has treated you, that's why we're here."

Something alien to most Americans is emerging in the suburbs of Detroit; head-to-head competition for cable-TV service. Telephone giant Ameritech is building cable systems and offering an alternative to consumers who have long had to live with the prices and service of a sole local provider—or go without cable. Mr. Roland and other salespeople in brick-red Ameritech jackets scurry door-to-door bearing gifts in black shoulder bags: Coupons for $10 monthly discounts. Free premium channels and installation. Round-the-clock customer phone lines. Nifty on-screen TV listings and high-tech remote controls.

They are looking for people like Duane Lamers, a retired school administrator who buys cable service from the local system of Tele-Communications Inc., of Englewood, Colo. "I've been chomping at the bit," he says, ushering Mr. Roland into his home in suburban Troy, Mich. "Anything's better than what I've got now."

Sitting at his kitchen table, Mr. Lamers signs up with American and lists the beefs he has with TCI. "The slightest weather change and I end up with three or four snow channels," he says, Outages always seem to interrupt his favorite show, the NewsHour With Jim Lehrer, he says, and he has given up trying to get service restored quickly. Mr. Roland commiserates: "That's what I've been hearing from other people."

#### "I'VE GOT THE EDGE"

Ronald Hargreaves, 69, chose to stay with TCI but figures he gained anyway. Soon after Ameritech launched service in Troy. TCI gave him a local sports channel free. (TCI says it was contractually required to do so.) "Now I've got the edge," the hardware-store worker says. "You can either give me service or I can go someplace else with my $30 a month."

That is precisely what was supposed to happen as a result of last year's telecommunications law. But cable remains a monopoly in most cities, mostly because the big phone companies that were expected to challenge it prefer to focus on their core business. Some small towns have built rival cable systems, and other tiny pockets of competition have sprouted. But cable operators control 87% of the U.S. multichannel video market, the Federal Communications Commisson says.

Ameritech is the big exception. With cable franchises in more than 50 cities in Michigan, Ohio and Illinois, the Baby Bell is wooing longtime customers of Comcast, TCI, Time Warner Corp. and other cable giants. Ameritech says it signs up one of every three households it approaches, more than expected when it began service last year. The launch is expensive; Ameritech doesn't expect cable to show profit for several years.

#### NO SHORTCUTS

But Richard Notebaert, Ameritech's chairman and chief executive, says offering cable TV is part of a long-term plan to deliver a single bundle of voice, video and data services into homes. "There are no shortcuts," he says. "You have to commit resources and find out if your model works. Ours is working very well."

As Ameritech captures some customers and incumbent providers win back others, competition expands the Michigan cable market, the companies agree. Ameritech says as many as 8% of its subscribers didn't take cable before. And monthly subscriber charges for MediaOne, the cable arm of Denver-based US West Media Group, have grown about 20% in Canton Township, Mich., during the past year even as Ameritech added 1,700 subscribers, according to the companies and reports filed with the township.

Customers are gaining, whether they switch or not. Where Ameritech now competes, incumbent providers have offered better deals, added free channels and improved customer service. Incumbents say they planned some of these enhancements long before Ameritech arrived but acknowledge they are more aggressive in competitive cities.

In St. Clair Shores, a blue-collar enclave northeast of Detroit, Comcast bills include a vow to "meet or beat any price." MediaOne started giving customers the HBO channel free—a $9.69 per month value—in return for one-year commitments to its service. MediaOne also rolled out its popular high-speed Internet-access service where Ameritech offers cable.

In Troy, north of Detroit, hardwood-floor salesman Glenn Lanctot is stunned to find Lisa Kocsis, TCI's local marketing coordinator, at his front door asking if he has any problems with TCI. She says she recently started this door-to-door campaign because "I think people need to know we care how their cable picture looks." A TCI technician waits nearby in a pickup truck, ready to sharpen a fuzzy picture or repair a faulty remote.

A cable line has fallen in Mr. Lanctot's backyard. "I called like a couple of weeks ago and never heard from you," he says. Ms. Kocsis apologizes and promises to have the problem fixed "in the next 24 hours." She hands him a book of coupons worth $100 and one of her personal business cards. Mr. Lanctot looks incredulous. "Call you if I have a problem?" he says. "Call me," she insists.

Down the street, dentist James Nassar just laughs when Ms. Kocsis introduces herself. "You're running scared," he says. But he adds that he is happy with TCI and doesn't want to change.

Changing cable service isn't as simple as, for example, switching long-distance phone companies. Although a new provider can use old wiring inside the house, a new connection is needed outside. Consumers also must learn to use new remote-control devices and channel lineups.

Incumbents say their service is more appreciated now that comparisons are possible. But it is clear that Ameritech gets under their skin. Helen Brodie, a MediaOne vice president for marketing, says Ameritech discounts are "misleading" because they are temporary and "disruptive to companies that are trying to run themselves in a sound manner; we have shareholders." John McNeel, general manager of TCI's local system, dismisses Ameritech's practice of equipping installers with vacuum cleaners. "We prefer that our technicians don't make messes to begin with," he says.

#### FOUR-CENT DEAL

Consumers greet Ameritech with a mixture of delight, befuddlement, pent-up anger—and smarts. Leo Freckelton, an Ameritech installation manager, laments his uncle's refusal to switch to Ameritech, "He's the only one in the family who hasn't," Mr. Freckelton says. Instead, his uncle has used Ameritech offers to wangle better deals from Comcast. "I think [Comcast] is beating us by four cents" a month, Mr. Freckelton frets.

Some just want something new. David Kincaid, a machine-shop worker in Troy, was spending more than $70 a month with TCI. "I don't know what I'm going to pay for Ameritech, but I want something to compare," he says. Pushing a button on Ameritech's interactive remote, he orders an episode of "The Brady Bunch," already in progress. A plot-summary box appears in a corner of the screen: "Jan makes promises she can't keep in order to win a popularity contest," Mr. Kincaid smiles. "Cool," he says.

But change comes hard, even for some—such as Mr. Kline of St. Clair Shores—who say they are displeased with their provider. Mr. Kline is so upset with Comcast that he cuts off Mr. Roland's Ameritech sales pitch to extend his rant. " You came here and now you're gonna listen," he says. But when Mr. Roland finally offers a package that appears to be better than what Comcast gives Mr. Kline, the man scoffs. "You're priming the pump," he says, "You'll get it back from me in the long run."

Having failed to make the sale, Mr. Roland shakes his head. "Some people don't realize that competition is going to change things," he says. "It's their mindset that [cable TV] is a monopoly, and they don't really understand competition."

Mr. Roland, who just turned 24, wears an earnest smile and keeps his red hair neatly combed. This is his first job since college, and he says he loves it, because "I get to talk to people and set my own hours." On a good day he adds five or six subscribers; his record is 14. His salary and commissions let him afford a new Acura coupe and season tickets to Detroit Red Wings hockey games.

#### PEER PRESSURE

He spends afternoons and evenings knocking on doors and juggling follow-ups on his cell phone and pager. "A lot of people turn me away and then all their neighbors sign up and then they call me," he says. Not everyone welcomes him, though. One man told Mr. Roland "If I didn't get off his property, he was going to shoot me."

One afternoon in Troy, Mr. Roland lobbies Donald Boisvenue, a computer specialist who slumps in his front door in cutoff jeans and a sweatshirt, looking bored. Mr. Roland shows him a picture of Ameritech's on-screen channel guide. "That doesn't impress me much," Mr. Boisvenue says. Mr. Roland explains how the remote makes it easy to program a VCR. "Programming a VCR is no big whoop," Mr. Boisvenue says. Mr. Roland asks how much TCI charges. "They're too expensive," Mr. Boisvenue says, "but you guys are going to be the same." Mr. Roland leaves a brochure and heads to the next house. "Not good," he says.

An hour later, though, a voice-mail message from Mr. Boisvenue asks him to return. Sitting in his family room, Mr. Boisvenue confesses that his wife saw Ameritech's brochure and demanded, "Why didn't you try this?" He says Mrs. Boisvenue is upset with TCI price increases, and now Mr. Boisvenue starts recalling things "that drive me crazy" about TCI. He signs up.

Back in his car, Mr. Roland phones Walter Bartels, 29, a human-resources professional. Mr. Bartels had complained two weeks earlier that Ameritech workers damaged his lawn while burying cable. The company's quick response so impressed him that he wants to cancel TCI and take Ameritech. Mr. Roland tells him his monthly bill will drop to $21 from $28, although it will climb to $31 after a one-year discount expires. Clicking off his cell phone, Mr. Roland says, "That's a success story; you should've heard the conversations we had the other day."

But two weeks later in St. Clair Shores, Downing Street is a downer for Mr. Roland. At house after house, people either aren't home or they say they are satisfied with Comcast. "I've never seen so many people happy with their cable service," he complains. Just then a Comcast van pulls up and Mr. Roland watches balefully as a technician trots up to a house. "They're giving everybody their new interactive box," Mr. Roland says. "Everything we're doing, they're copying." (Comcast says it decided to upgrade local systems three years ago.)

He finally gets to make a pitch in the living room of Robert and Evelyn Mutart. Like many older people, they aren't keen about the high-tech remote or on-screen guide. But Mrs. Mutart wonders whether the Disney Channel comes free. "Yep," Mr. Roland says, "You'll get it 24 hours a day." Mr. Mutart, a 73-year-old retired electrician, grins. "Yeah," he says, "I need the Disney Channel 24 hours a day." Mr. Roland leaves without making a sale—but the Mutarts subscribe several days later.

He has better luck on Blackburn Street. Norman and Joanne Graleski are intrigued by the remote's VCR-programming feature. "How long do we have to go to school to learn all this?" Mr. Graleski quips, His wife doubts that Ameritech really will cost less. "I'm sure after everybody commits to this, you'll jack up the price," she says. If so, Mr. Roland says, "there's nothing stopping you from going back to Comcast."

Finally, Mr. Graleski says he wants to switch. "You better not screw this up because it took me a year to figure this out," chides his wife, pointing at the VCR. "If it doesn't work out, *you* can call [Comcast] back."

The family next door interrupts a baked ham dinner to welcome Mr. Roland. "You made a sale before you walked in," says Fred Hawreluk, a bank official. "Just tell me what you've got and how much it costs."

While Molly the yellow Labrador sniffs Mr. Roland's leg, Mr. Hawreluk explains that he soured on Comcast over a billing dispute involving $8 a month, "It wasn't the money, it was the principle," he says. Still, he balks after scanning Ameritech's channel lineup: "I'm not sure we'll be getting everything we get from Comcast."

His wife shushes him: "We don't watch all of that stuff anyway."

Mr. Roland just smiles and asks if he can use the phone to schedule an installation.

## IN HONOR OF IRENE M. MORROW

### HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 24, 1997*

Mr. KUCINICH. Mr. Speaker, I rise today to honor Irene Morrow, who will receive an award this week for outstanding contributions to the Greater Cleveland community from International Services Center [ISC] in Cleveland, OH.

International Services Center is an agency that assists refugees, immigrants, and other newcomers to the United States to overcome social and economic barriers and adjust to a new culture and way of life. The organization is honoring four individuals this year for their exceptional work on intercultural and interracial issues. These individuals have been chosen because of their commitment to the community and their lifelong achievements which reflect the spirit and the mission of ISC.

Ms. Morrow worked in public service from 1964 through her retirement in 1989. She served as deputy auditor in charge of Cuyahoga County payrolls for 8 years. She spent the next 17 years serving as personnel administrator and secretary of the Civil Service Commission for the city of Cleveland. Upon her retirement from civil service, she embarked on another career in food management and service.

Ms. Morrow has been involved in numerous community organizations and associations. She was elected as executive secretary of the Association of Polish Women in 1975. She has served as executive secretary and treasurer of the American Nationalities Movement ever since 1978. Ms. Morrow had the distinction of being elected the first woman president of the Republican Ripon Club. In addition, she serves on the boards of several other community organizations, including International Services Center.

Ms. Morrow has been well recognized for her work in the community. Her list of awards and honors includes: 1 of the 40 outstanding Ohio Women Achievers, presented by Barbara Bush; Polish Person of the Year, presented by the Polonia Foundation; Member of the Year, offered by the American Nationalities Movement; and Appreciation Award from the United Hungarian Societies. Both Mayor Ralph Perk and Mayor George Voinovich have presented Ms. Morrow with Keys to the City Awards.

My fellow colleagues, please join me in congratulating Irene Morrow on a lifetime of wonderful work for the multicultural community in the Greater Cleveland area.

## LET'S ABOLISH THE TAX CODE

### HON. RON PACKARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 24, 1997*

Mr. PACKARD. Mr. Speaker, this afternoon I joined my colleagues, BILL PAXON, JOE SCARBOROUGH, Senator SAM BROWNBACK, and others to seriously discuss a repeal of the Tax Code. We agreed that the IRS and the Tax Code represent governmental arrogance at its highest level. It punishes the right things and rewards the wrong things. We need to shut down the IRS and put more money back into the hands of taxpayers.

Common sense tells me that the IRS is far too large and intrusive. Consider that the IRS has more than 136,000 employees, while the INS has only 6,500 border patrol agents. That's about 20 times more people to take our money than to protect our borders. That's simply outrageous. The time has come to abolish the IRS.

Mr. Speaker, improving the quality of life in America begins with letting families keep more of what they earn. In the last half century alone, the Federal Government's take from families has skyrocketed from only 5 to over 24 percent. Add taxes at the State and local level, and nearly half a family's take-home pay is spent just to keep government bureaucracies running. That's a sign of a nation headed in the wrong direction.

Lowering taxes returns power to where it rightfully belongs, out of the hands of government and into the homes of families. Today, I am pleased that our colleagues in the Senate have joined us in support of serious tax reform. I hope every American will support our crusade to put more money in the hands of hard-working taxpayers.

## THE GREEDY

### HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 24, 1997*

Mr. STARK. Mr. Speaker, a move is underway to let doctors force patients to give up their Medicare benefits so that a handful of doctors can charge them anything they want—without limit.

This is a gift to the greediest doctors in the nation.

Ninety-five percent of the Nation's doctors accept new Medicare patients and the Medicare fee schedule. The independent congressional advisory panel known as the Physician Payment Review Commission reports that this is comparable to the rate of doctors who are accepting new private, non-Medicare patients. In other words, there is no noticeable difference in access—ability to see a doctor—between Medicare and non-Medicare patients.

Doctors who accept Medicare and its fee schedule understand the Hippocratic Oath and the social compact in which society has paid hundreds of billions of dollars for the education and training and research that make American doctors special and in turn, these doctors accept the Medicare payment system.

But Congress is about to cater to the few who want more, more, more from people in their hour of illness.

The Employee Benefit Research Institute in its September, 1997 Issue Brief shows what a special gift this legislation will be to a few doctors who are out of step with their colleagues:

> Recent findings indicate that only between 4 percent and 6 percent of physicians accepting new patients were not accepting new Medicare patients. One survey found that between 1991 and 1992, the proportion of physicians not accepting new Medicare patients

increased from 4 percent to 5.9 percent (Lee and Gillis, 1994). The same survey found that between 1992 and 1993 the percentage of physicians not accepting new Medicare patients decreased to 4.7 percent. Surveys by the Physician Payment Review Commission (PPRC) also found that in 1993 less than 5 percent of physicians were not accepting new Medicare patients (Physician Payment Review Commission, 1994). The PPRC study concluded that the implementation of the Medicare fee schedule has not caused physicians to close their practices to Medicare patients.

## CONGRATULATIONS TO LA SIERRA UNIVERSITY

### HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 24, 1997*

Mr. CALVERT. Mr. Speaker, I take the floor of the House today to honor and pay tribute to one of the finest institutions of higher learning in my district, La Sierra University. La Sierra, located in Riverside, CA, has been chosen by the John Templeton Foundation for its 1997–98 honor roll of character-building colleges.

La Sierra is one of only eight colleges and universities in California to earn this distinction, which is given to academic institutions that emphasize character building as an integral part of undergraduate education. Selection was based on meeting five criteria established by the John Templeton Foundation: First, inspires students to develop and strengthen their moral reasoning skills; second, encourages spiritual growth and moral values; third, provides community building experiences; fourth, advocates a drug-free lifestyle; and fifth, conducts a critical assessment of character-building projects and activities.

In a society that no longer looks to religion and a sense of community as the foundation for a quality education. La Sierra University is proof that it can be done. Students are expected to strive to their full potential, seek the truth in themselves and everything around them, and to give back to their world. General education courses in religion and ethics lay a basis for understanding the importance of morality. And through the community service requirement, students learn firsthand the need for volunteerism and how important it is to give assistance to those less fortunate.

On behalf of the citizens of California's 43d Congressional District, I want to extend my heartfelt congratulations to the students, faculty, and administration of La Sierra University for being recognized as a character-building college.

## IN HONOR OF THE CLEVELAND-MARSHALL COLLEGE OF LAW

### HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 24, 1997*

Mr. KUCINICH. Mr. Speaker, I rise today to recognize the Cleveland-Marshall College of Law on the celebration of its centennial this weekend. This anniversary also marks the dedication of a new law library on the campus.

The Cleveland Law School was founded in 1897 and was the first law school in Ohio to admit women and one of the first to admit minorities. Some of the more prestigious Cleveland Law School graduates are the first woman appointed to a Federal judgeship, the first woman elected as a municipal court judge, the first African-American woman lawyer, and a string of judges, mayors, Congressmen, State legislators, and countless other community leaders.

The college of law is Ohio's largest law school, and the only public law school in the city of Cleveland. The faculty is nationally recognized for its research and scholarship. The college provides students with a curriculum of traditional courses as well as opportunities to participate in four legal clinics, moot court teams, and two student-edited law journals. Now, the school also offers the new Cleveland-Marshall Law Library, housing the second largest academic law collection in Ohio. The library boasts extensive collections on many different aspects of State and Federal law, a large computer lab, and extensive electronic research capabilities.

My fellow colleagues, please join me in commemorating the centennial of this superior institution, the Cleveland-Marshall College of Law and its new law library.

## CELEBRATING BRAILLE PROVISIONS OF IDEA

### HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 24, 1997*

Mr. GOODLING. Mr. Speaker, Helen Keller, the moving spirit of the American Foundation for the Blind, once said, "* * * when I hold a beloved [braille] book in my hand my limitations fall from me, my spirit is free."

During the recent reauthorization of the Individuals with Disabilities Education Act it was my pleasure to work with the American Foundation for the Blind and other advocates to include a provision for the teaching of braille for all blind or visually impaired students for whom it is appropriate as part of the IEP process. Now every blind or visually impaired child can have the chance to experience the same freedom enjoyed by Helen Keller.

Specialized instruction in braille enables children who are blind or visually impaired to participate equally with their sighted peers in school and ultimately to compete in the workplace.

Additionally, for those who cannot use print, braille provides an excellent means for accomplishing necessary daily activities such as reading confidential material, taking notes at meetings and giving presentations, recordkeeping, studying and reviewing critical information, and performing household management functions.

I am pleased to report that in my State, 39,500 braille books were circulated by the Regional Libraries for the Blind in Pittsburgh and Philadelphia in fiscal year 1996.

The mission of the American Foundation for the Blind is to enable persons who are blind or visually impaired to achieve equality of access and opportunity that will ensure freedom of choice in their lives. I am delighted that the braille provisions of the recently reauthorized Individuals with Disabilities Education Act will help all children who are blind or visually impaired to achieve this goal.

## UNIFORMED SERVICES FORMER SPOUSES EQUITY ACT OF 1997

### HON. BOB STUMP

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 24, 1997*

Mr. STUMP. Mr. Speaker, today I am introducing H.R. 2537, a bill to restore a small measure of balance to the way military retired pay is handled during a divorce.

Under the Uniformed Services Former Spouses Protection Act, courts were given the authority to divide military retirement pay as property. Since then, the courts have almost uniformly taken advantage of that provision. However, this has resulted in certain injustices to military retirees. Chief among them is the fact that former spouses continue to receive a share of the retired pay even after one or more remarriages, regardless of the respective financial positions of the former spouse and the retiree. Moreover, there is no limitation on when former spouses can seek a division of retired pay.

My bill has three principal components. First, it would terminate payments made as a division of property from retired pay upon remarriage of the former spouse. Second, it would require computation of the former spouse's portion of retired pay based on the rank and longevity of the individual at the time of divorce, not at the time of retirement. Third, it would limit the time in which a former spouse may seek a division of retired pay.

I urge my colleagues to join me in seeking equity for military retirees.

## TRIBUTE TO PRESIDENT LEE TENG-HUI AND DR. JASON HU

### HON. CORRINE BROWN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 24, 1997*

Ms. BROWN of Florida. Mr. Speaker, on the eve of Taiwan's 86th National Day, I wish to pay tribute to President Lee Teng-hui, who has recently completed an arduous Latin-American trip to shore up his country's relations with a number of Latin-American countries. President Lee is one of the hardest working heads of state in our time. Also, I would like to commend President Lee for having selected Dr. Jason Hu as his new Foreign Minister.

Dr. Hu is currently Taiwan's representative in Washington. During his tenure in Washington, Dr. Hu has impressed us with his diplomatic skills. In his new capacity as Taiwan's Foreign Minister, Dr. Hu will no doubt use his talents to the utmost in promoting his country's diplomatic interests around the world.

Taiwan faces a number of diplomatic challenges, but with President Lee's leadership and Dr. Hu's stewardship in the Foreign Ministry, I trust Taiwan's diplomatic fortunes will soon improve.

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## IN HONOR OF DR. ALEX H. MARK

### HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 24, 1997*

Mr. KUCINICH. Mr. Speaker, I rise today to honor Dr. Alex Mark, who will receive an award this week for outstanding contributions to the Greater Cleveland community from International Services Center [ISC] in Cleveland, OH.

International Services Center is an agency that assists refugees, immigrants, and other newcomers to the United States to overcome social and economic barriers and adjust to a new culture and way of life. The organization is honoring four individuals this year for their exceptional work on intercultural and interracial issues. These individuals have been chosen because of their commitment to the community and their lifelong achievements which reflect the spirit and the mission of ISC.

Dr. Mark was brought up in Canada. He earned his bachelors degree from the University of Toronto and later, a doctorate from Purdue University. In 1978, he moved to Cleveland where he has held executive positions in several multinational companies such as Rockwell International Corp. and Massey-Ferguson Co. He retired from Eaton Corp. in 1990.

Mr. Mark has always been involved in community related nonprofit organizations. He was the cofounder of the national Organization of Chinese Americans [OCA] and served as its national president from 1977 to 1979. During this time, he was active in a program to pass a bill through Congress to celebrate Asian Pacific American Heritage Week. The bill passed and was signed by President Carter. Mr. Mark served as president of the Chinese Association of Greater Cleveland from 1982 to 1986. In 1991, he founded the Cleveland Chinese Senior Citizens Association and now, although he is officially retired, is the acting president of the nonprofit Asian Evergreen Housing Corp.

Mr. Mark has also been active outside of the Chinese American Community. He was president of the International Services Center of Greater Cleveland and a board member of the Cleveland Council of World Affairs and an Hispanic organization, El Barrio. In addition, he served on the Import-Export Committee of the Cleveland World Trade Council and on the Cultural Heritage Advisory Committee of the Cuyahoga Community College.

My fellow colleagues, please join me in congratulating Dr. Mark on a lifetime of wonderful work for the multicultural community in the Greater Cleveland area.

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## RECOGNIZING ROSEMONT COLLEGE FOR EXCELLENCE IN EDUCATION

### HON. CURT WELDON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 24, 1997*

Mr. WELDON of Pennsylvania. Mr. Speaker, I rise to bring to the attention of my colleagues a significant honor that was bestowed today upon Rosemont College in Rosemont, PA. Today Rosemont College was named by the John Templeton Foundation as one of only 134 colleges nationwide on the foundation's 1997–98 honor roll for character-building colleges.

Founded more than 70 years ago as a women's college, Rosemont has repeatedly earned national recognition as one of the country's premiere liberal arts colleges. To prepare women for the 21st century, Rosemont has achieved a remarkable balance, combining the traditional liberal arts education with a variety of pre-professional studies and experiences.

As a Catholic college, Rosemont encourages character building among its students by urging them to explore and define the values that will provide them both stability and direction later in life. Other aspects of Rosemont College that contributed to its being named to the John Templeton Foundation's honor roll include the school's emphasis on developing and strengthening of its students moral reasoning skills, its encouragement of spiritual growth and moral values, and its promotion of character-building programs and activities.

Mr. Speaker, I ask my colleagues to join me today in congratulating Rosemont College on achieving this outstanding recognition from the John Templeton Foundation. And I thank both the administrators and faculty for emphasizing the importance of character building as a daily part of student life at Rosemont College.

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## HONORING 30 YEARS OF BIG BROTHERS/BIG SISTERS IN PINELLAS COUNTY

### HON. MICHAEL BILIRAKIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 24, 1997*

Mr. BILIRAKIS. Mr. Speaker, I rise today to recognize and honor the Big Brothers and Big Sisters program in Pinellas County, FL. This Saturday, they will be celebrating the 30th anniversary of their service to the children of Pinellas County, which is located in my congressional district. Although I will not be able to participate in their celebration in person, I want to share my thoughts on this critically important program with my colleagues in Congress.

The Pinellas County Commission has proclaimed Saturday, September 27, as Big Brothers Big Sisters of Pinellas County Day. I join them in recognizing one of the premier mentoring programs in the United States. The undisputable fact is that Big Brothers Big Sisters one-to-one mentoring program has a positive impact on children who participate in the program.

Children who are matched with big brothers or sisters are less likely to engage in destructive or antisocial behavior than those kids who are not. The "littles," as they are affectionately called by their bigger counterparts, are less likely to begin using illegal drugs and alcohol and more likely to attend school regularly than those children without the positive guiding influence of a big brother or sister. In fact, program participants are more confident at school and enriched relationships with their family members than those without a "big" influence.

Since 1967, approximately 15,000 children have participated in the Big Brothers Big Sisters program in Pinellas County. The agency has been at the forefront in developing exciting and innovative ways to improve the program's success. Its method for screening volunteers has been widely adopted by other children's service organizations.

Last year, Pinellas Big Brothers Big Sisters participated in the President's Summit on Volunteerism. Currently, there are 385 active matches in Pinellas County and there are 163 children waiting to be paired.

Mr. Speaker, I urge my colleagues to support Big Brothers Big Sisters program in their congressional districts. These dedicated volunteers help children become productive well-adjusted and caring members of the society. I commend Pinellas County Big Brothers Big Sisters for their leadership in helping children in my district and wish them continued success in the future.

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## IN HONOR OF THE BAYONNE LIONS CLUB: CELEBRATING 50 YEARS OF SERVICE

### HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 24, 1997*

Mr. MENENDEZ. Mr. Speaker, I rise today to pay tribute to the Bayonne Lions Club, an exceptional organization serving the residents of my district, on their 50th anniversary. This momentous occasion will be celebrated on September 24, 1997, with a cocktail reception at the Chandelier Restaurant in New Jersey.

The Bayonne Lions Club has worked for the Bayonne community since 1947 when they were granted a charter from the Lions Club international headquarters in Oak Brook, IL. This charter hangs on the wall of Amici's Restaurant where the club meets on the second and fourth Tuesdays of each month. This year's anniversary celebration will not only raise funds for charity, but it will also provide the opportunity to highlight the club's achievements over the last half century.

Over the years, the Bayonne Lions Club has sponsored Christmas parties at the St. Joseph's Home in Jersey City, given braille typewriters as gifts to individuals, distributed food baskets, and provided medical care and vital eye surgery to those who needed it.

Among the esteemed members of the Bayonne Lions Club was the club's first president, Attorney Jack Feinberg of the law firm of Feinberg, Dee & Feinberg. One of Feinberg's successors, Dr. C.M. Jones, was the first African-American president of any Lions Club charter in the United States. One of the early active club members was businessman C.J. Murphy, who was the first representative of the Bayonne Lions to the Lions International zone and district. Club member, Walter Jones, has held every office in the Bayonne Lions Club and boasts the longest continuous Bayonne Lions Club membership. I would also like to thank Michael O'Connor, the current Bayonne Lions Club president for his hard work and dedication.

The members and officers, past and present, of the Bayonne Lion's Club richly deserve this honor and recognition for 50 years of unique contributions and caring dedication to their community. I ask that my colleagues join me in recognizing the outstanding work and exceptional service of the Bayonne Lions Club. It is an honor to have such an outstanding organization working on behalf of the constituents of my district.

## IN HONOR OF WILLIAM F. MILLER

### HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 24, 1997*

Mr. KUCINICH. Mr. Speaker, I rise today to honor William Miller, who will receive an award this week for outstanding contributions to the Greater Cleveland community from International Services Center [ISC] in Cleveland, OH.

International Services Center is an agency that assists refugees, immigrants, and other newcomers to the United States to overcome social and economic barriers and adjust to a new culture and way of life. The organization is honoring four individuals this year for their exceptional work on intercultural and interracial issues. These individuals have been chosen because of their commitment to the community and their lifelong achievements which reflect the spirit and the mission of ISC.

Mr. Miller has been a columnist and reporter at Cleveland's Plain Dealer for 36 years. He covers nationality stories, general news, and international news as it impacts Cleveland. He writes an ethnic cultural column for the Friday! Magazine and his column "New Worlds" appears each Saturday. He covered the fall of the Berlin Wall and witnessed the reunification of Germany. This experience proved helpful as he traveled to Central and Eastern Europe in 1990 to write a series of article called Life After the Wall. The series won the 1991 National Writing Award of the First Catholic Slovak Union of the United States and Canada and was nominated for a Pulitzer Prize. Mr. Miller also won the Distinguished Service Award from the National Journalistic Society's Cleveland chapter.

Mr. Miller's writing was instrumental in saving the three Playhouse Square Theaters from being demolished to make room for a parking lot. His name appears with six others on a plaque commemorating his efforts to save the complex. The beautifully renovated buildings now comprise the third largest theater complex in America. Many other community organizations have also recognized Mr. Miller for his involvement. He has been honored by the Asian/Pacific Federation, the Federation of Italian Societies of Northeast Ohio, Keep America Beautiful, Inc., the United Labor Agency, and the Salvation Army.

My fellow colleagues, please join me in congratulating William Miller on a lifetime of wonderful work for the multicultural community in the Greater Cleveland area.

## MEDICARE AND MEDICAID PROVIDER REVIEW ACT OF 1997

### HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 24, 1997*

Mr. STARK. Mr. Speaker, together with Mr. DELLUMS and Mr. MILLER of California, I am pleased to introduce the Medicare and Medicaid Provider Review Act of 1997.

The HHS inspector general reports that an estimated 14 percent of Medicare payments overall, and 40 percent of home health payments, are made inappropriately each year. Much of this $23 billion per year of fraud, waste and abuse occurs because providers do not comply with Medicare rules about medical necessity, and about how services and supplies should be coded and documented. In some cases, providers don't comply because they don't understand the rules. But in many other cases, providers understand the rules so well that they are able to flout them without being detected. The recent indictments of three Columbia/HCA executives for overbilling Medicare are a glaring example of provider's ability to game the system. In addition, the inspector general recently reported that 25 percent of home health agencies it investigated have "abused or defrauded Medicare or misappropriated Medicare funds."[1]

Unfortunately, it's relatively easy for fraudulent operators to escape detection because the Health Care Financing Administration [HCFA], which oversees the Medicare and Medicaid programs, is woefully lacking in resources to provide adequate oversight and to track down abusers. Over the past 7 years, the number of Medicare claims processed rose 70 percent while HCFA's budget for reviewing claims grew less than 11 percent. Adjusting for claims growth and inflation, funding for review dropped from 74 cents to 48 cents per claim. As a result, the proportion of claims reviewed dropped from 17 percent to 9 percent. In the especially problematic home health area, reviews plummeted from 62 percent in 1987 to a target of 3 percent in 1996.[2]

In many industries, it is standard operating procedure for businesses to fund independent audits of their compliance with Federal laws and regulations. For example, banks have paid for independent government financial and compliance audits since the 1800's. In fact, the Office of the Comptroller of the Currency is a special branch of the Treasury Department that is fully funded through fees it assesses for conducting bank audits.

This legislation would require all hospitals, skilled nursing facilities, home health agencies, hospices, clinical laboratories, and ambulance companies to fund annual, federal financial and compliance audits as a Condition of Participation in the Medicare and Medicaid programs. Other businesses they own in whole or in part would be included in the audits, which would ensure, for example, that providers are furnishing only services that are covered and medically necessary, that they are actually delivering the services for which they bill HCFA and that their cost reports are correct.

To ensure audit quality and consistency, specially trained Federal Medicare/Medicaid examiners, analogous to bank examiners in the banking industry, would conduct the audits. One home health agency owner convicted of Medicare fraud testified before Congress about the inadequacy of the few audits that the government currently conducts: "the auditors were not always sufficiently knowledgeable about Medicare reimbursement and areas of concern to be able to identify improper reimbursement practices * * * the audit teams seemed to change from year to year so there was no real continuity or consistency. The better the auditors understand a provider, the better they will be able to know where to look * * * the auditors need to look not just at the [core business of the provider], but at the overall structure."[3]

Audits would be paid for through hourly fees charged to providers. Thus, provider liability would depend on both the size of the provider and on how well they keep their books and records. A small agency that follows the rules and documents correctly would be charged very little. To further ease the burden on small businesses, the Secretary would have the authority to exempt providers from audits based on their volume of Medicare and Medicaid business.

To minimize the administrative burden on all health care providers, the bill would require the Secretary to conduct a study of all the examining and accrediting agencies and organizations that perform audits or inspections of the providers covered under this bill. Based on the study, the Secretary would make recommendations to Congress by June 1, 1999 on how to coordinate and consolidate these audits and inspections in order to reduce related costs to providers and government agencies.

Annual rather than initial one-time audits are needed because businesses may start out honestly, but gradually creep into abusing the system as they gain experience and test the waters. Annual audits would also serve an educational purpose, thus reducing waste that occurs because providers don't understand the system.

Health care spending consumes an ever-increasing portion of the Federal budget—now at least 20 percent. And the Federal Government pays a third of our Nation's health care bills—more than any other single source.[4] We are the largest purchaser—isn't it time we become a wiser purchaser? And isn't it imperative that we have tighter reins on an area that consumes so many of our tax dollars?

Banks have for many decades borne the financial responsibility for demonstrating their legitimacy. It is an accepted cost of the privilege of keeping other people's money. Medicare and Medicaid providers are being given

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Footnotes appear at end of speech.

the privilege of taking taxpayers' money, without the corresponding responsibility for proving their legitimacy. The appalling level of fraud, waste and abuse in the programs is the unfortunate result.

Banks are audited as a matter of public trust to ensure our Nation's economic security. Please join Mr. DELLUMS, Mr. MILLER and me in demanding provider audits to help ensure its health security.

FOOTNOTES

[1] Testimony of George F. Grob, Deputy Inspector General for Evaluation and Inspections, HHS Office of Inspector General, before the Senate Special Committee on Aging, 7/28/97.

[2] Testimony of Leslie G. Aronovitz, Associate Director, Health Financing and Systems Issues, Health, Education, and Human Services Division, General Accounting Office, before the Senate Government Affairs Investigations Subcommittee, 6/26/97.

[3] Testimony of Jeanette G. Garrison before the Senate Committee on Aging, 7/28/97.

[4] Congressional Research Service, Ways and Means Health Subcommittee Chartbook, 1997.

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## A TRIBUTE TO CAPT. L.D. "DEAK" CHILDRESS

### HON. CALVIN M. DOOLEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 24, 1997*

Mr. DOOLEY of California. Mr. Speaker, I rise today to recognize and honor Capt. Louis "Deak" Childress, Commanding Officer, Naval Air Station Lemoore, in Lemoore, CA. Captain Childress has demonstrated exceptional leadership throughout his service in the U.S. Navy and is an asset to the community of Lemoore.

Captain Childress began his naval career by entering flight training at Aviation Officer Candidate School in Pensacola, FL, in July 1973. After completing training at Saufley Field and Whitley Field, he reported to Beeville, TX, in July 1974, and received his wings on December 20 of that year.

After graduation from flight school, Ensign Childress was assigned to Oceana, VA, flying the F–4 Phantom from the decks of the USS *Nimitz* and USS *Forrestal* from 1975 to 1978.

In October 1978, Lieutenant Childress served as an instructor pilot at NAS Miramar in San Diego and in November 1979, he was reassigned to the east coast F4–RAG in Virginia.

In July 1981, he reported to the staff of Commander Carrier Air Wing 17 as landing signals officer and safety officer, flying once again with the "Bedevilers." He completed the final east coast F–4 deployment in November 1982 and reported for temporary duty at Oceana while awaiting assignment in Lemoore, CA. While at Lemoore, he was the first tactical fighter pilot to instruct in Fighter Wing One's out-of-controlled-flight program, flying the T–2 and A–4 aircraft.

In July 1983, he was chosen to serve as part of the early cadre of instructor pilots in the developing F/A–18 program. He performed duties as senior LSO for the Hornet RAG, and was one of the first three instructors selected for the newly developed Strike Fighter Weapons School Pacific, and served as the RAG training officer.

In November 1985, Lieutenant Commander Childress reported as a plank owner, where he served as department head until August 1988. The squadron stood up in Lemoore, CA, and subsequently changed homeport to NAS Cecil Field in Jacksonville, FL.

In September 1988, Lieutenant Commander Childress reported to Commander U.S. Sixth Fleet in Gaeta, Italy for a tour as Flag Secretary. He served on board the Flagship, USS *Belknap*, until October 1990.

From November 1990 until June 1991, Commander Childress completed his PXO/CO training track and returned to NAS Cecil Field, FL. During that time, he was deployed to the Persian Gulf where he acted for nearly 4 months as senior naval representative to COMUSNAVCENT's contingency planning cell in Dharhran, Saudi Arabia.

In August 1993, Commander Childress, reported as Chief of Crisis Action Plans for the J–3 directorate of Headquarters United States European Command in Stuttgart, Germany. In March 1995, he was promoted to his current rank of captain, and in July 1996, Captain Childress reported as commanding officer, Naval Air Station Lemoore.

Since returning to Naval Air Station Lemoore, Captain Childress has dedicated himself to improving the lives of the sailors. The first phase of a new family housing project has been completed, with more units to be finished in the upcoming months. And, Captain Childress recently broke ground on a new state-of-the-art naval hospital.

Captain Childress is well-respected in both the U.S. Navy and in the city of Lemoore. The support he has given to the Public/Private Venture has played an important part in the economic growth and development of the city of Lemoore and Kings County.

Captain Childress is also a devoted family man. He and his wife, the former Mary Sue Duckworth, have two children, Brent (21) and Christopher (18).

Mr. Speaker and my colleagues, please join me in wishing Captain Childress, devoted husband, father, community member, and dedicated serviceman, continued success.

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## IN SUPPORT OF COPS PROGRAMS

### HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 24, 1997*

Mr. KUCINICH. Mr. Speaker, I rise today in support of the Office of Community Oriented Policing Services. Three years ago, President Clinton vowed to place 100,000 more police officers on the streets of American cities in a nationwide effort to reduce crime starting at the community level. To fulfill this goal by the end of the year 2000, the Office of Community Oriented Policing Services [COPS] was established. Halfway through the 6-year program, 65,000 officers have been added to police forces across the Nation, and reports of dramatic drops in crime are coming in from cities throughout the country.

Cleveland, OH, is one of these COPS success stories. Juvenile crime had been on the rise in Cleveland. Arrests for weapons violations rose 67 percent from 1989 to 1994. A 35-percent increase in juvenile felony arrests was seen between 1992 and 1993 alone. In spite of this rise in crime, the number of police officers had declined. The Cleveland Police Department has received over $8 million in grants from the COPS Office. Among many COPS funded programs, one especially innovative and successful program stands out, the Residential Area Policing Program [RAPP].

In an effort to create more of a community policing presence, the Cleveland Police Department identified abandoned, nuisance properties in various neighborhoods, restored the properties, and stationed specially trained community policing officers there 24 hours a day. These officers established themselves in the neighborhood, made regular patrols, and conducted door-to-door surveys of the residents' problems. They also hosted training seminars and provided a safe house to the youths of the area. In short, the community police formed partnerships with the residents of the neighborhoods and, together, they improved the appearance of the neighborhood, identified community problems, and developed substantial solutions. In each of the four sites selected for the yearlong program, the community officers became integral members of the community and left lasting, positive effects. Drug traffic has decreased, gunfire has diminished, and the number of civil disputes is down. Equally as important, the number of calls for service rose 100 percent, showing that the residents felt comfortable turning to the police for help.

RAPP is but one of many endeavors on the part of the Cleveland Police Department to get more involved in community policing. Over $11 million have been awarded to communities in the 10th Congressional District of Ohio resulting in the hiring of over 170 new officers. Residents profess that the programs have helped reduce crime, and the statistics prove it. Community policing works, and I support its continued funding so other cities may see the rewards of communities and police departments working together to combat crime.

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## TRIBUTE TO NELLO RICARDI

### HON. JOHN W. OLVER

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 24, 1997*

Mr. OLVER. Mr. Speaker, I rise today to pay tribute to Mr. Nello Ricardi of Westfield, MA, in recognition of his selection as the Westfield Democratic Committee's Democrat of the Year.

Mr. Ricardi has had a long history in organized labor and politics. Nello began his career at the Savage Arms, Inc. in Chicopee, MA, which had a labor force in direct affiliation with the AFL–CIO. He served in a variety of positions in his local work force chapter, including shop steward, trustee, treasurer, vice president, and business manager.

Nello joined the U.S. Marine Corps and served in the South Pacific during World War II. After World War II, he received a full scholarship from Massachusetts AFL–CIO to attend

Harvard Business School. Following graduation from Harvard, he served as the New England field representative for the national AFL–CIO, where he was responsible for 131 direct affiliates in New England. He took the lead on organizing locals, negotiating contracts, and handling arbitrations and grievances. He was able to achieve some significant organizing successes, such as American Optical, Dennison and Marble Mines to name a few.

In the later years Nello became the New England legislative director for the national AFL-CIO and served for a short period as a legislative lobbyist at the national level. He then went on to work at the education program at the George Meany Center in Silver Spring, MD before his retirement. In total, Nello spent 27 years with the national AFL–CIO.

Nello has been a member of the Westfield Democratic Committee for over 20 years. He is a very modest man that does not like the limelight. He is, simply put, "a doer," volunteering for whatever the committee needs. It is people like Nello that make the difference in government and politics.

I am pleased to pay tribute to Nello Ricardi, someone who has been a great asset to his community, to Massachusetts, to New England, and to his country.

## HONORING THE LIFELONG SERVICE OF WILBUR F. LITTLEFIELD

### HON. JAMES E. ROGAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 24, 1997*

Mr. ROGAN. Mr. Speaker, I rise today to pay tribute to a man who has dedicated his life to serving his family, the people of Los Angeles County, and his country. In over 40 years of service as an attorney, Wilbur F. Littlefield has proven himself to be deeply respected and a dedicated public servant. Although he is best known as a man of the law, he is modest about the other fascinating experiences that have shaped his life and molded his character.

Like many who answered their country's call during World War II, Bill Littlefield volunteered to fight for his country. As he would do later in his life, Bill distinguished himself as a man of unique ability. He served his tour of duty as a member of the 'Alamo Scouts,' an elite corps of men who fought behind enemy lines gathering intelligence and tracking enemy movements. As a scout, Bill saw action in Guadalcanal, Luzon, and Leyte. He contracted malaria during one of the campaigns.

After the war, Bill worked his way through law school at Hastings College of The Law before returning home to Los Angeles. His passion for trial work led him to the Los Angeles County Public Defender's Office, where his skills were rapidly recognized. He rose steadily through the ranks, and in 1976 was appointed the Public Defender for Los Angeles County.

Under Bill's leadership, the Office of the Public Defender implemented innovative programs like paralegal training and the bilingual service program. He provided service to the needs of the indigent accused while never losing sight of the needs of the community as a whole. Bill retired from the Public Defender's Office in 1993.

As a member of the armed services, as an attorney, and as a public servant, Bill Littlefield has distinguished himself as a man of great integrity and dedication. Under his leadership, the Los Angeles County Public Defender's Office grew to be one of the largest and most respected legal service agencies in the country.

As a long-time admirer of his, I am honored to recognize his service to his country. On behalf of the U.S. Congress, I salute him for a job well done, and offer the thanks of a grateful nation to one of her distinguished sons.

## TRIBUTE TO MICHAEL L. MEYER

### HON. BRAD SHERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 24, 1997*

Mr. SHERMAN. Mr. Speaker, I rise before you today to pay tribute to Michael L. Meyer who is being honored by the Construction Industries Alliance for City of Hope with the Spirit of Life Award.

The proceeds from the awards dinner honoring Michael will establish the Michael L. Meyer Research Fellowship at City of Hope and its Beckman Research Institute. City of Hope utilizes its energy and resources to seek better treatments for major diseases, primarily cancer. Patients attend this center from all over the world for treatment of such afflictions as leukemia and other cancers, diabetes, and hereditary or genetic problems. At City of Hope, emphasis is placed on not only treating the body, but invigorating the soul.

For 80 years, City of Hope has been dedicated to improving the lives of others and has aptly named their research fellowship for an individual who has selflessly dedicated much of his life to enriching our community.

Michael is currently the managing partner of E&Y Kenneth Leventhal Real Estate Group's Orange County Office. He has played an important leadership role in the real estate industry over the past 20 years and his expertise has made him a valuable resource for most of the major real estate companies in our community.

In addition to his valuable work within the industry, he has dedicated his time and efforts to community service. He is the director of the Construction Industries for the City of Hope, and the chairman of the United Way's Alexis de Tocqueville Society. He is also on the board of the Orange County Museum of Art.

City of Hope is not the first organization to take notice of Michael Meyer's extensive community and business leadership activities: He has received the Tree of Life Award from the Jewish National Fund and the Human Relations Award from the American Jewish Committee. Tonight, he adds the Spirit of Life Award to his distinguished list of accomplishments.

Mr. Speaker, distinguished colleagues, please join me in paying tribute to Michael Meyer for his generosity and dedication to our community.

## IN MEMORY OF JOE FOX

### HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 24, 1997*

Mr. KUCINICH. Mr. Speaker, I rise today to honor the memory of a business owner, a community mentor, and a loving husband, father and grandfather, Joe Fox.

As a young man, Joe fought for his country in World War II as a marine, earning a Purple Heart for his bravery. Later, he published a community newspaper and was the proprietor of Linka's Restaurant. Linka's was regarded as a popular neighborhood gathering place, where people would meet not only for the creative family-style meals, but also for conversation and advice from Joe Fox.

Joe Fox loved to cook and experiment with all different kinds of cuisine. He also loved to help people in any way he could. Joe was a very special and unique man whose generosity and vision earned him a place in the hearts of everyone in the community. He is survived by his wife, Olga, a daughter, a son, and three grandchildren, all of whom he adored. Their loss is shared by everyone fortunate enough to have known Joe.

## SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, September 25, 1997, may be found in the Daily Digest of today's RECORD.

### MEETINGS SCHEDULED

SEPTEMBER 26

12:00 p.m.

Conferees on H.R. 2158, making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, commissions, corporations, and offices for the fiscal year ending September 30, 1998.

S–128, Capitol

### SEPTEMBER 29

9:00 a.m.
Governmental Affairs
Permanent Subcommittee on Investigations
To hold hearings to review the operation of the Treasury Department's Office of Inspector General.
SD–342

2:00 p.m.
Judiciary
Administrative Oversight and the Courts Subcommittee
To hold hearings to review the operation of the FBI crime laboratory.
SD–226

### SEPTEMBER 30

8:30 a.m.
Veterans' Affairs ***P***To hold hearings on the nominations of Hershel Wayne Gober, of Arkansas, to be Secretary of Veterans Affairs, Richard J. Griffin, of Illinois, to be Inspector General, Department of Veterans Affairs, William P. Greene Jr., of West Virginia, to be an Associate Judge of the United States Court of Veterans Affairs, and Espiridion A. Borrego, of Texas, to be Assistant Secretary of Labor for Veterans' Employment and Training; to be followed by a business meeting to consider pending calendar business.
SR–418

9:30 a.m.
Banking, Housing, and Urban Affairs
To hold hearings on the nominations of Laura S. Unger, of New York, and Paul R. Carey, of New York, both to be a Member of the Securities and Exchange Commission, Dennis Dollar, of Mississippi, to be a Member of the National Credit Union Administration Board, and Edward M. Gramlich, of Virginia, and Roger Walton Ferguson, of Massachusetts, both to be a Member of the Board of Governors of the Federal Reserve System.
SD–538

Commerce, Science, and Transportation
To hold hearings on the nominations of Michael K. Powell, of Virginia, Harold W. Furchtgott-Roth, of the District of Columbia, and Gloria Tristani (pending receipt by the Senate), each to be a Member of the Federal Communications Commission.
SR–253

Energy and Natural Resources
To hold hearings on the impacts of a new climate treaty on U.S. labor, electricity supply, manufacturing, and the general economy.
SD–366

Environment and Public Works
Business meeting, to mark up S. 1180, to authorize funds for programs of the Endangered Species Act.
SD–406

10:00 a.m.
Governmental Affairs
To resume hearings to examine certain matters with regard to the committee's special investigation on campaign financing.
SH–216

Labor and Human Resources
To resume hearings to examine the scope and depth of the proposed settlement between State Attorneys General and tobacco companies to mandate a total reformation and restructuring of how tobacco products are manufactured, marketed, and distributed in America.
SD–430

10:30 a.m.
Judiciary
Constitution, Federalism, and Property Rights Subcommittee
To hold hearings to examine unconstitutional set-asides, focusing on ISTEA's race-based set-asides after the Supreme Court case "Adarand".
SD–226

2:00 p.m.
Judiciary
To hold hearings on pending judicial nominations.
SD–226

### OCTOBER 1

9:00 a.m.
Appropriations
Labor, Health and Human Services, and Education Subcommittee
To hold hearings to examine the health risks of 1950's atomic tests.
SD–192

9:30 a.m.
Commerce, Science, and Transportation
To hold hearings on the nomination of William E. Kennard, of California, to be a Member of the Federal Communications Commission.
SR–253

Indian Affairs
To hold hearings on the proposed settlement between State Attorneys General and tobacco companies, focusing on the proposed Indian provision.
SR–485

10:00 a.m.
Armed Services
To hold hearings on the nomination of Jacques S. Gansler, of Virginia, to be Under Secretary of Defense for Acquisition and Technology.
SR–222

Governmental Affairs
To continue hearings to examine certain matters with regard to the committee's special investigation on campaign financing.
SH–216

Judiciary
To hold hearings to examine Congress' constitutional role in protecting religious liberty.
SD–226

Labor and Human Resources
To hold hearings to examine voluntary initiatives to expand health insurance coverage.
SD–430

2:00 p.m.
Energy and Natural Resources
National Parks, Historic Preservation, and Recreation Subcommittee
To hold hearings on S. 940, to provide for a study of the establishment of Midway Atoll as a national memorial to the Battle of Midway, and H.R. 765, to ensure maintenance of a herd of wild horses in Cape Lookout National Seashore.
SD–366

### OCTOBER 2

10:00 a.m.
Governmental Affairs
To continue hearings to examine certain matters with regard to the committee's special investigation on campaign financing.
SH–216

### OCTOBER 6

10:00 a.m.
Governmental Affairs
Permanent Subcommittee on Investigations
To hold hearings to examine traditional frauds perpetrated over the Internet.
SD–342

### OCTOBER 7

9:00 a.m.
Agriculture, Nutrition, and Forestry
To hold hearings on proposed legislation relating to food safety.
SR–332

10:00 a.m.
Governmental Affairs
To resume hearings to examine certain matters with regard to the committee's special investigation on campaign financing.
SH–216

2:00 p.m.
Energy and Natural Resources
Water and Power Subcommittee
To hold hearings on S. 725, to direct the Secretary of the Interior to convey the Collbran Reclamation Project to the Ute Water Conservancy District and the Collbran Conservancy District, S. 777, to authorize the construction of the Lewis and Clark Rural Water System and to authorize assistance to the Lewis and Clark Rural Water System, Inc. a nonprofit corporation, for the planning and construction of the water supply system, H.R. 848, to extend the deadline under the Federal Power Act applicable to the construction of the AuSable Hydroelectric Project in New York, H.R. 1184, to extend the deadline under the Federal Power Act for the construction of the Bear Creek Hydroelectric Project in the State of Washington, and H.R. 1217, to extend the deadline under the Federal Power Act for the construction of a hydroelectric project in the State of Washington.
SD–366

### OCTOBER 8

9:30 a.m.
Energy and Natural Resources
To hold hearings on S. 1064, to amend the Alaska National Interest Lands Conservation Act to more effectively manage visitor service and fishing activity in Glacier Bay National Park.
SD–366

Indian Affairs
To hold hearings on S. 1077, to amend the Indian Gaming Regulatory Act.
Room to be announced

10:00 a.m.
Governmental Affairs
To continue hearings to examine certain matters with regard to the committee's special investigation on campaign financing.
SH–216

### OCTOBER 9

10:00 a.m.
Governmental Affairs
To continue hearings to examine certain matters with regard to the committee's special investigation on campaign financing.
SH–216

2:00 p.m.
Energy and Natural Resources
National Parks, Historic Preservation, and Recreation Subcommittee
To hold oversight hearings on the feasibility of using bonding techniques to finance large-scale capital projects in the National Park System.
SD-366

OCTOBER 22

9:30 a.m.
Indian Affairs
To hold hearings on Indian self-goverance, focusing on proposed legislation to extend compacting to agencies of the Department of Health and Human Services.
SR-485

OCTOBER 29

9:30 a.m.
Indian Affairs
To resume oversight hearings on proposals to reform the management of Indian trust funds.
Room to be announced

# SENATE—*Thursday, September 25, 1997*

The Senate met at 12 noon and was called to order by the President pro tempore [Mr. THURMOND].

The PRESIDENT pro tempore. Today's prayer will be offered by our guest Chaplain, the Reverend Charles Nestor, Manassas Assembly of God, Manassas, VA. We are pleased to have you with us.

## PRAYER

The guest Chaplain, Rev. Charles Nestor, Manassas Assembly of God, Manassas, VA, offered the following prayer:

Let us pray.

Almighty and Holy God, we bow before You, recognizing Your lordship over us and Your loving kindness toward us. Thank You for Your faithfulness in spite of our faults, Your mercy and grace in times of disobedience to You, and Your generous provision always. You have blessed our Nation by bringing together the gifts of a diverse people and the benefits of individuality. We ask that You aid us in our continued quest to become one out of many. Remind us always of our deep dependence upon You and forgive us when in arrogance we forget You. May He who rises with healing in his wings bring healing to us and strengthen our conviction to love each other even as You have loved us. I ask You to grant wisdom to the men and women who labor for all of us in the Senate. May they know power beyond their limitations, as they put their trust in You. Teach us to understand that the greatest among us is servant to all. May this day find the embrace of Your constant presence and the smile of Your approval upon it. In the name that is above every name. Amen.

## RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able acting majority leader, the distinguished Senator from North Carolina, is recognized.

Mr. FAIRCLOTH. Thank you, Mr. President.

## SCHEDULE

Mr. FAIRCLOTH. Mr. President, today the Senate will resume consideration of S. 1156, the D.C. appropriations bill. Under the previous order, the Senate will debate the Coats amendment No. 1249, regarding school vouchers, from 12 noon until 5 p.m. As a reminder to all Members, a cloture motion was filed last night on the Coats amendment, with the cloture vote scheduled to occur Tuesday, September 30 at 11 a.m. Following the debate on the Coats amendment, it is expected that the Senate will continue debating amendments to the D.C. appropriations bill throughout the evening. As Members are aware, this is the last of 13 appropriations bills that the Senate will consider. Therefore, all Members' cooperation is appreciated in notifying the managers of their intention to offer any amendments. We would like to have those as early as possible. In addition, the Senate may consider any appropriate conference reports as they become available. I thank all Members for their attention.

Mr. NICKLES addressed the Chair.

The PRESIDING OFFICER (Mr. HAGEL). The Senator from Oklahoma.

## OKLAHOMA CITY NATIONAL MEMORIAL ACT OF 1997

Mr. NICKLES. Mr. President, I ask the Chair lay before the Senate a message from the House of Representatives on (S. 871) to establish the Oklahoma City National Memorial as a unit of the National Park System; to designate the Oklahoma City Memorial Trust, and for other purposes.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

*Resolved*, That the bill from the Senate (S. 871) entitled "An Act to establish the Oklahoma City National Memorial as a unit of the National Park System; to designate the Oklahoma City Memorial Trust, and for other purposes.", do pass with the following amendment:

Strike out all after the enacting clause and insert:

***SECTION 1. SHORT TITLE.***

*This Act may be cited as the "Oklahoma City National Memorial Act of 1997".*

***SEC. 2. FINDINGS AND PURPOSES.***

*Congress finds that—*

*(1) few events in the past quarter-century have rocked Americans' perception of themselves and their institutions, and brought together the people of our Nation with greater intensity than the April 19, 1995, bombing of the Alfred P. Murrah Federal Building in downtown Oklahoma City;*

*(2) the resulting deaths of 168 people, some of whom were children, immediately touched thousands of family members whose lives will forever bear scars of having those precious to them taken away so brutally;*

*(3) suffering with such families are countless survivors, including children, who struggle not only with the suffering around them, but their own physical and emotional injuries and with shaping a life beyond April 19;*

*(4) such losses and struggles are personal and, since they resulted from so public an attack, they are also shared with a community, a Nation, and the world;*

*(5) the story of the bombing does not stop with the attack itself or with the many losses it caused. The responses of Oklahoma's public servants and private citizens, and those from throughout the Nation, remain as a testament to the sense of unity, compassion, even heroism, that characterized the rescue and recovery following the bombing;*

*(6) during the days immediately following the Oklahoma City bombing, Americans and people from around the world of all races, political philosophies, religions and walks of life responded with unprecedented solidarity and selflessness; and*

*(7) given the national and international impact and reaction, the Federal character of the site of the bombing, and the significant percentage of the victims and survivors who were Federal employees the Oklahoma City Memorial will be established, designed, managed and maintained to educate present and future generations, through a public/private partnership, to work together efficiently and respectfully in developing a National Memorial relating to all aspects of the April 19, 1995, bombing in Oklahoma City.*

***SEC. 3. DEFINITIONS.***

*In this Act—*

*(1) MEMORIAL.—The term "Memorial" means the Oklahoma City National Memorial designated under section 4(a).*

*(2) SECRETARY.—The term "Secretary" means the Secretary of the Interior.*

*(3) TRUST.—The term "Trust" means the Oklahoma City National Memorial Trust designated under section 5(a).*

***SEC. 4. OKLAHOMA CITY NATIONAL MEMORIAL.***

*(a) In order to preserve for the benefit and inspiration of the people of the United States and the world, as a National Memorial certain lands located in Oklahoma City, Oklahoma, there is established as a unit of the National Park System the Oklahoma City National Memorial. The Memorial shall be administered by the Trust in cooperation with the Secretary and in accordance with the provisions of this Act, the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 1 et seq.), and the Act of August 21, 1935 (49 Stat. 666; 16 U.S.C. 461–467).*

*(b) The Memorial area shall be comprised of the lands, facilities and structures generally depicted on the map entitled "Oklahoma City National Memorial", numbered OCNM 001, and dated May 1997 (hereafter referred to in this Act as the "map"):*

*(1) Such map shall be on file and available for public inspection in the appropriate offices of the National Park Service and the Trust.*

*(2) After advising the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives, in writing, the Trust, as established by section 5 of this Act, in consultation with the Secretary, may make minor revisions of the boundaries of the Memorial when necessary by publication of a revised drawing or other boundary description in the Federal Register.*

***SEC. 5. OKLAHOMA CITY NATIONAL MEMORIAL TRUST.***

*(a) ESTABLISHMENT.—There is established a wholly owned Government corporation to be known as the Oklahoma City National Memorial Trust.*

*(b) BOARD OF DIRECTORS.—*

*(1) IN GENERAL.—The powers and management of the Trust shall be vested in a board of Directors (hereinafter referred to as the "Board") consisting of the following 9 members:*

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

*(A) The Secretary or the Secretary's designee.*

*(B) Eight individuals, appointed by the President, from a list of recommendations submitted by the Governor of the State of Oklahoma; and a list of recommendations submitted by the Mayor of Oklahoma City, Oklahoma; and a list of recommendations submitted by the United States Senators from Oklahoma; and a list of recommendations submitted by United States Representatives from Oklahoma. The President shall make the appointments referred to in this subparagraph within 90 days after the enactment of this Act.*

*(2) TERMS.—Members of the Board appointed under paragraph (1)(B) shall each serve for a term of 4 years, except that of the members first appointed, 2 shall serve for a term of 3 years; and 2 shall serve a term of 2 years. Any vacancy in the Board shall be filled in the same manner in which the original appointment was made, and any member appointed to fill a vacancy shall serve for the remainder of that term for which his or her predecessor was appointed. No appointed member may serve more than 8 years in consecutive terms.*

*(3) QUORUM.—Five members of the Board shall constitute a quorum for the conduct of business by the Board.*

*(4) ORGANIZATION AND COMPENSATION.—The Board shall organize itself in such a manner as it deems most appropriate to effectively carry out the authorized activities of the Trust. Board members shall serve without pay, but may be reimbursed for the actual and necessary travel and subsistence expenses incurred by them in the performance of the duties of the Trust.*

*(5) LIABILITY OF DIRECTORS.—Members of the Board of Directors shall not be considered Federal employees by virtue of their membership on the Board, except for purposes of the Federal Tort Claims Act and the Ethics in Government Act, and the provisions of chapter 11 of title 18, United States Code.*

*(6) MEETINGS.—The Board shall meet at least three times per year in Oklahoma City, Oklahoma and at least two of those meetings shall be opened to the public. Upon a majority vote, the Board may close any other meetings to the public. The Board shall establish procedures for providing public information and opportunities for public comment regarding operations maintenance and management of the Memorial; as well as, policy, planning and design issues.*

*(7) STAFF.—*

*(A) NON-NATIONAL PARK SERVICE STAFF.—The Trust is authorized to appoint and fix the compensation and duties of an executive director and such other officers and employees as it deems necessary without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and may pay them without regard to the provisions of chapter 51, and subchapter III of chapter 53, title 5, United States Code, relating to classification and General Schedule pay rates.*

*(B) INTERIM PARK SERVICE STAFF.—At the request of the Trust, the Secretary shall provide for a period not to exceed 2 years, such personnel and technical expertise, as necessary, to provide assistance in the implementation of the provisions of this Act.*

*(C) PARK SERVICE STAFF.—At the request of the Trust, the Secretary shall provide such uniformed personnel, on a reimbursable basis, to carry out day-to-day visitor service programs.*

*(D) OTHER FEDERAL EMPLOYEES.—At the request of the Trust, the Director of any other Federal agency may provide such personnel, on a reimbursable basis, to carry out day-to-day visitor service programs.*

*(8) NECESSARY POWERS.—The Trust shall have all necessary and proper powers for the exercise of the authorities vested in it.*

*(9) TAXES.—The Trust and all properties administered by the Trust shall be exempt from all taxes and special assessments of every kind by the State of Oklahoma, and its political subdivisions including the county of Oklahoma and the city of Oklahoma City.*

*(10) GOVERNMENT CORPORATION.—*

*(A) The Trust shall be treated as a wholly owned Government corporation subject to chapter 91 of title 31, United States Code (commonly referred to as the Government Corporation Control Act). Financial statements of the Trust shall be audited annually in accordance with section 9105 of title 31 of the United States Code.*

*(B) At the end of each calendar year, the Trust shall submit to the Committee on Energy and Natural Resources of the United States Senate and the Committee on Resources of the House of Representatives a comprehensive and detailed report of its operations, activities, and accomplishments for the prior fiscal year. The report also shall include a section that describes in general terms the Trust's goals for the current fiscal year.*

### *SEC. 6. DUTIES AND AUTHORITIES OF THE TRUST.*

*(a) OVERALL REQUIREMENTS OF THE TRUST.—The Trust shall administer the operation, maintenance, management and interpretation of the Memorial including, but not limited to, leasing, rehabilitation, repair and improvement of property within the Memorial under its administrative jurisdiction using the authorities provided in this section, which shall be exercised in accordance with—*

*(1) the provisions of law generally applicable to units of the National Park Service, including: "An Act to establish a National Park Service, and for other purposes" approved August 25, 1916 (39 Stat. 535; 16 U.S.C. 1, 2–4);*

*(2) the Act of August 21, 1935 (49 Stat. 666; U.S.C. 461–467;*

*(3) the general objectives of the "Memorial Mission Statement", adopted March 26, 1996, by the Oklahoma City Memorial Foundation;*

*(4) the "Oklahoma City Memorial Foundation Intergovernmental Letter of Understanding", dated October 28, 1996; and*

*(5) the Cooperative Agreement to be entered into between the Trust and the Secretary pursuant to this Act.*

*(b) AUTHORITIES.—*

*(1) The Trust may participate in the development of programs and activities at the properties designated by the map, and the Trust shall have the authority to negotiate and enter into such agreements, leases, contracts and other arrangements with any person, firm, association, organization, corporation or governmental entity, including, without limitation, entities of Federal, State and local governments as are necessary and appropriate to carry out its authorized activities. Any such agreements may be entered into without regard to section 321 of the Act of June 30, 1932 (40 U.S.C. 303b).*

*(2) The Trust shall establish procedures for lease agreements and other agreements for use and occupancy of Memorial facilities, including a requirement that in entering into such agreements the Trust shall obtain reasonable competition.*

*(3) The Trust may not dispose of or convey fee title to any real property transferred to it under this Act.*

*(4) Federal laws and regulations governing procurement by Federal agencies shall not apply to the Trust, with the exception of laws and regulations related to Federal Government contracts governing working conditions, and any civil rights provisions otherwise applicable thereto.*

*(5) The Trust, in consultation with the Administrator of Federal Procurement Policy, shall establish and promulgate procedures applicable to the Trust's procurement of goods and services including, but not limited to, the award of contracts on the basis of contractor qualifications, price, commercially reasonable buying practices, and reasonable competition.*

*(c) MANAGEMENT PROGRAM.—Within one year after the enactment of this Act, the Trust, in consultation with the Secretary, shall develop a cooperative agreement for management of those lands, operations and facilities within the Memorial established by this Act. In furtherance of the general purposes of this Act, the Secretary and the Trust shall enter into a Cooperative Agreement pursuant to which the Secretary shall provide technical assistance for the planning, preservation, maintenance, management, and interpretation of the Memorial. The Secretary also shall provide such maintenance, interpretation, curatorial management, and general management as mutually agreed to by the Secretary and the Trust.*

*(d) DONATIONS.—The Trust may solicit and accept donations of funds, property, supplies, or services from individuals, foundations, corporations, and other private or public entities for the purposes of carrying out its duties.*

*(e) PROCEEDS.—Notwithstanding section 1341 of title 31 of the United States Code, all proceeds received by the Trust shall be retained by the Trust, and such proceeds shall be available, without further appropriation, for the administration, operation, preservation, restoration, operation and maintenance, improvement, repair and related expenses incurred with respect to Memorial properties under its administrative jurisdiction. The Secretary of the Treasury, at the option of the Trust shall invest excess monies of the Trust in public debt securities which shall bear interest at rates determined by the Secretary of the Treasury taking into consideration the current average market yield on outstanding marketable obligations of the United States of comparable maturity.*

*(f) SUITS.—The Trust may sue and be sued in its own name to the same extent as the Federal Government. Litigation arising out of the activities of the Trust shall be conducted by the Attorney General; except that the Trust may retain private attorneys to provide advice and counsel. The District Court for the Western District of Oklahoma shall have exclusive jurisdiction over any suit filed against the Trust.*

*(g) BYLAWS, RULES AND REGULATIONS.—The Trust may adopt, amend, repeal, and enforce bylaws, rules and regulations governing the manner in which its business may be conducted and the powers vested in it may be exercised. The Trust is authorized, in consultation with the Secretary, to adopt and to enforce those rules and regulations that are applicable to the operation of the National Park System and that may be necessary and appropriate to carry out its duties and responsibilities under this Act. The Trust shall give notice of the adoption of such rules and regulations by publication in the Federal Register.*

*(h) INSURANCE.—The Trust shall require that all leaseholders and contractors procure proper insurance against any loss in connection with properties under lease or contract, or the authorized activities granted in such lease or contract, as is reasonable and customary.*

### *SEC. 7. LIMITATIONS ON FUNDING.*

*Authorization of Appropriations—*

*(1) IN GENERAL.—In furtherance of the purposes of this Act, there is hereby authorized the sum of $5,000,000, to remain available until expended.*

*(2) MATCHING REQUIREMENT.—Amounts appropriated in any fiscal year to carry out the provisions of this Act may only be expended on a matching basis in a ratio of at least one non-Federal dollar to every Federal dollar. For the purposes of this provision, each non-Federal dollar donated to the Trust or to the Oklahoma City Memorial Foundation for the creation,*

*maintenance, or operation of the Memorial shall satisfy the matching dollar requirement without regard to the fiscal year in which such donation is made.*

***SEC. 8. ALFRED P. MURRAH FEDERAL BUILDING.***

*Prior to the construction of the Memorial the Administrator of General Services shall, among other actions, exchange, sell, lease, donate, or otherwise dispose of the site of the Alfred P. Murrah Federal Building, or a portion thereof, to the Trust. Any such disposal shall not be subject to—*

*(1) the Public Buildings Act of 1959 (40 U.S.C. 601 et seq.);*

*(2) the Federal Property and Administrative Services Act of 1949 (40 U.S.C. et seq.); or*

*(3) any other Federal law establishing requirements or procedures for the disposal of Federal property.*

***SEC. 9. GENERAL ACCOUNTING OFFICE STUDY.***

*Six years after the first meeting of the Board of Directors of the Trust, the General Accounting Office shall conduct an interim study of the activities of the Trust and shall report the results of the study to the Committee on Energy and Natural Resources and the Committee on Appropriations of the United States Senate, and the Committee on Resources and Committee on Appropriations of the House of Representatives. The study shall include, but shall not be limited to, details of how the Trust is meeting its obligations under this Act.*

Mr. NICKLES. Mr. President, I ask unanimous consent that the Senate concur in the amendment of the House.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NICKLES. Mr. President, on behalf of myself and the cosponsor of this legislation, Senator INHOFE, the legislation we passed today, S. 871, the Oklahoma City National Memorial Act of 1997, will create a permanent Memorial to commemorate the national tragedy ingrained in all of our minds that occurred in downtown Oklahoma City at 9:02 a.m. on April 19, 1995, in which 168 Americans lost their lives and countless thousands more lost family members and friends.

The Oklahoma City Memorial, established as a unit of the National Park Service, will serve as a monument to those whose lives were taken and those who will bear the physical and mental scars for the rest of their days. The memorial will stand as a symbol to the hope, generosity, and courage shown by Oklahomans and fellow Americans across the country following the Oklahoma City bombing. This will be a place of remembrance, peace, spirituality, comfort and learning.

The National Park Service memorial site will encompass the footprint of the Alfred P. Murrah Federal Building, 5th Street between Robinson and Harvey, the site of the Water Resources Building and the Journal Record Building. An international competition was held to determine the design of the Oklahoma City National Memorial, and I commend the Oklahoma City Memorial Foundation for an excellent selection of the winning design.

In addition to designating the memorial site as a unit of the National Park Service, this bill also establishes a wholly owned Government corporation to be known as the Oklahoma City National Memorial Trust. The trust, in cooperation with the National Park Service, will be charged with administering the operation, maintenance, management and interpretation of the memorial site.

Further, the legislation authorizes a one-time $5 million Federal donation for construction and maintenance of the memorial. I commend the hard work of my colleagues, Senator GORTON and Senator BYRD, for their help in securing a $5 million Federal appropriation in this year's appropriations bill. The $5 million Federal commitment will be matched by $5 million from the Oklahoma State Legislature and $14 million in private donations.

While the thousands of family members and friends of those killed in the bombing will forever bear scars of having their loved ones taken away, the Oklahoma City National Memorial will revere the memory of the survivors and those lost and venerate the bonds that drew us all closer together as a result.

Mr. President, while it is impossible to recognize everyone whose hard work and effort made this memorial possible, I submit for the RECORD a list of individuals who formed the core of the Memorial Design Foundation. In addition, I would commend and extend particular appreciation to Gov. Frank Keating; his wife, Kathy Keating; Oklahoma City mayor Ron Norick; Mr. Bob Johnson, director of the Oklahoma City Memorial Foundation, charged with selecting the design for the memorial; vice chairman Karen Luke; Mr. Tom McDaniel; Mr. Zach Taylor; Mr. Bud Welch; Oklahoma City Fire Chief Gary Marrs; Mrs. Polly Nichols; Mr. Don Ferrell; Mr. Don Rogers; Mr. Richard Williams; and all others who worked hard to make this memorial possible. Our country is, indeed, proud of you, and I am very confident that our country will be proud of the Oklahoma City National Memorial.

I also compliment and thank my colleague, Representative FRANK LUCAS, for his leadership in passing this in the House of Representatives, as well as my colleague, JIM INHOFE, who worked with me in putting this legislation together.

Mr. President, I ask unanimous consent that a list of the Oklahoma City Memorial Board of Directors be printed in the RECORD.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

### OKLAHOMA CITY MEMORIAL BOARD OF DIRECTORS

Ann Alspaugh, Anita Arnold, Clark Bailey, Dr. Edward Brandt, Ron Bradshaw, Terry Childers, John Cole, Richard Denman, Tiana Douglas, Jeanette Gamba, Gerald L. Gamble.

Dr. Kay Goebel, Kathi Goebel, Kevin Gotshall, Jean Gumerson, Frank D. Hill, LeAnn Jenkins, Kirk Jewell, Robert M. Johnson, Doris Jones, Kim Jones-Shelton.

Jackie L. Jones, Barbara Kerrick, Linda Lambert, Sam Armstrong-Lopez, Karen Luke, Deborah Ferrell-Lynn, Thomas J. McDaniel, Sunni Mercer, Leslie Nance, Polly Nichols.

Tim O'Connor, Dr. Betty Pfefferbaum, H.E. (Gene) Rainbolt, John Rex, Florence Rogers, Chris Salyer, Lee Allan Smith, Phyllis Stough, Zach D. Taylor, Phillip Thompson.

Toby Thompson, Beth Tolbert, Tom Toperzer, III, Kathleen Treanor, Be V Tu, Cheryl Vaught, Bud Welch, G. Rainey Williams, Richard Williams, Kathy Wyche, Sydney W. Dobson.

Mr. INHOFE. Mr. President, I am pleased that the Senate has seen fit to pass the Oklahoma City National Memorial Act of 1997 (S. 871). I believe this was an important piece of legislation and one deserving immediate enactment. Once again, I would like to thank my colleague, Senator NICKLES, for being the originating and driving force behind this piece of legislation in the Senate and Representative LUCAS for shepherding through similar legislation in the House.

Earlier, when we considered this bill, we were given the opportunity and the responsibility of remembering a unique group of American heroes. To most, these individuals are nameless, faceless victims of a savage terrorist attack. However, to friends and family of the victims they are remembered as far more. They are remembered as husbands, wives, and children. It was important for the rest of us to recognize the lives of these men, women, and children in their proper context.

The 168 individuals who were killed during this cowardly attack, as well as those who were fortunate to survive, deserve our honor and utmost respect. It is fitting that the memorial was designed to honor them both in an appropriate and visible way. The victims of the bombing represent the true backbone of America. Their lives serve as a testament to what this country is, what it can be, and what will be. As heroes, they will be honored. As individuals, they will be missed, mourned, and remembered as the true embodiment of our great American spirit.

In addition to the immediate victims of the bombing, we have also recognized the law enforcement officials, the emergency rescue personnel, and the countless volunteers who rushed to our aid in our moment of crisis. The proposed memorial's acknowledgment of not only the victims, but the others involved in the rescue process, was artfully done to remind all of us that we are part of a nation that cares and responds to those in need.

The establishment of the memorial is not only appropriate but an important tool for teaching future generations of Americans what we are all about—coming together. It is also a reminder to us that the price of our freedom is eternal vigilance against those who would rob us of our sense of security through acts of terrorism.

Throughout the entire legislative process, I was pleased to note the extent of involvement by the survivors and the families of those who tragically lost their lives, as well as the larger community. This type of cooperation is not only indicative of how Oklahomans get things done, but will result in a Memorial that is aesthetically designed and truly meaningful to all those who will visit the site for generations to come.

In closing, I would like to thank my colleagues for recognizing the importance of this legislation and giving it their immediate attention. We can all be proud we will now have a suitable memorial to honor the lives of the men, women, and children killed in the bombing.

Mr. FAIRCLOTH addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. FAIRCLOTH. Mr. President, I ask unanimous consent to speak as in morning business for 5 minutes.

Mr. NICKLES. Will the Senator withhold for a moment?

Mr. FAIRCLOTH. Excuse me.

The PRESIDING OFFICER. If the Senator will withhold. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I would like to make sure we have taken final action on S. 871.

The PRESIDING OFFICER. We have taken final action.

Mr. NICKLES. I thank my colleague from North Carolina for his patience, as well as my colleague from Indiana for setting aside some time to pass this legislation. This is very important legislation to the people of Oklahoma and I think to our country as well.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. FAIRCLOTH. I thank the Senator from Oklahoma, and I thank the Chair.

(The remarks of Mr. FAIRCLOTH pertaining to the introduction of S. 1219 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. SMITH of Oregon. Mr. President, with the permission of the Senator from Indiana, I ask unanimous consent to speak as in morning business. I will take a couple minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SMITH of Oregon. I thank the Chair and the Senator from Indiana, Senator COATS.

## FREEDOM OF RELIGION IN RUSSIA

Mr. SMITH of Oregon. Mr. President, I wanted to come to the Senate floor this morning and talk about a development in Russia that is of concern to this body because of the action we took earlier this summer.

Earlier in the year the Russian Duma passed a law which would reintegrate a Stalinist system when it comes to freedom of conscience, freedom of religion. Four religions: Judaism, Buddhism, the Russian Orthodox Church, and Islam were identified as sanctioned by the Russian Federation, but left out all Protestant religions, the Catholic religion, and any other minority faith that is currently operating there according to international treaty and according to Russian law, previous Russian law and the Russian Constitution.

These new groups would be treated in minority fashion, in that they could not own property, they could not operate schools, have missionaries there, publish Bibles or distribute them or employ people. They would be required to get rid of bank accounts and to register with the state. What I am describing is a huge setback for Russia, back into Stalinist times. And so, this body took very courageous action. It voted 95 to 4 to withhold foreign aid to Russia, should this be enacted. I was delighted after we did that, that President Boris Yeltsin was good to his word and vetoed that legislation. After that, however, he participated in a compromise bill, which an honest reading would tell a person is of no difference.

The upper house of the Duma, yesterday, passed compromise legislation. The President is expected to sign it, and unfortunately, the worst things that could happen to religion in Russia could still happen. There is reason to believe that the Russian Government will implement this law differently than it is actually written. It is for this reason that I have worked with Senator MITCH MCCONNELL, and other members of the Foreign Operations Subcommittee, to modify our bill in a small, but significant way. The word "enact" will be changed in conference to "implement" in order to give the Russian leaders some latitude in interpreting this legislation. The foreign operations bill language will now allow the Russian Government 6 months to enact the new legislation in a manner that will not discriminate against minority religions before a decision is made to withhold foreign aid.

I come to the floor today to plead with my colleagues to support this language. I would tell you that the people we represent would not be amused by our inaction or our unwillingness to do something. This isn't about trade, this isn't about freedom of contract, this is about taking tax dollars from the American people and giving them to a government that is reimposing Stalinist restrictions. Imagine going to a townhall in your State, or mine in Oregon, and talking to Catholics who are watching the spectacle of their church being removed from Russia—and then trying to explain why Russia should get American tax dollars as foreign aid.

I thank the Chair for this time. I thank my colleague again from Indiana. I yield back the balance of my time.

## DISTRICT OF COLUMBIA APPROPRIATIONS ACT, 1998

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of S. 1156, which the clerk will report.

The bill clerk read as follows:

A bill (S. 1156) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1998, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

Coats amendment No. 1249, to provide scholarship assistance for District of Columbia elementary and secondary school students.

Wyden amendment No. 1250, to establish that it is the standing order of the Senate that a Senator who objects to a motion or matter shall disclose the objection in the CONGRESSIONAL RECORD.

### AMENDMENT NO. 1249

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to the consideration of amendment No. 1249 with the time until 5 p.m. equally divided and controlled in the usual form.

Mr. COATS addressed the Chair.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. COATS. Mr. President, we will now for about the next 5 hours be discussing an issue that I believe is important to every Member of the U.S. Senate and important to this country and important to the future of education.

The amendment is titled the "District of Columbia Student Opportunity Scholarship" amendment. It is being offered by myself and Senator LIEBERMAN from Connecticut. We will be presenting the case for this amendment to our colleagues who we trust they will be listening carefully to what is said, and I think the important debate that will ensue as a result of our offering this amendment.

The amendment is fairly basic. It provides opportunity scholarships for children in grades K through 12 for District of Columbia residents whose family incomes are below 185 percent of the poverty level. Scholarships may be used to pay tuition costs at a public or private school in the District of Columbia and in adjacent counties in Maryland and Virginia.

Scholarships are also available under this amendment for tutoring assistance for students who attend public schools within the District.

We establish a District of Columbia scholarship corporation that will determine how the money is distributed.

Student eligibility goes to those, as I said, whose family incomes are 185 percent or below of the poverty line. For those at or below the poverty line, these scholarships can total $3,200. For those who are between the poverty line and 185 percent of that, they can receive the lesser of 75 percent of the cost of tuition and monetary funds and transportation to attend an eligible institution of up to $2,400. The tuition scholarship is also available for tutoring in amounts up to $500 for students who stay in D.C. public schools.

The election process is designed to not discriminate in any way. All eligible applicants will be considered. If there are more applicants than scholarships available selection will be on a random basis.

The funding in no way takes one penny out of funds available for D.C. public schools. In fact, the $7 million in spending for fiscal year 1998 comes out of the Federal contribution to the District of Columbia that is earmarked for deficit reduction. That total contribution—$30 million more than the President requested—we will deduct $7 million out of that. So no, the District is not denied any funds, schools are not denied any funds. This is taken out of a fund that was added by Congress in addition to the President's budget.

Mr. President, there is one unavoidable fact at the center of the school choice debate. When education collapses, it is generally not the middle-class children who suffer the most. Their parents, in response to that collapse, have already chosen other private schools, other public schools or moved to the suburbs or away from that particular school, leaving only the low-income, often minority children, in these dysfunctional, often drug- and crime-infested institutions, with little pretense of learning or educational opportunity.

We have seen this happen in large cities across our country—in Philadelphia, New York, Detroit, and others. We have seen it happen around us. Every day as we meet here in the Capitol, every day surrounding us in the District of Columbia, our Capital City, we see this happening with tragic results.

The D.C. public school system spends more money per pupil than any other district in America. I am going to be repeating that phrase. The District of Columbia public school system spends more money per pupil than any other school district in America.

In 1996, 12 percent of the classrooms in the District of Columbia did not have textbooks at the beginning of the year and 20 percent lacked adequate supplies. The D.C. public school system spends more money per pupil than any other district in America, and yet 65 percent of all D.C. public schoolchildren test below their grade level. And 56 percent who take the Armed Forces qualification test—one of the few ways out of poverty in America for low-income students—56 percent who take the Armed Forces qualification test fail.

The D.C. public school system spends more money per pupil than any other district in America, yet only about 50 percent of education spending—that money that is available in the District of Columbia—goes toward instruction.

The system has 1 administrator for every 16 teachers while the national average is 1 administrator for every 42 teachers. That fact alone gives us an explanation as to one of the primary reasons for the failure of D.C. students, mostly minority students, to learn in the D.C. school system—a bureaucracy which consumes an extraordinary amount of money, over 50 percent of education funding in the District.

The D.C. public school system spends more money per pupil than any other district in America, and two-thirds of the teachers report that violent student behavior is a serious obstacle to teaching. And 16 percent of students report carrying a weapon to school. Over 1 in 10 avoid school because they fear for their safety.

It is safe to say, Mr. President, that if these results were found in suburban schools, the education reform movement would more closely resemble the French Revolution. But because these children are powerless and distant from our experience, because of the color of their skin and the size of their parents' bank accounts, we seem content to debate and delay help for those students.

We are content to promise reforms that never arrive. There is a price for our patience, a cost to our inertia, measured in squandered potential and stolen hope, measured by the advance of rage or retreat into apathy.

### PRIVILEGE OF THE FLOOR

Mr. President, at this point I would like to offer a UC that I omitted to offer earlier. I ask unanimous consent that Brent Orrell, my legislative director, who has been very instrumental in putting all this together be granted floor privileges.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COATS. Mr. President, Gen. Julius Becton has been charged with reforming education in the District. He deserves our support. But by his own estimates, it will take 5 or 10 years to test his approaches. Similar changes have been promised by five new superintendents in the last 15 years.

I suspect that many District parents are skeptical. I believe they have every right to be. Put yourself for a moment into their shoes. What good does it do a parent who fears for the current safety and future prospects of their 13-year-old child to wait 10 more years for the results of public school reform? By admitting that public school reform in the District will be accomplished in decades, we are saying that the sacrifice of a generation of students is unavoidable.

But what if that child were our child? What if that child was the child or the grandchild of a Member of this body who was assigned to a school where physical attacks and robberies and drug sales are rampant, where education is failing, where the one opportunity they have to escape the poverty that they are living in, a decent education, is unavailable to them? Would we be content to sit back and let the bureaucrats tell us it will take a decade to reform these schools? Would those of us who have a 10- or 12- or 13-year-old be content for one moment to allow that situation to exist if there was anything we could do about it?

We are asking poor inner-city children and their parents to tolerate circumstances for years that most middle-class and affluent Americans would not tolerate for a moment. And we expect them to be satisfied and gratified with tinkering changes and symbolic votes on funding which have shown no history of results at all—nothing but failure, endlessly repeated, mindlessly accepted.

This city should be ashamed of its incompetence. And we in Congress should be ashamed of our failure to deliver some hope, some measure of improvement for these children. This is not an issue of whether or not local or State governments have a right to control education.

We in the Federal Government have the responsibility for this Federal city. We have a responsibility for the conduct of affairs in this city and in particular for the educational system in this city. That educational system has failed. It is time we offered some remedies.

With this bill we have set out to turn this justified embarrassment and shame into something productive, something immediately helpful, something hopeful, not something 10 years down the line, but something that can be hopeful immediately to children caught in this tragic situation.

The argument in favor of low-income school choice comes down to a single question which I hope every Member of this body will seriously ponder. Is it just, is it fair, is it compassionate to insist on the coercive assignment of poor children to failed schools?

It is a question which answers itself. No, it is not just, it is not fair, it is not compassionate, if there are alternatives that work, that can provide hope to these students, that can provide opportunity for these students to escape the failed education system that they currently are forced to comply with, alternatives that teach care and discipline.

Right now in the District of Columbia these alternatives exist but they are rationed by cost, distributed by wealth. And that is not just, that is not fair, and that is not compassionate. Yet we can do something about it, at least in the District for at least some of the District's children.

Mr. President, I am entirely confident about two things in this debate, two facts that I think are beyond dispute. First of all, the children of our cities, even from broken homes in desolate neighborhoods, are capable of educational achievement. This should not be necessary to say because it is obvious to so many of us, but it is not obvious to the educational establishment.

The educational establishment argues exactly the opposite. They claim that schools fail because parents and students are failures themselves, complicating the work of educators with personal problems. I am sure you have heard this excuse that the jobs of teachers are impossible because families and communities refuse to help.

But, Mr. President, we know this is not true. We know that disadvantaged children are not educational failures by birth or circumstance or destiny. We know this as a matter of hard social science. We know this because of the success of nonpublic schools, primarily Catholic schools, that admit the same pool of urban students.

The late James Coleman of the University of Chicago found lower dropout rates and higher test scores among disadvantaged Catholic school students than their public school peers. William Evans and Robert Schwab, of the University of Maryland, came to similar conclusions, recording disproportionate gains by disadvantaged kids in Catholic schools. Other studies reveal that Catholic schools are more racially integrated than their public counterparts and succeed at about half the cost.

I want to repeat, studies have indicated that the Catholic schools are more racially integrated than urban public schools and they succeed where public schools fail, at half the cost of public schools.

These efforts succeed—with the same group of at-risk children—because Catholic education begins with an entirely different premise than the educational establishment: that every student can succeed if properly guided, and that 8 hours a day is a significant, even decisive, intervention in a child's life. This is not skimming. This is not creaming. This is faith and tenacity.

I pointed to Catholic urban schools because they have done such a remarkable job in our inner cities. There are other non-Catholic but religious schools and private schools that are secular schools that have demonstrated an ability to take the same students from the same areas, at half the cost or less, and do a better job in preparing those students for educational opportunities for the future or for employment opportunities for the future—an astoundingly better job.

So this argument that what can you do with these kids, "After all, look at the families they are from, look at the disadvantages that they have, there is nothing that we can do except provide some kind of a baby-sitting service during daylight hours," that is untrue. We have side by side with these failing public schools in our urban areas, side by side, schools that are accomplishing success and not reaping failure, that are taking the same students and providing that success at less than half the cost of our public schools.

The second fact I am sure about is that low-income, inner city parents support school choice in growing and overwhelming numbers—75 percent in Philadelphia, 95 percent in Milwaukee. The Milwaukee and Cleveland school choice programs, the only ones of their kind, were not started by Republicans. They were started by parents fed up with their schools that their children were compelled to attend. They were sponsored and supported by an emerging element of African American leadership. Councilwoman Fannie Lewis of Cleveland, Annette "Polly" Williams of Milwaukee, Anyam Palmer of Los Angeles, State Representative Glenn Lewis of Ft. Worth, State Representative Dwight Evans of Philadelphia—these are not black Republican conservatives; they are activist Democrats who view school choice as a matter of equity. They are men and women who have come to resent a nanny state in which the nanny has grown surly and arrogant and abusive and unresponsive.

Alveda King, niece of Martin Luther King, Jr., in this Capitol just 2 weeks ago, referred to school choice as a matter of civil rights. She says:

> In the name of civil rights, some oppose relief for religious parents who want their children to attend a religious school. In the name of helping poor and minority children, opponents of "opportunity scholarships" want to continue business as usual in the Washington schools. . . . U.S. citizenship guarantees all parents an education for their children. This is a true civil right. Yet some children receive a better education than others, due to their parents' abilities to pay for benefits that are often missing in public schools. This inequity is a violation of the civil rights of the parents and children who are so afflicted by lack of income and by the mismanagement endemic to so many of the country's public school systems.

Ms. King concludes:

> The District of Columbia Student Opportunity Scholarship Act was designed specifically to alleviate this inequality—to restore parents' and children's civil rights.

To Alveda King and to many African-Americans today, this is a civil right, the opportunity for equality of opportunity in the education of their children.

In July of this year, the Labor and Human Resources Committee, on which I proudly serve, held a hearing on the school choice issue. It was particularly instructive. One witness was Howard Fuller, former superintendent of Milwaukee public schools—an outside-the-box thinker on education. He began by asking a fundamental question: What makes a school public? This is the answer he gave:

> What makes a school public is that it functions in the public interest.

That interest involves high standards, consistently met—not the provision of services by one group or another. The public interest is to ensure that this happens, through whatever mix of public policies which make it happen.

He goes on to say:

> Although there must continue to be strong support for public education, it is, in the final analysis, not the system that is important; it is the students and their families who must be primary. We must ask the question, what is the best interests of the children, not in the best interests of the system. And in my professional opinion, the interests of poor students are best served if they are truly given choice which permits them to pursue a variety of successful options, public and private.

Fuller testified that the most basic problem with the current system is a structure of power relationships that leads to inertia:

> If you do not somehow change the existing power relationships, the existing configurations, no matter how deeply you might feel about making change, it is not going to occur, because the dynamics of the system are a curb to the kind of change you want to make. If you leave it intact, and you operate under its current form, we are not going to make the difference that we want to make for all of the children. But this need not be the end of public education.

I want to repeat that for my colleagues, the former superintendent of the Milwaukee Public School System, who is talking about the need to change the structure of public education so that it truly can begin the real process of reform, this man says that it need not mean the end of the public school system.

Opponents of this opportunity scholarship program say, "You really want to do away with the public school system." Not at all. We absolutely need a public school system in this country to begin to touch and educate the millions of children who live in this country, but we need a system that will provide them with equal opportunities for education, and they are not getting that now, particularly in many urban areas, and particularly among our minority children.

As Howard Fuller says:

> This need not be the end of public education. It is redefining what is a public educational system in 1997—not what it was in 1960, but what it should look like in 1997, 1998, the year 2000—[and beyond].

This shift in power and philosophy that Dr. Fuller describes involves a mix of approaches: strengthened public schools, low-income scholarships and charter schools. I am a supporter of all of those things. They are not mutually exclusive. Senator LIEBERMAN and I are not here today to say undo the public system and replace it with choice. We are saying we support a mix of things. They are not mutually exclusive. In fact, they are necessary to one another.

Dr. Fuller concludes:

> I think you have to have a series of options for parents. I support charter schools. I support site-based management. I support anything that changes the options for parents.

> But I am here to say that if one of those options is not choice that gives poor parents a way to leave, the kind of pressure that you need internally is simply not going to occur.

Dr. Fuller, who supports a range of choice for parents, says if one of those options is not choice then poor parents have no way to leave the system and apply the kind of pressure that has to be applied internally if any major change is going to occur.

His points were buttressed by several inner-city parents who telephoned. Listen to Pam Ballard of Cleveland:

> After being in the Cleveland public schools and having a child who attended Cleveland public schools, my daughter was listed a behavior problem. She was listed a "D" or "F" student in all subjects. She did not want to go to school. She had no interest in school. The students would hit her, kick her, mistreat her.

But Pam Ballard got a scholarship for her child at Hope Central Academy:

> It made a difference. I see that difference every time I watch my daughters at play, studying, reading, learning* * * Please keep the scholarship and tutoring programs alive. It is a beginning, and we all need new beginnings. It has helped keep me and my daughters alive.

Listen to Barbara Lewis from Indianapolis, who got similar help for her child:

> My son began to struggle in school. He was not getting the attention he needed. At no time did a teacher ever try to set up a parent-teacher conference to see what we could come up with to help my child. I requested extra credit work, and I tried to set up meetings with the teacher, to no avail. I began to lose hope. I felt that my child's gifts were being wasted.

Then an individual provided Ms. Lewis with a scholarship that the Indiana State Legislature failed to provide:

> The values I was teaching him at home were finally reinforced at school. My son blossomed into an honor roll student, a student council leader, and a football standout.
>
> School choice is not a new issue. People of financial means have always had this choice of where they would send their children, to what school. They could afford to move where they wanted, and they could afford the tuition for private schools, while lower-income families with the same hopes and dreams for their children and their children's futures are denied the choice, and they should not be.

Mr. President, it is my hope that the Senate will listen to these quiet voices rather than the strident voices of the education unions—voices of hyperbole and hypocrisy. The hyperbole comes in the accusation that we are destroying public education in the District with this measure. On the contrary, we are not even touching it. These scholarships are not deducted from District education funds. They represent entirely new money. The only challenge to public education in the District that they provide is the challenge of example—the example of at-risk students succeeding and private and religious schools where they have not succeed in public schools.

The hypocrisy is equally clear. While education unions oppose school choice, many inner-city public school teachers send their children to schools other than those which they teach. They are, in fact, two to three times more likely than other parents to send their children to private schools. In Milwaukee and Cleveland, for example, more than 50 percent of public school teachers send their own children to private schools. In the District, that figure is 28 percent, still twice the national average. I don't blame them. They are doing what is in the best interests of their own child. But I do blame education unions for actively denying that choice to others. The hypocrisy of the educational unions and the hypocrisy of those who say we must maintain the public school system and not allow opportunities for low-income people when they, themselves, send their children away from the public schools that they teach in so that they can get a better education at a private school.

We are not talking about sending children to St. Alban's or Sidwell-Friends. We are talking about sending young, fragile kids to schools with a little order, a little sanity, a little discipline, a little individual attention, a little love—schools like St. Thomas More in Anacostia, or the Nanny Hellen Burroughs School in Northeast, islands of nurture and learning.

I visited those schools. Senator LIEBERMAN and I have taken the opportunity to visit those schools. What a remarkable, remarkable difference at a fraction of the cost of the public schools. We cannot even begin to imagine the fears of a mother in the District who is forced to send her child through barbed wire and metal detectors, into a combat zone masquerading as an education institution. If we do not take the side of that mother with immediate, practical help, we will betray her yet again. I, for one, intend to take the side of these parents without hesitation or without apology and without delay. I urge my colleagues to do the same.

I yield the floor but reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from California

Mrs. BOXER. Mr. President, this is a very important debate. Yesterday when we opened debate on the D.C. appropriations, I urged colleagues on both sides not to come forward with controversial amendments because I feel, particularly in light of the situation in the District of Columbia, we need to move on with this bill. But such is not the case and every Senator has every right to bring an issue to the floor at any time, and that is what has happened here. We do have a long, extensive debate on the issue of vouchers.

Mr. President, as I said yesterday, I don't think this is about anything but our children. I don't think it is about strong voices. I don't think it is about quiet voices.

I don't think it is about passionate voices. I think it is about our children. How can we help our children? I think there is complete agreement that one way to help our children is to make sure they have the best education in the world. I don't think that is the question. So what I think it is about is not about us, it is about the children. It is about how we help them get the best education possible. As someone who believes in a free public education, as someone who attended public schools all the way from kindergarten to college, and as someone who sent my children to public schools, and as someone who represents a State that has rejected private school vouchers with taxpayer funds twice overwhelmingly, I think I stand here with some credibility on the subject.

It really amazes me, in a year when the District of Columbia students started their school year late because many of their school buildings were not safe, that we are voting on amendments that essentially gives money to private schools. What I said yesterday when I alluded to this amendment is that it would be very hard for many of us to support an amendment that helps 3 percent of the students—or purports to help 3 percent of the students, while leaving 97 percent without any additional help.

I want to make the point with a chart that I am going to just leave up here. I think that what we need is a 100-percent solution, which is quality public schools for all the children. That is what we need. As I go around my State, I have an "Excellence in Education" award that I give out to parents, to teachers, to principals, to business leaders, who are all helping get to quality public schools for all. Yes, we have problem public schools in our State. We also have some great public schools in our State. I think what we need to do, rather than give money to the private schools when we know we don't have extra funding, is to ensure that we taxpayers don't divert the money into private schools, but instead, make sure that it is diverted where it belongs, to all the children. So we are faced here with private school vouchers for a few—for 3 percent, a couple thousand of the kids in the District of Columbia while there are 78,000 who absolutely are going to lose by this. And so I hope people will support the 100 percent solution that many of us are supporting, rather than a 3-percent solution.

Now, what do I mean by a 100-percent solution? I mean that we should do things that help all of our children. What are some of those things? We know that our colleague, Senator CAROL MOSELEY-BRAUN, has pointed out that many of our schools are crumbling, that there are serious problems with them. It certainly was brought home not only here in the District of Columbia, but in other parts of the country, as other schools also opened late because they were dealing with these repairs. So here we go, some want to give $7 million—$7 million—to private schools. By the way, allowing a lot off the top for administration—and I will get into that—and that whole new bureaucracy that is set up in this amendment is extraordinary. I am going to read you the amendment, about the bureaucracy it sets up. The schools need help in terms of the facilities. We could have mentoring programs for these children, academic assistance, bringing in the business community, recreational activities, technology training. As the President has said, every child should know how to log onto a computer in our schools.

There are other viable school activities, drug, alcohol and gang prevention, health and nutrition counseling, and job skills preparation. Mr. President, if you look at the rate of crime committed by juveniles, it would amaze you to see the spike-up between the hours of 3 and 6 p.m. It seems to me that since we do have a great desire here to help the kids of the District of Columbia, we ought to be helping all of them from a menu of things that we could do for the $7 million that, if this amendment passes, will be diverted away from all the children.

Now, I want to point out that, under this amendment, the District of Columbia would be used as a guinea pig. It is a scheme that many States have rejected. I talked about my own State of California. Recent voucher proposals in Washington State and Colorado and California have lost by over 2-to-1 margins. A recent Gallup poll said that 71 percent of Americans believe the focus of improvement efforts should be on reforming the existing public school system rather than on finding an alternative system. Congress should not enact what the American people reject.

Funds should not go to private schools when the District of Columbia has such stark needs. Their needs are $2.1 billion to repair the schools, and 41 percent don't have enough power outlets and electrical wiring to accommodate computers and multimedia equipment. So we are taking $7 million and giving it to the private schools, many of which have endowments. And 66 percent of D.C. schools have inadequate heating, ventilation, and air conditioning. So we are taking 3 percent of the kids out of there and leaving 97 percent of the kids in a situation where they don't even have basic heating and air conditioning. Public dollars should not be routed to private schools before public school students in the District of Columbia get what they need.

Now, I want to point this out because the Senator from Indiana quoted a number of people from the District of Columbia and called them the "quiet voices." Let me add to some of the voices from a press conference that was held on September 17, with 11 ministers and the D.C. Congresswoman ELEANOR HOLMES NORTON. Representative ELEANOR HOLMES NORTON, who worked so very hard on this underlying bill, so very hard with Republicans and Democrats alike, talks about this proposal that would divert $7 million to private schools and leave 97 percent of the kids without any improvement. She says: "Virtually the entire city is speaking out against vouchers. The voucher movement is trying to use the children of the District of Columbia as steppingstones. We know what we want, and it's not vouchers. Hear the people: We can't waste money in this District."

The Reverend Graylan Ellis-Hagler from the Plymouth Congregational UCC Church says: "[Sterling] Tucker's letter sent to D.C. clergy was deceptive at best—it never even used the word 'voucher'. The voice of the people has been ignored. We are having vouchers rammed down our throats."

The Reverend Vernor Clay, Lincoln United Methodist Church: "We have voted down vouchers in the past. Our voice will not be undermined. Put money into the infrastructure of our schools if you're going to put it anywhere. [Put it] into our public students." He said, "I'm ashamed I signed my name to Tucker's letter. I was misled my him and his hired lobbyist."

Reverend Dr. Earl Trent from the Florida Avenue Baptist Church: "I am outraged that Congress has stepped on our rights. We want nothing to do with vouchers. It is going to harm a majority of our schools. Let the Congressmen try vouchers in their own States."

Well, of course, in my State, it was voted down twice.

Rev. Anthony Moore, Carolina Missionary Baptist Church: "We all [the ministers] stand united against vouchers. If you want to help our schools, give them money for repairs and supplies, not foolish programs."

Rev. Willie Wilson, Union Temple Baptist Church: "This has been a very undemocratic process. The Government should be by and for the people. As a community, we voted vouchers out, but now they're being forced on us. I was lied to by Rep. Tucker and his lobbyist. The letter was designed to rob the District of Columbia."

Rev. Jennifer Knutson, Foundry United Methodist Church: "Vouchers are not the answer. Public money should be spent on our public schools."

So here are some religious voices that are speaking out pretty unified. ELEANOR HOLMES NORTON, who is a tremendous representative of the people here and works so hard on these bills, is adamant on this point because she represents all the children, not just 3 percent of the children. She doesn't want a 3 percent solution, she wants a 100 percent solution. It is such an abandonment of the children to go this route. That is why voters in California, which is on the cutting edge of change, rejected this idea. We should not give up on our children.

Now, here is an interesting point. The Senator from Indiana has very eloquent, heartfelt remarks and, believe me, I greatly respect them. He talked a lot about the bureaucracy of the D.C. schools. He took probably several moments of his introduction to go after them. I don't defend any bureaucracy. I never have and I never will. But I have to tell you, he talked about the "nanny" State. If ever there was an example of bureaucracy, it is the way this program is going to be administered. I am not going to put my own spin on it, I say to my colleagues, I am going to read the bill. I am going to read the bill, starting on page 7 and ending—I have to get the right page number here—on page 34. That is how long it takes to explain how this thing is going to work.

### DISTRICT OF COLUMBIA SCHOLARSHIP CORPORATION.

GENERAL REQUIREMENTS.—

This is the bill, folks, this is the amendment we are being asked to vote on that will address 3 percent of the kids. This is the bureaucracy that is going to address a couple of thousand kids. This is the bureaucracy that is going to be created that is political when you hear how the appointments are made. It sticks politics right in the middle of these children. This is the bureaucracy that is the answer to what my colleague calls the "nanny State."

Let me read it to you:

> There is authorized to be established a private, nonprofit corporation, to be known as the "District of Columbia Scholarship Corporation," which is neither an agency nor establishment of the United States Government or the District of Columbia government.
>
> (2) DUTIES.—The Corporation shall have the responsibility and authority to administer, publicize, and evaluate the scholarship program in accordance with this title, and to determine student and school eligibility for participation in such program.
>
> (3) CONSULTATION.—The Corporation shall exercise its authority—
>
> (A) in a manner consistent with maximizing educational opportunities for the maximum number of interested families; and
>
> (B) in consultation with the District of Columbia Board of Education or entity exercising administrative jurisdiction over the District of Columbia Public Schools, the Superintendent of the District of Columbia Public Schools, and other school scholarship programs in the District of Columbia.
>
> (4) APPLICATION OF PROVISIONS.—The Corporation shall be subject to the provisions of this title, and, to the extent consistent with this title, to the District of Columbia Nonprofit Corporation Act (D.C. Code, sec. 29-501 et seq.).
>
> (5) RESIDENCE.—The Corporation shall have its place of business in the District of Columbia and shall be considered, for purposes of venue in civil actions, to be a resident of the District of Columbia.

(6) FUND.—There is established in the Treasury a fund that shall be known as the District of Columbia Scholarship Fund, to be administered by the Secretary of the Treasury.

(7) DISBURSEMENT.—The Secretary of the Treasury shall make available and disburse to the Corporation, before October 15 of each fiscal year or not later than 15 days after the date of enactment of an Act making appropriations for the District of Columbia for such year, whichever occurs later, such funds as have been appropriated to the District of Columbia Scholarship Fund for the fiscal year in which such disbursement is made.

(8) AVAILABILITY.—Funds authorized to be appropriated under this title shall remain available until expended.

(9) USES.—Funds authorized to be appropriated under this title shall be used by the Corporation in a prudent and financially responsible manner, solely for scholarships, contracts, and administrative costs.

(10) AUTHORIZATION.—

(A) IN GENERAL.—There are authorized to be appropriated to the District of Columbia Scholarship Fund—

(i) $7,000,000 for fiscal year 1998;

(ii) $8,000,000 for fiscal year 1999; and

(iii) $10,000,000 for each of fiscal years 2000 through 2002.

(B) LIMITATION.—Not more than 7.5 percent of the amount appropriated to carry out this title for any fiscal year may be used by the Corporation for salaries and administrative costs.

(b) ORGANIZATION AND MANAGEMENT; BOARD OF DIRECTORS.—

(1) BOARD OF DIRECTORS; MEMBERSHIP.—

(A) IN GENERAL.—The Corporation shall have a Board of Directors (referred to in this title as the "Board"), comprised of 7 members with 6 members of the Board appointed by the President not later than 30 days after receipt of nominations from the Speaker of the House of Representatives and the Majority Leader of the Senate.

So NEWT GINGRICH and TRENT LOTT will recommend these to the President.

(B) HOUSE NOMINATIONS.—The President shall appoint 3 of the members from a list of 9 individuals nominated by the Speaker of the House of Representatives in consultation with the Minority Leader of the House of Representatives.

(C) SENATE NOMINATIONS.—The President shall appoint 3 members from a list of 9 individuals nominated by the Majority Leader of the Senate in consultation with the Minority Leader of the Senate.

(D) DEADLINE.—The Speaker of the House of Representatives and Majority Leader of the Senate shall submit their nominations to the President not later than 30 days after the date of the enactment of this Act.

(E) APPOINTEE OF MAYOR.—The Mayor shall appoint 1 member of the Board not later than 60 days after the date of the enactment of this Act.

(F) POSSIBLE INTERIM MEMBERS.—If the President does not appoint the 6 members of the Board in the 30-day period described in subparagraph (A), then the Speaker of the House of Representatives and the Majority Leader of the Senate shall each appoint 2 members of the Board, and the Minority Leader of the House of Representatives and the Minority Leader of the Senate shall each appoint 1 member of the Board, from among the individuals nominated pursuant to subparagraphs (A) and (B), as the case may be. The appointees under the preceding sentence together with the appointee of the Mayor, shall serve as an interim Board with all the powers and other duties of the Board described in this title, until the President makes the appointments as described in this subsection.

(2) POWERS.—All powers of the Corporation shall vest in and be exercised under the authority of the Board.

(3) ELECTIONS.—Members of the Board annually shall elect 1 of the members of the Board to be the Chairperson of the Board.

(4) RESIDENCY.—All members appointed to the Board shall be residents of the District of Columbia at the time of appointment and while serving on the Board.

(5) NONEMPLOYEE.—No member of the Board may be an employee of the United States Government or the District of Columbia Government when appointed to or during tenure on the Board, unless the individual is on a leave of absence from such a position while serving on the Board.

My colleagues know that this is not one of the most inspiring speeches that I have ever made. But I think it is important that we read this entire amendment because it deals with setting up a whole other bureaucracy for 2,000 children in the District of Columbia—just 3 percent of the children—and enables this bureaucracy to take 7.5 percent off the top of the $7 million. I think it is important that we see what we are creating here.

(6) INCORPORATION.—The members of the initial Board shall serve as incorporators and shall take whatever steps are necessary to establish the Corporation under the District of Columbia Nonprofit Corporation Act (D.C. Code, sec. 29-501 et seq.).

(7) GENERAL TERM.—The term of office of each member of the Board shall be 5 years, except that any member appointed to fill a vacancy occurring prior to the expiration of the term for which the predecessor was appointed shall be appointed for the remainder of such term.

(8) CONSECUTIVE TERM.—No member of the Board shall be eligible to serve in excess of 2 consecutive terms of 5 years each. A partial term shall be considered as 1 full term. Any vacancy on the Board shall not affect the Board's power, but shall be filled in a manner consistent with this title.

(9) NO BENEFIT.—No part of the income or assets of the Corporation shall inure to the benefit of any Director, officer, or employee of the Corporation, except as salary or reasonable compensation for services.

(10) POLITICAL ACTIVITY.—The Corporation may not contribute to or otherwise support any political party or candidate for elective public office.

(11) NO OFFICERS OR EMPLOYEES.—The members of the Board shall not, by reason of such membership, be considered to be officers or employees of the United States Government or of the District of Columbia Government.

(12) STIPENDS.—The members of the Board, while attending meetings of the Board or while engaged in duties related to such meetings or other activities of the Board pursuant to this title, shall be provided a stipend. Such stipend shall be at the rate of $150 per day for which the member of the Board is officially recorded as having worked, except that no member may be paid a total stipend amount in any calendar year in excess of $5,000.

(c) OFFICERS AND STAFF.—

So members of the board can be paid $5,000 and they are helping 3 percent of the kids in the District of Columbia.

(1) EXECUTIVE DIRECTOR.—The Corporation shall have an Executive Director, and such other staff, as may be appointed by the Board for terms and at rates of compensation, not to exceed level EG–16 of the Educational Service of the District of Columbia, to be fixed by the Board.

(2) STAFF.—With the approval of the Board, the Executive Director may appoint and fix the salary of such additional personnel as the Executive Director considers appropriate.

So we have a board where members can have a stipend not to exceed $5,000. We have an executive director, and he or she can appoint and fix the salary of such additional personnel as the executive director considers appropriate, all to help 3 percent of the kids while 97 percent of the kids get no benefit from this.

(3) ANNUAL RATE.—No staff of the Corporation may be compensated by the Corporation at an annual rate of pay greater than the annual rate of pay of the Executive Director.

(4) SERVICE.—All officers and employees of the Corporation shall serve at the pleasure of the Board.

(5) QUALIFICATION.—No political test or qualification may be used in selecting, appointing, promoting, or taking other personnel actions with respect to officers, agents, or employees of the Corporation.

(d) POWERS OF THE CORPORATION.—

(1) GENERALLY.—The Corporation is authorized to obtain grants from, and make contracts with, individuals and with private, State, and Federal agencies, organizations, and institutions.

(2) HIRING AUTHORITY.—The Corporation may hire, or accept the voluntary services of, consultants, experts, advisory boards, and panels to aid the Corporation in carrying out this title.

(e) FINANCIAL MANAGEMENT AND RECORDS.—

(1) AUDITS.—The financial statements of the Corporation shall be—

(A) maintained in accordance with generally accepted accounting principles for nonprofit corporations; and

(B) audited annually by independent certified public accountants.

(2) REPORT.—The report for each such audit shall be included in the annual report to Congress required by section 11(c).

We are only on page 16 and we have to go to page 32. But I think we are learning by reading this what a bureaucracy we are about to embark upon.

(f) ADMINISTRATIVE RESPONSIBILITIES.—

(1) SCHOLARSHIP APPLICATION SCHEDULE AND PROCEDURES.—Not later than 30 days after the initial Board is appointed and the first Executive Director of the Corporation is hired under this title, the Corporation shall implement a schedule and procedures for processing applications for, and awarding, student scholarships under this title. The schedule and procedures shall include establishing a list of certified eligible institutions, distributing scholarship information to parents and the general public (including through a newspaper of general circulation), and establishing deadlines for steps in the scholarship application and award process.

(2) INSTITUTIONAL APPLICATIONS AND ELIGIBILITY.—

(A) IN GENERAL.—An eligible institution that desires to participate in the scholarship program under this title shall file an application with the Corporation for certification for participation in the scholarship program under this title that shall—

(i) demonstrate that the eligible institution has operated with not less than 25 students during the 3 years preceding the year for which the determination is made unless the eligible institution is applying for certification as a new eligible institution under subparagraph (C);

So, if you hear that, schools can be created that have no track record and pop up and get this taxpayer dollar. There it is on page 17.

Two, contain insurance that the eligible institution will comply with all of the applicable requirements, three contain an annual statement of the eligible institutions budget, four, describe the eligible institutions proposed program including personnel qualifications and fees.

(ii) contain an assurance that the eligible institution will comply with all applicable requirements of this title;

(iii) contain an annual statement of the eligible institution's budget; and

(iv) describe the eligible institution's proposed program, including personnel qualifications and fees.

So, it is possible under this bill to create a brandnew institution just to get this publicized.

(B) CERTIFICATION.—

(i) IN GENERAL.—Except as provided in subparagraph (C), not later than 60 days after receipt of an application in accordance with subparagraph (A), the Corporation shall certify an eligible institution to participate in the scholarship program under this title.

(ii) CONTINUATION.—An eligible institution's certification to participate in the scholarship program shall continue unless such eligible institution's certification is revoked in accordance with subparagraph (D).

(C) NEW ELIGIBLE INSTITUTIONS.—

(i) IN GENERAL.—An eligible institution that did not operate with at least 25 students in the 3 years preceding the year for which the determination is made may apply for a 1-year provisional certification to participate in the scholarship program under this title for a single year by providing to the Corporation not later than July 1 of the year preceding the year for which the determination is made—

(I) a list of the eligible institution's board of directors;

(II) letters of support from not less than 10 members of the community served by such eligible institution;

(III) a business plan;

(IV) an intended course of study;

(V) assurances that the eligible institution will begin operations with not less than 25 students;

(VI) assurances that the eligible institution will comply with all applicable requirements of this title; and

(VII) a statement that satisfies the requirements of clauses (ii) and (iv) of subparagraph (A).

(ii) CERTIFICATION.—Not later than 60 days after the date of receipt of an application described in clause (i), the Corporation shall certify in writing the eligible institution's provisional certification to participate in the scholarship program under this title unless the Corporation determines that good cause exists to deny certification.

So, here we have it, folks. The Senator from Indiana talked about the great private schools, and, yet, under this you can just spring up with a new one, and bring in those tax dollars for 2,000 kids, and you leave behind 97 percent of the children. There are 78,000 children in D.C. schools. You are setting up in this amendment and a bureaucracy that is extraordinary allowing new schools to pop up, and scholarships are going to be made available to 2,000 children. And the stipend that goes to the board of directors exceeds the amount of the scholarship, and the executive director can hire anyone he or she wants. They have a cap on overall administration, but do whatever he or she wants as long as they are not paid more than he gets paid or she gets paid. But I am only on page 20.

There I pause.

(iii) RENEWAL OF PROVISIONAL CERTIFICATION.—After receipt of an application under clause (i) from an eligible institution that includes a statement of the eligible institution's budget completed not earlier than 12 months before the date such application is filed, the Corporation shall renew an eligible institution's provisional certification for the second and third years of the school's participation in the scholarship program under this title unless the Corporation finds—

(I) good cause to deny the renewal, including a finding of a pattern of violation of requirements described in paragraph (3)(A); or

(II) consistent failure of 25 percent or more of the students receiving scholarships under this title and attending such school to make appropriate progress (as determined by the Corporation) in academic achievement.

(iv) DENIAL OF CERTIFICATION.—If provisional certification or renewal of provisional certification under this subsection is denied, then the Corporation shall provide a written explanation to the eligible institution of the reasons for such denial.

(D) REVOCATION OF ELIGIBILITY.—

(i) IN GENERAL.—The Corporation, after notice and hearing, may revoke an eligible institution's certification to participate in the scholarship program under this title for a year succeeding the year for which the determination is made for—

(I) good cause, including a finding of a pattern of violation of program requirements described in paragraph (3)(A); or

(II) consistent failure of 25 percent or more of the students receiving scholarships under this title and attending such school to make appropriate progress (as determined by the Corporation) in academic achievement.

(ii) EXPLANATION.—If the certification of an eligible institution is revoked, the Corporation shall provide a written explanation of the Corporation's decision to such eligible institution and require a pro rata refund of the proceeds of the scholarship funds received under this title.

(3) PARTICIPATION REQUIREMENTS FOR ELIGIBLE INSTITUTIONS.—

(A) REQUIREMENTS.—Each eligible institution participating in the scholarship program under this title shall—

(i) provide to the Corporation not later than June 30 of each year the most recent annual statement of the eligible institution's budget; and

(ii) charge a student that receives a scholarship under this title not more than the cost of tuition and mandatory fees for, and transportation to attend, such eligible institution as other students who are residents of the District of Columbia and enrolled in such eligible institution.

(B) COMPLIANCE.—The Corporation may require documentation of compliance with the requirements of subparagraph (A), but neither the Corporation nor any governmental entity may impose requirements upon an eligible institution as a condition for participation in the scholarship program under this title, other than requirements established under this title.

**SEC. 04. SCHOLARSHIPS AUTHORIZED.**

(a) ELIGIBLE STUDENTS.—The Corporation is authorized to award tuition scholarships under subsection (c)(1) and enhanced achievement scholarships under subsection (c)(2) to students in kindergarten through grade 12——

(1) who are residents of the District of Columbia; and

(2) whose family income does not exceed 185 percent of the poverty line.

(b) SCHOLARSHIP PRIORITY.—

(1) FIRST.—The Corporation first shall award scholarships to students described in subsection (a) who——

(A) are enrolled in a District of Columbia public school or preparing to enter a District of Columbia public kindergarten, except that this subparagraph shall apply only for academic years 1997–1998, 1998–1999, and 1999–2000; or

(B) have received a scholarship from the Corporation for the academic year preceding the academic year for which the scholarship is awarded.

I see the Senator from Rhode Island is here. I know the Senator from Connecticut is waiting to be heard. But I think it is very important that we read this amendment because one of the criticisms about schools in general is that they are bureaucratic and you can't get more bureaucratic in my mind than this.

I want to point out that 7.5 percent of $7 million for administration and reimbursement to this board of directors is $525,000. That is over half a million dollars for a brandnew bureaucracy—just what we do not need, frankly, at this point.

Now, I am going to skip some of this in the interest of time, but I am going to read some of it.

(3) LOTTERY SELECTION.—The Corporation shall award scholarships to students under this subsection using a lottery selection process whenever the amount made available to carry out this title for a fiscal year is insufficient to award a scholarship to each student who is eligible to receive a scholarship under this title for the fiscal year.

So we are helping 3 percent of the kids, and sometimes it will be a lottery.

And so as to save time, I am going to go to a very interesting part here. It goes on and on and on. There is a subsection on civil rights and a very important part in here.

An eligible institution participating in the scholarship program under this title shall not discriminate on the basis of race, color, national origin, or sex in carrying out the provisions of this title.

It is very important that that be in here.

APPLICABILITY AND CONSTRUCTION WITH RESPECT TO DISCRIMINATION ON THE BASIS OF SEX.—

> With respect to discrimination on the basis of sex, subsection (a) shall not apply to an eligible institution that is controlled by a religious organization if the application of subsection (a) is inconsistent with the religious tenets of the eligible institution.

Now, this goes on and talks about single-sex schools, classes or activities, revocations, and then there is actually a part in this amendment that I saw that deals with abortion.

OK, on page 29 of this bill that sets up scholarships for children, we say here:

> With respect to discrimination on the basis of sex nothing in subsection (a) shall be construed to require any person, or public or private entity to provide or pay, or to prohibit any such person or entity from providing or paying, for any benefit or service, including the use of facilities, related to an abortion.

Now, I just have to say we are talking about a scholarship program for kids aged from kindergarten until about age 12, and we have a section in here on abortion.

I say to anybody reading this—and I have slowed it down in deference to my colleagues who are on the other side of the issue who want to be heard on this—I say that anybody reading this would have to agree, how you can stand up here and fight against bureaucracy and the nanny state and then defend an amendment like this which sets up an entire new bureaucracy, which sets up a board of directors that can be paid as much as $5,000 a year, more than the scholarships you are giving, which sets up a situation that a brandnew school can pop up, I suppose as long as they get through the board of directors. Maybe they have some clout because who is appointing the board of directors? Politicians—politicians—the majority leader, in consultation with the minority leader, the Speaker in consultation with the Democratic leader over there.

What is this? For a scholarship program that at best will serve 2,000 students and leaving 76,000 students with nothing, and a half-million dollars off the top for administrative costs, and that is just now.

I was on the board of directors once of a preschool center when my kids were little. It was wonderful. It was nonsectarian, but it actually happened to be a community that used a church facility. We had a tremendous scholarship program. And I have to tell you, it was a great scholarship program—a private institution, nonprofit—and we did not need to have all of this. If the private sector wants to help the kids, they can put forward some scholarships on their own. We do not need to set up a new, massive bureaucracy. That is what I call it. Because you read this—I am sure everyone who might have been listening to it fell asleep—going through pages and pages of regulations, you find out that in fact members of the board can be paid more than an individual gets who gets the scholarship; you find out in fact it is the Speaker of the House and majority leader, and in this case the Democratic minority, who have input into who sits on this board of directors. The President gets to appoint them on recommendation from at this point TRENT LOTT and NEWT GINGRICH after consultation with their counterparts.

This is not the end of the nanny state. This is the beginning of the political state in the middle of our children's lives.

I look forward to working with my colleagues on both sides of the aisle to putting forward something that is going to help 100 percent of the kids. We know after-school programs are needed by these children. We know that after-school programs work. I say to my colleagues who are for this, let me show you LA's Best, an after-school program for LA's kids. Boy, those kids are so successful. They are doing 75 percent better than the kids that do not go to that after-school program.

Let's get new textbooks. This amendment provides $7 million. For $1 million, we can get new textbooks for every third, fourth, and fifth grader in the D.C. schools. I remember when I was a kid opening the books and smelling the new school books. We all remember those days. And today our kids get textbooks that are falling apart. For $1 million of the $7 million we can do this. For $3.5 million we can have 70 after-school programs so our kids are not home alone and they have somebody to say "yes" to. We could get new boilers for the schools. It costs $19,000 per boiler to keep those kids warm. We could fix many of the problems in our D.C. schools for 100-percent of the children.

I hope as Members consider how to vote on this they will go for a 100-percent solution, not the 3-percent solution which is so unfair to the children and sets up a bureaucracy that steals money right off the top—a half-million dollars to go to boards of directors and executive directors and all of those things I read to you. And so I thank my colleagues for their patience and I yield the floor but retain the remainder of our time on this side.

Mr. COATS addressed the Chair.

The PRESIDING OFFICER (Mr. THOMAS). The Senator from Indiana.

Mr. COATS. Mr. President, I would like to yield as much time as the Senator from Connecticut, coauthor of this provision and partner with me in this effort, may consume. I appreciate his support and help in this effort.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. I thank the Chair. I thank my friend and colleague from Indiana. I thank him particularly for his consistent leadership in this effort. I am proud to be his cosponsor along with Senator BROWNBACK, a Republican Senator, colleague, and friend from Kansas, and—and I mention this with some pleasure—Senator LANDRIEU, our new colleague, Democratic Senator from Louisiana, is also a cosponsor.

Mr. President, before I get to laying out the reasons why I am for this measure, I just want to respond to something our colleague from California said.

The Senator from California kept stressing over and over again this foundation, this nonprofit board that we are setting up to administer these scholarships and talked about the enormous amount of money that it was going to spend—bureaucracy, overhead. In the amendment, which we are putting in to create this program, the noninstructional, the administrative costs are capped to 7.5 percent. It does come to a little bit over a half-million dollars. But take a look at the budget of the District of Columbia Public School System. Noninstructional central administration and overhead, 33 percent. Only two-thirds of the money we give—and we give well over half a billion of public money to the District of Columbia—two-thirds of that gets spent on instruction, one-third on central administration.

The amendment Senator COATS and I are putting in caps central administration for this scholarship program at 7.5 percent. So I do not think that is a very good argument to oppose our amendment. In fact, our amendment is pretty tightly drawn where 92.5 percent of the money we give will go to the kids and the parents. Let them decide where they want it to go for their education.

Mr. President, this is a very important amendment. There is a certain way in which a lot of us—and I am guilty of this some myself—are kind of predisposed. We go by momentum. We judge, well, which group of my friends, which interest is on which side, which interest group is on the other side. I appeal to people, our colleagues here and, frankly, particularly directly to those in my own party, to take a look at this amendment. Senator BOXER read from the amendment.

After you read the amendment, read this: "Children in Crisis, a Report on the Failure of D.C.'s Public Schools, November 1996," written on behalf of the District of Columbia Financial Responsibility and Management Assistance Authority, the control board we created.

What is the conclusion? It is documented in painful—if I had a child in this system I would say infuriating, heartbreaking—detail. I quote:

> The deplorable record of the District's public schools by every important educational and management measure has left one of the city's most important public responsibilities in a state of crisis, creating an emergency which can no longer be ignored or excused. The District of Columbia Public School [System] is failing in its mission to educate the

children of the District of Columbia. In virtually every area and for every grade level, the system has failed to provide our children with a quality education and a safe environment in which to learn.

I stress the word "emergency" because I am going to come back to that word. There is an emergency in the District of Columbia Public School System and we are devoting a lot of effort—as I said before, over $500 million, $564 million in this bill, going from the Federal taxpayers to the District of Columbia Public School System. We are doing everything we can to try to make it better. What is wrong with taking $7 million, compared to the $564 million, and saying in this state of emergency, good God, let's give 2,000 kids and their parents a chance to get out of the emergency and better their own lives, better their education so they can provide for themselves?

That is what this is about. It would do nothing more than offer 2,000 children from low-income homes the opportunity to attend a better school. Incidentally, we often don't mention it, but there is another part of it. It would offer 2,000 additional disadvantaged children of the District of Columbia, who go to the public schools and want to stay there, the opportunity for a $500 scholarship to use for exactly the kind of program Senator **BOXER** talked about: After-school tutoring, enrichment, the kind of program that will help that child have a better prospect of doing better, even within the tough circumstances in the District of Columbia system. That is all this is about.

People talk about this as if, I don't know, it is un-American. It is actually fundamentally American, because it deals with equal opportunity, making it real for kids who are trapped in a school system in which, no matter how much most of them work, and their parents hope for them, they are not going to have an equal opportunity. They are not going to have the same opportunity that those many in the District of Columbia, the richer ones, who send their kids to private schools and other schools, are going to have.

Listen to some of the critics of this amendment and you would think we were going to cause the sky to fall down on public education. Just over the last week a number of organizations that I consider to be well-intentioned have flooded the Hill with shrill letters proclaiming that this bill is discriminatory, that it is unconstitutional; possibly, from what you read, the single greatest threat to American education since I don't know what. Even Secretary of Education Richard Riley, a man I admire so much, went so far as to suggest this week that our bill would "undermine a 200-year American commitment to the common school."

Mr. Secretary, respectfully, that is just not so. Those of us sponsoring this amendment are having a hard time reconciling the exaggerated rhetoric of our critics with the actual details of our plan. Let me repeat. We are talking about spending $7 million next year to fund this program, compared to the $564 million we are giving to the public schools in the District. That is about two-tenths of 1 percent for this test, for this pilot program, for this lifeline to a couple of thousand disadvantaged kids in the District. We don't take one dime away from the D.C. public schools with this amendment. And this small, experimental program is purely voluntary. No people who are satisfied with their current public school will be forced to make any other choice.

The only explanation I can come up with, after the years of listening to the wild allegations that have accompanied the school choice debate, is, if I may put it this way, that love is blind, even in public policy circles. Our critics are so committed to the noble mission of public education that they have shut their eyes to the egregious failures in so many of our public schools and insisted on defending the indefensible; insisted on blocking children in a situation that the D.C. control board describes as an emergency from getting out of that emergency. So they are conditioned to believe that any departure from their orthodoxy is tantamount to the death of their cause. They refuse to even concede the possibility that offering children this kind of choice would give them a chance at a better life while we are investing so much and working so hard nationally and here in the District to repair and reform our public schools.

Of course our public schools will always be our priority concern when it comes to educating our children. But what about the ones who are—this is as if a child was in the middle of a fire and somebody was offering a lifeline out and somebody says, "Oh, no, no, no, the building they are in is a historic building. That is not fair to the child."

Listen to the complaints of some of the critics and you will see, I am afraid, that they have concocted a flexible fiction that allows them to believe this fight, their fight, is right, no matter what the facts say. In the alternative universe of the critics, money is the solution to problems that, in fact, are often created by wasteful bureaucracies. Private schools to which many choice critics themselves send their kids are not right, somehow, for children of the poor, seems to be the implication in the criticism, and giving a poor parent the same choices that heretofore have been reserved for those who can afford them amounts, somehow, to an act of discrimination instead of what it is, an act of empowerment.

Nowhere have the myths been stretched further than in the case of this D.C. scholarship amendment. I just want to spend a few moments to recite for my colleagues some of the more spurious charges that have been made, and to respond to them. I think it is important to do so because I want to make every effort I can to make sure that Members of the Senate have accurate information about this amendment before they make up their minds on how to vote. I also hope to demonstrate the extraordinary lengths to which our critics have gone to attack this plan and uphold what I feel is a failed dogma, which is irrelevant to and insensitive to the trap in which thousands of D.C. students and their parents find themselves today: Unsafe schools—unsafe structurally and unsafe in terms of crime—where too many teachers are not actually educating the children.

I am going to talk about some myths.

Myth No. 1: This amendment would drain desperately needed resources from D.C. public schools. I think I have talked a bit about that, but, very briefly, the funding for our program comes from the Federal payment to the city. It would have no impact on the D.C. school budget. Put it another way, if this amendment fails, the D.C. schools will not get one additional penny. This criticism is based on the misguided notion that throwing more money at the D.C. public schools will solve the crisis they are experiencing. The truth is that the Washington Post did not label the D.C. public school system a well-financed failure for nothing.

The Senator from California said, "Why not take the $7 million and give it to 100 percent of the children? Give it to the school system." For what? To better finance the failure that too many of them are struggling to get an education and build a life for themselves under?

I refer my colleagues briefly to this chart which was taken directly from that D.C. control board study that I referenced earlier. The District of Columbia Public School System in fact has one of the highest per-pupil expenditures in the country, spending an average of $1,100 more per child than cities of comparable size. Here is the District of Columbia. It spends $7,655. These are per-pupil, from 1994 and 1995—$7,655. The national average is $6,084. And look at neighboring districts, districts around the District of Columbia: $6,552. They spend slightly more than $1,000 less than the D.C. school systems spend. You can go on. The chart speaks for itself. Only Newark spends more than the District of Columbia per child.

So it is not money here, it is the way the money is being spent. Put $7 million to 100 percent of the kids, what are you going to get? If I may build on the Washington Post conclusion, a better financed failure. Take the $7 million, give it to these 2,000—4,000 students, you are going to give them a chance at a better education and a better life. I will readily concede that the $7 million could be tacked onto the public school budget. But we have to ask ourselves, will that really help the kids who are there now, spreading the money on top of a bureaucracy that is still having trouble counting how many students it has—which is what this Control Board report tells us? Or putting it directly into the hands of 2,000 families so they can attend a school they are confident can educate their child. If we are asking what is best for the students and not what is best for the system, there is no question what will do more good right away, in this coming year, and that is the scholarship program.

Myth No. 2, often heard about school choice and heard about this program. The scholarship is too low to pay for private school and there is no space at private schools for these kids, so it is kind of a sham. Wrong. Our critics seem to have a dated image of the universe of private and faith-based schools, one that assumes that every school is Saint Alban's or Sidwell Friends. There are 88 private and parochial schools inside the beltway that cost less than $4,000 per student, including 60 that cost less than the $3,200 scholarship our amendment would provide. There are at least 2,200 spots now open in schools with tuition less than $4,000, and that is according to just a partial survey of the schools inside the beltway.

A related complaint we hear is the scholarships will not do much good because private and religious schools can and do discriminate. Certainly not discrimination based on race. This charge ignores what is happening today at private and parochial schools here and in other urban areas around this country. Studies show that Catholic schools, as an example, in New York and Chicago and in my own capital city of Hartford, are serving overwhelmingly minority populations. And that is more than true here in the District. This chart, I think, is a startling one. The student population of the District's 16 center-city Catholic schools is 93 percent African-American. Center-city Catholic, 93 percent African-American, actually 5 percent higher than the 88 percent African-American enrollment in the public schools of the District of Columbia. Catholic schools are hardly an exception. For example, Senator COATS and I have been to visit the Nannie Helen Burroughs School, an elementary school run by the National Baptist Convention here in Washington. It is in an area in the northeast section. It has 100-percent African-American school population. We talked to the principal. She said literally they have an open-door policy. She said to Senator COATS and me, "We will accept anyone who comes to the door—anyone who comes to the door." So much for the charge of discrimination.

Members of the Senate should also know that this amendment contains explicit civil rights protections that would prohibit schools participating in this program from discrimination based on race, color, gender, national origin, and it references the District of Columbia Human Rights Act, which actually has a broader series of antidiscrimination protections.

Myth No. 3: The voters of the District have already rejected choice. That is what the critics say. They will continue to cite the results of a referendum held—when?—17 years ago on a tuition tax credit plan totally different from the scholarship amendment Senators COATS, BROWNBACK, LANDRIEU, and I are proposing here.

A much more recent, May 1997, poll and a more relevant poll, found that 62 percent of low-income parents in the District, the people this program is designed to serve, thought a scholarship plan was an excellent or good idea.

Mr. President, the fascinating part of that poll—I don't have the exact number in front of me—is that the more white and higher income the group polled, the more likely they were to oppose this proposal, the more likely also that their children were in private or faith-based schools. The people that this scholarship program is aimed at helping desperately want this kind of lifeline.

Later in the debate I will cite a study done among African-Americans nationally that a joint center, distinguished think tank, in town shows remarkable rising support for school choice programs, vouchers, particularly among younger African-Americans. I wonder why, sadly, too many African-American children are suffering from a lack of real opportunity in school systems like the one in the District of Columbia.

Myth No. 4: There is no evidence, the critics say, that scholarships will improve academic performance. Well, just a few days ago, a research team from Harvard released a study showing that students participating in the Cleveland choice program made significant gains in their first year. Math test scores rose an average 15 percent in 1 year for kids involved in the choice program there; reading tests 5 percent—just 1 year after leaving public schools.

That data builds on several convincing studies demonstrating that low-income students attending center-city Catholic schools have achieved far higher scores than their peer groups in the local public schools. Comparable populations in each case, two different settings, kids in the center-city Catholic schools doing much better.

A 1990 Rand Corp. comparison of schools in New York City, for instance, found that the Catholic schools graduated 95 percent of their students annually, while the comparable public schools graduated slightly more than 50 percent. These are numbers, but behind these numbers are thousands of children—thousands of children—who, when they don't finish school, are generally confined to a life without real opportunity.

Look at the difference: 95 percent of the kids in the Catholic schools graduate; slightly more than 50 percent in the comparable public schools.

The Rand Corp. report also showed that the Catholic school students outperformed their counterparts in the public schools and—again, this is in New York City—on the SAT exam by an average of 160 points.

A study released earlier this year by Derek Neal of the University of Chicago found that low-income Catholic school students were twice as likely to graduate from college as their public school counterparts. What a story. It shows what we all know; it shows it so powerfully.

The problem here is not the kids. Put the kids in an environment where they have a real chance to learn, where they are going to be taught in a way that is focused on them, and they will blossom, they will rise, they will soar, with twice as many graduating from college. Not surprising, then, that Paul Vallas, the man charged with rebuilding the decrepit Chicago Public School System, and doing a great job from all reports, is working closely with educators in the schools of the Catholic Archdiocese of Chicago to learn what has made these faith-based schools succeed where the public schools have failed. It is surprising, though, that few other urban administrators have been willing to do the same thing.

Myth No. 5, another false allegation: This amendment is part of a Republican-only agenda. It is a sad fact that most of the choice proponents in Congress are members of the Republican Party, although I am proud to say that Senator LANDRIEU and I are cosponsors of this amendment, and in the House, Congressman FLOYD FLAKE of New York and Congressman BILL LIPINSKI of Chicago have joined in cosponsoring this bill.

But you have to go beyond that. To write this effort off as a partisan effort is to ignore the growing demand for programs that give parents greater educational choice, a demand that cuts across partisan, racial, class, and ideological lines.

Take a look at who is driving the choice movement at the grassroots level around the country. Mothers like Zakiya Courtney in Milwaukee and Barbara Lewis in Indianapolis. Educators like Howard Fuller, the former Milwaukee superintendent of schools. Legislators like Glenn Lewis from Texas. Civil rights leaders like Alveda King from Atlanta, Dolores Fridge, the Minnesota Commissioner of Human

Rights. All happen to be African-Americans. To the best of my knowledge, most of them are Democrats.

They are not moved by politics. What moves them is love for their children and frustration and anger that their children are being denied a chance at the American dream because they are being forced, for reasons of income, to attend chronically dysfunctional public schools.

These activists have been joined by thoughtful thinkers, independents like Bill Raspberry and Democrats like Bill Galston, former domestic policy adviser to President Clinton, who have both endorsed the program that we are proposing in this amendment today.

Consider the fact that polls routinely show that support for just the kind of program we are proposing is growing into a majority. For example, just this week, the Center for Education Reform released a survey showing that 82 percent of American adults favored giving parents greater educational choice, and 72 percent approve of using taxpayer funds to allow poor parents to choose a better school for their child—72 percent on a poll released just this week.

This is not partisan. Unfortunately, the vote in Congress too often has been divided along party lines, but that is not the reality out across America. Why? Because the American people are fair, they are realistic, they are practical. They see what is happening to too many of the children in too many of our public school systems. While we are working feverishly to repair those school systems, they think some of the kids are trapped in them, not because they are less able, but only because their parents don't have the money to take them out of those school systems that aren't working for them.

The parents and activists and local political leaders who are demanding choices are not out to destroy the public schools, as so often is alleged. Senator COATS and I, Senator BROWNBACK, Senator LANDRIEU—none of us are out to destroy the public schools. I am the proud product of a public school. I received a great education. I know the role that the public school has played in America as a blender, a meeting ground for people of all kinds who come to the public schools. But the reality is, in too many of our schools today, that is not happening.

Mr. President, I can't think of a public school education support proposal that I haven't supported in the 8½ years I have been in the Senate of the United States. IDEA, special education funding, School to Work Act, the President's national testing initiative, charter school programs, funding, more and more funding for the public schools. What the critics fail to realize is that you can support this scholarship program and support public education. This is not an either/or equation.

In fact, Senator BROWNBACK and I, particularly as the Chair and ranking member of the Senate D.C. oversight committee, are working constantly with General Becton, now the head of the D.C. Public School System, to give him real support in meeting the overwhelming challenge he has of resuscitating the D.C. school system.

I repeat, again, the very bill on which we are aiming to attach this amendment provides $564 million, over one-half billion dollars of money from the taxpayers of the United States for the D.C. Public School System. General Becton himself concedes that the D.C. public schools—he said this before our committee—will not get better really to where he wants them to be for at least 5 or 10 years. They are going to get better along the way. He said, "Don't expect an overnight miracle here. I am not going to reach what you want to make of the school system for another 5 or 10 years."

What do we tell the children who are in the school system in the meantime, and what do we tell their parents? That in the name of some ideology, for some reason of history, to protect the ideal of the public school system as some of us experienced it that doesn't have any realistic relationship to what is happening every day for thousands of kids in the District of Columbia, in the name of preserving public education, that we as adults are willing to sacrifice children's futures, the kids who are there now, in a system described by the control board as in a state of emergency? We are willing to sacrifice them for the sake of a process, an idea that is not real in their lives? Go into the District school system, go into the schools and see what kids face. It is not acceptable, and that is why we are pushing so hard to establish this scholarship program.

Senator COATS and I and the other cosponsors are not suggesting that this is the cure-all for the city's educational woes, but it will give 4,000 kids from disadvantaged families, not kids who are not able, kids who have the same God-given ability as any other group of kids, it will give them the opportunity to realize that ability and a better life. It will make a statement that we are not going to tolerate the unacceptable status quo any longer.

In the long run, it will, hopefully, increase the positive pressure on the public schools to become more accountable, to raise their standards, to win back the public's confidence. Mr. President, later in the debate, if there is time, I am going to read from an affidavit filed by a member of the Milwaukee school system in a school choice case where that member testified to the positive competitive effect that the school choice program in Milwaukee had on the public schools.

For all this, Senator COATS and the other cosponsors and I are accused of leaving behind or abandoning the 76,000 children who would not have access to the scholarship program. The irony, of course, is that just the opposite is true. Too many of these children have already been abandoned by a school system that has been driven into the ground by too much incompetence, too much indifference to the best interests of the city's families, a system that is so bad that the control board report that I mentioned earlier concludes something that I had to look at two or three times to understand:

> The longer students stay in the District's Public School System, the less likely they are to succeed educationally.

I couldn't believe that. "The longer students stay in the District's Public School System, the less likely they are to succeed educationally." I went back. What does that mean? It means as the grade levels go up, the District school kids fall further and further below the national average on standardized tests. To continue to do nothing, other than to call for more money, while these children suffer is unfair to these children.

That is why the onus should not be on us to defend our plan or alternative, our scholarships, but on those who oppose doing anything that does not fit inside the box of status quo public education which is failing thousands of children here in the District of Columbia.

We have to ask, what are you willing to do to change things right now? What are we willing to do to rescue these kids who must go to schools that have more metal detectors than computers? To continue to do nothing out of fear of being divisive or offending one or another group is irresponsible. And, you know, that is a major argument against this amendment, that it is divisive. Those who opposed the civil rights laws when they were first proposed also liked to complain that those being proposed were going to be divisive and thereby damaging to the country. It was an unconvincing argument then just as it is now.

Mr. President, it is a remarkable twist of fate that we stand debating this amendment, as I am sure my colleagues have seen in the news today, on the 40th anniversary of the desegregation of a Little Rock high school, Central High School. President Clinton will be down there this weekend to commemorate that historic event. Of course, that school was desegregated and other schools were saved from legal segregation.

But what is the reality today? Too many schools are still effectively segregated, but really more fundamentally to the point, too many children are being denied the equal opportunity for an education that the desegregation movement, that Brown versus Board of Education, that all the tumult that followed it was all about.

The kids in the District school system do not have a real equal opportunity to an education. And that is what our amendment is all about.

Mr. President, finally, I want to make a plea to the Members of my own party. If I may be partisan in this sense, this Democratic Party of ours in its modern expression was built on a central principle, equal opportunity, building on the bedrock insight that the Declaration of Independence and the Constitution have, that everybody is created equal, and that these are inalienable rights that we have, incidentally not given to us by the founders of the country or by Congress or any other group but given to us by our Creator.

The Democratic Party in the modern history of this country has focused on making this ideal of equal opportunity real. At our best we have been the party of upward mobility, we have been the party that welcomed people to this country, immigrants to this country. We have stood for giving everybody a fair chance to go up. Getting a decent education was at the heart of that.

That ultimately is what is at the heart of this debate—basic fairness, equal opportunity. The reality is that we already have de facto educational choice in this country. It is just limited to those who can pay for it. The question we now face is, whether we make that kind of choice available to the children who really need it most or whether we continue to deny them the opportunity out of some fear of upsetting the status quo or some interest groups who support the status quo.

I urge my Democratic colleagues to think about why they became Democrats, what the party is all about, and how, when we think about that, how they can oppose scholarships for 4,000 poor children. Nothing mandatory. Parents have the right to apply for this. Where have we come when we end up in that position that we are denying a lifeline to 4,000 poor children in the District of Columbia?

I urge my colleagues to take a look at the final chart I am going to show, which is this one. Ward 3 in the District, the upper northwest part of the District; 65 percent of the families send their children to private schools. So 65 percent of the families send their children to private schools; the poverty rate is 6 percent. Well, look. That is the most, of course, of any ward in the city.

Look at Ward 1, a poverty rate of 17 percent; only 11 percent can send their kids to private school. Ward 7, the poverty rate is 18 percent; only 7 percent can send their kids to private school. It is clear what is going on here. And 65 percent of the families from Ward 3 sending their kids to private school is six times the national average. Probably some Members of this Senate are in that statistic in Ward 3.

We have to ask ourselves, is it fair, given the factual indictment of the status quo of the D.C. public schools—which, as I said, over and over again today, we are spending a half a billion dollars and working with General Becton in all sorts of ways to fix it—is it fair for us to force the disenfranchised, not by reason of law, not by reason of the God-given potential of each and every one of their children, are we going to force them to go to schools that we ourselves, and in fact that statistics show that most D.C. public schoolteachers, will not risk sending their own children to?

I say to my colleagues, as you wrestle with that question, I want to leave you with the wisdom of a Nigerian proverb that I saw on the wall of a D.C. school that I visited recently. It said, "To not know is bad; to not want to know is worse." We can no longer profess not to know about what is happening to thousands of children in the D.C. public school system today who the superintendent of the school system says are in a school system that will not be what we want it to be for 5 or 10 years.

We cannot profess any longer not to know this reality. Therefore, for us not to act now, frankly, is not to want to know. And the terror of that is that for that willful ignorance, it is these children who are going to pay the price. So I have spoken strongly here today because I feel strongly about this.

Mr. President, this is about kids, this is about their future, this is about the reality of the American dream for those who have the hardest time of reaching for it. This is a small program—$7 million—to try it out.

Hey, can anybody say that things are so good in the District of Columbia Public School System that it is not worth experimenting with an alternative for a couple of years? No. I hope my colleagues will think about this and will face the reality and will give this scholarship program a chance, which is to say, that they will give 4,000 children in the District of Columbia a chance that they will otherwise not have.

I thank the Chair and yield the floor.

Mr. COATS addressed the Chair.

The PRESIDING OFFICER (Mr. INHOFE). The Senator from Indiana.

Mr. COATS. I have three unanimous-consent requests the leader has requested. And I know the Senator from Minnesota has been very patient. And if I could just get these in I would appreciate it.

## UNANIMOUS-CONSENT AGREEMENT—CONFERENCE REPORT TO ACCOMPANY H.R. 2266

Mr. COATS. Mr. President, I ask unanimous consent that at 4:30 p.m. today, the Chair lay before the Senate the conference report to accompany H.R. 2266, the Defense appropriations bill. I further ask unanimous consent that the conference report be considered read and there be 60 minutes of debate on the report, divided as follows: Senator STEVENS for 10 minutes, Senator INOUYE for 10 minutes, Senator MCCAIN for 10 minutes, Senator ROBERTS for 10 minutes, Senator COATS for 15 minutes, and Senator REED for 5 minutes. I also ask unanimous consent that following that debate, the Senate proceed to a vote on the adoption of the conference report with no intervening action or debate.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

## UNANIMOUS-CONSENT AGREEMENT—EXECUTIVE NOMINATION

Mr. COATS. Mr. President, as in executive session, I ask unanimous consent that immediately following the vote on the DOD appropriations conference report, the Senate go into Executive Session and proceed to a vote on the confirmation of Executive Calendar No. 165, the nomination of Katherine Hayden, to be U.S. District judge for the district of New Jersey. I further ask unanimous consent that immediately following that vote, the motion to reconsider be laid upon the table, any statements relating to the nomination appear at that point in the RECORD, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

## DISTRICT OF COLUMBIA APPROPRIATIONS ACT, 1998

The Senate continued with the consideration of the bill.

### MODIFICATION TO AMENDMENT NO. 1249

Mr. COATS. Mr. President, there has been either a printing error or technical omission in the current pending amendment—the line 22 on page 34 was omitted, as well as line 23. It simply is a section reference describing the language that follows in the section, plus the line "Notwithstanding any other provision of law." Everything else is as submitted. And it is a technical change to offset a printing error.

I ask unanimous consent that the amendment be modified to reflect this change.

The PRESIDING OFFICER. Without objection, it is so ordered.

The modification is as follows:

On page 34, strike lines 7 through 16, and insert in lieu:

**SEC. 13. EFFECTIVE DATE.**

This title shall be effective for the period beginning on the day after the date of enactment of this Act and ending on September 30, 2002.

**SEC. 14. OFFSET.**

Notwithstanding any other provision of law—

(1) the total amount of funds made available under this Act under the heading "FEDERAL CONTRIBUTION TO THE OPERATIONS OF THE NATION'S CAPITAL" to repay the accumulated general fund deficit shall be $23,000,000; and

(2) $7,000,000 of the funds made available under this Act under the heading "FEDERAL CONTRIBUTION TO THE OPERATIONS OF THE NATION'S CAPITAL" shall be used to carry out the District of Columbia Student Opportunity Scholarship Act of 1997".

Mr. COATS. Mr. President, I yield the floor.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, the last item, which has already been approved, apparently has not been checked by staff. What was the last unanimous consent, if you would not mind? You already have gotten it approved, but out of courtesy. Apparently, the Democrats have not had a chance to look at it.

Mr. COATS. I thought it was cleared. It is a printing error, a descriptive—I tell you what. We will talk to them about it. If there is any problem, we will reset that.

Mr. WELLSTONE. That will be fine.

Mr. President, I first of all want to start out with some praise for my colleague, Senator COATS, from Indiana and for that matter, Senator LIEBERMAN. I think they speak with a great deal of conviction and eloquence on this matter. I think both of them are very committed to the idea of equal opportunity for every child in America. There is no question about that in my mind.

Mr. President, I too think that there has to be a way that we reinvigorate or renew our national vow of equal opportunity for every child. And I think that education is key to that.

But, Mr. President, let me just say at the beginning that there are a whole lot of things that we can and should be doing that we are not doing if we are serious about it. And that is sort of the context that I look at this proposal for the District of Columbia, which I will get to in a few minutes. But let me start out, if you will, with a kind of nationwide focus.

First of all, Mr. President, I have been traveling the country and I have been spending time in communities where people are struggling economically. I spent time with quite a few poor people around our country.

I am struck by the fact—and I have said this on the floor of the Senate before—that in all too many cases you walk into schools and the ceilings are caving in and the toilets do not work, the buildings are dilapidated, the lab facilities are not up to par, there are not enough textbooks. And with all due respect, quite frankly, until we make the investment in this area, just in infrastructure so schools are inviting places for children, we are not doing that much for kids. A voucher plan, be it a demonstration project in the District of Columbia for $7 million or anything else is just a great leap sideways or backward.

Mr. President, Senators and Representatives have had the opportunity to put some investment in rebuilding crumbling schools in America, and we voted against it. If we are serious about equal opportunity for every child—my colleague from Connecticut spoke about this with a great deal of eloquence—then we ought to just follow the direction of all of the studies that are coming out about early childhood development. It is not surprising that kids are not doing well in these different tests, in the way in which we measure how children are doing in our schools.

I try to be in a school every 2 weeks in Minnesota. There are so many children that come to schools that have never been read to. There are so many children that come to school that don't know the alphabet, don't know how to spell their name, don't know colors, shapes, and sizes, and we are doing precious little by way of investing in early childhood development.

Now, I don't know how in the world my colleagues believe that the children we say we care a great deal about, and they do, are going to do well unless we make a commitment here. The answer to the problem is not a voucher plan. The answer is to make the commitment to early childhood development.

Deborah Meyer, a great urban educator from New York, said, "We can have a debate about tests, we can have a debate about standards, we can have a debate about how we measure this, but there is no debate about the need for you all to get busy investing in the dilapidated schools." We tell children we care next to nothing about them when the schools look the way they are.

The judge's court order in Washington, DC, which dealt with getting the asbestos out of our schools, there could be judges issuing these orders in just about every major city in the United States of America, and we haven't invested the resources in this, and we are now saying that the answer is vouchers?

Mr. President, if we are going to talk about equal opportunity for every child, maybe we ought to take a look at what happens to children before they go to school and what happens to them when they go home. Some of the cuts we have made in nutrition programs—and we have made rather deep cuts in nutrition programs; we are going to cut the major food safety program, the major safety net, which is the Food Stamp Program, by 20 percent by the year 2002 all in the name of welfare reform.

Or, Mr. President, the cuts we have made in affordable housing. Has anybody looked at some of the homes, some of the apartments, some of the housing that these young children live in? And we are cutting funding for affordable housing. We have a lot of kids that are living in shacks. We have a lot of kids that are living in rat-infested apartments. We have a lot of children that go cold during the winter.

My colleagues are trying to make the argument that the voucher plan is the way we are going to make sure that these children do well. We do hardly anything to change the concerns and circumstances of their lives outside of the schools. We do hardly anything by way of early childhood development. We do next to nothing when it comes to rebuilding these crumbling schools. And then we turn around and say what we want to do is have a voucher plan.

Mr. President, my colleague from Connecticut said that he had been in some schools. I have been in some of the schools. I know Senator COATS has. I don't know anybody that has done more travel around the country than Jonathan Kozol who wrote "Savage Inequalities: Children in America's schools."

I read from page 83: "In a country where there is no distinction of class," written of the United States 130 years ago, "a child is not born to the station of his parents but with an infinite claim to all of the prizes that could be won by thought and labor. It is in conformity with the theory of equality as near as possible to give to every youth an equal state of life. Americans are unwilling that any be deprived in childhood the means of competition."

It is hard to read these words today without a sense of irony and sadness, denial. Means of competition is perhaps the single most consistent outcome of the education offered to poor children in the schools of our large cities, and nowhere is this pattern of denial more explicit or more absolute than public schools in New York City. Average expenditures per pupil in the city of New York were under $5,500, and in the suburbs you have funding levels that are above $11,000 a year, and some cases up to $15,000 a year.

All across the country, too much of the education the children get by way of teacher recruitment and teacher salaries, by way of facilities, by way of teacher training, by way of support services, is dependent on the property tax—huge inequalities—and we think that the voucher plan is the way to deal with this problem?

My good friend Jonathan Kozol wrote another book called "Amazing Grace," poor children and the conscience of America. It is a difficult book to read. It is devastating. It is about children in New York City in the Bronx. Mr. President, the thesis of the book is that no country that really loved children would ever let any group of children grow up under these conditions.

Looking at the housing in the neighborhoods, the rat-infested housing, looking at the pollution, looking at the number of children suffering from asthma, looking at the lead content still in the paints in the apartments, looking at families without jobs, without jobs that pay a decent wage, looking at children that are malnourished, looking at a school that doesn't get its fair shake of resources, why don't we make those commitments if we want to make sure that every child has the same chance? The voucher plan nationally and this voucher plan in the District of Columbia is not the answer. It is not a step forward. It is a great leap backward from the kind of commitment we ought to make to children in our country.

Mr. President, I said to my colleague from Indiana and I meant it sincerely, we don't need to be starting to put public money into private schools. We have some of the best public schools in the world. We have some of the best public schools in the world. Go out to some of our suburbs and look at those schools. They are great schools with great teachers with great facilities. What we should be doing is making all the public schools that good. That is the commitment we ought to make.

One-third of America's schools, serving 14 million of America's 52 million students, are considered deteriorating, according to the Department of Education. Ten million students don't have access to computers; 50 percent of the teachers have no experience with technology in the classroom; 50,000 teachers enter school annually on emergency basis, without a proper teaching license; and within the next decade, thanks to a retirement in the baby boom, we will need 2 million new teachers, and we are now on the floor of the Senate discussing an amendment that would provide resources to private schools.

Mr. President, Horace Mann said it best in 1830, 170 years ago:

> Choice is not a new idea . . . the newness is who pays for it. As a nation, we are rightly absorbed with improving education. We cannot do it by isolating its problems, and pretending to leave those problems behind to be dealt with by those least able to solve them. The problems of our public schools lie deep in the American experience—poverty, racism, decades of public apathy, drugs, and growing inability of the family, the church, and the neighborhood to nurture many of our children. These problems—and not the attractively sounding solution of private school choice—need to be addressed.

Mr. President, that is exactly the argument that I just made. Horace Mann just happens to be someone of quite a bit more stature. He was right in 1830 and the same argument applies today, nearly 170 years later.

You can't take public funds, you can't take public funds, and my colleague ELEANOR HOLMES NORTON informs me that indeed this $7 million comes out of the D.C. budget, you can't take public funds, precious funds, and funnel them to private schools. You have fewer dollars helping kids in math and science, you have fewer dollars in terms of raising the standards of achievement, you have fewer dollars for teacher training, and you have less prevention of drugs and violence in the schools. This is not the time to be making such a decision.

Mr. President, I want to also point out that there is a Senator from the District of Columbia, a shadow Senator, Paul Strauss, and it is a shame that he doesn't get a chance to be more directly involved in this debate. He has been by my office a lot. He cares about this. I think this has some problem to do with the whole question of lack of representation.

I think we ought to remember that people in D.C, and my colleague from Connecticut said it was 1981, but by a ratio of 8 to 1 vote against the voucher initiative. If you want to argue that was a long time ago, take a look at the D.C. Board of Education which unanimously opposes the provision. "Private school vouchers is not where the voters of this city want to put their money," D.C. School Board member Karen Shook reminds us. "To have Congress impose this on us after we soundly voted against it runs counter to democracy."

These are elected members to the school board. They voted unanimously one way, and we come to the floor of the Senate and impose a whole different other view. I thought we were interested in local initiative. I thought we wanted local communities to have more decisionmaking power over their children's lives and what happened in their communities.

Mr. President, I think that if we are going to be talking about improving education, the answer is right before us. We have great schools in our suburbs. We have some great schools in some of our cities. Make all the public schools that way. Make sure that we have a system of financing of schools so that not one school in America, not one school in America, is dilapidated, not one school in America has a roof that is caving in, not one school in America is ladened with asbestos, not one school in America has teachers that have to take money out of their pockets and buy textbooks for their students because there isn't enough resource to do so, not one school in America is a school without heat or without air-conditioning during the hot summers. Let's make that commitment. Let's make the commitment to early childhood development. Let's make the commitment to support services for students. Those are the kind of commitments we make, and then we can have all of the public schools being great schools. The voucher doesn't do that.

Karen Shook, the vice president of the D.C. Board of Education and former Chair of the D.C. Finance Committee said, "Students in the District of Columbia go to school in 100-year-old buildings that have never been renovated." Why don't we renovate the buildings? The city has a $600 million need to repair schools, yet it has no capital budget. As for social services for troubled youth, "only one counselor is available for every 400 students" in the D.C. public schools.

As D.C. parent and PTA leader Alieze Stallworth points out: "The majority of children are going to remain in the public school system. What happens to them?"

Mr. President, I could go on and on. There are other colleagues who want to speak. But let me be clear about this, take the $7 million, and for $7 million we could establish "Success for All," a proven research-based reading program for disadvantaged students, for every elementary school in the District of Columbia. Put the $7 million into that.

We could link 116 public schools in the District of Columbia to improve reform efforts such as New American Schools. Put the $7 million in that.

We could put in place 140 after-school programs based in public schools to help 14,000 children otherwise home alone after schooldays, after school ends each day. Put the $7 million into that.

We could provide brandnew textbooks for every elementary and secondary school student in every single the District of Columbia school. Put the $7 million into that.

We could buy 66,000 new hardcover books for the District of Columbia's public libraries, or we could buy 368 new boilers for D.C. schools and protect all the students who go cold during the winter. Put the $7 million into that.

I am going to be very clear about it. I will try to end on another note. I think that my colleagues are onto something important. I think this amendment is a huge mistake. I think it actually represents a retreat from living up to our national vow of equal opportunity for every child. I think the focus ought to be on all of our schools and all of our children. We ought to make sure that every school in this country, including the schools in the District of Columbia and a lot of other cities in the country, and rural areas as well, are as good as the very best school in some of our wealthy suburbs that have all the resources and teachers that they can hire and all the teachers they can retain and all of the support services and all of the rest. That is the direction we ought to be going in.

The voucher plan represents a retreat from that. But I want to say to my colleagues on the floor of the Senate, these Senators, with this amendment, are operating in good faith. They are not operating in bad faith. I probably should not end this way because I am so strongly opposed to the amendment. But I really do want to sort of talk about two points that I think they are making that are important. One of them is that, although, again, the per pupil expenditure in the District of Columbia, as I look at these figures, which has been declining now, is now down to $5,923 for fiscal year 1998, that is not nearly as much as the surrounding suburbs. So I don't think we should go overboard on these figures, given the concerns and circumstances of children's lives and, in many ways, a bigger challenge to educate some of the children in the D.C. school system. Nevertheless, I think it is quite appropriate to say, when are we going to cut through this bureaucracy and when are we going to make sure that these dollars that are out there really connect to the education of children?

I think what my colleagues are trying to say is that they have grown very impatient, they are getting tired of waiting. I share that impatience. I just would do it a whole different way. I would put a lot more investment than I think they want to in what happens to kids in the early years, investment in good programs for kids when they get out of school in the middle of the day when not such good things happen. I would put a whole lot more investment in teacher training and a whole lot more investment in making sure that the best facilities and resources and the schools are inviting places. That is where I would go. I would figure out ways—and I think the District of Columbia is starting to do it—of really making this bureaucracy accountable. I would not be condemning the public school teachers—and they are not doing that. I get angry because I think some of the harshest critics of the public school teachers could not last 1 hour in the classrooms they condemn.

I spoke the other night at Howard University. In the audience was a public school teacher, and she said it is really hard to go on. They feel so beaten down from all of the bashing. I think these public school teachers do a marvelous job. I understand my colleagues' impatience.

Second, I think it is true that some of the private schools, and some of the Catholic schools in particular, in some of our inner-city communities are schools where, when children come to school every day, they know they are loved and some very important things are happening. They are doing some things in their schools that we are not doing nearly as well as we should do in some of our public schools. It can't be said that children in our public schools, or in near enough public schools, feel as if every day they are loved and they are supported. There are some important things going on in the Catholic schools. There are important things going on in some of these other schools that I think make a huge difference.

But, Mr. President, this voucher plan, in the context of what is happening nationally, and even in the context of what is happening in the District of Columbia, however well-intentioned it is, I think does not represent a step forward. I think it represents a great leap backward from equity. It represents a great leap backward from the idea of truly equal opportunity for every child, and it represents the beginning of a great leap backward from a commitment to public schools, where all of the schools and all of the children represent the best of America, which is opportunity, which is good education, education that fires up young people, that gives them hope that they can do well in their lives. That is the direction we ought to go. This voucher proposal, in the District of Columbia or anywhere else, doesn't take us in that direction.

I yield the floor.

Mr. COATS addressed the Chair.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. COATS. Mr. President, I would like to yield myself 3 minutes to briefly respond to the Senator. I know the Senator from Rhode Island has been waiting patiently. I don't want to take away from his opportunity. We have speakers on our side, too. The Senator from Rhode Island is next in line.

I want to respond to some comments made by the Senator from Minnesota, to whom I want to return the compliment. The Senator from Minnesota has been passionate in his efforts to reach out to the disadvantaged in this country and address many of their concerns. I know he comes at this issue—even though it is different from where I come in terms of the solution, I think the goals are the same for both of us. I know he comes at it from a different perspective, but with great sincerity, and he matches his sincerity and his rhetoric with his actions. I noted that the Senator came and paid rapt attention to particularly the comments by the Senator from Connecticut, Senator LIEBERMAN. Senator WELLSTONE and I have discussed this and have exchanged our views. I just appreciate the Senator's commitment to this and his sincerity about that commitment.

I would like to comment on a couple of things briefly. There have been different figures thrown around here about per pupil spending in the District of Columbia. We have tried mightily to find out the exact figures. Estimates range from $10,000 to $5,000, as the Senator has mentioned. It is probably somewhere in between. One of the sad things about the D.C. Public School System is that they can't tell us. The accounting is so bad in the District of Columbia—whether it is on roads, housing, police salaries, or public schools—they can't tell us how much they spend per pupil. They can't even tell us the number of pupils. We said, "We know how much we give you; tell us the number of pupils you are educating, and we will divide that into how much we give you." They say, "We don't know exactly. We can't tell you the number of pupils." That is kind of a sorry comment on the inefficiency and really incompetence of the D.C. Public School System as it currently exists.

Just two other things, real quickly. I want to make sure my colleagues know that the money—the $7 million for this program —does not take one penny out of the money allocated to the D.C. public schools for education. In fact, it will increase the money per pupil because they will have 2,000 less students to divide the pot of money they get to educate those students. The money comes from an extra appropriation over and above the President's request, and that money is specifically designated for debt reduction and doesn't go to any operating expenses. So Delegate NORTON is wrong when she says this comes out of textbooks, teacher salaries, and operating expenses. It doesn't come out of operating expenses; not one penny less will go to D.C. schools.

Finally, let me just say the Senator seems to imply that if we can't fix it all, we should not fix anything. We acknowledge that there are a lot of things that need to be fixed in the District of Columbia and around this country. Housing is in deplorable shape, roads are in deplorable shape, early childhood education probably could use funds, food stamps and, as he said, fix the buildings, and so forth. Well, we are not able to do everything, but we are able to do something, something that is focused not on fixing roofs, not on collateral problems—and they are problems that need to be addressed—but we are able to funnel funds directly to parents and students who can improve their educational opportunities. As important as it is to fix roofs, buildings, infrastructure, and so forth, more important and the highest priority ought to be to provide education to those children so that they then can become part of the solution.

Maybe this 3 percent will become part of the 100 percent solution, if they can get an education that would allow them to participate in this. If we were talking about public housing, which is in a disastrous state in this country, particularly in this city, and someone came along with an alternative that was tried elsewhere and would really improve the housing situation, and we said, can we test it here to see if it works here and it will improve housing for those 2,000 people? would you say, no, if we can't do the whole thing, we are not going to do it for anybody?

All we are asking for is a test that will help 2,000 kids get a better education, but will prove, right or wrong, whether or not school choice is a viable opportunity and viable program to do two things: First, give kids a chance and, second, put pressure on the public school system to reform and change. They have had decades to do this. We keep talking about these alternate solutions, but it doesn't happen. In the meantime, generations of children are being condemned to an inadequate education.

Mr. President, how much time is available on each side?

The PRESIDING OFFICER. The Senator from Indiana has 64 minutes. The opposition has 74 minutes.

Mr. COATS. Mr. President, we had said Senator REED, who was waiting, is next. We are not exactly alternating because we didn't have people available on both sides. If we can get back to the alternating system, we would be happy to do that.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

Mr. REED. I yield myself such time, under the control of Senator KENNEDY, as I may consume.

I rise this afternoon in opposition to the Coats-Lieberman amendment. I have sensed from the comments of the Senator from Indiana and the Senator from Connecticut that they, too, share our mutual frustration with the status of public schools in the United States and particularly in the District of Columbia. That frustration is forcing us to look at ways in which we can improve education because we believe it is so vitally important to the future of the young people of America and indeed to the very success of America in the future.

I don't think this frustration should cloud our vision as to what we are doing if we would adopt an amendment such as is proposed today. I believe it would represent an abandonment of public education, not a reform of public education. I feel very strongly that our first commitment should be to a strong system of public education throughout this Nation, that we should be seeking to make school reform and excellent schools the right of every child and not just those who may be fortunate enough to receive some type of voucher to leave the system.

Indeed, we can ask ourselves, even if this measure should pass and 2,000 children would leave the public education system in the District of Columbia, what about the thousands of children remaining? What have we done to make their lives better and their education better? I don't think we can save a few and sacrifice the many. I think what we have to do is sit down, conscientiously and cooperatively, and reform public education, not abandon it.

Now, the District of Columbia, as we all know, has stark educational needs. Their class year was delayed for days and days and days, not because of anything more complicated than the fact that the buildings were in disrepair. Yet, rather than investing in roofs or boilers or those items that would actually put children literally into the classroom, we are now debating a voucher bill that would take some of those resources that could be available for these activities and disburse them to private education. Indeed, I believe we have a special obligation here in the Nation's Capital to ensure that the schools are the best in the country. However, we are not talking about that today. Instead, we are talking about allowing 2,000 students to leave that system, rather than talking about how we can make every school in the District of Columbia the best in this country and in the world, and how we can give every child in the District of Columbia the chance to succeed educationally so that they can succeed in life.

The amendment offered by Senators COATS and LIEBERMAN brings the issue of the quality of education, particularly education in many of our urban areas, clearly into focus. For that, we thank them. It is a crisis we must address, but a crisis that I believe is not solved by vouchers. Vouchers would take the limited resources necessary to improve, reform, and reinvigorate public education and, instead, allow some students to leave the system.

Indeed, as part of this amendment which is being debated today there is absolutely no requirement that schools accepting the vouchers would also have to accept the great task of public education, which is to educate all students regardless of their abilities, regardless of their proficiency in the English language, regardless of discipline problems or troubles they may have. This is the task we set for public education. That is not the task that is frequently embraced or supported by private education.

In Cleveland, which has a voucher program, no students with disabilities are served. 1,460 students, nearly half of those that were given the vouchers, could not even find a private school that would accept them. The essence of a private school very clearly is they get to reject students, and they get to reject them on very subjective grounds. That is the nature of private education. That does not apply, obviously, to public education. Public education not only must accept every child but has a moral and legal requirement to serve those children as best they can. And that is a significant difference.

Private education works very, very well. It has provided good education to many Americans. I was a student in parochial schools in Rhode Island. But one thing that was true then and is true now when I talk to parents is that, if your child has a particular difficulty or disability, if your child needs enhanced care, specialized attention, the first choice is specifically the public schools because the public school not only has the obligation but will make available those resources as best they can. And, once again, in the arena of private schools it is not because of any ill-will but simply because of the fact that they just do not have to do that.

So we are talking about a system in which there is not equality, not equality admission, and in many cases not equality of resources either.

We have to support the mission of public education in the United States, and it is not just about training workers for the world economy. It is not just preparing young people to engage in the technologically challenging world of the next century. It is also about Americans, because one of the hallmarks of our country has always been that we have a system of public education that is a common ground for the American people—that children of all races, children of different national heritage, children of different religious convictions can come and be educated in a place that emphasizes not their differences but their common status as citizens of this great Republic.

We are in danger perhaps of losing that. We are in danger because there is a great deal of skepticism about the effectiveness of public education in the United States. And, looking at the record, one should be skeptical. But we should not respond to that skepticism and that frustration today by turning our back on public education. Rather, we should look at the way we can make public education better for all students. What we should be thinking about and talking about and enacting is tough academic standards in public education.

How do we involve parents and the community more deeply and more intimately in the lives and schools in the neighborhood? How do we make schools safe and drug free? How do we bring technology into every classroom? And how do we ensure that every classroom is a place that is structurally sound, clean, and creates an environment where young people want to learn and want to strive to get ahead?

The notion of school choice in the public education system is a good one. Parents should have some flexibility within the public system to pick out charter schools, magnet schools, or special schools. Those types of schools help stimulate innovation and improvement in the public system.

In my home State of Rhode Island we are fortunate to have several different schools, particularly at the secondary level which draw on the special talents and special skills of the students and which give parents and students a choice. But when we start moving away from that system of public education into funded private education, funded now by these vouchers, we are stepping across a boundary which I think we will regret because inevitably we will be pulling resources away from the needed improvements and reforms in public education, and we will see our schools deteriorate even further.

There is a better way to reform education.

If you look at schools which have the same basic demographic characteristics, one of the most persuasive comments that I have seen is that the difference in performance between a good school and a bad school is most accounted for by the qualifications of their teachers. We are not talking about dealing with that issue of teacher preparation here today. We are skirting it, where, in fact, I think if we have scarce Federal dollars, and, indeed, we do have scarce Federal dollars in every category of expenditures, we have to look at where we can get our best value. And it is not balanced. It would be better spent, I feel, in improving the quality of teaching in our public schools.

I introduced legislation—the Teacher Excellence in America Challenge Act, the TEACH Act—which would turn around the model of professional development and training in the United States to provide for better teachers. This legislation is based upon an extensive study by the National Commission on Teaching and America's Future, which contains some disheartening statistics about the quality and preparation of teachers in America.

Over 12 percent of newly hired teachers have no training; 23 percent of all secondary teachers do not have even a minor in their main teaching field; and in schools with the highest minority enrollment, students have less than a 50 percent chance of getting a science or mathematics teacher who holds a license and degree in his or her field of teaching.

These are the real problems of public education. These problems have to be addressed. And we can address them, and we must address them. If we do that we will be on much firmer ground in improving public education.

What is the price tag, as estimated by the National Commission on Teaching and America's Future, for improving the quality of teachers throughout this country? It is over $4 billion. It may seem inconsequential today. We are debating a very small program with respect to the District of Columbia.

But we need all the resources we can to meet the greater challenge of preparing our teachers and the greater challenge of simply ensuring that school buildings are suitable and safe for children.

To turn away from these challenges and to adopt this amendment is, I believe, the wrong approach.

I believe we have a lot to do to improve public education. We have the necessary task ahead of us to improve teaching, to improve the school environment, and to challenge schools with demanding standards.

I also hope that this body will adopt a national evaluation system so that schools know where they stand, and so that when we talk about how well a school is doing it is not just anecdotal, but we will actually know how well they are doing.

In fact, I hope that the national evaluations would be participated in by both public and private schools so we can make a judgment about how well the public schools are doing versus private schools. I think we would be a bit surprised. I think we would find despite the disparagement, despite the criticism, despite the constant bombardment against public education, that it would stand up very well. But we all can do better, and we all must do better.

The dollars that we are talking about today are important. They should be applied to provide every student in the District of Columbia with a chance—not 2,000 lucky students—but every student in the District of Columbia. They should be focused not on retreating from our commitment to public education but to reaffirming it by assuring every child in this District, and we hope in this country, will have a good, safe school building; they will have well-prepared and motivated teachers; they will have textbooks that are current; and, they will have the chance to use all their talents not only for their own success but ultimately for the great success of this Nation.

I yield my time.

Mr. COATS addressed the Chair.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. COATS. Mr. President, I would like to yield 5 minutes to the Senator from Missouri.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. ASHCROFT. Mr. President, I thank the Senator from Indiana for his having made it possible for me to stand and speak in favor of this very important opportunity to demonstrate what can happen when we offer individuals the chance to have competition, or the chance to have an influence on where our children are educated.

It is one of the agreed upon successes of the United States of America that our university and college system is second to none. Students from all over the world stream into American colleges and universities, and they come here in spite of the fact that they test very, very well in elementary and secondary systems in their own lands. They come here because there is something special about the collegiate and university level in the United States.

If I were asked why our collegiate system is tops, I would say, in my judgment, that it is because it is a pluralistic system; that it is diverse. There is no singularity with it. No one is scheduled to go to one school or another. Rather, people have an opportunity to make a selection. And students compete to get into the best schools and the best schools compete for faculty. There is lots of competition in the system. It drives the system forward. It provides a basis for not only education and learning on the part of students but it really develops the energy which provides the basis for research which is expanding the frontiers of knowledge all the time.

This concept of diversity, this concept of pluralism, this concept of not being forced to be in one setting, this concept of the energy and creativity, spontaneity and quality that comes when an institution knows it has to do its best for its students because those students aren't forced to go there. They are not locked in. They have the opportunity to be involved in educational experiences elsewhere. That is what drives quality. It is what has carried American higher education to the very top of the educational mountain. There is no dispute. There is no challenger. Second place isn't even close. The United States of America is the clear dominant force in higher education because we are pluralistic, because we are diverse, and no one has a monopoly.

On the contrary, if you are a student and you have one choice and one choice alone, the word "one" and the word "choice" is an oxymoron; that phrase together. One choice isn't a choice. It is a direction. Students that are locked into a single school don't have the capacity to say I am going to do better, I will go elsewhere. They don't have the capacity to say if you do not shape this place up, I will go elsewhere. They don't have the capacity to energize the system. A parent doesn't have the ability to go into the school and say you must do better. The school says we are the only school. You have one choice. One choice is no choice.

What we are really offering to individuals who have been locked into a school system which has failed—I think it is time for us to confess, the school system in Washington, DC, is a failure—is a plan to help energize this school system. It will help the public sector. It will help the private sector. But, most importantly, it will help students and parents.

When I had the privilege of being the Governor of my State, I was chairman of the Education Commission of the States. I followed in that responsibility one William Jefferson Clinton, who presided over the Education Commission of the States 1 year; I the next. And one of the things that became apparent in studies conducted from sea to shining sea in this country is that the single most important thing about a student's performance is whether the parents are involved in the education process. How do you get parents involved? You make them meaningful. How can you make parents meaningful in Washington, DC? You can give them the opportunity together with the student to make a choice to go to a school where their needs can be met instead of locking them into a situation where their needs aren't being met and have not been met. And it is a demonstrated fact—the studies tell it, the audits tell it, the school facilities tell it—that the needs aren't being met.

Unfortunately, our Secretary of Education has come out to oppose this program providing scholarships so that students could move from one school to another and get good training somewhere if they are not getting it where they are. And he indicated he was opposing it because he felt like it was reducing the funding.

Let me just repeat. This particular measure reduces funding not 1 cent. It adds funding to just introduce the concept of scholarships and to put into the hands of parents and students the ability to say we will go where our needs are met. Will this help the District of Columbia schools? It definitely will because they will understand they are no longer the exclusive provider of whatever it is they want to provide. They will have to start becoming the creative supplier of what it is that students need. Will it help the students? Obviously, it will help the students. It will get their parents involved. It will get them involved. It will meet their needs. And we will establish a model here in the District of Columbia, in the Nation's Capital, which in my judgment would well serve the entire country.

It is true that pluralism and diversity are the strength of this great land. They have carried our collegiate system and our research universities to the very top in education around the globe. It would be no accident if we were to allow this to happen at the elementary and secondary level. And it could happen if we were to simply embrace the opportunity of letting parents make meaningful choices. One choice is an oxymoron. One choice is no choice at all. It is a trap. It is time to free students and parents to have an opportunity to select schools that can meet their needs and do so without impairing the financial viability and capacity of the District of Columbia school system in the process.

Mr. President, I thank the Chair, and I yield the floor.

The PRESIDING OFFICER (Mr. KEMPTHORNE). Who yields time?

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. I yield myself such time as I may need.

Mr. President, I oppose the voucher amendment to the District of Columbia appropriations bill. Although we all want to help the District's children get a good education, this is not the way to do it. Public funds should be used for public schools, not to pay for students to attend private and religious schools.

The current debate involves the schools in the District of Columbia. The use of Federal funds for private schools is a national issue that Congress has addressed and rejected many times before, and so have many States. Now the voucher proponents are attempting to make the D.C. public schools a guinea pig for a scheme that voters in the District of Columbia have soundly rejected, and so have voters across the country.

The recent voucher proposals in the States of Washington and Colorado and California lost by over 2-to-1 margins, and in 1981 voters defeated a voucher initiative by a ratio of 8 to 1 here in the District. The concept has never been brought up on the ballot again because it has so little support. So clearly Congress should not impose on the District of Columbia what the people of the District of Columbia and voters across the country reject.

D.C. parents and ministers and local leaders have made it clear that they do not want vouchers. Last week, a group of ministers from the District of Columbia publicly announced their opposition to vouchers. Rev. Eart Trent, Jr., of the Florida Avenue Baptist Church, said, "We want nothing to do with vouchers. It is going to harm a majority of our schools." Representative ELEANOR HOLMES NORTON opposes vouchers for the District.

The question is, Who wants these vouchers? The Republicans in Congress cannot get to first base with this issue in their own States and want to impose it on the people of the District of Columbia.

Vouchers would erode local control in the District of Columbia and undermine D.C. school reforms already underway. Last year, Congress created a control board and all but eliminated the locally elected school board.

This bill would create another bureaucracy in the form of a federally appointed corporation to use Federal funds to run the voucher program. Six out of the seven corporation members would be nominated by the Federal Government, and those nominations are controlled by the Republican leaders of Congress. Only one representative of D.C. would serve on the corporation.

I understand Senator BOXER did an excellent job earlier in the debate of going through the administrative process and machinery that would be set up and the weaknesses of that particular recommendation or inclusion in the amendment.

Congress created the D.C. control board less than a year ago. The board appointed as chief executive officer of the schools Gen. Julius Becton, Jr., with Congress' endorsement. His mission is to improve the public schools. Now this bill would pull the rug out from under him.

I noted, Mr. President, that in an earlier debate one of our colleagues who is supporting the amendment was talking about the $500 million that is coming from taxpayers all over the country. That money is coming from the taxpayers here in the District of Columbia.

I haven't looked at the D.C. population recently, but generally it is larger than six or seven of our States. They pay in taxes, but they do not have representation in the House, with all respect to ELEANOR HOLMES NORTON. They are not reflected in the Senate of the United States. They are not given the full representation that they should have even in the District.

So General Becton, Mr. President, local leaders and D.C. parents are working hard to improve all D.C. public schools for all children. We should support them, not undermine them. The public funds should not go to private schools when D.C. public schools have such urgent needs. The opening of D.C. public schools for the 1997–98 academic year was delayed because in 67 percent of the schools the roofs were crumbling. They were able to repair the most severe problems and open up the schools this week, but much more needs to be done.

In addition to completing the roof repairs, 65 percent of them have faulty plumbing; 41 percent of the schools do not have enough power outlets and electric wiring to accommodate computers and other needed technology; and 66 percent of the schools have inadequate heating, ventilation, and air-conditioning. Funding these repairs should be our top priority, not conducting a foolish ideological experiment on school vouchers.

Another serious problem with the private school voucher is the exclusionary policy of the private schools. Scarce Federal dollars should not go to schools that can exclude children. There is no requirement in the bill that schools receiving vouchers accept students with limited English proficiency, students with disabilities, homeless students or students with disciplinary problems.

Scarce funds should be targeted to public schools which do not have the luxury of closing their doors to students who pose such challenges. As District of Columbia parent Alieze Stallworth says, "A lot of people think the poor kids will be able to go to the best private schools. They are fooling themselves."

The voucher proponents argue that vouchers increase the choice for parents. But parental choice is a mirage. Private schools apply different rules than public schools, and unlike the public schools, which must accept all children, the private schools decide whether to accept a child or not. The real choice goes to the schools, not the parents. The better the private school, the more parents and students are turned away. In Cleveland, nearly half of the public school students who received the vouchers could not find a private school that would accept them.

Vouchers will not help most children who need help. This voucher scheme will send 2,000 children to private and parochial schools, but of the 78,000 children who attend D.C. public schools, 50,000 of the children, or 65 percent, come from low-income families. Thus, this proposal would provide vouchers for 3 percent of D.C.'s children and do nothing for the other 97 percent.

Again, a point that has been well made by my friend and colleague from California, Senator BOXER.

This is no way to spend Federal dollars. We should invest in strategies that help all children, not just a few.

Another serious objection to this voucher scheme is its unconstitutionality. A vast majority of private schools that charge tuition below $3,200 are religious schools. Providing vouchers to religious schools is unconstitutional. It violates the establishment clause of the first amendment of the U.S. Constitution by providing a Federal subsidy for sectarian schools. In many States, the voucher schemes would violate the State constitution, too.

In January 1997, a Wisconsin trial court held that the expansion of the Milwaukee voucher program to include religious schools was unconstitutional and violated the Wisconsin Constitution. The court stated, "We do not object to the existence of parochial schools or that they attempt to spread their beliefs through the schools. They just cannot do it with State dollars."

On August 22, the Wisconsin State Court of Appeals affirmed by a 2-to-1 vote that the expansion of the State voucher program to include religious schools was unconstitutional under the Wisconsin constitution.

On May 1, 1997, the Ohio Tenth Appellate Court unanimously reversed the trial court's decision to allow public money to be paid to religious schools. The appellate court held that the voucher program violated the separation of church and state under both the United States and Ohio Constitutions. And the court ruled that the voucher program "steers aid to sectarian schools, resulting in what amounts to a direct Government subsidy."

On June 27, 1997, a Vermont State superior court held that the use of vouchers to pay tuition at private religious schools violates both the U.S. and Vermont Constitutions. The courts are clear on the unconstitutionality of vouchers for religious schools, and Congress should abide by their rules, too.

These are all judgments that have been made within the last year under State constitutions and the Federal Constitution in terms of how this particular proposal would be unconstitutional.

Instead of subsidizing private schools, we need to support ways to improve and reform the public schools. That is the basic point, Mr. President. Instead of subsidizing private schools, we need to support ways to improve and reform the public schools—not in a few schools but in all schools, not for a few students but for all students. That is the challenge.

Supporting a few children at the expense of the many divides communities. The Federal Government should help rebuild communities, not undermine them. We should make investments that help all children in all the neighborhood schools to get a good, safe education. I think that is the heart of the argument against this amendment.

So far, Mr. President, in this debate, we have been focusing on this particular chart. Hopefully, we as a body could agree that we do not want to abandon our public schools; we do not want to undermine the communities. As we mentioned, this particular proposal only funds a few at the expense of many—about 3 percent of the total students. It gives scarce Federal dollars to schools that can exclude children. Unlike the public school system, private schools can exclude children. The choice is not made by the parents or the children; it is made by the schools. And we have given examples of how that is being done. We ignore the voter will. When vouchers were put to a vote here in the District of Columbia, they were rejected 8 to 1. The issue has not come up on the ballot again since then. All the public commentary by religious and other elected officials reflects that same position even today. And vouchers raise the constitutional problems which have been addressed, Mr. President, not just academically but in several States which have tried to adopt similar kinds of programs.

Many of us feel that the use of vouchers to subsidize parents who send their children to private schools is a serious mistake because it is a statement that encourages parents to abandon the public schools, not to work to improve them.

Vouchers are a bad idea for school reform, but they are far from the only idea, and what I want to do, Mr. President, is review briefly a number of the ideas that have been working here in the District of Columbia to improve the academic achievement of many students. These ideas serve as an alternative to the unwise proposal to provide vouchers.

There are many worthwhile ideas for reform that deserve broad support in Congress. I have listened to the debate, and people are just throwing up their hands and saying, "We have problems in these schools. Let's just try vouchers," rather than being serious and looking at what is being attempted in many of these schools and what results they are achieving, evaluating where this additional money could go to benefit the most children. That is the test, I would think, that this voucher amendment fails.

So we know what works, Mr. President, in school reform. We know what teachers need to do to do their jobs well. We need higher standards, better trained teachers, up-to-date classrooms, safe facilities. These are commonsense, doable solutions, and we ought to be doing much more to implement them.

For example, Milwaukee taxpayers have spent $7 million on the voucher program. The program shows no academic gains for the 1,600 students involved. But for that same amount they could have put what they call a Success For All Program in place, which has a solid track record of helping poor children learn more. And it would have benefited every elementary school in that city.

Instead of spending $7 million in the District of Columbia on a private school subsidy that has no proven track record of improving academic achievement and could help at most 2,000 children, we should investigate the strategies that work for all children. The conclusion is obvious. We should choose the 100-percent solution, not the 3-percent solution.

Some D.C. schools have already restructured their facilities, improved teacher training, extended the school day, and enhanced family-centered learning. And they are getting results. We should make sure that every school and community has the resources to put into practice what works, so that no child is left out or left behind.

There are serious problems in the Nation's public schools—especially in urban areas. We can do much more to turn troubled schools around, and undertake a wide range of proven reforms to create and sustain safe and high-performing schools. There are no panaceas to improve schools and improve student learning. There is no blank check. That is why we need to use our limited resources wisely, to get the most benefit for our tax dollars.

Improving student performance starts with a focus on the basics—safety, discipline, high standards, and parent involvement. Sustained improvement must be based on what works, and what is supported by parents, educators, and the larger community. Research shows that student achievement can best be improved by supporting a comprehensive set of district-level and school-level reforms. General Becton's plan supports these reforms, and we should too.

I refer up here to restructuring the whole school. Let me just develop that.

Greater school autonomy, when coupled with performance accountability, can contribute to conditions that make better learning possible. School leaders and teachers can exercise greater control over their school and have a greater sense of personal responsibility for its success. If teachers are to act as professionals and not as robots, they need to be given responsibility for making professional decisions regarding classroom practice and school policy. Holding students to higher standards requires that adults accept higher responsibility for improving student performance.

The Walker Jones Elementary School in northwest Washington is working with the Laboratory for Student Success using Community for Learning, a research-based reform model—and it's working. The concept is called whole school reform. With increased and more intensive teacher training in proven methods and materials geared toward better student learning, student test scores have improved. After 6 months in the program, the school raised its ranking in the District on reading scores from 99th in 1996, to 36th in 1997. In math, the school climbed from 81st in the District to 18th—dramatic, significant academic achievement and performance.

Another result of this reform will be increased accountability throughout the D.C. school system, with better performance measures and clear incentives and consequences for administrators, teachers, and students. Evaluations of teachers and principals will be tied to achievement, and schools that fail to demonstrate improvement will be put on probation.

The principles of Success for All have now been introduced into 475 schools in 31 States. Evaluations show that students in this program tend to perform about 3 months ahead of control students by the end of first grade and by more than a year ahead by the end of fifth grade.

What we are finding out in 475 schools across the country is that the impact that this approach is having in improving academic performance is not just on one or two children in a class, but on all the children. This is the kind of thing we should give attention to and give support to.

A second basic principle of school reform involves organizing schools around a clearer focus on educational excellence for all students, and an academic orientation that challenges all students to master basic and advanced skills in reading, math, and other core subjects.

The voucher program flunks this test. Five years of evaluations by Prof. John F. Witte of the University of Wisconsin-Madison show no achievement difference between voucher students and comparable Milwaukee public school students.

By contrast, in the D.C. public schools, under a new promotion policy beginning this school year, students in grades three and eight must have at least basic reading skills before advancing to a higher grade. This requirement reflects a new commitment by the District to ensure that all children master their basic studies. The District has mandated a 90 minute literacy period for direct instruction each day and suggested additional silent reading times each day. That is giving emphasis, giving priority in local schools to the area that is basic to learning any other possible subject matter, and that is reading. With all respect to computer—reading.

In addition to mastering basic skills, children need to be challenged with a rigorous curriculum. One of the most effective choices that parents and students can make is to choose to take more challenging academic courses.

It works. A growing body of evidence demonstrates that public school reform efforts that include high standards and rigorous courses can improve achievement for the majority of students in the public schools. States and local communities that have set more challenging standards are seeing substantial gains in student achievement.

New York City's College preparatory initiative, mandating more rigorous science and mathematics courses, has resulted in the best-prepared class to enter the City University of New York since 1970. Elementary schools in the city are showing a 4-year rise in test scores. The number of Hispanic and black students who pass the science test more than doubled between 1993 and 1994. There are the result. The whole class is moving up. The whole entry class for the City College of New York is moving up in academic achievement, based on this particular New York College preparatory initiative.

A great deal of attention has been paid this fall to the problem of roof repairs in the D.C. public schools. Far less attention has been paid to the fact that beginning this fall all public schools in the District will have new content and higher performance standards to define what every child is expected to learn and do. D.C. public schools are committed to helping all children meet these standards.

The second point is foster world-class instruction. In addition, in order for students' performance to improve, teachers must be able to teach to higher standards. They must know the content of the curriculum and the best teaching methods for helping students to learn in genuinely challenging courses.

Teachers today, however, are not getting the training they need. One of the best programs we have, the Eisenhower Math-Science Training Program—a hands-on program to upgrade the skills of teachers in our high schools—has just been block granted under the Gorton amendment, just been wiped off the books. We don't know what they are going to do with that money when it is distributed all over the country, but we know what a difference that funding makes to every one of those math and science teachers in every one of those communities that have benefited from this valuable teacher training program.

Math and science students in inner-city schools have only a 50-percent chance of being taught by a teacher qualified to teach these subjects.

Seven years ago, 53 percent of D.C. teachers were not certified. By last year, the number had dropped to 33 percent. In 1997, all new teachers are certified, and existing teachers must be certified by January 1998 or risk dismissal.

Extending the school day can also be effective. In addition to helping in education, it can also help to create safe havens for students in unsafe neighborhoods.

A recent report by the Office of Juvenile Justice and Delinquency Prevention show that while violent youth crime is rising rapidly, children are safer in schools than anywhere else. To create a safer, more disciplined, and drug-free environment for children, we need to place more emphasis on hours spent outside school. After school programs that keep children off the street are a powerful and constructive answer to the serious problems of delinquency that plague so many communities. I would say even with regard to unwanted teenage pregnancies, the Centers for Disease Control's study shows that about 65 or 70 percent of these incidents take place in the after-school hours.

This step can work effectively even in individual schools. At the Spingarn School in northeast Washington, the principal made student safety the first priority. Mr. President, 740 students attend the after-school day program and 500 students attend the night program. The school was a safe haven for students.

Drug and violence prevention programs also keep students focused on learning. Students who break school rules are not dumped on the street where they are likely to become perpetrators or victims of violence. Instead, they are placed in separate programs in the school where their education is not interrupted.

We also know that the more time children spend learning, the more they will learn. Programs that extend the school day or the school week can enhance academic achievement. The District of Columbia has created so-called Saturday academies for students who read below grade level. The Saturday curriculum reinforces the weekday instruction, and benefits from a reduced student-teacher ratio.

I can remember when those Saturday programs were first suggested and the uniform impression was: Why bother with it? People won't show up. Parents won't bother. They would rather take the children, if they are not working, to do something else.

That is just hogwash. When those classrooms opened, on Saturday especially, parents made sure their children took advantage of it. And that has been the case overwhelmingly.

In the programs that developed with the Saturday curriculum, we have seen a much better student-teacher ratio and we have seen extremely important progress made.

Schools in Massachusetts are benefiting from these ideas. The Timilty Middle School in Roxbury, MA was long known for its low test scores and high rates for suspending students. Project Promise was established, including an extended school day program to increase the amount of time that students spend in class. School attendance rose, math and reading skills improved, and suspension rates dropped significantly. As a result, the Timilty Middle School was recently cited as an exemplary school by the U.S. Department of Education. It was a dramatic change in the turning around of that school.

Finally, school reform must include greater family involvement. Thirty years of research show that family involvement in children's learning is a critical link in achieving a high quality education and safe, disciplined learning for every student. Schools can reach out to parents and community members. Together they can develop a shared commitment to excellence for all students, and work in partnership to reach their goals. Family-centered services can be provided that include literacy training for parents, and teaching parents how to help their children with their homework. When teachers and parents work closely together, children can learn more effectively.

The Nalle School in the District of Columbia and the Freddie Mack Foundation are working together to create the District's first full service community school to address the wide range of family needs. Working with service organizations, parents and educators, and community leaders, the school is becoming a major hub of community activity, bringing the parents in, finding out what needs the parents have, and providing them with the instruments to help and assist the children move to higher academic achievement and accomplishment. And it is working. It is working if schools and communities have the resources.

Can we have a chance to go through each of these different proposals at greater length at another time?

I know others want to speak to this, and we have limited time this afternoon, but we will have a chance to go through this in greater detail, I am sure, at some time, Mr. President.

If schools and communities have the resources to choose effective ways, such as these, to ensure all children have an opportunity to reach higher academic standards, schools will be able to offer real alternatives to students and parents while maintaining the kind of accountability that is fundamental to ensure a good education.

Congress can be part of these efforts, too. Instead of debating divisive ideological schemes like vouchers, that undermine the public schools and ignore 97 percent of the children, we can invest in what works and make school reform work for 100 percent of the children in the District of Columbia and in every community.

Good education begins with decent places to learn. Yet, too many of our public schools across the Nation are falling apart, and that is wrong.

I have a chart that reflects exactly what the situation is for the District of Columbia. D.C. schools have more hazardous conditions than the national average. This chart shows that District of Columbia schools' exterior walls and windows fail to meet the minimum standards in terms of safety and quality.

Roof conditions are also much worse than the national average, although this number has improved somewhat because of the action that has taken place in the past 2 to 3 weeks.

Heating and ventilation systems in D.C. schools have twice the problems that we have for the national average.

Plumbing, twice the problems.

Electric lighting, twice the problems that they have.

Life-safety codes, two and a half, three times the problems that they have.

Power for technology, again, well behind the curve, Mr. President.

So these problems are severe in the District schools. Sixty-seven percent of the public schools have crumbling roofs—although as I mentioned, there has been some change in the recent weeks—but only 27 percent of the schools across the country suffer from the problem.

I daresay, if you want to look at the national standards, they are not all that great. In Boston, there are a number of schools in the wintertime, anywhere from 15 to 18 schools, that do not open because of various heating problems every day.

The situation in Boston has improved somewhat under Mayor Menino and Tom Payzant. But go to the older towns of New Bedford, Fall River, Lowell, Lawrence, Holyoke, Springfield, North Adams, and many of the other smaller communities also on the north shore, and you find problems similar to those of the D.C. schools.

So the national average is not a very positive test. Senator MOSELEY-BRAUN has been the leader in the U.S. Senate in recognizing that unless facilities are suitable for learning purposes, we disadvantage children to such an extraordinary degree. Not just because there are no textbooks available or because it is colder in the wintertime, but the point that she has made, and I think so powerfully and effectively, is what it does to a child who goes into a classroom that is in such a state of deterioration. We say education is important. People in the communities say education is important. The children every single day go into these dilapidated conditions where they are not able to get the school books they need, where the roofs are leaking, windows won't close, where they don't have adequate heating, where they don't have the electrical outlets for computers. Mr. President, what kind of message is it sending to those children when we are out there putting increasing demands on those children? That is something for which I think we as a society pay a very heavy price. But that is another issue for another time.

The point is, we tried to mention the places the $7 million could be used that would enhance the academic achievement and accomplishments of a great number of the students.

The school facilities, as I mentioned, across the country are in poor condition. It is a national problem. Water damage from an old boiler has caused so much wall deterioration in one D.C. junior high school that the entire wing has been condemned. Leaking roofs have been causing ceilings to crumble on teachers' and students' desks. Fire doors are warped shut. Some schools are sweltering in hot weather because they lack air-conditioning. Others are so poorly insulated that students must wear coats indoors in the winter.

According to D.C. public schools, $87 million was needed to make the critical repairs necessary to ensure all schools would be ready to open for the 1997–98 period. Yet, only $50 million was appropriated to repair the schools. Requests for additional funding were initially denied by Congress and only made available at the last minute. So Congress deserves part of the responsibility for the crisis that was caused by the recent 3-week delay in the opening of the schools.

Isn't that wonderful? Here we are trying to tell the District of Columbia what they ought to do with scarce resources, and we were late in putting the money up so they could open in the first place, disadvantaging all of those children. Mr. President, we do not have a good enough record to dictate to the District of Columbia on education or on most other items.

D.C. schools need much more repair. Any funding that we invest should be spent on improving the public schools for students. We should not be diverting the Federal dollars to pay subsidies for the private schools when public schools have such pressing, urgent needs. It is preposterous to pretend that we can prepare for the 21st century in dilapidated 19th century classrooms.

Improving educational opportunities for all children deserves the highest priority at every level of Government and in every community across the Nation. Educating our youth is one of our Nation's most important responsibilities. If we fail to make sound investments in education, few other investments will make much difference for our country and its role in the world in the years ahead.

In meeting the educational needs of children, we must allocate scarce resources wisely. We know what works. We must make sure that every child has access to it. We should not give public funds to schools that can exclude children. We should invest in public schools so that all children have the opportunity for a good education. We should rebuild communities, not divide them. Communities across the country are working hard to improve their public schools, and Congress should help them to do more as well, not make their current troubles worse. We should create improved conditions in all schools for all children, and we should start with safe buildings, decent roofs, good plumbing, and classrooms equipped for the 21st century of learning.

Mr. President, what could we do with the $7 million? We can improve the infrastructure with that $7 million. It could buy 368 new boilers for D.C. schools. There are 157 schools, and at least with regard to trying to make sure that they have hot water and heating systems, we could do much for the D.C. schools.

We could rewire 65 schools that don't have the capacity to accommodate computers and multimedia equipment. We have in the budget about $300 million a year for new technology, technology grants to try to help assist local communities with new computers. Why don't we go ahead and wire some of the schools so at least they will be able to participate in these new kinds of technologies? Why don't we train the teachers to be able to use those technologies in a way that can integrate computers into the curriculum and give these children an opportunity so that they are going to be able to compete in the future? We could rewire 65 schools.

We could upgrade the plumbing in 102 schools with substandard facilities. We see the problem here, the challenge. We have double the problems in just basic fundamental plumbing in the schools. We could upgrade the plumbing in over 100 of those schools so that we can make some difference, again in terms of infrastructure. That $7 million can do a lot for infrastructure.

What could $7 million do to support other programs that are demonstrating enhanced academic achievement? The few that I mentioned—and at another opportunity, I will go into more detail on some others—$1 million would buy 66,000 new hard-cover books for the D.C. school libraries. That is very important. If you look at what is available in those D.C. libraries and compare them to libraries in schools all over the country, you will find them dramatically shortchanged. We have a real opportunity to make a difference in the libraries of schools all over the District, and we could have an important impact in making sure that each student is going to have the textbooks which they require in the classroom. They don't have those today.

Here we are talking about spending $7 million to give vouchers to 2,000 students when the other students who are left back in the classroom don't even have the textbooks to be able to follow what is going on in the classroom. Maybe we will hear other testimony, I am sure we will, about the miracles of vouchers in improving academic achievement for students, but I haven't heard any convincing arguments made in the course of this debate. To the contrary; we can take additional time and demonstrate where the various reviews have failed.

Mr. President, $1 million would fully fund after-school programs in 25 schools; $7 million would fund after-school programs in every one of the District of Columbia schools and benefit every child—every child—not just 3 percent; every child.

In any fair evaluation about what is happening in these after-school programs, we must note what a difference these programs have meant, when we tie them in to academic help and assistance, in advancing students' academic achievements and accomplishments and in improving interest in school and attendance rates. The programs are reducing absenteeism and keeping children safe and secure and beginning to challenge and open up new opportunities of learning for children. You would be able to do this with the $7 million for every school in the District of Columbia. But, no, we are going to take 3 percent of those children and give them a voucher with which they may or may not be able to get into some school, not which their parents are going to be able to get them into, or not that the child is going to be able to get into, but the school is going to make that judgment and decision.

Mr. President, $3.5 million would link 58 more schools to research, improving designs and improving day-to-day instructions. Those are the other kinds of programs that I referred to earlier in my comments.

I certainly hope that this amendment will not be accepted. We too often around here look for easy answers to tough, complicated problems. Recently, if we find out we have a problem, more often than not we propose a constitutional amendment to deal with it. We have more constitutional amendments pending in the Judiciary Committee in this Congress than in the history of the country. We have gotten to where we think if we just pass a constitutional amendment, all of these problems are going to be resolved.

We are not going to be able to deal with all of the problems that all of us understand are out there in the public school system on the cheap. It is going to be tough, difficult work. Money in and of itself is not the only answer. In many instances, you can probably get a much better and higher grade education with the amount of resources that are being expended. We understand that. We know that. But, nonetheless, what we are talking about here with this particular amendment is a reflection of our priorities—of our priorities.

How are we going to spend that $7 million? Are we going to prioritize 3 percent of those children with a program that I believe is unconstitutional? And perhaps those that defend it are going to be able to make a case to respond to what is happening up in Wisconsin and what has happened in Vermont and other States that have struck down vouchers over the last year—maybe they will be able to sustain it. Perhaps they will be able to make the case with those 3 percent of children going to these private schools, that they are demonstrating what a breakthrough kind of academic brilliance that they are able to achieve and accomplish, and we are going to find the whole country is going to be shaken by this experience and we are going to do something dramatic about it.

The fact is, Mr. President, those that have demonstrated over the course of their lives—some with more success than others—know that this is hard, tough work, that it is a combination of elements.

Children are not going to learn if there is disruption in those classrooms, if the classrooms are not safe. Children are not going to learn if they go to school hungry during the course of the day. Children are not going to learn if they do not have the textbooks. Children are not going to learn if they have an inadequately trained teacher. Children are not going to learn if they know that their walls are crumbling down and they do not have light.

Just like the children are not going to learn if they have hearing problems or if they have vision problems or if they have some asthmatic problems—they are sick.

One of the benefits that we have taken care of, hopefully, in the recent action here, is to try and make sure that children are going to get the preventative health care so that when they go in there at least they are going to be healthy children when they go to those classrooms.

We know some of the things that inhibit children from learning. We do not know all the things that enhance their academic achievement, but we know some. And we know some of the ones that have a proven record, demonstrable record, with solid results.

The question that the Senate is going to have to ask is, are we going to try this kind of a program here for $7 million when we can invest that $7 million in some of the programs here in the District, replicating the ones here in the districts that the parents want, that the teachers know have been successful, that have been carefully evaluated, that will benefit the greatest number of children? Or are we going to reach down from Olympus and say, "OK, we here in the Senate are deciding for you, even though you don't want it. We're going to experiment here. We can't pass this kind of legislation back in our own States where it's been defeated at times that it has gone before the electorate, but we're going to try it on you here. We have $7 million. And in spite of the fact that your religious leaders, your business leaders, your elected leaders do not want that, and want it invested in these other programs, that's too bad. That's too bad on this. We're just going to say, 'You're going to have to have it because we want to experiment with it.' We want to try and find some silver bullet to solve this problem"?

I hope, Mr. President, that this amendment is not accepted.

Mr. President, how much time is left?

The PRESIDING OFFICER. The Senator from Massachusetts controls 14 minutes, the Senator from Indiana 57 minutes.

Mr. KENNEDY. I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. COATS. Mr. President, I very much want to respond—and so does Senator LIEBERMAN—to some of Senator KENNEDY's remarks. But our colleague, Senator CRAIG, has been very patiently waiting. I yield to him up to 7 minutes or as much time as he consumes short of that.

The PRESIDING OFFICER. The Senator from Idaho is recognized for 7 minutes.

Mr. CRAIG. Mr. President, let me, first of all, thank my colleague from Indiana for yielding.

I have been sitting here for the last 35 or 40 minutes listening to what is a truly sincere statement by the Senator from Massachusetts as it relates to the state and the condition of the D.C. school system.

He has left up a chart that recognizes seven categories of dilapidation that have resulted in the D.C. schools not opening on time this year. If you were to look at that chart, and all of the statistics of the D.C. school system separate from the rest of the country, you would say, "My goodness, what happened? Why didn't we give them the money to fix the doors, the windows, the electrical, the plumbing, the physical structures of the school system? What happened?"

Mr. President, they had the money. They were given the money. I do not know what happened other than to say, they blew the money, they failed. By every measurement, the D.C. public school system is at the bottom. And that is a tragedy.

You can defend the status quo and argue you have to pour more money in. But even the Senator from Massachusetts agrees, it isn't necessarily a money issue.

Well, then for goodness sakes, what is it? Is it a new program, a special program, a great idea, an infusion of a new concept that will turn this public school system around?

Many examples have been cited in one school system or another across this country by the Senator from Massachusetts over the last 40 minutes; and yet he condemns a program or an idea that is embodied in this amendment. It tries to do something very important to a failed system—inject it with a competitive idea that forces a new thinking that must be allowed to happen.

I must tell you, if the schools of Idaho had the kind of money that the schools of the District of Columbia have, because we provide—and I do not say this with any pride—nearly $2,500 less per student than the District schools get here, and if we had the measurement of the standards and the failures of this school system, the Idaho system would have been changed dramatically years ago. You have heard the comparisons I am referencing.

Last year, 72 percent of D.C.'s eighth graders in public school scored below the basic proficiencies in math, and 29 percent failed to meet basic proficiencies in reading; and yet they got $2,500 more per student than the Idaho students, and our scores are among the top in the country.

I do not mean to be pounding my chest about Idaho schools. I want to see our educators get more money and I want to see more money put into Idaho schools. But it is fair and it is important that we compare a failed system with a performing system and the dollars and cents involved, and to argue, as we must, that it is not a money issue. And it isn't. And we know that.

And this voucher amendment isn't to do with money. It is to do with the ability of parents to be able to decide what is best for their children and to have the flexibility to move on that decision.

Why has education, Mr. President, been nearly every person in this country's No. 1 choice in the public polling of our country over the last decade when asked, "What's the most important issue on your mind?" Not because it is so good—we are oftentimes reminded of quite the opposite. It is because the public school systems of our country are in trouble. Parents are concerned about the quality of education our children get, their children get and their futures.

When you can't guarantee safety—and the District schools can't; when you can't guarantee discipline—and the District schools can't; when you can't guarantee high standards—and the District schools can't; you fail. If there were an opportunity for the children of the District to go somewhere else, there would be one of the greatest educational exoduses in the history of this country. That is not going to happen.

But what this voucher amendment offers is some reasonable understanding that we ought to try to make a difference. It isn't some grand experiment, not at all. It is, without question, an idea whose time has come, an idea to inject a competitive environment into a monopolistic system that at the very best creates the lowest common denominator. That is not good enough for the young people of this District, and it is not good enough for any young person anywhere in this country.

The good side about the District schools not opening happened in my office over the last 3 weeks. A young lady who is a junior at Eastern High School here in the District came to intern in my office, Kimberly, a delightful young lady. We learned a lot from her; and I think she learned a lot from us.

But she did say this to me as she left to go back to school. "Senator Craig, I think I've learned more here in 3 weeks than I'll learn in a full semester in my school." She was being kind, but the problem is, I look at the statistics of the school she attends and she's right, she's accurate. This young lady deserves every opportunity possible that the public school system should offer her and yet it does not.

She said, "Can I come back to your office? Can I be a part of your office, because I know that I can learn a great deal? And I'll do extra time so I can do that." And we are going to see if we can make that happen.

School choice—that is what we are talking about today—transfers power over basic education away from the bureaucrat and to the parent. I suggest that the failures of the District system are a clear reflection of the bureaucrats having had that opportunity.

Nobody dare defend a school system where 40 percent of ninth graders drop out or leave before graduation or where only 50 percent of education expenditures go toward instruction, compared to 62 percent nationally.

Mr. President, we wouldn't tolerate failures such as this in my State, and we shouldn't except them in the Nation's capital.

Allowing for school choice is a viable solution to the woes of the District's schools. This amendment is a reasonable and appropriate answer to this crisis. This measure would provide scholarships to over 2,000 public school students, the poorest of the city's poor. These scholarships could be spent to attend any private or public school in the District or the neighboring counties of Maryland and Virginia. Most importantly, scholarships would be targeted to the poorest students, those living below or near the poverty line.

Opponents of the measure make one argument: school choice diverts money away from public schools for the benefit of a few students. However, nothing could be further from the truth.

This measure would not cost the public school system anything—not $1 would leave the public school system. The funding is entirely new money—taken from an increase in the Federal Government's contribution to the city's debt.

Mr. President, today the Senate is being asked to make a choice between the status quo and real reform. I thank Senator COATS, Senator LIEBERMAN, Senator BROWNBACK, Senator LANDRIEU for offering us this opportunity to debate school choice.

This is not a partisan issue. This is all about kids and a failing system and the responsibility of this country and its policymakers to make the difference, because it is a public educational school system. We are not going to worry about the private system. It competes. It has to be good or it will not get the kids.

But the public school system does not have to be good because the kids that cannot afford to get out of it have to go to it. We should not sit here and pound our chests and talk about all the good things because we need to correct the bad things. And that way a very important public education system will be better. It is good in a lot of places around the country. It is bad here in the District of Columbia, and we ought not hold anybody prisoner to that idea.

Let's give parents and students a fighting chance—let's give them a choice and a future.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. COATS. I yield such time as she may consume to the Senator from Texas.

The PRESIDING OFFICER. The Senator from Texas is recognized,

Mrs. HUTCHISON. Thank you, Mr. President.

I appreciate the opportunity to say a few words. I will be brief because I know a number of people have opinions on this subject. But, Mr. President, I think we are talking about the future of public education. I have heard people say, why not just improve public education? That is what we are trying to do. That is the bottom line of what this amendment is trying to do—introduce some new idea, introduce a new way of trying to improve public education by having competition in our system.

Mr. President, what makes America America, what makes America different from other countries in the world has always been our commitment to quality public education so that every child in our country would have the opportunity, with a full range of public education, to fulfill his or her potential.

I am a product of public education. I think it is important that we have the quality so that a person like me can stand on the floor with a person like Senator KENNEDY who has had quality private education. In order to do that, I think it is important that we have new ideas because, as they say in my home State, "If it ain't broke, don't fix it."

This is broken. The District of Columbia schools spend more money per student than any school in America, and yet steadily we have seen the decline of the quality of education as judged by the scores on tests.

So more money is clearly not the answer. Maybe some competition, maybe letting the mother of a 10-year-old boy who is going to a school that may or may not be open because of fire codes, that may not be able to educate this child because he is being offered drugs on the school grounds, give that mother a chance to do something different for her child, and that is to give her child a chance with a voucher to go somewhere else for competition. And then perhaps, if this works as a test, it might be something that we can do in low- and moderate-income areas all over our country. Maybe that is a new idea that might work.

Mr. President, this is an amendment that is a field test for another way to try to improve our public education system, which I think everyone in the U.S. Senate wants to do. But why are we not open to a new idea? Why wouldn't we say if any place deserves a try, it is this community, the District of Columbia, where we see the test scores go down in relation to the Federal money that has gone in. Let's try something new. This is the perfect place to do it.

I commend the Senator from Indiana, the Senator from Connecticut, and all those who are cosponsoring this innovative idea so we can have a test market to give every child a chance to have a great public education by introducing a choice. With that competition, encouraging every public school to come up in standards to attract those vouchers that would provide that quality public education that we have guaranteed to our people for the last 221 years in this country, and which if we are going to remain the greatest country on Earth, must be the hallmark of our freedom—a quality public education.

Mr. KENNEDY. Mr. President, I will just take one moment to ask Senator HUTCHISON—I understand this issue about vouchers was actually considered by the Texas legislature this year and was actually rejected. That is part of the problem that many of us have.

Mrs. HUTCHISON. I say perhaps, for once, maybe Washington could teach us a lesson.

Mr. KENNEDY. Touche.

I mention to my friend from Idaho before he leaves, we acknowledge the previous failure that he had outlined here very eloquently this afternoon when we established the control board. The D.C. school chief executive officer, General Becton, has had 10 months to enact changes. In that short time, they have consolidated and closed 12 school buildings, hired only certified teachers, established annual testing for all students, and set standards for teachers and principals.

They have only been in effect for 10 months and here we already are changing and interfering with their priority. I think for the reasons that the Senator has pointed out—there has been this dramatic change in terms of the leadership, those that are trying to provide new leadership, and here we are in the Congress trying to second-guess.

Mr. CRAIG. Will the Senator yield?

Mr. KENNEDY. I yield.

Mr. CRAIG. I appreciate what the Senator from Massachusetts said. I think all of us are extremely excited about what we hope will happen here in the District. And, of course, you and I have both used the figures that demonstrate the failure of this system.

What I think we offer today is an enhancement and an accelerated opportunity to assist in what is underway. I appreciate what the Senator is saying.

Mr. KENNEDY. I yield the remaining time to the Senator from Illinois.

The PRESIDING OFFICER (Mr. GORTON). The Senator from Illinois is recognized.

Ms. MOSELEY-BRAUN. Mr. President, I want to commend the Senator from Massachusetts for his leadership, for his consistency, and for his outstanding advocacy on behalf of children in this country. I think it is fair to say, and everyone who hears my voice will recognize, there is no one that TED KENNEDY takes second place to when it comes to fighting for children. He has been a leader and continues to be.

I am so pleased to have this opportunity to join him in strong opposition to this voucher proposal. Let me touch for a moment on what I see as the central flaw with this voucher proposal—

whether it is for the District of Columbia or any other school system. Voucher programs for elementary and secondary education presume that a market-based solution will solve problems that exist within our public education system.

We have heard a lot about competition in the system. That suggests that there will be a meeting in the marketplace and that quality will rise out of that competition, out of that meeting of forces in the marketplace. I point out to anyone listening, if you think about it for a moment, markets by definition have winners and losers. The question then becomes whether or not we can afford to impose a market-based solution where the welfare of all of our children is involved. We cannot afford in this country any losers in a game of educational roulette, or, as much to the point, in an approach to what for all intents and purposes is an educational triage in which only those youngsters who have the family structure, who have the ability, can retreat from the public school system, leaving whatever else is behind.

It is very interesting, by the way, that a lot of the discussion goes to providing poor children with options. The fact of the matter is that public education in this country excelled precisely because it wasn't just about poor children. It was about providing quality education to any child of whatever wealth, from whatever communities, whether their parents were engaged with their education or whether their parents were found lying in a gutter somewhere. A child who had more talents than means could access quality education because our system supported quality public education.

Education is about more than an individual's ability to get trained for a good job, although certainly that is one of the benefits of it. We are very clear, without education individuals are handicapped when it comes to the job market.

The point has to be made, and made over and over again, that it is more than about just individuals. Education is a public good as well. It is a private benefit, to be sure, but it is also a public good. It is something that affects our entire community. It affects the quality of life in our community. It affects everything from health status to voter behavior, to whether or not individuals, or whether or not communities, will support our democracy and appreciate the higher values of our community.

Quality public education has shaped our democracy. It created a strong middle class. It propelled our country to the top of the world's economic pyramid. The rungs of the ladder of opportunity in our country have historically been crafted in the classroom. I think our generation has an obligation to see to it that the legacy of quality public education is not abandoned and, as much to the point, is not diluted by efforts, such as this one, to divert resources and divert support away from the public education system.

The reason that we have compulsory education in this country is not so that every child can access the best education that his or her parents can afford or find, but so that every child can receive a quality education. If our public schools are not meeting that challenge, then it is our responsibility to fix those schools. A federally funded voucher program would not fix a single public school. In fact, if anything, this effort represents a retreat from the challenge of making our schools work for every child, making our schools rise to the level of excellence that as a community we have every right to expect.

Vouchers represent putting individuals over the interests of the whole community. Vouchers necessarily will benefit only a small percentage, a small number of students. Consider for a moment there are roughly 46 million public school students and 6 million private school students. Any large-scale voucher program would obviously overwhelm the private schools. Advocates claim that entrepreneurs would start up high-quality schools to meet the demand. Just look at the potential for abuse and ask yourself the question, what do we do when we look up and discover a whole slew of less-than-quality school facilities in which people's only objective is to make money? There is no reason to think that by providing this spinoff of resources from public education that we would wind up with a system that was any better.

Supporters of the voucher proposals claim they would help the neediest children the most. I submit that both research, experience, and common sense suggest otherwise. Researchers have concluded that academically and socially disadvantaged students are less likely to benefit from school voucher programs. It is amazing to me that the academic research on this subject has not gotten more attention. Voucher programs in other countries where they have had such programs confirm this research, that, indeed, the voucher approach, spinning off from the public school system, has led to economic as well as social segregation of students. Instead of narrowing the gap between wealthy and poor, instead of narrowing the gap between communities of students, the voucher proposals when implemented had the effect of widening the gap. I don't think we want in our time to be responsible for widening the inequalities among students. If anything, we should be endeavoring to narrow that.

As a matter of fact, in one study that took place in Chile, performance actually declined for low-income students. That is not surprising because any use of public funds for private schools requires that fewer resources be devoted to the public schools. Since the vast majority of low-income students will remain in the public schools and the worst of the schools are, for the most part, already sorely underfunded, it is just evident that private school vouchers would further weaken public education.

Right now, the Federal Government—it is ironic that we are having this debate—the Federal Government right now currently only meets about 6 percent of the costs of elementary and secondary public education in this country. We don't even provide the funding—and I know the Presiding Officer will recognize this issue—we don't even cover the costs of unfunded mandates in education. To further divert resources from what we are already not doing makes absolutely no sense at all.

Transferring funds from public schools to private schools will not buy new textbooks for public school students or encourage better teachers to move to the public schools nor fix a single leaking roof on a public school. All it does is divert resources, precious resources to begin with, away from the system that is already underfunded and that needs it the most.

Supporters of private school vouchers claim that those schools are better managed, they perform better, and cost less than public schools. Again, the facts suggest otherwise.

It is absolutely true that some public schools are inefficient. Again, vouchers don't solve those inefficiencies. What solves those problems are good managers. In Chicago, in my hometown of Chicago, IL, innovative leadership and a "no excuses" attitude totally reshaped the system there in the space of about 2 years. Under the leadership that is now in place, our school system is improving itself to the benefit of all of the 425,000 students in that system, not just the select few who might have been spun off with a voucher plan.

Every school system calls upon the people, the leadership of that community, to focus in on management issues, to address the longstanding issues of neglect and of finance that have hamstrung our ability to provide quality public education to all children.

The evidence also disproves the claims that vouchers improve student achievement. Annual evaluations of the program in the city of Milwaukee concluded that vouchers have not done so. Again, I call my colleagues' attention to all of the research that has been done in this area. There is no scientific evidence to support the notion that somehow by taking away from public education you improve it.

As for cost, again, the private schools can cost less in some instances because only 17 percent of them provide special education, which, of course, is a high ticket item. It costs twice as much to educate disabled children. Again, the point ought to be made that the public schools take everyone. They are schools in which all consistencies, all kinds of students, whether they are rich, disabled, poor or whether their parents have problems, or whether they are troubled, all students come. With compulsory education they have to. By setting up a system that spins off a part of the student body, all we are doing, again, is creating a situation in which those who are the most able and the most capable and have the most family support will leave the school system and leave behind those who are least capable of doing well for themselves.

Here in the District of Columbia—and, again, this is once again the District of Columbia being made into a guinea pig, for all intents and purposes, for ideas that are floating around without addressing the real challenges of the District of Columbia—I, too, had interns in my office, students from the District of Columbia, who interned in my office precisely because the schools were closed here.

Why were they closed? Because the court had decreed that the school environment, the facilities were crumbling so badly that it was unsafe and hazardous for children to go to school there. It would be more appropriate for us to devote the money being proposed to be taken out here to rebuilding the crumbling schools in the District of Columbia, to making sure the roofs don't leak and the windows aren't broken and the electrical systems work, to fix the schools that we have, to meet the challenge of supporting public education instead of coming up with yet another excuse not to support the schools we have in place already.

This approach, in my opinion, represents, in the final analysis, a retreat, a pessimistic capitulation to a winnable challenge. We can fix these schools. We can do at least as much as the previous generation did, our parents. The generation before us left us a legacy of a system of quality public education in which every child, no matter what the circumstances, can get an education consistent with their talent without regard to their means. We have an obligation to do no less for the next generation of Americans. Coming up with an approach that will spend away resources from our system of public education does not keep faith with that legacy of support for quality public education as an integral and central part of the American dream.

Mr. COATS. Mr. President, I yield 5 minutes to the Senator from Arkansas.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

Mr. HUTCHINSON. Mr. President, I rise in the strongest support of the District of Columbia student opportunity scholarship amendment offered by Senators COATS and LIEBERMAN to the D.C. appropriations bill. I have long been convinced of the value of school choice programs. I think the debate this afternoon has been very healthy for our country.

Earlier this year, the Washington Post ran a five-part series on the D.C. schools, detailing the mounting problems of the physical deterioration of its school buildings, violence in the classrooms, and the falling academic success among students. Eighty-five percent of D.C. public school students who go on to college at the University of the District of Columbia [UDC] need 2 years of remedial education before beginning course work toward a degree at all. While this statistic is alarming and should not be tolerated, it is a prime example of how the D.C. public schools are failing the very children that they are supposed to be serving. It is the children who are the losers.

Some argue, as my colleague just argued, that if only more money were available to mend the crumbling school buildings, or to better train the teachers or to hire more teachers, then everything would be fine. Mr. President, more money is not really the answer. Despite spending more than $7,300 per student in 1996, which is among the Nation's highest spending rates, 65 percent of all D.C. public schoolchildren, two-thirds of them, test below their grade levels; 72 percent of fourth graders in the D.C. public schools tested below basic proficiency on the NAEP test—worse than any other school system in the Nation.

More money is not the answer. What about the increased violence? The National Education Goals Panel reported last year that both students and teachers in D.C. schools are subjected to levels of violence that are twice the national average.

So I ask my colleagues on both sides of the aisle, isn't this bill the perfect place to give us the opportunity to show what vouchers can do? They do help real families. Some of my staff members are privileged to work with one D.C. family who was fortunate to have received $4,000 of scholarship money this fall to enroll six of their children in Our Lady of Perpetual Help Catholic School here in the District of Columbia. I had the honor of meeting one of those children, Shannon, when she visited my office in the spring to interview me as part of a school project on Arkansas. It was little Shannon who, 1 year ago, told her tutor that she wanted to go to a Catholic school. When asked why, she emphatically answered, "because I want to learn much."

Mr. President, even though Shannon had never been to a Catholic school, nor did she know anybody enrolled in a Catholic school, she knew that if she went to a Catholic school, she would learn. She wanted to learn much. Shannon's mother knew that, for her children to progress in their studies and graduate from high school, she desperately needed to get them out of the failing D.C. schools and into a place where the teachers would spend time with her children and teach them.

Under this amendment, nearly 2,000 of the District of Columbia's poorest children—not the wealthy kids, those from the rich side of town whose parents can afford to send them to elite schools—but the poorest children would receive scholarships for tuition costs at a private school in the District of Columbia, or in adjacent counties in Maryland and Virginia. Mothers like Shannon's are eyewitnesses to their children's improvement when their children are enrolled in a safe, stable, and thriving school environment.

The Coats-Lieberman plan is a lifeline of hope for thousands of D.C. parents, like Shannon's mom, who have waited and are still waiting for an opportunity to give their children a solid education and a chance to succeed.

This amendment makes so much common sense. The question is, will vouchers work? Let's give vouchers a chance right here in one of the worst school districts in the Nation. Let's not continue to put good money after bad by simply pouring it into a system that is broken. Let's give the children of this city hope. Let's give the parents of the poorest children in this city an opportunity to give their children the best educational opportunity.

I commend the Senator from Indiana, Senator COATS, and Senator LIEBERMAN for their leadership and for the opportunity to conduct this debate and to cast this important vote.

I yield the floor.

Mr. COATS. Mr. President, I yield 5 minutes to the patient Senator from Oklahoma, who has been waiting a long time to speak.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. INHOFE. Mr. President, I was in the chair when I heard the very eloquent speech, of course, as always, by Senator LIEBERMAN. One thing he said at the very last surprised me a little bit. I think kind of out of desperation he said, "We are only talking about $7 million. We try a lot of things that cost a lot more than that."

I am here to inform Senator LIEBERMAN—and I believe he knows it already—that it has been tried. I started with our mutual friend, Tony Coelho, in 1993, who established an organization called the Washington Scholarship Fund. There were many Democrats and Republicans involved. Senator KERREY, at that time, was an honorary chairman, and Bill Bennett was one of the honorary chairmen, also. Directors and advisors included Boyden Gray and Doreen Gentzler, a local Channel 4 TV news anchor.

Our goal was to help needy or low-income families send their children to private school—the very thing we are talking about here. We were trying it through the private sector to see if it would work. What we did was not pay the entire scholarship, as we are talking about here, for a number of students, but to pay half of it. I think the average tuition is around $3,000 a year. Now, what we did was, we would offer a scholarship of $1,500 a year, so that the parents would have to pay half of it, so they would have to have an interest in that. To be eligible, they had to be residents of the District of Columbia. Ours was K through 8, as opposed to K through 12. I think K through 12 is probably better. They must be low-income by Federal standards.

Anyway, we went ahead with this program on the half tuition. We had people lined up in the school year of 1993 and 1994, and we had 57 students. That is about $75,000 that we raised privately for these one-half scholarships. Last year, we were up to 250 students that we helped. That is a substantial increase. But the interesting thing is that we have over 800 now on a waiting list. I am sure that there are probably more out there waiting that are not familiar with the program. But it is overwhelmingly successful. In the schools, they concentrate on strong values, basic reading and writing and math skills, and we have a lot of parental involvement.

A lot of people are not aware that in Washington, DC, there are at least 25 private schools with tuitions less than $2,500 a school year. They average about $3,000. Most of the private schools in the District of Columbia operate way below capacity, or their average tuition probably could come down, they would estimate.

The Washington Scholarship Fund is one of 32 private school scholarship programs nationwide in cities like Milwaukee, Los Angeles, New York, and, in fact, there is one in the home State of Senator COATS, in Indianapolis. They are currently helping approximately 12,000 needy children, and they have 40,000 on a waiting list.

Well, when I heard the Senator from Connecticut say he didn't know exactly how much it was costing the public school system in Washington, DC, I think he is right because the accounting system, as he points out, is very poor. However, I have heard the range to be somewhere between $7,700 and $10,000. So here we are talking about being able to give a better education at approximately one-third of the cost—in other words, for the same cost, reaching three times the number of children.

Ms. MOSELEY-BRAUN. Will the Senator yield for a question?

Mr. INHOFE. Not on my time. On your time, I will.

Ms. MOSELEY-BRAUN. There is no time left.

Mr. INHOFE. I am sorry, I have to use my time. The dropout rate is a problem. I will read a couple of things that I think are significant.

One of the mothers, named Voni Eason, said:

> My son loves the school. He even likes the uniform. He feels like he's a grown man. Without an education—and a good, strong education—he's not going to have a job. Without the Washington Scholarship Fund, he wouldn't be able to go to his school.

That is a mother making a testimonial.

Tanya Odemns' son actually tried the public schools system in Washington, DC. She said:

> My son wasn't learning anything. He didn't know his ABCs, didn't know how to spell his name . . . public school didn't give him any homework. I know my son is very intelligent and wants to learn. When I heard about the Washington Scholarship Fund, I just hopped on it real quick. [Now] he's excited when he comes home, wants to do homework.

Mr. President, it has been tried and it is successful. It works.

I yield the floor.

The PRESIDING OFFICER. The time of the Senator has expired.

Under the previous order, at 4:30, the Senate is to proceed to debate on the defense appropriations bill.

Mr. COATS. Mr. President, I promised the Senator from New York he could get a statement in.

I yield to the Senator from New York.

Mr. D'AMATO. Mr. President, I ask unanimous consent that the time for the Senate to consider the defense appropriations bill be extended for 3 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. D'AMATO. I thank the managers of the bill. Mr. President, let me say this. I strongly, strongly support this amendment. I want to commend Senator LIEBERMAN and Senator COATS for fighting to give the families, the parents, the youngsters in the Washington, DC, public school system a chance. Too many are trapped. We are talking about working families who don't have the ability to move to areas with better schools. They don't have the financial wherewithal to send their children to better schools, including private schools, that are safer and may give a stronger educational opportunity. Al Smith, a great Governor from our State, used to say, "Let's look at the record." Well, look at the record. How can we be defending the status quo of an education system in the District of Columbia that has been a failure—a failure. Forty percent of these youngsters never graduate from high school; 40% of D.C. public school students leave the school system between ninth grade and graduation.

In terms of scores, it's incredible: during the 1996–97 school year, 72 percent of the eighth graders score below basic in math—72 percent; 78 percent of the D.C. public school fourth graders rank below basic reading achievement levels in 1994; 80 percent of the D.C. fourth graders in 1996 achieved below the basic math achievement levels.

Do we want to save these youngsters? Or are we so interested in protecting the status of the unions, because that is what this is about. We are talking about the status quo, where you have a system that cares more about tenure for teachers that can't teach, more about seeing that the perks and privileges of the unions are protected—as opposed to providing students and their parents an opportunity to have a choice for real opportunity and to break out of this mediocrity.

The fact is, we once had great and vibrant public educational institutions. That was before the days when the union perks and prerequisites came first.

I support merit pay for good teachers. Let's reward them and get rid of the tenure system that is guaranteed to provide mediocrity and less for students. Let's have renewable tenure.

Parents should be empowered to make choices, letting them have the opportunity to send their kids to the best schools.

Who is trapped in the sea of mediocrity? I will tell you. The poorest of the poor; the working families; the families that can't move to another area to give their kids a good educational opportunity.

I have to tell you something. I look to Congressman FLOYD FLAKE. The Reverend FLAKE is resigning his position. He is elected with 90-some-odd-plus percent when he runs. He truly is the servant of the people. This is not intended to be a testimonial to him. I will give that before October 15 when he retires. But let me tell you about one of the things that the Congressman is going to do. He is going to go back and fight in New York to empower parents and to give children and their parents choice and an educational opportunity that now is all but put aside.

We can make a difference. I don't care if it is 1,000 students that it helps, or 1,500 students. That is 1,500 more youngsters who will get a chance to flourish in an oasis of educational opportunity as opposed to a swamp and a sea of mediocrity that are tearing down educational opportunities for kids.

We have got to try to do something better. And it isn't putting more of this money into a system that is broken down.

Mr. President, I say this is the least we can do. This is an innovative opportunity to take one of the worst school systems in America and to begin to empower parents on behalf of their children to give them real educational opportunity.

I yield the floor.

## DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 1998—CONFERENCE REPORT

The PRESIDING OFFICER. Under the previous order, the clerk will report H.R. 2266, the conference report.

The legislative clerk read as follows:

> The committee on conference on the disagreeing votes of the two Houses on the amendments of the Senate to the H.R. 2266 having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by majority of the conferees.

The Senate proceeded to consider the conference report.

(The conference report is printed in the House proceedings of the Record of September 23, 1997.)

The PRESIDING OFFICER. The Senator from Alaska.

### PRIVILEGE OF THE FLOOR

Mr. STEVENS. Mr. President, I ask unanimous consent that the following Members of the staff of the Defense Appropriations Subcommittee be granted the privilege of the floor during consideration of the conference report to accompany H.R. 2266: Sid Ashworth, Susan Hogan, Jay Kimmitt, Gary Reese, Mary Marshall, John Young, Mazie Mattson, Michelle Randolph, Charlie Houy, Emelie East, and Mike Morris, a legislative fellow detailed to the committee from the Department of Defense.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, the conference report on H.R. 2269, the Department of Defense Appropriations Act for Fiscal Year 1998, closely follows the bill passed by the Senate on July 15.

The bill provides $247.5 billion in new budget authority for the Department, an amount within the levels set in the budget agreement with the White House.

As in July, the conference report reflects a bipartisan effort, and I am grateful to my friend and colleague from Hawaii, Senator Inouye, for his partnership in bringing this bill back to the Senate, and bringing it back as a very good bill.

The House passed the conference report by a vote of 356 to 65, today.

The full text of the conference report, and the accompanying statement of the managers was printed in yesterday's Congressional Record.

The print of House Report 105–265 has been available to all Members today.

The tables and descriptive text of the statement of the managers details the funding levels for all the programs considered by the conferees—I will not take the Senate's time to summarize those adjustments.

I do want to highlight the toughest policy issue we faced—continued funding for operations in and around Bosnia.

The House of Representatives in its original bill passed a provision which was a total prohibition on spending for any operations in Bosnia after June 30, 1998.

Personally, I believe we should withdraw our forces from Bosnia.

Secretary Cohen and General Ralston met with us, and urged us not to take that unilateral step, at this time.

Prior to this conference, several of us traveled to the United Kingdom, for the periodic United States-United Kingdom interparliamentary meetings.

In those talks some of us came to appreciate better the total dependence by our European allies on the United States forces in Bosnia.

The compromise we reached retains the position of the House that we bring our forces out of Bosnia by June 30, but the President can waive that requirement if he certifies to the Congress the forces must stay in the interest of our national security.

The President must also inform the Congress on seven points: First, the reasons for the deployment; second, the number of personnel to be deployed; third, the duration of the mission; fourth, the mission and objectives; fifth, the exit strategy for U.S. forces; sixth, the costs for operations past June 30; and seventh, the impact on morale and retention.

This certification to Congress will constitute the first time this President has informed the Congress about Bosnia before deploying or extending our forces there.

I want to recognize the leadership of my good friend from Kansas, Senator Pat Roberts, who contributed to our discussions in the United Kingdom following the visit he made to the continent. And it was his ideas that he passed on to me that really led to the compromise that we have reached in this conference.

The Congress and the American people, Senator Roberts told me, deserve to know why our forces are in Bosnia and how long they must stay. The provision in this bill requires such a statement.

The President is also expected to submit a supplemental appropriations request for additional amounts needed to maintain our forces in Bosnia if he decides to keep them there without damaging the readiness or the quality of life of our Armed Forces.

Virtually every program funded in this bill when we originally passed it the House and the Senate were funded differently. And ultimately we had to find a compromise level between those two bills. We actually had to eliminate some $4.5 billion of items that were funded in one bill or the other.

Let me point out just some instances.

In the case of the Dual Use Applications Program, we sustained the full $125 million that was provided by the Senate. That is $25 million more than the House had provided.

On ACTD's, we reached an even split with the House, which provides $81 million—nearly a 50 percent increase compared to the level appropriated for fiscal year 1997.

For overseas humanitarian, disaster, and civic aid, we again split the difference with the House providing $47 million.

One program where we sustained the full administration request is in the Cooperative Threat Reduction Program, known as the "Nunn-Lugar" initiative.

Secretary Cohen made the strong plea for the full $382 million sought by the President, and we have convinced the conference to accommodate that request.

I again want to thank all conferees on both sides, and especially the House Chairman, Congressman Bill Young, and the ranking member, Congressman Jack Murtha.

I feel very proud about the work that was done by the conference working as a team.

I urge all Members of the Senate to vote in favor of approving the conference report before the Senate.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. INOUYE. Mr. President, I rise this moment to express my complete support for the conference report on the defense appropriations bill for fiscal year 1998.

As Chairman Stevens noted, this bill is within the budget allocation provided by the committee for defense funding.

The amounts provided represents an increase of $5.4 billion, 2 percent above the amounts available during the current fiscal year.

Mr. President, it is my view that this increase is very modest, and is fully justified under the circumstances.

The increase is necessary to allow us to continue to modernize our forces, to protect readiness, and to fully fund a 2.8-percent cost-of-living increase for our men and women in uniform. And it allows us to protect the priorities of the Members of the Senate.

This conference agreement is a compromise which I believe all Members should support.

The bill was passed by the House with two controversial matters to which the administration strongly objected to—the B–2, and Bosnia. This conference report has dealt with those matters to the satisfaction of the administration.

On the B–2 bomber, the conferees have provided the President with $331 million to begin the purchase of additional B–2 bombers. However, it is up to the President to determine whether to buy more aircraft, or to upgrade the existing fleet of B–2 bombers. Mr. President, I for one hope the President chooses to buy more B–2's. But here the choice is his.

On Bosnia, the conferees agreed that consistent with the current plans of the administration all United States troops be removed from Bosnia by June 30th of next year. However, if the President certifies that it is in our national interest to maintain our presence in and around Bosnia, he can waive the restriction by consulting with and informing the Congress of his decision. And should the President decide to keep the forces in Bosnia, as Chairman STEVENS noted, he shall submit a supplemental, if additional funds are required to pay for this deployment.

Mr. President, this is an agreement which can be supported by both the Congress and the President.

We should be grateful to Chairman STEVENS and the House conferees for negotiating this very workable compromise.

I would like to also mention the hard work of the staff under the staff director, Mr. Steve Cortese, and on the minority side, Mr. Charlie Houy.

Mr. President, I think it should be noted that the staff worked long hours—in one instance throughout the whole night—to ensure that this conference report was completed before the end of this fiscal year. I believe that the Senate owes them its gratitude for their efforts.

Mr. President, this is a good conference report. I urge all my colleagues to support its adoption.

Once again, may I express to my colleagues my great pleasure in being able to serve them, together with Chairman STEVENS. We are fortunate to have Chairman STEVENS at the helm.

Thank you, Mr. President. I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. ROBERTS. Mr. President, I thank the distinguished Chairman of the Appropriations Committee, and ranking member. Everyone involved in our military and our national security owes Senator STEVENS and Senator INOUYE a depth of gratitude for their outstanding leadership.

Mr. President, I rise in strong support of the provisions contained in the defense appropriations bill—so kindly referred to by the chairman as the Roberts amendment—that will force the Clinton administration to clearly and articulately justify our policy in the use of military forces in Bosnia. Additionally, Mr. President, these provisions will also force Congress to debate the Bosnian dilemma and our policy in that shattered region.

These provisions are about being honest with the American public.

Specifically, these provisions require the President to certify to Congress by May 15 of next year that the continued presence of U.S. forces in Bosnia is in our national security interests, and why.

He must state the reasons for deployment, and the expected duration of deployment.

He must provide numbers of troops deployed, estimate the dollar costs involved, and give the effect of such deployment on overall effectiveness of our U.S. forces.

Most importantly, the President must provide a clear statement of our mission, and our objective.

And he must provide an exit strategy for bringing our troops home.

If these specifics are not provided to the satisfaction of the Congress, funding for military deployment in Bosnia will end next May.

Let me repeat: We are requiring the administration—and, yes; the Congress—to clearly articulate our Bosnia policy, justify use of military forces, and tell us when and under what circumstances our troops can come home.

That is not asking too much.

In my view, events of recent weeks make this an urgent matter. It has become increasingly clear to me that in the wake of the Dayton accords, and after drifting for months, and with elections on the near horizon and the crippling winter only weeks away, the United States went from peacekeeping to peace enforcement with what I consider to be dubious tactics.

Troop protection, refugee relocation, democracy building, economic restoration, and, oh, by the way, if we run across a war criminal let's arrest him. Those goals have been replaced.

So today we see increased troop strengths—perhaps up to 16,000—we have picked a U.S. candidate in the election process, we have embarked upon an aggressive disarmament and location, and capture and prosecution of war criminals.

Is this mission creep, or is it long overdue action, Mr. President? And will these goals accomplish realistic progress?

Item: The world was treated to the spectacle of American troops, the symbol of freedom's defenders, taking over a Bosnia television station in an effort to muzzle its news. The troops were stoned by angry citizens. We gave the TV station back.

Item: In the country where benevolent leaders are scarce, we have chosen up sides, supporting the cause of one candidate over another. It is a cynical approach, it seems to this Senator, to foreign policy that says to the world, "Sure, he—or she—is a dictator, but he's our dictator." At least for the time being.

Item: Elections were conducted but to cast ballots—listen up—to cast ballots many citizens had to be bussed back to their homes, which they cannot now, or may never, occupy to vote for officials who will never serve unless SFOR stands at the ready.

In the Civil War in the United States, Quantrill's Raiders sacked Lawrence, then fled to Missouri. Should his ruffians have been bussed back to Lawrence to vote for city council? That makes about as much sense.

Item. A United States diplomat overruled a Norwegian judge, whose decision disqualified candidates with ties to indicted war crime suspect Radovan Karadzic. Members of the group overseeing the elections threatened to resign. Posters of Elmer Fudd—I am not making this up. That's right, the cartoon character Elmer Fudd sprouted up as a protest to "free" elections by one faction.

NATO forces, which include U.S. troops, have been cast into the role of cops on the beat chasing war crimes suspects. Just arrest Mr. Karadzic, we are told, try him for war crimes, and our problems will be solved.

Mr. President, as the New York Times pointed out recently, much as we do not like it, "Mr. Karadzic reflects widely held views in Serbian society." Those views are real.

Do these events reflect a sound, defensible Bosnian policy that is in our national interest? Or do they sound an ominous alarm as America is dragged down into a Byzantine nightmare straight out of a Kafka novel?

I visited Bosnia, like many of my colleagues. I talked with the troops in August, met with the officers, met with intelligence officials. They are outstanding individuals. They deserve our support, our respect, our gratitude. They are doing an outstanding job, Mr. President, even though they have not been given a coherent mission.

Just this past week, Gen. Hugh Shelton, our outstanding nominee for Chairman of the Joint Chiefs of Staff, was asked at his confirmation hearing by Senator MCCAIN of Arizona whether there is a strategy to remove United States troops from Bosnia, and the general was stumped. Let me repeat that. The general admitted he was aware of no exit strategy by the administration. That awareness is repeated in Tazar, Mr. President, which is our staging base in southern Hungary, 7 days in for our troops and 7 days out. We have no clear idea of how to extract them.

If the provisions of this bill do nothing else, they should force a major reexamination of our Bosnian involvement from top to bottom.

Now, our former Secretary of Defense, Casper Weinberger, articulated six conditions for military intervention, Mr. President. I repeat them here today just to show how much our Bosnian policy is lacking. He said troops should be committed only when the following things happen: No. 1. Vital national interests are threatened. I do not think that is the case in Bosnia. The United States clearly intends to win. We did win. We stopped the fighting. But the political settlement is contrary to the means by which we stopped the fighting. We separated the ethnic groups. Now we are trying to put them back together again. The intervention has precisely defined political and military objectives. As the former Secretary of Defense said, there is reasonable assurance that intervention will be supported by the American people and the Congress. The commitment of American forces and their objectives can be reassessed and adjusted, if necessary. And, finally, Secretary Weinberger said this: The commitment of forces to combat is undertaken as a last resort.

As Chairman STEVENS will tell you, our involvement in Bosnia has come at a large price. There are approximately 10,000 troops. I personally think it is closer to 16,000. That is nearly one-third of the 35,000 NATO troops involved. From 1996 to 1998, costs are estimated to be $7.8 billion—almost $8 billion. That figure, too, may escalate.

In justifying our policy in Bosnia, the administration must include a plan to fund the costs. Do they intend to take these rising costs out of the current defense budget, money we need for modernization and procurement and quality of life for the armed services to protect our vital national security interests? Or is the administration prepared to come clean and ask for the money up front?

Finally, I offer these thoughts. All of us in this body, and I know President Clinton, Secretary of State Albright, Secretary of Defense Cohen, all of us, desperately want lasting peace in Bosnia—all of our allies as well. We want the killing to stop. We have stopped the killing. We want stability in that part of the world, permanent peace and permanent stability. But wishing it does not make it so.

Richard Grenier, writing for the Washington Times put it this way:

> Generally speaking, Serbs didn't love Croats, Croats didn't love Serbs, nor do either of them love Muslims. Reciprocally, Muslims love neither the Croats or Serbs. What happened to the lessons we are supposed to have learned in Beirut and Somalia? What happened to our swearing off mission creep?
>
> But here we go again in Bosnia. Once again, our goal was at first laudably humanitarian: to stop the killing. But it expanded as we thought how wonderful it would be if we could build a beautiful, tolerant, multiethnic Bosnia on the model of American multiculturalism.

I respond. The Bosnian situation is complex. It is shrouded by centuries—centuries—of conflict that only a few understand. What we have seen in recent months is a lull in the fighting, not the end. It is a fragile "peace," held together only by a continued presence of military force. How long can that continue? Are we prepared to pay the price?

This week, National Security Adviser Sandy Berger said the United States must remain engaged in Bosnia beyond June of this year but that continued American troop presence has not yet been decided. It is time to decide.

Now, compare that statement with the advice of former Secretary of State, Dr. Henry Kissinger, who wrote just this week:

> America has no national interest for which to risk lives to produce a multiethnic state in Bosnia.

Mr. President, no more drift. No more drift. It is time for candor, for honesty and clear purpose. Let the debate begin.

I urge acceptance of these provisions. We owe them as a debt of honesty to the American people. We owe them to our military men and women with their lives on the line.

I yield the floor.

The PRESIDING OFFICER. The time yielded to the Senator from Kansas has expired.

Mr. INOUYE. Mr. President, I am pleased to yield 2 minutes to the Senator from Rhode Island.

The PRESIDING OFFICER. The Senator from Rhode Island has 5 minutes of his own already.

Mr. INOUYE. Yes.

Mr. REED. I thank the Chair.

I rise to express my support for the defense appropriations conference agreement, and I commend my colleagues, particularly Senator STEVENS and Senator INOUYE, for their great work on this measure.

I am particularly pleased that an important provision in the conference report is language which will allow Newport News and Electric Boat, this country's only two manufacturers of submarines, to team together to design and build the next generation of attack submarines. Without this language, these shipyards and our submarine program could be endangered. With this language, however, we will continue to build the Navy's most valuable weapon, a silent and very effective submarine. Work will commence on the new attack submarines, which will boast great stealth and great strength with advanced war-fighting capabilities, yet will be smaller, more flexible and more cost effective.

This teaming agreement will preserve America's vital submarine industry base, which encompasses over 3,000 high-technology companies in 44 States. This conference report brings us one step closer to ensuring that the United States continues to maintain the finest submarine force in the world.

Since the first day I arrived in Congress, there has been a strong debate over the future of the U.S. naval submarine program. There are those who believe that the era of the submarine ended with the end of the cold war. But a majority of my colleagues and I believe that our submarine fleet needs to be maintained and modernized and that it will serve us as well in the future as it has in the past.

In a time when the mission of our armed services is constantly changing and a threat could emerge anywhere in the world, we need such flexibility. I think it is fitting to note the comments of our respected Chairman of the Joint Chiefs of Staff, Gen. John Shalikashvili, on the eve of his retirement. General Shalikashvili said, "Submarines are an integral part of U.S. global influence and presence. Their stealth and endurance provide the unified commander enormous capabilities across the full spectrum of conflict."

I believe that the provisions in this defense appropriations agreement indicate that the submarine has proven itself. This legislation allocates scarce defense dollars to build up the submarine industrial base, to procure new torpedoes, to procure new submarine periscopes, and to assure excellent training programs for our submarine crews. This agreement will provide funding for the completion of the *Seawolf* program and for the first new attack submarine.

This report shows support for the submarine procurement program as well as a logical and cost-effective way to harness the expertise and skill of our Nation's submarine builders.

I would like particularly to again thank Chairman STEVENS and Senator INOUYE for their continued support, Senator WARNER for his efforts on the committee, and all of those who have played a critical role in ensuring that our submarine fleet will continue to be the finest in the world, that our sailors will go forth with the best ships in the world and that with their service and these ships we will continue to protect America and defend our principles.

I thank the Senator for the time. I yield back the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. COATS. Mr. President, I think under the previous order I am to be recognized for 15 minutes.

The PRESIDING OFFICER. The Senator from Indiana has 15 minutes under the previous order and is recognized.

Mr. COATS. Mr. President, I rise to address this question of the defense appropriations bill with some degree of disappointment.

First of all, I am disappointed that an appropriations bill is going to be passed out of this Congress ahead of the authorization. That is not the way it is supposed to work. It renders much of the work done by the authorization committee this year of no effect in some of the critical areas. I do not blame the Appropriations Committee, however. There are 4 days remaining before the end of the fiscal year. The clock is ticking. Senate Armed Services and the House didn't get the job done in time, and the Appropriations Committee was patient in giving us that time. I regret that we were not able to get our authorization act together. So I am not here to condemn the Appropriations Committee.

I do, however, want to express my disappointment, sincere disappointment, that as chairman of the Air and Land Subcommittee the actions that we have taken in the Senate Armed Services Committee to address the question of TACAIR and where we are going in the future were forfeited in the negotiations with the House; that the Senate deferred to the House position particularly on the issue of F-22 funding, and I want to discuss that because there are consequences, I believe, to that decision.

First, a little bit of history.

Our committee withheld approximately $500 million in development and advanced procurement funds, and I want to state the reasons why we did so. It was not done on a whim. It was not done on a number picked out of the air. It was done as a result of a process of our methodical oversight of the F-22 program that dates back at least to the 103d Congress.

Here are the facts. The F-22 program as we speak today is approximately $2.2 billion over budget for development alone. There is speculation that F-22 production could also run several billion dollars over program estimates. In fact, in just the last 2 years, the Air Force has cut the number of aircraft to be bought in the next 6 years from 128 to only 70, and yet there has been no decrease in program costs to the taxpayer or money freed up for Department of Defense expenditures in other areas. Yet we have not been told by the Air Force or the contractors how the F-22 program got to be in this situation.

Those of us on the Armed Services Committee felt it was time to definitively put this program on notice, and that is what we attempted to do.

Now, Mr. President, I say that as a supporter of the F-22. I think it is fair to say our committee is a strong supporter of the F-22. I have visited production facilities and engine facilities for the F-22. It is a leap ahead in technology. It lays the basis for our crucial joint strike fighter program. It will give us air dominance in the future. Had I thought that the actions we had taken in any way jeopardized further development of the F-22, I would not have considered them.

But to those who have argued that we must fully support the F-22 air dominance fighter because it is the No. 1 procurement priority of the Department of the Air Force without any questions, without any reservations, without any reports, without any event-based decisionmaking, I think those people are missing the point. They are missing the point of the consequences of doing so and the consequences to other systems.

Let me also say that I, in addition to supporting F-22, I support the importance of air dominance as a joint warfighting capability. But, we have to remember that the F-22 is just one piece of the Department of Defense TACAIR recapitalization strategy. We are acting like it is the whole thing.

As a matter of fact, the Navy's F/A-18E/F is the Navy's No. 1 priority, and the Marine Corps has placed its priority on the joint strike fighter yet to be developed. So we are looking to balance our approach in joint warfighting capability across the full spectrum of military operations. If the F-22 program is not brought under control, it will severely jeopardize a prudent balance in TACAIR recapitalization.

So the issue before us is not support for the relative priority of the F-22 program. The issue before us is, does that support imply that we should blindly throw billions of dollars at the program without some accountability? The issue is the viability of the F-22 program, and it is exactly because of the high priority of the F-22 that we need to send a powerful message to the Air Force and to the contractors that the Senate is watching, that we are watching the restructuring, and we are watching for schedule slippage, and we are watching for cost overruns. It is time to hold F-22 to a realistic level of accountability. It is time to end the promises of performance and cost control and instead focus on results. We do so because we want to protect the F-22. We want it to be a viable program, and we do not want it to go the way of other programs that have not been held accountable.

So, therefore, I regret deeply that the Senate yielded to the House, that we were not able to get the authorization approved, that we yielded to the House in the appropriations process and we are simply giving the Air Force and giving the contractor exactly what they asked for without any explanations, without any details, and without any accountability features built in.

Let me explain a little bit about why the Armed Services Committee's actions on the F-22 are good policy.

In the National Defense Authorization Act for fiscal year 1995, the Senate requested the Department of Defense and the General Accounting Office assess and provide us a report on the degree of concurrency—that is the testing-while-you-are-buying process that goes on sometimes in these programs; you are buying the planes at the same time you are testing them; many of us would argue that you need to test first and make sure that what you are buying is what you think you are buying—and we asked them for this report on risk, also. In April 1995, we received those reports and the Department of Defense report concluded, just a little over 2 years ago, "there is no reason, based upon risk/concurrency considerations to introduce a program stretch at this time." So we thought, fine, everything is on track.

At the same time the GAO concluded that the F-22 program involved considerable risk and that there may be adverse consequences from concurrent development and production. Furthermore, they felt the need for the F-22 program "is not urgent," it quoted, based on the threat and viability of the F-15 program.

Then we went into 1996. We held hearings. In those hearings surfaced additional concerns about the level of concurrent production and development, projected F-22 weight and specific fuel consumption. We came back in the National Defense Authorization Act for 1996 to, once again, require the Department of Defense to respond to 21 specific questions. And they did respond and indicated, again, that the level of concurrency in the program was acceptable using departmental risk criteria.

In short, less than 2 years ago, the Senate was being told the program was on track, no problems. Now in 1997, we held hearings and surfaced still yet other concerns about the F-22's transition from this engineering, manufacturing and development phase to production, based on what one witness calls an "event driven program that ensures that key production criteria are met as a prerequisite for production decisions." That gave us some assurance. Correspondingly, the Senate then included in the 1997 National Defense Authorization bill a requirement that the Department of Defense undertake a cost analysis and report on their events-based decisionmaking criteria.

We took them at their word. We said fine, give us a report. Within the last year, the Air Force commissioned a Joint Evaluation Team which concluded that the F-22 development program was $2.2 billion over cost, and that much more time would be needed for testing. This was the first time that we had been notified that the F-22 was in trouble, despite numerous years of hearings and reports back from the Air Force. So, based on this information the committee held—I chaired—two additional hearings in 1997, on tactical aviation. And we learned then that the Air Force canceled four preproduction vehicles that it previously indicated were a key to the program going forward. And then it took that money, $700 million, and put it back into development. This action, to infuse hundreds of millions of dollars into development, was taken by the Air Force again without specifying how the program had been changed, identifying cost-control measures, and describing the level of risk that remains. They have not told us how the program got in this shape. They have only told us that they have found the funds to fix it. They found the funds to fix it by canceling four preproduction aircraft, thereby jeopardizing a necessary step testing for most development programs, which they say now is not necessary, and taking that money and pumping it into engineering and manufacturing development.

They also promised that event-based decisionmaking would keep the F-22 program on track. We asked them to report on this aspect of the program. The Air Force said it would give us a report on it. They did. That report, 6 months late: 18 words. Here is the Air Force report. Specific exit criteria:

> First EMD aircraft first flight complete.
>
> Complete engine initial flight release.
>
> Air vehicle interim production readiness review complete.

What does that tell us? This is the report that it took them 6 months to put together to respond to what we asked for, what we thought was legitimate?

Furthermore, each of these three events were supposed to have been completed before the fiscal year even started. What kind of confidence does that provide, for a program with nearly $20 billion in development and well over $40 billion in procurement? We are talking about $60 billion here. Consequently, the Senate Armed Services Committee came to the conclusion that, if tactical air modernization is going to be viable in the future from both a technical perspective and the perspective of affordability, that we had to take some action now in the F-22 program to achieve and ensure performance and cost-control goals. Therefore, I recommended to the Senate, and the Senate agreed, that we not permit the infusion of an additional $420 million into F-22 research and development until we understand how this program came to be in this present condition.

Some people are going to argue that these actions are too severe. But I think it is just the opposite. We believe the actions that we have taken help to ensure the program's success. Remember, this is just the development phase and it is more than $2 billion over budget. It was not that long ago that then Secretary of Defense Cheney canceled the Navy A-12 program because it was $1 billion over cost. Now we have a plane more than $2 billion over cost.

I have deep concern over whether we can maintain continuing support politically for the F-22 program here in Congress, and with the American people, if we cannot adequately address these cost overruns and explain to the American people that we are taking prudent steps to make sure that this does not continue. The steps that we have taken are not designed to put the program in jeopardy. They are designed to save the program. They are designed to demonstrate that we recognize there are problems and we must hold the contractors accountable.

We are told the Air Force and the contractors have this agreement. They don't have an agreement. All they have said is that they have agreed to agree; they have agreed to agree that there will not be any more cost overruns, that they will deliver on time. And I pray and hope—and maybe have some confidence—that they can do that. But the agreement has not been negotiated. It is not in print. It does not have signatures on the bottom line. And until it does, I think it is reasonable to withhold some funds so we know that those agreements are going to be guaranteed and performed.

What is in jeopardy if the F-22 does not get on track? I suggest four very important things. We may end up treating the F-22 like we did the B-2, producing far fewer than we need but only what we can afford, and then we have an inadequate tactical air program for the future. Also, we could lose support for the next aircraft carrier, the CVN-77. In fact, I believe it's the advanced procurement for the smart-buy initiative that was to save taxpayers $600 million on this carrier that was taken by the appropriators to fund the F-22. We may not get that carrier. Third, we may lose the Joint Strike Fighter. We cannot consider throwing more money at three TACAIR programs, given the low levels of procurement for land and sea systems. F-22 cost growth cannot be permitted to eat the lion's share of the funding pie. The Navy is absolutely counting on the Joint Strike Fighter to complement the F/A-18E/F. The Marine Corps has put their entire TACAIR future solely in the hands of the Joint Strike Fighter. If the Joint Strike Fighter does not come through on time, then we are going to have to radically rethink whether or not there will even be Marine Corps TACAIR in the future.

We all know that from a political standpoint there will not be a Joint Strike Fighter if we cannot control the F-22 cost. This places the Navy and the Marine Corps in deep jeopardy.

Finally, continued F-22 cost growth could rob funds from other key Air Force modernization initiatives, whether they be TACAIR, strategic airlift, or the communications and intelligence programs which the entire joint force will have to rely on for information superiority in the 21st century.

In short, we need to be confident and ensure ourselves that the F-22 program is under control. We don't know how else to get their attention. I found that the best way is to say: No performance, no money.

No, Mr. President, we did that some time back. We were confronted with a very similar cost and performance problem with the development of the C-17—a marvelous airplane, but they could not get their act together. So we told the manufacturer you either come in at cost or you are not going to be building more planes. As a result, there was a huge banner erected in the production plant, which said, "Build 40 at cost, or no more." Guess what, they built 40 at cost and now we have a multiyear procurement of 120 C-17's. This is a success story because Congress held the line, and I am disappointed that we have lost that opportunity with this action.

We should all ask ourselves whether the F-22 program would benefit from a similar policy from this body.

The PRESIDING OFFICER (Mr. ABRAHAM). The time of the Senator has expired.

Mr. DOMENICI. Mr. President, the pending conference report accompanying H.R. 2266, the Department of Defense appropriations bill, provides $247.7 billion in new budget authority and $164.7 billion in new outlays for Department of Defense programs for fiscal year 1998.

When outlays from prior-year budget authority and other completed actions are taken into account, the final bill totals $247.7 billion in budget authority and $244.4 billion in outlays for fiscal year 1998

This legislation provides for military pay, procurement, research and development, operations and maintenance, and various other important activities of the Department of Defense and the U.S. military services throughout the world. This bill provides for the readiness, current, and future weapons systems, and all the other necessities of our national defenses—except for military construction and Department of Energy atomic energy defense activities—that enable our Armed Forces to protect U.S. national interests at home and abroad. It is certainly one of the most important pieces of legislation that Congress passes each year.

The spending in this conference report falls within the revised section 302(b) allocation for the Defense Appropriations Subcommittee. I commend the distinguished chairman, the Senator from Alaska, for bringing this bill to the floor within the subcommittee's revised allocation.

The bill provides important increases over the President's request for 1998. It is fully consistent with the bipartisan budget agreement that the President and Congress concluded earlier this year. I urge the adoption of the conference report.

Mr. President, I ask unanimous consent that a table displaying the Budget Committee scoring of the conference report be placed in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

H.R. 2266, DEFENSE APPROPRIATIONS, 1998—SPENDING COMPARISONS—CONFERENCE REPORT

[Fiscal year 1998, in millions of dollars]

| | Defense | Nondefense | Crime | Mandatory | Total |
|---|---|---|---|---|---|
| Conference Report: | | | | | |
| Budget authority | 247,485 | 27 | .......... | 197 | 247,709 |
| Outlays | 244,167 | 31 | 197 | .......... | 244,395 |
| Senate 302(b) allocation: | | | | | |
| Budget authority | 247,485 | 27 | 197 | .......... | 247,709 |
| Outlays | 244,232 | 31 | .......... | 197 | 244,460 |
| President's request: | | | | | |
| Budget authority | 243,700 | 27 | .......... | 197 | 243,924 |
| Outlays | 243,874 | 31 | .......... | 197 | 244,102 |
| House-passed bill: | | | | | |
| Budget authority | 248,111 | 27 | .......... | 197 | 248,335 |
| Outlays | 244,527 | 31 | .......... | 197 | 244,755 |
| Senate-passed bill: | | | | | |
| Budget authority | 246,988 | .......... | .......... | 197 | 247,185 |
| Outlays | 244,185 | 7 | .......... | 197 | 244,389 |
| Conference Report compared to: | | | | | |
| Senate 302(b) allocation: | | | | | |
| Budget authority | .......... | .......... | .......... | .......... | .......... |
| Outlays | −65 | .......... | .......... | .......... | −65 |
| President's request: | | | | | |
| Budget authority | 3,785 | .......... | .......... | .......... | 3,785 |
| Outlays | 293 | .......... | .......... | .......... | 293 |
| House-passed bill: | | | | | |
| Budget authority | −626 | .......... | .......... | .......... | −626 |
| Outlays | −360 | .......... | .......... | .......... | −360 |
| Senate-passed bill: | | | | | |
| Budget authority | 497 | 27 | .......... | .......... | 524 |
| Outlays | −18 | 24 | .......... | .......... | 6 |

Note: Details may not add to total due to rounding. Totals adjusted for consistency with current scorekeeping conventions.

Mr. DORGAN. Mr. President, I rise to speak in strong support of the Defense appropriations conference report, which the Senate is now considering.

The distinguished chairman and the distinguished ranking members, Senators STEVENS and INOUYE, working with our House counterparts, have done a remarkable job in fashioning a truly balanced bill that will meet our Nation's security needs for the 21st century. I would like to salute Senators STEVENS and INOUYE for their leadership and skill in balancing the competing needs of our Nation's military.

I also would like to thank the chairman and ranking member for working with me to address some Defense issues that are of a very high priority to North Dakota. Let me just highlight some of these matters.

### B-52 BOMBERS

First, this Defense spending bill provides an additional $57.3 million above the administration's budget request to fully fund our Nation's fleet of B-52 bombers. My colleagues will recall that we deployed 66 B-52's during Operation Desert Storm, and that these planes dropped 40 percent of the ordnance dropped by allied forces during the Persian Gulf war. Yet the administration has consistently recommended sending 23 of these valuable planes to the boneyard. I am pleased that the bill now before us specifically rejects that suggestion.

As those who fly B-52's out of Minot Air Force Base know, the B-52 is a highly capable bomber, one that can continue to contribute to our national defense through at least 2030. Nearly every part of the B-52 has been replaced or modernized, and we have spent over $4 billion in recent years to upgrade and update these planes. The B-52's that entered service in the 1960's still have only about one-third of the flight hours of the average 747 now in commercial service.

If we were left with 71 B-52's, only about 44 of the aircraft would be combat-coded, making it impossible for us to repeat the B-52's gulf war performance in any future regional conflict, much less hold some in reserve for a second regional conflict or a nuclear role.

Lastly, to retire strategic bombers would reduce Russia's incentives to ratify the START II Treaty. This major arms control agreement will help us achieve greater strategic stability. But we should not throw away bargaining chips before the Duma acts to approve START II.

### AIR BATTLE CAPTAIN

In another area of interest to my State, this bill provides $450,000 for the Air Battle Captain Program at the University of North Dakota's Center for Aerospace Sciences. Most importantly, report language accompanying the bill also directs that the program continue to accept new students. The Air Battle Captain Program trains helicopter pilots for the Army efficiently and cost effectively, and most of its graduates have gone on to become Army aviators. When the graduates reach Fort Rucker, they arrive as commissioned second lieutenants and are able to forgo the primary flight training, thus enabling the Army to assign them to combat units 8 months ahead of their contemporaries.

### FLOOD RELIEF

As my colleagues will recall, this spring the Red River Valley suffered its worst flooding in recorded history. When the water finally won, a 500-year flood emptied Grand Forks, ND, a city of 50,000 people, and sent 4,000 residents to the Grand Forks Air Force Base for shelter. Many of the base personnel who fought the flood for weeks, and who hosted evacuees when the flood water breached the dikes, were themselves flood victims. Over 700 military personnel were forced to evacuate during this disaster. And 406 service members have suffered losses to personal property, including 95 families whose homes were extensively damaged.

This Defense appropriations bill ensures that these personnel will not be victims of unintended discrimination as well as flooding.

If these service members had lived on base, they would be eligible to file a claim with the Department of Defense for losses incident to service. The Air Force pays such claims pursuant to section 3721 of title 31 of the United States Code. But as the law now stands, military personnel living off base are not eligible to file such claims, even though they are stationed at Grand Forks Air Force Base as a result of their military service.

Section 8120 of the bill would simply permit the Air Force to reimburse these service members for their losses despite the fact that they lived off base. The bill makes available up to $4.5 million of the funds already available to the Department of Defense for paying claims.

Let me assure my colleagues that section 8120 supplements private insurance and benefits provided by the Federal Emergency Management Agency. Air Force practices and FEMA regulations prohibit duplication. Service members with private insurance will have to file claims against that insurance before the Air Force will pay claims under this provision.

### LEADERSHIP AND HARD WORK

Mr. President, none of these aspects of the bill would have been approved by the Senate or would have survived conference with the House were it not for the support and leadership provided by the distinguished chairman of the subcommittee, Senator STEVENS, and the distinguished ranking member, Senator INOUYE. I would like to acknowledge their willingness to help in these areas and to thank them for their assistance.

Let me also take this opportunity to put in a good word for the hard-working staff of the Defense Appropriations Subcommittee. My thanks and congratulations go in particular to Senator STEVENS's able lieutenant, staff director Steve Cortese, and to Charlie Huoy, who handles these issues for Senator INOUYE. And I am also grateful for the skilled efforts of Susan Hogan, John Young, Mazie Mattson, and Emelie East.

I urge my colleagues to support this conference report. Thank you, Mr. President. I yield the floor.

### BOSNIA POLICY

Mr. BYRD. Mr. President, the President's National Security Advisor, Mr. Sandy Berger, two days ago made an important statement on U.S. policy toward Bosnia, in particular the question of keeping United States' ground forces in the region beyond June of 1998, in order to keep the peace in an area where political reconciliation has lagged behind the actual military separation of the opposing forces. It is not surprising that political, economic and social reconciliation would proceed at a pace commensurate with the levels of extensive brutality and violence which characterized the Bosnia conflict prior to the introduction of U.S.-led NATO forces two years ago. In what might be characterized as a trial balloon, Mr. Berger stated, according to the New York Times of yesterday, September 24, 1997, that the "international community" will be required to "stay engaged in Bosnia in some fashion for a good while to come."

The question is for how long should the United States remain while expending billions of defense dollars and risking the erosion of U.S. readiness by tying our forces down in Bosnia? The problem, as I see it, is that our European partners have said that they will not remain on the ground in Bosnia unless the United States does, and when we leave, they will. I find this to be a very unreasonable position, in that Bosnia is not paramount in the vital interests of the U.S., and at some point our European allies should consider taking the responsibility for acting as the military security force in that European country. This is not to say that the U.S. could not provide continued logistical, intelligence, and other supporting roles while the Europeans take their turn at bat in Bosnia.

I call the attention of my colleagues to the provision in the Department of Defense conference report, Section 8132 which requires the President to certify, by May 15, 1998, his intentions regarding keeping our forces in Bosnia on the ground beyond June 30, 1998. The certification must include the reasons for the deployment, the size and duration of the deployment, the missions of our military forces, the exit strategy for our forces, the costs of the deployment, and the impact of it on the morale, retention, and effectiveness of U.S. forces. This is a very good, very complete provision, and it will trigger a debate, as it should, in this body, regarding the future policy of the United States in Bosnia.

Mr. DODD. Mr. President, I rise today in support of the Defense Appropriations conference report. First, I'd like to recognize Senator STEVENS and Senator INOUYE for the fine work they did in working through the conference issues with their House counterparts. I think that after this vote, it will be clear that the vast majority of this body supports the balance this report strikes between the changing needs of our Armed Forces and the constraints imposed by necessary spending reductions.

I felt that the conferees made the right decision by endorsing the submarine teaming agreement. That endorsement ends the costly battle between our two submarine builders, saves the taxpayers money, and preserves competition in the research and development phase of submarine building. While some oppose this plan, no one argues the point that this agreement will save the Navy hundreds of millions of dollars over the building plan contained in last year's bill. Furthermore, this plan maintains competition for new ideas on how to improve the new attack submarine. In sum, we have two fine shipyards working together overall to decrease the cost to taxpayers even while they compete on sub-systems to ensure continued technological advancement.

On a related matter, I'm heartened to see that this report provides funding to complete the *Seawolf* submarine program. This building program has clearly undergone radical changes as a result of the end of the cold war. At one point, this nation expected to build 30 *Seawolf*-class submarines and now that number has been reduced to just 3 in favor of the less-costly new attack submarine. So this Nation has already throttled back in terms of its submarine plans; now it's time to move forward with our new plan.

This conference report also increases the number of Blackhawk helicopters to 28, 10 more than the President requested. And it asks for two Navy CH-60 helicopters as well as advance procurement money for that Navy version of the Blackhawk. These additional aircraft reveal once again that the Blackhawk is this Nation's most capable helicopter. Derivatives of this helicopter are at work for nearly every branch of the U.S. Armed Forces as well as 15 foreign countries. As capable and versatile as these helicopters are, however, National Guard adjutant generals throughout the country remind us year after year that they do not have enough. In fact, a conservative reading of the numbers reveals that the National Guard has a shortfall of over 400 Blackhawks. Meanwhile, the production line for these aircraft will shut down in a couple of years. The plan for coping with that shortfall is to rely on Vietnam-era UH-1 helicopters as we move into the next century. Frankly, as the National Guard stands at the front line of defense against devastating natural disasters, they deserve better. I hope the President's next budget request reflects their requirements.

On a brighter note, this committee made the tough decisions between modernizing military equipment and cutting costs. I was glad to see that the committee agreed with the Defense Department's requests for the C-17 cargo aircraft, the F-22 program, and the emerging Comanche helicopter program. These prudent decisions in support of cost-effective programs will provide vital support for our military forces well into the 21st century.

Finally, Mr. President, let me congratulate the conferees on completing this bill, the largest of the 13 appropriations bills, before the end of the fiscal year. There was a lot of hard work in negotiations that allowed this bill to move forward and I'm sure that this body and the Nation appreciates their efforts.

Mr. STEVENS. Mr. President, I have 8 minutes, roughly. I yield 4 minutes to the Senator from Texas.

The PRESIDING OFFICER. The Senator from Texas is recognized for up to 4 minutes.

Mrs. HUTCHISON. Mr. President, I thank the chairman, Senator STEVENS, and Senator INOUYE, for producing a defense appropriations bill that will fund the defense needs of our country. It will create a quality of life improvement for those who are serving in our military, and it will give us, to the extent that we can, the equipment that we need for our young men and women to do this job.

I want to point out particularly one part of this bill that I think is a major step for this Senate and for our country. That is the part that provides for a cutoff of funds for the Bosnia deployment after June 30, 1998, unless the President comes to Congress 45 days before that time and shows us exactly why he would want to extend the forces, how much it would cost, what it is going to do—what the mission is, and what the exit strategy is. This is what we have been asking the President for, for 2 years.

When we started this deployment over the objections of many of us in this Congress, it was for 1 year, from November 1995 to November 1996. Then the continuation came with very little consultation from Congress, certainly no previous consultation, and we started in January 1997 until now; it was set for June 1998. But even today the New York Times editorialized, "Still No Exit Strategy on Bosnia."

Congress is saying to the President, we want to see an exit strategy. Many of us are concerned that we are drifting into a potential commitment that we do not understand, that the American people do not understand. They do not see a need for it because they don't see the strategy. It seems, if you are looking at Bosnia, that the military mission is to keep the parties apart. But the political mission is to bring them together, perhaps bring them together prematurely.

I have been to the Balkans six times. I was there in August. I walked on the streets of Brcko. I talked to the Serbs. I talked to the Muslim residents. I asked them if they were helping each other move into the neighborhoods to bring the refugees back. They acted like the others weren't there. They are not helping each other. They are not ready for this move. If we are going to try to continue to force this resettlement, is it an inherently peaceful move? Or are we disrupting the peace that we would like to put into Bosnia today?

Mr. President, I think what this bill does is say, once and for all, we are going to have consultation. We are not going to allow a mission creep, such as we have seen in Somalia. We are not going to allow a mission creep, such as we have seen in Vietnam. We are not going to allow our young men and women, who are serving in Bosnia, to give their lives before we have a policy in this country about what our mission is there. We are going to do it, I hope, in the light of day, taking into consideration what the U.S. security interest is, what it is going to cost us, what our relationship is to our allies.

These are the questions we must address before we put our young men and women into a mission that has no end.

So, Mr. President, I commend the leaders of the armed services and Defense Appropriations Subcommittee. I am on that subcommittee. Under the leadership of Chairman STEVENS and cochairman, Senator INOUYE, with Senator PAT ROBERTS, with Senator RUSS FEINGOLD, we are trying to fashion a policy that the American people will agree is the right policy for our country.

Mr. President, I ask unanimous consent that the New York Times editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

### STILL NO EXIT STRATEGY ON BOSNIA

Having already stretched America's troop commitment in Bosnia from 12 to 30 months, the Clinton Administration has begun an effort to prepare public opinion for the possibility of an even longer stay. That is the way to read Samuel Berger's speech at Georgetown University on Tuesday, when he linked the duration of American involvement to a notably ambitious set of policy goals. Mr. Berger, the President's national security adviser, is too hasty. Instead of managing the public relations of a longer stay, he should be using the time to try to produce a workable exit strategy by the June deadline.

Everyone wants to unified, democratic and prospering Bosnia. But Congressional Republicans are right to warn that American soldiers cannot remain deployed until that goal is fully achieved. What was regrettably absent from Mr. Berger's speech was any sense of driving toward departure. It is clear from the speech that Mr. Berger and Secretary of State Madeleine Albright plan to spend the time between now and June urging President Clinton once again to push back the withdrawal deadline.

Lack of an exit strategy has been a consistently troubling omission ever since Mr. Clinton first sent American troops into Bosnia at the end of 1995. On Tuesday, Administration officials spoke about the need to begin planning by February for the next phase of military involvement. By our calender it is still September, and such a focus on the hypothetical future is premature. The Administration has nine months to clarify the specific military talks that need to be accomplished before Bosnia is secure enough to allow a full American withdrawal. Senator Kay Bailey Hutchison speaks for many Republicans and, no doubt, a number of Democrats when she warns the White House that without such an exit strategy, Congress will fight any extension requests.

Common sense argues against igniting a renewed war in Bosnia by precipitously withdrawing NATO troops. We readily concede that withdrawal deadlines cannot be set in cement without regard to protecting the progress that has already been made. Future events could even warrant an extended presence. But the Administration is tilting the wrong way, and the current mindset of Mr. Clinton's foreign-policy team suggests that it will not discover a way out in the absence of a Congressional revolt.

When Mr. Clinton first proposed sending American troops to Bosnia, skeptics argued that guaranteeing full respect for the Dayton peace agreements could take decades. The Administration countered that all it meant to do was give the Bosnians a year to build the peace outlined at Dayton. As that one-year deadline approached, the White House gave the original mission a new name and extended if for 18 months. Now, as the Administration seems to be preparing for yet another extension, Congress may have to force it to show that fundamental American interests require a continued military presence in Bosnia.

The two strongest arguments for staying are the persistence of deadly hatreds that could spark renewed hostilities once outside troops withdraw and the statements by various European governments that once American troops depart, their troops will be withdrawn as well. But the irresponsibility of Bosnian fractional leaders and European allies should not push Washington into an expanded definition of America's own vital interests.

The United States has all along had a limited interest in Bosnia, consisting mainly of preventing the slaughter of civilians and preserving the unity and effectiveness of the NATO alliance. Beyond that there are some desirable goals, like bringing war crimes suspects to trial and allowing refugees to return to their homes. These warrant strong diplomatic exertions, supplemented, at least through June, by carefully planned military actions. There is a lot NATO troops can still do in this regard before their currently scheduled withdrawal date.

Building a united and peaceful Bosnia is ultimately up to the people of Bosnia. Policing Europe in the absence of acute threats like shooting wars is primarily the responsibility of European nations themselves. If the Bosnians will not work together and the Europeans will not shoulder greater security responsibilities on their own, the breach cannot be filled indefinitely with American troops.

Mr. FEINGOLD. Mr. President, I would like to join the Senator from Texas [Mrs. HUTCHISON] in highlighting the provisions in Department of Defense appropriations bill, as agreed to in conference, concerning the deployment of United States troops in Bosnia.

The conferees agreed to include—in legislative language—a provision that stipulates that no funds may be made available for the deployment of United States ground forces in Bosnia after June 30, 1998—a date the President himself has specified—unless the President submits to the Congress a certification that the continued presence of our troops is necessary to protect our national security interests. In this certification, the President will have to justify for the Congress and the American people the reasons for such determination and specify details concerning the deployment. These include: the number of military personnel to be deployed, the expected duration of the deployment, the mission and objectives of the deployment, and the exit strategy for the U.S. forces who have been deployed.

But most importantly, Mr. President, President Clinton will have to detail the costs associated with any deployment after June 30, 1998. This is perhaps the most troubling aspect of our involvement in Bosnia. After originally being told that the mission would cost the American people some $2 billion, recent estimates indicate that we will soon have spent well over $7 billion to deploy U.S. troops. Mr. President, that is more than a threefold increase. With the language included in the bill before us today, the administration will now have to be much more clear about the potential costs of continuing deployment in the region. I think this is vitally important so that we, the Members of the U.S. Congress, and the American people we represent will have a better idea of the financial implications of a mission that I feel has already gone on much too long with too little to show for it.

Because of my concerns about this mission, concerns which I have detailed on the Senate floor many times before, I have joined with the Senator from Texas [Mrs. HUTCHISON] in developing a Senate Bosnia Working Group. She and I both feel that it is time to think about what policy alternatives we may have with respect to U.S. involvement in the Balkans.

The compromise language arrived at by the conferees, while perhaps not as strong as I would have liked, hopefully represents a first step toward the development of a policy that we can all be more comfortable with.

So Mr. President, I thank all the conferees for their efforts in this area.

The PRESIDING OFFICER. Who yields time?

Mr. STEVENS. Mr. President, I yield the Senator from Virginia 4 minutes, but I might say, Mr. President, to the Senator from Arizona, we thought he might proceed first. If he doesn't use all his time, there will be more time for us.

Mr. MCCAIN. Mr. President, I thank Senator STEVENS and Senator INOUYE.

I have the usual objections. One of them is particularly egregious: $250,000 to transfer commercial cruise ship shipbuilding technology to U.S. Navy shipyards and to establish a monopoly for a single cruise line in the Hawaiian Islands, for which there is a competitor already who wants to compete there. The people who tour the Hawaiian Islands and who live there are going to pay for that. I find it regrettable.

Mr. President, the effects of over 10 years of cuts in defense spending are being acutely felt by the men and women who serve in uniform. Enough has been said on this floor about issues like pilot retention, maintenance backlogs and modernization problems all caused by the confluence of declining resources and high operational tempos that I will not dwell on them here today. Suffice to say, I applaud the decision by Congress to add $3.6 billion to the amount allocated for national defense reflected in the legislation before us today. The defense appropriations bill rightfully addresses some of these problems with funds added during congressional budget negotiations earlier this year.

The examples of waste, as usual, are many. I'm not sure whether I should be nervous about an imminent threat to our national security from another solar system or galaxy. What or who is out there that warrants over $3.5 million in unrequested funds being added to the defense budget for the Sacramento Peak Observatory and the Southern Observatory for Astronomical Research? I am cognizant of the very real risk that Earth may someday be threatened by a comet or asteroid, but this is a problem already receiving ample attention from the scientific community using other federal and private dollars. I question whether we should be using defense dollars to fund these observatories.

I have to confess to also being concerned about the increasing amount of defense dollars being earmarked for medical research programs despite the fact that the National Institutes for Health exists precisely to perform such research. Each area of research, whether diabetes, prostate cancer or HIV, carries with it an entirely sympathetic constituency for whom my heart goes out. That does not, however, justify the cynical use of defense dollars to conduct such research. To oppose this spending sets one up at as heartless. After all, who could oppose medical research. That, however, is precisely why Members of Congress like to use the defense budget: opponents of these earmarks risk antagonizing people suffering from serious illness or who have relatives with these afflictions. The point has to be made, however, that medical research not related to military service belongs with NIH—not DoD.

Mr. President, the tortuous process through which Members of Congress contort themselves to conjure up national security rationalizations for parochial projects is absurd. It degrades this institution and further undermines public confidence in their elected officials. The $8 million in this bill for the Pacific Disaster Center is a case in point, as is the $9 million for the Monterey Institute for Counter-Proliferation Analysis. The latter is illustrative of the growing trend toward establishing endless numbers of research institutes irrespective of the existence of other centers and government agencies already performing such work.

It is in this light that I find particularly disturbing the inclusion in this bill of $3 million for the establishment of a "21st Century National Security Study Group." Neither House nor Senate bill included this item, but suddenly it finds itself in the Conference Report. Not only is this group wholly unnecessary—after all, how many more such studies do we really need, especially given the number produced without federal dollars—but it was never even brought before either chamber of Congress prior to now.

This is ridiculous. What possible practical utility can this study group have? Is Congress so enamored of insinuating itself into the process of formulating our National Security and Military Strategies that it needs to mandate that some smart people get together and do what they're already doing in Department of Defense doctrinal and warfighting centers and research institutes all over America? Perhaps our counterparts in the House where I understand this program originated have lost sight of why they are here.

I do not know why the defense appropriations conference report includes $5 million to expand the North Star Borough Landfill; $20 million not requested by the Defense Department for an integrated family of test equipment; $50 million—$50 million—for an Industrial Modernization program to assist in the commercial reutilization of government industrial complexes no longer used by the government. Local government and chambers of commerce have been performing this task just fine throughout the base closure process. Similarly, why do the communities surrounding Fort Ord and San Diego get a combined $15 million in defense conversion money earmarked in this bill? Was it necessary to double the amount requested for the Young Marines program? Should Congress really be in the business of legislating monopolies for individual cruise ship lines, as is done in this bill?

This body has important business to which it must attend. I believe I have made my point. I won't even dwell on the $100,000 in the bill to preserve a Revolutionary War-era gunboat located at the bottom of Lake Champlain. There isn't time. Mr. President, the hemorrhaging of defense dollars for nondefense and highly questionable purposes is inexcusable during a period when we are struggling with vital questions of long-term military readiness. I hope to live to see the day Members of Congress see the light and cease this destructive practice of filling appropriations bills with garbage. It just has to stop.

I ask unanimous consent that a list of objectionable provisions in the bill be printed in the RECORD.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

### OBJECTIONABLE PROVISIONS IN H.R. 2266, CONFERENCE AGREEMENT ON FISCAL YEAR 1998 DEFENSE APPROPRIATIONS BILL

#### BILL LANGUAGE

$35 million earmarked for the Kaho'olawe Island Conveyance, Remediation, and Environmental Restoration Fund.

Section 8009 mandates that funding be available for graduate medical education programs at Hawaii-based Army medical facilities.

Section 8030 prohibits the use of funds appropriated in the bill to reduce or disestablish the 53rd Weather Reconnaissance Squadron of the Air Force Reserve, based at Keesler Air Force Base, Mississippi.

Section 8056 sets aside $8 million (unauthorized) for mitigation of environmental impacts on Indian lands.

Section 8078 requires the Army to utilize the former George Air Force Base.

Section 8097 directs a $13 million grant to the Intrepid Sea-Air-Space Foundation to refurbish the U.S.S. Intrepid.

Section 8099 compels the Air Force to send its officers through Air Force Institute of Technology irrespective of cost relative to civilian institutions.

Section 8109 earmarks $250,000 to transfer commercial cruise ship shipbuilding technology to U.S. Navy shipyards and establishes a monopoly for a single cruise line in the Hawaiian islands.

Section 8130 earmarks $3 million for establishment of a "21st Century National Security Study Group" [NOT IN EITHER BILL]

Section 8131 establishes another panel to review the requirement for B-2 bombers, with an appropriation of unlimited funds as requested by the panel members.

REPORT LANGUAGE

$5 million is earmarked for the expansion of the North Star Borough Landfill.

The Department of the Air Force is "urged" to work closely with the William Lehman Aviation Center at Florida Memorial College.

$50 million is earmarked for projects and programs to convert former government facilities and complexes to commercial use.

$72 million is earmarked for the Youth Challenge, Innovative Reading Training, and Starbase Youth Programs.

$100,000 is earmarked for the preservation of a Revolutionary War gunboat discovered on the bottom of lake Champlain.

The Department of the Army is directed to re-award the Joint Tactical Terminal contract.

The Army is "urged" to allocate $750,000 to connect four historically-black colleges to the Army High Performance Computing Center in Minneapolis and provides an additional $500,000 for work stations at the colleges.

A Diagnostic Imaging Technology Center of Excellence is required to be established at Walter Reed Army Hospital and $4 million is earmarked for one particular program, all without benefit of competitive processes.

$3 million is earmarked for the Terfenol-D program, under the proviso that the work be performed in partnership with the National Center for Excellence in Metal Working Technology.

## *Conference report budget tables*

[Procurement in millions of dollars]

| | |
|---|---|
| Army | |
| C–XX Medium-Range Aircraft | 23.0 |
| UH–60 Blackhawk Mods | 3.0 |
| EFOG–M | 13.3 |
| MELIOS | 5.0 |
| All Terrain Cranes | 8.0 |
| Navy/Marine Corps | |
| CH–60 Helicopters | 30.4 |
| KC–130J Aircraft | 120.0 |
| AN/AAQ–22 | 2.0 |
| Ground Proximity Warning System | 4.0 |
| Air Force | |
| B–2A Increase | 156.9 |
| WC–130J Aircraft | 118.0 |
| WC–130J Spares | 14.8 |
| GATM | 17.5 |
| F–16 OBOGS | 1.1 |
| U–2 Sensor Glass | 24.0 |
| U–2 SYERS | 5.0 |
| MEECN | 8.5 |
| Defense-Wide | |
| JSLIST Industrial Production | 10.0 |
| M17–LDS Water Sprayers | 2.0 |
| 7 HMVV Medical Shelters | 3.0 |
| Reserves and National Guard | |
| Including the following Aircraft: | |
| T–39 Replacement Aircraft | 10.0 |
| C–130J | 226.0 |
| KC–135 Re-Engining | 52.0 |
| F–16 Avionics Intermediate Shop | 32.0 |
| Total | 320.0 |
| RESEARCH, DEVELOPMENT, TEST AND EVALUATION | |
| Army | |
| Environmental Quality Technology: | |
| Gallo Center | 4.0 |
| Commercialization of Technologies to Lower Defense Cost Initiative | 5.0 |
| Bioremediation Education, Science, & Technology Center | 4.0 |
| Plasma Energy Pyrolysis System | 6.0 |
| Radford Environmental Development & Management Program | 5.0 |
| Environmental Projects at the WETO Facility | 7.0 |
| Small Business Development Program | 5.4 |
| Agriculturally based remediation in Pacific Island Ecosystems | 4.0 |
| Computer based land management | 4.0 |
| Military Engineering Technology: Molten carbonate fuel cells technology | 6.0 |
| Medical Advanced Technology: | |
| Army-managed peer-reviewed breast cancer research | 135.0 |
| Emergency telemedicine | 2.5 |
| Volume Angiocat (VAC) | 4.0 |
| Periscopic minimally-invasive surgery | 3.0 |
| Proton beam | 4.0 |
| Munitions Standardization, Effectiveness & Safety: | |
| Blast Chamber—Anniston Army Depot | 2.0 |
| Explosive waste incinerator | 1.1 |
| Navy | |
| Industrial Preparedness | 55.0 |
| Oceanographic and Atmospheric Technology: | |
| Autonomous underwater vehicle/sensor development | 10.0 |
| Ocean partnerships | 12.0 |
| Medical Development: | |
| Bone marrow | 34.0 |
| National Biodynamics Lab | 2.6 |
| Biocide materials research | 5.5 |
| Freeze dried blood | 1.5 |
| Dental research | 2.0 |
| Mobile medical monitor | 2.0 |
| Rural health | 3.0 |
| Natural gas cooling/desiccant demonstration | 2.5 |
| Manpower, Personnel and Training Advanced Technology Development: | |
| Virtual reality environment/training research | 3.69 |
| Center for Integrated Manufacturing Studies | 2.0 |
| Environmental Quality and Logistics Advanced Techn.: | |
| 250KW proton exchange membrane fuel cell | 1.7 |
| Visualization of technical information | 2.0 |
| Smart Base | 6.3 |
| Undersea Warfare Advanced Technology: COTS airgun as an acoustic source | 3.0 |
| Air Force | |
| HAARP | 5.0 |
| ALR–69 PLAID | 5.0 |
| Missile Technology Demonstration flight testing | 4.8 |
| Scorpius | 5.0 |
| Hypersonic wind tunnel design study | 2.0 |
| Defense-Wide | |
| Agile Port Demonstration | 5.0 |
| University Research Initiatives: | |
| DEPSCOR | 10.0 |
| Southern Observatory for Astronomical Research | 3.0 |
| Tactical Technology: | |
| Simulation based design (Gulf Coast Region Maritime Center) | 3.0 |
| Center of Excellence for Research in Ocean Sciences | 7.0 |
| Materials and Electronics Technology: Cryogenic electronics | 6.0 |
| Defense Special Weapons Agency: | |
| Bioenvironmental research | 5.0 |
| Nuclear weapons effects core competencies | 12.0 |
| Counterproliferation Support: HAARP | 3.0 |
| Advanced Electronics Technologies: | |
| Lithographic & Alternative Semiconductor Processing (LAST) | 18.0 |
| Laser plasma x-ray source technology | 5.0 |
| Defense Imagery and Mapping Program; USIGS Improv | 5.0 |
| Other Department of Defense Programs | |
| Defense Health Program: | |
| Hepatitis A Vaccine | 17.0 |
| Military Health Information Services | 7.0 |
| Pacific Island Health Care Program | 5.0 |
| Brown Tree Snakes | 1.0 |
| Cancer Control Program | 8.9 |
| Army Research Institute | 5.4 |
| Military Nursing Research | 5.0 |
| Disaster Management Training | 5.0 |
| Holloman Air Force Base | 5.0 |
| Restoration of Army O&M (VAC) | 8.0 |
| Drug Interdiction and Counter-Drug Activities | |
| Source Nation Support: Riverine Interdiction Initiative | 9.0 |
| Law Enforcement Agency Support: | |
| Southwest Border Information System | 4.0 |
| Southwest Border Fence | 4.0 |
| HIDTA Crack House Demolition | 2.3 |
| C–26 Aircraft Photo Reconnaissance Upgrade | 4.5 |
| Regional Police Information System | 3.0 |
| Total questionable adds to the Defense appropriation conference report | 1,495.4 |

Mr. McCAIN. Mr. President, I would like to continue on this very important issue. The 19th century Danish philosopher Kierkegaard wrote that "purity of heart is to will one thing." In Bosnia, the international community has willed many things, and the result has been a highly tenuous peace among the warring ethnic factions unlikely to long survive the departure of NATO military forces. As we all know, what was originally a 1-year mission has involved in a multiyear engagement of indeterminate duration. It is time to assess where we are and where we are going, with an eye toward ending deployment of U.S. forces to that war-torn region.

When this body debated back in December 1995 the issue of whether to support the deployment of U.S. forces as part of the Implementation Force following the signing of the Dayton peace accords, I stated that, "I know that by supporting the deployment, but not the decision [to send the troops], I must accept the blame if something happens." Events of the past several weeks have shown disturbing signs of a trend that may entail actions being taken that will result in the death of American servicemen. Mr. President, I am a realist. I recognize that the military exists to support national policy and that wearing the uniform involves a very real risk of being killed in action. Our failure to "will one thing," however, is leading us down a perilous path on which such deaths will have been unnecessary.

Congress, the press, scholars, and others have all considered the perennial question of mission creep. We can stop debating it, and accept that it has happened. Comparisons have been made with the ill-fated mission in Somalia to capture the late warlord and tribal leader Mohammed Farah Aideed. Such comparisons are often inappropriate for a number of reasons, but in this case it is valid. The multinational force, including the 9,400-strong contingent of U.S. troops, has seen its mission grow from that which is very specifically set forth in the annex accompanying the Dayton accords to one of extraordinarily confusing incongruity. The recent capture by British special forces of a Bosnian Serb indicted by the International War Crimes Tribunal in The Hague and the killing of another certainly sent a signal to Radovan Karadzic, Ratko Mladic, and the others on the long list of war criminals that at long last that provision of Dayton would be enforced.

As with Farah Aideed in Somalia, however, the signal has raised the stakes greatly in terms of the cost we could pay to bring them to justice. Lest anyone think I exaggerate, remember the tragedy of watching an entire company of elite American soldiers killed or wounded while Farah Aideed continued to elude capture. The situation in Bosnia could be incomparably worse.

The United States has overtly positioned itself in the middle of a power struggle between two Bosnian Serb leaders, President Biljana Plavsic and Radovan Karadzic. It is not what I would consider a great set of options. In the world of Serbian politics, though, everything is relative. The Clinton Administration has thrown its weight behind President Plavsic, the properly elected leader despite her abysmal record during the years following the splintering of the former Yugoslavia into ethnically derived divisions. Not a hard choice when the alternative is Karadzic, whose name should rightfully be placed alongside those of other 20th Century butchers. The point I am trying to raise, however, is that once we sided with one faction within the Bosnian-Serb community, we placed our military personnel in the kind of position that faced those in Lebanon in 1983 and Somalia 10 years later.

The phenomenon of mission creep was accepted by most when it entailed benign nation-building measures. Indeed, the absence of a viable alternative to NATO in terms of competence, discipline, willingness to think innovatively, and absence of the kind of civilian political oversight that characterized the disastrous and tragic decision making apparatus under former U.N. Secretary General Boutros Boutros-Ghali and his deputy Yasushi Akashi made it only logical that the military component of the operation to end the war and rebuild the country should fall on NATO's shoulders. Logical, but not necessarily right. That extension of the military's original mission of simply keeping the warring factions apart ensured that the deployment would last longer than originally intended.

When the President announced that he would keep our forces in Bosnia beyond the original withdrawal date, he was met with widespread skepticism. How many of us actually believed that the June 1998 target date would be met? We knew that the deployment would continue indefinitely; that the costs would never be properly budgeted; that the diplomatic framework upon which we are operating would never stand on its own. But we also knew that a decision by Congress to terminate funding for troops in the field, for men and women sent in harms way at the behest of their Commander-in-Chief, stands as perhaps the most morally and politically difficult we can ever be called upon to make.

The absence of an exit strategy has made it easier for the Administration to justify keeping troops there to execute an expanding list of missions with no logical completion date other than the fairly arbitrary one of June 1998. The appearance of conflict back in the late May-early June timeframe between the Secretaries of State and Defense and the more recent contradictory messages conveyed by the National Security Advisor and the Secretary of Defense regarding the June 1998 withdrawal date illuminates all too well the total lack on the part of the Administration of a clear concept of what we are doing in Bosnia and, consequently, how long we should be there.

Mr. President, I supported the decision to deploy troops to end the war because President Clinton, in his capacity as Chief Executive and with his constitutional prerogative of conducting this Nation's foreign policy, had committed us to stop the fighting. And let no one doubt that the bitterness involved, the scale of atrocities inflicted, did not warrant some kind of forceful action.

It is certainly likely that a peacekeeping force will be needed beyond June 1998. The parties to the conflict in Bosnia have shown little sign that they are prepared to accept in full the terms of the Dayton accord, and key provisions like the return of refugees to their pre-war homes will require the presence of such a force. There is a legitimate question, though, whether that contingent needs to include U.S. ground forces. We should not continue to accept the protestations of our allies, such as those that were voiced prior to our deployment of ground forces, that the United States is not sharing the risk. This country has seen too many of its fallen soldiers laid to rest in European cemeteries for us to accept that kind of rhetoric. A peacekeeping force without United States ground forces can and should assume responsibility for Bosnia after June 1998.

This does not imply an abandonment of our allies and friends in the effort at preventing a return of the fighting that forced the civilized world to once again reflect upon the fragility of global or regional peace. On the contrary, the conflagration that enveloped the former Yugoslavia earlier this decade was all the more shocking for its occurrence in Europe, where war was considered least likely to occur following the end of the East-West confrontation of the cold war era. The war in Bosnia and Herzegovina was a sad reminder that the so-called enlightened continent remains vulnerable to the kind of hatred and violence that culminated not long ago in the Holocaust.

What is important, to this country, is that we not become the permanent caretaker of the region. Our troops must be out by the end of June 1998. We should maintain a rapid reaction force in Hungary, and our heavier forces in Germany should remain available if needed. The rapid reaction force should include air and ground components capable of responding in a timely manner to a resurgence in fighting with sufficient strength to quell any such fighting at minimal risk to our personnel. But make no mistake: The peacekeeping force that remains inside Bosnia and Herzegovina must be European in content. The governments of Europe must accept responsibility for maintaining peace in their own backyard. Two world wars demonstrated that the United States cannot disengage from Europe, and our own economic well-being demands that we not do so. But the American public should not be expected to see its military personnel kept in harm's way in perpetuity in a situation where the parties refuse to take the necessary steps for lasting peace.

During the cold war, we prided ourselves on our role as leader of the free world. Those of us who know the horror of war first hand, however, know the price such leadership entails. It is not a price that should be paid in Bosnia. We should not send the wrong message to our personnel in the field by cutting off their funding; but we should send a message to the President that the United States has done all it can for that sad country and withdraw our soldiers from Bosnia.

Mr. President, I appreciate the indulgence of my colleagues. I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. STEVENS. I yield the Senator 4 minutes.

Mr. WARNER. Mr. President, I wish to associate myself with the distinguished Senator from Arizona and his remarks and, indeed, those of the distinguished Senator from Texas [Mrs. HUTCHISON]. I have worked with them on this very issue.

Mr. President, I commend the Appropriations Committee for the language which is contained in their bill, but I would like to urge that this whole analysis be taken a step further.

During the course of the confirmation hearings on General Shelton, I said that it is time for the United States to exercise the leadership to reconvene the principles, the very principles that laid down the Dayton accords, assess what has been done, what has to be done and, most significantly, the realistic chances of the balance being done.

Mr. President, I have in my hand, and I ask unanimous consent to have printed in the RECORD an op-ed piece by the distinguished former National Security Adviser, Dr. Kissinger, with whom I worked when he was in that position, and likewise excerpts from the statement by the current National Security Adviser, showing very clearly different viewpoints by distinguished Americans who understand this subject.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Sept. 22, 1997]

## LIMITS TO WHAT THE U.S. CAN DO IN BOSNIA

(By Henry Kissinger)

Every American foreign policy setback, from Indochina to Somalia, has resulted from the failure to define objectives, to choose means appropriate to these objectives and to create a public opinion prepared to pay the necessary price over the requisite period of time.

We are now on the verge of sliding into a similar dilemma in Bosnia: Our goals are unrealistic, the means available do not fit the objectives and the public is unlikely to block the probable consequences of our actions. Policy drifts because three issues await resolution: What are our objectives in Bosnia? How long should our troops stay? What risks should we run for the capture of war criminals?

In 1991, when Yugoslavia broke up, the United States joined the other NATO countries in recognizing its various administrative subdivisions as independent states. With respect to Croatia and Slovenia, inhabited by a dominant ethnic group, this decision made sense. But in Bosnia, populated by Croats, Serbs and Muslims whose reciprocal hatreds had broken up the much larger Yugoslavia, the attempt to bring about a multiethnic state evoked a murderous civil war.

The same flaw that attended the birth of the Bosnian state lies at the heart of the dilemmas of the Dayton accords mediated by the United States that brought about the current Bosnian cease fire. Its military provisions separate the parties substantially along the lines of the ethnic enclaves that emerged as hostilities ceased. But the political provisions do the opposite. They seek to unite these enclaves under the banner of a multiethnic state that caused the explosion in the first place.

The American tendency is to treat Bosnian tensions as a political problem to be overcome by constitutional provisions that reconcile the parties and establish procedures for settling conflicts. But for the Bosnians, the overwhelming reality is their historical memory, which has sustained their ineradicable hatreds and unquenchable aspirations for centuries.

Throughout their histories, the Serbs and Croats have considered themselves defenders of their religions, first against a Muslim tide, then against each other. The Serbs' identity derives from a series of bloody battles in defense of the Serbian faith and population against Islam. Once Islam was stopped, the Serbs fought to vindicate their independence from Catholic Austria, spearheaded by the Croats.

The Croats perception is precisely the reverse—as upholders of Catholicism against Serbian Orthodoxy and Islam. And the Muslims know that they are regarded by the two other ethnic groups as a historical instrument of the hated Turks and therefore—since ethnically they are at one with the Serbs and Croats—as turncoats.

The deep-seated hatred of each party for all the others exists because their conflict is more akin to the Thirty Years War over religion than it is to political conflict. And this should serve to caution the United States not to get in between these parties by trying to impose political solutions drawn from our own, largely secular, experience.

Once passions were unleashed by the civil war, each group committed unspeakable cruelties in the process of expelling the other groups from the regions that they controlled—the ethnic cleansing. The Serbs started the process, but as the war continued, the other parties also engaged in murderous acts—the Croats in Krajina, the Muslims around Sarajevo. Among the existing leaders, few, if any, innocents are to be found.

The NATO allies would have done well to stop the killings six years ago, in its incipient phase. They could have taken the position that they would not tolerate such outrages within reach of NATO forces and on the continent where the political concept of human dignity originated and is now institutionalized. As a result of their failure to do so, each of the ethnic regions of Bosnia has become largely homogeneous; the results of ethnic cleansing are now the dominant fact of life in Bosnia.

The political provisions of the Dayton agreement seek to reverse this state of affairs. They provide for free movement among the ethnic enclaves, for free repatriation of refugees and for elections leading to national reconciliation. This vision has turned out to be a mirage.

No free movement among the various ethnic enclaves takes place, and no mail or telephone services exist. Each ethnic group issues its own currency, license plates and passports. Serbs with Cyrillic license plates are at particular risk in other areas, but so are the Muslims and Croats if they leave their enclaves. Not surprisingly, refugees tend to return home only with armed escorts and are frequently obliged to flee as soon as the escorts leave.

Nor will elections solve the problem. In Bosnia, elections are not about alternation in office but about dominance determining life, death and religion. They must either ratify the new ethnic composition, or, since refugees vote on the rolls of the towns from which they have been expelled, produce the bizarre situation that absentee voters are in a position to "win" and, in effect, gain the right to rule the group that expelled them. In the Krajina region, for example, now occupied by Croatia, the voting rolls of many towns show a majority of Serbs, all of whom have been expelled. Are NATO forces expected to enforce this outcome?

Refusing to recognize these realities has twisted American policies into contortions that will guarantee an ultimate breakdown. Exerting considerable economic and political pressure, we engineered the shotgun wedding between Croats and Muslims that goes under the label of the Bosnian Federation. In this technically multiethnic structure, within which no cease-fire line is necessary according to the official mythology, NATO patrols only the line between the so-called Federation and the Serb part of Bosnia.

Reality mocks this mythology. The dividing line between Croats and Muslims is as rigid as the one between them and the Serbs. No Croat officials enter Muslim territory, no Muslim official serves in the Croat part of the Federation. Few Croats are to be found in Sarajevo, the purported capital of the Federation that was ethnically cleansed when the Muslims took it over after the Dayton accords were signed. Nor is there free movement of Croat and Muslim groups within the Federation.

It is a conceit that this state of affairs is the fault of a few evil bigots who, once removed either to war crimes trials or to exile, will permit the natural preference of the ethnic groups for some sort of unity to assert itself. This misconception has tempted senior American officials to pretend that Croat attitudes are the aberrations of its president, Franjo Tudjman, and has led the American NATO commander to abandon the neutral position of mediator and involve himself in the internal struggles of the Serb part of Bosnia.

Neither judgment is correct. In Croatia, the opposition is even less flexible than the president. And while Serb strongman Radovan Karadzic well deserves to be placed before a war crimes tribunal, his adversary, Biljana Plavsic, will not survive politically unless she too advocates nationalist Serb policies without, of course, the war-crime element.

A multiethnic state in Bosnia is unlikely to emerge except after another round of fighting, and then only if one of the parties achieves an overwhelming victory. Should NATO military power be used to promote such an outcome? Should American casualties be incurred to force the various ethnic groups into a multiethnic state that the majority of them do not want? Why should we violate our own principle of self-determination in pursuit of such goals?

American pressure to implement the political provisions of the Dayton accords may well lead to precisely such an outcome. The cease-fire now holds because of NATO's military preponderance and because the Muslims, the only ethnic group seeking a multiethnic state, are arming for the purpose of imposing what we are urging. Since they are now already the better equipped, they will probably achieve initial successes and thereupon implement another round of ethnic cleansing. At that point, the Croats would almost certainly enter the fray to keep the Muslims from achieving a dominant position. And Russia, the historical protector of the Serbs, is unlikely to remain passive—at least politically.

Some favor such risks to punish the evil men who are assumed to have undermined the traditional coexistence between the ethnic groups. But there has never been a Bosnian state on the present territory of Bosnia. Whenever the various ethnic groups have lived together in apparent harmony, it was due to the pressure of some outside force that overwhelmed their passions—the Turks, the Austrians or Tito's dictatorship. The Croats slaughtered the Serbs under Hitler, the Serbs slaughtered the Croats in the early years of Tito; both Croats and Serbs cling to a collective memory of Muslim atrocities under Turkish rule.

Another often-cited argument holds that to abandon the political part of the Dayton Agreement is to reward aggression on the model of Hitler's dismemberment of Czechoslovakia. The analogy is mistaken. Hitler violated a recognized sovereign state; Bosnia's civil war was triggered by the West's misconceived attempt to experiment with a multiethnic state among populations divided by religion and whose very reason for existence has been to prevent domination by the other ethnic groups.

America has no national interest for which to risk lives to produce a multiethnic state in Bosnia. The creation of a multiethnic state should be left to negotiations among the parties—welcomed by America if it happens but not pursued at the risk of American lives. America does have a political concern to preserve the cease-fire for a reasonable period. We have already extended the deadline for withdrawal which the president promised to Congress. A case can be made to extend it once again with gradually reduced forces for a limited period—but after next June with personnel who have specifically volunteered for this duty, backed up by air power and naval forces stationed nearby. Manning cease-fire lines in Bosnia cannot be a permanent American undertaking.

As for the war criminals, there is no doubt that they deserve to be judged before a tribunal constituted for that purpose at The Hague. In the current state of affairs, an American military move would be construed as an effort to break Serb resistance to a multiethnic state and therefore would be opposed bitterly by the Serb population. But if America confined its role in Bosnia to maintaining the cease-fire lines and left the political evolution to the parties, a situation might present itself in which the arrest of war criminals could be dealt with on its merits.

America must avoid drifting into a crisis with implications it may not be able to master. The administration deserves much credit for having brought about the end of hostilities. Ending communal hatred is a longer-term challenge. We can facilitate this but we cannot justify military action.

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### EXCERPTS FROM REMARKS ON BOSNIA AT GEORGETOWN UNIVERSITY, WASHINGTON, DC

(By Sandy Berger, National Security Adviser)

Some argue that we set our sights too high in Dayton, that only an ethnic partition will produce the stability we want and extricate us from Bosnia. I believe the partitionists are wrong. Because accepting partition means ratifying the worst ethnic cleansing in Europe in more than a half century. We should not give up on justice and reward aggression.

Partition also would be wrong because it would send the message to ethnic fanatics everywhere that the international community will allow redrawing of borders by force, by creating the kinds of ethnically pure states that often harbor a dangerous sense of grievance, entities that would be inherently unstable, ultimately not viable, and inclined to expansionist aggression, partition would lead not to peace, but to war.

In short, to advocate partition is to accept defeat.

Mr. WARNER. Mr. President, I think it is imperative we take the steps outlined in this amendment and add additional steps so that this country does not drift into a new policy along the very lines that the Senator from Arizona has so eloquently stated.

I was privileged, on behalf of the Armed Services Committee, to write the committee's report on Somalia, with the distinguished Senator from Michigan [Mr. LEVIN]. I well understood how we got into it, what the problems were. And, once again, we are in the business of nation building as we interpose ourself amongst the several political factions fighting in that country.

I voted consistently against putting ground troops in. Therefore, I can stand here with a clear conscience today and say, once they are in, we have to assess what is that exit strategy. We are going to have $7.3 billion of American taxpayers' money expended if we go through June 1998. There is no way of assessing the price tag of the risks of our men and women of the Armed Forces of our Nation have taken during that period of time. Therefore, this policy has to be rethought, and I think no less a reconvening of the Dayton principles is a measure we need to do to get to the right result in this situation.

Mr. President, I thank the distinguished manager for my few minutes here.

Mr. STEVENS. If there is any time, I reserve it. Does the Senator from Hawaii have any final statements?

Mr. INOUYE addressed the Chair.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. INOUYE. Mr. President, I regret very much that there are some who are disappointed with section 8109 of the appropriations bill that authorized the creation of the cruise ship industry.

So, if I may, Mr. President, I ask unanimous consent to have printed in the RECORD letters indicating support, first, from the Department of Defense, a letter from the Assistant Secretary of the Navy, John Douglass; the Governor of Hawaii, the Honorable Benjamin Cayetano; the National Security Caucus Foundation; and representatives of our maritime industry, for example, Seafarers International Union, the Transportation Institute, the American Shipbuilding Association, the American Maritime Officers, the American Classic Voyages Co.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE ASSISTANT SECRETARY OF THE
NAVY, RESEARCH DEVELOPMENT
AND ACQUISITION,
*Washington, DC, July 30, 1997.*

Hon. TED STEVENS,
*Chairman, Subcommittee on Defense, Committee on Appropriations, U.S. Senate, Washington, DC.*

DEAR MR. CHAIRMAN: I am writing in strong support of the United States-flag Cruise Ship pilot project included in the Senate's Fiscal Year 1998 Department of Defense Appropriations Bill, S1005, as passed on July 15, 1997. The construction of large, oceangoing cruise ships in United States' shipyards under this project is vital to transitioning U.S. shipyards back into the construction of cruise ships and to sustain this country's shipbuilding industrial base.

Military preparedness depends on the maintenance of a robust industrial base for U.S. Navy shipbuilding. With the decline in the number of new construction Navy ships, we have been actively encouraging the producers of our large warships and support ships to explore commercial opportunities. The sophistication involved in cruise ship design and construction makes this commercial project ideal for sustaining critical shipbuilding skills.

The MARITECH program authorized by Congress in Fiscal Year 1994 has served as an innovative research and development initiative to improve the international competitiveness of our U.S. shipyards, particularly in the construction of large, oceangoing vessels of all types. The technology transfer that accompanies any large ship construction program is essential to the continued viability of the shipyard industrial base in the U.S. The Cruise Ship pilot project contained in Section 8097 of S1005 would provide the means for just such technology transfers. I support the use of $250,000 in Fiscal Year 1998 for the Cruise Ship pilot project.

However, I have some concern with the language that prohibits the future use of federal funds under this section. There may be a future need to utilize federal research and development funds for shared ship design applications and this requirement should be left to the determination of the Secretary of Defense. Specifically, the Navy is interested in exploring the potential use of the hull design used for these cruise ships as the hull for future Joint Command and Control ships. Accordingly, the Navy needs the flexibility to spend research and development funds on a common hull design for this mission.

Your support for this important project is appreciated. A similar letter has been sent to the other Chairmen of the Congressional Defense Committees.

Sincerely,

JOHN W. DOUGLASS.

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EXECUTIVE CHAMBERS,
*Honolulu, HI, August 29, 1997.*

Hon. DANIEL K. INOUYE,
*U.S. Senate, Hart Senate Office Building, Washington, DC.*

DEAR SENATOR INOUYE: I recently received a briefing on your U.S.-flag Cruise Ship Pilot Project (S. 1005, Sec. 8097) contained in the FY 1998 Department of Defense Appropriations Bill.

Hawaii's domestic cruise ship operation remains a vital component of our state's visitor industry. I am excited about the prospect of revitalizing that business with new passenger cruise ships dedicated solely to interisland cruises.

I support your leadership in initiating an innovative program aimed at facilitating a dedicated cruise ship within 18 months and the construction of two new cruise ships, the first to be built in U.S. shipyards in over 40 years.

Please know that you can count on the full support of the State of Hawaii in your efforts.

With warmest personal regards,

Aloha,

BENJAMIN J. CAYETANO.,
*Governor.)*

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NATIONAL SECURITY
CAUCUS FOUNDATION,
*Washington, DC, September 8, 1997.*

Hon. C.W. (BILL) YOUNG,
*Chairman, Subcommittee on National Security, Rayburn House Office Building, Washington, DC.*

DEAR MR. CHAIRMAN: This is a follow-up to the letter you received from Assistant Secretary of the Navy John Douglass regarding the United States-flag Cruise Ship Pilot Project. We are in complete agreement with Secretary Douglass, the U.S. Navy, the Department of Defense, and many prominent national security experts regarding the importance of this initiative.

During the August recess Secretary Douglass and Deputy Assistant Secretary Hammes participated in a Congressional Delegation (CODEL) to Asia which was sponsored by the NSC Foundation. This project was a focal point of their meetings with your fellow members of the Appropriations Committee and the Senate Intelligence Committee.

They also joined your colleague Duke Cunningham in meetings with the President, Defense Minister and Chairman of the Joint Chiefs of Staff in the Philippines. They all emphasized the importance of American shipbuilding to the national security interests of both of our nations.

Furthermore, many of your colleagues participated in a recent National Security Caucus dinner with Navy Secretary John Dalton and Marine Corps Commandant Charles Krulak who both said this program is vital to sustain our nation's shipbuilding industrial base.

The bottom line is that the senior leadership of the national security community is supporting this initiative because it is an ideal project to sustain critical shipbuilding skills. Furthermore, as the Assistant Secretary indicated, the Navy is very interested in exploring the potential use of hull designs used for these cruise ships as the hull for future Joint Command and Control Ships.

Finally, several flag officers have already testified before your Subcommittee regarding the need for builders of large warships and support ships to explore commercial opportunities. The United States-Flag Cruise Ship Project is a perfect example of an appropriate commercial initiative, and we hope you will join your Senate colleagues in supporting this endeavor.

We are enclosing an analysis which describes this project in further detail. If your staff has any questions about this please have them contact Gregg Hilton, the Executive Director of the NSC Foundation, at 479-4580. Many thanks.

Admiral Thomas H. Moorer, USN (Ret.), Former Chairman, Joint Chiefs of Staff; Rear Admiral Robert H. Spiro, Jr., USNR (Ret.), Former Under Secretary of the Army, Carter Administration.

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NATIONAL SECURITY
CAUCUS FOUNDATION,
*Washington, DC, September 4, 1997.*

## THE UNITED STATES-FLAG CRUISE SHIP PROJECT

The United-States-flag Cruise Ship Project was included in the Fiscal Year 1998 Department of Defense Appropriations Bill (S. 1005) when it was passed by the Senate on July 15. Many prominent national security experts believe that the construction of large, oceangoing cruise ships in United States' shipyards under that project is vital to transitioning U.S. shipyards. This will allow them to move from strictly military to commercial vessel construction and the initiative is important for the preservation and modernization of the American shipyard industrial base.

Military preparedness depends on the maintenance of a robust industrial base for U.S. navy shipbuilding and repair. In this country, we have six shipyards capable of building large warships and support ships critical to our national defense.

The U.S. Navy believes it is essential for these shipyards to remain active, with a skilled and trained work force. The declining number of active U.S. Navy ships and new construction and repair opportunities requires America to look to commercial ship building as the best means by which to maintain that shipbuilding capability. The burgeoning worldwide demand for cruise ships, coupled with their sophisticated construction demands, make cruise ships an ideal commercial project for American shipyards to maintain their heightened state of readiness.

The MARITECH program was authorized by Congress in 1994 and according to senior Defense Department officials it has served as an innovative research and development initiative to improve the international competitiveness of U.S. shipyards, particularly in the construction of large, oceangoing vessels of all types. The technology transfer that accompanies any large ship construction program is essential to the modernization of the shipyard industrial base in the United States. The cruise ship pilot project contained in Section 8097 of S. 1005, as amended, would provide the means for just such technology transfers, without requiring obligation of scarce federal shipbuilding funds for either shipyard tooling or the construction of the vessels themselves.

This provision, as passed by the Senate will jump start cruise ship construction in the U.S., develop the American flag cruise industry and help reduce U.S. shipyard dependence on Department of Defense construction—all without the use of federal funds. It would result in the construction in the U.S. of two state of the art large oceangoing commercial cruise ships. These ships cost hundreds of millions of dollars each and will be built with private capital. The pilot project will create thousands of jobs in U.S. shipyards during construction and on board the vessels after completion.

The provision would be supervised under the Department of Defense's MARITECH program. Under MARITECH auspices two cruise ship design projects have been completed, the pilot project would result in actual construction.

An existing operator of U.S.-flag cruise ships in Hawaii and on the inland waterways is ready and willing to build new cruise ships. However, U.S. shipyards have not built a large ocean-going cruise ship in over 40 years and the first operator to do so faces a cost disadvantage.

The pilot project would assist U.S. yards by facilitating series construction of the two new cruise ships and the operator would be required to sign a binding contract for delivery of the first vessel by 2005, the second by 2008.

The pilot project would also help Hawaii operations by permitting the temporary reflagging of an existing foreign-flag cruise ship for operation under the U.S.-flag with U.S. crews while the new ships are constructed in order to develop market demand and would give preference in the trade for the life expectancy of the vessels built under this program in order to allow an adequate return on the significant investment required to enter and develop this market.

U.S. shipyards build the best naval vessels in the world, but without the infusion of commercial shipbuilding technology, as will be made possible under the proposed pilot project, our shipyards will find it increasingly difficult to make the transition to building large commercial vessels that is vital to the future of our shipyard industrial base.

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JULY 17, 1997.

DEAR CONGRESSMAN: We are writing to request your support for the U.S.-flag Cruise Ship Pilot Project contained in Section 8097 of S. 1005 of the FY '98 DOD Appropriations bill as passed by the Senate under the leadership of Chairman Stevens and Senator Inouye. This provision is critically important to our U.S. flag cruise ship industry and for our U.S. shipbuilding base.

Section 8097 would direct the MARITECH program to supervise a pilot project to enhance the shipbuilding industrial base and to develop the U.S.-flag cruise industry. The MARITECH program (authorized by the FY '94 defense authorization bill) has served as an innovative research and development initiative that has produced substantive results in improving the international competitiveness of the shipbuilding industry in the United States.

The U.S.-flag Cruise Ship Pilot Project would result in the construction of two new cruise ships in U.S. yards and allow the temporary reflagging of one foreign cruise ship. The project would be privately funded and constructed (without the use of federal funds) and provide preference in the trade in order to allow for an adequate return on the significant capital investment required to develop this new shipbuilding capability and a broader market for U.S. cruise ships. The U.S.-flag Cruise Ship Pilot Project means thousands of shipyard jobs over several years and more than two thousand permanent jobs on board the vessels when completed—approximately seven hundred within the first year alone. We urge your support of this important provision.

Very truly yours,

American Classic Voyages Co., Philip Calian, President; American Shipbuilding Association, Cynthia Brown, President; Transportation Institute, James Henry, President; American Maritime Officers, Michael K. McKay, President; Seafarers International Union, Michael Sacco, President; American Maritime Officers Service, Gordon Spencer, Legis. Director.

Mr. INOUYE. Mr. President, I believe the RECORD should note that up until the latter part of 1967, America controlled the seas. Most of the cruise vessels were American owned, American built. Today, the situation is slightly changed. Last year, over 6.2 million passengers worldwide—and 75 percent were Americans. The Caribbean and the Bahamas regions, which is the largest North American market, does not have a single American cruise vessel.

Cruises are the fastest growing segment of the tourism industry. They bring in over $7.5 billion in revenues. And 113 vessels currently operate in the North American market—1 American. Of the 30 companies operating in the North American market, 3 companies—foreign companies, Mr. President—command over 70 percent of the market. These foreign ships are obviously built in foreign shipyards. They employ very cheap foreign labor and operate outside our regulations. They pay no U.S. taxes and are not available for U.S. emergencies.

Shipbuilding subsidies in foreign countries in recent years ranged from 9 percent to 33 percent of the cost of the vessel's construction. At a 9-percent construction subsidy, an operator today could build a new $500 million, 130,000-ton cruise vessel in a foreign yard and reduce its cost of capital by an astounding $45 million. The United States, since the early 1980's, has not subsidized the commercial construction of ships.

These foreign companies also take advantage of the lower cost of foreign labor. In fact, the Wall Street Journal recently ran an article reporting these foreign cruise companies pay workers on board their ships a paltry $1.50 per day—that's right, $1.50 per day before tips—for 16 to 18 hours of work. We here in the United States have undertaken an aggressive campaign to stop the use of sweatshop labor, and we should hold these foreign-flag ships operating in the American market to those same high standards.

But perhaps the main reason these vessels fly a foreign flag is to avoid U.S. tax laws. Although most of these foreign-flag cruise operations are located in the United States—and most of their passengers are Americans—they are protected by reciprocal international tax treaties. These reciprocal agreements allow the foreign-flag cruise ship companies to avoid the tax laws of the United States. For example, one large foreign-flag cruise operator recently reported earnings of approximately $1.8 billion in revenues for its cruise operations. While most of these revenues came from American passengers, this cruise line, under existing U.S. law, considers this foreign source income which is exempt from U.S. tax law. Because of this loophole, this one company did not pay any income tax on its cruise ship operations. Based on the companies' net income from cruise operations, this can be equated to a $158 million corporate income tax loss to the Federal Treasury.

An existing operator of U.S.-flag cruise ships in Hawaii and on the inland waterways, however, is ready and willing to build new U.S. cruise ships and employ American workers. But since U.S. shipyards have not built a large oceangoing cruise ship in over 40 years, the first operator to do so faces a significant cost disadvantage. That is why the U.S.-flag cruise ship pilot project is so important.

The pilot project will facilitate a series construction for two new cruise ships by requiring the operator to sign a binding shipyard contract with delivery of the first new vessel no later than 2005; the second by 2008. In order to replace a retired ship and develop market demand that operator will temporarily document an existing foreign-flag cruise ship for operation under U.S.-flag with U.S. crews while the new ships are constructed.

This project is a milestone for our U.S.-flag cruise ship industry. After decades of dormancy in the oceangoing U.S. cruise ship arena, we now have a U.S. company that is willing to make a very substantial investment to try to rebuild our once proud U.S.-flag passenger fleet. Because this existing operator will make a very large investment in the development of new U.S.-flag cruise ships, which otherwise would not exist absent this significant investment, section 8109 includes a preference to ensure that other operators do not take advantage of this company incurring such "first mover" development costs and unfairly compete against the existing operator. I would note that Congress has provided similar incentives and preferences in other areas. The patent system is perhaps the most prominent example of such a restriction that protects, and thus encourages, investment in the development of new products and services that otherwise would not exist—even in highly competitive markets, such as the computer industry.

The patent-like preference contained in section 8109 is for a very narrow segment of the highly competitive Hawaiian tourism market—domestic inter-island cruises. These cruises account for less than 1 percent of overall Hawaiian tourism and an even smaller percentage of the North American cruise market. Moreover, Hawaii vacationers will have many competitively priced vacation alternatives to these new cruise ships. In addition, foreign-flag cruise ships, with their significant cost advantages in terms of low capital costs, low foreign labor costs, and freedom from U.S. income tax, will still be free to call in Hawaii, just as they always have. In fact, in 1995 alone 12 competing foreign-flag cruise ships operated in the Hawaiian market. Nothing in this provision will change that.

I recognize that there is a vibrant small U.S. passenger vessel fleet. I want to assure you that they are not affected by this provision. These U.S. operators will be able to enter and compete freely in the Hawaii cruise trade, including inter-island cruises. Mindful of this segment of the fleet, we were careful to draft section 8109 to exclude vessels measuring less than 10,000 gross tons and having berth or stateroom accommodation of fewer than 275 passengers, these thresholds accommodate not only the entire U.S. small passenger fleet, but also any new vessels planned. Nothing in section 8109 will bar this vessel from entering the inter-island cruise market in Hawaii or in anyway inhibits its operation, once the plans are finished and construction of the vessel is completed.

Mr. President, this pilot project will help reverse the dreadful decline of the U.S.-flag cruise industry. It will jump start cruise ship construction in the United States, develop the U.S.-flag cruise industry, and help reduce U.S. shipyard dependence on DOD construction—all without Federal funds.

The cruise industry is projecting that $7.5 billion will be invested in the construction of new vessels over the next 5 years—and not one cent of this investment will be spent in U.S. shipyards. This pilot project, however, will result in the construction in the United States of two state-of-the-art large oceangoing commercial cruise ships, representing a private capital investment in U.S. shipbuilding of approximately $1 billion.

The pilot project will create thousands of American jobs in U.S. shipyards during construction and onboard the vessels upon completion and approximately 750 shipboard jobs on board the temporary vessel within 18 months. It will create some 2,500 shipyard and subcontractor jobs throughout the construction project. And upon completion of the new ships, over 2,000 permanent onboard and shoreside support jobs will be created.

The pilot project will be supervised under DOD's MARITECH Program which Congress authorized in 1993 and has funded annually to facilitate advanced commercial shipbuilding in U.S. yards and the transition from depending on military construction to the competitive commercial market. Under MARITECH auspices two cruise ship design projects have been completed, led by the Ingalls and NASSCO shipyards. The pilot project would result in the actual construction of new cruise vessels in U.S. shipyards for the first time in 40 years.

In addition to the commercial benefits of the pilot project, it is also of significant value to the Department of Defense. It will reduce the U.S. shipyards dependence on Defense funds needed to maintain an adequate industrial base. In fact, a recent letter from the Assistant Secretary of the Navy for Research Development and Acquisition, John Douglass called

> * * * the construction of large, oceangoing cruise ships vital to transitioning U.S. shipyards back into the construction of cruise ships and to sustain this country's shipbuilding industrial base.

The Navy is also interested in exploring the potential use of the hull design for these cruise ships as the hull design for future Joint Command and Control ships.

Mr. President, the Governor from my State of Hawaii has also expressed his support for the provision and the bipartisan National Security Caucus Foundation called the project "a perfect example of an appropriate commercial initiative." Support for the pilot project can also be found within the maritime industry—the American Shipbuilding Association, Seafarers International Union, American Maritime Officers, American Classic Voyages Company, Transportation Institute, and American Maritime Officers Service.

This project will provide the incentive for U.S. expansion in the cruise market, so that once again we can take pride in new U.S.-built oceangoing, U.S.-flag cruise ships. It will help to employ thousands of American workers, put the best shipbuilding technology in the world into commercial use, and help the Nation sustain a viable shipbuilding industrial base—all at no cost to the American taxpayers. It deserves our support.

The program that we have set forth, supported by DOD and supported by the whole industry, will once again reestablish our cruise industry.

So, Mr. President, I hope that my colleagues will adopt this amendment.

Mr. President, I ask unanimous consent that a paper, prepared by several members of my staff, to alert lawyers on the question of monopoly be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

### SECTION 8097 OF THE DOD APPROPRIATIONS BILL CREATES NO "MONOPOLY" OR "UNPRECEDENTED RESTRICTION ON COMMERCE"

Section 8097 of S. 1005, the FY '98 DoD appropriations bill as passed by the Senate, contains a provision critically important to the U.S.-flag cruise ship industry and the U.S. shipbuilding base. It directs the MARITECH program to supervise a pilot project to develop and construct two new cruise ships in U.S. yards, and to allow, until they are built, temporary reflagging to the U.S.-flag of a foreign vessel. The result would be the first new cruise ships built in U.S. yards in over 40 years.

To allow for an adequate return on the significant capital investment required for this innovative initiative, the new ships would receive a preference in the trade. An objection has been raised that this would create a "monopoly" and a "legislative restriction on commerce [that] is unprecedented." The objection is unfounded.

### SECTION 8097 CREATES NO "MONOPOLY"

The cruise ship business is quite competitive. Operators compete with each other for the patronage of vacationers who wish to spend their holidays aboard ship. Operators also compete with other providers of vacation and leisure activities. Passengers considering a cruise in the Hawaiian Islands thus can, and do, consider competing cruise trips in the Caribbean, the South Pacific, Alaska, and even the Mediterranean. They also can, and do, consider alternative vacations in the Hawaiian Islands, or other resort and vacation destinations.

There is thus absolutely no basis for the suggestion that a cruise ship operator would enjoy any sort of "monopoly" even as the only U.S.-flag company operating in the Hawaiian Islands. Antitrust case law recognizes this fact. In *American Ass'n of Cruise Passengers* v. *Carnival Cruise Lines, Inc.*, 911 F.2d 786, 788 (D.C. Cir. 1990), an antitrust action involving alleged discrimination against certain travel agents, the court defined vacation cruises as including, but not limited to, "any travel by a person as a passenger on a cruise ship for vacation purposes." The court also noted that the cruise business differs from carriage of cargo because the actual ports of destination are often of only secondary importance to cruise passengers:

> "The purpose of taking a cruise, after all, is to enjoy a relaxing holiday aboard ship, generally while still visiting an unfamiliar place ashore. The cruise ship assumes responsibility for that transportation, and can substantially discharge its responsibility even if circumstances require it to skip, or substitute, a port of call. Getting there, in other words, is half the fun."—911 F.2d at 790.

Thus, analysis of competition on the basis of "port-to-port" or "city-pair" markets, which might be appropriate in analyzing competition for in the carriage of cargo, or for the carriage of passengers on other modes of transportation such as airlines, is not meaningful in assessing cruise ship competition. Someone shipping a container, or flying on an airplane for business, usually has very specific origin and destination points in mind for the transportation involved. The same is not true, however, for cruise passengers, or even vacation travelers in general, for when one leisure destination often substitutes perfectly well for another.

One court has in fact specifically described the competitive situation facing cruise operators and others in Hawaii:

> "The pattern of competition within the tourist industry is varied and intense. Hawaii competes for tourists from the mainland United States and foreign countries. In offering a relaxed tropical vacation spot, Hawaii competes with South Pacific and other offshore destinations. It thus operates in a national and international market."—*Waikiki Small Business Ass'n* v. *Anderson*, Civ. No. 83-0806 (D. Hawaii May 14, 1984).

Consumers of Hawaii cruises can, and do, face a host of substitute choices: (1) cruises to other U.S. and overseas locations; (2) other types of Hawaiian vacations, with shoreside accommodations and other forms of travel between the islands. Well over 95% of all visitors to Hawaii are not cruise passengers at al. Cruises on small seacraft and yachts are available as well as inter-island voyages on larger cruise ships. Over 22,000 passengers a day fly between the islands, and the Honolulu—Kahului, Maui city pair is the 3rd busiest in the United States. Aviation Daily, June 5, 1997, at 403; and (3) other "relaxed, tropical vacation spots" around the world.

In sum, there is no basis to the allegation that restricting the number of cruise ship operators between or among the Hawaiian Islands through the preference created by Section 8097 would create any "monopoly," as that term may properly be understood. See *Coastal Fuels of Puerto Rico, Inc.* v. *Caribbean Petroleum Corp.* 79 F. 3d 182, 197–98 (1st Cir. 1996) (seller with 90% share of sales of bunker fuel to ocean going vessels in Puerto Rico has no monopoly power because it competes with sellers throughout the Caribbean and the Southeastern United States).

### CONGRESS OFTEN "RESTRICTS COMMERCE" IN ORDER TO ACHIEVE IMPORTANT OBJECTIVES

There is also no basis to the suggestion that Section 8097 creates some sort of "unprecedented restriction on commerce." There are numerous precedents for the kind of preference created in Section 8097, particularly given its purpose of protecting the substantial investment that will be necessary to develop and construct the first new U.S.-flag cruise ships in almost 40 years.

The patent system, established by Congress pursuant to Constitutional direction, provides perhaps the most prominent example of a "restriction" of competition to protect, and thus encourage, investment in the development of new products and services that otherwise would not exist. The grant of a patent allows its holder to "restrict" competition by those who would seek to sell competing projects that infringe on its claims. Significantly, however, despite this restriction, holders of patents generally compete in highly competitive markets; the grant of the patent does not create itself any "monopoly." See *Atari Games Corp.* v. *Nintendo of America, Inc.*, 897 F.2d 1572, 1576 (Fed. Cir. 1990) ("When the patented product is merely one of many products that actively compete on the market, few problems arise between the property rights of a patent owner and the antitrust laws. . . . [Even] when the patented product is so successful that creates its own economic market . . . the two bodies of law are actually complementary, as both are aimed at encouraging innovation, industry, and competition.").

Federal procurement law also recognizes a number of circumstances in which competition may be restricted to serve important objectives. Procurements may be conducted without competitive procedures, for example, where necessary "keep vital facilities or suppliers in business or make them available in the event of a national emergency," 48 C.F.R. §6.302-3(b)(1)(i), to "train a selected supplier in the furnishing of critical supplies or services," id. at (b)(1)(ii), or to "create or maintain the required domestic capability for production of critical supplies." *Id.* at (b)(1)(v). See generally 10 U.S.C. §2304(c). Such procurements necessarily give the supplier a leg up on its competitions in the development and sale of the product being supplied, but they do not in any sense grant the seller a "monopoly."

Finally, Congress has often specifically restricted competition by statute to serve specific policy objectives. See 10 U.S.C. §2304(c)(5). Examples include small business set-asides, 15 U.S.C. 637, and preferences for local suppliers in disaster relief situations, 42 U.S.C. §5150. Last year's Defense Authorization bill included a statutory direction to enter sole source contracts with certain designated health care providers. Pub. L. 104–201 §722(b)(2), 110 Stat. 2593. The suggestion that the provisions of Section 8097 are "unprecedented" is without any basis, and would be so even if Section 8097 did, in fact, create a "monopoly," which it does not.

### CONCLUSION

While the operator of newly-built U.S.-flag cruise vessels in the Hawaii trade will receive some protection of its investment through the preference created by Section 8097, no monopoly will be created, and the operator will still face vigorous competition in the markets in which it operates.

### SECTION 8123

Mr. SPECTER. Mr. President, I would like to enter into a colloquy with Senate Appropriations Committee Chairman TED STEVENS concerning section 8123 of the fiscal year 1998 Defense appropriations bill, H.R. 2266.

Is it the chairman's expectation that the Secretary of Defense will not exercise the authority in section 8123 with regard to specialty steel and other steel products encompassed in the following Harmonized System of Tariffs (HTS) numbers: 7208 (carbon steel); 7218 through 7223 (stainless steel); 7224 through 7229 (alloy steels, high speed tool steels and electrical steels); 7304 through 7306 (stainless steel pipe and tube); 7502 through 7508 (nickel-based alloys; 8105, 8108, 8109 (cobalt/titanium/zirconium-based alloys); 8211, 8215 (stainless steel flatware) unless the failure of the Secretary of Defense to exercise such waiver authority pursuant to section 8123 will trigger unilateral retaliatory sanctions by a foreign country?

Mr. STEVENS. The Senator is correct.

Mr. D'AMATO. I would like to associate myself with the comments of the senior Senator from Pennsylvania, Mr. SPECTER, and underscore my similar expectation that the Secretary of Defense will not exercise the authority in section 8123 with regard to the products enumerated by Senator SPECTER.

### NEW ATTACK SUBMARINE PROGRAM

Mr. STEVENS. Mr. President, the conferees have included a general provision, sec. 8129, within this conference report containing language to permit the Navy to enter into a contract for the procurement of four submarines under the New Attack Submarine Program. I would like to point out that this section does not provide new budget authority, but rather is an earmark of the amounts appropriated under the heading "Shipbuilding and Conversion, Navy" for the New Attack Submarine Program. The intent of the conferees was not to create new budget authority over and above amounts set forth elsewhere in the bill, but rather to clarify the terms and conditions under which the New Attack Submarine contract may be entered into between the Navy and the contractor team.

### C–17

Mr. President, the conferees on the Defense spending bill understand that the manufacturer of the C–17 is building two additional aircraft in fiscal year 1998 for potential commercial sale. However, the Air Force has an agreement with the contractor which may permit DOD to accept early delivery of these aircraft within the Defense Department's C–17 multiyear contract. This agreement, combined with positive cost and schedule performance under the C–17 contract, may permit DOD to purchase up to 11 aircraft within the fiscal year 1998 appropriation. Thus, I believe the Senate's objective of delivering additional C–17 aircraft in fiscal year 1998 may actually be achieved without the appropriation of additional funds at this time.

### HOLLOMAN AIR FORCE BASE/GERALD CHAMPION MEMORIAL HOSPITAL SHARED FACILITY

Mr. President, during the final session of the conference on Defense appropriations an error was made on the amount appropriated for the Holloman Air Force Base/Gerald Champion Memorial Hospital Shared Facility. It was the intent of the conferees to appropriate $7 million for the shared facility, but the filed report reflects only $5 million. This project was strongly supported by the Secretary of the Air Force and the Chief of Staff of the Air Force during hearings conducted by the subcommittee. Senator DOMENICI worked very hard on this issue and I believe that it is a great idea.

Mr. President, I have contacted the Department of Defense about this matter and they have assured me that they will fully fund the shared facility project at its intended level of $7 million. I will continue to work with Senator DOMENICI to ensure full funding for this important project. I commend Senator DOMENICI for his efforts in this regard and look forward to seeing his vision of better quality service for our troops at a lower cost become a reality.

Mr. DOMENICI. Mr. President, I thank the chairman for his support and for his efforts to correct this mistake. I am very pleased that the chairman has received the commitment from the Department of Defense to fully fund the shared facility. I believe that in the end we will look back on this program and say that it was one of the very best things that we did.

### PATRIOT MODIFICATION PROGRAM

Mr. STEVENS. Mr. President, in review of the printed copy of the "Statement of the Managers" that accompanies H.R. 105–265, the fiscal year 1998 Department of Defense conference report, we have found a typographical error in the Patriot modification line of the "Missile Procurement, Army" account. The President's budget request included $20,825,000 for the continued modification of the Patriot missile system. It was the decision of the conference committee to provide a total $28,825,000, an increase of $8 million above the budget request for this program in fiscal year 1998. The additional funds provided by the conferees are for the procurement of additional GEM +/− upgrades for the Patriot system. I would note that the tables on page 90 of House Report 105–265, do not reflect the intent of the conferees.

It would be my hope that the Army would execute this program to reflect the intent of the conferees and further, that the Army use its reprogramming authority to provide the recommended funding level of the conference committee. I intend to work with my ranking member, Senator INOUYE and Representatives YOUNG and MURTHA to insure this program is not inappropriately reduced because of a administrative error.

### PRINTING ERRORS

Mr. President, I would like to bring to the attention of Members three typographical errors that appear in the statement of the managers to accompany H.R. 2266. On page 76, under "Operation and Maintenance, Air Force", the REMIS program should read as an increase of $8.9 million and not a decrease. On page 119, "Research, Development, Test and Evaluation, Navy", under the heading "Undersea Warfare Weaponry Technology", the 6.25-inch torpedo project should read as an increase of $3 million and not zero. On page 125, "Research, Development, Test and Evaluation, Air Force", under the heading "Space and Missile Rocket Propulsion", the total amount should read $18,147 and not $18,847. All of these programs were listed correctly in the official conference papers. The typographical errors appear in the project level adjustment tables and do not affect the funding levels in the bill.

Mr. President, I ask for the yeas and nays on our conference report.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. STEVENS. Mr. President, in order to notify the leader—it is time for him to make a statement concerning the proceedings—I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. Mr. President, I ask unanimous consent to proceed under my leader time.

The PRESIDING OFFICER. Without objection, it is so ordered.

## SENATE SCHEDULE

Mr. LOTT. I apologize for the delay in starting the votes that we have scheduled, but we were having some very important discussions that will affect the schedule for the next several days that I wanted to discuss with the minority leader and with the interested Senators.

For the information of all Senators, these next two votes will be the last votes for the week. The next vote will occur at 11 a.m. on Tuesday, September 30, on a motion to invoke cloture on the Coats amendment to the D.C. appropriations bill regarding scholarships.

Following these votes, I encourage the managers to remain on the floor for any additional amendments Members may want to offer to the pending D.C. appropriations bill. I believe perhaps there is a Senator that is waiting that will have an amendment that he could offer tonight, and have debated, if it is not worked out in the interim.

On Friday, tomorrow, beginning at 10 o'clock a.m., the Senate will begin consideration of the campaign finance reform legislation. I expect a full day of debate on that issue. However, no votes will occur during Friday's session of the Senate.

On Monday, the Senate will resume consideration of the campaign finance reform bill. Again, however, no votes will occur at that time.

On Tuesday, September 30, I expect that following the 11 a.m. cloture vote the Senate might be in a position to complete action on the last remaining appropriation bill, the D.C. appropriations bill. It will depend on what happens, of course, with the vote on the Coats amendment, and there are a couple of other key amendments that are still pending. Also, since Tuesday is the end of fiscal year, the Senate will consider the continuing resolution. We believe we have a continuing resolution agreed to that will be clean, and with a date that I discussed with the Democratic leader and with our leadership on the other side of the Capitol. Therefore, votes will occur throughout the day on Tuesday, and of course the pending business at that time will still be campaign finance reform.

Wednesday, October 1, is the start of the Jewish holiday. Therefore, votes will not occur past 1 p.m. However, the Senate will be considering the campaign finance reform bill for debate as long as Members want to remain into the evening. On Thursday, October 2, there will be no rollcall votes in observance of the Jewish holiday.

I expect the Senate to resume consideration of the campaign finance reform bill on Friday, October 3. However, no votes will occur. Again, with regard to the 3d, we want to talk with all the interested Senators to see whether we want to have debate or not. Then we will continue on campaign finance reform the next week but we would like to reserve further commitments on time or identification of when votes might occur until we have had time to get started with the debate and see how things go.

I thank my colleagues for their cooperation and remind Senators following these two back-to-back votes there will be no further votes today, and the next vote will occur 11 a.m. on Tuesday, September 30.

Mr. DASCHLE. Mr. President, I appreciate the opportunity to have some discussion with the majority leader about this schedule. I have not had the opportunity to discuss this matter at any great length with our colleagues, but I want to thank the majority leader. I think this is a schedule that affords a good opportunity to debate campaign finance reform. It takes into account the Jewish holiday and the need for our Jewish colleagues to be away. It does afford the opportunity, as well, to take up other issues later on in October. I think it is a very good schedule and I look forward to getting into the debate tomorrow and working with the majority leader to schedule the other matters as they come available to us.

I hope our colleagues would avail themselves of the opportunity to begin the debate tomorrow. I know I will be on the floor, and I am sure many of my colleagues will, and we will have a good debate. I am sure we will have a number of opportunities to debate amendments and have votes over the course of that time.

Mr. LOTT. I might say, Mr. President, continuing with my leader time, I met with the committee leaders and discussed legislation on both sides of the aisle—for instance, the ISTEA, or the highway infrastructure bill—as to when they would be ready with that legislation to go to the floor and how much time that might take. We also have been looking at fast-track trade legislation, when that might be available.

It was obvious to me that we had a window here in the next few days that we could take up the debate on campaign finance reform, but as we got on into October we would need to have time for the highway bill and the fast-track legislation.

I do think it is important that we continue our effort to get a 6-year transportation bill that is within the budget. I have been discussing this with the chairman of the committee and the ranking member. They agree. So we intend to go forward somewhere around the 7th or 8th on the highway infrastructure bill.

I just wanted to give that explanation as to why this decision was made.

Mr. DASCHLE. If I could ask the majority leader a question, I made an assumption about the schedule. It just occurred to me that I had not clarified this, but I assume that the majority leader would anticipate votes on campaign finance reform on Tuesday the 30th and Wednesday the 1st of October; is that correct?

Mr. LOTT. I had not anticipated votes at that time. I assume those days, most of the votes will be on the appropriation conference reports and the continuing resolution.

I had thought we would need more time for debate before we started voting on that. I didn't specify it, but I assumed the votes would not come until the 6th or 7th of October.

Mr. McCAIN. Will the Senator yield?

Mr. LOTT. I yield the floor.

Mr. McCAIN. First of all, I thank the majority leader. It is an affirmation of the word he gave last week which all of us here in this body knew was going to happen, and did not need a letter from the President of the United States. I do thank the majority leader for the timely consideration of this issue.

Let me also just point out I understand that there has to be vigorous debate on this issue. There also has to be votes. It is our intention to have votes on various amendments throughout this debate, and we need to have everyone on record on this issue. Also, I know I can count on the majority leader and the distinguished Democratic leader in trying to bring closure to this debate, to this issue, after reasonable debate, in one fashion or another.

Again, I want to thank the majority leader. It shows again the majority leader of this Senate, as was the case when the other side was the majority, when the leader gives his word, when the majority leader gives his word, it is good. And if it were otherwise, this body does not function.

I thank the majority leader and I thank the Democratic leader for all of his cooperation.

Mr. STEVENS. Will the Senator yield?

Mr. LOTT. I am happy to yield to the Senator.

Mr. STEVENS. Mr. President, I note that there is an understanding between us that conference reports coming out of the Appropriations Committee will receive prompt attention, but I wanted to make sure everyone understands that means putting aside anything that is here, to try and get these bills to the President before the end of the fiscal year.

Mr. LOTT. Mr. President, they are privileged, and would be brought up as soon as they are available. That is our highest priority as we reach the end of the fiscal year, and we want to move to immediate consideration of a continuing resolution also when it is available, if it is necessary, which I presume it will be.

Mr. STEVENS. Mr. President, the pending unanimous-consent agreement would provide 8 hours on that. I hope that, too, would be subject to taking up the conference reports as they become available.

Mr. LOTT. It would be. I hope we would not take 8 hours on the CR. I hope we have an understanding what is in it. It would be clean, I believe. There are only two amendments in order, one on each side. I hope maybe that would not be necessary and we would have short debate and go straight to vote.

Mr. STEVENS. I am sure Senator BYRD and I appreciate that very much.

Mr. LOTT. I yield the floor.

## DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 1998—CONFERENCE REPORT

The PRESIDING OFFICER. Under the previous order, the yeas and nays have been ordered on the defense appropriations conference report. The question is on agreeing to the conference report.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Delaware [Mr. BIDEN] and the Senator from Maryland [Ms. MIKULSKI] are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 93, nays 5, as follows:

[Rollcall Vote No. 258 Leg.]

YEAS—93

Abraham
Akaka
Allard
Ashcroft
Baucus
Bennett
Bingaman
Bond
Boxer
Breaux
Brownback
Bryan
Burns
Byrd
Campbell
Chafee
Cleland
Coats
Cochran
Collins
Conrad
Coverdell
Craig
D'Amato
Daschle
DeWine
Dodd
Domenici
Dorgan
Durbin
Enzi
Faircloth
Feinstein
Ford
Frist
Glenn
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Hagel
Hatch
Helms
Hollings
Hutchinson
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kempthorne
Kennedy
Kerrey
Kerry
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Moseley-Braun
Moynihan
Murkowski
Murray
Nickles
Reed
Reid
Robb
Roberts
Rockefeller
Roth
Santorum
Sarbanes
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Torricelli
Warner
Wyden

NAYS—5

Bumpers
Feingold
Harkin
Kohl
Wellstone

NOT VOTING—2

Biden
Mikulski

The conference report was agreed to.

Mr. INOUYE. Mr. President, I move to reconsider the vote by which the conference report was agreed to.

Mr. HOLLINGS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

## EXECUTIVE SESSION

## NOMINATION OF KATHARINE SWEENEY HAYDEN, OF NEW JERSEY, TO BE U.S. DISTRICT JUDGE FOR THE DISTRICT OF NEW JERSEY

The PRESIDING OFFICER (Mr. DEWINE). Under the previous order, the Senate will go into executive session to consider the nomination of Katharine Sweeney Hayden, of New Jersey, to be U.S. district judge for the District of New Jersey, which the clerk will report.

The legislative clerk read the nomination of Katharine Sweeney Hayden, of New Jersey, to be U.S. district judge for the District of New Jersey.

Mr. NICKLES. Mr. President, I ask for the yeas and nays on the nomination.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Katharine Sweeney Hayden, of New Jersey, to be U.S. district judge for the District of New Jersey? On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. Mr. President, I announce that the Senator from Vermont [Mr. JEFFORDS] is necessarily absent.

Mr. FORD. I announce that the Senator from Delaware [Mr. BIDEN] and the Senator from Maryland [Ms. MIKULSKI] are necessarily absent.

The result was announced—yeas 97, nays 0, as follows:

[Rollcall Vote No. 259 Ex.]

YEAS—97

Abraham
Akaka
Allard
Ashcroft
Baucus
Bennett
Bingaman
Bond
Boxer
Breaux
Brownback
Bryan
Bumpers
Burns
Byrd
Campbell
Chafee
Cleland
Coats
Cochran
Collins
Conrad
Coverdell
Craig
D'Amato
Daschle
DeWine
Dodd
Domenici
Dorgan
Durbin
Enzi
Faircloth
Feingold
Feinstein
Ford
Frist
Glenn
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Hagel
Harkin
Hatch
Helms
Hollings
Hutchinson
Hutchison
Inhofe
Inouye
Johnson
Kempthorne
Kennedy
Kerrey
Kerry
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Moseley-Braun
Moynihan
Murkowski
Murray
Nickles
Reed
Reid
Robb
Roberts
Rockefeller
Roth
Santorum
Sarbanes
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Torricelli
Warner
Wellstone
Wyden

NOT VOTING—3

Biden
Jeffords
Mikulski

The nomination was confirmed.

### STATEMENT ON NOMINATION OF JUDGE KATHERINE SWEENEY HAYDEN

Mr. LEAHY. Mr. President, today is the 40th anniversary of the beginning of the end of racial segregation in the public schools in Little Rock, AR. As we turn to reflect on Little Rock and the aftermath of the Supreme Court's landmark decision on public school segregation, we should consider the important lessons those times still hold for us today. Little Rock was a testing point in our history when the rule of law and respect for our courts and Constitution prevailed.

Three years earlier, the Supreme Court's unanimous Brown versus Board of Education decision prompted a concerted assault on the judiciary. On March 12, 1956, 81 Members of Congress signed a resolution condemning that ruling as a "clear abuse of judicial power" and part of a "trend in the Federal judiciary to legislate, in derogation of the authority of Congress, and to encroach upon the reserved rights of the people." Billboards sprouted around the country demanding the impeachment of Chief Justice Earl Warren. Justice Clarence Thomas recalls that as a young man his "most vivid childhood memory of the Supreme Court was the 'Impeach Earl Warren' signs that lined Highway 17 near Savannah. I didn't understand who this Earl Warren fellow was, but I knew he was in some kind of trouble."

It should concern all of us that a pattern resembling that which followed the Supreme Court's decision in Brown is being repeated. It has once again become fashionable in some quarters to sloganeer about impeaching Federal judges. This year's continuing attack on the judicial branch, the slowdown in the processing of the scores of good women and men the President has nominated to fill vacancies on the Federal courts, and widespread threats of impeachment are all part of a partisan, ideological effort to intimidate the judiciary. Extremist elements have turned their fire on the branch of Government most protective of our freedoms but the least equipped to protect itself from political attacks.

We are hearing from some Members of Congress a clamor for impeachment when a judge renders a decision that irritates them. We are hearing demands that Congress destroy the orderly process of appellate court and Supreme Court review and, instead, assume the role of a supercourt that would legislatively review and veto individual decisions. We are seeing proposals to amend the Constitution, to eliminate the independence and lifetime tenure of judges. Extreme rhetoric and outlandish proposals have contributed to a poisonous atmosphere in which the Federal justice system is overloaded.

Last week on the 210th anniversary of the signing of the Constitution, a newspaper reported that the majority leader of the Senate applauded the idea of Republicans plotting to intimidate the Federal judiciary, commenting that "it sounds like a good idea to me." For the majority leader of the Senate to join an acknowledged attack on the independence and integrity of the Federal judiciary is a troubling and disappointing development that shows how easily political leaders can succumb to such political temptations, even at the expense of the checks and balances that are needed to protect our rights.

It is one thing to criticize the reasoning of an opinion, or the result in a case, or to introduce legislation to change the law. It is quite another matter to undercut the separation of powers and the independence that the Founders created to insulate the judiciary from politics. Independent judicial review has been a crucial check on two political branches of our Government that has served us so well for more than two centuries. This bedrock principle has helped preserve our freedoms and helped make this country the model for emerging democracies around the world.

Something that sets our Nation—the world's oldest continuing democracy—apart from virtually all others is the independence of our Federal judiciary and the respect that the public and that political leaders give it. Every fledgling democracy sends observers to the United States to study and emulate our independent judiciary, the envy of the world. The independence of our third, coequal branch of Government gives it the ability to fairly and impartially arbiter disputes, to prevent overreaching by the other two branches, and to defend our individual rights and freedoms that are so susceptible to the gusting political winds of the moment.

In the 23 years that I have been privileged to serve in the U.S. Senate I have never known a time when the Senate's leadership, Republican or Democratic, would tolerate partisan and ideological politics to so divert the institution from its constitutional responsibilities to the third, coequal branch of Government.

The Nation needs to move forward, as we did after President Eisenhower acted to restore the rule of law. The citizens of Little Rock and other cities throughout the country accepted the constitutional imperative to end segregated schools. A few years later Congress acted to pass the historic Civil Rights Act of 1964 and the Voting Rights Act of 1965. In 1997, can anyone say that we are not a better and stronger nation for having honored the Supreme Court's Brown decision by enforcing it in Little Rock?

The American people know that a fair and impartial judiciary is key to maintaining our democracy and our rights. The continuing partisan campaign against qualified and fair judicial nominees has to come to an end. If the judiciary is to retain its ability to protect our rights and freedoms as we move into a new century of American history, if it is to serve as a check on the political branches, it must have the judges and resources necessary to the task. Vacant courtrooms and empty benches cannot hear criminal trials, enforce our environmental protection laws, resolve legal claims or uphold the Constitution against encroachment.

I am delighted that the majority leader has decided to take up the nomination of Judge Katherine Sweeney Hayden to be a U.S. district judge for the District of New Jersey. Judge Sweeney Hayden is a well-qualified nominee.

Since 1991, the nominee has been a judge on the superior court in Newark, NJ. The ABA has unanimously found her to be well qualified, its top rating. She has the support of Senators LAUTENBERG and TORRICELLI. She had a confirmation hearing on June 25 and was reported by the Judiciary Committee on July 10 along with the nomination of Anthony Ishii to be a district judge in the Eastern District of California, whose nomination remains pending on the Senate Calendar. Her nomination has been held up for the last 2½ months without explanation and I am glad to see it finally being brought forward. I congratulate Judge Sweeney Hayden and her family and look forward to her service on the Federal court.

I spoke on September 5 and 11 urging that this nomination and the others on the calendar be considered. There are now five other judicial nominations ready for Senate consideration. Unfortunately, they are not being taken up today and I know of no plan for them to be taken up any time soon.

With Senate confirmation of these district judges, the Senate will still be a confirmation short of the dismal total of last year. We still have more than 40 nominees among the 68 nominations sent to the Senate by the President who are pending before the Judiciary Committee and have yet to be accorded even a hearing during this Congress.

Many of these nominations have been pending since the very first day of this session, having been renominated by the President. Several of those pending before the committee had hearings or were reported favorably last Congress but have been passed over so far this year, while the vacancies for which they were nominated over 2 years ago persist. The committee has 10 nominees who have been pending for more than a year, including 5 who have been pending since 1995.

While I am encouraged that the Senate is today proceeding with the nomination of Judge Sweeney Hayden, there is no excuse for the committee's delay in considering the nominations of such outstanding individuals as Prof. William A. Fletcher; Judge James A. Beaty, Jr.; Judge Richard A. Paez; Ms. M. Margaret McKeown; Ms. Ann L. Aiken; and Ms. Susan Oki Mollway, to name just a few of the outstanding nominees who have all been pending all year without so much as a hearing. Professor Fletcher and Ms. Mollway had both been favorably reported last year. Judge Paez and Ms. Aiken had hearings last year but have been passed over so far this year. Nor is there any explanation or excuse for the Senate not immediately proceeding to consider the other five judicial nominations pending on the Senate Calendar.

The Senate continues to lag well behind the pace established by Majority Leader Dole and Chairman HATCH in the 104th Congress. By this time 2 years ago, the Senate had confirmed 36 Federal judges. With today's actions, the Senate will have confirmed less than one-half that number, only 16 judges. We still face almost 100 vacancies and have 50 pending nominees to consider with more arriving each week.

For purposes of perspective, let us also recall that by August 1992, during the last year of President Bush's term, a Democratic majority in the Senate had confirmed 53 of the 68 nominees sent to us by a Republican President. By the end of August this year, this Senate had acted on only 9 out of 61 nominees. Indeed, by the end of September in President Bush's final year in office, the Senate confirmed 59 of his 72 nominees. This Senate is on pace to confirm only 16 out of a comparable number of nominations.

Those who delay or prevent the filling of these vacancies must understand that they are delaying or preventing the administration of justice. We can pass all the crime bills we want, but you cannot try the cases and incarcerate the guilty if you do not have judges. The mounting backlogs of civil and criminal cases in the dozens of emergency districts, in particular, are growing taller by the day. National Public Radio has been running a series of reports all this week on the judicial crises and quoted the chief judge and U.S. attorney from San Diego earlier this week to the effect that criminal matters are being affected.

I have spoken about the crisis being created by the vacancies that are being perpetuated on the Federal courts around the country. At the rate that we are going, we are not keeping up with attrition. When we adjourned last Congress there were 64 vacancies on the Federal bench. After the confirmation of 16 judges in 9 months, there has been a net increase of 32 vacancies. The Chief Justice of the Supreme Court has called the rising number of vacancies "the most immediate problem we face in the Federal judiciary."

The Judiciary Committee has heard testimony from second circuit, ninth circuit and 11th circuit judges about the adverse impact of vacancies on the ability of the Federal courts to do justice. The effect is seen in extended delay in the hearing and determination of cases and the frustration that litigants are forced to endure. The crushing caseload will force Federal courts to rely more and more on senior judges, visiting judges and court staff.

Judges from the Second Circuit Court of Appeals testified, for example, that over 80 percent of its appellate court panels over the next 12 months cannot be filled by members of that court but will have to be filled by visiting judges. This is wrong.

We ought to proceed without delay to consider the nomination of Judge Sonia Sotomayor to the second circuit and move promptly to fill vacancies that are plaguing the second and ninth circuits. We need to fill the 5-year-old vacancy in the Northern District of New York and move on nominations for over 30 judicial emergency districts.

In choosing to proceed on this nominee, the Republican leadership has chosen for at least the fourth time this month to skip over the nomination of Margaret Morrow. I, again, urge the Senate to consider the long-pending nomination of Margaret Morrow to be a district court judge for the Central District of California.

Ms. Morrow was first nominated on May 9, 1996—not this year, but May 1996. She had a confirmation hearing and was unanimously reported to the Senate by the Judiciary Committee in June 1996. Her nomination was, thus, first pending before the Senate more than 15 months ago. This was one of a number of nominations caught in the election year shutdown.

She was renominated on the first day of this session. She had her second confirmation hearing in March. She was then held off the Judiciary agenda while she underwent rounds of written questions. When she was finally considered on June 12, she was again favorably reported with the support of Chairman HATCH. She has been left pending on the Senate Executive Calendar for more three months and has been passed over, time and again, without justification or explanation.

What is this mystery hold all about? In spite of my repeated attempts to find out who is holding up consideration of this outstanding nominee, and why, I am at a loss.

Ms. Morrow is a qualified nominee to the district court. I have heard no one contend to the contrary. She has been put through the proverbial wringer—including at one point being asked her private views, how she voted, on 160 California initiatives over the last 10 years.

The committee insisted that she do a homework project on Robert Bork's writings and on the jurisprudence of original intent. Is that what is required to be confirmed to the district court in this Congress?

With respect to the issue of "judicial activism," we have the nominee's views. She told the committee:

> The specific role of a trial judge is to apply the law as enacted by Congress and interpreted by the Supreme Court and courts of appeals. His or her role is not to make law.

She also noted:

> Given the restrictions of the case and controversy requirement, and the limited nature of legal remedies available, the courts are ill equipped to resolve the broad problems facing our society, and should not undertake to do so. That is the job of the legislative and executive branches in our constitutional structure.

Margaret Morrow was the first woman President of the California Bar Association and also a past president of the Los Angeles County Bar Association. She is an exceptionally well-qualified nominee who is currently a partner at Arnold & Porter and has practiced for 23 years. She is supported by Los Angeles' Republican Mayor Richard Riordan and by Robert Bonner, the former head of DEA under a Republican Administration. Representative JAMES ROGAN attended her second confirmation hearing to endorse her.

Margaret Morrow has devoted her career to the law, to getting women involved in the practice of law and to making lawyers more responsive and responsible. Her good works should not be punished but commended. Her public service ought not be grounds for delay. She does not deserve this treatment. This type of treatment will drive good people away.

The President of the Women Lawyers Association of Los Angeles, the President of the Women's Legal Defense Fund, the President of the Los Angeles County Bar Association, the President of the National Conference of Women's Bar Association and other distinguished attorneys from the Los Angeles area have all written the Senate in support of the nomination of Margaret Morrow. They write that: "Margaret Morrow is widely respected by attorneys, judges and community leaders of both parties" and she "is exactly the kind of person who should be appointed to such a position and held up as an example to young women across the country." I could not agree more.

Mr. President, the Senate should move expeditiously to consider and confirm Margaret Morrow, along with Anthony Ishii, Richard Lazzara, Christina Snyder and Marjorie Rendell.

(At the request of Mr. DASCHLE, the following statement was ordered to be printed in the RECORD.)

## EXPLANATION OF ABSENCE

● Mr. BIDEN. Mr. President, this evening, the Senate conducted two rollcall votes—on the conference report to the Defense Department Appropriations bill and on the nomination of Katharine Sweeney Hayden to be U.S. District Judge for the District of New Jersey. Unfortunately, I was not present for those votes.

Tonight, at my daughter's school in Wilmington is what is called mini roster night. That is what most people know as open house or parents' night—where the parents go around and meet all of the teachers. Because of the Senate voting schedule, I will either have to miss votes or miss mini roster night at my daughter's school.

On both matters voted on tonight, my position is already on the record, and my vote is not expected to change the outcome.

With regard to the defense bill, I voted for the bill on July 15 when it passed the Senate by the overwhelming margin of 94-4. There have been no substantial changes in the legislation, and I continue to support it.

On July 10, the Senate Judiciary Committee reported out the nomination of Katharine Sweeney Hayden to be a New Jersey district judge. I supported her nomination, and I continue to do so.

Again, Mr. President, on both matters, my vote is not expected to change the outcome, and therefore, I have decided to attend parents' night at my daughter's school. I appreciate the understanding of my colleagues and my constituents.●

## LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate returns to legislative session.

## DISTRICT OF COLUMBIA APPROPRIATIONS ACT, 1998

The Senate continued with the consideration of the bill.

Mr. GRAHAM addressed the Chair.

The PRESIDING OFFICER. The Senator from Florida.

Mr. GRAHAM. Mr. President, I send an amendment to the desk——

Mr. COATS. Mr. President, parliamentary inquiry. What is the regular order?

The PRESIDING OFFICER. Does the Senator from Florida yield for a parliamentary inquiry?

Mr. GRAHAM. I yield for a parliamentary inquiry but retaining the floor.

Mr. COATS. Mr. President, it was my understanding that we would immediately return, after these votes, under the previous unanimous-consent request, to consideration of the pending amendment and that there was a little bit of time remaining. I only say that, not because I want to use the time—I know Members want to speak on a number of subjects—but because Senator BROWNBACK had been on the list to speak. He was precluded by the clock when we shifted over under the order. I am just inquiring as to whether or not that is the case.

The PRESIDING OFFICER. The Senator is correct. There is a pending amendment, and the Senator controls 29 minutes. It would take unanimous consent to set it aside.

The Senator from Florida was the first Senator to seek recognition when we returned to the amendment.

Mr. COATS. Mr. President, I want to, first of all, inform my colleagues that I have no intention of using the 29 minutes.

I do, also, though, want to say that I had promised the Senator from Kansas he would be first up. He has commitments. I have commitments. He was in line, and the clock precluded him from getting his statement in. I would be willing to forgo all but about 1 minute of my remarks if we could go forward with this, and we will get to the other Senators as quickly as possible. A lot of people have been waiting all afternoon to speak, but they were not allowed to speak because of the unanimous consent agreement. We had promised them, if they were here right after the votes, they would be first up.

Mr. BUMPERS addressed the Chair.

The PRESIDING OFFICER. The Senator from Florida has the floor, having been recognized. The Senator from Florida, having heard the explanation, is in position to control the time.

Has unanimous consent been requested?

Mr. COATS. Mr. President, parliamentary inquiry. I do not mean to drag this out here. I don't understand the procedure. I thought anything other than the pending amendment was out of order without unanimous consent, that recognition had nothing to do with it.

The PRESIDING OFFICER. The Senator from Florida achieved recognition. If he wishes to set aside the pending amendment and proceed with an amendment of his own, it would require unanimous consent.

Mr. COATS. On the part of the Senator from Florida.

The PRESIDING OFFICER. On the part of the Senator from Florida.

The Senator from Florida.

Mr. GRAHAM. Mr. President, my purpose, with my colleague, is solely to introduce an amendment which we will then ask to be set aside for consideration on Tuesday. We will be, I think, less than 90 seconds in completing this task. So I ask unanimous consent to set aside the pending amendment for the purpose of offering this amendment in hopes that we complete this task, and then we will relinquish the floor.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered. The Senator from Florida.

### AMENDMENT NO. 1252

(Purpose: To provide relief to certain aliens who would otherwise be subject to removal from the United States)

Mr. GRAHAM. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Florida [Mr. GRAHAM], for himself, Mr. MACK, and Mr. KENNEDY, proposes an amendment numbered 1252.

Mr. GRAHAM. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place, insert the following new section:

**"SEC. —. IMMIGRATION REFORM TRANSITION ACT OF 1997.**

(a) IN GENERAL.—Section 240A, subsection (e), of the Immigration and Nationality Act is amended—

(1) in the first sentence, by striking "this section" and inserting in lieu thereof" section 240A(b)(1)";

(2) by striking ", nor suspend the deportation and adjust the status under section 244(a) (as in effect before the enactment of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996),"; and

(3) by striking the last sentence in the subsection and inserting in lieu thereof: "The previous sentence shall apply only to removal cases commenced on or after April 1, 1997, including cases where the Attorney General exercises authority pursuant to paragraphs (2) or (3) of section 309(c) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (P.L. 104–208, Division C, 110 Stat. 3009).".

(b) REPEALERS.—Section 309, subsection (c), of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (P.L. 104–208, Division C, 110 Stat. 3009) is amended by striking paragraphs (5) and (7).

(c) SPECIAL RULE.—Section 240A of the Immigration and Nationality Act is amended—

(1) In subsection (b), paragraph (3), by striking "(1) or (2)" in the first and third sentences of that paragraph and inserting in lieu thereof "(1), (2), or (3)", and by striking the second sentence of that paragraph;

(2) In subsection (b), by redesignating paragraph (3) as paragraph (4);

(3) In subsection (d), paragraph (1), by striking "this section." and inserting in lieu thereof" subsections (a), (b)(1), and (b)(2).";

(4) in subsection (b), by adding after paragraph (2) the following new paragraph—

"(3) SPECIAL RULE FOR CERTAIN ALIENS COVERED BY THE SETTLEMENT AGREEMENT IN *American Baptist Churches et al. v. Thornburgh* (ABC), 760 F. Supp. 796 (N.D. Cal. 1991)—

"(A) The Attorney General may, in his or her discretion, cancel removal and adjust the status from such cancellation in the case of an alien who is removable from the United States if the alien demonstrates that—

(i) the alien has not been convicted at any time of an aggravated felony and

"(I) was not apprehended after December 19, 1990, at the time of entry, and is either

"(aa) a Salvadoran national who first entered the United States on or before September 19, 1990, and who registered for benefits pursuant to the ABC settlement agreement on or before October 31, 1991, or applied for Temporary Protected Status on or before October 31, 1991; or

"(bb) a Guatemalan national who first entered the United States on or before October 1, 1990, and who registered for benefits pursuant to the ABC settlement agreement by December 31, 1991; or

"(cc) the spouse or unmarried son or daughter of an alien described in (aa) of this subclause, provided that the spouse, son or daughter entered the United States on or before September 19, 1990, or the spouse or unmarried son or daughter of an alien described in (bb) of this subclause, provided that the spouse, son or daughter entered the United States on or before October 1, 1990; or

"(II) is an alien who

(aa) is a Nicaraguan, Guatemalan, or Salvadoran who filed an application for asylum with the Immigration and Naturalization Service before April 1, 1990, and the Immigration and Naturalization Service had not granted, denied, or referred that application as of April 1, 1997; or

(bb) is the spouse or unmarried son or daughter of an alien described in (aa) of this subclause, provided that the spouse, son or daughter entered the United States on or before April 1, 1990; and

"(ii) the alien is not described in paragraph (4) of section 237(a) or paragraph (3) of section 212(a) of the Act; and

"(iii) the alien

"(I) is removable under any law of the United States except the provisions specified in subclause (II) of this clause, has been physically present in the United States for a continuous period of not less than seven years immediately preceding the date of such application, and proves that during all of such period he was and is a person of good moral character, and is a person whose removal would, in the opinion of the Attorney General, result in extreme hardship to the alien or to his spouse, parent, or child, who is a citizen of the United States or an alien lawfully admitted for permanent residence; or

"(II) is removable under paragraph (2) (other than section 237(a)(2)(A)(iii)) of section 237(a), paragraph (3) of section 237(a), or paragraph (2) of section 212(a), has been physically present in the United States for a continuous period of not less than 10 years immediately following the commission of an act, or the assumption of a status, constituting a ground for deportation, and proves that during all of such period he has been and is a person of good moral character, and is a person whose removal would, in the opinion of the Attorney General, result in exceptional and extremely unusual hardship to the alien or to his spouse, parent or child, who is a citizen of the United States, or an alien lawfully admitted for permanent residence.

"(B) Subsection (d) of this section shall not apply to determinations under this paragraph, and an alien shall not be considered to have failed to maintain continuous physical presence in the United States under clause (A)(iii) of this paragraph if the alien demonstrates that the absence from the United States was brief, casual, and innocent, and did not meaningfully interrupt the continuous physical presence.

"(C) The determination by the Attorney General whether an alien meets the requirements of subparagraph (A) or (B) of this paragraph is final and shall not be subject to review by any court. Nothing in the preceding sentence shall be construed as limiting the application of subparagraph (B) of section 242(a)(2) to other eligibility determinations pertaining to discretionary relief under this Act."

(d) Effective Date of Subtitle (c).—The amendments made by subtitle (c) shall be effective as if included in Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (P.L. 104–208, Division C, 110 Stat. 3009).

(e) Appeal Process.—Any alien who has become eligible for suspension of deportation or cancellation of removal as a result of the amendments made by subsection (b) and (c) may, notwithstanding any other limitations on motions to reopen imposed by the Immigration and Nationality Act or by regulation file one motion to reopen to apply for suspension of deportation or cancellation of removal. The Attorney General shall designate a specific time period in which all such motions to reopen must be filed. The period must begin no later than 120 days after the date of enactment of this Act and shall extend for a period of 180 days.

Mr. GRAHAM. Mr. President, I ask for the yeas and nays on this amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. MACK addressed the Chair.

The PRESIDING OFFICER. The Senator from Florida.

### AMENDMENT NO. 1253 TO AMENDMENT NO. 1252

(Purpose: To provide relief to certain aliens who would otherwise be subject to removal from the United States)

Mr. MACK. Mr. President, I send a second-degree amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Florida [Mr. Mack] for himself, Mr. Graham, and Mr. Kennedy proposes an amendment numbered 1253 to amendment No. 1252.

Mr. MACK. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Strike all after the word "**SEC.** . and insert the following:

**IMMIGRATION REFORM TRANSITION ACT OF 1997.**

(A) In General.—Section 240A, subsection (e), of the Immigration and Nationality Act is amended—

(1) in the first sentence, by striking "this section" and inserting in lieu thereof "section 240A(b)(1)";

(2) by striking ", nor suspend the deportation and adjust the status under section 244(a) (as in effect before the enactment of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996),"; and

(3) by striking the last sentence in the subsection and inserting in lieu thereof: "The previous sentence shall apply only to removal cases commenced on or after April 1, 1997, including cases where the Attorney General exercises authority pursuant to paragraphs (2) or (3) of section 309(c) of the illegal Immigration Reform and Immigrant Responsibility Act of 1996 (P.L. 104–208, Division C, 110 Stat. 3009).".

(b) Repealers.—Section 309, subsection (c), of the illegal Immigration Reform and Immigrant Responsibility Act of 1996 (P.L. 104–208, Division C, 110 Stat. 3009) is amended by striking paragraphs (5) and (7).

(c) Special Rule.—Section 240A of the Immigration and Nationality Act is amended—

(1) In subsection (b), paragraph (3), by striking "(1) or (2)" in the first and third sentences of that paragraph and inserting in lieu thereof "(1), (2), or (3)", and by striking the second sentence of that paragraph;

(2) In subsection (b), by redesignating paragraph (3) as paragraph (4);

(3) In subsection (d), paragraph (1), by striking "this section." and inserting in lieu there of "subsections (a), (b)(1), and (b)(2).";

(4) in subsection (b), by adding after paragraph (2) the following new paragraph—

"(3) Special rule for certain aliens covered by the settlement agreement in American Baptist Churches et al. v. Thornburgh (ABC), 760 F. Supp. 796 (N.D. Cal. 1991).—

"(A) The Attorney General may, in his or her discretion, cancel removal and adjust the status from such cancellation in the case of an alien who is removable from the United States if the alien demonstrates that—

"(i) the alien has not been convicted at any time of an aggravated felony and—

"(I) was not apprehended after December 19, 1990, at the time of entry, and is either—

"(aa) a Salvadoran national who first entered the United States on or before September 19, 1990, and who registered for benefits pursuant to the ABC settlement agreement on or before October 31, 1991, or applied for Temporary Protected Status on or before October 31, 1991; or

"(bb) a Guatemalan national who first entered the United States on or before October 1, 1990, and who registered for benefits pursuant to the ABC settlement agreement by December 31, 1991; or

"(cc) the spouse or unmarried son or daughter of an alien described in (aa) of this subclause, provided that the spouse, son or daughter entered the United States on or before September 19, 1990, or the spouse or unmarried son or daughter of an alien described in (bb) of this subclause, provided that the spouse, son or daughter entered the United States on or before October 1, 1990; or

"(II) is an alien who—

(aa) is a Nicaraguan, Guatemalan, or Salvadoran who filed an application for asylum with the Immigration and Naturalization Service before April 1, 1990, and the Immigration and Naturalization Service had not granted, denied, or referred that application as of April 1, 1997; or

(bb) is the spouse or unmarried son or daughter of an alien described in (aa) of this subclause, provided that the spouse, son or daughter entered the United States on or before April 1, 1990; and—

"(ii) the alien is not described in paragraph (4) of section 237(a) or paragraph (3) of section 212(a) of the Act; and—

"(iii) the alien—

"(I) is removable under any law of the United States except the provisions specified in subclause (II) of this clause, has been physically present in the United States for a continuous period of not less than seven years immediately preceding the date of such application, and proves that during all of such period he was and is a person of good moral character, and is a person whose removal would, in the opinion of the Attorney General, result in extreme hardship to the alien or to his spouse, parent, or child, who is a citizen of the United States or an alien lawfully admitted for permanent residence; or—

"(II) is removable under paragraph (2) (other than section 237(a)(2)(A)(iii)) of section 237(a), paragraph (3) of section 237(a), or paragraph (2) of section 212(a), has been physically present in the United States for a continuous period of not less than 10 years immediately following the commission of an act, or the assumption of a status, constituting a ground for deportation, and proves that during all of such period he has been and is a person of good moral character, and is a person whose removal would, in the opinion of the Attorney General, result in exceptional and extremely unusual hardship to the alien or to his spouse, parent or child, who is a citizen of the United States, or an alien lawfully admitted for permanent residence.

"(B) Subsection (d) of this section shall not apply to determinations under this paragraph, and an alien shall not be considered to have failed to maintain continuous physical presence in the United States under clause (A)(iii) of this paragraph if the alien demonstrates that the absence from the United States was brief, casual, and innocent, and did not meaningfully interrupt the continuous physical presence.

"(C) The determination by the Attorney General whether an alien meets the requirements of subparagraph (A) or (B) of this paragraph is final and shall not be subject to review by any court. Nothing in the preceding sentence shall be construed as limiting the application of subparagraph (B) of section 242(a)(2) to other eligibility determinations pertaining to discretionary relief under this Act.".

(d) Effective Date of Subtitle (c).—The amendments made by subtitle (c) shall be effective as if included in Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (P.L. 104–208, Division C, 110 Stat. 3009).

(e) Appeal Process.—Any alien who has become eligible for suspension of deportation or cancellation of removal as a result of the amendments made by subsection (b) and (c) may, notwithstanding any other limitations on motions to reopen imposed by the Immigration and Nationality Act or by regulation file one motion to reopen to apply for suspension of deportation or cancellation of removal. The Attorney General shall designate a specific time period in which all such motions to reopen must be filed. The period must begin no later than 120 days after the date of enactment of this Act and shall extend for a period of 180 days.

(f) Effective Date of Section.—This section shall take effect one day after enactment of this Act.

Mr. MACK. Mr. President, I ask unanimous consent that both the first- and second-degree amendments be temporarily set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BUMPERS addressed the Chair.

The PRESIDING OFFICER. The underlying business is the amendment of the Senator from Indiana.

### AMENDMENT NO. 1249

Mr. COATS. Mr. President, I thank the Chair. I again inform my colleagues that we will be brief. I am just trying to fill some commitments we made earlier. I will dispense with my ringing, articulate, persuasive rebuttals to the opponents of this amendment that I have ready to go here, to Senator Boxer and Senator Kennedy and others who spoke against the amendment, and save those until

Tuesday. Even though I have the attention of my colleagues who are in the Chamber that I might not have on Tuesday, I will have to trust that yielding the time is probably more persuasive in getting support for my amendment than giving those arguments at this particular point. So, I will defer that. However, I have made a commitment to the Senator from Kansas. I think he is going to be relatively brief. I yield to him such time as he may consume. Then, if no one else wants to speak on this particular amendment, I will be happy to yield back.

Mr. LAUTENBERG. Mr. President, I have a question to the Senator from Indiana. Is there currently a time agreement?

Mr. COATS. Yes.

The PRESIDING OFFICER (Mr. SESSIONS). There is.

Mr. LAUTENBERG. May I ask further how much time is left?

The PRESIDING OFFICER. There remain 25 minutes for the Senator from Indiana.

Mr. COATS. We have no intention, I tell the Senator, of using that much time. I think the Senator from Kansas has less than 10 minutes and I will defer my time until tomorrow.

Mr. LAUTENBERG. I can hardly wait, and I thank the Senator.

The PRESIDING OFFICER. The Senator from Kansas. Mr. BROWNBACK. Mr. President, I thank my colleague from Indiana for yielding this time and bringing forward this amendment. I think it is a very important, excellent amendment and I rise in support of it. I chair the Senate subcommittee that has oversight over the District of Columbia. I, and Senator LIEBERMAN who is the ranking Democrat on that committee, are both cosponsors of the Coats amendment.

I would just like to inform the Members of this body and others that we have had extensive hearings on the D.C. Public School System. We have been out and looked at the schools. We have been in the public schools. We have been in the charter schools. We have looked at the D.C. Public School System. My conclusion of the D.C. School System is the same as the D.C. Control Board's conclusion, that is that this system has failed the students.

The D.C. Control Board, in their own statements regarding the D.C. Public School System, said this: They said that the longer students stay in the District of Columbia public schools, the worse they do. That is the Control Board's own assessment of what has happened to the D.C. public schools. I think that is a crime to the students, to the children of the District of Columbia who are in these schools. We should not be putting them in a situation where the school system has failed them. That is wrong. That is wrong of us to allow it to take place.

We have also had hearings with General Becton, who has been put in charge of the District of Columbia public schools. He is an admirable man. He is a good man who believes he is on the toughest assignment he has ever had. He has been a general in the military and he's a quality individual. The general says to us: Give me 3 years to fix this system up. Give me 3 years to be able to get the system back correct. I know it is a failed system. I know it's not working for the children in the District. I know we have failures in it, that the test scores are not what they should be, that the schools have not performed, that they are not as safe as they should be, that we are having repair problems to the point that we can't get students in for 3 weeks—but give me 3 years to be able to fix this system up.

I sit out, as a parent who has three children, and ask myself, does my child get a second shot at the first grade during those 3 years? Or the second? Or the third grade? Those are formative, key years for students, for pupils. They don't get 3 years to wait.

I am saying, and I said this to the general, in hearings, I said: General, is it right for us to condemn that student to this system that you admit and state has failed these students? Is that fair to the student? You are saying give us 3 years to improve the school system, and I know he is going to try to do everything he can. But is it fair to this poor child? You have to stare in the face of that child and say, "I am sorry, you are not going to be able to get the quality of education that you need to have because it is going to take us some time to fix these schools or this school system." I don't think that is fair to these students. It is not fair to these pupils.

I think, frankly, if most of us in this body had children and we were living in the District of Columbia, we would not think it would be fair to our kids either to put them into the public school system in this particular situation where we have—and listen to these statistics. They are really frightful.

Let me say as well, this is about improving public education. We have to have better education in this country. We have to have better education for our children. That is what we are after. What I am after, chairing this subcommittee, is to make the District of Columbia a shining example around the world for everything, and in particular, as well, in education. But we are not there now.

Look at some of these statistics. We have fourth graders in the D.C. public school system—78 percent of fourth graders are not at basic reading levels, 78 percent. We have violence problems in the D.C. public schools. We have 26 percent of the teachers surveyed in 1995 say that they were threatened, injured, or attacked in the past year—26 percent. The national average is too high, it's at 14 percent; but 26 percent, 1 of 4 of the teachers. Of the students, 11 percent of the students were threatened or injured with a weapon during the past year—11 percent of the students. And 11 percent were avoiding school for safety reasons during the past 30 days.

Then you have the horrendous incidents that happen when you had students having sexual activity in grade school during the school day. That happened in the District of Columbia. That just touched all of us, saying this cannot be allowed to continue to take place.

This amendment is a simple amendment to try to provide a choice, an opportunity to some students who do not have it and are not able, financially. Their parents are not in a position to be able to do what most Members of Congress do. I say that on a basis of surveys that have been done of Members of Congress. Of those Members of Congress who have responded to a survey, 77 percent of Senators responded and 50 percent had sent or are sending their children to a private school. They had that option because financially we are in a position to be able to do it. And unfortunately, too many of our D.C. children are not in a financial position to be able to do this.

We need to look in their eyes and provide them a choice and provide them this option. This amendment is a simple one, to try to do that. I think it also will help us make better public schools in the District of Columbia by providing some incentive and some competition into the school system in the District of Columbia.

Mr. President, I have other points I may be making next week on this. But I simply say we cannot wait and imprison a student in a system that is a failed system. The people looking over it have already stated this is a failed system. It is not fair to the kids.

Let's say who we are protecting here. We ought to be looking exactly in that child's eye when we vote on this amendment, and say let's give this child a choice and give this child a chance and not put him in a system which, according its own people, is a failed system.

There are some good public schools in the District of Columbia but overall this system has failed. That is why I plead with my colleagues to look at this amendment and give these kids a chance. With that, I yield the floor.

Mr. STEVENS addressed the Chair.

THE PRESIDING OFFICER. The Senator from Alaska is recognized.

Mr. STEVENS. I thank the Chair.

(The remarks of Mr. STEVENS and Mr. MURKOWSKI pertaining to the introduction of legislation are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. BUMPERS. Mr. President, I ask unanimous consent the pending amendment be temporarily laid aside in order for me to proceed for 1 minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

## DEPARTMENT OF DEFENSE APPROPRIATIONS CONFERENCE REPORT

Mr. BUMPERS. Mr. President, there were five votes against the conference report on Defense appropriations. I was one of those five. I do not presume to speak for any of the others. I speak only for myself, and I will speak at length on my reasons next week.

But I just want to say tonight that by adopting that conference report we are embarking on the building of a fighter plane called the F–22, which is going to be twice as expensive as any fighter plane ever built. My guess is that it will cost somewhere between $70 and $100 billion when it is finished, for 339. We are embarking on a $4 billion cost of retrofitting the Pacific fleet with D–5 missiles on ships which are already equipped with C–4's, and the C–4's will outlive the ships they are on. And for a lesser reason, of course, the $331 million in the bill on the B–2 bomber.

Mr. President, if you want to spend this for new bombers, be my guest. If you don't, put it in spare parts. If they need spare parts for B–2's, let's appropriate the money to do it. But let's not use that kind of shenanigan to get $331 million in here and hope we can crank up the B–2 program again. We are talking about ringing up new expenditures of close to $100 billion in this. I will elaborate more extensively next week.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, I ask unanimous consent the pending amendment be set aside so I can make some brief remarks about the judge that we just confirmed here in the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

## CONGRATULATIONS TO KATHARINE SWEENEY HAYDEN

MR. LAUTENBERG. Mr. President, I am very pleased that the Senate has so promptly taken up the nomination of Katharine Sweeney Hayden to serve as a Federal district court judge for the District of New Jersey.

I had the high honor and privilege of recommending Judge Hayden to President Clinton this past February. After review, the President nominated her for this position on June 5, 1997. Judge Hayden's nomination was approved by the Senate Judiciary Committee just weeks later, on July 10, and now we have her nomination before the full Senate. Judge Hayden's nomination has moved this quickly, I believe, because she is a superb candidate who will make an outstanding judge.

Mr. President, recommending candidates to the President for the Federal judiciary is one of the most important aspects of my job as a U.S. Senator. In making these recommendations, I know that I am helping to place someone on the Federal bench who will hold the law and the lives of thousands of Americans in her hands. This is an awesome responsibility and the bedrock on which our Government is founded—a system of justice based on the law. It is incumbent upon us in confirming a judge to know that she has a deep love, respect, and knowledge of the law, an intellect equal to the task, the temperament to preside fairly in the courtroom and treat all with the respect they deserve, and the skill to manage her cases and dispense justice with deliberation but also expedition. Judge Hayden meets all these tests and more.

Mr. President, the respect and admiration for Judge Hayden among those who know her in New Jersey is unanimous. She possesses all of the skills and attributes needed to successfully shoulder the responsibilities of a Federal judge. Her experience in the U.S. attorney's office in New Jersey, in private legal practice, and as a State court judge provide a solid foundation for her upcoming Federal service.

Mr. President, I can also tell the Senate that Judge Hayden possesses a sharp intellect and a keen analytic ability, exceptional courtroom demeanor, and a strong work ethic. She is held in high regard by all segments of the New Jersey legal community, and is strongly supported by her peers on the State and Federal bench. This high evaluation is shared by the litigants and lawyers whom she has represented, worked with, or have appeared before her.

Katharine Sweeney Hayden will bring a breadth of experience—from the courtroom and elsewhere—to the Federal bench. She is currently a judge of the Superior Court of New Jersey—Criminal Division, sitting in Essex County.

Judge Hayden received her undergraduate degree from Marymount College in 1963, and attended graduate school at Bowling Green State University and Seton Hall University, where she earned a master's degree in English literature in 1972 and served as adjunct professor of English.

She received her law degree from Seton Hall University School of Law cum laude in 1975. Upon graduation, she clerked for the Justice Robert Clifford of the New Jersey Supreme Court.

Upon completing her clerkship, Judge Hayden worked in the U.S. attorney's office in New Jersey, before establishing a private practice, which she pursued for 13 years. In recognition of her contribution to the legal profession and the esteem in which she is held by her colleagues, Katharine was elected as the first woman president of the Morris County Bar Association. She was appointed to the New Jersey bench in 1991.

Mr. President, I am pleased to report that Judge Hayden has received a "well qualified" rating from the American Bar Association. This is the highest rating for a judicial nominee.

In recognition of her talent, organizational skills, and knowledge of the law, Judge Hayden has been selected to undertake special assignments by the judiciary and State Bar Association of New Jersey. These assignments include service on professional committees on ethics as well as judicial committees on administrative, professional, and substantive matters. Most recently, she was chosen to develop and preside as the first judge of a drug court soon to be established in Essex County, NJ.

Mr. President, I would also like to report to the Senate that Judge Hayden has stressed to me her view that a judge has a responsibility to be fair, to cherish the law and our Constitution, and to treat every lawyer and litigant before her with respect. She has also expressed to me her honor at being nominated for this appointment, and her deep commitment to serving the public and to administering justice fairly for all who appear before her.

Mr. President, Katharine Sweeney Hayden has all of the personal attributes and professional qualifications one could wish for in a judge. And then some.

So, Mr. President, I commend Katharine Hayden to the Senate and, anticipating her confirmation, congratulate her on her appointment, and wish her all the best in her new position. I am very proud to have recommended her to President Clinton. I hope she will serve on our district court for many years. I know she will serve with distinction, dispensing justice to each person who appears before her with compassion, fairness, and wisdom.

Mr. President, I close by saying the country will be well served by the services of Katherine Sweeney Hayden on the bench. We look forward to having her on the court in New Jersey, and I am sure we will continue to hear only the finest about the work she has done and the character that she has brought to her decisions as part of the court.

I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that I might be permitted to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

## THE IMPORTATION OF SEMIAUTOMATIC ASSAULT RIFLES

Mrs. FEINSTEIN. Mr. President, about 2 weeks ago it came to my attention that several countries may be exporting semiautomatic assault weapons into this country despite the 1968 Gun Control Act, which limits the importation of these weapons.

When I asked the ATF to explain why these weapons were granted import permits, I learned that ATF, in the last few years, has not applied—or at least has not been consistent in applying—a standard of review for importation of weapons set by Congress under the 1968 Gun Control Act, a standard which has been specifically applied to semiautomatic rifles and shotguns since 1984.

The Gun Control Act of 1968 allows importation of only those types of firearms "generally recognized as particularly suitable for, or readily adaptable to, sporting purposes."

### DEFINITION OF SPORTING PURPOSES

In 1984, ATF conducted a comprehensive analysis of the sporting purposes of rifles and shotguns. They looked at the legislative history, studied the available literature, made a technical evaluation of the weapons, and conducted a wide-ranging comprehensive survey and determined that there were clear differences between semiautomatic assault rifles and semiautomatic rifles used in traditional sports.

The term "sporting purposes" refers to traditional sports such as target shooting, skeet and trap shooting, and hunting.

In 1989, with the support of President Bush, ATF announced the import ban of more than 40 semiautomatic assault weapons. ATF subsequently ruled most of the weapons not legal for importation, stating that "There is nothing in the law to indicate the term 'sporting purposes' was intended to recognize every conceivable type of activity or competition which might employ a firearm."

A June 30 ruling by the Eleventh Circuit Court of Appeal heard that: "The Secretary of the Treasury had implied authority under the Gun Control Act to order temporary suspension."

Further, the Court's decision stated that arguments against the suspension of these weapons "places too much emphasis on the rifle's structure for determining whether a firearm falls within the sporting purpose exception. While the Bureau must consider the rifle's physical structure, the Act requires the Bureau to equally consider the rifle's use."

I do not believe that ATF is currently applying the sporting purposes test based on their own analysis in approving import permits for semiautomatic assault rifles.

As a result of this inconsistency in the standards of review, tens of thousands of military-style assault weapons may, in fact, be coming in to the country from all over the world.

I have spoken directly to President Clinton about this—and I am joined so far by 30 of my colleagues in this request—and that is that he temporarily suspend importation of specific semiautomatic weapons until a determination can be made as to the suitability of these weapons for sporting purposes as required by this Federal statute.

Let me point out that the 1994 assault weapons legislation was not intended, nor do I believe it does, supersede or conflict with the 1968 law.

I have requested from ATF a list of all semiautomatic weapons granted import permits in the last 2 years and the specifications for those weapons, where they are going and to whom, and whether the manufacturer is state or privately owned. They indicate it will take 4 more weeks to provide it.

As of this moment, though, one particular case stands out. It involves a munitions manufacturer owned by our friend and ally, the Government of Israel. The reason we know this is because Israel was up front and indicated to the ATF what weapons they were planning to export. The Los Angeles Times reported the pending export as a part of a recent investigation. That is how I found out, and I now believe and am concerned that a flood of weapons may be taking place into this Nation.

Israel Military Industries, a Government-owned munitions manufacturer, has been granted permission to export to the United States for commercial sale tens of thousands of semiautomatic assault weapons. The weapons, the Uzi American and the Galil Sporter are modeled after weapons used and created for the Israeli military.

The Uzi, because of its reliability and accuracy, has been used by the armed forces of over 20 nations, including the U.S. Secret Service. It features a large pistol grip that extends beneath the center of the body of the weapon. The Uzi is touted as "lethality in a tiny package" by a reference book called "The World's Greatest Small Arms." The author of that manual explains that the Uzi grip "is positioned roughly at the point of balance of the gun which makes the weapon much easier to control when firing bursts."

The text goes on to explain that the ammunition feed is through the butt and magazines are inserted from below the grip, "a system that helps the firer replace magazines quickly, especially in the darkness."

The Uzi American planned for export, according to ATF, is based on the Uzi minicarbine. Except for the shorter length and changes to the stock, again according to the reference book, "is virtually, in all other respects, identical to the Uzi carbine" which was barred from importation in 1989 by the ATF under President Bush's order.

The Galil was created in Israel subsequent to the Six Day War in 1967. The Israeli military, looking for a lighter, more convenient weapon, enlisted a design team to combine the best features of the AK–47 and the M–16 rifle. The weapon was finished in 1972 and was used in the 1973 Yom Kippur war.

The modified version of the Galil now planned for export, as it has been described to me, in addition to being designed for semiautomatic fire, is modified as follows:

The bayonet mount was removed. The threaded muzzle for attaching a flash suppressor was removed. And the folding stock, designed for concealability, is replaced by a fixed wooden stock.

The protruding pistol grip, which enables the weapon to be held at the hip to spray fire, was modified by essentially attaching a wood bridge that connects the pistol grip and the stock, called a thumbhole grip. A key point that the ATF ruled is that the grip, as redesigned, protrudes conspicuously and, therefore, still constitutes a pistol grip, an assault weapon characteristic under the 1994 Federal law.

Both the Uzi and Galil, as modified, would be exported with a standard 10-round ammunition clip as required by U.S. law.

However, these weapons are capable of accepting 30-, 50-, and 100-round magazines, millions of which are available and still legally sold in this country and still imported, although they are banned from importation.

Now, even as modified, the Uzi and Galil are capable of firing bullets as fast as the operator can pull the trigger. They each possess a grip that allows the weapon to be fired from the hip, and ATF indicates that with a few alterations, they are able to be made fully automatic.

In short, these are the same type of weapons that many Americans are trying to keep off our streets and out of the hands of criminals. I believe that the permitted importation of tens of thousands of these weapons is a terrible mistake on the part of the ATF. Assault weapons, like the Uzi and the AK–47, which is similar to the Galil, are weapons often used against police, often with deadly results. Let me give you some examples.

A case with which I am very familiar—and I have talked to the commanding officer of this officer who hails from my city, and the incident took place a few blocks from my home—a San Francisco police officer by the name of James Guelff was on duty one November night in 1994. A young father, he was usually the first to arrive on the scene of a crime.

That night, a call came in about a sniper firing at civilians at Pine and California Streets. The perpetrator was armed with several assault rifles and pistols, including a 9-millimeter Uzi semiautomatic pistol, 30- and 50-round clips and more than a thousand rounds of ammunition. He had more firepower than the entire complement of 104 police officers responding to the scene combined.

Officer Guelff, a highly decorated 10-year police veteran, was the first to arrive on the scene. He was immediately pinned down by assault rifle fire. He was struck while attempting to reload his police-issue revolver. He bled to death while his fellow officers and rescue team tried in vain to reach him. Because the suspect was wearing body armor and a Kevlar helmet, officers had to try to angle their shots under the helmet to bring him down. Several other people were shot and injured before the suspect was killed.

Following that incident, I authored legislation which increases criminal sentences for using body armor in the commission of a crime. Thanks to you, Mr. President, as you know, that legislation, called the James Guelff Body Armor Act, is currently included in S. 10, the juvenile crime bill now before the Senate, and I should say thanks to the chairman of the committee, Senator HATCH.

Less than 1 month ago, police in Tacoma, WA, faced a man with an SKS assault rifle. The man fired on police and struck Officer William Lowry twice, killing him. The rifle, police say, was modified to carry a high-capacity magazine and to fire automatically.

Last February, in Los Angeles, two would-be bank robbers took on approximately 350 police officers from 5 agencies in a major shootout in Hollywood, Los Angeles. The criminals were armed with three fully automatic Norinco assault weapons, modeled after the AK-47, an import from China, a fully automatic HK-9 imported from Germany, a fully automatic Bushmaster assault weapon modeled after the banned AR-15, and a semiautomatic Berreta 9-millimeter pistol. These weapons had all been altered to be made fully automatic.

The perpetrators wore body armor from their neck to their ankles, even going so far as to duct tape body armor to any part of their body that could possibly be exposed. They fired 1,100 rounds of ammunition from high-capacity magazines that could hold as many as 50 bullets, taping them together in a unique way so that they can be replaced quickly in a style used by soldiers in combat. They wounded 11 police officers and 7 civilians before being shot and killed.

This has been shown on many television shows. There is footage of it from beginning to end. I can tell you, the streets resemble a war zone. Police on the scene were so outgunned that they had to go to a nearby gun store and borrow assault-type weapons in order to match the gunmen's firepower. Governor Wilson has now provided weapons to police departments which are fully automatic, again escalating the battle on our streets.

In addition to Officers Guelff and Lowry, Officer William Christian of Washington, DC, was killed with a MAC–11 in 1995;

Officer John Novabilski of Prince Georges County, MD, killed with a MAC–11 in May 1995;

Officer John Norcross of Haddon Heights, NJ, killed with an AK-47 in April of 1995;

Officer Timothy Howe of Oakland, killed with an AK–47, April 1995;

Officer Daniel Doffyn of Chicago, killed with a TEC–9, March 1995;

Officer Henry Daly, Washington, DC, killed with a TEC–9, November 1994;

Officer Michael Miller of Washington, DC, killed with a TEC–9 in November 1994.

Officer Martha Dixon-Martinez of Washington, DC, killed with a TEC–9 in November 1994.

Officer Julio Andino-Rivera, of Puerto Rico, killed with an AR–15 in September 1994;

Officer Dan Calabrese of Winslow Township, NJ, killed with an Uzi in June of 1994;

And a case I often use, a rookie police officer in Los Angeles on her first call, the top rookie of her class, Christy Hamilton, killed with an AR–15 responding to a domestic violence call.

These weapons are not designed for sporting purposes. They are not designed for hunting. They are the weapons of choice for grievance killers, for gangs, and for those who go up against the police.

They are designed to kill large numbers of people in combat, just as the Uzi and the Galil were designed for the Israeli military to do just that. They have no place on the streets of a civilized society.

Israel has been a friend and an ally to the United States, a friendship I and other Members of this body have strongly supported. It is my personal hope—and I have written to Prime Minister Netanyahu and expressed this—that a nation that understands, perhaps better than most, the paramount importance of any government's responsibility to ensure the safety and security of its people will understand that there is a moral issue at stake here that far outweighs any commercial value the sale of these weapons holds for their country.

There is a munitions manufacturer owned by the State of Israel. And by advancing this export, the Israeli Government is putting the official imprimatur of its people on the commercial sale of weapons designed, not for hunting but for combat, not to protect but to kill.

It is my earnest hope that the Israeli Government will respond to these importunings and will lead the way in and set an example for others to follow.

More than 4,000 people were killed by gang violence in Los Angeles alone in one 5-year period—1991 to 1995—gangs that all too often use these kinds of weapons to terrorize and control neighborhoods.

We do not need more of these weapons on our streets.

As I said, I have asked Prime Minister Netanyahu to personally intervene to stop the export of these weapons to the United States.

I have personally had the opportunity to discuss this with the Israeli Ambassador to the United States. Once again, I appeal to the Prime Minister's sense of what is right and, in the best interest of our continued friendship and the mutual security of our two people, to please prevent this sale.

It is important also to understand that we are not singling out only those weapons being exported by Israel. I have requested information on semiautomatic rifles that have been approved for importation from more than 17 other countries that may have similar military features which distinguish them from the traditional definition of a sporting rifle.

To the extent that any other such weapons are discovered, and if such weapons are manufactured by Government-owned entities as is the case with these weapons, I will be making the same request of those government leaders as well.

In the meantime, 30 of us now urge President Clinton to use his executive authority to temporarily suspend this importation of weapons and to direct the ATF to use the traditional sporting purposes standard in determining whether any semiautomatic assault weapons should be approved for importation to the United States.

I thank the Chair, and I yield the floor.

Mr. FAIRCLOTH addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina.

## MORNING BUSINESS

Mr. FAIRCLOTH. Mr. President, I ask unanimous consent that there now be a period for the transaction of morning business with Senators permitted to speak for up to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

## CASTRO'S CUBA IS A CRUEL AND FULL-BLOWN PURGATORY

Mr. HELMS. Mr. President, I have at hand an impressive article detailing the oppression that the people of Cuba have long suffered, and still suffer to this day. It was written by Carrol Fisher of Salisbury, NC, and I decided that it should be made available to all Senators—and to others who are concerned about the dictatorship 90 miles off our shores.

Carrol Fisher is a World War II Navy veteran whose first visit to Cuba was in

1944. He fell in love with the island and its people, including the young lady who became his wife 40 years ago. He and Mrs. Fisher [Sonia] returned to Cuba recently to visit his seriously ill sister-in-law. During that visit, he observed the degrading state of affairs in Cuba, the results of Castro's oppressive military government.

When he returned to Salisbury, Mr. Fisher wrote a detailed account of what he had witnessed in Cuba. The article, published in the Salisbury (NC) Post, counsels that the United States under no circumstances should yield in its opposition to Fidel Castro's brutal regime.

Mr. President, I ask unanimous consent that Mr. Fisher's article be printed in the RECORD and the conclusion of my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Salisbury (NC) Post, Aug. 12, 1997]

### Castro's Cuba Is a Cruel and Full-Blown Purgatory

(By Carrol J.W. Fisher)

[EDITOR'S NOTE: Carrol J.W. Fisher and his wife, Sonia, who had not seen her native Cuba for 38 years, were recently granted special permission to visit Sonia's seriously ill sister. Two of their four children, Luke and Mimi, went with them.]

Knowing that conditions in Havana are hard—at least by American standards—is one thing.

Seeing the sad and pitiful conditions and the obvious presence of a military state is another.

We were immediately shocked, revolted and angry to find a manned military station almost every two blocks on Quinta Avenida (5th Avenue), the main travel artery in Havana, where our hotel, the Comodoro, was on the ocean.

Security personnel, wearing blue trousers, white shirts and ties, were armed with hand-held radios and/or side arms and monitored every activity of hotel life.

No matter what their dress, they were military men—and I believe our every move was watched and charted. We were the only Americans in the hotel and, the waiters told us, most likely the only Americans who will visit the hotel this year, even though it was for tourists with American dollars.

Local Cubans were not welcome. They could not drive their ragged automobiles to the hotel entrance. They could not park in the parking lot. They were not permitted to go into the guest's rooms. A very small number was tolerated in the lobby.

Sonia was injured while we were there, and I insisted the guard permit some of her relatives into our room. Just as soon as I left for the hospital, they were required to leave and return to the lobby.

Apparently, this military dictatorship is highly organized and so closely administered that every phase of life in Cuba today is controlled by Castro. A medical doctor is paid between 400 and 600 hundred pesos—or, at 22 pesos to a dollar—between $18 and $27 a month. More than one of the drivers of state-controlled taxis told us he is paid 140 pesos—or $6.32—a month.

At our hotel, graduate engineers were washing windows. An electronics engineer was training to be a waiter. A University of Havana graduate in language, a young man who spoke good English, was also training to be a waiter rather than teach English at the university.

I met a friend I knew in the '50s who had studied in an American university. At great personal risk, he supported Castro's revolution, carried ammunition, food, radios, medicines, etc., from the Guantanamo Naval base to the Rebels in the Oriente Mountains, labored for Castro's regime almost 40 years and alienated most of his blood family.

Today he works in a sensitive job 12- and 14-hour-days and is paid 325 pesos or $14.77 a month.

I visited a number of other Cuban friends I knew in the 1950s. Their households were much alike. There were no recent photographs because they cannot afford a camera or the film that sells in Castro's stores for American dollars. They have no adequate radio, no working television, no transportation except maybe one Chinese bicycle. They have no wrist watches except some pitiful Soviet watches that lose 5 minutes each day. They are allowed one 100-pound tank of LP gas from Mexico for cooking and hot water at a cost of 11 pesos. If and when this tank is empty, a replacement costs $26 (572 pesos) which is more than a month's wages.

So much walking is necessary, but no one seemed to have adequate walking shoes. Most of my friends' family members have very few clothes, and what they do have is worn and mostly in tatters.

#### POOR LIVING CONDITIONS

Kitchens and baths are old and tired. Faucets leak and drip. So do the drains under the sinks and lavatories. Very few houses showed any signs of having been repaired or painted.

People are required to attend block meetings where they gossip and report the activities of their neighbors. I took my Timex watch off and gave it to one of my friends. He was happy and pleased but afraid to wear it for fear of the neighbors. They are morose and have little optimism or hope.

Since the Soviets fell and their aid ceased, Castro calls this "A Special Time." The adjective they use to describe this special time is "siempre," English for "always."

Quinta Avenida, the main avenue in all Havana, is deteriorating badly, the paving is cracked and very rough, as are the sidewalks and curbs. I saw holes 3 feet deep washed out behind storm gratings that were dangerous to the many pedestrians. Most of the lampposts had wires pulled out and taped together.

Generally the infrastructure of Havana streets—bridges, walks, parks—is in very poor condition. But the military manned their innumerable posts.

I was introduced to Cuba in 1945 while flying off the carrier Roosevelt. I returned to Guantanamo Naval Base while flying with an anti-submarine squadron. I loved the people. They worked hard building their houses and families. They were fun to be with, happy and lighthearted, had many parties, and danced to wonderful music.

I have lived and visited many countries in the world but never found one like Cuba, where the weather enfolds you in a pleasant comfort zone and the eye rests on pure beauty.

While I was there, I met a school teacher, Sonia, and fell desperately in love, courting her for three years before we married. We have lived in the USA together since October 1957. We have three wonderful sons and a beautiful daughter, all university educated, married successfully, and they have given us six lovely grand children.

#### BEAUTY HAS DISAPPEARED

But the beautiful Cuba I knew is no more.

I am not qualified to evaluate or judge Fidel Castro's motives for turning a beautiful country into a lower level Third World country. If he is altruistic and wants what is best for the Cuban people, then as an economist, he is an idiot, and his understanding of human psychology is on the level of a moron.

I do not believe he is either of the two.

He was raised in a cultured family, is a graduate of the University of Havana and an experienced attorney. He is a battle-tested military leader who defeated his enemies.

His motivation must come from a super ego that demands that he wield total control over the Cuban society and over the life of each individual Cuban. The terrible injustice, and imbalance he has thrust into the lives of the Cuban people has engendered mistrust, suspicion and jealousy of neighbor for neighbor. His system is destroying the incentive to work and achieve, to make free and independent decisions for their own lives, to hope for something better for their children, and maybe enjoy some measure of peace and happiness for their senior years.

The depth of sadness that pervades the Cuban society today is only exceeded by the pervasive evil of a communist system that is destroying the higher human qualities of millions of people..

Castro made the deliberate choice to embrace Marxism-Leninism at a time that most world leaders had already decided that it was a total failure.

#### WHERE IS CASTRO?

I saw no sign of Fidel Castro on any billboard or building as we drove around Havana. It is as if he does not exist. One does see signs of Che Guevara, but not Castro. I heard not one single word of condemnation or support for Fidel Castro, but I did hear a lot of criticism of the system.

As we arrived back in the United States, my daughter, Mimi, said, "What disturbs me most its that Castro has succeeded in making the Cuban people equally poor—from the doctor who makes $18 to $26 a month and must drive a cab at night just to make ends meet, to the waiter in training who is not paid anything. They are all victims of Castro."

"The trip was a pilgrimage," Sonia said. "I went, I prayed, I visited what is left of my family there. But, this Cuba is not my home." And there were tears.

I am joining Senator Helms, the Miami Cuban community, even Mas Canosa, and the conservatives who unfailingly resist any softening of the Cuban embargo.

The Cuban people are suffering badly and should be relieved. But any plan of relief advanced so far will strengthen Castro and his ever-tightening control of every facet of the lives of every single Cuban living in that unhappy island. This is a very difficult decision, but I believe it must be made.

While we were in Cuba, two hotels were bombed, a school was totally destroyed by fire, and I was told by a man who left Santiago, Monday, July 14, that the downed aircraft out of that city that killed all 40 aboard was the work of a terrorist bomb.

He also told me that life in Oriente Province—the one that gave Castro his start—is so desperate that they were leaving in droves to go to Havana.

#### WHAT OF FUTURE?

Buy today they are being forced to return. Now they are referred to as Palestinians, for they have no home. Just before I left Cuba, I tried to quietly warn my Cuban friends that the Miami Cubans were very wealthy, that they are very powerful, and that they hate Fidel Castro with a deep and pervasive hate, and there is no sign that they will ever relax this hate. I told my friend to be aware of this fact and that they should take what ever precautions they can take.

Do I believe that Fidel Castro is a threat to this country? At this time the answer is no. There are groups of academicians going from university to university in the U.S. conducting seminars designed to promote Castro.

But we must keep in mind that Castro, who is desperate, can and might at any time turn over a chunk of the Cuban island to any number of countries hostile to the U.S. They would be just 90 miles from our shore. Do I have any trust in Castro? Absolutely none.

While we were waiting in the Jose Marti Airport, we talked to a Cuban lady from the U.S. who was visiting relatives for the first time in 30 years. With her was her daughter and her daughter's friend. Both the young ladies were attorneys with the N.Y. Justice Department and appeared to be in their mid-30s. We asked the friend of the daughter if she would ever make a return visit to Cuba.

"Yes," she said quietly, "in a thousand years," and then she added, "when I get back to New York City, I will break out my American flag. I will wave that flag. I will play the 'Star Spangled Banner.' And I will behave like the most patriotic American you have ever seen."

## U.S. FOREIGN OIL CONSUMPTION FOR WEEK ENDING SEPTEMBER 19

Mr. HELMS. Mr. President, the American Petroleum Institute reports that for the week ending September 19, the United States imported 8,526,000 barrels of oil each day, 1,230,000 barrels more than the 7,296,000 imported each day during the same week a year ago.

Americans relied on foreign oil for 57.3 percent of their needs last week, and there are no signs that the upward spiral will abate. Before the Persian Gulf war, the United States obtained approximately 45 percent of its oil supply from foreign countries. During the Arab oil embargo in the 1970's, foreign oil accounted for only 35 percent of America's oil supply.

Anybody else interested in restoring domestic production of oil? By U.S. producers using American workers?

Politicians had better ponder the economic calamity sure to occur in America if and when foreign producers shut off our supply—or double the already enormous cost of imported oil flowing into the United States—now 8,526,000 barrels a day.

## THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Wednesday, September 24, 1997, the Federal debt stood at $5,384,224,726,974.01. (Five trillion, three hundred eighty-four billion, two hundred twenty-four million, seven hundred twenty-six thousand, nine hundred seventy-four dollars and one cent)

One year ago, September 24, 1996, the Federal debt stood at $5,195,855,000,000. (Five trillion, one hundred ninety-five billion, eight hundred fifty-five million)

Five years ago, September 24, 1992, the Federal debt stood at $4,043,587,000,000. (Four trillion, forty-three billion, five hundred eighty-seven million)

Ten years ago, September 24, 1987, the Federal debt stood at $2,336,418,000,000. (Two trillion, three hundred thirty-six billion, four hundred eighteen million)

Fifteen years ago, September 24, 1982, the Federal debt stood at $1,110,360,000,000 (One trillion, one hundred ten billion, three hundred sixty million) which reflects a debt increase of more than $4 trillion—$4,273,864,726,974.01 (Four trillion, two hundred seventy-three billion, eight hundred sixty-four million, seven hundred twenty-six thousand, nine hundred seventy-four dollars and one cent) during the past 15 years.

## MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

### EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

## REPORT CONCERNING THE NATIONAL EMERGENCY WITH RESPECT TO ANGOLA—MESSAGE FROM THE PRESIDENT—PM 69

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report, which was referred to the Committee on Banking, Housing, and Urban Affairs.

*To the Congress of the United States:*

I hereby report to the Congress on the developments since my last report on April 4, 1997, concerning the national emergency with respect to Angola that was declared in Executive Order 12865 of September 26, 1993. This report is submitted pursuant to section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c).

On September 26, 1993, I declared a national emergency with respect to the National Union for the Total Independence of Angola ("UNITA"), invoking the authority, *inter alia*, of the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) and the United Nations Participation Act of 1945 (22 U.S.C. 287c). Consistent with United Nations Security Council Resolution 864, dated September 15, 1993, the order prohibited the sale or supply by United States persons or from the United States, or using U.S.-registered vessels or aircraft, of arms and related materiel of all types, including weapons and ammunition, military vehicles, equipment and spare parts, and petroleum and petroleum products to the territory of Angola other than through designated points of entry. The order also prohibited such sale or supply to UNITA. United States persons are prohibited from activities that promote or are calculated to promote such sales or supplies, or from attempted violations, or from evasion or avoidance or transactions that have the purpose of evasion or avoidance of the stated prohibitions. The order authorized the Secretary of the Treasury, in consultation with the Secretary of State, to take such actions, including the promulgation of rules and regulations, as might be necessary to carry out the purposes of the order.

1. On December 10, 1993, the Treasury Department's Office of Foreign Assets Control (OFAC) issued the UNITA (Angola) Sanctions Regulations (the "Regulations") (58 *Fed. Reg.* 64904) to implement my declaration of a national emergency and imposition of sanctions against UNITA. The Regulations prohibit the sale or supply by United States persons or from the United States, or using U.S.-registered vessels or aircraft, of arms and related materiel of all types, including weapons and ammunition, military vehicles, equipment and spare parts, and petroleum and petroleum products to UNITA or to the territory of Angola other than through designated points of entry. United States persons are also prohibited from activities that promote or are calculated to promote such sales or supplies to UNITA or Angola, or from any transaction by any United States persons that evades or avoids, or has the purpose of evading or avoiding, or attempts to violate, any of the prohibitions set forth in the Executive order. Also prohibited are transactions by United States persons, or involving the use of U.S.-registered vessels or aircraft, relating to transportation to Angola or UNITA of goods the exportation of which is prohibited.

The Government of Angola has designated the following points of entry as points in Angola to which the articles otherwise prohibited by the Regulations may be shipped: *Airports:* Luanda and Katumbela, Benguela Province; *Ports:* Luanda and Lobito, Benuela Province; and Namibe, Namibe Province; and *Entry Points:* Malongo, Cabinda Province. Although no specific license is required by the Department of the Treasury for shipments to these designated points of entry (unless the item is destined for UNITA), any such exports remain subject to the licensing requirements of the Departments of State and/or Commerce.

There has been one amendment to the Regulations since my report of April 3, 1997. The UNITA (Angola) Sanctions Regulations, 31 CFR Part 590, were amended on August 25, 1997. General reporting, recordkeeping, licensing, and other procedural regulations were moved from the Regulations to a separate part (31 CFR Part 501) dealing solely with such procedural matters. (62 *Fed. Reg.* 45098, August 25, 1997). A copy of the amendment is attached.

2. The OFAC has worked closely with the U.S. financial community to assure a heightened awareness of the sanctions against UNITA—through the dissemination of publications, seminars, and notices to electronic bulletin boards. This educational effort has resulted in frequent calls from banks to assure that they are not routing funds in violation of these prohibitions. United States exporters have also been notified of the sanctions through a variety of media, including via the Internet, Fax-on-Demand, special fliers, and computer bulletin board information initiated by OFAC and posted through the U.S. Department of Commerce and the U.S. Government Printing Office. There have been no license applications under the program since my last report.

3. The expenses incurred by the Federal Government in the 6-month period from March 26, 1997, through September 25, 1997, that are directly attributable to the exercise of powers and authorities conferred by the declaration of a national emergency with respect to UNITA are approximately $50,000, most of which represent wage and salary costs for Federal personnel. Personnel costs were largely centered in the Department of the Treasury (particularly in the Office of Foreign Assets Control, the U.S. Customs Service, the Office of the Under Secretary for Enforcement, and the Office of the General Counsel) and the Department of State (particularly the Office of Southern African Affairs).

I will continue to report periodically to the Congress on significant developments, pursuant to 50 U.S.C. 1703(c).

WILLIAM J. CLINTON.

THE WHITE HOUSE, *September 24, 1997.*

## MESSAGES FROM THE HOUSE

At 1:37 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 2266) making appropriations for the Department of Defense for the fiscal year ending September 30, 1998, and for other purposes.

### ENROLLED BILLS SIGNED

At 6:08 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

H.R. 2209. An act making appropriations for the Legislative Branch for the fiscal year ending September 30, 1998, and for other purposes.

H.R. 2248. An act to authorize the President to award a gold medal on behalf of the Congress to Ecumenical Patriarch Bartholomew in recognition of his outstanding and enduring contributions toward religious understanding and peace, and for other purposes.

H.R. 2443. An act to designate the Federal Building located at 601 Fourth Street, N.W., in the District of Columbia, as the "Federal Bureau of Investigation, Washington Field Office Memorial Building," in honor of William H. Christian, Jr., Martha Dixon Martinez, Michael J. Miller, Anthony Palmisiano, and Edwin R. Woodriffe.

The enrolled bills were signed subsequently by the President pro tempore [Mr. THURMOND].

## MEASURE PLACED ON THE CALENDAR

The following measure was discharged from committee and ordered placed on the calendar:

S. 25. A bill to reform the financing of Federal elections.

## EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–3040. A communication from the Acting Assistant Secretary of the Interior for Fish and Wildlife and Parks, transmitting, pursuant to law, a rule entitled "Migratory Bird Hunting" (RIN1018-AE14) received on September 23, 1997; to the Committee on Environment and Public Works.

EC–3041. A communication from the General Counsel of the Federal Retirement Thrift Investment Board, transmitting, pursuant to law, three rules including a rule entitled "Correction of Administrative Errors" received on September 18, 1997; to the Committee on Governmental Affairs.

EC–3042. A communication from the Chairman of the U.S. Merit Systems Protection Board, transmitting, pursuant to law, a report entitled "Adherence to the Merit Principles in the Workplace: Federal Employees' Views"; to the Committee on Governmental Affairs.

## REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. SPECTER, from the Committee on Veterans' Affairs, without amendment:

S. Res. 126: An original resolution authorizing supplemental expenditures by the Committee on Veterans' Affairs (Rept. No. 105–87).

By Mr. STEVENS, from the Committee on Appropriations:

Special Report entitled "Further Revised Allocation to Subcommittees of Budget Totals from the Concurrent Resolution for Fiscal Year 1998" (Rept. No. 105–88).

By Mr. McCAIN, from the Committee on Commerce, Science, and Transportation, with amendments:

S. 363: A bill to amend the Communications Act of 1934 to require that violent video programming is limited to broadcast after the hours when children are reasonably likely to comprise a substantial portion of the audience, unless it is specifically rated on the basis of its violent content so that it is blockable by electronic means specifically on the basis of that content (Rept. No. 105–89).

## EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. THURMOND, from the Committee on Armed Services:

The following United States Army Reserve officer for promotion in the Reserve of the Army to the grade indicated under title 10, United States Code, sections 14101, 14315 and 12203(a):

*To be brigadier general*

Col. James W. Comstock, 5456

The following-named officer for appointment in the Regular Army to the grade indicated under title 10, United States Code, section 624:

*To be brigadier general*

Col. Antonio M. Taguba, 8375

The following-named officers for appointment in the U.S. Army to the grade indicated under title 10, United States Code, section 624:

*To be major general*

Brig. Gen. John G. Meyer, Jr., 2481
Brig. Gen. Robert L. Nabors, 5042

The following-named officer for appointment in the U.S. Army to the grade indicated under the provisions of title 10, United States Code, section 624:

*To be major general*

Maj. Gen. Robert G. Claypool, 3837

The following Army National Guard of the United States officers for appointment in the Reserve of the Army to the grade indicated under title 10, United States Code, section 12203:

*To be major general*

Brig. Gen. Earl L. Adams, 7836
Brig. Gen. John E. Blair, 7500
Brig. Gen. James G. Blaney, 3984
Brig. Gen. Don C. Morrow, 3878
Brig. Gen. Thomas E. Whitecotton III, 8348
Brig. Gen. Jackie D. Wood, 3739

*To be brigadier general*

Col. Stephen E. Arey, 3536
Col. George A. Buskirk, Jr., 3156
Col. William A. Cugno, 3772
Col. Joseph A. Goode, Jr., 0823
Col. Stanley J. Gordon, 4035
Col. Larry W. Haltom, 3555
Col. Daniel E. Long, Jr., 1267
Col. Gerald P. Minetti, 5388
Col. Ronald G. Young, 6486

The following-named officer for appointment in the U.S. Army to the grade indicated while assigned to a position of importance and responsibility under title 10, United States Code, section 601:

*To be lieutenant general*

Lt. Gen. George A. Fisher, 4034

The following-named officer for appointment in the U.S. Army to the grade indicated while assigned to a position of importance and responsibility under title 10, United States Code, section 601:

*To be lieutenant general*

Maj. Gen. William J. Bolt, 0705

The following-named officer for appointment in the U.S. Army to the grade indicated under title 10, United States Code, section 624:

*To be brigadier general*

Col. Henry W. Stratman, 1226

The following-named officer for appointment in the U.S. Marine Corps to the grade indicated while assigned to a position of importance and responsibility under title 10, United States Code, section 601:

*To be lieutenant general*

Lt. Gen. Peter Pace, 7426

The following-named officer for appointment in the U.S. Navy to the grade indicated under title 10, United States Code, section 624:

*To be rear admiral*

Rear Adm. (lh) Louis M. Smith, 3412

The following-named officers for appointment in the Naval Reserve to the grade indicated under title 10, United States Code, section 12203:

*To be rear admiral (lower half)*

Capt. Kenneth C. Belisle, 8016
Capt. John G. Cotton, 6982
Capt. Stephen S. Israel, 3464
Capt. Gerald J. Scott, Jr., 4136
Capt. Joe S. Thompson, 2971

The following-named officers for appointment in the Reserve of the Navy to the grade indicated under title 10, United States Code, section 12203:

*To be rear admiral (lower half)*

Capt. Howard W. Dawson, Jr., 6320
Capt. William J. Lynch, 1963
Capt. Robert R. Percy III, 4869

The following-named officer for appointment as Deputy Judge Advocate General of the U.S. Navy to the grade indicated under title 10, United States Code, section 5149:

*To be rear admiral*

Capt. Donald J. Guter, 0275

The following-named officer for appointment in the U.S. Navy to the grade indicated under title 10, United States Code, section 624:

*To be rear admiral (lower half)*

Capt. William W. Cobb, Jr., 9725

(The above nominations were reported with the recommendation that they be confirmed.)

Mr. THURMOND. Mr. President, for the Committee on Armed Services, I report favorably 36 nomination lists in the Air Force, Army, Marine Corps, and Navy which were printed in full in the Congressional Record of July 29, 31, September 3, and 15, 1997, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar, that these nominations lie at the Secretary's desk for the information of Senators:

The PRESIDING OFFICER. Without objection, it is so ordered.

(The nominations ordered to lie on the Secretary's desk were printed in the Records of July 29, 31, September 3, and 15, 1997, at the end of the Senate proceedings.)

**In the Marine Corps there is 1 appointment to the grade of lieutenant colonel (Franklin D. McKinney, Jr.) (Reference No. 479)

**In the Air Force there are 85 appointments to the grade of lieutenant colonel and below (list begins with Richard W. Aldrich) (Reference No. 480)

**In the Air Force there are 36 appointments to the grade of colonel and below (list begins with Luis C. Arroyo) (Reference No. 492)

**In the Air Force there are 4 appointments to the grade of lieutenant colonel and below (list begins with James M. Bartlett) (Reference No. 493)

**In the Army there is 1 appointment to the grade of colonel (Frank G. Whitehead) (Reference No. 494)

**In the Army Reserve there are 18 appointments to the grade of colonel (list begins with Mary A. Allred) (Reference No. 495)

**In the Army Reserve there are 11 appointments to the grade of colonel (list begins with Robert C. Baker) (Reference No. 496)

**In the Army there are 74 appointments to the grade of major (list begins with Edwin E. Ahl) (Reference No. 497)

**In the Army there are 155 appointments to the grade of lieutenant colonel (list begins with Christian F. Achleithner) (Reference No. 498)

**In the Air Force Reserve there is 1 appointment to the grade of colonel (Robert J. Spermo) (Reference No. 573)

**In the Air Force Reserve there are 4 appointments to the grade of colonel (list begins with Carl M. Gough) (Reference No. 574)

**In the Army Reserve there is 1 appointment to the grade of colonel (Shri Kant Mishra) (Reference No. 576)

**In the Army Reserve there is 1 appointment to the grade of colonel (David S. Feigin) (Reference No. 577)

**In the Army there is 1 appointment to the grade of major (Clyde A. Moore) (Reference No. 578)

**In the Army there are 3 appointments to the grade of colonel and below (list begins with Terry A. Wikstrom) (Reference No. 579)

**In the Army Reserve there is 1 appointment to the grade of colonel (James H. Wilson) (Reference No. 580)

**In the Army Reserve there are 10 appointments to the grade of colonel (list begins with Ellis E. Brambaugh, Jr.) (Reference No. 581)

**In the Army Reserve there are 19 appointments to the grade of colonel (list begins with Graten D. Beavers) (Reference No. 582)

**In the Marine Corps there is 1 appointment to the grade of colonel (William C. Johnson) (Reference No. 583)

**In the Marine Corps there is 1 appointment to the grade of major (Tony Weckerling) (Reference No. 584)

**In the Marine Corps there is 1 appointment to the grade of major (Jeffrey E. Lister) (Reference No. 585)

**In the Marine Corps there is 1 appointment to the grade of major (Harry Davis Jr.) (Reference No. 586)

**In the Marine Corps there is 1 appointment to the grade of major (Michael D. Dahl) (Reference No. 587)

**In the Marine Corps there is 1 appointment to the grade of major (James C. Clark) (Reference No. 588)

**In the Air Force there are 66 appointments to the grade of colonel and below (list begins with Joseph Argyle) (Reference No. 589)

**In the Army there are 187 appointments to the grade of colonel and below (list begins with James L. Atkins) (Reference No. 590)

**In the Army there are 1,125 appointments to the grade of lieutenant colonel (list begins with Frank J. Abbott) (Reference No. 591)

**In the Army there are 1,795 appointments to the grade of major (list begins with Madelfia A. Abb) (Reference No. 592)

**In the Naval Reserve there are 225 appointments to the grade of captain (list begins with Lawrence E. Adler) (Reference No. 593)

**In the Air Force there are 2,576 appointments to the grade of major (list begins with Arnold K. Abangan) (Reference No. 595)

**In the Army there is 1 appointment to the grade of lieutenant colonel (Rafael Lara, Jr.) (Reference No. 635)

**In the Army National Guard there are 15 appointments to the grade of colonel (list begins with Morris F. Adams, Jr.) (Reference No. 636)

**In the Marine Corps there is 1 appointment to the grade of major (John C. Kotruch) (Reference No. 637)

**In the Navy there are 13 appointments to the grade of captain (list begins with David M. Belt, Jr.) (Reference No. 638)

**In the Army there are 57 appointments to the grade of colonel (list begins with Cynthia A. Abbott) (Reference No. 639)

**In the Navy there are 872 appointments to the grade of commander (list begins with Eugene M. Abler) (Reference No. 640)

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. FAIRCLOTH (for himself, Ms. MIKULSKI, Mr. SARBANES, Mr. WARNER, and Mr. ROBB):

S. 1219. A bill to require the establishment of a research and grant program for the eradication or control of Pfiesteria piscicida and other aquatic toxins; to the Committee on Environment and Public Works.

By Mr. DODD (for himself, Mr. BINGAMAN, Mr. BUMPERS, and Mrs. MURRAY):

S. 1220. A bill to provide a process for declassifying on an expedited basis certain documents relating to human rights abuses in Guatemala and Honduras; to the Committee on Governmental Affairs.

By Mr. STEVENS (for himself, Mr. BREAUX, Mr. MURKOWSKI, and Mr. HOLLINGS):

S. 1221. A bill to amend title 46 of the United States Code to prevent foreign ownership and control of United States flag vessels employed in the fisheries in the navigable waters and exclusive economic zone of the United States, to prevent the issuance of fishery endorsements to certain vessels, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. CHAFEE (for himself, Mr. BREAUX, Mr. LIEBERMAN, Mr. FAIRCLOTH, Mr. ROBB, Mr. SARBANES, Mr.

D'AMATO, Mrs. MURRAY, Mr. MURKOWSKI, Mr. WARNER, Mr. REED, Ms. LANDRIEU, Mr. GRAHAM, Ms. MIKULSKI, Mr. DODD, Mr. MOYNIHAN, and Mr. MACK):

S. 1222. A bill to catalyze restoration of estuary habitat through more efficient financing of projects and enhanced coordination of Federal and non-Federal restoration programs, and for other purposes; to the Committee on Environment and Public Works.

## SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. SPECTER:

S. Res. 126. An original resolution authorizing supplemental expenditures by the Committee on Veterans' Affairs; from the Committee on Veterans' Affairs; placed on the calendar.

By Mr. FEINGOLD (for himself, Mr. ABRAHAM, Mr. HELMS, and Mr. WELLSTONE):

S. Res. 127. A resolution expresssing the sense of the Senate regarding the planned state visit to the United States by the President of the People's Republic of China; to the Committee on Foreign Relations.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. FAIRCLOTH (for himself, Ms. MIKULSKI, Mr. SARBANES, Mr. WARNER, and Mr. ROBB):

S. 1219. A bill to require the establishment of a research and grant program for the eradication or control of Pfiesteria piscicida and other aquatic toxins.

### THE PFIESTERIA RESEARCH ACT OF 1997

Mr. FAIRCLOTH. Mr. President, I rise to talk about a bill I am introducing today, the Pfiesteria Research Act of 1997. I thank my colleagues who have joined me as original cosponsors of this bill: Senator BARBARA MIKULSKI, Senator PAUL SARBANES and Senator JOHN WARNER.

This bill is the first Federal legislative response to this mysterious microbe which has been linked to fish kills and also to human health problems all along the east coast, but particularly in the Chesapeake Bay area and along the coast of North Carolina.

Pfiesteria has become more than a problem affecting one State and, as such, a Federal, broader response is necessary. The No. 1 need is research into this mystery, what causes it, why it occurs, and how it can be stopped.

We need to involve the best research laboratories in the country, at Government agencies, at universities, and at State agencies, to study the problem and to find a solution.

Specifically, this bill does two things. First, it authorizes the EPA, the National Marine Fisheries Service, the National Institute of Environmental Health Services, the Centers for Disease Control, and the Department of Agriculture to establish a research program for the eradication or control of Pfiesteria and other aquatic toxins.

Second, the bill directs these agencies to make grants to universities and other such entities in affected States for the eradication or control of Pfiesteria and other aquatic toxins.

Given the potentially serious health and environmental effects—and they have clearly been demonstrated by the number of people who have gotten sick in the Maryland-Virginia area because of it, and it has been deadly to hundreds of thousands of fish—significant Federal action needs to be taken to eradicate it and make sure this regional threat does not become a national threat.

I hope this bill will be passed in the very near future and funds will then be appropriated to fully fund it. I look forward to working with my colleagues on this matter, and I particularly thank my colleague from Maryland, BARBARA MIKULSKI, for her assistance with the bill.

I send the bill to the desk and ask for its appropriate referral.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

### S. 1219

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Pfiesteria Research Act of 1997".

**SEC. 2. PFIESTERIA AND OTHER AQUATIC TOXINS RESEARCH AND GRANT PROGRAM.**

(a) IN GENERAL.—The Administrator of the Environmental Protection Agency, the Secretary of Commerce (acting through the Director of the National Marine Fisheries Service of the National Oceanic and Atmospheric Administration), the Secretary of Health and Human Services (acting through the Director of the National Institute of Environmental Health Sciences and the Director of the Centers for Disease Control and Prevention), and the Secretary of Agriculture shall—

(1) establish a research program for the eradication or control of Pfiesteria piscicida and other aquatic toxins; and

(2) make grants to colleges, universities, and other entities in affected States for the eradication or control of Pfiesteria piscicida and other aquatic toxins.

(b) GRANTS.—In carrying out subsection (a)(2), the heads of the agencies referred to in subsection (a) shall make grants to—

(1) North Carolina State University in Raleigh, North Carolina, for the establishment of an Applied Aquatic Ecology Center and for research conducted by the Center relating to aquatic toxins;

(2) the University System of Maryland and the Agricultural Research Center in Beltsville, Maryland, for the establishment of a cooperative Agro-Ecosystem Center for research and demonstration projects related to aquatic toxins, such as Pfiesteria piscicida, including projects that relate to dietary, waste management, and other alternative-use related strategies that reduce the undesirable nutrient and other chemical content from waste into waterways; and

(3) the Virginia Institute of Marine Science of the College of William and Mary in Gloucester Point, Virginia, for the establishment of a Marine Pathology and Applied Ecology Center and for research conducted by the Center relating to the effect of algal toxins on marine fish and shellfish and to understanding human influences on estuarine planktonic communities with an emphasis on harmful algal species, except that a portion of the grants made under this paragraph shall be allocated to Old Dominion University in Norfolk, Virginia, for research support.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sums as are necessary to carry out this section, of which not less than—

(1) $1,883,619 for fiscal year 1998, and $655,890 for fiscal year 1999, shall be used to carry out subsection (b)(1);

(2) $1,000,000 for each of fiscal years 1998 and 1999 shall be used to carry out subsection (b)(2); and

(3) $1,750,000 for fiscal year 1998, and $545,000 for fiscal year 1999, shall be used to carry out subsection (b)(3).

Mr. SARBANES. Mr. President, today I am delighted to join my colleagues Senator FAIRCLOTH, Senator MIKULSKI and Senator WARNER as a principal cosponsor of this proposal providing additional Federal assistance to efforts combating Pfiesteria outbreaks in the Chesapeake Bay and other Atlantic coast waterways.

The micro-organism Pfiesteria piscicida, linked to fish kills and human health problems this summer in the Pocomoke River on Maryland's Eastern Shore, is a matter about which we are all deeply concerned. The Governor has recently closed down two Eastern Shore waterways in Maryland, and fish with lesions characteristic of Pfiesteria have also been discovered in Delaware, Virginia, and other Atlantic coast waterways.

Since the Pfiesteria outbreaks began, we, in Congress, have worked individually and collectively on a variety of initiatives to assist the States in battling this toxic micro-organism. The Federal agency response team, led by the U.S. Environmental Protection Agency and the National Oceanic and Atmospheric Administration, is providing valuable funding and technical assistance to the States.

The Federal assistance thus far includes habitat and water quality monitoring and fish lesion assessment. At my and Senator MIKULSKI's request, the Centers for Disease Control and Prevention and the National Institute of Environment Health Sciences are providing scientific teams and technical assistance for human health risk-assessment efforts. In Maryland, the Cooperative Laboratory at Oxford is playing an especially key role by coordinating ongoing fisheries-related investigations.

The Pfiesteria Research Act of 1997 would add a critical dimension to the Federal response, one that would assist farmers with agricultural-related research and demonstrations related to outbreaks of Pfiesteria and other aquatic toxins. This measure would provide this assistance by establishing a cooperative Agro-Ecosystem Center between the University System of Maryland and the Beltsville Agricultural Research Center, and authorizing not less than $2 million in grants to the center. The University System of Maryland and the Beltsville Center are world leaders in conducting agricultural research and demonstration projects. I am confident that both have the substantial scientific and technical expertise necessary to lead the dietary, waste management, and other nutrient-reduction efforts authorized in this measure to combat Pfiesteria.

Mr. President, the Federal Government has worked closely with affected States as they respond to Pfiesteria outbreaks. I urge my colleagues to support this measure and to provide much-needed assistance to farmers to battle Pfiesteria in the Chesapeake Bay and along other Atlantic coast waterways.

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By Mr. DODD (for himself, Mr. BINGAMAN, Mr. BUMPERS, and Mrs. MURRAY):

S. 1220. A bill to provide a process for declassifying on an expedited basis certain documents relating to human rights abuses in Guatemala and Honduras; to the Committee on Governmental Affairs.

### THE HUMAN RIGHTS INFORMATION ACT

Mr. DODD. Mr. President, today, I am introducing the Human Rights Information Act—legislation designed to facilitate the declassification of certain United States documents that relate to past human rights abuses in Guatemala and Honduras. This act would ensure the prompt declassification of information by all relevant U.S. Government agencies concerning human rights abuses, while providing adequate protection to safeguard U.S. national security interests. Timely declassification of relevant materials would be of enormous assistance to the Guatemalan and Honduran people who are at this moment confronting past human rights violations as part of ongoing efforts to strengthen democratic institutions in those countries, particularly their judiciaries.

This bill would ensure prompt and complete declassification within the necessary bounds of protection of national security. It would require Government agencies to review for declassification within 120 days all human rights records relevant to inquiries by the Honduran human rights commissioner and the Guatemalan Clarification Commission. An interagency appeals panel would review agencies decisions to withhold information. The bill follows declassification standards already enacted by Congress in the JFK Assassination Records Act but is much simpler and less expensive than that law.

Honduran Human Rights Commissioner Leo Valladares has already made a request of the United States Government for any relevant documents concerning Honduran human rights violations and particularly those alleged to have been perpetrated by Honduran military Battalion 3–16 that resulted in more than 184 killings or disappearances in the early 1980's.

The Guatemalan Clarification Commission, which was set up by the December 1996 peace accords to establish a historical record of the massive human rights violations that occurred during more than three decades of civil war, is expected shortly to make a similar request for relevant United States documents concerning this period. The U.S. Government is, properly, offering financial assistance to the clarification commission. The United States should also support the commission's important work to end impunity by providing relevant declassified documents.

While it is true that the Clinton administration has already declassified some documents related to Honduras and Guatemala, by Executive order, such declassifications have been very narrowly focused. And, despite a number of letters from Congress requesting prompt action, the administration's response to the longstanding request by Honduran Human Rights Commissioner Valladares, which was first submitted in 1993, has been slow and partial.

Moreover, although the administration officially agreed to honor the Honduran request, many of the documents released to date have been heavily excised, yielding little substantive information. The State Department has turned over 3,000 pages, but other agencies have been much less forthcoming. For example, the CIA has released 36 documents concerning Father Carney, a United States priest killed in Honduras, and 97 documents pertaining to 5 other key human rights cases. Most are heavily excised. The Department of Defense has released 34 heavily excised documents, but almost nothing that relates to the activities of Battalion 3–16.

The administration has also declassified numerous documents on Guatemala in response to public demands. These focus, however, on approximately 30 cases of human rights abuses directed against Americans in Guatemala. The cases of Guatemalan anthropologist Myrna Mack and guerrilla leader Efrain Bamaca, husband of American lawyer Jennifer Harbury, were exceptions. In May of this year, the CIA also released an important batch of documents concerning its 1954 covert operation in Guatemala. However, thousands of documents on human rights violations that could be of interest to the clarification commission remain classified. Many of the documents already declassified were heavily excised, and, as in the Honduran case, the intelligence and defense agencies were less forthcoming than the State Department.

Mr. President, I would hope that my colleagues can join me in voting for the Human Rights Information Act. This will send a very powerful signal of support for efforts to strengthen democracy and the rule of law throughout the hemisphere. It will also greatly assist Latin Americans who are currently bravely working to shed light upon a dark period of their recent pasts so that they can prevent such heinous abuses from occurring in the future.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1220

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Human Rights Information Act".

**SEC. 2. FINDINGS.**

Congress finds the following:

(1) Agencies of the Government of the United States have information on human rights violations in Guatemala and Honduras.

(2) Members of both Houses of Congress have repeatedly asked the Administration for information on Guatemalan and Honduran human rights cases.

(3) The Guatemalan peace accords, which the Government of the United States firmly supports, has as an important and vital component the establishment of the Commission for the Historical Clarification of Human Rights Violations and Acts of Violence which have Caused Suffering to the Guatemalan People (referred to in this Act as the "Clarification Commission"). The Clarification Commission will investigate cases of human rights violations and abuses by both parties to the civil conflict in Guatemala and will need all available information to fulfill its mandate.

(4) The National Commissioner for the Protection of Human Rights in the Republic of Honduras has been requesting United States Government documentation on human rights violations in Honduras since November 15, 1993. The Commissioner's request has been partly fulfilled, but is still pending. The request has been supported by national and international human rights nongovernmental organizations as well as members of both Houses of Congress.

(5) Victims and survivors of human rights violations, including United States citizens and their relatives, have also been requesting the information referred to in paragraphs (3) and (4). Survivors and the relatives of victims have a right to know what happened. The requests have been supported by national and international human rights nongovernmental organizations as well as members of both Houses of Congress.

(6) The United States should make the information it has on human rights abuses available to the public as part of the United States commitment to democracy in Central America.

**SEC. 3. DEFINITIONS.**

In this Act:

(1) HUMAN RIGHTS RECORD.—The term "human rights record" means a record in the possession, custody, or control of the United States Government containing information about gross human rights violations committed after 1944.

(2) AGENCY.—The term "agency" means any agency of the United States Government charged with the conduct of foreign policy or foreign intelligence, including the Department of State, the Agency for International Development, the Department of Defense (and all of its components), the Central Intelligence Agency, the National Reconnaissance Office, the Department of Justice (and all of its components), the National Security Council, and the Executive Office of the President.

**SEC. 4. IDENTIFICATION, REVIEW, AND PUBLIC DISCLOSURE OF HUMAN RIGHTS RECORDS REGARDING GUATEMALA AND HONDURAS.**

(a) IN GENERAL.—Notwithstanding any other provision of law, the provision of this Act shall govern the declassification and public disclosure of human rights records by agencies.

(b) IDENTIFICATION OF RECORDS.—Not later than 120 days after the date of enactment of this Act, each agency shall identify, review, and organize all human rights records regarding activities occurring in Guatemala and Honduras after 1944 for the purpose of declassifying and disclosing the records to the public. Except as provided in section 5, all records described in the preceding sentence shall be made available to the public not later than 30 days after a review under this section is completed.

(c) REPORT TO CONGRESS.—Not later than 150 days after the date of enactment of this Act, the President shall report to Congress regarding each agency's compliance with the provisions of this Act.

**SEC. 5. GROUNDS FOR POSTPONEMENT OF PUBLIC DISCLOSURE OF RECORDS.**

(a) IN GENERAL.—An agency may postpone public disclosure of a human rights record or particular information in a human rights record only if the agency determines that there is clear and convincing evidence that—

(1) the threat to the military defense, intelligence operations, or conduct of foreign relations of the United States raised by public disclosure of the human rights record is of such gravity that it outweighs the public interest, and such public disclosure would reveal—

(A) an intelligence agent whose identity currently requires protection;

(B) an intelligence source or method—

(i) which is being utilized, or reasonably expected to be utilized, by the United States Government;

(ii) which has not been officially disclosed; and

(iii) the disclosure of which would interfere with the conduct of intelligence activities; or

(C) any other matter currently relating to the military defense, intelligence operations, or conduct of foreign relations of the United States, the disclosure of which would demonstrably impair the national security of the United States;

(2) the public disclosure of the human rights record would reveal the name or identity of a living individual who provided confidential information to the United States and would pose a substantial risk of harm to that individual;

(3) the public disclosure of the human rights record could reasonably be expected to constitute an unwarranted invasion of personal privacy, and that invasion of privacy is so substantial that it outweighs the public interest; or

(4) the public disclosure of the human rights record would compromise the existence of an understanding of confidentiality currently requiring protection between a Government agent and a cooperating individual or a foreign government, and public disclosure would be so harmful that it outweighs the public interest.

(b) SPECIAL TREATMENT OF CERTAIN INFORMATION.—It shall not be grounds for postponement of disclosure of a human rights record that an individual named in the human rights record was an intelligence asset of the United States Government, although the existence of such relationship may be withheld if the criteria set forth in subsection (a) are met. For purposes of the preceding sentence, the term an "intelligence asset" means a covert agent as defined in section 606(4) of the National Security Act of 1947 (50 U.S.C. 426(4)).

**SEC. 6. REQUEST FOR HUMAN RIGHTS RECORDS FROM OFFICIAL ENTITIES IN OTHER LATIN AMERICAN CARIBBEAN COUNTRIES.**

In the event that an agency of the United States receives a request for human rights records from an entity created by the United Nations or the Organization of American States similar to the Guatemalan Clarification Commission, or from the principal justice or human rights official of a Latin American or Caribbean country who is investigating a pattern of gross human rights violations, the agency shall conduct a review of records as described in section 4 and shall declassify and publicly disclose such records in accordance with the standards and procedures set forth in this Act.

**SEC. 7. REVIEW OF DECISIONS TO WITHHOLD RECORDS.**

(a) DUTIES OF THE APPEALS PANEL.—The Interagency Security Classification Appeals Panel (referred to in this Act as the "Appeals Panel"), established under Executive Order No. 12958, shall review determinations by an agency to postpone public disclosure of any human rights record.

(b) DETERMINATIONS OF THE APPEALS PANEL.—

(1) IN GENERAL.—The Appeals Panel shall direct that all human rights records be disclosed to the public, unless the Appeals Panel determines that there is clear and convincing evidence that—

(A) the record is not a human rights record; or

(B) the human rights record or particular information in the human rights record qualifies for postponement of disclosure pursuant to section 5.

(2) TREATMENT IN CASES OF NONDISCLOSURE.—If the Appeals Panel concurs with an agency decision to postpone disclosure of a human rights record, the Appeals Panel shall determine, in consultation with the originating agency and consistent with the standards set forth in this Act, which, if any, of the alternative forms of disclosure described in paragraph (3) shall be made by the agency.

(3) ALTERNATIVE FORMS OF DISCLOSURE.—The forms of disclosure described in this paragraph are as follows:

(A) Disclosure of any reasonably segregable portion of the human rights record after deletion of the portions described in paragraph (1).

(B) Disclosure of a record that is a substitute for information which is not disclosed.

(C) Disclosure of a summary of the information contained in the human rights record.

(4) NOTIFICATION OF DETERMINATION.—

(A) IN GENERAL.—Upon completion of its review, the Appeals Panel shall notify the head of the agency in control or possession of the human rights record that was the subject of the review of its determination and shall, not later than 14 days after the determination, publish the determination in the Federal Register.

(B) NOTICE TO PRESIDENT.—The Appeals Panel shall notify the President of its determination. The notice shall contain a written unclassified justification for its determination, including an explanation of the application of the standards contained in section 5.

(5) GENERAL PROCEDURES.—The Appeals Panel shall publish in the Federal Register guidelines regarding its policy and procedures for adjudicating appeals.

(c) PRESIDENTIAL AUTHORITY OVER APPEALS PANEL DETERMINATION.—

(1) PUBLIC DISCLOSURE OR POSTPONEMENT OF DISCLOSURE.—The President shall have the sole and nondelegable authority to review any determination of the Appeals Board under this Act, and such review shall be based on the standards set forth in section 5. Not later than 30 days after the Appeals Panel's determination and notification to the agency pursuant to subsection (b)(4), the President shall provide the Appeals Panel with an unclassified written certification specifying the President's decision and stating the reasons for the decision, including in the case of a determination to postpone disclosure, the standards set forth in section 5 which are the basis for the President's determination.

(2) RECORD OF PRESIDENTIAL POSTPONEMENT.—The Appeals Panel shall, upon receipt of the President's determination, publish in the Federal Register a copy of any unclassified written certification, statement, and other materials transmitted by or on behalf of the President with regard to the postponement of disclosure of a human rights record.

**SEC. 8. REPORT REGARDING OTHER HUMAN RIGHTS RECORDS.**

Upon completion of the review and disclosure of the human rights records relating to Guatemala and Honduras, the Information Security Policy Advisory Council, established pursuant to Executive Order No. 12958, shall report to Congress on the desirability and feasibility of declassification of human rights records relating to other countries in Latin America and the Caribbean. The report shall be available to the public.

**SEC. 9. RULES OF CONSTRUCTION.**

(a) FREEDOM OF INFORMATION ACT.—Nothing in this Act shall be construed to limit any right to file a request with any executive agency or seek judicial review of a decision pursuant to section 552 of title 5, United States Code.

(b) JUDICIAL REVIEW.—Nothing in this Act shall be construed to preclude judicial review, under chapter 7 of title 5, United States Code, of final actions taken or required to be taken under this Act.

**SEC. 10. CREATION OF POSITIONS.**

For purposes of carrying out the provisions of this Act, there shall be 2 additional positions in the Appeals Panel. The positions shall be filled by the President, based on the recommendations of the American Historical Association, the Latin American Studies Association, Human Rights Watch, and Amnesty International, USA.

By Mr. STEVENS (for himself, Mr. BREAUX, Mr. MURKOWSKI, and Mr. HOLLINGS):

S. 1221. A bill to amend title 46 of the United States Code to prevent foreign ownership and control of United States flag vessels employed in the fisheries in the navigable waters and exclusive economic zone of the United States, to prevent the issuance of fishery endorsements to certain vessels, and for other purposes; to the Committee on Commerce, Science, and Transportation.

### THE AMERICAN FISHERIES ACT

Mr. STEVENS. Mr. President, I am going to send to the desk a bill that is called the American Fisheries Act to raise the U.S. ownership standard for U.S.-flag fishing vessels operating in U.S. waters, to eliminate the exemptions and loopholes interpreted into the existing ownership and control standard, and to phase out large fishing vessels that are destructive to U.S. fishery resources because of their size and power.

As I said, this bill is called the American Fisheries Act.

Let me point out, these factory trawlers we are talking about make trucks look like tiny bugs. They certainly waste a tremendous amount of fish. According to the Alaska Department of Fish and Game statistics for 1995—that is the most recent year for which we have statistics—the 55 factory trawlers in the Bering Sea off my State threw overboard 483 million pounds of groundfish, wasted and unused.

That is more fish than the targeted fisheries of New England lobster, Atlantic mackerel, Gulf of Mexico shrimp, and Pacific Northwest salmon combined. It is the most horrendous waste of fishery resources in the history of man. And this bill is designed to stop that.

Mr. President, as I said, the bill I am introducing today would:

First, raise U.S. ownership standard for U.S.-flag fishing vessels operating in U.S. waters; second, eliminate the exemptions and loopholes interpreted into the existing ownership and control standard; and third, phase out large fishing vessels that are destructive to U.S. fishery resources because of their size and power.

The bill is called the American Fisheries Act. Senators KERRY, MURKOWSKI, BREAUX, and HOLLINGS join me as original cosponsors.

Last year, we enacted major revisions to the Magnuson-Stevens Fishery Conservation and Management Act to improve the conservation of the fishery resources. The other primary goal of the original Fishery Conservation and Management Act in 1975 was to Americanize the fisheries. We tried to complete that process through the Commercial Fishing Industry Anti-Reflagging Act—Public Law 100-239—in 1987. Due to exemptions in the act and to misinterpretations by the Coast Guard, this act has not been effective.

The bill we introduce today would correct the basic controlling interest and foreign rebuilding requirements for U.S.-flag vessels that participate in our fisheries.

### CLOSING THE LOOPHOLES

The bill would require at least 75 percent of the controlling interest of all vessels that fly the U.S. flag and engage in the fisheries in the navigable waters and exclusive economic zone to be owned by citizens of the United States.

The Commercial Fishing Industry Anti-Reflagging Act—Public Law 100-239—imposed a 50 percent controlling interest standard, which has become meaningless because of exceptions in the bill and misinterpretations by the Coast Guard. The Coast Guard's misinterpretation of one provision of that act allowed at least 14 massive factory trawlers to enter the fisheries off Alaska.

As many here know, the House of Representatives recently passed a bill to keep one factory trawler out of the Atlantic herring and mackerel fisheries. Similar bills have been introduced in the Senate.

In Alaska, we got stuck with at least 14 factory trawlers that should never have been allowed into our fisheries. Talk about loopholes you can drive a truck through—these factory trawlers make trucks look like tiny little bugs. And they waste fish.

According to Alaska Department of Fish and Game statistics for 1995, the most recent year for which data is available, the 55 factory trawlers in the Bering Sea threw overboard 483 million pounds of groundfish wasted, and unused. That is more fish than the target fisheries for New England lobster, Atlantic mackerel, Gulf of Mexico shrimp, and Pacific Northwest salmon combined.

The bill we introduce today draws heavily from the controlling interest standard in the Jones Act for vessels operating in the coastwide trade. Under our bill, vessel owners would have 18 months from the date of enactment to comply with the new 75 percent controlling interest standard.

For vessels above 100 gross registered tons—which are more likely to have multiple owners or layers of ownership—the bill would require the Maritime Administration to closely scrutinize who actually controls the vessel before the vessel receives or can renew a fishery endorsement.

The Maritime Administration already reviews the controlling interest of entities applying for title XI loan guarantees and maritime security program payments. MarAd has the best expertise among Federal agencies to do the thorough job we intend.

The Secretary of Transportation would be required to revoke the fishery endorsement of any vessel above 100 gross tons that MarAd determines does not meet the new standard for controlling interest.

The bill gives the Secretary of Transportation flexibility in establishing the requirements for the owners of vessels equal to or less than 100 gross registered tons to show compliance with the new standard. Vessels of this size generally do not exceed 75 feet in length, are usually owner-operated, and are less likely to have multiple layers of ownership that must be scrutinized.

If the Secretary decides that compliance with the new 75 percent standard can be demonstrated by vessels 100 tons or less using the existing process through the Coast Guard, the Secretary could continue to use this process for those vessels.

As the findings point out, international law—including Article 62 of the U.N. Convention on the Law of the Sea—gives coastal nations the clear sovereign right to harvest and process the entire allowable catch of fishery resources in their exclusive economic zone [EEZ] if their citizens have the harvesting capacity to do so. International law requires that other nations be given access if the coastal nation cannot harvest and process the entire allowable catch in its EEZ.

In the United States, we have established a framework that fulfills these two basic principles. Through the Magnuson-Stevens Act, we gave U.S. fishermen first priority in the harvesting and processing of our fishery resources. Foreign fishing is allowed under that act, however, if U.S. vessels cannot harvest the entire allowable catch.

For obvious reasons, the priority works only if U.S.-owned vessels can be distinguished from foreign-owned vessels in the fisheries. I am sad to report that our current law—the way it has been misinterpreted—fails to allow for this differentiation. In the Nation's largest fishery by volume (Bering Sea pollock) Norwegian and Japanese companies control the vessels that take over half the allowable catch.

There is not enough fish to support the existing harvesting capacity in this and other fisheries, yet the line to differentiate true U.S.-controlled vessels from foreign-controlled vessels is not adequate to protect the first priority for U.S. citizens. The American Fisheries Act will clear up this blurred line and give U.S. fishermen the top priority to harvest fishery resources, consistent with the historical intent of our laws.

### PHASE OUT OF LARGE VESSELS

When the Senate passed my bill last year to strengthen the conservation measures of the Magnuson-Stevens Act, I said on the Senate floor that I would seek a ban on factory trawlers if those measures did not work. It is too early to tell whether those measures will be sufficient.

We propose today a phase out—not a ban—of factory trawlers and other fishing vessels that are longer than 165 feet, greater than 750 tons, or that have greater than 3,000 shaft horsepower.

By fishing vessel, we mean factory trawlers and other vessels that harvest fish. Existing fishing vessels above these thresholds are grandfathered—and can stay in the fisheries for their useful lives, provided the 75 percent controlling interest standard is met, and the vessel does not surrender its fishery endorsement at any time.

Gradually, the useful lives of these large fishing vessels will end, however, and a smaller fleet—more able to avoid bycatch and waste and more likely to be owner-operated—will replace them.

I reserve the option to accelerate this process through an immediate ban on factory trawlers if the management and conservation measures enacted last year in the Sustainable Fisheries Act are not effective.

The phase out of large fishing vessels does not apply to vessels that fish exclusively for highly migratory fish species primarily outside U.S. navigable waters and the exclusive economic zone.

Earlier this year—we enacted comprehensive legislation to achieve conservation under the International Dolphin Conservation Program—in part with the hope that some of the eastern tropical tuna fishing vessels would reflag to the Unites States.

These vessels are subject to stringent international conservation measures, and are able to harvest tuna in a way safer for the overall ecosystem than smaller vessels. These vessels were dealt with differently under the Anti-Reflagging Act as well.

### FOREIGN REBUILDS

The bill specifically addresses the foreign rebuilding provision of the Anti-Reflagging Act that was misinterpreted by the Coast Guard and abused by speculators who did exactly what Congress tried to avoid with this act. This misinterpretation and abuse resulted in at least 14 factory trawlers entering the fisheries off Alaska that should have been prohibited by the Anti-Reflagging Act.

Section 4(a)(4)(A) of the Act was meant to protect a specific group of owners who relied on pre-existing law in planning to convert U.S.-built fishing vessels abroad for use in the U.S. fisheries.

This provision was not intended to protect speculators who entered contingent contracts to purchase vessels with the intent to profit by the coming change in the law. To avoid this, Congress specifically required under section 4(a)(4)(A) and section 4(b) that the owner had to:

First, have purchased or contracted to purchase a vessel by July 28, 1997; second, have demonstrated his/her/its specific intent to enter the U.S. fisheries through the purchase of the contract itself or a Coast Guard letter ruling; and third, have accepted delivery of the vessel by July 28, 1990 and entered it into service.

Under the Act, all three conditions had to be met by the same owner before a fishery license could be issued to the vessel.

The Coast Guard erroneously allowed the vessel to be redelivered to any owner by July 28, 1990, and created freely transferable and valuable rights to enter the fishery that Congress specifically intended to avoid.

The American Fisheries Act would correct this problem by putting the burden on those who benefited from the loophole to help with the reduction in the overcapacity that resulted. Specifically, from the date of the introduction of this act—September 25, 1997—if the controlling interest a vessel that used this loophole materially changes, another active vessel of equal or greater length, tonnage, and horsepower in the same region will have to permanently surrender its fishery endorsement.

The capacity in the Bering Sea would be reduced on the backs of those who caused the problem and who argued for and benefited from an interpretation clearly contrary to congressional intent.

### FEDERAL LOAN GUARANTEES

The bill would permanently prohibit Federal loan guarantees for any vessel that is intended for use as a fishing vessel, and that will be greater than 165 registered feet, 750 gross registered tons, or 3,000 shaft horsepower when the construction or rebuilding is completed.

We mean to prevent the Federal Government from subsidizing or assisting in any way in the: No. 1, construction of vessels above these thresholds; No. 2 extension of the useful life of vessels above these thresholds; or No. 3 expansion of vessels so that they exceed these thresholds—where the vessel will be used as a fishing vessel.

For the purposes of this measure, fishing vessel has the same definition as under section 2101 of title 46, United States Code, meaning a vessel that engages in the catching, taking, or harvesting of fish or any activity that can reasonably be expected to result in the catching, taking, or harvesting of fish. This obviously includes factory trawlers and other fishing vessels above the thresholds listed above.

### SUMMARY

With the American Fisheries Act, we will clean up the mess caused by the exceptions and misinterpretation of the Anti-Reflagging Act. We will also serve notice that entities that do not meet the 75 controlling interest standard will not likely receive individual fishing quota's [IFQ's] or other limited access permits under the Magnuson-Stevens Act.

The Sustainable Fisheries Act—Public Law 104-297—requires the National Academy of Sciences to study how to prohibit entities that don't meet the standard from owning IFQ's. We will analyze the Academy's report during the reauthorization of the Magnuson-Stevens Act in 1999. I do not want any foreign-controlled entities to be surprised when that process begins.

Non-U.S. citizens simply should not be given what, for all practical purposes, are permanent access privileges to U.S. marine resource when there are U.S. citizens that can harvest these fish. The Magnuson-Stevens Act allows these foreign-controlled entities to harvest the portion of the allowable catch that U.S. citizens cannot.

In Alaska, some of the foreign participants are doing what they can to patch up their relationship with Alaska and Alaskans—but I question their long-term commitment.

The North Pacific Council is reviewing the inshore/offshore pollock allocation right now—which will substantially impact them. They have been good partners this year in anticipation of this council debate—but where were they last year? They were here in Washington, DC, lobbying against our bill to protect fishing communities, reduce bycatch, and prevent foreign entities from receiving a windfall giveaway through IFQ's.

If Congress or the North Pacific Council gives away permanent access to our fisheries, I believe these entities will go back to their tactics of the last 10 years.

Flannery O'Connor explained this well in her short story "A Good Man Is Hard to Find." In that story, the "Misfit," says of another character that "She would of been a good woman, if [there] had been somebody there to shoot her every minute of her life."

The foreign-controlled factory trawlers have the inshore/offshore gun to their head right now, and are being good. But their track record without this gun has been poor, both with respect to the conservation and to protecting fishing communities.

In the Bering Sea pollock, specifically, I am concerned that a single Norwegian entity controls an excessive share of the harvest in violation of National Standard Four of the Magnuson-Stevens Act. I am also concerned about the expansion of the ownership of catcher vessels and factory trawlers by Japanese entities.

Will we have the strength in the Congress or at the council level to prevent a giveaway of IFQ's to foreign-controlled entities in 2000 or beyond if they are the only ones left in the fishery?

The time has come to put Americanization back on the track as we first envisioned when we extended U.S. jurisdiction over the fisheries out to 200 miles.

Mr. MURKOWSKI. Mr. President, I am very pleased to join Senator STEVENS in sponsoring this important legislation.

This is a necessary follow-on to legislation I first introduced in 1986, the Commercial Fishing Vessel Anti-Reflagging Act, which was enacted in 1987. That act attempted to control an anticipated influx of foreign-owned fishing vessels by prohibiting them from reflagging as U.S. vessels except in certain circumstances. At the time, I backed a move to impose, for the first time, an American ownership provision that would ensure U.S. control of corporations owning such vessels.

Had that legislation been implemented the way it was intended, today's bill would probably not be necessary. Our intention was to gradually eliminate foreign control by requiring new owners to be U.S.-controlled. Unfortunately, in making a decision on implementation, the Coast Guard decided to rely primarily on its past practice, and permitted all vessels with U.S. documentation to continue fishing regardless of existing or new ownership.

That, as much as any one factor, led to today's crisis, in which there are far too many large vessels operating. Something has to give, and the laws of nature and economics say that it has to be one of two things: either the resource itself or the number of vessels.

This bill will help insure that the resource will be held harmless; if change occurs, it will come to the number of large vessels allowed to operate in U.S. fisheries.

The bill we are introducing today will increase the American ownership requirement for vessels to 75 percent from the 51-percent level required by current law. This new level is consistent with other laws affecting ownership of vessels involved in the coastwise trade, which are also required to meet the 75-percent test.

It will also correct the mistake made by the Coast Guard a decade ago by requiring fishery endorsements to be removed from vessels which do not qualify for the ownership criterion within a reasonable period of time—18 months under this bill.

Under this bill, the Coast Guard will no longer be responsible for reviewing the ownership of fishing vessels. This authority will rest more appropriately with the Maritime Administration, which currently has the same responsibility for vessels seeking title XI loan guarantees and Maritime Security Program assistance, among other things.

The bill will also begin the process of restoring the number of large fishing vessels operating off our shores to a reasonable and manageable level, by eliminating the entry of new vessels, regardless of ownership, and by allowing attrition to take its toll on the existing fleet. Large vessels are those over 165 registered feet in length, greater than 750 gross registered tons, or with engines totaling more than 3,000 horsepower. The bill also eliminates Federal loan guarantees that have been used to subsidize and accelerate the unrestrained growth of this fleet.

Further, currently operating vessels which were rebuilt for fishing in foreign shipyards using the loophole created by the Coast Guard's interpretation of the earlier act, and which are sold to new owners in the future, will not be eligible to fish under the new owners unless a similarly sized vessel is also removed from the fishery.

Taken together, these provisions will help to move us away from a fleet that is only nominally U.S.-controlled to one which is truly U.S.-controlled.

Moreover, in reducing the total number of these large vessels over time, this measure will also provide tremendous benefits to the many small communities which depend not on these large vessels, but on the far greater numbers of small fishing vessels and shore-based processing plants that hire locally, deliver locally, process locally, and support their communities through local taxes.

Mr. President, I enthusiastically support this legislation, and urge my colleagues to do the same.

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By Mr. CHAFEE (for himself, Mr. BREAUX, Mr. LIEBERMAN, Mr. FAIRCLOTH, Mr. ROBB, Mr. SARBANES, Mr. D'AMATO, Mrs. MURRAY, Mr. MURKOWSKI, Mr. WARNER, Mr. REED, Ms. LANDRIEU, Mr. GRAHAM, Ms. MIKULSKI, Mr. DODD, Mr. MOYNIHAN, and Mr. MACK):

S. 1222. A bill to catalyze restoration of estuary habitat through more efficient financing of projects and enhanced coordination of Federal and non-Federal restoration programs, and for other purposes; to the Committee on Environment and Public Works.

### THE ESTUARY HABITAT RESTORATION PARTNERSHIP ACT OF 1997

Mr. CHAFEE. Mr. President, I rise today with Senator BREAUX and Senators LIEBERMAN, FAIRCLOTH, ROBB, SARBANES, MURRAY, D'AMATO, MURKOWSKI, WARNER, REED, LANDRIEU, GRAHAM, MIKULSKI, DODD, MOYNIHAN, and MACK to introduce the Estuary Habitat Restoration Partnership Act of 1997. Estuaries, those bays, gulfs, sounds, and inlets where fresh water meets and mixes with salt water from the ocean, provide some of the most ecologically and economically productive habitat in the world. They benefit our economy, they benefit our health, in short, they are good for the soul.

More than 75 percent of the commercial fish and shellfish harvested in the United States depend on estuaries at some stage in their lifecycle. Estuaries are also home to a large percentage of the Nation's endangered and threatened species and half of its neotropical migratory birds. Moreover, the livelihood of 28 million Americans depends on estuaries and coastal regions.

Regrettably, estuaries are in danger. Within the last 30 years, coastal regions have become home to more than half of the Nation's population. This population explosion has taken its toll. Fish catches are at their lowest, shellfish beds have been closed, and the economic livelihood and quality of life of our coastal communities is threatened.

The increase in nonpoint source pollution, such as agricultural runoff, also has made its mark. And in the Chesapeake Bay, the recent pfiesteria outbreak that has killed hundreds of fish and even harmed human health is an unfortunate example of what can happen when the balance between harmful nutrients that pollute the waters take over.

The habitats estuaries provide for an extraordinary diversity of fish and wildlife are shrinking fast, jeopardizing jobs in fishing and tourism. The many values that estuaries bring to our lives could one day be gone.

The future of estuary habitat need not be a gloomy one. Estuaries can be restored. A variety of efforts, ranging from school classrooms planting eel grass in a coastal inlet to the restoration of freshwater flows into an entire bay area, have brought estuaries back to life. The demands on Federal funding for estuary restoration activities exceed available resources. We therefore must make the most of limited public resources by enlisting the support of our States, communities, and the private sector.

The Estuary Habitat Restoration Partnership Act of 1997 will help rebuild these national treasures by focusing these limited resources on the restoration of vital estuary habitat. This bill is unique, in that it builds a renewed commitment to community-driven restoration. It is not a regulatory measure. Rather than provide mandates, it provides incentives and gives concerned citizens more of an opportunity to get involved in the effort.

Also, it is flexible. Every community's approach to restoring estuaries will vary depending upon the unique needs of the particular area. What works well in Rhode Island's waters may not work in a more temperate areas like coastal California and Louisiana.

The bill also creates strong and lasting partnerships between the public and private sectors, and among all levels of government. It brings together existing Federal, State, and local restoration plans, programs, and studies. To ensure that restoration efforts build on past successes and current scientific understanding, the bill encourages the development of monitoring and maintenance capabilities.

Above all, this bill will benefit the environment, the economy, and the quality of life of the Nation. Estuaries are ecologically unique. The complex variety of habitats—river deltas, sea grass meadows, forested wetlands, shellfish beds, marshes, and beaches—supports a flourishing range of wildlife and plants. Because fish and birds migrate, the health of these habitats is intertwined with the health of other ecosystems thousands of miles away. Estuaries also are perhaps the most prolific places on Earth.

Economically, this bill will benefit those Americans whose livelihoods depend on coastal areas. The commercial fishing industry, which depends heavily on these areas, contributes $111 billion per year to the national economy. Tourism and recreation also stand to benefit.

Finally, estuaries are essential to our quality of life. Listen to this figure: In 1993, 180 million Americans, approximately 70 percent of the population, visited estuaries to fish, swim, hunt, dive, view wildlife, hike, and learn.

I urge my colleagues to support this important effort to restore the marshes, wetland and aquatic life that nourish our fish and wildlife, enhance water quality, control floods, and provide so many lasting benefits for the Nation. Before I conclude, I want to thank my colleague from Louisiana, Senator BREAUX, for all of his help on this issue. I also want to give a special thanks to Restore America's Estuaries and to Rhode Island Save the Bay for all of their hard work, without which this effort would not have been possible.

Mr. President, I ask unanimous consent that additional material be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

## SECTION-BY-SECTION ANALYSIS

## ESTUARY HABITAT RESTORATION PARTNERSHIP ACT OF 1997

### SEC. 1.—SHORT TITLE

This section designates the title of the bill as the "Estuary Habitat Restoration Partnership Act of 1997".

### SEC. 2.—FINDINGS

This section cites Congress' findings on the ecological and economic value of estuaries.

### SEC. 3.—PURPOSES

The purposes of this Act are to: provide a voluntary, community-driven, incentive-based program to catalyze the restoration of one million acres of estuary habitat by the year 2010; assure the coordination and leveraging of existing Federal, State and local restoration programs, plans and studies; create effective restoration partnerships among public agencies at all levels of government, and between the public and private sectors; promote the efficient financing of estuary habitat restoration activities to help leverage limited federal funding; and develop monitoring and maintenance capabilities to assure that restoration efforts build on the successes of past, current efforts, and sound science.

### SEC. 4.—DEFINITIONS

This section defines several terms used throughout the Act. Among the most important definitions:

"Estuary" is defined as a body of water and its associated physical, biological and chemical elements, in which fresh water from a river or stream meets and mixes with salt water from the ocean.

"Habitat" is defined as the complex of physical and hydrologic features and living organisms within estuaries and their associated ecosystems, including salt and fresh water coastal marshes, coastal forested wetlands and other coastal wetlands, tidal flats, natural shoreline areas, shellfish beds, sea grass meadows, kelp beds, river deltas, and river and stream banks under tidal influence.

"Restoration" is defined as an activity that results in improving an estuary's habitat, including both physical and functional restoration, with a goal towards a self-sustaining, ecologically based system that is integrated with its surrounding landscape.

### SEC. 5.—ESTABLISHMENT OF A COLLABORATIVE COUNCIL

This section establishes a Collaborative Council chaired by the Secretary of the Army; with the participation of the Under Secretary for Oceans and Atmosphere, Department of Commerce; the Secretary of the Interior, through the U.S. Fish and Wildlife Service; the Administrator of the Environmental Protection Agency; and the Secretaries of Agriculture and Transportation. It sets forth the decision making procedures to be followed by the Council in its two principal functions, which are: (1) the development of a habitat restoration strategy and (2) the selection of habitat restoration projects.

### SEC. 6.—FUNCTIONS OF THE COLLABORATIVE COUNCIL

This section creates a process to coordinate, streamline and leverage existing Federal, State and local resources and activities directed toward estuary habitat restoration.

*Habitat Restoration Strategy.*—The Council is required to draft a strategy to provide a national framework for estuary habitat restoration by identifying existing restoration plans, integrating overlapping restoration plans, and identifying appropriate processes for the development of restoration plans, where needed. In developing the strategy, the Council shall consider: the contribution of estuary habitat to wildlife, fish and shellfish, surface and ground water quantity and quality, flood control, outdoor recreation, and other areas of concern; estimated historic, current, and future losses of estuary habitat; the most appropriate method for selecting estuary restoration projects; and procedures to minimize duplicative application requirements for landowners seeking assistance for habitat restoration activities.

*Selection of Projects.*—The Council is required to establish application criteria for restoration projects based on a number of criteria, including: the level of support from non-Federal persons for the development and long-term maintenance and monitoring of the project; whether the project criteria fall within the habitat restoration strategy developed by the Council and are set forth in existing estuary habitat restoration plans; whether the State has a dedicated fund for estuary restoration; the level of private funding for the restoration project; and the technical merit and feasibility of the proposal.

*Priority Projects.*—Among the projects that meet the criteria listed above, the Council shall give priority for funding to those projects that: are part of an approved Federal estuary management or habitat restoration plan; address a restoration goal outlined in the habitat restoration strategy; have a non-Federal share that exceeds 50 percent; and are subject to a nonpoint source program that addresses upstream sources that would otherwise re-impair the restored habitat.

The Council may not select a project under this section until each non-Federal interest participating in the project has entered into a written cooperation agreement to provide for the maintenance and monitoring of the proposed project. This section authorizes $4,000,000 for the operating expenses of the Council.

### SEC. 7.—HABITAT RESTORATION PROJECT COST-SHARING

This section strengthens local and private-sector participation in estuary restoration efforts by building public-private restoration partnerships. It establishes a non-Federal share match requirement of no less than 35 percent but no more than 75 percent of the cost of a project. A project applicant may waive the 35 percent minimum requirement; however, if the applicant demonstrates a need for a reduced non-Federal share in accordance with the requirements of the Water Resources Development Act of 1986. Land easements, services, or other in-kind contributions may be used to meet the Act's non-Federal match requirements.

### SEC. 8.—MONITORING AND MAINTENANCE OF HABITAT RESTORATION PROJECTS

This section assures that available information will be used to improve the methods for assuring successful long-term habitat restoration. To that end, it requires the Under Secretary for Oceans and Atmosphere (NOAA) to maintain a database of restoration projects carried out under this Act, including information on project techniques, project completion, monitoring data, and other relevant information.

This section also requires the Collaborative Council to publish a biennial report to Congress that includes program activities, including the number of acres restored; the percent of restored habitat monitored under a plan; the types of restoration methods employed; the activities of governmental and non-governmental entities with respect to habitat restoration; and the effectiveness of the restoration.

### SEC. 9.—MEMORANDA OF UNDERSTANDING

This section authorizes the Council to enter into cooperative agreements and execute memoranda of understanding with Federal and State agencies, private institutions, and Indian tribes, as necessary to carry out the requirements of this Act.

### SEC. 10.—DISTRIBUTION OF APPROPRIATIONS FOR HABITAT RESTORATION PROJECTS

This section authorizes the Secretary to disburse funds to the other agencies responsible for carrying out the requirements of this Act.

### SEC. 11.—AUTHORIZATIONS

This section provides that funds currently authorized to be appropriated for the Corps of Engineers for land acquisition, environmental improvements and aquatic ecosystem restoration may be used to implement habitat restoration projects selected by the Council. This section also authorizes appropriations of $40,000,000 for fiscal year 1999; $50,000,000 for fiscal year 2000; and $75,000,000 for each of fiscal years 2001 through 2003 to carry out this Act.

### SEC. 12.—GENERAL PROVISIONS

This section provides the Secretary with the authority to carry out responsibilities under this Act, and it clarifies that habitat restoration is one of the Corps' primary missions. It further clarifies that nothing in this Act supersedes existing Federal or State laws, and that agencies are required to carry out activities in a manner consistent with the provisions of this Act and other existing laws.

Mr. BREAUX. Mr. President, I am pleased and honored to join with my friend and colleague, Senator JOHN CHAFEE, chairman of the Senate Committee on Environment and Public Works, to introduce legislation to restore America's estuaries. Our bill is entitled the "Estuary Habitat Restoration Partnership Act of 1997".

Estuaries are a national resource and treasure. As a nation, therefore, we should work together at all levels and in all sectors to help restore them.

I am also pleased that 15 other Senators have joined with Senator CHAFEE and me as original cosponsors of the bill. Together, we want to draw attention to the significant value of the Nation's estuaries and the need to restore them.

It is also my distinct pleasure today to say with pride that Louisianians have been in the forefront of this movement to recognize the importance of estuaries and to propose legislation to restore them. The Coalition to Restore Coastal Louisiana, an organization which is well known for its proactive work on behalf of the Louisiana coast, has been from the inception an integral part of the national coalition, Restore America's Estuaries, which has proposed and supports the restoration legislation.

The Coalition to Restore Coastal Louisiana and Restore America's Estuaries are to be commended for their leadership and initiative in bringing this issue to the Nation's attention.

In essence, the bill introduced today proposes a single goal and has one emphasis and focus. It seeks to create a voluntary, community-driven, incentive-based program which builds partnerships between the Federal Government, State, and local governments and the private sector to restore estuaries, including sharing in the cost of restoration projects.

In Louisiana, we have very valuable estuaries, including the Ponchartrain, Barataria-Terrebonne, and Vermilion Bay systems. Louisiana's estuaries are vital because they have helped and will continue to help sustain local communities, their cultures and their economies.

I encourage Senators from coastal and noncoastal States alike to evaluate the bill and to join in its support with Senator CHAFEE, me and the 15 other Senators who are original bill cosponsors.

I look forward to working with Senator CHAFEE and other Senators on behalf of the bill and with the Coalition to Restore Coastal Louisiana and Restore America's Estuaries.

By working together at all levels of government and in the private and public sectors, we can help to restore estuaries. As important, we can, together, help to educate the public about the important roles which estuaries play in our daily lives through their many contributions to public safety and wellbeing, to the environment, and to recreation and commerce.

## ADDITIONAL COSPONSORS

### S. 9

At the request of Mr. GRAMM, his name was added as a cosponsor of S. 9, a bill to protect individuals from having their money involuntarily collected and used for politics by a corporation or labor organization.

### S. 61

At the request of Mr. LOTT, the names of the Senator from New Jersey [Mr. LAUTENBERG] and the Senator from Arizona [Mr. MCCAIN] were added as cosponsors of S. 61, a bill to amend title 46, United States Code, to extend eligibility for veterans' burial benefits, funeral benefits, and related benefits for veterans of certain service in the United States merchant marine during World War II.

### S. 114

At the request of Mr. INOUYE, the name of the Senator from Colorado [Mr. CAMPBELL] was added as a cosponsor of S. 114, a bill to repeal the reduction in the deductible portion of expenses for business meals and entertainment.

### S. 364

At the request of Mr. LIEBERMAN, the name of the Senator from Georgia [Mr. COVERDELL] was added as a cosponsor of S. 364, a bill to provide legal standards and procedures for suppliers of raw materials and component parts for medical devices.

### S. 845

At the request of Mr. LUGAR, the name of the Senator from Idaho [Mr. KEMPTHORNE] was added as a cosponsor of S. 845, a bill to transfer to the Secretary of Agriculture the authority to conduct the census of agriculture, and for other purposes.

### S. 852

At the request of Mr. LOTT, the name of the Senator from Illinois [Mr. DURBIN] was added as a cosponsor of S. 852, a bill to establish nationally uniform requirements regarding the titling and registration of salvage, nonrepairable, and rebuilt vehicles.

### S. 1008

At the request of Mr. DURBIN, the name of the Senator from Indiana [Mr. LUGAR] was added as a cosponsor of S. 1008, a bill to amend the Internal Revenue Code of 1986 to provide that the tax incentives for alcohol used as a fuel shall be extended as part of any extension of fuel tax rates.

### S. 1096

At the request of Mr. GRASSLEY, the names of the Senator from Oklahoma [Mr. NICKLES] and the Senator from Utah [Mr. HATCH] were added as cosponsors of S. 1096, a bill to restructure the Internal Revenue Service, and for other purposes.

### S. 1105

At the request of Mr. COCHRAN, the name of the Senator from Minnesota [Mr. GRAMS] was added as a cosponsor of S. 1105, a bill to amend the Internal Revenue Code of 1986 to provide a sound budgetary mechanism for financing health and death benefits of retired coal miners while ensuring the long-term fiscal health and solvency of such benefits, and for other purposes.

### S. 1178

At the request of Mr. ABRAHAM, the name of the Senator from Connecticut [Mr. DODD] was added as a cosponsor of S. 1178, a bill to amend the Immigration and Nationality Act to extend the visa waiver pilot program, and for other purposes.

### S. 1194

At the request of Mr. KYL, the names of the Senator from Alabama [Mr. SHELBY], the Senator from Mississippi [Mr. COCHRAN], the Senator from New Hampshire [Mr. SMITH], and the Senator from Colorado [Mr. ALLARD] were added as cosponsors of S. 1194, a bill to amend title XVIII of the Social Security Act to clarify the right of Medicare beneficiaries to enter into private contracts with physicians and other health care professionals for the provision of health services for which no payment is sought under the Medicare program.

### SENATE CONCURRENT RESOLUTION 48

At the request of Mr. KYL, the names of the Senator from California [Mrs. BOXER], the Senator from Nevada [Mr. BRYAN], the Senator from Georgia [Mr. CLELAND], the Senator from Maine [Ms. COLLINS], the Senator from Idaho [Mr. CRAIG], the Senator from Ohio [Mr. DEWINE], the Senator from Connecticut [Mr. DODD], the Senator from Wyoming [Mr. ENZI], the Senator from North Carolina [Mr. FAIRCLOTH], the Senator from Florida [Mr. GRAHAM], the Senator from Minnesota [Mr. GRAMS], the Senator from Iowa [Mr. GRASSLEY], the Senator from Arkansas [Mr. HUTCHINSON], the Senator from Idaho [Mr. KEMPTHORNE], the Senator from Connecticut [Mr. LIEBERMAN], the Senator from Florida [Mr. MACK], the Senator from Kansas [Mr. ROBERTS], the Senator from Pennsylvania [Mr. SANTORUM], the Senator from New Hampshire [Mr. SMITH], the Senator from Oregon [Mr. SMITH], and the Senator from Virginia [Mr. WARNER] were added as cosponsors of Senate Concurrent Resolution 48, a concurrent resolution expressing the sense of the Congress regarding proliferation of missile technology from Russia to Iran.

## SENATE RESOLUTION 126—ORIGINAL RESOLUTION REPORTED AUTHORIZING EXPENDITURES BY THE COMMITTEE ON VETERANS' AFFAIRS

Mr. SPECTER, from the Committee on Veterans' Affairs, reported the following original resolution; which was placed on the calendar:

S. RES. 126

*Resolved*, That section 18(b) of Senate Resolution 54, 105th Congress, agreed to February 3, 1997, is amended by striking out "$1,123,430" and inserting in lieu therof "$1,698,430".

* * *

## SENATE RESOLUTION 127—REGARDING A PLANNED STATE VISIT

Mr. FEINGOLD (for himself, Mr. ABRAHAM, Mr. HELMS, and Mr. WELLSTONE) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 127

Whereas the President of the People's Republic of China is tentatively scheduled to begin a state visit in Washington, D.C., on October 29, 1997;

Whereas a state visit, unlike a working-level visit, involve the highest-level protocol that can be afforded a foreign head of state;

Whereas on December 13, 1995, a Beijing court sentenced Wei Jingsheng to 14 years in prison for peacefully advocating democracy and political reforms in China.

Whereas the Government of the People's Republic of China had previously imprisoned Wei Jingsheng from 1979 to 1993, also for peacefully promoting human rights and democracy in China;

Whereas Wei Jingsheng is just one of hundreds, if not thousands, of other political, religious, and labor dissidents who are imprisoned in China and Tibet for peacefully expressing their beliefs and exercising their internationally recognized rights of free association and expression.

Whereas like other prisoners, Wei Jingsheng is in poor health and Chinese authorities refuse to provide him with proper medical care; and

Whereas the Department of State 1996 Human Rights Report states: "[t]he Government [of the People's Republic of China] continued to commit widespread and well-documented human rights abuses, in violation of international accepted norms, stemming from the authorities' intolerance of dissent, fear of unrest, and the absence or inadequacy of laws protecting basic freedoms.": Now, therefore, be it

*Resolved*, That it is the sense of the Senate that the President should not host a state visit by the President of the People's Republic of China until—

(1) the Government of the People's Republic of China immediately and unconditionally releases Wei Jingsheng, Wang Dan, and a significant number of other prisoners of conscience held in prison in China and Tibet;

(2) the Government of the People's Republic of China takes immediate steps toward improving the conditions under which political, religious, and labor dissidents are imprisoned in China and Tibet, including providing prisoners with adequate medical care and allowing international humanitarian agencies access to detention facilities; and

(3) the Government of the People's Republic of China makes significant progress toward improving overall human rights conditions in China and Tibet, including taking concrete steps to grant freedom of speech, freedom of religion, and freedom of association in compliance with international human rights standards.

Mr. FEINGOLD. Mr. President, I rise today to submit a resolution regarding the upcoming State visit by the President of the People's Republic of China, Mr. Jiang Zemin.

As we all know, President Clinton plans to host Mr. Jiang on a State visit to Washington at the end of October. The resolution I am offering today is a sense of the Senate resolution that states that President Jiang should not be given a red carpet welcome in our Nation's Capital until we see some progress on human rights in China. Specifically, the resolution calls for China to release Wei Jingsheng and other prisoners of conscience from jail as a precondition for a State visit.

By agreeing to this State visit without receiving any concession on human rights, the administration may be squandering perhaps its strongest source of leverage with Beijing. The Chinese Government has been pressing for such a visit in Washington for several years. The Chinese want to be treated like a great power. An invitation to the White House not only bestows legitimacy on the Communist regime, it will boost the prestige of President Jiang and help him to solidify his position as Deng Xiaoping's successor. In short, China needs this State visit more than the United States does.

Agreeing to invite the President of China to the White House before any improvement is made on human rights will send a terrible message. It will confirm what many Chinese leaders already believe—that the United States offers lots of rhetoric on human rights, but no action, and that the United States ultimately cares more about trade than political prisoners.

Judging by the administration's China policy, it is easy to see why the leadership in Beijing would come to such a conclusion. In 1994, the President delinked most-favored-nation trade status from human rights. This was a serious mistake. What we have seen since the delinkage is the reincarceration of political dissidents and increased repression in Tibet.

Just this past April, at the meeting of the U.N. Human Rights Commission, the United States mounted what I view as a half-hearted attempt to win passage of a resolution critical of China's human rights record. As we all know, that resolution failed to pass, and some of our close allies—including France, Germany, and Canada—refused to cosponsor it. Finally, just this past June, the President once again unconditionally extended MFN to China for one more year.

Now, the administration is preparing to give Jiang Zemin a red carpet welcome in Washington despite the deplorable human rights conditions in China. Why wouldn't Chinese leaders conclude that, in the final analysis, the United States is unwilling to back up its human rights concerns with concrete action?

What we have then is not a policy of constructive engagement but one of unconditional engagement.

An invitation to the White House is meant to symbolize a relationship of close cooperation. But the United States simply does not have such a relationship with China. On security issues, China has sold sensitive nuclear and missile technologies to countries like Pakistan and Iran. The People's Republic of China last year fired missiles toward Taiwan in an attempt to disrupt the island's first democratic Presidential election. China has blatantly violated agreements on copyrights and intellectual property. And, as I have stated, China has made little, if any, attempt to improve its human rights conditions.

Now the administration is rewarding this lack of cooperation by hosting high-level visits by Chinese officials. Last December, the administration welcomed China's Defense Minister, Gen. Chi Haotian, to Washington. Mr. Chi, also known as the butcher of Beijing, was one of the People's Liberation Army officers who led the military assault against the citizens of the Chinese capital on June 4, 1989. Now, the administration wants to invite the President of China for a State visit, even though the Government of China—in the spirit of the Tiananmen Square massacre—continues to persecute anyone who dares criticize the Communist regime. Just this week, China's Justice Minister ruled out granting medical parole to pro-democracy dissident Wang Dan despite pleas from Wang's family, who say he is seriously ill.

When Jiang Zemin is given a 21-gun salute at the White House, the United States will lose what little credibility we have left on the issue of human rights.

Mr. President, this resolution simply calls on the administration to hold off on a State visit until China releases Wei Jingsheng and other political prisoners. This resolution focuses on Wei Jingsheng, but only as a symbol of the thousands of people who are rotting in Chinese jail cells or toiling in labor camps because they dared to peacefully express their political or religious beliefs.

Wei Jingsheng may be the most famous Chinese dissident, but we should never forget that there are many more like him, people whose names we may not know, but who nevertheless show the same type of courage. This resolution calls for the release of a significant number of political and religious prisoners in addition to Wei. China must know that the release of one or two high-profile dissidents is not enough.

In addition to demanding the release of political prisoners, the resolution also calls on China to give prisoners access to medical care, and to take concrete steps towards improving overall human rights conditions in China and Tibet.

These are realistic demands. This resolution does not say China must change its political system or withdraw from Tibet, events that are unlikely to take place before next month. This resolution only states that, in order to create the right atmosphere for a State visit, China must make a good-faith effort to improve human rights.

I should also point out that this resolution only applies to a State-level visit. The State Department's protocol office tells me there are several levels of visits including private visits, working visits, official visits, and finally, at the highest level, State visits. My goal in introducing this resolution is not to cut off all dialog between the United States and China. I would not necessarily object to having Mr. Jiang come to Washington for a working-level visit. But I feel the pomp and symbolism of a State-level visit is inappropriate given the present situation in China.

Oviously, China will object to this resolution, but it contains a message that Beijing must hear. China's leaders have unfortunately interpreted the inability of Congress to reach a consensus on China's most-favored-nation status as evidence that Members of Congress do not really care about human rights. But I assure you, Mr. President, that even though many of my colleagues have different views on the MFN issue, all share my concern for the plight of people like Wei Jingsheng.

China wants to be treated as a great power, but it does not want to accept the responsibilities that come with the role. It does not want to fulfill its treaty obligations nor abide by the international conventions—including those on human rights—that it has signed. This resolution sends a clear message that if the United States is to treat China like a great power, then China must comply with international human rights standards.

Mr. President, I think it is time for the United States to end its policy of unconditional engagement and put human rights and trade on an equal footing in our China policy.

I therefore urge my colleagues to support this resolution.

## AMENDMENTS SUBMITTED

## THE CELLULAR TELEPHONE PROTECTION ACT

### HATCH AMENDMENT NO. 1251

(Ordered to lie on the table.)

Mr. HATCH submitted an amendment intended to be proposed by him to the bill (S. 493) to amend section 1029 of title 18, United States Code, with respect to cellular telephone cloning paraphernalia; as follows:

On page 6, line 1, strike "The punishment" and insert the following:

"(1) IN GENERAL.—The punishment".

On page 6, line 2, strike "section".

On page 6, line 3, strike "(1)" and insert "(A)" and indent accordingly.

On page 6, line 7, strike "(A)" and insert "(i)" and indent accordingly.

On page 6, line 11, strike "(B)" and insert "(ii)" and indent accordingly.

On page 6, line 14, strike "and".

On page 6, line 15, strike "(2)" and insert "(B)" and indent accordingly.

On page 6, line 19, strike the punctuation at the end and insert "; and".

On page 6, between lines 19 and 20, insert the following:

"(C) in any case, in addition to any other punishment imposed or any other forfeiture required by law, forfeiture to the United States of any personal property used or intended to be used to commit, facilitate, or promote the commission of the offense.

"(2) APPLICABLE PROCEDURE.—The criminal forfeiture of personal property subject to forfeiture under paragraph (1)(C), any seizure and disposition thereof, and any administrative or judicial proceeding in relation thereto, shall be governed by subsections (c) and (e) through (p) of section 413 of the Controlled Substances Act (21 U.S.C. 853).".

## THE DISTRICT OF COLUMBIA APPROPRIATIONS ACT, 1998

### GRAHAM (AND OTHERS) AMENDMENT NO. 1252

Mr. GRAHAM (for himself, Mr. MACK, and Mr. KENNEDY) proposed an amendment to the bill (S. 1156) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1998, and for other purposes; as follows:

At the appropriate place, insert the following new section:

**"SEC. . IMMIGRATION REFORM TRANSITION ACT OF 1997.**

(a) IN GENERAL. —Section 240A, subsection (e), of the Immigration and Nationality Act is amended—

(1) in the first sentence, by striking "this section" and inserting in lieu thereof "section 240A(b)(1)";

(2) by striking ", nor suspend the deportation and adjust the status under section 244(a) (as in effect before the enactment of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996),"; and

(3) by striking the last sentence in the subsection and inserting in lieu thereof: "The previous sentence shall apply only to removal cases commenced on or after April 1, 1997, including cases where the Attorney General exercises authority pursuant to paragraphs (2) or (3) of section 309(c) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (P.L. 104-208, Division C, 110 Stat. 3009).".

(b) REPEALERS.—Section 309, subsection (c), of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (P.L. 104-208, Division C, 110 Stat 3009) is amended by striking paragraphs (5) and (7).

(c) SPECIAL RULE.—Section 240A of the Immigration and Nationality Act is amended—

(1) In subsection (b), paragraph (3), by striking "(1) or (2)" in the first and third sentences of that paragraph and inserting in lieu thereof "(1), (2), or (3)", and by striking the second sentence of that paragraph;

(2) In subsection (b), by redesignating paragraph (3) as paragraph (4);

(3) In subsection (d), paragraph (1), by striking "this section." and inserting in lieu thereof" subsections (a), (b)(1), and (b)(2).";

(4) in subsection (b), by adding after paragraph (2) the following new paragraph—

"(3 SPECIAL RULE FOR CERTAIN ALIENS COVERED BY THE SETTLEMENT AGREEMENT IN AMERICAN BAPTIST CHURCHES ET AL. V. THORNBURGH (ABC), 760 F. SUPP. 796 (N.D. CAL. 1991)—

"(A) The Attorney General may, in his or her discretion, cancel removal and adjust the status from such cancellation in the case of an alien who is removable from the United States if the alien demonstrates that—

"(i) the alien has not been convicted at any time of an aggravated felony and

"(I) was not apprehended after December 19, 1990, at the time of entry, and is either

"(aa) a Salvadoran national who first entered the United States on or before September 19, 1990, and who registered for benefits pursuant to the ABC settlement agreement on or before October 31, 1991, or applied for Temporary Protected Status on or before October 31, 1991; or

"(bb) a Guatemalan national who first entered the United States on or before October 1, 1990, and who registered for benefits pursuant to the ABC settlement agreement by December 31, 1991; or

"(cc) the spouse or unmarried son or daughter of an alien described in (aa) of this subclause, provided that the spouse, son or daughter entered the United States on or before September 19, 1990, or the spouse or unmarried son or daughter of an alien described in (bb) of this subclause, provided that the spouse, son or daughter enter the United States on or before October 1, 1990; or

"(II) is an alien who

(aa) is a Nicaraguan, Guatemalan, or Salvadoran who filed an application for asylum with the Immigration and Naturalization Service before April 1, 1990, and the Immigration and Naturalization Service had not granted, denied, or referred that application as of April 1, 1997; or

(bb) is the spouse or unmarried son or daughter of an alien described in (aa) of this subclause, provided that the spouse, son or daughter entered the United States on or before April 1, 1990; and

"(ii) the alien is not described in paragraph (4) of section 237(a) or paragraph (3) of section 212(a) of the Act; and

"(iii) the alien

"(I) is removable under any law of the United States except the provisions specified in subclause (II) of this clause, has been physically present in the United States for a continuous period of not less than seven years immediately preceding the date of such application, and proves that during all of such period he was and is a person of good moral character, and is a person whose removal would, in the opinion of the Attorney General, result in extreme hardship to the alien or to his spouse, parent, or child, who is a citizen of the United States or an alien lawfully admitted for permanent residence; or

"(II) is removable under paragraph (2) (other than section 237(a)(2)(A)(iii)) of section 237(a), paragraph (3) of section 237(a), or paragraph (2) of section 212(a), has been physically present in the United States for a continuous period of not less than 10 years immediately following the commission of an act, or the assumption of a status, constituting a ground for deportation, and proves that during all of such period he has been and is a person of good moral character, and is a person whose removal would, in the opinion of the Attorney General, result in exceptional and extremely unusual hardship to the alien or to his spouse, parent or child, who is a citizen of the United States, or an alien lawfully admitted for permanent residence.

"(B) Subsection (d) of this section shall not apply to determinations under this paragraph, and an alien shall not be considered to have failed to maintain continuous physical presence in the United States under clause (A)(iii) of this paragraph if the alien demonstrates that the absence from the United States was brief, casual, and innocent, and did not meaningfully interrupt the continuous physical presence.

"(C) The determination by the Attorney General whether an alien meets the requirements of subparagraph (A) or (B) of this paragraph is final and shall not be subject to review by any court. Nothing in the preceding sentence shall be construed as limiting the application of subparagraph (B) of section 242(a)(2) to other eligibility determinations pertaining to discretionary relief under this Act.".

(d) EFFECTIVE DATE OF SUBTITLE (c).—The amendments made by subtitle (c) shall be effective as if included in Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (P.L. 104–208, Division C, 110 Stat. 3009).

(e) APPEAL PROCESS.—Any alien who has become eligible for suspension of deportation or cancellation of removal as a result of the amendments made by subsections (b) and (c) may, notwithstanding any other limitations on motions to reopen imposed by the Immigration and Nationality Act or by regulation file one motion to reopen to apply for suspension of deportation or cancellation of removal. The Attorney General shall designate a specific time period in which all such motions to reopen must be filed. The period must begin no later than 120 days after the date of enactment of this Act and shall extend for a period of 180 days.

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## MACK (AND OTHERS) AMENDMENT NO. 1253

Mr. MACK (for himself, Mr. GRAHAM, and Mr. KENNEDY) proposed an amendment to amendment No. 1252 proposed by Mr. GRAHAM to the bill, S. 1156, supra; as follows:

Strike all after the word "**SEC.** ." and insert the following:

**IMMIGRATION REFORM TRANSITION ACT OF 1997.**

(a) IN GENERAL.—Section 240A, subsection (e), of the Immigration and Nationality Act is amended—

(1) in the first sentence, by striking "this section" and inserting in lieu thereof "section 240A(b)(1)";

(2) by striking ", nor suspend the deportation and adjust the status under section 244(a) (as in effect before the enactment of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996),"; and

(3) by striking the last sentence in the subsection and inserting in lieu thereof: "The previous sentence shall apply only to removal cases commenced on or after April 1, 1997, including cases where the Attorney General exercises authority pursuant to paragraphs (2) or (3) of section 309(c) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (P.L. 104–208, Division C. 110 Stat. 3009).".

(b) REPEALERS.—Section 309, subsection (c), of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (P.L. 104–208, Division C, 110 Stat. 3009) is amended by striking paragraphs (5) and (7).

(c) SPECIAL RULE.—Section 240A of the Immigration and Nationality Act is amended—

(1) In subsection (b), paragraph (3), by striking "(1) or (2)" in the first and third sentences of that paragraph and inserting in lieu thereof "(1), (2), or (3)", and by striking the second sentence of that paragraph;

(2) In subsection (b), by redesignating paragraph (3) as paragraph (4);

(3) In subsection (d), paragraph (1), by striking "this section." and inserting in lieu thereof "subsections (a), (b)(1), and (b)(2).";

(4) in subsection (b), by adding after paragraph (2) the following new paragraph—

"(3) SPECIAL RULE FOR CERTAIN ALIENS COVERED BY THE SETTLEMENT AGREEMENT IN AMERICAN BAPTIST CHURCHES ET AL. V. THORNBURGH (ABC), 760 F. SUP. 796 (N.D. CAL. 1991)—

"(A) The Attorney General may, in his or her discretion, cancel removal and adjust the status from such cancellation in the case of an alien who is removable from the United States if the alien demonstrates that—

"(i) the alien has not been convicted at any time of an aggravated felony and—

"(I) was not apprehended after December 19, 1990, at the time of entry, and is either—

"(aa) a Salvadoran national who first entered the United States on or before September 19, 1990, and who registered for benefits pursuant to the ABC settlement agreement on or before October 31, 1991, or applied for Temporary Protected Status on or before October 31, 1991; or

"(bb) a Guatemalan national who first entered the United States on or before October 1, 1990, and who registered for benefits pursuant to the ABC settlement agreement by December 31, 1991; or

"(cc) the spouse or unmarried son or daughter of an alien described in (aa) of this subclause, provided that the spouse, son or daughter entered the United States on or before September 19, 1990, or the spouse or unmarried son or daughter of an alien described in (bb) of this subclause, provided that the spouse, son or daughter entered the United States on or before October 1, 1990; or

"(II) is an alien who—

"(aa) is a Nicaraguan, Guatemalan, or Salvadoran who filed an application for asylum with the Immigration and Naturalization Service before April 1, 1990, and the Immigration and Naturalization Service had not granted, denied, or referred that application as of April 1, 1997; or

(bb) is the spouse or unmarried son or daughter of an alien described in (aa) of this subclause, provided that the spouse, son or daughter entered the United States on or before April 1, 1990; and—

"(ii) the alien is not described in paragraph (4) of section 237(a) or paragraph (3) of section 212(a) of the Act; and—

"(iii) the alien—

"(I) is removable under any law of the United States except the provisions specified in subclause (II) of this clause, has been physically present in the United States for a continuous period of not less than seven years immediately preceding the date of such application, and proves that during all of such period he was and is a person of good moral character, and is a person whose removal would, in the opinion of the Attorney General, result in extreme hardship to the alien or to his spouse, parent, or child, who is a citizen of the United States or an alien lawfully admitted for permanent residence; or—

"(II) is removable under paragraph (2) (other than section 237(a)(2)(A)(iii)) of section 237(a), paragraph (3) of section 237(a), or paragraph (2) of section 212(a), has been physically present in the United States for a continuous period of not less than 10 years immediately following the commission of an act, or the assumption of a status, constituting a ground for deportation, and proves that during all of such period he has been and is a person of good moral character, and is a person whose removal would, in the opinion of the Attorney General, result in exceptional and extremely unusual hardship to the alien or to his spouse, parent or child, who is a citizen of the United States, or an alien lawfully admitted for permanent residence.

"(B) Subsection (d) of this section shall not apply to determinations under this paragraph, and an alien shall not be considered to have failed to maintain continuous physical presence in the United States under clause (A)(iii) of this paragraph if the alien demonstrates that the absence from the United States was brief, casual, and innocent, and did not meaningfully interrupt the continuous physical presence.

"(C) The determination by the Attorney General whether an alien meets the requirements of subparagraph (A) or (B) of this paragraph is final and shall not be subject to review by any court. Nothing in the preceding sentence shall be construed as limiting the application of subparagraph (B) of section 242(a)(2) to other eligibility determinations pertaining to discretionary relief under this Act.".

(d) EFFECTIVE DATE OF SUBTITLE (C).—The amendments made by subtitle (c) shall be effective as if included in Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (P.L. 104–208, Division C, 110 Stat. 3009).

(e) APPEAL PROCESS.—Any alien who has become eligible for suspension of deportation or cancellation of removal as a result of the amendments made by subsection (b) and (c) may, notwithstanding any other limitations on motions to reopen imposed by the Immigration and Nationality Act or by regulation file one motion to reopen to apply for suspension of deportation or cancellation of removal. The Attorney General shall designate a specific time period in which all such motions to reopen must be filed. The period must begin no later than 120 days after the date of enactment of this Act and shall extend for a period of 180 days.

(f) EFFECTIVE DATE OF SECTION.—This section shall take effect one day after enactment of this Act.

## AUTHORITY FOR COMMITTEES TO MEET

### COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. COATS. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the season of the Senate on Thursday, September 25, 1997, to conduct a markup of the committee print to reauthorize the transit provisions of ISTEA.

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. COATS. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Thursday, September 25, 1997, at 10 a.m. on S. 852—motor vehicle titling reform.

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. COATS. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Thursday, September 25, for purposes of conducting a full committee hearing which is scheduled to begin at 9:30 a.m. The purpose of this oversight hearing is to receive testimony on the Federal agency energy management provisions of the Energy Policy Act of 1992.

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON FINANCE

Mr. COATS. Mr. President, the Finance Committee requests unanimous consent to conduct a hearing on Thursday, September 25, 1997 beginning at 9 a.m. in room 106 Dirksen.

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON FOREIGN RELATIONS

Mr. COATS. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, September 25, 1997, at 2 p.m. to hold a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. COATS. Mr. President, I ask unanimous consent on behalf of the Governmental Affairs Committee Special Investigation to meet on Thursday, September 25, at 10 a.m. for a hearing on campaign financing issues.

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. COATS. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet for a hearing on tobacco settlement during the session of the Senate on Thursday, September 25, 1997, at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON RULES AND ADMINISTRATION

Mr. COATS. Mr. President, I ask unanimous consent that the Committee on Rules and Administration be authorized to meet during the session of the Senate on Thursday, September 25, 1997, at 9:30 a.m. until business is completed, to conduct a hearing on Capitol security issues.

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON AFRICAN AFFAIRS

Mr. COATS. Mr. President, I ask unanimous consent that the Subcommittee on African Affairs of the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, September 25, 1997, at 10 a.m. to hold a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON FORESTS AND PUBLIC LAND MANAGEMENT

Mr. COATS. Mr. President, I ask unanimous consent that the Subcommittee on Forests and Public Land Management of the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Thursday, September 25, for purposes of conducting a subcommittee hearing which is scheduled to begin at 2 p.m. The purpose of this hearing is to receive testimony on S. 799, a bill to direct the Secretary of the Interior to transfer to the personal representative of the estate of Fred Steffans of Big Horn County, WY, certain land compromising the Steffans family property; S. 814, a bill to direct the Secretary of the Interior to transfer to John R. and Margaret J. Lowe of Big Horn County, WY, certain land so as to correct an error in the patent issued to their predecessors in interest; and H.R. 960, a bill to validate certain conveyances in the city of Tulare, Tulare County, CA, and for other purposes.

The PRESIDING OFFICER. Without objection, it is so ordered.

## ADDITIONAL STATEMENTS

## TRIBUTE TO GEORGE MURPHY

● Mr. KENNEDY. Mr. President, it is a privilege to take this opportunity to pay tribute to an outstanding leader in the American labor movement. All of us who know and admire George Murphy are proud of his lifetime of commitment to improving the lives of working communities across America, and are saddened by his retirement as general counsel of the United Food and Commercial Workers International Union.

In a very real sense, George has lived the American dream. He was born and raised in Washington, DC. His father, William, served as a police officer here. His mother, Rose, was a dedicated school teacher. George's parents instilled in him the commitment to excellence and service that have made him one of the finest and most respected labor attorneys in the country.

Throughout his 31 years of service, he has demonstrated extraordinary dedication to the ideals and principles of the labor movement that have led to so many achievements for union members and for millions of other workers across the country whose lives are better today because of George Murphy.

George's impressive leadership for the benefit of all working men and women and their families will be long remembered. I extend my warmest wishes and congratulations to George on his retirement. His outstanding service is an inspiration to us all.●

## TRIBUTE TO DON GORDON

● Mr. McCONNELL. Mr. President, I rise today to recognize the career of Don Gordon, an outstanding newspaperman, who has retired after a distinguished career in journalism. Don served the western Kentucky area for 8 years as editorial editor for the Paducah Sun.

Don was born in Overland, MO, and upon graduating high school, served his country in the navy during the Korean war. In 1959, he graduated from the University of Missouri with a degree in journalism and has worked for newspapers ever since. Don has been a reporter, city editor, copy editor, and managing editor and has worked for newspapers in Missouri, Illinois, Oklahoma, and South Carolina, before coming to Kentucky. He and his wife, Zona, moved to Paducah in 1989, to return to a part of the country they love.

Don's interest in writing began at a very early age, and during his school days he was involved in printing neighborhood news and sports sheets. In the years when Don first became a professional journalist, it was very rare for a reporter to be credited with a byline. However, a series of articles Don wrote covering a murder trial so impressed one of his first editors, that he was given a byline for his good work. This was only to be the first of many instances in which Don's work was to be recognized by his peers. While reluctant to mention such things, he has won awards for best editorial from the Kentucky Press Association and was nominated for a Pulitzer Prize for journalism.

"Excellence" is the word that best describes Don's work. Day after day, he consistently brought public issues into perspective by combining a mastery of the written language and knowledge of a variety of subjects, both local and national. He was a newspaperman's newspaperman.

Retirement in Don's case does not mean that he will be inactive. After 41 years of marriage, he and Zona will now have the opportunity to travel. The West and Alaska beckon. The couple also looks forward to serving as volunteer missionaries. They are active in Trinity Baptist Church, and have been involved in the Gideon Bible Society, and served in jail and prison ministries.

Mr. President, I commend Don Gordon for his outstanding service to western Kentucky. He will be missed by friends and coworkers, and just as importantly, by his many devoted readers. I ask that you and my fellow colleagues join me in recognizing the career of this outstanding Kentuckian, and wishing him well in all future pursuits.●

## THE GARTNER GROUP, THE NEW YORK FEDERAL RESERVE BANK, AND DEUTSCHE MORGAN GRENFELL AGREE: POTENTIAL FOR A "MILD GLOBAL RECESSION"

● Mr. MOYNIHAN. Mr. President, we learn today in the New York Times that an alarming number of companies and governments are failing to cope with the impending year 2000 computer crisis.

A study by the respected Gartner Group, which specializes on information technology, indicates that fully "30 percent of companies worldwide had not started addressing the year 2000 problem," and that of those "88 percent were smaller companies." This is most troubling news. Failure to comply could lead, in the opinion of William J. McDonough, the president of the New York Federal Reserve Bank, to a global recession.

Analysts are also predicting that many companies will go out of business when their computer systems fail at the turn of the century. Again I quote the Times article: "Edward Yardeni, the chief economist at Deutsche Morgan Grenfell, issued a report last week saying that there is a 35-percent chance that the millennium bug will cause 'at least a mild global recession' in 2000."

My first day bill, S. 22, would establish an independent commission, more like a task force, to ensure that the Federal Government will be compliant, and to ensure that awareness and compliance will be raised in the private sector.

I ask that the article from today's Times, "Many Reported Unready To Face Year 2000 Bug," be printed in the RECORD.

The article follows:

[From the New York Times, Sept. 25, 1997]

### MANY REPORTED UNREADY TO FACE YEAR 2000 BUG

(By Laurence Zuckerman)

A new study shows that a large proportion of businesses and government agencies around the world are not properly preparing for the effect that the year 2000 will have on their computer systems, increasing the possibility of potentially serious disruptions as the end of the century approaches.

The study by the Gartner Group, an adviser on information technology, found that 30 percent of companies worldwide had not started addressing the year 2000 problem, or the millennium bug, as it is often called. Of these, 88 percent were smaller companies with fewer than 2,000 employees.

"We are going to see a very large number of small companies in very serious trouble," said Matthew Hotle, an analyst at Gartner, which is based in Stamford, Conn. "They are not going to finish in time."

The research also showed that large institutions, like universities and hospitals, and Government agencies, were far behind in their efforts. "We were expecting that some agencies would have at least made up some ground over the last six to nine months," Mr. Hotle added, "but they are way behind."

The study, which is scheduled to be issued next month at an annual Gartner Group symposium, comes at a time when concern is rising about the potential impact of the millennium bug. Last week, Representative Steve Horn of California, the Republican chairman of the House subcommittee that oversees information technology issues, graded the preparation efforts of 24 Government agencies. Eleven received either D's or F's, including the National Aeronautics and Space Administration, the Department of Energy, the Nuclear Regulatory Commission and the Department of Transportation.

In addition, some prominent economists and William J. McDonough, the president of the New York Federal Reserve Bank, have warned that failure to cope with the 2000 problem properly could cause a global recession.

The millennium bug dates back to the dawn of the computer age, when computer memory was so scarce that programmers abbreviated the year as two digits. A computer that read "97" as a date assumed it meant 1997. After the turn of the century, those same programs, unless corrected, will read "00" as 1900, disrupting everything from the calculation of interest rates to the shelf life of breakfast cereal. Because the two-digit dates appear in different forms in different software, finding and correcting each program is extremely time consuming and labor intensive.

The Gartner Group has said in the past that fixing existing computer software will cost between $300 billion and $600 billion, an estimate that has not been increased as a result of the study. Mr. Hotle said that other estimates, including the costs of new hardware, business interruptions and potential litigation, could push the figure over $1 trillion.

The study surveyed 2,300 companies, institutions and government agencies in 17 countries. Each was given a rating based on their progress. The results show that most large companies are already well along in their efforts to cope with the millennium bug, led by the financial services industry. Though only 52 percent of companies with more than 20,000 employees were considered well positioned, the figure was nearly 80 percent in the United States.

The problem is that many large companies are becoming increasingly dependent on smaller suppliers that may not be as well prepared. For example, if a crucial parts supplier cannot deliver to a big auto maker, it will not matter that the auto company is year-2000 compliant.

"You are going to see some major slowdowns because of these small companies," said Lou Marcoccio, research director of Gartner's year 2000 practice.

Some analysts have also predicted that a number of companies, already teetering on the edge, will go out of business when their computer systems fail as a result of the bug. Edward Yardeni, the chief economist at Deutsche Morgan Grenfell, issued a report last week saying that there is a 35 percent chance that the millennium bug will cause "at least a mild global recession" in 2000.

While the Federal Government has come under criticism in Congress, the Gartner study found that the United States is far ahead of other countries. Last week, the Office of Management and Budget sent a report to Congress predicting that the cost of fixing the Government's computers would be $3.8 billion.●

## MAJ. GEN. RAY E. McCOY, USA

● Mr. INHOFE. Mr. President, I rise today to commend Maj. Gen. Ray E. McCoy, USA, upon his retirement from the United States Army after more than 32 years of distinguished and dedicated service to our Nation.

Major General McCoy, a native son of the Oklahoma farmland, graduated in 1965 from Oklahoma State University, where he received the prestigious Drummond Saber Award as the year's outstanding ROTC graduate. That honor was the harbinger of an extraordinary military career.

After completing Infantry School and Ranger training, Ray McCoy served in a variety of combat and command assignments stateside and overseas, including two tours in Vietnam and one in Korea. In the operations theater, his abiding concern for his charges, his roll-up-your-sleeves approach to getting the mission done, and his tempered-steel military bearing earned him the respect of all who soldiered with and for him.

As his career progressed, he served in a number of high-level staff positions at the Department of the Army, Joint Chiefs of Staff, the Army Material Command, and the Defense Logistics Agency [DLA] America's combat support agency. For the past 2 years, Major General McCoy has served as DLA's Principal Deputy Director. His vision and leadership were vital to the agency's business-process reengineering, which incorporated the best public and private sector practices. These initiatives elevated material readiness and strengthened the management and oversight of Defense contracts—and at markedly reduced cost to the taxpayers and the warfighters. Blending combat experience with business acumen, Ray McCoy was instrumental in the agency's successful efforts to accelerate logistics response and improve weapons-systems readiness. With Major General McCoy having led the charge, DLA is now a front line partner with combat and contingency operations forces in Bosnia and around the world.

Whether it was on the rough terrain of the combat theater or behind a desk, Ray McCoy served his country with valor, loyalty, and integrity. With the physical stature of a sturdy oak and the energy of a southwestern tornado, Ray McCoy demonstrates time and time again that he truly deserves to be called a soldier's soldier. On the occasion of his retirement from the U.S. Army, I offer my congratulations and thanks to this esteemed son of the Sooner State, and wish him well in his future pursuits.●

## NATIONAL CENTER FOR RURAL LAW ENFORCEMENT

● Mr. LEAHY. Mr. President, I ask to have printed in the RECORD a copy of a resolution passed on May 29, 1997, by the Vermont Association of Chiefs of Police supporting H.R. 1524 which creates a National Center for Rural Law Enforcement.

I would like to thank them for sharing these resolutions with me. I also look forward to working with Senators HATCH, BIDEN, and others in introducing legislation in the Senate in support of a National Center for Rural Law Enforcement.

The resolution follows:

Whereas, the Vermont Association of Chiefs of Police support the National Center for: Rural Law Enforcement as several chiefs have attended regional conferences to discuss and identify the training and technical assistance needs of rural law enforcement agencies nationwide; and

Whereas, more than two hundred law enforcement officials, from rural areas, have attended these regional meetings and validated the need for federal assistance in areas of technical assistance, management training, and the formation of an information clearinghouse for rural law enforcement agencies; and

Whereas, the majority of existing local, state, and federal programs are too costly for small rural enforcement agencies and are generally designed to serve the larger law enforcement agencies of the country; and

Whereas, approximately one-third of all Americans live in rural areas, ninety percent of all law enforcement agencies serve populations of less than 25,000 residents, seventy-five percent of all law enforcement agencies serve a population of fewer than 10,000 residents, while rural violent crime has increased over thirty-five per cent in the last ten years; and

Whereas, rural law enforcement agencies have staffing limitations and financial limitations which make it difficult to properly train on and/or address the specific crime-related issues facing all rural law enforcement administrators in our country; and

Whereas, we believe that the creation of a national center for rural law enforcement would enhance and complement present state standards and training and does not duplicate any existing program; now, therefore, be it

*Resolved*, That the Vermont Association of Chiefs of Police strongly support the creation of the National Center for Rural Law Enforcement that would be funded through federal legislation;

*Be it further resolved*, That the operational control and oversight of the National Center for Rural Law Enforcement would rest upon an advisory board made up primarily of Sheriffs and Chiefs of Police from rural law enforcement agencies from each region of the county.●

## COL. RYSZARD KUKLINSKI

● Mr. ROTH. Mr. President, I rise today to acknowledge the work of an unsung hero, a man whose unparalleled sense of duty to a free and democratic Poland contributed immeasurably not only to that country's freedom from Soviet domination but also to the security of the United States. I refer to Col. Ryszard Kuklinski.

You see, during the height of the cold war, when NATO and Soviet-led Warsaw Pact forces confronted each other in a divided Europe, Colonel Kuklinski risked his life to help free Poland from foreign oppression.

This risk came in the form of over 35,000 pages of secret military documents he turned over to the United States Government, documents that detailed Soviet operational plans for surprise attacks on Western Europe, scenarios for a nuclear launch, specifications for more than 200 advanced Soviet weapons systems, and details of Soviet plans to impose Marshal law on Poland. His information was an invaluable asset to the West, and contributed immensely to the alliance's success in deterring Soviet aggression in Europe.

Colonel Kuklinski asked for nothing in return for his information. Instead, he was forced to flee his country with his family when his actions were discovered by Soviet authorities sometime in 1981.

After the Warsaw Pact realized what had happened after his departure from Poland, Colonel Kuklinski was issued in absentia a death sentence by a military tribunal.

On Monday, the Polish Government—the government of a free and democratic Poland—took the step of dropping espionage charges against this hero and formally recognized that his actions served the highest interests of Poland. I commend the Polish Government and its military for taking this much needed step.

I decided to raise the heroic story of Colonel Kuklinski for two reasons. First, to thank him and to express my admiration for the sacrifices he made for a free and democratic Poland. Second, as the Senate will soon be considering Poland's application for NATO membership, it is important to remember that Poland is not a former foe, but was once a captive nation whose people were ready to risk anything in order for their country to be free and to be full member of the transatlantic community of democracies.●

## COMPREHENSIVE TEST BAN TREATY

● Mr. FEINGOLD. Mr. President, I rise today to commend President Clinton for submitting the Comprehensive Test Ban Treaty to the Senate for its advice and consent.

This treaty represents decades of work by eight administrations.

Now it is time for the Senate to do its job and ratify the CTBT at the earliest possible date.

Just as the United States was a leader in the development of nuclear weapons, the U.S. has also led the drive to limit nuclear testing. On June 10, 1963, President John F. Kennedy made an historic address at American University during which he announced that the U.S. and the Soviet Union would begin negotiations on a comprehensive test ban treaty.

President Kennedy said, "The conclusion of such a treaty, so near and yet so far, would check the spiraling arms race in one of its most dangerous areas. It would place the nuclear powers in a position to deal more effectively with one of the greatest hazards which man faces in 1963, the further spread of nuclear arms."

In the years since President Kennedy made those remarks, the world has witnessed the end of the Cold War, and the spiraling arms race he spoke of has come to an end.

But the spread of nuclear weapons is still as great a hazard in 1997 as it was in 1963. President Kennedy saw then that banning nuclear testing was an important step in curbing the proliferation of nuclear weapons.

Now, 34 years after President Kennedy's speech and 52 years after the first nuclear test, we are finally on the verge of ending all nuclear explosions, including those underground.

I fully agree with President Clinton, who—in announcing the action on this treaty in front of the United Nations General Assembly earlier this week—proclaimed the CTBT as the "longest-sought, hardest-fought prize in the history of arms control."

I think President Bush and President Clinton deserve a great deal of credit for making the final push to achieve a total test ban.

In 1992, President Bush decided to place a unilateral moratorium on nuclear tests. President Clinton then extended the moratorium until a comprehensive test ban could be negotiated with the other nuclear powers.

The leadership shown by President Bush and President Clinton created the momentum that led to the passage of the CTBT in the United Nations last year. Had the United States not taken the initiative to halt its nuclear testing first, I doubt that the Senate would have a test ban treaty to consider.

It is critical that the United States not shirk its leadership role now that the CTBT is so close to going into effect. Already, eight states have ratified the CTBT including Japan, which ratified the treaty this past July, and, most recently, the Czech Republic on the 8th of this month.

But obviously the CTBT will be meaningless unless the five major nuclear powers ratify it. Here is where the United States can once again be at the front of the line. The United States has, after all, conducted the lion's share of nuclear tests in the last 50 years—1,030 in all, compared to 715 by the Soviet Union; 45 by the United Kingdom; 210 by France and 45 by China.

But perhaps the greatest challenge to this treaty will be getting the undeclared nuclear powers on board. India and Pakistan have not signed the CTBT and their absence endangers the entire treaty. As two countries who have been in conflict with each other since becoming independent nations, India and Pakistan may have the most to gain from a ban on nuclear tests.

The United States, along with each of the 145 other nations who have signed the treaty, need to work together to convince India of the wisdom of the comprehensive test ban. India should realize that the CTBT is just another step towards complete nuclear disarmament. Islamabad indicates that once India agrees to the CTBT, Pakistan would also sign. This is an historic opportunity to help facilitate peace in Asia—one that the United States should not miss.

North Korea is another holdout.

But, unlike Pakistan and India, the North Koreans have yet to show a true commitment to greater integration in the international system. Many intelligence analysts from both the United States and South Korea believe that North Korea may already possess a crude nuclear device.

Hopefully, one day, even North Korea will bend to international pressure and accept a test ban.

Despite what critics of the CTBT might say, the treaty is enforceable.

Nuclear explosions of any substantial size are very difficult to hide. This treaty will establish an international monitoring system that incorporates seismological, infrasound, and other technologies. State-of-the-art seismological sensors can detect blasts as small as one kiloton anywhere in the world.

But the treaty also includes provisions for on-site monitoring so inspectors can visit test sights quickly if there is any suspicion that a nuclear blast has occurred.

Events of the last month have illustrated how important it is to have a well-monitored CTBT. On August 16, seismologists detected evidence that Russia may have exploded a nuclear device at its test site in the Arctic. However, there is evidence to back Moscow's claim that the seismic activity was the result of an underwater earthquake, rather than a nuclear test.

The monitoring regime that the CTBT will establish will make it much easier to investigate such incidents and will reduce mutual suspicion between the nuclear powers.

The Comprehensive Test Ban Treaty is indeed something that will enhance the security of the United States. In addition to making the nuclear programs of China and Russia more transparent, the test ban will make it significantly more difficult for rogue states like Iran or Iraq to complete development of their own nuclear weapons.

As a complement to the CTBT, the United States and the other nuclear powers should do all they can to ensure that threshold countries do not have access to advanced technology—such as high-speed computer modeling—that would help them to develop reliable weapons without actually conducting nuclear tests.

Mr. President, the Comprehensive Test Ban Treaty is now in our hands and it is up to the Senate to act.

I hope the Chairman of the Senate Foreign Relations Committee [Mr. HELMS] will hold hearings on this treaty before the end of the First Session of the 105th Congress so that the full Senate can ratify the CTBT by early next year.

This treaty has won near unanimous support in the United Nations. Countries—both Communist and capitalist, developing and developed—have signed this treaty. The CTBT has overwhelming multilateral support and it deserves full bipartisan support in the Senate.

I urge all my colleagues to support the Comprehensive Test Ban Treaty.

Let me close with another quote from President Kennedy's speech at American University. "Genuine peace must be the product of many nations, the sum of many acts. It must be dynamic, not static, changing to meet the challenge of each new generation. For peace is a process—a way of solving problems."

Mr. President, the CTBT is an important tool in meeting one of today's biggest challenges: ending the threat of nuclear war.

We must meet this challenge.

## TRIBUTE TO RAFAEL GARCIA AND OCTAVIO VIVEROS, JR.

• Mr. BOND. Mr. President, I rise today to pay tribute to the Hispanic American population during National Hispanic Heritage Month. Every year, from September 15 through October 15, Hispanic Americans celebrate their Heritage and are honored for their many civic contributions and achievements throughout the Nation. In the spirit of Hispanic Heritage Month, I recognize two individuals, Rafael Garcia and Octavio Vivercs, Jr., whom I nominated to represent my home State of Missouri on the United States Senate Task Force on Hispanic Affairs.

Rafael Garcia is president and owner of Rafael Architects, Inc. (RAI). Honored with many architectural awards, Rafael has also received numerous Community Service awards. In 1997, Rafael earned "Entrepreneur of the Year Finalist" to add to his Hispanic Leadership award, and his "Top 25 Hispanic Leaders in Kansas City" honor given by Dos Mundos Newspaper. He is a member of several Charity and Community Boards of Directors including Heart of America United Way, Starlight Theater and the Kansas City Art Institute. Rafael volunteers for FOCUS/Odyssey 2000 West as a facilitator and for Project HOPE (Hope, Opportunity, Performance, Education through Entrepreneurship) and has been written up in several prominent magazines for his many accomplishments and contributions. He personifies everything positive in the Kansas City Metropolitan area and I am excited to have him working on this important cause for Hispanic communities across the United States.

Octavio Viveros, Jr. is a Founder and Partner of Viveros & Barrera L.C. Law Firm and is Founder and President of LatAm Trading, Inc. Octavio has been appointed to the Board of Indigent's Defense a Gubernatorial Appointment for the State of Kansas and the Key Commission a Mayoral Appointment for the City of Kansas City, MO. He is the founder of the Hispanic Economic Development Corporation of Kansas City, a former President of the Board of Directors for the Hispanic Chamber of Commerce of Greater Kansas City and a member of the Kansas City Centurious Leadership Program, to name a few of his civic accomplishments. Octavio has earned many awards including recognition as one of the "25 Most Influential Hispanics in Kansas City" in 1993 by Dos Mundos Newspaper. Most recently he attended United States Senate Republican Conference as a member of the Task Force on Hispanic Affairs here in Washington, DC. His continuing commitment to not only the Kansas City Community, but also the entire Hispanic American Community is a positive example for all and I am extremely pleased to have him on my team.

I believe that Rafael and Octavio will be able to help the Hispanic community by encouraging growth and opportunity. Each year exemplary leadership in the Hispanic Community is evidenced by achievement in the work force and community involvement. It is impressive to watch this expansion and I congratulate all Hispanic Americans, especially Rafael and Octavio, during this important month of Heritage. I commend them on their present success and hope for even more in the years to come.•

## LANDMINES

• Mr. LEAHY. Mr. President, many have asked whether the Department of

Defense has so involved itself in the landmine debate that they have even changed definition to win in their opposition to joining the majority of nations seeking a ban.

An article from September 24, 1997, the Washington Post answers the question and I ask that it be printed in the Record.

The article follows:

### Clinton Directive on Mines: New Form, Old Function

(By Dana Priest)

When is an antipersonnel land mine—a fist-sized object designed to blow up a human being—no longer an antipersonnel land mine?

When the president of the United States says so.

In announcing last week that the United States would not sign an international treaty to ban antipersonnel land mines, President Clinton also said he had ordered the Pentagon to find technological alternatives to these mines. "This program," he said, "will eliminate all antipersonnel land mines from America's arsenal."

Technically speaking, the president's statement was not quite accurate.

His directive left untouched the millions of little devices the Army and Defense Department for years have been calling antipersonnel land mines. These mines are used to protect antitank mines, which are much larger devices meant to disable enemy tanks and other heavy vehicles.

The smaller "protectors" are shot out of tanks or dropped from jets and helicopters. When they land, they shoot out threads that attach themselves to the ground with tiny hooks, creating cobweb-like tripwires. Should an enemy soldier try to get close to the antitank mine, chances are he would trip a wire, and either fragments would explode at ground level or a handball-sized grenade would pop up from the antipersonnel mine to about belly height. In less than a second, the grenade would explode, throwing its tiny metal balls into the soldier's flesh and bones.

In the trade, these "mixed" systems have names such as Gator, Volcano, MOPMS and Area Denial Artillery Munition, or ADAM.

These mines, Clinton's senior policy director for defense policy and arms control, Robert Bell, explained later, "are not being banned under the president's directive because they are not antipersonnel land mines." They are, he said, "antihandling devices," "little kinds of explosive deices" or, simply, "munitions."

Not according to the Defense Department, which has used them for years.

When the Pentagon listed the antipersonnel land mines it was no longer allowed to export under a 1992 congressionally imposed ban, these types were on the list.

And when Clinton announced in January that he would cap the U.S. stockpile of antipersonnel land mines in the inventory, they were on that list too.

At the time, there were a total of 1 million Gators, Volcanos and MOPMS, as well as 9 million ADAMs. (Only some ADAMs are used in conjunction with antitank mines, and those particular devices are no longer considered antipersonnel land mines.)

The unclassified Joint Chiefs of Staff briefing charts used to explain the impact of legislation to Congress this year explicitly state that Gators, Volcanos, MOPMS and ADAMs are antipersonnel land mines.

So does a June 19 Army information paper titled "US Self-Destructing Anti-Personnel Landmine Use." So does a fact sheet issued in 1985 by the Army Armament, Munition and Chemical Command.

As does a recent Army "Information Tab," which explains that the Gator is "packed with a mix of 'smart' AP [antipersonnel] and 'smart' AT [antitank] mines."

And when Air Force Gen. Joseph W. Ralston, vice chairman of the Joint Chiefs of Staff, briefed reporters at the White House on may 16, 1996, he said: "Our analysis shows that the greatest benefit of antipersonnel land mines is when they are used in conjunction with antitank land mines. . . . If you don't cover the antitank mine field with antipersonnel mines, it's very easy for the enemy to go through the mine field."

A diplomatic dispute over the types of antipersonnel land mines Ralston was describing then and arms control adviser Bell sought to redefine last week was one of the main reasons the United States decided last week not to sign the international treaty being crafted in Oslo, Norway.

U.S. negotiators argued that because these mines are programmed to eventually self-destruct, they are not responsible for the humanitarian crisis—long-forgotten mines injuring and killing civilians—that treaty supporters hoped to cure with a ban, and therefore should be exempt from the ban.

Also, because other countries had gotten an exemption for the type of antihandling devices they use to prevent soldiers from picking up antitank mines—which are actually attached to the antitank mines—U.S. negotiators contended that the United States should get an exemption for the small mines it uses for the same purpose.

Negotiators in Oslo did not accept Washington's stance. They worried that other countries might seek to exempt the types of antipersonnel mines they wanted to use, too, and the whole treaty would soon become meaningless.

The administration was not trying to deceive the public, Bell said in an interview yesterday, bristling at the suggestion. Given the fact that the U.S. devices are used to protect antitank mines, "it seems entirely common-sensical to us" to call them antihandling devices.

Said Bell: "this was not a case of us trying to take mines and then define the problem away."

### HOW ONE 'ANTIHANDLING DEVICE' WORKS

*When President Clinton spoke of eliminating antipersonnel land mines, he left out of his directive devices such as the Gator antipersonnel mine. The Gator mine prevents soldiers from disarming antitank mines. It works like this:*

1. Gator mines grouped in a cluster bomb are dumped from planes onto the ground surrounding antitank mines.
2. When the mine lands, gas from a small squib forces spring-loaded tripwires to be released.
3. Tension on the tripwire sets off the fuse, sending low-flying fragments in all directions.•

## TRIBUTE TO ANGENETTE "ANGIE" MARTIN

• Mrs. FEINSTEIN. Mr. President, a woman who devoted most of her life to improving the lives of others lost her battle with cancer recently, and I would like to take a moment to acknowledge the accomplishments and the contributions of this extraordinary woman.

Angie Martin struggled with the dreaded disease of breast cancer for the past 5 years. She died on August 31 at her home in Sausalito, CA, and a memorial service will be held here in Washington, DC on Monday, September 29. The many people who knew Angie know that this memorial will not be in mourning for her death, but in celebration of a life of service to others.

The world is filled with passionate idealists. Angie was of the rarer breed of people who also had the ability to inspire passion in others. Rarer still was her talent for turning those passionate ideas into action. Her efforts were always aimed at improving the lives of others, the most rare gift of all.

Angie Martin pioneered grassroots organizing techniques, establishing a vital link between citizen action and social change, and created a model for grassroots and political campaigns nationwide. Working with consumer advocate Ralph Nader in Connecticut in the early 1970's, Angie helped to create the first ever citizens lobby devoted to environmental and consumer issues. She worked to improve conditions for migrant workers in New York state, and organized the highly acclaimed 1986 Hands Across America event to build awareness for the cause of hunger and homelessness in the United States.

Together with her friend and partner, Gina Glantz, Angie took on some of our Nation's toughest issues: homelessness, hunger, migrant workers, gun violence, teen pregnancy. Her counsel was valued by many of our Nation's most prominent leaders, including Senator Ted Kennedy and Vice President Walter Mondale.

Angie battled her disease with the same conviction and courage she brought to fighting for causes she believed in. Her legacy will live on in the lives of those she worked with, and in the lives of those she helped through her passionate efforts over the last three decades.

My thoughts and prayers are with her husband, Gene Eidenberg, and daughters, Danielle and Elizabeth. I know many of my colleagues will join me in paying tribute to this remarkable woman, by continuing the fight to find a cure for breast cancer and for all cancers, and by continuing to address the important issues for which she dedicated her life's work.•

## INTERMODAL TRANSPORTATION ACT OF 1997

• Mr. ABRAHAM. Mr. President, I rise to comment on the Senate Environment and Public Works Committee's report on S. 1173, the Intermodal Transportation Act of 1997. The sponsors of this legislation argue that it will provide an adequate level of federal highway funds, distributed equitably among the states, so as to meet our surface transportation needs over the next six years. I wish I could be as optimistic, but I have concerns that this bill will simply perpetuate the intolerable situation under which donor states, like Michigan, have been forced to suffer.

There are two basic fundamental flaws with our current surface transportation funding process that must be addressed in order to provide every state the ability to meet its highway needs. First, the vast disconnect between how much an individual state contributes to the Highway Trust Fund and how much it receives in Federal highway aid must be bridged. Second, the vast disconnect between how much the Federal government takes into the Highway Trust Fund from gas taxes, and the total amount it distributes to the states in Federal highway aid must also be bridged. Until these two problems are properly addressed, donor states such as Michigan shall be forced to suffer under a inequitable system that is neither justified nor effective.

The bill to be reported out of the Environment and Public Works Committee, S. 1173, the Intermodal Transportation Act attempts to rectify the problem of this unequal distribution among the states by allegedly guaranteeing each state a 90-percent return on the gas taxes it contributes to the Highway Trust Fund. Unfortunately, this will not be the case. In FY 98, Michigan is expected to contribute over $795 million in gas taxes to the Highway Account of the Highway Trust Fund. Nonetheless, according to data provided by the sponsors of S. 1173, this new distribution formula will provide only $686 million in federal highway aid to Michigan, an 86-percent rate of return. And it only gets worse, for by FY 2003, when Michigan is projected to contribute $1.07 billion in gas taxes, it will receive only $726 million in federal highway aid, down to a 68-percent rate of return. Even these funding levels are just $5.7 billion per year more than the average ISTEA levels for Michigan. This formula, Mr. President, is far away from what I would call a fair means of distributing this country's limited highway dollars. I will stand firmly against any measure that perpetuates this inequality.

As for the issue of overall funding levels, S. 1173 does not address the Federal government's unfair practice of collecting gas taxes from American motorists, while refusing to expend them. We know this process to be a sleight of hand scheme by which the Federal government shirks the full burden of responsibility for the true size of the budget deficit. Years ago, American motorists were told that a gas tax would be collected as a "user fee" to provide a "pay-as-you-go" funding source for the Interstate Freeway System. They should expect the taxes they pay at the pump to be necessary to maintain the roads upon which they drive, and to be spent on those roads. In my opinion, when those taxes are not used for transportation purposes, the American motorist can rightfully conclude either those taxes are not necessary, or more likely, are being unjustly withheld from their proper use.

The Taxpayer Relief Act of 1997 took an important step towards correcting this unjustified withholding by transferring gas tax revenues which previously were being directed to the general revenue back to the Highway Trust Fund. These 4.3 cents of gas tax represent almost $5 billion in additional revenue for the Trust Fund, an account that will grow to over $30 billion in annual revenue by 2003. Yet the Intermodal Transportation Act only authorizes funding levels of approximately $24 billion per year, continuing to withhold nearly $6 billion per year in highway gas taxes to mask the deficit's true size, while allowing the continuation of wasteful government programs. Even under the unfair distribution formulas found in ISTEA, these $6 billion additional dollars would represent over $150 million in extra federal aid per year for Michigan, an increase of about 25 percent.

Mr. President, it is clear what we must now do. Any successor legislation to ISTEA must guarantee each and every state at least 95 cents in federal highway aid for every dollar it sends to Washington in gas taxes. The entire justification for this historically unfair distribution, a distribution scheme that forces states like Michigan to suffer as donor states, is rendered moot with the completion of the Interstate System, a declaration made six years ago in the very opening paragraph of ISTEA, to recognize America entering an era in which new construction transportation projects are started to fulfill regional, not national, demands.

Furthermore, Mr. President, we must stop withholding highway funds from the states. The successor legislation to ISTEA must guarantee that all the states are provided the opportunity to use all the revenues raised by gas taxes. Therefore, we must ensure that legislation is in place that will force the Federal government to spend on our highways an amount at least equal to that amount raised in gas taxes. Absent that, we must provide an opportunity for the States to raise their own gas tax revenues by repealing that portion of the gas tax not needed to fund the federal aid highway program, thereby allowing the states to raise, and keep for their roads, the gas tax revenues that would otherwise be siphoned off to unscrupulously mask the true size of the federal deficit and unjustifiably continue unnecessary federal spending.

Many of my colleagues are raising very similar concerns, Mr. President, and the next few weeks will likely see an intense debate on this issue. For my constituents in Michigan, no issue is more important than the federal road funding process, and I commit to them all my resources and efforts to rectify this inequitable situation. I will be joining many of my colleagues in proposing alternative methods of distributing our federal road funds so as to not only make it fairer for individual states, but also to ensure that the entire National Highway System, and our States' road system, are adequately maintained. And when Members of this Senate are able to score quick increases in their State's share of the federal dollar by threatening a filibuster, it makes the rest of us wonder what might be the most effective way for us to improve our States' situation. I plan to offer a series of amendments to address the fundamental issues I have discussed today, as well as proposals that will streamline. Only time will tell, Mr. President, but I trust we will be able to work together and derive an equitable and mutually beneficial funding solution.●

## THE NOMINATION OF PETER SCHER TO BE SPECIAL TRADE AMBASSADOR FOR AGRICULTURE

● Mr. FEINGOLD. Mr. President, I want to make a few brief comments regarding the nomination of Mr. Peter Scher to be the Special Trade Ambassador for Agriculture which this Senate is considering today. I am pleased to report that the Senate Foreign Relations Committee, on which I serve, considered the nomination of Mr. Scher and favorably reported his nomination yesterday.

I met with Mr. Scher following his confirmation hearing before the Senate Foreign Relations Committee to discuss with him the problems Wisconsin's agricultural sector has had with our existing trade agreements such as the Uruguay Round of GATT and the North American Free Trade Agreement. I urged Mr. Scher, in his new position, to work diligently to ensure that our trading partners are complying with their agricultural trade obligations established by these agreements.

Specifically, I asked Mr. Scher and the USTR to accept a section 301 petition filed by the dairy industry asking USTR to challenge the Canadian export pricing scheme before the World Trade Organization. Canada's dairy export subsidies violate the export subsidy reduction commitments under the Uruguay Round. These subsidies disadvantage the United States dairy industry in its efforts to compete in world markets. I also pointed out that Canada also has effectively prohibited our dairy industry from exporting products to lucrative Canadian markets. Not only must USTR aggressively pursue WTO dispute settlement proceedings against Canadian export subsidies, but it must also seek greater access for United States dairy products to Canadian markets, among others, in any upcoming trade negotiations.

I also raised with Mr. Scher the problems the United States potato industry has had with respect to access to both Canadian and Mexican markets. I urged him to pursue negotiations with the Canadians to allow greater access of United States potatoes to their domestic markets and to aggressively seek accelerated reduction in Mexican tariffs for United States potatoes, a commitment made to potato growers when NAFTA was approved. Mr. Scher assured me that potatoes would be among the commodities to be considered in upcoming negotiations with Mexico.

I believe Mr. Scher has a fundamental understanding of both the importance of trade to agriculture generally and of the complex trade problems the U.S. dairy industry faces regarding compliance with existing trade agreements. For that reason, I support the approval of his nomination. But I expect USTR, with Mr. Scher acting as Ambassador, to aggressively pursue the resolution of the critical issues facing our domestic dairy and potato sectors. I will continue to work with USTR to resolve these issues and will hold Mr. Scher to his commitment that USTR will use all existing tools to ensure compliance with existing trade agreements and to pursue greater access for agriculture to international markets.

I continue to have serious reservations about United States efforts to begin new trade negotiations until the problems with our current bilateral and multilateral agreements are successfully resolved. Wisconsin is home to 24,000 dairy farmers, 140 cheese processing plants and many other businesses associated with milk production and processing. Dairy contributes some $4 billion in income to Wisconsin's economy and provides 130,000 jobs. Wisconsin is also the fifth largest potato producing State with a large chip and french fry processing sector. Overall, Wisconsin ranks 10th in the Nation in farm numbers and 9th nationally with respect to market value of agricultural products sold.

Wisconsin's farmers and food processing industry could greatly benefit by gaining a greater share of international markets. However, for that to happen, our trade agreements must not only be fair, they must be enforceable. To date, our trade agreements have not only failed to provide significant benefits for many agricultural sectors, including dairy, they have placed some sectors at a distinct disadvantage. I will look at all future trade agreement proposals with an eye to these issues and make decisions on those proposals based, in part, on how they treat Wisconsin farmers.●

## MEASURE PLACED ON CALENDAR—S. 25

Mr. FAIRCLOTH. Mr. President, I ask unanimous consent that the Rules Committee be discharged from further consideration of S. 25, and the bill be placed on the calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

## EXPRESSING THE SENSE OF THE SENATE THAT INDIVIDUALS AFFECTED BY BREAST CANCER SHOULD NOT BE ALONE IN THEIR FIGHT AGAINST THE DISEASE

Mr. FAIRCLOTH. Mr. President, I ask unanimous consent that the Labor Committee be discharged from further consideration of Senate resolution 85 and the Senate proceed to its consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution.

The assistant legislative clerk read as follows:

A resolution (S. Res. 85) expressing the sense of the Senate that individuals affected by breast cancer should not be alone in their fight against the disease.

The Senate proceeded to consider the resolution.

Mr. FAIRCLOTH. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table, and that any statements relating to the resolution be printed at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 85) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

S. RES. 85

Whereas individuals with breast cancer need a support system in their time of need;

Whereas breast cancer is a disease of epidemic proportions, with 43,900 individuals in the United States expected to die from breast cancer in 1997, and 1 out of every 8 women in the United States expected to develop breast cancer in her lifetime;

Whereas the millions of family members, including spouses, children, parents, siblings, and other loved ones of persons with breast cancer can offer strong emotional support to each other in addition to the support they offer to patients and survivors dealing with their challenges;

Whereas it is important that the United States as a whole support the family members and other loved ones of individuals with breast cancer in addition to supporting the individual with breast cancer; and

Whereas 1997 brings the 25th anniversary of the National Cancer Program providing research, training, health information dissemination, and other programs with respect to the cause, diagnosis, prevention and treatment of cancer, rehabilitation from cancer, and the continuing care of cancer patients and their families: Now, therefore, be it

*Resolved*, That it is the sense of the Senate that an environment be encouraged where—

(1) the family members and loved ones of individuals with breast cancer can support each other in addition to the individual with breast cancer; and

(2) everything possible should be done to support both the individuals with breast cancer as well as the family and loved ones of individuals with breast cancer through public awareness and education.

## THE 25TH ANNIVERSARY OF THE ESTABLISHMENT OF THE FIRST NUTRITION PROGRAM FOR THE ELDERLY UNDER THE OLDER AMERICANS ACT OF 1965

Mr. FAIRCLOTH. Mr. President, I ask unanimous consent that the Labor Committee be discharged from further consideration of Senate Concurrent Resolution 11, and that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution.

The assistant legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 11) recognizing the 25th anniversary of the establishment of the first nutrition program for the elderly under the Older Americans Act of 1965.

The Senate proceeded to consider the concurrent resolution.

Mr. FAIRCLOTH. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and further ask unanimous consent that the motion to reconsider be laid upon the table, and any statements relating to this resolution be printed at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (S. Con. Res. 11) was agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, is as follows:

S. CON. RES. 11

Whereas older individuals who receive proper nutrition tend to live longer, healthier lives;

Whereas older individuals who receive meals through the nutrition programs carried out under the Older Americans Act of 1965 (42 U.S.C. 3001 et seq.) have better nutrition than older individuals who do not participate in the programs;

Whereas through the programs 123,000,000 meals were served to approximately 2,500,000 older individuals in congregate settings, and 119,000,000 meals were served to approximately 989,000 homebound older individuals, in 1995;

Whereas older individuals who participate in congregate nutrition programs carried out under the Act benefit not only from meals, but also from social interaction with their peers, which has a positive influence on their mental health;

Whereas every dollar provided for nutrition services under the Older Americans Act of 1965 is supplemented by $1.70 from State, local, tribal, and other Federal funds;

Whereas home-delivered meals provided under the Act are an important part of every community's home and community based long-term care program to assist older individuals to remain independent in their homes;

Whereas the home-delivered meals represent a lifeline to many vulnerable older individuals who are not able to shop and prepare meals for themselves;

Whereas the nutrition programs carried out under the Act successfully target the older individuals who are in greatest need and most vulnerable in the community; and

Whereas the nutrition programs have assisted millions of older individuals beginning with the enactment of Public Law 92–258, which established the first Federal nutrition program for older individuals, and continuing throughout the 25-year history of the programs: Now, therefore, be it

*Resolved by the Senate (the House of Representatives concurring)*, That the Senate—

(1) celebrates the 25th anniversary of the first amendment to the Older Americans Act of 1965 to establish a nutrition program for older individuals, and

(2) recognizes that nutrition programs carried out under the Older Americans Act of 1965 continuously have made an invaluable contribution to the well-being of older individuals.

## PROVIDING PERMANENT AUTHORITY FOR THE ADMINISTRATION OF AU PAIR PROGRAMS

Mr. FAIRCLOTH. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of calendar number 171, S. 1211.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1211) to provide permanent authority for the administration of au pair programs.

Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. FAIRCLOTH. Mr. President, I ask unanimous consent that the bill be considered read a third time, and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 1211), was read the third time and passed, as follows:

S. 1211

*Be it enacted by the Senate and House of Representatives of the United States of America in congress assembled,*

**SECTION 1. PERMANENT AUTHORITY FOR AU PAIR PROGRAMS.**

Section 1(b) of the Act entitled "An Act to extend au pair programs", approved December 23, 1995 (Public Law 104–72; 109 Stat. 776) is amended by striking ", through fiscal year 1997".

## ORDERS FOR FRIDAY, SEPTEMBER 26, 1997

Mr. FAIRCLOTH. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until the hour of 9 a.m., on Friday, September 26. I further ask unanimous consent that on Friday, immediately following the prayer, the routine requests through the morning hour be granted, and that the Senate immediately begin a period of morning business until 10 a.m., with Senators permitted to speak for up to 5 minutes, with the following exceptions: Senator DASCHLE or his designee, 30 minutes, from 9 until 9:30; Senator COVERDELL or his designee, 30 minutes, from 9:30 until 10. I further ask unanimous consent that at the hour of 10 o'clock the Senate proceed to the consideration of S. 25, the campaign finance reform bill for debate only.

Mr. FORD addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. FORD. Mr. President, reserving the right to object, and I will not object, I just inquire of the Chair if the previous agreement regarding the bill's immediate modification and the majority leader's immediate offering of his amendment will be executed when the Senate resumes consideration of S. 25 on Monday.

The PRESIDING OFFICER. The Senator is correct.

Mr. FORD. All right. I will accept then the unanimous-consent agreement.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from North Carolina's request is agreed to.

## PROGRAM

Mr. FAIRCLOTH. Mr. President, tomorrow, the Senate will be in a period for morning business from 9 a.m. to 10 a.m., as earlier ordered. Following morning business, at 10 a.m. the Senate will begin consideration of S. 25 regarding campaign finance reform for debate only.

Also, as announced, there will be no votes during Friday's or Monday's session of the Senate. Therefore, the next rollcall vote will be the cloture vote on the Coats amendment No. 1249 to the District of Columbia appropriations bill occurring Tuesday, September 30, at 11 a.m.

## ADJOURNMENT UNTIL 9 A.M. TOMORROW

Mr. FAIRCLOTH. Mr. President, I now ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 7:24 p.m., adjourned until Friday, September 26, 1997, at 9 a.m.

## NOMINATIONS

Executive nominations received by the Senate September 25, 1997:

### DEPARTMENT OF THE TREASURY

DAVID W. WILCOX, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF THE TREASURY.

### THE JUDICIARY

STANLEY MARCUS, OF FLORIDA, TO BE U.S. CIRCUIT JUDGE FOR THE ELEVENTH CIRCUIT, VICE PETER T. FAY, RETIRED.

### DEPARTMENT OF STATE

STANLEY TUEMLER ESCUDERO, OF FLORIDA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF AZERBAIJAN.

DANIEL FRIED, OF THE DISTRICT OF COLUMBIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF POLAND.

JAMES CAREW ROSAPEPE, OF MARYLAND, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO ROMANIA.

PETER FRANCIS TUFO, OF NEW YORK, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF HUNGARY.

B. LYNN PASCOE, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, FOR THE RANK OF AMBASSADOR DURING HIS TENURE OF SERVICE AS SPECIAL NEGOTIATOR FOR NAGORNO-KARABAKH.

DAVID TIMOTHY JOHNSON, OF GEORGIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, FOR THE RANK OF AMBASSADOR DURING HIS TENURE OF SERVICE AS HEAD OF THE UNITED STATES DELEGATION TO THE ORGANIZATION FOR SECURITY AND COOPERATION IN EUROPE [OSCE].

## CONFIRMATION

Executive nomination confirmed by the Senate September 25, 1997:

### THE JUDICIARY

KATHARINE SWEENEY HAYDEN, OF NEW JERSEY, TO BE U.S. DISTRICT JUDGE FOR THE DISTRICT OF NEW JERSEY.

# HOUSE OF REPRESENTATIVES—*Thursday, September 25, 1997*

The House met at 10 a.m. and was called to order by the Speaker pro tempore [Mrs. EMERSON].

## DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
*September 25, 1997.*

I hereby designate the Honorable JO ANN EMERSON to act as Speaker pro tempore on this day.

NEWT GINGRICH,
*Speaker of the House of Representatives.*

## PRAYER

The Reverend J.A. Panuska, S.J., president, University of Scranton, Scranton, PA, offered the following prayer:

Let us pray.

From "Pied Beauty" by the Jesuit poet Gerard Manley Hopkins.

Glory be to God for dappled things—
All things counter, original, spare, strange;
Whatever is fickle, freckled, (who knows how?)
With swift, slow, sweet, sour; adazzle, dim;
He fathers-forth whose beauty is past change: Praise him.

We praise You God for life in all its dazzling varieties. We thank You for gifts, basic yet beautiful: for love, for faith, for truth, and for dreaming. We ask Your blessing on this great Nation, on every nation, and on those who lead them. May we remember in our gladness those who suffer. May we share our prosperity with those in need. And may we seek justice and peace in our hearts and in our world. Amen.

## THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. MCNULTY. Madam Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER pro tempore. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. MCNULTY. Madam Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 5, rule I, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

## PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Arkansas [Mr. HUTCHINSON] come forward and lead the House in the Pledge of Allegiance.

Mr. HUTCHINSON led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

## MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed without amendment bills of the House of the following titles:

H.R. 2248. An act to authorize the President to award a gold medal on behalf of the Congress to Ecumenical Patriarch Bartholomew in recognition of his outstanding and enduring contributions toward religious understanding and peace, and for other purposes; and

H.R. 2443. An act to designate the Federal building located at 601 Fourth Street, NW., in the District of Columbia, as the "Federal Bureau of Investigation, Washington Field Office Memorial Building", in honor of William H. Christian, Jr., Martha Dixon Martinez, Michael J. Miller, Anthony Palmisano, and Edwin R. Woodriffe.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 2209) "An Act making appropriations for the Legislative Branch for the fiscal year ending September 30, 1998, and for other purposes."

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 542. An act to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel FAR HORIZONS;

S. 662. An act to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel VORTICE;

S. 830. An act to amend the Federal Food, Drug, and Cosmetic Act and the Public Health Service Act to improve the regulation of food, drugs, devices, and biological products, and for other purposes; and

S. 880. An act to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel DUSKEN IV.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will recognize fifteen 1-minute speeches from each side after the gentleman from Pennsylvania [Mr. MCDADE].

## WELCOMING THE REVEREND J.A. PANUSKA TO THE HOUSE OF REPRESENTATIVES

(Mr. MCDADE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MCDADE. Madam Speaker and my colleagues, I am privileged to welcome to this Chamber the Reverend J.A. Panuska, and I want to thank him for his very inspirational words during this morning's opening prayer.

Father Panuska is one of the most distinguished citizens of our Nation, serving as the president of the University of Scranton in Scranton, PA, and I am proud to call him friend. We in northeastern Pennsylvania have been blessed to have him as a neighbor in our community.

Thousands of students, faculty, and local citizens' lives have been enriched both by Father Panuska's guidance and by the many deeds he has accomplished, all with great excellence. He is an extraordinary man who is well respected in the local community, the academic community, and the spiritual community.

Founded in 1888, the university he presides over, the University of Scranton, is recognized nationally for the quality of its educational programs and for the remarkable record of its graduates receiving Fulbright scholarships. Under Father Panuska's leadership, the university has been ranked consistently among the top comprehensive institutions in the Northeastern and Middle Atlantic States, and although much of his time has been spent on his favorite discipline, cryobiology, administrative duties, and many other responsibilities, Father Panuska's true interest has always been the students he presides over.

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

In 1998, Father Panuska will conclude his 16-year tenure as president of the University of Scranton and will celebrate the 50th year of his entrance into the Society of Jesus. With all of my colleagues, I know we want to congratulate him on his service, to thank him for his friendship, and to wish him the best of luck in his new endeavors.

## MOTION TO ADJOURN

Mrs. MINK of Hawaii. Madam Speaker, I have a privileged motion at the desk.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mrs. MINK of Hawaii moves that the House do now adjourn.

The SPEAKER pro tempore. The question is on the motion to adjourn offered by the gentlewoman from Hawaii [Mrs. MINK].

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mrs. MINK of Hawaii. Madam Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 71, nays 337, not voting 25, as follows:

[Roll No. 438]

YEAS—71

Allen
Barrett (WI)
Becerra
Berry
Bonior
Borski
Brown (CA)
Brown (OH)
Conyers
Davis (FL)
DeFazio
Delahunt
DeLauro
Deutsch
Doggett
Eshoo
Evans
Farr
Fattah
Fazio
Filner
Frank (MA)
Furse
Gephardt
Gutierrez
Harman
Hinchey
Hostettler
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Kaptur
Kennelly
Kilpatrick
Kind (WI)
Largent
Levin
Lewis (GA)
Lowey
Markey
Martinez
McCarthy (MO)
McDermott
McNulty
Miller (CA)
Mink
Obey
Olver
Pallone
Pastor
Pelosi
Pomeroy
Rangel
Salmon
Sawyer
Scarborough
Shadegg
Slaughter
Stabenow
Stupak
Tauscher
Tierney
Torres
Towns
Velázquez
Vento
Waters
Waxman
Woolsey
Yates

NAYS—337

Abercrombie
Ackerman
Aderholt
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bentsen
Bereuter
Berman
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bono
Boswell
Boucher
Boyd
Brady
Brown (FL)
Bryant
Bunning
Burr
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Costello
Cox
Cramer
Crapo
Cubin
Cunningham
Danner
Davis (IL)
Davis (VA)
Deal
DeGette
DeLay
Diaz-Balart
Dickey
Dicks
Dingell
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Etheridge
Everett
Ewing
Fawell
Flake
Foley
Forbes
Ford
Fowler
Fox
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hill
Hilleary
Hilliard
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Houghton
Hulshof
Hutchinson
Hyde
Inglis
Istook
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Jones
Kanjorski
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kildee
Kim
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Mascara
Matsui
McCarthy (NY)
McCollum
McCrery
McDade
McGovern
McHale
McHugh
McIntosh
McIntyre
McKeon
McKinney
Meehan
Meek
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Minge
Moakley
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Ortiz
Owens
Oxley
Packard
Pappas
Parker
Pascrell
Paul
Paxon
Payne
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Redmond
Regula
Riggs
Riley
Rivers
Rodriguez
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryun
Sabo
Sanchez
Sanders
Sandlin
Sanford
Saxton
Schaefer, Dan
Schaffer, Bob
Scott
Sensenbrenner
Serrano
Sessions
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Souder
Spence
Spratt
Stark
Stearns
Stenholm
Stokes
Strickland
Stump
Sununu
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Traficant
Turner
Upton
Visclosky
Walsh
Wamp
Watkins
Watt (NC)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wise
Wolf
Wynn
Young (FL)

NOT VOTING—25

Andrews
Archer
Bonilla
Burton
Coyne
Crane
Cummings
Dellums
Dixon
Foglietta
Gibbons
Gonzalez
Greenwood
Hastings (FL)
Hunter
Johnson, Sam
Manton
McInnis
Nadler
Reyes
Rogan
Schiff
Schumer
Solomon
Young (AK)

□ 1026

Messrs. MORAN of Virginia, DUNCAN, MINGE, and LUTHER changed their vote from "yea" to "nay."

Mr. BROWN of California and Mr. PASTOR changed their vote from "nay" to "yea."

So the motion to adjourn was rejected.

The result of the vote was announced as above recorded.

## THE JOURNAL

The SPEAKER pro tempore (Mrs. EMERSON). Pursuant to clause 5 of rule I, the pending business is the question of the Speaker's approval of the Journal of the last day's proceedings.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

### RECORDED VOTE

Ms. JACKSON-LEE of Texas. Madam Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 331, noes 78, not voting, 24, as follows:

[Roll No. 439]

AYES—331

Ackerman
Aderholt
Allen
Andrews
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Bentsen
Bereuter
Berman
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bono
Boswell
Boucher
Boyd
Brown (FL)
Brown (OH)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Carson
Castle
Chambliss
Clement
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Coyne
Crapo
Cunningham
Danner
Davis (IL)
Davis (VA)
Deal
DeGette
Delahunt
DeLay
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
Eshoo
Etheridge
Evans
Ewing
Farr
Fattah
Fawell
Flake
Foley
Forbes
Ford
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Ganske
Gekas
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Greenwood

Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (WA)
Hayworth
Hefner
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kim
Kind (WI)
King (NY)
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McHale
McHugh
McIntyre
McKeon
McKinney
Meehan
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Minge
Mink
Moakley
Mollohan
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Obey
Olver
Ortiz
Owens
Oxley
Packard
Pappas
Parker
Pascrell
Pastor
Paul
Paxon
Payne
Pease
Pelosi
Peterson (PA)
Petri
Pitts
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Rangel
Redmond
Regula
Reyes
Riggs
Rivers
Rodriguez
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryun
Sanchez
Sanders
Sandlin
Sanford
Saxton
Scarborough
Schaefer, Dan
Scott
Sensenbrenner
Serrano
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Snyder
Solomon
Spence
Spratt
Stabenow
Stark
Stenholm
Stump
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (NC)
Thomas
Thornberry
Tiahrt
Tierney
Torres
Traficant
Turner
Upton
Velázquez
Walsh
Watkins
Watt (NC)
Waxman
Weldon (FL)
Weldon (PA)
Wexler
Weygand
White
Whitfield
Wicker
Wise
Wolf
Woolsey
Wynn
Yates
Young (FL)

NOES—78

Abercrombie
Becerra
Bonior
Borski
Brady
Brown (CA)
Chabot
Christensen
Clay
Clayton
Clyburn
Costello
Cramer
DeFazio
DeLauro
Doggett
English
Ensign
Everett
Fazio
Filner
Fox
Gejdenson
Gephardt
Green
Gutierrez
Gutknecht
Hefley
Hill
Hilleary
Hinchey
Kelly
Kilpatrick
Kingston
Kucinich
Lewis (GA)
LoBiondo
Maloney (NY)
Manzullo
McDermott
McGovern
McNulty
Meek
Miller (CA)
Moran (KS)
Oberstar
Pallone
Pickering
Pickett
Pombo
Pomeroy
Poshard
Ramstad
Riley
Sabo
Salmon
Sawyer
Schaffer, Bob
Sessions
Shadegg
Smith, Linda
Snowbarger
Souder
Stearns
Stokes
Strickland
Stupak
Taylor (MS)
Thompson
Thune
Thurman
Towns
Vento
Visclosky
Wamp
Waters
Watts (OK)
Weller

NOT VOTING—24

Archer
Bonilla
Chenoweth
Cox
Crane
Cubin
Cummings
Davis (FL)
Dixon
Foglietta
Gibbons
Gonzalez
Hastings (FL)
Herger
Hilliard
Houghton
Manton
McInnis
McIntosh
Peterson (MN)
Rogan
Schiff
Schumer
Young (AK)

□ 1043

Mr. NEAL of Massachusetts changed his vote from "no" to "aye."

So the Journal was approved.

The result of the vote was announced as above recorded.

□ 1045

## WHITE HOUSE THREATENS TO KEEP CONGRESS IN SESSION

(Mr. DELAY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DELAY. Madam Speaker, the White House has threatened to keep the Congress in session until it brings up legislation to reform the current campaign laws. Well, that is fine with me. It will give both the House and Senate more time to examine in detail every campaign law that this administration broke during the last election.

There are laws on the books against soliciting campaign funds from Federal property. There are laws on the books that prohibit campaign contributions from foreign services, especially the Communist Chinese. There are laws on the books that prohibit campaign events from occurring at Buddhist temples. These are just some of the abuses that we have already found in the Clinton-Gore reelection campaign.

The President can keep us in session as long as he wants. It will give us much more time to examine in detail the emerging Clinton-Gore campaign scandal.

## RALPH ELLISON'S "INVISIBLE MAN"

(Mr. SAWYER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SAWYER. Madam Speaker, today is the 40th anniversary of Little Rock, AR. It is also the 45th anniversary year of the publication of a novel that changed America, Ralph Ellison's "Invisible Man."

The central conceit in that compelling piece of literature was the invisibility of African-Americans in American society. It began, "I am an invisible man. I am invisible, understand, simply because people refuse to see me."

Five years later, Central High School was on every television in America and millions of Americans were invisible no more. Today, it is a deep irony that if we fail to conduct the most complete census we are capable of, we will make millions of Americans of a color disappear from the public rolls of the Nation.

At the same time, in Orange County, in an attempt to change the outcome of an election, a former Member of this House is trying to manufacture people of color to suggest a fraud, manufacture people of color out of thin air.

## JENNIFER DAVIS IMPRISONED IN PERU

(Mr. EWING asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EWING. Madam Speaker, September 25, 1996, 1 year ago, Jennifer Davis was in Peru. She was arrested on drug charges. She has admitted her guilt and has cooperated with authorities. For this, she has been put in an inhumane prison, has never received her rights under Peruvian law. While she has been there for 1 year, a Russian arrested is in and out in 6 months; a policeman that she put the finger on is in and out in 6 months.

This Peruvian Government has refused to consider the sense-of-Congress resolutions passed in both Houses to extend our human rights to this young lady and 24 other Americans. It is time to do something about it.

## ACT NOW ON CAMPAIGN FINANCE REFORM

(Mr. DOGGETT asked and was given permission to address the House for 1 minute.)

Mr. DOGGETT. Madam Speaker, with daily speeches, repeated requests for recorded votes, motions to adjourn, and objections, we are attempting to convince the Republican leadership that it is less trouble to schedule a vote on campaign finance reform than to not schedule one. With a motion to adjourn, we are saying adjourn the special interests that corrupt the political process. With a motion to approve the Journal, we are saying approve a Journal that reflects real campaign finance reform.

The announcement of the gentleman from Texas [Mr. ARMEY] yesterday that in response to these Democratic procedural moves he would schedule something sometime on this issue I suppose is a step forward. It has taken 9 months, but we finally appear to have moved the Republican leadership from "definitely no" to "maybe sometime on something."

House Republicans should now give us a specific time and should work out the terms of debate. Only then will we have a true "yes" to real campaign finance reform. To clean up the campaigns for 1998, we must act now.

## DOES ANYONE HAVE ANY ANSWERS?

(Mr. BALLENGER asked and was given permission to address the House for 1 minute.)

Mr. BALLENGER. Madam Speaker, I have been following these accusations of campaign finance scandals and reform and outrageous political corruption with great interest. But I must admit, I am having an awfully hard time keeping up.

My Democrat friends insist that it is just political and that there is really nothing to them. Since my good friends on the liberal side of the aisle have such a sterling reputation for fairness and their own ironclad commitment to nonpartisanship, I would like them to clear up a few questions I have, questions I am sure they are just as eager to have answered as I am.

So, who did hire Craig Livingston at the White House? You know, the former bouncer put in charge of security at the White House and who somehow ended up with 900 FBI files on us Republicans?

Another question I have is, what is the difference between a fund-raiser and a finance-related event? I would like to know so that I too can get around the same laws which restrict such activities.

Why did John Huang hide for several days from a Federal judge in order to keep embarrassing fund-raising revelations quiet until after the 1996 election?

Does anyone have those answers?

## MAJORITY LEADER ANNOUNCES CONSIDERATION SOMETIME THIS YEAR OF CAMPAIGN FINANCE REFORM

(Mr. MILLER of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MILLER of California. Madam Speaker, the House of Representatives must be allowed to debate and vote on substantive bipartisan campaign finance reform. The question is, will the Republican leadership allow this to happen?

The press is reporting today that the gentleman from Texas [Mr. ARMEY], majority leader, has said that there will be consideration sometime this year. I am encouraged by these comments. The time has come now for the majority leader and the minority leader to sit down and work out the terms of these debates, just as the majority leader and the minority leader in the Senate sat down and discussed how debate will be conducted later this year.

When that is done, the House can go back to business as usual and the country can receive the debate that it is entitled to. I encourage the majority leader to sit down with the minority leader and work out the terms of a bipartisan debate and legislation on campaign finance reform.

## CAMPAIGN FUND-RAISING INVESTIGATIONS

(Mr. HEFLEY asked and was given permission to address the House for 1 minute.)

Mr. HEFLEY. Madam Speaker, liberals are calling congressional investigations in the White House fund-raising scandals and political corruption a partisan witch hunt. Does anyone take this accusation seriously?

The fact is, the only thing we are hunting for are the 6 foreign nationals that fled the country, the 10 foreign witnesses refusing interviews by the Thompson Committee and the 31 witnesses who have pled the fifth amendment.

The same administration that claims to be cooperating fully with investigators has got a list of noncooperating witnesses that grows daily. They have a very strange notion of cooperation indeed.

I am beginning to think that the liberal idea of campaign finance reform is to pass a law that says these crimes should not be investigated, political corruption should go unpunished, and lawbreaking should be overlooked if it involves foreigners of any kind, especially if those foreigners are from Communist countries.

One wonders if the 50 fugitive friends of Bill are what the President had in mind when he pledged to have the most ethical administration in history.

## THE IRS IS BEING PICKED ON

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Madam Speaker, former IRS commissioner said, "Congressman Traficant for years has worked to turn the American people against the IRS." He said, "It is unfair, and the IRS is not a two-headed monster."

The IRS is being picked on. How about a pity party. Do I hear violins? Let us tell it like it is. If the IRS is not a two-headed monster, why are American citizens literally wearing bags over their heads afraid to death to tell the Government how they feel about the IRS? The truth is, the American people know the IRS, the Congress knows the IRS, and the IRS knows the IRS.

I want to say one last thing. I am going to advise IRS spokespeople to stop mentioning my name on national television. I yield back the balance of their abuses.

## ELIMINATE IRS CODE

(Mr. BLUNT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BLUNT. Madam Speaker, as I was walking out of the revolving door here yesterday after what I think was our fourth vote to adjourn, I was reminded of that Bill Murray movie "Groundhog Day." Here we are again, right back in the same day, voting to adjourn, voting on the Journal, voting on the Suspension Calendar, and not doing the business of the American people.

Yesterday, we also announced an effort to abolish the IRS Code, I say to the gentleman from Ohio [Mr. TRAFICANT], by December 31, 2000, abolish the Code, end the IRS as we know it, end those abuses, end the constant harassment of Americans by an agency that is out of control.

The Declaration of Independence has 1,300 words. The Bible has 73,000 words. The IRS code has 2.8 million words. It needs to be eliminated.

## LORETTA SANCHEZ IS HERE TO STAY

(Mr. SERRANO asked and was given permission to address the House for 1 minute.)

Mr. SERRANO. Madam Speaker, let me see if I get this straight. The gentlewoman from California [Ms. SANCHEZ] wins an election in California, she is certified by a Republican Secretary of State, she comes to the House and takes her seat, and she begins to do her district's work. Then all of a sudden Republicans launch an unprecedented attack not only on the Hispanic voters in her district, but on Hispanic voters throughout the Nation.

This is the same party that is telling us that they want to bring Hispanics into their party and invite them in. Well, they must have hired the same consultant to do this advice that told them to close down the Government a couple years ago.

I suggest they are getting ripped off. Let the gentlewoman from California [Ms. SANCHEZ] go. Stop harassing Hispanic voters. She is here, and she is going to stay.

## EPA NEW CLEAN AIR STANDARDS

(Mr. TIAHRT asked and was given permission to address the House for 1 minute.)

Mr. TIAHRT. Madam Speaker, well, it is lawyers over lunch buckets once again for EPA and this administration. Secretary Browner and the EPA have proposed new clean air standards so complicated and so cumbersome that they will employ many more lawyers and lay off working men and women.

Where is the scientific data that supports this need for these choking regulations? We have not seen the data. If it exists, it must be hidden under the mountain of draft proposed regulations.

History tells us that new regulations also drive up the cost of transportation, the cost of the production of goods, and in the trade world of NAFTA and GATT, that will cost working men and women their jobs. This loss of jobs is simply a natural product of an economy that has more government bureaucrats than manufacturing workers. Too much regulation, not enough work.

It is somewhat like EPA's Superfund, badly in need of reform, which spends over half of its budget on lawyers instead of cleaning up the mess. The new clean air standards will enrich the lawyers at the cost of working men and women.

Yes, Madam Speaker, it is lawyers over lunch buckets for the EPA and this administration.

## MOVE FORWARD ON CAMPAIGN FINANCE REFORM

(Ms. McCARTHY of Missouri asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. McCARTHY of Missouri. Madam Speaker, as one who has worked tirelessly for fiscal responsibility in a bipartisan effort to balance the budget and bring taxpayer relief, I am outraged by the millions of tax dollars being spent investigating past campaigns, while no House action is allowed on reforming the campaign finance system for the future.

Why are Republican leaders in the House continuing to look backward, indeed, closing their eyes to what is so obviously a priority with the citizens of this Nation?

In my district they want us to move forward, reform a system that is in dire need of change. Our President is ready. Congressional Democrats on both sides of the aisle, both sides of the rotunda are ready, as well of even some Senate Republicans are calling for reform.

Madam Speaker, I urge the House Republican leadership to get on board with a bipartisan, bicameral effort to fix this system.

□ 1100

## IMAGES OF PROGRESS

(Mr. HUTCHINSON asked and was given permission to address the House for 1 minute.)

Mr. HUTCHINSON. Madam Speaker, for many people across this country, Little Rock's Central High School brings a searing image to mind when 1,000 armed men were forced to escort nine African-American children through the doors of the high school. It is an image in this Nation's past, one of hostility, fear, and resistance to change.

However, Madam Speaker, I would suggest that other images survive, too, images of courage, hope, and perseverence; the image of the young Elizabeth Eckford, an image of personal strength and character. I am also inspired by the courage of those students who stood firm in support of their new classmates. As Melba Patillo, another of the students seeking entrance to Central High School said, "Each time as I was about to give up exhausted from the jeers and insulting remarks, some kind face would come up and say: 'I want you here.' "

Madam Speaker, we have not eliminated intolerance in our country, but this weekend, marking the 40th anniversary of the Central High conflict, individuals who once confronted one another during those angry days will come together. Even as I speak, buses filled with a new generation of Freedom Riders from the University of Arkansas are arriving in Little Rock to help shape the united future for our Nation. Madam Speaker, these images all of them should be remembered. They are images of progress.

## CELEBRATING 40TH ANNIVERSARY OF LITTLE ROCK NINE

(Mr. SNYDER asked and was given permission to address the House for 1 minute.)

Mr. SNYDER. Madam Speaker, I join my colleagues from Arkansas in celebrating today the 40th anniversary of nine black students entering Central High School. The President is there today to walk in the school with the Little Rock Nine. Who can forget this unforgettable picture of courage on the part of one 15-year-old and racism on the face of the other.

Today it is a celebration of heroes. Elizabeth Eckford, Ernest Green, Minnijean Brown Trickey, Terrence Roberts, Jefferson Thomas, Carlotta Walls LaNier, Gloria Ray Karlmark, Melba Pattillo Beals, Thelma Mothershed Wair. We learned from their courage in the past. Today we learn from their wisdom.

This is a picture taken just this week of these same two 15-year-old girls. Forty years ago we learned from their courage. Today we learn of the ability to forgive and move on and learn from the mistakes of the past.

## SAVE AMERICA, STOP LAWSUIT ABUSE

(Mr. BARTLETT of Maryland asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARTLETT of Maryland. Madam Speaker, I commend the Members of the Western Maryland Citizens Against Lawsuit Abuse [WMCALA] for joining thousands of Marylanders in declaring this week of September 21 through September 28 Lawsuit Abuse Awareness Week.

This group points out that we all pay for outrageous punitive damages and settlements from excessive and frivolous lawsuits. They note that this results in higher prices on goods and services, higher prices for medical care and equipment, loss of safety improvements or product innovations for fear of lawsuits, jobs lost, and businesses forced to close to pay judgments.

Congress passed comprehensive legal reform and product liability reform. President Clinton vetoed both. We are all paying a heavy price for the $2.5 million in contributions from trial lawyers to President Clinton's 1996 campaign. We commend Western Maryland Citizens Against Lawsuit Abuse.

## WORKING TOGETHER ON 40TH ANNIVERSARY OF LITTLE ROCK HIGH SCHOOL CRISIS

(Mr. BERRY asked and was given permission to address the House for 1 minute.)

Mr. BERRY. Madam Speaker, it is fitting that we rise today to commemorate the 40th anniversary of the Little Rock high school crisis. I remember that time well. I was in high school myself at that time. There was much unfairness, and there was much courage.

I believe that the world has changed a lot since that terrible time. Today just about every student who would like to has the opportunity to get a college education. Because of recent actions of the Congress, we will be able to even help more of the young people that want to achieve their goals.

But we look back on the year 1957 with much sadness. We also face the future with much hope. Today we celebrate how far we have come. We also recognize how far we yet have to go. Most of all, we remember the lesson that it has taught us. We all do better when we work together.

## CALL FOR MORE TAX RELIEF

(Mr. KNOLLENBERG asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KNOLLENBERG. Madam Speaker, what a difference 4 years makes. In 1993 President Clinton and a Democrat Congress rammed through a budget that contained the largest tax increases in the history of this country and $200 billion deficits as far as the eye could see.

With a determination to save the American dream for the next generation, the Republican Congress turned the tax-and-spend culture of Washington upside down and produced a balanced budget with tax cuts for the American people. Now that the Federal Government's financial house is finally in order, the big question facing Congress, and the President, by the way, is what is next? With the average family still paying more in taxes than they do for the basic necessities, the obvious answer is, an across-the-board tax cut for everybody.

As we move from the era of big budgets and budget deficits to budget surpluses, some in this town will argue that we can afford to spend more money on more Washington programs. This is the mindset that created the problem in the first place. For our children's sake, it should be rejected. I urge, Madam Speaker, to continue fighting for more tax relief for the American people.

## THE LITTLE ROCK NINE: A RIGHTFUL PLACE IN HISTORY

(Mr. LEWIS of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEWIS of Georgia. Madam Speaker, 40 years ago nine black students came to the doors of Central High School in Little Rock, AR, and demanded a seat in a classroom where they were denied welcome. They were entitled to be there by law, but they could not be there because an angry, hateful mob and Arkansas State troopers turned them away. The Little Rock Nine did nothing wrong. They were denied an education. They were turned away by hatred and bigotry. They were turned away because they were black.

Three weeks later, on September 25, President Eisenhower ordered Federal troops to escort the Little Rock Nine into Central High School. In doing so, the Little Rock Nine rocked not just a city, they rocked the Nation. As giants in our Nation's struggle for civil rights, the Little Rock Nine have earned their rightful place in history.

So today, Madam Speaker, we mark the 40th anniversary of the desegregation of Central High School. Because of their action, we have witnessed a nonviolent revolution in America. Our country is a better country, a better place, and we are better people because of them.

## LEGAL ISSUES IN DISPUTED CALIFORNIA ELECTION

(Mr. MENENDEZ asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MENENDEZ. Madam Speaker, the Republican majority on the Committee on House Oversight seems to be willing to go to any length to overturn the election of Congresswoman LORETTA SANCHEZ. The committee majority is in the process of sharing the Immigration and Naturalization Service records of hundreds of thousands of Orange County residents with the California Secretary of State. These records contain personal information on law-abiding U.S. citizens, many of them targeted by committee investigators simply because they have Hispanic surnames or because they reside in certain neighborhoods, and that is an outrage.

Everyone in this House must be concerned if the majority is simply acting as a conduit to circumvent Federal privacy protections. We need to be concerned with the legal issues that are involved for every American in this country, and if Hispanic-Americans have to believe that, in fact, simply because of their Hispanic surname, like I who was born in the United States, will be on some list, that that is the reason that they are going to be able to introduce and get into their privacy records, that has no end, and that cannot be tolerated by this Congress.

## AGAINST H.R. 1270, NUCLEAR WASTE POLICY ACT

(Mr. ENSIGN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ENSIGN. Madam Speaker, I rise today in opposition of the Nuclear Waste Policy Act of 1997. Rarely in America do environmental groups, do private property rights groups and the people who truly believe in States rights ever join together to oppose something or to support something. But in this case, Madam Speaker, they all join together to oppose the Nuclear Waste Policy Act of 1997. The reason is because from an environmental standpoint, there are safety reasons.

During the transport of nuclear waste across 43 States, there are transportation safety reasons that environmental groups oppose this for. Private property rights oppose it because it devalues private property values as nuclear waste is transported past those private profits. And States rights people are against it because this is one State having nuclear waste shoved down its throat against its will. This is against the U.S. Constitution.

## PASS MEANINGFUL CAMPAIGN FINANCE REFORM

(Ms. WOOLSEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. WOOLSEY. Madam Speaker, we have heard from the White House, we have heard from the Senate, and we have heard from the American people loud and clear. It is time to move forward and pass meaningful campaign finance reform. Now we are hearing that the majority leader might do something sometime. When is this House going to be ready? When will the leadership of this House be prepared to clean up the campaign finance mess we have in this country?

This House, the people's House, should be the loudest voice in the chorus. We must put a stop to big money special interests flooding the halls of our Government. It is time, Madam Speaker, for the Republican leadership to join with us to tell the American people that the buck stops here.

## WORKING FOR RACIAL HARMONY

(Mr. DICKEY asked and was given permission to address the House for 1 minute.)

Mr. DICKEY. Madam Speaker, in September 1957, I was a 17-year-old freshman living in Pine Bluff, AR, and I was traveling through Little Rock to get to my school in Conway. I had no idea what was actually going on. I am here to tell my colleagues that I also went last week to Little Rock, AR, to a reconciliation rally and saw 13,000 kids and the rest of the State working to bring ourselves together because of what happened at Little Rock Central.

That rally made me think of Wiley Branton, who is a lawyer for my city, who carefully saw that I was indifferent to this and carefully told me the story of what it was like. He was in the middle of those heated exchanges, in the middle of that history-making event.

I want to thank Wiley Branton, I want to thank my colleague JOHN LEWIS, for the service that they have given before and to thank them also and all of the people who knew me and knew how indifferent I was then for the toleration they had for me and forgiving me for my indifference. I want to do all I can to bring racial harmony to Little Rock, AR, to our State and to our Nation.

## ANTIPERSONNEL LANDMINES

(Mr. CAPPS asked and was given permission to address the House for 1 minute.)

Mr. CAPPS. Madam Speaker, I rise today in great dismay over the President's decision not to sign the Ottawa treaty banning antipersonnel land mines. The administration's position defies reason. The only way that the United States can show leadership on this issue is to sign the comprehensive ban treaty on these deadly devices. One hundred nations courageously have changed their policy, but U.S. lawyers have simply changed the definition of a landmine.

But a landmine by any other name is still a landmine, and landmines are immoral. People around the globe have come together to say, no more. No more killing, no more maiming, no more maiming of innocents. No more fear of leaving one's home to find food. No more social and economic dislocation to the world's neediest countries. I ask the President to sign the treaty to ban the antipersonnel landmines.

□ 1115

## WHAT ARE A MINORITY OF DEMOCRATS TRYING TO STOP?

(Mr. HORN asked and was given permission to address the House for 1 minute.)

Mr. HORN. Madam Speaker, I have answered to these rollcalls on adjournment a dozen or more times in the last few weeks. It is an attempt by a determined minority on the other side. They are not the majority. The majority of Democrats have voted against these motions to adjourn, but 66 or so people, including the Democratic leader, have voted for these nuisance motions, and those other motions they can make under the House rules. What are they trying to stop?

They are trying to stop the appropriations process which needs time on the floor to meet the October 1 beginning of the new fiscal year. They are also trying to stop the 1996 campaign finance investigation process.

Yesterday, the Committee on Government Reform and Oversight was in a meeting all day, 10 o'clock to 6 o'clock. Serious deliberations were interrupted by numerous nuisance votes to adjourn.

Some people just want us to go home. They do not want the investigation to continue. We have 58 witnesses that are unavailable that we are trying to depose, and within the 58, 11 have left the country; 11 foreigners have refused to be interviewed by the police agencies in their country to give us evidence; 36 of the 58 have pled the fifth amendment and refused to testify.

It is time the Democratic minority get to work and quit the nuisance motions. That is what the American people want—whether they are Democrats, Independents, or Republicans.

## CONGRESS MUST HANDLE THE MOST IMPORTANT ISSUE CONCERNING ELECTIVE DEMOCRACY

(Mrs. MINK of Hawaii asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. MINK of Hawaii. Madam Speaker, this morning I offered the motion to adjourn. I offered the motion to adjourn because I do not believe this House has the right to sit in session unless we handle the most important issue concerning the elective democracy in this country, and that is how we raise money.

All of us go out and tell our constituents we need money in order to finance our campaigns. We tell our constituents that we are governed by laws that say we cannot collect more than $1,000 for every election, and the PAC's live under similar restrictions of $5,000 for every election. And yet night after night we read about these people who contribute $100,000, $200,000, half a million dollars to our party committees.

Who can fix it? It is only the Congress that can fix it, and we should not be in session unless we handle this. I call upon the leadership to schedule this item, and when they do, there will no longer be motions to adjourn.

## SCHOOL CHOICE GAINING SUPPORT AMONG MINORITIES

(Mr. SAM JOHNSON of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SAM JOHNSON of Texas. Madam Speaker, the Secretary of Education believes giving low income parents the ability to send their children to a better and safer school is, "a simplistic world view and dead wrong." But recent polls show that school choice is gaining support in America, especially among minorities. A recent study shows that 57 percent of African-Americans and 65 percent of Hispanics support school choice. I am surprised the administration is coming out against such a commonsense idea. Secretary Riley made it clear that low income families will not be helped by this administration.

Now let me make it clear that we in Congress will continue to push for school choice. See, we do not believe the President should be the only person in public housing with the opportunity to send his child to a better school.

## BIPARTISAN TASK FORCE TAKING THE BOLD STEP OF BANNING SOFT MONEY

(Mr. PASCRELL asked and was given permission to address the House for 1 minute.)

Mr. PASCRELL. Madam Speaker, the efforts of the bipartisan task force have given us a very real chance for meaningful campaign finance reform. I am committed to seeing that this opportunity is not lost. It is incumbent upon this Congress that we honestly address the many flaws in the current system by which we finance our campaigns. Whether we want to admit it or not, the fact is that our campaign finance system is jeopardizing our credibility. We should not fool ourselves into believing that the problem is only the illegal activities that occur during campaigns. Quite to the contrary, the real problems stem from what is allowed under the law.

Madam Speaker, our bill takes the bold and important step of banning soft money. In the last election cycle we witnessed an explosion in the amount of soft money. Democrats and Republicans combined to raise more than $260 million, and by 2000 it will be a billion dollars.

## PRESIDENT THREATENS TO CALL US INTO SESSION TO INVESTIGATE CAMPAIGN FINANCE REFORM

(Mr. SOUDER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SOUDER. Madam Speaker, it is actually hilarious to listen to the President threaten to call us into session to investigate campaign finance reform. Maybe for 1 day we can investigate his friends who are in jail, 1 day we can investigate his friends who have been released from jail, 1 day to investigate his friends who are indicted and maybe soon heading to jail, 2 days to investigate his friends who received immunity, one for partial and 1 for people who have received full immunity, 2 days for his friends who are pleading the fifth and unwilling to testify, and 3 days for his friends who have given him money and are now escaped overseas, and we could actually break this down by continent, or maybe if we have a few extra days, we can look into the impeachment resolution of the gentleman from Georgia [Mr. BARR].

What a joke. Did he think of this when he was raising the million dollars in San Francisco the other day? Before or after? I think it is a mockery of this process for this President to propose that we should be looking at campaign finance reform. He is the one with the problem.

## WHERE IS OUR VOTE ON CAMPAIGN FINANCE REFORM?

(Ms. DELAURO asked and was given permission to address the House for 1 minute and to revise and extend her remarks and include extraneous material.)

Ms. DELAURO. Madam Speaker, yesterday the majority leader stated that it is his "expectation that we will finally consider campaign finance reform," this fall. I have a message for my colleague from Texas. As of this past Monday, September 22, it is already fall.

The American people have waited too long. They know the system is broken, and they want it fixed. The people lose faith day by day in our political system.

Example: Tobacco industry gets $50 billion in a tax break; tobacco industry, single biggest contributor to the Republican Party in the last election. I do not know any working family in this country that got a $50 billion tax break. The American people understand this.

The other body, in fact, has scheduled the vote; the President wants to pass a bill. I ask the Speaker of this House, where is our vote? And, yes, my colleagues, every single day the minority will use the tool available to them, calling for motions to adjourn, until they bring up campaign finance reform. The American people deserve it.

## MOTION TO ADJOURN

Ms. WOOLSEY. Madam Speaker, I move that the House do now adjourn.

The SPEAKER pro tempore (Mrs. EMERSON). The question is on the motion to adjourn offered by the gentlewoman from California [Ms. WOOLSEY].

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Ms. WOOLSEY. Madam Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 82, nays 334, not voting 17, as follows:

[Roll No. 440]

YEAS—82

Abercrombie
Ackerman
Allen
Andrews
Barrett (WI)
Becerra
Berry
Bonior
Borski
Brown (OH)
Clyburn
Conyers
Coyne
Davis (FL)
Davis (IL)
DeFazio
Delahunt
DeLauro
Deutsch
Doggett
Eshoo
Evans
Farr
Fattah
Fazio
Filner
Ford
Frank (MA)
Gejdenson
Gephardt
Harman
Hilleary
Hostettler
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (WI)
Johnson, E. B.
Kaptur
Kennelly
Kilpatrick
Kind (WI)
Levin
Lewis (GA)
Lowey
Markey
Martinez
McCarthy (MO)
McDermott
McGovern
McNulty
Miller (CA)
Mink
Myrick
Obey
Olver
Owens
Pallone
Pastor
Payne
Pelosi
Pomeroy
Rangel
Rodriguez
Salmon
Sawyer
Scarborough
Shadegg
Solomon
Strickland
Stupak
Tauscher
Tierney
Torres
Towns
Velázquez
Vento
Visclosky
Waters
Waxman
Woolsey

NAYS—334

Aderholt
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bentsen
Bereuter
Berman
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bono
Boswell
Boucher
Boyd
Brady
Brown (CA)
Brown (FL)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clay
Clayton
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Costello
Cramer
Crane
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (VA)
Deal
DeGette
DeLay
Dellums
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Etheridge
Everett
Ewing
Fawell
Flake
Foley
Forbes
Fowler
Fox
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Ganske
Gekas
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilliard
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
John
Johnson (CT)
Johnson, Sam
Jones
Kanjorski
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kildee
Kim
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Mascara
Matsui
McCarthy (NY)
McCollum
McCrery
McDade
McHale
McHugh
McIntosh
McIntyre
McKeon
McKinney
Meehan
Meek
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Minge
Moakley
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Nadler
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Ortiz
Packard
Pappas
Parker
Pascrell
Paul
Paxon
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Redmond
Regula
Reyes
Riggs
Riley
Rivers
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryun
Sabo
Sanchez
Sandlin
Sanford
Saxton
Schaefer, Dan
Schaffer, Bob
Schumer
Scott
Sensenbrenner
Serrano
Sessions
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Stokes
Stump
Sununu
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Traficant
Turner
Upton
Walsh
Wamp
Watkins
Watt (NC)
Watts (OK)
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wise
Wolf
Wynn
Yates
Young (AK)
Young (FL)

NOT VOTING—17

Bonilla
Clement
Cox
Edwards
Foglietta
Gibbons
Gonzalez
Hastings (FL)
Hefner
Hinchey
Largent
McInnis
Oxley
Rogan
Sanders
Schiff
Weldon (FL)

☐ 1143

Mr. PEASE and Mr. McINTOSH changed their vote from "yea" to "nay."

Mr. RODRIQUEZ changed his vote from "nay" to "yea."

So the motion to adjourn was rejected.

The result of the vote was announced as above recorded.

## CONFERENCE REPORT ON H.R. 2266, DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 1998

Mr. GOSS. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 242 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 242

*Resolved*, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (H.R. 2266) making appropriations for the Department of Defense for the fiscal year ending September 30, 1998, and for other purposes. All points of order against the conference report and against its consideration are waived. The conference report shall be considered as read.

The SPEAKER pro tempore (Mrs. EMERSON). The gentleman from Florida [Mr. GOSS] is recognized for 1 hour.

Mr. GOSS. Madam Speaker, for the purposes of debate only, I yield the customary 30 minutes to the distinguished gentleman from Texas [Mr. FROST], pending which I yield myself such time as I may consume. During consideration of this resolution, Madam Speaker, all time yielded is for the purpose of debate only on this subject.

Madam Speaker, House Resolution 242 is a very straightforward rule that allows the House to consider the conference report on H.R. 2266 for fiscal year 1998 Department of Defense Appropriations Act. As is customary for this type of legislation, the rule waives all points of order against the conference report and against its consideration. The rule further provides that the conference report shall be considered as read.

Madam Speaker, the chairman and the ranking member of the Subcommittee on National Security, the gentleman from Florida [Mr. YOUNG] and the gentleman from Pennsylvania [Mr. MURTHA], have done outstanding work in bringing forward this legislation. In our Committee on Rules meeting last evening, they received accolades for all of their efforts that went into crafting this extraordinarily important bill, accolades that came from all Members that were heartfelt and well-deserved.

In ensuring that we adequately fund all the necessary elements of our national defense, the gentleman from Florida [Mr. YOUNG] and the gentleman from Pennsylvania [Mr. MURTHA] have worked together in a spirit of bipartisan cooperation that is most fitting for an issue that I believe should always transcend partisan differences, and that is, of course, our national defense. The readiness and morale of our troops, the technical superiority of our equipment, and the integrity of the information that is provided to our warfighters and our policymakers, these are matters that are too important to be sidetracked by political mischief.

As chairman of the House Permanent Select Committee on Intelligence, I have had the great good fortune to work closely with the defense appropriators, moving through the tandem authorization and appropriations dance carefully and deliberately, step by step, to make sure our national intelligence needs are fully met.

I believe the final product the House will consider today, demonstrates that Congress can and will exercise prudent oversight, working in partnership with the Commander in Chief, to protect American lives and interests both at home and abroad. We are clearly showing that we can fulfill this vital obligation within the constraints of a balanced-budget framework.

Everyone knows that there were tough issues to be resolved in this legislation, not just among our House colleagues, but with the other body and the administration as well, among them some big policy questions. Of course, the bill before us today is the product of tough negotiations and some clear compromises from all sides on specific programs and language. That is the way it always has been and always will be. That is why we are here. But this bill says to our friends and our enemies around the world that we will not compromise our core commitment to providing for the best possible national defense for the United States of America and its people. That is the message we must continue to send, and it will be heard.

I hope my colleagues will join me in supporting this rule, which I believe is noncontroversial, and this legislation which is critical to the well-being of our Nation.

Madam Speaker, I reserve the balance of my time.

Mr. FROST. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in support of this rule and the conference report. The conference report provides the funds for our national security, the funds to defend our borders and our way of life, and the funds to ensure that the United States remains the world's leader in military might.

This conference report lives up to the commitment that this Congress made when we passed the balanced budget this summer, but it also realistically faces and addresses the needs of each of the branches of our armed services. This conference report does not provide for every need, but it certainly addresses priorities and accordingly deserves the support of every Member of this body.

Madam Speaker, this conference agreement continues the Congress' commitment to ensuring that our fighting forces are equipped with the best. This commitment assures, as best we can, that should our Nation become embroiled in a military engagement, our Armed Forces can fight and win with the least number of American casualties as is possible. But more important, Madam Speaker, our Armed Forces represent the best trained and best equipped military in the world, which will make our enemies think twice before provoking a confrontation.

As General Shalikashvili said yesterday in his speech to the National Press Club, "An ounce of prevention is worth more than a pound of cure." This bill provides our military with far more than an ounce of prevention, and hopefully we will not have to test the cure.

This bill ensures that our fighting forces now and in the future will be equipped to fight and win. The conference agreement provides for $2 billion to continue the development of the F–22 fighter, the next generation fighter aircraft for the Air Force. The B–2 bomber funding level has been cut by $176 million from the House-passed amount, but the $331 million in the conference agreement still includes funds which may be used for the procurement of long-lead-term components to restart the B–2 production line. In addition, Madam Speaker, the conference agreement includes $627 million for the procurement in fiscal year 1998 of seven new V–22 Osprey tiltrotor aircraft for the Marine Corps, and an additional $62.1 million for advanced procurement of seven more aircraft in fiscal year 1999.

Madam Speaker, this conference agreement totals $247.7 billion in budget authority and is consistent with the overall fiscal year 1998 defense spending totals agreed to by the President and the Congress in the 1997 budget agreement. I commend the conferees for bringing a good product back to the House and urge passage of this important appropriations bill.

Madam Speaker, I urge adoption of the conference report and I yield back the balance of my time.

Mr. GOSS. Madam Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. FRANK of Massachusetts. Madam Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 419, nays 3, not voting 11, as follows:

[Roll No. 441]

YEAS—419

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berman
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
Delahunt
DeLauro
DeLay
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Filner
Flake
Foley
Forbes
Ford
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E.B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manzullo

Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McDermott
McGovern
McHale
McHugh
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Owens
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Paul
Paxon
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Redmond
Regula
Reyes
Riggs
Riley
Rivers
Rodriguez
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryun
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Schumer
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Stokes
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Tierney
Torres
Towns
Traficant
Turner
Upton
Velázquez
Vento
Visclosky
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wise
Wolf
Woolsey
Wynn
Yates
Young (AK)
Young (FL)

NAYS—3

Manton
Ortiz
Weldon (PA)

NOT VOTING—11

Bonilla
DeGette
Foglietta
Gibbons
Gonzalez
Hastings (FL)
Linder
McInnis
Rogan
Schiff
Tauzin

□ 1212

Messrs. SHADEGG, VENTO, PITTS, JACKSON of Illinois, and Ms. PRYCE of Ohio changed their vote from "nay" to "yea."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Mr. YOUNG of Florida. Madam Speaker, pursuant to House Resolution 242, I call up the conference report on the bill (H.R. 2266) making appropriations for the Department of Defense for the fiscal year ending September 30, 1998, and for other purposes.

The Clerk read the title of the bill.

□ 1215

The SPEAKER pro tempore (Mrs. EMERSON). Pursuant to House Resolution 242, the conference report is considered as having been read.

(For conference report and statement, see proceedings of the House of Tuesday, September 23, 1997, at page H7656.)

The SPEAKER pro tempore (Mrs. EMERSON). The gentleman from Florida [Mr. YOUNG] and the gentleman from Pennsylvania [Mr. MURTHA] each will control 30 minutes.

Mr. FRANK of Massachusetts. Madam Speaker, is the gentleman from Pennsylvania [Mr. MURTHA] opposed to the bill?

The SPEAKER pro tempore. Is the gentleman from Pennsylvania [Mr. MURTHA] opposed to the conference report?

Mr. MURTHA. Madam Speaker, I support it slightly.

Mr. FRANK of Massachusetts. Madam Speaker, I claim 20 minutes in opposition.

The SPEAKER pro tempore. The gentleman from Florida [Mr. YOUNG], the gentleman from Pennsylvania [Mr. MURTHA], and the gentleman from Massachusetts [Mr. FRANK] each will control 20 minutes.

The Chair recognizes the gentleman from Florida [Mr. YOUNG].

GENERAL LEAVE

Mr. YOUNG of Florida. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the conference report to accompany H.R. 2266 and that I may include tabular and extraneous material.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. YOUNG of Florida. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I would just like to point out that this has been a rather grueling task to get us to the point where we are today. And with the strong cooperation of the members of the subcommittee on our side, on the Republican side, and on the Democratic side led by the gentleman from Pennsylvania [Mr. MURTHA], the tremendous work of our staff with the principal staffer director Kevin Roper and the staff that worked with him, as well as Greg Dahlberg, who is the principal staffer of the gentleman from Pennsylvania [Mr. MURTHA], we have put together what I think is an excellent defense bill, with one major problem.

The major problem is there are so many other items that we ought to be considering and providing for in this bill that we do not because the 602(b) allocations were not adequate to fund the necessary things that we felt were important to our Nation's security and also to the welfare and the care of those who serve in uniform.

But because of the strong work done by all of those folks involved, we have a good bill. It provides the prioritized requirements of the Defense Department for all of the services. It makes a very strong statement on providing what is needed for quality of life for those who wear the uniform in defense of our Nation.

Without going into a lot of detail, the bill is pretty much like it was when it passed the House before, with the exception that by the time we got to conference, our 602 allocation was reduced, so we had to reduce the number in the bill by over $600 million.

Now, despite all of that, we came to conference nearly $9 billion apart on specific items. Because of the very good cooperation with our counterparts, and I want to specifically mention Senator STEVENS and Senator INOUYE and the Members on the Senate side, we have crafted a conference report that is, in my opinion, one of the best we have presented to the House.

At this point I would like to insert a summary of the conference agreement for the RECORD.

## DEPARTMENT OF DEFENSE APPROPRIATIONS BILL, 1998 (H.R. 2266)

|  | FY 1997 Enacted 3/ | FY 1998 Estimate 2/ | House | Senate | Conference | Conference compared with enacted |
|---|---|---|---|---|---|---|
| TITLE I |  |  |  |  |  |  |
| MILITARY PERSONNEL |  |  |  |  |  |  |
| Military Personnel, Army | 20,633,998,000 | 20,492,257,000 | 20,445,381,000 | 20,426,457,000 | 20,452,057,000 | -181,941,000 |
| Military Personnel, Navy | 16,986,976,000 | 16,501,118,000 | 16,504,911,000 | 16,508,218,000 | 16,493,518,000 | -493,458,000 |
| Military Personnel, Marine Corps | 6,111,728,000 | 6,147,599,000 | 6,141,635,000 | 6,148,899,000 | 6,137,899,000 | +26,171,000 |
| Military Personnel, Air Force | 17,069,490,000 | 17,154,556,000 | 17,044,874,000 | 17,206,056,000 | 17,102,120,000 | +32,630,000 |
| Reserve Personnel, Army | 2,073,479,000 | 2,024,446,000 | 2,045,615,000 | 2,037,046,000 | 2,032,046,000 | -41,433,000 |
| Reserve Personnel, Navy | 1,405,606,000 | 1,375,401,000 | 1,377,249,000 | 1,374,901,000 | 1,376,601,000 | -29,005,000 |
| Reserve Personnel, Marine Corps | 388,643,000 | 381,070,000 | 391,953,000 | 384,770,000 | 391,770,000 | +3,127,000 |
| Reserve Personnel, Air Force | 783,697,000 | 814,936,000 | 814,772,000 | 815,745,000 | 815,915,000 | +32,218,000 |
| National Guard Personnel, Army | 3,266,393,000 | 3,200,667,000 | 3,245,387,000 | 3,446,867,000 | 3,333,867,000 | +67,474,000 |
| National Guard Personnel, Air Force | 1,296,490,000 | 1,319,712,000 | 1,331,417,000 | 1,334,712,000 | 1,334,712,000 | +38,222,000 |
| Total, title I, Military Personnel | 70,016,500,000 | 69,411,762,000 | 69,343,194,000 | 69,683,671,000 | 69,470,505,000 | -545,995,000 |
| TITLE II |  |  |  |  |  |  |
| OPERATION AND MAINTENANCE |  |  |  |  |  |  |
| Operation and Maintenance, Army | 17,519,340,000 | 17,049,484,000 | 17,078,218,000 | 16,913,473,000 | 16,754,306,000 | -765,034,000 |
| (By transfer - National Defense Stockpile) | (50,000,000) | (50,000,000) | (50,000,000) | (50,000,000) | (50,000,000) | ... |
| Operation and Maintenance, Navy | 20,061,961,000 | 21,508,130,000 | 21,779,365,000 | 21,576,419,000 | 21,617,766,000 | +1,555,805,000 |
| (By transfer - National Defense Stockpile) | (50,000,000) | (50,000,000) | (50,000,000) | (50,000,000) | (50,000,000) | ... |
| Operation and Maintenance, Marine Corps | 2,254,119,000 | 2,301,345,000 | 2,598,032,000 | 2,328,535,000 | 2,372,635,000 | +118,516,000 |
| Operation and Maintenance, Air Force | 17,263,193,000 | 18,817,785,000 | 18,740,167,000 | 18,592,385,000 | 18,492,883,000 | +1,229,690,000 |
| (By transfer - National Defense Stockpile) | (50,000,000) | (50,000,000) | (50,000,000) | (50,000,000) | (50,000,000) | ... |
| Operation and Maintenance, Defense-Wide | 10,044,200,000 | 10,390,938,000 | 10,053,956,000 | 10,399,638,000 | 10,369,740,000 | +325,540,000 |
| Operation and Maintenance, Army Reserve | 1,119,436,000 | 1,192,891,000 | 1,207,891,000 | 1,212,891,000 | 1,207,891,000 | +88,455,000 |
| Operation and Maintenance, Navy Reserve | 886,027,000 | 834,711,000 | 924,711,000 | 834,211,000 | 921,711,000 | +35,684,000 |
| Operation and Maintenance, Marine Corps Reserve | 109,667,000 | 110,366,000 | 119,266,000 | 110,366,000 | 116,366,000 | +6,699,000 |
| Operation and Maintenance, Air Force Reserve | 1,496,553,000 | 1,624,420,000 | 1,635,250,000 | 1,631,200,000 | 1,632,030,000 | +135,477,000 |
| Operation and Maintenance, Army National Guard | 2,254,477,000 | 2,258,932,000 | 2,313,632,000 | 2,449,932,000 | 2,419,632,000 | +165,155,000 |
| Operation and Maintenance, Air National Guard | 2,716,379,000 | 2,991,219,000 | 2,995,719,000 | 3,010,282,000 | 3,013,282,000 | +296,903,000 |
| Overseas Contingency Operations Transfer Fund | 1,140,157,000 | 1,467,500,000 | 1,855,400,000 | 1,889,000,000 | 1,884,000,000 | +743,843,000 |
| United States Court of Appeals for the Armed Forces | 6,797,000 | 6,952,000 | 6,952,000 | 6,952,000 | 6,952,000 | +155,000 |
| Environmental Restoration, Army | 339,109,000 | 377,337,000 | 377,337,000 | 375,337,000 | 375,337,000 | +36,228,000 |
| Environmental Restoration, Navy | 287,788,000 | 277,500,000 | 277,500,000 | 275,500,000 | 275,500,000 | -12,288,000 |
| Environmental Restoration, Air Force | 394,010,000 | 378,900,000 | 378,900,000 | 376,900,000 | 376,900,000 | -17,110,000 |
| Environmental Restoration, Defense-Wide | 36,722,000 | 27,900,000 | 27,900,000 | 26,900,000 | 26,900,000 | -9,822,000 |
| Environmental Restoration, Formerly Used Defense Sites | 256,387,000 | 202,300,000 | 202,300,000 | 242,300,000 | 242,300,000 | -14,087,000 |
| Overseas Humanitarian, Disaster, and Civic Aid | 49,000,000 | 80,130,000 | 55,557,000 | 40,130,000 | 47,130,000 | -1,870,000 |
| Former Soviet Union Threat Reduction | 327,900,000 | 382,200,000 | 264,700,000 | 382,200,000 | 382,200,000 | +54,300,000 |
| Quality of Life Enhancements, Defense | 600,000,000 | ... | ... | 100,000,000 | 360,000,000 | -240,000,000 |
| Total, title II, Operation and maintenance | 79,163,222,000 | 82,280,940,000 | 82,912,753,000 | 82,774,551,000 | 82,895,461,000 | +3,732,239,000 |
| (By transfer) | (150,000,000) | (150,000,000) | (150,000,000) | (150,000,000) | (150,000,000) | ... |
| TITLE III |  |  |  |  |  |  |
| PROCUREMENT |  |  |  |  |  |  |
| Aircraft Procurement, Army | 1,348,434,000 | 1,029,459,000 | 1,541,217,000 | 1,356,959,000 | 1,346,317,000 | -2,117,000 |
| (By transfer - National Defense Stockpile) | ... | (133,000,000) | ... | ... | ... | ... |
| Missile Procurement, Army | 1,041,867,000 | 1,178,151,000 | 771,942,000 | 1,173,081,000 | 762,409,000 | -279,458,000 |
| Procurement of Weapons and Tracked Combat Vehicles, Army | 1,470,286,000 | 1,065,707,000 | 1,332,907,000 | 1,156,506,000 | 1,298,707,000 | -171,579,000 |
| Procurement of Ammunition, Army | 1,127,149,000 | 890,902,000 | 1,062,802,000 | 1,042,602,000 | 1,037,202,000 | -89,947,000 |
| Other Procurement, Army | 3,172,485,000 | 2,455,030,000 | 2,502,886,000 | 2,783,735,000 | 2,679,130,000 | -493,355,000 |
| Aircraft Procurement, Navy | 7,027,010,000 | 5,951,965,000 | 6,753,465,000 | 6,312,937,000 | 6,535,444,000 | -491,566,000 |
| (By transfer - National Defense Stockpile) | ... | (134,000,000) | ... | ... | ... | ... |
| Weapons Procurement, Navy | 1,389,913,000 | 1,136,293,000 | 1,175,393,000 | 1,138,393,000 | 1,102,193,000 | -287,720,000 |
| Procurement of Ammunition, Navy and Marine Corps | 289,695,000 | 336,797,000 | 423,797,000 | 344,797,000 | 397,547,000 | +107,852,000 |
| Shipbuilding and Conversion, Navy | 5,613,665,000 | 7,438,158,000 | 7,628,158,000 | 8,510,458,000 | 8,235,591,000 | +2,621,926,000 |
| Other Procurement, Navy | 3,067,944,000 | 2,825,500,000 | 3,084,485,000 | 2,832,800,000 | 3,144,205,000 | +76,261,000 |
| Procurement, Marine Corps | 569,073,000 | 374,306,000 | 491,198,000 | 440,106,000 | 482,398,000 | -86,675,000 |
| Aircraft Procurement, Air Force | 6,404,980,000 | 5,684,847,000 | 6,386,479,000 | 6,390,847,000 | 6,480,983,000 | +76,003,000 |
| (By transfer - National Defense Stockpile) | ... | (133,000,000) | ... | ... | ... | ... |
| Missile Procurement, Air Force | 2,297,145,000 | 2,557,741,000 | 2,320,741,000 | 2,411,741,000 | 2,394,202,000 | +97,057,000 |
| Procurement of Ammunition, Air Force | 293,153,000 | 403,984,000 | 414,884,000 | 400,984,000 | 398,534,000 | +105,381,000 |
| Other Procurement, Air Force | 5,944,680,000 | 6,561,253,000 | 6,588,939,000 | 6,653,053,000 | 6,592,909,000 | +648,229,000 |
| Procurement, Defense-Wide | 1,978,005,000 | 1,695,085,000 | 2,186,669,000 | 1,753,285,000 | 2,106,444,000 | +128,439,000 |
| National Guard and Reserve Equipment | 780,000,000 | ... | 850,000,000 | 653,000,000 | 653,000,000 | -127,000,000 |
| Total, title III, Procurement | 43,815,484,000 | 41,585,178,000 | 45,515,962,000 | 45,355,284,000 | 45,647,215,000 | +1,831,731,000 |
| (By transfer) | ... | (400,000,000) | ... | ... | ... | ... |

## DEPARTMENT OF DEFENSE APPROPRIATIONS BILL, 1998 (H.R. 2266) — continued

| | FY 1997 Enacted 3/ | FY 1998 Estimate 2/ | House | Senate | Conference | Conference compared with enacted |
|---|---|---|---|---|---|---|
| TITLE IV | | | | | | |
| RESEARCH, DEVELOPMENT, TEST AND EVALUATION | | | | | | |
| Research, Development, Test and Evaluation, Army | 5,062,763,000 | 4,510,843,000 | 4,686,427,000 | 4,984,083,000 | 5,156,507,000 | +93,744,000 |
| Research, Development, Test and Evaluation, Navy | 8,208,946,000 | 7,611,022,000 | 7,907,837,000 | 7,532,846,000 | 8,115,686,000 | -93,260,000 |
| Research, Development, Test and Evaluation, Air Force | 14,499,606,000 | 14,451,379,000 | 14,313,456,000 | 14,127,873,000 | 14,507,804,000 | +8,198,000 |
| Research, Development, Test and Evaluation, Defense-Wide | 9,362,800,000 | 9,069,680,000 | 9,509,337,000 | 9,608,689,000 | 9,821,760,000 | +458,960,000 |
| Developmental Test and Evaluation, Defense | 282,038,000 | 268,183,000 | 268,183,000 | 251,183,000 | 258,183,000 | -23,855,000 |
| Operational Test and Evaluation, Defense | 24,968,000 | 23,384,000 | 32,684,000 | 31,384,000 | 31,384,000 | +6,416,000 |
| Total, title IV, Research, Development, Test and Evaluation | 37,441,121,000 | 35,934,491,000 | 36,717,924,000 | 36,536,058,000 | 37,891,324,000 | +450,203,000 |
| TITLE V | | | | | | |
| REVOLVING AND MANAGEMENT FUNDS | | | | | | |
| DBOF/Defense Working Capital Funds | 947,900,000 | 33,400,000 | 971,952,000 | 871,952,000 | 971,952,000 | +24,052,000 |
| Military Commissary Fund, Defense | | 938,552,000 | | | | |
| National Defense Sealift Fund: | | | | | | |
| Ready Reserve Force | 266,000,000 | 302,000,000 | 302,000,000 | 278,000,000 | 302,000,000 | +36,000,000 |
| Acquisition | 1,162,002,000 | 889,426,000 | 897,926,000 | 238,126,000 | 772,948,000 | -389,054,000 |
| Total | 1,428,002,000 | 1,191,426,000 | 1,199,926,000 | 516,126,000 | 1,074,948,000 | -353,054,000 |
| Total, title V, Revolving and Management Funds | 2,375,902,000 | 2,163,378,000 | 2,171,878,000 | 1,388,078,000 | 2,046,900,000 | -329,002,000 |
| TITLE VI | | | | | | |
| OTHER DEPARTMENT OF DEFENSE PROGRAMS | | | | | | |
| Defense Health Program: | | | | | | |
| Operation and maintenance | 9,937,838,000 | 10,027,582,000 | 10,035,682,000 | 10,043,607,000 | 10,095,007,000 | +157,169,000 |
| Procurement | 269,470,000 | 274,068,000 | 274,068,000 | 274,068,000 | 274,068,000 | +4,598,000 |
| Total, Defense Health Program | 10,207,308,000 | 10,301,650,000 | 10,309,750,000 | 10,317,675,000 | 10,369,075,000 | +161,767,000 |
| Chemical Agents and Munitions Destruction, Defense: 1/ | | | | | | |
| Operation and maintenance | 478,947,000 | 472,200,000 | 472,200,000 | 467,200,000 | 462,200,000 | -16,747,000 |
| Procurement | 191,200,000 | 82,200,000 | 67,200,000 | 77,200,000 | 72,200,000 | -119,000,000 |
| Research, development, test, and evaluation | 88,300,000 | 66,300,000 | 56,300,000 | 70,300,000 | 66,300,000 | -22,000,000 |
| Economic assumptions | | | | -5,000,000 | | |
| Total, Chemical Agents | 758,447,000 | 620,700,000 | 595,700,000 | 609,700,000 | 600,700,000 | -157,747,000 |
| Drug Interdiction and Counter-Drug Activities, Defense | 807,800,000 | 652,582,000 | 713,082,000 | 691,482,000 | 712,882,000 | -94,918,000 |
| Office of the Inspector General | 139,157,000 | 138,380,000 | 142,980,000 | 135,380,000 | 138,380,000 | -777,000 |
| Total, title VI, Other Department of Defense Programs | 11,912,712,000 | 11,713,312,000 | 11,761,512,000 | 11,754,237,000 | 11,821,037,000 | -91,675,000 |
| TITLE VII | | | | | | |
| RELATED AGENCIES | | | | | | |
| Central Intelligence Agency Retirement and Disability System Fund | 196,400,000 | 196,900,000 | 196,900,000 | 196,900,000 | 196,900,000 | +500,000 |
| Intelligence Community Management Account | 129,164,000 | 122,580,000 | 125,580,000 | 122,580,000 | 121,080,000 | -8,084,000 |
| Transfer to Dept of Justice | (27,000,000) | (27,000,000) | (27,000,000) | | (27,000,000) | |
| Payment to Kaho'olawe Island Conveyance, Remediation, and Environmental Restoration Fund | 10,000,000 | 10,000,000 | 10,000,000 | 35,000,000 | 35,000,000 | +25,000,000 |
| National Security Education Trust Fund | 5,100,000 | 2,000,000 | 2,000,000 | 2,000,000 | 2,000,000 | -3,100,000 |
| Total, title VII, Related agencies | 340,664,000 | 331,480,000 | 334,480,000 | 356,480,000 | 354,980,000 | +14,316,000 |
| TITLE VIII | | | | | | |
| GENERAL PROVISIONS | | | | | | |
| Additional transfer authority (sec. 8005) | (2,000,000,000) | (2,500,000,000) | (2,000,000,000) | (2,000,000,000) | (2,000,000,000) | |
| Indian Financing Act incentives (sec. 8024) | | | | 8,000,000 | 8,000,000 | +8,000,000 |
| Disposal & lease of DOD real property (sec. 8044) | 26,565,000 | 64,000,000 | 64,000,000 | 64,000,000 | 64,000,000 | +37,435,000 |
| Overseas Military Fac Investment Recovery (sec. 8049) | 1,000,000 | 30,000,000 | 30,000,000 | 30,000,000 | 30,000,000 | +29,000,000 |
| National Science Center, Army (sec. 8057) | 120,000 | | | | | -120,000 |
| Export loan guarantee PGM (sec. 8081) | 1,000,000 | 1,000,000 | | 1,000,000 | 1,000,000 | |
| Rescissions (sec. 8064) | -137,108,000 | | -160,100,000 | -94,700,000 | -176,100,000 | -38,992,000 |
| Coast Guard transfer | 300,000,000 | | | 300,000,000 | | -300,000,000 |
| Navy/Air Force flying hour offset | | | | -600,000,000 | | |
| Flying Hour/readiness offset (sec. 8043) | | | | | -1,253,000,000 | -1,253,000,000 |
| Excess funded carryover | -150,000,000 | | | | | +150,000,000 |
| RDT&E general reduction | -680,552,000 | | | | | +680,552,000 |
| Air Force DBOF pass through | -194,500,000 | | | | | +194,500,000 |
| FFRDC's/consultants (sec. 8035) | -154,572,000 | | -141,300,000 | -71,800,000 | -71,800,000 | +82,772,000 |
| Advisory and assistance services (sec. 8041) | | | | -300,000,000 | -300,000,000 | -300,000,000 |
| Weapons of Mass Destruction | 100,000,000 | | | | | -100,000,000 |

## DEPARTMENT OF DEFENSE APPROPRIATIONS BILL, 1998 (H.R. 2266) — continued

| | FY 1997 Enacted 3/ | FY 1998 Estimate 2/ | House | Senate | Conference | Conference compared with enacted |
|---|---|---|---|---|---|---|
| Anti-terrorism, counter-terrorism, and security enhancement activities: | | | | | | |
| Emergency funding, FY 1997 | 230,680,000 | | | | | -230,680,000 |
| General reduction | -230,680,000 | | | | | +230,680,000 |
| RDT&E, Def-Wide dual-use program | 100,000,000 | 2,000,000 | 2,000,000 | | 2,000,000 | -98,000,000 |
| Fisher Houses (sec. 8100) | | 1,000,000 | 1,000,000 | | 1,000,000 | +1,000,000 |
| Travel Cards (sec. 8101) | | 5,000,000 | 5,000,000 | | 5,000,000 | +5,000,000 |
| Warranties (sec. 8106) | | | -50,000,000 | | -75,000,000 | -75,000,000 |
| Excess inventory (sec. 8105) | | | -100,000,000 | | -100,000,000 | -100,000,000 |
| Shared Cleanup Costs | | | -73,000,000 | | | |
| National Missile Defense Offset (sec. 8048) | | | | | -474,000,000 | -474,000,000 |
| Intrepid (sec. 8097) | | | | | 13,000,000 | +13,000,000 |
| Expiring Balances (sec. 8127) | | | | | -100,000,000 | -100,000,000 |
| National Security Strategy Study Group (sec. 8130) | | | | | 3,000,000 | +3,000,000 |
| Lexington Bluegrass (sec. 8126) | | | | | 4,000,000 | +4,000,000 |
| Total, title VIII | -788,047,000 | 103,000,000 | -422,400,000 | -663,500,000 | -2,418,900,000 | -1,630,853,000 |
| Effect of P.L. 105-18: | | | | | | |
| Rescissions, FY93 - FY96 | -484,102,000 | | | | | +484,102,000 |
| Rescissions, FY 1997 | -1,270,050,000 | | | | | +1,270,050,000 |
| Emergency funding | 1,846,200,000 | | | | | -1,846,200,000 |
| Non-emergency funding | 76,800,000 | | | | | -76,800,000 |
| Net total effect of P.L. 105-18 | 188,848,000 | | | | | -188,848,000 |
| Grand total | 244,466,406,000 | 243,523,541,000 | 248,335,303,000 | 247,184,859,000 | 247,708,522,000 | +3,242,116,000 |
| (By transfer) | (177,000,000) | (577,000,000) | (177,000,000) | (150,000,000) | (177,000,000) | |
| BUDGET SCOREKEEPING ADJUSTMENTS | | | | | | |
| Adjustment for unapprop'd balance transfer (Stockpile) | 150,000,000 | 550,000,000 | 150,000,000 | 150,000,000 | 150,000,000 | |
| Stockpile collections (unappropriated) | -150,000,000 | -150,000,000 | -150,000,000 | -150,000,000 | -150,000,000 | |
| Emergency funding for anti-terrorism | -230,680,000 | | | | | +230,680,000 |
| Emergency funding (P.L. 105-18) | -1,846,000,000 | | | | | +1,846,000,000 |
| Total adjustments | -2,076,680,000 | 400,000,000 | | | | +2,076,680,000 |
| RECAPITULATION | | | | | | |
| Title I - Military Personnel | 70,016,500,000 | 69,411,762,000 | 69,343,194,000 | 69,683,671,000 | 69,470,505,000 | -545,995,000 |
| Title II - Operation and Maintenance | 79,163,222,000 | 82,280,940,000 | 82,912,753,000 | 82,774,551,000 | 82,895,461,000 | +3,732,239,000 |
| (By transfer) | (150,000,000) | (150,000,000) | (150,000,000) | (150,000,000) | (150,000,000) | |
| Title III - Procurement | 43,815,484,000 | 41,585,178,000 | 45,515,962,000 | 45,355,284,000 | 45,647,215,000 | +1,831,731,000 |
| (By transfer) | | (400,000,000) | | | | |
| Title IV - Research, Development, Test and Evaluation | 37,441,121,000 | 35,934,491,000 | 36,717,924,000 | 36,536,058,000 | 37,891,324,000 | +450,203,000 |
| Title V - Revolving and Management Funds | 2,375,902,000 | 2,163,378,000 | 2,171,878,000 | 1,388,078,000 | 2,046,900,000 | -329,002,000 |
| Title VI - Other Department of Defense Programs | 11,912,712,000 | 11,713,312,000 | 11,761,512,000 | 11,754,237,000 | 11,821,037,000 | -91,675,000 |
| Title VII - Related agencies | 340,664,000 | 331,480,000 | 334,480,000 | 356,480,000 | 354,980,000 | +14,316,000 |
| Title VIII - General provisions | -788,047,000 | 103,000,000 | -422,400,000 | -663,500,000 | -2,418,900,000 | -1,630,853,000 |
| (Additional transfer authority) | (2,000,000,000) | (2,500,000,000) | (2,000,000,000) | (2,000,000,000) | (2,000,000,000) | |
| Net effect of P.L. 105-18 | 188,848,000 | | | | | -188,848,000 |
| Total, Department of Defense | 244,466,406,000 | 243,523,541,000 | 248,335,303,000 | 247,184,859,000 | 247,708,522,000 | +3,242,116,000 |
| Scorekeeping adjustments | -2,076,680,000 | 400,000,000 | | | | +2,076,680,000 |
| Grand total | 242,389,726,000 | 243,923,541,000 | 248,335,303,000 | 247,184,859,000 | 247,708,522,000 | +5,318,796,000 |
| Allocation recap (sec. 302b): | | | | | | |
| Mandatory | 196,400,000 | 196,900,000 | 196,900,000 | 196,900,000 | 196,900,000 | +500,000 |
| Discretionary: | | | | | | |
| Non-defense | | 27,000,000 | 27,000,000 | | 27,000,000 | +27,000,000 |
| Defense | 242,193,326,000 | 243,699,641,000 | 248,111,403,000 | 246,987,959,000 | 247,484,622,000 | +5,291,296,000 |
| Emergency funding (P.L. 105-18) | -1,846,000,000 | | | | | +1,846,000,000 |
| Total Defense | 242,193,326,000 | 243,699,641,000 | 248,111,403,000 | 246,987,959,000 | 247,484,622,000 | +5,291,296,000 |
| Total discretionary | 242,193,326,000 | 243,726,641,000 | 248,138,403,000 | 246,987,959,000 | 247,511,622,000 | +5,318,296,000 |
| Grand total | 242,389,726,000 | 243,923,541,000 | 248,335,303,000 | 247,184,859,000 | 247,708,522,000 | +5,318,796,000 |

1/ Included in Budget under Procurement title.

2/ FY 1998 budget request reflects a budget amendment to cover a shortfall in the DHP, as follows: Military Personnel -$62,000,000; O&M -$199,000,000 and Defense Health Program +$261,000,000.

3/ FY 1997 enacted reflects new budget authority of $1,923,000,000 and rescissions of $1,734,152,000, as enacted in P.L. 105-18.

Mr. DICKS. Madam Speaker, will the gentleman yield?

Mr. YOUNG of Florida. I yield to the gentleman from Washington.

Mr. DICKS. Madam Speaker, I would like to engage the gentleman from Florida [Mr. YOUNG], the chairman of the committee, in a colloquy on a matter of great concern to me.

This conference report reduces the budget request for operating the Defense Airborne Reconnaissance Office, or DARO, by about $14 million. In taking this action, it is my understanding that the conferees were silent regarding changes in the subordination, mission, size, and structure of this office. As I understand it, these matters relating to DARO will be addressed in the defense authorization conference, which has not yet concluded.

Is this the understanding of the gentleman from Florida [Mr. YOUNG], the distinguished chairman?

Mr. YOUNG of Florida. Madam Speaker, reclaiming my time, I would say to the gentleman from Washington [Mr. DICKS] that that is correct. That is my understanding and that is my intent.

Mr. DICKS. Madam Speaker, if the gentleman would continue to yield, I would also then like to ask my colleague whether it is his view that, should the Secretary of Defense choose to seek approval for a reprogramming action for any or all of this $14 million, the committee would be willing to consider such a request, depending, of course, on the outcome of the authorization conference?

Mr. YOUNG of Florida. Madam Speaker, reclaiming my time, again I would say to my colleague, if the Secretary decides that this is a high priority item, I definitely would consider a request for reprogramming under our usual procedures.

Mr. SISISKY. Madam Speaker, will the gentleman yield?

Mr. YOUNG of Florida. I yield to the gentleman from Virginia.

Mr. SISISKY. Madam Speaker, I would like to engage the gentleman from Florida [Mr. YOUNG], chairman of the committee, in a matter that is of concern to me.

I understand there is report language in this bill which requires the Navy to report back to the Congress on the impact pilot program now being conducted at Pearl Harbor Naval Shipyard. I would simply ask the chairman to clarify the intent of this language. Is the language in fact directed solely at Pearl Harbor Naval Shipyard?

Mr. YOUNG of Florida. Madam Speaker, reclaiming my time, I would respond to the question of the gentleman from Virginia [Mr. SISISKY] by saying yes and say to him that this language addresses only the notion of combining a Fleet Intermediate Maintenance Facility with a naval shipyard at Pearl Harbor Naval Shipyard. This language is not intended to, in any way, impact ongoing regional maintenance activities at any other shipyard.

Mr. BOEHLERT. Madam Speaker, will the gentleman yield?

Mr. YOUNG of Florida. I yield to the gentleman from New York.

Mr. BOEHLERT. Mr. Chairman, in section 8123 of the conference report, the Secretary of Defense is given the authority to waive Buy American restrictions under certain conditions. I am very concerned about the potential economic impact that would result if the Secretary uses this authority in the area of specialty metals.

To avoid any negative impact, I believe the Secretary should not waive the Buy American restrictions for products classified under the headings of 8211 through 8215 in the Harmonized Tariff Schedule.

Mr. YOUNG of Florida. Madam Speaker, reclaiming my time, I agree with the gentleman from New York [Mr. BOEHLERT]. The committee would be gravely concerned if the Secretary waived Buy American provisions for those products. And I would say to the gentleman that we believe that the conference report actually strengthens the Buy American situation as it exists today.

Mr. BOEHLERT. Madam Speaker, if the gentleman from Florida [Mr. YOUNG] would continue to yield, I appreciate his attention to this vital concern.

Mr. YOUNG of Florida. Madam Speaker, I reserve the balance of my time.

Mr. FRANK of Massachusetts. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I believe the conference committee did, given what it had to work with, a very good job. I was particularly pleased that they have adopted language which will enable the President to refuse to go ahead with any new B–2 bombers. I assume, given the President's strong position on this and the Pentagon's opposition to new B–2 bombers, that he will in fact use this authority and we will not be further committing to the construction of new B–2 bombers.

But there is still a fundamental problem with the bill. I want to talk about two of them. First, it continues to spend too much money. Roughly 50 percent of the discretionary spending allowed to the Federal Government under the recently signed budget deal will be consumed by the military and related intelligence functions. Every other function of the Government, environment, public safety here at home, transportation, they are all going to suffer increasingly from inadequate funding.

I am a supporter of the efforts of the gentleman from Pennsylvania [Mr. SHUSTER], who chairs the Committee on Transportation and Infrastructure, to get more funding for highway and transit funds. I believe we have a very serious problem here which could be alleviated in part by increased funding.

I think we would better serve the true security needs of the American people by diverting some of the funds that now go for national security in the strictly military sense to improving our security here through improving our infrastructure.

There are a number of things in the bill that I would object to. But I want to talk about one particular area where we are spending tens of billions, wholly unnecessarily, and not because of any national security need of the United States, properly understood.

This bill, not through the fault necessarily of the Members here, but because this administration, as every one before it, has acquiesced in a policy of allowing our Western European allies and some of our Asian allies to take a free ride on the U.S. Government.

Let me give an example. We are about, once again, to get into a debate about pulling out of Bosnia. I voted to have the American troops withdraw from Bosnia. I voted to have American troops withdrawn in December. I think we should be proud of the intervention that we made that stopped a serious loss of life, and I think they have made some progress towards improvement, although I am not hopeful that we will ultimately get where we should be.

But there are two separate questions that are being treated as one. First, should there be a continued presentation of military forces in Bosnia to try to enforce basic human rights? And second, must the United States be a part of it?

The United States, without any help from our European allies, stands in South Korea along with the South Koreans, as we have to these days, to deter and, hopefully it will not happen, but if necessary, to repel an attack from North Korea.

The United States takes the leading military role with very little help from our European allies in trying to enforce peace in the Middle East, confronting the Iraqi and Iranian regimes. The United States, of course, takes the leading role in our own hemisphere, in Haiti and elsewhere.

Mr. Speaker, is it never Europe's turn? Is there never a time when we can ask our Western European allies to carry on without us? And I know what they are now saying. They are saying that there will not be a European military presence in Bosnia unless the United States is a part of it.

I think we should do our part, and I think it is important to be there. But I do not understand why our wealthy European allies cannot take on their share of the burden. And I say this for this reason: If we look at military expenditures as a percentage of gross domestic product, as a percentage of Government expenditures, the U.S. percentage dwarfs our European allies.

I believe, by the way, that the problem is not that they spend too little but that we spend too much. I am not asking them to get up to our level. I am saying that a situation in which they pressure us to spend excessively is a mistake. I do believe with regard to the Bosnian situation that it is fair for us to ask Germany, Italy, France, England, and the Scandinavian countries and the Benelux countries and others to do this. I do not understand why they are not capable without us of dealing with Western Europe.

We have the obligation in the Middle East. We have the obligation in Haiti. We have the obligation in South Korea. I support our involvement in all those areas. But I do not understand why we allow it to be so one-sided.

And it is not simply Bosnia that is the problem. The Bosnian situation, if that were the only one, it would not cause such a great problem. The problem is this: We continue to spend tens of billions of dollars for the military defense of Western Europe. We cannot know exactly how much because they will not tell us.

That is wasted money. It is spent for very brave people. It is spent for very good equipment. The problem is not the people and equipment. The problem is there is no necessity. The only reason we are militarily committed to the defense of Western Europe is cultural lack.

□ 1230

There was a serious threat 50 years ago to European countries from a totalitarian aggressive regime, and they were poor and not able to defend themselves. That threat has disappeared. They are now wealthy. And we continue to spend. I cite the Bosnian thing only because it is an example of the mindset that Europe cannot defend itself.

As I said, I am not asking for a considerable expenditure increase in Europe. I am saying that the Europeans should understand, and we ought to take the lead in cutting back substantially on the American military presence in Western Europe which serves no purpose from the standpoint of defense.

If we are talking about the need for bases which can go forward into other areas, then let us do it on that score. But that is not what has happened. What has happened is that we continue to plan for a defense of Western Europe militarily, and what we really ought to have is an essay contest, Madam Speaker. Let us have an essay contest and give a prize to anybody who can identify that threat to Western Europe that we are spending tens of billions of dollars to deter, because that is what is happening, and we are doing it at the cost here of important programs.

If you live in Western Europe and you lose your job, you do not have to worry about losing your health care. In fact, some people believe that Western Europe is not doing enough to allow for some instability in jobs. But one thing we know is if people lose their jobs in Western Europe, they will not lose their health care. If you lose your job in America, you probably lose your health care, particularly if you are in the manufacturing area. Why can the Europeans afford to do so much more with health care than we can? Because we are defending them militarily against a nonexistent threat.

So I want to be clear. I am not insisting that they do more, I am insisting that they take responsibility for their own defense. Indeed, I think nothing we could do would more graphically improve the sense of security in Western Europe than to tell them that they were in charge of their own defense, because I guarantee you that if we told the Western Europeans they were in charge of their own military defense, they would suddenly feel a lot safer than they do today. As long as the American taxpayer is going to pay for their defense, they are very insecure, and they tell us we need to be there. If they were told that they were in charge of their own defense, I think they would acknowledge the fact that they are not threatened, and they could maintain a reasonable level.

Let me make a connection, Madam Speaker. We are debating here the question of fast track. We are debating the question of international trade. One of the reasons you have so much resistance on the part of American workers, which I share, to further international trade is that we now leave them unprotected if they happen to be the losers when international trade goes forward. And there will be winners and losers. I believe there will probably be more winners than losers, but there will be losers. We have a social and economic system now that leaves the losers unprotected. Increase the social safety net for those who will be the losers in the transitional impact in international trade, and you cut back their resistance.

When John Kennedy launched the Alliance for Progress, he looked back to Franklin Roosevelt's good neighbor policy in Latin America, and he said, talking about how Roosevelt had pioneered internationalism economically, Franklin Roosevelt could be a good neighbor abroad because he was a good neighbor at home.

Those who want America to be more forthcoming internationally in the economic area have to understand that part of that resistance comes from American workers who feel they will not be fairly treated in the transition. One way to do that is to stop committing tens of billions of dollars, as this bill continues to do, for the military defense of our wealthy allies in Western Europe against a nonexistent threat. I would hope that we would change this policy, we would tell our Western European allies that yes, we think the Bosnian thing is important, and we have taken a major role, and American air and sea power would remain available if it had to be called in, but the ground presence in Bosnia ought to be the Western European ground presence.

There is no rational argument why those countries, together having hundreds of millions of people, having the economy they have, could not do that work. That would be a first step in our making substantial reductions in our military expenditures, leaving no vital interest unprotected, putting ourselves at no military disadvantage, but simply adapting to the current reality that our wealthy Western European allies face no threat that they cannot handle themselves, and certainly nothing that justifies the tens of billions of dollars of continued expenditures of American money that comes out of other important programs, or out of deficit reduction, or out of tax reduction. Members would have the choice how to deal with it. For that reason, Madam Speaker, I will oppose this conference report.

Madam Speaker, I reserve the balance of my time.

Mr. YOUNG of Florida. Madam Speaker, I yield 2 minutes to the gentleman from California [Mr. CUNNINGHAM] a member of the subcommittee.

Mr. CUNNINGHAM. Madam Speaker, it is amazing for those that talk about the defense budget is too much, that have never served in the armed services and seen hostility or even seen the odd end of a weapon, but yet we ask our men and women to do that every single day. Too much, but our budget is less than it was in 1930.

I agree with the gentleman from Massachusetts. Bosnia, by the time we pull out in June, is going to cost the United States $12 billion. Does it come out of the social programs? No. It comes out of the already limited budget that we have before you today.

I was asked why do we have aircraft that are crashing all over the United States? Listen to this. Air Force; high operational tempo; keeping aging planes going with a lack of maintenance, shrinking budgets; recent series of aircraft accidents according to Air Force officials. We are asking our men and women to fly these machines with one-half the flying time that they should. The maintenance on the aircraft is not being done. Yet we do not have the dollars in here to put into it because the dollars that we do have comes out to pay for Bosnia and other contingencies.

In Haiti, Aristide is still there. Aideed's son is in Somalia. That costs billions of dollars; not out of social programs, but defense.

Our committee has done a good job, but when people sit back and say that we are spending too much on defense, I would ask you to take a look at what our kids are doing. We have not bought a new Air Force fighter in 25 years. The SU-27, the SU-35 and the SU-37, the Russian airplane, outclasses, outperforms our F-14 and our F-15. The AA-12 and the AA-10 missile that the Russians have outclasses our best AMRAAM missile, but yet the cold war is over. And they are shipping them to China and every country that is a potential threat to our men and women. Are we spending enough, Madam Speaker? Absolutely not.

Mr. FRANK of Massachusetts. Madam Speaker, I yield 2 minutes to the gentleman from Michigan [Mr. CONYERS].

Mr. CONYERS. Madam Speaker, I would like to commend the leaders of the Committee on National Security. It looks like the B-2, which I was going to spend a lot more of my attention than is now going to be necessary, is moving toward its well-deserved fate, and all of you have had something to do with it. I still have problems with this two-war strategy that now fuels a $250 billion military piece. I think that is a little too much. The *Seawolf* submarine, the nuclear submarine, when I was the chairman, we were holding hearings on the *Seawolf* submarine. Star Wars has been reconfigured at least a half a dozen times. They throw it out, reinvent it, and come up with some more stuff. There are too many F-22s. In other words, there is way too much, $247 billion worth, in this kind of global situation that we find ourselves in.

Madam Speaker, it is too much dough. We have got to cut it down. We have got to reduce it. I hope that you who lead this committee will continue to give that at least if not your undivided attention, more of your attention. I thank the gentleman for yielding me this time.

Mr. MURTHA. Madam Speaker, I yield back the balance of my time.

Mr. FRANK of Massachusetts. Madam Speaker, I yield back the balance of my time.

Mr. YOUNG of Florida. Madam Speaker, I yield myself such time as I may consume only to say again that this is a good bill. It meets most of the needs of the Department of Defense and those who serve in the uniform.

Again, I want to express my appreciation to the gentleman from Pennsylvania [Mr. MURTHA] for the tremendous support and cooperation that we gave each other and all the members of the subcommittee, Mr. MCDADE, Mr. LEWIS, Mr. SKEEN, Mr. HOBSON, Mr. BONILLA, Mr. NETHERCUTT, Mr. ISTOOK, Mr. CUNNINGHAM, Mr. DICKS, Mr. HEFNER, Mr. SABO, Mr. DIXON, and Mr. VISCLOSKY. I want to also compliment the gentleman from Louisiana [Mr. LIVINGSTON] and the gentleman from Wisconsin [Mr. OBEY] for having helped us through some difficult times when some major decisions had to be made.

Mrs. MALONEY of New York. Madam Speaker, I rise today to declare my pride at the inclusion of $160 million for breast cancer-related research in the fiscal year 1998 Defense appropriations bill. This figure represents a significant 42-percent increase over last year's appropriation. Breast cancer research has long been an important priority of mine, as well as of my colleagues in the Congressional Caucus for Women's Issues. I am pleased our voices are being heard.

The Department of Defense's peer-reviewed breast cancer research program is well known, both for its vital work in fighting this disease and its innovative and efficient use of resources. In fact, over 90 percent of program funds go directly to research grants.

The emphasis on research is crucial, for while there have been several significant advances we still know relatively little about preventing breast cancer, and treatment options are few. Unfortunately, American women still face a one in eight chance of developing breast cancer during their lifetime. With nearly 200,000 cases diagnosed last year, breast cancer is the most common form of cancer among women. In fact, it accounts for one of every three cancer diagnoses among women.

In order to make the most of recent discoveries, and to improve the lives of future generations of women, we need measures like this that invest in breast cancer research. I am also happy to note that this bill has increased funding for HIV and prostate cancer research as well.

I was especially pleased earlier this year when this Congress included my bill, the Breast Cancer Early Detection Act of 1997, in the Balanced Budget Agreement. Prior to passage of this measure, annual mammograms were covered for Medicare-eligible women between ages 50 and 65. However, after age 65 Medicare only allowed for a mammogram every other year.

This policy ran counter to the research, which has found that 80 percent of all cancer occurs in women over 50. My bipartisan bill ensured that Medicare provided coverage for annual mammograms for all women.

I applaud Congress on these wise investments. They provide hope to American women and their families, and will provide the ultimate return: saving women's lives.

Mr. HILLEARY. Madam Speaker, I rise in support of this conference report. I want to thank the distinguished chairman of the National Security Subcommittee on Appropriations for his hard work during the negotiations to fight for the House's position on Bosnia.

Since November 1995, we have seen the administration break promise after promise and kick the can down the road, on a definite U.S. troop withdrawal date.

The first mission was IFOR—the implementation force; currently it is SFOR—the stabilization force; next to come is DFOR—the deterrence force.

Why just yesterday, Secretary of State Albright said "We do have a long-term interest in Bosnia—strategic as well as humanitarian."

What is next Madam Speaker, EFOR—the eternal force?

This past June, the House spoke clearly and overwhelmingly to hold the President to his June 1998 exit date—the third such date he has told the American people he would bring our troops home.

I realize the Senate did not want to take any substantive action on this important U.S. military operation.

However, I am pleased that some language was incorporated into this bill, although, it is not as strong as I would have liked.

Madam Speaker, Congress needs to regain control of the situation, and I think we come one step closer with the language included in this bill. I hope we haven't given the President too much wiggle room.

It cuts off funds for the Bosnia mission in June 1998, and forces the President to consult, certify, and provide a separate spending vehicle to Congress to extend the mission past the withdrawal deadline.

I hope my colleagues on both sides of the aisle will join me in supporting this important Bosnia language.

Mr. COMBEST. Madam Speaker, I would like to thank the distinguished chairman and the members of the committee for appropriating $2 million for risk-based research on the effect of toxic chemicals on human health and the environment. This funding is intended for the use by the Institute for Environmental and Human Health, which is located at Reese Air Force Base in my district. The institute was created and implemented by Texas Tech University, which has entered into a cooperative agreement with Brooks Air Force Base to provide multidisciplinary environmental research, education, public outreach, and risk assessment.

The primary focus of this institute will be the integration of environmental impact assessment and human health in the context of science-based risk assessment. The institute will provide a critical resource for the Department of Defense as it grapples with significant environmental problems at bases nationwide and abroad. The institute will enable the Department to fulfill several of its stated environmental research and risk assessment needs and goals.

In addition, the location of the institute at Reese Air Force Base will play a critical role in the redevelopment of Reese Air Force Base and the economic development of the surrounding region. The $2 million appropriation will enable Texas Tech to leverage an additional $4 million in State funds which will be used to address the myriad of environmental concerns in west Texas and throughout the Nation.

Madam Speaker, the support of the committee is appreciated. We look forward to working in cooperation with the Department of Defense to achieve significant environmental research and assessment goals.

Mr. YOUNG of Florida. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. EMERSON). Without objection, the previous question is ordered on the conference report.

There was no objection.

The SPEAKER pro tempore. The question is on the conference report.

Pursuant to clause 7 of rule XV, the yeas and nays are ordered.

The vote was taken by electronic device, and there were— yeas 356, nays 65, not voting 12, as follows:

[Roll No. 442]

YEAS—356

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bentsen
Bereuter
Berman
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blunt
Boehlert
Boehner
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady
Brown (FL)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Capps
Cardin
Carson
Castle
Chabot
Chambliss
Christensen
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (VA)
Deal
DeLauro
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehrlich
Emerson
Engel
English
Ensign
Etheridge
Evans
Everett
Ewing
Fawell
Fazio
Flake
Foley
Forbes
Ford
Fowler
Fox
Frelinghuysen
Frost
Gallegly
Gejdenson
Gekas
Gephardt
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hill
Hilleary
Hilliard
Hobson
Holden
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
LaFalce
LaHood
Lampson
Lantos
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Livingston
Lucas
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McHale
McHugh
McIntosh
McIntyre
McKeon
Meehan
Meek
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Mink
Moakley
Mollohan
Moran (KS)
Moran (VA)
Murtha
Myrick
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Olver
Ortiz
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Paxon
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Rangel
Redmond
Regula
Reyes
Riley
Rodriguez
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roybal-Allard
Ryun
Sabo
Salmon
Sanchez
Sandlin
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Schumer
Scott
Serrano
Sessions
Shadegg
Shaw
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Souder
Spence
Spratt
Stabenow
Stearns
Stenholm
Stokes
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Tierney
Towns
Traficant
Turner
Upton
Velázquez
Visclosky
Walsh
Wamp
Waters
Watkins
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wise
Wolf
Wynn
Young (AK)
Young (FL)

NAYS—65

Barrett (WI)
Becerra
Berry
Blumenauer
Brown (CA)
Brown (OH)
Campbell
Chenoweth
Conyers
Davis (IL)
DeFazio
DeGette
Delahunt
Dellums
Doggett
Ehlers
Eshoo
Farr
Fattah
Filner
Frank (MA)
Franks (NJ)
Furse
Ganske
Gutierrez
Hinchey
Hoekstra
Hooley
Jackson (IL)
Kennedy (MA)
Kind (WI)
Klug
Kucinich
LoBiondo
Lofgren
Lowey
Luther
McDermott
McGovern
McKinney
McNulty
Miller (CA)
Minge
Morella
Nadler
Oberstar
Obey
Paul
Payne
Ramstad
Riggs
Rivers
Roukema
Royce
Rush
Sanders
Sanford
Sensenbrenner
Shays
Stark
Torres
Vento
Watt (NC)
Woolsey
Yates

NOT VOTING—12

Bonilla
Foglietta
Gibbons
Gonzalez
Hastings (FL)
Hinojosa
Largent
McInnis
Owens
Rogan
Schiff
Solomon

□ 1303

Messrs. RUSH, HINCHEY, and BLUMENAUER, changed their vote from "yea" to "nay."

Ms. SANCHEZ and Mr. PETERSON of Minnesota changed their vote from "nay" to "yea."

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

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## DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 1998

The SPEAKER. Pursuant to House Resolution 239 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 2267.

□ 1305

### IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 2267) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1998, and for other purposes, with Mr. HASTINGS of Washington in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole House rose on Wednesday, September 24, 1997, the bill was open for amendment from page 38, line 12, through page 38, line 25.

### SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to House Resolution 239, proceedings will now resume on those amendments on which further proceedings were postponed, in the following order:

Amendment No. 1 printed in part II of the Committee on Rules report offered by the gentleman from Illinois [Mr. HYDE]; amendment No. 53 offered by the gentleman from Virginia [Mr. SCOTT]; amendment No. 55 offered by the gentlewoman from California [Ms. WATERS]; amendment No. 35 offered by the gentleman from Oklahoma [Mr. COBURN]; and amendment No. 32 offered by the gentlewoman from the District of Columbia [Ms. NORTON].

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

### AMENDMENT OFFERED BY MR. HYDE

The CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Illinois [Mr. HYDE] on which further proceedings were postponed and on which the ayes prevailed by a voice vote.

The Clerk will redesignate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. HYDE:

Page 116, strike line 16 and all that follows through line 2 on page 117 and insert the following:

**SEC. 616. ATTORNEYS FEES AND OTHER COSTS IN CERTAIN CRIMINAL CASES.**

During fiscal year 1997 and in any fiscal year thereafter, the court, in any criminal case pending on or after the date of the enactment of this Act, shall award, and the United States shall pay, to a prevailing party, other than the United States, a reasonable attorney's fee and other litigation costs, unless the court finds that the position of the United States was substantially justified or that other special circumstances make an award unjust. Such awards shall be granted pursuant to the procedures and limitations provided for an award under section

2412 of title 28, United States Code. Fees and other expenses awarded under this provision to a party shall be paid by the agency over which the party prevails from any funds made available to the agency by appropriation. No new appropriations shall be made as a result of this provision.

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 340, noes 84, not voting 9, as follows:

[Roll No. 443]

AYES—340

Abercrombie
Ackerman
Aderholt
Archer
Armey
Bachus
Baesler
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Becerra
Berry
Bilbray
Bilirakis
Bishop
Bliley
Blunt
Boehlert
Boehner
Bono
Borski
Boswell
Boucher
Boyd
Brady
Brown (FL)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Carson
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clayton
Clement
Clyburn
Coble
Coburn
Combest
Condit
Cook
Cooksey
Costello
Cox
Cramer
Crane
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (IL)
Davis (VA)
Deal
DeFazio
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dixon
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Filner
Flake
Foglietta
Foley
Forbes
Ford
Fowler
Fox
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Harman
Hastert
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hill
Hilleary
Hilliard
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kildee
Kilpatrick
Kim
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Lantos
Largent
Latham
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Mascara
McCarthy (NY)
McCollum
McCrery
McDade
McHale
McHugh
McIntosh
McIntyre
McKeon
Meehan
Meek
Metcalf
Mica
Millender-McDonald
Miller (FL)
Minge
Moakley
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Ortiz
Owens
Oxley
Packard
Pappas
Parker
Pascrell
Pastor
Paul
Paxon
Payne
Pease
Peterson (MN)
Peterson (PA)
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Redmond
Regula
Reyes
Riley
Rodriguez
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Roybal-Allard
Royce
Rush
Ryun
Sabo
Salmon
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Scott
Serrano
Sessions
Shadegg
Shaw
Shays
Shimkus
Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Sununu
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Tierney
Towns
Traficant
Upton
Velázquez
Vento
Visclosky
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wise
Wolf
Wynn
Young (AK)
Young (FL)

NOES—84

Allen
Andrews
Baldacci
Barrett (WI)
Bentsen
Bereuter
Berman
Blagojevich
Blumenauer
Bonior
Brown (CA)
Brown (OH)
Cardin
Clay
Collins
Coyne
Davis (FL)
DeGette
Delahunt
DeLauro
Dellums
Dingell
Doggett
Eshoo
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gutierrez
Hamilton
Hinchey
Hinojosa
Johnson (WI)
Johnson, E.B.
Kennedy (MA)
Kennedy (RI)
Kennelly
Kind (WI)
Kucinich
Lampson
LaTourette
Levin
Lewis (GA)
Lofgren
Lowey
Markey
Martinez
Matsui
McCarthy (MO)
McDermott
McGovern
McKinney
McNulty
Menendez
Miller (CA)
Mink
Nadler
Olver
Pallone
Pelosi
Petri
Rangel
Riggs
Rivers
Rothman
Sanchez
Sanders
Sandlin
Sawyer
Schumer
Sensenbrenner
Sherman
Skaggs
Slaughter
Smith, Adam
Stokes
Stupak
Tauscher
Torres
Turner
Waxman
Woolsey
Yates

NOT VOTING—9

Bonilla
Conyers
Gibbons
Gonzalez
Hastings (FL)
Hoyer
McInnis
Rogan
Schiff

□ 1328

Messrs. WAXMAN, BERMAN, KENNEDY of Massachusetts, NADLER, CLAY, SCHUMER, STOKES, and Mrs. LOWEY changed their vote from "aye" to "no."

Messrs. NEY, THORNBERRY, HEFLEY, STUMP, DUNCAN, BUNNING, BAKER, BOSWELL, BOB SCHAFFER of Colorado, LUTHER, BERRY, SAM JOHNSON of Texas, DEAL of Georgia, RUSH, TOWNS, and Ms. HOOLEY of Oregon, Mrs. ROUKEMA, Ms. HARMAN, Ms. KAPTUR, Mrs. MEEK of Florida, and Mrs. MYRICK changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

□ 1330

### ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. Pursuant to House Resolution 239, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device will be taken on each amendment on which the Chair has postponed further proceedings.

### AMENDMENT NO. 53 OFFERED BY MR. SCOTT

The CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Virginia [Mr. SCOTT] on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The text of the amendment is as follows:

Amendment No. 53 offered by Mr. SCOTT:

Page 29, line 10, insert after the amount "(reduced by $258,750,000)" and insert as follows: page 28, line 17, after the amount insert "(increased by $80,000,000)"; page 29, line 20, after the amount insert "(increased by $13,000,000)" and on line 22, after the amount insert "(increased by $8,000,000)" and on line 25 after the amount insert "(increased by $40,000,000)"; page 31, line 1, after the amount insert "(increased by $37,000,000)" and on line 21 after the amount insert "(increased by $76,750,000)" and on line 13 after the amount insert "(increase by $4,000,000)".

### RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 129, noes 291, not voting 13, as follows:

[Roll No. 444]

AYES—129

Abercrombie
Allen
Baldacci
Barrett (WI)
Barton
Becerra
Berman
Bilbray
Bishop
Blumenauer
Bonior
Boyd
Brown (FL)
Brown (OH)
Carson
Clay
Clayton
Clyburn
Conyers
Coyne
Cummings
Cunningham
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dixon
Doggett
Dooley
Doyle
Ehlers
Eshoo
Farr
Fattah
Fazio
Filner
Flake
Foglietta
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gutierrez
Hilliard
Hinchey
Hooley
Horn
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E.B.
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kilpatrick
Kind (WI)
LaFalce
Lantos
Leach
Lewis (GA)
Lofgren
Luther
Markey
Martinez
Matsui
McCarthy (NY)
McDermott
McGovern
McKinney
McNulty
Meehan
Meek
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Mollohan
Neal
Oberstar
Obey
Olver
Owens
Pallone

Pastor
Paul
Payne
Pelosi
Quinn
Rangel
Reyes
Rodriguez
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Scott
Serrano
Skaggs
Slaughter
Snyder
Stark
Stokes
Stupak
Talent
Thompson
Thurman
Tierney
Torres
Towns
Turner
Upton
Velázquez
Vento
Waters
Watt (NC)
Waxman
Wexler
Weygand
Woolsey
Wynn
Yates

NOES—291

Ackerman
Aderholt
Andrews
Armey
Bachus
Baesler
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Bass
Bateman
Bentsen
Bereuter
Berry
Bilirakis
Blagojevich
Bliley
Blunt
Boehlert
Boehner
Bono
Borski
Boswell
Boucher
Brady
Brown (CA)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clement
Coble
Coburn
Combest
Condit
Cook
Cooksey
Costello
Cox
Cramer
Crane
Crapo
Cubin
Danner
Davis (VA)
Deal
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Doolittle
Dreier
Duncan
Dunn
Edwards
Ehrlich
Emerson
Engel
English
Ensign
Etheridge
Evans
Everett
Ewing
Fawell
Foley
Forbes
Fowler
Fox
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gephardt
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hill
Hilleary
Hinojosa
Hobson
Hoekstra
Holden
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, Sam
Jones
Kasich
Kelly
Kennelly
Kildee
Kim
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Largent
Latham
LaTourette
Lazio
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lowey
Lucas
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Mascara
McCarthy (MO)
McCollum
McCrery
McDade
McHale
McHugh
McIntosh
McIntyre
McKeon
Menendez
Metcalf
Mica
Miller (FL)
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Ortiz
Oxley
Packard
Pappas
Parker
Pascrell
Paxon
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Radanovich
Rahall
Ramstad
Redmond
Regula
Riggs
Riley
Rivers
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Royce
Ryun
Salmon
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Schumer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Solomon
Souder
Spratt
Stabenow
Stearns
Stenholm
Strickland
Stump
Sununu
Tanner
Tauscher
Tauzin
Taylor (MS)
Thomas
Thornberry
Thune
Tiahrt
Traficant
Visclosky
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wise
Wolf
Young (AK)
Young (FL)

NOT VOTING—13

Archer
Bonilla
Collins
Dellums
Gibbons
Gonzalez
Hastings (FL)
Livingston
McInnis
Rogan
Schiff
Spence
Taylor (NC)

□ 1337

Mr. DUNCAN changed his vote from "aye" to "no."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 55 OFFERED BY MS. WATERS

The CHAIRMAN. The unfinished business is the demand for a recorded vote on amendment No. 55 offered by the gentlewoman from California [Ms. WATERS] on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The text of the amendment is as follows:

Amendment No. 55 offered by Ms. WATERS:

Page 29, line 10, after the dollar amount, insert "(decreased by $30,000,000)".

Page 31, line 12, after the dollar amount, insert "(increased by $30,000,000)".

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 162, noes 259, not voting 12, as follows:

[Roll No. 445]

AYES—162

Abercrombie
Ackerman
Allen
Baldacci
Barrett (WI)
Barton
Becerra
Berman
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boyd
Brown (CA)
Brown (FL)
Brown (OH)
Capps
Cardin
Carson
Clay
Clayton
Clyburn
Coburn
Conyers
Coyne
Cummings
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dellums
Dicks
Dixon
Dooley
Doyle
Ehlers
Engel
Ensign
Eshoo
Evans
Farr
Fattah
Fazio
Filner
Flake
Foglietta
Ford
Frank (MA)
Frost
Furse
Gejdenson
Goodling
Gutierrez
Hall (OH)
Harman
Hefner
Hilliard
Hinchey
Hinojosa
Hooley
Horn
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
LaFalce
Lantos
Levin
Lewis (GA)
Lofgren
Luther
Maloney (NY)
Manton
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McKinney
McNulty
Meehan
Meek
Menendez
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Mollohan
Morella
Nadler
Neal
Nethercutt
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Portman
Price (NC)
Ramstad
Rangel
Rivers
Rodriguez
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Scott
Serrano
Shays
Sisisky
Skaggs
Skelton
Slaughter
Smith, Adam
Spratt
Stabenow
Stark
Stenholm
Stokes
Stupak
Thompson
Thurman
Tierney
Torres
Towns
Upton
Velázquez
Vento
Waters
Watt (NC)
Waxman
Wexler
Weygand
Woolsey
Wynn
Yates

NOES—259

Aderholt
Andrews
Archer
Armey
Bachus
Baesler
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Bass
Bateman
Bentsen
Bereuter
Berry
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bono
Boswell
Boucher
Brady
Bryant
Bunning
Burr
Burton
Callahan
Calvert
Camp
Campbell
Cannon
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clement
Coble
Combest
Condit
Cook
Cooksey
Costello
Cox
Cramer
Crane
Crapo
Cubin
Cunningham
Danner
Davis (VA)
Deal
DeLay
Deutsch
Diaz-Balart
Dickey
Dingell
Doggett
Doolittle
Dreier
Duncan
Dunn
Edwards
Ehrlich
Emerson
English
Etheridge
Everett
Ewing
Fawell
Foley
Forbes
Fowler
Fox
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutknecht
Hall (TX)
Hamilton
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Holden
Hostettler
Houghton
Hulshof
Hunter
Hyde
Inglis
Istook
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King (NY)
Kingston
Klug
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lowey
Lucas
Maloney (CT)
Manzullo
McCollum
McCrery
McDade
McHale
McHugh
McIntosh
McIntyre
McKeon
Metcalf
Mica
Miller (FL)
Moran (KS)
Moran (VA)
Murtha
Myrick
Neumann
Ney
Northup
Norwood
Nussle
Ortiz
Oxley
Packard
Pappas
Parker
Paul
Paxon
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Poshard
Pryce (OH)
Quinn
Radanovich

Rahall
Redmond
Regula
Reyes
Riggs
Riley
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Royce
Ryun
Salmon
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Schumer
Sensenbrenner
Sessions
Shadegg
Shaw
Sherman
Shimkus
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Stearns
Strickland
Stump
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Traficant
Turner
Visclosky
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wise
Wolf
Young (AK)
Young (FL)

NOT VOTING—12

Bonilla
Buyer
Canady
Collins
Gephardt
Gibbons
Gonzalez
Hastings (FL)
Hutchinson
McInnis
Rogan
Schiff

☐ 1347

Mr. LEWIS of California changed his vote from "aye" to "no."

So the amendment was rejected.

The result of the vote was announced as above recorded.

### AMENDMENT NO. 35 OFFERED BY MR. COBURN

The CHAIRMAN. The unfinished business is the demand for a recorded vote on amendment No. 35 offered by the gentleman from Oklahoma [Mr. COBURN] on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The text of the amendment is as follows:

Amendment No. 35 offered by Mr. COBURN:

Page 34, line 13, after the dollar amount, insert the following: "(increased by $74,100,000)".

Page 49, line 9, after the dollar amount, insert the following: "(reduced by $74,100,000)".

### RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 163, noes 261, not voting 9, as follows:

[Roll No. 446]

AYES—163

Aderholt
Andrews
Archer
Armey
Bachus
Ballenger
Barr
Barrett (WI)
Barton
Bass
Berry
Bilirakis
Blagojevich
Bliley
Blunt
Bono
Bryant
Calvert
Camp
Campbell
Canady
Cannon
Chabot
Chambliss
Chenoweth
Christensen
Coble
Coburn
Combest
Cooksey
Cox
Crane
Crapo
Cubin
Danner
Deal
DeFazio
DeLay
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehrlich
Emerson
Engel
Ensign
Ewing
Foley
Fowler
Fox
Frelinghuysen
Ganske
Gillmor
Goodlatte
Goodling
Goss
Graham
Granger
Green
Greenwood
Gutknecht
Hastings (WA)
Hayworth
Hefley
Hill
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Hulshof
Hunter
Hutchinson
Inglis
Istook
Jones
Kasich
Kingston
Klug
Kolbe
Largent
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lucas
Luther
Manzullo
McCollum
McCrery
McHugh
McIntosh
McIntyre
McKeon
Metcalf
Miller (FL)
Minge
Moran (KS)
Myrick
Neumann
Ney
Northup
Norwood
Nussle
Obey
Pappas
Parker
Paul
Paxon
Peterson (PA)
Pickering
Pitts
Pombo
Quinn
Radanovich
Ramstad
Riggs
Rohrabacher
Roukema
Royce
Ryun
Salmon
Sanford
Scarborough
Schaefer, Dan
Schaffer, Bob
Sessions
Shadegg
Shays
Shimkus
Skeen
Smith (MI)
Smith (NJ)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stearns
Strickland
Stump
Sununu
Talent
Thomas
Thornberry
Thune
Tiahrt
Traficant
Upton
Visclosky
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weller
White
Whitfield
Wicker
Wolf
Young (FL)

NOES—261

Abercrombie
Ackerman
Allen
Baesler
Baker
Baldacci
Barcia
Barrett (NE)
Bartlett
Bateman
Becerra
Bentsen
Bereuter
Berman
Bilbray
Bishop
Blumenauer
Boehlert
Boehner
Bonior
Borski
Boswell
Boucher
Boyd
Brady
Brown (CA)
Brown (FL)
Brown (OH)
Bunning
Burr
Burton
Buyer
Callahan
Capps
Cardin
Carson
Castle
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Cook
Costello
Coyne
Cramer
Cummings
Cunningham
Davis (FL)
Davis (IL)
Davis (VA)
DeGette
Delahunt
DeLauro
Dellums
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Ehlers
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Fawell
Fazio
Filner
Flake
Foglietta
Forbes
Ford
Frank (MA)
Franks (NJ)
Frost
Furse
Gallegly
Gejdenson
Gekas
Gilchrest
Gilman
Goode
Gordon
Gutierrez
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hefner
Herger
Hilliard
Hinchey
Hinojosa
Holden
Hooley
Houghton
Hoyer
Hyde
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E.B.
Johnson, Sam
Kanjorski
Kaptur
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kleczka
Klink
Knollenberg
Kucinich
LaFalce
LaHood
Lampson
Lantos
Latham
LaTourette
Lazio
Levin
Lewis (GA)
Lipinski
Livingston
Lowey
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDade
McDermott
McGovern
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Mica
Millender-McDonald
Miller (CA)
Mink
Moakley
Mollohan
Moran (VA)
Morella
Murtha
Nadler
Neal
Nethercutt
Oberstar
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Payne
Pease
Pelosi
Peterson (MN)
Petri
Pickett
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Rahall
Rangel
Redmond
Regula
Reyes
Riley
Rivers
Rodriguez
Roemer
Rogers
Ros-Lehtinen
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schumer
Scott
Sensenbrenner
Serrano
Shaw
Sherman
Shuster
Sisisky
Skaggs
Skelton
Slaughter
Smith (OR)
Smith (TX)
Smith, Adam
Snyder
Spratt
Stabenow
Stark
Stenholm
Stokes
Stupak
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thompson
Thurman
Tierney
Torres
Towns
Turner
Velázquez
Vento
Walsh
Waters
Watt (NC)
Waxman
Weldon (PA)
Wexler
Weygand
Wise
Woolsey
Wynn
Yates
Young (AK)

NOT VOTING—9

Bonilla
Collins
Gephardt
Gibbons
Gonzalez
Hastings (FL)
McInnis
Rogan
Schiff

☐ 1356

Mr. McHUGH changed his vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

### AMENDMENT NO. 32 OFFERED BY MS. NORTON

The CHAIRMAN. The unfinished business is the demand for a recorded vote on amendment No. 32 offered by the gentlewoman from the District of Columbia [Ms. NORTON] on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The text of the amendment is as follows:

Amendment No. 32 offered by Ms. NORTON:

In title I, under the heading "General Provisions—Department of Justice", strike section 103.

### RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 155, noes 264, not voting 14, as follows:

[Roll No. 447]

AYES—155

Abercrombie
Ackerman
Allen
Andrews
Baldacci
Barrett (WI)
Becerra
Bentsen
Berman
Bishop
Blagojevich
Blumenauer
Boehlert
Boswell
Boucher
Boyd
Brown (CA)
Brown (FL)
Brown (OH)
Campbell
Capps
Cardin
Carson
Clay
Clayton
Clyburn
Condit
Conyers
Coyne
Cummings
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dixon
Doggett
Dooley
Engel
Eshoo
Evans
Farr
Fattah
Fawell
Fazio
Filner
Foglietta
Ford
Frank (MA)
Franks (NJ)
Frelinghuysen

Frost
Furse
Gejdenson
Gilman
Green
Greenwood
Gutierrez
Gutknecht
Harman
Hilliard
Hinchey
Hinojosa
Hooley
Horn
Houghton
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson, E. B.
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kilpatrick
Kind (WI)
Lantos
Levin
Lewis (GA)
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Markey
Martinez
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McKinney
Meehan
Meek
Menendez
Millender-McDonald
Miller (CA)
Mink
Moran (VA)
Morella
Nadler
Olver
Owens
Pallone
Pastor
Payne
Pelosi
Pickett
Porter
Price (NC)
Rangel
Rivers
Rodriguez
Rothman
Roukema
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schumer
Scott
Serrano
Shays
Sherman
Sisisky
Skaggs
Slaughter
Smith, Adam
Stabenow
Stark
Stokes
Strickland
Tauscher
Thompson
Tierney
Torres
Towns
Vela
Valzquez
Vento
Waters
Watt (NC)
Waxman
Wexler
Wise
Woolsey
Wynn
Yates

## NOES—264

Aderholt
Archer
Armey
Bachus
Baesler
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Berry
Bilbray
Bilirakis
Bliley
Blunt
Boehner
Bonior
Bono
Borski
Brady
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clement
Coble
Coburn
Combest
Cook
Cooksey
Costello
Cox
Cramer
Crapo
Cubin
Cunningham
Danner
Davis (VA)
Deal
DeLay
Diaz-Balart
Dickey
Dingell
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Ensign
Etheridge
Everett
Ewing
Flake
Foley
Forbes
Fowler
Fox
Gallegly
Ganske
Gekas
Gilchrest
Gillmor
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Hall (OH)
Hall (TX)
Hamilton
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hill
Hilleary
Hobson
Hoekstra
Holden
Hostettler
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
John
Johnson (WI)
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kildee
Kim
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lucas
Manton
Manzullo
Mascara
McCollum
McCrery
McDade
McHale
McHugh
McIntosh
McIntyre
McKeon
McNulty
Metcalf
Mica
Miller (FL)
Minge
Moakley
Mollohan
Moran (KS)
Murtha
Myrick
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Ortiz
Oxley
Packard
Pappas
Parker
Pascrell
Paul
Paxon
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Pomeroy
Portman
Poshard
Pryce (OH)
Quinn
Rahall
Ramstad
Redmond
Regula
Reyes
Riggs
Riley
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Royce
Ryun
Salmon
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shaw
Shimkus
Shuster
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stearns
Stenholm
Stump
Stupak
Sununu
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thornberry
Thune
Thurman
Tiahrt
Traficant
Turner
Upton
Visclosky
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Weygand
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)

## NOT VOTING—14

Bonilla
Collins
Crane
Dellums
Gephardt
Gibbons
Gonzalez
Hastings (FL)
McInnis
Obey
Radanovich
Rogan
Schiff
Thomas

□ 1404

So the amendment was rejected.

The result of the vote was announced as above recorded.

### PERSONAL EXPLANATION

**Mr. GUTKNECHT.** Mr. Chairman, On rollcall No. 447 I have been notified that I was improperly recorded as voting "aye." I am opposed to the Norton amendment and my vote should reflect a strong "no."

The CHAIRMAN. Are there further amendments to the paragraph?

If not, the Clerk will read.

The Clerk read as follows:

### INTERNATIONAL TRADE COMMISSION

### SALARIES AND EXPENSES

For necessary expenses of the International Trade Commission, including hire of passenger motor vehicles and services as authorized by 5 U.S.C. 3109, and not to exceed $2,500 for official reception and representation expenses, $41,400,000, to remain available until expended.

## DEPARTMENT OF COMMERCE

### INTERNATIONAL TRADE ADMINISTRATION

### OPERATIONS AND ADMINISTRATION

For necessary expenses for international trade activities of the Department of Commerce provided for by law, and engaging in trade promotional activities abroad, including expenses of grants and cooperative agreements for the purpose of promoting exports of United States firms, without regard to 44 U.S.C. 3702 and 3703; full medical coverage for dependent members of immediate families of employees stationed overseas and employees temporarily posted overseas; travel and transportation of employees of the United States and Foreign Commercial Service between two points abroad, without regard to 49 U.S.C. 1517; employment of Americans and aliens by contract for services; rental of space abroad for periods not exceeding ten years, and expenses of alteration, repair, or improvement; purchase or construction of temporary demountable exhibition structures for use abroad; payment of tort claims, in the manner authorized in the first paragraph of 28 U.S.C. 2672 when such claims arise in foreign countries; not to exceed $327,000 for official representation expenses abroad; purchase of passenger motor vehicles for official use abroad, not to exceed $30,000 per vehicle; obtain insurance on official motor vehicles; and rent tie lines and teletype equipment; $279,500,000, to remain available until expended, of which not less than $172,608,000 shall be for the United States and Foreign Commercial Service: *Provided*, That the provisions of the first sentence of section 105(f) and all of section 108(c) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2455(f) and 2458(c)) shall apply in carrying out these activities without regard to section 5412 of the Omnibus Trade and Competitiveness Act of 1988 (15 U.S.C. 4912); and that for the purpose of this Act, contributions under the provisions of the Mutual Educational and Cultural Exchange Act shall include payment for assessments for services provided as part of these activities.

### EXPORT ADMINISTRATION

### OPERATIONS AND ADMINISTRATION

For necessary expenses for export administration and national security activities of the Department of Commerce, including costs associated with the performance of export administration field activities both domestically and abroad; full medical coverage for dependent members of immediate families of employees stationed overseas; employment of Americans and aliens by contract for services abroad; rental of space abroad for periods not exceeding ten years, and expenses of alteration, repair, or improvement; payment of tort claims, in the manner authorized in the first paragraph of 28 U.S.C. 2672 when such claims arise in foreign countries; not to exceed $15,000 for official representation expenses abroad; awards of compensation to informers under the Export Administration Act of 1979, and as authorized by 22 U.S.C. 401(b); purchase of passenger motor vehicles for official use and motor vehicles for law enforcement use with special requirement vehicles eligible for purchase without regard to any price limitation otherwise established by law; $41,000,000, to remain available until expended: *Provided*, That the provisions of the first sentence of section 105(f) and all of section 108(c) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C.) 2455(f) and 2458(c)), shall apply in carrying out these activities: *Provided further*, That payments and contributions collected and accepted for materials or services provided as part of such activities may be retained for use in covering the cost of such activities, and for providing information to the public with respect to the export administration and national security activities of the Department of Commerce and other export control programs of the United States and other governments.

### AMENDMENT OFFERED BY MR. MOLLOHAN

**Mr. MOLLOHAN.** Mr. Chairman, pursuant to the unanimous consent agreement entered into last night, I offer an amendment on the Legal Services Corporation that affects title I.

The Clerk read as follows:

Amendment offered by Mr. MOLLOHAN:

On page 6, line 13, after the dollar amount, insert the following: "(reduced by $6,000,000)".

On page 6, line 25, after the dollar amount, insert the following: "(reduced by $6,000,000)".

On page 22, line 25, after the dollar amount, insert the following: "(reduced by $42,000,000)".

On page 44, line 1, after the dollar amount, insert the following: "(reduced by $1,000,000)".

On page 47, line 26, after the dollar amount, insert the following: "(reduced by $5,000,000)".

On page 48, line 21, after the dollar amount, insert the following: "(reduced by $6,000,000)".

On page 50, lines 13 and 23, after each dollar amount, insert the following: "(reduced by $15,000,000)".

On page 51, line 11, after the second dollar amount, insert the following: "(reduced by $15,000,000)".

On page 51, line 13, after the dollar amount, insert the following: "(reduced by $15,000,000)".

On page 51, line 20, after the dollar amount, insert the following: "(reduced by $10,000,000)".

On page 51, line 22, after the dollar amount, insert the following: "(reduced by $5,000,000)".

On page 54, line 11, after the dollar amount, insert the following: "(reduced by $1,000,000)".

On page 59, line 26, after the dollar amount, insert the following: "(reduced by $13,000,000)".

On page 65, line 18, after the dollar amount, insert the following: "(reduced by $9,000,000)".

On page 95, line 15, after the dollar amount, insert the following: "(reduced by $10,000,000)".

On page 96, line 1, after the dollar amount, insert the following: "(reduced by $10,000,000)".

On page 96, line 23, after the dollar amount, insert the following: "(reduced by $6,000,000)".

On page 98, line 5, after the dollar amount, insert the following: "(increased by $109,000,000)".

On page 98, line 6, after the dollar amount, insert the following: "(increased by $109,000,000)".

Mr. MOLLOHAN (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

Mr. ROGERS. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto close in 1 hour and 30 minutes and that the time be equally divided.

The CHAIRMAN. Is there objection to the request of the gentleman from Kentucky?

Mr. OBEY. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

### POINT OF ORDER

Mr. ROGERS. Point of order, Mr. Chairman.

The CHAIRMAN. The gentleman will state his point of order.

Mr. ROGERS. Mr. Chairman, is it proper for this Member to inquire of the gentleman the reason he might object to such a limitation?

The CHAIRMAN. Only if a Member reserves the right to object can that question be asked.

Mr. ROGERS. I would point out to the Chair that we are trying to expedite this bill and get it over with by 10 o'clock or so tonight. We are proceeding amicably and I think agreeably and very successfully. If all of the Members can restrain themselves, we can get through with this bill.

The CHAIRMAN. Objection has been heard.

The gentleman from West Virginia [Mr. MOLLOHAN] is recognized for 5 minutes.

Mr. MOLLOHAN. Mr. Chairman, I rise today to join my colleague, the gentleman from Pennsylvania [Mr. FOX] in offering an amendment to increase funding to the Legal Services Corporation. Simply stated, the Mollohan-Fox amendment increases funding for the Legal Services Corporation from $141 million to $250 million, the same amount, by the way, Mr. Chairman, that we came off the floor last year in this bill with a similar amendment.

What is the Legal Services Corporation? It was created in 1974 as a private, nonprofit corporation. It was specifically established by the Congress to provide civil legal assistance to the poorest, most vulnerable Americans, assuring that they receive equal access to our judicial system.

What type of cases do Legal Services attorneys handle? The largest percentage of cases, Mr. Chairman, closed by the LSC attorneys in 1996 was in the area of family law, comprising about 35 percent of the 1.4 million cases closed. About 22 percent closed were housing cases, and about 15 percent related to income maintenance, cases associated with the poorest in our society.

As many Members know, in fiscal year 1996, our subcommittee put in place a number of restrictions to increase accountability by the Legal Services Corporation. This was in response to the concerns of many Members about what Legal Services was up to. A competitive bidding system has been adopted for all grants and contracts. All grantees are now required to provide audited financial statements.

In addition, we impose a number of prohibitions on LSC grantees. Any LSC grantee is prohibited from participating in redistricting litigation, prohibited from participating in class action suits, and welfare reform advocacy, and prisoner representation, lobbying, abortion litigation, illegal alien representation, and in collecting attorney's fees.

Members will be pleased to note that this bill before us adds a new provision to allow for the recompetition of grants and debarment from competing for future grants by grantees who violate the restrictions I have just mentioned. It was this committee under the leadership of the gentleman from Kentucky [Mr. ROGERS] that imposed most of these restrictions.

I would like to point out to Members that the Mollohan-Fox amendment does not seek to change a single one of these restrictions. This amendment simply increases the funding for grants to basic field programs by $109 million, virtually the same vote that we had last year.

Offsets to the amendments are as follows: Bureau of Prisons, $42 million; court of appeals and district courts, $13 million; Federal Communications Commission, $10 million; Department of Justice Antitrust Division, $6 million; Federal Trade Commission, $6 million; National Oceanic and Atmospheric Administration, $15 million; diplomatic and consular programs, $9 million; Department of Commerce general administration, $1 million; Patent and Trademark Office, $5 million; National Institute for Standards and Technology, $6 million; and economic and statistical analysis, $1 million.

Because clause 2(f) of rule XXI limits amendments which move funding among multiple accounts in appropriation bills to transfers between appropriation items only, I was not able to designate precisely in this Mollohan-Fox amendment our intentions regarding FCC fees or State Department foreign currency gains. Doing so would have been a violation of the House rules. But if the Mollohan-Fox amendment passes, we will work to adjust the final bill to reflect these intentions of using currency gains at the State Department and increased fee levels for the FCC.

Mr. Chairman, what happens if we do not pass the Mollohan-Fox amendment, if funding remains at the current low level of $141 million? Without additional funding, it is expected that the number of clients, the number of the poorest of our citizenry served, will fall from 1.4 million in fiscal year 1996 to less than 1 million in 1998. The number of LSC attorneys serving the poor will fall from about 4,871 in fiscal year 1995 to less than half of that, about 2,400. Millions of poor people will be unable to obtain legal assistance. And unfortunately pro bono services from private attorneys just cannot replace federally-funded legal services.

Congress created the Legal Services Corporation because it recognized that Federal funding was needed to ensure that some minimum level of access to our judicial system would be available to everyone. What message are we trying to send to the American public today? Do you really want to tell those in our society who are the most helpless, vulnerable, least able to obtain resources that we are not going to give you access to the court system? Do not send that message. Support the Mollohan-Fox amendment.

### MOLLOHAN-FOX AMENDMENT TO H.R. 2267—SPECIFIC EXPLANATION OF OFFSETS

The purpose of this document is to clarify the intent of all of the offsets used in the

Mollohan-Fox Amendment to H.R. 2267. The amendment increases funding for the Legal Services Corporation from $141,000,000 to $250,000,000.

OFFSETS

Department of Justice—the Antitrust Division. −$6,000,000; The intent is to increase the fee carryover from $10 million to $16 million, and to decrease the direct appropriation by a corresponding $6 million.

Federal Prison System. −$42,000,000 from the Salaries and Expenses Account.

National Oceanic and Atmosphric Administration (NOAA). −$5,000,000 to be taken from Executive Direction and Administration, within the Program Support line item of the Operations, Research, and Facilities Account; and −$10,000,000 to be taken from the Polar Convergence Account within the National Environmental Satellite, Data, and Information Service.

Department of Commerce—General Administration. −$1,000,000.

Patent and Trademark Office (PTO). −$5,000,000.

National Institute of Standards and Technology (NIST). −$6,000,000 from the Scientific and Technical Research and Services Account.

Economic and Statistical Analysis. −$1,000,000 from the Salaries and Expenses Account.

The Judiciary. −$13,000,000 from the Court of Appeal, District Courts, and other Judicial Services Account.

Department of State. −$9,000,000 from Diplomatic and Consular Programs; It is the intent of the amendment that $7,000,000 of the $9,000,000 be taken from exchange rate gains in the International Cooperative Administrative Support Services (ICASS) account, with the remaining $2,000,000 coming from the regular Diplomatic and Consular Programs account.

Federal Communications Commission (FCC). −$10,000,000; The intent is to increase the amount the FCC can collect in offsetting fees by $10,000,000 (per the budget request) and decrease the direct appropriation by a corresponding $10,000,000.

On further clarification of the State Department and FCC offset—Because clause 2(f) of Rule 21 limits amendments which move funding among multiple accounts in appropriations bills to transfers between appropriations items only, the Mollohan-Fox Amendment was not able to designate precisely our intentions regarding FCC fees or State Department foreign currency gains. Doing so in the amendment would have been a violation of the rule.

This statement is made to clarify the intentions of the amendment. Clearly it is not the intent of the Mollohan-Fox Amendment to reduce the total resources available to the FCC or to the State Department's operating funds.

Federal Trade Commission (FTC). −$6,000,000; The intent is to increase the fee carryover from $10 million to $16,000,000 and to decrease the direct appropriation by a corresponding $6,000,000.

□ 1415

Mr. BURTON of Indiana. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from West Virginia [Mr. MOLLOHAN].

Mr. Chairman, contrary to what will be said on the floor today, the Legal Services Corporation continues to ignore congressional restrictions, and inappropriate activities continue to run rampant at taxpayers' expense. In fiscal year 1996 Congress restricted the activities of Legal Services that they could engage in. These restrictions include the following: prohibition on redistricting activity; abortion litigation; prison litigation; welfare litigation; pro-union advocacy and union organizing; fee-generating cases; representation of housing tenants charged with possession of illegal drugs or against whom eviction proceedings had been begun as a result of their illegal drug activity; and a prohibition of representing most illegal aliens. Legal Services Corporations have made an art out of circumventing congressional restrictions, and yet Congress continues to allocate precious taxpayers' dollars in large amounts, and today they want to increase that.

And what do we get in return? A failed Government bureaucracy, more interested in promoting a radical agenda than assisting the indigent in solving their problems.

The Legal Services Corporation claims it has reformed and it adheres to congressional restrictions. Ask them, and they will say that the abuses are in the past. The Legal Services Corporation will say that they no longer represent prisoners, drug dealers, illegal immigrants, and class actions in suits and the like. If this is true, and the Legal Services has reformed, if Legal Services is in good faith living up to its end of the bargain by complying with the congressional restrictions, then how do they explain the Legal Services Corporation's involvement in the following legal actions, all of which have occurred in the last 2 years, in which they challenge the congressional authority and the congressional mandates?

Let me give my colleagues some examples:

In August 1996, last year, Brooklyn Legal Services stopped the eviction of a woman even though police found 54 vials of crack cocaine and drug packaging during the raid on her apartment. That was last year, 54 vials, and they were trying to keep this woman from being evicted.

In 1996, last year, Neighborhood Legal Services of Buffalo tried to get a man's supplemental Social Security, SSI, benefits on the grounds that his history of chronic alcoholism made him too tired and too nervous to work. That was thrown out about by a judge, but it went to court.

In February of this year, 1997, the Legal Aid Society of Mercer County tried to win unemployment benefits for a man who lost his job because he was in jail.

Mr. ROGERS. Mr. Chairman, will the gentleman yield?

Mr. BURTON of Indiana. I yield to the gentleman from Kentucky.

Mr. ROGERS. Mr. Chairman, I ask unanimous consent that debate on this amendment and all amendments thereto be concluded at 3:40, which will be an hour and a half total debate time, and that the remaining time be equally divided between these two parties.

The CHAIRMAN. Is there objection to the request of the gentleman from Kentucky?

Mr. MOLLOHAN. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

Mr. BURTON of Indiana. Who objected? I am sorry.

The CHAIRMAN. The objection came from the gentleman from West Virginia.

Mr. BURTON of Indiana. The gentleman from West Virginia; OK.

In February 1997 the Legal Aid Society of Mercer County tried to win unemployment benefits for a man who lost his job because he was in jail. The man in question worked as a housekeeper at the Mercer Medical Center until he was arrested for aggravated assault and other charges. He spent 9 months in jail, and after his release the medical center refused to rehire him; they were afraid of this guy. Legal Services then filed suit seeking unemployment benefits for the guy. Legal Services claimed that he was owed unemployment because it was not his fault he lost the job.

Can my colleagues believe that? That was done with taxpayers' dollars.

All I can say is I can go into example after example after example of where the Legal Services Corporation has deliberately circumvented the will of the people and the will of the Congress of the United States, and they are doing it with taxpayers' dollars. We need to get a grip on this organization. We need to rein in the Legal Services Corporation, not give them more money as the gentleman from West Virginia [Mr. MOLLOHAN] wants to do or the gentleman from Pennsylvania [Mr. FOX] wants to do. We need to put some constraints on them.

Now there are a number of organizations around this country that are voluntarily helping the indigent and the poor. In Indianapolis, the Indianapolis Legal Aid Society was founded in 1941 and in 1995 received all of its $458,000 from private sources, not from the taxpayer. It handled over 6,079 cases at a cost of, get this, $75 a case, and it was not funded by the taxpayer, and they helped the people they really should be helping, the truly needy and the truly indigent, not these other people, not these social service cases, not these social cases that are designed to change the policies of our Government, not redistricting cases, but cases where they were really helping the poor and they did it at nontaxpayer expense.

All I can say to my colleagues is let us get this Government out of the business of legal services, let us get it back in the private sector where it belongs, and let us help the people who truly need the help, the truly indigent.

Mr. DAVIS of Illinois. Mr. Chairman, I rise today and join my colleagues in support of the Mollohan-Fox amendment.

Mr. Chairman, this amendment is about equal justice and insuring that every American citizen has access to civil legal services. The Legal Services Corporation, LSC, is the Federal Government's contribution to a national public-private partnership. This partnership is aimed at fulfilling the first enumerated purpose of our Government in the preamble to the Constitution: to establish justice. The Mollohan-Fox amendment would increase funding for LSC's by $109 million, which is still way below the President's request.

The Legal Services Corporation has been a favorite target of many of my colleagues in the Congress. It has already received a cut in funding by one-third, and now they want to cut funding by 50 additional percent.

By cutting funding we send a strong message that if someone is poor in this country they do not deserve adequate legal representation in matters involving just civil suits. More importantly, we undermine the very basic principles of justice and fairness with the notion that because of class or station in life, because one happens to be poor, they do not deserve equal protection or access to legal representation.

This is an issue of conscience. In Illinois alone it is estimated that each year 300,000 low-income families face approximately 1 million civil legal problems for which they have no legal representation. This country, the leader of democracy, the leader of freedom, has an obligation to insure that each American has access to legal representation.

It is clear that a vote for this amendment is a vote for equal justice for all people, and therefore I urge all of my colleagues on both sides of the aisle to join with me in supporting the Mollohan-Fox amendment.

Mr. BARR of Georgia. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I think it is important for our colleagues and the American people to understand at the beginning of this debate exactly what it is that we are talking about and exactly what it is that we are not talking about. The constitutional obligation that our Government has to ensure that people before our courts have court-appointed attorneys to protect their rights is not what we are talking about.

Our Constitution guarantees and we provide already in this legislation hundreds of millions of dollars to insure that people, our citizens who are brought before our court to answer charges against them, have full and adequate legal representation. Millions of dollars are spent on that purpose through the public defender services and other moneys made available under this act. Any suggestion that our Constitution guarantees that a person seeking redress for civil problems in a court, any suggestion that we ought to be defensive or feel guilty by saying that the taxpayers of this country do not have an obligation to ensure that somebody who wants to go in to change welfare laws or to ensure that somebody in a federally funded housing project can deal drugs with impunity, to suggest that those type people should have their civil legal bills paid for by the taxpayers of this country is preposterous.

This is not a constitutional issue. It is a political advocacy issue. That is what Legal Services Corporation excels at, political advocacy, advocating political causes.

And let me tell my colleagues, Mr. Chairman, about the arrogance with which Legal Services attorneys approach efforts by those of us in this body to be good stewards of taxpayer money. The Legal Aid Society of Santa Clara has a vice president named Elizabeth Shivell, and she said, in the wake of the restrictions that Congress has and has attempted to place on the ability of Legal Services Corporation to enforce a political agenda in the courts at taxpayer expense, this is what she said:

> If Congress can screw people with technicalities, we can unscrew them with technicalities. That is why we are lawyers and not social workers. Two can play this game.

That was in the California Lawyer in a story entitled "Legal Aid Divides to Conquer" in February 1996.

The previous speaker on our side, the distinguished gentleman from Indiana [Mr. BURTON], the chairman of the Committee on Government Reform and Oversight, gave several examples of instances in which the Legal Services Corporation continues to circumvent congressional intent embodied in law to push and enforce a political agenda of its own, in contravention to the wishes of American people and citizens and communities from Santa Clara to Boston. We do not need to, or actually maybe we do need to, highlight for the American people and for our colleagues additional examples of how they continue to circumvent congressional intent despite the restrictions placed in the previous Congress and Congresses. They continue to find ways to manipulate, to circumvent, to find loopholes around the restrictions so that they can force their political agenda.

The Legal Services Corporation, Mr. Chairman, continues to be a wolf in sheep's clothing; it must be killed. As the gentleman from Indiana [Mr. BURTON] also said, Mr. Chairman, there are dozens upon dozens of mechanisms administered by State and local bar associations. I contribute annually to one in my home county to provide voluntary legal service funding for indigents in civil proceedings. Those are the mechanisms that were envisaged in our constitutional form of government. That is the mechanism that works, that is the mechanism that people across this country are demanding work, and not to have their taxpayer dollars spent on attorneys with a political agenda and who are increasing the rates of their representation, the amount of money, at rates faster than inflation. We are continuing to provide more money than we ought to provide, and this amendment to increase funding for LSC's political agenda ought to be defeated.

□ 1430

Mr. FOX of Pennsylvania. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise today to offer this amendment with my colleagues, the gentleman from West Virginia [Mr. MOLLOHAN] and the gentleman from Minnesota [Mr. RAMSTAD] in support of funding for low-income legal aid assistance. I commend the chairman, ranking member, and staff for their hard work on this very difficult appropriations bill.

Last year we came to the floor and offered a similar amendment to restore funding to this important program. We spoke of the reforms we had just recently enacted and urged Members to support a level of $250 million in funding. In that vote, 247 Members supported our effort, including 56 of our Republican colleagues. This year we ask the same kind of support.

I am convinced that under the leadership of its new president, John McKay, a Republican from Washington State, Chairman Douglas Eakley, and Vice Chairman John Erlenborn, a former Republican Congressman, Legal Services will be extremely vigilant in the defense of the new standards this Congress has set for Legal Services agencies.

Among these reforms are prohibitions on class action lawsuits, redistricting, and political advocacy, as well as additional prohibitions on abortion and prison litigation and legal assistance to illegal aliens. There is no social engineering here in the current Legal Services. This is a public-private partnership. Most agencies get about 20 percent or less of their funding from our Federal source.

This is a fairness issue, Mr. Chairman. Opponents of Legal Services try to cite a flood of brazen lawsuits challenging the congressional restrictions. This is simply not true. The truth is that there have been two lawsuits actually challenging the reforms Congress enacted last year. One case was brought in violation of the restrictions. In fact, the LSC recently prevailed in its case in U.S. District Court in Hawaii against five Legal Services grantees that had challenged the new restrictions.

Also, Legal Services was successful in forcing the Texas Rural Legal Aid

Agency to withdraw from its lawsuit in Val Verde, Texas, within 1 month of the filing of the case, and vigorously pursued one remaining case in New York.

Contrary to what the Legal Services opponents would have us believe, this is the extent of the litigation surrounding the restrictions. There is no flood of lawsuits. The stories of the past that are regularly listed in the publications of LSC opponents occurred before restrictions were in place.

Incidentally, in reference to the Brooklyn Legal Services and Santa Clara Legal Services, they are not Legal Services grantees.

Let us be serious. If we are going to discuss whether or not the provision of legal aid for the poor can be responsibly provided and partially supported by Federal funding, must opponents of the program use anecdotal evidence from years past which does not even apply to the proper legislative time frame?

If we enacted the reforms in 1996, why must opponents reach back to 10 years previous? Do we have so little confidence in ourselves to grant positive legislation that we give up our own actions before they take hold?

If there are true abuses continuing, let us take steps to stop them, but we should not stop the majority of legal aid services for one-on-one service to the poor.

I appeal to those who have questions and concerns about the program to take some time to reflect upon the good work that our local legal aid agencies do.

Opponents of the program never tell us the good work that these agencies do, so I will. Family law is the single largest category of cases handled by the 275 grantees. Half of the LSC's family and juvenile cases involve efforts to obtain relief from domestic violence for the client or a family member.

In 1996 alone, Legal Services grantees handled a quarter of a million cases involving domestic violence. If you take a minute to think about the number of domestic violence cases that do not get reported every year, it is hard not to imagine the need that exists for these services.

In closing, Mr. Chairman, I say this. I want to repeat that Legal Services is working hard to work as a partner with Congress in pursuing cases where grantees are overstepping their bounds. In offering this amendment, we are simply trying to ensure that low-income individuals and families have one-on-one access to the courts, no social engineering, no class action lawsuits. Please support our amendment to restore funding for Legal Services and ensure equal justice under the law.

Mr. BURTON of Indiana. Mr. Chairman, will the gentleman yield?

Mr. FOX of Pennsylvania. I yield to the gentleman from Indiana.

Mr. BURTON of Indiana. Mr. Chairman, I think it is important to have a little dialog. In April 1996, the new rules regarding the Legal Services went into effect, in April 1996. The gentleman and others today here on the floor are going to say that they have been adhering to those.

I have in front of me two examples. In August 1996, 4 months after the new rules went into effect, passed by this Congress, the Brooklyn Legal Services Corporation stopped the eviction of a woman, even though they found 54 vials of crack cocaine and drug packaging in her apartment during a raid. So they were violating the rules 4 months after we passed them.

Also in 1996, I could give you several examples where after these rules were put into effect the Legal Services Corporation violated the rules passed by this Congress.

Mr. FOX of Pennsylvania. Mr. Chairman, reclaiming my time, to my good friend from Indiana, Mr. BURTON, let me say this: The fact of the matter is where the Legal Service Corporation was aware of the violations it has gone after those grantees and withdrawn the funding.

In the case of Brooklyn Legal Services, I understand they are not a Legal Services Corporation grantee.

The CHAIRMAN. The time of the gentleman from Pennsylvania [Mr. FOX] has expired.

(On request of Mr. MOLLOHAN, and by unanimous consent, Mr. FOX of Pennsylvania was allowed to proceed for 2 additional minutes.)

Mr. FOX of Pennsylvania. Mr. Chairman, in conclusion, I would say this: We want to work shoulder to shoulder with the gentleman. I know the gentleman has an amendment later on today for another restriction, which, as you know, I am going to support, because I believe one way to make a system of providing one-on-one legal services to the poor be improved is by making sure it is crafted in such a way we get to those people truly in need, not the class action lawsuits, not representing illegal aliens, not representing prisoners and all the list we have given before. I will work with the gentleman closely, and I am sure others who are advocates for Legal Services will.

Mr. MOLLOHAN. Mr. Chairman, will the gentleman yield?

Mr. FOX of Pennsylvania. I yield to the gentleman from West Virginia.

Mr. MOLLOHAN. I would like to add to that, every law that we pass here, we pass it because we understand there is a proclivity out there to violate the laws. That is the same with the restrictions we put on Legal Services Corporation.

There was a lot of this activity out there before we put these restrictions on. It is reasonable to assume there are going to be some people who are zealots, or for whatever reason, who are going to violate the rules.

The gentleman is going to be pleased to know and he does know probably, because I know he is a student of the legislation that comes on the floor, that in this bill we have disbarment as punishment for those grantees who violate the restrictions that we have put on in the past.

So we are addressing these concerns, and I know the gentleman would be pleased that we are addressing them, and I hope the fact we are addressing them in good faith and in a serious manner will lead the gentleman to look favorably upon the underlying purposes.

Mr. FOX of Pennsylvania. Mr. Chairman, reclaiming my time, I wanted to make it clear on the Brooklyn case, which obviously is an egregious situation, they are not a Legal Services grantee. It is a problem we would like to address, but it is not LSC's problem. They did not cause it.

Mr. BURTON of Indiana. Mr. Chairman, if the gentleman will continue to yield, if I may make one additional comment, first of all I can give you many other examples. I think you probably know that. If you want me to, I will.

Second, while there are still violations, it is inconceivable to me we would increase the amount of the money going to Legal Services Corporation by $109 million. We were talking about $141 million. You wanted to go to $250 million. I do not understand why we reward them.

Mr. FOX of Pennsylvania. Mr. Chairman, I would like to reclaim my time to make a clarification. The fact of the matter is last year on the floor of the House the bill that went out called for $250 million. That is all we are doing, is asking for $250 million again.

Mr. SKAGGS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise this afternoon in support of the amendment offered by the gentleman from West Virginia and the gentleman from Pennsylvania.

Mr. Chairman, I have enormous respect for the body in which we all are privileged to serve, and I would hope that this is a place where we can give voice and effect to the highest aspirations of this country and the kind of civilization and society that we want to help craft.

We walk out the front door of this House Chamber and look across the street at the Supreme Court building, where emblazoned above the entrance is the statement "Equal Justice Under Law."

Is that something we want to be real and meaningful and effective? Not just for those that can hire $200-an-hour lawyers, but for the least of us? Or is it to be a bad joke, an insult to those who do not have the coin to hire the lawyers to make justice real for them?

The gentleman from West Virginia mentioned that without these additional funds, millions will go unserved. What he did not say is that even with it, millions will go unserved, because of the restrictions that have been imposed as the population of those in need have grown over the last several years.

We have a stake in each other in this country, Mr. Chairman. We can live under the illusion that those that are doing well can continue to do well and not suffer if we let those that are not doing so well live without access to the courts, without access to health care, without access to the good things that this country has to offer.

Or we can realize, not in some altruistic way, although I hope there is some moral obligation here, but in a very practical way, that if we leave a lot of this country's citizens behind, it will come back to haunt us.

This is a way that we can do either the right thing and say to the least among us financially that they still are as good as the best among us when it comes to an entrance to the courthouse, to have their rights respected and their obligations enforced; or we can say, Sorry, you are a different class of American. The courts are not really there for you. Whether it is for family law, for housing, for Social Security benefits, you name it, you are out of luck.

That is what this is about. It is about justice in this country and whether we have the guts and the gumption and the allocation of some modest part of this Nation's treasure to make that symbol of justice on the Supreme Court building meaningful for all of our people.

Freedom requires justice. Justice requires that we do more.

Mr. McINTOSH. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the committee funding level and in opposition to an increased funding for government-funded lawyers in the Legal Services Corporation.

We have had a debate here about this program, and what it reminded me of was a movie that I saw recently with my wife Ruthie, "Jerry McGuire." And one of the characters in that movie is a man named Rod Tidwell, who says to his agent, "Show me the money." And what we need to do is show us the money and where it is going, because there has been in fact an incredible politicalization of this government-funded program.

We have seen recently, as recently as 1997, after the so-called restrictions were in place, that the Minnesota Legal Services Agency has said it will file a lawsuit challenging Minnesota's welfare reform, specifically their residency requirement.

What more political act could you engage in than suing to prevent a State from enforcing its welfare reform initiative and requiring that people be a resident of that State before they receive money from those taxpayers?

This is an ongoing process. There have been no enforcement mechanisms for those reforms. They have been widely ignored. The harm goes deep in our country. Farmers have complained that Legal Services Corporation has sued them. One Ohio farmer was sued because he had too many migrant workers and he was violating labor laws. Another farmer was sued because they did not feel he was following all the environmental laws.

Cities are hassled by this group. The Legal Aid of Marin County sued the city of San Raphael for violating the rights of the homeless because they were giving out tickets to people that jaywalked. I can think of a lot better uses for our taxpayer money than subsidizing this time of needless, senseless litigation that is furthering only a small minority's political agenda.

In Chicago, the Legal Assistance Foundation of Chicago served notice on the INS that they were going to sue them because they had failed to provide detainees with law books in Spanish and they were going to allege that their civil rights were violated.

Now, these are illegal individuals who are not here in this country as a legal citizen, been detained by the INS, and now government funds are encouraging a lawsuit to harass them in doing their job and protecting our borders.

This policy was misguided from the beginning. We do not need to subsidize more lawyers in this country. If anything, we need to encourage the private charitable works that actually help people when they have got a problem with their landlord, when they have got a problem receiving their payment that they are due from a local agency. But we do not need to have a Federal entity that spends a great deal of its money engaging in politically oriented lawsuits, fighting against the reforms that this Congress has tried to put into place in welfare, immigration, and basic ways in which the Federal Government operates.

This does not serve any of us well but, most importantly, it does not serve the taxpayer well. All too often I have had the taxpayers in my district, in central Indiana, come up to me and say, David, show me the money. What are you guys doing with all of the taxes that you collect from us? When I have to report back to them that on the House floor we are considering raising the amount of money we give to lawyers who file political lawsuits, their reaction is going to be, You got to shut down the place, let us keep the money. You don't know how to best use it for our services.

Mr. FOX of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. McINTOSH. I yield to the gentleman from Pennsylvania.

Mr. FOX of Pennsylvania. Mr. Chairman, I appreciate the gentleman yielding. The fact is in a later amendment we are going to find the gentleman from Indiana [Mr. BURTON] will be putting a further restriction on this program, which I think goes to the arguments the gentleman has been making about making the system better.

□ 1445

And the money actually is only a small part of what local communities need to have one-on-one services for the poor.

Mr. McINTOSH. Mr. Chairman, reclaiming my time, I appreciate the sincerity of the gentleman and his efforts and the efforts of our colleagues on this, but I think if we really want to send a message to this rogue entity: get out of politics, stop filing these lawsuits to provide a further agenda of one's liberal agenda; the best way, the best signal to do that is to reduce the spending, and that is what this committee did.

If they had come back and they had shown us that they had followed the restrictions, including the new one that my colleague, the gentleman from Indiana [Mr. BURTON], will offer later, then we could consider increasing the funds in future years. But nothing will serve better to get that message across that this Congress is serious about not wanting to fund politically oriented litigation than going through with the committee funding level, reducing the amount from previous years, and letting them know we are very serious.

Mr. NADLER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, this attempt in this bill to cut the budget of the Legal Services Corporation in half to $140 million, when as recently as 1995 it was over $415 million, is really an attempt to eliminate legal services for the poor for the reasons stated by some of the gentlemen on the other side of the aisle who say essentially that this is a rogue agency, that it politicizes justice, and so forth. They simply do not want poor people to have access to federally funded legal services because they do not like the result.

However, Mr. Chairman, the real question is, do we or do we not believe in this country that justice is for everyone. We say equal justice under law. Equal justice: Is it for everyone? Is access to the courts for everyone, or are the courts only here to protect the large corporations and to adjudicate disputes among millionaires and divorces for celebrities? Are the courts here to protect people when their rights are being violated, subject to evictions, or being fired improperly, or being discriminated against, or being cheated out of money; or are the courts only for rich people or upper middle-class people who can afford lawyers?

In the New York City housing court, which disposes of hundreds of thousands of cases every year, 99 percent of them eviction cases, 90 percent of the tenants have no lawyers at all. The landlords have lawyers, the tenants have no lawyers, and they are subject to very rough justice, if one can call it justice. They only wish the Legal Services Corporation had a much bigger budget, because these people need legal services or they cannot vindicate their rights when they are evicted, even though they have defenses which they do not understand because they are not lawyers.

Now, my colleagues say that this agency has politicized the process, that they bring political lawsuits, and an example was given a few minutes ago of the agency, the Legal Services in Wisconsin, I think it was, that sued against that State's welfare reform law, brought a lawsuit against the welfare reform laws.

Another example was given of Legal Services Corporations that sued farmers.

Mr. RAMSTAD. Mr. Chairman, will the gentleman yield?

Mr. NADLER. I yield to the gentleman from Minnesota.

Mr. RAMSTAD. Mr. Chairman, the reference to my home State of Minnesota, the gentleman who made that statement should know that, in fact, there are no Legal Service Corporation dollars involved in that lawsuit. It is Minnesota, not Wisconsin.

Mr. NADLER. Mr. Chairman, reclaiming my time, even if there were, even if there were, and they say that Legal Services sued farmers because allegedly they used child labor, this is not politicization. What my colleagues are really saying is that they do not want people's constitutional or legal rights enforced.

This Congress and most State legislatures have, for the last century, been enacting laws to protect people against child labor and to protect workers' safety and workers' health and environment and all kinds of laws, building code enforcement. What Legal Services does is to enable people to enforce the rights granted to them by the Constitution of the United States, or by laws passed by the State or by the Federal Government. Without lawyers to bring these lawsuits, those rights are meaningless.

What my colleagues on the other side of the aisle are really objecting to is that the small people, the nonrich people, are causing problems for local establishments because Legal Services helps them bring lawsuits that say: you cannot do that, even if you have always done it, because the law says you cannot or the Constitution says you cannot; and if they are wrong, the courts rule that way. What my colleagues are really objecting to is poor people having the ability to go into court against the State of Minnesota.

I do not know anything about the State of Minnesota's welfare reform law. Maybe it is a good law, maybe it is a bad law. But if someone in Minnesota thinks that his or her constitutional legal rights are being violated by that law, and Legal Services is willing to help them sue to vindicate their legal rights, if that law is allegedly violating rights that they have, that is a perfectly proper road, because otherwise what we are saying is that only middle class and rich people should have the right to sue against a State law. If the State law is not violating the Constitution or is not violating what Congress says, the courts will so rule.

The argument really is that it is too much of a pain and too much of a bother to have poor people challenging local establishments, challenging what the State Legislature of Minnesota may have done, but what is the grounds of the challenge? The grounds of the challenge is that it is against the Constitution of the United States or against the laws that Congress passed, and if it is, it ought to be struck down; and if it is not, it will not be.

Mr. Chairman, in summary, the attempt to eliminate Legal Services is shameful because it is an attempt to deny access to the courts to poor people to vindicate their rights, and I urge the adoption of this amendment to have a minimum level of legal services available.

Mr. RAMSTAD. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I join my colleagues from Pennsylvania and West Virginia in sponsoring this amendment to prevent the drastic 50-percent cut in Legal Services funding.

Unless we pass this amendment today, those words etched atop the United States Supreme Court, "Equal Justice Under Law," are meaningless. Those words are a mere mockery unless we pass this amendment today.

Let us talk facts, Mr. Chairman. The antagonists of the Legal Services Corporation who want to kill Legal Services for the poor know that the funding level in the bill is a 50-percent cut from last year. That follows on the heels of a 33-percent cut from the previous year. As a result, Mr. Chairman, Legal Services programs are serving right now 300,000 fewer low-income Americans because of decreased resources represented by those cuts. If this amendment does not pass today, an additional 400,000 vulnerable low-income Americans will have no representation under the law.

Let us talk about what type of Americans are served by Legal Services: children who need child support orders enforced and their mothers or fathers; private health insurance for children who have no health insurance, that is hardly a radical notion; victims of domestic violence; children who are abused; consumer fraud; people who are victims of consumer fraud and unlawful discrimination.

Mr. Chairman, we also have to talk facts. The antagonists, those who want to kill Legal Services, know full well that in 1995 we made reforms. With all respect to the gentleman from Georgia, there is no representation of people evicted from public housing due to drugs. If that is still going on, then let us go after the abuser, but it is written into law there are no class action suits, no lobbying, no legal assistance to illegal aliens, no political activities, no prisoner litigation, no redistricting representation. We have, Mr. Chairman, a new Legal Services because of these reforms, which I supported.

Now, let us talk about funding. There is nobody in this body on either side to whom I take a back seat when it comes to frugality with the taxpayers' dollars, and if my colleagues do not believe me, check the Citizens Against Government Waste lifetime ratings, check the ratings of the National Taxpayers' Union. But, Mr. Chairman, if we are to give people in this country, every person, regardless of income status, true justice under the law, we need to pass this amendment and not gut this program here today.

Volunteer lawyers, and believe me, no State surpasses Minnesota's contribution for pro bono work, but volunteer lawyers cannot meet the critical legal needs of poor people alone any more than doctors could treat all of the medical needs of the poor or grocers can feed all of the hungry without paying. We cannot effectively provide legal services to the poor without this public-private partnership.

Even in a State like Minnesota, last year 3,000 attorneys donating 30,000 hours of free pro bono legal services valued at over $3.5 million, even in a State like Minnesota, we closed last year 4,000 fewer cases, and tens of thousands of people, poor people, were turned away, could not have representation, could not have, Mr. Chairman, equal justice under the law.

I do not have any argument with those who stick to the facts, but let us talk about the new Legal Services, not the old, and let us not try to confuse people with those old arguments. I was as critical of the old Legal Services as many in this body who are against this amendment today.

The bottom line, Mr. Chairman, is we have passed tight restrictions on Legal Services Corporation. We do have a solid public-private partnership here. Poor people, most of them, are getting their day in court as far as civil justice is concerned. If our justice system is going to continue to have meaning, respect, legitimacy, we cannot just provide legal services to the wealthy, to those with means. Then justice cannot truly be just.

I urge my colleagues to support basic fairness and equality under the law by restoring Legal Services funding.

Mr. BURTON of Indiana. Mr. Chairman, will the gentleman yield?

Mr. RAMSTAD. I yield to the gentleman from Indiana.

The CHAIRMAN. The time of the gentleman from Minnesota [Mr. RAMSTAD] has expired.

(On request of Mr. BURTON of Indiana, and by unanimous consent, Mr. RAMSTAD was allowed to proceed for 2 additional minutes.)

Mr. RAMSTAD. Mr. Chairman, I yield to the gentleman from Indiana [Mr. BURTON].

Mr. BURTON of Indiana. Mr. Chairman, I know the gentleman is very sincere, and he is one of my dearest and respected colleagues, but I would say to the gentleman that in April 1996, as I said previously, we implemented, and the President signed into law, restrictions on the Legal Services Corporation. I have here in my hand probably 6 to 10 examples in various States where the legal services Corporations have deliberately violated the laws passed by the Congress and signed into law by the President in April 1996.

Now, the reason I wanted to just have this brief colloquy with the gentleman is that we need to put some kind of a mechanism in place that will penalize those legal services Corporations that are using taxpayers' dollars and then violating not just the intent of Congress, but the law passed by Congress.

Mr. RAMSTAD. Reclaiming my time, Mr. Chairman, for 6 or 10 violations about which my distinguished colleague from Indiana speaks, we do not gut equal justice under the law, we do not eliminate legal services for the poor, we go after those who violated our restrictions that were imposed, properly so in my judgment, back in 1995, which took effect in 1996, but we do not void the fifth amendment, we do not void equal justice under the law, the equal protection clause of the U.S. Constitution because of 6 to 10 violations.

Mr. BURTON of Indiana. Mr. Chairman, I can give many more.

Mr. UPTON. Mr. Chairman, will the gentleman yield?

Mr. RAMSTAD. I yield to the gentleman from Michigan.

Mr. UPTON. Mr. Chairman, I might just say in response to the gentleman from Indiana [Mr. BURTON], that in these cases where we have seen abuses, I would be delighted, and I am a supporter of this amendment and will speak a little bit later, but I would be delighted to work with the gentleman from Indiana [Mr. BURTON] and the gentleman from Minnesota [Mr. RAMSTAD] and others, particularly those on the Committee on the Judiciary, to work on, whether it be legislation or a directive to the Justice Department, to make sure that they stick to the law.

Mr. RAMSTAD. Reclaiming my time, Mr. Chairman, and my time is very short, I will be the first to go after and to join my colleagues in going after any of those violators, but let us not kill Legal Services because of 6 to 10 violations.

The CHAIRMAN. The time of the gentleman from Minnesota [Mr. RAMSTAD] has expired.

(On request of Mr. BURTON of Indiana, and by unanimous consent, Mr. RAMSTAD was allowed to proceed for 1 additional minute.)

Mr. RAMSTAD. Mr. Chairman, I yield to the gentleman from Indiana.

Mr. BURTON of Indiana. Mr. Chairman, I do not think we are at odds on this particular point we are talking about. What I am saying is where there is a violation of Legal Services and we know about it, I have some examples here, there ought to be a penalty imposed upon those agencies that are violating the law.

Now, if we did that, we would find a lot of people that might take a little different approach to Legal Services, because these legal service organizations that have involved themselves in defending drug dealers and people who are deliberately breaking the law, if we did that, I think we could work together.

Mr. RAMSTAD. Mr. Chairman, reclaiming my time, I do not dispute what the gentleman just said. I do not think the majority of this body would dispute that, including those of us who defend Legal Services for the poor.

□ 1500

Of course there should be sanctions to those who violate the reforms that we enacted in 1997 which took effect in 1996. I will join my colleague in such legislation. But this, Mr. Chairman, is not the vehicle to attach that, to go after those violators.

We have already, from last year, and again, let us speak to the facts, last year's funding level was $283 million. Even this amendment only restores funding to $250 million, so it is not level funding. Let us deal with the violators appropriately, but not here.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, it is inconceivable to me that we would juxtapose the numbers, 1 million underserved poor people across the Nation, and juxtapose a mere 6 to 8 examples of violations, of which we know, both in our hearts and our minds, that there is a remedy.

In fact, as I support the Mollohan-Fox amendment, in this legislation now before us those grantees that violate the law will be debarred. They will face debarment from any future opportunity. It is incredulous to me that those who would oppose Legal Services would raise such misdirected arguments, 6 versus 1 million citizens who need services regarding housing and family needs, such as abuse and domestic violence, those who have been kicked off unfairly from SSI, children who are suffering from mental illness, who for some reason or other have not been able to either get those services, or people who are ill who need those services.

It is certainly in contrast to most of America, for recent polling will tell us that 70 percent of Americans are in favor of using Federal tax dollars to fund civil legal aid for the needy. That is what we are talking about.

Might I say something that is somewhat unpopular: I take great umbrage and exception to the fact that we would lump and put in one pot all of the dedicated Legal Services lawyers across the Nation. I say that in honor of my brother-in-law, Phillip Lee, who spent 20 years of his life, until he passed, working for the New York Legal Services. I say that in tribute to those who are on the Gulf Coast Legal Foundation in Houston, TX, the board of which I served on, and have watched those lawyers toiling for individual cases which no one in the general public bar could or would take. I listened to the organized bar in the State of Texas beg me to preserve the Gulf Coast Legal Services Corporation, even though they were very active in doing pro bono work.

So this is a travesty and a farce, arguing about insignificant cases dealing with how much drugs in an apartment. I do not know the facts, but I would argue and say that all of us will support eliminating those abuses. But without having all the facts, for example, that person could have been an elderly citizen, and I am not suggesting these are the facts, intimidated and held hostage by younger people living in her apartment, and therefore, there might have been a reason.

If it is not the facts of the Brooklyn case, think of it as being the fact that she is held hostage by young people taking over her apartment, and we would penalize this elderly victim if that would have been the case. At the same time, the ridiculous case about someone with alcoholism; alcoholism has been designated as a sickness. Maybe that was the reason why the case was taken.

In any event, it is ludicrous, again, as I have said, to move and to require, if we do not have this particular funding, and increased by the Mollohan-Fox amendment, that we would lose 550 of these neighborhood offices, 50 percent, and the number of Legal Services attorneys would decrease from 4,000 to 2,000. That is one LSC attorney for every 23,600 impoverished Americans.

Mr. Chairman, I would simply say that if the shoe was on the other foot, if the Member had no other way to access the courts and to address his legal grievances, if he had gone to every attorney and said, I have no money, but will you take my case, you are in the private bar, albeit the good works that the private bar does, would he, a United States Congressperson who does not have the privilege which many of us have, have a better understanding that poor people need justice, too; that the Constitution and the Bill of Rights applies to poor people as well?

Might I say that I take a slightly different perspective, as I close, from my good friends, the gentleman from West Virginia [Mr. MOLLOHAN] and the gentleman from Pennsylvania [Mr. FOX]. Although I adhere to them, I believe the cases that deal with Indian rights, welfare, redistricting, all of those cases preserve the dignity of those in this Nation, but I concede that point. For those of us who have conceded it, it is absolutely ridiculous to deny to the poorest of poor their rights in the courts. We are our brother's keeper.

Mr. Chairman, I rise today in support of the Mollohan-Fox amendment which would restore a majority of the funding recently stripped from the sorely needed Legal Services Corporation. This amendment will set the appropriation amount for the Legal Services Corporation at $250 million, down only 12 percent from last year's $283 million budget allotment.

This amendment and the issues it evokes hit directly at the core of widespread concerns about the reality of equal protection under the law. Is there or can there ever be equal protection under the law when the access to quality legal services is based entirely upon socioeconomic factors? I would think not. This is the very reason that organizations like the Legal Services Corporation exist. Without it, and organizations like it, our Constitution will become a document empowered by the dollar, and not the sovereign will of the people. Without effective legal services for the impoverished and indigent, our laws and their unconditional protections have no force, no honor.

The Nation, since the cornerstone of Gideon versus Wainwright was laid now over a generation ago, has readily acknowledged the importance of legal representation, and the existence of the Legal Services Corporation is concrete evidence of that fact. In Gideon, the right of the indigent and socioeconomic disadvantaged to legal representation in criminal proceedings was upheld; however, many Americans also recognized the need for the legal defense of the indigent in civil matters, as well. Are we going to be the generation of Americans that robs its citizens of this vital protection?

The Legal Services Corporation helps millions of Americans effectively access the justice system in cases of domestic violence, housing evictions, consumer fraud, child support, among a host of other critical matters. The bottom line is that without this critical program, many indigent children, battered and abused spouses, elderly and physically challenged citizens and those in the lower levels of the socioeconomic strata would not have access to competent legal representation in civil matters.

A recent Louis Harris & Associates poll showed that 70 percent of Americans are in favor of using Federal tax dollars to fund civil legal aid for the needy. The poll highlighted legal services like child custody, adoption, and divorce which should not be accessible only to those at a certain level of financial security. I sincerely hope that this Congress will not retreat from its unmistakable social responsibilities. I implore this House to vote in favor of the Mollohan-Fox amendment, and restore the funding of the Legal Services Corporation so that the justice system in this country can serve the needs of all of its citizens and not just those who can afford it.

Mr. DOOLITTLE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I submit what is ridiculous is that this Congress would continue to fund such as a disastrous program as Legal Services at all, let alone pass this amendment.

Mr. Chairman, what is ridiculous is that we continue to fund a program that is so irresponsible that the Congress would actually have to take the kind of action we took in fiscal year 1996 and spell out what ought to be clear ahead of time for responsible people in an organization funded with Federal funds, and actually make explicit that they may not get involved in redistricting, they may not get involved in abortion litigation, or prison litigation, or welfare litigation, or pro-union advocacy, for heaven's sake, and union organizing, or fee-generating cases, or representation of public housing tenants charged with possession of illegal drugs or against whom eviction proceedings have begun as a result of illegal drug activity, and a prohibition on representing illegal aliens. Mr. Chairman, that is an indictment right there on the inclinations of the individuals in this irresponsible agency.

Mr. Chairman, I believe as much as anyone in protecting the rights of poor people, but unlike my colleagues on the other side of the aisle, and apparently some of my Republican colleagues, I do not believe we have to build a bigger and bigger welfare state, of which this is a part, in order to accomplish those objectives.

If legal representation of the poor at public expense is so important, let the attorneys donate their time, let the States handle the matter, where they are a little closer to the people, where these kinds of abuses cannot continue to occur. And yes, they do continue to occur. When we are going to talk about protecting children, listen to this case. Here, how well are they following the law here?

In 1997 Northwest Louisiana Legal Services argued for preserving a woman's parental rights for her children, despite clear evidence she had physically abused them. The case began in 1991. The State investigated it. They assumed temporary custody. Legal Services still got involved, claiming that terminating parental rights was improper. These children had been severely beaten and burned, and yet our taxpayer dollars went through Legal Services to defend this type of individual.

Mr. BARR of Georgia. Mr. Chairman, will the gentleman yield?

Mr. DOOLITTLE. I yield to the gentleman from Georgia.

Mr. BARR of Georgia. Mr. Chairman, as the gentleman from Minnesota earlier said, we must stick to the facts. Then he said there were simply no cases where Legal Services Corporation funds continued to be used to evict people for drug-related evictions. The facts of the matter, I say to the gentleman from Minnesota, are that that continues to happen. In New Jersey, in the case of *Hoboken* v. *Alicea*, A–5639–95T3, New Jersey Court of Appeals, 1997, it continues to happen.

I would ask the distinguished gentleman, is he aware of any provision in the Constitution of the United States of America in which there is a constitutional guarantee, as found by the courts or explicit in the Constitution, where people have a constitutional right for legal services to be provided for them in civil cases?

Mr. DOOLITTLE. Let me respond to the gentleman, Mr. Chairman, and say I know of nothing in the Constitution that requires that, and I know of no court, no Supreme Court ruling that has so interpreted the Constitution.

Mr. MOLLOHAN. Mr. Chairman, will the gentleman yield?

Mr. DOOLITTLE. I yield to the gentleman from West Virginia.

Mr. MOLLOHAN. Mr. Chairman, I would point out that the authority for the Legal Services Corporation is statutory in nature, passed by the Congress, which Congress has authority constitutionally to do.

I would just like to again reassure Members who are concerned about the various Legal Services grantees across the Nation violating, to the extent it happens, restrictions have been put in the bill. We are putting in sanctions. We are reaffirming the limitation on spending, so Legal Services Corporations cannot participate in the offensive activities. Then we are also adding sanctions, debarment sanctions, and sanctions against grantees competing for future grants where there have been violations.

I simply say that because I sense that perhaps the gentleman is not aware of that, and I want to assure the gentleman that the chairman and the committee have been vigilant about trying to do that.

Mr. ROGERS. Mr. Chairman, will the gentleman yield?

Mr. DOOLITTLE. I yield to the gentleman from Kentucky.

Mr. ROGERS. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, the ranking member is correct. It may not be of great notice yet, but we are putting a new provision in the Legal Services statute that I think is of interest to the gentleman from Indiana [Mr. BURTON] and the gentleman from Georgia [Mr. BARR], the gentleman who yielded, and others, that gives the Legal Services Corporation a new way to discipline grantees who violate the restrictions that the Congress put on those grantees.

In effect, LSC, under this new provision, has the automatic right to terminate the grant or contract of any grantee, and also, under section 504(a) and subsequent sections, can debar that recipient from any further grants under the act. This is new ammunition, new powers that they have never had before.

The CHAIRMAN. The time of the gentleman from California [Mr. DOOLITTLE] has expired.

(On request of Mr. ROGERS, and by unanimous consent, Mr. DOOLITTLE was allowed to proceed for 2 additional minutes.)

Mr. ROGERS. Mr. Chairman, will the gentleman continue to yield?

Mr. DOOLITTLE. I yield to the gentleman from Kentucky.

Mr. ROGERS. Mr. Chairman, this is new law. This is a new procedure. We are trying to respond to the criticisms that LSC has had in the past that they did not have the authority nor the interest in debarring and taking away the contract of a grantee that violates the House-passed laws. So this is new. It does have teeth. It can be enforced and should be enforced, and we are going to insist that it be enforced.

So I think that is of interest to everybody, particularly those who have been critical of LSC for not disciplining their own grantees, and debarring from further LSC activities a grantee who violates the House-passed rules. I thank the gentleman for yielding.

Mr. DOOLITTLE. Mr. Chairman, let me say I do not think those go far enough, but I am happy to hear they are in the bill.

Ms. JACKSON-LEE of Texas. Mr. Chairman, will the gentleman yield?

Mr. DOOLITTLE. I yield to the gentlewoman from Texas.

Ms. JACKSON-LEE of Texas. Mr. Chairman, the gentleman is very kind for yielding to me.

Very quickly, Mr. Chairman, my good friend, the gentleman from Georgia [Mr. BARR] made a distinction constitutionally between criminal and civil laws. Let me argue that the Congress is empowered to delegate authority and has obviously designated the Legal Services Corporations to help poor people have legal services.

The real issue is the moral high ground, judging 1 million poor people who cannot get legal services against the rich of America who can. I would simply ask the gentleman, in all of his conviction, to please, if he will, have mercy on those individuals who cannot achieve justice any other way.

Mr. DOOLITTLE. Let me just say with what time I have left, Mr. Chairman, that this is perfectly appropriate for local and State entities to carry out. I think we will not end the abuses as long as the remote Federal Government continues to fund and increase funding for a program of this sort.

Obviously these organizations have no interest in respecting the intent of Congress, when we have cited repeatedly violations of the very restrictions that were already in the law that continue to happen. This is not the job, in my opinion, of the United States government. It is the job of the State governments or of local bar societies.

The CHAIRMAN. The time of the gentleman from California [Mr. DOOLITTLE] has expired.

(On request of Mr. FOX of Pennsylvania, and by unanimous consent, Mr. DOOLITTLE was allowed to proceed for 1 additional minute.)

Mr. FOX of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. DOOLITTLE. I yield to the gentleman from Pennsylvania.

Mr. FOX of Pennsylvania. Mr. Chairman, I appreciate the gentleman from California yielding to me. The fact is, I want to make sure I get to him all of the cases where Legal Services is now going after the grantees who are not living up to the 17 restrictions, and the new one that the gentleman from Indiana [Mr. BURTON] and myself and the gentleman from California [Mr. DOOLITTLE] also is supporting, which will further make this program where we only want to give services to those who are truly poor and truly in need; no social engineering, no class action lawsuits. These are new Legal Services guidelines which everybody in Congress can support.

☐ 1515

Mr. MOLLOHAN. If the gentleman will continue to yield, Mr. Chairman, I just want to put this in perspective.

The gentleman from California [Mr. DOOLITTLE] cited six cases?

Mr. DOOLITTLE. Mr. Chairman, reclaiming my time, I cited, I believe, a couple cases. Others have cited other cases.

Mr. MOLLOHAN. If the gentleman would continue to yield, there were 1.4 million cases closed in 1996, 1.4 million cases.

Mr. DOOLITTLE. Mr. Chairman, reclaiming my time, let me just say, this is just the tip of the iceberg. We can cite numerous cases. I dread to think how many things are going on that we do not really know about yet and will continue to go on despite these attempts of cosmetic restrictions until we simply end this program, let it go back to the States where it belongs, not the Federal Government.

### PREFERENTIAL MOTION OFFERED BY MR. TIERNEY

Mr. TIERNEY. Mr. Chairman, I offer a preferential motion.

The CHAIRMAN. The Clerk will report the motion.

The Clerk read as follows:

Mr. TIERNEY moves that the Committee do now rise.

The CHAIRMAN. The question is on the motion offered by the gentleman from Massachusetts [Mr. TIERNEY].

The question was taken; and the Chairman announced that the noes appeared to have it.

### RECORDED VOTE

Mr. TIERNEY. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 102, noes 315, not voting 16, as follows:

[Roll No. 448]

AYES—102

Abercrombie
Allen
Andrews
Baldacci
Barrett (WI)
Becerra
Berry
Bishop
Bonior
Borski
Brown (OH)
Carson
Clayton
Clyburn
Condit
Conyers
Coyne
Danner
Davis (FL)
DeFazio
Delahunt
DeLauro
Dellums
Deutsch
Doggett
Edwards
Eshoo
Etheridge
Evans
Farr
Fattah
Fazio
Filner
Foglietta
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gilchrest
Gutierrez
Hefner
Hilliard
Hinchey
Hooley
Hostettler
Hoyer
Jackson (IL)
Jefferson
Johnson (WI)
Johnson, E. B.
Kaptur
Kennedy (RI)
Kennelly
Kilpatrick
Kind (WI)
LaFalce
Levin
Lewis (GA)
Markey
Martinez
McCarthy (MO)
McDermott
McKinney
McNulty
Meehan
Menendez
Millender-McDonald
Mink
Nadler
Neal
Obey
Olver
Owens
Pallone
Pelosi
Pomeroy
Rangel
Rothman
Roybal-Allard
Salmon
Serrano
Skelton
Snyder
Stabenow
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson
Tierney
Torres
Towns
Velázquez
Vento
Watt (NC)
Waxman
Woolsey
Yates

NOES—315

Ackerman
Aderholt
Archer
Armey
Bachus
Baesler
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bentsen
Bereuter
Berman
Bilbray
Bilirakis
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bono
Boswell
Boucher
Boyd
Brady
Brown (CA)
Brown (FL)
Bryant
Bunning
Burr
Burton
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Castle
Chabot
Chambliss
Christensen
Clay
Clement
Coble
Coburn
Combest
Cook
Cooksey
Costello
Cox
Cramer
Crane
Crapo
Cubin
Cunningham
Davis (IL)
Davis (VA)
Deal
DeGette
DeLay
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Everett
Ewing
Fawell
Flake
Foley
Forbes
Fowler
Fox

Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Harman
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hinojosa
Hobson
Hoekstra
Holden
Horn
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson-Lee (TX)
Jenkins
John
Johnson (CT)
Johnson, Sam
Jones
Kanjorski
Kasich
Kelly
Kennedy (MA)
Kildee
Kim
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Mascara
Matsui
McCarthy (NY)
McCollum
McCrery
McDade
McGovern
McHale
McHugh
McIntosh
McIntyre
McKeon
Meek
Metcalf
Mica
Miller (FL)
Minge
Moakley
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Ortiz
Oxley
Packard
Pappas
Parker
Pascrell
Pastor
Paul
Paxon
Payne
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Redmond
Regula
Reyes
Riggs
Riley
Rivers
Rodriguez
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Rush
Ryun
Sabo
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton.
Scarborough
Schaefer, Dan
Schaffer, Bob
Schumer
Scott
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Spratt
Stark
Stearns
Stokes
Stump
Sununu
Talent
Tauzin
Taylor (NC)
Thomas
Thornberry
Thune
Thurman
Tiahrt
Traficant
Turner
Upton
Visclosky
Walsh
Wamp
Waters
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wise
Wolf
Wynn
Young (FL)

NOT VOTING—16

Bonilla
Buyer
Chenoweth
Collins
Cummings
Gibbons
Gonzalez
Hansen
Hastings (FL)
Lazio
Leach
McInnis
Miller (CA)
Rogan
Schiff
Young (AK)

☐ 1533

Messrs. BOUCHER, KIM, DICKS, and TALENT changed their vote from "aye" to "no."

Mr. HILLIARD changed his vote from "no" to "aye."

So the motion was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mrs. CHENOWETH. Mr. Chairman, earlier I was unavoidably detained and missed rollcall vote 448. Had I been here, I would have voted: "no."

Mr. OLVER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong support of the Mollohan-Fox amendment to restore funding for the Legal Services Corporation. I particularly want to congratulate the gentleman from West Virginia and the gentleman from Pennsylvania for bringing forward this very valuable effort.

The Legal Services Corporation was established by Congress in 1974 to ensure that all Americans, Americans of every stripe, have equal access to the justice system. We should not go back on that commitment now, and we cannot expect that solely voluntary donations will provide poor people with equal access to the justice system. But the bill before us would cut Legal Services funding by 50 percent from last year, and that would have an immediate effect on Legal Services clients. Thousands of low-income people would be denied their chance of equal justice in my district alone, and that can be multiplied all over this country.

The Legal Services Corporation helps people who cannot afford legal representation. Legal Services attorneys in my district have helped clients contest housing evictions, avoid termination of government benefits, secure restraining orders in domestic and family abuse cases, and they have helped collect child support payments for families.

I could cite dozens of legitimate cases of legal services being provided in my district compared with those that have been suggested as illegitimate cases, as abusive cases of the program. But here is just one story that shows the vital role that Legal Services plays in the lives of ordinary people. A woman from my district separated from her husband because of physical abuse, and she had custody of their children. While she was hospitalized for the abuse, her husband obtained a custody order and placed the children with his parents. With Legal Services assistance, this mother was able to regain custody of her children. She was able to end the abusive marriage, to obtain housing, and then to go on to obtain a bachelor's degree, so she can now support herself and her children in a legitimate way.

We need to ensure that every citizen has access to equal justice in a similar kind of a manner. I urge my colleagues to support the Mollohan-Fox amendment as a good amendment to assure Americans equal access to equal justice.

Ms. HARMAN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong support of the amendment by the gentleman from Pennsylvania [Mr. FOX] and the gentleman from West Virginia [Mr. MOLLOHAN] to restore funding for the Legal Services Corporation.

Many of us come to this House having had one or more careers. One of my prior career experiences was as chief counsel and staff director to a Senate Judiciary subcommittee concerned with access to justice. I was there when the Legal Services Corporation was created during the Nixon administration, and I was fortunate to play some role in helping to select its board, protect its funding and its functions over the years. I care very much that it survives.

Residents of California's 36th Congressional District are served primarily by the Legal Aid Foundation of Long Beach. For over four decades, the foundation has provided no-cost legal services to more than 114,000 eligible low-income residents of the Long Beach-South Bay area. Annually the foundation serves over 3,200 clients at a cost of approximately $400 per client, thus demonstrating that its services are efficient and cost-effective.

While the Legal Aid Foundation assists in a variety of cases, actions to prevent or curb domestic violence have long been a major focus. Recent studies show that domestic violence calls in at least one city in the South Bay occur at a rate of one each 1½ hours. The foundation's domestic violence clinic helps thousands of women and children each year obtain the protection of a restraining order and as such is highly praised and serves as a national model. It also offers training to battered women's shelter workers to make them aware of the legal avenues available to victims. Utilizing a grant, the foundation delivers the antiviolence message to the public schools in my district.

☐ 1545

This is just one example of what this foundation does; there are many others.

It encourages the private bar to take pro bono cases and also offers a "Wills on Wheels" program assisting the elderly and disabled in preparing simple wills.

But, Mr. Chairman, my view is that unless we save funding for this very, very important corporation and save the dream of those many years ago, including President Nixon, who knew that everyone deserved access to justice, we will be doing a serious injustice. In the absence of adequate funding, we may spend more money trying murder cases and dealing with the tragic effects of domestic battery on a generation of children.

I urge the restoration of funding. I urge support for the Fox-Mollohan amendment and support for equal access to justice.

Mr. UPTON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, this issue is important not only because it is a matter of decency, common sense and compassion, but it is one that we need to pass this afternoon. Let me remind my colleagues again that this amendment keeps Legal Services at a funding level that is still $30 million less than in 1997, and in fact, it is about $150 million less than it was just a couple of years ago.

Mr. Chairman, we are a country founded on the basic principle of liberty and equality before the law, but when people are unable to even access our legal system because they lack representation in the funds to secure a lawyer, we are asking a portion of our society to forgo a fundamental right.

The Legal Services Corporation is an avenue for low income Americans to receive legal representation for civil matters. The lawyers who are part of Legal Services provide the guidance and the expertise needed to successfully navigate our complex and often intimidating judicial system. Very few of us could manage the intricacies of our legal system without counsel. Should we expect citizens who do not have the means to hire a lawyer to simply fare on their own? One person's legal problems are no less important than another's, and everyone deserves a fair chance regardless of their income level.

What are the civil matters we are talking about? Well, about 70 percent of the national caseload falls into categories in which children are impacted. In Michigan we had more than 80,000 cases last year; 40 percent of those fell in the category of family civil cases. But that means cases involving divorce, spousal abuse, adoption, child support. Other civil matters include housing, income maintenance issues, and consumer finance issues.

I think it is particularly interesting to note the role that Legal Services plays in helping single parents, who may or may not be also collecting welfare, secure child support payments; two-thirds of Legal Service clients are women, and many of those, of course, are single moms. I am aware, in fact, of a mom in my district who relocated to Michigan with four children after being granted a personal protection order from another State. However, the husband refused to pay child support and continued to threaten her. She had no place to turn other than the Legal Aid Bureau of southwestern Michigan, who helped her obtain a Michigan personal protection order, start divorce proceedings and obtain custody and support so that she and her children could stay together. Without assistance we can only guess what might have happened.

This Congress needs to have a heart. We are not talking about the greedy; it is the needy. And I would agree that there were abuses in the past, and I will ask unanimous consent to file all of these restrictions that this body passed. And I would respond to the gentleman from Indiana who talked earlier, that, in fact, when abuses are there we can go after folks and debar them; and, in fact, I would urge the Committee on the Judiciary on which I do not serve that they ought to have some hearings and look into those, and if the cases can be made, they ought to take some action. That is what the Committee on the Judiciary is for. But in my mind it is unconscionable for us to restrict access to Legal Services for any Americans who need representation.

Last year, we passed a welfare reform bill that enjoyed strong bipartisan support. One of the major provisions in this bill was to go after deadbeat dads, and moms, too. Mr. Chairman, in a good number of cases families that experience divorce are in fact represented by Legal Service attorneys who help in determining what their child support ought to be. Those are civil cases, not criminal ones.

Support the Mollohan-Fox amendment, and stand for the principles and ideals that make our Nation great.

### RESTRICTIONS ON LSC GRANTEES

The restrictions on the use of funds by the LSC and its grantees as enacted by Congress in 1996 are as follows:

1. No advocating policies relating to redistricting;
2. No class action lawsuits;
3. No influencing action on any legislation, Constitutional Amendment, referendum or similar procedure of Congress, State or local legislative body;
4. No legal assistance to illegal aliens;
5. No supporting/conducting training programs relating to political activity;
6. No abortion litigation;
7. No prisoner litigation;
8. No welfare reform litigation, except to represent individuals on particular matter that does not involve changing existing law;
9. No representing individuals evicted from public housing due to the sale of drugs;
10. No accepting employment as a result of giving unsolicited advice to non-attorneys; and
11. All non-LSC funds used to provide legal services by grantees may not be used for the purposes prohibited by the Act.

Furthermore, provisions included in the Fiscal year 1998 Commerce, Justice, State and Judiciary Appropriations bill will allow the LSC to terminate contracts of grantees which fail to comply with these restrictions and debar grantees from receiving future financial assistance.

Mr. MINGE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, as a student, as a teacher, and as a professional I have participated in programs to assure equal access to the court system, the justice system in this country, for over 30 years. This is a system that all of us are proud of as a part of our American heritage, the fact that we, in this country, can look to a legal system that is capable of resolving disputes instead of resorting to weapons, fisticuffs, or other forms of violence. If we expect this form of dispute resolution to survive, we have to make sure that it is accessible to all Americans who need to have problems addressed. I can think actually of no more conservative cause than to say to people, "No, you cannot resort to the streets; no, you cannot take the law into your own hands, because we have established a process to resolve these disputes and we not only expect but we require that you participate in that process."

This indeed is the law of the land, and as a consequence we have an obligation to make sure that all Americans have access to this legal system, and that is what this debate is all about.

The Federal Government has made it possible for Legal Services programs to be developed in all parts of the country. These programs unfortunately are vastly understaffed and, in fact, in many parts of the country, including the part I come from, rural Minnesota, it has been necessary to call on attorneys to volunteer to take cases because the Legal Services attorneys simply are not numerous enough to handle the caseload and, in fact, they have had to lay off Legal Services attorneys. We have thousands of attorneys in our State that voluntarily take these cases.

Now I would certainly agree when I have been on the other side I resented the fact that someone was criticizing my client. But I do not think it is a reason to say that we have to end the Legal Services Program or cripple it because we happen to disagree with someone on the other side of a dispute. Similarly, I think it is unseemly to hold up a list and say that this represents cases that are being improperly pursued under the Federal Legal Services Corporation Program.

The one case that I am personally familiar with on the short list that was held up is not, in fact, being pursued by a grantee of this program; it is being pursued by another legal advocacy program. So, it is not only misleading to the Members of the Chamber, it is misleading to the American public to criticize the program inaccurately in this fashion.

I would also like to emphasize that none of us claim that this program or any program is a thousand percent successful. It would be nice to say that we all somehow are deities and that we perfectly comply with the intent and the letter of all laws that exist in this Nation. That is not the case, and we know it. If we can find a tenth of a percent of flawed cases for violations of a program, that simply means that we need to redouble our efforts to make sure that the rules, the guidelines, are complied with, not that we need to terminate the program.

So I would urge my colleagues on both sides of the aisle to join with me and many others in supporting this program, No. 1; and, No. 2, making sure that we adequately police the restrictions and regulations so that the Federal money is used consistent with the Federal requirements.

Mr. FORBES. Mr. Chairman I move to strike the requisite number of words.

Mr. Chairman, I rise in support of this amendment. I think it is important to understand, first of all, that it is this Republican Congress which made the necessary changes to the Legal Services Program that will allow it to move forward in the future, and this is not a debate about funding. This is really a debate about the future existence of this total program, and frankly those who would advocate slashing the moneys for this program are truly on a mission to end this kind of legal assistance. As some of my colleagues have already pointed out, this is an important program that provides many single parent families with the kind of support that they otherwise would not get.

And to those who would shut down the Legal Services Program, I would ask, what is the alternative? Where is their alternative to make sure that the people who are low income, who would not otherwise have legal representation, where are they to go?

So, I think it is important again to stress that not only did this Congress going back to 1996 make the necessary changes to clean up this program, which admittedly had serious flaws, but in the current funding bill it is important to note that the Legal Services Program would terminate contracts of grantees which fail to comply with these restrictions and to bar grantees from receiving future financial assistance.

It is important to enumerate that this program no longer will tolerate nor allow for any kind of advocating policies relating to redistricting, to class action lawsuits, to influencing action on legislation, constitutional amendment, referendum or similar procedures of the Congress, State, or local legislative bodies. No legal assistance to illegal aliens, no supporting conducting of training programs related to political activity, no abortion litigation, no prisoner litigation, no welfare reform litigation except to represent individuals on particular matters that do not involve changing existing laws, no representing individuals evicted from public housing due to the sale of drugs, no accepting employment as a result of giving unsolicited advice to nonattorneys, and non-LSC funds used to provide legal services by grantees may not be used for the purposes prohibited by the act, as was outlined in the changes made in 1976.

I think it is critically important to understand that we need this safety net, we need to provide for the poor among us so that they have the same legal rights as many other Americans, and these people do not have the funds available to protect themselves. They do not fall within certain categories that would allow them the kind of representation that others could expect, and I think it is important that with these important changes, with cleaning up the program, that we allow this program to go forward.

So, I proudly rise in support of the amendment, and I thank its sponsors.

Ms. WATERS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, today I want to speak in support of the Mollohan-Fox amendment to restore funding to the Legal Services Corporation. If this amendment is not accepted, the Legal Services Corporation will suffer a devastating blow. As currently written, this bill provides only $141 million for the Legal Services Corporation. This amount is 50 percent less than the $283 million appropriated last year and $199 million less than the request of the administration.

I want to stop for a moment and thank the Representatives from the other side of the aisle, the gentleman from Pennsylvania [Mr. FOX], the gentleman from New York [Mr. FORBES], the gentleman from Michigan [Mr. UPTON], and others for joining in this bipartisan effort to do the right thing for poor people and working people.

As my colleagues know, we could use our power any way that we would like in this House. We could be good public policymakers, concerned about all of our constituents, not just the rich, not just the well off, or we can be bullies. We can be bullies who use our power and put our foot on the backs and the necks of working people and poor people; we could do that any time, and that is what we are doing on this Legal Services Corporation funding. We are literally getting rid of them by taking away 50 percent of the funding.

Who are these people? First of all, we should take all of these Legal Services attorneys and give them some awards. We should award them for working in the dinky offices across America for less money than attorneys normally make, for going into neighborhoods and representing people when their own lives sometimes are at risk.

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We should award them for going into the public housing projects, to the barrios, and into the rural areas where no one else will go, to represent working people and poor people.

I want to tell you about a case that I encountered in 1978 as a member of the California Legislature. I will never forget Ms. Willa T. Moore. She was a homeowner. It was just a little house in South Central Los Angeles, but she received a bill. She knew she had paid her taxes. She was not familiar with the 1911 Assessment Act. This is the assessment for new street lighting that is done by the city. They kept sending her the bill, she disregarded it, she thought the people downtown made a mistake. She paid her taxes.

Well, let me tell you, they started to foreclose on her house because she failed to pay the 1911 assessment tax bill that was sent to her because of the lighting district that had been put in.

I worked with Legal Services Corporation to get Ms. Moore's house back. I did not stop until we made sure that that house was not taken. Without Legal Services, I would not have been able to assist Ms. Moore.

But let me tell you something else that was going on at that time. We had contractors who went out and knocked on doors. They said, "Let me put a new roof on your house. Let me put a burglar alarm system in. Let me expand and put a new room or porch on your house." They carried the paper from a well-known S&L, and the people signed up. They had to put their deeds up in order to get the credit from the S&L working with the contractor.

The contractor signed up senior citizens, working people, poor people. They oftentimes would come and put the scaffolding up to start the job, but they would go on to the next person. They had blocks of people who they had signed up to do work for, putting on new roofs, new porches, burglar alarms, you name it. They would start, but somehow they would not get around to finishing the job. But the payment book came from the S&L, because the contractor had the relationship to the S&L, and the people's payment book came, they had to make the payment, but no contractor.

The S&L said to the people, "That is your business, to go after the contractor. You signed on the dotted line. We have the deed to your house. If you do not pay us, your house now belongs to us."

I worked for 2 years with the Legal Services Corporation to do all kinds of new disclosure, to get rid of some of the practices of the S&L. I went to contractors who had collected those deeds and I made them give me the deeds back of senior citizens who had nobody to advocate for them. I walked the streets with the Legal Services Corporation representatives and attorneys, one by one, collecting those deeds back of senior citizens, of working people who had no other legal representation.

Do not do this to poor people. We are bigger than that. We are better than that. We could put our feet on the back of these people and take away the ability to have just a little representation, or we can be kind public policymakers who look out for people who have nobody else to look out for them.

I beg Members to support the amendment.

Mr. STENHOLM. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the Mollohan-Fox amendment. For over a decade now, the gentleman from Florida [Mr. MCCOLLUM] and I have worked to reform the Legal Services Corporation. The gentleman from Kentucky [Mr. ROGERS], the chairman of this committee, has offered considerable help in this effort as well, and we have made some progress, but we have a ways to go.

But we are not debating today whether or not to reform the Legal Services Corporation or change the delivery system for Legal Services altogether. We are simply setting a funding level where the Legal Services Corporation can continue to function and provide civil legal care for those in our country who cannot afford it.

I fully understand the arguments for taking a hard look at changing our current delivery system for providing legal services to the poor. I intend to continue a careful examination of how we provide daily legal support for low-income individuals, and I hope at some time in the near future to work with the authorizing committee to see if we can address some of the things that are wrong, and there are some things that are very wrong.

But until that happens, I support continuing to fund the Legal Services Corporation at $250 million for fiscal year 1998. This is exactly the funding level which my colleague the gentleman from Florida [Mr. MCCOLLUM] and I proposed in our Legal Services Corporation reorganization bill of the 104th Congress.

All of the arguments we have heard today come down to one fundamental question, whether we believe that the Federal Government has a role to play in ensuring that the poor have access to the courts. I believe that we do.

Now, I will be the first one to tell my colleagues that the Legal Services Corporation has had its share of problems over the years, and we have heard many of them today. While I am not convinced that the current structure is the best way to deliver these services, I am not willing to demolish the Legal Services Corporation absent any other well-developed approach to caring for the people that depend on legal assistance in their daily lives. But that is precisely what we will do if we cut the funding today.

As a lifelong supporter of a balanced budget, I understand budget realities and know we cannot fund every program at the level we want, and that is why I commend the sponsors of this amendment who have worked extremely hard in finding the offsets to pay for this amendment in a fair and reasonable manner.

Finally, it is important to remember that we continue all of the restrictions agreed to on the Legal Services Corporation in the effort to make sure that this program works for its original purpose. While the Legal Services Corporation has certainly not been perfect over the past year, I do believe they have made sincere efforts to abide by these restrictions.

Again, I commend the chairman of this committee for his efforts along that line, because it makes my support of this Corporation possible today. I urge my colleagues to support the Mollohan-Fox amendment.

Mr. ROGERS. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto close at 4:30, and that the time be equally divided.

Ms. PELOSI. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

Mrs. LOWEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. ROGERS. Mr. Chairman, will the gentlewoman yield for the purpose of a unanimous-consent request?

Mrs. LOWEY. Mr. Chairman, I yield back the balance of my time.

Mr. ROGERS. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto close at 4:30, and that the time be equally divided.

Mr. MOLLOHAN. Mr. Chairman, no objection.

The CHAIRMAN. Without objection, the gentleman from West Virginia [Mr. MOLLOHAN] will control 11 minutes, and the gentleman from Kentucky [Mr. ROGERS] will control 11 minutes.

There was no objection.

Mr. MOLLOHAN. Mr. Chairman, I yield 2 minutes to the gentlewoman from New York [Mrs. LOWEY].

Mrs. LOWEY. Mr. Chairman, I rise in strong support of the Mollohan-Fox amendment. Many Members may not think of Legal Services as a women's issue, but it is, because more than two-thirds of the clients served by the Legal Services Corporation are women. The funding cuts in this bill will force the LSC to abandon many of the critical legal services that it provides to poor women, particularly victims of domestic violence.

Last year, Legal Services programs handled over 50,000 cases in which clients sought legal protection from abusive spouses and over 6,000 cases involving neglected, abused, and dependent juveniles. In fact, family law, which includes domestic violence cases, makes up over one-third of the cases handled by Legal Services programs each year.

In addition to helping victims of domestic violence, the lawyers at the Legal Services Corporation help poor women to enforce child support orders against deadbeat dads. They also help women with employment discrimination cases.

The funding level in this bill will only allow for one Legal Services lawyer for every 23,600 poor Americans. If we slash funding to Legal Services, we will be abandoning tens of thousands of women who desperately need legal help. These women have nowhere else to turn in order to escape domestic violence or to bring a deadbeat dad to justice. We must not abandon tens of thousands of women to violence, abuse and greater poverty.

Mr. Chairman, I ask my colleague to please vote for the Mollohan-Fox amendment.

Mr. MOLLOHAN. Mr. Chairman, I yield 1½ minutes to the gentleman from Texas [Mr. EDWARDS].

Mr. EDWARDS. Mr. Chairman, every morning we come to this House floor, turn to the American flag, and with hand over heart finish our Nation's Pledge of Allegiance to our flag with these words, "with liberty and justice for all." Now, Mr. Chairman, is the time for us to decide whether we mean those words.

I revere our Nation's great documents, the Declaration of Independence, the Bill of Rights, the Constitution, and to that I would add the Pledge of Allegiance to our flag. But what has made our Nation great is not pieces of parchment and hollow words, but the principles thus enunciated.

Today we should ask ourselves in this House, do we mean our Pledge of Allegiance, or do we simply recite it? Is the principle justice for all simply a concept to be taught in our schools, or is it a goal worth fighting for?

Just a few weeks ago in this House we passed a budget bill that will give tax breaks to some of America's wealthiest families. What would it say today about our values if while doing that we turned and cut funding for Legal Services for our poorest families?

Mr. Chairman, tomorrow morning when we turn to this flag once again with hand over heart and finish with those eloquent words, "with liberty and justice for all," I hope we can do so with pride, knowing that we stand up for the meaning of those words.

Vote "yes" on the Mollohan-Fox amendment.

Mr. MOLLOHAN. Mr. Chairman, I yield 1½ minutes to the gentleman from Washington [Mr. MCDERMOTT].

Mr. MCDERMOTT. Mr. Chairman, most things that need to be said about this issue have probably now been said, but I want to say a couple of things specifically about the State of Washington.

The Legal Services Foundation in the State of Washington turns away four out of every five people who come seeking legal counsel. Now, if liberty and justice is for all, then it ought to be for all five. Four people out of five go away because there are no funds.

If that does not state the case, in 1980, the Legal Services Corporation in Washington State had 140 Legal Services attorneys dealing with roughly half a million poor or low-income folks in our State. That is 1 attorney for every 4,000 people. In 1996, the ratio had fallen to 1 attorney for every 15,000. That is 78 attorneys dealing with 1.2 million people.

There are several facts in that. That means more people, in a State like ours that is doing very well economically, more and more people qualify for legal aid, and yet we have half the lawyers that we did in 1980.

I strongly support the Mollohan amendment, and urge my colleagues to do the same, if you believe that there should be justice and liberty for all.

The CHAIRMAN. Without objection, the Chair will administer the time limitation to allow each side to consume all of the 11 minutes allocated to either side, notwithstanding the fact that the clock will pass 4:30 p.m. by 1 minute or 2.

There was no objection.

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Mr. MOLLOHAN. Mr. Chairman, I yield 3 minutes to the gentlewoman from Connecticut [Ms. DELAURO].

Ms. DELAURO. Mr. Chairman, I rise to support the Mollohan amendment to restore funding to the Legal Services Corporation to $250 million. My colleagues, over two-thirds of Legal Services' clients are poor women. Most of them are women with children who are seeking to receive child support, protect themselves or their children from abuse, or obtain decent housing, food or medical care.

Please do not take my word for it. According to John Erlenborn, a Republican Member of this House for 20 years, Legal Services funds benefited approximately 4 million people last year, most of them children living in poverty.

Three-quarters of Legal Services' cases involve or benefit children. Access to Legal Services can make the difference in which a child gets support from an absent parent, can live in a safe home, receives food, medical care, or access to education.

In 1996, Legal Services programs closed 50,000 cases representing women who needed protection from abuse. Another 200,000 were family and juvenile cases involving domestic violence. Who can forget that 2 years ago, even as this Congress debated cutting Legal Services funding, a woman was tragically murdered by her estranged husband just hours after she had been turned down for assistance in obtaining a restraining order, because of budget cuts at the Legal Services agency she phoned for help.

As a former Republican colleague, Mr. John Erlenborn, writes, "I believe that access to justice should not be limited to those who have sufficient wealth to pay for it."

I share Congressman Erlenborn's belief, and I hope that my colleagues do as well. Help mothers get the child support their children deserve; help children get the medical care that they need; help protect women and children from the family members who abuse them. Vote "yes" on the Mollohan amendment.

Mr. MOLLOHAN. Mr. Chairman, I am pleased to yield 1½ minutes to the gentlewoman from California [Ms. PELOSI].

Ms. PELOSI. Mr. Chairman, I thank the gentleman for yielding me this time and for his leadership in bringing this important amendment to the floor. With apologies to the distinguished chairman for objecting to his unanimous consent, and certainly in support of it now, I rise to encourage our colleagues to vote for the Mollohan-Fox amendment.

In defense of the Legal Services Corporation, our colleagues have quoted the Constitution, and, of course, most recently the pledge to the flag which we make here every day, and in that pledge to the flag it has been said, and is said here every day, the pledge for liberty and justice for all. That is exactly what the Legal Services Corporation is about.

We brag and boast about American values and the rights that we have as Americans, but we truly do not have those rights unless we have access to legal services to protect those rights and the right to sue to protect them.

Other colleagues have quoted and referenced their own experience with Legal Services, and I just want to talk about the fact that two-thirds of those eligible for Legal Services are women and children, most of them families. They receive services in areas such as juvenile law, family law, housing, health and education, and clinics perform critical services for victims of domestic violence. Some of our colleagues have said what is not included here, and I will not go into that. I will submit it for the record. There have been staff cuts in Legal Services. It is a dollar well spent by the Federal Government.

Again, I urge my colleagues to vote for liberty and justice for all and to vote for the Mollohan-Fox amendment.

Mr. MOLLOHAN. Mr. Chairman, I yield the balance of my time to the gentleman from California [Mr. BECERRA].

The CHAIRMAN. The gentleman from California [Mr. BECERRA] is recognized for 2½ minutes.

Mr. BECERRA. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I happen to have been one of those "nasty" attorneys that on the other side we have heard mentioned so many times. When I had the privilege of graduating from Stanford Law School back in 1984, I took a job working for Legal Services in Worcester, MA, working for $18,000 a year, which is not even what I would have had to have paid for another year of Stanford Law School had I needed a fourth year.

At the same time, most of my peers at Stanford Law School were being hired for something around $70,000 a year to start their legal career, and certainly that is not the pay that the partner or the mid-level attorney in those firms is making. And what certainly those individuals were charging was well beyond $100 an hour.

Yet here I was, representing mostly people who were mentally ill. I had several clients; one, for example, was a minor who was locked up in a facility for adults. It was because Legal Services was there that we were able to remove that youth from that facility that was meant for adults who were mentally ill.

I had the opportunity to help adults who were being overmedicated because the wards and the staff at the institution were tired of having to put up with mentally ill patients. So they would overmedicate them so they would be drugged out of their minds and would not budge from their beds. Had Legal Services not have been there, we would not have been there to help these patients avoid overmedication.

I happened to work for Legal Services in Los Angeles when I was a law student where we were able to help people who were not being paid the minimum wage because unscrupulous employers were denying folks their pay. All of these things have happened.

We have heard of a few instances where there may have been some abuse in legal services office, but I have not heard a single soul here say that when the Department of Defense paid $500 for a toilet seat, or when they paid some $200 for a screwdriver, or when the CIA spent 300 and some-odd million dollars for a secret building, or when the Department of Energy failed to safely oversee the storage of nuclear waste, that we should kill those programs. Certainly we know we need the Department of Defense, and we need to be protective of this Nation's security, but no one has said to be those particular agencies simply because there has been some abuse.

When we think of the more than 1 million cases last year that were handled by a Legal Services attorney, for a pittance, it is well worth the while. When we think that these are people who would be unrepresented, those poor individuals who go to Legal Services—it is worth its weight in gold, because the folks that I worked with, the folks that I had the privilege to serve under working for $18,000 a year certainly did the job and did it well.

I now look at my salary of $133,000, and I hear people arguing that we should do away with a program where attorneys are paid $18,000, $20,000, $30,000, and I think to myself, here we are making $133,000, and saying that we should do away with Legal Services; perhaps we should think about something else to do away with, and that should not be Legal Services.

Mr. WEYGAND. Mr. Chairman, I rise today to express my extreme disappointment in those who chose to continue their assault on legal services for the working poor in our country. One of the more troubling portions the Commerce, Justice, State Appropriations Act for fiscal year 1998 is the severe cut in funding for the Legal Services Corporation, a private nonprofit corporation established by Congress in 1974 to guarantee all Americans equal access to justice under the law.

Instead of providing equal access to justice for millions of citizens, the majority in this Congress, in my view, has chosen to turn its back. By slashing funding for this program in half from $283 to $141 million—the majority in this House has signaled their indifference for those who cannot afford necessary legal advice on their own.

In my State, as well as many others throughout this country, this cut will be the death knell for the legal representation for the working poor. If these cuts are passed by this House and sustained by the other Chamber, countless hard-working and vulnerable citizens in our districts will be without adequate legal representation.

One of the persons in my State of Rhode Island who will be adversely impacted by these cuts is Mabel. She is a 70-year-old homebound woman whose only source of income is SSI. Because of her low income, Medicaid was supposed to pay her Medicare premiums but she was unaware that she was eligible for this program. A computer glitch erroneously denied her the coverage for which she was eligible—and she struggled to dutifully pay her premiums. Out of the blue, the State informed her that she was now eligible for full coverage and would no longer have to pay her premiums. She questioned the State as to the reason for the change, and learned her earlier payments had been a mistake. She tried unsuccessfully for 9 months to convince the State to reimburse her premium payments.

She then contacted Rhode Island Legal Services and they negotiated the case with the State and local agencies. As a result, Mabel received the $7,000 she had mistakenly paid over the years. Without Rhode Island Legal Services, Mabel would be out in the cold—with nowhere to turn. Mabel is one of the real people affected by the actions we take in Washington, DC.

Opponents of this program argue that the Constitution does require legal protection in civil cases. Well, then, I ask the following. I ask the opponents of this program to tell a family of four earning $18,000 a year, who have trouble affording food on the table, let alone an attorney—that they do not deserve legal representation after being unjustly evicted from their apartment. I ask the opponents to tell a woman, who has been the victim of domestic violence, that she doesn't deserve legal protection from her abusive husband. I ask the opponents of this program to tell a child, who has been denied the necessities of life because an absent parent has been inconsistent with court mandated child support, that they should not have any legal recourse. I ask the opponents of this program to tell Mabel, that she has no right to the money she paid in error.

I believe that one of the Founders of our country, Thomas Jefferson, in his first inaugural address said it best. When espousing the ideals in which he believed deeply to his new constituents, he mentioned his belief in "equal and exact justice to all men, of whatever state or persuasion * * *."

I could not agree more with his words spoken nearly 200 years ago. I urge my colleagues to reconsider this ill-conceived notion that each and every citizen does not deserve legal representation. In conference, I hope we will work together to restore adequate funding to this vital program.

Mr. DELAHUNT. Mr. Chairman, I rise in support of the amendment, which would partially restore funding for the Legal Services Corporation to a level of $250 million.

For over 20 years, Legal Services has been a lifeline for millions of poor Americans with no other means of access to the legal system.

During the past year alone, the Corporation funded programs that helped over 4 million people resolve some 1.4 million cases.

Who are the people behind these statistics?

Women seeking child support or protection against abusive spouses.

Elderly citizens lost in the maze of Government redtape.

Homeless veterans seeking access to benefits.

Abandoned children in need of shelter and care.

Slum tenants facing eviction and small farmers fighting foreclosure.

Those are the people we are talking about. If this amendment fails, thousands of them will have no place to turn.

We know this because that is what happened 2 years ago, when Congress slashed the Corporation's budget by over 30 percent. Because of those cuts, Legal Services handled 300,000 fewer cases in 1996 than in the previous year. In my district in southeastern Massachusetts, this meant that hundreds of families were denied assistance.

Let us not repeat that mistake. Let us not become a nation in which only people with financial means can afford an attorney.

I urge support for the amendment and yield back the balance of my time.

Mr. FARR of California. Mr. Chairman, I rise in strong support of the Fox-Mollohan amendment that would restore the Legal Services Corporation funding level to $250 million.

In my congressional district, Legal Aid of the Central Coast is the only source of legal advice for some 2,000 residents if they want to pursue legal recourse for cases of domestic violence, housing evictions, consumer fraud, and child support—the same kinds of legal problems that could confront any one of us.

The LACC conducts weekly clinics on housing issues—a critical issue for low-income tenants in an area of the country with some of the Nation's highest housing costs. Low-income victims of natural disasters—two of which have occurred in my district—the Loma Prieta earthquake in 1989 and severe flooding in 1995—are disenfranchised from legal recourse without access to legal services provided by the LACC. Its work in protecting children from being forced to live in housing with lead-based paint has been cited in local newspapers.

A recent California State Bar report estimated that the legal needs of three out of four low-income Californians were not met. If the Fox-Mollohan amendment is not approved, LACC could be forced to close 1 week out of every month. It is simply unconscionable to deny legal services to anyone based on their economic resources or lack thereof.

Mrs. MALONEY of New York. Mr. Chairman, I rise today in vigorous support of the Mollohan-Fox amendment, and in support of legal services organizations everywhere that provide a desperately needed legal safety net for low-income Americans. This amendment would restore funding for the Legal Services Corporation to $250 million, an amount that is still 12 percent below last year's level.

The Legal Services Corporation is the embodiment of a founding principle of this country—"Equal Justice Under Law"—through its efforts to provide legal representation to those who could not otherwise afford it. Unfortunately, the Republican-controlled House has long had the Legal Services Corporation in its sights. This year it has recommended a crippling 50 percent cut in a punitive attempt to curtail the services of this agency. This reduction would virtually eliminate most LSC programs around the country. In reality, this attack is just another way for the Republican majority to systematically disinvest the poor, an action which is both shortsighted and irresponsible.

Mr. Chairman, I am not alone in my support of this desperately needed program. A recent poll conducted by Louis Harris & Associates found that 70 percent of Americans believe Federal funding should be provided for poor Americans who need basic civil legal assistance. The poll also found that 61 percent of Americans believe funding levels should be higher than have been recommended. Clearly, this amendment is not asking for any more than what the American people have decided is fair and just.

I, therefore, urge my colleagues to restore funding to the Legal Services Corporation by voting in favor of the Mollohan-Fox amendment. If we don't make "Equal Justice" under the law a reality for all Americans, who will?

Mr. ROGERS. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from West Virginia [Mr. MOLLOHAN].

The question was taken; and the Chairman announced that the ayes appeared to have it.

### RECORDED VOTE

Mr. ROGERS. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 246, noes 176, not voting 11, as follows:

[Roll No. 449]

### AYES—246

Abercrombie
Ackerman
Allen
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Bentsen
Berman
Berry
Bilbray
Bishop
Blagojevich
Blumenauer
Boehlert
Bonior
Borski
Boswell
Boucher
Boyd
Brown (CA)
Brown (FL)
Brown (OH)
Camp
Canady
Capps
Cardin
Carson
Castle
Chambliss
Clay
Clayton
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dellums
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Ehlers
Engel
Eshoo
Etheridge
Evans
Ewing
Farr
Fattah
Fawell
Fazio
Filner
Flake
Foglietta
Forbes
Ford
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gejdenson
Gephardt
Gilchrest
Gilman
Gordon
Green
Greenwood
Gutierrez
Hall (OH)
Hamilton
Harman
Hefner
Hilliard
Hinchey
Hinojosa
Holden
Hooley
Horn
Houghton
Hoyer
Hulshof
Hyde
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Kanjorski
Kaptur
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Klug
Kucinich
LaFalce
LaHood
Lampson
Lantos
LaTourette
Leach
Levin
Lewis (CA)
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHale
McIntyre
McKinney
McNulty
Meehan
Meek
Menendez
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Mollohan
Moran (VA)
Murtha
Nadler
Neal
Nethercutt
Ney
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pickett
Pomeroy
Porter
Poshard
Price (NC)
Pryce (OH)
Quinn
Rahall
Ramstad
Rangel
Regula
Reyes
Rivers
Rodriguez
Roemer
Ros-Lehtinen
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schumer
Scott
Serrano
Shays
Sherman
Sisisky
Skaggs
Skelton
Slaughter
Smith, Adam
Snyder
Spratt
Stabenow
Stark
Stenholm
Stokes
Strickland
Stupak
Tanner
Tauscher
Tauzin
Thompson
Thurman
Tierney
Torres
Towns
Traficant
Turner
Upton
Velázquez
Vento
Visclosky
Walsh
Waters
Watt (NC)
Waxman
Weldon (PA)
Wexler
Weygand
White
Wise
Woolsey
Wynn
Yates

### NOES—176

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilirakis
Bliley
Blunt
Boehner
Bono
Brady
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Campbell
Cannon
Chabot
Chenoweth
Christensen
Coble
Coburn
Combest
Cook
Cooksey
Cox
Crane
Crapo
Cubin
Cunningham
Davis (VA)
Deal
DeLay
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehrlich
Emerson
English
Ensign
Everett
Foley
Gallegly
Ganske
Gekas
Gillmor
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Gutknecht
Hall (TX)
Hastert
Hastings (WA)
Hayworth
Hefley
Hill
Hilleary
Hobson
Hoekstra
Hostettler
Hunter
Hutchinson
Inglis
Istook
Jenkins
Johnson, Sam
Jones
Kasich
Kim
King (NY)
Kingston
Knollenberg
Kolbe
Largent
Latham
Lewis (KY)
Linder
Livingston
LoBiondo
Lucas
Manzullo
McDade
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Moran (KS)
Morella
Myrick
Neumann
Northup
Norwood
Nussle
Oxley
Packard
Pappas
Parker
Paul
Paxon
Pease
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Portman
Radanovich
Redmond
Riggs
Riley
Rogers
Rohrabacher
Roukema
Royce
Ryun
Salmon
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shaw
Shimkus
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stearns
Stump
Sununu
Talent
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weller
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)

### NOT VOTING—11

Bonilla
Clement
Collins
Gibbons
Gonzalez
Hansen
Hastings (FL)
Herger
Lazio
Rogan
Schiff

□ 1641

The Clerk announced the following pairs:

On this vote:

Mr. Schiff for, with Mr. Herger against.

Messrs. PEASE, KNOLLENBERG, DAVIS of Virginia, and SHIMKUS changed their vote from "aye" to "no."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

### PERSONAL EXPLANATION

Mr. CLEMENT. Mr. Chairman, on rollcall vote No. 449, I was unavoidably detained on official business. Had I been present, I would have voted "aye."

### PREFERENTIAL MOTION OFFERED BY MR. GEPHARDT

Mr. GEPHARDT. Mr. Chairman, I have a preferential motion at the desk.

The CHAIRMAN. The Clerk will report the preferential motion.

The Clerk read as follows:

Mr. GEPHARDT moves that the Committee rise.

The CHAIRMAN. The question is on the preferential motion offered by the gentleman from Missouri [Mr. GEPHARDT].

The question was taken; and the Chairman announced that the noes appeared to have it.

### RECORDED VOTE

Mr. GEPHARDT. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 119, noes 293, not voting 21, as follows:

[Roll No. 450]

### AYES—119

Abercrombie
Ackerman
Allen
Andrews
Barrett (WI)
Becerra
Bentsen
Berry
Bishop
Bonior
Borski
Brown (OH)
Capps
Cardin
Carson
Clay
Clyburn
Condit
Conyers
Coyne
Cramer
Cummings
Davis (FL)
DeFazio
Delahunt
DeLauro
Dellums
Deutsch
Doggett
Edwards
Eshoo
Etheridge
Evans
Farr
Fattah
Fazio
Filner
Flake
Ford
Frank (MA)
Furse
Gejdenson
Gephardt
Gutierrez
Harman
Hefner
Hilleary
Hilliard
Hinchey
Hinojosa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (WI)
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (RI)
Kennelly
Kilpatrick
Kind (WI)
LaFalce
Lantos
Largent
Levin
Lewis (GA)
Lowey
Maloney (CT)
Maloney (NY)
Markey
McCarthy (MO)
McCarthy (NY)
McDermott
McKinney
McNulty
Meehan
Meek
Menendez
Millender-McDonald
Miller (CA)
Mink
Nadler
Neal
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Payne
Pelosi
Pomeroy
Price (NC)
Rangel
Roybal-Allard
Sanchez
Sawyer
Scott
Serrano
Skelton
Snyder
Spratt
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Thompson
Thurman
Tierney
Torres
Towns
Velázquez
Vento
Waxman
Wexler
Woolsey

### NOES—293

Aderholt
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Berman
Bilbray
Bilirakis
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bono
Boswell
Boucher
Boyd
Brady
Brown (CA)
Brown (FL)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clement
Coble
Coburn
Combest
Cook
Cooksey
Costello
Cox
Crane
Crapo
Cubin
Cunningham
Danner
Davis (IL)
Davis (VA)
Deal
DeGette
DeLay
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Everett
Ewing
Fawell
Foley
Forbes
Fowler
Fox
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood

Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hastert
Hastings (WA)
Hayworth
Hefley
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
John
Johnson (CT)
Jones
Kasich
Kelly
Kennedy (MA)
Kildee
Kim
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Latham
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lucas
Luther
Manton
Manzullo
Mascara
McCollum
McCrery
McDade
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
Metcalf
Mica
Miller (FL)
Minge
Moakley
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Ortiz
Oxley
Packard
Pappas
Parker
Pastor
Paul
Paxon
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Porter
Portman
Poshard
Pryce (OH)
Quinn
Rahall
Ramstad
Redmond
Regula
Reyes
Riggs
Riley
Rivers
Rodriguez
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Royce
Rush
Ryun
Sabo
Salmon
Sanders
Sandlin
Sanford
Saxton
Schaefer, Dan
Schaffer, Bob
Schumer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stabenow
Stark
Stearns
Stokes
Stump
Sununu
Talent
Tauzin
Thomas
Thornberry
Thune
Tiahrt
Traficant
Turner
Upton
Visclosky
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Weygand
White
Whitfield
Wicker
Wise
Wolf
Wynn
Young (AK)
Young (FL)

NOT VOTING—21

Bonilla
Clayton
Collins
Foglietta
Gibbons
Gonzalez
Hansen
Hastings (FL)
Herger
Hill
Hoyer
Johnson, Sam
LaTourette
Lazio
Martinez
Matsui
Radanovich
Rogan
Scarborough
Schiff
Yates

□ 1702

Mr. Maloney of Connecticut changed his vote from "no" to "aye."

So the motion was rejected.

The result of the vote was announced as above recorded.

(By unanimous consent, Mr. ARMEY was allowed to speak out of order.)

### EXPRESSING APPRECIATION TO MANAGERS OF H.R. 2267, DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 1998

Mr. ARMEY. Mr. Chairman, I would like to predicate my comments by first appreciating the bill managers on the floor on this bill, the gentleman from Kentucky [Mr. ROGERS] and the gentleman from West Virginia [Mr. MOLLOHAN], for their good work and their willingness last night to stay and to work late, and, in fact, later than they had intended, to help move this bill along and to do so in such a way as to relieve the Members of the need to come back here for votes last night. They worked until 10. I think we had our last votes around 6 last night.

I would like to on behalf of all the Members appreciate the two bill managers for their generosity of spirit and their consideration. I realize and I am sure you all do, I know I did especially last night, a special evening with me and my wife, we had a chance to be together, at least on the phone, that it is for all of us always a special appreciation when we have had time with our families because of the consideration of our colleagues. In that regard obviously we are moving as fast as we can to complete the appropriations business before the end of the year and, hopefully, as soon as possible to wrap up the year's business so that we may be able to spend time, with the year's work completed, with our families in our own districts where we can relate to our own constituents sooner instead of later.

This is a very important piece of legislation toward that end, and even though we have had four procedural votes during consideration of this bill that unfortunately have, by and large, undone the time advantage we may have had as a body through the sacrifices made last night by our colleagues, I think that we all understand the need in the larger scheme of things to stay as long as we can to resolve the completion of this bill tonight. We intend to do everything we can to achieve that on behalf of all of us and our respective workloads.

I am sure that the bill managers would find their generosity of last evening rewarded and appreciated and the Members of the House would feel appreciative if we could proceed toward completion of this work this evening without further procedural delays. I am sure everybody would like to encourage everybody to take that way of showing appreciation to these two fine gentlemen who have managed this bill with such patience and appreciation for their colleagues.

### REQUEST TO SPEAK OUT OF ORDER

Mr. SOLOMON. Mr. Chairman, I ask unanimous consent to speak out of order.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

Ms. KILPATRICK. Mr. Chairman, reserving the right to object, I would like to ask the gentleman a question. The majority leader just spoke of our schedule for the coming days and tonight. Last night in the Committee on House Oversight, House Resolution 244 was voted out of committee. We have major concerns on this side about the resolution. We would like to know, is it scheduled for the rules? When will it be taken up? The resolution as passed by the Committee on House Oversight concerning California's 46th Congressional District with Congresswoman SANCHEZ, we would like to know when it is going to the Committee on Rules and when it will be scheduled so we can prepare ourselves.

Mr. SOLOMON. Mr. Chairman, will the gentlewoman yield?

Ms. KILPATRICK. I yield to the gentleman from New York.

Mr. SOLOMON. Mr. Chairman, I am not aware of a request to expedite the legislation. I believe I understand the legislation the gentlewoman is referring to, but I will certainly check into it and be glad to get back to the House and let them know.

Ms. KILPATRICK. I thank the gentleman from New York.

I see the gentleman from California [Mr. THOMAS] on the floor. We are told over here that it is scheduled for Monday afternoon. It is H. Res. 244. Perhaps the gentleman from California might want to comment. We are trying to understand so we can know what the schedule is.

Mr. THOMAS. Mr. Chairman, will the gentlewoman yield?

Ms. KILPATRICK. I yield to the gentleman from California.

Mr. THOMAS. Mr. Chairman, the committee met yesterday and passed the resolution. I have submitted a letter to the chairman of the Committee on Rules, and Rules, I assume, under normal order of business will examine the resolution and will act on it as the Committee on Rules does.

I do not know where the gentlewoman gets her information, but the chairman of the Committee on Rules, and he will check with his staff, has found out that it is being handled in the normal procedure. I thank the gentlewoman for yielding.

Mr. SOLOMON. If the gentlewoman will yield further under her reservation, I have just been informed by the gentleman that there is a letter of request in my office. If that is the case, I would intend to include that on an agenda after I have had the opportunity to speak with the gentleman from Massachusetts [Mr. MOAKLEY], and we would more than likely include that.

The gentleman from Massachusetts considers himself notified, and there will be a rules meeting Monday night at 6 o'clock on that issue along with others.

Ms. KILPATRICK. I thank the gentleman.

Mr. BECERRA. Mr. Chairman, will the gentlewoman yield?

Ms. KILPATRICK. Further reserving the right to object, I yield to the gentleman from California.

Mr. BECERRA. If I may direct a question to the distinguished chairman from the Committee on Rules, the chairman may know or others may know, there is a grave amount of concern brewing on the part of a number of Members of Congress with regard to the course that this investigation, now 11 months old, has taken with regard to the investigation in the 46th Congressional District and the alleged improprieties in voting. This resolution and, as quickly as I was able to glance at it, House Resolution 244 evidently calls upon the Department of Justice to initiate criminal proceedings against an organization which it deems noncompliant to a subpoena that was issued against it or to it by this Committee on House Oversight in regards to the Sanchez case.

My understanding is that this organization is appealing the issuance of that subpoena on constitutional grounds. My further understanding is that there is some grave concern as to the reach of some of these subpoenas. My further understanding is there is grave concern that this committee, the Committee on House Oversight, has sent out more than 500,000 names with additional private information gathered from the Department of Justice, INS, and is now requesting assistance from the Secretary of State of California for further investigation of some 500,000 names.

Mr. SOLOMON. Would the gentleman propound the question because we have regular order to follow.

Mr. BECERRA. I will propound the question. I had to give some background so the gentleman would be able to answer the question. My question is this: If the Committee on Rules is thinking of taking up this House Resolution which would call upon the Department of Justice to initiate criminal proceedings on an organization that believes its constitutional rights may be violated if it were to have to respond to this subpoena, then I believe a number of us would have a great amount of concern allowing the House to take that course of action given a number of things that the House has done in regard to the Sanchez investigation.

Ms. KILPATRICK. Mr. Chairman, reclaiming my time, I yield to the gentleman from New York.

Mr. SOLOMON. I would just say that under regular order, when the Committee on Rules receives a letter from the chairman of a committee, we would follow regular order. We would hold the meeting. The gentleman is certainly welcome to come up and testify and make his case.

Mr. THOMAS. Mr. Chairman, if the gentlewoman will yield further, in the gentleman from California's background, as an information to the chairman of the Committee on Rules, he stated a number of factual errors, and I do think the record should be accurate rather than the representations that were made. The committee did not issue a subpoena to the organization that he referred to. It was issued under the statute of the Contested Elections Act. It was disputed as to its constitutionality. House counsel indicated it was constitutional. The judge who issued the subpoena in a recent opinion indicated that it was constitutional.

The gentleman indicated that we have transmitted 500,000 names to somebody. That is absolutely factually untrue, and I understand it was mentioned at a press conference. It is repeated here on the floor of the House. I would tell the gentleman he had better get his facts straight before he continues to repeat them.

Mr. BECERRA. Mr. Chairman, if the gentlewoman will yield briefly under her reservation, I will note for purposes of this particular request for expedition of time and the conduct of this House's duties that if, in fact, the Committee on House Oversight intends to take this action, a number of us intend to do whatever we can in the minority party to exert whatever rights we have to ensure that there is some justice in this matter for the investigation in the Sanchez case. If we are hoping to have clean and smooth conduct of business, I think it is going to quickly wind down and not happen if we have this type of activity continue to occur.

Ms. KILPATRICK. Reclaiming my time, Mr. Chairman, I have been told and it has been reaffirmed by the gentleman from New York that this resolution will be scheduled for Monday afternoon.

Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

□ 1715

Mr. MILLER of California. Mr. Chairman, I reserve the right to object, and I do so to——

Mr. SOLOMON. Mr. Chairman, I did not have the opportunity to speak to my wife last night for several hours as the majority leader did, so I am still trying to communicate with her. But as we race on to adjournment—

The CHAIRMAN. The gentleman from California [Mr. MILLER] controls the time under his reservation.

Mr. MILLER of California. Mr. Chairman, the reason I reserve the right to object hopefully is to respond to not only the scheduling change here but also the comments by the majority leader.

Mr. SOLOMON. Mr. Chairman, I object to my unanimous-consent request.

The CHAIRMAN. The gentleman withdraws his unanimous-consent request.

Mr. MILLER of California. Mr. Chairman, I withdraw my reservation of objection.

### AMENDMENT NO. 22 OFFERED BY MR. SANDERS

Mr. SANDERS. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 22 offered by Mr. SANDERS:

Page 38, line 22, after "$21,700,000" insert "(increased by $1,000,000)".

Page 54, line 11, after "$28,490,000" insert "(reduced by $1,000,000)".

The CHAIRMAN. Is there objection to considering this amendment at this stage?

Mr. KOLBE. Mr. Chairman, I reserve a point of order.

Mr. Chairman, I would like to hear the gentleman explain his amendment but would reserve the point of order.

The CHAIRMAN. The gentleman from Vermont [Mr. SANDERS] shall have an opportunity to state his case on the amendment. The gentleman is recognized for 5 minutes.

### PARLIAMENTARY INQUIRY

Mr. SANDERS. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. SANDERS. Mr. Chairman, am I recognized for 5 minutes on my amendment?

The CHAIRMAN. A point of order has been reserved. The gentleman from Vermont [Mr. SANDERS] is recognized for 5 minutes on his amendment, recognizing that there is a point of order pending against his amendment.

The gentleman from Vermont [Mr. SANDERS] is recognized for 5 minutes.

Mr. SANDERS. Mr. Chairman, this amendment is an amendment of enormous consequence which is supported by people with very different political philosophies. This amendment is cosponsored by the gentleman from Oregon [Mr. DEFAZIO], by the gentleman from Ohio [Mr. NEY], by the gentleman from California [Mr. DELLUMS], by the gentleman from Florida [Mr. STEARNS], by the gentleman from Ohio [Mr. BROWN], and by the gentleman from California [Mr. ROHRABACHER], by Republicans, Democrats and Independent, by conservatives and progressives, and what this amendment says is that we believe in democracy and we believe that legislation passed at the local level, at the State level, and here in the U.S. Congress should not be overridden by the World Trade Organization.

And while we may disagree about this piece of legislation or that piece of legislation, we think that there is something very wrong about our trade policy whereby this Government has abdicated enormous responsibility and whereby major environmental legislation, legislation dealing with human rights and other important issues, is now threatened and has been threatened by the World Trade Organization. We believe that there is something very wrong when important environmental legislation passed by this Congress is overridden by people in Geneva who meet behind closed doors. We think there is something wrong when legislation passed in the State of Vermont, State of Massachusetts designed to bring back democracy in Burma is threatened by the World Trade Organization.

Mr. Chairman, let me take a moment now to yield to my friend, the gentleman from Florida [Mr. STEARNS] who has been very active in this issue.

Mr. STEARNS. Mr. Chairman, I want to thank my colleague from Vermont, and I want to thank my colleague from Arizona for his kindness in letting us at least just talk about it briefly here. Basically, what we are trying to do is give the U.S. Trade Representative more money so he can investigate, look at the U.S. laws, both local and State, that are impacted by the World Trade Organization when it makes decisions, and do they override actually in effect some of these laws at the local and State level.

As my colleagues know, Mr. Chairman, President Clinton, since he has taken office they have negotiated more than 200 trade agreements, and of these 200 trade agreements only 2 of them have had fast track. This, certainly, deflates the administration's claim that our Nation is in dire need of fast track.

So I think the important point here is that this amendment that the gentleman from Vermont [Mr. SANDERS] is offering, and others including myself, will allow the U.S. Trade Representative to have additional resources to study the impact of the World Trade Organization on the laws, the sovereign laws at the State and the local level, and to get back to Congress to see what impact these trade negotiations are having.

Mr. Chairman, I rise today to speak in favor of the Sanders-Stearns and friends amendment to this appropriations bill.

Since President Clinton has taken office, the administration has negotiated more than 200 trade agreements. By the way only two of these 200 agreements have had fast-track authority, NAFTA and the Uruguay round of GATT. This fact certainly deflates the administration's claims that out Nation is in dire need for fast-track.

We have to be honest with the American people. These trade agreements have a profound affect on them and they have a profound affect on local, State, and Federal laws.

That is why Mr. SANDERS originated this amendment.

There is great concern that U.S. laws, which lawmakers in Congress, State legislatures, and localities have worked hard to establish, continue to be overturned by faceless bureaucrats during trade negotiations.

And what can we do as the elected representatives of this great Nation that will stand up for the laws already in the books? Many of us would obviously like to stop this constant disregard for U.S. laws, but we are limited in our ability to make such a stand during consideration of an appropriation bill.

This amendment will allow the U.S. Trade Representative to have additional resources needed to research and study the American laws that will be affected by trade negotiations.

Even in the President's fast-track legislation, section 5(a)(1)(B) states that, "within 60 calendar days after entering into (an) agreement, the President (must) submit to the Congress a description of those changes to existing laws that the President considers would be required in order to bring the United States into compliance with the (proposed) agreement."

It seems obvious to me that the administration through fast-track, which I personally oppose, is preparing to overturn countless laws. This amendment will give the USTR greater ability in determining which laws are to be attacked.

I would like to make one specific point about fast-track and the harm it has caused constituents throughout Florida, not just in my district. Last week, Secretary of State Madeleine Albright gave a speech before the Institute for International Economics.

In her speech she said,

> We are preparing to negotiate a further opening in agricultural markets. Our farmers are by far the world's most productive. They help feed the world. But they do so despite tariffs on U.S. products that in some cases are as high as 100 percent. They also confront many nontariff barriers. In gaining access to this $500 billion a year market we want a level playing field for American agriculture. But to get it, we need fast-track.

Well, if I am not mistaken, were these promises of agriculture access and reduced tariffs not made during consideration of NAFTA and the previous granting of fast-track?

So what has been the track-record of the fast-track?

Since NAFTA has begun, Florida agriculture has lost in excess of $1 billion—Florida tomato farmers have alone lost $750 million. So much for level playing fields and reduced tariffs. According the O'Conner & Hannan law firm of Washington, DC,

> For tomatoes, the losses are clearly due to the dumping of Mexican tomatoes in the U.S. market as determined by the Commerce Department. The primary cause of the injuries to Florida agriculture is NAFTA and its ineffectual safeguard provisions.

The Florida Department of Citrus has further informed me, that after 3 years of NAFTA, Florida citrus is still not even allowed into Mexico. How is this possibly free or fair trade?

Congress needs to stand up to this destruction of American industries such as agriculture. The Sanders amendment is a first step to informing ourselves of the legal consequences of pervasive "free" trade agreements.

Mr. SANDERS. Mr. Chairman, how much time do I have remaining?

The CHAIRMAN. The gentleman from Vermont has 1½ minutes remaining.

Mr. SANDERS. I yield to the gentleman from Oregon [Mr. DEFAZIO].

Mr. DEFAZIO. Mr. Chairman, we need to understand what is at risk here:

The Buy American Act is at risk; the Helms-Burton Act supported so strongly by some of my colleagues on that side of the aisle is at risk here; all local State laws which go to local preference and purchasing are at risk here; the sovereignty not only of our Nation but of our States and our local communities is at risk. We need this amendment to get additional money to the U.S. Trade Representative so that they can defend our interests and unearth these ticking time bombs in some of these trade agreements and prevent the overturning of these laws by secret tribunals in Geneva.

This amendment should be heard and should be voted on on the floor.

Mr. SANDERS. Mr. Chairman, I yield to the gentleman from Massachusetts [Mr. FRANK].

Mr. FRANK of Massachusetts. Mr. Chairman, I would simply note that the State that I represent passed legislation which said that the State did not wish to do business with people who supported the terribly repressive regime in Burma, and we have since that time had international efforts to stop the State of Massachusetts from deciding how to spend its own dollars in purchases, and that is why I support the effort of the gentleman from Vermont [Mr. SANDERS]. If we are going to have people use these international bodies to object because we object to oppression, then the time has come to fight back.

The CHAIRMAN. The time of the gentleman from Vermont [Mr. SANDERS] has expired.

Mr. SANDERS. Mr. Chairman, I ask unanimous consent for 3 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Vermont?

Mr. KOLBE. Mr. Chairman, I do object.

The CHAIRMAN. Objection is heard.

### POINT OF ORDER

Mr. KOLBE. Mr. Chairman, reclaiming my time, I was ready to and I did allow this brief discussion of this, but I do feel compelled to rise to make the point of order against the gentleman's amendment because it seeks to amend the paragraph in this bill that has already been read under the 5-minute rule, and the House Manual states very clearly in section 872 that when a paragraph or section has been passed it is not in order to return thereto.

While I am tempted to debate the issues here, I regret that to say the gentleman's amendment does come too late, and I would ask for a ruling from the Chair.

The CHAIRMAN. Would the gentleman from Vermont like to be heard on the point of order?

Mr. SANDERS. Absolutely.

The CHAIRMAN. The Chair recognizes the gentleman from Vermont.

Mr. SANDERS. Mr. Chairman, let me explain what happened.

As I understand it, last night a unanimous consent was agreed to by which the Legal Services amendment would be called up first after the five rollcall votes which we voted upon earlier today, and that was confirmed to me by everybody. I was here on the floor of the House ready to go, and I was told, no, Legal Services is coming up. I went up to my office.

For some reason which I do not understand, and I expect it was inadvertent, the Clerk read the first 2 or 3 pages of title 2 of the Justice-Commerce-State appropriation bill before the Legal Services debate began, and the place in the text in which I had an amendment cosponsored by Republicans and Democrats alike was therefore passed.

Given that reality and my belief that this error was inadvertent, that everyone here believed that Legal Services was going to be debated first, I have asked for and am asking now for unanimous consent so that we can debate this very, very important issue which concerns millions of Americans who are deeply concerned about our trade policy.

### PARLIAMENTARY INQUIRY

Mr. KOLBE. Mr. Chairman, parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. KOLBE. Mr. Chairman, is the unanimous consent in order at the time that we are considering a point of order?

The CHAIRMAN. The Chair will not entertain a unanimous consent, but the gentleman from Vermont certainly has an opportunity to be heard on the gentleman from Arizona's point of order.

The Chair is prepared to rule.

Mr. MILLER of California. Reserving the right to object, Mr. Chairman, on the point of order?

The CHAIRMAN. The Chair will hear the gentleman from California.

Mr. MILLER of California. Yes, on the point of order, since the point of order seems intent upon cutting off the rights of the gentleman from Vermont [Mr. SANDERS], I use a reservation of objection to rise in strong support of the gentleman's amendment and I ask unanimous consent to revise and extend.

The CHAIRMAN. The gentleman from California may not revise and extend his remarks on a point of order.

The CHAIRMAN. The Chair will now rule.

Upon his timely reservation of the point of order, the gentleman from Arizona [Mr. KOLBE] makes the point of order that the amendment proposes to change a portion of the bill already passed in the reading.

As indicated on page 680 of the manual, the point of order is well taken and is, therefore, sustained.

Mr. DEFAZIO. Mr. Chairman, I appeal the ruling of the Chair.

The CHAIRMAN. The question is, shall the judgment of the Chair stand as the judgment of the Committee?

The question was taken; and the Chairman announced that the ayes appeared to have it.

### RECORDED VOTE

Mr. DEFAZIO. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 231, noes 188, not voting 14, as follows:

[Roll No. 451]

### AYES—231

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Berman
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bono
Brady
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Cardin
Castle
Chabot
Chambliss
Chenoweth
Christensen
Coble
Coburn
Combest
Cook
Cooksey
Cox
Crane
Crapo
Cubin
Cunningham
Davis (VA)
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fattah
Fawell
Foley
Forbes
Fowler
Fox
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gephardt
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Goss
Graham
Granger
Greenwood
Gutknecht
Hall (TX)
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones
Kanjorski
Kasich
Kelly
Kim
King (NY)
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
Livingston
LoBiondo
Lucas
Manzullo
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Moran (KS)
Morella
Murtha
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Obey
Oxley
Packard
Pappas
Parker
Paul
Paxon
Pease
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Redmond
Regula
Riggs
Riley
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryun
Salmon
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Shimkus
Shuster
Skeen
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stearns
Stump
Sununu
Talent
Tauzin
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Traficant
Upton
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weller
White
Whitfield
Wicker
Wolf
Yates
Young (AK)
Young (FL)

### NOES—188

Abercrombie
Allen
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Bentsen
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boyd
Brown (CA)
Brown (FL)
Brown (OH)
Capps
Carson
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fazio
Filner
Ford
Frank (MA)
Frost
Furse
Gejdenson
Goode
Gordon
Green
Gutierrez
Hall (OH)
Hamilton
Harman
Hefner
Hilliard
Hinchey
Hinojosa
Holden
Hooley
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (WI)
Johnson, E. B.
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHale
McIntyre
McKinney
McNulty
Meehan
Meek
Menendez
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Mollohan
Moran (VA)
Nadler
Neal
Oberstar
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pickett
Pomeroy
Poshard
Price (NC)
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schumer
Scott
Serrano
Sherman
Sisisky
Skaggs
Skelton
Smith, Adam
Snyder
Spratt
Stabenow
Stark
Stenholm
Stokes
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson
Thurman
Tierney
Torres
Towns
Turner
Velázquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Wexler
Weygand
Wise
Woolsey
Wynn

### NOT VOTING—14

Ackerman
Bonilla
Boucher
Collins
Flake
Foglietta
Gibbons
Gonzalez
Hansen
Hastings (FL)
Lazio
Rogan
Schiff
Weldon (PA)

□ 1749

Messrs. YATES, KANJORSKI, EWING, BOB SCHAFFER of Colorado, SMITH of Michigan, SHIMKUS, FATTAH, BERMAN, and Ms. DUNN changed their vote from "no" to "aye."

So the ruling of the Chair was sustained.

The result of the vote was announced as above recorded.

Mr. ROGERS. Mr. Chairman, the glue that holds this body together is comity and fairness on both sides of the aisle. The gentleman from Vermont [Mr. SANDERS], in my opinion, has a legitimate complaint procedurally, about not being able to offer his amendment.

In the spirit of fairness and comity, I ask unanimous consent that the gentleman from Vermont [Mr. SANDERS], be allowed to offer his amendment and that debate on the amendment be limited to 20 minutes, 10 per side.

The CHAIRMAN. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The CHAIRMAN. The Chair understands that the time limitation would include any amendments thereto.

Without objection, that is the order.

There was no objection.

The CHAIRMAN. The Committee will rise informally.

The SPEAKER pro tempore [Mr. BAKER] assumed the chair.

## MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Sherman Williams, one of his secretaries.

The SPEAKER pro tempore. The Committee will resume its sitting.

## DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 1998

The Committee resumed its sitting.

(By unanimous consent, Mr. SOLOMON was allowed to speak out of order.)

### AMENDMENT PROCESS FOR H.R. 1127, NATIONAL MONUMENT FAIRNESS ACT OF 1997

Mr. SOLOMON. Mr. Chairman, the Committee on Rules is planning to meet next Monday, September 29, to grant a rule which may limit the amendments which may be offered to H.R. 1127, the National Monument Fairness Act; that is, the Monument Antiquities Act.

Any Member who wishes to offer an amendment should submit 55 copies and a brief explanation of the amendment by noon on Monday, September 29, to the Committee on Rules, at room H-312 in the Capitol.

H.R. 1127 was ordered reported by the Committee on Resources on June 25, and the report was filed on July 21. Amendments should be drafted to the text of the bill as reported by the Committee on Resources.

Members should use the Office of Legislative Counsel to make sure that their amendments are properly drafted and should check with the Office of the Parliamentarian to be certain that their amendments comply with the Rules of the House.

Mr. Speaker, the Committee on Rules also is planning to meet the same evening, on Monday, September 29 to grant a rule which may restrict amendments for consideration of H.R. 1370, the Export-Import Bank Reauthorization bill.

Any Member contemplating any amendments should submit 55 copies of the amendment and a brief explanation to the Committee on Rules in H-312 of the Capitol no later than noon on Monday, September 29.

Amendments should be drafted to the text of the bill as reported, copies of which will be available in the document room.

I thank the membership for their consideration.

### AMENDMENT NO. 22 OFFERED BY MR. SANDERS

The CHAIRMAN. Under the previous order of the Committee, it is in order to consider amendment No. 22 offered by the gentleman from Vermont [Mr. SANDERS].

The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 22 offered by Mr. SANDERS:

Page 38, line 22, after "$21,700,000" insert "(increased by $1,000,000)".

Page 54, line 11, after "$28,490,000" insert "(reduced by $1,000,000)".

The CHAIRMAN. The gentleman from Vermont [Mr. SANDERS] and the gentleman from Arizona [Mr. KOLBE] each will control 10 minutes.

The Chair recognizes the gentleman from Vermont [Mr. SANDERS].

Mr. SANDERS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, let me at this point thank both the gentleman from Kentucky [Mr. ROGERS] and the gentleman from West Virginia [Mr. MOLLOHAN] and Members from both sides of the aisle for their commitment to fairness. I think that is the right thing to do, and I appreciate it.

Mr. Chairman, this amendment is a tripartisan amendment sponsored by progressives and conservatives, Democrats, Republicans, and an Independent.

Mr. Chairman, in my view, our current trade policy is a disaster. This year we are going to run up a $200 billion merchandise trade deficit, the largest in our history, and it is a deficit that is going to cost us millions of decent-paying jobs. But, Mr. Chairman, as serious as the economic implications of our trade policy are, this amendment deals with an issue that is even more important.

This amendment deals with democracy and national sovereignty and the right of the American people, through their local, State and nationally elected bodies, to make legislation which the American people believe is in their best interests.

The Members of Congress who are cosponsoring this legislation have different political points of view. We disagree on everything, but we agree that it is the people of the United States of America who should decide the important issues and not people in the World Trade Organization meeting behind closed doors in Switzerland who should make those decisions and who should override legislation that we pass, that State government passes, that local government passes.

☐ 1800

Briefly stated, what is some of the legislation that is being threatened, that has been threatened? The WTO, through the urging of Venezuela, forced changes in our Clean Air Act. Mexico forced changes in the Marine Mammal Protection Act.

Southeast Asian countries have filed complaints against American restrictions on shrimp. A Massachusetts law promoting democracy in Burma, which has also been passed by many cities all over America, is now being brought before the WTO by the European Union and Japan. If Massachusetts loses that case, they must take their law off of the books or risk being punished by trade sanctions.

The bottom line here is that no matter what Members' political views are, and I disagree with Helms-Burton, voted against it, want to see it repealed, but I want to see that debate take place here in Congress, and not have somebody through the WTO overrule it. That is the issue.

Mr. Chairman, I reserve the balance of my time.

Mr. KOLBE. Mr. Chairman, I yield such time as he may consume to the gentleman from Illinois [Mr. CRANE], the very distinguished chairman of the Subcommittee on Trade of the Committee on Ways and Means.

Mr. CRANE. Mr. Chairman, I thank the gentleman for yielding me the time.

Mr. Chairman I rise in strong opposition to this amendment. As chairman of the authorizing subcommittee, I object to the policy which motivates the original supporters of the amendment, who feel that additional resources should be provided to the U.S. Trade Representative to identify the effect of the multilateral agreement on investments [MAI] on State and local laws. I do not believe that the funds should be used for this purpose. I am concerned about the use of these funds for any purpose which might alter the progress of the Multilateral Agreement on Investment.

The MAI is the first comprehensive multilateral agreement on investments. However, it is not entirely new. The MAI builds on over 1,000, bilateral investment treaties already in force around the world. Most of those agreements include investor-to-state dispute settlement procedures. The agreement will not force the United States to lower standards, and it will not prevent Congress from regulating the behavior of companies, nor are we agreeing to a dispute settlement process that can force changes in U.S. law. There will be no loss of sovereignty under the MAI.

This amendment would deter progress on developing international rules for investment that mirror our international rules for trade by which U.S. companies and their workers have benefited from fairness, openness, and transparency.

I therefore strongly oppose the amendment offered by the gentleman from Vermont [Mr. SANDERS], and I urge my colleagues to vote "no."

Mr. SANDERS. Mr. Chairman, I yield 1½ minutes to the gentleman from Florida [Mr. STEARNS].

Mr. STEARNS. Mr. Chairman, I rise in support of the amendment offered by the gentleman from Vermont [Mr. SANDERS]. We have to be honest with the American people. These trade agreements have a profound effect on them, and they have a profound effect on local, State, and Federal laws. That is why the gentleman from Vermont has offered this amendment.

There is great concern that the United States laws, which lawmakers in Congress, State legislatures, and localities have worked hard to establish and pass, continue to be overturned by faceless bureaucrats during trade negotiations. These bureaucrats could be in the World Trade Organization or they could be anywhere.

What can we do, as elected representatives of this great Nation? We will stand up for the laws that are on the books. Many of us would obviously like to stop this constant disregard for U.S. laws, but we are limited in our ability to make such a stand during consideration of appropriations bills, and now we have an opportunity.

Make no mistake about it, this vote is a miniature GATT Fast Track II. What we are saying here today is if Members vote for this, they are saying we should transfer money out of the administration of the Commerce Department to the U.S. Trade Representative, and let this department look at the impact of the World Trade Organization on Members' local and State laws. Members cannot be against that. They have a fiduciary relationship with the people in their districts to say, is the World Trade Organization impacting my congressional district?

The President of the United States is talking up here on the Hill about pushing fast track. But many of us in this congressional House feel strongly that we need to have an early vote. I applaud the gentleman from Vermont [Mr. SANDERS] for going ahead and putting this in place.

Mr. SANDERS. Mr. Chairman, I yield 30 seconds to the gentleman from Ohio [Mr. BROWN].

Mr. BROWN of Ohio. Mr. Chairman, I thank the gentleman for yielding me the time.

We in the Congress have a serious responsibility to make sure that the principles of American Federalism are not trampled in the rush to approve new trade agreements under fast track. I support the Sanders amendment because we need to send U.S. trade negotiators a clear signal that Congress cares deeply about the fundamental precepts of American sovereignty.

We have worked hard to build a consensus around clean air, safe drinking water, and a pure safe food supply. We should not give it up. Vote "yes" on the Sanders amendment.

Mr. SANDERS. Mr. Chairman, I yield 30 seconds to the gentleman from Ohio [Mr. NEY].

Mr. NEY. Mr. Chairman, I thank the gentleman for yielding me the time.

Mr. Chairman, let me just say very quickly that we realize there is a give and take when we are dealing with the world and trade policies, but most of it has been a take from this country. What is going to happen in Switzerland is going to affect township trustees, county commissioners, Governors, and citizens of the United States.

This is a commonsense approach, it is a commonsense amendment. All it wants to do is to simply say we should inform people. People have a right to know in this country. We should support the Sanders amendment. It is the right thing to do for America, it is the right thing to do to inform people in our society.

Mr. SANDERS. Mr. Chairman, I yield 45 seconds to the gentleman from Ohio [Mr. KUCINICH].

Mr. KUCINICH. Mr. Chairman, we need a national economic policy which protects our nation. We need a national economic policy which respects and reestablishes America as a sovereign Nation. We need a national economic policy which places the interests of the American people first among all international trade agreements.

But the World Trade Organization ruled against U.S. regulations on clean air, U.S. consumer protections. They ruled violated WTO rules. The WTO ruled against regulations on hormone-treated beef. Now is the time to take a stand on behalf of our rights as a people to self-determination.

The WTO does not care about the rights of the American people. The WTO does not care about the rights of our workers, about our environment. It is the American Congress which must stand up for the people. Outside of America, the international community does not care. We, the Congress, must protect we, the people.

Mr. KOLBE. Mr. Chairman, I yield 30 seconds to the gentleman from Virginia [Mr. MORAN].

Mr. MORAN of Virginia. Mr. Chairman, I thank the gentleman for yielding me the time.

Mr. Chairman, I would ask, as I read the amendment, this would add $1 million to the U.S. Trade Representative's office to continue the good work they are doing in terms of representing us and furthering the globalization of our economy, and the progress of our domestic production. I do not see, I am baffled by some of the things that are being said. But the amendment itself is only a $1 million increase to the U.S. Trade Representative's office. If that is what it does, I do not have a problem with it.

Mr. SANDERS. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. ROHRABACHER].

Mr. ROHRABACHER. Mr. Chairman, I rise in strong support of the Sanders amendment. There is an alarm bell going off all over the United States, and some people can hear it on the right, and some people can hear it on the left, and some people are ignoring the alarm bell. Other people are trying to set the fire.

Mr. Chairman, the bottom line is we are being rushed time and again into conceding the authority that was vested in us by the Constitution of the United States to multinational organizations in the name of creating some global trading system, in the name of facilitating global and international commerce.

Mr. Chairman, I may have my disagreements with the gentleman from Ohio [Mr. KUCINICH] on issues of labor and the environment, but the last thing I want to do is grant authority to some international organization, none of whom will be voted on by the American people, to make these decisions.

We will rue the day when we have granted authority to someone who has no obligation to the voters of the United States to make these decisions. Big business today may think they are getting something in the environmental area or the labor area, but all the American people will suffer a loss of freedom if we give it away to these international organizations.

Mr. SANDERS. Mr. Chairman, I yield 1 minute to the gentleman from Oregon [Mr. DEFAZIO].

Mr. DEFAZIO. Mr. Chairman, we need to unearth and understand any provisions of any pending trade agreements which might undermine the sovereignty of the United States or our many States or our local governments. According to Renato Ruggiero, Director General of the WTO, in referencing the pending MAI agreement, we are writing the Constitution of a single economy. That is the man in charge. He is saying, the Constitution of a single economy. That is not our Constitution. It is not compliant with our Constitution or our sovereignty.

They have so far challenged the Helms-Burton law, the Clean Air Act, a Massachusetts law that is promoting democracy in Burma, and restrictions on shrimp, and buy-America provisions and buy-Oregon provisions, or buy-California or buy-Arizona provisions will all be held to be non-compliant with this MAI.

We are asking for $1 million to the United States Trade Representative to have them fully investigate, unearth, and report to us in the Congress, the representatives of the people of this country, what the reality of these agreements and these threats are, so we may be more fully informed. Mr. Chairman, I have one agreement with the gentleman from Virginia, we should have this money and we should know what we are voting on.

Mr. KOLBE. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Oklahoma [Mr. WATKINS].

Mr. WATKINS. Mr. Chairman, I rise to say that I agreed with many things that have been said by the minority side concerning this amendment. I would like to clarify some matters, though. I think emotionally some people get carried away.

I know the gentleman from Ohio stated that it was the WTO that put the embargo against the growth hormone on beef. That is not true. Mr. Chairman, that was a unilateral decision by the European Union after the GATT negotiations. Our own USTR did push for a penalty on the unfair trade barrier being placed against growth hormones. I have been fighting the battle to lift the growth hormone ban for 7 months. I have been fighting, pounding the table, becoming obnoxious about this unfair trade barrier. We must have stronger people to negotiate and fight for the United States position.

The point I am making, Mr. Chairman, if it had not been for the WTO finally recognizing and ruling against this unfair trade practice placed upon our beef producers by the European Union we would not have a world decision in our favor. It took several years by the USTR and 7 months of my own effort and we have to go through a 90-day appeal. Mr. Chairman, I am thankful under that circumstance the WTO was there to help, or rule against the European Union—125 million unfair trade balance against our beef producers. I think our beef people are going to reap a lot of benefit from it.

□ 1815

Mr. KOLBE. Mr. Chairman, I yield myself 3½ minutes.

Mr. Chairman, as the gentleman from Virginia pointed out, this amendment is very different than the debate that we have been having here tonight. Let us understand what it is and what it is not. The amendment would shift $1 million from the Department of Commerce to the U.S. Trade Representative's Office, period. That is all it does. The rhetoric is about a lot of other stuff, but the rhetoric has nothing to do with the actual amendment.

Since we have just gotten an amended budget request from the President on the USTR to add money to USTR, it may be not a bad idea. If this amendment passes, we will certainly use it for that purpose, since the USTR needs the money to hire some attorneys to carry out their activities, but certainly not anything dealing with this.

Mr. SANDERS. Mr. Chairman, would the gentleman yield?

Mr. KOLBE. No; I do not have the time to yield. The gentleman from Vermont [Mr. SANDERS] has his own time. He got 5 extra minutes on the earlier motion.

Let me just clarify a few other things about what is being proposed. The earlier "Dear Colleague" letter that Members received from some of the sponsors, talked about this is dealing with the multilateral agreement on investment. In fact, it talked about the role that the multilateral agreement, or MIA as we will call it, has with the World Trade Organization, or WTO. But there is not any link between the MIA and the WTO. To say there is a link between those two is simply incorrect.

The fact is, however, that the new multilateral agreement on investments builds upon 1,000 bilateral investment agreements that are already in force around the world. All of those agreements have some kind of investor dispute settlement mechanism in them. Most of them are done through the World Bank's International Center for Settlement of Investment Disputes. The center has been in existence since 1966. It is one of the primary forces for settling these kinds of disputes.

We have to have something to settle disputes when investors get into some kind a dispute. This is the first comprehensive multilateral investment agreement that we have had, and in that sense it is new, but it is certainly high time. We have an increasingly complex world of trade out there, an increasing complex economic situation, and we have to have agreements and we have to have institutions that can deal with settling disputes. That is why we have this multilateral agreement on investments, and that is why we need to have some kind of mechanism for dealing with these.

Let us talk a little bit about what the WTO has done and what the WTO has not done. There is a lot of confusion about that. People say that we are giving up our sovereignty to this organization. But we don't. The WTO is like a lot of other institutions; we have them in a whole range of other areas for settling disputes when disputes arise.

We have an increasing amount of trade in the world, so we have an increasing amount of disputes in the world. The first five cases that we have taken to the WTO we have won. We won against Japan on their liquor taxes. We won against Canada on their restrictions on magazines. We won against the European Union on their banana imports. We won against the European Union on their hormone ban. And we won against India on their patent law.

As a result of having been able to threaten actions in the WTO, we have gotten significant settlements in other disputes with Korea, with the European Union, with Japan, with Portugal, with Pakistan, with Turkey, with Hungary, a whole variety of them.

Mr. Chairman, let me just conclude by saying this: This issue does not have anything to do with the WTO at all. The rhetoric may, but certainly the amendment does not. This amendment is about policy. It suggests a major policy change. Thus is the reason why we should not debate this kind of thing on appropriation bills. It is the kind of thing that needs to be considered very carefully, in a very complex proposal in the authorizing committee, and I would urge us to not be misled by the rhetoric we have heard here today.

(Mr. ROGERS asked and was given permission to speak out of order for 1 minute.)

### LEGISLATIVE SCHEDULE FOR TONIGHT

Mr. ROGERS. Mr. Chairman, a lot of Members are asking about the schedule for the evening. We have been discussing that with leadership on both sides. Here is the intention at the moment as to how to proceed: We would intend that the vote on this matter be rolled and combined with the vote on the next amendment, which I understand is the EDA amendment.

If that is so, then Members would have roughly an hour between now and when the votes would be taken. At that time, there would be the two votes, presumably, unless there is a motion to rise or some other procedural motion that takes place. That is the intent of leadership at this point in time.

Mr. MOLLOHAN. Mr. Chairman, will the gentleman yield?

Mr. ROGERS. I yield to the gentleman from West Virginia.

Mr. MOLLOHAN. Mr. Chairman, would the gentleman from Kentucky [Mr. ROGERS] anticipate that the EDA vote would be taken first and be a 15-minute vote and that the vote on this amendment would be taken second?

Mr. ROGERS. Reclaiming my time, either way. I have no real preference. I have no preference. If anyone has a preference, I am open.

Mr. SANDERS. Mr. Chairman, if the gentleman will yield, I do. I would prefer if we could vote this after the debate. We will be finished in a few minutes. Let us vote it, Members are here, and then go off to dinner.

Mr. ROGERS. I have no problem with that.

Do I understand the gentleman from Vermont [Mr. SANDERS] to say that he would prefer not to roll his vote until the EDA vote?

Mr. SANDERS. I prefer to vote it right after the debate, which will end in a few minutes.

Mr. ROGERS. I would hope that the gentleman could accommodate Members and perhaps combine the two votes so that we would have some time off between votes.

Mr. BECERRA. Mr. Chairman, will the gentleman yield?

Mr. ROGERS. I yield to the gentleman from California.

Mr. BECERRA. Mr. Chairman, for purposes of instructing Members who are here and those who are not, I would remind the chairman and those Members that there may be procedural votes called in between the substantive amendments that may be voted on as well.

So I doubt very seriously that there will be an hour's worth of time that people would be able to be gone.

Mr. ROGERS. I would regret that. I would hope that we could proceed with the business of the House and cease the endless motions to rise and the like. I would hope that we can accommodate the Members and let everyone have a few minutes of time perhaps for other duties.

The CHAIRMAN. Who yields time under the Sanders amendment?

Mr. SANDERS. Mr. Chairman, how much time remains?

The CHAIRMAN. The gentleman from Vermont [Mr. SANDERS] has 1 minute and 45 seconds, and the gentleman from Arizona [Mr. KOLBE] has 3 minutes remaining.

Mr. KOLBE. Mr. Chairman, we have just one speaker and we have the right to close. So I will reserve the balance of my time.

Mr. SANDERS. Mr. Chairman, I yield 45 seconds to the gentlewoman from California [Ms. WATERS].

Ms. WATERS. Mr. Chairman, the gentleman from Arizona [Mr. KOLBE] just gave us a preview of his speech on Fast Track. I do not know what he knows about the WTO.

I have just spent the last year dealing with the WTO on one of those issues that he just alluded to, the one that had to do with the European Union. In our country, we have the opportunity to go to the meetings, we can go to committee meetings, we can come to this Congress, we can go to school boards and our state legislatures.

We do not know who is making the decisions at the WTO. We do not know who is on the panel. Nobody is going to send us a notice. Nobody is going to give us a telephone call. We do not have the opportunity to give our point of view.

I want to tell my colleagues, they just made a decision that is going to cause the drug lords in the Caribbean to take over where the banana trade has been knocked out by the WTO, and we are going to see dope and those drugs in the districts that we represent in America.

Support this. At least we can get a report on what they are doing, what they are supposed to do. And perhaps we can all get educated about the WTO so that we will not go down the line that we apparently are going down to allow them to make decisions about this country and our laws.

Mr. SANDERS. Mr. Chairman, I yield myself such time as I may consume.

Let me in fact talk about the intent of this amendment. Because I am the author of the amendment, I know something about its intent. If we had the ability, we would have brought forth limitation amendments to stop the USTR from doing what they are doing. But we could not do that. So the intent here is to transfer $1 million from Commerce to the USTR only for two purposes:

First, to do a much better job of informing all Members of Congress when a formal trade complaint is filed or threatened at the WTO or other international bodies or when entering into new trade agreements which would compel the repeal or changes in our current national, State, local, tribal, territorial, or D.C. laws.

Second, to do a much better job of defending and arguing in support of our existing trade and trade-related laws that are in dispute between the WTO and other international bodies. This is as far as we can go.

Mr. Chairman, I yield my remaining time to the gentleman from Wisconsin [Mr. OBEY].

Mr. OBEY. Mr. Chairman, I would ask support for the amendment. The public has the right to know this information.

The CHAIRMAN. The time of the gentleman from Vermont [Mr. SANDERS] has expired.

Mr. KOLBE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the gentleman from Vermont [Mr. SANDERS] may wish his amendment did that, but it does not do that.

Mr. Chairman, I yield the balance of my time to the gentleman from California [Mr. DREIER].

Mr. DREIER. Mr. Chairman, I rise in strong opposition to this amendment. I think that many of the arguments that have been made by a number of my colleagues on both sides of the aisle are very well-intentioned. But frankly, they are in large part based on fear.

If one looks at the World Trade Organization, we know what a horrible acronym that is out there. There are many people who believe that the World Trade Organization is going to take over the United States of America. But the fact is, I ask people to name one single instance of where U.S. sovereignty or the sovereignty of any State has been jeopardized, and the fact is it has not.

We also, Mr. Chairman, need to look at the fact that there is no tie whatsoever between the multilateral agreement on investment, the MAI and the WTO. It seems to me that as we look at where we are going, I want as much information out as possible. But the United States of America is the world's only complete superpower of the military, economically and geopolitically.

I happen to have a great deal of confidence. My colleague, the gentlewoman from California [Ms. WATERS] just talked about how closed this is. The fact is, the United States of America is represented there as the world's preeminent leader.

I believe that we need to do everything that we possibly can to break down barriers. I think that Members on both sides of this aisle want us to embark on agreements which will reduce the burden of taxes on our working Americans and on the people.

Mr. DeFAZIO. Mr. Chairman, will the gentleman from California yield?

Mr. DREIER. I have very limited time, and I am in the midst of my closing remarks. Did the gentleman from Oregon have a chance to speak?

Mr. DeFAZIO. I did. I would love to rebut.

Mr. DREIER. That is why I have been given the opportunity to close here, and I appreciate having the chance to do that.

It seems to me, Mr. Chairman, that as we look at where we are headed, this is well-intentioned, but the fact is I think that it would undermine our attempt to proceed with our attempts in those 1,000 agreements that are in the process of moving ahead so that we can cut that burden.

So I urge a "no" vote on this and hope my colleagues will join in doing that.

Mr. MILLER of California. Mr. Chairman, I rise in strong support of the gentleman's amendment. Every time the Office of the U.S. Trade Representative commits this Nation to the provisions of an international trade agreement, they potentially bind American citizens to changes in dozens of Federal, State, or local laws. What makes matters worse is that, if the agreement has been negotiated under fast-track authority, the elected representatives of those people have no opportunity to amend the legislation implementing the agreement.

Let me give you some examples of why this amendment is so important. In 1991, the fishing industry in Mexico decided it did not approve of the United States law protecting the thousands of dolphins slaughtered each year in the Pacific tuna fishery. Mexico challenged that law under the rules of the General Agreement on Tariffs and Trade, and a panel of unselected trade bureaucrats, meeting behind closed doors in Geneva, decided our popular law, enacted by an open democratic process, was a barrier to free trade. They told us to change it—and this year, amid massive controversy and in spite of tremendous opposition from the American people, we did. Mexico and the GATT got their way, and more dolphins will die this year as a result.

In 1993, right after the administration assured us that our entry into the newly created World Trade Organization would not require any weakening of United States environmental protection laws, Venezuela challenged EPA regulations issued under the Clean Air Act, claiming that the regulations discriminated against foreign refiners. Even though Venezuela's gasoline produces more smog-emitting chemicals than American refiners are permitted to sell, in 1996 the WTO ordered the United States to change its regulations because they were a barrier to free trade, and EPA is now rewriting the regulations.

Today, the United States is fighting similar challenges behind closed doors in Geneva. Several Asian countries have challenged a provision of our Endangered Species Act that protects sea turtles. On the human rights front, the United States is currently defending a Massachusetts law prohibiting companies that do business with the State government from also doing business with the oppressive regime in Burma. Clearly, even State laws are subject to challenge by other nations under WTO rules.

Now let me point to the latest, and perhaps most egregious, example of how our laws can be held hostage by foreign-owned corporations. Included in the fast-track request sent to Congress last week by the President is a little-known item called the Multilateral Agreement on Investment. The MAI has been under negotiation by the developed nations of the world for the past 2 years, but these negotiations have been kept so secret that no one could confirm their existence until this past April. According to the director of the World Trade Organization, the MAI is "the constitution of a single global economy."

Here in my hand is a list of the State laws that could be challenged under the MAI as inconsistent with the agreement. They range from California laws promoting investment in facilities for processing recycled materials to Alaska laws limiting permits for mineral extraction on public lands. Federal statutes affected would include laws providing special incentives for minority-owned businesses or for companies that employ local workers.

Trade agreements are no longer about lowering tariffs or eliminating quotas. They cover everything from the contents of the milk our children drink to the way we manage our fisheries. It's time to update the way we approve of these agreements as well.

The democratically elected members of the Congress and State legislatures have a right to know whether the trade agreements that this or any other administration commits us to have an impact on our laws, and for that very important reason I urge my colleagues to support the amendment.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from Vermont [Mr. SANDERS].

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. SANDERS. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 239, further proceedings on the amendment offered by the gentleman from Vermont [Mr. SANDERS] will be postponed.

### PREFERENTIAL MOTION OFFERED BY MR. DE FAZIO

Mr. DEFAZIO. Mr. Chairman, I have a preferential motion at the desk.

The Clerk read as follows:

Mr. DEFAZIO moves that the Committee do now rise.

The CHAIRMAN. The question is on the motion offered by the gentleman from Oregon [Mr. DEFAZIO].

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. DEFAZIO. If they give us the vote, I withdraw the motion.

The CHAIRMAN. The gentleman from Vermont is recognized.

Mr. SANDERS. Mr. Chairman, I ask unanimous consent that we be allowed to vote the amendment up or down right now.

The CHAIRMAN. Is there objection to the request of the gentleman from Vermont to renew his request for a recorded vote on his amendment at this time?

There was no objection.

Mr. DEFAZIO. Mr. Chairman, I withdraw my motion to rise.

The CHAIRMAN. Without objection, the proceedings on the motion to rise are vacated.

There was no objection.

### RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 356, noes 64, not voting 13, as follows:

[Roll No. 452]

AYES—356

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Armey
Bachus
Baesler
Baldacci
Barcia
Barr
Barrett (WI)
Bartlett
Barton
Bass
Becerra
Bentsen
Berman
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burr
Burton
Buyer
Calvert
Camp
Canady
Capps
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crapo
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Deal
DeFazio
DeGette
Delahunt
DeLauro
Dellums
Deutsch
Diaz-Balart
Dingell
Dixon
Doggett
Doolittle
Doyle
Duncan
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Etheridge
Evans
Ewing
Farr
Fattah
Fazio
Filner
Foley
Forbes
Ford
Fowler
Fox
Frank (MA)
Franks (NJ)
Frost
Furse
Gallegly
Ganske
Gejdenson
Gephardt
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Graham
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Harman
Hayworth
Hefley
Hefner
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Hostettler
Hulshof
Hunter
Hutchinson
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (WI)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
Kingston
Kleczka
Klink
Klug
Kucinich
LaFalce
Lampson
Lantos
Largent
LaTourette
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Mascara
McCarthy (MO)
McCarthy (NY)
McCollum
McDade
McDermott
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Mica
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Mollohan
Moran (KS)
Murtha
Myrick
Nadler
Neal
Neumann
Ney
Northup
Norwood
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pappas
Parker
Pascrell
Pastor
Paul
Paxon
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Pomeroy
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Redmond
Regula
Reyes
Riggs
Riley
Rivers
Rodriguez
Roemer
Rohrabacher
Ros-Lehtinen
Rothman
Roybal-Allard
Royce
Rush
Ryun
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Schumer
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Stokes
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thompson
Thornberry
Thune
Thurman
Tiahrt
Tierney
Torres
Towns
Traficant
Turner
Upton
Velázquez
Vento
Visclosky
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wise
Wolf
Woolsey
Yates
Young (FL)

NOES—64

Archer
Baker
Ballenger
Barrett (NE)
Bateman
Bereuter
Berry
Bilbray
Callahan
Campbell
Cannon
Christensen
Crane
Cubin
Davis (VA)
DeLay
Dickey
Dicks
Dooley
Dreier
Dunn
Everett
Fawell
Frelinghuysen
Gekas
Gilchrest
Goss
Granger
Hamilton
Hastert
Hastings (WA)
Horn
Houghton
Hoyer
Hyde
Johnson (CT)
King (NY)
Knollenberg
Kolbe
LaHood
Latham
Leach
Levin
Livingston
Manzullo
Matsui
McCrery
Miller (FL)
Moran (VA)
Morella
Nethercutt
Nussle
Oxley
Packard

Pickett
Porter
Rogers
Roukema
Sanford
Shaw
Skeen
Snyder
Thomas
White

NOT VOTING—13

Bonilla
Collins
Flake
Foglietta
Gibbons
Gonzalez
Hansen
Hastings (FL)
Lazio
Rogan
Schiff
Wynn
Young (AK)

□ 1849

Messrs. PACKARD, SNYDER, DICKS, CANNON, WHITE, KENNEDY of Massachusetts, and Mr. HOYER changed their vote from "aye" to "no."

Messrs. BUNNING, EHLERS, TALENT, Mrs. MYRICK, Mr. BLUNT, and Mr. GREENWOOD changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

### PREFERENTIAL MOTION OFFERED BY MR. BECERRA

Mr. BECERRA. Mr. Chairman, I offer a preferential motion.

The Clerk read as follows:

Mr. BECERRA moves that the Committee do now rise.

The CHAIRMAN. The question is on the preferential motion offered by the gentleman from California [Mr. BECERRA].

The question was taken; and the Chairman announced that the noes appeared to have it.

### RECORDED VOTE

Mr. BECERRA. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 107, noes 294, not voting 32, as follows:

[Roll No. 453]

AYES—107

Abercrombie
Ackerman
Allen
Andrews
Barrett (WI)
Becerra
Berry
Bishop
Bonior
Borski
Brown (OH)
Capps
Chenoweth
Clay
Clayton
Clyburn
Condit
Conyers
Coyne
Cummings
Davis (FL)
DeFazio
DeGette
Delahunt
DeLauro
Dellums
Deutsch
Doggett
Doolittle
Edwards
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Filner
Ford
Frank (MA)
Furse
Gejdenson
Gephardt
Gutierrez
Harman
Hilliard
Hinchey
Hoyer
Jackson (IL)
Jefferson
Kaptur
Kennedy (RI)
Kennelly
LaFalce
Lantos
Levin
Lewis (GA)
Lowey
Maloney (NY)
Markey
Martinez
McCarthy (MO)
McDermott
McGovern
McKinney
McNulty
Meehan
Menendez
Millender-McDonald
Miller (CA)
Mink
Moakley
Nadler
Oberstar
Obey
Olver
Owens
Pallone
Pastor
Payne
Pelosi
Peterson (MN)
Petri
Pomeroy
Rangel
Roybal-Allard
Sanchez
Sawyer
Serrano
Skelton
Slaughter
Smith, Adam
Snyder
Stark
Strickland
Stupak
Tauscher
Taylor (MS)
Thompson
Thurman
Tierney
Torres
Towns
Velázquez
Vento
Waters
Waxman
Woolsey

NOES—294

Aderholt
Archer
Bachus
Baesler
Baker
Baldacci
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bentsen
Bereuter
Berman
Bilbray
Bilirakis
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bono
Boswell
Boucher
Boyd
Brady
Brown (CA)
Brown (FL)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Cardin
Carson
Castle
Chabot
Chambliss
Clement
Coble
Combest
Cook
Cooksey
Costello
Cox
Cramer
Crane
Crapo
Cubin
Cunningham
Danner
Davis (IL)
Davis (VA)
Deal
DeLay
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Dooley
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Etheridge
Everett
Foley
Forbes
Fowler
Fox
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gilchrest
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hastert
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hill
Hilleary
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Inglis
Istook
Jackson-Lee (TX)
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Jones
Kanjorski
Kasich
Kelly
Kennedy (MA)
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lucas
Luther
Maloney (CT)
Manton
Manzullo
Mascara
Matsui
McCarthy (NY)
McCollum
McCrery
McDade
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
Meek
Metcalf
Mica
Miller (FL)
Minge
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Packard
Pappas
Parker
Pascrell
Paul
Paxon
Pease
Peterson (PA)
Pickering
Pickett
Pitts
Pombo
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Redmond
Regula
Reyes
Riggs
Riley
Rivers
Rodriguez
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Royce
Rush
Ryun
Sabo
Salmon
Sanders
Sandlin
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Schumer
Scott
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Spratt
Stabenow
Stearns
Stenholm
Stokes
Stump
Sununu
Talent
Tanner
Tauzin
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Traficant
Turner
Upton
Visclosky
Walsh
Watkins
Watt (NC)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
White
Wise
Wolf
Young (FL)

NOT VOTING—32

Armey
Ballenger
Bonilla
Christensen
Coburn
Collins
Doyle
Ewing
Fawell
Flake
Foglietta
Gibbons
Gillmor
Gonzalez
Hansen
Hastings (FL)
Hyde
Johnson, Sam
Largent
Lazio
Ortiz
Oxley
Roemer
Rogan
Schiff
Smith (OR)
Wamp
Whitfield
Wicker
Wynn
Yates
Young (AK)

□ 1909

Mrs. CLAYTON and Mr. ENGEL changed their vote from "no" to "aye."

So the motion was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. Are there further amendments to the open portion of the bill?

If not, the Clerk will read.

The Clerk read as follows:

### ECONOMIC DEVELOPMENT ADMINISTRATION

### ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

For grants for economic development assistance as provided by the Public Works and Economic Development Act of 1965, as amended, Public Law 91-304, and such laws that were in effect immediately before September 30, 1982, and for trade adjustment assistance, $340,000,000: *Provided*, That none of the funds appropriated or otherwise made available under this heading may be used directly or indirectly for attorneys' or consultants' fees in connection with securing grants and contracts made by the Economic Development Administration: *Provided further*, That, notwithstanding any other provision of law, the Secretary of Commerce may provide financial assistance for projects to be located on military installations closed or scheduled for closure or realignment to grantees eligible for assistance under the Public Works and Economic Development Act of 1965, as amended, without it being required that the grantee have title or ability to obtain a lease for the property, for the useful life of the project, when in the opinion of the Secretary of Commerce, such financial assistance is necessary for the economic development of the area: *Provided further*, That the Secretary of Commerce may, as the Secretary considers appropriate, consult with the Secretary of Defense regarding the title to land on military installations closed or scheduled for closure or realignment.

### AMENDMENT NO. 18 OFFERED BY MR. HEFLEY

Mr. HEFLEY. Mr. Chairman, I offer amendment No. 18.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 18 offered by Mr. HEFLEY:

Page 42, line 11, after the dollar amount, insert the following: "(reduced by $90,000,000)".

□ 1915

Mr. ROGERS. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto close in 20 minutes, and that the time be equally divided.

Mr. MILLER of California. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

### POINT OF ORDER

Mr. MOLLOHAN. Mr. Chairman, point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. MOLLOHAN. Mr. Chairman, I thought we were proceeding under a time agreement, are we not?

The CHAIRMAN. There was an objection heard on the unanimous-consent request.

Mr. MOLLOHAN. But previous to that, we had an agreement on time, did we not?

Mr. HEFLEY. Mr. Chairman, if I may respond to the gentleman, it had not come to the floor yet. I am perfectly agreeable to the time agreement.

Mr. MOLLOHAN. I thought that was already in agreement. I thank the Chairman.

Mr. HEFLEY. Mr. Chairman, it has become an annual ritual, like the swallows returning to Capistrano, that we in the bill increase the amount of money to be designated for the Economic Development Administration, and every year I come down here with some of my colleagues, Mr. Chairman, and try to do away with the Economic Development Administration.

I am not trying to do that this year, but I am trying to bring the amount of money back to some kind of a reasonable figure, if we think we even need it. This is a wasteful agency and an agency that we will get rid of eventually; whether it is this year or next year, we will eventually, but at this point I am just trying to cut back to some kind of reason.

This is an amendment that is sometimes hard on friendships. The agency has been on the chopping block for years, but it has survived not on the merits of the program, because the program has few merits, but it survives because it makes Representatives and Senators look good.

Mr. Chairman, the Heritage Foundation calls the EDA the No. 1 Federal boondoggle which could be eliminated tomorrow without hurting anyone at all, and they are right. The EDA duplicates the activities of 62 other community development programs and 340 Federal economic development-related programs administered by 13 separate agencies. We simply do not need it, first of all; and second, it does not work.

Now, when we have a problem around here and we do not want to make a decision, what do we do? We say, well, let us get the GAO to do a study of it to get the facts so we will know what to do. Well, the GAO has done a study of the EDA, and it says that it has had a very small effect on income growth rates during the period that the aid was received and no significant effects in the 3 years after the aid ceased. This does not compute to the good-paying, long-term jobs the EDA is said to create.

Mr. Chairman, the value of this program that will be argued here tonight is fiction. The Senate received testimony to this effect in June of this year, and consequently had decided to appropriate only $250 million, I say only, but it is a lot of money, more than I would want, but it said, they have said $250 million to the EDA. We have gone far above that. I urge my colleagues to approve this amendment and bring the EDA's funding in line with the Senate bill.

This has been a target of Presidents, this has been a target of almost every think tank that has looked at it and tried to evaluate it. It has been a target of the GAO. Instead of getting rid of it, let us at least bring it down to the Senate level.

Mr. ROGERS. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, here we go again. This is an amendment to drastically cut the Economic Development Administration, and I strongly urge a "no" vote.

We debated the issue of EDA on this bill last year and the year before and the year before, and on and on. Last year 328 Members of this body, a majority of Republicans and Democrats, voted resoundingly to support the work of the EDA and to reject this cut. I urge the House again to defeat the Hefley amendment.

If we do not vote this amendment down, we will be depriving hard-hit communities in every State in this country of the vital assistance these programs provide. EDA gives our poorest urban and rural areas the tools to raise themselves up by their own bootstraps, to create new jobs, expand their local tax base, and leverage private investment. It gives them a hand, not a handout.

If one's town is hard hit by sudden and severe job losses when a plant shuts down, EDA is the place to go. If one's community has been devastated by a natural disaster, like the recent floods this year in the Midwest, EDA is the place one can turn to. If one's district has suffered from cutbacks in the defense industry, EDA is the only Federal program dedicated to helping your community retool its economy. If my colleagues do not believe me, ask California.

Critics of the program fail to recognize that the EDA has been reformed, reduced, and streamlined over the last 3 years. This bill cuts EDA funding by 15 percent below the current level. Due to the congressional oversight by both the authorizing committee of this body and the Committee on Appropriations, EDA's grants are truly targeted to the most distressed areas. The development and selection of projects has been moved out of Washington and back toward the local and State levels, and EDA's bureaucracy has been cut by over one-third in the last 2 years.

In addition, since the vote last year, the House has continued to demonstrate its support for EDA programs. Our colleagues in the Committee on Transportation and Infrastructure will soon approve an EDA reauthorization bill that reforms the programs and responds to the past criticisms of this program.

Mr. Chairman, clearly, there are communities that do not need help. They have infrastructure, they have industry, they have access to education, and all the requirements for a healthy regional economy. Other areas, that must rely on us and EDA to help them cope with job loss and defense cuts and other economic disasters, need us. They are the ones that need our help. They are the ones who are turning to us for our vote.

So I urge Members to do as they did last year and the year before and the year before by an overwhelming margin. Vote down this amendment.

The CHAIRMAN. The Committee will rise informally.

The SPEAKER pro tempore [Mr. LaTourette] assumed the chair.

## MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate agrees to the report of the Committee of Conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2266) "An Act making appropriations for the Department of Defense for the fiscal year ending September 30, 1998, and for other purposes."

The message also announced that the Senate agrees to the amendment of the House to the bill (S. 871) "An Act to establish the Oklahoma City National Memorial as a unit of the National Park System; to designate the Oklahoma City Memorial Trust, and for other purposes."

The SPEAKER pro tempore. The Committee will resume its sitting.

## DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 1998

The Committee resumed its sitting.

### PRIVILEGED MOTION OFFERED BY MR. BECERRA

Mr. BECERRA. Mr. Chairman, I offer a privileged motion.

The Clerk read as follows:

Mr. Becerra moves that the Committee do now rise.

The CHAIRMAN. The question is on the privileged motion offered by the gentleman from California [Mr. Becerra].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. BECERRA. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 103, noes 281, not voting 49, as follows:

[Roll No. 454]

AYES—103

Abercrombie
Ackerman
Allen
Andrews
Barrett (WI)
Becerra
Berry
Bishop
Bonior
Borski
Brown (OH)
Carson
Chenoweth
Clay
Clayton
Clyburn
Conyers
Coyne
Davis (FL)
DeFazio
DeGette
Delahunt
DeLauro
Dellums
Deutsch
Doggett
Doolittle
Edwards
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Filner
Ford
Frank (MA)
Furse
Gejdenson
Gephardt
Gutierrez
Harman
Hefner
Hilliard
Hinchey
Hoyer
Jackson-Lee (TX)
Jefferson
Johnson (WI)
Kaptur
Kennedy (RI)
Kennelly
Kilpatrick
LaFalce
Lantos
Levin
Lewis (GA)
Lowey
Maloney (NY)
Markey
Martinez
McCarthy (MO)
McDermott
McGovern
McKinney
McNulty
Meehan
Millender-McDonald
Miller (CA)
Mink
Moakley
Nadler
Neal
Oberstar
Obey
Olver
Owens
Pallone
Peterson (MN)
Pomeroy
Rangel
Roybal-Allard
Sanchez
Sawyer
Serrano
Skelton
Slaughter
Snyder
Stark
Strickland
Stupak
Tauscher
Taylor (MS)
Thompson
Thurman
Tierney
Torres
Towns
Velázquez
Vento
Waters
Waxman
Woolsey

NOES—281

Aderholt
Bachus
Baesler
Baker
Baldacci
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bentsen
Bereuter
Berman
Bilbray
Bilirakis
Blagojevich
Blumenauer
Blunt
Boehlert
Boehner
Bono
Boswell
Boucher
Boyd
Brady
Brown (CA)
Brown (FL)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Castle
Chabot
Chambliss
Christensen
Clement
Coble
Combest
Condit
Cook
Cooksey
Costello
Cox
Cramer
Crane
Crapo
Cunningham
Danner
Davis (IL)
Deal
DeLay
Dickey
Dicks
Dingell
Dixon
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Etheridge
Everett
Fawell
Foley
Forbes
Fowler
Fox
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gilchrest
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jenkins
John
Johnson (CT)
Johnson, E. B.
Jones
Kanjorski
Kasich
Kelly
Kennedy (MA)
Kildee
Kim
Kind (WI)
King (NY)
Kingston
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Lipinski
Livingston
LoBiondo
Lofgren
Lucas
Luther
Maloney (CT)
Manton
Mascara
Matsui
McCarthy (NY)
McCollum
McCrery
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
Meek
Menendez
Metcalf
Mica
Miller (FL)
Minge
Mollohan
Moran (KS)
Murtha
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Ortiz
Packard
Pappas
Pascrell
Pastor
Paul
Paxon
Payne
Pease
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Ramstad
Redmond
Regula
Reyes
Riggs
Riley
Rivers
Rodriguez
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Royce
Rush
Ryun
Sabo
Sandlin
Sanford
Saxton
Schaefer, Dan
Schaffer, Bob
Schumer
Scott
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Spratt
Stabenow
Stearns
Stenholm
Stokes
Stump
Sununu
Talent
Tanner
Tauzin
Thomas
Thune
Tiahrt
Traficant
Turner
Upton
Visclosky
Walsh
Watkins
Watt (NC)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wise
Wynn

NOT VOTING—49

Archer
Armey
Ballenger
Bliley
Bonilla
Coburn
Collins
Cubin
Cummings
Davis (VA)
Diaz-Balart
Dooley
Doyle
Ewing
Flake
Foglietta
Gibbons
Gillmor
Gonzalez
Hansen
Hastings (FL)
Hilleary
Johnson, Sam
Kleczka
Largent
Lazio
Linder
Manzullo
McDade
Moran (VA)
Morella
Oxley
Parker
Pelosi
Rahall
Rogan
Salmon
Sanders
Scarborough
Schiff
Smith (OR)
Taylor (NC)
Thornberry
Wamp
Wicker
Wolf
Yates
Young (AK)
Young (FL)

□ 1945

Mr. GUTKNECHT changed his vote from "aye" to "no".

Mr. NEAL of Massachusetts changed his vote from "no" to "aye".

So the motion was rejected.

The result of the vote was announced as above recorded.

Mr. MOLLOHAN. Mr. Chairman, I rise in opposition to the Hefley amendment.

Mr. Chairman, I join the chairman of the committee in rising in strong opposition to the Hefley amendment to cut $90 million from the funding provided for the Economic Development Administration.

I know of no other agency, no other program in the Federal Government more critical to the economic development needs of communities around this Nation than EDA. EDA programs target funds to areas in need of assistance and respond to special needs of each individual town and city. EDA has programs which benefit communities in almost every stage of the development process.

For communities experiencing structural economic changes, EDA provides flexibility assistance to help them design and implement their own local recovery strategies. For communities facing prolonged economic distress, EDA provides the funding necessary to repair decaying infrastructure and to develop new infrastructures needed for business growth.

For communities faced with massive job loss associated with defense downsizing, EDA provides the funding to develop projects at the local level that support community revitalization priorities. EDA's grant and technical assistance programs really work. Any of my colleagues can look around their districts and point to economic success stories catalyzed by EDA funding.

EDA's grant programs represent an investment in our Nation's future, the future of our cities, our towns, and neighborhoods. Over the last 30 years, EDA has invested $15.6 billion in our Nation's distressed communities, creating more than 2.8 million jobs and leveraging almost $2 billion in private sector capital.

EDA has a proven success record, with over 39,000 economic development projects completed under its programs. EDA makes good fiscal sense. More than $3 million in outside investment has been leveraged for every Federal dollar invested in EDA programs.

In closing, Mr. Chairman, economic development is a local process with a specific appropriated Federal role. EDA, in direct partnership with the stressed communities, provides seed funding that promotes long-term investments that respond to locally defined economic priorities.

Mr. SHUSTER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in strong opposition to this amendment. It is easy if one is from an affluent area of America to say we do not need to invest in the poorer parts of our country. But the fact is that the Economic Development Administration is absolutely crucial to the investment needed in the poorest of our geographical areas of this country.

We are talking about investment that not only is going to create jobs, but we are also talking about investment that is going to make these poor areas of America better places to live and work. We are talking about environmental improvement, as well. We are talking about improving the lives of the people who live in this area and the families and the kids.

In the last Congress, we had a vote on this issue; and in that last Congress, over 300 Members voted overwhelmingly to reject this amendment. Indeed, a majority of Republicans voted against this amendment. A majority of Democrats voted against this amendment. And for good reason: Because we need to have EDA investment in those areas of America which need to bootstrap themselves up.

Indeed, Rutgers University recently released a study which shows that for every dollar of EDA money invested in a region, $10 of private money is invested. We cannot hardly get a better investment than that in America.

So let us support EDA. Let us invest in America. Let us build infrastructure in the poorest of our geographical regions. Vote down this amendment. Support EDA. It is good for America.

Mr. OLVER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong opposition to the Hefley amendment, which would eliminate about a quarter of the funding for the Economic Development Administration. The author of the amendment has said that there are some 62 agencies that overlap or duplicate the economic development efforts of this agency. Yet, this is the one that we all know as an effective agency. This is the one that my colleague chooses to try to eliminate.

We all know that the Economic Development Administration supports communities that are in economic distress. We all know that modest economic development money can breathe new life into the communities that are facing financial hardship.

In the years, only a little more than six, that I have served in this Congress, EDA has funded regional economic planning for small communities to maximize their job creation and development potentials, EDA has provided capital for small businesses, EDA has helped turn former military bases into centers for new business, and EDA has funded utilities and road construction to create industrial parks in some of the poorest communities in my district, communities like Gardner and Fitchburg and Pittsfield, MA.

But EDA also provides emergency funds for communities in crisis situations. The town of Colrain, MA, was headed for an economic disaster here recently when its largest employer decided to close down, that it was going to simply close, thereby causing a ripple effect on the town's second largest employer, which was located on the same industrial site.

The two companies shared electric power, waste water, and fire safety infrastructures. Faced with the need to make huge capital investments to remain alone on site, the second company was about to move its manufacturing elsewhere as well.

With my support, Colrain turned to EDA for emergency funding. And together with private, State, and local funding, and in this case no one of these could have done it alone, but they did it, they turned to the EDA for the emergency funds to finance the infrastructure improvement needed to retain a critical business and allow that business to grow. EDA answered Colrain's call for help. Colrain's application is moving through its final phases, and the serious job loss has been averted in my district.

Let me stress again that in the Colrain, MA, case EDA funding is only part of a larger package of State and local and private funding. No one of those entities would have been able to go it alone. But EDA's, in this case, modest Federal half-a-million-dollar commitment had a major impact in securing and leveraging, as other people have already said, the other funding sources and the private monies that have to go into such economic development.

□ 2000

Mr. Chairman, I urge all of my colleagues to preserve the EDA funding and to reject the Hefley amendment.

Mr. GOSS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong support of the amendment offered by the gentleman from Colorado [Mr. HEFLEY]. I think it is a responsible amendment and long overdue. I refer to this as the Stop the Creep amendment. That is not an ad hominem remark. That refers to the fact that in 1995, this body voted to do away with this organization, and at that time the level of support was at about $350 million. I would point out to my colleagues, particularly those on my right, that we are now talking about an appropriation of $453 million, an increase of 29.4 percent that most of the fiscal conservatives in this body voted to do something about just 3 short years ago.

Mr. Chairman, 2 years ago a new majority was elected with a mandate to change the way Washington works. Instead of running up the tab on our kids, we pledged to make tough choices and prioritize our limited resources, and everybody cheered. This ambitious agenda was articulated in the House budget resolution which returned power to the taxpayer and eliminated wasteful departments. One of those that was pegged for elimination under the programs and agencies that were considered was the Great Society relic called the Economic Development Administration.

So what has happened? While the EDA has failed very badly in its core mission of providing aid to distressed communities, its success in bringing home the bacon is unmatched, and we all know it. Of grants made in 1994, for example, the 17 States represented by the members of the relevant Senate and House subcommittees received $1.10 per capita compared to 68 cents for the rest of the Nation. Rational observers, I am told, are concluding that grants are being made based on political considerations, not true need.

EDA proponents will serve up any number of creative defenses for this program, and I admit there have been some spots of success in it, but they are very few. But the supporters also ignore the fact, and here is a fact, the GAO was unable to find any study, any study, that established a causal linkage between EDA assistance and a positive economic effect in a community, the reason we have this program. It is not working.

Fact: Nearly 90 percent of the Nation has been found eligible for EDA grants in the past, despite the fact the money is supposed to go to certifiably distressed communities. Is everything in America a distressed community?

Fact: Proponents will argue that the EDA has been reformed, yet the agency has not been reauthorized since 1980. Translation: There has been no real reform. Despite years of promises that there would be some real house cleaning, it has not happened.

Mr. Chairman, the Hefley amendment does not end the EDA. It does not end the EDA, however deserved that might be. It simply makes a responsible cut down to the Senate level. I want to repeat, this amendment does not end the EDA. It reduces it to the Senate level. It ends the cost creep.

Last year the House-passed bill contained $348 million for EDA, yet somehow it emerged from conference almost $100 million heavier; $426 million, to be exact, of taxpayers' money. A glance at the numbers reveals that we have increased EDA funding by 29 percent since 1995, the year that we pledged to end it altogether. What happened? Mr. Chairman, the present House bill not only exceeds the Senate level, but it is even higher than the President's budget request.

I urge my colleagues to support this sensible reduction in the funds for the EDA back to the Senate level of $250 million, a quarter of a billion dollars, which is a $90 million savings for the taxpayer for a program that we do not think is working very well, and our agency, the GAO, has not been able to find a positive benefit from it. I think it is a reasonable amendment. I ask Members to consider it sincerely.

Mr. HEFLEY. Mr. Chairman, will the gentleman yield?

Mr. GOSS. I yield to the gentleman from Colorado.

Mr. HEFLEY. Mr. Chairman, one of our speakers earlier talked about all of that matching money that came back. In September of 1994, a nonprofit corporation in Alabama was awarded a $750,000 grant to create a revolving loan fund, and the community matching funds were to be $1 million, and the $1 million never showed up. The Inspector General investigated the nonprofit and found that they had not been meeting the matching fund requirement since 1986. So when we hear of all these matching funds, in theory that works, but in practice I could give my colleagues example after example after example where it simply has not worked.

The theory behind EDA, which is what most of the speakers are talking about, is good. The practice is, it does not work.

Mr. OBERSTAR. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the gentleman's amendment. I do want to congratulate and commend the chairman of the subcommittee for the splendid job that he has done. The gentleman from Kentucky has led this subcommittee very ably, and has made the case, I think, very persuasively, and has worked with our authorizing committee, as the gentleman from Pennsylvania [Mr. SHUSTER] indicated earlier, to sort out some of the problems, narrow the focus, target this program more effectively and more efficiently, reduce its staffing level, and I take issue with some of the numbers cited just a moment ago.

The fiscal 1997 funding level for EDA, for this year, is $427 million. The subcommittee has cut $65 million out of that level. That is not a cut in the growth. That is a cut from this year's level. That is a cut in the real program down to $361 million. The vote that my good friend from Florida referenced about eliminating EDA was not a vote on eliminating EDA. That was a vote on eliminating the Department of Commerce. It was part of the Republican reconciliation bill. EDA is included in the Department of Commerce. It is a stretch to say that we voted on eliminating EDA.

Those who would say that, oh, 90 percent of the country is eligible for EDA funds, that is not true. Ninety-three percent of EDA funds go to the eligible areas, only those areas that qualify with a 1 percentage point level of unemployment above the national average.

EDA has been an extraordinarily effective program for the small communities of America and even for larger cities. I have been watching this for 25 years. The opponents of EDA come up here representing comfortable areas of this country and tell the poor areas of America, "You do not need this help. You do not need this lift up." Well, every dollar of EDA leverages $10 of private investment money. The gentleman from Pennsylvania [Mr. SHUSTER] cited the study that showed that there is a minimal cost of $3,000 of EDA investment per job.

You want success stories? We have got them. During the time that I was privileged to chair the economic development subcommittee, we held hearings, we brought in all those who were critics, we brought in those who benefited from the program. A Georgia development district received $3.1 million in EDA funds, matched by $3.1 million in non-Federal local private funds. That generated $142 million in private investment, creating 2,238 private sector jobs. EDA cost per job, $1,000.

Fort Holabird Industrial Park. Fort Holabird was shut down by the military. Baltimore was in distress. EDA granted a title 9 emergency grant to help rehabilitate that community, $11.3 million. The city matched it with $11 million. There was private investment of $42 million, 1,000 new jobs. GM came in, made an investment in the community. They put in $258 million with the funds that EDA provided to stimulate water, sewer, road access to this park facility. 4,000 jobs were protected and retained.

There is story after story of success. I do not want to belabor the body. I just want to quote from one of the witnesses when our committee went into Kentucky, southern Virginia, and West Virginia, a wise witness stood up and said, "We are proud, conservative mountain people. We don't ask for anything that we don't give of ourselves. But you can't turn around 50 and 100 years of decay and decline in 1 or 2 years of water and sewer grants. Give us a hand. Give us the opportunity. We have the energy. We have the youth that wants a future. We are proud mountain people. Give us the opportunity." EDA gives them that opportunity. I ask my colleagues, defeat this amendment. Give rural America an opportunity.

Mr. PETERSON of Pennsylvania. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise tonight to vehemently oppose this amendment. I come from rural Pennsylvania, a rural part of Pennsylvania that has been struggling economically. We look at EDA as the doctor who can give us a transfusion to help us maintain economic life.

It has been interesting to listen to those who talk about this as pork, as waste. Let me tell my colleagues what happens in a small town in America when you lose the only factory, when you lose the only major employer. And I wish some of those that are proposing this amendment looked into the eyes of the people in the glass plant in Marienville when they knew their job of the last 50 years was gone forever and there were no other job opportunities within 40 miles. I will never forget the look on those people's faces, and I sure do not want to tell them that there is not an Economic Development Administration to help them.

In State government, we had a lot of economic development plans. I was often critical that a lot of that money went to very affluent areas, went to areas that were fighting growth, who were growing faster than they wanted to. But EDA targets its resources. It targets it to our communities that are the most in need, communities that have lost their major employers.

Tell the community in Jefferson County that their industrial park, the 70 new jobs, was not worthwhile. Tell the people in Centre County who purchased a rail line that would have taken rail service away from employers and has since created 1,000 jobs. Tell the community in Tioga County in Pennsylvania that repurchased a Conrail line that was going to remove 450 jobs from their community because they could not function without rail service.

I am here today to tell Members that this is a program that if we do away with in these small rural towns, where are those people going to go? The unemployment lines, the welfare rolls. It is going to cost us a whole lot more money than this measly $340 million that helps distressed communities all across this country.

Tell this to a community that lost a USX plant, a Quaker State headquarters, a Worthington Pump plant, a Van Huffel Tube plant, a Foster Forbes Glass plant, a Graham Packaging plant that we do not care. Tell them that, that we are not going to help them pull themselves up by their bootstraps.

If we want to look for economic development funds, why do we not look at the International Development Association that does economic development around the world? If we give them a 26 percent cut, we could save $160 million. The USAID, Agency for International Development, if we gave them a 26 percent cut, we could save $130 million. Aid to the former Soviet Union for economic development, if we give them a 26 percent cut, we could save $160 million.

Mr. Chairman, this is a small program that targets its resources well to the poorest communities in America. I urge Members tonight to defeat this amendment and put it to bed forever, and let us work with a program that helps the poorest communities pull up their bootstraps.

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Mr. WISE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong opposition to this amendment to cut 25 percent out of the Economic Development Administration budget. Some have spoken about projects that they question. Well, let me give my colleagues some success stories, and I think that is very, very important.

Let me talk to my colleagues about in the eastern panhandle of West Virginia, just an hour and 15 minutes drive from here, where a $2 million EDA grant is helping to generate hundreds of jobs at the new Sino-Swearingen Aircraft facility. I calculated that for every Federal dollar going in between the EDA and ARC, which incidentally got $4.5 million leverage, $133 million, that it would be repaid to the Federal taxpayer in workers paying income taxes in about 3 years. One real estate developer said, "That's one of the best investments you can get."

So whether we are talking about the Sino-Swearingen plant in eastern West Virginia, whether we are looking at the jobs that are being generated at the Wood Technology Center at Elkins, WV, because of a EDA grant and the opportunities in the wood industry that it is making there, or whether we are talking about Jackson County, WV, where an EDA grant is helping create an estimated 350 jobs for the Jackson County Maritime and Industrial Center by constructing necessary water and sewer systems, EDA gets a return for the taxpayer.

Also, those of us who have been from flood-torn areas know the importance of EDA as it has come to our rescue in rebuilding communities and providing flood assistance grants throughout much of West Virginia, but, yes, throughout much of our country.

Let me just note that an independent study recently at Rutgers University evaluated EDA's public works program and found that EDA completed its projects on time, on budget, created and retained jobs at the minimum cost of a little over $3,000 of EDA investment per job, and leveraged $10 of private investment for every $1 invested, and every EDA dollar results in $10 returned to communities through an increased local tax base. That is a good return on the taxpayers' dollar; that is a solid reason to reject this amendment to cut the Economic Development Administration.

Ms. BROWN of Florida. Mr. Chairman, will the gentleman yield?

Mr. WISE. I yield to the gentlewoman from Florida.

Ms. BROWN of Florida. Yes, Mr. Chairman, I have a question as former chairman of EDA. I come from Florida, a community that has 2 bases to close, and I want to be clear what is EDA's responsibility as far as these base closures because, as we think about Florida, I want to be clear that my area of Florida supports the EDA grants and the mayor, the city council, the county commission, the State of Florida is working in partnership for these grants. Could the gentleman explain?

Mr. WISE. The gentlewoman makes a good point that the Economic Development Administration is a linchpin in the base closing legislation that this Congress is passed and is often the lead agency, the one that communities contact first to assist as they plan how to deal with this economic loss and how to gain from it. And so that is why this Congress has put additional funds into the EDA from time to time, to assist in base closing legislation such as what the gentlewoman is experiencing in Florida.

Mr. Chairman, I would urge the House strongly to reject this amendment; to recognize that the EDA has a vital function to perform for all our country and is performing it well.

Mr. HOSTETLER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise today in strong support of the amendment offered by the gentleman from Colorado [Mr. HEFLEY] to decrease funding, decrease funding for the Economic Development Administration. The Economic Development Administration, known as EDA, which is part of the Department of Commerce, was created in 1965 to assist in the development of depressed areas and encourage increased employment through loans and grants to State and local communities. While this objective may appear to be quite exemplary, in reality the EDA has at times funded many projects that have nothing to do with jobs or economic development for depressed areas.

As we struggle to balance the budget it is critical to target programs that waste millions of precious Federal dollars every year. We simply cannot afford to continue funding this program at such high levels. Therefore, I am supporting this amendment to fund the EDA at the Senate level, which is approximately $90 million less than the House Committee on Appropriations passed level.

There are any number of examples of Federal spending for reasonable projects within EDA. We have all heard the stories of taxpayer dollars being wasted on the $800,000 spent on a golf course that washed away, or the $5 million that was awarded in 1976 to an economic development district that built a cash reserve of almost $2 million and wasted and misused over a million dollars. Must I remind us of the $850,000 that was awarded in 1987 to help fund a $1 million, 3-year industrial park expansion? Eight years later that project was barely started but $670,000 of the money, of the taxpayers' money, had been spent.

I do want to take a moment to elaborate on the concerns I have over a statistic that was sent to my office in a fax that was urging opposition to this amendment. According to a May 1997 Rutgers University study of the EDA public works program, EDA programs are successful at creating jobs at a cost to taxpayers of only $3,058. I say "only" only because the information I received used the word "only." I am deeply concerned about any Federal program whose supporters would claim success over the fact that taxpayers are only paying over $3,000 for the creation of one job. I am even more deeply concerned that we in Congress would view a government program as successful if it creates jobs and that these jobs only cost taxpayers $3,000. Taxpayers in my district and around the country work very hard to make ends meet, and I am sure they too would be concerned if they were to find out about this so-called successful program.

Resources are very limited, and it is time we evaluate a little more critically the success of many Federal programs. I would contend that cutting Federal spending and cutting taxes on all American taxpayers will prove to be much more successful at creating jobs, and not at a cost of over $3,000. We are simply not in a financial position to fund many of these programs, and every effort we make to curb wasteful spending is a positive step toward balancing the Federal budget.

It is obvious the EDA has failed at its intended mission. Due to the budgetary constraints and the lack of a justifiable Federal role in these programs, it makes good sense to at least fund this program at the same level passed by the Senate earlier this year. The EDA has proven itself to be a failure at meeting its objective. This program has become a multimillion dollar drain on scarce and valuable Federal resources.

Mr. Chairman, I ask for my colleagues' votes to strike $90 million of EDA funding in the fiscal 1998 Commerce-State-Justice appropriations bill.

Mr. Chairman, I yield the balance of my time to the gentleman from Colorado [Mr. HEFLEY].

Mr. HEFLEY. Mr. Chairman, unfortunately we are not as critical of this program as we would be of some of the others to see if it is really working well because it is too good for our reelection efforts. We live in a culture where we are judged by how much we are able to take back home.

The Department of Commerce Inspector General issued a semiannual report earlier this year and could not even express a opinion on the financial position of EDA because it has too many inadequacies in its internal control structure. The I.G. also identified many specific examples of grants that either should not have been made or that just did not work the way they were supposed to, just did not work.

So, yes, I do not have any illusions that this amendment is probably going to pass tonight; sometime it will, I think, but maybe not tonight because it is too good a bottomless pit for us to take money out of and take back home, whether it works or not.

Mrs. MEEK of Florida. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would just like the Congress to understand the scenario which they are seeing here. In Florida we call it a snooker, and that is what it is, a monumental snooker, Mr. Chairman. What you hear here should be added to the new nomenclature of the language of the Congress, snooker, and what it means is people are substituting things for the real facts because of the emotionalism which we see tied into this reduction.

Now first of all, this same group that we see here tonight, we have already cut EDA by 15 percent. So they are saying to my colleagues that the 15 percent which they have already cut EDA by is not enough. So use a little deductive reasoning, and what they are saying is let us cut out EDA. The same people we see talking about EDA this year were up last year with this same amendment.

So now look, look back into the history. I always look at the names of people associated to an amendment; that is a good thing to do in this Congress. Then I begin to do what is called reciprocal innovation, and that means to be able to exchange some of the stuff that they are talking about and let them know that it is not true.

First of all, why cut it any more? There are no earmarks in this, none at all. EDA does not have any earmarks in this bill. But it selects these economic development projects that help the most distressed communities, the most distressed communities, not in anyone of our means but because people have to really apply to EDA for these improved at their distress, and it offers them some success in creating jobs.

Now another part of this snooker is this new welfare reform syndrome. My colleagues want to reform welfare. Well, I will tell them something. It is so simple: Got to create some jobs. It is so simple some of us do not understand it. My colleagues think it is going to happen overnight because they come to this floor and make some of these snookering statements. And the audacity of it, everybody should be able to see through it.

What they need to say to my colleagues is, You're going to cut out the source of building these communities, putting some economic development into these communities and developing jobs.

Now the House Committee on Transportation and Infrastructure has tried very hard, Mr. Chairman. They know about some of these abuses. They have worked it in such a way they are going to approve the EDA reauthorization, and it reforms these programs where they need reformation. But they are not going to bring in a snooker to try to get this Congress to cut $90 million from these funds.

So then think about what would have happened to us in Miami if it were not for EDA. Eastern Airlines went out, 300 people without a job, more than that when we look at the long term effects of it. Opa-Locka went down, a small city there; the city of Miami is almost to go down if it were not for the economic development. This is a federalism which we need. There is federalism which we do not need, but we do need that. Homestead, a small farming community in my district, if it were not for EDA, what would have happened to Homestead?

We have heard a litany of snookers here tonight. That litany would have us think a city like Homestead in my district that was wiped out by the hurricane, if it were not for EDA coming into that city, trying to help build new businesses, trying to help build new infrastructure, trying to help us come back, those people are still deprived, they are have not come back yet. If it were not for EDA, we could not have gotten the help we needed. St. Petersburg, FL; I could go on and on, Mr. Chairman.

But what I want to make clear to this Congress is that they just witnessed a monumental snooker, someone not in favor of the EDA trying very hard to cut it out. Let us stop them, let us oppose this amendment and kill it, Black Flag dead. Let us kill it.

Ms. JACKSON-LEE of Texas. Mr. Chairman, will the gentlewoman yield?

Mrs. MEEK of Florida. I yield to the gentlewoman from Texas.

Ms. JACKSON-LEE of Texas. Just very quickly to the gentlewoman from Florida: She is standing for Florida, I have heard people from the Midwest, I have heard the ranking member, I have heard the chairman of the Committee on Transportation and Infrastructure. It is a terrible shame in this budget cutting, welfare slashing, that when we talk about real jobs like the jobs being created in Houston with the renewal of Hargus College, making that a small business incubator successfully with city and EDA funds, that we would want to cut and slash and burn and not create jobs for Americans. We want to create them everywhere else, but we do not want to create them for America. I thank the gentlewoman for yielding to me, and I appreciate what has happened in Florida, but it is happening all over America, and we should oppose vigorously this amendment.

Mrs. MEEK of Florida. Mr. Chairman, I thank the gentlewoman from Texas very much, and I am glad she is helping to deflate that monumental snooker.

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Mr. BOEHLERT. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, the author of this amendment has acknowledged that every year he comes to the floor and proposes a near identical amendment. When is he going to get the message?

Every year this House has increasing support for the Economic Development Administration. Every single year the opposition is on the decline. Why is that?

One of my colleagues, a previous speaker, said the American people send us here to make tough choices. Indeed they do. But they do not want us to make dumb choices.

I will tell you what the Economic Development Administration is all about. It is about my favorite four-letter word, and you can use it in polite company. That favorite four-letter word is "jobs," jobs that put Americans to work.

Now, if you want to tell me that EDA does not work, I will take you to community after community around this country that has been devastated by the loss of a military installation. We are told that is a peace dividend, that we do not need as many military bases, and I can understand that.

But what about those communities that one day face the loss of thousands of jobs? Where do they turn to? They look to Washington, and, fortunately, we have the Economic Development Administration to help these communities try to help themselves.

What about those communities all across the country that are victims of cruel tricks played by mother nature, devastated by natural disasters? They look to us, those of us in positions of responsibilities, and say help. Thank God we have the Economic Development Administration to help.

How about those factories closing? Where do those communities go? Someone earlier said, "You know, it is $3,000 a job." Guess what? I will take you to community after community across this country that would gladly accept jobs if it only cost $3,000. It costs so much more. As a matter of fact, the rule of thumb for EDA is about $10,000 a job. And, guess what? The communities that desperately need them do not even have five cents, let alone $10,000. They lost their tax base. They have lost their employment opportunities.

EDA is about hope. Now, I was here as a young staff member sitting in that gallery in August of 1965 when the Public Works and Economic Development Act was first passed. I remember that vividly, Republicans and Democrats joining to create an agency that offered some hope for distressed communities across this country, and through those years, those 32 years, the agency has had its ups and downs.

But life has changed for me. Now I serve on the committee that has jurisdiction over the authorization of this program, and I have sat there as witness after witness has come forward, some telling us of the changes needed, and those changes have been made; some telling us that they have ideas for improvement, and improvements have been made. But, one after another, from communities all across this country, we have had local government officials come and say, "Thank you for the Economic Development Administration. Please continue this important program, because where opportunity has been lost, hope has been provided."

This measure will pass overwhelmingly to continue the Economic Development Administration. It did the year before, and the year before that, and the year before that. This is a good agency. It is not perfect. I have never seen a perfect agency and unlikely never will.

But the fact of the matter is basically this: In an economy that is beginning to move in the right direction, in an economy where more and more we are telling people from all walks of life that you have expanded opportunity, greater hope, there are still areas of distress. Those areas need assistance. And when that assistance is possible in the form of a loan or a grant from the Economic Development Administration, and we are part of the organization that makes that agency possible, I think it is a day's work well done.

I would say overwhelmingly, Mr. Chairman, reject this amendment. Support the continued funding of the Economic Development Administration for all the right reasons, but, most importantly, for jobs for America.

Mr. TRAFICANT. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I think there are a lot of people that are smoking on this. I am the ranking member of that subcommittee, and there are very few Members in the House I have more respect for than the gentleman who has brought this amendment.

I want to say this to the gentleman: There is much merit to what you are saying, and if there are not some basic reforms I will vote with you next year.

But there is a new administrator over there, Mr. Phillip Singerman, and he has done a fine job. I want the Congress to know this.

In addition to that, we are beginning to move EDA from a giveaway program to a leveraged program. I have offered legislation, part of which has been included, and I would like the gentleman from Colorado to recognize what that legislation does.

My legislation provides a fund of money that can only be used to buy down interest rates when a bank makes a loan. I think the problem we have had around here in economic development is we have thrown money at communities. Much of it has been easy money, and people with ideas come in without their own sweat and blood and have gotten money from Uncle Sam and ripped us off. I think our intentions were well meaning, but they were not successful.

My language says, look, we use some of the EDA money, but we will only give that money as an incentive once a bank qualifies a legitimate project. Then we will use it to buy down those interest rates.

We are making some basic reforms in the economic development program, and some of the shortcomings are being overcome. I took the floor to let the gentleman know that, because I believe that in the past the gentleman has been on target. This is an agency that has not lived up to the types of deeds and tasks it should have.

Mr. Chairman, I think Mr. Singerman has done a good job and I think he deserves that chance, and I think we deserve the chance as the authorizing committee to refashion and to reform EDA, to make it more of a leveraging agency rather than a giveaway agency.

I want to let the gentleman know we are doing that. I know the gentleman is going to go on with his program, and I respect that. I believe the gentleman, through his amendments, has kept EDA's feet to the fire, and we are making the improvements because of his efforts.

I do not want to demean the gentleman's efforts. In fact, I appreciate his efforts, and when we get a chance after this is all over, I would like to sit down with the gentleman and even like to incorporate some of the ideas and concerns he has.

Mr. DAVIS of Illinois. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I have listened intently to the discussion and the debate. I rise in opposition to this amendment, and I do so because I have lived in severely distressed neighborhoods for the last 40 years.

The community where I live in Chicago, the area where my office is located, is something called the North Lawndale community, which has been called the "permanent underclass" by sociologists and urbanologists. It has been called "the place where there is no hope." And yet, because of an EDA grant, that community does in fact have hope.

My community has lost more than 100,000 manufacturing jobs over a 30-year period, Allied Radio, GE, Hot Point, Motorola, International Harvester, Sunbeam, you name them, Western Electric. They were once there, but now they are all gone.

As a result of that grant, my neighbors and I have an opportunity to go to a bank that would not have been there had it not been for an EDA grant. We have an opportunity to go to stores that would not have been there had not it been for an EDA grant. There are small manufacturing concerns that have begun to come back that would not have been there had not it been for the EDA grant.

So I tell you, if we are talking about rebuilding, redeveloping, reconstituting urban America, then we are not talking about taking one dime, one scintilla, one ion from this agency. If anything, we are talking about trying to find additional ways to put the needed resources of this country where they should go, to rural America, to urban America, to places that have made this country what it is and is redeveloping.

Mr. Chairman, I would urge all of my colleagues, let us not cut; let us increase. Let us give hope to the hopeless. Let us bring help to the helpless. Let us make America the land that it has never been, but yet ought to be. Let us make America the America that it has the potential of being.

Mr. RAHALL. Mr. Chairman, I rise in strong opposition to the amendment to H.R. 2267, the Commerce, Justice, State fiscal year 1998 Appropriations bill that is being offered by our friend Mr. HEFLEY of Colorad—an amendment that would cut $90 million from the Economic Development Administration—the EDA.

Mr. HEFLEY says he wants only to cut $90 million from EDA—down to $271 million—so that our bill will match the funding level in the Senate-passed bill.

There is no magic, and no common sense either, in the Senate numbers.

Last year, my colleagues, you joined 328 of your colleagues—Democrats and Republicans alike—for continued funding of the EDA.

I urge you to vote again to stop the push to gut the Economic Development Administration and its program funds that assist so many States and localities nationwide, but particularly in those areas suffering the most economic stress.

H.R. 2267 already cuts the EDA by 15 percent below the fiscal year 1997 level. There are no earmarks—these economic development projects are selected by the EDA on the basis of sending help to the most distressed communities in our Nation—helping people by creating jobs.

I know that each of you are aware of the assistance EDA provides to your own district's distressed communities, whether they are urban or rural.

This is vital seed money for local governments—for every $1 spent in EDA funds, local governments leverage another $10 from other sources, to help pay for these vital economic development programs.

These local governments are hard pressed to respond to the needs of former welfare recipients as they are faced with finding ways in which to provide necessary jobs—gainful employment—for those families.

A vote against the Hefley amendment to cut $90 million from the Economic Development Administration is a vote in favor of new jobs, for families in need, for communities suffering from the effects of natural disasters such as hurricanes, earthquakes and spring floods.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Colorado [Mr. HEFLEY].

The question was taken; and the Chairman announced that the ayes appeared to have it.

### RECORDED VOTE

Mr. ROGERS. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 107, noes 305, not voting 21, as follows:

[Roll No. 455]

AYES—107

Archer
Armey
Bachus
Barr
Barrett (NE)
Bartlett
Barton
Bereuter
Bilbray
Bilirakis
Bliley
Blunt
Boehner
Bono
Brady
Burton
Cannon
Chabot
Christensen
Coble
Coburn
Condit
Cox
Crane
Cunningham
Deal
DeLay
Doolittle
Dreier
Dunn
Ehlers
Ehrlich
Ensign
Fawell
Foley
Fowler
Fox
Gekas
Goodlatte
Goodling
Goss
Granger
Greenwood
Gutknecht
Hastert
Hastings (WA)
Hayworth
Hefley
Hobson
Hoekstra
Hostettler
Hunter
Hyde
Inglis
Istook
Johnson, Sam
Kasich
Klug
Kolbe
Largent
Leach
Linder
Manzullo
McCollum
McInnis
McIntosh
Mica
Miller (FL)
Myrick
Nethercutt
Neumann
Norwood
Nussle
Oxley
Paul
Paxon
Petri
Pitts
Porter
Pryce (OH)
Ramstad
Riggs
Rohrabacher
Roukema
Royce
Ryun
Sanford
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Smith (MI)
Snowbarger
Souder
Stearns
Stump
Sununu
Talent
Thomas
Thornberry
Thune
Tiahrt
Watts (OK)
Weldon (FL)
Weldon (PA)
White

NOES—305

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Baesler
Baker
Baldacci
Barcia
Barrett (WI)
Bass
Bateman
Becerra
Bentsen
Berman
Berry
Bishop
Blagojevich
Blumenauer
Boehlert
Bonior
Borski
Boswell
Boucher
Boyd
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burr
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Capps
Cardin
Carson
Castle
Chambliss
Chenoweth
Clay
Clayton
Clement
Clyburn
Combest
Conyers
Cook
Cooksey
Costello
Coyne
Cramer
Crapo
Cubin
Cummings
Danner
Davis (FL)
Davis (IL)
Davis (VA)
DeFazio
DeGette
Delahunt
DeLauro
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Duncan
Edwards
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fazio
Filner
Forbes
Ford
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Ganske
Gejdenson
Gephardt
Gilchrest
Gillmor
Gilman
Goode
Gordon
Graham
Green
Gutierrez
Hall (OH)
Hall (TX)
Hamilton
Harman
Hefner
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Holden
Hooley
Horn
Houghton
Hoyer
Hulshof
Hutchinson
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Jones
Kanjorski
Kaptur
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kucinich
LaFalce
LaHood
Lampson
Lantos
Latham
LaTourette
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDade
McDermott
McGovern
McHale
McHugh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Nadler
Neal
Ney
Northup
Oberstar
Obey
Olver
Ortiz
Owens
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Pickering
Pickett
Pombo
Pomeroy
Portman
Poshard
Price (NC)
Rahall
Rangel
Redmond
Regula
Reyes
Riley
Rivers
Rodriguez
Roemer
Rogers
Ros-Lehtinen
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schumer
Scott
Serrano
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snyder
Spence
Spratt
Stabenow
Stark
Stenholm
Stokes
Strickland
Stupak
Tanner
Tauscher
Tauzin
Taylor (MS)
Thompson
Thurman
Tierney
Torres
Towns
Traficant
Turner
Upton
Velázquez
Vento
Visclosky
Walsh
Wamp
Waters
Watkins
Watt (NC)
Waxman
Weller
Wexler
Weygand
Whitfield
Wicker
Wise
Wolf
Woolsey
Wynn
Young (FL)

NOT VOTING—21

Ballenger
Bonilla
Collins
Flake
Foglietta
Gibbons
Gonzalez
Hansen
Hastings (FL)
Lazio
McCrery
Quinn
Radanovich
Rogan
Salmon
Scarborough
Schiff
Solomon
Taylor (NC)
Yates
Young (AK)

□ 2111

Mr. THOMPSON, Mrs. SMITH of Washington, Mrs. CUBIN, and Messrs. GUTIERREZ, COYNE, and CRAPO, Mrs. CHENOWETH, and Mr. SMITH of Texas changed their vote from "aye" to "no."

Mr. LINDER and Mr. FOX of Pennsylvania changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. BARTLETT of Maryland. Mr. Speaker, on rollcall vote No. 455 I inadvertently voted "aye." I would like the appropriate portion RECORD to reflect that I intended to vote "no."

(Mr. ROGERS asked and was given permission to speak out of order for 1 minute.)

LEGISLATIVE SCHEDULE

Mr. ROGERS. Mr. Chairman, for the purpose of informing Members about the rest of the evening and the schedule that might take place, there have been numerous discussions taking place. We think we have an agreement worked out. It is being prepared now for us to peruse in due course of time. If the agreement is approved by both sides of the aisle, then there would be no further votes this evening in the body. The votes would be rolled until tomorrow.

□ 2115

However, it is still being pursued. I suggest that we proceed with one more amendment and ask Members to hang tight for a possible vote on that amendment while the agreement is being pursued, and we think that we will be successful.

With that in mind, Mr. Chairman, I ask unanimous consent that the gentleman from Indiana [Mr. HOSTETTLER] be permitted to offer the amendment No. 12, notwithstanding that portion of the bill is not yet considered as read, with the understanding that during the process of that debate, the larger agreement will be pursued.

The CHAIRMAN. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

AMENDMENT NO. 12 OFFERED BY MR. HOSTETTLER

Mr. HOSTETTLER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 12 offered by Mr. HOSTETTLER:

Page 49, line 9, insert "(reduced by $175,100,000)" after "$185,100,000)"

Page 49, line 10, insert "(reduced by $74,100,000)" after "$74,100,000"

Page 49, line 12, insert "(reduced by $500,000)" after "$500,000".

Mr. ROGERS. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto close in 20 minutes and that the time be equally divided.

The CHAIRMAN. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

Mr. HOSTETTLER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, in all this talk about a balanced budget agreement about how Democrats and Republicans, the President and Congress want to cut wasteful Government spending to reach a balanced budget, I would like to talk about one of those costly and troubled Government programs that was not protected in the budget agreement and should have been eliminated.

The Advanced Technology Program, ATP, gives direct subsidies to private corporations to support their research and development budgets. These cash handouts usually go to the Fortune 500 companies such as IBM, AT&T, GM and the like, which already have billion-dollar R&D budgets and billions in annual revenues.

Not only did the budget agreement reject the President's proposal to protect ATP funding, the Commerce Department recently issued a report chock full of planned structural changes. But the administration's plan falls far short of addressing the real problems with ATP, which are too fundamental to be fixed by minor adjustments.

The fundamental problem is what many Members of Congress and even ATP grantees already know, ATP does not have the ability to effectively promote its goals of advancing high-risk technology research and promoting U.S. competitiveness.

Technology development in most industries simply changes too quickly to depend on slow-moving congressional budgets. In short, ATP is corporate welfare. Given our budget constraints, we cannot afford it. And after watching the program for seven years, ATP does more harm than good.

If we dare venture to read the Constitution, we find that the program is unconstitutional. Mr. Chairman, we must eliminate funding for ATP.

Mr. Chairman, I reserve the balance of my time.

Mr. MOLLOHAN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, last night we had a similar debate on the ATP program. During that debate, those who spoke in opposition to the ATP cuts amendment refuted most of the points made by the gentleman from Indiana [Mr. Hostettler], who is offering this amendment.

Let me simply say, and a lot of it is in repetition, that the ATP program is not a partisan program. It was initiated under the Bush administration, and it has continued as a centerpiece of President Clinton's competitiveness program to this day.

One can have a philosophical difference and take the position that ATP, the Advanced Technology Program, is corporate welfare, whatever that means. In fact, it is the core of the country's competitiveness program as we move into an era of increasingly internationalization of our economy and in real competition with particularly the developed nations around the world.

These countries recognize the importance of collaborative relationships between their country, between the academic community, and between private industry in order to be strategic in developing not product but developing pre-commercial research and development discoveries that lead to advancements that allow industry to pick up and be on the cutting edge. We are into a high technology era, and these strategic relationships are recognized as being instrumental in making us competitive.

Such countries as Japan, England, Germany and Australia are investing heavily in these kind of initiatives, far more heavily than the United States. For example, Japan is spending about $9 billion a year on pre-competitive technology development. And the European Community recognizes the importance of these kind of strategic relationships. It is funding their equivalent to the Advanced Technology Program to the tune of $5.5 billion a year. ATP funds pre-competitive generic technology development. It does not fund product development.

Mr. Chairman, simply, we have a philosophical difference of how the country should relate to industry and what role is appropriate for the Government to play in commerce. I draw the line at the Government not helping getting product into the marketplace. No, that is the private sector's responsibility.

But when increasingly high technology is important to economic competitiveness, this pre-competitive, the Government incentivizing companies in these partner relationships to get involved in areas that have a future that we are in direct competition with is extremely important.

Mr. Chairman, I reserve the balance of my time.

Mr. HOSTETTLER. Mr. Chairman, I yield 3 minutes to the gentleman from California [Mr. Royce].

Mr. ROYCE. Mr. Chairman, the private sector and deregulation are the principal engine of this country's $8 trillion economy. It is not Government handouts. Government cannot claim credit for the personal computer phenomenon, cannot claim credit for the Internet, cannot claim credit for Microsoft or Bill Gates. The way a market system works, as opposed to a corporatist or socialist system, is that if there is a profit entrepreneurs will risk investing in order to reap the profits.

For example, I share with my colleagues the pharmaceutical products that come to market. On average, it costs $400 million, takes 8 to 10 years to bring them to market. And yet, if there is a profit to be made, entrepreneurs will act with or without government handouts, as they do in these cases, to bring these things to market.

Most of my colleagues here voted for this last year. We passed this out of this House, this very amendment to eliminate this program, and it was passed out of the Senate. It was subsequently curtailed because of other problems.

But, basically, between 1985 and 1986, the Department of Commerce, which oversees ATP and MEP issued $1.23 billion in loans and loan guarantees through various programs. Not even half were paid back. The American taxpayers lost $650 million, and those loans still carried on the books are of questionable value.

For example, the Economic Development Administration at Commerce, which lent $471 million some 20 years ago, has recovered only $60 million and sought congressional approval to sell off some of its bad loans for less than 10 cents on the dollar.

Let us take some examples from Europe and Japan. High-definition TV is one of the clearest failures of the Government's targeted handouts. The Japanese businesses, with subsidies that totaled $1 billion in the late 1980's, sought to help HDTV using existing analog technology. The French did the same. One billion dollars in their government went to that.

Here in the United States, luckily our administration at the time took a pass on investing $1.2 billion in subsidies to compete with these foreign rivals. As a result of being denied massive subsidies, American companies were forced to develop an alternative, and the alternative that AT&T and Zenith developed was a fully digital system that made analog Japanese and European systems obsolete. Before they were ever put into production, they lost $2 billion overseas because they were pushing these subsidies.

We relied on the market, and again it showed that the market works. Many businessmen do not support this corporate welfare. I am going to quote one who appeared before committee, Dr. T.J. Rodgers, president and CEO of Cypress Semiconductor Corp., who told us before the committee that, "I am here to say that such subsidies will hurt my company and our industry because they represent tax-and-spend economics."

Mr. MOLLOHAN. Mr. Chairman, I yield 2 minutes to the gentlewoman from Michigan [Ms. STABENOW].

Ms. STABENOW. Mr. Chairman, first I would like to thank the gentlewoman from Maryland [Mrs. MORELLA], the chair of the Committee on Science Subcommittee on Technology, who has worked so long and hard to put together an effective Advance Technology Program that we now have in this budget for continuation of funding for the next year.

I also would like to thank my colleagues who voted overwhelmingly earlier today against an amendment to cut $74 million from the Advanced Technology Program. This is in fact an amendment that would be a larger cut than the one that was overwhelmingly voted against earlier today. Important misperceptions about this program continue to be repeated over and over again.

□ 2130

This is not a program that is about corporate welfare. This is about creating American jobs and creating technologies that will be on the cutting edge, that will allow us to compete with other countries. The majority of dollars in this program go to consortia and partnerships where universities frequently are the ones receiving the dollars to do research in partnership with our businesses, large and small.

Almost 50 percent of the businesses involved in these consortia are small businesses that on their own would not be able to be involved in higher-risk, long-term kinds of research. We are talking about those kinds of research opportunities that research systems in Michigan, we have a wonderful program that has been highly successful to look at how we create a more competitive auto industry, a system. The Big 3 do not normally sit down together and plan and problem-solve about quality issues. But with the leadership of the ATP program and the Federal Government, we have been able to bring them together.

I would urge my colleagues to reaffirm our earlier vote today and again vote no and allow us to continue this important program about jobs.

Mr. HOSTETTLER. Mr. Chairman, I yield 3 minutes to the gentleman from Florida [Mr. MILLER].

Mr. MILLER of Florida. Mr. Chairman, I rise today as an opponent of corporate welfare and in support of this amendment to eliminate funding for the Advanced Technology Program. Since I have been in Congress, I have worked diligently to eliminate Federal subsidies to corporations that do not need them. I took on, for example, the sugar daddy of corporate welfare, the sugar program, which because of the way the program operates, it cost the American consumer $1.4 billion, but 42 percent of the benefits of this corporate welfare program go to only 1 percent of the sugar plantations. That is corporate welfare. And so is the Advanced Technology Program.

I have cosponsored several amendments this year to eliminate subsidies, and the ATP program is one of the most egregious examples of corporate welfare we have today. I am glad to be able to continue to support this effort. This program subsidizes big multinational companies. It gives hard-earned taxpayer dollars to companies such as AT&T, Shell Petroleum, DuPont and IBM for them to conduct research on risky ventures. If these companies want to engage in risky ventures, they should be required to find private funding.

Supporters of the ATP program claim that it is essential for research and development. Yet in 1993 the GAO estimated research and development spending nationwide to be approximately $150 billion. The ATP program at $185 million represents a mere, if not unnecessary, drop in the bucket.

Private funding for these ventures is available. The GAO report found that from 1990 to 1993, half the applicants who were denied ATP funding found alternative private-sector funding for their research. What is more disturbing is that 63 percent of the ATP applicants did not even bother to seek private funding. They just went straight to the government for funding. After all, why should these firms have to compete if they can just go to the public trough?

Americans should not be forced to spend their hard-earned tax dollars to fund high-risk research projects for some of America's largest corporations. I urge my colleagues to support this amendment.

Mr. MOLLOHAN. Mr. Chairman, I yield 3 minutes to the gentlewoman from Maryland [Mrs. MORELLA].

Mrs. MORELLA. I thank the gentleman for yielding me this time.

Mr. Chairman, I rise to speak against corporate welfare and against this amendment, because ATP, the Advanced Technology Program, is not corporate welfare. The ATP is a competitive, peer-reviewed, cost-shared program with industry. It is really what we are all about, public-private partnerships. And it is working. ATP is designed to develop high-risk, potentially high-payoff technologies that otherwise would not be pursued because of technical risks and other obstacles that discourage private investment.

The House-passed authorization for NIST reforms ATP to further emphasize this point. The authorization bill included language to reform the grant process by requiring that grants can only go to projects that cannot proceed in a timely manner without Federal assistance. This should ensure that all ATP funds go to high-risk projects that could not receive private backing. The bill also increases the match requirements for ATP grant recipients to 60 percent for joint ventures and nonsmall-business single applicants.

Further, terminating ATP would amount to the U.S. Government turning its back on its obligations to small business. The problem is that ATP funds long-term 5-year research grants, and the funding for the remaining years of those 5-year grants is termed a mortgage.

Quite frankly, if we terminate this program, it would amount to our turning our back on our obligations, because the 5-year research grants would mean that we have not fulfilled our obligation, which would be mortgages over $100 million. The early termination would especially hurt small businesses which receive almost 40 percent of ATP grants. Small businesses, unlike their larger counterparts, cannot afford to have the Federal Government suddenly drop out of the technology development partnership.

The appropriations bill cuts ATP by $40 million from last year's appropriated level, and the appropriation in this bill is identical to the authorization level passed by the House this spring. Let us remember what we did today. We refused to reduce the ATP program on a vote of 261–163. Surely we are not going to destroy this program that is working. So support a reasoned reform of ATP and reject this amendment.

The CHAIRMAN. The Chair would remind the Members that the gentleman from Indiana [Mr. HOSTETTLER] has 2½ minutes remaining. The gentleman from West Virginia [Mr. MOLLOHAN] has 1½ minutes remaining and the right to close.

Mr. HOSTETTLER. Mr. Chairman, I yield 2 minutes to the gentleman from New Hampshire [Mr. BASS].

Mr. BASS. I thank the gentleman from Indiana for yielding me this time.

Mr. Chairman, I think it is important that we understand what we are talking about here tonight. What we are talking about having is the taxpayers of this country financing research and development from some of the wealthiest and largest corporations in this country.

We have heard tonight that ATP develops technologies that private sector corporations and venture capital groups will not develop. First, this assertion contradicts the findings of the General Accounting Office study that addressed whether, in the absence of ATP funding, corporations or consortia would carry out the research anyway. According to the GAO survey, nearly half of the near winners continued their projects even though they were not awarded ATP funding. Of the entities granted ATP funds, 42 percent admitted that they would have continued their R&D project without Federal assistance, while 41 percent said they would not have.

We have also heard that without ATP funding, American businesses and start-up companies will not have sufficient capital to conduct R&D into cutting-edge technologies. Mr. Chairman, we have heard many times; in 1996 the venture capital industry in this country pumped more than $10 billion into new ventures, and last year alone companies raised more than $50 billion from initial stock offerings.

Let me also point out that the top four winners of ATP grants invested more than $20 billion of their own corporate resources into research and development. Remember, we are talking about $185 million versus $20 billion. That is twenty thousand million dollars that the private industry is putting in, and we are talking about $185 million.

Mr. Chairman, when do we end this business of the Federal Government giving something to everybody in this country? Let us get our priorities straight. Let us support the pending amendment before us this evening.

Mr. HOSTETTLER. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, this discussion has given credence to the old axiom that says that nothing is so absurd that if said often enough, people will start believing it. Those people who say that ATP is not corporate welfare I think are wrong. When you give hundreds of millions of dollars a year to multibillion-dollar corporations who have multibillion-dollar research and development budgets, that is corporate welfare, Mr. Chairman. I would urge that this body follow the precedents of last year and defund the ATP.

Mr. MOLLOHAN. Mr. Chairman, I yield the balance of my time to the gentlewoman from Oregon [Ms. HOOLEY].

Ms. HOOLEY of Oregon. Mr. Chairman, I rise today in opposition to this amendment. This, frankly, is an attempt to kill a good program that is having a positive impact on the American technology industry and the economy as a whole.

There is a small company, not a billionaire company, in my home State, called Planar America that is working to establish a United States presence in the flat panel display industry. Partly as a result of the ATP program, Planar has developed a means of refining the color in a remarkable technology called active matrix electroluminescence, which could rapidly become the display of choice in commercial video and military applications. But they are competing directly with companies in Japan working to beat them to the technology. The ATP program has played a key role in speeding up the development of this technology in an industry where timing is critical to future profits. In addition, Planar has invested more than an equal share in this effort as required by the program.

Let me be clear. The ATP is not a corporate giveaway. The government has a role in giving our Nation a jump start on certain high-risk innovations, and we have a responsibility to employ foresight in making our decisions. Obviously our economy and our workers stand only to benefit from this very nominal investment. I urge my colleagues to support our Nation's research and development and vote no on this amendment.

Mr. Chairman, I rise today in opposition to this amendment. This, frankly, is an attempt to kill a good program that is having a positive impact on the American technological industry and the economy as a whole.

ATP is not, as some of my colleagues will tell you, a hand-out to big American corporations. It is an investment that otherwise may not be made without the good sense and forethought of Members of this body. This is not about subsidizing individual companies; this is about the broad effects of the program on the United States economy.

The purpose of the program is to benefit entire industrial sectors that, in turn, create good jobs for U.S. workers in the future. Furthermore, it's a program that largely provides grants to small U.S. businesses. In fact, 47 percent of the current recipients are small businesses, with 75 percent of those businesses employing under 100 people.

For those who are less familiar with this program, let me give an example of how this program is making a difference for a particular industry, largely involving small companies. The flat-panel display industry has become one of the principal battlefields of international competition in electronics. While our Nation has dominated technology development in the computing industry, most of the flat-panel display technologies have come from foreign countries, especially those relating to color displays.

Computer manufacturing has been one of the most valuable industries for our Nation's economic growth with booming exports of personal computers to international markets. Yet we're allowing one of the most important components of that growth to be performed outside of the United States. The market for flat-panel displays is expected to reach $14 billion by the end of the decade. Our Nation can't afford to sell off this technology to foreign countries that are willing to adequately invest in its development.

One recipient of an ATP grant in my home State of Oregon, called Planar America, is working to establish a United States presence in that industry. Partly as a result of the ATP program, Planar has developed a means of refining the color in a remarkable technology called Active Matrix Electroluminescence, which could rapidly become the display of choice in commercial video and military applications.

But they are competing directly with companies in Japan working to beat them to the technology. The ATP program has played a key role in speeding up the development of this technology in an industry where timing is critical to future profits. In addition, Planar has invested more than an equal share in this effort, as required by the program.

Let me be clear. The ATP is not a corporate giveaway. The Government has a role in giving our Nation a jump start on certain high-risk innovations, and we have a responsibility to employ foresight in making our decisions. Obviously, our economy and our workers stand only to benefit from this nominal investment.

I urge my colleagues to support our Nation's research and development and vote no on this amendment.

Mrs. KENNELLY of Connecticut. Mr. Chairman, I rise in strong opposition to this amendment which would eliminate funding for the Advanced Technology Program.

The ATP program facilitates the development of technology that would benefit the U.S. economy. This is done by using a combination of Federal funding and industry funding to support research on high-risk, promising technologies that have the potential to significantly impact the Nation's economy. In today's highly competitive environment, the ATP program enables industry to pursue cutting edge technologies.

You might be interested to know that although U.S. software and computer companies lead the world in developing advanced, highly integrated systems for manufacturing; U.S. manufacturers as a whole trail their major foreign competitors in adopting these technologies. In my own State of Connecticut, United Technologies Corp. is working jointly with a number of other major industrial firms in an experiment on how our companies can adapt to new technology in a more efficient manner.

The ATP program lets modest Federal investments reap impressive rewards and keep America competitive in the global marketplace. Ending ATP would deny these companies the tools to expand our economy. And it would turn back the efforts of Democrats and Republicans who have helped the government help small business through these programs.

Everyone says they support a vibrant economy and an effective government. Let's show we match our rhetoric with action, and oppose this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana [Mr. HOSTETTLER].

The question was taken; and the Chairman announced that the noes appeared to have it.

### RECORDED VOTE

Mr. HOSTETTLER. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 177, noes 235, not voting 21, as follows:

[Roll No. 456]

### AYES—177

Aderholt
Andrews
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Barrett (WI)
Barton
Bass
Bereuter
Berry
Bilirakis
Bliley
Blunt
Boehner
Bono
Brady
Bryant
Bunning
Burton
Buyer
Callahan
Campbell
Canady
Cannon
Chabot
Chambliss
Chenoweth
Christensen
Coble
Coburn
Combest
Condit
Cooksey
Cox
Crane
Crapo
Cubin
Cunningham
Deal
DeLay
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehrlich
Emerson
Ensign
Everett
Foley
Forbes
Fowler
Fox
Franks (NJ)
Frelinghuysen
Ganske
Gillmor
Goodlatte
Goodling
Goss
Graham
Granger
Greenwood
Gutknecht
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Hulshof
Hunter
Hutchinson
Inglis
Istook
Jenkins
Johnson, Sam
Jones
Kasich
Kingston
Klug
Kolbe
Largent
Latham
Lewis (KY)
Linder
Livingston
LoBiondo
Lucas
Luther
Manzullo
McCollum
McHugh
McInnis
McIntosh
McIntyre
McKeon
Metcalf
Mica
Miller (FL)
Minge
Moran (KS)
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Pappas
Parker
Paul
Paxon
Pease
Peterson (MN)
Peterson (PA)
Pickering
Pitts
Pombo
Portman
Pryce (OH)
Radanovich
Ramstad
Redmond
Riggs
Riley
Rohrabacher
Roukema
Royce
Ryun
Salmon
Sanford
Scarborough
Schaefer, Dan
Schaffer, Bob
Sessions
Shadegg
Shaw
Shays
Shimkus
Shuster
Smith (MI)
Smith (NJ)
Smith (TX)
Smith, Linda
Snowbarger
Solomon

Souder
Spence
Stark
Stearns
Stump
Sununu
Talent
Thomas
Thornberry
Thune
Tiahrt
Upton
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weller
White
Whitfield
Wicker
Wolf

NOES—235

Abercrombie
Ackerman
Allen
Baesler
Baldacci
Barcia
Bartlett
Bateman
Becerra
Bentsen
Berman
Bilbray
Bishop
Blagojevich
Blumenauer
Boehlert
Bonior
Borski
Boswell
Boucher
Boyd
Brown (CA)
Brown (FL)
Brown (OH)
Burr
Calvert
Camp
Capps
Cardin
Carson
Castle
Clay
Clayton
Clement
Clyburn
Conyers
Cook
Costello
Coyne
Cramer
Cummings
Danner
Davis (FL)
Davis (IL)
Davis (VA)
DeFazio
DeGette
Delahunt
DeLauro
Dellums
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Ehlers
Engel
English
Eshoo
Etheridge
Evans
Ewing
Farr
Fattah
Fawell
Fazio
Filner
Ford
Frank (MA)
Frost
Furse
Gallegly
Gejdenson
Gekas
Gephardt
Gilchrest
Gilman
Goode
Gordon
Green
Gutierrez
Hall (TX)
Hamilton
Harman
Hefner
Hilliard
Hinchey
Hinojosa
Holden
Hooley
Houghton
Hoyer
Hyde
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Kanjorski
Kaptur
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kleczka
Klink
Knollenberg
Kucinich
LaFalce
LaHood
Lampson
Lantos
LaTourette
Leach
Levin
Lewis (CA)
Lewis (GA)
Lipinski
Lofgren
Lowey
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Millender-McDonald
Miller (CA)
Mink
Moakley
Mollohan
Moran (VA)
Morella
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Packard
Pallone
Pascrell
Pastor
Payne
Pelosi
Petri
Pickett
Pomeroy
Porter
Poshard
Price (NC)
Rahall
Rangel
Regula
Reyes
Rivers
Rodriguez
Roemer
Rogers
Ros-Lehtinen
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Scott
Sensenbrenner
Serrano
Sherman
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith, Adam
Snyder
Spratt
Stabenow
Stenholm
Stokes
Strickland
Stupak
Tanner
Tauscher
Tauzin
Taylor (MS)
Thompson
Thurman
Tierney
Torres
Towns
Traficant
Turner
Velázquez
Vento
Visclosky
Walsh
Waters
Watt (NC)
Waxman
Weldon (PA)
Wexler
Weygand
Wise
Woolsey
Wynn
Young (FL)

NOT VOTING—21

Bonilla
Collins
Flake
Foglietta
Gibbons
Gonzalez
Hall (OH)
Hansen
Hastings (FL)
Lazio
McCrery
McDade
Oxley
Quinn
Rogan
Schiff
Schumer
Smith (OR)
Taylor (NC)
Yates
Young (AK)

☐ 2233

Mrs. ROUKEMA, Mrs. NORTHUP, and Mr. BRADY changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

Mr. ROGERS. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. LATOURETTE) having assumed the chair, Mr. HASTINGS of Washington, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2267) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1998, and for other purposes, had come to no resolution there.

## LIMITING AMENDMENTS DURING FURTHER CONSIDERATION OF H.R. 2267, DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 1998

Mr. Speaker, I ask unanimous consent that during further consideration of H.R. 2267 pursuant to House Resolution 239:

(1) No further amendment shall be in order except: amendments printed before September 25, 1997, in the portion of the congressional Record designated for that purpose in clause 6 of rule XXIII; amendments numbered 2 and 3 in part 2 of House Report 105-264; one amendment offered by Representative Rogers of Kentucky after consultation with Representative Mollohan of West Virginia; one amendment to the amendment printed in the Congressional Record and numbered 4; and pro forma amendments offered by the chairman or ranking minority member of the Committee on Appropriations or their designees;

(2) each amendment shall be considered as read and (other than the amendments numbered 2 and 3 in part 2 of House Report 105-264 and the amendment numbered 4 and any amendment thereto) shall be debatable for 10 minutes equally divided and controlled by the proponent and an opponent;

(3) the amendment numbered 4 shall be debatable for 60 minutes equally divided and controlled by the proponent and an opponent, except that if an amendment thereto is offered before that debate begins, then the amendment and the amendment thereto shall be debatable for 30 minutes equally divided and controlled by the original proponent and opponent;

(4) the amendment numbered 4 may be offered only before noon on Friday, September 26, 1997, or after 5 p.m. on Monday, September 29, 1997;

(5) the amendment numbered 2 in House Report 105-264 may be offered only on Tuesday, September 30, 1997;

(6) the amendment numbered 4 and the amendment offered by Representative Rogers may be offered without regard to the stage of the reading;

(7) after the sum of the number of motions to strike out the enacting words of the bill (as described in clause 7 of rule XXIII) or that the Committee rise offered by Members of the minority party reaches three, the chairman of the Committee of the Whole may entertain another such motion during further consideration of the bill only if offered by the chairman of the Committee on Appropriations or the Majority Leader or their designee.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

## LEGISLATIVE PROGRAM

(Mr. ARMEY asked and was given permission to address the House for 1 minute.)

Mr. ARMEY. Mr. Speaker, I rise for the purpose of making an announcement to the House about the House's work schedule for the remainder of the legislative program.

Mr. Speaker, does the gentleman from West Virginia wish to comment on the unanimous-consent request?

Mr. MOLLOHAN. Mr. Speaker, will the gentleman yield?

Mr. ARMEY. I yield to the gentleman from West Virginia.

Mr. MOLLOHAN. Mr. Speaker, I would tell the gentleman, no. I thank the majority. We agree with it, and appreciate the opportunity to work it out. We are glad that we have worked it out, and look forward to further debate on the bill.

Mr. ARMEY. Mr. Speaker, of course I realize fully that the unanimous-consent request was completely understood by all the Members here, and that there could possibly be no questions related to it.

I know that it reminded me of that great Harry Bellafonte song, "It's clear as mud but it covers the ground," and everybody here is satisfied with where we are. I would like to take a moment, though, Mr. Speaker, to explain what this all means in our lives as Members as we plan the rest of our evening, the rest of the week and further consideration of this bill.

Let me begin, Mr. Speaker, with the good news. The good news is that there will be no more recorded votes this evening. Now, it only gets better from here, Mr. Speaker. The committee, again, the Members of the committee and the floor managers have once again tonight demonstrated that they continue to be willing to stay here and work on the bill even though the rest of us are free from the constraint of further votes this evening, and they will remain and continue to consider titles 2, 3, and 4 of the bill, and hopefully make good progress on those titles tonight. We will return tomorrow to consideration of the bill. The House will reconvene at 9 a.m. in the morning. It is our interest tomorrow to complete as much as is possible and hopefully altogether consideration of titles 5 and 6.

Members should understand and be assured that what we have obtained in this unanimous-consent request is a minimal number of dilatory or otherwise extracurricular votes. There will be some, but they will be minimal.

Furthermore, there are agreed-upon time limitations on some of the amendments. We ought to be able to proceed in consideration of this bill. But all Members should understand that we are no longer able, in order to achieve that much progress on the bill as is necessary to fit it into the work schedule for the remainder of the year and the impending end of the fiscal year, we may not be able tomorrow to be out by 2 o'clock, as is the expected time on Friday.

We should, however, feel quite confident that we can assure Members by virtue of this agreement that we will not work on Saturday or Sunday, and we will resume next week as scheduled. It is altogether possible, if things go well tomorrow, that we could make 2 o'clock, but Members need to understand that that might not be the case.

I want to thank everybody that has been a party to this agreement. If I may indulge myself for just a moment to put a rib on one of my colleagues from the other side of the aisle, I take a risk here, I know, but of course I always prey on his good sense of humor. The gentleman from California [Mr. MILLER], who is affectionately known on our side as the deacon of dilatoriness, has agreed with this, as we all have.

Mr. OBEY. Mr. Speaker, will the gentleman yield?

Mr. ARMEY. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Speaker, I think in plain English Members need to understand that that means tonight all votes will be rolled. The debate on the census will occur on Tuesday.

Mr. ARMEY. That is absolutely right. I appreciate that. Again, let me thank the Members. It has been my pleasure again this evening to speak to the House.

## DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 1998

The SPEAKER pro tempore. Pursuant to House Resolution 239 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 2267.

□ 2243

### IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 2267) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1998, and for other purposes, with Mr. HASTINGS of Washington in the chair.

The Clerk read the title of the bill.

□ 2245

The CHAIRMAN. When the Committee of the Whole House rose earlier today, amendment No. 12 offered by the gentleman from Indiana [Mr. HOSTETTLER] had been disposed of and the bill was open for amendment from page 42, line 5, to page 43, line 6.

The order of the House of today will be printed in the RECORD at this point.

The text of the order of the House of today is as follows:

During further consideration of H.R. 2267 pursuant to House Resolution 239:

(1) No further amendment shall be in order except: amendments printed before September 25, 1997, in the portion of the Congressional Record designated for that purpose in clause 6 of rule XXIII; amendments numbered 2 and 3 in part 2 of House Report 105–264; one amendment offered by Representative Rogers of Kentucky after consultation with Representative Mollohan of West Virginia; one amendment to the amendment printed in the Congressional Record and numbered 4; and pro forma amendments offered by the chairman or ranking minority member of the Committee on Appropriations or their designees;

(2) Each amendment shall be considered as read and (other than the amendments numbered 2 and 3 in part 2 of House Report 105–264 and the amendment numbered 4 and any amendment thereto) shall be debatable for 10 minutes equally divided and controlled by the proponent and an opponent;

(3) The amendment numbered 4 shall be debatable for 60 minutes equally divided and controlled by the proponent and an opponent, except that if an amendment thereto is offered before that debate begins, then the amendment and the amendment thereto shall be debatable for 30 minutes equally divided and controlled by the original proponent and opponent;

(4) The amendment numbered 4 may be offered only before noon on Friday, September 26, 1997, or after 5 p.m. on Monday, September 29, 1997;

(5) The amendment numbered 2 in House Report 105–264 may be offered only on Tuesday, September 30, 1997;

(6) The amendment numbered 4 and the amendment offered by Representative Rogers may be offered without regard to the stage of the reading;

(7) After the sum of the number of motions to strike out the enacting words of the bill (as described in clause 7 of rule XXIII) or that the Committee rise offered by Members of the minority party reaches three, the chairman of the Committee of the Whole may entertain another such motion during further consideration of the bill only if offered by the chairman of the Committee on Appropriations or the Majority Leader or their designee.

The CHAIRMAN. Are there further amendments to this portion of the bill which are in order under the order of the House?

Mr. ROGERS. Mr. Chairman, could I inquire where we are in the reading of the bill?

The CHAIRMAN. We are at page 43, line 6.

If there are no further amendments at this point, the Clerk will read.

The Clerk read as follows:

### SALARIES AND EXPENSES

For necessary expenses of administering the economic development assistance programs as provided for by law, $21,000,000: *Provided*, That these funds may be used to monitor projects approved pursuant to title I of the Public Works Employment Act of 1976, as amended, title II of the Trade Act of 1974, as amended, and the Community Emergency Drought Relief Act of 1977.

### MINORITY BUSINESS DEVELOPMENT AGENCY

### MINORITY BUSINESS DEVELOPMENT

For necessary expenses of the Department of Commerce in fostering, promoting, and developing minority business enterprise, including expenses of grants, contracts, and other agreements with public or private organizations, $25,000,000.

### ECONOMIC AND INFORMATION INFRASTRUCTURE

### ECONOMIC AND STATISTICAL ANALYSIS

### SALARIES AND EXPENSES

For necessary expenses, as authorized by law, of economic and statistical analysis programs of the Department of Commerce, $47,000,000, to remain available until September 30, 1999.

### ECONOMICS AND STATISTICS ADMINISTRATION REVOLVING FUND

The Secretary of Commerce is authorized to disseminate economic and statistical data products as authorized by sections 1, 2, and 4 of Public Law 91–412 (15 U.S.C. 1525–1527) and, notwithstanding section 5412 of the Omnibus Trade and Competitiveness Act of 1988 (15 U.S.C. 4912), charge fees necessary to recover the full costs incurred in their production. Notwithstanding 31 U.S.C. 3302, receipts received from these data dissemination activities shall be credited to this account, to be available for carrying out these purposes without further appropriation.

### BUREAU OF THE CENSUS

### SALARIES AND EXPENSES

For expenses necessary for collecting, compiling, analyzing, preparing, and publishing statistics, provided for by law, $136,499,000.

### PERIODIC CENSUSES AND PROGRAMS

Subject to the limitations provided in section 209, for expenses necessary to conduct the decennial census, $381,800,000, to remain available until expended.

In addition, for expenses to collect and publish statistics for other periodic censuses and programs provided for by law, $168,326,000, to remain available until expended.

### National Telecommunications and Information Administration

### SALARIES AND EXPENSES

For necessary expenses, as provided for by law, of the National Telecommunications and Information Administration (NTIA), $17,100,000, to remain available until expended: *Provided*, That notwithstanding 31 U.S.C. 1535(d), the Secretary of Commerce shall charge Federal agencies for costs incurred in spectrum management, analysis, and operations, and related services and such fees shall be retained and used as offsetting collections for costs of such spectrum services, to remain available until expended: *Provided further*, That hereafter, notwithstanding any other provision of law, NTIA shall not authorize spectrum use or provide any spectrum functions pursuant to the NTIA Organization Act, 47 U.S.C. 902–903, to any Federal entity without reimbursement as required by NTIA for such spectrum management costs, and Federal entities withholding payment of such cost shall not use spectrum: *Provided further*, That the Secretary of Commerce is authorized to retain and use as offsetting collections all funds transferred, or previously transferred, from other Government agencies for all costs incurred in telecommunications research, engineering, and related activities by the Institute for Telecommunication Sciences of the NTIA, in furtherance of its assigned functions under this paragraph, and such funds received from other Government agencies shall remain available until expended.

### PUBLIC BROADCASTING FACILITIES, PLANNING AND CONSTRUCTION

For grants authorized by section 392 of the Communications Act of 1934, as amended, $16,750,000, to remain available until expended as authorized by section 391 of the Act, as amended: *Provided*, That not to exceed $1,500,000 shall be available for program administration as authorized by section 391 of the Act: *Provided further*, That, notwithstanding the provisions of section 391 of the Act, the prior year unobligated balances may be made available for grants for projects for which applications have been submitted and approved during any fiscal year.

### INFORMATION INFRASTRUCTURE GRANTS

For grants authorized by section 392 of the Communications Act of 1934, as amended, $21,490,000, to remain available until expended as authorized by section 391 of the Act, as amended: *Provided*, That not to exceed $3,000,000 shall be available for program administration and other support activities as authorized by section 391: *Provided further*, That of the funds appropriated herein, not to exceed 5 percent may be available for telecommunications research activities for projects related directly to the development of a national information infrastructure: *Provided further*, That, notwithstanding the requirements of section 392(a) and 392(c) of the Act, these funds may be used for the planning and construction of telecommunications networks for the provision of educational, cultural, health care, public information, public safety, or other social services.

### Patent and Trademark Office

### SALARIES AND EXPENSES

For necessary expenses of the Patent and Trademark Office provided for by law, including defense of suits instituted against the Commissioner of Patents and Trademarks, $27,000,000, to remain available until expended: *Provided*, That the funds made available under this heading are to be derived from deposits in the Patent and Trademark Office Fee Surcharge Fund as authorized by law: *Provided further*, That the amounts made available under the Fund shall not exceed amounts deposited; and such fees as shall be collected pursuant to 15 U.S.C. 1113 and 35 U.S.C. 41 and 376, shall remain available until expended.

### Technology Administration

### UNDER SECRETARY FOR TECHNOLOGY/OFFICE OF TECHNOLOGY POLICY

### SALARIES AND EXPENSES

For necessary expenses for the Under Secretary for Technology/Office of Technology Policy, $8,500,000, of which not to exceed $1,600,000 shall remain available until September 30, 1999.

### Science and Technology

### National Institute of Standards and Technology

### SCIENTIFIC AND TECHNICAL RESEARCH AND SERVICES

For necessary expenses of the National Institute of Standards and Technology, $282,852,000, to remain available until expended, of which not to exceed $1,625,000 may be transferred to the "Working Capital Fund".

### INDUSTRIAL TECHNOLOGY SERVICES

For necessary expenses of the Manufacturing Extension Partnership of the National Institute of Standards and Technology, $113,500,000, to remain available until expended, of which not to exceed $300,000 may be transferred to the "Working Capital Fund".

In addition, for necessary expenses of the Advanced Technology Program of the National Institute of Standards and Technology, $185,100,000, to remain available until expended, of which not to exceed $74,100,000 shall be available for the award of new grants, and of which not to exceed $500,000 may be transferred to the "Working Capital Fund".

### CONSTRUCTION OF RESEARCH FACILITIES

For construction of new research facilities, including architectural and engineering design, and for renovation of existing facilities, not otherwise provided for the National Institute of Standards and Technology, as authorized by 15 U.S.C. 278c–278e, $111,092,000, to remain available until expended: *Provided*, That of the amounts provided under this heading, $94,400,000 shall be available for obligation and expenditure only after submission of a plan for the expenditure of these funds, in accordance with section 605 of this Act.

Ms. LOFGREN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I think we may be getting a little ahead of ourselves.

The CHAIRMAN. Is the gentlewoman from California [Ms. LOFGREN] the designee of the gentleman from West Virginia [Mr. MOLLOHAN]?

Mr. MOLLOHAN. Yes, Mr. Chairman.

Ms. LOFGREN. Mr. Chairman, reclaiming my time, I had an amendment to offer and we had been discussing having a colloquy. Are we prepared to do our colloquy, Mr. Chairman?

Mr. ROGERS. Mr. Chairman, I am prepared.

Ms. LOFGREN. Mr. Chairman, as you know, I had an amendment regarding El Nino research. El Nino in extreme weather is of great concern to all Americans and every Member of this House on both sides of the aisle. I was concerned that the current state of the bill might not allow the research that we all want to have happen.

However, I did want to inquire of the chairman, knowing of his great concern, and engage in a colloquy with him on this subject.

Mr. ROGERS. Mr. Chairman, will the gentlewoman yield?

Ms. LOFGREN. I yield to the gentleman from Kentucky.

Mr. ROGERS. Mr. Chairman, I appreciate the concerns of the gentlewoman from California [Ms. LOFGREN] about the climate and global change research program.

The bill provides $70 million for these research programs. This is a $2 million increase over the current level. I understand there is a difference in funding between the House and Senate. But I would be happy to work with the gentlewoman from California [Ms. LOFGREN] as we move to that conference.

Ms. LOFGREN. Mr. Chairman, reclaiming my time, I thank the gentleman from Kentucky [Mr. ROGERS]. And based on that, I do not intend to offer my amendment. I look forward to working with my colleague in the hope that we can achieve our mutual goal. I thank the gentleman very much for engaging with me on this.

The CHAIRMAN. Are there further amendments to this paragraph?

Hearing none, the Clerk will read.

The Clerk read as follows:

### National Oceanic and Atmospheric Administration

### OPERATIONS, RESEARCH, AND FACILITIES

### (INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of activities authorized by law for the National Oceanic and Atmospheric Administration, including maintenance, operation, and hire of aircraft; not to exceed 270 commissioned officers on the active list as of September 30, 1998; grants, contracts, or other payments to nonprofit organizations for the purposes of conducting activities pursuant to cooperative agreements; and relocation of facilities as authorized by 33 U.S.C. 883i; $1,406,400,000, to remain available until expended: *Provided*, That, notwithstanding 31 U.S.C. 3302 but consistent with other existing law, fees shall be assessed, collected, and credited to this appropriation as offsetting collections to be available until expended, to recover the costs of administering aeronautical charting programs: *Provided further*, That the sum herein appropriated from the General Fund shall be reduced as such additional fees are received during fiscal year 1998, so as to result in a final General Fund appropriation estimated at not more than $1,403,400,000: *Provided further*, That any such additional fees received in excess of $3,000,000 in fiscal year 1998 shall not be available for obligation until October 1, 1998: *Provided further*, That fees and donations received by the National Ocean Service for the management of the national marine sanctuaries may be retained and used for the salaries and expenses associated with those activities, notwithstanding

31 U.S.C. 3302: *Provided further*, That in addition, $62,381,000 shall be derived by transfer from the fund entitled "Promote and Develop Fishery Products and Research Pertaining to American Fisheries": *Provided further*, That grants to States pursuant to sections 306 and 306A of the Coastal Zone Management Act of 1972, as amended, shall not exceed $2,000,000: *Provided further*, That of the $1,498,681,000 provided for in direct obligations under this heading (of which $1,403,400,000 is appropriated from the General Fund, $67,581,000 is provided by transfer, and $27,700,000 is derived from unobligated balances and deobligations from prior years), $219,624,000 shall be for the National Ocean Service, $326,943,000 shall be for the National Marine Fisheries Service, $237,463,000 shall be for Oceanic and Atmospheric Research, $511,154,000 shall be for the National Weather Service, $119,835,000 shall be for the National Environmental Satellite, Data, and Information Service, $66,712,000 shall be for Program Support, $5,000,000 shall be for Fleet Maintenance, and $11,950,000 shall be for Facilities Maintenance: *Provided further*, That unexpended balances in the accounts "Construction" and "Fleet Modernization, Shipbuilding and Conversion" shall be transferred to and merged with this account, to remain available until expended for the purposes for which the funds were originally appropriated.

Mr. MOLLOHAN. Mr. Chairman, I move to strike the last word.

I thank the chairman for giving me this time here tonight, and I would like to give the opportunity for a couple of Members to talk about their amendment if they would like to. Mr. Chairman, these amendments are being included in the chairman's manager's amendment and this gives them an opportunity to speak to their amendments.

Mr. Chairman, I yield to the gentlewoman from New York [Mrs. LOWEY].

Mrs. LOWEY. Mr. Chairman, this amendment, which is partially based upon the amendment I filed on behalf of myself, the gentleman from Maryland [Mr. GILCHREST], the gentleman from Delaware [Mr. CASTLE], the gentleman from New Jersey [Mr. PALLONE], the gentleman from North Carolina [Mr. JONES], the gentleman from New York [Mr. BOEHLERT], and the gentlewoman from North Carolina [Mrs. CLAYTON], is in response to one simple fact: our coastal waters are in trouble.

It is hard to read the newspaper lately and not come across a story about toxic Pfiesteria, brown tides, and ecological dead zones in our Nation's coastal waters. From the Long Island Sound to the Chesapeake Bay, from Louisiana to Oregon, fish kills, contaminated shellfish beds, beach closures, deteriorating coral reefs, and harmful algae blooms are taking an enormous toll both on the environment and the economies of our coastal areas.

While the specific sources of coastal pollutants are not always clear, the leading cause of water quality impairment in these areas and all of our bays, lakes and rivers is nonpoint source pollution, polluted runoff from city streets, farms, and a variety of other sources. In fact, nonpoint pollution is our Nation's number one water pollution problem.

To tackle these threats to our coastal areas' economic and ecological vitality, Congress established the Coastal Nonpoint Pollution Control Program under the National Oceanic and Atmospheric Administration in 1990. This program provides technical and financial assistance to States to address the water pollution threats to coastal waters.

Working with NOAA and the EPA, coastal States have invested millions of dollars crafting runoff control programs. My own State of New York has invested considerable effort in developing a plan that will benefit Long Island Sound, the Hudson River, the Great Lakes, and the New York City Watershed. Many State plans are ready for implementation, but Federal support for their efforts has not been provided since 1995.

NOAA's Coastal Nonpoint Pollution Program is the only Federal program which holds real promise for reducing nonpoint source pollution, and it is critical that we provide funding to make sure that States continue to make progress.

I want to personally thank the gentleman from Kentucky [Mr. ROGERS] and the gentleman from West Virginia [Mr. MOLLOHAN] for their help in working with us to provide funding for this important program. The agreement we have reached will provide $1 million, the full amount demanded by the administration, to assist States that have already developed management plans.

The evidence is clear that our coastal waters are sick. It is time that we step up to the plate and wage war on these contaminants. The money is a down payment on our environmental future. The needs among coastal States are clearly greater.

I look forward to working with my colleagues on both sides of the aisle to provide more funding next year.

Mr. MOLLOHAN. Mr. Chairman, I yield to the gentleman from New York [Mr. BOEHLERT].

Mr. BOEHLERT. Mr. Chairman, I support the amendment.

Mr. Chairman, I rise this evening in strong support of the Lowey-Gilchrest-Castle-Boehlert Amendment. Protecting our nation's coastal waters from nonpoint source pollution is one of the greatest water quality challenges facing our nation. We must do more to address coastal nonpoint sources of pollution and this amendment is an important step in the right direction.

Today, over half of all water quality impairment in the United States is caused by nonpoint source pollution and coastal waters have proven to be exceptionally vulnerable to this source of pollution. Recent fish kills on the Pocomoke and Manokin Rivers in southern Maryland are just a glimpse at what may be ahead for America's coastal resources. Failure to significantly reduce nonpoint sources of water pollution will place in jeopardy the biological, commercial, and recreational viability of every beach, bay and estuary in America.

It should be noted that over 75% of all fish harvested by American commercial fishermen begin their lives in estuaries like the Chesapeake.

"Pfiesteria hysteria" is not completely unfounded. Pfiesteria-like organisms reside in coastal waters on the East Coast, the West Coast, the Gulf of Mexico and throughout the Great Lakes. The time has come to rethink our clean water paradigm.

In the last 25 years the Federal government has spent over $60 billion to assist communities in addressing point sources of pollution. However, during this same period the Federal government has spent less than $1 billion addressing nonpoint source pollution—the cause of over half the water quality impairment in America. We must reform the nonpoint source pollution provisions of the Clean Water Act, the section 6217 program, and our spending priorities to address this reality.

As the Chairman of the Water Resources and Environment Subcommittee, which has jurisdiction over both the CWA and the Coastal Zone Management Section 6217 program, I urge all my colleagues to support this modest increase in funding for the Coastal Nonpoint Pollution Control Program administered by NOAA.

Mr. MOLLOHAN. Mr. Chairman, I yield back the balance of my time.

AMENDMENT OFFERED BY MR. ROGERS

Mr. ROGERS. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. ROGERS:

Page 51, line 5, after the dollar amount insert "(increased by $1,500,000)".

Page 51, line 11, after the second dollar amount insert "(increased by $1,500,000)".

Page 51, line 14, after the dollar amount insert "(increased by $1,500,000)".

Page 51, line 16, after the dollar amount insert "(increased by $4,000,000)".

Page 51, line 23, after the dollar amount insert "(reduced by $2,500,000)".

The CHAIRMAN. The gentleman from Kentucky [Mr. ROGERS] and a Member in opposition each will be recognized for 5 minutes.

Mr. ROGERS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I am offering the amendment on behalf of our colleagues the gentlewoman from New York [Mrs. LOWEY] and the gentleman from Maryland [Mr. HOYER] and, in addition, to address an issue of concern to the gentleman from New Jersey [Mr. SAXTON].

The amendments are combined in this manager's amendment and provides $3 million for the National Ocean Service to address the problem of Pfiesteria and $1 million for the Nonpoint Source Pollution Program. This amendment has been worked on from the outset by the colleagues that I have mentioned, and they have put much time and effort into the proposal that we are offering here this evening.

Mr. Chairman, I yield as much time as she may consume to the gentlewoman from New York [Mrs. Lowey].

Mrs. LOWEY. Mr. Chairman, I thank the gentleman from Kentucky [Mr. Rogers] for yielding. However, during this unusual procedure, since I already had the privilege of speaking on this very important nonpoint pollution source amendment, I want to thank the gentleman from West Virginia [Mr. Mollohan] for his cooperation.

☐ 2300

Mr. ROGERS. Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey [Mr. Pallone].

Mr. PALLONE. Mr. Chairman, I want to thank the gentleman from Kentucky [Mr. Rogers], the gentlewoman from New York [Mrs. Lowey] and the other sponsors of this amendment to come to this agreement that provides $1 million for the Coastal Nonpoint Source Pollution Control Program. This is the level requested in the President's budget and is the first funding for this program in 2 years. The program is critical to coastal states because nonpoint source pollution is the leading cause of pollution along our Nation's coasts.

I represent the New Jersey shore where our entire way of life, our economy and the health and safety of our residents is dependent on the quality of our coastal waters. I know that it is the same for coastal communities throughout the country.

The effect of nonpoint source pollution on coastal areas can be devastating, as we have all seen over the last several weeks with what is happening in the Chesapeake Bay. I just want to say, according to a recent report by the Natural Resources Defense Council, coastal nonpoint source pollution is now the leading cause of beach closings nationwide. In fact, over half of the beach closings and advisories last year for which there was a determined cause, 893 of 1,627 closings and advisories were caused by nonpoint source pollution.

We have come a long way over the last 25 years to cleaning up our Nation's waters, but now nonpoint source pollution is the final frontier in water pollution. But it is by working together as we are today that we are finally going to take this step and finally accomplish the goal of the Clean Water Act, and that is swimmable, fishable waters. This will go a long way toward accomplishing that.

Mr. ROGERS. Mr. Chairman, I yield the balance of my time to the gentleman from Maryland [Mr. Hoyer].

Mr. MOLLOHAN. Mr. Chairman, I yield the balance of my time to the gentleman from Maryland [Mr. Hoyer].

The CHAIRMAN. The gentleman from Maryland [Mr. Hoyer] is recognized for 7 minutes.

Mr. HOYER. Mr. Chairman, I want to rise on behalf of the Members from both sides of the aisle from Delaware, Maryland, Virginia, North Carolina, South Carolina, Georgia and Florida. We are very appreciative, all of us, to the gentleman from Kentucky [Mr. Rogers] for helping us work on this amendment and thank very much the distinguished gentleman from West Virginia [Mr. Mollohan] for his assistance in coming to this agreement.

So that the body understands, this amendment is in two parts. The gentlewoman from New York [Mrs. Lowey], the gentleman from New Jersey [Mr. Pallone]), the gentleman from Massachusetts [Mr. Tierney] and others offered an amendment which will add $1 million to nonpoint source research for the National Oceanographic and Atmospheric Administration. This amendment that I rise to offer on behalf of my colleagues from the States I mentioned is appropriating $3 million to NOAA to assist the States in determining the factors responsible for the toxic organism pfiesteria.

Clearly NOAA is one of the best equipped Federal agencies with the technical expertise and the scientific know-how to determine the causes and controls of pfiesteria outbreaks. NOAA's recently established interagency national research program called Ecohab will use this funding to understand what pfiesteria is and why it morphs into a toxic state, and to establish ways to react to outbreaks when they occur.

Moreover, $1 million of this funding will be used by NOAA to assist the affected States in expanding, monitoring and developing new, more rapid techniques for identifying the toxic phase of pfiesteria as well as the environmental conditions potentially conducive to these outbreaks. This enhanced monitoring support will be essential to overcoming the difficulty in detecting pfiesteria outbreaks because of the sporadic nature of the organism and the rapid response needed to observe the toxic phase.

Mr. Chairman, the Federal Government has a responsibility, a duty, to assist the States, however possible, in this fight. It will be important that the Congress give the agencies the necessary tools to accomplish this task. This funding will be yet another important step in the Congress' response to this ongoing problem.

I want to thank, as I said earlier, the gentleman from Kentucky [Mr. Rogers] and the gentleman from West Virginia [Mr. Mollohan] for their help.

Mr. CASTLE. Mr. Chairman, will the gentleman yield?

Mr. HOYER. I yield to the gentleman from Delaware [Mr. Castle], the distinguished former Governor of Delaware, who saw this problem as a Governor, and now as a legislator in the Federal Congress is dealing with it.

Mr. CASTLE. Mr. Chairman, I thank the gentleman from Maryland for yielding. I thank everybody who has had anything to do with putting all of this together. The problems of pfiesteria and algae, which we have seen this summer all the way from parts of New York all the way perhaps down to Florida, have been tremendous. In my judgment, the only way to really coordinate and to attack from the point of view of doing something about it, worrying about what it is doing to both fish and to human beings, is to do it on a national level. We simply had to shift some of the funding, and the subcommittee has been extremely cooperative in helping to put this together.

Experts have testified on the Hill today. The various States are getting involved in trying to coordinate their efforts also. I think for all these reasons we are finally beginning to address the problems that may be from the point or nonpoint sources. We do not know. We are going to find it, and this is a tremendous start.

Mr. CARDIN. Mr. Chairman, will the gentleman yield?

Mr. HOYER. I yield to the distinguished gentleman from Maryland [Mr. Cardin] from the Baltimore region, but also impacting on the Chesapeake Bay.

Mr. CARDIN. Mr. Chairman, I want to thank the gentleman from Maryland (Mr. Hoyer) and all of those involved for arranging for this amendment to be offered. I strongly support it. Pfiesteria is a very serious problem that we have all along the east coast of the United States. It is responsible for major fish kills, for the closing of recreational and commercial waterways, and it is a major health problem for the people of our region. This is an extremely serious matter. I am very pleased that the Federal Government is moving in with funds to try to deal with this problem. It is a good amendment, and I strongly support it. Once again, I congratulate my colleague for his leadership in this area.

Mr. HOYER. I thank the gentleman from Maryland.

Mrs. CLAYTON. Mr. Chairman, will the gentleman yield?

Mr. HOYER. I yield to the gentlewoman from North Carolina, who has worked so hard on this issue.

Mrs. CLAYTON. I thank the gentleman for yielding.

Mr. Chairman, this is an important issue. I thank all of those who have allowed us to come to the floor. Hopefully through research we will resolve this issue.

Mr. TIERNEY. Mr. Chairman, will the gentleman yield?

Mr. HOYER. I yield to the gentleman from Massachusetts.

Mr. TIERNEY. Mr. Chairman, I rise in support of the provision of money for the Coastal Nonpoint Source Pollution Control Program.

Mr. Chairman, I rise to join my colleagues who are offering this amendment in voicing my strong support. I commend those Members who have worked diligently to provide funding for this important program, and I am extremely pleased that the chairman of the subcommittee has agreed to provide $1 million in much needed funding.

Mr. Chairman, the Massachusetts Audubon Society has been tracking this issue and has reported some alarming facts about pollution that is damaging the coasts of Massachusetts.

According to the Massachusetts Audubon Society, pollution levels have been measured at 1,000 times higher than existing water quality standards for the safe consumption of shellfish and 100 times higher than is considered safe for swimming in some areas.

Aside from protecting our environment, fighting pollution can also yield significant economic benefits. Adequate funding to address this problem will help open the shell fishing beds for harvest, promote increased tourism, and generally enhance fishing, swimming, boating, bird watching, and other recreational activities.

I am also pleased to note that this funding will boost other initiatives that we have taken to improve the lives of the people of Massachusetts, including funds for improvements to wastewater treatment facilities as well as the Essex Heritage area in Essex County and Merrimac Valley areas of Massachusetts.

The combined result will be a healthier environment, cleaner coastal regions and waterways, and more effective wastewater treatment programs. Providing money for the Coastal Nonpoint Pollution Control Program is a positive and necessary part of this process.

Mr. ETHERIDGE. Mr. Chairman, will the gentleman yield?

Mr. HOYER. I yield to the gentleman from North Carolina.

Mr. ETHERIDGE. Mr. Chairman, I want to thank the gentleman from Maryland and all of those who have worked so hard. This has had a significant impact on my home State. We have lost over a billion fish, and an awful lot of people have been sick. I thank the gentleman for the efforts that have gone forward on this.

Mr. Chairman, I am proud to cosponsor this amendment with the gentleman from Maryland and with many of my colleagues from North Carolina and other mid-Atlantic States. I want to commend the gentleman from Maryland, [Mr. HOYER] for his leadership on this issue. For many years he has played a leading role in protecting the environment and cleaning up the waterways of his beautiful State and across the country. He has now taken the lead in bringing the problem of pfiesteria to the national stage and for what I want to express my sincere gratitude.

I also want to thank my colleagues in the House for taking the first step on this issue by providing $7 million in the recent appropriations bill for the Centers for Disease Control and Prevention to monitor, research, and react to the public health effects of pfiesteria.

Since 1991 over 1 billion fish have been killed in North Carolina alone as a result of pfiesteria. Recently, fish kills have also been reported in Maryland and it is feared that past fish kills in other States may have been caused by pfiesteria. Pfiesteria has been blamed for sores, burning skin, respiratory ailments, and short-term memory loss in human beings. This is a serious public health and environmental issue that requires national leadership. Pfiesteria has become a genuine and immediate public health concern for at least seven States between Delaware and Florida and if not address its eventual impact could go far beyond these States. Like fish, pfiesteria knows of no State boundaries. Our natural resources and our waterways are simply too valuable for us not to act to protect them and the public health.

I urge my colleagues to join me in support of this $3 million appropriation for the National Oceanic and Atmospheric Administration [NOAA] to effectively respond to pfiesteria and pfiesteria-like conditions throughout the eastern seaboard. NOAA has the mechanisms in place to study and assess the causes and how we can begin to control pfiesteria. I hope this marks the beginning of a strong Federal-State partnership to protect American citizens, our waterways, and the marine life in them that is so important to our food supply.

Again, I want to thank the gentleman from Maryland for taking the lead on this issue. Mr. Chairman, I urge my colleagues to vote "yes" on this important amendment.

Mr. GILCHREST. Mr. Chairman, will the gentleman yield?

Mr. HOYER. I yield to the distinguished gentleman from Maryland, my very good friend, who probably works as hard on these issues as anybody I know and does so with great knowledge and great sensitivity. I am proud that he is a Member of our delegation.

Mr. GILCHREST. Mr. Chairman, I thank the gentleman from Maryland [Mr. HOYER] and those distinguished people and staff that have worked on this process for many, many months now to achieve an end that we are all seeking.

When we deal with these kinds of issues, which are basically scientifically driven, we as policymakers sometimes find it difficult to understand the mechanics of all of the details. But what we need to understand is that it is time to understand the mechanics of natural processes and how they impact all of us and the quality of our lives. I would just leave my colleagues with this statement to drive policy for environmental issues: Mortgage payments and lung tissue. We have got to have both.

Mr. HOYER. I thank the gentleman for his comment.

Mr. Chairman, I also want to mention in particular the gentleman from North Carolina [Mr. MCINTYRE] and the gentleman from North Carolina [Mr. HEFNER], the gentlewoman from Maryland [Mrs. MORELLA], the gentleman from Maryland [Mr. WYNN], the gentleman from Maryland [Mr. EHRLICH] and the gentleman from North Carolina [Mr. PRICE] who have joined with us in the offering of this amendment along with, as I said, the other Members from the Atlantic Coast States.

I want to in closing again thank the gentleman from Kentucky [Mr. ROGERS] and the gentleman from West Virginia [Mr. MOLLOHAN], who have worked very closely, I know, with the gentlewoman from New York [Mrs. LOWEY] and her staff on the nonpoint source pollution, which, of course, is very much a part of the pfiesteria problem so that this is a very closely related issue.

I want to thank Jennifer Miller as well, who has been so conscientious in assisting us to get this agreement.

We thank the gentleman from Kentucky very much, all of us who know that this issue is so critically important to our States, to our people, to the economy as well as the ecology of our waterways and our land.

Mr. SAXTON. Mr. Chairman, part of Mr. ROGERS' amendment addresses an important matter regarding the Atlantic herring and mackerel fishery. This amendment would reduce the operations, research and facilities account for the National Oceanic and Atmospheric Administration. This account funds the National Marine Fisheries Service. The purpose of the amendment is to prohibit any fiscal year 1998 funds to be used by the Department of Commerce to issue or renew a fishing permit or authorization for any fishing vessel of 165 feet in length or larger and of 3,000 or more horsepower.

By way of background, on July 28, 1997, the House of Representatives approved an emergency measure, H.R. 1855, to place a moratorium on the entrance of new large fishing vessels in the Atlantic herring and mackerel fisheries. These stocks are under an imminent threat. There are up to four huge factory trawler/freezer vessels which are poised to enter this fishery within a very short timeframe. One such vessel plans to begin harvesting this fall and is working feverishly to obtain the necessary permits, despite the overwhelming vote of the House.

As the subcommittee chairman of the authorizing committee, I am extremely concerned about this threat to these fisheries. This is a potentially disastrous situation that needs to be remedied quickly. Based on testimony before the Subcommittee on Fisheries Conservation, Wildlife and Oceans, it is clear that the mackerel fishery can only sustain a 150,000 metric ton annual harvest. The capacity of each of these vessels exceeds 50,000 metric tons per year. Three of these large fishing vessels would easily meet and possibly exceed this harvest within 1 year. It is not clear that the resource can withstand this massive fishing effort and remain viable. Because of this threat to the resource off the East Coast, I feel compelled to offer this amendment to implement emergency action for 1 year through the appropriations process.

During this 1-year cooling off period, it will be possible to obtain the necessary population data so that the Department of Commerce can make an accurate forecast of how many fish can be caught—before another crisis occurs.

The limitation contained in this amendment closely parallels the authorization bill I introduced on the matter, H.R. 1855, which passed the authorizing committee, House Resources, with no objection. It also was debated on the House Floor on July 27, during which there was not one word of dissent. It passed on suspension of the rules by voice vote. Its vocal supporters include DON YOUNG, Resources Committee chairman, GEORGE MILLER, Resources Committee ranking Democratic member, NEIL ABERCROMBIE, Subcommittee on Fisheries Conservation, Wildlife and Oceans ranking Democratic member.

The NMFS seems content to wait until the stocks crash before taking action to protect these fisheries. We have seen how the agency's inaction has caused precipitous declines in the Gulf of Mexico with redfish, in the Atlantic with sharks, in the Pacific with sea urchins and in New England with cod and haddock. As someone who has witnessed the pain and economic suffering experienced by those fishermen, I do not believe that we should fish now and pay later. We must end this cycle of destroying our resources without knowing how much fishing pressure they can endure. Help me to conserve our Atlantic herring and mackerel stocks.

Mr. PALLONE. Mr. Chairman, I rise today to speak on an amendment that will protect a resource in my district from being overutilized and depleted.

This amendment, introduced by the chairman of the Fisheries Conservation, Wildlife, and Oceans Subcommittee, serves to prohibit large fishing vessels from obtaining a permit and engaging in the harvest of Atlantic herring and Atlantic mackerel within our EEZ waters.

I believe that we must prohibit large vessels from the Atlantic herring and mackerel fishery until accurate information has been collected. To date, no ship of this size has fished this vulnerable fishery. There is no way for us to know how a large vessel would effect the fishery.

Mr. Chairman, large vessels have the potential of depleting any fishery and have it overutilized in a short amount of time. Large fishing trawlers are highly efficient and have the ability to harvest five or six times more than any vessel currently registered on the Atlantic Coast.

Furthermore, the processing capacity of large vessels is so great that they, themselves, can fill fishing quotas. As a result, these ships would compromise the Atlantic herring and the Atlantic mackerel fishing seasons. Mr. Chairman, if you are not aware, stock quotas are spread over a number of ships and are not designed to be filled by a small percentage of ships.

My fear is that a large, highly efficient ship could close a fishery and reduce its stock simply by the number of fish it can catch.

I am also concerned with the National Marine Fisheries Service's ability to react to this fishery if overutilization occurs and the fishery needs to shut down. If a ship of this size is allowed to harvest this fishery, and there is a mistake as to the size of the herring and mackerel stock, we will have a problem. If we are to guess as to the size of the stock and its preservation, I would rather make the mistake on the side of conservation, no exploitation.

In the past, we have encouraged highly efficient gears to fish underutilized stocks. In the 1980's we redirected efforts towards the shark species. At the time, sharks were considered to be underutilized. As a result, a drop in various sharks species has occurred. We must now take emergency measures in protecting those shark species. Mr. Chairman, have we not learned from our past mistakes?

A vote in support of this amendment is a vote for conservation and a vote for the protection of one of our largest public resources. This is an opportunity for Members of the House to protect a fish stock not only for those fishermen whose livelihood depends on this resources, but for future generations of fisherman as well. As a member of the subcommittee on Fisheries Conservation, Wildlife and Oceans, I strongly urge my colleagues to support and pass this amendment.

Mrs. MORELLA. Mr. Chairman, I rise in strong support of the amendment. It provides $3 million for NOAA's national ocean service account to help States with scientific and technical assistance in the fight against pfiesteria. This amendment is needed to enable NOAA to better assist States—NOAA has the expertise to help states to study and analyze the causes of, and possible solutions to, the fish kills linked to pfiesteria in several Chesapeake Bay tributaries.

The States of Maryland and Virginia, and possibly several others, face a very serious threat to the health of our ecosystem and watersheds. The toxic outbreaks of pfiesteria also have had an adverse impact on our fishing industry, our tourism industry, and the health of some of our citizens. We must do everything possible to assist the affected States in responding to this challenge. The funding provided through this amendment will ensure that the States have access to the expertise needed to adequately respond not only to this regional problem, but also to avoid future recurrences nationwide.

I urge my colleagues to vote for the amendment. Give the States the scientific and technical assistance they need to effectively respond to this environmental and public health threat.

Mr. DELAHUNT. Mr. Chairman, more than 20 years ago, my predecessor in this Chamber helped enact landmark legislation to ensure that foreign fleets would no longer be allowed to deplete fish stocks off our coasts. Well, here we go again. Unless this amendment is approved, factory trawlers are poised to return—this time with advanced technology aimed at two of the few healthy stocks we still have left: Atlantic herring and mackerel.

In late July, this House passed legislation banning factory trawlers from harvesting Atlantic herring and mackerel until a fisheries management plan is in place. Similar legislation is pending before the other chamber.

Even since then, a great deal has happened that brings the devastation of mackerel and groundfish stocks off the New England coast closer to a reality.

At least one factory trawler has been granted an exemption by the National Marine Fisheries Service [NMFS] and, as we debate, is being retrofitted to set sail for the waters off the New England coast. This one vessel alone is capable of harvesting 50,000 metric tons of mackerel a year—a third of the sustainable yield for the whole Atlantic coast—not to mention the likely impact of bycatch from this harvest on haddock and scores of other marine species.

And now, we learn that at least two other factory trawlers may be charting course for the east coast. A classified advertisement, in the October issue of "National Fisherman," seeks "captains, mates, engineers, deckhands * * * to fill positions" on "two freeze trawlers locating on U.S. East Coast to fish herring and mackerel."

This is an emergency. If you had heard the testimony at last spring's hearing, it would be alarmingly clear that no one—including NMFS—knows enough about the population dynamics of herring and mackerel to risk placing such enormous new pressures on these species. And those of us who live in the coastal communities which depend upon them to sustain a healthy economy. Without this amendment, we stand to repeat the mistakes of the past.

Everything we've gained these past decades is at risk if we don't pass this amendment.

In the late 1960's and early 1970's, large Russian and Polish vessels plied our shores and threatened to decimate our fishing industry and our stocks. It took the passage of the Magnuson Act to push them from our waters, leaving what we thought was plenty of fish to go around. Less than a year after the House reauthorized that statute, we face the prospect of factory vessels again invading our fisheries. This is absurd.

New England fishermen—already stressed by declining stocks, higher prices, and shortened seasons—continue to face bleak times as we await the slow process of rebuilding groundfish stocks. Already, we have too many boats chasing too few fish; and far too many vessels that will never again go to sea at all. To allow these huge trawlers to return would be a disaster of major proportion.

Unless we pass this amendment, local fleets trying to diversify their harvests will be driven from the seas, with drastic consequences to their livelihood and way of life.

For the sake of both fish and the fishermen, it is my own hope that the Fisheries Council will implement management plans that make further congressional action unnecessary. This House spoke clearly in July and I urge my colleagues to join in supporting this amendment, to show that we can learn from our mistakes.

Mrs. MORELLA. Mr. Chairman, I rise in strong support of the Lowey-Gilchrest-Castle-Pallone-Jones amendment.

This amendment will provide critical funding to the NOAA budget for the development and implementation of nonpoint source pollution plans. States, in conjunction with businesses and farmers, will be able to establish programs to control the run-off from farms and communities that have been associated with the recent pfiesteria outbreak in several Chesapeake Bay tributaries and the deaths of thousands of fish and manatees in Florida. Such programs are critical if we are to preserve not only our beaches and the health of our citizens, but to protect the tourism and fisheries industries in coastal states.

I commend the chairman and ranking minority member for their understanding and support for this effort. Vote "yes" on the Lowey-Gilchrest amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Kentucky [Mr. ROGERS].

The amendment was agreed to.

Mr. BROWN of California. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. Is the gentleman the designee of the ranking member?

Mr. BROWN of California. Yes, Mr. Chairman.

The CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. BROWN of California. Mr. Chairman, I know it has been a long evening. I will try to be as brief as possible.

The gentleman from Kentucky knows of my concern about the proliferation of science and technology agreements engineered by the State Department between this country and other countries. I have been very much concerned about this for a number of years. The Department currently reports more than 800 international science and technology cooperative agreements with more than 90 countries. The negotiations are costly and raise expectations in other countries that the U.S. is indeed serious about pursuing a substantive cooperative research arrangement. However, these agreements have not generally produced any substantive scientific research agreements.

I am anxious to have more information about the extent of these agreements and whether we can do something about reducing the cost of this vast proliferation of agreements that apparently result in no particular results from a research standpoint. I am going to ask the cooperation of the chairman in seeking more information about these from the State Department.

Mr. ROGERS. Mr. Chairman, will the gentleman yield?

Mr. BROWN of California. I yield to the gentleman from Kentucky.

Mr. ROGERS. Mr. Chairman, I am well aware of the gentleman's concerns on this issue, and he raises valid points. As the gentleman is aware, I have been working to improve the efficiency of the State Department, and this is another example where the State Department could do a better job. I am not aware of any information that indicates the magnitude of the problem.

Mr. BROWN of California. I thank the gentleman for that response. I would merely like to request that the gentleman join me in requesting that the Department submit to Congress a quarterly report listing any trips that it approves for negotiations or assisting in negotiations of international S&T agreements as well as the amount of Federal funds available to implement the research envisioned by the terms of the agreement; and secondly, any consultations under existing agreements, as well as the amount of Federal funds to support the research projects envisioned in the agreements. I believe this will be the first step in quantifying the size and scope of this issue and may force the Department to take a hard look at its operations in this area.

Mr. ROGERS. The gentleman is, of course, entitled to request any information of the State Department that he sees fit. If it is helpful to him that I join him in his request, I would, of course, be willing to do so.

Mr. BROWN of California. Mr. Chairman, I want to thank the gentleman very much for his assistance in this matter. I look forward to working with him on this issue.

Mr. Chairman, may I add one additional point? The amendment of the gentleman that was just passed is of extreme importance on the west coast as well as the east coast. For example, just last month, we had a fish kill of over a million fish within 1 day. I think that it may be connected to the same kind of problems that are affecting fish on the east coast. I look forward to exploring this issue, also. Again I thank the gentleman very much for his courtesy.

Mr. ROGERS. Mr. Chairman, I ask unanimous consent that the remainder of title II be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The text of the remainder of title II is as follows:

### CAPITAL ASSETS ACQUISITION

### (INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of capital assets acquisition or construction, including alteration and modification costs, of the National Oceanic and Atmospheric Administration, $460,600,000, to remain available until expended: *Provided*, That not to exceed $116,910,000 is available for the advanced weather interactive processing system, and may be available for obligation and expenditure only pursuant to a certification by the Secretary of Commerce that the total cost to complete the acquisition and deployment of the advanced weather interactive processing system and NOAA Port system, including program management, operations and maintenance costs through deployment will not exceed $186,300,000: *Provided further*, That unexpended balances of amounts previously made available in the "Operations, Research, and Facilities" account and the "Construction" account for activities funded under this heading may be transferred to and merged with this account, to remain available until expended for the purposes for which the funds were originally appropriated.

### COASTAL ZONE MANAGEMENT FUND

Of amounts collected pursuant to section 308 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1456a), not to exceed $7,800,000, for purposes set forth in sections 308(b)(2)(A), 308(b)(2)(B)(v), and 315(e) of such Act.

### FISHERMEN'S CONTINGENCY FUND

For carrying out the provisions of title IV of Public Law 95–372, not to exceed $953,000, to be derived from receipts collected pursuant to that Act, to remain available until expended.

### FOREIGN FISHING OBSERVER FUND

For expenses necessary to carry out the provisions of the Atlantic Tunas Convention Act of 1975, as amended (Public Law 96–339), the Magnuson-Stevens Fishery Conservation and Management Act of 1976, as amended (Public Law 100–627), and the American Fisheries Promotion Act (Public Law 96–561), to be derived from the fees imposed under the foreign fishery observer program authorized by these Acts, not to exceed $189,000, to remain available until expended.

### FISHERIES FINANCE PROGRAM ACCOUNT

For the cost of direct loans, $250,000, as authorized by the Merchant Marine Act of 1936, as amended: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That none of the funds made available under this heading may be used for direct loans for any new fishing vessel that will increase the harvesting capacity in any United States fishery.

## GENERAL ADMINISTRATION

### SALARIES AND EXPENSES

For expenses necessary for the general administration of the Department of Commerce provided for by law, including not to exceed $3,000 for official entertainment, $28,490,000.

### OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended (5 U.S.C. App. 1–11 as amended by Public Law 100–504), $20,140,000.

## NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

### OPERATIONS, RESEARCH, AND FACILITIES

### (RESCISSION)

Of the unobligated balances available under this heading, $5,000,000 are rescinded.

## GENERAL PROVISIONS—DEPARTMENT OF COMMERCE

SEC. 201. During the current fiscal year, applicable appropriations and funds made available to the Department of Commerce by this Act shall be available for the activities specified in the Act of October 26, 1949 (15 U.S.C. 1514), to the extent and in the manner prescribed by the Act, and, notwithstanding 31 U.S.C. 3324, may be used for advanced payments not otherwise authorized only upon the certification of officials designated by the Secretary of Commerce that such payments are in the public interest.

SEC. 202. During the current fiscal year, appropriations made available to the Department of Commerce by this Act for salaries and expenses shall be available for hire of passenger motor vehicles as authorized by 31 U.S.C. 1343 and 1344; services as authorized by 5 U.S.C. 3109; and uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901–5902).

SEC. 203. None of the funds made available by this Act may be used to support the hurricane reconnaissance aircraft and activities that are under the control of the United States Air Force or the United States Air Force Reserve.

SEC. 204. None of the funds provided in this or any previous Act, or hereinafter made available to the Department of Commerce, shall be available to reimburse the Unemployment Trust Fund or any other fund or account of the Treasury to pay for any expenses paid before October 1, 1992, as authorized by section 8501 of title 5, United States

Code, for services performed after April 20, 1990, by individuals appointed to temporary positions within the Bureau of the Census for purposes relating to the 1990 decennial census of population.

Sec. 205. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of Commerce in this Act may be transferred between such appropriations, but no such appropriation shall be increased by more than 10 percent by any such transfers: *Provided*, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

Sec. 206. (a) Should legislation be enacted to dismantle or reorganize the Department of Commerce, the Secretary of Commerce, no later than 90 days thereafter, shall submit to the Committees on Appropriations of the House and the Senate a plan for transferring funds provided in this Act to the appropriate successor organizations: *Provided*, That the plan shall include a proposal for transferring or rescinding funds appropriated herein for agencies or programs terminated under such legislation: *Provided further*, That such plan shall be transmitted in accordance with section 605 of this Act.

(b) The Secretary of Commerce or the appropriate head of any successor organization(s) may use any available funds to carry out legislation dismantling or reorganizing the Department of Commerce to cover the costs of actions relating to the abolishment, reorganization, or transfer of functions and any related personnel action, including voluntary separation incentives if authorized by such legislation: *Provided*, That the authority to transfer funds between appropriations accounts that may be necessary to carry out this section is provided in addition to authorities included under section 205 of this Act: *Provided further*, That use of funds to carry out this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

Sec. 207. Any costs incurred by a Department or agency funded under this title resulting from personnel actions taken in response to funding reductions included in this title shall be absorbed within the total budgetary resources available to such Department or agency: *Provided*, That the authority to transfer funds between appropriations accounts as may be necessary to carry out this section is provided in addition to authorities included elsewhere in this Act: *Provided further*, That use of funds to carry out this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

Sec. 208. The Secretary of Commerce may award contracts for hydrographic, geodetic, and photogrammetric surveying and mapping services in accordance with title IX of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 541 et seq.).

Sec. 209. (a) Any person aggrieved by the use of any statistical method in violation of the Constitution or any provision of law (other than this Act), in connection with the 2000 or any later decennial census, to determine the population for purposes of the apportionment or redistricting of members in Congress, may in a civil action obtain declaratory, injunctive, and any other appropriate relief against the use of such method.

(b) For purposes of this section, the use of any statistical method in a dress rehearsal or similar test or simulation of a census in preparation for the use of such method, in a decennial census, to determine the population for purposes of the apportionment or redistricting of members in Congress shall be considered the use of such method in connection with that census.

(c) For purposes of this section, an "aggrieved person" includes—

(1) any resident of a State whose congressional representation or district could be changed as a result of the use of a statistical method challenged in the civil action;

(2) any Representative or Senator in Congress; and

(3) either House of Congress.

(d)(1) Any action brought under this section shall be heard and determined by a district court of 3 judges in accordance with section 2284 of title 28, United States Code. Any order of a United States district court which is issued pursuant to an action brought under this section shall be reviewable by appeal directly to the Supreme Court of the United States. Any such appeal shall be taken by a notice of appeal filed within 10 days after such order is entered; and the jurisdictional statement shall be filed within 30 days after such order is entered. No stay of an order issued pursuant to an action brought under this section shall be issued by a single Justice of the Supreme Court.

(2) No sums appropriated under this or any other Act may be used for any statistical method, in connection with any decennial census, to determine the population for purposes of the apportionment or redistricting of members in Congress after a civil action is commenced challenging or seeking to uphold the use of such method, until that method has been judicially finally determined to be authorized by the Constitution and by Act of Congress.

(3) It shall be the duty of a United States district court and the Supreme Court of the United States to advance on the docket and to expedite to the greatest possible extent the disposition of any matter brought under this section.

(e) Any agency or entity within the executive branch, having authority with respect to the carrying out of a decennial census, may in a civil action obtain a declaratory judgment respecting whether or not the use of a statistical method, in connection with such census, to determine the population for the purposes of the apportionment or redistricting of members in Congress is forbidden by the Constitution and laws of the United States.

(f) For purposes of this section—

(1) the term "statistical method" means an activity related to the design, planning, testing, or implementation of the use of sampling, or any other statistical procedure, including statistical adjustment, to add or subtract counts to the enumeration of the population; and

(2) a matter shall not be considered to have been judicially finally determined until it has been finally determined on the merits in appellate proceedings before the Supreme Court of the United States.

(g) This section shall apply in fiscal year 1998 and succeeding fiscal years.

(h) Nothing in this Act shall be construed to authorize the use of any statistical method, in connection with a decennial census, for the apportionment or redistricting of members in Congress.

The CHAIRMAN. Are there any amendments to this portion of the bill? If not, the Clerk will read.

The Clerk read as follows:

## TITLE III—THE JUDICIARY

### Supreme Court of the United States

#### SALARIES AND EXPENSES

For expenses necessary for the operation of the Supreme Court, as required by law, excluding care of the building and grounds, including purchase or hire, driving, maintenance, and operation of an automobile for the Chief Justice, not to exceed $10,000 for the purpose of transporting Associate Justices, and hire of passenger motor vehicles as authorized by 31 U.S.C. 1343 and 1344; not to exceed $10,000 for official reception and representation expenses; and for miscellaneous expenses, to be expended as the Chief Justice may approve; $29,278,000.

#### CARE OF THE BUILDING AND GROUNDS

For such expenditures as may be necessary to enable the Architect of the Capitol to carry out the duties imposed upon him by the Act approved May 7, 1934 (40 U.S.C. 13a–13b), $3,400,000, of which $410,000 shall remain available until expended.

### United States Court of Appeals for the Federal Circuit

#### SALARIES AND EXPENSES

For salaries of the chief judge, judges, and other officers and employees, and for necessary expenses of the court, as authorized by law, $15,507,000.

### United States Court of International Trade

#### SALARIES AND EXPENSES

For salaries of the chief judge and eight judges, salaries of the officers and employees of the court, services as authorized by 5 U.S.C. 3109, and necessary expenses of the court, as authorized by law, $11,478,000.

### Courts of Appeals, District Courts, and Other Judicial Services

#### SALARIES AND EXPENSES

#### (INCLUDING TRANSFER OF FUNDS)

For the salaries of circuit and district judges (including judges of the territorial courts of the United States), justices and judges retired from office or from regular active service, judges of the United States Court of Federal Claims, bankruptcy judges, magistrate judges, and all other officers and employees of the Federal Judiciary not otherwise specifically provided for, and necessary expenses of the courts, as authorized by law, $2,700,069,000 (including the purchase of firearms and ammunition); of which not to exceed $13,454,000 shall remain available until expended for space alteration projects; and of which not to exceed $10,000,000 shall remain available until expended for furniture and furnishings related to new space alteration and construction projects.

In addition, for expenses of the United States Court of Federal Claims associated with processing cases under the National Childhood Vaccine Injury Act of 1986, not to exceed $2,450,000, to be appropriated from the Vaccine Injury Compensation Trust Fund.

#### VIOLENT CRIME REDUCTION PROGRAMS

For activities of the Federal Judiciary as authorized by law, $40,000,000, to remain available until expended, which shall be derived from the Violent Crime Reduction Trust Fund, as authorized by section 190001(a) of Public Law 103–322, and sections 818 and 823 of Public Law 104–132.

#### DEFENDER SERVICES

For the operation of Federal Public Defender and Community Defender organizations; the compensation and reimbursement of expenses of attorneys appointed to represent persons under the Criminal Justice Act of 1964, as amended; the compensation and reimbursement of expenses of persons furnishing investigative, expert and other services under the Criminal Justice Act (18 U.S.C. 3006A(e)); the compensation (in accordance with Criminal Justice Act maximums) and reimbursement of expenses of attorneys appointed to assist the court in criminal cases where the defendant has waived representation by counsel; the compensation and reimbursement of travel expenses of guardians ad litem acting on behalf of financially eligible minor or incompetent offenders in connection with transfers from the United States to foreign countries with which the United States has a treaty for the execution of penal sentences; and the compensation of attorneys appointed to represent jurors in civil actions for the protection of their employment, as authorized by 28 U.S.C. 1875(d); $329,529,000, to remain available until expended as authorized by 18 U.S.C. 3006A(i).

#### FEES OF JURORS AND COMMISSIONERS

For fees and expenses of jurors as authorized by 28 U.S.C. 1871 and 1876; compensation of jury commissioners as authorized by 28 U.S.C. 1863; and compensation of commissioners appointed in condemnation cases pursuant to rule 71A(h) of the Federal Rules of Civil Procedure (28 U.S.C. Appendix Rule 71A(h)); $66,196,000, to remain available until expended: *Provided*, That the compensation of land commissioners shall not exceed the daily equivalent of the highest rate payable under section 5332 of title 5, United States Code.

#### COURT SECURITY

For necessary expenses, not otherwise provided for, incident to the procurement, installation, and maintenance of security equipment and protective services for the United States Courts in courtrooms and adjacent areas, including building ingress-egress control, inspection of packages, directed security patrols, and other similar activities as authorized by section 1010 of the Judicial Improvement and Access to Justice Act (Public Law 100–702); $167,214,000, to be expended directly or transferred to the United States Marshals Service which shall be responsible for administering elements of the Judicial Security Program consistent with standards or guidelines agreed to by the Director of the Administrative Office of the United States Courts and the Attorney General.

### ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS

#### SALARIES AND EXPENSES

For necessary expenses of the Administrative Office of the United States Courts as authorized by law, including travel as authorized by 31 U.S.C. 1345, hire of a passenger motor vehicle as authorized by 31 U.S.C. 1343(b), advertising and rent in the District of Columbia and elsewhere, $52,000,000, of which not to exceed $7,500 is authorized for official reception and representation expenses.

### FEDERAL JUDICIAL CENTER

#### SALARIES AND EXPENSES

For necessary expenses of the Federal Judicial Center, as authorized by Public Law 90–219, $17,495,000; of which $1,800,000 shall remain available through September 30, 1999, to provide education and training to Federal court personnel; and of which not to exceed $1,000 is authorized for official reception and representation expenses.

### JUDICIAL RETIREMENT FUNDS

#### PAYMENT TO JUDICIARY TRUST FUNDS

For payment to the Judicial Officers' Retirement Fund, as authorized by 28 U.S.C. 377(o), $25,000,000; to the Judicial Survivors' Annuities Fund, as authorized by 28 U.S.C. 376(c), $7,400,000; and to the United States Court of Federal Claims Judges' Retirement Fund, as authorized by 28 U.S.C. 178(l), $1,800,000.

### UNITED STATES SENTENCING COMMISSION

#### SALARIES AND EXPENSES

For the salaries and expenses necessary to carry out the provisions of chapter 58 of title 28, United States Code, $9,000,000, of which not to exceed $1,000 is authorized for official reception and representation expenses.

### GENERAL PROVISIONS—THE JUDICIARY

SEC. 301. Appropriations and authorizations made in this title which are available for salaries and expenses shall be available for services as authorized by 5 U.S.C. 3109.

SEC. 302. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Judiciary in this Act may be transferred between such appropriations, but no such appropriation, except "Courts of Appeals, District Courts, and Other Judicial Services, Defender Services" and "Courts of Appeals, District Courts, and Other Judicial Services, Fees of Jurors and Commissioners", shall be increased by more than 10 percent by any such transfers: *Provided*, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 303. Notwithstanding any other provision of law, the salaries and expenses appropriation for district courts, courts of appeals, and other judicial services shall be available for official reception and representation expenses of the Judicial Conference of the United States: *Provided*, That such available funds shall not exceed $10,000 and shall be administered by the Director of the Administrative Office of the United States Courts in his capacity as Secretary of the Judicial Conference.

Mr. ROGERS (during the reading). Mr. Chairman, I ask unanimous consent that the remainder of title III be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The CHAIRMAN. Are there any amendments?

If not, the Clerk will read.

The Clerk read as follows:

## TITLE IV—DEPARTMENT OF STATE AND RELATED AGENCIES

## DEPARTMENT OF STATE

### ADMINISTRATION OF FOREIGN AFFAIRS

#### DIPLOMATIC AND CONSULAR PROGRAMS

For necessary expenses of the Department of State and the Foreign Service not otherwise provided for, including expenses authorized by the State Department Basic Authorities Act of 1956, as amended; representation to certain international organizations in which the United States participates pursuant to treaties, ratified pursuant to the advice and consent of the Senate, or specific Acts of Congress; acquisition by exchange or purchase of passenger motor vehicles as authorized by 31 U.S.C. 1343, 40 U.S.C. 481(c) and 22 U.S.C. 2674; and for expenses of general administration; $1,715,087,000: *Provided*, That all fees collected under the authority of section 140(a)(1) of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103–236) shall be deposited in fiscal year 1998 as an offsetting collection to appropriations made under this heading to recover the costs of providing border security and shall remain available until expended.

Of the funds provided under this heading, $24,856,000 shall be available only for the Diplomatic Telecommunications Service for operation of existing base services and not to exceed $17,312,000 shall be available only for the enhancement of the Diplomatic Telecommunications Service and shall remain available until expended.

In addition, not to exceed $700,000 in registration fees collected pursuant to section 38 of the Arms Export Control Act, as amended, may be used in accordance with section 45 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2717); in addition not to exceed $1,252,000 shall be derived from fees collected from other executive agencies for lease or use of facilities located at the International Center in accordance with section 4 of the International Center Act (Public Law 90–553), as amended, and in addition, as authorized by section 5 of such Act $490,000, to be derived from the reserve authorized by that section, to be used for the purposes set out in that section; and in addition not to exceed $15,000 which shall be derived from reimbursements, surcharges, and fees for use of Blair House facilities in accordance with section 46 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2718(a)).

Notwithstanding section 402 of this Act, not to exceed 20 percent of the amounts made available in this Act in the appropriation accounts "Diplomatic and Consular Programs" and "Salaries and Expenses" under the heading "Administration of Foreign Affairs" may be transferred between such appropriation accounts: *Provided*, That any transfer pursuant to this sentence shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

In addition, for counterterrorism requirements overseas, including security guards and equipment, $23,700,000, to remain available until expended.

#### SALARIES AND EXPENSES

For expenses necessary for the general administration of the Department of State and the Foreign Service, provided for by law, including expenses authorized by section 9 of the Act of August 31, 1964, as amended (31 U.S.C. 3721), and the State Department Basic Authorities Act of 1956, as amended, $363,513,000.

□ 2315

#### AMENDMENT NO. 33 OFFERED BY MR. GILMAN

Mr. GILMAN. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. GILMAN:

Page 67, line 19, insert before the period the following:

: *Provided*, That, of such amount, not more than $356,242,740 shall be available for obligation until the Secretary of State has made one or more designations of organizations as foreign terrorist organizations pursuant to section 219(a) of the Immigration and Nationality Act (8 U.S.C. 1189(a)), as added by section 302 of Public Law 104–132 (110 Stat. 1214, 1248).

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from New York [Mr. GILMAN] and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New York [Mr. GILMAN].

Mr. GILMAN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I will be brief.

I am pleased to join my colleague from New York [Mr. SCHUMER] in offering this important amendment to the Commerce, Justice, State, and Judiciary appropriations bill to address a threat of terrorism here at home.

Back in April 1996 the President signed into law the comprehensive antiterrorism measure which included the administration's request for authority to designate certain groups as terrorist organizations with links to foreign state sponsors of terrorism such as Iran. Our State Department is responsible for carrying out that authority.

The bill also included the administration's request for authority to take preventive action against these groups, such as freezing their financial assets. Our Treasury Department is responsible for that aspect once the State Department has made its designations.

The administration considered this authority so important that a veto was threatened unless until the bill contained those provisions. Yet, 17 months have gone by and the administration is yet to exercise that authority that it so ardently sought. It is difficult to understand the reasons for such a delay.

The FBI has provided the State Department with extensive material on a number of terrorist groups, including Hizballah and Hamas and their front organizations, some of which are operating right here in our own Nation. The statute does not envision a one-time list that had to include each and every possible foreign terrorist organization. The State Department can add and delete groups as circumstances and evidence warrant.

However, the State Department has declined to make the designations because of what it has said is a strong desire to avoid a false perception that it might be singling out certain groups for identification. This is quite puzzling, Mr. Chairman, to say the least, because we in Congress understand that targeting these terrorist groups was the very purpose of this legislation.

Our amendment withholds 2 percent of the State Department's salaries and expense budget, approximately $7.25 million, until it complies with this provision. Our amendment should send a clear message that we, the Congress, will not wait any longer. The terrorist bombing of the New York World Trade Center in 1993 was a wake-up call the administration apparently missed. Those of us in the Congress did not miss such a call.

The administration's inaction also is evidence that it is not taking seriously the threat from foreign terrorist organizations, especially those doing business and raising funds right here in our own Nation. The American people are entitled to reasonable efforts to protect their security and to timely enforcement of our laws to fight international terrorism which clearly is directed against our own Nation.

The time is long overdue for the State Department to single out foreign terrorist organizations such as Hamas, Hizballah, the Kurdistan Worker's Party, the Revolutionary Armed forces of Columbia, as was intended when the President signed this into law in April of 1996.

Accordingly, I urge the administration to hear our wake-up call that this amendment sends and to act now. Accordingly, we urge adoption of this amendment.

Mr. ROGERS. Mr. Chairman, will the gentleman yield?

Mr. GILMAN. I yield to the gentleman from Kentucky.

Mr. ROGERS. Mr. Chairman, we have inspected the amendment and have no objection.

Mr. GILMAN. Mr. Chairman, I thank the gentleman from Kentucky [Mr. ROGERS].

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. GILMAN].

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. GILMAN. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 239, further proceedings on the amendment offered by the gentleman from New York [Mr. GILMAN] will be postponed.

Are there further amendments to this portion of the bill?

Mr. ROGERS. Mr. Chairman, I ask unanimous consent that the bill through Page 70, line 7 be considered as read, printed in the RECORD and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The text of the bill from Page 67, line 20, through Page 70, line 7, is as follows:

### CAPITAL INVESTMENT FUND

For necessary expenses of the Capital Investment Fund, $50,600,000, to remain available until expended, as authorized in Public Law 103–236: *Provided*, That section 135(e) of Public Law 103–236 shall not apply to funds appropriated under this heading.

### OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended (5 U.S.C. App.), $28,300,000, notwithstanding section 209(a)(1) of the Foreign Service Act of 1980, as amended (Public law 96–465), as it relates to post inspections.

### REPRESENTATION ALLOWANCES

For representation allowances as authorized by section 905 of the Foreign Service Act of 1980, as amended (22 U.S.C. 4085), $4,300,000.

### PROTECTION OF FOREIGN MISSIONS AND OFFICIALS

For expenses, not otherwise provided, to enable the Secretary of State to provide for extraordinary protective services in accordance with the provisions of section 214 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 4314) and 3 U.S.C. 208, $7,900,000, to remain available until September 30, 1999.

### SECURITY AND MAINTENANCE OF UNITED STATES MISSIONS

For necessary expenses for carrying out the Foreign Service Buildings Act of 1926, as amended (22 U.S.C. 292–300), and the Diplomatic Security Construction Program as authorized by title IV of the Omnibus Diplomatic Security and Antiterrorism Act of 1986 (22 U.S.C. 4851), $373,081,000, to remain available until expended as authorized by section 24(c) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2696(c)): *Provided*, That none of the funds appropriated in this paragraph shall be available for acquisition of furniture and furnishings and generators for other departments and agencies.

### EMERGENCIES IN THE DIPLOMATIC AND CONSULAR SERVICE

For expenses necessary to enable the Secretary of State to meet unforeseen emergencies arising in the Diplomatic and Consular Service pursuant to the requirement of 31 U.S.C. 3526(e), $5,500,000 to remain available until expended as authorized by section 24(c) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2696(c)), of which not to exceed $1,000,000 may be transferred to and merged with the Repatriation Loans Program Account, subject to the same terms and conditions.

### REPATRIATION LOANS PROGRAM ACCOUNT

For the cost of direct loans, $593,000, as authorized by section 4 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2671): *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974. In addition, for administrative expenses necessary to carry out the direct loan program, $607,000 which may be transferred to and merged with the Salaries and Expenses account under Administration of Foreign Affairs.

### PAYMENT TO THE AMERICAN INSTITUTE IN TAIWAN

For necessary expenses to carry out the Taiwan Relations Act, Public Law 96–8, $14,000,000.

### PAYMENT TO THE FOREIGN SERVICE RETIREMENT AND DISABILITY FUND

For payment to the Foreign Service Retirement and Disability Fund, as authorized by law, $129,935,000.

The CHAIRMAN. Are there amendments to this portion of the bill?

If not, the Clerk will read.

The Clerk read as follows:

## INTERNATIONAL ORGANIZATIONS AND CONFERENCES

### CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS

For expenses, not otherwise provided for, necessary to meet annual obligations of membership in international multilateral organizations, pursuant to treaties ratified pursuant to the advice and consent of the Senate, conventions or specific Acts of Congress, $978,952,000, of which not to exceed $54,000,000 shall remain available until expended for payment of arrearages: *Provided*, That none of the funds appropriated or otherwise made available by this Act for payment of arrearages may be obligated or expended unless such obligation or expenditure is expressly authorized by the enactment of a subsequent Act that makes payment of arrearages contingent upon reforms that should include the following: a reduction in the United States assessed share of the United Nations regular budget to 20 percent and of peacekeeping operations to 25 percent; reimbursement for goods and services provided by the United States to the United Nations; certification that the United Nations and its specialized or affiliated agencies have not taken any action to infringe on the sovereignty of the United States; a ceiling on United States contributions to international organizations after fiscal year 1998 of $900,000,000; establishment of a merit-based personnel system at the United Nations that includes a code of conduct and a personnel evaluation system; United States membership on the Advisory Committee on Administrative and Budgetary Questions that oversees the United Nations budget; access to United Nations financial data by the General Accounting Office; and achievement of a negative growth budget and the establishment of independent inspectors general for affiliated organizations; and improved consultation procedures with the Congress: *Provided further*, That any payment of arrearages shall be directed toward special activities that are mutually agreed upon by the United States and the respective international organization: *Provided further*, That 20 percent of the funds appropriated in this paragraph for the assessed contribution of the United States to the United Nations shall be withheld from obligation and expenditure until a certification is made under section 401(b) of Public Law 103-236 and under such other requirements related to the Office of Internal Oversight Services of the United Nations as may be enacted into law for fiscal year 1998: *Provided further*, That certification under section 401(b) of Public Law 103-236 for fiscal year 1998 may only be made if the Committees on Appropriations and Foreign Relations of the Senate and the Committees on Appropriations and International Relations of the House of Representatives are notified of the steps taken, and anticipated, to meet the requirements of section 401(b) of Public Law 103-236 at least 15 days in advance of the proposed certification: *Provided further*, That none of the funds appropriated in this paragraph shall be available for a United States contribution to an international organization for the United States share of interest costs made known to the United States Government by such organization for loans incurred on or after October 1, 1984, through external borrowings: *Provided further*, That of the funds appropriated in this paragraph, $100,000,000 may be made available only on a semi-annual basis pursuant to a certification by the Secretary of State on a semi-annual basis, that the United Nations has taken no action during the preceding six months to increase funding for any United Nations program without identifying an offsetting decrease during that six-month period elsewhere in the United Nations budget and cause the United Nations to exceed the expected reform budget for the biennium 1998–1999 of $2,533,000,000: *Provided further*, That notwithstanding section 402 of this Act, not to exceed $4,000,000 may be transferred from the funds made available under this heading to the "International Conferences and Contingencies" account for assessed contributions to new or provisional international organizations: *Provided further*, That any transfer pursuant to this paragraph shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

### AMENDMENTS OFFERED BY MR. BARTLETT OF MARYLAND

Mr. BARTLETT of Maryland. Mr. Chairman, I offer 2 amendments, Amendment No. 2 and Amendment No. 3.

The CHAIRMAN. Is there objection to consideration of the amendments en bloc?

There was no objection.

The CHAIRMAN. The Clerk will designate the amendments.

The text of the amendments as follows:

Amendments offered by Mr. BARTLETT of Maryland:

In title IV relating to "DEPARTMENT OF STATE AND RELATED AGENCIES", in the item relating to "International Organizations and Conferences—contributions to international organizations" strike "of which not to exceed $54,000,000 shall remain available until expended for payment of arrearages" and all that follows through the second proviso.

In title IV relating to "DEPARTMENT OF STATE AND RELATED AGENCIES", in the item relating to "International Organizations and Conferences—contributions to international peacekeeping activities" strike "of which not to exceed $46,000,000 shall remain available until expended for payment of arrearages" and all that follows through the second proviso.

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Maryland [Mr. BARTLETT] and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Maryland [Mr. BARTLETT].

Mr. BARTLETT of Maryland. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I have here a report from the GAO. This report was requested by Senator Dole, and he asked them to make an assessment of the peacekeeping costs incurred by the United States, and let me read the criteria for preparing this report.

It says: "Dear Senator Dole: As requested, we are providing you information on U.S. agencies' estimated costs for their support of U.N. peace operations in Haiti, the former Yugoslavia, Rwanda, and Somalia."

This does not include flights over Iraq, note, and it does not include Bosnia. This includes only fiscal years '92 through '95.

"For this report we define peace operations as actions taken in support of U.N. resolutions." These only include our participation when there was a U.N. resolution "designed to further peace and security, including observers; monitors; traditional peacekeeping; preventive deployment; peace enforcement; security assistance; the imposition of sanctions; and the provision, protection and delivery of humanitarian relief."

What we have done in the chart here is to summarize the findings of this GAO report. The GAO report indicated that through years 1992 to 1995 we had spent on peacekeeping $6.6 billion. The amount credited as U.N. dues was $1.8 billion of that, and they reimbursed to us $79.4 million of it, leaving a balance of $4,720,600,000.

Our argument relative to these 2 amendments is a very simple argument. The argument is simply this: that if we owe any dues to the U.N., we are not arguing whether we owe, should owe dues or not, we are not arguing what the size of those dues are, we are simply saying that if we owe dues to the U.N., then there should be an accounting, and from the GAO report it would appear that we have spent $6.6 billion in peacekeeping activities, $1.8 billion of that has been credited, $79.4 million of that has been reimbursed. That leaves $4,720,600,000. If we owed them $1.3 billion in dues, that would still leave a balance of $3,420,600,000.

Now the State Department says that we are not owed anything by the United Nations. From the GAO report it would appear that we are owed by the United Nations $3,420,600,000, because let me read again. We define peace operations as actions taken in support of U.N. resolutions. These were not instances in which we sent troops or supplies to support our own national interests. These were responses we made to U.N. resolutions.

I am not willing to let the State Department be the arbiter of whether or not we are owed by the U.N. the $4.7 billion or, as they say, that we do not owe them anything. All our amendment does is to say please let us not start down this billion dollar road by giving this $100 million to the U.N., because as soon as that train leaves the station we are committed to about $1 billion dollars, more or less. We want an accounting before that happens. That is all we are asking for, and we are not the first to ask for that accounting.

I wrote to the President about this, and he wrote me a letter back saying, "I fully agree with you that when the United States participates in U.N.-assessed peacekeeping operations it should be reimbursed on the same terms that apply to all other participants." All we are asking is that we get that accounting.

I have here a quote from the majority leader, the gentleman from Texas (Mr. Dick Armey), and this was in a speech which he gave, a foreign policy speech in June. He said that the U.N. squandered hundreds of millions of American tax dollars through bureaucratic waste and inefficiency of almost Soviet proportions. He goes on to say, "I believe that an accurate accounting of our so-called U.N. arrearages will support only a far lower figure."

The gentleman from Georgia, Newt Gingrich, the Speaker of the House, right here from the well of the House on March 17 enumerating the several goals of this Congress, says our 12th goal, and listen to this, "Our 12th goal is to reform the United Nations. We believe that the United States should get full credit for its financial contributions to the United Nations, including military capabilities, facilities, local government services, and the security we provide."

That is all we are asking for. Our amendment is really very simple and self-explanatory.

Mr. ROGERS. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Maryland.

Mr. Chairman, there is only one true constituency for reform at the U.N., and that is the United States Congress. For years many of us have argued that the U.N. is a bureaucracy smothered under the weight of inefficiency, that the United States pays too much and other countries pay too little, that the United States does not get reimbursed for expenditures in support of U.N. operations, that programs and offices continue indefinitely after their mission is obsolete, and on and on.

For the past several years we have conditioned our current year assessments to the U.N. on achievement of reforms, and we have made progress, the establishment of an Inspector General as an example, the enactment of a no-growth budget by the U.N., and reductions in personnel, to name just a few. There appears to be one thing and one thing only that captures the attention of the U.N., and that is money.

It is clear that we have captured the U.N.'s attention. The issue that is now the focus of debate at the U.N. is reform, from the proposals of the Secretary General to the proposals now being advocated by the United States representative largely at the urging of this Congress.

We are at a crossroads. If we are willing to begin paying arrearages contingent upon the kinds of reform that are pending in the Helms-Gilman authorization bill, we stand a chance of obtaining the kinds of reforms that many of us have been arguing for for many years. If we are not willing to begin paying arrearages, we assure that reform will not happen and that the most significant chance we have had in recent history to achieve reform will go by the wayside.

One of the changes we are seeking to make is to the very problem that the gentleman from Maryland complains about, that the United States is not adequately reimbursed for the in-kind contributions and support that we provide. The HELMS-Gilman authorization bill, which must pass if the money for arrearages in this bill is to be released, requires that the United States seek credit or reimbursement for its in-kind contributions and support.

I am not in disagreement with the gentleman from Maryland. We should be credited for our in-kind contributions. In the last Congress Republicans tried to enact a law to make that happen, and it was opposed by the administration.

The language in this bill states that we will make a payment on arrearages, but only if from this point forward we obtain reimbursement.

□ 2330

That is our position. We have a chance to achieve exactly what the gentleman from Maryland desires.

Mr. Chairman, what this bill does is to provide first year funding for payment of arrearages at the level set by Congress, not by the U.N. or by the State Department, if and only if an authorization bill is passed that makes payment contingent upon a series of real and substantial reforms at the United Nations. No money, unless an authorization is passed that contains reforms, and no release of funds unless the administration certifies that those reforms have been achieved.

This is our best shot at U.N. reform. I urge my colleagues to vote against the Bartlett amendment.

The CHAIRMAN. Does the gentleman reserve his time? The gentleman rose in opposition. He controls 5 minutes. The gentleman still has a 1½ minutes left.

Mr. ROGERS. I reserve the balance of my time.

Mr. GILMAN. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. The time is controlled under the rule by the gentleman that offered the amendment, and he used his time. Then there is time controlled by a Member in opposition. That time was taken by the gentleman from Kentucky, Chairman ROGERS, and he has used 3½ minutes. The gentleman has 1½ minutes left that he can yield.

### PARLIAMENTARY INQUIRY

Mr. MOLLOHAN. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. MOLLOHAN. Mr. Chairman, it is my understanding I can move to strike the last word and get 5 minutes under the agreement.

The CHAIRMAN. Under the order of the House, that is true. The gentleman is recognized for 5 minutes.

Mr. MOLLOHAN. The chairman has reserved his time. The chairman can yield his time to Mr. GILMAN.

The CHAIRMAN. The gentleman from West Virginia may proceed under his 5 minutes.

Mr. MOLLOHAN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I join the gentleman from Kentucky, Chairman ROGERS, in opposition to this amendment. I think it is really ill-timed and in a way comes out of the blue.

For a number of years now, this committee and the chairman particularly has been at the forefront of trying to effect reforms in the United Nations through the only way really the United States Congress can effectively do that, through the appropriations process. We have been extremely effective at doing that, I think, and ratcheting up the pain on the United Nations to the point that we have seen a lot of good responsiveness from them.

This year, the gentleman who offers the amendment cited Mr. Dole's request for a GAO study of this. I don't know about Senator Dole's request for a study and I have not seen the GAO study, but I do know the Senator has been very active as a part of a working group to put together a compromise with regard to UN arrearages, which is in place and which the authorizing committee is considering as we speak. This bill funds the first $100 million of that compromise that the authorizing committee is considering.

Mr. Chairman, I would hope that this body would not favorably consider this amendment, because, as I say, it would be very ill-timed to take away the real incentive that we have to make the authorizing language work, and that is the $100 million, the first down payment on the arrearage.

It is a phased payment, this is the first down payment, and it would be a real mistake to not fulfill that part of the obligation because the UN is being responsive to this approach.

Mr. BARTLETT of Maryland. Mr. Chairman, will the gentleman yield?

Mr. MOLLOHAN. I yield to the gentleman from Maryland.

Mr. BARTLETT of Maryland. Mr. Chairman, our amendments do not argue whether or not we owe arrearages to the UN. All our amendments argue is that if we owe arrearages to the UN, then, please, as the GAO report indicates, subtract those arrearages from the monies which the UN owes us.

We are making a different argument than the one we made. We are not arguing whether or not we owe dues to the UN. We are simply saying if we owe dues to the UN, then please take them from the money the UN owes us. If it is not the $4.8 billion that one can easily deduce from the GAO report, then what is it? I am just not willing to let the State Department arbitrate that dispute.

There is clearly a dispute between a reasonable reading of the GAO report and the State Department position, and I am not willing to let the State Department arbitrate that. That is our role to arbitrate that.

All I want to do is I want to stop this train from leaving the station, the $1 billion train, until we have reached a resolution of that.

Mr. MOLLOHAN. Reclaiming my time, I understand the gentleman's position, and I am getting to the point. The gentleman is suggesting that somehow the UN owes us for our contributions.

Mr. BARTLETT of Maryland. I am saying that is what the GAO said, we have spent $6.8 billion.

Mr. MOLLOHAN. Is the gentleman not advancing the GAO position here? You are suggesting the UN owes us for in-kind contributions with regard to these operations, is that correct?

Mr. BARTLETT of Maryland. That is correct, sir.

Mr. MOLLOHAN. If I may reclaim my time, that is a point that I just disagree with. With respect to the issue that the UN somehow owes us for past peacekeeping operations, the gentleman is well aware of the facts of how UN peacekeeping is paid for.

We pay our share of the assessed operations, and when it is in the national security interests of the United States, we support and pay for voluntary peacekeeping activities.

Now, these operations are undertaken because of our national security interests, and other countries undertake under similar missions for which they are not reimbursed.

If we disrupt this arrangement, you are going to bankrupt the United Nations, number one, I would point out, and, second, if that were to happen, I would submit that we would be undertaking incredible obligations on, because we would have to end up assuming all of this responsibility for which now we are contributing our part, along with other contributors to the United Nations peacekeeping operations.

Mr. BARTLETT of Maryland. If the gentleman would yield further our share, I think is too high.

Mr. MOLLOHAN. Mr. Chairman, reclaiming my time, just on that, this committee and the chairman and the whole committee worked very hard to make sure that our share is being reduced. That, again, is a part of all of this negotiation, and also part of the authorizing bill that we passed several years ago.

Mr. BARTLETT of Maryland. Mr. Chairman, if the gentleman would continue to yield, the GAO used only monies, referenced only monies, that we spent in response to a UN resolution.

One cannot make arguments that sending troops to Rwanda and Somalia advanced our vital national interests to the point that we should bear the full cost of that. That is what we are now doing.

Mr. MOLLOHAN. Mr. Chairman, if I may reclaim my time, the fact that it is in response to a UN resolution does not mean we cannot voluntarily look at a situation and say it is in our best interest, our own national security interest, to make this contribution. That is what we have done. I do not think you can go around after making that voluntary contribution and say the UN owes us for it, particularly when it is obviously in our own national security interests.

Mr. ROGERS. Mr. Chairman, I yield 1½ minutes to the gentleman from New York [Mr. GILMAN], the Chairman of the Committee on International Relations.

Mr. GILMAN. Mr. Chairman, I rise in opposition to the amendment being offered by the gentleman from Maryland [Mr. BARTLETT] which strikes the proposed $54 million from fiscal year 1998 requested by the administration to repay our UN international organization arrearages, and which would strike the proposed $46 million to pay UN peacekeeping arrearages.

However well-intentioned the gentleman from Maryland's amendments are, it would actually cost the American taxpayer much more in the long run than it would save over the course of the next fiscal year.

If adopted, the amendments would prevent the administration from achieving management reforms and capping overall UN spending. As the distinguished subcommittee chairman stated, the $54 million requested by the administration for international organization arrearages is subject to enactment of an authorization bill, a bill that conditions payment of arrearages on the achievement of substantial reforms at the United Nations and other international organizations.

It will fully repay all arrearages that the administration states that our Nation owes to the U.N. regular budget, which began to accumulate in fiscal year 1989.

Pennywise and pound-foolish, the amendments would sacrifice our long-term objectives of saving more than one-half billion dollars over the next 5 years for the short-term goal of cutting less than $60 million for the upcoming fiscal year. Its passage would only ensure that our Nation has no influence or role in the ongoing effort to downsize and streamline the oversized U.N. bureaucracy. Stripping the arrearage funding requests from this appropriation bill simply undermines the ongoing bipartisan and bicameral effort to complete action complete action of the U.N. funding package this year.

Mr. ROGERS. Mr. Chairman, I move to strike the last word.

I yield 30 seconds to the gentleman from New York [Mr. GILMAN].

Mr. GILMAN. Mr. Chairman, the reforms in this package include substantial reductions in our regular budget and peacekeeping assessments from the United Nations, caps our overall spending on U.N. agencies and programs, and certifications from the administration assuring that the U.N. implements a code of conduct, a personal evaluation system, access to U.N. financial data by the GAO, and greater consultations with the Congress.

I would like to stress to my colleagues that it is our firm intention that none of the fU.N.ds in this bill appropriated for U.N. arrearages will be spent without giving Members an opportunity to consider an authorization measure now in conference between our two international relations committees that contain all the reforms I have described. Accordingly, I urge my colleagues to defeat the amendment.

Mr. ROGERS. Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey [Mr. SMITH].

The CHAIRMAN. The gentleman cannot yield blocks of time under the 5-minute rule, but the gentleman can yield time. By saying that, the gentleman is telling the gentleman that he is going to speak for only 2 minutes, but we are not going to remind him from the Chair that those 2 minutes are up.

Mr. SMITH of New Jersey. Mr. Chairman, I thank my good friend for yielding.

Mr. Chairman, I rise in reluctant opposition to the amendment of my good friend from Maryland. Mr. Chairman, I strongly support the goals of the Bartlett amendment. I believe the United Nations has strayed too far and too often from its original purposes. It is too big, it spends too much, and many of its programs and specialized agencies truly are out of control. And, yes, we Americans have been paying far more than our fair share of U.N. expenses. This situation clearly needs to be fixed, and it needs to be fixed now.

Mr. Chairman, the way to fix this program is to guarantee that not a penny will be spent to settle the dispute over U.N. arrearages until and unless the problems are fixed to the satisfaction of Congress.

Mr. Chairman, I rise in reluctant opposition to the amendment by my good friend from Maryland.

Mr. Chairman, I strongly support the goals of the Bartlett amendment. I believe the United Nations has strayed too far and too often from its original purposes. It is too big. It spends too much. Many of its programs and specialized agencies are out of control. Some of these programs do far more harm than good—such as the United Nations Population Fund [UNFPA] activities in support of the Chinese Government's coercive population control system, and other programs that come down against innocent human life, against the traditional family, against the values of most Americans and against the values of the moderate and conservative majorities in almost every country in the world. And, yes, we Americans have been paying far more than our fair share of U.N. expenses. This situation needs to be fixed, and it needs to be fixed now.

Mr. Chairman, the way to fix this problem is to guarantee that not a penny will be spent to settle the dispute over U.N. arrearages until and unless the problems are fixed to the satisfaction of Congress. Unfortunately, the pending amendment provides no such guarantee. The bill as written, however, goes a long way toward doing so. It provides that none of the U.N. money can be spent without authorization by Congress. And when we bring back a conference report on the Foreign Relations authorization bill, it will condition any resolution of the arrearages issue not only on reimbursement of future U.S. expenses in support of peacekeeping, but also on a reduction in U.S. dues—which are currently at an outrageous 25 percent—on reduction in the size of the U.N. bureaucracy, and on getting both the United Nations and the United States out of international programs that threaten traditional values and innocent human life.

If we can't get those conditions, we will not bring back a conference report, and not a penny will be spent on these arrearages. If the conference report on the authorization bill does not contain these strict conditions—if it does not genuinely reform the United Nations, save billions of dollars for U.S. taxpayers by solving the reimbursement problem and requiring other nations to pay their fair share, and get the United Nations and the United States out of programs that are destructive of traditional values and innocent human life—then I will urge my colleagues to vote against it.

Mr. Chairman, I would like to engage briefly in a colloquy with the gentleman from Kentucky [Mr. ROGERS].

The bill, as currently written, would not authorize a single penny to be spent for U.N. arrearages unless Congress passes an authorization bill. I would like to ask the gentleman whether it is his firm intention to insist that the House and Senate conference on this bill not waive the authorization requirement for U.N. arrearages?

Mr. ROGERS. Mr. Chairman, the bill currently states that payment of U.N. arrearages is subject to passage of an authorization. If the Bartlett amendment fails, that will be the position of the House going into conference. It is my intention to press for the House position in conference.

Mr. SMITH of New Jersey. I thank the gentleman for those assurances. Based on those, I would oppose the pending amendment, because I know the gentleman will stand firm in his determination not to waive the authorization requirement, and then we can bring back a genuine reform package that addresses not only the problems addressed by the Bartlett amendment, but a whole range of systemic problems with the U.N. and other international programs whose cost that are not only measured in millions of dollars, but millions of human lives.

Mr. ROGERS. Mr. Chairman, I yield to the gentlewoman from Maryland [Mrs. MORELLA].

Mrs. MORELLA. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, I rise in reluctant opposition to the amendment offered by my good friend and colleague the gentleman from Maryland [Mr. BARTLETT]. None of us dispute the fact that the United Nations has problems, and this is why Congress has withheld part of our dues and peacekeeping assessment to the UN during the past several years.

But a compromise has been reached. The administration and the Congressional leadership on both sides of the aisle have reached this compromise to allow us to begin repaying our dues, spreading out the funds over three years in order to provide the necessary leverage to assure that the General Assembly adopts the reforms.

It is highly unlikely that the nations of the General Assembly are going to allow us to impose reforms when we are not paying our share, and even our allies, Britain, Germany and Japan, have indicated they will not support our reforms if we are not paying our arrears.

My friend and neighbor, the gentleman from Maryland [Mr. BARTLETT], argues that it is actually the UN that owes us money, but nothing could be further from the truth. The figures the gentleman cites from the GAO include costs of non-UN peacekeeping operations undertaken by the United States in our own national interests, such as the Gulf War and our operations in Bosnia and Haiti.

Every living former Secretary of State opposes the Bartlett amendment, including Baker, Haig, Shultz and Kissinger. It is a bad amendment. It does not serve our national interests.

Mr. ROGERS. Mr. Chairman, reclaiming my time, I yield to the gentleman from Maryland [Mr. BARTLETT].

Mr. BARTLETT of Maryland. Mr. Chairman, the Gulf War and the flights over Iraq are not included in this. You know, if you do not pass my amendments, a year from now we are going to be back here asking where the $100 million went. We are trying to bribe the UN into making reforms.

If we reward them for reforms that might happen, bribing them is not going to happen. You have to do some really creative accounting to conclude anything other than we concluded from the GAO report.

Mr. SNOWBARGER. Mr. Chairman, I rise in support of the amendment offered by the gentleman from Maryland. Providing arrearage payments to the United Nations now would be a grave mistake by this House. I strongly believe that the United States must get at least some credit for its in-kind contributions to United Nations peacekeeping missions, Furthermore, Congress should not appropriate any money for arrearages until real reforms at the United Nations are agreed to and begin to be implemented.

Mr. Chairman, the United States is not a freeloader or a deadbeat when it comes to our relationship with the United Nations. Our contributions to the UN—particularly peacekeeping missions—have been far more than we are ever given credit for.

This amendment does not ask for reimbursement for the Korean or gulf wars. Neither are we asking for recompense for the costs of enforcing the embargoes on Iraq or Yugoslavia. We do request compensation for the contributions necessary to support official United Nations peacekeeping undertakings. In the 4 years from 1992 through 1995, America contributed $4.8 billion in support of peacekeeping missions over and above our assessments. These costs included training other nations' troops in Haiti, humanitarian airdrops in Bosnia, airlifting troops to Rwanda, and building ports in Somalia.

Opponents of giving credit to America for these in-kind expenditures claim that if America were to be reimbursed we—and some other countries such as France—would end up paying no cash to fund UN peacekeeping missions. If this is indeed true, then the UN's budget process for peacekeeping missions is fundamentally dishonest and the United States is, in truth, paying a far higher percentage of the costs than even the inflated 31 percent assessment that we are charged. It is true that the administration did not contract with the United Nations to undertake these activities. On the other hand, these activities are real and vital costs of the peacekeeping missions and must be taken into account when figuring the real cost of the missions. After all, the Haiti mission could not proceed if the incoming troops were not trained—the costs of that training should be considered part of that mission.

Let me elaborate on some of this in-kind support. Our troops and private consultants trained Haitians in proper police procedure in an attempt to give that country some internal security force that doesn't rely solely on fear and terror. American forces conducted reconnaissance missions to establish the supply lines for aid shipments through Rwanda and Zaire. Our troops also reconnoitered the proposed airstrike targets in Bosnia.

Another significant use of American resources—if not in money then in a use of highly trained and scarce manpower—is the use of our Special Forces personnel as escorts for UN VIP's as they visit the locations of these peacekeeping missions. The Americans who died in Bosnia earlier this month were doing just that.

But even if the House should decide that the United States should pay the arrearages, for diplomatic reasons or because the administration unilaterally incurred these costs with no request or expectation of repayment, we still should not appropriate the money just yet. We must remember why the United States assumed this debt in the first place. Under the Kassebaum-Solomon amendment of 1985, Congress directed the administration to withhold this money in order to get the United Nations to adopt some desperately needed reforms. There have been some reforms promised, significantly fewer actually made. Past administrations have certified that the UN was making acceptable progress toward the reforms and released some of the withheld funds. But once the administration made its certification, the UN promptly ceased its progress, and did its best to undermine efforts at reform.

The Clinton administration and the U.N.'s allies say the American taxpayer should pay the arrearages now and wait for reforms later because the dues are legal obligations of our government. But the obligations go both ways, and part of the bargain with the United Nations should be that the institution be efficient, responsible, and accountable. As anyone who has dealt with a nonperforming contractor knows, withholding payment is often the only way to get him to respond to your concerns.

There is a provision in the bill that withholds the money until UN reforms are enacted. The report says that the reforms should include those contained in S. 903 which is pending in conference. These are fairly good reforms, and they make a good start on fixing the United Nations. There's only one problem. They have not yet been enacted into law. We have no way of knowing which reforms will actually be in the legislation. Neither do we know if the United Nations will agree to implement these reforms. We should not put the cart before the horse by providing the money before the reform package is fully in place.

The United Nations is a group of sovereign states; it is not sovereign itself. The people who work there must be made to understand that. We must put the officials at the UN on notice that much of what they call reform is not seen as such by America. Moves designed to eventually eliminate the United States' veto in the Security Council or provide an independent source of revenue for the organization should be utterly unacceptable to this Congress. What is needed is an end to the arrogance, corruption, and waste.

In closing, Mr. Chairman, I again urge the House to support Mr. BARTLETT's amendment. There may be a time in the future when it is appropriate to pay back dues to the United Nations. That time will be when the United States finally gets what it's paying for.

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The CHAIRMAN. The question is on the amendments offered by the gentleman from Maryland [Mr. BARTLETT].

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. BARTLETT. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 239, further proceedings on the amendment offered by the gentleman from Maryland [Mr. BARTLETT] will be postponed.

Are there further amendments to this portion of the bill?

If not, the Clerk will read.

The Clerk read as follows:

### CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES

For necessary expenses to pay assessed and other expenses of international peacekeeping activities directed to the maintenance or restoration of international peace and security $261,000,000, of which not to exceed $46,000,000 shall remain available until expended for payment of arrearages: *Provided*, That none of the funds appropriated or otherwise made available by this Act for payment of arrearages may be obligated or expended unless such obligation or expenditure is expressly authorized by the enactment of a subsequent Act described in the first proviso under the heading "Contributions to International Organizations" in this title: *Provided further*, That none of the funds made available under this Act shall be obligated or expended for any new or expanded United Nations peacekeeping mission unless, at least fifteen days in advance of voting for the new or expanded mission in the United Nations Security Council (or in an emergency, as far in advance as is practicable), (1) the Committees on Appropriations of the House of Representatives and the Senate and other appropriate Committees of the Congress are notified of the estimated cost and length of the mission, the vital national interest that will be served, and the planned exit strategy; and (2) a reprogramming of funds pursuant to section 605 of this Act is submitted, and the procedures therein followed, setting forth the source of funds that will be used to pay for the cost of the new or expanded mission: *Provided further*, That funds shall be available for peacekeeping expenses only upon a certification by the Secretary of State to the appropriate committees of the Congress that American manufacturers and suppliers are being given opportunities to provide equipment, services, and material for United Nations peacekeeping activities equal to those being given to foreign manufacturers and suppliers.

### INTERNATIONAL CONFERENCES AND CONTINGENCIES

For necessary expenses authorized by section 5 of the State Department Basic Authorities Act of 1956, in addition to funds otherwise available for these purposes, contributions for the United States share of general expenses of international organizations and conferences and representation to such organizations and conferences, as provided for by 22 U.S.C. 2656 and 2672, and personal services notwithstanding 5 U.S.C. 5102, $1,500,000, to remain available until expended as authorized by 22 U.S.C. 2696(c), of which not to exceed $200,000 may be expended for representation as authorized by 22 U.S.C. 4085: *Provided*, That these funds shall be available for obligation or expenditure only after submission of a plan for the expenditure of these funds in accordance with the procedures set forth in section 605 of this Act.

### International Commissions

For necessary expenses, not otherwise provided for, to meet obligations of the United States arising under treaties, or specific Acts of Congress, as follows:

### INTERNATIONAL BOUNDARY AND WATER COMMISSION, UNITED STATES AND MEXICO

For necessary expenses for the United States Section of the International Boundary and Water Commission, United States and Mexico, and to comply with laws applicable to the United States Section, including not to exceed $6,000 for representation; as follows:

### SALARIES AND EXPENSES

For salaries and expenses, not otherwise provided for, $17,490,000.

### CONSTRUCTION

For detailed plan preparation and construction of authorized projects, $6,463,000, to remain available until expended, as authorized by section 24(c) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2696(c)).

### AMERICAN SECTIONS, INTERNATIONAL COMMISSIONS

For necessary expenses, not otherwise provided for the International Joint Commission and the International Boundary Commission, United States and Canada, as authorized by treaties between the United States and Canada or Great Britain, and for the Border Environment Cooperation Commission as authorized by Public Law 103–182; $5,490,000, of which not to exceed $9,000 shall be available for representation expenses incurred by the International Joint Commission.

### INTERNATIONAL FISHERIES COMMISSIONS

For necessary expenses for international fisheries commissions, not otherwise provided for, as authorized by law, $14,490,000: *Provided*, That the United States' share of such expenses may be advanced to the respective commissions, pursuant to 31 U.S.C. 3324.

### Other

### PAYMENT TO THE ASIA FOUNDATION

For a grant to the Asia Foundation, as authorized by section 501 of Public Law 101–246, $8,000,000, to remain available until expended, as authorized by section 24(c) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2696(c)).

## RELATED AGENCIES

### Arms Control and Disarmament Agency

### ARMS CONTROL AND DISARMAMENT ACTIVITIES

For necessary expenses not otherwise provided, for arms control, nonproliferation, and disarmament activities, $41,500,000, of which not to exceed $50,000 shall be for official reception and representation expenses as authorized by the Act of September 26, 1961, as amended (22 U.S.C. 2551 et seq.).

### United States Information Agency

### INTERNATIONAL INFORMATION PROGRAMS

For expenses, not otherwise provided for, necessary to enable the United States Information Agency, as authorized by the Mutual Educational and Cultural Exchange Act of 1961, as amended (22 U.S.C. 2451 et seq.), the United States Information and Educational Exchange Act of 1948, as amended (22 U.S.C. 1431 et seq.), and Reorganization Plan No. 2 of 1977 (91 Stat. 1636), to carry out international communication, educational and cultural activities; and to carry out related activities authorized by law, including employment, without regard to civil service and classification laws, of persons on a temporary basis (not to exceed $700,000 of this appropriation), as authorized by section 801 of such Act of 1948 (22 U.S.C. 1471), and entertainment, including official receptions, within the United States, not to exceed $25,000 as authorized by section 804(3) of such Act of 1948 (22 U.S.C. 1474(3)); $430,597,000: *Provided*, That not to exceed $1,400,000 may be used for representation abroad as authorized by section 302 of such Act of 1948 (22 U.S.C. 1452) and section 905 of the Foreign Service Act of 1980 (22 U.S.C. 4085): *Provided further*, That not to exceed $6,000,000, to remain available until expended, may be credited to this appropriation from fees or other payments received from or in connection with English teaching, library, motion pictures, educational advising and counseling, exchange visitor program services, and publication programs as authorized by section 810 of such Act of 1948 (22 U.S.C. 1475e): *Provided further*, That not to exceed $920,000 to remain available until expended may be used to carry out projects involving security construction and related improvements for agency facilities not physically located together with Department of State facilities abroad.

### TECHNOLOGY FUND

For expenses necessary to enable the United States Information Agency to provide for the procurement of information technology improvements, as authorized by the United States Information and Educational Exchange Act of 1948, as amended (22 U.S.C. 1431 et seq.), the Mutual Educational and Cultural Exchange Act of 1961, as amended (22 U.S.C. 2451 et seq.), and Reorganization Plan No. 2 of 1977 (91 Stat. 1636), $5,050,000, to remain available until expended.

### EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS

For expenses of educational and cultural exchange programs, as authorized by the Mutual Educational and Cultural Exchange Act of 1961, as amended (22 U.S.C. 2451 et seq.), and Reorganization Plan No. 2 of 1977 (91 Stat. 1636), $193,731,000, to remain available until expended as authorized by section 105 of such Act of 1961 (22 U.S.C. 2455): *Provided*, That not to exceed $800,000, to remain available until expended, may be credited to this appropriation from fees or other payments received from or in connection with English teaching and publication programs and educational advising and counseling as authorized by section 810 of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1475e).

### EISENHOWER EXCHANGE FELLOWSHIP PROGRAM TRUST FUND

For necessary expenses of Eisenhower Exchange Fellowships, Incorporated, as authorized by sections 4 and 5 of the Eisenhower Exchange Fellowship Act of 1990 (20 U.S.C. 5204–5205), all interest and earnings accruing to the Eisenhower Exchange Fellowship Program Trust Fund on or before September 30, 1998, to remain available until expended: *Provided*, That none of the funds appropriated herein shall be used to pay any salary or other compensation, or to enter into any contract providing for the payment thereof, in excess of the rate authorized by 5 U.S.C. 5376; or for purposes which are not in accordance with OMB Circulars A–110 (Uniform Administrative Requirements) and A–122 (Cost Principles for Non-profit Organizations), including the restrictions on compensation for personal services.

### ISRAELI ARAB SCHOLARSHIP PROGRAM

For necessary expenses of the Israeli Arab Scholarship Program as authorized by section 214 of the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993 (22 U.S.C. 2452), all interest and earnings accruing to the Israeli Arab Scholarship Fund on or before September 30, 1998, to remain available until expended.

### INTERNATIONAL BROADCASTING OPERATIONS

For expenses necessary to enable the United States Information Agency, as authorized by the United States Information and Educational Exchange Act of 1948, as amended, the Radio Broadcasting to Cuba Act, as amended, the Television Broadcasting to Cuba Act, the United States International Broadcasting Act of 1994, as amended, and Reorganization Plan No. 2 of 1977, to carry out international communication activities, including the purchase, installation, rent, construction, and improvement of facilities and equipment for radio and television transmission and reception to Cuba, $391,550,000, of which $30,000,000 shall remain available until expended, not to exceed $16,000 may be used for official receptions within the United States as authorized by section 804(3) of such Act of 1948 (22 U.S.C. 1747(3)), not to exceed $35,000 may be used for representation abroad as authorized by section 302 of such Act of 1948 (22 U.S.C. 1452) and section 905 of the Foreign Service Act of 1980 (22 U.S.C. 4085), and not to exceed $39,000 may be used for official reception and representation expenses of Radio Free Europe/Radio Liberty; and in addition, not to exceed $2,000,000 in receipts from advertising and revenue from business ventures, not to exceed $500,000 in receipts from cooperating international organizations, and not to exceed $1,000,000 in receipts from privatization efforts of the Voice of America and the International Broadcasting Bureau, as authorized by section 810 of such Act of 1948 (22 U.S.C. 1475e), to remain available until expended for carrying out authorized purposes: *Provided*, That no funds shall be used for television broadcasting to Cuba after October 1, 1997, if the President certifies that continued funding is not in the national interest of the United States.

### RADIO CONSTRUCTION

For the purchase, rent, construction, and improvement of facilities for radio transmission and reception, and purchase and installation of necessary equipment for radio and television transmission and reception as authorized by section 801 of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1471), $40,000,000, to remain available until expended, as authorized by section 704(a) of such Act of 1948 (22 U.S.C. 1477b(a)).

### NATIONAL ENDOWMENT FOR DEMOCRACY

For grants made by the United States Information Agency to the National Endowment for Democracy as authorized by the National Endowment for Democacy Act, $30,000,000, to remain available until expended.

### GENERAL PROVISIONS—DEPARTMENT OF STATE AND RELATED AGENCIES

SEC. 401. Funds appropriated under this title shall be available, except as otherwise provided, for allowances and differentials as authorized by subchapter 59 of 5 U.S.C.; for services as authorized by 5 U.S.C. 3109; and hire of passenger transportation pursuant to 31 U.S.C. 1343(b).

SEC. 402. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of State in this Act may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers: *Provided*, That not to exceed 5 percent of any appropriation made available for the current fiscal year for the United States Information Agency in this Act may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers: *Provided further*, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 403. (1) For purposes of implementing the International Cooperative Administrative Support Services program in fiscal year 1998, the amounts referred to in paragraph (2) shall be transferred in accordance with the provisions of section 404.

(2) Paragraph (1) applies to amounts made available by title IV of this Act under the heading "ADMINISTRATION OF FOREIGN AFFAIRS" as follows:

(A) $108,932,000 of the amount made available under the paragraph "DIPLOMATIC AND CONSULAR PROGRAMS".

(B) $3,530,000 of the amount made available under the paragraph "SECURITY AND MAINTENANCE OF U.S. MISSIONS".

SEC. 404. Funds transferred pursuant to section 403 shall be transferred to the specified appropriation, allocated to the specified account or accounts in the specified amount, be merged with funds in such account or accounts that are available for administrative support expenses of overseas activities, and be available for the same purposes, and subject to the same terms and conditions, as the funds with which merged, as follows:

(1) Appropriations for the Legislative Branch—

(A) for the Library of Congress, for salaries and expenses, $500,000; and

(B) for the General Accounting Office, for salaries and expenses, $12,000.

(2) Appropriations for the Office of the United States Trade Representative, for salaries and expenses, $302,000.

(3) Appropriations for the Department of Commerce, for the International Trade Administration, for operations and administration, $7,055,000;

(4) Appropriations for the Department of Justice—

(A) for legal activities—

(i) for general legal activities, for salaries and expenses, $194,000; and

(ii) for the United States Marshals Service, for salaries and expenses, $2,000;

(B) for the Federal Bureau of Investigation, for salaries and expenses, $2,477,000;

(C) for the Drug Enforcement Administration, for salaries and expenses, $6,356,000; and

(D) for the Immigration and Naturalization Service, for salaries and expenses, $1,313,000.

(5) Appropriations for the United States Information Agency, for international information programs, $25,047,000.

(6) Appropriations for the Arms Control and Disarmament Agency, for arms control and disarmament activities, $1,247,000.

(7) Appropriations to the President—

(A) for the Foreign Military Financing Program, for administrative costs, $6,660,000;

(B) for the Economic Support Fund, $336,000;

(C) for the Agency for International Development—

(i) for operating expenses, $6,008,000;

(ii) for the Urban and Environmental Credit Program, $54,000;

(iii) for the Development Assistance Fund, $124,000;

(iv) for the Development Fund for Africa, $526,000;

(v) for assistance for the new independent states of the former Soviet Union, $818,000;

(vi) for assistance for Eastern Europe and the Baltic States, $283,000; and

(vii) for international disaster assistance, $306,000;

(D) for the Peace Corps, $3,672,000; and

(E) for the Department of State—

(i) for international narcotics control $1,117,000; and

(ii) for migration and refugee assistance, $394,000.

(8) Appropriations for the Department of Defense—

(A) for operation and maintenance—

(i) for operation and maintenance, Army, $4,394,000;

(ii) for operation and maintenance, Navy, $1,824,000;

(iii) for operation and maintenance, Air Force, $1,603,000; and

(iv) for operation and maintenance, Defense-Wide, $21,993,000; and

(B) for procurement, for other procurement, Air Force, $4,211,000.

(9) Appropriations for the American Battle Monuments Commission, for salaries and expenses, $210,000.

(10) Appropriations for the Department of Agriculture—

(A) for the Animal and Plant Health Inspection Service, for salaries and expenses, $932,000;

(B) for the Foreign Agricultural Service and General Sales Manager, $4,521,000; and

(C) for the Agricultural Research Service, $16,000.

(11) Appropriations for the Department of Treasury—

(A) for the United States Customs Service, for salaries and expenses, $2,002,000;

(B) for departmental offices, for salaries and expenses, $804,000;

(C) for the Internal Revenue Service, for tax law enforcement, $662,000;

(D) for the Bureau of Alcohol, Tobacco, and Firearms, for salaries and expenses, $17,000;

(E) for the United States Secret Service, for salaries and expenses, $617,000; and

(F) for the Comptroller of the Currency, for assessment funds, $29,000.

(12) Appropriations for the Department of Transportation—

(A) for the Federal Aviation Administration, for operations, $1,594,000; and

(B) for the Coast Guard, for operating expenses, $65,000.

(13) Appropriations for the Department of Labor, for departmental management, for salaries and expenses, $58,000.

(14) Appropriations for the Department of Health and Human Services—

(A) for the National Institutes of Health, for the National Cancer Institute, $42,000;

(B) for the Office of the Secretary, for general departmental management, $71,000;

(C) for the Centers for Disease Control and Prevention, for disease control, research, and training, $522,000; and

(15) Appropriations for the Social Security Administration, for administrative expenses, $370,000.

(16) Appropriations for the Department of the Interior—

(A) for the United States Fish and Wildlife Service, for resource management, $12,000;

(B) for the United States Geological Survey, for surveys, investigations, and research, $80,000; and

(C) for the Bureau of Reclamation, for water and related resources, $101,000.

(17) Appropriations for the Department of Veterans Affairs, for departmental administration, for general operating expenses, $453,000.

(18) Appropriations for the National Aeronautics and Space Administration, for mission support, $183,000.

(19) Appropriations for the National Science Foundation, for research and related activities, $39,000.

(20) Appropriations for the Federal Emergency Management Agency, for salaries and expenses, $4,000.

(21) Appropriations for the Department of Energy—

(A) for departmental administration, $150,000; and

(B) for atomic energy defense activities, for other defense activities, $54,000.

(22) Appropriations for the Nuclear Regulatory Commission, for salaries and expenses, $26,000.

Mr. ROGERS (during the reading). Mr. Chairman, I ask unanimous consent that the remainder of title IV be considered as read, printed in the RECORD and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

Are there amendments to this portion of the bill?

If not, the Clerk will read.

The Clerk read as follows:

### TITLE V—RELATED AGENCIES

### DEPARTMENT OF TRANSPORTATION

### MARITIME ADMINISTRATION

### OPERATING-DIFFERENTIAL SUBSIDIES

### (LIQUIDATION OF CONTRACT AUTHORITY)

For the payment of obligations incurred for operating-differential subsidies, as authorized by the Merchant Marine Act, 1936, as amended, $51,030,000, to remain available until expended.

Mr. ABERCROMBIE. Mr. Chairman, I rise in support of the Miller language adopted into H.R. 2267, the Departments of Commerce, Justice and State Appropriations Bill. These instructions will set aside a small amount of funding for the Executive Office of U.S. Attorneys to provide assistance to the victims of human rights abuses in the Commonwealth of the Northern Marianas Islands.

Since at least 1984, Federal officials have expressed concern about the CNMI alien labor system. Worker complaints over wages and working conditions are continuing undiminished according to the third annual report of the "Federal-CNMI Initiative". The governments of the Philippines and China have expressed concern about the treatment of their citizens in this U.S. Commonwealth and allegations persist regarding the CNMI's inability to protect workers against crimes such as illegal recruitment, battery, rape, child labor, and forced prostitution.

Without Rep. MILLER's language in H.R. 2267, individuals who have been the subject of human rights abuses—right here in the United States—have only the charity of private relief organizations to rely upon for help. In Hawaii, the Filipino Solidarity Coalition is currently providing sanctuary to a young girl named "Katrina" who came to Hawaii as a government witness. When Katrina was 14 she was brought to the CNMI by an employer who promised her a good job and fair wages in the restaurant industry. When she arrived in the CNMI her hopes for a better life were destroyed. She discovered that the employer had lured her to the CNMI under false pretenses. Not only was she confined to her assigned living quarters but she was also forced into service as a prostitute. Katrina had few options and even less money but she escaped her confines and filed suit against her employer with the help of the local Philippine consulate. When Katrina's actions were revealed to her employer, her life was threatened. To escape the abusive situation, the consulate helped her to find refuge in Guam. However, Guam's close proximity to her former employer still put Katrina in a dangerous situation.

Through the help of the Filipino Solidarity Coalition, Katrina managed to escape to Hawaii where local donations and a small grant from the Department of Labor helped to provide her shelter, food, and further legal assistance. However, there are many others who remain in the CNMI still suffering the abuse and indignity that Katrina managed to escape. I appreciate the Chairman's support of the Miller language which will help those like Katrina who are victims of human rights abuse, not far away in a foreign country, but right here in the United States of America.

Ms. FURSE. Mr. Chairman, I rise in support of Congresswoman NORTON's amendment to remove the ban on use of federal funds for abortion services for women in federal prisons.

The United States has more people behind bars than any other country in the world. Every week in America, more than 1,000 become inmates and the largest rate of increase is among women.

Many of these women prisoners are victims of physical or sexual abuse and 6% of them are pregnant when they enter prison. These women are isolated from family and friends and almost certainly lose custody of their infants upon birth. Are these conditions under which we want to force women to bear children?

Abortion is a legal health care option for American women, and has been for over 20 years. Federal prisoners are totally dependent on health care services provided by the Bureau of Prisons. The ban on abortion services contained in this bill effectively prevents these women from seeking their Constitutionally-guaranteed right to choose.

The experience of women who are pregnant, behind bars, with no money or support from the outside and who are denied the right to terminate their pregnancy, is nothing short of cruel and unusual punishment. The anti-choice provision in this bill amounts to inherent coercion to force these women to take their pregnancies to term and, in the process, inflicts extreme emotional damage, pain and suffering.

This ban is another direct assault on women's rights. It is one more step in the long line of rollbacks on women's reproductive freedoms.

I urge you to support Congresswoman NORTON's amendment. We must do everything in our power to treat these women fairly and allow them to access their legally protected right to choose.

Mr. POSHARD. Mr. Chairman, I rise today to register my strong support of the funding in this bill for juvenile justice programs. H.R. 2267 provides almost $238 million for these critical programs, an amount which represents a significant increase over last year's funding level. It saddens me to say so, but such an increase is necessary merely to keep pace with the ever-increasing level of juvenile crime in this country. I find it deeply disturbing that 20 percent of the individuals arrested for violent crimes are below the age of 18, and I applaud my colleagues for recognizing the critical need for funds and programs to combat this staggering statistic.

We must recognize that any effective strategy for reducing juvenile crime should include several components. Law enforcement resources need to target violent and dangerous juvenile offenders, and these youth must know that criminal actions will be punished swiftly and severely. In addition, it has to be instilled in juveniles that they will be held responsible for their actions, whether that involves victim restitution, community service or other sanctions. Perhaps most importantly, local communities and federal and state governments must adopt creative and effective prevention and intervention programs. It is crucial to identify at-risk youth and devote significant resources to minimizing or counteracting the potential for those individuals to become juvenile offenders.

I would also like to commend the Committee on its inclusion of funding for drug prevention programs. Drug abuse proves all too often to be a precursor to further criminal activity, and more teenagers than ever before are experimenting with drugs. We must step up our efforts to demonstrate to America's youth that drug use is harmful, dangerous, and unattractive, not to mention illegal. I believe the $5 million provided in this bill for the development of drug prevention programs represents a meaningful and important step towards this goal.

Again, I wish to thank the members of the Committee for their close attention to juvenile justice, and for making these programs a priority. We are moving in the right direction, and I urge my colleagues to fully support the juvenile justice funding levels in this bill.

Mrs. MALONEY of New York. Mr. Chairman, I rise today in support of the Norton amendment. The ban on Federal funds for abortions for women in prison is one more step in a long line of rollbacks on women's reproductive freedoms. The Norton amendment seeks to correct one of the more shameful attacks on American women.

Despite clear legal authority establishing the right of American women to choose abortion as a viable health option, many women prisoners are denied equal access to choose whether or not to terminate their pregnancies. Federal prisoners must rely on the Bureau of Prisons for all of their health care, yet without this amendment women will be prevented from seeking needed reproductive health care.

Prisoners have a constitutional right to health care. Congress should not interfere with this right. It is too easy to attack women inmates, women who are often poor, uneducated, isolated, and beaten down; women who are often victims of physical or sexual abuse.

Most women prisoners are poor when they enter prison, and therefore cannot rely on anyone else for financial assistance. These women already face limited prenatal care, isolation from family and friends, a bleak future, and the certain loss of custody of the infant.

The ban on reproductive health services for women in prison cuts off their only opportunity to receive much needed care, it denies them their constitutional rights, but most importantly, it denies them their dignity. Mr. Chairman, we must stop this assault on women's right to choose. I urge my colleagues to support the Norton amendment.

Mr. BLUMENAUER. Mr. Chairman, I rise in opposition to myriad amendments to the Commerce, Justice, State and the judiciary appropriation bill to either dramatically reduce or eliminate funding for the Advanced Technology Program [ATP] at the Department of Commerce. High technology companies play a key role in preparing our communities for the 21st century, and the ATP is critical to those efforts.

The ATP program is one of the strongest links in the Government-industry partnership to enhance U.S. competitiveness in a global marketplace. The Government support provided through the ATP is especially critical for long-term, high-risk, pre-competitive initiatives where the initial investment will not be recovered for several or even decades. Without these essential technology programs, U.S. industries will be at a disadvantage to the rest of the world. The ATP provides the high technology industry with the ability to develop breakthrough technologies by allowing companies to close the gap between technology development and commercialization.

I find it ironic that the $185 million designated for the ATP is being characterized as corporate pork, particularly since the House recently voted to order $5 billion worth of new B–2 bombers from defense contractors—bombers that the Air Force, Joint Chiefs of Staff, and Commander in Chief all argued were unnecessary. If ordering five billion dollar's worth of unnecessary military equipment from defense contractors isn't corporate pork, I don't know what is. This is especially true given the fact that defense contractors don't kick any of their own money into the construction of a B–2, unlike those companies that participate in the ATP.

Mr. Chairman, high technology companies: are the engine of job creation in the United States and contribute to the overall well-being of the United States economy. Nationally, the number of high tech jobs increased 6 percent from 1993 to 1995. In Oregon alone over 10,000 new jobs were created from 1990 to 1995; provide the greatest number of high-paying and high-skilled jobs to Americans, Nationally, high technology companies provide over 4 million jobs and provide an average wage of about $47,000, well above the national median. In Oregon high technology workers were paid an average of $46,319 in 1995, 84 percent more than the average wage of all private sector workers in the State; and contribute to improving the balance of trade in relation to our major competitors. Nationally, U.S. exports exceeded $140 billion—about one-fourth of all U.S. exports, in 1995. In Oregon, high technology companies account for 46 percent of all State exports, for a total of $4.3 billion in sales.

The Federal Government should be doing all it can to improve our Nation's competitive outlook, and a strong high technology sector in the economy is critical to meeting that goal. By cutting or eliminating the ATP, we would remove an important tool that high technology companies use in partnership with the Federal Government to hasten the speed of technological progress and bring new products to the marketplace. It's these type of partnerships that drive economic success in communities across the country.

I urge my colleagues to oppose any attempts to reduce funds for the Advanced Technology Program.

Mr. CUMMINGS. Mr. Chairman, I rise in support of the amendment offered by the gentleman from West Virginia [Mr. MOLLOHAN] and the gentleman from Pennsylvania [Mr. FOX]. This amendment would increase funding for the Legal Services Corporation from $141 million to $250 million. I applaud both of my colleagues for their leadership on this issue.

Mr. Chairman, one of the cornerstones of our constitutional democracy is the premise that all citizens should have competent legal counsel in a criminal or civil justice matter. Nevertheless, the reduction in funding for the Legal Services Corporation in this bill undermines that premise.

Mr. Chairman, the Legal Services Corporation is a modest but vitally important and effective program that assists millions of needy families in gaining access to the civil justice system in cases relating to domestic violence, landlord-tenant disputes, consumer fraud, child support, and other legal matters.

This program is the only means of assuring that poor children, battered and abused spouses, the elderly, the disabled, migrant workers, and other low-income individuals have access to legal representation in civil cases.

Mr. Chairman, the Legal Services Corporation has provided affordable legal assistance to 5 million Americans in 1995 alone. Legal Services clients are as diverse as our Nation, encompassing all races and ethnic groups and ages. Older Americans represent 11 percent of the clients serviced by legal services programs. Over two-thirds of legal services clients are women, most of whom are mothers with children. For children living in poverty, a parent's access to legal services can prove to be the difference in securing support fro an absent parent, obtaining a decent home in which to live, or receiving equal and fair access to educational opportunities.

Mr. Chairman, the representation of women and children who are victims of domestic violence has always been a high priority for the Legal Services Corporation and its grantees. In 1996, local programs closed 50,000 cases in which the primary legal issue was the representation of women seeking protection from abuse.

In my home State of Maryland, while costs and demands on the law have augmented, funding for general civil legal services has fallen by over 30 percent. In 1996, because of reduced funding levels, legal aid offices in the State of Maryland have closed. Currently, the Legal Services Corporation only has the capacity to serve less than 25 percent of the eligible population.

Mr. Chairman, by reducing funding, the Congress will continue to tell battered women in our Nation that they have no legal refuge against abuse, the elderly that their right to legal resources has been eliminated, and defrauded consumers that no legal protections exist. The words, as emblazoned on the Supreme Court Building, "equal justice under law," would not apply to all if funding were to be cut for this program.

Mr. Chairman, I practiced law for 20 years. As a lawyer, I was one of 130,000 volunteer lawyers registered to participate in pro bono legal services, encouraged by the Legal Services Corporation. During my service, I discovered that our civil justice system does belong to the rich and powerful in our Nation. Rare is the day when poor Americans receive equitable treatment.

Mr. Chairman, by increasing funding for the Legal Services Corporation, we will send a powerful message to the American people that our civil justice system does not belong just to the wealthy and privileged in our Nation; it belongs to all citizens. I, therefore, urge my colleagues to vote in support of this amendment.

To conclude, I thank the gentleman from West Virginia [Mr. MOLLOHAN] and the gentleman from Pennsylvania [Mr. FOX], for their leadership on this issue.

Mr. ROGERS. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. SMITH of New Jersey) having assumed the chair, Mr. HASTINGS, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2267), making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1998, and for other purposes, had come to no resolution thereon.

## PERMISSION TO FILE CONFERENCE REPORT ON H.R. 2203, ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 1998

Mr. ROGERS. Mr. Chairman, I ask unanimous consent that the managers on the part of the House may have until midnight tonight, Thursday, September 25, 1997, to file a conference report on the bill (H.R. 2203), making appropriations for energy and water development for the fiscal year 1998, and for other purposes.

The SPEAKER pro tempore (Mr. SMITH of New Jersey). Is there objection to the request of the gentleman from Kentucky?

There was no objection.

## NATIONAL EMERGENCY WITH RESPECT TO ANGOLA—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 105–135)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations and ordered to be printed:

*To the Congress of the United States:*

I hereby report to the Congress on the developments since my last report of April 4, 1997, concerning the national emergency with respect to Angola that was declared in Executive Order 12865 of September 26, 1993. This report is submitted pursuant to section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c).

On September 26, 1993, I declared a national emergency with respect to the National Union for the Total Independence of Angola ("UNITA"), invoking the authority, *inter alia*, of the International Emergency Economic Powers Act (50 U.S.C. 1701 *et seq.*) and the United Nations Participation Act of 1945 (22 U.S.C. 287c). Consistent with United Nations Security Council Resolution 864, dated September 15, 1993, the order prohibited the sale or supply by United States persons or from the United States, or using U.S.-registered vessels or aircraft, of arms and related materiel of all types, including weapons and ammunition, military vehicles, equipment and spare parts, and petroleum and petroleum products to the territory of Angola other than through designated points of entry. The order also prohibited such sale or supply to UNITA. United States persons are prohibited from activities that promote or are calculated to promote such sales or supplies, or from attempted violations, or from evasion or avoidance or transactions that have the purpose of evasion or avoidance of the stated prohibitions. The order authorized the Secretary of the Treasury, in consultation with the Secretary of State, to take such actions, including the promulgation of rules and regulations, as might be necessary to carry out the purposes of the order.

1. On December 10, 1993, the Treasury Department's Office of Foreign Assets Control (OFAC) issued the UNITA (Angola) Sanctions Regulations (the "Regulations") (58 *Fed. Reg.* 64904) to implement my declaration of a national emergency and imposition of sanctions against UNITA. The Regulations prohibit the sale or supply by United States persons or from the United States, or using U.S.-registered vessels or aircraft, of arms and related materiel of all types, including weapons and ammunition, military vehicles, equipment and spare parts, and petroleum and petroleum products to UNITA or to the territory of Angola other than through designated points of entry. United States persons are also prohibited from activities that promote or are calculated to promote such sales or supplies to UNITA or Angola, or from any transaction by any United States persons that evades or avoids, or has the purpose of evading or avoiding, or attempts to violate, any of the prohibitions set forth in the Executive order. Also prohibited are transactions by United States persons, or involving the use of U.S.-registered vessels or aircraft, relating to transportation to Angola or UNITA of goods the exportation of which is prohibited.

The Government of Angola has designated the following points of entry as points in Angola to which the articles otherwise prohibited by the Regulations may be shipped: *Airports*: Luanda and Katumbela, Benguela Province; *Ports*: Luanda and Lobito, Benuela Province; and Namibe, Namibe Province; and *Entry Points*: Malongo, Cabinda Province. Although no specific license is required by the Department of the Treasury for shipments to these designated points of entry (unless the item is destined for UNITA), any such exports remain subject to the licensing requirements of the Departments of State and/or Commerce.

There has been one amendment to the Regulations since my report of April 3, 1997. The UNITA (Angola) Sanctions Regulations, 31 CFR Part 590, were amended on August 25, 1997. General reporting, recordkeeping, licensing, and other procedural regulations were moved from the Regulations to a separate part (31 CFR Part 501) dealing solely with such procedural matters. (62 *Fed. Reg.* 45098, August 25, 1997). A copy of the amendment is attached.

2. The OFAC has worked closely with the U.S. financial community to assure a heightened awareness of the sanctions against UNITA—through the dissemination of publications, seminars, and notices to electronic bulletin boards. This educational effort has resulted in frequent calls from banks to assure that they are not routing funds in violation of these prohibitions. United States exporters have also been notified of the sanctions through a variety of media, including via the Internet, Fax-on-Demand, special fliers, and computer bulletin board information initiated by OFAC and posted through the U.S. Department of Commerce and the U.S. Government Printing Office. There have been no license applications under the program since my last report.

3. The expenses incurred by the Federal Government in the 6-month period from March 26, 1997, through September 25, 1997, that are directly attributable to the exercise of powers and authorities conferred by the declaration of a national emergency with respect to UNITA are approximately $50,000, most of which represent wage and salary costs for Federal personnel. Personnel costs were largely centered in the Department of the Treasury (particularly in the Office of Foreign Assets Control, the U.S. Customs Service, the Office of the Under Secretary for Enforcement, and the Office of the General Counsel) and the Department of State (particularly the Office of Southern African Affairs).

I will continue to report periodically to the Congress on significant developments, pursuant to 50 U.S.C. 1703(c).

WILLIAM J. CLINTON.

THE WHITE HOUSE, *September 24, 1997.*

## APPOINTMENT OF MEMBER TO LIBRARY OF CONGRESS TRUST FUND BOARD

The SPEAKER pro tempore. Without objection, and pursuant to the provisions of 2 USC 154, as amended by section 1 of Public Law 102–246, the Chair announces the Speaker's appointment of the following Member on the part of the House to the Library of Congress Trust Fund Board:

Mr. Wayne Berman of the District of Columbia to fill the existing vacancy thereon.

## LET JUSTICE PREVAIL

(Mr. BARR of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous material.)

Mr. BARR of Georgia. Madam Speaker, the difference between the Department of Justice of 1957 and 1997 could not be more starkly realized than looking at these tremendously important and positive images of a struggle for civil rights 40 years ago in which the United States Department of Justice was leading the way to uphold our laws, and the Department of Justice of 1997 which has become known as the stonewalling capital of the capital.

Madam Speaker, there are some of those that say because the Attorney General recently took the tiny step for the Department of Justice and that giant, giant tiny step for the Department of Justice, that we ought to say, wonderful, the Attorney General has decided to decide to decide whether to appoint a special prosecutor.

Madam Speaker, I join the New York Times, which, on September 14, called on the Attorney General to step aside and let justice prevail today as it did in 1957.

Madam Speaker, the New York Times editorial is as follows:

[From the New York Times, September 14, 1997]

### THE PROSECUTOR GAME

The torrent of disclosures of political fund-raising abuses by the Democrats last year has no doubt had a numbing effect on many Americans. But if ordinary citizens find it hard to keep track of the shady characters, bank transfers and memos suggesting that Vice President Gore and others knew what they say they did not know, the justice Department, has no excuse. Recent weeks have brought fresh evidence that the department's investigators are either lethargic or over their heads. Even worse, Attorney General Janet Reno's failure to seek an independent counsel to oversee the probe no longer looks like a principled assertion of faith in Justice's career staff. It looks like a political blocking operation to protect President Clinton and Mr. Gore from the vigorous investigation that would be aimed at any other officeholder who had received so much suspicious money.

Earlier this month, Ms. Reno was warned by Republicans in the House that "the mood in Congress to remove you from office grows daily." That is a drastic step we are not quite ready to endorse. But the Congressional frustration is understandable in light of recent developments. It is hard to fathom, for example, why Justice Department investigators were so clearly taken by surprise when it turned out that the Democratic Party had engaged in a systematic scheme of juggling its books, transferring money from one account to another in possible violation of the law. Had the investigators been doing their job, they would have also discovered months ago that the basis for Ms. Reno's repeatedly saying that there were no credible allegations of wrongdoing against Vice President Al Gore was flat wrong.

After disclosures in the press that the Democrats mixed campaign accounts that are supposed to be rigidly separate, Ms. Reno abruptly announced that her department would actively consider asking for a special counsel to take over the case. But there really is no need for delay in recognizing the obvious. Moreover, it would be a political subterfuge to limit the special counsel to Mr. Gore. His boss has earned one, too.

The first order of business ought to be fixing responsibility for the Democrats' fund-raising abuses, not simply the shuffling of accounts but whether there were any quid pro quos for all those donors and whether anyone in a major responsibility knew of the laundering of money and illegal transfers of funds from foreign sources. Among the highest priorities, in addition, is determining whether Mr. Gore violated Federal laws by soliciting money from big donors from his office at the White House.

There may be a temptation among Democrats and others to suggest that bookkeeping violations are inconsequential. But that would be a fundamental misreading of the issue. The reasons go back to the reforms that followed the biggest political scandal in modern American history.

Watergate led to two historic changes in American politics. First was the establishment of a process in which the Attorney General may seek the appointment of a special prosecutor, which later became known as an independent counsel, to investigate cases against top Administration officials. In 1993 when the statute was renewed, Ms. Reno herself affirmed the importance of being able to turn to an outside counsel to avoid "an inherent conflict of interest'' when the Attorney General, an appointee of the President, must oversee an investigation that could damage the Administration politically. She is burdened by that conflict today.

Watergate also produced limits on campaign contributions that were flagrantly violated last year. Since 1974, it has been illegal for an individual to contribute more than $1,000 to a Federal candidate per election or more than $20,000 per year to a political party for candidates election expenses. Individuals may not give more than $25,000 in such contributions a year for all candidates and parties put together. These strictly limited contributions that are used for direct candidate support are called "hard money." Federal election law separates hard gifts from the unlimited "soft money" that can be given to the party for their operating and promotion efforts. Last week we learned that the Democratic National Committee routinely deposited soft money in its hard money or candidate accounts without informing the donors. Although some of the money was later shifted to other accounts, it is clear that the D.N.C. was casual about one of the law's most basic distinctions.

Ms. Reno's primary duty is to uphold the laws on the books. But her Democratic loyalty seems to flow toward those bearing endless legalistic explanations as to why the laws either do not mean what they say or can be ignored with impunity. She should step aside and let someone with a less partisan view of law enforcement take over the crucial task of investigating the White House money flow.

## SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

## LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. ROGAN (at the request of Mr. ARMEY), for today, on account of illness.

Mr. COLLINS (at the request of Mr. ARMEY), for today, after 1 p.m. and the balance of the week, on account of a death in the family.

Mr. LAZIO of New York (at the request of Mr. ARMEY), for today, after 2:30 p.m., on account of illness in the family.

Mr. YOUNG of Alaska (at the request of Mr. ARMEY), for today, after 6 p.m., on account of personal reasons.

## SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mrs. MORELLA) to revise and extend their remarks and include extraneous material:)

Mr. HORN, for 5 minutes, today.

Mr. DIAZ-BALART, for 5 minutes, today.

Mr. MANZULLO, for 5 minutes, today.

Mr. JONES, for 5 minutes, on September 29.

## EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. MOLLOHAN) and to include extraneous matter:)

Mr. KANJORSKI.
Mr. MATSUI.
Mr. CLAY.
Mr. MORAN.
Mr. MILLER of California.
Mr. POSHARD.
Mr. TORRES.
Ms. Christian-Green.
Mr. FILNER.
Mr. UNDERWOOD.
Mr. CLEMENT.
Mr. LIPINSKI.
Mr. STARK.
Mr. SHERMAN.
Mr. MARTINEZ.
Ms. Velázquez.

(The following Members (at the request of Mrs. MORELLA) and to include extraneous matter:)

Mr. GOODLING.
Mr. WALSH,.
Mr. WOLF.
Mr. CASTLE.

Mr. McCOLLUM.
Mr. PAPPAS.
Mr. DAVIS of Virginia.
Mr. GILMAN.
Mr. WATTS of Oklahoma.
Mr. RILEY.
Mrs. MORELLA.
Mr. PORTER.

## SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 542. An act to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel FAR HORIZONS; to the Committee on Transportation and Infrastructure.

S. 662. An act to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel VORTICE; to the Committee on Transportation and Infrastructure.

S. 880. An act to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel DUSKEN IV; to the Committee on Transportation and Infrastructure.

## ENROLLED BILLS SIGNED

Mr. THOMAS, from the Committee on House Oversight, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 2209. An act making appropriations for the Legislative Branch for the fiscal year ending September 30, 1998, and for other purposes.

H.R. 2443. An act to designate the Federal building located at 601 Fourth Street, NW., in the District of Columbia, as the "Federal Bureau of Investigation, Washington Field Office Memorial Building", in honor of William H. Christian, Jr., Martha Dixon Martinez, Michael J. Miller, Anthony Palmisiano, and Edwin R. Woodriffe.

H.R. 2248. An act to authorize the President to award a gold medal on behalf of the Congress to Ecumenical Patriarch Bartholomew in recognition of his outstanding and enduring contributions toward religious understanding and peace, and for other purposes.

## BILLS PRESENTED TO THE PRESIDENT

Mr. THOMAS, from the Committee on House Oversight reported that that committee did on the following dates present to the President, for his approval, bills of the House of the following title:

On September 24, 1997:

H.R. 111. An act to provide for the conveyance of a parcel of unused agricultural land in Dos Palos, California, to the Dos Palos Ag Boosters for use as a farm school.

On September 25 1997:

H.R. 2443. An act to designate the Federal Building located at 601 Fourth Street, NW., in the District of Columbia, as the "Federal Bureau of Investigation, Washington Field Office Memorial Building", in honor of William H. Christian, Jr., Martha Dixon Martinez, Michael J. Miller, Anthony Palmisiano, and Edwin R. Woodriffe.

H.R. 2248, An act authorize the President to award a gold medal on behalf of the Congress to Ecumenical Patriarch Bartholomew in recognition of his outstanding and enduring contributions toward religious understanding and peace, and for other purposes.

H.R. 2209, An act making appropriations for the legislative branch for the fiscal year ending September 30, 1998, and for other purposes.

## ADJOURNMENT

Mrs. MORELLA. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 50 minutes p.m.), the House adjourned until tomorrow, Friday, September 26, 1997, at 9 a.m.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SHUSTER: Committee on Transportation and Infrastructure. H.R. 2516. A bill to extend the Intermodal Surface Transportation Efficiency Act of 1991 through March 31, 1998; with an amendment (Rept. 105–270). Referred to the Committee of the Whole House on the State of the Union.

## REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HYDE: Committee on the Judiciary. H.R. 1313. A bill for the relief of Nancy B. Wilson (Rept. 105–269). Referred to the Committee of the Whole House.

## SUBSEQUENT ACTION ON A REPORTED BILL SEQUENTIALLY REFERRED

Under clause 5 of Rule X the following action was taken by the Speaker:

H.R. 695. Referral to the Committee on Commerce extended for a period ending not later than September 29, 1997.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of Rule X and clause 4 of Rule XXII, public bills and resolutions were introduced and severally referred, as follows:

By Mrs. MORELLA:

H.R. 2544. A bill to improve the ability of Federal agencies to license federally owned inventions; to the Committee on Science, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BROWN of Ohio (for himself, Mr. BALDACCI, Mr. BONIOR, Ms. CHRISTIAN-GREEN, Mr. CONYERS, Mr. DELLUMS, Mr. ENSIGN, Mr. FILNER, Mr. FLAKE, Mr. FROST, Mr. HILLIARD, Ms. JACKSON-LEE, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. KILPATRICK, Mr. McDERMOTT, Mr. McNULTY, Mr. MURTHA, Mr. NADLER, Ms. NORTON, Mr. NORWOOD, Mr. OLVER, Mr. PASCRELL, Mr. SAXTON, Mr. STEARNS, Mr. UNDERWOOD, Mr. FOX of Pennsylvania, Mr. EVANS, Mr. LANTOS, and Mr. FAZIO of California):

H.R. 2545. A bill to amend title 39, United States Code, to allow postal patrons to contribute to funding for prostate cancer research through the voluntary purchase of certain specially issued United States postage stamps; to the Committee on Government Reform and Oversight.

By Mr. CLAY (for himself and Mr. KILDEE):

H.R. 2546. A bill to amend the Higher Education Act of 1965 to make college more affordable and accessible; to the Committee on Education and the Workforce.

By Mr. FARR of California (for himself, Mr. SAXTON, Mr. ABERCROMBIE, Mr. MILLER of California, Mr. GILCHREST, Mr. PALLONE, Mr. BROWN of California, Mr. GOSS, Mr. KENNEDY of Rhode Island, and Mr. ORTIZ):

H.R. 2547. A bill to develop and maintain a coordinated, comprehensive, and long-range national policy with respect to ocean and coastal activities that will assist the Nation in meeting specified objectives, and for other purposes; to the Committee on Resources.

By Mr. FILNER:

H.R. 2548. A bill to curtail illegal immigration through increased enforcement of the employer sanctions provisions in the Immigration and Nationality Act and related laws; to the Committee on the Judiciary, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FRANK of Massachusetts:

H.R. 2549. A bill to amend title II of the Social Security Act to restrict the application of the windfall elimination provision to individuals whose combined monthly income from benefits under such title and other monthly periodic payments exceeds $2,000 and to provide for a graduated implementation of such provision on amounts above such $2,000 amount; to the Committee on Ways and Means.

By Mr. KLECZKA:

H.R. 2550. A bill to adjust the rules for deducting military separation pay amounts from veterans' disability compensation; to the Committee on National Security.

By Mr. LaFALCE (for himself, Mr. HOUGHTON, Mr. BARCIA of Michigan, and Mr. OBERSTAR):

H.R. 2551. A bill to amend the Immigration and Nationality Act to authorize the Attorney General to eliminate the fee associated with the issuance of an I–68 landing permit; to the Committee on the Judiciary.

By Mr. McCOLLUM (for himself and Mr. BACHUS):

H.R. 2552. A bill to amend the requirements in the Federal Credit Union Act relating to audit requirements and supervisory committee oversight of insured credit unions, and for other purposes; to the Committee on Banking and Financial Services.

By Mrs. MORELLA (for herself, Mr. Allen, Mr. Davis of Illinois, Ms. Christian-Green, Mr. Sandlin, Mr. Olver, Mr. Frost, Ms. Rivers, Mr. Kennedy of Rhode Island, and Mr. McGovern):

H.R. 2553. A bill to amend the Internal Revenue Code of 1986 to make the dependent care credit refundable, and for other purposes; to the Committee on Ways and Means.

By Ms. NORTON:

H.R. 2554. A bill to prohibit discrimination on the basis of certain factors with respect to any aspect of a surety bond transaction; to the Committee on the Judiciary.

By Mr. PALLONE (for himself, Mr. Jones, Mr. Hinchey, Mr. Smith of New Jersey, Mr. Payne, Mr. Nadler, Mr. Gejdenson, and Ms. DeLauro):

H.R. 2555. A bill to prohibit the Department of the Interior from expending any funds for a mid-Atlantic coast offshore oil and gas lease sale; to the Committee on Resources.

By Mr. SAXTON:

H.R. 2556. A bill to reauthorize the North American Wetlands Conservation Act and the Partnerships for Wildlife Act; to the Committee on Resources.

By Mr. STARK:

H.R. 2557. A bill to provide for the removal of abandoned vessels; to the Committee on Transportation and Infrastructure.

By Mr. STARK:

H.R. 2558. A bill to amend title XVIII of the Social Security Act to provide for payment for hospital outpatient department services equal to payment rates established for similar services provided outside the hospital setting; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. STARK:

H.R. 2559. A bill to amend title XVIII of the Social Security Act to limit the ability of hospitals to treat noncontiguous facilities as hospital outpatient departments; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. THOMPSON:

H.R. 2560. A bill to award congressional gold medals to Jean Brown Trickey, Carlotta Walls LaNier, Melba Patillo Beals, Terrence Roberts, Gloria Ray Karlmark, Thelma Mothershed Wair, Ernest Green, Elizabeth Eckford, and Jefferson Thomas, commonly referred to collectively as the "Little Rock Nine" on the occasion of the 40th anniversary of the integration of Central High School in Little Rock, Arkansas; to the Committee on Banking and Financial Services.

By Mr. WELDON of Florida:

H.R. 2561. A bill to provide low-income children educational opportunities; to the Committee on Education and the Workforce.

By Mrs. CHENOWETH (for herself, Mr. Bartlett of Maryland, and Mr. Hall of Texas):

H. Con. Res. 158. Concurrent resolution condemning the deployment of United States military personnel in the service of the United Nations in the former Yugoslav Republic of Macedonia; to the Committee on International Relations, and in addition to the Committee on National Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LIPINSKI (for himself, Mr. Payne, Mr. Meehan, Mr. Underwood, Mr. Blagojevich, Mr. Poshard, Mr. Watts of Oklahoma, Mr. Horn, Mr. Andrews, Mrs. Maloney of New York, Mr. McGovern, Mr. Markey, Mr. Gutierrez, Mrs. Kelly, Mr. Bonior, Mr. Stearns, Mr. Doyle, Mr. Johnson of Wisconsin, Mr. LaTourette, Mr. Holden, Mr. Davis of Virginia, Mrs. Kennelly of Connecticut, Mr. Manton, Mr. Gejdenson, Mr. Neal of Massachusetts, Mr. Pallone, Mr. DeFazio, Mr. Kennedy of Rhode Island, Ms. Slaughter, and Mr. Riggs):

H. Con. Res. 159. Concurrent resolution honoring the memory of the victims of the Great Irish Potato Famine, and for other purposes; to the Committee on International Relations.

By Mr. THOMAS:

H. Res. 244. Resolution demanding that the Office of the United States Attorney for the Central District of California file criminal charges against Hermandad Mexicana Nacional for failure to comply with a valid subpoena under the Federal Contested Elections Act; to the Committee on House Oversight, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ROYCE (for himself, Mr. Smith of New Jersey, Mr. Menendez, and Mr. Payne):

H. Res. 245. Resolution expressing the sense of the House of Representatives in support of a free and fair referendum on self-determination for the people of Western Sahara; to the Committee on International Relations.

## ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 26: Mr. Ney, Mr. Smith of Michigan, and Mr. Hefley.

H.R. 38: Mr. Hefley.

H.R. 44: Mr. Rangel, Mr. Abercrombie, Mr. Ensign, Mr. Ney, and Mr. Peterson of Pennsylvania.

H.R. 45: Mr. Evans.

H.R. 59: Mr. Hall of Texas, Mr. Crane, and Mr. Porter.

H.R. 65: Mr. Souder.

H.R. 135: Mr. Thompson.

H.R. 146: Mr. Manton and Mr. Goode.

H.R. 303: Mr. Leach and Mr. Peterson of Pennsylvania.

H.R. 453: Mr. Brown of California, Mr. Smith of New Jersey, Mr. Olver, Mr. Blumenauer, Mr. Conyers, and Mr. Tierney.

H.R. 600: Mr. Sawyer, Ms. Stabenow, Mr. John, Mr. Berry, Mr. Peterson of Minnesota, Mr. Becerra, Mr. Tanner, Mr. Scott, Mr. Dixon, Mr. Martinez, Mr. Lantos, Mr. Neal of Massachusetts, Mr. Rodriguez, Mr. Condit, Mr. McHale, Mr. Hinojosa, Mr. Reyes, Mr. Oberstar, Ms. Kaptur, Mr. Ortiz, Mr. Stokes, Mr. Cummings, Mr. Menendez, and Mr. Lewis of Georgia.

H.R. 621: Ms. Woolsey.

H.R. 627: Mr. Dan Schaefer of Colorado.

H.R. 628: Mr. Andrews, Mr. Hilliard, Mrs. Lowey, Mr. Hayworth, Mr. Ney, Mr. McNulty, and Mr. Calvert.

H.R. 687: Mr. Bonior and Mr. Visclosky.

H.R. 715: Mr. Packard.

H.R. 754: Mr. Moran of Virginia.

H.R. 758: Mr. Stenholm, Mr. McInnis, and Mr. Largent.

H.R. 774: Mr. Capps.

H.R. 789: Mr. Bob Schaffer.

H.R. 815: Mr. Hayworth and Mr. Visclosky.

H.R. 859: Mr. Pastor.

H.R. 991: Mr. Barrett of Wisconsin and Mr. Stupak.

H.R. 1009: Mr. Hefley.

H.R. 1010: Mr. Snowbarger.

H.R. 1023: Mr. Aderholt.

H.R. 1025: Ms. DeLauro and Ms. Harman.

H.R. 1031: Mr. Deal of Georgia.

H.R. 1114: Mr. Ford, Mr. Andrews, Mr. Bachus, Mr. Lewis of Georgia, Mr. Watkins, Mr. Cummings, Mrs. Kennelly of Connecticut, Mr. McHale, Mr. Parker, Mr. Solomon, Ms. Brown of Florida, Mr. Gibbons, Mr. Vento, Mr. Foley, and Mr. Pickering.

H.R. 1147: Mr. Hilleary.

H.R. 1151: Mr. Rangel, Mr. Manton, and Mr. Rush.

H.R. 1161: Mr. English of Pennsylvania.

H.R. 1234: Mr. Bonior.

H.R. 1450: Mr. Hinojosa and Ms. Slaughter.

H.R. 1481: Mr. Gilchrest.

H.R. 1595: Mr. Calvert, Mr. Hayworth, Mr. Skeen, and Mr. Stump.

H.R. 1608: Mr. Peterson of Pennsylvania, Mr. Pastor, Mr. Gilman, Mr. Pascrell, Mr. Bliley, Ms. Eddie Bernice Johnson of Texas, Mr. Lipinski, and Mr. Martinez.

H.R. 1625: Mr. Hastert, Mr. Bono, Mr. Gallegly, Mr. Rohrabacher, and Mr. Talent.

H.R. 1823: Mr. Ney, Mr. Kennedy of Rhode Island, and Mr. Thompson.

H.R. 1842: Mr. Shadegg.

H.R. 1870: Mr. Watt of North Carolina, Mr. Rush, and Mr. Strickland.

H.R. 1909: Mr. Talent.

H.R. 1951: Ms. Eddie Bernice Johnson of Texas, Mrs. Lowey, Mr. Hefner, and Mr. Edwards.

H.R. 2013: Mr. Kennedy of Rhode Island.

H.R. 2023: Mr. Costello

H.R. 2121: Mr. Rush.

H.R. 2129: Mr. McKeon and Mr. Gutierrez.

H.R. 2163: Mr. Linder.

H.R. 2195: Mr. Lantos.

H.R. 2228: Ms. Woolsey and Mr. Tierney.

H.R. 2232: Ms. Pelosi.

H.R. 2257: Mr. Filner, Mr. Pomeroy, Mr. Kucinich, and Mr. Sanders.

H.R. 2348: Mr. Matsui, Mr. Rahall, Mr. Faleomavaega, and Mr. Frost.

H.R. 2349: Mr. DeFazio, Mr. Frost, Mr. McGovern, Mr. Rahall, Mr. Pastor, and Mr. Bonior.

H.R. 2400: Mr. Boehlert, Mr. Borski, Mr. Coble, Mr. Lipinski, Mr. Duncan, Mr. Wise, Mr. Ewing, Mr. Traficant, Mr. Gilchrest, Mr. DeFazio, Mr. Horn, Mr. Clement, Mr. Franks of New Jersey, Mr. Costello, Mr. Mica, Mr. Poshard, Mr. Quinn, Mr. Cramer, Mrs. Fowler, Ms. Norton, Mr. Ehlers, Mr. Nadler, Mr. Bachus, Ms. Danner, Mr. LaTourette, Mr. Menendez, Mrs. Kelly, Mr. Clyburn, Mr. Baker, Ms. Brown of Florida, Mr. Bass, Mr. Barcia of Michigan, Mr. Ney, Mr. Filner, Mr. Metcalf, Ms. Eddie Bernice Johnson of Texas, Mrs. Emerson, Mr. Mascara, Mr. Pease, Mr. Blumenauer, Mr. Blunt, Mr. Sandlin, Mr. Pitts, Mr. Pascrell, Mr. Hutchinson, Mr. Johnson of

Wisconsin, Mr. COOK, Mr. BOSWELL, Mr. COOKSEY, Mr. HOLDEN, Mr. PICKERING, Mr. LAMPSON, Ms. GRANGER, Mr. FOX of Pennsylvania, Mr. LOBIONDO, Mr. WATTS of Oklahoma, Mr. MORAN of Kansas, Mr. ACKERMAN, Mr. ANDREWS, Mr. BEREUTER, Mr. BLAGOJEVICH, Mr. BONIOR, Mr. BURTON of Indiana, Mr. CAMP, Mr. CONYERS, Mr. DINGELL, Mr. FALEOMAVAEGA, Mr. FORBES, Mr. FROST, Mr. GEKAS, Mr. GORDON, Mr. HINCHEY, Ms. HOOLEY of Oregon, Mr. HOUGHTON, Mr. KILDEE, Ms. KILPATRICK, Mr. KING of New York, Mr. LAFALCE, Mr. LEVIN, Mr. LEWIS of California, Mr. MANZULLO, Mr. MCHUGH, Mr. MCNULTY, Mr. PALLONE, Mr. PAYNE, Mr. PETERSON of Pennsylvania, Ms. RIVERS, Mr. ROTHMAN, Mrs. ROUKEMA, Mr. SCHUMER, Mr. SHIMKUS, Mr. SMITH of New Jersey, Ms. STABENOW, Mr. STRICKLAND, Mr. STUPAK, Mr. TOWNS, Mr. UPTON, Mr. WELLER, Mr. MANTON, Ms. SLAUGHTER, Mr. SMITH of Michigan, Ms. VELÁZQUEZ, and Mr. WALSH.

H.R. 2422: Mr. FROST, Mr. OLVER, Mr. BOUCHER, and Mrs. MINK of Hawaii.

H.R. 2439: Mr. KLUG.

H.R. 2449: Mr. MCCOLLUM, Mr. CUNNINGHAM, Mr. CANNON, Mr. BAKER, Mr. BEREUTER, Mr. KASICH, and Mr. WELDON of Florida.

H.R. 2453: Mr. HORN, Ms. SLAUGHTER, Mrs. MINK of Hawaii, Mr. WATT of North Carolina, Mr. SNYDER, Ms. WATERS, and Mr. QUINN.

H.R. 2456: Mr. SKEEN.

H.R. 2457: Mrs. MYRICK.

H.R. 2481: Mr. BEREUTER, Mr. MCNULTY, Mr. POMEROY, Mr. MANTON, Mr. TOWNS, Mr. CONYERS, and Mr. STRICKLAND.

H.R. 2483: Mr. DELAY, Mr. SOLOMON, Mr. JONES, Mr. BLILEY, Mrs. MYRICK, Mr. HOEKSTRA, Mr. PARKER, Mr. KASICH, Mr. MICA, Mr. BARTON of Texas, Mr. NORWOOD, Mr. PICKERING, Mr. ROHRABACHER, Mr. RILEY, Mr. BILBRAY, Mr. SNOWBARGER, Mr. HASTERT, Mr. LEWIS of Kentucky, and Mr. DOOLITTLE.

H.R. 2489: Mr. NEY, Mr. KLUG, Mr. RUSH, Mr. CRAPO, Mr. LEWIS of Kentucky, Mr. ADAM SMITH of Washington, Mr. MCHUGH, and Mr. JACKSON.

H.R. 2492: Mr. ENGLISH of Pennsylvania.

H. Con. Res. 19: Mr. LEVIN.

H. Con. Res. 80: Mr. DEUTSCH, Mr. COSTELLO, Mr. SNYDER, Mr. SISISKY, Mr. SABO, and Ms. MILLENDER-MCDONALD.

H. Con. Res. 127: Mr. STRICKLAND.

H. Res. 16: Mr. ENGLISH of Pennsylvania.

H. Res. 139: Mr. ENSIGN, Mr. CONDIT, and Mr. PETERSON of Minnesota.

## AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

### H.R. 901

OFFERED BY: MR. ABERCROMBIE

AMENDMENT NO. 1: On page 10 of the bill, after line 8, insert the following:

"(d) Subsection (b) shall not apply to Hawaiian Islands Biosphere Reserve."

### H.R. 901

OFFERED BY: MR. BROWN OF CALIFORNIA

AMENDMENT NO. 2: Strike page 8, line 21, through page 9, line 16, and insert the following:

"SEC. 403. (a) No Federal official may nominate any lands in the United States for designation as a United States Biosphere Reserve under the Man and the Biosphere Program of the United Nations Educational, Scientific, and Cultural Organization, except in accordance with this section.

"(b) Any designation on or before the date of enactment of the American Land Sovereignty Protection Act of lands in the United States as a United States Biosphere Reserve under the Man and the Biosphere Program of the United Nations Educational, Scientific, and Cultural Organization shall not have, and shall not be given, any force or effect, unless the proposed United States Biosphere Reserve is determined by the Secretary of State—

"(1) to include—

"(A) little-disturbed areas of natural habitat that are reasonably expected to remain so because of protection or management under any law or regulation in effect before the date of that designation; and

"(B) managed use areas;

"(2) to be suitable to serve as a model of outstanding stewardship fostering a harmonious relationship between human activities and the conservation of natural resources; and

"(3) to have been nominated for designation by each person that holds title to the lands, or in the case of public lands, by the governmental authority administering the lands, after local public comment has been obtained and considered.

"(c) The Secretary of State, or governmental authority administering the nominated lands, shall use appropriate means to publicize nationally the nomination of lands for designation as a United States Biosphere Reserve.

"(d) Designation of lands as a United States Biosphere Reserve shall not convey any additional protections or use restrictions to included lands, or impose any obligations on third parties, including private parties, nor shall it impose any restrictions or requirements on private rights or private property land uses within the lands or adjacent to the lands. Recognition as a United States Biosphere Reserve shall in no way affect United States sovereignty over lands.

11(e)(1) For all designations on or before the date of enactment of the American Land Sovereignty Protection Act of lands in the United States as a United States Biosphere Reserve, the Secretary of State shall transmit to the Congress determinations made under subsection (b) of this section within 90 days after the date of enactment of the American Land Sovereignty Protection Act.

"(2) Upon receiving any new nomination for designation of lands as a United States Biosphere Reserve after the date of enactment of the American Land Sovereignty Protection Act, the Secretary of State, after determining that the requirements of subsection (b)(1) through (4) have been met, shall transmit to the Congress the information received with respect to the nomination. No lands shall be designated as a United States Biosphere Reserve until at least 90 days have passed after the transmittal of information with respect to those lands under this paragraph.

Page 9, line 17, redesignate subsection (c) as subsection (f).

### H.R. 901

OFFERED BY: MS. CHRISTIAN-GREEN

AMENDMENT NO. 3: On page 10 of the bill, after line 8, insert the following:

"(d) Subsection (b) shall not apply to Virgin Islands Biosphere Reserve."

### H.R. 901

OFFERED BY: MR. DEFAZIO

AMENDMENT NO. 4: On page 10 of the bill, after line 8, insert the following:

"(d) Subsection (b) shall not apply to Three Sisters Biosphere Reserve or H.J. Andrews Biosphere Reserve."

### H.R. 901

OFFERED BY: MR. FARR OF CALIFORNIA

AMENDMENT NO. 5: On page 10 of the bill, after line 8, insert the following:

"(d) Subsection (b) shall not apply to California Coastal Ranges Biosphere Reserve."

### H.R. 901

OFFERED BY: MR. FARR OF CALIFORNIA

AMENDMENT NO. 6: On page 10 of the bill, after line 8, insert the following:

"(d) Subsection (b) shall not apply to Central California Coastal Biosphere Reserve."

### H.R. 901

OFFERED BY: MR. FARR OF CALIFORNIA

AMENDMENT NO. 7: On page 10 of the bill, after line 8, insert the following

"(d) Subsection (b) shall not apply to Sequoia-King Canyon Biosphere Reserve."

### H.R. 901

OFFERED BY: MR. FARR OF CALIFORNIA

AMENDMENT NO. 8: On page 10 of the bill, after line 8, insert the following

"(d) Subsection (b) shall not apply to Channel Islands Biosphere Reserve."

### H.R. 901

OFFERED BY: MR. FARR OF CALIFORNIA

AMENDMENT NO. 9: On page 10 of the bill, after line 8, insert the following

"(d) Subsection (b) shall not apply to Mojave and Colorado Deserts Biosphere Reserve."

### H.R. 901

OFFERED BY: MR. FARR OF CALIFORNIA

AMENDMENT NO. 10: On page 10 of the bill, after line 8, insert the following

"(d) Subsection (b) shall not apply to Golden Gate Biosphere Reserve."

### H.R. 901

OFFERED BY: MR. FARR OF CALIFORNIA

AMENDMENT NO. 11: Page 11, strike line 7 and all that follows down through line 13.

Page 11, line 14, strike "(e)" and insert "(d)".

### H.R. 901

OFFERED BY: MR. HINCHEY

AMENDMENT NO. 12: On page 10 of the bill, after line 8, insert the following:

"(d) Subsection (b) shall not apply to Champlain-Adirondack Biosphere Reserve."

### H.R. 901

OFFERED BY: MR. HINCHEY

AMENDMENT NO. 13: On page 10 of the bill, after line 8, insert the following:

"(d) Subsection (b) shall not apply to Mammoth Cave Area Biosphere Reserve."

### H.R. 901

OFFERED BY: MR. HINCHEY

AMENDMENT NO. 14: On page 10 of the bill, after line 8, insert the following:

"(d) Subsection (b) shall not apply to Rocky Mountain Biosphere Reserve."

### H.R. 901

OFFERED BY: MR. HINCHEY

AMENDMENT NO. 15: On page 10 of the bill, after line 8, insert the following:

"(d) Subsection (b) shall not apply to South Atlantic Coastal Plain Biosphere Reserve."

### H.R. 901

OFFERED BY: MR. KILDEE

AMENDMENT NO. 16: On page 10 of the bill, after line 8, insert the following:

"(d) Subsection (b) shall not apply to Isle Royale Biosphere Reserve."

### H.R. 901

OFFERED BY: MR. KILDEE

AMENDMENT NO. 17: On page 10 of the bill, after line 8, insert the following:

“(d) Subsection (b) shall not apply to University of Michigan Biosphere Reserve.”

H.R. 901

OFFERED BY: MR. PALLONE

AMENDMENT NO. 18: On page 10 of the bill, after line 8, insert the following:

“(d) Subsection (b) shall not apply to New Jersey Pinelands Biosphere Reserve.”

H.R. 901

OFFERED BY: MR. VENTO

AMENDMENT NO. 19: On page 10 of the bill, after line 8, insert the following:

“(d) Subsection (b) shall not apply to Aleutian Islands Biosphere Reserve.”

H.R. 901

OFFERED BY: MR. VENTO

AMENDMENT NO. 20: On page 10 of the bill, after line 8, insert the following:

“(d) Subsection (b) shall not apply to Big Bend Biosphere Reserve.”

H.R. 901

OFFERED BY: MR. VENTO

AMENDMENT NO. 21: On page 10 of the bill, after line 8, insert the following:

“(d) Subsection (b) shall not apply to Denali Biosphere Reserve.”

H.R. 901

OFFERED BY: MR. VENTO

AMENDMENT NO. 22: On page 10 of the bill, after line 8, insert the following:

“‘(d) Subsection (b) shall not apply to Everglades Biosphere Reserve.’”

H.R. 901

OFFERED BY: MR. VENTO

AMENDMENT NO. 23: On page 10 of the bill, after line 8, insert the following:

“‘(d) Subsection (b) shall not apply to Glacier Bay—Admiralty Island Biosphere Reserve.’”

H.R. 901

OFFERED BY: MR. VENTO

AMENDMENT NO. 24: On page 10 of the bill, after line 8, insert the following:

“‘(d) Subsection (b) shall not apply to Glacier Biosphere Reserve.’”

H.R. 901

OFFERED BY: MR. VENTO

AMENDMENT NO. 25: On page 10 of the bill, after line 8, insert the following:

“‘(d) Subsection (b) shall not apply to Noatak Biosphere Reserve.’”

H.R. 901

OFFERED BY: MR. VENTO

AMENDMENT NO. 26: On page 10 of the bill, after line 8, insert the following:

“‘(d) Subsection (b) shall not apply to Yellowstone Biosphere Reserve.’”

H.R. 901

OFFERED BY: MR. VENTO

AMENDMENT NO. 27: On page 11 of the bill—

(1) on line 10, strike “and”;

(2) on line 13, strike the period and insert instead “; and”; and

(3) after line 13, insert the following:

“‘(3) sites nominated under the Convention on Wetlands of International Importance Especially as Waterfowl Habitat (popularly known as the Ramsar Convention).’”

H.R. 2267

OFFERED BY: MR. FOX OF PENNSYLVANIA

AMENDMENT NO. 63: Page 117, after line 2, insert the following new section:

SEC. 617. None of the funds appropriated or otherwise made available by this Act may be obligated or expended, directly or indirectly, to make any payment to, provide any financial assistance to, or enter into any contract with, the Palestine Broadcasting Corporation, any affiliate or successor agency of such corporation, or any individual employed by or representing such corporation.

H.R. 2267

OFFERED BY: MR. SAXTON

AMENDMENT NO. 64: Page 50, line 13, after the dollar amount insert “(reduced by $10,000)”.

Page 50, line 23, after the dollar amount insert “(reduced by $10,000)”.

Page 51, line 11, after the second dollar amount insert “(reduced by $10,000)”.

Page 51, line 13, after the dollar amount insert “(reduced by $10,000)”.

Page 51, line 17, after the dollar amount insert “(reduced by $10,000)”.

H.R. 2267

OFFERED BY: MR. WHITFIELD

AMENDMENT NO. 65: At the end of the bill, insert after the last section (preceding the short title) the following new section:

SEC. 617. None of the funds appropriated or otherwise made available by this Act may be used to deport any person who has filed a visa application or other petition with the Immigration and Naturalization Service and is serving as a licensed physician in a federally designated health professionals shortage area as determined by the Department of Health and Human Services.

# EXTENSIONS OF REMARKS

## H.R. 2544, THE TECHNOLOGY TRANSFER COMMERCIALIZATION ACT OF 1997

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**HON. CONSTANCE A. MORELLA**

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 25, 1997*

Mrs. MORELLA. Mr. Speaker, today I am introducing H.R. 2544, the Technology Transfer Commercialization Act of 1997, a bill which promotes technology transfer by facilitating licenses for federally owned inventions.

Each day research and development programs at our Nation's over 700 Federal laboratories produce new knowledge, processes, and products. Often, technologies and techniques generated in these Federal laboratories have commercial applications if further developed by the industrial community.

As a result, Federal laboratories are working closely with U.S. business, industry, and State and local governments to help them apply these new capabilities to their own particular needs. Through this technology transfer process our Federal laboratories are sharing the benefits of our national investment in scientific progress with all segments of our society.

It seems clear that the economic advances of the 21st century will be rooted in the research and development performed in our Nation's laboratories. These advances are becoming even more dependent upon the continuous transfer of technology into commercial goods and services. By spinning off and commercializing federally developed technology, the results of our Federal research and development enterprise are being used today to enhance our Nation's ability to compete in the global marketplace.

For over a decade and a half, Congress, led by the Science Committee has embraced the importance of technology transfer to our Federal laboratories and to our international competitiveness. We have enacted legislation establishing a system to facilitate this transfer of technology to the private sector and to State and local governments.

The primary law to promote the transfer of technology from Federal laboratories is the Stevenson-Wydler Technology Innovation Act of 1980. The Stevenson-Wydler Act, Public Law 96–480, makes it easier to transfer technology from the laboratories and provides a means for private sector researchers to access laboratory developments.

In addition, Congress has enacted additional laws to foster technology transfer, including the Federal Technology Transfer Act of 1986, Public Law 99–502; the Omnibus Trade and Competitiveness Act of 1988, Public Law 100–418; the National Competitiveness Technology Transfer Act of 1989, Public Law 101–189; and the American Technology Preeminence Act of 1991, Public Law 102–245, among others. In addition, Congress enacted the amendments to the patent and trademark laws, also known as the Bayh-Dole Act of 1980, Public Law 96–517.

Most recently, in the past Congress, the National Technology Transfer and Advancement Act of 1995, Public Law 104–113, which I introduced, was enacted into law. Public Law 104–113 amends the Stevenson-Wydler Technology Innovation Act of 1980 and the Federal Technology Transfer Act of 1986 to improve U.S. competitiveness by speeding commercialization of inventions developed through collaborative agreements between the Government and industry. The law also promotes partnership ventures with Federal laboratories and the private sector and creates incentives to laboratory personnel for new inventions.

As the chair of the House Science Committee's Technology Subcommittee, I am pleased to continue this tradition of advancing technology transfer and encouraging research and development partnerships between Government and industry with the introduction of H.R. 2544, the Technology Transfer Commercialization Act. H.R. 2544 seeks to remove the legal obstacles to effectively license federally owned inventions, created in Government-owned, Government-operated laboratories, by adopting the successful Bayh-Dole Act as a framework.

The bill provides parallel authorities to those currently in place under the Bayh-Dole Act for licensing university or university-operated Federal laboratory inventions. This bill also amends the Stevenson-Wydler Act, as amended, to allow Federal laboratories to include already existing patented inventions into a cooperative research and development agreement [CRADA].

Thus, agencies would be provided with two important new tools for effectively commercializing on-the-shelf federally owned technologies—either licensing them as stand-alone inventions, under the bill's revised authorities of section 209 of the Bayh-Dole Act, or including them as part of a larger package under a CRADA. In doing so, this will make both mechanisms much more attractive to U.S. companies that are striving to form partnerships with Federal laboratories.

Additionally, H.R. 2544 removes language requiring onerous public notification procedures in the current law, recognizing that in partnership with Government, industry must undertake great risks and expenditures to bring new discoveries to the marketplace and that in today's competitive world economy, time-to-market commercialization is a critical factor for successful products. Federal regulations currently require a 3-month notification of the availability of an invention for exclusive licensing in the Federal Register. If a company responds by seeking to license the invention exclusively, another notice requirement follows providing for a 60-day period for filing objections. The prospective licensee is publicly identified along with the invention during this second notice. This built-in delay of at least 5 months, along with public notification that a specific company is seeking the license, is a great disincentive to commercializing on-the-shelf Government inventions.

No such requirements for public notification and filing of objections exist for licensing university patents or patents made by contractor-operated Federal laboratories. In addition, no such restriction applies to companies seeking a CRADA, which now guarantees companies the right to an exclusive field of use license. In all the years that the statutes have been utilized, no evidence has arisen that the universities or contractor-operated laboratories abuse these authorities. The steady increase of university licensing agreements, royalties, commercialized technologies, and economic benefits to the U.S. economy shows that removing such legal impediments is critical to success.

Changing this provision would not only speed the commercialization of billions of dollars of on-the-shelf technologies, it would also allow these discoveries to be effectively included in a CRADA, which is now very difficult to do. These built-in delays fundamentally exacerbate the biggest industry complaint about dealing with the Federal Government as a R&D partner—it simply takes too long to complete a deal. Requiring a half-year delay to receive a license that both parties want to grant makes no sense.

Removing this restriction eliminates the last significant legal roadblock to expediting licensing and commercialization of Federally-funded patents. This should provide an important tool for our economic growth if the agencies apply this new authority aggressively.

While removing language requiring onerous public notification procedures in the current law, it is the intent of the bill that agencies will continue to widely disseminate public notices that inventions are available for licensing. Agencies should approach this in the same manner that they are now providing notice that opportunities for a CRADA are available under the Federal Technology Transfer Act, and universities advertise available licenses under the Bayh-Dole Act.

In providing the appropriate notice of the availability of their technologies for licensing, I would expect that agencies to the greatest possible use of the Internet. Electronic postings provide instantaneous notice that commercial partners are being sought for developing Federal patents. Virtually all Federal laboratories and universities now already use their Internet websites to post such notices. This should be a far more effective advertising tool than mere publication in the Federal Register, especially since most small businesses do not scan the Federal Register looking for new technologies.

Mr. Speaker, the Technology Transfer Commercialization Act streamlines Federal technology licensing procedures by removing the

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

uncertainty and delay associated with the licensing determination process. Removing the roadblocks to the commercialization of Federal research and development by industry has been a goal we, in Congress, have long supported, and I would urge my colleagues to join me in this effort.

## TRIBUTE TO COURT STREET SCHOOL

### HON. MICHAEL PAPPAS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 25, 1997*

Mr. PAPPAS. Mr. Speaker, I rise today to call attention to an open house celebration for the Court Street School Education Community Center, Inc. [CSSECC] in Freehold, NJ.

The Court Street School was established in 1915 for the sole purpose of educating the African-American children in the area. The school remained open until 1974. In April 1990, the CSSECC began the planning and renovation of the school. Now, the CSSECC is ready to open the doors of this historical landmark for the entire Freehold community to see. This new community center will provide needed programs and support to area youth and their families.

Community centers, like the one in Freehold, are important infrastructures that help facilitate a stronger, compassionate community. It is in this spirit that the CSSECC has stated its mission: "To inspire hope in our children with a team of parents, teachers, volunteers, and CSSECC support staff, singularly dedicated to instill in each child the belief that he or she is a unique gift of perfect love."

Mr. Speaker, it is my honor to announce the Open House Celebration for the new Court Street School Education Community Center on Saturday, September 27, 1997.

## SUPPORT OF THE 21ST CENTURY STUDENT FINANCIAL AID SYSTEM IMPROVEMENT ACT OF 1997

### HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 25, 1997*

Mr. GOODLING. Mr. Speaker, I rise today in strong support of the leadership efforts of Mr. MCKEON in moving the Department's management of the student aid delivery system into the 21st century. After 18 hearings on the upcoming authorization of the Higher Education Act, it is safe to say that there is a clear consensus on the need for improved management of the student aid delivery system, except in the minds of the people currently managing those systems.

Currently, the Department of Education has a dozen or so computer systems and contracts which aid in the delivery of more than $40 billion in student financial aid every year. Timely delivery of these funds are vital to ensuring that every American has the ability to pursue a postsecondary education. We all recognize that this is no small task. However, the concerns that the Department's computer systems are out of date, vulnerable to fraud and abuse, and inordinately expensive to run cannot be ignored. The General Accounting Office, the Department's inspector general, the Advisory Committee on Student Financial Assistance, and a majority of the higher education community have all called for a fundamental restructuring of the way the Department manages the current student aid delivery system. Yet incredulously, the Department seems to think that it is on the road to becoming the Microsoft of the higher education community, at least that was the opinion of one senior Department of Education official at a hearing before Mr. MCKEON's subcommittee.

It's time to stop talking about delivery system improvements and system integration and to start doing something about it. Last year, students and parents suffered through horrendous processing delays when the Federal student aid application processing system failed. Earlier this year, students wishing to consolidate their student loans submitted applications only to encounter lengthy delays in processing. Now students wishing to consolidate their student loans are told not to bother applying, since the Department has shut down the entire processing system. And just last week, our colleague, Representative HORN, chairman of the Subcommittee on Government Management, Information and Technology, gave the Department a failing grade for its efforts to address the year 2000 computer changes needed to keep the financial aid systems running after the Office of Management and Budget included the Education Department on its list of troubled agencies. Less than 2 months ago, in testimony at our system modernization hearing, a Department official stated "I would probably disagree if you say there are major bugs or problems because we have been able to continue to keep the trains running." Well, the train just stopped and it's the students who suffer as a result of the poor system management structure currently in place at the Department.

It's clear to me and the others here with us today that it is time to try a new approach. The bill that Mr. MCKEON has put together gets things moving in the rights direction. I sincerely hope that the Department of Education sees this effort as a positive step forward which will benefit students, parents, and institutions of higher education across the country.

## SIXTY YEARS OF SERVICE: THE LADIES' AUXILIARY OF THE DELAWARE VOLUNTEER FIREMEN'S ASSOCIATION

### HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 25, 1997*

Mr. CASTLE. Mr. Speaker, I rise to salute and pay tribute to an outstanding and caring volunteer association in the State of Delaware. The Ladies Auxiliary of the Delaware Volunteer Firemen's Association.

This weekend, the ladies auxiliary will celebrate its 60th year of service to the citizens of the First State. Their history of volunteerism began on September 9, 1937, when the first president, Nan Laws Woods of the Five Points Fire Co. Ladies Auxiliary, struck the first gavel establishing the ladies' auxiliary of the Delaware Volunteer Firemen's Association. The auxiliary encompassed many of the fire companies in Delaware and pledged their combined efforts to help the firemen of Delaware as well as those whose homes had been damaged by fire. Organized efforts included contributions to burn centers, food, and clothing to burn victims as well as financial support.

During the war years, the auxiliary assisted the Red Cross by sending Christmas packages to soldiers. The members also encouraged the purchase of war bonds. Returning to peacetime, the auxiliary focused on fund raising efforts to assist local fire companies. Throughout their years of service, tired firefighters have come to rely on the meals and beverages served by the auxiliary during fires and emergencies. When the gavel falls to open the 60th annual meeting in Rehoboth Beach, it is fitting that Mrs. Barbara Lewis, the current president will preside. President Lewis is also from the Five Points Fire Co., the home of the Mrs. Nan Woods.

I offer my congratulations not only as a Member of the House of Representatives but as a former Governor who appreciates the leadership, teamwork and commitment of this association in their service to the people of Delaware. I wish them many more years of success in their endeavors as they continue to assist volunteer fire and emergency services throughout Delaware.

## TRIBUTE TO "THE BIG HELP" NICKELODEON PROGRAM

### HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 25, 1997*

Mr. CLYBURN. Mr. Speaker, this year, the Presidents' Summit for America's Future brought well-deserved attention to volunteers and volunteer programs throughout the country.

Six months later, a number of news organizations are reviewing the results the summit brought about in corporate America. One volunteer initiative that is especially interesting to me is Nickelodeon's "The Big Help." This is a volunteer program that began 4 years ago and focuses on motivating and inspiring kids aged 6 to 14 to volunteer.

"The Big Help" distinguishes itself because it involves not only Nickelodeon's corporate pledge to the summit, but also young Nickelodeon watchers' pledges to volunteer annually. This program is effective because it teaches children at an early age the value of giving back to their communities.

As part of its public responsibility, Nickelodeon created "The Big Help"; in 1994 after their research discovered that kids wanted to help make the world a better place, they just didn't know how. Combining on-air messaging, school and community outreach, and partnerships with 23 national volunteer organizations, "The Big Help" provides kids with tools to actively volunteer and participate in real helping activities.

This Sunday, September 28, Nickelodeon is inviting Members of Congress and their families to a celebration of kid volunteerism and "The Big Help." This event will also showcase Nick, Jr., Nickelodeon's award-winning preschool programming block, and its new online offerings including "nick.com" and "teachers.nick.com," the Internet component to Nickelodeon's "Cable-in-the-Classroom" programs.

In addition to dedicating 10 percent of its airtime to "The Big Help," Nickelodeon also provides substantial off-channel resources for outreach, including curriculum for elementary and middle schools and volunteer planning kits. In 1996, during the third annual "Big Help-a-Thon," over 8.5 million kids called in and pledged over 92 million hours to making a difference in their communities.

To further reach kids on a grassroots level, Nickelodeon will kick-off "The Big Help-on-the-Road," this Sunday in Washington. This mobile Big Help headquarters features video-based interactive kiosks, on-site volunteer activities, and information about local volunteer opportunities. "The Big Help-on-the-Road" will travel to local communities across the country—urban and rural, large and small—to champion the spirit of kid's voluntarism.

I hope you will join me in saluting Nickelodeon and its partner organizations in "The Big Help." These include: 4-H, American Camping Association, The American Humane Association, Big Brothers/Big Sisters of America, Boys and Girls Clubs of America, the Caption Center, Earth Force, Easter Seals, Feed the Children, Girl Scouts of the USA, Girls Inc., Habitat for Humanity, Keep America Beautiful, National P.T.A., National Wildlife Federation, Points of Light Foundation, Ronald McDonald Charities, Safe America Foundation, Second Harvest, The U.S. Department of Education, Youth Service America, YMCA of the USA, and YWCA of the USA.

I'd like to commend Herb Scannell, president of Nickelodeon, for his corporate leadership and commitment to empowering kids to make a difference. I would also like to commend Marva Smalls, senior vice president at Nickelodeon, and a constituent of mine, for organizing "The Big Help" program.

Finally, I would like to salute the millions of kids across the country who are volunteering their time and efforts to make their world a better place. They should serve as an example to all of us.

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## OHIO CITIZENS AGAINST LAWSUIT ABUSE

### HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 25, 1997*

Mr. GILLMOR. Mr. Speaker, I rise today to acknowledge a group of Ohioans who have come together to speak out on the issue of lawsuit abuse. Because of their ongoing concern, local citizens have volunteered their time to organize Ohio Citizens Against Lawsuit Abuse [OCALA] and to undertake a public awareness campaign about what they perceive as the problems of lawsuit abuse.

Based in Columbus, Ohio Citizens Against Lawsuit Abuse focuses their efforts in informing and educating Ohio residents about an issue that has statewide and national implications for all Americans. The costs of lawsuit abuse can include higher costs for consumer products and services, higher medical expenses, greater taxes, and fewer jobs due to lost business expansion and foregone product development. This is not a new concern for many of us in the House of Representatives, but one which must be addressed.

OCALA wants to help prevent unnecessary lawsuits that do more harm than good and bring balance, fairness, responsibility, and restraint to our court system. OCALA supporters believe that through education, there will be change in public understanding, attitudes, and behavior, and they have the opportunity to play a vital role in reforming the legal system.

This nonprofit grassroots organization has raised local funds to run educational media announcements and provide speakers for other organizations and citizens' groups across the State. They hope these actions will raise awareness of the lawsuit abuse issue and help legislators arrive at fair and equitable legislative solutions.

Gov. George Voinovich has declared September 22–27 as Lawsuit Abuse Awareness Week throughout the State of Ohio. I want to commend all the individuals who are involved in Ohio Citizens Against Lawsuit Abuse for their dedication and commitment. They are helping elected Federal and State officials address serious issues. I commend their work on behalf of our State.

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## TRIBUTE TO VIRGIL MURPHY

### HON. JAY W. JOHNSON

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 25, 1997*

Mr. JOHNSON of Wisconsin. Mr. Speaker, I rise today to pay tribute to Virgil Murphy, an honored leader and public servant from Bowler, WI.

Virgil is currently the president of the Stockbridge-Munsee Band of Mohican Indians in northeast Wisconsin and he is retiring at the age of 77, after a lifetime of service and achievement. He is a stalwart fixture in the community, having held the positions of vice president, tribal treasurer, tribal council member, housing director, and chairman of the Mohican Elderly Steering Committee.

Even in retirement, Virgil will continue to be an honored elder and his advice and leadership will be relied upon for the tribe's future endeavors.

His concern for the tribe's economic well-being and unity is well-known. His devotion for his family is plain to all who know him. His service to his tribe and to his country as a U.S. Army veteran will always be remembered.

Please join me in thanking Virgil Murphy for his years and years of dedication and wishing him the best in the future.

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## U.S. ARMY RESEARCH LABORATORY ANNOUNCES SCIENCE AND TECHNOLOGY ACADEMIC RECOGNITION SYSTEM [STARS] FELLOWS

### HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 25, 1997*

Mr. CLAY. Mr. Speaker, recently, Dr. John Lyons, Director, U.S. Army Research Laboratory [ARL] announced the first recipients of ARL's Science and Technology Academic Recognition System [STARS] fellowships for students enrolled in historically black colleges and universities and other minority institutions. I am pleased to congratulate this year's recipients: LaDonna Nettles from Gautier, MS, Makeda Smith from Birmingham, AL, and Theodore Anthony from Baltimore, MD. Both Ms. Nettles and Ms. Smith are students at Xavier University and Mr. Anthony is a student at Morgan State University.

The STARS initiative is designed to increase the number of minority scientists and engineers as we enter the millennium. It provides tuition and expenses for the senior undergraduate year and 2 years of graduate school. STARS awards can total $100,000 each of the 3 years. Information about the program may be obtained by writing: Betty Irby, Senior Analyst of ARL, U.S. Army Research Laboratory, 2800 Power Mill Road, Adelphi, MD 20783, ATTN: AMSRL–SP. I encourage all interested parties to learn more about this valuable program.

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## THE CREDIT UNION AUDIT IMPROVEMENT ACT

### HON. BILL McCOLLUM

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 25, 1997*

Mr. McCOLLUM. Mr. Speaker, I rise today in support of legislation, the Credit Union Audit Improvement Act of 1997, I am introducing with my colleague, Mr. BACHUS of Alabama. As Members of this body know, our Nation's insured credit unions are a vital part of our financial services system. Therefore, the accuracy of their financial records is of utmost importance. It is important to the people trusting their money with these institutions, to the regulators doing their job and to the taxpayers who actually ensure these institutions.

It is with this in mind that I introduce the Credit Union Audit Improvement Act. My legislation would do several things. It would amend the Federal Credit Union Act [the act] to require each federally insured Federal and State credit union to: prepare financial statements in accordance with generally accepted accounting principles [GAAP] and to have an independent audit performed by an independent licensed accountant in accordance with generally accepted auditing standards [GAAS]; prepare an annual written assertion about the effectiveness of the credit union's internal controls over financial reporting; obtain a written report—or attestation report—from an independent licensed accountant regarding management's report on internal controls; and prepare an annual written assertion about the credit union's compliance with specified laws and regulations.

Under the legislation, the National Credit Union Administration [NCUA] would be able to exempt smaller credit unions with less than $10 million in assets. The bill would also specifically require credit unions to engage only those external persons who meet applicable state licensing requirements to perform services subject to these requirements.

This legislation is in response to a final ruling by the NCUA on financial audits of credit unions. The final rule, effective December 31, 1996, allows compensated, nonlicensed persons to audit a credit union's financial information and internal controls. This is in direct contravention to most State accountancy statutes, which require auditors to be licensed. Several State boards of accountancy, including the one in my home State of Florida, have written in protest of this rule. Florida State law states that only certified public accountants can attest as an expert in accountancy to the reliability or fairness of presentation of financial information. The NCUA, in response to several States' inquiries, has made clear its intention to preempt these State laws, support a credit union's right to hire anyone it deems qualified to perform the audit. This seems odd—after all, who is going to be a better judge of who is qualified? A credit union supervisory board made up of volunteers who may or may not have any background in financial statements or the State accountancy boards?

Frankly, Mr. Speaker, I was a bit surprised to learn that the act lacks clear objectives and standards for audits and external auditors. The safety and soundness of untold numbers of credit unions—and therefore their insurance—could be jeopardized if credit union management and regulators do not have a reliable financial picture. Section 115 of the act says only that each Federal credit union's supervisory committee shall make or cause to be made an annual audit. NCUA rules require—in substance, though not in form—an audit of financial statements. But what does not make sense is that the audit does not have to be based on professional auditing standards followed by independent professional auditors.

This makes no sense. I believe that such an audit should be performed only by independent licensed professional public accountants as virtually every State accountancy statute requires. Audits are important to ensure that financial data used by a credit union's members and by Federal and State regulators are reliable as well as to identify potential control weaknesses. But the audit loses its effectiveness when not performed according to the rigors of professional standards by persons who have had to demonstrate their competence and independence in auditing.

Allowing nonlicensed individuals to perform audits poses a direct threat to the public interest by legitimizing work that is inadequate, lacks uniformity, and is void of definitive standards.

Mr. Speaker, I am not alone in believing this. When talking to credit union managers, I was told that many credit unions already have audits performed by licensed professionals. When asked why, the purpose was clear: fiduciary reasons. The supervisory committees have an obligation to their depositors to ensure that the credit union is properly audited since an audit can pick up things that even the most thorough NCUA examination would not. But credit union managers are not alone in their thoughts. The GAO also recommended that credit unions above a minimum size should be required to obtain annual independent certified public accountant audits and to make annual management reports in internal controls and compliance with laws and regulations in a 1991 report. In 1993, the NCUA itself proposed requiring credit unions with more than $50 million in assets to obtain annual independent audits of their financial statements. The NCUA not only cited the 1991 GAO report, but it also said that the requirement was necessary due to the increasing complexity of credit unions' financial statements. This proposal was modified into today's form due to pressure from the industry.

In response to my request for comment on this bill, the NCUA gave several reasons, none satisfactory in my opinion, why unlicensed people should be allowed to perform audits outside of GAAP standards. Among them, it was pointed out that the NCUA would like to preserve the occasional GAAP/RAP differences. RAP standards proved ineffective long ago, most notably in the savings and loan failures. Elimination of RAP standards alone may be a good enough argument for this bill.

The bottom line, Mr. Speaker, is that we cannot allow nonlicensed persons to do external auditing at insured credit unions. After all, what's the point if they do not provide the reliability that one performed by a licensed individual? There is no good reason why we should not ensure that credit union audits are as reliable as possible. I urge my colleagues to support this legislation.

## RECOGNIZING IMPORTANT CONTRIBUTIONS MADE BY AMERICANS OF AUSTRIAN HERITAGE

SPEECH OF

### HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 24, 1997*

Mr. GILMAN. Mr. Speaker, I want to commend the gentleman from Nebraska [Mr. BEREUTER] for introducing this resolution which pays fitting tribute to our many outstanding citizens who take pride in their Austrian heritage. In order to highlight the very close ties between Austria and this country, Austrian President Dr. Thomas Klestil has taken an initiative through the Austrian-American community to observe Austrian-American Day on September 26, 1997. This is an initiative which I believe we can all support.

This resolution reminds us that we should be thankful for the many contributions made to this country by such great Americans as Joseph Pulitzer, Felix Frankfurter, Arthur Burns, Billy Wilder, and Arnold Schwarzenegger all of whom are of Austrian descent. I should add to this list our distinguished colleague DOUG BEREUTER whose forebears also hailed from Austria.

I urge my colleagues, by way of acknowledging their contributions to America, and offering our thanks and congratulations to our friends and fellow citizens of Austrian heritage, to adopt this measure.

## THE PROSTATE CANCER RESEARCH STAMP ACT

### HON. SHERROD BROWN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 25, 1997*

Mr. BROWN of Ohio. Mr. Speaker, today, I am proud to introduce the Prostate Cancer Research Stamp Act. This legislation would authorize a special first class stamp to be priced at up to 8 cents above the cost of normal first-class postage. The additional money from this voluntary purchase would be earmarked for prostate cancer research.

Earlier this year, 422 Members of the House voted for similar legislation to increase funding for breast cancer research by allowing Americans to voluntarily purchase specially issued U.S. postal stamps. My legislation would extend this effort to helping the hundreds of thousands of men who suffer from prostate cancer.

More than 334,000 American men will be diagnosed with prostate cancer in 1997, making it the most commonly diagnosed form of cancer in the United States. More than 41,000 men will die from the disease this year. Despite these staggering statistics, prostate cancer has received a fraction of the resources dedicated to other forms of cancer. The Prostate Cancer Research Stamp Act would support research into the prevention, detection, and early diagnosis of this deadly disease. I hope you will join me in this effort.

## TRIBUTE TO FRANK HOLMGREN

### HON. MICHAEL PAPPAS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 25, 1997*

Mr. PAPPAS. Mr. Speaker, fifty-five years ago, we were engaged in a terrible conflict that cost over 250,000 American lives. The service and dedication of our Nation's World War II service men and women laid the cornerstones to the greatness our Nation experiences today.

Today, I would like to call attention to one of the heroic Americans who fought in this war. On Friday, September 26, 1997, the Eatontown Elks Lodge No. 2402 will be holding a testimonial dinner honoring Frank Holmgren at Gibbs Hall at Fort Monmouth, NJ. Mr. Holmgren, retired from the U.S. Navy, is one of two surviving crew members of the U.S.S. *Juneau*, a light cruiser that played an integral part in the war.

The U.S.S. *Juneau* was commissioned on February 14, 1942, under the command of Capt. Lyman K. Swanson. After a valiant effort at the Battle of Santa Cruz, the ship and Mr.

Holmgren were then sent to protect transports and cargo vessels at Guadalcanal. After being struck by a torpedo to the port side by enemy aircraft, the U.S.S. *Juneau* and her crew continued to fight enemy planes and Japanese ships at close range. At 1100 hours, November 13, 1942, three torpedoes were fired from a Japanese submarine toward the U.S.S. *Juneau*. She managed to avoid the first two, but the third struck the hull in the same place the first one from the plane did. The U.S.S. *Juneau*, in a terrible explosion, broke in two and sank within 20 seconds. Of 700 heroic crew members, only 10 survived, and 1 of those was Frank Holmgren. I stand here today to honor Frank Holmgren, as well as those who did not escape the U.S.S. *Juneau*, for their unselfish, dauntless courage under fire, for which we are forever grateful.

Mr. Speaker, it is sailors of the U.S.S. *Juneau* and specifically men like Mr. Holmgren that epitomize the endurance and perseverance of the American people. We must never forget the valiant efforts of our wartime veterans and those who have made the supreme sacrifice. Our Nation owes these veterans the greatest degree of gratitude. It is my great privilege to acknowledge Mr. Holmgren and the great service he has made to our country.

## CONGRATULATIONS ON THE 77TH ANNIVERSARY OF THE DELAWARE VOLUNTEER FIREMEN'S ASSOCIATION

### HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 25, 1997*

Mr. CASTLE. Mr. Speaker, I rise today to pay tribute to the fine work of an outstanding, dedicated, and caring group of Delawareans: The Delaware Volunteer Fireman's Association. For myself, and on behalf of the citizens of the First State, I would like to thank them for their tireless service.

This weekend in Rehoboth Beach, firefighters from all across Delaware will gather and celebrate their 77 years of outstanding leadership and unselfish devotion to their communities and State. These dedicated men and women train in preventing and fighting fires and perform emergency medical services for our citizens. It is because of this training and commitment that Delaware's volunteer fire and emergency medical services are ranked as one of the best in the country. This type of commitment to public service is uncommon among individuals.

I commend these volunteers for their exemplary record of public and community assistance. They are truly a model for all of us who serve in public life. Their commitment to the cause of volunteer firefighters will find a permanent place in the Delaware volunteer fire service history. As the Delaware Volunteer Fireman's Association and Ladies Auxiliary gather to celebrate its 77th anniversary of leadership and service, I hope they will realize how deeply their efforts are appreciated

## IN SUPPORT OF THE EMERGENCY STUDENT LOAN CONSOLIDATION ACT OF 1997

### HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 25, 1997*

Mr. GOODLING. Mr. Speaker, I rise today in strong support of the Emergency Student Loan Consolidation Act of 1997. I appreciate the leadership efforts of our colleague from California, Mr. MCKEON, in moving this vital legislation forward. I would also like to recognize the efforts of our colleague from Ohio on this issue, Mr. BOEHNER.

As my committee moves forward with updating and improving the Higher Education Act, our goals are: Making higher education more affordable, simplifying the student aid system, and stressing academic quality.

Today, we are faced with a crisis in the consolidation of direct student loans. Unfortunately, it dramatically points out the difficulties we will face as we try to move our system of financial aid into the 21st century.

For direct loan borrowers, the situation is bleak. Earlier this year, students wishing to consolidate these loans submitted applications only to face lengthy delays in processing. Now students wishing to consolidate these loans are told not to bother, as the Department has shut down the entire processing system.

The Department claims that this action was taken to ensure that its current consolidation customers would receive proper service. However, the Department's direct loan consolidation contractor is currently facing a backlog of 84,000 applications, and as we heard in testimony on the direct loan consolidation process last week, a process which should take 8 to 12 weeks to complete is actually taking 8 to 12 months.

I want to take a moment to look at this. There seems to be a disconnect between the Department's evaluation of their performance and the customer's view of the Department's service. Last week we went back and reviewed the statements made by the Department before Mr. MCKEON'S subcommittee in hearings on the Higher Education Act. The Department referred to itself as the Microsoft and Citibank of higher education. Dr. Longanecker said "the Direct Loan Program provides a simpler, more automated, and more accountable system to borrowers * * * students have witnessed the development of a level of customer service not previously experienced in financial aid delivery." Well, at least one student who testified at our recent hearing described the Department's customer service as "beset by chronic mistakes which range from incompetence to malfeasance."

I've also noticed that there appears to be a good deal of time spent finger pointing by the Department. They seem to be looking for others to blame. Blame was being placed by the Department with students and bankers for the problems with loan consolidation. "A delay by any of these parties in submitting information required for consolidation or erroneous, incomplete, or late information from any one of these parties results in additional time needed to complete the consolidation," was one response received from the Department.

Such information problems do not stop those in the private sector. Many banks and Sallie Mae experience these problems as well, yet their financial services and systems expertise allows them to process loan consolidations in a timely fashion. The Department stated three major problems which have caused a huge backlog of consolidation loans: Inherent complexity of student loan consolidation; Higher volume than anticipated; and Transition from one contractor to another.

I agree that the inherent complexity of the student loan program and running a financial program larger than Citibank is tremendously difficult. I have been repeatedly pointing this out since 1991 when direct lending first came under consideration, and it's been my greatest concern with the Federal Government taking on such a huge task, particularly when there are private organizations already doing the job.

For example, I vividly recall pointing out these concerns to my colleagues on the floor of the House in May 1993, as we considered a move to abandon the guaranteed loan program as part of the 1993 budget reconciliation bill. In my floor statement at that time I said:

> I have serious doubts over whether or not the Department of Education can efficiently manage this program. If they fail to run it properly, and all of the evidence suggests the Department will not suddenly develop the administrative finesse that they have lacked for so long, it will be students and schools that will suffer.

Incidentally, while I've been critical of direct lending, I may have given the Department too much credit. I have always felt that it would be easy for the Department to give money out. However, I've been worried that it would be difficult to collect it. Now it appears that giving the money out is proving to be tremendously difficult where consolidation loans are concerned.

Second, it's too late to complain about higher volume than anticipated. The Department from day one has been actively promoting the benefits of direct loan consolidation. They should have anticipated high volume and been able to handle such volume, or they should have refrained from the marketing blitz they conducted.

Last, the transition from one contractor to another is a poor excuse. At the time of the transfer one year ago, the new contractor should have been required to provide its ability to manage the consolidation program before ever receiving the monetary benefits of a Federal contract.

On September 11 there was an article in Education daily related to this problem which I found revealing. It is entitled, "Student Loan Checks Really Are in the Mail." It describes some of the problems the Department has created for the lending community. In this case, Southwest Student Services Corp. received 4,300 loan payoff checks from the Department of Education on one day. Most disturbing is that each check was sent in a single envelop—and some of the checks were reportedly as small as 7 cents. In these cases, the cost of issuing and mailing a check must exceed the value of the check by 5 or 600 percent.

Additionally, I would note a letter from the Student Loan Fund of Idaho Marketing Association. They received 41 checks from the Department. Of that number, only five were accurate payoff amounts. That's an error rate of over 88 percent. Clearly performance is not at a level that is even minimally acceptable. This presents some very major concerns. With the Department sending out tens of thousands of checks, how can we tolerate error rates that are as high as almost 90 percent? How can this program be audited by the Inspector General?

The Inspector General's testimony last week makes clear that most of the fault for the delays and the problems with the financial accuracy of the Department's payment transactions lies with a misplaced reliance on technology. Misplaced confidence seems to pervade the Department's contracting for student aid delivery systems. We need only remember the electronic imaging debacle of 2 years ago when the Department contracted for electronic imaging of the FAFSA. The mistakes made with that contract caused more than 1 million students to be delayed in making their college decisions.

Mr. Speaker, the Department of Education is clearly undergoing a severe crisis in management. These problems are hurting students, former students, and parents. Later in this Congress, the Gentleman from California, Mr. MCKEON and I will undertake a concerted effort to fix those problems. However, in the near term it is absolutely essential that we allow student loan borrowers with direct loans to consolidate those loans and reduce their monthly payments.

The legislation we are introducing today will allow that, and it will accomplish it without any increased costs to the borrower. It will: Allow borrowers with direct loans to consolidate them immediately, rather than having to wait months for the Department and its contractor to sort out their difficulties; Allow students to retain their interest subsidy benefits on all subsidized loans included in the consolidation loan as is currently allowed in the direct loan program but not the FFEL Program; and provide students with the interest rate currently applicable to direct consolidation loans—T-bill&plus;3.1 percent capped at 8.25 percent—the FFEL rate is the weighted average of the loans consolidated rounded up to the nearest whole percent.

This legislation is revenue neutral and the right thing to do. Incidentally, there are some bureaucrats at the Department of Education, or at the Office of Management and Budget, or at the White House, who will complain about the $25 million cost of this legislation being paid by reducing the mandatory administrative funds for the direct loan program. I would remind them that students are suffering in the program they promoted with these funds, that obviously the money they have for administration has not been wisely spent to date, and that fixing this problem is the right thing to do.

I strongly urge my colleagues to support us in this effort, and to cosponsor the Emergency Student Loan Consolidation Act of 1997.

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## SISTER HARRIET OF CORTLAND NAMED NATIONAL DISTINGUISHED PRINCIPAL

### HON. JAMES. T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 25, 1997*

Mr. WALSH. Mr. Speaker, today I ask my colleagues to join me in congratulating Sister Harriet L. Hamilton of Cortland, NY, on the occasion of being named one of the National Distinguished Principals for 1997.

Sister Harriet is principal of St. Mary's School in Cortland. She will be honored with the other recipients September 25 and 26 here in Washington at a ceremony sponsored by the nominators, the Private School Recipients Selection Committee.

Other honorees include representatives from each State, the District of Columbia, and the Departments of Defense and State overseas schools.

Sister Harriet is the kind of inspirational, loving educator who wears many hats. She is an administrator, cafeteria monitor, custodian, bookkeeper, medic, and counselor.

She responds nurturingly to students' hugs. On snowy days she is there to take calls from parents who want to know if school will be open. When parents cannot pick up their children at school, Sister Harriet drives them home.

Sister Harriet has a special gift for motivating volunteers. She is an educator, friend, civic leader, and a woman of great faith in God. I applaud the decision to award her this great honor. And I want to publicly state that Sister Harriet is the kind of selfless individual who makes America the great country it is.

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## FORT SOUTHWEST POINT'S 200TH ANNIVERSARY

### HON. ZACH WAMP

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 25, 1997*

Mr. WAMP. Mr. Speaker, I rise to bring the House's attention to the 200th year celebration of Fort Southwest Point, located in Kingston, TN, on Oct. 5, 1997. .

Military activities at Southwest Point began in 1792 with the establishment of a blockhouse post for territorial militia troops under the command of Gen. John Sevier who later became the first Governor of Tennessee. During the 1790's, most of the many settlers traveling to the Nashville area passed Southwest Point, and parties of such travelers were often accompanied along the Cumberland Road by guards supplied from the militia post.

Subsiding hostilities with the Indians contributed to a change in the role played by Southwest Point and by 1797 the militia had been replaced by Federal troops under the command of Lt. Col. Thomas Butler. From this point until the removal period, the Federal troops preserved the peace primarily by preventing illegal settlers on the remaining Cherokee lands. Fort Southwest Point's role in the peaceful coexistence with the Cherokees was enhanced in 1801 when Col. Return Jonathan Meigs was appointed to be military agent for Federal troops in Tennessee and principal agent to the Cherokee Nation.

In 1807 the garrison was removed farther into the Indian territory, and Fort Southwest Point served as a supply depot for other forts until about 1812.

Archeological work at this site began in 1974 when crews from the University of Tennessee began to uncover the site of the original fort. In 1984 a cooperative endeavor between the Department of Conservation and the city of Kingston, owner of the site, continued the investigation, and began to rebuild the fort on its original foundations. Now the fort is open as a museum staffed by city-employed agents and volunteers. Work continues on the research and rebuilding and many historically and militarily oriented events take place there. Currently celebrations are in order for the commemoration of Fort Southwest Point's 200th birthday.

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## INTRODUCTION OF LEGISLATION

### HON. GERALD D. KLECZKA

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 25, 1997*

Mr. KLECZKA. Mr. Speaker, today I am introducing legislation which would adjust the rules for deducting military separation pay amounts from veterans' disability compensation.

The National Defense Authorization Act for fiscal year 1997—Public Law 104–201—reduced the required offset by the amount of Federal income tax withheld from separation pay for payments received after September 30, 1996. My legislation would make the tax withholding provision retroactive to include all payments to those who were separated from the military after December 31, 1993.

This bill would reduce the offset between veterans' disability compensation and certain bonus payments for early retirement received by former members of the military services. It is important that we correct this inequity in the law that unfairly penalizes many of our Nation's veterans' who have served their country honorably.

I urge my colleagues to join me in cosponsoring this legislation.

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## ABERDEEN, MD, VOTED AN ALL-AMERICAN CITY BY THE NATIONAL CIVIC LEAGUE

### HON. ROBERT L. EHRLICH, JR.

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 25, 1997*

Mr. EHRLICH. Mr. Speaker, it is my great privilege and honor to recognize a quiet town in the Second Congressional District that has been singled out for a tremendous honor.

The town of Aberdeen, MD, is probably best known for two things: being the home town of Cal Ripken, Jr., and the location of Aberdeen Proving Ground—one of the best military installations in the Nation. This summer, Aberdeen received another distinction that will bring it additional notoriety in the future: it was named 1 of 10 "All-American Cities" by the National Civic League.

Each year, NCL selects 10 Americans cities for this designation. As you can imagine, the competition for this honor is keen, routinely attracting applications from cities big and small across the United States. In 1997, 150 cities filed applications. Of these, just 30 were selected as finalists. The finalists traveled to Kansas City, MO where they made presentations to a panel of NCL judges.

Aberdeen was selected based upon a number of factors, particularly its innovative programs to help disadvantaged youth. Mayor Chuck Boutin and other Aberdeen city government officials are thrilled to have received this honor. On September 20, I had the honor of visiting Aberdeen and participating in a celebratory breakfast. I know the folks of Aberdeen will be celebrating for months to come, just the way they did when their town's favorite son became the "Iron Man" of baseball. I look forward to joining them in their revelry.

Mr. Speaker, every town would like to think of itself as an "All-American City," but only a precious few have earned this designation. Aberdeen is one of them. I hope all of my colleagues will join me in congratulating the good folks of Aberdeen during this special time.

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## TRIBUTE TO STANLEY M. UMEDA

### HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 25, 1997*

Mr. MATSUI. Mr. Speaker, I rise to pay tribute to an outstanding member of the Sacramento community, Mr. Stanley M. Umeda. Today, Mr. Umeda's many friends and colleagues are gathered to commemorate his 40 years of exemplary service to the State of California and the Sacramento County Welfare Department.

A graduate of California State University, Sacramento, Mr. Umeda has forged a long and distinguished career in the fields of social work and mental health. His service in the public sector dates back to 1955, when, as an undergraduate at Sacramento State University, Mr. Umeda worked for the California Department of Motor Vehicles.

Upon completing his education with a master of social work degree in 1966, Mr. Umeda continued his State service as a psychiatric social worker in the California Department of Social Welfare. In that capacity, Mr. Umeda provided invaluable support and guidance to State hospital convalescent patients and their families.

From 1969 until 1973, Mr. Umeda administered all phases of local mental health services for his assigned region as a Community program analyst with the California State Department of Mental Hygiene. In this role, he designed programs and budgets for a variety of local mental health services.

As the executive secretary of the Conference of Local Health Officers, the Conference of Local Mental Health Directors, and the Citizens Advisory Council from 1973 until 1976, Mr. Umeda worked on the coordination of staff services for these organizations. He also assisted in the formulation of important regulatory changes in the California Administrative Code.

Mr. Umeda's State service continued when he was appointed chief of the Office of Advisory Liaison within the California State Department of Health in 1976. For the next 2 years, he played a key role in coordinating health advice emanating from a wide variety of advisory boards and conferences to the Department of Health. Mr. Umeda fulfilled similar duties within the Department of Mental Health until 1979.

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## BUDDY ROTHSTEIN TRIBUTE

### HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 25, 1997*

Mr. KANJORSKI. Mr. Speaker, I rise today to pay tribute to a community leader and close personal friend from my district in Pennsylvania, Alvin "Buddy" Rothstein. This week, Buddy will be honored by the Ethics Institute of northeastern Pennsylvania, and I am proud to have been asked to participate in this event.

A businessman in the northeastern Pennsylvania community for over 50 years, Buddy graduated from Wharton School of Business at the University of Pennsylvania. Serving in the U.S. Army Air Corps, Buddy was shot down four times during World war II. Following his tour of duty, Buddy returned home to begin a soft drink manufacturing and distributing company in 1945.

His business flourished, and he expanded to the ice cream franchise business covering 31 States, Canada, and Puerto Rico. In 1963, Buddy began Rothstein Inc., a realty company and Rothstein Construction, Inc., a development company, both of which he operates to this day.

Mr. Speaker, Buddy Rothstein's business accomplishments are well known in our area; his community involvement is also to be highly commended. He is extremely active in Rotary International, chairing several important committees and served as president of Wilkes-Barre Rotary from 1988–89.

Buddy also sits on the executive committee of B'nai B'rith Housing for the elderly. Buddy has also been president of the Wilkes-Barre Board of Realtors. He has served the local Jewish community by being involved with several organizations. Along with his service to the Jewish Community, Buddy has also been involved with the Economic Development Council of northeastern Pennsylvania. His love for and dedication to improving the quality of life for the people of northeastern Pennsylvania are evident in everything he does, and we are, indeed, fortunate to have him as a member of our community.

Mr. Speaker, I am pleased to join with the community and the Ethics Institute in honoring my good friend, Mr. Alvin "Buddy" Rothstein, and I am extremely proud to bring just a few of his many accomplishments to the attention of my colleagues.

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## IN RECOGNITION OF MABEL ZIRKLE AND JOHN IRVIN

### HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 25, 1997*

Mr. WOLF. Mr. Speaker, there's a special event held every year in the Shenandoah Valley town of Edinburg where friends and neighbors get together to celebrate the good things about living in small town America. And every year the Edinburg Ole Time Festival dedicates its celebration to memorable people from their community.

I want to share with our colleagues an article from the Shenandoah Valley-Herald of September 17 which honors two of Edinburg's finest citizens: the late Mabel Zirkle and the late John Irvin. Mrs. Zirkle and Mr. Irvin both passed away earlier this year, but their legacies live on in the foundations they laid to make their native Edinburg a better place. It is a fitting tribute that the annual Edinburg Ole Time Festival honored their years of dedication to their hometown.

[From the Shenandoah Valley-Herald, Sept. 17, 1997]

#### FESTIVAL HONORS ZIRKLE, IRVIN FOR DEDICATION TO TOWN

(By Lisa G. Currie)

For the past two years the Edinburg Ole Time Festival has dedicated the annual weekend celebration to memorable people from their community.

Last year, the late Louise Evans and the late Milt Hoffman received the honor.

Evans was a local artist who created the art show which remains part of the festival today. Dedicated to teaching and art for art's sake, Evans is remembered as the beloved and faithful art teacher who offered adult classes for years.

Hoffman was a Woodstock citizen with Edinburg roots. His Edinburg-based Christmas tree farm was one of the first in the county and his "Jackson Stew" was a favorite during Edinburg Ole Time Festival events. Hoffman is remembered as the flavor and character of the annual festival.

This year, the committee has selected two long-time and well-loved community members for dedication—the late Mabel Zirkle and the late John Irvin.

Zirkle, selected to be the 1995 grand marshal at age 100, lived in her family home next door to the former Edinburg Middle School.

She watched, listened and participated as a century of events changed Edinburg from a one-horse town to a thriving community adjacent to a major interstate highway.

She was the symbol of small town Edinburg—a familiar face among the people. She taught school at Pine Woods School, a one-room schoolhouse in town at the turn of the century. She was active in her church and concerned about the welfare of her community.

Her daughter Rosemary McDonald said her mother would be very pleased at the honor bestowed in her memory.

She remembers her mother as being very concerned about her Edinburg homeplace, dedicated to making it a better place.

"She would love this," said her daughter of the dedication.

McDonald said while her mother would be honored, Zirkle balked at being in the center of attention and was hesitant to step forward—even when she deserved the credit.

Zirkle was born Mabel Stoneburner, the middle child of Rosa Grandstaff and Robert Edward Lee Stoneburner. At one time she was the oldest living native in Edinburg, a town she grew up in and lived as a young adult.

It was the same town she grew old in, enjoying the views from her window as the town continued to change.

She lived to be 101 years old, dying May 26, 1997.

Sharing the honor with Zirkle is John Irvin.

Irvin was a man who helped prepare Edinburg for the next century while paying attention to the past.

President and owner of Irvin Inc., Irvin will long be remembered in Edinburg for his loyalty and perseverance concerning the town.

He was a man with a smile, known to most everyone in the community. He is remembered as one willing to fight for what he wanted.

Irvin was well-versed on local history, enjoying the debate of historical and controversial issues for debate sake. He kept abreast of community issues, always maintaining a smile and working for an outcome which best suited the community.

He helped establish and support the former Edinburg Library. He was instrumental in establishing the Madison District Recreation Authority and the Edinburg park and swimming pool which are in place today.

He played an active role in the development of the town museum and served on both the planning commission and the town council.

An Edinburg native, Irvin is the second son of Mary Grove and the late George Robert Irvin. He grew up in Edinburg, leaving only long enough to obtain an education and serve in the United States Navy. He returned to teach school and work in the family business, where he was later made president.

When he died in April, his funeral drew a crowd unprecedented for the Edinburg community.

"I know he would be proud," said his mother Mary Grove Irvin. She was the 1996 Grand Marshal, riding in the parade in a horse drawn carriage.

She said her son loved the festival, always taking time to visit the stands and watch the parade.

"He would have been very honored," she said.

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## TRIBUTE TO SIR JOHN KERR

### HON. KAREN McCARTHY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 25, 1997*

Ms. McCARTHY of Missouri. Mr. Speaker, today, I rise to pay tribute to Sir John Kerr, Her Majesty's Ambassador to the United States, who will be departing soon to assume the post as the new Permanent Under Secretary of State and head of the diplomatic service—the top official at the Foreign and Commonwealth Office.

Sir John's distinguished career in Great Britain's Foreign Service includes representing the British Government in Moscow, Rawalpundi, Brussels, and most recently, in Washington, DC. As the new Permanent Under Secretary of State, he will direct the Foreign and Commonwealth Office in accomplishing its mission "to promote the national interests of the United Kingdom and to contribute to a strong world community."

Sir John and his accomplished wife, Lady Elizabeth, have faced many challenges during their tenure in Washington, DC. They have met each challenge with a grace, skill, and diplomacy that few possess. These accomplishments are the reasons for his promotion to even more responsibility not only to the British people, but to the people of the world. I have mixed feelings upon his departure because although I am happy that he is finally able to return home to such a prestigious post, Washington is losing two of their greatest dignitaries with their departure. Please join me in recognizing Sir John's contributions to the relationship between our two nations, and wish he and Lady Elizabeth Godspeed.

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## TRIBUTE TO AMBASSADOR JASON HU

### HON. DANA ROHRABACHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 25, 1997*

Mr. ROHRABACHER. Mr. Speaker, I wish to join many colleagues in paying tribute to Ambassador Jason Hu, who is leaving Washington to return to Taipei. For the last 15 months, Ambassador Hu has very ably served as the Republic of China's representative in Washington. While there have been many issues, both highly significant and pro forma, between Washington and Taipei, Ambassador Hu has played a positive role in reducing differences between our two countries.

Ambassador Hu is a first class diplomat. In his outgoing and warm manner he has helped us greatly in understanding Taiwan as a democratic nation with a strong commitment to a free-market economy. He has also earned the support, confidence, and respect of President Lee Teng-hui, who has given Ambassador Hu a new assignment as the Republic of China's Foreign Minister.

Ambassador Hu's new responsibilities will place him in the forefront of the continuing diplomatic, political, and economic development of Taiwan. Ambassador Hu's experience in Washington will ensure that he will continue to be a trusted friend of the United States and to all nations that maintain official or unofficial ties to Taiwan.

Congratulations, Ambassador Hu. Please convey my best wishes to the people of Taiwan on their forthcoming National Day.

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## PERSONAL EXPLANATION

### HON. PORTER J. GOSS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 25, 1997*

Mr. GOSS. Mr. Speaker, my previous submission to record how I would have voted on rollcall Nos. 403–415, when printed in the Record, did not include my stated position on rollcall Nos. 403 and 404. Had I been present, I would have voted "nay" on both 403 and 404.

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## DEPARTMENTS OF COMMERCE, JUSTICE AND STATE, THE JUDICIARY AND RELATED AGENCIES APPROPRIATIONS ACT 1998

SPEECH OF

### HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 24, 1997*

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2287) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1998, and for other purposes:

Mrs. MALONEY of New York. Mr. Chairman, I rise today in support of the Norton amendment.

The ban on Federal funds for abortions for women in prison is one more step in a long line of rollbacks on women's reproductive freedoms.

The Norton amendment seeks to correct one of the more shameful attacks on American women.

Despite clear legal authority establishing the right of American women to choose abortion as a viable health option, many women prisoners are denied equal access to choose whether or not to terminate their pregnancies.

Federal prisoners must rely on the Bureau of Prisons for all for their health care, yet without this amendment women will be prevented from seeking needed reproductive health care.

Prisoners have a constitutional right to health care. Congress should not interfere with this right.

It is too easy to attack women inmates, women who are often poor, uneducated, isolated, and beaten down. Women who are often victims of physical or sexual abuse.

Most women prisoners are poor whey they enter prison, and cannot rely on anyone for financial assistance.

These women already face limited prenatal care, isolation from family and friends, a bleak future, and the certain loss of custody of the infant.

The ban on reproductive health services for women in prison closes off their only opportunity to receive much needed care, it denies them their constitutional rights, but most importantly, it denies them their dignity.

We must stop this assault on women's right to choose. Mr. Chairman, I urge my colleagues to support the Norton amendment.

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## DEDICATION OF THE LAWRENCE H. COOKE COUNTY COURTHOUSE

### HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 25, 1997*

Mr. GILMAN. Mr. Speaker, this month the people of Sullivan County, NY, bestowed a deserving honor on a revered man who has selflessly served all of our best interests throughout his life. In renaming the Sullivan County Courthouse after Judge Lawrence H. Cooke, the people of Sullivan County take pride in the accomplishments of its native son. Judge Cooke has nobly exemplified what being a public servant means.

I had the privilege of attending this notable ceremony. Despite being a cold, blustery day, there was a genuine warmth that came from the 600 audience members who participated in honoring their esteemed colleague, friend, and neighbor, including: Congressman HINCHEY, State assemblyman Jake Gunther, Monticello mayor Jim Kenny, Sullivan County legislators Robert Kunis and Rodney Gaebel, Albany Law School professor Vincent Bonaventure, Sullivan County historian Joan Conway, and the Reverends Robert H. Pinto and Robert Ginel. Among the distinguished members of the judiciary who were present included: New York State Court of Appeals Chief Justice Honorable Judith Kaye, Supreme Court Judges William Richardson (Hawaii) and Anthony Kane (Sullivan County).

The generous ovations bestowed upon Judge Cooke, truly symbolized how important, valued, and beloved a public figure he has become over the years.

In meritoriously serving the people of Sullivan County and New York State, Judge Cooke built a legacy of compassion and concern. The extent of his outstanding judicial career is a tribute in itself to Judge Cooke's outstanding legal, philosophical, and ethical character. Starting his public career as a town supervisor, Judge Cooke was subsequently elected to the county court and thereafter was elected to the Supreme Court, and the appellate division, and finally was selected chief judge of the Court of Appeals of New York State—the highest judicial position in New York State. Judge Cooke duly deserves the honors and accolades given by the people of his beloved Sullivan County.

Andrew Jackson said in 1796: "I am of the opinion that a good judiciary lends much to the dignity of a state and the happiness of the people." Two centuries later, Judge Lawrence H. Cooke personifies what Andrew Jackson proclaimed.

I am honored to have known and worked with Judge Cooke and I was pleased to have joined in with the people of Sullivan County and from throughout the State in celebrating the career of this great public servant.

As Judge Cooke stated: "While the name of the courthouse has changed its title, its purpose in serving the people remains the same." It is a place of justice, and, as Daniel Webster proclaimed, justice "is the ligament which holds civilized beings and civilized nations together."

I ask my colleagues to join me in saluting Judge Lawrence H. Cooke, and in wishing him and his wife, Alice Cooke, good health and happiness in retirement.

## HONORING JOE R. REEDER

### HON. THOMAS M. DAVIS

OF VIRGINIA

### HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 25, 1997*

Mr. DAVIS of Virginia. Mr. Speaker, my colleague, Mr. MORAN of Virginia, and I rise today to pay tribute to Mr. Joe R. Reeder who is retiring as the 14th Under Secretary of the Army.

Joe has long served his country and been involved in public affairs. A native of Washington State who has lived in the metro area for the past 20 years, Joe calls himself a transplanted Texan from his time spent in school there.

Joe married the former Katharine Boyce in 1983. Katharine is also an attorney. Together, they have raised four wonderful daughters. They currently live in Alexandria.

After graduating from West Point in 1970, Joe completed training at the Airborne, Ranger and Artillery basic school. Joe then served in the 82nd Airborne Division until he entered law school in 1972. At that time, he relocated to his beloved Texas to attend the University of Texas where he earned his juris doctorate degree while working as a prosecutor at Fort Sam Houston, TX.

Joe completed a 1-year Federal clerkship before moving to Washington, DC. When Joe came to the Nation's Capitol, he returned to school and earned his master of laws from Georgetown University. He also continued his work for the military by serving as a trial attorney in the Army's Litigation Division. This position required that he represent the Department of Defense in Federal court actions pending throughout the United States. He was soon promoted, and moved to the Army's Contract Appeals Division where he represented the Department of Defense in a wide range of Government contract-related litigation.

Joe left the Department of Defense in 1979 when he moved to the Washington, DC based law firm of Patton, Boggs, & Blow. By 1983, he had made partner at this distinguished firm and was widely respected by his colleagues for his knowledge of complex commercial litigation including litigation involving Government contracting law and legal ethics.

In 1993, Joe was sworn in as the Under Secretary of the Army. He is the principal civilian assistant and Deputy to the Secretary of the Army. Joe acts with the full authority of the Secretary in general management of the Army. He is responsible for the long-range planning, material requirements, readiness, acquisition reform, infrastructure reduction, and financial management. Joe has spent the past 4 years preparing our Army for the 21st century and helping to shape its continued international leadership role. He serves as one of the Army's top officials for international affairs and has worked tirelessly on issues involving NATO and Panama. In that capacity, Joe has served as the Chairman of the Panama Canal Commission's Board of Directors. In addition, he oversees the military support to local, State, and Federal agencies related to civilian law enforcement, civil disturbance, disaster relief, and emergency planning. Joe has managed these many tasks during his tenure with ceaseless energy and an innovative style.

Mr. Speaker, we know our colleagues join us in honoring and thanking the Honorable Joe Reeder for his devotion to the U.S. Army. We appreciate all the hard work he has done in preparing our Army for the next century. Joe's vision and spirit are truly remarkable.

## A TRIBUTE TO THE WEST VALLEY SOCCER LEAGUE

### HON. BRAD SHERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 25, 1997*

Mr. SHERMAN. Mr. Speaker, I rise today to commend the West Valley Soccer League and its president, Mitchell Hyams for contributions in promoting youth soccer. In recognition of 25 years of community service by parents and friends dedicated to youth soccer and the development of children from varied backgrounds and athletic abilities it is a great honor to rise in behalf of all of those involved in youth soccer.

The West Valley Soccer League improves the education of our volunteer coaches, referees, and administrators in the areas of child development, human behavior, sports psychology, ethics, and sportsmanship. All of this training with our volunteers and athletes leads to a healthy competitive atmosphere for youth soccer players and increases concern for the development of caring, responsible citizens for our community and our country.

Finally, the success of the West Valley Soccer League would not be possible without its wonderful volunteers and the leadership of Mitchell Hyams. I commend the patience and dedication of all of those who are involved as players, coaches, referees, and spectators.

Mr. Speaker, I ask you and my distinguished colleagues to join me in recognizing the contributions the West Valley Soccer League has made to our community. The West Valley Soccer League serves as an example for other youth soccer leagues across our Nation.

## THE MEDICARE HOSPITAL OUTPATIENT PAYMENT FAIRNESS ACT OF 1997 AND THE HOSPITAL OUTPATIENT DEPARTMENT TRUTH-IN-ADVERTISING ACT OF 1997

### HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 25, 1997*

Mr. STARK. Mr. Speaker, I am pleased to introduce two bills today. The first would modernize Medicare's payment policy for ambulatory care by the year 2000. The second would immediately stop hospitals from egregiously gaming the current, outdated policy.

Medicare pays more for ambulatory care provided in a Hospital Outpatient Department

[HOPD] than it does for the same care provided in a doctor's office or freestanding ancillary facility. This means that the same medical personnel for the same patients are reimbursed differently based on the name on the door of a clinic that provides ambulatory care. If a hospital owns a clinic, it can call it a HOPD and charge Medicare and its beneficiaries more, no matter where the clinic is actually located.

Hospitals are purchasing, leasing, and building doctors' offices and ancillary facilities in farflung locations. They are changing the names on the doors to HOPD to take advantage of Medicare's more generous payment rates. Meanwhile, they are pushing out independent competitors who cost less and provide the same services.

Most importantly, beneficiaries pay more, because their copayments are based on what the hospital charges, and not on the amount Medicare ultimately determines is a fair cost. The Balanced Budget Act takes over 20 years to fix this overcharge, so beneficiaries pay much more than the normal 20 percent copayment for HOPD costs.

Under current law, a hospital might purchase a physician group practice located 5 miles away from its campus. Before the purchase, services to Medicare beneficiaries were billed as physician office visits and paid according to a fee schedule. Now, the hospital labels the same services, in the same office, by the same physicians, as HOPD visits. It bills Medicare for the fee schedule amount the independent physicians used to get. But in addition, it bills Medicare for hospital overhead costs. Beneficiaries also get bigger bills than before. And, there is one less independent physician practice to compete with the hospital by offering lower-cost services.

There are a thousand variations on the theme: chemotherapy clinics, radiology clinics in towns without any hospitals, and new clinics next to retirement homes. You name it—hospitals are acquiring or building whatever freestanding facilities they can and inappropriately labeling them HOPD's. They are driving out the healthy competition and profiting by overcharging Medicare and its beneficiaries.

Medicare and its beneficiaries should not pay more for the same services just because they are called something different. The Medicare Hospital Outpatient Payment Fairness Act of 1997 would limit Medicare payments for HOPD services to the amount that Medicare would pay for those services if they were provided in a freestanding clinic or ancillary facility that was not labeled a "Hospital Outpatient." The hospital would receive no additional Medicare payment for overhead costs, and it would not be allowed to charge beneficiaries more than 20 percent of its Medicare reimbursement. In order to give hospitals time to prepare for this change, these provisions would not take effect until January 1, 2000.

Hospitals are shifting costs for inpatient and emergency care onto outpatient care. While Medicare reimbursement rates are sufficient to cover hospital costs in most cases, they may not be sufficient to cover costs for emergent care. Since the first bill I am introducing today would prevent hospitals from shifting emergent care costs to the outpatient side, it would also ensure that hospitals are reimbursed sufficiently to cover these emergency services. Specifically, the bill would require that MedPAC report to Congress by January 1, 1999, on whether the payments made for emergency room [ER] cases are adequate to cover the costs of ER use by Medicare patients, and that the Secretary adjust payments to ensure that hospital ER costs of Medicare patients are appropriately covered by January 1, 2000.

While giving hospitals time to prepare for a completely overhauled payment policy may be prudent, we should not allow them to continue abusing the current policy. The second bill I am introducing today, the Hospital Outpatient Department Truth-in-Advertising Act of 1997, would reduce hospitals' incentives to build, purchase, and lease freestanding clinics. Specifically, it would define as HOPD's only those facilities that are located on the same campus as an inpatient, acute-care hospital. Facilities reimbursed as HOPD's on or before September 25, 1997, would be exempted.

I urge my fellow Members of Congress to join with me in passing these crucial pieces of legislation. Together, we can modernize Medicare payment policy, lower our constituents' health care costs, keep healthy competition alive, and show the Nation that we will not tolerate abuse and waste of Medicare tax dollars.

## THE IRISH POTATO FAMINE

### HON. WILLIAM O. LIPINSKI

OF ILLINOIS
IN THE HOUSE OF REPRESENTATIVES
*Thursday, September 25, 1997*

Mr. LIPINSKI. Mr. Speaker, today I am introducing a resolution that honors the victims of the Great Irish Potato Famine, honors the millions of brave emigrants who rose from the tragedy of the famine to make profound contribution to America, and encourages the British and Irish Governments to make a renewed effort for peace in Northern Ireland.

This year is the 150th anniversary of the worst year of the Great Irish Potato Famine, which began in 1845 and continued to 1850. Massive poverty, disease, and starvation plagued hundreds of thousands throughout Ireland. Even today, 1847 is still known to all people of Irish descent as Black 47.

By the end of the famine, an estimated 1.5 million people had died of starvation or disease. Millions more risked their lives on "coffin ships" to seek a new life in America. These brave emigrants paved the way for the millions of Irish-American descendants today.

Recently, a new British Parliament, led by Tony Blair, and a new Irish Government, led by Bertie Ahern, have been elected to office. Also, Prime Minister Blair expressed regret about Britain's role in the famine. With the healing of old scars and the promise of the new administrations, Ireland has a new opportunity for peace and prosperity. The people of Ireland deserve a future free from violence, religious hate, or famine.

Mr. Speaker, the American descendants of those brave emigrants have made tremendous contributions to our society and to the American way of life. Irish-Americans have worked hard to become police officers, fire fighters, teachers, doctors, and even Members of Congress. I strongly urge my colleagues to support this important resolution.

## FARMERS AGREE: TIERED PRICING PROMOTES WATER CONSERVATION

### HON. GEORGE MILLER

OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
*Thursday, September 25, 1997*

Mr. MILLER of California. Mr. Speaker, as the author of the Central Valley Project Improvement Act of 1992 [CVPIA] that modernized the purposes and operations of one of the largest water projects in the United States, I was delighted to read recently that some of those who have most vociferously opposed passage and implementation of that landmark law are coming around to the side of reform.

The objective of the law was to bring the Central Valley project into the modern age—when the massive subsidies, unlimited contracts, and indifference to environmental and fishery destruction that long characterized the CVP's operations were rejected in favor of managing the project in a more financially and environmentally responsible manner.

One of the key devices in that law is the use of tiered pricing in new water contracts to encourage the most efficient use of water resources. In the past, the CVP has provided millions of acre feet of water to irrigators at enormously subsidized prices—often to grow marginal or surplus crops on low-quality, high-polluting land. Indeed, some irrigators continue to launch litigative and legislative efforts to overturn the law so they can continue to enjoy these multibillion dollar subsidies at the expense of the taxpayers.

Tiered pricing charges users progressively higher—while still subsidized—prices based on the amount of water they use in order to encourage efficient use and minimize runoff that can contaminate groundwater, rivers, and streams. Irrigators denounced tiered pricing as unfair and predicted it would not work.

How gratifying it is then, to read the "Summary of Grassland Basin Drainers' Drainage Reduction Activities" for August 28, 1997, in which we learn that, within their own districts, many of these very same farmers have turned to tiered pricing—to achieve the same objectives as the CVPIA.

Most water districts in the drainage area have implemented tiered water pricing to encourage farmers to manage water deliveries carefully and to reduce drainage water volume and selenium load. Several districts have targeted drain water reduction, specifically, by implementing a separate tiered pricing structure for preirrigation.

The report then details some of the specific programs in the San Joaquin Valley drainage area which receives substantial CVP deliveries out of the Delta, and concludes as follows:

"All of these programs have encouraged farmers to select efficient water management practices that reduce surface and subsurface drain water in the 1997 crop year."

I am personally gratified, Mr. Speaker, to learn that the irrigators themselves have come to accept the beneficial value of tiered pricing, and I look forward to their joining us in our ongoing efforts to implement other provisions of the CVPIA.

## HONORING SISTER JOANNE FEDEWA

### HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 25, 1997*

Mr. KILDEE. Mr. Speaker, I rise today to urge my colleagues in the U.S. House of Representatives to join me in paying tribute to an outstanding humanitarian, Sister Joanne Fedewa. On October 5, 1997, Sister Joanne will be honored for her 50 years of dedicated service to God, the Catholic Church, and her community.

As a member of the Sisters of the Living Word, Sister Joanne obtained the foundation that led to her work as an educator, administrator, and spiritual advisor. For 30 years, Sister Joanne taught or served as principal at Catholic schools in Minnesota, Illinois, Louisiana, Arkansas, and Michigan. Sister Joanne spent much of her teaching career in predominately African-American communities. I know that she considers the establishment of a Catholic school in an African-American parish in Little Rock, AR, to be one of her finest achievements. Through teaching, Sister Joanne inspired thousands of children to further their education. More importantly she instilled in them the importance of faith and the joy of God's love.

In 1989, Sister Joanne was appointed pastoral coordinator of Christ the King Parish. In this capacity, Sister Joanne founded the Rite of Christian Initiation of Adults Program, programs for eucharistic ministers, and other parish education and sacramental programs. She collaborated with the ministers of service in developing a program for underprivileged youth in Flint.

In addition to her duties as pastoral coordinator, Sister Joanne serves on the Flint Catholic Urban Ministry Board which oversees ministry of the Dukette Intercultural Center in its mission to sponsor events in Flint's core city Catholic parishes. As a leader in the civil rights movement, Sister Joanne is widely credited with bringing to our attention the significant contributions of African-Americans to the Catholic Church.

As an advocate for those most vulnerable in our society, Sister Joanne regularly visits the homebound, hospitals, jails, and nursing homes. As busy as she is, Sister Joanne always has time for the parishioners of Christ the King Parish, encouraging them to use their gifts to serve others. Her tireless work on parish committees and in the day to day administration of the parish is appreciated by all. For those who cite a shortage of time, Sister Joanne serves as a remarkable role model.

Mr. Speaker, it is indeed an honor and a privilege for me to pay tribute to Sister Joanne Fedewa. She has served our Lord and our community with the greatest devotion and is deserving of our praise. This occasion provides me the opportunity to express my deepest gratitude to Sister Joanne. I know that I am a better person for having known her, and Flint is certainly a better place because of her presence.

## TRIBUTE TO TEMPLE ADAT ELOHIM

### HON. BRAD SHERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 25, 1997*

Mr. SHERMAN. Mr. Speaker, I rise today to celebrate the dedication of Temple Adat Elohim's new sanctuary and social hall. The people of this congregation have endured many sacrifices to make the construction of these new buildings possible. It is because of this congregation's overwhelming dedication to serving the Reformed Jewish community in the Conego that I am here today to extend my congratulations and express my gratitude for a job well done.

The history of the founding of Temple Adat Elohim begins in the spring of 1967. Several families tired of the long and laborious drive to Ventura to worship with Reformed congregation and attend Hebrew School. On August 22, 1967, 16 families formed the congregation at Temple Adat Elohim. Since that time, many more Conego families have joined the struggle to make the dream of a new sanctuary and social hall a reality.

By the early 1980's, the congregation had grown in size and the construction of a new sanctuary was no longer a desire, but a necessity. Instead, the congregation made a difficult decision and sacrificed their comfort for the safety of the children. They built the children a new school building. The new sanctuary would unfortunately have to wait.

Today, we come together to celebrate and honor those families who have endured both spiritually and financially for the benefit of Jewish people in the Conejo Valley. The new sanctuary and social hall accommodates more than 800 people and allows the congregation at Temple Adat Elohim to truly worship together.

This new sanctuary and social hall would not have been possible without the support and dedication of Temple Adat Elohim's Rabbi Alan Greenbaum and president Sandy Bistrow. I call upon this congregation and fellow members of our community to thank them for their efforts.

Theodor Herzl once said "If you will it, it is no dream." The construction of this new sanctuary would not have been possible without the strong will of their congregation. Mr. Speaker, distinguished colleagues, please join me in celebrating the dedication of Temple Adat Elohim's new sanctuary and honoring them for their hard work and sacrifice.

## ON THE INTRODUCTION OF THE ABANDONED AND DERELICT VESSEL REMOVAL ACT OF 1997

### HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 25, 1997*

Mr. STARK. Mr. Speaker, today I am introducing the Abandoned and Derelict Vessel Removal Act of 1997. This act will provide the necessary tools to clean up a long-term public nuisance resulting from abandoned boats and barges found in the navigable waters of many communities.

Dozens of abandoned boats and other debris have accumulated along the Guadalupe Channel, which surrounds the community of Alviso, CA. This concern was first brought to my attention by members of the San Jose City Council, the Alviso Master Plan Task Force, and members of the Alviso community. These abandoned vessels are a public health and safety hazard to the community and to users in the adjacent public waterways. Unfortunately, Alviso is not the only community that suffers from this problem.

Abandoned vessels do not just sit harmlessly by—these vessels are often used as an illegal dumping ground for hazardous materials. Between January 1988 and September 1991, the Federal Government spent $5.2 million to remove 282 abandoned vessels that blocked waterways. In that same time, Government spent nearly $5.7 million to clean up pollutants from just 96 abandoned vessels.

This legislation will establish clear authority to remove vessels left unattended in a public waterway for more than 45 days unless the waterway has been designated as a harbor or marina. Vessels left unattended in an approved harbor or marina for more than 60 days would also be subject to removal.

This legislation empowers local authorities to keep public waterways clear while allowing boat or barge owners the opportunity to repair and remove vessels that are not actually abandoned. In addition, the removal of these derelict vessels will alleviate some concerns regarding water quality and its impact on the public health of the local community.

This legislation will promote cooperation between interested local citizens, community groups, and government agencies in their joint efforts to preserve and protect the navigable waters of the United States. It will hold boat owners accountable for their vessels. Under this bill, a community can instigate action by petitioning a local elected official to notify the Secretary of the Army. Proceedings to notify the boat owner, and ultimately to remove the boat, would then be taken by the Secretary.

Many States and local governments are proposing solutions to the problem of abandoned and derelict vessels. This legislation will not supersede local initiatives with equal or greater cleanup impact.

I urge my colleagues to support this legislation.

## HONORING THE BRAGG FAMILY

### HON. BOB RILEY

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 25, 1997*

Mr. RILEY. Mr. Speaker, years ago, in a little place called Possum Trot, AL, an amazing mother named Margaret Marie Bundrum Bragg protected her three sons. She guarded them selflessly against an alcoholic father's drunken rage; she shielded them from the hunger and poverty that often accompanies rural life; and she gave each of them the values of compassion, sensitivity, and self-esteem. She taught them that where they were did not determine where they could go.

Her middle child, Rick Bragg, has proven her right. After only a semester of college, this native of Alabama's Third District went to work at the New York Times. In 1996, he won the highest honor that can be bestowed on a journalist—the Pulitzer Prize for feature writing. Recently, Mr. Bragg wrote an autobiographical novel titled, "It's All Over But the Shoutin'", about his life growing up in rural Alabama. This book is already being praised by critics across the Nation and will likely become another jewel in Rick Bragg's literary crown.

And while I do not wish, and would never want, to take anything away from this great Alabama writer, it is his mother, Margaret Bragg, who I seek to exalt today. It has been said that the hand that rocks the cradle rules the world. I think anyone who knows of the Bragg family would agree. For it is these mothers and fathers, these unsung heroes behind our greatest leaders, poets, authors, and athletes, that should be commended. It is they who sacrifice for their children, teach their children, and love their children. And, in so doing, mold this country's future. If not for them and their influence, America would not be the proud and gifted nation she is today. And I think Rick Bragg would agree.

## TWO SHINING EXAMPLES

### HON. DONNA M. CHRISTIAN-GREEN

OF THE VIRGIN ISLANDS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 25, 1997*

Ms. CHRISTIAN-GREEN. Mr. Speaker, I rise today to commend Tatiana Naboa and Alexander Prince, two young citizens of the District of Columbia, who voluntarily offered their services to my office, through my colleague Representative ELEANOR HOLMES NORTON's internship program.

They chose to turn a negative situation into a positive fulfilling experience for themselves as well as my Washington staff. They carried out all tasks assigned to them and were always ready to assist in any way they could.

Tatiana and Alex are products of the much-maligned D.C. school system. Obviously, there are some things wrong, but there are a lot of good things happening to our children when they attend the public schools in the District. From my experience with Tatiana and Alex, I know my colleagues who participated in the internship program, can support me when I say that the students were respectful, knowledgeable, and inquisitive. This can only come through the school's reinforcement of values instilled by their families.

As we go about the daily business of instituting laws for our fellow Americans, we must continue to provide opportunities for our younger Americans. We must give them a reason to accept the challenges they will face, make it meaningful, and guide them to become productive members of our society. Tatiana and Alex are shining examples of what is possible.

My staff join me in wishing these two outstanding D.C. students continued success in the future.

## INTRODUCTION OF LEGISLATION

### HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 25, 1997*

Mr. FILNER. Mr. Speaker and colleagues, I rise today in support of legislation to attack one of the most critical problems facing the residents of San Diego County and California—illegal immigration.

My Eliminating the Magnet for Illegal Immigration Act gets at the root of the problem. It will stop people from trying to cross the border in the first place by removing the attraction—jobs offered by unscrupulous employers that entice people to come to the United States.

My bill finally clamps down on employers that encourage illegal immigration by violating our laws and knowingly hiring undocumented workers.

In San Diego, I represent the district that runs along the border and has the most border crossings—both legal and illegal—in the world. I am acutely aware of the strain illegal immigration puts on communities in my district, and I have always been a firm believer in gaining control of our borders.

In the last 2 years, we have made significant progress. We have increased the number of Border Patrol agents and have begun to give them the tools and technology to get the job done.

But these changes have had limited success in stopping illegal immigration. The critical next step in the fight to stop illegal immigration is to eliminate the magnet and enforce our laws against the hiring of illegal immigrants.

In 1986, Congress underscored the need to eliminate the job magnet and made it illegal to hire undocumented workers—but these laws have been largely ignored. The INS simply has not had the resources to do its job.

Some employers hire undocumented workers because their status makes them easy targets for exploitation and abuse. These employers know they can force them to work in substandard conditions. These employers know they can get away with paying them substandard wages. Is it any wonder that we have this problem.

My legislation gives the INS the resources it needs to aggressively enforce employer sanctions and gives the Department of Labor the resources to aggressively enforce wage and hour laws.

And most importantly, it directs the two agencies to combine forces and target those industries notorious for hiring undocumented workers and forcing them to work in unacceptable conditions.

My bill gets tough on employers who knowingly hire undocumented workers by imposing stronger sanctions and doubling those penalties against employers also caught violating labor laws. It also helps employers by reducing the number of documents workers can use to verify their eligibility.

I want to fully acknowledge that there is an inherent danger that this kind of approach could lead to discrimination against workers—and evidence shows that this has indeed been the case in some instances. Thus my bill will also stiffen the penalties against employers that discriminate and give the Department of Justice the resources it needs to thoroughly investigate incidents of discrimination. We will also provide programs to educate employers about their responsibilities in this area.

My bill takes a balanced, comprehensive approach to the problems created by illegal immigration. As a border Congressman, I am well aware of both the positive and the negative effects of immigration.

And I promised myself, and the people that I represent, that we would deal with the negative impacts without retreating from the values that have made this the greatest country in the world. I challenge Congress to get past the scapegoating that has become so politically profitable.

I urge my colleagues on both sides of the aisle to support this critically important initiative and show your commitment to truly stem the illegal immigration that affects so many of our communities. I ask you to join me and cosponsor the Eliminate the Magnet for Illegal Immigration Act of 1997.

## TRIBUTE TO PEPPERDINE UNIVERSITY

### HON. BRAD SHERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 25, 1997*

Mr. SHERMAN. Mr. Speaker, I rise before you today to acknowledge the students, faculty and administration at Pepperdine University. This university was recently commended by the John Templeton Foundation in the 1997–1998 Honor Roll for Character Building Colleges.

A panel of six distinguished individuals from various backgrounds evaluated colleges and universities across the country. They used five criteria to determine if the colleges were providing students not only with an environment which allowed them to develop a strong sense of morality and grow spiritually, but also provided students with an opportunity to give back to their community. To be considered for a place on the honor roll, colleges must inspire students to develop and strengthen their moral and reasoning skills, encourage spiritual growth and moral values, provide community building experiences, advocate a drug-free lifestyle and conduct a critical assessment of character-building projects and activities.

The faculty at Pepperdine University have worked to establish an environment which allows students to reflect on ethical questions and develop their own sense of morality. Christian tradition plays a central role in the students' lives and they are provided with opportunities to attend services, bible studies and lectures given by theologians from the evangelical world. Additionally, students lead and manage community outreach programs, such as tutoring at a youth correctional facility as well as other special events.

Leon Blum once wrote, "Life does not give itself to one who tries to keep all its advantages at once. I have often thought morality may perhaps consist solely in the courage of making a choice." Students at Pepperdine University have made a choice that they are willing to make a difference in our community. In making this choice the students have made the welfare of others their top priority.

Mr. Speaker, distinguished colleagues, please join me honoring the students and faculty at this exceptional institution for their integrity of character and commitment to improving the circumstances of those less fortunate in our community.

## IN RECOGNITION OF MS. JUDY FLUM'S LITERACY EFFORTS

### HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 25, 1997*

Mr. STARK. Mr. Speaker, I rise today to acknowledge Ms. Judy Flum, an individual who has provided 10 years of superior service to the San Lorenzo Library. Ms. Flum has consistently provided support for the youth in our community by encouraging them to use the library's resources. She also conducts programs throughout the year such as the summer reading game, pre-school storytime, young adult advisory group, and many programs for senior citizens.

Judy has been instrumental in bringing several grants to the San Lorenzo Library. The youth risk grant helped the library become better acquainted with the needs of young people and created a safe environment in which they can learn, study, and grow. The Spanish grant increased the size of the Library's Spanish collection and created a community outreach program for Spanish-speaking families. The learn-a-lot program was developed in conjunction with the San Lorenzo Unified School District to help children between the grades of kindergarten through fourth grade increase their reading potential. Without a doubt, Judy has been a remarkable asset to the growth of the San Lorenzo Library.

As a member of the American Library Association, Judy has served on many of its committees dealing with young adults. Her interest in technology has ensured our youth will be better prepared for the challenges of the 21st century. As the library manager, she has worked tirelessly to establish a training program to teach people how to use the Internet. She was also responsible for establishing an Alameda County Library homepage.

On September 25, 1997, the friends of the San Lorenzo Library will honor Judy for her many years of service. I join with my neighbors as they thank Judy Flum for her valuable contributions to our community.

## THE DEPENDENT CARE TAX CREDIT REFUNDABILITY ACT

### HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 25, 1997*

Mrs. MORELLA. Mr. Speaker, quality child care is critically important to working families in every economic situation. Yet many working parents today simply cannot afford to pay the increasing costs of child care. Furthermore, affordable child care is critical to the success of moving women from welfare to work.

In the last Congress, I introduced legislation, H.R. 4154, to make the Dependent Care Tax Credit [DCTC] refundable. This bill was included in the Women's Caucus Economic Equity Act.

Today, along with Congressman TOM ALLEN, I am introducing an updated version of the same legislation. This legislation would help working families obtain high quality care. A major source of Federal support for families who rely on child care and dependent care is the Dependent Care Tax Credit. This tax credit is available on a sliding scale basis to taxpayers incurring expenses relating to the care of a child under age 13, a disabled spouse, or any qualifying dependent, many of whom are cared for by family caregivers.

Unfortunately, the tax does little for the working poor, many of whom are women working outside the home who are responsible for dependent family members but who do not make enough to pay taxes. Because the tax credit is not refundable, workers who owe little or no taxes do not receive the amount for which they would otherwise be eligible. This legislation would expand the current Dependent Care Tax Credit to offer increased benefits for lower and middle-income families, as well as make it refundable to low-income families who owe little or no income tax and would normally be unable to benefit from a tax credit.

The Dependent Care Tax Credit is also critically important to those who provide respite care for ill or disabled dependents. Such care is very expensive, and making the DCTC refundable would help caregivers provide for their dependents. I urge my colleagues to join me in forwarding this important legislation.

## IRS ABUSES MUST STOP

### HON. RON PACKARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 25, 1997*

Mr. PACKARD. Mr. Speaker, I am appalled by the severity of abuses by agents of the Internal Revenue Service toward American taxpayers. The discovery of these abuses on American taxpayers proves, once and for all, that we need to shut down the intrusive IRS.

Yesterday I joined Congressmen BILL PAXON AND JOE SCARBOROUGH, and Senator SAM BROWNBACK in calling for the end of the IRS because it has become too large and burdensome on the American taxpayer. Extensive abuses are being overlooked and the high standards that are expected from this Government agency are routinely not being met.

Yesterday, the Senate Finance Committee kicked off 3 days of hearings investigating IRS practices and procedures. Two witnesses that testified were taxpayers from California who vividly described their nightmare involvement with the IRS. They characterized their dealings with the IRS as abusive, terrifying, manipulative, and intimidating. Other panelists, including two former IRS employees that worked in California district offices, described the pressures that they were under from superiors to harass taxpayers and extort taxes and fines.

These hearings continue to expose the abuses leveled against average Americans by the IRS. Taxpayers do not want a Government that will harass and obstruct them. American taxpayers deserve a Government that will serve them. These hearings have illustrated that the IRS is too burdensome on the American people. It is crucial that we take this power out of the hands of the Washington bureaucrats and send it back to the taxpayer, where it belongs.

Mr. Speaker, the American people will not be satisfied until the IRS is dismantled and disarmed. I urge my colleagues to examine the reports of IRS abuse and take action. It is not unreasonable for citizens to demand a Government that is respectful of the people it serves.

## TRIBUTE TO THE HONORABLE LAGRIMAS LEON GUERRERO UNTALAN

### HON. ROBERT A. UNDERWOOD

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 25, 1997*

Mr. UNDERWOOD. Mr. Speaker, it is with deep regret and sympathy that I announce the passing of Mrs. Lagrimas Leon Guerrero Untalan. Mrs. Untalan was a longtime educator and former Guam Senator. She passed away in Honolulu, HI, this past Sunday, September 21, at the age of 86.

Mrs. Untalan started her career in education immediately upon her graduation from high school. At the time, Mrs. Untalan was one of several young and motivated individuals that began their professional careers as educators in the public school system of Guam, both before and after World War II. These educators became the main source of intellectual stimulation that was infused into the Government of Guam. Mrs. Untalan participated significantly and contributed in the development of our young government, and she brought with her a much-needed sense of respect and analytical thought.

Perhaps one of the greatest contributions she made in our political development was the mold she broke in getting elected to the 3d Guam Legislature. Both she and former Senator Cynthia Johnston Torres, were the first women elected to the Guam Legislature and became Guam's first female lawmakers. Although women were elected to the Guam

Congress, the predecessor of the Guam Legislature, the Guam Congress did not have the authority to make or pass laws.

Distinguished and celebrated as a bilingual educator, Mrs. Untalan was the translator of "Stand Ye Guamanian" better known as the Guam hymn. She translated the song into our Chamorro language and from then on, "Fanohge Chamorro" became the preferred version of the hymn. She was tireless in her quest to advance the teaching of the Chamorro language in the Guam schools and her innovation as an educator had a significant impact on my own commitment to the Chamorro language. Even after her retirement from the Department of Education in the mid-1970's, Mrs. Untalan continued her work in the community.

A pre-war resident of our capital of Hågatña, Mrs. Untalan then became a longtime resident of Barrigada where she volunteered at San Vicente Church. She was an integral part of that community and her commitment will be missed.

On a personal note, I worked with Mrs. Untalan in the Guam Bilingual Bicultural Education Project in the early 1970's. I was a curriculum writer who was unsure of my Chamorro writing skills and who had recently returned to Guam after college in the United States. She was a skilled and sensitive reviewer of the work which I submitted. Her encouragement, acceptance, and gentle correction of my elementary efforts contributed to my personal growth.

She was wonderful educator whose contributions to her homeland will be remembered every time we sing "Fanohge Chamorro." Her brilliance will continue to shine in the voices of our school children throughout Guam's schools every day

Mrs. Untalan now joins her distinguished husband in eternal rest—Tun Luis Untalan. My condolences to here children, grandchildren, relatives, and friends. The people of Guam have lost a beloved leader, an educational pioneer, and most especially, a true Guam legend.

Si You'os ma'ase' Tal Lagrimas Pakitu put todu I che'cho'-mu para I minaolek I tano'-ta.

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## THE EQUAL SURETY BOND OPPORTUNITY ACT

### HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 25, 1997*

Ms. NORTON. Mr. Speaker, today I am pleased to introduce the Equal Surety Bond Opportunity Act [ESBOA]. The ESBOA will help qualified women and minority-owned businesses to compete in the contracting business by helping them obtain adequate surety bonding. In addition, the ESBOA is directed against barriers that many qualified small and emerging construction firms encounter in obtaining surety bonding. I have introduced this bill before. I do so again because it is a commonsense way to eliminate a serious form of discrimination without an additional enforcing bureaucracy.

A surety bond is issued by insurers for the purpose of guaranteeing that should a bonded contractor default, a construction project will be completed and the contractor's employees and material suppliers will be paid. Surety bonding is mandatory for competing for all Federal construction work in excess of $25,000, all federally assisted construction projects in excess of $100,000, and most State and local public construction. However, surety bonding requirements are not restricted to government contracting. Increasingly, private construction contracts also require surety bonding. As surety bonding has become a widespread requirement, the inability to obtain surety bonding can cripple a construction firm, especially a small or a new one.

In 1992, Congress acknowledged the importance of this issue when it enacted the Small Business Credit Crunch Relief Act and included legislation to study the problem of discrimination in the surety bonding field, Public Law 102–366, that I had introduced. The survey provision required the General Accounting Office [GAO] to conduct a comprehensive survey of business firms, especially those owned by women and minorities, to determine their experiences in obtaining surety bonding from corporate surety firms.

The GAO completed the requested survey in June 1995. The survey found that of the 12,000 small construction firms surveyed, 77 percent had never obtained bonds. In addition, minority- and women-owned firms were more likely to be asked for certain types of financial documentation. Further, minority-owned firms were also more likely to be asked to provide collateral and to meet additional conditions not required by others.

The ESBOA bill I am introducing today is modeled on the Equal Credit Opportunity Act of 1968, which prohibited discrimination in credit practices. The ESBOA requires the contractor to notify the applicant of the action taken on his or her application within 20 days of receipt of a completed bond application. If the applicant is denied bonding, the surety would also be required, upon request, to provide a written statement of specific reasons for each denied request. Furthermore, the bill would provide civil liability in the form of damages and appropriate equitable relief should a surety company fail to comply with this notice requirement.

This legislation would help all contractors to have a better understanding of the reasons behind the denial of their bond applications. Furthermore, the importance of civil penalties cannot be understated for minority applicants who currently have no recourse when they suspect that the denial of surety bonding was based on considerations such as gender, race, or religion.

The disclosure of pertinent information to rejected applicants is an equitable principle familiar throughout the Federal acquisition process. This is the case when a small business is turned down for a government contract and has the opportunity to demand a negative preaward survey. With this information, the business can contest the award or use the information to be better prepared for the next award competition. The more a business knows about what is wrong with its proposal, the greater the likelihood that the next time the business will submit a better and more competitive proposal.

According to the National Association of Minority Contractors [NAMC], many minority contractors reported being turned down for a bond without an explanation. When explanations are not proffered, a perception of discrimination in the surety industry is created. This perception drives minority contractors to obtain sureties outside the mainstream, often at significant additional expense and fewer protections, placing themselves, their subcontractors, and the government at greater risk.

Civil penalties in this bill are necessary to compel surety bond companies to provide accurate and nondiscriminatory reasons for denial of surety bonding. This bill will provide the applicant with the necessary civil remedy should the surety bonding company refuse to provide this important information. In addition to providing essential information for future bond applications, a clear response will identify whether surety bonding companies are discriminatory or using fallacious criteria in making these decisions.

This legislation will create an environment in which small business firms, particularly those owned and controlled by minorities and women, can successfully obtain adequate surety bonding. This legislation will enable us to ferret out continuing biases in the industry. I urge my colleagues to support this bill and help abolish the artificial impediments to the development and survival of emerging small businesses.

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## TRIBUTE TO CALIFORNIA LUTHERAN UNIVERSITY

### HON. BRAD SHERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 25, 1997*

Mr. SHERMAN. Mr. Speaker, I rise before you today to acknowledge the students, faculty and administration at California Lutheran University. This university was recently commended by the John Templeton Foundation in the 1997–1998 Honor Roll for Character Building Colleges.

A panel of six distinguished individuals from various backgrounds evaluated colleges and universities across the country. They used five criteria to determine if the colleges were providing students not only with an environment which allowed them to develop a strong sense of morality and grow spiritually, but also provided students with an opportunity to give back to their community. To be considered for a place on the honor roll, colleges must inspire students to develop and strengthen their moral and reasoning skills, encourage spiritual growth and moral values, provide community building experiences, advocate a drug-free lifestyle and conduct a critical assessment of character-building projects and activities.

The words on the seal of California Lutheran University read "Love of Christ, Truth and Freedom.' The faculty at CLU have worked to establish an environment which allows students to reflect on ethical questions and develop their own sense of morality. Christian tradition plays a central role in the students' lives and they are provided with opportunities to attend services, bible studies and social ministry programs. Additionally, students join efforts with faculty and staff to enrich the lives of those less fortunate in the community by working with developmentally disabled individuals, providing clothes for needy children and tutoring disadvantaged minority students.

Leon Blum once wrote, "Life does not give itself to one who tries to keep all it advantages at once. I have often thought morality may perhaps consist solely in the courage of making a choice." Students at California Lutheran University have made a choice that they are willing to make a difference in our community. In making this choice the students have made the welfare of others their top priority.

Mr. Speaker, distinguished colleagues, please join me honoring the students and faculty at this exceptional institution for their integrity of character and commitment to improving the circumstances of those less fortunate in our community.

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## CARMEN FRANCO TRIMINO'S HEART IS STILL IN CUBA

### HON. ESTEBAN EDWARD TORRES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 25, 1997*

Mr. TORRES. Mr. Speaker, there is no subject which when brought to this floor invokes more passion and hostility than the question of United States-Cuban policy. My colleagues who support the current United States policy of embargo, vehemently denounce any effort to improve relations between our two nations, until and unless the current President of Cuba departs. Those advocating alternative policies and new relationships with the people and the Government of Cuba, have to face having their integrity, patriotism, and intelligence called into question. My colleagues who defend the current United States policy toward Cuba are loyal and persistent defenders of their beliefs, and yet the anger and fury which they invoke, many times prevents and inhibits an open and free discussion of this important national policy issue. I believe that this institution and this country desperately need an honest, open and fair discussion on the goals, achievements, and impact of our current policy of embargo. As a contribution to this end, I wish to enter into the RECORD, a recently published editorial from the Arizona Republic. This article tells a story about one woman's crusade to bring change, heart, and humanity to our country's policy toward Cuba. Its subject is Carmen Franco Trimino, a successful entrepreneur, whose steel plating and powder coating business has operations in both Arizona and southern California. She is in Washington today, trying to win over some hard hearts in the United States Congress, seeking support for a bill which I introduced, H.R. 1951, the Cuban Humanitarian Trade Act of 1997, which would permit United States trade with Cuba in the areas of foods, medicine, and medical supplies. I urge my colleagues to read Ms. Trimino's story, and I commend her for her valiant and tireless efforts on behalf of both the Cuban and the American people. I would leave my colleagues with a question to ponder which Ms. Trimino raises: "Does our hatred for Castro and his Communist system so blind us that we are willing to allow a humanitarian tragedy of immense proportions to unfold 90 miles off our shores, just in hopes it will overthrow him?"

Mr. Speaker, I believe that the United States is capable of a more enlightened, more humanitarian, more just policy toward the people of Cuba. I urge my colleagues to revisit this issue by reading the following story about Ms. Trimino, and then I urge my colleagues to join with me, and 69 other Members of the House of Representatives, in removing from United States policy the restriction over the sales of foods and medicine to Cuba.

[From the Arizona Republic, Aug. 17, 1997]

### U.S. SANCTIONS ARE CRIPPLING HEALTH CARE—PEOPLE, NOT CASTRO, FEEL EFFECTS

(By James Hill)

It has been years since Carmen Franco Trimino moved body and soul to the United States. But her heart is still in Cuba.

A successful entrepreneur, whose steel plating and powder coating business has operations in both Arizona and Southern California, Trimino now devotes much of her time and seemingly all of her energies to win over some pretty hard hearts in the U.S. Congress on an issue that is breaking hers: the part of the U.S. economic embargo against Fidel Catro's regime that has essentially cut off the importation of foods and medicines into her native land.

She's not winning, yet. But she's not losing, either.

This summer, her lobbying paid off when 12 members of the House of Representatives, ranging along the ideological spectrum from Democrats Esteban Torres of California and Charles Rangel of New York to Republicans Jim Leach of Iowa and Ron Paul of Texas, agreed to sponsor a bill that would specifically exempt food and medicines from the embargo. Since the bill was introduced, 44 other members have signed on as co-sponsors, again representing the range of the ideological spectrum.

The Cuban Humanitarian Trade Act of 1997 would overturn a particularly insidious clause in the Cuban Democracy Act of 1992 that made the importation of foods and medicines technically not illegal, but so bureaucratically complex as to amount to a de facto secondary embargo.

The 1992 legislation was sold as a means of putting the squeeze on Castro and his Communist government after Cuba's long-time patron, the Soviet Union, had collapsed, wiping out more than 70 percent of the island nation's trade. Rather than constricting Castro, whose regime remains as unrepentantly communist as ever, it slowly began to sap the strength of average Cubans.

The Periodo Especial, as Cubans refer to the miserable hand that life has dealt them, strictly rationed everything, from food to gasoline to times when electricity and other utility services are available. Work schedules were altered to account for the breakdown in public transportation facilities, and school days were shortened. Bicycles became a principal way of getting about.

Then Castro pulled another fast one on his Yankee tormentors. He pegged the peso to the U.S. dollar, opened the doors to tourism (but for only a few Americans, thanks to the embargo) and allowed a measure of free enterprise to not only exist, but flourish.

When I accompanied a delegation led by Trimino last November to inspect the effect the embargo was having on health care facilities, I was stunned to find a country that was enjoying a 7 percent growth rate, a building boom in parts of Havana and in regions designated to handle the influx of tourists, and a general sense that the worst of the Periodo Especial, or special period, was over.

Yet, there were plenty of caution flags that it wasn't; indeed, that perhaps the worst was yet to come.

For one, a Foreign Ministry official confided that the 7 percent growth rate was relevant only when one gauged how far Cuba had fallen. Cubans with access to dollars could shop for food in well-stocked markets, including the supermarket once reserved for members of the Soviet diplomatic corps.

But those who were still in the internal economy, where the unofficial peso is little more than script, were at the mercy of the state-run systems, where shelves were empty save for rice and beans.

More telling, however, were my conversations with several doctors and other medical personnel throughout the island. Cubans take great pride in the medical system they built from scratch since Castro came to power in 1959. And discussions would always begin with the typical boasting about what type of services that medical system could provide.

Pressed, however, these practitioners would drop the hyperbole and cut to the chase: The embargo was denying them not only the medicines needed to administer to the sick, but the tools and the educational materials needed to keep up with their practices.

In a major Havana hospital, the lead physician in one ward took me into a room where ambulatory patients were being fed their noon meal, a concoction that appeared to be something near a rice and bean soup. All of the patients received the amount of calories needed for their recovery, he noted even if variety in their diet was lacking. Then he drove home another point: Patients were fed even if the staff had to forgo its minimum daily dietary requirements.

At another major medical center, this time in the southern port of Cienfuegos, the director admitted that he feared the outbreak of any epidemic, because the combination of the shortages of antibiotics and the limitations on nutrition would make it impossible for his doctors to put up a fight.

But that was November. Despite the Helms-Burton Act that vows to punish foreign corporations for doing business in Cuba, the re-election of President Clinton held the hope out to Cubans that a warming might be near. Clinton himself had fed this perception by his refusal to sanction the most draconian of Helms-Burton provisions, a decision he reaffirmed this summer.

If the president is squeamish about implementing those provisions, however, his administration has done little else to indicate that it is interested in patching things up, almost four decades since the U.S.-sponsored invasion to topple Castro went disastrously awry at the Bay of Pigs.

Meanwhile, Trimino reports, the situation has become graver, especially in the Oriente, or eastern provinces normally out of sight to tourists. In the provincial city of Holguin, she told of recently visiting with a young girl just out of the hospital who had been treated for severe malnutrition; her daily intake consisted of a biscuit made from sweet potatoes. She had been receiving a liter of yogert , as a substitute for milk, every four days.

This is something I cannot independently corroborate, although I have no reason to doubt it. While I did not see any starving people during my visit last November, I saw enough too-thin people, especially in the countryside, and emaciated livestock to convince me—the relative prosperity in Havana and other cities notwithstanding—that Cuba could be on the verge of a major health crisis. It might still be. Or worse, it might be sliding into the middle of one, the outcome of which could be too horrific to consider.

The question Americans have to ask is simple. Is this what we want? Does our hatred for Castro and his communist system so blind us that we are willing to allow a humanitarian tragedy of immense proportions to unfold 90 miles off our shores, just in hopes it will overthrow him?

Over his long reign, Fidel Castro has survived numerous American attempts at removal, including those of assassination and the threat (almost to the brink, in fact) of nuclear war. Most experts who follow Cuba say only Castro's naturally appointed date with the Grim Reaper will allow Washington to say it has finally achieved its goal, and all reports are that for a man in his early 70s, he is much healthier (and better fed) than his average countryman.

That is not the point, though, insists Carmen Trimino as she makes her rounds of congressional offices, trying to enlist more representatives to her heartfelt cause. (Not one member of the Arizona delegation has been receptive.)

"It is my people who are facing starvation," she says indignantly.

Perhaps she will win the day. Embargoes are a favored tool of U.S. diplomacy, often in collusion with the United Nations, for use against recalcitrant regimes. Witness the fact that sanctions are being applied not only to Cuba but also in Iraq (where Saddam Hussein is allowed to sell oil to purchase foods and medicines), Libya and Myanmar (Burma). Limited sanctions still are applied to what is left of Yugoslavia (Serbia and Montenegro).

But sanctions are rarely effective. Notice that the strongmen running the governments of the aforementioned countries are all still in power, even if their people are at the point of emotional and physical breakdown. Nor are sanctions even relevant; America's official fascination in maintaining a dialogue with the butchers of Tiananmen Square, who defiantly continue to keep more than 1 billion Chinese under Communist oppression, has made a mockery of U.S. efforts to use economic measures as a whip against lesser regimes.

Carmen Trimino only wishes that more members of Congress would see in their hearts the futility of denying foods and medicines,; the bill she wants the House to consider takes no stand on other parts of the economic embargo. (Perhaps it should; Castro might last, but the communist system would likely collapse upon the rush of American goods). She will keep trying. Her Cuban-American heart is in it.

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## APPOINTMENT OF CONFEREES ON H.R. 2378, TREASURY, POSTAL SERVICE, AND GENERAL GOVERNMENT APPROPRIATIONS ACT 1998

SPEECH OF

### HON. MAX SANDLIN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 24, 1997*

Mr. SANDLIN. Mr. Speaker, I rise today as a founding member of the Missing and Exploited Children's Caucus. I rise as a father of four. I rise as a little league coach and a former county court at law judge. I rise today to say that I support every effort to protect our Nation's children and I support the motion to instruct by the Member from Maryland. As much as any Member on this floor, I support full funding for programs to safeguard, protect, and rescue our missing and exploited children. I cannot vote for the previous question because we should not vote on this motion to instruct conferees in its current form.

I will vote against the previous question because these instructions are incomplete. This motion to instruct should include instructions to adopt the Senate position on the Member of Congress cost of living increase. The Republican leadership has precluded an up or down vote on the Member pay raise, and forced me to vote against the previous question to voice my opposition to the pay increase. I support the motion. I will vote against the previous question not for what is included in the motion, but for what is not included in the motion.

The Member pay raise should be put to a straight vote with an honest, open debate. This Treasury/Postal appropriations bill was rushed through the floor with a rule that denied a vote on the pay raise. Members were denied the opportunity to cast a vote on the pay raise and denied a true forum to voice their opposition to the pay raise. The leadership of this House owe the people of America, the people we are here to serve, an honest debate and an honest vote on the pay raise.

I did not come to Congress to cut spending only when I am not affected by the cut. The American people deserve as much as we can give them. The American people deserve a balanced budget. The American people deserve tax relief. The American people deserve the assurance that Social Security and Medicare will be there to serve them when they retire. The American people deserve the best education this country can offer them.

If we are going to ask all American to sacrifice to balance the budget, we should expect the same of ourselves. I wish I did not have to vote against the previous question simply to voice my opposition to the pay raise, but I do. The protection of our children is an issue that is near to my heart, but so is my commitment to the people of east Texas to balance the Federal budget. I oppose this motion to instruct in its current form only because it is incomplete.

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## CAMPAIGN FINANCE REFORM

### HON. RON KIND

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 25, 1997*

Mr. KIND. Mr. Speaker, it appears that after a long battle this House may be close to considering campaign finance reform. It is my hope that when we do that we will have a fair, bipartisan bill that contains no poison pills and offers real reform of the system.

I have been working with fellow freshman Members to create such a bill. We agreed at the very beginning to put aside any poison pills, items that would automatically put one party at a competitive disadvantage. The result was a bill that bans soft money, increases candidate disclosure, and requires organizations making independent expenditures to reveal who they are and how much money they are spending. It was not an easy process, but we learned to work together and trust each other and in the end drafted a fair bill that will make a real difference in the system.

There may be a great temptation to kill a reform bill with partisan amendments. I hope that we can avoid that fate. The only way a campaign finance bill can become law is through bipartisan cooperation. If we can reject poison pills, reject partisan attacks and reject the temptation to pass a bill without teeth, then we can see true campaign finance reform for the first time since the 1970's.

Today we are at a crucial time in this debate, I hope we don't blow it.

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## EXTEND SECTION 245(i) OF THE IMMIGRATION AND NATIONALITY ACT

### HON. ROBERT A. WEYGAND

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 25, 1997*

Mr. WEYGAND. Mr. Speaker, I rise today to discuss the importance of extending section 245(i) of the Immigration and Nationality Act.

Section 245(i) allows immigrants who are out of status, but legally eligible for visas, to pay a $1,000 fee to adjust their status while remaining within the borders of the United States.

These immigrants are eligible to obtain legal status in the form of permanent residence in this country based on a family relationship or an offer of employment.

What naysayers must understand is that the 245(i) program does not alter U.S. immigration policy, or make entering our country any easier. What it does is assist a pediatrician who comes to this country to help care for our kids. It helps foreign students who have been educated at American universities and have chosen to utilize their new talents right here in the United States. It assists a wife who comes to America to join her husband who has built a solid career here. It allows all of these people to renew their status with a fee, rather than requiring them to take a return trip to their native country. In some cases they may not be able to return for 3 to 5 years.

But the dream of staying in the United States for many of these people may soon be just that—a dream. Next Tuesday, these people who have come here hoping to be reunited with a family member or hoping to provide their talents to the greatest nation on earth, may be forced back to their native land without a blink of an eye. On September 30, 1997, 245(i) is scheduled to sunset. If we do not extend this section, a mass deportation will occur—wives will be taken from their husbands' arms and valued workers will lose their jobs. Families will be ripped apart and businesses will be disrupted. We should not and cannot allow this to happen.

An extension of 245(i) would not only benefit immigrants currently living in the United States, their family members and their employers, but would benefit our country as a whole. For example, that fee these immigrants pay to renew their status goes straight into the U.S. State Department coffers, at a sum of $200 million each year. 245(i) provides the Immigration and Naturalization Service with the funds necessary to carry out important enforcement and detention functions.

By allowing immigrants to change their status within the our Nation, the United States has also been able to reduce the applications at the consulate by 3 percent. This allows them to focus on their primary functions of enhancing foreign diplomacy and assisting United States citizens living or traveling abroad.

I ask you, as Members of Congress and representatives of the people, what is the benefit to our country of breaking up families and breaking down businesses? I urge my colleagues to support the extension of this necessary and beneficial provision.

## THE NEED TO ELIMINATE THE MARRIAGE TAX

### HON. ANNE M. NORTHUP

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 25, 1997*

Mrs. NORTHUP. Mr. Speaker, I rise today in strong support of eliminating the marriage tax. Although this Congress has made significant steps in reducing the tax burden on Americans we still have a long road ahead of us in restructuring our Tax Code and instill fairness to all taxpayers. As we travel down this road one of our first stops must be to eliminate the tax that penalizes the sacred institution of marriage.

My opposition to the tax on marriage is simply a question of fairness. Why should a man and woman who are married and living together be taxed more than a man and woman living together who are not married? CBO has estimated that 21 million couples have paid on average $1,400 and some exceeding $20,000 in surplus taxes as a result of having to change their filing status to married. This is a substantial amount of money that could be used toward a child's education, retirement savings, a new home or a car. Furthermore, a couple should not have to consider the IRS when deciding whether to enter into marriage. The marriage penalty blatantly contradicts what this Congress has attempted to achieve in strengthening American families and providing significant tax relief.

Married couples are faced with numerous challenges and burdens. Let us not forget that married couples frequently are in the process of raising children—a wonderful and very expensive experience—and should therefore be afforded as much financial relief as possible. Let's not punish these couples for their love and commitment for one another, let's reward them for their willingness to strengthen our society through the sacred bond of marriage.

## PERSONAL EXPLANATION

### HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 25, 1997*

Mr. PORTER. Mr. Speaker, I regret that I was unavoidably absent from the Chamber on Rollcall votes Nos. 410 through 415.

Had I been present, I would have voted no on Roll No. 410, no on Roll No. 411, aye on Roll No. 412, aye on Roll No. 413, no on Roll No. 414, and aye on Roll No. 415.

## THE OCEANS ACT OF 1997

### HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 25, 1997*

Mr. FARR of California. Mr. Speaker, I rise today to introduce the Oceans Act of 1997. I am pleased to be able to offer this bill with the support of the chairman of Resources' Subcommittee on Fisheries Conservation, Wildlife and Oceans, Representative JIM SAXTON; the ranking Democrat of that subcommittee, Representative NEIL ABERCROMBIE; and the ranking Democrat on the Resources Committee, Representative GEORGE MILLER, as well as Representatives GILCHREST, PALLONE, GEORGE BROWN, PORTER GOSS, PATRICK KENNEDY, and SOLOMON ORTIZ.

This is an exciting time in the history of man's relationship with the oceans. With this year as the International Year of the Reef, and next year as the International Year of the Ocean, more focus is being directed on the state of the world's coasts and oceans than ever before. And rightly so.

We are critically dependent on the oceans, and the resources we derive from them. Commercial and recreational fishing provides 1.5 million jobs and an estimated $111 billion annually to the Nation's economy, and more than 30 percent of the United States GNP is produced in coastal counties. Americans love the ocean and beaches: they are our leading tourist destination, with 85 percent of tourist revenues being spent in coastal States. In 1993 more than 180 million Americans visited coastal waters nationwide, and in California alone the revenue generated by tourism is approximately $38 billion annually. The beautiful coasts and ocean in my district are key to the areas's $1.5 billion travel and tourism industry.

Yet we cannot ignore the evidence that our oceans and coasts are imperiled. Since 1950 production from world fisheries and aquaculture has increased by a factor of five. Food and Agriculture Organization [FAO] analysis of hte world's fishing resources in 1995 concluded that most of the major fish stocks in the world can be classified as fully fished, overfished, depleted, or recovering. Approximately 45 percent of the Nation's threatened and endangered species inhibit coastal areas, and almost 75 percent of the endangered and threatened mammals and birds rely on these coastal habitats.

We are inundated every day with stories of marine, estuarine and reverine pollution, wetlands loss, algal blooms, coastal and marine habitat degradation, fishery over-harvesting, and the looming threat of sea-level rise. With all of the legislation, regulations, and Federal, State and local programs and policies, we somehow still seem to be failing in our mission to have healthy, sustainable oceans and coasts.

The situation will only get worse as coastal populations increase: Two-thirds of the world's cities with populations over 1.6 million are located in the coastal zone. By the year 2010 it is estimated that at least 75 percent of the United States population will live within 50 miles of the coast, with all of the attendant potential environmental consequences of having so many people concentrated in areas of diverse and fragile ecosystems.

Part of the problem is that we are not investing enough in learning about our oceans; for all of the money we have spent in space exploration, we know woefully little about the amazing characteristics of the 71 percent of our planet's surface that is the world's oceans. The fact is, we know less about the surface of our own planet than we do about that of Mars, Venus, or the Moon. I believe that we need to put our national ocean exploration programs on par with the space program, and our efforts to conserve the marine environment at least equal to that provided to the land portion of our country. Our efforts to protect our marine environment through our national marine sanctuary system provide only 0.7 percent of the funding we give just to our national parks.

The legislation I am introducing is patterned after the law which was enacted in 1966 to establish the Commission on Marine Science, Engineering and Resources, known as the Stratton Commission, after its chairman, Julius Stratton of the Ford Foundation. The Commission was given the task of examining the Nation's stake in the development, utilization, and preservation of the marine environment, to assess the Nation's current and anticipated marine activities; and, on the basis of this information, to formulate a comprehensive, long-term, national program for marine affairs with the goal of meeting current and future needs in the most efficient manner possible. In January of 1969, the Stratton Commission released its report "Our Nation and the Sea: A Plan for National Action."

The report and recommendations of the Commission led to the creation of the National Oceanic and Atmospheric Administration, supported the impetus for the enactment of the Coastal Zone Management Act in 1972, and provided the vision and structure for ocean and coastal policy for the past thirty years. Today, however, U.S. population has grown from 196.5 million in 1966 to 265.6 million in 1996, over half of whom lives within 50 miles of our shores; ocean and coastal resources once thought inexhaustible are now seriously depleted; and wetlands and other marine habitats are threatened by pollution and human activities.

As the 30-year anniversary of the Stratton Commission's report approaches, it is of great importance that we again do a thorough assessment of the current state of our Nation's coastal and marine resources, programs, and policies, and that we create a new national ocean plan to lead us into the 21st century. The Oceans Act of 1997 contains similar provisions to the 1966 act. It calls for the creation of a Stratton-type commission, called the Commission on Ocean Policy, to examine ocean and coastal activities and to report within 18 months its recommendations for a national policy. In developing the report, the Commission would assess Federal programs and funding priorities, infrastructure requirements, conflicts among marine users, and technological opportunities. The Commission would then meet at a minimum of once every 5 years to assess the Nation's progress in meeting the purposes and objectives of the act. An appropriation of $6 million over the course of fiscal years 1998 and 1999 would be authorized for the Commission to complete its work. In addition, such sums as necessary would be authorized for the Commission to meet in the 10 years following the submission of the report.

It would also call for the President, with the assistance of the heads of relevant agencies and departments, and on the advice of the Commission, to develop and implement a coherent national ocean and coastal policy that provides for protection against natural hazards; responsible stewardship of fisheries and other ocean and coastal resources; protection of the marine environment; resolution of conflicts among users of the marine environment; advancement of research, education and training in fields related to marine activities; continued investment in marine technologies; coordination and cooperation within and among governments; and preservation of U.S. leadership on ocean and coastal issues.

I believe that a comprehensive ocean and coastal conservation and management plan for our country is absolutely necessary. Our efforts have got to be coordinated, and we've got to act now to increase our knowledge of this critical area of our planet, and to ensure proper management of marine resources, and healthy, vibrant coastal and ocean ecosystems we all can enjoy.

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## H.R. 2544, THE TECHNOLOGY TRANSFER COMMERCIALIZATION ACT OF 1997

### HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 25, 1997*

Mrs. MORELLA. Mr. Speaker, today I am introducing H.R. 2544, the Technology Transfer Commercialization Act of 1997, a bill which promotes technology transfer by facilitating licenses for federally owned inventions.

Each day research and development programs at our Nation's over 700 Federal laboratories produce new knowledge, processes, and products. Often, technologies and techniques generated in these Federal laboratories have commercial applications, if further developed by the industrial community.

As a result, Federal laboratories are working closely with U.S. business, industry, and State and local governments to help them apply these new capabilities to their own particular needs. Through this technology transfer process our Federal laboratories are sharing the benefits of our national investment in scientific progress with all segments of our society.

It seems clear that the economic advances of the 21st century will rooted in the research and development performed in our Nation's laboratories. These advances are becoming even more dependent upon the continuous transfer of technology into commercial goods and services. By spinning-off and commercializing federally developed technology, the results of our Federal research and development enterprise are being used today to enhance our Nation's ability to compete in the global marketplace.

For over a decade and a half, Congress, led the Science Committee, has embraced the use of technology transfer from our Federal laboratories to help boost our international competitiveness. We have enacted legislation establishing a system to facilitate this transfer of technology to the private sector and to State and local governments.

The primary law to promote the transfer of technology from Federal laboratories is the Stevenson-Wydler Technology Innovation Act of 1980. The Stevenson-Wydler Act, Public Law 96–480, makes it easier to transfer technology from the laboratories and provides a means for private sector researchers to access laboratory development.

In addition, Congress has enacted additional laws to foster technology transfer, including the Federal Technology Transfer Act of 1986 (Public Law 99–502); the Omnibus Trade and Competitiveness Act of 1988 (Public Law 100–418); the National Competitiveness Technology Transfer Act of 1989 (Public Law 101–189); and the American Technology Preeminence Act of 1991 (Public Law 102–245), among others. In addition, Congress enacted the amendments to the Patent and Trademark Laws, also known as the Bayh-Dole of 1980 (Public Law 96–517).

Most recently, in the past Congress, the National Technology Transfer and Advancement Act of 1995 (Public Law 104–113), which I introduced, was enacted into law. Public Law 104–113 amends the Stevenson-Wydler Technology Innovation Act of 1980 and the Federal Technology Transfer Act of 1986 to improve U.S. competitiveness by speeding commercialization of inventions developed through collaborative agreements between the Government and industry. The law also promotes partnership ventures with Federal laboratories and the private-sector and creates incentives to laboratory personnel for new inventions.

As the chair of the House Science Committee's Technology Subcommittee, I am pleased to continue this tradition of advancing technology transfer and encouraging research and development partnerships between Government and industry with the introduction of H.R. 2544, the Technology Transfer Commercialization Act. H.R. 2544 seeks to remove the legal obstacles to effectively license federally owned inventions, created in Government-owned, Government-operated laboratories, by adopting the successful Bayh-Dole Act as a framework.

The bill provides parallel authorities to those currently in place under the Bayh-Dole Act for licensing university or university-operated Federal laboratory inventions. The bill also amends the Stevenson-Wydler Act, as amended, to allow Federal laboratories to include already existing patented inventions into a cooperative research and development agreement [CRADA].

Thus, agencies would be provided with two important new tools for effectively commercializing on-the-shelf Federally owned technologies—either licensing them as stand-alone inventions, under the bill's revised authorities of section 209 of the Bayh-Dole Act, or including them as part of a larger package under a CRADA. In doing so, this will make both mechanisms much more attractive to U.S. companies that are striving to form partnerships with Federal laboratories.

Additionally, H.R. 2544 removes language requiring onerous public notification procedures in the current law, recognizing that in partnering with Government, industry must undertake great risks and expenditures to bring new discoveries to the marketplace and that in today's competitive world economy, time-to-market commercialization is a critical factor for successful products. Federal regulations currently require a 3-month notification of the availability of an invention for exclusive licensing in the Federal Register. If a company responds by seeking to license the invention exclusively, another notice requirement follows providing for a 60-day period for filing objections. The prospective licensee is publicly identified along with the invention during this second notice. This built-in delay of at least 5 months, along with public notification that a specific company is seeking the license, is a great disincentive to commercializing on-the-shelf Government inventions.

No such requirements for public notification and filing of objections exist for licensing university patents or patents made by contractor-operated Federal laboratories. In addition, no such restriction applies to companies seeking a CRADA, which now guarantees companies the right to an exclusive field of use license. In all the years that the statutes have been utilized, no evidence has arisen that the universities or contractor-operated laboratories abuse these authorities. The steady increase of university licensing agreements, royalties, commercialized technologies, and economic benefits to the U.S. economy shows that removing such legal impediments is critical to success.

Changing this provision would not only speed the commercialization of billions of dollars of on-the-shelf technologies, it would also allow these discoveries to be effectively included in CRADA, which is now very difficult to do. These built-in delays fundamentally exacerbate the biggest industry complaint about dealing with the Federal Government as a

R&D partner—it simply takes too long to complete a deal. Requiring a half year delay to receive a license that both parties want to grant makes no sense.

Removing this restriction eliminates the last significant legal roadblock to expediting licensing and commercialization of federally funded patents. This should provide an important tool for our economic growth if the agencies apply this new authority aggressively.

While removing language requiring onerous public notification procedures in the current law, it is the intent of the bill that agencies will continue to widely disseminate public notices that inventions are available for licensing. Agencies should approach this in the same manner that they are now providing notice that opportunities or a CRADA are available under the Federal Technology Transfer Act, and universities advertise available licenses under the Bayh-Dole Act.

In providing the appropriate notice of the availability of their technologies for licensing, I would expect that agencies would make the greatest possible use of the Internet. Electronic postings provide instantaneous notice that commercial partners are being sought for developing Federal patents. Virtually all Federal laboratories and universities now already use their Internet websites to post such notices. This should be a far more effective advertising tool than mere publication in the Federal Register, especially since most small businesses do not scan the Federal Register looking for new technologies.

Mr. Speaker, the Technology Transfer Commercialization Act streamlines Federal technology licensing procedures by removing the uncertainty and delay associated with the licensing determination process. Removing the roadblocks to the commercialization of Federal research and development by industry has been a goal we, in Congress, have long supported, and I would urge my colleagues to join me in this effort.

H.R. 2544

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### SECTION 1. SHORT TITLE.

This Act may be cited as the "Technology Transfer Commercialization Act of 1997".

### SEC. 2. COOPERATIVE RESEARCH AND DEVELOPMENT AGREEMENTS.

Section 12(b)(1) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a(b)(1)) is amended by inserting "or, subject to section 209 of title 35, United States Code, in a federally owned invention directly related to the scope of the work under the agreement," after "under the agreement,".

### SEC. 3. LICENSING FEDERALLY OWNED INVENTIONS.

(a) AMENDMENT.—Section 209 of title 35, United States Code, is amended to read as follows:

**"§ 209. Licensing federally owned inventions**

"(a) AUTHORITY.—A Federal agency may grant an exclusive or partially exclusive license on a federally owned invention if—

"(1) granting the license is a reasonable and necessary incentive to—

"(A) call forth the investment capital and expenditures needed to bring the invention to practical application; or

"(B) otherwise promote the invention's utilization by the public;

"(2) the Federal agency finds that the public will be served by the granting of the license, as indicated by the applicant's intentions, plans, and ability to bring the invention to practical application or otherwise promote the invention's utilization by the public;

"(3) the applicant makes a commitment to achieve practical utilization of the invention within a reasonable time;

"(4) granting the license will not substantially lessen competition or create or maintain a violation of the antitrust laws; and

"(5) in the case of an invention covered by a foreign patent application or patent, the interests of United States industry in foreign commerce will be enhanced.

"(b) MANUFACTURE IN UNITED STATES.—Licenses shall normally be granted under this section only to a licensee who agrees that any products embodying the invention or produced through the use of the invention will be manufactured substantially in the United States.

"(c) SMALL BUSINESS.—First preference for the granting of licenses under this section shall be given to small business firms having equal or greater likelihood as other applicants to bring the invention to practical application within a reasonable time.

"(d) TERMS AND CONDITIONS.—Licenses granted under this section shall contain such terms and conditions as the granting agency considers appropriate. Such terms and conditions—

"(1) shall include provisions—

"(A) requiring period reporting on utilization of the invention, and utilization efforts, by the licensee; and

"(B) empowering the Federal agency to terminate the license in whole or in part if the agency determines that—

"(i) the licensee is not adequately executing its commitment to achieve practical utilization of the invention within a reasonable time;

"(ii) the licensee is in breach of an agreement described in subsection (b); or

"(iii) termination is necessary to meet requirements for public use specified by Federal regulations issued after the date of the license, and such requirements are not reasonably satisfied by the licensee; and

"(2) may include a requirement that the licensee provide the agency with a plan for development or marketing the invention.

Information obtained pursuant to paragraph (1)(A) shall be treated by the Federal agency as commercial and financial information obtained from a person and privileged and confidential and not subject to disclosure under section 552 of title 5, United States Code.

"(e) PUBLIC NOTICE.—No license may be granted under this section unless public notice of the availability of a federally owned invention for licensing in an appropriate manner has been provided at least 30 days before the license is granted. This subsection shall not apply to the licensing of inventions made under a cooperative research and development agreement entered into under section 12 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a).".

(b) CONFORMING AMENDMENT.—The item relating to section 209 in the table of sections for chapter 18 of title 35, United States Code, is amended to read as follows:

"209. Licensing federally owned inventions.".

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## A TRIBUTE TO FAUSTO A. ROSERO

### HON. NYDIA M. VELÁZQUEZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 25, 1997*

Ms. VELÁZQUEZ. Mr. Speaker, today I rise to pay a very special tribute to one of my constituents, who after working for 30 years is now ready to retire. Mr. Fausto Anibal Rosero is retiring from United Airlines, where he is currently a lead in the Cabin Service Division. During his tenure at United Airlines, Fausto exhibited exceptional leadership skills as well as a commitment to excellence.

His dedication and commitment to excellence led to his designation as a lead cabin serviceman. Under his supervision, Fausto has a crew of eight cabin servicemen, whose responsibility is to ensure that United flights leaving LaGuardia Airport are fully supported and maintained. In an era of heightened awareness regarding airline safety measures and concerns his belief is to encourage his crew to review and follow all safety rules and procedures. This type of positive reinforcement to be safety conscious in the workplace reflects his concern about the passengers and crew that board his fights.

In 1993, Fausto was recognized by United Airlines and 80,000 of his fellow employees as he was nominated to receive the Cabin Service Employee of the Year Award. His dedication reflects a lifelong pursuit of happiness that he strives for every day. Fausto philosophy of life "Primero la obligacion despues la devocion."

Fausto Rosero's life here in the United States began like many others who came to the United States of America seeking a better life for themselves and their family. Throughout history, America has been known as the land of opportunity. We have welcomed people with great pride from all over the world and from all walks of life. The diversity of people and nations is our country's greatest strength. Immigrants have long been the lifeblood of this great city of New York, making it flourish because of their hard work and dedication.

On September 9, 1962, Fausto Anibal Roser emigrated from his native homeland of Quito, Ecuador, to pursue and begin living the American dream. Like the previous waves of immigrants, Fausto left his family to settle down in his new life. He soon sent for his wife, Ana Beatriz Medina, whom he married on April 20, 1959. Beatriz arrived in this country not only with great enthusiasm and ambition but also with their daughter, Amparito Rosero on May 9, 1962. The Rosero family settled in the same community in which they still call home, Corona, Queens. Having firmly planted the seeds in their new home, their family began to expand.

On September 27, 1963, Fausto Gerardo Rosero was the first American citizen born to the family. This not only represented the first generation of American citizens but also the beginning of a new culture.

In the fall of 1966, the Rosero and Moya families moved into a 102–25 46th Avenue, Corona, NY 11368. This address represents the gateway, our families "Ellis Island" to all those who followed. Every single family member and friend has crossed through those doors staying until they could establish themselves and ultimately their own place in this country. We have always called Corona home, up until the present day. Growing up and living together represent the close emphasis placed on "La Familia." Together both families have struggled, prospered and stayed together throughout the years. Although Edgar and Maria Moya now live up the street, four houses away, at 102–11 46th Avenue. They continue to share in the joys of each others families. Their sons Francisco Paul Moya and Edgar Ivan Moya have just celebrated their graduations from St. John's University on September 21, 1997.

Francisco "Ponch" received his bachelor of arts degree in Asian Studies and Edgar his masters degree in Spanish Literature. Edgar is also a member of my staff. He is my congressional aide in my Corona office.

Fausto and Bachi saw three more of their children born; Alex Antonio Rosero born on October 20, 1968, Daisy Violeta Rosero born on January 29, 1970, and finally Luis Alberto Rosero born on December 8, 1972. All five children grew up in this household and in Corona. With a firm emphasis placed on education he sent his five children to St. Leo's Roman Catholic Elementary School. Prior to arriving in this country, Fausto was a teacher in Ecuador. He taught for 6 years in El Normal Catolico de los Hermanos LaSalles. He taught first thru fifth grades. In addition, he also taught music, including guitar and the accordion to the senior high school class. His love for music has been lifelong and is evident as he continues to play the piano. Fausto taught in the same school he received his own education and the same church where he married Beatriz Medina in over 38 years ago.

Their children are working and are in the process of beginning their own lives. Amparito Rosero attended Queens College, she now is married to Hector Raul Cadena and have two sons, Christopher Mark Alexander Cadena, who was the first born of the second generation, and Jonathan Gerardo Cadena, they above all represent his legacy as they begin the second generation.

Gerald Rosero, a former U.S. Marine, graduated from Queens College with a bachelor of arts in economic. He is now married to Elizabeth del Toro and has a beautiful daughter, Miranda Nicole Rosero, the first grandaughter of the family.

Alex Rosero, attended the State University of New York at Albany. He also graduated with a bachelor of arts in economics. He now lives abroad in Amsterdam, Netherlands, while working for Pepe Jeans International.

Daisy Rosero, also has attended Queens College concentrating on art history and Spanish secondary education. Daisy now works for Rainbow Chimes, a nonprofit child care organization.

Luis A. Rosero attended and graduated from the State University of New York, College at Purchase. He studied political science with a minor in Latin American politics. He currently works for my Washington office as my office administrator. He began his congressional career as an intern in my office during college. Luis also worked in my Queens office before returning to SUNY Purchase for his senior year. He returned to Washington, DC, 6 days after graduation.

Their achievements and successes cannot only be attributed to Fausto but also to their loving mother Bachi. Beatriz is, has, and always will be responsible for them. She has worked and sacrificed her entire life to raise her children. It was her love and affection for her family throughout the years that kept them together. Their children should never forget the sacrifices and hard work that was needed for their upbringing. Fausto and Bachi have always stressed following the right path in life, no matter how difficult it may seem. If there is one lesson that should follow us for the rest of our lives and we should pass onto future generations, is the love and respect for one's family. Without having your family by your side one cannot stand alone. Loving your family for all their accomplishments is easy, loving them with their faults is what makes us one.

It has been a long road from Quito to Corona. The Rosero family has been granted a very special gift by an extremely special and devoted father. What has been achieved, what has been gained, what will be, is due to him. We will be his living legacy that he himself has planted many years ago. May we never let you down.

Mr. Fausto Rosero Basantes, you should be very proud of all your lifelong achievements and accomplishments. It is now time to sit back, relax, and enjoy yourself. Fly those friendly skies, let them take you places you have always wanted to visit. After 30 years of hard work at United Airlines you are entitled to sleep late and do whatever you please, but remember one of your sayings, "El Tiempo Es Oro" make the most of it.

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## HELPING OTHERS

## HON. MAC COLLINS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 25, 1997*

Mr. COLLINS. Mr. Speaker, quite often as Members of this House, we need to take a moment to step back and look into the hearts of our communities. There, sitting on the steps of our schoolhouses and talking on our parkbenches are individuals working to help their neighbors in need. Such folk can be found in all parts of the country, and today I wish to honor a group of individuals who dedicate their lives to making others happy in Hattiesburg, MS. For it is there that the Civitan Camp for Citizens with Mental Retardation makes uncommon acts of kindness everyday occurrences.

Mrs. Abbie Rogers, director of the camp for more than 37 years, began working with handicapped children many years ago. She had a dream of providing the benefits of group recreation, crafts, friendships, and all the fun a camp can provide to these individuals who overcome adversity with tremendous human spirit and strength of heart. With the generous support of the Hattiesburg Civitan Club and the Iti Kana Girl Scout Camp, Mrs. Rogers' dream is now a reality for many children.

Her volunteers range from teenagers to business people and include doctors, nurses, musicians, craftsmen, and artists. These individuals give of their time and energy, yet benefit just as much as the campers in terms of the experiences they treasure for the rest of their lives. My daughter April has volunteered for many years beginning in high school. I believe that her experiences at the Civitan Camp truly epitomize the beauty of this magical place. The following is one such recollection.

Flashlight . . . check, raincoat . . . check, junk food . . . check. Definitely junk food, camp meals are always the pits. I am so excited I can hardly pack. OK, show down, April, or you're going to forget something important like your toothbrush.

Bright and early tomorrow morning I'll be "on the road again."

For two glorious weeks, I'll be roughing it in the great outdoors. Camp doesn't officially open until Monday, but counselors have to suffer through the long, boring orientation. You know, the stuff you already know, and if you didn't you wouldn't be here, right?

As I sit eagerly waiting to discover who my wild camper will be for this session, I try to catch up on all the missed time with my Mississippi friends. "April Collins," Becky shouts clearly over the loud rumble in the small room. She is the camp director's right leg.

"Here," I reply half worried and half relieved that I am at the beginning of the alphabet. I met Becky nervously midway across the room and receive the personal file on my mysterious camper.

Aha! I got a baby. The 14-month-old girl is blue-eyed Alicia Bounds. Oh, my goodness, I am certainly going to get a workout; she is 30 heavy pounds and can't walk. As I quickly and anxiously scan the rest of her file, I learn she is blind, 90 percent deaf, has no muscle control, and has a lot of other complications. It seems as if the list of disabilities goes on forever. I fear I am going to have a very challenging week.

But I can handle it. Last year I had a 9-year-old boy who had to be fed through tubes in his stomach. I'll never forget the night I was feeding him supper and his tubes eased out. The doctor had to insert the tubes back in, which wasn't the most pleasant procedure to witness.

It's about time Monday got here! I am on pins and needles with 50 other psyched counselors waiting for our campers to arrive. The moment I saw Alicia, my heart went out to her. Her eyes are bluer than blue, and her cute chubby cheeks are perfect for a Grandmother to pinch. Now my job begins. I am her so-called mother for a week. I bathe her, feed her, change her, comfort her, take her to arts and crafts, swimming, fishing, canoeing, music, and leisure. Alicia and I are going to be the best of pals for seven days. I can tell her parents are ready for a vacation, because her dad is giving signals to his wife to hurry up. I try to imagine the pain they have been through.

Alicia used to be the everyday normal child, until three months of age when she was diagnosed with having spinal meningitis. After all the treatment and medication, this is what has become of Alicia. She almost died during her illness, and sometimes even I wonder if it would have been better if she had.

First on "our" agenda was to take Alicia on a tour of the camp, ending with a dip in the pool. My ears are still ringing from her temper tantrum. I guess I would have been pretty scared too, if I were blind. But by the end of the week, she enjoyed cooling off in the water. Alicia absolutely adored the outdoors. We'd stay outside from dawn to dusk. She quickly soaked up a savage tan.

Oh, and how Alicia loved to be rocked. I pampered her as though she was my first born. Sure I got frustrated at times, as when she would cry for almost an hour straight. But I drew in three big breaths and counted to 10 very slowly.

Alicia learned to sense my nearness to her. She would become upset when she felt my absence. I was one of the few who could comfort her. I can still picture her first and only smile. I don't recall what I did, but I had tried so hard all week to change her facial expression. And finally, a little smile.

We had a ball that week. Alicia was certainly a handful. I feel for her parents; I only had seven days of it. They have it the other 358 days.

Each year I have a feeling of accomplishment. But this past year I believe was the most challenging and rewarding. The fact that I could communicate and show my affection to her successfully has been my most satisfying experience.

Mr. Speaker, as the long hours of our days pass by at a blistering pace often leaving us with a sense of being totally overwhelmed, we need only take a moment to look at individuals such as Abbie Rogers or my daughter April, to put things in perspective and think in terms of what really is important—helping others. This can be done in many and varied ways, but I hope that at the end of the day, we in Congress share the sense of accomplishment that our efforts, though on a broader scale, are rooted in the very same goal, which is to help and serve the American people.

## DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 1998

SPEECH OF

### HON. MATTHEW G. MARTINEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 17, 1997*

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2264) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 1998, and for other purposes:

Mr. MARTINEZ. Mr. Chairman, the amendment which Representative RIGGS offered to the Labor, Health and Human Services, Education and related agencies appropriations bill regarding the enforcement options available to the Department of Education pertaining to youth with disabilities in adult correctional facilities under the Individuals with Disabilities Education Act (IDEA) is an ill-advised and inopportune amendment. As a member of the bipartisan working group which developed the IDEA amendments of 1997, I am strongly opposed to this amendment, as it would contravene the carefully crafted bipartisan, bicameral legislation signed into law only 3 months ago.

The IDEA ensures that all children with disabilities receive a free appropriate public education. During the bipartisan negotiations on the IDEA amendments, several provisions were added to the statute to give States increased flexibility in serving the portion of disabled youth who are incarcerated in adult correctional facilities. These provisions are: Through State statute or Executive order a State may assign any public agency in the State responsibility for ensuring compliance with the obligation to provide a free appropriate public education to youth with disabilities incarcerated in adult prisons; States are permitted to exempt the participation of youth with disabilities incarcerated in adult prisons on State-wide assessments; States are permitted to exempt youth with disabilities whose eligibility under part B will end, because of their age, before they will be released from prison from transition planning; and States may modify a youth's individualized education plan or the act's provisions related to least restrictive environment if the State has demonstrated a bona fide security or compelling penological interest.

In addition to the exemption of these planning and administrative requirements which will result in huge cost savings, States no longer have to serve those youth with disabilities, aged 18 through 21, who were not identified, or did not have an individualized education program, prior to their incarceration in an adult correctional facility. With these additional provisions there should be no obstacle to serving this population.

Despite the acceptance of these numerous provisions, Congressman RIGGS, having signed off on this deal during the bipartisan negotiations on this bill, has sought to reopen the debate over whether youth with disabilities in adult correctional facilities should be served purely due to political pressure from the Governor of our State, Governor Wilson of California. The Riggs amendment would reduce the enforcement options of the Department of Education under the statute, thereby completely contradicting the bipartisan manner used to craft the amendments. Section 616(a) of the statute provides two enforcement actions available for use by the Department to ensure that States serve youth with disabilities in adult correctional facilities: The withholding of a pro-rata share of Federal funding attributable to the population of youth with disabilities in adult correctional facilities and the referral of the matter for appropriate enforcement action, including referral to the Department of Justice. This amendment would limit the enforcement action available to the Department to only the reduction of funds thereby ensuring that many States would forgo the vital funds, and violate the act, to avoid serving this vulnerable population.

Throughout the exchange of debate over this issue both prior to and during floor consideration, Mr. RIGGS asserted that the Department is overstepping its bounds by considering which option, reduction of funds or referral to Justice, to use in enforcing compliance with the statute. As Members can see, this assertion is clearly false. The statute clearly provides for the Department to use either option in ensuring that this population will be served. I will remind Members that since the act requires that all children with disabilities, including those incarcerated in adult correctional facilities, receive a free appropriate public education, the Department is required to use every means at its disposal to enforce the law. Congress should not be in the practice of limiting the enforcement options, especially through the appropriations process, of this vital civil rights legislation. For too long, disabled individuals have been left without assurance of educational opportunity. Now is not the time to turn the clock back and lessen our commitment.

The process used to reauthorize the IDEA during the early portion of the 105th Congress was strongly bipartisan and produced legislation which received nearly unanimous support because Democrats and Republicans worked together. I am strongly disappointed that Mr. RIGGS has sought to mischaracterize and undermine the bipartisan process we used to craft this historic legislation through the statements he has made regarding this amendment.

# HOUSE OF REPRESENTATIVES—*Friday, September 26, 1997*

The House met at 9 a.m.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

As we experience the diversity of people all about us with culture and philosophies and backgrounds representing every view, enable us to remember that each one of us has been created by You, O God, with a solidarity that transcends all our differences and all our disputes. As we represent our own aspirations and wishes, help us to understand other views and other people with the respect and consideration and esteem that we ought to have with all members of the human family. As we have one Creator and all share Your wonderful world, so may our thoughts and actions reflect the good will and respect that is Your gift to us. In Your name we pray. Amen.

## THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. MILLER of California. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. MILLER of California. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Pursuant to clause 5, rule I, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

## PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Illinois [Mr. DAVIS] come forward and lead the House in the Pledge of Allegiance.

Mr. DAVIS of Illinois led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

## ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will entertain 1-minutes after legislative business.

## PROVIDING FOR CONSIDERATION OF HOUSE JOINT RESOLUTION 94, CONTINUING APPROPRIATIONS, FISCAL YEAR 1998

Mr. LIVINGSTON. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations be discharged from further consideration of House Joint Resolution 94 when called up; and that it be in order any time on Monday, September 29, 1997, or any day thereafter, to consider the joint resolution in the House; that the joint resolution be considered as read for amendment; that the joint resolution be debatable for not to exceed 1 hour, to be equally divided and controlled by myself and the gentleman from Wisconsin [Mr. OBEY]; and that the previous question be considered as ordered on the joint resolution to final passage without intervening motion, except one motion to recommit, with or without instructions.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

Mr. ROHRABACHER. Mr. Speaker, reserving the right to object, I would like to ask the distinguished chairman whether or not in this provision is a provision entitled 245(i), dealing with immigration?

Mr. LIVINGSTON. Mr. Speaker, will the gentleman yield?

Mr. ROHRABACHER. I yield to the gentleman from Louisiana.

Mr. LIVINGSTON. Mr. Speaker, I would be happy to advise the gentleman there are several extensions of existing authorized law that are expiring, among them an extension of section 245(i) of the Immigration and Naturalization Act.

Mr. ROHRABACHER. Mr. Speaker, I would yield to my friend, the gentleman from New York [Mr. SOLOMON], and ask him whether there have been Members of this body who object to that and raise objections to that particular provision?

Mr. SOLOMON. Mr. Speaker, will the gentleman yield?

Mr. ROHRABACHER. I yield to the gentleman from New York.

Mr. SOLOMON. Mr. Speaker, I will just say to the gentleman that my office has been deluged with calls over this matter. I personally am very much concerned with it. In my district alone, we have I do not know how many cases where people are able to pay $1,000 and extend their stay in this country, where other people coming from Italy or Ireland or other places do not have the $1,000 and they are not allowed to.

There is something wrong with this. I just am concerned about it being in this legislation. I do not know how this shows up in a CR. We were told this would be a clean CR with no riders. I am concerned about it on behalf of about 55 Members that called in.

Mr. ROHRABACHER. Mr. Speaker, reclaiming my time, this particular provision was only voted on in the House of Representatives once, and when it was voted on it was rejected with a substantial margin.

Instead, this was snuck into law based on agreements made behind closed doors in conference meetings, et cetera, that it would be a temporary measure, and that this would be the time when it would sunset. Now here we see another attempt to sneak through a major immigration loophole, which would permit tens of thousands, no, not tens of thousands, not even hundreds of thousands, perhaps millions of people, to stay in this country illegally.

Mr. LIVINGSTON. Mr. Speaker, if the gentleman would yield further, let me simply attempt to clarify the record.

This authorization was included in the supplemental appropriations bill in the spring with the full knowledge of the Members of the House in order to avoid precipitous action and avoid immediate deportation of, as the gentleman has said, tens of thousands, perhaps even hundreds of thousands of people.

These are people who have been in the United States for a number of years, been here legally, presumably most of them working and paying taxes to the Treasury of the United States, and, by virtue of the expiration of previous law and change of law, were facing immediate deportation.

There has been an attempt by a number of proponents to give them an opportunity to either change the law or make their case that they should not be deported. All this provision does is extend that provision for about three weeks, so that we can determine whether or not it should be included in the long-term solution.

If the gentleman objects to this provision, it means in effect that extension will not go into effect for 3 weeks, and tens of thousands of people will

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☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

face immediate deportation. It would seem that such an objection would be precipitous and unwarranted, and would cause undue hardship for a lot of innocent people. I urge the gentleman not to object.

Mr. ROHRABACHER. Mr. Speaker, reclaiming my time, I was notified that this is not a 3-week extension. First of all, I was notified this was not going to be in the bill; it was going to be a clean CR and this was not going to be there. I was informed 5 minutes ago as I was on the road here that it was in the bill.

Mr. LIVINGSTON. If the gentleman will yield further, just to clarify the record, so the gentleman understands, the gentleman and I have had discussions about this last night, and I have to say, I did not know too much about this either.

Mr. ROHRABACHER. It was not the gentleman who misinformed me.

Mr. LIVINGSTON. Mr. Speaker, I certainly thank the gentleman, because, if he will yield further, I do not intend to mislead him, but I want to make sure he fully understands the provision before us.

In the joint resolution, House Joint Resolution 94, section 123 reads specifically, "Section 506(c) of Public Law 103-317 is amended by striking September 30, 1997, and inserting October 23, 1997." In effect, we are talking about a three-week extension, not any extension beyond that.

Mr. ROHRABACHER. What would then happen?

Mr. LIVINGSTON. It means nothing happens. We have another 3 weeks. Existing law is extended for the purposes of this continuing resolution so that we can resolve the business of the Congress and adjourn at a reasonable time this year.

If in fact the gentleman's objection is heard and this provision is struck, it means we do not have those 3 weeks to make this determination, and that immediately the Immigration and Naturalization Service has to go about the business of deporting tens of thousands of people for a short period of time.

Mr. ROHRABACHER. If I could be assured there would be a vote, an up or down vote on this particular issue on the floor, rather than having this included in a larger piece of legislation in which the Members of this body would not be able to express their will on this particular issue, if I could be assured that there will be an up or down vote, I would withdraw my objection.

Mr. LIVINGSTON. If the gentleman will yield further, I would simply say we are attempting to accommodate the authorizing committees that have direct jurisdiction over this particular law. This is not a provision that the Committee on Appropriations normally deals with. So I would not be able to give the gentleman assurances to that effect. But I am sure that under the proper circumstances, if we can have that opportunity to debate that issue in the next 3 weeks, it would be far more prudent to have that debate that the gentleman has requested than to entertain an objection at this time.

Mr. OBEY. Mr. Speaker, will the gentleman yield?

Mr. ROHRABACHER. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, let me simply reiterate what the chairman of the committee has said. This is an effort to simply extend this, along with a number of other provisions in the law, for 3 weeks, the same as all of the other items in the CR, so that there is more opportunity to deal with the issue.

The real live consequences for people if this is not done is that persons have to leave the country and they cannot return for 2 years. That would create an unacceptable disruption of human beings' lives if in fact the Congress were to decide in 3 weeks that they were entitled to stay here.

We are not prejudging the outcome of this. The committee is simply extending it for 3 weeks so that a proper resolution can be reached.

Mr. ROHRABACHER. Mr. Speaker, reclaiming my time, let me accept the idea that people want a proper solution to this. The proper solution was to not sneak this into law in the first place. The proper solution was to have an up or down vote on the floor on this issue.

We are not talking about just individual people's lives, we are talking about people who came here and are here illegally in the United States of America. Most of these people were people whose visa had certain restrictions on it, and they decided just to flaunt the law and stay here illegally anyway, which gives everybody who gets a visa to come to the United States an incentive to just violate their visa agreement to come into the United States. So these are not just ordinary citizens.

However, and I would address this to the Chair, if the Chair can guarantee me there will be an up or down vote on this issue in the next 3 weeks, I will be very happy to withdraw my objection. But if the Chair, who happens to be the Speaker of the House, and we are very happy to have the Speaker with us today, cannot guarantee me that, I do not understand why I should withdraw my objection.

Mr. SOLOMON. Mr. Speaker, if the gentleman will yield further on that point, I do not want to speak for the Speaker because he certainly speaks for himself, but we have a Committee on Rules in this House, and I can just tell the gentleman that this contentious matter will not come to the floor without a rule that would allow a vote on it. Since this is only a 3-week extension, I guess I would recommend to the gentleman, and I have some strong feelings, as he knows, about it, that he not object, and then we will speak to the Committee on the Judiciary and we will make sure it goes through regular process. I think that would give the gentleman his guarantee.

□ 0915

Mr. ROHRABACHER. I would ask the Chair whether or not this Member has a commitment that there will be an up or down vote on this issue.

The SPEAKER. The Chair would not comment from the chair on that kind of question. There are procedures of the House that the gentleman has been advised of by the Committee on Rules chairman, steps that could be taken by the Committee on Rules. The gentleman has rights he can exercise as a Member, but the Chair does not engage in that kind of dialogue.

Mr. ROHRABACHER. All right. Let me note this. I do have a commitment from the chairman of the Committee on Rules that we will have an up or down vote on this issue.

Let me remind my fellow Members, the reason why there is a problem right at this time and these people's lives face disruption is only because this body was prevented from having an up or down vote on the issue.

I am not up here to try to prevent the democratic process from working; I want the democratic process to have a chance to work. We have a right, and our constituents have a right, to have a vote on the floor on issues of this magnitude. We are talking about 400,000 people who already stayed, they overstayed their visas, or they snuck into this country, so they are here illegally, and they have applied under this program. I was told when the one debate that we won on the floor, the one vote that there was on this was lost by the other side, that there would only be several thousand, maybe 10,000 people applying. It is a major loophole. Now, if this body wants to do that, I have no objection. Well, I would object, I would vote against it, but that is fine.

I am only asking that we put ourselves on the record for our constituents on this particular issue. That is what democracy is all about, and I have some friends here, the gentleman from Florida [Mr. DIAZ-BALART] who is totally on the other side on this, who I understand feels very strongly. I just think we should all be on the record in saying that, and with this agreement by the chairman of the Committee on Rules that there will be an up-or-down vote on this within the next 3 weeks.

Mr. SOLOMON. Mr. Speaker, if the gentleman would yield, the gentleman cannot be guaranteed a vote up or down in the next 3 weeks on it. This is a 3-week extension. If nothing is done, it expires, and the gentleman has won his case. I simply said to the gentleman that if this is going to come before the floor, we would see to it in the

Committee on Rules that there would be a vote on it, if there is going to be a further extension of permanent law.

Mr. ROHRABACHER. Mr. Speaker, I will accept that assurance, and I hope everybody understands that we came to this point where people's lives might be disrupted because the democratic process was ignored in the past, and this thing was put into law without a vote on the floor.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

## MESSAGE FROM THE SENATE

A message from the Senate by Ms. McDevitt, one of its clerks, announced that the Senate had passed a bill and a concurrent resolution of the following titles, in which the concurrence of the House is requested:

S. 1211. An act to provide permanent authority for the administration of au pair programs.

S. Con. Res. 11. Concurrent resolution recognizing the 25th anniversary of the establishment of the first nutrition program for the elderly under the Older Americans Act of 1965.

## CONFERENCE REPORT ON H.R. 2203, ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 1998

Mr. LIVINGSTON submitted the following conference report and statement on the bill (H.R. 2203) making appropriations for energy and water development for the fiscal year ending September 30, 1998, and for other purposes:

### CONFERENCE REPORT (H. REPT. 105–271)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2203) "making appropriations for energy and water development for the fiscal year ending September 30, 1998, and for other purposes", having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert:

*That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 1998, for energy and water development, and for other purposes, namely:*

### *TITLE I*

### *DEPARTMENT OF DEFENSE—CIVIL*

### *DEPARTMENT OF THE ARMY*

### *CORPS OF ENGINEERS—CIVIL*

*The following appropriations shall be expended under the direction of the Secretary of the Army and the supervision of the Chief of Engineers for authorized civil functions of the Department of the Army pertaining to rivers and harbors, flood control, beach erosion, and related purposes.*

### *GENERAL INVESTIGATIONS*

*For expenses necessary for the collection and study of basic information pertaining to river and harbor, flood control, shore protection, and related projects, restudy of authorized projects, miscellaneous investigations, and, when authorized by laws, surveys and detailed studies and plans and specifications of projects prior to construction, $156,804,000, to remain available until expended, of which funds are provided for the following projects in the amounts specified:*

*Delaware Bay Coastline, Delaware and New Jersey, $456,000;*

*Tampa Harbor, Alafia Channel, Florida, $270,000;*

*Laulaulei, Hawaii, $200,000;*

*Barnegat Inlet to Little Egg Harbor Inlet, New Jersey, $400,000;*

*Brigantine Inlet to Great Egg Harbor Inlet, New Jersey, $472,000;*

*Great Egg Harbor Inlet to Townsends Inlet, New Jersey, $400,000;*

*Lower Cape May Meadows—Cape May Point, New Jersey, $154,000;*

*Manasquan Inlet to Barnegat Inlet, New Jersey, $400,000;*

*Raritan Bay to Sandy Hook Bay (Cliffwood Beach), New Jersey, $300,000;*

*Townsends Inlet to Cape May Inlet, New Jersey, $500,000; and*

*Monongahela River, Fairmont, West Virginia, $350,000:*

*Provided, That the Secretary of the Army, acting through the Chief of Engineers, is directed to use $600,000 of the funds appropriated in Public Law 102–377 for the Red River Waterway, Shreveport, Louisiana, to Daingerfield, Texas, project for the feasibility phase of the Red River Navigation, Southwest Arkansas, study: Provided further, That the Secretary of the Army, acting through the Chief of Engineers, is directed to use $470,000 of the funds appropriated herein to initiate the feasibility phase for the Metropolitan Louisville, Southwest, Kentucky, study: Provided further, That the Secretary of the Army is directed to use $500,000 of the funds appropriated herein to implement section 211(f)(7) of Public Law 104–303 (110 Stat. 3684) and to reimburse the non-Federal sponsor a portion of the Federal share of project costs for the Hunting Bayou element of the project for flood control, Buffalo Bayou and tributaries, Texas: Provided further, That the Secretary of the Army is directed to use $150,000 of the funds appropriated herein to implement section 211(f)(8) of Public Law 104–303 (110 Stat. 3684) and to reimburse the non-Federal sponsor a portion of the Federal share of project costs for the project for flood control, White Oak Bayou watershed, Texas.*

### *CONSTRUCTION, GENERAL*

*For the prosecution of river and harbor, flood control, shore protection, and related projects authorized by laws; and detailed studies, and plans and specifications, of projects (including those for development with participation or under consideration for participation by States, local governments, or private groups) authorized or made eligible for selection by law (but such studies shall not constitute a commitment of the Government to construction), $1,473,373,000, to remain available until expended, of which such sums as are necessary pursuant to Public Law 99–662 shall be derived from the Inland Waterways Trust Fund, for one-half of the costs of construction and rehabilitation of inland waterways projects, including rehabilitation costs for the Lock and Dam 25, Mississippi River, Illinois and Missouri; Lock and Dam 14, Mississippi River, Iowa; Lock and Dam 24, Mississippi River, Illinois and Missouri; and Lock and Dam 3, Mississippi River, Minnesota, projects, and of which funds are provided for the following projects in the amounts specified:*

*Arkansas River, Tucker Creek, Arkansas, $300,000;*

*Norco Bluffs, California, $1,000,000;*

*San Timoteo Creek (Santa Ana River Mainstem), California, $5,000,000;*

*Panama City Beaches, Florida, $5,000,000;*

*Tybee Island, Georgia, $2,000,000;*

*Indianapolis Central Waterfront, Indiana, $5,000,000;*

*Indiana Shoreline Erosion, Indiana, $3,000,000;*

*Lake George, Hobart, Indiana, $3,500,000;*

*Ohio River Flood Protection, Indiana, $1,300,000;*

*Harlan, Williamsburg, and Middlesboro, Kentucky, elements of the Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River, $26,390,000;*

*Martin County, Kentucky, element of the Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River, $5,000,000;*

*Pike County, Kentucky, element of the Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River, $5,300,000;*

*Town of Martin (Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River), Kentucky, $700,000;*

*Salyersville, Kentucky, $2,050,000;*

*Southern and Eastern Kentucky, Kentucky, $3,000,000;*

*Lake Pontchartrain and Vicinity (Hurricane Protection), Louisiana, $22,920,000;*

*Lake Pontchartrain (Jefferson Parish) Stormwater Discharge, Louisiana, $3,000,000;*

*Jackson County, Mississippi, $3,000,000;*

*Natchez Bluff, Mississippi, $4,000,000;*

*Pearl River, Mississippi (Walkiah Bluff), $2,000,000;*

*Joseph G. Minish Passaic River Park, New Jersey, $3,000,000;*

*Hudson River, Athens, New York, $8,700,000;*

*Lackawanna River, Olyphant, Pennsylvania, $1400,000;*

*Lackawanna River, Scranton, Pennsylvania, $5,425,000;*

*Lycoming County, Pennsylvania, $339,000;*

*South Central Pennsylvania Environment Improvement Program, $30,000,000, of which $10,000,000 shall be available only for water-related environmental infrastructure and resource protection and development projects in Lackawanna, Lycoming, Susquehanna, Wyoming, Pike, and Monroe counties in Pennsylvania in accordance with the purposes of subsection (a) and requirements of subsection (b) through (e) of section 313 of the Water Resources Development Act of 1992, as amended;*

*Wallisville Lake, Texas, $9,200,000;*

*Virginia Beach, Virginia (Reimbursement), $925,000;*

*Virginia Beach, Virginia (Hurricane Protection), $13,000,000;*

*West Virginia and Pennsylvania Flood Control, West Virginia and Pennsylvania, $3,000,000;*

*Hatfield Bottom (Levisa and Tug Forks of the Big Sand River and Upper Cumberland River), West Virginia, $1,000,000;*

*Lower Mingo (Kermit) (Levisa and Tug Forks of the Big Sand River and Upper Cumberland River), West Virginia, $6,300,000;*

*Lower Mingo, West Virginia, Tributaries Supplement, $150,000;*

*Upper Mingo County (Levisa and Tug Forks of the Big Sand River and Upper Cumberland River), West Virginia, $3,000,000;*

*Levisa Basin Flood Warning System (Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River), Kentucky and Virginia, $400,000;*

Tug Fork Basin Flood Warning System (Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River), West Virginia, $400,000; and

Wayne County (Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River), West Virginia, $1,200,000:

Provided, That the Secretary of the Army, acting through the Chief of Engineers, is directed to proceed with design and construction of the Southeast Louisiana, Louisiana, project and to award continuing contracts, which are not to be considered fully funded, beginning in fiscal year 1998 consistent with the limit of the authorized appropriation ceiling: Provided further, That the Secretary of the Army acting through the Chief of Engineers, is directed to use $225,000 of funds provided herein to construct necessary repairs to the flume and conduit for flood control at the Hagerman's Run, Williamsport, Pennsylvania, flood control project: Provided further, That the Secretary of the Army is directed to incorporate the economic analyses for the Green Ridge and Plot sections of the Lackawanna River, Scranton, Pennsylvania, project with the economic analysis for the Albright Street section of the project, and to cost-share and implement these combined sections as a single project with no separable elements, except that each section may be undertaken individually when the non-Federal sponsor provides the applicable local cooperation requirements: Provided further, That section 114 of Public Law 101–101, the Energy and Water Development Appropriations Act, 1990, is amended by striking "total cost of $19,600,000" and inserting in lieu thereof, "total cost of $40,000,000": Provided further, That the Secretary of the Army, acting through the Chief of Engineers, is authorized and directed to combine the Wilmington Harbor—Northeast Cape Fear River, North Carolina, project authorized in section 202(a) of the Water Resources Development Act of 1986, the Wilmington Harbor, Channel Widening, North Carolina, project authorized in section 101(a)(23) of the Water Resources Development Act of 1996, and the Cape Fear—Northeast (Cape Fear) Rivers, North Carolina, project authorized in section 101(a)(22) of the Water Resources Development Act of 1996 into a single project with one Project Cooperation Agreement based on cost sharing as a single project: Provided further, That The Secretary of the Army, acting through the Chief of Engineers, is directed to use $20,000,000 of the funds appropriated herein to initiate construction of the Houston-Galveston Navigation Channels, Texas, project and execute a Project Cooperation Agreement for the entire project authorized in the Water Resources Development Act of 1996, Public Law 104–303: Provided further, That the Secretary of the Army acting through the Chief of Engineers, may use up to $5,000,000 of the funding appropriated herein to initiate construction of an emergency outlet from Devils Lake, North Dakota, to the Sheyenne river, and that this amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)(D)(i)); except that funds shall not become available unless the Secretary of the Army determines that an emergency (as defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122)) exists with respect to the emergency need for the outlet and reports to Congress that the construction is technically sound, economically justified, and environmentally acceptable and in compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.): Provided further, That the economic justification for the emergency outlet shall be prepared in accordance with the principles and guidelines for economic evaluation as required by regulations and procedures of the Army Corps of Engineers for all flood control projects, and that the economic justification be fully described, including the analysis of the benefits and costs, in the project plan documents: Provided further, That the plans for the emergency outlet shall be reviewed and, to be effective, shall contain assurances provided by the Secretary of State, after consultation with the International Joint Commission, that the project will not violate the requirements or intent of the Treaty Between the United States and Great Britain Relating to Boundary Waters Between the United States and Canada, signed at Washington January 11, 1909 (36 Stat. 2448; TS 548) (commonly known as the "Boundary Waters Treaty of 1909"): Provided further, That the Secretary of the Army shall submit the final plans and other documents for the emergency outlet to Congress: Provided further, That no funds made available under this Act or any other Act for any fiscal year may be used by the Secretary of the Army to carry out the portion of the feasibility study of the Devils Lake Basin, North Dakota, authorized under the Energy and Water Development Appropriations Act, 1993 (Public Law 102–377), that addresses the needs of the area for stabilized lake levels through inlet controls, or to otherwise study any facility or carry out any activity that would permit the transfer of water from the Missouri River Basin into Devils Lake: Provided further, That the entire amount of $5,000,000 shall be available only to the extent an official budget request, that includes the designation of the entire amount of the request as an emergency requirement as defined by the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: Provided further, That the Secretary of the Army is directed to use $2,000,000 of the funds appropriated herein to implement section 211(f)(6) of Public Law 104–303 (110 Stat. 3683) and to reimburse the non-Federal sponsor a portion of the Federal share of project construction costs for the flood control components comprising the Brays Bayou element of the project for flood control, Buffalo Bayou and tributaries, Texas.

### FLOOD CONTROL, MISSISSIPPI RIVER AND TRIBUTARIES, ARKANSAS, ILLINOIS, KENTUCKY, LOUISIANA, MISSISSIPPI, MISSOURI, AND TENNESSEE

For expenses necessary for prosecuting work of flood control, and rescue work, repair, restoration, or maintenance of flood control projects threatened or destroyed by flood, as authorized by law (33 U.S.C. 702a, 702g–1), $296,212,000, to remain available until expended: Provided, That notwithstanding the funding limitations set forth in Public Law 104–6 (109 Stat. 85), the Secretary of the Army, acting through the Chief of Engineers, is authorized and directed to use additional funds appropriated herein or previously appropriated to complete remedial measures to prevent slope instability at Hickman Bluff, Kentucky: Provided further, That, using funds appropriated in this Act, the Secretary of the Army may construct the Ten and Fifteen Mile Bayou channel enlargement as an integral part of the work accomplished on the St. Francis Basin, Arkansas and Missouri Project, authorized by the Flood Control Act of 1950: Provided further, That the Secretary of the Army, acting through the Chief of Engineers, is directed to use up to $4,000,000, including the $1,900,000 appropriated herein, to dredge Sardis Lake, Mississippi, at 100 percent Federal cost, so that the City of Sardis, Mississippi, may proceed with its development of the valuable resources of Sardis Lake in Mississippi, consistent with language provided in House Report 104–679, accompanying the Fiscal Year 1997 Energy and Water Development Appropriations Act (Public Law 104–206): Provided further, That within available funds, the Secretary of the Army, acting through the Chief of Engineers, is directed to conduct, at 100 percent Federal cost, the necessary Environmental Assessment and Impact Studies for the initial components of Sardis Lake development as provided in the Sardis Lake Recreation and Tourism Master Plan, Phase II.

### OPERATION AND MAINTENANCE, GENERAL

For expenses necessary for the preservation, operation, maintenance, and care of existing river and harbor, flood control, and related works, including such sums as may be necessary for the maintenance of harbor channels provided by a State, municipality or other public agency, outside of harbor lines, and serving essential needs of general commerce and navigation; surveys and charting of northern and northwestern lakes and connecting waters; clearing and straightening channels; and removal of obstructions to navigation, $1,740,025,000, to remain available until expended, of which such sums as become available in the Harbor Maintenance Trust Fund, pursuant to Public Law 99–662, may be derived from that Fund, and of which such sums as become available from the special account established by the Land and Water Conservation Act of 1965, as amended (16 U.S.C. 460l), may be derived from that Fund for construction, operation, and maintenance of outdoor recreation facilities, and of which funds are provided for the following projects in the amounts specified:

Anclote River, Florida, $1,500,000;
Beverly Shores, Indiana, $1,700,000;
Boston Harbor, Massachusetts, $16,500,000;
Flint River, Michigan, $875,000; and
Raystown Lake, Pennsylvania, $4,690,000:

Provided, That the Secretary of the Army, acting through the Chief of Engineers, is directed to use funds appropriated in Public Law 104–206 to reimburse the local sponsor of the Fort Myers Beach, Florida, project for the maintenance dredging performed by the local sponsor to open the authorized channel to navigation in fiscal year 1996: Provided further, That no funds, whether appropriated, contributed, or otherwise provided, shall be available to the United States Army Corps of Engineers for the purpose of acquiring land in Jasper County, South Carolina, in connection with the Savannah Harbor navigation project: Provided, further, That the Secretary of the Army, acting through the Chief of Engineers, is authorized and directed to dredge a navigational channel in the Chena River at Fairbanks, Alaska, from its confluence with the Tanana River upstream to the University Road Bridge that will allow the safe passage during normal water levels of vessels up to 350 feet in length, 60 feet in width, and drafting up to 3 feet: Provided further, That using $6,000,000 of funds appropriated herein, the Secretary of the Army is directed to extend the navigation channel on the Allegheny River, Pennsylvania, project to provide passenger boat access to the Kittanning, Pennsylvania, Riverfront Park: Provided further, That the Secretary of the Army, acting through the Chief of Engineers, is directed to use $2,500,000 of the funds provided herein to implement measures upstream of Lake Cumberland, Kentucky, to intercept and dispose of solid waste.

### REGULATORY PROGRAM

For expenses necessary for administration of laws pertaining to regulation of navigable waters and wetlands, $106,000,000, to remain available until expended.

### FLOOD CONTROL AND COASTAL EMERGENCIES

For expenses necessary for emergency flood control, hurricane, and shore protection activities, as authorized by section 5 of the Flood Control Act approved August 18, 1941, as amended, $4,000,000, to remain available until expended.

### FORMERLY UTILIZED SITES REMEDIAL ACTION PROGRAM

### (INCLUDING TRANSFER OF FUNDS)

*For expenses necessary to administer and execute the Formerly Utilized Sites Remedial Action Program to clean up contaminated sites throughout the United States where work was performed as part of the Nation's early atomic energy program, $140,000,000, to remain available until expended: Provided, That the unexpended balances of prior appropriations provided for these activities in this Act or any previous Energy and Water Development Appropriations Act may be transferred to and merged with this appropriation account, and thereafter, may be accounted for as one fund for the same time period as originally enacted.*

### GENERAL EXPENSES

*For expenses necessary for general administration and related functions in the Office of the Chief of Engineers and offices of the Division Engineers, activities of the Coastal Engineering Research Board, the Humphreys Engineer Center Support Activity, the Engineering Strategic Studies Center, the Water Resources Support Center, and the USACE Finance Center, and for costs of implementing the Secretary of the Army's plan to reduce the number of division offices as directed in title I, Public Law 104–206, $148,000,000, to remain available until expended: Provided, That no part of any other appropriation provided in title I, of this Act shall be available to fund the activities of the Office of the Chief of Engineers or the executive direction and management activities of the division offices.*

### REVOLVING FUND

*Amounts in the Revolving Fund may be used to construct a 17,000 square foot addition to the United States Army Corps of Engineers Alaska District main office building on Elmendorf Air Force Base. The Revolving Fund shall be reimbursed for such funding from the benefiting appropriations by collection each year of user fees sufficient to repay the capitalized cost of the asset and to operate and maintain the asset.*

### ADMINISTRATIVE PROVISION

*Appropriations in this title shall be available for official reception and representation expenses (not to exceed $5,000); and during the current fiscal year the revolving fund, Corps of Engineers, shall be available for purchase (not to exceed 100 for replacement only) and hire of passenger motor vehicles.*

## GENERAL PROVISIONS

### CORPS OF ENGINEERS—CIVIL

*SEC. 101. In fiscal year 1998, the Secretary of the Army is authorized and directed to provide planning, design and construction assistance to non-Federal interests in carrying out water related environmental infrastructure and environmental resources development projects in Alaska, including assistance for wastewater treatment and related facilities; water supply, storage, treatment and distribution facilities; and development, restoration or improvement of wetlands and other aquatic areas for the purpose of protection and development of surface water resources: Provided, That the non-Federal interest shall enter into a binding agreement with the Secretary wherein the non-Federal interest will provide all lands, easements, rights-of-way, relocations, and dredge material disposal areas required for the projects, and pay 50 per centum of the costs of required feasibility studies, 25 per centum of the costs of designing and constructing the project, and 100 per centum of the costs of operation, maintenance, repair, replacement or rehabilitation of the project: Provided further, That the value of lands, easements, rights-of-way, relocations and dredged material disposal areas provided by the non-Federal interest shall be credited toward the non-Federal share, not to exceed 25 per centum, of the costs of designing and constructing the project: Provided further, That utilizing $5,000,000 of the funds appropriated herein, the Secretary is directed to carry out this section.*

*SEC. 102. GREEN BROOK SUB-BASIN FLOOD CONTROL PROJECT, NEW JERSEY.—No funds made available under this Act or any other Act for any fiscal year may be used by the Secretary of the Army to construct the Oak Way detention structure or the Sky Top detention structure in Berkeley Heights, New Jersey, as part of the project for flood control, Green Brook Subbasin, Raritan River Basin, New Jersey, authorized by section 401(a) of the Water Resources Development Act of 1986 (Public Law 99–662, 100 Stat. 4119).*

## TITLE II

## DEPARTMENT OF THE INTERIOR

### CENTRAL UTAH PROJECT

### CENTRAL UTAH PROJECT COMPLETION ACCOUNT

*For carrying out activities authorized by the Central Utah Project Completion Act, and for activities related to the Unitah and Upalco Units authorized by 43 U.S.C. 620, $40,353,000, to remain available until expended, of which $16,610,000 shall be deposited into the Utah Reclamation Mitigation and Conservation Account: Provided, That of the amounts deposited into that account, $5,000,000 shall be considered the Federal contribution authorized by paragraph 402(b)(2) of the Central Utah Project Completion Act and $11,610,000 shall be available to the Utah Reclamation Mitigation and Conservation Commission to carry out activities authorized under that Act.*

*In addition, for necessary expenses incurred in carrying out related responsibilities of the Secretary of the Interior, $800,000, to remain available until expended.*

### BUREAU OF RECLAMATION

*For carrying out the functions of the Bureau of Reclamation as provided in the Federal reclamation laws (Act of June 17, 1902, 32 Stat. 388, and Acts amendatory thereof or supplementary thereto) and other Acts applicable to that Bureau as follows:*

### WATER AND RELATED RESOURCES

### (INCLUDING TRANSFER OF FUNDS)

*For management, development, and restoration of water and related natural resources and for related activities, including the operation, maintenance and rehabilitation of reclamation and other facilities, participation in fulfilling related Federal responsibilities to Native Americans, and related grants to, and cooperative and other agreements with, State and local governments, Indian tribes, and others, $694,348,000, to remain available until expended, of which $18,758,000 shall be available for transfer to the Upper Colorado River Basin Fund and $56,442,000 shall be available for transfer to the Lower Colorado River Basin Development Fund, and of which such amounts as may be necessary may be advanced to the Colorado River Dam Fund: Provided, That such transfers may be increased or decreased within the overall appropriation under this heading: Provided further, That of the total appropriated, the amount for program activities that can be financed by the Reclamation Fund or the Bureau of Reclamation special fee account established by 16 U.S.C. 460l—6a(i) shall be derived from that Fund or account: Provided further, That funds contributed under 43 U.S.C. 395 are available until expended for the purposes for which contributed: Provided further, That funds advanced under 43 U.S.C. 397a shall be credited to this account and are available until expended for the same purposes as the sums appropriated under this heading: Provided further, That any amounts provided for the safety of dams modification work at Coolidge Dam, San Carlos Irrigation Project, Arizona, are in addition to the amount authorized in 43 U.S.C. 509: Provided further, That using $500,000 of funds appropriated herein, the Secretary of the Interior shall undertake a nonreimbursable project to install drains in the Pena Blanca area of New Mexico to prevent seepage from Cochiti Dam: Provided further, That funds available for expenditure for the Department Irrigation Drainage Program may be expended by the Bureau of Reclamation for site remediation on a nonreimbursable basis: Provided further, That the amount authorized for Indian municipal, rural, and industrial water features by Section 10 of Public Law 89–108, as amended by Section 8 of Public Law 99–294 and Section 1701(b) of Public Law 102–575, is increased by $1,300,000 (October, 1997 prices): Provided further, That the unexpended balances of the Bureau of Reclamation appropriation accounts for "Construction Program (Including Transfer of Funds)", "General Investigations", "Emergency Fund", and "Operation and Maintenance" shall be transferred to and merged with this account, to be available for the purposes for which they originally were appropriated: Provided further, That the Secretary of the Interior may use $2,500,000 of funds appropriated herein to initiate construction of the McCall Area Wastewater Reclamation and Reuse, Idaho, project.*

### BUREAU OF RECLAMATION LOAN PROGRAM ACCOUNT

*For the cost of direct loans and/or grants, $10,000,000, to remain available until expended, as authorized by the Small Reclamation Projects Act of August 6, 1956, as amended (43 U.S.C. 422a–422l): Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed $31,000,000.*

*In addition, for administrative expenses necessary to carry out the program for direct loans and/or grants, $425,000, to remain available until expended: Provided, That of the total sums appropriated, the amount of program activities that can be financed by the Reclamation Fund shall be derived from that Fund.*

### CENTRAL VALLEY PROJECT RESTORATION FUND

*For carrying out the programs, projects, plans, and habitat restoration, improvement, and acquisition provisions of the Central Valley Project Improvement Act, such sums as may be collected in the Central Valley Project Restoration Fund pursuant to sections 3407(d), 3404(c)(3), 3405(f), and 3406(c)(1) of Public Law 102–575, to remain available until expended: Provided, That the Bureau of Reclamation is directed to levy additional mitigation and restoration payments totaling no more than $25,130,000 (October 1992 price levels) on a three-year rolling average basis, as authorized by section 3407(d) of Public Law 102–575.*

### CALIFORNIA BAY-DELTA ECOSYSTEM RESTORATION

### (INCLUDING TRANSFER OF FUNDS)

*For necessary expenses of the Department of the Interior and other participating Federal agencies in carrying out the California Bay-Delta Environmental Enhancement and Water Security Act consistent with plans to be approved by the Secretary of the Interior, in consultation with such Federal agencies, $85,000,000, to remain available until expended, of which such amounts as may be necessary to conform with such plans shall be transferred to appropriate accounts of such Federal agencies: Provided, That such funds may be obligated only as non-Federal sources provide their share in accordance with the cost-sharing agreement required under section 102(d) of such Act: Provided further, That such funds may be obligated* *prior to the completion of a final programmatic environmental impact statement only if: (1) consistent with 40 C.F.R. 1506.1(c); and (2) used for purposes that the Secretary finds are of sufficiently high priority to warrant such an expenditure.*

### POLICY AND ADMINISTRATION

*For necessary expenses of policy, administration, and related functions in the office of the Commissioner, the Denver office, and offices in the five regions of the Bureau of Reclamation, to remain available until expended, $47,558,000, to be derived from the Reclamation Fund and be nonreimbursable as provided in 43 U.S.C. 377: Provided, That no part of any other appropriation in this Act shall be available for activities or functions budgeted as policy and administrative expenses.*

### ADMINISTRATIVE PROVISION

*Appropriations for the Bureau of Reclamation shall be available for purchase of not to exceed six passenger motor vehicles for replacement only.*

## TITLE III

## DEPARTMENT OF ENERGY

### ENERGY PROGRAMS

### ENERGY SUPPLY

*For expenses of the Department of Energy activities including the purchase, construction and acquisition of plant and capital equipment and other expenses necessary for energy supply, and uranium supply and enrichment activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, $906,807,000.*

### NON-DEFENSE ENVIRONMENTAL MANAGEMENT

*For Department of Energy expenses, including the purchase, construction and acquisition of plant and capital equipment and other expenses necessary for non-defense environmental management activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 1701 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction or expansion, $497,059,000, to remain available until expended.*

### URANIUM ENRICHMENT DECONTAMINATION AND DECOMMISSIONING FUND

*For necessary expenses in carrying out uranium enrichment facility decontamination and decommissioning, remedial actions and other activities of title II of the Atomic Energy Act of 1954 and title X, subtitle A of the Energy Policy Act of 1992, $220,200,000, to be derived from the Fund, to remain available until expended: Provided, That $40,000,000 of amounts derived from the Fund for such expenses shall be available in accordance with title X, subtitle A, of the Energy Policy Act of 1992.*

### SCIENCE

*For expenses of the Department of Energy activities including the purchase, construction and acquisition of plant and capital equipment and other expenses necessary for science activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or facility or for plant or facility acquisition, construction, or expansion, and purchase of 15 passenger motor vehicles for replacement only, $2,235,708,000, to remain available until expended: Provided, That $35,000,000 of the unobligated balances originally available for Superconducting Super Collider termination activities shall be made available for other activities under this heading.*

### NUCLEAR WASTE DISPOSAL FUND

*For nuclear waste disposal activities to carry out the purposes of Public Law 97–425, as amended, including the acquisition of real property or facility construction or expansion, $160,000,000, to remain available until expended, to be derived from the Nuclear Waste Fund; of which $4,000,000 shall be available to the Nuclear Regulatory Commission to license a multipurpose canister design; and of which not to exceed $5,000,000 may be provided to affected local governments, as defined in Public Law 97–425, to conduct appropriate activities pursuant to the Act: Provided, That the distribution of the funds to the units of local government shall be determined by the Department of Energy: Provided further, That the funds shall be made available to the units of local government by direct payment: Provided further, That within ninety days of the completion of each Federal fiscal year, each local entity shall provide certification to the Department of Energy, that all funds expended from such payments have been expended for activities as defined in Public Law 97–425. Failure to provide such certification shall cause such entity to be prohibited from any further funding provided for similar activities: Provided further, That none of the funds herein appropriated may be: (1) used directly or indirectly to influence legislative action on any matter pending before Congress or a State legislature or for lobbying activity as provided in 18 U.S.C. 1913; (2) used for litigation expenses; or (3) used to support multistate efforts or other coalition building activities inconsistent with the restrictions contained in this Act: Provided further, That none of the funds provided herein shall be distributed to the State of Nevada by direct payment, grant, or other means, for financial assistance under section 116 of the Nuclear Waste Policy Act of 1982, as amended: Provided further, That the foregoing proviso shall not apply to payments in lieu of taxes under section 116(c)(3)(A) of the Nuclear Waste Policy Act of 1982, as amended.*

### DEPARTMENTAL ADMINISTRATION

*For salaries and expenses of the Department of Energy necessary for departmental administration in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the hire of passenger motor vehicles and official reception and representation expenses (not to exceed $35,000), $218,747,000, to remain available until expended: Provided, That moneys received by the Department for miscellaneous revenues estimated to total $131,330,000 in fiscal year 1998 may be retained and used for operating expenses within this account, and may remain available until expended, as authorized by section 201 of Public Law 95–238, notwithstanding the provisions of 31 U.S.C. 3302: Provided further, That the sum herein appropriated shall be reduced by the amount of miscellaneous revenues received during fiscal year 1998 so as to result in a final fiscal year 1998 appropriation from the General Fund estimated at not more than $87,417,000.*

### OFFICE OF THE INSPECTOR GENERAL

*For necessary expenses of the Office of the Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $27,500,000, to remain available until expended.*

### ATOMIC ENERGY DEFENSE ACTIVITIES

### WEAPONS ACTIVITIES

*For Department of Energy expenses, including the purchase, construction and acquisition of plant and capital equipment and other incidental expenses necessary for atomic energy defense weapons activities in carrying out the purposes of the Department of Energy Organization Act 42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion; and the purchase of passenger motor vehicles (not to exceed 70 for replacement only), $4,146,692,000, to remain available until expended: Provided, That funding for any ballistic missile defense program undertaken by the Department of Energy for the Department of Defense shall be provided by the Department of Defense according to procedures established for Work for Others by the Department of Energy.*

### DEFENSE ENVIRONMENTAL RESTORATION AND WASTE MANAGEMENT

*For Department of Energy Expenses, including the purchase, construction and acquisition of plant and capital equipment and other expenses necessary for atomic energy defense environmental restoration and waste management activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion; and the purchase of passenger motor vehicles (not to exceed 6 for replacement only), $4,429,438,000, to remain available until expended; and, in addition, $200,000,000 for privatization projects, to remain available until expended.*

### DEFENSE FACILITIES CLOSURE PROJECTS

*For expenses of the Department of Energy to accelerate the closure of defense environmental management sites, including the purchase, construction and acquisition of plant and capital equipment and other necessary expenses, $890,800,000, to remain available until expended.*

### OTHER DEFENSE ACTIVITIES

*For Department of Energy expenses, including the purchase, construction and acquisition of plant and capital equipment and other expenses necessary for atomic energy defense, other defense activities, in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101, et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, and the purchase of passenger motor vehicles (not to exceed 2 for replacement only), $1,666,008,000, to remain available until expended.*

### DEFENSE NUCLEAR WASTE DISPOSAL

*For nuclear waste disposal activities to carry out the purposes of Public Law 97–425, as amended, including the acquisition of real property or facility construction or expansion, $190,000,000, to remain available until expended.*

### POWER MARKETING ADMINISTRATIONS

### OPERATION AND MAINTENANCE, ALASKA POWER ADMINISTRATION

*For necessary expenses of operation and maintenance of projects in Alaska and of marketing electric power and energy, $3,500,000, to remain available until expended; and, in addition, $10,000,000 for capital assets acquisition, to remain available until expended.*

### BONNEVILLE POWER ADMINISTRATION FUND

*Expenditures from the Bonneville Power Administration Fund, established pursuant to Public Law 93–454, are approved for the anadromous fish supplementation facilities in the Yakima River Basin, Methow River Basin and Upper Snake River Basin, for the Billy Shaw Reservoir resident fish substitution project, and for the resident trout fish culture facility in Southeast Idaho; and official reception and representation expenses in an amount not to exceed $3,000.*

*During fiscal year 1998, no new direct loan obligation may be made.*

### OPERATION AND MAINTENANCE, SOUTHEASTERN POWER ADMINISTRATION

*For necessary expenses of operation and maintenance of power transmission facilities and of marketing electric power and energy pursuant to the provisions of section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), as applied* *to the southeastern power area, $12,222,000, to remain available until expended; in addition, notwithstanding 31 U.S.C. 3302, not to exceed $20,000,000 in reimbursement for transmission wheeling and ancillary services, to remain available until expended.*

### OPERATION AND MAINTENANCE, SOUTHWESTERN POWER ADMINISTRATION

*For necessary expenses of operation and maintenance of power transmission facilities and of marketing electric power and energy, and for construction and acquisition of transmission lines, substations and appurtenant facilities. and for administrative expenses, including official reception and representation expenses in an amount not to exceed $1,500 in carrying out the provisions of section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), as applied to the southwestern power area, $25,210,000, to remain available until expended; in addition, notwithstanding the provisions of 31 U.S.C. 3302, not to exceed $4,650,000 in reimbursements, to remain available until expended.*

### CONSTRUCTION, REHABILITATION, OPERATION AND MAINTENANCE, WESTERN AREA POWER ADMINISTRATION

(INCLUDING TRANSFER OF FUNDS)

*For carrying out the functions authorized by title III, section 302(a)(1)(E) of the Act of August 4, 1977 (42 U.S.C. 7101 et seq.), and other related activities including conservation and renewable resources programs as authorized, including the replacement of not more than two helicopters through transfers, exchanges, or sale, and official reception and representation expenses in an amount not to exceed $1,500, $189,043,000, to remain available until expended, of which $182,806,000 shall be derived from the Department of the Interior Reclamation Fund: Provided, That of the amount herein appropriated, $5,592,000 is for deposit into the Utah Reclamation Mitigation and Conservation Account pursuant to title IV of the Reclamation Projects Authorization and Adjustment Act of 1992: Provided further, That the Secretary of the Treasury is authorized to transfer from the Colorado River Dam Fund to the Western Area Power Administration $5,592,000 to carry out the power marketing and transmission activities of the Boulder Canyon project as provided in section 104(a)(4) of the Hoover Power Plant Act of 1984, to remain available until expended.*

### FALCON AND AMISTAD OPERATING AND MAINTENANCE FUND

*For operation, maintenance, and emergency costs for the hydroelectric facilities at the Falcon and Amistad Dams, $970,000, to remain available until expended, and to be derived from the Falcon and Amistad Operating and Maintenance Fund of the Western Area Power Administration, as provided in section 423 of the Foreign Relations Authorization Act, fiscal years 1994 and 1995.*

### FEDERAL ENERGY REGULATORY COMMISSION

### SALARIES AND EXPENSES

*For necessary expenses of the Federal Energy Regulatory Commission to carry out the provisions of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including services as authorized by 5 U.S.C. 3109, the hire of passenger motor vehicles, and official reception and representation expenses (not to exceed $3,000), $162,141,000, to remain available until expended: Provided, That notwithstanding any other provision of law, not to exceed $162,141,000 of revenues from fees and annual charges, and other services and collections in fiscal year 1998 shall be retained and used for necessary expenses in this account, and shall remain available until expended: Provided further, That the sum herein appropriated from the General Fund shall be reduced as revenues are received during fiscal year 1998 so as to result in a final fiscal year 1998 appropriation from the General Fund estimated at not more than $0.*

### DEPARTMENT OF ENERGY

### GENERAL PROVISIONS

*SEC. 301. (a) None of the funds appropriated by this Act or any prior appropriations Act may be used to award a management and operating contract unless such contract is awarded using competitive procedures or the Secretary of Energy grants, on a case-by-case basis, a waiver to allow for such a deviation. The Secretary may not delegate the authority to grant such a waiver.*

*(b) At least 60 days before a contract award, amendment, or modification for which the Secretary intends to grant such a waiver, the Secretary shall submit to the Subcommittees on Energy and Water Development of the Committees on Appropriations of the House of Representatives and the Senate a report notifying the subcommittees of the waiver and setting forth the reasons for the waiver.*

*SEC. 302. (a) None of the funds appropriated by this Act or any prior appropriations Act may be used to award, amend, or modify a contract in a manner that deviates from the Federal Acquisition Regulation, unless the Secretary of Energy grants, on a case-by-case basis, a waiver to allow for such a deviation. The Secretary may not delegate the authority to grant such a waiver.*

*(b) At least 60 days before a contract award, amendment, or modification for which the Secretary intends to grant such a waiver, the Secretary shall submit to the Subcommittees on Energy and Water Development of the Committees on Appropriations of the House of Representatives and the Senate a report notifying the subcommittees of the waiver and setting forth the reasons for the waiver.*

*SEC. 303. None of the funds appropriated by this Act or any prior appropriations Act may be used to—*

*(1) develop or implement a workforce restructuring plan that covers employees of the Department of Energy; or*

*(2) provide enhanced severance payments or other benefits for employees of the Department of Energy;*

*under section 3161 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 106 Stat. 2644; 42 U.S.C. 7274h).*

*SEC. 304. None of the funds appropriated by this Act or any prior appropriations Act may be used to augment the $61,159,000 made available for obligation by this Act for severance payments and other benefits and community assistance grants under section 3161 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 106 Stat. 2644; 42 U.S.C. 7274h).*

*SEC. 305. None of the funds appropriated by this Act or any prior appropriations Act may be used to prepare or initiate Requests For Proposals (RFPs) for a program if the program has not been funded by Congress.*

(TRANSFERS OF UNEXPENDED BALANCES)

*SEC. 306. The unexpended balances of prior appropriations provided for activities in this Act may be transferred to appropriation accounts for such activities established pursuant to this title. Balances so transferred may be merged with funds in the applicable established accounts and thereafter may be accounted for as one fund for the same time period as originally enacted.*

## TITLE IV

## INDEPENDENT AGENCIES

### APPALACHIAN REGIONAL COMMISSION

*Foe expenses necessary to carry out the programs authorized by the Appalachian Regional Development Act of 1965, as amended, notwithstanding section 405 of said Act, and for necessary expenses for the Federal Co-Chairman and the alternate on the Appalachian Regional Commission and for payment of the Federal share of the administrative expenses of the Commission, including services as authorized by 5 U.S.C. 3109, and hire of passenger motor vehicles, $170,000,000, to remain available until expended.*

### DEFENSE NUCLEAR FACILITIES SAFETY BOARD

### SALARIES AND EXPENSES

*For necessary expenses of the Defense Nuclear Facilities Safety Board in carrying out activities authorized by the Atomic Energy Act of 1954, as amended by Public Law 100–456, section 1441, $17,000,000, to remain available until expended.*

### NUCLEAR REGULATORY COMMISSION

### SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

*For necessary expenses of the Commission in carrying out the purposes of the Energy Reorganization Act of 1974, as amended, and the Atomic Energy Act of 1954, as amended, including the employment of aliens; services authorized by 5 U.S.C. 3109; publication and dissemination of atomic information; purchase, repair, and cleaning of uniforms; official representation expenses (not to exceed $20,000); reimbursements to the General Services Administration for security guard services; hire of passenger motor vehicles and aircraft, $468,000,000, to remain available until expended: Provided, That of the amount appropriated herein, $15,000,000 shall be derived from the Nuclear Waste Fund: Provided further, That from this appropriation, transfers of sums may be made to other agencies of the Government for the performance of the work for which this appropriation is made, and in such cases the sums so transferred may be merged with the appropriation to which transferred: Provided further, That moneys received by the Commission for the cooperative nuclear safety research program, services rendered to State governments, foreign governments and international organizations, and the material and information access authorization programs, including criminal history checks under section 149 of the Atomic Energy Act may be retained and used for salaries and expenses associated with those activities, notwithstanding 31 U.S.C. 3302, and shall remain available until expended: Provided further, That revenues from licensing fees, inspection services, and other services and collections estimated at $450,000,000 in fiscal year 1998 shall be retained and used for necessary salaries and expenses in this account, notwithstanding 31 U.S.C. 3302, and shall remain available until expended: Provided further, That $3,000,000 of the funds herein appropriated for regulatory reviews and other assistance provided to the Department of Energy and other Federal agencies shall be excluded from license fee revenues, notwithstanding 42 U.S.C. 2214: Provided further, That the sum herein appropriated shall be reduced by the amount of revenues received during fiscal year 1998 from licensing fees, inspection services and other services and collections, excluding those moneys received for the cooperative nuclear safety research program, services rendered to State governments, foreign governments and international organizations, and the material and information access authorization programs, so as to result in a final fiscal year 1998 appropriation estimated at not more than $18,000,000.*

### OFFICE OF INSPECTOR GENERAL

(INCLUDING TRANSFER OF FUNDS)

*For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, including services authorized by 5 U.S.C. 3109, $4,800,000, to remain available until expended;*

*and in addition, an amount not to exceed 5 percent of this sum may be transferred from Salaries and Expenses, Nuclear Regulatory Commission: Provided, That notice of such transfers shall be given to the Committees on Appropriations of the House of Representatives and Senate: Provided further, That from this appropriation, transfers of sums may be made to other agencies of the Government for the performance of the work for which this appropriation is made, and in such cases the sums so transferred may be merged with the appropriation to which transferred: Provided further, That revenues from licensing fees, inspection services, and other services and collections shall be retained and used for necessary salaries and expenses in this account, notwithstanding 31 U.S.C. 3302, and shall remain available until expended: Provided further, That the sum herein appropriated shall be reduced by the amount of revenues received during fiscal year 1998 from licensing fees, inspection services, and other services and collections, so as to result in a final fiscal year 1998 appropriation estimated at not more than $0.*

### *NUCLEAR WASTE TECHNICAL REVIEW BOARD*

### *SALARIES AND EXPENSES*

*For necessary expenses of the Nuclear Waste Technical Review Board, as authorized by Public Law 100–203, section 5051, $2,600,000, to be derived from the Nuclear Waste Fund, and to remain available until expended.*

### *TENNESSEE VALLEY AUTHORITY*

*For the purpose of carrying out the provisions of the Tennessee Valley Authority Act of 1933, as amended (16 U.S.C. Ch. 12A), including hire, maintenance, and operation of aircraft, and purchase and hire of passenger motor vehicles, $70,000,000, to remain available until expended, of which $6,900,000 shall be available for operation, maintenance, surveillance, and improvement of Land Between the Lakes; and for essential stewardship activities for which appropriations were provided to the Tennessee Valley Authority in Public Law 104–206, such sums as are necessary in fiscal year 1999 and thereafter, to be derived only from one or more of the following sources: nonpower fund balances and collections; investment returns of the nonpower program; applied programmatic savings in the power and nonpower programs; savings from the suspension of bonuses and award; savings from reductions in memberships and contributions; increases in collections resulting from nonpower activities, including user fees; or increases in charges to private and public utilities both investor and cooperatively owned, as well as to direct load customers: Provided, That such funds are available to fund the stewardship activities under this paragraph, notwithstanding sections 11, 14, 15, 29, or other provisions of the Tennessee Valley Authority Act, as amended, or provisions of the TVA power bond covenants: Provided further, That the savings from, and revenue adjustments to, the TVA budget in fiscal year 1999 and thereafter shall be sufficient to fund the aforementioned stewardship activities such that the net spending authority and resulting outlays for these activities shall not exceed $0 in fiscal year 1999 and thereafter.*

## *TITLE V*

## *GENERAL PROVISIONS*

*SEC. 501. None of the funds appropriated by this Act may be used in any way, directly or indirectly, to influence congressional action on any legislation or appropriation matters pending before Congress, other than to communicate to Members of Congress as described in section 1913 of title 18, United States Code.*

*SEC. 502. (a) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—It is the sense of the Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available in this Act should be American-made.*

*(b) NOTICE REQUIREMENT.—In providing financial assistance to, or entering into any contract with, any entity using funds made available in this Act, the head of each Federal agency, to the greatest extent practicable, shall provide to such entity a notice describing the statement made in subsection (a) by the Congress.*

*(c) PROHIBITION OF CONTRACTS WITH PERSONS FALSELY LABELING PRODUCTS AS MADE IN AMERICA.—If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a "Made in America" inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, the person shall be ineligible to receive any contract or subcontract made with funds made available in this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.*

*SEC. 503. None of the funds made available in this Act may be provided by contract or by grant (including a grant of funds to be available for student aid) to any institution of higher education, or subelement thereof, that is currently ineligible for contracts and grants pursuant to section 514 of the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 1997 (as contained in section 101(e) of division A of Public law 104–208; 110 Stat. 3009–270).*

*SEC. 504. None of the funds made available in this Act may be obligated or expended to enter into or renew a contract with a contractor that is subject to the reporting requirement set forth in subsection (d) of section 4212 of title 38, United States Code, but has not submitted the most recent report required by such subsection.*

*SEC. 505. None of the funds made available in this Act to pay the salary of any officer or employee of the Department of the Interior may be used for the Animas-La Plata Project, in Colorado and New Mexico, except for: (1) activities required to comply with the applicable provisions of current law; and (2) continuation of activities pursuant to the Colorado Ute Indian Water Rights Settlement Act of 1988 (Public Law 100–585).*

*SEC. 506. Section 1621 of title XVI of the Reclamation Wastewater and Groundwater Act, Public Law 104–266, is amended by—*

*(1) striking "study" in the section title and in subsection (a), and inserting "project" into the title and in subsection (a);*

*(2) inserting in subsection (a) "planning, design, and construction of the" following "to participate in the"; and*

*(3) inserting in subsection (a) "and nonpotable surface water" following "impaired ground water".*

*SEC. 507. Section 1208(a)(2) of the Yavapai-Prescott Indian Treaty Settlement Act of 1994 (Public Law 103–434) is amended by striking "$4,000,000 for construction" and inserting in lieu thereof "$13,000,000, at 1997 prices, for construction plus or minus such amounts as may be justified by reason of ordinary fluctuations of applicable cost indexes".*

*SEC. 508. (a) The State of West Virginia shall receive credit towards its required contribution under Contract No. DACW59–C–0071 for the cost of recreational facilities to be constructed by a joint venture of the State in cooperation with private interests for recreation development at Stonewall Jackson Lake, West Virginia, except that the State shall receive no credit for costs associated with golf course development and the amount of the credit may not exceed the amount owed by State under the Contract.*

*(b) The Corps of Engineers shall revise both the 1977 recreation cost-sharing agreement and the Park and Recreation Lease dated October 2, 1995 to remove the requirement that such recreation facilities are to be owned by the Government at the time of their completion as contained in Article 2–06 of the cost-sharing agreement and Article 36 of the lease.*

*(c) Nothing in this section shall reduce the amount of funds owed the United States Government pursuant to the 1977 recreation cost-sharing agreement.*

*SEC. 509. Amounts to be transferred to the Department of Energy by the United States Enrichment Corporation (USEC) pursuant to this section shall be retained and used for the specific purpose of development and demonstration of AVLIS technology for uranium enrichment: Provided, That, notwithstanding section 1605 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2297e–4), USEC shall transfer to the Department such sums as are necessary in fiscal year 1998 for AVLIS demonstration and development activities to be derived only from one or more of the following sources: savings from adjustments in the level of inventories; savings from reductions in capital and operating costs; savings from reductions in power costs including savings from increased use of off-peak power; or savings from adjustments in the amount of purchases: Provided further, That the savings from such reductions and adjustments in the amounts paid by USEC in fiscal year 1998 shall be sufficient to fund the aforementioned AVLIS demonstration and development activities such that the net spending authority and resulting outlays for these activities shall not exceed $0 in fiscal year 1998 and thereafter: Provided further, That, prior to transferring funds to the Department for AVLIS activities pursuant to this section, the Chief Financial Officer of USEC shall submit to the Committees on Appropriations of the House of Representatives and Senate an itemized listing of the amounts of the reductions made pursuant to this section to fund the proposed transfer: Provided further, That, by November 1, 1998, the Chief Financial Officer of USEC shall submit to the Committees on Appropriations of the House of Representatives and Senate an itemized listing of the amounts of the reductions made pursuant to this section for fiscal year 1998: Provided further, That the provisions in this section related to the transfer to and use by the Department of funds for AVLIS demonstration and development activities shall expire as of the privatization date for USEC, as defined in Section 3102 of the USEC Privatization Act (42 U.S.C. 2297h), and the total amount obligated by the Department pursuant to this section for AVLIS demonstration and development activities shall not exceed $60,000,000.*

*SEC. 510. (a) None of the funds appropriated or otherwise made available by this Act may be used to determine the final point of discharge for the interceptor drain for the San Luis Unit until development by the Secretary of the Interior and the State of California of a plan, which shall conform to the water quality standards of the State of California as approved by the Administrator of the Environmental Protection Agency, to minimize any detrimental effect of the San Luis drainage waters.*

*(b) The costs of the Kesterson Reservoir Cleanup Program and the costs of the San Joaquin Valley Drainage Program shall be classified by the Secretary of the Interior as reimbursable or nonreimbursable and collected until fully repaid pursuant to the "Cleanup Program—Alternative Repayment Plan" and the "SJVDP—Alternative Repayment Plan" described in the report entitled "Repayment Report, Kesterson Reservoir Cleanup Program and San Joaquin Valley Drainage Program, February 1995", prepared by the Department of the Interior, Bureau of Reclamation. Any future obligations of funds by the United States relating*

*to, or providing for, drainage service or drainage studies for the San Luis Unit shall be fully reimbursable by San Luis Unit beneficiaries of such service or studies pursuant to Federal Reclamation law.*

*SEC. 511. MAINTENANCE OF SECURITY AT THE GASEOUS DIFFUSION PLANTS.—Section 3107 of the USEC Privatization Act (42 U.S.C. 2297h–5) is amended by adding at the end the following:*

*"(h) MAINTENANCE OF SECURITY.—*

*"(1) IN GENERAL.—With respect to the Paducah Gaseous Diffusion Plant, Kentucky, and the Portsmouth Gaseous Diffusion Plant, Ohio, the guidelines relating to the authority of the Department of Energy's contractors (including any Federal agency, or private entity operating a gaseous diffusion plant under a contract or lease with the Department of Energy) and any subcontractor (at any tier) to carry firearms and make arrests in providing security at Federal installations, issued under section 161k. of the Atomic Energy Act of 1954 (42 U.S.C. 2201k.) shall require, at a minimum, the presence of an adequate number of security guards carrying sidearms at all times to ensure maintenance of security at the gaseous diffusion plants (whether a gaseous diffusion plant is operated directly by a Federal agency or by a private entity under a contract or lease with a Federal agency).*

*SEC. 512. None of the funds made available in this or any other Act may be used to restart the High Flux Beam Reactor.*

*This Act may be cited as the "Energy and Water Development Appropriations Act, 1998".*

And the Senate agree to the same.

JOSEPH MCDADE,
HAROLD ROGERS,
JOE KNOLLENBERG,
R.P. FRELINGHUYSEN,
MIKE PARKER,
SONNY CALLAHAN,
JAY DICKEY,
BOB LIVINGSTON,
VIC FAZIO,
PETER J. VISCLOSKY,
CHET EDWARDS,
ED PASTOR,
DAVID R. OBEY,
*Managers on the Part of the House.*

PETE V. DOMENICI,
THAD COCHRAN,
SLADE GORTON,
MITCH MCCONNELL,
ROBERT F. BENNETT,
CONRAD BURNS,
LARRY CRAIG,
TED STEVENS,
HARRY REID,
ROBERT C. BYRD,
FRITZ HOLLINGS,
PATTY MURRAY,
HERB KOHL,
BYRON L. DORGAN,
DANIEL K. INOUYE,
*Managers on the Part of the Senate.*

## JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two houses on the amendment of the Senate of the bill (H.R. 2203) making appropriations for energy and water development for the fiscal year ending September 30, 1998, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effects of the action agreed upon by the managers and recommended in the accompanying conference report.

The language and allocations set forth in House Report 105–190 and Senate Report 105–44 should be complied with unless specifically addressed to the contrary in the conference report and statement of the managers. Report language included by the House which is not contradicted by the report of the Senate or the conference, and Senate report language which is not contradicted by the report of the House or the conference is approved by the committee on conference. The statement of the managers, while repeating some report language for emphasis, does not intend to negate the language referred to above unless expressly provided herein. In cases where both the House report and Senate report address a particular issue not specifically addressed in the conference report or joint statement of managers, the conferees have determined that the House and Senate reports are not inconsistent and are to be interpreted accordingly. In cases in which the House or Senate have directed the submission of a report, such report is to be submitted to both House and Senate Committees on Appropriations.

Senate amendment: The Senate deleted the entire House bill after the enacting clause and inserted the Senate bill. The conference agreement includes a revised bill.

## TITLE I

## DEPARTMENT OF DEFENSE—CIVIL

The summary tables at the end of this title set forth the conference agreement with respect to the individual appropriations, programs, and activities of the Corps of Engineers. Additional items of conference agreement are discussed below.

### DEPARTMENT OF THE ARMY

### CORPS OF ENGINEERS—CIVIL

### GENERAL INVESTIGATIONS

The conference agreement appropriates $156,804,000 for General Investigations instead of $157,260,000 as proposed by the House and $164,065,000 as proposed by the Senate.

The conference agreement includes $100,000 for the Corps of Engineers to undertake a reconnaissance study of the need for navigational improvements on the Mobile, Tombigbee, and Black Warrior Rivers in accordance with the resolution (Docket #2512) adopted on May 7, 1997, by the Committee on Transportation and Infrastructure of the House of Representatives.

The conferees have provided an additional $200,000 for the Corps of Engineers to accelerate work on the feasibility study for the development of a comprehensive basin management plan for navigation, including recreational navigation, environmental restoration, and water quality for the Dog River, Alabama, watershed.

The conference agreement includes $270,000 for the Newport Bay Harbor, California, study, the same as the budget request. Within the funds provided, $100,000 is for the Corps of Engineers to undertake a reconnaissance study for management of the Newport Bay/San Diego Creek Watershed in the interest of environmental preservation and restoration, water quality and sediment control, and the avoidance or minimization of undesirable impacts resulting from urbanization and other present and future watershed activities.

The conferees have provided $40,000 for completion of the feasibility study for navigational improvements at Port Hueneme in California, the same as the budget request. Federal interest recommendations for channel improvements shall be based on the potential for future shipping operations at the port.

The conference agreement includes $100,000 for the Corps of Engineers to initiate a reconnaissance study of options for increased flood protection along the Toulumne River and its tributaries.

The conferees direct the Secretary of the Army to use the $600,000 provided for the Truckee Meadows, Reno, Nevada, project authorized by Section 3(a)(10) of the Water Resources Development Act of 1988 to resume preconstruction engineering and design incorporating recent data from the 1996/1997 flooding event.

The conference agreement includes $200,000 for the Corps of Engineers to participate in the development of Special Area Management Plans in Orange and San Diego Counties, California, as described in the House report.

The conference agreement includes $500,000 for the Corps of Engineers to modify the Lower West Branch Susquehanna River Basin Environmental Restoration, Pennsylvania, reconnaissance study to address the wide range of complex water resources problems in the large study area which includes Clinton, Northumberland, Lycoming, Sullivan, Tioga, and Union Counties, Pennsylvania and, as requested, to negotiate separate feasibility study agreements with state, county, and other public interests for subwatersheds within the river basin.

The conference agreement includes $500,000 as proposed by the Senate for a study of the Grand Neosho River basin in Oklahoma as proposed by the Senate. The conferees have agreed to move the funds for this effort to the Operation and Maintenance, General account.

The conferees agree that funds provided for the Lower Platte River and Tributaries, Nebraska, study should also be used to conduct studies authorized by Section 503(d)(11) of the Water Resources Development Act of 1996.

For the Lower Potomac Estuary Watershed, Virginia and Maryland, study, the conferees expect the Corps of Engineers to negotiate separate feasibility study cost-sharing agreements with state and local interests in Virginia and Maryland for individual sub-basins within the watershed.

The conference agreement includes $8,500,000 for Coordination Studies With Other Agencies. Within the funds provided, the conferees urge the Corps of Engineers to work with the Riverside County, California, Flood Control and Water Conservation District to complete the floodplain maintenance plan for Murrieta Creek and to participate in the development of Special Area Management Plans in southern California in coordination with the State of California Natural Community Conservation Planning Program. In addition, the amount provided includes $400,000 for the Pacific Northwest forest case study as described in the Senate report.

The conference agreement includes $32,000,000 for the Corps of Engineers Research and Development program instead of $27,000,000 as proposed by the House and $37,000,000 as proposed by the Senate. The amount provided includes $2,000,000 for the development of strategies for the control of zebra mussels and the full budget request for the CFIRMS program.

The conferees have included language in the bill earmarking funds for the following projects in the amounts specified: Delaware Bay Coastline, Delaware and New Jersey, $456,000; Tampa Harbor, Alafia Channel, Florida, $270,000; Laulaulei, Hawaii, $200,000; Barnegat Inlet to Little Egg Harbor Inlet, New Jersey, $400,000; Brigantine Inlet to Great Egg Harbor Inlet, New Jersey, $472,000; Great Egg Harbor Inlet to Townsends Inlet, New Jersey, $400,000; Lower Cape May Meadows—Cape May Point, New Jersey, $154,000; Manasquan Inlet to Barnegat Inlet, New Jersey, $400,000; Raritan Bay to Sandy Hook Bay

(Cliffwood Beach), New Jersey $300,000; Townsends Inlet to Cape May Inlet, New Jersey, $500,000; and Monongahela River, Fairmont, West Virginia, $350,000.

The conference agreement deletes funds earmarked in the Senate bill for the Norco Bluffs, California, project. This project has been funded in the Construction, General, account.

The conference agreement deletes language contained in the Senate bill providing funds for the Tahoe Basin study in California and Nevada. The amount appropriated for General Investigations includes $750,000 for this project. The conference agreement also deletes language contained in the Senate bill providing funds for preconstruction engineering and design for the Delaware Coast from Cape Henlopen to Fenwick Island, Delaware, project. The amount appropriated for General Investigations includes $300,000 for preconstruction engineering and design of the project.

The conference agreement includes language proposed by the House which directs the Corps of Engineers to initiate feasibility phase studies of extending commercial navigation on the Red River upstream of Shreveport-Bossier, Louisiana, into southwest Arkansas using previously appropriated funds and language proposed by the House which directs the Corps of Engineers to initiate feasibility phase studies for the Metropolitan Louisville, Southwest, Kentucky, study.

The conferees have also included language in the bill directing the Corps of Engineers to use $150,000 to implement Section 211(f)(8) of the Water Resources Development Act of 1996 and to reimburse the non-Federal sponsor a portion of the Federal share of project costs for the White Oak Bayou, Texas, project, and language directing the Corps of Engineers to use $500,000 to implement Section 211(f)(7) of the Water Resources Development Act of 1996 and to reimburse the non-Federal sponsor a portion of the Federal share of project costs for the Hunting Bayou, Texas, project.

### CONSTRUCTION, GENERAL

The conference agreement appropriates $1,473,373,000 for Construction, General, instead of $1,475,892,000 as proposed by the House and $1,284,266,000 as proposed by the Senate.

The conferees agree with the language in the Senate report regarding the Faulkner's Island, Connecticut, project.

The Secretary of the Army is directed to use $600,000 of available funds to plan and implement a flood warning system for Reno, Nevada, using, to the maximum extent possible, work of non-Federal entities.

The conference agreement includes $1,140,000 for the Canaveral Harbor Deepening, Florida, project. The funds provided include $640,000 to reimburse the local sponsor for the Federal share of revetment work completed by the sponsor and $500,000 for widening of the entrance channel.

With the funds provided for the East Rockaway Inlet to Rockaway Inlet and Jamaica Bay, New York, project the conferees direct the Corps of Engineers to initiate a reevaluation report to identify more cost-effective measures of providing storm damage protection for the project. In conducting the reevaluation, the Corps should include consideration of using dredged material from maintenance dredging of East Rockaway Inlet and should also investigate the potential for ecosystem restoration within the project area.

Within the funds provided for the Chesapeake Bay Environmental Restoration and Protection Program, the conferees expect the Corps of Engineers to give priority to projects that protect the environmental, historic, and cultural resources of Smith Island, Maryland and Virginia.

The conference agreement provides funding for small boat harbor projects at Knife River, McQuade Road (Duluth), Taconite Harbor, and Two Harbors, Minnesota. Each of these projects is fully authorized. By providing funding for these projects, the conferees intend that these badly needed projects proceed expeditiously, and direct the Secretary of the Army to expedite the consideration and construction of these projects. In addition, the Secretary is to preserve scarce Federal, state, and local resources by utilizing a flexible approach in pursuing these projects. The managers are aware that, in the construction of another small boat harbor at Silver Bay, a cooperative effort with state and local interests allowed for the swift and satisfactory completion of the project. The managers direct the Secretary to employ similar procedures, including using existing feasibility and other study documents and designs prepared by the State of Minnesota, and to construct the project in cooperation with the state.

The conference agreement includes $3,100,000 for the Corps of Engineers to complete planning engineering and design and initiate construction of the Lower Basin and Stony Brook portions of the Raritan River Basin, Green Brook Sub-Basin, New Jersey, project. Within the funds provided, $100,000 shall be used to reevaluate alternative plans for the Upper Basin portion of the project. Language has been included under General Provisions, Corps of Engineers—Civil, which provides that no funds made available in this Act or any other Act for any fiscal year may be utilized by the Secretary of the Army to construct the Oak Way detention structure or the Sky Top detention structure in Berkeley Heights, New Jersey, as part of the project for flood control.

The conference agreement includes $95,000,000 for the Columbia River Juvenile Fish Mitigation program in Washington, Oregon, and Idaho instead of $85,000,000 as proposed by the House and $117,000,000 as proposed by the Senate. The conferees note that the budget request for this program appeared to reflect the pursuit of multiple restoration strategies. Some of these may not be adopted, rendering expensive measures obsolete. The conferees request the Northwest Power Planning Council, with assistance from the Independent Scientific Advisory Board (to the extent that the Board feels it can participate without compromising its primary function), established jointly with the National Marine Fisheries Service, to conduct a review of the major fish mitigation capital construction activities proposed for implementation at the Federal dams in the Columbia River Basin including those called for in the 1995 Biological Opinion of the National Marine Fisheries Service regarding the Snake River salmon. The review shall be completed by June 30, 1998. Upon completion of the review, the Corps of Engineers shall seek regional recommendations, as provided by the Bonneville Power Administration Fish and Wildlife Budget Memorandum of Agreement dated September 16, 1996, on implementing the recommendations contained in the review. In addition, the findings of the review shall be supplied to the House and Senate Appropriations Committees.

The conference agreement includes a total of $58,267,000 for the Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River project. In addition to the amounts in the budget request, the conference agreement includes: $26,390,000 for the Harlan, Williamsburg, and Middlesboro, Kentucky, elements; $5,300,000 for the Pike County, Kentucky, element; $5,000,000 for the Martin County, Kentucky, element; $700,000 for the Town of Martin, Kentucky, element; $500,000 for a Detailed Project Report for the Buchanan County, Virginia, element; $1,000,000 for the Hatfield Bottom, West Virginia, element; $6,300,000 for the Lower Mingo (Kermit), West Virginia, element; $150,000 for a Detailed Project Report for the Lower Mingo, West Virginia, element; $3,000,000 for the Upper Mingo, West Virginia, element; $1,200,000 for the Wayne County, West Virginia, element; $400,000 for a flood warning system for the Levisa Basin; and $400,000 for a flood warning system for the Tug Fork Basin. In addition, the conferees are aware of the flood situation at Haysi Dam and urge the Corps of Engineers to reevaluate the benefit-cost analysis and provide to the Committees on Appropriations of the House and the Senate a report on the Haysi Dam, Virginia, element of the project prior to submission of the fiscal year 1999 budget. The conference agreement also deletes language proposed by the Senate which provided that flood warning systems for the Tug Fork and Levisa Basins would be undertaken at full Federal expense.

Using $463,000 of the funds provided for the LaFarge Lake and Kickapoo River, Wisconsin, project, the Corps of Engineers is directed to complete the Memorandum of Understanding between the Ho-Chunk Nation and the State of Wisconsin, evaluate a conservation easement, covenant, or other appropriate legal instrument for the protection of archeological resources at the site, start processing real estate documents for future land transfers, and continue coordination activities as authorized by the Water Resources Development Act of 1996. The remaining $250,000 is for planning and engineering of the highway relocations and to complete required NEPA documentation as authorized.

The conference agreement includes $40,000,000 for the Section 205 program. Using those funds, the Corps of Engineers is directed to proceed with the projects described in the House and Senate reports. For the Lake Carl Blackwell project in Oklahoma, the Corps of Engineers may use available funds to proceed with plans and specifications for the project. In addition, the Corps of Engineers is directed to proceed with studies of flooding problems along Dry Creek in Cortland County, New York, and the Lamoille and Missisquoi Rivers in Vermont.

The conferees agree that the Huntsville Spring Branch, Alabama, project funded by the House under Section 206 of the Water Resources Development Act of 1996 should proceed as a small flood control project under the Section 205 program. The conferees also agree that the Reno, Nevada, project and the Lycoming County, Pennsylvania, project should proceed under the Section 205 program.

The conference agreement includes $11,000,000 for the Section 14 program. Using those funds, the Corps of Engineers is directed to proceed with the projects described in the House and Senate reports.

The conference agreement includes $3,000,000 for the Section 103 program. Using those funds, the Corps of Engineers is directed to proceed with the projects described in the House report.

The conference agreement includes $11,400,000 for the Section 107 program. Using those funds, the Corps of Engineers is directed to proceed with the projects described in the House and Senate reports.

The conference agreement includes $2,000,000 for the Section 208 program. Using those funds, the Corps of Engineers is directed to proceed with the projects described in the House report.

The aquatic restoration project at Hamilton Army Airfield in Marin County, California, funded under the Section 204 program by the House has been funded under the General Investigations account.

The conference agreement includes $21,175,000 for the Section 1135 program. Using those funds, the Corps of Engineers is directed to proceed with the projects described in the House and Senate reports.

The conference agreement includes $6,000,000 for the Section 206 program. Using those funds, the Corps of Engineers is directed to proceed with the projects described in the House and the Senate reports. In addition, the Corps of Engineers is directed to proceed with a project to restore environmental resources along Cache Creek in California. Abandoned gravel pits along the lower Cache Creek corridor would be used to restore seasonal and permanent wetlands and riparian habitat.

The conferees have included language in the bill earmarking funds for the following projects in the amounts specified: Arkansas River, Tucker Creek, Arkansas, $300,000; Norco Bluffs, California, $1,000,000; San Timoteo Creek (Santa Ana River Mainstem), California, $5,000,000; Panama City Beaches, Florida, $5,000,000; Tybee Island, Georgia, $2,000,000; Indianapolis Central Waterfront, Indiana $5,000,000; Indiana Shoreline Erosion, Indiana, $3,000,000; Lake George, Hobart, Indiana, $3,500,000; Ohio River Flood Protection, Indiana $1,300,000; Harlan, Williamsburg, and Middlesboro (Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River), Kentucky, $26,390,000; Martin County (Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River), Kentucky, $5,000,000; Pike County (Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River), Kentucky, $5,300,000; Town of Martin (Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River), Kentucky, $700,000; Levisa Basin Flood Warning System (Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River), Kentucky and Virginia, $400,000; Salyersville, Kentucky, $2,050,000; Southern and Eastern Kentucky, Kentucky, $3,000,000; Lake Pontchartrain and Vicinity (Hurricane Protection), Louisiana, $22,920,000; Lake Pontchartrain Stormwater Discharge, Louisiana, $3,000,000; Jackson County, Mississippi, $3,000,000; Natchez Bluff, Mississippi, $4,000,000; Pearl River (Walkiah Bluff), Mississippi, $2,000,000; Joseph G. Minish Passaic River Park, New Jersey, $3,000,000; Hudson River, Athens, New York, $8,700,000; Lackawanna River, Olyphant, Pennsylvania, $1,400,000; Lackawanna River, Scranton, Pennsylvania, $5,425,000; Lycoming County, Pennsylvania, $339,000; South Central Pennsylvania Environment Improvement Program, Pennsylvania, $30,000,000; Wallisville Lake, Texas, $9,200,000; Virginia Beach, Virginia (Reimbursement), $925,000; Virginia Beach (Hurricane Protection), Virginia, $13,000,000; West Virginia and Pennsylvania Flood Control, West Virginia and Pennsylvania $3,000,000; Hatfield Bottom (Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River), West Virginia, $1,000,000; Lower Mingo (Kermit) (Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River), West Virginia, $6,300,000; Lower Mingo Tributaries Supplement (Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River), West Virginia, $150,000; Upper Mingo County (Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River), West Virginia, $3,000,000; Tug Fork Basin Flood Warning System (Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River), West Virginia, $400,000; and Wayne County (Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River), West Virginia, $1,200,000.

For the South Central Pennsylvania Infrastructure Program, within the $10,000,000 provided for water-related environmental infrastructure and resource protection and development projects in Lackawanna, Lycoming, Susquehanna, Wyoming, Pike, and Monroe Counties in Pennsylvania, $1,000,000 is for Olyphant Borough, Lackawanna County; $1,000,000 is for Jefferson Township, Lackawanna County; $2,000,000 is for Scott Township Water and Sewer Authority, Lackawanna County; $2,850,000 is for Westfall Municipal Sewage Authority, Pike County; $800,000 is for the Township of Tobyhanna Sewer Authority, Monroe County; $750,0000 is for Thompson Borough, Susquehanna County; $900,000 is for Old Lycoming Township Sewer Authority, Lycoming County; and $700,000 is for Lycoming County Water and Sewer Authority for a public sewer extension in Armstrong Township, Lycoming County.

The conference agreement includes language in the bill directing the Secretary of the Army to: use $225,000 to undertake repairs to the flume and conduit at Hagerman's Run for the flood control project at Williamsport, Pennsylvania; proceed with design and construction of the Southeast Louisiana, Louisiana, project using continuing contracts consistent with the limit of the authorized appropriation ceiling; incorporate the economic analyses for the Green Ridge and Plot Sections of the Lackawanna River, Scranton, Pennsylvania, project with the analysis for the Albright Street section of the project and cost-share and implement the combined sections as single project; combine three separate navigation improvements projects in Wilmington Harbor, North Carolina, into a single project; to use $20,000,000 to initiate construction of the Houston-Galveston Navigation Channels, Texas, project and execute a Project Cooperation Agreement for the entire authorized project.

The conferees are aware that the U.S. Army Corps of Engineers has determined, pursuant to the requirements of Section 533(d) of the Water Resources Development Act of 1996, that additional work to be carried out on the Southeast Louisiana, Louisiana, project with funds in excess of the amount authorized to be appropriated in Section 533(c) of said Act is technically sound, environmentally acceptable, and economic. Therefore, the conferees direct the Corps of Engineers to proceed immediately with design and construction of the entire Southeast Louisiana project.

The conference agreement also includes language that increases the appropriation ceiling for the Rillito River, Arizona, project and language that provides $5,000,000 for the Corps of Engineers to initiate construction of an emergency outlet from Devils Lake, North Dakota, to the Sheyenne River subject to a number of conditions. The Senate language has been amended to make technical corrections regarding the designation of the project as an emergency.

The conference agreement deletes funds earmarked in the House bill for the Flint River, Michigan, project. The project has been funded in the Operation and Maintenance, General account.

The conference agreement deletes language contained in the Senate bill earmarking funds for the Red River Emergency Bank Protection, Arkansas, project.

The conferees direct the Secretary of the Army to consider the recommendation of the Special Reevaluation Report for the McCook Reservoir, Illinois, project as developed by the Corps of Engineers Chicago District. The conference agreement deletes language contained in the Senate bill regarding this issue.

The conference agreement also includes bill language directing the Secretary of the Army to use $2,000,000 to implement Section 211(f)(6) of the Water Resources Development Act of 1996 and to reimburse the non-Federal sponsor for a portion of the Federal share of the project costs for the Brays Bayou, Texas, project.

In light of the current budgetary situation, the conferees are concerned with the funding implications associated with any projects which the Secretary of the Army approves for construction by non-Federal sponsors under reimbursement authorities, such as Section 211 of the Water Resources Development Act of 1996. The conferees are particularly concerned with the ability to provide funding for reimbursement agreements while trying to meet the funding demands for ongoing Federal construction projects nationwide. Therefore, the conferees direct the Secretary of the Army to notify the Committees on Appropriations of the House and the Senate prior to initiating negotiations for a reimbursement agreement for construction of any project. Such notification shall include the total commitment and the annual requirements that the Administration proposes to support in future budget submissions. The conferees urge the Secretary to reimburse a non-Federal sponsor for applicable costs only after the Secretary and the non-Federal sponsor have entered into a formal written agreement specifying the terms and conditions for the reimbursement. Given the need to establish a disciplined and orderly schedule for reimbursements, the conferees expect that the terms of the agreement will specify that reimbursements for the Federal share of project costs will be provided on an incremental basis in accordance with the terms of the agreement and on a schedule that would be consistent with a Federal construction schedule. In addition, in recognition of the need to protect the Federal interest, the conferees suggest that the Secretary include a provision in the agreement that will allow the Secretary to withhold scheduled reimbursement to the non-Federal sponsor or require the non-Federal sponsor to remit previously received reimbursements in the event that the sponsor fails to complete the entire project or a separable element of the project.

### FLOOD CONTROL, MISSISSIPPI RIVER AND TRIBUTARIES, ARKANSAS, ILLINOIS, KENTUCKY, LOUISIANA, MISSISSIPPI, MISSOURI, AND TENNESSEE

The conference agreement appropriates $296,212,000 for Flood Control, Mississippi River and Tributaries instead of $285,450,000 as proposed by the House and $289,000,000 as proposed by the Senate.

The conference agreement provides $31,000,000 for the Mississippi River Levees element of the Mississippi River and Tributaries project. The increase over the budget request shall be used to bring mainline levees up to grade as described in the House report and to advance construction of the Commerce to Birds Point levee in Missouri.

The conference agreement includes $900,000 with which the Corps of Engineers is directed to complete preconstruction engineering and design and initiate construction for the Louisiana State Penitentiary Levee project.

The conferees expect the Corps of Engineers to expedite work on East Goose Creek in Oxford, Mississippi, under the Yazoo Basin Demonstration Erosion Control Program.

The conference agreement includes language proposed by the Senate authorizing and directing the Corps of Engineers to use funds appropriated in this Act or previously appropriated funds to complete remedial measures to prevent slope instability at Hickman Bluff, Kentucky.

The conference agreement includes language which directs the Secretary of the Army to use up to $4,000,000, including $1,900,000 appropriated in this Act, to dredge Sardis Lake, Mississippi, at full Federal expense, and which directs the Secretary of the Army to conduct, at full Federal expense, the necessary environmental assessment and impact studies for the initial components of Sardis Lake development.

### OPERATION AND MAINTENANCE, GENERAL

The conference agreement appropriates $1,740,025,000 for Operation and Maintenance, General, instead of $1,726,955,000 as proposed by the House and $1,661,203,000 as proposed by the Senate.

The conferees have provided an additional $150,000 under the McNary Lock and Dam project in Oregon and Washington for the Corps of Engineers to address questions and concerns raised in litigation associated with the Kennewick Man skeleton, ancient remains found at Columbia Park on the Columbia River near Kennewick, Washington. The additional funds will allow the Corps to continue to store the remains in a manner that preserves their scientific, historic, and cultural value, address questions regarding testing of material, conduct site evaluations, and acquire expert services.

The conferees agree with the language in the Senate report regarding the Charleston Harbor, South Carolina, project.

The conference agreement includes $400,000 for the Corps of Engineers to proceed with the Corpus Christi Ship Channel, Rincon Canal System, Texas, project as authorized by Section 509 of the Water Resources Development Act of 1996.

For the Green Bay Harbor, Wisconsin, diked disposal project, the conferees expect the Corps of Engineers to use the funds provided to expand the existing Section 123 facility at Bay Port using the local and state approved designs. Further, the conferees intend the Bay Port expansion to be funded using the funding arrangements specified in Section 201 of the Water Resources Development Act of 1996.

The attention of the Corps of Engineers is directed to the following projects in need of maintenance of review: Alabama-Coosa River navigation system; Brunswick Harbor, Georgia; and Little and Murrells Inlets in South Carolina.

The conference agreement includes language in the bill earmarking funds for the following projects in the amounts specified: Anclote River, Florida, $1,500,000; Beverly Shores, Indiana, $1,700,000; Boston Harbor, Massachusetts, $16,500,000; Flint River, Michigan, $875,000; and Raystown Lake, Pennsylvania, $4,690,000.

The conference agreement includes an additional $2,170,000 for the Raystown Lake, Pennsylvania, project for the Corps of Engineers to implement recommendations of the 1992 update of the project Master Plan and for continued operation and maintenance of project facilities.

The conference agreement includes language proposed by the House directing the Corps of Engineers to reimburse the local sponsor for the Fort Myers Beach, Florida, project for maintenance dredging performed by the local sponsor using previously appropriated funds.

The conference agreement includes language proposed by the Senate which provides that none of the funds appropriated in the Act shall be used for the purpose of acquiring land in Jasper County, South Carolina, in connection with the Savannah Harbor navigation project and language proposed by the Senate authorizing and directing the Corps of Engineers to dredge a navigation channel in the Chena River at Fairbanks, Alaska.

Language has been included in the bill which directs the Secretary of the Army to use $6,000,000 of the funds appropriated in the Act to extend the navigation channel on the Allegheny River project to provide passenger boat access to the Kittanning, Pennsylvania, Riverfront Park.

The conference agreement includes language in the bill directing the Corps of Engineers to use $2,500,000 to implement measures upstream of Lake Cumberland in Kentucky to intercept and dispose of solid waste. The conferees expect the Corps of Engineers to proceed with this measure in a manner that is economically feasible and in accordance with applicable law.

### REGULATORY PROGRAM

The conference agreement appropriates $106,000,000 for the Regulatory Program as proposed by the Senate instead of $112,000,000 as proposed by the House.

The conferees expect that the increase provided over the amount appropriated in fiscal year 1997 will be used to begin implementation of an administrative appeals process for the Corps of Engineers Regulatory Program.

Not later than 30 days after the date of enactment of this Act, the Secretary of the Army, acting through the Chief of Engineers, is urged to make a final decision with respect to the permits applied for under permit application number 95–2–00970 for the replacement of the existing 350-foot wood dock with a 400-foot concrete extension of the existing Terminal 5 dock (including associated dredging and filling) in the West Waterway of the Duwamish River in Seattle, Washington. The Secretary shall not reject that application on the basis of any claim of Indian treaty rights, but shall leave any question with respect to such rights to be determined in the course of judicial review of his action on the same basis as any other permit under Section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1344).

### FLOOD CONTROL AND COASTAL EMERGENCIES

The conference agreement appropriates $4,000,000 for Flood Control and Coastal Emergencies instead of $14,000,000 as proposed by the House and $10,000,000 as proposed by the Senate.

The conferees have agreed to include the language proposed by the Senate directing that construction of the Ten and Fifteen Mile Bayou channel enlargement project be considered as an integral part of the St. Francis Basin, Arkansas and Missouri, project under the Mississippi River and Tributaries account.

The conferees are concerned that funding provided by PL 105–18, the Emergency Supplemental Appropriations Act of 1997, is not being vigorously applied to necessary repairs and projects resulting from the disaster events of 1996 and 1997 because of an overly restrictive interpretation of PL 84–99 by the Corps of Engineers.

For example, the Corps of Engineers has determined that many of the levees in the Sacramento and San Joaquin River Basins, California, which were affected by this year's catastrophic flood, are ineligible for repair and rehabilitation with Flood Control and Coastal Emergency funds due to conditions which are considered to have existed before the flood. In addition, some projects have been rejected by not considering the economic benefits to the system as a whole.

Problems across the country are similar, where the Corps has ruled projects ineligible that may be within the scope of the statute and are likely to prevent even greater expenditures should there be future disasters. The problem is particularly acute because of the unknown effects of the impending El Nino weather system and the imminent threat that it poses to many areas of the country.

The conferees are committed to ensuring that the people and their homes, schools, and economic livelihoods, as well as critical infrastructure, are protected against future floods and direct the Corps of Engineers to perform an immediate reassessment of all projects considered for funding under PL 105–18 where PL 84–99 funding has been denied. Every effort should be made to make use of the previously-appropriated emergency funds for any and all authorized purposes within the entire reading of the statute.

### FORMERLY UTILIZED SITES REMEDIAL ACTION PROGRAM

The conference agreement appropriates $140,000,000 for the Formerly Utilized Sites Remedial Action Program (FUSRAP) instead of $110,000,000 as proposed by the House and $162,000,000 as proposed by the Senate. The conference agreement also transfers the FUSRAP program from the Department of Energy to the U.S. Army Corps of Engineers for program execution. The Corps currently manages and executes a similar program, the Formerly Used Defense Sites program, for the Department of Defense, and the conferees believe there are significant cost and schedule efficiencies to be gained by having the Corps manage FUSRAP as well.

The conferees are aware of the concerns expressed that a transition from one Federal agency to another may create unnecessary delays in the program. The conferees expect the Department of Energy and the Corps to make every effort to ensure that this transition goes smoothly, that execution of the program is maintained in accordance with current schedules, and that overall execution performance is improved. The Department of Energy recently announced that it will complete the existing management and operating contract for the FUSRAP program with a contract change becoming effective in the spring of 1998. The conferees expect the program to continue within the existing contract framework during that period, and will expect minimal disruption in operations during that time as the terms of current contracts are honored.

The conferees direct the Corps of Engineers to review the baseline cost, scope, schedule, and technical assumptions for each of the cleanup sites, and determine what actions can be taken to reduce costs and accelerate cleanup activities. The Corps should determine if it is possible and/or reasonable to meet the proposed 2002 completion date and report to the Committees on Appropriations within 90 days on what steps must be taken to meet this date.

The conferees expect the Chief of Engineers to select an organization and process within the Corps which can execute this high priority program most effectively and efficiently. To avoid potential jurisdictional problems, however, overall program management, schedule and resource priority setting, and principal point of contact responsibilities for FUSRAP are to be handled as part of, and integrally with, the overall Civil Works program of the Corps.

### GENERAL EXPENSES

The conference agreement appropriates $148,000,000 for General Expenses as proposed by the House and the Senate.

### REVOLVING FUND

The conference agreement includes language proposed by the Senate which permits the Corps of Engineers to use amounts in the Revolving Fund for an addition to the Alaska District's main office building on Elmendorf Air Force Base and which directs that the Revolving Fund shall be reimbursed from the benefiting appropriations by collections each year of user fees sufficient to repay the capital cost of the asset and to operate and maintain the asset.

## General Provisions

### Corps of Engineers—Civil

The conference agreement deletes language proposed by the Senate which provides that the Secretary of the Army, in fiscal year 1998, shall advertise for competitive bid at least 8,500,000 cubic yards of the hopper dredge volume accomplished with Government-owned dredges in fiscal year 1992 and which, notwithstanding the provisions of this section, authorizes the Secretary of the Army to use the Corps of Engineers dredge fleet to undertake projects under certain conditions.

The conference agreement includes language proposed by the Senate which authorizes and directs the Secretary of the Army to provide planning, design, and construction assistance to non-Federal interests in carrying out water related environmental infrastructure and environmental resources development projects. The Senate language has been amended to provide that the authority will be limited to fiscal year 1998 and to projects in the State of Alaska. The conference agreement provides $5,000,000 for the Corps of Engineers to carry out the provisions of this section.

The conference agreement includes language proposed by the Senate regarding the Raritan River Basin, Greenbrook Sub-basin flood control project in New Jersey. The Senate language has been amended to provide that none of the funds made available under this Act or any other Act for any fiscal year may be used to construct the Oak Way detention structure or the Sky Top detention structure in Berkeley Heights, New Jersey, rather than carry out any plan for, or otherwise construct, the Oak Way detention structure or the Sky Top detention structure in Berkeley Heights, New Jersey.

The conference agreement deletes language proposed by the Senate which provides that none of the funds appropriated in this Act may be used to consider any application for a permit that, if granted, would result in the diversion of groundwater from the Great Lakes basin.

## CORPS OF ENGINEERS - GENERAL INVESTIGATIONS

| TYPE OF PROJECT | PROJECT TITLE | BUDGET ESTIMATES | | CONFERENCE ALLOWANCE | |
|---|---|---|---|---|---|
| | | INVESTIGATIONS | PLANNING | INVESTIGATIONS | PLANNING |
| | ALABAMA | | | | |
| | BLACK WARRIOR AND TOMBIGBEE RIVERS, AL | --- | --- | 100,000 | --- |
| (SPE) | CAHABA RIVER WATERSHED, AL | 400,000 | --- | 400,000 | --- |
| (N) | DOG RIVER, AL | 200,000 | --- | 400,000 | --- |
| (SPE) | VILLAGE CREEK, JEFFERSON COUNTY (BIRMINGHAM WATERSHED) | 400,000 | --- | 400,000 | --- |
| | ALASKA | | | | |
| (N) | ANCHOR POINT HARBOR, AK | 54,000 | --- | 54,000 | --- |
| (FDP) | ANIAK, AK | 125,000 | --- | 125,000 | --- |
| (E) | CHENA RIVER WATERSHED, AK | 168,000 | --- | 168,000 | --- |
| (N) | COASTAL STUDIES NAVIGATION IMPROVEMENT, AK | 450,000 | --- | 600,000 | --- |
| (FC) | COOK INLET, AK | --- | 125,000 | --- | 125,000 |
| (N) | DOUGLAS HARBOR, AK | --- | --- | 100,000 | --- |
| (N) | DUTCH HARBOR, AK | 50,000 | --- | 50,000 | --- |
| (FDP) | KENAI RIVER, AK | --- | --- | 100,000 | --- |
| (N) | KENAI RIVER NAVIGATION, AK | 150,000 | --- | 150,000 | --- |
| (N) | KUSKOKWIM RIVER, AK | 100,000 | --- | 100,000 | --- |
| (FDP) | MATANUSKA RIVER. AK | --- | --- | 100,000 | --- |
| (N) | NOME HARBOR IMPROVEMENTS, AK | 450,000 | --- | 490,000 | --- |
| (N) | PORT LIONS HARBOR, AK | --- | --- | 100,000 | --- |
| (N) | SAND POINT HARBOR, AK | --- | 37,000 | --- | 37,000 |
| (N) | SAND POINT HARBOR, AK | 118,000 | --- | 118,000 | --- |
| (N) | SEWARD HARBOR, AK | 150,000 | --- | 225,000 | --- |
| (FDP) | SHIP CREEK, AK | --- | --- | 100,000 | --- |
| (N) | SITKA LIGHTERING FACILITY, AK | 120,000 | --- | 120,000 | --- |
| (N) | ST PAUL HARBOR, AK | --- | 138,000 | --- | --- |
| (N) | WRANGELL HARBOR, AK | 200,000 | --- | 330,000 | --- |
| | VALDEZ HARBOR, AK | --- | --- | 100,000 | --- |
| | ARIZONA | | | | |
| (SPE) | COLONIAS ALONG U.S. - MEXICO BORDER, AZ & TX | 100,000 | --- | 100,000 | --- |
| (FDP) | GILA RIVER, NORTH SCOTTSDALE, AZ | 400,000 | --- | 400,000 | --- |
| (FDP) | GILA RIVER, SANTA CRUZ RIVER BASIN, AZ | 400,000 | --- | 400,000 | --- |
| (FDP) | RIO DE FLAG, FLAGSTAFF, AZ | 325,000 | --- | 325,000 | --- |
| (E) | RIO SALADO WATERSHED ECOSYSTEM, AZ | 540,000 | --- | 540,000 | --- |
| (E) | TRES RIOS, AZ | 400,000 | --- | 800,000 | --- |
| (FC) | TUCSON DRAINAGE AREA, AZ | --- | 825,000 | --- | 825,000 |
| | ARKANSAS | | | | |
| (FDP) | MAY BRANCH, FORT SMITH, AR | 240,000 | --- | 240,000 | --- |
| (FC) | MCKINNEY BAYOU, AR & TX | --- | 200,000 | --- | 200,000 |
| (N) | WHITE RIVER TO NEWPORT, AR | --- | --- | --- | 400,000 |
| | CALIFORNIA | | | | |
| (FC) | AMERICAN RIVER WATERSHED, CA | --- | 401,000 | --- | 1,500,000 |

CORPS OF ENGINEERS - GENERAL INVESTIGATIONS

| TYPE OF PROJECT | PROJECT TITLE | BUDGET ESTIMATES INVESTIGATIONS | BUDGET ESTIMATES PLANNING | CONFERENCE ALLOWANCE INVESTIGATIONS | CONFERENCE ALLOWANCE PLANNING |
|---|---|---|---|---|---|
| (FDP) | ARROYO PASAJERO, CA | 146,000 | --- | 146,000 | --- |
| (FC) | ARROYO PASAJERO, CA | --- | 1,000,000 | --- | 1,000,000 |
| (E) | BOLINAS LAGOON ECOSYSTEM RESTORATION, CA | 240,000 | --- | 750,000 | --- |
| | BOLSA CHICA CHANNEL, CA | --- | --- | 40,000 | --- |
| | HAMILTON AIRFIELD WETLAND RESTORATION, CA | --- | --- | 100,000 | --- |
| | CITIES OF ARCADIA AND SIERRA MADRE, CA | --- | --- | 525,000 | --- |
| | CITY OF HUNTINGTON BEACH, CA | --- | --- | 100,000 | --- |
| | CLEAR LAKE BASIN WATERSHED RESTORATION, CA | --- | --- | 100,000 | --- |
| | COSUMNES AND MOKELUMNE RIVERS, CA | --- | --- | 100,000 | --- |
| (E) | IMPERIAL COUNTY WATERSHED STUDY, CA | 200,000 | --- | 200,000 | --- |
| (FC) | KAWEAH RIVER, CA | --- | 1,100,000 | --- | 1,100,000 |
| (SPE) | LACDA WATER CONS & SUP(HANSEN & LOPEZ DAMS), CA | 204,000 | --- | 204,000 | --- |
| (SPE) | LACDA WATER CONS & SUP(WHITTIER NARROWS & SANTA FE DAM | 189,000 | --- | 189,000 | --- |
| | LAGUNA DE SANTA ROSA, CA | --- | --- | 100,000 | --- |
| | MALIBU CREEK WATERSHED, CA | --- | --- | 100,000 | --- |
| (FDP) | MARIN COUNTY SHORELINE, SAN CLEMENTE CREEK, CA | 150,000 | --- | 150,000 | --- |
| (N) | MARINA DEL REY AND BALLONA CREEK, CA | 530,000 | --- | 530,000 | --- |
| (SPE) | MOJAVE RIVER DAM, CA | 200,000 | --- | 200,000 | --- |
| | MORRO BAY ESTUARY, CA | --- | --- | 100,000 | --- |
| | MUGU LAGOON, CA | --- | --- | 100,000 | --- |
| (E) | N CA STREAMS, CACHE CREEK ENVIRONMENTAL RESTORATION, C | 250,000 | --- | 250,000 | --- |
| (E) | N CA STREAMS, COLUSA BASIN, CA | 100,000 | --- | 100,000 | --- |
| (FDP) | N CA STREAMS, DRY CREEK, MIDDLETOWN, CA | 200,000 | --- | 200,000 | --- |
| (E) | N CA STREAMS, FAIRFIELD STREAMS AND CORDELIA MARSH, CA | 250,000 | --- | 250,000 | --- |
| (E) | N CA STREAMS, LOWER SACRAMENTO RVR RIPARIAN REVEGETATI | 300,000 | --- | 300,000 | --- |
| (E) | N CA STREAMS, MIDDLE CREEK, CA | 350,000 | --- | 350,000 | --- |
| (E) | N CA STREAMS, SACRAMENTO RIVER WATERSHED MANAGEMENT PL | 400,000 | --- | 400,000 | --- |
| (FDP) | N CA STREAMS, VACAVILLE, DIXON AND VICINITY, CA | 200,000 | --- | 200,000 | --- |
| (FC) | N CA STREAMS, YUBA RIVER BASIN, CA | --- | 50,000 | --- | 50,000 |
| (FDP) | N CA STREAMS, YUBA RIVER BASIN, CA | 325,000 | --- | 325,000 | --- |
| (FC) | NAPA RIVER, CA | --- | 1,600,000 | --- | 1,600,000 |
| (E) | NAPA RIVER, SALT MARSH RESTORATION, CA | 500,000 | --- | 500,000 | --- |
| (E) | NEWPORT BAY HARBOR, CA | 270,000 | --- | 270,000 | --- |
| (FC) | PAJARO RIVER AT WATSONVILLE, CA | --- | 500,000 | --- | 500,000 |
| (N) | PILLAR POINT HARBOR, CA | 225,000 | --- | 225,000 | --- |
| (N) | PORT HUENEME, CA | --- | 250,000 | --- | 250,000 |
| (N) | PORT HUENEME, CA | 40,000 | --- | 40,000 | --- |
| (N) | PORT OF LONG BEACH (DEEPENING), CA | --- | 160,000 | --- | --- |
| | PORT OF STOCKTON, CA | --- | --- | 100,000 | --- |
| (E) | PRADO BASIN WATER SUPPLY, CA | 378,000 | --- | 378,000 | --- |
| (FDP) | RANCHO PALOS VERDES, CA | 79,000 | --- | 79,000 | --- |
| | REDWOOD CITY HARBOR, CA | --- | --- | 100,000 | --- |
| (E) | RUSSIAN RIVER, ECOSYSTEM RESTORATION, CA | 240,000 | --- | 240,000 | --- |
| (SPE) | SACRAMENTO - SAN JOAQUIN DELTA, CA | 750,000 | --- | 750,000 | --- |
| (E) | SACRAMENTO - SAN JOAQUIN DELTA, WESTERN DELTA ISLANDS, | 300,000 | --- | 300,000 | --- |
| (spc) | SACRAMENTO & SAN JOAQUIN RIVERS COMPREHENSIVE STUDY, C | --- | --- | 3,650,000 | --- |
| | SACRAMENTO WATERSHED MANAGEMENT PLAN, CA | --- | --- | 500,000 | --- |
| (FDP) | SAN ANTONIO CREEK, CA | 178,000 | --- | 178,000 | --- |
| (N) | SAN DIEGO HARBOR (DEEPENING), CA | 300,000 | --- | 300,000 | --- |
| | SAN DIEGO HARBOR, NATIONAL CITY MARINE TERMINAL, CA | --- | --- | 100,000 | --- |

CORPS OF ENGINEERS - GENERAL INVESTIGATIONS

| TYPE OF PROJECT | PROJECT TITLE | BUDGET ESTIMATES INVESTIGATIONS | BUDGET ESTIMATES PLANNING | CONFERENCE ALLOWANCE INVESTIGATIONS | CONFERENCE ALLOWANCE PLANNING |
|---|---|---|---|---|---|
| | SAN FRANCISCO BAY, CA | --- | --- | 100,000 | --- |
| | SAN JOAQUIN RIVER BASIN, FARMINGTON DAM, CA | --- | --- | 225,000 | --- |
| (E) | SAN JOAQUIN R BASIN, PINE FLAT DAM, F&WL HABITAT RESTO | 400,000 | --- | 400,000 | --- |
| (FC) | SAN JOAQUIN RIVER BASIN, SOUTH SACRAMENTO COUNTY STREA | --- | 500,000 | --- | 500,000 |
| (FDP) | SAN JOAQUIN RIVER BASIN, SOUTH SACRAMENTO COUNTY STREA | 180,000 | --- | 180,000 | --- |
| (FDP) | SAN JOAQUIN RIVER BASIN, STOCKTON METROPOLITAN AREA, C | 450,000 | --- | 225,000 | --- |
| (FDP) | SAN JOAQUIN RIVER BASIN, TULE RIVER, CA | 250,000 | --- | 250,000 | --- |
| (FDP) | SAN JOAQUIN RIVER BASIN, WEST STANISLAUS COUNTY, CA | 150,000 | --- | 150,000 | --- |
| (E) | SAN JUAN AND ALISO CREEKS WATERSHED MANAGEMENT, CA | 315,000 | --- | 315,000 | --- |
| | SAN PABLO BAY WATERSHED, CA | --- | --- | 100,000 | --- |
| (FDP) | SANTA BARBARA COUNTY STREAMS, LOWER MISSION CREEK, CA. | 380,000 | --- | 380,000 | --- |
| (FDP) | SANTA MARGARITA RIVER AND TRIBUTARIES, CA | 300,000 | --- | 300,000 | --- |
| | SANTA MONICA WATER INFRASTRUCTURE RELIABILITY, CA | --- | --- | 500,000 | --- |
| (N) | SOUTHAMPTON SHOAL CHANNEL AND EXTENSION, CA | 600,000 | --- | 600,000 | --- |
| | SOUTHEAST LOS ANGELES CNTY WATER CONSERVATION & SUPPLY | --- | --- | 500,000 | --- |
| | SOUTHERN CALIFORNIA AQUATIC RESOURCES, CA | --- | --- | 200,000 | --- |
| (E) | TAHOE BASIN, CA & NV | 320,000 | --- | 750,000 | --- |
| | TIJUANA RIVER VALLEY, CA | --- | --- | 100,000 | --- |
| | TOULUMNE RIVER, CA | --- | --- | 100,000 | --- |
| | TWENTYNINE PALMS, CA | --- | --- | 100,000 | --- |
| (FC) | UPPER GUADALUPE RIVER, CA | --- | 750,000 | --- | 750,000 |
| (FDP) | UPPER PENITENCIA CREEK, CA | 475,000 | --- | 475,000 | --- |
| (N) | VENTURA HARBOR SAND BYPASS, CA | 150,000 | --- | 150,000 | --- |
| (FDP) | WHITEWATER RIVER BASIN, CA | 370,000 | --- | 370,000 | --- |
| | VENTURA - SANTA BARBARA COUNTIES SHORE PROTECTION, CA. | --- | --- | 200,000 | --- |
| | COLORADO | | | | |
| | CHATFIELD, CHERRY CREEK AND BEAR CREEK RESERVOIRS, CO. | --- | --- | 100,000 | --- |
| | CONNECTICUT | | | | |
| (E) | COASTAL CONNECTICUT ECOSYSTEM RESTORATION, CT | 100,000 | --- | 100,000 | --- |
| | DELAWARE | | | | |
| (N) | C&D CANAL - BALTIMORE HBR CONN CHANNELS, DE & MD (DEEP | --- | 1,625,000 | --- | 1,625,000 |
| (SP) | DELAWARE BAY COASTLINE, DE & NJ | 150,000 | --- | 150,000 | 306,000 |
| (SP) | DELAWARE COAST FROM CAPE HENLOPEN TO FENWICK ISLAND, D | 293,000 | --- | 293,000 | 300,000 |
| | FLORIDA | | | | |
| (N) | BIG BEND CHANNEL, FL | --- | 80,000 | --- | 80,000 |
| (FDP) | BISCAYNE BAY, FL | 250,000 | --- | 250,000 | --- |
| | BREVARD COUNTY, FL | --- | --- | --- | 154,000 |
| (FC) | CEDAR HAMMOCK (WARES CREEK), FL | --- | 300,000 | --- | 300,000 |
| (N) | CHICOPIT BAY, FL | 100,000 | --- | 100,000 | --- |
| | DADE COUNTY WATER REUSE, FL | --- | --- | 300,000 | --- |
| (N) | FORT PIERCE HARBOR, FL | 250,000 | --- | 250,000 | --- |
| (N) | HILLSBORO INLET, FL | --- | 230,000 | --- | 230,000 |

CORPS OF ENGINEERS - GENERAL INVESTIGATIONS

| TYPE OF PROJECT | PROJECT TITLE | BUDGET ESTIMATES INVESTIGATIONS | BUDGET ESTIMATES PLANNING | CONFERENCE ALLOWANCE INVESTIGATIONS | CONFERENCE ALLOWANCE PLANNING |
|---|---|---|---|---|---|
| (N) | INTRACOASTAL WATERWAY, PALM BEACH COUNTY, FL | --- | 90,000 | --- | 90,000 |
| (N) | JACKSONVILLE HARBOR, FL | --- | 100,000 | --- | 100,000 |
| (N) | JACKSONVILLE HARBOR, FL | 301,000 | --- | 301,000 | --- |
| | LAKE WORTH INLET, FL | --- | --- | --- | 100,000 |
| | LIDO KEY BEACH, FL | --- | --- | 100,000 | --- |
| (BE) | NASSAU COUNTY, FL | --- | 140,000 | --- | 290,000 |
| (N) | PONCE DE LEON INLET, FL | --- | 175,000 | --- | 175,000 |
| (N) | PORT EVERGLADES HARBOR, FL | 325,000 | --- | 325,000 | --- |
| (N) | ST LUCIE INLET, FL | --- | 280,000 | --- | 280,000 |
| | TAMPA HARBOR, ALAFIA RIVER, FL | --- | --- | 270,000 | --- |
| | GEORGIA | | | | |
| | AUGUSTA, GA | --- | --- | 100,000 | --- |
| (N) | BRUNSWICK HARBOR, GA | 93,000 | --- | 93,000 | --- |
| (N) | BRUNSWICK HARBOR, GA | --- | 1,100,000 | --- | 1,100,000 |
| (FDP) | FLINT RIVER BASIN STUDY, GA | 300,000 | --- | 300,000 | --- |
| (N) | LOWER SAVANNAH RIVER, GA & SC | --- | 94,000 | --- | 94,000 |
| (E) | METRO ATLANTA WATERSHED, GA | 400,000 | --- | 400,000 | --- |
| | NEW SAVANNAH BLUFF LOCK AND DAM, GA | --- | --- | 100,000 | --- |
| (N) | SAVANNAH HARBOR EXPANSION, GA | 800,000 | --- | --- | 800,000 |
| (FDP) | SAVANNAH/CHATHAM COUNTY REGIONAL FLOOD CONTROL, GA | 250,000 | --- | 250,000 | --- |
| (SPEC) | SAVANNAH RIVER BASIN COMPREHENSIVE, GA & SC | --- | --- | 300,000 | --- |
| | HAWAII | | | | |
| (N) | BARBERS POINT HARBOR MODIFICATION, OAHU, HI | 333,000 | --- | 333,000 | --- |
| (N) | HONOLULU HARBOR MODIFICATIONS, OAHU, HI | 100,000 | --- | 100,000 | --- |
| (N) | KIKIAOLA SMALL BOAT HARBOR, KAUAI, HI | --- | 267,000 | --- | 267,000 |
| (FDP) | LAULAULEI, HI | --- | --- | 200,000 | --- |
| (FDP) | WAILUPE STREAM FLOOD CONTROL STUDY, OAHU, HI | 227,000 | --- | 227,000 | --- |
| | ILLINOIS | | | | |
| (FDP) | ALEXANDER AND PULASKI COUNTIES, IL | 200,000 | --- | 200,000 | --- |
| (FC) | DES PLAINES RIVER, IL | --- | 400,000 | --- | 400,000 |
| | ILLINOIS RIVER ENVIRONMENTAL RESTORATION, IL | --- | --- | 100,000 | --- |
| (FDP) | KANKAKEE RIVER BASIN, IL & IN | 250,000 | --- | 300,000 | --- |
| (FDP) | MISSISSIPPI RIVER AT QUINCY, IL | 250,000 | --- | 250,000 | --- |
| (FC) | NUTWOOD DRAINAGE AND LEVEE DISTRICT, IL | --- | 395,000 | --- | 395,000 |
| | PEORIA RIVERFRONT DEVELOPMENT, IL | --- | --- | 200,000 | --- |
| (SPE) | UPPER MISS RVR SYSTEM FLD PROFILE STUDY, IL, IA, MN, M | 1,957,000 | --- | 1,957,000 | --- |
| (RCP) | UPPER MISSISSIPPI & ILLINOIS NAV STUDY, IL, IA, MN, MO | 7,700,000 | --- | 7,700,000 | --- |
| | WAUKEGAN HARBOR, IL | --- | --- | 100,000 | --- |
| (FC) | WOOD RIVER D&LD, MADISON COUNTY, IL | --- | 112,000 | --- | 112,000 |
| | WOOD RIVER LEVEE, IL | --- | --- | 100,000 | --- |

CORPS OF ENGINEERS - GENERAL INVESTIGATIONS

| TYPE OF PROJECT | PROJECT TITLE | BUDGET ESTIMATES INVESTIGATIONS | BUDGET ESTIMATES PLANNING | CONFERENCE ALLOWANCE INVESTIGATIONS | CONFERENCE ALLOWANCE PLANNING |
|---|---|---|---|---|---|
| | INDIANA | | | | |
| (FC) | INDIANAPOLIS, WHITE RIVER (NORTH), IN | --- | 458,000 | --- | 458,000 |
| | LITTLE CALUMET RIVER BASIN, CADY MARSH DITCH, IN | --- | --- | --- | 150,000 |
| (FDP) | WABASH RIVER BASIN (MIDDLE REACHES), IN & IL | 56,000 | --- | 56,000 | --- |
| | IOWA | | | | |
| (RCP) | CORALVILLE LAKE, IA | 339,000 | --- | 339,000 | --- |
| (FDP) | DES MOINES AND RACCOON RIVERS, IA | --- | --- | 100,000 | --- |
| | KANSAS | | | | |
| (RCP) | SALINA, KS | 135,000 | --- | 135,000 | --- |
| (RCP) | TOPEKA, KS | 155,000 | --- | 155,000 | --- |
| (FC) | TURKEY CREEK BASIN, KS & MO | --- | 261,000 | --- | 261,000 |
| (FDP) | TURKEY CREEK BASIN, KS & MO | 30,000 | --- | 30,000 | --- |
| (RCP) | WILSON LAKE, KS | 38,000 | --- | 38,000 | --- |
| | KENTUCKY | | | | |
| | AUGUSTA, KY | --- | --- | 100,000 | --- |
| | DOVER, KY | --- | --- | 100,000 | --- |
| | FRANKFORT, KY | --- | --- | 100,000 | --- |
| | GRAYSON LAKE, KY | --- | --- | 50,000 | --- |
| (N) | GREEN AND BARREN RIVERS NAVIGATION DISPOSITION STUDY, | 300,000 | --- | 300,000 | --- |
| (N) | KENTUCKY LOCK, KY | --- | 1,750,000 | --- | --- |
| (FDP) | LEXINGTON, FAYETTE COUNTY, KY | 375,000 | --- | 375,000 | --- |
| (FC) | LICKING RIVER WATERSHED, KY | --- | --- | 500,000 | --- |
| (FC) | METROPOLITAN LOUISVILLE, BEARGRASS CREEK, KY | --- | 525,000 | --- | 525,000 |
| (FDP) | METROPOLITAN LOUISVILLE, MILL CREEK BASIN, KY | 300,000 | --- | 300,000 | --- |
| (FDP) | METROPOLITAN LOUISVILLE, SOUTHWEST, KY | 470,000 | --- | 470,000 | --- |
| (N) | OHIO RIVER MAIN STEM SYSTEMS STUDY, KY, IL, IN, PA, WV | 8,800,000 | --- | 8,800,000 | --- |
| | OLIVE HILL, KY | --- | --- | 100,000 | --- |
| | LOUISIANA | | | | |
| (FDP) | AMITE RIVER - DARLINGTON RESERVOIR, LA | 300,000 | --- | 300,000 | --- |
| (FDP) | BAYOU TIGRE, ERATH, LA | 350,000 | --- | 350,000 | --- |
| (FDP) | BLACK BAYOU DIVERSION, LA | 350,000 | --- | 350,000 | --- |
| (FC) | COMITE RIVER, LA | --- | 265,000 | --- | 265,000 |
| (FC) | EAST BATON ROUGE PARISH, LA | --- | 620,000 | --- | 620,000 |
| (N) | INTRACOASTAL WATERWAY LOCKS, LA | 850,000 | --- | 850,000 | --- |
| (FDP) | JEFFERSON PARISH, LA | 138,000 | --- | 138,000 | --- |
| (FDP) | LAFAYETTE PARISH, LA | 600,000 | --- | 600,000 | --- |
| (N) | MISSISSIPPI RIVER SHIP CHANNEL IMPROVEMENTS, LA | 400,000 | --- | 400,000 | --- |
| (FDP) | ORLEANS PARISH, LA | 350,000 | --- | 350,000 | --- |
| (N) | PORT FOURCHON, LA | --- | 129,000 | --- | 129,000 |
| | WALLACE LAKE, LA | --- | --- | 100,000 | --- |
| (FDP) | WEST SHORE - LAKE PONTCHARTRAIN, LA | 250,000 | --- | 250,000 | --- |

## CORPS OF ENGINEERS - GENERAL INVESTIGATIONS

| TYPE OF PROJECT | PROJECT TITLE | BUDGET ESTIMATES INVESTIGATIONS | BUDGET ESTIMATES PLANNING | CONFERENCE ALLOWANCE INVESTIGATIONS | CONFERENCE ALLOWANCE PLANNING |
|---|---|---|---|---|---|
| | MARYLAND | | | | |
| (FDP) | ANACOSTIA RIVER AND TRIBUTARIES, MD & DC | 600,000 | --- | 600,000 | --- |
| (E) | ANACOSTIA RIVER FEDERAL WATERSHED IMPACT ASSESSMENT, M | 690,000 | --- | 690,000 | --- |
| (N) | BALTIMORE HARBOR ANCHORAGES & CHANNELS, MD & VA | --- | 338,000 | --- | 338,000 |
| (FDP) | BALTIMORE METROPOLITAN WATER RESOURCES STUDY, MD | 415,000 | --- | 415,000 | --- |
| | HAVRE DE GRACE, MD | --- | --- | 100,000 | --- |
| (N) | OCEAN CITY, MD AND VICINITY | 108,000 | --- | 108,000 | --- |
| (FDP) | PATUXENT RIVER WATER RESOURCES, MD | 600,000 | --- | 600,000 | --- |
| (E) | SMITH ISLAND ENVIRONMENTAL RESTORATION, MD | 200,000 | --- | 200,000 | --- |
| | MASSACHUSETTS | | | | |
| (E) | BLACKSTONE RIVER WATERSHED RESTORATION, MA & RI | 350,000 | --- | 350,000 | --- |
| | MICHIGAN | | | | |
| | SAULT STE MARIE, MI | --- | --- | --- | 100,000 |
| | MINNESOTA | | | | |
| (FC) | CROOKSTON, MN | --- | 400,000 | --- | 400,000 |
| | MISSISSIPPI | | | | |
| | PASCAGOULA HARBOR, MS | --- | --- | 100,000 | --- |
| (FC) | PEARL RIVER WATERSHED, MS | --- | 2,640,000 | --- | 100,000 |
| | MISSOURI | | | | |
| | BALLWIN, MO | --- | --- | 100,000 | --- |
| (FC) | BLUE RIVER BASIN, KANSAS CITY, MO | --- | 656,000 | --- | 656,000 |
| (FDP) | CHESTERFIELD, MO | 365,000 | --- | 365,000 | --- |
| (FDP) | FESTUS AND CRYSTAL CITY, MO | 173,000 | --- | 223,000 | --- |
| (RCP) | KANSAS CITY, MO & KS | 100,000 | --- | 400,000 | --- |
| (FDP) | KIMMSWICK, MO | 51,000 | --- | 51,000 | --- |
| (FDP) | LOWER RIVER DES PERES, MO | 57,000 | --- | 107,000 | --- |
| (RCP) | MISSOURI RIVER LEVEE SYSTEM, UNITS L455 & R460-471, MO | 300,000 | --- | 300,000 | --- |
| (RCP) | ST LOUIS FLOOD PROTECTION, MO | 100,000 | --- | 100,000 | --- |
| (N) | ST LOUIS HARBOR, MO & IL | --- | 500,000 | --- | 500,000 |
| (FDP) | SWOPE PARK INDUSTRIAL AREA, KANSAS CITY, MO | 120,000 | --- | 120,000 | --- |

## CORPS OF ENGINEERS - GENERAL INVESTIGATIONS

| TYPE OF PROJECT | PROJECT TITLE | BUDGET ESTIMATES INVESTIGATIONS | BUDGET ESTIMATES PLANNING | CONFERENCE ALLOWANCE INVESTIGATIONS | CONFERENCE ALLOWANCE PLANNING |
|---|---|---|---|---|---|
| | NEBRASKA | | | | |
| (FDP) | ANTELOPE CREEK, LINCOLN, NE | 90,000 | --- | 90,000 | --- |
| (FDP) | LOWER PLATTE RIVER & TRIBUTARIES, NE | 300,000 | --- | 300,000 | --- |
| | NEVADA | | | | |
| (E) | LOWER LAS VEGAS WASH WETLANDS, NV | 200,000 | --- | 200,000 | --- |
| (E) | LOWER TRUCKEE RIVER, PYRAMID LAKE PAIUTE RESERVATION, | --- | 300,000 | --- | 300,000 |
| (E) | LOWER TRUCKEE RIVER, PYRAMID LAKE PAIUTE RESERVATION, | 354,000 | --- | 354,000 | --- |
| (E) | LOWER TRUCKEE RIVER, WASHOE COUNTY, NV | 177,000 | --- | 177,000 | --- |
| (E) | LOWER TRUCKEE RIVER, WASHOE COUNTY, NV | --- | 150,000 | --- | 150,000 |
| (FDP) | NORTH LAS VEGAS, CHANNEL "A", NV | 100,000 | --- | 100,000 | --- |
| (FDP) | TRUCKEE MEADOWS, RENO, NV | 300,000 | --- | --- | 600,000 |
| (E) | WALKER RIVER BASIN, NV | 300,000 | --- | 400,000 | --- |
| | NEW JERSEY | | | | |
| (E) | BARNEGAT BAY, NJ | 450,000 | --- | 450,000 | --- |
| (E) | BARNEGAT INLET TO LITTLE EGG HARBOR INLET, NJ | --- | --- | 400,000 | --- |
| (SP) | BRIGANTINE INLET TO GREAT EGG HARBOR INLET, NJ | 72,000 | --- | 72,000 | 400,000 |
| | GREAT EGG HARBOR INLET TO TOWNSENDS INLET, NJ | --- | --- | 400,000 | --- |
| (SP) | LOWER CAPE MAY MEADOWS - CAPE MAY POINT, NJ | 54,000 | --- | 54,000 | 100,000 |
| | MANASQUAN INLET TO BARNEGAT INLET, NJ | --- | --- | 400,000 | --- |
| (E) | NEW JERSEY INTRACOASTAL WATERWAY, ENV RESTORATION, NJ. | 450,000 | --- | 450,000 | --- |
| (SP) | RARITAN BAY AND SANDY HOOK BAY, NJ | 1,200,000 | --- | 1,500,000 | --- |
| (FDP) | SOUTH RIVER, RARITAN RIVER BASIN, NJ | 510,000 | --- | 510,000 | --- |
| (E) | TOWNSENDS INLET TO CAPE MAY INLET, NJ | --- | --- | --- | 500,000 |
| | UPPER PASSAIC RIVER AND TRIBUTARIES, NJ | --- | --- | 100,000 | --- |
| | UPPER ROCKAWAY RIVER, NJ | --- | --- | 100,000 | --- |
| | NEW MEXICO | | | | |
| (E) | RIO GRANDE ECOSYSTEM RESTORATION, NM & CO | 100,000 | --- | 100,000 | --- |
| | NEW YORK | | | | |
| (RCP) | ADDISON, NY | 350,000 | --- | 350,000 | --- |
| (N) | ARTHUR KILL CHANNEL - HOWLAND HOOK MARINE TERMINAL, NY | --- | 378,000 | --- | 878,000 |
| (SP) | ATLANTIC COAST OF NEW YORK, NY | 1,400,000 | --- | 1,400,000 | --- |
| | AUSABLE RIVER BASIN, NY | --- | --- | 100,000 | --- |
| | BOQUET RIVER BASIN AND TRIBUTARIES, NY | --- | --- | 100,000 | --- |
| (E) | CHEMUNG RIVER BASIN ENVIRONMENTAL RESTORATION, NY & PA | 200,000 | --- | 200,000 | --- |
| | FLUSHING BAY AND CREEK, NY | --- | --- | 100,000 | --- |
| (N) | HUDSON RIVER HABITAT RESTORATION, NY | 250,000 | --- | 250,000 | --- |
| (SP) | JAMAICA BAY, MARINE PARK AND PLUMB BEACH, NY | 400,000 | --- | 400,000 | --- |
| | LINDENHURST, NY | --- | --- | 100,000 | --- |
| | MONTAUK POINT, NY | --- | --- | 200,000 | --- |
| (N) | NEW YORK AND NEW JERSEY HARBOR, NY & NJ | 1,250,000 | --- | 1,250,000 | --- |
| | NEW YORK HARBOR ANCHORAGES, NY | --- | --- | 100,000 | --- |

## CORPS OF ENGINEERS - GENERAL INVESTIGATIONS

| TYPE OF PROJECT | PROJECT TITLE | BUDGET ESTIMATES | | CONFERENCE ALLOWANCE | |
|---|---|---|---|---|---|
| | | INVESTIGATIONS | PLANNING | INVESTIGATIONS | PLANNING |
| (SPE) | ONONDAGA LAKE, NY | 115,000 | --- | 115,000 | --- |
| (BE) | ORCHARD BEACH, BRONX, NY | --- | --- | 300,000 | --- |
| (E) | SOUTH SHORE OF LONG ISLAND, NY | 150,000 | --- | 150,000 | --- |
| (FDP) | SUSQUEHANNA RIVER BASIN WATER MANAGEMENT, NY, PA & MD. | 300,000 | --- | 300,000 | --- |
| (FDP) | UPPER DELAWARE RIVER WATERSHED, NY | 451,000 | --- | 451,000 | --- |
| (FDP) | UPPER SUSQUEHANNA RIVER BASIN ENVIRON RESTORATION, NY. | 200,000 | --- | 200,000 | --- |
| | NORTH CAROLINA | | | | |
| (FC) | BRUNSWICK COUNTY BEACHES, NC | --- | 1,000,000 | --- | 1,000,000 |
| (N) | CAPE FEAR - NORTHEAST (CAPE FEAR) RIVER, NC | --- | 330,000 | --- | --- |
| (SP) | DARE COUNTY BEACHES, NC | 450,000 | --- | 450,000 | --- |
| | LOCKWOODS FOLLY INLET, NC | --- | --- | 100,000 | --- |
| (N) | WILMINGTON HARBOR - NORTHEAST CAPE FEAR RIVER, NC | --- | 100,000 | --- | --- |
| | NORTH DAKOTA | | | | |
| (SPE) | DEVILS LAKE, ND | 1,100,000 | --- | 1,100,000 | --- |
| (FDP) | GRAND FORKS, ND | 128,000 | --- | 128,000 | --- |
| (FC) | GRAND FORKS / EAST GRAND FORKS, ND & MN | --- | 178,000 | --- | 2,678,000 |
| | OHIO | | | | |
| | BELPRE, OH | --- | --- | 150,000 | --- |
| (E) | GREAT MIAMI RIVER, OXBOW AREA, OH | 100,000 | --- | 100,000 | --- |
| (N) | MAUMEE RIVER, OH | 100,000 | --- | 100,000 | --- |
| | OHIO RIVER RIVERFRONT RESTORATION, OH | --- | --- | 100,000 | --- |
| | OREGON | | | | |
| (N) | COLUMBIA RIVER NAVIGATION CHANNEL DEEPENING, OR & WA.. | 724,000 | --- | 724,000 | --- |
| (E) | COLUMBIA SLOUGH, OR | 150,000 | --- | 150,000 | --- |
| (E) | WALLA WALLA RIVER WATERSHED, OR & WA | 217,000 | --- | 217,000 | --- |
| (COM) | WILLAMETTE RIVER BASIN REVIEW, OR | 420,000 | --- | 420,000 | --- |
| (E) | WILLAMETTE RIVER FLOODPLAIN RESTORATION, OR | 100,000 | --- | 100,000 | --- |
| (MP) | WILLAMETTE RIVER TEMPERATURE CONTROL, OR | --- | 520,000 | --- | 700,000 |
| | TILLAMOOK BAY & ESTUARY, OR | --- | --- | 100,000 | --- |
| | PENNSYLVANIA | | | | |
| | BEAVER RIVER, PA | --- | --- | --- | 375,000 |
| | BLOOMSBURG, PA | --- | --- | 100,000 | --- |
| (E) | CONEMAUGH RVR BASIN, NANTY GLO ENVIRONMENTAL RESTORATI | --- | 90,000 | --- | 90,000 |
| (E) | LOWER WEST BR SUSQUEHANNA RIVER BASIN ENVIR RESTORATIO | 200,000 | --- | 500,000 | --- |
| (FDP) | MILTON, PA | 500,000 | --- | 500,000 | --- |
| | SUNBURY, PA | --- | --- | 100,000 | --- |
| | SUSQUEHANNA RIVER LEVEES, PA | --- | --- | 500,000 | --- |
| (E) | TIOGA RIVER WATERSHED, PA | 200,000 | --- | 200,000 | --- |
| (FC) | UPPER TURTLE CREEK, PA | --- | --- | 300,000 | --- |
| (RCP) | YOUGHIOGHENY RIVER LAKE, STORAGE REALLOCATION, PA & MD | 125,000 | --- | 125,000 | --- |

## CORPS OF ENGINEERS - GENERAL INVESTIGATIONS

| TYPE OF PROJECT | PROJECT TITLE | BUDGET ESTIMATES INVESTIGATIONS | BUDGET ESTIMATES PLANNING | CONFERENCE ALLOWANCE INVESTIGATIONS | CONFERENCE ALLOWANCE PLANNING |
|---|---|---|---|---|---|
| | PUERTO RICO | | | | |
| (FC) | ARECIBO RIVER, PR | --- | 665,000 | --- | 665,000 |
| (FC) | RIO GUANAJIBO, PR | --- | 700,000 | --- | 700,000 |
| (FC) | RIO NIGUA AT SALINAS, PR | --- | 267,000 | --- | 267,000 |
| | RHODE ISLAND | | | | |
| (E) | RHODE ISLAND SOUTH COAST, HABITAT REST & SRTM DMG REDU | 200,000 | --- | 200,000 | --- |
| | PROVIDENCE, RI (FOX PT. HURRICANE BARRIER) | --- | --- | 250,000 | --- |
| | SOUTH CAROLINA | | | | |
| (RCP) | ATLANTIC INTRACOASTAL WATERWAY, SC | 500,000 | --- | 500,000 | --- |
| (E) | CHARLESTON ESTUARY, SC | 100,000 | --- | 100,000 | --- |
| (N) | CHARLESTON HARBOR, SC (DEEPENING & WIDENING) | --- | 200,000 | --- | --- |
| | PAWLEYS ISLAND, SC | --- | --- | 100,000 | --- |
| (N) | SANTEE, COOPER, CONGAREE RIVERS, SC | 300,000 | --- | 300,000 | --- |
| (E) | YADKIN-PEE DEE RIVER WATERSHED, SC & NC | 300,000 | --- | 300,000 | --- |
| | TENNESSEE | | | | |
| (FC) | EAST RIDGE, HAMILTON CO, TN | --- | 300,000 | --- | 300,000 |
| (FC) | METRO CENTER LEVEE, DAVIDSON CO, TN | --- | 150,000 | --- | 150,000 |
| | NOLICHUCKY WATERSHED, TN | --- | --- | 100,000 | --- |
| | NORTH CHICKAMAUGA CREEK WATERSHED, TN | --- | --- | 100,000 | --- |
| | TEXAS | | | | |
| (FDP) | ALPINE, TX | 300,000 | --- | --- | --- |
| (FC) | BRAYS BAYOU, HOUSTON, TX | --- | 1,830,000 | --- | --- |
| (N) | CORPUS CHRISTI SHIP CHANNEL, TX | 800,000 | --- | 800,000 | --- |
| (FC) | CYPRESS CREEK, HOUSTON, TX | --- | 937,000 | --- | 937,000 |
| (E) | CYPRESS VALLEY WATERSHED, TX | 220,000 | --- | 220,000 | --- |
| (FC) | DALLAS FLOODWAY EXTENSION, TRINITY RIVER, TX | --- | 940,000 | --- | 940,000 |
| (FC) | FORT WORTH SUMPS, 14 & 15, UPPER TRINITY RIVER BASIN, | --- | 70,000 | --- | 70,000 |
| (N) | GIWW - ARANSAS NATIONAL WILDLIFE REFUGE, TX | --- | 324,000 | --- | 324,000 |
| (RCP) | GIWW - BRAZOS RIVER TO PORT O'CONNOR, TX | 220,000 | --- | 220,000 | --- |
| (RDP) | GIWW - HIGH ISLAND TO BRAZOS RIVER, TX | 1,000,000 | --- | 1,000,000 | --- |
| (RCP) | GIWW - PORT O'CONNOR TO CORPUS CHRISTI BAY, TX | 170,000 | --- | 170,000 | --- |
| (FC) | GRAHAM, TX (BRAZOS RIVER BASIN) | --- | 105,000 | --- | 105,000 |
| (FC) | GREENS BAYOU, HOUSTON, TX | --- | 1,000,000 | --- | 1,000,000 |
| | HUNTING BAYOU, TX | --- | --- | --- | 500,000 |
| | MIDDLE BRAZOS RIVER, TX | --- | --- | 510,000 | --- |
| (N) | NECHES RIVER & TRIBUTARIES SALTWATER BARRIER, TX | --- | 400,000 | --- | 500,000 |
| (FDP) | NORTHWEST EL PASO, TX | 130,000 | --- | 130,000 | --- |
| (FDP) | PECAN BAYOU, BROWNWOOD, TX | 179,000 | --- | 179,000 | --- |
| (E) | PLAINVIEW, BRAZOS RIVER BASIN, TX | 211,000 | --- | 211,000 | --- |
| | PACKERY CHANNEL, CORPUS CHRISTI BAY, TX | --- | --- | 100,000 | --- |

## CORPS OF ENGINEERS - GENERAL INVESTIGATIONS

| TYPE OF PROJECT | PROJECT TITLE | BUDGET ESTIMATES | | CONFERENCE ALLOWANCE | |
|---|---|---|---|---|---|
| | | INVESTIGATIONS | PLANNING | INVESTIGATIONS | PLANNING |
| (FC) | RAYMONDVILLE DRAIN, TX | --- | 370,000 | --- | 370,000 |
| | SABINE - NECHES WATERWAY, TX | --- | --- | 100,000 | --- |
| (FC) | SOUTH MAIN CHANNEL, TX | --- | 1,000,000 | --- | 1,000,000 |
| (FDP) | UPPER TRINITY RIVER BASIN, TX | 1,200,000 | --- | 1,200,000 | --- |
| | WHITE OAK BAYOU, TX | --- | --- | 150,000 | --- |
| | UTAH | | | | |
| (FDP) | PROVO AND VICINITY, UT | 350,000 | --- | 350,000 | --- |
| (E) | UPPER JORDAN RIVER RESTORATION, UT | 150,000 | --- | 150,000 | --- |
| | VIRGIN ISLANDS | | | | |
| (N) | CROWN BAY CHANNEL, VI | --- | 270,000 | --- | 270,000 |
| | VERMONT | | | | |
| | SUMERSET & SEARSBORG DAMS, DEERFIELD RIVER, VT | --- | --- | 100,000 | --- |
| | VIRGINIA | | | | |
| (N) | AIWW BRIDGE REPLACEMENT, DEEP CREEK, VA | 100,000 | --- | 100,000 | --- |
| (SPE) | ELIZABETH RIVER BASIN, ENVIR RESTORATION, HAMPTON ROAD | 200,000 | --- | 200,000 | --- |
| | JAMES RIVER, VA | --- | --- | 100,000 | --- |
| | JOHN W FLANNAGAN DAM AND RESERVOIR, VA | --- | --- | 100,000 | --- |
| | LAKE MERRIWEATHER, VA | --- | --- | 300,000 | --- |
| (E) | LOWER POTOMAC ESTUARY WATERSHED, VA & MD | 200,000 | --- | 200,000 | --- |
| (SPE) | NANSEMOND RIVER BASIN, VA | 250,000 | --- | 250,000 | --- |
| | NORFOLK HARBOR AND CHANNELS, CRANEY ISLAND, VA | --- | --- | 100,000 | --- |
| | RAPPAHANNOCK RIVER, VA (EMBREY DAM REMOVAL) | --- | --- | 100,000 | --- |
| | POWELL RIVER WATERSHED, VA | --- | --- | 200,000 | --- |
| | PRINCE WILLIAM COUNTY WATERSHED, VA | --- | --- | 100,000 | --- |
| | WASHINGTON | | | | |
| (N) | BLAIR WATERWAY NAVIGATION STUDY, TACOMA HARBOR, WA | 600,000 | --- | 600,000 | --- |
| (SPE) | CHIEF JOSEPH POOL RAISE, WA | 100,000 | --- | 100,000 | --- |
| (E) | DUWAMISH AND GREEN RIVER, WA | 252,000 | --- | 252,000 | --- |
| (FC) | HOWARD HANSON DAM, WA | --- | 460,000 | --- | 460,000 |
| (RCP) | HOWARD HANSON DAM, WA | 56,000 | --- | 56,000 | --- |
| (RCP) | LAKE WASHINGTON SHIP CANAL, WA | 100,000 | --- | 100,000 | --- |
| (N) | PUGET SOUND CONFINED DISPOSAL SITES, WA | 386,000 | --- | 386,000 | --- |
| (FDP) | SKAGIT RIVER, WA | 400,000 | --- | 400,000 | --- |
| (E) | STILLAGUAMISH RIVER, WA | 100,000 | --- | 100,000 | --- |
| | WEST VIRGINIA | | | | |
| (SPE) | CHEAT RIVER BASIN, WV | 200,000 | --- | 200,000 | --- |
| (N) | KANAWHA RIVER NAVIGATION, WV | 121,000 | --- | 121,000 | --- |
| (N) | LONDON LOCKS AND DAM, WV | --- | 672,000 | --- | 1,000,000 |

CORPS OF ENGINEERS - GENERAL INVESTIGATIONS

| TYPE OF PROJECT | PROJECT TITLE | BUDGET ESTIMATES INVESTIGATIONS | BUDGET ESTIMATES PLANNING | CONFERENCE ALLOWANCE INVESTIGATIONS | CONFERENCE ALLOWANCE PLANNING |
|---|---|---|---|---|---|
| (N) | MARMET LOCKS AND DAM, WV | --- | 830,000 | --- | --- |
| | MONONGAHELA RIVER, FAIRMONT, WV | --- | --- | --- | 350,000 |
| (FDP) | NORTH BRANCH POTOMAC RIVER ENVIRON RESTORATION, WV, MD | 553,000 | --- | 553,000 | --- |
| (E) | TYGART THREE BASIN ENVIRONMENTAL RESTORATION, WV | 200,000 | --- | 200,000 | --- |
| (E) | TYGART VALLEY R B, GRASSY RUN ENVIRONMENTAL RESTORATIO | 100,000 | --- | 100,000 | --- |
| | UPPER MONONGAHELA RIVER, WV | --- | --- | 100,000 | --- |
| | WEST VIRGINA STATEWIDE FLOOD PROTEC PLAN | --- | --- | 400,000 | --- |
| | WYOMING | | | | |
| (E) | JACKSON HOLE RESTORATION, WY | 200,000 | --- | 200,000 | --- |
| | MISCELLANEOUS | | | | |
| | AUTOMATED INFORMATION SYSTEM SUPPORT | 650,000 | --- | 650,000 | --- |
| | COASTAL FIELD DATA COLLECTION | 1,500,000 | --- | 1,500,000 | --- |
| | COORDINATION STUDIES WITH OTHER AGENCIES | 11,690,000 | --- | 8,500,000 | --- |
| | ENVIRONMENTAL DATA STUDIES | 100,000 | --- | 100,000 | --- |
| | FLOOD DAMAGE DATA | 400,000 | --- | 400,000 | --- |
| | GREAT LAKES REMEDIAL ACTION PROGRAM (SEC. 401) | --- | --- | 500,000 | --- |
| | FLOOD PLAIN MANAGEMENT SERVICES | 9,000,000 | --- | 9,000,000 | --- |
| | HYDROLOGIC STUDIES | 500,000 | --- | 500,000 | --- |
| | INTERNATIONAL WATER STUDIES | 340,000 | --- | 340,000 | --- |
| | NATIONAL DREDGING NEEDS STUDY OF PORTS AND HARBORS | 671,000 | --- | 671,000 | --- |
| | PRECIPITATION STUDIES (NATIONAL WEATHER SERVICE) | 400,000 | --- | 400,000 | --- |
| | REMOTE SENSING/GEOGRAPHIC INFORMATION SYSTEM SUPPORT | 420,000 | --- | 420,000 | --- |
| | RESEARCH AND DEVELOPMENT | 37,000,000 | --- | 32,000,000 | --- |
| | SCIENTIFIC AND TECHNICAL INFORMATION CENTERS | 130,000 | --- | 130,000 | --- |
| | STREAM GAGING (U.S. GEOLOGICAL SURVEY) | 800,000 | --- | 800,000 | --- |
| | TRANSPORTATION SYSTEMS | 800,000 | --- | 800,000 | --- |
| | REDUCTION FOR ANTICIPATED SAVINGS AND SLIPPAGE | -26,006,000 | --- | -34,006,000 | --- |
| | TOTAL, GENERAL INVESTIGATIONS | 113,898,000 | 36,102,000 | 118,588,000 | 38,216,000 |

## CORPS OF ENGINEERS - CONSTRUCTION, GENERAL

| TYPE OF PROJECT | PROJECT TITLE | BUDGET ESTIMATE | CONFERENCE ALLOWANCE |
|---|---|---|---|
| | ALABAMA | | |
| (N) | BLACK WARRIOR AND TOMBIGBEE RIVERS, VICINITY OF JACKSO | 500,000 | 600,000 |
| (N) | TENNESSEE - TOMBIGBEE WATERWAY WILDLIFE MITIGATION, AL | 3,440,000 | 3,440,000 |
| (MP) | WALTER F GEORGE LOCK AND DAM, AL & GA (MAJOR REHAB) | 2,800,000 | 2,800,000 |
| | ALASKA | | |
| | CHIGNIK HARBOR, AK | --- | 4,500,000 |
| (N) | COOK INLET, AK | --- | 3,945,000 |
| (N) | DILLINGHAM, AK (SHORELINE EROSION) | --- | 1,200,000 |
| (N) | KAKE HARBOR, AK | 3,600,000 | 3,600,000 |
| (N) | ST. PAUL HARBOR, AK | --- | 6,638,000 |
| | ARIZONA | | |
| (FC) | CLIFTON, AZ | 2,300,000 | 2,300,000 |
| | RILLITO RIVER, AZ | --- | 4,000,000 |
| | ARKANSAS | | |
| (FC) | ARKANSAS RIVER, TUCKER CREEK, AR | --- | 300,000 |
| (MP) | DARDANELLE LOCK AND DAM POWERHOUSE, AR (MAJOR REHAB) | 3,000,000 | 3,000,000 |
| (N) | MCCLELLAN - KERR ARKANSAS RIVER NAVIGATION SYSTEM, AR. | 2,000,000 | 2,000,000 |
| (N) | MONTGOMERY POINT LOCK & DAM, AR | 10,000,000 | 20,000,000 |
| | CALIFORNIA | | |
| (FC) | AMERICAN RIVER WATERSHED, CA | 9,400,000 | 9,400,000 |
| | AMERICAN RIVER WATERSHED (NATOMAS), CA | --- | 10,100,000 |
| (FC) | CORTE MADERA CREEK, CA | 500,000 | 500,000 |
| (FC) | COYOTE AND BERRYESSA CREEKS, CA | 1,000,000 | 1,000,000 |
| | CRESCENT CITY HARBOR, CA | --- | 500,000 |
| (FC) | GUADALUPE RIVER, CA | 19,000,000 | 19,000,000 |
| (N) | HUMBOLDT HARBOR AND BAY, CA | 6,000,000 | 6,000,000 |
| (FC) | LOS ANGELES COUNTY DRAINAGE AREA, CA | 11,700,000 | 20,700,000 |
| (N) | LOS ANGELES HARBOR, CA | 16,100,000 | 26,100,000 |
| (FC) | LOWER SACRAMENTO AREA LEVEE RECONSTRUCTION, CA | 300,000 | 2,000,000 |
| (FC) | MARYSVILLE/YUBA CITY LEVEE RECONSTRUCTION, CA | 7,300,000 | 9,300,000 |
| (FC) | MERCED COUNTY STREAMS, CA | 1,100,000 | 5,100,000 |
| (FC) | MID-VALLEY AREA LEVEE RECONSTRUCTION, CA | 3,100,000 | 5,600,000 |
| | NORCO BLUFFS, CA | --- | 1,000,000 |
| (N) | OAKLAND HARBOR, CA | 8,935,000 | 8,935,000 |
| | PORT OF LONG BEACH, CA | --- | 6,000,000 |
| (N) | RICHMOND HARBOR, CA | 8,620,000 | 8,620,000 |
| (FC) | SACRAMENTO RIVER BANK PROTECTION PROJECT, CA | 5,500,000 | 5,500,000 |
| (FC) | SACRAMENTO RIVER, GLENN-COLUSA IRRIGATION DISTRICT, CA | 600,000 | 600,000 |
| | SAN FRANCISCO BAY TO STOCKTON, CA | --- | 250,000 |
| (FC) | SAN LORENZO RIVER, CA | 4,200,000 | 4,200,000 |
| (FC) | SAN LUIS REY RIVER, CA | 5,400,000 | 5,400,000 |

## CORPS OF ENGINEERS - CONSTRUCTION, GENERAL

| TYPE OF PROJECT | PROJECT TITLE | BUDGET ESTIMATE | CONFERENCE ALLOWANCE |
|---|---|---|---|
| (FC) | SANTA ANA RIVER MAINSTEM, CA | 52,900,000 | 52,900,000 |
| | SANTA MONICA BREAKWATER, CA | --- | 1,500,000 |
| (FC) | SANTA PAULA CREEK, CA | 4,000,000 | 4,000,000 |
| | SILVER STRAND SHORELINE, IMPERIAL BEACH, CA | --- | 500,000 |
| (FC) | UPPER SACRAMENTO AREA LEVEE RECONSTRUCTION, CA | 200,000 | 2,750,000 |
| (FC) | WEST SACRAMENTO, CA | 7,500,000 | 7,500,000 |
| | COLORADO | | |
| (FC) | ALAMOSA, CO | 3,298,000 | 3,298,000 |
| | DELAWARE | | |
| (BE) | DELAWARE COAST PROTECTION, DE | 224,000 | 224,000 |
| | FLORIDA | | |
| | BROWARD COUNTY, FL | --- | 100,000 |
| (N) | CANAVERAL HARBOR, FL | 2,500,000 | 6,000,000 |
| | CANAVERAL HARBOR DEEPENING, FL | --- | 1,140,000 |
| (FC) | CENTRAL AND SOUTHERN FLORIDA, FL | 27,400,000 | 27,400,000 |
| (BE) | DADE COUNTY, FL | 8,185,000 | 9,400,000 |
| (BE) | DUVAL COUNTY, FL | 278,000 | 278,000 |
| (FC) | EVERGLADES AND SOUTH FLORIDA ECOSYSTEM RESTORATION, FL | 10,000,000 | 10,000,000 |
| | FORT PIERCE BEACH, FL | --- | 2,261,000 |
| (FC) | FOUR RIVER BASINS, FL | 693,000 | 693,000 |
| (MP) | JIM WOODRUFF LOCK AND DAM POWERHOUSE, FL & GA (MAJOR R | 6,000,000 | 6,000,000 |
| (E) | KISSIMMEE RIVER, FL | 3,000,000 | 3,000,000 |
| | LEE COUNTY, FL | --- | 300,000 |
| (BE) | MANATEE COUNTY, FL | 206,000 | 206,000 |
| (N) | MANATEE HARBOR, FL | 1,872,000 | 1,872,000 |
| (BE) | MARTIN COUNTY, FL | 99,000 | 99,000 |
| (N) | MIAMI HARBOR CHANNEL, FL | 2,889,000 | 5,889,000 |
| (BE) | PALM BEACH COUNTY, FL (REIMBURSEMENT) | 202,000 | 3,500,000 |
| | PALM VALLEY BRIDGE, FL | --- | 480,000 |
| | PANAMA CITY BEACHES, FL | --- | 5,000,000 |
| (BE) | PINELLAS COUNTY, FL | 4,586,000 | 12,586,000 |
| (BE) | SARASOTA COUNTY, FL | 500,000 | 500,000 |
| | ST JOHNS COUNTY, FL | --- | 300,000 |
| | GEORGIA | | |
| (MP) | BUFORD POWERHOUSE, GA (MAJOR REHAB) | 900,000 | 900,000 |
| (MP) | HARTWELL LAKE POWERHOUSE, GA & SC (MAJOR REHAB) | 7,000,000 | 7,000,000 |
| (MP) | RICHARD B RUSSELL DAM AND LAKE, GA & SC | 4,000,000 | 4,000,000 |
| (MP) | THURMOND LAKE POWERHOUSE, GA & SC (MAJOR REHAB) | 11,000,000 | 11,000,000 |
| | TYBEE ISLAND, GA | --- | 2,000,000 |

## CORPS OF ENGINEERS - CONSTRUCTION, GENERAL

| TYPE OF PROJECT | PROJECT TITLE | BUDGET ESTIMATE | CONFERENCE ALLOWANCE |
|---|---|---|---|
| | HAWAII | | |
| (FC) | IAO STREAM FLOOD CONTROL, MAUI, HI (DEF CORR)......... | 275,000 | 275,000 |
| (N) | MAALAEA HARBOR, MAUI, HI.............................. | 691,000 | 691,000 |
| | ILLINOIS | | |
| (FC) | ALTON TO GALE ORGANIZED LEVEE DISTRICT, IL & MO (DEF C | 575,000 | 575,000 |
| (BE) | CHICAGO SHORELINE, IL................................. | 10,000,000 | 10,000,000 |
| | CHICAGO SANITARY AND SHIP CANAL DISPERSAL BARRIER, IL. | --- | 500,000 |
| | DES PLAINES RIVER WETLANDS DEMONSTRATION PROJECT, IL.. | --- | 1,000,000 |
| (FC) | EAST ST LOUIS, IL..................................... | 2,800,000 | 2,800,000 |
| | EAST ST LOUIS AND VICINITY (INTERIOR FLOOD CONTROL), I | --- | 300,000 |
| (N) | LOCK AND DAM 24, MISSISSIPPI RIVER, IL & MO (MAJOR REH | 4,370,000 | 5,370,000 |
| (N) | LOCK AND DAM 25, MISSISSIPPI RIVER, IL & MO (MAJOR REH | 4,230,000 | 4,230,000 |
| (FC) | LOVES PARK, IL........................................ | 500,000 | 500,000 |
| (N) | MELVIN PRICE LOCK AND DAM, IL & MO.................... | 1,900,000 | 1,900,000 |
| | NORTH BRANCH CHICAGO RIVER, IL........................ | --- | 539,000 |
| | O'HARE RESERVOIR, IL.................................. | --- | 2,100,000 |
| (N) | OLMSTED LOCKS AND DAM, IL & KY........................ | 98,440,000 | 98,440,000 |
| (FC) | REND LAKE, IL (DEF CORR).............................. | 5,262,000 | 5,262,000 |
| (N) | UPPER MISS RVR SYSTEM ENV MGMT PROGRAM, IL, IA, MO, MN | 14,000,000 | 16,000,000 |
| | INDIANA | | |
| (N) | BURNS WATERWAY HARBOR, IN (MAJOR REHAB)............... | 3,000,000 | 4,400,000 |
| (FC) | FORT WAYNE METROPOLITAN AREA, IN...................... | 5,300,000 | 5,800,000 |
| | INDIANA SHORELINE EROSION, IN......................... | --- | 3,000,000 |
| | INDIANAPOLIS CENTRAL WATERFRONT, IN................... | --- | 5,000,000 |
| | LAKE GEORGE, HOBART, IN............................... | --- | 3,500,000 |
| (FC) | LITTLE CALUMET RIVER, IN.............................. | 5,300,000 | 5,300,000 |
| | OHIO RIVER FLOOD PROTECTION, IN....................... | --- | 1,300,000 |
| | WABASH RIVER, NEW HARMONY, IN......................... | --- | 500,000 |
| | IOWA | | |
| (N) | LOCK AND DAM 14, MISSISSIPPI RIVER, IA (MAJOR REHAB).. | 6,600,000 | 6,600,000 |
| (N) | MISSOURI RIVER FISH AND WILDLIFE MITIGATION, IA, NE, K | 3,895,000 | 3,895,000 |
| (FC) | MISSOURI RIVER LEVEE SYSTEM, IA, NE, KS & MO.......... | 1,000,000 | 1,000,000 |
| (FC) | MUSCATINE ISLAND, IA.................................. | 2,000,000 | 2,000,000 |
| (FC) | PERRY CREEK, IA....................................... | 8,255,000 | 8,255,000 |
| | KANSAS | | |
| (FC) | ARKANSAS CITY, KS..................................... | 2,000,000 | 2,000,000 |
| (FC) | WINFIELD, KS.......................................... | 2,000,000 | 2,000,000 |

## CORPS OF ENGINEERS - CONSTRUCTION, GENERAL

| TYPE OF PROJECT | PROJECT TITLE | BUDGET ESTIMATE | CONFERENCE ALLOWANCE |
|---|---|---|---|
| | **KENTUCKY** | | |
| (MP) | BARKLEY DAM AND LAKE BARKLEY, KY & TN | 3,500,000 | 3,500,000 |
| (FC) | DEWEY LAKE, KY (DAM SAFETY) | 250,000 | 250,000 |
| | KENTUCKY LOCK AND DAM, KY | --- | 4,000,000 |
| (N) | MCALPINE LOCKS & DAMS, KY & IN | 1,720,000 | 6,720,000 |
| (FC) | METROPOLITAN LOUISVILLE, POND CREEK, KY | 1,800,000 | 1,800,000 |
| | SALYERSVILLE, KY | --- | 2,050,000 |
| | SOUTHERN AND EASTERN KENTUCKY, KY | --- | 3,000,000 |
| | **LOUISIANA** | | |
| (FC) | ALOHA - RIGOLETTE, LA | 1,510,000 | 1,510,000 |
| | GRAND ISLE AND VICINITY, LA | --- | 1,000,000 |
| (FC) | LAKE PONTCHARTRAIN AND VICINITY, LA (HURRICANE PROTECT | 6,448,000 | 22,920,000 |
| | LAKE PONTCHARTRAIN STORMWATER DISCHARGE, LA | --- | 3,000,000 |
| (FC) | LAROSE TO GOLDEN MEADOW, LA (HURRICANE PROTECTION) | 541,000 | 541,000 |
| (N) | MISSISSIPPI RIVER - GULF OUTLET, LA | 2,018,000 | 2,018,000 |
| (N) | MISSISSIPPI RIVER SHIP CHANNEL, GULF TO BATON ROUGE, L | 1,793,000 | 2,593,000 |
| (FC) | NEW ORLEANS TO VENICE, LA (HURRICANE PROTECTION) | 1,700,000 | 1,700,000 |
| | RED RIVER BELOW DENISON DAM (TWELVEMILE BAYOU), LA | --- | 1,000,000 |
| (N) | RED RIVER WATERWAY, MISSISSIPPI RIVER TO SHREVEPORT, L | 9,990,000 | 16,490,000 |
| (FC) | SOUTHEAST LOUISIANA, LA | 6,440,000 | 47,000,000 |
| (FC) | WEST BANK - EAST OF HARVEY CANAL, LA (HURRICANE PROTEC | 2,385,000 | 2,385,000 |
| (FC) | WESTWEGO TO HARVEY CANAL, LA (HURRICANE PROTECTION) | 4,300,000 | 5,041,000 |
| | **MARYLAND** | | |
| (FC) | ANACOSTIA RIVER AND TRIBUTARIES, MD & DC | 4,400,000 | 4,400,000 |
| (BE) | ATLANTIC COAST OF MARYLAND, MD | 1,797,000 | 1,797,000 |
| | CHESAPEAKE BAY ENVIRON. RESTORATION & PROT. PROG., MD. | --- | 1,000,000 |
| (E) | CHESAPEAKE BAY OYSTER RECOVERY, MD | 542,000 | 542,000 |
| (SPEC) | CUMBERLAND, MD (SEC. 535 WRDA 96) | --- | 375,000 |
| (E) | POPLAR ISLAND, MD | 30,621,000 | 25,621,000 |
| | **MASSACHUSETTS** | | |
| (N) | BOSTON HARBOR, MA | 3,920,000 | 6,000,000 |
| (FC) | HODGES VILLAGE DAM, MA (MAJOR REHAB) | 7,900,000 | 7,900,000 |
| (FC) | ROUGHANS POINT, REVERE, MA | 1,880,000 | 1,880,000 |
| (FC) | TOWN BROOK, QUINCY AND BRAINTREE, MA | 700,000 | 700,000 |
| | **MONTANA** | | |
| | NORTH FORK, FLATHEAD RIVER, MT. (SEC 584 MONITORING STATION) | --- | 50,000 |

## CORPS OF ENGINEERS - CONSTRUCTION, GENERAL

| TYPE OF PROJECT | PROJECT TITLE | BUDGET ESTIMATE | CONFERENCE ALLOWANCE |
|---|---|---|---|
| | **MINNESOTA** | | |
| | KNIFE RIVER HARBOR, MN | --- | 150,000 |
| (FDP) | ST. CROIX RIVER, STILLWATER, MN | --- | 1,000,000 |
| (N) | LOCK AND DAM 3, MISSISSIPPI RIVER, MN (MAJOR REHAB) | 800,000 | 800,000 |
| (FC) | MARSHALL, MN | 500,000 | 500,000 |
| (N) | PINE RIVER DAM, CROSS LAKE, MN (DAM SAFETY) | 300,000 | 300,000 |
| | **MISSISSIPPI** | | |
| (FDP) | JACKSON COUNTY, MS | --- | 3,000,000 |
| (FDP) | NATCHEZ BLUFF, MS | --- | 4,000,000 |
| (FDP) | PEARL RIVER VICINITY OF WALKIAK BLUFF, MS | --- | 2,000,000 |
| | PASCAGOULA HARBOR, MS | --- | 800,000 |
| | **MISSOURI** | | |
| (FC) | BLUE RIVER CHANNEL, KANSAS CITY, MO | 17,900,000 | 17,900,000 |
| (FC) | CAPE GIRARDEAU - JACKSON, MO | 1,800,000 | 1,800,000 |
| (FC) | MERAMEC RIVER BASIN, VALLEY PARK LEVEE, MO | 2,347,000 | 2,347,000 |
| (N) | MISS RIVER BTWN THE OHIO AND MO RIVERS (REG WORKS), MO | 3,446,000 | 3,446,000 |
| (FC) | ST GENEVIEVE, MO | 4,145,000 | 5,145,000 |
| (MP) | TABLE ROCK LAKE, MO & AR (DAM SAFETY) | 800,000 | 800,000 |
| | **NEBRASKA** | | |
| (FC) | MISSOURI NATIONAL RECREATIONAL RIVER, NE & SD | 150,000 | 150,000 |
| (FC) | WOOD RIVER, GRAND ISLAND, NE | 500,000 | 500,000 |
| | **NEVADA** | | |
| (FC) | TROPICANA AND FLAMINGO WASHES, NV | 20,000,000 | 20,000,000 |
| | **NEW JERSEY** | | |
| (BE) | CAPE MAY INLET TO LOWER TOWNSHIP, NJ | 280,000 | 280,000 |
| (BE) | GREAT EGG HARBOR INLET AND PECK BEACH, NJ | 3,076,000 | 3,076,000 |
| (FC) | MOLLY ANN'S BROOK AT HALEDON, PROSPECT PARK AND PATERS | 7,090,000 | 7,090,000 |
| | NEW YORK HARBOR & ADJACENT CHNLS, PORT JERSEY CHNL, NJ | --- | 600,000 |
| (FC) | PASSAIC RIVER PRESERVATION OF NATURAL STORAGE AREAS, N | 3,500,000 | 3,500,000 |
| | PASSAIC RIVER STREAMBANK RESTORATION, NJ | --- | 3,000,000 |
| (FC) | RAMAPO RIVER AT OAKLAND, NJ | 277,000 | 2,500,000 |
| | RARITAN BAY AND SANDY HOOK BAY, NJ | --- | 200,000 |
| | RARITAN RIVER BASIN, GREEN BROOK SUB-BASIN, NJ | --- | 3,100,000 |
| (BE) | SANDY HOOK TO BARNEGAT INLET, NJ | 15,116,000 | 15,116,000 |

## CORPS OF ENGINEERS - CONSTRUCTION, GENERAL

| TYPE OF PROJECT | PROJECT TITLE | BUDGET ESTIMATE | CONFERENCE ALLOWANCE |
|---|---|---|---|
| | NEW MEXICO | | |
| (FC) | ABIQUIU DAM EMERGENCY GATES, NM........................ | 1,400,000 | 1,400,000 |
| (FC) | ACEQUIAS IRRIGATION SYSTEM, NM........................ | 600,000 | 1,000,000 |
| (FC) | ALAMOGORDO, NM........................................ | 400,000 | 400,000 |
| (FC) | GALISTEO DAM, NM (DAM SAFETY)......................... | 2,720,000 | 2,720,000 |
| (FC) | LAS CRUCES, NM........................................ | 300,000 | 1,500,000 |
| (FC) | MIDDLE RIO GRANDE FLOOD PROTECTION, BERNALILLO TO BELE | 560,000 | 560,000 |
| (FC) | RIO GRANDE FLOODWAY, SAN ACACIA TO BOSQUE DEL APACHE,. | 280,000 | 280,000 |
| (FC) | TWO RIVERS DAM, NM (DAM SAFETY)....................... | 2,563,000 | 2,563,000 |
| | NEW YORK | | |
| (BE) | ATLANTIC COAST OF NYC, ROCKAWAY INLET TO NORTON POINT, | 1,000,000 | 1,000,000 |
| (BE) | EAST ROCKAWAY INLET TO ROCKAWAY INLET AND JAMAICA BAY, | 600,000 | 600,000 |
| (BE) | FIRE ISLAND INLET TO JONES INLET, NY.................. | 285,000 | 285,000 |
| (BE) | FIRE ISLAND INLET TO MONTAUK POINT, NY................ | 4,802,000 | 4,802,000 |
| | HUDSON RIVER, ATHENS, NY.............................. | --- | 8,700,000 |
| (N) | KILL VAN KULL AND NEWARK BAY CHANNEL, NY & NJ......... | 429,000 | 929,000 |
| (BE) | LONG BEACH ISLAND, NY................................. | --- | 2,000,000 |
| | ORCHARD BEACH, NY..................................... | --- | 400,000 |
| | NEW YORK CITY WATERSHED, NY........................... | --- | 5,000,000 |
| | NEW YORK STATE CANAL SYSTEM, NY....................... | --- | 2,000,000 |
| | NORTH CAROLINA | | |
| (N) | AIWW - REPLACEMENT OF FEDERAL HIGHWAY BRIDGES, NC..... | 7,000,000 | 7,000,000 |
| (BE) | CAROLINA BEACH AND VICINITY, NC....................... | 2,840,000 | 2,840,000 |
| (N) | WILMINGTON HARBOR AND ADJACENT CHANNELS, NC........... | 3,700,000 | 2,430,000 |
| (BE) | WRIGHTSVILLE BEACH, NC................................ | 1,070,000 | 1,070,000 |
| | NORTH DAKOTA | | |
| | BUFORD - TRENTON IRRIGATION DISTRICT, ND.............. | --- | 2,000,000 |
| (MP) | GARRISON DAM AND POWER PLANT, ND (MAJOR REHAB)....... | 300,000 | 300,000 |
| (FC) | HOMME LAKE, ND (DAM SAFETY)........................... | 200,000 | 200,000 |
| (FC) | LAKE ASHTABULA AND BALDHILL DAM, ND (DAM SAFETY)...... | 500,000 | 500,000 |
| (FC) | LAKE ASHTABULA AND BALDHILL DAM, ND (MAJOR REHAB)..... | 1,200,000 | 1,200,000 |
| (FC) | SHEYENNE RIVER, ND.................................... | 500,000 | 500,000 |

## CORPS OF ENGINEERS - CONSTRUCTION, GENERAL

| TYPE OF PROJECT | PROJECT TITLE | BUDGET ESTIMATE | CONFERENCE ALLOWANCE |
|---|---|---|---|
| | **OHIO** | | |
| (FC) | BEACH CITY LAKE, MUSKINGUM RIVER LAKES, OH (DAM SAFETY | 105,000 | 105,000 |
| (FC) | HOLES CREEK, WEST CARROLLTON, OH | 1,890,000 | 1,890,000 |
| | LOWER GIRARD DAM, OH | --- | 1,500,000 |
| (FC) | METROPOLITAN REGION OF CINCINNATI, DUCK CREEK, OH | 2,120,000 | 2,120,000 |
| (FC) | MILL CREEK, OH | 2,518,000 | 2,518,000 |
| (FC) | WEST COLUMBUS, OH | 15,181,000 | 15,181,000 |
| | **OKLAHOMA** | | |
| (FC) | FRY CREEKS, BIXBY, OK | 3,928,000 | 3,928,000 |
| (FC) | MINGO CREEK, TULSA, OK | 7,000,000 | 7,000,000 |
| (MP) | TENKILLER FERRY LAKE, OK (DAM SAFETY) | 95,000 | 95,000 |
| | **OREGON** | | |
| (MP) | BONNEVILLE POWERHOUSE PHASE II, OR & WA (MAJOR REHAB) | 13,000,000 | 13,000,000 |
| (MP) | COLUMBIA RIVER TREATY FISHING ACCESS SITES, OR & WA | 8,400,000 | 8,400,000 |
| (FC) | ELK CREEK LAKE, OR | 3,900,000 | 3,900,000 |
| | **PENNSYLVANIA** | | |
| (N) | GRAYS LANDING LOCK AND DAM, MONONGAHELA RIVER, PA | 250,000 | 2,900,000 |
| (FC) | JOHNSTOWN, PA (MAJOR REHAB) | 6,205,000 | 6,369,000 |
| (FC) | LACKAWANNA RIVER, OLYPHANT, PA | 400,000 | 1,400,000 |
| (FC) | LACKAWANNA RIVER, SCRANTON, PA | 425,000 | 5,425,000 |
| (N) | LOCKS AND DAMS 2, 3 AND 4, MONONGAHELA RIVER, PA | 2,700,000 | 12,700,000 |
| (BE) | PRESQUE ISLE PENINSULA, PA (PERMANENT) | 500,000 | 500,000 |
| (FC) | SAW MILL RUN, PITTSBURGH, PA | 500,000 | 500,000 |
| | SOUTH CENTRAL PA ENVIRONMENTAL IMPROVEMENT, PA | --- | 30,000,000 |
| | SOUTHEASTERN PENNSYLVANIA, PA | --- | 1,000,000 |
| | SUNBURY, PA | --- | 200,000 |
| | SUSQUEHANNA RIVER, PA | --- | 400,000 |
| | WILLIAMSPORT, PA | --- | 225,000 |
| (FC) | WYOMING VALLEY, PA (LEVEE RAISING) | 13,000,000 | 13,000,000 |
| | **PUERTO RICO** | | |
| (FC) | PORTUGUES AND BUCANA RIVERS, PR | 12,712,000 | 12,712,000 |
| (FC) | RIO DE LA PLATA, PR | 510,000 | 510,000 |
| (FC) | RIO PUERTO NUEVO, PR | 11,868,000 | 11,868,000 |
| (N) | SAN JUAN HARBOR, PR | 2,400,000 | 2,400,000 |
| | **SOUTH CAROLINA** | | |
| | CHARLESTON HARBOR, SC | --- | 2,000,000 |
| (N) | COOPER RIVER, CHARLESTON HARBOR, SC | 1,869,000 | 1,869,000 |
| (BE) | MYRTLE BEACH, SC | 10,000,000 | 10,000,000 |

### CORPS OF ENGINEERS - CONSTRUCTION, GENERAL

| TYPE OF PROJECT | PROJECT TITLE | BUDGET ESTIMATE | CONFERENCE ALLOWANCE |
|---|---|---|---|
| | **TENNESSEE** | | |
| | BLACK FOX, MURFREE AND OAKLANDS SPRINGS WETLANDS, TN | --- | 2,900,000 |
| | EAST RIDGE, TN | --- | 500,000 |
| | TENNESSEE RIVER, HAMILTON COUNTY, TN | --- | 1,500,000 |
| | **TEXAS** | | |
| | BRAYS BAYOU, TX | --- | 2,000,000 |
| (N) | CHANNEL TO VICTORIA, TX | 7,300,000 | 7,300,000 |
| (FC) | CLEAR CREEK, TX | 750,000 | 750,000 |
| (FC) | EL PASO, TX | 5,290,000 | 5,290,000 |
| (N) | FREEPORT HARBOR, TX | 4,900,000 | 4,900,000 |
| | GIWW - ARANSAS NATIONAL WILDLIFE REFUGE, TX | --- | 3,000,000 |
| (N) | GIWW - SARGENT BEACH, TX | 940,000 | 940,000 |
| (N) | HOUSTON - GALVESTON NAVIGATION CHANNELS, TX | 15,000,000 | 20,000,000 |
| (FC) | MCGRATH CREEK, WICHITA FALLS, TX | 3,291,000 | 3,291,000 |
| | RED RIVER BELOW DENISON DAM (BOWIE COUNTY LEVEE), TX | --- | 900,000 |
| (FC) | SAN ANTONIO CHANNEL IMPROVEMENT, TX | 390,000 | 1,600,000 |
| (FC) | SIMS BAYOU, HOUSTON, TX | 9,590,000 | 13,000,000 |
| (FC) | WACO LAKE, TX (DAM SAFETY) | 1,700,000 | 1,700,000 |
| | WALLISVILLE LAKE, TX | --- | 9,200,000 |
| | **UTAH** | | |
| (FC) | LITTLE DELL LAKE, UT | --- | 1,000,000 |
| (FC) | UPPER JORDAN RIVER, UT | 700,000 | 700,000 |
| | **VIRGINIA** | | |
| (N) | AIWW BRIDGE AT GREAT BRIDGE, VA | 1,526,000 | 1,526,000 |
| | LYNCHBURG COMBINED SEWER OVERFLOW, VA | --- | 1,000,000 |
| | NEABSCO CREEK, VA | --- | 800,000 |
| | NORFOLK HARBOR (50-FOOT ANCHORAGE), VA | --- | 1,200,000 |
| (N) | NORFOLK HARBOR AND CHANNELS (DEEPENING), VA | 1,098,000 | 1,098,000 |
| | RICHMOND COMBINED SEWER OVERFLOW, VA | --- | 1,000,000 |
| (FC) | ROANOKE RIVER UPPER BASIN, HEADWATERS AREA, VA | 4,400,000 | 4,400,000 |
| | VIRGINIA BEACH, VA | --- | 13,000,000 |
| | VIRGINIA BEACH, VA (REIMBURSEMENT) | --- | 925,000 |
| | **WASHINGTON** | | |
| (MP) | COLUMBIA RIVER FISH MITIGATION, WA, OR & ID | 127,000,000 | 95,000,000 |
| (MP) | LOWER SNAKE RIVER FISH & WILDLIFE COMPENSATION, WA, OR | 4,000,000 | 4,000,000 |
| (MP) | THE DALLES POWERHOUSE (UNITS 1-14), WA & OR (MAJOR REH | 4,000,000 | 4,000,000 |

## CORPS OF ENGINEERS - CONSTRUCTION, GENERAL

| TYPE OF PROJECT | PROJECT TITLE | BUDGET ESTIMATE | CONFERENCE ALLOWANCE |
|---|---|---|---|
| | WEST VIRGINIA | | |
| (FC) | GREENBRIER RIVER BASIN, WV........................... | --- | 1,500,000 |
| (FC) | LEVISA AND TUG FORKS AND UPPER CUMBERLAND RIVER, WV, V | 7,927,000 | 58,267,000 |
| | MARMET LOCKS AND DAM, WV............................ | --- | 1,830,000 |
| (FDP) | LOWER MUD RIVER, MILTON, WV......................... | --- | 100,000 |
| (N) | ROBERT C BYRD LOCKS AND DAM, WV & OH................ | 5,356,000 | 5,356,000 |
| | SOUTHERN WV ENVIRONMEN INFRASTRUCTURE PROGRAM, WV..... | --- | 2,000,000 |
| (FC) | TYGART LAKE, WV (DAM SAFETY)........................ | 1,000,000 | 1,000,000 |
| | WEST VIRGINIA AND PENNSYLVANIA FLOOD CONTROL, WV & PA. | --- | 3,000,000 |
| (N) | WINFIELD LOCKS AND DAM, WV.......................... | 8,500,000 | 8,500,000 |
| | WISCONSIN | | |
| | LAFARGE LAKE, KICKAPOO RIVER, WI.................... | --- | 713,000 |
| (FC) | PORTAGE, WI......................................... | 1,500,000 | 1,500,000 |
| | MISCELLANEOUS | | |
| | AQUATIC PLANT CONTROL PROGRAM....................... | 2,600,000 | 5,000,000 |
| | AQUATIC ECOSYSTEM RESTORATION (SECTION 206)......... | 2,000,000 | 6,000,000 |
| | BEACH EROSION CONTROL PROJECTS (SECTION 103)........ | 3,000,000 | 3,000,000 |
| | BENEFICIAL USES OF DREDGED MATERIAL (SECTION 204)..... | 2,000,000 | 2,000,000 |
| | CLEARING AND SNAGGING PROJECT (SECTION 208)......... | 500,000 | 2,000,000 |
| | EMERGENCY STREAMBANK & SHORELINE PROTECTION (SEC. 14). | 7,500,000 | 11,000,000 |
| | EMPLOYEES' COMPENSATION............................. | 18,048,000 | 18,048,000 |
| | ENVIRONMENTAL INFRASTRUCTURE........................ | --- | 5,000,000 |
| | FLOOD CONTROL PROJECTS (SECTION 205)................ | 25,500,000 | 40,000,000 |
| | INLAND WATERWAYS USERS BOARD - BOARD EXPENSE......... | 40,000 | 40,000 |
| | INLAND WATERWAYS USERS BOARD - CORPS EXPENSE......... | 185,000 | 185,000 |
| | NAVIGATION MITIGATION PROJECT (SECTION 111)......... | 500,000 | 500,000 |
| | NAVIGATION PROJECTS (SECTION 107)................... | 5,000,000 | 11,400,000 |
| | PROJECT MODIFICATIONS FOR IMPROVEMENT OF THE ENVIRONME | 14,175,000 | 21,175,000 |
| | REDUCTION FOR ANTICIPATED SAVINGS AND SLIPPAGE........ | -45,863,000 | -69,574,000 |
| | | =============== | =============== |
| | TOTAL, CONSTRUCTION GENERAL.................... | 1,062,470,000 | 1,473,373,000 |
| | | =============== | =============== |

## CORPS OF ENGINEERS - FLOOD CONTROL, MISSISSIPPI RIVER AND TRIBUTARIES

| TYPE OF PROJECT | PROJECT TITLE | BUDGET ESTIMATE | CONFERENCE |
|---|---|---|---|
| | GENERAL INVESTIGATIONS | | |
| | SURVEYS: | | |
| | GENERAL STUDIES: | | |
| (FDP) | MEMPHIS METRO AREA, TN & MS | 800,000 | 800,000 |
| (FDP) | MORGANZA, LA TO THE GULF OF MEXICO | 1,070,000 | 2,570,000 |
| | RAPIDES AND ST. LANDRY PARISHES, LA | --- | 100,000 |
| (FDP) | REELFOOT LAKE, TN & KY | 335,000 | 335,000 |
| | SOUTHEAST ARKANSAS, AR | --- | 500,000 |
| (FDP) | WOLF RIVER, MEMPHIS, TN | 465,000 | 465,000 |
| | COLLECTION AND STUDY OF BASIC DATA | 345,000 | 345,000 |
| | SUBTOTAL, GENERAL INVESTIGATIONS | 3,015,000 | 5,115,000 |
| | CONSTRUCTION | | |
| (FC) | CHANNEL IMPROVEMENT, AR, IL, KY, LA, MS, MO & TN | 44,490,000 | 44,490,000 |
| (FC) | EIGHT MILE CREEK, AR | 812,000 | 812,000 |
| (FC) | HELENA & VICINITY, AR | 700,000 | 700,000 |
| (FC) | MISSISSIPPI RIVER LEVEES, AR, IL, KY, LA, MS, MO & TN. | 24,238,000 | 31,000,000 |
| (FC) | ST FRANCIS BASIN, AR & MO | 5,000,000 | 5,000,000 |
| (FC) | WHITEMAN'S CREEK, AR | 1,105,000 | 1,105,000 |
| (FC) | ATCHAFALAYA BASIN, FLOODWAY SYSTEM, LA | 3,300,000 | 3,300,000 |
| (FC) | ATCHAFALAYA BASIN, LA | 19,100,000 | 21,100,000 |
| | LOUISIANA STATE PENITENTIARY LEVEE, LA | --- | 900,000 |
| (FC) | MISSISSIPPI AND LOUISIANA ESTUARINE AREAS, LA & MS | 300,000 | 300,000 |
| (FC) | MISSISSIPPI DELTA REGION, LA | 11,500,000 | 13,500,000 |
| (FC) | TENSAS BASIN, RED RIVER BACKWATER, LA | 7,006,000 | 7,006,000 |
| | YAZOO BASIN, MS: | (25,470,000) | (32,970,000) |
| (FC) | BACKWATER LESS ROCKY BAYOU, MS | 20,000 | 520,000 |
| (FC) | BIG SUNFLOWER RIVER, MS | 3,862,000 | 3,862,000 |
| (FC) | DEMONSTRATION EROSION CONTROL, MS | 10,000,000 | 15,000,000 |
| (FC) | F&WL MITIGATION LANDS, MS | 363,000 | 363,000 |
| (FC) | MAIN STEM, MS | 25,000 | 25,000 |
| (FC) | REFORMULATION UNIT, MS | 2,000,000 | 2,000,000 |
| (FC) | TRIBUTARIES, MS | 200,000 | 200,000 |
| (FC) | UPPER YAZOO PROJECTS, MS | 9,000,000 | 11,000,000 |
| (FC) | ST. JOHNS BAYOU - NEW MADRID FLOODWAY, MO | 3,000,000 | 3,000,000 |
| (FC) | NONCONNAH CREEK, FLOOD CONTROL FEATURE, TN & MS | 2,000,000 | 2,000,000 |
| (FC) | WEST TENNESSEE TRIBUTARIES, TN | 2,200,000 | 2,200,000 |
| | SUBTOTAL, CONSTRUCTION | 150,221,000 | 169,383,000 |
| | MAINTENANCE | | |
| (FC) | CHANNEL IMPROVEMENT, AR, IL, KY, LA, MS, MO & TN | 56,112,000 | 59,162,000 |
| (N) | HELENA HARBOR, PHILLIPS CO, AR | 280,000 | 280,000 |
| (FC) | INSPECTION OF COMPLETED WORKS, AR | 472,000 | 472,000 |
| (FC) | LOWER ARKANSAS RIVER - NORTH BANK, AR | 840,000 | 840,000 |
| (FC) | LOWER ARKANSAS RIVER - SOUTH BANK, AR | 124,000 | 124,000 |

## CORPS OF ENGINEERS - FLOOD CONTROL, MISSISSIPPI RIVER AND TRIBUTARIES

| TYPE OF PROJECT | PROJECT TITLE | BUDGET ESTIMATE | CONFERENCE |
|---|---|---|---|
| (FC) | MISSISSIPPI RIVER LEVEES, AR, IL, KY, LA, MS, MO & TN. | 7,252,000 | 7,252,000 |
| (FC) | ST FRANCIS RIVER BASIN, AR & MO | 8,130,000 | 8,130,000 |
| (FC) | TENSAS BASIN, BOEUF AND TENSAS RIVERS, AR & LA | 2,807,000 | 2,807,000 |
| (FC) | WHITE RIVER BACKWATER, AR | 1,500,000 | 1,500,000 |
| (FC) | INSPECTION OF COMPLETED WORKS, IL | 49,000 | 49,000 |
| (FC) | INSPECTION OF COMPLETED WORKS, KY | 27,000 | 27,000 |
| (FC) | ATCHAFALAYA BASIN, FLOODWAY SYSTEM, LA | 670,000 | 670,000 |
| (FC) | ATCHAFALAYA BASIN, LA | 10,700,000 | 12,700,000 |
| (FC) | BATON ROUGE HARBOR - DEVIL SWAMP, LA | 150,000 | 150,000 |
| (FC) | BAYOU COCODRIE AND TRIBUTARIES, LA | 92,000 | 92,000 |
| (FC) | BONNET CARRE, LA | 1,000,000 | 1,000,000 |
| (FC) | INSPECTION OF COMPLETED WORKS, LA | 390,000 | 390,000 |
| (FC) | LOWER RED RIVER - SOUTH BANK LEVEES, LA | 378,000 | 378,000 |
| (FC) | MISSISSIPPI DELTA REGION, LA | 377,000 | 377,000 |
| (FC) | OLD RIVER, LA | 4,390,000 | 4,390,000 |
| (FC) | TENSAS BASIN, RED RIVER BACKWATER, LA | 2,891,000 | 2,891,000 |
| (N) | GREENVILLE HARBOR, MS | 361,000 | 361,000 |
| (FC) | INSPECTION OF COMPLETED WORKS, MS | 203,000 | 203,000 |
| (N) | VICKSBURG HARBOR, MS | 237,000 | 237,000 |
|  | YAZOO BASIN, MS: | (21,902,000) | (25,802,000) |
| (FC) | ARKABUTLA LAKE, MS | 3,514,000 | 3,514,000 |
| (FC) | BIG SUNFLOWER RIVER, MS | 237,000 | 2,237,000 |
| (FC) | ENID LAKE, MS | 3,556,000 | 3,556,000 |
| (FC) | GREENWOOD, MS | 816,000 | 816,000 |
| (FC) | GRENADA LAKE, MS | 4,662,000 | 4,662,000 |
| (FC) | MAIN STEM, MS | 1,151,000 | 1,151,000 |
| (FC) | SARDIS LAKE, MS | 4,766,000 | 6,666,000 |
| (FC) | TRIBUTARIES, MS | 1,343,000 | 1,343,000 |
| (FC) | WILL M WHITTINGTON AUX CHAN, MS | 498,000 | 498,000 |
| (FC) | YAZOO BACKWATER AREA, MS | 524,000 | 524,000 |
| (FC) | YAZOO CITY, MS | 835,000 | 835,000 |
| (FC) | INSPECTION OF COMPLETED WORKS, MO | 220,000 | 220,000 |
| (FC) | WAPPAPELLO LAKE, MO | 7,468,000 | 7,468,000 |
| (FC) | INSPECTION OF COMPLETED WORKS, TN | 124,000 | 124,000 |
| (N) | MEMPHIS HARBOR (MCKELLAR LAKE), TN | 1,345,000 | 1,345,000 |
| (FC) | MAPPING | 1,027,000 | 1,027,000 |
|  | REDUCTION FOR SAVINGS AND SLIPPAGE | -18,754,000 | -18,754,000 |
|  | SUBTOTAL, MAINTENANCE | 112,764,000 | 121,714,000 |
|  | TOTAL, FLOOD CONTROL, MISSISSIPPI RIVER AND TRIBUTARIES | 266,000,000 | 296,212,000 |

## CORPS OF ENGINEERS - OPERATION AND MAINTENANCE

| TYPE OF PROJECT | PROJECT TITLE | BUDGET ESTIMATE | CONFERENCE |
|---|---|---|---|
| | **ALABAMA** | | |
| (N) | ALABAMA - COOSA RIVER, AL | 4,903,000 | 4,903,000 |
| | BAYOU CODEN, AL | --- | 5,000 |
| (N) | BAYOU LA BATRE, AL | 5,000 | 705,000 |
| (N) | BLACK WARRIOR AND TOMBIGBEE RIVERS, AL | 16,252,000 | 18,252,000 |
| (N) | DAUPHIN ISLAND BAY, AL | 500,000 | 752,000 |
| (N) | GULF INTRACOASTAL WATERWAY, AL | 3,677,000 | 3,677,000 |
| (FC) | INSPECTION OF COMPLETED WORKS, AL | 30,000 | 30,000 |
| (MP) | MILLERS FERRY LOCK AND DAM, WILLIAM "BILL" DANNELLY LA | 5,835,000 | 6,335,000 |
| (N) | MOBILE HARBOR, AL | 17,936,000 | 19,936,000 |
| | PERDIDO PASS CHANNEL, AL | --- | 300,000 |
| (N) | PROJECT CONDITION SURVEYS, AL | 300,000 | 300,000 |
| (MP) | ROBERT F HENRY LOCK AND DAM, AL | 3,858,000 | 4,389,000 |
| (FC) | SCHEDULING RESERVOIR OPERATIONS, AL | 20,000 | 20,000 |
| (N) | TENNESSEE - TOMBIGBEE WATERWAY, AL & MS | 16,058,000 | 18,713,000 |
| (MP) | WALTER F GEORGE LOCK AND DAM, AL & GA | 6,044,000 | 7,544,000 |
| | **ALASKA** | | |
| (N) | ANCHORAGE HARBOR, AK | 1,400,000 | 1,400,000 |
| (N) | BETHEL HARBOR, AK | 20,000 | 20,000 |
| (FC) | CHENA RIVER LAKES, AK | 1,766,000 | 2,566,000 |
| (N) | DILLINGHAM HARBOR, AK | 459,000 | 459,000 |
| (N) | HOMER HARBOR, AK | 245,000 | 245,000 |
| (FC) | INSPECTION OF COMPLETED WORKS, AK | 27,000 | 27,000 |
| (N) | NINILCHIK HARBOR, AK | 200,000 | 200,000 |
| (N) | NOME HARBOR, AK | 260,000 | 260,000 |
| (N) | PROJECT CONDITION SURVEYS, AK | 565,000 | 565,000 |
| (N) | WRANGELL NARROWS, AK | 400,000 | 400,000 |
| | **ARIZONA** | | |
| (FC) | ALAMO LAKE, AZ | 1,055,000 | 1,055,000 |
| (FC) | INSPECTION OF COMPLETED WORKS, AZ | 107,000 | 107,000 |
| (FC) | PAINTED ROCK DAM, AZ | 2,293,000 | 2,293,000 |
| (FC) | SCHEDULING RESERVOIR OPERATIONS, AZ | 22,000 | 22,000 |
| (FC) | WHITLOW RANCH DAM, AZ | 199,000 | 199,000 |
| | **ARKANSAS** | | |
| (MP) | BEAVER LAKE, AR | 3,918,000 | 3,918,000 |
| (MP) | BLAKELY MT DAM - LAKE OUACHITA, AR | 4,632,000 | 4,632,000 |
| (FC) | BLUE MOUNTAIN LAKE, AR | 1,105,000 | 1,105,000 |
| (MP) | BULL SHOALS LAKE, AR | 4,810,000 | 4,810,000 |
| (MP) | DARDANELLE LOCK AND DAM, AR | 5,679,000 | 5,679,000 |
| (MP) | DEGRAY LAKE, AR | 3,959,000 | 3,959,000 |
| (FC) | DEQUEEN LAKE, AR | 1,012,000 | 2,000,000 |
| (FC) | DIERKS LAKE, AR | 1,015,000 | 1,015,000 |
| (FC) | GILLHAM LAKE, AR | 946,000 | 946,000 |

## CORPS OF ENGINEERS - OPERATION AND MAINTENANCE

| TYPE OF PROJECT | PROJECT TITLE | BUDGET ESTIMATE | CONFERENCE |
|---|---|---|---|
| (MP) | GREERS FERRY LAKE, AR | 4,241,000 | 4,241,000 |
| (N) | HELENA HARBOR, AR | 283,000 | 283,000 |
| (FC) | INSPECTION OF COMPLETED WORKS, AR | 210,000 | 210,000 |
| (N) | MCCLELLAN - KERR ARKANSAS RIVER NAVIGATION SYSTEM, AR. | 21,604,000 | 21,604,000 |
| (FC) | MILLWOOD LAKE, AR | 1,647,000 | 1,647,000 |
| (MP) | NARROWS DAM - LAKE GREESON, AR | 3,568,000 | 3,568,000 |
| (FC) | NIMROD LAKE, AR | 1,284,000 | 1,284,000 |
| (MP) | NORFORK LAKE, AR | 3,183,000 | 3,183,000 |
| (N) | OSCEOLA HARBOR, AR | 311,000 | 311,000 |
| (N) | OUACHITA AND BLACK RIVERS, AR & LA | 5,179,000 | 5,179,000 |
| (MP) | OZARK - JETA TAYLOR LOCK AND DAM, AR | 3,789,000 | 3,789,000 |
| (N) | PROJECT CONDITION SURVEYS, AR | 5,000 | 5,000 |
| (N) | WHITE RIVER, AR | 2,265,000 | 2,265,000 |
| (N) | YELLOW BEND PORT, AR | 120,000 | 120,000 |
|  | CALIFORNIA |  |  |
| (FC) | BLACK BUTTE LAKE, CA | 1,587,000 | 1,587,000 |
| (FC) | BUCHANAN DAM - H V EASTMAN LAKE, CA | 1,372,000 | 1,372,000 |
| (N) | CHANNEL ISLANDS HARBOR, CA | 3,000,000 | 3,000,000 |
| (FC) | COYOTE VALLEY DAM (LAKE MENDOCINO), CA | 2,718,000 | 2,718,000 |
| (N) | CRESCENT CITY HARBOR, CA | 1,140,000 | 1,140,000 |
| (FC) | DRY CREEK (WARM SPRINGS) LAKE AND CHANNEL, CA | 3,451,000 | 3,451,000 |
| (FC) | FARMINGTON DAM, CA | 281,000 | 281,000 |
| (FC) | HIDDEN DAM - HENSLEY LAKE, CA | 1,371,000 | 1,371,000 |
| (N) | HUMBOLDT HARBOR AND BAY, CA | 3,775,000 | 3,775,000 |
| (FC) | INSPECTION OF COMPLETED WORKS, CA | 1,326,000 | 1,326,000 |
| (FC) | ISABELLA LAKE, CA | 1,413,000 | 1,413,000 |
| (N) | LOS ANGELES - LONG BEACH HARBOR MODEL, CA | 165,000 | 165,000 |
| (FC) | LOS ANGELES COUNTY DRAINAGE AREA, CA | 4,288,000 | 5,288,000 |
|  | MARINA DEL RAY, CA | --- | 500,000 |
| (FC) | MERCED COUNTY STREAM GROUP, CA | 252,000 | 252,000 |
| (FC) | MOJAVE RIVER DAM, CA | 307,000 | 307,000 |
|  | MORRO BAY HARBOR, CA | --- | 3,200,000 |
| (FC) | NEW HOGAN LAKE, CA | 2,110,000 | 2,110,000 |
| (MP) | NEW MELONES LAKE (DOWNSTREAM CHANNEL), CA | 938,000 | 938,000 |
| (N) | OAKLAND HARBOR, CA | 3,146,000 | 4,350,000 |
|  | OCEANSIDE HARBOR, CA | --- | 900,000 |
| (N) | PETALUMA RIVER, CA | 2,090,000 | 2,090,000 |
| (FC) | PINE FLAT LAKE, CA | 1,968,000 | 1,968,000 |
| (N) | PROJECT CONDITION SURVEYS, CA | 1,615,000 | 1,615,000 |
| (N) | RICHMOND HARBOR, CA | 2,667,000 | 2,667,000 |
| (N) | SACRAMENTO RIVER (30 FOOT PROJECT), CA | 1,778,000 | 1,778,000 |
| (N) | SACRAMENTO RIVER AND TRIBUTARIES (DEBRIS CONTROL), CA. | 884,000 | 884,000 |
| (N) | SACRAMENTO RIVER SHALLOW DRAFT CHANNEL, CA | 133,000 | 133,000 |
| (N) | SAN DIEGO HARBOR, CA | 175,000 | 175,000 |
| (N) | SAN FRANCISCO BAY - DELTA MODEL STRUCTURE, CA | 1,787,000 | 1,787,000 |
| (N) | SAN FRANCISCO HARBOR AND BAY (DRIFT REMOVAL), CA | 2,309,000 | 2,309,000 |
| (N) | SAN FRANCISCO HARBOR, CA | 2,267,000 | 2,267,000 |
| (N) | SAN JOAQUIN RIVER, CA | 1,494,000 | 1,494,000 |

## CORPS OF ENGINEERS - OPERATION AND MAINTENANCE

| TYPE OF PROJECT | PROJECT TITLE | BUDGET ESTIMATE | CONFERENCE |
|---|---|---|---|
| (N) | SAN PABLO BAY AND MARE ISLAND STRAIT, CA | 1,680,000 | 1,680,000 |
| (FC) | SANTA ANA RIVER BASIN, CA | 2,762,000 | 2,762,000 |
| (N) | SANTA BARBARA HARBOR, CA | 1,492,000 | 1,492,000 |
| (FC) | SCHEDULING RESERVOIR OPERATIONS, CA | 968,000 | 968,000 |
| (FC) | SUCCESS LAKE, CA | 1,573,000 | 1,573,000 |
| (N) | SUISUN BAY CHANNEL, CA | 952,000 | 952,000 |
| (FC) | TERMINUS DAM (LAKE KAWEAH), CA | 2,073,000 | 2,073,000 |
| (N) | VENTURA HARBOR, CA | 2,236,000 | 2,236,000 |
| | COLORADO | | |
| (FC) | BEAR CREEK LAKE, CO | 361,000 | 361,000 |
| (FC) | CHATFIELD LAKE, CO | 715,000 | 715,000 |
| (FC) | CHERRY CREEK LAKE, CO | 945,000 | 945,000 |
| (FC) | INSPECTION OF COMPLETED WORKS, CO | 110,000 | 110,000 |
| (FC) | JOHN MARTIN RESERVOIR, CO | 1,595,000 | 1,595,000 |
| (FC) | SCHEDULING RESERVOIR OPERATIONS, CO | 368,000 | 368,000 |
| (FC) | TRINIDAD LAKE, CO | 627,000 | 627,000 |
| | CONNECTICUT | | |
| (FC) | BLACK ROCK LAKE, CT | 400,000 | 400,000 |
| (FC) | COLEBROOK RIVER LAKE, CT | 558,000 | 558,000 |
| (FC) | HANCOCK BROOK LAKE, CT | 199,000 | 199,000 |
| (FC) | HOP BROOK LAKE, CT | 843,000 | 843,000 |
| (FC) | INSPECTION OF COMPLETED WORKS, CT | 35,000 | 35,000 |
| (FC) | MANSFIELD HOLLOW LAKE, CT | 360,000 | 360,000 |
| (FC) | NORTHFIELD BROOK LAKE, CT | 401,000 | 401,000 |
| (N) | PATCHOGUE RIVER, CT | 466,000 | 466,000 |
| (N) | PROJECT CONDITION SURVEYS, CT | 1,241,000 | 1,241,000 |
| (FC) | STAMFORD HURRICANE BARRIER, CT | 351,000 | 351,000 |
| (FC) | THOMASTON DAM, CT | 489,000 | 489,000 |
| (FC) | WEST THOMPSON LAKE, CT | 395,000 | 395,000 |
| | DELAWARE | | |
| (N) | CHESAPEAKE AND DELAWARE CANAL - ST GEORGE'S BRIDGE REP | 14,000,000 | 14,000,000 |
| (N) | INTRACOASTAL WATERWAY, DELAWARE R TO CHESAPEAKE BAY, D | 11,794,000 | 11,794,000 |
| (N) | MISPILLION RIVER, DE | 165,000 | 165,000 |
| (N) | PROJECT CONDITION SURVEYS, DE | 50,000 | 50,000 |
| (N) | WILMINGTON HARBOR, DE | 2,360,000 | 2,360,000 |
| | DISTRICT OF COLUMBIA | | |
| (FC) | INSPECTION OF COMPLETED WORKS, DC | 6,000 | 6,000 |
| (N) | POTOMAC AND ANACOSTIA RIVERS (DRIFT REMOVAL), DC | 840,000 | 840,000 |
| (N) | PROJECT CONDITION SURVEYS, DC | 32,000 | 32,000 |
| (N) | WASHINGTON HARBOR, DC | 35,000 | 35,000 |

## CORPS OF ENGINEERS - OPERATION AND MAINTENANCE

| TYPE OF PROJECT | PROJECT TITLE | BUDGET ESTIMATE | CONFERENCE |
|---|---|---|---|
| | FLORIDA | | |
| (N) | AIWW, NORFOLK TO ST JOHNS RIVER, FL, GA, SC, NC & VA | 30,000 | 30,000 |
| | ANCLOTE RIVER, FL | --- | 1,500,000 |
| (N) | CANAVERAL HARBOR, FL | 6,460,000 | 6,460,000 |
| (N) | CARRABELLE HARBOR, FL | 520,000 | 520,000 |
| (FC) | CENTRAL AND SOUTHERN FLORIDA, FL | 9,500,000 | 9,500,000 |
| | CHARLOTTE HARBOR, FL | --- | 2,000,000 |
| (N) | FERNANDINA HARBOR, FL | 1,536,000 | 1,536,000 |
| (N) | FORT PIERCE HARBOR, FL | 717,000 | 717,000 |
| | HORSESHOE COVE, FL | --- | 1,000,000 |
| (FC) | INSPECTION OF COMPLETED WORKS, FL | 50,000 | 50,000 |
| (N) | INTRACOASTAL WATERWAY, CALOOSAHATCHEE R TO ANCLOTE R, | 47,000 | 47,000 |
| (N) | INTRACOASTAL WATERWAY, JACKSONVILLE TO MIAMI, FL | 2,909,000 | 2,909,000 |
| (N) | JACKSONVILLE HARBOR, FL | 5,961,000 | 7,500,000 |
| (MP) | JIM WOODRUFF LOCK AND DAM, LAKE SEMINOLE, FL, AL & GA | 5,399,000 | 5,399,000 |
| (N) | MIAMI HARBOR, FL | 408,000 | 408,000 |
| (N) | OKEECHOBEE WATERWAY, FL | 3,503,000 | 3,503,000 |
| (N) | PALM BEACH HARBOR, FL | 1,079,000 | 1,079,000 |
| (N) | PANAMA CITY HARBOR, FL | 700,000 | 700,000 |
| (N) | PENSACOLA HARBOR, FL | 50,000 | 50,000 |
| (N) | PONCE DE LEON INLET, FL | 3,500,000 | 3,500,000 |
| (N) | PORT EVERGLADES HARBOR, FL | 5,000 | 5,000 |
| (N) | PROJECT CONDITION SURVEYS, FL | 410,000 | 410,000 |
| | REMOVAL OF AQUATIC GROWTH, FL | 3,032,000 | 3,032,000 |
| (N) | ST PETERSBURG HARBOR, FL | 10,000 | 10,000 |
| (N) | STEINHATCHEE RIVER, FL | 5,000 | 5,000 |
| (N) | TAMPA HARBOR, FL | 6,607,000 | 6,607,000 |
| (N) | WITHLACOOCHIE RIVER, FL | 34,000 | 34,000 |
| | GEORGIA | | |
| (MP) | ALLATOONA LAKE, GA | 4,628,000 | 4,628,000 |
| (N) | APALACHICOLA CHATTAHOOCHEE AND FLINT RIVERS, GA, AL & | 4,741,000 | 6,500,000 |
| (N) | ATLANTIC INTRACOASTAL WATERWAY, GA | 1,783,000 | 1,783,000 |
| (N) | BRUNSWICK HARBOR, GA | 3,030,000 | 3,030,000 |
| (MP) | BUFORD DAM AND LAKE SIDNEY LANIER, GA | 6,179,000 | 6,179,000 |
| (MP) | CARTERS DAM AND LAKE, GA | 4,500,000 | 4,500,000 |
| (MP) | HARTWELL LAKE, GA & SC | 9,547,000 | 9,547,000 |
| (FC) | INSPECTION OF COMPLETED WORKS, GA | 40,000 | 40,000 |
| (MP) | J STROM THURMOND LAKE, GA & SC | 8,982,000 | 8,982,000 |
| (MP) | RICHARD B RUSSELL DAM AND LAKE, GA & SC | 7,520,000 | 7,520,000 |
| (N) | SAVANNAH HARBOR, GA | 8,053,000 | 14,500,000 |
| (N) | SAVANNAH RIVER BELOW AUGUSTA, GA | 207,000 | 207,000 |
| (MP) | WEST POINT DAM AND LAKE, GA & AL | 4,631,000 | 4,631,000 |

## CORPS OF ENGINEERS - OPERATION AND MAINTENANCE

| TYPE OF PROJECT | PROJECT TITLE | BUDGET ESTIMATE | CONFERENCE |
|---|---|---|---|
| | HAWAII | | |
| (N) | BARBERS POINT HARBOR, HI | 84,000 | 84,000 |
| (N) | HALEIWA SMALL BOAT HARBOR, HI | 334,000 | 334,000 |
| (FC) | INSPECTION OF COMPLETED WORKS, HI | 188,000 | 188,000 |
| (N) | PROJECT CONDITION SURVEYS, HI | 415,000 | 415,000 |
| (N) | WAIANAE SMALL BOAT HARBOR, HI | 334,000 | 334,000 |
| | IDAHO | | |
| (MP) | ALBENI FALLS DAM, ID | 4,775,000 | 4,775,000 |
| (MP) | DWORSHAK DAM AND RESERVOIR, ID | 7,866,000 | 7,866,000 |
| (FC) | INSPECTION OF COMPLETED WORKS, ID | 89,000 | 89,000 |
| (FC) | LUCKY PEAK LAKE, ID | 1,087,000 | 1,087,000 |
| (FC) | SCHEDULING RESERVOIR OPERATIONS, ID | 193,000 | 193,000 |
| (N) | SURVEILLANCE OF NORTHERN BOUNDARY WATERS, ID | 64,000 | 64,000 |
| | ILLINOIS | | |
| (N) | CALUMET HARBOR AND RIVER, IL & IN | 717,000 | 717,000 |
| (FC) | CARLYLE LAKE, IL | 3,908,000 | 3,908,000 |
| (N) | CHICAGO HARBOR, IL | 4,545,000 | 4,545,000 |
| (N) | CHICAGO RIVER, IL | 343,000 | 343,000 |
| (FC) | FARM CREEK RESERVOIRS, IL | 294,000 | 294,000 |
| (N) | ILLINOIS WATERWAY (LMVD PORTION), IL | 1,310,000 | 1,310,000 |
| (N) | ILLINOIS WATERWAY (NCD PORTION), IL & IN | 22,738,000 | 22,738,000 |
| (FC) | INSPECTION OF COMPLETED WORKS, IL | 657,000 | 657,000 |
| (N) | KASKASKIA RIVER NAVIGATION, IL | 1,433,000 | 1,633,000 |
| (N) | LAKE MICHIGAN DIVERSION, IL | 796,000 | 796,000 |
| (FC) | LAKE SHELBYVILLE, IL | 4,820,000 | 4,820,000 |
| (N) | MISS R BETWEEN MO R AND MINNEAPOLIS (LMVD PORTION), IL | 10,535,000 | 10,535,000 |
| (N) | MISS R BETWEEN MO R AND MINNEAPOLIS, IL, IA, MN, MO &. | 81,363,000 | 81,363,000 |
| (N) | PROJECT CONDITION SURVEYS, IL | 110,000 | 110,000 |
| (FC) | REND LAKE, IL | 3,451,000 | 3,451,000 |
| (N) | SURVEILLANCE OF NORTHERN BOUNDARY WATERS, IL | 129,000 | 129,000 |
| (N) | WAUKEGAN HARBOR, IL | 643,000 | 643,000 |
| | INDIANA | | |
| | BEVERLY SHORES, IN | --- | 1,700,000 |
| (FC) | BROOKVILLE LAKE, IN | 754,000 | 754,000 |
| (N) | BURNS WATERWAY HARBOR, IN | 902,000 | 902,000 |
| (FC) | CAGLES MILL LAKE, IN | 709,000 | 709,000 |
| (FC) | CECIL M HARDEN LAKE, IN | 715,000 | 715,000 |
| (FC) | HUNTINGTON LAKE, IN | 1,242,000 | 1,242,000 |
| (N) | INDIANA HARBOR, IN | 732,000 | 732,000 |
| (FC) | INSPECTION OF COMPLETED WORKS, IN | 133,000 | 133,000 |
| (N) | MICHIGAN CITY HARBOR, IN | 56,000 | 56,000 |
| (FC) | MISSISSINEWA LAKE, IN | 975,000 | 975,000 |
| (FC) | MONROE LAKE, IN | 778,000 | 778,000 |

## CORPS OF ENGINEERS - OPERATION AND MAINTENANCE

| TYPE OF PROJECT | PROJECT TITLE | BUDGET ESTIMATE | CONFERENCE |
|---|---|---|---|
| (FC) | PATOKA LAKE, IN | 739,000 | 739,000 |
| (N) | PROJECT CONDITION SURVEYS, IN | 30,000 | 30,000 |
| (FC) | SALAMONIE LAKE, IN | 832,000 | 832,000 |
| (N) | SURVEILLANCE OF NORTHERN BOUNDARY WATERS, IN | 120,000 | 120,000 |
| | IOWA | | |
| (FC) | CORALVILLE LAKE, IA | 2,731,000 | 2,731,000 |
| (FC) | INSPECTION OF COMPLETED WORKS, IA | 183,000 | 183,000 |
| (FC) | MISSOURI RIVER - KENSLERS BEND, NE TO SIOUX CITY, IA | 152,000 | 152,000 |
| (N) | MISSOURI RIVER - SIOUX CITY TO MOUTH, IA, NE, KS & MO | 6,496,000 | 6,496,000 |
| (FC) | RATHBUN LAKE, IA | 1,746,000 | 1,746,000 |
| (FC) | RED ROCK DAM - LAKE RED ROCK, IA | 3,291,000 | 3,291,000 |
| (FC) | SAYLORVILLE LAKE, IA | 4,191,000 | 4,191,000 |
| | KANSAS | | |
| (FC) | CLINTON LAKE, KS | 1,482,000 | 1,482,000 |
| (FC) | COUNCIL GROVE LAKE, KS | 1,003,000 | 1,003,000 |
| (FC) | EL DORADO LAKE, KS | 488,000 | 488,000 |
| (FC) | ELK CITY LAKE, KS | 699,000 | 699,000 |
| (FC) | FALL RIVER LAKE, KS | 772,000 | 772,000 |
| (FC) | HILLSDALE LAKE, KS | 790,000 | 790,000 |
| (FC) | INSPECTION OF COMPLETED WORKS, KS | 250,000 | 250,000 |
| (FC) | JOHN REDMOND DAM AND RESERVOIR, KS | 1,019,000 | 1,019,000 |
| (FC) | KANOPOLIS LAKE, KS | 1,219,000 | 1,219,000 |
| (FC) | MARION LAKE, KS | 1,630,000 | 1,630,000 |
| (FC) | MELVERN LAKE, KS | 1,580,000 | 1,580,000 |
| (FC) | MILFORD LAKE, KS | 1,537,000 | 1,537,000 |
| (FC) | PEARSON - SKUBITZ BIG HILL LAKE, KS | 799,000 | 799,000 |
| (FC) | PERRY LAKE, KS | 1,673,000 | 1,673,000 |
| (FC) | POMONA LAKE, KS | 1,533,000 | 1,533,000 |
| (FC) | SCHEDULING RESERVOIR OPERATIONS, KS | 178,000 | 178,000 |
| (FC) | TORONTO LAKE, KS | 364,000 | 364,000 |
| (FC) | TUTTLE CREEK LAKE, KS | 1,858,000 | 1,858,000 |
| (FC) | WILSON LAKE, KS | 1,349,000 | 1,349,000 |
| | KENTUCKY | | |
| (MP) | BARKLEY DAM AND LAKE BARKLEY, KY & TN | 8,127,000 | 8,127,000 |
| (FC) | BARREN RIVER LAKE, KY | 1,918,000 | 1,918,000 |
| (N) | BIG SANDY HARBOR, KY | 1,120,000 | 1,120,000 |
| (FC) | BUCKHORN LAKE, KY | 1,309,000 | 1,309,000 |
| (FC) | CARR FORK LAKE, KY | 1,374,000 | 1,374,000 |
| (FC) | CAVE RUN LAKE, KY | 908,000 | 908,000 |
| (FC) | DEWEY LAKE, KY | 1,167,000 | 1,167,000 |
| (N) | ELVIS STAHR (HICKMAN) HARBOR, KY | 334,000 | 334,000 |
| (FC) | FISHTRAP LAKE, KY | 1,602,000 | 1,602,000 |
| (FC) | GRAYSON LAKE, KY | 1,014,000 | 1,014,000 |
| (N) | GREEN AND BARREN RIVERS, KY | 1,915,000 | 1,915,000 |

## CORPS OF ENGINEERS - OPERATION AND MAINTENANCE

| TYPE OF PROJECT | PROJECT TITLE | BUDGET ESTIMATE | CONFERENCE |
|---|---|---|---|
| (FC) | GREEN RIVER LAKE, KY | 1,759,000 | 1,759,000 |
| (FC) | INSPECTION OF COMPLETED WORKS, KY | 137,000 | 137,000 |
| (N) | KENTUCKY RIVER, KY | 4,843,000 | 4,843,000 |
| (MP) | LAUREL RIVER LAKE, KY | 1,233,000 | 1,233,000 |
| (N) | LICKING RIVER OPEN CHANNEL WORK, KY | 22,000 | 22,000 |
| (FC) | MARTINS FORK LAKE, KY | 654,000 | 654,000 |
| (FC) | MIDDLESBORO CUMBERLAND RIVER BASIN, KY | 52,000 | 52,000 |
| (FC) | NOLIN LAKE, KY | 1,795,000 | 1,795,000 |
| (N) | OHIO RIVER LOCKS AND DAMS, KY, IL, IN, OH, PA & WV | 53,126,000 | 53,126,000 |
| (N) | OHIO RIVER OPEN CHANNEL WORK, KY, IL, IN, OH, PA & WV. | 5,889,000 | 5,889,000 |
| (FC) | PAINTSVILLE LAKE, KY | 878,000 | 878,000 |
| (N) | PROJECT CONDITION SURVEYS, KY | 5,000 | 5,000 |
| (FC) | ROUGH RIVER LAKE, KY | 1,669,000 | 1,669,000 |
| (FC) | TAYLORSVILLE LAKE, KY | 1,086,000 | 1,086,000 |
| (MP) | WOLF CREEK DAM - LAKE CUMBERLAND, KY | 4,290,000 | 6,790,000 |
| (FC) | YATESVILLE LAKE, KY | 1,111,000 | 1,111,000 |
| | LOUISIANA | | |
| (N) | ATCHAFALAYA RIVER AND BAYOUS CHENE, BOEUF AND BLACK, L | 10,436,000 | 10,436,000 |
| (N) | BARATARIA BAY WATERWAY, LA | 505,000 | 505,000 |
| (FC) | BAYOU BODCAU RESERVOIR, LA | 466,000 | 466,000 |
| (N) | BAYOU LAFOURCHE AND LAFOURCHE JUMP WATERWAY, LA | 5,000 | 5,000 |
| (FC) | BAYOU PIERRE, LA | 25,000 | 25,000 |
| (N) | BAYOU SEGNETTE WATERWAY, LA | 10,000 | 10,000 |
| (N) | BAYOU TECHE AND VERMILION RIVER, LA | 25,000 | 25,000 |
| (N) | BAYOU TECHE, LA | 172,000 | 172,000 |
| (FC) | CADDO LAKE, LA | 78,000 | 78,000 |
| (N) | CALCASIEU RIVER AND PASS, LA | 6,480,000 | 6,680,000 |
| (N) | FRESHWATER BAYOU, LA | 2,452,000 | 2,452,000 |
| (N) | GULF INTRACOASTAL WATERWAY, LA & TX | 15,015,000 | 15,015,000 |
| (N) | HOUMA NAVIGATION CANAL, LA | 826,000 | 826,000 |
| (FC) | INSPECTION OF COMPLETED WORKS, LA | 414,000 | 414,000 |
| (N) | LAKE PROVIDENCE HARBOR, LA | 371,000 | 371,000 |
| (N) | MADISON PARISH PORT, LA | 56,000 | 56,000 |
| (N) | MERMENTAU RIVER, LA | 1,143,000 | 1,143,000 |
| (N) | MISSISSIPPI RIVER - BATON ROUGE TO GULF OF MEXICO, LA. | 41,000,000 | 48,100,000 |
| (N) | MISSISSIPPI RIVER - GULF OUTLET, LA | 10,998,000 | 14,498,000 |
| | MISSISSIPPI RIVER OUTLETS AT VENICE, LA | --- | 2,400,000 |
| (N) | PROJECT CONDITION SURVEYS, LA | 144,000 | 144,000 |
| (N) | RED RIVER WATERWAY, MISSISSIPPI RIVER TO SHREVEPORT, L | 7,714,000 | 10,192,000 |
| | REMOVAL OF AQUATIC GROWTH, LA | 1,960,000 | 1,960,000 |
| (FC) | WALLACE LAKE, LA | 152,000 | 152,000 |
| (N) | WATERWAY - EMPIRE TO THE GULF, LA | 765,000 | 765,000 |
| (N) | WATERWAY FROM INTRACOASTAL WATERWAY TO B DULAC, LA | 335,000 | 335,000 |

CORPS OF ENGINEERS - OPERATION AND MAINTENANCE

| TYPE OF PROJECT | PROJECT TITLE | BUDGET ESTIMATE | CONFERENCE |
|---|---|---|---|
| | MAINE | | |
| (FC) | INSPECTION OF COMPLETED WORKS, ME | 15,000 | 15,000 |
| (N) | PROJECT CONDITION SURVEYS, ME | 722,000 | 722,000 |
| | MARYLAND | | |
| (N) | BALTIMORE HARBOR & CHANNELS, MD (50 FT) | 12,025,000 | 12,025,000 |
| (N) | BALTIMORE HARBOR (DRIFT REMOVAL), MD | 425,000 | 425,000 |
| (N) | BALTIMORE HARBOR (PREVENTION OF OBSTRUCTIVE DEPOSITS), | 560,000 | 560,000 |
| (N) | CHESTER RIVER, MD | 65,000 | 65,000 |
| (FC) | CUMBERLAND, MD AND RIDGELEY, WV | 111,000 | 111,000 |
| (N) | HONGA RIVER AND TAR BAY, MD | 677,000 | 677,000 |
| (FC) | INSPECTION OF COMPLETED WORKS, MD | 28,000 | 28,000 |
| (FC) | JENNINGS RANDOLPH LAKE, MD & WV | 1,528,000 | 1,528,000 |
| (N) | LOWER THOROFARE, DEAL ISLAND, MD | 63,000 | 63,000 |
| (N) | OCEAN CITY HARBOR AND INLET AND SINEPUXENT BAY, MD | 47,000 | 47,000 |
| (N) | PROJECT CONDITION SURVEYS, MD | 306,000 | 306,000 |
| (FC) | SCHEDULING RESERVOIR OPERATIONS, MD | 79,000 | 79,000 |
| (N) | TWITCH COVE AND BIG THOROFARE RIVER, MD | 2,600,000 | 2,600,000 |
| (N) | UPPER THOROFARE, MD | 53,000 | 53,000 |
| (N) | WICOMICO RIVER, MD | 829,000 | 829,000 |
| | MASSACHUSETTS | | |
| (FC) | BARRE FALLS DAM, MA | 340,000 | 340,000 |
| (FC) | BIRCH HILL DAM, MA | 385,000 | 385,000 |
| (N) | BOSTON HARBOR, MA | 16,500,000 | 16,500,000 |
| (FC) | BUFFUMVILLE LAKE, MA | 359,000 | 359,000 |
| (N) | CAPE COD CANAL, MA | 8,855,000 | 8,855,000 |
| (FC) | CHARLES RIVER NATURAL VALLEY STORAGE AREA, MA | 156,000 | 156,000 |
| | COHASSET HARBOR, MA | --- | 1,500,000 |
| (FC) | CONANT BROOK LAKE, MA | 138,000 | 138,000 |
| (FC) | EAST BRIMFIELD LAKE, MA | 327,000 | 327,000 |
| (N) | GREEN HARBOR, MA | 296,000 | 296,000 |
| (FC) | HODGES VILLAGE DAM, MA | 348,000 | 348,000 |
| (FC) | INSPECTION OF COMPLETED WORKS, MA | 78,000 | 78,000 |
| (FC) | KNIGHTVILLE DAM, MA | 527,000 | 527,000 |
| (FC) | LITTLEVILLE LAKE, MA | 459,000 | 459,000 |
| (FC) | NEW BEDFORD FAIRHAVEN AND ACUSHNET HURRICANE BARRIER, | 242,000 | 242,000 |
| (N) | PROJECT CONDITION SURVEYS, MA | 1,117,000 | 1,117,000 |
| (N) | SURVEILLANCE OF NORTHERN BOUNDARY WATERS, MA | 16,000 | 16,000 |
| (FC) | TULLY LAKE, MA | 391,000 | 391,000 |
| (FC) | WEST HILL DAM, MA | 415,000 | 415,000 |
| (FC) | WESTVILLE LAKE, MA | 488,000 | 488,000 |
| | MICHIGAN | | |
| (N) | ALPENA HARBOR, MI | 324,000 | 324,000 |
| | CEDAR RIVER HARBOR, MI | --- | 2,377,000 |

## CORPS OF ENGINEERS - OPERATION AND MAINTENANCE

| TYPE OF PROJECT | PROJECT TITLE | BUDGET ESTIMATE | CONFERENCE |
|---|---|---|---|
| (N) | CHANNELS IN LAKE ST CLAIR, MI | 805,000 | 805,000 |
| (N) | CHARLEVOIX HARBOR, MI | 475,000 | 475,000 |
| (N) | DETROIT RIVER, MI | 2,839,000 | 2,839,000 |
| (N) | FRANKFORT HARBOR, MI | 210,000 | 210,000 |
|  | FLINT RIVER, MI | --- | 875,000 |
| (N) | GRAND HAVEN HARBOR, MI | 1,129,000 | 1,129,000 |
| (N) | HARBOR BEACH HARBOR, MI | 359,000 | 359,000 |
| (N) | HOLLAND HARBOR, MI | 392,000 | 392,000 |
| (FC) | INSPECTION OF COMPLETED WORKS, MI | 205,000 | 205,000 |
| (N) | KEWEENAW WATERWAY, MI | 976,000 | 976,000 |
| (N) | LUDINGTON HARBOR, MI | 607,000 | 607,000 |
| (N) | MANISTEE HARBOR, MI | 276,000 | 276,000 |
| (N) | MANISTIQUE HARBOR, MI | 60,000 | 60,000 |
| (N) | MARQUETTE HARBOR, MI | 257,000 | 257,000 |
| (N) | MENOMINEE HARBOR, MI & WI | 337,000 | 337,000 |
| (N) | MONROE HARBOR, MI | 316,000 | 316,000 |
| (N) | MUSKEGON HARBOR, MI | 157,000 | 157,000 |
| (N) | ONTONAGON HARBOR, MI | 407,000 | 407,000 |
| (N) | PENTWATER HARBOR, MI | 1,579,000 | 1,579,000 |
| (N) | PORTAGE LAKE HARBOR, MI | 21,000 | 21,000 |
| (N) | PROJECT CONDITION SURVEYS, MI | 211,000 | 211,000 |
| (N) | ROUGE RIVER, MI | 134,000 | 134,000 |
| (N) | SAGINAW RIVER, MI | 1,291,000 | 1,291,000 |
| (FC) | SEBEWAING RIVER (ICE JAM REMOVAL), MI | 10,000 | 10,000 |
| (N) | ST CLAIR RIVER, MI | 1,014,000 | 1,014,000 |
| (N) | ST JOSEPH HARBOR, MI | 587,000 | 587,000 |
| (MP) | ST MARYS RIVER, MI | 17,744,000 | 17,744,000 |
| (N) | SURVEILLANCE OF NORTHERN BOUNDARY WATERS, MI | 2,353,000 | 2,353,000 |
| (N) | WHITE LAKE HARBOR, MI | 1,585,000 | 1,585,000 |
|  | MINNESOTA |  |  |
|  | ALTERNATIVE TECHNOLOGY PROJECT, DULUTH, MN | --- | 200,000 |
| (FC) | BIGSTONE LAKE WHETSTONE RIVER, MN & SD | 184,000 | 184,000 |
| (N) | DULUTH - SUPERIOR HARBOR, MN & WI | 3,749,000 | 3,749,000 |
| (FC) | INSPECTION OF COMPLETED WORKS, MN | 103,000 | 103,000 |
| (FC) | LAC QUI PARLE LAKES, MINNESOTA RIVER, MN | 549,000 | 549,000 |
| (N) | MINNESOTA RIVER, MN | 150,000 | 150,000 |
| (FC) | ORWELL LAKE, MN | 930,000 | 930,000 |
| (N) | PROJECT CONDITION SURVEYS, MN | 70,000 | 70,000 |
| (FC) | RED LAKE RESERVOIR, MN | 175,000 | 175,000 |
| (N) | RESERVOIRS AT HEADWATERS OF MISSISSIPPI RIVER, MN | 2,677,000 | 2,677,000 |
| (N) | SURVEILLANCE OF NORTHERN BOUNDARY WATERS, MN | 239,000 | 239,000 |
|  | MISSISSIPPI |  |  |
| (N) | BILOXI HARBOR, MS | 464,000 | 464,000 |
| (N) | CLAIBORNE COUNTY PORT, MS | 158,000 | 158,000 |
| (FC) | EAST FORK, TOMBIGBEE RIVER, MS | 120,000 | 120,000 |
| (N) | GULFPORT HARBOR, MS | 2,121,000 | 2,121,000 |

CORPS OF ENGINEERS - OPERATION AND MAINTENANCE

| TYPE OF PROJECT | PROJECT TITLE | BUDGET ESTIMATE | CONFERENCE |
|---|---|---|---|
| (FC) | INSPECTION OF COMPLETED WORKS, MS | 114,000 | 114,000 |
| (N) | MOUTH OF YAZOO RIVER, MS | 79,000 | 79,000 |
| (FC) | OKATIBBEE LAKE, MS | 1,500,000 | 1,500,000 |
| (N) | PASCAGOULA HARBOR, MS | 2,620,000 | 2,620,000 |
| (N) | PEARL RIVER, MS & LA | 391,000 | 391,000 |
| (N) | PROJECT CONDITION SURVEYS, MS | 5,000 | 5,000 |
| (N) | ROSEDALE HARBOR, MS | 406,000 | 406,000 |
| (N) | YAZOO RIVER, MS | 15,000 | 15,000 |
| | MISSOURI | | |
| (N) | CARUTHERSVILLE HARBOR, MO | 176,000 | 176,000 |
| (MP) | CLARENCE CANNON DAM AND MARK TWAIN LAKE, MO | 4,677,000 | 5,000,000 |
| (FC) | CLEARWATER LAKE, MO | 1,991,000 | 2,341,000 |
| (MP) | HARRY S TRUMAN DAM AND RESERVOIR, MO | 8,006,000 | 8,006,000 |
| (FC) | INSPECTION OF COMPLETED WORKS, MO | 399,000 | 399,000 |
| (FC) | LITTLE BLUE RIVER LAKES, MO | 867,000 | 867,000 |
| (FC) | LONG BRANCH LAKE, MO | 889,000 | 889,000 |
| (N) | MISS RIVER BTWN THE OHIO AND MO RIVERS (REG WORKS), MO | 14,839,000 | 14,839,000 |
| (N) | NEW MADRID HARBOR, MO | 21,000 | 21,000 |
| (FC) | POMME DE TERRE LAKE, MO | 1,668,000 | 1,668,000 |
| (N) | PROJECT CONDITION SURVEYS, MO | 5,000 | 5,000 |
| (FC) | SMITHVILLE LAKE, MO | 1,063,000 | 1,063,000 |
| (N) | SOUTHEAST MISSOURI PORT, MISSISSIPPI RIVER, MO | 275,000 | 275,000 |
| (MP) | STOCKTON LAKE, MO | 2,988,000 | 2,988,000 |
| (MP) | TABLE ROCK LAKE, MO | 4,576,000 | 4,576,000 |
| (FC) | UNION LAKE, MO | 5,000 | 5,000 |
| (FC) | WAPPAPELLO LAKE, MO | 20,000 | 20,000 |
| | MONTANA | | |
| (MP) | FT PECK DAM AND LAKE, MT | 3,664,000 | 3,664,000 |
| (FC) | INSPECTION OF COMPLETED WORKS, MT | 23,000 | 23,000 |
| (MP) | LIBBY DAM, LAKE KOOCANUSA, MT | 6,517,000 | 6,517,000 |
| (FC) | SCHEDULING RESERVOIR OPERATIONS, MT | 53,000 | 53,000 |
| (N) | SURVEILLANCE OF NORTHERN BOUNDARY WATERS, MT | 69,000 | 69,000 |
| | NEBRASKA | | |
| (MP) | GAVINS POINT DAM, LEWIS AND CLARK LAKE, NE & SD | 5,469,000 | 5,469,000 |
| (FC) | HARLAN COUNTY LAKE, NE | 1,395,000 | 1,395,000 |
| (FC) | INSPECTION OF COMPLETED WORKS, NE | 164,000 | 164,000 |
| | MISSOURI NATIONAL RECREATIONAL RIVER, NE | --- | 200,000 |
| (MP) | MISSOURI R MASTER WTR CONTROL MANUAL, NE, IA, KS, MO, | 1,800,000 | 1,800,000 |
| (MP) | MISSOURI RIVER BASIN COLLABORATIVE WATER PLANNING, NE | 250,000 | 250,000 |
| (FC) | PAPILLION CREEK & TRIBUTARIES LAKES, NE | 690,000 | 690,000 |
| (FC) | SALT CREEK AND TRIBUTARIES, NE | 854,000 | 854,000 |
| (FC) | SCHEDULING RESERVOIR OPERATIONS, NE | 116,000 | 116,000 |

## CORPS OF ENGINEERS - OPERATION AND MAINTENANCE

| TYPE OF PROJECT | PROJECT TITLE | BUDGET ESTIMATE | CONFERENCE |
|---|---|---|---|
| | NEVADA | | |
| (FC) | MARTIS CREEK LAKE, NV & CA | 480,000 | 480,000 |
| (FC) | PINE AND MATHEWS CANYONS LAKES, NV | 145,000 | 145,000 |
| | NEW HAMPSHIRE | | |
| (FC) | BLACKWATER DAM, NH | 404,000 | 404,000 |
| (FC) | EDWARD MACDOWELL LAKE, NH | 456,000 | 456,000 |
| (FC) | FRANKLIN FALLS DAM, NH | 813,000 | 813,000 |
| (FC) | HOPKINTON - EVERETT LAKES, NH | 973,000 | 973,000 |
| (FC) | INSPECTION OF COMPLETED WORKS, NH | 10,000 | 10,000 |
| (FC) | OTTER BROOK LAKE, NH | 478,000 | 478,000 |
| (N) | PROJECT CONDITION SURVEYS, NH | 161,000 | 161,000 |
| (FC) | SURRY MOUNTAIN LAKE, NH | 616,000 | 616,000 |
| | NEW JERSEY | | |
| (N) | BARNEGAT INLET, NJ | 1,050,000 | 1,050,000 |
| (N) | COLD SPRING INLET, NJ | 375,000 | 375,000 |
| (N) | DELAWARE RIVER AT CAMDEN, NJ | 20,000 | 20,000 |
| (N) | DELAWARE RIVER, PHILADELPHIA TO THE SEA, NJ, PA & DE | 15,098,000 | 15,098,000 |
| (N) | DELAWARE RIVER, PHILADELPHIA, PA TO TRENTON, NJ | 1,480,000 | 1,480,000 |
| (FC) | INSPECTION OF COMPLETED WORKS, NJ | 443,000 | 443,000 |
| (N) | NEW JERSEY INTRACOASTAL WATERWAY, NJ | 2,040,000 | 2,040,000 |
| (N) | NEWARK BAY, HACKENSACK AND PASSAIC RIVERS, NJ | 670,000 | 5,710,000 |
| (N) | PROJECT CONDITION SURVEYS, NJ | 1,021,000 | 1,021,000 |
| (N) | RARITAN RIVER TO ARTHUR KILL CUT-OFF, NJ | 250,000 | 250,000 |
| | TUCKERTON CREEK, NJ | --- | 650,000 |
| | NEW MEXICO | | |
| (FC) | ABIQUIU DAM, NM | 1,295,000 | 1,295,000 |
| (FC) | COCHITI LAKE, NM | 1,922,000 | 1,922,000 |
| (FC) | CONCHAS LAKE, NM | 1,081,000 | 1,081,000 |
| (FC) | GALISTEO DAM, NM | 299,000 | 299,000 |
| (FC) | INSPECTION OF COMPLETED WORKS, NM | 66,000 | 66,000 |
| (FC) | JEMEZ CANYON DAM, NM | 457,000 | 457,000 |
| (FC) | SANTA ROSA DAM AND LAKE, NM | 891,000 | 891,000 |
| (FC) | SCHEDULING RESERVOIR OPERATIONS, NM | 64,000 | 64,000 |
| (FC) | TWO RIVERS DAM, NM | 323,000 | 323,000 |
| | UPPER RIO GRANDE WATER OPERATIONS MODEL | --- | 1,000,000 |
| | NEW YORK | | |
| (FC) | ALMOND LAKE, NY | 435,000 | 435,000 |
| (FC) | ARKPORT DAM, NY | 218,000 | 218,000 |
| (N) | BLACK ROCK CHANNEL AND TONAWANDA HARBOR, NY | 4,350,000 | 4,350,000 |
| (N) | BRONX RIVER, NY | 600,000 | 600,000 |
| (N) | BUFFALO HARBOR, NY | 1,550,000 | 1,550,000 |

CORPS OF ENGINEERS - OPERATION AND MAINTENANCE

| TYPE OF PROJECT | PROJECT TITLE | BUDGET ESTIMATE | CONFERENCE |
|---|---|---|---|
| | BUFFALO HARBOR ENVIRONMENTAL DREDGING, NY............. | --- | 125,000 |
| (N) | BUTTERMILK CHANNEL, NY.............................. | 220,000 | 220,000 |
| (N) | CATSKILL CREEK, NY.................................. | 20,000 | 20,000 |
| (N) | DUNKIRK HARBOR, NY.................................. | 545,000 | 545,000 |
| (N) | EAST ROCKAWAY INLET, NY............................. | 2,000,000 | 2,000,000 |
| (FC) | EAST SIDNEY LAKE, NY................................ | 483,000 | 483,000 |
| (N) | EASTCHESTER CREEK, NY............................... | 650,000 | 650,000 |
| (N) | FLUSHING BAY & CREEK, NY............................ | 155,000 | 155,000 |
| (N) | GLEN COVE CREEK, NY................................. | 540,000 | 540,000 |
| (N) | HUDSON RIVER, NY.................................... | 3,275,000 | 3,275,000 |
| (FC) | INSPECTION OF COMPLETED WORKS, NY................... | 549,000 | 549,000 |
| (N) | JAMAICA BAY, NY..................................... | 100,000 | 100,000 |
| | MAMARONECK HARBOR, NY............................... | --- | 4,500,000 |
| (FC) | MT MORRIS LAKE, NY.................................. | 1,385,000 | 1,385,000 |
| (N) | NEW YORK AND NEW JERSEY CHANNELS, NY................ | 800,000 | 32,000,000 |
| (N) | NEW YORK HARBOR (DRIFT REMOVAL), NY & NJ............ | 4,800,000 | 4,800,000 |
| (N) | NEW YORK HARBOR (PREVENTION OF OBSTRUCTIVE DEPOSITS),. | 730,000 | 730,000 |
| (N) | NEW YORK HARBOR, NY................................. | 7,764,000 | 7,764,000 |
| | OWASCO OUTLET, NY................................... | --- | 250,000 |
| (N) | PROJECT CONDITION SURVEYS, NY....................... | 1,504,000 | 1,504,000 |
| (N) | RONDOUT HARBOR, NY.................................. | 1,245,000 | 1,245,000 |
| | SAG HARBOR, NY...................................... | --- | 90,000 |
| (N) | SAUGERTIES HARBOR, NY............................... | 20,000 | 20,000 |
| (FC) | SOUTHERN NEW YORK FLOOD CONTROL PROJECTS, NY......... | 526,000 | 526,000 |
| (N) | SURVEILLANCE OF NORTHERN BOUNDARY WATERS, NY......... | 651,000 | 651,000 |
| (N) | WESTCHESTER CREEK, NY............................... | 500,000 | 500,000 |
| (FC) | WHITNEY POINT LAKE, NY.............................. | 627,000 | 627,000 |
| | NORTH CAROLINA | | |
| (N) | ATLANTIC INTRACOASTAL WATERWAY, NC................... | 5,438,000 | 5,438,000 |
| (FC) | B EVERETT JORDAN DAM AND LAKE, NC.................... | 973,000 | 973,000 |
| (N) | BOGUE INLET AND CHANNEL, NC......................... | 590,000 | 590,000 |
| (N) | CAPE FEAR RIVER ABOVE WILMINGTON, NC................. | 648,000 | 648,000 |
| (N) | CAROLINA BEACH INLET, NC............................ | 1,340,000 | 1,340,000 |
| (FC) | FALLS LAKE, NC...................................... | 867,000 | 867,000 |
| (FC) | INSPECTION OF COMPLETED WORKS, NC................... | 22,000 | 22,000 |
| (N) | LOCKWOODS FOLLY RIVER, NC........................... | 375,000 | 375,000 |
| (N) | MANTEO (SHALLOWBAG) BAY, NC......................... | 5,074,000 | 5,074,000 |
| (N) | MASONBORO INLET AND CONNECTING CHANNELS, NC.......... | 2,200,000 | 2,200,000 |
| (N) | MOREHEAD CITY HARBOR, NC............................ | 2,672,000 | 2,672,000 |
| (N) | NEW RIVER INLET, NC................................. | 650,000 | 650,000 |
| (N) | NEW TOPSAIL INLET AND CONNECTING CHANNELS, NC......... | 180,000 | 180,000 |
| (N) | PAMLICO AND TAR RIVERS, NC.......................... | 100,000 | 100,000 |
| (N) | PROJECT CONDITION SURVEYS, NC....................... | 59,000 | 59,000 |
| (N) | ROANOKE RIVER, NC................................... | 100,000 | 100,000 |
| (FC) | W KERR SCOTT DAM AND RESERVOIR, NC................... | 1,468,000 | 1,468,000 |
| (N) | WILMINGTON HARBOR, NC............................... | 5,834,000 | 5,834,000 |

## CORPS OF ENGINEERS - OPERATION AND MAINTENANCE

| TYPE OF PROJECT | PROJECT TITLE | BUDGET ESTIMATE | CONFERENCE |
|---|---|---|---|
| | **NORTH DAKOTA** | | |
| | SD & NE, BTID (SEC. 33) | --- | 750,000 |
| (FC) | BOWMAN - HALEY LAKE, ND | 194,000 | 194,000 |
| (MP) | GARRISON DAM, LAKE SAKAKAWEA, ND | 9,143,000 | 9,193,000 |
| (FC) | HOMME LAKE, ND | 188,000 | 188,000 |
| (FC) | INSPECTION OF COMPLETED WORKS, ND | 60,000 | 60,000 |
| (FC) | LAKE ASHTABULA AND BALDHILL DAM, ND | 1,149,000 | 1,149,000 |
| | MISSOURI RIVER BETION FT. PECK, MT & GAVINS FT. DAM | --- | 750,000 |
| (FC) | PIPESTEM LAKE, ND | 395,000 | 395,000 |
| (FC) | SOURIS RIVER, ND | 188,000 | 188,000 |
| (N) | SURVEILLANCE OF NORTHERN BOUNDARY WATERS, ND | 30,000 | 30,000 |
| | **OHIO** | | |
| (FC) | ALUM CREEK LAKE, OH | 616,000 | 616,000 |
| (N) | ASHTABULA HARBOR, OH | 1,175,000 | 1,175,000 |
| (FC) | BERLIN LAKE, OH | 2,368,000 | 2,368,000 |
| (FC) | CAESAR CREEK LAKE, OH | 1,153,000 | 1,153,000 |
| (FC) | CLARENCE J BROWN DAM, OH | 726,000 | 726,000 |
| (N) | CLEVELAND HARBOR, OH | 6,560,000 | 6,560,000 |
| (N) | CONNEAUT HARBOR, OH | 1,358,000 | 1,358,000 |
| (FC) | DEER CREEK LAKE, OH | 678,000 | 678,000 |
| (FC) | DELAWARE LAKE, OH | 814,000 | 814,000 |
| (FC) | DILLON LAKE, OH | 501,000 | 501,000 |
| (N) | FAIRPORT HARBOR, OH | 400,000 | 400,000 |
| (N) | HURON HARBOR, OH | 1,035,000 | 1,035,000 |
| (FC) | INSPECTION OF COMPLETED WORKS, OH | 220,000 | 220,000 |
| (N) | LORAIN HARBOR, OH | 1,325,000 | 1,325,000 |
| | MAHONING RIVER, OH | --- | 1,000,000 |
| (FC) | MASSILLON LOCAL PROTECTION PROJECT, OH | 25,000 | 25,000 |
| (FC) | MICHAEL J KIRWAN DAM AND RESERVOIR, OH | 882,000 | 882,000 |
| (FC) | MOSQUITO CREEK LAKE, OH | 965,000 | 965,000 |
| (FC) | MUSKINGUM RIVER LAKES, OH | 6,060,000 | 6,060,000 |
| (FC) | NORTH BRANCH KOKOSING RIVER LAKE, OH | 311,000 | 311,000 |
| (FC) | PAINT CREEK LAKE, OH | 569,000 | 569,000 |
| (N) | PORTSMOUTH HARBOR, OH | 75,000 | 75,000 |
| (N) | PROJECT CONDITION SURVEYS, OH | 74,000 | 74,000 |
| (FC) | ROSEVILLE LOCAL PROTECTION PROJECT, OH | 30,000 | 30,000 |
| (N) | SANDUSKY HARBOR, OH | 1,015,000 | 1,015,000 |
| (N) | SURVEILLANCE OF NORTHERN BOUNDARY WATERS, OH | 206,000 | 206,000 |
| (N) | TOLEDO HARBOR, OH | 3,575,000 | 3,575,000 |
| (FC) | TOM JENKINS DAM, OH | 245,000 | 245,000 |
| (FC) | WEST FORK OF MILL CREEK LAKE, OH | 546,000 | 546,000 |
| (FC) | WILLIAM H HARSHA LAKE, OH | 846,000 | 846,000 |
| | **OKLAHOMA** | | |
| (FC) | ARCADIA LAKE, OK | 277,000 | 277,000 |
| (FC) | BIRCH LAKE, OK | 836,000 | 836,000 |

## CORPS OF ENGINEERS - OPERATION AND MAINTENANCE

| TYPE OF PROJECT | PROJECT TITLE | BUDGET ESTIMATE | CONFERENCE |
|---|---|---|---|
| (MP) | BROKEN BOW LAKE, OK | 1,671,000 | 1,671,000 |
| (FC) | CANDY LAKE, OK | 39,000 | 39,000 |
| (FC) | CANTON LAKE, OK | 1,756,000 | 1,756,000 |
| (FC) | COPAN LAKE, OK | 906,000 | 906,000 |
| (MP) | EUFAULA LAKE, OK | 3,959,000 | 3,959,000 |
| (MP) | FORT GIBSON LAKE, OK | 3,354,000 | 3,354,000 |
| (FC) | FORT SUPPLY LAKE, OK | 817,000 | 817,000 |
|  | GRAND NEOSHO RIVER BASIN, OK | --- | 500,000 |
| (FC) | GREAT SALT PLAINS LAKE, OK | 323,000 | 323,000 |
| (FC) | HEYBURN LAKE, OK | 813,000 | 813,000 |
| (FC) | HUGO LAKE, OK | 1,510,000 | 1,510,000 |
| (FC) | HULAH LAKE, OK | 462,000 | 462,000 |
| (FC) | INSPECTION OF COMPLETED WORKS, OK | 168,000 | 168,000 |
| (FC) | KAW LAKE, OK | 1,735,000 | 1,735,000 |
| (MP) | KEYSTONE LAKE, OK | 3,453,000 | 3,453,000 |
| (FC) | OOLOGAH LAKE, OK | 1,329,000 | 1,329,000 |
| (FC) | OPTIMA LAKE, OK | 265,000 | 265,000 |
| (FC) | PENSACOLA RESERVOIR - LAKE OF THE CHEROKEES, OK | 20,000 | 20,000 |
| (FC) | PINE CREEK LAKE, OK | 1,088,000 | 1,088,000 |
| (MP) | ROBERT S KERR LOCK AND DAM AND RESERVOIRS, OK | 3,795,000 | 3,795,000 |
| (FC) | SARDIS LAKE, OK | 1,037,000 | 1,037,000 |
| (FC) | SCHEDULING RESERVOIR OPERATIONS, OK | 558,000 | 558,000 |
| (FC) | SKIATOOK LAKE, OK | 949,000 | 949,000 |
| (MP) | TENKILLER FERRY LAKE, OK | 3,423,000 | 3,423,000 |
| (FC) | WAURIKA LAKE, OK | 1,486,000 | 1,486,000 |
| (MP) | WEBBERS FALLS LOCK AND DAM, OK | 3,288,000 | 3,288,000 |
| (FC) | WISTER LAKE, OK | 824,000 | 824,000 |
|  | OREGON |  |  |
| (FC) | APPLEGATE LAKE, OR | 787,000 | 787,000 |
| (FC) | BLUE RIVER LAKE, OR | 276,000 | 276,000 |
| (MP) | BONNEVILLE LOCK AND DAM, OR & WA | 16,576,000 | 16,691,000 |
| (N) | CHETCO RIVER, OR | 284,000 | 500,000 |
| (N) | COLUMBIA & LWR WILLAMETTE R BLW VANCOUVER, WA & PORTLA | 11,332,000 | 11,332,000 |
| (N) | COLUMBIA RIVER AT THE MOUTH, OR & WA | 7,904,000 | 7,904,000 |
| (N) | COLUMBIA RIVER BETWEEN VANCOUVER, WA AND THE DALLES, O | 346,000 | 346,000 |
| (N) | COOS BAY, OR | 4,892,000 | 4,892,000 |
| (N) | COQUILLE RIVER, OR | 377,000 | 377,000 |
| (FC) | COTTAGE GROVE LAKE, OR | 708,000 | 708,000 |
| (MP) | COUGAR LAKE, OR | 1,157,000 | 1,157,000 |
| (N) | DEPOE BAY, OR | 33,000 | 33,000 |
| (MP) | DETROIT LAKE, OR | 2,200,000 | 2,200,000 |
| (FC) | DORENA LAKE, OR | 512,000 | 512,000 |
| (FC) | FALL CREEK LAKE, OR | 618,000 | 618,000 |
| (FC) | FERN RIDGE LAKE, OR | 955,000 | 955,000 |
| (MP) | GREEN PETER - FOSTER LAKES, OR | 2,545,000 | 2,545,000 |
| (MP) | HILLS CREEK LAKE, OR | 748,000 | 748,000 |
| (FC) | INSPECTION OF COMPLETED WORKS, OR | 179,000 | 179,000 |
| (MP) | JOHN DAY LOCK AND DAM, OR & WA | 12,886,000 | 12,886,000 |

## CORPS OF ENGINEERS - OPERATION AND MAINTENANCE

| TYPE OF PROJECT | PROJECT TITLE | BUDGET ESTIMATE | CONFERENCE |
|---|---|---|---|
| (MP) | LOOKOUT POINT LAKE, OR | 3,991,000 | 3,991,000 |
| (MP) | LOST CREEK LAKE, OR | 4,030,000 | 4,030,000 |
| (MP) | MCNARY LOCK AND DAM, OR & WA | 12,333,000 | 12,483,000 |
| (N) | PORT ORFORD, OR | 484,000 | 484,000 |
| (N) | PROJECT CONDITION SURVEYS, OR | 135,000 | 135,000 |
| (N) | ROGUE RIVER, OR | 746,000 | 1,353,000 |
| (FC) | SCHEDULING RESERVOIR OPERATIONS, OR | 115,000 | 115,000 |
| (N) | SIUSLAW RIVER, OR | 965,000 | 965,000 |
| (N) | SKIPANON CHANNEL, OR | 5,000 | 5,000 |
| (N) | SURVEILLANCE OF NORTHERN BOUNDARY WATERS, OR | 7,000 | 7,000 |
| (N) | TILLAMOOK BAY AND BAR, OR | 13,000 | 13,000 |
| (N) | UMPQUA RIVER, OR | 1,321,000 | 1,321,000 |
| (N) | WILLAMETTE RIVER AT WILLAMETTE FALLS, OR | 606,000 | 606,000 |
| (FC) | WILLAMETTE RIVER BANK PROTECTION, OR | 61,000 | 61,000 |
|  | WILLAMETTE RIVER BASIN, OR | --- | 647,000 |
| (FC) | WILLOW CREEK LAKE, OR | 564,000 | 564,000 |
| (N) | YAQUINA BAY AND HARBOR, OR | 1,607,000 | 1,607,000 |
|  | PENNSYLVANIA |  |  |
| (N) | ALLEGHENY RIVER, PA | 6,700,000 | 12,700,000 |
| (FC) | ALVIN R BUSH DAM, PA | 622,000 | 622,000 |
| (FC) | AYLESWORTH CREEK LAKE, PA | 200,000 | 225,000 |
| (FC) | BELTZVILLE LAKE, PA | 1,046,000 | 1,046,000 |
| (FC) | BLUE MARSH LAKE, PA | 1,986,000 | 1,986,000 |
| (FC) | CONEMAUGH RIVER LAKE, PA | 3,127,000 | 3,127,000 |
| (FC) | COWANESQUE LAKE, PA | 1,679,000 | 1,679,000 |
| (FC) | CROOKED CREEK LAKE, PA | 1,452,000 | 1,452,000 |
| (FC) | CURWENSVILLE LAKE, PA | 677,000 | 804,000 |
| (FC) | EAST BRANCH CLARION RIVER LAKE, PA | 799,000 | 799,000 |
| (N) | ERIE HARBOR, PA | 635,000 | 635,000 |
| (FC) | FOSTER JOSEPH SAYERS DAM, PA | 728,000 | 728,000 |
| (FC) | FRANCIS E WALTER DAM, PA | 715,000 | 715,000 |
| (FC) | GENERAL EDGAR JADWIN DAM AND RESERVOIR, PA | 287,000 | 287,000 |
| (FC) | INSPECTION OF COMPLETED WORKS, PA | 205,000 | 205,000 |
| (FC) | JOHNSTOWN, PA | 1,109,000 | 1,109,000 |
| (FC) | KINZUA DAM AND ALLEGHENY RESERVOIR, PA | 1,400,000 | 1,400,000 |
| (FC) | LOYALHANNA LAKE, PA | 1,182,000 | 1,182,000 |
| (FC) | MAHONING CREEK LAKE, PA | 826,000 | 826,000 |
| (N) | MONONGAHELA RIVER, PA | 13,864,000 | 13,864,000 |
| (N) | PROJECT CONDITION SURVEYS, PA | 15,000 | 15,000 |
| (FC) | PROMPTON LAKE, PA | 438,000 | 438,000 |
| (FC) | PUNXSUTAWNEY, PA | 13,000 | 13,000 |
| (FC) | RAYSTOWN LAKE, PA | 2,520,000 | 4,690,000 |
| (FC) | SCHEDULING RESERVOIR OPERATIONS, PA | 53,000 | 53,000 |
| (N) | SCHUYLKILL RIVER, PA | 1,290,000 | 1,290,000 |
| (FC) | SHENANGO RIVER LAKE, PA | 1,916,000 | 1,916,000 |
| (FC) | STILLWATER LAKE, PA | 334,000 | 334,000 |
| (N) | SURVEILLANCE OF NORTHERN BOUNDARY WATERS, PA | 82,000 | 82,000 |
| (FC) | TIOGA - HAMMOND LAKES, PA | 1,775,000 | 2,155,000 |

## CORPS OF ENGINEERS - OPERATION AND MAINTENANCE

| TYPE OF PROJECT | PROJECT TITLE | BUDGET ESTIMATE | CONFERENCE |
|---|---|---|---|
| (FC) | TIONESTA LAKE, PA | 1,293,000 | 1,293,000 |
| (FC) | UNION CITY LAKE, PA | 324,000 | 324,000 |
| (FC) | WOODCOCK CREEK LAKE, PA | 821,000 | 821,000 |
| (FC) | YORK INDIAN ROCK DAM, PA | 518,000 | 518,000 |
| (FC) | YOUGHIOGHENY RIVER LAKE, PA & MD | 1,663,000 | 1,663,000 |
| | RHODE ISLAND | | |
| (N) | BLOCK ISLAND HARBOR OF REFUGE, RI | 342,000 | 342,000 |
| (FC) | INSPECTION OF COMPLETED WORKS, RI | 5,000 | 5,000 |
| (N) | PROJECT CONDITION SURVEYS, RI | 677,000 | 677,000 |
| | SOUTH CAROLINA | | |
| (N) | ATLANTIC INTRACOASTAL WATERWAY, SC | 2,850,000 | 2,850,000 |
| (N) | CHARLESTON HARBOR, SC | 3,815,000 | 4,715,000 |
| (N) | COOPER RIVER, CHARLESTON HARBOR, SC | 3,372,000 | 3,562,000 |
| (N) | FOLLY RIVER, SC | 246,000 | 246,000 |
| (N) | GEORGETOWN HARBOR, SC | 3,165,000 | 3,665,000 |
| (FC) | INSPECTION OF COMPLETED WORKS, SC | 27,000 | 27,000 |
| (N) | PORT ROYAL HARBOR, SC | 981,000 | 981,000 |
| (N) | PROJECT CONDITION SURVEYS, SC | 20,000 | 20,000 |
| (N) | SHIPYARD RIVER, SC | 400,000 | 400,000 |
| | TOWN CREEK, SC | --- | 360,000 |
| | SOUTH DAKOTA | | |
| (MP) | BIG BEND DAM - LAKE SHARPE, SD | 5,759,000 | 5,759,000 |
| (FC) | COLD BROOK LAKE, SD | 325,000 | 325,000 |
| (FC) | COTTONWOOD SPRINGS LAKE, SD | 200,000 | 200,000 |
| (MP) | FT RANDALL DAM - LAKE FRANCIS CASE, SD | 7,863,000 | 7,863,000 |
| (FC) | INSPECTION OF COMPLETED WORKS, SD | 14,000 | 14,000 |
| | JAMES RIVER, JAMESTWON & PIPESTEM RESERV., SD | --- | 100,000 |
| (FC) | LAKE TRAVERSE, SD & MN | 1,499,000 | 1,499,000 |
| (MP) | OAHE DAM - LAKE OAHE, SD & ND | 8,854,000 | 9,154,000 |
| (FC) | SCHEDULING RESERVOIR OPERATIONS, SD | 67,000 | 67,000 |
| | TENNESSEE | | |
| (MP) | CENTER HILL LAKE, TN | 5,373,000 | 5,373,000 |
| (MP) | CHEATHAM LOCK AND DAM, TN | 4,832,000 | 4,832,000 |
| (MP) | CORDELL HULL DAM AND RESERVOIR, TN | 4,097,000 | 4,097,000 |
| (MP) | DALE HOLLOW LAKE, TN | 3,622,000 | 3,622,000 |
| (FC) | INSPECTION OF COMPLETED WORKS, TN | 133,000 | 133,000 |
| (MP) | J PERCY PRIEST DAM AND RESERVOIR, TN | 3,348,000 | 3,348,000 |
| (MP) | OLD HICKORY LOCK AND DAM, TN | 6,404,000 | 6,404,000 |
| (N) | PROJECT CONDITION SURVEYS, TN | 4,000 | 4,000 |
| (N) | TENNESSEE RIVER, TN | 10,266,000 | 10,266,000 |
| (N) | WOLF RIVER HARBOR, TN | 310,000 | 310,000 |

## CORPS OF ENGINEERS - OPERATION AND MAINTENANCE

| TYPE OF PROJECT | PROJECT TITLE | BUDGET ESTIMATE | CONFERENCE |
|---|---|---|---|
| | TEXAS | | |
| (FC) | AQUILLA LAKE, TX | 602,000 | 602,000 |
| (FC) | ARKANSAS - RED RIVER BASINS CHLORIDE CONTROL - AREA VI | 1,185,000 | 1,185,000 |
| (N) | BARBOUR TERMINAL CHANNEL, TX | 845,000 | 845,000 |
| (FC) | BARDWELL LAKE, TX | 1,301,000 | 1,301,000 |
| (N) | BAYPORT SHIP CHANNEL, TX | 1,170,000 | 1,170,000 |
| (FC) | BELTON LAKE, TX | 2,650,000 | 2,650,000 |
| (FC) | BENBROOK LAKE, TX | 1,660,000 | 1,660,000 |
| (N) | BRAZOS ISLAND HARBOR, TX | 1,050,000 | 1,050,000 |
| (FC) | BUFFALO BAYOU AND TRIBUTARIES, TX | 3,457,000 | 3,457,000 |
| (FC) | CANYON LAKE, TX | 2,052,000 | 2,052,000 |
| (N) | CHANNEL TO PORT MANSFIELD, TX | 155,000 | 155,000 |
| (FC) | COOPER LAKE AND CHANNELS, TX | 978,000 | 978,000 |
| (N) | CORPUS CHRISTI SHIP CHANNEL, TX | 1,885,000 | 1,885,000 |
| | CORPUS CHRISTI SHIP CHANNEL (RINCON CANAL), TX | --- | 400,000 |
| (MP) | DENISON DAM - LAKE TEXOMA, TX | 4,681,000 | 4,681,000 |
| (FC) | ESTELLINE SPRINGS EXPERIMENTAL PROJECT, TX | 14,000 | 14,000 |
| (FC) | FERRELLS BRIDGE DAM - LAKE O'THE PINES, TX | 2,113,000 | 2,113,000 |
| (N) | FREEPORT HARBOR, TX | 4,350,000 | 4,350,000 |
| (N) | GALVESTON HARBOR AND CHANNEL, TX | 3,010,000 | 3,010,000 |
| (N) | GIWW - CHANNEL TO VICTORIA, TX | 1,940,000 | 1,940,000 |
| (N) | GIWW - CHOCOLATE BAYOU, TX | 1,160,000 | 1,160,000 |
| (FC) | GRANGER DAM AND LAKE, TX | 1,517,000 | 1,517,000 |
| (FC) | GRAPEVINE LAKE, TX | 1,804,000 | 1,804,000 |
| (N) | GULF INTRACOASTAL WATERWAY, TX | 17,072,000 | 17,072,000 |
| (FC) | HORDS CREEK LAKE, TX | 1,133,000 | 1,133,000 |
| (N) | HOUSTON SHIP CHANNEL, TX | 7,617,000 | 7,617,000 |
| (FC) | INSPECTION OF COMPLETED WORKS, TX | 296,000 | 296,000 |
| (FC) | JOE POOL LAKE, TX | 817,000 | 817,000 |
| (FC) | LAKE KEMP, TX | 235,000 | 235,000 |
| (FC) | LAVON LAKE, TX | 2,476,000 | 2,476,000 |
| (FC) | LEWISVILLE DAM, TX | 2,467,000 | 2,467,000 |
| (N) | MATAGORDA SHIP CHANNEL, TX | 3,460,000 | 3,460,000 |
| (N) | MOUTH OF THE COLORADO RIVER, TX | 1,900,000 | 1,900,000 |
| (FC) | NAVARRO MILLS LAKE, TX | 1,373,000 | 1,373,000 |
| (FC) | NORTH SAN GABRIEL DAM AND LAKE GEORGETOWN, TX | 1,650,000 | 1,650,000 |
| (FC) | O C FISHER DAM AND LAKE, TX | 1,287,000 | 1,287,000 |
| (FC) | PAT MAYSE LAKE, TX | 856,000 | 856,000 |
| (FC) | PROCTOR LAKE, TX | 2,197,000 | 2,197,000 |
| (N) | PROJECT CONDITION SURVEYS, TX | 85,000 | 85,000 |
| (FC) | RAY ROBERTS LAKE, TX | 768,000 | 768,000 |
| (N) | SABINE - NECHES WATERWAY, TX | 8,020,000 | 8,020,000 |
| (MP) | SAM RAYBURN DAM AND RESERVOIR, TX | 4,038,000 | 4,038,000 |
| (FC) | SCHEDULING RESERVOIR OPERATIONS, TX | 49,000 | 49,000 |
| (FC) | SOMERVILLE LAKE, TX | 2,367,000 | 2,367,000 |
| (FC) | STILLHOUSE HOLLOW DAM, TX | 1,514,000 | 1,514,000 |
| (N) | TEXAS CITY SHIP CHANNEL, TX | 770,000 | 770,000 |
| (MP) | TOWN BLUFF DAM - B A STEINHAGEN LAKE, TX | 1,469,000 | 1,469,000 |
| (FC) | WACO LAKE, TX | 2,031,000 | 2,031,000 |

## CORPS OF ENGINEERS - OPERATION AND MAINTENANCE

| TYPE OF PROJECT | PROJECT TITLE | BUDGET ESTIMATE | CONFERENCE |
|---|---|---|---|
| (FC) | WALLISVILLE LAKE, TX | 488,000 | 488,000 |
| (MP) | WHITNEY LAKE, TX | 3,628,000 | 3,628,000 |
| (FC) | WRIGHT PATMAN DAM AND LAKE, TX | 2,446,000 | 2,446,000 |
| | UTAH | | |
| (FC) | INSPECTION OF COMPLETED WORKS, UT | 58,000 | 58,000 |
| (FC) | SCHEDULING RESERVOIR OPERATIONS, UT | 452,000 | 452,000 |
| | VERMONT | | |
| (FC) | BALL MOUNTAIN LAKE, VT | 606,000 | 606,000 |
| | CONNECTICUT RIVER BASIN (MASTER PLAN), VT | --- | 200,000 |
| (FC) | INSPECTION OF COMPLETED WORKS, VT | 40,000 | 40,000 |
| (N) | NARROWS OF LAKE CHAMPLAIN, VT & NY | 556,000 | 556,000 |
| (FC) | NORTH HARTLAND LAKE, VT | 672,000 | 672,000 |
| (FC) | NORTH SPRINGFIELD LAKE, VT | 570,000 | 570,000 |
| (FC) | TOWNSHEND LAKE, VT | 602,000 | 602,000 |
| (FC) | UNION VILLAGE DAM, VT | 439,000 | 439,000 |
| | VIRGINIA | | |
| (N) | APPOMATTOX RIVER, VA | 25,000 | 25,000 |
| (N) | ATLANTIC INTRACOASTAL WATERWAY, VA | 1,971,000 | 1,971,000 |
| (N) | CHANNEL TO NEWPORT NEWS, VA | 485,000 | 485,000 |
| (N) | CHINCOTEAGUE INLET, VA | 1,094,000 | 1,094,000 |
| (FC) | GATHRIGHT DAM AND LAKE MOOMAW, VA | 1,544,000 | 1,544,000 |
| (N) | HAMPTON RDS, NORFOLK & NEWPORT NEWS HBR, VA (DRIFT REM | 707,000 | 707,000 |
| (FC) | INSPECTION OF COMPLETED WORKS, VA | 69,000 | 69,000 |
| (N) | JAMES RIVER CHANNEL, VA | 3,635,000 | 5,000,000 |
| (MP) | JOHN H KERR LAKE, VA & NC | 7,906,000 | 7,906,000 |
| (FC) | JOHN W FLANNAGAN DAM AND RESERVOIR, VA | 1,192,000 | 1,192,000 |
| | NEABSCO CREEK, VA | --- | 1,000,000 |
| (N) | NORFOLK HARBOR (PREVENTION OF OBSTRUCTIVE DEPOSITS), V | 280,000 | 280,000 |
| (N) | NORFOLK HARBOR, VA | 5,310,000 | 5,310,000 |
| (FC) | NORTH FORK OF POUND RIVER LAKE, VA | 301,000 | 301,000 |
| | POTOMAC RIVER AT ALEXANDRIA, VA | --- | 174,000 |
| | POTOMAC RIVER BELOW WASHINGTON, DC, VA | --- | 176,000 |
| (MP) | PHILPOTT LAKE, VA | 2,075,000 | 2,075,000 |
| (N) | PROJECT CONDITION SURVEYS, VA | 711,000 | 711,000 |
| | RUDEE INLET, VA | --- | 535,000 |
| (N) | THIMBLE SHOAL CHANNEL, VA | 177,000 | 177,000 |
| (N) | WATERWAY ON THE COAST OF VIRGINIA, VA | 1,082,000 | 1,082,000 |
| | WASHINGTON | | |
| (N) | ANACORTES HARBOR, WA | 240,000 | 240,000 |
| (MP) | CHIEF JOSEPH DAM, WA | 12,547,000 | 12,547,000 |
| (N) | COLUMBIA RIVER AT BAKER BAY, WA & OR | 10,000 | 10,000 |
| (N) | COLUMBIA RIVER BETWEEN CHINOOK AND SAND ISLAND, WA | 6,000 | 6,000 |

## CORPS OF ENGINEERS - OPERATION AND MAINTENANCE

| TYPE OF PROJECT | PROJECT TITLE | BUDGET ESTIMATE | CONFERENCE |
|---|---|---|---|
| (N) | EVERETT HARBOR AND SNOHOMISH RIVER, WA | 1,202,000 | 1,202,000 |
| (N) | GRAYS HARBOR AND CHEHALIS RIVER, WA | 7,226,000 | 13,226,000 |
| (FC) | HOWARD HANSON DAM, WA | 1,271,000 | 1,271,000 |
| (MP) | ICE HARBOR LOCK AND DAM, WA | 8,090,000 | 8,090,000 |
| (FC) | INSPECTION OF COMPLETED WORKS, WA | 173,000 | 173,000 |
| (N) | LAKE CROCKETT (KEYSTONE HARBOR), WA | 352,000 | 352,000 |
| (N) | LAKE WASHINGTON SHIP CANAL, WA | 6,558,000 | 6,558,000 |
| (MP) | LITTLE GOOSE LOCK AND DAM, WA | 5,672,000 | 5,672,000 |
| (MP) | LOWER GRANITE LOCK AND DAM, WA | 7,684,000 | 7,684,000 |
| (MP) | LOWER MONUMENTAL LOCK AND DAM, WA | 5,461,000 | 5,461,000 |
| (FC) | MILL CREEK LAKE, WA | 762,000 | 762,000 |
| (FC) | MT ST HELENS, WA | 415,000 | 415,000 |
| (FC) | MUD MOUNTAIN DAM, WA | 1,953,000 | 1,953,000 |
| (N) | PROJECT CONDITION SURVEYS, WA | 294,000 | 294,000 |
| (N) | PUGET SOUND AND TRIBUTARY WATERS, WA | 1,050,000 | 1,050,000 |
| (FC) | SCHEDULING RESERVOIR OPERATIONS, WA | 492,000 | 492,000 |
| (N) | SEATTLE HARBOR, WA | 787,000 | 787,000 |
| (FC) | STILLAGUAMISH RIVER, WA | 186,000 | 186,000 |
| (N) | SURVEILLANCE OF NORTHERN BOUNDARY WATERS, WA | 61,000 | 61,000 |
| (N) | SWINOMISH CHANNEL, WA | 375,000 | 375,000 |
| (FC) | TACOMA, PUYALLUP RIVER, WA | 72,000 | 72,000 |
| (MP) | THE DALLES LOCK AND DAM, WA & OR | 10,744,000 | 10,744,000 |
| (N) | WILLAPA RIVER AND HARBOR, WA | 615,000 | 2,615,000 |
|  | WEST VIRGINIA |  |  |
| (FC) | BEECH FORK LAKE, WV | 1,018,000 | 1,018,000 |
| (FC) | BLUESTONE LAKE, WV | 1,253,000 | 1,828,000 |
| (FC) | BURNSVILLE LAKE, WV | 1,167,000 | 1,167,000 |
| (FC) | EAST LYNN LAKE, WV | 1,563,000 | 1,563,000 |
| (N) | ELK RIVER HARBOR, WV | 370,000 | 370,000 |
| (FC) | ELKINS, WV | 11,000 | 11,000 |
| (FC) | INSPECTION OF COMPLETED WORKS, WV | 93,000 | 93,000 |
| (N) | KANAWHA RIVER LOCKS AND DAMS, WV | 8,743,000 | 8,743,000 |
| (FC) | R D BAILEY LAKE, WV | 1,418,000 | 1,418,000 |
| (FC) | STONEWALL JACKSON LAKE, WV | 970,000 | 970,000 |
| (FC) | SUMMERSVILLE LAKE, WV | 1,612,000 | 1,612,000 |
| (FC) | SUTTON LAKE, WV | 1,611,000 | 1,611,000 |
| (N) | TYGART LAKE, WV | 1,243,000 | 1,243,000 |
|  | WISCONSIN |  |  |
| (FC) | EAU GALLE RIVER LAKE, WI | 910,000 | 910,000 |
| (N) | FOX RIVER, WI | 1,926,000 | 1,926,000 |
| (N) | GREEN BAY HARBOR, WI | 1,048,000 | 1,048,000 |
| (N) | GREEN BAY HARBOR, WI (DIKE DISPOSAL) | 3,613,000 | 3,613,000 |
| (FC) | INSPECTION OF COMPLETED WORKS, WI | 15,000 | 15,000 |
| (N) | KEWAUNEE HARBOR, WI | 188,000 | 188,000 |
| (FC) | LA FARGE LAKE, WI | 93,000 | 93,000 |
| (N) | MANITOWOC HARBOR, WI | 407,000 | 407,000 |

## CORPS OF ENGINEERS - OPERATION AND MAINTENANCE

| TYPE OF PROJECT | PROJECT TITLE | BUDGET ESTIMATE | CONFERENCE |
|---|---|---|---|
| (N) | MILWAUKEE HARBOR, WI | 1,779,000 | 1,779,000 |
| (N) | PORT WASHINGTON HARBOR, WI | 175,000 | 175,000 |
| (N) | PORT WING HARBOR, WI | 222,000 | 222,000 |
| (N) | PROJECT CONDITION SURVEYS, WI | 96,000 | 96,000 |
| (N) | SHEBOYGAN HARBOR, WI | 511,000 | 511,000 |
| (N) | STURGEON BAY HARBOR & LAKE MICHIGAN SHIP CANAL, WI | 324,000 | 324,000 |
| (N) | SURVEILLANCE OF NORTHERN BOUNDARY WATERS, WI | 475,000 | 475,000 |
| (N) | TWO RIVERS HARBOR, WI | 199,000 | 199,000 |
|  | WYOMING |  |  |
| (FC) | JACKSON HOLE LEVEES, WY | 553,000 | 553,000 |
| (FC) | SCHEDULING RESERVOIR OPERATIONS, WY | 315,000 | 315,000 |
|  | MISCELLANEOUS |  |  |
|  | COASTAL INLET RESEARCH PROGRAM | 4,000,000 | 2,500,000 |
|  | CULTURAL RESOURCES (NAGPRA/CURATION) | 2,000,000 | 1,500,000 |
|  | DREDGING DATA AND LOCK PERFORMANCE MONITORING SYSTEM | 735,000 | 500,000 |
|  | DREDGING OPERATIONS AND ENVIRONMENTAL RESEARCH (DOER) | 6,000,000 | 4,000,000 |
|  | DREDGING OPERATIONS TECHNICAL SUPPORT (DOTS) PROGRAM | 1,700,000 | 1,500,000 |
|  | EARTHQUAKE HAZARDS PROGRAM FOR BUILDINGS AND LIFELINES | 2,930,000 | 2,500,000 |
|  | GREAT LAKES SEDIMENT TRANSPORT MODELS | --- | 500,000 |
|  | HARBOR MAINTENANCE FEE DATA COLLECTION | 600,000 | 600,000 |
|  | MONITORING OF COASTAL NAVIGATION PROJECTS | 1,900,000 | 1,500,000 |
|  | NATIONAL DAM SAFETY PROGRAM | 20,000 | 20,000 |
|  | NATIONAL EMERGENCY PREPAREDNESS PROGRAMS (NEPP) | 5,500,000 | 5,500,000 |
|  | NATIONAL RESOURCES TECHNICAL SUPPORT (NRTS) | 900,000 | 700,000 |
|  | PERFORMANCE BASED BUDGETING SUPPORT PROGRAM | 415,000 | 415,000 |
|  | PROTECT, CLEAR AND STRAIGHTEN CHANNELS (SECTION 3) | 50,000 | 1,000,000 |
|  | RELIABILITY MODELS PROGRAM FOR MAJOR REHABILITATION | 675,000 | 500,000 |
|  | REMOVAL OF SUNKEN VESSELS | 500,000 | 500,000 |
|  | REPAIR, EVALUATION, MAINT & REHAB RESEARCH (REMR II) | 3,000,000 | 2,000,000 |
|  | WATER OPERATIONS TECHNICAL SUPPORT (WOTS) PROGRAM | 850,000 | 650,000 |
|  | WATERBORNE COMMERCE STATISTICS | 4,000,000 | 4,000,000 |
|  | REDUCTION FOR ANTICIPATED SAVINGS AND SLIPPAGE | -29,368,000 | -32,253,000 |
|  | TOTAL, OPERATION AND MAINTENANCE | 1,618,000,000 | 1,740,025,000 |

## TITLE II

## DEPARTMENT OF THE INTERIOR

### CENTRAL UTAH PROJECT

### CENTRAL UTAH PROJECT COMPLETION ACCOUNT

The conference agreement appropriates $41,153,000 to carry out the provisions of the Central Utah Project Completion Act as proposed by the House and the Senate.

### BUREAU OF RECLAMATION

The summary tables at the end of this title set forth the conference agreement with respect to the individual appropriations, programs, and activities of the Bureau of Reclamation. Additional items of conference agreement are discussed below.

### WATER AND RELATED RESOURCES

The conference agreement appropriates $694,348,000 for Water and Related Resources instead of $651,931,000 as proposed by the House and $688,379,000 as proposed by the Senate.

The conference agreement includes $56,442,000 for the Central Arizona Project, $4,796,000 below the budget request. The conferees direct that $3,245,000 of the reduction be derived from native fish protection activities. The remainder of the reduction should be derived from noncontract costs.

The conference agreement includes $4,700,000 for the Applied Science and Technology Development program. Within the amount provided, $1,000,000 is for completion of the in-situ copper mining research project. In addition, $300,000 has been provided for Bureau of Reclamation oversight of that program and for related technology transfer activities.

The conference agreement includes an additional $1,500,000 for the completion of design and initiation of construction of the fish screen at the Contra Costa Canal intake at Rock Slough in California.

The conference agreement includes an additional $3,000,000 for the Anadromous Fish Screen Program. Within funds available to the Anadromous Fish Screen Program, including funds appropriated in fiscal year 1997, the conferees direct the Bureau of Reclamation to fund the following fish screen projects at the levels indicated below: Reclamation District 108, $5,000,000; Reclamation District 1004, $2,625,000; and Princeton-Glenn-Codora and Provident Irrigation Districts, $2,500,000.

The conference agreement includes $6,000,000 for the Animas-La Plata project as proposed by the Senate. The conferees continue to support the Animas-La Plata project in Colorado and New Mexico, which is necessary to satisfy the requirements of the Colorado Ute Indian Water Rights Settlement Act of 1988. Controversy has delayed the construction of the project by the Bureau of Reclamation despite the commitments made in the Settlement Act and a subsequent directive by the Congress that those portions of the project which were approved under the Endangered Species Act should be constructed without delay. In the last year, the Governor of Colorado and the Secretary of the Interior have convened the project supporters and opponents in a process intended to seek resolution of the controversy. The Colorado process calls for a project proposal from parties to the settlement as well as one from those who oppose the project as presently contemplated. The conferees direct that funds previously appropriated for the project and still available are to be used for the project and advancement of a modified project from the process which meets the original intent of the Settlement to provide a new supply of water to meet the present and future needs of the Ute Tribes and the surrounding region. In the event such a project is advanced, the Department of the Interior and other Federal agencies are directed to utilize to the fullest extent the existing environmental compliance documents.

The conferees direct the Bureau of Reclamation to notify the Committees on Appropriations of the House and the Senate before reprogramming any funds from the Equus Beds Groundwater Recharge Demonstration Project in Kansas. The conferees understand that the project is being cost shared on a 50–50 basis.

The conference agreement includes $300,000 for the Bureau of Reclamation to work with local interests to identify the most effective voluntary water conservation practices applicable to the Walker River Basin in Nevada, and to quantify the contribution that voluntary conservation can make to solving the water resources problems in Walker Lake and the basin as a whole.

The conference agreement includes $400,000 for NEPA compliance and design activities associated with the Rio Grande Conveyance/Pipeline project in New Mexico and Texas.

The conferees are concerned with the impacts on recreation and resident fish populations resulting from the operating regimes at Hungry Horse and Grand Coulee Dams. The Northwest Power Planning Council has developed a regionally approved plan, known as the Columbia River Basin Fish and Wildlife Program, and the Secretary of the Interior, acting through the Bureau of Reclamation, should consider the Council's program and operate the projects in a manner consistent with the program.

The conferees direct that of the $500,000 provided for facility operation and maintenance on the Newlands Project in Nevada, that $300,000 shall be applied to the costs of supplying water to the Stillwater National Wildlife Refuge and to recovery of endangered fish in accordance with the Truckee-Carson Pyramid Lake Water Rights Settlement Act, Public Law 101–618, and the Truckee River Water Quality Agreement. Further, $200,000 shall be used to assist the town of Fernley, Nevada, and the Pyramid Lake Tribe, on behalf of the town of Wadsworth in evaluating the joint municipal water source and delivery system, a wastewater conveyance source, and wastewater reclamation for the Fernley Wildlife Management Area.

The conference agreement includes $5,759,000 for the Wetland Development Program. Within the amount recommended, the conferees have included $1,450,000 under fish and wildlife management and development for the Bureau of Reclamation to undertake Central Arizona Project fish and wildlife activities.

The conferees are in agreement with the language in the House report regarding operation and maintenance (O&M) costs, deficits, and budget development. With regard to water rate-setting policies, the conferees urge the Bureau of Reclamation to review and, where necessary, consider modification to these policies to ensure that current O&M water rates revenues are applied against O&M expenses with any deficiency resulting in an O&M deficit to the water contractor.

The conference agreement includes language proposed by the House regarding the Coolidge Dam, San Carlos Irrigation project in Arizona.

The conference agreement includes language proposed by the Senate providing $500,000 for the installation of drains in the Pena Blanca area of New Mexico to prevent seepage from Cochiti Dam.

The conference agreement includes language proposed by the Senate providing that funds available for expenditure for the Departmental Irrigation Drainage Program may be expended for site remediation on a non-reimbursable basis.

The conference agreement includes language proposed by the Senate to increase the authorized level of appropriations for the municipal, rural, and industrial water systems for the Fort Berthold, Standing Rock, and Spirit Lake Nation in order to allow activities to continue. The Senate language has been amended to make technical corrections.

The conference agreement deletes language proposed by the Senate providing $80,000 to complete the feasibility study of alternatives for meeting the drinking water needs on the Cheyenne River Sioux Reservation and surrounding communities in South Dakota. Funding for this project is included in the amount appropriated for Water and Related Resources.

The conference agreement includes language proposed by the Senate providing that the Secretary of the Interior may use $2,500,000 for the McCall Area Wastewater Reclamation and Reuse project in Idaho.

The conference agreement deletes language proposed by the Senate providing $300,000 for planning studies and other activities for the Ute Reservoir Pipeline (Quay County portion) in New Mexico. Funding for this project is included in the amount appropriated for Water and Related Resources.

The conference agreement deletes language proposed by the Senate providing $185,000 for a feasibility study of alternatives for the Crow Creek Rural Water Supply System to meet the drinking water needs on the Crow Creek Sioux Indian Reservation in South Dakota. Funding for this project is included in the amount appropriated for water and related resources.

### BUREAU OF RECLAMATION LOAN PROGRAM ACCOUNT

The conference agreement appropriates $10,425,000 for the Bureau of Reclamation Loan Program Account as proposed by the House and Senate.

### CENTRAL VALLEY PROJECT RESTORATION FUND

The conference agreement appropriates $33,130,000 for the Central Valley Project Restoration Fund as proposed by the Senate instead of $39,130,000 as proposed by the House.

The conference agreement includes language which provides that the Secretary of the Interior shall levy additional mitigation and restoration payments totaling no more than $25,130,000 (October 1992 price levels) on a three-year rolling average basis, as authorized by Section 3407(d) of Public Law 102–575.

### CALIFORNIA BAY-DELTA ECOSYSTEM RESTORATION

The conference agreement appropriates $85,000,000 for the California Bay-Delta Ecosystem Restoration program instead of $120,000,000 as proposed by the House and $50,000,000 as proposed by the Senate.

### POLICY AND ADMINISTRATION

The conference agreement appropriates $47,558,000 for Policy and Administration as proposed by the Senate instead of $47,658,000 as proposed by the House.

### SPECIAL FUNDS

The conference agreement deletes language proposed by the Senate regarding the Reclamation Fund and the special fund in the Treasury created by the Act of December 22, 1987. The Bureau of Reclamation has advised the conferees that this language is not required.

BUREAU OF RECLAMATION

| TYPE OF PROJECT | PROJECT TITLE | BUDGET ESTIMATES RESOURCES MGMT & DEVELOPMENT | BUDGET ESTIMATES FACILITIES OM&R | CONFERENCE ALLOWANCE RESOURCES MGMT & DEVELOPMENT | CONFERENCE ALLOWANCE FACILITIES OM&R |
|---|---|---|---|---|---|
| | WATER AND RELATED RESOURCES | | | | |
| | ARIZONA | | | | |
| | CENTRAL ARIZONA PROJECT (LCRBDF) | 61,242,000 | --- | 56,442,000 | --- |
| | COLORADO RIVER BASIN SALINITY CONTROL, TITLE I | 3,078,000 | 6,500,000 | 3,078,000 | 6,500,000 |
| | COLORADO RIVER FRONT WORK & LEVEE SYSTEM | 4,200,000 | --- | 4,200,000 | --- |
| | INDIAN WATER RIGHTS SETTLEMENT PROJECT | --- | 8,317,000 | --- | 8,317,000 |
| | SALT RIVER PROJECT, HORSE MESA DAM | --- | 1,200,000 | --- | 1,200,000 |
| | SOUTHERN ARIZONA REGIONAL WATER MANAGEMENT STUDY | 200,000 | --- | 200,000 | --- |
| | SOUTHERN ARIZONA WATER RIGHTS SETTLEMENT ACT | 6,693,000 | --- | 6,693,000 | --- |
| | TRES RIOS WETLANDS DEMONSTRATION | 1,000,000 | --- | 1,000,000 | --- |
| | TUCSON AREA WATER RECLAMATION STUDY | --- | --- | 250,000 | --- |
| | VERDE RIVER BASIN MANAGEMENT STUDY | 200,000 | --- | 200,000 | --- |
| | WEST SALT RIVER VALLEY WATER MANAGEMENT STUDY | 75,000 | --- | 200,000 | --- |
| | YUMA AREA PROJECTS | 1,670,000 | 11,868,000 | 1,670,000 | 13,368,000 |
| | CALIFORNIA | | | | |
| | BRACKISH WATER RECLAMATION DEMONSTRATION FACILITY | --- | --- | 2,000,000 | --- |
| | CACHUMA PROJECT | 565,000 | 8,881,000 | 565,000 | 8,881,000 |
| | CENTRAL VALLEY PROJECT: | | | | |
| | AMERICAN RIVER DIVISION | 2,219,000 | 16,204,000 | 10,819,000 | 16,204,000 |
| | CENTRAL VALLEY PROJECT IMPROVEMENT ACT | 4,362,000 | --- | 4,362,000 | --- |
| | DELTA DIVISION | 13,368,000 | 4,682,000 | 14,868,000 | 4,682,000 |
| | EAST SIDE DIVISION | 199,000 | 3,190,000 | 199,000 | 3,190,000 |
| | FRIANT DIVISION | 3,426,000 | 5,406,000 | 3,426,000 | 5,406,000 |
| | MISCELLANEOUS PROJECT PROGRAMS | 16,632,000 | 2,504,000 | 19,632,000 | 2,504,000 |
| | SACRAMENTO RIVER DIVISION | 7,685,000 | 1,186,000 | 8,685,000 | 1,186,000 |
| | SAN FELIPE DIVISION | 1,345,000 | --- | 1,345,000 | --- |
| | SAN JOAQUIN DIVISION | 6,955,000 | --- | 6,955,000 | --- |
| | SHASTA DIVISION | 6,619,000 | 4,929,000 | 6,619,000 | 4,929,000 |
| | TRINITY RIVER DIVISION | 5,643,000 | 4,220,000 | 5,643,000 | 4,220,000 |
| | WATER AND POWER OPERATIONS | 445,000 | 4,981,000 | 445,000 | 4,981,000 |
| | WEST SAN JOAQUIN DIVISION, SAN LUIS UNIT | 2,839,000 | 9,833,000 | 2,839,000 | 12,833,000 |
| | DEL NORTE & CRESCENT CITY WASTEWATER RECLAMATION STUDY | --- | --- | 550,000 | --- |
| | IMPERIAL VALLEY WATER RECLAMATION STUDY | 75,000 | --- | 75,000 | --- |
| | LOS ANGELES AREA WATER RECLAMATION AND REUSE | 10,000,000 | --- | 10,000,000 | --- |
| | LOWER OWENS RIVER ENVIRONMENTAL STUDY | 100,000 | --- | 100,000 | --- |
| | MAMMOTH LAKES WATER OPTIMIZATION STUDY | 80,000 | --- | 80,000 | --- |
| | NEW MELONES WATER MANAGEMENT STUDY | --- | --- | 100,000 | --- |
| | ORLAND PROJECT | 431,000 | 45,000 | 431,000 | 45,000 |
| | SACRAMENTO COUNTY WATER RECLAMATION AND REUSE STUDY | --- | --- | 500,000 | --- |
| | SALTON SEA RESEARCH PROJECT | 400,000 | --- | 400,000 | --- |
| | SAN DIEGO AREA WATER RECLAMATION PROGRAM | 13,000,000 | --- | 13,000,000 | --- |
| | SAN FRANCISCO AREA WATER RECLAMATION STUDY | 375,000 | --- | 375,000 | --- |
| | SAN GABRIEL BASIN PROJECT | 5,235,000 | --- | 5,235,000 | --- |
| | SAN JOSE AREA WATER RECLAMATION AND REUSE | 3,000,000 | --- | 3,000,000 | --- |
| | SOLANO PROJECT | 1,624,000 | 208,000 | 1,624,000 | 208,000 |
| | SOUTHERN CALIFORNIA COASTAL WATER SUPPLY STUDY | 350,000 | --- | 350,000 | --- |

BUREAU OF RECLAMATION

| TYPE OF PROJECT | PROJECT TITLE | BUDGET ESTIMATES RESOURCES MGMT & DEVELOPMENT | BUDGET ESTIMATES FACILITIES OM&R | CONFERENCE ALLOWANCE RESOURCES MGMT & DEVELOPMENT | CONFERENCE ALLOWANCE FACILITIES OM&R |
|---|---|---|---|---|---|
| | SO. CALIF. COMPREHENSIVE WATER RECLAMATION STUDY...... | 769,000 | --- | 769,000 | --- |
| | COLORADO | | | | |
| | ANIMAS-LAPLATA PROJECT, SECT. 5 & 8.................. | 6,000,000 | --- | 6,000,000 | --- |
| | BOSTWICK PARK PROJECT................................ | 40,000 | 36,000 | 40,000 | 36,000 |
| | COLLBRAN PROJECT..................................... | 72,000 | 716,000 | 72,000 | 716,000 |
| | COLORADO-BIG THOMPSON PROJECT........................ | 115,000 | 6,539,000 | 115,000 | 6,539,000 |
| | DALLAS CREEK PROJECT................................. | 18,000 | 134,000 | 18,000 | 134,000 |
| | DOLORES PROJECT...................................... | 10,592,000 | 433,000 | 10,592,000 | 433,000 |
| | FRYINGPAN-ARKANSAS PROJECT........................... | 46,000 | 3,864,000 | 46,000 | 3,864,000 |
| | GRAND VALLEY UNIT, CRBSCP............................ | 4,456,000 | 635,000 | 4,456,000 | 635,000 |
| | LEADVILLE / ARKANSAS RIVER RECOVERY PROJECT.......... | 770,000 | 798,000 | 770,000 | 798,000 |
| | LOWER GUNNISON BASIN UNIT, CRBSCP.................... | --- | 444,000 | --- | 444,000 |
| | MESA COUNTY WATER CONSERVATION STUDY................. | 90,000 | --- | 90,000 | --- |
| | PARADOX UNIT, CRBSCP................................. | --- | 2,782,000 | --- | 2,782,000 |
| | SAN LUIS VALLEY PROJECT, CLOSED BASIN / CONEJOS....... | 70,000 | 3,052,000 | 70,000 | 3,052,000 |
| | UPPER COLORADO AREA PROJECTS......................... | 103,000 | 57,000 | 103,000 | 57,000 |
| | IDAHO | | | | |
| | BOISE AREA PROJECTS.................................. | 2,577,000 | 2,421,000 | 2,577,000 | 2,421,000 |
| | COLUMBIA-SNAKE RIVER SALMON RECOVERY PROJECT......... | 13,062,000 | --- | 13,062,000 | --- |
| | IDAHO RIVER SYSTEMS MANAGEMENT STUDY................. | 300,000 | --- | 300,000 | --- |
| | MCCALL AREA WASTEWATER RECLAMATION AND REUSE......... | --- | --- | 2,500,000 | --- |
| | MINIDOKA AREA PROJECTS............................... | 3,728,000 | 1,742,000 | 3,728,000 | 1,742,000 |
| | MINIDOKA NORTHSIDE DRAINWATER PROJECT................ | 300,000 | --- | 300,000 | --- |
| | UPPER SALMON RIVER WATER OPTIMIZATION STUDY.......... | 175,000 | --- | 175,000 | --- |
| | KANSAS | | | | |
| | CHENEY RESERVOIR WATER QUALITY STUDY................. | 131,000 | --- | 131,000 | --- |
| | CHEYENNE BOTTOMS WILDLIFE AREA STUDY................. | 101,000 | --- | 101,000 | --- |
| | EQUUS BEDS GROUNDWATER RECHARGE DEMONSTRATION PROJECT. | --- | --- | 667,000 | --- |
| | WICHITA PROJECT...................................... | 122,000 | 68,000 | 122,000 | 68,000 |

BUREAU OF RECLAMATION

| TYPE OF PROJECT | PROJECT TITLE | BUDGET ESTIMATES RESOURCES MGMT & DEVELOPMENT | BUDGET ESTIMATES FACILITIES OM&R | CONFERENCE ALLOWANCE RESOURCES MGMT & DEVELOPMENT | CONFERENCE ALLOWANCE FACILITIES OM&R |
|---|---|---|---|---|---|
| | MONTANA | | | | |
| | COLD CLIMATE WASTEWATER TREATMENT | 37,000 | --- | 37,000 | --- |
| | FORT PECK INDIAN RESERVATION | --- | --- | 240,000 | --- |
| | FORT PECK RURAL WATER SUPPLY SYSTEM | --- | --- | 300,000 | --- |
| | HUNGRY HORSE PROJECT | --- | 408,000 | --- | 408,000 |
| | JEFFERSON RIVER BASIN RETURN FLOW STUDY | 86,000 | --- | 86,000 | --- |
| | MILK RIVER PROJECT | 53,000 | 706,000 | 53,000 | 706,000 |
| | MONTANA RIVER SYSTEMS STUDY | 180,000 | --- | 180,000 | --- |
| | PALLID STURGEON RECOVERY DECISION | 65,000 | --- | 65,000 | --- |
| | WESTERN MONTANA WATER CONSERVATION STUDY | 50,000 | --- | 50,000 | --- |
| | YELLOWSTONE RIVER BASIN STUDY | 75,000 | --- | 75,000 | --- |
| | NEBRASKA | | | | |
| | NEBRASKA RAINWATER BASIN ASSESSMENT | 133,000 | --- | 133,000 | --- |
| | NEBRASKA WATER SUPPLY ASSESSMENT | 88,000 | --- | 88,000 | --- |
| | NEVADA | | | | |
| | LAS VEGAS SHALLOW AQUIFER DESALINATION DEMO | --- | --- | 3,750,000 | --- |
| | NEWLANDS PROJECT | 3,750,000 | --- | 3,750,000 | 500,000 |
| | WALKER RIVER BASIN | --- | --- | 300,000 | --- |
| | WASHOE PROJECT | 866,000 | 461,000 | 866,000 | 461,000 |
| | NEW MEXICO | | | | |
| | ALBUQUERQUE WASTEWATER RECYCLING | --- | --- | 5,000,000 | --- |
| | BRANTLEY PROJECT | 1,200,000 | --- | 1,200,000 | --- |
| | CARLSBAD PROJECT | 1,059,000 | 437,000 | 1,059,000 | 437,000 |
| | MIDDLE RIO GRANDE PROJECT | 1,830,000 | 8,932,000 | 1,830,000 | 9,432,000 |
| | MIDDLE RIO GRANDE WATER CONVEYANCE MANAGEMENT PLAN | 80,000 | --- | 80,000 | --- |
| | PECOS RIVER BASIN WATER SALVAGE PROJECT | --- | 129,000 | --- | 129,000 |
| | RIO GRANDE CONVEYANCE CANAL/PIPELINE | --- | --- | 400,000 | --- |
| | RIO GRANDE PROJECT | 537,000 | 2,475,000 | 537,000 | 2,475,000 |
| | RIO GRANDE RIPARIAN TREE SPECIES CONSUMPTIVE USE | 75,000 | --- | 75,000 | --- |
| | SAN JUAN-CHAMA PROJECT | 70,000 | 153,000 | 70,000 | 153,000 |
| | SAN JUAN GALLUP-NAVAJO PIPELINE | --- | --- | 450,000 | --- |
| | SANTE FE WATER REUSE | --- | --- | 500,000 | --- |
| | UTE RESERVOIR PIPELINE | --- | --- | 300,000 | --- |
| | VELARDE COMMUNITY DITCH PROJECT | --- | 1,000,000 | --- | 1,000,000 |
| | NORTH DAKOTA | | | | |
| | FREEZE/THAW DESALINATION DEMONSTRATION PROJECT | 360,000 | --- | 360,000 | --- |
| | GARRISON DIVERSION UNIT, P-SMBP | 17,025,000 | 6,350,000 | 22,525,000 | 6,350,000 |

BUREAU OF RECLAMATION

| TYPE OF PROJECT | PROJECT TITLE | BUDGET ESTIMATES | | CONFERENCE ALLOWANCE | |
|---|---|---|---|---|---|
| | | RESOURCES MGMT & DEVELOPMENT | FACILITIES OM&R | RESOURCES MGMT & DEVELOPMENT | FACILITIES OM&R |
| | OKLAHOMA | | | | |
| | ARBUCKLE PROJECT | 39,000 | 55,000 | 39,000 | 55,000 |
| | LUGERT-ALTUS WATER RESOURCE MANAGEMENT OPTIONS | 100,000 | --- | 100,000 | --- |
| | MCGEE CREEK PROJECT | 162,000 | 383,000 | 162,000 | 383,000 |
| | MOUNTAIN PARK PROJECT | 79,000 | 44,000 | 79,000 | 44,000 |
| | NORMAN PROJECT | 104,000 | 12,000 | 104,000 | 12,000 |
| | OKLAHOMA WATER SUPPLY STUDY | 135,000 | --- | 135,000 | --- |
| | WASHITA BASIN PROJECT | 143,000 | 172,000 | 143,000 | 172,000 |
| | W.C. AUSTIN PROJECT | 70,000 | 85,000 | 70,000 | 85,000 |
| | OREGON | | | | |
| | CENTRAL OREGON IRRIG. SYSTEM CONSERVATION FEASIBILITY | 225,000 | --- | 225,000 | --- |
| | CROOKED RIVER PROJECT | 116,000 | 400,000 | 116,000 | 400,000 |
| | DESCHUTES PROJECT | 89,000 | 146,000 | 89,000 | 146,000 |
| | GRANDE RONDE WATER OPTIMIZATION STUDY | 50,000 | --- | 50,000 | --- |
| | KLAMATH PROJECT | 2,405,000 | 370,000 | 2,405,000 | 370,000 |
| | OREGON STREAM RESTORATION PLANNING STUDY | 75,000 | --- | 75,000 | --- |
| | OREGON SUBBASIN CONSERVATION PLANNING STUDY | 175,000 | --- | 175,000 | --- |
| | ROGUE RIVER BASIN PROJECT, TALENT DIVISION | 87,000 | 682,000 | 87,000 | 682,000 |
| | SOUTHERN OREGON COASTAL RIVER BASINS STUDY | 175,000 | --- | 175,000 | --- |
| | TUALATIN PROJECT | 13,000 | 111,000 | 13,000 | 111,000 |
| | UMATILLA PROJECT | 7,849,000 | 1,505,000 | 7,849,000 | 1,505,000 |
| | SOUTH DAKOTA | | | | |
| | BELLE FOURCHE, P-SMBP | --- | 2,520,000 | --- | 2,520,000 |
| | BLACK HILLS REGIONAL WATER STUDY | 100,000 | --- | 100,000 | --- |
| | CHEYENNE RIVER SIOUX RESERVATION | --- | --- | 80,000 | --- |
| | CROW CREEK RURAL WATER SUPPLY SYSTEM | --- | --- | 185,000 | --- |
| | MID-DAKOTA RURAL WATER PROJECT | 10,000,000 | --- | 13,000,000 | --- |
| | MISSOURI RIVER BASIN TRIBES WATER MANAGEMENT PLAN | 208,000 | --- | 208,000 | --- |
| | MNI WICONI PROJECT | 20,976,000 | 3,349,000 | 27,976,000 | 3,349,000 |
| | RAPID CITY WASTEWATER REUSE STUDY | 75,000 | --- | 75,000 | --- |

BUREAU OF RECLAMATION

| TYPE OF PROJECT | PROJECT TITLE | BUDGET ESTIMATES | | CONFERENCE ALLOWANCE | |
|---|---|---|---|---|---|
| | | RESOURCES MGMT & DEVELOPMENT | FACILITIES OM&R | RESOURCES MGMT & DEVELOPMENT | FACILITIES OM&R |
| | TEXAS | | | | |
| | CANADIAN RIVER PROJECT | 25,000 | 55,000 | 25,000 | 55,000 |
| | COLORADO RIVER PROJECT | 2,000 | 7,000 | 2,000 | 7,000 |
| | NUECES RIVER PROJECT | 127,000 | 195,000 | 127,000 | 195,000 |
| | NORTHWEST WASTEWATER REUSE PROJECT | --- | --- | 1,000,000 | --- |
| | PALMETTO BEND PROJECT | 169,000 | 314,000 | 169,000 | 314,000 |
| | RINCON BAYOU - NUECES MARSH RESTORATION STUDY | 150,000 | --- | 150,000 | --- |
| | RIO GRANDE PROJECT DRAINS WATER QUALITY STUDY | 95,000 | --- | 95,000 | --- |
| | RIO GRANDE/RIO BRAVO INTERNATIONAL BASIN ASSESSMNT | 150,000 | --- | 150,000 | --- |
| | SAN ANGELO PROJECT | 100,000 | 20,479,000 | 100,000 | 20,479,000 |
| | SAN ANTONIO WATER RECYCLING PROGRAM | --- | --- | 200,000 | --- |
| | UTAH | | | | |
| | ASHLEY/BRUSH CREEKS OPTIMIZATION STUDY | 130,000 | --- | 130,000 | --- |
| | CARBON/EMERY COUNTIES WATER MANAGEMENT PLAN | 130,000 | --- | 130,000 | --- |
| | CENTRAL UTAH PROJECT, BONNEVILLE/JENSEN | 3,921,000 | 44,000 | 3,921,000 | 44,000 |
| | OGDEN RIVER BASIN WATER QUALITY MANAGEMENT STUDY | 125,000 | --- | 125,000 | --- |
| | PROVO RIVER PROJECT | 235,000 | 217,000 | 235,000 | 217,000 |
| | TOOELE WASTEWATER TREATMENT & REUSE | --- | --- | 500,000 | --- |
| | WEBER BASIN PROJECT | 373,000 | 1,538,000 | 373,000 | 1,538,000 |
| | WASHINGTON | | | | |
| | COLUMBIA BASIN PROJECT | 4,239,000 | 6,099,000 | 4,239,000 | 6,099,000 |
| | WASHINGTON RIVER BASIN PLANNING | 175,000 | --- | 175,000 | --- |
| | YAKIMA PROJECT | 8,980,000 | 8,839,000 | 9,980,000 | 8,839,000 |
| | WYOMING | | | | |
| | KENDRICK PROJECT | 107,000 | 2,547,000 | 107,000 | 2,547,000 |
| | NORTH PLATTE PROJECT | 93,000 | 1,137,000 | 93,000 | 1,137,000 |
| | SHOSHONE PROJECT | 80,000 | 1,152,000 | 80,000 | 1,152,000 |

## BUREAU OF RECLAMATION

| TYPE OF PROJECT | PROJECT TITLE | BUDGET ESTIMATES RESOURCES MGMT & DEVELOPMENT | BUDGET ESTIMATES FACILITIES OM&R | CONFERENCE ALLOWANCE RESOURCES MGMT & DEVELOPMENT | CONFERENCE ALLOWANCE FACILITIES OM&R |
|---|---|---|---|---|---|
|  | VARIOUS |  |  |  |  |
|  | COLORADO RIVER BASIN SALINITY CONTROL, T. II BASINWIDE | 7,600,000 | --- | 7,600,000 | --- |
|  | COLORADO RIVER STORAGE, SECT. 8, REC, FISH & WILDLIFE. | 2,284,000 | --- | 2,284,000 | --- |
|  | COLORADO RIVER WATER QUALITY IMPROVEMENT | 310,000 | --- | 310,000 | --- |
|  | DEPARTMENT IRRIGATION DRAINAGE PROGRAM | 3,553,000 | --- | 3,109,000 | --- |
|  | EFFICIENCY INCENTIVES PROGRAM | 5,250,000 | --- | 3,000,000 | --- |
|  | ENDANGERED SPECIES RECOVERY IMPLEMENTATION | 14,257,000 | --- | 14,257,000 | --- |
|  | ENVIRONMENTAL PROGRAM ADMINISTRATION | 1,990,000 | --- | 1,990,000 | --- |
|  | ENVIRONMENTAL/INTERAGENCY COORDINATION ACTIVITIES | 1,665,000 | --- | 1,338,000 | --- |
|  | EXAMINATION OF EXISTING STRUCTURES | --- | 2,142,000 | --- | 2,142,000 |
|  | GENERAL PLANNING STUDIES | 1,730,000 | --- | 1,730,000 | --- |
|  | INVESTIGATION OF EXISTING PROJECTS | 500,000 | --- | 500,000 | --- |
|  | LAND RESOURCES MANAGEMENT PROGRAM | 7,602,000 | --- | 7,602,000 | --- |
|  | MINOR WORK ON COMPLETED INVESTIGATIONS | 90,000 | --- | 90,000 | --- |
|  | MISCELLANEOUS FLOOD CONTROL OPERATIONS | 105,000 | 766,000 | 105,000 | 766,000 |
|  | NATIONAL FISH & WILDLIFE FOUNDATION | 1,500,000 | --- | 1,500,000 | --- |
|  | NATIVE AMERICAN AFFAIRS | 8,459,000 | --- | 8,000,000 | --- |
|  | NEGOTIATION AND ADMINISTRATION OF WATER MARKETING | 662,000 | --- | 662,000 | --- |
|  | OPERATION AND MAINTENANCE PROGRAM MANAGEMENT | 107,000 | 215,000 | 107,000 | 215,000 |
|  | PICK-SLOAN MISSOURI BASIN - OTHER PROJECTS | 3,648,000 | 16,376,000 | 3,648,000 | 16,376,000 |
|  | POWER PROGRAM SERVICES | 622,000 | 1,050,000 | 622,000 | 1,050,000 |
|  | PUBLIC ACCESS AND SAFETY PROGRAM | 394,000 | 66,000 | 394,000 | 66,000 |
|  | RECLAMATION LAW ADMINISTRATION | 4,996,000 | --- | 4,800,000 | --- |
|  | RECLAMATION RECREATION MANAGEMENT - TITLE 28 | 4,288,000 | --- | 3,000,000 | --- |
|  | RECREATION AND FISH & WILDLIFE PROGRAM ADMINISTRATION. | 4,922,000 | --- | 3,261,000 | --- |
|  | SAFETY OF DAMS: |  |  |  |  |
|  | DEPARTMENT DAM SAFETY PROGRAM | --- | 1,200,000 | --- | 1,200,000 |
|  | SAFETY OF DAMS EVALUATION & MODIFICATION | --- | 42,433,000 | --- | 42,433,000 |
|  | SCIENCE AND TECHNOLOGY: |  |  |  |  |
|  | APPLIED SCIENCE AND TECHNOLOGY DEVELOPMENT | 3,850,000 | --- | 4,700,000 | --- |
|  | DESALINATION RESEARCH DEV PROGRAM | 2,000,000 | --- | 3,700,000 | --- |
|  | GROUNDWATER RECHARGE | 199,000 | --- | 199,000 | --- |
|  | IMPROVED RIVER BASIN MANAGEMENT CONTROL | 400,000 | --- | --- | --- |
|  | TECHNOLOGY ADVANCEMENT | 400,000 | --- | 300,000 | --- |
|  | WATERSHED / RIVER SYSTEMS MANAGEMENT | 1,000,000 | --- | 1,000,000 | --- |
|  | SITE SECURITY | --- | 5,000,000 | --- | 5,000,000 |
|  | SOIL AND MOISTURE CONSERVATION | 239,000 | --- | 239,000 | --- |
|  | TECHNICAL ASSISTANCE TO STATES | 1,700,000 | --- | 1,500,000 | --- |
|  | WATER MANAGEMENT CONSERVATION PROGRAM | 9,801,000 | --- | 9,235,000 | --- |
|  | WETLANDS DEVELOPMENT | 6,309,000 | --- | 5,759,000 | --- |
|  | UNDISTRIBUTED REDUCTION BASED ON ANTICIPATED DELAYS | --- | -30,953,000 | --- | -33,463,000 |
|  | TOTAL, WATER AND RELATED RESOURCES | 421,874,000 | 229,678,000 | 461,680,000 | 232,668,000 |

BUREAU OF RECLAMATION

| TYPE OF PROJECT | PROJECT TITLE | BUDGET ESTIMATES | | CONFERENCE ALLOWANCE | |
|---|---|---|---|---|---|
| | | RESOURCES MGMT & DEVELOPMENT | FACILITIES OM&R | RESOURCES MGMT & DEVELOPMENT | FACILITIES OM&R |
| | LOAN PROGRAM | | | | |
| | CALIFORNIA | | | | |
| | CASTROVILLE IRRIGATION WATER | 2,100,000 | --- | 2,100,000 | --- |
| | CHINO BASIN DESALINATION | 1,718,000 | --- | 1,718,000 | --- |
| | SALINAS VALLEY | 1,300,000 | --- | 1,300,000 | --- |
| | SAN SEVAINE PROJECT | 976,000 | --- | 976,000 | --- |
| | TEMESCAL VALLEY PROJECT | 651,000 | --- | 651,000 | --- |
| | OREGON | | | | |
| | MILLTOWN HILL, DOUGLAS COUNTY | 3,255,000 | --- | 3,255,000 | --- |
| | VARIOUS | | | | |
| | LOAN ADMINISTRATION | 425,000 | --- | 425,000 | --- |
| | TOTAL, LOAN PROGRAM | 10,425,000 | --- | 10,425,000 | --- |

## TITLE III

## DEPARTMENT OF ENERGY

The summary tables at the end of this title set forth the conference agreement with respect to the individual appropriations, programs, and activities of the Department of Energy. Additional items of conference agreements are discussed below.

### REPROGRAMMINGS

The conference agreement does not provide the Department of Energy with any internal reprogramming flexibility in fiscal year 1998 unless specifically identified in the House, Senate, or conference reports. Any reallocation of new or prior year budget authority or prior year deobligations must be submitted to the House and Senate Committees on Appropriations in advance in writing and may not be implemented prior to approval by the Committees.

### EXTERNAL REGULATION OF DEPARTMENT OF ENERGY FACILITIES

The conference agreement directs that all new nuclear facilities for which construction starts in the year 2000 or beyond are to be constructed in accordance with Nuclear Regulatory Commission (NRC) licensing standards. The Department is directed to consult with the House and Senate Committees on Appropriations should implementation of this policy pose critical national security concerns with respect to any particular nuclear facility.

### SUPPORT SERVICE CONTRACTS

The conferees agree with the House report language which directs the Department to prepare a report on the use of support service contractors and the use of management and operating contractor and subcontractor employees detailed to Headquarters. This report is due on January 30, 1998. The Department should consult with the House and Senate Committees on Appropriations on the level of detail required in this report.

The conferees continue to be concerned about the Department's inappropriate use of support service contractors. The Department continues to pay contractors to perform day to day functions that should be performed by Federal employees. There is a clear distinction between administrative support and technical assistance. Support service contractors can play an important and cost-effective role in supplying special technical expertise unavailable within the Department. However, the conferees believe there has been a distinct lack of responsible management of these contractors. Therefore, the Department is directed to develop a plan to provide more effective management of support service contractors without increasing the number of Federal employees. This plan is to be submitted to Congress at the time of the fiscal year 1999 budget submission. The Department is directed to reduce the number of support service contractors providing administrative support and performing inherently governmental functions. Remaining support service contractors should include only those providing specific technical assistance with a well-defined product or service as the deliverable and an established completion date for the product or service. These technical assistance contracts must meet the Congressional intent of full and open competition, fixed price contracts, and performance-based management.

### GENERAL REDUCTIONS NECESSARY TO ACCOMMODATE SPECIFIC PROGRAM DIRECTIONS

In the event that specific program guidance contained in the House, Senate, or conference reports requires a general reduction of available funding, such reductions shall not be applied disproportionately against any program, project, or activity.

### ENERGY SUPPLY

The conference agreement includes $906,807,000, instead of $880,730,000 as proposed by the House and $966,940,000 as proposed by the Senate. The conference agreement does not include bill language extending the availability of funds in this account beyond fiscal year 1998.

### SOLAR AND RENEWABLE ENERGY

The conference agreement includes $346,266,000, which includes $301,962,000 for the Office of Energy Efficiency and Renewable Energy and $44,304,000 representing research done by the Office of Energy Research. This action follows the direction provided by the House to put research back into research and development. The Office of Energy Efficiency and Renewable Energy and the Office of Energy Research are directed to work together to ensure that the Department's solar and renewable research and development budget reflects the cooperation of the two Offices. The Department is directed to submit its fiscal year 1999 solar and renewable energy budget comprehensively, as it is displayed in the table in this conference report.

*Photovoltaic energy systems.*—From the amount provided, $1,500,000 shall be directed to university research to increase university participation in this program and to fund the acquisition of photovoltaic test equipment at the participating institutions. Furthermore, while developing its FY 1999 budget request, the Department is encouraged to consider the funding needs of university photovoltaic programs.

*Solar thermal energy systems.*—The conference agreement does not include the Senate prohibition on funding to deploy additional dish/engine systems.

*Biomass/biofuels.*—The conference agreement includes $98,385,000, which includes $38,635,000 for research done by the Officer of Energy Research. The conferees direct that the funds be allocated in the following manner: Within "Power systems"—$1,500,000 for thermal conversion, $23,000,000 for system development, $3,000,000 for biomass cogeneration, and $750,000 for the Gridley rice straw project; and, within "Biofuels"—$27,000,000 for ethanol production, including $4,000,000 for the biomass ethanol plant in Jennings, Louisiana, and $2,500,000 for the Consortium for Plant Biotechnology Research. The Department is directed to provide $3,500,000 for feedstock development and $2,000,000 for the regional biomass program each to be equally derived from the power systems and biofuels programs.

*Wind.*—The conference agreement does not include the House prohibition on funding for incremental product improvement partnerships with manufacturers.

*International solar energy.*—The conference agreement includes $1,375,000, an increase of $625,000 over the amount provided by the House. The conferees direct that the funding be provided for the U.S. initiative on joint implementation as provided in the Senate report.

*Hydrogen.*—The conference agreement does not include House language urging the Department to avoid commitments to multimillion dollar demonstration projects. The conference agreement includes $3,000,000 for the Russian—American Fuel Cell Consortium, $1,000,000 less than the amount provided by the Senate.

*Renewable Indian energy resources.*—The conference agreement includes $4,000,000, the amount provided by the Senate, which includes: $2,000,000, the same amount as the current year, for the Power Creek Hydroelectric Project in Cordova, Alaska; $800,000 for the Old Harbor Hydroelectric Project in the Village of Old Harbor, Alaska; $1,000,000 for the Upper Lynn Canal Regional Electric Project in Skagway Bay, Alaska; and $100,000 to complete studies and confirm the feasibility of several small hydroelectric facilities in the Village of Scammon Bay, Alaska.

*Electric energy systems and storage.*—The conference agreement includes up to $1,000,000 for a research and development partnership to manufacture electric transmission lines using aluminum matrix composite materials.

*Federal buildings/Remote power initiatives.*—The House and Senate each included proposals intended to direct the Department to identify and pursue near term opportunities to exploit the strengths of solar and renewable energy technologies. The conference agreement includes both initiatives and provides $5,000,000 for these activities. The Department is directed to provide the House and Senate Committees on Appropriations with a program plan which includes a funding profile, and criteria for awarding proposals. All proposals must include a cost benefit analysis. The Department may approve only proposals that have verifiable, favorable cost benefits over a period of not more than ten years. Cost benefits shall be based exclusively on actual monetary costs and savings.

*Program direction.*—The conference agreement includes $15,651,000 for program direction. The conferees have provided additional funds to address the issues raised in the House report with regard to program taxes. In short, the Department has reallocated program funds to pay for support service contractors, equipment, travel, "cross-cutting" activities, "Assistant Secretary initiatives" and other activities not described in the budget request. All funding for support service contracts and the aforementioned activities is provided in program direction. The Department is directed to end its practice of taxing programs and to allocate funding to programs in accordance with allocations stipulated in appropriations bills.

*Excessive carryover balances.*—The conferees strongly endorse the concerns expressed in the House report and direct that the Department allocate the prior year balance adjustment to programs with consideration given to which programs have available carryover funds. The conferees direct that the Department allocate new budget authority for solar and renewable programs after making an adjustment which reflects a careful analysis of each program's share of carryover balances.

*Executive Order 12902.*—The conference agreement includes the Senate recommendation that the assessment and report be done by the Office of Management and Budget (OMB).

### NUCLEAR ENERGY

*University reactor fuel assistance and support.*—The recommendation is $7,000,000, a $3,000,000 increase over the current fiscal year. The Department is directed to include appropriate laboratories, industry groups and universities in this program. The conference agreement provides $2,200,000 for the core university reactor fuel program and another $2,200,000 for the peer-reviewed Nuclear Engineering Education Research (NEER) program. None of the funds are to be provided to industry and no less than $5,000,000 is to be made available to universities participating in this program.

*Termination costs.*—The conference agreement includes $77,035,000, including a total of $33,000,000 for electrometallurgical-related activities. An additional $12,000,000 is provided for nuclear technology research and development in Other Defense Activities. The conference agreement does not include the Senate recommendation to provide $3,000,000 for the advanced light water reactor program. The conference agreement includes the Senate reduction to the budget request, $1,500,000, for management studies and evaluations.

*Isotope support.*—The conference agreement recommendation for isotope support shall include funds for isotope production and distribution including alpha-emitter production, chemistry research and preclinical studies.

*Program direction.*—The conference agreement combines the separate program direction lines in the uranium, isotope support and other nuclear energy programs. The amount provided, $21,000,000, is $5,110,000 more than the amount provided by the House and $3,066,000 less than the comparable amount in the budget request.

### ENVIRONMENT, SAFETY AND HEALTH

The conference agreement includes $66,050,000, of which $23,550,000 is provided for program direction. The conferees have provided a more balanced distribution of the program direction funding by providing an additional $20,000,000 in the defense environment, safety and health program.

### MAGNETIC FUSION ENERGY

The conferees have adopted the Senate title for this program. The conference agreement provides $232,000,000 which includes $2,000,000 for fusion irradiation activities currently funded under the domestic nuclear energy program.

### FUNDING ADJUSTMENTS

The conference agreement includes a $31,535,000 adjustment reflecting availability of prior year balances, an increase of $13,000,000 to the adjustment recommended by the House. The Department is directed to evaluate availability of prior year balances and allocate this reduction based on that evaluation.

### NON-DEFENSE ENVIRONMENTAL MANAGEMENT

The conference agreement appropriates $497,059,000 instead of $497,619,000 as proposed by the House and $664,684,000 as proposed by the Senate. The conferees have agreed to transfer the Formerly Utilized Sites Remedial Action Program (FUSRAP) to the Corps of Engineers, and funding for this program is contained in Title I of the bill.

The conferees direct the Department of Energy to assess the cost of decommissioning the Southwest Experimental Fast Oxide Reactor site in Arkansas and provide a report to the Committees on Appropriations by September 30, 1998. The conferees further acknowledge the purpose of the Integrated Petroleum Environmental Consortium, but do not believe this initiative properly falls within the jurisdiction of the Energy and Water Development Appropriations Subcommittees.

The conference agreement funds the University Research Program in Robotics at a level of $4,000,000 in the Defense Environmental Restoration and Waste Management appropriation account.

The conferees are aware that Advanced Nuclear & Medical Systems Inc. (ANMS) which had been the principal proponent for delaying the deactivation and decommissioning of the Fast Flux Test Facility (FFTF) at Richland, Washington, has withdrawn its proposal to convert the FFTF for tritium and medical isotope production. On the basis of the original proposal, the Department has delayed until December 1998 a decision to shut down the reactor, increasing the costs to the government of maintaining the reactor in a standby condition. The conferees direct the Department to make a determination on the continued standby status of the FFTF as part of the fiscal year 1999 budget submission.

### URANIUM ENRICHMENT DECONTAMINATION AND DECOMMISSIONING FUND

The conference agreement appropriates $220,200,000 as proposed by the House instead of $230,000,000 as proposed by the Senate. The conference agreement retains bill language proposed by the House providing funds for the uranium and thorium reimbursement program, and increases the funding level of $40,000,000. The conferees agree with the House proposed reporting requirements.

### SCIENCE

The conference agreement includes $2,235,708,000, $28,076,000 more than House and $12,631,000 more than the comparable Senate amount.

*High energy physics.*—The conference agreement provides $680,035,000 for high energy physics. This is the amount provided by the House and represents a $5,000,000 increase over the amount requested by the Administration.

*Nuclear physics.*—The conference agreement provides $320,925,000 for nuclear physics. This is the amount provided by the House and represents a $5,000,000 increase over the amount requested by the Administration.

### BIOLOGICAL AND ENVIRONMENTAL RESEARCH

The conferees support the peer-reviewed nuclear medicine research program in biological imaging at the University of California Los Angeles and strongly encourage the Department to fully fund that research in fiscal year 1998.

The Department of Energy will initiate and carry out a rigorous, peer- reviewed research program that will apply the molecular level knowledge gained from the Department's human genome and structural biology research to ascertain the effects on levels ranging from cells to whole organisms that arise from low-dose-rate exposures to energy and defense-related insults (such as radiation and chemicals). By providing a scientific basis for determining the effects of low-dose exposure, this program will lead to reductions in the uncertainties inherent in current calculations and the development of new, more reliable risk management methods. The ultimate goal is adequate, cost effective health protection for workers and the public from radiation, chemicals and waste clean-up that is commensurate with actual risks.

The conferees have included $3,000,000 for this effort in fiscal year 1998 and direct the Department to develop a multi-year program plan, including budgets, for the subsequent ten years.

The conference agreement includes $4,000,000 to upgrade a nuclear radiation center to accommodate boron neutron capture therapy (BNCT) research in conjunction with the University of California—Davis. BNCT is the selective irradiation of tissue for treatment of inoperable brain tumors. The conference agreement also includes $7,500,000 for design, planning and construction of an expansion of the Medical University of South Carolina's cancer research center. This addition will provide research and treatment areas for the utilization of Positron Emission Tomography, using metabolic bio-markers, a ribozyme-based gene therapy. The conferees are aware of the high rate of cancer nationwide, the need to translate basic biomarker research to direct application, and the need for expansion of this facility. The conferees have provided $3,000,000 to develop proton scanning technology. This effort utilizes the existing proton therapy capabilities at the Proton Cancer Treatment Center at Loma Linda Medical Center in California in cooperation with the Fermi National Accelerator Laboratory. This effort will expand the use of this superior radiation treatment, enabling more precise, safe, and effective treatment of breast, lung and other cancers, without disabling side effects. The conference agreement also includes $3,000,000 for cancer treatment efforts included in the Medical Research Initiative at the University of Rochester Medical Center.

The conference agreement includes $2,000,000 for Englewood Hospital in New Jersey which employs a condensed diagnosis process in its breast cancer treatment program. The conference agreement also includes $10,000,000 for the Northeast Regional Cancer Institute for innovative research that supports the Department's exploration of microbial genetics. The Department will benefit from the Institute's unique assets to pursue medical research related to the Human Genome Project. Also, recent breakthrough findings indicate that there is a third form of life, the Archaea, whose unique properties allow them to flourish under extreme conditions. Understanding the genetic basis of these properties promises to lead to diverse applications and public benefit. The Department has played an early and leading role in supporting this research. This new collaboration will expand the Department's exploration of the science and applications of these results for its energy, environmental, and health effects missions. The conference agreement also includes $2,500,000 for design, planning and construction of a science and engineering center at Highlands University in Las Vegas, New Mexico.

*Human Genome Project.*—The conference agreement does not include House language opposing the increase proposed in the budget request to evaluate ethical, legal and social implications of genome research.

*National Institute for Global and Environmental Change (NIGEC).*—The conference agreement includes $8,200,000, the amount provided in the budget request.

### BASIC ENERGY SCIENCES

*Experimental Program to Stimulate Competitive Research (EPSCoR).*—The conference agreement includes $7,000,000, the amount provided in the budget request.

### OTHER ENERGY RESEARCH

*Computational and technology research.*—The conference agreement does not include House language regarding the transfer of funds to the fusion program, nor the Senate language regarding computer equipment for the Institute for Computational Chemistry and Molecular Modeling.

*University and Science Education.*—The conference agreement does not include the Senate proposal to provide $10,000,000 for this program.

### NUCLEAR WASTE DISPOSAL FUND

The conference agreement appropriates $160,000,000 as proposed by both the House and the Senate, including $4,000,000 to be made available to the Nuclear Regulatory Commission for multi-purpose canister licensing, as proposed by the Senate. The agreement includes no funding for the State of Nevada as proposed by the House, instead of $1,500,000 as proposed by the Senate. The agreement includes $5,000,000 for affected units of local government instead of $0 as proposed by the House and $6,175,000 as proposed by the Senate.

The agreement includes a reduction of $11,950,000 from the science program and a reduction of $16,000,000 for personnel costs, training and travel expenses for Federal employees, support service contractors, nonsafety related training for contractor employees, cooperative agreements and other programs not directly associated with the performance of characterization and interim storage activities.

The conferees fully expect the Office of Civilian Radioactive Waste Management to achieve its Strategic Alignment Initiative targets for fiscal year 1998.

The conferees recognize the capability and availability of resources at the University of Nevada-Las Vegas to store data and scientific studies related to Yucca Mountain and encourage the Department to maximize utilization of this resource.

### DEPARTMENTAL ADMINISTRATION

The conference agreement appropriates $218,747,000 for Departmental Administration instead of $214,723,000 as proposed by the House and $220,847,000 as proposed by the Senate. Revenues of $131,330,000 are estimated to be received in fiscal year 1998, resulting in a net appropriation of $87,417,000.

The conference agreement deletes bill language proposed by the Senate providing additional amounts for cost of work for others provided that such increases are offset by revenue increases of the same or greater amount.

The conference agreement directs the Department to reduce staffing through buyouts and attrition to the level which can be appropriately supported within the available funds provided for fiscal year 1998. No direction to the Department to reduce specific organizations has been provided, but the Conferees expect the Department to assess objectively the workload and value added by many of these support and administrative organizations and the redundancy existing with program organizations which have their own support staffs. Staffing reductions are *not* to be prorated across every organization.

Of the amount provided for other expenses within Departmental Administration, $1,623,000 is available for salaries and expenses in the Office of the Secretary to pay the salaries and expenses of employees otherwise on detail to the Office of the Secretary.

The conferees have provided $6,000,000 for a corporate management information system. The Department is directed to provide detailed information on the systems to be acquired, project costs and milestones, and a description of how these new systems will consolidate, eliminate, or integrate with all of the Department's current information systems. This detailed analysis is to be provided as part of the fiscal year 1999 budget submission.

The conference agreement provides reprogramming authority of $1,000,000 or 10 percent, whichever is less, within the Departmental Administration account. This should provide the needed flexibility to manage this account. Congressional notification of the use of this authority is to be provided on a quarterly basis.

### OFFICE OF THE INSPECTOR GENERAL

The conference agreement includes $27,500,000, as proposed by both the House and Senate.

## ATOMIC ENERGY DEFENSE ACTIVITIES

### WEAPONS ACTIVITIES

The conference agreement appropriates $4,146,692,000 instead of $3,943,442,000 as proposed by the House and $4,302,450,000 as proposed by the Senate.

The conference agreement includes language proposed by the Senate providing that funds are available until expended, and that funding for any ballistic missile defense program undertaken by the Department of Energy for the Department of Defense must be provided in accordance with procedures established for Work for Others by the Department of Energy.

*Stockpile stewardship.*—The conference agreement supports increased funding for many activities in the core stockpile stewardship program with the following specific adjustments. An additional $45,000,000 has been provided for the core research and advanced technology program and enhanced non-nuclear component assessment and experimental activities. As directed by the Senate, $15,000,000 is provided to develop an in-house, contingent source of radiation hardened microelectronics. An increase of $20,000,000 over the budget request is provided for the accelerated strategic computing initiative for a total of $224,800,000. An appropriation of $177,002,000, an increase of $20,000,000 over the request, is provided to maintain a readiness capability to conduct an underground nuclear test at the Nevada test site. An additional $30,000,000 is provided for infrastructure and equipment needs at the national laboratories and the Nevada test site.

The conferees understand that the Department has unique capabilities to assist the Department of Defense in its mission of land mine remediation. The conferees urge the Department to develop a proposal for a Work for Others program with the Department of Defense that would involve testing and demonstration of DOE land mine detection technology at the Nevada Test Site.

The conferees are aware of the significant scientific and technological advances made in the pulsed power program over the past year on the Z-accelerator at Sandia National Laboratory. The Department should support continued Z-physics experiments and improved diagnostic capabilities in the coming year.

Within the technology transfer program, $10,000,000 is provided for the American Textile Partnership (AMTEX). No funds are provided for the Partnership for Next Generation Vehicles.

The conference agreement does not provide additional funding for the inertial confinement fusion program, but expects the Department to allocate existing funds to fully exploit the capabilities of the Nike, Omega, and Nova lasers.

*Stockpile management.*—For core stockpile management, the conference agreement provides $2,052,150,000, which includes the following adjustments to the budget request. An additional $35,000,000 is provided in support of the W87 program and to provide capability at the Y–12 plant in Oak Ridge, Tennessee, in preparation for expected stockpile life extension program, $7,500,000 is provided for enhanced surveillance activities, and $35,000,000 is provided for manufacturing and infrastructure initiatives. Joint development of manufacturing technologies with laboratories is increased by $5,000,000, and $7,500,000 is provided for the Department's environmental surety program. An additional $10,000,000 is recommended to sustain the modernization of the weapons complex begun last year; and an additional $8,000,000 is included to continue upgrades to the existing tritium recycling facility.

Within the budget request for stockpile management, the Department included $45,200,000 for safeguards and security activities at the Rocky Flats, Colorado, and Fernald, Ohio, environmental cleanup sites. The conference agreement transfers that funding to the Defense Facilities Closure Projects account.

The conferees have not provided funding for improvements to Greenville Road in Livermore, California. The City of Livermore has sought for several years to have funds appropriated in this bill for highway construction. The conferees are reluctant to proceed down the path of funding highways at every Department of Energy facility and urge the City to seek funding from more appropriate sources.

*Program direction.*—For program direction funding, the conference agreement provides $250,000,000, a reduction of $53,500,000 from the budget request. The Department anticipates carrying unobligated funds into fiscal year 1998 which will supplement this appropriation. The reduction is imposed in part because of the conferees' frustration that the program has been unable to reduce its employee levels to those established by the Department's own Strategic Alignment Initiative. The Department is directed to meet the Strategic Alignment Initiative personnel ceilings which have been established for the defense programs organization in fiscal year 1998, and to impose the reduction in a manner that results in the implementation of the recommendations made by the Institute for Defense Analysis in its 120 day review of the program's management structure.

### DEFENSE ENVIRONMENTAL RESTORATION AND WASTE MANAGEMENT

The conference agreement appropriates $4,429,438,000 for Defense Environmental Restoration and Waste Management instead of $5,263,270,000 as proposed by the House and $5,654,974,000 as proposed by the Senate. Additional funding of $890,800,000 is contained in the Defense Facilities Closure Projects account and $200,000,000 for Environmental Management Privatization, for a total of $5,520,238,000 provided for all defense environmental management activities.

The conference agreement deletes language included by the Senate earmarking funds for closure projects. The conference agreement includes the Senate language providing that funds are available until expended.

*Environmental restoration.*—The conference agreement provides $1,010,973,000 for environmental restoration, which is the budget request for all sites with only two exceptions. The conference agreement moves funding of $743,600,000, the budget request included in environmental restoration for the Rocky Flats and Fernald sites, from this program to a new appropriation account, Defense Facilities Closure Projects.

An additional $10,000,000 has been included in the environmental restoration program to accelerate cleanup at those sites or facilities which can effectively reduce outyear mortgage costs with small incremental funding increases. The conferees view the acceleration of cleanup of the Hanford 100 area as a prime example of a project that should continue to receive support. A small increase in funds provided in fiscal year 1998 could expedite the cleanup of reactors along the Columbia River in Hanford's 100 area and significantly reduce the outyear mortgages.

*Waste management.*—The conference agreement includes the funding level of

$1,571,644,000 proposed by the Senate for the waste management program, an increase of $35,000,000 over the budget request. The additional funding should be used to continue critical ongoing activities at the Defense Waste Processing Facility in South Carolina, the Waste Isolation Pilot Plant in New Mexico, and the Hanford tank farm in Washington. The conferees have included in the funds otherwise available for the Waste Isolation Pilot Plant, $1,748,000, the same as the current year, for the Environmental Evaluation Group.

*Nuclear materials and facilities stabilization.*—The conference agreement includes $1,256,821,000 for nuclear materials and facilities stabilization. The recommendation includes an additional $43,000,000 over the budget request for operation of facilities at the Savannah River Site to accelerate stabilization of "at risk" spent nuclear fuel currently stored at the site. The conferees agree with the House language on the need for a status report on these activities and direct that it be submitted by November 15, 1997. The conference agreement also provides an additional $15,000,000 for the National Spent Fuel Program.

At the request of the Department, the conference agreement consolidates two prior year construction projects at the Savannah River Site, the Health Physics Site Support Facility and the Environmental Monitoring Laboratory.

*Technology development.*—The conference agreement provides $220,000,000 for the technology development program. As proposed by the House, $4,000,000 is provided for the University Research Program in Robotics. Funding of $5,000,000 is provided for the domestic and international technology systems applications programs, and the budget request of $40,066,000 is provided to support the private industry programs.

The conference agreement provides $27,000,000 to support the Department's efforts to deploy cost-effective new technologies. Deployment of new technologies is a strategic activity affecting virtually all environmental management programs and sites, and should be strongly supported as a complex-wide program, not another initiative established and maintained in isolation in the technology development organization.

The conferees acknowledge the work done by the Department's Environmental Management Advisory Board (EMAB) in reviewing these deployment proposals, and would like to focus the panel on efforts to change records of decision which hamper the consideration and implementation of new technologies which may be faster and more cost effective than traditional cleanup remedies.

Six months after enactment of this Act and semi-annually thereafter, the Department is to provide a report to the Committees on Appropriations on the technologies under development within the program. The report should provide a description of each technology and its applications, an accounting of the Department's investment to date in the technology, and an anticipated return on investment.

The conferees note that technologies developed under this program will be of little or no value to the Department unless they are incorporated into the Department's environmental management records of decision. Regardless of the Department's tendency toward "stove-pipe" organizational arrangements, the Assistant Secretary of Environmental Management is to ensure that the Department's contractors are made aware of and utilize technologies developed by this program.

The conference report accompanying the fiscal year 1997 Energy and Water Development Appropriations Act included a recommendation that the Department continue technology development on alternatives that might achieve satisfactory cleanup results at a significantly lower cost. The conferees believe that it would be prudent for the Department to maintain a research and development program that focuses on higher risk, high-payoff processing and vitrification technologies in parallel with ongoing efforts that could serve as a backup in the event conditions change. The conferees reaffirm the recommendation stated last year and strongly urge the Department to undertake a joint, cooperative effort between the Offices of Waste Management and Technology Development to assess the effectiveness and technical feasibility of the modular in-can and in-tank vitrification technology consistent with the fiscal year 1997 Energy and Water Development Appropriations conference agreement.

The conferees urge the Department to support a joint, cooperative effort between the Offices of Technology Development, Environmental Restoration, Waste Management, and Nuclear Materials and Facilities Stabilization to develop a program to accelerate cleanup of lands which can be transferred to the public sector for other uses. Technology demonstrations should be directed to contaminated Department of Energy sites demonstrating the capability of applying integration of technologies to recover useful lands for transfer to the public sector. These demonstrations should be in diverse regions of the country with the emphasis on a return on investment (ROI) analysis with firm schedules and cost analyses that support the ROI analysis. The lands should be determined by the ability to transfer them to the private sector in three to five years. The changes required to regulations, based on expected reductions of risk, increased public safety, and financial benefit to the government must be a specific end product of this demonstration. Reports on progress of these programs should be submitted to the Committees on Appropriations for information on an annual basis with emphasis on completion of specific land restoration in three years.

*Environmental science program.*—The conferees are pleased with the progress to date in implementing the environmental basic research science program, and have provided $55,000,000 for this activity in fiscal year 1998, an increase of $5,000,000 over the budget request. From these funds, $48,000,000 has been provided for the basic science program, and $7,000,000 for risk policy. Of the risk policy funding, $4,000,000 is provided for the Consortium for Risk Evaluation with Stakeholder Participation (CRESP).

The conferees agree that the Department is to provide to the Committees on Appropriations a list of each research grant that has been funded, a description of what cleanup problem is to be addressed, and how the grantee is to interact with the Department and field sites to address the specific problems.

*Privatization.*—The conference agreement provides $200,000,000 for the environmental privatization program to guarantee the Federal government's commitment to a variety of projects for which private financing will be sought by the contractors involved in bidding on these activities at Department of Energy sites. This funding is to be allocated consistent with the direction provided in the Fiscal Year 1998 National Security Authorization Act. An additional $32,100,000 for the two privatization projects proposed for Fernald, Ohio, has been provided in the Defense Facilities Closure Projects account.

The conferees support statements in the Senate committee report on the importance of the tank waste remediation system (TWRS) privatization project. TWRS is an absolutely essential cleanup priority for the Hanford site. The conferees further believe that the funds provided by the conference agreement are sufficient for TWRS to proceed on schedule. Combined with last year's appropriation, the total budget authority provided by Congress for TWRS underscores the commitment to see this project completed.

The conferees also recognize the importance of meeting cleanup milestones at the Idaho National Engineering and Environmental Laboratory in the court-ordered settlement agreement between the Department and the State of Idaho. Adequate funds should be provided for this purpose.

*Program direction.*—The conferees have provided $345,000,000 for the program direction account. The Department will carry unobligated balances into fiscal year 1998 which will increase the funding available in this account.

*Economic development.*—The conference agreement maintains the current policy that no cleanup funds are to be used for economic development activities. The conferees have provided $61,159,000 in the worker and community transition program which was established and authorized to fund such activities, and expect all economic development activities to be funded from that program.

### DEFENSE FACILITIES CLOSURE PROJECTS

The conference agreement appropriates $890,800,000 for the Defense Facilities Closure Projects account instead of $905,800,000 as proposed by the House and $65,000,000 as proposed by the Senate. The Department requested $15,000,000 for closure projects as part of the Defense Environmental Restoration and Waste Management appropriation account. The conference agreement has established a separate appropriation account for closure projects to provide maximum visibility and accountability for program activities.

Last year the conferees expressed significant interest in accelerating closure of environmental management sites and urged the Department to provide adequate funds to support this effort at sites which could be cleaned up within ten years with a notable reduction in mortgage costs due to the accelerated schedule. The Administration's fiscal year 1998 budget request did not implement this direction. The conferees consider this a very important issue, and have established a separate appropriation account to fund those Department of Energy sites which have an established cost, schedule, and project plan which permits closure of the entire site by 2006. At this time, the conferees are aware of only two sites which meet this criteria: Rocky Flats, Colorado, and Fernald, Ohio. The Department is urged to develop firm cost, schedule, and technical plans for other sites such as Mound and the RMI Ashtabula project in Ohio which can be closed by 2006, and include those sites in this account in the fiscal year 1999 budget request.

The conferees are aware that portions of other sites which will continue to have a Department of Energy presence beyond 2006 are also candidates for accelerated cleanup activities. To accommodate those sites such as Savannah River, Hanford, and Oak Ridge, the conferees have provided additional funding in the defense environmental restoration program to accelerate cleanup activities. Sites with a continued Federal presence beyond 2006 are not candidates for the closure projects account.

The conferees are pleased that the Department now supports a 2006 closure date for the Rocky Flats site in Colorado. With a relatively small increase in funding over the budget request in fiscal year 1998, it is anticipated that total project costs of $1,000,000.000 can be saved. The Department's budget included $598,850,000 for Rocky Flats in various program accounts including $44,000,000 funded in the Weapons Activity account for safeguards activities. The conference agreement consolidates all of this funding and provides an additional $33,250,000 for a total of $632,100,000 for cleanup activities.

Current cost projections indicate that closing the Fernald, Ohio, site by 2006 would cost approximately $2,500,000,000, while closing it by 2011 increases costs to approximately $2,800,000,000. The conferees' recommendation of $258,700,000 provides the budget request from the environmental restoration program, $1,200,000 for safeguards from the Weapons Activities appropriations, $25,200,000 for the Waste Pits Remedial Action project, and $6,900,000 for the Silo 3 Residue Waste Treatment project.

As part of the fiscal year 1999 budget submittal, the Department is directed to provide adequate detail showing the cost, scope, schedule, and technical assumptions which support these project closures by 2006. The Department is directed to ensure that the budget justifications provide adequate detail to permit Congress to track closure progress on an annual basis.

The current management and organization structure in the Environmental Management program at the Department does not lend itself to the successful management of dynamic projects with established completion dates and fixed price costs. Federal management of such projects requires skills quite different from the level of effort activities often performed at DOE sites. The Department is directed to provide the House and Senate Committees on Appropriations within 60 days of enactment of this bill with a detailed plan outlining a proposed project management structure which reduces the numerous layers of Federal bureaucracy through which closure projects must report.

### OTHER DEFENSE ACTIVITIES

The conference agreement includes the Senate language providing that funds are available until expended.

The conference agreement appropriates $1,666,008,000 for Other Defense Activities instead of $1,580,504,000 as proposed by the House and $1,637,981,000 as proposed by the Senate. Details of the conference agreement are provided below.

### NONPROLIFERATION AND NATIONAL SECURITY

The conference agreement provides $658,300,000 for nonproliferation and national security instead of $586,700,000 as proposed by the House and $662,000,000 as proposed by the Senate.

Within the funding for arms control, a total of $29,600,000 is provided for the Initiatives for Proliferation Prevention (IPP). The House language requiring a separate report on the IPP program is eliminated. However, the conferees expect the Department to ensure that these funds are used only for activities directly related to preventing the exodus of nuclear weapons scientists from the former Soviet Union.

From within available funds for arms control, the conference agreement provides $10,000,000 for nuclear material security at a site in Kazakstan.

The conference agreement provides $30,000,000, an increase of $10,000,000 over the budget request, for the Department's security investigations program. The conferees are aware that the Department's budget request was not sufficient to support the necessary number of security clearances required in fiscal year 1998.

The conference agreement provides $82,900,000 for the program direction account. The conferees direct the Department to meet the Strategic Alignment Initiative personnel ceilings which have been established for the nonproliferation and national security organization in fiscal year 1998 and beyond.

### ENVIRONMENT, SAFETY AND HEALTH (DEFENSE)

The conference agreement provides $94,000,000, an increase of $40,000,000 over the budget request, for defense-related environment, safety and health activities. The recommendation provides the Senate funding level for programmatic activities, and $20,000,000 for the program direction account. Included in the recommendation is $2,000,000 for the final year of the Hanford thyroid study.

### WORKER AND COMMUNITY TRANSITION

The conference agreement provides $61,159,000 for the worker and community transition program instead of $56,000,000 as provided by the House and $62,000,000 as provided by the Senate. The conferees direct that no other Departmental funds be used to provide enhanced severance payments and other benefits under the provisions of Section 3161 of the National Defense Authorization Act of Fiscal Year 1993, and that the Department provide a report by March 30, 1998, regarding the future need and justification for the program.

The conferees direct that none of the funds provided for this program be used for additional severance payments and benefits for Federal employees of the Department of Energy. Federal employees are covered by a multitude of laws which control employee benefits and protections during the downsizing of Federal agencies.

The Department submitted a budget amendment to establish an asset management pilot projects program within DOE and to sell or lease five specific assets. The conferees support this initiative, but funding considerations will not permit DOE to retain the net proceeds from the sales or leases. The Department is urged to proceed with implementation of the asset sales program under the current guidelines which permit the Department to retain proceeds from the sales and leases to the extent they are needed to cover the administrative costs of executing the sale or lease. The conferees are aware of the proposal for the national pilot program for electronics recovery and recycling, and have provided $3,500,000 to initiate this program.

The conferees recognize the reductions in the defense work force at the Nevada Test Site as a consequence of defense downsizing. Of the eleven defense facilities sites engaged in downsizing, the Nevada Test Site experienced the second highest reduction in full time equivalent employees. However, Nevada has received less community transition support than any other qualifying defense facility. The conferees urge the Secretary to ensure equitable worker and community transition funding.

### FISSILE MATERIALS DISPOSITION

The conference agreement provides the budget request of $103,796,000 for fissile materials disposition. The Department is commended for its recognition that, despite the controversy it evokes, the burn-up of plutonium in mixed-oxide fuel is the preferred method of disposing of large volumes of weapons grade plutonium. The conferees expect the Department to adhere to the schedule and process for selection of contractors for the mixed-oxide fuel plant and reactors in fiscal year 1998.

However, the conferees direct that the principle objective of the materials disposition program be the conversion of Russian and United States classified materials shapes with special emphasis on weapon primary "pits" into non-weapons usable, verifiable shapes and forms. Material in classified shapes is by far the most attractive for diversion, theft or weapons reassembly, and for that reason this class of material requires immediate attention even if its initial treatment does not lead immediately to final disposition. The conversion of weapons grade plutonium into metallic or oxide forms is acceptable for this step. The choice between oxide or metallic forms should be dictated solely by the rapidity with which the conversion can be accomplished and is dependent upon construction details for different classified shapes. Any delays in this first step predicated on additional research for methods of preparation of materials forms or licensing issues for eventual disposition in mixed-oxide fuel or vitrification are not acceptable. Adequate technologies are available today for conversion of all types of classified shapes.

### NUCLEAR ENERGY (DEFENSE)

The conference agreement provides $35,000,000 for the international nuclear safety program to improve the safety of Soviet-designed nuclear reactors, a decrease of $15,000,000 from the budget request. The conference agreement does not provide funding for the spent fuel management program nor the Chornobyl shutdown initiative.

### OFFICE OF HEARING AND APPEALS

The conference agreement provides $2,300,000 instead of $1,900,000 as proposed by the House and $2,685,000 as proposed by the Senate.

### INDEPENDENT ASSESSMENT OF DOE PROJECTS

The conference agreement provides $35,000,000 as proposed by the House to provide for external reviews of the Department's individual construction and privatization projects, and an external review of the Department's facility acquisition management process. The immediate concern of the conferees is a review of all Department of Energy construction projects initiated in fiscal year 1998, construction projects currently in the conceptual design phase, ongoing projects if recommended by the initial assessment required below, and projects proposed by the Department for privatization. These evaluations should include a review and assessment of the quality of the technical scopes, cost estimates, schedules, and supporting data regarding these construction projects, and should make recommendations on the validity of the proposed costs, scopes, and schedules.

While the House bill directed that these reviews be conducted by the Corps of Engineers, the conferees acknowledge that there may be other qualified, unbiased external organizations that could conduct this type of assessment. Therefore, prior to obligating any funds provided for review of these construction and privatization projects, the conferees expect the Department to contract with an impartial independent organization with expertise in the evaluation of government management and administrative functions, for a detailed analysis of the proposed independent assessment of construction projects.

This contract should produce a report to be submitted to the House and Senate Committees on Appropriations not later than December 31, 1997. The report should address the need for conducting independent assessments of the Department's proposed and ongoing construction projects and projects proposed for privatization, assess the proposed content of these reviews as outlined above, as well as recommend the appropriate entity(ies) (including, but not limited to, the Corps of Engineers) to conduct these reviews. The conferees expect this contract to be entered into as soon as possible, and expect the Department to consult with the Appropriations Committees regarding the selection of an independent organization to produce this report.

In addition to the report on the need for an independent assessment of the Department's construction projects, the conferees direct that the Department's overall management structure and process for identifying, managing, designing and constructing facilities also be reviewed by an impartial independent organization with expertise in the evaluation of government management and administrative functions. The report should be provided to the Committees on Appropriations by June 30, 1998. The process used by the Department and its contractors to identify project requirements, develop scopes of work, execute and manage design, prepare cost estimates, select contract types, and execute and manage construction must be examined. The review should assess the level of oversight and experience of field and headquarters Federal personnel involved in this process. The recommendations of the report should include an analysis of the effectiveness of this process, advantages, disadvantages, and recommended improvements with the ultimate goal of establishing an overall departmental process that has more control of the projects and reduces project cost growth and schedule slippages. This study should also include a review of large operating projects such as environmental projects which may or may not involve much construction, but should clearly be managed with the same principles and guidelines.

### NAVAL REACTORS

The conference agreement provides $670,500,000, instead of $673,500,000 as proposed by the House and $660,500,000 as proposed by the Senate. An additional $30,000,000 over the budget request has been provided to continue test reactor inactivation efforts and environmental cleanup activities which are scheduled to be completed in fiscal year 2002.

### DEFENSE NUCLEAR WASTE DISPOSAL

The conference agreement appropriates $190,000,000 and includes the Senate language providing that funds are available until expended. The House bill did not include this provision.

## POWER MARKETING ADMINISTRATIONS

### ALASKA POWER ADMINISTRATION

In addition to the $1,000,000 provided by the House and Senate, the conference agreement provides $2,500,000, as recommended by the Senate, to replace a damaged transmission cable. The conferees are aware that, in addition to the $3,500,000 provided in this paragraph, the Department has additional funding available from funds appropriated in prior years. Any funds in excess of current requirements shall be returned to the Treasury of the United States upon the sale of the Administration.

The conference agreement includes $10,000,000 for the Swan Lake—Lake Tyee Intertie project, $10,000,000 less than the amount recommended by the Senate.

### BONNEVILLE POWER ADMINISTRATION

A total of $3,750,000 has been made available to Bonneville as permanent borrowing authority. During fiscal year 1998, Bonneville plans to repay the Treasury $805,000,000, of which $228,000,000 is to repay principal on the Federal investment in these facilities.

The conferees note that the Senate report directs the Northwest Power Planning Council to provide a final hatchery review report by October 1998. As this late date will impede the ability of the Appropriations Committees to incorporate the findings of the review into the fiscal year 1999 appropriations process, the conferees direct the Council to provide the final hatchery review report by June 1998.

*Cost control.*—The conferees commend Bonneville for its actions in the last three years to reduce planned spending by approximately $600,000,000 annually and to reduce staffing by 1,000 positions. The conferees believe there is an opportunity, and need, to further reduce costs. The conferees understand that Bonneville and the Northwest Power Planning Council are reviewing Bonneville's planned spending in order to recommend ways for Bonneville to further control costs and have engaged a group of senior business executives to aid in this effort. The conferees support the efforts to assure that limited ratepayer dollars are prudently spent. All program expenditures, other than debt service, must be carefully reviewed by Bonneville to determine whether additional reductions or program terminations can be made to minimize the potential for stranded costs and to keep rates competitive in the wholesale power market. Concurrent with this review, Bonneville staffing levels should continue to be reviewed and adjusted to match changing program needs. The conferees direct that Bonneville and the Council provide a report to the House and Senate Committees on Appropriations by March 1, 1998, identifying specific recommendations for cost reductions in all non-debt service spending for which Bonneville is responsible. This report should include consideration of which current programs and functions Bonneville should continue to perform in a competitive market, and not focus merely on improved management efficiency.

### SOUTHEASTERN POWER ADMINISTRATION

The conference agreement includes $12,222,000, the same amount recommended by the House and the Senate.

### SOUTHWESTERN POWER ADMINISTRATION

The conference agreement includes $25,210,000, the same amount recommended by the House.

### WESTERN AREA POWER ADMINISTRATION

The conference agreement provides $189,043,000, the same amount provided by the House. The conference agreement also includes the Senate recommendation that $5,592,000 be available as a transfer from the Colorado River Dam Fund.

The conference agreement also includes $5,592,000, the same amount as the Senate, to be deposited in the Utah reclamation mitigation and conservation account.

The conferees are aware of the Western Area Power Administration's proposed distribution of projected fiscal year 1998 costs across several financing sources, including funds appropriated by the Congress. As Federal appropriated funds are reduced while electricity rates drop in the marketplace, the conferees direct that Western keep its wholesale rate as competitive as possible and thereby maintain as robust a repayment stream back to the Treasury as possible.

### FALCON AND AMISTAD FUND

The conference agreement includes $970,000, the same amount recommended by the House.

## FEDERAL ENERGY REGULATORY COMMISSION

The conference agreement includes $162,141,000, the same amount recommended by the House and Senate.

### GENERAL PROVISIONS

### DEPARTMENT OF ENERGY

SEC. 301. The conference agreement includes a provision by the House that none of the funds in this Act or any prior appropriations Act may be used to award a management and operating contract unless such contract is awarded using competitive procedures, or the Secretary of Energy grants, on a case-by-case basis, a waiver to allow for such a deviation. At least 60 days before such action, the Secretary of Energy must submit to the House and Senate Committees on Appropriations a report notifying the Committees of the waiver and setting forth the reasons for the waiver. Section 301 does not preclude extension of a contract awarded using competitive procedures.

SEC. 302. The conference agreement includes a provision proposed by the House that none of the funds in this Act or any prior appropriations Act may be used to award, amend, or modify a contract in a manner that deviates from the Federal Acquisition Regulation, unless the Secretary of Energy grants, on a case-by-case basis, a waiver to allow for such a deviation. At least 60 days before such action, the Secretary of Energy must submit to the House and Senate Committees on Appropriations a report notifying the Committees of the waiver and setting forth the reasons for the waiver.

The conferees direct the Department, as contracts are awarded or renegotiated, to standardize its contracts in accordance with the Federal Acquisition Regulation. In awarding, amending, or modifying contracts, the Department is directed to be cognizant of and utilize provisions of the Federal Acquisition Regulation that permit exceptions to the Federal Acquisition Regulation and provisions intended to address the special circumstances entailed by management and operating contracts.

SEC. 303. The conference agreement includes a provision proposed by the House that none of the funds in this Act or any prior appropriations Act may be used to prepare or implement workforce restructuring plans or provide enhanced severance payments and other benefits and community assistance grants for Federal employees of the Department of Energy under section 3161 of the National Defense Authorization Act for Fiscal Year 1993, Public Law 102–484.

SEC. 304. The conference agreement includes a provision proposed by the House that none of the funds in this Act or any prior appropriations Act may be used to augment the $61,159,000 made available for obligation in this Act for severance payments and other benefits and community assistance grants authorized under the provisions of section 3161 of the National Defense Authorization Act for Fiscal Year 1993, Public Law 102–484. This provision does not preclude the Department from proposing a reprogramming if deemed critical to program needs during fiscal year 1998.

SEC. 305. The conference agreement includes a provision proposed by the House that none of the funds in this Act or any prior appropriations Act may be used to prepare or initiate Requests for Proposals for a program if the program has not been funded by Congress.

SEC. 306. The conference agreement includes a provision proposed by the House that permits the transfer and merger of unexpended balances of prior appropriations with appropriation accounts established in this bill.

*Provision transferred to Title V.*

The general provision proposed by the House to prohibit agency lobbying of Congress has been moved to Title V, and will apply to each agency and department funded in this bill.

*Provisions not included in the conference agreement.*

The conference agreement does not include the House provision prohibiting the use of funds to award or modify any contract for support services without a cost comparison conducted under the procedures and requirements of Office of Management and Budget Circular A-76.

The conference agreement does not include the House provision prohibiting the use of funds to award or modify a management and operating contract which includes funds for support services contracts for use by Department of Energy personnel.

The conference agreement does not include the House provision requiring an independent assessment before initiation of new construction projects, but funds have been provided for external reviews of the Department's facility acquisition processes and individual construction projects.

**Department of Energy (in thousands)**

| | Budget Estimate | Conference |
|---|---|---|
| ENERGY SUPPLY | | |
| SOLAR AND RENEWABLE ENERGY | | |
| Solar energy | | |
| Solar building technology research | 4,000 | 2,720 |
| Photovoltaic energy systems | 77,000 | 66,511 |
| Photovoltaic energy research | --- | 2,274 |
| Subtotal, Photovoltaic | 77,000 | 68,785 |
| Solar thermal energy systems | 19,800 | 16,775 |
| Biomass/biofuels energy systems | | |
| Power systems | 36,500 | 28,600 |
| Biofuels | 40,040 | 31,150 |
| Subtotal, Biomass/biofuels energy systems | 76,540 | 59,750 |
| Biomass/biofuels energy research | --- | 38,635 |
| Subtotal, Biomass | 76,540 | 98,385 |
| Wind energy systems | 42,858 | 33,030 |
| Wind energy research | --- | 295 |
| Subtotal, Wind | 42,858 | 33,325 |
| Renewable energy production incentive program | 4,000 | 3,000 |
| International solar energy program | 7,000 | 1,375 |
| Solar technology transfer | 1,360 | --- |
| National renewable energy laboratory | 2,800 | 1,000 |
| Construction | | |
| 96-E-100 FTLB renovation and expansion, Golden, CO | 2,200 | 2,200 |
| Subtotal, National renewable energy laboratory | 5,000 | 3,200 |
| Total, Solar Energy | 237,558 | 227,565 |

### Department of Energy (in thousands)

| | Budget Estimate | Conference |
|---|---|---|
| Geothermal | | |
| Geothermal technology development | 30,000 | 29,500 |
| Hydrogen research | 15,000 | 16,250 |
| Hydrogen energy research | --- | 3,100 |
| Total, Hydrogen | 15,000 | 19,350 |
| Hydropower development | 1,000 | 750 |
| Renewable Indian energy resources | --- | 4,000 |
| Electric energy systems and storage | | |
| Electric and magnetic fields R&D | 8,000 | 8,000 |
| High temperature superconducting R&D | 32,500 | 32,500 |
| Energy storage systems | 4,000 | 3,950 |
| Climate challenge | 1,000 | --- |
| Total, Electric energy systems and storage | 45,500 | 44,450 |
| Federal building/Remote power initiative | --- | 5,000 |
| Program direction | 15,642 | 15,651 |
| TOTAL, SOLAR AND RENEWABLE ENERGY | 344,700 | 346,266 |

Department of Energy (in thousands)

| | Budget Estimate | Conference |
|---|---|---|
| NUCLEAR ENERGY | | |
| Nuclear energy R&D | | |
| Advanced radioisotope power system | 47,000 | 40,500 |
| Oak Ridge landlord | 9,500 | 9,500 |
| Test reactor area landlord | 3,217 | 3,000 |
| Construction | | |
| 95-E-201 Test reactor area fire and life safety improvements, Idaho National Engineering Laboratory, ID | 4,425 | 4,425 |
| Subtotal, Test reactor area landlord | 7,642 | 7,425 |
| Advanced test reactor fusion irradiation | 2,000 | --- |
| University reactor fuel assistance and support | 6,000 | 7,000 |
| Nuclear energy security | 39,761 | --- |
| Total, Nuclear energy R&D | 111,903 | 64,425 |
| Termination costs | 76,035 | 77,035 |
| Uranium programs | 79,135 | 61,600 |
| Construction | | |
| 98-U-200 depleted UF6 cylinder storage yards, Paducah, KY | 400 | 400 |
| 96-U-201 depleted UF6 cylinder storage yards, Paducah, KY | 6,000 | 2,600 |
| Subtotal, Construction | 6,400 | 3,000 |
| Total, Uranium programs | 85,535 | 64,600 |
| Isotope support | 21,704 | 16,000 |
| Program direction | 16,700 | 21,000 |
| TOTAL, NUCLEAR ENERGY | 311,877 | 243,060 |

**Department of Energy (in thousands)**

| | Budget Estimate | Conference |
|---|---|---|
| ENVIRONMENT, SAFETY AND HEALTH | | |
| Environment, safety and health........................ | 62,731 | 42,500 |
| Program direction..................................... | 46,185 | 23,550 |
| TOTAL, ENVIRONMENT, SAFETY AND HEALTH............ | 108,916 | 66,050 |
| ENERGY RESEARCH | | |
| Fusion energy sciences program........................ | 225,000 | 232,000 |
| ENERGY SUPPORT ACTIVITIES | | |
| Technical information management program.............. | 2,427 | 1,600 |
| Program direction................................. | 8,560 | 7,500 |
| Construction...................................... | 1,000 | 1,000 |
| Total, Technical information management program... | 11,987 | 10,100 |
| Field offices and management.......................... | 100,233 | 95,000 |
| TOTAL, ENERGY SUPPORT ACTIVITIES...................... | 112,220 | 105,100 |
| Subtotal, Energy supply.......................... | 1,102,713 | 992,476 |
| Renewable energy research program..................... | --- | -44,304 |
| Use of prior year balances............................ | -18,535 | -31,535 |
| General reduction for contractor training............. | --- | -9,830 |
| TOTAL, ENERGY SUPPLY 1/.......................... | 1,084,178 | 906,807 |
| (Energy asset acquisitions)...................... | (15,322) | --- |
| (Energy supply, research and development)......... | (1,068,856) | (906,807) |

Department of Energy (in thousands)

| | Budget Estimate | Conference |
|---|---|---|
| NON-DEFENSE ENVIRONMENTAL MANAGEMENT | | |
| Environmental restoration | 457,625 | 275,000 |
| Waste management | 153,004 | 153,004 |
| Construction | | |
| 94-E-602 Bethel Valley federal facility agreement upgrades, ORNL | 1,900 | 1,900 |
| 93-E-900 Long-term storage of TMI-2 fuel, INEL | 397 | 397 |
| Subtotal, Construction | 2,297 | 2,297 |
| Total, Waste management | 155,301 | 155,301 |
| Nuclear materials and facilities stabilization | 71,758 | 71,758 |
| Subtotal, Non-defense environmental management | 684,684 | 502,059 |
| General reduction | --- | -5,000 |
| TOTAL, NON-DEFENSE ENVIRONMENTAL MANAGEMENT | 684,684 | 497,059 |

### Department of Energy (in thousands)

| | Budget Estimate | Conference |
|---|---|---|
| URANIUM ENRICHMENT DECONTAMINATION AND DECOMMISSIONING FUND | | |
| Decontamination and Decommissioning Fund | 248,788 | 220,200 |
| SCIENCE | | |
| High energy physics | | |
| Research and technology | 205,240 | 210,240 |
| Facility operations | 418,945 | 418,945 |
| Construction | | |
| 98-G-304 Neutrinos at the main injector, Fermilab | 5,500 | 5,500 |
| 98-G-305 C-Zero area experimental hall, Fermilab | 5,000 | 5,000 |
| 97-G-303 Master substation upgrade, SLAC | 9,400 | 9,400 |
| 92-G-302 Fermilab main injector, Fermilab | 30,950 | 30,950 |
| Subtotal, Construction | 50,850 | 50,850 |
| Subtotal, Facility operations | 469,795 | 469,795 |
| Total, High energy physics | 675,035 | 680,035 |
| Nuclear physics | 256,525 | 261,525 |
| Construction | | |
| 91-G-300 Relativistic heavy ion collider, BNL | 59,400 | 59,400 |
| Total, Nuclear physics | 315,925 | 320,925 |
| Biological and environmental research | 376,710 | 406,710 |
| Basic energy sciences | | |
| Materials sciences | 392,475 | 392,475 |
| Chemical sciences | 199,933 | 199,933 |
| Engineering and geosciences | 41,371 | 41,371 |
| Energy biosciences | 27,461 | 27,461 |
| Construction | | |
| 96-E-300 Combustion research facility, Phase II, SNL/L | 7,000 | 7,000 |
| Total, Basic energy sciences | 668,240 | 668,240 |

**Department of Energy (in thousands)**

| | Budget Estimate | Conference |
|---|---|---|
| Other energy research | | |
| Computational and technology research.............. | 175,907 | 150,907 |
| Energy research analyses........................... | 1,500 | 1,500 |
| Program direction.................................. | 30,600 | --- |
| Multiprogram energy labs - facility support | | |
| Multiprogram general purpose facilities | | |
| Construction | | |
| MEL-001 Multiprogram energy laboratory infrastructure projects, various locations 1/. | 7,259 | 7,259 |
| 95-E-301 Central heating plant rehabilitation, Phase I (ANL).............................. | 3,442 | 3,442 |
| 94-E-363 Roofing improvements (ORNL).......... | 4,000 | 4,000 |
| Subtotal, Multiprogram gen. purpose facilities | 14,701 | 14,701 |
| Environment, safety and health | | |
| Construction | | |
| 96-E-333 Multiprogram energy laboratories upgrades, various locations.................. | 5,273 | 5,273 |
| 95-E-307 Fire safety imp. III (ANL)........... | 718 | 718 |
| 95-E-308 Sanitary system mods. II (BNL)....... | 568 | 568 |
| Subtotal, Environment, safety and health...... | 6,559 | 6,559 |
| Subtotal, Multiprogram energy labs - fac. suppor | 21,260 | 21,260 |
| Total, Other energy research..................... | 229,267 | 173,667 |
| Program direction.................................. | 10,200 | 37,600 |
| Subtotal, Science.............................. | 2,275,377 | 2,287,177 |
| Use of prior year SSC balances..................... | -15,000 | -35,000 |
| Use of other prior year balances................... | --- | -13,800 |
| General reduction for contractor training............ | --- | -2,669 |
| TOTAL, SCIENCE................................. | 2,260,377 | 2,235,708 |
| (Science asset acquisitions)..................... | (138,510) | --- |
| (Science)........................................ | (2,121,867) | (2,235,708) |

**Department of Energy (in thousands)**

| | Budget Estimate | Conference |
|---|---|---|
| DEPARTMENTAL ADMINISTRATION | | |
| Administrative operations | | |
| Office of the Secretary - salaries and expenses..... | 2,850 | 2,500 |
| General management - personnel compensation and benefits........................................ | 104,530 | 101,695 |
| General management - other expenses................ | 77,356 | 73,000 |
| Program support | | |
| Minority economic impact.......................... | 2,320 | 1,650 |
| Policy analysis and system studies................ | 2,096 | 500 |
| Consumer affairs.................................. | 40 | 40 |
| Public affairs.................................... | 50 | 50 |
| Environmental policy studies...................... | 2,500 | 1,750 |
| Scientific and technical training................. | 800 | 500 |
| Information management............................ | 8,000 | 6,000 |
| Subtotal, Program support...................... | 15,806 | 10,490 |
| Total, Administrative operations.................. | 200,542 | 187,685 |
| Cost of work for others............................. | 32,062 | 32,062 |
| Subtotal, Departmental Administration............ | 232,604 | 219,747 |
| Use of prior year balances and other adjustments...... | --- | -1,000 |
| Total, Departmental administration (gross)........ | 232,604 | 218,747 |
| Miscellaneous revenues.............................. | -131,330 | -131,330 |
| TOTAL, DEPARTMENTAL ADMINISTRATION (net).......... | 101,274 | 87,417 |
| OFFICE OF INSPECTOR GENERAL | | |
| Office of Inspector General......................... | 29,499 | 27,500 |

**Department of Energy (in thousands)**

| | Budget Estimate | Conference |
|---|---|---|
| ATOMIC ENERGY DEFENSE ACTIVITIES | | |
| WEAPONS ACTIVITIES | | |
| Stockpile stewardship | | |
| Core stockpile stewardship | 1,158,290 | 1,288,290 |
| Construction | | |
| 97-D-102 Dual-axis radiographic hydrotest facility, LANL, Los Alamos, NM | 46,300 | 46,300 |
| 96-D-102 Stockpile stewardship facilities revitalization, Phase VI, various locations 1/ | 51,106 | 19,810 |
| 96-D-103 ATLAS, Los Alamos National Laboratory 1/ | 19,800 | 13,400 |
| 96-D-104 Process and environmental technology laboratory, SNL 1/ | 29,820 | --- |
| 96-D-105 Contained firing facility addition, LLNL 1/ | 26,000 | 19,300 |
| Subtotal, Construction | 173,026 | 98,810 |
| Subtotal, Core stockpile stewardship | 1,331,316 | 1,387,100 |
| Inertial fusion | 217,000 | 217,000 |
| Construction | | |
| 96-D-111 National ignition facility, TBD 1/ | 876,400 | 197,800 |
| Subtotal, Inertial fusion | 1,093,400 | 414,800 |
| Technology transfer/education | | |
| Technology transfer | 60,000 | 56,250 |
| Education | 9,000 | 9,000 |
| Subtotal, Technology transfer/education | 69,000 | 65,250 |
| Total, Stockpile stewardship | 2,493,716 | 1,867,150 |

**Department of Energy (in thousands)**

| | Budget Estimate | Conference |
|---|---|---|
| Stockpile management | 1,828,465 | 1,891,265 |
| Construction | | |
| 98-D-123 Stockpile mgmt. restructuring init Tritium factory modernization and consolidation, Savannah River, SR 1/ | 14,343 | 11,000 |
| 98-D-124 Stockpile mgmt. restructuring init Y-12 consolidation, Oak Ridge, TN 1/ | 7,311 | 6,450 |
| 98-D-125 Tritium extraction facility, SR 1/ | 39,453 | 9,650 |
| 98-D-126 Acceleration prod. of tritium, VL 1/ | 168,590 | 67,865 |
| 97-D-122 Nuclear materials storage facility renovation, LANL, Los Alamos, NM 1/ | 41,292 | 9,200 |
| 97-D-123 Structural upgrades, Kansas City plant, Kansas City, KS 1/ | 16,600 | --- |
| 97-D-124 Steam plant waste water treatment facility, upgrade, Y-12 plant, Oak Ridge, TN | 1,900 | 1,900 |
| 96-D-122 Sewage treatment quality upgrade (STQU) Pantex plant 1/ | 10,600 | 6,900 |
| 96-D-123 Retrofit HVAC and chillers, for Ozone protection Y-12 plant | 2,700 | 2,700 |
| 95-D-102 Chemistry and metallurgy research (CMR) upgrades project, LANL 1/ | 106,360 | 5,000 |
| 95-D-122 Sanitary sewer upgrade, Y-12 plant | 12,600 | 12,600 |
| 94-D-124 Hydrogen fluoride supply system, Y-12 plant | 1,400 | 1,400 |
| 94-D-125 Upgrade life safety, Kansas City plant | 2,000 | 2,000 |

Department of Energy (in thousands)

| | Budget Estimate | Conference |
|---|---|---|
| 94-D-128 Environmental safety and health analytical laboratory, Pantex plant 1/........... | 3,000 | --- |
| 93-D-122 Life safety upgrades, Y-12 plant......... | 2,100 | 2,100 |
| 92-D-126 replace emergency notification system, VL........................................ | 3,200 | 3,200 |
| 88-D-122 Facilities capability assurance program (FCAP), various locations................ | 19,520 | 18,920 |
| Subtotal, Construction......................... | 452,969 | 160,885 |
| Total, Stockpile management...................... | 2,281,434 | 2,052,150 |
| Program direction..................................... | 303,500 | 250,000 |
| Subtotal, Weapons activities..................... | 5,078,650 | 4,169,300 |
| Use of prior year balances........................... | --- | -2,608 |
| General reduction..................................... | --- | -20,000 |
| TOTAL, WEAPONS ACTIVITIES........................ | 5,078,650 | 4,146,692 |
| (Defense asset acquisitions)..................... | (1,502,395) | --- |
| (Weapons activities)............................ | (3,576,255) | (4,146,692) |

**Department of Energy (in thousands)**

| | Budget Estimate | Conference |
|---|---|---|
| DEFENSE ENVIRONMENTAL RESTORATION AND WASTE MGMT. | | |
| Environmental restoration | 1,356,573 | 622,973 |
| Uranium enrichment D&D fund contribution | 388,000 | 388,000 |
| Total, Environmental restoration | 1,744,573 | 1,010,973 |
| Closure projects | 15,000 | --- |
| Waste management | 1,455,576 | 1,490,876 |
| Construction | | |
| 98-D-401 H-tank farm storm water systems upgrade, Savannah River Site, Aiken, SC 1/ | 12,000 | 1,000 |
| 97-D-402 Tank farm restoration and safe operations, Richland, WA 1/ | 41,530 | 13,961 |
| 96-D-408 Waste mgmt upgrades, various locations 1/ | 12,709 | 8,200 |
| 95-D-402 Install permanent electrical service WIPP, AL | 176 | 176 |
| 95-D-405 Industrial landfill V and construction/ demolition landfill VII, Y-12 Plant, Oak Ridge, TN | 3,800 | 3,800 |
| 95-D-407 219-S Secondary containment upgrade, Richland, WA | 2,500 | 2,500 |
| 94-D-404 Melton Valley storage tank capacity increase, ORNL | 1,219 | 1,219 |
| 94-D-407 Initial tank retrieval systems, Richland, WA 1/ | 182,800 | 15,100 |
| 93-D-187 High level waste removal from filled waste tanks, Savannah River, SC 1/ | 171,969 | 17,520 |
| 92-D-172 Hazardous waste treatment and processing facility, Pantex Plant | 5,000 | 5,000 |
| 89-D-174 Replacement high level waste evaporator, Savannah River, SC | 1,042 | 1,042 |

Department of Energy (in thousands)

| | Budget Estimate | Conference |
|---|---|---|
| 86-D-103 Decontamination and waste treatment facility, LLNL, Livermore, CA 1/.................. | 23,573 | 11,250 |
| Subtotal, Construction.......................... | 458,318 | 80,768 |
| Total, Waste management.......................... | 1,913,894 | 1,571,644 |
| Nuclear materials and facilities stabilization........ | 1,118,114 | 1,176,114 |
| Construction | | |
| 98-D-453 Plutonium stabilization and handling system for PFP, Richland, WA 1/.................. | 13,636 | 8,136 |
| 98-D-700 INEL road rehabilitation, INEL, ID 1/.... | 10,800 | 500 |
| 97-D-450 Actinide packaging and storage facility, Savannah River Site, Aiken, SC................... | 18,000 | 18,000 |
| 97-D-451 B-Plant safety class ventilation upgrades, Richland, WA........................... | 2,000 | 2,000 |
| 97-D-470 Environment monitoring laboratory/health physics facility, Savannah River, Aiken, SC 1/.... | 27,780 | 5,600 |
| 97-D-473 Health physics site support facility, Savannah River, Aiken, SC 1/...................... | 15,200 | --- |
| 96-D-406 Spent nuclear fuels canister storage and stabilization facility, Richland, WA............. | 16,744 | 16,744 |
| 96-D-461 Electrical distribution upgrade, Idaho National Engineering Laboratory, ID.............. | 2,927 | 2,927 |
| 96-D-464 Electrical & utility systems upgrade, Idaho Chemical Processing Plant, Idaho National Engineering Laboratory, ID 1/.................... | 38,500 | 14,985 |
| 96-D-471 CFC HVAC/chiller retrofit, Savannah River Site, Aiken, SC 1/......................... | 34,959 | 8,500 |
| 95-D-155 Upgrade site road infrastructure, Savannah River, SC............................... | 2,713 | 2,713 |

**Department of Energy (in thousands)**

| | Budget Estimate | Conference |
|---|---|---|
| 95-D-456 Security facilities consolidation, Idaho Chemical Processing Plant, INEL, ID 1/........... | 1,087 | 602 |
| Subtotal, Construction.......................... | 184,346 | 80,707 |
| Total, Nuclear materials & fac. stabilization..... | 1,302,460 | 1,256,821 |
| Technology development............................... | 257,881 | 220,000 |
| Policy and management................................ | 23,104 | 20,000 |
| Environmental science program........................ | 50,000 | 55,000 |
| Program direction.................................... | 388,251 | 345,000 |
| Subtotal, Defense environmental management........ | 5,695,163 | 4,479,438 |
| General reduction.................................... | --- | -50,000 |
| TOTAL, DEFENSE ENVIRON. RESTORATION AND WASTE MGMT | 5,695,163 | 4,429,438 |
| (Defense asset acquisitions)...................... | (642,664) | --- |
| (Defense environmental restoration and waste mgmt) | (5,052,499) | (4,429,438) |
| DEFENSE FACILITIES CLOSURE PROJECTS | | |
| Closure projects..................................... | --- | 890,800 |
| DEFENSE ENVIRONMENTAL MANAGEMENT PRIVATIZATION | | |
| Privatization initiatives, various locations.......... | 1,006,000 | 200,000 |
| TOTAL, DEFENSE ENVIRONMENTAL MANAGEMENT........... | 6,058,499 | 5,520,238 |

Department of Energy (in thousands)

| | Budget Estimate | Conference |
|---|---|---|
| OTHER DEFENSE ACTIVITIES | | |
| Other national security programs | | |
| Nonproliferation and national security | | |
| Verification and control technology | | |
| Nonproliferation and verification, R&D.......... | 210,000 | 210,000 |
| Arms control.................................. | 234,600 | 234,600 |
| Intelligence.................................. | 33,600 | 33,600 |
| Subtotal, Verification and control technology. | 478,200 | 478,200 |
| Emergency management............................ | 27,700 | 20,000 |
| Nuclear safeguards and security................. | 47,200 | 47,200 |
| Security investigations......................... | 20,000 | 30,000 |
| Program direction - NN.......................... | 94,900 | 82,900 |
| Subtotal, Nonproliferation and national security | 668,000 | 658,300 |
| Environment, safety and health (Defense)........... | 54,000 | 74,000 |
| Program direction - EH.......................... | --- | 20,000 |
| Subtotal, Environment, safety & health (Defense) | 54,000 | 94,000 |
| Worker and community transition.................... | 65,800 | 57,659 |
| Program direction - WT.......................... | 4,700 | 3,500 |
| Subtotal, Worker and community transition....... | 70,500 | 61,159 |
| Fissile materials disposition...................... | 99,451 | 99,451 |
| Program direction - MD.......................... | 4,345 | 4,345 |
| Subtotal, Fissile materials disposition......... | 103,796 | 103,796 |
| Nuclear energy (Defense) | | |
| Nuclear technology research and development: | | |
| Electrometallurgical program................... | 25,000 | 12,000 |
| International nuclear safety: | | |
| Soviet designed reactors....................... | 50,000 | 35,000 |
| Nuclear security: Spent fuel management.......... | 4,000 | --- |
| Chornobyl shutdown initiative.................... | 2,000 | --- |
| Subtotal, Nuclear energy (Defense).............. | 81,000 | 47,000 |
| Office of hearings and appeals..................... | 2,685 | 2,300 |
| Total, Other national security programs.......... | 979,981 | 966,555 |

**Department of Energy (in thousands)**

| | Budget Estimate | Conference |
|---|---|---|
| Independent assessment of DOE projects | --- | 35,000 |
| Naval reactors | | |
| Naval reactors development | 605,920 | 635,920 |
| Construction | | |
| 98-D-200 Site laboratory facility upgrade, various locations 1/ | 1,200 | 5,700 |
| 97-D-201 Advanced test reactor secondary coolant system refurbishment, INEL, ID 1/ | 4,600 | 4,600 |
| 95-D-200 Laboratory systems and hot cell upgrades, various locations 1/ | 1,100 | 1,100 |
| 90-N-102 Expended core facility dry cell project, Naval Reactors Facility, ID 1/ | 14,900 | 3,100 |
| Subtotal, Construction | 21,800 | 14,500 |
| Subtotal, Naval reactors development | 627,720 | 650,420 |
| Program direction | 20,080 | 20,080 |
| Total, Naval reactors | 647,800 | 670,500 |
| Subtotal, Other defense activities | 1,627,781 | 1,672,055 |
| Use of prior year balances | --- | -6,047 |
| TOTAL, OTHER DEFENSE ACTIVITIES | 1,627,781 | 1,666,008 |
| (Defense asset acquisitions) | (21,800) | --- |
| (Other defense activities) | (1,605,981) | (1,666,008) |

**Department of Energy (in thousands)**

| | Budget Estimate | Conference |
|---|---|---|
| DEFENSE NUCLEAR WASTE DISPOSAL | | |
| Defense nuclear waste disposal | 190,000 | 190,000 |
| TOTAL, ATOMIC ENERGY DEFENSE ACTIVITIES | 13,597,594 | 11,522,938 |
| (Defense asset acquisitions) | (2,166,859) | --- |
| (Atomic energy defense activities) | (11,430,735) | (11,522,938) |
| POWER MARKETING ADMINISTRATIONS | | |
| ALASKA POWER ADMINISTRATION | | |
| Operation and maintenance/program direction | 1,000 | 3,500 |
| Capital assets acquisition | --- | 10,000 |
| SOUTHEASTERN POWER ADMINISTRATION | | |
| Operation and maintenance | | |
| Operation and maintenance/program direction | 4,313 | 4,313 |
| Purchase power and wheeling | 11,909 | 11,909 |
| Subtotal, Operation and maintenance | 16,222 | 16,222 |
| Use of prior year balances | -2,000 | -4,000 |
| TOTAL, SOUTHEASTERN POWER ADMINISTRATION | 14,222 | 12,222 |
| SOUTHWESTERN POWER ADMINISTRATION | | |
| Operation and maintenance | | |
| Operating expenses | 2,382 | 2,382 |
| Purchase power and wheeling | 57 | 57 |
| Program direction | 17,309 | 17,309 |
| Construction | 6,752 | 6,752 |
| Subtotal, Operation and maintenance | 26,500 | 26,500 |
| Use of prior year balances | --- | -1,290 |
| TOTAL, SOUTHWESTERN POWER ADMINISTRATION | 26,500 | 25,210 |

**Department of Energy (in thousands)**

| | Budget Estimate | Conference |
|---|---|---|
| WESTERN AREA POWER ADMINISTRATION | | |
| Operation and maintenance | | |
| Construction and rehabilitation | 24,243 | 24,243 |
| System operation and maintenance | 39,246 | 39,246 |
| Purchase power and wheeling | 54,886 | 54,886 |
| Program direction | 106,157 | 106,157 |
| Utah mitigation and conservation | 5,432 | 5,432 |
| Subtotal, Operation and maintenance | 229,964 | 229,964 |
| Use of prior year balances | -35,630 | -40,921 |
| Transfer of authority from Department of Interior | --- | 5,592 |
| TOTAL, WESTERN AREA POWER ADMINISTRATION | 194,334 | 189,043 |
| FALCON AND AMISTAD OPERATING AND MAINTENANCE FUND | | |
| Operation and maintenance | 1,065 | 970 |
| TOTAL, POWER MARKETING ADMINISTRATIONS | 237,121 | 240,945 |
| FEDERAL ENERGY REGULATORY COMMISSION | | |
| Federal energy regulatory commission | 167,577 | 162,141 |
| FERC revenues | -167,577 | -162,141 |
| TOTAL, FEDERAL ENERGY REGULATORY COMMISSION | --- | --- |
| NUCLEAR WASTE DISPOSAL FUND | | |
| Discretionary funding | 190,000 | 160,000 |
| GRAND TOTAL, DEPARTMENT OF ENERGY | 18,433,515 | 15,898,574 |

1/ The Request for this account was $2,999,497. The lower totals shown for the Request and prior year reflect Committee recommendation to combine certain functions of the Office of Energy Research with General Science and Research in a new account, General Science and Other Research Activities, and to create a separate account for Non-Defense Environmental Management.

## TITLE IV

## INDEPENDENT AGENCIES

### APPALACHIAN REGIONAL COMMISSION

The conference agreement appropriates $170,000,000 instead of $160,000,000 as proposed by both the House and the Senate. The agreement includes $92,500,000 for the highway development program. In addition, the agreement includes $10,000,000 for ARC highways, to be allocated at the discretion of the ARC Federal Co-Chairman.

### DEFENSE NUCLEAR FACILITIES SAFETY BOARD

The conference agreement appropriates $17,000,000 for the Defense Nuclear Facilities Safety Board instead of $16,000,000 as proposed by the House and $17,500,000 as proposed by the Senate.

### NUCLEAR REGULATORY COMMISSION

#### SALARIES AND EXPENSES

The conference agreement includes $468,000,000, instead of $462,700,000 as proposed by the House and $476,500,000 as proposed by the Senate. The conferees have provided $15,000,000, to be derived from the Nuclear Waste Fund, for the Commission's ongoing work to characterize Yucca Mountain as a potential site for a permanent nuclear waste repository. The conference agreement also includes $2,000,000, the amount provided by the House and Senate, for activities related to commercial vitrification at the Hanford site and $1,000,000, as provided by the House, for activities related to independent oversight of certain Department of Energy nuclear facilities.

#### OFFICE OF INSPECTOR GENERAL

The conference agreement includes $4,800,000, the same amount provided by the House and Senate.

### NUCLEAR WASTE TECHNICAL REVIEW BOARD

The conference agreement appropriates $2,600,000 instead of $2,400,000 as proposed by the House and $3,200,000 as proposed by the Senate.

### TENNESSEE VALLEY AUTHORITY

The conference agreement includes $70,000,000 instead of $0 as proposed by the House and $86,000,000 as proposed by the Senate. The conference agreement includes language earmarking $6,900,000 for Land Between the Lakes. The agreement includes language proposed by the House providing for direct funding by TVA of its nonpower programs, amended to delay its implementation until fiscal year 1999.

The conferees accept the Administration's proposal to terminate appropriated funding for TVA after fiscal year 1998.

It is the view of the conferees that the environmental, stewardship, and economic development activities of the TVA have been of tremendous benefit to the Tennessee Valley region and have contributed substantially to the general prosperity of the country. It is possible, however, that other entities may be well suited to perform the vital public services currently provided by TVA.

Accordingly, the Director of the Office of Management and Budget should undertake a review of the nonpower functions of the TVA to determine whether TVA or some other entity should be responsible for their continued execution. A report based on this review should accompany the fiscal year 1999 budget submission to Congress.

The conferees direct that from non-appropriated funds, TVA shall relocate power lines in the area of the lake development proposed by Union County, Mississippi. The conferees also expect TVA to assist in the preparation of environmental impact statements where necessary.

## TITLE V

## GENERAL PROVISIONS

SEC. 501. The conference agreement includes a provision proposed by the House in title III of the bill that none of the funds in this Act or any prior appropriations Act may be used in any way, directly or indirectly, to influence congressional action on any legislation or appropriation matters pending before Congress, other than to communicate to Members of Congress as described in section 1913 of title 18, United States Code. The conferees direct each agency or department to notify the House and Senate Committee on Appropriations by January 15, 1998, of the actions taken to apprise its Federal and contractor employees of this provision.

SEC. 502. The conference agreement includes language proposed by both the House and Senate regarding the purchase of American-made equipment and products, and prohibiting contracts with persons falsely labeling products as made in America.

SEC. 503. The conference agreement includes language proposed by the House prohibiting the award of funds to institutions not in compliance with certain requirements regarding campus access for units of the Senior Reserve Officer Training Corps and Federal military recruitment personnel.

SEC. 504. The conference agreement includes language proposed by the House prohibiting the use of funds to enter into or renew contracts with entities failing to comply with statutory reporting requirements concerning the employment of certain veterans.

SEC. 505. The conference agreement includes language proposed by the House which provides that none of the funds made available by this Act may be used for the Animas-La Plata project in Colorado and New Mexico except for activities required to comply with the applicable provisions of current law and the continuation of activities pursuant to the Colorado Ute Indian Water Rights Settlement Act of 1988.

SEC. 506. The conference agreement includes language proposed by the Senate which clarifies that the Albuquerque Metropolitan Area Water Reclamation and Reuse project is eligible for construction under Title XVI of the Reclamation Projects Authorization and Adjustment Act of 1992, Public Law 102–575, as amended. The language has been amended to make technical corrections.

SEC. 507. The conference agreement includes language proposed by the Senate which amends the Yavapai-Prescott Indian Treaty Settlement Act of 1994 to increase the appropriations ceiling for the Chandler Pumping Plant feature of the Yakima River Basin Water Enhancement Project.

SEC. 508. The conference agreement includes language proposed by the Senate regarding the construction of recreational features at the Stonewall Jackson Lake project in West Virginia.

SEC. 509. The conference agreement includes a provision allowing the United States Enrichment Corporation (USEC) to transfer funds to the Department of Energy to be used for development and demonstration of the Atomic Vapor Laser Isotope Separation (AVLIS) technology for uranium enrichment. The funds to be transferred are to be derived from savings achieved by the USEC during fiscal year 1998, and the total amount obligated by the Department may not exceed $60,000,000.

This provision will permit continued development of the AVLIS technology until the Corporation is sold. The provision is necessitated by the Administration's inability to sell the Corporation in accordance with the Administration's own schedule. Within 30 days of enactment of this Act, the Secretary of the Treasury is to provide to the Committees on Appropriations a report on the issues that must be resolved prior to sale of the Corporation and the date on which the Corporation will be sold.

SEC. 510. The conference agreement includes language which provides that none of the funds made available by this Act may be used to determine the final point of discharge for the interceptor drain for the San Luis Unit of the Central Valley project until development by the Secretary of the Interior and the State of California of a plan, which shall conform to the water quality standards of the State of California as approved by the Administrator of the Environmental Protection Agency, to minimize any detrimental effect of the San Luis drainage waters. The language also provides that the costs of the Kesterson Reservoir Cleanup Program and the San Joaquin Valley Drainage Program shall be classified as reimbursable or non-reimbursable by the Secretary of the Interior as described in the Bureau of Reclamation report entitled, "Repayment Report, Kesterson Reservoir Cleanup Program and San Joaquin Valley Drainage Program, February 1995" and that any future obligation of funds for drainage service or drainage studies for the San Luis Unit shall be fully reimbursable by San Luis Unit beneficiaries pursuant to Reclamation law.

SEC. 511. The conference agreement includes language amending the USEC Privatization Act to require the presence of an adequate number of security guards carrying sidearms to ensure maintenance of security at the gaseous diffusion plants.

SEC. 512. High Flux Beam Reactor (HFBR) at Brookhaven National Laboratory—The conference agreement includes bill language prohibiting the use of funds in this or any other Act for the purpose of restarting the High Flux Reactor (HFBR). In fiscal year 1998, the Department of Energy is directed to drain the spent fuel pool, and may add a steel wall liner to the pool so that additional radioactive material may be removed without the threat of leakage. The Department of Energy is also directed to meet the requirements outlined in Suffolk County Sanitary Code Article 12, complete seismic upgrades, and seal the floor drain.

The Department of Energy is also directed to undertake an environmental impact statement (EIS) with respect to the HFBR. The conferees expect that the EIS will be a comprehensive survey of any environmental hazards that the tritium leak or other contamination associated with the HFBR pose to the drinking water and health of the people in the surrounding communities, and that it will provide a detailed plan for remediation. The findings of the EIS and a plan for any necessary remediation shall be reported to Congress.

*Provisions not adopted by the conferees*

The conference agreement deletes language proposed by the Senate that authorized the Secretary of the Interior to use funds appropriated for the Bureau of Reclamation to enter into cooperative agreements with willing private landowners for restoration and enhancement of fish, wildlife, and other resources on public or private land within watersheds that contain Bureau of Reclamation projects.

CONFERENCE TOTAL—WITH COMPARISONS

The total new budget (obligational) authority for the fiscal year 1998 recommended by the Committee of Conference, with comparisons to the fiscal year 1997 amount, the 1998 budget estimates, and the House and Senate bills for 1998 follow:

| | |
|---|---|
| New budget (obligational) authority, fiscal year 1997 | $20,990,027,000 |
| Budget estimates of new (obligational) authority, fiscal year 1998 | 23,047,903,000 |
| House bill, fiscal year 1998 | 20,416,989,000 |
| Senate bill, fiscal year 1998 | 21,209,623,000 |
| Conference agreement, fiscal year 1998 | 21,152,202,000 |
| Conference agreement compared with: | |
| New budget (obligational) authority, fiscal year 1997 | +162,175,000 |
| Budget estimates of new (obligational) authority, fiscal year 1998 | −1,895,701,000 |
| House bill, fiscal year 1998 | +735,213,000 |
| Senate bill, fiscal year 1998 | −57,421,000 |

JOSEPH MCDADE,
HAROLD ROGERS,
JOE KNOLLENBERG,
R. P. FRELINGHUYSEN,
MIKE PARKER,
SONNY CALLAHAN,
JAY DICKEY,
BOB LIVINGSTON,
VIC FAZIO,
PETER J. VISCLOSKY,
CHET EDWARDS,
ED PASTOR,
DAVID R. OBEY,
*Managers on the Part of the House.*
PETE V. DOMENICI,
THAD COCHRAN,
SLADE GORTON,
MITCH MCCONNELL,
ROBERT E. BENNETT,
CONRAD BURNS,
LARRY CRAIG,
TED STEVENS,
HARRY REID,
ROBERT C. BYRD,
FRITZ HOLLINGS,
PATTY MURRAY,
HERB KOHL,
BYRON L. DORGAN,
DANIEL K. INOUYE,
*Managers on the Part of the Senate.*

## REQUEST FOR CONSIDERATION OF H.R. 2183, BIPARTISAN CAMPAIGN FINANCE REFORM

Mr. DOGGETT. Mr. Speaker, in this spirit here this morning of bipartisan cooperation, I ask unanimous consent to take up and consider H.R. 2183, the bipartisan campaign finance bill that the gentleman from Maine [Mr. ALLEN] and the gentleman from Arkansas [Mr. HUTCHINSON] and all of our freshmen have joined in.

The SPEAKER. Under the Speaker's announced guidelines, it requires the leaders of both parties and the chairman and ranking member of the committee of jurisdiction to approve that request. The gentleman is not recognized, but the Chair appreciates his bipartisan-spirited tone.

## DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 1998

The SPEAKER. Pursuant to House Resolution 239 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 2267.

□ 0920

### IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 2267) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1998, and for other purposes, with Mr. NUSSLE, Chairman pro tempore, in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. When the Committee of the Whole House rose on Thursday, September 25, 1997, the bill was open for amendment from page 90, line 15, through page 90, line 23.

Are there any amendments to this portion of the bill?

If not, the Clerk will read.

The Clerk read as follows:

### MARITIME SECURITY PROGRAM

For necessary expenses to maintain and preserve a U.S.-flag merchant fleet to serve the national security needs of the United States, $35,500,000, to remain available until expended.

### OPERATIONS AND TRAINING

For necessary expenses of operations and training activities authorized by law, $65,000,000: *Provided*, That reimbursements may be made to this appropriation from receipts to the "Federal Ship Financing Fund" for administrative expenses in support of that program in addition to any amount heretofore appropriated.

### MARITIME GUARANTEED LOAN (TITLE XI) PROGRAM ACCOUNT

For the cost of guaranteed loans, as authorized by the Merchant Marine Act, 1936, $35,000,000, to remain available until expended: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: *Provided further*, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed $1,000,000,000.

In addition, for administrative expenses to carry out the guaranteed loan program, not to exceed $3,450,000, which shall be transferred to and merged with the appropriation for Operations and Training.

### ADMINISTRATIVE PROVISIONS—MARITIME ADMINISTRATION

Notwithstanding any other provision of this Act, the Maritime Administration is authorized to furnish utilities and services and make necessary repairs in connection with any lease, contract, or occupancy involving Government property under control of the Maritime Administration, and payments received therefor shall be credited to the appropriation charged with the cost thereof: *Provided*, That rental payments under any such lease, contract, or occupancy for items other than such utilities, services, or repairs shall be covered into the Treasury as miscellaneous receipts.

No obligations shall be incurred during the current fiscal year from the construction fund established by the Merchant Marine Act, 1936, or otherwise, in excess of the appropriations and limitations contained in this Act or in any prior appropriation Act, and all receipts which otherwise would be deposited to the credit of said fund shall be covered into the Treasury as miscellaneous receipts.

### COMMISSION FOR THE PRESERVATION OF AMERICA'S HERITAGE ABROAD

### SALARIES AND EXPENSES

For expenses for the Commission for the Preservation of America's Heritage Abroad, $250,000, as authorized by Public Law 99–83, section 1303.

### COMMISSION ON CIVIL RIGHTS

### SALARIES AND EXPENSES

For necessary expenses of the Commission on Civil Rights, including hire of passenger motor vehicles, $8,740,000: *Provided*, That not to exceed $50,000 may be used to employ consultants: *Provided further*, That none of the funds appropriated in this paragraph shall be used to employ in excess of four full-time individuals under Schedule C of the Excepted Service exclusive of one special assistant for each Commissioner: *Provided further*, That none of the funds appropriated in this paragraph shall be used to reimburse Commissioners for more than 75 billable days, with the exception of the Chairperson who is permitted 125 billable days.

### COMMISSION ON IMMIGRATION REFORM

### SALARIES AND EXPENSES

For necessary expenses of the Commission on Immigration Reform pursuant to section 141(f) of the Immigration Act of 1990, $496,000, to remain available until expended.

### COMMISSION ON SECURITY AND COOPERATION IN EUROPE

### SALARIES AND EXPENSES

For necessary expenses of the Commission on Security and Cooperation in Europe, as authorized by Public Law 94–304, $1,090,000, to remain available until expended as authorized by section 3 of Public Law 99–7.

### EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

### SALARIES AND EXPENSES

For necessary expenses of the Equal Employment Opportunity Commission as authorized by title VII of the Civil Rights Act of 1964, as amended (29 U.S.C. 206(d) and 621–634), the Americans with Disabilities Act of 1990, and the Civil Rights Act of 1991, including services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles as authorized by 31 U.S.C. 1343(b); non-monetary awards to private citizens; and not to exceed $27,500,000 for payments to State and local enforcement agencies for services to the Commission pursuant to title VII of the Civil Rights Act of 1964, as amended, sections 6 and 14 of the Age Discrimination in Employment Act, the Americans with Disabilities Act of 1990, and the Civil Rights Act of 1991; $239,740,000: *Provided*, That the Commission is authorized to make available for official reception and representation expenses not to exceed $2,500 from available funds.

### Federal Communications Commission

#### SALARIES AND EXPENSES

For necessary expenses of the Federal Communications Commission, as authorized by law, including uniforms and allowances therefor, as authorized by 5 U.S.C. 5901–02; not to exceed $600,000 for land and structure; not to exceed $500,000 for improvement and care of grounds and repair to buildings; not to exceed $4,000 for official reception and representation expenses; purchase (not to exceed 16) and hire of motor vehicles; special counsel fees; and services as authorized by 5 U.S.C. 3109; $187,079,000, of which not to exceed $300,000 shall remain available until September 30, 1999, for research and policy studies: *Provided*, That $152,523,000 of offsetting collections shall be assessed and collected pursuant to section 9 of title I of the Communications Act of 1934, as amended, and shall be retained and used for necessary expenses in this appropriation, and shall remain available until expended: *Provided further*, That the sum herein appropriated shall be reduced as such offsetting collections are received during fiscal year 1998 so as to result in a final fiscal year 1998 appropriation estimated at $34,556,000: *Provided further*, That any offsetting collections received in excess of $152,523,000 in fiscal year 1998 shall remain available until expended, but shall not be available for obligation until October 1, 1998.

### Federal Maritime Commission

#### SALARIES AND EXPENSES

For necessary expenses of the Federal Maritime Commission as authorized by section 201(d) of the Merchant Marine Act of 1936, as amended (46 App. U.S.C. 1111), including services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles as authorized by 31 U.S.C. 1343(b); and uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–02; $13,500,000: *Provided*, That not to exceed $2,000 shall be available for official reception and representation expenses.

### Federal Trade Commission

#### SALARIES AND EXPENSES

For necessary expenses of the Federal Trade Commission, including uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902; services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles; and not to exceed $2,000 for official reception and representation expenses; $95,000,000: *Provided*, That not to exceed $300,000 shall be available for use to contract with a person or persons for collection services in accordance with the terms of 31 U.S.C. 3718, as amended: *Provided further*, That notwithstanding any other provision of law, not to exceed $70,000,000 of offsetting collections derived from fees collected for premerger notification filings under the Hart-Scott-Rodino Antitrust Improvements Act of 1976 (15 U.S.C. 18(a)) shall be retained and used for necessary expenses in this appropriation, and shall remain available until expended: *Provided further*, That the sum herein appropriated from the General Fund shall be reduced as such offsetting collections are received during fiscal year 1998, so as to result in a final fiscal year 1998 appropriation from the General Fund estimated at not more than $25,000,000, to remain available until expended: *Provided further*, That any fees received in excess of $70,000,000 in fiscal year 1998 shall remain available until expended, but shall not be available for obligation until October 1, 1998: *Provided further*, That none of the funds made available to the Federal Trade Commission shall be available for obligation for expenses authorized by section 151 of the Federal Deposit Insurance Corporation Improvement Act of 1991 (Public Law 102–242, 105 Stat. 2282–2285).

### Legal Services Corporation

#### PAYMENT TO THE LEGAL SERVICES CORPORATION

For payment to the Legal Services Corporation to carry out the purposes of the Legal Services Corporation Act of 1974, as amended, $141,000,000, of which $134,575,000 is for basic field programs and required independent audits; $1,125,000 is for the Office of Inspector General, of which such amounts as may be necessary may be used to conduct additional audits of recipients; and $5,300,000 is for management and administration.

#### ADMINISTRATIVE PROVISION—LEGAL SERVICES CORPORATION

SEC. 501. (a) CONTINUATION OF COMPETITIVE SELECTION PROCESS.—None of the funds appropriated in this Act to the Legal Services Corporation may be used to provide financial assistance to any person or entity except through a competitive selection process conducted in accordance with regulations promulgated by the Corporation in accordance with the criteria set forth in subsections (c), (d), and (e) of section 503 of Public Law 104–134 (110 Stat. 1321–52 et seq.).

(b) INAPPLICABILITY OF CERTAIN PROCEDURES.—Sections 1007(a)(9) and 1011 of the Legal Services Corporation Act (42 U.S.C. 2996f(a)(9) and 2996j) shall not apply to the provision, denial, suspension, or termination of any financial assistance using funds appropriated in this Act.

(c) ADDITIONAL PROCEDURES.—If, during any term of a grant or contract awarded to a recipient by the Legal Services Corporation under the competitive selection process referred to in subsection (a) and applicable Corporation regulations, the Corporation finds, after notice and opportunity for the recipient to be heard, that the recipient has failed to comply with any requirement of the Legal Services Corporation Act (42 U.S.C. 2996 et seq.), this Act, or any other applicable law relating to funding for the Corporation, the Corporation may terminate the grant or contract and institute a new competitive selection process for the area served by the recipient, notwithstanding the terms of the recipient's grant or contract.

SEC. 502. (a) CONTINUATION OF REQUIREMENTS AND RESTRICTIONS.—None of the funds appropriated in this Act to the Legal Services Corporation shall be expended for any purpose prohibited or limited by, or contrary to any of the provisions of—

(1) sections 501, 502, 505, 506, and 507 of Public Law 104–134 (110 Stat. 1321–51 et seq.), and all funds appropriated in this Act to the Legal Services Corporation shall be subject to the same terms and conditions as set forth in such sections, except that all references in such sections to 1995 and 1996 shall be deemed to refer instead to 1997 and 1998, respectively; and

(2) section 504 of Public Law 104–134 (110 Stat. 1321–53 et seq.), and all funds appropriated in this Act to the Legal Services Corporation shall be subject to the same terms and conditions set forth in such section, except that—

(A) subsection (c) of such section 504 shall not apply;

(B) paragraph (3) of section 508(b) of Public Law 104–134 (110 Stat. 1321–58) shall apply with respect to the requirements of subsection (a)(13) of such section 504, except that all references in such section 508(b) to the date of enactment shall be deemed to refer to April 26, 1996; and

(C) subsection (a)(11) of such section 504 shall not be construed to prohibit a recipient from using funds derived from a source other than the Corporation to provide related legal assistance to—

(i) an alien who has been battered or subjected to extreme cruelty in the United States by a spouse or a parent, or by a member of the spouse's or parent's family residing in the same household as the alien and the spouse or parent consented or acquiesced to such battery or cruelty; or

(ii) an alien whose child has been battered or subjected to extreme cruelty in the United States by a spouse or parent of the alien (without the active participation of the alien in the battery or extreme cruelty), or by a member of the spouse's or parent's family residing in the same household as the alien and the spouse or parent consented or acquiesced to such battery or cruelty, and the alien did no actively participate in such battery or cruelty.

(b) DEFINITIONS.—For purposes of subsection (a)(2)(C):

(1) The term "battered or subjected to extreme cruelty" has the meaning given such term under regulations issued pursuant to subtitle G of the Violence Against Women Act of 1994 (Pub. L. 103–322; 108 Stat. 1953).

(2) The term "related legal assistance" means legal assistance directly related to the prevention of, or obtaining of relief from, the battery or cruelty described in such subsection.

SEC. 503. (a) CONTINUATION OF AUDIT REQUIREMENTS.—The requirements of section 509 of Public Law 104–134 (110 Stat. 1321–58 et seq.), other than subsection (l) of such section, shall apply during fiscal year 1998.

(b) REQUIREMENT OF ANNUAL AUDIT.—An annual audit of each person or entity receiving financial assistance from the Legal Services Corporation under this Act shall be conducted during fiscal year 1998 in accordance with the requirements referred to in subsection (a).

SEC. 504. (a) DEBARMENT.—The Legal Services Corporation may debar a recipient, on a showing of good cause, from receiving an additional award of financial assistance from the Corporation. Any such action to debar a recipient shall be instituted after the Corporation provides notice and an opportunity for a hearing to the recipient.

(b) REGULATIONS.—The Legal Services Corporation shall promulgate regulations to implement this section.

(c) GOOD CAUSE.—In this section, the term "good cause", used with respect to debarment, includes—

(1) prior termination of the financial assistance of the recipient, under part 1640 of title 45, Code of Federal Regulations (or any similar corresponding regulation or ruling);

(2) prior termination in whole, under part 1606 of title 45, Code of Federal Regulations (or any similar corresponding regulation or ruling), of the most recent financial assistance received by the recipient, prior to date of the debarment decision;

(3) substantial violation by the recipient of the statutory or regulatory restrictions that prohibit recipients from using financial assistance made available by the Legal Services Corporation or other financial assistance for purposes prohibited under the Legal Services Corporation Act (42 U.S.C. 2996 et seq.) or for involvement in any activity prohibited by, or inconsistent with, section 504 of Public Law 104–134 (110 Stat. 1321–53 et seq.), section 502(a)(2) of Public Law 104–208 (110 Stat. 3009–59 et seq.), or section 502(a)(2) of this Act;

(4) knowing entry by the recipient into a subgrant, subcontract, or other agreement with an entity that had been debarred by the Corporation; or

(5) the filing of a lawsuit by the recipient, on behalf of the recipient, as part of any program receiving any Federal funds, naming the Corporation, or any agency or employee of a Federal, State, or local government, as a defendant.

Mr. ROGERS (during the reading). Mr. Chairman, I ask unanimous consent that the remainder of the bill through page 104, line 2, be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

### AMENDMENT OFFERED BY MR. BURTON OF INDIANA

Mr. BURTON of Indiana. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

On page 104, after line 2, insert the following new section:

SEC. 505. (a) Not later than January 1, 1998, the Legal Services Corporation shall implement a system of case information disclosure which shall apply to all basic field programs which receive funds from the Legal Services Corporation from funds appropriated in this Act.

(b) Any basic field program which receives Federal funds from the Legal Services Corporation from funds appropriated in this Act must disclose to the public in written form, upon request, and to the Legal Services Corporation in semiannual reports, the following information about each case filed by its attorneys in any court:

(1) The name and full address of each party to the legal action unless such information is protected by an order or rule of a court or by State or Federal law or revealing such information would put the client of the recipient of such Federal funds at risk of physical harm.

(2) The cause of action in the case.

(3) The name and address of the court in which the case was filed and the case number assigned to the legal action.

(c) The case information disclosed in semiannual reports to the Legal Services Corporation shall be subject to disclosure under section 552 of title 5, United States Code.

The CHAIRMAN. Pursuant to House Resolution 239, the gentleman from Indiana [Mr. BURTON], and a Member opposed, each will control 15 minutes.

The Chair recognizes the gentleman from Indiana [Mr. BURTON].

Mr. BURTON of Indiana. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the purpose of my amendment is to require programs funded by the Legal Services Corporation to disclose to the public and the LSC the most basic information about litigation in which LSC grantees are involved. I thought we had agreement on this. The gentleman from Pennsylvania [Mr. FOX], who is one of the proponents of the Legal Services Corporations, and I had some lengthy discussions about this, and I thought the amendment had been agreed to, but the gentleman from West Virginia [Mr. MOLLOHAN], I understand, has some opposition, so we will probably have to get into a somewhat lengthy debate.

The information that would be disclosed would be the name and the address of each party, the legal action, the cause of action, the name and address of the court in which the case is filed, and the case number assigned to the legal action. In those instances where an address and name are not disclosed for reasons of security, such as in the case of a battered wife or where children are abused, that information would not be disclosed because it is not currently disclosed, even though it is in the records in the courts.

This basic information is not privileged, and as I said before, such information is on file currently in court records. Nothing disclosed would be in violation of the attorney-client privilege, and it is important to note that my amendment does not disclose any information that is not already public information. My amendment simply makes accessible what is highly unaccessible right now.

Case disclosure will not be burdensome. According to the LSC budget request for fiscal year 1998, only 8 percent of the Legal Services caseload is litigated, requiring public disclosure. Basic information about the case being litigated would not constitute a burden on the resources of local programs.

Now, here is why the amendment is needed, and I hope all of my colleagues are paying attention. Public disclosure of Government-funded activities is essential for honest, open Government. Other Government programs are subject to a variety of public disclosure requirements; for example, the Federal Election Commission. While the LSC is subject to the Freedom of Information Act and other disclosure requirements, it is approximately 280 grantees that expend 97 percent of the LSC budget are not subject to the Freedom of Information Act. Given the large number of controversial and abusive cases that have been associated with the LSC over the past several years, in violation of congressional mandates, disclosure of cases would let the sun shine on the everyday work of the LSC.

The LSC was funded at $283 million in 1997 over the objections of many of us. What kind of assurances does Congress get that the LSC is following guidelines and restrictions?

□ 0930

The answer is clearly none. The American people want to know what their taxpayers' dollars are being spent on. As I said before, we are going to protect those who would be in jeopardy, such as battered children or wives.

The LSC has not reformed itself and continues to disregard congressional intent. So I think this is a good amendment. I thought we had bipartisan support for it. Evidently we do have some objections.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. Is the gentleman from West Virginia [Mr. MOLLOHAN] opposed to the amendment?

Mr. MOLLOHAN. Yes, Mr. Chairman. I am opposed to the amendment.

The CHAIRMAN. The gentleman from West Virginia [Mr. MOLLOHAN] is recognized for 15 minutes.

Mr. MOLLOHAN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, at best this amendment is unnecessary. I am advised by the Legal Services Corporation that it is extremely burdensome and costly. Some of the privacy concerns that many had with regard to this amendment originally, some had been addressed by the gentleman, and I would be pleased to look at those as the process moves forward, and particularly in conference.

But at this point, Mr. Chairman, the changes in the reporting system would be costly. The amendment does not address any identified problem, really, nor does it serve any specific purpose. It costs a considerable amount. We appreciate his addressing some of the other concerns, but just because of the unnecessariness, we have a tight budget, and this has put additional administrative burdens, something that the gentleman has fought against for many years, putting paperwork burdens, administrative burdens on people. That is what this really does, representing a considerable additional cost. On that basis, Mr. Chairman, I have to at this point oppose the amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. BURTON of Indiana. Mr. Chairman, I yield 2 minutes to the gentleman from Kentucky [Mr. ROGERS].

Mr. ROGERS. Mr. Chairman, I appreciate the gentleman yielding time to me.

Mr. Chairman, I have no objection to the gentleman's amendment. It is my understanding that the amendment requires disclosure only of information that is already a matter of public record under court rules or applicable Federal or State law. I believe the amendment will merely facilitate appropriate oversight of federally funded LSC grantees. In fact, I appreciate the gentleman bringing this matter to our attention, and I am glad to support the amendment.

Mr. MOLLOHAN. Mr. Chairman, I yield 3 minutes to my distinguished colleague, the gentleman from Colorado [Mr. SKAGGS], a member of the committee.

Mr. SKAGGS. I thank the gentleman for yielding me the time, Mr. Chairman.

Mr. Chairman, I am still just confounded by what practical difference the gentleman believes his amendment will make.

If we are talking about oversight, we already have a requirement and generally administrative practice on the part of Legal Services Corp. grantees to track the kinds of cases that they are involved in. The gentleman's amendment takes that a step further. That gives names and addresses of plaintiffs and defendants, as well as other case file information which is public information, if we want to go to the court and dig it out, as the gentleman knows.

But to require the expenditure of additional time and resources to an already strapped program in order to pull this information together, which will add nothing to our oversight capabilities, but will make susceptible to invasions of privacy inappropriate efforts by any number of likely people who want to exploit this kind of address list, I really do not understand what the gentleman believes he is going to accomplish by this, other than further burdening the people that are trying to provide legal services.

The gentleman signed, along with several of his colleagues, a "Dear Colleague" a few days ago laying out three particularly, by his lights, I gather, egregious cases. The facts in all of those cases I think have been substantially rebutted by the realities that were involved and that necessitated Legal Services' intervention.

I would ask the gentleman from Indiana [Mr. BURTON], what will we learn from this that we do not already know that will make a difference in appropriate oversight?

Mr. BURTON of Indiana. Mr. Chairman, will the gentleman yield?

Mr. SKAGGS. I yield to the gentleman from Indiana.

Mr. BURTON of Indiana. Mr. Chairman, I did not hear the gentleman, and would ask him to repeat his question, if he would.

Mr. MOLLOHAN. Mr. Chairman, the question is, What will we learn if this amendment becomes law that we do not already know, that will make a real difference in our ability to do oversight of the Legal Services Corp.?

Mr. BURTON of Indiana. The situation right now is if we want information, we have two choices. We can go through all the court records, as the gentleman just mentioned, which is a very cumbersome task, or we can go to the Federal LSC offices. Only 8 percent of the cases are really divulged by the LSC. That means 92 percent are not. They already have those records at the local LSC office. We put protections in there for the battered wives and so forth.

Mr. SKAGGS. Reclaiming my time, the gentleman has not responded to my inquiry. We already have information at each LSC grantee of the types of cases they have done. The gentleman's amendment adds names, addresses, case numbers to that.

What additional value is there in this information that is not already available to either Members of Congress or our staff or LSC corporate auditors, that justifies the additional significant expense and computer programming and administrative costs that will be imposed?

Mr. BURTON of Indiana. First of all, I do not think there will be any additional expenses. The records are already there.

Mr. SKAGGS. Reclaiming my time——

Mr. BURTON of Indiana. I will answer the gentleman's question, but he obviously does not want to hear.

Mr. SKAGGS. I do want to hear.

Mr. BURTON of Indiana. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania [Mr. GEKAS].

Mr. GEKAS. Mr. Chairman, I thank the gentleman for yielding me the time.

Mr. Chairman, the thrust of this amendment is to bring more accountability, and I stress that word, accountability, to the Members of Congress, and therefore to the American people, of the workings of the Legal Services entities in the various communities across the Nation.

In the last 20 years we have heard anecdote after anecdote about the kinds of abuses that have been foisted upon the American public by the Legal Services Corp. and entities in the local communities.

Now, the proponents always say, they are just anecdotes. If we pile up the anecdotes we have an entire encyclopedia. Therefore, they become worrisome and repetitive across the Nation.

One egregious example that should have the American people sit up and take notice is the following. If legal services was set up to help low-income poor people, as it was, I support that, and I favor that. Every move that I have made in Congress as chairman of the subcommittee in charge of this has been to preserve legal services for the poor.

If that be the case, then understand this example. We have housing authorities across the Nation who are aided and abetted in their work for their tenants by tenants' associations, tenants' groups. Those are tenants' groups made up of low-income resident people of the low-income housing areas.

When they get together and complain that legal services is thwarting their tenants' objectives in trying to evict drug dealers, these are low-income people who are victims of the legal services intervention to try to protect a drug dealer tenant against a majority of tenants who are low-income poor people, who dread the presence of a drug dealer.

That means to me that that kind of anecdote, which cannot be dismissed because it is happening across the Nation, is the kind of case that can be prevented if we have full accountability. If we would know, as Members of Congress, at the outset that a legal services entity is committing itself to the representation of a drug dealer tenant against low-income people, against poor people, against low-income tenants who need legal services to preserve their housing area free from drug dealers, then how can anyone doubt that we need more accountability?

The gentleman from West Virginia [Mr. MOLLOHAN] just a while ago said it is unnecessary to have this, meaning that he favors accountability, and he believes that accountability in its present status is enough.

I say that if we pass the gentleman's amendment as it stands now on the floor, all we do is crystalize what the gentleman from West Virginia says already exists, and furthermore, allows reporting to the Members of Congress of what goes on on a daily basis in the legal services community.

Mr. SKAGGS. Mr. Chairman, will the gentleman yield?

Mr. GEKAS. I yield to the gentleman from Colorado.

Mr. SKAGGS. Mr. Chairman, whatever the merits of the argument the gentleman has just made, the Burton amendment will not address them. It has nothing to do with the points the gentleman made.

Mr. GEKAS. Yes, it does. It brings the Congress into full acknowledgment of what is happening in the local communities. If there is additional reporting required by the Burton amendment, which in fact there is additional reporting, then we are all the better for it, and the abuses that have been piling up for 20 years could begin to dwindle, at least if the present status of legal services is to be continued.

Mr. MOLLOHAN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, in response to the gentleman from Pennsylvania's representations about my position here, this may be a bit of role reversal, but we are arguing for less paperwork and less administrative responsibility here because this information is already available, virtually. So the gentleman is correct, except we are opposing the amendment simply on the basis that it is unnecessary. It does not do anything, so why do this?

Mr. Chairman, I yield 6 minutes to the gentleman from Colorado [Mr. SKAGGS].

Mr. SKAGGS. Mr. Chairman, if I could continue the conversation with the sponsor of the amendment, I was not trying to be difficult. I just ran out of time before.

Mr. Chairman, as I understand it, the gentleman's amendment, in addition to records that are already required to be kept by a legal services grantee, the gentleman's amendment would require disclosure of the name and address of each party to a legal action. Is that correct?

Mr. BURTON of Indiana. Mr. Chairman, will the gentleman yield?

Mr. SKAGGS. I yield to the gentleman from Indiana.

Mr. BURTON of Indiana. Mr. Chairman, those are already records kept by the local LSC, but not disclosed unless you go through the national LSC.

Mr. SKAGGS. Then the cause of action, that is information collected as a matter of course by legal services grantees now, is that not correct?

Mr. BURTON of Indiana. Yes.

Mr. SKAGGS. The name and address of the court in which the case is filed, is that part of the gentleman's amendment?

Mr. BURTON of Indiana. But it is all kept now by the local LSC. We are not contesting what the gentleman is saying.

Mr. SKAGGS. What more will we be able to do, having all of this additional information collated with new computer programs and so forth, that we cannot now do?

Mr. BURTON of Indiana. The bottom line is this. Many of us feel like we are spending $283 million and that is excessive. We want to help the indigent, everybody does, but we believe there should be more accountability. Even though Congress passed, a couple of years ago, some rules regarding LSC, in the last 2 years there have been violations of those rules. All we want to do is make sure there is accountability.

The bottom line is this, that those records are there. If we could get them from the local LSC instead of going through the paperwork at the national level, we think it would be easier to make sure there is accountability and there are no abuses. We are not asking for anything but more accountability. It is just that simple. The records are there. I do not think it is going to cost anymore than it does already.

Mr. SKAGGS. Reclaiming my time, Mr. Chairman, at least the legal services grantee in metropolitan Denver, realizing that they have not had a whole lot of time to figure out what this would cost, estimates it is probably a $20,000 a year proposition to deal with all of the additional data management and computer changes that are involved.

Given, as the gentleman's comments have indicated, this information is already available, not necessarily pulled together in just the fashion that his amendment would require, it is somewhat bewildering to figure out why we should be spending this additional money.

Mr. Chairman, I assume the real concern that we are trying to address here is that legal services are getting into kinds of cases that are proscribed under the restrictions that are now in law.

Mr. BURTON of Indiana. Yes.

Mr. SKAGGS. That information is now readily available. It does not require names and addresses. That does not add anything to understanding the kinds of cases of either plaintiffs or defendants. It does not require names of courts attached to those kinds of cases. We already know that. It can be gotten at without the additional burdens that gentleman's amendment would impose on these strapped operations.

Mr. BURTON of Indiana. Mr. Chairman, I do not want to prolong the discussion.

Mr. SKAGGS. I do want to prolong it, because we are getting somewhere.

Mr. BURTON of Indiana. This information, if you really want to get it, you can go to the court records, a cumbersome thing, and it takes a lot of time to dig through records that you do not want to go through, or you can go to the national LSC and get it. What I am saying is they can get it from the local LSC.

Mr. SKAGGS. Reclaiming my time, the local operation already keeps records by the kinds of cases they are litigating. If that is the gentleman's concern, that they are getting into kinds of cases that they should not, that information exists.

What additional benefit is it in the gentleman's mind to note names and addresses of plaintiffs and defendants and the address of the court? How can that make any difference in our understanding of the kinds of cases that are being litigated?

□ 0945

Mr. BURTON of Indiana. Mr. Chairman, the bottom line is that more detailed information gives us more of an oversight of the actual operation of the local LSC that may be in violation of the current statutes that we pass here in the Congress, and we know those exist.

Mr. SKAGGS. Reclaiming my time, Mr. Chairman, if we have a class action being brought and that record exists at the local office, what difference does it make to our oversight needs in knowing the names of all the defendants and plaintiffs collected in a different manner than is now the case or where the court happens to be? We have what we need if we know they are doing a kind of case that is not permitted, do we not?

Mr. BURTON of Indiana. The only way we can get the information is to dig through court records or go to the national LSC, and we say we want to go to the local LSC.

Now, actually, we are asking for more information than what the gentleman wants us to have, but we think that is part of the policing effort that is necessary to make sure they are accountable.

Mr. SKAGGS. Reclaiming my time, I am not complaining about the information we need to do oversight. That already exists at the local level.

Mr. BURTON of Indiana. We cannot get it at the local level unless we go through the local LSC.

Mr. SKAGGS. If all the gentleman is concerned about is that they are getting into the kinds of cases the gentleman does not like and that are proscribed, why do we not limit the gentleman's amendment to making sure they have available at the local level an accounting for the kinds of lawsuits being brought, to see whether any of those violate the restrictions?

Why does the gentleman need this other information that will be costly and burdensome for the local legal services operations to put together?

Mr. BURTON of Indiana. We want to make sure. We want to make sure we are covering the waterfront so that there is no problem and they are not covering up something.

Mr. SKAGGS. Reclaiming my time, I think it is transparent. The only reason to go through these extra steps is to be a gratuitous burden on the operation that the gentleman thinks we should not be doing at all.

I think his position is self-evident, although we are trying to dance around other rationales for putting this costly additional burden on these operations, which I think is very regrettable. I hope my colleagues will vote "no."

Mr. BURTON of Indiana. Mr. Chairman, I yield myself 30 seconds.

Let me just say they are not going to be overburdened. The information is already in their files. This makes it easier to police it, though, because the people who want to police LSC do not have to go through the machinations of going to Washington, DC to get the information. They can get it through the local LSC office.

The fact of the matter is the local LSC offices do not really want to give that information out. They have it. It will not be an additional burden. I do not understand the argument.

Mr. Chairman, I yield 3½ minutes to the gentleman from New Jersey [Mr. LoBiondo].

Mr. LoBIONDO. Mr. Chairman, I thank the gentleman from Indiana for yielding me this time, and I rise in strong support of the amendment by my colleague from Indiana; [Mr. Burton].

I believe everyone should have access to legal services, but in the case of Legal Services Corp., it is no longer just defending individuals, it is bullying employers, specifically farmers. The Legal Services Corp. is not just representing but it is, instead, prosecuting and twisting the laws originally intended to shield those who need protection, to badger legitimate and honest small business people.

In southern New Jersey we have a thriving agricultural industry, and it is common between employers and employees at times in any arena. And occasionally there is litigation between the farmers and workers over various employment issues. The Legal Services Corp. is there to provide representation for the workers who are often unable financially to secure legal representation on their own.

However, the complaint I frequently hear from the farmers in my district and from my State is that the Legal Services Corp. attorneys pursue such litigation recklessly, with questionable tactics and motives; again, with questionable tactics and motives.

Let me share two examples that occurred in my district. A farmer from Salem County, NJ, settled a multiple plaintiff claim for $500 per worker, the total amount to be put in escrow and distributed by the Legal Services Corp. in Puerto Rico where the plaintiffs lived.

LSC first reported to the farmer there was a $500 surplus which he would get back. Just earlier this year, however, LSC wrote informing him that a man had walked in claiming to have worked for the farmer and was entitled to the $500, just upon that claim of walking in. LSC let the farmer know that he could respond via his attorney within 20 days or the $500 would be given to the plaintiff.

This is insanity. Despite this, the farmer had no record of the claimant ever working for him. It would have cost him more than $500 just to respond through his attorney, so he was forced to allow the distribution and forego the surplus.

Another farmer from Atlanta County, NJ, called the local police to escort a disruptive worker with a weapon off his property. LSC got involved and 2 years later their lawyers filed a claim against the farmer for eviction. This farmer took it to the U.S. Department of Labor arbitration and won. Legal Services Corp. refused to appear at the arbitration. They refused to appear at the arbitration but, instead, pursued a case in court against the farmer and the city.

The case against the farmer is still going on and LSC refuses to settle for less than $11,000. Think about that. After the police escort someone from his home who has threatened him with an ice pick he got sued for eviction.

Unfortunately, Mr. Chairman, these are the kinds of abuses that continuously take place. I strongly support the gentleman's amendment because we have to start to rectify these many problems that are going after by legal services who are targeting farmers of moderate means, farmers of moderate means who are forced into settlements that do not make any sense. This is wrong. It needs to be corrected.

Mr. MOLLOHAN. Mr. Chairman, I yield 1 minute to the gentleman from Colorado [Mr. SKAGGS].

Mr. SKAGGS. Mr. Chairman, I cannot help but observing in response to the prior gentleman's points that they had nothing to do with the substance of the amendment before the House.

Mr. BURTON of Indiana. Mr. Chairman, I yield such time as he may consume to the gentleman from Indiana [Mr. HOSTETTLER].

Mr. HOSTETTLER. Mr. Chairman, I rise in support of the amendment by my colleague from Indiana [Mr. BURTON].

Mr. BURTON of Indiana. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania [Mr. FOX].

Mr. FOX of Pennsylvania. Mr. Chairman, I rise to speak on behalf of the Burton amendment, which I believe would create an additional level of assurance that legal services programs are working effectively and responsively.

I want to thank the gentleman from Indiana [Mr. BURTON] for his willingness to work with me to address some of my concerns regarding the language of his original amendment. While we may differ in our views on the need to continue funding for legal services programs, I know we share the same interest in seeing that any federally funded program is efficient, effective, and operates in the sunshine of public scrutiny.

Earlier, during the consideration of this bill, we debated on the adequate funding level for low income legal services. I was pleased the House exercised its will to support by a broad margin a higher funding level than was included in the committee mark. During debate, many Members expressed concerns about the activities of several legal aid agencies around the country. I do not take these concerns lightly, however the charges levied I believe in most, if not all cases, are exaggerated beyond the issue of whether or not they are appropriate in the new environment of the reformed Legal Services Corp.

We must be certain the information provided from this legislation is used responsibly and not to harass the agencies or the clients. I appeal to those who are pressing this amendment and ask that this information not be used to further inflame the rhetoric fostered by outside groups, but that it be used within the proper congressional oversight that should be conducted over every taxpayer's dollar.

I do believe that public exposure can be positive, and I will support the amendment. I continue to have minor concerns about the details and process included in the amendment, however I am hopeful the gentleman from Indiana will give further consideration to these concerns and that we can work them out in conference committee.

Mr. MOLLOHAN. Mr. Chairman, I yield back the balance of my time.

Mr. BURTON of Indiana. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore [Mr. NUSSLE]. The question is on the amendment offered by the gentleman from Indiana [Mr. BURTON].

The amendment was agreed to.

The CHAIRMAN pro tempore. Are there further amendments at this point in the bill?

If not, the Clerk will read.

The Clerk read as follows:

### MARINE MAMMAL COMMISSION

### SALARIES AND EXPENSES

For necessary expenses of the Marine Mammal Commission as authorized by title II of Public Law 92–522, as amended, $1,000,000.

### SECURITIES AND EXCHANGE COMMISSION

### SALARIES AND EXPENSES

For necessary expenses for the Securities and Exchange Commission, including services as authorized by 5 U.S.C. 3109, the rental of space (to include multiple year leases) in the District of Columbia and elsewhere, and not to exceed $3,000 for official reception and representation expenses, $283,000,000, of which not to exceed $10,000 may be used toward funding a permanent secretariat for the International Organization of Securities Commissions, and of which not to exceed $100,000 shall be available for expenses for consultations and meetings hosted by the Commission with foreign governmental and other regulatory officials, members of their delegations, appropriate representatives and staff to exchange views concerning developments relating to securities matters, development and implementation of cooperation agreements concerning securities matters and provision of technical assistance for the development of foreign securities markets, such expenses to include necessary logistic and administrative expenses and the expenses of Commission staff and foreign invitees in attendance at such consultations and meetings including (1) such incidental expenses as meals taken in the course of such attendance, (2) any travel and transportation to or from such meetings, and (3) any other related lodging or subsistance: *Provided*, That fees and charges authorized by sections 6(b)(4) of the Securities Act of 1933 (15 U.S.C. 77f(b)(4)) and 31(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78ee(d)) shall be credited to this account as offsetting collections: *Provided further*, That not to exceed $249,523,000 of such offsetting collections shall be available until expended for necessary expenses of this account: *Provided further*, That the total amount appropriated for fiscal year 1998 under this heading shall be reduced as all such offsetting fees are deposited to this appropriation so as to result in a final total fiscal year 1998 appropriation from the General Fund estimated at not more than $33,477,000: *Provided further*, That any such fees collected in excess of $249,523,000 shall remain available until expended but shall not be available for obligation until October 1, 1998.

### SMALL BUSINESS ADMINISTRATION

### SALARIES AND EXPENSES

For necessary expenses, not otherwise provided for, of the Small Business Administration as authorized by Public Law 103–403, including hire of passenger motor vehicles as authorized by 31 U.S.C. 1343 and 1344, and not to exceed $3,500 for official reception and representation expenses, $235,047,000: *Provided*, That the Administrator is authorized to charge fees to cover the cost of publications developed by the Administration, and certain loan servicing activities: *Provided further*, That, notwithstanding 31 U.S.C. 3302, revenues received from all such activities shall be credited to this account, to be available for carrying out these purposes without further appropriations: *Provided further*, That $75,500,000 shall be available to fund grants for performance in fiscal year 1998 or fiscal year 1999 as authorized by section 21 of the Small Business Act, as amended.

### OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended (5 U.S.C. App. 1–11, as amended by Public Law 100–504), $9,490,000.

### BUSINESS LOANS PROGRAM ACCOUNT

For the cost of guaranteed loans, $187,100,000, as authorized by 15 U.S.C. 631 note, of which $45,000,000 shall remain available until September 30, 1999: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That during fiscal year 1998, commitments to guarantee loans under section 503 of the Small Business Investment Act of 1958, as amended, shall not exceed the amount of financings authorized under section 20(n)(2)(B) of the Small Business Act, as amended.

In addition, for administrative expenses to carry out the direct and guaranteed loan programs, $94,000,000, which may be transferred to and merged with the appropriations for Salaries and Expenses.

### DISASTER LOANS PROGRAM ACCOUNT

For the cost of disaster loans and associated administrative expenses, $199,100,000, to remain available until expended: *Provided*, That such costs for direct loans, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That of the amounts available under this heading, $500,000 shall be transferred to and merged with appropriations for the Office of Inspector General of the Small Business Administration for audits and reviews of disaster loans and the disaster loan program.

### SURETY BOND GUARANTEES REVOLVING FUND

For additional capital for the "Surety Bond Guarantees Revolving Fund", authorized by the Small Business Investment Act, as amended, $3,500,000, to remain available without fiscal year limitation as authorized by 15 U.S.C. 631 note.

### ADMINISTRATIVE PROVISION—SMALL BUSINESS ADMINISTRATION

Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Small Business Administration in this Act may be transferred between such appropriations, but no such appropriation shall be increased by more than 10 percent by any such transfers: *Provided*, That any transfer pursuant to this paragraph shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

## STATE JUSTICE INSTITUTE

### SALARIES AND EXPENSES

For necessary expenses of the State Justice Institute, as authorized by the State Justice Institute Authorization Act of 1992 (Public Law 102–572 (106 Stat. 4515–4516)), $3,000,000, to remain available until expended: *Provided*, That not to exceed $2,500 shall be available for official reception and representation expenses.

## TITLE VI—GENERAL PROVISIONS

SEC. 601. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes not authorized by the Congress.

SEC. 602. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 603. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 604. If any provision of this Act or the application of such provision to any person or circumstances shall be held invalid, the remainder of the Act and the application of each provision to persons or circumstances other than those as to which it is held invalid shall not be affected thereby.

SEC. 605. (a) None of the funds provided under this Act, or provided under previous appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 1998, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds which (1) creates new programs; (2) eliminates a program, project, or activity; (3) increases funds or personnel by any means for any project or activity for which funds have been denied or restricted; (4) relocates an office or employees; (5) reorganizes offices, programs, or activities; or (6) contracts out or privatizes any functions, or activities presently performed by Federal employees; unless the Appropriations Committees of both Houses of Congress are notified fifteen days in advance of such reprogramming of funds.

(b) None of the funds provided under this Act, or provided under previous appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 1998, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure for activities, programs, or projects through a reprogramming of funds in excess of $500,000 or 10 percent, whichever is less, that (1) augments existing programs, projects, or activities; (2) reduces by 10 percent funding for any existing program, project, or activity, or numbers of personnel by 10 percent as approved by Congress; or (3) results from any general savings from a reduction in personnel which would result in a change in existing programs, activities, or projects as approved by Congress; unless the Appropriations Committees of both Houses of Congress are notified fifteen days in advance of such reprogramming of funds.

SEC. 606. None of the funds made available in this Act may be used for the construction, repair (other than emergency repair), overhaul, conversion, or modernization of vessels for the National Oceanic and Atmospheric Administration in shipyards located outside of the United States.

SEC. 607. (a) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—It is the sense of the Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available in this Act should be American-made.

(b) NOTICE REQUIREMENT.—In providing financial assistance to, or entering into any contract with, any entity using funds made available in this Act, the head of each Federal agency, to the greatest extent practicable, shall provide to such entity a notice describing the statement made in subsection (a) by the Congress.

(c) PROHIBITION OF CONTRACTS WITH PERSONS FALSELY LABELING PRODUCTS AS MADE IN AMERICA.—If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a "Made in America" inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, the person shall be ineligible to receive any contract or subcontract made with funds made available in this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

SEC. 608. None of the funds made available in this Act may be used to implement, administer, or enforce any guidelines of the Equal Employment Opportunity Commission covering harassment based on religion, when it is made known to the Federal entity or official to which such funds are made available that such guidelines do not differ in any respect from the proposed guidelines published by the Commission on October 1, 1993 (58 Fed. Reg. 51266).

SEC. 609. None of the funds appropriated or otherwise made available by this Act may be obligated or expended to pay for any cost incurred for (1) opening or operating any United States diplomatic or consular post in the Socialist Republic of Vietnam that was not operating on July 11, 1995; (2) expanding any United States diplomatic or consular post in the Socialist Republic of Vietnam that was operating on July 11, 1995; or (3) increasing the total number of personnel assigned to United States diplomatic or consular posts in the Socialist Republic of Vietnam above the levels existing on July 11, 1995, unless the President certifies within 60 days, based upon all information available to the United States Government that the Government of the Socialist Republic of Vietnam is cooperating in full faith with the United States in the following four areas:

(1) Resolving discrepancy cases, live sightings and field activities.

(2) Recovering and repatriating American remains.

(3) Accelerating efforts to provide documents that will help lead to fullest possible accounting of POW/MIA's.

(4) Providing further assistance in implementing trilateral investigations with Laos.

### AMENDMENT NO. 4 OFFERED BY MR. DOGGETT

Mr. DOGGETT. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mr. DOGGETT:

At the end of the bill, insert after the last section (preceding the short title) the following new section:

SEC. . None of the funds provided by this Act shall be available to promote the sale or export of tobacco or tobacco products, or to seek the reduction or removal by any foreign country of restrictions on the marketing of such products.

### AMENDMENT OFFERED BY MR. MOLLOHAN AS A SUBSTITUTE FOR THE AMENDMENT OFFERED BY MR. DOGGETT

Mr. MOLLOHAN. Mr. Chairman, I offer an amendment as a substitute for the amendment.

The Clerk read as follows:

Amendment offered by Mr. MOLLOHAN as a substitute for the amendment offered by Mr. DOGGETT:

In lieu of the matter proposed to be inserted, insert the following:

SEC. . None of the funds provided by this Act shall be available to promote the sale or export of tobacco or tobacco products, or to seek the reduction or removal by any foreign country of restrictions on the marketing of tobacco or tobacco products, except for restrictions which are not applied equally to all tobacco or tobacco products of the same type.

The CHAIRMAN pro tempore. Pursuant to the order of the House of Thursday, September 25, 1997, the gentleman from Texas [Mr. DOGGETT] and a Member opposed each will control 15 minutes on both amendments.

Mr. DOGGETT. Mr. Chairman, the substitute amendment is acceptable.

The CHAIRMAN pro tempore. Without objection, the gentleman from West Virginia [Mr. MOLLOHAN] may control the 15 minutes in opposition.

There was no objection.

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### PARLIAMENTARY INQUIRY

Mr. DOGGETT. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN pro tempore (Mr. NUSSLE). The gentleman will state it.

Mr. DOGGETT. The substitute amendment is before us as having been adopted.

The CHAIRMAN pro tempore. That is correct.

Mr. DOGGETT. And, Mr. Chairman, I will have 15 minutes in support of the substitute amendment. And who will have 15 minutes in opposition to that amendment?

The CHAIRMAN pro tempore. Is there a Member opposed to that amendment?

Without objection, the gentleman from Texas [Mr. DOGGETT] will control the 15 minutes in opposition.

There was no objection.

Mr. DOGGETT. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, this amendment concerns the health of our children, the children of the entire world. The dangers of nicotine addiction to our children are now increasingly known. Three thousand young Americans each day become caught up in the nicotine habit, our leading cause of preventable death in America.

But these dangers do not stop at our country's shores. With increasing pressure to stop hooking kids here at home on nicotine, the big tobacco companies are spreading out around the globe to hook other people's kids. To make matters worse, American tax dollars, our tax dollars, have been used to promote addicting our people's children to the nicotine drug. This amendment would put a stop to that.

Since 1990, while Phillip Morris sales have grown by only 4.7 percent here in the United States, they have grown by 80 percent abroad. Smoking causes about 3 million deaths each year around the world. And it is estimated that in another couple of decades, the number will rise to 10 million, with 70 percent of all deaths from smoking coming into developing countries that are the newest targets of big tobacco.

Unfortunately, the U.S. Government and the U.S. taxpayer has been complicit in this export of death. Government employees in the Office of the U.S. Trade Representative and the Commerce and State Departments, economic and commercial counselors around the globe have assisted American tobacco companies overseas to break down barriers, and the result has been more kids around the globe are smoking.

One of the examples comes from our Embassy in Thailand, where instead of promoting health, our taxpayer dollars were used to try to discourage health restrictions. This amendment would put a stop to that and would ensure that America provides leadership in protecting children around the world instead of exposing them to disease.

Mr. Chairman, I yield 1½ minutes to the gentlewoman from Colorado [Ms. DEGETTE], one of the coauthors of this amendment.

Ms. DEGETTE. Mr. Chairman, tobacco does not discriminate. Tobacco kills people, young and old, black and white, American and Thai alike. Yet it seems that our Government discriminates when it comes to tobacco.

At home, the U.S. Government spends millions of dollars every year on tobacco prevention programs and is currently engaged in the most aggressive effort to date to curb youth smoking in America. But abroad in Asia, Eastern Europe and the former Soviet Union, the U.S. Government works hand in hand with tobacco companies to promote its product and increase its use in the overseas marketplace. What does this say about how our Government values human life? Is a life in downtown Washington more precious than a life in Bangkok? Tobacco does not discriminate, and neither should we.

There is a real difference between a company voicing legitimate international trade concerns and the tobacco industry's use of the Federal Government as a school yard bully to force foreign governments to subject their young to a barrage of cigarette marketing. It is a black eye for American diplomacy.

There is no doubt the entry of American tobacco overseas has dramatically increased consumption worldwide. In Taiwan, smoking rates of high school students jumped from 22 to 32 percent in the 2 years after American cigarettes were introduced. In Korea, the rate for male teens grew from 18 to 30 percent in just 1 year. In Japan, 26 percent of high school senior girls were smoking in 1990 after U.S. cigarettes were introduced.

Let us face it, tobacco companies do not need an extra boost from our Government to thrive overseas. That is why since 1993 we have banned such activity by the Agriculture Department by prohibiting the agency from promoting tobacco through the market access program.

As Congress embarks on the historic negotiations to reduce smoking at home, it would be inhumane for us to continue supporting this smoking abroad.

Mr. DOGGETT. Mr. Chairman, I yield 1 minute to the gentlewoman from Connecticut [Ms. DELAURO], who has been one of the leaders in trying to protect other children from tobacco.

Ms. DELAURO. Mr. Chairman, I rise today in strong support of this amendment. This is just common sense. Tobacco kills. U.S. taxpayer dollars should not be used to help the tobacco industry market this deadly product.

This is not a car. It is not a computer. It is not some piece of technology which is going to help to improve the quality of life. It is a product that, in fact, kills people. We have seen the dangers of smoking right here at home. We have spent billions of dollars on health care for people with tobacco-related diseases.

We should not be in the business to allow the tobacco industry to turn its gaze outward to the untapped markets across the world. Now that their market shares are beginning to decline in the United States, our Government has no business using taxpayer dollars to help the tobacco industry export this deadly product.

The Department of Agriculture is already barred from promoting tobacco through the market access program. This amendment would simply make Federal policy consistent across the Departments.

I urge my colleagues to support this amendment.

Mr. DOGGETT. Mr. Chairman, I yield 1¼ minutes to the gentleman from Texas [Mr. LAMPSON].

Mr. LAMPSON. Mr. Chairman, if we respect the way tobacco products are marketed in this Nation because we are concerned about the documented health risks, how can we in good conscience use taxpayer funds to help tobacco companies market their products overseas in nations where no restrictions are placed on their tactics which overwhelmingly target children? It is indefensible.

As this Nation works to finalize a settlement that will force tobacco companies to reimburse States and individuals for the illnesses caused by many of their products, we must not be aiding the efforts to export those illnesses overseas. In fact, a New York Times editorial recently pointed out American tobacco companies have agreed to proposed domestic settlement in part because it does not touch them overseas where profits are soaring and they can boldly target teenagers without fear of lawsuit or powerful critics.

In this Nation nearly 30 years of antismoking efforts, because of it and despite it, American children still recognize Joe Camel as much as they recognize Mickey Mouse. In Hong Kong, empty packs of American cigarettes can be redeemed for tickets to movies and discos and concerts. In the mid-1980's our own U.S. Trade Representative demanded and won the right for American tobacco companies to advertise in Korea and Taiwan. No wonder tobacco consumption is growing at the fastest rate in the world in Asia.

I believe this Nation should be exporting antismoking efforts, but at the very least, we should stop aiding the efforts of the tobacco companies overseas. I urge my colleagues to support this amendment.

Mr. DOGGETT. Mr. Chairman, are there no speakers in opposition? I have some other speakers. I wanted to be sure I was not going to be faced with other speakers at the end.

Mr. MOLLOHAN. Mr. Chairman, no, the gentleman from Texas [Mr. DOGGETT] is going to have a clear field here.

Mr. DOGGETT. Mr. Chairman, I yield 2 minutes to the gentleman from Massachusetts [Mr. MEEHAN], who has done as much as anyone in this Congress to deal with the plague of this preventable disease caused by tobacco.

Mr. MEEHAN. Mr. Chairman, I rise in strong support of the Doggett-Meehan-Hansen-DeGette amendment.

Simply put, we can no longer continue to promote and facilitate the overseas sale of preventable death. In 1995 alone, Mr. Chairman, tobacco products killed 3 million people worldwide. According to the World Health Organization, 500 million people alive today will die due to smoking-related illness. It is hypocritical at best and immoral at worst for us to continue on our present course.

At a time when we are working to improve the health of our citizens, it should not be the policy of the U.S. Government to promote the sale and marketing of death and disease abroad. This amendment, Mr. Chairman, is about our Government's complicity in big tobacco's export on an epidemic scale.

Here in the United States, smoking rates among adults have finally begun to decline. In response to a shrinking domestic market, the American tobacco companies have turned their attention to the independent national market, particularly developing nations in Asia, Latin America and Eastern Europe. Indeed, Mr. Chairman, international sales of Philip Morris and R.J. Reynolds have already quadrupled in the last 10 years.

Mr. Chairman, opponents of this amendment do not mention the fact that American tobacco companies are unleashing an unprecedented advertising and marketing campaign on unsophisticated and vulnerable consumers all across the world. Further, they conveniently forget to mention that American tobacco companies have targeted women, the vast majority of whom had not previously smoked, by linking the women's movement with the smoking of cigarettes.

It is abundantly clear that the American tobacco companies are looking overseas for future profits. With this amendment, we must decide whether or not we, as a nation, will facilitate big tobacco's overseas campaign. Currently we are willing accomplices to the worldwide addition of children to tobacco products. Thus, we had have contributed to these untimely deaths.

How can we on the one hand seek to protect our children from the ravages of nicotine addiction while promoting the activities of tobacco companies abroad? This is a good amendment.

Mr. DOGGETT. Mr. Chairman, I yield 1½ minutes to the gentleman from Georgia [Mr. LEWIS].

Mr. LEWIS of Georgia. Mr. Chairman, I rise in support of the Doggett amendment. We should not use any Federal funds to support the promotion and export of tobacco overseas. Tobacco kills. It is a known killer. It is toxic and addictive. Tobacco kills more than 1,000 Americans every day.

Most people begin smoking when they are teenagers. Every day 3,000 young people begin smoking. We must put an end to this effort. This is an effort we support worldwide. We must send that same message around the world that tobacco kills. We should not, we must not, we cannot support smoking in other countries around the world.

We must not allow public funds to promote smoking in other countries. Why should we export our poison? Why should we send our poison to poorer, sicker, less developed countries? We all live on this planet together, Mr. Chairman. We must be concerned not just about our children becoming addicted, we must also be concerned about children around the world, rich or poor, black, white, yellow, or brown. They all are our children.

We are talking about the lives of innocent children. Mr. Chairman, we have people that are trying to sell poison to our neighbors' children. They are using their money and their ads and their glamour to poison our Nation's and neighbors' children. We have a moral responsibility not to support this effort. We have a moral duty to protect our neighbors' children just as we protect our own children. We must say no to tobacco both here in our country and around the world.

Mr. DOGGETT. Mr. Chairman, I yield 1 minute to the gentleman from Minnesota [Mr. LUTHER], one of the leaders in the effort to deal with the young people and not having them become addicted to nicotine.

Mr. LUTHER. Mr. Chairman, I rise in strong support of this amendment because America's tobacco companies are continuing to profit from addicting the world's children to tobacco.

This amendment will force the U.S. Government to cease the unconscionable practice of assisting these companies in promoting tobacco use abroad. We now have extensive research showing that billboards and advertisements in magazines increase smoking among youth.

The fact that children are being used as advertising targets severely detracts from their ability to make sound judgments about the devastating health consequences of smoking. Let us put emotion aside and simply consider the facts.

In foreign country after foreign country, smoking rates among young people have skyrocketed after American cigarettes were introduced. This is atrocious, and the U.S. Government is in part responsible. We must no longer be part of this tragedy.

I urge my fellow House Members to support this amendment, discourage tobacco use around the world, and send the message that America will not tolerate this kind of assault on the world's children.

Mr. DOGGETT. Mr. Chairman, this has been a bipartisan effort. The gentleman from Utah [Mr. HANSEN], one of the coauthors, is not here today to speak.

Mr. Chairman, I yield 1 minute to the gentlewoman from Maryland [Mrs. MORELLA], my distinguished Republican colleague and another leader in this effort.

Mrs. MORELLA. Mr. Chairman, I thank the gentleman from Texas [Mr. DOGGETT] for yielding me the time.

Mr. Chairman, I want to try to really condense and simply say that I think it is a very important amendment, and I hope that my colleagues will all support it. Tobacco use continues to be a major health problem in our country. We all know that. It is responsible for one out of five illnesses, according to the Centers for Disease Control. We know that those illnesses coming from tobacco cost Medicare more than $10 billion a year, Medicaid more than $5 billion.

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Mr. Chairman, I do not understand why we are subsidizing the promotion of tobacco products in the first place. The tobacco industry makes large profits on their products, and in fact 68 cents of every dollar that is spent by consumers on tobacco products goes to manufacturers and distributors. Price-Waterhouse conducted a study that concluded that the tobacco industry generates about 800,000 jobs. However, more than 3 million people worldwide die each year from diseases related to tobacco use. That means that four people must die each year to create one job.

The amendment before us is merely an extension of legislative actions taken by past Congresses. In every agriculture appropriations bill since 1993, Congress has approved provisions to prohibit the Agriculture Department from promoting the sale or export of tobacco products overseas. This amendment extends the prohibition to the Departments of Commerce, State, and the U.S. Trade Representative.

We should not be using taxpayer funds to promote the sale or export of cigarettes. This is a product that addicts children and kills one-half of its long-term users. The American Heart Association emphasizes that "more people die each year in the United States from smoking than from AIDS, alcohol, drug use, homicide, car accidents, and fires combined. Tobacco use accounts for more than $68 billion in health care costs and lost productivity each year.

I think it is time for the Federal Government to get out of the tobacco business. I urge my colleagues to seize this opportunity to move one step more towards accomplishing that goal.

Mr. DOGGETT. Mr. Chairman, I yield myself the balance of my time.

The CHAIRMAN. The gentleman from Texas is recognized for 3¾ minutes.

Mr. DOGGETT. Mr. Chairman, my thanks to all of my colleagues who have joined on what I believe is an important amendment. This will be the first time that this Congress, particularly in view of all of the discussion of the tobacco settlement, recognizes and goes on record that our responsibilities as a world leader and as a moral leader in this world do not stop at the shores of this Nation.

Yes, we are concerned that 3,000 young Americans become addicts to tobacco each day; yes, we are concerned that this is the leading cause of preventable death in this country; yes, we are concerned when tobacco companies come through this Congress and sneak in a $50 billion tax credit for themselves. But our concern does not go just to our children; it goes to the children of the world. And we know that if a tobacco settlement is funded by simply addicting other children we have forfeited our claim to responsibility in this world and our claim to any moral leadership in this world.

And so today, Mr. Chairman, I believe this House will go on record as saying no longer will we use the tax dollars of American taxpayers to promote the sale of tobacco abroad, and no longer will we ask the U.S. Trade Representative, as happened in Korea, to go in and knock down restrictions on advertising directed at young Koreans, directed at the children of Korea so that they can become addicted to nicotine, and say that we did it because it was a trade regulation that was limiting new entrants, American tobacco companies, into this foreign market. We go on record against that.

There is an amendment that has been added by my colleague from West Virginia, and it is a narrow amendment indeed. It says essentially that if some country were to say we do not want West Virginia tobacco but we will take the tobacco from the rest of the world, that that would be a very narrow limited basis for the Trade Representative to go in and see that that kind of arbitrary discrimination did not occur. But not with reference to health and safety regulations, not with regard to the ingredients in tobacco, as our embassy in Thailand sought to do to limit the health efforts of the Thai Government; no, what we will be doing today is responding to the tobacco control advocates from 19 countries around the world who wrote this Congress this very summer and asked us specifically to provide for an explicit statement that our Trade Representative and our State Department would not be out trying to interfere with the health regulations of other countries around this world who are trying to protect their children from the problem of tobacco just as we are trying to protect ours.

As the New York Times wrote recently, Washington can surely remove tobacco from the category of products that get aggressive support for opening foreign markets. American companies and the American Government unleash sophisticated marketing campaigns that increase smoking and, of course, thereby increase preventable death in many countries where people do not fully understand its danger. That gives Washington a responsibility to undo the damage, and that is precisely what this House would be doing this morning in adopting this amendment.

This amendment has been endorsed by all of the leading public health organizations that have been struggling with the menace of tobacco in this country. The American Lung Association, Dr. C. Everett Koop, President Reagan's Surgeon General, has spoken out with reference to this matter, and I believe we will constructively move forward this morning to adopt an amendment that really for the first time in this Congress goes on record concerning our feelings about the problems of tobacco.

And I hope that we will see this incorporated into the instructions that go to every one of our commercial and economic counselors around the globe, so that they will understand full well that anything they might do on behalf of an American tobacco company has been seriously and narrowly limited to those most arbitrary regulations that have nothing to do with public health and safety. Their job should be, as emissaries for our country, to encourage other countries to promote health and safety and well-being for their children, and not to promote the sale of a product that is the leading cause of preventable death in this world.

Mr. Chairman, I ask for approval of the amendment, as amended.

Mr. McDERMOTT. Mr. Chairman, I rise in support of the Doggett-Meehan amendment because our Government should do everything it can to prevent the use of tobacco products—regardless if that use occurs in the United States or abroad. The amendment before us is simple—it merely prohibits the use of taxpayer dollars to help tobacco companies market their products overseas.

Overseas communities clearly represent the future market for America's tobacco products. Since 1990, the sale of Philip Morris tobacco products have increased in this country by about 5 percent. However, during the same time period, Philip Morris' overseas sales skyrocketed by 80 percent.

Worse still, the new smokers who are attracted to these U.S. tobacco products are children. For example just 2 years after American cigarettes were introduced to Taiwan, smoking rates among Taiwanese teenagers jumped from 22 to 32 percent. In Korea, the number of male teens who smoked almost doubled to 30 percent just 1 year after United States tobacco products entered the market.

Mr. Speaker, in my view, each of us should do everything we can to reduce smoking worldwide—not just in the United States. This is especially true when you consider that it's the kids of the world who are most susceptible to the marketing of this lethal product.

I urge my colleagues to take this small, but worthy step to reduce the world's addiction to tobacco by limiting our country's ability to push tobacco use abroad. I urge you to support the Doggett amendment—let's not spend anymore taxpayer dollars to boost these lethal tobacco products overseas.

Mrs. LOWEY. Mr. Chairman, I rise in strong support of this amendment, which will take us one more step toward a consistent Federal tobacco policy.

Tobacco products kill over 3 million people every year, including 400,000 Americans. Every day, thousands of young people start smoking. One in three will die from cancer, heart disease, and other illnesses caused by smoking. American taxpayers should not be subsidizing this deadly product.

We in the United States are facing a public health crisis over the effects of tobacco use. In fact, we spend almost $200 million each year to warn Americans about the dangers of tobacco and prevent its use.

But it is irresponsible fiscal and health policy for the Federal Government to then turn around and promote the sale of tobacco products overseas. What kind of an example are we setting for the rest of the world? What kind of an example are we setting for our own kids here in the United States who are being told not to smoke?

It's time for this hypocrisy to end. We must make our Federal tobacco policy consistent with our public health policy.

Today, we have an opportunity to move another step down the road to dissolving the Federal Government's partnership with the tobacco industry. We must stop using taxpayer dollars to subsidize a product that kills millions of adults, addicts our kids, and costs billions a year in health care.

I urge my colleagues to support this important amendment.

Mr. ETHERIDGE. Mr. Chairman, I rise in opposition to this attack on farmers. Singling out one legal product is wrong. If this amendment passes, the U.S. Trade Representative will be prevented from using America's influence with foreign countries to eliminate unfair foreign trade barriers imposed on a legal, American product grown by family farmers. One third of the tobacco grown in this country is exported. Foreign markets for American tobacco are vital to small tobacco farmers and their communities. This legislation represents an assault on America's family farmers.

If USTR is no longer allowed to take action against trade barriers imposed on these American products, foreign governments will impose such barriers at will. We would never do this to other legal, products such as American automobiles, American computers, American seafood, American beef, or American airplanes. We're fighting to gain access to foreign markets for these products. Not doing so for tobacco is unfair and is bad policy. Congress would not dare do this to any other group of American Producers.

USTR's hands would be tied in negotiating trade deals with countries where tobacco is but one of a host of items considered. A country could ban all American tobacco, a violation of the General Agreements on Tariffs and Trade. Yet, USTR would be prevented from taking action, even if a clear violation has occurred.

There is nothing to be gained by tying the hands of USTR. This will not prevent people from smoking. Those who choose to smoke will simply buy cigarettes made in countries where tobacco production is not regulated as it is here. Countries where children are paid poverty wages to make cigarettes in horrible working conditions. Countries that do not regulate the use of pesticides. Countries that do not inspect manufacturers for sanitary procedures. This amendment won't reduce smoking. It will only benefit foreign tobacco companies and farmers at the expense of 124,000 American family farmers.

This is the crop insurance vote all over again. This body agreed that singling out one commodity that receives crop insurance would be discriminatory, and defeated an attempt earlier this year to eliminate it for tobacco farmers. This amendment is another unfair attack on hard-working, god-fearing farmers playing by the rules. I urge you to support America's right and responsibility to enforce international agreements and to support American farmers. Vote "no" on this amendment.

Ms. ROYBAL-ALLARD. Mr. Chairman, I rise in strong support of the Doggett-Meehan-Hansen-DeGette amendment because the Federal Government should not be in the business of assisting the tobacco industry in promoting its deadly and addictive products either in the United States or in other countries.

The U.S. tobacco industry exploits the domestic market by flooding our communities with billboard, magazine and newspaper advertisements and sponsoring concerts and sporting events. They have launched their campaigns with the knowledge of the addictive and deadly effects of tobacco and for years, kept this information from the public. Worse yet, while they knew that tobacco kills, the industry targeted our children and communities of color by promoting the ubiquitous Joe Camel and exploiting cultural events such as Juneteenth and Cinco de Mayo festivals.

With U.S. sales lagging in the United States, the tobacco industry has turned to foreign markets to launch their high-profile ads where once again, they are targeting teens and women of color in Asia, Africa, Central, South America, the Caribbean, and Eastern Europe. As a result, worldwide use of American tobacco has skyrocketed over the past 10 years. Foreign sales now account for more than half of all sales for Philip Morris and RJ Reynolds.

Due to the thousands of tobacco-related illnesses and deaths that have resulted from the use of tobacco, we are now in the midst of an unprecedented so-called settlement with the tobacco industry. We are finally discussing substantial curtailment of the promotion, advertising, and distribution of tobacco products in the United States. How then can we turn a blind eye and allow the tobacco industry to addict thousands of people in developing nations? How can we in good consciousness allow the U.S. Government to undermine health warning labels, ingredient disclosure laws and tobacco advertising restrictions in developing countries while we simultaneously bolster these provisions in the United States? With the full knowledge of the lethal effects of tobacco use, the Federal Government is no better than the tobacco industry if it encourages and enables tobacco promotion in other countries.

Referring to the present deal with the tobacco company as a global tobacco settlement is cruel and hypocritical if we are going to assist the industry in addicting people in foreign countries. Enabling the tobacco industry to promote tobacco addiction while we curtail its use in the United States is an unconscionable and unacceptable double standard.

I urge my colleagues to vote for this important amendment which will send a clear message to the tobacco industry that the U.S. Government will not be an accomplice in promoting tobacco-related illnesses and death overseas.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from West Virginia [Mr. MOLLOHAN] as a substitute for the amendment offered by the gentleman from Texas [Mr. DOGGETT].

The amendment offered as a substitute for the amendment was agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas [Mr. DOGGETT], as amended.

The amendment, as amended, was agreed to.

The CHAIRMAN. Are there further amendments to this portion of the bill?

If not, the Clerk will read.

The Clerk read as follows:

SEC. 610. None of the funds made available by this Act may be used for any United Nations undertaking when it is made known to the Federal official having authority to obligate or expend such funds (1) that the United Nations undertaking is a peacekeeping mission, (2) that such undertaking will involve United States Armed Forces under the command or operational control of a foreign national, and (3) that the President's military advisors have not submitted to the President a recommendation that such involvement is in the national security interests of the United States and the President has not submitted to the Congress such a recommendation.

SEC. 611. None of the funds made available in this Act shall be used to provide the following amenities or personal comforts in the Federal prison system—

(1) in-cell television viewing except for prisoners who are segregated from the general prison population for their own safety;

(2) the viewing of R, X, and NC–17 rated movies, through whatever medium presented;

(3) any instruction (live or through broadcasts) or training equipment for boxing, wrestling, judo, karate, or other martial art, or any bodybuilding or weightlifting equipment of any sort;

(4) possession of in-cell coffee pots, hot plates or heating elements; or

(5) the use or possession of any electric or electronic musical instrument.

SEC. 612. None of the funds made available in title II for the National Oceanic and Atmospheric Administration (NOAA) under the heading "Fleet Modernization, Shipbuilding and Conversion" may be used to implement sections 603, 604, and 605 of Public Law 102–567.

SEC. 613. Any costs incurred by a Department or agency funded under this Act resulting from personnel actions taken in response to funding reductions included in this Act shall be absorbed within the total budgetary resources available to such Department or agency: *Provided*, That the authority to transfer funds between appropriations accounts as may be necessary to carry out this section is provided in addition to authorities included elsewhere in this Act: *Provided further*, That use of funds to carry out this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 614. None of the funds made available in this Act to the Federal Bureau of Prisons may be used to distribute or make available any commercially published information or material to a prisoner when it is made known to the Federal official having authority to obligate or expend such funds that such information or material is sexually explicit or features nudity.

SEC. 615. Of the funds appropriated in this Act under the heading "OFFICE OF JUSTICE PROGRAMS—STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE", not more than ninety percent of the amount to be awarded to an entity under the Local Law Enforcement Block Grant shall be made available to such an entity when it is made known to the Federal official having authority to obligate or expend such funds that the entity that employs a public safety officer (as such term is defined in section 1204 of title I of the Omnibus Crime Control and Safe Streets Act of 1968) does not provide such a public safety officer who retires or is separated from service due to injury suffered as the direct and proximate result of a personal injury sustained in the line of duty while responding to an emergency situation or a hot pursuit (as such terms are defined by State law) with the same or better level of health insurance benefits that are paid by the entity at the time of retirement or separation.

SEC. 616. EXPENSE REIMBURSEMENT.—Any Member of Congress and any individual who is paid by the Clerk of the House of Representatives or the Secretary of the Senate shall be entitled to receive a reimbursement for any legal expenses and other legitimate expenses incurred by such Member or individual in connection with a Department of Justice prosecution arising from or in connection with the performance of official duties and brought against such Member or individual if such Member or individual is acquitted of the charges brought, the charges are dismissed by a court, or the conviction is reversed on appeal.

The CHAIRMAN. Are there amendments at this point in the bill?

AMENDMENT OFFERED BY MR. HOEKSTRA

Mr. HOEKSTRA. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. HOEKSTRA: At the end of the bill, insert after the last section (preceding the short title) the following new section:

SEC. 617. None of the funds made available in this Act may be used to pay the expenses of an election officer appointed by a court to oversee an election of any officer or trustee for the International Brotherhood of Teamsters.

The CHAIRMAN. The gentleman from Michigan [Mr. HOEKSTRA] and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Michigan [Mr. HOEKSTRA].

Mr. HOEKSTRA. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, what this amendment does is it accomplishes an objective that we outlined last week on an earlier appropriations bill. What it does is it prohibits the spending of any additional dollars on the actual paying for the administration of a rerun election by the Teamsters Union. As my colleagues are aware, the Federal Government spent roughly $20 million in 1995 through 1997 to pay for a Teamsters' election. The efforts of these taxpayer dollars were subverted by individuals within the Teamsters, resulting in the election being thrown out because of illegalities and corruption in that election.

This paid, these dollars paid for the actual printing of ballots, the counting of ballots, the payment of phones, the internal operations of a private organization. It is not the taxpayers' responsibility to incur these costs. It is the Federal Government's responsibility to oversee and ensure that no Federal election laws are violated, that there are no violations. This amendment says we will supervise but we will not pay for the day-to-day operations of a private organization.

Mr. Chairman, I reserve the balance of my time.

Mr. MOLLOHAN. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from West Virginia [Mr. MOLLOHAN] is recognized for 5 minutes.

Mr. MOLLOHAN. Mr. Chairman, I yield myself such time as I may consume. This amendment would attempt to validate an agreement entered into by the Justice Department under the Bush administration. We think that the gentleman's approach is ill considered, that the Bush administration in the 1988 consent decrees require that the Teamsters pay for court supervision of the 1991 election, which cost about $19 million. We oppose the amendment because we feel that we should have the flexibility to participate and to ensure that the elections are conducted fairly. Granted, that is an imperfect process, but nevertheless, because of the history of these elections and the seriousness of the charges, and they are being repeated here, certainly the Government should have a role in this and through the process of oversight. Obviously if this is knocked out we would not be able to participate in that.

So, Mr. Chairman, we oppose the amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. HOEKSTRA. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, this is not, this amendment does not remove the Federal Government from its proper role of oversight for the activities of private organizations. What this amendment does is it says we will not pay for the transactions that a private organization has to incur on a day-to-day business to fulfill its proper role to run its business.

This is corporate welfare, corporate welfare at its worst, because when the Federal Government in 1996 did reach out and say, "We are going to help you and we're going to pay for your day-to-day operations," people within the Teamsters said, "Thank you very much," and they took this $20 million and they used it for illegal purposes, not to build their union, not to strengthen their organization, but to begin to destroy it and destroy the confidence at all levels and destroy the public perception of this organization.

Mr. Chairman, this organization has the funds to run its day-to-day operations. The taxpayers should not once again be asked to foot the bill and to run the day-to-day operations. The Federal Government, the Labor Department and the Justice Department have a role and have a responsibility to monitor and supervise those elections, not to pay for the counting of the ballots and the printing of the ballots.

□ 1030

Mr. MOLLOHAN. Mr. Chairman, I yield back the balance of my time.

Mr. HOEKSTRA. Mr. Chairman, I yield 1 minute to the gentleman from Kentucky [Mr. ROGERS].

Mr. ROGERS. Mr. Chairman, we have no objection to the amendment, and in fact support its adoption. I thank the gentleman for offering the amendment.

Mr. HOEKSTRA. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan [Mr. HOEKSTRA].

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. MOLLOHAN. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 239, further proceedings on the amendment offered by the gentleman from Michigan [Mr. HOEKSTRA] will be postponed.

The CHAIRMAN. Are there further amendments to this portion of the bill?

AMENDMENT NO. 57 OFFERED BY MR. FOX OF PENNSYLVANIA

Mr. FOX. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 57 offered by Mr. FOX of Pennsylvania:

Page 117, after line 2, insert the following new section:

SEC. 617. None of the funds appropriated or otherwise made available by this Act may be obligated or expended, directly or indirectly, to make any payment to, provide any financial assistance to, or enter into any contract with, the Palestine Broadcasting Corporation, any affiliate or successor agency of such corporation, or any journalist employed by or representing such corporation.

Mr. MOLLOHAN. Mr. Chairman, I reserve a point of order against the amendment.

The CHAIRMAN. Would the gentleman like to speak on his reservation?

Mr. MOLLOHAN. Mr. Chairman, I make a point of order against this amendment because it proposes changing existing law, constitutes legislation on an appropriation bill, and, therefore, violates clause 2 of rule XXI.

The CHAIRMAN. Does the gentleman wish to make a point of order, or reserve a point of order at this point?

Mr. MOLLOHAN. Mr. Chairman, I reserve a point of order.

The CHAIRMAN. The gentleman reserves a point of order.

The CHAIRMAN. The gentleman from Pennsylvania is recognized for 5 minutes.

Mr. FOX of Pennsylvania. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise today to speak on behalf of amendment 57. From a merits point of view, the Palestinian Broadcast Corporation, which receives some funds from the United States, speaks out against the United States. But the important point I would like to make is I would like to, in the interest of bipartisanship, be able to delete language from the amendment. The words "any affiliate or successor agency of such corporation or any journalist employed by or representing such corporation," I would like to delete that language by unanimous consent.

If those in charge of both sides of the aisle would agree to that change, I would be very grateful, so the point of order which could be made would be cured. I would be very grateful if that could be agreed to.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania [Mr. Fox]?

Mr. MOLLOHAN. Mr. Chairman, I reluctantly object.

The CHAIRMAN. Objection is heard.

Mr. FOX of Pennsylvania. Mr. Chairman, I would submit that considering we are on the Justice-Commerce appropriation, the idea of having free speech move forward in this Chamber and not have a technicality rule over substance, I would appreciate it if both sides of the aisle would consider the possibility of the unanimous-consent request and deleting the language.

Mr. MOLLOHAN. Mr. Chairman, will the gentleman yield?

Mr. FOX of Pennsylvania. I yield to the gentleman from West Virginia.

Mr. MOLLOHAN. Mr. Chairman, a couple of things for my good friend from Pennsylvania, who I was very pleased to work with on the Legal Services amendment this year and last year, and I did not do this lightly, and I would love to be able to accommodate the gentleman.

First of all, when we are talking about free speech, the underlying issue here really is associated with free speech in USIA funding, the ability of groups in the Middle East to market their views and opinions. The gentleman's amendment would cut that off. We can argue about the content of that speech, but I think the gentleman's amendment cuts it off regardless of the content.

Mr. FOX of Pennsylvania. Mr. Chairman, reclaiming my time, to make the clarification, the fact is this is not free speech, the United States is paying for it, and the Palestinian Broadcast Corporation is calling for the annihilation of the United States. I do not think we should fund agencies that call for the destruction of the United States and the destruction of other countries, including Israel. So it is not free speech, we are paying for it.

Mr. MOLLOHAN. Mr. Chairman, if the gentleman would yield further, without debating that issue further, we are also operating under a very constrained unanimous-consent agreement here, and I think that it would set a bad precedent with some of these amendments that are coming up if we were to allow for them to be amended.

Mr. FOX of Pennsylvania. Mr. Chairman, with all due respect, reclaiming my time, the fact is the momentary seconds in this Chamber to allow the curative deletion would allow the Members to vote on the motion, and then your persuasive, thoughtful arguments could win the day on the merits.

I believe it is not in the interests and the spirit of this body, nor this committee that has done such good work, to disallow this unanimous consent for the purpose of stifling debate and stifling the Members' ability to speak out for or against or vote for or against.

So I would ask the ranking member to reconsider his original consideration of my request in the hopes that with comity and cooperation, we could move on and go to the merits of the matter.

### POINT OF ORDER

The CHAIRMAN. Does the gentleman from West Virginia insist on his point of order?

Mr. MOLLOHAN. I insist on my point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. MOLLOHAN. Mr. Chairman, I make a point of order against the amendment offered by the gentleman from Pennsylvania [Mr. Fox] because it proposes to change existing law and constitutes legislation in an appropriation bill and, therefore, violates clause 2 of rule XXI.

The rule states in pertinent part "no amendment to a general appropriation bill shall be in order if changing existing" law. This amendment gives affirmative direction in effect, imposes additional duties, and modifies existing powers and duties.

Mr. Chairman, I ask for a ruling from the Chair.

The CHAIRMAN. Does the gentleman from Pennsylvania [Mr. Fox] wish to be heard?

Mr. FOX of Pennsylvania. Mr. Chairman, I do not believe, with all due respect to my good friend from West Virginia [Mr. Mollohan], with whom I have had an opportunity to work on Legal Services, and I am grateful, in this particular instance I do not believe this is legislating in an appropriation bill.

The fact of the matter is we are saying no funds can go to the Palestinian Broadcast Corporation. Whether or not it talks about a successor agency does not put new duties, in my opinion, on anyone. It is surplusage language. It does not actually give new duties, nor does it violate the spirit or intent of the purpose of such restrictions that are normally placed.

I do appreciate, Mr. Chairman, when there are new duties placed in legislation. I do not believe this is such a case. Therefore, I would respectfully request that the Chair find in favor of the amendment moving forward as is.

The CHAIRMAN. The Chair is prepared to rule.

The amendment offered by the gentleman from Pennsylvania [Mr. Fox] is in the form of a limitation. The amendment seeks to deny funds for payments to, financial assistance for, or the entering into contracts with, the Palestinian Broadcast Corporation, or any affiliate or successor agency to the Palestinian Broadcast Corporation, or any journalist employed by or representing such corporation.

As recorded in Deschler's Precedents, volume 8, chapter 26, section 52, even though amendment in the form of a negative restriction on funds in a bill might refrain from explicitly assigning new duties to officers of the government, if the putative limitation implicitly requires them to make investigations, compile evidence, or make judgments and determinations not otherwise required of them by law, then it assumes the character of legislation and is subject to a point of order under clause 2(c) of rule XXI.

The proponent of a limitation assumes the burden of proving that any duties imposed by the provision are merely ministerial or are already required by law.

The Chair in this instance must focus on the requirement in the amendment that the officials who administer the funds in question must determine what a "successor agency" to the Palestinian Broadcasting Corporation may be. Absent a showing that those officials are already charged with that responsibility or possessed of that information, the Chair must conclude that the amendment would impose a new duty on such officials.

Accordingly, the Chair rules that the amendment changes existing law, is not in the form of a proper limitation and the point of order is sustained.

Mr. ACKERMAN. Mr. Chairman, I appeal the decision of the Chair.

The CHAIRMAN. The question is, Shall the decision of the Chair stand as the judgment of the Committee?

The decision of the Chair was sustained.

The CHAIRMAN. Are there further amendments to this portion of the bill?

### AMENDMENT NO. 61 OFFERED BY MS. VELÁZQUEZ

Ms. VELÁZQUEZ. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 61 offered by Ms. Velázquez:

Page 117, after line 2, insert the following:

Sec. 627. (a) In General.—None of the funds appropriated to carry out this Act shall be used to deport or remove from the United States any alien who was provided by the Immigration and Naturalization Service one of the following identification numbers:

A76553660.
A76553650.
A76553651.
A76553661.
A76553858.
A76553862.
A76553863.
A76553876.
A76553877.
A76553665.
A76553659.
A76553658.
A76553679.
A76553678.
A76553681.
A76553654.
A74553078.
A74553079.
A74553077.
A76553683.
A76553674.
A76553652.
A76553692.
A76553649.
A76553673.
A76183163.
A76183162.
A76553653.
A76553686.
A76553688.
A76553664.
A76553871.
A76553888.
A76553684.
A76553887.
A76553657.
A76553672.
A76553685.
A76553655.
A76553688.
A76553667.
A76553682.
A76553680.
A74553085.
A74553076.
A76553690.
A76553691.
A76553698.

The CHAIRMAN. Pursuant to the order of the House of Thursday, September 25, 1997, the gentlewoman from New York [Ms. VELÁZQUEZ] and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from New York [Ms. VELÁZQUEZ].

Ms. VELÁZQUEZ. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, right now there are people who are working 18 to 20 hours a day under threat of beatings and torture. One might think I am describing a Third World country, but I am not. Right now these crimes are repeated in virtually every major city in this country. Why? Because the victims of these crimes are undocumented immigrants and their tormentors are using fear to silence them.

Last July a group of disabled Mexican immigrants were discovered living in squalor in my district. They had been taken from their villages in Mexico, smuggled into this country, and forced to work to up to 18 hours a day. If they did not earn enough money, they were beaten.

In this case, the victims could not bear their terrible treatment any longer. Knowing that they might be separated from their children and that they might be put up in jail, they still went to the police. These are brave people who exposed a terrible crime. Yet how are they treated? For the past 2 months they have been held in a motel in Queens while immigration officials decide their fate.

I am offering an amendment today that will bar the Immigration and Naturalization Service from using its funds to deport the victims of these terrible crimes.

Let me be perfectly clear: These people were brought to this country, they were tortured and beaten, they were enslaved because their abusers thought their victims would keep silent out of fear of reprisals. My amendment will put this Nation on notice that we will no longer tolerate the abuse of the vulnerable.

If this amendment fails to pass, what message is this Congress sending to the country? That you can smuggle people into this country, enslave them, beat them, make a fortune with their labor, and you know if they turn you in, they will be deported?

What a great deal for the owners of sweatshops. What a terrible deal for the victims. Is this how we should treat these people who lived through hell, and helped us uncover this awful crime? Shall we send them packing, or shall we show mercy?

My amendment is an act of compassion on behalf of a group of people who have been through hell.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. Who rises in opposition?

Mr. ROGERS. Mr. Chairman, I rise in opposition.

The CHAIRMAN. The gentleman from Kentucky is recognized for 5 minutes.

Mr. ROGERS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I state that I am in opposition only in a very technical sense in order to be able to speak to the gentlewoman's concerns.

Let me say first off that the gentlewoman has raised a very troublesome matter to all of us. I think every person in this country, especially in this Congress, sympathizes with the plight of the people that the gentlewoman has mentioned, and want to be of help. We are trying to be of help.

I have discussed the matter with the gentlewoman before the amendment was offered and have pledged to her my assistance in every aspect that we can think of, and that of my colleagues, in helping her and the others, to help these people.

Under the present law, the Attorney General of the United States has certain prerogatives to intervene in this case and to prevent deportation and to help in any number of ways.

The current law provides the Attorney General with authority to withhold deportation for humanitarian purposes and other circumstances.

□ 1045

There are other remedies under current law that can be exercised for granting visas for witnesses, for example, who have information of critical value to the U.S. law enforcement officials, and this matter is under investigation, obviously, for perhaps criminal activity, among other things.

So I pledge to the gentlewoman that we will all assist her in the effort to relieve the plight of these people.

However, the gentlewoman's amendment on an appropriations bill would be unprecedented. We have never done what the gentlewoman is asking the Congress to do here, and I think it would set a terrible precedent for us to intervene in a particular individual's problem with the bureaucracy, before the bureaucracy has a chance to deal with it.

So I would hope at the conclusion of our discussion, the gentlewoman might withdraw the amendment so that we can then proceed to help her administratively in the matter.

We will ask the Department of Justice and the INS, about the custody and care of these people, any plans that are being discussed that may involve deportation, any options that they are talking about to provide relief from deportation based on the authorities already available to the Attorney General, and I pledge that we will work with the gentlewoman in a vigorous way.

Ms. VELÁZQUEZ. Mr. Chairman, will the gentleman yield?

Mr. ROGERS. I yield to the gentlewoman from New York.

Ms. VELÁZQUEZ. Mr. Chairman, I really appreciate the gentleman's help. I would share with the gentleman that these people live right now in total limbo, that they have exhausted every mechanism. I have called on the Attorney General, and she has yet to act on this case. So I would appreciate that the chairman and the ranking member from our side will work with us, with me, to make sure that a positive and constructive resolution is granted based on a humanitarian act. We have to show compassion, and I know that it will set a precedent, but this is the only mechanism that right now I have before me before the end of this session.

Mr. ROGERS. Mr. Chairman, reclaiming my time, I want to congratulate the gentlewoman for bringing the matter to the attention of the Congress and the country. She is to be highly commended for that, and it is too bad that the gentlewoman has had to resort to an extraordinary procedure here in order to gain the attention, I hope, of the Attorney General and the staff of the Justice Department and INS on trying to gain some relief for these people, and I pledge to the gentlewoman that we will help you in that regard.

Mr. MOLLOHAN. Mr. Chairman, will the gentleman yield?

Mr. ROGERS. I yield to the gentleman from West Virginia.

Mr. MOLLOHAN. Mr. Chairman, I would just like to associate myself with the gentleman's sentiments. This is an extraordinary situation, and I commend the gentlewoman and her colleague from New York for bringing this issue to the Congress. We do understand how hard the gentlewoman has worked to bring it to the attention of the administration, and we are a bit chagrined to see that there has not been the kind of responsiveness that would be merited in the circumstances. I think the proposal that the gentlewoman has worked out with the Chairman is one that will get attention, and at the same time not create the kind of unsatisfactory precedent that the chairman is concerned with.

I join the chairman in assuring the gentlewoman that we will do everything necessary and everything in our power to make sure that the gentlewoman does get responsiveness from the appropriate authorities.

Mr. ROGERS. Mr. Chairman, reclaiming my time, there is one other option that the gentlewoman and I have discussed. If the Attorney General and the administration does not take appropriate action in the immediate future before we go to conference with the Senate on this bill, there is always the option of the conferees on this bill with the House and Senate, taking further action in respect to the matter.

Ms. VELÁZQUEZ. Mr. Chairman, I yield 1½ minutes to the gentleman from New York [Mr. MANTON], my colleague in whose district some of the victims live.

Mr. MANTON. Mr. Chairman, I thank the gentlewoman for yielding me this time. I rise in strong support of the amendment offered by the gentlewoman from New York [Ms. VELÁZQUEZ], the gentleman from New York [Mr. SCHUMER], and the gentleman from New York [Mr. KING], my friends and colleagues.

Most of my colleagues probably are already aware of the tragic case of some 57 hearing-impaired Mexican immigrants smuggled into this country illegally and held in involuntary servitude, if you will. This was brought to light through the national media on July 20 of this year.

Mr. Chairman, these unfortunate individuals had been put up in two apartment buildings in Queens, New York, one located in my congressional district and one in Representative VELÁZQUEZ's district. They were forced to live in inadequate housing and to panhandle by selling trinkets on the streets and subways of New York.

In addition to being hearing-impaired, they knew only the Spanish language and had no means to readily communicate with anyone to tell them of their plight. They were simply at the mercy of their so-called employers.

Thanks to the good efforts of the New York City Police Department, in particular Officers Phil Rogan and Billy Milan of the 115th Precinct, these individuals were freed from the control of their unscrupulous masters. Sadly, their ordeal did not end there as they face potential deportation in the near future if the Velázquez-Schumer-King amendment is not passed.

Mr. Chairman, it has been over 2 months since this situation came to light, yet the status of these immigrants remains in limbo as they await a decision by the Federal Government while being held in a local motel.

I would like to commend the gentleman from Kentucky and the gentleman from West Virginia for their compassion, and we look forward to working with them to resolve this matter.

Ms. VELÁZQUEZ. Mr. Chairman, I will now withdraw my amendment, and I want to thank the chairman and the ranking member, and I look forward to working together to bring some peace to these victims.

The CHAIRMAN. Without objection, the amendment is withdrawn.

There was no objection.

### ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. Pursuant to House Resolution 239, proceedings will now resume on those amendments on which further proceedings were postponed in the following order:

Amendment No. 33 offered by the gentleman from New York [Mr. GILMAN];

Amendment Nos. 2 and 3 en bloc offered by the gentleman from Maryland [Mr. BARTLETT]; Amendment No. 36 offered by the gentleman from Michigan [Mr. HOEKSTRA].

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

### AMENDMENT OFFERED BY MR. GILMAN

The CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from New York [Mr. GILMAN] on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. GILMAN:

Page 67, line 19, insert before the period the following: *Provided*, That, of such amount, not more than $356,242,740 shall be available for obligation until the Secretary of State has made one or more designations of organizations as foreign terrorist organizations pursuant to section 219(a) of the Immigration and Nationality Act (8 U.S.C. 1189(a)), as added by section 302 of Public Law 104-132 (110 Stat. 1214, 1248).

### RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 396, noes 6, answered "present" 5, not voting 26, as follows:

[Roll No. 457]

AYES—396

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bereuter
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bono
Borski
Boswell
Boucher
Boyd
Brady
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burr
Burton
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Combest
Condit
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart
Dickey
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Filner
Flake
Foglietta
Foley
Forbes
Ford
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hastert
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo

Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McDermott
McGovern
McHale
McHugh
McIntosh
McIntyre
McKeon
McNulty
Meehan
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Mink
Moakley
Mollohan
Moran (KS)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Paxon
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Radanovich
Ramstad
Rangel
Redmond
Regula
Riggs
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryun
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Stabenow
Stark
Stearns
Stenholm
Stokes
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Thomas
Thompson
Thornberry
Thune
Thurman
Tierney
Torres
Towns
Traficant
Turner
Upton
Velázquez
Vento
Visclosky
Walsh
Wamp
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
White
Whitfield
Wicker
Wise
Wolf
Woolsey
Wynn
Yates
Young (AK)
Young (FL)

NOES—6

Dellums
McKinney
Miller (CA)
Minge
Paul
Rahall

ANSWERED "PRESENT"—5

Bonior
Johnson, E. B.
Kucinich
Moran (VA)
Waters

NOT VOTING—26

Bentsen
Berman
Bonilla
Buyer
Collins
Conyers
Dicks
Gibbons
Gonzalez
Hansen
Harman
Hastings (FL)
Jackson-Lee (TX)
Kennedy (RI)
Lazio
McInnis
Meek
Owens
Quinn
Reyes
Schiff
Schumer
Spratt
Taylor (NC)
Tiahrt
Weygand

□ 1111

Mr. MILLER of California and Mr. DELLUMS changed their vote from "aye" to "no".

Mrs. CHENOWETH and Mr. WATT of North Carolina changed their vote from "no" to "aye."

Mr. KUCINICH changed his vote from "aye" to "present."

Mr. PAUL changed his vote from "present" to "no."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. Pursuant to House Resolution 239, the Chair announces that he will reduce to a minimum of 5 minutes the period of time in which a vote by electronic device will be taken on each amendment on which the Chair has postponed further proceedings.

AMENDMENTS OFFERED BY MR. BARTLETT OF MARYLAND

The CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendments offered by the gentleman from Maryland [Mr. BARTLETT] on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendments.

The text of the amendments is as follows:

Amendments offered by Mr. BARTLETT of Maryland:

Amendment No. 2: In title IV relating to "DEPARTMENT OF STATE AND RELATED AGENCIES", in the item relating to "International Organizations and Conferences—contributions to international organizations" strike "of which not to exceed $54,000,000 shall remain available until expended for payment of arrearages" and all that follows through the second proviso.

Amendment No. 3: In title IV relating to "DEPARTMENT OF STATE AND RELATED AGENCIES", in the item relating to "International Organizations and Conferences—contributions to international peacekeeping activities" strike "of which not to exceed $46,000,000 shall remain available until expended for payment of arrearages" and all that follows through the first proviso.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 165, noes 242, not voting 26, as follows:

[Roll No. 458]

AYES—165

Aderholt
Archer
Armey
Bachus
Baker
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bilbray
Bilirakis
Blunt
Boehner
Bono
Brady
Bryant
Bunning
Burr
Burton
Callahan
Calvert
Camp
Canady
Cannon
Chabot
Chambliss
Chenoweth
Christensen
Coble
Coburn
Combest
Cook
Cooksey
Cox
Crane
Crapo
Cubin
Cunningham
Danner
Deal
DeLay
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Foley
Fowler
Gillmor
Goode
Goodlatte
Goodling
Goss
Granger
Gutknecht
Hall (TX)
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Hulshof
Hunter
Hutchinson
Inglis
Istook
Jenkins
Johnson, Sam
Jones
Kim
Kingston
Klug
Largent
Lewis (KY)
Linder
LoBiondo
Lucas
Manzullo
McCollum
McCrery
McDade
McIntosh
McIntyre
McKeon
Metcalf
Mica
Miller (FL)
Moran (KS)
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Pappas
Paul
Paxon
Pease
Peterson (PA)
Pickering
Pitts
Pombo
Portman
Radanovich
Redmond
Riggs
Riley
Rogan
Rohrabacher
Ros-Lehtinen
Royce
Ryun
Salmon
Sanford
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shaw
Shimkus
Shuster
Skeen
Smith (MI)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stearns
Stenholm
Stump
Sununu
Talent
Tauzin
Taylor (MS)
Thornberry
Thune
Traficant
Upton
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weller
White
Whitfield
Wicker
Wolf
Young (FL)

NOES—242

Abercrombie
Ackerman
Allen
Andrews
Baesler
Baldacci
Ballenger
Barrett (WI)
Bass
Bateman
Becerra
Bereuter
Berry
Bishop
Blagojevich
Bliley
Blumenauer
Boehlert
Bonior
Borski
Boswell
Boucher
Boyd
Brown (CA)
Brown (FL)
Brown (OH)
Campbell
Capps
Cardin
Carson
Castle
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Cummings
Davis (FL)
Davis (IL)
Davis (VA)
DeFazio
DeGette
Delahunt
DeLauro
Dellums
Deutsch
Diaz-Balart
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Ehlers
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Fawell
Fazio
Filner
Flake
Foglietta
Forbes
Ford
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gilchrest
Gilman
Gordon
Graham
Green
Greenwood
Gutierrez
Hall (OH)
Hamilton
Hefner
Hilliard
Hinchey
Hinojosa
Holden
Hooley
Horn
Houghton
Hoyer
Hyde
Jackson (IL)
Jefferson
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennelly
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (GA)
Lipinski
Livingston
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHale
McHugh
McKinney
McNulty
Meehan
Menendez
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Mollohan
Moran (VA)
Morella
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Oxley
Packard
Pallone
Parker
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Petri
Pickett
Pomeroy
Porter
Poshard
Price (NC)
Pryce (OH)
Rahall
Ramstad
Rangel
Regula
Rivers
Rodriguez
Roemer
Rogers
Rothman
Roukema
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton

Scott
Serrano
Shays
Sherman
Sisisky
Skaggs
Skelton
Slaughter
Smith (NJ)
Smith, Adam
Snyder
Stabenow
Stark
Stokes
Strickland
Stupak
Tanner
Tauscher
Thomas
Thompson
Thurman
Tierney
Torres
Towns
Turner
Velázquez
Vento
Visclosky
Walsh
Waters
Watt (NC)
Waxman
Weldon (PA)
Wexler
Wise
Woolsey
Wynn
Yates
Young (AK)

NOT VOTING—26

Bentsen
Berman
Bonilla
Buyer
Collins
Dicks
Gibbons
Gonzalez
Hansen
Harman
Hastings (FL)
Hostettler
Jackson-Lee (TX)
Kennedy (RI)
Lazio
McInnis
Meek
Owens
Quinn
Reyes
Schiff
Schumer
Spratt
Taylor (NC)
Tiahrt
Weygand

☐ 1121

The Clerk announced the following pairs:

On this vote:

Mr. Collins for, with Mr. Quinn against.

Mr. Gibbons for, with Ms. Harman against.

Mr. EWING changed his vote from "no" to "aye."

So the amendments were rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. HOEKSTRA

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Michigan [Mr. HOEKSTRA] on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 213, noes 189, not voting 31, as follows:

[Roll No. 459]

AYES—213

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Berry
Bilbray
Bilirakis
Bliley
Blunt
Boehner
Bono
Boyd
Brady
Bryant
Bunning
Burr
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Christensen
Coble
Coburn
Combest
Condit
Cook
Cooksey
Cox
Crane
Crapo
Cubin
Cunningham
Davis (VA)
Deal
DeLay
Dickey
Doggett
Doolittle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Ensign
Everett
Ewing
Fawell
Foley
Fowler
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gilchrest
Gillmor
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Greenwood
Gutknecht
Hall (TX)
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
John
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
Kingston
Klug
Knollenberg
Kolbe
Largent
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
Livingston
LoBiondo
Lucas
McCollum
McCrery
McIntosh
McIntyre
McKeon
Mica
Miller (FL)
Moran (KS)
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oxley
Packard
Pappas
Parker
Paul
Paxon
Pease
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Pomeroy
Porter
Portman
Pryce (OH)
Radanovich
Ramstad
Redmond
Regula
Riggs
Riley
Rogan
Rogers
Rohrabacher
Roukema
Royce
Ryun
Salmon
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Shimkus
Shuster
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Souder
Spence
Stearns
Stenholm
Stump
Sununu
Talent
Tanner
Tauzin
Taylor (MS)
Thomas
Thornberry
Thune
Traficant
Turner
Upton
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
White
Whitfield
Wicker
Wolf
Young (FL)

NOES—189

Abercrombie
Ackerman
Allen
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Bishop
Blagojevich
Blumenauer
Boehlert
Bonior
Borski
Boswell
Boucher
Brown (CA)
Brown (FL)
Brown (OH)
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Conyers
Costello
Coyne
Cramer
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dellums
Deutsch
Diaz-Balart
Dingell
Dixon
Dooley
Doyle
Engel
English
Eshoo
Etheridge
Evans
Farr
Fattah
Fazio
Filner
Flake
Foglietta
Forbes
Ford
Fox
Frank (MA)
Furse
Gejdenson
Gephardt
Gilman
Green
Gutierrez
Hall (OH)
Hamilton
Hefner
Hilliard
Hinchey
Hinojosa
Holden
Hooley
Houghton
Hoyer
Jackson (IL)
Jefferson
Johnson (WI)
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (MA)
Kennelly
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kleczka
Klink
Kucinich
LaFalce
LaHood
Lampson
Lantos
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDade
McDermott
McGovern
McHale
McHugh
McKinney
McNulty
Meehan
Menendez
Metcalf
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Mollohan
Moran (VA)
Morella
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pickett
Poshard
Price (NC)
Rahall
Rangel
Rivers
Rodriguez
Roemer
Ros-Lehtinen
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Scott
Serrano
Sherman
Sisisky
Skaggs
Slaughter
Smith, Adam
Snyder
Stabenow
Stark
Stokes
Stupak
Tauscher
Thompson
Thurman
Tierney
Torres
Towns
Velázquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Weldon (PA)
Weller
Wexler
Wise
Woolsey
Wynn
Yates

NOT VOTING—31

Bentsen
Berman
Bonilla
Burton
Buyer
Capps
Collins
Dicks
Gibbons
Gonzalez
Hansen
Harman
Hastings (FL)
Jackson-Lee (TX)
Kennedy (RI)
Lazio
Manzullo
McInnis
Meek
Owens
Quinn
Reyes
Schiff
Schumer
Solomon
Spratt
Strickland
Taylor (NC)
Tiahrt
Weygand
Young (AK)

☐ 1130

The Clerk announced the following pair:

On this vote:

Mr. Collins for, with Ms. Jackson-Lee of Texas against.

☐ 1130

Mr. LUTHER changed his vote from "aye" to "no."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. MANZULLO. Mr. Chairman, on rollcall No. 459 I inserted my card in a voting station and voted "aye". A green light appeared next to my name. However, I am officially listed as not having voted. I want to indicate for the RECORD that I supported the Hoekstra amendment.

Mr. BEREUTER. Mr. Chairman, I move to strike the requisite number of words as the designee of the manager.

Mr. Chairman, I would like to engage a four-way colloquy with the chairman and two colleagues from adjacent districts, the gentleman from Iowa [Mr. LATHAM] and the gentleman from Nebraska [Mr. BARRETT], regarding problems with the smuggling of illegal aliens in Nebraska and Iowa.

Mr. Chairman, Nebraska and Iowa are major destinations for illegal aliens and alien smugglers due to extremely low unemployment rates, the number of meat-packing plants, and other labor-intensive industries, and due to the fact that two major interstate highways which cross the States, I–80 and I–29, are serving as what seems to be considered a low-risk corridor for smuggling aliens to other parts of our Nation.

The Omaha INS office, which serves both States, could not respond to approximately 55 possible instances of alien smuggling, including 382 suspected illegal aliens in Nebraska and Iowa, because the INS did not allocate additional resources to respond.

The INS Omaha District Office has a small staff when compared with nearby district offices. Additionally, it does not have a much needed antismuggling unit, in contrast to other interior INS districts in the United States.

Mr. Chairman, do you agree that INS should allocate additional agents as part of an antismuggling unit to the Omaha District Office to fight the smuggling of illegal aliens into and through Nebraska and Omaha?

Mr. ROGERS. Mr. Chairman, will the gentleman yield?

Mr. BEREUTER. I yield to the gentleman from Kentucky.

Mr. ROGERS. I am aware of the problems with alien smuggling in Nebraska and Iowa that the gentleman from Nebraska [Mr. BEREUTER] has raised. It is for that very reason that the House report includes language directing INS to review the requirements of State and localities in the central and western region of the country when allocating additional personnel to apprehend, detain, and remove illegal aliens.

I will continue to work with my colleague to find a solution to the problem during our consultations with INS on personnel deployment.

Mr. BEREUTER. Mr. Chairman, I thank the gentleman from Kentucky [Mr. ROGERS].

Mr. BARRETT of Nebraska. Will the gentleman yield?

Mr. BEREUTER. I yield to the gentleman from Nebraska.

Mr. BARRETT of Nebraska. Mr. Chairman, I thank the gentleman from Nebraska [Mr. BEREUTER] for yielding.

I would like to also, Mr. Chairman, take this opportunity to express my continued concern about the rather regular occurrence of alien smuggling in and through Nebraska, particularly along I–80, and I concur with the request of my colleague for an antismuggling unit in the Omaha INS District Office.

Mr. BEREUTER. Mr. Chairman, I thank the gentleman from Nebraska [Mr. BARRETT] so much. It has happened in his own district.

Mr. LATHAM. Mr. Chairman, will the gentleman yield?

Mr. BEREUTER. I yield to the gentleman from Iowa.

Mr. LATHAM. Mr. Chairman, I thank the gentleman from Nebraska [Mr. BEREUTER] for yielding.

I have followed with great interest the concerns of my colleagues from Nebraska because my home State of Iowa shares many of the same problems.

As a member of the appropriations subcommittee which funds INS and other Department of Justice agencies, I recognize the budgetary constraints and limitations that face our law enforcement agencies. During the debate on the immigration reform bill last year, I successfully offered an amendment mandating the INS coordinate its activities with local and State agencies. This cooperation of local, State, and Federal agents will bring efficient and thorough protection to our urban and rural areas, especially in States with few INS officers.

I want to highlight also the work of the Tri-State Drug Task Force, headquartered in Sioux City, IA, as an example of effective coordination. The task force has worked tirelessly to stem the flow of illegal drugs to Iowa, Nebraska, and South Dakota by coordinating local police, sheriffs' offices, and Federal agents from the INS, the Drug Enforcement Agency, and the Marshal's Service.

Mr. BEREUTER. Mr. Chairman, reclaiming my time, this Member thanks his distinguished colleagues and especially the distinguished gentleman from Kentucky [Mr. ROGERS], the chairman, for this colloquy with my two colleagues and I. I thank him for participating in the colloquy.

### AMENDMENT NO. 54 OFFERED BY MR. SMITH OF NEW JERSEY

Mr. SMITH of New Jersey. Mr. Chairman, I offer an amendment.

The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 54 offered by Mr. SMITH of New Jersey:

Page 117, after line 2, insert the following new section:

SEC. 617. None of the funds appropriated or otherwise made available by this Act may be obligated or expended to pay the salary or expenses of any official or employee of the Department of State to make or carry out any contract authorizing any private entity to assess a charge or fee upon United States citizens for information about United States passports.

The CHAIRMAN. Pursuant to the order of the House of Thursday, September 25, 1997, the gentleman from New Jersey [Mr. SMITH] and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New Jersey [Mr. SMITH].

Mr. SMITH of New Jersey. Mr. Chairman, I yield myself such time as I may consume. This amendment is very simple. It is intended to stop the State Department from charging Americans twice for the same service.

The State Department has begun charging, as I think many of my colleagues know now, U.S. citizens $1.05 per minute for information about their U.S. passports. In order to get this information, they must call a 900 number that is run by a for-profit corporation. Americans who have already paid a $65 passport fee are now required to pay for information that used to be available for free.

Something, it seems to me, is very wrong with this picture, especially because passport applicants are already paying for more passport services than they are receiving. Let us face it, whether we think it is deserved or not, 900 telephone numbers carry certain connotations with the American public, from the racy to the ridiculous. That forum should not be used to sell information that should already belong to the American people.

Mr. Chairman, the idea behind a user fee such as the passport fee is that we are paying for what it actually costs the Government to provide us that service. The user fees should not be used for a profit engine, and passport applicants are supposed to get what they pay for. But the $65 fee that U.S. citizens pay up front for passport processing already more than covers the cost of passport services that they receive from the State Department.

A while back, the Department conducted a fee study to justify the latest increase in the passport fee to $65. But the study, in fact, did not justify that amount. The Department did its best to attribute every possible cost to passport users. It even went so far to factor in the proportional cost of U.S. overseas consular services which might be used by American travelers. But even then, the total was nothing close to $65. The Department has been at a loss to know what to do in response to that finding, so they have not released it to the public.

Let me say again, this is a kind of double taxation. We have had numerous complaints in my State, particularly in my counties of Monmouth, Ocean, Mercer, and Burlington. As a matter of fact, the county clerk in Ocean County was the one who brought this to my attention some time ago. So this is in response to that criticism of the people from those counties.

Mr. ROGERS. Mr. Chairman, will the gentleman yield?

Mr. SMITH of New Jersey. I yield to the gentleman from Kentucky.

Mr. ROGERS. Mr. Chairman, this is an amendment that is under consideration in the conference on the State Department authorization bill that has migrated onto this bill.

I understand that the gentleman from New Jersey [Mr. SMITH] is opposed to the notion that people should have to pay for a telephone call to obtain information on passport applications. The problem was that the State Department did not have the personnel to be able to provide information, and that this was a way to try to improve service in exchange for a small charge.

While I am willing to accept the Smith amendment, I believe there are many unanswered questions about the amendment. If the 1–900 number is banned on October 1, as the amendment would require, things will revert to the way they were before, where the service level was unsatisfactory. There is a contractor providing the 1–900 service, and if the contract is cut off, these people will be laid off, and there could be termination costs.

The State Department indicates that if they have to switch to a different manner of providing service, such as a 1-800 number, assuming money is available to pay for that service, a contract would have to be recompeted, and it could take months before a contract could be awarded and a new service instituted.

So in the short term, this amendment has the possibility of decreasing the availability of information to people trying to track their passport applications. So I am not convinced that the amendment is the final answer on the issue.

But we are willing to work with the gentleman from New Jersey [Mr. SMITH] and take the issue into conference and see if we can work out a solution that will adequately address the situation.

Mr. SMITH of New Jersey. Reclaiming my time, I thank the chairman for accepting the amendment.

Let me say clearly, the effective date is open to movement, and the date of enactment does not have to be necessarily the effective date, so that there is a transition.

Mr. Chairman, I yield to the gentleman from New York [Mr. ACKERMAN].

Mr. ACKERMAN. Mr. Chairman, I thank the gentleman from New Jersey [Mr. SMITH] for yielding, and I thank the gentleman from Kentucky [Mr. ROGERS] for his understanding and cooperation on this issue and the leadership of the gentleman from New Jersey [Mr. SMITH], as well as the gentleman from West Virginia [Mr. MOLLOHAN], the ranking member.

The American people and, I think, the Members of the House should just roughly understand what is happening here. The State Department decided that they were upset because we did not fully fund everything that they were asking for. So they decided to come up with their own tax on the American people and say, well, we do not have enough money to answer the phones, so we will just contract and let somebody else perform that duty.

It is almost as if we decided that we were upset that we did not get enough money for our legislative offices and said, "Let us not answer the phones. Let us get a company to answer the phones for us, and it is a 900 number, and they will tell what we are in favor of or not in favor of and free up our staff to do something else." It is kind of outrageous.

I just want to raise the ante from what the gentleman from New Jersey [Mr. SMITH] said. It is not double, it is triple taxation. They pay taxes on the 15th of April.

The CHAIRMAN. The time of the gentleman from New Jersey [Mr. SMITH] has expired.

Mr. ACKERMAN. Mr. Chairman, I ask unanimous consent to claim the time in opposition, although I am not opposed.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

□ 1145

Mr. ACKERMAN. Mr. Chairman, it is basically a triple taxation. We pay taxes on the 15th of April; then there is a user fee which is a tax of $65 on the American people in order to get the passport, so that will tax twice. Then they decide that that is not good enough, we are going to tax people for the information, like going to the grocery store and ask the grocer where the milk is, and he says, "Ask that guy, but he's going to charge you to tell you where the milk is." I mean it is an absolute absurdity.

There is a solution, and I appreciate the suggestion, and it is certainly a good one. An additional suggestion would be to dedicate the $65 fee to the State Department to allow them to use that money rather than putting that money back into the general fund. But triple taxing the American people for basic government information, basic service to which they are entitled, is an absolute absurdity, and I salute the gentleman from New Jersey.

Mr. SMITH of Jersey. Mr. Chairman, will the gentleman yield?

Mr. ACKERMAN. I yield to the gentleman from New Jersey.

Mr. SMITH of New Jersey. Mr. Chairman, the complaints that we have been getting are very much like what the gentleman is talking about. If people called my office and the gentleman's office and other Members' offices seeking basic information about that case that we have under consideration with the IRS or any other Federal bureaucracy, it would be absurd to charge them for that phone call, and that is what this is all about. And let me reiterate again to the Members that the $65 for the passport more than covers. There is a profit there for the State Department, regrettably; it ought to be lower, it should accommodate what does the service cost, and then that is what the cost should be.

So this amendment seeks to do what the IRS and nobody else could even think of doing; that is, having a 900 number to give basic information. We are in the service business. We ought to enhance that service, and an 800 number would do that job, and that is what we are hoping will come out of this.

Mr. ACKERMAN. Mr. Chairman, the gentleman is absolutely correct.

We have a case of a nun who lived in my district. She had been adopted, had a different name in her adulthood, was selected by her order to represent them overseas and had to get a passport. She had to call this 900 number. She got trapped in this system. They did not know how to fix this thing. She was spending $60 calling 900 numbers. Everybody was looking at her kind of crookedly in her convent, as my colleagues know, why is she on this 900 number all night, and the deal was she was the nun who could not fly. They could not fix this for her.

Mr. Chairman, certainly she is entitled to basic government services as every other U.S. citizen is without being taxed three times, and I appreciate the cooperation of gentleman from New Jersey and the chairman and ranking member on this.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey [Mr. SMITH].

The amendment was agreed to.

AMENDMENT NO. 58 OFFERED BY MR. KLECZKA

Mr. KLECZKA. Mr. Chairman, I offer an amendment.

The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 58 offered by Mr. KLECZKA:

Page 117, after line 2, insert the following:

SEC. 617. None of the funds appropriated to carry out this Act may be used to purchase or install live fingerprint scanners in Immigration and Naturalization Service field offices or card scanners at Immigration and Naturalization Service centers unless the Immigration and Naturalization Service refunds, not later than 6 months after the date of the enactment of this Act, all fees paid to the Immigration and Naturalization Service for designated fingerprinting service certification under 8 C.F.R. §103.2(e).

The CHAIRMAN. Pursuant to the order of the House of Thursday, September 25, 1997, the gentleman from Wisconsin [Mr. KLECZKA] and a Member opposed will each control 5 minutes.

Mr. ROGERS. Mr. Chairman, I reserve a point of order on the gentleman's amendment.

The CHAIRMAN. The gentleman from Kentucky [Mr. ROGERS] reserves a point of order, and the gentleman from Wisconsin [Mr. KLECZKA] is recognized for 5 minutes.

Mr. KLECZKA. Mr. Chairman, I am aware of the point of order that has been raised. I will not pursue the amendment, I will withdraw it at a later time, but I would like to establish for the record the situation that the amendment seeks to address.

Mr. Chairman, last summer the INS instituted a designated fingerprinting service to ask local firms to enter into contracts with the INS to help them out in this fingerprinting operation. The Senate bill and the bill before us today does away with outside interests, outside firms, nonprofit organizations from doing the fingerprinting for the Immigration Service. The immigration Service under both products will do this function themselves, and that is fine, and I do not take issue with that because of some of the past problems.

However, the situation that we are looking at today is that the INS is not positive, they are not sure that they are going to refund the fees collected from these organizations who, in good faith, paid the money to do the service for a period of 3 years. I have been contacted in my district by two organizations who sent them their application fee of $370. Now they are being told by the Congress, We don't need you any more. Their inquiry is whether or not they are going to get their money back, or a prorated portion of that. I called the INS, and they indicated that they are not sure whether or not they are going to refund the dollars. The amendment's purpose is to mandate that the INS give the money back.

We have just seen hearings in both Houses of Congress this week about a Federal agency which treated our constituents in a shoddy manner, and these tax filers are angry over that. Some time ago we heard about a situation where an elderly individual in error sent a $50,000 check to the IRS. He subsequently passed away, his heirs found the error, and now they want the money back. The IRS says they are not going to give it back. This is a type of situation that we get ourselves into when the Federal agency does something goofy, similar to what the previous amendment or the speakers on the previous amendment had to relate to us, that now they are charging to talk to them through a 900 number.

Before this thing gets out of hand, know full well, Members, that there are 3,700 organizations who in good faith sent the application through to the INS, sent their $370. Now we are yanking the task away from them, and I think it is wise that we mandate that the INS give the money back. If we do not need them any more, give the money back.

And let me ask the chairman of the committee to indicate to at least this Member what his knowledge of the situation is and how he could possibly help out in this situation.

Mr. ROGERS. Mr. Chairman, will the gentleman yield?

Mr. KLECZKA. I yield to the gentleman from Kentucky.

Mr. ROGERS. Mr. Chairman, I appreciate the gentleman bringing the matter to our attention. Although the gentleman's amendment I think is out of order and he says he is going to withdraw the amendment, nevertheless, in spite of his withdrawing it and in response to his concern, I will be looking into the status of that issue with the INS and the Justice Department to see if there is some way we can resolve the matter, and I appreciate the gentleman's interest.

Mr. KLECZKA. Mr. Chairman, I thank the gentleman from Kentucky very much.

Mr. MOLLOHAN. Mr. Chairman, will the gentleman yield?

Mr. KLECZKA. I yield to the gentleman from West Virginia.

Mr. MOLLOHAN. Mr. Chairman, I just want to compliment the gentleman from Wisconsin. He has raised a real fairness issue here. The INS has gone out, trying to address the tremendous numbers of fingerprints they have to process, and contracted with the private entities to do this, and now the Congress is looking at all that, and I am satisfied with that policy; we are pulling that back in. And it is only fair, and I appreciate the gentleman bringing that to the committee, and I know that his constituents and all those private sector entities across the country are performing this service and will appreciate his bringing this to our attention too.

Mr. KLECZKA. Mr. Chairman, I ask unanimous consent to withdraw the amendment, but know full well that I and others in this body who have organizations involved in this will be watching the activity of the INS to make sure that they just give the money back.

The CHAIRMAN. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

The CHAIRMAN. The amendment offered by the gentleman from Wisconsin is withdrawn.

Are there further amendments?

### AMENDMENT NO. 16 OFFERED BY MR. BARR OF GEORGIA

Mr. BARR of Georgia. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 16 offered by Mr. BARR of Georgia:

Page 117, after line 2, insert the following new section:

SEC. 617. None of the funds made available in this Act may be used to conduct any study of the medicinal use or legalization of marijuana or any other drug or substance in schedule I under part B of the Controlled Substances Act.

The CHAIRMAN. Pursuant to the order of the House of Thursday, September 25, 1997, the gentleman from Georgia [Mr. BARR] and a Member opposed will each control 5 minutes.

The Chair recognizes the gentleman from Georgia [Mr. BARR].

Mr. BARR of Georgia. Mr. Chairman, this is a very simple, straightforward amendment. It simply reaffirms what I believe to be current policy of this body and current policy of the administration, and that is to not use taxpayer funds for the study of legalization of drugs. And the amendment simply directs that no funds made available under this act for these departments or agencies of the Federal Government shall be used for the study of legalization or medicinal uses of marijuana or any other schedule I controlled substance.

Mr. Chairman, I would like to read into the record exactly what a schedule I controlled substance is, and that includes marijuana through its primary ingredient THC. Under title 21, section 812 of the United States Code, a schedule I substance is a, quote, drug or other substance that has a high potential for abuse, close quote. It is further, quote, a drug or other substance that has no currently acceptable and no currently accepted medical use in treatment in the United States, close quote. Further, quote, there is a lack of accepted safety for use of the drug or other substance under medical supervision, close quote.

That being the case, Mr. Chairman, I think it is entirely appropriate that we make absolutely clear to the American people that our Government is not going to be funding studies that go contrary to well-established existing law based on scientific fact and study over many years.

This amendment, Mr. Chairman, is entirely consistent with the explicit stated policy of this administration. As evidence of that I quote from a hearing on May 1, 1997, before the Subcommittee on National Security, International Affairs, and Criminal Justice of the Committee on Government Reform and Oversight, of which I was present and engaged in questioning with General McCaffrey, head of the Office of National Drug Control Policy, and I quote General McCaffrey's response.

> It's unequivocally clear in writing, that the Attorney General, the Secretary of Health and Human Services, the Secretary of Education and I and others supported, obviously approved by the President, are unalterably opposed to the legalization of drugs for the surreptitious legalization of drugs under the guise of medical uses.

Mr. Chairman, if any department of our Government ought to be using taxpayer funds to study the legalization or so-called medicinal uses of drugs, it ought not to be the Department of Justice. The Department of Justice is tasked under our Constitution and our laws with enforcing our criminal laws, some of which I have just read, the Controlled Substances Act. It would be foolhardy to allow the Department of Justice to talk out of both sides of its mouth, on the one hand enforcing those drug laws which contain as a controlled mind-altering substance marijuana, and yet at the same time talk out of the other side of its mouth in saying, "But we're going to study whether or not it ought to be legalized," which is an implicit message that maybe it ought not to be a controlled substance.

Mr. ROGERS. Mr. Chairman, will the gentleman yield?

Mr. BARR of Georgia. I yield to the gentleman from Kentucky.

Mr. ROGERS. Mr. Chairman, I am not aware that the Justice Department is studying the medicinal uses of marijuana. If the gentleman knows about that, I will be very interested to know about it.

But, Mr. Chairman, I have no objection to the amendment, and in fact support its adoption.

Mr. BARR of Georgia. Mr. Chairman, I would cite to the distinguished gentleman from Kentucky the fact that the administration is proposing to spend $1 million of taxpayer funds for the so-called medicinal use study of marijuana.

Mr. ROGERS. If the gentleman would yield, that is not the Justice Department. I am told that is the office of the drug czar in the White House.

Mr. BARR of Georgia. That is correct, that is the ONDCP.

Mr. ROGERS. And, of course, we do not appropriate for the office of the drug czar in the White House. We appropriate for the Justice Department. Now if the gentleman has information that the Justice Department is studying the legalization or medicinal uses of marijuana, give that to me forthwith.

Mr. BARR of Georgia. Reclaiming my time, the gentleman is absolutely correct. At this time we do not. My problem is, and the reason that I think this amendment is necessary, is that even though the director of ONDCP states on record that he is not in favor of studying legalization of drugs, at the same time through his office they are seeking to spend $1 million. If they can do it in ONDCP, talk out of both sides of their mouth, my fear is other departments, including the Department of Justice, may do the same thing; and I think this is an important guarantee for the people of this country to know that at least these departments, including most importantly the Department of Justice, tasked with enforcing our drug laws, is not and will not be utilizing taxpayer moneys for such foolhardy studies.

Mr. MOLLOHAN. Mr. Chairman, I move to strike the last word.

Just very briefly, I appreciate the gentleman's affirming that the administration has no intention to undertake such studies or to institute such a policy. To my knowledge, I agree with the gentleman, there is nothing in this bill that relates to the gentleman's amendment, and in that sense the gentleman's amendment really has no effect on our bill. And in that sense it is kind of a progravity amendment and if the gentleman from Kentucky wants to accept it, I certainly do not have opposition to it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Georgia [Mr. BARR].

The amendment was agreed to.

□ 1200

The CHAIRMAN. Are there further amendments to this portion of the bill?

Mr. ROGERS. Mr. Chairman, I move that the Committee do now rise.

The CHAIRMAN. The question is on the motion offered by the gentleman from Kentucky [Mr. ROGERS].

Mr. MOLLOHAN. Mr. Chairman, we have one more colloquy.

Mr. ROGERS. Mr. Chairman, I ask unanimous consent to withdraw my motion.

The CHAIRMAN. Without objection, the motion is withdrawn.

There was no objection.

Mr. MOLLOHAN. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman from West Virginia is recognized for 5 minutes.

Mr. MOLLOHAN. Mr. Chairman, I yield to the gentlewoman from Oregon [Ms. FURSE].

Ms. FURSE. Mr. Chairman, I rise today to enter into a colloquy. I am joined in this colloquy by the gentleman from California [Mr. RIGGS], and I do not see him on the floor right now, so, if I may, I will just do my part of this.

I am joining the gentleman from California [Mr. RIGGS] to support continued funding for the Northwest Emergency Assistance Program. The Hire the Fishers Program has been successful in providing jobs for over 300 displaced fisher families in the Pacific Northwest, while working to recover the region's economically vital salmon runs.

The program includes a sea data collection program in order to better manage our salmon fisheries, and a habitat restoration program designed to give fishers an active role in returning the Pacific salmon runs to a harvestable level.

The Hire the Fisher Program, Mr. Chairman, is an excellent model of a Federal-State partnership that works both for the environment and the economy. It is a win-win for the States, the fishers, and the fish. In short, it is a program that continues to deserve our support.

Mr. ROGERS. Mr. Chairman, will the gentleman yield?

Mr. MOLLOHAN. I yield to the gentleman from Kentucky.

Mr. ROGERS. Mr. Chairman, I appreciate my colleague's interest, and also the work of our colleague, the gentleman from California [Mr. RIGGS], who has been tireless in his pursuit of this issue, as has the gentlewoman. Both have contacted me about this already, and other programs related to the problems of the Pacific Northwest fisheries. In fact, the bill already provides significant resources to address these problems.

However, the NEAP Program is not a program which has ever been funded out of this bill, and no funds have been requested by the White House in their budget request. However, knowing of the gentlewoman's interests, that of the gentleman from California [Mr. RIGGS] and others, I will be happy to look further at the program as we proceed along.

Ms. FURSE. Mr. Chairman, I thank the gentleman for his gracious attention.

Mr. ROGERS. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore [Mr. HOBSON] having assumed the chair, Mr. HASTINGS of Washington, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2267), making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1998, and for other purposes, had come to no resolution thereon.

## CAMPAIGN FINANCE REFORM HEARINGS NEEDED IN HOUSE NOW

(Mr. DOGGETT asked and was given permission to address the House for 1 minute.)

Mr. DOGGETT. Mr. Speaker, today, for the first time in this Congress, Democratic determination has produced some results on reducing the influence of special interest campaign money.

A debate is under way at this very moment in this very building on specific bipartisan campaign finance reform, the McCain-Feingold proposal. But it is not enough that reform pass the Senate. In my civics class we learned it has to pass the House of Representatives also. And what is the news on that subject? Today's banner headlines, "GINGRICH Asserts Campaign Bill, Alive in Senate, Is Dead in House."

The American people do not want this proposal stillborn in the House. We are pleased that there is a debate finally after so many Democratic demands underway, but it must occur in both parts of this Capitol Building, not just in one.

As we read on through the story, we learn we have the same problem with the Republican leadership. They say they want more money in campaigns, not less. We need reform now.

## NO FEDERAL FUNDING OF STUDIES OF USE OF MIND-ALTERING DRUGS

(Mr. BARR of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARR of Georgia. Mr. Speaker, we just adopted an amendment to the appropriations bill currently before this body that would prohibit, at least for those agencies and departments of this Government covered by that bill, H.R. 2267, that none of them can use any funds so appropriated for the study of legalization or so-called medicinal use of marijuana or other schedule I controlled substances.

Mr. Speaker, I wish it were not necessary to offer such amendments, but it is. The fact of the matter is that even though our Office of National Drug Control Policy asserts under oath and in writing that it is neither the intent nor the purpose of this administration to expend taxpayer moneys for such purposes, such as the medicinal use of marijuana or other drugs or the legalization thereof, they are in fact doing so.

Therefore, these amendments become necessary to stop this administration from talking out of both sides of its mouth on drug policy. This amendment and others I intend to offer on spending bills will send a very clear message to the taxpayers of this country that they are not going to have to continue to fund the study of legalization of mind-altering drugs.

## DEBATE NEEDED IN HOUSE ON CAMPAIGN FINANCE REFORM

(Mr. MILLER of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MILLER of California. Mr. Speaker, this is the people's House. This is where the debate of our constituents is supposed to take place by those who have been elected by them.

But we cannot have a debate, apparently, in the people's House on campaign finance reform, and yet it is campaign contributions and soft money contributions to campaigns that is distorting the decisions that are being made in this House. It is campaign contributions that allow a $50 billion tax break to be given to the tobacco companies in the middle of the night, with no vote, no discussion, and no debate.

In the other body, in the U.S. Senate, they are starting the debate on campaign finance reform. But here, because of Speaker GINGRICH, Majority Leader ARMEY, we are told we cannot debate that in the people's House.

We need to have that debate. We need to free the people's House from the influence of soft money and special interest contributions that are corrupting the legislative process and are corrupting the democratic process in this country. No longer can we have the decisions being made based upon who gave you a contribution.

## THE JOURNAL

The SPEAKER pro tempore. Pursuant to clause 5 of rule I, the pending business is the question of agreeing to the Speaker's approval of the Journal of the last day's proceedings.

The question is on the Speaker's approval of the Journal.

Pursuant to clause 1, rule I, the Journal stands approved.

## ADJOURNMENT TO MONDAY, SEPTEMBER 29, 1997

Mr. MILLER of Florida. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 10:30 a.m. on Monday next for morning hour debates.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

## DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. MILLER of Florida. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

## SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

## CAMPAIGN FINANCE REFORM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas [Mr. DOGGETT] is recognized for 5 minutes.

Mr. DOGGETT. Mr. Speaker, it is really now or never. Either this Congress acts now to remedy at least some of the shortcomings of the 1996 campaigns and the way that they are financed, or we can kiss good-bye to any hope of reform in time to affect the 1998 elections.

Many Americans have been concerned about practices and events that occurred in both of the political parties during the 1996 elections. But the time is today to decide, are we going to do anything about it, or just talk about it a little bit more?

Fortunately, the determination of Democrats in the U.S. Senate is leading to action today. As I speak here, in the Senate a specific proposal to change the way campaigns operate is being debated fully, and I am sure it will be discussed over the next several days there. After considerable obstruction by Republicans and the leadership and probably more obstruction to come, there is at least a debate going on there, according to agreed terms.

But here in the House of Representatives, where this proposal must also be approved, we read in this morning's paper, "Gingrich asserts campaign bill, alive in Senate, is dead in house."

Indeed, we find ourselves in a situation where, back in 1995, that same Speaker GINGRICH shook hands with President Clinton and said he wanted to achieve bipartisan campaign finance reform. That is essentially the last we heard of it. The smile had hardly faded before the interest in reforming campaigns, which could have been in place for the 1996 elections, was forgotten. Nothing happened until the eve of the elections, when a contrived proposal was brought here on a very short notice for 1 hour, and even many of our Republican colleagues rejected it, because it was not reform. Rather, it was the kind of proposal that was condemned by every good government group that had worked to reform our campaign and election laws in the past.

I prefer the kind of comprehensive reform that Mr. MCCAIN, a Republican, and Mr. FEINGOLD, a Democrat, are urging over in the Senate. But whatever the approach that we might take to reform this system, and there may be many good ideas, there have been many proposals advanced, the question is, Will we have a firm day now in terms of debate that provide for full and fair discussion of the proposals?

I must say that this same story from this morning's paper is not very encouraging in that regard. It does point out, as for the House, Republican leaders have been publicly silent, until this week, on the idea of bringing up the campaign finance bill, even as Democrats agitated daily for a vote on this issue.

We have had to file motions to adjourn, to approve the Journal, to count the votes, to do these various things, because under our rules, we have no other mechanism to adjourn the special interests that want to dominate this House and that have influenced legislation with the $50 billion tax break for tobacco companies and so many other ways this year.

You give the most soft money in the first 6 months, and in the seventh month you get a $50 billion tax break that all the rest of us have to pay for. That is wrong. But it is not just a matter of talking about it up here and talking about it in the Senate. We have got to do something about it. And the "something" is comprehensive reform that is scheduled now.

But if we read on in this morning's paper, what we learn is that the kind of reform that the Speaker says might come up sometime this fall, and fall has already begun, is not reform, but it would allow unlimited personal contributions.

□ 1215

He wants to solve the problem of big money influence on this body that is crippling the operation of our Congress; he wants to solve the big money problem by making it bigger. Let the big boys give what they are giving now, and let them give any amount they want to do to influence the priorities of this Congress. That is not reform, it is repealing the only reforms that we have been able to get on the books thus far.

We need a real reform, not a repeal of the existing law, little as it is, to try to control the way the system has operated, and that real reform could come as early as next week.

I am pleased that this same story reports that our leader, the gentleman from Missouri, [Mr. GEPHARDT], has written to Speaker GINGRICH and he has said, "Until we receive your commitment to follow through on rhetorical offerings," and that is all we have had, "we shall not treat these overtures as serious," and certainly they should not be, "and we will continue our efforts to force action to daily floor proceedings."

That is precisely what will occur on this floor on next Monday, and it is precisely what will occur in the future. Until we get fair play in this House, until the American people have a chance to see specific proposals out here, we will have other procedural votes to get the American people the reform that they deserve.

## BUDGET PRIORITIES FOR AMERICA

The SPEAKER pro tempore (Mr. MILLER of Florida). Under a previous order of the House, the gentleman from Texas [Mr. PAUL] is recognized for 5 minutes.

Mr. PAUL. Mr. Speaker, just a short while ago we had a vote to cut $54 million out of the U.N. appropriation. The vote tally was 242 to 165, 165 in favor of cutting this $54 million of so-called past dues.

I want to compliment the gentleman from Maryland [Mr. BARTLETT] for bringing to this our attention, because I think it is a very important point, because we are never reimbursed for all of the peacekeeping missions throughout the world. Therefore, they actually owe us, we do not owe them. So it is rather sad to see that we, as a Congress, cannot rectify this; instead, we vote more funds for the United Nations.

Of course, I do not hide the fact that I do not think a lot about the United Nations. I think ultimately it is very detrimental to America's policy and very detrimental to our sovereignty, so I have a specific agenda in that regard.

Actually, the problems we face with the United Nations can be solved, because there has been a compromise offered. Instead of abolishing the United Nations like I would like to do, I think Ted Turner has offered us a real solution. Ted Turner is a very wealthy man, has made a lot of money in the capital system, and he is voluntarily willing to submit $1 billion to continue with the United Nations, and I think that is fine. I think the United Nations ought to be funded by donations such as from Ted Turner. An additional advantage of having Ted Turner send his money to the United Nations, we can be assured that with the next war started by the United Nations, we can send Jane Fonda to do the fighting for us.

On another subject, I want to just mention something about the recent discussions we have had here on the floor here in the last week on the pay raise. I am not in favor of the pay raise. I voted against the pay raise. As a matter of fact, I think our pension fund is outrageously obscene, and I do not participate in it. But in comparison to some other matters, I think the amount of attention that we gave to the pay raise is probably a little bit more than needed to be done.

For instance, the pay raise, after taxes, would come to $40 a week, but nevertheless, I think the point was well taken that we should not be taking a pay raise when so many people in this country are actually suffering the consequence of a decreasing standard of living. Until we solve that, I do not believe we should be taking a pay raise. That so-called pay raise would have been a 2.3-percent COLA increase.

But in comparison to what we were doing in the particular bill that that was attached to, the Treasury-Postal Service appropriation, informed many Members of the Congress that were not aware of it, but in this bill, we actually increase the budget for the IRS by more than a half a billion dollars. At the same time we hold these grand hearings, make grand speeches against the IRS, and at the very same time we are expanding the role and the power and the authority of the IRS by expanding their budget by more than a half a billion dollars.

Then there is another agency of government that is probably the second least favorite of mine to the IRS, and that is the BATF. The BATF budget was increased 14 percent. It went up $66 million. So at the time we were talking about a small cost-of-living increase for Congress, which again I oppose, we at the same time were pretending that we were fighting this IRS and the abuse of the IRS, but expanding the role of the IRS.

I think what we need to do is get things in perspective. I think that first off, we should exist here for the liberty, protection of liberties of American citizens; we should be protecting the sovereignty of the United States; we should not be paying the dues out of proportion to what everybody else pays throughout the world at the same time we sacrifice much of our liberties and we live in a nation today where our troops are actually serving under the commanders of foreign generals. Everybody I talk to, everybody in my district I talk to, they do not like this. They would like to see this change.

So once again, I would like to express the sadness about the recent vote that we could not even cut the $54 million away from what is called overdue back dues for the United Nations. I think it is so important that we put all of this in perspective. Yes, we do not need pay raises, but we certainly do not need to raise the amount of money we give the IRS and the BATF.

## CAMPAIGN FINANCE REFORM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. MILLER] is recognized for 5 minutes.

Mr. MILLER of California. Mr. Speaker, Members of the House, the pictures that have been painted in the hearings in the Senate and in the disclosures by national news media about what took place in the last campaign is not a pretty picture for the American people.

In fact, I am sure it is quite painful when they see that the last campaign of what we call soft money, that is money that essentially is not regulated by Federal campaign laws, was made in contributions to both parties, both major parties in this country, in huge amounts by individuals, and the story that unfolds is that that soft money was all about access. It was all about access to the White House; it was all about access to the Republican committee chairmen in the House, and the Republican committee chairmen in the Senate, and the leadership in the House and in the Senate. Letters went out and told people, if they gave $10,000, they could have lunch with chairman of the Subcommittee on Telecommunications, Trade, and Consumer Protection, or the Committee on Labor, or the Committee on Ways and Means, or in the Senate one could have lunch or dinner or a private meeting, and for $25,000 one could be in on strategy sessions.

The average American could not even dream of being in on one of those sessions. But that soft money then started to dictate, as we saw in the previous session, even before this election, lobbyists and powerful people sitting in the offices of the Republican leadership drafting legislation to weaken the Clean Air Act, to weaken the Clean Water Act, to weaken the health safety acts that protect our families and children against unhealthy food, to weaken the meat inspection act after people have died because of bad meat in the marketplace. But the lobbyists, they had access, because they gave $10,000, they gave $100,000. And the crescendo really came in campaign finance reform, or really about bad campaign practices, the crescendo came just about 1 month ago or 2 months ago when we did the Balanced Budget Tax Relief Act.

Members in this House voted on an act believing they were balancing the budget and providing tax relief. However, later we found out that the interests, the tobacco interests that gave the most money to the Republican Party, to the leadership, the individual Members of the Republican leadership, they were able to get a meeting that no other American could get. They were able to get a meeting where in the middle of the night, with no vote, no hearing, no discussion, and apparently, if we listen to the people, no authors, but an amendment got into that bill that provided $50-, 5-0, $50 billion in tax breaks for the tobacco companies that have been killing our citizens and lying about it for 50 years.

How did they do it? They did it because they gave hundreds of thousands of dollars to members of the leadership, to the Republican Party, to the Republican conventions, and the payoff day was the day that bill was passed.

Now, fortunately, because of Senator DURBIN over on the other side and Senator COLLINS and the gentlewoman from New York, Mrs. LOWEY, here, when they made us vote in the light of the day, it went away, because we shined democracy, we shined light, we shined the public perception. The press could see what was going on, and nobody would claim that amendment. But a few hundred thousand dollars got the amendment into the bill.

That is why we have been having procedural votes in this House, because we have to end this system that allows the people to sit in the galleries, but the special interests to sit in the office of the Speaker and the majority whip and design legislation; that allows the people to stand outside and petition us on the steps, but allows the special interests to sit down and have dinner and talk about how they can redesign the communications business and who gets access to this billion-dollar giveaway and that billion-dollar giveaway, and the networks will not be charged for using the public airways. That is what has to stop. That is what this week was about.

Finally, finally, after this week, we get some utterances from the other side that maybe they will allow a debate on campaign finance reform. They will not tell us when, they will not tell us how, and they are not even sure they will do it.

We deserve better, and the American people deserve better. The U.S. Senate today has started debate on campaign finance reform, and yet in the House we cannot even discuss it. We cannot even discuss it because of huge contributions to the Republican leadership.

The SPEAKER pro tempore. The Chair reminds all Members not to refer to individual Senators or to characterize Senate action or inaction.

## ENERGY POLICY ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. SHIMKUS] is recognized for 5 minutes.

Mr. SHIMKUS. Mr. Speaker, in 1992, Congress passed the Energy Policy Act which set Federal requirements on the use of alternative fuel vehicles such as ethanol-powered cars. This legislation required Federal, State, and city fleets to use vehicles that are cleaner and better for our environment. This act listed fuels and vehicle types that can be used by fleet managers to comply with this act.

Unfortunately, biodiesel was not one of the listed alternative fuels at the time because the industry was new, untested, unproven. However, today, that is not the case. As a result, I am introducing a bill, along with the gentlewoman from Missouri [Ms. MCCARTHY], to classify biodiesel as an alternative fuel under the Energy Policy Act of 1992.

Biodiesel is a renewable alternative fuel for diesel engines derived from soybeans. Once biodiesel is classified as an alternative fuel under this bill, it will be used immediately in conventional diesel engines with no engine modifications needed. A few examples of the type of vehicles using this B-20 mix are heavy-duty fleet vehicles such as city buses, boats, and trucks.

The diesel engines will use biodiesel in blends of 20 percent biodiesel and 80 percent petroleum diesel, which is the most efficient, energy-efficient, and environmentally beneficial mix.

□ 1230

The use of biodiesel will help to save on capital expenditures as fleets will be able to modify and improve their existing vehicles, as opposed to purchasing completely new fleets.

The production, sale, and use of biodiesel will create a new market for our farmers, and, in turn, boost our economy. Because it runs cleaner than regular diesel fuel, the use of biodiesel also means that fewer emissions, as an example, particulate matter, hydrocarbons, and carbon monoxide, are released to our environment.

By granting alternative fuel status to biodiesel this bill will promote economic development and energy security. Biodiesel means jobs and tax revenues for processing a greater portion of our domestic soybean oil in the United States.

The emerging biodiesel market offers a stable, long-term market for efficiently produced domestic soybeans that will directly benefit American farmers. The use of domestic biodiesel also improves national energy security by displacing imported energy, such as foreign oil.

It is important to note that this legislation does not create a tax break or a new Federal mandate. This bill will simply allow the biodiesel industry to compete in the alternative fuel market, giving fleet vehicle managers more flexibility in complying with the mandates required at the Federal level.

The production, sale, and use of biodiesel is good for the environment, good for family farmers, good for the economy, and good for our energy security. As a Congressman from one of the largest agricultural producer States in the United States, creating new markets for our family farmers, helping the economy, and keeping our air clean is very important to me.

In a time that we are looking for answers to environmental concerns, new markets for family farmers and a boost for the economy and energy security, biodiesel makes sense for everyone.

## THE HOUSE LEADERSHIP SHOULD SCHEDULE DEBATE AND A VOTE ON CAMPAIGN FINANCE REFORM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington, [Mr. SMITH] is recognized for 5 minutes.

Mr. ADAM SMITH of Washington. Mr. Speaker, I rise today to echo the comments of my colleagues and urge that this body bring up campaign finance reform and pass meaningful campaign finance reform in this session.

I think the biggest reason I want to see this happen is because of the lack of confidence that the public has in this body. There is a crisis in our democracy that I think too few people have noticed; that is, the majority of the citizens of this democracy do not have trust and confidence in their government. That is essential in a democracy. The people are the government. If they do not trust us, we have a crisis that blocks our ability to stand up to almost any meaningful issue.

I have said before that it is impossible to lead if no one is willing to follow. We cannot step up to problems like health care, Social Security and Medicare reform, balancing the budget, or education. A lot of meaningful issues have taken longer and longer to deal with because the public does not trust its leaders.

There are a lot of reasons for that. Some of them are justified and some of them are not, admittedly. One reason for the distrust is the system by which we elect our Representatives, the system by which we finance campaigns. There is a perception and a reality out there that the campaigns are funded almost exclusively by people with a lot of money. If you do not have a lot of money to bring to the process, you have no access to the process, and that has turned people off. We are seeing lower and lower numbers of people participating in the system. We need to show them that we can change this system in order to get their confidence back, so we can govern again.

Ironically, I have heard a lot of my colleagues tell me that, gosh, when we go home for town meetings, when we talk to people, no one is talking about campaign finance reform. It is not really an issue they care about. It is not a so-called pocketbook issue. It does not directly affect their ability to get a job or feed their family or educate their children, so therefore, they really do not care about it.

But what I have heard when I go home on the weekend, and go out and talk to the people in my district, is the reason they do not care about it is because they do not think we are going to do anything about it.

We sort of have a self-fulfilling prophecy with Members of Congress saying, gosh, the public does not care, and not doing anything about it, so yes, the public does not care because they do not think anything is going to happen. They do not believe this body is ever going to step up to the plate and change it, because they think we are comfortable in the current system.

If we want them to care about it, we have to show them we are serious about it. That is the first point. The second point is, they do care about it on a deeper level. They care about it in the sense that they do not trust the system of government. We do not want a democracy where the people do not care about their system of government.

We cannot say we do not need to step up to an issue because apathy has overtaken it. We need an active and involved electorate in a democracy, if we are truly going to be able to represent the people. That means we need to pass campaign finance reform.

I rise specifically in support of House bill 1776, which is the updated version of the Shays-Meehan bill. I do that because there are two very important aspects to that bill. First of all, it bans soft money. I do not believe that there is anything wrong with people participating in our election system. I, for one, do not believe that we should go to an exclusively publicly financed system. I think it is very important that the members of a community are personally involved in campaigns, that they support the candidates that they like and get involved in the process so they are more involved in it down the road. It is important that people contribute.

The only time we have a problem is when those contributions are so large from certain people as to drown out the rest. When someone has the ability to give $100,000, $200,000, $300,000 to a system, I can readily understand how one of my constituents says, gosh, all I can do is afford to give $50, and what difference does it make, if the politicians are going to get $100,000, $200,000, $300,000 from somebody else?

Back in the 1970's we came up with a reform proposal to deal with this. We placed limits on the amount people could contribute: $1,000 for an individual, $5,000 for a group of individuals, what is known as a PAC. I think that is perfectly appropriate. Those are real limits that allow everybody to participate up to a certain point.

The problem is, with soft money those limits are meaningless. We see fundraisers every day around here for $5,000, $10,000, as much as $25,000 or $50,000 a person. I remember hearing a story from somebody about how many $100,000 contributors Michael Dukakis had back in 1988, and I was stunned by this notion. I said, but there are limits, $1,000 per person. How could any Presidential candidates have a $100,000 contributor? The answer of course was it was soft money.

It was interesting to me. The person who was telling this made no distinction whatsoever between the soft money contribution and the individual contribution. There is a very good reason for that. Around the halls of Washington, DC, there is no distinction. Soft money has rendered limits meaningless. We need to ban soft money in order to make those 1970 reforms have some meaning.

I can understand the cynicism of the public in dealing with that issue. I urge that we support campaign finance reform. The other aspect of the bill that I like is putting some teeth in the Federal Elections Commission and actually enforcing the laws.

## INCLUDE THE BECK DECISION IN CAMPAIGN FINANCE REFORM AND REPUBLICANS WILL SUPPORT IT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. CUNNINGHAM] is recognized for 5 minutes.

Mr. CUNNINGHAM. Mr. Speaker, we have heard a lot about campaign finance reform. There are a lot of us that would like to do it and have it brought before the floor. But do we think the Democrats would include the Beck decision, where the union bosses cooperatively hold hostage their workers to contribute to their campaigns and their finances?

The gentleman from Nevada, Mr. JOHN ENSIGN, in Las Vegas, NV, had $1 million put against him just by the unions, coordinated by the DNC. The gentlewoman from Idaho, Mrs. HELEN CHENOWETH had $1 million by the unions, coordinated by the DNC against one candidate. What about the gentlewoman from Idaho, Mrs. CHENOWETH, what about the gentleman from Arizona, Mr. J.D. HAYWORTH, $1 million by the DNC?

Thirty percent of the workers in the unions are Republican. About another 10 percent are independent. So that is 40 percent of the population that is being forced with union wages to contribute, and then that money is being used against Republicans, against their will. But do the Democrats want the Beck decision in any campaign finance reform? Absolutely not, because it takes the power of the union bosses away.

Unions only represent about 6 percent of the work force in this entire Nation, 6 percent. Yet, they say they stand for the working person. Small business and business makes up about 94 percent of all the jobs in this country. They say they are for the working person, but union legislation, from strikebreaker on down, is there to combat and fight against and destroy small business.

My colleague, the gentleman from California, talks about campaign finance reform and its influence. Let me read this:

The proletariat will use all political supremacy wrested by the position of the ruling class to establish democracy.

Have we heard anything about class warfare on this floor by the gentleman from California? The proletariat will use political supremacy to centralize all instruments of production in the hands of the state. One, abolish all private property. Over 50 percent of California is owned by the government. Yet, the gentleman from California in the California Desert plan would have more and more and more lands put in there.

Heavy progressive income taxes. The unions supported the Democrats because they want big government. They want the power centralized in Washington. They use big government, which causes higher taxes, which causes people and small business to die every single day, and jobs. And the union bosses force this, but yet it is supported by the gentleman from California.

Second, abolishing the right of inheritance: the death tax. Where do these three things come from? Where does property, private property abolition, heavy progressive taxes, inheritance tax, come from? It comes from the Communist Manifesto, written by Carl Marx and Engels.

What else do they have in this, in their plan? Centralization of credit in the hands of the state. No. 8: equal obligation of all to work, but control by unions, organized unions, right here in the Communist Manifesto.

Free education for all. That is not bad, but it is controlled in the hands of the state.

Let me read here. The gentleman from California, union, $2,000. The gentleman from California, union, $5,000. The gentleman from California, union, $1,200. The gentleman from California, union; American, Federal, State and County, union, $4,500; American Maritime, union, $1,000; union, $1,000; union, $500; union, $1,000; union, $1,000; union, $500; union, for the gentleman from California, $5,000; union, $2,000; union $500; union, $1,500; on and on and on, and pages from unions. Yet, do they want the union and the Beck decision put into campaign finance reform? Absolutely not. They want to do away with a normal progression.

What is a PAC, Mr. Speaker? A PAC is a group of businesses or organizations for a single purpose. They band together to fight against the power of the unions to direct money against them.

Yes, we want campaign finance reform, but we want fair reform. Include the Beck decision in campaign finance reform and we will support it.

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## REPUBLICAN LEADERSHIP PREVENTS DEBATE ON CAMPAIGN FINANCE REFORM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arizona [Mr. SNYDER] is recognized for 5 minutes.

Mr. SNYDER. Mr. Speaker, I appreciate the staff being around here on a Friday afternoon as we discuss these issues.

Mr. Speaker, the previous speaker talked about how he would like to know where we Democrats stand on some of these issues on campaign finance reform. We Democrats would like to know how everyone in this House stands on campaign finance reform, but until a bill is allowed to come to the House, we are not going to do anything.

The Democrats do not control the House right now, the Republican leadership controls that House. If they want to know how we stand on campaign finance reform, then let these issues come to the floor of the House. It is not our fault that there have not been votes on campaign finance reform, it is the fault of the Republican leadership that is now in control of this House.

That is why, for this past week or so, we have seen a series of motions to adjourn and motions to rise, these kinds of procedural votes, trying to send a message to the Republican leadership: we have important work to do on campaign finance reform, and we have got to do a better job of bringing that issue to the floor of the House before we can move ahead on other matters.

Why do we care about campaign finance reform? What do we see as the problem under the current law? I brought a sample check here. Members are obviously going to be able to tell it is not a real check because it is signed by my friend, Ima Big Donor.

Ms. Big Donor decided she wanted to make a contribution to the political party of her choice, any old political party. She decided, like Mr. Ted Turner, that she had done well in the market in the last year, and she was going to donate extra money that she had to her political party. So she made out the check for $1 billion, $1 billion, enough to fund a thousand political House campaigns.

We might think, well, surely under current law the $1 billion check would be illegal, since I as an individual can only give $1,000 to a candidate. But no, under our current system of law, there is unlimited ability to donate money to the political parties, whether you are an individual, whether you are a union, or whether you are a corporation.

Why would someone like Mrs. Big Donor want to donate $1 billion? Just check her check: for access, for access. Is that not what Mr. Tamraz testified to last week before the Senate committee?

□ 1245

Why would he give $300,000? Why would he give $600,000? For access. He is not a fool. It got him in the doors he wanted to get in. This is legal under our current system and it needs to be reformed.

I am one of those candidates that does not like to raise money. I do not think many candidates like to raise money. I think raising money makes us weird. Raising this kind of big money makes our democracy weird, and the American people want to change that system.

Until the Republican leadership lets campaign finance reform bills come to the House for discussion, we are not only not going to know how everyone wants to vote on these things, but the American people are not going to see the kind of changes and reform that they want.

Mr. Speaker, I yield to the gentlewoman from Connecticut.

Ms. DELAURO. I thank the gentleman for yielding to me, and I would just say that he is absolutely right, because the fact of the matter is, and what Democrats have been calling for for the last several weeks by asking for procedural votes, motions to adjourn, et cetera, was an effort to bring to the floor, because the Republican majority in this House, the Speaker of the House, Mr. GINGRICH, will not allow us to bring up the issue of campaign finance reform. The only tools that are available to the minority party are procedural votes. So the public understands what is going on here.

The fact of the matter is, on both sides of the aisle we need to have a thorough and a complete conversation and debate about campaign finance reform. They do not want to let us. And I will tell my colleagues why they do not want to let us. If we read Mr. GINGRICH in the paper today, the Speaker will support a bill that let the good times roll; open up the floodgates; allow all kinds of money to come into the system.

My colleagues, it is not the kind of reform the American people are looking for. What he says is that there is not enough money in politics; we need more money in politics. The Washington Post has said 8 in 10 Americans believe money has too much influence on who wins elections, but the Speaker says we need more money.

Our colleague on the other side of the aisle just a minute ago was talking about influence in the process. If we want to talk about influence, which the American public gets in a second, $50 billion in a tax break to the tobacco industry, not just a few weeks ago, and guess who was the single biggest contributor to the Republican campaign in the last election? It does not take a rocket scientist to figure it out. The tobacco industry.

And, fortunately, in the Senate and in this body, we said no to that kind of a payoff. That is what we have to stop here, is to make sure that we have the opportunity to get the people in the process and get the specialists out of it.

Let me just say what even his colleague, the gentleman from Arkansas, has said about the Doolittle bill that the Speaker would support, would bring us back to the dark ages. Let us get out of the dark ages. Let us bring campaign finance reform into the light.

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## CAMPAIGN FINANCE REFORM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts [Mr. TIERNEY] is recognized for 5 minutes.

Mr. TIERNEY. Mr. Speaker, I stand today to address the same issue many of my colleagues on this side of the aisle have addressed to date, and that is simply campaign finance reform, and once again reiterate that all of the procedural steps that have been seen over the past several weeks are, in fact, the only way that the minority can try to shed some light and focus the attention on this particular issue.

It has been made clear to us and to the American people that there is no current intention of the leadership on the majority side of this House to bring that issue forward for deliberation, for debate and for a vote. And while we are talking about this issue, I want to broaden the discussion a little bit, because once again I feel that the House of Representatives is going to be behind the States in taking action and way behind the American people as individuals.

When people talk about reforming the current system, they talk about something bold, they talk about actual reform. I do not believe there is a great deal of interest of people looking at incremental changes or marginal changes around the edges of what we have, rather we are talking about doing something fundamental because we need to have the confidence back in our system.

We need, in fact, to know that every piece of legislation we put out of this body has credibility so that the American people understand that it is their business being done and not the business of a special few who can give not just hundreds of thousands of dollars but the $1,000, the $2,000. The small percentage of people in this country that actually contribute to campaigns should be no less certain that the $1,000 and $2,000 contributions of individuals get some sort of access than they are about the hundreds of thousands or $200,000 contributions that are made in so-called soft money, which a friend of mine likens to money put into a blender. It is run through the blender so when it comes out nobody is sure where it came from. We have a right to know where the money comes from. We have a right to have control over our system.

Sometime ago, months ago, I put on the floor of this House a bill, H.R. 2199, entitled "Clean Money, Clean Election Campaign Finance Reform." It is modeled after what happened in Maine when the people in Maine took a referendum and decided they wanted to own their system; they wanted to have control over their electoral process and they would publicly fund the campaigns in that State.

They understood that if they were going to have people come down and do their business, they wanted to make sure that they knew who they were and that they had decided, just like big corporations invest in the selection of people that run their corporations, as voters they had to invest in knowing who was coming here. We have to make sure it is not the people that are funded by tobacco companies or other huge corporations, or individuals that are so well off or so vested in the process that they are putting forth the money in thousand dollar increments.

The States know it. The State of Maine went out in a referendum and put in a system. The legislature in Vermont went out and put in place a similar system. In a dozen polls across this country, in States that are considered to be liberal or progressive, in States considered conservative, the people have spoken out that they think public financing of campaigns is the way to proceed.

USA Today acclaims the States are leading the way in cleaning up campaigns. They talk about the fact that in Maine they have an even better idea than just putting limits in there, they are going to fund the campaigns so that they know that they own their own process.

The Boston Globe several weeks ago supported the concept. In Wisconsin, the Daily Tribune Wisconsin Rapids says public financing will give true reform. In St. Louis, the St. Louis Post Dispatch, in its editorial, says public financing is the answer.

The American people want their system back. This House fails to take a bold step on either side of the aisle. I think we have to understand that if the people are going to have confidence in this body they have to have confidence that we will do something, not just work around the margins and not proceed forward.

People want limited campaign seasons, not endless campaigns. They want to know their elected officials do not spend their life at fundraisers and on the phone asking for money. They want to know that the free air time is available to candidates because the spectrum that broadcasters get for free belongs to the American people. They want to make sure that there is an even and level playing field so that candidates, no matter what their personal wealth or no matter what their ability to get the attraction of large corporations or other big investors involved in their campaign, will have the ability, through good organization, through leadership abilities to go out and address the people and get elected.

A fair campaign that would attract candidates, that would get people involved in a process that we would know we as voters control is where this thing should be moving. The American people are there, certainly it is now finally being reflected in editorials, the AFL-CIO is willing to give the Beck decision or whatever else they want if we go to that system, and in fact the large donors and huge corporations the other day agreed and said they too are tired of giving money and they would go to that system.

Simply speaking, what we need to do is have a system like that that does not unilaterally disarm any party. That is what we need, is something everybody can coalesce behind.

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## CAMPAIGN FINANCE REFORM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts [Mr. MEEHAN] is recognized for 5 minutes.

Mr. MEEHAN. Mr. Speaker, I would first like to yield to my colleague from Georgia [Mr. LEWIS].

Mr. LEWIS of Georgia. Mr. Chairman, let me thank my friend for yielding to me.

As the gentleman knows, the days and years roll by and more money continues to flow into Washington, hundreds, thousands, millions of dollars into campaigns, into political parties, and the Speaker of the House, the Speaker of the House, of the people's House, continues to say that it is not that it is too much money, it is not enough. He wants more money, unlimited amounts, to come into the House, into campaigns and to political parties.

Our present system is polluting the political process. It stinks. This is not the way to conduct the people's business, with hundreds, thousands and millions of dollars coming in. And the Speaker refuses to do anything; refuses to allow us to have a vote, a debate on campaign finance reform.

It is time, I think, my colleagues, that we say to the Speaker, "How long will you wait?" This is not in keeping with the democratic process. Let us have a vote. Let us have a clean debate on campaign finance reform. That must take place if we are going to restore a sense of faith and trust and confidence in the democratic process in America.

Mr. MEEHAN. I thank my colleague from Georgia, and let me just say that I woke up this morning and reads the headlines of the newspapers, and I think everyone in America has looked and seen that the Democrats have been trying to delay and procrastinate in the procedures and shut this place down, if need be, in order to get a vote on campaign finance reform.

Now, all of us have looked at the newspapers and on television over the last months and there has been a lot of attention on the problems with our campaign finance system; the fact that there is too much money involved in American politics; the fact that here we are at a critical time and trying to protect America's children from tobacco, and we find the tobacco companies gave millions of dollars in the last election cycle; and the only way we will do anything about this is by forcing a debate on campaign finance reform.

Now, it is interesting that at the same time the other body is taking up campaign finance reform and taking up a bill that is sponsored by Senators McCAIN and FEINGOLD, that has the support of nearly every newspaper in America, nearly every public interest group that has been working on campaign finance reform in America, that we find that the Speaker of the House, at the same time this bill is being debated, has a headline in the New York Times which reads "Gingrich Asserts Campaign Bill Is Dead in the House."

Well, I am joining with a Republican Member, the gentleman from Connecticut [Mr. CHRIS SHAYS], and a number of Members of the House, at 1 o'clock, and we are going to have a press conference to announce that campaign finance reform is not dead in the House. As a matter of fact, we are going to introduce early next week a revised reform bill based on a scaled-back McCain-Feingold, Shays-Meehan bill.

Now, what does it do? No. 1, it bans soft money. The fund-raising controversies that we have heard about by and large have been soft money, the ability of someone to go into the Speaker's office or go into the White House or anyplace else with a check for $50,000 or $100,000. That should be illegal.

We ought to have a vote on the floor of the House and let Members vote whether they think it should be illegal or not. Certainly 80 to 90 percent of the American public think it should be illegal. The Speaker thinks it ought to be legal. He thinks there is not enough money being spent on campaigns in America, and that is the opposite of the truth.

The evidence is overwhelming that the time has come for campaign finance reform. The Speaker says that we need more money involved in this process. The truth is money is corrupting American politics and everyone knows it. We are going to file a bill that will ban soft money, that will give better disclosure requirements, greater disclosure and better enforcement from the Federal Election Commission.

All of us here today believe that the Speaker's desire to vastly increase the amount of money in the current system would be a disaster for democracy. I am confident that the Members of this House are going to stand up to the Speaker and, if we need to do it, we will file a discharge petition and require that there be a vote on the floor of this House to ban soft money.

One person cannot stand in the way of campaign finance reform, and I believe that the membership of this House is ready to take on Speaker GINGRICH and require that there be a vote on campaign finance reform and a vote to abolish soft money.

## FAST-TRACK TRADE NEGOTIATIONS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from Michigan [Mr. BONIOR] is recognized for 60 minutes as the designee of the minority leader.

Mr. BONIOR. Mr. Speaker, before I begin my remarks about trade, let me associate myself with the remarks of my colleagues who have spoken this afternoon on the issue of campaign reform.

The system in the country is broken. If we ever needed any more evidence of its dilapidated state, all we have to do is pick the morning papers up, listen to the morning radio, watch the evening news. It is zapping the energy, the integrity, the heart of the Democratic system in our country today.

□ 1300

The present system is a disaster. It needs to be scrapped. People spend too much time raising money, going after money, and not enough time focusing on the problems that face this country. I believe we are in a process of watching it die. And it will die, and it will come down.

As my friends and colleagues have said in these last 30 or 40 minutes, they on this side of the aisle, for the most part, do not get it. The Speaker wants to spend more money. He wants to provide more access to the big boys and take away our ability to have a say in what happens in this very building.

So, Mr. Speaker, I just wanted to add those notes before I talk about fast track.

Fast track is probably, I could make a transition here, but I will not at this point. I will save that for another day because there is a transition to be made with respect to our trade policies and how this institution operates and how this city operates.

As the vote over NAFTA expansion gets closer, there are a lot of people who are calling for attention. Some are politicians. Some are CEO's. Some speak for farmers. Others stand for labor. Some hire consultants. Some go on TV. Even cartoon characters like Donald Duck and Mickey Mouse have lobbyists in this building and downtown looking after them.

All of these interests have a voice, and they are shouting to be heard. But some of the people with the most at stake in this debate have been silent, or are silent. They do not have a choice. They do not have a choice voice. I am talking about children. I want to talk a little about children before I get into the heart of the trade issue because I believe this gets to the heart of the trade issue.

As many as 11 million children today toil day after day in the fields and in the factories of Mexico. They pick tomatoes. They pick onions. They pick strawberries. They glue soles on shoes. They unload and load crates of produce that weigh more than they do.

Starting at 7 years of age, millions of Mexican children are kept out of school and are forced to work, often exposing them to the most dangerous pesticides and toxins. And we say, "well, is not child labor prohibited under NAFTA?" Sure it is. But the Mexican Government just looks the other way. And what is even worse, multinational corporations in this country, employers who go over and establish businesses in Mexico, and this Government of ours looks the other way as well.

According to the U.S. News and World Report, the three NAFTA governments have not filed a single complaint in Mexican child labor even though it is commonplace, not a single complaint. I am willing to bet that of all the experts touting NAFTA, of all the armchair economists, of all of those pushing fast track expansion today, none of them would want their kids, children, quitting elementary school to pick tomatoes laced with pesticides.

Are they really willing to sacrifice their education, the health and the future of poor Mexican children, at the altar of free trade? Child labor does not just affect lives in Mexico. It is putting downward pressure on the standards in the United States.

How does this work? We say to ourselves, "What has this got to do with America? What has this got to do with our workers? What has this got to do with our industries?" Well, how can a tomato farmer in Florida who adheres to our labor and environmental standards compete with someone who pays children pennies an hour and who pollutes with impunity?

That is what our workers are up against, our business people are up against, companies that pollute with impunity with these toxins and pesticides, pesticides, by the way, that got into the strawberries, came into this country. One hundred seventy-nine children in Michigan were poisoned with strawberries that were contaminated, some very seriously, life-or-death situations, because those vegetables and those fruits are not checked.

We say, "Well, do they not inspect them when they come into the border?" 3.3 million trucks go across that border every year, 10,000 trucks a day. Do my colleagues know how many of them get inspected? One percent. They call it a wave line. The inspector stands there, and waves them on through. The line stretches for miles, truckers honking their horns, and they just wave them on through.

It is not contaminated fruits and vegetables that get through into our market now. It is also what else is in the compartment of those trucks; like 70 percent of all the cocaine that comes into the United States comes from Mexico today. That is another story.

Let me get back to that tomato farmer. He or she cannot compete with what is coming in from Mexico today because in Mexico we have got kids that are 7, 8, 9 picking it for pennies, and we have got pesticides and toxins that are prohibited here being used.

That is why America's trade agreements must include strong, enforceable protection for workers and the environment. That is why we have been coming to the floor day after day, week after week, month after month, saying, Mr. President, colleagues on this side of the aisle, some of my own colleagues, these are the standards that we need to have as we move into this new century of ours. We will be setting the pattern in this fast track on what will be negotiated in trade for the next century.

We cannot stay with the policies that take us back to the conditions of the 19th century, and that is what the administration's policy basically does. It will move us down on wages, on working conditions, on health conditions to a 19th century standard. It will take us back in the past. We need to move people forward. We need to have Mexican workers and Chilean workers and their environments meet the standards that we have established here in the United States rather than our workers coming down to their standards.

Our trade agreement should harness the power of markets to lift standards abroad, not lower ours. And if we sacrifice our standards, we sacrifice not only standards, but the values, the values that literally hundreds of thousands of workers over the last 100 years in this country sacrificed for. And when I say "sacrificed," we have to kind of flashback in our memories to what our grandparents and our parents did to make sure we got an 8-hour day, a 40-hour workweek, to make sure they got proper medical care, they got health insurance, they got pensions, they got decent wages, they got the right to collective bargaining, they got the right to strike. They got all these rights so they could harness their energies and create the most viable and vibrant middle class in the history of the world.

And now all these things are being eroded because these benefits that were gotten oftentimes by people who marched, who went to jail, who were beaten, some even died in order for these rights in this country, they are being eroded by the fact that companies are moving over to Mexico and other places that do not enforce these rights; and then these companies in this country say, well, we will move our facilities down to Mexico if you do not agree to a wage freeze, if you do not agree to a benefit freeze, if you do not agree to these environmental concerns that we have.

And do not take my word for it. There was a study done by a woman by the name of Kate Brothenbrenner from Cornell University. She found that 62 percent of corporations in America today, 62 percent, have used the NAFTA agreement and similar agreements to bring down or to pressure employees to keep wages and benefits at the same or a lower level. Now that is an incredible downward pressure on benefits and wages that people have fought for for the last 100 years.

Profiting from child labor runs contrary to everything America stands for. Remember the soccer ball situation we had in this country? American kids became aware that they were out there on Saturday and Sunday kicking that soccer ball after school, and someone told them that the people that were stitching those soccer balls together were 6-, 7- and 8-year-olds in Pakistan, who were working 10 hours a day, not going to school, not getting any of the things that they were having, in order for American children to play soccer. So a campaign erupted in this country in which children all over the country and teachers and coaches made an effort to change that. And we changed it. We put pressure, and we changed it.

We need to do the same thing with respect to child labor in Mexico and other parts of this planet that exploit children. If we continue to look the other way instead of addressing it effectively and forcefully in our trade agreements, we betray our values, and we betray our children.

Now let me talk about something else. The administration would like to have fast track in time for the President's trip to South America next month. Beginning on November 12, the President is scheduled to make visits to Venezuela, Brazil, and Argentina in order to develop support for creating a free-trade area for the Americas.

For months now the administration has been saying that it is crucial for fast track to be passed by the House before this trip, that it will demonstrate American leadership. Of course, the administration only sent up fast track proposal to Congress last week, and already we know that the fast track that they are asking us to pass is actually a step backward from the Reagan-Bush administration fast track that they used, by the way, to pass NAFTA 4 years ago.

Many of us have said that a new trade negotiating authority must look forward and address issues that have been neglected so far in our trade agreements, because the reality of this phenomenon we call globalization is that workers, our environment, and our food is as affected by these changes as intellectual property, as telecommunications, as automobile production. And those things are protected, the latter thing that I mentioned. Intellectual property, Mickey Mouse and Donald Duck, and Bill Gates, they are protected. Their property is protected. Automobile production, protected. But when it comes to workers' standards, no, no. The difference is that intellectual property and all these things that I talked about and content laws do get addressed, but safe and fair working conditions, environmental standards and ensuring that imported food is safe do not get addressed.

Instead of incorporating these issues into trade negotiations more fully and completely, this fast track proposal actually restricts our ability to include legitimate issues in trade agreements that directly impact consumers and workers. It is clearly, clearly a step backward.

We propose that American leadership be used to develop a trade agreement with Latin America that will lift workers up, not tie them down. We cannot let this fast track be used simply to expand NAFTA, because we know it will not work.

Look at the last 4 years and the impact NAFTA has had on wages and the environment and on food and even on drugs. It is a horrible record. But we are being asked to endorse this record. We are being asked to sanction it, to put our stamp of approval on it, to give it our blessing, to ignore the flaws as they expand NAFTA to other countries in this hemisphere.

The same old argument is being trotted out again as to why we must pass fast track quickly and expand NAFTA. The administration says it is essential that they have this, otherwise they will be left behind in South America; we will lose out to Europe. But that argument does not stand up to the test. They used it 4 years ago to sell us NAFTA.

The NAFTA proponents were saying back then, "If we do not pass NAFTA, Europe and Japan will get into Mexico, and they will lock us out. We will lose out." And the Japanese laughed at that statement, by the way. And the record of NAFTA shows a much different story.

Before NAFTA, the United States had a trade surplus of nearly $2 billion with Mexico. After NAFTA, the surplus has deteriorated to the point where we have a $16 billion trade deficit. That means they sell us $16 billion more than we sell them. I want to talk about what they actually sell us because that is kind of a strange figure. I will get to that in just a second.

We do not sell to their middle class because their middle class is eroding. They lost 8 million people in the middle class since NAFTA in Mexico, 8 million people. They used to pay their workers $1 an hour. They pay them now 70 cents an hour, because there is no collective organization to help workers raise their standards to ours. There is no enforcement of the laws in Mexico to do that. There is no enforcement to keep their environment clean, or at least to clean up their environment.

"How did Europe and Japan fare in Mexico?" my colleagues ask. "Did they get locked out?" The answer is no. In fact, they are doing much better than us. Europe and Japan had a trade surplus with Mexico before NAFTA. But unlike the United States, they have maintained their trade surplus with Mexico, even through the Mexico peso crash in 1994.

On a trip through the maquilladora zone along the United States-Mexican border, we see names like Sony and Samsung along with United States companies. Asia is fully into Mexico today. I do not want history to repeat itself, because we are being given the same warnings about South America.

The truth is that we are doing very well today in South America. Our exports are up 19 percent over last year, without fast track. We have doubled our trade surplus with South America to 3.6 billion without fast track. We are not losing out. We are winning. But if we expand a bad trade deal like NAFTA to South America, I will be willing to bet that South America will go the way of Mexico and, for that matter, Japan and China.

□ 1315

After 4 years of experience with NAFTA the American people certainly are not being fooled by big corporate campaigns to expand NAFTA at this time. In fact they are very much opposed to the President's fast track proposal.

I have a little chart I want to show my colleagues here; it is a poll that was done recently. By a 2 to 1 margin the American people oppose fast track, according to the Wall Street Journal-NBC poll. Most Americans believe that trade deals benefit multinational corporations at the expense of working families. This figure was taken from a poll done for the Democratic Leadership Council, by the way, which supports fast track. Also by a 2 to 1 margin the American people believe that labor and environmental and human rights issues should be included in trade agreements. Eighty-three percent of Americans say, "What's the rush with fast track?" according to this poll. And, finally, most Americans say that increased imports take away American jobs and hurt the wages of American workers.

So public opinion is overwhelmingly opposed to fast track and trade deals done without proper labor and environmental standards because they have looked at the record of NAFTA and they know that it has not worked. You can talk to people. There was a recent study done by the Policy Institute that showed that we have lost 394,000 jobs as a result of NAFTA, net jobs; I am not talking about just jobs, I am talking about net jobs. We have gained some jobs; net total we have lost a huge number of jobs.

I would like for just a second to address one other issue before I yield to the distinguished Democratic leader, the gentleman from Missouri [Mr. GEPHARDT] who has been so fabulous in leading our efforts on this issue, and that is the issue of exports, because the other side like to ballyhoo the number, that we are exporting more to Mexico now, even though they are importing a heck of a lot more here.

Let me tell you something. I want my colleagues to look at a memo that I have from Professor Harley Shaiken, who was at the University of California and who has studied the economic relationship between Mexico and United States extensively. He is probably the foremost expert in the country on this. Professor Shaiken shed some light on what I would call the myth behind our increased exports to Mexico.

There is no denying that exports to Mexico have risen since NAFTA although imports, as I said, have increased much more dramatically. But Professor Shaiken, analyzing trade data, shows that the vast majority of exports growth has been in what he calls revolving door exports or industrial tourists.

Now these are goods that are shipped to Mexico as components, usually along the border with the United States and the maquilladora, therefore counted as exports but then assembled in Mexico and shipped right back here. That is why they call them tourist exports. They are not even there long enough to have a visa. They get shipped over there, they are put together by people who make 70 cents an hour, and they are shipped right back here, not to consumers in Mexico, as I said before. The consumer middle class in Mexico has declined by about 8 million people in the last 4 years.

Revolving door exports have surged 230 percent since NAFTA, rising from 18 billion in 1993 to 42 billion last year. These exports accounted for 40 percent of our total exports to Mexico in 1993, but that share grew up to 62 percent last year.

So the upshot is, 62 percent of our exports to Mexico are shipped right back here, and these are not job-creating exports, they are job-destroying exports.

Professor Shaiken notes in his memos, paraphrasing Pogo, "We have met the market, and it is us."

You know, there are so many aspects to this issue. There is a food safety issue, there is the drug issue, there is the loss of jobs, the downward pressure on wages, there is the environmental degradation.

I visited maquilladora in Tijuana with my distinguished leader, the gentleman from Missouri [Mr. GEPHARDT], and we have some stories and some pictures that I am sure my colleague will show you right now from his recent visit to the border that really, for me, sickens my stomach that our corporations and our Government have not dealt with these questions of worker safety and worker rights and environmental degradation, and I think you will understand why when you hear the distinguished leader. So I am honored that he would join me this afternoon in talking about this issue that is so fundamental to the values which we hold so dear and which so many people have fought for in this country for so many years, and I thank him for joining, and I yield to him at this time.

Mr. GEPHARDT. Mr. Speaker, I thank the gentleman, and I will come to the well because I have some pictures I would like to show.

First, I would like to salute the gentleman from Michigan, the distinguished whip on the Democratic side. No one has a greater understanding of the challenges that face working families in America than he does, and no one has fought harder to realize the interests of working families than the gentleman from Michigan [Mr. BONIOR]. So I am always deeply pleased to be with him in talking about these important issues.

Let me start today by saying right off the bat that I am for free trade, as is the gentleman from Michigan. We believe trade is synergistic, we think it has energy for everyone, we think it helps every country that can engage in free trade, and we are for free trade treaties between the United States and other countries and within the whole world. We also believe that trade should be fair as well as free, that it is not just enough to get tariffs down, that there are other issues that need to be dealt with when you are talking about a trading relationship.

Mr. Speaker, in the 1980's we advocated that there be access to foreign markets like Japan so that we could get our products into their market as easily as they could get their products into our market, and through the 1980's and into the early 1990's we were able to get those access issues to be debated, to be understood and, I think, to be accepted by people in the United States and across the world.

Since the early 1990's, when the real debate began on the North American Free Trade Agreement, we brought up the issue of fairness as it applied to the proper application and administration of labor laws, worker laws and environmental laws in other countries, and that is because when we talk about the NAFTA, it was to be a free trade agreement between two countries that were highly developed economically and another country that was still in the early stages of development with a much lower standard of living, and we realized that if trade was to work for everybody in Canada, the United States and Mexico, it was very important that there be a greater effort at the application of national laws on labor and on environment.

Now why is that the case? That is the case because the standards we have in these areas need to be moving toward uniformity, not toward disappearing, because if you have no standards, then the lack of standards becomes a comparative advantage for the country that has no standards. Plus the fact I just do not see how anybody says we should not try to get the laws of other countries we are trading with to be properly enforced.

So as a result of that we wrote language into the so-called fast track negotiating authority that said we would pay attention to these issues, and in the negotiation, for the first time in the negotiation of any free trade agreement we had serious discussions of how we could get the national laws of each country on labor and the environment to be properly enforced.

Now at the end of the day we were not able to get that enforcement process to have real teeth. These issues wound up in so-called side agreements that I felt were largely cosmetic, and that is the reason I oppose the NAFTA agreement, because there was not a serious attempt to really enforce these laws.

Now, right now, the President is asking us for fast track negotiating authority to get new free trade agreements with, say, Brazil or Argentina or Chile or other countries across the world, and just as in 1991, I voted for fast track for then-President Bush, I am quite prepared to vote for fast track for President Clinton because obviously I think he shares my values on these issues much more than President Bush did, but I do not want again to go to a set of negotiations without the Congress being very clear about what we expect in macro terms to be in these agreements. I did that once; I do not want to do that again. I think we suffered as a Congress from giving this fast track authority, which of course gives tremendous power from the Congress to the executive branch, which I am willing to give because I understand the nature of trade negotiations, but I am not willing to give it without some overall admonition about what we expect to have in these treaties.

I do not want to mislead anyone. I do not want the Brazilians to be misled as to what we will require in the Congress in these treaties. We want labor and environmental enforcement of their laws in the core trade treaty with trade sanctions in order to enforce it.

Now when I say that a lot of people say, "Well, how can you ask another country to enforce its laws?" Why would we not ask another country to enforce its laws? How could we possibly enter into a free trade marriage, which is what a free trade agreement is, without making sure that all the countries involved were going to enforce their national laws?

Now let me go a step further. Before we negotiated the NAFTA, our business community said that you have got to insist that Mexico change and improve its intellectual property laws, and we went to Mexico and did that. Mexico changed and improved its intellectual property and capital laws, and we put those laws into the treaty and said that if Mexico does not properly enforce their intellectual property and capital laws, we will bring trade sanctions against their products coming into the United States. And what I say to my friends in the business community is if it is good enough for intellectual property and capital, which we all care about, surely it must be good enough for labor and the environment.

I just want symmetry. I want us to treat labor and environment as strongly as we treat intellectual property and capital.

Now, having said all of that, I think as we enter this debate it is important to understand what has happened with NAFTA. Some people are saying, oh, you cannot look at NAFTA, that is unfair because no country is alike. I agree with that, no country is alike. But surely it is relevant to this debate to say we have done a free trade treaty with a country that is in a state of development. What has happened there with that free trade treaty? Has it worked the way we had hoped it would work?

And so let us get out some facts about what is happened with NAFTA. The first thing you need to understand is that since 1993 the number of jobs and the number of factories on the border in Mexico has doubled since 1993. In 1993 there were about 500,000 jobs on the border; now there is almost 1 million.

You also need to understand that the turnover rate in those plants is 100 percent. The people work for less here, and they move on. Why do they move on so quickly? There is a simple reason. Wages in the maquilladora plants in Mexico have gone down in the last 3 years, not up. They were $1 an hour; now people are paid 70 cents an hour. As a result, people cannot live on that wage so they leave. They either come to the United States or they go back to the interior where they grew up in Mexico.

Now, as a result of that it has been really difficult to get enforcement of Mexico's labor and environmental laws which might have moved things in a better direction. You know if we really had gotten Mexico's labor laws to be more properly enforced, maybe wages would be $1.25 an hour rather than 70 cents an hour as they are now. But that has not happened. Four cases have been brought under the labor side agreement, and none of them have been resolved. Under the North American Development Bank, which we set up to remedy some of these environment conditions, only 3 loans have been let and none of them have been completed, and there are literally hundreds of situations on the border where there is real environmental danger to the people living on the border.

Now I recently went to the border again, to Juarez, across the line from El Paso, and I have here some pictures that I think best present what is actually happening on the border. You know, one of the things we need to do as we go into this debate is have a reality check, what is actually happening with the free trade treaty.

Here is a picture of a brand new, very modern maquilladora plant, and maybe hard to see over the television, but I think people in the room here can see this is a maquilladora plant.

□ 1330

It is a modern plant, I forget which company it was, one of our major corporations. What you need to understand is the maquiladora plants in places like Mexico are high tech, high quality, high productivity, making the most sophisticated products in the world, as the gentleman from Michigan pointed out. This is not low tech, old world technology. This is the best plant you will find in the world.

But across a drainage ditch a few yards from that plant is the housing where the people who work in the plant live. The housing is literally made from the pallets and the boxes that come from the plant. The people live on the ground. They are earning between $24 and $32 a week for 8 and 10 hours of work a day. That is a picture of where they live.

The next picture is a picture of the drainage ditch, which is behind me. In this picture is the maquiladora, a few yards is the drainage ditch. This is filled with pollution, human waste, the smell here was overpowering, the amount of pollution in this ditch was overpowering. This ditch is a hazard to people's health, hepatitis, cholera. And here are the houses that the people live in. These are pallets, and the people earn probably $24 to $32.

Here is another picture of the houses. Here is a young boy up on top trying to make repairs in the roof of their house. As I talked to people who are over here, they talked about not having enough food to eat, about the children not being able to go to school because they could not afford to send them to school. They could not afford the clothes. They could not afford the supplies. They said that they have school teachers paid by the government, but not buildings or supplies. So to even go to the public schools, you had to have money. So about half the kids are not attending school.

Here is a picture of washing machine boxes that came straight out of the plant that is behind where these are, and people are living in housing that is literally the packing boxes of the products they are making.

Finally, here is one of the children that we saw in the colonias. The children, as all children are, are beautiful. I talked to one young girl and I asked her her name. She said which name do you want? My right name, or the name I assumed to get a job in the plant at age 13?

Half these children are not in school. All of these children are malnourished. They are living in subhuman conditions. If you go to the maquiladoras and ask our companies why are you allowing people to live in subhuman conditions who are your employees, they probably rightly say because we are in competition with all the other companies that are here, and this is cutthroat competition, and there are no standards.

I want to say something: It is not the responsibility of just the companies to have standards. It is the responsibility of the Government of the United States and the Government of Mexico to see that there are human standards for the environment and for people in these factories and in the housing that is around these factories.

It is our responsibility. So do not tell me that human standards and worker standards and environmental standards have no place in a free trade treaty. They have every place in a free trade treaty.

We must be clear if we give this power, as I believe we should, to the President, of what we expect to be in these treaties. It must include worker standards and labor standards and environmental standards that have been passed by the Government of Mexico and endorsed by the Government of the United States.

Finally, if trade is to actually fulfill its purpose, the people in a developing country like Mexico have to make a human wage so they can become consumers of the products they are making. Trade is good, trade is synergistic, trade can raise the standard of living of every country involved. But in order for that to happen, people have to make a living, decent wage. Then we will fulfill the promise of trade. Then trade will be good for every human being on Earth.

This is our leadership mission. The old debate about protectionism and free trade is over. No one advocates protectionism. The issue today in trade is how do we get human standards and decency into the trading relationship between every country in the world. We can do this. This must be our mission, of leadership of the world, so that conditions like this for this young lady will not exist anywhere in the world.

We can do this. This is our leadership mission. Bobby Kennedy said some see things as they are and ask why; I dream things that never were and ask why not.

In this NAFTA, we must ask, in this fast track we must ask, why not? Better conditions for all of the people of the world, so that capitalism and democracy become the hallmark for everybody in the world that everybody wants to reach for.

Mr. BONIOR. I thank my colleague for his eloquent, impassioned, and thorough description of this trade dilemma that we face. I would like to also yield at this time to another champion who cares about these values and these issues, my distinguished colleague from Ohio, Mr. BROWN, who has been a leader on these issues and who particularly on the food safety issue has really highlighted the deficiencies in these agreements.

Mr. BROWN of Ohio. I thank the gentleman from Michigan. As the gentleman from Missouri [Mr. GEPHARDT] mentioned and said so passionately and eloquently, and as the gentleman from Michigan [Mr. BONIOR] has talked about for years in this institution, in this body, we have seen these trade agreements, whether it is GATT, whether it is NAFTA, other trade agreements we have signed, have seen a diminishing of standards, of clean air and safe drinking water and pure food standards around the world. And that is what is particularly troubling about extending NAFTA to Chile, or any other country in Latin America, as a result of the fast track proposal by the President and by the Republican leadership.

Fast track will accelerate the dismantling that we have worked so hard to build a consensus around, clean air, safe drinking water, pure, safe food. We simply should not give up on the consensus that we have built in this country.

If you go back 90 years ago in the United States, we did not have the kind of protections of our food supply. There was a book written by a 28-year-old journalist by the name of Upton Sinclair called "The Jungle," written about the Chicago packing yards in 1906. When that book was written, America did not really have safeguards in place for beef and poultry and fish and fruits and vegetables. And over time, with the establishment of the Food and Drug Administration, in part coming out of the book "The Jungle" and the scandal that Upton Sinclair pointed out, we as a nation have moved together and built a consensus around these clean air, safe drinking water laws, worker safety laws, pure food laws. And it is something that 95 percent, at least, of the people of this country I believe agree with that consensus.

Yesterday, I think people spoke in this body, particularly loud and clear, when there was overwhelming support, almost literally every single Democrat in this party and a majority of the Republicans supported the Sanders amendment, which will send I believe U.S. trade negotiators a clear signal that Congress cares deeply about the fundamental precepts of American sovereignty in the new global economy.

Let me outline on the time of the gentleman from Michigan, on what exactly that means and the kind of erosion that we have begun to see in some of the laws that have protected our way of life, clean air, safe drinking water, worker safety laws, all of these things, what some of the threats to that sovereignty and that body of laws that has kept our standard of living and protected our people the way that they have.

The World Trade Organization was created by the GATT agreement that passed Congress about 3 years ago. The World Trade Organization is sort of an international United Nations of international commerce, if you will, except in a lot of ways it has more teeth. Let me run through a couple of examples of what has happened under the GATT, under the World Trade Organization.

Venezuela, which was defending its state-owned monopoly, attacked the United States in the World Trade Organization over provisions of the Clean Air Act. The Venezuelans said America's environmental laws were too strong and kept out Venezuelan oil. Venezuela went to the World Trade Organization, they won, causing a weakening of American environmental laws.

Second example, the Massachusetts State government passed a bill in the legislature that said it would no longer do business with the military government of Myanmar, what used to be called Burma, as a protest against human rights violations, some of the worst of any nation on Earth. The European Union, along with the military dictatorship in Myanmar, in Burma, challenged the right of the State of Massachusetts to make such a law and said it was a barrier to trade. That is now being considered by the World Trade Organization.

The third is closer to home and more directly related to what Mr. BONIOR and Mr. GEPHARDT were talking about. And that is a dispute we are in the middle of with the Government of Chile. Chile has, in the eyes of a lot of Americans, been dumping salmon. They are a major, major world exporter of salmon. They have been dumping salmon in the U.S. market. That means selling salmon at a price less than it cost to produce it, less than the market value, in fact less than the cost to produce it.

American salmon farmers and salmon fishermen, mostly in Maine, Alaska, Washington, Oregon, and California, have said this is not fair, that they can dump salmon at less than cost and undercut American salmon fishermen and salmon farmers and ultimately take the market away from these businesses and take jobs away from American workers.

The Government of Chile, in bringing this lawsuit against the United States, is about to, if they lose, which they have lost first round, is about to go in front of the World Trade Organization and ask for it to be declared an unfair trade practice, what the United States is trying to do to even the playing field.

The Chilean Government has hired former Senator and former Presidential candidate and former Senate Majority Leader Robert Dole to represent them. Only 10 months after he was asking the American people to vote for him for President, the Government of Chile has hired Bob Dole to represent them against the United States of America. I think it only begs the question. We wish Mr. Dole played on our team, on the home team, rather than playing on Chile's team, rather than playing on the visitor's team.

What is important is Senator Dole is representing a foreign government against the United States, which ultimately will hurt American businesses and will cost American jobs if Senator Dole and the Chilean Government are successful.

Those are the kinds of things, whether it is weakening environmental laws because of what Venezuela's Government has done, whether it is getting rid of laws that the State of Massachusetts legislature passed, or whether it is costing American jobs and hurting American businesses when Senator Dole represents Chile against the United States. Those are the kinds of things that are happening that will happen and continue to happen and happen in much greater frequency under these provisions in the fast track agreement.

We cannot continue to lower American standards on the environment, on safe drinking water, on clean air. We cannot continued to allow other businesses in other countries and other governments to try to weaken America's food safety laws.

We have seen, as the gentleman from Michigan, Mr. STUPAK, a colleague of Mr. BONIOR's, and I earlier this week had a news conference, talking about the issues of food safety. A young woman from Michigan who had seen her daughter get sick from hepatitis A from strawberries brought in from Mexico in school lunches in Marshall, MI, southwest Michigan, came and spoke at our news conference. She reiterated what a problem it is we do not do the right kind of food inspection at the Mexican-American border, and how America is beginning, because of some of these trade agreements, to lower our standards of food safety.

Few things are more important to this country than to continue to preserve and protect the world's safest, best, and least expensive food supply that we so proudly as a nation have built.

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We have no business allowing these trade agreements to override what we have done in our States and cities and what this Federal Government has done to protect our air, protect our water, and protect our food supply.

So I thank the gentleman from Michigan [Mr. BONIOR] for his involvement and what he has done in leading the charge on making sure that our trade laws are written fairly so that American workers have a fair shake, so it is not costing us jobs and hurting our quality of life.

I asked the question, as many have asked over and over, why should we rush headlong into another trade agreement that endangers America's food supply and costs American jobs until we fix those trade agreements, like NAFTA, that we have not yet fixed. I thank the gentleman for yielding.

Mr. BONIOR. Mr. Speaker, I thank my colleague for his wonderful description of a variety of problems, the sovereignty issue, as well as the food safety issue.

I just want to take a second to talk about another aspect of this that I think deserves some attention, and that is the whole question of workers, American workers, Mexican workers, Canadian workers.

We have seen enormous prosperity for the people at the very top in all three countries over the last 10 years. In the United States, that actually goes beyond the very top; it extends probably down to the people who make salaries that are in the top 20 to 25 percent in this country have done quite well. But 80 percent of Americans since 1979 have basically had their wages frozen or have declined in real wage terms.

In Mexico wages have fallen rapidly since NAFTA. Real wages and productivity in Mexico, manufacturing in 1993 to 1996 are illustrated here, and as we can see, the red line is productivity. That means how much more output, how much more productive they have been, and we can see there has been steady growth in productivity during NAFTA in Mexico, but the wages of the workers have gone down. We talked about how they were making $1 an hour. They are making 70 cents an hour, many of them children, many of them 8, 9, 10, 11, 12, 13 years of age.

So in Mexico, clearly, as I mentioned earlier, 8 million middle-class Mexican families dropped into poverty. Average workers are not benefiting. In fact, they are being hurt by these trade agreements, and I can say the same in Canada as well where wage stagnation for most of the workers has occurred. People at the top are doing extremely well. The top 1 percent are doing fabulously well.

So what we are asking for is that everybody gets to share in this pie. Historically, the way workers have increased their share has been to collectively organize and bargain for a better deal, for better wages, for better health care, for a secure pension, and all of the things that tend to make life fun, tend to make life bearable, tend to make life possible for a family. These things just did not happen; they happened in America because people came together and demanded them collectively.

I remember in the 1950's, almost 40 percent of American families were members of labor unions, and that was, of course, the greatest period in America where we had growth of average families. Productivity was ranging at about 90, 95 percent, and so wages and benefits were at 90, 95 percent. And as membership in organized labor bodies dropped through the 1960's and 1970's and 1980's, to the point where it is about 15 or 14 percent today, wages relative to productivity dropped was well to the point where, as I mentioned, since 1979 workers basically are losing ground or have not gained anything at all. That is a long time; it is almost 20 years.

So when we argue on behalf of Mexican workers being able to organize, to assemble freely, to form unions that will work for them and their families, we do that, we argue that not only for those Mexican workers, but we argue it for our workers here.

Now, people say, well, how does that affect our workers here? It affects them because if Mexican wages and benefits start to increase, as they did here in the 1940's and 1950's and 1960's, then the employers cannot play this game with workers and say, if you do not take a cut here or a freeze here, we are going south, because, after all, Mexico is basically economically a 51st State in the United States. We have just gotten rid of all of the economic barriers. It is right across the border.

I had the occasion a few months ago to talk with some women who came to see me, who were from El Paso, TX, a town, which I might add, was supposed to be reaping the most benefits, we were told during the NAFTA debate, from NAFTA, because it was on the border. There would be a lot of commerce, there would be a lot of energy, there would be a lot of jobs created. Well, El Paso has one of the highest unemployment rates of a major city in the country today.

These women came and they told me they worked at a textile facility; most of these women were in their forties or early fifties, some single parents. They had been working at this facility for many years, sewing, making a little above the minimum wage. The minimum wage was $4.75 back then; it is now $5.15. They were making $5 and $6. They all lost their jobs because their company moved right across the border, not very much more than 3 or 4 miles away, set up shop, and was able to pay Mexican workers, I suspect some of them probably children, 70 cents an hour.

When these women, who were displaced after years of service to this company, went to the Government, our Government which advocated NAFTA and said, if we have displaced workers, we will help them with job relocation and job retraining, when they went to their government to get that promise, it was not there. None of them were helped; did not have a program for them, could not take care of them. So they came to see me and talk to me about this.

It is broken promises of NAFTA that are causing a lot of people to reconsider what they did on that vote in this Chamber.

I think the thing that moves me the most about this is that I wish the President and I wish all of my colleagues, for that matter the American people who are interested in this issue, as most should be, would have a chance to go down and see what the gentleman from Missouri [Mr. GEPHARDT] showed in the pictures. One has to see it to believe it. It is disgraceful. People are living on the border in subhuman conditions, in cardboard boxes made out of the very containers that they put together in facilities that they work in. When they struggle to have an independent voice, to collectively form a union to increase their ability to bargain with these multinational corporations, or not multinational, regular business leaders, they are prohibited from doing so.

I visited a colonia in Tijuana and talked with a group of people who lived in a similar situation that Mr. GEPHARDT described in Juarez, and the leader of the colonia told me and Mr. GEPHARDT and others that the plant that they worked in accelerated the speed of the line so they could get more production, and as a result, people that he worked with who lived in his colonia, his village, were losing fingers and some hands, and it was intolerable. These things were happening on a regular basis.

So they decided, because they were not getting any action from this company, that they would protest, so they stopped working. And he, as the leader of the group, was fired from his job. He then tried to form an independent union and ended up being thrown in jail for trying to organize a union to deal with this scandalous situation.

It reminds me, and it should remind my colleagues, if we remember our history, of what happened in this country 100 years ago. We maybe do not even have to go back that far; 60, 70 years ago.

So when I say that these trade agreements are taking us backward to those conditions, that is what I am talking about, because the Government of Mexico, the multinationals that the gentleman from Missouri [Mr. GEPHARDT] talked about, they are not doing anything to change this. So what we want to do in these trade agreements is to force them to do something, like we forced them to do something here over the course of this past century. Force them to do things that would help develop the strongest, most viable, economically vibrant middle class that the world has ever seen.

So this is a struggle, and it is not easy, because we are up against some of the wealthiest, most powerful people in the world and governments in the world. But we are right. I am not always right, but on this I feel it not only in my head, but I feel it in my gut and my heart, and it is going to happen. It is just a matter of when and how long and how many kids are going to have to be sacrificed in the meantime by not getting an education, by being worked to death. How much of our environment is going to get spoiled? How many of our people here are going to lose their jobs? And how much disillusionment is going to be created with the 70 percent in America and the 95 percent in Mexico, or the 70 percent in Canada who are trying to make a go of it each and every single day, and who remember the sacrifices of their families and their mothers and their fathers and their grandparents to get them to where they were.

Those folks need to join the battle, because when they are aligned together, there is just too many of us, and we will win, because history is on our side, right is on our side, economic right is on our side.

I want to yield now to my distinguished colleague from New Jersey, Mr. PALLONE, who has been also one of the great champions on protecting average working people and especially the environment.

Mr. PALLONE. Mr. Speaker, I just want to thank the gentleman from Michigan [Mr. BONIOR] for all of the work that he has done in opposition to the fast track legislation and the way that it has been handled so far.

I know that one of the concerns that the gentleman mentioned, too, and I was listening, is the need to protect the environment as well as the health and safety of American families. One of the concerns that I have had is that so far we are hearing mainly the suggestion that there would be additional environmental side agreements, that somehow the environment would be addressed in further trade agreements with other countries in the same way that it was with NAFTA as a side agreement to the initial treaty, and my concern is that that does not adequately protect the environment, that that is not the way to go about it.

In fact, what we have learned is that in the case of NAFTA, the environmental side agreement, if you will, has basically resulted in the number of factories along this very heavily-polluted United States-Mexican border, the number of factories has actually increased by 20 percent, so pollution problems are getting worse.

Also, little is being done to ensure that new facilities are complying with environmental standards. Something like 44 tons of hazardous waste that is illegally dumped by these border factories every day are not being cleaned up. In fact, there was a commitment to spend, I think, as much as $2 billion to do cleanup along the border, and none of that money has been spent.

Mr. BONIOR. That is right. That was the promise of NAFTA: We will spend $2 billion and clean it up. They spent less than 1 percent of that money, and virtually nothing has been done. There are a few projects underway right now, but virtually nothing has been done.

Mr. PALLONE. Mr. Speaker, what I think that the administration is telling us now is that they are willing to put negotiating objectives in the fast track legislation that would include specific references to the environment. But I do not believe that that is going to accomplish our goal because that will not require that environmental agreements actually be included as part of the treaties that we negotiate.

Mr. BONIOR. Mr. Speaker, I want to thank my friend from New Jersey, Mr. PALLONE, who has been such a champion on this, and I thank the Chair for his indulgence, and I appreciate the opportunity to discuss this issue.

Mr. MOAKLEY. Mr. Speaker, it's been 4 years since NAFTA was signed. And for those 4 years it's been nothing but bad news: NAFTA has been bad news for American workers; NAFTA's been bad news for Mexican workers; and NAFTA's been bad news for the environment.

American workers have lost 420,000 jobs thanks to NAFTA and Mexican workers' wages have dropped to one-third of what they were in 1980—from $2.40 an hour in 1993 to $1.50 in 1996.

So, Mr. Speaker if NAFTA is such a dismal failure? If NAFTA has hurt so many workers on both sides of the border, why on Earth are we talking about repeating its mistakes?

Thanks to NAFTA hundreds of American companies have closed shop in the United States only to reopen in Mexico to take advantage of cheaper labor and weaker worker protections.

And some of those corporations that don't shift their businesses south threaten to move in order to stop union organizing. They tell their workers if they try to organize the company will move south to Mexico and they'll be out on the streets.

Meanwhile, those companies that move to Mexico are having horrible effects on the environment. Democratic Leader DICK GEPHARDT just returned from the border where the pollution and disease are unbelievable.

In the border region, where maquilladora plants have been set up to do business cheaply, corporations pollute at will, with no control from the Mexican Government. Dozens of medical reports describe increased disease rates, child deformity, and infant mortality rates caused by the lack of environmental control.

On the American side of the border with Mexico, hepatitis rates have risen to about four times the United States average. Mr. Speaker, hepatitis does not respect borders. Instances of tuberculosis are higher since the passage of NAFTA as well.

Companies who conduct business in Mexico are free to spew toxic wastes into the rivers and filthy pollutants into the air.

And Mr. Speaker, that air and that water does not stop at the Texas border just because it's the United States. This Congress and our President should be doing everything possible to protect our citizens. Not selling them out for free trade at any price.

Back when we first debated NAFTA, I remember people arguing that this agreement would help to create prosperity for Mexican workers.

Unfortunately, Mr. Speaker, those people were wrong. The Mexican workers are actually worse off now than they were before. Democratic Leader GEPHARDT brought back pictures of families living in packing boxes used to ship the products they make.

And, Mexican wages aren't just dropping because of market forces. Mr. Speaker, the Mexican Government actually implemented policies to keep Mexican wages down to attract foreign investment. It is no surprise that Mexicans aren't able to buy our products—most of them have trouble putting food on the table.

Thanks to depressed Mexican wages and dangerous, unhealthy workplaces, our trade deficit with Mexico is worse than ever. In other words, we buy their products much more than they buy ours.

In 1993, prior to the passage of NAFTA, the United States actually had a trade surplus with Mexico of $1.7 billion.

Today, we all know that this healthy surplus has collapsed into a deficit of $16.2 billion. Mr. Speaker—under any circumstances, I would call a $16.2 billion trade deficit bad news for our economy and I would call the agreement that led to that deficit a bad idea. Yet President Clinton and some of my colleagues want to use that agreement as a model for others.

The agreement that brought this country from a trade surplus to a trade deficit in only 4 years is going to be used again?

So Mr. Speaker, now that we know that NAFTA has hurt our workers, failed to protect the environment, hurt the lives of Mexicans, and hurt the American economy, I think we should talk about ways to fix its mistakes, not ways to repeat them.

But the administration disagrees with me, they are proposing Fast Track Trade Negotiating Authority, which has no protections for worker's rights, no protection for the environment, and nothing remotely resembling human rights.

During NAFTA, these elements were negotiated in side-agreements, which were not enforced.

Now, 4 years later, the evidence is clear, the side agreements didn't work. Any environmental or worker protections need to be included in the body of the agreement itself, not as some sort of toothless afterthought, as the administration would have it.

Unfortunately, these important standards are only included as "objectives" for our negotiators. Section 2, part C states that "U.S. negotiators shall take into account U.S. domestic objectives including, but not limited to, the protection of health and safety, essential security, environmental * * *", and so forth.

Mr. Speaker, these are excellent goals and our negotiators should certainly keep them in mind. But this doesn't provide any sort of guarantees that these initiatives will be taken care of. This legislation does not force negotiators to make changes in workers' rights; the legislation does not require any deals on environmental protection or human rights either. And it does not hold governments accountable for the mistreatment of their workers and the abuse of their environment.

I know that the people who support the proposal say that section 2 allocates worker rights and environmental protection to the World Trade Organization. But, Mr. Speaker, time and time again, the World Trade Organization has refused to take on these issues.

In fact, in order to achieve enforceable standards for workers and the environment, 131 countries would have to reach a consensus and we all know that is never going to happen.

Mr. Speaker, we have seen that NAFTA has been a terrible failure and we know many of the reasons why. I hope that the administration will give history its due and learn from their mistakes instead of repeating them.

Instead, we should learn from failures of NAFTA and work to build a new plan for negotiating trade agreements.

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## ENVIRONMENTAL ISSUES RELATING TO FAST TRACK LEGISLATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey [Mr. PALLONE] is recognized for 5 minutes.

Mr. PALLONE. Mr. Speaker, I just want to continue with the gentleman from Michigan [Mr. BONIOR] along the same lines. Even though this may sound a little bureaucratic, it is important.

If we look at the proposed legislation, it says it will ensure that trade and environmental protection are mutually supportive, and it in fact even serves to limit consideration of the environment to foreign government policies and practices regarding the environment that are directly related to trade. It limits the ability of the United States to deal with environmental issues by requiring that negotiations take place through the World Trade Organization.

My point is that if we look at the language of what is being proposed, not only does it not adequately protect the environment and guarantee that the environment is addressed directly in these subsequent agreements that are negotiated, but it may even limit the ability to do that. So it does not in any way satisfy our concerns.

Mr. BONIOR. Mr. Speaker, will the gentleman yield?

Mr. PALLONE. I yield to the gentleman from Michigan.

Mr. BONIOR. Mr. Speaker, I think the gentleman has read that correctly. This fast track authority that has been submitted by the administration, I contend, is weaker on the environment and weaker on labor standards than the one that was negotiated under NAFTA 4 years ago.

I think these issues on the environment the gentleman talked about need to be in the core agreement, with enforceable standards, like we enforce capital and as we enforce intellectual property. It falls far, far short of what is necessary. That is why major environmental groups throughout this country are opposing this fast track, because they see it as opening the flood gates and continuing the environmental degradation that we have seen.

Mr. PALLONE. What I have been doing over the last couple of days, Mr. Chairman, is I have put together a letter that I am trying, and some Members have already signed and I am trying to get more Members to sign, to the President basically saying this: That it is critical for the fast track to require that environmental concerns be directly addressed in negotiated agreements, rather than allowing environmental protection to be negotiated separately in unenforceable side agreements that do not adequately protect the environment.

To that end, trade agreements negotiated under fast track should also be negotiated to include enforcement mechanisms that should hold governments to set environmental protection. I am not saying even with that that fast track is acceptable, but I believe very strongly that if we were able to get these kinds of inclusions in there, at least we would have a little better protection and know that something would be done on the environment other than negotiating additional side agreements that really have had no impact.

One of the things I keep saying over and over again is we have to look at NAFTA as the example. I know a lot of people say, well, in voting or in reviewing fast track legislation, we should not look back at NAFTA. To me that makes no sense. NAFTA is the example that we have of what may result as a result of fast track. If the environment did not work with that, why should we believe it is going to work again?

Mr. BONIOR. If the gentleman will continue to yield, I found it quite interesting that when the President came before our caucus in this very building a couple of weeks ago, he mentioned on at least on two occasions, maybe three, when he was talking to us, he said off the cuff, and I could see his aides wincing in the background, and he said; "Well, if you were not for NAFTA, you probably will not want to be for fast track."

There was a reason that people will not be for fast track; because NAFTA has been, as we have said, it has been deficient in all of these areas. That is why on our side of the aisle there may be upward of 20 Members who voted for NAFTA who will be voting against fast track because it has not delivered. That is why the President has mentioned on several occasions, and I think maybe not inadvertently, but I think he would not do it again if he had to, that if Members voted against NAFTA they would probably vote against fast track.

Mr. PALLONE. I appreciate that. If I could just say one last thing, that is that the reason I feel so strongly about this is not only because I think it is important to have better environmental standards in the other countries, but also because if we do not, if we just allow these free trade agreements to go forward without these kinds of environmental safeguards, then what happens is ultimately our own environmental standards are threatened, because it becomes very easy for those countries to lure plants and companies, manufacturing, down to, say, Mexico.

Mr. BONIOR. That is exactly what happened to the furniture industry in southern California. It has gone over the border into Mexico because they do not have to comply with environmental laws and rules. I visited an acid factory in Tijuana, an acid field that was supposed to recycle batteries, and it was a field probably the size of this room, filled with acid. And right across the street, not more than 10 yards away, was the largest dairy farm in that state, huge. And of course, the obvious problems occurred. The children who were drinking the milk from those cows were suffering and having serious health problems. It boggles the mind to think that we are not only allowing this to occur, but we have done nothing at all to correct it in this new legislation. I thank the gentleman for his comments.

## INQUIRIES TO THE ADMINISTRATION REGARDING CONGRESSIONAL TRAVEL TO LIBYA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York [Mr. GILMAN] is recognized for 5 minutes.

Mr. GILMAN. Mr. Speaker, Libya is a rogue nation that openly supports, promotes, and inspires terrorist activities around the world. None of us could ever forget Libya's involvement in the 1985 terrorist attacks in Rome and Vienna airports that killed 20 men, women, and children, including five Americans. Nor can we forget Libya's responsibility for the 1986 bombing in Berlin that killed two United States servicemen. And of course, we will never, ever forget Libya's dastardly involvement in the 1988 bombing of Pan Am flight 103 which resulted in killing 270 men, women, and children, including 189 Americans.

Because of these and other acts of terrorism, Mr. Speaker, Libya has been sanctioned by the U.N. Security Council, and United States law imposes serious limitations on the ability of our citizens to travel to Libya or to spend money there.

The State Department has reported that one of our colleagues, the gentleman from Alabama [Mr. HILLIARD] recently traveled to Libya without official authorization or approval. Against that background, the gentleman from Alabama [Mr. BACHUS] has prepared a privileged resolution that would direct the Committee on Standards of Official Conduct to undertake an immediate and thorough investigation of the circumstances surrounding the travel of the gentleman from Alabama [Mr. HILLIARD] to Libya.

In that matter, the gentleman from Alabama [Mr. BACHUS] has expressed the concerns of all Members about any Member of Congress traveling to Libya. In an effort to be helpful, and in my capacity as chairman of the Committee on International Relations and in the exercise of our committee's oversight responsibilities, I will inquire of the administration what laws and regulations, if any, would apply to travel by any Congressman to Libya, and whether any of those laws or regulations may have been violated.

I will be undertaking a review of this matter. I assure the gentleman from Alabama [Mr. BACHUS] that I will promptly share with him the response of the administration to our inquiries.

Mr. Speaker, I am pleased to yield to the gentleman from Alabama [Mr. BACHUS].

Mr. BACHUS. Mr. Speaker, on September 18, I wrote the gentleman from Alabama [Mr. HILLIARD] and told him how important I thought it was that he give a public explanation for his trip to Libya. When I received no response to that letter, I noticed 2 days ago my intention to file a privileged resolution. That resolution I read in full to this body two nights ago.

It is very important that our body know the facts and circumstances surrounding this visit. It was, as the gentleman from New York [Mr. GILMAN] noted, to an outlaw nation, a nation which is presently, not sometime in the past, but is presently engaged in terrorist activity in several countries.

I have again called on the gentleman from Alabama [Mr. HILLIARD] today to make a public explanation. I welcome the assurances of the gentleman from New York [Mr. GILMAN] that the committee will be looking into these facts.

What I intend to do at this time is not to go forward with my resolution, but I will note that if the gentleman from Alabama [Mr. HILLIARD] does not make a full and complete explanation of his trip, as I have outlined in the resolution, that in the interests of this body and its integrity, and because the American people have a right to an explanation, I will renotice my resolution next week or the week after.

I again call on the gentleman from Alabama [Mr. HILLIARD], and I know other Members of the body share my opinion, that he make a full and complete explanation of his trip to Libya.

It is my understanding that the Committee on International Relations, and it was from earlier conversations, that they are going to do an investigation into this trip which I hope will include talking to the gentleman from Alabama [Mr. HILLIARD] and asking the gentleman from Alabama for an explanation of his trip. I will be looking forward to that.

I believe that it is a much better forum, if it is done before the Committee on International Relations, it is done in a public hearing, and this is something that we will just have to follow day by day. But the American people deserve and I think demand an explanation. It is against the law for anyone to travel to Libya. It is against the law for a United States Congressman to travel to Libya. The laws apply to everyone, including U.S. Congressmen.

Mr. GILMAN. Mr. Speaker, I thank the gentleman for his comments.

## ON A RESPECTFUL APPROACH TO INQUIRY INTO MEMBER'S TRAVEL

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California [Ms. WATERS] is recognized for 5 minutes.

Ms. WATERS. Mr. Speaker, I came to the floor because I wanted to make sure that any attempts to try and answer for the gentleman from Alabama [Mr. HILLIARD] or to describe what he may or may not have done be characterized in a way that would not indict him without his having an opportunity to deal with this issue. He is not here.

As chairperson of the Congressional Black Caucus, I pay special attention, of course, to those members of the Caucus. I wish that they always be represented in the right way, and whenever there appears to be a problem unfolding, I want to make sure that we do everything that we can to see to it that they are handled with respect.

Mr. Speaker, I have talked with the gentleman from Alabama [Mr. BACHUS] about this, and I am convinced that he simply, in the interests of his constituents in the State of Alabama, is simply attempting to have some questions answered that have been raised by people in Alabama. I respect that.

I do wish, however, that this issue not become something that is debated on the floor while in fact there is a complaint now pending in the Ethics Committee. Normally, if there is a complaint, it would be handled in the body that is constructed to handle these kinds of concerns. It is a little bit unusual to talk about some protracted debate either in committee or on the floor.

I would hope that something happens between now and next week that would cause this to be not only deposited as it is in the Ethics Committee, but discussed there. I suppose we could end up discussing these kinds of concerns ad nauseam.

As I reviewed, kind of, the record over a period of time about travel, I guess there have been some questions from time to time about travel to Cuba, even at one point to Vietnam and other places, where I think we have some restrictions or sanctions, but it has not occupied the committee or the House. If there is a complaint filed, it is taken up there.

So let me just say that I rise today on behalf of the gentleman from Alabama [Mr. HILLIARD], to say that certainly he has not had the opportunity to have his say; that he has responded to some inquiries that have been made in an unofficial way, I think, by the State Department. The State Department has made it clear they are not investigating him. They simply have almost a perfunctory duty to raise some questions about travel to certain areas where there may be some restrictions.

As far as we know, the gentleman from Alabama [Mr. HILLIARD] has done nothing wrong. He is not in violation of anything. Even when sometimes it appears that there is travel to restricted places, there are ways and waivers which allow for travel if they do not violate certain things, like the use of passports, money transactions.

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So based on what I know, I am convinced that the gentleman from Alabama's actions are honorable and that he has not in any way violated any laws or the responsibilities and trust that are placed in him by virtue of his being a Member of Congress.

So I wanted to be here today to say that I respect the gentleman's concern. I do think that there is some continued discussion that can take place about how to proceed with this, and with that I would happily be involved with the gentleman from Alabama [Mr. HILLIARD] next week to see how we can move this in a fashion that we can all feel good about.

Mr. BACHUS. Mr. Speaker, will the gentlewoman yield?

Ms. WATERS. I yield to the gentleman from Alabama.

Mr. BACHUS. Mr. Speaker, I respect what the gentlewoman said, and I agree with what she has said in part. I would say that there are many questions because we simply do not know, we have not had an explanation. And until we have an explanation, it is hard for us to make final judgment, and that is basically what I have asked for.

Ms. WATERS. Reclaiming my time, Mr. Speaker, not that I am the legal adviser on this, but if I were to advise him, now that a complaint has been filed with the Committee on Standards of Official Conduct, I would confine my explanations to the body that is taking a look at the issue, should they decide to do that, and I would wait to see how they were going to handle it, rather than trying to come to the floor and present a defense when he has not really been charged with anything, or to provide an explanation that may complicate proceedings that may be underway or may get underway.

So I wish that we would not take his lack of a response to the gentleman's request as an unwillingness to discuss it; but rather, now, I think he is put in a position where he has to make some decisions about what is the appropriate response and in what manner that will be done.

## GREAT FUTURE FOR OUR NATION

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from New York [Mr. PAXON] is recognized for 30 minutes as the designee of the majority leader.

Mr. PAXON. Mr. Speaker, I do not think there is any doubt in the minds of most of our constituents back home that the best days of this Nation are ahead of us. We have always been a nation that has looked ahead with great hope and the belief that the future is ours to shape, and I think we can subscribe to that notion today more than ever before.

I am proud of the work this Congress has done since we Republicans took control of this institution in 1994. The American people wanted real change and we have done what we can to try to provide that change and a real difference in the way this Congress is operated, looking forward, moving this country ahead, whether it was the institutional reforms we put in place on the opening day, whether it was welfare reform or immigration reform, the Freedom to Farm Act, and so many other pieces of legislation.

In the last Congress and in this Congress legislation has addressed important issues that for so long had been pushed aside and not really taken to fruition, to move those issues forward and solve these problems; whether it trying to address the problems of a Medicare system that was in financial failure, we have now passed legislation to extend the life of the Medicare system that saved the lives of my parents; whether or not it was for many years setting aside the issue of tax relief for working families, this Congress this summer moved forward with an important step forward in providing tax relief in the form of a $500 per child tax credit, and death tax and capital gains tax relief.

But certainly one of the most important and historic things we have done is focus our attention on the effort to balance our Nation's budget. For so long this Congress would spend our children and grandchildren's money. We would use their credit cards, put the bills on their home mortgages so that 30, 40, 50 years from now they would be paying the bills for today. And in 1994, with the Contract With America, the Republican Party said right out in front of this Capitol, just a few steps from where I speak today, this party said we were going to balance the budget by the year 2002.

We put a deadline on it to force action, to force this to become a priority. And this summer I am pleased that in July we were able to pass legislation that will do just that, make certain our budget for this Nation balances for the first time in a generation or longer.

I think that these efforts will ensure that the best days of our Nation are ahead for us and for our children and succeeding generations. My wife Susan and I are very proud parents of a 16-month-old daughter, little Suzie. And every night, as she is sleeping, I look in and feel that it is our job to make certain that her future is better than the ones that our parents handed to us. Each generation wants to be given the chance to give the next generation hope and opportunity. That is what balancing this budget is all about.

Now, the next great issue that we face, and I believe it is one we have talked about for a long time, but the issue that we face and we need to move forward on, much like the issue of the balanced budget, is the issue of fundamental tax relief.

Now, I know, my colleagues, that when we say those words at home, people grab for their wallets. Because for years when Congress talked about tax relief and tax reform, what they really meant was we want more of your taxes. We are going to sit here in Washington and tinker with that Tax Code a little bit. And we will go home and say it is better, but what folks know at home, really, is that it makes their life more complicated.

It is the reason why today 50 percent of all taxpayers finds it necessary to seek professional help, and I do not mean psychiatric help. Some may feel they need that in trying to deal with that 5 million-word Tax Code, but 50 percent of Americans have to go to H&R Block or to an attorney or an accountant because of the complexity and the confusion that that Tax Code brings to them every year.

This, to me, is as important an issue as balancing our budget. We set a deadline to get that done, to force the issue to be resolved, and I think we can do the same with the issue of fundamental tax reform, sweeping tax reform. We need to set a deadline. Just last week we started that process. I filed legislation, H.R. 2483, that would set a deadline.

I use the analogy of my school years. I know how it was when it came time to study for an exam. It usually resulted in me thinking about it the night before the exam. And I see one of our pages walking across the back of this room nodding his ahead. Well, my grades reflected that. I hope his do not. But the fact is that we do need deadlines in life to force us to move and to act.

By setting the deadline in H.R. 2483 for fundamental tax reform, I think we will force this Congress and this country to come up with a better way in which we can gain the revenue we need to run the Government and the important programs of the Government, but do it in a way that does not force 50 percent of Americans to run off to H&R Block or somebody else to get help in putting together their taxes.

Now, I am pleased to report that today, and it has just been a week and a couple of days since we filed this historic legislation, 2483, that 47 Members of this Congress, this House, have moved forward to cosponsor that legislation. I am pleased with the fact that just the day before yesterday, out in front of the Capitol, Senator BROWNBACK, the senior Senator from the State of Kansas, announced that he was putting his version of our legislation in before the U.S. Senate. So now we have a bill in both Houses to sunset the Federal Tax Code and to begin this great debate.

I am pleased with the fact that this is bipartisan legislation. In this House both Republicans and Democrats are sponsoring H.R. 2483. I am also pleased that groups outside of the Congress have already moved forward in support of our legislation to sunset the Federal Tax Code.

The most important group, in my view, in America that deals with small business and entrepreneurs, the National Federation of Independent Businesses, on Monday launched a nationwide campaign in support of legislation, our legislation, to sunset the Federal Tax Code. They have decided they are going to get a million signatures across this country to bring here to Washington to lay down in front of this Capitol to say to Members of Congress your constituents back home, Mr. Congressman or Congresswoman, they would like you to move forward on this debate on sunsetting the Federal Tax Code.

They have been joined, along with the NFIB, Americans for Hope, Growth and Opportunity, which is headed up by Steve Forbes, who in the past few years has raised the issue of a national flat tax and tax reform to a national debate. They have endorsed our proposal as well as Americans for Tax Reform, which is one of the most important organizations that have been fighting for fundamental tax reform for a long, long time now.

These organizations, along with people across the country, have called in to our office and offices across Capitol Hill and are saying, yes, we want to sunset that Tax Code, we want to begin this debate on fundamental reform of our Federal tax system. We want to do for the Tax Code what Congress did this year by balancing the budget; set a goal, involve the American people in that debate, and move this issue forward.

Now, what exactly does H.R. 2483 do? It is real simple. As a matter of fact, it is probably one of the shortest pieces of legislation in terms of verbiage we could ever find. I even understand it. I do not need to have people explain it to me, which is a blessed relief in Washington to have something so short even a Member of Congress can understand it. But it is just this long. It is less than a page of information.

And all it does is say, first, that the Internal Revenue Code is sunsetted on December 31, 2000. Three years from this New Year's Eve the entire Federal Tax Code will come to an end. It repeals 96 of 99 chapters of that code.

I make this caveat. The only thing we do not repeal in there are the provisions relating to the financing of Social Security and Medicare. I do not want to touch those two systems. The way we collect the revenue for those two programs will not be touched by our reform of the remaining part of the Tax Code that deals with all the other provisions.

We eliminate the overwhelming majority of the 5.5 million words in that Tax Code and, frankly, eliminate the need for most, if not all, of the 113,000 folks who work at the Internal Revenue Service.

We will reduce the $200 billion cost of tax compliance. What does that mean? It means that folks every year spend in our country $200 billion out of their pockets every year to have somebody help them prepare their taxes, keep their records they need for their taxes, get advice and consultation on how to deal with this 5.5 million words Tax Code. That is $200 million that families will have to spend to set aside to put for their college education of their kids, maybe to take a vacation that is long overdue, put a new roof on the house, maybe some folks will use that money, instead of preparing for the tax man, to start a new business instead, to create some new jobs in their businesses for other folks to be employed. It is a lot better way to spend those dollars than in complying with the 5.5 million-word Tax Code.

Now, I think these are important steps forward, the opportunity to sunset this Tax Code, and then to begin a great national debate, to involve citizens from across the country in choosing a new system of taxation.

Now, some, like Steve Forbes, or in this Chamber our majority leader, the gentleman from Texas, DICK ARMEY, have proposed a flat rate income tax that we could fill out on a postcard about this size. We would put down our income and a few basic deductions and send it to Washington. We would not need to fill out countless forms and deal with countless bureaucrats or countless Congressmen and women to fill out our tax forms.

There is another alternative, proposed by the gentleman from Texas, Mr. BILL ARCHER, chairman of the Committee on Ways and Means, or the gentleman from Louisiana, Mr. BILLY TAUZIN, or the gentleman from Colorado, Mr. DAN SCHAEFER, and they propose no income taxes or no business or corporate taxes at all, just a national sales tax.

Now, those are two good ideas. I am sure there are many more out there out across this country, and once people realize we are serious about sunsetting the Tax Code, I think we will be flooded with good ideas, just as we were during the balanced budget debate on how we can move forward with a better, fairer system of taxation in this country.

But there is another reason to change, and that is a fundamental philosophical one. This current 5.5 million-word Tax Code, which is enforced by 113,000 IRS folks, which is changed and meddled with constantly by 535 Members of Congress, this does more than just cause inconvenience, it limits other personal and economic freedom, and it discriminates against children and families and entrepreneurs.

The Tax Code encourages, as I mentioned, hundreds of billions of dollars in tax costs of preparation and it also incurs hundreds of billions of dollars in the underground economy, which we never find out about and which is never taxed and the revenue is lost to the Government.

I think most of all the complexity and unfairness of the Tax Code leads most folks back home to distrust the Tax Code. I know when I hold town meetings throughout the Finger Lakes or western New York, in Buffalo or Rochester or Syracuse, New York regions, people come to me all the time and say they do not believe in the system; it does not work, this tax system, and they lose their faith in a Congress that has put this in place or a Government that enforces it. We can change all that.

If there has ever been a reason to make change, all we have to do is walk out of this Chamber and down to the other body at the other end of this Capitol and listen to the discussion that has been going on in the committee chaired by Senator BILL ROTH from Delaware on the Senate's Committee on Finance, that has been holding hearings this week, bringing in current and former IRS agents and other experts who have been talking about the abuses of this current system and how it is unfair.

They have done it in the Senate, and earlier this year Money magazine devoted a lot of attention to this issue. And they have said that the Internal Revenue Service says that they are simply implementing the Tax Code that Congress put in place. There is no arguing the current code is too complex, but any agency with the power of the Internal Revenue Service needs to be watched very, very closely. Whether it is Money magazine or "60 Minutes", the CBS show last Sunday night, or the Senate hearings, they have been underscoring these kind of statistics, which are frightening.

The fact is that more than 8 million Americans a year receive incorrect tax bills, incorrect tax billings from the Internal Revenue Service.

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Or the refunds are incorrect because of mistakes made by the IRS when entering information in their computers. That is 8 million wrong tax bills or refunds. That is as if every tax bill or refund was wrong for all the taxpayers of Alaska, Delaware, Hawaii, Montana, Nebraska, Nevada, North Dakota, South Dakota, Vermont, and Wyoming;

10 States' worth of wrong taxes or wrong refunds sent out by our Government. What kind of company in the private sector would stay in business very long with those kind of statistics?

The IRS has wasted more than $5 billion since 1986 in an effort to modernize their computers. Just think of that, they cannot even get a computer system set up to handle all the information that comes in. These are the kinds of things that are concerning the taxpayers across this country.

In fact, in a Money magazine nationwide poll, taxpayers believe the IRS collection tactics are heavy-handed, intrusive, and outdated. As a matter of fact, 34 percent of taxpayers who have been audited said the IRS acted rudely or were asked probing questions about their lifestyles that had nothing to do with their taxes.

My colleagues in this Chamber, you know and I know, we hear it all the time from our constituents, we do not need a magazine to prove it. We do not need "60 Minutes" to prove it. And frankly, even though they are important hearings, we do not need more Senate hearings. What we need is action.

I am pleased with the fact that the IRS itself is starting to get the message. In the Washington Post today the headline is, "Beleaguered IRS Announces Steps to Curb Abuses. Agency Won't Rank District Offices on Revenue Collected Acting Chief Tells Senators." In other words, they heard all the testimony in the Senate, and the IRS is rushing out to say, OK, we will clean up our act.

It says, "The Internal Revenue Service, battered by 3 days of Senate hearings into agency abuse of taxpayers, of its own employees, yesterday announced a series of steps to ease the pressures that some IRS workers say lead to the problems. The acting commissioner, Michael Dolan, told the financial committee that they will stop ranking their district offices based on revenue collected."

What does that mean? What it means is that they are admitting what we know is the case, that there is in effect quotas, that IRS employees are told, "You are going to be graded and ranked." The offices are, so the individuals clearly, it all adds up, are ranked based on what they collect. That means there is tremendous pressure to collect more. Do not worry whether or not it is fair or unfair, just go out there and get those dollars and make those seizures.

I do not think that is the way we want our Government to work. But the Acting Commissioner Michael Dolan said, "I don't come here," to the Senate this is, the other body, "in denial. The IRS is trying very hard to make a priority of serving law-abiding taxpayers."

My colleagues, that is an impossibility. The Acting Commissioner may be going in doing a mea culpa, may be going in and saying, "We are going to make some changes," but they are temporary. They will not last. We get this every few years we go through this cycle. They cannot, because while the vast majority of folks who work with the IRS are good and honorable people, they are caught in a system that is impossible to administer. They could not, even with $5 billion, billion with a "B", develop a computer system to handle this whole tax system. How in the name of the good Lord could they ever come up with a system that is going to ensure that these kinds of abuses do not occur in the future? They cannot.

When you have 5½ million words in the tax system administered by 113,000 people that have such great discretion over their interpretation of those rules, when you have 535 people in Congress meddling in this, and by the way, I would point out that we do our share to make this system worse. During the decade of the 1980's, Congress changed the tax law 100 times. The 1986 tax reform alone added 100 new forms to the tax system. And even the things that we did this summer which were good, they were tax cuts, Money magazine says one alone, capital gains changes we made, will add 37 new lines to the capital gains form.

So when we have got all this activity going on, who loses? The taxpayer. The system will never change. The IRS Commissioner can be doing this in good faith, saying, "We are going to try harder." It will not work. It is doomed to failure. I predict that if 50 percent of Americans today are seeking help filling out their tax forms, within the next 2 years, that number will rise. It will be 51 or 52 percent. More Americans will be upset with the system.

The only solution is the solution that moves this country forward to give ourselves a better future, to open the opportunity for the next millennium to be better, the next 100 years in this Nation's history better than the last 100 years. As we enter the next millennium, the next 1,000-year cycle, would it not be wonderful to do so with a new system of taxation in this country?

We began the early years of this century putting in place the current Internal Revenue system, about 1913. My bill will sunset it on the last day of this century. We would have begun and ended this century with the Internal Revenue system we have today, and we can begin the next century with the new approach.

The logical question is: What approach do I favor and the sponsors, the 47 of us who sponsored this legislation in the House, H.R. 2483? Some of us make choices and take sides in the debate: Should it be a sales tax or flat-rate income tax or any other tax? I do not. I think any system, just about any system, is better than the one we have today.

H.R. 2483 sunsets the code effective December 31, 2000, protects Social Security and Medicare. We do not touch the funding of those two systems. But it gives the American people an opportunity that is all too rare in this country, one that we are trying to do more of in this new Republican-dominated Congress: Give them, the American people, our employers, the opportunity to be involved in changing the tax system.

I am excited about this. I think this is an opportunity for the Members of this House and of the other body to look at the American people and say, we are going to shoot the gun to begin the race. We set the goal line down there, but we are going to let you determine how that race is run.

We want the American people to come forward with their ideas on reforming, fundamental reform of the Tax Code. We want their ideas on whether they support a flat-rate income tax, a national sales tax, or some other form of taxation. But the important thing is beginning this debate and this race.

I am hopeful that this Congress will consider H.R. 2483 and our Senate companion bill this year. If we do so, that will give us 3 years to involve the American people in this dialog on the fundamental change we want to undertake. It will also give us 3 years to ponder what kind of country do we want moving into the next century.

Do we want one that is driven by Washington-mandated dictates? Do we want one where we in this Congress or bureaucrats or Federal agencies determine outcomes for our families or our businesses or our futures? Or, on the other hand, would we rather have a system of taxes that allows the greatness of this country to flow from the American people, not from Washington, DC? Will we want a Tax Code that allows entrepreneurs and small businessmen and women to achieve all the success they want in their lives? Will we have a system that will allow people to employ their friends and their neighbors and relatives and people down the street in their businesses, creating more hope and growth and opportunity across the country?

I think that this issue of fundamental sweeping tax reform, setting aside the current Tax Code with a new system of fairness, combined with our effort to balance the budget and to stay the course on controlling wasteful Washington spending, these will give my little 16-month-old daughter Suzie and children across this country like her the opportunity to live and work in what will again be in the next century the great Nation that we have been in this century.

There are many other challenges we are going to face as a country. If we can solve problems like the deficit that we have been running up, address the debt issue, which the gentleman from Wisconsin [Mr. NEUMANN] in this Chamber is working so tirelessly to do in his legislation to be able to pay down our Nation's indebtedness so we are not burdening the future generations with that indebtedness that we are running up today, and if we can fundamentally change this Tax Code, throw it out, come up with a system that unleashes the greatness of this country, I think the best days of this Nation are truly ahead of us.

I look forward to working with my colleagues as we see this issue to fruition.

## CAMPAIGN FINANCE SYSTEM

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from Florida [Mr. SCARBOROUGH] is recognized for 30 minutes as the designee of the majority leader.

Mr. SCARBOROUGH. Mr. Speaker, I want to just say that I support fully the efforts of the gentleman from New York [Mr. PAXON]. I certainly was honored to be at the press conference earlier this week when we saw a man who actually dared to look ahead to the next century and dared to challenge what the existing status quo is and say, we can do better; we as a country can demand more from our Government, we can demand more from our tax collectors, and we can prepare for the 21st century now. And I think my colleague has got a great idea.

I also want to comment, though, on some statements that were made earlier by our friends on the other side of the aisle regarding what they claim are their efforts to clean up the campaign finance system.

We heard one after another come up expressing shock and sadness over the current state of the campaign finance system. And it reminded me of an old song that I used to listen to in the 1970's. It was by the Stylistics, and the song was called "Make Up To Break Up." I think we can adapt the music to that song to something the Democrats could sing, and they could call it "Make Laws To Break Laws."

I say that because here we have a group of people that have profited from what the New York Times, the Washington Post, the Los Angeles Times, Newsweek have chronicled as perhaps the greatest fund-raising abuses in the history of this republic, who are now trying to paint themselves as reformers.

I do not fear new laws. I do not fear a campaign finance overhaul. I think it is good. I think it is good for us to reassess time in and time out what is best for this country. But what I do fear is the level of hypocrisy and disingenuousness that makes Americans cynical about the type of government that they have in Washington, DC.

Here we have an unprecedented abuse of campaign finance laws by a group of people who are now saying, "Let us make some more laws," instead of saying, "Let us abide by the laws we already have on the books and hold those people accountable that broke the law in 1996."

The news people have told us sordid tales about how the DNC, the Democratic National Committee, laundered money through organizations and improperly used Federal agencies to help in their reelection efforts. In fact, the Washington Post, New York Times, Newsweek, and others have told about how the Democrats used the Energy Department improperly, the CIA improperly, the National Security Committee improperly, the Commerce Department improperly, the FBI improperly, the office of the Presidency improperly, the office of the Vice Presidency improperly, the INS improperly, and how they use other agencies improperly, also.

The New York Times took it a step further this past week. In an editorial, the New York Times wrote that neither Janet Reno nor the President could any longer be trusted on the issue of campaign abuse inquiries. Why? Because the same newspapers have reported that the DNC funneled money to Teamsters; that the DNC used the CIA, an agency that is supposed to protect this country and not get involved in politics, but the DNC used the CIA to pressure national security officials to let an international fugitive into the White House for a fundraiser.

The Democrats wanted an international fugitive, who had already been kept out of the White House by the National Security Council, they wanted to get them in by strong-arm tactics on the CIA. This is absolutely incredible. And yet, these same people are now claiming that they are the champions of reform.

I am sure a lot of my colleagues have heard about how the Democratic National Committee in the White House made phone calls from the White House to raise money improperly, or how they had all these coffees. The Democratic Senator in the hearing said that he counted 103 fund-raiser coffees at the White House. And yet, after the Democrats first denied that it ever happened and then said, "Well, we cannot remember whether it happened," next they said, "Well, maybe it did happen. But even if it did happen, it was not a violation of the law." And yet the Los Angeles Times reported this morning that, in a bluntly worded memo back in 1993, the White House's own attorney, the President's chief counsel, Judge Abner Mikva, instructed the White House officials that it was illegal, that it was illegal to make phone calls from the White House, and that it was improper and illegal to raise money at the White House.

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Now what do we see from the news media, the TV news media? Because there is a big difference. The print media is actually following these stories and bringing it to the forefront, but for some reason Dan Rather, Peter Jennings, Tom Brokaw, and those on the nightly news do not want to get it out.

What are they telling us? What they are telling us is this is an old law, this is an old law like the Bill of Rights. Those are old laws. The Magna Carta, that one is an old law, too, but this law is over 100 years old, so it certainly cannot apply to the White House. Jeepers, this law is over 100 years old. What does that have to do with anything?

The President's own attorney said in 1993 that it is illegal under this old law to raise money at the White House, that it is illegal for the Democrats to urge fundraising calls at the White House, that it is illegal for the Democrats to have the President hold coffees at the White House, illegal, illegal, illegal on all counts, according to the President's own attorney in 1993.

Why do we not hear that on the evening news? Why do they instead talk about how it is an old law that has never been applied? I do not know why. Why cannot the evening news and the Democrats be as responsible as the New York Times and the Washington Post and the print media?

I mean certainly I understand the Democrats, why they do not want all these illegalities to get out, because every one of them, every person that sits in this Chamber and goes up to that microphone, they got sent from the Democratic National Committee, profited either directly or indirectly from these illegal activities. It is chronicled in the New York Times, Washington Post.

What I do not understand is why the evening news and why CNN cannot report it the way the print media has reported it, and it has been this way from the beginning.

I do not know what their agenda is, I do not care what their agenda is, all I care about is Americans are informed, and if Americans in the end do not care that their Government officials are breaking laws and improperly using national security functions for their own partisan purposes, then let Americans have the government they deserve.

I have got to tell my colleagues, I do not care whether a Republican does it or whether a Democrat does it, if it is illegal, they need to be held accountable. And, speaking about Republicans, I got to tell Members I was a little bothered this past week when the Republicans decided that they were going to stop the hearings in the other Chamber. They were just beginning to get information out about documents being shredded, about the CIA improperly being used, but some people have suggested, and I hope it is not true, that those Republicans were concerned that the bright light of disclosure may also have shone down harshly on them.

Let me tell my colleagues, if that is the case, too bad, let it all out. Let us examine the Democrats and the Republicans and clean up the system. It is the only way we are going to restore confidence in this system.

Today the first speaker came on the floor, and he came on the floor talking about how the Democrats should be congratulated for bringing the issue of campaign abuses to the forefront. Congratulated for what? I mean that is like Marv Albert walking out after his trial yesterday and saying, "Hey, I deserve credit for bringing sexual abuse to the forefront." Give me a break. It is a joke. Who are they trying to fool? What have they done to bring campaign finance to the forefront?

Well, the New York Times wrote in a headline on September 10, 1997, "Democrats Scammed $2 Million To Aid Candidates, Records Show." Another front page article in the New York Times, same day, says ex-party leader admits arranging access but defends the interventions. Democrat tells Senate panel he set up CIA session, and the GOP press inquiry, says of a Democratic Party contributor, "I think it is important for us to recognize there are good Democrats out there that do want to contribute to the Democratic Party because they believe in what the party is doing."

And that is fine. Those people should not be afraid to contribute to the Democratic Party in the future, but unfortunately now they have to be afraid of it because they unfortunately were put in a money scheme where $2 million was skimmed of their money in the wrong accounts. One Democratic Party contributor who requested anonymity said, "Whoever did this should go to jail, this is illegal, and they knew it."

Now what does the chairman of the Democratic National Committee, Donald Fowler, say before the committee? He said, "I have no memory of any conversations with the CIA." This was talking about access for donors. So that is one thing they did to bring campaign abuses to the forefront.

Here is another thing they did that they are so proud of to bring campaign abuses to the forefront. This was in the Washington Post on September 19, 1997, where the headline says the United States says that Carey aides used the Democratic National Committee and the AFL–CIO consultants, plead guilty to funneling money to Teamsters' reelection campaign. And the Washington Post quotes in the body of this, which I guess again Democrats are proud to bring this to the forefront, they say, "Both the DNC, the Democratic National Committee, and the Clinton-Gore reelection committee agreed to seek contributions to the Carey campaign in exchange for Teamsters' donations to the DNC." The Washington Post.

That, my friends, that, Mr. Speaker, is illegal. It is called money laundering, and if they want to take pride in that, so be it.

What else have the Democrats done to bring campaign abuses to the forefront which they are so proud of? Well, the New York Times, they chronicle in their editorial about how the Democratic National Committee had an open door for an international fugitive, and this is what they wrote about this sordid tale of the Democratic National Committee using improper influence over the Committee on National Security and the CIA to get international fugitives into White House fund-raisers. The New York Times wrote on September 19, 1997, "He was affirming that in the shadowy reaches of the international business world it was believed accurately that during 1996 dubious entrepreneurs could buy White House audiences, particularly if they did not quibble about the cost of a ticket." And the New York Times went on to write in their editorial, September 19, 1997, "that so many high level people even took the party's role into consideration is one of the most shocking lapses of judgment."

Mr. Speaker, some people might be asking why am I on the floor talking about this. This is not one of my top issues. I am on Committee on Government Reform and Oversight, but I would not be down here if I had not heard for a week people on the other side of the aisle beating their chest in self-righteous indignation about how they were the only ones who cared about campaign finance abuses. It is absolutely ridiculous. There is no moral equivalency here, there are no editorials like this talking about access being bought through national security people. This is an unprecedented level of abuse in fundraising, and yet these same people are trying to change the subject. They are talking about making new laws instead of keeping the laws they already passed.

I got to say it would be like Princess Diana's driver coming back from the dead, holding a press conference and saying, you know what we really need to do? We really need to lower the speed limit in tunnels in Paris, or we really need to toughen up the drunk driver laws. Wrong. You need to abide by the laws that are already on the book. Do not try to change the subject. Do not try to point fingers at somebody else. Let us look at the issue before us, let us look at the laws already on the book, let us look at the laws been on the books for over 100 years and just abide by those laws instead of making new ones.

We have more things the Democrats did that they are proud of bringing campaign finance to the forefront. A September 19 New York Times article says, "Oilman Says He Got Access by Giving Democrats Money." OK. We had our second speaker come on the floor today talking about how anguished he was that money bought access in committees in this House. Well, some of them even gave $5,000, $10,000. What he did not tell us was the rest of the story about how he got dollars from special interests pumped into campaigns across the country from extremist groups that wanted to write in their own provisions in environmental legislation.

What did this international fugitive that got White House access improperly say at the end of his experience? He said, "I think next time I will give $600,000," because he was commenting, he said $300,000 to get access but he still did not get his pipeline. So his only comment was, "I think next time I will give $600,000."

We also have some more articles: New York Times, Wednesday, September 10, an editorial. They say Mr. Fowler's selective memory—now he is the chairman of the Democratic Committee, past chairman, and the editorial in the New York Times quoted yesterday's testimony yet again, abuses that occurred were solely the responsibility of the Democratic Party and not the White House. The guy wanted to say, now that Mr. Fowler has spoken, the committee needs to press further into the White House's role in running the campaign. The President is under more pressure than ever to step forward and explain how he could have let the system spin out of control. Also, those leisurely investigators at the Justice Department need to explain why they are so far behind the newspapers and this Senate committee.

Now this is fascinating, talking about how the Justice Department is behind news reporters. Do my colleagues know we do not find out until the Washington Post broke it on September 3 that the White House and the Democratic National Committee has illegally shifted soft money into hard money accounts? If we had known that 90 days ago, there would already have been a special prosecutor today, but the Attorney General has been saying we cannot do it because we do not have the information, and yet there was an administrative bungling, some would say an administrative coverup, at the FBI and at the Justice Department.

We have to depend on news reporters from the Washington Post and the New York Times and the Los Angeles Times and the Washington Times to get information because our Government is failing us, and it is failing us because obviously there is such a close link between the Justice Department and the White

House that they do not want to investigate their boss. I guess I can understand that. I guess if people in my office were responsible for investigating me, I might be a little worried. It does not make sense. That is why the New York Times and other newspapers across America have been talking about the need for the Attorney General to appoint a special prosecutor to look into this.

In fact, the New York Times earlier this week wrote, "Janet Reno and the President can no longer be trusted to look into these abuses." And I think that is a sad statement; I think things have happened with this Attorney General that would even make John Mitchell blush. Of course John Mitchell was the Attorney General that covered up for Richard Nixon, a Republican who had quite a few fundraising abuses of his own. And that is why we need independents in Government, that is why we need a third party, not a partisan Republican, not a partisan Democrat, but somebody on the outside that can look into these abuses and see how American democracy was subverted in 1996 by some of the shadiest practices in the Democratic National Committee that have ever, ever occurred in this democracy.

I have a few more posters, Mr. Speaker, but two that I want to show I think lie at the heart of this growing scandal. One of them was just an absolutely shameful episode where a former White House official testified about the pressure she received from the Democratic National Committee and the CIA to let an international fugitive in the White House.

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In her testimony, she talked about how Energy Department officials and the CIA pressured her as a national security officer to let this international fugitive in that was wanted for $3 billion in embezzlement.

What happened was the Democratic National Committee went to the National Security Council and said we need to let this international fugitive in the White House. The National Security Council said "no." This lady said "no," and Sheila Heflin is her name, and then the Democratic National chairman hung up the phone, called Bob, that is all he is identified as, Bob at the CIA, and asked Bob to call the National Security Council to tell them to let this person in the White House.

The CIA called the National Security Council and said, "go ahead, let this guy in the White House." And to her credit, this White House official once again said "no, this is improper."

We learned later about meetings between the international fugitive and the chairman of the National Security Council, or the chairman of the Democratic National Committee. And he had a meeting with him and wrote down in his notes "Go to CIA, Bob." Wrote down notes, "Call the CIA to get this person in."

The New York Times wrote on September 18 testimony from Sheila Heflin, and this is what she said, this ex-White House official, who was pressured by the CIA to let an international fugitive in the White House, "I was shocked. I said what the hell is going on? Why are you guys working with Fowler at the Democratic National Committee?"

It is absolutely unbelievable, and I hope it is unprecedented. I do not know if it is or not.

Now, what did the chairman of the Democratic National Committee say to these investigators when they had notes that he wrote down saying "Go to CIA, Bob"?

What he said to them was, "I have no recollection of talking to him." Is that not amazing? I have been thinking for the past couple of weeks about bringing a bill called the National Amnesia Relief Act, because I really do think there is something in Washington, DC, that if you mix water, normal tap water, with a subpoena, amnesia ensues. Because I have heard more people on the Committee on Government Reform and Oversight come before our committee and say "I have no recollection of that event. I have no recollection. I have no recollection of that." Everybody has been doing it.

That is their only defense. It is shocking. It is sad. They know. They know that Americans are not that dumb, and I am surprised they continue to insult us.

This is a note that the chairman of the Democratic National Committee had on paper that was brought up at the hearings. He wrote a note to himself. It is a simple note. It says "go to CIA." That is Democratic National Committee Chairman Donald Fowler's handwritten note reminding himself to use the CIA to intervene on behalf of an international fugitive for Democratic Party fundraising.

Now, let me tell you something, Mr. Speaker. If I was in a meeting with an international fugitive and that international fugitive wanted to get into the White House, and he asked me to call the CIA, and I wrote down on a note, "Go to CIA," and then I went to the CIA, and then I called the Committee on National Security, and then I get this international fugitive into the White House where I get him to give $300,000 to the White House, I think I would remember. But somehow in Washington, DC, inside the beltway, if you mix normal tap water with a subpoena, amnesia ensues.

"Go to CIA." It is pretty clear. "Go to CIA." That is so straightforward that even somebody who graduated from the University of Alabama like myself can understand it. "Go to CIA." That means improperly use your position as Democratic National Committee chairman to go to the Central Intelligence Agency to get an international fugitive an audience with the President of the United States of America for improper purposes.

Do not tell me you do not remember. It is offensive to be told time and time again about how these people do not remember how they may have broken the law. It is offensive when we find out on the Committee on Government Reform and Oversight that 900 Americans' FBI files were improperly obtained by the White House staff by a man named Craig Livingston and then have Craig Livingston, Craig Livingston's bosses, and Craig Livingston's supervisors tell us that nobody knows who hired Craig Livingston.

I remember, I was asking him, Mr. Livingston, you said you always wanted to work at the White House, that this was the dream of your life, right? He said "yes."

So we asked him, when you got that faithful call that morning that said, Mr. Livingston, you are coming to work at the White House, who called you?

He said, "I cannot recall."

And then we asked the supervisor who fired Mr. Livingston, who said he was responsible for Mr. Livingston's actions. We said who hired Mr. Livingston, this man who improperly obtained 900 FBI files? "I do not remember."

If it were not such a tragedy, you know, it would be funny. But it seems like everybody has sort of lost their memory. They forgot who hired the guy who improperly seized 900 FBI files. They forgot that they wrote notes telling them to go to the CIA, the Central Intelligence Agency, to get an international fugitive into the White House. They forgot if they made any phone calls, they do not think they did, but maybe they made a phone call or two from the White House and then they find out they made 46 phone calls. Oh, OK, maybe we made 46. They find out they made over 100, and they say maybe I made over 100 phone calls, but they are not illegal. This is an old law. But they forgot their own counsel in 1993, Abner Mikva, said it is illegal to raise money?

The White House, it is time for people's memories to be restored. It is time for America's confidence in the U.S. Congress to be restored. It is time for America's confidence in their President to be restored, and it is time for America's confidence in the judicial system and in the Justice Department to be restored. And the only way to do that is for us to stop playing the type of games that have been played this week by people that are doing motions to adjourn, to supposedly show how much they care about these campaign fundraising abuses, and instead demand that the Attorney General do what she should have done, according to the New York Times, months ago, and get somebody independent to go shake up some of these people to get their memories jarred so we can figure out why, in the words of the New York Times, access to the White House to international undesirables was so prevalent during the 1996 campaign.

It does not matter if we are Democrats or Republicans, liberals or conservatives, we have a responsibility to ask the tough questions, even if we may not like the questions. I ask my friends on the other side of the aisle to start doing that.

I guess my confidence in some of these people calling for campaign finance reform maybe would be stirred a little bit if I would have one Democrat stand up and say, "yes, I too am concerned." But they are not doing it. They are concerned about stonewalling, and until they change their concern, then I am afraid America will be worse for it.

## A FLAWED TOBACCO SETTLEMENT

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from Kentucky [Mr. BAESLER] is recognized for 60 minutes.

Mr. BAESLER. Mr. Speaker, what I want to talk about today is the tobacco settlement that was negotiated between the several attorneys general and several of the manufacturers of tobacco in the United States.

It was the intent of those negotiators when the settlement was reached to have Congress ratify the agreement and put the settlement in place. However, the negotiators and the manufacturers made at least two strategic errors in their discussion.

First, during the negotiations themselves, they did not include the constituency necessary to bring this matter to the Congress for its consideration. For instance, nowhere during the period of time were the farmers in Kentucky, North Carolina, Tennessee, Virginia, and other tobacco producing States represented at the table or represented at the negotiations.

Also left out of these discussions were other members of the tobacco family who depend on tobacco for a major part of its revenues, such as convenience stores. For those who might ask why convenience stores throughout this country, between 20 and 28 percent of their net profits comes from the sale of tobacco products.

So the point I am making is it is not responsible to suggest that Congress will take the tobacco settlement as proposed and pass it, because there is no constituency in Congress for the settlement, because the right people were not all included when the discussions took place.

Who do I talk about when I talk about the tobacco family? In this Hall, as in the other Hall across the building, tobacco is not a popular subject with a lot of people. Throughout this country, we are castigated annually, monthly, by a lot of people, some people know about us, some people do not. But the tobacco family is much more than the manufacturers. The tobacco family in the State of Kentucky are 60,000 farms of the 90,000 who have allotments. Those allotments usually are less than 5 acres, unlike the large allotments in North Carolina.

On these farms, practically for the last 150 years, people have had part of their income generated from the production of tobacco. The tobacco family also includes the farm implement dealers. It includes the feed stores, it includes all the people in the small communities. And in my district alone, some 8 to 10 of the counties are most dependent on tobacco that are in the United States.

The tobacco family are the folks who are trying to pay the taxes, not the large manufacturers who are in the top 10 companies in the Nation or worldwide, but small farms who might make $3,000 or $4,000 a year to pay the taxes or to maybe put their kids through school.

So these folks were not represented when this discussion took place. To give you a comparison of what it meant, since in early 1938 to 1940, tobacco farmers in this country have been paid a total of $80 to $85 billion for all their products put together. The tobacco settlement was for $368 billion overnight. So it was proper that they be there, but they were not.

So for this settlement to come to Congress, representing the tobacco farmer and the tobacco family, there are certain things that have to be included before I and many other people who represent the farmer will even talk about it or definitely would even think about supporting it.

First of all, in Kentucky it is mandatory that the program of tobacco be maintained. Throughout this country, different people think different things about the program. They say why should the Federal Government be involved in subsidizing tobacco. The government is not involved in subsidizing tobacco for many, many years. What the program means in tobacco, particularly means, is you regulate in burley tobacco or dark-fired tobacco in Kentucky or flue-fired in North Carolina, you regulate how much can be sold, and you put a base or a floor on the price for which it is sold. That is what the program is.

When the manufacturers do not buy the tobacco during the marketing season, then the tobacco goes into a pool that is maintained, and that pool of stocks is then sold over the period of years to other buyers throughout the world.

Any cost to maintain that pool is paid for by an assessment against the tobacco farm and the manufacturers. The Government has no role in that whatsoever. So we say why should the program be maintained? Why do you care?

As I indicated earlier, in Kentucky there are 60,000 farmers that have allotments. Each one of these allotments has a monetary value for their farm. If I buy a farm in Kentucky of 100 acres and if it has 10,000 pounds of tobacco, a quota, that means I can easily anticipate that I might pay a great portion of the payment on an annual basis out of the tobacco.

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Without the program, I have no monetary value attached to the tobacco, because anybody can raise it.

The second reason, other than just to keep the price paid to the farmer up, which is important, for those folks in this country who do not like our product and who suggest that we should not even be in the business, they say, why should we be involved in the program? Well, I suggest to my colleagues, Mr. Speaker, that with the price of the product up, the folks who are antitobacco would suggest, well, that might mean the consumption then would go down, because the cost would be higher.

So on this issue on the program for tobacco in the settlement, it is interesting, but we will have several different constituencies that are not always together supporting this issue. Those who do not like tobacco, are antitobacco suggest, well, we need to keep the program because we have to control its production, and we have to keep the price higher, and only with the program can we have certain controls on what is put on the tobacco, what type of chemicals and so forth, because it would just depend on the tobacco from out of the United States, and we cannot do that.

So the program is essential. The program is different in different States. In flue-cured it is acreage versus poundage; in burley in Kentucky it is basically poundage; and in other parts of Kentucky it is basically acreage. So for any settlement to come here, it is imperative that we have a program, because without a program, what will happen?

No. 1, the price of tobacco will drop substantially to the manufacturer. Rather than pay $1.90-something per pound for burley tobacco in Kentucky in November, the manufacturer will be able to pay $1.50, $1.40, next year $1.20. What does that mean? It means that people in the tobacco business, especially tenants, could not raise it at all, because they only get 60 percent in some cases, 50 percent in others, and their expenses are not going down. So we would put that whole part of the tobacco family out of business.

The second thing we would do is we would basically turn over all the tobacco production to large corporate farms or even the manufacturers themselves. I suggest, Mr. Speaker, that those folks who have a problem with our industry would have a bigger problem if that were the case.

Another reason, when we talk about what is going to have to be involved in the settlement, is our quotas must be maintained. This year in Kentucky we have nine hundred million dollars' worth of pounds of burley we can sell throughout this country; $900 million for Kentucky alone, the largest demand we have had in history, contrary to what some people think.

If we maintain our quotas at a certain level and our prices at a certain level, then the part of the tobacco family that is on the bottom of the food chain, which is the farmer, and keeping in mind that on a pack of cigarettes, whether we like them or not, if they are $1.50, $1.75, I do not know what they are, $1.50 or so, the tobacco farmer only gets 3 cents of that. The tobacco farmer is on the bottom of the food chain.

So it is imperative that we maintain the quotas and the allotments and the acreage that these farmers presently are allowed to grow, because if any settlement comes to this floor that wants to cut that, then we are basically going to hurt the farmer to benefit other folks in the tobacco family like the manufacturers, and we cannot allow that to happen.

Another thing that has to happen ties to the program. That is, the price has to have a level it has had similar to today. One would say, why should we guarantee that? For the reasons I indicated earlier. It keeps the price of cigarettes up; it allows the tobacco family to continue to produce tobacco; and in a lot of my communities throughout this State, in the State of Kentucky, the communities themselves could not stand the devastation economically of what would happen if tobacco was no longer present.

So any settlement that comes forward must have the program in place with a level of production and guaranteed purchases from the manufacturers, because really the government will have nothing to do with this, it will be the manufacturers who will have to guarantee the purchases and at a price similar to what it is today. If that happens, then we have an opportunity to discuss it.

Now, regarding the quotas, it is imperative that our quotas in burley, flue-cured and dark-fired others be tied to the world market global sales, not just domestic market. Those folks in this country will admit, and I think I would share the opinion, that domestic sales are going to go down. None of us, whether we are a tobacco farmer like myself or like the other 60,000 farms in Kentucky, think we ought to try to encourage sales to underage young men and women. The sales to underage folks should be vigorously attacked and try to be prevented. We know by doing that, and it is proper to do it, that domestic sales will go down. At the same time, global sales are going to go up.

It is interesting to note that probably more people use tobacco products in Red China than live in the United States. So when we are talking about our quotas and our price from a farmer's perspective, we want to tell the manufacturers particularly that we want to make sure if international sales go up, which they will, then we want to make sure our quotas reflect that.

One might say, Mr. Speaker, why do that? We want to get out of the business. Well, folks, there are 90-something countries that produce tobacco, 26 of them export it, and we are not even the largest. In Kentucky alone we raise burley tobacco in one part and dark-fired in the other. In the burley industry, we raise only 30 percent of the burley tobacco produced worldwide. Flue-cured raises only 20 percent. So the point I am making is, whether we are in the business or not, somebody is going to sell it to the other folks.

My argument all along has been never try to defend tobacco as healthy. It is not healthy. Nicotine is addictive. But there has not been one suggestion on this floor, to my knowledge, or even on the Senate floor, that we ban the sale of cigarettes, not one. We tried prohibition in the early 1920's, and it did not work, and nobody has ever suggested that.

My point is, if one is going to sell it, if it is going to be on the counters, I want my Kentucky farmers to have a portion of it, whether it is dark-fired or whether it is burley.

Why is it going to be sold? Well, for selfish reasons, probably. There are $12 billion excise taxes generated on the sale of tobacco throughout this country. Most States that are involved in the lawsuits against all of the tobacco companies receive more money from excise tax on the cigarette sales and tobacco products than in incurring Medicaid costs. Let me repeat that. Most States today receive more money from the excise tax on tobacco products than they incur in Medicaid costs.

So there is going to be no movement to ban the sale, and if all Kentucky farmers are out of business tomorrow morning, North Carolina farmers are out of business tomorrow morning, when you go down to the convenience store Monday morning, you will find the same number of cigarettes on the counter and probably more health problems, because it is going to come from the foreign nations with less regulations than us. And all we have done, if so be it, to put the American farmers out of the business, the Brazilian and Africans and Argentines will love us, because they can sell the products and not us. So that is why, when we talk about quotas and settlement, the quotas of the American farmer must be tied to global sales.

Some people will say we cannot do that because of the GATT Treaty or this treaty or that treaty. That is often an excuse to hide behind. From our perspective, if we do that, then we can bring the settlement to the floor for discussion with the support of the tobacco family. If not, we will not support it, because we will be like an elevator going downhill, which will be unfair because the manufacturers at that point can move out of country and sell the same number of cigarettes they could from inside the country, and only the farmer, the person on the low end of the food chain, will be the one hurt.

The third part of any settlement has to be that all costs of the program that people believe are incurred by tobacco must be paid outside the government. Right now, even though we have a no-net cost system, when a farmer goes to the ASCS office or the FSA office, as it is now called, in Kentucky and North Carolina and other places, they go there to get service. Some people say, well, we should not have let the clerk or the assistant there help you farmers. Help other farmers, do worry about what everybody else sells, but if you walk in that office and talk to that person about your business, they should not help you because you are a tobacco farmer. It is not fair. That is what we hear here all the time, and it costs a certain amount of money, about $14 million a year.

Another thing we hear all the time lately is if hurricane whatever comes in off the coast and knocks out your crop, or you get hail damage or whatever damage and it wipes out your crop in Kentucky, by the way, you should not be able to get crop insurance from the Federal Government. Everybody else should, but you should not because you are a tobacco farmer. Again, the lower person on the totem poll getting hurt the most because of why? Because of the anger at the manufacturer; not the farmer, but the anger at the manufacturer. But they are coming to get us.

So those costs each year, we pay for crop insurance. Some years, when we have large hurricanes in North Carolina, a number of them rather, we have disease hitting Kentucky, it might be that the cost we pay does not cover what you have to pay out, so we have a deficit in the insurance program. Some people say, well, we should not have that; we are in tobacco. Never mind that when we have floods everyplace else, and everybody else is paid, but not tobacco. But, saying that, let us remove that cost.

So part of this settlement, we need to have an assessment, which I am sure will be agreeable to the manufacturers, that they themselves would pay the losses we have on insurance and the administration costs we have. Then we could remove the discussion of tobacco from this Chamber, because the only people to get hurt in this Chamber, recently on the discussion of tobacco, is going to be the farmer, not the manufacturer, the farmer, and that is unfair.

So when we talk about the settlement, we need to maintain the program, we need to make sure that quotas and allotments are tied to the global sales, and we need to make sure that any costs associated with the program are assumed by the manufacturer in order that we can remove this discussion from here, because a lot of people at home do not have time to explain their votes because they are not really protecting big tobacco, they are trying to protect the farmer, but they just do not have time to explain, because nobody would believe them.

The fourth thing we have to have is immunity, and why would we say that? Well, the manufacturers want this settlement for immunity, I understand. At some point somebody is going to try to go all the way down to the food chain to the farmer. I do not know how; we do not have anything to do with the manufacturing or the processing, we just grow it. Some people in my State look at me as being the only tobacco farmer here in Congress, and say, well, how could you grow such a thing? One of these days somebody might try to sue us if you are growing it. So if we are going to throw immunity around, let us throw it at the farmer and all the people associated with it: the warehousemen, the farmer and other people in the tobacco business, and that should be the fourth thing.

Let us talk about in case we are put out of business. Lately there has been a lot of discussion here, and what is probably the most arrogant statement I hear in tobacco country is from outsiders: Why do we not help you folks get in some other kind of business? I do not think it is arrogance because of meanness, I think it is arrogance because people do not have the foggiest idea what our business is.

Tobacco in Kentucky, as I indicated earlier, on small farms, 2 acres, 1 acre, 2 acres of tobacco will basically bring about 5,000 pounds of tobacco. Five pounds of tobacco could net you close to $4,500 a year if you raise it yourself. If somebody else raises it for you, they would make about $2,000, or a little less. If a tenant raises it, they have all the cost, some of the revenue, they would make about $2,000, a little less. So if anybody tells us, let us help you do something else; after 200 years of raising this, help us do something else.

If you knew the terrain of Kentucky, you would find out that you cannot run combines over hills that go up and down or go down in the valley for 2 acres. You cannot raise vegetables and compete with people in California who have been doing it for years; you cannot get that kind of return. To assume that a Kentucky farmer would not do something else if they could make more money is arrogance, because Kentucky farmers are not dumb. They want to make more money with the least labor and least exposure as anybody else does.

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So they tell us, "We will put you in some other business. We will retrain you." That is arrogance, especially when we consider that the same people that want to retrain us do not want to take tobacco off the counter. They want to leave it on the counter to be sold in their State, because their State generates $600 million worth of excise tax, and they want the Brazilians to be able to grow the tobacco, or the Africans, not the Americans. So do not insult us and suggest that, do something else, it will all work out. It will not happen.

It is ironic, if we walk around this Capitol, walk around it with somebody who knows about tobacco, we will find out, probably to the chagrin of many folks here, that the tobacco leaf is commonly displayed throughout this Capitol because it used to be the currency of this country.

So when we talk about what we are going to do with the farmer in case things go bad, do not give us the suggestion, "Get out of the business now, we are going to help you do something else." What we need to do, though, is understand that tobacco in the communities can be essential, as are other things in other communities.

If we are going to enter into a program whereby the demand will decline and is going to be down, down, down, down, and if there is some way we want to say, OK, we want to get our American farmers out of the business, for some reason, I have never understood why, especially if we are going to have it sold anyway, then we have to make provision for the communities and the farmers.

What are we talking about for the farmers? It is interesting, on the other side of this building not too long ago a Senator said, "I want to buy these farmers out. I want to give them $8 a pound for their tobacco." A lot of my farmers in Kentucky run around and said, "Where is that $8? Where is that line? I want to get into it. I want to find it." Some people threw around $14 a pound. Buy me out. Buy me out tomorrow. Keep in mind, they did not say we are going to do away with tobacco. They just said we are going to buy out Kentucky farmers, North Carolina farmers.

I tell my farmers in Kentucky, I say when people talk about buyouts, you had better ask a couple of questions, four or five questions, actually.

No. 1, what are they going to pay you, $8 a pound? $14 a pound? Now, if they pay you that, is it taxable? The Members know it is, 20-some percent. We are already down to $6 a pound, are we not?

By the way, who do you have to share it with? What about the tenant farmer who does not have a quota? In a program I had the other day, the first person to stand up was a 22-year-old tenant farmer on no quota, no quota, but had his equipment. What are we going to have him do, park his tractor at the barn? He would get nothing, nothing, after his investment.

We have to ask the question, does $8 have to be shared with different people? Should there not be a program for folks in the tenant farmer area?

What about the lessee in tobacco country? We have those who lease tobacco from other people. Should the lessor get all the money, or should the lessee get part of it, because that is who is doing the producing? These are all questions.

Is it going to be paid in installments, by the way? Some fellow stood up and said, "I would like to take my $8." I said, "Fine. Do you want to go here to this settlement? Twenty-five years, get paid $8 a pound over 25 years?" These are questions a farmer has got to ask throughout Kentucky, throughout North Carolina, before we jump at what somebody might offer.

The next thing we have to ask, "What do I have to give up for my $8 a pound? Do I give up the program? What does that mean?" What it means, they give me $8 a pound. If I have 100,000 or 50,000 pounds of tobacco, I get $400,000. It sounds like a lot. It is a lot. But it means next year, can I raise tobacco still?

Some people suggest, "Sure, if you want to raise it, it does not make any difference, we are going to pay you and let you raise it." That sounds nice. But to our farmers, it is fine for the person who owns it, maybe, but the person who does not own it, they cannot raise it at $1.30 a pound. They cannot grow tobacco. So they are going to be out of business.

Do you have to give up the program? The question the farmers need to ask throughout Kentucky, North Carolina, every place else, "If I take this buyout somebody is throwing out, first of all I do not know why they are throwing it around, but if I take it, how much, what do I give up? Can I raise it for my own? Can my kids raise it? What is going to be the decrease in value of my farm?"

You have to ask, "What other costs might I have to incur?" Because right now the program pays the people who grade the tobacco, what quality it is, what goes on the market, how it is sold. The program involves all that cost now and makes it pay. Farmers pay it. Are they going to have to pay more? These are questions the farmers are going to have to ask.

The other thing is, how are the other members of the tobacco family impacted? The farmer has to say, "Do you care how they are impacted? How about the fertilizer salesman down the road? How about the fellow who sells tractors? What about the person who sells a seed, or about the labor, who the only place they work in the summer is tobacco? How are they going to be impacted?"

The point I am making is when farmers are told they are going to have buyouts, or people up here in Washington keep on saying, "Let us just make it easy, let us buy them out," they are doing a disservice. They are doing a disservice because, Mr. Speaker, they are not answering the questions, they are not putting out a program that is clear. They are making everybody in Kentucky think all they have to do is line up at the FSA office and get their check. That is not going to happen.

What we need to be doing is trying to see how we are going to preserve the ability of people in Kentucky and North Carolina, Virginia and other places, to grow this product, since it is going to be on the counters, anyway.

We, Mr. Speaker, should not be trying to export an industry that in Kentucky alone this year will generate $1 billion to somebody else. We should not keep on wanting to throw in the towel and say, "Kentucky farmers, go home. Quit. Park your tractors. Park your wagons. Forget about it. Let the Brazilians have it. No, Kentucky farmers, we are not going to take tobacco off the counters. We just want you out of the business."

When somebody comes down here in this well and makes a motion or files a bill, files a bill to say we are going to ban the sale of cigarettes in the United States of America, then we talk about buyout. Then we talk about other things.

Because that same individual is going to have to tell every State in the Union when they do that, "By the way, California, you are going to have to find $600 million more, plus, a year revenue." "By the way," some of the western States who are paying for education with tobacco products' excise tax, "you are going to have to find so many more millions of dollars worth of revenue."

When they come down and they file that bill, then we will stand up and talk about how we are going to take Kentucky farmers out of the business. But until that happens, there is a certain arrogance about the fact that they want to tell our farmers to quit doing what they have been doing for 150 years, because they do not like us.

Now, I suggest, Mr. Speaker, that throughout this country there are different industries that have different problems internationally, different problems healthwise, whatever; none more pronounced, obviously, than tobacco; none on peoples' lips, obviously, than tobacco in this Chamber, about who they do not like.

But in Kentucky, we are talking about 60,000 farms out of 90,000. One in five people who work in Kentucky have some connection with tobacco. I am not talking about the manufacturers, I am not talking about the people, the top 10 international businesses in the world. I am talking about farmers who work at factories, farmers who teach school, farmers who do other things, and then they go home at night to the tobacco crop. I am talking about people who put their kids through school. That is who I am worried about. The manufacturers can take care of themselves.

But if we sit in this Chamber and keep on trying to suggest we are going to roll the people at the bottom of the food line out of the business, it bothers me. We are not going to solve the health problem when we run our farmers out of business. In fact, we are creating a more serious health problem, because the tobacco that is going to be imported into this country will not have the regulations, not have the supervision that ours has. It will be bought at cheaper prices. Right now in Africa you can buy a pound of tobacco for less than a dollar. Manufacturers cannot. In Kentucky they are going to have to pay $1.90. Which ones do Members think they would rather buy?

So, to conclude, Mr. Speaker, the tobacco settlement created a lot of discussion, but it was flawed from the beginning. It did not have everybody at the table. It definitely did not have the people most affected by this at the table, which are the farmers and the families of the farmers and the communities which the farmers serve and live in.

Until that is corrected, and until we understand how we need to remove this discussion from these Halls for an industry that has been here a long, long time, that does have problems, that no doubt does have some health problems attached to it, then that settlement should never be placed on the table in this Chamber because it is not worthy of discussion.

I find it appalling that a lot of people are criticizing Congress for not taking it up, not taking it up. They should save that criticism when they have the discussion to say who all should we have involved here, so if we get a settlement, then we have a constituency to support it.

In conclusion, I want to say this. We know in tobacco country we are not popular in Washington. We know outside tobacco States very few people like us, even though there are 30 million people that smoke. We know that if we take a vote in here, most of the time we could very well lose because of what has happened throughout the country, a lot of it out of our hands; a lot probably brought on, justifiably, by certain testimony that has happened here in the House that I cannot defend.

But we further know that in Kentucky alone, we are going to sell 700 million pounds of tobacco this year, this year; 700 to 800 million pounds we will sell at $1.90 a pound. Math would teach me that that is close to $1.5 billion that is going to be turned over several times.

The question I ask, Why should we not, if we are going to have this product on the counter, which we are, why should we not let Kentuckians sell it, and North Carolinians, and Virginians sell it? That is what it is all about. They do not have to like us, but they need to understand that I think in this country it is best that we take care of our own, than try to export an industry that is so vital to us for the last 200 years.

We will be the first to acknowledge we have health problems. We know that. But that is not the issue. The issue is, if you are going to sell it, we should grow it and we should provide it, not folks from outside this country.

## IN PREPARATION FOR HEARINGS IN THE COMMITTEE ON GOVERNMENT REFORM AND OVERSIGHT

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from California [Mr. HORN] is recognized for 60 minutes.

Mr. HORN. Mr. Speaker, what I want to discuss today is some of the reactions that we have found on the Committee on Government Reform and Oversight as we prepare for witnesses at the forthcoming hearings. What Members see here and they will see in the next few minutes is 58 witnesses seem to be unavailable. We are going to break down, where are they.

Eleven of these witnesses have simply fled the country. Let us take them one by one. Charlie Trie. He was last seen in Beijing, China; a former restauranteur, old friend of President Clinton, who tried to give $640,000 in suspicious contributions to the President's legal expense fund.

Now, we cannot seem to find him. The U.S. Government cannot seem to find him. The Chinese Government cannot seem to find him. It is dubious whether the last two entities have even sought to find him. But Tom Brokaw, of NBC Nightly News, they can find him. Of course, the Government, with all the law enforcement forces available to them, with the CIA, the FBI, all the rest, they cannot seem to find him.

Pauline Kanchanalak in Thailand had $235,000 in Democratic National Committee contributions returned because she could not verify that she was the source of that money.

Then there is Ming Chen, a businessman in Beijing, China. He runs the new

Ng Lap Seng's restaurant business in that city. He is the husband of Yue Chu.

Agus Setiawan, Indonesian employee of Lippo, that is a major firm in Indonesia, who signed many of the checks to the Democratic National Committee drawn on Lippo affiliates. Of course, that is a violation of the law, neither corporate money nor money from non-U.S. citizens.

Dewi Tirto, John Huang's secretary when he worked for Lippo, now believed to be in Indonesia.

Subandi Tanu Widjaja, in Indonesia, gave $80,000 to the Democratic National Committee for a dinner with Clinton which may have come from wire transfers from his father-in-law, Ted Sioeng, who lives in China.

Arief and Soraya Wiriadinata, an Indonesian couple who gave the Democratic National Committee $450,000 after the receipt of a half-a-million-dollar wire from Soraya's father, a cofounder of the Lippo Group, a prominent major corporation in Indonesia and throughout much of the Asian area.

□ 1545

John H.K. Lee, South Korean businessman, president of the Cheong Am Inc., Democratic National Committee had to return $250,000 to Cheong Am.

Antonio Pan, ex-Lippo executive, friend of Charlie Trie and John Huang, who delivered cash to individuals for conduit payments. And, of course, we have obviously traced where they went to here, here, here, and here and just mysteriously ended up in various bank accounts for sort of a little overnight session and then off to the committee.

And lastly of the group here who have fled, Ted Sieong, father of Jessica Elnitiarta, who donated $100,000 to the Democratic National Committee. He is reportedly connected to the Chinese intelligence community.

Now, we also have witnesses who have left, besides the ones that have left the countries, there are 11 foreign witnesses that have refused to be interviewed by investigators in those countries where they are now located, conveniently, presumably out of the reach of American congressional subpoenas or, if there is a special counsel, out of the reach of the special counsel's subpoenas.

Now, those individuals, again another 11, are the following: Stanley Hoe, wealthy Macao businessman, associate of Ng Lap Seng.

Suma Ching Hai, head of a Taiwan-based Buddhist cult that tried to funnel foreign contributions to President Clinton's legal expense trust through Charlie Trie.

Roy Tirtadji, Indonesian managing director of the Lippo Group, sent John Huang a laudatory letter for his efforts in money raising for the Democratic National Committee.

John Muncy, executive vice president of the Hong Kong Chinese Bank owned by the Riadys, major family in Indonesia and the Chinese Government.

And then there are the three Riadys, Mochtar, Stephen, and James. They are members of a very rich Indonesian family. Mochtar is the father of Stephen and James, and they own the Lippo Group, about which the newspapers and television stories on this investigation feature rather prominently.

They visited the White House dozens of times. They did not go through on the early morning congressional tour where you see the china and you look at the East Room and the Red Room and the Green Room. They got upstairs. They were able to sit down with the President of the United States and they have contributed hundreds of thousands of dollars to the Democratic National Committee, all illegal.

And then there is Ng Lap Seng, Mr. Wu, Macao businessman whose company wired $900,000 to Charlie Trie while Trie made large contributions to the Democratic National Committee.

Then there is Ken Hsui, a Taipei, Taiwan businessman who attended a July 30, 1996 dinner with President Clinton and gave the Democratic National Committee $150,000. He has dual United States-Taiwanese citizenship.

Then there is Eugene Wu, Taiwanese businessman, coowner of California's Grand Sunrise, Inc. He attended the July 30, 1996 dinner with President Clinton.

James Lin, Taiwanese businessman, coowner of California's Grand Sunrise, Inc. He also attended the July 30, 1996 dinner with the President.

Now, that sort of rounds out the 11 witnesses who have left the country that we cannot seem to get our enforcement agencies to find, or the cooperation of foreign governments to turn them over to us; and 11 foreign witnesses who have refused to be interviewed by the respective investigative bodies within their own country.

Now we get to the 36 House and Senate witnesses who are asserting their fifth amendment rights. These are essentially many U.S. citizens here, obviously. Now, let us go over them.

John Huang, very active in this whole setup, conspiracy you might say, former Democratic National Committee fundraiser, former Commerce Department official, cleared for top-secret, who just happened to go to an office outside the Commerce building and make telephonic reports back to Indonesia after he was briefed by some of the highest intelligence people in the country. And we would like to find out just what was he sending.

Now, he is a Lippo Group employee. He solicited more than $1 million in questionable contributions.

Then there is Jane Huang, wife of John. Her name appears on the Democratic National Committee documents as a solicitor of some Democratic National Committee donations while Huang was at Commerce.

Then, of course, there is Mark Middleton, former White House Deputy Chief of Staff, who became an international businessman. He worked with the Riadys and Trie to deliver the bacon.

Maria Hsia, Taiwan born consultant who helped Huang organize the temple fundraiser. That was the one that Vice President GORE attended.

Manlin Foung, sister of Charlie Trie, was given thousands of dollars to donate to the Democratic National Committee in her name by Charlie Trie. Busy person.

Joseph Landon, Manlin Foung's friend, was given thousands of dollars to donate to the Democratic National Committee in his name by Charlie Trie.

David Wang made a $5,000 contribution to the Democratic National Committee at Trie's request.

Nora and Gene Lum, a fundraising couple who pled guilty to various violations of Federal election laws.

Webster Hubbell, one of the closest associates of the President of the United States, Rose law firm senior partner in Little Rock during the 1970's and 1980's, former Associate Attorney General of the United States, one of the most powerful positions in any administration, and he, of course, is now a convicted felon who received hundreds of thousands of dollars from Lippo after leaving the Justice Department.

Why did somebody pay him hundreds of thousands of dollars after he left? Why did people pay him after he was in prison? Are they trying to shut somebody up? And who are they that is doing the payments?

Well, Mr. Hubbell has asserted his constitutional right to take the fifth and not give us the answers to those questions.

Then there is Hsiu Luan Tseng, a Buddhist nun at a Hawaiian temple who contributed to the Democratic National Committee at the Hsi Lai Temple event.

And then there is Judy Hsu, Buddhist nun who contributed at the temple event.

And then Yumei Yang, Buddhist nun who contributed at the temple event.

Seow Fong Ooi, Buddhist nun who contributed at the temple event.

All of these people have written checks and they have taken the fifth so they do not have to explain a lot of it. Now, some will be probably granted immunity by the Senate committee or the House committee.

Jen Chin (Gary) Hsueh gave $2,000 to the Democratic National Committee, listed the address as home, owned by the temple, but does not live there. So much for home.

Jie Su Hsiao, Buddhist nun who contributed at the temple event.

You can see why so many people fly to southern California to raise money for their campaigns in the East or nationally.

Gin F.J. Chen, Democratic National Committee donor at a fundraiser at Washington's Hay Adams Hotel who may have been reimbursed by Hsi Lai.

Hsin Chen Shih, Democratic National Committee donor at a fundraiser at Washington's Hay Adams Hotel who may have been reimbursed by Hsi Lai.

Bin Yueh Jeng, Taiwanese national who, at John Huang's urging, gave $5,000 to the Democratic National Committee.

Hsiu Chu Lin, employee of Hsi Lai, who gave the Democratic National Committee $1,500.

Chi Rung Wang, a California man who gave Democratic National Committee $5,000 at the temple fundraiser.

Nolanda Hill, business partner of the late Secretary of Commerce Ron Brown.

Yogesh Ghandi, while receiving $500,000 in wire transfers from a Japanese bank, contributed $325,000 to the Democratic National Committee. Of course, we would like to know what happened to the other $175,000. He has taken the fifth, as have all these.

Jane Dewi Tahir, college student, related by marriage to the Riadys, who received $200,000 in wires from the LippoBank and gave $30,000 to the Democratic National Committee. Well, what happened to the other $170,000? We would be curious about that also.

And then Duangnet Kronenberg, sister-in-law of Pauline Kanchanalak, one of those that has fled back to south Asia, Taiwan area, attended a coffee at Vice President GORE's residence.

Maria Mapili, employed by Trie, familiar with the wires that he received from Ng Lap Seng.

Jou Sheng gave the Democratic National Committee $8,000, listing a Maywood, CA, Buddhist temple as his home address, but he does not live there.

Maria Mapili, employee at the Daihatsu International Trading Co., which is owned by Charlie Trie. Mapili reportedly has detailed knowledge of Trie's financial transactions.

Keshi Zhan, a welfare department employee who served as hostess for Trie's fundraisers, gave $15,000 to the Democratic National Committee. She has received immunity from the Senate.

Suh Jen Wu, abbess of the Hsi Lai Temple in Hacienda Heights, CA, immunized by the Senate committee. So they will not be able to take the fifth after that since they are immune from prosecution.

What we are after is the truth and the facts and, of course, as was noted by a speaker earlier this afternoon, we have a tremendous number of cases of amnesia, where people say I cannot recollect.

The gentleman from Florida [Mr. SCARBOROUGH] who made that point, and I have made it on other occasions, we are very worried, of course, as many are, about the Washington, DC, water supply. With all the metallic aspects that are in that supply since the Civil War, and the distribution system has not completely been renewed, we are worried that people that have any contact here just seem to have a great backup of amnesia and lack of recollections on some of the simplest things; like did you bring the half a million dollars hither or yon?

Now, maybe you would forget what you did with a dollar, maybe you would forget where your purse or wallet is, but I do not think you would forget where a half million dollars are. So we face some interesting situations there.

Now, the abbess of the Hsi Lai Temple in Hacienda Heights, as I say, was immunized by the Senate.

Man Ho, the Buddhist nun at the temple who gave the Democratic National Committee $5,000 has been immunized by the Senate.

Yi Chu, Buddhist nun at the temple who gave the Democratic National Committee $5,000 also has been immunized, and you saw some of that testimony when it occurred a few weeks ago.

Siuw Moi Lian, Buddhist nun at the temple who gave the Democratic National Committee $5,000 and was reimbursed by the temple, has been immunized by the Senate, as has been Man Ya Shih, the Buddhist nun in Texas affiliated with the temple.

And another one immunized by the Senate was Hueitsan Huang, Buddhist nun at the temple who gave $5,000 to the Democratic National Committee.

Then Yue Chu, the wife of Ming Chen, reimbursed for contribution to the Democratic National Committee at the temple fundraiser by money from a joint Ng-Trie account also immunized by the Senate.

Now, Xi Ping Wang, Ming Chen's cousin, reimbursed for contribution to the Democratic National Committee at the temple fundraiser by money from the joint account in which Trie was involved, immunized by the Senate.

And that takes care of most of the 36 House and Senate witnesses. There was some overlap. And now where in the world are the committees key witnesses?

Well, I think America was exposed to the testimony of Roger Tamraz, who was detained in Georgia, and that is Georgia, the former portion of the Soviet Union, now Russia, an independent, who was interested in building a pipeline. And he testified honestly, everywhere people asked him the question, either the Senate committee, where he had taken the oath, or news reports, TV programs, all the rest, he said sure I paid hundreds of thousands of dollars. I wanted to see the President. And he did. He had a chance to tell the President about the glories of his pipeline because a few hundred thousand dollars gave him access.

Now, a very courageous woman on the President's national security staff said the President should not see someone like that who was in flight and so forth and various other charges.

□ 1600

That is when somebody in the White House called Bob at CIA and said, you know, can you help us get him into the White House? Now this is unheard of. This is the 50th anniversary of the Central Intelligence Agency. President Nixon tried to politicize it to save his White House where they ill-served the President, just as the current President is being ill-served by many of his friends. That often happens. It is no excuse. But we have got to watch our friends more than our enemies.

So what happens? The professional in the National Security Council gets overruled, and with whoever Bob is, maybe he works for the Democratic National Committee, the CIA, I do not know, but the fact is he admitted that he paid even more to see the President. Business is business. Whether he can take a tax deduction I do not know, but not under our laws.

Now Charlie Trie, of course we mentioned him a number of times. That is one Mr. Brokaw could find, but nobody else seems to be able to find. And Webster Hubbell, we know about him, one of the most powerful people in the Clinton administration. John Huang living in California. He is all over the place. Mark Middleton, a key Clinton aide, he is living in Washington, DC, and took the fifth. Then we have people living in Hong Kong; the Lippo Group; the Riadys living in Indonesia; and Pauline Kanchanalak living in Thailand.

Now where does this all get us in terms of the investigation and in terms of the various witnesses? Where it gets us is this: We have talked about the recollection problem in this town, and a lot of people have accused various Presidents in press conferences over the years of not being able to recollect. But now we have just sort of a plague on our hands, not as bad as the bubonic plague of the Middle Ages, but certainly bad for good government and bad for civility and bad for obeying the laws, because they just brazenly seem to have broken every law on campaign finance, some of which have been on the books a century, some from this century. And they just say, gee, I do not know, you know. Gosh, I just cannot remember.

And then, mysteriously, the papers they cannot find, they show up in previous investigations, either in the residence part of the White House, downstairs in some of the offices, and it is like Peter Pan to sort of flit his or her way, as the case may be, in this age through the residence, through the White House, and drops little important papers everywhere or hides little important papers so we do not find them for months.

And when our subpoenas go down for all the papers related to the White House, counsel now for 5 years has simply stiffed us. They say, "We do not have to answer to Congress. We are above the law. You cannot have it. It is executive privilege."

And when we followed them down each little rat hole that they are claiming it is executive privilege, as they did in Travelgate, Filegate, and all the rest that this committee has investigated, we find that the only thing that gets a reaction out of them is when we say, OK, you have held us off for about 5 months when the papers are right under your desk, right under your nose, and we will just have to get a contempt of Congress citation, which does carry criminal penalties. And so, that resolution starts moving.

Finally, at 8 o'clock at night, guess what? Boxes of paper appear, and we find interesting little things like "Call Bob at CIA." So maybe they have not burned all the papers. We will be talking about other Cabinet officers down the line that have burned various papers not relevant to this investigation, but relevant to another investigation which will be underway.

And so, we have the recollection problem. And whether we can develop a pill in time and put in a couple million maybe in the budget for the National Institutes of Health to help us on recollection, and we can give all these people recollection pills, and they seem to just fade away until the heat is off.

Now, is there obstruction of justice in this case? You bet there is. How high does that go in the administration? We are not sure at this point, but it goes very high. It goes very high because this kind of a conspiracy to raise millions of dollars of money illegally in violation of every single law of the United States that relates to campaign finance, they say, "Oh, well, everybody does it." That is a lie. And we do not need to take the oath to make that statement. That is a lie.

Most Members in this House, most Members in the Senate of the United States, they conform to the laws of the land when it comes to campaign finance because they know if they violate those laws, it is an issue for their opponent, and most people will want to do the right thing.

But the White House line is, "Oh, everybody does it. We should pass some laws to do something about it." We have got the laws. We do not need to pass new laws that say aliens cannot give money in American political campaigns. We do not need to pass new laws that say, hey, we cannot use the telephone in a Federal office to make political calls for money raising, we have got to go somewhere else; like use your home, use your credit card at home, et cetera.

Now that little spin, which the White House publicists, which must take up half the White House now to explain away all these things, but I want to congratulate the American press. The major exposés so far, the House has not begun its hearings, the Senate has, it is doing a good job, the major exposés have been delivered by the print media in this country, the Washington Post, the Los Angeles Times, the New York Times, the Wall Street Journal, the Washington Times. When the Pulitzers are handed out this year, if they do not go to a number of those papers, then I do not have much confidence in the judges that run the Pulitzer Prize.

The L.A. Times months ago put together an investigative team of people that did know what they were talking about when it came to campaign finance money. They were experts on going through the Federal Election Commission's records, and they have written a number of stories that are worth reading and will be sort of the example of fine journalism in every journalism classroom in America.

So what we need, of course, in this case that we do not have and that we did have when President Nixon's administration was under examination, what we had was a tough Federal district judge, known as Judge Sirica; and he threatened to put the whole bunch of, quote, plumbers that had gone into the Democratic National Committee, put them in jail, prison. Well, that softened up a few, and people started talking. And when John Dean was fearful, the White House counsel at that time, of going to prison, he talked.

Now, it would be wonderful if the recollection pill could be given to the series of White House counsels. No White House in this century has had a turnover of White House counsels like this White House. It is just one a year. Now are they just overworked? Are they worn out? Or maybe they do not like what they see and they are tired of defending it.

There are some very distinguished people that have been in that job. But they ought to start cooperating with Congress and obeying the oath one takes in the courtroom and the oath one takes before investigating committees of the House so we can get at the truth of the matter.

Now, we tried that on Travelgate, and we found it all out. We tried it on Filegate, and we still do not have answers to some things. Why? Because some of their friends up here said, "Hey, you do not have to answer them." We started on that when we were in the minority. They said, "Yeah, you do not have to answer to them. Do not worry about it."

When we were in the majority, we could hold the hearings and get the truth, and we did. And the jury involved in accusing people that should never have been accused of misdeeds cleared them, but at a personal expense to their own human relations, with all their friends, their family, the tremendous tension you are under when you are falsely accused, as the people in the White House Travel Office were.

And they had one lucky break. They worked for the press of the United States. Those people that covered the White House knew these were good people. And when they were thrown out of their jobs, hauled off and flattened in a station wagon one day, and political appointees and relatives of the President were put in charge, the press knew something was rotten here. And when we became the majority, we could follow it up. Mr. Clinger, the then chairman of what was known as Government Operations, he was right. Nobody would listen to him, but he was right. And he was proved right, and the court proved him right.

So what we need is a few people that will not do their duties as citizens to start talking and not all of them, 36 of them, taking the fifth amendment. They have a right to take the fifth. Jimmy Hoffa took the fifth. There is a long line of distinguished people that have taken the fifth before congressional committees. But I think what we need are some tough Federal judges.

Now the question is, special counsel. A lot of us have written the Attorney General over the last few months to say, why do you not appoint a special counsel to look into this, to use the subpoena power, to bring people before a grand jury, to immunize some of them so they will talk and you can trace the conspiracy as far up the hierarchy as it ought to go, and it goes very high, and then bring the appropriate charges?

And, of course, the Attorney General, for whom I have very high respect, and I had met her 10 years before she became Attorney General, and when she came to this town and there was a dinner and the President would show up and she would show up, she would get more applause than anybody in the room because we had great respect for her integrity.

Now, most people have read a cartoon or two that shows the Attorney General sort of like see no evil, hear no evil, gee, I do not see any evidence out there. Now they are talking about, well, let us have a special counsel. Well, now the suspicion would be if we have a special counsel, maybe it is designed to shut us up on the House side as we are about to begin our investigation, because generally there is some cooperation between Congress and a special counsel, where we do not want the person to have revealed the situation under our particular procedures because we might want to immunize them to get them to do that, and maybe the special counsel does not think that is a very good strategy. If we can get someone to talk in the room with a grand jury, we can get something done and get at the truth here.

So there is a lot of unanswered questions. When our investigation starts under the gentleman from Indiana [Mr. BURTON], the chairman, we will get some answers to those questions because we have already immunized a few more witnesses that the Senate had not immunized, and we will be working on this diligently, because this country needs reassurance that the campaign finance laws of the United States will be obeyed, and there will not be a conspiracy going to the highest level of the administration to raise millions of dollars specifically outside the laws of the United States, particularly in Presidential campaigns.

Now, a lot of people say, oh, well nobody cares about campaign finance reform. I have heard that for years. I have been interested in this subject for 3 decades, and I have tried to do something about it as an elected Member of Congress. I tried to do something about it when I was a professor of political science. And the fact is, people do care.

That is why Mr. Perot rose to prominence in 1992. He had the right issue. That was campaign finance and how campaigns are conducted in America. People can just simply try to buy the seat. I was faced with a person that spent $1.2 million to my $400,000. I am outraged that I have got to raise $400,000.

Fortunately, I have got a good group of volunteers and they raise it, but we should not have to go through that unlimited bet where several million dollars are thrown at you. One person who was a Republican spent $29 million to seek the Senate seat in the State of California. His opponent, also a millionaire, probably spent about $9 million of her and her husband's own money.

But we do not need to turn this Nation over to plutocracy. We need to put the lid on campaign finance. What is stopping us here is a decision of the Supreme Court of the United States, known as Buckley versus Valeo. I think that Court ought to rethink that decision.

When I came here as a freshman in 1993, I got a bipartisan group of Democrats and Republicans to sign on to a proposed constitutional amendment which would permit the Congress to overthrow that kind of decision because they claimed that when you limit money in campaigns, you are limiting free speech. That is utter nonsense. All due respect to the nine justices of the Supreme Court, but that was a decision made over 20 years ago.

Let us pass the McCain-Shays-Meehan-Feingold bill, which started debate today in the Senate and, hopefully, will come over here next week. Let us pass a bill that gets at disclosure, deals with the soft-money scandals, and we have had them in both parties where political committees in the State get a lot of money from big donors like Charles Keating. You will remember him from the savings and loan debacle. Well, Mr. Keating gave $800,000 to the Democratic Party at the request of Senator Scranton, who was a very distinguished senator in California and has served the people as hard as he could. He made one major mistake in that area, and that was getting the money for the Democratic Party in California, legal though it was, and put his son in charge of it. I would say that is a little bit of a conflict of interest.

But that kind of money gets access for a lot of people. We have got to stop that, and we have got to close that. That is why Mr. Perot got a lot of attention in 1992 and why politicians take their polls instead of doing the right thing, which you do not need a poll to do, and they say, well, gee, people do not seem to care that much about campaign finance.

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I think our hearings, if the networks ever broadcast them, my colleagues will notice there is sort of a black out in America's television. They do not care too much about their public interest responsibility, except for Mr. Brokaw, who has done some very good stories on money and politics, and I would like to see the other networks match NBC. They should try.

And then we see people on weekly talk shows that say, oh well, they all do it. Well, that got my wife so irritated that she wrote a long letter to one of them last week, and she had never written a politician or a journalist in her life, and that is because she was outraged by that comment. That is the White House line, oh, they all do it and we have got to reform it. Hey, help us reform it. Years ago when we tried, and yet this Chamber, the Committee on Rules when it was under the control of the Democrats refused to give us a vote on the compromise bill put together by 5 Democrats and 5 Republicans, 10 in all.

The gentleman from Nebraska [Mr. BEILENSON] and myself, neither one of us take political action committee money. We are from California. The gentleman from Louisiana [Mr. LIVINGSTON], now chairman of the Committee on Appropriations, was the head of this. Mr. Synar, the very respected subcommittee chairman on Commerce, Democrat from Oklahoma. We put together a bill that would have passed, but they knew they could beat the Republican bill, which said let us get rid of political action committee money.

And I regret to say some of my colleagues in my party seem to love some PACs because they found out why the Democrats have stayed here for 40 years; they just pick up the PAC money every quarter by $5,000 a clip from a particular—during their election cycle from some of these committees.

Now they say, oh, we are not trying to influence the Congressmen, we just sort of want access. Now I have never known anybody that gives away $5,000 bucks or $100,000 that is just talking about access. They want their vote, and those of us that do not take PAC money, every night when we walk out of here at weird hours after signing the constituent mail, we all feel happy that we do not take PAC money. It is legal, we can do it, but a lot of people would love to get rid of PACs. I do not think we have the votes to do it this year, but an overwhelming number in this body want to get rid of soft money.

And what we need to do is let us put everybody to the test, and if the McCain-Feingold bill, MCCAIN being a Republican Senator from Arizona, FEINGOLD being the Democratic Senator from Wisconsin, if that bill will pass the Senate, and majority leader LOTT has scheduled that for today, Monday and Tuesday, and can come over to the House, we can have an up-or-down vote on that measure, and if we are permitted to amend it, we got a lot of other good ideas, too.

The gentleman from North Carolina [Mr. PRICE] Democrat, myself, Republican from California, have a bill called stand by your ad. That is to get at one of the uglier aspects of American politics, which is the negative campaign that is dumped on a lot of candidates in both parties by some in the other party, and that is saying usually twisted information, most of which is not true. I have had that happen to me. I had somebody dump $200,000 worth of mail in the last 3 days of my campaign last year.

Some of my colleagues have had million dollar campaigns against them that have run for 6 months, and there is no disclosure. And we are determined that everybody that gets into American politics and is going to have ads and try to do someone in, let us get disclosure. Who pays your bills? How much did they give? We have to do that when we receive campaign money up to $1,000 in the primary and $1,000 in the general. The people have a right to know.

Well, with Mr. PRICE's bill that I am a cosponsor with him, and the idea came from the North Carolina legislature, on negative campaigns a candidate would have to spend 10 percent of that mailer or that TV ad with their mug looking at the voter and saying, "I am so-and-so, this is the film or videotape that I am going to tell you my opponent's record." Now if they had to say that, I do not use negative active campaigns, so I do not worry about it, but if they had to say it, maybe they would clean up their act that political consultants talk them into.

Now the American people say, "Oh, I hate negative campaigns," but the consultant goes around in both parties and says, "Oh, but you have to do it if you want to be elected." You do not have to do it. You need to educate your constituency that you want civil discourse, not this false charge. Like every Democrat I know seems to run against a Republican and say we cut Social Security. That is nonsense; we never cut Social Security. The Vice President one day got on Meet The Press, some very distinguished commentators were on it, and they did not call him on it. Well, I knew the minute he said it he was dead wrong, and the question was, was he lying or what? He said no Republican voted for Social Security in the 1930's. It is nonsense. House voted 75 percent, Republicans voted for social security; another one, 80 percent.

So I sent a letter to the hundred top journalists in town, that if the Vice President ever says that again, here are the facts, and they come from the Congressional Research Service, our bipartisan research arm.

So there are things we need to clean up without question, negative campaigns, soft money, disclosure. We also need to clean up who is an American citizen eligible to vote and who is not. And we have a bill in on that which is, if the registrar wants to check their rolls, they could have access to the Social Security information. Since 1982 Social Security has kept the citizenship status of individuals. And if they cannot get the proof there, they can access the Immigration and Naturalization Service roles and they can find out if the person has been legally naturalized. Obviously there are other ways to prove citizenship, affidavits from people who have known you in the community for 30 years, knew when you were born, family bible, all that. But we need help in this situation where some of the laws have been passed so they cannot purge people from the election rolls when they do not vote in four elections.

And that leads to real mischief when they do not clean up those rolls. If you are not going to be a citizen, a good citizen and go to the polls for four elections; in California it used to be if you just did it for 2, you would have to reregister, and that means you ought to be going doing your duty and the civic responsibility as an American citizen.

So there are a lot of proposals a lot of good people have dealing with television time to be made available so people can see the debate.

Now the television stations get very upset; that is tough. The fact is they are using the air waves licensed by the Federal Government and they can certainly contribute some time, as the chairman of our Committee on Commerce has advocated this for years. The gentleman from Virginia [Mr. BLILEY] put a bill in in 1993, and he still believes in it, and perhaps that discussion will come to the floor.

So we need to do some things just in general in campaign finance, and that is the things that are changing existing laws. But with these investigations what we are dealing with are violations of existing laws, not changes. We are dealing with the fact that the laws of the United States have been shredded in the 1996 campaign and the attitude was something of the Wild West, and since I am a westerner I recall that. What did we do west of the Pecos? There was no law. Maybe one tough judge here and their, and that is what we need in this case, and we need to get the evidence out and we need to get a few of these people to start talking, and when we do that American politics will be better off and American government will be better off.

## OMITTED FROM THE CONGRESSIONAL RECORD OF WEDNESDAY, SEPTEMBER 17, 1997

## ENROLLED BILLS SIGNED

Mr. THOMAS, from the Committee on House oversight, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 63. To designate the reservoir created by Trinity Dam in the Central Valley project, California, as "Trinity Lake"; and

H.R. 2016. Making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 1998, and for other purposes.

## CORRECTION OF THE CONGRESSIONAL RECORD OF THURSDAY, SEPTEMBER 25, 1997

Correction of the CONGRESSIONAL RECORD of Thursday, September 25, 1997: On page H7893, the corrected version of the Rogers amendment is as follows:

AMENDMENT OFFERED BY MR. ROGERS

Mr. ROGERS. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. ROGERS:

Page 51, line 5, after the dollar amount insert "(increased by $1,500,000)".

Page 51, line 11, after the second dollar amount insert "(increased by $1,500,000)".

Page 51, line 14, after the dollar amount insert "(increased by $1,500,000)".

Page 51, line 16, after the dollar amount insert "(increased by $4,000,000)".

Page 51, line 23, after the dollar amount insert "(reduced by $2,500,000)".

At the end of the bill, insert after the last section (preceding the short title) the following new section:

SEC. . None of the funds made available in this Act may be used to issue or renew a fishing permit or authorization for any fishing vessel of the United States greater than 165 feet in length or greater than 3,000 horsepower, as specified in the permit application required under part 648.4(a)(5) of title 50, Code of Federal Regulations, and the authorization required under part 648.8(d)(2) of title 50, Code of Federal Regulations, to engage in fishing for Atlantic mackerel or herring (or both) under the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.).

## LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. REYES (at the request of Mr. GEPHARDT), for today, on account of official business.

Mr. HASTINGS of Florida (at the request of Mr. GEPHARDT), for September 23 and the balance of the week, on account of official business.

Ms. HARMAN (at the request of Mr. GEPHARDT), for today, on account of official business.

Mr. BARTON of Texas (at the request of Mr. GEPHARDT), for today, on account of official business.

Ms. JACKSON-LEE of Texas (at the request of Mr. GEPHARDT), for today after 11 a.m. And September 29, on account of official business.

Mr. DICKS (at the request of Mr. GEPHARDT), for today, on account of official business.

Mr. LAZIO of New York (at the request of Mr. ARMEY), for today, on account of illness in the family.

Mr. QUINN (at the request of Mr. ARMEY), for today, on account of being the keynote speaker at Leadership Buffalo Class.

Mr. BUYER (at the request of Mr. ARMEY), for today, on account of family reasons.

## SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. DOGGETT) to revise and extend their remarks and include extraneous material:)

Mr. ADAM SMITH of Washington, for 5 minutes, today.

Mr. DOGGETT, for 5 minutes, today.

Mr. MILLER of California, for 5 minutes, today.

Mr. SNYDER, for 5 minutes, today.

(The following Member (at the request of Mr. MILLER of Florida) to revise and extend his remarks and include extraneous material:)

Mr. PAUL, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. ADAM SMITH of Washington, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. CUNNINGHAM, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. SNYDER, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. PALLONE, for 5 minutes, today.

(The following Member (at her own request) to revise and extend her remarks and include extraneous material:)

Ms. WATERS, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. GILMAN, for 5 minutes, today.

(The following Members (at their own request) to revise and extend their remarks and include extraneous material:)

Mr. TIERNEY, for 5 minutes, today.

Mr. MEEHAN, for 5 minutes, today.

## EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Member (at the request of Mr. MILLER of Florida) and to include extraneous matter:)

Mr. WATTS of Oklahoma.

(The following Members (at the request of Mr. HORN) and to include extraneous matter:)

Mr. ROTHMAN.
Mr. PRICE of North Carolina.
Mr. MATSUI.
Mr. GILMAN.
Mr. HALL of Texas.
Mr. SANDLIN in two instances.
Mr. SHERMAN.
Mr. KIND.
Mr. BARTLETT of Maryland.
Mr. WAMP.
Mr. SOUDER.
Mr. VISCLOSKY.
Mr. RADANOVICH.
Mr. FOX of Pennsylvania.
Mr. LANTOS.
Ms. EDDIE BERNICE JOHNSON of Texas.
Ms. FURSE.
Mr. PALLONE.
Mr. LIPINSKI.
Mr. ROGAN.

## SENATE BILL AND CONCURRENT RESOLUTION REFERRED

A bill and a concurrent resolution of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 1211. An act to provide permanent authority for the administration of au pair programs; to the Committee on International Relations.

S. Con. Res. 11. Concurrent resolution recognizing the 25th anniversary of the establishment of the first nutrition program for the elderly under the Older Americans Act of 1965; to the Committee on Education and the workforce.

## ENROLLED BILL SIGNED

Mr. THOMAS, from the Committee on House Oversight, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 2266. An act making appropriations for the Department of Defense for the fiscal year ending September 30, 1998, and for other purposes.

## BILL PRESENTED TO THE PRESIDENT

Mr. THOMAS, from the Committee on House Oversight, reported that that committee did on this day present to the President, for his approval, a bill of the House of the following title:

H.R. 2266. An act making appropriations for the Department of Defense for the fiscal year ending September 30, 1998, and for other purposes.

## ADJOURNMENT

Mr. HORN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 25 minutes p.m.), under its previous order, the House adjourned until Monday, September 29, 1997, at 10:30 a.m., for morning hour debates.

## EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

5175. A letter from the Administrator, Agricultural Marketing Service, transmitting the Service's final rule—Dried Prunes Produced in California; Increased Assessment Rate [Docket No. FV97–993–1 FIR] received September 24, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5176. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, transmitting the Service's final rule—Importation of Cut Flowers [Docket No. 95–082–2] received September 25, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5177. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, transmitting the Service's final rule—Importation of Fruits and Vegetables [Docket No. 96–046–3] received September 25, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5178. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, transmitting the Service's final rule—Foreign Potatoes [Docket No. 97–010–2] received September 25, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5179. A letter from the Chairman and Chief Executive Officer, Farm Credit Administration, transmitting the Administration's final rule—Loan Policies and Operations; Definitions; Loan Underwriting (RIN: 3052–AB64) received September 25, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5180. A letter from the Chief, Natural Resources Conservation Service, transmitting the Service's final rule—Wildlife Habitat Incentives Program (RIN: 0578–AA21) received September 26, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5181. A letter from the Administrator, Rural Utilities Service, transmitting the Service's final rule—Settlement of Debt Owed by Electric Borrowers (RIN: 0572–AB26) received September 24, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5182. A letter from the Administrator, Rural Utilities Service, transmitting the Service's final rule—Rural Telephone Bank and Telecommunications Program Loan Policies, Types of Loans, Loan Requirements (RIN: 0572–AB32) received September 16, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5183. A letter from the Secretary of Defense, transmitting the Department's Report on Improvements to the Joint Manpower Process, pursuant to Public Law 104—201, section 509(a) (110 Stat. 2513); to the Committee on National Security.

5184. A letter from the Managing Director, Federal Housing Finance Board, transmitting the Board's final rule—Revision of Financing Corporation Operations Regulation [No. 97–57] (RIN: 3069–AA57) received September 24, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

5185. A letter from the Secretary of Health and Human Services, transmitting the Department's second annual report to Congress summarizing evaluation activities related to the Comprehensive Community Mental Health Services for Children with Serious Emotional Disturbances program, pursuant to 42 U.S.C. 300X—4(g); to the Committee on Commerce.

5186. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Schedule of Fees Authorized by 49 U.S.C. 30141; Fee for Review and Processing of Conformity Certificates for Nonconforming Vehicles (National Highway Traffic Safety Administration) [Docket No. 97–046; Notice 2] (RIN: 2127–AG73) received September 25, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5187. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—National Emission Standards for Hazardous Air Pollutants for Source Categories; National Emission Standards for Hazardous Air Pollutants for Primary Aluminum Reduction Plants [IL–64–2–5807; FRL–5898–5] (RIN: 2060–AE76) received September 25, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5188. A letter from the Acting Director, Defense Security Assistance Agency, transmitting a copy of Transmittal No. 14–97 for U.S. involvement with Australia in a Project on

MSX Satellite Trials, pursuant to 22 U.S.C. 2767(f); to the Committee on International Relations.

5189. A letter from the Auditor, District of Columbia, transmitting a copy of a report entitled "District's Purchase of Presidential Inaugural Tickets," pursuant to D.C. Code section 47–117(d); to the Committee on Government Reform and Oversight.

5190. A letter from the Chairman, Merit Systems Protection Board, transmitting the report on cases completed by the U.S. Merit Systems Protection Board in FY 1996, pursuant to 5 U.S.C. 1204(a)(3); to the Committee on Government Reform and Oversight.

5191. A letter from the the Chief Administrative Officer, the U.S. House of Representatives, transmitting the quarterly report of receipts and expenditures of appropriations and other funds for the period January 1, 1997, through March 31, 1997 as compiled by the Chief Administrative Officer, pursuant to 2 U.S.C. 104a; (H. Doc. No. 105–136); to the Committee on House Oversight and ordered to be printed.

5192. A letter from the Deputy Assistant Administrator for Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Magnuson Act Provisions; Appointment of Regional Fishery Management Council Members [I.D. 032797B] (RIN: 0648–AJ95) received September 24, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5193. A letter from the Acting Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 620 of the Gulf of Alaska [Docket No. 961126334–7025–02; I.D. 091997A] received September 25, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5194. A letter from the Director, Federal Bureau of Prisons, transmitting the Bureau's final rule—Literacy Program [BOP–1036–I] (RIN: 1120–AA33) received September 25, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

5195. A letter from the Director, Federal Bureau of Prisons, transmitting the Bureau's final rule—Inmate Discipline and Good Conduct Time [BOP–1040–F] (RIN: 1120–AA34) received September 25, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

5196. A letter from the Director, Federal Bureau of Prisons, transmitting the Bureau's final rule—Good Conduct Time [BOP–1032–I] (RIN: 1120–AA62) received September 25, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

5197. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Regulated Navigation Area: Miami, FL (Coast Guard) [CGD07–97–019] (RIN: 2115–AE84) received September 25, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5198. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Drawbridge Operation Regulations; Manchester Harbor, MA (Coast Guard) [CGD01–97–022] (RIN: 2115–AE47) received September 25, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5199. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Special Local Regulations; Head of the Licking Regatta Licking River Mile 0.0–3.5, Newport, Kentucky (Coast Guard) [CGD08–97–039] (RIN: 2115–AE46) received September 25, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5200. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Special Local Regulations; 1997 Galveston Offshore Powerboat Festival, Galveston, TX (Coast Guard) [CGD8–97–038] (RIN: 2115–AE46) received September 25, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5201. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Safety Zone Regulation; Commencement Bay Maritime Festival Tugboat Races, Commencement Bay, Tacoma, WA [CGD13–97–027] (RIN: 2115–AA97) received September 25, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5202. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Technical Amendments; Organizational Changes; Miscellaneous Editorial Changes and Conforming Amendments (Coast Guard) [CGD 97–057] (RIN: 215–ZZ02) received September 25, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5203. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Harmonization with International Safety Standards (Coast Guard) [CGD 95–028] (RIN: 2115–AF10) received September 25, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5204. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Small Passenger Vessel Inspection and Certification (Coast Guard) [CGD 85–080] (RIN: 2115–AC22) received September 25, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5205. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Regulated Navigation Area; Egmont Channel, Tampa Bay, FL (Coast Guard) [COTP Tampa 97–046] (RIN: 2115–AE84) received September 25, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5206. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Motor Carrier Transportation; Technical Amendments (Federal Highway Administration) (RIN: 2125–AE23) received September 25, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5207. A letter from the Director, Office of Regulations Management, Department of Veterans Affairs, transmitting the Department's final rule—Provision of Health Care to Vietnam Veterans' Children with Spina Bifida (RIN: 2900–AI65) received September 25, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

5208. A letter from the Director, Office of Regulations Management, Department of Veterans Affairs, transmitting the Department's final rule—Monetary Allowance Under 38 U.S.C. 1805 for a Child Suffering from Spina Bifida Who is a Child of a Vietnam Veteran (RIN: 2900–AI70) received September 25, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

5209. A letter from the Director, Office of Regulations Management, Department of Veterans Affairs, transmitting the Department's final rule—Provision of Vocational Training and Rehabilitation to Vietnam Veterans' Children with Spina Bifida (RIN: 2900–AI72) received September 25, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

5210. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Last-in, First-out Inventories [Revenue Ruling 97–42] received September 25, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5211. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Available Unit Rule [TD 8732] (RIN: 1545–AT60) received September 25, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5212. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Requirements incident to adoption and use of LIFO inventory method [Rev. Proc. 97–44] received September 25, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5213. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Section 42(d)(5) Federal Grants [TD 8731] (RIN: 1545–AU92) received September 25, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5214. A letter from the Chief, Regulations Branch, U.S. Customs Service, transmitting the Service's final rule—Import Restrictions Imposed on Archaeological Artifacts from Mali [T.D. 97–80] (RIN: 1515–AC22) received September 22, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. McDADE: Committee of Conference. Conference report on H.R. 2203. A bill making appropriations for energy and water development for the fiscal year ending September 30, 1998, and for other purposes (Rept. 105–271). Ordered to be printed.

Mr. ARCHER: Committee on Ways and Means. H.R. 2487. A bill to improve the effectiveness and efficiency of the child support enforcement program and thereby increase the financial stability of single parent families including those attempting to leave welfare; with an amendment (Rept. 105–272). Referred to the Committee of the Whole House on the State of the Union.

Mr. BLILEY: Committee on Commerce. H.R. 2165. A bill to extend the deadline under the Federal Power Act applicable to the construction of FERC Project Number 3862 in the State of Iowa, and for other purposes (Rept. 105–273). Referred to the Committee of the Whole House on the State of the Union.

Mr. BLILEY: Committee on Commerce. H.R. 1262. A bill to authorize appropriations for the Securities and Exchange Commission for fiscal years 1998 and 1999, and for other purposes (Rept. 105–274). Referred to the Committee of the Whole House on the State of the Union.

Mr. BLILEY: Committee on Commerce. H.R. 2472. A bill to extend certain programs under the Energy Policy and Conservation Act (Rept. 105–275). Referred to the Committee of the Whole House on the State of the Union.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. ANDREWS:

H.R. 2562. A bill to promote accuracy in the determination of amounts of private pension plan benefits and contributions; to the Committee on Education and the Workforce.

By Ms. DUNN of Washington (for herself, Mr. TANNER, Mr. WATKINS, Mr. MATSUI, Mr. WELLER, Mr. KLECZKA, Mr. SAM JOHNSON, Mr. ENGLISH of Pennsylvania, Mr. HOUGHTON, Mr. RAMSTAD, Mr. BARCIA of Michigan, Mr. STENHOLM, Ms. DANNER, Mr. NEAL of Massachusetts, Mr. MCINTYRE, Mr. HERGER, and Mr. ENSIGN):

H.R. 2563. A bill to amend the Internal Revenue Code of 1986 to restrict the authority to examine books and witnesses for purposes of tax administration; to the Committee on Ways and Means.

By Mr. HOLDEN (for himself, Mr. BORSKI, Mr. COYNE, Mr. DOYLE, Mr. ENGLISH of Pennsylvania, Mr. FATTAH, Mr. FOGLIETTA, Mr. FOX of Pennsylvania, Mr. GEKAS, Mr. GOODLING, Mr. GREENWOOD, Mr. KANJORSKI, Mr. KLINK, Mr. MCDADE, Mr. MCHALE, Mr. MASCARA, Mr. MURTHA, Mr. PETERSON of Pennsylvania, Mr. PITTS, Mr. SHUSTER, and Mr. WELDON of Pennsylvania):

H.R. 2564. A bill to designate the United States Post Office located at 450 North Centre Street in Pottsville, Pennsylvania, as the "Peter J. McCloskey Postal Facility"; to the Committee on Government Reform and Oversight.

By Mr. JONES (for himself, Mrs. CLAYTON, Mr. HOYER, Mr. GILCHREST, Mr. PRICE of North Carolina, Mr. ETHERIDGE, Mr. BURR of North Carolina, Mr. COBLE, Mr. BALLENGER, Mr. HEFNER, Mr. MCINTYRE, Mr. TAYLOR of North Carolina, and Mr. WATT of North Carolina):

H.R. 2565. A bill to require the establishment of a research and grant program for the eradication or control of Pfiesteria piscicida and other aquatic toxins; to the Committee on Science, and in addition to the Committees on Transportation and Infrastructure, Resources, Commerce, and Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. MORELLA:

H.R. 2566. A bill to amend title 5, United States Code, to expand the class of individuals under the Civil Service Retirement System eligible to elect the option under which the deposit which is normally required in connection with a refund previously taken may instead be made up through an actuarially equivalent annuity reduction; to the Committee on Government Reform and Oversight.

By Mr. SAXTON (for himself, Mr. SCARBOROUGH, and Mr. CUNNINGHAM):

H.R. 2567. A bill to ensure the equitable treatment of graduates of the Uniformed Services University of the Health Sciences of the Class of 1987; to the Committee on National Security.

By Mr. SHIMKUS (for himself, Ms. MCCARTHY of Missouri, Mr. GUTKNECHT, Mr. EVANS, Mr. HASTERT, Mr. KLUG, Mrs. EMERSON, Mr. HULSHOF, Mr. WELLER, Ms. DANNER, Mr. SKELTON, Mr. GILCHREST, Mr. BEREUTER, Mr. LATHAM, Mr. NUSSLE, Mr. THOMPSON, Mr. EWING, Mr. LEACH, Mr. GANSKE, Mr. BOSWELL, Mr. COSTELLO, Mr. THUNE, Mr. LAHOOD, and Mr. STRICKLAND):

H.R. 2568. A bill to amend the Energy Policy Act of 1992 to take into account newly developed renewable energy-based fuels and to equalize alternative fuel vehicle acquisition incentives to increase the flexibility of controlled fleet owners and operators, and for other purposes; to the Committee on Commerce.

By Mr. LIVINGSTON:

H.J. Res. 94. Joint resolution making continuing appropriations for the fiscal year 1998, and for other purposes; to the Committee on Appropriations.

By Mr. BALDACCI:

H. Con. Res. 160. Concurrent resolution directing the Clerk of the House of Representatives and the Secretary of the Senate to compile and make available to the public the names of candidates for election to the House of Representatives and the Senate who agree to conduct campaigns in accordance with a Code of Election Ethics; to the Committee on House Oversight.

By Mr. LANTOS (for himself, Mr. GILMAN, Mr. SMITH of New Jersey, Mr. ACKERMAN, Mr. BERMAN, Mr. CARDIN, Mr. DEUTSCH, Mr. FRANK of Massachusetts, Mr. FROST, Mr. GEJDENSON, Mr. LEVIN, Mr. ROTHMAN, Mr. SCHUMER, Mr. SHERMAN, and Mr. WEXLER):

H. Res. 246. Resolution expressing the sense of the House denouncing and rejecting a resolution adopted by Foreign Ministers of the Arab League urging the easing of United Nations sanctions against Libya which were imposed because of Libya's refusal to surrender individuals on its territory who are wanted in connection with the 1988 terrorist bombing of Pan Am Flight 103; to the Committee on International Relations.

By Mr. BLUMENAUER (for himself, Mr. DELLUMS, Mr. WEYGAND, Mr. MCDERMOTT, Mrs. MCCARTHY of New York, Mr. FARR of California, Mr. ALLEN, Mr. ENSIGN, Mr. WEXLER, Mr. LAFALCE, Ms. SLAUGHTER, Mr. FORBES, and Mr. SALMON):

H. Res. 247. Resolution amending the Rules of the House of Representatives to prohibit smoking in rooms and corridors leading to the House floor and in the Rayburn room; to the Committee on Rules.

By Mr. PALLONE (for himself, Mr. BROWN of Ohio, Mr. GILMAN, Mr. BEREUTER, Mr. MCDERMOTT, Mr. FOX of Pennsylvania, Mr. HASTINGS of Florida, Mr. HORN, Mr. ANDREWS, Mr. ENGEL, Mr. LEWIS of Georgia, Ms. JACKSON-LEE, Mrs. MALONEY of New York, Mrs. CLAYTON, Mr. BORSKI, Mr. FILNER, and Mr. SHERMAN):

H. Res. 248. Resolution expressing the sense of the House of Representatives that India should be a permanent member of the United Nations Security Council; to the Committee on International Relations.

## PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. BLILEY introduced a bill (H.R. 2569) for the relief of Maria Dos Anjos Pires Soares; which was referred to the Committee on the Judiciary.

## ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 51: Mr. SCARBOROUGH, Mr. BARR of Georgia, and Mr. BISHOP.

H.R. 306: Mr. WEXLER.

H.R. 598: Mr. ANDREWS and Mr. HEFLEY.

H.R. 631: Mr. MCINTYRE.

H.R. 777: Mr. LUTHER and Mr. MCDERMOTT.

H.R. 900: Mr. BARCIA of Michigan and Mr. RANGEL.

H.R. 910: Mrs. MALONEY of New York.

H.R. 953: Mr. CALVERT and Mr. LEWIS of Georgia.

H.R. 955: Mr. QUINN.

H.R. 979: Mr. FRANK of Massachusetts, Mr. MCKEON, Mr. ADAM SMITH of Washington, Mr. CALVERT, Mr. MCDERMOTT, Mr. THOMPSON, Mr. BEREUTER, and Mr. LEWIS of California.

H.R. 983: Mr. TOWNS and Ms. WATERS.

H.R. 991: Mr. STRICKLAND.

H.R. 1025: Mr. MILLER of California.

H.R. 1060: Mr. RILEY.

H.R. 1063: Mr. BLILEY.

H.R. 1114: Mr. MATSUI, Mr. KLECZKA, Mr. BORSKI, Mr. CLAY, Mr. SCHIFF, Mr. CUNNINGHAM, and Mr. MURTHA.

H.R. 1126: Mr. SHAYS.

H.R. 1202: Mr. SCHIFF, Mr. FOX of Pennsylvania, Mr. TIERNEY, and Mr. ANDREWS.

H.R. 1232: Mr. RUSH and Mr. QUINN.

H.R. 1283: Mr. KASICH and Mr. BONO.

H.R. 1285: Mr. NETHERCUTT and Mr. NEY.

H.R. 1373: Mrs. MALONEY of New York.

H.R. 1411: Ms. MCCARTHY of Missouri and Mr. PRICE of North Carolina.

H.R. 1521: Mr. WALSH and Mr. HASTINGS of Washington.

H.R. 1534: Mr. HOUGHTON, Mr. SANFORD, and Mr. GORDON.

H.R. 1679: Mr. KANJORSKI.

H.R. 1689: Mr. MCKEON, Mrs. CUBIN, and Mr. SCHIFF.

H.R. 1788: Mr. THOMPSON.

H.R. 1839: Ms. DELAURO, Mr. OBERSTAR, Mr. KENNEDY of Rhode Island, Mr. FORD, Mr. BUNNING of Kentucky, and Mr. WELLER.

H.R. 1846: Mr. BURTON of Indiana.

H.R. 1872: Mr. ADAM SMITH of Washington.

H.R. 1909: Mr. MCCOLLUM, Mr. SHAW, Mr. BILIRAKIS, Mr. DREIER, Mr. MCKEON, Mr. RADANOVICH, Mr. SALMON, Mr. STUMP, Mr. JONES, Mr. SMITH of New Jersey, Mr. LARGENT, Mr. BURTON of Indiana, Mr. HASTERT, Mr. HOEKSTRA, Mr. BAKER, Mr. COOKSEY, Mr. MANZULLO, Mr. BOB SCHAFFER, and Ms. DUNN of Washington.

H.R. 1967: Mr. BRYANT.

H.R. 1984: Mrs. CUBIN, Mr. DAN SCHAEFER of Colorado, Mr. TAYLOR of Mississippi, Mr. MCDADE, Mr. ROHRABACHER, and Mr. GORDON.

H.R. 1995: Mr. VENTO, Mr. MARTINEZ, Mr. DUNCAN, and Mr. DAVIS of Virginia.

H.R. 2004: Mr. KUCINICH and Mr. TIERNEY.

H.R. 2021: Mr. PAPPAS.

H.R. 2053: Mr. FILNER.

H.R. 2183: Mr. RIGGS.

H.R. 2202: Mr. BASS, Mr. DEUTSCH, Mr. SABO, Mr. WATT of North Carolina, Mr. LOBIONDO, Mr. CONYERS, and Mr. BARCIA of Michigan.

H.R. 2211: Mr. OWENS.

H.R. 2281: Mr. BONO.

H.R. 2327: Mr. CALVERT, Mr. CUNNINGHAM, Mr. EWING, Mr. CASTLE, Mr. ADAM SMITH of

Washington, Mr. LATHAM, Mr. NORWOOD, Mr. FORD, and Mr. GOODE.

H.R. 2357: Mr. CALVERT and Mr. PETERSON of Pennsylvania.

H.R. 2358: Ms. PELOSI.

H.R. 2373: Mr. KING of New York, Mr. CALLAHAN, Mr. BACHUS, Mrs. MYRICK, Mr. SPENCE, Mr. WATTS of Oklahoma, Mrs. CHENOWETH, Mr. HOSTETTLER, Mrs. NORTHUP, Mr. FRANKS of New Jersey, Mrs. LINDA SMITH of Washington, Mr. SMITH of New Jersey, Mr. FOX of Pennsylvania, Mr. CAMP, and Mr. SHADEGG.

H.R. 2377: Mr. STUMP, Mrs. CHENOWETH, Mr. BOUCHER, Mr. THOMAS, Mr. GRAHAM, Mr. LAHOOD, Mrs. LINDA SMITH of Washington, Mr. CANADY of Florida, Mr. BALLENGER, Mr. LATHAM, Mr. MCHUGH, Mrs. KENNELLY of Connecticut, Mr. EHRLICH, Mr. FOLEY, and Mr. CANNON.

H.R. 2397: Mr. ENGLISH of Pennsylvania, Mr. OXLEY, Mr. RANGEL, Mr. BOUCHER, Ms. WOOLSEY, and Ms. LOFGREN.

H.R. 2438: Mr. CRAPO, Ms. DUNN of Washington, Mr. CAMPBELL, Mr. MCINTOSH, Mr. RILEY, Mr. HYDE, and Mr. COOKSEY.

H.R. 2462: Mr. ARMEY, Mr. DELAY, Mr. CONDIT, and Mr. INGLIS of South Carolina.

H.R. 2483: Mr. HEFLEY, Mr. TAUZIN, Mr. WAMP, Mr. EHRLICH, Mr. BRYANT, Ms. GRANGER, Mr. HALL of Texas, Mr. WELDON of Pennsylvania, Mr. GILCHREST, Mr. POMBO, Mr. CUNNINGHAM, Mr. MANZULLO, Mr. BRADY, Ms. PRYCE of Ohio, Mr. TIAHRT, Mr. DUNCAN, and Mr. DAN SCHAEFER of Colorado.

H.R. 2503: Mr. FROST, Mr. WEXLER, Mr. EVANS, and Mr. FOLEY.

H.R. 2527: Mr. MCNULTY and Mr. JEFFERSON.

H. Con. Res. 27: Mr. DEFAZIO and Mr. DIAZ-BALART.

H. Res. 224: Mr. BONO, Mr. RODRIGUEZ, Mr. GILMAN, and Mr. PICKERING.

H. Res. 235: Mr. BAKER, Mr. FARR of California, Mr. MCINTYRE, Mr. SCHIFF, Mr. KENNEDY of Rhode Island, Mr. PEASE, Mr. TIERNEY, Mr. MCHUGH, Mr. SMITH of Michigan, Mr. THOMPSON, Mr. NADLER, Mr. BENTSEN, and Ms. STABENOW.

## DISCHARGE PETITIONS—ADDITIONS OR DELETIONS

The following Members added their names to the following discharge petitions:

Petition 15 by Mr. BONILLA on House Resolution 466: Duncan Hunter, J. Dennis Hastert, Mel Hancock, and Jon Christenson.

## AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 901

OFFERED BY: MR. MILLER OF CALIFORNIA

AMENDMENT NO. 28: On page 10 of the bill, after line 8, insert the following:

"(d) Subsection (b) shall not apply to Beaver Creek Biosphere Reserve."

H.R. 901

OFFERED BY: MR. MILLER OF CALIFORNIA

AMENDMENT NO. 29: On page 10 of the bill, after line 8, insert the following:

"(d) Subsection (b) shall not apply to Big Thicket Biosphere Reserve."

H.R. 901

OFFERED BY: MR. MILLER OF CALIFORNIA

AMENDMENT NO. 30: On page 10 of the bill, after line 8, insert the following:

"(d) Subsection (b) shall not apply to Carolinian-South Atlantic Biosphere Reserve."

H.R. 901

OFFERED BY: MR. MILLER OF CALIFORNIA

AMENDMENT NO. 31: On page 10 of the bill, after line 8, insert the following:

"(d) Subsection (b) shall not apply to Cascade Head Biosphere Reserve."

H.R. 901

OFFERED BY: MR. MILLER OF CALIFORNIA

AMENDMENT NO. 32: On page 10 of the bill, after line 8, insert the following:

"(d) Subsection (b) shall not apply to Central Gulf Coastal Plain Biosphere Reserve."

H.R. 901

OFFERED BY: MR. MILLER OF CALIFORNIA

AMENDMENT NO. 33: On page 10 of the bill, after line 8, insert the following:

"(d) Subsection (b) shall not apply to Central Plains Experimental Range Biosphere Reserve."

H.R. 901

OFFERED BY: MR. MILLER OF CALIFORNIA

AMENDMENT NO. 34: On page 10 of the bill, after line 8, insert the following:

"(d) Subsection (b) shall not apply to Coram Biosphere Reserve."

H.R. 901

OFFERED BY: MR. MILLER OF CALIFORNIA

AMENDMENT NO. 35: On page 10 of the bill, after line 8, insert the following:

"(d) Subsection (b) shall not apply to Desert Experimental Range Biosphere Reserve."

H.R. 901

OFFERED BY: MR. MILLER OF CALIFORNIA

AMENDMENT NO. 36: On page 10 of the bill, after line 8, insert the following:

"(d) Subsection (b) shall not apply to Fraser Experimental Forest Biosphere Reserve."

H.R. 901

OFFERED BY: MR. MILLER OF CALIFORNIA

AMENDMENT NO. 37: On page 10 of the bill, after line 8, insert the following:

"(d) Subsection (b) shall not apply to Guanica Commonwealth Forest Biosphere Reserve."

H.R. 901

OFFERED BY: MR. MILLER OF CALIFORNIA

AMENDMENT NO. 38: On page 10 of the bill, after line 8, insert the following:

"(d) Subsection (b) shall not apply to Hubbard Brook Biosphere Reserve."

H.R. 901

OFFERED BY: MR. MILLER OF CALIFORNIA

AMENDMENT NO. 39: On page 10 of the bill, after line 8, insert the following:

"(d) Subsection (b) shall not apply to Jornada Experimental Range Biosphere Reserve."

H.R. 901

OFFERED BY: MR. MILLER OF CALIFORNIA

AMENDMENT NO. 40: On page 10 of the bill, after line 8, insert the following:

"(d) Subsection (b) shall not apply to Konza Prairie Biosphere Reserve."

H.R. 901

OFFERED BY: MR. MILLER OF CALIFORNIA

AMENDMENT NO. 41: On page 10 of the bill, after line 8, insert the following:

"(d) Subsection (b) shall not apply to Land Between the Lakes Biosphere Reserve."

H.R. 901

OFFERED BY: MR. MILLER OF CALIFORNIA

AMENDMENT NO. 42: On page 10 of the bill, after line 8, insert the following:

"(d) Subsection (b) shall not apply to Luquillo Experimental Forest Biosphere Reserve."

H.R. 901

OFFERED BY: MR. MILLER OF CALIFORNIA

AMENDMENT NO. 43: On page 10 of the bill, after line 8, insert the following:

"(d) Subsection (b) shall not apply to Niwot Ridge Biosphere Reserve."

H.R. 901

OFFERED BY: MR. MILLER OF CALIFORNIA

AMENDMENT NO. 44: On page 10 of the bill, after line 8, insert the following:

"(d) Subsection (b) shall not apply to Olympic Biosphere Reserve."

H.R. 901

OFFERED BY: MR. MILLER OF CALIFORNIA

AMENDMENT NO. 45: On page 10 of the bill, after line 8, insert the following:

"(d) Subsection (b) shall not apply to Organ Pipe Cactus Biosphere Reserve."

H.R. 901

OFFERED BY: MR. MILLER OF CALIFORNIA

AMENDMENT NO. 46: On page 10 of the bill, after line 8, insert the following:

"(d) Subsection (b) shall not apply to San Dimas Biosphere Reserve."

H.R. 901

OFFERED BY: MR. MILLER OF CALIFORNIA

AMENDMENT NO. 47: On page 10 of the bill, after line 8, insert the following:

"(d) Subsection (b) shall not apply to San Joaquin Biosphere Reserve."

H.R. 901

OFFERED BY: MR. MILLER OF CALIFORNIA

AMENDMENT NO. 48: On page 10 of the bill, after line 8, insert the following:

"(d) Subsection (b) shall not apply to Southern Appalachian Biosphere Reserve."

H.R. 901

OFFERED BY: MR. MILLER OF CALIFORNIA

AMENDMENT NO. 49: On page 10 of the bill, after line 8, insert the following:

"(d) Subsection (b) shall not apply to Stanislaus-Tuolumne Biosphere Reserve."

H.R. 901

OFFERED BY: MR. MILLER OF CALIFORNIA

AMENDMENT NO. 50: On page 10 of the bill, after line 8, insert the following:

"(d) Subsection (b) shall not apply to Virginia Coast Biosphere Reserve."

# SENATE—*Friday, September 26, 1997*

The Senate met at 9 a.m., and was called to order by the President pro tempore [Mr. THURMOND].

## PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Almighty God, Lord of law and order, we thank You for peace officers who serve in the sheriff and police forces in cities and counties across our land. They serve in harm's way, facing constant danger, so that we may live with security and safety. We thank You for the Capitol Police as well as the security officers and Secret Service who serve with excellence.

Today, we are shocked and grieved by the violent killing of Sheriff's Corporal Walter Hathcock and State Highway Patrol Trooper Lloyd Lowry of Cumberland County, NC. We ask You to comfort and strengthen the families of these men, particularly their children.

Dear God, curb the growth of violence and crime in our Nation. We turn to You for Your help.

Today, here in the Senate, we ask for Your presence and power. Fill this Chamber with Your grace and glory and the Senators with Your wisdom and understanding through our Lord and Saviour. Amen.

## RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able acting majority leader is recognized.

## SCHEDULE

Mr. ALLARD. Mr. President, this morning the Senate will be in a period of morning business until 10 a.m. with Senator DASCHLE or his designee in control of the time until 9:30 a.m. and Senator COVERDELL or his designee in control of the time from 9:30 a.m. to 10 a.m.

As earlier ordered, following morning business, the Senate will begin consideration of Senate bill 25 regarding campaign finance reform.

The majority leader announced last evening that there will be no rollcall votes during Friday's session of the Senate. In addition, it was announced there will be no rollcall votes during Monday's session of the Senate. Therefore, the next rollcall vote will be the cloture vote on the Coats amendment No. 1249 to the D.C. appropriations bill, occurring Tuesday, September 30, at 11 a.m.

Members can anticipate debate on campaign finance reform through today's and Monday's sessions of the Senate. I thank Members for their attention.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. ALLARD). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. THURMOND. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

## MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of morning business.

Mr. THURMOND. I ask unanimous consent I be allowed to speak in morning business for up to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. THURMOND. Mr. President, I thank the Chair.

(The remarks of Mr. THURMOND pertaining to the introduction of Senate Resolution 128 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Thank you, Mr. President.

## ANTHONY JORDAN, NATIONAL COMMANDER OF THE AMERICAN LEGION

Ms. COLLINS. Mr. President, I rise today with a tremendous sense of pride and great pleasure to inform my colleagues that a citizen of the great State of Maine has been elected national commander of the American Legion.

As many in this Chamber are aware, the American Legion recently held its 79th national convention in Orlando, FL. At the conclusion of that convention, a Maine legionnaire, Anthony Jordan, of Augusta, was elected national commander.

To be selected by your peers to such a prestigious post is a significant accomplishment. For his home State, for his family, for his American Legion post in Wiscasset, ME, and for the thousands of Maine veterans it is a singular honor.

Mr. President, the American Legion chose wisely when it selected Mr. Jordan to lead this organization for the next year. Let me just tell you a bit about Mr. Jordan's background.

Tony Jordan served in the U.S. Army from 1963 to 1965. He joined the American Legion, our Nation's largest veterans organization, in 1971. Mr. Jordan demonstrated an unusual level of personal commitment and leadership in making his commitment to the work of the American Legion, both at the State and the national level.

For example, he served as post commander in Wiscasset and as vice commander of the American Legion Department of Maine. He also served as chairman of the Legion's national membership and post activities committee. He chaired the Foreign Relations Council and the National Security Commission.

In addition, Mr. Jordan also contributed to the Legion as a member of the National Legislative Commission and as liaison to the National Finance Commission.

Finance, foreign relations, national security—that is an impressive and diverse range of committee appointments that make him well qualified to head the American Legion. But the Legion also knew that, when it asked Tony Jordan to take charge, this was an important time for the American Legion and for America's veterans.

Tony Jordan has expressed strong personal sentiments in favor of the constitutional amendment to protect the American flag. Our flag is the symbol for everything for which our Nation stands. Mr. Jordan is standing with those who believe in the integrity of the flag and what it represents—freedom and justice, ideals for which our Nation's veterans risk and, in some cases, gave their lives.

Mr. Jordan is also outspoken in his support of a GI bill of health, the American Legion's response to the challenges being faced by the Department of Veterans Affairs and veterans across this country as they seek to fulfill the promise we made to ensure that our veterans have access to quality health care.

These are only a few examples, Mr. President, of what Mr. Jordan has done on behalf of his country and its largest veterans organization. I know my colleagues will agree that the American Legion chose wisely and well when it elected Anthony Jordan of Augusta, ME, as its national commander. I wish him well in the challenging year ahead.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll. The assistant legislative clerk proceeded to call the roll.

Mr. SPECTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

## CAMPAIGN FINANCE REFORM

Mr. SPECTER. Mr. President, I have sought recognition this morning to compliment our distinguished majority leader, Senator LOTT, for scheduling floor debate on campaign finance reform. I think that this is a very important matter to be debated by the U.S. Senate and, hopefully, to be voted on as to amendments and, ultimately, final passage.

I have long believed that campaign finance reform is indispensable in order to take out the tremendous amount of money that is present in Federal elections. For more than a decade, I have worked on the issue to have a constitutional amendment to overrule Buckley versus Valeo with Senator HOLLINGS under the Hollings-Specter amendment. I believe that there is a very important distinction between amending the first amendment and overruling a specific Supreme Court decision, many of which are split decisions.

There are many besides those on the Court who have an understanding of the Constitution. I think the Buckley decision was wrongly decided. When that decision was handed down, I happened to be in the middle of a contest for the U.S. Senate primary in Pennsylvania running against the then Congressman John Heinz. In the middle of that campaign, the Supreme Court ruled that an individual could spend as much of his or her money as he or she chose. My brother was limited to $1,000 under the law. He could have helped finance my campaign. With Buckley not being reversed, that has been a major impediment to dealing with these tremendous sums of money, plus the unlimited amount of independent expenditures. We have seen the ravages of soft money. We have seen millions of dollars contributed in Presidential elections, as in 1996, in the context where the candidates are pledged not to spend money beyond the Federal contribution. We have seen these ads which have been classified as "issue ads," which are blatant ads urging the election of one candidate and the defeat of another, on both sides of the aisle.

I have introduced campaign finance reform legislation myself which would deal with the issue of soft money, prohibiting it, and which would define an advocacy ad as one which shows the likeness or name of an individual urging his or her election or his or her defeat. With respect to the independent expenditures, they are touted as independent, but in fact they are not independent expenditures.

My legislation would require that someone who makes a so-called independent expenditure make an affidavit to that effect, with strict penalties for perjury on the affidavit form showing the individual making it what the consequences are. That would then be filed with the FEC, with the requirement that the candidate on whose behalf the expenditure was made, plus the campaign manager, make a tough affidavit, so that you do not have the feeling that there is really no enforcement or enforcement so much after the fact that it is irrelevant.

In order to deal with the problem of unlimited expenditures by individuals, my bill provides for a Federal provision analogous to the Maine "standby public financing provision," which provides that if candidate A spends $15 million of his or her own money, then candidate B will have that matched by the Government. I am against generalized Federal funding. However, I do believe that such a provision would be a deterrent so that there would not be the necessity, or at least a very limited amount of governmental money put in the campaigns if they knew there would be no advantage because the Government would match it for his or her opponent.

My bill further builds upon what we have seen in the Governmental Affairs hearing, to require that there be a limit and reporting on contributions to legal defense funds, which are a first cousin to campaign contributions. We saw in the testimony involving Charlie Trie, coming into the legal defense funds, pouring out hundreds of thousands of dollars. My bill further tightens the requirements as to foreign contributions which we saw on the Young development matter, where the money had a foreign origin and ended up in a political campaign committee.

I had been unwilling to cosponsor McCain-Feingold as long as it had the provision calling for lesser expenses or free television time, because I think that provision is unconstitutional, in violation of the fifth amendment as the taking of property without due process of law. I know the arguments that they are public airwaves, but once the situation has been established on a property right, I think that constitutes a taking. I discussed that matter with Senator McCAIN some time ago, and once he says that provision is going to go, I am prepared to cosponsor McCain-Feingold. Last year, when the subject came up, I voted for cloture on McCain-Feingold. Although I didn't agree with all of its provisions, I thought the matter should come to the Senate floor and be voted upon.

Regrettably, we will probably not have campaign finance reform, or we won't have campaign finance reform until there is a demand by the American people that we do so. Only that kind of a demand will move the Congress. My own sense is that we are far short of the 60 votes for cloture for cutting off debate. But I think there may be 8, 10, 12, maybe even more, Senators who would be influenced by a very strong constituent demand. That influences us from a very realistic sense. Regrettably, our hearings this week in Governmental Affairs have not been covered because there is no scandal. The media and the public are attracted, regrettably, only to scandal. It is my hope that as we move ahead in Governmental Affairs, we will have more public attention.

Last week, when we had the testimony as to Roger Tamraz and his $300,000 contribution and the testimony about John Huang asking for money in the White House at a coffee, which the President, apparently, condoned, and the testimony about the man in the line giving the President a card suggesting millions of dollars of contributions and later being contacted by a Presidential aide, had that been on national television, I think the public might well be aroused. It is my hope that the debate here will be spirited. I think, realistically, Senate debates are unlikely to lead the American people to catch fire on this issue. But perhaps our Governmental Affairs hearings can do that, or supplement it by media attention generally.

I think it is a very useful thing to move ahead with these debates on campaign finance reform. Again, I compliment Senator LOTT for scheduling them, and I look forward to participating in those debates, aside from this brief comment in morning business.

I yield the floor.

Mr. BURNS addressed the chair.

The PRESIDING OFFICER. The Senator from Montana.

## IRS OVERSIGHT HEARINGS

Mr. BURNS. Mr. President, I rise today to talk about some oversight hearings that have been going on here in the Senate. Also, I hope that the American people are seeing some things happen now that should have happened a long time ago. It wasn't very long ago that the suggestion was made to the Senate that we should go to a 2-year appropriation and a 2-year budget, because it seems like the time is eaten up here in the first part of the year to deal with budget and budget reconciliation, which is very, very important, and then the next part is taken up with the appropriations process.

I have contended all along that our role here is not only to deal with budgets and appropriations, but to also deal with legislation and reform that, in some areas, is needed to stay up with the times, and also in the area of oversight. We have absolutely taken and extended the work day, more or less, to accommodate oversight. I think what the American people are seeing now is the result of that, as there are many hearings going on not only in Energy, but Governmental Affairs and, of course, in the Finance Committee. I want to compliment the chairman of the Finance Committee for this oversight hearing on the IRS.

It is something that has been ongoing out there, I think, since probably we started this business of tax collection. Maybe there is no right way to collect taxes. I don't know that for sure. Even some activities and actions taken by the Congress have made their job a little more complicated, and maybe in some cases a little bit tough. But it does not give the IRS the right to do this job in the way that has been enlightened for us through these hearings of oversight of the IRS. It has shown a lack of compassion—exhibited by IRS employees beyond my comprehension, and I think beyond the comprehension of those in this country, and I imagine those people who have been watching those hearings. Yes. It happened to me too. Because we maybe are just talking about the tip of the iceberg.

But some abusive IRS employees have expanded their scope of enforcement activities to include business men and women who are just trying to make a living; trying to stay in compliance with all Federal, State, and local revenue collecting and regulating laws.

At the source of this evil we can level our sights in on some mismanagement by some IRS employees. IRS management needs to recognize that they have a difficult job promoting customer service as an IRS attribute. It is not an easy task considering the historic attitude toward not the IRS, but taxes. The founding of this great Nation and history tells us that it kind of started with the Boston Tea Party—a revolt against the tyrannical rule of unfair taxation.

Taxes are a necessary evil. But if kept in check, it is important at all levels of government. It is a must. Taxes have created the world's greatest highway infrastructure, contributed to the protection of our borders, and has created the most successful democratic government in history. But waste and abuse of those dollars have burdened the American taxpayer with one of the highest levels of taxation in the history of this country.

Tax collecting needs to reflect its controversial history. The IRS does not have the right to use harassment, and, yes—as has been brought out in these hearings—even extortion as a method of collecting taxes.

Major changes are overdue. The IRS needs to improve its education and services to taxpayers. Taxpayers must have, at least, a comfort level when they approach the IRS for help so that they feel with some degree of reliability that the IRS will be sensitive to their needs and to their questions.

We need to modernize the computers. Let's face it, the IRS can't do that. They spent some $5 billion to buy new computers. They don't work. They have never worked. We tried to simplify things. What do we do? We made them more complicated.

So the general public loses its confidence to go to the IRS and ask questions that they will get answers for; so that they will try to do the right thing for the right reason.

I think this is a very serious wake-up call to the IRS. Customer service will never be considered as one of their great attributes. But that is what IRS needs to pound into their employees: We work for the American public; it does not work for us. We are a service organization. We try to accommodate folks trying to get through a very difficult situation, a situation that some do not understand.

Perhaps some of that blame lies with Congress. This is not the first time Congress has held oversight hearings. The IRS has a littered history of abuse, and, yes—I hate to say—even a little corruption.

I think these hearings may pave the way for Senator DOMENICI's 2-year budget appropriations bill. I think that will lend credence to it. And Congress could spend more than 1 year on budgetary and spending matters and another year on tough-minded oversight of Government agencies, and maybe the future of such abuse can be averted. But it just does not happen in the IRS. We have other agencies in this Government that are just as abusive.

I have contacted numerous of Montana constituents hearing complaints about the IRS. And I will tell my Senators beware. With these hearings I think our casework is going to go up a little bit.

During the length of the bureaucratic process, debts grow fantastically high with interest and penalties.

But I have been contacted by a few taxpayers in Montana that have similar stories as those that we heard about this week during these Finance Committee hearings. In one of those cases a Montana constituent had a pending case with the IRS that still today is unresolved. The small business was audited in the 1980's. And every time there was an offer, or attempt to make settlement, the IRS denies the offer, and the interest and the penalties continue to compound. In the meantime, he has been forced to sell all of his assets. He has lost everything that he has worked his whole life for, and is now facing retirement with only his residence and darned little capital. Even if the IRS could accept his recent offer he would be left with a mortgage that he will not be able to pay off in his lifetime.

So as a result of these hearings we can certainly expect to hear from more constituents who realize that they are not the problem; that this problem goes way beyond them as individuals, and the problem goes way beyond them as a nation.

Prior to the August recess Congress passed the Tax Relief Act of 1997. The 105th Congress has the opportunity not only to reduce the tax burden on the American public but also simplify a system that is badly in need of reform. A far less complicated tax system may help to clear up some of the IRS abuses. But simplifying the tax system, one can only think, would simplify our revenue collection system.

I realize that tax collection is a thankless job. There are employees of the IRS that try to do a good job. I happen to know a few of those. They do a good job, and they do it with pride. I commend them for not letting the arrogance, uncaring attitude that we have seen emerge out of the hearings earlier this week pollute their work ethic. I want to compliment those folks who do a good job.

Tax collectors have a long history of public persecution. Today my colleagues and I stand here not to tar and feather the tax collector, but to put an end to the abusive culture that has crept into the agency—this business of a situation arising and becoming a personal thing. So when they personalize things then it becomes "me against you, and I have the power of the U.S. Government to destroy you." When they personalize things, that is when they get out of hand.

I ask the American public, if we, who are elected, when we debate personalize everything, nobody would speak to anybody around here. Nobody. We have to bring that back into our service organizations. Basically the IRS is a service organization. They must accommodate. They must feel some compassion. And they must try to help people out of this almost bottomless abyss of trying to do the right thing for the right reason. We cannot let this abusive culture spread like a bacteria through an agency and let it live. We just cannot do that.

Again, I say to my colleagues, rethink your position on a 2-year budget and 2-year appropriations because with all the hearings, as controversial as they may be in an open and free Government, oversight is still the best way to put problems on the table and deal with them. It is the only way in a free self-government that people can deal with them.

I thank our secretary of the conference for setting this time aside to bring this about. And to thank the chairman of the Finance Committee for this oversight because I think he has done a great service for the American people.

I yield the floor.

Mr. COVERDELL. Madam President, I thank the Senator from Montana for his statement here this morning. I think he is right on target.

I yield at this time up to 5 minutes to the Senator from Alaska.

The PRESIDING OFFICER [Mrs. HUTCHISON]. The Senator from Alaska is recognized.

Mr. MURKOWSKI. Madam President, let me wish the Presiding Officer a good morning. Let me thank my colleague from Georgia for his leadership in this area, and my good friend from Montana for the points he made so succinctly.

Good morning, Madam President. I have an obligation and an opportunity as a member of the Finance Committee to address this problem. As a member of the committee of jurisdiction, I had the privilege of participating in an extraordinary set of hearings that were chaired by Senator BILL ROTH, chairman of the Finance Committee. These hearings really illuminated for the first time the internal workings of an agency of the Government that really generates fear, anger, frustrations and oftentimes public outrage, and that is the Internal Revenue Service.

No matter how scrupulous and honest the citizen is in filling out his or her tax return, when that taxpayer opens the mailbox and receives an envelope from the IRS, a shiver of fear shudders through that citizen. And after this week's hearings, it is clear to all of us why the public holds this view of the IRS.

A witness—some of those witnesses were hooded, I might add—testified that her 17-year ordeal—let me say that it wasn't just an ordeal, it was more of a nightmare—involved improper liens and unwarranted demands from the IRS for more than $10,000 simply because there was a mixup in the taxpayer's employment identification number—17 years, and still the matter is not resolved.

Another witness testified about her 14-year ongoing dispute with the IRS involving a joint return she had filed with her former husband. Although this matter could have been easily resolved, the IRS demands caused her to lose her apartment and ultimately forced her second husband to file for divorce to avoid improper IRS liens.

Neither of these cases have been finally resolved even though it is clear that at every stage the IRS simply acted improperly.

A former IRS employee told the committee of a common IRS tactic of assessing a tax twice for the same 1040 tax form.

A current IRS employee, an employee who did not want his identity known for fear of IRS retaliation, told the committee of situations where revenue officers with management approval used enforcement to punish taxpayers instead of trying to collect the appropriate amount of money for the Government.

Another anonymous current IRS employee told the committee that IRS officials browsed tax data on potential witnesses in Government tax cases, and on jurors sitting on these Government tax cases.

Madam President, this is a portrait of an agency of Government which appears to be out of control.

Is there political influence in the IRS? The answer is clearly yes. One witness testified that she had been advised by her senior official to be somewhat lenient on union returns or returns from union officials. This, obviously, smacks of political influence in the IRS.

Earlier in the week it was reported that 800 Alaskans from my State received notices from the IRS that their permanent fund dividends—this is a payment that comes from the yield of oil revenues distributed to our citizens by our State government—were being seized; 800 seized with a tax lien.

The reason for the seizures? The IRS claimed these Alaskans owed back taxes. In one case the notice claimed a deficiency of 4 cents. In another, 7 cents. That's right, Madam President, notices to 800 Alaskans based on alleged underpayments of 4 to 7 cents. An IRS spokesman apologized and, you guessed it, Madam President, blamed the computer. But who programmed the computer? Who checked the program? Is the programmer still working for the IRS? Who approved sending out 800 notices to Alaskans?

From what I know about the IRS, no human being approved that mailing or the millions of other mailings that go out from the IRS. It appears to me that the managers of the IRS have set up a system that minimizes human oversight so that whatever and whenever there is a foulup, no employee, no manager can be held accountable. It is easier to blame an impersonal machine for a problem than hold an individual accountable.

Madam President, I believe a culture that affixes blame on machines and not human beings reflects on an institution that has for far too long not been held to account for its activities. What we learned from the General Accounting Office is that the system the IRS has in place is designed to ensure that there is no way for IRS personnel to be held accountable for their erroneous actions.

I can assure the American taxpayer that I will be working closely with my colleagues on Finance Committee to change the culture of the IRS and demand a system be put into place that makes the individuals who work for the IRS accountable to the American people.

Madam President, I yield the floor.

Mr. COVERDELL. Madam President, I thank the Senator from Alaska and his colleagues on the Finance Committee for the great work they have done under the chairmanship of Senator ROTH.

I now yield up to 5 minutes to the distinguished Senator from Wyoming.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. I thank the Chair.

Where has our country gone when people appearing before a Senate committee have to have their voices disguised and have to be behind partitions?

I commend the Senate Finance Committee for holding the hearings examining the Internal Revenue Service. These hearings have given the American people an insight into one of the most powerful and secretive of Federal agencies. I applaud Chairman ROTH and members of the Finance Committee for their diligence in examining this agency.

For any who might have missed the hearings, on my web site, which is www.senate.gov/ ~enzi/, you can get the full text of the comments made before the committee. There is also an opportunity there to do an easy e-mail to comment on what has gone on in those hearings. It is important for this body to follow up on those hearings with a complete reexamination of the Nation's tax policy and the IRS. If we are ever to be successful in establishing a just tax code, we in Congress must first come to a consensus about our underlying tax policy.

In the past 3 days, we have heard stories from taxpayers who have been mistreated by an inefficient and confrontational Internal Revenue Service. Taxpayers testified that they were forced into personal and financial ruin by an all-too-often faceless agency with little accountability to either the American taxpayers or to Congress.

We have heard about the enormous power of the IRS, which includes the power to take a taxpayer's home on nothing more than the signature of the district director. There is no court hearing. There is no notice. There is no opportunity to litigate the merits of the Service's claim. The IRS has the power to close down a person's business and take away his livelihood by merely filing a few papers in Federal court. The judge signs a seizure order without ever giving the taxpayer notice or an opportunity to contest the legality of the assessment or the amount of the tax owed or the problem with the computer system.

Madam President, this is precisely the kind of abuse by our Government our Founding Fathers were attempting to avoid when they included the fourth and fifth amendments in the Bill of Rights. These actions amount to administrative tyranny.

As I have traveled around the State of Wyoming, I have heard a great deal of concern about the present state of the IRS. Our Tax Code is so frustratingly complex that even the professional tax preparers are pleading for simplicity. These folks know that the present Tax Code exposes them to a great deal of liability due to the likelihood of conflicting interpretations of the code and its myriad of accompanying regulations.

As an accountant myself, I am sympathetic to the concerns of those who claim that even the experts cannot agree on many of the provisions of the current system. It is unfair to expect

Americans to operate under a tax system with such a mind-numbing complexity and inherent contradictions.

Under the current regime, it is perhaps the moderate-income taxpayer and the small businessman who suffer the most. That is not how audits are supposed to work. One of the most surprising facts which came out of the testimony this week is the significant increase in audits of lower income people and very small businesses over the past several years. This increase is not because the IRS believes these people have large amounts of unreported income. Rather, it is because the Service believes these people are the least likely to fight them after an audit since they can least afford professional tax preparers and expensive legal counsel.

Just this week, I heard from some small business owners in Wyoming who have been battling the IRS for 5 years over $200,000 in taxes they are convinced they do not owe. After a 3-year onsite audit, the IRS determined that they only owed $30,000, including the fines and penalties. Even though they disputed this amount, they figured they had no choice but to pay it since they could not afford to take the case to court. Moreover, the agency threatened that if they didn't agree to pay the bill, IRS would reopen the investigation and insinuated that this might result in even more money owed. That is blackmail. This treatment of our citizens is unjust. An agency which turns to coercion and intimidation to settle unreasonable disputes is in desperate need of reform.

Madam President, while I realize that many of the IRS agents are hardworking, dedicated public servants, I am convinced the problems we have heard about this week are more than isolated occurrences. Instead, they represent a systematic disease which cannot be cured by tinkering with the current Tax Code or modifying a few Internal Revenue Service procedures. I believe these hearings will force us to reexamine the specifics of our current code and our underlying policy as well.

I have made the examination of our tax policy one of my top priorities for my service in the Senate. I will work with my colleagues toward developing a policy that reflects the legitimate priorities and goals of raising revenue for a Government which should in its every facet serve the people from whom it derives its power, not control the people from whom it derives its power.

I thank the Chair and yield the floor.

Mr. COVERDELL. I thank the Senator from Wyoming and yield up to 5 minutes to the distinguished Senator from Colorado.

Mr. ALLARD. I thank the Senator from Georgia for yielding.

Madam President, I rise this morning to talk with my colleagues about the Internal Revenue Service. This week my colleagues on the Finance Committee have been holding hearings to examine the inner workings of the Internal Revenue Service. I appreciate their effort to more closely examine this institution. Not only do I appreciate it, but there are many Americans who appreciate this effort.

For too long the Internal Revenue Service has not been accountable as an institution. Our Nation was built on a system of checks and balances. However, the Internal Revenue Service seems to have escaped this protection for Americans. For too long the Internal Revenue Service has used secrecy, intimidation and fear to do battle against those whom it has been called upon to serve, and that is the American taxpayers.

I found it especially interesting that during those hearings those who know the Internal Revenue Service best—that is its own employees—were the most afraid. Those who know what the Internal Revenue Service does were the ones who wanted to protect their identities.

Although there are many dedicated employees at the Internal Revenue Service who perform their jobs honestly and responsibly, there are some who do not. Those few have forgotten the mission statement of the Internal Revenue Service, which calls on them to perform in a manner warranting the highest degree of public confidence in their integrity, efficiency, and fairness. I remind them of this pledge and call on them to uphold it.

Unfortunately, the abuse of taxpayers is not limited to the testimony we have heard this week. I have held more than 63 town meetings throughout the State of Colorado, and obviously taxes were a big issue. But it was not unusual for me to hear from many people about the difficulties they have had with the Internal Revenue Service. Time and again I have heard stories about how the Internal Revenue Service plays a waiting game, knowing that they have the time, the money, and manpower to outlast a small taxpayer.

One of my constituents was awarded $325,000 in damages by a Federal court because Internal Revenue Service agents had wrongfully publicized information about her, after agreeing earlier that they would not make that information public. After auditing this taxpayer's business, the Internal Revenue Service seized the business and demanded $325,000 in back taxes. After requesting a reaudit, it was found that she did not owe anywhere close to $325,000. In fact, all she owed was $3,400. And certainly there was no real intent to avoid the law.

The real problem here, however, was that the agents involved in the case wrongfully disclosed information about the taxpayer after agreeing to not disclose that information. When awarding damages in the case, the judge harshly criticized the Internal Revenue Service saying:

> The conduct of our Nation's affairs always demands that public servants discharge their duties under the Constitution and laws of this Republic with fairness and a proper spirit of subservience to the people whom they are sworn to serve. Respect for the law can only be fostered if citizens believe that those responsible for implementing and enforcing the law are themselves acting in conformity with the law.

Once again, though, the Internal Revenue Service is dragging its feet, refusing to pay the money.

Other constituents have described situations where they received notices from the Internal Revenue Service for very minor mistakes and then are assessed penalties and interest that far exceed the amount of tax owed. It is a frightening experience to get a notice from the Internal Revenue Service, particularly when it is so difficult to communicate back to them and actually get some real answers concerning a case.

I am reminded of a case that came up in interacting with the constituents that I represent in the State of Colorado. Someone came up to me and said, "We sent a certified letter to the Internal Revenue Service with the check." They signed for the envelope and yet the check apparently had been lost by the Internal Revenue Service. This constituent was fined $200 by the Internal Revenue Service. She felt paying the fine was cheaper than getting professional help to fight the case. Constituents tell me of years of meetings, negotiations, and delay by the Internal Revenue Service.

Madam President, I request 30 seconds just to summarize my remarks, if I may.

Mr. COVERDELL. If the Senator will yield for just a moment, Madam President, time allotted for this discussion was to end at 10. I have conferred with Senator McCAIN, and I believe he is agreeable to allowing it to run until 10:05 to allow Senator BOND to make his remarks. So I yield 30 seconds to the Senator from Colorado.

Mr. ALLARD. I thank the Senator.

The PRESIDING OFFICER. Is there objection to the request to extend time 5 minutes? The Chair hears none, and it is so ordered. The Senator from Colorado.

Mr. ALLARD. I thank the Chair.

Constituents tell me of years of meetings, negotiations and delays by the Internal Revenue Service in order to wear them down, even in cases where the law is unclear and subject to different interpretations. This abuse of taxpayers must stop. The Internal Revenue Service must recommit itself to serving the taxpayers. It must stop making criminals out of those whom it is charged with helping.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. COVERDELL. Madam President, I thank the Senator from Colorado and now yield up to 5 minutes to the distinguished Senator from Missouri.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. BOND. Madam President, I thank my colleague from Georgia and I thank the Chair.

I rise today to address an issue of profound importance, as my colleagues have been addressing, and that is the urgent need for a complete overhaul of the tax system in this country.

Over this past week, we have all watched as the Senate Finance Committee has held important hearings on the administration of our current tax system. The testimony has demonstrated many things quite clearly, among them the fear of many taxpayers. But it has also been quite plain that for many taxpayers the root of their difficulties starts with the enormous complexity of the tax laws as they currently stand. Clearly, there is an urgent need to scrap the current tax law and start with a new system so that taxpayers can understand and follow the law in the first place.

As chairman of the Senate Committee on Small Business, I have heard in hearings from entrepreneurs all across the country that their biggest obstacle to staying in business is complying with the tax laws. The tax bill that we passed last summer did much to ease the tax burden for many small businesses. But at the same time it did nothing to reduce the complexity of the law which small enterprises must navigate in order to enjoy the lower tax bills. As a result, instead of leveling the playing field for small businesses we have made it more lopsided. Unlike their larger competitors, small businesses can rarely afford a staff of full-time professional employees to maintain the tax records and fill out the dozens of forms required each year. To put these duties in context, it has been estimated that Americans spend more than 5 billion hours each year complying with the tax laws. That is a staggering amount of time spent on completely unproductive activities.

One of the figures that we have heard in the Small Business Committee is that the average small business spends 5 percent of its revenues on figuring out how to comply with the tax laws. That is not paying the taxes, that is figuring out how much tax they owe and how to comply with the tax laws. Would it not be better for small businesses to spend that time making products, providing services, providing jobs—activities that they set out to do in the first place?

For the vast majorities of small enterprises there is only one person who handles all the tax matters and that is the small businessowner. That is the one person who has to deal with nearly 10,000 pages of tax laws, 20 volumes of tax regulations, and thousands and thousands of pages of instructions and other guidance, issued by the IRS. Sadly, much of that burden is more than most small businessowners can do on their own. Instead, they are forced to spend vast amounts of their limited capital to hire accountants to keep the records and prepare the tax returns.

For the small business that runs into difficulties on its taxes, the situation becomes even worse. The businessowner must spend additional funds on accountants and lawyers to handle the issue. Resolving these cases can take years, and cost tens of thousands of dollars in professional fees. Not infrequently, the end result is a tax bill that is inflated by the large amounts of interest and penalties.

Once again, we must keep in mind that every hour the small businessowner spends trying to resolve tax problems is taken away from the actual productive business of running his or her own company.

Madam President, the Small Business Committee will hold a hearing next month to elicit the views of small business on what the optimal tax system would look like, if we started from scratch. I look forward to constructive suggestions from the small business community. I expect they will say the system should be fair, simple, and easy for the average person to understand. It should apply a low rate to all Americans. It should eliminate taxes for individuals and families who can least afford to pay. It should not penalize marriage or families. It should protect the rights of taxpayers and reduce taxpayer abuse. It should minimize recordkeeping and reporting requirements. It should eliminate the bias against jobs, and investment. It should protect Social Security and Medicare and help ensure all Americans have access to health insurance.

The case cannot be clearer that we need a dramatic change in our tax laws, and we need it soon.

For the information of my colleagues, the full text of my remarks will be on the web site of the Small Business Committee at www.senate.gov/~sbc.

Mr. President, the case cannot be clearer that we need a dramatic change in our tax laws and we need it soon. Too much time, money, and effort are now wasted by individuals and businesses in this country that could be spent to improve our economy, our society, and the environment. I ask my colleagues to join me in raising the alarm and committing ourselves to do more than just talk about the problem. It's time to act—it's time for a new, fair, and simple tax system for all Americans.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. COVERDELL. Madam President, I thank each of the Senators who this morning commented on the extensive hearings under Chairman ROTH. They were very revealing. I believe there can be no doubt but that major reforms must be brought to the Nation in short order. Each of these Senators made a substantial contribution to further elaborating and making clear the urging of the Congress for this agency to reform itself. Remember that it works for the people, not the other way around.

I yield the floor. It is exactly 5 minutes after 10. I know the Senate is prepared to move to campaign reform.

## CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

## BIPARTISAN CAMPAIGN REFORM ACT OF 1997

The PRESIDING OFFICER (Ms. COLLINS). Under the previous order, the Senate will now proceed to the consideration of S. 25, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 25) to reform the financing of Federal elections.

The Senate proceeded to consider the bill.

Mr. WELLSTONE. Madam President, may I make a unanimous-consent request for 10 seconds?

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

### PRIVILEGE OF THE FLOOR

Mr. WELLSTONE. I ask unanimous consent that Michael Smith, who is an intern in my office, be granted the privilege of the floor during debate today.

The PRESIDING OFFICER. Without objection, it is so ordered.

The majority leader is recognized.

Mr. LOTT. Madam President, today the Senate begins to formally debate what is probably the most discussed and least understood issue before the Nation, campaign finance reform. I have made clear, for the last several months, actually, that the Senate would, in due time, after finishing its work on the budget and the 13 appropriations bills, move to this matter. I indicated all along that I knew this issue would come up, that it should come up, and it should be debated. And, therefore, I have kept that commitment and we will begin our debate. We will have a full debate, and we will have some votes. Maybe not the votes that everybody would like to have, but critical, key votes on assessing where the Senate is.

Are we near a consensus yet? Are we prepared to stop trying to claim an advantage here or an advantage there and see if we can come together in a consensus in this area? I have my doubts that we have reached that point yet. But we begin the debate, I hope, in a respectful and thoughtful way. I trust no Member of this body doubted my intention to do what from the very beginning I said we would do, in terms of calling this legislation up.

We are taking up this issue now under a unanimous-consent agreement identical to the one I propounded a few days ago and to which the minority leader did not at that time agree. So at the outset of this debate, I want to make this clear. President Clinton's standing on this subject of campaign finance reform is a case study of the problem, not an exemplar of the solution. Indeed, it would take the Senate, and the House too, staying in marathon session all the way through Christmas, just to trace the appalling campaign finance practices that were so large a part of President Clinton's reelection effort.

Just today I understand from WTOP radio news this morning, the President is in Houston after last night calling, trying to get Senators ginned up to come in here and speak on this subject. But what is he going to be doing in Houston? I have his whole schedule, off the wire service, as well as the remarks made this morning on WTOP. I will put it in the RECORD.

I ask unanimous consent to have it printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Friday, Sept. 26
White House
President Clinton:

In Little Rock and Houston. All times local.

11 a.m. Departs private residence, Little Rock.

11:15 a.m. Arrives at Adams Field.

11:30 a.m. Air Force I departs en route Houston.

12:40 p.m. Air Force I arrives at George Bush Intercontinental Airport, Houston.

12:50 p.m. Departs airport en route San Jacinto Community College.

1:20 p.m. Arrives at San Jacinto Community College.

1:30 p.m. Addresses the college community.

2:40 p.m. Departs college en route downtime location.

3 p.m. Arrives at downtown location.

7:15 p.m. Addresses DNC dinner. Private residence.

8:10 p.m. Departs residence en route airport.

8:30 p.m. Arrives at airport.

8:45 p.m. Air Force I departs en route Little Rock.

9:50 p.m. Air Force I arrives in Little Rock.

10 p.m. Departs airport en route private residence.

10:15 p.m. Arrives at private residence for overnight.

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WTOP RADIO REPORT SEPTEMBER 26, 1997, 9:30 EST

Mark Knoller, CBS News Reporter traveling with the President in Little Rock, Arkansas, filed the following story for CBS World News which aired on CBS radio affiliate stations including WTOP radio on Washington at 9:30 a.m. Eastern Time on Friday, September 26, 1997:

"It took the White House by surprise when Senate Majority Leader Trent Lott announced that the Senate would begin debate today on campaign finance reform. The White House thought it would have several more weeks to plot strategy for passing one version or another of the McCain/Feingold bill.

"So, as Mr. Clinton finished a five-hour round of golf last evening, he quickly placed calls to a handful of Senators to talk strategy for today's debate.

"The President has loudly proclaimed campaign finance reform as one of his top legislative priorities for the fall. And this week, he threatened to call Congress back into session if it adjourned without taking up the issue.

"With his own political fund raising practices the subject of a Justice Department review and the possibility that it could lead to the appointment of an independent counsel, there is a political component to the President being seen as Cheerleader-in-Chief for campaign finance reform.

"But as it turns out, the Senate debate begins on a day that will find the President on a day trip to Houston. His schedule there includes a fund raising dinner for the Democratic National Committee which expects to raise $600,000, some of it from contributions the President wants to outlaw.

"In Houston, the President will also talk about new data showing that his college tuition tax credit plan will help increasing numbers of people attend at least two years of college. With the President in Little Rock, I'm Mark Knoller, CBS News."

Mr. LOTT. Among other things he will be doing in Houston today is attending a fundraiser tonight, where it is estimated they will raise $600,000, some of which if not much of which is exactly the kind of money that he has said, "Oh, we ought to stop." What is he saying here, "Oh, please stop me before I do it again?"

So, I think we need to start off making it clear what is going on here. A lot of what is going on is an effort to change the subject. "Oh, gee whiz, the Governmental Affairs Committee has come up with some things that are a real problem. Gee, why won't the Attorney General appoint independent counsel? We have to have another subject on the griddle here." But that's OK. That's fine. Finally we will, maybe, shed a little light on what is going on here.

It seems that much of what will need to be done with regard to violation of the laws—before you start changing laws to try to see if you can fix problems, wouldn't it help if the laws already on the books were obeyed and enforced? Wouldn't it be better if we found out how people violated the laws last year? Who did it? What do we need to tighten it up with regard to illegal foreign contributions, direct and indirect?

But it seems that much of the task of what really went on will be left to others, unless the Attorney General can discover still more ingenious reasons for delaying what increasingly seems inevitable, the appointment of independent counsel.

For us here, we will do what we are going to do anyway, before Mr. Clinton's unnecessary and irrelevant letter. We will at least have the opportunity to lay before the American people the pros and cons of various proposals for campaign finance reform.

In the process, I think it will become clear that in campaign law, as tax law, there is no bad idea that cannot be made presentable by taking on the label of "reform." This is our chance to see more closely some of the ideas that have been presented and whether or not they will really work—or not; whether they will be fair; and whether they will encourage discourse and expression of views and opportunities for candidates to go directly to the people instead of being filtered by the news media.

Let me offer this comparison. On the issue of campaign reform we have been like a customer in a used-car lot. The salesmen have been talking about this little beauty's wire wheels and leather upholstery, and it has all sounded pretty good. But now we get to look under the hood and find out why this deal looks too good to be true and, in fact, probably is.

Before we launch into the details, though, I want to pay tribute to those of our colleagues who have worked on this issue at great length and in good faith. Some of them I agree with and with others I disagree. And, hopefully, we will disagree without being disagreeable. But all those who have pursued this issue out of personal conviction, rather than political expediency, merit our commendation. My disagreements on this matter with Senator MCCAIN and Senator FEINGOLD are well known—and may well become more emphatic in the course of this debate. But I recognize the sincerity of their views and I thank them for their cooperation that has enabled us to take up other legislation without being intercepted or interrupted or heckled. They have been responsible. They deserve the right to talk about their bill and we deserve the right to point out where the problems are. And I think we have set up a way to consider this legislation in an orderly manner.

Senator MITCH MCCONNELL more than anyone else has argued against their position. Entirely apart from the part that I agree with him, he stands today as an example of political courage, someone who is willing to challenge the prevailing wisdom because it is incorrect and because it would violate or restrict the fundamental rights of Americans.

Legislation is never considered in a vacuum and this legislation is no exception to that rule. The Senate will be debating campaign finance reform against a background of lurid exposes about the campaign of 1996. All summer long the Nation has heard news about people ignoring the law, fleeing the country to avoid the law, explaining away the law, refusing to testify about their actions and the law. From all that, some may conclude that we need more laws. Others may wonder why we don't enforce the laws we already have concerning campaign finance, and let the personal chips fall where they may.

The fact is, this country already has so many campaign laws and campaign regulations that to avoid breaking the law most congressional campaigns have to hire a battery of legal experts just to avoid fines and censure by the Federal Election Commission. No longer do you sit down, like I did in 1972, and fill out my campaign finance reports, you know, in longhand, and try to make sure it adds up, send it in and struggle to get it in on time. Nah. Now you have to have legal advice, you have to have a CPA, you have to have somebody familiar with the FEC laws. It becomes one of the burdens of elections. Why don't we, instead, go with freedom, open it up, have full disclosure and let everybody participate to the maximum they wish.

But, no, no, no, no; we keep tightening down, tightening down, tightening down. Do you know what really is involved here? There are a lot of people who don't want the people involved. They want the news media to dictate, through their editorial columns and their editorials in their news articles, who will be elected.

Boy, I know how that works. I have had to deal with that in my State. If I hadn't been able to get the money to get my message across, how could a conservative Republican be elected in the State of Mississippi, where the courthouses were all owned and operated by Democrats almost entirely, so I had the so-called court house gang fighting me and the biggest newspaper in the State bashing me regularly in its editorials and in its news stories in the form of editorials. You know, I took basic 101 journalism in high school and I know the difference between a news story and an editorial. But my friends in the print media quite often get that a little confused. As well as the largest television station in the State, which regularly took my head off any way they could.

So, how did I win? Because I had the opportunity to take my case to the people, raise the money to get my message across over the head of the opposition, and the people gave me the opportunity to serve in this body.

The fact is, today's political campaigns are forced to operate within a web of campaign law first devised almost a quarter century ago. No matter how unworkable some of them are, how out of date some of them are, instead of pulling back and clearing away, the temptation is always to add on.

That is what happened with the IRS. Can you believe it? The U.S. Senate Finance Committee, with jurisdiction over the Internal Revenue Service, this week had its first ever oversight hearing on the violations, abuses, intimidations, and threats from the IRS. We are partly to blame. We have been hearing about these problems for years. What did we do about it? More laws. We kept adding on. We kept putting on more pressures. Unfortunately, too often we added more taxes.

The same is true here. The temptation is to restrict and limit free speech. Add on another restriction, one on top of another, with regard to campaign spending or the ability to raise money. Add on another reporting requirement. Add on another financial incentive, often from the taxpayer's purse, for campaigns to behave or advertise in a certain way.

Remember now some of the things that have been advocated along the way, I believe, in the campaign finance reform bill proposed originally by Senators MCCAIN and FEINGOLD—a form of public financing of campaigns. People don't support that. Great; we are going to have the U.S. Treasury dollars go to candidates with a system of incentives and punishments and voluntary do this, don't do that; oh, by the way we will give you free broadcasting. The American people know there ain't nothing free. Somebody is going to pay. But that is kind of what the push has been.

I hope the debate we are starting today will break us out of that regulatory rut. We now have a chance to go back to square one and to reconsider the fundamental principles of what all along has been taken for granted.

For example, with today's computer technology—so rapid and so revealing beyond the imagination of the lawmakers of 1974 when the present law was enacted—perhaps the public good would best be served, not by restricting donations to campaigns, but by promoting them, with full disclosure—full, total, and immediate disclosure.

I wonder what would happen if every donation to a Federal campaign had to be logged onto the Internet as it was received by the campaign. Anyone interested in the integrity of that campaign, the identity of its donors, the possibility of undue influence or corruption, would be able to track the campaign's revenues dollar by dollar as they come in. Maybe we could agree on that.

Then let interested Americans donate as they will, for this one overriding reason: Because spending money to advance your own political views is as much a part of the right of free speech as running a free press.

I think the whole problem can be summed up in this one example. Suppose a distinguished surgeon feels strongly about a particular issue, whether it is Government control of health care or environmental policy or our entanglement in Bosnia. Her work is her life. She is saving lives every day. She has no time to devote to politics. Instead, she donates to candidates who agree with her views.

But her college-age son, on the other hand, has plenty of time, and he disagrees with his doctor-mother on just about everything, which wouldn't be unusual for a young college student to disagree with his or her parents. So he cuts back on his classes and volunteers 40 hours a week for the candidates who oppose her candidates. In the process, he saves those candidates a considerable amount of money doing for free what they otherwise would have to pay for.

Now, which of those two is a good citizen: The wealthy physician who writes checks to campaigns, or the pugnacious young man who gives them his time and labor?

My answer is both of them. Our campaign laws ought to encourage both their public spirit and their political involvement.

But our laws don't do that. They don't advert at all to the student volunteer or, for that matter, to the Hollywood personality whose donated performance brings in, say, $1 million for a Presidential campaign. For some reason, campaign contribution limits seem to stop right outside the gated driveways of some of the richest and most influential personages of the land.

But those laws do apply to the doctor and to everyone else who sits down to write a check, to put their money where their views are. I have made no secret of the fact that we need more such people, not fewer, and that our present campaign laws should be reformed so that they don't discourage citizen involvement of any sort.

That is especially important with regard to issue advocacy by the whole range of public policy organizations, left or right, liberal to conservative. The inclination by Government to regulate speech—or expenditures that are the equivalent of speech—is hard to contain.

It starts with the understandable wish to discourage slander and libel in campaigns. It proceeds to various schemes to review and control the content of campaign ads, and it ends up in attempts to restrict the essential right of private citizens to expose the records of candidates and reveal where they stand on crucial issues of the day.

Do I like this? When I am the brunt of some of that, no, I don't like it, and we can probably get bipartisan agreement that some of the negative aspects of it are not good. We don't like it. But how do we tell a private citizen that he or she can't pick a billboard and say, Congressman X or Senator X voted wrong on an issue? I think we need to think long and hard about that.

I hasten to add that, in its current form, the legislation before us does not do all of those things. I have been speaking more generally about various proposals that have won considerable credence in the media which, come to think of it, is the very last place those proposals should be tolerated. After all, once we lower the bar between Government and free expression of political ideas, we imperil that expression for everyone.

I am not suggesting that every aspect of campaign financing is so clear or so simple that all well-meaning persons will inevitably come to the same conclusion about it. They won't. But there is one campaign finance issue about which that is the case, about which all persons of good will should, indeed, reach the same conclusion.

That is the principle that no person should be compelled to financially support a political campaign, especially a campaign with which he or she does not agree. Surely we can agree on that.

Our instinctive reaction is to say, "Oh, that's out of the question; you can't be compelled to contribute to a candidate or campaign you don't agree with or against your will; it couldn't happen in America."

Well, it does. It happens all the time, and it is happening now. I am referring to the great scandal in American politics, what is to my mind the worst campaign abuse of them all: The forceful collection and expenditure of business fees or union dues for political purposes. This is not something that is aimed at businesses or at unions because I am unduly critical of them. We want more business. We want jobs. We want them to be involved in the political process. I am the son of a shipyard worker, a pipefitter, who was a union steward for a while.

I think we should encourage union members to be involved and active in politics. My own father was and so were my grandfathers on both sides of the family. So I have made the point over the years to go into plants and mills and stand at the gates and go into union halls—yes, union halls. I have had some interesting times there, because I quite often ask union members, "Do you agree with these things?" and run down the list. They don't agree with them; they agree with me. It is the union ratings of who is voting right or wrong. The local union members in my hometown more often agree with me than they do with the union bosses in Washington.

Sometimes, by the way, I think businesses do this, too, that somehow you have to contribute fees, or some process is used to get your money and put it in campaigns. The individual should have the final say and total control over how that happens. They should either have to write out the check for a specific purpose or give specific approval before those dues or those fees could be used.

I have heard complaints from union members about how disgruntled they are about the way their dues are mishandled by the national union officers. I have heard their anger and frustration knowing their unions are financially supporting a candidate whom they oppose. When they ask me why this is permitted, how am I supposed to answer? "Well, the law just allows that."

The courts are saying that shouldn't happen, but, buddy, you are going to hear a lot of screaming and hollering on the floor of this body about, "Oh, we can't have that opportunity for members or employees of a business or a union to direct where their contributions go, where their dues go." I think that is going to be pretty hard to defend for the average blue collar working man and woman wherever they are.

Should I tell them those who wrote our earlier campaign laws deliberately slanted those laws to hurt certain interests and advance others? Should I tell them that much of what passes for campaign finance reform today would only worsen those deliberate inequities?

As far as I am concerned, righting that wrong is the price of admission to campaign finance reform. If a Senator is willing to free employees and union members from that compulsory contribution of their hard-earned wages to political campaigns, then I can accept that Senator as a legitimate participant in the campaign reform debate, whether or not I agree with his or her views on the rest of the subjects. At least we know they want fairness, an opportunity for people to have some say where their dues, their fees, will go.

But anyone who is not willing to take that essential first step to protect the earnings and consciences of employees and union members against the political diversion of their fees or expenses or union dues, that person, in my mind, has no standing in the debate we are beginning today.

Madam President, I never deceive myself into thinking the American people follow every word that is spoken on the floor of the Senate. I hope not. They usually are too busy making America better by pursuing their own individual dreams. But this debate, I think, will catch and hold their attention for a while, and I think they are going to be interested in what they hear.

They may not have been able to read both sides in some of the news media, but hopefully they are about to hear it from me and from others and from the media that will tell both sides of the story and tell what the options are. At the end of what I think we are going to see this debate deliver will be a sea change in opinion as the public rethinks the role of candidates, of donors, of volunteers, of issue advocacy groups, and of Congress itself, whose track record on legislating on this issue has not been stellar.

In the past, the Supreme Court has had to overturn patently unconstitutional campaign reform legislation. Let us do nothing now to force a repetition of that rebuke. As a Member of the House and Senate over the years, I have heard, "We can't worry about that; we don't know what they will do. Let's just do what we want to do and then we will see." I don't think that is very responsible. You can always argue what is constitutional and not constitutional, but free speech is pretty easy to discern, and it ought to be hard to limit.

In the very recent past, there were 38 Members of the Senate who were willing, on the record, to amend the Constitution to give a Federal agency, the Federal Election Commission, the power to limit the first amendment rights of individual Americans. That, I trust, is an idea whose time has come and gone and will never come again.

In closing, Madam President, I would like to recall a line from what was probably the first drama written and performed in America. It was called "The Candidate, or the Humours of a Virginia Election." In it, a seasoned older candidate advises a younger one that when he makes promises he knows he cannot deliver, he should say, "upon my honor," otherwise they won't believe you.

Well, thus far, in the national debate about campaign finance reform, much has been said "upon my honor." Now comes the real test of ideas, so the American people can decide for themselves whom to believe and whom to trust about this matter that goes to the heart of their personal rights and their political liberty.

I yield the floor, Madam President.

Mr. DASCHLE addressed the Chair.

The PRESIDING OFFICER. The Democratic leader is recognized.

Mr. DASCHLE. Madam President, this Congress has spent many, many months and millions and millions of dollars to investigate perceived abuses in the 1996 election. There have been cries of outrage and shock. The American people are deeply cynical about whether Congress will ever pass campaign finance reform because they believe politicians' self-interests will, once again, override public good. If after all the hearings, all the press releases, all the statements, we do absolutely nothing, that cynicism is justified.

The American people are not dumb. They know the system is broken. They know we now have an opportunity to fix it, but they do not think we will. But we can use this opportunity, the next several days, to prove them too pessimistic. We need a sincere bipartisan effort to clean up our own house.

So, Madam President, this is a defining moment. People who think they can kill this effort with political gamesmanship—without anyone noticing—are wrong. If we squander this opportunity, it will not go unnoticed.

Today, we begin one of the most important debates that we will have in this Congress. We have sought this opportunity for almost a year. I appreciate the majority leader has now agreed to this debate. I hope his colleagues will not act to block meaningful reform now that we have the opportunity to deal with it. This is not only an easier way to resolve this issue, it is by far a better way. The American people have a right to hear full and open debate. And we have an opportunity and a responsibility to conduct it.

I appreciate, too, President Clinton's determination to see that we have a good debate and his willingness to take the extraordinary step—and I hope that it will not be necessary—of calling a special session of Congress to make sure that there is sufficient time for a thorough debate.

It has been a generation since the last campaign finance reform laws were signed. Today, those laws are practically useless. Some have been circumvented by new loopholes. Senator LOTT has noted all of the attention to abuse and the fact that we have so many laws on the books today.

The fact is that many of those laws are unenforceable because they have been poorly drafted, because they intentionally, in many cases, created loopholes, because they are ambiguous, because we do not have the teeth in the Federal Election Commission system to deal with it.

Just today in the Wall Street Journal there is an article that the former chairman of the Republican National Committee, Haley Barbour, is now being investigated by a grand jury for fundraising infractions he may or may not have committed as chairman over the last couple of years.

So, Madam President, this is not a Republican problem or a Democratic problem. This is an American problem, an American problem evidenced by grand jury investigations, by special counsel investigations, by congressional investigations. The investigations go on and on. And if we do not deal with it, the cynicism will rise, the participation in democracy will fall, and we will all be the victims.

So, Madam President, we have an opportunity today to build on the history.

In 1971 and in 1974, Democratic Congresses enacted major reforms that we thought would address many of these problems. We limited the amount of money in politics and required candidates to disclose where they got their money. But, unfortunately, many of those reforms, as we all well know, were thrown out by the controversial decision of the Supreme Court in 1976, Buckley versus Valeo.

For the last 21 years, since that decision, Democrats have tried to overcome obstacles put in place by that ruling. We have tried to find ways to address the complexities, the problems, the shortcomings of that decision.

It was 10 years ago, at the opening of the 100th Congress, that then-majority leader ROBERT C. BYRD introduced a bill to limit spending and reduce special interest influence. We had to fight through eight cloture votes, eight filibusters, in order to get the opportunity to finally vote on the issue. Democratic sponsors modified the bill to meet Republican objections. But in the end, Republicans continued to oppose the bill, and ultimately it died.

It was 8 years ago in the Democratic-led 101st Congress, both the House and the Senate passed campaign finance reform bills. President Bush threatened to veto the bill because it contained voluntary spending limits, effectively killing the bill.

Six years ago, in the 102d Congress, also a Democratic-led Congress, again the House and Senate passed campaign finance reform bills. And at that time the President—President Bush —vetoed the bill, with the backing of nearly every congressional Republican.

In the 103d Congress, we passed campaign finance reform with 95 percent of the Democrats in the Senate and 91 percent of the Democrats in the House voting for reform; 95 percent in the Senate, 91 percent in the House, voting for the reform. Yet, Republicans filibustered the move to take the bill to conference.

Senator MCCONNELL has boasted of that filibuster that "My party did the slaying then."

The 104th Congress, supposedly the "reform Congress," also presented opportunities for campaign reform. It appeared reform might actually happen when President Clinton and Speaker GINGRICH shook hands in Vermont and pledged to create a commission on campaign financing. But the commission never materialized.

Then, Senators MCCAIN and FEINGOLD introduced their bipartisan reform plan. Again, reform seemed within reach. And 46 of 47 Senate Democrats voted for McCain-Feingold. Republicans in the Senate filibustered the measure. Meanwhile, Republicans in the House introduced a bill that would have allowed a family of four to contribute $12.4 million in Federal elections—125 times more than the current allowed amount. We did not get anywhere in that Congress either.

That brings us to this Congress, the 105th. In his State of the Union Address in January, President Clinton made it very clear the importance that he put on the priority that Democrats have reiterated throughout this year, that we pass campaign finance reform. He called upon us to do it by July 4.

During the balanced budget negotiations in February, the President and Democrats in Congress asked our Republican colleagues to make campaign finance reform one of the top priority issues on which a bipartisan task force could be established. They refused to do so.

In the House, Republicans have voted five times in this Congress against bringing campaign finance reform to the floor. Here in the Senate, we actually have had one vote on campaign finance reform. That was a vote this past March to kill a constitutional amendment that would have allowed reasonable limits on campaign spending.

The problem is very simple, Madam President. The problem is the amount of money, the decades of delay. In the two decades since Buckley versus Valeo, since the Congress passed the only real campaign reform laws on the books today, the amount of money in politics has skyrocketed. It is no accident, no coincidence, that voter turnout and public confidence in this institution has plummeted. Even Nero would have put down his fiddle before now. But we just keep on playing, while spending on political campaigns spins out of control.

That is the fundamental problem. We all know that. We hear talk in this debate about hard money and soft money, this money and that money. That isn't the core problem. The core problem is that there is too much money, period. Too much money.

Total congressional campaign spending has exploded in the last 20 years. We spent $115 million on Federal campaigns in the 1975–76 election cycle. Ten years later, in the 1985–86, we spent $450 million. In the last cycle, 1995–96, Madam President, we spent $765 million on Federal campaigns.

Each election cycle shatters another spending record; 1996 was no exception. Spending in Federal campaigns increased 73 percent over the previous Presidential cycle; 73 percent in four years. To put that in perspective, during the same period, wages rose 13 percent, college tuition rose 17 percent, but Federal campaign spending rose 73 percent.

The average cost of winning a Senate seat in 1996 was $4.5 million. To raise that much money, a Senator has to raise $14,000 a week, every week, for 6 years.

I am currently—I am sure the majority leader is, too—seeking candidates to run for the U.S. Senate. I wish I could give you some indication of how difficult it is to tell a candidate, "I want you to run. I want you to seek one of the highest offices in the land. But to do that, you're going to have to somehow raise $4.5 million between now and next November. I know you don't have those kinds of personal resources. And I don't know how you'll raise the money. But never mind, you can do it. And I promise that you will never be indebted to any contributor. I promise that, regardless of how much you spend, you'll never have one of those contributors come back and ask you for something."

Madam President, the system is broken. That experience is repeated over and over and over again. How many more times will we have to tell someone who may consider running for the U.S. Senate, "You can't afford it. This is now a club for millionaires. You either have lots of money, or you're indebted to somebody for the rest of your life." But that is the choice. That should not be the American way. That should not be allowed to happen to the political system we have believed for all these years.

The average cost of winning a House seat in 1996 was $660,000. To raise that much money, Members in the House had to raise $6,000 a week, every week, for 2 years. It is demeaning. It is distracting. It takes us away from what we should be doing.

It used to be you worked the fundraisers around the Senate schedule. Now we work the Senate schedule around the fundraisers.

What I am describing now, Madam President, is a problem. We have not even reached the crisis stage yet. But we projected, given current rates of political inflation, what the typical Senate race will cost in our lifetime, 28 years from now, the year 2025. In the year 2025, if nothing changes, a typical Senate race will cost $145 million per candidate—per candidate. Are you going to tell your son or your daughter you want them to get into political life? Are you going to tell your son or your daughter that somehow in their lifetime, if they want to seek higher office, that they have to spend $145 million of their own money, or raise that much from other people? I do not even think JAY ROCKEFELLER could afford that.

The effect of the money, Madam President, is quite clear. Beyond the sheer amount of money is the effect the money has. At the very least, in the eyes of most Americans, the current system makes Congress appear to be for sale to the highest bidder.

A recent Harris Poll shows that 85 percent of the people in this country already think that special interests have more influence than the voters. Eighty-five percent think if you are going to come up against a special interest, Congress is going to listen to the special interest first.

Three-quarters of Congress think that we are largely owned by special interests today. Democracy cannot survive long in such a deeply cynical atmosphere, Madam President. We cannot survive that. It is no secret why voters are not going to the polls anymore. They do not think it makes any difference. "What difference does it make as long as the special interests have the power, between the elections, to decide what we do?"

So, Madam President, if we do nothing at all, problems are going to worsen.

The recent explosion in the so-called "independent expenditure ads" is just another illustration, another example of what we are facing. It is a particularly virulent form of political advertising. In my view, independent expenditures are the "crack cocaine" of negative ads. They are potent, they are deadly, and they are going to kill the system.

They are not tied publicly to any candidate—no reporting, no accountability. We do not even know who is running the ads half the time.

In the last election cycle, Republicans spent $10 million on independent expenditures; Democrats spent $1.5 million. But those figures are nothing compared to what we are going to see in this cycle.

Independent expenditure ads push candidates to the margins. Candidates become bit players in their own races. The debate is defined by whoever has the most money. That is ultimately who dominates the media. We used to interrupt programs for ads. These days, we interrupt the political ads for programs.

The solution? Well, we have been grappling with that question for a long time. There are those who look at all of this and contend that nothing is wrong, that this is America, this is free speech. What is wrong with the system? You ought to be able to go out and raise $145 million if you want to be a U.S. Senator.

The majority leader just said last March, "The system is not broken." Madam President, the majority leader, for whom I have great respect, in my view is wrong. We believe the system is badly broken, and so do the American people. Ninety-two percent think we spend too much money on politics today. Almost 9 in 10, 89 percent want fundamental change in our system.

I have great respect for the sponsors of the legislation. Senators McCAIN and FEINGOLD have spent a tremendous amount of their time, at the expense of other issues, to fashion a bipartisan piece of legislation that will allow us to move ahead—not solve all the problems—but move the ball ahead.

It is not a perfect solution. It doesn't include the most critical component of reform, in my view, which is overall spending limits. But it gets us off dead center. If it doesn't address central problems, it does address several of the major problems we have in our system today. It bans soft money and regulates independent expenditures. It provides better disclosure, so people have a good idea of who is giving how much to what candidate and why. It limits the ability of the super-rich to buy political office.

Forty-six of forty-seven Senate Democrats already voted for the McCain-Feingold bill last year.

Now, earlier this month, all 45 Democrats in the Senate signed a letter reiterating their support for the legislation. Even after the bill was changed, Democrats would say we still support the McCain-Feingold bill unanimously. Every single man and woman in the U.S. Senate Democratic caucus would walk to the floor this afternoon and vote for it.

We are pleased that four brave Republicans have said they, too, will now support this effort. We only need one more Republican vote. I believe in the end we will have that vote and more.

The McCain-Feingold bill is the least we should do. Democrats will offer amendments to strengthen it. If we were in the majority, we would fight to cap spending. The Buckley versus Valeo decision was only 5–4, and 126 legal scholars have said spending limits are constitutional. But we don't want the perfect to be the enemy of the good. We hope those who disagree with us will resist the temptation to kill this chance with poison pills.

Our goal should be reform, not revenge. If one side or the other tries to use this debate to settle political scores or punish enemies, we will fail. We are confronted with a systemic problem and we need a systemic solution.

Madam President, as I said at the beginning, we spent a lot of time and a lot of money investigating abuses in past election cycles. We have all put out our press releases, expressed our indignation, our shock, and now the American people are waiting. They wonder whether politicians' self-interests will once again override the public good. They wonder if after all the hearings, all the press releases, if after all that we do nothing, what then? They know the system is broken. They know this is going to be our only chance perhaps this Congress to fix it. I hope we can demonstrate that their pessimism, their cynicism, in this case, is not warranted.

I hope we can rise up to what we did last July when Republicans and Democrats, against the odds, decided to come together and balance the budget in the next 6 years and put this economy on track well into the next century. We did it then. We did it with the Chemical Weapons Treaty last spring, and now we can do it again. With the leaders we have from Arizona and Wisconsin, with Democrats and Republicans working together, we can make it happen. This is our chance.

I yield the floor.

The PRESIDING OFFICER (Mr. ALLARD). The Senator from Arizona is recognized.

Mr. McCAIN. Mr. President, the Senate now begins a debate that will determine whether or not we will take an action that most Americans are convinced we are utterly incapable of doing—reforming the way we are elected to office. Most Americans believe that Members of Congress have no greater priority than our own reelection. Most Americans believe that every one of us—whether we publicly advocate or publicly oppose campaign finance reform—is working either openly or deceitfully to prevent even the slightest repair to a campaign finance system that they firmly believe is corrupt. Most Americans believe that all of us conspire to hold on to every single political advantage we have, lest we jeopardize our incumbency by a single lost vote. Most Americans believe we will let this Nation pay any price, bear any burden to ensure the success of our personal ambitions—no matter how dear the cost might be to the national interest.

Mr. President, now is the moment when we can begin to persuade the people that they are wrong. Now is the moment when we can show the American people that we take courage from our convictions and not our campaign treasuries. Now is the moment when we can begin to prove that we are—in word and deed—the people's representatives; that we are accountable to all the people who pay our salaries, and not just to those Americans who finance our campaigns. Mr. President, now is the moment when we should take a risk for our country.

I am a conservative, and I believe it is a very healthy thing for Americans to be skeptical about the purposes and practices of public officials and refrain from expecting too much from their Government. Self-reliance is the ethic that made America great, not consigning personal responsibilities to the State.

I would like to think that we conservatives could practice the self-reliance which we so devoutly believe to be a noble public virtue, and rely on our ideals and our integrity to enlist a majority of Americans to our cause, rather than subordinate those ideals to the imperatives of fundraising. I would like to think the justice of our cause, the good sense of our ideas will appeal to a majority of Americans without the need to fund that appeal with obscene amounts of money.

I am a conservative, and I believe in small government. But I do not believe that small government conservatives are chasing an idealized form of anarchy. Government is intended to support our constitutional purposes to "establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare and secure the blessings of liberty to ourselves and our posterity." When the people come to believe that government is so dysfunctional, so corrupt that it no longer serves these ends, basic civil consensus will suffer grave harm and our culture will be fragmented beyond recognition.

I am a conservative, and I believe that a conservative's primary purpose in public life is to give Americans a Government that is less removed in style and substance from the people, and to help restore the public's faith in an America that is greater than the sum of its special interests. That, I contend, is also the purpose of meaningful campaign finance reform.

Mr. President, opponents of campaign finance reform will argue that there is no public hue and cry for reform, despite the fact that more and more public polls show that the people support reform by ever-widening margins. A recent poll commissioned by my own party revealed that the public now considers campaign finance reform to be among the most important issues facing the country.

But no matter, opponents will note that they have stood for reelection and won with their opposition to reform on full public display. Thus, they will argue, the people don't really care about reform. But that is because the people don't believe that either the incumbent opposing reform, or the challenger advocating it, will honestly work to repair this system once he or she has been elected under the rules that govern it. They distrust both of us. They believe that this system is so thoroughly riddled with financial temptations that it corrupts us all.

The opponents will argue the people are content. I will argue that the people are alienated, and that this explains why fewer and fewer of them even bother to vote.

This problem should motivate all public officials to repair both the appearance and the reality of government corruption. Whether great numbers of elected officials are, in fact, bribed by campaign contributors to cast votes contrary to the national interest is not the single standard for determining the need for reform. Although, it would be hard to find much legislation enacted by any Congress that did not contain one or more obscure provision that served no legitimate national or even local interest, but which was intended only as a reward for a generous campaign supporter.

Mr. President, I do not concede that all politicians are corrupt. I entered politics with some of the same expectations that I had when I was commissioned an ensign in the United States Navy. First among them was my belief that serving my country was an honor, indeed, the most honorable life an American could lead.

I believe that still. Regrettably, many Americans do not.

I am honored to serve in the company of many good men and women whose public and private virtue deserves to be above reproach. But we are reproached, Mr. President, because the system in which we are elected to this great institution is so awash in money that is taken so disproportionately from special interests that the people cannot help but suspect that our service is tainted by it.

If most Americans feel they have sufficient cause to doubt our integrity, then we must seek all reasonable means to persuade them otherwise. Reform of our campaign finance laws is indispensable to that end.

As long as the wealthiest of Americans or the richest organized interests can make six figure contributions to political parties and gain the special access to power such generosity confers on the donor, most Americans will dismiss even the most virtuous politician's claim of fairness and patriotism.

And who can blame them when they are overwhelmed by appearance that political representation in America is measured on a sliding scale. The more you give, the more effectively you can petition your government. If a Native American tribe wants to recover their ancestral lands—pay up, the Government will hear you. If you want to build a pipeline across Central Asia—pay up, the President will discuss it with you. If you want to peddle your invention to the Government—pay up, you get an audience with Government purchasing agents. But if all you pay is your taxes, and you want your elected representatives to help you seek redress for some wrong, send us a letter. We'll send you one back.

Mr. President, this a dark view of our profession, and I do not believe it fairly represents us. I believe such instances of influence peddling are, thankfully, an exception to the honest government that most public officials work hard to provide this Nation. But we cannot blame the people for thinking otherwise when they are treated to the spectacle of influence and access peddling which assaulted them in the last election; when they are told repeatedly that campaign contributions are the only means through which they can petition their Government; the politicians are selling subway tokens to the government gravy train.

Mr. President, the opponents of reform will tell you that there isn't too much money in politics. They will argue there's not enough. They will observe that more money is spent to advertise toothpaste and yogurt than is spent on our elections.

I don't care, Mr. President. We should not concern ourselves with the costs of toothpaste and yogurt marketing. We aren't selling those commodities to the people. We are offering our integrity and our principles, and the means we use to market them should not cause the consumer to doubt the value of the product.

Mr. President, Senator FEINGOLD, Senator THOMPSON, Senator COLLINS, and the other sponsors of this legislation have but one purpose—to enact fair, bipartisan campaign reform that seeks no special advantage for one party or another, but only seeks to find common ground upon which we can all begin to restore the people's faith in the integrity of their Government.

Each of us may have differences as to what constitutes the best reform, but we have subordinated those differences to the common good, in the hope that we might enact those basic reforms which all Members of both parties could agree on.

It is not perfect reform. There is no perfect reform. We have tried to exclude any provision which would be viewed as placing one party or another at a disadvantage. Our purpose is to pass the best, most balanced, most important reforms we can. All we ask of our colleagues is that they approach this debate with the same purpose in mind.

Mr. President, on Monday, we will offer a substitute amendment to S. 25, which represents a substantial change to the original McCain-Feingold Campaign Finance Reform Act, but at the same time, maintains the core—the heart—of the original bill.

I strongly believe in all the provisions of the original bill. In fact, as the debate proceeds, we intend to offer a series of amendments that would restore the component parts of our original bill. We intend to proceed to those amendments in good time.

For now, I would like to outline for my colleagues the contents of our substitute.

Before I do, I want to stress the purposes upon which this legislation is premised:

First, for reform to become law, it must be bipartisan. This is a bipartisan bill. It is a bill that affects both parties fairly and equally.

Second, genuine reform must lessen the amount of money in politics. Spending on campaigns in current, inflation-adjusted dollars has risen dramatically. In constant dollars, the amount spent on House and Senate races in 1976 was $318 million. By 1986, the total had risen to $645 million, and in 1996, to $765 million. If you include the Presidential campaigns, over a billion dollars was spent in the last election. And as the need for money escalates, the influence of those who give it rises exponentially.

Third, reform must level the playing field between challengers and incumbents. Our bill achieves this goal by recognizing the fact that incumbents almost always raise more money than challengers, and as a general rule, the candidate with the most money wins.

TITLE I

Title I of the modified bill seeks to reduce the influence of special interest money in campaigns by banning the use of soft money in federal races. Soft money would be allowed for State parties in accordance with State law.

In the first half of 1997 alone, a record $34 million of soft money flowed to political coffers. That staggering amount represents a 250 percent increase in soft money contributions over the same period in 1993.

We do differentiate between State and Federal activities. Soft money contributed to State parties could be used for any and all State candidate activities. Soft money given to the State could be used for any State electioneering activity.

If a State allows soft money to be used in a gubernatorial race, a State senate race, or the local sheriff's race, it would still be allowed under this bill. However, if a state party uses soft money to indirectly influence a Federal race, such activity would be banned 120 days prior to the general election. Voter registration and general campaign advertising would be allowed except in the last 120 days prior to the election.

To compensate for the loss of soft money, our legislation doubles the limit that individuals can give to State parties in hard money. The aggregate contribution limit in hard money that individuals could donate would rise to $30,000.

Our soft money ban would serve two purposes. First, it would reduce the amount of money in campaigns. Second, it would cause candidates to spend more time campaigning for small dollar donations from people back home.

TITLE II

Title II of the modified McCain-Feingold seeks to limit the role of independent expenditures in political campaigns. The bill does not ban, curb, or control real, independent, non-coordinated expenditures in any manner. Any genuinely independent expenditure made to advocate any cause which does not expressly advocate the election or the defeat of a candidate is fully allowed.

The bill does responsibly expand the definition of express advocacy, which the courts have ruled Congress may do. In fact, the current standards for express advocacy were derived from the Buckley versus Valeo case. As we all know, that Supreme Court case stated that campaign spending cannot be mandatorily capped. This bill is fully consistent with the Buckley decision, and I would ask unanimous consent that a letter signed by 126 constitutional scholars which testifies to the constitutionality of McCain-Feingold be printed in the RECORD at this time.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

BRENNAN CENTER FOR JUSTICE,
*New York, NY, September 22, 1997.*

Senator JOHN MCCAIN,
Senator RUSSELL FEINGOLD,
*U.S. Senate, Washington, DC.*

DEAR SENATORS MCCAIN AND FEINGOLD: We are academics who have studied and written about the First Amendment to the United States Constitution. We submit this letter to respond to a series of recent public challenges to two components of S. 25, the McCain-Feingold bill. Critics have argued that it is unconstitutional to close the so-called "soft money loophole" by placing restrictions on the source and amount of campaign contributions to political parties. Critics have also argued that it is unconstitutional to offer candidates benefits, such as reduced broadcasting rates, in return for their commitment to cap campaign spending. We are deeply committed to the principles underlying the First Amendment and believe strongly in preserving free speech and association in our society, especially in the realm of politics. We are not all of the same mind on how best to address the problems of money and politics; indeed, we do not all agree on the constitutionality of various provisions of the McCain-Feingold bill itself. Nor are we endorsing every aspect of the bill's soft money and voluntary spending limits provisions. We all agree, however, that the current debate on the merits of campaign finance reform is being sidetracked by the argument that the Constitution stands in the way of a ban on unlimited contributions to political parties and a voluntary spending limits scheme based on offering inducements such as reduced media time.

I. LIMITS ON ENORMOUS CAMPAIGN CONTRIBUTIONS TO POLITICAL PARTIES FROM CORPORATIONS, LABOR UNIONS, AND WEALTHY CONTRIBUTORS ARE CONSTITUTIONAL

To prevent corruption and the appearance of corruption, federal law imposes limits on the source and amount of money that can be given to candidates and political parties "in connection with" federal elections. The money raised under these strictures is commonly referred to as "hard money." Since 1907, federal law has prohibited corporations from making hard money contributions to candidates or political parties. See 2 U.S.C. §441b(a) (current codification). In 1947, that ban was extended to prohibit union contributions as well. Id. Individuals, too, are subject to restrictions in their giving of money to influence federal elections. The Federal Election Campaign Act ("FECA") limits an individual's contributions to (1) $1,000 per election to a federal candidate; (2) $20,000 per year to national political party committees; and (3) $5,000 per year to any other political committee, such as a PAC or a state political party committee. 2 U.S.C. §441a(a)(1). Individuals are also subject to a $25,000 annual limit on the total of all such contributions. Id. §441a(a)(3).

The soft money loophole was created not by Congress, but by a Federal Election Commission ("FEC") ruling in 1978 that opened a seemingly modest door to allow non-regulated contributions to political parties, so long as the money was used for grassroots campaign activity, such as registering voters and get-out-the-vote efforts. These unregulated contributions are known as "soft money" to distinguish them from the hard money raised under FECA's strict limits. In the years since the FEC's ruling, this modest opening has turned into an enormous loophole that threatens the integrity of the regulatory system. In the last presidential elections, soft money contributions soared to the unprecedented figure of $263 million. It was not merely the total amount of soft money contributions that was unprecedented, but the size of the contributions as well, with donors being asked to give amounts $100,000, $250,000 or more to gain preferred access to federal officials. Moreover, the soft money raised is, for the most part, not being spent to bolster party grassroots organizing. Rather, the funds are often solicited by federal candidates and used for media advertising clearly intended to influence federal elections. In sum, soft money has become an end run around the campaign contribution limits, creating a corrupt system in which monied interests appear to buy access to, and inappropriate influence with, elected officials.

The McCain-Feingold bill would ban soft money contributions to national political parties, by requiring that all contributions to national parties be subject to FECA's hard money restrictions. The bill also would bar federal officeholders and candidates for such offices from soliciting, receiving, or spending soft money and would prohibit state and local political parties from spending soft money during a federal election year for any activity that might affect a federal election (with exceptions for specified activities that are less likely to impact on federal elections).

We believe that such restrictions are constitutional. The soft money loophole has raised the specter of corruption stemming from large contributions (and those from prohibited sources) that led Congress to enact the federal contribution limits in the first place. In Buckley v. Valeo, the Supreme Court held that the government has a compelling interest in combating the appearance and reality of corruption, an interest that justifies restricting large campaign contributions in federal elections. 424 U.S. 1, 23–29 (1976). Significantly, the Court upheld the $25,000 annual limit on an individual's total contributions in connection with federal elections. Id. at 26–29, 38. In later cases, the Court rejected the argument that corporations have a right to use their general treasury funds to influence elections. See, e.g., Austin v. Michigan Chamber of Commerce, 494 U.S. 652 (1990). Under Buckley and its progeny, Congress clearly possesses power to close the soft money loophole by restricting the source and size of contributions to political parties, just as it does for contributions to candidates, for use in connection with federal elections.

Moreover, Congress has the power to regulate the source of the money used for expenditures by state and local parties during federal election years when such expenditures are used to influence federal elections. The power of Congress to regulate federal elections to prevent fraud and corruption includes the power to regulate conduct which, although directed at state or local elections, also has an impact on federal races. During a federal election year, a state or local political party's voter registration or get-out-the-vote drive will have an effect on federal elections. Accordingly, Congress may require that during a federal election year state and local parties' expenditures for such activities be made from funds raised in compliance with FECA so as not to undermine the limits therein.

Any suggestion that the recent Supreme Court decision in Colorado Republican Federal Campaign Committee v. FEC, 116 S. Ct. 2309 (1996), casts doubt on the constitutionality of a soft money ban is flatly wrong. Colorado Republican did not address the constitutionality of banning soft money contributions, but rather the expenditures by political parties of hard money, that is, money raised in accordance with FECA's limits. Indeed, the Court noted that it "could understand how Congress, were it to conclude that the potential for evasion of the individual contribution limits was a serious matter, might decide to change the statute's limitations on contributions to political parties." Id. at 2316.

In fact, the most relevant Supreme Court decision is not Colorado Republican, but Austin v. Michigan Chamber of Commerce, in which the Supreme Court held that corporations can be walled off from the electoral process by forbidding both contributions and independent expenditures from general corporate treasuries. 494 U.S. at 657–61. Surely, the law cannot be that Congress has the power to prevent corporations from giving money directly to a candidate, or from expending money on behalf of a candidate, but lacks the power to prevent them from pouring unlimited funds into a candidate's political party in order to buy preferred access to him after the election.

Accordingly, closing the loophole for soft money contributions is in line with the longstanding and constitutional ban on corporate and union contributions in federal elections and with limits on the size of individuals' contributions to amounts that are not corrupting.

II. EFFORTS TO PERSUADE CANDIDATES TO LIMIT CAMPAIGN SPENDING VOLUNTARILY BY PROVIDING THEM WITH INDUCEMENTS LIKE FREE TELEVISION TIME ARE CONSTITUTIONAL

The McCain-Feingold bill would also invite candidates to limit campaign spending in return for free broadcast time and reduced broadcast and mailing rates. In Buckley, the Court explicitly declared that "Congress . . . may condition acceptance of public funds on an agreement by the candidate to abide by specified expenditure limitations." 424 U.S. at 56 n.65. The Court explained: "Just as a candidate may voluntarily limit the size of the contributions he chooses to accept, he may decide to forgo private fundraising and accept public funding." Id.

That was exactly the Buckley Court's approach when it upheld the constitutionality of the campaign subsidies to Presidential candidates in return for a promise to limit campaign spending. At the time, the subsidy to Presidential nominees was $20 million, in return for which Presidential candidates agreed to cap expenditures at that amount and raise no private funds at all. The subsidy is now worth over $60 million and no Presidential nominee of a major party has ever turned down the subsidy.

In effect, the critics argue that virtually any inducement offered to a candidate to persuade her to limit campaign spending is unconstitutional as a form of indirect "coercion." But the Buckley Court clearly distinguished between inducements designed to elicit a voluntary decision to limit spending and coercive mandates that impose involuntary spending ceilings. If giving a Presidential candidate a $60 million subsidy is a constitutional inducement, surely providing free television time and reduced postal rates falls into the same category of acceptable inducement. The lesson from Buckley is that merely because a deal is too good to pass up does not render it unconstitutionally "coercive."

Respectfully submitted,

RONALD DWORKIN,
*Professor of Jurisprudence and Fellow of University College at Oxford University;*
*Frank H. Sommer, Professor of Law, New York University School of Law.*

BURT NEUBORNE,
*John Norton Pomeroy Professor of Law, Legal Director, Brennan Center for Justice, New York University School of Law.*

Mr. MCCAIN. Our bill establishes a so-called bright line test 60 days out from an election. Any independent expenditure that falls within that 60-day window could not use a candidate's name or likeness. Ads could run which advocate any number of causes. Pro-life ads, pro-choice ads, anti-labor ads, pro-wilderness ads, pro-Republican Party ads, pro-Democrat Party ads—all could be aired in the last 60 days. However, ads mentioning the candidates could not.

If soft money is banned to political parties, money will inevitably flow to independent campaign organizations. These groups run ads that even the candidates who benefit from them often disapprove of. Further, these ads are almost always negative attacks on a candidate and do little to further healthy political debate. As we all know, they are usually intended to defeat a candidate, and are often, in reality, coordinated with the campaign of that candidate's opponent. They are not genuinely independent, nor are they strictly concerned with issue advocacy.

Our bill explicitly protects voter guides. I believe this is a very important point. Some groups have unfairly criticized our original bill when they argued that it prohibited the publication and distribution of voter guides and voting records. While I view those arguments as misinformation, the sponsors have, nevertheless, worked to make our legislation even more explicit in its protection of such activities.

Let me stress—so no one can have any grounds to assume otherwise—this legislation completely protects voter guides. I will read the provision addressing this matter in the hope that it will allay any and all concerns about voter guides.

(C) VOTING RECORD AND VOTER GUIDE EXEMPTION.—The term express advocacy shall not include a printed communication which is limited solely to presenting information in an educational manner about the voting record or positions on campaign issues of two or more candidates and which:

(i) is not made in coordination with a candidate, or political party or agency thereof;

(ii) in the case of a voter guide based on a questionnaire, all candidates for a particular seat or office have been provided with an equal opportunity to respond;

(iii) gives no candidate any greater prominence than any other candidate; and

(iv) does not contain a phrase such as "vote for," "re-elect," "support," "cast your ballot for," (name of candidate) for Congress," "(name of candidate) in 1997," "vote against," "defeat," or "reject" or a campaign slogan or words which in context can have no reasonable meaning other than to urge the election or defeat of one or more candidates.

Mr. President, I hope this clear and concise language dispels any rumors that this modified legislation will adversely affect voter guides.

### TITLE III

Title III of the modified McCain-Feingold bill mandates greater disclosure. Our bill mandates that all FEC filings documenting campaign receipts and expenditures be made electronically, and that they then be made accessible to the public on the Internet not later than 24 hours after the information is received by the Federal Election Commission.

Additionally, current law allows for campaigns to make a best effort to obtain the name, address, and occupation information of the donors of contributions above $200. Our bill would eliminate that waiver. If a campaign cannot obtain the address and occupation of a donor, then the donation cannot and should not be accepted.

The bill also mandates random audits of campaigns. Such audits would only occur after an affirmative vote of at least four of the six members of the FEC. This will prevent the use of audits as a purely partisan attack.

The bill also mandates that campaigns seek to receive name, address, and employer information for contributions over $50. Such information will enable the public to have a better knowledge of all who give to political campaigns.

### TITLE IV

Title IV of the modified bill seeks to encourage individuals to limit the amount of personal money they spend on their own campaigns. If an individual voluntarily elects to limit the amount of money he or she spends in his or her own race to $50,000, then the national parties are able to use funds known as coordinated expenditures to aid such candidates. If candidates refuse to limit their own personal spending, then the parties are prohibited from contributing coordinated funds to the candidate.

This provision serves to limit the advantages that wealthy candidates enjoy, and strengthen the party system by encouraging candidates to work more closely with the parties.

### TITLE V

Last, the bill codifies the Beck decision. The Beck decision states that a nonunion employee working in a closed shop union workplace, and who is required to contribute funds to the union, can request and be assured that his or her money will not be used for political purposes.

I personally support much stronger language. I believe that no individual—a union member or not—should be required to contribute to political activities. However, I recognize that stronger language would invite a filibuster of this bill and would doom its final passage. As a result, I will fight to preserve the delicately balanced language of the bill, and will oppose amendments offered on both sides of the aisle that would result in killing campaign finance reform.

Mr. President, what I have outlined is a basic summary of our modifications to the original bill. I have heard many colleagues say that they could not support S. 25, the original McCain-Feingold bill for a wide variety of reasons. Some opposed spending limits. Others opposed free or reduced rate broadcast time. Others could not live with postal subsidies to candidates. Others complained that nothing was being done about labor.

I hope that all my colleagues who raised such concerns will take a new and openminded look at this bill. Gone are spending limits. Gone is free broadcast time. Gone are reduced rate TV time and postal subsidies. And we have sought to address the problem of undue influence being exercised by labor unions. All the excuses of the past are gone.

Mr. President, on Monday I will review the provisions of the substitute again and will lay the modified bill before the Senate. I look forward to discussing the specifics of the measure at that time.

Mr. President, the sponsors of this legislation claim no exclusive right to campaign finance reform. We offer good, fair, necessary reform, but certainly not a perfect remedy. We welcome good faith amendments intended to improve the legislation.

But I beg my colleagues not to propose amendments designed to kill this bill by provoking a filibuster from one party or the other. The sponsors of this legislation intend to have votes on all relevant issues involved in campaign finance reform, and we will use every resource we have under Senate rules to ensure that we do.

If we cannot agree on every aspect of reform; if we have differences about what constitutes genuine and necessary reform, and we hold those differences honestly—so be it. Let us try to come to terms with those differences fairly. Let us find common ground and work together to adopt those basic reforms we can all agree on. That is what the sponsors of this legislation have attempted to do, and we welcome anyone's help to improve upon our proposal as long as that help is sincere and intended to reach the common goal of genuine campaign finance reform.

Mr. President, when I was a young man, a long time ago, I would respond aggressively and often irresponsibly to anyone who questioned my honor. I am not a young man now, and while I have been known to occasionally forget the discretion which is expected of a person of my years and station, I lack both the will and the ability to address attacks upon my honor in the manner I once addressed them. I now prefer to clear up peacefully the misunderstandings that may cause someone to question my honor. That is the task which I believe the sponsors of McCain-Feingold have undertaken.

I remember how zealously a boy would attend the needs of his self-respect. But as I grew older, and as the challenges to my self-respect grew more varied, I was surprised to discover that while my sense of honor had matured, its defense mattered even more to me than it did when I believed that honor was such a vulnerable thing that any empty challenge threatened it.

Now, I find myself faced with a popular challenge to the honor of a profession of which I am a willing and proud member. It is imperative that we do all we can to address the causes of the people's distrust.

Meaningful campaign finance reform will not cure public cynicism about modern politics. Nor will it completely free politics from influence peddling. But, coupled with other reforms, it may prevent cynicism from becoming utter alienation, as Americans begin to see that their elected representatives value their reputations more than their incumbency. I hope it would even encourage more Americans to seek public office, not for the honorifics bestowed on election winners, but for the honor of serving a great nation.

Mr. President, we must not fear to take risks for our country. We must not value the privileges of power so highly that we use our power unfairly, and subordinate the country's interests to our own comfort. We may think that we trade on America's good name to stay in office and shine the luster of our professional reputations, but the public's growing disdain for us is a stain upon our honor. And that is an injury which none of us should suffer quietly.

Mr. FEINGOLD addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized.

Mr. FEINGOLD. Mr. President, I want to begin by once again expressing my admiration and gratitude to the senior Senator from Arizona for his extraordinary leadership on the issue of campaign finance reform. This effort has already been a long and difficult one, but it is all about his courage and his exceptional commitment to the good of this country. He is in a more difficult situation than I am in as a member of the majority party. But the fact is he is one of the greatest Republicans of our time. And they are lucky to have him.

Mr. President, I also want to thank Senator LOTT, the majority leader, for helping us get this bill up to the floor. And I also appreciate the fact that he took some time this morning to say a little bit about how he got here; about what it was like for him to try to be elected to the U.S. Senate.

I think those kinds of stories and accounts are going to be very important as this debate proceeds because we need to tell the American people just what is involved in running for the Congress these days. We need to tell them the truth about how many people are truly invited to participate in a process that is so awash in money that almost every American must feel like they are not invited to participate.

I also want to, of course, especially thank my leader, Senator DASCHLE, not only for his powerful statement on behalf of our bill but also for his leadership in working diligently to make sure that all 45 members of the Senate Democratic caucus are in support of the McCain-Feingold bill; a bill that has been initiated by a member of the other party. That is a great tribute to him and to the cause of bipartisanship in favor of campaign finance reform.

I also want to do something that may not be terribly popular out here as the debate goes on. I want to thank the President of the United States, because the fact is he has been diligent, consistent, and persistent in support of this particular piece of legislation. He has offered his personal help. He has offered the help of his staff. Before it is finished, before we claim our final victory on this issue, I am going to certainly repeat the fact that President Clinton has been fighting for reform.

Mr. President, it was just over 2 years ago that the Senator from Arizona and the Senator from Tennessee, Senator THOMPSON, and I began this long, sometimes tortuous, journey on the path to campaign finance reform. In fact, it was September 1995 when we first introduced our bipartisan reform proposal, a proposal that is centered on the premise that it is imperative that we reduce the role and influence of money on our electoral system.

For 2 years, though, Mr. President, the Senator from Arizona and I have been stymied by opponents of reform who desperately cling to the absurd notion that the more money you pour into the political system that our democracy somehow gets better. Sometimes the comparison is made that we spend as much money on elections as we spend on potato chips. I don't know what this has to do with the question of political reform but it is an argument we are treated to anyway. Of course, no one outside the Washington Beltway believes in that argument. No one outside of this town thinks we need more money spent on the political process. In fact, if you talk to any average American they will tell you they are just horrified by the amount of money that is spent on our electoral system. But they are tired of excessive spending. They are tired of the onslaught of negative attack ads all throughout a campaign season. And, yet, they are even more tired—they are sick and tired—of the ongoing revelations of abuse and wrongdoing related to elected officials and campaign fundraising.

Nonetheless, our opponents, such as our colleague and our friend, the junior colleague from Kentucky, continue to argue that more campaign spending somehow strengthens democracy and expands citizen participation. Of course, I disagree with him on this point. And so do the facts.

The facts say this: The 1996 election speaks for itself. In 1996, candidates and parties spent in excess of $2 billion. That was an all-time record amount of campaign spending.

In a year where we spent more money on Federal elections than in any other year in our history, let's ask the question: Was democracy strengthened? Did we expand citizen participation? We all know the answer. Mr. President, we did not. Almost a year after the fact we are still feeling the fallout from the 1996 elections. After months of hearings by the Governmental Affairs Committee, led by the Senator from Tennessee, it is clear that we had widespread abuse and wrongdoing on both sides of the aisle. We have had congressional investigations, a Justice Department investigation, an FBI investigation, and even a CIA investigation, all relating to the way we elected our representatives.

That doesn't sound like the strengthening of democracy to me.

As for participation, we had the lowest voter turnout in 72 years—a clear sign that the electorate was not exactly energized by all this campaign spending. We know the truth. They were turned off.

Perhaps most disheartening, our campaign finance system just lacks any sense of fairness anymore.

In 1996, incumbents outspent challengers by ratios of 2 to 1 and 3 to 1, and to no surprise. The reelection rate for Members of the House and Senate remained well above the 90 percent level.

As the Senator from Arizona has said, the time for reform is right now.

Over the course of the last several months, the Senator from Arizona and I have had two clear consistent messages. The first was that our preference was to work with the majority leader in scheduling debate on bipartisan reform legislation. Thankfully for the kind of cooperation that serves this body very well, we have achieved that.

Of course, the majority leader has already begun the debate. He says we should not shift the subject. He wants to focus instead on the White House. But I think what we ought to focus on is the whole system. We ought to focus on the question of whether this system has anything to do with the principle that everybody's vote should cost the same.

We are already hearing talk about filibusters—about ways to make sure the legislation does not pass.

But I do want to say that I am very impressed with the way in which this bill came to the floor, and I am grateful.

Our first choice always was the cooperative approach.

Mr. President, our second message was one that the Senator from Arizona just made very plain once again. That is our willingness and continued willingness to make the changes that need to be made to do the right thing.

We demonstrated this willingness to compromise when we worked with the junior Senator from Maine who suggested a number of changes to our bill that I think actually strengthen the bill. I think there may be amendments out on the floor by either party that can make the bill stronger, and a better reform bill.

That is the spirit in which Senator McCAIN and I come to the floor. We know that this bill isn't perfect. It is not the ideal Feingold bill. It is not the ideal McCain bill. That is how we got together—by compromises and trying to come up with a reasonable passage.

Prior to the August recess, the Senator from Arizona and I stood here on the Senate floor with some of our colleagues and expressed the hope that this debate would occur. We also said that if we were unsuccessful with that effort we would bring the legislation to the floor in September.

Mr. President, for opponents of campaign finance reform, for those Washington interest groups—whom I like to refer to as "the Washington gatekeepers"—who joined with the Senator from Kentucky in opposing any changes to our current system, it is September. It is a Friday in September. And we hope for all of those who have declared this bill dead over and over again that today will be remembered for them as "Black Friday."

For the rest of the country, for the 90 percent of the Americans who believe we should be spending less on our elections, for the underfunded challengers who are consistently blown out of the water by well-entrenched incumbents, and for those who believe that the first amendment is a right belonging to all Americans, not just a commodity for the wealthy few, I hope this Friday will be remembered as the day we took the first step in providing with this reform proposal the first real opportunity to fundamentally change the nature of our political system.

The base package of reforms the Senator from Arizona and I have pieced together represents a solid first step on the path to more comprehensive reform.

As he has already highlighted, the package will ban so-called soft money. That means that the Washington soft money machine that has fostered the multihundred-thousand dollar contribution from corporations and labor unions and wealthy individuals will be shut down forever. The American people won't have to hear about outrageous levels of contributions that they couldn't even dream of giving even once in their lives.

The base proposal also modifies the current statutory definition of "express advocacy." It does not affect issue advocacy. It redefines in an appropriate manner "express advocacy" to provide a clear distinction between expenditures for communications used to advocate candidates and, on the other hand, those used to advocate issues. And that is all it does.

It does not do, as the majority leader has suggested, ban billboards. Of course, it doesn't. It doesn't touch voter guides. We explicitly provide that voter guides are permitted. And it doesn't ban one single television or radio ad, ever. It simply does not do that. And we will repeat that statement as often as it needs to be repeated.

Candidate-related expenditures will be subject to current Federal election laws and disclosure requirements. Of course they will. But that is all.

No form of expression will be prohibited.

That statement is simply inaccurate.

The proposal will require greater disclosure of campaign contributions and expenditures, and provide the Federal Election Commission with the tools to better enforce our campaign finance laws.

It includes a strict codification of what is known as the Supreme Court's Beck decision, thus requiring labor unions to notify nonunion members that they are entitled to request a reduction of the portion of their agency fees used for political purposes. Of course, I find it laughable that anyone could believe that the central problem in the campaign finance system is an issue of union dues. That is laughable on its face.

What about corporations? What about all of the other special interest groups? Does anyone really believe that labor is the only problem? Nonetheless, we try to reasonably and appropriately address this issue rather than ignoring it.

Finally, the base package includes a provision that for the first time encourages candidates to abide by some kind of a voluntary fundraising restriction. That is a significant step.

As my colleagues know, the Supreme Court ruled in the decision in Buckley versus Valeo that it is fully consistent with the first amendment to offer candidates incentives to encourage them to voluntarily limit their campaign spending.

In fact, the Buckley Court specifically upheld the Presidential system that we have today which offers public financing in exchange for candidates agreeing to voluntary spending limits.

The Senator from Arizona and I have added a provision to this base package that tracks that concept.

Under current law, Mr. President, political parties are permitted to make expenditures in coordination with the Senate candidate up to a certain limit. That limit is based on the size of each State.

In California, for example, the parties are each permitted to spend about $2.8 million in coordination with the candidate.

Our proposal provides that candidates who decide to pour a great deal of their own personal funds into a campaign would simply no longer be entitled to those party expenditures on their behalf.

Specifically, if a candidate agrees to limit their personal spending to less than $50,000 per election, they will continue to receive help from their party committees. If they don't, they just won't receive that money.

It is a basic concept. If you want to pour millions and millions of dollars of your personal money into a campaign to try to buy a Senate seat, you should be able to do so.

We don't disagree with Buckley versus Valeo on that point. We don't disagree. We just do not think you should get some kind of a benefit, some kind of a privilege after you have done so.

It is very important to recognize that distinction.

That is what Buckley said, and that is what this proposal reflects. We should not reward such candidates. We should not give them the equal benefit with their opponent who is not a millionaire and who should be able to receive that.

So, Mr. President, that is the outline of our base package. It is modest reform. It is a strong step in the right direction, and it provides us with the vehicle to move campaign finance reform forward.

But there is another piece to our effort. The base package makes several important reforms.

But the one thing it does not do enough of is doing something about the position of incumbents and challengers in financing their campaigns. We know what the problems are. Incumbents consistently blow away challengers who lack the resources to run their campaign.

The flow of campaign cash through the corridors of Congress undermines public confidence and trust in this institution. Officeholders spend more time panhandling for campaign contributions sometimes than they do on the Nation's legislative business.

That is why the Senator from Arizona and I are announcing our intention to offer a McCain-Feingold amendment to our own vehicle. Why? Because we want some accountability on this issue. We want to see that the Members of the U.S. Senate are prepared to stand up in the public spotlight and tell the American people whether they are willing or unwilling to change a system that is so clearly rigged in their own favor.

Mr. President, that road is going to be a true test of reform. That will be one of the votes that tells us how serious the U.S. Senate is with fundamentally changing a political system that has spiraled out of control, and has led to so many charges of abuse and undue influence; and, yes, Mr. President, corruption.

Our amendment will again build on what the Supreme Court said was permissible in the Buckley decision. The amendment offers an incentive to candidates to encourage them voluntarily to limit their fundraising. The incentive in this case is a half-priced discount on television time. And that, of course, would have more to do with reducing the cost of campaigns than anything else.

Candidates who wish to receive the discounted television time would have to agree to three simple rules. First, they would have to agree to raise a majority of their campaign funds from people who live in their own State. That seems reasonable. Second, they must agree to raise no more than 25 percent of their total campaign contributions from political action committees. Finally, they have to agree again to spend no more than $50,000 of their own personal money on a campaign.

By doing so, Mr. President, we would provide candidates, for the first time ever, with the opportunity to run a competitive campaign without having to raise and spend millions of dollars. It tries to level the playing field. It is fair to both parties, and that provision, that amendment that we will offer, is clearly constitutional.

There will be a vote on that amendment, and we will find out if Senators favor or support changing the rules that have so clearly fallen apart in recent years. I look forward to that debate. I look forward to the other amendments that will be offered that could well improve this bill even more.

So before concluding, I do want to again thank my colleague from Arizona, but I want to make two points, two points that I think will be something of a road map to what will happen in the next few days.

First, there is going to be, if you have a scorecard, two different groups out on the floor. One group of Senators is going to try to force a filibuster. They are going to offer amendments and use procedural tactics in any way they can to force either the Democrats or the Republicans to filibuster. The majority leader already said today, with great pride, that he would get the other side to filibuster. He has already announced that that is his goal. But there is another group of Senators, Mr. President. That is the bipartisan group. That is not the filibustering group. That is the group of Senators from both parties who are working together to avoid a filibuster and reform our system. Keep your scorecard. There are two very clear groups—the filibusterers and the bipartisan Senators. That is where we are in the difference on this issue.

The second final point I want to make, Mr. President, is that not only are there two groups of Senators on this issue—and we will find out exactly who they are—there are also two different visions of our democracy represented in the Senate. One vision is the vision of a representative democracy. The other vision is what I like to call a vision, an acceptance of something that is more akin to a corporate democracy. We have become a corporate democracy.

What do I mean by that? When I was 13 years old, I received a gift of a share of stock. One of our relatives wanted to teach me how the stock market worked and how our economy worked. I think it was maybe a $13 stock in the Parker Pen Co., one of our great prides in Wisconsin and in my hometown of Janesville. My father told me that in addition to owning a share of that stock, I would have a vote at the stockholders' meeting. And being already interested in politics, I thought: Great. When is the election? When is the stockholders' meeting? I want to go vote. And he laughed. He said, "Well, I better tell you something. The number of votes you get depends on how many shares you have. You don't have the same vote and the same power as everyone else because it is a corporation. It is based on how much money you are able to put into the corporation, and so you could go to the shareholders' meeting but your vote wouldn't count very much."

Mr. President, sadly, that reminds me more of America today than ever before. This is not a democracy anymore of one person-one vote. If we keep this system of $300,000, $400,000 contributions and access to politicians based on contributions, we will have sealed this as a corporate democracy, not a representative democracy.

That is the question before us. Will we abandon all the other Americans who simply cannot afford the cash to play the game? We have to reject the corporate democracy, Mr. President. We have to return to a representative democracy. That is what this country is all about. That is what this institution is all about. Fortunately, in the coming days, we will find out who is on which side.

Mr. President, I yield the floor.

Mr. BENNETT addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. BENNETT. Mr. President, I listened with interest to the opening statements made on this issue. I appreciate the sincerity of those who have made them. I wish to make this first personal point before I make some additional points. The Senator from Arizona said that there is only one purpose here, and that purpose is to enact fair and effective campaign finance reform. I wish to make it very clear that I accept that purpose on behalf of the Senator from Arizona, the Senator from Wisconsin, the Senator from Tennessee, or anyone else involved in this matter. I do not challenge for one moment their sincerity. Certainly we cannot challenge their earnestness. Certainly we cannot challenge their motives. I want it clearly understood that I have that kind of feeling about what they are doing.

I want it equally understood that I think they are fundamentally wrong and that, in their effort to get to what they consider to be a sincere and proper goal, they could do irreparable damage to our Nation and to the fundamental freedoms about which I care just as passionately as they do. I hope they will grant to me the same sense of honor and integrity that I am more than willing to grant to them, and that we will not get into the name-calling business of saying, if you oppose McCain-Feingold, you are somehow opposed to anything that is true and beautiful and worthwhile.

I believe McCain-Feingold cuts at some of the most fundamental freedoms we have in this country, and I am going to outline that. I want everybody to understand that I am not acting because I believe something sinister or improper is going on here.

As to the second point, before I go into some of the specifics I want to talk about, I would say to Senator FEINGOLD, I think you ought to meet Senator MCCAIN. From the notes I have made in this morning's debate, Senator FEINGOLD said, if I quote him correctly, "No form of expression will be prohibited," just after Senator MCCAIN said, "No ad mentioning the name of a candidate will be allowed in the last 60 days of the campaign."

I do not find those two statements coinciding with each other. Indeed, the Senator from Arizona, in his summary of the things that would be allowed and would not be allowed, gave us a whole list of that which would be allowed to take place and that which would be prevented. To me, we are debating ways in which Government power will be marshaled to control legitimate speech, and we are saying, with all of the intensity of middle-aged theologians debating how many angels can dance on the head of a pin, that this will be allowed and that will not; this is permissive but that is not; 60 days is legitimate but 61 is not, back and forth, in and out on all of these particulars. We are going to marshal the full power of the Federal Government of the United States of America and focus that power like a laser beam on this particular ad, this particular contribution, this particular activity, all in the name of campaign finance reform.

Mr. President, to me marshaling Government power to regulate what can and cannot be said in another context is called censorship. And marshaling the power of the Federal Government to censor political speech is not an activity in which I would lightly engage.

The statement was made by the minority leader that Buckley versus Valeo was a close call; it was only 5 to 4. On the issue of whether or not spending money in campaigns represented protected speech under the first amendment, Buckley versus Valeo was 9 to nothing. And in every subsequent decision from that time forward, the Court has reemphasized that. Let us understand that. We are talking about the most fundamental political right that we have in this country, the right of free debate and speech in a political campaign. I want to lay that down as the fundamental predicate, when we get into the details of this, when we argue with the Senator from Arizona about what is and what is not wise and proper, we are talking about tinkering with the fundamental right of Americans to engage in robust political activity. We should tread on this ground very, very carefully. I think that is why the Supreme Court slapped down the first attempt to tread on this ground by such an overwhelming margin.

Now, some specifics. The Senator from Arizona laid down the three principles that we are going to see preserved in the substitute bill to McCain-Feingold, S. 25. I am delighted there will be a substitute bill to S. 25.

I have gone through S. 25 reading it personally. If ever there were a maze of regulations subject to misinterpretation and reinterpretation by bureaucrats enforcing them, this is the maze.

This morning on this floor we had a series of speeches regarding the IRS and how the Tax Code is used and abused with ordinary citizens. I wonder what the IRS or regulators like those who work for the IRS would do with the provisions of S. 25? Saying, well, you could have run that ad, but you can't run this ad; you could have had this guide, but you can't do that guide; this was OK last Tuesday, but it is not OK on Thursday.

Now, the fundamental assumption here underlying what we are hearing is that money is the only factor in determining the outcome of an election, and that if we can only level the playing field, which we hear over and over again, in terms of money, then we will have fair elections.

Well, when we raise the issue of people who defeat incumbents without having as much money as incumbents have, we are told always, well, that is the exception that proves the rule. That is an aberration. That is not the way things normally happen; incumbents normally win. Yes, incumbents do normally win. And they normally win for a whole series of reasons, not necessarily connected with money.

I am interested that Senator FEINGOLD is raising this issue when he is one of the challengers who defeated an incumbent in order to get here. And, while I will not pretend to be an expert on his campaign, it's my understanding that he spent less than his incumbent opponent in order to do it, thus demonstrating that maybe the ability to communicate better than your opponent has something to do with who wins. Maybe the ability to write a smarter ad than your opponent does may have something to do with who wins. Maybe even having a more powerful message than your opponent has something to do with who wins. Or maybe which State you live in, whether it be predominantly Republican or Democrat, in terms of the leanings of the voters in the first place, has something to do with who wins. It is not necessarily money as the only ingredient in what happens.

All of us here, because we live in the beltway circumstance, saw the ad campaign that went on in the senatorial race in Virginia in 1996. You couldn't avoid it if you lived anywhere in the Washington area for any period of time. Mark Warner spent something like $25 million trying to defeat Senator JOHN WARNER. He didn't succeed. He outspent him overwhelmingly. What advantages did JOHN WARNER have to fight off that kind of money barrage as an incumbent? There are those here who will say his only advantage was, as an incumbent, he could raise more money. Clearly he could not raise more money. There is not enough money in the world to warrant raising more money than Mark Warner spent in that race.

I know my opponent in the primary race in Utah outspent me 3 to 1. He spent $6.2 million in a primary in Utah. When I say there isn't enough money—to spend more money, he was buying ads on Saturday morning cartoons. He had run out of places to spend it.

Yes, there are finite limits. I think Mark Warner reached those finite limits in Virginia. Why didn't he defeat JOHN WARNER if he had that kind of money advantage? JOHN WARNER had 18 years of service in the U.S. Senate, which means 18 years of answering phone calls, sending letters, attending bar mitzvahs, going to Rotary Clubs. JOHN WARNER was known as the most popular politician of either party in the State of Virginia. That is a fairly significant advantage for an incumbent to have, regardless of money.

JOHN WARNER has spent 18 years with name recognition against somebody of whom no one had ever heard. Yes, money buys name recognition. An incumbent doesn't have to spend any money to buy name recognition. That is a significant advantage.

JOHN WARNER had a staff. I can give that example. I didn't run against an incumbent Senator but I ran against an incumbent Congressman who had a congressional staff. When the Congressman wanted to come to Washington to attend a fundraiser with a PAC group, who paid for it? The taxpayer, because it was a trip back and forth from his congressional district to the Capitol. When I came to Washington challenging him, trying to hold a fundraiser among the PAC's, who paid for it? My campaign paid for it. I had to raise that money. It put us on a level playing field. Both have the same amount of money, I don't get to come to the fundraiser but my opponent does because he's an incumbent.

When my opponent put out a press release accusing me of committing a crime, which he did—actually, that was one of the good things about my campaign. Everybody thought he had lost his mind, and I got some extra votes as a result of it. Nonetheless, when my opponent put out the press release accusing me of a crime, who prepared it? His press secretary. Who paid the salary of the press secretary? The taxpayers. He was an incumbent. He is entitled to a staff.

When my press people went to the press conference to say, "No, BOB BENNETT did not commit that crime," who paid their salary? My campaign did. So let's put him on a level playing field. He gets his staff paid for as an incumbent by the taxpayers. I, as a challenger, don't get my staff paid for. I have to raise the money.

Incumbents have all kinds of advantages that have nothing to do with money. They also, sometimes, have some disadvantages that have nothing to do with money. We have the example—perhaps an extreme one but let's use an extreme one to make a point—back in the 1994 election, Mike Synar, the Congressman from Oklahoma, lost his primary. He spent $325,000. His opponent spent less than $10,000. His opponent's campaign consisted entirely of distributing his business card, sticking it under windshields in parking lots, and written on the back of the business card was the phrase, "Not the incumbent." And he beat the incumbent. The incumbent in that circumstance had a $325,000 to, let's say, $10,000 money advantage; he had the disadvantage of a voting record that members of his particular congressional district didn't like.

We cannot let ourselves get into this notion that money is the only factor and then write laws based on that assumption because, if we do, we will do violence to the Constitution and freedom of speech.

Now, let me go down the three points that the Senator from Arizona made, as the core points of McCain-Feingold and the proposed change that we will have. First, he said it must be bipartisan. I will grant him that. McCain-Feingold will damage both parties equally, damage the process for everybody. It doesn't play favorites. It will be equally bad.

Second, he says we must lessen the amount of money overall in campaigns. If he had listened to the expert testimony that we have had in the Governmental Affairs Committee this last week, he would find that even people who support McCain-Feingold, who come out of the academic community and commented on this, told us you cannot control the amount of money in political campaigns. The Senator from Kentucky has said, "Controlling political money is like putting a rock on Jello. You put it on one place and it squeezes out another." And these experts said the same thing. They said political money has been in the process ever since George Washington was President and will always be in the process, and we have had a continuing process of simply trying to control it. But you are not going to eliminate it. It is always going to be with you.

Mr. KERRY. Will my friend yield for a question?

Mr. BENNETT. I will be happy to yield.

Mr. KERRY. As I listened to my colleague suggest that you cannot control money, I can't help but think back to——

Mr. BENNETT. May I correct that? I said you cannot control the total amount of money. You can control where it flows.

Mr. KERRY. That is fair, Mr. President. Let me nevertheless ask the same question I was going to ask, because I think it is relevant. Last year in Massachusetts, Governor Weld and I agreed on a fixed amount of money that we would spend in our race. We agreed on a fixed amount of money for our media, and a fixed amount of money for the campaign on the ground, so to speak. We agreed, both of us, to have no money from the national political parties and no money from independent expenditures. We set up a mechanism whereby we were able to control not having those independent expenditures come in. In the end, we had a campaign that had no national money, no independent expenditures, and we spent the fixed amount of money that we said we would.

So I ask my colleague, how it is he can say that you can't control it when in fact there is evidence of it having been controlled in that race, as well as in Governor races and other races in the rest of the country where they have accepted limits?

Mr. BENNETT. I thank my friend from Massachusetts for an example that I think makes my point. You made the decision, your opponent made the decision, and you are in control in this circumstance of the amount of money that is spent. What McCain-Feingold does is take that decision out of your hands and put it in the hands of the bureaucracy.

When I say you can't control the amount of money, I should be more specific. You can't control it by Government fiat. You certainly can control it in terms of what happens in your own campaign, just as I made the decision in my campaign that there would be no negative ads. I refused to run any ads attacking my opponent. But I would oppose any Government rule that would say to me I could not make a different decision if I wanted to. And I would oppose any Government regulation that would say that you and Governor Weld could not have made that decision on the basis that you wanted to, instead of there being more particulars that would be imposed upon you by Federal law that would say, "Well, you have come fairly close but we are going to put this regulation and that regulation on top of the decision that the two of you jointly made."

I applaud you for what you did. I think every campaign would be better off if the candidates could sit down in advance and make that kind of a deal. But I want every deal to be a separate deal, made by separate candidates, rather than dictated from this Chamber.

Mr. KERRY. Will my friend yield for a further question?

Mr. BENNETT. I will be happy to yield for a question.

Mr. KERRY. I would ask him that, now having at least established one can arrive at a control, the issue is whether or not the Government might play a role in that? I ask the Senator if he is aware that, in a number of States and in a number of cities, they have in fact passed legislation where there is an accepted regime of control for how much is spent in a campaign, or for the mechanism for raising it? The city of New York, State of Maine, a number of other States have accepted this.

So, really, the question is not whether or not you can do it, I would submit to my friend, it is whether or not one is willing to do it, whether you have the desire of doing it. That is really the bottom-line question, I would suggest.

Mr. BENNETT. May I respond to my friend, and then I see the Senator from Kentucky wants to get into this.

In the first place, I think we ought to wait for some experience from these cities and States as to what happens before we rush to Federal legislation on the basis of the bills that they have passed. I think it is salutary that the States are being used as a lab, to see what works and what does not. I don't know that there has been any constitutional challenge to any one of these statutes yet. I would expect there would be. And I would like to have the reasoning of the courts before us before I rush to Federal legislation. Then, as I said, I would like to have some on-the-ground experience to see how it really works.

If I may give a separate kind of example, in the State of Utah we allow corporate contributions for statewide races—Governor, attorney general, Lieutenant Governor, what have you. There has not been a hint of scandal. There is no outcry to stop that. And we have had a series of outstanding Governors, both Democrats as well as Republicans, every one of whom has been a man of highest rectitude.

So, if you are going to look for a local example of something that works, you could say, based on my State's experience, that we ought to open the whole thing up and let corporate contributions come in as well as individual contributions. The one thing that we do have in Utah that has made it work is full and complete disclosure so that everybody knows that, if the Utah Power and Light Company has given to X campaign, that is on the public record. And when the Governor goes to deal with utility regulation, everybody knows how much the power company gave him.

Mr. McCONNELL. If the Senator will yield just for an observation?

Mr. BENNETT. I will be happy to.

Mr. McCONNELL. The Senator from Massachusetts was talking about State and local referenda. There have been some. Most of them have either been struck down by the courts, as in the case of Missouri, Minnesota, Oregon, and Cincinnati. The balance are in litigation, such as the new State law in Maine which virtually no one believes will be upheld by the Federal courts.

The Senator is correct, there has been some experimentation at the State and local level. Virtually all of them have been struck down or are on the way to being struck down.

Mr. BENNETT. I thank my friend from Kentucky for that additional information. Let me go back to the three points made by the Senator from Arizona: Must be bipartisan—I agree, this is bipartisan. Two, must lessen the amount of money overall in politics—if the experts that have testified before our committee are correct, and I believe they are, in a free society that is simply an impossible goal. You can disclose it, and I think we should; you should shine as much light, sunshine, exposure as you can, and I think we should. You should do things about getting people better informed of what is going on, and I think we should.

I am perfectly willing to talk about amending the current laws to go in that direction. But you should not kid yourself that in a free society, somehow Government can control the total amount of money people want to spend in political advocacy.

So we come to the third principle, laid down by the Senator from Arizona, that there must be a meaningful campaign finance reform, which is we must level the playing field between challenger and incumbent. We must help the challenger.

I have already made the point, and will make it again, that the best way you can help the challenger in the field of money is to allow the challenger to raise more money than the incumbent. If you level the playing field and say to the challenger—my own example again repeated—you cannot raise any more money than the incumbent, but the incumbent starts out with all of the name recognition, all of the years of going to Rotary Clubs and bar mitzvahs, all of the staff paid for by the taxpayer available to him, all of the record of answering letters and doing favors and congressional constituent service, and you can't spend any more to try to overcome that advantage in the name of campaign finance reform, you have decapitated the challenger and guaranteed that the incumbent is going to get reelected in virtually every circumstance.

Mr. McCONNELL. Will the Senator yield?

Mr. BENNETT. I yield for another comment.

Mr. McCONNELL. As an observation on what the Senator said about leveling the playing field, that was raised in the Buckley case, and the Supreme Court said it was constitutionally impermissible for the Government to try to level the playing field. In fact, the Court said:

> The concept that Government may restrict the speech of some elements of our society in order to enhance the relative voice of others is wholly foreign to the first amendment.

So my friend from Utah is correct, even if it were possible somehow for the Government to figure out how to micromanage and level the playing field, it is truly constitutionally impermissible for the Government to try to do that.

Mr. BENNETT. I thank my friend from Kentucky for that additional information about this particular issue.

Mr. President, I want to end as I began by expressing my deep concern over this whole attempt to tiptoe into the area of free expression in a free society regarding political activity and political speech. I know it is frustrating to see large amounts of money come into a campaign. I have heard my friend from Pennsylvania, Senator SPECTER, tell of his personal experience when BUCKLEY versus VALEO was handed down, where he was in a Senate race with the man who became Senator Heinz. The story ends well because Senator SPECTER became Senator SPECTER as well, but not in that race.

He, Senator SPECTER, was running the campaign. There were spending limits. BUCKLEY versus VALEO struck those limits down in terms of an individual American being allowed to spend whatever amount of money he wanted to spend in expressing his own point of view. As Senator SPECTER said, "Senator Heinz had virtually unlimited resources and I did not. And Senator Heinz put those resources into the race and I was prohibited."

"Now," says Senator SPECTER, "my brother had enough money to fund my campaign, but my brother was forbidden to put that money into the campaign and, therefore, I was at an unfair disadvantage to John Heinz."

My solution to that would be let his brother put the money in the campaign. If we are going to level the playing field, and Heinz has $x$ amount of money that he can put in and Senator SPECTER has a brother who has $x$ amount of money he can put in, in the spirit of the decision just described by the Senator from Kentucky, I would have no problem with saying, OK, let Senator SPECTER's brother put it in, let's level the playing field by letting both sides spend.

Now, if Senator SPECTER's brother put it in, it darn well better be disclosed where he got the money, where it came from and let people ask the question: What did ARLEN SPECTER's brother expect to get in return if ARLEN SPECTER took enough money from him to match John Heinz?

Or to put it in a more contemporary circumstance, we see in the Presidential situation where we have these kinds of limits, in this last election, Jack Kemp wanted to run for President. Those of us who know Jack and can read his body language could tell he was anxious to run for President. He looked at the fundraising problem that he faced under the present limitations, and he said, "I can't physically do it. I have to go out and raise this much money at $1,000 apiece. I can't physically stand the wear and tear."

Sitting at Jack Kemp's elbow, figuratively, was somebody who believed in everything Jack Kemp believed in. His name is Steve Forbes. Steve Forbes could have funded a Kemp campaign for President without noticing it. But under the circumstances in which we currently are operating, Steve Forbes is forbidden to do that. So, ultimately, what did he do? He ran for President himself. At some point in this debate, I will have some comments about that, too, and what happened with that injection of money coming from Steve Forbes.

But wouldn't it be a better kind of system if Steve Forbes could say, "Jack, you're better known than I am, you have more experience in this arena than I do, you probably have a better chance of making it, you represent the same ideas I feel strongly about, here's a check for $15 million; go to it, Jack."

The first question that Jack would have been asked is, "What did you promise Steve Forbes in order to get $15 million?" And that might be a very embarrassing question for Jack to answer. Indeed, Jack might say, "Steve, I'm not going to take your money because I don't want to have to answer that question." But that is the kind of openness and honesty that I think would make the system a whole lot better than what we are talking about here.

Mr. MCCONNELL. Mr. President, if the Senator will yield before he leaves, I would like to ask him a question.

Mr. BENNETT. I will yield for a question.

Mr. MCCONNELL. I was listening with great interest to my friend from Utah in describing the Government controls over political speech that are a part of or actually at the heart of McCain-Feingold. I know, for example, that there is this distinction which the Senator from Utah referred to in terms of what is commonly referred to as issue advocacy. Do things on the 61st day before the election, but if it is the 60th day or closer, you can't do other things.

I am sure my friend from Utah knows this, but an agency of the Federal Government would be put in charge of making these decisions, would it not?

Mr. BENNETT. An agency of the Federal Government would decide what was permissible and what was not on the 60th day.

Mr. MCCONNELL. So an outside group seeking to criticize a Member of Congress—they didn't like how he or she voted on day 58 before an election—would then be prohibited by the Federal Government from expressing criticism of this incumbent during that period, would it not?

Mr. BENNETT. That is correct.

Mr. MCCONNELL. And is it reasonable to assume, I ask my friend from Utah, if that would be an enormous advantage to incumbents?

Mr. BENNETT. Well, the assumption is that it would be an advantage to incumbents because it would give them freedom from criticism by an outside group in that period. My sense of smell tells me the outside group would, even under McCain-Feingold, probably find some way to try to get around that.

For example, as I understand the Senator from Arizona, he said there can be no criticism by name of a candidate, so perhaps the outside group would say, "The Congressman from the Third Congressional District of Utah is terrible, but we didn't name him."

Mr. MCCONNELL. But this agency would have to decide whether that was specific enough.

Mr. BENNETT. The agency would have to decide, and once the agency decided, yes, it is all right to attack the Congressman but not to attack him by name, or, no, you can't say the Congressman from the third district, but you can say some Congressman, or whatever, you would, again, have Government dictating that which was permissible speech in terms of the content of the ad.

Mr. MCCONNELL. I say to my friend from Utah, looking at the McCain-Feingold bill, section 303, it gives the FEC the authority to seek an injunction. So the FEC could choose to go to court and shut this group up, could it not, under this authority?

Mr. BENNETT. It could.

Mr. MCCONNELL. So you can imagine a group of aggrieved citizens who have been dramatically and adversely affected by a vote of an incumbent Member of Congress on the 57th day before an election essentially shut up because of the proximity to the election, quieted by the heavy hand of the Federal Government, unable to criticize an official action of a Member of Congress during that time period. Is the Senator from Kentucky right in assuming that would be the likelihood of this?

Mr. BENNETT. I believe the Senator is partly right. I think either that would be the likelihood, that a group would be deprived of its right to exercise free speech in that area, or another equally likely outcome, in my view, is that the outcry from the group over the injunction would be sufficiently significant in the press that it would override any discussion of substantive issues from that point forward and the last 60 days of the campaign would be spent bickering over whether or not the group really should or should not have had that right. Either way, it distorts the political dialog in a way I find corrosive and damaging to the intent of the Constitution.

Mr. KERRY. Will my colleague yield?

Mr. BENNETT. Let me yield to the Senator from Massachusetts, and then I will come back to the Senator from Kentucky.

Mr. KERRY. Mr. President, I thank the Senator from Utah for his effort to have a good discussion, and I think that is a very important part of what we are trying to achieve here. I, obviously, want the Senator from Kentucky to be a part of that.

The allegation has been made by the Senator from Kentucky that somehow someone is being shut up or shut out of the system. Wouldn't it be true, notwithstanding the effort to seek an injunction as to expenditure for ads under the aegis of this entity, that they would, nevertheless, be free to participate, like every other citizen, by raising so-called hard money, money for the campaign for the candidate, by participating in the campaign itself, by holding fora, by holding any kind of participatory effort that they want, which, in effect, is only limiting the clutter and the impartiality of the last 60 days of a race because of the undue influence of money.

My question is, wouldn't America be better off to have a participatory process where people are encouraged to come out of their offices and into the meeting halls and candidates are encouraged to go into the living rooms rather than simply rely on money to distort the process?

Mr. BENNETT. I respond to my friend from Massachusetts by saying that, of course, the country would be better off if all of those things happened. There is no reason whatsoever to believe that the prohibitions of one kind of expression that are outlined in McCain-Feingold would automatically produce all of the other more beneficial kinds of expression that the Senator from Massachusetts has described.

There is no credible cause-and-effect relationship between the two. We are back to the fundamental point that I am trying to make in this entire presentation, which is, we are talking about ways in which the Government will regulate speech. And that, in any other context, is called censorship. And I am opposed to it.

Now, I must go back to the Senator from Kentucky.

Mr. McCONNELL. I say to my friend from Utah, this is an interesting hypothetical to discuss, but there is virtually no chance the courts would allow the kinds of restrictions on issue advocacy in the McCain-Feingold bill. The Supreme Court addresses issue advocacy; that is, the way others are able to criticize our records.

What the Senator from Massachusetts is saying, I think, is that he would like that criticism to be less effective. In other words, do not use something really effective like television, just go out and go door to door. There isn't any chance the Supreme Court is going to say, "Deny to an aggrieved group the opportunity to use the most effective way to criticize our records," which we all know requires: (a) The expenditure of money, and (b) the use of television. That is the easiest way for that criticism to have an impact.

The good news is—the good news is—there is virtually no chance that any court in America would uphold the kinds of restrictions on issue advocacy by groups that are contained not only in the original McCain-Feingold bill but in the substitute that in all likelihood will be offered Monday. That is the good news.

I thank my friend from Utah.

Mr. BENNETT. Does the Senator from Massachusetts ask me to yield further for an additional comment? If he does, I will be happy to do so.

Mr. KERRY. Mr. President, I ask the Senator simply to acknowledge what I think he would acknowledge is the state of the law, which is that there is a distinction that the Court has drawn between issue advocacy of the kind the Senator from Kentucky was referring to—which I would not seek to restrict; I understand the first amendment—and express advocacy of a candidate.

There is a clear distinction the Court has drawn between a legitimate effort to talk about an issue in the abstract and an effort to help a candidate get elected. I think that most Americans would feel, in fact, in answer to the Senator saying, "Well, there's nothing in here that connects the amount of money to the effort to get people, you know, into the living rooms and out of their offices," I suggest respectfully to my colleague, there is, because the more the money, the more there is this effort to simply have these distorted 30-second advertisements, the less people feel connected or need to connect to the politician or the process and the more they are in fact alienated from it.

In the experience of Massachusetts, where we set a limit on what we would do, I in fact felt an enormously greater incentive to go out and organize at the grassroots level because I knew it was that much more important.

So would my friend from Utah acknowledge that in fact there is a distinction between express advocacy and issue advocacy and there is in fact a connection in the way that we can begin to bring people back into the process by getting rid of the cynicism that they have and the sense of being absolutely separated from all of this money?

Mr. BENNETT. I can respond to the two questions by my friend from Massachusetts.

Yes; there is clearly. The answer to his first one, an attempt to define the difference between issue advocacy and express advocacy in terms of a candidate, how that would play out under McCain-Feingold in terms of the 60-day rule is still very troubling to me and, in my view, does indeed cross over the line and become censorship.

Now, as to his second question, this is a matter of political experience. Obviously, every Member of this Chamber has his or her own political experience to draw back on. I will only comment in terms of my own, that I am known in Utah as a politician who believes perhaps more strongly than any other in the importance of grassroots organization.

I am currently spending all the money that I am currently raising in building such an organization. Some of the people who work for the Senator from Kentucky under the other hat he wears as chairman of the Republican Senatorial Campaign Committee are a little disturbed that I do not have more money left in the coffers from the amount I have raised, and where has its gone?

It is going right now into building a precinct-by-precinct, voting-district-by-voting-district campaign organization so that if I have no money for television, I have at least one person for every 10 or 20 households who will go out and knock on doors on my behalf. I am building that organization right now. I believe in that fundamentally.

However, my personal experience says that I cannot energize these folks without some ads on television. I can give them all the letters, I can give them all the phone calls, I can tell them all how wonderful they are, but until they see something on the screen, they are not convinced I am a serious candidate.

Mr. KERRY. Will the Senator yield further?

Mr. BENNETT. If I may finish.

At the same time, my experience in the last campaign is that when there were ads attacking me, I found that the general public did not pay any attention to them and did not care. But my own troops all panicked until I was able to get back on television and answer those ads. And they heaved a gigantic sigh of relief.

By the same token, I am told by my opponent's people—Utah is a small enough State that virtually all the politicians talk to each other, particularly when the campaign is over—that it was one of my ads puncturing my opponent's attack on me that took all the starch out of their door-to-door grassroots organization.

The former chairman of the Democratic State committee said, "I was shaving in the morning, feeling good about the campaign. We were closing the gap on you. Our attacks were taking hold. I had the radio on and heard your voice come on on the radio. At the end of 60 seconds, I said, 'It's all over. He has just punctured our balloon. There's no way we can get anybody going again.'"

So, these things play hand in hand. Everyone has his or her own experience in it. We come back to the basic posture that I took. We, as candidates, should be in charge of our campaigns. We, as candidates, should make the decision as to what is said, when it is said, how it is said. We should make the decision whether we use grassroots or television or radio or billboards or handbills or newspapers.

Those around us who want to get into it should be free to make their own decisions in that regard. The heavy hand of the Federal Government should not be in that circumstance saying, "This group can; that group cannot. And 61 days is OK; 60 days is not. The public is not smart enough to sort through all of this and make their own decisions. We must regulate how the money is raised. We must regulate how it is spent."

I am perfectly content to have the Federal Government regulate from whom it is raised. I think the ban we have had on corporate contributions since Mark Hannah's days is legitimate. In terms of direct contributions to candidates, I think that is a legitimate restriction which we have had in this country for longer than I am old. I have no problem with that.

I am perfectly willing to have the Federal Government involved in requiring full disclosure so that everybody knows if I take money from FRED THOMPSON, I am going to have to answer for that, that everybody knows what I am doing. I have no problem with that.

But I have serious, serious fundamental problems, in terms of my devotion to the Constitution, people who know me know on the floor how strongly I feel about this—I think we are treading on very, very sacred ground when we say the Federal Government is going to start to make these kinds of decisions for candidates and groups and ordinary Americans, and it is going to do it in a way that carries the full punitive power of the Federal Government behind it.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. MCCONNELL. I want to commend the distinguished Senator from Utah for his very enlightening presentation. Since I have not yet spoken on issue advocacy, I want to pick up for a few moments what we were discussing at the end of the colloquy with the Senator from Massachusetts. On the question of issue advocacy, the Court has not been vague on this at all. This is not a gray area.

The Court has been quite precise in the area of issue advocacy. Issue advocacy is criticism of us. Groups are entitled to do it at any time they want to and as loud as they want to. We never like it. We can stipulate that we never like it. Now, the biggest group in America in the field of issue advocacy on television is the AFL–CIO, and it is mostly targeted to Members of my party. We can stipulate that we do not like it worth a darn. But no effort to try to restrict that through legislation in the Congress is going to change it.

It is not a gray area. The Nation's experts on the first amendment, I think we would all agree, is the American Civil Liberties Union. In a letter to me earlier this year, they said this about the provisions in McCain-Feingold dealing with issue advocacy. This is the exact quote, Mr. President:

> Worst of all is S. 25's blunderbuss assault on issue-oriented speech. The weapon is an unconstitutional expansion of the definition of "expressed advocacy" in order to sweep classic issue speech within the zone of regulation as independent expenditures.

So let me just make it simple. There isn't any chance, Mr. President—no chance—that through legislation, we can shut up all of these groups who seek to criticize us. We can stipulate that we do not like it, but they are going to keep on doing it. No amount of standing up here on the floor of the Senate and arguing that somehow we are going to be able to purify the process and get rid of all these critics is going to get the job done.

In this whole field, Mr. President, at the end of the day we get back to the Constitution. You begin and you end this debate with the First Amendment to the U.S. Constitution, as the Senator from Utah has pointed out. This is core political speech, according to the U.S. Supreme Court. That is not MITCH MCCONNELL's interpretation. That is not BOB BENNETT's interpretation. This is the law of the land. As the Senator from Utah said, when you start moving around in this field, you better tread lightly. The courts were not only good in the Buckley case, they have been good since. The whole trend has been to more broaden the area of permissible political discourse in this country.

The Court has said it is impermissible for us to decide how much political speech is enough—impermissible. In spite of that, the reformers persist in promoting the notion that it is somehow desirable for the Federal Government to determine how much political discourse we are going to have in our campaigns in this country.

You hear them say time and time again—we heard it this morning, and we will hear it next week—"We're spending too much in American politics."

Remember what the Supreme Court says that means: that they are saying, "We're speaking too much. We're speaking too much." How much is too much?

Last year, there was a lot of political speaking because there was a war on out there for the future of the country. We had a change in 1994, and a Republican Congress came in for the first time in 40 years. The status quo forces didn't like it, and they fought back in 1996. A good deal was said. That is speech. A lot of it cost money, and spending did go up.

When all was said and done, I say to my friend Utah, we spent per eligible voter last year $3.89, about the price of a McDonald's value meal. Looking at it another way, of all the commercials that were shown on television last year, 1 percent of them were political commercials. And they say we are speaking too much. They think it is a good idea to shut all these people up, shut down those outside groups that are criticizing us, put a cap on how much a campaign can say.

Who gets the power then? Conspicuously exempted—and I am not arguing we ought to take away the exemption—but conspicuously exempted from the Federal Election Campaign Act is the press.

I have looked and I have searched to see whether there is any provision in here, and I say to my friend from Utah, that the press cannot criticize us in the last 60 days of an election. I have been looking feverishly to see if I can find if there is any prohibition on the press endorsing candidates in the last 60 days of the election. Maybe I just have not read this carefully enough, but I cannot seem to find it.

So what we are talking about here is a transfer of power away from groups that want to comment about our record and talk about us, frequently in an unfavorable way. The original version of McCain-Feingold wanted to shut up the campaigns themselves so they could not talk too much. And I hear from Senator MCCAIN, he is going to offer an amendment to try to bring that back.

We shut down the campaigns and we shut down the issue groups. Who gets to talk? Who gets to talk about Government interference in the last 60 days of the election? Why, the press gets to talk. We know darn good and well that all of this issue advocacy restriction in here is flatout unconstitutional and is not a question in anybody's mind that knows anything about the Supreme Court.

OK, so issue advocacy survives in the courts. Even if we passed it here, somehow that spending limits on campaigns survives, so you are going down the home stretch, you are in the last few days, and the campaign runs out of money and you can't say anything. But the labor unions are there with issue advocacy, they have raised their money by checking off union dues, taking it in many instances from people involuntarily. They are hammering away at you, the liberal press is running exposes on the front page and endorsing your opponent on the editorial page—welcome to the brave new world of campaign finance reform where the groups are shut up, the candidates are shut up, and the press is running the game.

Now, the good news is the Court will not allow this to happen. But what is sad is that anybody would even be proposing this. What is disturbing is that anybody would even be suggesting that it would be a good idea to have less political discourse in this country.

There is a lot of discussion going on all the time about public affairs in this country. The press is talking about it every day. Most objective studies would indicate that 85 to 90 percent of the people in that line of the work are on the left. Hollywood is making statements all the time about what kind of society we have. Many of us feel about 100 percent of them are on the left. So you have the press on the left, you have Hollywood on the left, and the candidates and the groups with the Government clamping down on what they can say in the heat of a campaign. It sounds like something straight out of Orwell's "1984." Yet there is serious discussion here on the floor of the U.S. Senate that this somehow would be an improvement in the American political system.

Write it down—we are not speaking too much in the American political process. We are not going to pass this unconstitutional piece of legislation. If we were foolish enough to do it, the courts would strike it down. The argument we hear is the people are crying out for us to do this, that they are just desperate for us to pass this kind of legislation. Let me say in a survey taken just a few months ago by a reputable polling firm which I was just looking at this week, they asked 1,017 registered voters open-ended what they thought the most important problem in America was, and not a single one of them mentioned campaign finance reform. Then the pollsters thought maybe it will be different if they put it on the list, so they put it on a list of 10 topics. It came in dead last of the 10.

We will hear time and time again, as I have today, and we will hear it more next week, that everyone is clamoring for us to pass this big Government solution to this nonexistent problem of too much political discussion in this country. Eighty-seven percent of the people, by the way, would be less likely to vote for a Member who supports unconstitutional reform.

Now the proponents of this legislation this week sent out a press release saying they had found 126 people who said this bill was constitutional. My reaction to that is that I could probably find 126 people who say the Earth is flat. But the people who handle this litigation, America's experts on the first amendment—the American Civil Liberties Union, and clear and unambiguous decisions by the U.S. Supreme Court—make it abundantly clear that this is unconstitutional.

Now, the people of the United States did not send us up here to pass blatantly unconstitutional legislation. Sure, you can craft a question that will get the answer you want. Spending limits on the surface sounds like a good idea. If you ask people if they are in favor of spending limits they will say yes. On the other hand, if you rephrase the question and say do you think there ought to be a limit on how many people can participate in your campaign, 99 percent of them will say no. The same issue expressed a different way.

So the people are not clamoring for us to shut down political discussion in this country. They are not clamoring for us to push people out of the process. They are not asking us to make it impossible for them to criticize our records in proximity to an election. Sure, if you ask them about the influence of special interests they will say that is a terrible thing. Do you know the definition of a special interest, Mr. President? Special interest is a group that is against what I am trying to do. But of course the organization I belong to—whether it is the VFW, the Farm Bureau, the National Rifle Association, or the Electrical Workers Union—we are not a special interest. We are a bunch of Americans trying to do the right thing for our country. The term special interest is meaningless. It is a pejorative term applied to any group opposed to what we want done.

As a practical matter, the founders of this country knew that there would be a seething cauldron of special interests. They expected us to organize. They expected us to contribute to campaigns. They expected us to be criticized if we came here to serve in the Senate or in the House. We were not to be above criticism. They envisioned lobbyists. That is another part of the first amendment. It gives people the right to petition the Government. A lobbyist, of course, is a person working for a group trying to do something I'm against. But the person we have hired to represent our group in Washington is doing the right thing.

Mr. President, this is going to be a good debate. There may be an effort in this bill to shut off campaigns, to quiet the voices of independent groups who want to criticize us, but there is going to be plenty of discussion on this issue here in the Senate. I hope, Mr. President, that many people will take an opportunity to listen in because when they hear the words "campaign finance reform," they don't understand that generally means somebody is trying to put the Government in charge of their ability to participate in the American political process.

I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. THOMPSON. Mr. President, proponents of campaign finance reform say it is an assault on the Constitution. I say that McCain-Feingold is an assault on an incumbent's protected system that is rapidly losing faith with the American people. These claims about government takeover, and government regulation, and big government, of course, resonate with me as well as they do many other people, because I'm against that. I'm against the more intrusive government and I'm against more and more regulation, and I'm against government doing things that it should not be doing, especially the Federal Government.

However, I think we have too quickly divided up into liberal and conservative counts and Democrat and Republican counts on this issue. As I read my history, Senator Barry Goldwater, the father of modern conservatism, in many people's view, was one of the most avid proponents of campaign finance reform a few years ago.

So let's go back to the basics. People who are basically conservative think that the Government ought to do the things the Government ought to do and not things that it shouldn't. What should the Government be doing? Mr. President, if the way we elect our Federal officials and the motivations that they come to Washington with is not relevant and is not something that we ought to be concerned with, then what is? That is the basis of Government. Government does a lot of things it should not be doing, but how we elect our Federal officials, who are the arbiters of everything else in society anymore, seemingly, is certainly the subject of our attention.

As I listen to this debate today, it is almost like under the current system we don't have regulation and that we are trying to impose regulation on an otherwise pristine system. We have the most heavily regulated system in the area of campaign finance reform than almost any other area in the country. Under the current system, you have a Federal Election Commission with detailed rules, timeframes, limit frames and so forth. You have $1,000 limitation; you have $5,000 limitation for PACs; you have $20,000 limitation as far as committees are concerned; an overall $25,000 limitation as to how much you can contribute in 1 year. You have soft money rules, you have hard money rules, you have percentages of soft money you can do certain ads with—there has to be a certain percentage of soft and hard money. You have transfers of money going back and forth between State and national parties, all under a detailed set of rules that nobody understands. To run in a political campaign any more nowadays you have to have a team of lawyers and a team of accountants and a team of people keeping up with all the regulation.

That is our current system. My friend from Utah talks about our friend Jack Kemp and Mr. Forbes and how it would be much better if we had a different kind of system in our Presidential primaries. That is our current system he is complaining about. I think he makes some good points there. I think we ought to look at limitation amounts there. I think they are somewhat ridiculous and too low. All of that is our current system.

So, what we are doing here, it looks to me like in McCain-Feingold is basically two things: One is a ban on soft money; secondly, it is saying about independent expenditures, that if you have candidate expenditures, you call them that and treat them that way.

Under the current law, express advocacy is regulated now. It is regulated now. This idea that we are going to cut off somebody from saying something or that we are going to shut people up and close people off is simply not true. That makes interesting rhetoric but it is not in this bill, it is not in this legislation.

What it basically says is two things. In 1974 we passed a law and we went along for almost two decades, electing Presidents under that law. Not a breath of scandal as far as campaign finance reform under that law and under the rules that we set forth then, for soft money problems in that entire period of time.

Mr. McCONNELL. Will the Senator yield?

Mr. THOMPSON. I yield.

Mr. McCONNELL. Did I hear the Senator say since the passage of the Presidential system it has been scandal free?

Mr. THOMPSON. Up until——

Mr. McCONNELL. Until 1976, the year in which the explosion of soft party money occurred, was right in the Presidential election cycle.

Mr. THOMPSON. No, the soft money problem really rose its head in about 1988, but it really didn't become a major problem until this last election.

Mr. McCONNELL. But the Senator is referring only to years in which there are Presidential elections, which are the years of the system he is applauding, where you have voluntary spending limits that the Court upheld; has the Federal system been effective, I ask my friend from Tennessee?

Mr. THOMPSON. For about two decades we did not have a soft money problem because people abided under the rules laid down in 1974.

What has happened since that time is that soft money has come into the system and now we have about $262 million in soft money in the system that we didn't have back in 1974 when we laid down the rules at that time.

Mr. McCONNELL. Let me make sure I understand what the Senator is saying. The soft money problem has arisen in the Presidential years, for the most part. Is it not reasonable to assume that the reason the candidates having been spending the limit of the taxpayer funds, turning to soft money, it is a way to get around the spending limit, is that not correct?

Mr. THOMPSON. Yes, yes, that is absolutely true.

That, therein, lies the problem. We had a system for about two decades whereby people made a deal with the Government to run for President, and that is we will take millions of dollars in public money and we don't raise any private money.

The Supreme Court held that up, it worked fine, no scandal, no constitutional problem, until we decided that there was not enough money in the system and that there were ways that we could get more money for our Presidential campaigns. We have just seen the results of that. The soft money situation started. We figured out a way that money could be given to the parties for the benefit of the Presidential candidates, and you could just add that, to the public financing that we already had. And so in this last campaign we had about $262 million in soft money, in addition, which was about 10 times what it had been a decade before. And that is the situation that we have now.

So some people are saying, look, let's basically go back to what we thought we were doing in 1974. A lot of people disagree with that, certainly. A lot of people don't think we ought to do that. A lot of people don't like things that smack of public financing at all. A lot of people don't realize that we have public financing for Presidential campaigns in this country, as anathema as that phrase is. But now, after a situation that worked pretty good for a while, nobody was saying there wasn't enough money in our Presidential campaigns. I don't think anybody was saying we didn't have enough commercials during the Presidential years. It worked pretty good. But now we have this additional influx. We had a system that some people opposed and that some people thought was good. It was our system. To say that it was totally laissez faire, free market, unregulated is simply unfair. We had a system. Now we have seen a gaming of the system, whereby millions of dollars in addition though that is put on the plate.

Now, at a minimum, if that is what we ought to want to do, we ought to revisit this as Congress. This is not something Congress came up with. Congress didn't say soft money was a good idea. Congress didn't say the current system we have is what we want. It was done little by little, by the FEC, by a court decision here, and by the FEC; advisory opinions. And then one party would see an opportunity for soft money and the other party, instead of blowing the whistle, would jump on the bandwagon, too. So we now have tremendous sums of money poured into our Presidential campaigns that we did not envision in 1974.

Now, again, if we think that is a great idea, let's come back as a Congress and put our stamp of approval on that. But just under the idea of congressional prerogatives alone, under the idea that we should not let some commission downtown set such important rules for us, where we have legislated something quite different, under those ideas, we ought to revisit it. That is another good reason why we are having this debate.

On the other hand, some of us don't think that is such a good idea, that we should not only revisit it, but we should do something about it. I think that, basically, what we are doing in the soft money debate here is going back originally to where we were when we last legislated in this area. When we passed the current law in 1974, we did not say it was OK for major corporations and major labor unions to give hundreds of thousands of dollars for the benefit of Presidential candidates in addition to what was publicly financed. We have gotten totally away from what we said we wanted.

Mr. SPECTER. Would my distinguished colleague yield for a question?

Mr. THOMPSON. Certainly.

Mr. SPECTER. On the issue of soft money and where it has gone, there is a very strong point that if the definition of issue advocacy, issue commercials, contrasted with advocacy commercials, if that distinction was sharpened up—my colleague and I discussed this at some length with Attorney General Reno when she appeared before the regular judiciary oversight hearing back on April 30 and the questions were propounded to her about these commercials on both sides, Republican and Democrat—Republican commercials extolling the virtues of Senator Dole, and Democrat commercials extolling the virtues of President Clinton, and knocking each other in reverse. Those were somehow viewed as being issue commercials as opposed to advocacy commercials.

The question I take up with my colleague at this point, which is a corollary to the soft money, is whether the soft money would really have so much effect, and whether we couldn't contain it by congressional enactment on the question of constitutionality. I would be interested in the answer to two questions of the Senator, the distinguished lawyer Senator THOMPSON. If we said that—short of saying vote for President Clinton or vote against Senator Dole, instead if the likeness appears and the language is very strong urging the election of one and the defeat of another, I ask if that would satisfy constitutional muster, in the Senator's opinion, and what effect that would have on limiting the utility of all this soft money that we found in the 1996 Presidential election?

Mr. THOMPSON. As the Senator knows, much of the soft money went for those kinds of ads. I would not be supporting a provision that I did not think would pass constitutional muster. What this bill does is basically what the Senator says. It says that you look to the circumstances. If something is called an issue ad, but it is really an ad for a particular candidate, it is called such. If it walks, quacks, and acts like a duck, we are going to call it a duck. You can still say whatever you want to say. Nobody is shutting anybody off. There are no free speech implications here. But if you are really going to do a candidate ad—and in some cases, we have candidates going around coordinating with independent groups, and the groups run an attack ad on their opponent, the candidate dictates where and when that ad is going to be, and all the details and the composition of it, and it is called an independent expenditure.

What this would do would be to say we have a regulatory system. Whether anybody likes it or not, we already have a regulatory system. If it is an express ad for a particular candidate, it is already regulated. What this legislation would do is say you would look at the factors, look at the given situation. If it is an express ad, if it is really for a candidate, we are just going to call it that, and it is going to be regulated under the same system express ads are regulated under now.

Mr. SPECTER. If the Senator will yield further, on the issue of so-called independent expenditures, they appear in many cases—if not most—not to be independent at all, and that there is, in fact, coordination. Some people on the independent expenditure group are members of the candidate's staff collaterally, and there is good reason to flout the law because the remedies taken by the Federal Election Commission are often very late and very ineffectual. One piece of legislation that is pending would sharpen the requirements as to independent expenditures, calling for a tough affidavit with strong penalties, in addition to the regular perjury penalties, for the person who makes the so-called independent expenditure. And then finally, the FEC would require a corollary affidavit by the candidate on whose behalf the expenditure was made and the campaign committee to try to do something with teeth in it to stop the so-called independent expenditures, which are in fact coordinated. Would my colleague think that would be of some help to stop that pernicious practice?

Mr. THOMPSON. Well, I think that is a direction that we are trying to head in. I am not for trying to sit down and detail what somebody can say or not say. That is clearly unconstitutional. You can't do that. The Buckley case made a distinction between contributions and expenditures. Basically, it said you can't regulate expenditures. Independent groups ought to be able to do whatever they want to do whenever they want to do it. But we decided a long time ago that, as far as campaign finance was concerned, we were electing the judges of our society in a way—you know, when we go to elect judges in our system, they are supposed to be independent. The litigants on either side can do things and get paid large sums of money, and so forth, but what you can do with regard to a judge is highly, highly narrow, in our system, and is regulated.

In a sense, we are the same way. I mean, we get elected by people—one vote, one person; it is an equal deal. No matter how poor or rich you are, or your status in society, your vote counts as much as anybody else's. We are elected. I represent all of the people of the State of Tennessee, no matter how many votes I get. The President represents all of the people of the country. We come up here and we are supposed to represent everybody. We are supposed to pass legislation evenhanded. We have different views on different things. We have support here and opposition there. But we are supposed to try to give it our best objective shot as to representing all of the people.

Given that situation in a democracy, we decided a long time ago that we were going to place some rules on it, because it didn't look good and it didn't make us feel good and didn't give us confidence in our system if we saw hundreds of thousands of dollars going into the pockets of people from interests who we were regulating or who we were passing laws on, when the people maybe on the other side of the issue didn't have the money to do that. Are you going to be able to take money out of campaigns? Of course not. But we decided once upon a time that a person ought to have a limit of $1,000—I personally think that is too low—and $5,000 for a PAC, and $25,000 overall.

We have a regulated system now because we know in our democratic society there needs to be some kind of control on the amount of money that goes into the pockets of politicians. It is pretty simple and basic. The Supreme Court or nobody else has ever said otherwise. The Supreme Court, in Buckley, has recognized that we do and we can regulate on the contribution side of things—on the contribution side—how much money we can get. There is no question in my mind that we can regulate the soft money that is now coming into our system. This is not a constitutional argument. What we have now is a system that protects incumbents. It is a system that is becoming more and more isolated, more and more specialized, making it so that only a professional politician who has been out there raising money all his life, or some wealthy individual, is going to be able to be a part of the system anymore.

My friend from Utah, a few minutes ago, made a very effective case that not only do incumbents have tremendous fundraising advantages, but they have other advantages. I agree with that. But that just makes the fundraising advantages that much more. The money goes to the incumbents. Maybe I just haven't been at it long enough. I have never run for office before this one. I had never run before about 3 years ago. I have run as a challenger against a person who was a congressional incumbent, and then I have run as an incumbent. I don't think we ought to get too bogged down with our own personal war stories, but I have seen it from both sides. I have had the disadvantages and the advantages of both sides of it. But all I know is that all the PAC money goes to incumbents. It doesn't matter what anybody believes anymore; it is their likelihood of getting reelected. Incumbents get reelected 90 to 95 percent of the time. The more upset the American people get with us, the more heavily incumbents become entrenched. I wonder why that is.

Well, I think that part of it is what we are dealing with here today. For those who want to make this out as some kind of new regulatory, big Government scheme that we are imposing on an otherwise pristine system that we have here now, we heard some testimony the other day in the Governmental Affairs Committee, and I had heard things like it before. This was from a businessman, a gentleman representing a bunch of businesses in this country. He said, "We are tired of this system, tired of this soft money, tired of being hit up. We are tired of the extortion overtones of what is happening." What we have now is a system, and what we had in this country in this last Presidential race was people sitting in the White House—and it could have come from a Senate office or congressional office, or anyplace of power—making calls to individuals saying, "I think it would be a good idea if you would send us $50,000 or $100,000." And they feel that it probably would be a pretty good idea, from their standpoint, to maybe go ahead and send it on.

Now, for those who are concerned about the coercive nature of big Government, chew that one over for a little while. That is what we have now. We have gotten to the point now that, since the soft money situation is totally unlimited, any politician can call up, and as long as they go through the guise of running it through one of the parties, which, in turn, will inure to their benefit, they can ask anybody for any amount of money.

So I think the American people look at that, and they don't think the system is on the level.

It all gets back to pretty basic stuff for me. I think the American people look at a system where we spend so much time with our hand out for so much money from so many people who do so much business with the Federal Government who we are basically regulating and legislating on, and they look at that system and the amounts of money that are involved nowadays, and they don't have much confidence in it.

We will continue to see those lists in the newspapers of the hundreds of thousands and millions of dollars of contributions and the pieces of legislation put up against those contributions, the implication being that there indeed is a quid pro quo. People look at that, and there is a very little wonder that we are now having less than half our people voting. My understanding is we only have 6 percent of the American people making political contributions.

So during the last few months we have had hearings that I think have been very enlightening. I want to talk about that a little bit later in a little bit more detail in terms of some of the things that have come out that in large part have to do with the actions of individuals and the ability that we gave them to pursue unlimited amounts of soft money.

I think that the first thing we have to do, of course, is have accountability for those who have violated the law, for those who engage in improper activity, as part of what we have to be about.

I think the public record is developed now so that without question there needs to be an independent counsel to look at this entire mess—not who made a phone call from what room and just focus on that—this entire mess that we have seen over the last several months. We need someone independently to take a look at that.

But, my friends, if we think that accountability is going to solve our problem as far as the system we have in this country, we are making a terrible mistake because whoever is in power, if they have the right to pressure people for unlimited amounts of money, our system is constantly going to be and will remain a scandal waiting to happen. I hope that we will have learned that from this last one.

I yield the floor.

Mr. KERRY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Mr. President, first of all, I thank the Senator from Tennessee for his comments and his leadership on a lot of these issues with respect to this legislation, and this issue in general.

I associate myself with the comments that he has made about the impact that our current system is having on the politics of our country. That is what this debate is about. In my judgment, this is the most important debate which we will have in the Senate this year—perhaps the most important debate and opportunity that we have had to address the concerns of the American people, and with respect to this system, in many years.

I heard the Senator from Kentucky, for whom I have great respect for his capacity of advocacy and depth of his commitment to this issue. No one should doubt that he is passionately committed to the interpretation he has both of the Constitution and the issues at stake.

But, as the Senator from Tennessee has just pointed out, while it sounds good to suggest to people that somehow regulating campaign finance is going to shut down debate, the fact is the Supreme Court has already approved of that kind of regulation. What we see today is an abuse of what the Supreme Court intended to take place. The Supreme Court drew a distinction between express advocacy and issue advocacy, and properly so.

I am confident that the Senator from Tennessee and I would agree that both of us want a healthy and robust debate in this country and no limitation on the first amendment right to discuss an issue. But there is a distinction between an issue and what some of the money under the guise of issue expenditure is seeking to do. What it is clearly seeking to do as an abuse of what the Supreme Court established is not to simply talk about the issue but rather to affect the election and impact express advocacy.

The Supreme Court has made it very clear that express advocacy is something that seeks to defeat or help a candidate. Issue advocacy can discuss Social Security, it can discuss welfare reform, and it can discuss any of the issues that we vote on and argue about in the Senate without talking about a candidate—without attacking the candidate's record—which properly ought to be left to the campaign, in the judgment of the Supreme Court.

We will argue, I think, considerably over this in the next days. I am prepared as we go further in this debate to discuss at considerable length what the Supreme Court has actually said and not said and how, in fact, there is nothing in McCain-Feingold that is impermissible constitutionally.

What I think we need to focus on as we go forward here is the overall disarray of the system that the Senator from Tennessee has referred to and that all of us need to address as we think about how we are going to bring people back into a good-faith relationship with their Government. There isn't anybody in politics today—neither an observer nor a critic nor a pundit nor a participant—who could properly say that the American people believe this system is on the level or believe that somehow this whole process is responsive to their real needs.

The poll data show that 92 percent of Americans believe that money is what gets something done in Washington; 88 percent of the people believe that if you give money, you will get something back in return; 49 percent of Americans believe that the special interests, the lobbyists, et cetera, basically run the Government.

I don't know how you can be in public life and not be concerned about that kind of impact on the body politic of our Nation.

If that many people believe that their representatives are affected by money, we ought to be concerned about it. If that many people in America believe that the way you get something done is by contributing money, we ought to be concerned about it.

All you have to do is listen to a fairly candid statement by one person before the committee the other day who, in giving something like $400,000 or $300,000, said that it was clearly given directly to affect that person's access and that person's ability to be able to get something done.

Mr. President, this isn't the first time that we have heard this discussion here—not by any means. We have had a century of different efforts to try to plug what most people have accepted at one point or another as a series of loopholes and try to do justice to the relationship that we want to have with the voter.

Mr. President, four decades ago, another Senator from Massachusetts, Senator John F. Kennedy, warned of the rising costs of political elections and the dangers they posed to the American political process. He said that there was the danger of political contestants "becoming deeply obligated to the big financial contributors from the worlds of business, labor, and other major lobbies," and that there was the danger of equal access to the political system being shattered.

That is what former President Kennedy said before he became President. The fact is that today equal access has been shattered. It has been shattered. The truth is today that all of us understand the impact of money on American politics, on the capacity to be elected, and on people's perceptions of our politics.

Back in 1959 when John Kennedy said a solution must be found to the soaring costs of political contests, the total amount of money spent back then on all congressional races, both the House and the Senate total, was $6.3 million—on all the House and Senate races, just about 1960.

The median cost of a single candidate race for the U.S. Senate today is $2.6 million.

In the Presidential contest prior to Senator Kennedy's remarks back in 1959, the two Presidential candidates spent a total of $12.9 million. In the last Presidential election they spent more than $150 million just in the money that is allowed to go directly into their campaigns, and over $600 million, maybe $700 million, if you count all the soft money that flowed as an excuse to do away with the other limits that have been put in place.

Mr. President, it is very, very clear that the American people have reached a point where they understand that the rising costs of campaigning is nothing less than outrageous. Last year the House and Senate candidates spent more than $756 million—a 76 percent increase just since 1990.

There is nothing in our economy, nothing in the increases in the costs of campaigning, that justifies a 76 percent increase, except the Armageddon of the new arms race we have for money in campaigns.

The more money you get, the more you can blast your opponent, the more you can put out whatever your message is, the more you can distort the electoral process.

Last year more than $4 billion was spent on all elections, and 20 years ago it was less than $600 million.

The American people, as Senator THOMPSON just pointed out, business people and others, are tired of having politicians call them and say, "Well, we need $20,000, we need $50,000, we need $75,000."

I think it is clear that the damage that such amounts of political money have done to the increase of our public cynicism is inescapable. These amounts heighten the perception that Federal lawmakers respond to the special interests and not to the public interests; that Federal lawmakers favor those who are greedy over the needy; the Federal lawmakers are, in reality, increasingly becoming Federal lawbreakers.

We know that power has its own corrupting capacities. History has proven that many times over. Now we are seeing that money and power are becoming one and the same, and both together are having an increased corruptive and corrosive process on our system. Even if it were only the perception that that were happening, that perception is something that we ought to be sensitive to and willing to respond to.

It seems to me that the headlines of the last months, while they have been singularly directed at our party—my party—I don't think anybody here in a candid discussion of this issue could not in fairness agree that they have embroiled both parties—all politicians; the entire system.

Only a few months ago we were seeing memos circulated where leadership members of the Republican Party were chastising openly those people who give money, suggesting that they were going to get hurt in the legislative process if they continued to give to Democrats. Senator THOMPSON just talked about the sort of extortion air that hangs over this city and our system as a consequence of those kinds of threats. All of us are harmed by that.

All of us ought to be reaching for a means of being able to get rid of the capacity of any member of the electorate to make those kinds of determinations.

In the latter part of the 19th century, the chieftains of industry in this country found that the use of wealth served them well, and they used it brazenly by purchasing Senate seats from the State legislatures in Colorado, West Virginia, Illinois and Pennsylvania. The 17th amendment to our Constitution put an end to that practice, but Congress still had to use taxpayer money in order to investigate and determine the results of congressional elections in Michigan, Pennsylvania, Virginia, Illinois, and other States as a consequence of that.

Abuse of campaign funds has obviously contributed to the worst scandals that we have known in this country—the Teapot Dome scandal and the Watergate scandal. And today now we are living through another investigation of the impact that money has on the political process.

Mr. President, it just really is time for us to find a commonality of ground where we can come to some kind of compromise and agreement that the current system cannot continue to work. It seems to me clear that "the power of the Government to protect the integrity of the elections of its officials is inherent." It is something that we ought to adhere to.

That is not my comment. That was something Theodore Roosevelt said in his fourth annual message to the Congress. He said then, "There is no enemy of free Government more dangerous and none so insidious as the corruption of the electorate."

That is what Senator Kennedy was speaking to 40 years ago when he talked about how "adequate Government regulation of the elective process [is] the most vital function of self-government."

Mr. President this actually goes back to the very Founding Fathers' efforts with respect to the kind of Government they tried to put up. In the Federalist Papers, James Madison pointed out, "The aim of every political Constitution is * * * to obtain for rulers men who possess the most wisdom to discern, and the most virtue to pursue the common good of the society." And the second aim he said was "to take the most effectual precautions for keeping them virtuous while they continue to hold the public trust."

"Keeping them virtuous while they hold the public trust."

I do not think they could have conceivably imagined the degree to which our capacity to go to voters and ask for their vote has become tied to our ability to be able to raise large sums of money.

Mr. President, when I came to the Congress in 1985, and when I ran in 1984, I made a decision then to try to run for office without taking the larger sums of money. I did not suggest then at any time, and in debates since then on campaign finance reform I have made it very clear, that if regulation of some level of political action money were part of the reform system I would take it. I don't think there is an inherent problem with political action committee money. But I do think that what people object to is the perception that the large amounts of money are what somehow distort the system. And so I have run now for the Senate three times without taking PAC money. I may be the only Member of the Senate who has been three times elected since PAC money was allowed and not taken it. I am proud of that, but I have to say that I do not know if I can continue to do that with the current rate of escalation in the cost of campaigns.

Last time I ran for office in 1996, I had the most expensive Senate race in the United States of America—$12 million. I raised more money without PAC money than any other person running for the Senate—$10 million, but obviously simple math shows that that left me a gap of $2 million. And so now in my first year of my third term in the Senate I continue to spend time raising money for the race that took place a year ago. I continue to have to try to put away a debt assumed in order to run for office. I do not think people should have to assume debt to run for office, but countless Senators have done that, countless candidates are forced into doing it.

If I believe strongly in the ideas and policies I do believe in, if I want them to be heard, if I want to be able to fight for them, the way the American system is now set up, I have to do that. You have to go out and look for the money. Clearly, as we have learned, this institution is increasingly an institution which is represented by people who either have their own money or have enormous access to great sums of money. And the truth is that challenger after challenger after challenger falls short for lack of capacity to stand on the same ground as the incumbent.

Now, are there examples like the Senator from Utah gave where, indeed, a challenger may be well-heeled and an incumbent does not spend as much? You bet there is. I spent less than each of my opponents when I was an incumbent because I was not able to raise as much as they were because they had their own money and they would write their own check. I believe that our system is out of kilter because of that inequity as well as the result of the amount of money that people have to go out and raise in the system. It seems to me we have an opportunity here to be able to address all of those concerns.

I know that my colleagues on the other side of the aisle have a particular concern about the capacity of some of our supporters to be able to use their structure to unfairly imbalance the playing field—specifically, obviously, the labor movement and some other entities. I would want to say that I think that is a fair concern. If we are going to approach this fairly, then we have to find some measure of defining what that fairness is and of understanding that a fair playing field is not a fair playing field that gives our side an advantage over theirs or vice versa.

But something is very clearly wrong or defined in this debate when 45 Democrats have already signed up saying we are prepared to vote for this reform and only four Republicans have joined that effort. We are now at the magic number of 49—49 Senators prepared to vote for campaign finance reform. And since the only votes left to get are votes that must come from the Republican Party, it is fair for America to ask the Republicans to step up to fair reform. It is fair for the Republican Party to be asked now to become part of this effort to reestablish a connection between the American voter and those of us elected to represent them.

Hopefully in the course of this debate we can find that common ground. But let us not hide behind phony arguments about the Constitution, what it does or does not say about free speech.

Let us acknowledge that the Supreme Court has already defined the difference between express and issue advocacy. Let us be honest about the fact that the Supreme Court has already said we are permitted to regulate campaigns; that we are permitted to regulate contributions. None of those things does violence to the Constitution. And let us also be fair in not having some artificial debate about the new protections for labor.

No one in this country is suddenly going to believe that the Republican Party is adopting the labor movement and is going to protect every member of the unions and they are going to be the ones to come to the floor and protect them by offering some measure that somehow gives them new freedom. We are prepared to codify Beck, and we are prepared to codify the notion that people ought to be given the right to choose, but what we believe they will offer is something that seeks to go much farther than that and becomes nothing less than an effort to kill campaign finance reform.

So my hope is that this opportunity will be an opportunity that the American people will ultimately be proud of and they will make a judgment that we came together in a legitimate, bona fide effort to find common ground.

McCain-Feingold-Thompson and others, myself included, is not a bill that many people on this side feel goes far enough. There are many of us who have already compromised significantly in coming to the place of McCain-Feingold, which may be at the very edge of what may be permissible to get some kind of compromise. The truth is that many of us on this side of the aisle think anything that leaves you going out raising money leaves you exposed to the question: Well, who did you get it from? Why did they give it to you? What did you do after they gave it to you?

That is the central question that is being asked in the hearings that we are going through right now. The fact is that is the only way you will ever get away from that question: Why did that person give you the money? And particularly if it is large amounts of money. You will continue to have the corrosive connection that makes people so apprehensive about the current system. And ultimately I personally believe America will come to a conclusion that the way you eliminate the corrosiveness is to get the special interest money out of politics, allow people time to debate, allow them time to take the issues, organize, have adequate money to run a campaign, but do not make them go out with their hands out always asking for money.

That is not what we do here. We do something less than that. But the truth is that even if we were to pass McCain-Feingold as it is currently, people are going to have to go out and raise pretty large sums of money still and they are still going to be left with people asking: What did they give you? What did you do with the money? What did you do for them? I think we are better off if the question doesn't have to be asked and we do not have the suspicion hanging over our heads.

In addition to that, it seems clear to me that McCain-Feingold seeks also to have increased enforcement. We have no enforcement today. People wonder why the current system is out of control. It is out of control because it is set up in a way that perpetuates a lack of control. You have an FEC that can never make a decision; they are unwilling to make a decision. It is divided up evenly between Republican and Democrat representation so there is an even number of votes, nobody can break a tie, and nobody wants to come in. If we can't have regulation of laws we put in place, of course, we are going to have violations.

So all we are seeking to do in this legislation is put a little teeth into the concept of enforcement. The other thing we try to do is have some kind of limitation on the capacity of wealthy candidates to be able to simply walk in unfairly and pour enormous sums of money into the campaign. We do it in a way that is totally constitutional because they are still allowed to go out and do it if they want, do it under another structure, but it seems to me that all we do is have an incentive for them not to do it because obviously under the Constitution we cannot limit their right to spend their own money.

I cannot imagine that most people believe this institution ought to be an institution exclusive to those who have enormous amounts of wealth. And there is a disproportionate representation already with respect to that relative to most of the country. And that is not, I am confident, what the Founding Fathers envisioned. The McCain-Feingold base package that has already been scaled back from the original McCain-Feingold is really already a significant compromise by many people in the effort to achieve reform, and over the course of the next week or so we will have an opportunity to test the constitutional issues, an opportunity to test whether or not anybody is left out.

I might just comment about that. I heard my colleague from Kentucky talk about how people would be diminished in their ability to participate. Well, once again, I point to the experience of what happened in Massachusetts. We had a very robust debate in Massachusetts, Mr. President. Many people might say we had too many debates. We had nine 1-hour televised debates—nine of them. I think five or more were statewide televised, others were on C–SPAN, a couple of them were local. But together with the coverage of the free media, the press, which I think did a good job of trying to bend over backward to present both points of view, both sides, a side-by-side presentation of issues, there was no lack of dialog and no lack of debate. But what we did was keep the craziness out; we kept the cacophony out; we kept out of this wild extraordinary race for the extra dollar the group that distorts. We had a campaign where people could hear the issues. We had a campaign where people could listen to the candidates. We had a campaign where there was a premium for people on the ground to be involved organizing, street for street, community for community.

That is what American politics is supposed to be. And I proudly say that the campaign we conducted in the State of Massachusetts for the Senate in 1996 has been written up by most critics across the country as one of the best Senate campaigns in years. I know that for myself I never ran one so-called hard negative advertisement. Every one of our advertisements was comparative, so to speak. And if I had my choice, we would have spent half what we spent on paid advertising. But I was unable to secure an agreement from the Governor that we would spend less than the amount he chose to spend.

I spent twice what I have ever spent in any Senate campaign on media. My belief is that ultimately it was not money that made the difference. It was the debate and the public dialog and the capacity of our fellow citizens to learn and understand where we stood on the issues, what we believed, what we had done or had not done and what we wanted to achieve on their behalf.

And so I believe there is a better standard, and I believe there is something that we can do that can be regulated here, that puts both candidates on an even keel but does not commit our entire system to a perpetual money chase and to the perpetual and increasingly corrosive perception that this system is up for grabs for the money which hurts every single one of us.

It is my hope, in the course of the next days, as we debate this, that we will have an opportunity to really vote on substantive amendments, and that we can find the common ground for compromise.

I have just a couple of quick comments. I know the Senator from Missouri wants to speak.

I understand some of the fears that colleagues have on the other side. As I said earlier, I think, in my judgment, if we look at this fairly we ought to be able to find ways to address some of those fears. But in the end, notwithstanding some of the constitutional arguments made and notwithstanding some of the opposition that is grounded in sort of how the politics are played, it seems to me there are some people who just don't want to give up the money, who like the money, who recognize the advantage they have because of the money and who are willing to place the entire relationship of our Government and our citizens in jeopardy as a consequence of the advantage that money gives them.

I hope, over the course of the next days, the American people will join this debate. Americans must make it clear that they want this change now. It is on the floor. If they are adequately forceful in letting their Senators know that this is something that does matter, I believe it can have an impact and ultimately make a difference.

I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. ASHCROFT. Mr. President, I thank you for this opportunity to express myself regarding a challenge which faces the United States of America. It is the challenge of making sure that our political system operates to allow the real representatives of the people, representatives who will express the view and the will of the people, to inhabit the positions of responsibility in Government.

The American people, I think, are convinced that the current political system is flawed, and I believe they are right. But I do not believe that the answer is some sort of broad campaign finance legislation that restricts core political speech; or even that says we will penalize people who are wealthy if they want to spend their own money so only the people who are even more wealthy can pay both the penalty and finance their campaign. I believe the focus should be on enforcing existing laws, not creating new ones. This administration's concerted policy of selling access to the White House and using any and all means to raise money is reprehensible. As a matter of fact, I think it is illegal. And the answer to such law breaking is law enforcement, not law proliferation.

No doubt the administration's disregard for the law has contributed to public discontent. But at a deeper level, I believe that the sentiment that the system is broken stems from the fact that elected representatives of the people are out of touch with the people on all manner of important issues. I am reminded of Federalist Paper No. 57 in which James Madison emphasized that legislators must be given "a habitual recollection of their dependence on the people."

The best way to solve the problems we face, in my judgment, and to provide the much-needed "recollection of [our] dependence on the people," is not through making it impossible for people to express themselves, not by limiting what people can say, not by calling our opponents special interests. It is, though, by doing something that Americans have found to be a workable solution all across this country, and they have embraced it from the very highest office in the land to the very lowest office in the land. It is the concept of term limits. Term limits will provide true reform.

I believe that incumbency is the real problem in our system. Incumbency is, and always has been, the single greatest perk in politics. It is the single greatest obstacle to true political reform. It is the way in which people obscure the view of the political universe by inhabiting the podium themselves, and the challenger does not have a chance. Committee assignments translate into campaign contributions; bills mean big bucks; and over and over again, no matter how you structure it, no matter what you say about it, the incumbent continues to win.

People who have been on this floor throughout the debate so far as it relates to the so-called campaign finance reform talked about the fact that sometimes incumbents are outspent, sometimes they are not. But if you look at the data, the data are that in 90 percent of the cases—more than 90 percent of the cases in the Congress—incumbents win.

The value of incumbency is as strong as ever and, in my judgment, after witnessing what happens when you have campaign reform, you almost inevitably elevate the value of incumbency.

One of the speakers who spoke not long ago here on the floor indicated he wanted to limit the amount of money that would be spent in a campaign. He would have done so voluntarily. Well, of course. People who have 100 percent name recognition will always want to limit the amount of money that is spent. Hershey's doesn't need to advertise that it sells chocolate. It is the new company that needs to advertise. Kleenex doesn't need to advertise that it sells tissues. It is the new one that does. And the incumbents will always want to put limits on challengers. Because whenever you limit what someone can say about you, and you are an incumbent, you have the only access to the marketplace. You have the only access to the podium. It is no revelation to find that those who inhabit public office want to keep the expenditures down. They don't want competition to be able to talk about what they have done or how they have performed, or to compete with them for a position in the marketplace. They don't want the competition to be able to walk in and say, "We can do a better job."

We have watched it over and over again. In the 1996 congressional elections, which were heralded as highly competitive, here is the data: 94 percent of all Members who sought reelection were returned to Washington. Incumbency remains the biggest perk of all. The best way to get reelected is to be elected and then to stay here. And if you have a chance once you are here, vote for campaign reform, which makes it harder and harder for anyone else to challenge your message or the information you send out under your frank on the letter that you don't have to pay postage on, financed by the Government.

What competition there was, in 1996, came as a result of voluntary departures, not any weakening of the power of incumbency. Term limits, in my judgment, are a tried and tested reform. I happen to be a person upon whom term limits have operated. I was the Governor of my State. It's an awful good job being Governor. If anybody ever offers you the chance to be Governor, take it. I know a number of you in the Senate have previously been Governors. They are such good jobs that people would struggle to keep those jobs.

Sometimes jobs are so good that people will do illegal things to keep them. I won't cast any specific aspersions, but we saw an awful lot of activity in the national election in 1996, where people were apparently willing to have dealings with some pretty shady characters, even folks from overseas, even overseas governments, in an effort to keep jobs.

It seems to me one of the things we ought to do is to say to people: These jobs don't belong to you. They belong to the people of this country. We ought to level the playing field, occasionally, and make it possible for people to come in. If we are really interested in offering the opportunity to new individuals and to people who have not traditionally had access to power—for example, minorities and women—we ought to have term limits. Term limits will open the door and we will find out something important about the American people, and it is this: The American people are capable.

There is kind of a myth around here that the Senate is an exclusive club of 100 people; somehow 100 people who are exclusively endowed with the capacity to run the U.S. Senate and our country. It is the idea that we are the only smart ones who could get this job done. That is probably as close to coming to real humor as we get in this body; it is laughable. The American pool of talent is not shallow. It is deep. There are millions of people in this country—yes, there are millions who could do the kind of job that is necessary to run America. That is the virtue of a democracy. The virtue of a democracy isn't that you get a few people at top and you keep them there to impose their will on the country. The virtue of a democracy is that the will of the people is imposed on those who govern. We are not here to impose our will on them. We are here to reflect the will of the people.

I don't think making sure we can stay here forever and retire here, or be carried out feet first, is what this country is all about. Let's try what has already happened in a number of other settings politically. Mr. President, 41 Governors are subject to term limits. Why? Because the people want a fair system. They want public officials who are reminded constantly of their responsibility to the people—20 State legislatures have term limits, countless State and local officials nationwide; the President, since 1951, has been term limited. As a result, term limits are enormously popular.

People know they work. This is not a proposed sort of reform about which people know nothing. This is a proposed reform with which people are intimately familiar. They have seen it work in 40-plus States for Governor. They have seen it work in their city councils, they have seen it work in the Presidency of the United States. They think "give someone else a chance" is a good idea, and so do I.

In Maine, 64 percent of the public voted in favor of term limits. In my home State of Missouri, voters have supported every term limits proposal ever placed on the ballot, by majorities as high as 2 to 1. In California, 63 percent of the people voted for term limits. In Florida, term limits passed by better than a three-fourths majority. Even most incumbents do not win by these margins, and rightly so. Most incumbents don't reflect the will of the people as dramatically as term limits do. Term limits mean no more politics as usual.

What do I mean by that? It is just this simple. A think tank known as the Cato Institute issued a study that compared the voting behavior of recently elected Members, those who have just come from the people, and compared it with long-serving Members who have been ensconced as incumbents. They concluded that term limits would have made an enormous difference. Here is what it said. The study concluded that, recently elected Members exercise greater fiscal restraint—were more careful with the public's money—and were more responsive to voters. Why am I not surprised? Those findings were confirmed by a study of the National Taxpayers' Union.

Specifically, the Cato study found that based on the voting patterns of recently elected Members, a term-limited Congress would have defeated the tax increases of both President Bush and President Clinton, and would overwhelmingly have supported the balanced budget amendment to the Constitution. No wonder people want term limits as a way of restoring confidence in government, because it would do what we really need to have done, and that is that we need to make sure that the will of the people is what is reflected here.

You know, low-cost elections are not the ultimate objective. The ultimate objective is that the will of the people should be the supreme law of this land. Above all else, term limits serve the much-need function of providing legislators with this awareness that they need to have, according to Madison in the Federalist Papers, "a recollection of their dependence on the people."

Term limits provide a reminder that the power of legislators comes from the people, and that it is no hardship to return to live as one of the people. As a matter of fact, it would be a condition to be imposed on everyone, were we to embrace term limits.

Experience has proven that we do not need a professional legislature. It has been a professional Congress, on the other hand, that has brought us such successes as the House bank, the midnight pay raises, and the savings and loan debacle.

What is wrong with the McCain-Feingold campaign finance reform proposal? I will say this, it will make matters worse by strengthening incumbents.

The McCain-Feingold proposal, scaled down or not, is an incumbent protection proposal masquerading as reform. This should not come as a surprise to us, because it is certainly no surprise to the American people. Laws written by incumbents in Washington cannot realistically be expected to have any effect other than to entrench the incumbents in Washington.

The McCain-Feingold proposal does nothing to address the problem of incumbency. Indeed, it makes it worse. The proposal would actually strengthen incumbents by regulating the one route by which challengers can hope to offset the advantages of incumbency, and that is free and open discussion of the issues. No matter how you slice it, McCain-Feingold is a restriction on the ability of people to discuss public issues, some of which could be substantial embarrassments to incumbents.

I think it is fine to restrict the politicians, but I am not in favor of restricting the people. Perhaps that is the difference between these two proposals. McCain-Feingold would restrict the people in their ability to speak. Term limits would restrict the politicians in their ability to perpetuate themselves in office.

The trappings of office provide an incumbent with a highly visible lectern. You can get to the podium easily if you are in the Senate or the House, and you can address the voters. The incumbent's voice can be easily amplified from this position of power to drown out all others. Any proposal that limits the ability of challengers and their supporters to present a different vision—whenever you say that the guy on the outside can't speak clearly, can't speak effectively, can't speak loudly, can't compete with the guy on the inside—impoverishes the very foundation of America, which is public debate. You exacerbate the problems that exist within the system that we have, and that is that incumbents are already too strong. They should be limited.

We limit the President. We limit Governors. We limit members of the houses and senates of many States. We limit city councils. We limit terms in the PTA. We ought to limit terms in the U.S. Congress. Let's put limits on the politicians, not limits on the people. Let's limit the perpetual service of politicians, not the political activity of our citizens.

Nothing—nothing—is more threatening to an incumbent than an informed individual who votes on the basis of principle rather than on the basis of personality. What good is an incumbent's name recognition with voters who want to focus first and foremost on the issues? And what does the proposal do? This proposal would limit the ability of people to express themselves and spend money to talk about issues. Of course, if it is all just down to name recognition, I bet there are a lot of incumbents who would like a proposal that would just eliminate the ability of people to talk about issues.

Cutting back on issue advocacy limits the ability of voters to inform themselves and to discuss the issues. Here we have a proposal that is going to cut down on the ability to form groups, to feel free about being involved in those groups, cut down on the ability of people to make contributions to those groups, cut down on the ability of those groups to discuss the issues.

The McCain-Feingold proposal is not just bad policy, though; it is, in my judgment, unconstitutional. Proponents of campaign finance reform talk in terms of reforming the campaign finance system because they are afraid to say what they are really advocating. What they are really advocating is the banning of political speech. I know everybody gets tired of political speeches, and we all make our jokes about political speeches, but there is nothing closer to the heart of liberty itself, there is nothing closer to the core of what it means to be free people than to have free, uninhibited, unbridled capacity in the culture and among its citizens to speak politically. Political speech is noble. It is the opportunity to put feet to freedom, to actually make a difference.

In a world in which it costs money to reach voters, if you limit spending, you are going to limit the ability of people to speak. It is that simple. Oh, we limited spending before, and what did it do? It meant that the nonincumbent had a tough time, and it also meant that people who were very, very wealthy could find their way into the U.S. Senate and House of Representatives. I submit to you that we have our share of very, very wealthy people here. Of course, we know that there is no way ultimately to limit what a person spends out of his or her own pocket because the Constitution has been so interpreted.

So all we do when we limit everyone else is to say we want the wealthy to have more and more advantage as they singularly and uniquely can approach the podium and be heard in a society which ought to hear the voice of every man and every woman based on merit rather than based on their own personal wealth.

These proposed limits on speech are flatly unconstitutional. The Supreme Court said as much 20 years ago in Buckley versus Valeo. The text of the first amendment has not changed and cannot be changed in this Chamber.

The scaled down version of McCain-Feingold still violates the first amendment, in my judgment. The only thing truly scaled down by this new version of the legislation is the people's right to free speech. The people's right is scaled down, their right to speak freely, to express themselves, those on the outside to challenge those of us on the inside. It is compressed. I sometimes wonder why I wouldn't want to stop people from being critical of me. But you know, I think we ought to be above and beyond our own personal interests here. We ought to be talking about the public interests, not the personal or political interests of incumbents.

Specifically, the law attempts to limit the ability of groups to associate a candidate with his record on issues that matter most to the group. Now wait a second. The law attempts to limit the ability of groups to associate a candidate with his record. I can understand how there would be a lot of folks in this Chamber who would not like for groups of people to know what they have done or to be able to tie a candidate for reelection with his record.

Mr. MCCONNELL. Will the Senator yield just for a short observation on this very point?

Mr. ASHCROFT. Go ahead.

Mr. MCCONNELL. In fact, the Senator from Missouri is absolutely correct. It would give the Federal Election Commission new powers to go to court to seek an injunction on the allegation of a "substantial likelihood that a violation is about to occur."

In other words, the point the Senator from Missouri is making, the FEC would be going to court to get an injunction to shut people up so they couldn't criticize our records.

Mr. ASHCROFT. I thank the Senator for his comment. It is a chilling comment to think that the FEC, related to the Congress, could intervene to ask a court to stop someone from criticizing the Congress. It makes you wonder whether or not this is not a bill to transport us all to some regime in some other land. The soil of America would find such activity to be so repugnant that you would think it might cause an earthquake the dimensions of which have never before been understood.

America stands for something profoundly different. America stands for something. And it says that when you vote for something here, you should have to stand and answer to the people and you shouldn't be protected by an election committee or some campaign finance reform which would keep you from being charged with having voted as you did, which would keep the people from holding you responsible. God forbid the day in America when someone is free to vote here and not be responsible for that vote and can call upon some part of Government to protect himself or herself from having to respond to the people and explain the vote. Such an endeavor, as pointed out by the Senator from Kentucky, is flatly unconstitutional, and it is a shocking outrage to the conscience of freedom-loving Americans.

Incumbents enjoy the ability to trumpet the favorable aspects of their record through franked mail. They enjoy high name recognition. We get to stand on the floor of the Senate, and C-SPAN proclaims our message. We speak it ourselves. And so-called campaign finance reform, is to come in and deprive our competitors from the opportunity to speak their message. I can't believe that a Nation based on competition would want to yield the potential for that competition.

It certainly does not cure the bill's unconstitutionality that it restricts issue advocacy only during the weeks leading up to the election. Those happen to be the weeks that are relevant. The suggestion is that, well, we are going to allow people to do issue advocacy but not right before the election, so we will only forbid it when it really counts.

The first amendment of the U.S. Constitution is not something to be taken lightly. Free speech, political speech, is not something to be taken lightly, not something to be tampered with, not something to say, "Well, we'll allow you to have free speech so long as it doesn't matter, but when it gets to be important, when it is time for that speech, you lose it." Well, I see the hands of time are running out and you all are being victimized again by another so-called short Senate speech which is going rather long.

I want you to know that I do not believe this so-called campaign finance reform is real reform. I believe that this is the kind of thing that would impair our ability to have the kind of political dialog and debate that is fundamental and necessary, and I intend to propose as a substitute to this, term limits, which are a real reform. They have been tried and tested. They are no pig in a poke.

Since 1961, the Presidency of the United States has been term limited; 41 States across America have term limits for Governors, for State legislators in a number of States, city councils, as I indicated, clubs, PTAs. People know what term limits can do. They know about the need to rotate fresh ideas and people close to the constituency through public office. Term limits provide true reform; campaign finance provides the illusion of reform.

I plan to offer term limits as a substitute for the McCain-Feingold version of campaign finance reform. I want to force a vote on true political reform, not illusory reform that will be struck down by the courts.

There is just one clear answer as far as I am concerned. The answer is to limit the politicians, not to limit the citizens. Limit terms, not speech. A viable and vigorous political debate in this country is essential to the survival of this democracy. We know we can do with a new set of politicians in office. As a matter of fact, in many offices across this Nation, we have seen that when we rotate people through those offices, we get better service. No wonder people endorse term limits. We should limit politicians, not speech.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. GRAMS. Thank you very much, Mr. President.

Mr. President, I would like to take a few moments and discuss some of the points raised by my colleagues today on the subject of campaign finance reform.

Proponents of campaign finance reform have expressed concern over the cost of Federal election campaigns. One Senator stated that the cost of campaigns has increased 73 percent over the last 10 to 20 years. However, the cost of most things in life have also increased. For example, the Federal Government has grown so much over the last three or four decades that it spreads out and touches nearly part of our lives. In fact, there was a study which found that the Government involves itself in about 60 percent of everything we do today.

The Federal Government's intrusion in the lives of my constituents has led many of them to either become involved in campaigns or travel to Washington to have their voices heard about the role of the Government in their lives. Congress should not suppress the ability of Americans to have their voices heard.

If we go back to the level of Government that we had in 1930, we would not see the need for the number of people who have to travel out here day after day, year after year to get their points across, to let the Government know how certain legislation is going to affect them, good or bad.

We often hear the phrase, "The system is broken." The average campaign today costs about $4.5 million on average and the cost should be debated. However, the cost of political campaigns is still less, as we heard many times, than we spend every year on advertising for potato chips, yogurt, or toothpaste.

So are the campaigns getting out of hand in the amount of money we spend? No. In fact, there are those who argue that we need to have more Americans involved in politics to have their voices heard. That is what makes a great democracy. The more involved you can get in what the Government does, the more that Government is going to respond to your needs and the needs of the country.

Mr. President, the system is broken. It is a club for millionaires or could become a club for millionaires. If we continue to impose new restrictions, that is exactly what would happen. It would only be millionaires who would be able to run for office. So, in other words, we would cut off the average American's chance of ever running or holding any public office, to come and bring concerns to the floor of the U.S. Senate, the House of Representatives, or even in the State houses.

I have also heard people say that "Fundraisers used to be held around Senate schedules. Now it's just the opposite, that the Senate schedules are held around fundraisers."

That isn't true in my office. We try to spend the vast majority of our time doing the work that we were sent here to do. Yes, we are going to face a campaign; yes, we are going to have to raise money, but we are sure not going to make the work that we were elected to do a lesser priority. I do not believe most of our colleagues have done that. But that is one of the charges issued today.

If we increase the limits on the ability to raise *X* amount of dollars or we are required to accept smaller contributions, we will discourage many individuals who would like to campaign and serve in Congress. These individuals will have to spend more time trying to raise money than doing the job that they were elected to do. It gets to be a money chase, as we have heard here many times today.

Each election, however, is like a basic ad campaign. Every candidate needs to communicate a message. Every candidate needs to be able to go out and talk to the voters to tell them what he supports, what his agenda will be, how he is going to vote on the important issues.

If he does not have a chance or the opportunity to communicate his view to the voters, how are they going to know what this candidate represents? How are they going to know what to expect from him, and how are they going to make a decision between candidate A and candidate B?

When you look at costs—I believe it was said earlier, too, today it is about $1.2 million to buy a 30-second ad during the Super Bowl. Now, we are not going to advertise during the Super Bowl. But if you go into an average television market across the country, an average spot for 30 seconds today is going to cost you over $3,000. Now, again, that is a lot of money, but you are going to have to run a decent campaign again to deliver your message.

We need to inform our voters. If we cannot, as candidates cannot tell our voters how we are going to vote, what our values are, what we are going to stand up for, how we are going to vote on special issues, you can bet somebody is going to tell them that. But they are not going to tell it probably the way you would like. In other words, we are going to have opponents out there. You are going to have special interest groups, independent expenditures, or, more terrifying, you are going to leave it up to the media, you are going to allow the media to frame this debate.

I do not want a newspaper or TV station, liberal or conservative, to be out there telling the voters what they think my position is or to frame my campaign in their words. As we know, I have views about how a lot of these stories and editorials are written. So if we leave it up to the editorial pages of our newspapers, or television reports and other stories, I do not think they are going to get the accurate picture of the campaigns or the candidates involved. A truly informed electrorate will result from preserving the free speech of people to become involved in these campaigns and the right of candidates to communicate their agenda.

What we are hearing today in the Senate is to put on more limits. "The system is broken." We hear that again. "The public is cynical." I do not think they are cynical about honest campaigns. But they are from the headlines of those who have broken campaign laws. That is what you should be cynical about.

We heard Senator KERRY here just a few minutes ago talking about his last campaign, spending in the neighborhood of about $12 million. That was a tough race. That is a lot of money. But have we heard any charges of illegalities involved in the race? No. So did the amount of money corrupt the race? Evidently not.

So it isn't the money. But it is real chutzpah—if you know what the term is; that is really "in your face"—when we have those who are out there calling the loudest for campaign finance reform saying that it could even involve a special session of Congress. I would call that "a good defense being a good offense." In other words, let us deflect the real problem of the issue today, and that is over the problems of past campaigns, those who have broken the laws but yet are calling for new laws to be implemented. In other words, the chutzpah is similar to a saying in this morning's paper, "It's like the person who killed his parents and then argued for mercy from the courts because he was an orphan." "Stop me from killing again. Do not allow me to go out and break these laws again. Let's have new laws on the books," just like somehow new laws are going to prevent the intent of breaking them.

There has been discussion about independent expenditures and establishing new limits. But, again, we cannot muzzle everybody. We are going to allow the unions to continue spending and collecting millions of dollars. No attempts really to rein in that abuse. So in other words, when it comes to reforms, it is OK to reform only if it limits my opponents more than it would limit me. Now, that would be good reform, but, again, in whose eyes? If we cannot do across-the-board reform, then no reform is good reform.

A good defense is a good offense, again, to divert attention from the problems at hand. A lot of people are looking at hearings going on in Congress this year, and you hear the rhetoric or the spin that this is all about campaign finance reform.

This is about those who broke existing laws, who abused the laws in the last campaign. That is what these hearings are supposed to flush out and look at, not by putting new limits on what we can say, who can say it, when we can say it. Who is going to determine that? Who is going to become a new censor?

What that would do is take away more of your rights as individuals to participate in any campaign, whether Democrat, Republican, independent, whatever it might be. New limits would only mean average Americans would have new constraints placed on how they could become involved in the political process. In this instance, groups, individuals and candidates would be muzzled in a free country.

Again, who would be out there talking? Again, "The system is broken." Their answer, "Put more controls on free speech." But in order to do that, it means bigger Government. "More Government is the answer. If we can only put a few more controls, put a few more limits, spend a few more dollars somewhere else, somehow that is going to fix the system."

The system may need some reforms. It may need some tinkering. It may need some changes. But I think overall our system is not broken. Have laws been broken? Has the system been abused? Yes, it has. That is exactly what the Thompson hearings have been trying to find out. But they have been blunted by those who have been accused and, yes, even charged with breaking those very laws. They say, "Well, if we did, we're sorry, but we need to push for new laws. We need new changes."

If there are those in Congress or any place else who would sell their integrity for a $2,000 contribution rather than representing the millions of people back home—by the way, an individual contribution is somewhere around the neighborhood of $25 per contribution—if there are individuals who would do that, they would be easily found out. If they are going to vote that way or betray the trust back home, they are going to be found out. If they are found out, they should be thrown out.

But I believe nearly all, if not all, Members in this body are very honorable men and women who work very hard to try to serve their constituents back home, Republicans and Democrats, having the best interests of their constituents back home at heart. They try do that with a lot of honesty.

But what are Americans to think if they hear day after day that campaigns, that Congress, is corrupt, that it is for sale to the highest bidder? Again, if there are such individuals, they will be found out and they will be thrown out. But I believe the public concern of campaigns in a large part is not because of the system itself but because of those who have abused the system, those who have broken the laws, and they remain unpunished.

New laws, I do not believe, will cure the intent of those who want to break them. So I say, let us open the system, let us have full disclosure—Who contributed to the campaigns? How much did they contribute?—so that the public can judge who is supported by whom, which groups are involved, what are the issues at stake.

Let us not put the Federal Government in control. Isn't public involvement better than having censorship by the Federal Government? You know, most people have a real concern today about big Government. A lot of people say they do not think a bloated bureaucracy can provide the best service today. They have sent many of us here to Washington with the charge of streamlining and downsizing the Federal Government that they believe is out of hand, unwieldy, spending too much money.

Is the way to fix the campaign finance system by putting more control of the system into the hands of the Federal Government, to give them more control, more power, and, yes, even censorship on what you can say, when you can say it? Is it negative? Is it positive? Who is going to decide all of that?

I believe Americans as a whole want the ability to participate and to participate in the elections as they choose.

With that, I yield the floor.

Mr. McCONNELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. McCONNELL. Let me thank my colleague from Minnesota for a fine contribution to this very important debate and assure him I agree with his views virtually 100 percent. An outstanding contribution.

I yield the floor.

Mr. TORRICELLI addressed the Chair.

The PRESIDING OFFICER (Mr. GRAMS). The Senator from New Jersey.

Mr. TORRICELLI. Thank you, Mr. President.

Mr. President, at the outset for my participation in this debate I congratulate Senator FEINGOLD and Senator McCAIN for their months of effort in constructing a comprehensive program to deal with the problem of campaign finance and for bringing the Nation and the Senate to this moment of debate, but also Senator DASCHLE, whose tireless efforts have also brought us to this moment of judgment, and Senator LOTT for scheduling this debate.

I, also, in listening to this morning's discussion, want to compliment Senator McCONNELL. For, while I do not share his ultimate judgments on the McCain-Feingold bill, he reminds us of an important principle in the debate. And that is, there may be problems in how we finance our campaigns, the problems of money in American politics, but Senator McCONNELL reminds us there are real constitutional limitations in how we approach this issue and that ultimately the Nation does not suffer from too much political discussion or too much debate among candidates but too little. So while I differ with his ultimate judgment, I think the Senate is well served by his limitations in how we approach this question.

Mr. President, for my own part, I enter this debate with a reminder to all of my colleagues that there is nothing short of the credibility of our entire form of Government that is at issue. The world's oldest constitutional democracy, founded on the principle of majority rule, is now threatened by the fact that only a minority of Americans participate. It is therefore a question of our entire credibility of governance. The United States has experienced for more than a generation the continuing relentless decline in voter participation.

In the last elections in 1996, 49 percent of the American people participated in choosing the leadership of the Federal Government. It is, Mr. President, a serious issue. For a long time the leaders of the U.S. Government have found reasons to excuse the fact that most Americans do not participate in this form of Government, that the United States alone among the great democracies may now be governed by the judgments of a minority of our people alone.

I have heard all of these debates. First, we convinced ourselves that it was not convenient for most Americans to participate in our elections. So we enacted postcard registration to make it simpler. But still the American people did not come.

Then we convinced ourselves it was because people were not aware of the timing of elections. So through public service announcements and then the hiring of campaign workers, we filled the airwaves, we called people on the phone, we visited their homes to remind them, and still they did not come.

On more than a few occasions we appealed to people's patriotism to participate in the electoral system. And after all these efforts, most Americans are still not participating.

Perhaps, Mr. President, there is another reason, painful to admit, but unmistakable: The majority of Americans who are not participating in Federal elections did not forget to vote, it wasn't inconvenient to vote; but by their failure to participate they were expressing themselves. Not participating in an American election is a means of expression. It is a vote of no confidence, not simply in the candidates or the political parties, but in the process itself.

In truth, there are myriad reasons. The sterility of the debate, perhaps because people perceive no real choices, no relevancy of the political discussion to their own lives. Perhaps it is because the decline in the quality of journalism itself, where character assassinations become a substitute for discussion of real issues. Or perhaps most important, most insidious, it is how we are financing our campaigns. The sense of most Americans that voting is not a determinant of a decision, where money has become the principal determinant of the outcome of struggles for political power.

There is perhaps no better witness for this argument than one Roger Tamraz, who appeared before the Governmental Affairs Committee only last week. By his own words he had come to the conclusion that though an American citizen, he did not vote in Federal elections because contributing $300,000 was a better and more effective means of participating than ever casting a vote for a candidate of his choice.

Mr. President, I will admit that I rise on the floor of the Senate today as an advocate of the McCain-Feingold campaign finance bill by a circuitous route. Like many of my colleagues, I have feared campaign finance reform because of the threat of Government regulation of political speech. I have believed that free, fair and open competition among the political parties was the best means to assure that all parties were heard and that the American people ultimately ruled by majority will.

I can no longer, after the expense of the 1996 election and my own involvement in the U.S. Senate campaign in my own State of New Jersey, remain with that conclusion. The campaign reform bills of 1974 and their revision in subsequent years are no longer working. There is no governing electoral authority in the Federal statutes.

Through a series of decisions by the Federal courts, the practical expense of the political parties, the governing statutes are being evaded, violated, or are simply irrelevant. There is no governing authority in this country today for the financing of Federal campaigns. While this Congress has addressed the issue innumerable times, we have made no progress. In a decade, this Senator has voted on 113 occasions to reform campaign finance and come to no conclusions. The Senate has considered 321 pieces of financial reform legislation, heard 3,361 speeches, and filled 6,742 pages of the CONGRESSIONAL RECORD with debate. It cannot go on. We are at a genuine critical point in the political history of this country.

Some would argue that there are some modifications that can be enacted without fundamental reform, and we will meet our responsibility to improve the process, declare success and simply move on to another Federal election in 1998. I am of a decidedly different view. I believe it would be worse to deal with this problem in the margins and declare that we have done much than to deal with this properly and fail and at least be honest with the American people that the problem exists. That is the choice because many, I will predict a majority, of the U.S. Senate, will decide that we can ban the use of soft money in the political process, do nothing about independent expenditures, express advocacy, the cost of television time, overall campaign spending, and still declare success.

To me, Mr. President, that will be the worst outcome because this problem is not only serious, it is complex, and goes to every aspect of the campaign finance system.

First is the problem of controlling express advocacy groups. There is a real threat that the national political system is evolving into a debate where special interest groups will argue over the heads of the American people in multimillion-dollar campaigns in which neither candidates nor political parties are able to participate. Single-issue advocacy groups with virtually unlimited funding, distorting the issues, steering the campaigns, with candidates who are unable or without the resources to even participate. An American political system with campaigns by surrogates.

The McCain-Feingold bill, by at least attempting to limit the ability of these organizations to distort candidate's positions or enter into the debates as their surrogates, addresses this issue. But without this provision, the overall legislation would be meaningless, and indeed in my judgment, counterproductive.

There is, of course, the issue of foreign money where not only must the law be clear, but the penalties high, where people who seek to participate in our system but do not share our nationality. There is the obvious problem of soft money, unregulated, undeclared, unknown participants in the financing of Federal campaigns who opened a door which has now become a monstrous window through which millions of dollars flow, distorting the very purpose of campaign finance disclosure or control.

There is the effort at the prompt disclosure of campaign contributions so that every American makes their own judgment about who is contributing, how much, what they represent, and whether they can then identify with a candidate receiving those contributions. They are all a part of the McCain-Feingold legislation, each critical, but each an integral part that if eliminated from the legislation weakens the whole effort at reform.

But then finally there is one aspect of the McCain-Feingold bill that has not survived to this debate on the floor of the Senate, but in my judgment must be added before genuine reform has been achieved and this Senate concludes this debate. It is the issue of reducing the cost of television advertising. Behind the spiral of rising campaign costs is the issue of the cost of television advertising. There is no increased cost in American campaigning without the cost of television advertising. They are one and the same—inescapable in the conclusion. The cost of campaigns have increased 72 percent in the last 6 years alone. That is overwhelmingly driven by network television. In my own campaign for the U.S. Senate last year, 84 percent of all the money raised went to television advertising.

An amendment will be offered to this legislation, appropriately called the challengers' amendment, because largely incumbents will always raise the funds necessary to feed the television networks but challengers cannot. Unless and until we reduce the cost of television advertising, this becomes a process open to incumbents or multimillionaires only. The average American will never be able to participate in this process and will be excluded at the Senate door.

But make no mistake, the vote for campaign finance reform is not a vote for the McCain-Feingold financial legislation. It is a vote for the challengers' amendment. Consider a process where as in the State of New Jersey the average cost of a television advertisement is $50,000. Some single 30-second ads can cost $100,000. What is it that is being purchased? The television networks control this time by a public license. The air time belongs to the American people. It is granted to the television networks by license, for free. They then return to candidates for public office who seek to debate public policy issues, to communicate with the American people who own this air time and charge millions upon millions of dollars.

Now here I agree with the Senator from Kentucky. The answer is not to reduce the amount of time that candidates have on the air to discuss their issues. It is not to regulate what those candidates communicate to the American people.

The Senator from Kentucky said less than 1 percent of all the advertising last year in the most expensive political race in American history was political advertising. In the midst of deciding about the American future debating these important critical national questions, American people were still hearing more about the sneakers of choice, the best and worst toothpaste, or how it is they should feed their cats and dogs. There is not too much political discussion, but it is too expensive. It is wrong.

In a proper process, the great corporations that own the television networks as a means of political responsibility should have come forward and offered this time for candidates to debate or reduce the cost of advertising to discuss their respective issues, but they have not. They were challenged and they failed. Now it is up to the Congress.

Some would say it is unconstitutional. It is the taking of property of the television networks. But indeed we crossed that threshold a long time ago in reducing only marginally the cost of advertising for charities and political debates. The problem is we reduced it only marginally, leaving the cost far, far too high. There is no right of a corporation to own a license. It is a license for air time that belongs to the public. It is granted and it is responsible that costs should be reduced.

Sometimes it is almost unbearable as a Member of the Senate to hear the television networks with their anchors on the evening news berating the political system, challenging the candidates for public office, the President and the Members of the Senate to do something about campaign finance reform, reduce its cost, reform the process. The problem is the cost being charged by the television networks themselves. What are all these fundraisers? What is it we are doing running around the country raising money endlessly, from interests where we should never be seeking money, spending time that should be spent with citizens debating issues? It is to feed the networks that are demanding this money. When the challengers amendment we will have a chance to do something about it, to reduce the costs.

Mr. President, that comes to a final objective in McCain-Feingold and the whole system of reform. Every American knows that there is a problem of too much money. I have made clear my own belief that there is also a problem of too much cost in advertising. But there is one other element that drives this reform effort. If most of the problems of the American people were represented by those who had money, this reform legislation would be much less important because there is more than enough contact between candidates for the U.S. Senate and the House of Representatives and people who are able to donate and attend fundraisers. We see thousands of Americans at hundreds of fundraisers. There is no lack of communication or discussion of public policy issues. The problem is that most of the American people who have the most serious problems in their own lives don't have the money to attend these events. And since they cannot attend these events, they are not being heard and their problems are not getting addressed. They are outside the process.

What is driving the need for campaign finance reform, in my judgment, is to free the candidates to once again discuss issues, to campaign on the streets of America with people who have no money but do have real concerns.

Mr. President, this is a debate that it would be difficult to overestimate in its importance. The McCain-Feingold legislation is about campaign finance reform, but it is also about something much more fundamental. We are debating the integrity of the U.S. Government, whether or not the American people, a majority of whom no longer participate in this electoral process, can once again identify with the national political debate and at some point in the future return to participating in this system of government.

I do not know how long, if we fail to reform this process, levels of participation will continue to decline while the Nation maintains political stability and a belief in this system of government. But I know it cannot go on forever. We may or may not succeed with the McCain-Feingold legislation. Perhaps some will succeed in passing a lesser measure dealing in the margins of reform and leaving the larger problem unanswered. If they do so, they do a disservice to the Senate and to the country.

Mr. President, before this debate has concluded in the coming days and weeks, I will return again. But I am grateful for this chance to share a few opening thoughts on what is a critical moment in the life of the Senate.

Mr. President, I yield the floor.

Mr. McCONNELL. Mr. President, before the Senator from New Jersey leaves, if I might just impose upon him for a few moments. I was listening to his comments and his enthusiasm for the portions of the McCain-Feingold bill that seek to make it more difficult for citizens to engage in issue advocacy and to change the rules with regard to independent expenditures.

I make reference to a letter I received from the American Civil Liberties Union earlier this year discussing those two types of citizen expression. Quoting from the letter:

> Two basic truths have emerged with crystal clarity after 20 years of campaign finance decisions.

That is after a whole string of cases, beginning with Buckley.

> First, independent expenditures for "express electoral advocacy" by citizens groups about political candidates lie at the very core of the meaning and purpose of the first amendment.
>
> Second, issue advocacy by citizen groups lies totally outside the permissible area of Government regulation.

I say to my friend from New Jersey, on what basis does he reach the conclusion that there is any chance whatsoever that these portions of the McCain-Feingold, since there is no hint that the courts are ever going to tamper with express advocacy—there is a whole line of cases, the most recent one about 3 months ago—does my friend from New Jersey think there is going to be some revelation in the courts? Are they going to rethink 20 years of decisions in this area? Or does he think we ought to just pass, blatantly, unconstitutional legislation regardless of what the Supreme Court says?

Mr. TORRICELLI. In response to the Senator from Kentucky—though it is not the thrust of his question—I will return to the major inquiry. I will share publicly what I discussed with the Senator previously privately; that is, my concern that if he is correct that the Federal courts will not allow McCain-Feingold, as currently written, to deal with express advocacy or independent expenditures, then we face a fundamental problem in that express advocacy and independent expenditures would be unregulated while we would be reducing the ability of the political parties or candidates to express themselves. We would, therefore, be dealing with campaigns by surrogates over the heads of the political parties and the candidates.

In my judgment, that does not constitute reform, and it raises the question, as I expressed to the Senator privately, whether there should be a severability clause at all in this legislation because, in my judgment, if you cannot constitutionally deal with express advocacy and independent expenditures, I, speaking only for myself, do not believe that we can regulate the candidates in the political parties as envisioned by this legislation. That issue remains before the Federal courts.

Now, finally, dealing with the Senator's question, it is my own belief that the Constitution can be satisfied, and I hope we can gain the Federal Court's approval, by allowing express advocacy of issues by people who do not name candidates or a campaign in their express advocacy and, hopefully, channel people's interest and finances to the political parties and the candidates separately. Therefore, every citizen has two routes of involvement—the political parties and a candidate of their choice or express advocacy without advocating an individual candidate independently. But I will concede to the Senator from Kentucky, I believe it is an open constitutional question. There is an invitation here to the Federal courts. I simply hope we can get an affirmative reaction from the courts. But I do not disagree with the Senator from Kentucky; it is an open issue.

Mr. McCONNELL. Mr. President, if I may regain my time. The Senator from Washington has been waiting to speak. Mr. President, it is not an open constitutional question; it is a closed constitutional question. There is no chance that the courts are going to allow these kinds of restrictions on independent expenditures and issue advocacy.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mr. GORTON. Mr. President, many of the constitutional questions that are debated here today in the context of the validity of this bill have already been debated this year in a more open and more refreshing manner. When those who propose to limit free speech on political issues had the courage to propose an amendment that would restrict the first amendment right of free speech on political issues, while they were, in my view, entirely wrong, while they proposed a disaster to the most fundamental basis of free government, they at least had the intellectual integrity and consistency to recognize that what they wanted to do was inconsistent with the first amendment as it has existed from the time of the first Congress until this day.

Now they produce a bill with two fundamental flaws. In most respects—many at least—it is clearly unconstitutional and, in every other respect, it is bad policy. I think I would like to make a few remarks about the way in which political debates are conducted in this country surrounding election campaigns. I will try to deal a little bit about the way the McCain-Feingold bill treats these various communications. And perhaps I will elicit a few additional remarks from my friend from Kentucky in doing so.

In 1974, when the present campaign finance law was passed—with the support, I may say, of just those people and organizations and newspapers that now find how great a failure that 1974 law was and, like the drunk waking up the morning after with a hangover, prescribed the hair of the dog that bit them—their focus was on candidates, on the source of money for candidates to express their ideas through the mass media. In that focus, they prohibited a wide range of sources of money and greatly limited other sources of money, so that a candidate may not take more than $1,000 per election from an individual, or more than $5,000 from a political action committee, an organization that was created, in effect, by that 1974 law. So they placed severe limits on the one kind of political debate for which each candidate is totally responsible. No candidate can avoid responsibility for what he or she says in public, in print, or on television. This forum of advocacy is now subject to severe limits as a result of the 1974 law.

Now, it is interesting to note that much of the support for the kind of bill or the kind of ideas that are reflected in McCain-Feingold, the kind of ideas that have just been presented by the Senator from New Jersey, stem from the fact that mass campaigning costs money, the money has to be raised by individual candidates, and the candidates don't like to spend the time raising money that the 1974 law requires. So we are told that the candidates ought to be supported by a subsidy from the Federal Government or a subsidy from the private sector in the form of noncompetitive prices for television advertising.

Mr. President, I can certainly sympathize with the views of those who do not like raising money for their own candidacy. I couldn't possibly claim that I do myself. But to exactly the extent that it takes candidates too long to do so is a direct result of the reforms of 1974. And this reform in McCain-Feingold will make that situation far worse because the limitation on sources for candidates are tightened. So candidates, in order to get their own message out, will have to spend more time raising money.

As an incidental, I think it is not at all unhealthy that we who have this rather exalted status as U.S. Senators should be forced to go hat in hand to our constituents and to others interested in the political process and show a little bit of humility and ask for that support. Many of the supporters of reform feel that that is somehow demeaning, and that the Government ought to come up with the money that they use to engage in their candidacies. Personally, Mr. President, I think they might just as well advocate lifetime terms for Senators. Certainly no one would be subject to pressures from campaign contributors under those circumstances. But the very mention of that process simply shows that an attempt to avoid responsibility is an attempt to avoid responsibility, whether it is called lifetime terms and avoiding democracy entirely, or whether it simply comes in the guise of saying that the Government ought to pay for these campaigns.

In any event, Mr. President, the first defect, though perhaps not an unconstitutional defect, of this bill is that it takes the very set of rules that have created the demand for more rules for indirect spending and makes them worse. It takes the very criticism of the time candidates spend raising money and requires them to spend more time making money, and does it in the one area in which the candidate can be called to order, can be held responsible by his or her constituents: that is to say, spending directly by a candidate on his or her own campaign.

The immediate result of a restriction of this first form of free speech—that on the part of candidates—was to push those who are vitally interested in the decisions that we and other candidates across the country make with respect to public policy away from supporting candidates into supporting political parties.

Most academics over the course of the last 30 or 40 years have decried the decline of political party discipline and accountability, and have said that one of the shortcomings of American democracy is that parties don't mean very much; that they have very little political influence even over the candidates who are elected using the party name, and have called for methods of creating a greater degree of cohesion and party responsibility. Yet, when the two major political parties have discovered a method of raising money and are advocating directly or indirectly the election of candidates carrying their name, that very system is now considered by the reformers to be such a terrible tragedy as to cause the introduction of a bill that will make it practically impossible for either major political party to raise sufficient amounts of money, either to call for a certain degree of responsibility on the part of its candidates, or to get its message across to the American people.

I think I do agree, I say, Mr. President, to my friend from Kentucky, that that portion of constitutional opinion of the 126 scholars, or whatever the number was that he mentioned, with respect to limiting contributions to political parties, is probably correct. I seriously doubt a form of contribution can be prohibited. But on the basis that contributions to candidates can be limited, contributions to the parties can probably be limited. It doesn't make it a desirable course of action. It makes it a highly undesirable course of action.

Mr. McCONNELL. Will the Senator yield at this point?

Mr. GORTON. I will.

Mr. McCONNELL. I think the Senator from Washington is correct. There are simply no cases on the issue of whether the Congress could in effect federalize the two national parties; what McCain-Feingold seeks to do. Soft money by definition means non-Federal money. Our two great national parties get involved in Governors' races, county commissioners' races, legislators' races, and so on.

This bill seeks to basically turn them into Federal parties, and take away their ability to participate outside the Federal system.

The Senator from Washington is entirely correct. There simply aren't any cases on that point because nobody has ever thought that was a good idea before.

So I think my colleague is correct. Even if maybe some court would rule that you could do it, it is not a desirable result.

Mr. GORTON. The answer to that from my perspective, as the perspective from the Senator from Kentucky is, of course, it is not. Of course, it is highly undesirable. It will atomize the political system. It will make Members far more free than they have been even in the past from any loyalty as a party, and thus reduce the ability of a Congress or of any other body to reach coherent decisions, but, more importantly than that, will reduce the ability to communicate a coherent set of political ideas to the people of the United States in connection with election campaigns. That is why it is so tremendously undesirable. Even if I am correct that it is constitutional to create such limits, they certainly violate the spirit of the first amendment which is designed to create a field in which the widest range of political ideas can be communicated in the broadest possible fashion.

However, when we get to the third way in which money can be spent to communicate political ideas, I find myself in total agreement with the Senator from Kentucky. That has to do with direct expenditures on advocating the election or the defeat of candidates by persons unconnected with political parties.

Before I get to that, we started with the fact that money that is given to and spent by candidates certainly carries with it a huge responsibility. Candidates cannot avoid responsibility for what their political ideas are that they express with their moneys they spend on their own campaigns. They get a degree of protection from their own political party when it spends money. They can say "No, that really wasn't quite right. I didn't really believe in that attack on my opponent." It is hard to shed that responsibility completely because each candidate has chosen a political party, and its political party's name appears beside his or her name on the ballot. But the responsibility of a candidate is only indirect.

In other words, the party's advertisements, the party's communications bluntly can be less responsible than the candidate's own expressions. The candidate has a certain degree of invulnerability from any such irresponsibility.

But, by definition, when another group, or another wealthy individual, decides that the election, or the defeat of a candidate, is important enough to want to spend a significant amount of money on it and engages in that activity without consulting the candidate or the party, that communication beyond the slightest shadow of a doubt is protected by the first amendment—beyond the slightest shadow of a doubt.

This complex and Byzantine form of regulation in the present law, which would be made more complex and more Byzantine by the passage of McCain-Feingold, raises this question of whether or not expenditures are actually independent, and creates a bonanza for lawyers and for accusations. But it doesn't need to exist in an intelligent system. But clearly when those expenditures are independent, they can advocate the election, or the defeat of a candidate, with entire impunity. They are protected by the first amendment. They ought to be protected by the first amendment. They will continue to be protected until we repeal, or modify, that first amendment, and decide that we ought to choke off free speech on political ideas.

Well, obviously, the candidate who benefits from these independent expenditures has absolutely no responsibility for them whatsoever. However scurrilous or inaccurate they may be, they are not the candidate's fault. They are independent of the candidate. The organization of the individual who was presenting them or paying for them and does not appear on the ballot can't effectively be held responsible in a political sense for that form of communication.

So, first, in 1974 we forced expenditures from the most responsible use to a less responsible use. Now, if we pass McCain-Feingold, we force them into an entirely irresponsible channel, even when we are dealing directly with the election or the defeat of candidates. But, Mr. President, the real point is we cannot stop the money from being spent.

The decisions made by the Congress are vitally important to people's lives, and the people whose lives are affected by them are going to try to affect elections for membership in this body and in the House of Representatives. Obviously, they have to have that right in a free society.

Well, then we move on to the fourth method of communicating ideas. That goes to the benefit of this debate under the title of "issue advocacy." Again, any individual, any group, has a total complete protected right to communicate ideas or views about political ideas. Again, these reforms create this totally artificial lawyer-enriching distinction between an independent expenditure on behalf of a candidate and issue advocacy, an issue different but a distinction in the real world, but one that suddenly becomes very important when you want to get Government involved in all of these ideas.

Were the advertisements by the AFL–CIO all through the last election campaign that said, "Tell Congressman X to stop destroying Medicare" issue advocacy? That is what the AFL–CIO claims. In fact, of course, they were designed to defeat candidate X in the next election.

Mr. President, let us be absolutely certain that the AFL–CIO and every other organization has a perfectly totally protected constitutional right to engage in that activity, and to engage in independent expenditures directly at the same time.

That is a separate question as to whether or not we ought to require a labor union, or any other voluntary organization organized primarily for one purpose, to not spend the money of its members on an entirely different political purpose without their consent. Clearly, we can require that consent in any reasonable way which we propose, but once that consent is granted, the constitutional right is absolute.

Then, fifth, Mr. President—and the Senator from Kentucky outlined this question I thought with great simplicity and clarity and elegance a couple of hours ago—fifth, of course, we have the newspapers and the television and radio stations, the forms of mass communication in this society which enter into this struggle gleefully, at great length, continuously and totally protected by the first amendment.

We on this side of the aisle can complain about the fact that most of the major metropolitan newspapers, editorial writers and their reporters are biased to the left, but none of us for a moment claim the right to control their speech or to say that they can't write editorials or that we have the right to say their news stories are biased and keep them out of the newspapers or out of television stations.

I must say, and I trust that the Senator from Kentucky will agree with me, when we use this pejorative "special interest," these newspaper editorial writers do have a special interest in restricting all other forms of free speech about politics so that they can occupy the field alone or almost alone and greatly increase their influence over the actions of the voting public.

Mr. McCONNELL. If I could ask my friend from Washington, I listened carefully to his observations about independent expenditures, which are so-called hard money, federally regulated within the FEC jurisdiction, and his observations about non-Federal money, soft money, which is outside the Federal jurisdiction, both of which there are whole lines of cases—I have counted 13 here just in the few moments I was listening to Senator from Washington—making it abundantly clear there is nothing we can do here in the Congress to restrict either.

My question to my friend from Washington is, if a Member of Congress were sort of cynically approaching this issue and his real goal was to weaken, for example, the Republican National Committee, would he not be pretty safe to advocate some kind of new restrictions on independent expenditures and issue advocacy since there is literally no chance the courts would uphold it and take the gamble that a court might, never having ruled in a whole area of party soft money, weaken the parties with a ruling saying it is possible to federalize the two parties; organized labor would then, as the biggest force engaging in issue advocacy, still be totally unrestricted, as you and I think they should be. And since the Republican National Committee responds to those issue advocacy campaigns with its soft money, would not such an approach benefit substantially, it could be argued, our dear colleagues on the other side of the aisle for whom the AFL-CIO issue advocacy is almost 100 percent favorable?

Mr. GORTON. There is little question but that that would be the result. In fact with my own views on where the constitutional line is likely to be drawn, it seems to me that would be almost the inevitable result of the passage of McCain-Feingold. Its restrictions on money to political parties might well be upheld, probably would be upheld at least in part. It is possible that they would be upheld in their entirety. Their other restrictions will inevitably be found to be unconstitutional.

So we have now restricted the candidate's ability to communicate his or her ideas. We have restricted the political party's ability to reflect their ideas and the ideas of their candidates, the Democratic Party as much as the Republican Party. But because, at least as politics are constituted today, those additional interests, especially organized labor, are primarily on the Democratic side, we have enhanced their ability to communicate, or we have increased their competitive ability to communicate. Let's put it in that fashion. More of the airwaves, more of the mass media will reflect their views. For that reason, because of the general bias of most newspapers and their reporters and their editorial writers and television commentators, Republican candidates historically depend far more on their own ability to raise money and the ability of their party to raise money than have candidates on the other side.

But there is a risk. The law of unintended consequences could easily result in a few years in a reversal of that situation, and the benefits of the spending might very well end up on this side of the aisle. Certainly the unintended consequences of 1974 are exactly what we are dealing with here today.

My focus, however, is on the fact of responsibility. It is appropriate for voters to hold candidates responsible for the ideas that they communicate. It is reasonably appropriate for them to hold political parties responsible. But they cannot hold candidates responsible for a form of communication over which the candidates have absolutely no control. So negative campaigning, it seems to me, will increase rather than decrease with the passage of this bill. Irresponsible charges, unprovable charges, false charges will increase rather than decrease if we should pass this proposal.

But the fundamental point is the amount of money in the political system will not decrease at all because those who feel vitally affected by what happens in politically elected bodies will find a way to spend that money, will be protected by the Constitution in their spending of that money, and will just do it in less responsible channels than they do today.

That, it seems to me, is the policy argument against this proposal. In fact, if we want to make campaigns more candidate oriented and more issue oriented, we would at the very least raise the limitation on contributions to candidates to the level at which they were in 1974 by reflecting the ravages of inflation since then, and we would encourage contributions to political parties. What we would do—I am certain that the Senator from Kentucky agrees with me—is we would see to it the source of those funds is reported contemporaneously and prominently. The immense amount of time and effort and money that is being spent on investigating the Democratic National Committee and the Presidential election of 1996 would, I am certain, have been absolutely unnecessary had all of these contributions and all of their sources and all of these activities been public knowledge at the time at which they were given, the time at which those actions were taken. Why? Because it would not have happened that way.

Mr. McCONNELL. If my friend will yield, in fact the Democratic National Committee had the option to report in October, chose not to, for the very reason we all know now, that it would have been horrible publicity. So the act of rather contemporaneously disclosing, as my friend is pointing out, would have created at least a decision on their part. Are we going to take the money and take the heat or are we going to forgo the money? Disclosure would have been the best disinfectant.

Mr. GORTON. As it was they could take the money and avoid the heat.

I thank the Senator from Kentucky for his courage in this matter and the clarity with which he speaks on it. We simply cannot, consistently with the Constitution of the United States, limit political speech. We can only limit responsible political speech. We can only force money from responsible challenges into less responsible ones. We can only increase the power of the press, the very group that is most anxious to limit speech by others than its own members, and/or do what some proposed to do just a few months ago, say the first amendment doesn't work anymore and we better change it. As I said at the beginning of my remarks, that may have been, as it was, terrible policy, but it was at least intellectually honest. To present us with an unconstitutional bill is neither.

Mr. McCONNELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. McCONNELL. I thank my good friend from Washington for his really quite straight observations about this debate. They are right on point. He has articulately pointed out that in a country where the Government is $1.6 trillion a year, it is not unreasonable to assume that people would want to influence in whatever way they could the decisions that are made that affect their lives so greatly. The Court has made it perfectly clear that the ability to speak and to influence the course of events in any way that is constitutionally permissible is going to be protected, and the only really honest debate, as the Senator from Washington pointed out, was from those who stood up and said we ought to amend the first amendment for the first time in 200 years to give the Government the power to control political discourse. The good news is, Mr. President, only 38 Members of the Senate voted to amend the first amendment for the first time in 200 years. The first amendment is going to be secure today and it is still going to be secure when the debate on McCain-Feingold is over.

I suggest the absence of a quorum, Mr. President.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

* * *

## AMENDING THE EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974

Mr. McCONNELL. Mr. President, I ask unanimous consent the Senate now proceed to the consideration of S. 1227 introduced earlier today by Senator JEFFORDS.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The bill clerk read as follows:

A bill (S. 1227) to amend title I of the Employee Retirement Income Security Act of 1974 to clarify treatment of investment managers under such title.

Mr. McCONNELL. I ask unanimous consent the bill be considered read a third time and passed, the motion to reconsider be laid on the table, and any statements relating to the bill appear at this point in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 1227) was considered read the third time, and passed as follows:

S. 1227

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. INVESTMENT MANAGERS UNDER ERISA TO INCLUDE FIDUCIARIES REGISTERED SOLELY UNDER STATE LAW ONLY IF FEDERAL REGISTRATION PROHIBITED UNDER RECENTLY ENACTED PROVISIONS.**

(a) IN GENERAL.—Section 3(38)(B) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002(38)(B)) is amended—

(1) by redesignating clauses (ii) and (iii) as clauses (iii) and (iv), respectively; and

(2) by striking "who is" and all that follows through clause (i) and inserting the follow: "who (i) is registered as an investment adviser under the Investment Advisers Act of 1940; (ii) is not registered as an investment adviser under such Act by reason of paragraph (1) of section 203A(a) of such Act, is registered as an investment adviser under the laws of the State (referred to in such paragraph (1)) in which it maintains its principal office and place of business, and, at the time the fiduciary last filed the registration form most recently filed by the fiduciary with such State in order to maintain the fiduciary's registration under the laws of such State, also filed a copy of such form with the Secretary;".

(b) AVAILABILITY OF DOCUMENTS VIA FILING DEPOSITORY.—A fiduciary shall be treated as meeting the requirements of section 3(38)(B)(ii) of the Employee Retirement Income Security Act of 1974 (as amended by subsection (a)) relating to provision to the Secretary of Labor of a copy of the form referred to therein, if a copy of such form (or substantially similar information) is available to the Secretary of Labor from a centralized electronic or other recordkeeping database.

(c) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on July 8, 1997, except that the requirement of section 3(38)(B)(ii) of the Employee Retirement Income Security Act of 1974 (as amended by this Act) for filing with the Secretary of Labor of a copy of a registration form which has been filed with a State before the date of the enactment of this Act, or is to be filed with a State during the 1-year period beginning with such date, shall be treated as satisfied upon the filing of such a copy with the Secretary at any time during such 1-year period. This section shall supersede section 308(b) of the National Securities Markets Improvement Act of 1996 (and the amendment made thereby).

* * *

## VISA WAIVER PILOT PROGRAM REAUTHORIZATION ACT OF 1997

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to consideration of Calendar No. 164, S. 1178.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

A bill (S. 1178) to amend the Immigration and Nationality Act to extend the visa waiver pilot program, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

### EN BLOC AMENDMENTS NOS. 1254, 1255, 1256

Mr. MCCONNELL. There are three amendments at the desk, a Kyl-Leahy amendment No. 1254, a Hutchison amendment No. 1255, and an Abraham-Kennedy amendment No. 1256. I ask unanimous consent the amendments be considered as read and agreed to en bloc, the bill be considered read a third time and passed as amended, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed at this point in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments considered and agreed to are as follows:

### AMENDMENT NO. 1254

At the end of the bill insert the following section:

### SEC. 3. REPORT ON AUTOMATED ENTRY-EXIT CONTROL SYSTEM.

(a) Within six months after the date of enactment of this Act, the Attorney General shall report to the Committees on the Judiciary of the Senate and the House of Representatives on her plans for and the feasibility of developing an automated entry-exit control system that would operate at the land borders of the United States and that would—

(1) collect a record of departure for every alien departing the United States and match the records of departure with the record of the alien's arrival in the United States; and

(2) enable the Attorney General to identify, through on-line searching procedures, lawfully admitted nonimmigrants who remain in the United States beyond the period authorized by the Attorney General.

(b) Such report shall assess the costs and feasibility of various means of operating such an automated entry-exit control system; shall evaluate how such a system could be implemented without increasing border traffic congestion and border crossing delays and, if any such system would increase border crossing delays, evaluate to what extent such congestion or delays would increase; and shall estimate the length of time that would be required for any such system to be developed and implemented at the land borders.

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### AMENDMENT NO. 1255

On page 8, after line 6, insert the following:

(C) REPORTING REQUIREMENTS FOR OTHER COUNTRIES. For every country from which nonimmigrants seek entry into the United States, the Attorney General shall make a precise numerical estimate of the figures under clauses (A)(i)(I) and (A)(i)(II) and report those figures to the Committees on the Judiciary of the Senate and the House of Representatives within 30 days after the end of the fiscal year.

### AMENDMENT NO. 1256

(Purpose: To modify the authorized pilot program period, to revise authority in fiscal year 1998 to cancel the removal of certain aliens, and for other purposes)

On page 8, between lines 6 and 7, insert the following new clause:

"(iii) COMMENCEMENT OF AUTHORIZED PERIOD FOR QUALIFYING COUNTRIES.—No country qualifying under the criteria in clauses (i) and (ii) may be newly designated as a pilot program country prior to October 1, 1998.

On page 8, line 16, strike "2002" and insert "2000".

The bill (S. 1178), as amended, was considered read the third time and passed.

### S. 1178

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### SECTION 1. SHORT TITLE.

This Act may be cited as the "Visa Waiver Pilot Program Reauthorization Act of 1997".

### SEC. 2. AMENDMENT OF THE IMMIGRATION AND NATIONALITY ACT.

(a) DESIGNATION OF PILOT PROGRAM COUNTRIES.—Section 217(c) of the Immigration and Nationality Act (8 U.S.C. 1187(c)) is amended to read as follows:

"(c) DESIGNATION OF PILOT PROGRAM COUNTRIES.—

"(1) IN GENERAL.—The Secretary of State, in consultation with the Attorney General, may designate any country as a pilot program country if it meets the requirements of paragraph (2). In order to remain a pilot program country in any subsequent fiscal year, a country shall be redesignated as a pilot program country by the Attorney General in accordance with the requirements of paragraph (3).

"(2) QUALIFICATIONS.—The Secretary of State may not designate a country as a pilot program country unless the following requirements are met:

"(A) LOW NONIMMIGRANT VISA REFUSAL RATE FOR PREVIOUS 2-YEAR PERIOD.—The average number of refusals of nonimmigrant visitor visas for nationals of that country during the two previous full fiscal years was less than 3.0 percent of the total number of nonimmigrant visitor visas for nationals of that country which were granted or refused during those years.

"(B) LOW NONIMMIGRANT VISA REFUSAL RATE FOR EACH OF 2 PREVIOUS YEARS.—The average number of refusals of nonimmigrant visitor visas for nationals of that country during either of such two previous full fiscal years was less than 3.5 percent of the total number of nonimmigrant visitor visas for nationals of that country which were granted or refused during that year.

"(C) MACHINE-READABLE PASSPORT PROGRAM.—The government of the country certifies to the Secretary of State's and the Attorney General's satisfaction that it issues machine-readable and highly fraud-resistant passports to its citizens.

"(D) LAW ENFORCEMENT INTERESTS.—The Attorney General determines that the United States' law enforcement interests would not be compromised by the designation of the country.

"(E) ILLEGAL OVERSTAY AND DISQUALIFICATION.—For any country with an average nonimmigrant visa refusal rate during the previous two fiscal years of greater than 2 and less than 3 percent of the total number of nonimmigrant visitor visas for nationals of that country which were granted or refused during those years, and for any country with an average number of refusals during either such year of greater than 2.5 and less than 3.5 percent, the Attorney General shall certify to the Committees on the Judiciary of the Senate and the House of Representatives that the sum of—

"(I) the total of the number of nationals of that country who were excluded from admission or withdrew their application for admission at a port of entry during such previous fiscal year as a nonimmigrant visitor, and

"(II) the total number of nationals for that country who were admitted as nonimmigrant visitors during such previous fiscal year and who violated the terms of such admission,

is less than 2 percent of the total number of nationals of that country who applied for admission as nonimmigrant visitors during such previous fiscal year.

"(3) CONTINUING AND SUBSEQUENT QUALIFICATIONS.—The Attorney General, in consultation with the Secretary of State, shall assess the continuing and subsequent qualification of countries designated as pilot program countries and shall redesignate countries as pilot program countries only if the requirements specified in this subsection are met. For each fiscal year (within the pilot program period) after the initial period the following requirements shall apply:

"(A) COUNTRIES PREVIOUSLY DESIGNATED.—(i) Except as provided in subsection (g) of this section, in the case of a country which was a pilot program country in the previous fiscal year, the Attorney General may not redesignate such country as a pilot program country unless the sum of—

"(I) the total of the number of nationals of that country who were excluded from admission or withdrew their application for admission during such previous fiscal year as a nonimmigrant visitor, and

"(II) the total number of nationals of that country who were admitted as nonimmigrant visitors during such previous fiscal year and who violated the terms of such admission,

was less than 2 percent of the total number of nationals of that country who applied for admission as nonimmigrant visitors during such previous fiscal year.

"(ii) In the case of a country which was a pilot program country in the previous fiscal year, the Attorney General may not redesignate such country as a pilot program country unless the Attorney General has made a precise numerical estimate of the figures under clauses (i)(I) and (i)(II) and reports those figures to the Committees on the Judiciary of the Senate and the House of Representatives within 30 days after the end of the fiscal year. As of September 30, 1999, any such estimates shall be based on data collected from the automated entry-exit control system mandated by section 110 of Public Law 104–708.

"(iii) In the case of a country which was a pilot program country in the previous fiscal year and which was first admitted to the visa waiver pilot program prior to September 30, 1997, the Attorney General may not redesignate such country as a pilot program country unless the country certifies that it has issued or will issue as of a date certain machine-readable and highly fraud-resistant passports and unless the country subsequently complies with any such certification commitments.

"(B) NEW COUNTRIES.—In the case of a country to which the clauses of subparagraph (A) do not apply, such country may not be designated as a pilot program country unless the following requirements are met:

"(i) LOW NONIMMIGRANT VISA REFUSAL RATE IN PREVIOUS 2-YEAR PERIOD.—The average number of refusals of nonimmigrant visitor visas for nationals of that country during the two previous full fiscal years was less than 3.0 percent of the total number of nonimmigrant visitor visas for nationals of that country which were granted or refused during those years.

"(ii) LOW NONIMMIGRANT VISA REFUSAL RATE IN EACH OF THE 2 PREVIOUS YEARS.—The average number of refusals of nonimmigrant visitor visas for nationals of that country during either of such two previous full fiscal years was less than 3.5 percent of the total number of nonimmigrant visitor visas for nationals of that country which were granted or refused during that year.

"(iii) COMMENCEMENT OF AUTHORIZED PERIOD FOR QUALIFYING COUNTRIES.—No country qualifying under the criteria in clauses (i) and (ii) may be newly designated as a pilot program country prior to October 1, 1998.

"(C) REPORTING REQUIREMENTS FOR OTHER COUNTRIES.—For every country from which nonimmigrants seek entry into the United States, the Attorney General shall make a precise numerical estimate of the figures under subparagraph (A)(i) (I) and (II) and report those figures to the Committees on the Judiciary of the Senate and the House of Representatives within 30 days after the end of the fiscal year.

"(4) INITIAL PERIOD.—For purposes of paragraph (3), the term 'initial period' means the period beginning at the end of the 30-day period described in section 2(c)(1) of the Visa Waiver Pilot Program Reauthorization Act of 1997 and ending on the last day of the first fiscal year which begins after such 30-day period.".

(b) AUTHORIZED PILOT PROGRAM PERIOD.—Section 217(f) of that Act is amended by striking "September 30, 1997" and inserting "September 30, 2000".

(c) DEVELOPMENT OF AUTOMATED ENTRY CONTROL SYSTEM.—(1) As of the date of enactment of this Act, no country may be newly designated as a pilot program country until the end of the 30-day period beginning on the date that the Attorney General submits to the Committees on the Judiciary of the House of Representatives and the Senate a certification that the automated entry-exit control system described in paragraph (2) is operational.

(2) The automated entry-exit control system is the system mandated by section 110 of Public Law 104–208 as applied at all ports of entry excluding the land borders.

**SEC. 3. REPORT ON AUTOMATED ENTRY-EXIT CONTROL SYSTEM.**

(a) Within six months after the date of enactment of this Act, the Attorney General shall report to the Committees on the Judiciary of the Senate and the House of Representatives on her plans for and the feasibility of developing an automated entry-exit control system that would operate at the land borders of the United States and that would—

(1) collect a record of departure for every alien departing the United States and match the records of departure with the record of the alien's arrival in the United States; and

(2) enable the Attorney General to identify, through on-line searching procedures, lawfully admitted nonimmigrants who remain in the United States beyond the period authorized by the Attorney General.

(b) Such report shall assess the costs and feasibility of various means of operating such an automated entry-exit control system; shall evaluate how such a system could be implemented without increasing border traffic congestion and border crossing delays and, if any such system would increase border crossing delays, evaluate to what extent such congestion or delays would increase; and shall estimate the length of time that would be required for any such system to be developed and implemented at the land borders.

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## PUBLIC HOUSING REFORM AND RESPONSIBILITY ACT OF 1977

Mr. McCONNELL. Mr. President, I ask unanimous consent the Senate now proceed to the consideration of Calendar No. 63, S. 462.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

A bill (S. 462) to reform and consolidate the public and assisted housing programs of the United States, and to redirect primary responsibility for these programs from the Federal Government to States and localities, and for other purposes.

The Senate proceeded to consider the bill, which had been reported from the Committee on Banking, Housing, and Urban Affairs, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

***SECTION 1. SHORT TITLE; TABLE OF CONTENTS.***

*(a) SHORT TITLE.—This Act may be cited as the "Public Housing Reform and Responsibility Act of 1997".*

*(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:*

*Sec. 1. Short title; table of contents.*
*Sec. 2. Findings and purposes.*
*Sec. 3. Definitions.*
*Sec. 4. Effective date.*
*Sec. 5. Proposed regulations; technical recommendations.*
*Sec. 6. Elimination of obsolete documents.*
*Sec. 7. Annual reports.*

*TITLE I—PUBLIC HOUSING*

*Sec. 101. Declaration of policy.*
*Sec. 102. Membership on board of directors.*
*Sec. 103. Rental payments.*
*Sec. 104. Definitions.*
*Sec. 105. Contributions for lower income housing projects.*
*Sec. 106. Public housing agency plan.*
*Sec. 107. Contract provisions and requirements.*
*Sec. 108. Expansion of powers for dealing with PHA's in substantial default.*
*Sec. 109. Public housing site-based waiting lists.*
*Sec. 110. Public housing capital and operating funds.*
*Sec. 111. Community service and self-sufficiency.*
*Sec. 112. Repeal of energy conservation; consortia and joint ventures.*
*Sec. 113. Repeal of modernization fund.*
*Sec. 114. Eligibility for public and assisted housing.*
*Sec. 115. Demolition and disposition of public housing.*
*Sec. 116. Repeal of family investment centers; voucher system for public housing.*
*Sec. 117. Repeal of family self-sufficiency; homeownership opportunities.*
*Sec. 118. Revitalizing severely distressed public housing.*
*Sec. 119. Mixed-finance and mixed-ownership projects.*
*Sec. 120. Conversion of distressed public housing to tenant-based assistance.*
*Sec. 121. Public housing mortgages and security interests.*
*Sec. 122. Linking services to public housing residents.*
*Sec. 123. Prohibition on use of amounts.*
*Sec. 124. Pet ownership.*

*TITLE II—SECTION 8 RENTAL ASSISTANCE*

*Sec. 201. Merger of the certificate and voucher programs.*
*Sec. 202. Repeal of Federal preferences.*
*Sec. 203. Portability.*
*Sec. 204. Leasing to voucher holders.*
*Sec. 205. Homeownership option.*
*Sec. 206. Law enforcement and security personnel in public housing.*
*Sec. 207. Technical and conforming amendments.*
*Sec. 208. Implementation.*
*Sec. 209. Definition.*
*Sec. 210. Effective date.*
*Sec. 211. Recapture and reuse of annual contribution contract project reserves under the tenant-based assistance program.*

*TITLE III—SAFETY AND SECURITY IN PUBLIC AND ASSISTED HOUSING*

*Sec. 301. Screening of applicants.*
*Sec. 302. Termination of tenancy and assistance.*
*Sec. 303. Lease requirements.*
*Sec. 304. Availability of criminal records for public housing resident screening and eviction.*
*Sec. 305. Definitions.*
*Sec. 306. Conforming amendments.*

*TITLE IV—MISCELLANEOUS PROVISIONS*

*Sec. 401. Public housing flexibility in the CHAS.*
*Sec. 402. Determination of income limits.*
*Sec. 403. Demolition of public housing.*
*Sec. 404. Technical correction of public housing agency opt-out authority.*
*Sec. 405. Review of drug elimination program contracts.*
*Sec. 406. Sense of Congress.*
*Sec. 407. Other repeals.*

***SEC. 2. FINDINGS AND PURPOSES.***

*(a) FINDINGS.—Congress finds that—*

*(1) there exists throughout the Nation a need for decent, safe, and affordable housing;*

*(2) the inventory of public housing units owned and operated by public housing agencies, an asset in which the Federal Government has invested approximately $90,000,000,000, has traditionally provided rental housing that is affordable to low-income persons;*

*(3) despite serving this critical function, the public housing system is plagued by a series of problems, including the concentration of very poor people in very poor neighborhoods and disincentives for economic self-sufficiency;*

*(4) the Federal method of overseeing every aspect of public housing by detailed and complex statutes and regulations aggravates the problem and places excessive administrative burdens on public housing agencies;*

*(5) the interests of low-income persons, and the public interest, will best be served by a reformed public housing program that—*

*(A) consolidates many public housing programs into programs for the operation and capital needs of public housing;*

*(B) streamlines program requirements;*

*(C) vests in public housing agencies that perform well the maximum feasible authority, discretion, and control with appropriate accountability to both public housing residents and localities; and*

*(D) rewards employment and economic self-sufficiency of public housing residents; and*

*(6) voucher and certificate programs under section 8 of the United States Housing Act of 1937 are successful for approximately 80 percent of applicants, and a consolidation of the voucher and certificate programs into a single, market-driven program will assist in making section*

8 tenant-based assistance more successful in assisting low-income families in obtaining affordable housing and will increase housing choice for low-income families.

(b) PURPOSES.—The purposes of this Act are—

(1) to consolidate the various programs and activities under the public housing programs administered by the Secretary in a manner designed to reduce Federal overregulation;

(2) to redirect the responsibility for a consolidated program to States, localities, public housing agencies, and public housing residents;

(3) to require Federal action to overcome problems of public housing agencies with severe management deficiencies; and

(4) to consolidate and streamline tenant-based assistance programs.

**SEC. 3. DEFINITIONS.**

In this Act:

(1) PUBLIC HOUSING AGENCY.—The term "public housing agency" has the same meaning as in section 3 of the United States Housing Act of 1937.

(2) SECRETARY.—The term "Secretary" means the Secretary of Housing and Urban Development.

**SEC. 4. EFFECTIVE DATE.**

Except as otherwise specifically provided in this Act or the amendments made by this Act, this Act and the amendments made by this Act shall take effect on the date of enactment of this Act.

**SEC. 5. PROPOSED REGULATIONS; TECHNICAL RECOMMENDATIONS.**

(a) PROPOSED REGULATIONS.—Not later than 9 months after the date of enactment of this Act, the Secretary shall submit to Congress proposed regulations that the Secretary determines are necessary to carry out the United States Housing Act of 1937, as amended by this Act.

(b) TECHNICAL RECOMMENDATIONS.—Not later than 9 months after the date of enactment of this Act, the Secretary shall submit to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Banking and Financial Services of the House of Representatives, recommended technical and conforming legislative changes necessary to carry out this Act and the amendments made by this Act.

**SEC. 6. ELIMINATION OF OBSOLETE DOCUMENTS.**

Effectivc 1 year after the date of enactment of this Act, no rule, regulation, or order (including all handbooks, notices, and related requirements) pertaining to public housing or section 8 tenant-based programs issued or promulgated under the United States Housing Act of 1937 before the date of enactment of this Act may be enforced by the Secretary.

**SEC. 7. ANNUAL REPORTS.**

Not later than 1 year after the date of enactment of this Act, and annually thereafter, the Secretary shall submit a report to Congress on—

(1) the impact of the amendments made by this Act on—

(A) the demographics of public housing residents and families receiving tenant-based assistance under the United States Housing Act of 1937; and

(B) the economic viability of public housing agencies; and

(2) the effectiveness of the rent policies established by this Act and the amendments made by this Act on the employment status and earned income of public housing residents.

## TITLE I—PUBLIC HOUSING

**SEC. 101. DECLARATION OF POLICY.**

Section 2 of the United States Housing Act of 1937 (42 U.S.C. 1437) is amended to read as follows:

**"SEC. 2. DECLARATION OF POLICY.**

"It is the policy of the United States to promote the general welfare of the Nation by employing the funds and credit of the Nation, as provided in this title—

"(1) to assist States and political subdivisions of States to remedy the unsafe housing conditions and the acute shortage of decent and safe dwellings for low-income families;

"(2) to assist States and political subdivisions of States to address the shortage of housing affordable to low-income families; and

"(3) consistent with the objectives of this title, to vest in public housing agencies that perform well, the maximum amount of responsibility and flexibility in program administration, with appropriate accountability to both public housing residents and localities.".

**SEC. 102. MEMBERSHIP ON BOARD OF DIRECTORS.**

Title I of the United States Housing Act of 1937 (42 U.S.C. 1437 et seq.) is amended—

(1) by redesignating the second section designated as section 27 (as added by section 903(b) of Public Law 104–193 (110 Stat. 2348)) as section 28; and

(2) by adding at the end the following:

**"SEC. 29. MEMBERSHIP ON BOARD OF DIRECTORS.**

"(a) REQUIRED MEMBERSHIP.—Except as provided in subsection (b), the membership of the board of directors of each public housing agency shall contain not less than 1 member—

"(1) who is a resident who directly receives assistance from the public housing agency; and

"(2) who may, if provided for in the public housing agency plan (as developed with appropriate notice and opportunity for comment by the resident advisory board) be elected by the residents directly receiving assistance from the public housing agency.

"(b) EXCEPTION.—Subsection (a) shall not apply to any public housing agency—

"(1) that is located in a State that requires the members of the board of directors of a public housing agency to be salaried and to serve on a full-time basis; or

"(2) with less than 300 units, if—

"(A) the public housing agency has provided reasonable notice to the resident advisory board of the opportunity of not less than 1 resident described in subsection (a) to serve on the board of directors of the public housing agency pursuant to that subsection; and

"(B) within a reasonable time after receipt by the resident advisory board of notice under subparagraph (A), the public housing agency has not been notified of the intention of any resident to participate on the board of directors.

"(c) NONDISCRIMINATION.—No person shall be prohibited from serving on the board of directors or similar governing body of a public housing agency because of the residence of that person in a public housing project.".

**SEC. 103. RENTAL PAYMENTS.**

(a) IN GENERAL.—Section 3(a)(1)(A) of the United States Housing Act of 1937 (42 U.S.C. 1437a(a)(1)(A)) is amended by inserting before the semicolon the following: " or, if the family resides in public housing, an amount established by the public housing agency, which shall not exceed 30 percent of the monthly adjusted income of the family".

(b) AUTHORITY OF PUBLIC HOUSING AGENCIES.—Section 3(a)(2) of the United States Housing Act of 1937 (42 U.S.C. 1437a(a)(2)) is amended to read as follows:

"(2) AUTHORITY OF PUBLIC HOUSING AGENCIES.—

"(A) IN GENERAL.—Notwithstanding paragraph (1), a public housing agency may adopt ceiling rents that reflect the reasonable market value of the housing, but that are not less than—

"(i) 75 percent of the monthly cost to operate the housing of the public housing agency; and

"(ii) the monthly cost to make a deposit to a replacement reserve (in the sole discretion of the public housing agency).

"(B) MINIMUM RENT.—Notwithstanding paragraph (1), a public housing agency may provide that each family residing in a public housing project or receiving tenant-based or project-based assistance under section 8 shall pay a minimum monthly rent in an amount not to exceed $25 per month.

"(C) POLICE OFFICERS.—

"(i) IN GENERAL.—Notwithstanding any other provision of law, a public housing agency may, in accordance with the public housing agency plan, allow a police officer who is not otherwise eligible for residence in public housing to reside in a public housing unit. The number and location of units occupied by police officers under this clause, and the terms and conditions of their tenancies, shall be determined by the public housing agency.

"(ii) DEFINITION.—In this subparagraph, the term 'police officer' means any person determined by a public housing agency to be, during the period of residence of that person in public housing, employed on a full-time basis as a duly licensed professional police officer by a Federal, State, or local government or by any agency thereof (including a public housing agency having an accredited police force).

"(D) EXCEPTION TO INCOME LIMITATIONS FOR CERTAIN PUBLIC HOUSING AGENCIES.—

"(i) DEFINITION OF OVER-INCOME FAMILY.—In this subparagraph, the term 'over-income family' means an individual or family that is not a low-income family or a very low-income family.

"(ii) AUTHORIZATION.—Notwithstanding any other provision of law, a public housing agency that manages less than 250 units may, on a month-to-month basis, lease a unit in a public housing project to an over-income family in accordance with this subparagraph, if there are no eligible families applying for residence in that public housing project for that month.

"(iii) TERMS AND CONDITIONS.—The number and location of units occupied by over-income families under this subparagraph, and the terms and conditions of those tenancies, shall be determined by the public housing agency, except that—

"(I) rent for a unit shall be in an amount that is equal to not less than the costs to operate the unit;

"(II) if an eligible family applies for residence after an over-income family moves in to the last available unit, the over-income family shall vacate the unit not later than the date on which the month term expires; and

"(III) if a unit is vacant and there is no one on the waiting list, the public housing agency may allow an over-income family to gain immediate occupancy in the unit, while simultaneously providing reasonable public notice of the availability of the unit.

"(E) ENCOURAGEMENT OF SELF-SUFFICIENCY.—Each public housing agency shall develop a rental policy that encourages and rewards employment and economic self-sufficiency.".

(c) REGULATIONS.—

(1) IN GENERAL.—The Secretary shall, by regulation, after notice and an opportunity for public comment, establish such requirements as may be necessary to carry out section 3(a)(2)(A) of the United States Housing Act of 1937, as amended by this section.

(2) TRANSITION RULE.—Prior to the issuance of final regulations under paragraph (1), a public housing agency may implement ceiling rents, which shall be—

(A) determined in accordance with section 3(a)(2)(A) of the United States Housing Act of 1937 (amended by subsection (b) of this section);

(B) equal to the 95th percentile of the rent paid for a unit of comparable size by residents in the same public housing project or a group of comparable projects totaling 50 units or more; or

(C) equal to not more than the fair market rent for the area in which the unit is located.

### SEC. 104. DEFINITIONS.

*(a) DEFINITIONS.—*

*(1) SINGLE PERSONS.—Section 3(b)(3) of the United States Housing Act of 1937 (42 U.S.C. 1437a(b)(3)) is amended—*

*(A) in subparagraph (A), by striking the third sentence; and*

*(B) in subparagraph (B), in the second sentence, by striking "regulations of the Secretary" and inserting "public housing agency plan".*

*(2) ADJUSTED INCOME.—Section 3(b)(5) of the United States Housing Act of 1937 (42 U.S.C. 1437a(b)(5)) is amended to read as follows:*

*"(5) ADJUSTED INCOME.—The term 'adjusted income' means the income that remains after excluding—*

*"(A) $480 for each member of the family residing in the household (other than the head of the household or the spouse of the head of the household)—*

*"(i) who is under 18 years of age; or*

*"(ii) who is—*

*"(I) 18 years of age or older; and*

*"(II) a person with disabilities or a full-time student;*

*"(B) $400 for an elderly or disabled family;*

*"(C) the amount by which the aggregate of—*

*"(i) medical expenses for an elderly or disabled family; and*

*"(ii) reasonable attendant care and auxiliary apparatus expenses for each family member who is a person with disabilities, to the extent necessary to enable any member of the family (including a member who is a person with disabilities) to be employed;*

*exceeds 3 percent of the annual income of the family;*

*"(D) child care expenses, to the extent necessary to enable another member of the family to be employed or to further his or her education; and*

*"(E) any other adjustments to earned income that the public housing agency determines to be appropriate, as provided in the public housing agency plan.".*

*(b) DISALLOWANCE OF EARNED INCOME FROM PUBLIC HOUSING RENT DETERMINATIONS.—*

*(1) IN GENERAL.—Section 3 of the United States Housing Act of 1937 (42 U.S.C. 1437a) is amended—*

*(A) by striking the undesignated paragraph at the end of subsection (c)(3) (as added by section 515(b) of the Cranston-Gonzalez National Affordable Housing Act); and*

*(B) by adding at the end the following:*

*"(d) DISALLOWANCE OF EARNED INCOME FROM PUBLIC HOUSING RENT DETERMINATIONS.—*

*"(1) IN GENERAL.—Notwithstanding any other provision of law, the rent payable under subsection (a) by a family—*

*"(A) that—*

*"(i) occupies a unit in a public housing project; or*

*"(ii) receives assistance under section 8; and*

*"(B) whose income increases as a result of employment of a member of the family who was previously unemployed for 1 or more years (including a family whose income increases as a result of the participation of a family member in any family self-sufficiency or other job training program);*

*may not be increased as a result of the increased income due to such employment during the 18-month period beginning on the date on which the employment is commenced.*

*"(2) PHASE-IN OF RATE INCREASES.—After the expiration of the 18-month period referred to in paragraph (1), rent increases due to the continued employment of the family member described in paragraph (1)(B) shall be phased in over a subsequent 3-year period.*

*"(3) OVERALL LIMITATION.—Rent payable under subsection (a) shall not exceed the amount determined under subsection (a).".*

*(2) APPLICABILITY OF AMENDMENT.—*

*(A) PUBLIC HOUSING.—Notwithstanding the amendment made by paragraph (1), any resident of public housing participating in the program under the authority contained in the undesignated paragraph at the end of section 3(c)(3) of the United States Housing Act of 1937, as that section existed on the day before the date of enactment of this Act, shall be governed by that authority after that date.*

*(B) SECTION 8.—The amendment made by paragraph (1) shall apply to tenant-based assistance provided under section 8 of the United States Housing Act of 1937, with funds appropriated on or after October 1, 1997.*

*(c) DEFINITIONS OF TERMS USED IN REFERENCE TO PUBLIC HOUSING.—*

*(1) IN GENERAL.—Section 3(c) of the United States Housing Act of 1937 (42 U.S.C. 1437a(c)) is amended—*

*(A) in paragraph (1), by inserting "and of the fees and related costs normally involved in obtaining non-Federal financing and tax credits with or without private and nonprofit partners" after "carrying charges"; and*

*(B) in paragraph (2), in the first sentence, by striking "security personnel)," and all that follows through the period and inserting the following: "security personnel), service coordinators, drug elimination activities, or financing in connection with a public housing project, including projects developed with non-Federal financing and tax credits, with or without private and nonprofit partners.".*

*(2) TECHNICAL CORRECTION.—Section 622(c) of the Housing and Community Development Act of 1992 (Public Law 102–550; 106 Stat. 3817) is amended by striking "'project.'" and inserting "paragraph (3)".*

*(3) NEW DEFINITIONS.—Section 3(c) of the United States Housing Act of 1937 (42 U.S.C. 1437a(c)) is amended by adding at the end the following:*

*"(6) PUBLIC HOUSING AGENCY PLAN.—The term 'public housing agency plan' means the plan of the public housing agency prepared in accordance with section 5A.*

*"(7) DISABLED HOUSING.—The term 'disabled housing' means any public housing project, building, or portion of a project or building, that is designated by a public housing agency for occupancy exclusively by disabled persons or families.*

*"(8) ELDERLY HOUSING.—The term 'elderly housing' means any public housing project, building, or portion of a project or building, that is designated by a public housing agency exclusively for occupancy exclusively by elderly persons or families, including elderly disabled persons or families.*

*"(9) MIXED-FINANCE PROJECT.—The term 'mixed-finance project' means a public housing project that meets the requirements of section 30.*

*"(10) CAPITAL FUND.—The term 'Capital Fund' means the fund established under section 9(c).*

*"(11) OPERATING FUND.—The term 'Operating Fund' means the fund established under section 9(d).".*

### SEC. 105. CONTRIBUTIONS FOR LOWER INCOME HOUSING PROJECTS.

*(a) IN GENERAL.—Section 5 of the United States Housing Act of 1937 (42 U.S.C. 1437c) is amended by striking subsections (h) through (l).*

*(b) CONFORMING AMENDMENTS.—The United States Housing Act of 1937 (42 U.S.C. 1437 et seq.) is amended—*

*(1) in section 21(d), by striking "section 5(h) or";*

*(2) in section 25(l)(1), by striking "and for sale under section 5(h)"; and*

*(3) in section 307, by striking "section 5(h) and".*

### SEC. 106. PUBLIC HOUSING AGENCY PLAN.

*(a) IN GENERAL.—Title I of the United States Housing Act of 1937 (42 U.S.C. 1437 et seq.) is amended by inserting after section 5 the following:*

### "SEC. 5A. PUBLIC HOUSING AGENCY PLANS.

*"(a) 5-YEAR PLAN.—*

*"(1) IN GENERAL.—Subject to paragraph (2), not less than once every 5 fiscal years, each public housing agency shall submit to the Secretary a plan that includes, with respect to the 5 fiscal years immediately following the date on which the plan is submitted—*

*"(A) a statement of the mission of the public housing agency for serving the needs of low-income and very low-income families in the jurisdiction of the public housing agency during those fiscal years; and*

*"(B) a statement of the goals and objectives of the public housing agency that will enable the public housing agency to serve the needs identified pursuant to subparagraph (A) during those fiscal years.*

*"(2) INITIAL PLAN.—The initial 5-year plan submitted by a public housing agency under this subsection shall be submitted for the 5-year period beginning with the first fiscal year following the date of enactment of the Public Housing Reform and Responsibility Act of 1997 for which the public housing agency receives assistance under this Act.*

*"(b) ANNUAL PLAN.—*

*"(1) IN GENERAL.—Each public housing agency shall submit to the Secretary a public housing agency plan under this subsection for each fiscal year for which the public housing agency receives assistance under sections 8(o) and 9.*

*"(2) UPDATES.—For each fiscal year after the initial submission of a plan under this section by a public housing agency, the public housing agency may comply with requirements for submission of a plan under this subsection by submitting an update of the plan for the fiscal year.*

*"(c) PROCEDURES.—*

*"(1) IN GENERAL.—The Secretary shall establish requirements and procedures for submission and review of plans, including requirements for timing and form of submission, and for the contents of those plans.*

*"(2) CONTENTS.—The procedures established under paragraph (1) shall provide that a public housing agency shall—*

*"(A) consult with the resident advisory board established under subsection (e) in developing the plan; and*

*"(B) ensure that the plan under this section is consistent with the applicable comprehensive housing affordability strategy (or any consolidated plan incorporating that strategy) for the jurisdiction in which the public housing agency is located, in accordance with title I of the Cranston-Gonzalez National Affordable Housing Act and contains a certification by the appropriate State or local official that the plan meets the requirements of this paragraph and a description of the manner in which the applicable contents of the public housing agency plan are consistent with the comprehensive housing affordability strategy.*

*"(d) CONTENTS.—An annual public housing agency plan under this section for a public housing agency shall contain the following information relating to the upcoming fiscal year for which the assistance under this Act is to be made available:*

*"(1) NEEDS.—A statement of the housing needs of low-income and very low-income families residing in the jurisdiction served by the public housing agency, and of other low-income and very low-income families on the waiting list of the agency (including housing needs of elderly families and disabled families), and the means by which the public housing agency intends, to the maximum extent practicable, to address those needs.*

*"(2) FINANCIAL RESOURCES.—A statement of financial resources available to the agency and the planned uses of those resources.*

*"(3) ELIGIBILITY, SELECTION, AND ADMISSIONS POLICIES.—A statement of the policies governing eligibility, selection, admissions (including any preferences), assignment, and occupancy of families with respect to public housing dwelling units and housing assistance under section 8(o).*

*"(4) RENT DETERMINATION.—A statement of the policies of the public housing agency governing rents charged for public housing dwelling units and rental contributions of assisted families under section 8(o).*

*"(5) OPERATION AND MANAGEMENT.—A statement of the rules, standards, and policies of the public housing agency governing maintenance and management of housing owned and operated by the public housing agency, and management of the public housing agency and programs of the public housing agency.*

*"(6) GRIEVANCE PROCEDURE.—A statement of the grievance procedures of the public housing agency.*

*"(7) CAPITAL IMPROVEMENTS.—With respect to public housing developments owned or operated by the public housing agency, a plan describing the capital improvements necessary to ensure long-term physical and social viability of the developments.*

*"(8) DEMOLITION AND DISPOSITION.—With respect to public housing developments owned or operated by the public housing agency—*

*"(A) a description of any housing to be demolished or disposed of; and*

*"(B) a timetable for that demolition or disposition.*

*"(9) DESIGNATION OF HOUSING FOR ELDERLY AND DISABLED FAMILIES.—With respect to public housing developments owned or operated by the public housing agency, a description of any developments (or portions thereof) that the public housing agency has designated or will designate for occupancy by elderly and disabled families in accordance with section 7.*

*"(10) CONVERSION OF PUBLIC HOUSING.—With respect to public housing owned or operated by a public housing agency—*

*"(A) a description of any building or buildings that the public housing agency is required to convert to tenant-based assistance under section 31 or that the public housing agency voluntarily converts under section 22;*

*"(B) an analysis of those buildings required under that section for conversion; and*

*"(C) a statement of the amount of grant amounts to be used for rental assistance or other housing assistance.*

*"(11) HOMEOWNERSHIP ACTIVITIES.—A description of any homeownership programs of the public housing agency and the requirements for participation in and the assistance available under those programs.*

*"(12) ECONOMIC SELF-SUFFICIENCY AND COORDINATION WITH WELFARE AND OTHER APPROPRIATE AGENCIES.—A description of—*

*"(A) any programs relating to services and amenities provided or offered to assisted families;*

*"(B) any policies or programs of the public housing agency for the enhancement of the economic and social self-sufficiency of assisted families; and*

*"(C) how the public housing agency will comply with the requirements of subsections (c) and (d) of section 12.*

*"(13) SAFETY AND CRIME PREVENTION.—A description of policies established by the public housing agency that increase or maintain the safety of public housing residents.*

*"(14) CERTIFICATION.—An annual certification by the public housing agency that the public housing agency will carry out the public housing agency plan in conformity with title VI of the Civil Rights Act of 1964, the Fair Housing Act, section 504 of the Rehabilitation Act of 1973, and title II of the Americans with Disabilities Act of 1990, and will affirmatively further the goal of fair housing.*

*"(15) ANNUAL AUDIT.—The results of the most recent fiscal year audit of the public housing agency.*

*"(e) RESIDENT ADVISORY BOARD.—*

*"(1) IN GENERAL.—Except as provided in paragraph (3), each public housing agency shall establish 1 or more resident advisory boards in accordance with this subsection, the membership of which shall adequately reflect and represent the residents of the dwelling units owned, operated, or assisted by the public housing agency.*

*"(2) PURPOSE.—Each resident advisory board established under this subsection shall assist and make recommendations regarding the development of the public housing agency plan. The public housing agency shall consider the recommendations of the resident advisory boards in preparing the final public housing agency plan, and shall include a copy of those recommendations in the public housing agency plan submitted to the Secretary under this section.*

*"(3) WAIVER.—The Secretary may waive the requirements of this subsection with respect to the establishment of resident advisory boards, if the public housing agency demonstrates to the satisfaction of the Secretary that there exists a resident council or other resident organization of the public housing agency that—*

*"(A) adequately represents the interests of the residents of the public housing agency; and*

*"(B) has the ability to perform the functions described in paragraph (2).*

*"(f) PUBLICATION OF NOTICE.—*

*"(1) IN GENERAL.—Not later than 45 days before the date of a hearing conducted under paragraph (2) by the governing body of a public housing agency, the public housing agency shall publish a notice informing the public that—*

*"(A) the proposed public housing agency plan is available for inspection at the principal office of the public housing agency during normal business hours; and*

*"(B) a public hearing will be conducted to discuss the public housing agency plan and to invite public comment regarding that plan.*

*"(2) PUBLIC HEARING.—Each public housing agency shall, at a location that is convenient to residents, conduct a public hearing, as provided in the notice published under paragraph (1).*

*"(3) ADOPTION OF PLAN.—After conducting the public hearing under paragraph (2), and after considering all public comments received and, in consultation with the resident advisory board, making any appropriate changes in the public housing agency plan, the public housing agency shall—*

*"(A) adopt the public housing agency plan; and*

*"(B) submit the plan to the Secretary in accordance with this section.*

*"(g) AMENDMENTS AND MODIFICATIONS TO PLANS.—*

*"(1) IN GENERAL.—Except as provided in paragraph (2), nothing in this section shall preclude a public housing agency, after submitting a plan to the Secretary in accordance with this section, from amending or modifying any policy, rule, regulation, or plan of the public housing agency, except that no such significant amendment or modification may be adopted or implemented—*

*"(A) other than at a duly called meeting of commissioners (or other comparable governing body) of the public housing agency that is open to the public; and*

*"(B) until notification of the amendment or modification is provided to the Secretary and approved in accordance with subsection (h)(2).*

*"(2) CONSISTENCY.—Each significant amendment or modification to a public housing agency plan submitted to the Secretary under this section shall—*

*"(A) meet the consistency requirement of subsection (c)(2);*

*"(B) be subject to the notice and public hearing requirements of subsection (f); and*

*"(C) be subject to approval by the Secretary in accordance with subsection (h)(2).*

*"(h) TIMING OF PLANS.—*

*"(1) IN GENERAL.—*

*"(A) INITIAL SUBMISSION.—Each public housing agency shall submit the initial plan required by this section, and any amendment or modification to the initial plan, to the Secretary at such time and in such form as the Secretary shall require.*

*"(B) ANNUAL SUBMISSION.—Not later than 60 days prior to the start of the fiscal year of the public housing agency, after initial submission of the plan required by this section in accordance with subparagraph (A), each public housing agency shall annually submit to the Secretary a plan update, including any amendments or modifications to the public housing agency plan.*

*"(2) REVIEW AND APPROVAL.—*

*"(A) REVIEW.—After submission of the public housing agency plan or any amendment or modification to the plan to the Secretary, to the extent that the Secretary considers such action to be necessary to make determinations under this subparagraph, the Secretary shall review the public housing agency plan (including any amendments or modifications thereto) to determine whether the contents of the plan—*

*"(i) set forth the information required by this section to be contained in a public housing agency plan;*

*"(ii) are consistent with information and data available to the Secretary; and*

*"(iii) are prohibited by or inconsistent with any provision of this title or other applicable law.*

*"(B) APPROVAL.—*

*"(i) IN GENERAL.—Except as provided in paragraph (3)(B), not later than 60 days after the date on which a public housing agency plan is submitted in accordance with this section (or, with respect to the initial provision of notice under this subparagraph, not later than 75 days after the date on which the initial public housing agency plan is submitted in accordance with this section), the Secretary shall provide written notice to the public housing agency if the plan has been disapproved, stating with specificity the reasons for the disapproval.*

*"(ii) FAILURE TO PROVIDE NOTICE OF DISAPPROVAL.—If the Secretary does not provide notice of disapproval under clause (i) before the expiration of the period described in clause (i), the public housing agency plan shall be deemed to be approved by the Secretary.*

*"(3) SECRETARIAL DISCRETION.—*

*"(A) IN GENERAL.—The Secretary may require such additional information as the Secretary determines to be appropriate for each public housing agency that is—*

*"(i) at risk of being designated as troubled under section 6(j); or*

*"(ii) designated as troubled under section 6(j).*

*"(B) TROUBLED AGENCIES.—The Secretary shall provide explicit written approval or disapproval, in a timely manner, for a public housing agency plan submitted by any public housing agency designated by the Secretary as a troubled public housing agency under section 6(j).*

*"(C) ADVISORY BOARD CONSULTATION ENFORCEMENT.—Following a written request by the resident advisory board that documents a failure on the part of the public housing agency to provide adequate notice and opportunity for comment under subsection (f), and upon a Secretarial finding of good cause within the time period provided for in paragraph (2)(B) of this subsection, the Secretary may require the public*

*housing agency to adequately remedy that failure prior to a final approval of the public housing agency plan under this section.*

*"(4) STREAMLINED PLAN.—In carrying out this section, the Secretary may establish a streamlined public housing agency plan for—*

*"(A) public housing agencies that are determined by the Secretary to be high performing public housing agencies;*

*"(B) public housing agencies with less than 250 public housing units that have not been designated as troubled under section 6(j); and*

*"(C) public housing agencies that only administer tenant-based assistance and that do not own or operate public housing.".*

*(b) IMPLEMENTATION.—*

*(1) INTERIM RULE.—Not later than 120 days after the date of enactment of this Act, the Secretary shall issue an interim rule to require the submission of an interim public housing agency plan by each public housing agency, as required by section 5A of the United States Housing Act of 1937 (as added by subsection (a) of this section).*

*(2) FINAL REGULATIONS.—Not later than 1 year after the date of enactment of this Act, in accordance with the negotiated rulemaking procedures set forth in subchapter III of chapter 5 of title 5, United States Code, the Secretary shall promulgate final regulations implementing section 5A of the United States Housing Act of 1937 (as added by subsection (a) of this section).*

*(c) AUDIT AND REVIEW; REPORT.—*

*(1) AUDIT AND REVIEW.—Not later than 1 year after the effective date of final regulations promulgated under subsection (b)(2), in order to determine the degree of compliance with public housing agency plans approved under section 5A of the United States Housing Act of 1937 (as added by subsection (a) of this section) by public housing agencies, the Comptroller General of the United States shall conduct—*

*(A) a review of a representative sample of the public housing agency plans approved under such section 5A before that date; and*

*(B) an audit and review of the public housing agencies submitting those plans.*

*(2) REPORT.—Not later than 2 years after the date on which public housing agency plans are initially required to be submitted under section 5A of the United States Housing Act of 1937 (as added by subsection (a) of this section) the Comptroller General of the United States shall submit to Congress a report, which shall include—*

*(A) a description of the results of each audit and review under paragraph (1); and*

*(B) any recommendations for increasing compliance by public housing agencies with their public housing agency plans approved under section 5A of the United States Housing Act of 1937 (as added by subsection (a) of this section).*

### SEC. 107. CONTRACT PROVISIONS AND REQUIREMENTS.

*(a) CONDITIONS.—Section 6(a) of the United States Housing Act of 1937 (42 U.S.C. 1437d(a)) is amended—*

*(1) in the first sentence, by inserting ", in a manner consistent with the public housing agency plan" before the period; and*

*(2) by striking the second sentence.*

*(b) REPEAL OF FEDERAL PREFERENCES; REVISION OF MAXIMUM INCOME LIMITS; CERTIFICATION OF COMPLIANCE WITH REQUIREMENTS; NOTIFICATION OF ELIGIBILITY.—Section 6(c) of the United States Housing Act of 1937 (42 U.S.C. 1437d(c)) is amended to read as follows:*

*"(c) [Reserved.]".*

*(c) EXCESS FUNDS.—Section 6(e) of the United States Housing Act of 1937 (42 U.S.C. 1437d(e)) is amended to read as follows:*

*"(e) [Reserved.]".*

*(d) PERFORMANCE INDICATORS FOR PUBLIC HOUSING AGENCIES.—Section 6(j) of the United States Housing Act of 1937 (42 U.S.C. 1437d(j)) is amended—*

*(1) in paragraph (1)—*

*(A) in subparagraph (B)—*

*(i) by striking "obligated" and inserting "provided"; and*

*(ii) by striking "unexpended" and inserting "unobligated by the public housing agency";*

*(B) in subparagraph (D), by striking "energy" and inserting "utility";*

*(C) by redesignating subparagraph (H) as subparagraph (J); and*

*(D) by inserting after subparagraph (G) the following:*

*"(H) The extent to which the public housing agency—*

*"(i) coordinates, promotes, or provides effective programs and activities to promote the economic self-sufficiency of public housing residents; and*

*"(ii) provides public housing residents with opportunities for involvement in the administration of the public housing.*

*"(I) The extent to which the public housing agency implements—*

*"(i) effective screening and eviction policies; and*

*"(ii) other anticrime strategies;*

*including the extent to which the public housing agency coordinates with local government officials and residents in the development and implementation of these strategies.*

*"(J) The extent to which the public housing agency is providing acceptable basic housing conditions.*

*"(K) The extent to which the public housing agency successfully meets the goals and carries out the activities and programs of the public housing agency plan under section 5(A)."; and*

*(2) in paragraph (2)(A)(i), by inserting after the first sentence the following: "The Secretary may use a simplified set of indicators for public housing agencies with less than 250 public housing units.".*

*(e) DRUG-RELATED AND CRIMINAL ACTIVITY.—Section 6(k) of the United States Housing Act of 1937 (42 U.S.C. 1437d(k)) is amended, in the matter following paragraph (6)—*

*(1) by striking "drug-related" and inserting "violent or drug-related"; and*

*(2) by inserting "or any activity resulting in a felony conviction," after "on or off such premises,".*

*(f) LEASES.—Section 6(l) of the United States Housing Act of 1937 (42 U.S.C. 1437d(l)) is amended—*

*(1) in paragraph (3), by striking "not be less than" and all that follows through the end of paragraph (3) and inserting: "be the period of time required under State or local law, except that the public housing agency may provide such notice within a reasonable time which does not exceed the lesser of—*

*"(A) the period provided under applicable State or local law; or*

*"(B) 30 days—*

*"(i) if the health or safety of other tenants, public housing agency employees, or persons residing in the immediate vicinity of the premises is threatened; or*

*"(ii) in the event of any drug-related or violent criminal activity or any felony conviction;";*

*(2) in paragraph (6), by striking "and" at the end;*

*(3) by redesignating paragraph (7) as paragraph (8); and*

*(4) by inserting after paragraph (6) following:*

*"(7) provide that any occupancy in violation of section 7(e)(1) or the furnishing of any false or misleading information pursuant to section 7(e)(2) shall be cause for termination of tenancy; and".*

*(g) PUBLIC HOUSING ASSISTANCE TO FOSTER CARE CHILDREN.—Section 6(o) of the United States Housing Act of 1937 (42 U.S.C. 1437d(o)) is amended by striking "Subject" and all that follows through ", in" and inserting "In".*

*(h) PREFERENCE FOR AREAS WITH INADEQUATE SUPPLY OF VERY LOW-INCOME HOUSING.—Section 6(p) of the United States Housing Act of 1937 (42 U.S.C. 1437d(p)) is amended to read as follows:*

*"(p) [Reserved.]".*

*(i) TRANSITION RULE RELATING TO PREFERENCES.—During the period beginning on the date of enactment of this Act and ending on the date on which the initial public housing agency plan of a public housing agency is approved under section 5A of the United States Housing Act of 1937 (as added by this Act) the public housing agency may establish local preferences for making available public housing under the United States Housing Act of 1937 and for providing tenant-based assistance under section 8 of that Act.*

### SEC. 108. EXPANSION OF POWERS FOR DEALING WITH PHA'S IN SUBSTANTIAL DEFAULT.

*(a) IN GENERAL.—Section 6(j)(3) of the United States Housing Act of 1937 (42 U.S.C. 1437d) is amended—*

*(1) in subparagraph (A)—*

*(A) by striking clause (i) and inserting the following:*

*"(i) solicit competitive proposals from other public housing agencies and private housing management agents that, in the discretion of the Secretary, may be selected by existing public housing residents through administrative procedures established by the Secretary; if appropriate, these proposals shall provide for such agents to manage all, or part, of the housing administered by the public housing agency or all or part of the other programs of the agency;";*

*(B) by striking clause (iv) and inserting the following:*

*"(v) require the agency to make other arrangements acceptable to the Secretary and in the best interests of the public housing residents and families assisted under section 8 for managing all, or part, of the public housing administered by the agency or of the programs of the agency."; and*

*(C) by inserting after clause (iii) the following:*

*"(iv) take possession of all or part of the public housing agency, including all or part of any project or program of the agency, including any project or program under any other provision of this title; and"; and*

*(2) by striking subparagraphs (B) through (D) and inserting the following:*

*"(B)(i) If a public housing agency is identified as troubled under this subsection, the Secretary shall notify the agency of the troubled status of the agency.*

*"(ii)(I) Upon the expiration of the 1-year period beginning on the later of the date on which the agency receives notice from the Secretary of the troubled status of the agency under clause (i) and the date of enactment of the Public Housing Reform and Responsibility Act of 1997, the Secretary shall—*

*"(aa) in the case of a troubled public housing agency with 1,250 or more units, petition for the appointment of a receiver pursuant to subparagraph (A)(ii); or*

*"(bb) in the case of a troubled public housing agency with fewer than 1,250 units, either petition for the appointment of a receiver pursuant to subparagraph (A)(ii), or take possession of the public housing agency (including all or part of any project or program of the agency) pursuant to subparagraph (A)(iv) and appoint, on a competitive or noncompetitive basis, an individual or entity as an administrative receiver to assume the responsibilities of the Secretary for the administration of all or part of the public*

*housing agency (including all or part of any project or program of the agency).*

*"(II) During the period between the date on which a petition is filed under item (aa) and the date on which a receiver assumes responsibility for the management of the public housing agency under that item, the Secretary may take possession of the public housing agency (including all or part of any project or program of the agency) pursuant to subparagraph (A)(iv) and may appoint, on a competitive or noncompetitive basis, an individual or entity as an administrative receiver to assume the responsibilities of the Secretary for the administration of all or part of the public housing agency (including all or part of any project or program of the agency).*

*"(C) If a receiver is appointed pursuant to subparagraph (A)(ii), in addition to the powers accorded by the court appointing the receiver, the receiver—*

*"(i) may abrogate any contract to which the United States or an agency of the United States is not a party that, in the receiver's written determination (which shall include the basis for such determination), substantially impedes correction of the substantial default, but only after the receiver determines that reasonable efforts to renegotiate such contract have failed;*

*"(ii) may demolish and dispose of all or part of the assets of the public housing agency (including all or part of any project of the agency) in accordance with section 18, including disposition by transfer of properties to resident-supported nonprofit entities;*

*"(iii) if determined to be appropriate by the Secretary, may seek the establishment, as permitted by applicable State and local law, of 1 or more new public housing agencies;*

*"(iv) if determined to be appropriate by the Secretary, may seek consolidation of all or part of the agency (including all or part of any project or program of the agency), as permitted by applicable State and local laws, into other well-managed public housing agencies with the consent of such well-managed agencies; and*

*"(v) shall not be required to comply with any State or local law relating to civil service requirements, employee rights (except civil rights), procurement, or financial or administrative controls that, in the receiver's written determination (which shall include the basis for such determination), substantially impedes correction of the substantial default.*

*"(D)(i) If the Secretary takes possession of all or part of the public housing agency, including all or part of any project or program of the agency, pursuant to subparagraph (A)(iv), the Secretary—*

*"(I) may abrogate any contract to which the United States or an agency of the United States is not a party that, in the written determination of the Secretary (which shall include the basis for such determination), substantially impedes correction of the substantial default, but only after the Secretary determines that reasonable efforts to renegotiate such contract have failed;*

*"(II) may demolish and dispose of all or part of the assets of the public housing agency (including all or part of any project of the agency) in accordance with section 18, including disposition by transfer of properties to resident-supported nonprofit entities;*

*"(III) may seek the establishment, as permitted by applicable State and local law, of 1 or more new public housing agencies;*

*"(IV) may seek consolidation of all or part of the agency (including all or part of any project or program of the agency), as permitted by applicable State and local laws, into other well-managed public housing agencies with the consent of such well-managed agencies;*

*"(V) shall not be required to comply with any State or local law relating to civil service requirements, employee rights (except civil rights), procurement, or financial or administrative controls that, in the Secretary's written determination (which shall include the basis for such determination), substantially impedes correction of the substantial default; and*

*"(VI) shall, without any action by a district court of the United States, have such additional authority as a district court of the United States would have the authority to confer upon a receiver to achieve the purposes of the receivership.*

*"(ii) If the Secretary, pursuant to subparagraph (B)(ii)(II), appoints an administrative receiver to assume the responsibilities of the Secretary for the administration of all or part of the public housing agency (including all or part of any project or program of the agency), the Secretary may delegate to the administrative receiver any or all of the powers given the Secretary by this subparagraph, as the Secretary determines to be appropriate.*

*"(iii) Regardless of any delegation under this subparagraph, an administrative receiver may not seek the establishment of 1 or more new public housing agencies pursuant to clause (i)(III) or the consolidation of all or part of an agency into other well-managed agencies pursuant to clause (i)(IV), unless the Secretary first approves an application by the administrative receiver to authorize such action.*

*"(E) The Secretary may make available to receivers and other entities selected or appointed pursuant to this paragraph such assistance as the Secretary determines in the discretion of the Secretary is necessary and available to remedy the substantial deterioration of living conditions in individual public housing developments or other related emergencies that endanger the health, safety, and welfare of public housing residents or families assisted under section 8. A decision made by the Secretary under this paragraph is not subject to review in any court of the United States, or in any court of any State, territory, or possession of the United States.*

*"(F) In any proceeding under subparagraph (A)(ii), upon a determination that a substantial default has occurred, and without regard to the availability of alternative remedies, the court shall appoint a receiver to conduct the affairs of all or part of the public housing agency in a manner consistent with this Act and in accordance with such further terms and conditions as the court may provide. The receiver appointed may be another public housing agency, a private management corporation, or any other person or appropriate entity. The court shall have power to grant appropriate temporary or preliminary relief pending final disposition of the petition by the Secretary.*

*"(G) The appointment of a receiver pursuant to this paragraph may be terminated, upon the petition of any party, when the court determines that all defaults have been cured or the public housing agency is capable again of discharging its duties.*

*"(H) If the Secretary (or an administrative receiver appointed by the Secretary) takes possession of a public housing agency (including all or part of any project or program of the agency), or if a receiver is appointed by a court, the Secretary or receiver shall be deemed to be acting not in the official capacity of that person or entity, but rather in the capacity of the public housing agency, and any liability incurred, regardless of whether the incident giving rise to that liability occurred while the Secretary or receiver was in possession of all or part of the public housing agency (including all or part of any project or program of the agency), shall be the liability of the public housing agency.".*

*(b) APPLICABILITY.—The provisions of, and duties and authorities conferred or confirmed by, the amendments made by subsection (a) shall apply with respect to any action taken before, on, or after the effective date of this Act and shall apply to any receiver appointed for a public housing agency before the date of enactment of this Act.*

*(c) TECHNICAL CORRECTION REGARDING APPLICABILITY TO SECTION 8.—Section 8(h) of the United States Housing Act of 1937 is amended by inserting "(except as provided in section 6(j)(3))" after "6".*

### SEC. 109. PUBLIC HOUSING SITE-BASED WAITING LISTS.

*Section 6 of the United States Housing Act of 1937 is amended by adding at the end the following:*

*"(s) SITE-BASED WAITING LISTS.—*

*"(1) IN GENERAL.—A public housing agency may establish, in accordance with guidelines established by the Secretary, procedures for maintaining waiting lists for admissions to public housing developments of the agency, which may include a system under which applicants may apply directly at or otherwise designate the development or developments in which they seek to reside.*

*"(2) CIVIL RIGHTS.—Any procedures established under paragraph (1) shall comply with title VI of the Civil Rights Act of 1964, the Fair Housing Act, and other applicable civil rights laws.*

*"(3) NOTICE REQUIRED.—Any system described in paragraph (1) shall provide for the full disclosure by the public housing agency to each applicant of any option available to the applicant in the selection of the development in which to reside.".*

### SEC. 110. PUBLIC HOUSING CAPITAL AND OPERATING FUNDS.

*(a) IN GENERAL.—Section 9 of the United States Housing Act of 1937 (42 U.S.C. 1437g) is amended to read as follows:*

### "SEC. 9. PUBLIC HOUSING CAPITAL AND OPERATING FUNDS.

*"(a) IN GENERAL.—Except for assistance provided under section 8 of this Act or as otherwise provided in the Public Housing Reform and Responsibility Act of 1997, all programs under which assistance is provided for public housing under this Act on the day before October 1, 1998, shall be merged, as appropriate, into either—*

*"(1) the Capital Fund established under subsection (c); or*

*"(2) the Operating Fund established under subsection (d).*

*"(b) USE OF EXISTING FUNDS.—With the exception of funds made available pursuant to section 8 or section 20(f) and funds made available for the urban revitalization demonstration program authorized under the Department of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Acts—*

*"(1) funds made available to the Secretary for public housing purposes that have not been obligated by the Secretary to a public housing agency as of October 1, 1998, shall be made available, for the period originally provided in law, for use in either the Capital Fund or the Operating Fund, as appropriate; and*

*"(2) funds made available to the Secretary for public housing purposes that have been obligated by the Secretary to a public housing agency but that, as of October 1, 1998, have not been obligated by the public housing agency, may be made available by that public housing agency, for the period originally provided in law, for use in either the Capital Fund or the Operating Fund, as appropriate.*

*"(c) CAPITAL FUND.—*

*"(1) IN GENERAL.—The Secretary shall establish a Capital Fund for the purpose of making assistance available to public housing agencies to carry out capital and management activities, including—*

*"(A) the development and modernization of public housing projects, including the redesign,*

*reconstruction, and reconfiguration of public housing sites and buildings and the development of mixed-finance projects;*

*"(B) vacancy reduction;*

*"(C) addressing deferred maintenance needs and the replacement of dwelling equipment;*

*"(D) planned code compliance;*

*"(E) management improvements;*

*"(F) demolition and replacement;*

*"(G) resident relocation;*

*"(H) capital expenditures to facilitate programs to improve the empowerment and economic self-sufficiency of public housing residents and to improve resident participation;*

*"(I) capital expenditures to improve the security and safety of residents; and*

*"(J) homeownership activities.*

*"(2) ESTABLISHMENT OF CAPITAL FUND FORMULA.—The Secretary shall develop a formula for providing assistance under the Capital Fund, which may take into account—*

*"(A) the number of public housing dwelling units owned or operated by the public housing agency and the percentage of those units that are occupied by very low-income families;*

*"(B) if applicable, the reduction in the number of public housing units owned or operated by the public housing agency as a result of any conversion to a system of tenant-based assistance;*

*"(C) the costs to the public housing agency of meeting the rehabilitation and modernization needs, and meeting the reconstruction, development, replacement housing, and demolition needs of public housing dwelling units owned and operated by the public housing agency;*

*"(D) the degree of household poverty served by the public housing agency;*

*"(E) the costs to the public housing agency of providing a safe and secure environment in public housing units owned and operated by the public housing agency; and*

*"(F) the ability of the public housing agency to effectively administer the Capital Fund distribution of the public housing agency.*

*"(3) CONDITION ON USE OF THE CAPITAL FUND FOR DEVELOPMENT AND MODERNIZATION.—*

*"(A) DEVELOPMENT.—Any public housing developed using amounts provided under this subsection shall be operated for a 40-year period under the terms and conditions applicable to public housing during that period, beginning on the date on which the development (or stage of development) becomes available for occupancy.*

*"(B) MODERNIZATION.—Any public housing, or portion thereof, that is modernized using amounts provided under this subsection shall be maintained and operated for a 20-year period under the terms and conditions applicable to public housing during that period, beginning on the latest date on which modernization is completed.*

*"(C) APPLICABILITY OF LATEST EXPIRATION DATE.—Public housing subject to this paragraph or to any other provision of law mandating the operation of the housing as public housing or under the terms and conditions applicable to public housing for a specified length of time shall be maintained and operated as required until the latest expiration date.*

*"(d) OPERATING FUND.—*

*"(1) IN GENERAL.—The Secretary shall establish an Operating Fund for the purpose of making assistance available to public housing agencies for the operation and management of public housing, including—*

*"(A) procedures and systems to maintain and ensure the efficient management and operation of public housing units;*

*"(B) activities to ensure a program of routine preventative maintenance;*

*"(C) anticrime and antidrug activities, including the costs of providing adequate security for public housing residents;*

*"(D) activities related to the provision of services, including service coordinators for elderly persons or persons with disabilities;*

*"(E) activities to provide for management and participation in the management and policymaking of public housing by public housing residents;*

*"(F) the costs associated with the operation and management of mixed-finance projects, to the extent appropriate (including the funding of an operating reserve to ensure affordability for low-income and very low-income families in lieu of the availability of operating funds for public housing units in a mixed-finance project);*

*"(G) the reasonable costs of insurance;*

*"(H) the reasonable energy costs associated with public housing units, with an emphasis on energy conservation; and*

*"(I) the costs of administering a public housing work program under section 12, including the costs of any related insurance needs.*

*"(2) ESTABLISHMENT OF OPERATING FUND FORMULA.—The Secretary shall establish a formula for providing assistance under the Operating Fund, which may take into account—*

*"(A) standards for the costs of operation and reasonable projections of income, taking into account the character and location of the public housing project and characteristics of the families served, or the costs of providing comparable services as determined with criteria or a formula representing the operations of a prototype well-managed public housing project;*

*"(B) the number of public housing dwelling units owned and operated by the public housing agency, the percentage of those units that are occupied by very low-income families, and, if applicable, the reduction in the number of public housing units as a result of any conversion to a system of tenant-based assistance;*

*"(C) the degree of household poverty served by a public housing agency;*

*"(D) the extent to which the public housing agency provides programs and activities designed to promote the economic self-sufficiency and management skills of public housing residents;*

*"(E) the number of dwelling units owned and operated by the public housing agency that are chronically vacant and the amount of assistance appropriate for those units;*

*"(F) the costs of the public housing agency associated with anticrime and antidrug activities, including the costs of providing adequate security for public housing residents; and*

*"(G) the ability of the public housing agency to effectively administer the Operating Fund distribution of the public housing agency.*

*"(e) LIMITATIONS ON USE OF FUNDS.—*

*"(1) IN GENERAL.—Each public housing agency may use not more than 20 percent of the Capital Fund distribution of the public housing agency for activities that are eligible for assistance under the Operating Fund under subsection (d), if the public housing agency plan provides for such use.*

*"(2) NEW CONSTRUCTION.—*

*"(A) IN GENERAL.—A public housing agency may not use any of the Capital Fund or Operating Fund distributions of the public housing agency for the purpose of constructing any public housing unit, if such construction would result in a net increase in the number of public housing units owned or operated by the public housing agency on the date of enactment of the Public Housing Reform and Responsibility Act of 1997, including any public housing units demolished as part of any revitalization effort.*

*"(B) EXCEPTION.—*

*"(i) IN GENERAL.—Notwithstanding subparagraph (A), a public housing agency may use the Capital Fund or Operating Fund distributions of the public housing agency for the construction and operation of housing units that are available and affordable to low-income families in excess of the limitations on new construction set forth in subparagraph (A), except that the formulas established under subsections (c)(2) and (d)(2) shall not provide additional funding for the specific purpose of allowing construction and operation of housing in excess of those limitations.*

*"(ii) EXCEPTION.—Notwithstanding clause (i), subject to reasonable limitations set by the Secretary, the formulae established under subsections (c)(2) and (d)(2) may provide additional funding for the operation and modernization costs (but not the initial development costs) of housing in excess of amounts otherwise permitted under this paragraph if—*

*"(I) those units are part of a mixed-finance project or otherwise leverage significant additional private or public investment; and*

*"(II) the estimated cost of the useful life of the project is less than the estimated cost of providing tenant-based assistance under section 8(o) for the same period of time.*

*"(f) DIRECT PROVISION OF OPERATING AND CAPITAL ASSISTANCE.—*

*"(1) IN GENERAL.—The Secretary shall directly provide operating and capital assistance under this section to a resident management corporation managing a public housing development pursuant to a contract under this section, but only if—*

*"(A) the resident management corporation petitions the Secretary for the release of the funds;*

*"(B) the contract provides for the resident management corporation to assume the primary management responsibilities of the public housing agency; and*

*"(C) the Secretary determines that the corporation has the capability to effectively discharge such responsibilities.*

*"(2) USE OF ASSISTANCE.—Any operating and capital assistance provided to a resident management corporation pursuant to this subsection shall be used for purposes of operating the public housing developments of the agency and performing such other eligible activities with respect to public housing as may be provided under the contract.*

*"(3) RESPONSIBILITY OF PUBLIC HOUSING AGENCY.—If the Secretary provides direct funding to a resident management corporation under this subsection, the public housing agency shall not be responsible for the actions of the resident management corporation.*

*"(g) TECHNICAL ASSISTANCE.—To the extent approved in advance in appropriations Acts, the Secretary may make grants or enter into contracts in accordance with this subsection for purposes of providing, either directly or indirectly—*

*"(1) technical assistance to public housing agencies, resident councils, resident organizations, and resident management corporations, including assistance relating to monitoring and inspections;*

*"(2) training for public housing agency employees and residents;*

*"(3) data collection and analysis; and*

*"(4) training, technical assistance, and education to assist public housing agencies that are—*

*"(A) at risk of being designated as troubled under section 6(j) from being so designated; and*

*"(B) designated as troubled under section 6(j) in achieving the removal of that designation.*

*"(h) EMERGENCY RESERVE.—*

*"(1) IN GENERAL.—*

*"(A) SET-ASIDE.—In each fiscal year, the Secretary shall set aside not more than 2 percent of the amount made available for use under the capital fund to carry out this section for that fiscal year for use in accordance with this subsection.*

*"(B) USE OF FUNDS.—Amounts set aside under this paragraph shall be available to the Secretary for use in connection with—*

*"(i) emergencies and other disasters;*

*"(ii) housing needs resulting from any settlement of litigation; and*

*"(iii) the Operation Safe Home program, except that amounts set aside under this clause may not exceed $10,000,000 in any fiscal year.*

*"(2) LIMITATION.—With respect to any fiscal year, the Secretary may carry over not more than a total of $25,000,000 in unobligated amounts set aside under this subsection for use in connection with the activities described in paragraph (1)(B) during the succeeding fiscal year.*

*"(3) REPORTS.—The Secretary and the Office of Inspector General shall report to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Banking and Financial Services of the House of Representatives regarding the feasibility of transferring the authority to administer the program functions implemented to reduce violent crime in public housing under Operation Safe Home to the Office of Public and Indian Housing or to the Department of Justice.*

*"(4) PUBLICATION.—The Secretary shall publish the use of any amounts allocated under this subsection relating to emergencies (other disasters and housing needs resulting from any settlement of litigation) in the Federal Register.*

*"(i) PENALTY FOR SLOW EXPENDITURE OF CAPITAL FUNDS.—*

*"(1) IN GENERAL.—*

*"(A) TIME PERIOD.—Except as provided in paragraph (2), and subject to subparagraph (B) of this paragraph, a public housing agency shall obligate any assistance received under this section not later than 18 months after the date on which the funds become available to the agency for obligation.*

*"(B) EXTENSION OF TIME PERIOD.—The Secretary may—*

*"(i) extend the time period described in subparagraph (A) for a period of not more than 1 year with respect to a public housing agency, if the Secretary determines that the failure of the public housing agency to obligate assistance in a timely manner is attributable to events beyond the control of the public housing agency; and*

*"(ii) provide an exception to the requirements of subparagraph (A) with respect to any de minimis amounts to be obligated by a public housing agency with the funding for the subsequent fiscal year of the public housing agency, to the extent that the Secretary determines such action to be necessary to permit the public housing agency to accumulate sufficient funding—*

*"(I) to undertake certain activities; and*

*"(II) to provide replacement housing.*

*"(C) EFFECT OF FAILURE TO COMPLY.—*

*"(i) IN GENERAL.—A public housing agency shall not be awarded assistance under this section for any month during any fiscal year in which the public housing agency has funds unobligated in violation of subparagraph (A).*

*"(ii) EFFECT OF FAILURE TO COMPLY.—During any fiscal year described in clause (i), the Secretary shall withhold all assistance that would otherwise be provided to the public housing agency. If the public housing agency cures its default during the year, it shall be provided with the share attributable to the months remaining in the year.*

*"(iii) REDISTRIBUTION.—The total amount of any funds not provided public housing agencies by operation of this subparagraph shall be distributed to high-performing agencies, as determined under section 6(j).*

*"(2) EXCEPTION.—*

*"(A) IN GENERAL.—Subject to subparagraph (B), if the Secretary has consented, before the date of enactment of the Public Housing Reform and Responsibility Act of 1997, to an obligation period for any agency longer than provided under paragraph (1)(A), a public housing agency that obligates its funds before the expiration of that period shall not be considered to be in violation of paragraph (1)(A).*

*"(B) FISCAL YEAR 1995.—Notwithstanding subparagraph (A)—*

*"(i) any funds appropriated to a public housing agency for fiscal year 1995, or for any preceding fiscal year, shall be fully obligated by the public housing agency not later than September 30, 1998; and*

*"(ii) any funds appropriated to a public housing agency for fiscal year 1996 or 1997 shall be fully obligated by the public housing agency not later than September 30, 1999.*

*"(3) EXPENDITURE OF AMOUNTS.—*

*"(A) IN GENERAL.—A public housing agency shall spend any assistance received under this section not later than 4 years (plus the period of any extension approved by the Secretary under paragraph (1)(B)) after the date on which funds become available to the agency for obligation.*

*"(B) ENFORCEMENT.—The Secretary shall enforce the requirement of subparagraph (A) through default remedies up to and including withdrawal of the funding.*

*"(4) RIGHT OF RECAPTURE.—Any obligation entered into by a public housing agency shall be subject to the right of the Secretary to recapture the obligated amounts for violation by the public housing agency of the requirements of this subsection.".*

*(b) IMPLEMENTATION; EFFECTIVE DATE; TRANSITION PERIOD.—*

*(1) IMPLEMENTATION.—Not later than 1 year after the date of enactment of this Act, in accordance with the negotiated rulemaking procedures set forth in subchapter III of chapter 5 of title 5, United States Code, the Secretary shall establish the formulas described in subsections (c)(3) and (d)(2) of section 9 of the United States Housing Act of 1937, as amended by this section.*

*(2) EFFECTIVE DATE.—The formulas established under paragraph (1) shall be effective only with respect to amounts made available under section 9 of the United States Housing Act of 1937, as amended by this section, in fiscal year 1999 or in any succeeding fiscal year.*

*(3) TRANSITION PERIOD.—*

*(A) IN GENERAL.—Subject to subparagraph (B), prior to the effective date described in paragraph (2), the Secretary shall provide that each public housing agency shall receive funding under sections 9 and 14 of the United States Housing Act of 1937, as those sections existed on the day before the date of enactment of this Act.*

*(B) QUALIFICATION.—If a public housing agency establishes a rental amount that is less than 30 percent of the monthly adjusted income of the family under section 3(a)(1)(A) of the United States Housing Act of 1937 (as amended by section 103(a) of this Act), the Secretary shall not take into account any reduction of or increase in the per unit dwelling rental income of the public housing agency resulting from the use of that rental amount in calculating the contributions for the public housing agency for the operation of the public housing under section 9 of the United States Housing Act of 1937 (as in existence on the day before the date of enactment of this Act).*

### ***SEC. 111. COMMUNITY SERVICE AND SELF-SUFFICIENCY.***

*Section 12 of the United States Housing Act of 1937 (42 U.S.C. 1437j) is amended by adding at the end the following:*

*"(c) COMMUNITY SERVICE AND SELF-SUFFICIENCY REQUIREMENT.—*

*"(1) MINIMUM REQUIREMENT.—Notwithstanding any other provision of law, each adult member of each family assisted under this title shall—*

*"(A) contribute not less than 8 hours per month of community service (not to include any political activity) within the community in which that adult resides; or*

*"(B) participate in a self-sufficiency program (as that term is defined in subsection (d)(1)) for not less than 8 hours per month.*

*"(2) INCLUSION IN PLAN.—Each public housing agency shall include in the public housing agency plan a detailed description of the manner in which the public housing agency intends to implement and administer paragraph (1).*

*"(3) EXEMPTIONS.—The Secretary may provide an exemption from paragraph (1) for any adult who—*

*"(A) has attained age 62;*

*"(B) is a blind or disabled individual, as defined under section 1614 of the Social Security Act (42 U.S.C. 1382c) and who is unable to comply with this section, or a primary caretaker of that individual;*

*"(C) is engaged in a work activity (as that term is defined in subsection (d)(1)(C)); or*

*"(D) meets the requirements for being exempted from having to engage in a work activity under the State program funded under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.) or under any other welfare program of the State in which the public housing agency is located.*

*"(d) SELF-SUFFICIENCY.—*

*"(1) DEFINITIONS.—In this section—*

*"(A) the term 'covered family' means a family that—*

*"(i) receives benefits for welfare or public assistance from a State or other public agency under a program for which the Federal, State, or local law relating to the program requires, as a condition of eligibility for assistance under the program, participation of a member of the family in a self-sufficiency program; and*

*"(ii) resides in a public housing dwelling unit or is provided tenant-based assistance;*

*"(B) the term 'self-sufficiency program' means any program designed to encourage, assist, train, or facilitate the economic independence of participants and their families or to provide work for participants, including programs for job training, employment counseling, work placement, basic skills training, education, workfare and apprenticeship; and*

*"(C) the term 'work activities' has the meaning given that term in section 407(d) of the Social Security Act (42 U.S.C. 607(d)) (as in effect on and after July 1, 1997).*

*"(2) COMPLIANCE.—*

*"(A) SANCTIONS.—Notwithstanding any other provision of law, if the welfare or public assistance benefits of a covered family are reduced under a Federal, State, or local law regarding such an assistance program because of any failure of any member of the family to comply with the conditions under the assistance program requiring participation in a self-sufficiency program or a work activities requirement, or because of an act of fraud by any member of the family under the law or program, the amount required to be paid by the family as a monthly contribution toward rent may not be decreased, during the period of the reduction, as a result of any decrease in the income of the family (to the extent that the decrease in income is a result of the benefits reduction).*

*"(B) REVIEW.—Any covered family that is affected by the operation of this paragraph shall have the right to review the determination under this paragraph through the administrative grievance procedure for the public housing agency.*

*"(C) NOTICE.—Subparagraph (A) shall not apply to any covered family before the public housing agency providing assistance under this Act on behalf of the family obtains written notification from the relevant welfare or public assistance agency specifying that the family's benefits have been reduced because of noncompliance with self-sufficiency program or an applicable work activities requirement and the level of such reduction.*

"(D) NO APPLICATION OF REDUCTIONS BASED ON TIME LIMIT FOR ASSISTANCE.—For purposes of this paragraph, a reduction in benefits as a result of the expiration of a lifetime time limit for a family receiving welfare or public assistance benefits shall not be considered to be a failure to comply with the conditions under the assistance program requiring participation in a self-sufficiency program or a work activities requirement.

"(3) OCCUPANCY RIGHTS.—This subsection may not be construed to authorize any public housing agency to limit the duration of tenancy in a public housing dwelling unit or of tenant-based assistance.

"(4) COOPERATION AGREEMENTS FOR SELF-SUFFICIENCY ACTIVITIES.—

"(A) REQUIREMENT.—To the maximum extent practicable, a public housing agency providing public housing dwelling units or tenant-based assistance for covered families shall enter into such cooperation agreements, with State, local, and other agencies providing assistance to covered families under welfare or public assistance programs, as may be necessary, to provide for such agencies to transfer information to facilitate administration of subsection (c) or paragraph (2) of this subsection, and other information regarding rents, income, and assistance that may assist a public housing agency or welfare or public assistance agency in carrying out its functions.

"(B) CONTENTS.—A public housing agency shall seek to include in a cooperation agreement under this paragraph requirements and provisions designed to target assistance under welfare and public assistance programs to families residing in public and other assisted housing developments, which may include providing for self-sufficiency services within such housing, providing for services designed to meet the unique employment-related needs of residents of such housing, providing for placement of workfare positions on-site in such housing, and such other elements as may be appropriate.

"(C) CONFIDENTIALITY.—This paragraph may not be construed to authorize any release of information that is prohibited by, or in contravention of, any other provision of Federal, State, or local law.".

### SEC. 112. REPEAL OF ENERGY CONSERVATION; CONSORTIA AND JOINT VENTURES.

Section 13 of the United States Housing Act of 1937 (42 U.S.C. 1437k) is amended to read as follows:

### "SEC. 13. CONSORTIA, JOINT VENTURES, AFFILIATES, AND SUBSIDIARIES OF PUBLIC HOUSING AGENCIES.

"(a) CONSORTIA.—

"(1) IN GENERAL.—Any 2 or more public housing agencies may participate in a consortium for the purpose of administering any or all of the housing programs of those public housing agencies in accordance with this section.

"(2) EFFECT.—With respect to any consortium described in paragraph (1)—

"(A) any assistance made available under this title to each of the public housing agencies participating in the consortium shall be paid to the consortium; and

"(B) all planning and reporting requirements imposed upon each public housing agency participating in the consortium with respect to the programs operated by the consortium shall be consolidated.

"(3) RESTRICTIONS.—

"(A) AGREEMENT.—Each consortium described in paragraph (1) shall be formed and operated in accordance with a consortium agreement, and shall be subject to the requirements of a joint public housing agency plan, which shall be submitted by the consortium in accordance with section 5A.

"(B) MINIMUM REQUIREMENTS.—The Secretary shall specify minimum requirements relating to the formation and operation of consortia and the minimum contents of consortium agreements under this paragraph.

"(b) JOINT VENTURES.—

"(1) IN GENERAL.—Notwithstanding any other provision of law, a public housing agency, in accordance with the public housing agency plan, may—

"(A) form and operate wholly owned or controlled subsidiaries (which may be nonprofit corporations) and other affiliates, any of which may be directed, managed, or controlled by the same persons who constitute the board of commissioners or other similar governing body of the public housing agency, or who serve as employees or staff of the public housing agency; or

"(B) enter into joint ventures, partnerships, or other business arrangements with, or contract with, any person, organization, entity, or governmental unit, with respect to the administration of the programs of the public housing agency, including anu program that is subject to this title.

"(2) USE OF AND TREATMENT INCOME.—Any income generated under paragraph (1)—

"(A) shall be used for low-income housing or to benefit the residents of the public housing agency; and

"(B) shall not result in any decrease in any amount provided to the public housing agency under this title.

"(3) AUDITS.—The Comptroller General of the United States, the Secretary, and the Inspector General of the Department of Housing and Urban Development may conduct an audit of any activity undertaken under paragraph (1) at any time.".

### SEC. 113. REPEAL OF MODERNIZATION FUND.

(a) IN GENERAL.—Section 14 of the United States Housing Act of 1937 (42 U.S.C. 1437l) is repealed.

(b) CONFORMING AMENDMENTS.—The United States Housing Act of 1937 (42 U.S.C. 1437 et seq.) is amended—

(1) in section 5(c)(5), by striking "for use under section 14 or";

(2) in section 5(c)(7)—

(A) in subparagraph (A)—

(i) by striking clause (iii); and

(ii) by redesignating clauses (iv) through (x) as clauses (iii) through (ix), respectively; and

(B) in subparagraph (B)—

(i) by striking clause (iii); and

(ii) by redesignating clauses (iv) through (x) as clauses (iii) through (ix), respectively;

(3) in section 6(j)(1)—

(A) by striking subparagraph (B); and

(B) by redesignating subparagraphs (C) through (H) as subparagraphs (B) through (G), respectively;

(4) in section 6(j)(2)(A)—

(A) in clause (i), by striking "The Secretary shall also designate," and all that follows through the period at the end; and

(B) in clause (iii), by striking "(including designation as a troubled agency for purposes of the program under section 14)";

(5) in section 6(j)(2)(B)—

(A) in clause (i), by striking "and determining that an assessment under this subparagraph will not duplicate any review conducted under section 14(p)"; and

(B) in clause (ii)—

(i) by striking "(I) the agency's comprehensive plan prepared pursuant to section 14 adequately and appropriately addresses the rehabilitation needs of the agency's inventory, (II)" and inserting "(I)"; and

(ii) by striking "(III)" and inserting "(II)";

(6) in section 6(j)(3)—

(A) in clause (ii), by adding "and" at the end;

(B) by striking clause (iii); and

(C) by redesignating clause (iv) as clause (iii);

(7) in section 6(j)(4)—

(A) in subparagraph (D), by adding "and" at the end;

(B) in subparagraph (E), by striking "; and" at the end and inserting a period; and

(C) by striking subparagraph (F);

(8) in section 20—

(A) by striking subsection (c) and inserting the following:

"(c) [Reserved.]"; and

(B) by striking subsection (f) and inserting the following:

"(f) [Reserved.]";

(9) in section 21(a)(2)—

(A) by striking subparagraph (A); and

(B) by redesignating subparagraphs (B) and (C) as subparagraphs (A) and (B), respectively;

(10) in section 21(a)(3)(A)(v), by striking "the building or buildings meet the minimum safety and livability standards applicable under section 14, and";

(11) in section 25(b)(1), by striking "From amounts reserved" and all that follows through "the Secretary may" and inserting the following: "To the extent approved in appropriations Acts, the Secretary may";

(12) in section 25(e)(2)—

(A) by striking "The Secretary" and inserting "To the extent approved in appropriations Acts, the Secretary"; and

(B) by striking "available annually from amounts under section 14";

(13) in section 25(e), by striking paragraph (3);

(14) in section 25(f)(2)(G)(i), by striking "including—" and all that follows through "an explanation" and inserting "including an explanation";

(15) in section 25(i)(1), by striking the second sentence; and

(16) in section 202(b)(2)—

(A) by striking "(b) FINANCIAL ASSISTANCE.—" and all that follows through "The Secretary may," and inserting the following:

"(b) FINANCIAL ASSISTANCE.—The Secretary may"; and

(B) by striking paragraph (2).

### SEC. 114. ELIGIBILITY FOR PUBLIC AND ASSISTED HOUSING.

Section 16 of the United States Housing Act of 1937 (42 U.S.C. 1437n) is amended to read as follows:

### "SEC. 16. ELIGIBILITY FOR PUBLIC AND ASSISTED HOUSING.

"(a) INCOME ELIGIBILITY FOR PUBLIC HOUSING.—

"(1) IN GENERAL.—Of the dwelling units of a public housing agency, including public housing units in a designated mixed-finance project, made available for occupancy in any fiscal year of the public housing agency—

"(A) not less than 40 percent shall be occupied by families whose incomes do not exceed 30 percent of the area median income for those families;

"(B) not less than 75 percent shall be occupied by families whose incomes do not exceed 60 percent of the area median income for those families; and

"(C) any remaining dwelling units may be made available for families whose incomes do not exceed 80 percent of the area median income for those families.

"(2) ESTABLISHMENT OF DIFFERENT STANDARDS.—Notwithstanding paragraph (1), if approved by the Secretary, a public housing agency, in accordance with the public housing agency plan, may for good cause establish and implement an occupancy standard other than the standard described in paragraph (1).

"(3) PROHIBITION OF CONCENTRATION OF LOW-INCOME FAMILIES.—A public housing agency may not, in complying with the requirements under paragraph (1), concentrate very low-income families (or other families with relatively low incomes) in public housing dwelling units in certain public housing developments or certain buildings within developments.

"(4) MIXED-INCOME HOUSING STANDARD.—Each public housing agency plan submitted by a public housing agency shall include a plan for achieving a diverse income mix among residents in each public housing project of the public housing agency and among the scattered site public housing of the public housing agency.

"(b) INCOME ELIGIBILITY FOR CERTAIN ASSISTED HOUSING.—

"(1) TENANT-BASED ASSISTANCE.—Of the dwelling units receiving tenant-based assistance under section 8 made available for occupancy in any fiscal year of the public housing agency—

"(A) not less than 50 percent shall be occupied by families whose incomes do not exceed 30 percent of the area median income for those families; and

"(B) any remaining dwelling units may be made available for families whose incomes do not exceed 80 percent of the area median income for those families.

"(2) ESTABLISHMENT OF DIFFERENT STANDARDS.—Notwithstanding paragraph (1), if approved by the Secretary, a public housing agency, in accordance with the public housing agency plan, may for good cause establish and implement an occupancy standard other than the standard described in paragraph (1).

"(3) PROJECT-BASED ASSISTANCE.—Of the total number of dwelling units in a project receiving assistance under section 8, other than assistance described in paragraph (1), that are made available for occupancy by eligible families in any year (as determined by the Secretary)—

"(A) not less than 40 percent shall be occupied by families whose incomes do not exceed 30 percent of the area median income; and

"(B) not less than 75 percent shall be occupied by families whose incomes do not exceed 60 percent of the area median income.

"(c) DEFINITION OF AREA MEDIAN INCOME.—In this section, the term 'area median income' means the median income of an area, as determined by the Secretary, with adjustments for smaller and larger families, except that the Secretary may establish income ceilings higher or lower than the percentages specified in subsections (a) and (b) if the Secretary determines that such variations are necessary because of unusually high or low family incomes.".

### SEC. 115. DEMOLITION AND DISPOSITION OF PUBLIC HOUSING.

(a) IN GENERAL.—Section 18 of the United States Housing Act of 1937 (42 U.S.C. 1437p) is amended to read as follows:

### "SEC. 18. DEMOLITION AND DISPOSITION OF PUBLIC HOUSING.

"(a) APPLICATIONS FOR DEMOLITION AND DISPOSITION.—Except as provided in subsection (b), not later than 60 days after receiving an application by a public housing agency for authorization, with or without financial assistance under this title, to demolish or dispose of a public housing project or a portion of a public housing project (including any transfer to a resident-supported nonprofit entity), the Secretary shall approve the application, if the public housing agency certifies—

"(1) in the case of—

"(A) an application proposing demolition of a public housing project or a portion of a public housing project, that—

"(i) the project or portion of the public housing project is obsolete as to physical condition, location, or other factors, making it unsuitable for housing purposes; and

"(ii) no reasonable program of modifications is cost-effective to return the public housing project or portion of the project to useful life; and

"(B) an application proposing the demolition of only a portion of a public housing project, that the demolition will help to assure the viability of the remaining portion of the project;

"(2) in the case of an application proposing disposition of a public housing project or other real property subject to this title by sale or other transfer, that—

"(A) the retention of the property is not in the best interests of the residents or the public housing agency because—

"(i) conditions in the area surrounding the public housing project adversely affect the health or safety of the residents or the feasible operation of the project by the public housing agency; or

"(ii) disposition allows the acquisition, development, or rehabilitation of other properties that will be more efficiently or effectively operated as low-income housing;

"(B) the public housing agency has otherwise determined the disposition to be appropriate for reasons that are—

"(i) in the best interests of the residents and the public housing agency;

"(ii) consistent with the goals of the public housing agency and the public housing agency plan; and

"(iii) otherwise consistent with this title; or

"(C) for property other than dwelling units, the property is excess to the needs of a public housing project or the disposition is incidental to, or does not interfere with, continued operation of a public housing project;

"(3) that the public housing agency has specifically authorized the demolition or disposition in the public housing agency plan, and has certified that the actions contemplated in the public housing agency plan comply with this section;

"(4) that the public housing agency—

"(A) will provide for the payment of the actual and reasonable relocation expenses of each resident to be displaced;

"(B) will ensure that each displaced resident is offered comparable housing—

"(i) that meets housing quality standards; and

"(ii) which may include—

"(I) tenant-based assistance;

"(II) project-based assistance; or

"(III) occupancy in a unit operated or assisted by the public housing agency at a rental rate paid by the resident that is comparable to the rental rate applicable to the unit from which the resident is vacated;

"(C) will provide any necessary counseling for residents who are displaced; and

"(D) will not commence demolition or complete disposition until all residents residing in the unit are relocated;

"(5) that the net proceeds of any disposition will be used—

"(A) unless waived by the Secretary, for the retirement of outstanding obligations issued to finance the original public housing project or modernization of the project; and

"(B) to the extent that any proceeds remain after the application of proceeds in accordance with subparagraph (A), for the provision of low-income housing or to benefit the residents of the public housing agency; and

"(6) that the public housing agency has complied with subsection (c).

"(b) DISAPPROVAL OF APPLICATIONS.—The Secretary shall disapprove an application submitted under subsection (a) if the Secretary determines that—

"(1) any certification made by the public housing agency under that subsection is clearly inconsistent with information and data available to the Secretary or information or data requested by the Secretary; or

"(2) the application was not developed in consultation with—

"(A) residents who will be affected by the proposed demolition or disposition; and

"(B) each resident advisory board and resident council, if any, that will be affected by the proposed demolition or disposition.

"(c) RESIDENT OPPORTUNITY TO PURCHASE IN CASE OF PROPOSED DISPOSITION.—

"(1) IN GENERAL.—In the case of a proposed disposition of a public housing project or portion of a project, the public housing agency shall, in appropriate circumstances, as determined by the Secretary, initially offer the property to any eligible resident organization, eligible resident management corporation, or nonprofit organization acting on behalf of the residents, if that entity has expressed an interest, in writing, to the public housing agency in a timely manner, in purchasing the property for continued use as low-income housing.

"(2) TIMING.—

"(A) THIRTY-DAY NOTICE.—A resident organization, resident management corporation, or other resident-supported nonprofit entity referred to in paragraph (1) may express interest in purchasing property that is the subject of a disposition, as described in paragraph (1), during the 30-day period beginning on the date of notification of a proposed sale of the property.

"(B) SIXTY-DAY NOTICE.—If an entity expresses written interest in purchasing a property, as provided in subparagraph (A), no disposition of the property shall occur during the 60-day period beginning on the date of receipt of that written notice, during which time that entity shall be given the opportunity to obtain a firm commitment for financing the purchase of the property.

"(d) REPLACEMENT UNITS.—Notwithstanding any other provision of law, replacement housing units for public housing units demolished in accordance with this section may be built on the original public housing location or in the same neighborhood as the original public housing location if the number of those replacement units is fewer than the number of units demolished.".

(b) HOMEOWNERSHIP REPLACEMENT PLAN.—

(1) IN GENERAL.—Section 304(g) of the United States Housing Act of 1937 (42 U.S.C. 1437aaa-3(g)), as amended by section 1002(b) of the Emergency Supplemental Appropriations for Additional Disaster Assistance, for Anti-terrorism Initiatives, for Assistance in the Recovery from the Tragedy that Occurred At Oklahoma City, and Rescissions Act, 1995 (Public Law 104–19; 109 Stat. 236), is amended to read as follows:

"(g) [Reserved.]".

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall be effective with respect to any plan for the demolition, disposition, or conversion to homeownership of public housing that is approved by the Secretary after September 30, 1995.

(c) UNIFORM RELOCATION AND REAL PROPERTY ACQUISITION ACT.—The Uniform Relocation and Real Property Acquisition Act shall not apply to activities under section 18 of the United States Housing Act of 1937, as amended by this section.

### SEC. 116. REPEAL OF FAMILY INVESTMENT CENTERS; VOUCHER SYSTEM FOR PUBLIC HOUSING.

(a) IN GENERAL.—Section 22 of the United States Housing Act of 1937 (42 U.S.C. 1437t) is amended to read as follows:

### "SEC. 22. VOUCHER SYSTEM FOR PUBLIC HOUSING.

"(a) IN GENERAL.—

"(1) AUTHORIZATION.—A public housing agency may convert any public housing project (or portion thereof) owned and operated by the public housing agency to a system of tenant-based assistance in accordance with this section.

"(2) REQUIREMENTS.—In converting to a tenant-based system of assistance under this section, the public housing agency shall develop a conversion assessment and plan under subsection (b) in consultation with the appropriate public officials, with significant participation by the residents of the project (or portion thereof), which assessment and plan shall—

"(A) be consistent with and part of the public housing agency plan; and

"(B) describe the conversion and future use or disposition of the public housing project, including an impact analysis on the affected community.

"(b) CONVERSION ASSESSMENT AND PLAN.—

"(1) IN GENERAL.—Not later than 2 years after the date of enactment of the Public Housing Reform and Responsibility Act of 1997, each public housing agency shall assess the status of each public housing project owned and operated by that public housing agency, and shall submit to the Secretary an assessment that includes—

"(A) a cost analysis that demonstrates whether or not the cost (both on a net present value basis and in terms of new budget authority requirements) of providing tenant-based assistance under section 8 for the same families in substantially similar dwellings over the same period of time is less expensive than continuing public housing assistance in the public housing project proposed for conversion for the remaining useful life of the project;

"(B) an analysis of the market value of the public housing project proposed for conversion both before and after rehabilitation, and before and after conversion;

"(C) an analysis of the rental market conditions with respect to the likely success of tenant-based assistance under section 8 in that market for the specific residents of the public housing project proposed for conversion, including an assessment of the availability of decent and safe dwellings renting at or below the payment standard established for tenant-based assistance under section 8 by the public housing agency;

"(D) the impact of the conversion to a system of tenant-based assistance under this section on the neighborhood in which the public housing project is located; and

"(E) a plan that identifies actions, if any, that the public housing agency would take with regard to converting any public housing project or projects (or portions thereof) of the public housing agency to a system of tenant-based assistance.

"(2) STREAMLINED ASSESSMENT.—At the discretion of the Secretary or at the request of a public housing agency, the Secretary may waive any or all of the requirements of paragraph (1) or otherwise require a streamlined assessment with respect to any public housing project or class of public housing projects.

"(3) IMPLEMENTATION OF CONVERSION PLAN.—

"(A) IN GENERAL.—A public housing agency may implement a conversion plan only if the conversion assessment under this section demonstrates that the conversion—

"(i) will not be more expensive than continuing to operate the public housing project (or portion thereof) as public housing; and

"(ii) will principally benefit the residents of the public housing project (or portion thereof) to be converted, the public housing agency, and the community.

"(B) DISAPPROVAL.—The Secretary shall disapprove a conversion plan only if the plan is plainly inconsistent with the conversion assessment under subsection (b) or if there is reliable information and data available to the Secretary that contradicts that conversion assessment.

"(c) OTHER REQUIREMENTS.—To the extent approved by the Secretary, the funds used by the public housing agency to provide tenant-based assistance under section 8 shall be added to the annual contribution contract administered by the public housing agency.".

(b) SAVINGS PROVISION.—The amendment made by subsection (a) does not affect any contract or other agreement entered into under section 22 of the United States Housing Act of 1937, as that section existed on the day before the date of enactment of this Act.

### SEC. 117. REPEAL OF FAMILY SELF-SUFFICIENCY; HOMEOWNERSHIP OPPORTUNITIES.

(a) IN GENERAL.—Section 23 of the United States Housing Act of 1937 (42 U.S.C. 1437u) is amended to read as follows:

### "SEC. 23. PUBLIC HOUSING HOMEOWNERSHIP OPPORTUNITIES.

"(a) IN GENERAL.—Notwithstanding any other provision of law, a public housing agency may, in accordance with this section—

"(1) sell any public housing unit in any public housing project of the public housing agency to—

"(A) the low-income residents of the public housing agency; or

"(B) any organization serving as a conduit for sales to those persons; and

"(2) provide assistance to public housing residents to facilitate the ability of those residents to purchase a principal residence.

"(b) RIGHT OF FIRST REFUSAL.—In making any sale under this section, the public housing agency shall initially offer the public housing unit at issue to the resident or residents occupying that unit, if any, or to an organization serving as a conduit for sales to any such resident.

"(c) SALE PRICES, TERMS, AND CONDITIONS.—Any sale under this section may involve such prices, terms, and conditions as the public housing agency may determine in accordance with procedures set forth in the public housing agency plan.

"(d) PURCHASE REQUIREMENTS.—

"(1) IN GENERAL.—Each resident that purchases a dwelling unit under subsection (a) shall, as of the date on which the purchase is made—

"(A) intend to occupy the property as a principal residence; and

"(B) submit a written certification to the public housing agency that such resident will occupy the property as a principal residence for a period of not less than 12 months beginning on that date.

"(2) RECAPTURE.—Except for good cause, as determined by a public housing agency in the public housing agency plan, if, during the 1-year period beginning on the date on which any resident acquires a public housing unit under this section, that public housing unit is resold, the public housing agency shall recapture 75 percent of the amount of any proceeds from that resale that exceed the sum of—

"(A) the original sale price for the acquisition of the property by the qualifying resident;

"(B) the costs of any improvements made to the property after the date on which the acquisition occurs; and

"(C) any closing costs incurred in connection with the acquisition.

"(e) PROTECTION OF NONPURCHASING RESIDENTS.—If a public housing resident does not exercise the right of first refusal under subsection (b) with respect to the public housing unit in which the resident resides, the public housing agency shall—

"(1) ensure that either another public housing unit or rental assistance under section 8 is made available to the resident; and

"(2) provide for the payment of the actual and reasonable relocation expenses of the resident.

"(f) NET PROCEEDS.—The net proceeds of any sales under this section remaining after payment of all costs of the sale and any unassumed, unpaid indebtedness owed in connection with the dwelling units sold under this section unless waived by the Secretary, shall be used for purposes relating to low-income housing and in accordance with the public housing agency plan.

"(g) HOMEOWNERSHIP ASSISTANCE.—From amounts distributed to a public housing agency under section 9, or from other income earned by the public housing agency, the public housing agency may provide assistance to public housing residents to facilitate the ability of those residents to purchase a principal residence, including a residence other than a residence located in a public housing project.".

(b) CONFORMING AMENDMENTS.—The United States Housing Act of 1937 (42 U.S.C. 1437 et seq.) is amended—

(1) in section 8(y)(7)(A)—

(A) by striking ", (ii)" and inserting ", and (ii)"; and

(B) by striking ", and (iii)" and all that follows before the period at the end; and

(2) in section 25(l)(2)—

(A) in the first sentence, by striking ", consistent with the objectives of the program under section 23,"; and

(B) by striking the second sentence.

(c) SAVINGS PROVISION.—The amendments made by this section do not affect any contract or other agreement entered into under section 23 of the United States Housing Act of 1937, as that section existed on the day before the date of enactment of this Act.

### SEC. 118. REVITALIZING SEVERELY DISTRESSED PUBLIC HOUSING.

Section 24 of the United States Housing Act of 1937 (42 U.S.C. 1437v) is amended to read as follows:

### "SEC. 24. REVITALIZING SEVERELY DISTRESSED PUBLIC HOUSING.

"(a) IN GENERAL.—To the extent provided in advance in appropriations Acts, the Secretary may make grants to public housing agencies for the purposes of—

"(1) enabling the demolition of obsolete public housing projects or portions thereof;

"(2) revitalizing sites (including remaining public housing units) on which such public housing projects are located;

"(3) the provision of replacement housing, which will avoid or lessen concentrations of very low-income families; and

"(4) the provision of tenant-based assistance under section 8 for use as replacement housing.

"(b) COMPETITION.—The Secretary shall make grants under this section on the basis of a competition, which shall be based on such factors as—

"(1) the need for additional resources for addressing a severely distressed public housing project;

"(2) the need for affordable housing in the community;

"(3) the supply of other housing available and affordable to a family receiving tenant-based assistance under section 8; and

"(4) the local impact of the proposed revitalization program.

"(c) TERMS AND CONDITIONS.—The Secretary may impose such terms and conditions on recipients of grants under this section as the Secretary determines to be appropriate to carry out the purposes of this section, except that such terms and conditions shall be similar to the terms and conditions of either—

"(1) the urban revitalization demonstration program authorized under the Departments of Veterans Affairs and Housing and Urban Development and Independent Agencies Appropriations Acts; or

"(2) section 24 of the United States Housing Act of 1937, as such section existed before the date of enactment of the Public Housing Reform and Responsibility Act of 1997.

"(d) ALTERNATIVE MANAGEMENT.—The Secretary may require any recipient of a grant under this section to make arrangements with an entity other than the public housing agency to carry out the purposes for which the grant was awarded, if the Secretary determines that such action is necessary for the timely and effective achievement of the purposes for which the grant was awarded.

"(e) SUNSET.—No grant may be made under this section on or after October 1, 1999.".

### SEC. 119. MIXED-FINANCE AND MIXED-OWNERSHIP PROJECTS.

(a) IN GENERAL.—Title I of the United States Housing Act of 1937 (42 U.S.C. 1437 et seq.) is amended by adding at the end the following:

### "SEC. 30. MIXED-FINANCE AND MIXED-OWNERSHIP PROJECTS.

"(a) IN GENERAL.—A public housing agency may own, operate, assist, or otherwise participate in 1 or more mixed-finance projects in accordance with this section.

"(b) REQUIREMENTS.—

"(1) MIXED-FINANCE PROJECT.—In this section, the term 'mixed-finance project' means a project that meets the requirements of paragraph (2) and that is occupied both by 1 or more very low-income families and by 1 or more families that are not very low-income families.

"(2) STRUCTURE OF PROJECTS.—Each mixed-finance project shall be developed—

"(A) in a manner that ensures that units are made available in the project, by master contract, individual lease, or equity interest for occupancy by eligible families identified by the public housing agency for a period of not less than 20 years;

"(B) in a manner that ensures that the number of public housing units bears approximately the same proportion to the total number of units in the mixed-finance project as the value of the total financial commitment provided by the public housing agency bears to the value of the total financial commitment in the project, or shall not be less than the number of units that could have been developed under the conventional public housing program with the assistance; and

"(C) in accordance with such other requirements as the Secretary may prescribe by regulation.

"(3) TYPES OF PROJECTS.—The term 'mixed-finance project' includes a project that is developed—

"(A) by a public housing agency or by an entity affiliated with a public housing agency;

"(B) by a partnership, a limited liability company, or other entity in which the public housing agency (or an entity affiliated with a public housing agency) is a general partner, managing member, or otherwise participates in the activities of that entity;

"(C) by any entity that grants to the public housing agency the option to purchase the public housing project during the 20-year period beginning on the date of initial occupancy of the public housing project in accordance with section 42(l)(7) of the Internal Revenue Code of 1986; or

"(D) in accordance with such other terms and conditions as the Secretary may prescribe by regulation.

"(c) TAXATION.—

"(1) IN GENERAL.—A public housing agency may elect to have all public housing units in a mixed-finance project subject to local real estate taxes, except that such units shall be eligible at the discretion of the public housing agency for the taxing requirements under section 6(d).

"(2) LOW-INCOME HOUSING TAX CREDIT.—With respect to any unit in a mixed-finance project that is assisted pursuant to the low-income housing tax credit under section 42 of the Internal Revenue Code of 1986, the rents charged to the residents may be set at levels not to exceed the amounts allowable under that section.

"(d) RESTRICTION.—No assistance provided under section 9 shall be used by a public housing agency in direct support of any unit rented to a family that is not a low-income family.

"(e) EFFECT OF CERTAIN CONTRACT TERMS.—If an entity that owns or operates a mixed-finance project under this section enters into a contract with a public housing agency, the terms of which obligate the entity to operate and maintain a specified number of units in the project as public housing units in accordance with the requirements of this Act for the period required by law, such contractual terms may provide that, if, as a result of a reduction in appropriations under section 9, or any other change in applicable law, the public housing agency is unable to fulfill its contractual obligations with respect to those public housing units, that entity may deviate, under procedures and requirements developed through regulations by the Secretary, from otherwise applicable restrictions under this Act regarding rents, income eligibility, and other areas of public housing management with respect to a portion or all of those public housing units, to the extent necessary to preserve the viability of those units while maintaining the low-income character of the units to the maximum extent practicable.".

(b) REGULATIONS.—The Secretary shall issue such regulations as may be necessary to promote the development of mixed-finance projects, as that term is defined in section 30 of the United States Housing Act of 1937 (as added by this Act).

### SEC. 120. CONVERSION OF DISTRESSED PUBLIC HOUSING TO TENANT-BASED ASSISTANCE.

(a) IN GENERAL.—Title I of the United States Housing Act of 1937 (42 U.S.C. 1437 et seq.) is amended by adding at the end the following:

### "SEC. 31. CONVERSION OF DISTRESSED PUBLIC HOUSING TO TENANT-BASED ASSISTANCE.

"(a) IDENTIFICATION OF UNITS.—Each public housing agency shall identify all public housing projects of the public housing agency—

"(1) that are on the same or contiguous sites;

"(2) that the public housing agency determines to be distressed, which determination shall be made in accordance with guidelines established by the Secretary, which guidelines shall be based on the criteria established in the Final Report of the National Commission on Severely Distressed Public Housing (August 1992);

"(3) identified as distressed housing under paragraph (2) for which the public housing agency cannot assure the long-term viability as public housing through reasonable modernization expenses, density reduction, achievement of a broader range of family income, or other measures; and

"(4) for which the estimated cost, during the remaining useful life of the project, of continued operation and modernization as public housing exceeds the estimated cost, during the remaining useful life of the project, of providing tenant-based assistance under section 8 for all families in occupancy, based on appropriate indicators of cost (such as the percentage of total development costs required for modernization).

"(b) CONSULTATION.—Each public housing agency shall consult with the appropriate public housing residents and the appropriate unit of general local government in identifying any public housing projects under subsection (a).

"(c) REMOVAL OF UNITS FROM THE INVENTORIES OF PUBLIC HOUSING AGENCIES.—

"(1) IN GENERAL.—

"(A) DEVELOPMENT OF PLAN.—Each public housing agency shall develop and, to the extent provided in advance in appropriations Acts, carry out a 5-year plan in conjunction with the Secretary for the removal of public housing units identified under subsection (a) from the inventory of the public housing agency and the annual contributions contract.

"(B) APPROVAL OF PLAN.—The plan required under subparagraph (A) shall—

"(i) be included as part of the public housing agency plan;

"(ii) be certified by the relevant local official to be in accordance with the comprehensive housing affordability strategy under title I of the Housing and Community Development Act of 1992; and

"(iii) include a description of any disposition and demolition plan for the public housing units.

"(2) EXTENSIONS.—The Secretary may extend the 5-year deadline described in paragraph (1) by not more than an additional 5 years if the Secretary makes a determination that the deadline is impracticable.

"(d) CONVERSION TO TENANT-BASED ASSISTANCE.—

"(1) IN GENERAL.—To the extent approved in advance in appropriations Acts, the Secretary shall make authority available to a public housing agency to provide assistance under this Act to families residing in any public housing project that is removed from the inventory of the public housing agency and the annual contributions contract pursuant to this section.

"(2) PLAN REQUIREMENTS.—Each plan under subsection (c) shall require the agency—

"(A) to notify each family residing in the public housing project, consistent with any guidelines issued by the Secretary governing such notifications, that—

"(i) the public housing project will be removed from the inventory of the public housing agency;

"(ii) the demolition will not commence until each resident residing in the public housing project is relocated; and

"(iii) each family displaced by such action will be offered comparable housing—

"(I) that meets housing quality standards; and

"(II) which may include—

"(aa) tenant-based assistance;

"(bb) project-based assistance; or

"(cc) occupancy in a unit operated or assisted by the public housing agency at a rental rate paid by the family that is comparable to the rental rate applicable to the unit from which the family is vacated;

"(B) to provide any necessary counseling for families displaced by such action; and

"(C) to provide any actual and reasonable relocation expenses for families displaced by such action.

"(e) REMOVAL BY SECRETARY.—The Secretary shall take appropriate actions to ensure removal of any public housing project identified under subsection (a) from the inventory of a public housing agency, if the public housing agency fails to adequately develop a plan under subsection (c) with respect to that project, or fails to adequately implement such plan in accordance with the terms of the plan.

"(f) ADMINISTRATION.—

"(1) IN GENERAL.—The Secretary may require a public housing agency to provide to the Secretary or to public housing residents such information as the Secretary considers to be necessary for the administration of this section.

"(2) APPLICABILITY OF SECTION 18.—Section 18 does not apply to the demolition of public housing projects removed from the inventory of the public housing agency under this section.".

(b) CONFORMING AMENDMENT.—Section 202 of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1996 (42 U.S.C. 1437l note) is repealed.

### SEC. 121. PUBLIC HOUSING MORTGAGES AND SECURITY INTERESTS.

Title I of the United States Housing Act of 1937 (42 U.S.C. 1437 et seq.) is amended by adding at the end the following:

### "SEC. 32. PUBLIC HOUSING MORTGAGES AND SECURITY INTERESTS.

"(a) GENERAL AUTHORIZATION.—The Secretary may, upon such terms and conditions as *the Secretary may prescribe, authorize a public housing agency to mortgage or otherwise grant a security interest in any public housing project or other property of the public housing agency.*

*"(b) TERMS AND CONDITIONS.—*

*"(1) CRITERIA FOR APPROVAL.—In making any authorization under subsection (a), the Secretary may consider—*

*"(A) the ability of the public housing agency to use the proceeds of the mortgage or security interest for low-income housing uses;*

*"(B) the ability of the public housing agency to make payments on the mortgage or security interest; and*

*"(C) such other criteria as the Secretary may specify.*

*"(2) TERMS AND CONDITIONS OF MORTGAGES AND SECURITY INTERESTS OBTAINED.—Each mortgage or security interest granted under this section shall be—*

*"(A) for a term that—*

*"(i) is consistent with the terms of private loans in the market area in which the public housing project or property at issue is located; and*

*"(ii) does not exceed 30 years; and*

*"(B) subject to conditions that are consistent with the conditions to which private loans in the market area in which the subject project or other property is located are subject.*

*"(3) NO FEDERAL LIABILITY.—No action taken under this section shall result in any liability to the Federal Government.".*

### ***SEC. 122. LINKING SERVICES TO PUBLIC HOUSING RESIDENTS.***

*Title I of the United States Housing Act of 1937 (42 U.S.C. 1437 et seq.) is amended by adding at the end the following:*

### ***"SEC. 33. SERVICES FOR PUBLIC HOUSING RESIDENTS.***

*"(a) IN GENERAL.—To the extent provided in advance in appropriations Acts, the Secretary may make grants to public housing agencies on behalf of public housing residents, or directly to resident management corporations, resident councils, or resident organizations (including nonprofit entities supported by residents), for the purposes of providing a program of supportive services and resident empowerment activities to assist public housing residents in becoming economically self-sufficient.*

*"(b) ELIGIBLE ACTIVITIES.—Grantees under this section may use such amounts only for activities on or near the property of the public housing agency or public housing project that are designed to promote the self-sufficiency of public housing residents, including activities relating to—*

*"(1) physical improvements to a public housing project in order to provide space for supportive services for residents;*

*"(2) the provision of service coordinators;*

*"(3) the provision of services related to work readiness, including education, job training and counseling, job search skills, business development training and planning, tutoring, mentoring, adult literacy, computer access, personal and family counseling, health screening, work readiness health services, transportation, and child care;*

*"(4) economic and job development, including employer linkages and job placement, and the start-up of resident microenterprises, community credit unions, and revolving loan funds, including the licensing, bonding, and insurance needed to operate such enterprises;*

*"(5) resident management activities and resident participation activities; and*

*"(6) other activities designed to improve the economic self-sufficiency of residents.*

*"(c) FUNDING DISTRIBUTION.—*

*"(1) IN GENERAL.—Except for amounts provided under subsection (d), the Secretary may distribute amounts made available under this section on the basis of a competition or a formula, as appropriate.*

*"(2) FACTORS FOR DISTRIBUTION.—Factors for distribution under paragraph (1) shall include—*

*"(A) the demonstrated capacity of the applicant to carry out a program of supportive services or resident empowerment activities;*

*"(B) the ability of the applicant to leverage additional resources for the provision of services; and*

*"(C) the extent to which the grant will result in a high quality program of supportive services or resident empowerment activities.*

*"(d) FUNDING FOR RESIDENT COUNCILS.—Of amounts appropriated for activities under this section, not less than $25,000,000 shall be provided directly to resident councils, resident organizations, and resident management corporations.".*

### ***SEC. 123. PROHIBITION ON USE OF AMOUNTS.***

*Title I of the United States Housing Act of 1937 (42 U.S.C. 1437 et seq.) is amended by adding at the end the following:*

### ***"SEC. 34. PROHIBITION ON USE OF AMOUNTS.***

*"None of the amounts made available to the Department of Housing and Urban Development to carry out this Act, that are obligated to State or local governments, public housing agencies, housing finance agencies, or other public or quasi-public housing agencies, may be used to indemnify contractors or subcontractors of the government or agency against costs associated with judgments of infringement of intellectual property rights.".*

### ***SEC. 124. PET OWNERSHIP.***

*Title I of the United States Housing Act of 1937 (42 U.S.C. 1437 et seq.) is amended by adding at the end the following:*

### ***"SEC. 35. PET OWNERSHIP IN FEDERALLY ASSISTED RENTAL HOUSING.***

*"(a) OWNERSHIP CONDITIONS.—*

*"(1) IN GENERAL.—A resident of a dwelling unit in federally assisted rental housing may own 1 or more common household pets or have 1 or more common household pets present in the dwelling unit of such resident, subject to the reasonable requirements of the owner of the federally assisted rental housing, if the resident maintains each pet responsibly and in accordance with applicable State and local public health, animal control, and animal anti-cruelty laws and regulations.*

*"(2) REQUIREMENTS.—The reasonable requirements described in paragraph (1) may include requiring payment of a nominal fee, a pet deposit, or both, by residents owning or having pets present, to cover the reasonable operating costs to the project relating to the presence of pets and to establish an escrow account for additional costs not otherwise covered, respectively.*

*"(b) PROHIBITION AGAINST DISCRIMINATION.—No owner of federally assisted rental housing may restrict or discriminate against any person in connection with admission to, or continued occupancy of, such housing by reason of the ownership of common household pets by, or the presence of such pets in the dwelling unit of, such person.*

*"(c) DEFINITIONS.—In this section:*

*"(1) FEDERALLY ASSISTED RENTAL HOUSING.—The term 'federally assisted rental housing' means any public housing project or any rental housing receiving project-based assistance under—*

*"(A) the new construction and substantial rehabilitation program under section 8(b)(2) of this Act (as in effect before October 1, 1983);*

*"(B) the property disposition program under section 8(b);*

*"(C) the moderate rehabilitation program under section 8(e)(2) of this Act (as it existed prior to October 1, 1991);*

*"(D) section 23 of this Act (as in effect before January 1, 1975);*

*"(E) the rent supplement program under section 101 of the Housing and Urban Development Act of 1965;*

*"(F) section 8 of this Act, following conversion from assistance under section 101 of the Housing and Urban Development Act of 1965; or*

*"(G) loan management assistance under section 8 of this Act.*

*"(2) OWNER.—The term 'owner' means, with respect to federally assisted rental housing, the entity or private person, including a cooperative or public housing agency, that has the legal right to lease or sublease dwelling units in such housing (including a manager of such housing having such right).*

*"(d) REGULATIONS.—This section shall take effect upon the date of the effectiveness of regulations issued by the Secretary to carry out this section. Such regulations shall be issued after notice and opportunity for public comment in accordance with the procedure under section 553 of title 5, United States Code, applicable to substantive rules (notwithstanding subsections (a)(2), (b)(B), and (d)(3) of such section).".*

## ***TITLE II—SECTION 8 RENTAL ASSISTANCE***

### ***SEC. 201. MERGER OF THE CERTIFICATE AND VOUCHER PROGRAMS.***

*(a) IN GENERAL.—Section 8(o) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)) is amended to read as follows:*

*"(o) VOUCHER PROGRAM.—*

*"(1) PAYMENT STANDARD.—*

*"(A) IN GENERAL.—The Secretary may provide assistance to public housing agencies for tenant-based assistance using a payment standard established in accordance with subparagraph (B). The payment standard shall be used to determine the monthly assistance that may be paid for any family, as provided in paragraph (2).*

*"(B) ESTABLISHMENT OF PAYMENT STANDARD.—Except as provided under subparagraph (D), the payment standard shall not exceed 110 percent of the fair market rental established under subsection (c) and shall be not less than 90 percent of that fair market rental.*

*"(C) SET-ASIDE.—The Secretary may set aside not more than 5 percent of the budget authority available under this subsection as an adjustment pool. The Secretary shall use amounts in the adjustment pool to make adjusted payments to public housing agencies under subparagraph (A), to ensure continued affordability, if the Secretary determines that additional assistance for such purpose is necessary, based on documentation submitted by a public housing agency.*

*"(D) APPROVAL.—The Secretary may require a public housing agency to submit the payment standard of the public housing agency to the Secretary for approval, if the payment standard is less than 90 percent of the fair market rent or exceeds 110 percent of the fair market rent.*

*"(E) REVIEW.—The Secretary—*

*"(i) shall monitor rent burdens and review any payment standard that results in a significant percentage of the families occupying units of any size paying more than 30 percent of adjusted income for rent; and*

*"(ii) may require a public housing agency to modify the payment standard of the public housing agency based on the results of that review.*

*"(2) AMOUNT OF MONTHLY ASSISTANCE PAYMENT.—*

*"(A) FAMILIES RECEIVING TENANT-BASED ASSISTANCE; RENT DOES NOT EXCEED PAYMENT STANDARD.—For a family receiving tenant-based assistance under this title, if the rent for that family (including the amount allowed for tenant-paid utilities) does not exceed the payment standard established under paragraph (1), the monthly assistance payment to that family shall be equal to the amount by which the rent exceeds the greatest of the following amounts, rounded to the nearest dollar:*

*"(i) Thirty percent of the monthly adjusted income of the family.*

*"(ii) Ten percent of the monthly income of the family.*

*"(iii) If the family is receiving payments for welfare assistance from a public agency and a part of those payments, adjusted in accordance with the actual housing costs of the family, is specifically designated by that agency to meet the housing costs of the family, the portion of those payments that is so designated.*

*"(B) FAMILIES RECEIVING TENANT-BASED ASSISTANCE; RENT EXCEEDS PAYMENT STANDARD.—For a family receiving tenant-based assistance under this title, if the rent for that family (including the amount allowed for tenant-paid utilities) exceeds the payment standard established under paragraph (1), the monthly assistance payment to that family shall be equal to the amount by which the applicable payment standard exceeds the greatest of the following amounts, rounded to the nearest dollar:*

*"(i) Thirty percent of the monthly adjusted income of the family.*

*"(ii) Ten percent of the monthly income of the family.*

*"(iii) If the family is receiving payments for welfare assistance from a public agency and a part of those payments, adjusted in accordance with the actual housing costs of the family, is specifically designated by that agency to meet the housing costs of the family, the portion of those payments that is so designated.*

*"(C) FAMILIES RECEIVING PROJECT-BASED ASSISTANCE.—For a family receiving project-based assistance under this title, the rent that the family is required to pay shall be determined in accordance with section 3(a)(1), and the amount of the housing assistance payment shall be determined in accordance with subsection (c)(3) of this section.*

*"(3) FORTY PERCENT LIMIT.—At the time a family initially receives tenant-based assistance under this title with respect to any dwelling unit, the total amount that a family may be required to pay for rent may not exceed 40 percent of the monthly adjusted income of the family.*

*"(4) ELIGIBLE FAMILIES.—At the time a family initially receives assistance under this subsection, a family shall qualify as—*

*"(A) a very low-income family;*

*"(B) a family previously assisted under this title;*

*"(C) a low-income family that meets eligibility criteria specified by the public housing agency;*

*"(D) a family that qualifies to receive a voucher in connection with a homeownership program approved under title IV of the Cranston-Gonzalez National Affordable Housing Act; or*

*"(E) a family that qualifies to receive a voucher under section 223 or 226 of the Low-Income Housing Preservation and Resident Homeownership Act of 1990.*

*"(5) ANNUAL REVIEW OF FAMILY INCOME.—Each public housing agency shall, not less frequently than annually, conduct a review of the family income of each family receiving assistance under this subsection.*

*"(6) SELECTION OF FAMILIES.—*

*"(A) IN GENERAL.—Each public housing agency may establish local preferences consistent with the public housing agency plan submitted by the public housing agency under section 5A.*

*"(B) SELECTION OF TENANTS.—The selection of tenants shall be made by the owner of the dwelling unit, subject to the annual contributions contract between the Secretary and the public housing agency.*

*"(7) LEASE.—Each housing assistance payment contract entered into by the public housing agency and the owner of a dwelling unit—*

*"(A) shall provide that the screening and selection of families for those units shall be the function of the owner;*

*"(B) shall provide that the lease between the tenant and the owner shall be for a term of not less than 1 year, except that the public housing agency may approve a shorter term for an initial lease between the tenant and the dwelling unit owner if the public housing agency determines that such shorter term would improve housing opportunities for the tenant and if such shorter term is considered to be an acceptable local market practice;*

*"(C) shall provide that the dwelling unit owner shall offer leases to tenants assisted under this subsection that—*

*"(i) are in a standard form used in the locality by the dwelling unit owner; and*

*"(ii) contain terms and conditions that—*

*"(I) are consistent with State and local law; and*

*"(II) apply generally to tenants in the property who are not assisted under this section;*

*"(D) shall provide that the dwelling unit owner may not terminate the tenancy of any person assisted under this subsection during the term of a lease that meets the requirements of this section unless the owner determines, on the same basis and in the same manner as would apply to a tenant in the property who does not receive assistance under this subsection, that—*

*"(i) the tenant has committed a serious or repeated violation of the terms and conditions of the lease;*

*"(ii) the tenant has violated applicable Federal, State, or local law; or*

*"(iii) other good cause for termination of the tenancy exists;*

*"(E) shall provide that any termination of tenancy under this subsection shall be preceded by the provision of written notice by the owner to the tenant specifying the grounds for that action, and any relief shall be consistent with applicable State and local law; and*

*"(F) may include any addenda appropriate to set forth the provisions of this title.*

*"(8) INSPECTION OF UNITS BY PUBLIC HOUSING AGENCIES.—*

*"(A) IN GENERAL.—Except as provided in subparagraph (B), for each dwelling unit for which a housing assistance payment contract is established under this subsection, the public housing agency shall—*

*"(i) inspect the unit before any assistance payment is made to determine whether the dwelling unit meets housing quality standards for decent safe housing established—*

*"(I) by the Secretary for purposes of this subsection; or*

*"(II) by local housing codes or by codes adopted by public housing agencies that—*

*"(aa) meet or exceed housing quality standards; and*

*"(bb) do not severely restrict housing choice; and*

*"(ii) make not less than annual inspections during the contract term.*

*"(B) LEASING OF UNITS OWNED BY PUBLIC HOUSING AGENCY.—If an eligible family assisted under this subsection leases a dwelling unit (other than public housing) that is owned by a public housing agency administering assistance under this subsection, the Secretary shall require the unit of general local government, or another entity approved by the Secretary, to make inspections and rent determinations as required by this paragraph.*

*"(9) VACATED UNITS.—If an assisted family vacates a dwelling unit for which rental assistance is provided under a housing assistance contract before the expiration of the term of the lease for the unit, rental assistance pursuant to such contract may not be provided for the unit after the month during which the unit was vacated.*

*"(10) RENT.—*

*"(A) REASONABLE MARKET RENT.—The rent for dwelling units for which a housing assistance payment contract is established under this subsection shall be reasonable in comparison with rents charged for comparable dwelling units in the private, unassisted, local market, or for comparable dwelling units that are in the assisted, local market.*

*"(B) NEGOTIATED RENT.—A public housing agency shall, at the request of a family receiving tenant-based assistance under this subsection, assist that family in negotiating a reasonable rent with a dwelling unit owner. A public housing agency shall review the rent for a unit under consideration by the family (and all rent increases for units under lease by the family) to determine whether the rent (or rent increase) requested by the owner is reasonable. If a public housing agency determines that the rent (or rent increase) for a dwelling unit is not reasonable, the public housing agency shall not make housing assistance payments to the owner under this subsection with respect to that unit.*

*"(C) UNITS EXEMPT FROM LOCAL RENT CONTROL.—If a dwelling unit for which a housing assistance payment contract is established under this subsection is exempt from local rent control provisions during the term of that contract, the rent for that unit shall be reasonable in comparison with other units in the market area that are exempt from local rent control provisions.*

*"(D) TIMELY PAYMENTS.—Each public housing agency shall make timely payment of any amounts due to a dwelling unit owner under this subsection. The housing assistance payment contract between the owner and the public housing agency may provide for penalties for the late payment of amounts due under the contract, which shall be imposed on the public housing agency in accordance with generally accepted practices in the local housing market.*

*"(E) PENALTIES.—Unless otherwise authorized by the Secretary, each public housing agency shall pay any penalties from administrative fees collected by the public housing agency, except that no penalty shall be imposed if the late payment is due to factors that the Secretary determines are beyond the control of the public housing agency.*

*"(11) MANUFACTURED HOUSING.—*

*"(A) IN GENERAL.—A public housing agency may make assistance payments in accordance with this subsection on behalf of a family that utilizes a manufactured home as a principal place of residence. Such payments may be made for the rental of the real property on which the manufactured home owned by any such family is located.*

*"(B) RENT CALCULATION.—*

*"(i) CHARGES INCLUDED.—For assistance pursuant to this paragraph, the rent for the space on which a manufactured home is located and with respect to which assistance payments are to be made shall include maintenance and management charges and tenant-paid utilities.*

*"(ii) PAYMENT STANDARD.—The public housing agency shall establish a payment standard for the purpose of determining the monthly assistance that may be paid for any family under this paragraph. The payment standard may not exceed an amount approved or established by the Secretary.*

*"(iii) MONTHLY ASSISTANCE PAYMENT.—The monthly assistance payment under this paragraph shall be determined in accordance with paragraph (2).*

*"(12) CONTRACT FOR ASSISTANCE PAYMENTS.—*

*"(A) IN GENERAL.—If the Secretary enters into an annual contributions contract under this subsection with a public housing agency pursuant to which the public housing agency will enter into a housing assistance payment contract with respect to an existing structure under this subsection—*

*"(i) the housing assistance payment contract may not be attached to the structure unless the*

*owner agrees to rehabilitate or newly construct the structure other than with assistance under this Act, and otherwise complies with this section; and*

*"(ii) the public housing agency may approve a housing assistance payment contract for such existing structure for not more than 15 percent of the funding available for tenant-based assistance administered by the public housing agency under this section.*

*"(B) EXTENSION OF CONTRACT TERM.—In the case of a housing assistance payment contract that applies to a structure under this paragraph, a public housing agency may enter into a contract with the owner, contingent upon the future availability of appropriated funds for the purpose of renewing expiring contracts for assistance payments, as provided in appropriations Acts, to extend the term of the underlying housing assistance payment contract for such period as the Secretary determines to be appropriate to achieve long-term affordability of the housing. The contract shall obligate the owner to have such extensions of the underlying housing assistance payment contract accepted by the owner and the successors in interest of the owner.*

*"(C) RENT CALCULATION.—For project-based assistance under this paragraph, housing assistance payment contracts shall establish rents and provide for rent adjustments in accordance with subsection (c).*

*"(D) ADJUSTED RENTS.—With respect to rents adjusted under this paragraph—*

*"(i) the adjusted rent for any unit shall be reasonable in comparison with rents charged for comparable dwelling units in the private, unassisted, local market, or for comparable dwelling units that are in the assisted local market; and*

*"(ii) the provisions of subsection (c)(2)(C) do not apply.*

*"(13) INAPPLICABILITY TO TENANT-BASED ASSISTANCE.—Subsection (c) does not apply to tenant-based assistance under this subsection.*

*"(14) HOMEOWNERSHIP OPTION.—*

*"(A) IN GENERAL.—A public housing agency providing assistance under this subsection may, at the option of the agency, provide assistance for homeownership under subsection (y).*

*"(B) ALTERNATIVE ADMINISTRATION.—A public housing agency may contract with a nonprofit organization to administer a homeownership program under subsection (y).*

*"(15) RENTAL VOUCHERS FOR WITNESS RELOCATION.—Of amounts made available for assistance under this subsection in each fiscal year, the Secretary, in consultation with the Inspector General, shall make available such sums as may be necessary for the relocation of witnesses in connection with efforts to combat crime in public and assisted housing pursuant to requests from law enforcement or prosecution agencies.".*

*(b) CONFORMING AMENDMENT.—Section 8(f)(6) of the United States Housing Act (42 U.S.C. 1437f(f)(6)) is amended by striking "(d)(2)" and inserting "(o)(12)".*

### *SEC. 202. REPEAL OF FEDERAL PREFERENCES.*

*(a) SECTION 8 EXISTING AND MODERATE REHABILITATION.—Section 8(d)(1)(A) of the United States Housing Act of 1937 (42 U.S.C. 1437f(d)(1)(A)) is amended to read as follows:*

*"(A) the selection of tenants shall be the function of the owner, subject to the annual contributions contract between the Secretary and the agency, except that with respect to the certificate and moderate rehabilitation programs only, for the purpose of selecting families to be assisted, the public housing agency may establish local preferences, consistent with the public housing agency plan submitted by the public housing agency under section 5A;".*

*(b) SECTION 8 NEW CONSTRUCTION AND SUBSTANTIAL REHABILITATION.—*

*(1) REPEAL.—Section 545(c) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 1437f note) is amended to read as follows:*

*"(c) [Reserved.]".*

*(2) PROHIBITION.—The provisions of section 8(e)(2) of the United States Housing Act of 1937, as in existence on the day before October 1, 1983, that require tenant selection preferences shall not apply with respect to—*

*(A) housing constructed or substantially rehabilitated pursuant to assistance provided under section 8(b)(2) of the United States Housing Act of 1937, as in existence on the day before October 1, 1983; or*

*(B) projects financed under section 202 of the Housing Act of 1959, as in existence on the day before the date of enactment of the Cranston-Gonzalez National Affordable Housing Act.*

*(c) RENT SUPPLEMENTS.—Section 101(k) of the Housing and Urban Development Act of 1965 (12 U.S.C. 1701s(k)) is amended to read as follows:*

*"(k) [Reserved.]".*

*(d) CONFORMING AMENDMENTS.—*

*(1) UNITED STATES HOUSING ACT OF 1937.—The United States Housing Act of 1937 (42 U.S.C. 1437 et seq.) is amended—*

*(A) in section 6(o), by striking "preference rules specified in" and inserting "written selection criteria established pursuant to";*

*(B) in section 8(d)(2)(A), by striking the last sentence; and*

*(C) in section 8(d)(2)(H), by striking "Notwithstanding subsection (d)(1)(A)(i), an" and inserting "An".*

*(2) CRANSTON-GONZALEZ NATIONAL AFFORDABLE HOUSING ACT.—The Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12704 et seq.) is amended—*

*(A) in section 455(a)(2)(D)(iii), by striking "would qualify for a preference under" and inserting "meet the written selection criteria established pursuant to"; and*

*(B) in section 522(f)(6)(B), by striking "any preferences for such assistance under section 8(d)(1)(A)(i)" and inserting "the written selection criteria established pursuant to section 8(d)(1)(A)".*

*(3) LOW-INCOME HOUSING PRESERVATION AND RESIDENT HOMEOWNERSHIP ACT OF 1990.—The second sentence of section 226(b)(6)(B) of the Low-Income Housing Preservation and Resident Homeownership Act of 1990 (12 U.S.C. 4116(b)(6)(B)) is amended by striking "requirement for giving preferences to certain categories of eligible families under" and inserting "written selection criteria established pursuant to".*

*(4) HOUSING AND COMMUNITY DEVELOPMENT ACT OF 1992.—Section 655 of the Housing and Community Development Act of 1992 (42 U.S.C. 13615) is amended by striking "preferences for occupancy" and all that follows before the period at the end and inserting "selection criteria established by the owner to elderly families according to such written selection criteria, and to near-elderly families according to such written selection criteria, respectively".*

*(5) REFERENCES IN OTHER LAW.—Any reference in any Federal law other than any provision of any law amended by paragraphs (1) through (5) of this subsection or section 201 to the preferences for assistance under section 8(d)(1)(A)(i) or 8(o)(3)(B) of the United States Housing Act of 1937, as those sections existed on the day before the effective date of this title, shall be considered to refer to the written selection criteria established pursuant to section 8(d)(1)(A) or 8(o)(6)(A), respectively, of the United States Housing Act of 1937, as amended by this subsection and section 201 of this Act.*

### *SEC. 203. PORTABILITY.*

*Section 8(r) of the United States Housing Act of 1937 (42 U.S.C. 1437f(r)) is amended—*

*(1) in paragraph (1)—*

*(A) by striking "assisted under subsection (b) or (o)" and inserting "receiving tenant-based assistance under subsection (o)"; and*

*(B) by striking "the same State" and all that follows before the semicolon and inserting "any area in which a program is being administered under this section";*

*(2) in paragraph (2), by striking the last sentence;*

*(3) in paragraph (3)—*

*(A) by striking "(b) or"; and*

*(B) by adding at the end the following: "The Secretary shall establish procedures for the compensation of public housing agencies that issue vouchers to families that move into or out of the jurisdiction of the public housing agency under portability procedures. The Secretary may reserve amounts available for assistance under subsection (o) to compensate those public housing agencies."; and*

*(4) by adding at the end the following:*

*"(5) LEASE VIOLATIONS.—A family may not receive a voucher from a public housing agency and move to another jurisdiction under the tenant-based assistance program if the family has moved out of the assisted dwelling unit of the family in violation of a lease.".*

### *SEC. 204. LEASING TO VOUCHER HOLDERS.*

*Section 8(t) of the United States Housing Act of 1937 (42 U.S.C. 1437f(t)) is amended to read as follows:*

*"(t) [Reserved.]".*

### *SEC. 205. HOMEOWNERSHIP OPTION.*

*Section 8(y) of the United States Housing Act of 1937 (42 U.S.C. 1437f(y)) is amended—*

*(1) in paragraph (1)—*

*(A) by striking "A family receiving" and all that follows through "if the family" and inserting the following: "A public housing agency providing tenant-based assistance on behalf of an eligible family under this section may provide assistance for an eligible family that purchases a dwelling unit (including a unit under a lease-purchase agreement) that will be owned by 1 or more members of the family, and will be occupied by the family, if the family";*

*(B) in subparagraph (A), by inserting before the semicolon ", or owns or is acquiring shares in a cooperative"; and*

*(C) in subparagraph (B), by striking "(i) participates" and all that follows through "(ii) demonstrates" and inserting "demonstrates";*

*(2) by striking paragraph (2) and inserting the following:*

*"(2) DETERMINATION OF AMOUNT OF ASSISTANCE.—*

*"(A) MONTHLY EXPENSES DO NOT EXCEED PAYMENT STANDARD.—If the monthly homeownership expenses, as determined in accordance with requirements established by the Secretary, do not exceed the payment standard, the monthly assistance payment shall be the amount by which the homeownership expenses exceed the highest of the following amounts, rounded to the nearest dollar:*

*"(i) Thirty percent of the monthly adjusted income of the family.*

*"(ii) Ten percent of the monthly income of the family.*

*"(iii) If the family is receiving payments for welfare assistance from a public agency, and a portion of those payments, adjusted in accordance with the actual housing costs of the family, is specifically designated by that agency to meet the housing costs of the family, the portion of those payments that is so designated.*

*"(B) MONTHLY EXPENSES EXCEED PAYMENT STANDARD.—If the monthly homeownership expenses, as determined in accordance with requirements established by the Secretary, exceed the payment standard, the monthly assistance payment shall be the amount by which the applicable payment standard exceeds the highest of the following amounts, rounded to the nearest dollar:*

*"(i) Thirty percent of the monthly adjusted income of the family.*

"(ii) Ten percent of the monthly income of the family.

"(iii) If the family is receiving payments for welfare assistance from a public agency and a part of those payments, adjusted in accordance with the actual housing costs of the family, is specifically designated by that agency to meet the housing costs of the family, the portion of those payments that is so designated.";

(4) by striking paragraphs (3) through (5); and

(5) by redesignating paragraphs (6) through (8) as paragraphs (3) through (5), respectively.

### SEC. 206. LAW ENFORCEMENT AND SECURITY PERSONNEL IN PUBLIC HOUSING.

Section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f) is amended by adding at the end the following:

"(cc) Law Enforcement and Security Personnel.—Notwithstanding any other provision of this Act, an owner may admit, and assistance may be provided to, police officers and other security personnel (who are not otherwise eligible for assistance under the Act), in the case of assistance attached to a structure. In addition, the Secretary may permit such special rent requirements to be accompanied by other terms and conditions of occupancy that the Secretary may consider appropriate and may require the owner to submit an application for special rent requirements which shall include such information as the Secretary, in the discretion of the Secretary, determines to be necessary.".

### SEC. 207. TECHNICAL AND CONFORMING AMENDMENTS.

(a) Lower Income Housing Assistance.—Section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f) is amended—

(1) in subsection (a), by striking the second and third sentences;

(2) in subsection (b)—

(A) in the subsection heading, by striking "Rental Certificates and"; and

(B) in the first undesignated paragraph—

(i) by striking "The Secretary" and inserting the following:

"(1) In general.—The Secretary"; and

(ii) by striking the second sentence;

(3) in subsection (c)—

(A) in paragraph (3)—

(i) by striking "(A)"; and

(ii) by striking subparagraph (B);

(B) in the first sentence of paragraph (4), by striking "or by a family that qualifies to receive" and all that follows through "1990";

(C) by striking paragraph (5) and redesignating paragraph (6) as paragraph (5);

(D) by striking paragraph (7) and redesignating paragraphs (8) through (10) as paragraphs (6) through (8), respectively;

(E) effective on October 1, 1997, in paragraph (7), as redesignated, by striking "housing certificates or vouchers under subsection (b) or" and inserting "a voucher under subsection"; and

(F) in paragraph (8), as redesignated, by striking "(9)" and inserting "(7)";

(4) in subsection (d)—

(A) in paragraph (1)(B)(iii), by striking "drug-related criminal activity or or near such premises" and inserting "violent or drug-related criminal activity on or off such premises, or any activity resulting in a felony conviction";

(B) in paragraph (2)—

(i) in subparagraph (A), by striking the third sentence and all that follows through the end of the subparagraph; and

(ii) by striking subparagraphs (B) through (E) and redesignating subparagraphs (F) through (H) as subparagraphs (B) through (D), respectively;

(5) in subsection (f)—

(A) in paragraph (6), by striking "(d)(2)" and inserting "(o)(11)"; and

(B) in paragraph (7)—

(i) by striking "(b) or"; and

(ii) by inserting before the period the following: "and that provides for the eligible family to select suitable housing and to move to other suitable housing";

(6) by striking subsection (j) and inserting the following:

"(j) [Reserved.]";

(7) by striking subsection (n) and inserting the following:

"(n) [Reserved.]";

(8) in subsection (q)—

(A) in the first sentence of paragraph (1), by striking "certificate and housing voucher programs under subsections (b) and (o)" and inserting "voucher program under this section";

(B) in paragraph (2)(A)(i), by striking "certificate and housing voucher programs under subsections (b) and (o)" and inserting "voucher program under this section"; and

(C) in paragraph (2)(B), by striking "certificate and housing voucher programs under subsections (b) and (o)" and inserting "voucher program under this section";

(9) in subsection (u)—

(A) in paragraph (2), by striking ", certificates"; and

(B) by striking "certificates or" each place that term appears; and

(10) in subsection (x)(2), by striking "housing certificate assistance" and inserting "tenant-based assistance".

(b) Public Housing Homeownership and Management Opportunities.—Section 21(b)(3) of the United States Housing Act of 1937 (42 U.S.C. 1437s(b)(3)) is amended—

(1) in the first sentence, by striking "(at the option of the family) a certificate under section 8(b)(1) or a housing voucher under section 8(o)" and inserting "tenant-based assistance under section 8"; and

(2) by striking the second sentence.

(c) Documentation of Excessive Rent Burdens.—Section 550(b) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 1437f note) is amended—

(1) in paragraph (1), by striking "assisted under the certificate and voucher programs established" and inserting "receiving tenant-based assistance";

(2) in the first sentence of paragraph (2)—

(A) by striking ", for each of the certificate program and the voucher program" and inserting "for the tenant-based assistance under section 8"; and

(B) by striking "participating in the program" and inserting "receiving tenant-based assistance"; and

(3) in paragraph (3), by striking "assistance under the certificate or voucher program" and inserting "tenant-based assistance under section 8 of the United States Housing Act of 1937".

(d) Grants for Community Residences and Services.—Section 861(b)(1)(D) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12910(b)(1)(D)) is amended by striking "certificates or vouchers" and inserting "assistance".

(e) Section 8 Certificates and Vouchers.—Section 931 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 1437c note) is amended by striking "assistance under the certificate and voucher programs under sections 8(b) and (o) of such Act" and inserting "tenant-based assistance under section 8 of the United States Housing Act of 1937".

(f) Assistance for Displaced Residents.—Section 223(a) of the Housing and Community Development Act of 1987 (12 U.S.C. 4113(a)) is amended by striking "assistance under the certificate and voucher programs under sections 8(b) and 8(o)" and inserting "tenant-based assistance under section 8".

(g) Rural Housing Preservation Grants.—Section 533(a) of the Housing Act of 1949 (42 U.S.C. 1490m(a)) is amended in the second sentence by striking "assistance payments as provided by section 8(o)" and inserting "tenant-based assistance as provided under section 8".

(h) Repeal of Moving to Opportunities for Fair Housing Demonstration.—Section 152 of the Housing and Community Development Act of 1992 (42 U.S.C. 1437f note) is repealed.

(i) Preferences for Elderly Families and Persons.—Section 655 of the Housing and Community Development Act of 1992 (42 U.S.C. 13615) is amended by striking "the first sentence of section 8(o)(3)(B)" and inserting "section 8(o)(6)(A)".

(j) Assistance for Troubled Multifamily Housing Projects.—Section 201(m)(2)(A) of the Housing and Community Development Amendments of 1978 (12 U.S.C. 1715z–1a(m)(2)(A)) is amended by striking "section 8(b)(1)" and inserting "section 8".

(k) Management and Disposition of Multifamily Housing Projects.—Section 203(g)(2) of the Housing and Community Development Amendments of 1978 (12 U.S.C. 1701z–11(g)(2)) is amended by striking "8(o)(3)(B)" and inserting "8(o)(6)(A)".

### SEC. 208. IMPLEMENTATION.

In accordance with the negotiated rulemaking procedures set forth in subchapter III of chapter 5 of title 5, United States Code, the Secretary shall issue such regulations as may be necessary to implement the amendments made by this title after notice and opportunity for public comment.

### SEC. 209. DEFINITION.

In this title, the term "public housing agency" has the same meaning as section 3 of the United States Housing Act of 1937, except that such term shall also include any other nonprofit entity serving more than 1 local government jurisdiction that was administering the section 8 tenant-based assistance program pursuant to a contract with the Secretary or a public housing agency prior to the date of enactment of this Act.

### SEC. 210. EFFECTIVE DATE.

(a) In General.—The amendments made by this title shall become effective not later than 1 year after the date of enactment of this Act.

(b) Conversion Assistance.—

(1) In general.—The Secretary may provide for the conversion of assistance under the certificate and voucher programs under subsections (b) and (o) of section 8 of the United States Housing Act of 1937, as those sections existed on the day before the effective date of the amendments made by this title, to the voucher program established by the amendments made by this title.

(2) Continued applicability.—The Secretary may apply the provisions of the United States Housing Act of 1937, or any other provision of law amended by this title, as those provisions existed on the day before the effective date of the amendments made by this title, to assistance obligated by the Secretary before that effective date for the certificate or voucher program under section 8 of the United States Housing Act of 1937, if the Secretary determines that such action is necessary for simplification of program administration, avoidance of hardship, or other good cause.

### SEC. 211. RECAPTURE AND REUSE OF ANNUAL CONTRIBUTION CONTRACT PROJECT RESERVES UNDER THE TENANT-BASED ASSISTANCE PROGRAM.

Section 8(d) of the United States Housing Act of 1937 is amended by adding at the end the following:

"(5) Recapture and reuse of annual contribution contract project reserves.—

"(A) Recapture.—To the extent that the Secretary determines that the amount in the annual contribution contract reserve account under a contract with a public housing agency for tenant-based assistance under this section is in excess of the amount needed by the public housing agency, the Secretary shall recapture such excess amount.

"(B) REUSE.—The Secretary may hold any amounts under this paragraph in reserve until needed to amend or renew an annual contributions contract with any public housing agency.".

## TITLE III—SAFETY AND SECURITY IN PUBLIC AND ASSISTED HOUSING

### SEC. 301. SCREENING OF APPLICANTS.

(a) INELIGIBILITY BECAUSE OF PAST EVICTIONS.—

(1) IN GENERAL.—Any household or member of a household evicted from federally assisted housing (as that term is defined in section 305(a)) by reason of drug-related criminal activity (as that term is defined in section 305(c)) or for other serious violations of the terms or conditions of the lease shall not be eligible for federally assisted housing—

(A) in the case of eviction by reason of drug-related criminal activity, for a period of not less than 3 years from the date of the eviction unless the evicted member of the household successfully completes a rehabilitation program; and

(B) for other evictions, for a reasonable period of time as determined by the public housing agency or owner of the federally assisted housing, as applicable.

(2) WAIVER.—The requirements of subparagraphs (A) and (B) of paragraph (1) may be waived if the circumstances leading to eviction no longer exist.

(b) INELIGIBILITY OF ILLEGAL DRUG USERS AND ALCOHOL ABUSERS.—Notwithstanding any other provision of law, a public housing agency or an owner of federally assisted housing, or both, as determined by the Secretary, shall establish standards that prohibit admission to the program or admission to federally assisted housing for any household with a member—

(1) who the public housing agency or the owner determines is engaging in the illegal use of a controlled substance; or

(2) with respect to whom the public housing agency or the owner determines that it has reasonable cause to believe that such household member's illegal use (or pattern of illegal use) of a controlled substance, or abuse (or pattern of abuse) of alcohol would interfere with the health, safety, or right to peaceful enjoyment of the premises by other residents.

(c) CONSIDERATION OF REHABILITATION.—In determining whether, pursuant to subsection (b)(2), to deny admission to the program or to federally assisted housing to any household based on a pattern of illegal use of a controlled substance or a pattern of abuse of alcohol by a household member, a public housing agency or an owner may consider whether such household member—

(1) has successfully completed a supervised drug or alcohol rehabilitation program (as applicable) and is no longer engaging in the illegal use of a controlled substance or abuse of alcohol (as applicable);

(2) has otherwise been rehabilitated successfully and is no longer engaging in the illegal use of a controlled substance or abuse of alcohol (as applicable); or

(3) is participating in a supervised drug or alcohol rehabilitation program (as applicable) and is no longer engaging in the illegal use of a controlled substance or abuse of alcohol (as applicable).

(d) ILLEGAL USE OF CONTROLLED SUBSTANCES OR ABUSE OF ALCOHOL.—

(1) RELEASES.—

(A) IN GENERAL.—A public housing agency may require each person who applies for admission to public housing or for assistance under section 8(o) of the United States Housing Act of 1937 to sign one or more appropriate releases authorizing the public housing agency to obtain written information related solely to the applicant's current illegal use (or pattern of illegal use) of a controlled substance, or abuse (or pattern of abuse) of alcohol, in order to assist a public housing agency in determining an applicant's eligibility for such admission or assistance, including determining whether—

(i) the applicant is or is not illegally using a controlled substance; or

(ii) there is reasonable cause to believe that the applicant's illegal use (or pattern of illegal use) of a controlled substance, or abuse (or pattern of abuse) of alcohol, may interfere with the health, safety, or right to peaceful enjoyment of the premises by other residents of the project.

(B) LIMITATION.—For purposes of this paragraph, a public housing agency may only require an applicant to sign a release (or releases) if the public housing agency requires all of its applicants to sign such release or releases.

(2) PROVISION OF INFORMATION.—

(A) IN GENERAL.—Notwithstanding any other provision of law other than this subsection, upon the written request of a public housing agency that meets the requirements of subparagraph (B), a physician, drug or alcohol treatment center, medical center, medical clinic, detoxification center, hospital, drug or alcohol treatment program, the National Crime Information Center, police department, or any other law enforcement agency, shall provide to the public housing agency information described in paragraph (1) with respect to an applicant.

(B) REQUIREMENTS.—For purposes of subparagraph (A) a request by a public housing agency meets the requirements of this subparagraph if it includes a written authorization, signed by such applicant, for the release of information described in paragraph (1) to the public housing agency.

(3) FEE.—A public housing agency may be charged a reasonable fee for information provided under this subsection.

(4) RECORDS MANAGEMENT.—Each public housing agency that receives information under this subsection shall establish and implement a system of records management that ensures that any information received by the public housing agency under this subsection is—

(A) maintained confidentially;

(B) not misused or improperly disseminated; and

(C) destroyed in a timely fashion, once the purpose for which the information was requested has been accomplished.

(5) LIMITATION.—For purposes of this subsection, a public housing agency shall be prohibited from—

(A) requesting any information that does not relate solely to an applicant's current illegal use (or pattern of illegal use) of a controlled substance, or abuse (or pattern of abuse) of alcohol; or

(B) receiving the actual records from which information has been obtained related to the applicant's current illegal use (or pattern of illegal use) of a controlled substance, or abuse (or pattern of abuse) of alcohol.

(6) EFFECTIVE DATE.—This subsection shall take effect upon enactment and without the necessity of guidance from, or regulations issued by, the Secretary.

(e) AUTHORITY TO REQUIRE ACCESS TO CRIMINAL RECORDS.—A public housing agency may require, as a condition of providing admission to the public housing program or assisted housing program under the jurisdiction of the public housing agency, that each adult member of the household provide a signed, written authorization for the public housing agency to obtain records described in section 304 regarding such member of the household from the National Crime Information Center, police departments, and other law enforcement agencies.

### SEC. 302. TERMINATION OF TENANCY AND ASSISTANCE.

(a) TERMINATION OF TENANCY AND ASSISTANCE FOR ILLEGAL DRUG USERS AND ALCOHOL ABUSERS.—Notwithstanding any other provision of law, a public housing agency or an owner of federally assisted housing, as applicable, shall establish standards or lease provisions for continued assistance or occupancy in federally assisted housing that allow a public housing agency or the owner, as applicable, to terminate the tenancy or assistance for any household with a member—

(1) who the public housing agency or owner determines is engaging in the illegal use of a controlled substance; or

(2) whose illegal use of a controlled substance, or whose abuse of alcohol, is determined by the public housing agency or owner to interfere with the health, safety, or right to peaceful enjoyment of the premises by other residents.

(b) TERMINATION OF ASSISTANCE FOR SERIOUS OR REPEATED LEASE VIOLATION.—Notwithstanding any other provision of law, the public housing agency must terminate tenant-based assistance for all household members if the household is evicted from assisted housing for serious or repeated violation of the lease.

### SEC. 303. LEASE REQUIREMENTS.

In addition to any other applicable lease requirements, each lease for a dwelling unit in federally assisted housing shall provide that, during the term of the lease—

(1) the owner may not terminate the tenancy except for serious or repeated violation of the terms and conditions of the lease, violation of applicable Federal, State, or local law, or other good cause; and

(2) grounds for termination of tenancy shall include any activity, engaged in by the resident, any member of the resident's household, any guest, or any other person under the control of any member of the household, that—

(A) threatens the health or safety of, or right to peaceful enjoyment of the premises by, other residents or employees of the public housing agency, owner, or other manager of the housing;

(B) threatens the health or safety of, or right to peaceful enjoyment of their residences by, persons residing in the immediate vicinity of the premises; or

(C) is drug-related or violent criminal activity on or off the premises, or any activity resulting in a felony conviction.

### SEC. 304. AVAILABILITY OF CRIMINAL RECORDS FOR PUBLIC HOUSING RESIDENT SCREENING AND EVICTION.

(a) IN GENERAL.—

(1) PROVISION OF INFORMATION.—Notwithstanding any other provision of law other than paragraphs (2) and (3), upon the request of a public housing agency, the National Crime Information Center, a police department, and any other law enforcement agency shall provide to the public housing agency information regarding the criminal conviction records of an adult applicant for, or residents of, the public housing program or assisted housing program under the jurisdiction of the public housing agency for purposes of applicant screening, lease enforcement, and eviction, but only if the public housing agency requests such information and presents to such Center, department, or agency a written authorization, signed by such applicant, for the release of such information to such public housing agency.

(2) EXCEPTION.—A law enforcement agency described in paragraph (1) shall provide information under this paragraph relating to any

*criminal conviction of a juvenile only to the extent that the release of such information is authorized under the law of the applicable State, tribe, or locality.*

*(b) OPPORTUNITY TO DISPUTE.—Before an adverse action is taken with regard to assistance for public housing on the basis of a criminal record, the public housing agency shall provide the resident or applicant with a copy of the criminal record and an opportunity to dispute the accuracy and relevance of that record.*

*(c) FEE.—A public housing agency may be charged a reasonable fee for information provided under subsection (a).*

*(d) RECORDS MANAGEMENT.—Each public housing agency that receives criminal record information under this section shall establish and implement a system of records management that ensures that any criminal record received by the agency is—*

*(1) maintained confidentially;*

*(2) not misused or improperly disseminated; and*

*(3) destroyed in a timely fashion, once the purpose for which the record was requested has been accomplished.*

*(e) DEFINITION OF ADULT.—In this section, the term "adult" means a person who is 18 years of age or older, or who has been convicted of a crime as an adult under any Federal, State, or tribal law.*

### SEC. 305. DEFINITIONS.

*In this title:*

*(1) FEDERALLY ASSISTED HOUSING.—The term "federally assisted housing" means a unit in—*

*(A) public housing under the United States Housing Act of 1937;*

*(B) housing assisted under section 8 of the United States Housing Act of 1937 including both tenant-based assistance and project-based assistance;*

*(C) housing that is assisted under section 202 of the Housing Act of 1959 (as amended by section 801 of the Cranston-Gonzalez National Affordable Housing Act);*

*(D) housing that is assisted under section 202 of the Housing Act of 1959 (as in existence immediately before the date of enactment of the Cranston-Gonzalez National Affordable Housing Act); and*

*(E) housing that is assisted under section 811 of the Cranston-Gonzalez National Affordable Housing Act.*

*(2) DRUG-RELATED CRIMINAL ACTIVITY.—The term "drug-related criminal activity" means the illegal manufacture, sale, distribution, use, or possession with intent to manufacture, sell, distribute, or use, of a controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)).*

*(3) OWNER.—The term "owner" means, with respect to federally assisted housing, the entity or private person, including a cooperative or public housing agency, that has the legal right to lease or sublease dwelling units in such housing.*

### SEC. 306 CONFORMING AMENDMENTS.

*Section 6 of the United States Housing Act of 1937 (42 U.S.C. 1437d) is amended—*

*(1) in subsection (l) (as amended by section 107(f) of this Act)—*

*(A) by striking paragraphs (4) and (5);*

*(B) by striking the last sentence; and*

*(C) by redesignating paragraphs (6) through (8) as paragraphs (4) through (6), respectively;*

*(2) by striking subsections (q) and (r); and*

*(3) by redesignating subsection (s) (as added by section 109 of this Act) as subsection (q).*

## TITLE IV—MISCELLANEOUS PROVISIONS

### SEC. 401. PUBLIC HOUSING FLEXIBILITY IN THE CHAS.

*Section 105(b) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12705(b)) is amended—*

*(1) by redesignating the second paragraph designated as paragraph (17) (as added by section 681(2) of the Housing and Community Development Act of 1992) as paragraph (20);*

*(2) by redesignating paragraph (17) (as added by section 220(b)(3) of the Housing and Community Development Act of 1992) as paragraph (19);*

*(3) by redesignating the second paragraph designated as paragraph (16) (as added by section 220(c)(1) of the Housing and Community Development Act of 1992) as paragraph (18);*

*(4) in paragraph (16)—*

*(A) by striking the period at the end and inserting a semicolon; and*

*(B) by striking "(16)" and inserting "(17)";*

*(5) by redesignating paragraphs (11) through (15) as paragraphs (12) through (16), respectively; and*

*(6) by inserting after paragraph (10) the following:*

*"(11) describe the manner in which the plan of the jurisdiction will help address the needs of public housing and is consistent with the local public housing agency plan under section 5A of the United States Housing Act of 1937;".*

### SEC. 402. DETERMINATION OF INCOME LIMITS.

*(a) IN GENERAL.—Section 3(b)(2) of the United States Housing Act of 1937 (42 U.S.C. 1437a(b)(2)) is amended—*

*(1) in the fourth sentence—*

*(A) by striking "County," and inserting "and Rockland Counties"; and*

*(B) by inserting "each" before "such county"; and*

*(2) in the fifth sentence, by striking "County" each place that term appears and inserting "and Rockland Counties".*

*(b) REGULATIONS.—Not later than 90 days after the date of enactment of this Act, the Secretary shall issue regulations implementing the amendments made by subsection (a).*

### SEC. 403. DEMOLITION OF PUBLIC HOUSING.

*Notwithstanding any other provision of law, beginning on the date of enactment of this Act, the public housing projects described in section 415 of the Department of Housing and Urban Development—Independent Agencies Appropriations Act, 1988 (as in existence on April 25, 1996) shall be eligible for demolition under—*

*(1) section 9 of the United States Housing Act of 1937, as amended by this Act; and*

*(2) section 14 of the United States Housing Act of 1937, as that section existed on the day before the date of enactment of this Act.*

### SEC. 404. TECHNICAL CORRECTION OF PUBLIC HOUSING AGENCY OPT-OUT AUTHORITY.

*Section 214(h)(2)(A) of the Housing and Community Development Act of 1980 (42 U.S.C. 1436(h)(2)(A)) is amended by striking "this section" and inserting "paragraph (1) of this subsection".*

### SEC. 405. REVIEW OF DRUG ELIMINATION PROGRAM CONTRACTS.

*(a) REQUIREMENT.—The Secretary shall investigate all security contracts awarded by grantees under the Public and Assisted Housing Drug Elimination Act of 1990 (42 U.S.C. 11901 et seq.) that are public housing agencies that own or operate more than 4,500 public housing dwelling units—*

*(1) to determine whether the contractors under such contracts have complied with all laws and regulations regarding prohibition of discrimination in hiring practices;*

*(2) to determine whether such contracts were awarded in accordance with the applicable laws and regulations regarding the award of such contracts;*

*(3) to determine how many such contracts were awarded under emergency contracting procedures;*

*(4) to evaluate the effectiveness of the contracts; and*

*(5) to provide a full accounting of all expenses under the contracts.*

*(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall complete the investigation required under subsection (a) and submit a report to Congress regarding the findings under the investigation. With respect to each such contract, the report shall—*

*(1) state whether the contract was made and is operating, or was not made or is not operating, in full compliance with applicable laws and regulations; and*

*(2) for each contract that the Secretary determines is in such compliance issue a personal certification of such compliance by the Secretary.*

*(c) ACTIONS.—For each contract that is described in the report under subsection (b) as not made or not operating in full compliance with applicable laws and regulations, the Secretary shall promptly take any actions available under law or regulation that are necessary—*

*(1) to bring such contract into compliance; or*

*(2) to terminate the contract.*

*(d) EFFECTIVE DATE.—This section shall take effect on the date of the enactment of this Act.*

### SEC. 406. SENSE OF CONGRESS.

*It is the sense of Congress that, each public housing agency involved in the selection of residents under the United States Housing Act of 1937 (including section 8 of that Act) should, consistent with the public housing agency plan of the public housing agency, consider preferences for individuals who are victims of domestic violence.*

### SEC. 407. OTHER REPEALS.

*The following provisions of law are repealed:*

*(1) REPORT REGARDING FAIR HOUSING OBJECTIVES.—Section 153 of the Housing and Community Development Act of 1992 (42 U.S.C. 1437f note).*

*(2) SPECIAL PROJECTS FOR ELDERLY OR HANDICAPPED FAMILIES.—Section 209 of the Housing and Community Development Act of 1974 (42 U.S.C. 1438).*

*(3) MISCELLANEOUS PROVISIONS.—Subsections (b)(1), (c), and (d) of section 326 of the Housing and Community Development Amendments of 1981 (Public Law 97–35, 95 Stat. 406; 42 U.S.C. 1437f note).*

*(4) PUBLIC HOUSING CHILDHOOD DEVELOPMENT.—Section 222 of the Housing and Urban-Rural Recovery Act of 1983 (12 U.S.C. 1701z–6 note).*

*(5) INDIAN HOUSING CHILDHOOD DEVELOPMENT.—Section 518 of the Cranston-Gonzalez National Affordable Housing Act (12 U.S.C. 1701z–6 note).*

*(6) PUBLIC HOUSING ONE-STOP PERINATAL SERVICES DEMONSTRATION.—Section 521 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 1437t note).*

*(7) PUBLIC HOUSING MINCS DEMONSTRATION.—Section 522 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 1437f note).*

*(8) PUBLIC HOUSING ENERGY EFFICIENCY DEMONSTRATION.—Section 523 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 1437g note).*

*(9) PUBLIC AND ASSISTED HOUSING YOUTH SPORTS PROGRAMS.—Section 520 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 11903a).*

Mr. MACK. Mr. President, I am pleased to bring to the floor S. 462, the Public Housing Reform and Responsibility Act of 1997. This bill is similar to public and assisted housing reform legislation, S. 1260, that was introduced in the 104th Congress and passed unanimously by this body.

The Public Housing Reform and Responsibility Act of 1997 addresses a public housing system fraught with counterproductive rules and regulations that make it impossible for even the best run public housing authorities [PHA's] to operate effectively and efficiently. It will help to make public housing a platform from which residents can achieve the goal of economic independence and self-sufficiency. In addition, it promotes increased residential choice and mobility by increasing opportunities for residents to use tenant-based assistance.

The following reforms contained in the Public Housing Reform and Responsibility Act represent significant improvements in current public and assisted housing policies.

First, the bill consolidates a multitude of programs into two flexible block grants to expand the eligible uses of funds and allow more creative and efficient use of resources. The bill also repeals a number of current programs that are obsolete, unused, or unfunded.

Second, it institutes permanent rent reforms such as ceiling rents, earned income adjustments, and minimum rents that provide PHA's with the tools to develop rental policies that encourage and reward work and further the goal of creating mixed-income communities. The bill also removes the floor on rents that may be charged under the Brooke amendment, while assuring that poor families will not pay more than 30 percent of their income for rent.

Third, S. 462 requires tough, swift action against PHA's with severe management deficiencies and provides HUD or court-appointed receivers with the necessary tools and powers to deal with troubled agencies and protect public housing residents.

Fourth, it requires intervention with respect to severely distressed public housing developments that trap residents in deplorable living conditions and are costly to operate or maintain. It provides residents with alternative housing using vouchers or other available housing.

Fifth, the bill permanently repeals the one-for-one replacement requirement and streamlines the demolition and disposition process to permit PHA's to demolish or sell vacant or obsolete public housing.

Sixth, it gives PHA's broad flexibility to develop or participate with other providers of affordable housing in the development of mixed-income, mixed finance developments.

Seventh, it repeals Federal preferences that have had the unintended consequence of concentrating the poorest of the poor in public housing developments and allows PHA's to operate according to locally established preferences consistent with local housing needs. The bill still maintains the requirement that most housing assistance be targeted to very low-income households.

Eighth, the Public Housing Reform and Responsibility Act calls on PHA's to increase coordination with State and local welfare agencies to ensure that welfare recipients living in public housing will have the full opportunity to move from welfare to work.

Ninth, the bill provides residents with an active voice in developing the local PHA plans that will govern the operations and management of housing and for direct participation on housing authority boards of directors. It also authorizes funds for resident organizations to develop resident management and empowerment activities.

Finally, S. 462 merges the section 8 voucher and certificate programs into a single, choice-based program designed to operate more effectively in the private marketplace. It repeals requirements that are administratively burdensome to landlords, such as "take-one, take-all," endless lease and 90-day termination notice requirements. These reforms will make participation in the section 8 tenant-based program more attractive to private landlords and increase housing choices for lower income families.

The reforms contained in this legislation will significantly improve the Nation's public housing and tenant-based rental assistance program and the lives of those who reside in federally assisted housing. The funding flexibility, substantial deregulation of the day-to-day operations and policies of public authorities, encouragement of mixed-finance developments, policies to deal with distressed and troubled public housing, and rent reforms will change the face of public housing for PHA's, residents, and local communities.

Reform of the public housing system has been and remains a bipartisan effort in the Senate. I want to thank the chairman of the Banking Committee, Senator D'AMATO for his strong and steadfast support of public housing reform. Further, I appreciate the commitment of the ranking member of the Committee, Senator SARBANES, and the ranking member of the Housing Subcommittee, Senator KERRY, to the reform effort.

S. 462 represents the input of many members of this body as well as the administration. Since the unanimous approval of this legislation by the Banking Committee on May 8, we have worked to make a number of needed technical changes to the bill. In addition, the managers amendment to the bill reflects a number of policy changes that have bipartisan support.

First, the amendment revises the income targeting provisions for public and section 8 tenant-based housing contained in the committee-passed bill. Most important, the amendment would increase the percentage of section 8 tenant based assistance that would be targeted to families with very low incomes.

Second, the managers amendment modifies an amendment initially approved by the Banking Committee, which permits housing authorities to require applicants for public housing to sign a release for information concerning the applicant's illegal drug use. I appreciate the willingness of the sponsor of the amendment, Senator GRAMS, to work with Senators LEAHY, KENNEDY, KERRY, and JEFFORDS to address their concerns about the confidentiality of medical records and potential conflicts with other statutes.

As reflected in the managers amendment, the Grams amendment will not supersede the Public Health Service Act, and is not intended to abrogate or otherwise limit any provision of the Public Health Service Act, or the regulations issued pursuant to the Public Health Service Act. Any action pursuant to this provision must be taken in conformance with the Public Health Service Act.

Finally, the bill contains an amendment proposed by Senator GRAMM, along with Senator D'AMATO, to prohibit the admission of sexually violent predators into public and assisted housing and provide housing authorities access to records on past convictions. One of the important purposes of S. 462 is to incorporate measures which reduce crime and increase the safety and security of residents of public and assisted housing. This amendment is an important and useful contribution to meeting the goals of the legislation.

I urge the passage of S. 462, so that we can begin the process of reconciling our differences with the House-passed version of public housing reform.

Mr. KERRY. Mr. President, I rise in support of S. 462 and urge all my colleagues to support this public housing reform legislation.

I want to thank Senator MACK, chairman of the Housing Subcommittee and his excellent staff for their great work on this legislation. Senator MACK has proved to be a tireless partner in trying to put together a consensus piece of legislation. I also want to thank Senator SARBANES for his active participation in drafting the current compromise language.

Finally, I want to congratulate Senator D'AMATO for shepherding this important piece of housing legislation through the Senate for the second year in a row. He has taken an active interest in this and other housing legislation which helps to put our Nation's housing policy on a more sound and fiscally responsible foundation.

This is an important piece of legislation. It contains many of the key ingredients needed to bring the public housing program back to health. It includes many important management reforms requested by Secretary Cuomo that will make HUD a more efficient and responsive organization, a direction in which we can all agree the Department must move.

The bill gives local public housing authorities both new powers and new flexibility to define and meet local housing needs. At the same time, it makes the consequences for failing to meet those needs more certain and more severe.

This bill eliminates many of the provisions of current law that numerous critics have pointed to as causes for the decline of public housing, provisions such as Federal preferences and one for one replacement. While well-meaning, these laws have had the unintended consequence of contributing to an image—and in some cases the reality—of public housing projects as islands of desperate poverty, ridden by crime and joblessness.

By repealing these laws, the Senate bill gives local housing officials much more independence. They will have to identify the housing needs in their communities and address them in a more effective way that avoids the pitfalls of the past. This is a significant new responsibility. Many housing authorities have already proven to be extremely creative and innovative. For those, this bill will prove to be a huge benefit to the residents, the PHA's, and their communities as a whole.

As part of this bargain, we now require housing authorities to devote a greater number of the rental assistance vouchers to serve extremely low income families. This is an important improvement that has been made in the legislation since the committee approved it, and I thank Chairman MACK for his cooperation in achieving this goal.

We have also expanded and improved the opportunities for residents to be informed about and participate in the public housing planning process. Residents will be able to take a more active role in the provision of services to other public housing residents. I strongly support these initiatives.

Other PHA's will have a more difficult time with the transition to greater independence. HUD will have to continue to have a significant oversight role in these areas. But as HUD's staff and authority diminish, I look to the residents of public housing to exercise their voices and participate enthusiastically and aggressively in the PHA's plans and activities, along the lines established by this bill. In the long run, it is the residents who will be the best watchdogs. We must make sure they are adequately empowered to exercise this function effectively.

In the long run, Mr. President, I hope this bill, when enacted into law, will make public housing the kind of showcase to which we can proudly point to in seeking the additional resources we need to really start addressing the affordable housing crisis affecting so many of our States, from my own State of Massachusetts, to New York, California, Utah, and elsewhere. That will be the measure of success I will use in the years to come.

Mr. D'AMATO. Mr. President, I rise today in strong support of the Public Housing Reform and Responsibility Act of 1997 (S. 462). With the passage of this important legislation, the Senate today renews its commitment to ensuring that every American family has a decent, safe and affordable home. The bill builds upon and improves those aspects of the Nation's public and assisted housing programs which are working well and takes dramatic and vital steps to eliminate areas of failure in the system.

This legislation recognizes that the vast majority of public housing is well-managed and provides over 1 million American families, elderly and disabled with decent, safe and affordable housing. However, housing and social policy concerns, as well as Federal budget constraints, dictate the need for reform. The reform measures contained in S. 462 will reduce the costs of public and assisted housing to the Federal Government by streamlining regulations, facilitating the formation of local partnerships and leveraging additional State, local, and private resources to improve the quality of the existing stock. These changes will help ensure that Federal funds can be used more efficiently in order to serve additional families through the creation of mixed income communities.

This legislation represents the culmination of over 2 years of a bipartisan, consensus-building effort to enhance and revitalize affordable housing throughout the Nation. This fruitful effort has been led by Senator CONNIE MACK, chairman of the Subcommittee on Housing and Community Opportunity, whom I salute for his determination and commitment to an informed and reasoned approach in confronting issues of enormous complexity. Senator MACK has sought input from the administration, resident groups, public housing authorities, low-income housing advocates, nonprofit organizations and state and local officials who are responsible for implementing the Federal requirements established by Congress.

Mr. President, this legislation makes several critical improvements to the Nation's public and assisted housing system. It will protect our residents by maintaining the Brooke amendment, which caps rents at 30-percent of a tenant's income, and mandating tenant participation. It will institute reasonable rent requirements to encourage welfare recipients who currently receive housing subsidies to move to work. It will expand homeownership opportunities for low and moderate income families. The bill will speed the demolition of distressed housing projects through the repeal of the one-for-one replacement requirement. Also, the section 8 tenant-based voucher and certificate programs will be combined into a single, streamlined voucher system. The needless confusion which results from the differing rules and regulations of these two separate programs will be eliminated in order to increase the participation of private landlords in a unified, simplified system

This legislation recognizes that every American deserves to live in a safe and secure community. To achieve that goal, a number of important provisions have been added to the legislation at my request. The legislation will allow HUD to waive rent and income requirements to permit police officers a lower rent as an inducement to living in public and assisted housing. Loopholes in the current law which allow drug dealers and violent criminals to escape eviction if they commit their crimes off the premises of the public housing authority will be eliminated. In addition, public housing authorities will be judged and rated based on the effectiveness of their anticrime policies, and their coordination with local law enforcement and tenant organizations in developing and implementing anticrime strategies.

I would like to highlight one important anticrime provision which has recently been added to the legislation. This provision would mandate the exclusion of child molesters and sexually violent predators from receiving Federal housing assistance. In addition, local public housing agencies would be granted access to the Federal Bureau of Investigation's [FBI] national database on sexually violent offenders. This improved records access provision is critical to ensuring that these offenders are properly screened out. I would like to thank my colleague Senator GRAMM for joining with me in ensuring that the families and children who live in public housing are protected from convicted sex offenders. Senator GRAMM's leadership as the sponsor of the Pam Lychner Sexual Offender Tracking and Identification Act of 1996 (Public Law 104-236), which established the FBI database, and his diligence in bringing this issue to the attention of the committee are to be commended

Mr. President, the reform provisions contained in this bill will greatly improve the quality of life of the families residing in public and assisted housing and will help to ensure the long-term viability of our Nation's existing stock of affordable housing. I thank my colleagues on the Senate Banking Committee for their hard work and spirit of bipartisan compromise which they have shown throughout the process. I respectfully urge this legislation's speedy passage.

Mr. SARBANES. Mr. President, I rise in support of S. 462, the Public Housing Reform and Responsibility Act of 1997.

This bill is the culmination of months of hard work and careful consideration. It represents the collective wisdom of housing authority directors, public housing residents and resident organizations, local elected officials, and experts at HUD. As a result of this open, inclusive, and bipartisan process, this bill represents widespread agreement among stakeholders.

I want to take a moment to extend my special thanks to Senator MACK for his hard work over the past 3 years to get us to this point. Senator MACK has worked tirelessly to listen to every argument, to entertain every question, and to consider every opinion as we moved this bill from introduction through the committee and now to the floor. He has proven to be responsive to serious concerns and has shown the willingness and ability to build coalitions in the interest of getting legislation passed. I greatly appreciate his willingness to work with me and my colleagues to produce this important piece of legislation.

Likewise, I want to thank Senator KERRY, the ranking member of the Housing Subcommittee. Senator KERRY has long been one of the chief advocates for public and assisted housing in the Congress of the United States. This public housing bill, particularly in its efforts to target assistance to those most in need, reflects Senator KERRY's indelible stamp.

Finally, I greatly appreciate the skill with which Senator D'AMATO has managed this bill and other important legislation, such as the mark-to-market proposal. He has been an important partner in the success we are achieving here tonight.

Mr. President, public housing is the program everyone loves to hate. It is easy to understand why; bad high-rise public housing projects are easy targets for the press. These projects are magnets for crime and drugs. They stick out like sore thumbs and ruin whole neighborhoods.

But the fact is that most public housing is good housing. In fact, in most communities around the country, public housing cannot be distinguished from the private housing stock that surrounds it. Most people don't even know when public housing is in their neighborhoods.

Many of the provisions of S. 462 will help make the public housing program a more effective program. It will give local housing authorities greater autonomy, and greater responsibility, to meet the housing needs in their communities. It will provide for a broader, more economically diverse mix in public housing, which experts universally agree is necessary to create healthier communities. The bill includes important provisions to encourage public housing residents to go to work by delaying any rent increases that would otherwise accompany income gains.

The bill will expedite the demolition of bad public housing, which has been a point of emphasis for both Secretary Cuomo and former Secretary Cisneros. It will enable HUD to set aside bad public housing management more quickly and replace it with the type of professionals that can turn these agencies around. Many of the reforms in this bill will result in spending taxpayers dollars more efficiently and effectively, and in residents benefiting from imported conditions.

Again, I want to thank my colleagues for their cooperation, and I look forward to continuing to move forward to conference in a bipartisan spirit. I urge my colleagues to adopt this legislation.

Mr. ALLARD. Mr. President, I believe the public housing bill is sound legislation and would like to extend my appreciation to the chairman and the subcommittee staff for all of their hard work.

I would especially like to thank the chairman for working with me to include two provisions in the public housing bill. One measure would make vouchers available for Public Housing residents who are victims of crime. This provision would give them the chance to live in better surroundings. Also included in the bill is a Housing Cost Commission to determine the full cost to the Federal Government of each of the housing programs administered by HUD. The data from this Commission will be available for Congress as it works to improve the efficiency and quality of federally assisted housing programs.

I appreciate being able to work together for the goal of improving our public housing system and ensuring that these programs provide necessary assistance to low income individuals while giving them an opportunity to help themselves.

Mr. GRAMS. Mr. President, today, I rise in support of S. 462, the Public Housing Reform and Responsibility Act. This bill is compassionate legislation that provides much-needed regulatory relief and commonsense reform for public housing in America. I am proud to be an original cosponsor of S. 462. It makes permanent the reform measures that have been added onto recent appropriations bills. It provides much needed additional regulatory relief and paperwork reduction to well-managed public housing agencies. It imposes tougher penalties on troubled housing authorities. And finally, it strengthens the ability of authorities to improve the safety of their tenants by enhancing their powers of screening and eviction.

S. 462 makes permanent various reform measures that have been approved in appropriations bills during the last 3 years. It permanently repeals Federal preferences that have had the unintended consequence of concentrating the poorest of the poor in public housing developments and allows housing authorities to operate according to locally established preferences consistent with local housing needs. The bill still maintains the requirement that most housing assistance be targeted to very low-income households. S. 462 also repeals the one-for-one replacement requirement and streamlines the demolition and disposition process to permit housing authorities to demolish or sell vacant or obsolete public housing.

S. 462 also provides much needed additional regulatory relief and paperwork reduction to public housing agencies. The bill significantly reduces the complexity that public housing authorities have in receiving funding. S. 462 consolidates a multitude of programs into two flexible block grants to expand the eligible uses of funds and allow a public housing agency to more efficiently and creatively use its available resources.

The bill also repeals the highly burdensome requirements of the Family Self Sufficiency Program, which was passed in 1990 as part of the National Affordable Housing Act. Congress now recognizes that, while well-intentioned, FSS was an unfunded mandate that placed enormous administrative burden on public housing agencies. I believe that public housing agencies should be permitted to direct all of their energies to provide safe and affordable housing to low-income families, senior citizens, and the disabled. Public housing agencies should not have to drain their scarce resources to do the work better suited to county social service agencies.

More importantly, however, the FSS mandate has been made unnecessary by the enactment last year of the landmark welfare reform bill. Because there will be 50 locally determined welfare reform laws, these laws are the more appropriate vehicle for moving public housing families from welfare to work.

While providing much needed regulatory relief to well-managed public housing agencies, S. 462 also imposes tough, new penalties for troubled authorities. I am very supportive of swift and strong action to correct the management deficiencies of troubled housing authorities. While less than 5 percent of the 3,400 housing authorities in this country are troubled, their poor condition and lack of safety tend to dominate the news. I believe that, working together, we must act decisively to improve their condition.

S. 462 also contains three provisions that I personally authored. The first provision relates to the Congregate Housing Services Program, which was authorized by the Housing and Community Development Amendments Act of 1978 to provide 3- to 5-year contracts to fund services for eligible residents of public housing authorities. CHSP provides for ailing seniors, who normally would be institutionalized in nursing homes, to remain housed in less expensive elderly-only projects that provide them with at least one hot meal a day, a social worker to monitor their health and medication, and housekeeping services.

CHSP is good program because it provides ailing low-income seniors with the dignity of having their own apartment at a cost that has been estimated to be 66 percent lower than the costs of institutionalizing them in nursing homes.

As I strongly support CHSP, I have had language added into S. 462 to guarantee the continuation of funding for this important program.

I have included two other provisions into S. 462 that are designed to enhance tenant safety. My first provision strengthens the eviction powers of public housing authorities by permitting them to quickly terminate the leases of tenants that are found by a legal police search to have illegal drugs in their possession.

My second tenant safety provision—now commonly known as the Grams amendment—has been the subject of high amount of controversy. As you know, current law permits public housing authorities to reject applicants who have a record of violent criminal activity, who are abusing illegal drugs, or who are abusing alcohol in a way that could adversely affect the safety and peaceful enjoyment of other tenants. Public housing authorities have responded to this legislation by checking on their applicants' criminal records, prior tenancy records and—in a few cases—information from the records of drug abuse treatment facilities. Public housing authorities that have instituted this screening have reported back to me that they have been able to significantly reduce illegal drug use and crime in their projects.

Several months ago, several of Minnesota's public housing authorities requested that I get an amendment into the public housing reform bill that would clarify their right to get information about illegal drug use from the records of drug abuse treatment facilities. Their request was prompted by a lawsuit being filed against the Minneapolis Public Housing Authority by people that are opposed to their screening for illegal drugs.

I agreed to do the amendment, because I have previously toured public housing projects throughout Minnesota and have had touching conversations with Minnesotans who were fearful about the affects of illegal drugs on their own safety and the future of their children. I am also concerned that the money that public housing authorities have been spending to defend themselves against frivolous lawsuits regarding their screening programs could be better spent on providing housing to America's most needy families.

After I added in safeguards to protect applicants' privacy and confidentiality rights, my amendment was unanimously accepted by the Democrats and the Republicans on the Senate Banking committee, and it was part of the public housing reform bill that the Committee unanimously voted to report out on May 8. At the time, no one on the committee considered my amendment to be controversial.

After we completed committee action on the bill, I heard from quite a few organizations that were concerned that the language of the legislation preempted the medical record confidentiality protections of the Public Health Service Act. Furthermore, there was concern that the type of information that the amendment would permit a public housing authority to review would conflict with the Americans With Disabilities Act, the Fair Housing Act, and the Rehabilitation Act. I took these concerns very seriously because I am a strong supporter of laws that protect medical confidentiality and protect people with disabilities from discrimination.

Over August recess, my staff had meetings with HUD, the DOJ, HHS, and Housing Subcommittee staff to address the concerns regarding the amendment. On September 11, I submitted to the committee a scaled-down version of the Amendment that does not preempt the Public Health Service Act and does not conflict with ADA, Fair Housing, or the Rehab Act. I am happy that this version of my amendment has been retained in the bill.

In conclusion, I am very pleased that the Senate will be reporting out this long overdue piece of legislation today. I commend Senator MACK for sponsoring this moderate and balanced piece of legislation and for carefully shepherding it through the Senate.

Mr. GRAMM. Mr. President, I wish to thank the distinguished chairman of the Committee on Banking, Housing, and Urban Affairs, Senator D'AMATO, as well as Senator MACK, the chairman of the Housing Opportunity Subcommittee and the ranking members for including in the manager's amendment the text of several proposals that I drafted and which I believe will strengthen the legislation.

The first of these is an amendment which will ban violent sexual predators from eligibility for, and thus admission to, public housing facilities. The second initiative allows public housing authorities access to State records concerning sex offender convictions. Both of these provisions were approved by the House in its version of the legislation.

In a letter endorsing the effort to rid our public housing of these violent predators, the National Center for Missing and Exploited Children said that "* * * each and every American, regardless of socio-economic class, has the right to a safe and secure neighborhood."

Mr. President, I do not believe that there is a constitutional right to have access to public housing. If there is a right involved here, it is the right of people to know that the person living next door to them and their children is not a convicted sex offender. Adoption of these amendments will insure a safer environment for the adults and children who reside in public housing.

I urge adoption of the amendments.

Mr. FAIRCLOTH. Mr. President, as many of my colleagues are aware, I introduced a bill earlier this session, along with Senator KYL and numerous other Senators, on occupancy standards. The State Housing Protection Act transfers authority to set occupancy standards from the Department of Housing and Urban Development to the States. Occupancy standards was an issue in last year's conference of the public housing bill. I rise today to urge the members of the Senate Committee on Banking, Housing, and Urban Affairs to address occupancy standards again this year when the public housing reform bill goes to conference.

The State Housing Protection Act does not address privately owned dwellings, only rental dwellings. Under the Fair Housing Act, private property owners are permitted to set occupancy standards that limit the number of persons who may rent an apartment dwelling, if the standards are reasonable. At present, there is no clear guidance in this area, and there is controversy over what is a reasonable standard.

Following passage of the Fair Housing Act in 1988, some activists brought lawsuits against housing providers, charging that two persons per bedroom standards discriminated against families. Housing providers persuasively argued to HUD that consistently applied two persons per bedroom standards do not discriminate against families. So, in order to give housing providers a safe harbor from inappropriate legal challenges, in 1991, HUD issued guidance which indicated that two persons per bedroom would be presumed to be a generally reasonable standard by HUD, and housing providers would generally not be sued by HUD for discrimination if they used that standard.

Housing providers, of course, were not precluded in the guidance from exceeding that standard. Private housing providers adjusted to that guidance and relied on it when adopting occupancy policies for their rental units. HUD's own handbooks for public and assisted housing also established that standard. HUD itself adhered more strictly to that guidance until the Clinton administration arrived.

In 1995, HUD issued and then quickly retracted a new guidance that would have required housing providers to allow as many as 8 to 10 people in a two bedroom apartment and 12 to 15 in a three bedroom apartment—if the housing providers didn't want to be sued for discrimination by HUD. HUD realized that the 1995 guidance was unworkable and put back in place the 1991 two person per bedroom guidance. However, there have been a number of court decisions overturning HUD's actions in this area. So there is still a void and no clarity as to how it is being interpreted by HUD or whether it will be changed again by HUD in line with the 1995 attempt.

Housing providers need certainty in their establishment of such fundamental business judgments as occupancy standards. Nobody likes to be sued for discrimination, but you especially don't like when you don't know the rules that are being used by the Government. Republicans and Democrats on the Senate Banking Committee have acknowledged the need for clarity and have promised to work with me in conference on this issue.

Mr. KYL. Mr. President, I rise to encourage the members of the Senate Committee on Banking, Housing, and Urban Development to address the issue of occupancy standards when the public housing reform bill goes to conference committee. Earlier this year, Senator FAIRCLOTH and I introduced the State Housing Protection Act which transfers from HUD to the States, the authority to set occupancy standards. Yet, the committee did not address the matter when it considered its public housing reform bill.

Mr. President, Senator FAIRCLOTH and I have worked on this issue for 2 years. In the 104th Congress, Senator FAIRCLOTH and I blocked HUD from imposing national occupancy standards until it completed an official rule. Soon thereafter, we introduced a bill with Representative McCOLLUM which prohibited HUD from setting a national occupancy standard. The House included that bill in its 1996 public housing reform bill, but it died in conference committee late last year.

In May of this year, the House passed its public housing reform bill which included a section that prohibits the Secretary of HUD from establishing a national occupancy standard. Senator FAIRCLOTH and I have tried to change the current policy on occupancy standards because we believe that HUD generally has pursued an occupancy standard policy that encourages overcrowding, thereby depreciating housing stock that is scarce to begin with. We believe that HUD is poorly serving lower-income families and defeating its own purpose. Again, I encourage the members of the conference committee to seriously consider restricting HUD's ability to set a national occupancy standard.

Mr. LUGAR. Mr. President, I would like to thank the floor managers for agreeing to include the city of Indianapolis flexible grant demonstration amendment in the manager's amendment to S. 462.

The Lugar amendment would authorize the city of Indianapolis, in coordination with its public housing authority, to receive and combine program allocations from Federal housing assistance funds so that it has the flexibility to determine the best use of these funds. This amendment has the support both of Mayor Goldsmith and of the Indianapolis Housing Authority.

My flexible grant demonstration amendment would give the city of Indianapolis, in coordination with the Indianapolis Housing Authority, the ability to receive and combine covered housing assistance to which the Indianapolis Housing Authority would otherwise be entitled. Covered housing assistance is defined as operating assistance, modernization assistance, section 8 certificate and voucher programs assistance, capital and operating funds assistance, and tenant-based rental assistance. It does not include other housing assistance programs for which the city or its public housing authority would otherwise be able to compete.

This demonstration program would last for 2 to 5 years and would serve a variety of purposes. It could be used to provide incentives for low-income working families to become economically self-sufficient, to reduce costs of housing assistance by providing funds in the most effective manner, to increase the stock of affordable low-income housing and housing choices for low-income families, to increase home ownership among low-income families and for other ways in which the city in coordination with the public housing agency could make more effective use of limited housing funds.

Under no circumstances would there be any reduction in the number of low-income families who would otherwise be served with housing assistance had these amounts not been combined. In fact, by allowing greater flexibility and cost-effectiveness in the use of these funds, my amendment will increase and enhance housing assistance to lower income families who need it.

I urge support for my amendment.

Mr. KERRY. Mr. Chairman, I have a question regarding section 107(d) of S. 462, which adds a new performance indicator for the extent to which the public housing agency is providing acceptable basic housing conditions. I do not see what could be much more fundamental to a housing authority's performance than offering its tenants decent housing conditions in which to live.

Mr. MACK. I agree.

Mr. KERRY. The committee report, on page 15, indicates that both the Secretary of Housing and Urban Development [HUD] and HUD's inspector general pointed out that under the current performance evaluation [PHMAP] system, a PHA can escape "troubled" designation even though a substantial portion of its units would not meet basic housing conditions. This seems totally unacceptable. Will the proposed amendment in section 107(d) of S. 462 allow HUD to give this performance indicator enough weight to solve this problem? Will that approach assure that we do not have authorities that are deemed acceptable performers even though they offer widespread substandard housing conditions?

Mr. MACK. The amendment in S. 462 would allow HUD, subject to the rulemaking process, to give this performance indicator enough weight in the PHMAP system so that it can appropriately affect the determination whether a PHA is designated "troubled."

Mr. SARBANES. As you know, one of the most important principles of this public housing bill is resident empowerment. To this end, the legislation mandates that resident advisory boards assist in the development of public housing agency [PHA] plans. It also requires that PHA's: first, conduct public hearings to collect input on their proposed plans; second, make a copy of their proposed plan available for public inspection at least 45 days prior to the public hearing; and third, provide notice of the date of the public hearing at least 45 days in advance of the hearing.

Given this emphasis on resident participation, I would anticipate that PHA's would make every effort to ensure that each resident is aware of his or her opportunities to provide input. I would expect PHA's to prominently display, at each of their assisted housing developments, information about the hearings, as well as information about where residents can view copies of the proposed agency plans. I would also expect that PHA's, to the maximum extent practicable, will contact resident groups directly to inform them of this information. Is this how you anticipate the process will work?

Mr. MACK. That is the type of scenario I envision. The legislation was carefully crafted so that residents will have a significant voice in the policies and programs that will affect them. I agree that the only way their interests can truly be served is to provide them with as much advance notice and information about the public hearings as possible—and to incorporate their recommendations where appropriate.

Mrs. BOXER. Mr. President, I would first like to thank the chairman of the Housing Opportunity and Community Development Subcommittee for joining me in this colloquy regarding a very serious problem for many low-income citizens living in mobile home parks. These good people, most of whom are senior citizens, are not able to use section 8 assistance because their park owners refuse to accept it.

In the vast majority of cases, mobile home tenants own their mobile home and rent the space on which the home sits. Unfortunately, many residents become unable to pay the rising space rates and require low-income housing assistance under section 8. This is especially common among elderly residents whose income drops following death of a spouse or illness.

Under the current system, because section 8 assistance payments are made to landlords, section 8 participation requires that the landlord sign a rental assistance contract with the appropriate housing authority. For various reasons, many mobile home park owners are refusing to sign these contracts. Consequently, their residents are being denied the section 8 assistance they need to meet their housing costs.

Without section 8 assistance, these very low-income, primarily elderly, residents, have few options. Some will be forced to move their homes to parks which accept section 8 assistance. However, this is an expensive and laborious process. It costs a minimum of $10,000 to relocate a mobile home, money that most low-income tenants do not have.

Some residents will not even have the option of moving their mobile homes to parks which accept section 8 payments. In areas with a shortage of spaces, tenants will have to either abandon their homes or continue to pay unaffordable space rents. Because currently high-space rents reduce the demand for mobile homes, those who must abandon their homes will likely not recoup their investment, often losing their entire lifesavings.

This is a critical problem for many in my State of California. Mobile homes are one of the few sources of affordable housing in many areas of the State, especially for senior citizens. There are approximately 700,000 mobile home residents in California 50–60 percent of whom are seniors. Without section 8 assistance, many of these residents will lose their homes and lifetime investments.

Mr. MACK. I am aware that this problem exists, Senator, and I am very sympathetic.

Mrs. BOXER. I appreciate the chairman's response. I would like to offer a solution. The House-passed Public Housing bill, H.R. 2, contains a provision that allows section 8 payments to go directly to mobile home tenants of parks which refuse to enter into section 8 contracts. This provision, section 330, gives the money directly to the tenants thereby obviating the need for a contract between the park owner and the local housing authority. Because the House provision only applies to tenants who already live in parks that do not accept section 8, it does not force park owners to take in new tenants with section 8 assistance.

I hope, Mr. Chairman, that when we get to conference on the Public Housing bills, we can seriously consider section 330 of the House-passed bill as a possible solution to the very urgent problem facing so many mobile home tenants.

Mr. MACK. I thank the Senator from California for her concern. I share her desire to prevent displacement of these good tenants and I have every intention of working with her during conference to assure that this problem is appropriately addressed.

Mrs. BOXER. I appreciate the Chairman's willingness to help solve this serious problem and I look forward to working with him on it in conference.

Mr. WELLSTONE. The relocation provisions contained in section 115 state that residents shall be relocated to areas that are generally not less desirable than the location of the displaced person's dwelling. Is it your understanding that a comparably desirable area would be one that is not subject to unreasonable adverse environment conditions, and one which offers similar access to public utilities, facilities, services, and the displaced person's place of employment?

Mr. MACK. I agree that these should be the primary factors that a public housing authority takes into consideration when providing relocation assistance. It is our intention that the interests of residents be protected to the maximum possible extent during the demolition and relocation process.

### AMENDMENT NO. 1257

(Purpose: To provide a substitute)

Mr. McCONNELL. Senator MACK has at the desk an amendment to the committee substitute. I ask its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Kentucky [Mr. McCONNELL], for Mr. MACK, proposes an amendment numbered 1257.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

The PRESIDING OFFICER. Without objection, the amendment was agreed to.

(The amendment (No. 1257) was agreed to.)

Mr. McCONNELL. I ask unanimous consent the committee amendment, as amended, be considered read and agreed to, the bill be considered read a third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed at this point in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendment, as amended was agreed to.

The bill (S. 462), as amended, was read the third time, and passed.

## EXECUTIVE SESSION

## EXECUTIVE CALENDAR

Mr. McCONNELL. Mr. President, I ask unanimous consent the Senate immediately proceed to executive session to consider the following nominations on the Executive Calendar: No. 108, No. 256, No. 257, No. 260 through 262, No. 278 and No. 290 through 303, all nominations on the Secretary's desk in the Air Force, Army, Coast Guard, Marine Corps, Navy and the Public Health Service.

I further ask unanimous consent that the nominations be confirmed, the motion to reconsider be laid on the table, any statements relating to the nominations appear at this point in the RECORD, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

### INTER-AMERICAN FOUNDATION

Jeffrey Davidow, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be a Member of the Board of Directors of the Inter-American Foundation, for a term expiring September 20, 2002.

### THE JUDICIARY

Marjorie O. Rendell, of Pennsylvania, to be U.S. Circuit Judge for the Third Circuit.

Richard A. Lazzara, of Florida, to be U.S. District Judge for the Middle District of Florida.

### DEPARTMENT OF COMMERCE

Robert L. Mallett, of Texas, to be Deputy Secretary of Commerce.

W. Scott Gould, of the District of Columbia, to be Chief Financial Officer, Department of Commerce.

W. Scott Gould, of the District of Columbia, to be an Assistant Secretary of Commerce.

### INTER-AMERICAN FOUNDATION

Nancy Dorn, of the District of Columbia, to be Member of the Board of Directors of the Inter-American Foundation for a term expiring June 26, 2002.

### IN THE ARMY

The following U.S. Army Reserve officer for promotion in the Reserve of the Army to the grade indicated under title 10, United States Code, sections 14101, 14315 and 12203(a):

*To be brigadier general*

Col. James W. Comstock, 5456

The following-named officer for appointment in the Regular Army to be the grade indicated under title 10, United States Code, section 624:

*To be brigadier general*

Col. Antonio M. Taguba, 8375

The following-named officers for appointment in the U.S. Army to the grade indicated under title 10, United States Code, section 624:

*To be major general*

Brig. Gen. John G. Meyer, Jr., 2481
Brig. Gen. Robert L. Nabors, 5042

The following-named officer for appointment in the U.S. Army to the grade indicated under the provisions of title 10, United States Code, section 624:

*To be major general*

Maj. Gen. Robert G. Claypool, 3837

The following Army National Guard of the United States officers for appointment in the Reserve of the Army to the grade indicated under title 10, United States Code, section 12203:

*To be major general*

Brig. Gen. Earl L. Adams, 7836
Brig. Gen. John E. Blair, 7500
Brig. Gen. James G. Blaney, 3984
Brig. Gen. Don C. Morrow, 3878
Brig. Gen. Thomas E. Whitecotton III, 8348
Brig. Gen. Jackie D. Wood, 3739

*To be brigadier general*

Col. Stephen E. Arey, 3536
Col. George A. Buskirk, Jr., 3156
Col. William A. Cugno, 3772
Col. Joseph A. Goode, Jr., 0823
Col. Stanley J. Gordon, 4035
Col. Larry W. Haltom, 3555
Col. Daniel E. Long, Jr., 1267
Col. Gerald P. Minetti, 5388
Col. Ronald G. Young, 6486

The following-named officer for appointment in the U.S. Army to the grade indicated while assigned to a position of importance and responsibility under title 10, United States Code, section 601:

*To be lieutenant general*

Lt. Gen. George A. Fisher, 4034

The following-named officer for appointment in the U.S. Army to the grade indicated while assigned to a position of importance and responsibility under title 10, United States Code, section 601:

*To be lieutenant general*

Maj. Gen. William J. Bolt, 0705

The following-named officer for appointment in the U.S. Army to the grade indicated under title 10, United States Code, section 624:

*To be brigadier general*

Col. Henry W. Stratman, 1226

### IN THE MARINE CORPS

The following-named officer for appointment in the U.S. Marine Corps to the grade indicated while assigned to a position of importance and responsibility under title 10, United States Code, section 601:

*To be lieutenant general*

Lt. Gen. Peter Pace, 7426

### IN THE NAVY

The following-named officer for appointment in the U.S. Navy to the grade indicated under title 10, United States Code, section 624:

*To be rear admiral*

Rear Adm. (lh) Louis M. Smith, 3412

The following-named officers for appointment in the Naval Reserve to the grade indicated under title 10, United States Code, section 12203:

*To be rear admiral (lower half)*

Capt. Kenneth C. Belisle, 8016
Capt. John G. Cotton, 6982
Capt. Stephen S. Israel, 3464
Capt. Gerald J. Scott, Jr., 4136
Capt. Joe S. Thompson, 2971

The following-named officers for appointment in the Reserve of the Navy to the grade indicated under title 10, United States Code, section 12203:

*To be rear admiral (lower half)*

Capt. Howard W. Dawson, Jr., 6320
Capt. William J. Lynch, 1963
Capt. Robert R. Percy, III, 4869

The following-named officer for appointment as Deputy Judge Advocate General of the U.S. Navy in the grade indicated under title 10, United States Code, section 5149:

*To be rear admiral*

Capt. Donald J. Guter, 0275

The following-named officer for appointment in the U.S. Navy to the grade indicated under title 10, United States Code, section 624:

*To be rear admiral (lower half)*

Capt. William W. Cobb, Jr., 9725

### IN THE AIR FORCE, ARMY, COAST GUARD, MARINE CORPS, NAVY, PUBLIC HEALTH SERVICE

Air Force nominations beginning Richard W. Aldrich, and ending Frank A. Yerkes, Jr, which nominations were received by the Senate and appeared in the Congressional Record of July 29, 1997.

Air Force nominations beginning Luis C. Arroyo, and ending Michael R. Emerson, which nominations were received by the Senate and appeared in the Congressional Record of July 31, 1997.

Air Force nominations beginning James M. Bartlett, and ending Ellis D. Dinsmore, which nominations were received by the Senate and appeared in the Congressional Record of July 31, 1997.

Air Force nomination of Robert J. Spermo, which was received by the Senate and appeared in the Congressional Record of September 3, 1997.

Air Force nominations beginning Carl M. Gough, and ending Samuel Strauss, which nominations were received by the Senate and appeared in the Congressional Record of September, 3, 1997.

Air Force nominations beginning Joseph Argyle, and ending Michael D. Eller, which nominations were received by the Senate and appeared in the Congressional Record of September 3, 1997.

Air Force nominations beginning Arnold K. Abangan, and ending Darren L. Zwolinski, which nominations were received by the Senate and appeared in the Congressional Record of September 3, 1997.

Army nomination of Frank G. Whitehead, which was received by the Senate and appeared in the Congressional Record of July 31, 1997.

Army nominations beginning Mary A. Allred, and ending James R. Tinkham, which nominations were received by the Senate and appeared in the Congressional Record of July 31, 1997.

Army nominations beginning Robert C. Baker, and ending James R. Wooten, which nominations were received by the Senate and appeared in the Congressional Record of July 31, 1997.

Army nominations beginning Edwin E. Ahl, and ending Mark A. Zerger, which nominations were received by the Senate and appeared in the Congressional Record of July 31, 1997.

Army nominations beginning Christian F. Achleithner, and ending Daniel A. Zeleski, which nominations were received by the Senate and appeared in the Congressional Record of July 31, 1997.

Army nomination of Shri Kant Mishra, which was received by the Senate and appeared in the Congressional Record of September 3, 1997.

Army nomination of David S. Feigin, which was received by the Senate and appeared in the Congressional Record of September 3, 1997.

Army nomination of Clyde A. Moore, which was received by the Senate and appeared in the Congressional Record of September 3, 1997.

Army nominations beginning Terry A. Wikstrom, and ending Richard C. Butler, which nominations were received by the Senate and appeared in the Congressional Record of September 3, 1997.

Army nomination of James H. Wilson, which was received by the Senate and appeared in the Congressional Record of September 3, 1997.

Army nominations beginning Ellis E. Brumraugh, Jr., and ending John C. Zimmerman, which nominations were received by the Senate and appeared in the Congressional Record of September 3, 1997.

Army nominations beginning Graten D. Beavers, and ending John E. Zupko, which nominations were received by the Senate and appeared in the Congressional Record of September 3, 1997.

Army nominations beginning James L. Atkins, and ending Scott Wilkinson, which nominations were received by the Senate and appeared in the Congressional Record of September 3, 1997.

Army nominations beginning Frank J. Abbott, and ending X0383, which nominations were received by the Senate and appeared in the Congressional Record of September 3, 1997.

Army nominations beginning Madelfia A. Abb, and ending X0663, which nominations were received by the Senate and appeared in the Congressional Record of September 3, 1997.

Army nominations of Rafael Lara, Jr., which was received by the Senate and appeared in the Congressional Record of September 15, 1997.

Army nominations beginning Morris F. Adams, Jr, and ending George W. Wilson, which nominations were received by the Senate and appeared in the Congressional Record of September 15 1997.

Army nominations beginning Cynthia A. Abbott, and ending Anthony W. Young, which nominations were received by the Senate and appeared in the Congressional Record of September 15, 1997.

Coast Guard nominations beginning Michael F. Holmes, and ending Beverly G. Kelley, which nominations were received by the Senate and appeared in the Congressional Record of September 3, 1997.

Coast Guard nominations beginning Stephen E. Flynn, and ending Vincent Wilczynski, which nominations were received by the Senate and appeared in the Congressional Record of September 15, 1997.

Coast Guard nominations beginning Frank M. Paskewich, and ending Robert M. Pyle, which nominations were received by the Senate and appeared in the Congressional Record of September 15, 1997.

Coast Guard nominations beginning Steven C. Acosta, and ending Marc A. Zlomek, which nominations were received by the Senate and appeared in the Congressional Record of September 18, 1997.

Marine Corps nomination of Franklin D. McKinney, Jr., which was received by the Senate and appeared in the Congressional Record of July 29, 1997.

Marine Corps nomination of William C. Johnson, which was received by the Senate and appeared in the Congressional Record of September 3, 1997.

Marine Corps nomination of Tony Weckerling, which was received by the Senate and appeared in the Congressional Record of September 3, 1997.

Marine Corps nomination of Jeffrey E. Lister, which was received by the Senate and appeared in the Congressional Record of September 3, 1997.

Marine Corps nomination of Harry Davis, Jr., which was received by the Senate and appeared in the Congressional Record of September 3, 1997.

Marine Corps nomination of Michael D. Dahl, which was received by the Senate and appeared in the Congressional Record of September 3, 1997.

Marine Corps nomination of James C. Clark, which was received by the Senate and appeared in the Congressional Record of September 3, 1997.

Marine Corps nomination of John C. Kotruch, which was received by the Senate and appeared in the Congressional Record of September 15, 1997.

Navy nominations beginning Lawrence E. Adler, and ending Thomas A. Zimmerman, which nominations were received by the Senate and appeared in the Congressional Record of September 3, 1997.

Navy nominations beginning David M. Belt, Jr., and ending Gene P. Theriot, which nominations were received by the Senate and appeared in the Congressional Record of September 15, 1997.

Navy nominations beginning Eugene M. Abler, and ending Eric A. Zoehrer, which nominations were received by the Senate and appeared in the Congressional Record of September 15, 1997.

Public Health Service nominations beginning Jennifer L. Betts, and ending Rebecca J. Werner, which nominations were received by the Senate and appeared in the Congressional Record of September 4, 1997.

Public Health Service nominations beginning William E. Halperin, and ending Trinh K. Nguyen, which nominations were received by the Senate and appeared in the Congressional Record of September 12, 1997.

### STATEMENT ON THE NOMINATIONS OF MARJORIE O. RENDELL AND RICHARD A. LAZZARA

Mr. LEAHY. Mr. President, I am delighted to see two more hostages released by the Republican majority to serve the American people as Federal judges.

Anticipation of the President's radio address on the judicial vacancy crisis has obviously reached the Senate. I expect even those who have spent so much time this year holding up the confirmations of Federal judges were uncomfortable defending this Senate's record of having proceeded on only 9 of the 61 nominees received through August of this year. As rumors of the President's impending address have circulated around Capitol Hill, this Senate has literally doubled its confirmations from 9 to 18 in the course of 23 days. That demonstrates just how low the Senate's output has been over the first 8 months of this year. With these two confirmations, the Senate will have finally achieved the snail-like pace of confirming two judges a month while still faced with almost 100 vacancies.

Unfortunately, the Republican leadership has once again chosen to skip over the nomination of Margaret Morrow and that of Christina Snyder who have been nominated to be district court judges in the Central District of California. As I detailed again yesterday, Ms. Morrow has been the victim of a mysterious hold for months.

Marjorie Rendell has been a fine district court judge since 1994. President Clinton nominated her to a seat on the Court of Appeals for the Third Circuit on the first day of this session. At the time, I could not have imagined that it would take nine months for the Judiciary Committee to accord her a hearing and report her nomination to the Senate. Senator SPECTER and Senator BIDEN are both to be commended for pressing their efforts to have this nomination considered. Indeed, Senator SPECTER ultimately chaired her confirmation hearing.

Judge Rendell received the ABA's highest rating of well qualified for appointment to the third circuit. She has been active in the Visiting Nurse Association of Greater Philadelphia and the Philadelphia Bar Foundation and active in the community. Senator KENNEDY described her career as "one of great distinction and insight." Even Senator SESSIONS concurred that Judge Rendell "was a very impressive witness."

The good news is that her confirmation fills a vacancy on the third circuit, the bad news is that it creates a vacancy on the district court at a time when it is taking far too long to confirm good nominees.

I congratulate Judge Rendell and her family and look forward to her service on the third circuit.

I am delighted to see the Senate moving forward with the nomination of Richard Lazzara to be a Federal judge in the Middle District of Florida. The Senate first received this nomination in early May 1996, over 16 months ago. It should not have taken us this long to get to this point.

I know that the chief judge in that district, Elizabeth Kovachevich, has been speaking out about the workload, backlogs and vacancies in her court. Judge Kovachevich has noted that serious crimes are up 28 percent in her district and civil filings are up 25 percent for the second straight year leading to a growing backlog of over 3,200 cases. Both Senator GRAHAM and Senator MACK were strong supporters of this nominee at his hearing in early September. I was struck that Senator MACK called the situation one of "crisis proportions" and pointed out that the district is having to take unprecedented steps to deal with a backlog growing "at an alarming proportion."

I have introduced legislation recommended by the Judicial Conference of the United States to add three additional judges for that district, but their needs remain unaddressed because that bill has not received the attention that it deserves.

Filling this vacancy without further delay is a start. The people of Orlando, Jacksonville, and Tampa have had to wait a long time for judge Lazzara. This nominee received the highest rating possible from the American Bar Association. He is an experienced Judge, having served as a Florida County judge, a Florida circuit judge and a Florida appellate judge over the last 10 years.

I congratulate Judge Lazzara and his family and look forward to his service on the Federal Court.

With Senate confirmation of these two judges, the Senate continues to lag well behind the pace established by Majority Leader Dole and Chairman HATCH in the 104th Congress. By this time 2 years ago, the Senate had confirmed 36 Federal judges. With today's actions, the Senate will have confirmed one-half that number, only 18 judges. We still face almost 100 vacancies and have over 50 pending nominees to consider with more arriving each week.

For purposes of perspective, let us also recall that by the end of September 1992, during the last year of President Bush's term, a Democratic majority in the Senate had confirmed 59 of the 72 nominees sent to us by a Republican President. This Senate is on pace to confirm less than one-third of a comparable number of nominations.

We still have more than 47 nominees among the 69 nominations sent to the Senate by the President pending before the Judiciary Committee who have yet to be accorded even a hearing during this Congress. Many of these nominations have been pending since the very first day of this session, having been renominated by the President. Several of those pending before the committee had hearings or were reported favorably last Congress but have been passed over so far this year, while the vacancies for which they were nominated over 2 years ago persist. The committee has 10 nominees who have been pending for more than a year, including 5 who have been pending since 1995.

While I am encouraged that the Senate is today proceeding with the confirmations of Judge Rendell and Mr. Lazzara, there remains no excuse for the committee's delay in considering the nominations of such outstanding individuals as Prof. William A. Fletcher, Judge James A. Beaty, Jr., Judge Richard A. Paez, Ms. M. Margaret McKeown, Ms. Ann L. Aiken, and Ms. Susan Oki Mollway, to name just a few of the outstanding nominees who have all been pending all year without so much as a hearing. Professor Fletcher and Ms. Mollway had both been favorably reported last year. Judge Paez and Ms. Aiken had hearings last year but have been passed over so far this year. Nor is there any explanation or excuse for the Senate not immediately proceeding to consider the other five judicial nominations pending on the Senate calendar.

Those who delay or prevent the filling of these vacancies must understand that they are delaying or preventing the administration of justice. We can pass all the crime bills we want, but you cannot try the cases and incarcerate the guilty if you do not have judges. The mounting backlogs of civil and criminal cases in the dozens of emergency districts, in particular, are growing taller by the day. National Public Radio has been running a series of reports all this week on the judicial crises and quoted the chief judge and U.S. attorney from San Diego earlier this week to the effect that criminal matters are being affected.

I have spoken about the crisis being created by the vacancies that are being perpetuated on the Federal courts around the country. At the rate that we are going, we are not keeping up with attrition. When we adjourned last Congress there were 64 vacancies on the Federal bench. After the confirmation of 18 judges in 9 months, there has been a net increase of 30 vacancies, an increase of almost 50 percent in the number of Federal judicial vacancies.

The Chief Justice of the Supreme Court has called the rising number of vacancies "the most immediate problem we face in the federal judiciary." Senator HATCH has said that we can do better. I agree with them and add that we must do better. I have urged those who have been stalling the consideration of these fine women and men to reconsider their action and work with us to have the Senate fulfill its constitutional responsibility.

## LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will resume legislative session.

## MORNING BUSINESS

(During today's session of the Senate, the following morning business was transacted.)

## TRIBUTE TO THE LATE GEN. ROBERT E. HUYSER

Mr. THURMOND. Mr. President, in the year that the Nation celebrates the 50th anniversary of the founding of the U.S. Air Force, we must pause today to mourn the passing of an individual who was one of the key figures in the history of that service, Gen. Robert E. "Dutch" Huyser.

For almost 40 years, Dutch Huyser helped to protect America through airpower. Drafted into the Army during World War II, he became a B–29 pilot and flew numerous missions in the Pacific in support of Allied efforts to defeat Imperialism. Following the war, when the Air Force was established as a separate military service, he became a bright and promising young officer who would help to shape cold war policy and become known as the father of the program which eventually yielded the C–17 Globemaster aircraft. Before he would reach the highest echelons of the Air Force though, Dutch Huyser still had a lot of flying to do, and he found himself in the cockpits of B–29's over Korea and B–52's in Vietnam when the United States became embroiled in conflicts in those nations.

Throughout his career, Dutch Huyser established an impressive record of awards, citations, and medals that is far too extensive to cite here. Suffice it to say, he set an excellent example for devotion, patriotism, and professionalism for all Air Force officers to follow, and I am confident that he served as an important role model for many of his subordinates throughout his career.

An obvious competent and talented officer, pilot, and manager, the career of Dutch Huyser progressed quickly. Following his service in Vietnam, he specialized in airlift matters and later became the Commander of the Military Airlift Command. In that position, he was an advocate for increased lift capabilities for the Air Force, and he fought hard for the modernization and expansion of the transport fleet. As mentioned above, he is universally credited as being the father credited as being the father of the C–17 program, an aircraft that proves its capabilities and worth on a daily basis as it transports troops and equipment to spots around the world.

After three major wars, almost 10,000 flying hours, and 38 years in the Air Force, General Huyser finally hung his uniform up for the last time in 1981. Though he left the military, he continued to make many contributions to aviation and the security of the United States.

Sadly, Gen. Robert "Dutch" Huyser passed away earlier this week, but perhaps fitting for a man who dedicated his life to the Air Force, he was on an Air Force base when he died. I am certain that the entire Senate would join me in saluting the many contributions that General Huyser made to the Air Force and the defense of the United States, as well as extending our deepest sympathies to his wife, Wanda, and their two daughters. They can be proud of all that their husband and father did to make our Nation a safer, stronger, and better place to live.

## THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Thursday, September 25, 1997, the Federal debt stood at $5,387,703,781,934.24. (Five trillion, three hundred eighty-seven billion, seven hundred three million, seven hundred eighty-one thousand, nine hundred thirty-four dollars and twenty-four cents).

One year ago, September 25, 1996, the Federal debt stood at $5,198,791,000,000. (Five trillion, one hundred ninety-eight billion, seven hundred ninety-one million).

Five years ago, September 25, 1992, the Federal debt stood at $4,045,041,000,000. (Four trillion, forty-five billion, forty-one million).

Ten years ago, September 25, 1987, the Federal debt stood at $2,336,074,000,000. (Two trillion, three hundred thirty-six billion, seventy-four million).

Twenty-five years ago, September 25, 1972, the Federal debt stood at $437,412,000,000 (Four hundred thirty-seven billion, four hundred twelve million) which reflects a debt increase of nearly $5 trillion—$4,950,291,781,934.24 (Four trillion, nine hundred fifty billion, two hundred ninety-one million, seven hundred eighty-one thousand, nine hundred thirty-four dollars and twenty-four cents) during the past 25 years.

## NATIONAL LAWSUIT ABUSE AWARENESS WEEK

Mr. ASHCROFT. Mr. President. This week, the American Tort Reform Association is holding a series of events to mark the National Lawsuit Awareness Week. Since it was founded in 1986, ATRA has played a valuable role in the effort to restore fairness, balance, and predictability to the civil justice system.

To commemorate this week, ATRA is hosting a 5k "Tort Trot" to benefit the Hydrocephalus Research Foundation. Patients who suffer from hydrocephalus—excess fluid on the brain—particularly have been impacted by law suit abuse. Such patients require brain shunts to drain the excess fluid from the brain. While these shunts have saved the nearly 75,000 hydrocephalus patient's lives, they are made out of silicone which is becoming scarce. The silicone supply used by implant manufacturers is threatened by deep pocket liability lawsuits. Rather than take a risk over a product which they did not design or manufacture, some suppliers are exiting the medical device market.

Congress can fix this problem. We can pass meaningful tort reform to make sure that our system no longer lines the pockets of special interests at the expense of those in need of life-saving medical devices.

Americans deserve a system of justice, not justice delayed. Those wrongfully injured should have access to a timely remedy from the responsible party. A recent study found cases take about 2½ to 3 years to be resolved, and even longer in appealed cases. In our present—overburdened—system, 50–70 cents of every jury-awarded dollar goes to lawyers and legal costs.

I want to focus my remarks on reforming the product liability system; however, I also want to mention a case which illustrates the need for overall civil justice reform. This case, coined the "Great New Orleans Train Robbery" by the national media, resulted in a $2.5 billion punitive damages award against a company found to be only 15 percent at fault in an accident that did not result in loss of life, serious injuries, or major property damage.

On September 9, 1987, a railroad tank car containing butadiene, a volatile compound used in making synthetic rubber, was located in a rail yard in New Orleans on tracks that belong to CSX Corp. Since the fire involved hazardous materials, the officials involved made a determination that the best approach was to let the fire burn itself out. In order to avoid any possible harm to nearby residents, an evacuation of those living near the yard was undertaken. The fire lasted 36 hours. By all accounts, fire officials, and corporate representatives undertook heroic efforts to protect life and property. As a result, and as I said earlier, no deaths or significant injuries were involved, and there was only minimal property damage.

One year later, the National Transportation Safety Board—the Federal agency charged with investigating transportation accidents—determined that CSX had not caused this accident. In fact, other than providing the track over which the tank car was operated, CSX had no connection to the car.

The very day of the fire, a group of law firms brought a class action suit against CSX and other companies alleging various kinds of physical and mental anguish. A jury has now decided that the 8,000 plaintiffs should be awarded $3.5 billion in punitive damages. Although CSX was only found to be 15 percent responsible—presumably because they owned the track—its portion of the punitive damage award is $2.5 billion.

How can it be that a Federal agency determines that a company has no responsibility for an accident, another agency declines to assess any safety violation against that company, and yet, this enormous verdict is awarded?

The case in New Orleans is but the latest example of why we need to reform the entire civil justice system. We need to place some limits on verdicts. We need to modify the laws regarding joint liability. Finally, we need to provide disincentives for lawyers to sue the deep pocket every time they can.

Before I begin talking about product liability reform, Mr. President I ask unanimous consent that articles appearing recently in the Wall Street Journal and the Washington Post relating to this almost unbelievable case, appear in the RECORD at this point.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, Sept. 18, 1997]

### LOUISIANA JACKPOT

The tort wheel of fortune turns round and round. By all accounts, the legal freak show is about to descend on the "fen-phen" diet-pill manufacturers. There will be "thousands of lawsuits scattered all around the country," one tort lawyer roared in the Journal yesterday. But before this circus hits town, attention should be drawn to the one now playing in Louisiana.

In a case that has already been dubbed the Great New Orleans Train Robbery, 8,047 residents of the Big Easy hit the jackpot, winning $3.4 billion in punitive damages in a state court. Forget about McDonald's hot coffee and BMW's paint job; the Louisiana train case is one of the wildest examples yet of the craziness that infects our civil-justice system.

If the accident that led to the huge award didn't get much attention at the time, that was because nothing much happened. On December 9, 1987, a tank car carrying butadiene, a petroleum byproduct, caught on fire while standing on a railway track in the Gentilly section of New Orleans. The fire burned for 36 hours and about 1,000 neighborhood residents were evacuated. No one died. No one was seriously hurt. There was no significant property damage.

Within hours the personal-injury lawyers were on the scene sniffing out clients, and the first lawsuit was filed before the fire had even stopped burning. Ultimately, the class in the suit decided last week ballooned to 8,047 people, seeking compensation for the mental anguish that the incident supposedly imposed on them.

Along the way, a much smaller group of plaintiffs ended up in federal court, which dismissed a bunch of cases and awarded several plaintiffs each about $1,000 in compensatory damages. The court ruled against punitive damages. Reading the writing on the wall, some of the original plaintiffs in the federal case apparently jumped over to the state case as soon as they realized they could shop for more money there.

There are nine defendants in the tank-car case, but the one that got socked with by far the biggest judgment—$2.5 billion in punitive damages—was CSX Transportation, a unit of CSX Corp. Never mind that CSX's only connection to the case was that it owned the track on which the tank car was resting. Never mind that an investigation by the National Transportation Safety Board concluded that CSX bore no responsibility for the accident, which was cause by a faulty gasket. And never mind that the owner and previous owner of the tank car admitted liability for the accident at the trial.

None of this reality mattered to the jury, which was looking for someone with deep pockets. Stymied because it couldn't go after the previous owner, which under state law was exempt from punitive damages, it settled on CSX.

The jury, of course, was encouraged to reach this decision by the plaintiff's lawyers, whose notion of justice has more to do with how much money they can siphon off for themselves than how much they can help their clients. The lawyer representing many of the plaintiffs was one Wendell Gauthier, the class-action king better known for masterminding the Castano tobacco suit.

He and his colleagues were in high dudgeon, carrying on about "corporate greed," executives who travel in "private Lear Jets and their limos," and corporations that cared more about the rich residents of the French Quarter than the lower-middle-class, mostly black residents of Gentilly. "There is only one thing that will make a company that big respond," said Mr. Gauthier in asking the jury for punitive damages.

It's widely expected that Judge Wallace Edwards will overturn or drastically reduce the verdict. One school of thought opines that this means such unfair awards don't really do any damage; courts usually rein in such irrational exercises of jury power so all turns out well in the end. Or does it? Each case sends a ripple through the civil-justice system. It encourages fee-hungry plaintiff's lawyers to chase crazier and crazier cases, and it encourages companies to settle, no matter how outrageous the claim, if only to avoid having to play Russian roulette in court.

Louisiana, recognizing the need to restore sanity to its civil-justice system, last year enacted a comprehensive tort-reform law that pretty much eliminates punitive damages. This will have the welcome effect of reining in runaway juries and neutralizing Mr. Gauthier and his fellow tort tycoons. But it of course comes too late for CSX and the other defendants in the Great New Orleans Train Robbery.

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[From the Washington Post, Sept. 9, 1997]

### JURY AWARDS $3.4 BILLION IN 1987 RAIL BLAST

A jury awarded damages totaling $3.4 billion today to 8,000 people who said they were injured mentally and physically by a 1987 railroad tank car explosion.

Hardest hit by the award was rail firm CSX Transportation, a unit of Richmond-based CSX Corp., which was ordered to pay $2.5 billion.

The plaintiffs accused CSX Transportation and eight other defendants of negligence in the Sept. 9, 1987, incident in which a rail car carrying the petrochemical butadiene leaked and caught fire.

Residents from nearly 200 blocks in New Orleans were evacuated overnight. They said they suffered health problems and mental anguish, which the defendants disputed.

Chicago-based defendant GATX Corp., which was ordered to pay $190 million, said there were no deaths or significant injuries and no major property damage occurred.

Defense attorney Brent Barriere said: "This should have been a case of reasonable damages for the inconvenience of residents being out of their homes for about 36 hours. But it was not reasonable. It was outrageous."

Plaintiffs' attorney Wendell Gauthier said the companies had been "careless and indifferent" to the people living near the railroad. He said the accident was preceded by ongoing mishandling of dangerous materials by the defendants.

CSX Transportation President A.R. Carpenter said in a statement that the firm was "very disappointed with this decision. . . . It is clearly not consistent with the facts.

"CSXT handled the leaking car in complete accordance with very stringent federal safety standards. The National Transportation Safety Board investigation into this accident concluded the incident was not caused by CSXT," he said.

Juror Kimbra Whitney told reporters she thought the defendants did not do enough to protect residents of the area. "I felt the evidence showed they were unconcerned," she said.

Other defendants ordered to pay damages were Mitsui & Co., $375 million; Alabama Great Southern Railway, $175 million; and Illinois Railroad Co., $125 million.

Mr. ASHCROFT. Commonsense product liability reform is vital to the global competitiveness of American manufacturers and workers. U.S. companies face product liability insurance costs that are 20 to 50 times greater than those of our foreign competitors. Due to these high costs, American many manufacturers spend more on litigation than on research and development and the American consumer is deprived of the highest quality and most innovative product.

In addition, commonsense reform is vital to the health—in a very real sense—of millions of Americans. In 1993, Jim Vincent, the chairman and CEO of Biogen, indicated to this committee that his company decided not to pursue research into the development of an AIDS vaccine, because of the current U.S. product liability system. In addition, availability of many biomaterials such as silicone, polyester, dacron, and rubber that are used in lifesaving medical implant devices is being threatened by our current product liability system.

Despite years of effort, the only Federal tort reform we have been able to accomplish has been in the areas of food donations, securities litigation, general aviation aircraft, and individual volunteer liability. The one area of reform that has been, in effect, long enough for us to measure its results is the General Aviation Revitalization Act of 1994, which was signed by President Clinton on August 17, 1994.

The aviation liability reform bill enacted a statute of repose for general aviation aircraft. In 1994, proponents of the bill said that it would produce jobs. It has. To date, over 9,000 new jobs, good jobs, have been created. Single engine aircraft are being manufactured in American again, and an endangered industry has been revitalized. President Clinton was right to support that bill. Let us bring the results of the General Aviation Revitalization Act of 1994 to the broad segments of our country and industries.

The principles which we begin this conversation should be based on making the product liability laws in this Nation fair for consumers who purchase defective products while placing the burden on those responsible for putting these products into the stream of commerce. We also should seek to ensure that those who misuse products, or use them while under the influence of drugs or alcohol, do not collect a windfall which becomes a burden for American consumers in the form of increased costs for products—useful products that are no longer available in the market, and the loss of jobs and greater opportunities.

We should not affect the ability of plaintiffs to sue manufacturers or sellers of medical implants. Rather, we should allow raw materials suppliers to be dismissed from lawsuits if the generic raw material used in the medical device met contract specifications, and if the biomaterial supplier is not classified as either a manufacturer or seller of the implant.

Strong product liability reform is good for America. It ensures that consumers, injured by a product, will be fairly compensated. It will enhance American innovation, which is the best in the world, by treating responsible entrepreneurs fairly while treating the bad actors harshly and to the full extent of the law.

As chairman of the Consumer Affairs Subcommittee I am committed and look forward to working with members of this committee, on both sides of the aisle, and with the administration toward ending the 20-year study and painstaking endeavor to provide our Nation with sound and fair Federal product liability law. It took the European community about 6 years to accomplish this goal and create the European Product Liability Directive. Japan enacted its first product liability reform law almost 2 years ago. Our Nation, this Congress, and this administration should pull together and meet the challenge of our foreign competitors and enact fair and balanced product liability law.

## EDUCATION SAVINGS ACCOUNTS

Mr. BURNS. Mr. President, I rise to add my name to the list of cosponsors of S. 1133, the Parent and Student Savings Account PLUS Act, introduced by Senator COVERDELL, and ask unanimous consent that my name be added. This bill will allow families to invest in education savings accounts, or A-Plus accounts, for their kids' K through 12 expenses.

Mr. President, the Taxpayer Relief Act of 1997 provides several education-related tax provisions for students and their families. Yet these provisions are mainly aimed at making higher education more affordable. While I am all for student loan interest deductions and tax credits for 2- and 4-year degrees, K through 12 education is not cheap either, and families could greatly benefit by saving up through A-Plus accounts. But for a last minute veto threat of the entire balanced budget act, families would have the option of savings accounts for their kids' future.

Why are education savings accounts a good idea? For the same reason tax credits for college expenses are a good idea: They help families afford a quality education for their kids. These A-Plus accounts can be used for public, private, and home schooling education expenses. Qualified expenses include tuition, fees, tutoring, special needs services, books, supplies, equipment, and transportation. This will mean a lot to hard-working families trying to make ends meet.

Opponents like to equate education savings accounts with vouchers, and they consistently use the terms interchangeably as if they are one and the same. This is a red herring. Unlike vouchers, education savings accounts would not redirect State or local funds otherwise available for public education. To the contrary, I believe public school students will greatly benefit by saving money for general school expenses. And from what I'm hearing, families across the country agree with me. Let me reiterate: We are talking here about using one's own hard-earned money for education expenses, not diverting public funds that would otherwise be spent on public schools.

Now, I do not support the use of vouchers in Montana because I believe they would disrupt public school financing and the costs to our public schools would outweigh the benefits to our students. But this is a separate issue, and one better left to the Montana Legislature.

Opponents have also claimed that education savings accounts would violate the establishment clause of the Constitution because Federal dollars would indirectly benefit religious schools. I'll simply respond by saying that under that reasoning, any federal financial aid to students attending Marquette, Georgetown, or Brigham Young would also violate the Constitution. We all know that is not the case.

Although we were blocked from including education savings accounts in the Taxpayer Relief Act, thanks to the efforts of Senator COVERDELL we will have another chance to send this bill to the President. At that time we will have the chance to show our support for America's families by making education more affordable.

## MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

### EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

## MESSAGES FROM THE HOUSE

### ENROLLED BILL SIGNED

A message from the House of Representatives, delivered by one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 2266. An act making appropriations for the Department of Defense for the fiscal year ending September 30, 1998, and for other purposes.

## REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources:

Report to accompany the bill (S. 1015) to provide for the exchange of lands within Admiralty Island National Monument, and for other purposes (Rept. 105–90).

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. BURNS:

S. 1223. A bill to protect personal employment information reported to the National Directory of New Hires; to the Committee on Finance.

By Mr. ALLARD (for himself and Mr. WYDEN):

S. 1224. A bill to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to ensure full Federal compliance with that Act; to the Committee on Environment and Public Works.

By Mr. HUTCHINSON:

S. 1225. A bill to terminate the Internal Revenue Code of 1986; to the Committee on Finance.

By Mr. ABRAHAM (for himself, Mr. BROWNBACK, Mr. KYL, Mr. HAGEL, Mr. ALLARD, Mr. FAIRCLOTH, Mr. HUTCHINSON, Mr. NICKLES, and Mr. GRAMM):

S. 1226. A bill to dismantle the Department of Commerce; to the Committee on Governmental Affairs.

By Mr. JEFFORDS (for himself, Mr. D'AMATO, Mr. SARBANES, Mr. GRAMM, Mr. DODD, Mr. BOND, Mr. KENNEDY, and Mr. BINGAMAN):

S. 1227. A bill to amend title I of the Employee Retirement Income Security Act of 1974 to clarify treatment of investment managers under such title; considered and passed.

By Mr. CHAFEE (for himself and Mr. D'AMATO):

S. 1228. A bill to provide for a 10-year circulating commemorative coin program to commemorate each of the 50 States, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. CAMPBELL:

S. 1229. A bill to provide for the conduct of a clinical trial concerning digital mammography; to the Committee on Labor and Human Resources.

By Mr. CRAIG:

S. 1230. A bill to amend the Small Reclamation Projects of 1956 to provide for Federal cooperation in non-Federal reclamation projects and for participation by non-Federal agencies in Federal projects; to the Committee on Energy and Natural Resources.

By Mr. FRIST (for himself, Mr. MCCAIN, Mr. HOLLINGS, and Mr. ROCKEFELLER):

S. 1231. A bill to authorize appropriations for fiscal years 1998 and 1999 for the United States Fire Administration, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. MOYNIHAN:

S. 1232. A bill to provide for the declassification of the journal kept by Glenn T. Seaborg while serving as Chairman of the Atomic Energy Commission; to the Committee on Energy and Natural Resources.

## SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. THURMOND (for himself, Mr. HATCH, Mr. GRASSLEY, Mr. KYL, Mr. SESSIONS, and Mr. DEWINE):

S. Res. 128. A resolution expressing the sense of the Senate that sections 3345 through 3349 of title 5, United States Code (commonly referred to as the "Vacancies Act"), relating to the appointment of certain officers to fill vacant positions in Executive agencies, apply to all Executive agencies, including the Department of Justice; to the Committee on Governmental Affairs.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BURNS:

S. 1223. A bill to protect personal employment information reported to the National Directory of New Hires; to the Committee on Finance.

### THE EMPLOYEE INFORMATION PROTECTION ACT OF 1997

Mr. BURNS. Mr. President, I rise to introduce the Employee Information Protection Act of 1997. This bill will correct a serious problem with the 1996 welfare reform law that threatens the privacy of every American.

I do not know how many of my colleagues are aware of the fact that the new welfare reform law created a national new hire directory, which requires States to collect the name, address, and Social Security number of all newly hired employees and send this information to Washington, DC. This new hire directory will be housed at the Social Security Administration, under agreement with the Office of Child Support Enforcement, and the data will be checked against a registry of child support cases to detect overdue payments.

Concerns with this new hire directory nearly killed the welfare reform bill in the Montana Legislature and in several other State legislatures, but folks inside the Beltway do not seem too concerned. But I am concerned, and I will tell you why.

I am all for tracking down deadbeat parents and recovering overdue child support. But this new directory covers every new hire in every State and does not distinguish between deadbeats and nondeadbeats. What's more, the new law puts no limits on how long employee data may remain in the national new hire directory, and the Office of Child Support Enforcement has not developed any limits. It is especially alarming to me that in addition to the Office of Child Support Enforcement and the Social Security Administration, the Treasury Department has access to the directory and the Secretary of Health and Human Services has the discretion to provide researchers access to the directory. With the revelations this week at the Finance Committee hearings of abuse of taxpayer information at the IRS, it is urgent that we take measures to protect personal information from abuse.

The Employee Information Protection Act is simple—in fact it is only one sentence long, not counting the findings. That sentence reads: "Information entered into such database shall be deleted 6 months after the date of entry." That is it. This 6-month limit on retention of new hire data would give the Child Support Office sufficient time to check employee data against the child support case registry and start collection efforts on the deadbeats. At the same time, it will provide some protection for the personal information of the vast majority of Americans who do not owe child support.

I urge my colleagues to take a good look at this situation and if you have concerns as I do, join me in sponsoring the Employee Information Protection Act of 1997. I ask unanimous consent that Monday's New York Times article on the new hire directory be inserted into the RECORD.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1223

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Employee Information Protection Act of 1997".

**SEC. 2. FINDINGS AND PURPOSE.**

(a) FINDINGS.—Congress finds the following:

(1) The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104–193; 110 Stat. 2105) requires Federal and State child support enforcement agencies to implement new programs to collect overdue child support payment, thereby reducing the burden on taxpayers by lowering welfare payments.

(2) Among the new programs created under such Act and the amendments made by such Act, is the National Directory of New Hires, to be administered by the Social Security Administration, under agreement with the Office of Child Support Enforcement of the Department of Health and Human Services. Under this program, States are required to develop a reporting system whereby employers must report to their respective States the name, address, and social security number of all newly hired employees. States must forward the new hire data within 3 days of receipt to the National Directory of New Hires, where the data will be checked against the Federal Case Registry of Child Support Orders to detect overdue child support.

(3) The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 does not limit how long employee data may remain in the National Directory of New Hires, and the Office of Child Support Enforcement of the Department of Health and Human Services has not developed any such limits as of September 15, 1997. In addition to the Office of Child Support Enforcement of the Department of Health and Human Services and the Social Security Administration, the Department of the Treasury has access to the directory and the Secretary of Health and Human Services has the discretion to provide researchers access to the directory.

(4) The overwhelming majority of newly hired individuals do not have child support

orders entered against them, yet their personal data can be viewed by Federal agencies without such individuals' knowledge or consent.

(5) Recent disclosures of unauthorized viewing of taxpayer information by officials of the Internal Revenue Service highlight the potential for abuse of such information and the need for safeguarding measures.

(6) Several States with new hire reporting programs have time limits on data retention ranging from 6 to 9 months.

(7) A 6-month limit on retention of new hire data in the National Directory of New Hires, from the date such data is entered, would allow sufficient time to check the data against the Federal Case Registry of Child Support Orders and to initiate action against individuals with overdue child support, and would reduce the potential for abuse and misuse of the data.

(b) PURPOSE.—The purpose of this Act is to safeguard personal information concerning employees who do not have child support orders pending against them by placing a reasonable time limit on the retention of new hire data reported to the National Directory of New Hires.

**SEC. 3. LIMIT ON NEW HIRE DATA RETENTION.**

(a) REQUIREMENT TO DELETE DATA AFTER 6 MONTHS.—Section 453(i)(2) of the Social Security Act (42 U.S.C. 653(i)(2)) is amended by adding at the end the following: "Information entered into such database shall be deleted 6 months after the date of entry.".

[(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as if included in the enactment of title III of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104-193; 110 Stat. 2198).]

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[From the New York Times, Sept. 22, 1997]

### U.S. INAUGURATING A VAST DATABASE OF ALL NEW HIRES

(By Robert Pear)

WASHINGTON, Sept. 20.—Enforcement of child support obligations enters a new era on Oct. 1, when the Federal Government will start operating a computerized directory showing every person newly hired by every employer in the country so Federal and state investigators can track down parents who owe money to their children.

States will be able to use the directory to locate parents and dun them, typically by securing court orders to employers to deduct child support from wages and salaries.

Keeping track of parents who move from state to state is one of the most difficult tasks in collecting child support, officials say. More than 30 percent of the 19 million child support cases involve parents who do not live in the same state as their children.

President Clinton will soon announce the National Directory of New Hires, which is required by the 1996 welfare law. But the director is not just for welfare recipients. It will record basic information, including names, addresses, Social Security numbers and wages, for everyone hired after Oct. 1 for a full- or part-time job by an employer of any size.

It will be one of the largest, most up-to-date files of personal information kept by the Government. Michael Kharfen, a spokesman for the Department of Health and Human Services, said the Government expected to receive data on 60 million newly hired employees a year. Wages must be reported every three months; the Government expects to receive 160 million wage reports each quarter.

The size and scope of the database have raised concerns about the potential for intrusions on privacy.

Federal and state officials predict that the new Federal directory, combined with similar directories in all states, will produce billions of dollars in new child support payments. States like New York, Virginia, Texas and Missouri, which have required the reporting of newly hired workers in the last few years, say the procedure has been extremely helpful in locating absent parents.

In New York, Daniel D. Hogan, a spokesman for the state's Department of Family Assistance, said that three million people had been hired in the last year and that more than 5 percent of them had been found, through matching of computer files, to owe child support.

When people change jobs, Mr. Hogan said, New York officials inform the new employers of any child support obligations so the money can immediately be withheld from wages.

"We don't give them an opportunity to become deadbeats," Mr. Hogan said. "The biggest problem facing us in child support enforcement is people who move out of state. The best part of the Federal reform is that it will allow us to break down barriers state to state."

Health and Human Services will maintain a separate register listing everyone who owes or is owed child support. It will check each new employee against the list of child support orders to see if the worker owes any money.

Thomas D. Neal, a child support specialist in the Texas Attorney General's office, said: "The national directory will tremendously enhance our ability to locate absent parents and collect child support. Before now, we did not have a good mechanism to know that another state was looking for an individual who might be working in Texas."

Virginia has required the reporting of all newly hired employees since 1993. Patricia Addison, manager of operations for the state's child support program, said, "We've found it an invaluable tool."

The State of Virginia is routinely informed whenever a person takes a new job. By contrast, Ms. Addison said, in the past, "the only way we found out that the father had changed jobs is that the child support payments stopped."

Despite the enthusiasm of state officials, Robert M. Gellman, an expert on privacy and information policy, expressed concern that the new data would be misused.

"The Government is creating a gigantic new database with very broad uses and very little attention paid to the protection of personal privacy," he said. "Private detectives will find a friend in the police department or a child welfare office to give them access to information in the directory of new hires. That already happens with criminal, medical and credit records."

Mr. Gellman predicted that Congress would increase the number of people authorized to use the new directory, just as it has expanded the list of officials with access to Federal tax return information over the years.

Under Federal law, state welfare and child support officials will have access to the new national directory. The Internal Revenue Service, the Social Security Administration and the Justice Department will also have access for some purposes.

A parent living with a child will be able to use the directory to get information about an absent parent who owes child support. For example, a mother with custody of a child will be able to ascertain the father's home address, the name and address of his employer and the amount of the father's income, assets and debts. Using such information, the mother may ask a local court to modify the child's support order if the father's earnings have increased.

In Missouri, child support collections rose 17 percent, to $279 million, in 1996 after the state required reporting of newly hired workers. Teresa L. Kaiser, director of the Missouri program, said, "We had a big increase in collections from 'job jumpers,' parents who want work in one place for a few months, then move to another job before we could get a wage-withholding order."

States say the reporting of new employees not only increases child support collections, but also saves money in other programs. State officials can often reduce or eliminate payments for welfare, food stamps, unemployment insurance and Medicaid after learning that the recipients of such aid have been hired.

Under Federal law, the hiring of a new employee must be reported within 20 days to state authorities, who then have 8 days to send the data to Washington. States may establish tighter deadlines for employers, and many have done so.

Collections through the Federal child support program increased last year by 50 percent, to $12 billion, from $8 billion in 1992. But nationwide, only half of the families with child support orders receive the full amount due, and millions get nothing.

Here is how the new program will work:

Employers may file information by mail or magnetic tape. States may also take the information over the telephone, by fax or through the Internet.

An employer who fails to report new employees may be fined $25 for each newly hired worker. An employer who conspires with an employee to flout the reporting requirements may be fined $500.

A multistate employer may file a report with one state listing all of its hiring across the country. Or, it may file a separate report for each new employee in the state where the person works.

The Federal Government will require only six items of information: the name, address and Social Security number of each newly hired employee, the employer's name and address and the identification number assigned to the employer by the Government.

But many states are requiring employers to file additional information, like telephone numbers, dates of birth, driver's license number and details of health insurance coverage provided to new employers.

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By Mr. ALLARD (for himself and Mr. WYDEN):

S. 1224. A bill to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to ensure full Federal compliance with that Act; to the Committee on Environment and Public Works.

### THE FACILITY SUPERFUND COMPLIANCE ACT OF 1997

Mr. ALLARD. Madam President, today, I am introducing, with the Senator from Oregon, RON WYDEN, legislation to ensure that Federal agencies comply with the Comprehensive Environmental Response, Compensation, and Liability Act.

This same legislation has been introduced in the House of Representatives for several years by my home State colleague, DAN SCHAEFER. His leadership in this area has been very important.

This legislation is very important to the country, but particularly to Colorado, where we have had several problems with the Federal Government applying one standard for themselves, and a different higher standard on private parties. I think this is unfair and should be changed. I've always believed that Superfund reform would be easier if all parties were in the same bathtub with the same scrub brush.

I've tried to address Colorado's problems with EPA, but unfortunately I've had little success in getting their attention. One example I have brought to their attention was a former research institute at the Colorado School of Mines in Golden, CO. The research institute at Golden was shut down in the late 1980's after years of research had been done by the School of Mines, private entities, and several agencies of the Federal Government, including the Environmental Protection Agency [EPA].

After the site ceased doing research various environmental contaminants were found at the site and in 1992 there was an accident that resulted in the contents of a holding pond spilling into Clear Creek. While there was no contamination found in Clear Creek, the EPA had an emergency response cleanup contractor remove approximately 22,000 cubic yards of material from the pond and had it placed in a temporary stockpile. The EPA then issued a unilateral administrative order [UAO] for its disposal. Despite the fact that EPA, the Department of Energy, the Department of Defense, and the Bureau of Mines did research at the site none of them were the subject of the UAO, even though the Bureau of Mines was identified as a potentially responsible party [PRP]. Only the State of Colorado, the Colorado School of Mines, and the private parties were subject to the UAO. To put it plainly, the EPA stuck everyone but their sister agencies with a bill for millions on cleanup.

In the case of the State of Colorado, they have appropriated a total of $7.465 million for cleanup to cover their costs and the costs the Federal Government should be paying. It's my view that this money could be spent much better, or not spent at all. However, to have the State spend it because EPA won't enforce and Federal agencies won't be responsible is unacceptable. There is also another case in Colorado involving a Superfund site in Leadville. Leadville is a small town that was the home of Baby Doe Tabor and formerly was the site of a large amount of mining. While there is still some mining that occurs in Leadville, they are also beginning to rely more on tourism dollars.

Unfortunately, the city has a stigma attached to it; it is a Superfund site. All the homes are a Superfund site, all the schools are a Superfund site, all the restaurants are a Superfund site, all the businesses on the main street are a Superfund site. They've been told that because of various mounds of old tailings laying around, the entire city has to be on the national priority list. It's interesting to note though, that the safety concerns of EPA seem to stop short when it comes to Federal responsibility. This story is one of two water treatment plants, one Federal, one private. The private plant, because it's on the Superfund site was built at much greater cost than the Federal plant, which is conveniently just outside the Superfund site. This is despite the fact that the level of contamination is basically equal at both locations. While the EPA disputes this claim, the people who live in Leadville and work at the cleanup site know the difference.

In case I'm accused of relying on anecdotes for this legislation let me describe two documents that found their way into my office. Let me describe them in reverse chronological order, the first is an August 2, 1996, memorandum which subject is, "Documentation of Reason(s) for Not Issuing CERCLA 106 UAO's to All Identified PRP's." I want to quote a footnote in this document; it states that, "Pursuant to the applicable procedures, DOJ must concur with any EPA decision to issue a UAO under CERCLA section 106 to a Federal agency." So if DOJ doesn't concur EPA won't act. So it is revealing to note that a December 15, 1994, letter from a region VIII attorney stated that, "It is my understanding, however, that DOJ has never approved of the issuance of a unilateral order to a Federal agency."

By the Federal Government's own admission they will not enforce against a sister agency. Since there is no environmental "cop on the beat" for Federal agencies, the Federal Government should be relieved of their immunity against lawsuits and be treated the same as any private party. That includes having to comply with laws that elected State legislatures enact. This is what this legislation does. It is my intention to see it enacted into law as quickly as possible.

I want to thank the Senator from Oregon for joining me in this effort.

Mr. WYDEN. Madam President, in 1992, Congress enacted the Federal Facilities Compliance Act, which requires Federal facilities to obey key environmental laws including the Resource Conservation and Recovery Act and State hazardous waste laws.

However, subsequent Federal court decisions threaten to undermine the important principle that Federal Government facilities must comply with the same environmental laws that govern the private sector. In fact, one court decision that covers the Hanford Nuclear Reservation would allow Hanford to poison the water, pollute the air and contaminate the soil for decades, and be immunized for any violations that occur before the Hanford cleanup is completed sometime in the next century.

This court ruling allowed the interagency agreement among the Energy Department, the Environmental Protection Agency and the Washington Department of Ecology that governs the Hanford cleanup to be used as a shield to block an enforcement action against the Energy Department for violations of the Clean Water Act.

The Energy Department's use of interagency agreement to bar enforcement of environmental laws not only undermines the Federal Facilities Compliance Act but also puts at risk the health of citizens who live downstream or downwind from Hanford, and near other Federal facilities around the country.

Madam President, we also have a double standard here. The Superfund law only authorizes interagency agreements for Federal facilities; there is no comparable provision and no comparable immunity from enforcement for private sector sites.

Today, Senator ALLARD and I are introducing the Federal Facilities Superfund Compliance Act to put an end to this double standard. Our legislation makes clear that Federal Government facilities are subject to the same environmental cleanup laws that apply to the private sector. And they are subject to the law now, not sometime off in the future.

Under this legislation, an interagency agreement, such as the Hanford Tri-Party Agreement, can no longer be used as a means to evade other environmental requirements.

Our legislation also makes clear that if Federal facilities fail to meet their obligations, States and affected citizens will be able to enforce against the Federal Government for these violations just as they would be able to enforce against private parties for violations of environmental laws at a private sector Superfund site.

Our citizens who live in the shadow of contaminated Federal facilities should not have to wait years or decades to obtain the health and environmental protections our laws are supposed to provide. I urge all our colleagues to support this important legislation to provide citizens who live downwind or downstream from Federal facilities equal protection under our environmental laws.

By Mr. ABRAHAM (for himself, Mr. BROWNBACK, Mr. KYL, Mr. HAGEL, Mr. ALLARD, Mr. FAIRCLOTH, Mr. HUTCHINSON, Mr. NICKLES, and Mr. GRAMM):

S. 1226. A bill is dismantle the Department of Commerce; to the Committee on Governmental Affairs.

### THE DEPARTMENT OF COMMERCE DISMANTLING ACT

Mr. ABRAHAM. Mr. President, for 3 years now, the Department of Commerce has been the target of critics in Congress and around the country. With the completion of the Balanced Budget Act and the tight discretionary budgets mandated by that law, I believe it is time once again to raise the question of Commerce's ongoing existence.

Is it necessary to have our Nation's weather and mapping services housed in the same department as our trade promotion activities, or would the American people be better served by smaller, tighter agencies with more clearly defined objectives? I suggest that through comprehensive restructuring we can both better serve the American people and help keep the budget within the spending targets that are now law.

Why terminate the Department of Commerce? The debate over the past 3 years has provided us with a simple answer: It's the least defensible department in a Government littered with wasteful, unnecessary departments. Its bureaucracy is bloated, its infrastructure is in disrepair, and its resources are strained to encompass numerous activities that have absolutely nothing to do with commerce or trade. Former Commerce Department officials, the General Accounting Office, and the inspector general have repeatedly testified before Congress that the Department of Commerce suffers from mismanagement, duplication, and a general lack of accountability. Confronted with this weight of evidence, I believe that the Commerce Department cannot be reinvented. Instead, the only responsible action is dismantle the Department to better serve the Congress and the American people.

Today, I am introducing a bill along with Senators BROWNBACK, KYL, FAIRCLOTH, GRAMM, NICKLES, ALLARD, HUTCHINSON, and HAGEL which targets this waste and duplication. It transfers those functions that can be better served elsewhere, consolidates duplicative agencies, and eliminates the remaining unnecessary or wasteful programs. Preliminary estimates indicate the bill will save about $2.5 billion over the next 5 years. How does it achieve these savings?

First, it eliminates unnecessary, duplicative and wasteful programs such as the Minority Business Development Agency, the U.S. Travel and Tourism Administration, the Technology Administration, and the National Telecommunications and Information Administration.

Second, it takes NOAA—which comprises the lion's share of the Department's activities—out from under the Department umbrella. Many of the functions under NOAA, including the Nation's weather service, are vital activities that all observers agree should be carried on. As an independent agency, NOAA will have the opportunity to focus on these core functions, free to achieve the savings necessary to fulfill its responsibilities.

Third, it rationalizes U.S. trade policy by consolidating the International Trade Administration, the Bureau of Export Administration, and the Office of the U.S. Trade Representative within the U.S. Trade Administration. Currently, 19 Federal agencies are charged with promoting trade, but only 8 percent of total Federal spending on trade promotion is directed by Commerce. The bill before us takes a dramatic step toward consolidating our existing trade activities, achieving the administrative savings necessary to rationalize our trade promotion efforts and make them more effective.

Finally, the bill establishes a new Federal Statistical Service by combining the Bureau of the Census and the Bureau of Economic Analysis with the Bureau of Labor Statistics from the Department of Labor. It also creates within the service a Federal Council on Statistical Policy to advise the service and Congress on statistical issues. Once again, the goal is to consolidate functions of the Federal Government that have been dispersed across the Federal Government. It's a more rational, efficient means of accomplishing these tasks.

Mr. President, some have argued that this effort will handicap American businesses by depriving them of their chief advocate in Washington. That's nonsense. Businessmen and women across this country understand what's necessary to promote economic growth and jobs—and it's not another Government handout.

As Jim Barrett, president of the Michigan Chamber of Commerce stated: "Of all the priorities that the Congress can set to assist Michigan business, keeping the Commerce Department is not even on the radar screen. * * * A balanced budget with lower interest rates will do much more than the Department of Commerce as it is presently structured ever could."

A poll conducted by the Greater Detroit Chamber of Commerce indicates Mr. Barrett wasn't just speaking for himself. Forty-seven percent of those polled support eliminating the Department of Commerce—while only 6 percent were opposed. That is a ratio of almost 8 to 1 in favor of eliminating the Department of Commerce.

The lesson of the Commerce Department is simple. Absent clearly defined responsibilities and goals, the Department has become the resting place for the odds and ends of the Federal Government. In the process, it has provided shelter for numerous programs that do not serve the American people well.

This legislation targets those programs, unburdening the taxpayer from being forced to continue their subsidy, while freeing the more worthy programs to better accomplish their jobs. This legislation is an exercise in good government, and I hope my colleagues will support it.

Mr. President, I ask unanimous consent that additional material be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

### THE DEPARTMENT OF COMMERCE DISMANTLING ACT—HIGHLIGHTS

Terminates unnecessary department agencies: Eliminates the Technology Administration, the Minority Business Development Administration, the National Telecommunications and Information Administration, and the Economic Development Administration.

Eliminates wasteful department programs: Eliminates the Office of Technology Policy, the Advanced Technology Program, the Manufacturing Extension Partnership Program, the Federal Laboratory Consortium for Technology Transfer, the Metric Program, the NOAA Corps, the NOAA Fleet, grant programs under the National Telecommunications and Information Administration, and ocean and atmospheric grant programs.

Consolidates trade functions: Rationalizes U.S. trade policy by consolidating the International Trade Administration, the Bureau of Export Administration, the Office of the United States Trade Representative, and spectrum management within the United States Trade Administration.

Consolidates oceanographic, atmospheric and scientific functions within a newly independent National Oceanic and Atmospheric Administration: Consolidates the National Oceanic and Atmospheric Administration, the National Bureau of Standards (formerly the National Institute of Standards and Technology), spectrum research and analysis functions of the National Telecommunications and Information Administration, and the Office of Space Commerce. Core functions of NOAA, such as fisheries management and the National Weather Service, are preserved.

Consolidates statistical functions: Establishes a new Federal Statistical Service by combining the Bureau of the Census and the Bureau of Economic Analysis with the Bureau of Labor Statistics from the Department of Labor. Also creates within the Service a Federal Council on Statistical Policy to advise the Service and Congress on statistical issues.

Corporatizes the Patent and Trademark Office: Establishes a fee-funded, wholly owned government corporation, based on legislation reported out of the Senate Judiciary Committee this year.

### SUMMARY

The terminations, transfers and consolidations called for by this bill are to be completed over a thirty-six month period under the direction of the Office of Management and Budget.

#### *Administrative functions*

The office of the Secretary, General Counsel, Inspector General, and other administrative functions are terminated six months after enactment of this bill.

#### *Economic Development Administration*

The EDA provides grants and assistance to loosely-defined "economically depressed" regions. EDA's functions are duplicated by numerous other federal agencies including the

Departments of Agriculture, HUD, and Interior, the Small Business Administration, the Tennessee Valley Authority and the Appalachian Regional Commission. The parochial nature of the program often targets EDA grants to locations with healthy economies which do not need federal assistance. The EDA is terminated within this bill.

### *National Technical Information Service*

The National Technical Information Service is transferred to the Office of Budget and Management for privatization. If an appropriate arrangement for the privatization of functions of the NTIS is not made within 18 months, then the Service is transferred to the National Oceanic and Atmospheric Administration and OMB is directed to provide legislation to Congress that would transform NTIS into a government-owned corporation.

### *Bureaus of the Census and economic analysis*

The Census Bureau and the Bureau of Economic Analysis would be transferred, along with the Bureau of Labor Statistics to the newly created Federal Statistical Service, beginning the process of consolidating the federal government's statistical functions. The bill then requires the President to study and propose legislation to further the consolidation of these functions.

### *Minority Business Development Agency*

Although MBDA has spent hundreds of millions on management assistance—not capital assistance—since 1971, the program has never been formally authorized by Congress. The MBDA's stated mission, to help minority-owned businesses get government contracts, is duplicated by such agencies and programs as the Small Business Administration, and Small Business Development Centers, along with the private sector. The MBDA would be terminated.

### *Technology Administration*

The Technology Administration currently works with industry to promote the use and development of new technology. The federal government is poorly equipped to "pick winners and losers" in the marketplace. This agency is terminated, including the Offices of Technology Policy, Technology Commercialization, and Technology Evaluation and Assessment.

### *National Institute of Standards and Technology*

The National Institute of Standards and Technology is redesignated as the National Bureau of Standards and transferred to the newly independent NOAA. The Advanced Technology Program (ATP) and the Manufacturing Extension Partnerships are terminated; these programs are often cited as prime examples of corporate welfare, wherein the federal government invests in applied research and product development programs which should be conducted in the private sector.

### *National Telecommunications and Information Administration*

The NTIA, an advisory body on national telecommunications policy, would be terminated, including its grant programs. Federal spectrum research and analysis functions would be transferred to the National Bureau of Standards while federal spectrum management functions would be made an independent arm of the Federal Communications Commission. Finally, NTIA's laboratories would be moved to the OMB for privatization. If a suitable arrangement is not made within 18 months, they would be moved to NOAA.

### *Patent and Trademark Office*

Providing for patents and trademarks is a constitutionally-mandated government function. This bill would establish the PTO as a government-owned corporation and require the PTO to be supported completely through fee collection. This text is the same as S. 507 reported by the Senate Committee on the Judiciary earlier this year.

### *National Oceanic and Atmospheric Administration*

The bill establishes the National Oceanic and Atmospheric Administration as an independent agency. Consolidated within the newly independent National Oceanic and Atmospheric Administration are the National Bureau of Standards (formerly the National Institute of Standards and Technology), spectrum research and analysis functions of the National Telecommunications and Information Administration, and the Office of Space Commerce.

Core functions of NOAA, such as fisheries management and the National Weather Service, are preserved, while outdated programs like the NOAA Corps, NOAA Fleet, and 30 other atmospheric programs are terminated.

### *United States Trade Administration*

The Department of Commerce claims to be the lead in U.S. Trade policy, but actually only plays a small part. Five percent of Commerce's budget is dedicated to trade promotion, and it comprises only 8 percent of total federal spending on trade promotion. Furthermore, nineteen different federal agencies have trade responsibilities.

Our legislation would begin the process of consolidating and rationalizing federal trade policy by combining the Bureau of Export Administration, the International Trade Administration, and the United States Trade Representative under the same roof, the United States Trade Administration. The U.S. Trade Representative would retain its current Cabinet and Ambassador status.

In an additional attempt to make our trade policies more coherent, the USTR would serve as a member of the Board of Directors of the Export-Import Bank and the Overseas Private Investment Corporation. Finally, the bill requires the President to transmit a plan to Congress to consolidate other federal export promotion activities and export financing activities and how to transfer those functions to the USTA.

Mr. HAGEL. Mr. President, I rise today in support of the Department of Commerce Dismantling Act as an original cosponsor. This legislation continues the battle to do away with unneeded government and wasteful spending. Over a 3-year period the Department of Commerce would be dismantled. Certain programs would be transferred or consolidated into agencies or departments that are better suited to handle them. Other programs and agencies would be terminated altogether. Unnecessary agencies and several tiers of bureaucracy would be eliminated. According to the Congressional Budget Office, the abolishment of the Department of Commerce would save taxpayers more than $2 billion over 4 years. I commend Senator BROWNBACK for his leadership in crafting this legislation to abolish the Department of Commerce.

Today the Department of Commerce is a 31,000 person department costing American taxpayers $4 billion annually. Sixty of these employees have the rank of deputy assistant secretary or higher and have annual salaries of at least $96,000 each.

During my campaign, I ran on the ideals of less government, lower taxes, fewer Federal regulations and more personal responsibility. To obtain such goals, I called for the abolishment of four Federal departments including the Departments of Commerce, and Energy. Earlier this year I signed on as an original cosponsor to legislation to abolish the Department of Energy, sponsored by Senator ROD GRAMS.

The Department of Commerce, as we know it today, was created in 1913 during the Woodrow Wilson administration to help promote American businesses around the world. Today, only 5 percent of the Department's nearly $4 billion budget is dedicated to trade promotion. By comparison $2 billion is spent annually out of the Department's budget on the National Oceanic and Atmospheric Administration. Additionally, there are 19 other Federal agencies that hold some jurisdiction over trade. Trade is now a small part of the Department of Commerce.

America's future lies in trade, but the Department of Commerce's bureaucracy is a relic of the past. This legislation attempts to correct that by consolidating trade functions under a single agency, the United States Trade Administration, and eliminating the waste, bureaucracy, and duplication we have today in the Department of Commerce.

The time has come to abolish the Department of Commerce. We cannot continue to waste tax payers' dollars on outdated inefficient, and redundant programs. Taxpayers deserve better.

Mr. BROWNBACK. Mr. President, I rise today to join Senator ABRAHAM in introducing the Department of Commerce Dismantling Act. This legislation was completed after months of research and hearings in which we investigated the many costly structural, managerial, and programmatic problems confronting the Department. We have concluded that these problems are so severe and systemic that the department cannot be reinvented. To provide American taxpayers with the services they require at the level of efficiency and quality they demand, the Department of Commerce must be dismantled.

The Department of Commerce is a hodgepodge of unrelated functions and missions ranging from antidumping investigations to zebra mussel research. It is comprised of 11 unrelated agencies, overseeing more than 100 programs, catering to more than 1,000 customer bases, and overlapping the work of 71 other Government offices and agencies. This entire agglomeration is unmanageable, and diminishes the quality of those Commerce functions which must be provided by the Federal Government.

For example, historically, Secretaries of Commerce have focused their attention almost exclusively on the Department's trade functions. However, trade activities only account for 8 percent of the Department's budget, and Commerce accounts for less than 6 percent of total Federal spending on trade. Commerce is just one of 19 Federal agencies involved in trade issues, and isn't even regarded as the lead trade agency—the Office of the U.S. Trade Representative is.

However, while Secretaries of Commerce travel abroad on foreign trade missions, serious management problems have languished at Commerce headquarters. For example, in 1992 the General Accounting Office indicated that the National Weather Service modernization program and the Decennial Census—two important functions—were both experiencing severe management failures. Today, 5 years later, both of these programs remain on GAO's list of high-risk government management problems. This year, before the Governmental Affairs Committee, Subcommittee on Government Management, which I chair, the Department of Commerce's inspector general testified "I think it is fair to say that there is little Departmental leadership or oversight in key administrative areas."

Mr. President, in part as a result of this lack of leadership, the Department has also initiated or continued to perform functions which are not just mismanaged, but are unnecessary. In fact, in many instances, the Department which professes to be the advocate for America's business has gone into competition with them. In testimony before the Subcommittee on Government Management, representatives from the private mapping, weather forecasting and venture capital industries stated that the Department of Commerce routinely competes with companies in their fields. Because taxpayers unknowingly subsidize the Departments commercial ventures, Commerce is a formidable competitor for small businesses. By going into business, Commerce also misuses taxpayer resources that should be devoted to truly governmental functions.

Other functions performed in the Department of Commerce are just a waste of taxpayer dollars. For example, the Advanced Technology Program provides handouts to America's largest and wealthiest corporations to do product development research. This program is corporate welfare, plain and simple, and should be terminated. The Economic Development Administration duplicates the efforts of dozens of other economic development programs around the Federal Government.

And finally, the Department of Commerce has become entirely too politicized. Most employees at Commerce are dedicated public servants. However, too many of their leaders obtained their jobs when political connections prevailed over the public good.

The Department of Commerce began in 1902 and has evolved over the past 94 years into an agency which has no clear mission or responsibility, and is too unmanageable to reform. I believe the Department of Commerce Dismantling Act is the next necessary step in that evolution. The Commerce Department Dismantling Act would retain the important functions which are performed in Commerce, it consolidates many important functions with those performed elsewhere in the Federal Government, and it eliminates the waste. I urge my colleagues to support this measure.

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By Mr. CHAFEE (for himself and Mr. D'AMATO):

S. 1228. A bill to provide for a 10-year circulating commemorative coin program to commemorate each of the 50 States, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

### THE 50 STATES COMMEMORATIVE COIN PROGRAM ACT

Mr. CHAFEE. Mr. President, I am delighted to introduce legislation with Senator D'AMATO, chairman of the Banking Committee, to create a circulating commemorative quarter representing each of the 50 states. Last year, legislation was enacted which instructed the Secretary of the Treasury to study the feasibility of a circulating commemorative coin. That study found that there is considerable public interest in the circulating commemorative quarter and that collecting such coins would produce significant earnings. The bill that I am introducing today will implement this program. Identical legislation has been introduced in the House.

As we all know, the circulating quarters in use today are Washington/Eagle quarters, that is they have a bust of George Washington on one side and an eagle on the reverse side. Under this legislation, beginning in 1999, the Mint would strike only statehood quarters until all 50 states were represented. Only the design on the back of quarters would change. There would be no changes whatsoever to the physical size, weight, or other specifications of quarters. This uniformity is necessary to ensure that these new quarters will continue to work in vending machines, telephones, parking meters, and for other similar transactions.

This program would operate for 10 years, with the Mint producing five different statehood coins per year. The order in which States will be represented is based on the order in which States ratified the Constitution and joined the Union. If a new state joins the Union during the life of the program, it will be extended in order to ensure that the new State is represented.

The design for each State will be selected by the Secretary of the Treasury in consultation with the Governor, the Commission on Fine Arts, and the Citizens Commemorative Coin Advisory Committee. Each State will nominate a design to the Secretary.

It is my hope that this proposal will spark interest in every State across our Nation. I hope that school children begin to study the history of their States in search of an appropriate individual or emblem to represent their States on the reverse side of these quarters. I hope that artists, coin collectors, historians, and scholars debate and ultimately join together to suggest an appropriate representation for their State.

I know that there are a wide range of appealing options for my own State of Rhode Island. Of course there is the founder of Rhode Island, Roger Williams or Anne Hutchinson, who, like Roger Williams, dedicated her life to the principle of religious freedom and tolerance. There is the Anchor of Hope, which is our State motto and is represented on our flag. Rhode Island is the Ocean State, so a seascape would be an interesting proposal, as would be a lighthouse or a gull.

I am delighted to have Senator D'AMATO's support in introducing this bill. I am sure that he agrees that the point of this new program is to honor all 50 States, and to encourage an interest in the unique history of each State. This program creates a program through which we can celebrate our diverse heritage.

I send a bill to the desk and ask for its appropriate referral.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1228

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "50 States Commemorative Coin Program Act".

**SEC. 2. FINDINGS.**

The Congress finds that—

(1) it is appropriate and timely—

(A) to honor the unique Federal republic of 50 States that comprise the United States; and

(B) to promote the diffusion of knowledge among the youth of the United States about the individual States, their history and geography, and the rich diversity of the national heritage;

(2) the circulating coinage of the United States has not been modernized during the 25-year period preceding the date of enactment of this Act;

(3) a circulating commemorative 25-cent coin program could produce earnings of $110,000,000 from the sale of silver proof coins and sets over the 10-year period of issuance, and would produce indirect earnings of an estimated $2,600,000,000 to $5,100,000,000 to the United States Treasury, money that will replace borrowing to fund the national debt to at least that extent; and

(4) it is appropriate to launch a commemorative circulating coin program that encourages young people and their families to collect memorable tokens of all of the States for the face value of the coins.

**SEC. 3. ISSUANCE OF REDESIGNED QUARTER DOLLARS OVER 10-YEAR PERIOD COMMEMORATING EACH OF THE 50 STATES.**

Section 5112 of title 31, United States Code, is amended by inserting after subsection (k) the following new subsection:

"(l) REDESIGN AND ISSUANCE OF QUARTER DOLLAR IN COMMEMORATION OF EACH OF THE 50 STATES.—

"(1) REDESIGN BEGINNING IN 1999.—

"(A) IN GENERAL.—Notwithstanding the fourth sentence of subsection (d)(1) and subsection (d)(2), quarter dollar coins issued during the 10-year period beginning in 1999, shall have designs on the reverse side selected in accordance with this subsection which are emblematic of the 50 States.

"(B) TRANSITION PROVISION.—Notwithstanding subparagraph (A), the Secretary may continue to mint and issue quarter dollars in 1999 which bear the design in effect before the redesign required under this subsection and an inscription of the year '1998' as required to ensure a smooth transition into the 10-year program under this subsection.

"(2) SINGLE STATE DESIGNS.—The design on the reverse side of each quarter dollar issued during the 10-year period referred to in paragraph (1) shall be emblematic of 1 of the 50 States.

"(3) ISSUANCE OF COINS COMMEMORATING 5 STATES DURING EACH OF THE 10 YEARS.—

"(A) IN GENERAL.—The designs for the quarter dollar coins issued during each year of the 10-year period referred to in paragraph (1) shall be emblematic of 5 States selected in the order in which such States ratified the Constitution of the United States or were admitted into the Union, as the case may be.

"(B) NUMBER OF EACH OF 5 COIN DESIGNS IN EACH YEAR.—Of the quarter dollar coins issued during each year of the 10-year period referred to in paragraph (1), the Secretary of the Treasury shall prescribe, on the basis of such factors as the Secretary determines to be appropriate, the number of quarter dollars which shall be issued with each of the 5 designs selected for such year.

"(4) SELECTION OF DESIGN.—

"(A) IN GENERAL.—Each of the 50 designs required under this subsection for quarter dollars shall be—

"(i) selected by the Secretary after consultation with—

"(I) the Governor of the State being commemorated, or such other State officials or group as the State may designate for such purpose; and

"(II) the Commission of Fine Arts; and

"(ii) reviewed by the Citizens Commemorative Coin Advisory Committee.

"(B) SELECTION AND APPROVAL PROCESS.—Designs for quarter dollars may be submitted in accordance with the design selection and approval process developed by the Secretary is the sole discretion of the Secretary.

"(C) PARTICIPATION.—The Secretary may include participation by State officials, artists from the States, engravers of the United States Mint, and members of the general public.

"(D) STANDARDS.—Because it is important that the Nation's coinage and currency bear dignified designs of which the citizens of the United States can be proud, the Secretary shall not select any frivolous or inappropriate design for any quarter dollar minted under this subsection.

"(E) PROHIBITION ON CERTAIN REPRESENTATIONS.—No head and shoulders portrait or bust of any person, living or dead, and no portrait of a living person may be included in the design of any quarter dollar under this subsection.

"(5) TREATMENT AS NUMISMATIC ITEMS.—For purposes of sections 5134 and 5136, all coins minted under this subsection shall be considered to be numismatic items.

"(6) ISSUANCE.—

"(A) QUALITY OF COINS.—The Secretary may mint and issue such number of quarter dollars of each design selected under paragraph (4) in uncirculated and proof qualities as the Secretary determines to be appropriate.

"(B) SILVER COINS.—Notwithstanding subsection (b), the Secretary may mint and issue such number of quarter dollars of each design selected under paragraph (4) as the Secretary determines to be appropriate, with a content of 90 percent silver and 10 percent copper.

"(C) SOURCES OF BULLION.—The Secretary shall obtain silver for minting coins under subparagraph (B) from available resources, including stockpiles established under the Strategic and Critical Materials Stock Piling Act.

"(7) APPLICATION IN EVENT OF THE ADMISSION OF ADDITIONAL STATES.—If any additional State is admitted into the Union before the end of the 10-year period referred to in paragraph (1), the Secretary of the Treasury may issue quarter dollar coins, in accordance with this subsection, with a design which is emblematic of such State during any 1 year of such 10-year period, in addition to the quarter dollar coins issued during such year in accordance with paragraph (3)(A).".

Mr. D'AMATO. Mr. President, today I join my colleague from Rhode Island, Senator CHAFEE, to introduce a bill which will authorize the 50 States Circulating Commemorative Coin Program.

This program, which allows for a temporary change to the reverse side of our quarters starting in the year 1999, has my complete and enthusiastic support.

Mr. President, I feel it is appropriate as we enter the new millennium to embark on a decade-long celebration honoring each of our 50 States in the order in which they ratified the Constitution and joined the Union. All States shall submit, for final selection by the Secretary of the Treasury, a design befitting the motto or symbol of each State.

The benefits of this program in promoting State pride on a national level and educating our citizens about our States' unique character and history are substantial.

In the year 1999, our Nation will be 223 years old. Before our next big celebration marking the tricentennial in the year 2076, we should take time to commemorate the attributes of every State in this Union.

Through this circulating coin program, we will be giving American youth an opportunity to cultivate an interest in the rich history that formed these United States. These coins will provide our teachers with a tangible tool to instill this interest.

The educational advantage for our children will not only be achieved in classrooms, but on playgrounds and in homes around the Nation.

In addition, Mr. President, I feel that the excitement and anticipation of the different coins in this program will also capture the interest of adults. Just imagine, receiving a collectible memento when you are handed your change.

And may I point out, Mr. President, while the entire set of 50 circulating quarters will cost only $12.50, this very affordable collection will generate a minimum of $2.6 billion and conceivably as much as $5 billion in additional earnings for the Treasury. These off-budget earnings will be applied directly to reduce borrowing to fund the national debt.

Mr. President, I would like to take this opportunity to thank my colleague, Congressman MICHAEL CASTLE, who has worked tirelessly to promote this great program. Identical legislation MIKE CASTLE sponsored passed the House on a record vote of 413 to 6. I am pleased that his efforts to create this commemorative coin are about to be realized. His outstanding leadership and dedication on this matter has been an inspiration to all who have committed their support.

As chairman of the Banking Committee, I intend to press for prompt passage of this broadly supported bill and I am pleased to be a cosponsor.

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By Mr. CAMPBELL:

S. 1229. A bill to provide for the conduct of a clinical trial concerning digital mammography; to the Committee on Labor and Human Resources.

### THE DIGITAL MAMMOGRAPHY CLINICAL TRIAL CONDUCT ACT OF 1997

Mr. CAMPBELL. Mr. President, today I am introducing a bill that will provide for a much needed clinical trial for the benefit of women's health. My bill would provide $20 million to the Nation's Office of Women's Health to conduct a large-scale clinical trial of digital mammography, involving 50,000 women and 20 sites, which could yield hard data in as little as a year regarding the potential of this technology.

Digital mammography is our best bet for bringing the fight against breast cancer into the 21st century. This technology could answer the question of what age a woman should begin seeking annual mammograms. It could prevent unnecessary biopsies, as well as catch the countless breast masses undetected by conventional mammography. Dr. Martin Yaffe, a senior cancer-imaging researcher from Canada, is quoted in the Wall Street Journal of March 20, 1997, as drawing this comparison, "Using a conventional x ray mammography to find a tumor in dense breast tissue is like trying to find a cotton ball in a cloud. Digital technology allows us to improve the quality of the image and avoid missing the cancer."

While conventional mammography invokes the usual procedure for x rays, which views the film of a breast image on a light box, digital mammography takes advantage of an advanced x ray source for digital image capture, allowing image enhancement, feature recognition, and the ability to adjust the display contrast to highlight shadows and otherwise undetected signs of breast cancer. Mammography is the only means for detecting breast microcalcifications, typically the earliest indicator of nonpalpable breast cancers.

Many of my Senate colleagues have taken a personal and avid interest in combating breast cancer. With good reason. More than 40,000 women will lose their battle with breast cancer this year alone, while another 2.6 million will continue to live with the disease. Further, the rate of diagnosis has been steadily increasing for the last 50 years. For women aged 40 to 45, breast cancer is the leading cause of death. Given these staggering statistics and the fact that women are literally defenseless against this disease, it is imperative that we do everything possible to promote early detection and treatment.

On June 3 of this year, 62 U.S. Senators sent a letter to the Appropriations Committee, urging funding for the Department of Defense Peer Reviewed Breast Cancer Research Program. This program is world renowned and responsible for many of the most important advances in breast cancer research. It has even facilitated several small-scale trials in digital mammography.

However, this program has, to date, proven unable to conduct a large-scale clinical trial of digital mammography. And yet, it is only a large-scale trial that can determine definitively the efficacy of this technology in saving women's lives. There are two bottom lines here. First, the trial would tell women at what age and with what frequency they should receive mammograms. Second, the trial would provide the Health Care Financing Administration with the data it needs to set a reasonable and appropriate cost for a digital mammography. We are all familiar with the role HCFA plays in setting not just rates of reimbursement but standards for reimbursement of healthcare services; the private sector takes its lead from HCFA. Once HCFA acts to make digital mammographies available to women, private pay insurers will follow suit. Therefore, in the interest of public health, the onus is on us to move these trials forward.

The NIH has an appropriation from the Senate for next year that reflects almost a billion dollar boost. Rightly so. But despite that, the National Cancer Institute simply does not have the resources to fund a clinical trial of this size. Grant dollars are still scarce relative to the number of compelling grant applications. The reality that NCI is simply unable to dedicate the necessary resources to conduct a large-scale trial of digital mammography is unfortunate yet understandable. The Senate is aware of this dilemma, and shares the frustration of the Nation's breast cancer victims. In explaining its fiscal year 1998 allocation for the National Cancer Institute, the Appropriations Committee report for Labor, Health and Human Services and Education noted that "the national investment in cancer research remains the key to bringing down spiraling heath care costs, as treatment, cures, and prevention remain much cheaper than chronic and catastrophic diseases, like cancer."

As Congress is well aware, the financial cost of breast cancer is indeed staggering. We spend over $5 billion annually on healthcare for women fighting breast cancer, a figure that is matched in the cost of lost productivity to our overall economy. Further, the human cost of this disease is felt tenfold by the families and communities whose lives it touches.

I realize this bill breaks with convention, to a certain degree. I am not assuming a level of scientific expertise that supplants that of the true experts at NIH. I am a firm believer in letting science drive where our research dollars are spent. However, I am willing to force the issue for the sake of women's health. We have available to us cutting edge technology that could yield us a remarkable return in the form of women's lives. My bill provides a modest sum to ensure that a large-scale clinical trial of digital mammography does not go unfunded any longer.

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By Mr. CRAIG:

S. 1230. A bill to amend the Small Reclamation Projects of 1956 to provide for Federal cooperation in non-Federal reclamation projects and for participation by non-Federal agencies in Federal projects; to the Committee on Energy and Natural Resources.

### THE SMALL RECLAMATION PROJECTS ACT OF 1956

Mr. CRAIG. Mr. President. I send to the desk for appropriate reference a measure to expand the use and availability of the Small Reclamation Projects Act of 1956.

The Small Reclamation Projects Act has provided important benefits throughout the Reclamation West in the 40 years since it was first established. Over the past several years there have been various discussions on ways to expand the benefits of the program. Last Congress I introduced two measures that included some of the suggestions that have been made. Neither of the measures would have affected ongoing projects.

One of the measures, S. 1564, dealt with financing. At the present time, the Secretary is limited to grants and loans to fulfill the objectives of the act. That legislation would have expanded the authority of the Secretary to include the use of loan guarantees as a way of stretching the limited federal resources. The other measure, S. 1565, revised existing law to expand the purposes for which assistance can be received from the Federal Government. Irrigation would have remained an authorized purpose, but it would no longer be a required component. The purposes would now include the augmentation and management of local water supplies, conservation of water and energy, fish and wildlife conservation, supplemental water for existing supplies, water quality improvements, and flood control. The legislation would have limited the application of interest on any loans to those features which are currently reimbursable with interest under reclamation law.

On September 5, 1996, I conducted a hearing on these, and several other reclamation measures, as chairman of the Subcommittee on Forests and Public Land Management. Based on the comments that I received at the hearing, and subsequent conversations that I have had with individuals and groups interested in the potential of the Small Reclamation Program, I have combined the two measures and made several changes in the sustance. I am introducing the measure today and plan to request that the Subcommittee on Water and Power of the Committee on Energy and Natural Resources add this measure to its scheduled hearing on October 7, 1997.

Mr. President, I sincerely hope that once the administration has the opportunity to read this measure and reflect on our hearing last year, they will change their minds and support this legislation. Quite frankly, I do not understand the reasons for the almost knee-jerk opposition of the administration to this proposal or their persistent efforts to terminate not only the Small Reclamation Project Act, but programs such as the Rehabilitation and Betterment loan activity. An administration that trumpets its concern for the environment should understand that one of the best ways of providing additional water supplies for instream uses, as well as for additional consumptive uses, is to repair old leaky systems. It may simple be that these programs either directly or indirectly help farmers, but I would submit, Mr. President, that they also benefit the environment and the economy.

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By Mr. FRIST (for himself, Mr. McCAIN, Mr. HOLLINGS, and Mr. ROCKEFELLER):

S. 1231. A bill to authorize appropriations for fiscal years 1998 and 1999 for the United States Fire Administration, and for other purposes; to the Committee on Commerce, Science, and Transportation.

### THE U.S. FIRE ADMINISTRATION AUTHORIZATION FOR FISCAL YEARS 1998 AND 1999

Mr. FRIST. Mr. President, I rise to introduce the authorization bill for the U.S. Fire Administration for fiscal years 1998 and 1999. I would like to thank the cosponsors of this bill, Senator McCain, Senator Hollings, and Senator Rockefeller, for their hard work and dedication to making this bill a possibility.

The mission of the U.S. Fire Administration is to enhance the Nation's fire prevention and control activities and thereby significantly reduce the Nation's loss of life from fire while also achieving a reduction in property loss and nonfatal injury due to fire.

The bill, which authorizes the Fire Administration for $29.6 million in fiscal year 1998 and $30.5 million for fiscal year 1999, provides for collection, analysis, and dissemination of fire incidence and loss data; development and dissemination of public fire education materials; development and dissemination of better hazardous materials response information for first responders; and support for research and development for fire safety technologies.

With this authorization, our local and State firefighters will continue to have assess to the training from the National Fire Academy necessary to allow them to better perform their jobs of saving lives and protecting property.

Additionally, a number of amendments have been proposed to the legislation that established the National Fallen Firefighters Foundation. The Foundation was created by Congress in 1992 to assist their families. These proposed amendments offer some major changes to the structure of the Foundation. In order to allow for a more thorough evaluation of the issues surrounding these amendments, we plan to continue our review of these changes along with an examination of the Foundation's relationships with the U.S. Fire Administration and the Federal Emergency Management Agency next year.

Therefore, I along with my cosponsors, urge the Members of this body to support this bill and allow the U.S. Fire Administration to continue the fine job it has been performing for so many years.

I ask unanimous consent that the full text of this legislation be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 1231

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### SECTION 1. SHORT TITLE.

This Act may be cited as the "United States Fire Administration Authorization Act for Fiscal Years 1998 and 1999".

### SEC. 2. AUTHORIZATION OF APPROPRIATIONS.

Section 17(g)(1) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2216(g)(1)) is amended—

(1) by striking "and" at the end of subparagraph (E);

(2) by striking the period at the end of subparagraph (F) and inserting a semicolon; and

(3) by adding at the end the following:

"(G) $29,664,000 for the fiscal year ending September 30, 1998; and

"(H) $30,554,000 for the fiscal year ending September 30, 1999.".

### SEC. 3. SUCCESSOR FIRE SAFETY STANDARDS.

The Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2201 et seq.) is amended—

(1) in section 29(a)(1), by inserting "or any successor standard to that standard" after "Association Standard 74";

(2) in section 29(a)(2), by inserting ", or any successor standard to that standard" before ", whichever is appropriate,";

(3) in section 29(b)(2), by inserting ", or any successor standard to that standard" after "Association Standard 13 or 13–R";

(4) in section 31(c)(2)(B)(i), by inserting "or any successor standard to that standard" after "Life Safety Code)"; and

(5) in section 31(c)(2)(B)(ii), by inserting "or any successor standard to that standard" after "Association Standard 101".

### SEC. 4. TERMINATION OR PRIVATIZATION OF FUNCTIONS.

(a) In General.—Not later than 60 days before the termination or transfer to a private sector person or entity of any significant function of the United States Fire Administration, as described in subsection (b), the Administrator of the United States Fire Administration shall transmit to Congress a report providing notice of that termination or transfer.

(b) Covered Terminations and Transfers.—For purposes of subsection (a), a termination or transfer to a person or entity described in that subsection shall be considered to be a termination or transfer of a significant function of the United States Fire Administration if the termination or transfer—

(1) relates to a function of the Administration that requires the expenditure of more than 5 percent of the total amount of funds made available by appropriations to the Administration; or

(2) involves the termination of more than 5 percent of the employees of the Administration.

### SEC. 5. NOTICE.

(a) Major Reorganization Defined.—With respect to the United States Fire Administration, the term "major reorganization" means any reorganization of the Administration that involves the reassignment of more than 25 percent of the employees of the Administration.

(b) Notice of Reprogramming.—If any funds appropriated pursuant to the amendments made by this Act are subject to a reprogramming action that requires notice to be provided to the Committees on Appropriations of the Senate and the House of Representatives, notice of that action shall concurrently be provided to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science of the House of Representatives.

(c) Notice of Reorganization.—Not later than 15 days before any major reorganization of any program, project, or activity of the United States Fire Administration, the Administrator of the United States Fire Administration shall provide notice to the Committees on Science and Appropriations of the House of Representatives and the Committees on Commerce, Science, and Transportation and Appropriations of the Senate.

### SEC. 6. SENSE OF CONGRESS ON THE YEAR 2000 PROBLEM.

With the year 2000 rapidly approaching, it is the sense of Congress that the Administrator of the United States Fire Administration should—

(1) give high priority to correcting all 2-digit date-related problems in the computer systems of the United States Fire Administration to ensure that those systems continue to operate effectively in the year 2000 and in subsequent years;

(2) as soon as practicable after the date of enactment of this Act, assess the extent of the risk to the operations of the United States Fire Administration posed by the problems referred to in paragraph (1), and plan and budget for achieving compliance for all of the mission-critical systems of the system by the year 2000; and

(3) develop contingency plans for those systems that the United States Fire Administration is unable to correct by the year 2000.

### SEC. 7. ENHANCEMENT OF SCIENCE AND MATHEMATICS PROGRAMS.

(a) Definitions.—In this section:

(1) Administrator.—The term "Administrator" means the Administrator of the United States Fire Administration.

(2) Educationally useful federal equipment.—The term "educationally useful Federal equipment" means computers and related peripheral tools and research equipment that is appropriate for use in schools.

(3) School.—The term "school" means a public or private educational institution that serves any of the grades of kindergarten through grade 12.

(b) Sense of Congress.—

(1) In general.—It is the sense of Congress that the Administrator should, to the greatest extent practicable and in a manner consistent with applicable Federal law (including Executive Order No. 12999), donate educationally useful Federal equipment to schools in order to enhance the science and mathematics programs of those schools.

(2) Reports.—

(A) In general.—Not later than 1 year after the date of enactment of this Act, and annually thereafter, the Administrator shall prepare and submit to the President a report that meets the requirements of this paragraph. The President shall submit that report to Congress at the same time as the President submits a budget request to Congress under section 1105(a) of title 31, United States Code.

(B) Contents of report.—The report prepared by the Administrator under this paragraph shall describe any donations of educationally useful Federal equipment to schools made during the period covered by the report.

### SEC. 8. REPORT TO CONGRESS.

(a) In General.—Not later than 180 days after the date of enactment of this Act, the Administrator of the United States Fire Administration (referred to in this section as the "Administrator") shall prepare and submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science of the House of Representatives a report that meets the requirements of this section.

(b) Contents of Report.—The report under this section shall—

(1) examine the risks to firefighters in suppressing fires caused by burning tires;

(2) address any risks that are uniquely attributable to fires described in paragraph (1), including any risks relating to—

(A) exposure to toxic substances (as that term is defined by the Administrator);

(B) personal protection;

(C) the duration of those fires; and

(D) site hazards associated with those fires;

(3) identify any special training that may be necessary for firefighters to suppress those fires; and

(4) assess how the training referred to in paragraph (3) may be provided by the United States Fire Administration.

Mr. McCAIN. Mr. President, I rise in support of Senator FRIST's authorization bill for the U.S. Fire Administration for fiscal years 1997 and 1998. I would also like to thank the additional cosponsors, Senator HOLLINGS and Senator ROCKEFELLER, for their support of this very important legislation.

As chairman of the Commerce, Science and Transportation Committee, I am very pleased to see that the bill represents the bipartisan support that is so necessary to move this and other science and technology bills before the committee. It would be my hope that this bipartisan support would be continued for the many actions before this body, the U.S. Senate.

The United States has one of the highest fire death rates in the industrialized world. Fires account for approximately 4,500 deaths and 30,000 injuries annually. The extent of this problem covers all sectors of society and costs American taxpayers approximately $50 billion per year.

With these huge losses, the work of the U.S. Fire Administration plays a key role in reducing these numbers. Their work with the firefighters, those who are on the front lines in fighting these problems, should be commended. Their efforts in collecting data and other relevant information play a key role in the prevention of future fires.

The U.S. Fire Administration should continue to educate the public against the dangers of fire and how to safely protect ourselves and our property against such dangers.

I, along with my cosponsors, urge the Members of this body to support this bill.

Mr. HOLLINGS. Mr. President, I rise today to join my colleague, Senator FRIST, in introducing legislation to reauthorize the programs of the U.S. Fire Administration [USFA].

The United States currently has one of the worst fire records of any country in the industrial world. More than 2 million fires are reported in the United States every year. Annually, these fires result in approximately 4,500 deaths, 30,000 civilian injuries, more than $8 billion in direct property losses, and more than $50 billion in costs to taxpayers. In my State of South Carolina, in 1995, the most recent year in which data are available, 12,776 fires were reported resulting in 12 deaths, 103 injuries, and over $40 million in property losses. Even more disheartening is the fact that over 80 percent of the annual deaths and injuries from fires occur in residential fires. In South Carolina, while only 3,196 of the fires were residential, those fires claimed 8 lives and caused 74 injuries.

As terrible as these statistics are, they would reflect a far more tragic picture were it not for the USFA. The USFA was created under the 1974 act, pursuant to the recommendation of the National Commission on Fire and Control. The USFA is a part of the Federal Emergency Management Agency, and its responsibilities are to administer programs, research, and applied engineering projects to assist State and local governments in fire prevention and control. The USFA works with State and local governments specifically to educate the public in fire safety and prevention, control arson, collect and analyze data related to fire, conduct research and development in fire suppression, promote firefighter health and safety, and conduct fire service training.

The USFA assists our Nation's fire service which comprises of approximately 1.2 million members, 80 percent of whom are volunteers. The fire service is one of the most hazardous professions in the country. Firefighters not only confront daily the dangers of fire; they also are required to respond to other natural disasters, such as earthquakes, floods, medical emergencies, and hazardous materials spills. The USFA administers the National Fire Academy, which sponsors off-campus and on-campus training and management programs for members of the fire and rescue services, and allied professionals.

The effort of the USFA is focused in four areas: First, public education and awareness and arson control; second, data collection and analysis; third, fire service training; and fourth, technology and research and firefighter health and safety.

Through public education and awareness the USFA seeks to identify and educate the groups for whom fire presents the greatest menace. Efforts are focused to increase safety and reduce losses. For example, whether by accident or on purpose, children start over 100,000 fires per years. About 25 percent of the fires that kill young children are started by children playing with fire. The USFA through public-private partnerships had educated children with initiatives such as the "Sesame Street Fire Safety Activity Book for Preschoolers," National Safe Kids, and various guides for parents and teachers.

Senior citizens are at the highest risk of being killed in a fire. The USFA has targeted this group through public service announcements with added focus on the importance of buying and maintaining residential smoke detectors.

Arsonists are responsible for over 500,000 fires every year. Arson is the No. 1 cause of all fires. Even though it is the leading cause of fire, only 15 percent of arson cases result in arrests with juveniles accounting for 55 percent of arrests, and only 2 percent result in convictions. It is the second leading cause of fire deaths in residences and the leading cause of dollar loss due to fire. In 1994, the most recent year for which comprehensive data is available, the total number of arson fires in the United States was estimated at 548,500—accounting for an estimated 560 fire deaths, 3,440 fire injuries, and $3.6 billion in property damage.

Of greater concern are investigators reports that more people are choosing to use fire as a weapon. According to the USFA's "Arson in the United States" report, "Investigators are becoming more aware of Molotov cocktails and pipe bombs being used as incendiary devices. Fires caused by explosives or motivated by spite and revenge tend to be more deadly because they often target residential structures, in keeping with the desire to inflict personal harm." In my own State of South Carolina, we suffer from the worst record for church burnings—over 30 since 1991. I visited with Rev. Lester Grant of Shiloh Baptist Church in Townville, SC, last month, and we discussed the recent trend of targeting churches with this new weapon of hatred and violence. I was impressed with how our church communities are rallying and growing stronger in the rubble of fires. Church burnings, whether acts of hatred or vandalism, have to stop.

We must do more to assist our church communities in stopping these vile efforts. The USFA has initiated several measures to combat this crime, including: community grants in high risk areas to hire part-time law enforcement officers, and to pay for law enforcement overtime and other church arson prevention activities; National Fire Academy training courses; additional training and education for arson investigators with the Bureau of Alcohol, Tobacco, and Firearms; arson prevention information for the general public; and juvenile arson prevention workshops. Although the President's budget request for fiscal year 1997 for arson-fighting activities was reduced, this bill restores that funding at last year's level.

USFA's emphasis on data collection and analysis provides it with the necessary tools for identifying problems and forecasting trends. USFA use this data to focus efforts in the areas that will most significantly reduce casualties and property losses caused by fire. National Fire data are published through USFA's National Fire Incident Reporting System, the only centralized and uniform collection of fire data in the United States.

Regarding fire service training, Mr. President, and the National Fire Academy provides national leadership for fire and emergency medical services personnel through education and training. The Academy offers training and educational programs at the Emmitsburg campus and at other sites throughout the country. The Academy trained 83,000 students in 1996 and plans to increase this number to 300,000 per year in the future. There now are four applicants for each available slot for many of the Academy's courses.

Finally, the USFA conducts research on technology to improve the occupational health and safety of firefighters including improvements to protective clothing and equipment, lifesaving operational technologies and equipment like liquid fire extinguishing agents, and equipment used in vehicle extrication and complex rescues.

Mr. President, the efforts of our Nation's 1.2 million firefighters are invaluable; they risk their lives every day to save the lives and property of others. The USFA provides the necessary education, data analysis, training, and technology needed to ensure that these brave individuals do their job as efficiently and safely as possible. We in Congress need to do our job: We need to enact this legislation to ensure that both firefighters and the USFA get the financial resources they need to serve the public. I encourage my colleagues to support this bill.

Mr. ROCKEFELLER. Mr. President, I rise today to join my colleagues, Senator FRIST, Senator MCCAIN, and Senator HOLLINGS in introducing legislation to reauthorize the programs of the U.S. Fire Administration [USFA].

I just want to say a few quick words about this program. The USFA has a tough and rewarding mission. As I am sure my colleagues have noted, the statistics relating to fires in this country are staggering: Approximately 4,500 people die annually, and over 30,000 people are injured. In West Virginia, there were over 9,000 fires in 1995 causing 28 fatalities and 160 injuries. The fact is, Mr. President, these numbers would be worse if it were not for the brave men and women firefighters who put their lives on the line to save and protect others.

I want to take this moment to commend the 1.2 million members of the Nation's fire service of whom 80 percent are volunteers. In 1995, 163 firefighters were injured in West Virginia in the line of duty. They deserve the best training, assistance, and technology available to do their job. The USFA provides these invaluable services to these men and women in an effort to ensure their safety, their health, and to improve their ability to fight fires with the best available technology.

If there is a Federal program that is worth its value in dollars, it is this one—an ounce of prevention is clearly worth a pound of cure. In addition to the services the USFA provides firefighters, I want to commend this agency for its education and awareness programs, particularly those that target young children, and for their use of the Internet. Children start over 100,000 fires a year from just playing. The USFA has developed an interactive homepage and guide for parents clearly demonstrating their awareness of today's tools needed to reach today's youth.

In closing, Mr. President, I would like to thank my colleague, the chairman of the Science Subcommittee, Senator FRIST, for his efforts to move legislation in a bipartisan manner. This bill is a fine example of his efforts to work with Members of both parties to move good legislation that benefits the public as a whole. I encourage my colleagues to support this bill.

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By Mr. MOYNIHAN:

S. 1232. A bill to provide for the declassification of the journal kept by Glenn T. Seaborg while serving as Chairman of the Atomic Energy Commission; to the Committee on Energy and Natural Resources.

### DECLASSIFICATION LEGISLATION

Mr. MOYNIHAN. Mr. President, Glenn T. Seaborg is a truly great American who for 14 years has suffered outrageous treatment from bureaucrats and is in need of our assistance. Dr. Seaborg, codiscoverer of plutonium, kept a journal whilst chairman of the Atomic Energy Commission from 1961 to 1971. The journal consisted of a diary written at home each evening, correspondence, announcements, minutes, and the like. He was careful about classified matters; nothing was included that could not be made public. Even as he was chairman the portions relating to the Kennedy and Johnson administrations were microfilmed for public access in their respective Presidential libraries. Before leaving the AEC, Dr. Seaborg got it all cleared virtually without deletion. Then lunacy descended. Or rather, the Atomic Energy Commission became the Department of Energy and bureaucracy got going. Seaborg writes of all this in an article "Secrecy Runs Amok" published in Science in 1994. It seems that in 1983 the chief historian of the Department asked to borrow one of two sets of the journal, some 26 volumes in all, for work on a history of the Commission. By the time the author got his journal back passage after passage was redacted, much of it explicitly public information, such as the published code names of nuclear weapons tests, some of it purely personal, as for example his description of accompanying his children on a trick or treat outing on a Halloween evening. The 26 volumes, "in expurgated form" as Seaborg puts it, are now available in the Manuscript Division of the Library of Congress. But where does one go for sanity? Seaborg writes: "With the beginning of the Reagan administration, the government had begun to take a much more severe and rigid position with regard to secrecy." The balance between the "right of the public to know" and the "right of the nation to protect itself" was simply lost as, often apologetic, investigators poured over the papers of the great Americans of the time.

Dr. Seaborg recently came to my office seeking assistance in cutting through the bureaucracy. At this stage in his career he should not be forced to expend valuable time and energy trying to get back what he lent the Department of Energy. I immediately agreed to offer what assistance I could, having had experience of such matters as chairman of the Commission on Protecting and Reducing Government Secrecy.

Last week, with the energy and water appropriations bill nearly ready for conference, I thought there might be a chance to include a provision that would require the return of the unedited journal to Dr. Seaborg. I wrote to the chairman and ranking members of the subcommittee, asking for their help. On Tuesday, September 23, the clerk for Senator REID, the ranking member of the subcommittee, reported to my staff that there had been a long staff discussion on the matter, that it was agreed the Department of Energy had acted inappropriately, that the journal was a valuable historical document, and that things looked promising for including the provision in the conference report.

The report was filed today with no mention of the Seaborg journal. This afternoon the clerk for Senator DOMENICI, the chairman, reported that the Department of Energy had been consulted and that they had raised objections to the return of the unexpurgated journal. And so, absent the opportunity for a hearing, the provision was dropped. I suppose doing the right thing for Dr. Seaborg in a simple, expedient manner was too much to expect. I suppose it was wishful thinking that the Department would do its part to rectify the situation. So, Mr. President, I am introducing the same provision as a freestanding bill. I look forward to a hearing on the matter, which the appropriations staff advocates, so that at least this one egregious example of the regulation and control of valuable public information can be brought to light and, I trust, remedied.

I ask unanimous consent that Dr. Seaborg's article in Science be included in the RECORD at this point. I send to the desk a bill requiring the return of Dr. Seaborg's journal in the original, unredacted form in which it was lent to the Department of Energy, and ask unanimous consent that it be printed in the Record and referred to the appropriate committee.

There being no objection, the material was ordered to be printed in the Record, as follows:

### S. 1232

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. FINDINGS.**

(1) Whereas Dr. Glenn T. Seaborg is a truly great American who has made indispensable contributions in the development of nuclear energy.

(2) Whereas Dr. Seaborg is the co-discoverer of plutonium and eight other elements and as a result of these discoveries was awarded the 1951 Nobel Prize for chemistry.

(3) Whereas while serving as Chairman of the Atomic Energy Commission (AEC), Dr. Seaborg maintained a journal consisting of a diary, correspondence, announcements, minutes of meetings, and other documents of historical value.

(4) Whereas in preparing the journal, Dr. Seaborg took care to include only information which was not classified and could be made public.

(5) Whereas before leaving the Atomic Energy Commission, Dr. Seaborg submitted the journal to the AEC's Division of Classification for review.

(6) Whereas Dr. Seaborg's journal was cleared by the Division of Classification, virtually without deletion.

(7) Whereas twelve years later, in 1983, the chief historian at the Department of Energy asked to borrow a copy of Dr. Seaborg's journal in order to write a history of the AEC.

(8) Whereas when the journal was returned to Dr. Seaborg three years later, passage after passage was redacted, including explicitly public information, such as the published code names of nuclear weapons tests, and purely personal material, such as his description of accompanying his children on a "trick or treat" outing one Halloween evening.

**SEC. 2. DECLASSIFICATION OF SEABORG JOURNAL.**

The Secretary of Energy shall return to Dr. Glenn T. Seaborg his journal which he prepared while serving as Chairman of the AEC. The journal shall be returned in the original, unredacted form in which it was lent to the Department of Energy in 1983.

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## Secrecy Runs Amok

(By Glenn T. Seaborg)

Publishing information on scientific projects related to national security requires resolution of the conflicts between the "right of the public to know" and the "right of the nation to protect itself." A recent experience of mine in regard to the declassification of historical material may illuminate the problems that can arise.

During my years as chairman of the Atomic Energy Commission (AEC) (1961 to 1971), I maintained a daily journal. The core of the journal was a diary, much of which I wrote at home each evening. (This continued a habit I had started at the age of 14.) The diary was supplemented by copies of correspondence, announcements, minutes of meetings, and other relevant documents that crossed my desk each day. Both in the diary and the supporting documents rigorous attention was given to excluding any subject matter that could be considered classified information under standards of the day. My purpose was to provide for historians and other scholars a record that might not be available elsewhere of what occurred at high levels of government regarding the AEC's important areas of activity.

Illustrative of the general recognition that my journal was unclassified was the fact that in 1965 the AEC historian microfilmed for public access in the John F. Kennedy and Lyndon B. Johnson libraries portions that correspond to those presidencies. To assure myself further that the journal contained no classified material I had it checked by the AEC Division of Classification during the summer and fall of 1971, just before my departure from the AEC. It was cleared, virtually without deletions. (Unfortunately, I received no written confirmation of this action which is perhaps understandable because of the obvious unclassified origin of the material.) A copy, which I will refer to as copy #1, was then transmitted by the AEC to my office at the University of California in Berkeley. Also, at about this time, the AEC tansferrd another copy of the journal, referred to hereinafter as copy #2, first to my Berkeley office, then to the Livermore laboratory, and, soon thereafter, to my home in Lafayette, California. It was known that neither my Berkeley office nor my home had any provision for the protection of classified material, and the fact that the AEC saws fit to ship the journal to those places is a clear indication that the AEC regarded the journal as an unclassified document.

The office and home copies of the journal remained accessible to scholars for the ensuing 12 years. Then the problems began. In July 1983 the chief historian of the Department of Energy (DOE) asked to borrow a copy for use in the next phase of the History Division's long-term project, the writing of *A History of the United States Atomic Energy Commission*. Volume IV of the *History* was to be devoted largely to the years of my chairmanship. The historian promised to return the journal within 3 weeks as soon as copies had been made. I sent him copy #1, the one in my Berkeley office. When the University of California historian, John Heilbron, learned of this transaction, he warned me that the DOE was likely to find classified material in the journal and to hold it indefinitely pending a complete classification review. Relying on past history during which the journal had been treated by the AEC as a wholly unclassified document, I told him I was not worried that this would happen. But, as Heilbron may have been aware from his own experience, times had changed. With the beginning of the Reagan administration, the government had begun to take a new, much more severe and rigid position with regard to secrecy.

Despite my repeated entreaties, the historian's office did not return the journal in 3 weeks, nor in 3 months, nor in a year-and-a-half. Nor was any explanation ever offered to me for the delay. Finally, just as Heilbron had predicted, I was informed in February 1985 that the journal had indeed been found to contain classified information. Accordingly, DOE ordered its San Francisco Area Office to pick up copy #2, the one that I kept at home; so that it also could be subjected to a classification review. At first I said I would not allow this. But then I was told that, legally, the journal could be seized and that I could be subject to arrest if I resisted. Faced with this disagreeable prospect, I acceded to a compromise plan (the best of several unsatisfactory alternatives) whereby DOE provided me with a locked storage safe, complete with burglar alarm, so that I could continue to have access to the journal, which I was at that time preparing for publication. It was no longer, however, to be available for use by scholars.

Then in May 1985 I was contacted by DOE's San Francisco Area Manager. He said that he had been instructed by DOE headquarters to institute a classification review of copy #2 at my home. He added that the consequence of my not agreeing to this would be that the FBI would seize the papers under court order. He said that the weakness of my case, if I chose to resist, was that there was no record of the journal ever having been declassified by the AEC. Thus, I could be accused of having illegally removed classified material when I left the AEC. He noted that if legal proceedings were instituted, I could, of course, hire a lawyer to defend myself, but that he knew of no case like this where the government, with all its resources, had lost.

Under this ultimatum, I agreed to the classification review with the understanding that it would be completed within 10 days. The reviewer started work in my home on 9 May 1985, kept at it for several weeks (not the promised 10 days), and came up with 162 deletions of words, phrases, sentences, or paragraphs, affecting 137 documents.

Then in May 1986 I learned that copy #1, the one borrowed by the DOE historian, was also undergoing a classification review. This review was complete in October 1986 and led to deletions from 327 documents. In addition, 530 documents were removed from the journal entirely pending further review by DOE or by other government agencies.

At the same time as reviews of my complete journal were being undertaken in DOE and in my home, a further review was taking place in the Bethesda, Maryland, home of Benjamin S. Loeb, who was then collaborating with me in preparation of the book, Stemming the Tide: Arms Control in the Johnson Years, which was to be published in 1987 (1). Copies had been sent to Loeb of just those portions of the journal that related to arms control. Beginning 10 July 1986, as many as six DOE Division of Classification staff members sat around his dining room table for a few days, selecting a large number of documents which they then took with them back to DOE headquarters in Germantown, Maryland. In due course, most of these were returned with deletions, except that a number of documents that required review by U.S. government agencies other than DOE, or by the United Kingdom, were not returned until August 1990.

But there was more. In October 1986 I was informed that the DOE classification people wanted to perform another review of copy #2, the one in my home, in order to "sanitize" it, a euphemism for a further classification review of the already reviewed journal. I was informed that the sanitization procedure would take place at Livermore, that it would last 3 to 6 weeks, and that it would involve from 8 to 12 people. Copy #2 was duly picked up at my home and delivered to Livermore on 22 October 1986. When the sanitized version was returned almost 2 months later, it had been subjected, including the prior review, to about 1000 classification actions. These included the entire removal of about 500 documents for review by other U.S. agencies or, in a few cases, by the British. Over my objection, an unsightly declassification stamp was placed on every surviving document.

Finally, the DOE sent to the Lawrence Berkeley Laboratory a team of about 12 people to begin a "catalog," that is, an itemized listing, of all the personal correspondence I had brought from the AEC and of the contents of my journal and files for the prior 25 years of my working life before I became AEC chairman. Beginning on 29 April 1987, the team spent about 2 weeks at this task. In March 1988 another DOE group visited me for about a month in order to complete the catalog. The motives of DOE in undertaking this task were not clear. They may well have intended to be helpful to me. Before they finished, however, the two groups uncovered some additional "secret" material.

My grammar and high school and university student papers stored in another part of my home, overlooked by the DOE classification teams, have so far escaped a security review.

My journal was finally reproduced in January 1989 (2) in 25 volumes, averaging about 700 pages each, many of them defaced with classification markings and containing large gaps where deletions had been made. In June 1992 a 26th volume was added. It contained a batch of documents initially taken away for classification review and subsequently returned to me, with many deletions, after the production of the other 25 volumes in January 1989. (Many other removed documents have still not been returned.). All 26 volumes are now publicly available in the expurgated form in the Manuscript Division of the Library of Congress.

This, then, is a summary narrative of the rocky voyage of my daily journal amid the shoals of multiple classification reviews. Those interested in a more detailed account can find it among the daily entries in my journal for the period after I left the AEC. This is available in the Manuscript Division of the Library of Congress, and has fortunately not yet been subjected to classification review.

What is to be concluded about this sorry tale? One conclusion I have reached is that the security classification of information became in the 1980s an arbitrary, capricious, and frivolous process, almost devoid of objective criteria. Witness the fact that the successive reviews of my journal at different places and by different people resulted in widely varying results in the types and number of deletions made or documents removed. Furthermore, some of the individual classification actions seem utterly ludicrous. These include my description of one of the occasions when I accompanied my children on a "trick or treat" outing on a Halloween evening, and my account of my wife Helen's visit to the Lake Country in England. One would have to ask how publication of these bits of family lore would adversely affect the security of the United States. A particular specialty of the reviewers was to delete from the journal many items that were already part of the public record. These included material published in my 1981 book (with Benjamin S. Loeb), "Kennedy, Khrushchev, and the Test Ban" (3). Another example concerned the code names of previously conducted nuclear weapons tests. These were deleted almost everywhere they appeared regardless of the fact that in January 1985 the DOE had issued a report listing, with their code names, all "Announced United States Nuclear Tests, July 1945 through December 1984" (4). A third category of deletions concerned entries that might have been politically or personally embarrassing to individuals or groups but whose publication would not in any way threaten U.S. national security. In fact, I would go so far as to contend that hardly any of the approximately 1,000 classification actions (removals of documents or deletions within document) taken so randomly by the various reviewers could be justified on legitimate national security grounds.

Consistent with this belief, I have requested repeatedly throughout this difficult time that a copy of my journal as originally prepared, that is, before all the classification reviews, be kept on file somewhere. I had in mind that there might come a day when a more rational approach to secrecy might prevail and permit wider access, especially to historians, of the complete record. There are indications that, especially with the end of the Cold War, such an era may be at hand or rapidly approaching. While the DOE has made no commitment to honor my request. I am informed that DOE's History Division does maintain an unexpurgated copy for its own use. Perforce, it is handled as a classified document.

I would like to emphasize that I received fine and sympathetic treatment from many in the DOE who made it clear to me that they were not in agreement with the treatment accorded me and my journal during the process recounted above. In fact, more than one person in DOE has told me informally that evidence does indeed exist verifying that my journal did indeed receive a clearance before my departure from the AEC in 1971.

The problems posed by classification and declassification of sensitive materials are major ones and require wise people who must make sophisticated decisions. It requires a range of individuals who, on the one hand, have vision in regard to the whole range of scientific and national security policies, and on the other hand, have the time to read pages of detailed descriptions in a wide range of areas. Sometimes this complex goal gets derailed by those who see the trees and not the forest. Those in charge of classification should have an appreciation of the need, in our open society, to publish all scientific and political information that has no adverse national security effect (realistically defined).

Although I have in general received sympathetic treatment, I cannot help but note that this treatment has produced quite different conclusions at different periods in the country's history. Actually, the AEC, from its beginning in 1947, initiated and executed an excellent progressive program of declassification with an enlightened regard for the need of such information in an open, increasingly scientific society. By the 1960s, this program was serving our country well. Unfortunately, during the 1980s the program had retrogressed to the extent of reversing many earlier declassification actions. Fortunately, the present situation is very much improved so we can look forward to the future with considerable optimism.

REFERENCES

1. G.T. Seaborg and B.S. Loeb. Stemming the Tide: Arms Control in the Johnson Years (Free Press, New York, 1987).

2. G.T. Seaborg. Lawr. Bork, Lab. Tech. Inf. Dep. Publ. PUB-625 (1989).

3. G.T. Seaborg and B.S. Loeb. Kennedy, Khrushchev, and the Test Ban (Univ. of California Press, Berkeley, 1981).

4. U.S. Dep. Energy Rep. NVO-209 (revision 5) (1985).

## ADDITIONAL COSPONSORS

S. 412

At the request of Mr. LAUTENBERG, the name of the Senator from North Carolina [Mr. FAIRCLOTH] was added as a cosponsor of S. 412, a bill to provide for a national standard to prohibit the operation of motor vehicles by intoxicated individuals.

S. 648

At the request of Mr. GORTON, the name of the Senator from North Carolina [Mr. FAIRCLOTH] was added as a cosponsor of S. 648, a bill to establish legal standards and procedures for product liability litigation, and for other purposes.

S. 1042

At the request of Mr. GRAHAM, the name of the Senator from South Carolina [Mr. HOLLINGS] was added as a cosponsor of S. 1042, a bill to require country of origin labeling of perishable agricultural commodities imported into the United States and to establish penalties for violations of the labeling requirements.

S. 1114

At the request of Mr. JEFFORDS, the name of the Senator from Illinois [Mr. DURBIN] was added as a cosponsor of S. 1114, a bill to impose a limitation on lifetime aggregate limits imposed by health plans.

S. 1133

At the request of Mr. BURNS, his name was added as a cosponsor of S. 1133, a bill to amend the Internal Revenue Code of 1986 to allow tax-free expenditures from education individual retirement accounts for elementary and secondary school expenses and to increase the maximum annual amount of contributions to such accounts.

SENATE CONCURRENT RESOLUTION 52

At the request of Mr. HOLLINGS, the name of the Senator from Arkansas [Mr. BUMPERS] was added as a cosponsor of Senate Concurrent Resolution 52, a concurrent resolution relating to maintaining the current standard behind the "Made in USA" label, in order to protect consumers and jobs in the United States.

## SENATE RESOLUTION 128—RELATIVE TO THE VACANCIES ACT

Mr. THURMOND (for himself, Mr. HATCH, Mr. GRASSLEY, Mr. KYL, Mr. SESSIONS, and Mr. DEWINE) submitted the following resolution; which was referred to the Committee on Governmental Affairs:

S. RES. 128

Whereas Congress enacted the Act entitled "An Act to authorize the temporary supplying of vacancies in the executive departments", approved July 23, 1868 (commonly referred to as the "Vacancies Act"), to—

(1) preclude the extended filling of a vacancy in an office of an executive or military department subject to Senate confirmation, without the submission of a Presidential nomination;

(2) provide an exclusive means to temporarily fill such a vacancy; and

(3) clarify the role of the Senate in the exercise of the Senate's constitutional advice and consent powers in the Presidential appointment of certain officers;

Whereas subchapter III of chapter 33 of title 5, United States Code, includes a codification of the Vacancies Act, and (pursuant to an amendment on August 17, 1988, to section 3345 of such title) specifically applies such vacancy provisions to all Executive agencies, including the Department of Justice;

Whereas the legislative history accompanying the 1988 amendment makes clear in the controlling committee report that the general administrative authorizing provisions for the Executive agencies, which include sections 509 and 510 of title 28, United States Code, regarding the Department of Justice, do not supersede the specific vacancy provisions in title 5, United States Code;

Whereas there are statutory provisions of general administrative authority applicable to every Executive department and other Executive agencies that are similar to sections 509 and 510 of title 28, United States Code, relating to the Department of Justice;

Whereas despite the clear intent of Congress, the Attorney General of the United States has continued to interpret the provisions granting general administrative authority to the Attorney General under sections 509 and 510 of title 28, United States Code, to supersede the specific vacancy provisions in title 5, United States Code; and

Whereas the interpretation of the Attorney General would—

(1) virtually nullify the vacancy provisions under subchapter III of chapter 33 of title 5, United States Code;

(2) circumvent the clear intention of Congress to preclude the extended filling of certain vacancies and provide for the temporary filling of such vacancies; and

(3) subvert the constitutional authority and responsibility of the Senate to advise and consent to certain appointments: Now, therefore, be it

*Resolved*, That it is the sense of the Senate that—

(1) sections 3345, 3346, 3347, 3348, and 3349 of title 5, United States Code (relating to the filling of vacancies in certain offices), apply to all Executive agencies, including the Department of Justice.

(2) the general administrative authorizing statutes of Executive agencies, including sections 509 and 510 of title 28, United States Code, relating to the Department of Justice, do not supersede the specific vacancy provisions applicable to Executive agencies in title 5, United States Code; and

(3) the Attorney General of the United States should—

(A) take such necessary actions to ensure that the Department of Justice is in compliance with the statutory requirements of such sections; and

(B) inform other Executive agencies to comply with the vacancy provisions in title 5, United States Code.

Mr. THURMOND. Mr. President, today, I am submitting a sense-of-the Senate resolution regarding the Vacancies Act. I am pleased to do so on my behalf, and the distinguished chairman of the Senate Judiciary Committee, and other members of the Judiciary Committee. Our purpose is to clarify for the Attorney General that the Vacancies Act applies to all executive departments and agencies, including the Department of Justice.

The Vacancies Act provides that, except for recess periods, when an official serving in an advise and consent position in an executive agency leaves, the President may appoint certain individuals to serve in that position in an acting capacity for no more than 120 days before the nomination of a permanent replacement is forwarded for Senate confirmation. The Vacancies Act, which is codified in sections 3345 through 3349 of title 5 of the United States Code, has existed in some form since at least 1868.

This act is central to the advise and consent role of the Senate. By limiting the time that the President may temporarily fill a vacant advise and consent position, the act strongly encourages the President to quickly nominate a permanent replacement.

I have become increasingly alarmed at the Clinton administration's failure to nominate officials to fill the vacancies that have occurred in executive branch positions, and particularly in the Department of Justice. When we held a Justice Department oversight hearing in the Judiciary Committee at the end of April, vacancies existed for the Associate Attorney General, Solicitor General, Assistant Attorney General for Civil Rights, Assistant Attorney General for the Criminal Division, and Assistant Attorney General for the Office of Legal Counsel.

I asked Attorney General Reno at the oversight hearing whether she was concerned that a failure to nominate individuals for these positions within the 120-day deadline would violate the Vacancies Act. She responded in writing that the Justice Department was not bound by the Vacancies Act. The letter indicated that she could fill these vacancies pursuant to the Department's general administrative authorizing statutes without regard to the Vacancies Act.

In my opinion, the Attorney General is simply wrong. Her interpretation of the vacancies law in this area is nothing more than an attempt to get around the law.

First, the plain language of the Vacancies Act since it was amended in 1988 states that it applies to all executive departments and agencies. By law, the Department of Justice is an executive department, so Justice obviously is included. In fact, the original sponsor of the act, Representative Trumbull, stated on the Senate floor in 1868 that the act applied to, quote, "any of the Departments."

Also, the Congress flatly rejected the Attorney General's interpretation when it amended the Vacancies Act in 1988. As explained in the report of the Committee on Governmental Affairs, Congress made a choice in 1988 of whether to repeal or revive the Vacancies Act, and it chose the latter. The report stated that it was time "to revitalize" the Vacancies Act and "make it relevant to the modern Presidential appointments process." One method of accomplishing this was to assist the President by expanding the number of days he had to submit a nominee from 30 to 120 days after the vacancy was created. That way, the President would have more time to submit a qualified replacement.

The committee report expressly rejected the Attorney General's flawed interpretation. It stated that the Vacancies Act was the exclusive authority for these appointments, and noted that the authorizing statutes of an executive department or agency do not provide an alternative means to fill vacancies. The amendment was made at the recommendation of the Comptroller General, who has battled with the Attorney General for many years over this flawed interpretation of vacancies law.

Mr. President, this is a matter of great constitutional significance. If the view of the Attorney General were correct, the President could routinely ignore the advise and consent role of the Senate. In the Justice Department, the President would never be obligated to nominate any official below the Attorney General for Senate confirmation after his first appointee left, as long as the President was content for the person to serve in an acting capacity.

In fact, based on the Attorney General's reasoning, the President apparently would not be bound by the Vacancies Act for officials in any department. Every Federal department from Agriculture to Veterans Affairs has authorizing statutes similar to Justice. Many Federal agencies do, too. Therefore, based on the Attorney General's reasoning, these departments and agencies can all claim to be exempt from the Vacancies Act. In fact, when faced with the Vacancies Act, many make the Attorney General's argument, and claim they aren't bound by it either. Obviously, the Congress would never have intended for its confirmation power to be circumvented in this manner.

The Framers of the Constitution surely would not be pleased. The advise and consent role of the Senate is one of the fundamental checks and balances included within our great system of Government. Under the appointments clause of article II, section 2, of the Constitution, the President has the exclusive power to nominate principal officers of the United States, but the Senate must give its advise and consent. As Justice Scalia stated for the Supreme Court earlier this year, "[T]he Appointments Clause * * * is more than a matter of etiquette or protocol; it is among the significant structural safeguards of the constitutional scheme."

The involvement of the Senate is designed to promote a high quality of appointments and curb executive abuses. In the words of Alexander Hamilton in Federalist No. 76, "The possibility of rejection [is] a strong motive to care in processing."

This resolution is designed to affirm the Senate's role by insisting that the Attorney General stop interpreting the act out of existence. It expressly states what should already be obvious from the plain language of the Vacancies Act and its legislative history: that the Vacancies Act applies to all executive departments and agencies, including the Department of Justice. The resolution also states that the Attorney General should ensure that the Department of Justice complies with the act, and that she should inform other executive agencies to abide by it, as well.

This is not just a technical issue. It is not an idle problem. At some point this year, six advise and consent positions in the Justice Department have been in violation of the Vacancies Act. The position of the Assistant Attorney General for the Criminal Division has been vacant for over 2 years. This is an excellent example of the problem the Vacancies Act was designed to prevent. The Nation's chief law enforcement agency has been without a confirmed chief for crime since August 31, 1995. No name has been forwarded in the 9 months that this Congress has been in session. Mr. President, what message does that send about the Clinton administration's commitment to fighting crime?

In the meantime, the Attorney General has been in the middle of a tremendous controversy surrounding her reluctance to seek the appointment of an independent counsel to investigate apparently illegal campaign fundraising practices. Would not having a politically accountable chief of the Criminal Division be helpful to her in analyzing whether crimes were committed?

Also, consider the Office of Legal Counsel. Walter Dellinger was confirmed to head OLC in 1993, but he was very controversial. Many members of this body could not support him. Nevertheless, effective July 1, 1996, the Attorney General made Mr. Dellinger acting Solicitor General. The Senate may not have confirmed him to be Solicitor General. Of course, we will never know because by simply naming him acting Solicitor General, the administration avoided a fight over his appointment. For an entire year, for a full term of the Supreme Court, the United States was represented by a Solicitor General who was acting in violation of the Vacancies Act, in violation of the law. The President has just officially nominated someone else for the vacancy.

Moreover, Mr. Dellinger's appointment caused another violation of the Vacancies Act. When the Attorney General moved Mr. Dellinger, she appointed an acting chief of OLC, who served over 120 days without a permanent nomination being submitted. Not only did this appointment exceed 120 days, it wasn't even legal in the first place. The Vacancies Act not only limits the amount of time someone can serve in an acting capacity, it also limits who can serve. Only someone who was the first assistant, which refers to the principal deputy, or someone who was earlier confirmed to a different advice and consent position can serve in the acting position. Mr. Dellinger's replacement did not meet either of these requirements. Thus, the chief of OLC was serving in violation of the Vacancies Act, in violation of the law, from the first day Mr. Dellinger left.

Mr. President, the vacancies problem is not limited to the Department of Justice. It can be found throughout the executive branch. The Washington Post reported on August 29, 1997, that 30 percent of the top 470 political jobs in the administration remain unfilled. When confronted with the Vacancies Act, many departments and agencies use the Attorney General's argument and also claim not to be bound by the act.

It is time to put the Attorney General's flawed interpretation of the Vacancies Act to rest. Her reading of the Vacancies Act is a threat to the advise and consent role of the Senate. I am hopeful that my colleagues will join me and my cosponsors in supporting this simple but significant resolution. Let us adopt this important resolution, and reaffirm our constitutional duty of advise and consent.

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## AMENDMENTS SUBMITTED

## THE VISA WAIVER PILOT PROGRAM REAUTHORIZATION ACT OF 1997

### KYL (AND OTHERS) AMENDMENT NO. 1254

Mr. McCONNELL (for Mr. KYL for himself, Mr. LEAHY, and Mr. JEFFORDS) proposed an amendment to the bill (S. 1178) to amend the Immigration and Nationality Act to extend the visa waiver pilot program, and for other purposes; as follows:

At the end of the bill insert the following section:

**SEC. 3. REPORT ON AUTOMATED ENTRY-EXIT CONTROL SYSTEM.**

(a) Within six months after the date of enactment of this Act, the Attorney General shall report to the Committees on the Judiciary of the Senate and the House of Representatives on her plans for and the feasibility of developing an automated entry-exit control system that would operate at the land borders of the United States and that would—

(1) collect a record of departure for every alien departing the United States and match the records of departure with the record of the alien's arrival in the United States; and

(2) enable the Attorney General to identify, through on-line searching procedures, lawfully admitted nonimmigrants who remain in the United States beyond the period authorized by the Attorney General.

(b) Such report shall assess the costs and feasibility of various means of operating such an automated entry-exit control system; shall evaluate how such a system could be implemented without increasing border traffic congestion and border crossing delays and, if any such system would increase border crossing delays, evaluate to what extent such congestion or delays would increase; and shall estimate the length of time that would be required for any such system to be developed and implemented at the land borders.

### HUTCHISON AMENDMENT NO. 1255

Mr. McCONNELL (for Mrs. HUTCHISON) proposed an amendment to the bill, S. 1178, supra; as follows:

On page 8, after line 6, insert the following:

(C) REPORTING REQUIREMENTS FOR OTHER COUNTRIES.—For every country from which nonimmigrants seek entry into the United States, the Attorney General shall make a precise numerical estimate of the figures under clauses (A)(i)(I) and (A)(i)(II) and report those figures to the Committees on the Judiciary of the Senate and the House of Representatives within 30 days after the end of the fiscal year.

### ABRAHAM (AND KENNEDY) AMENDMENT NO. 1256

Mr. McCONNELL (for Mr. ABRAHAM, for himself and Mr. KENNEDY) proposed an amendment to the bill, S. 1178, supra; as follows:

On page 8, between lines 6 and 7, insert the following new clause:

"(ii) COMMENCEMENT OF AUTHORIZED PERIOD FOR QUALIFYING COUNTRIES.—No country qualifying under the criteria in clauses (i) and (ii) may be newly designated as a pilot program country prior to October 1, 1998.

On page 8, line 6, strike "2002" and insert "2000".

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## THE PUBLIC HOUSING REFORM AND RESPONSIBILITY ACT OF 1997

### MACK AMENDMENT NO. 1257

Mr. McCONNELL (for Mr. MACK) proposed an amendment to the bill (S. 462). A bill to reform and consolidate the public and assisted housing programs of the United States, and to redirect primary responsibility for these programs from the Federal Government to States and localities, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

**SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

(a) SHORT TITLE.—This Act may be cited as the "Public Housing Reform and Responsibility Act of 1997".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Findings and purposes.
Sec. 3. Definitions.
Sec. 4. Effective date.
Sec. 5. Proposed regulations; technical recommendations.
Sec. 6. Elimination of obsolete documents.
Sec. 7. Annual reports.

TITLE I—PUBLIC HOUSING

Sec. 101. Declaration of policy.
Sec. 102. Membership on board of directors.
Sec. 103. Rental payments.
Sec. 104. Definitions.
Sec. 105. Contributions for lower income housing projects.

Sec. 106. Public housing agency plan.
Sec. 107. Contract provisions and requirements.
Sec. 108. Expansion of powers for dealing with public housing agencies in substantial default.
Sec. 109. Public housing site-based waiting lists.
Sec. 110. Public housing capital and operating funds.
Sec. 111. Community service and self-sufficiency.
Sec. 112. Repeal of energy conservation; consortia and joint ventures.
Sec. 113. Repeal of modernization fund.
Sec. 114. Eligibility for public and assisted housing.
Sec. 115. Demolition and disposition of public housing.
Sec. 116. Repeal of family investment centers; voucher system for public housing.
Sec. 117. Repeal of family self-sufficiency; homeownership opportunities.
Sec. 118. Revitalizing severely distressed public housing.
Sec. 119. Mixed-finance and mixed-ownership projects.
Sec. 120. Conversion of distressed public housing to tenant-based assistance.
Sec. 121. Public housing mortgages and security interests.
Sec. 122. Linking services to public housing residents.
Sec. 123. Prohibition on use of amounts.
Sec. 124. Pet ownership.
Sec. 125. City of Indianapolis flexible grant demonstration.

TITLE II—SECTION 8 RENTAL ASSISTANCE

Sec. 201. Merger of the certificate and voucher programs.
Sec. 202. Repeal of Federal preferences.
Sec. 203. Portability.
Sec. 204. Leasing to voucher holders.
Sec. 205. Homeownership option.
Sec. 206. Law enforcement and security personnel in public housing.
Sec. 207. Technical and conforming amendments.
Sec. 208. Implementation.
Sec. 209. Definition.
Sec. 210. Effective date.
Sec. 211. Recapture and reuse of annual contribution contract project reserves under the tenant-based assistance program.

TITLE III—SAFETY AND SECURITY IN PUBLIC AND ASSISTED HOUSING

Sec. 301. Screening of applicants.
Sec. 302. Termination of tenancy and assistance.
Sec. 303. Lease requirements.
Sec. 304. Availability of criminal records for public housing resident screening and eviction.
Sec. 305. Definitions.
Sec. 306. Conforming amendments.

TITLE IV—MISCELLANEOUS PROVISIONS

Sec. 401. Public housing flexibility in the CHAS.
Sec. 402. Determination of income limits.
Sec. 403. Demolition of public housing.
Sec. 404. National Commission on Housing Assistance Program Costs.
Sec. 405. Technical correction of public housing agency opt-out authority.
Sec. 406. Review of drug elimination program contracts.
Sec. 407. Treatment of public housing agency repayment agreement.
Sec. 408. Ceiling rents for certain section 8 properties.
Sec. 409. Sense of Congress.
Sec. 410. Other repeals.
Sec. 411. Guarantee of loans for acquisition of property.
Sec. 412. Prohibition on use of assistance for employment relocation activities.
Sec. 413. Use of HOME funds for public housing modernization.
Sec. 414. Report on single family and multifamily homes.

**SEC. 2. FINDINGS AND PURPOSES.**

(a) FINDINGS.—Congress finds that—

(1) there exists throughout the Nation a need for decent, safe, and affordable housing;

(2) the inventory of public housing units owned and operated by public housing agencies, an asset in which the Federal Government has invested approximately $90,000,000,000, has traditionally provided rental housing that is affordable to low-income persons;

(3) despite serving this critical function, the public housing system is plagued by a series of problems, including the concentration of very poor people in very poor neighborhoods and disincentives for economic self-sufficiency;

(4) the Federal method of overseeing every aspect of public housing by detailed and complex statutes and regulations aggravates the problem and places excessive administrative burdens on public housing agencies;

(5) the interests of low-income persons, and the public interest, will best be served by a reformed public housing program that—

(A) consolidates many public housing programs into programs for the operation and capital needs of public housing;

(B) streamlines program requirements;

(C) vests in public housing agencies that perform well the maximum feasible authority, discretion, and control with appropriate accountability to both public housing residents and localities; and

(D) rewards employment and economic self-sufficiency of public housing residents; and

(6) voucher and certificate programs under section 8 of the United States Housing Act of 1937 are successful for approximately 80 percent of applicants, and a consolidation of the voucher and certificate programs into a single, market-driven program will assist in making section 8 tenant-based assistance more successful in assisting low-income families in obtaining affordable housing and will increase housing choice for low-income families.

(b) PURPOSES.—The purposes of this Act are—

(1) to consolidate the various programs and activities under the public housing programs administered by the Secretary in a manner designed to reduce Federal overregulation;

(2) to redirect the responsibility for a consolidated program to States, localities, public housing agencies, and public housing residents;

(3) to require Federal action to overcome problems of public housing agencies with severe management deficiencies; and

(4) to consolidate and streamline tenant-based assistance programs.

**SEC. 3. DEFINITIONS.**

In this Act:

(1) PUBLIC HOUSING AGENCY.—The term "public housing agency" has the same meaning as in section 3 of the United States Housing Act of 1937.

(2) SECRETARY.—The term "Secretary" means the Secretary of Housing and Urban Development.

**SEC. 4. EFFECTIVE DATE.**

(a) IN GENERAL.—Except with respect to any provision or amendment identified by the Secretary under subsection (b) and as otherwise specifically provided in this Act or the amendments made by this Act, this Act and the amendments made by this Act shall take effect on the date of enactment of this Act.

(b) EXCEPTION.—

(1) DETERMINATION.—Not later than 2 months after the date of enactment of this Act, the Secretary shall identify any provision of this Act, or any amendment made by this Act, the implementation of which, in the determination of the Secretary—

(A) requires a substantial exercise of discretion, such that there exists a significant risk of litigation;

(B) requires a need for uniform interpretation; or

(C) is otherwise problematic, such that immediate implementation is inappropriate.

(2) NOTICE.—

(A) IN GENERAL.—Notwithstanding any other provision of law, not later than 6 months after the date on which the Secretary makes any identification under paragraph (1), the Secretary shall implement each provision or amendment so identified by notice published in the Federal Register, which notice shall—

(i) include such requirements as may be necessary to implement the provision or amendment; and

(ii) invite public comments on those requirements.

(B) EFFECTIVE DATE OF NOTICE.—The notice published under paragraph (2) may, in the discretion of the Secretary, take effect upon publication.

(3) FINAL REGULATIONS.—Not later than 12 months after the date of enactment of this Act, the Secretary shall issue such final regulations as may be necessary, taking into account any comments received under paragraph (2)(A)(ii), to implement each provision or amendment identified under paragraph (1).

**SEC. 5. PROPOSED REGULATIONS; TECHNICAL RECOMMENDATIONS.**

(a) PROPOSED REGULATIONS.—Not later than 9 months after the date of enactment of this Act, the Secretary shall submit to Congress proposed regulations that the Secretary determines are necessary to carry out the United States Housing Act of 1937, as amended by this Act.

(b) TECHNICAL RECOMMENDATIONS.—Not later than 9 months after the date of enactment of this Act, the Secretary shall submit to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Banking and Financial Services of the House of Representatives, recommended technical and conforming legislative changes necessary to carry out this Act and the amendments made by this Act.

**SEC. 6. ELIMINATION OF OBSOLETE DOCUMENTS.**

Effective 1 year after the date of enactment of this Act, no rule, regulation, or order (including all handbooks, notices, and related requirements) pertaining to public housing or section 8 tenant-based programs issued or promulgated under the United States Housing Act of 1937 before the date of enactment of this Act may be enforced by the Secretary.

**SEC. 7. ANNUAL REPORTS.**

Not later than 1 year after the date of enactment of this Act, and annually thereafter, the Secretary shall submit a report to Congress on—

(1) the impact of the amendments made by this Act on—

(A) the demographics of public housing residents and families receiving tenant-based assistance under the United States Housing Act of 1937; and

(B) the economic viability of public housing agencies; and

(2) the effectiveness of the rent policies established by this Act and the amendments made by this Act on the employment status and earned income of public housing residents.

## TITLE I—PUBLIC HOUSING

### SEC. 101. DECLARATION OF POLICY.

Section 2 of the United States Housing Act of 1937 (42 U.S.C. 1437) is amended to read as follows:

### "SEC. 2. DECLARATION OF POLICY.

"It is the policy of the United States to promote the general welfare of the Nation by employing the funds and credit of the Nation, as provided in this title—

"(1) to assist States and political subdivisions of States to remedy the unsafe housing conditions and the acute shortage of decent and safe dwellings for low-income families;

"(2) to assist States and political subdivisions of States to address the shortage of housing affordable to low-income families; and

"(3) consistent with the objectives of this title, to vest in public housing agencies that perform well, the maximum amount of responsibility and flexibility in program administration, with appropriate accountability to both public housing residents and localities.".

### SEC. 102. MEMBERSHIP ON BOARD OF DIRECTORS.

Title I of the United States Housing Act of 1937 (42 U.S.C. 1437 et seq.) is amended—

(1) by redesignating the second section designated as section 27 (as added by section 903(b) of Public Law 104–193 (110 Stat. 2348)) as section 28; and

(2) by adding at the end the following:

### "SEC. 29. MEMBERSHIP ON BOARD OF DIRECTORS.

"(a) Required Membership.—Except as provided in subsection (b), the membership of the board of directors of each public housing agency shall contain not less than 1 member—

"(1) who is a resident who directly receives assistance from the public housing agency; and

"(2) who may, if provided for in the public housing agency plan (as developed with appropriate notice and opportunity for comment by the resident advisory board) be elected by the residents directly receiving assistance from the public housing agency.

"(b) Exception.—Subsection (a) shall not apply to any public housing agency—

"(1) that is located in a State that requires the members of the board of directors of a public housing agency to be salaried and to serve on a full-time basis; or

"(2) with less than 300 units, if—

"(A) the public housing agency has provided reasonable notice to the resident advisory board of the opportunity of not less than 1 resident described in subsection (a) to serve on the board of directors of the public housing agency pursuant to that subsection; and

"(B) within a reasonable time after receipt by the resident advisory board of notice under subparagraph (A), the public housing agency has not been notified of the intention of any resident to participate on the board of directors.

"(c) Nondiscrimination.—No person shall be prohibited from serving on the board of directors or similar governing body of a public housing agency because of the residence of that person in a public housing project.".

### SEC. 103. RENTAL PAYMENTS.

(a) In General.—Section 3(a)(1)(A) of the United States Housing Act of 1937 (42 U.S.C. 1437a(a)(1)(A)) is amended by inserting before the semicolon the following: " or, if the family resides in public housing, an amount established by the public housing agency, which shall not exceed 30 percent of the monthly adjusted income of the family".

(b) Authority of Public Housing Agencies.—Section 3(a)(2) of the United States Housing Act of 1937 (42 U.S.C. 1437a(a)(2)) is amended to read as follows:

"(2) Authority of public housing agencies.—

"(A) In general.—Notwithstanding paragraph (1), a public housing agency may adopt ceiling rents that reflect the reasonable market value of the housing, but that are not less than—

"(i) 75 percent of the monthly cost to operate the housing of the public housing agency; and

"(ii) the monthly cost to make a deposit to a replacement reserve (in the sole discretion of the public housing agency).

"(B) Minimum rent.—Notwithstanding paragraph (1), a public housing agency may provide that each family residing in a public housing project or receiving tenant-based or project-based assistance under section 8 shall pay a minimum monthly rent in an amount not to exceed $25 per month.

"(C) Police officers.—

"(i) In general.—Notwithstanding any other provision of law and subject to clause (ii), a public housing agency may, in accordance with the public housing agency plan, allow a police officer who is not otherwise eligible for residence in public housing to reside in a public housing unit. The number and location of units occupied by police officers under this clause, and the terms and conditions of their tenancies, shall be determined by the public housing agency.

"(ii) Increased security.—A public housing agency may take the actions authorized in clause (i) only for the purpose of increasing security for the residents of a public housing project.

"(iii) Definition.—In this subparagraph, the term 'police officer' means any person determined by a public housing agency to be, during the period of residence of that person in public housing, employed on a full-time basis as a duly licensed professional police officer by a Federal, State, or local government or by any agency thereof (including a public housing agency having an accredited police force).

"(D) Exception to income limitations for certain public housing agencies.—

"(i) Definition of over-income family.—In this subparagraph, the term 'over-income family' means an individual or family that is not a low-income family or a very low-income family.

"(ii) Authorization.—Notwithstanding any other provision of law, a public housing agency that manages less than 250 units may, on a month-to-month basis, lease a unit in a public housing project to an over-income family in accordance with this subparagraph, if there are no eligible families applying for residence in that public housing project for that month.

"(iii) Terms and conditions.—The number and location of units occupied by over-income families under this subparagraph, and the terms and conditions of those tenancies, shall be determined by the public housing agency, except that—

"(I) rent for a unit shall be in an amount that is equal to not less than the costs to operate the unit;

"(II) if an eligible family applies for residence after an over-income family moves in to the last available unit, the over-income family shall vacate the unit not later than the date on which the month term expires; and

"(III) if a unit is vacant and there is no one on the waiting list, the public housing agency may allow an over-income family to gain immediate occupancy in the unit, while simultaneously providing reasonable public notice of the availability of the unit.

"(E) Encouragement of self-sufficiency.—Each public housing agency shall develop a rental policy that encourages and rewards employment and economic self-sufficiency.".

(c) Regulations.—

(1) In general.—The Secretary shall, by regulation, after notice and an opportunity for public comment, establish such requirements as may be necessary to carry out section 3(a)(2)(A) of the United States Housing Act of 1937, as amended by this section.

(2) Transition rule.—

(A) In general.—Subject to subparagraph (B), prior to the issuance of final regulations under paragraph (1), a public housing agency may implement ceiling rents, which shall be—

(i) determined in accordance with section 3(a)(2)(A) of the United States Housing Act of 1937 (amended by subsection (b) of this section);

(ii) equal to the 95th percentile of the rent paid for a unit of comparable size by residents in the same public housing project or a group of comparable projects totaling 50 units or more; or

(iii) equal to the fair market rent for the area in which the unit is located.

(B) Minimum amount.—The amount of any ceiling rent implemented by a public housing agency under this paragraph may not be less than 75 percent of the monthly cost to operate the housing.

### SEC. 104. DEFINITIONS.

(a) Definitions.—

(1) Single persons.—Section 3(b)(3) of the United States Housing Act of 1937 (42 U.S.C. 1437a(b)(3)) is amended—

(A) in subparagraph (A), by striking the third sentence; and

(B) in subparagraph (B), in the second sentence, by striking "regulations of the Secretary" and inserting "public housing agency plan".

(2) Adjusted income.—Section 3(b)(5) of the United States Housing Act of 1937 (42 U.S.C. 1437a(b)(5)) is amended to read as follows:

"(5) Adjusted income.—The term 'adjusted income' means the income that remains after excluding—

"(A) $480 for each member of the family residing in the household (other than the head of the household or the spouse of the head of the household)—

"(i) who is under 18 years of age; or

"(ii) who is—

"(I) 18 years of age or older; and

"(II) a person with disabilities or a full-time student;

"(B) $400 for an elderly or disabled family;

"(C) the amount by which the aggregate of—

"(i) medical expenses for an elderly or disabled family; and

"(ii) reasonable attendant care and auxiliary apparatus expenses for each family member who is a person with disabilities, to the extent necessary to enable any member of the family (including a member who is a person with disabilities) to be employed;

exceeds 3 percent of the annual income of the family;

"(D) child care expenses, to the extent necessary to enable another member of the family to be employed or to further his or her education; and

"(E) any other adjustments to earned income that the public housing agency determines to be appropriate, as provided in the public housing agency plan.".

(b) Disallowance of Earned Income From Public Housing Rent Determinations.—

(1) In general.—Section 3 of the United States Housing Act of 1937 (42 U.S.C. 1437a) is amended—

(A) by striking the undesignated paragraph at the end of subsection (c)(3) (as added by section 515(b) of the Cranston-Gonzalez National Affordable Housing Act); and

(B) by adding at the end the following:

"(d) Disallowance of Earned Income From Public Housing Rent Determinations.—

"(1) In general.—Notwithstanding any other provision of law, the rent payable under subsection (a) by a family—

"(A) that—

"(i) occupies a unit in a public housing project; or

"(ii) receives assistance under section 8; and

"(B) whose income increases as a result of employment of a member of the family who was previously unemployed for 1 or more years (including a family whose income increases as a result of the participation of a family member in any family self-sufficiency or other job training program);

may not be increased as a result of the increased income due to such employment during the 18-month period beginning on the date on which the employment is commenced.

"(2) Phase-in of rate increases.—After the expiration of the 18-month period referred to in paragraph (1), rent increases due to the continued employment of the family member described in paragraph (1)(B) shall be phased in over a subsequent 3-year period.

"(3) Overall limitation.—Rent payable under subsection (a) shall not exceed the amount determined under subsection (a).

"(e) Individual Savings Accounts.—

"(1) In general.—In lieu of a disallowance of earned income under subsection (d), upon the request of a family that qualifies under subsection (d), a public housing agency may establish an individual savings account in accordance with this subsection for that family.

"(2) Deposits to account.—The public housing agency shall deposit in any savings account established under this subsection an amount equal to the total amount that otherwise would be applied to the family's rent payment under subsection (a) as a result of employment.

"(3) Withdrawal from account.—Amounts deposited in a savings account established under this subsection may only be withdrawn by the family for the purpose of—

"(A) purchasing a home;

"(B) paying education costs of family members;

"(C) moving out of public or assisted housing; or

"(D) paying any other expense authorized by the public housing agency for the purpose of promoting the economic self-sufficiency of residents of public and assisted housing.".

(2) Applicability of amendment.—

(A) Public housing.—Notwithstanding the amendment made by paragraph (1), any resident of public housing participating in the program under the authority contained in the undesignated paragraph at the end of section 3(c)(3) of the United States Housing Act of 1937, as that section existed on the day before the date of enactment of this Act, shall be governed by that authority after that date.

(B) Section 8.—The amendment made by paragraph (1) shall apply to tenant-based assistance provided under section 8 of the United States Housing Act of 1937, with funds appropriated on or after October 1, 1997.

(c) Definitions of Terms Used in Reference to Public Housing.—

(1) In general.—Section 3(c) of the United States Housing Act of 1937 (42 U.S.C. 1437a(c)) is amended—

(A) in paragraph (1), by inserting "and of the fees and related costs normally involved in obtaining non-Federal financing and tax credits with or without private and nonprofit partners" after "carrying charges"; and

(B) in paragraph (2), in the first sentence, by striking "security personnel)," and all that follows through the period and inserting the following: "security personnel), service coordinators, drug elimination activities, or financing in connection with a public housing project, including projects developed with non-Federal financing and tax credits, with or without private and nonprofit partners.".

(2) Technical correction.—Section 622(c) of the Housing and Community Development Act of 1992 (Public Law 102–550; 106 Stat. 3817) is amended by striking "'project.'" and inserting "paragraph (3)".

(3) New definitions.—Section 3(c) of the United States Housing Act of 1937 (42 U.S.C. 1437a(c)) is amended by adding at the end the following:

"(6) Public housing agency plan.—The term 'public housing agency plan' means the plan of the public housing agency prepared in accordance with section 5A.

"(7) Disabled housing.—The term 'disabled housing' means any public housing project, building, or portion of a project or building, that is designated by a public housing agency for occupancy exclusively by disabled persons or families.

"(8) Elderly housing.—The term 'elderly housing' means any public housing project, building, or portion of a project or building, that is designated by a public housing agency exclusively for occupancy exclusively by elderly persons or families, including elderly disabled persons or families.

"(9) Mixed-finance project.—The term 'mixed-finance project' means a public housing project that meets the requirements of section 30.

"(10) Capital fund.—The term 'Capital Fund' means the fund established under section 9(c).

"(11) Operating fund.—The term 'Operating Fund' means the fund established under section 9(d).".

### SEC. 105. CONTRIBUTIONS FOR LOWER INCOME HOUSING PROJECTS.

(a) In General.—Section 5 of the United States Housing Act of 1937 (42 U.S.C. 1437c) is amended by striking subsections (h) through (l).

(b) Conforming Amendments.—The United States Housing Act of 1937 (42 U.S.C. 1437 et seq.) is amended—

(1) in section 21(d), by striking "section 5(h) or";

(2) in section 25(l)(1), by striking "and for sale under section 5(h)"; and

(3) in section 307, by striking "section 5(h) and".

### SEC. 106. PUBLIC HOUSING AGENCY PLAN.

(a) In General.—Title I of the United States Housing Act of 1937 (42 U.S.C. 1437 et seq.) is amended by inserting after section 5 the following:

### "SEC. 5A. PUBLIC HOUSING AGENCY PLANS.

"(a) 5-Year Plan.—

"(1) In general.—Subject to paragraph (2), not less than once every 5 fiscal years, each public housing agency shall submit to the Secretary a plan that includes, with respect to the 5 fiscal years immediately following the date on which the plan is submitted—

"(A) a statement of the mission of the public housing agency for serving the needs of low-income and very low-income families in the jurisdiction of the public housing agency during those fiscal years; and

"(B) a statement of the goals and objectives of the public housing agency that will enable the public housing agency to serve the needs identified pursuant to subparagraph (A) during those fiscal years.

"(2) Initial plan.—The initial 5-year plan submitted by a public housing agency under this subsection shall be submitted for the 5-year period beginning with the first fiscal year following the date of enactment of the Public Housing Reform and Responsibility Act of 1997 for which the public housing agency receives assistance under this Act.

"(b) Annual Plan.—

"(1) In general.—Each public housing agency shall submit to the Secretary a public housing agency plan under this subsection for each fiscal year for which the public housing agency receives assistance under sections 8(o) and 9.

"(2) Updates.—For each fiscal year after the initial submission of a plan under this section by a public housing agency, the public housing agency may comply with requirements for submission of a plan under this subsection by submitting an update of the plan for the fiscal year.

"(c) Procedures.—

"(1) In general.—The Secretary shall establish requirements and procedures for submission and review of plans, including requirements for timing and form of submission, and for the contents of those plans.

"(2) Contents.—The procedures established under paragraph (1) shall provide that a public housing agency shall—

"(A) consult with the resident advisory board established under subsection (e) in developing the plan; and

"(B) ensure that the plan under this section is consistent with the applicable comprehensive housing affordability strategy (or any consolidated plan incorporating that strategy) for the jurisdiction in which the public housing agency is located, in accordance with title I of the Cranston-Gonzalez National Affordable Housing Act and contains a certification by the appropriate State or local official that the plan meets the requirements of this paragraph and a description of the manner in which the applicable contents of the public housing agency plan are consistent with the comprehensive housing affordability strategy.

"(d) Contents.—An annual public housing agency plan under this section for a public housing agency shall contain the following information relating to the upcoming fiscal year for which the assistance under this Act is to be made available:

"(1) Needs.—A statement of the housing needs of low-income and very low-income families residing in the jurisdiction served by the public housing agency, and of other low-income and very low-income families on the waiting list of the agency (including housing needs of elderly families and disabled families), and the means by which the public housing agency intends, to the maximum extent practicable, to address those needs.

"(2) FINANCIAL RESOURCES.—A statement of financial resources available to the agency and the planned uses of those resources.

"(3) ELIGIBILITY, SELECTION, AND ADMISSIONS POLICIES.—A statement of the policies governing eligibility, selection, admissions (including any preferences), assignment, and occupancy of families with respect to public housing dwelling units and housing assistance under section 8(o).

"(4) RENT DETERMINATION.—A statement of the policies of the public housing agency governing rents charged for public housing dwelling units and rental contributions of assisted families under section 8(o).

"(5) OPERATION AND MANAGEMENT.—A statement of the rules, standards, and policies of the public housing agency governing maintenance and management of housing owned and operated by the public housing agency (which shall include measures necessary for the prevention or eradication of infestation by cockroaches), and management of the public housing agency and programs of the public housing agency.

"(6) GRIEVANCE PROCEDURE.—A statement of the grievance procedures of the public housing agency.

"(7) CAPITAL IMPROVEMENTS.—With respect to public housing developments owned or operated by the public housing agency, a plan describing the capital improvements necessary to ensure long-term physical and social viability of the developments.

"(8) DEMOLITION AND DISPOSITION.—With respect to public housing developments owned or operated by the public housing agency—

"(A) a description of any housing to be demolished or disposed of; and

"(B) a timetable for that demolition or disposition.

"(9) DESIGNATION OF HOUSING FOR ELDERLY AND DISABLED FAMILIES.—With respect to public housing developments owned or operated by the public housing agency, a description of any developments (or portions thereof) that the public housing agency has designated or will designate for occupancy by elderly and disabled families in accordance with section 7.

"(10) CONVERSION OF PUBLIC HOUSING.—With respect to public housing owned or operated by a public housing agency—

"(A) a description of any building or buildings that the public housing agency is required to convert to tenant-based assistance under section 31 or that the public housing agency voluntarily converts under section 22;

"(B) an analysis of those buildings required under that section for conversion; and

"(C) a statement of the amount of grant amounts to be used for rental assistance or other housing assistance.

"(11) HOMEOWNERSHIP ACTIVITIES.—A description of any homeownership programs of the public housing agency and the requirements for participation in and the assistance available under those programs.

"(12) ECONOMIC SELF-SUFFICIENCY AND COORDINATION WITH WELFARE AND OTHER APPROPRIATE AGENCIES.—A description of—

"(A) any programs relating to services and amenities provided or offered to assisted families;

"(B) any policies or programs of the public housing agency for the enhancement of the economic and social self-sufficiency of assisted families; and

"(C) how the public housing agency will comply with the requirements of subsections (c) and (d) of section 12.

"(13) SAFETY AND CRIME PREVENTION.—A description of policies established by the public housing agency that increase or maintain the safety of public housing residents.

"(14) CERTIFICATION.—An annual certification by the public housing agency that the public housing agency will carry out the public housing agency plan in conformity with title VI of the Civil Rights Act of 1964, the Fair Housing Act, section 504 of the Rehabilitation Act of 1973, and title II of the Americans with Disabilities Act of 1990, and will affirmatively further the goal of fair housing.

"(15) ANNUAL AUDIT.—The results of the most recent fiscal year audit of the public housing agency.

"(e) RESIDENT ADVISORY BOARD.—

"(1) IN GENERAL.—Except as provided in paragraph (3), each public housing agency shall establish 1 or more resident advisory boards in accordance with this subsection, the membership of which shall adequately reflect and represent the residents of the dwelling units owned, operated, or assisted by the public housing agency.

"(2) PURPOSE.—Each resident advisory board established under this subsection shall assist and make recommendations regarding the development of the public housing agency plan. The public housing agency shall consider the recommendations of the resident advisory boards in preparing the final public housing agency plan, and shall include a copy of those recommendations and a description of the manner in which those recommendations were addressed in the public housing agency plan submitted to the Secretary under this section.

"(3) WAIVER.—The Secretary may waive the requirements of this subsection with respect to the establishment of resident advisory boards, if the public housing agency demonstrates to the satisfaction of the Secretary that there exists a resident council or other resident organization of the public housing agency that—

"(A) adequately represents the interests of the residents of the public housing agency; and

"(B) has the ability to perform the functions described in paragraph (2).

"(f) PUBLICATION OF NOTICE.—

"(1) IN GENERAL.—Not later than 45 days before the date of a hearing conducted under paragraph (2) by the governing body of a public housing agency, the public housing agency shall publish a notice informing the public that—

"(A) the proposed public housing agency plan and all relevant information is available for inspection at the principal office of the public housing agency during normal business hours; and

"(B) a public hearing will be conducted to discuss the public housing agency plan and to invite public comment regarding that plan.

"(2) PUBLIC HEARING.—Each public housing agency shall, at a location that is convenient to residents, conduct a public hearing, as provided in the notice published under paragraph (1).

"(3) ADOPTION OF PLAN.—After conducting the public hearing under paragraph (2), and after considering all public comments received and, in consultation with the resident advisory board, making any appropriate changes in the public housing agency plan, the public housing agency shall—

"(A) adopt the public housing agency plan; and

"(B) submit the plan to the Secretary in accordance with this section.

"(g) AMENDMENTS AND MODIFICATIONS TO PLANS.—

"(1) IN GENERAL.—Except as provided in paragraph (2), nothing in this section shall preclude a public housing agency, after submitting a plan to the Secretary in accordance with this section, from amending or modifying any policy, rule, regulation, or plan of the public housing agency, except that no such significant amendment or modification may be adopted or implemented—

"(A) other than at a duly called meeting of commissioners (or other comparable governing body) of the public housing agency that is open to the public; and

"(B) until notification of the amendment or modification is provided to the Secretary and approved in accordance with subsection (h)(2).

"(2) CONSISTENCY.—Each significant amendment or modification to a public housing agency plan submitted to the Secretary under this section shall—

"(A) meet the consistency requirement of subsection (c)(2);

"(B) be subject to the notice and public hearing requirements of subsection (f); and

"(C) be subject to approval by the Secretary in accordance with subsection (h)(2).

"(h) TIMING OF PLANS.—

"(1) IN GENERAL.—

"(A) INITIAL SUBMISSION.—Each public housing agency shall submit the initial plan required by this section, and any amendment or modification to the initial plan, to the Secretary at such time and in such form as the Secretary shall require.

"(B) ANNUAL SUBMISSION.—Not later than 60 days prior to the start of the fiscal year of the public housing agency, after initial submission of the plan required by this section in accordance with subparagraph (A), each public housing agency shall annually submit to the Secretary a plan update, including any amendments or modifications to the public housing agency plan.

"(2) REVIEW AND APPROVAL.—

"(A) REVIEW.—Subject to subparagraph (B), after submission of the public housing agency plan or any amendment or modification to the plan to the Secretary, to the extent that the Secretary considers such action to be necessary to make determinations under this subparagraph, the Secretary shall review the public housing agency plan (including any amendments or modifications thereto) to determine whether the contents of the plan—

"(i) set forth the information required by this section to be contained in a public housing agency plan;

"(ii) are consistent with information and data available to the Secretary, including the approved comprehensive housing affordability strategy under title I of the Cranston-Gonzalez National Affordable Housing Act of the jurisdiction in which the public housing agency is located; and

"(iii) are prohibited by or inconsistent with any provision of this title or other applicable law.

"(B) EXCEPTION.—

"(i) IN GENERAL.—Except as provided in clause (ii), the Secretary may, by regulation, provide that 1 or more elements of a public housing agency plan shall be reviewed only if the element is challenged.

"(ii) Inapplicability to certain provisions.—Notwithstanding clause (i), the Secretary shall review the information submitted under paragraphs (7) and (14) of subsection (d).

"(C) Approval.—

"(i) In general.—Except as provided in paragraph (3)(B), not later than 60 days after the date on which a public housing agency plan is submitted in accordance with this section (or, with respect to the initial provision of notice under this subparagraph, not later than 75 days after the date on which the initial public housing agency plan is submitted in accordance with this section), the Secretary shall provide written notice to the public housing agency if the plan has been disapproved, stating with specificity the reasons for the disapproval.

"(ii) Failure to provide notice of disapproval.—If the Secretary does not provide notice of disapproval under clause (i) before the expiration of the period described in clause (i), the public housing agency plan shall be deemed to be approved by the Secretary.

"(D) Public availability.—The public housing agency shall make the approved plan available to the general public.

"(3) Secretarial discretion.—

"(A) In general.—The Secretary may require such additional information as the Secretary determines to be appropriate for each public housing agency that is—

"(i) at risk of being designated as troubled under section 6(j); or

"(ii) designated as troubled under section 6(j).

"(B) Troubled agencies.—The Secretary shall provide explicit written approval or disapproval, in a timely manner, for a public housing agency plan submitted by any public housing agency designated by the Secretary as a troubled public housing agency under section 6(j).

"(C) Advisory board consultation enforcement.—Following a written request by the resident advisory board that documents a failure on the part of the public housing agency to provide adequate notice and opportunity for comment under subsection (f), and upon a Secretarial finding of good cause within the time period provided for in paragraph (2)(B) of this subsection, the Secretary may require the public housing agency to adequately remedy that failure prior to a final approval of the public housing agency plan under this section.

"(4) Streamlined plan.—In carrying out this section, the Secretary may establish a streamlined public housing agency plan for—

"(A) public housing agencies that are determined by the Secretary to be high performing public housing agencies;

"(B) public housing agencies with less than 250 public housing units that have not been designated as troubled under section 6(j); and

"(C) public housing agencies that only administer tenant-based assistance and that do not own or operate public housing.

"(5) Compliance with plan.—

"(A) In general.—In providing assistance under this title, a public housing agency shall comply with the rules, standards, and policies established in the public housing agency plan of the public housing agency approved under this section.

"(B) Investigation and enforcement.—In carrying out this title, the Secretary shall—

"(i) provide an appropriate response to any complaint concerning noncompliance by a public housing agency with the applicable public housing agency plan; and

"(ii) if the Secretary determines, based on a finding of the Secretary or other information available to the Secretary, that a public housing agency is not complying with the applicable public housing agency plan, take such actions as the Secretary determines to be appropriate to ensure such compliance.".

(b) Implementation.—

(1) Interim rule.—Not later than 120 days after the date of enactment of this Act, the Secretary shall issue an interim rule to require the submission of an interim public housing agency plan by each public housing agency, as required by section 5A of the United States Housing Act of 1937 (as added by subsection (a) of this section).

(2) Final regulations.—Not later than 1 year after the date of enactment of this Act, in accordance with the negotiated rulemaking procedures set forth in subchapter III of chapter 5 of title 5, United States Code, the Secretary shall promulgate final regulations implementing section 5A of the United States Housing Act of 1937 (as added by subsection (a) of this section).

(c) Audit and Review; Report.—

(1) Audit and review.—Not later than 1 year after the effective date of final regulations promulgated under subsection (b)(2), in order to determine the degree of compliance with public housing agency plans approved under section 5A of the United States Housing Act of 1937 (as added by subsection (a) of this section) by public housing agencies, the Comptroller General of the United States shall conduct—

(A) a review of a representative sample of the public housing agency plans approved under such section 5A before that date; and

(B) an audit and review of the public housing agencies submitting those plans.

(2) Report.—Not later than 2 years after the date on which public housing agency plans are initially required to be submitted under section 5A of the United States Housing Act of 1937 (as added by subsection (a) of this section) the Comptroller General of the United States shall submit to Congress a report, which shall include—

(A) a description of the results of each audit and review under paragraph (1); and

(B) any recommendations for increasing compliance by public housing agencies with their public housing agency plans approved under section 5A of the United States Housing Act of 1937 (as added by subsection (a) of this section).

### SEC. 107. CONTRACT PROVISIONS AND REQUIREMENTS.

(a) Conditions.—Section 6(a) of the United States Housing Act of 1937 (42 U.S.C. 1437d(a)) is amended—

(1) in the first sentence, by inserting ", in a manner consistent with the public housing agency plan" before the period; and

(2) by striking the second sentence.

(b) Repeal of Federal Preferences; Revision of Maximum Income Limits; Certification of Compliance With Requirements; Notification of Eligibility.—Section 6(c) of the United States Housing Act of 1937 (42 U.S.C. 1437d(c)) is amended to read as follows:

"(c) Accounting System for Rental Collections and Costs.—

"(1) Establishment.—Each public housing agency that receives grant amounts under this title shall establish and maintain a system of accounting for rental collections and costs (including administrative, utility, maintenance, repair, and other operating costs) for each project.

"(2) Access to records.—Each public housing agency shall make available to the general public the information required pursuant to paragraph (1) regarding collections and costs.

"(3) Exemption.—The Secretary may permit authorities owning or operating fewer than 500 dwelling units to comply with the requirements of this subsection by accounting on an agency-wide basis.".

(c) Excess Funds.—Section 6(e) of the United States Housing Act of 1937 (42 U.S.C. 1437d(e)) is amended to read as follows:

"(e) [Reserved.]".

(d) Performance Indicators for Public Housing Agencies.—Section 6(j) of the United States Housing Act of 1937 (42 U.S.C. 1437d(j)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (B)—

(i) by striking "obligated" and inserting "provided"; and

(ii) by striking "unexpended" and inserting "unobligated by the public housing agency";

(B) in subparagraph (D), by striking "energy" and inserting "utility";

(C) by redesignating subparagraph (H) as subparagraph (L); and

(D) by inserting after subparagraph (G) the following:

"(H) The extent to which the public housing agency—

"(i) coordinates, promotes, or provides effective programs and activities to promote the economic self-sufficiency of public housing residents; and

"(ii) provides public housing residents with opportunities for involvement in the administration of the public housing.

"(I) The extent to which the public housing agency implements—

"(i) effective screening and eviction policies; and

"(ii) other anticrime strategies;

including the extent to which the public housing agency coordinates with local government officials and residents in the development and implementation of these strategies.

"(J) The extent to which the public housing agency is providing acceptable basic housing conditions.

"(K) The extent to which the public housing agency successfully meets the goals and carries out the activities and programs of the public housing agency plan under section 5(A).";

(2) in paragraph (2)(A)(i), by inserting after the first sentence the following: "The Secretary may use a simplified set of indicators for public housing agencies with less than 250 public housing units."; and

(3) by adding at the end the following:

"(5)(A) To the extent that the Secretary determines such action to be necessary in order to ensure the accuracy of any certification made under this section, the Secretary shall require an independent auditor to review documentation or other information maintained by a public housing agency or resident management corporation pursuant to this section to substantiate each certification submitted by the agency or corporation relating to the performance of that agency or corporation.

"(B) The Secretary may withhold, from assistance otherwise payable to the agency or corporation under section 9, amounts sufficient to pay for the reasonable costs of any review under this paragraph.".

(e) Drug-Related and Criminal Activity.—Section 6(k) of the United States Housing Act of 1937 (42 U.S.C. 1437d(k)) is amended, in the matter following paragraph (6)—

(1) by striking "drug-related" and inserting "violent or drug-related"; and

(2) by inserting "or any activity resulting in a felony conviction," after "on or off such premises,".

(f) LEASES.—Section 6(l) of the United States Housing Act of 1937 (42 U.S.C. 1437d(l)) is amended—

(1) in paragraph (3), by striking "not be less than" and all that follows through the end of paragraph (3) and inserting: "be the period of time required under State or local law, except that the public housing agency may provide such notice within a reasonable time which does not exceed the lesser of—

"(A) the period provided under applicable State or local law; or

"(B) 30 days—

"(i) if the health or safety of other tenants, public housing agency employees, or persons residing in the immediate vicinity of the premises is threatened; or

"(ii) in the event of any drug-related or violent criminal activity or any felony conviction;";

(2) in paragraph (6), by striking "and" at the end;

(3) by redesignating paragraph (7) as paragraph (8); and

(4) by inserting after paragraph (6) following:

"(7) provide that any occupancy in violation of section 7(e)(1) or the furnishing of any false or misleading information pursuant to section 7(e)(2) shall be cause for termination of tenancy; and".

(g) PUBLIC HOUSING ASSISTANCE TO FOSTER CARE CHILDREN.—Section 6(o) of the United States Housing Act of 1937 (42 U.S.C. 1437d(o)) is amended by striking "Subject" and all that follows through ", in" and inserting "In".

(h) PREFERENCE FOR AREAS WITH INADEQUATE SUPPLY OF VERY LOW-INCOME HOUSING.—Section 6(p) of the United States Housing Act of 1937 (42 U.S.C. 1437d(p)) is amended to read as follows:

"(p) [Reserved.]".

(i) TRANSITION RULE RELATING TO PREFERENCES.—During the period beginning on the date of enactment of this Act and ending on the date on which the initial public housing agency plan of a public housing agency is approved under section 5A of the United States Housing Act of 1937 (as added by this Act) the public housing agency may establish local preferences for making available public housing under the United States Housing Act of 1937 and for providing tenant-based assistance under section 8 of that Act.

### SEC. 108. EXPANSION OF POWERS FOR DEALING WITH PUBLIC HOUSING AGENCIES IN SUBSTANTIAL DEFAULT.

(a) IN GENERAL.—Section 6(j)(3) of the United States Housing Act of 1937 (42 U.S.C. 1437d) is amended—

(1) in subparagraph (A)—

(A) by striking clause (i) and inserting the following:

"(i) solicit competitive proposals from other public housing agencies and private housing management agents that, in the discretion of the Secretary, may be selected by existing public housing residents through administrative procedures established by the Secretary; if appropriate, these proposals shall provide for such agents to manage all, or part, of the housing administered by the public housing agency or all or part of the other programs of the agency;";

(B) by striking clause (iv) and inserting the following:

"(v) require the agency to make other arrangements acceptable to the Secretary and in the best interests of the public housing residents and families assisted under section 8 for managing all, or part, of the public housing administered by the agency or of the programs of the agency."; and

(C) by inserting after clause (iii) the following:

"(iv) take possession of all or part of the public housing agency, including all or part of any project or program of the agency, including any project or program under any other provision of this title; and"; and

(2) by striking subparagraphs (B) through (D) and inserting the following:

"(B)(i) If a public housing agency is identified as troubled under this subsection, the Secretary shall notify the agency of the troubled status of the agency.

"(ii)(I) Upon the expiration of the 1-year period beginning on the later of the date on which the agency receives notice from the Secretary of the troubled status of the agency under clause (i) and the date of enactment of the Public Housing Reform and Responsibility Act of 1997, the Secretary shall—

"(aa) in the case of a troubled public housing agency with 1,250 or more units, petition for the appointment of a receiver pursuant to subparagraph (A)(ii); or

"(bb) in the case of a troubled public housing agency with fewer than 1,250 units, either petition for the appointment of a receiver pursuant to subparagraph (A)(ii), or take possession of the public housing agency (including all or part of any project or program of the agency) pursuant to subparagraph (A)(iv) and appoint, on a competitive or noncompetitive basis, an individual or entity as an administrative receiver to assume the responsibilities of the Secretary for the administration of all or part of the public housing agency (including all or part of any project or program of the agency).

"(II) During the period between the date on which a petition is filed under item (aa) and the date on which a receiver assumes responsibility for the management of the public housing agency under that item, the Secretary may take possession of the public housing agency (including all or part of any project or program of the agency) pursuant to subparagraph (A)(iv) and may appoint, on a competitive or noncompetitive basis, an individual or entity as an administrative receiver to assume the responsibilities of the Secretary for the administration of all or part of the public housing agency (including all or part of any project or program of the agency).

"(C) If a receiver is appointed pursuant to subparagraph (A)(ii), in addition to the powers accorded by the court appointing the receiver, the receiver—

"(i) may abrogate any contract to which the United States or an agency of the United States is not a party that, in the receiver's written determination (which shall include the basis for such determination), substantially impedes correction of the substantial default, but only after the receiver determines that reasonable efforts to renegotiate such contract have failed;

"(ii) may demolish and dispose of all or part of the assets of the public housing agency (including all or part of any project of the agency) in accordance with section 18, including disposition by transfer of properties to resident-supported nonprofit entities;

"(iii) if determined to be appropriate by the Secretary, may seek the establishment, as permitted by applicable State and local law, of 1 or more new public housing agencies;

"(iv) if determined to be appropriate by the Secretary, may seek consolidation of all or part of the agency (including all or part of any project or program of the agency), as permitted by applicable State and local laws, into other well-managed public housing agencies with the consent of such well-managed agencies; and

"(v) shall not be required to comply with any State or local law relating to civil service requirements, employee rights (except civil rights), procurement, or financial or administrative controls that, in the receiver's written determination (which shall include the basis for such determination), substantially impedes correction of the substantial default.

"(D)(i) If the Secretary takes possession of all or part of the public housing agency, including all or part of any project or program of the agency, pursuant to subparagraph (A)(iv), the Secretary—

"(I) may abrogate any contract to which the United States or an agency of the United States is not a party that, in the written determination of the Secretary (which shall include the basis for such determination), substantially impedes correction of the substantial default, but only after the Secretary determines that reasonable efforts to renegotiate such contract have failed;

"(II) may demolish and dispose of all or part of the assets of the public housing agency (including all or part of any project of the agency) in accordance with section 18, including disposition by transfer of properties to resident-supported nonprofit entities;

"(III) may seek the establishment, as permitted by applicable State and local law, of 1 or more new public housing agencies;

"(IV) may seek consolidation of all or part of the agency (including all or part of any project or program of the agency), as permitted by applicable State and local laws, into other well-managed public housing agencies with the consent of such well-managed agencies;

"(V) shall not be required to comply with any State or local law relating to civil service requirements, employee rights (except civil rights), procurement, or financial or administrative controls that, in the Secretary's written determination (which shall include the basis for such determination), substantially impedes correction of the substantial default; and

"(VI) shall, without any action by a district court of the United States, have such additional authority as a district court of the United States would have the authority to confer upon a receiver to achieve the purposes of the receivership.

"(ii) If the Secretary, pursuant to subparagraph (B)(ii)(II), appoints an administrative receiver to assume the responsibilities of the Secretary for the administration of all or part of the public housing agency (including all or part of any project or program of the agency), the Secretary may delegate to the administrative receiver any or all of the powers given the Secretary by this subparagraph, as the Secretary determines to be appropriate.

"(iii) Regardless of any delegation under this subparagraph, an administrative receiver may not seek the establishment of 1 or more new public housing agencies pursuant to clause (i)(III) or the consolidation of all or part of an agency into other well-managed agencies pursuant to clause (i)(IV), unless the Secretary first approves an application by the administrative receiver to authorize such action.

"(E) The Secretary may make available to receivers and other entities selected or appointed pursuant to this paragraph such assistance as the Secretary determines in the discretion of the Secretary is necessary and available to remedy the substantial deterioration of living conditions in individual public housing developments or other related emergencies that endanger the health, safety, and welfare of public housing residents or families assisted under section 8. A decision made by the Secretary under this paragraph is not subject to review in any court of the United States, or in any court of any State, territory, or possession of the United States.

"(F) In any proceeding under subparagraph (A)(ii), upon a determination that a substantial default has occurred, and without regard to the availability of alternative remedies, the court shall appoint a receiver to conduct the affairs of all or part of the public housing agency in a manner consistent with this Act and in accordance with such further terms and conditions as the court may provide. The receiver appointed may be another public housing agency, a private management corporation, or any other person or appropriate entity. The court shall have power to grant appropriate temporary or preliminary relief pending final disposition of the petition by the Secretary.

"(G) The appointment of a receiver pursuant to this paragraph may be terminated, upon the petition of any party, when the court determines that all defaults have been cured or the public housing agency is capable again of discharging its duties.

"(H) If the Secretary (or an administrative receiver appointed by the Secretary) takes possession of a public housing agency (including all or part of any project or program of the agency), or if a receiver is appointed by a court, the Secretary or receiver shall be deemed to be acting not in the official capacity of that person or entity, but rather in the capacity of the public housing agency, and any liability incurred, regardless of whether the incident giving rise to that liability occurred while the Secretary or receiver was in possession of all or part of the public housing agency (including all or part of any project or program of the agency), shall be the liability of the public housing agency.".

(b) Applicability.—The provisions of, and duties and authorities conferred or confirmed by, the amendments made by subsection (a) shall apply with respect to any action taken before, on, or after the effective date of this Act and shall apply to any receiver appointed for a public housing agency before the date of enactment of this Act.

(c) Technical Correction Regarding Applicability to Section 8.—Section 8(h) of the United States Housing Act of 1937 is amended by inserting "(except as provided in section 6(j)(3))" after "6".

### SEC. 109. PUBLIC HOUSING SITE-BASED WAITING LISTS.

Section 6 of the United States Housing Act of 1937 is amended by adding at the end the following:

"(s) Site-Based Waiting Lists.—

"(1) In general.—A public housing agency may establish, in accordance with guidelines established by the Secretary, procedures for maintaining waiting lists for admissions to public housing developments of the agency, which may include a system under which applicants may apply directly at or otherwise designate the development or developments in which they seek to reside.

"(2) Civil rights.—Any procedures established under paragraph (1) shall comply with title VI of the Civil Rights Act of 1964, the Fair Housing Act, and other applicable civil rights laws.

"(3) Notice required.—Any system described in paragraph (1) shall provide for the full disclosure by the public housing agency to each applicant of any option available to the applicant in the selection of the development in which to reside.".

### SEC. 110. PUBLIC HOUSING CAPITAL AND OPERATING FUNDS.

(a) In General.—Section 9 of the United States Housing Act of 1937 (42 U.S.C. 1437g) is amended to read as follows:

### "SEC. 9. PUBLIC HOUSING CAPITAL AND OPERATING FUNDS.

"(a) In General.—Except for assistance provided under section 8 of this Act or as otherwise provided in the Public Housing Reform and Responsibility Act of 1997, all programs under which assistance is provided for public housing under this Act on the day before October 1, 1998, shall be merged, as appropriate, into either—

"(1) the Capital Fund established under subsection (c); or

"(2) the Operating Fund established under subsection (d).

"(b) Use of Existing Funds.—With the exception of funds made available pursuant to section 8 or section 20(f) and funds made available for the urban revitalization demonstration program authorized under the Department of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Acts—

"(1) funds made available to the Secretary for public housing purposes that have not been obligated by the Secretary to a public housing agency as of October 1, 1998, shall be made available, for the period originally provided in law, for use in either the Capital Fund or the Operating Fund, as appropriate; and

"(2) funds made available to the Secretary for public housing purposes that have been obligated by the Secretary to a public housing agency but that, as of October 1, 1998, have not been obligated by the public housing agency, may be made available by that public housing agency, for the period originally provided in law, for use in either the Capital Fund or the Operating Fund, as appropriate.

"(c) Capital Fund.—

"(1) In general.—The Secretary shall establish a Capital Fund for the purpose of making assistance available to public housing agencies to carry out capital and management activities, including—

"(A) the development and modernization of public housing projects, including the redesign, reconstruction, and reconfiguration of public housing sites and buildings and the development of mixed-finance projects;

"(B) vacancy reduction;

"(C) addressing deferred maintenance needs and the replacement of dwelling equipment;

"(D) planned code compliance;

"(E) management improvements;

"(F) demolition and replacement;

"(G) resident relocation;

"(H) capital expenditures to facilitate programs to improve the empowerment and economic self-sufficiency of public housing residents and to improve resident participation;

"(I) capital expenditures to improve the security and safety of residents; and

"(J) homeownership activities.

"(2) Establishment of capital fund formula.—The Secretary shall develop a formula for providing assistance under the Capital Fund, which may take into account—

"(A) the number of public housing dwelling units owned or operated by the public housing agency and the percentage of those units that are occupied by very low-income families;

"(B) if applicable, the reduction in the number of public housing units owned or operated by the public housing agency as a result of any conversion to a system of tenant-based assistance;

"(C) the costs to the public housing agency of meeting the rehabilitation and modernization needs, and meeting the reconstruction, development, replacement housing, and demolition needs of public housing dwelling units owned and operated by the public housing agency;

"(D) the degree of household poverty served by the public housing agency;

"(E) the costs to the public housing agency of providing a safe and secure environment in public housing units owned and operated by the public housing agency;

"(F) the ability of the public housing agency to effectively administer the Capital Fund distribution of the public housing agency; and

"(G) any other factors that the Secretary determines to be appropriate.

"(3) Condition on use of the capital fund for development and modernization.—

"(A) Development.—Any public housing developed using amounts provided under this subsection shall be operated for a 40-year period under the terms and conditions applicable to public housing during that period, beginning on the date on which the development (or stage of development) becomes available for occupancy.

"(B) Modernization.—Any public housing, or portion thereof, that is modernized using amounts provided under this subsection shall be maintained and operated for a 20-year period under the terms and conditions applicable to public housing during that period, beginning on the latest date on which modernization is completed.

"(C) Applicability of latest expiration date.—Public housing subject to this paragraph or to any other provision of law mandating the operation of the housing as public housing or under the terms and conditions applicable to public housing for a specified length of time shall be maintained and operated as required until the latest expiration date.

"(d) Operating Fund.—

"(1) In general.—The Secretary shall establish an Operating Fund for the purpose of making assistance available to public housing agencies for the operation and management of public housing, including—

"(A) procedures and systems to maintain and ensure the efficient management and operation of public housing units (including amounts sufficient to pay for the reasonable costs of review by an independent auditor of the documentation or other information maintained pursuant to section 6(j)(5) by a public housing agency or resident management corporation to substantiate the performance of that agency or corporation);

"(B) activities to ensure a program of routine preventative maintenance;

"(C) anticrime and antidrug activities, including the costs of providing adequate security for public housing residents;

"(D) activities related to the provision of services, including service coordinators for elderly persons or persons with disabilities;

"(E) activities to provide for management and participation in the management and policymaking of public housing by public housing residents;

"(F) the costs associated with the operation and management of mixed-finance projects, to the extent appropriate (including the funding of an operating reserve to ensure affordability for low-income and very low-income families in lieu of the availability of operating funds for public housing units in a mixed-finance project);

"(G) the reasonable costs of insurance;

"(H) the reasonable energy costs associated with public housing units, with an emphasis on energy conservation; and

"(I) the costs of administering a public housing work program under section 12, including the costs of any related insurance needs.

"(2) ESTABLISHMENT OF OPERATING FUND FORMULA.—The Secretary shall establish a formula for providing assistance under the Operating Fund, which may take into account—

"(A) standards for the costs of operation and reasonable projections of income, taking into account the character and location of the public housing project and characteristics of the families served, or the costs of providing comparable services as determined with criteria or a formula representing the operations of a prototype well-managed public housing project;

"(B) the number of public housing dwelling units owned and operated by the public housing agency, the percentage of those units that are occupied by very low-income families, and, if applicable, the reduction in the number of public housing units as a result of any conversion to a system of tenant-based assistance;

"(C) the degree of household poverty served by a public housing agency;

"(D) the extent to which the public housing agency provides programs and activities designed to promote the economic self-sufficiency and management skills of public housing residents;

"(E) the number of dwelling units owned and operated by the public housing agency that are chronically vacant and the amount of assistance appropriate for those units;

"(F) the costs of the public housing agency associated with anticrime and antidrug activities, including the costs of providing adequate security for public housing residents;

"(G) the ability of the public housing agency to effectively administer the Operating Fund distribution of the public housing agency; and

"(H) any other factors that the Secretary determines to be appropriate.

"(e) LIMITATIONS ON USE OF FUNDS.—

"(1) IN GENERAL.—Each public housing agency may use not more than 20 percent of the Capital Fund distribution of the public housing agency for activities that are eligible for assistance under the Operating Fund under subsection (d), if the public housing agency plan provides for such use.

"(2) NEW CONSTRUCTION.—

"(A) IN GENERAL.—A public housing agency may not use any of the Capital Fund or Operating Fund distributions of the public housing agency for the purpose of constructing any public housing unit, if such construction would result in a net increase in the number of public housing units owned or operated by the public housing agency on the date of enactment of the Public Housing Reform and Responsibility Act of 1997, including any public housing units demolished as part of any revitalization effort.

"(B) EXCEPTION.—

"(i) IN GENERAL.—Notwithstanding subparagraph (A), a public housing agency may use the Capital Fund or Operating Fund distributions of the public housing agency for the construction and operation of housing units that are available and affordable to low-income families in excess of the limitations on new construction set forth in subparagraph (A), except that the formulas established under subsections (c)(2) and (d)(2) shall not provide additional funding for the specific purpose of allowing construction and operation of housing in excess of those limitations.

"(ii) EXCEPTION.—Notwithstanding clause (i), subject to reasonable limitations set by the Secretary, the formulae established under subsections (c)(2) and (d)(2) may provide additional funding for the operation and modernization costs (but not the initial development costs) of housing in excess of amounts otherwise permitted under this paragraph if—

"(I) those units are part of a mixed-finance project or otherwise leverage significant additional private or public investment; and

"(II) the estimated cost of the useful life of the project is less than the estimated cost of providing tenant-based assistance under section 8(o) for the same period of time.

"(f) DIRECT PROVISION OF OPERATING AND CAPITAL ASSISTANCE.—

"(1) IN GENERAL.—The Secretary shall directly provide operating and capital assistance under this section to a resident management corporation managing a public housing development pursuant to a contract under this section, but only if—

"(A) the resident management corporation petitions the Secretary for the release of the funds

"(B) the contract provides for the resident management corporation to assume the primary management responsibilities of the public housing agency; and

"(C) the Secretary determines that the corporation has the capability to effectively discharge such responsibilities.

"(2) USE OF ASSISTANCE.—Any operating and capital assistance provided to a resident management corporation pursuant to this subsection shall be used for purposes of operating the public housing developments of the agency and performing such other eligible activities with respect to public housing as may be provided under the contract.

"(3) RESPONSIBILITY OF PUBLIC HOUSING AGENCY.—If the Secretary provides direct funding to a resident management corporation under this subsection, the public housing agency shall not be responsible for the actions of the resident management corporation.

"(g) TECHNICAL ASSISTANCE.—To the extent approved in advance in appropriations Acts, the Secretary may make grants or enter into contracts in accordance with this subsection for purposes of providing, either directly or indirectly—

"(1) technical assistance to public housing agencies, resident councils, resident organizations, and resident management corporations, including assistance relating to monitoring and inspections;

"(2) training for public housing agency employees and residents;

"(3) data collection and analysis; and

"(4) training, technical assistance, and education to assist public housing agencies that are—

"(A) at risk of being designated as troubled under section 6(j) from being so designated; and

"(B) designated as troubled under section 6(j) in achieving the removal of that designation.

"(h) EMERGENCY RESERVE.—

"(1) IN GENERAL.—

"(A) SET-ASIDE.—In each fiscal year, the Secretary shall set aside not more than 2 percent of the amount made available for use under the capital fund to carry out this section for that fiscal year for use in accordance with this subsection.

"(B) USE OF FUNDS.—Amounts set aside under this paragraph shall be available to the Secretary for use in connection with—

"(i) emergencies and other disasters;

"(ii) housing needs resulting from any settlement of litigation; and

"(iii) the Operation Safe Home program, except that amounts set aside under this clause may not exceed $10,000,000 in any fiscal year.

"(2) LIMITATION.—With respect to any fiscal year, the Secretary may carry over not more than a total of $25,000,000 in unobligated amounts set aside under this subsection for use in connection with the activities described in paragraph (1)(B) during the succeeding fiscal year.

"(3) REPORTS.—The Secretary and the Office of Inspector General shall report to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Banking and Financial Services of the House of Representatives regarding the feasibility of transferring the authority to administer the program functions implemented to reduce violent crime in public housing under Operation Safe Home to the Office of Public and Indian Housing or to the Department of Justice.

"(4) PUBLICATION.—The Secretary shall publish the use of any amounts allocated under this subsection relating to emergencies (other disasters and housing needs resulting from any settlement of litigation) in the Federal Register.

"(5) ELIGIBLE USES.—In carrying out this subsection, the Secretary may use amounts set aside under this subsection for—

"(A) any eligible use under the Operating Fund or the Capital Fund established by this section; or

"(B) the provision of tenant-based assistance in accordance with section 8.

"(i) PENALTY FOR SLOW EXPENDITURE OF CAPITAL FUNDS.—

"(1) IN GENERAL.—

"(A) TIME PERIOD.—Except as provided in paragraph (2), and subject to subparagraph (B) of this paragraph, a public housing agency shall obligate any assistance received under this section not later than 24 months after, as applicable—

"(i) the date on which the funds become available to the agency for obligation in the case of modernization; or

"(ii) the date on which the agency accumulates adequate funds to undertake comprehensive modernization, substantial rehabilitation, or new construction of units.

"(B) EXTENSION OF TIME PERIOD.—The Secretary—

"(i) may, extend the time period described in subparagraph (A) , for such period of time as the Secretary determines to be necessary, if the Secretary determines that the failure of the public housing agency to obligate assistance in a timely manner is attributable to—

"(I) litigation;

"(II) obtaining approvals of a Federal, State, or local government;

"(III) complying with environmental assessment and abatement requirements;

"(IV) relocating residents;

"(V) an event beyond the control of the public housing agency; or

"(VI) any other reason established by the Secretary by notice published in the Federal Register;

"(ii) shall disregard the requirements of subparagraph (A) with respect to any unobligated amounts made available to a public housing agency, to the extent that the total of those amounts does not exceed 10 percent of the original amount made available to the public housing agency; and “(iii) may, with the prior approval of the Secretary, extend the period of time described in subparagraph (A), for an additional period not to exceed 12 months, based on—

“(I) the size of the public housing agency;

“(II) the complexity of capital program of the public housing agency;

“(III) any limitation on the ability of the public housing agency to obligate the Capital Fund distributions of the public housing agency in a timely manner as a result of State or local law; or

“(IV) such other factors as the Secretary determines to be relevant.

“(C) Effect of failure to comply.—

“(i) In general.—A public housing agency shall not be awarded assistance under this section for any month during any fiscal year in which the public housing agency has funds unobligated in violation of subparagraph (A) or (B).

“(ii) Effect of failure to comply.—During any fiscal year described in clause (i), the Secretary shall withhold all assistance that would otherwise be provided to the public housing agency. If the public housing agency cures its default during the year, it shall be provided with the share attributable to the months remaining in the year.

“(iii) Redistribution.—The total amount of any funds not provided public housing agencies by operation of this subparagraph shall be distributed to high-performing agencies, as determined under section 6(j).

“(2) Exception.—

“(A) In general.—Subject to subparagraph (B), if the Secretary has consented, before the date of enactment of the Public Housing Reform and Responsibility Act of 1997, to an obligation period for any agency longer than provided under paragraph (1)(A), a public housing agency that obligates its funds before the expiration of that period shall not be considered to be in violation of paragraph (1)(A).

“(B) Fiscal year 1995.—Notwithstanding subparagraph (A)—

“(i) any funds appropriated to a public housing agency for fiscal year 1995, or for any preceding fiscal year, shall be fully obligated by the public housing agency not later than September 30, 1998; and

“(ii) any funds appropriated to a public housing agency for fiscal year 1996 or 1997 shall be fully obligated by the public housing agency not later than September 30, 1999.

“(3) Expenditure of amounts.—

“(A) In general.—A public housing agency shall spend any assistance received under this section not later than 4 years (plus the period of any extension approved by the Secretary under paragraph (1)(B)) after the date on which funds become available to the agency for obligation.

“(B) Enforcement.—The Secretary shall enforce the requirement of subparagraph (A) through default remedies up to and including withdrawal of the funding.

“(4) Right of recapture.—Any obligation entered into by a public housing agency shall be subject to the right of the Secretary to recapture the obligated amounts for violation by the public housing agency of the requirements of this subsection.”.

(b) Implementation; Effective Date; Transition Period.—

(1) Implementation.—Not later than 1 year after the date of enactment of this Act, in accordance with the negotiated rulemaking procedures set forth in subchapter III of chapter 5 of title 5, United States Code, the Secretary shall establish the formulas described in subsections (c)(3) and (d)(2) of section 9 of the United States Housing Act of 1937, as amended by this section.

(2) Effective date.—The formulas established under paragraph (1) shall be effective only with respect to amounts made available under section 9 of the United States Housing Act of 1937, as amended by this section, in fiscal year 1999 or in any succeeding fiscal year.

(3) Transition period.—

(A) In general.—Subject to subparagraph (B), prior to the effective date described in paragraph (2), the Secretary shall provide that each public housing agency shall receive funding under sections 9 and 14 of the United States Housing Act of 1937, as those sections existed on the day before the date of enactment of this Act.

(B) Qualification.—If a public housing agency establishes a rental amount that is less than 30 percent of the monthly adjusted income of the family under section 3(a)(1)(A) of the United States Housing Act of 1937 (as amended by section 103(a) of this Act), or a rental amount that is based on an adjustment to income under section 3(b)(5)(E) (as amended by section 104(a)(2) of this Act), the Secretary shall not take into account any reduction of or increase in the per unit dwelling rental income of the public housing agency resulting from the use of that rental amount in calculating the contributions for the public housing agency for the operation of the public housing under section 9 of the United States Housing Act of 1937 (as in existence on the day before the date of enactment of this Act).

### SEC. 111. COMMUNITY SERVICE AND SELF-SUFFICIENCY.

Section 12 of the United States Housing Act of 1937 (42 U.S.C. 1437j) is amended by adding at the end the following:

“(c) Community Service and Self-Sufficiency Requirement.—

“(1) Minimum requirement.—Notwithstanding any other provision of law, each adult resident of a public housing project shall—

“(A) contribute not less than 8 hours per month of community service (not to include any political activity) within the community in which that adult resides; or

“(B) participate in a self-sufficiency program (as that term is defined in subsection (d)(1)) for not less than 8 hours per month.

“(2) Inclusion in plan.—Each public housing agency shall include in the public housing agency plan a detailed description of the manner in which the public housing agency intends to implement and administer paragraph (1).

“(3) Exemptions.—The Secretary may provide an exemption from paragraph (1) for any adult who—

“(A) has attained age 62;

“(B) is a blind or disabled individual, as defined under section 216(i)(1) or 1614 of the Social Security Act (42 U.S.C. 416(i)(1); 1382c) and who is unable to comply with this section, or a primary caretaker of that individual;

“(C) is engaged in a work activity (as that term is defined in subsection (d)(1)(C)); or

“(D) meets the requirements for being exempted from having to engage in a work activity under the State program funded under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.) or under any other welfare program of the State in which the public housing agency is located.

“(4) Geographic location; prohibition against replacement of employees.—

“(A) Geographic location.—The requirement described in paragraph (1) may include community service or participation in a self-sufficiency program performed at a location not owned by the public housing agency.

“(B) Prohibition against replacement of employees.—In carrying out this subsection, a public housing agency may not—

“(i) substitute community service or participation in a self-sufficiency program, as described in paragraph (1), for work performed by a public housing employee; or

“(ii) supplant a job at any location at which community work requirements under section 111 are fulfilled.

“(d) Self-Sufficiency.—

“(1) Definitions.—In this section—

“(A) the term ‘covered family’ means a family that—

“(i) receives benefits for welfare or public assistance from a State or other public agency under a program for which the Federal, State, or local law relating to the program requires, as a condition of eligibility for assistance under the program, participation of a member of the family in a self-sufficiency program; and

“(ii) resides in a public housing dwelling unit or is provided tenant-based assistance;

“(B) the term ‘self-sufficiency program’ means any program designed to encourage, assist, train, or facilitate the economic independence of participants and their families or to provide work for participants, including programs for job training, employment counseling, work placement, basic skills training, education, workfare and apprenticeship; and

“(C) the term ‘work activities’ has the meaning given that term in section 407(d) of the Social Security Act (42 U.S.C. 607(d)) (as in effect on and after July 1, 1997).

“(2) Compliance.—

“(A) Sanctions.—Notwithstanding any other provision of law, if the welfare or public assistance benefits of a covered family are reduced under a Federal, State, or local law regarding such an assistance program because of any failure of any member of the family to comply with the conditions under the assistance program requiring participation in a self-sufficiency program or a work activities requirement, or because of an act of fraud by any member of the family under the law or program, the amount required to be paid by the family as a monthly contribution toward rent may not be decreased, during the period of the reduction, as a result of any decrease in the income of the family (to the extent that the decrease in income is a result of the benefits reduction).

“(B) Review.—Any covered family that is affected by the operation of this paragraph shall have the right to review the determination under this paragraph through the administrative grievance procedure for the public housing agency.

“(C) Notice.—Subparagraph (A) shall not apply to any covered family before the public housing agency providing assistance under this Act on behalf of the family obtains written notification from the relevant welfare or public assistance agency specifying that the family's benefits have been reduced because of noncompliance with self-sufficiency program or an applicable work activities requirement and the level of such reduction.

“(D) No application of reductions based on time limit for assistance.—For purposes of this paragraph, a reduction in benefits as a result of the expiration of a lifetime time limit for a family receiving welfare or public assistance benefits shall not be considered to be a failure to comply with the conditions under the assistance program requiring participation in a self-sufficiency program or a work activities requirement.

"(3) OCCUPANCY RIGHTS.—This subsection may not be construed to authorize any public housing agency to limit the duration of tenancy in a public housing dwelling unit or of tenant-based assistance.

"(4) COOPERATION AGREEMENTS FOR SELF-SUFFICIENCY ACTIVITIES.—

"(A) REQUIREMENT.—To the maximum extent practicable, a public housing agency providing public housing dwelling units or tenant-based assistance for covered families shall enter into such cooperation agreements, with State, local, and other agencies providing assistance to covered families under welfare or public assistance programs, as may be necessary, to provide for such agencies to transfer information to facilitate administration of subsection (c) or paragraph (2) of this subsection, and other information regarding rents, income, and assistance that may assist a public housing agency or welfare or public assistance agency in carrying out its functions.

"(B) CONTENTS.—A public housing agency shall seek to include in a cooperation agreement under this paragraph requirements and provisions designed to target assistance under welfare and public assistance programs to families residing in public and other assisted housing developments, which may include providing for self-sufficiency services within such housing, providing for services designed to meet the unique employment-related needs of residents of such housing, providing for placement of workfare positions on-site in such housing, and such other elements as may be appropriate.

"(C) CONFIDENTIALITY.—This paragraph may not be construed to authorize any release of information that is prohibited by, or in contravention of, any other provision of Federal, State, or local law.".

### SEC. 112. REPEAL OF ENERGY CONSERVATION; CONSORTIA AND JOINT VENTURES.

Section 13 of the United States Housing Act of 1937 (42 U.S.C. 1437k) is amended to read as follows:

### "SEC. 13. CONSORTIA, JOINT VENTURES, AFFILIATES, AND SUBSIDIARIES OF PUBLIC HOUSING AGENCIES.

"(a) CONSORTIA.—

"(1) IN GENERAL.—Any 2 or more public housing agencies may participate in a consortium for the purpose of administering any or all of the housing programs of those public housing agencies in accordance with this section.

"(2) EFFECT.—With respect to any consortium described in paragraph (1)—

"(A) any assistance made available under this title to each of the public housing agencies participating in the consortium shall be paid to the consortium; and

"(B) all planning and reporting requirements imposed upon each public housing agency participating in the consortium with respect to the programs operated by the consortium shall be consolidated.

"(3) RESTRICTIONS.—

"(A) AGREEMENT.—Each consortium described in paragraph (1) shall be formed and operated in accordance with a consortium agreement, and shall be subject to the requirements of a joint public housing agency plan, which shall be submitted by the consortium in accordance with section 5A.

"(B) MINIMUM REQUIREMENTS.—The Secretary shall specify minimum requirements relating to the formation and operation of consortia and the minimum contents of consortium agreements under this paragraph.

"(b) JOINT VENTURES.—

"(1) IN GENERAL.—Notwithstanding any other provision of law, a public housing agency, in accordance with the public housing agency plan, may—

"(A) form and operate wholly owned or controlled subsidiaries (which may be nonprofit corporations) and other affiliates, any of which may be directed, managed, or controlled by the same persons who constitute the board of commissioners or other similar governing body of the public housing agency, or who serve as employees or staff of the public housing agency; or

"(B) enter into joint ventures, partnerships, or other business arrangements with, or contract with, any person, organization, entity, or governmental unit—

"(i) with respect to the administration of the programs of the public housing agency, including any program that is subject to this title; or

"(ii) for the purpose of providing or arranging for the provision of supportive or social services.

"(2) USE OF AND TREATMENT INCOME.—Any income generated under paragraph (1)—

"(A) shall be used for low-income housing or to benefit the residents of the public housing agency; and

"(B) shall not result in any decrease in any amount provided to the public housing agency under this title.

"(3) AUDITS.—The Comptroller General of the United States, the Secretary, and the Inspector General of the Department of Housing and Urban Development may conduct an audit of any activity undertaken under paragraph (1) at any time.".

### SEC. 113. REPEAL OF MODERNIZATION FUND.

(a) IN GENERAL.—Section 14 of the United States Housing Act of 1937 (42 U.S.C. 1437l) is repealed.

(b) CONFORMING AMENDMENTS.—The United States Housing Act of 1937 (42 U.S.C. 1437 et seq.) is amended—

(1) in section 5(c)(5), by striking "for use under section 14 or";

(2) in section 5(c)(7)—

(A) in subparagraph (A)—

(i) by striking clause (iii); and

(ii) by redesignating clauses (iv) through (x) as clauses (iii) through (ix), respectively; and

(B) in subparagraph (B)—

(i) by striking clause (iii); and

(ii) by redesignating clauses (iv) through (x) as clauses (iii) through (ix), respectively;

(3) in section 6(j)(1)—

(A) by striking subparagraph (B); and

(B) by redesignating subparagraphs (C) through (H) as subparagraphs (B) through (G), respectively;

(4) in section 6(j)(2)(A)—

(A) in clause (i), by striking "The Secretary shall also designate," and all that follows through the period at the end; and

(B) in clause (iii), by striking "(including designation as a troubled agency for purposes of the program under section 14)";

(5) in section 6(j)(2)(B)—

(A) in clause (i), by striking "and determining that an assessment under this subparagraph will not duplicate any review conducted under section 14(p)"; and

(B) in clause (ii)—

(i) by striking "(I) the agency's comprehensive plan prepared pursuant to section 14 adequately and appropriately addresses the rehabilitation needs of the agency's inventory, (II)" and inserting "(I)"; and

(ii) by striking "(III)" and inserting "(II)";

(6) in section 6(j)(3)—

(A) in clause (ii), by adding "and" at the end;

(B) by striking clause (iii); and

(C) by redesignating clause (iv) as clause (iii);

(7) in section 6(j)(4)—

(A) in subparagraph (D), by adding "and" at the end;

(B) in subparagraph (E), by striking "; and" at the end and inserting a period; and

(C) by striking subparagraph (F);

(8) in section 20—

(A) by striking subsection (c) and inserting the following:

"(c) [Reserved.]"; and

(B) by striking subsection (f) and inserting the following:

"(f) [Reserved.]";

(9) in section 21(a)(2)—

(A) by striking subparagraph (A); and

(B) by redesignating subparagraphs (B) and (C) as subparagraphs (A) and (B), respectively;

(10) in section 21(a)(3)(A)(v), by striking "the building or buildings meet the minimum safety and livability standards applicable under section 14, and";

(11) in section 25(b)(1), by striking "From amounts reserved" and all that follows through "the Secretary may" and inserting the following: "To the extent approved in appropriations Acts, the Secretary may";

(12) in section 25(e)(2)—

(A) by striking "The Secretary" and inserting "To the extent approved in appropriations Acts, the Secretary"; and

(B) by striking "available annually from amounts under section 14";

(13) in section 25(e), by striking paragraph (3);

(14) in section 25(f)(2)(G)(i), by striking "including—" and all that follows through "an explanation" and inserting "including an explanation";

(15) in section 25(i)(1), by striking the second sentence; and

(16) in section 202(b)(2)—

(A) by striking "(b) FINANCIAL ASSISTANCE.—" and all that follows through "The Secretary may," and inserting the following:

"(b) FINANCIAL ASSISTANCE.—The Secretary may"; and

(B) by striking paragraph (2).

### SEC. 114. ELIGIBILITY FOR PUBLIC AND ASSISTED HOUSING.

Section 16 of the United States Housing Act of 1937 (42 U.S.C. 1437n) is amended to read as follows:

### "SEC. 16. ELIGIBILITY FOR PUBLIC AND ASSISTED HOUSING.

"(a) INCOME ELIGIBILITY FOR PUBLIC HOUSING.—

"(1) IN GENERAL.—Of the dwelling units of a public housing agency, including public housing units in a designated mixed-finance project, made available for occupancy in any fiscal year of the public housing agency—

"(A) not less than 40 percent shall be occupied by families whose incomes do not exceed 30 percent of the area median income for those families;

"(B) not less than 70 percent shall be occupied by families whose incomes do not exceed 60 percent of the area median income for those families; and

"(C) any remaining dwelling units may be made available for families whose incomes do not exceed 80 percent of the area median income for those families.

"(2) ESTABLISHMENT OF DIFFERENT STANDARDS.—Notwithstanding paragraph (1), if approved by the Secretary, a public housing agency, in accordance with the public housing agency plan, may for good cause establish and implement an admission standard other than the standard described in paragraph (1).

“(3) PROHIBITION OF CONCENTRATION OF LOW-INCOME FAMILIES.—A public housing agency may not, in complying with the requirements under paragraph (1), concentrate very low-income families (or other families with relatively low incomes) in public housing dwelling units in certain public housing developments or certain buildings within developments.

“(4) MIXED-INCOME HOUSING STANDARD.—Each public housing agency plan submitted by a public housing agency shall include a plan for achieving a diverse income mix among residents in each public housing project of the public housing agency and among the scattered site public housing of the public housing agency.

“(b) INCOME ELIGIBILITY FOR CERTAIN ASSISTED HOUSING.—

“(1) TENANT-BASED ASSISTANCE.—Of the dwelling units receiving tenant-based assistance under section 8 made available for occupancy in any fiscal year of the public housing agency—

“(A) not less than 65 percent shall be occupied by families whose incomes do not exceed 30 percent of the area median income for those families;

“(B) not less than 90 percent shall be occupied by families whose incomes do not exceed 60 percent of the area median income for those families; and

“(C) any remaining dwelling units may be made available for families whose incomes do not exceed 80 percent of the area median income for those families.

“(2) ESTABLISHMENT OF DIFFERENT STANDARDS.—Notwithstanding paragraph (1), if approved by the Secretary, a public housing agency, in accordance with the public housing agency plan, may for good cause establish and implement an admission standard other than the standard described in paragraph (1).

“(3) PROJECT-BASED ASSISTANCE.—Of the total number of dwelling units in a project receiving assistance under section 8, other than assistance described in paragraph (1), that are made available for occupancy by eligible families in any year (as determined by the Secretary)—

“(A) not less than 40 percent shall be occupied by families whose incomes do not exceed 30 percent of the area median income;

“(B) not less than 70 percent shall be occupied by families whose incomes do not exceed 60 percent of the area median income; and

“(C) any remaining dwelling units may be made available for families whose incomes do not exceed 80 percent of the area median income for those families.

“(c) DEFINITION OF AREA MEDIAN INCOME.—In this section, the term ‘area median income’ means the median income of an area, as determined by the Secretary, with adjustments for smaller and larger families, except that the Secretary may establish income ceilings higher or lower than the percentages specified in subsections (a) and (b) if the Secretary determines that such variations are necessary because of unusually high or low family incomes.”.

**SEC. 115. DEMOLITION AND DISPOSITION OF PUBLIC HOUSING.**

(a) IN GENERAL.—Section 18 of the United States Housing Act of 1937 (42 U.S.C. 1437p) is amended to read as follows:

**“SEC. 18. DEMOLITION AND DISPOSITION OF PUBLIC HOUSING.**

“(a) APPLICATIONS FOR DEMOLITION AND DISPOSITION.—Except as provided in subsection (b), not later than 60 days after receiving an application by a public housing agency for authorization, with or without financial assistance under this title, to demolish or dispose of a public housing project or a portion of a public housing project (including any transfer to a resident-supported nonprofit entity), the Secretary shall approve the application, if the public housing agency certifies—

“(1) in the case of—

“(A) an application proposing demolition of a public housing project or a portion of a public housing project, that—

“(i) the project or portion of the public housing project is obsolete as to physical condition, location, or other factors, making it unsuitable for housing purposes; and

“(ii) no reasonable program of modifications is cost-effective to return the public housing project or portion of the project to useful life; and

“(B) an application proposing the demolition of only a portion of a public housing project, that the demolition will help to assure the viability of the remaining portion of the project;

“(2) in the case of an application proposing disposition of a public housing project or other real property subject to this title by sale or other transfer, that—

“(A) the retention of the property is not in the best interests of the residents or the public housing agency because—

“(i) conditions in the area surrounding the public housing project adversely affect the health or safety of the residents or the feasible operation of the project by the public housing agency; or

“(ii) disposition allows the acquisition, development, or rehabilitation of other properties that will be more efficiently or effectively operated as low-income housing;

“(B) the public housing agency has otherwise determined the disposition to be appropriate for reasons that are—

“(i) in the best interests of the residents and the public housing agency;

“(ii) consistent with the goals of the public housing agency and the public housing agency plan; and

“(iii) otherwise consistent with this title; or

“(C) for property other than dwelling units, the property is excess to the needs of a public housing project or the disposition is incidental to, or does not interfere with, continued operation of a public housing project;

“(3) that the public housing agency has specifically authorized the demolition or disposition in the public housing agency plan, and has certified that the actions contemplated in the public housing agency plan comply with this section;

“(4) that the public housing agency—

“(A) will notify residents in a project subject to demolition or disposition 90 days prior to the displacement date except in cases of imminent threat to health or safety;

“(B) will provide for the payment of the actual and reasonable relocation expenses of each resident to be displaced;

“(C) will ensure that each displaced resident is offered comparable housing—

“(i) that meets housing quality standards;

“(ii) which may include—

“(I) tenant-based assistance;

“(II) project-based assistance; or

“(III) occupancy in a unit operated or assisted by the public housing agency;

“(iii) that is at a rental rate paid by the resident that is comparable to the rental rate applicable to the unit from which the resident is vacated; and

“(iv) that is located in an area that is generally not less desirable than the location of the displaced person’s housing;

“(D) will provide any necessary counseling for residents who are displaced; and

“(E) will not commence demolition or complete disposition until all residents residing in the unit are relocated;

“(5) that the net proceeds of any disposition will be used—

“(A) unless waived by the Secretary, for the retirement of outstanding obligations issued to finance the original public housing project or modernization of the project; and

“(B) to the extent that any proceeds remain after the application of proceeds in accordance with subparagraph (A), for the provision of low-income housing or to benefit the residents of the public housing agency; and

“(6) that the public housing agency has complied with subsection (c).

“(b) DISAPPROVAL OF APPLICATIONS.—The Secretary shall disapprove an application submitted under subsection (a) if the Secretary determines that—

“(1) any certification made by the public housing agency under that subsection is clearly inconsistent with information and data available to the Secretary or information or data requested by the Secretary; or

“(2) the application was not developed in consultation with—

“(A) residents who will be affected by the proposed demolition or disposition; and

“(B) each resident advisory board and resident council, if any, that will be affected by the proposed demolition or disposition.

“(c) RESIDENT OPPORTUNITY TO PURCHASE IN CASE OF PROPOSED DISPOSITION.—

“(1) IN GENERAL.—In the case of a proposed disposition of a public housing project or portion of a project, the public housing agency shall, in appropriate circumstances, as determined by the Secretary, initially offer the property to any eligible resident organization, eligible resident management corporation, or nonprofit organization acting on behalf of the residents, if that entity has expressed an interest, in writing, to the public housing agency in a timely manner, in purchasing the property for continued use as low-income housing.

“(2) TIMING.—

“(A) THIRTY-DAY NOTICE.—A resident organization, resident management corporation, or other resident-supported nonprofit entity referred to in paragraph (1) may express interest in purchasing property that is the subject of a disposition, as described in paragraph (1), during the 30-day period beginning on the date of notification of a proposed sale of the property.

“(B) SIXTY-DAY NOTICE.—If an entity expresses written interest in purchasing a property, as provided in subparagraph (A), no disposition of the property shall occur during the 60-day period beginning on the date of receipt of that written notice, during which time that entity shall be given the opportunity to obtain a firm commitment for financing the purchase of the property.

“(d) REPLACEMENT UNITS.—Notwithstanding any other provision of law, replacement housing units for public housing units demolished in accordance with this section may be built on the original public housing location or in the same neighborhood as the original public housing location if the number of those replacement units is fewer than the number of units demolished.”.

(b) HOMEOWNERSHIP REPLACEMENT PLAN.—

(1) IN GENERAL.—Section 304(g) of the United States Housing Act of 1937 (42 U.S.C. 1437aaa–3(g)), as amended by section 1002(b) of the Emergency Supplemental Appropriations for Additional Disaster Assistance, for

Anti-terrorism Initiatives, for Assistance in the Recovery from the Tragedy that Occurred At Oklahoma City, and Rescissions Act, 1995 (Public Law 104–19; 109 Stat. 236), is amended to read as follows:

"(g) [Reserved.]".

(2) Effective date.—The amendment made by paragraph (1) shall be effective with respect to any plan for the demolition, disposition, or conversion to homeownership of public housing that is approved by the Secretary after September 30, 1995.

(c) Uniform Relocation and Real Property Acquisition Act.—The Uniform Relocation and Real Property Acquisition Act shall not apply to activities under section 18 of the United States Housing Act of 1937, as amended by this section.

### SEC. 116. REPEAL OF FAMILY INVESTMENT CENTERS; VOUCHER SYSTEM FOR PUBLIC HOUSING.

(a) In General.—Section 22 of the United States Housing Act of 1937 (42 U.S.C. 1437t) is amended to read as follows:

### "SEC. 22. VOUCHER SYSTEM FOR PUBLIC HOUSING.

"(a) In General.—

"(1) Authorization.—A public housing agency may convert any public housing project (or portion thereof) owned and operated by the public housing agency to a system of tenant-based assistance in accordance with this section.

"(2) Requirements.—In converting to a tenant-based system of assistance under this section, the public housing agency shall develop a conversion assessment and plan under subsection (b) in consultation with the appropriate public officials, with significant participation by the residents of the project (or portion thereof), which assessment and plan shall—

"(A) be consistent with and part of the public housing agency plan; and

"(B) describe the conversion and future use or disposition of the public housing project, including an impact analysis on the affected community.

"(b) Conversion Assessment and Plan.—

"(1) In general.—Not later than 2 years after the date of enactment of the Public Housing Reform and Responsibility Act of 1997, each public housing agency shall assess the status of each public housing project owned and operated by that public housing agency, and shall submit to the Secretary an assessment that includes—

"(A) a cost analysis that demonstrates whether or not the cost (both on a net present value basis and in terms of new budget authority requirements) of providing tenant-based assistance under section 8 for the same families in substantially similar dwellings over the same period of time is less expensive than continuing public housing assistance in the public housing project proposed for conversion for the remaining useful life of the project;

"(B) an analysis of the market value of the public housing project proposed for conversion both before and after rehabilitation, and before and after conversion;

"(C) an analysis of the rental market conditions with respect to the likely success of tenant-based assistance under section 8 in that market for the specific residents of the public housing project proposed for conversion, including an assessment of the availability of decent and safe dwellings renting at or below the payment standard established for tenant-based assistance under section 8 by the public housing agency;

"(D) the impact of the conversion to a system of tenant-based assistance under this section on the neighborhood in which the public housing project is located; and

"(E) a plan that identifies actions, if any, that the public housing agency would take with regard to converting any public housing project or projects (or portions thereof) of the public housing agency to a system of tenant-based assistance.

"(2) Streamlined assessment.—At the discretion of the Secretary or at the request of a public housing agency, the Secretary may waive any or all of the requirements of paragraph (1) or otherwise require a streamlined assessment with respect to any public housing project or class of public housing projects.

"(3) Implementation of conversion plan.—

"(A) In general.—A public housing agency may implement a conversion plan only if the conversion assessment under this section demonstrates that the conversion—

"(i) will not be more expensive than continuing to operate the public housing project (or portion thereof) as public housing; and

"(ii) will principally benefit the residents of the public housing project (or portion thereof) to be converted, the public housing agency, and the community.

"(B) Disapproval.—The Secretary shall disapprove a conversion plan only if—

"(i) the plan is plainly inconsistent with the conversion assessment under subsection (b);

"(ii) there is reliable information and data available to the Secretary that contradicts that conversion assessment; or

"(iii) the plan otherwise fails to meet the requirements of this subsection.

"(c) Other Requirements.—To the extent approved by the Secretary, the funds used by the public housing agency to provide tenant-based assistance under section 8 shall be added to the annual contribution contract administered by the public housing agency.".

(b) Savings Provision.—The amendment made by subsection (a) does not affect any contract or other agreement entered into under section 22 of the United States Housing Act of 1937, as that section existed on the day before the date of enactment of this Act.

### SEC. 117. REPEAL OF FAMILY SELF-SUFFICIENCY; HOMEOWNERSHIP OPPORTUNITIES.

(a) In General.—Section 23 of the United States Housing Act of 1937 (42 U.S.C. 1437u) is amended to read as follows:

### "SEC. 23. PUBLIC HOUSING HOMEOWNERSHIP OPPORTUNITIES.

"(a) In General.—Notwithstanding any other provision of law, a public housing agency may, in accordance with this section—

"(1) sell any public housing unit in any public housing project of the public housing agency to—

"(A) the low-income residents of the public housing agency; or

"(B) any organization serving as a conduit for sales to those persons; and

"(2) provide assistance to public housing residents to facilitate the ability of those residents to purchase a principal residence.

"(b) Right of First Refusal.—In making any sale under this section, the public housing agency shall initially offer the public housing unit at issue to the resident or residents occupying that unit, if any, or to an organization serving as a conduit for sales to any such resident.

"(c) Sale Prices, Terms, and Conditions.—Any sale under this section may involve such prices, terms, and conditions as the public housing agency may determine in accordance with procedures set forth in the public housing agency plan.

"(d) Purchase Requirements.—

"(1) In general.—Each resident that purchases a dwelling unit under subsection (a) shall, as of the date on which the purchase is made—

"(A) intend to occupy the property as a principal residence; and

"(B) submit a written certification to the public housing agency that such resident will occupy the property as a principal residence for a period of not less than 12 months beginning on that date.

"(2) Recapture.—Except for good cause, as determined by a public housing agency in the public housing agency plan, if, during the 1-year period beginning on the date on which any resident acquires a public housing unit under this section, that public housing unit is resold, the public housing agency shall recapture 75 percent of the amount of any proceeds from that resale that exceed the sum of—

"(A) the original sale price for the acquisition of the property by the qualifying resident;

"(B) the costs of any improvements made to the property after the date on which the acquisition occurs; and

"(C) any closing costs incurred in connection with the acquisition.

"(e) Protection of Nonpurchasing Residents.—If a public housing resident does not exercise the right of first refusal under subsection (b) with respect to the public housing unit in which the resident resides, the public housing agency shall—

"(1) ensure that either another public housing unit or rental assistance under section 8 is made available to the resident; and

"(2) provide for the payment of the actual and reasonable relocation expenses of the resident.

"(f) Net Proceeds.—The net proceeds of any sales under this section remaining after payment of all costs of the sale and any unassumed, unpaid indebtedness owed in connection with the dwelling units sold under this section unless waived by the Secretary, shall be used for purposes relating to low-income housing and in accordance with the public housing agency plan.

"(g) Homeownership Assistance.—From amounts distributed to a public housing agency under section 9, or from other income earned by the public housing agency, the public housing agency may provide assistance to public housing residents to facilitate the ability of those residents to purchase a principal residence, including a residence other than a residence located in a public housing project.".

(b) Conforming Amendments.—The United States Housing Act of 1937 (42 U.S.C. 1437 et seq.) is amended—

(1) in section 8(y)(7)(A)—

(A) by striking ", (ii)" and inserting ", and (ii)"; and

(B) by striking ", and (iii)" and all that follows before the period at the end; and

(2) in section 25(l)(2)—

(A) in the first sentence, by striking ", consistent with the objectives of the program under section 23,"; and

(B) by striking the second sentence.

(c) Savings Provision.—

(1) In general.—Except as provided in paragraph (2), the amendments made by this section do not affect any contract or other agreement entered into under section 23 of the United States Housing Act of 1937, as that section existed on the day before the date of enactment of this Act.

(2) EXCEPTION.—Section 23(d)(3) of the United States Housing Act of 1937, as in existence on the day before the date of enactment of this Act, shall not apply to any contract or other agreement after the date of enactment of this Act.

### SEC. 118. REVITALIZING SEVERELY DISTRESSED PUBLIC HOUSING.

Section 24 of the United States Housing Act of 1937 (42 U.S.C. 1437v) is amended to read as follows:

### "SEC. 24. REVITALIZING SEVERELY DISTRESSED PUBLIC HOUSING.

"(a) IN GENERAL.—To the extent provided in advance in appropriations Acts, the Secretary may make grants to public housing agencies for the purposes of—

"(1) enabling the demolition of obsolete public housing projects or portions thereof;

"(2) revitalizing sites (including remaining public housing units) on which such public housing projects are located;

"(3) the provision of replacement housing, which will avoid or lessen concentrations of very low-income families; and

"(4) the provision of tenant-based assistance under section 8 for use as replacement housing.

"(b) COMPETITION.—The Secretary shall make grants under this section on the basis of a competition, which shall be based on such factors as—

"(1) the need for additional resources for addressing a severely distressed public housing project;

"(2) the need for affordable housing in the community;

"(3) the supply of other housing available and affordable to a family receiving tenant-based assistance under section 8; and

"(4) the local impact of the proposed revitalization program.

"(c) TERMS AND CONDITIONS.—The Secretary may impose such terms and conditions on recipients of grants under this section as the Secretary determines to be appropriate to carry out the purposes of this section, except that such terms and conditions shall be similar to the terms and conditions of either—

"(1) the urban revitalization demonstration program authorized under the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Acts; or

"(2) section 24 of the United States Housing Act of 1937, as such section existed before the date of enactment of the Public Housing Reform and Responsibility Act of 1997.

"(d) ALTERNATIVE MANAGEMENT.—The Secretary may require any recipient of a grant under this section to make arrangements with an entity other than the public housing agency to carry out the purposes for which the grant was awarded, if the Secretary determines that such action is necessary for the timely and effective achievement of the purposes for which the grant was awarded.

"(e) SUNSET.—No grant may be made under this section on or after October 1, 2000.".

### SEC. 119. MIXED-FINANCE AND MIXED-OWNERSHIP PROJECTS.

(a) IN GENERAL.—Title I of the United States Housing Act of 1937 (42 U.S.C. 1437 et seq.) is amended by adding at the end the following:

### "SEC. 30. MIXED-FINANCE AND MIXED-OWNERSHIP PROJECTS.

"(a) IN GENERAL.—A public housing agency may own, operate, assist, or otherwise participate in 1 or more mixed-finance projects in accordance with this section.

"(b) REQUIREMENTS.—

"(1) MIXED-FINANCE PROJECT.—In this section, the term 'mixed-finance project' means a project that meets the requirements of paragraph (2) and that is occupied both by 1 or more very low-income families and by 1 or more families that are not very low-income families.

"(2) STRUCTURE OF PROJECTS.—Each mixed-finance project shall be developed—

"(A) in a manner that ensures that units are made available in the project, by master contract, individual lease, or equity interest for occupancy by eligible families identified by the public housing agency for a period of not less than 20 years;

"(B) in a manner that ensures that the number of public housing units bears approximately the same proportion to the total number of units in the mixed-finance project as the value of the total financial commitment provided by the public housing agency bears to the value of the total financial commitment in the project, or shall not be less than the number of units that could have been developed under the conventional public housing program with the assistance; and

"(C) in accordance with such other requirements as the Secretary may prescribe by regulation.

"(3) TYPES OF PROJECTS.—The term 'mixed-finance project' includes a project that is developed—

"(A) by a public housing agency or by an entity affiliated with a public housing agency;

"(B) by a partnership, a limited liability company, or other entity in which the public housing agency (or an entity affiliated with a public housing agency) is a general partner, managing member, or otherwise participates in the activities of that entity;

"(C) by any entity that grants to the public housing agency a right of first refusal to acquire the public housing project within the applicable period of time after initial occupancy of the public housing project in accordance with section 42(i)(7) of the Internal Revenue Code of 1986; or

"(D) in accordance with such other terms and conditions as the Secretary may prescribe by regulation.

"(c) TAXATION.—

"(1) IN GENERAL.—A public housing agency may elect to have all public housing units in a mixed-finance project subject to local real estate taxes, except that such units shall be eligible at the discretion of the public housing agency for the taxing requirements under section 6(d).

"(2) LOW-INCOME HOUSING TAX CREDIT.—With respect to any unit in a mixed-finance project that is assisted pursuant to the low-income housing tax credit under section 42 of the Internal Revenue Code of 1986, the rents charged to the residents may be set at levels not to exceed the amounts allowable under that section.

"(d) RESTRICTION.—No assistance provided under section 9 shall be used by a public housing agency in direct support of any unit rented to a family that is not a low-income family.

"(e) EFFECT OF CERTAIN CONTRACT TERMS.—If an entity that owns or operates a mixed-finance project under this section enters into a contract with a public housing agency, the terms of which obligate the entity to operate and maintain a specified number of units in the project as public housing units in accordance with the requirements of this Act for the period required by law, such contractual terms may provide that, if, as a result of a reduction in appropriations under section 9, or any other change in applicable law, the public housing agency is unable to fulfill its contractual obligations with respect to those public housing units, that entity may deviate, under procedures and requirements developed through regulations by the Secretary, from otherwise applicable restrictions under this Act regarding rents, income eligibility, and other areas of public housing management with respect to a portion or all of those public housing units, to the extent necessary to preserve the viability of those units while maintaining the low-income character of the units to the maximum extent practicable.".

(b) REGULATIONS.—The Secretary shall issue such regulations as may be necessary to promote the development of mixed-finance projects, as that term is defined in section 30 of the United States Housing Act of 1937 (as added by this Act).

### SEC. 120. CONVERSION OF DISTRESSED PUBLIC HOUSING TO TENANT-BASED ASSISTANCE.

(a) IN GENERAL.—Title I of the United States Housing Act of 1937 (42 U.S.C. 1437 et seq.) is amended by adding at the end the following:

### "SEC. 31. CONVERSION OF DISTRESSED PUBLIC HOUSING TO TENANT-BASED ASSISTANCE.

"(a) IDENTIFICATION OF UNITS.—Each public housing agency shall identify all public housing projects of the public housing agency—

"(1) that are on the same or contiguous sites;

"(2) that the public housing agency determines to be distressed, which determination shall be made in accordance with guidelines established by the Secretary, which guidelines shall take into account the criteria established in the Final Report of the National Commission on Severely Distressed Public Housing (August 1992);

"(3) identified as distressed housing under paragraph (2) for which the public housing agency cannot assure the long-term viability as public housing through reasonable modernization expenses, density reduction, achievement of a broader range of family income, or other measures; and

"(4) for which the estimated cost, during the remaining useful life of the project, of continued operation and modernization as public housing exceeds the estimated cost, during the remaining useful life of the project, of providing tenant-based assistance under section 8 for all families in occupancy, based on appropriate indicators of cost (such as the percentage of total development costs required for modernization).

"(b) CONSULTATION.—Each public housing agency shall consult with the appropriate public housing residents and the appropriate unit of general local government in identifying any public housing projects under subsection (a).

"(c) REMOVAL OF UNITS FROM THE INVENTORIES OF PUBLIC HOUSING AGENCIES.—

"(1) IN GENERAL.—

"(A) DEVELOPMENT OF PLAN.—Each public housing agency shall develop and, to the extent provided in advance in appropriations Acts, carry out a 5-year plan in conjunction with the Secretary for the removal of public housing units identified under subsection (a) from the inventory of the public housing agency and the annual contributions contract.

"(B) APPROVAL OF PLAN.—The plan required under subparagraph (A) shall—

"(i) be included as part of the public housing agency plan;

"(ii) be certified by the relevant local official to be in accordance with the comprehensive housing affordability strategy under title I of the Housing and Community Development Act of 1992; and

“(iii) include a description of any disposition and demolition plan for the public housing units.

“(2) EXTENSIONS.—The Secretary may extend the 5-year deadline described in paragraph (1) by not more than an additional 5 years if the Secretary makes a determination that the deadline is impracticable.

“(3) DETERMINATION OF SECRETARY.—

“(A) FAILURE TO IDENTIFY PROJECTS.—If the Secretary determines, based on a plan submitted under this subsection, that a public housing agency has failed to identify 1 or more public housing projects that the Secretary determines should have been identified under subsection (a), the Secretary may designate the public housing projects to be removed from the inventory of the public housing agency pursuant to this section.

“(B) ERRONEOUS IDENTIFICATION OF PROJECTS.—If the Secretary determines, based on a plan submitted under this subsection, that a public housing agency has identified 1 or more public housing projects that should not have been identified pursuant to subsection (a), the Secretary shall—

“(i) require the public housing agency to revise the plan of the public housing agency under this subsection; and

“(ii) prohibit the removal of any such public housing project from the inventory of the public housing agency under this section.

“(d) CONVERSION TO TENANT-BASED ASSISTANCE.—

“(1) IN GENERAL.—To the extent approved in advance in appropriations Acts, the Secretary shall make authority available to a public housing agency to provide assistance under this Act to families residing in any public housing project that is removed from the inventory of the public housing agency and the annual contributions contract pursuant to this section.

“(2) PLAN REQUIREMENTS.—Each plan under subsection (c) shall require the agency—

“(A) to notify each family residing in the public housing project, consistent with any guidelines issued by the Secretary governing such notifications, that—

“(i) the public housing project will be removed from the inventory of the public housing agency;

“(ii) the demolition will not commence until each resident residing in the public housing project is relocated; and

“(iii) each family displaced by such action will be offered comparable housing—

“(I) that meets housing quality standards; and

“(II) which may include—

“(aa) tenant-based assistance;

“(bb) project-based assistance; or

“(cc) occupancy in a unit operated or assisted by the public housing agency at a rental rate paid by the family that is comparable to the rental rate applicable to the unit from which the family is vacated;

“(B) to provide any necessary counseling for families displaced by such action; and

“(C) to provide any actual and reasonable relocation expenses for families displaced by such action.

“(e) REMOVAL BY SECRETARY.—The Secretary shall take appropriate actions to ensure removal of any public housing project identified under subsection (a) from the inventory of a public housing agency, if the public housing agency fails to adequately develop a plan under subsection (c) with respect to that project, or fails to adequately implement such plan in accordance with the terms of the plan.

“(f) ADMINISTRATION.—

“(1) IN GENERAL.—The Secretary may require a public housing agency to provide to the Secretary or to public housing residents such information as the Secretary considers to be necessary for the administration of this section.

“(2) APPLICABILITY OF SECTION 18.—Section 18 does not apply to the demolition of public housing projects removed from the inventory of the public housing agency under this section.”.

(b) CONFORMING AMENDMENT.—Section 202 of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1996 (42 U.S.C. 14371 note) is repealed.

### SEC. 121. PUBLIC HOUSING MORTGAGES AND SECURITY INTERESTS.

Title I of the United States Housing Act of 1937 (42 U.S.C. 1437 et seq.) is amended by adding at the end the following:

### “SEC. 32. PUBLIC HOUSING MORTGAGES AND SECURITY INTERESTS.

“(a) GENERAL AUTHORIZATION.—The Secretary may, upon such terms and conditions as the Secretary may prescribe, authorize a public housing agency to mortgage or otherwise grant a security interest in any public housing project or other property of the public housing agency.

“(b) TERMS AND CONDITIONS.—

“(1) CRITERIA FOR APPROVAL.—In making any authorization under subsection (a), the Secretary may consider—

“(A) the ability of the public housing agency to use the proceeds of the mortgage or security interest for low-income housing uses;

“(B) the ability of the public housing agency to make payments on the mortgage or security interest; and

“(C) such other criteria as the Secretary may specify.

“(2) TERMS AND CONDITIONS OF MORTGAGES AND SECURITY INTERESTS OBTAINED.—Each mortgage or security interest granted under this section shall be—

“(A) for a term that—

“(i) is consistent with the terms of private loans in the market area in which the public housing project or property at issue is located; and

“(ii) does not exceed 30 years; and

“(B) subject to conditions that are consistent with the conditions to which private loans in the market area in which the subject project or other property is located are subject.

“(3) NO FEDERAL LIABILITY.—No action taken under this section shall result in any liability to the Federal Government.”.

### SEC. 122. LINKING SERVICES TO PUBLIC HOUSING RESIDENTS.

Title I of the United States Housing Act of 1937 (42 U.S.C. 1437 et seq.) is amended by adding at the end the following:

### “SEC. 33. SERVICES FOR PUBLIC HOUSING RESIDENTS.

“(a) IN GENERAL.—To the extent provided in advance in appropriations Acts, the Secretary may make grants to public housing agencies on behalf of public housing residents, or directly to resident management corporations, resident councils, or resident organizations (including nonprofit entities supported by residents), for the purposes of providing a program of supportive services and resident empowerment activities to assist public housing residents in becoming economically self-sufficient.

“(b) ELIGIBLE ACTIVITIES.—Grantees under this section may use such amounts only for activities on or near the property of the public housing agency or public housing project that are designed to promote the self-sufficiency of public housing residents, including activities relating to—

“(1) physical improvements to a public housing project in order to provide space for supportive services for residents;

“(2) the provision of service coordinators or a congregate housing services program for elderly disabled individuals, nonelderly disabled individuals, or temporarily disabled individuals;

“(3) the provision of services related to work readiness, including education, job training and counseling, job search skills, business development training and planning, tutoring, mentoring, adult literacy, computer access, personal and family counseling, health screening, work readiness health services, transportation, and child care;

“(4) economic and job development, including employer linkages and job placement, and the start-up of resident microenterprises, community credit unions, and revolving loan funds, including the licensing, bonding, and insurance needed to operate such enterprises;

“(5) resident management activities and resident participation activities; and

“(6) other activities designed to improve the economic self-sufficiency of residents.

“(c) FUNDING DISTRIBUTION.—

“(1) IN GENERAL.—Except for amounts provided under subsection (d), the Secretary may distribute amounts made available under this section on the basis of a competition or a formula, as appropriate.

“(2) FACTORS FOR DISTRIBUTION.—Factors for distribution under paragraph (1) shall include—

“(A) the demonstrated capacity of the applicant to carry out a program of supportive services or resident empowerment activities;

“(B) the ability of the applicant to leverage additional resources for the provision of services; and

“(C) the extent to which the grant will result in a high quality program of supportive services or resident empowerment activities.

“(d) MATCHING REQUIREMENT.—The Secretary may not make any grant under this section to any applicant unless the applicant supplements each dollar made available under this section with funds from sources other than this section, in an amount equal to not less than 25 percent of the grant amount, including—

“(1) funds from other Federal sources;

“(2) funds from any State or local government sources;

“(3) funds from private contributions; and

“(4) the value of any in-kind services or administrative costs provided to the applicant.

“(e) FUNDING FOR RESIDENT COUNCILS.—Of amounts appropriated for activities under this section, not less than 25 percent shall be provided directly to resident councils, resident organizations, and resident management corporations.”.

### SEC. 123. PROHIBITION ON USE OF AMOUNTS.

Title I of the United States Housing Act of 1937 (42 U.S.C. 1437 et seq.) is amended by adding at the end the following:

### “SEC. 34. PROHIBITION ON USE OF AMOUNTS.

“None of the amounts made available to the Department of Housing and Urban Development to carry out this Act, that are obligated to State or local governments, public housing agencies, housing finance agencies, or other public or quasi-public housing agencies, may be used to indemnify contractors or subcontractors of the government or agency against costs associated with judgments of infringement of intellectual property rights.”.

### SEC. 124. PET OWNERSHIP.

Title I of the United States Housing Act of 1937 (42 U.S.C. 1437 et seq.) is amended by adding at the end the following:

### “SEC. 35. PET OWNERSHIP IN FEDERALLY ASSISTED RENTAL HOUSING.

“(a) Ownership Conditions.—

“(1) In general.—A resident of a dwelling unit in federally assisted rental housing may own 1 or more common household pets or have 1 or more common household pets present in the dwelling unit of such resident, subject to the reasonable requirements of the owner of the federally assisted rental housing, if the resident maintains each pet responsibly and in accordance with applicable State and local public health, animal control, and animal anti-cruelty laws and regulations.

“(2) Requirements.—The reasonable requirements described in paragraph (1) may include—

“(A) requiring payment of a nominal fee, a pet deposit, or both, by residents owning or having pets present, to cover the reasonable operating costs to the project relating to the presence of pets and to establish an escrow account for additional costs not otherwise covered, respectively;

“(B) limitations on the number of animals in a unit, based on unit size; and

“(C) prohibitions on—

“(i) certains breeds or types of animals that are determined to be dangerous; and

“(ii) individual animals, based on certain factors, including the size and weight of the animal.

“(b) Prohibition Against Discrimination.—No owner of federally assisted rental housing may restrict or discriminate against any person in connection with admission to, or continued occupancy of, such housing by reason of the ownership of common household pets by, or the presence of such pets in the dwelling unit of, such person.

“(c) Definitions.—In this section:

“(1) Federally assisted rental housing.—The term ‘federally assisted rental housing’ means any public housing project or any rental housing receiving project-based assistance under—

“(A) the new construction and substantial rehabilitation program under section 8(b)(2) of this Act (as in effect before October 1, 1983);

“(B) the property disposition program under section 8(b);

“(C) the moderate rehabilitation program under section 8(e)(2) of this Act (as it existed prior to October 1, 1991);

“(D) section 23 of this Act (as in effect before January 1, 1975);

“(E) the rent supplement program under section 101 of the Housing and Urban Development Act of 1965;

“(F) section 8 of this Act, following conversion from assistance under section 101 of the Housing and Urban Development Act of 1965; or

“(G) loan management assistance under section 8 of this Act.

“(2) Owner.—The term ‘owner’ means, with respect to federally assisted rental housing, the entity or private person, including a cooperative or public housing agency, that has the legal right to lease or sublease dwelling units in such housing (including a manager of such housing having such right).

“(d) Regulations.—This section shall take effect upon the date of the effectiveness of regulations issued by the Secretary to carry out this section. Such regulations shall be issued after notice and opportunity for public comment in accordance with the procedure under section 553 of title 5, United States Code, applicable to substantive rules (notwithstanding subsections (a)(2), (b)(B), and (d)(3) of such section).”.

### SEC. 125. CITY OF INDIANAPOLIS FLEXIBLE GRANT DEMONSTRATION.

Title I of the United States Housing Act of 1937 (42 U.S.C. 1437 et seq.) is amended by adding at the end the following:

### “SEC. 36. CITY OF INDIANAPOLIS FLEXIBLE GRANT DEMONSTRATION.

“(a) Definitions.—In this section:

“(1) Covered housing assistance.—The term ‘covered housing assistance’ means—

“(A)(i) operating assistance under section 9 of the United States Housing Act of 1937 (as in existence on the day before the effective date of the Public Housing Reform and Responsibility Act of 1997), modernization assistance under section 14 of the United States Housing Act of 1937 (as in existence on the day before the effective date of the Public Housing Reform and Responsibility Act of 1997); and

“(ii) assistance for the certificate and voucher programs under section 8 of the United States Housing Act of 1937 (as in existence on the day before the effective date of the Public Housing Reform and Responsibility Act of 1997);

“(B) assistance for public housing under the Capital and Operating Funds established under section 9; and

“(C) tenant-based rental assistance under section 8.

“(2) City.—The term ‘City’ means the city of Indianapolis, Indiana.

“(b) Purpose.—The Secretary shall carry out a demonstration program in accordance with this section under which the City, in coordination with the public housing agency of the City—

“(1) may receive and combine program allocations of covered housing assistance; and

“(2) shall have the flexibility to design creative approaches for providing and administering Federal housing assistance that—

“(A) provide incentives to low-income families with children whose head of the household is employed, seeking employment, or preparing for employment by participating in a job training or educational program, or any program that otherwise assists individuals in obtaining employment and attaining economic self-sufficiency;

“(B) reduce costs of Federal housing assistance and achieve greater cost-effectiveness in Federal housing assistance expenditures;

“(C) increase the stock of affordable housing and housing choices for low-income families;

“(D) increase homeownership among low-income families; and

“(E) achieve such other purposes with respect to low-income families, as determined by the City in coordination with the public housing agency.

“(c) Program Allocation.—In each fiscal year, the amount made available to the City under this section shall be equal to the sum of the amounts that would otherwise be made available to the public housing agency of the City under the provisions of this Act described in subparagraphs (A) through (C) of subsection (a)(1).

“(d) Applicability of Program Requirements.—

“(1) In general.—In each fiscal year of the demonstration program under this section, amounts made available to the City under this section shall be subject to the same terms and conditions as those amounts would be subject if made available under the provisions of this Act pursuant to which covered housing assistance is otherwise made available to the public housing agency of the City under this Act, except that—

“(A) the Secretary may waive any such term or condition to the extent that the Secretary determines such action to be appropriate to carry out the demonstration program under this section; and

“(B) the City may combine the amounts made available and use the amounts for any activity eligible under each such program under section 8 or 9.

“(2) Number of families assisted.—In carrying out the demonstration program under this section, the City shall assist substantially the same total number of eligible low-income families as would have otherwise been served by the public housing agency of the City.

“(3) Protection of recipients.—Nothing is this section shall be construed to authorize the termination of assistance to any recipient of assistance under this Act before the date of enactment of this section, as a result of the implementation of the demonstration program under this section.

“(e) Plan Requirement.—In carrying out this section, the Secretary may establish a streamlined public housing agency plan and planning process for the City in accordance with section 5A.

“(f) Effect on Ability To Compete for Other Categorical Programs.—Nothing in this section shall be construed to affect the ability of the City (or the public housing agency of the City) to compete or otherwise apply for or receive assistance under any other housing assistance program administered by the Secretary.

“(g) Performance Standards.—The Secretary and the City shall collectively establish standards for evaluating the performance of the City in meeting the goals set forth in subsection (b) including—

“(1) moving dependent low-income families to economic self-sufficiency;

“(2) reducing the per-family cost of providing housing assistance;

“(3) expanding the stock of affordable housing and housing choices of low-income families;

“(4) increasing the number of homeownership opportunities for low-income families; and

“(5) any other performance goals established by the Secretary and the City.

“(h) Records and Reports.—

“(1) Records.—The City shall maintain such records as the Secretary may require in order to—

“(A) document the amounts received by the City under this Act, and the disposition of those amounts under the demonstration program under this section;

“(B) ensure compliance by the City with this section; and

“(C) evaluate the performance of the City under the demonstration program under this section.

“(2) Reports.—

“(A) In general.—The City shall annually submit to the Secretary a report in a form and at a time specified by the Secretary.

“(B) Contents.—Each report under this paragraph shall include—

“(i) documentation of the use of funds made available to the City under this section;

“(ii) such data as the Secretary may request to assist the Secretary in evaluating the demonstration program under this section; and

“(iii) a description and analysis of the effect of assisted activities in addressing the objectives of the demonstration program under this section.

"(3) ACCESS TO DOCUMENTS BY THE SECRETARY AND COMPTROLLER GENERAL.—The Secretary and the Comptroller General of the United States, or any duly authorized representative of the Secretary or the Comptroller General, shall have access for the purpose of audit and examination to any books, documents, papers, and records maintained by the City that relate to the demonstration program under this section.

"(i) PERFORMANCE REVIEW AND EVALUATION.—

"(1) PERFORMANCE REVIEW.—Based on the performance standards established under subsection (g), the Secretary shall monitor the performance of the City in providing assistance under this section.

"(2) STATUS REPORT.—Not later than 60 days after the last day of the second year of the demonstration program under this section, the Secretary shall submit to Congress an interim report on the status of the demonstration program and the progress of the City in achieving the purposes of the demonstration program under subsection (b).

"(3) TERMINATION AND EVALUATION.—

"(A) TERMINATION.—The demonstration program under this section shall terminate not less than 2 and not more than 5 years after the date on which the program is commenced under this section.

"(B) EVALUATION.—Not later than 6 months after the termination of the demonstration program under this section, the Secretary shall submit to Congress a final report, which shall include—

"(i) an evaluation the effectiveness of the activities carried out under the demonstration program under this section; and

"(ii) any findings and recommendations of the Secretary for any appropriate legislative action.".

## TITLE II—SECTION 8 RENTAL ASSISTANCE

### SEC. 201. MERGER OF THE CERTIFICATE AND VOUCHER PROGRAMS.

(a) IN GENERAL.—Section 8(o) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)) is amended to read as follows:

"(o) VOUCHER PROGRAM.—

"(1) PAYMENT STANDARD.—

"(A) IN GENERAL.—The Secretary may provide assistance to public housing agencies for tenant-based assistance using a payment standard established in accordance with subparagraph (B). The payment standard shall be used to determine the monthly assistance that may be paid for any family, as provided in paragraph (2).

"(B) ESTABLISHMENT OF PAYMENT STANDARD.—Except as provided under subparagraph (D), the payment standard shall not exceed 110 percent of the fair market rental established under subsection (c) and shall be not less than 90 percent of that fair market rental.

"(C) SET-ASIDE.—The Secretary may set aside not more than 5 percent of the budget authority available under this subsection as an adjustment pool. The Secretary shall use amounts in the adjustment pool to make adjusted payments to public housing agencies under subparagraph (A), to ensure continued affordability, if the Secretary determines that additional assistance for such purpose is necessary, based on documentation submitted by a public housing agency.

"(D) APPROVAL.—The Secretary may require a public housing agency to submit the payment standard of the public housing agency to the Secretary for approval, if the payment standard is less than 90 percent of the fair market rent or exceeds 110 percent of the fair market rent.

"(E) REVIEW.—The Secretary—

"(i) shall monitor rent burdens and review any payment standard that results in a significant percentage of the families occupying units of any size paying more than 30 percent of adjusted income for rent; and

"(ii) may require a public housing agency to modify the payment standard of the public housing agency based on the results of that review.

"(2) AMOUNT OF MONTHLY ASSISTANCE PAYMENT.—

"(A) FAMILIES RECEIVING TENANT-BASED ASSISTANCE; RENT DOES NOT EXCEED PAYMENT STANDARD.—For a family receiving tenant-based assistance under this title, if the rent for that family (including the amount allowed for tenant-paid utilities) does not exceed the payment standard established under paragraph (1), the monthly assistance payment to that family shall be equal to the amount by which the rent exceeds the greatest of the following amounts, rounded to the nearest dollar:

"(i) Thirty percent of the monthly adjusted income of the family.

"(ii) Ten percent of the monthly income of the family.

"(iii) If the family is receiving payments for welfare assistance from a public agency and a part of those payments, adjusted in accordance with the actual housing costs of the family, is specifically designated by that agency to meet the housing costs of the family, the portion of those payments that is so designated.

"(B) FAMILIES RECEIVING TENANT-BASED ASSISTANCE; RENT EXCEEDS PAYMENT STANDARD.—For a family receiving tenant-based assistance under this title, if the rent for that family (including the amount allowed for tenant-paid utilities) exceeds the payment standard established under paragraph (1), the monthly assistance payment to that family shall be equal to the amount by which the applicable payment standard exceeds the greatest of the following amounts, rounded to the nearest dollar:

"(i) Thirty percent of the monthly adjusted income of the family.

"(ii) Ten percent of the monthly income of the family.

"(iii) If the family is receiving payments for welfare assistance from a public agency and a part of those payments, adjusted in accordance with the actual housing costs of the family, is specifically designated by that agency to meet the housing costs of the family, the portion of those payments that is so designated.

"(C) FAMILIES RECEIVING PROJECT-BASED ASSISTANCE.—For a family receiving project-based assistance under this title, the rent that the family is required to pay shall be determined in accordance with section 3(a)(1), and the amount of the housing assistance payment shall be determined in accordance with subsection (c)(3) of this section.

"(3) FORTY PERCENT LIMIT.—At the time a family initially receives tenant-based assistance under this title with respect to any dwelling unit, the total amount that a family may be required to pay for rent may not exceed 40 percent of the monthly adjusted income of the family.

"(4) ELIGIBLE FAMILIES.—At the time a family initially receives assistance under this subsection, a family shall qualify as—

"(A) a very low-income family;

"(B) a family previously assisted under this title;

"(C) a low-income family that meets eligibility criteria specified by the public housing agency;

"(D) a family that qualifies to receive a voucher in connection with a homeownership program approved under title IV of the Cranston-Gonzalez National Affordable Housing Act; or

"(E) a family that qualifies to receive a voucher under section 223 or 226 of the Low-Income Housing Preservation and Resident Homeownership Act of 1990.

"(5) ANNUAL REVIEW OF FAMILY INCOME.—Each public housing agency shall, not less frequently than annually, conduct a review of the family income of each family receiving assistance under this subsection.

"(6) SELECTION OF FAMILIES.—

"(A) IN GENERAL.—Each public housing agency may establish local preferences consistent with the public housing agency plan submitted by the public housing agency under section 5A, including a preference for families residing in public housing who are victims of a crime of violence (as that term is defined in section 16 of title 18, United States Code) that has been reported to an appropriate law enforcement agency.

"(B) SELECTION OF TENANTS.—The selection of tenants shall be made by the owner of the dwelling unit, subject to the annual contributions contract between the Secretary and the public housing agency.

"(7) LEASE.—Each housing assistance payment contract entered into by the public housing agency and the owner of a dwelling unit—

"(A) shall provide that the screening and selection of families for those units shall be the function of the owner;

"(B) shall provide that the lease between the tenant and the owner shall be for a term of not less than 1 year, except that the public housing agency may approve a shorter term for an initial lease between the tenant and the dwelling unit owner if the public housing agency determines that such shorter term would improve housing opportunities for the tenant and if such shorter term is considered to be an acceptable local market practice;

"(C) shall provide that the dwelling unit owner shall offer leases to tenants assisted under this subsection that—

"(i) are in a standard form used in the locality by the dwelling unit owner; and

"(ii) contain terms and conditions that—

"(I) are consistent with State and local law; and

"(II) apply generally to tenants in the property who are not assisted under this section;

"(D) shall provide that the dwelling unit owner may not terminate the tenancy of any person assisted under this subsection during the term of a lease that meets the requirements of this section unless the owner determines, on the same basis and in the same manner as would apply to a tenant in the property who does not receive assistance under this subsection, that—

"(i) the tenant has committed a serious or repeated violation of the terms and conditions of the lease;

"(ii) the tenant has violated applicable Federal, State, or local law; or

"(iii) other good cause for termination of the tenancy exists;

"(E) shall provide that any termination of tenancy under this subsection shall be preceded by the provision of written notice by the owner to the tenant specifying the grounds for that action, and any relief shall be consistent with applicable State and local law; and

"(F) may include any addenda appropriate to set forth the provisions of this title.

"(8) Inspection of units by public housing agencies.—

"(A) In general.—Except as provided in subparagraph (B), for each dwelling unit for which a housing assistance payment contract is established under this subsection, the public housing agency shall—

"(i) inspect the unit before any assistance payment is made to determine whether the dwelling unit meets housing quality standards for decent safe housing established—

"(I) by the Secretary for purposes of this subsection; or

"(II) by local housing codes or by codes adopted by public housing agencies that—

"(aa) meet or exceed housing quality standards; and

"(bb) do not severely restrict housing choice; and

"(ii) make not less than annual inspections during the contract term.

"(B) Leasing of units owned by public housing agency.—If an eligible family assisted under this subsection leases a dwelling unit (other than public housing) that is owned by a public housing agency administering assistance under this subsection, the Secretary shall require the unit of general local government, or another entity approved by the Secretary, to make inspections and rent determinations as required by this paragraph.

"(9) Vacated units.—If an assisted family vacates a dwelling unit for which rental assistance is provided under a housing assistance contract before the expiration of the term of the lease for the unit, rental assistance pursuant to such contract may not be provided for the unit after the month during which the unit was vacated.

"(10) Rent.—

"(A) Reasonable market rent.—The rent for dwelling units for which a housing assistance payment contract is established under this subsection shall be reasonable in comparison with rents charged for comparable dwelling units in the private, unassisted, local market, or for comparable dwelling units that are in the assisted, local market.

"(B) Negotiated rent.—A public housing agency shall, at the request of a family receiving tenant-based assistance under this subsection, assist that family in negotiating a reasonable rent with a dwelling unit owner. A public housing agency shall review the rent for a unit under consideration by the family (and all rent increases for units under lease by the family) to determine whether the rent (or rent increase) requested by the owner is reasonable. If a public housing agency determines that the rent (or rent increase) for a dwelling unit is not reasonable, the public housing agency shall not make housing assistance payments to the owner under this subsection with respect to that unit.

"(C) Units exempt from local rent control.—If a dwelling unit for which a housing assistance payment contract is established under this subsection is exempt from local rent control provisions during the term of that contract, the rent for that unit shall be reasonable in comparison with other units in the market area that are exempt from local rent control provisions.

"(D) Timely payments.—Each public housing agency shall make timely payment of any amounts due to a dwelling unit owner under this subsection. The housing assistance payment contract between the owner and the public housing agency may provide for penalties for the late payment of amounts due under the contract, which shall be imposed on the public housing agency in accordance with generally accepted practices in the local housing market.

"(E) Penalties.—Unless otherwise authorized by the Secretary, each public housing agency shall pay any penalties from administrative fees collected by the public housing agency, except that no penalty shall be imposed if the late payment is due to factors that the Secretary determines are beyond the control of the public housing agency.

"(11) Manufactured housing.—

"(A) In general.—A public housing agency may make assistance payments in accordance with this subsection on behalf of a family that utilizes a manufactured home as a principal place of residence. Such payments may be made for the rental of the real property on which the manufactured home owned by any such family is located.

"(B) Rent calculation.—

"(i) Charges included.—For assistance pursuant to this paragraph, the rent for the space on which a manufactured home is located and with respect to which assistance payments are to be made shall include maintenance and management charges and tenant-paid utilities.

"(ii) Payment standard.—The public housing agency shall establish a payment standard for the purpose of determining the monthly assistance that may be paid for any family under this paragraph. The payment standard may not exceed an amount approved or established by the Secretary.

"(iii) Monthly assistance payment.—The monthly assistance payment under this paragraph shall be determined in accordance with paragraph (2).

"(12) Contract for assistance payments.—

"(A) In general.—If the Secretary enters into an annual contributions contract under this subsection with a public housing agency pursuant to which the public housing agency will enter into a housing assistance payment contract with respect to an existing structure under this subsection—

"(i) the housing assistance payment contract may not be attached to the structure unless the owner agrees to rehabilitate or newly construct the structure other than with assistance under this Act, and otherwise complies with this section; and

"(ii) the public housing agency may approve a housing assistance payment contract for such existing structure for not more than 15 percent of the funding available for tenant-based assistance administered by the public housing agency under this section.

"(B) Extension of contract term.—In the case of a housing assistance payment contract that applies to a structure under this paragraph, a public housing agency may enter into a contract with the owner, contingent upon the future availability of appropriated funds for the purpose of renewing expiring contracts for assistance payments, as provided in appropriations Acts, to extend the term of the underlying housing assistance payment contract for such period as the Secretary determines to be appropriate to achieve long-term affordability of the housing. The contract shall obligate the owner to have such extensions of the underlying housing assistance payment contract accepted by the owner and the successors in interest of the owner.

"(C) Rent calculation.—For project-based assistance under this paragraph, housing assistance payment contracts shall establish rents and provide for rent adjustments in accordance with subsection (c).

"(D) Adjusted rents.—With respect to rents adjusted under this paragraph—

"(i) the adjusted rent for any unit shall be reasonable in comparison with rents charged for comparable dwelling units in the private, unassisted, local market, or for comparable dwelling units that are in the assisted local market; and

"(ii) the provisions of subsection (c)(2)(C) do not apply.

"(13) Inapplicability to tenant-based assistance.—Subsection (c) does not apply to tenant-based assistance under this subsection.

"(14) Homeownership option.—

"(A) In general.—A public housing agency providing assistance under this subsection may, at the option of the agency, provide assistance for homeownership under subsection (y).

"(B) Alternative administration.—A public housing agency may contract with a nonprofit organization to administer a homeownership program under subsection (y).

"(15) Rental vouchers for relocation of witnesses and victims of crime.—

"(A) In general.—Of amounts made available for assistance under this subsection in each fiscal year, the Secretary, in consultation with the Inspector General, shall make available such sums as may be necessary for the relocation of witnesses in connection with efforts to combat crime in public and assisted housing pursuant to requests from law enforcement or prosecution agencies.

"(B) Victims of crime.—

"(i) In general.—Of amounts made available for assistance under this section in each fiscal year, the Secretary shall make available such sums as may be necessary for the relocation of families residing in public housing who are victims of a crime of violence (as that term is defined in section 16 of title 18, United States Code) that has been reported to an appropriate law enforcement agency.

"(ii) Notice.—A public housing agency that receives amounts under this subparagraph shall establish procedures for providing notice of the availability of that assistance to families that may be eligible for that assistance.".

(b) Conforming Amendment.—Section 8(f)(6) of the United States Housing Act (42 U.S.C. 1437f(f)(6)) is amended by striking "(d)(2)" and inserting "(o)(12)".

### SEC. 202. REPEAL OF FEDERAL PREFERENCES.

(a) Section 8 Existing and Moderate Rehabilitation.—Section 8(d)(1)(A) of the United States Housing Act of 1937 (42 U.S.C. 1437f(d)(1)(A)) is amended to read as follows:

"(A) the selection of tenants shall be the function of the owner, subject to the annual contributions contract between the Secretary and the agency, except that with respect to the certificate and moderate rehabilitation programs only, for the purpose of selecting families to be assisted, the public housing agency may establish local preferences, consistent with the public housing agency plan submitted by the public housing agency under section 5A;".

(b) Section 8 New Construction and Substantial Rehabilitation.—

(1) Repeal.—Section 545(c) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 1437f note) is amended to read as follows:

"(c) [Reserved.]".

(2) Prohibition.—The provisions of section 8(e)(2) of the United States Housing Act of 1937, as in existence on the day before October 1, 1983, that require tenant selection preferences shall not apply with respect to—

(A) housing constructed or substantially rehabilitated pursuant to assistance provided under section 8(b)(2) of the United

States Housing Act of 1937, as in existence on the day before October 1, 1983; or

(B) projects financed under section 202 of the Housing Act of 1959, as in existence on the day before the date of enactment of the Cranston-Gonzalez National Affordable Housing Act.

(c) Rent Supplements.—Section 101(k) of the Housing and Urban Development Act of 1965 (12 U.S.C. 1701s(k)) is amended to read as follows:

"(k) [Reserved.]".

(d) Conforming Amendments.—

(1) United states housing act of 1937.—The United States Housing Act of 1937 (42 U.S.C. 1437 et seq.) is amended—

(A) in section 6(o), by striking "preference rules specified in" and inserting "written selection criteria established pursuant to";

(B) in section 8(d)(2)(A), by striking the last sentence; and

(C) in section 8(d)(2)(H), by striking "Notwithstanding subsection (d)(1)(A)(i), an" and inserting "An".

(2) Cranston-gonzalez national affordable housing act.—The Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12704 et seq.) is amended—

(A) in section 455(a)(2)(D)(iii), by striking "would qualify for a preference under" and inserting "meet the written selection criteria established pursuant to"; and

(B) in section 522(f)(6)(B), by striking "any preferences for such assistance under section 8(d)(1)(A)(i)" and inserting "the written selection criteria established pursuant to section 8(d)(1)(A)".

(3) Low-income housing preservation and resident homeownership act of 1990.—The second sentence of section 226(b)(6)(B) of the Low-Income Housing Preservation and Resident Homeownership Act of 1990 (12 U.S.C. 4116(b)(6)(B)) is amended by striking "requirement for giving preferences to certain categories of eligible families under" and inserting "written selection criteria established pursuant to".

(4) Housing and community development act of 1992.—Section 655 of the Housing and Community Development Act of 1992 (42 U.S.C. 13615) is amended by striking "preferences for occupancy" and all that follows before the period at the end and inserting "selection criteria established by the owner to elderly families according to such written selection criteria, and to near-elderly families according to such written selection criteria, respectively".

(5) References in other law.—Any reference in any Federal law other than any provision of any law amended by paragraphs (1) through (5) of this subsection or section 201 to the preferences for assistance under section 8(d)(1)(A)(i) or 8(o)(3)(B) of the United States Housing Act of 1937, as those sections existed on the day before the effective date of this title, shall be considered to refer to the written selection criteria established pursuant to section 8(d)(1)(A) or 8(o)(6)(A), respectively, of the United States Housing Act of 1937, as amended by this subsection and section 201 of this Act.

### SEC. 203. PORTABILITY.

Section 8(r) of the United States Housing Act of 1937 (42 U.S.C. 1437f(r)) is amended—

(1) in paragraph (1)—

(A) by striking "assisted under subsection (b) or (o)" and inserting "receiving tenant-based assistance under subsection (o)"; and

(B) by striking "the same State" and all that follows before the semicolon and inserting "any area in which a program is being administered under this section";

(2) in paragraph (2), by striking the last sentence;

(3) in paragraph (3)—

(A) by striking "(b) or"; and

(B) by adding at the end the following: "The Secretary shall establish procedures for the compensation of public housing agencies that issue vouchers to families that move into or out of the jurisdiction of the public housing agency under portability procedures. The Secretary may reserve amounts available for assistance under subsection (o) to compensate those public housing agencies."; and

(4) by adding at the end the following:

"(5) Lease violations.—A family may not receive a voucher from a public housing agency and move to another jurisdiction under the tenant-based assistance program if the family has moved out of the assisted dwelling unit of the family in violation of a lease.".

### SEC. 204. LEASING TO VOUCHER HOLDERS.

Section 8(t) of the United States Housing Act of 1937 (42 U.S.C. 1437f(t)) is amended to read as follows:

"(t) [Reserved.]".

### SEC. 205. HOMEOWNERSHIP OPTION.

(a) In general.—Section 8(y) of the United States Housing Act of 1937 (42 U.S.C. 1437f(y)) is amended—

(1) in paragraph (1)—

(A) by striking "A family receiving" and all that follows through "if the family" and inserting the following: "A public housing agency providing tenant-based assistance on behalf of an eligible family under this section may provide assistance for an eligible family that purchases a dwelling unit (including a unit under a lease-purchase agreement) that will be owned by 1 or more members of the family, and will be occupied by the family, if the family";

(B) in subparagraph (A), by inserting before the semicolon ", or owns or is acquiring shares in a cooperative"; and

(C) in subparagraph (B)—

(i) by striking "(i) participates" and all that follows through "(ii) demonstrates" and inserting "demonstrates"; and

(ii) by inserting ", except that the Secretary may provide for the consideration of public assistance in the case of an elderly family or a disabled family" after "other than public assistance";

(2) by striking paragraph (2) and inserting the following:

"(2) Determination of amount of assistance.—

"(A) Monthly expenses do not exceed payment standard.—If the monthly homeownership expenses, as determined in accordance with requirements established by the Secretary, do not exceed the payment standard, the monthly assistance payment shall be the amount by which the homeownership expenses exceed the highest of the following amounts, rounded to the nearest dollar:

"(i) Thirty percent of the monthly adjusted income of the family.

"(ii) Ten percent of the monthly income of the family.

"(iii) If the family is receiving payments for welfare assistance from a public agency, and a portion of those payments, adjusted in accordance with the actual housing costs of the family, is specifically designated by that agency to meet the housing costs of the family, the portion of those payments that is so designated.

"(B) Monthly expenses exceed payment standard.—If the monthly homeownership expenses, as determined in accordance with requirements established by the Secretary, exceed the payment standard, the monthly assistance payment shall be the amount by which the applicable payment standard exceeds the highest of the following amounts, rounded to the nearest dollar:

"(i) Thirty percent of the monthly adjusted income of the family.

"(ii) Ten percent of the monthly income of the family.

"(iii) If the family is receiving payments for welfare assistance from a public agency and a part of those payments, adjusted in accordance with the actual housing costs of the family, is specifically designated by that agency to meet the housing costs of the family, the portion of those payments that is so designated.";

(3) by striking paragraphs (3) and (4) and inserting the following:

"(3) Inspections and contract conditions.—

"(A) In general.—Each contract for the purchase of a unit to be assisted under this section shall—

"(i) provide for pre-purchase inspection of the unit by an independent professional; and

"(ii) require that any cost of necessary repairs be paid by the seller.

"(B) Annual inspections not required.—The requirement under subsection (o)(8)(A)(ii) for annual inspections shall not apply to units assisted under this section.

"(4) Other authority of the secretary.—The Secretary may—

"(A) limit the term of assistance for a family assisted under this subsection; and

"(B) modify the requirements of this subsection as the Secretary determines to be necessary to make appropriate adaptations for lease-purchase agreements.";

(4) by striking paragraph (5); and

(5) by redesignating paragraphs (6) through (8) as paragraphs (5) through (7), respectively.

(b) Demonstration.—

(1) In general.—With the consent of the affected public housing agencies, the Secretary may carry out (or contract with 1 or more entities to carry out) a demonstration program under section 8(y) of the United States Housing Act of 1937 (42 U.S.C. 1437f(y)) to expand homeownership opportunities for low-income families.

(2) Report.—The Secretary shall report annually to Congress on activities conducted under this subsection.

### SEC. 206. LAW ENFORCEMENT AND SECURITY PERSONNEL IN PUBLIC HOUSING.

Section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f) is amended by adding at the end the following:

"(cc) Law Enforcement and Security Personnel.—

"(1) In general.—Notwithstanding any other provision of this Act, in the case of assistance attached to a structure, for the purpose of increasing security for the residents of a public housing project, an owner may admit, and assistance may be provided to, police officers and other security personnel who are not otherwise eligible for assistance under the Act).

"(2) Rent requirements.—With respect to any assistance provided by an owner under this subsection, the Secretary may—

"(A) permit the owner to establish such rent requirements and other terms and conditions of occupancy that the Secretary considers to be appropriate; and

"(B) require the owner to submit an application for those rent requirements, which application shall include such information as the Secretary, in the discretion of the Secretary, determines to be necessary.".

### SEC. 207. TECHNICAL AND CONFORMING AMENDMENTS.

(a) Lower Income Housing Assistance.—Section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f) is amended—

(1) in subsection (a), by striking the second and third sentences;

(2) in subsection (b)—

(A) in the subsection heading, by striking "Rental Certificates and"; and

(B) in the first undesignated paragraph—

(i) by striking "The Secretary" and inserting the following:

"(1) In general.—The Secretary"; and

(ii) by striking the second sentence;

(3) in subsection (c)—

(A) in paragraph (3)—

(i) by striking "(A)"; and

(ii) by striking subparagraph (B);

(B) in the first sentence of paragraph (4), by striking "or by a family that qualifies to receive" and all that follows through "1990";

(C) by striking paragraph (5) and redesignating paragraph (6) as paragraph (5);

(D) by striking paragraph (7) and redesignating paragraphs (8) through (10) as paragraphs (6) through (8), respectively;

(E) effective on October 1, 1997, in paragraph (7), as redesignated, by striking "housing certificates or vouchers under subsection (b) or" and inserting "a voucher under subsection"; and

(F) in paragraph (8), as redesignated, by striking "(9)" and inserting "(7)";

(4) in subsection (d)—

(A) in paragraph (1)(B)(iii), by striking "drug-related criminal activity on or near such premises" and inserting "violent or drug-related criminal activity on or off such premises, or any activity resulting in a felony conviction";

(B) in paragraph (2)—

(i) in subparagraph (A), by striking the third sentence and all that follows through the end of the subparagraph; and

(ii) by striking subparagraphs (B) through (E) and redesignating subparagraphs (F) through (H) as subparagraphs (B) through (D), respectively;

(5) in subsection (f)—

(A) in paragraph (6), by striking "(d)(2)" and inserting "(o)(11)"; and

(B) in paragraph (7)—

(i) by striking "(b) or"; and

(ii) by inserting before the period the following: "and that provides for the eligible family to select suitable housing and to move to other suitable housing";

(6) by striking subsection (j) and inserting the following:

"(j) [Reserved.]";

(7) by striking subsection (n) and inserting the following:

"(n) [Reserved.]";

(8) in subsection (q)—

(A) in the first sentence of paragraph (1), by striking "certificate and housing voucher programs under subsections (b) and (o)" and inserting "voucher program under this section";

(B) in paragraph (2)(A)(i), by striking "certificate and housing voucher programs under subsections (b) and (o)" and inserting "voucher program under this section"; and

(C) in paragraph (2)(B), by striking "certificate and housing voucher programs under subsections (b) and (o)" and inserting "voucher program under this section";

(9) in subsection (u)—

(A) in paragraph (2), by striking ", certificates"; and

(B) by striking "certificates or" each place that term appears; and

(10) in subsection (x)(2), by striking "housing certificate assistance" and inserting "tenant-based assistance".

(b) Public Housing Homeownership and Management Opportunities.—Section 21(b)(3) of the United States Housing Act of 1937 (42 U.S.C. 1437s(b)(3)) is amended—

(1) in the first sentence, by striking "(at the option of the family) a certificate under section 8(b)(1) or a housing voucher under section 8(o)" and inserting "tenant-based assistance under section 8"; and

(2) by striking the second sentence.

(c) Documentation of Excessive Rent Burdens.—Section 550(b) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 1437f note) is amended—

(1) in paragraph (1), by striking "assisted under the certificate and voucher programs established" and inserting "receiving tenant-based assistance";

(2) in the first sentence of paragraph (2)—

(A) by striking ", for each of the certificate program and the voucher program" and inserting "for the tenant-based assistance under section 8"; and

(B) by striking "participating in the program" and inserting "receiving tenant-based assistance"; and

(3) in paragraph (3), by striking "assistance under the certificate or voucher program" and inserting "tenant-based assistance under section 8 of the United States Housing Act of 1937".

(d) Grants for Community Residences and Services.—Section 861(b)(1)(D) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12910(b)(1)(D)) is amended by striking "certificates or vouchers" and inserting "assistance".

(e) Section 8 Certificates and Vouchers.—Section 931 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 1437c note) is amended by striking "assistance under the certificate and voucher programs under sections 8(b) and 8(o) of such Act" and inserting "tenant-based assistance under section 8 of the United States Housing Act of 1937".

(f) Assistance for Displaced Residents.—Section 223(a) of the Housing and Community Development Act of 1987 (12 U.S.C. 4113(a)) is amended by striking "assistance under the certificate and voucher programs under sections 8(b) and 8(o)" and inserting "tenant-based assistance under section 8".

(g) Rural Housing Preservation Grants.—Section 533(a) of the Housing Act of 1949 (42 U.S.C. 1490m(a)) is amended in the second sentence by striking "assistance payments as provided by section 8(o)" and inserting "tenant-based assistance as provided under section 8".

(h) Repeal of Moving to Opportunities for Fair Housing Demonstration.—Section 152 of the Housing and Community Development Act of 1992 (42 U.S.C. 1437f note) is repealed.

(i) Preferences for Elderly Families and Persons.—Section 655 of the Housing and Community Development Act of 1992 (42 U.S.C. 13615) is amended by striking "the first sentence of section 8(o)(3)(B)" and inserting "section 8(o)(6)(A)".

(j) Assistance for Troubled Multifamily Housing Projects.—Section 201(m)(2)(A) of the Housing and Community Development Amendments of 1978 (12 U.S.C. 1715z–1a(m)(2)(A)) is amended by striking "section 8(b)(1)" and inserting "section 8".

(k) Management and Disposition of Multifamily Housing Projects.—Section 203(g)(2) of the Housing and Community Development Amendments of 1978 (12 U.S.C. 1701z–11(g)(2)) is amended by striking "8(o)(3)(B)" and inserting "8(o)(6)(A)".

### SEC. 208. IMPLEMENTATION.

In accordance with the negotiated rulemaking procedures set forth in subchapter III of chapter 5 of title 5, United States Code, the Secretary shall issue such regulations as may be necessary to implement the amendments made by this title after notice and opportunity for public comment.

### SEC. 209. DEFINITION.

In this title, the term "public housing agency" has the same meaning as section 3 of the United States Housing Act of 1937, except that such term shall also include any other nonprofit entity serving more than 1 local government jurisdiction that was administering the section 8 tenant-based assistance program pursuant to a contract with the Secretary or a public housing agency prior to the date of enactment of this Act.

### SEC. 210. EFFECTIVE DATE.

(a) In General.—The amendments made by this title shall become effective not later than 1 year after the date of enactment of this Act.

(b) Conversion Assistance.—

(1) In general.—The Secretary may provide for the conversion of assistance under the certificate and voucher programs under subsections (b) and (o) of section 8 of the United States Housing Act of 1937, as those sections existed on the day before the effective date of the amendments made by this title, to the voucher program established by the amendments made by this title.

(2) Continued applicability.—The Secretary may apply the provisions of the United States Housing Act of 1937, or any other provision of law amended by this title, as those provisions existed on the day before the effective date of the amendments made by this title, to assistance obligated by the Secretary before that effective date for the certificate or voucher program under section 8 of the United States Housing Act of 1937, if the Secretary determines that such action is necessary for simplification of program administration, avoidance of hardship, or other good cause.

### SEC. 211. RECAPTURE AND REUSE OF ANNUAL CONTRIBUTION CONTRACT PROJECT RESERVES UNDER THE TENANT-BASED ASSISTANCE PROGRAM.

Section 8(d) of the United States Housing Act of 1937 is amended by adding at the end the following:

"(5) Recapture and reuse of annual contribution contract project reserves.—

"(A) Recapture.—To the extent that the Secretary determines that the amount in the annual contribution contract reserve account under a contract with a public housing agency for tenant-based assistance under this section is in excess of the amount needed by the public housing agency, the Secretary shall recapture such excess amount.

"(B) Reuse.—The Secretary may hold any amounts under this paragraph in reserve until needed to amend or renew an annual contributions contract with any public housing agency.".

## TITLE III—SAFETY AND SECURITY IN PUBLIC AND ASSISTED HOUSING

### SEC. 301. SCREENING OF APPLICANTS.

(a) Ineligibility Because of Past Evictions.—

(1) In general.—Any household or member of a household evicted from federally assisted housing (as that term is defined in section 305(1)) by reason of drug-related criminal activity (as that term is defined in section 305(3)) or for other serious violations of

the terms or conditions of the lease shall not be eligible for federally assisted housing—

(A) in the case of eviction by reason of drug-related criminal activity, for a period of not less than 3 years from the date of the eviction unless the evicted member of the household successfully completes a rehabilitation program; and

(B) for other evictions, for a reasonable period of time as determined by the public housing agency or owner of the federally assisted housing, as applicable.

(2) Waiver.—The requirements of subparagraphs (A) and (B) of paragraph (1) may be waived if the circumstances leading to eviction no longer exist.

(b) Ineligibility of Illegal Drug Users and Alcohol Abusers.—

(1) In general.—Notwithstanding any other provision of law, a public housing agency shall establish standards that prohibit admission to the program or admission to federally assisted housing for any household with a member—

(A) who the public housing agency determines is engaging in the illegal use of a controlled substance; or

(B) with respect to whom the public housing agency determines that it has reasonable cause to believe that such household member's illegal use (or pattern of illegal use) of a controlled substance, or abuse (or pattern of abuse) of alcohol would interfere with the health, safety, or right to peaceful enjoyment of the premises by other residents.

(2) Owners of federally assisted housing.—The Secretary may require any owner of federally assisted housing to establish admission standards under this subsection.

(3) Consideration of rehabilitation.—In determining whether, pursuant to paragraph (1)(B), to deny admission to the program or to federally assisted housing to any household based on a pattern of illegal use of a controlled substance or a pattern of abuse of alcohol by a household member, a public housing agency may consider whether such household member—

(A) has successfully completed a supervised drug or alcohol rehabilitation program (as applicable) and is no longer engaging in the illegal use of a controlled substance or abuse of alcohol (as applicable);

(B) has otherwise been rehabilitated successfully and is no longer engaging in the illegal use of a controlled substance or abuse of alcohol (as applicable); or

(C) is participating in a supervised drug or alcohol rehabilitation program (as applicable) and is no longer engaging in the illegal use of a controlled substance or abuse of alcohol (as applicable).

(c) Procedure for Receipt of Information From a Drug Abuse Treatment Facility About the Current Illegal Use of a Controlled Substance.—

(1) Definitions.—In this subsection:

(A) Drug abuse treatment facility.—The term "drug abuse treatment facility" means—

(i) an entity other than a general medical care facility; or

(ii) an identified unit within a general medical care facility which holds itself out as providing, and provides, diagnosis, treatment, or referral for treatment with respect to the illegal use of a controlled substance.

(B) Controlled substance.—The term "controlled substance" has the meaning given the term in section 102 of the Controlled Substances Act (21 U.S.C. 802).

(C) Currently engaging in the illegal use of a controlled substance.—The term "currently engaging in the illegal use of a controlled substance" means the illegal use of a controlled substance that occurred recently enough to justify a reasonable belief that an applicant's illegal use of a controlled substance is current or that continuing illegal use of a controlled substance by the applicant is a real and ongoing problem.

(2) Authority.—Notwithstanding any other provision of law other than the Public Health Service Act (42 U.S.C. 201 et seq.), a public housing agency may require each person who applies for admission to public housing to sign 1 or more forms of written consent authorizing the public housing agency to receive information from a drug abuse treatment facility that is solely related to whether the applicant is currently engaging in the illegal use of a controlled substance.

(3) Restrictions to protect the confidentiality of an applicant's records.—

(A) Limitation on the kind and amount of information requested on form of written consent.—In a form of written consent, a public housing agency may request only whether the drug abuse treatment facility has reasonable cause to believe that the applicant is currently engaging in the illegal use of a controlled substance.

(B) Records management.—Each public housing agency that receives information under this subsection from a drug abuse treatment facility shall establish and implement a system of records management that ensures that any information received by the public housing agency under this subsection—

(i) is maintained confidentially in accordance with section 543 of the Public Health Service Act (12 U.S.C. 290dd–2);

(ii) is not misused or improperly disseminated; and

(iii) is destroyed, as applicable—

(I) not later than 5 business days after the date on which the public housing agency gives final approval for an application for admission; or

(II) if the public housing agency denies the application for admission, in a timely manner after the date on which the statute of limitations for the commencement of a civil action from the applicant based upon that denial of admission has expired.

(C) Expiration of written consent.—In addition to the requirements of subparagraph (B), an applicant's signed written consent shall expire automatically after the public housing agency has made a final decision to either approve or deny the applicant's application for admittance to public housing.

(4) Restrictions to prohibit the discriminatory treatment of applicants.—

(A) Forms signed.—A public housing agency may only require an applicant for admission to public housing to sign 1 or more forms of written consent under this subsection if the public housing agency requires all such applicants to sign the same form or forms of written consent.

(B) Circumstances of inquiry.—A public housing agency may only make an inquiry to a drug abuse treatment facility under this subsection if—

(i) the public housing agency makes the same inquiry with respect to all applicants; or

(ii) the public housing agency only makes the same inquiry with respect to each and every applicant with respect to whom—

(I) the public housing agency receives information from the criminal record of the applicant that indicates evidence of a prior arrest or conviction; or

(II) the public housing agency receives information from the records of prior tenancy of the applicant that demonstrates that the applicant—

(aa) engaged in the destruction of property;

(bb) engaged in violent activity against another person; or

(cc) interfered with the right of peaceful enjoyment of the premises of another tenant.

(5) Fee permitted.—A drug abuse treatment facility may charge a public housing agency a reasonable fee for information provided under this subsection.

(6) Disclosure permitted by drug abuse treatment facilities.—A drug abuse treatment facility shall not be liable for damages based on any information required to be disclosed pursuant to this subsection if such disclosure is consistent with section 543 of the Public Health Service Act (42 U.S.C. 290dd–2).

(7) Public housing agencies not required to make inquiries to drug abuse treatment facilities.—A public housing agency shall not be liable for damages based on its decision not to require each person who applies for admission to public housing to sign 1 or more forms of written consent authorizing the public housing agency to receive information from a drug abuse treatment facility under this subsection.

(8) Effective date.—This subsection shall take effect upon enactment and without the necessity of guidance from, or any regulation issued by, the Secretary.

(d) Study and Report.—Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall conduct a study, and submit to the Committee on Banking, Housing, and Urban Affairs of the Senate a report that includes information relating to—

(1) the proportion of United States public housing agencies that screen applicants for drug and alcohol addiction;

(2) the extent, if any, to which the screening described in paragraph (1), alone or in combination with other initiatives, has reduced crime in public housing; and

(3) the relative value of different types of information used by public housing agencies in the screening process described in paragraph (1), including criminal records, credit histories, tenancy records, and information from drug abuse treatment facilities on current illegal drug use of applicants (as that term is defined in subsection (c)(1)).

(e) Authority To Require Access to Criminal Records.—A public housing agency may require, as a condition of providing admission to the public housing program or assisted housing program under the jurisdiction of the public housing agency, that each adult member of the household provide a signed, written authorization for the public housing agency to obtain records described in section 304 regarding such member of the household from the National Crime Information Center, police departments, and other law enforcement agencies.

(f) Ineligibility of Sexually Violent Predators for Admission to Public Housing.—

(1) In general.—Notwithstanding any other provision of law, a public housing agency shall prohibit admission to public or assisted housing of any family that includes any individual who is a sexually violent predator.

(2) Definition.—In this subsection, the term "sexually violent predator" means an individual who—

(A) is a sexually violent predator (as that term is defined in section 170101(a)(3) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14071(a)(3))); and

(B) is subject to a registration requirement under section 170101(a)(1)(B) or 170102(c) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14071(a)(1)(B), 14072(c)), as provided under section 170101(b)(6)(B) or 170102(d)(2), respectively, of that Act.

### SEC. 302. TERMINATION OF TENANCY AND ASSISTANCE.

(a) Termination of Tenancy and Assistance for Illegal Drug Users and Alcohol Abusers.—Notwithstanding any other provision of law, a public housing agency or an owner of federally assisted housing, as applicable, shall establish standards or lease provisions for continued assistance or occupancy in federally assisted housing that allow a public housing agency or the owner, as applicable, to terminate the tenancy or assistance for any household with a member—

(1) who the public housing agency or owner determines is engaging in the illegal use of a controlled substance; or

(2) whose illegal use of a controlled substance, or whose abuse of alcohol, is determined by the public housing agency or owner to interfere with the health, safety, or right to peaceful enjoyment of the premises by other residents.

(b) Termination of Assistance for Serious or Repeated Lease Violation.—Notwithstanding any other provision of law, the public housing agency must terminate tenant-based assistance for all household members if the household is evicted from assisted housing for serious or repeated violation of the lease.

### SEC. 303. LEASE REQUIREMENTS.

In addition to any other applicable lease requirements, each lease for a dwelling unit in federally assisted housing shall provide that, during the term of the lease—

(1) the owner may not terminate the tenancy except for serious or repeated violation of the terms and conditions of the lease, violation of applicable Federal, State, or local law, or other good cause; and

(2) grounds for termination of tenancy shall include any activity, engaged in by the resident, any member of the resident's household, any guest, or any other person under the control of any member of the household, that—

(A) threatens the health or safety of, or right to peaceful enjoyment of the premises by, other residents or employees of the public housing agency, owner, or other manager of the housing;

(B) threatens the health or safety of, or right to peaceful enjoyment of their residences by, persons residing in the immediate vicinity of the premises; or

(C) is drug-related or violent criminal activity on or off the premises, or any activity resulting in a felony conviction.

### SEC. 304. AVAILABILITY OF CRIMINAL RECORDS FOR PUBLIC HOUSING RESIDENT SCREENING AND EVICTION.

(a) In General.—

(1) Provision of information.—Notwithstanding any other provision of law other than paragraph (2), upon the request of a public housing agency, the National Crime Information Center, a police department, and any other law enforcement agency shall provide to the public housing agency information regarding the criminal conviction records of an adult applicant for, or residents of, the public housing program or assisted housing program under the jurisdiction of the public housing agency for purposes of applicant screening, lease enforcement, and eviction, but only if the public housing agency requests such information and presents to such Center, department, or agency a written authorization, signed by such applicant, for the release of such information to such public housing agency.

(2) Exception.—A law enforcement agency described in paragraph (1) shall provide information under this paragraph relating to any criminal conviction of a juvenile only to the extent that the release of such information is authorized under the law of the applicable State, tribe, or locality.

(b) Information Regarding Crimes Committed By Sexually Violent Predators and Crimes Against Children.—

(1) Definition of appropriate law enforcement agency.—In this subsection, the term "appropriate law enforcement agency" means—

(A) the Federal Bureau of Investigation;

(B) a State law enforcement agency designated as a registration agency under a State registration program under subtitle A of title XVII of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14071 et seq.); or

(C) any local law enforcement agency authorized by a State law enforcement agency described in subparagraph (B).

(2) Provision of information.—Notwithstanding any other provision of law other than subsection (a)(2), the appropriate law enforcement agency shall provide to a public housing agency any information collected under the national database established pursuant to section 170102 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14072), or under a State registration program under subtitle A of title XVII of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14071 et seq.), as applicable, regarding an adult who is an applicant for, or a resident of, federally assisted housing, for purposes of applicant screening, lease enforcement, or eviction, if the public housing agency—

(A) requests the information; and

(B) presents to the appropriate law enforcement agency a written authorization, signed by the adult at issue, for the release of that information to the public housing agency or other owner of the federally assisted housing.

(c) Opportunity To Dispute.—Before an adverse action is taken with regard to assistance for public housing on the basis of a criminal record, the public housing agency shall provide the resident or applicant with a copy of the criminal record and an opportunity to dispute the accuracy and relevance of that record.

(d) Records Management.—Each public housing agency that receives criminal record information under this section shall establish and implement a system of records management that ensures that any criminal record received by the agency is—

(1) maintained confidentially;

(2) not misused or improperly disseminated; and

(3) destroyed in a timely fashion, once the purpose for which the record was requested has been accomplished.

(e) Fee.—A public housing agency may be charged a reasonable fee for information provided under this section.

(f) Definition of Adult.—In this section, the term "adult" means a person who is 18 years of age or older, or who has been convicted of a crime as an adult under any Federal, State, or tribal law.

### SEC. 305. DEFINITIONS.

In this title:

(1) Federally assisted housing.—The term "federally assisted housing" means a unit in—

(A) public housing under the United States Housing Act of 1937;

(B) housing assisted under section 8 of the United States Housing Act of 1937 including both tenant-based assistance and project-based assistance;

(C) housing that is assisted under section 202 of the Housing Act of 1959 (as amended by section 801 of the Cranston-Gonzalez National Affordable Housing Act);

(D) housing that is assisted under section 202 of the Housing Act of 1959 (as in existence immediately before the date of enactment of the Cranston-Gonzalez National Affordable Housing Act); and

(E) housing that is assisted under section 811 of the Cranston-Gonzalez National Affordable Housing Act.

(2) Drug-related criminal activity.—The term "drug-related criminal activity" means the illegal manufacture, sale, distribution, use, or possession with intent to manufacture, sell, distribute, or use, of a controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)).

(3) Owner.—The term "owner" means, with respect to federally assisted housing, the entity or private person, including a cooperative or public housing agency, that has the legal right to lease or sublease dwelling units in such housing.

### SEC. 306. CONFORMING AMENDMENTS.

Section 6 of the United States Housing Act of 1937 (42 U.S.C. 1437d) is amended—

(1) in subsection (l) (as amended by section 107(f) of this Act)—

(A) by striking paragraphs (4) and (5);

(B) by striking the last sentence; and

(C) by redesignating paragraphs (6) through (8) as paragraphs (4) through (6), respectively;

(2) by striking subsections (q) and (r); and

(3) by redesignating subsection (s) (as added by section 109 of this Act) as subsection (q).

## TITLE IV—MISCELLANEOUS PROVISIONS

### SEC. 401. PUBLIC HOUSING FLEXIBILITY IN THE CHAS.

Section 105(b) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12705(b)) is amended—

(1) by redesignating the second paragraph designated as paragraph (17) (as added by section 681(2) of the Housing and Community Development Act of 1992) as paragraph (20);

(2) by redesignating paragraph (17) (as added by section 220(b)(3) of the Housing and Community Development Act of 1992) as paragraph (19);

(3) by redesignating the second paragraph designated as paragraph (16) (as added by section 220(c)(1) of the Housing and Community Development Act of 1992) as paragraph (18);

(4) in paragraph (16)—

(A) by striking the period at the end and inserting a semicolon; and

(B) by striking "(16)" and inserting "(17)";

(5) by redesignating paragraphs (11) through (15) as paragraphs (12) through (16), respectively; and

(6) by inserting after paragraph (10) the following:

"(11) describe the manner in which the plan of the jurisdiction will help address the needs of public housing and is consistent with the local public housing agency plan under section 5A of the United States Housing Act of 1937;".

### SEC. 402. DETERMINATION OF INCOME LIMITS.

(a) In General.—Section 3(b)(2) of the United States Housing Act of 1937 (42 U.S.C. 1437a(b)(2)) is amended—

(1) in the fourth sentence—

(A) by striking "County," and inserting "and Rockland Counties"; and

(B) by inserting "each" before "such county"; and

(2) in the fifth sentence, by striking "County" each place that term appears and inserting "and Rockland Counties".

(b) Regulations.—Not later than 90 days after the date of enactment of this Act, the Secretary shall issue regulations implementing the amendments made by subsection (a).

### SEC. 403. DEMOLITION OF PUBLIC HOUSING.

Notwithstanding any other provision of law, beginning on the date of enactment of this Act, the public housing projects described in section 415 of the Department of Housing and Urban Development—Independent Agencies Appropriations Act, 1988 (as in existence on April 25, 1996) shall be eligible for demolition under—

(1) section 9 of the United States Housing Act of 1937, as amended by this Act; and

(2) section 14 of the United States Housing Act of 1937, as that section existed on the day before the date of enactment of this Act.

### SEC. 404. NATIONAL COMMISSION ON HOUSING ASSISTANCE PROGRAM COSTS.

(a) Definitions.—In this section—

(1) the term "Commission" means the National Commission on Housing Assistance Program Costs established in subsection (b);

(2) the term "Federal assisted housing programs" means—

(A) the public housing program under the United States Housing Act of 1937;

(B) the certificate program for rental assistance under section 8(b)(1) of the United States Housing Act of 1937;

(C) the voucher program for rental assistance under section 8(o) of the United States Housing Act of 1937;

(D) the programs for project-based assistance under section 8 of the United States Housing Act of 1937;

(E) the rental assistance payments program under section 521(a)(2)(A) of the Housing Act of 1949;

(F) the program for housing for the elderly under section 202 of the Housing Act of 1959;

(G) the program for housing for persons with disabilities under section 811 of the Cranston-Gonzalez National Affordable Housing Act;

(H) the program for financing housing by a loan or mortgage insured under section 221(d)(3) of the National Housing Act that bears interest at a rate determined under the proviso of section 221(d)(5) of such Act;

(I) the program under section 236 of the National Housing Act;

(J) the program for constructed or substantial rehabilitation under section 8(b)(2) of the United States Housing Act of 1937, as in effect before October 1, 1983; and

(K) any other program for housing assistance administered by the Secretary of Housing and Urban Development or the Secretary of Agriculture, under which occupancy in the housing assisted or housing assistance provided is based on income, as the Commission may determine; and

(3) the term "Secretary" means the Secretary of Housing and Urban Development.

(b) Establishment; Purpose.—

(1) Establishment.—There is established a commission to be known as the "National Commission on Housing Assistance Program Costs".

(2) Purpose.—The purpose of the Commission shall be to provide an objective and independent accounting and analysis of the full cost to the Federal Government, public housing agencies, State and local governments, and other entities, per assisted household, of the Federal assisted housing programs, taking into account the qualitative differences among Federal assisted housing programs in accordance with applicable standards of the Department of Housing and Urban Development.

(c) Membership.—

(1) Appointment.—The Commission shall be composed of 12 members, of whom—

(A) 1 member shall be the Inspector General of the Department of Housing and Urban Development;

(B) 2 members shall be appointed by the Secretary;

(C) 2 members shall be appointed by the Chairman and Ranking Minority Member of the Subcommittee on Housing Opportunity and Community Development of the Committee on Banking, Housing, and Urban Affairs of the Senate and the Chairman and Ranking Minority Member of the Subcommittee on VA, HUD, and Independent Agencies of the Committee on Appropriations of the Senate;

(D) 2 members shall be appointed by the Chairman and Ranking Minority Member of the Subcommittee on Housing and Community Opportunity of the Committee on Banking and Financial Services of the House of Representatives and the Chairman and Ranking Minority Member of the Subcommittee on VA, HUD, and Independent Agencies of the Committee on Appropriations of the House of Representatives;

(E) 1 member shall be appointed by the Majority Leader of the Senate;

(F) 1 member shall be appointed by the Majority Leader of the House of Representatives;

(G) 1 member shall be appointed by the Minority Leader of the Senate;

(H) 1 member shall be appointed by the Minority Leader of the House of Representatives; and

(I) 1 member shall be an ex-officio member appointed by the Comptroller General of the United States, from among officers and employees of the General Accounting Office.

(2) Initial appointments.—The initial members of the Commission shall be appointed not later than 90 days after the date of enactment of this Act.

(3) Qualifications.—The members of the Commission appointed under paragraph (1)—

(A) shall all be experts in the field of accounting, economics, cost analysis, finance, or management; and

(B) shall include—

(i) 1 individual who is a distinguished academic engaged in teaching or research;

(ii) 1 individual who is a business leader, financial officer, or management expert; and

(iii) 1 individual who is—

(I) a financial expert employed in the private sector; and

(II) knowledgeable about housing and real estate issues.

(4) Additional qualifications.—In selecting members of the Commission for appointment, the individual making the appointment shall ensure that each member selected is able to analyze the Federal assisted housing programs on an objective basis, and that no individual is appointed to the Commission if that individual has a personal financial interest, professional association, or business interest in any Federal assisted housing program, such that it would pose a conflict of interest if that individual were appointed to the Commission.

(d) Organization.—

(1) Chairperson.—The Commission shall elect a chairperson from among members of the Commission.

(2) Quorum.—A majority of the members of the Commission shall constitute a quorum for the transaction of business, but a lesser number may hold hearings.

(3) Voting.—

(A) In general.—Except as provided in subparagraph (B), each member of the Commission shall be entitled to 1 vote, which shall be equal to the vote of every other member of the Commission.

(B) Exception.—The member of the Commission appointed pursuant to subsection (c)(1)(I) shall be a nonvoting member of the Commission.

(4) Vacancies.—Any vacancy on the Commission shall not affect its powers, but shall be filled in the manner in which the original appointment was made.

(5) Prohibition on additional pay.—Members of the Commission shall serve without compensation.

(6) Travel expenses.—Each member shall receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.

(e) Functions.—

(1) In general.—The Commission shall—

(A) analyze the full cost to the Federal Government, public housing agencies, State and local governments, and other parties, per assisted household, of the Federal assisted housing programs, and shall conduct the analysis on a nationwide and regional basis and in a manner such that accurate per unit cost comparisons may be made between Federal assisted housing programs, including grants, direct subsidies, tax concessions, Federal mortgage insurance liability, periodic renovation and rehabilitation, and modernization costs, demolition costs, and other ancillary costs such as security; and

(B) measure and evaluate qualitative differences among Federal assisted housing programs in accordance with applicable standards of the Department of Housing and Urban Development.

(2) Final report.—Not later than 24 months after the initial members of the Commission are appointed pursuant to subsection (c)(2), the Commission shall submit to the Secretary and to the Congress a final report which shall contain the results of the analysis and estimates required under paragraph (1).

(3) Limitation.—The Commission may not make any recommendations regarding Federal housing policy.

(f) Powers.—

(1) Hearings.—The Commission may, for the purpose of carrying out this section, hold such hearings and sit and act at such times and places as the Commission may find advisable.

(2) Rules and regulations.—The Commission may adopt such rules and regulations as may be necessary to establish its procedures and to govern the manner of its operations, organization, and personnel.

(3) Assistance from federal agencies.—

(A) Information.—The Commission may request from any department or agency of the United States, and such department or agency shall provide to the Commission in a timely fashion, such data and information as the Commission may require to carry out this section.

(B) Administrative support.—The General Services Administration shall provide to the

Commission, on a reimbursable basis, such administrative support services as the Commission may request.

(C) PERSONNEL DETAILS AND TECHNICAL ASSISTANCE.—Upon the request of the chairperson of the Commission, the Secretary shall, to the extent possible and subject to the discretion of the Secretary—

(i) detail any of the personnel of the Department of Housing and Urban Development, on a nonreimbursable basis, to assist the Commission in carrying out its duties under this section; and

(ii) provide the Commission with technical assistance in carrying out its duties under this section.

(4) INFORMATION FROM LOCAL HOUSING AND MANAGEMENT AUTHORITIES.—The Commission shall have access, for the purpose of carrying out its functions under this section, to any books, documents, papers, and records of a local housing and management authority that are pertinent to this section and assistance received pursuant to this section.

(5) MAILS.—The Commission may use the United States mails in the same manner and under the same conditions as other Federal agencies.

(6) CONTRACTING.—The Commission may, to the extent and in such amounts as are provided in appropriations Acts, enter into contracts necessary to carry out its duties under this section.

(7) STAFF.—

(A) EXECUTIVE DIRECTOR.—The Commission shall appoint an executive director of the Commission who shall be compensated at a rate fixed by the Commission, not to exceed the rate established for level V of the Executive Schedule under title 5, United States Code.

(B) PERSONNEL.—In addition to the executive director, the Commission may appoint and fix the compensation of such personnel as it deems advisable, in accordance with the provisions of title 5, United States Code, governing appointments to the competitive service, and the provisions of chapter 51 and subchapter III of chapter 53 of such title, relating to classification and General Schedule pay rates.

(C) LIMITATION.—Subparagraphs (A) and (B) shall be effective only to the extent and in such amounts as are provided in appropriations Acts.

(D) SELECTION CRITERIA.—In appointing an executive director and staff, the Commission shall ensure that the individuals appointed can conduct any functions they may have regarding the Federal assisted housing programs on an objective basis and that no such individual has a personal financial or business interest in any such program.

(8) ADVISORY COMMITTEE.—The Commission shall be considered an advisory committee within the meaning of the Federal Advisory Committee Act (5 U.S.C. App.).

(g) FUNDING.—Of any amounts made available to the Department of Housing and Urban Development for each of fiscal years 1998 and 1999, there shall be available $4,500,000 to carry out this section.

(h) SUNSET.—The Commission shall terminate upon the expiration of the 24-month period beginning on the date on which the initial members of the Commission are appointed pursuant to subsection (c)(2).

### SEC. 405. TECHNICAL CORRECTION OF PUBLIC HOUSING AGENCY OPT-OUT AUTHORITY.

Section 214(h)(2)(A) of the Housing and Community Development Act of 1980 (42 U.S.C. 1436(h)(2)(A)) is amended by striking "this section" and inserting "paragraph (1) of this subsection".

### SEC. 406. REVIEW OF DRUG ELIMINATION PROGRAM CONTRACTS.

(a) REQUIREMENT.—The Secretary shall investigate all security contracts awarded by grantees under the Public and Assisted Housing Drug Elimination Act of 1990 (42 U.S.C. 11901 et seq.) that are public housing agencies that own or operate more than 4,500 public housing dwelling units—

(1) to determine whether the contractors under such contracts have complied with all laws and regulations regarding prohibition of discrimination in hiring practices;

(2) to determine whether such contracts were awarded in accordance with the applicable laws and regulations regarding the award of such contracts;

(3) to determine how many such contracts were awarded under emergency contracting procedures;

(4) to evaluate the effectiveness of the contracts; and

(5) to provide a full accounting of all expenses under the contracts.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall complete the investigation required under subsection (a) and submit a report to Congress regarding the findings under the investigation. With respect to each such contract, the report shall—

(1) state whether the contract was made and is operating, or was not made or is not operating, in full compliance with applicable laws and regulations; and

(2) for each contract that the Secretary determines is in such compliance issue a personal certification of such compliance by the Secretary.

(c) ACTIONS.—For each contract that is described in the report under subsection (b) as not made or not operating in full compliance with applicable laws and regulations, the Secretary shall promptly take any actions available under law or regulation that are necessary—

(1) to bring such contract into compliance; or

(2) to terminate the contract.

(d) EFFECTIVE DATE.—This section shall take effect on the date of the enactment of this Act.

### SEC. 407. TREATMENT OF PUBLIC HOUSING AGENCY REPAYMENT AGREEMENT.

(a) LIMITATION ON SECRETARY.—During the 2-year period beginning on the date of the enactment of this Act, if the Housing Authority of the City of Las Vegas, Nevada, is otherwise in compliance with the Repayment Lien Agreement and Repayment Plan approved by the Secretary on February 12, 1997, the Secretary of Housing and Urban Development shall not take any action that has the effect of reducing the inventory of senior citizen housing owned by such housing authority that does not receive assistance from the Department of Housing and Urban Development.

(b) ALTERNATIVE REPAYMENT OPTIONS.—During the period referred to in subsection (a), the Secretary shall assist the housing authority referred to in such subsection to identify alternative repayment options to the plan referred to in such subsection and to execute an amended repayment plan that will not adversely affect the housing referred to in such subsection.

(c) RULE OF CONSTRUCTION.—This section may not be construed to alter—

(1) any lien held by the Secretary pursuant to the agreement referred to in subsection (a); or

(2) the obligation of the housing authority referred to in subsection (a) to close all remaining items contained in the Inspector General audits numbered 89 SF 1004 (issued January 20, 1989), 93 SF 1801 (issued October 30, 1993), and 96 SF 1002 (issued February 23, 1996).

### SEC. 408. CEILING RENTS FOR CERTAIN SECTION 8 PROPERTIES.

Notwithstanding any other provision of law, upon the request of the owner of the project, the Secretary may establish ceiling rents for the Marshall Field Garden Apartment Homes in Chicago, Illinois, if the ceiling rents are, in the determination of the Secretary, equivalent to rents for comparable properties.

### SEC. 409. SENSE OF CONGRESS.

It is the sense of Congress that, each public housing agency involved in the selection of residents under the United States Housing Act of 1937 (including section 8 of that Act) should, consistent with the public housing agency plan of the public housing agency, consider preferences for individuals who are victims of domestic violence.

### SEC. 410. OTHER REPEALS.

The following provisions of law are repealed:

(1) REPORT REGARDING FAIR HOUSING OBJECTIVES.—Section 153 of the Housing and Community Development Act of 1992 (42 U.S.C. 1437f note).

(2) SPECIAL PROJECTS FOR ELDERLY OR HANDICAPPED FAMILIES.—Section 209 of the Housing and Community Development Act of 1974 (42 U.S.C. 1438).

(3) LOCAL HOUSING ASSISTANCE PLANS.—Subsection (c) of section 213 of the Housing and Community Development Act of 1974 (42 U.S.C. 1439(c)).

(4) MISCELLANEOUS PROVISIONS.—Subsections (b)(1), (c), and (d) of section 326 of the Housing and Community Development Amendments of 1981 (Public Law 97-35, 95 Stat. 406; 42 U.S.C. 1437f note).

(5) PUBLIC HOUSING CHILDHOOD DEVELOPMENT.—Section 222 of the Housing and Urban-Rural Recovery Act of 1983 (12 U.S.C. 1701z–6 note).

(6) INDIAN HOUSING CHILDHOOD DEVELOPMENT.—Section 518 of the Cranston-Gonzalez National Affordable Housing Act (12 U.S.C. 1701z–6 note).

(7) PUBLIC HOUSING ONE-STOP PERINATAL SERVICES DEMONSTRATION.—Section 521 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 1437t note).

(8) PUBLIC HOUSING MINCS DEMONSTRATION.—Section 522 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 1437f note).

(9) PUBLIC HOUSING ENERGY EFFICIENCY DEMONSTRATION.—Section 523 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 1437g note).

(10) PUBLIC AND ASSISTED HOUSING YOUTH SPORTS PROGRAMS.—Section 520 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 11903a).

### SEC. 411. GUARANTEE OF LOANS FOR ACQUISITION OF PROPERTY.

Notwithstanding section 108(b) of the Housing and Community Development Act of 1974 (42 U.S.C. 5308(b)), with respect to any eligible public entity (or any public agency designated by an eligible public entity) receiving assistance under that section (in this section referred to as the "issuer"), a guarantee or commitment to guarantee may be made with respect to any note or other obligation under such section 108 if the issuer's total outstanding notes or obligations guaranteed under that section (excluding any amount defeased under the contract entered into under section 108(d)(1)(A) of the Housing and Community Development Act of 1974 (42 U.S.C. 5308(d)(1)(A))) would thereby exceed an amount equal to 5 times the amount of the grant approval for the issuer pursuant to section 106 or 107 of the Housing and Community Development Act of 1974, if the issuer's total outstanding notes or obligations guaranteed under that section (excluding any amount defeased under the contract entered into under section 108(d)(1)(A) of the Housing and Community Development Act of 1974 (42 U.S.C. 5308(d)(1)(A))) would not thereby exceed an amount equal to 6 times the amount of the grant approval for the issuer pursuant to section 106 or 107 of the Housing and Community Development Act of 1974, if the additional grant amount is used only for the purpose of acquiring or transferring the ownership of the production facility located at the following address in order to maintain production: One Prince Avenue, Lowell, Massachusetts 01852.

### SEC. 412. PROHIBITION ON USE OF ASSISTANCE FOR EMPLOYMENT RELOCATION ACTIVITIES.

Section 105 of the Housing and Community Development Act of 1974 (42 U.S.C. 5305) is amended by adding at the end the following:

"(h) PROHIBITION ON USE OF ASSISTANCE FOR EMPLOYMENT RELOCATION ACTIVITIES.—Notwithstanding any other provision of law, no amount from a grant under section 106 made in fiscal year 1997 or any succeeding fiscal year may be used to directly assist in the relocation of any industrial or commercial plant, facility, or operation, from 1 area to another area, if the relocation is likely to result in an increase in the unemployment rate in the labor market area from which the relocation occurs.".

### SEC. 413. USE OF HOME FUNDS FOR PUBLIC HOUSING MODERNIZATION.

Notwithstanding section 212(d)(5) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12742(d)(5)), amounts made available to the City of Bismarck, North Dakota or the State of North Dakota, under subtitle A of title II of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12741 et seq.) for fiscal year 1998, 1999, 2000, 2001, or 2002, may be used to carry out activities authorized under section 14 of the United States Housing Act of 1937 (42 U.S.C. 1437l) for the purpose of modernizing the Crescent Manor public housing project located at 107 East Bowen Avenue, in Bismarck, North Dakota, if—

(1) the Burleigh County Housing Authority (or any successor public housing agency that owns or operates the Crescent Manor public housing project) has obligated all other Federal assistance made available to that public housing agency for that fiscal year; or

(2) the Secretary of Housing and Urban Development authorizes the use of those amounts for the purpose of modernizing that public housing project, which authorization may be made with respect to 1 or more of those fiscal years.

### SEC. 414. REPORT ON SINGLE FAMILY AND MULTIFAMILY HOMES.

Not later than March 1, 1998, the Inspector General of the Department of Housing and Urban Development shall submit to Congress a report, which shall include information relating to—

(1) with respect to 1- to 4-family dwellings owned by the Department of Housing and Urban Development as of November 1, 1997—

(A) the total number of units in those dwellings;

(B) the number and percentage of units in those dwellings that are unoccupied, and their average period of vacancy, as of that date; and

(C) the number and percentage of units in those dwellings that have been unoccupied for more than 1 year, as of that date;

(2) with respect to multifamily housing projects (as that term is defined in section 203 of the Housing and Community Development Amendments of 1978) owned by the Department of Housing and Urban Development as of November 1, 1997—

(A) the total number of units in those projects;

(B) the number and percentage of units in those projects that are unoccupied, and their average period of vacancy, as of that date;

(C) the number and percentage of units in those projects that have been unoccupied for more than 1 year, as of that date; and

(D) the number and percentage of units in those projects that are determined by the Inspector General to be substandard, based on any—

(i) lack of hot or cold piped water;

(ii) lack of working toilets;

(iii) regular and prolonged breakdowns in heating;

(iv) dangerous electrical problems;

(v) unsafe hallways or stairways;

(vi) leaking roofs, windows, or pipes;

(vii) open holes in walls and ceilings; and

(viii) indications of rodent infestation;

(3) the causes of the vacancies described in subparagraphs (B) and (C) of paragraph (1), and subparagraphs (B) and (C) of paragraph (2), and the programs of the Department of Housing and Urban Development that are, as of November 1, 1997, targeted to rectifying those causes; and

## NOTICE OF HEARING

COMMITTEE ON RULES AND ADMINISTRATION

Mr. WARNER. Mr. President, I wish to announce that the Committee on Rules and Administration will hold a business meeting in SR–301, Russell Senate Office Building, on Wednesday, October 1, 1997, at 10 a.m. concerning the contested election for U.S. Senator from Louisiana.

For further information concerning this business meeting, please contact Bruce Kasold of the committee staff at 4–3448.

## ADDITIONAL STATEMENTS

## THE NATIONAL GUARD

• Mr. WARNER. Mr. President, as we are all well aware, sustained military operations around the world, coupled with declining numbers of active duty personnel, have required the Defense Department to rely more and more on the National Guard. Guard units and air assets have been called to active duty by the President and deployed throughout the world with increasing frequency. Serving directly with their active duty counterparts, National Guard units today are in every military theater. Theater commanders have continually stated that it would be a challenge to efficiently execute their operations without the Guard.

Two weeks ago, I had the privilege of attending a parade in honor of Virginia National Guard soldiers who have been recalled to support Operation Joint Guard, the ongoing NATO mission in the former Yugoslavia. The unit is Company C, 3–116th Infantry Battalion from the 29th Infantry Division and their mission will be to secure the base camp and Sava River bridge in Slavonski-Brod, Croatia. The 129 soldiers of this company will be deployed for up to 270 days. This is the first time an infantry unit has been mobilized under a Presidential callup for the Bosnia operation. I am very proud of this unit and all of the Commonwealth's National Guardsmen.

With the expanded role of the National Guard, I personally support greater recognition of the National Guard chief. Guardsmen from the Commonwealth and across the United States require strong leadership which can make their concerns known to the active duty military and ensure that the Guard is ready to perform its important missions. As always, these citizen-soldiers have committed themselves to be ready on a moment's notice. They must have a leader of sufficient rank and stature to effectively advocate their cause.

Recently, Senator STEVENS delivered remarks to the National Guard Association on the role of the National Guard Bureau chief. Senator STEVENS' remarks highlight the important issues facing the National Guard today and why it is necessary for their chief to receive a place at the table with his active duty counterparts. I am submitting Senator STEVENS' remarks for the RECORD and I encourage my colleagues to take a moment and review his thoughtful comments.

The remarks follow:

REMARKS OF SENATOR TED STEVENS

Thank you for the recognition and honor you confer on me today.

The Harry S. Truman Award, unlike any other, reflects the input of leaders from the 54 association chapters from every corner of America.

There is no organization with whom I have worked more closely than the National Guard Association during my 17 years as chairman or ranking member of the Senate Defense Appropriations Subcommittee.

This award reflects the tutelage I received from a previous recipient of this honor, my close friend and mentor, John Stennis.

The insight and wisdom of my great friend, compounded by my own experience working with the Alaska National Guard, founded my belief that the Guard serves as an essential pillar of our national security.

Over the years, we have worked to modernize during the buildup led by President Reagan in the 1980's, and now realign force structure during the 1990's.

Our efforts reflect a determination to fulfill the vision of our Nation's Founding Fathers—that our national defense be maintained and preserved by citizen soldiers—by all Americans.

The National Guard, and the National Guard Association of the United States, are the embodiment of that guiding principle in our Constitution.

Your conference here in Albuquerque serves to refresh, and reforge, our mutual commitment to ensure the National Guard grows in capability and stature within our national security establishment.

While the Guard faces some tough trials in the weeks and months ahead, there is genuine reason for optimism that our efforts will succeed.

A major factor contributing to this optimism is the bipartisan budget agreement, negotiated by my good friend, Senator PETE DOMENICI, who is with us here today.

This compact should give us 5 years of stability in defense funding—we've not enjoyed these circumstances since the early 1980's.

With predictable spending levels, Secretary Bill Cohen and the Joint Chiefs may plan and implement force realignment and modernization plans.

Our job now is to assure Guard participation in the allocation of resources and to modernize the force as we enter the 21st century.

You have many real friends to turn to in this effort.

We've just heard from one of our most important friends, Joe Ralston.

You don't need to hear from me how Joe feels about the National Guard. Just ask Ed Baca, Jake Lestenkof, or Hugh Cox.

Secretary Cohen knows first hand what the Guard means to all our States, and is a genuine ally in the Senate on Guard issues—he listens with a sympathetic ear. You'll hear from General Reimer tomorrow. You'll find him a true friend also.

Your job, and mine, is to help these friends effectively advocate the Guard's interests and priorities.

Now, more than ever before, the National Guard must function as a total partner in the total force. We cannot permit the National Guard to struggle for resources—it needs the total support of the Army and Air Force.

The Army and Air Force can only achieve their missions—our National Security missions—with the total participation and support of the National Guard. It's a two-way street, and our system simply won't work any other way.

Recent missions in Bosnia, Southwest Asia, Haiti, and Korea make apparent this axiom.

Each of you knows the extraordinary service performed by Air and Army National Guard units overseas. On my own visits to these forces, every CINC has extolled the performance, readiness, and dedication of the National Guard Forces assigned to their commands. That is the success story of our total force.

While undertaking these military missions, the National Guard continues to serve its State role. Everyone of us here understands the unique status the Guard holds as an arm or our State governments. Whether responding to natural disasters, or managing the youth challenge program performing so successfully, the National Guard serves our communities every day.

To ensure the representation of the National Guard at the highest levels of DOD, I authored an amendment sponsored by 48 other Senators. This legislation would change the rank, and role, of the Chief of the National Guard Bureau. That amendment passed the Senate without any objection, and awaits final resolution on the Defense authorization bill.

We succeeded in passing this legislation in large part because of the work of the Guard, the association, and the adjutants general.

The expanded role of the Guard, and its relative size within the military, should be reflected in an appropriate rank for the chief. Resolution of this issue must include a voice—and a seat at the table—for the National Guard, when the Secretary and the Joint Chiefs make force structure and resource decisions that impact the Guard.

The details of my suggestion are yet to be resolved. Our goal is to assure that the National Guard leader is equal in rank and capability to the members of the Joint Chiefs.

Achieving this priority is only meaningful if we improve and build on relations between the Army, the National Guard, and the Army Reserve.

This initiative is meant to build bridges, and expand the dialog and understanding by Pentagon leaders of the Guard's needs and capabilities.

If by doing so, we burn bridges behind us, we will achieve little in the end. We must achieve change—change that all parties can live with, and will commit to work together to achieve.

We continue to need your support and active involvement—you will make the difference in the end. You and your force meet more Americans every day than all other military forces put together. You need to support adequate funding levels for all defense activities, including the Coast Guard.

You need to tell the chamber of commerce, the Rotary, the Lions, the Kiwanis Clubs, and the PTA's what America needs is a ready defense force. You are part of that force.

Again, let me thank you for honoring me today with the Truman Award. I am humbled by your recognition of my efforts.

I will continue to be your partner, and advocate, in the years to come.•

## COMMEMORATION OF LAWSUIT ABUSE AWARENESS WEEK

• Mr. ROCKEFELLER. Mr. President, today I recognize a growing group of concerned citizens in West Virginia working to educate the public about their concerns over the costs of what they refer to as "lawsuit abuse."

In many areas of West Virginia, local supporters of Citizens Against Lawsuit Abuse have given their time on a volunteer basis to speak out about an issue that has statewide and national implications. The costs of lawsuits can include higher costs for consumer products, higher medical expenses, higher taxes, and fewer jobs, due to lost business expansion and forgone product development. At the same time, the legal system must provide avenues for recourse and justice. Together, leaders and citizens must try to achieve consensus in ensuring that our system is balanced and fair to all.

Citizens Against Lawsuit Abuse has a straightforward goal. They want to help the public prevent unnecessary lawsuits.

When West Virginians see a problem, we work to make people aware of it, and we try to make it right. CALA members are citizens who believe they see harm to our society brought on by certain unnecessary lawsuits and excessive awards that can cripple a small business or strip an individual of his or her life savings. CALA supporters emphasize that they want to make sure that persons with a real need for the civil justice system have access to the courts. Public opinion surveys in our state have shown that a majority of responsible citizens want their legal system to be more fair, more effective, and more sensible, to serve everyone's interests.

These nonprofit CALA groups have raised local funds to run educational media announcements and are speaking to local organizations and citizen groups across the State to raise public awareness of the issue that they call "lawsuit abuse."

Supporters of CALA also encourage that citizens do their part by serving on juries when they are called. To help encourage the youth of West Virginia to become responsible citizens when they reach adulthood, CALA groups have offered scholarship grants to students through an essay contest on the subject of importance of jury service.

While the local groups have thousands of supporters, there are few individuals who should be recognized for their ongoing leadership and for dedicating countless volunteer hours in the past year. These individuals are Cuz Blake of Bridgeport, chairman and founding member of CALA of Northern West Virginia, and Robert Mauk of Huntington, chairman and founding member of CALA of Southern West Virginia. Many others have given their time and energy to these public watchdog groups as well, persons such as Sid Davis of Charleston who, despite having to take time off recently for health reasons, has returned to his volunteer position as an officer of CALA of Southern West Virginia.

Citizens Against Lawsuit Abuse groups have declared September 21 through September 27, 1997, to be Lawsuit Abuse Awareness Week in West Virginia. I commend all of the individuals who are involved in Citizens Against Lawsuit Abuse for their involvement in civic affairs and their efforts to promote constructive action in a policy area they care about.

As someone who has been a leader for a balanced, responsible form of product liability reform, I continue to hope for the kind of education, dialogue, and consensus-building clearly needed to address problems in our legal system that hurt consumers, victims, and the private sector. I encourage CALA to continue raising these issues and promoting solutions that ensure justice and improve the legal system. West Virginia and the country as a whole need informed, educated, and dedicated citizens to help elected officials address serious issues and achieve proper reforms when necessary.•

## RIGHT TO LIFE OF MICHIGAN

• Mr. ABRAHAM. Mr. President, I rise today to honor those of Right to Life of Livingston County, Inc. and Right to Life of Michigan for their enduring commitment and dedication to one of today's most important social issues.

Mr. President, to those of us who are pro-life, being pro-life means protecting our families and respecting the sanctity of life. It also means maintaining the central role of the family in all our lives. I would like to take this opportunity to thank those of Right to Life of Michigan for their perseverance in support of those goals. Unfortunately, we still must spend much of our time in the political sphere, arguing against laws that promote the taking of unborn human lives, and I am grateful for all their efforts in that area as well.

Ending the tragedy of abortion will not be easy. But groups like Right to Life of Livingston County, National Right to Life of Michigan, and the National Right to Life Committee, are fighting a winning battle. By their example, as well as their arguments, they are showing the power and the beauty of human life.•

• Mr. WYDEN. Mr. President, retinal degenerative diseases affect more than six million Americans. This number is expected to climb beyond 10 million as the baby boomers age. This is a vision timebomb and I have witnessed its devastating impact on many of our senior citizens. September 27, 1997 marks World Retina Day, a day in which organizations around the world dedicated to finding the cures for retinal degenerative diseases join together to call attention to the collaborative research that is being done internationally.

The most common retinal disease is age-related macular degeneration (AMD) which is the leading cause of vision loss in adults over the age of 60. Individuals with AMD not only lose their central vision, but also their ability to read, drive and in many cases they lose their sense of independence. Retinitis Pigmentosa (RP) is a genetic disease that steals the sight of the young, robbing them in the prime of their life, their night vision and then their peripheral vision. RP is a progressive disease, leading in most cases to blindness. There is no treatment to stop the progression of this disease. Usher's Syndrome is also a genetic disease and it is the leading cause of deaf-blindness in the United States. This again shows up in our young, robbing them of vision and hearing. The suffering to the patients and their families is incalculable.

Due to the work funded by the National Eye Institute at the National Institute of Health, and organizations such as the Foundation Fighting Blindness and similar organizations worldwide, significant progress in research has been made. Just this past week a stunning research breakthrough was announced. Scientists have discovered gene mutations that cause AMD. This landmark finding offers the first concrete evidence that AMD is genetically linked. There is now hope that by the time the generation of the baby boomers reaches age 60, in about 10 years, that there will be a genetic treatment for AMD. If a treatment is found, we will see a return on our investments in eye research, and the savings to the budget in terms of health care costs will be significant.

With the international collaboration among researchers who represent a broad spectrum of highly specialized scientific disciplines, great strides have been made in understanding AMD, RP, Usher's syndrome and related retinal degenerative diseases. International breakthroughs and collaboration in research warrant the recognition of World Retina Day. I am hopeful that there is a cure in sight. I believe that as we continue to fund medical research, diseases such as these will become eradicated and remembered only in the archives of medical history.•

## TRIBUTE TO SOUTHWEST MISSOURI STATE UNIVERSITY

• Mr. BOND. Mr. President, I stand before you today to pay tribute to a truly outstanding University in my home State of Missouri, Southwest Missouri State University (SMSU). SMSU was one of 135 schools in 42 states selected to the John Templeton Foundation Honor Roll, "a designation recognizing colleges and universities that emphasize character building as an integral part of the college experience."

Being the only public institution in Missouri to earn the 1997–98 Honor Roll distinction, SMSU is also one of the eight state-funded schools to receive the award nationwide. Schools competing for the Honor Roll were judged on five criteria and out of 2,208 four-year accredited undergraduate institutions only the top few were chosen. One of the categories where SMSU stood out was in community service. During the 1996–97 school year the SMSU campus, including the faculty and students, volunteered more than 69,500 hours.

It is an honor for the entire State of Missouri to have a University like SMSU, whose service and character-building programs have earned it this distinguished award. I commend SMSU's President, Dr. John Kaiser, for his commitment to excellence and hope for continued success in the future.•

## JUDGE ROBERT AND HELENE BRANG GOLDEN ANNIVERSARY

• Mr. ABRAHAM. Mr. President, I rise today to congratulate Judge Robert and Helene Brang on the occasion of their Golden Wedding Anniversary. A long and successful marriage is truly a cause for celebration, well worthy of recognition by the United States Senate. Their commitment to each other and their family is commendable and a great contribution to the tradition of strong American families.

Robert Francis Brang and Helene Marie Foley met at the University of Detroit while both were students. Helene was a reporter for the Varsity News and Bob was the President of the Student Union. They met on the steps of the Commerce and Finance Building when Helene approached him for an interview.

They were married at St. Scholastica's Catholic Church in Detroit on October 4, 1947. In 1956, Robert and Helene moved their growing family from their home in Detroit to Redford Township where they reside to this day. Bob practiced law and Helene reared 8 wonderful children. In 1968, Bob was elected a Judge for the 17th District Court and retained that position until his retirement.

Mr. President, on October 4, Robert and Helene will have celebrated fifty years together. Their children—Kathleen, Robert, Mary, William, Barry, Stephen, Daniel, and Patrick—along with their twelve grandchildren—Diana, Laura, Rob, Patrick, Amy, Beth, Adam, Kellie, Sarah, Kaitlyn, Dakota, and Austin—will join with them in celebration.

Martin Luther once wrote: "There is no more lovely, friendly and charming relationship, communion or company than a good marriage." Robert and Helene are blessed to enjoy such a strong and enduring bond. On behalf of the United States Senate, I wish them a happy anniversary and many more years of joy.•

## ESTUARY HABITAT RESTORATION PARTNERSHIP ACT OF 1997

• Mr. CHAFEE. Mr. President, yesterday I introduced S. 1222. I ask that the text of the bill be printed in the RECORD.

The text of the bill follows:

S. 1222

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### SECTION 1. SHORT TITLE.

This Act may be cited as the "Estuary Habitat Restoration Partnership Act of 1997".

### SEC. 2. FINDINGS.

Congress finds that—

(1) the estuaries and coastal regions of the United States are home to half the population of the United States;

(2) the traditions, economy, and quality of life of many communities depend on the natural abundance and health of the estuaries;

(3) approximately 75 percent of the commercial fish and shellfish of the United States depend on estuaries at some stage in their life cycle;

(4) the varied habitats of estuaries and other coastal waters provide jobs to 28,000,000 United States citizens in commercial and sport fishing, tourism, recreation, and other industries, with fishing alone contributing $111,000,000,000 to the United States economy each year;

(5) despite the many values of estuaries, estuaries are gravely threatened by estuary habitat alteration and loss;

(6) the accumulated loss of estuary habitat, reaching over 90 percent in some estuaries, threatens the ecological and economic bounty of regions experiencing the loss, and can be reversed only by action to restore lost and degraded estuary habitat;

(7) the demands on Federal, State, and local funding for estuary habitat restoration activities exceed available resources and prompt serious concerns about the ability of the United States to restore estuary habitat vital to efforts to restore, preserve, and protect the health of estuaries;

(8) successful restoration of estuaries demands the full coordination of Federal and State estuary habitat restoration programs;

(9) to succeed in restoring estuaries, it is important to link estuary habitat restoration projects to broader ecosystem planning in order to establish restoration programs that are effective in the long term;

(10) efficient leveraging of scarce public resources and new and innovative market-based funding for estuary habitat restoration activities would generate real returns on investments for communities through improvement of the vibrancy and health of estuaries;

(11) the Federal, State, and private cooperation in estuary habitat restoration activities in existence on the date of enactment of this Act should be strengthened and new public and public-private estuary habitat restoration partnerships established; and

(12) such new partnerships would help ensure the ecological and economic vibrancy of estuaries for the benefit of future generations.

### SEC. 3. PURPOSES.

The purposes of this Act are—

(1) to establish a voluntary, community-driven, incentive-based program that will catalyze the restoration of 1,000,000 acres of estuary habitat by 2010;

(2) to encourage enhanced coordination and leveraging of Federal, State, and community estuary habitat restoration programs, plans, and studies;

(3) to establish effective estuary habitat restoration partnerships among public agencies at all levels of government and between the public and private sectors;

(4) to promote efficient financing of estuary habitat restoration activities to help better leverage limited Federal funding; and

(5) to develop and enhance monitoring and maintenance capabilities designed to ensure that restoration efforts build on the successes of past and current efforts and scientific understanding.

### SEC. 4. DEFINITIONS.

In this Act:

(1) Collaborative council.—The term "Collaborative Council" means the interagency council established by section 5.

(2) Degraded estuary habitat.—The term "degraded estuary habitat" means estuary habitat where natural ecological functions have been impaired and normal beneficial uses have been reduced.

(3) Estuary.—The term "estuary" means—

(A) a body of water in which fresh water from a river or stream meets and mixes with salt water from the ocean; and

(B) the physical, biological, and chemical elements associated with such a body of water.

(4) Estuary habitat.—

(A) In general.—The term "estuary habitat" means the complex of physical and hydrologic features and living organisms within estuaries and associated ecosystems.

(B) Inclusions.—The term "estuary habitat" includes salt and fresh water coastal marshes, coastal forested wetlands and other coastal wetlands, tidal flats, natural shoreline areas, shellfish beds, sea grass meadows, kelp beds, river deltas, and river and stream banks under tidal influence.

(5) Estuary habitat restoration activity.—

(A) In general.—The term "estuary habitat restoration activity" means an activity that results in improving degraded estuary habitat (including both physical and functional restoration), with the goal of attaining a self-sustaining, ecologically based system integrated into the surrounding landscape.

(B) Included activities.—The term "estuary habitat restoration activity" includes—

(i) the reestablishment of physical features and biological and hydrologic functions;

(ii) except as provided in subparagraph (C)(ii), the cleanup of contamination;

(iii) the control of nonnative and invasive species;

(iv) the reintroduction of native or ecologically beneficial species through planting or natural succession; and

(v) other activities that improve estuary habitat.

(C) Excluded activities.—The term "estuary habitat restoration activity" does not include—

(i) an act that constitutes mitigation for the adverse effects of an activity regulated or otherwise governed by Federal or State law; or

(ii) an act that constitutes satisfaction of liability for natural resource damages under any Federal or State law.

(6) Estuary habitat restoration project.—The term "estuary habitat restoration project" means an estuary habitat restoration activity under consideration or selected by the Collaborative Council, in accordance with this Act, to receive financial, technical, or another form of assistance.

(7) Estuary habitat restoration strategy.—The term "estuary habitat restoration strategy" means the estuary habitat restoration strategy developed under section 6(a).

(8) Federal estuary management or habitat restoration plan.—The term "Federal estuary management or habitat restoration plan" means any Federal plan for restoration of degraded estuary habitat that—

(A) was developed by a public body with the substantial participation of appropriate public and private stakeholders; and

(B) reflects a community-based planning process.

(9) Person.—The term "person" includes an entity of a Federal, State, or local government, an Indian tribe, an entity organized or existing under the law of a State, and a nongovernmental organization.

(10) Secretary.—The term "Secretary" means the Secretary of the Army, or a designee.

(11) Under secretary.—The term "Under Secretary" means the Under Secretary for Oceans and Atmosphere of the Department of Commerce, or a designee.

### SEC. 5. ESTABLISHMENT OF COLLABORATIVE COUNCIL.

(a) Collaborative Council.—There is established an interagency council to be known as the "Estuary Habitat Restoration Collaborative Council".

(b) Membership.—The Collaborative Council shall be composed of the Secretary, the Under Secretary, the Administrator of the Environmental Protection Agency, the Secretary of the Interior (acting through the Director of the United States Fish and Wildlife Service), the Secretary of Agriculture, and the Secretary of Transportation, or their designees.

(c) Convening of Collaborative Council.—The Secretary shall—

(1) convene the first meeting of the Collaborative Council not later than 30 days after the date of enactment of this Act; and

(2) convene additional meetings as often as appropriate to ensure that this Act is fully carried out, but not less often than quarterly.

(d) Collaborative Council Procedures.—

(1) Quorum.—Three members of the Collaborative Council shall constitute a quorum.

(2) Voting and meeting procedures.—The Collaborative Council shall establish procedures for voting and the conduct of meetings by the Council.

### SEC. 6. DUTIES OF COLLABORATIVE COUNCIL.

(a) Estuary Habitat Restoration Strategy.—

(1) In general.—

(A) Development.—Not later than 1 year after the date of enactment of this Act, the Collaborative Council, in consultation with representatives from coastal States and nonprofit organizations with expertise in estuary habitat restoration, shall develop an estuary habitat restoration strategy designed to ensure a comprehensive approach to the selection and prioritization of estuary habitat restoration projects and the full coordination of Federal and non-Federal activities related to restoration of estuary habitat.

(B) Provision of national framework.—The estuary habitat restoration strategy shall provide a national framework for estuary habitat restoration activities by—

(i) identifying existing estuary habitat restoration plans;

(ii) integrating overlapping estuary habitat restoration plans; and

(iii) identifying appropriate processes for the development of estuary habitat restoration plans where needed.

(2) Integration of previously authorized estuary habitat restoration plans, programs, and partnerships.—In developing the estuary habitat restoration strategy, the Collaborative Council shall—

(A) conduct a review of—

(i) Federal estuary management or habitat restoration plans; and

(ii) Federal programs established under other law that provide funding for estuary habitat restoration activities;

(B) develop, based on best management practices, a framework for fully coordinating and streamlining the activities of the Federal plans and programs referred to in subparagraph (A);

(C) develop a set of proposals for—

(i) using programs established under this or any other Act to maximize the incentives for the creation of new public-private partnerships to carry out estuary habitat restoration projects; and

(ii) leveraging Federal resources to encourage increased private sector involvement in estuary habitat restoration activities; and

(D) ensure that the estuary habitat restoration strategy is developed and will be implemented in a manner that is consistent with the findings and requirements of Federal estuary management or habitat restoration plans.

(3) ELEMENTS TO BE CONSIDERED.—Consistent with the requirements of this section, the Collaborative Council, in the development of the estuary habitat restoration strategy, shall consider—

(A) the contributions of estuary habitat to—

(i) wildlife, including endangered and threatened species, migratory birds, and resident species of an estuary watershed;

(ii) fish and shellfish, including commercial and sport fisheries;

(iii) surface and ground water quality and quantity, and flood control;

(iv) outdoor recreation; and

(v) other areas of concern that the Collaborative Council determines to be appropriate for consideration;

(B) the estimated historic losses, estimated current rate of loss, and extent of the threat of future loss or degradation of each type of estuary habitat;

(C) the most appropriate method for selecting estuary habitat restoration projects essential to—

(i) the proper protection and preservation of an estuary ecosystem;

(ii) the implementation of a Federal estuary management or habitat restoration plan; or

(iii) the selection by the Collaborative Council of an appropriate balance of smaller and larger estuary habitat restoration projects; and

(D) procedures to minimize duplicative and conflicting application requirements for public and private landowners seeking assistance for estuary habitat restoration activities.

(4) COMMUNITY ADVICE.—The Collaborative Council shall seek the advice of experts in restoration of estuary habitat from the private, including nonprofit, sectors to assist in the development of an estuary habitat restoration strategy.

(5) PUBLIC REVIEW AND COMMENT.—Before adopting a final estuary habitat restoration strategy, the Collaborative Council shall publish in the Federal Register a draft of the estuary habitat restoration strategy and provide an opportunity for public review and comment.

(b) ESTABLISHMENT OF PROJECT APPLICATION AND SELECTION CRITERIA.—

(1) IN GENERAL.—Consistent with the other provisions of this section, the Collaborative Council shall establish—

(A) application procedures to be followed by States and other non-Federal persons to nominate estuary habitat restoration activities for consideration by the Collaborative Council for assistance under this Act;

(B) criteria for determining eligibility for financial assistance under this Act for an estuary habitat restoration project;

(C) application procedures and criteria for granting a reduction in the minimum non-Federal share requirement, in accordance with section 7(d)(2); and

(D) such other criteria as the Collaborative Council determines to be reasonable and necessary in carrying out this Act.

(2) PROPOSALS.—A proposal for an estuary habitat restoration project shall originate from a non-Federal person and shall require, when appropriate, the approval of State or local agencies.

(3) FACTORS TO BE TAKEN INTO ACCOUNT.—The criteria established under paragraph (1) shall provide for the consideration of the following factors in determining the eligibility of an estuary habitat restoration project for financial assistance under this Act and in prioritizing the selection of estuary habitat restoration projects by the Collaborative Council:

(A) Whether the proposed estuary habitat restoration project meets the criteria specified in the estuary habitat restoration strategy.

(B) The technical merit and feasibility of the proposed estuary habitat restoration project.

(C) Whether the non-Federal persons proposing the estuary habitat restoration project can provide satisfactory assurances that they will have adequate personnel, funding, and authority to carry out and properly maintain the estuary habitat restoration project.

(D) Whether, in the State in which a proposed estuary habitat restoration project is to be carried out, there is a State dedicated source of funding for programs to acquire or restore estuary habitat, natural areas, and open spaces.

(E) Whether the proposed estuary habitat restoration project will encourage the increased coordination and cooperation of Federal, State, and local Government agencies.

(F) The level of private matching fund or in-kind contributions to the estuary habitat restoration project.

(G) Whether the proposed habitat restoration project includes a monitoring plan to ensure that short-term and long-term restoration goals are achieved.

(H) Other factors that the Collaborative Council determines to be reasonable and necessary for consideration.

(4) PRIORITY ESTUARY HABITAT RESTORATION PROJECTS.—

(A) DESIGNATION.—The Collaborative Council may designate an estuary habitat restoration project as a priority estuary habitat restoration project if, in addition to meeting the selection criteria specified in this section—

(i) the estuary habitat restoration project addresses a restoration goal identified in the estuary habitat restoration strategy;

(ii) the estuary habitat restoration project is part of an approved Federal estuary management or habitat restoration plan;

(iii) the non-Federal share with respect to the estuary habitat restoration project exceeds 50 percent; or

(iv) there is a nonpoint source program upstream of the estuary habitat restoration project that addresses upstream sources that would otherwise re-impair the restored habitat.

(B) EFFECT OF DESIGNATION.—A priority estuary habitat restoration project shall be given a higher priority in receipt of funding under this Act.

(c) INTERIM ACTIONS.—

(1) IN GENERAL.—Pending completion of the estuary habitat restoration strategy developed under subsection (a), the Collaborative Council may pay the Federal share of the cost of an interim action to carry out an estuary habitat restoration activity.

(2) FEDERAL SHARE.—The Federal share shall not exceed 25 percent.

(d) COOPERATION OF NON-FEDERAL PARTNERS.—

(1) IN GENERAL.—The Collaborative Council shall not select an estuary habitat restoration project until each non-Federal interest has entered into a written cooperation agreement in accordance with section 221(a) of the Flood Control Act of 1970 (42 U.S.C. 1962d-5b(a)).

(2) MAINTENANCE AND MONITORING.—A cooperation agreement entered into under paragraph (1) shall provide for maintenance and monitoring of the estuary habitat restoration project to the extent determined necessary by the Collaborative Council.

(e) LEAD COLLABORATIVE COUNCIL MEMBER.—The Collaborative Council shall designate a lead Collaborative Council member for each proposed estuary habitat restoration project. The lead Collaborative Council member shall have primary responsibility for overseeing and assisting others in implementing the proposed project.

(f) AGENCY CONSULTATION AND COORDINATION.—

(1) IN GENERAL.—In carrying out this section, the Collaborative Council shall consult with, cooperate with, and coordinate its activities with the activities of other appropriate Federal agencies, as determined by the Collaborative Council.

(2) USE OF COORDINATING MECHANISMS.—The Collaborative Council shall work to ensure that Federal agency coordinating and streamlining mechanisms established under other law are fully used in cases in which the Collaborative Council determines the use of the mechanisms to be appropriate.

(g) BENEFITS AND COSTS OF ESTUARY HABITAT RESTORATION PROJECTS.—The Collaborative Council shall evaluate the benefits and costs of estuary habitat restoration projects in accordance with section 907 of the Water Resources Development Act of 1986 (33 U.S.C. 2284).

(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Department of the Army for the administration and operation of the Collaborative Council $4,000,000 for each fiscal year.

### SEC. 7. COST SHARING OF ESTUARY HABITAT RESTORATION PROJECTS.

(a) IN GENERAL.—No financial assistance in carrying out an estuary habitat restoration project shall be available under this Act from any Federal agency unless the non-Federal applicant for assistance demonstrates to the satisfaction of the Collaborative Council that the estuary habitat restoration project meets—

(1) the requirements of this Act; and

(2) any criteria established by the Collaborative Council under this Act.

(b) FEDERAL SHARE.—

(1) IN GENERAL.—Except as provided in paragraph (2), for each fiscal year, the Federal share of the cost of an estuary habitat restoration project assisted under this Act shall be not less than 25 percent and not more than 65 percent.

(2) INCREASED FEDERAL SHARE.—In the case of an estuary habitat restoration project with respect to which the applicant demonstrates need under subsection (d)(2), the Federal share of the cost of the project shall not exceed 75 percent.

(c) PAYMENT OF FEDERAL SHARE UNDER OTHER LAW.—The Collaborative Council may use funds made available under this Act to pay all or part of the Federal share of the cost of an estuary habitat restoration activity eligible for funding under a program established under another provision of law, if the activity would also be eligible for funding under this Act as an estuary habitat restoration project.

(d) NON-FEDERAL SHARE.—

(1) IN-KIND CONTRIBUTIONS.—The non-Federal share of the cost of an estuary habitat restoration project may be provided in the form of land, easements, rights-of-way, services, or any other form of in-kind contribution determined by the Collaborative Council to be an appropriate contribution equivalent to the monetary amount required for the non-Federal share of the estuary habitat restoration project.

(2) REDUCED NON-FEDERAL SHARE.—An applicant for assistance in carrying out an estuary habitat restoration project may submit an application for a reduction in the requirement of the payment of a non-Federal share of at least 35 percent, if the applicant submits a statement of need and demonstrates a need for a reduced non-Federal share in accordance with section 103(m) of the Water Resources Development Act of 1986 (33 U.S.C. 2213(m)).

(e) ALLOCATION OF FUNDS BY STATES TO POLITICAL SUBDIVISIONS.—With the approval of the Secretary, a State may allocate to any local government, area wide agency designated under section 204 of the Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. 3334), regional agency, or interstate agency, a portion of any funds disbursed by the Collaborative Council to the State for the purpose of carrying out an estuary habitat restoration project.

**SEC. 8. MONITORING AND MAINTENANCE OF ESTUARY HABITAT RESTORATION PROJECTS.**

(a) DATABASE OF RESTORATION PROJECT INFORMATION.—The Under Secretary shall maintain an appropriate database of information concerning estuary habitat restoration projects funded by the Collaborative Council, including information on project techniques, project completion, monitoring data, and other relevant information.

(b) REPORT.—

(1) IN GENERAL.—The Collaborative Council shall biennially submit a report to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives on the results of activities carried out under this Act.

(2) CONTENTS OF REPORT.—A report under paragraph (1) shall include—

(A) data on the number of acres of estuary habitat restored under this Act, including the number of projects approved and completed that comprise those acres;

(B) the percentage of restored estuary habitat monitored under a plan to ensure that short-term and long-term restoration goals are achieved;

(C) an estimate of the long-term success of varying restoration techniques used in carrying out estuary habitat restoration projects;

(D) a review of how the Collaborative Council has incorporated the information described in subparagraphs (A) through (C) in the selection and implementation of estuary habitat restoration projects;

(E) a review of efforts made by the Collaborative Council to maintain an appropriate database of restoration projects funded under this Act; and

(F) a review of the measures that the Collaborative Council has taken to provide the information described in subparagraphs (A) through (C) to persons with responsibility for assisting in the restoration of estuary habitat.

**SEC. 9. MEMORANDA OF UNDERSTANDING.**

In carrying out this Act, the Collaborative Council may—

(1) enter into cooperative agreements with persons; and

(2) execute such memoranda of understanding as are necessary to reflect the agreements.

**SEC. 10. DISTRIBUTION OF APPROPRIATIONS FOR ESTUARY HABITAT RESTORATION ACTIVITIES.**

The Secretary shall allocate funds made available to carry out this Act based on the need for the funds and such other factors as the Collaborative Council determines to be appropriate to carry out this Act.

**SEC. 11. AUTHORIZATION OF APPROPRIATIONS.**

(a) AUTHORIZATIONS OF APPROPRIATIONS UNDER OTHER LAW.—Funds authorized to be appropriated under section 908 of the Water Resources Development Act of 1986 (33 U.S.C. 2285) and section 206 of the Water Resources Development Act of 1996 (33 U.S.C. 2330) may be used by the Secretary in accordance with this Act to assist States and other non-Federal persons in carrying out estuary habitat restoration projects or interim actions under section 6(c).

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to carry out this Act—

(1) $40,000,000 for fiscal year 1999;

(2) $50,000,000 for fiscal year 2000; and

(3) $75,000,000 for each of fiscal years 2001 through 2003.

**SEC. 12. GENERAL PROVISIONS.**

(a) ADDITIONAL AUTHORITY FOR ARMY CORPS OF ENGINEERS.—The Secretary—

(1) may carry out estuary habitat restoration projects as determined by the Collaborative Council; and

(2) shall give estuary habitat restoration projects the same consideration (as determined by the Collaborative Council) as projects relating to irrigation, navigation, or flood control.

(b) INAPPLICABILITY OF CERTAIN LAW.—Sections 203, 204, and 205 of the Water Resources Development Act of 1986 (33 U.S.C. 2231, 2232, 2233) shall not apply to an estuary habitat restoration project selected in accordance with this Act.

(c) ESTUARY HABITAT RESTORATION MISSION.—The Secretary shall establish restoration of estuary habitat as a primary mission of the Army Corps of Engineers.

(d) FEDERAL AGENCY FACILITIES AND PERSONNEL.—

(1) IN GENERAL.—Federal agencies may cooperate in carrying out scientific and other programs necessary to carry out this Act, and may provide facilities and personnel, for the purpose of assisting the Collaborative Council in carrying out its duties under this Act.

(2) REIMBURSEMENT FROM COLLABORATIVE COUNCIL.—Federal agencies may accept reimbursement from the Collaborative Council for providing services, facilities, and personnel under paragraph (1).

(e) COLLABORATIVE COUNCIL ADMINISTRATIVE EXPENSES AND STAFFING.—Not later than 180 days after the date of enactment of this Act, the Comptroller General of the United States shall submit to Congress and the Secretary an analysis of the extent to which the Collaborative Council needs additional personnel and administrative resources to fully carry out its duties under this Act. The analysis shall include recommendations regarding necessary additional funding.

(f) APPLICATION OF AND CONSISTENCY WITH OTHER LAWS.—Except as specifically provided in this Act—

(1) nothing in this Act supersedes or modifies any Federal law in existence on the date of enactment of this Act; and

(2) each action by a Federal agency under this Act shall be carried out in a manner that is consistent with such law.●

## ORDERS FOR MONDAY, SEPTEMBER 29, 1997

Mr. McCONNELL. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in adjournment until the hour of 12 noon on Monday, September 29. I further ask that on Monday, immediately following the prayer, the routine requests through the morning hour be granted and the Senate immediately resume S. 25, the campaign finance reform bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

## PROGRAM

Mr. McCONNELL. Mr. President, on Monday, the Senate will resume the pending campaign finance reform bill. As a reminder to all Senators, no votes will occur during Monday's session of the Senate. The next vote will be at 11 a.m. on Tuesday, September 30, on the motion to invoke cloture on the Coats amendment concerning scholarships to the District of Columbia appropriations bill. Also during Tuesday's session of the Senate, the Senate will consider the continuing resolution. Therefore, votes will occur throughout the day on Tuesday.

## ORDER FOR ADJOURNMENT

Mr. McCONNELL. If there is no further business to come before the Senate, I now ask the Senate stand in adjournment under the previous order, following the remarks of Senator DORGAN.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota.

## BIPARTISAN CAMPAIGN REFORM ACT OF 1997

The Senate continued with the consideration of the bill.

Mr. DORGAN. Mr. President, this is truly what is called getting the last word, as I understand the unanimous consent agreement is for the adjourning of the Senate following my presentation.

I regret I was delayed. I wanted to be here to be involved in the back-and-forth discussion on campaign finance reform. Nonetheless, I am able to offer a few comments about some of the discussion we have had in the last few hours on this important issue.

It is important for everybody to understand that we are talking now about campaign finance reform, and we ought not take a victory lap by virtue of the fact that it is on the floor of the Senate. We are at the starting line, not the finish line. The starting line was to scratch and fight and prod to try to get campaign finance reform to the floor because a whole lot of people didn't want us to talk about it or to consider it.

Well, it is here, and now we are going to have some votes. I am going to offer amendments, some others will offer amendments, and we will see how people feel about reforming our campaign finance system in this country.

Much of the discussion in the last couple of hours has been by those who say they have constitutional objections to the McCain-Feingold bill, for example, and/or other proposals; that they somehow would violate the Constitution. Earlier in the week, 126 legal scholars weighed in saying, "Nonsense, this wouldn't violate the Constitution at all." In response to the scholars, one of my colleagues said, "Well, I suppose we could get 126 people who would tell us the Earth is flat." I imagine you could, but not constitutional scholars.

The issue here is people who understand the Constitution, people who study the Constitution, weighing in on this question of whether the proposals to change our system of campaign financing runs afoul of the Constitution. The answer, clearly, at least by 126 constitutional scholars is no, that's a bogus issue.

Mr. President, this issue of campaign finance reform is a critically important issue. I have served in public office for some long while, and I am proud to serve in public office. I am one of those who believes public service is important. I wake up in the morning and feel privileged to be able to serve in the U.S. Senate. I come to work enjoying my job. I have a thirst for public issues and public debate and a contest of ideas. I think this is an honorable profession. I enjoy serving here. I want to do the things to advance public policy in a way that gives the American people some confidence that those of us who serve here serve the public interest.

I want to tell a story briefly about the campaign I waged for the U.S. Senate, having served for some terms in the U.S. House of Representatives. I was better known than my opponent because I was an incumbent Congressman, although my opponent had run in statewide races previously. Nonetheless, we both were endorsed by our respective political conventions to run for the U.S. Senate.

So I called for something in public debate with my opponent that I thought was unique, unusual, and something that had never been done before in this country in a Senate campaign. I said to my opponent, Why don't you and I engage in a campaign that is the most unique and unusual that has been waged in modern times? Here's my proposition. I'm better known than you are because I've served in Congress and have run statewide a good number of times. I accept that. I will be better known than you are when we start this race. I propose this: I propose that I will not run any television commercials, no radio advertisements, no commercials of any kind during the entire campaign. You commit to do the same thing, and then what we do is we pool our money and we buy 8 hours of prime-time television on the stations that serve in North Dakota, and each week for 1 hour, we show up at a television station and have it simulcast across the stations in North Dakota; we show up with no assistants, no aides, no handlers, no notes, no research materials, just the two of us, and no moderator, and for 1 hour a week prime time that we pay for, we tell North Dakotans why we want to serve in the U.S. Senate and the kind of ideas that we have for the future of our State in this country; we debate the issues of the day, one on one, an hour a week prime time for 8 weeks leading up to the election.

At the end of 8 weeks, having an hour debate every week, prime time simulcast on all the stations, everyone in North Dakota would know who he is, how he feels about issues, how he reacts in response to a public debate about issues, and they would know who I am and how I respond to the same thing.

My opponent chose not to accept that challenge. So the result was we had a traditional campaign: He ran 30-second advertisements, the little slash-and-burn 30-second explosion that goes off in our minds that contribute nothing to the public knowledge. It is part of the air pollution in this country that happens every election year, that on television and on the radio, we hear these 30-second and 1-minute explosions that contribute nothing to the political dialog in America. So that is what happened in my Senate race.

I regret that was the case because we could have had a Senate race that would have hearkened back to the old days in which, without the 30-second slash-and-burn advertisements, we would have had live, prime-time debates without notes, without handlers, without moderators, just talking about what we believed was necessary to do to assure a better future for this country and for our children.

Election contests should, after all, be a contest of ideas, but it is not that these days. I have run in 10 statewide elections in North Dakota—10 of them. So I know something about statewide campaigns. They are not any longer contests of ideas. They are an opportunity for handlers and aides and gurus and assistants and pollsters and media advisers to put together these little explosions and put them on television, attempting to mischaracterize some other position or some other candidate.

Often, the television commercial that is paid for by a candidate has no explanation except a little line that no one can see on the bottom that the candidate is even sponsoring it. I have made some suggestions on how we should address that issue, just as an example, and I am going to offer it as an amendment and we will have a chance to vote on it in the Senate. Some will not like it. I don't know if it will prevail.

Here is what I think we should do. We, by law, say television stations are to provide what we call the lowest card rate for political advertising during certain political periods during campaigns. If you are running political campaigns and buying political time, you get the lowest rate on the rate card and you are guaranteed that by law. I am going to offer an amendment that I think will change the culture of these 30-second little slash-and-burn commercials that have become the trademark of American campaigns. Mine will be very simple. The only commercials in political advertising that will qualify for the lowest rate or lowest cost will be those that are at least 1 minute in length and on which the candidate appears on the commercial 75 percent of the time. If those two conditions are not met, they don't buy at the bottom of the rate card.

It costs them much, much more. Let us at least, if we are going to have a law that requires cutrate advertising prices, be afforded campaigns, as now exists in law, let us at least allow that to provide an incentive for the right kind of public discussion. No one who is thinking, in my judgment, can believe the right kind of public discourse in this country these days is the little 30-second pollution out there on television and radio that contributes nothing to public dialog; it simply attempts to cut down the other candidate and demean the other candidate, having nothing to do with the issues.

Am I suggesting those who run for public office ought to be free of public scrutiny and free of public criticism? Not at all, but we ought to provide some incentives in which the public gets a decent debate about public issues in our campaigns. So we will have an opportunity to vote on my amendment during this discussion.

I come to the floor of the Senate as a supporter of the McCain-Feingold legislation. Would I have written it differently? Yes, I think so. There are some things I would have changed substantially, but I have great admiration for Senator McCAIN and Senator FEINGOLD and for the persistence with which they bring this legislation to the floor of the Senate. They believe the current system of financing campaigns is broken and something ought to be done. There are some in the Senate who believe that things are just fine, let's just keep going just the way we are going, things are just terrific, and they don't want anybody to do anything to change what is now happening.

There is an old saying that the water "ain't" going to clear up until you get the hogs out of the creek. The only way we are going to clear up the water of campaign financing in this country is for those of us who believe that we need to change the method by which we finance campaigns in this country is if we are able to beat back, by voting on the Senate floor, the attempts of those who want to stall, once again, our ability to change this system.

Mr. President, I want to show a chart that describes better than all the words I can use what is wrong with our campaign financing system.

This is money in politics, an explosion of money in politics, spending on all congressional races, 1976 to 1996. And you say, "What's happening to this line?" Money in politics.

I wonder if when George Washington and Mason and Madison and Ben Franklin sat in that little room in Philadelphia and talked about what kind of a constitution they should create for this country, I wonder if they thought that we would get to this kind of situation where a representative democracy would see the election of those representatives part and parcel of a system in which there is an explosion of money and elections all too often become auctions rather than elections. I do not think so.

I do not think this represents the best of democracy. I do not think it represents something that we can be proud of, as those of us who participate. I think we ought to change it.

So the question for me and some others in this Chamber is not whether we address this issue and make some changes, the question is, What kind of changes should we make? The McCain-Feingold bill comes to the floor of the Senate—as I have indicated, I am a cosponsor but I might have written parts of it differently.

As I understand it, the specific McCain-Feingold proposal that is brought to the floor of the Senate now does not contain some of the central portions that I think are necessary in really making progress in reforming our campaign financing system.

For example, we have to, in my judgment, have expenditure limits on campaigns in order to be effective. There is too much money in politics. If we do not put spending limits on campaigns, then we are not going to solve the problem. I understand that the spending limits which were in the McCain-Feingold bill, which were voluntary spending limits, have been removed and we will now have to try to put them back in by amendment.

So the question for the Senate is going to be, Can we attach individual spending limits, State by State, to campaigns and enforce them in some way in this piece of legislation?

Originally, the legislation had what are called voluntary spending limits which had incentives in order to get people to say, "Yes, we'll accept spending limits." And the incentives persuading them to accept spending limits would then impose limits on the campaigns.

It is interesting, the Supreme Court in a case called Buckley versus Valeo ruled by a 5-4 decision that we cannot have spending limits that are enforceable in campaigns. I would like to see the Supreme Court revisit that issue, the 5-4 decision. Everybody has a right to be wrong. When the Supreme Court is wrong, of course, it is the law of the land.

The Supreme Court, in my judgment, was fundamentally wrong here. We really ought to have the Supreme Court review this once again—and I think we reach a different result. But, nonetheless, the result we now have in Buckley versus Valeo says that you cannot have enforceable spending limits. So the attempt has been to provide what are called voluntary spending limits and sufficient incentives in law that would persuade people to abide by and adopt those spending limits.

I think in the coming days it is going to be clear, with respect to the debate in the Senate, the difference between the two groups. I am not talking about Democrats and Republicans; I am talking about two groups of people. There is one group that says, "Look, things are fine. What do you mean, there's too much money in politics? Too much money spent on Rolaids or Kleenex," they will say. "Gee, we don't have enough money in politics."

There is another group that said, "Wait a second." I mean, it does not take glasses to see what is going on here. What has happened is an avalanche of money is thrown into this political system, and it is corrupting the system. If we cannot have some spending limits someplace, if we cannot, as a group, decide there is too much money in politics, if we cannot decide that this red line going nearly straight up represents the corrosive influence of money in politics, then we are not going to succeed. Yes, we got the bill to the floor of the Senate, but we will not succeed in solving the campaign finance problem that exists in this country.

So we will see now in the coming weeks, I suppose the coming 2 weeks, perhaps, when this is finally complete. There is a group that says, "Gee, things are terrific. Let's leave things the way they are. We like money. In fact, the more the merrier." They don't say it, but I think they are kind of concocting a golden rule—he who has the gold, rules. The fact is that we have one group that has twice as much as the other group, so they want the rules to admire that and suggest that that is just fine.

I suppose you can make the case that those who do not have as much money would like to put limits on those who do. But you know, the American people are eventually going to rule the day here. The American people are going to make the decision through their representatives here in Congress and through public pressure to say either, "Yes, we think this is great. We think this flood of money coming into politics is a wonderful thing. It really nurtures our political system," or the American people will likely say, as all the polls tell us, by 70 and 80 percent, "This doesn't make any sense at all. This avalanche of money is hurting our political system."

We have what is called "hard money" and "soft money" and contributions on this side and that side. I imagine that people have difficulty understanding "hard money" and "soft money." The easy way to understand it, for example, is soft money is the legal form of cheating—cheating, yes—because no one anticipated, with current campaign laws, that the kind of money that is now used called "soft money" would be, could be, or should ever be used for purposes it is now being employed to achieve; that is, millions, tens of millions of dollars, yes, by both political parties, tens of millions of dollars thrown into what is called party building. But it is not party building. These are moneys that are spent in a way designed to influence individual elections and designed carefully in ways to avoid it appearing like they are direct expenditures under regulation of the Federal Election Commission.

The corrosive part of the soft money issue is that is money that can be thrown in—it can be by a corporation, labor organization, rich individuals, you name it—it can be thrown into a race under the guise of not part of the hard money contribution, but it can affect that race in a dramatic way. The source of the money is never revealed—secret money out there, never revealed. And you can move the money around three, four different ways to different organizations, and the source of the money is never revealed—half a million dollars here, a million dollars there.

You know who the victims have been of that? We can name some of the victims who at the end of their campaigns, thinking it was them versus another candidate in a contest of ideas in their State, found out it was not that. Yes, that was part of it. Then there are organizations, unnamed and newly named organizations, off to the side, running in with saddlebags full of soft money, the source of which no one would ever disclose, putting advertisements on television, negative, corrosive, ugly advertisements in order to knock one of the candidates out of the race.

That is what this political system has become. If we do not fix it, if we do not address that, shame on us. The American people know it is wrong, and we ought to know it is wrong.

So the question ought not be for anybody in this Chamber whether we address this issue in a thoughtful way and pass some legislation finally to reform the campaign finance system; the question ought to be, how? How do we do it? We have a couple weeks in which this Senate can express its judgment on that issue.

I have great respect for every other Member of this Senate. There are some who stand here today and say they are very concerned about this aspect or that aspect. I have great respect for them. I am not going to suggest they have impure motives. But I am saying that in the strongest possible ways, if they believe that what we ought to do is nothing, if they believe the current system of financing campaigns in this country is good for this country, then they are dreadfully wrong. So we will see in the next couple of weeks.

I just mentioned soft money and independent expenditures. There is another category called issue advertising which is tied in with the same sort of thing—issue advertising.

Let me read from an article out of Rollcall.

> While presidential, Senate, and House candidates spent a record $400 million on TV ads last year, more than two dozen organizations dumped an additional $150 million into controversial issue advertising in the 1995–96 cycle . . .

And guess what? What kind of advertising was this? Eighty-one percent of it was negative advertising; 81 percent negative advertising. That is the air pollution in this country that we ought to worry about. We ought to do something about it.

I am not suggesting it is inappropriate to have issue advertising. But we ought to make it all accountable. If you are going to come in and play a role in these campaigns, then tell the American people where you got your money, whose money is it you are spending, and what is the purpose of the expenditure.

Mr. President, we have had a lengthy discussion today and the discussion will go on, I assume, for about 2 weeks, and it will be between those who believe we ought to have reform and those who don't.

Speaker GINGRICH calls for more, not less, campaign cash, in an article in the Washington Post. He represents a group who believe that money is not a problem—we probably need more money in politics, not less. I absolutely disagree with him.

In another article, "Group launches effort against campaign finance reform bill." Some very large influential groups in this country who are deeply involved in issue advertising of the type I just described don't want campaign finance reform. I guess I can understand why, but I think they are wrong.

Mr. President, 45 members of my caucus signed a piece of legislation saying they are prepared to vote for McCain-Feingold; four in the other caucus said the same thing. If we can get a vote, up or down, we are looking for one or two additional Members of the Senate who will decide whether we pass this legislation.

There are those, I suppose, who will say, "We need more time." We have had 6,700 pages of hearings, 3,361 floor speeches—and we can add today's to that, all of this on the issue of campaign finance reform—446 legislative proposals, and 113 votes in the Senate. I don't know of anyone who can credibly say we need more time.

What we need is the nerve and the will to do what is right. I hope we might see that kind of nerve and will in the next couple of weeks.

## FAST-TRACK LEGISLATION

Mr. DORGAN. Mr. President, I have been so tempted today, I wanted very much to come and speak about fast track, which the President is asking with respect to trade authority, and I was intending to do that at a time when it was appropriate today, but because of the debate on campaign finance reform time was not available for that. I thought about doing it at the end of my remarks on campaign finance reform, but I know that there are those who want to do other things and there is some sort of dispatch for the Senate to adjourn. I will respect that. But I want to say about two paragraphs as I conclude.

I hope to come back on Monday and find some time to discuss President Clinton's proposal to provide fast-track trade authority so he can negotiate additional trade agreements. I am opposed to that, and I am going to resist vigorously trade authority that would provide the President, any President, the opportunity to negotiate new trade agreements until we fix the problems in the old agreement.

Let me leave with a couple of statistics. We now have a pretty good economy, that is true. We tackled the fiscal policy budget deficit. But the other deficit, the trade deficit, is the highest in this country's history.

Every time we negotiate a new trade agreement we seem to lose. We negotiated an agreement with Canada. Our deficit was $13 billion with Canada; now it is double. We negotiated a trade agreement with Mexico. We had a $2 billion surplus; now after the trade agreement we have a $14 billion deficit. We have a $50 to $60 billion trade deficit with Japan, a $40 to $50 billion trade deficit with China. We are up to our neck in trade problems and cannot resolve virtually any of those problems because our trade treaties, first of all, were negotiated inappropriately to provide the kind of sanctions they ought to for those that don't open their markets to American goods. And second, we don't enforce trade treaties that other countries have signed with us.

I want to speak at some great length, I hope on Monday, on this subject. I am not speaking on trade because I am what is called a protectionist, xenophobe, or isolationist. I believe in trade. I believe in free trade. I demand fair trade, and I believe we ought to expand our trade opportunities. But I believe this country ought to, for a change, stand up for its own economic interests and demand that manufacturing and jobs and opportunity exist in this country's future and not trade away those opportunities so that corporations can access dime-an-hour labor by 14-year-old kids working 14 hours a day to ship products to Fargo, ND, or Pittsburgh. That is not free trade. I will talk at some length on Monday about that.

I yield the floor.

## ADJOURNMENT UNTIL MONDAY, SEPTEMBER 29, 1997

The PRESIDING OFFICER. Under a previous order, the Senate stands in adjournment until 12 noon, Monday, September 29, 1997.

Thereupon, the Senate, at 3:45 p.m., adjourned until Monday, September 29, 1997, at 12 noon.

## NOMINATIONS

Executive nominations received by the Senate September 26, 1997:

### EXECUTIVE OFFICE OF THE PRESIDENT

ARTHUR BIENENSTOCK, OF CALIFORNIA, TO BE AN ASSOCIATE DIRECTOR OF THE OFFICE OF SCIENCE AND TECHNOLOGY POLICY, VICE ERNEST J. MONIZ.

### COMMODITY FUTURES TRADING COMMISSION

JOSEPH B. DIAL, OF TEXAS, TO BE A COMMISSIONER OF THE COMMODITY FUTURES TRADING COMMISSION FOR THE TERM EXPIRING JUNE 19, 2001. (REAPPOINTMENT)

### NATIONAL TRANSPORTATION SAFETY BOARD

JAMES E. HALL, OF TENNESSEE, TO BE A MEMBER OF THE NATIONAL TRANSPORTATION SAFETY BOARD FOR A TERM EXPIRING DECEMBER 31, 2002. (REAPPOINTMENT)

### DEPARTMENT OF VETERANS AFFAIRS

ALPHONSO MALDON, JR., OF VIRGINIA, TO BE DEPUTY SECRETARY OF VETERANS AFFAIRS, VICE HERSHEL WAYNE GOBER.

## CONFIRMATIONS

Executive nominations confirmed by the Senate September 26, 1997:

### INTER-AMERICAN FOUNDATION

JEFFREY DAVIDOW, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-

COUNSELOR, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE INTER-AMERICAN FOUNDATION, FOR A TERM EXPIRING SEPTEMBER 20, 2002.

### DEPARTMENT OF COMMERCE

ROBERT L. MALLETT, OF TEXAS, TO BE DEPUTY SECRETARY OF COMMERCE.

W. SCOTT GOULD, OF THE DISTRICT OF COLUMBIA, TO BE CHIEF FINANCIAL OFFICER, DEPARTMENT OF COMMERCE.

W. SCOTT GOULD, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSISTANT SECRETARY OF COMMERCE.

### INTER-AMERICAN FOUNDATION

NANCY DORN, OF THE DISTRICT OF COLUMBIA, TO BE MEMBER OF THE BOARD OF DIRECTORS OF THE INTER-AMERICAN FOUNDATION FOR A TERM EXPIRING JUNE 26, 2002.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

### THE JUDICIARY

MARJORIE O. RENDELL, OF PENNSYLVANIA, TO BE U.S. CIRCUIT JUDGE FOR THE THIRD CIRCUIT.

RICHARD A. LAZZARA, OF FLORIDA, TO BE U.S. DISTRICT JUDGE FOR THE MIDDLE DISTRICT OF FLORIDA.

### IN THE ARMY

THE FOLLOWING U.S. ARMY RESERVE OFFICER FOR PROMOTION IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, UNITED STATES CODE, SECTIONS 14101, 14315 AND 12203(A):

*To be brigadier general*

COL. JAMES W. COMSTOCK, 5456

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT IN THE REGULAR ARMY TO THE GRADE INDICATED UNDER TITLE 10, UNITED STATES CODE, SECTION 624:

*To be brigadier general*

COL. ANTONIO M. TAGUBA, 8375

THE FOLLOWING-NAMED OFFICERS FOR APPOINTMENT IN THE U.S. ARMY TO THE GRADE INDICATED UNDER TITLE 10, UNITED STATES CODE, SECTION 624:

*To be major general*

BRIG. GEN. JOHN G. MEYER, JR., 2481.
BRIG. GEN. ROBERT L. NABORS, 5042.

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT IN THE U.S. ARMY TO THE GRADE INDICATED UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 624:

*To be major general*

MAJ. GEN. ROBERT G. CLAYPOOL, 3837.

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, UNITED STATES CODE, SECTION 12203:

*To be major general*

BRIG. GEN. EARL L. ADAMS, 7836
BRIG. GEN. JOHN E. BLAIR, 7500
BRIG. GEN. JAMES G. BLANEY, 3984
BRIG. GEN. DON C. MORROW, 3878
BRIG. GEN. THOMAS E. WHITECOTTON III, 8348
BRIG. GEN. JACKIE D. WOOD, 3739

*To be brigadier general*

COL. STEPHEN E. AREY, 3536
COL. GEORGE A. BUSKIRK, JR., 3156
COL. WILLIAM A. CUGNO, 3772
COL. JOSEPH A. GOODE, JR., 0823
COL. STANLEY J. GORDON, 4035
COL. LARRY W. HALTOM, 3555
COL. DANIEL E. LONG, JR., 1267
COL. GERALD P. MINETTI, 5388
COL. RONALD G. YOUNG, 6486

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT IN THE U.S. ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CONGRESS, SECTION 601:

*To be lieutenant general*

LT. GEN. GEORGE A. FISHER, 4034

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT IN THE U.S. ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CONGRESS, SECTION 601:

*To be lieutenant general*

MAJ. GEN. WILLIAM J. BOLT, 0705

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT IN THE U.S. ARMY TO THE GRADE INDICATED UNDER TITLE 10, UNITED STATES CONGRESS, SECTION 624:

*To be brigadier general*

COL. HENRY W. STRATMAN, 1226

### IN THE MARINE CORPS

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT IN THE U.S. MARINE CORPS TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CONGRESS, SECTION 601:

*To be lieutenant general*

LT. GEN. PETER PACE, 7426

### IN THE NAVY

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT IN THE U.S. NAVY TO THE GRADE INDICATED UNDER TITLE 10, UNITED STATES CONGRESS, SECTION 624:

*To be rear admiral*

REAR ADM. (IH) LOUIS M. SMITH, 3412

THE FOLLOWING-NAMED OFFICERS FOR APPOINTMENT IN THE NAVAL RESERVE TO THE GRADE INDICATED UNDER TITLE 10, UNITED STATES CONGRESS, SECTION 12203:

*To be rear admiral (lower half)*

CAPT. KENNETH C. BELISLE, 8016
CAPT. JOHN G. COTTON, 6982
CAPT. STEPHEN S. ISRAEL, 3464
CAPT. GERALD J. SCOTT, JR., 4136
CAPT. JOE S. THOMPSON, 2971

THE FOLLOWING-NAMED OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE NAVY TO THE GRADE INDICATED UNDER TITLE 10, UNITED STATES CONGRESS, SECTION 12203:

*To be rear admiral (lower half)*

CAPT. HOWARD W. DAWSON, JR., 6320
CAPT. WILLIAM J. LYNCH, 1963
CAPT. ROBERT R. PERCY III, 4869

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT AS DEPUTY JUDGE ADVOCATE GENERAL OF THE U.S. NAVY IN THE GRADE INDICATED UNDER TITLE 10, UNITED STATES CONGRESS, SECTION 5149:

*To be rear admiral*

CAPT. DONALD J. GUTER, 0275

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT IN THE U.S. NAVY TO THE GRADE INDICATED UNDER TITLE 10, UNITED STATES CONGRESS, SECTION 624:

*To be rear admiral (lower half)*

CAPT. WILLIAM W. COBB, JR., 9725

### IN THE AIR FORCE

AIR FORCE NOMINATIONS BEGINNING RICHARD W. ALDRICH, AND ENDING FRANK A. YERKES, JR., WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JULY 29, 1997.

AIR FORCE NOMINATIONS BEGINNING LUIS C. ARROYO, AND ENDING MICHAEL R. EMERSON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JULY 31, 1997.

AIR FORCE NOMINATIONS BEGINNING JAMES M. BARTLETT, AND ENDING *ELLIS D. DINSMORE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JULY 31, 1997.

AIR FORCE NOMINATION OF ROBERT J. SPERMO, WHICH WAS RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF SEPTEMBER 3, 1997.

AIR FORCE NOMINATIONS BEGINNING *CARL M. GOUGH, AND ENDING SAMUEL STRAUSS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF SEPTEMBER 3, 1997.

AIR FORCE NOMINATIONS BEGINNING JOSEPH ARGYLE, AND ENDING MICHAEL D. ELLER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF SEPTEMBER 3, 1997.

AIR FORCE NOMINATIONS BEGINNING ARNOLD K. *ABANGAN, AND ENDING DARREN L. ZWOLINSKI, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF SEPTEMBER 3, 1997.

### IN THE ARMY

ARMY NOMINATION OF FRANK G. WHITEHEAD, WHICH WAS RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JULY 31, 1997.

ARMY NOMINATIONS BEGINNING MARY A. ALLRED, AND ENDING JAMES R. TINKHAM, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JULY 31, 1997.

ARMY NOMINATIONS BEGINNING ROBERT C. BAKER, AND ENDING JAMES R. WOOTEN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JULY 31, 1997.

ARMY NOMINATIONS BEGINNING EDWIN E. *AHL, AND ENDING MARK A. *ZERGER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JULY 31, 1997.

ARMY NOMINATIONS BEGINNING CHRISTIAN F. ACHLEITHNER, AND ENDING DANIEL A. *ZELESKI, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JULY 31, 1997.

ARMY NOMINATION OF SHRI KANT MISHRA, WHICH WAS RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF SEPTEMBER 3, 1997.

ARMY NOMINATION OF DAVID S. FEIGIN, WHICH WAS RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF SEPTEMBER 3, 1997.

ARMY NOMINATION OF CLYDE A. MOORE, WHICH WAS RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF SEPTEMBER 3, 1997.

ARMY NOMINATIONS BEGINNING TERRY A. WIKSTROM, AND ENDING RICHARD C. BUTLER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF SEPTEMBER 3, 1997.

ARMY NOMINATION OF JAMES H. WILSON, WHICH WAS RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF SEPTEMBER 3, 1997.

ARMY NOMINATIONS BEGINNING ELLIS E. BRUMRAUGH, JR., AND ENDING JOHN C. ZIMMERMAN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF SEPTEMBER 3, 1997.

ARMY NOMINATIONS BEGINNING GRATEN D. BEAVERS, AND ENDING JOHN E. ZUPKO, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF SEPTEMBER 3, 1997.

ARMY NOMINATIONS BEGINNING JAMES L. *ATKINS, AND ENDING SCOTT WILKINSON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF SEPTEMBER 3, 1997.

ARMY NOMINATIONS BEGINNING FRANK J. ABBOTT, AND ENDING X0383, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF SEPTEMBER 3, 1997.

ARMY NOMINATIONS BEGINNING MADELFIA A. *ABB, AND ENDING *X0663, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF SEPTEMBER 3, 1997.

ARMY NOMINATION OF RAFAEL LARA, JR., WHICH WAS RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF SEPTEMBER 15, 1997.

ARMY NOMINATIONS BEGINNING MORRIS F. ADAMS, JR., AND ENDING GEORGE W. WILSON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF SEPTEMBER 15, 1997.

ARMY NOMINATIONS BEGINNING CYNTHIA A. ABBOTT, AND ENDING ANTHONY W. YOUNG, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF SEPTEMBER 15, 1997.

### IN THE COAST GUARD

COAST GUARD NOMINATIONS BEGINNING MICHAEL F. HOLMES, AND ENDING BEVERLY G. KELLEY, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF SEPTEMBER 3, 1997.

COAST GUARD NOMINATIONS BEGINNING STEPHEN E. FLYNN, AND ENDING VINCENT WILCZYNSKI, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF SEPTEMBER 15, 1997.

COAST GUARD NOMINATIONS BEGINNING FRANK M. PASKEWICH, AND ENDING ROBERT M. PYLE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF SEPTEMBER 15, 1997.

COAST GUARD NOMINATIONS BEGINNING STEVEN C. ACOSTA, AND ENDING MARC A. ZLOMEK, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF SEPTEMBER 18, 1997.

### IN THE MARINE CORPS

MARINE CORPS NOMINATION OF FRANKLIN D. MCKINNEY, JR., WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JULY 29, 1997.

MARINE CORPS NOMINATION OF WILLIAM C. JOHNSON, WHICH WAS RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF SEPTEMBER 3, 1997.

MARINE CORPS NOMINATION OF TONY WECKERLING, WHICH WAS RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF SEPTEMBER 3, 1997.

MARINE CORPS NOMINATION OF JEFFREY E. LISTER, WHICH WAS RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF SEPTEMBER 3, 1997.

MARINE CORPS NOMINATION OF HARRY DAVIS, JR., WHICH WAS RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF SEPTEMBER 3, 1997.

MARINE CORPS NOMINATION OF MICHAEL D. DAHL, WHICH WAS RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF SEPTEMBER 3, 1997.

MARINE CORPS NOMINATION OF JAMES C. CLARK, WHICH WAS RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF SEPTEMBER 3, 1997.

MARINE CORPS NOMINATION OF JOHN C. KOTRUCH, WHICH WAS RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF SEPTEMBER 15, 1997.

### IN THE NAVY

NAVY NOMINATIONS BEGINNING LAWRENCE E. ADLER, AND ENDING THOMAS A. ZIMMERMAN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF SEPTEMBER 3, 1997.

NAVY NOMINATIONS BEGINNING DAVID M. BELT, JR., AND ENDING GENE P. THERIOT, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF SEPTEMBER 15, 1997.

NAVY NOMINATIONS BEGINNING EUGENE M. ABLER, AND ENDING ERIC A. ZOEHRER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF SEPTEMBER 15, 1997.

### IN THE PUBLIC HEALTH SERVICE

PUBLIC HEALTH SERVICE NOMINATIONS BEGINNING JENNIFER L. BETTS, AND ENDING REBECCA J. WERNER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF SEPTEMBER 4, 1997.

PUBLIC HEALTH SERVICE NOMINATIONS BEGINNING WILLIAM E. HALPERIN, AND ENDING TRINH K. NGUYEN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF SEPTEMBER 12, 1997.

# EXTENSIONS OF REMARKS

## WHAT AMERICANS THINK ABOUT FAST TRACK AND NAFTA EXPANSION

### HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 26, 1997*

Mr. LIPINSKI. Mr. Speaker, it may surprise some of my colleagues that the majority of Americans believe labor and environmental issues should be negotiated as part of trade agreements. In fact, this isn't a majority of 51 percent, 55 percent, or even 60 percent. It is a vast majority of 73 percent. Seventy-three percent of Americans believe that protecting the environment and protecting labor rights should be integral part of trade agreements.

I completely agree.

Apparently, the administration does not. Unfortunately, the administration's fast-track proposal does not reflect the feelings of the vast majority of Americans. The administration's proposal falls far short. To be truthful, it's even a step backward from fast-track proposals under Reagan and Bush. Under the administration's proposal, the President would be forbidden from including labor, environmental, and other standards of the same enforceable, core nature as now are provided for the protection of intellectual property or investors' rights. The proposal isn't a bridge to the 21st century—it's slide back to the 19th century. There truly seems to be a disconnect with the administration and the American people.

In my opinion, and that of the vast majority of Americans, fast-track legislation must include enforceable labor and environmental provisions. To do anything less would be shortchanging working families acrosss our country. It would further compromise our environment, the safety of our foods, the wages of American workers, and our overall quality of life.

Where's the evidence? Well, we have 3 years' worth of evidence from NAFTA. It has been 3 years since this broken trade agreement went into effect, and the evidence is clear that NAFTA has failed for the American working man and woman. Our modest trade surplus with Mexico has ballooned into a huge deficit. We've lost hundred of thousands of jobs. Moreover, the evidence shows that the much ballyhooed labor and environmental side agreements in NAFTA are hugely ineffective. In the United States employers used NAFTA as a tool to fight unions and keep wages down. Companies effectively intimidate workers and stymie union organizing efforts by threatening to move jobs to Mexico. And the health of working families are threatened by increased industrial and toxic emissions and waste along the United States-Mexico border.

NAFTA failed because it failed to protect workers' rights and the environment. It deeply concerns me that NAFTA protects intellectual property rights and investors' rights while it turns a blind eye to workers and the environment. There are more protections for compact discs and Wall Street financial investors than there are for the Smith family next door and our rivers and streams.

We've seen what happens with a trade agreement that does not include adequate labor and environmental protections, and it certainly isn't pretty. Let us learn from it.

Mr. Speaker, I strongly urge my colleagues to carefully evaluate these vitally important trade issues in the coming weeks. I strongly urge my colleagues to carefully evaluate the impact of NAFTA expansions and fast-track legislation on American workers and American families. Let's listen to the American people.

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## CONGRATULATIONS TO THE INDIANA STATE LEAGUE OF UNITED LATIN AMERICAN CITIZENS

### HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 26, 1997*

Mr. VISCLOSKY. Mr. Speaker, it is my distinct honor to congratulate the Indiana State League of United Latin American Citizens [LULAC] as it hosts a reception in honor of LULAC national president, Belen Robles, tonight, September 26, 1997, at the Empress Casino in Hammond, IN. I would also like to take this opportunity to congratulate Indiana LULAC State officers, Maria Pizana, Vicki Lipiniskis, Terry Serna, Andrew Martinez, Amelia Velez, and Louise Martinez, for the leadership they have displayed in organizing this special event. This marks the first time the Indiana State LULAC has honored a National LULAC President.

Founded in 1929 in Corpus Christi, TX, LULAC was established to protect the constitutional rights and freedoms of Hispanic-Americans. Over the years, LULAC has improved the social and economic status of Hispanics through its activism in the areas of equal justice, housing, employment, and education. By 1954, LULAC had earned recognition for winning two landmark civil rights cases, which served to integrate the Orange County, CA school system, and secure jury duty rights for Mexican-Americans in Texas. Since that time, LULAC has worked hard to achieve full access to the political process for all Hispanics, as well as equal educational opportunity for Hispanic children. LULAC councils across the Nation work toward this goal by holding voter registration drives and citizen awareness sessions, sponsoring health fairs and tutorial programs, and raising scholarship money for the LULAC national scholarship fund. In addition, LULAC's activism has expanded to include the areas of language and cultural rights. In response to a recent increase in anti-Hispanic sentiment, LULAC councils have fought back by holding seminars and public symposiums on language and immigration issues. The Nation's oldest and largest national Hispanic civil rights organization, LULAC continues to be a strong voice in the struggle for equal opportunity for Hispanic-Americans.

The Indiana State LULAC has faithfully worked to fulfill the National LULAC mission through a strong commitment to community and education. The Indiana LULAC emphasizes the protection of civil and human rights for Hispanic citizens and immigrants, and it strives to achieve this goal by educating the Hispanic community. Extremely youth oriented, Indiana LULAC hosts annual career days and college fairs, provides numerous educational workshops and seminars for students, and offers several leadership training opportunities to students. In addition, Indiana LULAC continues to award scholarships to academic achievers throughout the State and, to date, has awarded over $200,000 in college scholarships. In the future, the Indiana State LULAC aspires to open a LULAC National Education Center, which would provide counseling and tutorial services, scholarships, and low-interest loans to help Hispanic students attend college.

Belen Robels, the first female LULAC national president, has brought a new vision to LULAC. Belen, who works for the U.S. Customs Service, strives to structure LULAC more like a business in order to bring about a greater continuity within the organization. As a result, she has developed a 5-year strategic plan, which will establish a full-time national executive director for LULAC's Washington, DC office. In addition, LULAC is embarking on a membership campaign with the ambitious goal of increasing its current membership of 110,000 to 1 million members. As a law enforcement officer, Belen is knowledgeable about immigration issues, and she uses this knowledge to ensure that Hispanics will receive protection under current immigration law. In addition to her work with LULAC, Belen Robels is on the board of the El Paso Hispanic Chamber of Commerce, vice-chair of the National Hispanic Leadership Agenda, and she serves on the Federal Better Relations with Mexico Committee. In 1967, Belen Robles received a bronze Chamizal Medallion from President Lyndon Johnson in recognition of her efforts in the Cabinet-level hearings on Mexican-American affairs in El Paso, TX.

Mr. Speaker, I ask you and my other distinguished colleagues to join me in commending the national and State of Indiana LULAC organizations for their tremendous efforts in uniting Hispanic-Americans. All involved in the success of these organizations should be proud of their efforts in working toward equality for Hispanic-Americans.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

## HEROES KNOW HEROES

### HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 26, 1997*

Mr. GILMAN. Mr. Speaker, on August 5, 1997, in Bogota, Colombia, our outstanding DEA Administrator, Tom Constantine, a fellow New Yorker, attended a memorial service for the officers of the Colombian National Police [CNP], who have given their lives in the struggle against illicit drugs.

Our own courageous and outstanding DEA has also suffered loses in this dangerous battle, although not nearly as many as the thousands of men and women of CNP. These men and women in law enforcement, whether here or in Latin America, died for the sake of our kids, our future generations, our democratic institutions, and way of life.

Not long ago in Peru, five dedicated young DEA agents gave their lives in a plane crash in the mountains of Peru during pursuit of a drug trafficker. For those officers and those of the CNP the war on drugs was no cliche.

Administrator Constantine had important words last month to say to the men and women of CNP, who are led by outstanding men like Gen. Jose Serrano, and the chief of their elite antidrug unit, the DANTI, Col. Leonardo Gallego, both of whom visited with Members of the House here in the Capitol just last week.

A few excerpts from Mr. Constantine's remarks underscore the heroes we have in our own DEA, recognize other heroes when they see and work with them. Mr. Constantine said: "We gather today to praise an organization of heroes—the Colombian National Police—men and women whose courage and sacrifice have contributed so much to Colombia—and to the rest of the world. * * * You are a beacon of hope to the law enforcement agencies around the world faced with the danger and destruction caused by ruthless drug-trafficking syndicates."

Mr. Speaker, I ask that the full text of our DEA Administrator's remarks at the CNP police memorial follow in the RECORD. The powerful statement will help my colleagues appreciate the human dimension in the struggle against illicit drugs, and especially the impact it has on the men and women we put on the front lines to wage this war. In many ways, only those who have carried a badge and gun can know the real meaning of loyalty and devotion that fellow police officers have to each other—whether here or abroad—in our war on drugs, which is real for them, each and every day.

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## NATIONAL HISTORICALLY BLACK COLLEGES AND UNIVERSITIES WEEK

### HON. MAX SANDLIN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 26, 1997*

Mr. SANDLIN. Mr. Speaker, I rise today to commemorate the legacy and future of historically black colleges and universities [HBCU] during National Historically Black Colleges and Universities Week.

HBCU's were founded to eliminate the disparity of educational opportunities for minorities in the United States. In our struggle to offer the ideal of an equal education for all Americans, HBCU's have played a critical role to enrich and inspire postsecondary education for African-Americans, low income, and educationally disadvantaged Americans. For many generations from slavery to segregation, HBCU's were the only institutions in which minorities could receive a postsecondary education. HBCU's offer a welcoming and nurturing environment for students while providing quality education and the skills needed for success. I am fortunate to have two HBCU's in my district—Wiley College and Jarvis Christian College.

Wiley College, located in my hometown of Marshall, TX, has been an educational, spiritual, cultural, and economic anchor for the community since 1873. The college encourages students to strive for academic excellence through its Honor Track Program. In addition, the college offers several adult and continuing education programs and community service programs to assist in the students' overall development.

Jarvis Christian College, another faith-oriented institution, has maintained its mission of educating African-Americans with head, heart, and hand together since 1912. This college has produced three of its presidents, and has several alliances with universities and businesses to encourage further education and job placement opportunities for its students. For instance, the college's biomedical science program, in partnership with Meharry Medical College, is designed to encourage and better prepare minority students to enter medicine, dentistry, and other health professions.

Continuing the legacy of their founders, HBCU's today offer minorities choice and diversity in educational opportunities; cultural, financial, and social support; and serve as the backbone for community revitalization and development. For many African-Americans and others, HBCU's have created and enhanced opportunities for leadership and citizenship through their mentor and support programs. Today, HBCU's award almost 30 percent of all bachelor degrees awarded to African-Americans in the United States.

HBCU's also reach out to high school students through the Upward Bound Program. Upward Bound, which is part of the outreach programs at both Wiley College and Jarvis Christian College, encourages African-American high school students to pursue a college degree. The Upward Bound Program offers high school students tutoring in various subjects, academic counseling, and career guidance. Specifically, this program serves many counties in east Texas, including but not limited to, Camp, Gregg, Harrison, Morris, Smith, Upsher, and Wood.

Through creative means, HBCU's also address the needs of the community by continually addressing historic preservation and the economic and housing needs of communities. Wiley College has taken the old segregated high school for African-Americans and has developed it into a community center that serves youth and seniors of all races. Next year, Wiley will continue this development by adding a wellness center for the community.

In recent years, there has been much debate concerning the relevance of HBCU's and Federal funding of these institutions. I believe the importance of HBCU's can be seen in their mentor programs for youth; the lawyers, doctors, teachers, architects, and civic leaders they have produced; the community service and historic preservation programs that are parts of their agenda; and economic and housing development that are so important to growth and fairness in our society. Yet the relevance of historically black colleges and universities truly lies in the evidence of things not seen. I congratulate HBCU's on the momentous work they have done, and wish them continued success in the future.

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## IN HONOR OF CLAIRE F. MORGENSTERN

### HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 26, 1997*

Mr. KUCINICH. Mr. Speaker, I rise today to honor Claire Morgenstern, who will receive an award this week for outstanding contributions to the Greater Cleveland community from International Services Center [ISC] in Cleveland, OH.

International Services Center is an agency that assists refugees, immigrants, and other newcomers to the United States to overcome social and economic barriers and adjust to a new culture and way of life. The organization is honoring four individuals this year for their exceptional work on intercultural and interracial issues. These individuals have been chosen because of their commitment to the community and their lifelong achievements which reflect the spirit and the mission of ISC.

Claire Morgenstern is a past president and lifetime trustee of ISC and has spent many years as an active proponent of various charitable and community causes. It is the dedication of people like Ms. Morgenstern that makes the difference in the life of neighborhoods and communities.

Ms. Morgenstern graduated from the University of Wisconsin and has pursued graduate studies at Case Western Reserve University. She is a dedicated community leader and for many years has demonstrated tremendously effective work in numerous organizations including United Way Services, the Cleveland International Program, the Epilepsy Foundation, Call for Action, the Temple Tifereth Israel, and Piano International. She served as president of ISC from 1988–90, leading the organization through a critical time of transition.

Ms. Morgenstern has encouraged and supported innovation and growth. She was one of the founders and the first chairwoman of the annual International Holiday Folk Festival in Cleveland. She continues to be one of the festival's greatest supporters as it has grown in stature and popularity. The festival not only provides a needed source of revenue for ISC, it is a major cultural event in the Greater Cleveland area fostering intercultural and interracial harmony.

My fellow colleagues, please join me in congratulating Claire Morgenstern, devoted grandmother, mother, wife, and dedicated community leader, on a lifetime of wonderful work for the multicultural community in the Greater Cleveland area.

## COMMEMORATING THE 1972 NATIONAL BLACK POLITICAL CONVENTION'S 25TH ANNIVERSARY CELEBRATION

### HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 26, 1997*

Mr. VISCLOSKY. Mr. Speaker, it is my great pleasure to commend the 1972 National Black Political Convention's 25th Anniversary celebration. This event will take place tomorrow, September 27, 1997, at the Genesis Convention Center in Gary, IN.

With great vision and dedication, the citizens of Gary, IN successfully hosted the First Black Political Convention 25 years ago. In 1972, 10,000 African-Americans trailblazed their way to Gary to bring together mainstream political leaders, labor officials, and ordinary people to forge a landmark and milestone in our country's struggle for economic justice and fair share of political power.

In 1972, there were 300 African-Americans elected to public office, nationwide; today, there are 7,000 in Federal, State, and local office. In 1972, there were 12 Members of Congress, and in 1997 there are 40 African-Americans in the U.S. Congress. The issues facing African-Americans today are different now than in 1972. The conference this weekend signals the shift from marches to the political arena, to using the political arena as the most effective avenue of opportunity.

In 1972, the convention agenda focused on political and economic empowerment, human development, international policy, communications, rural development, environmental protection, and self-determination. Twenty-five years later, some of the original organizers, including then Gary Mayor Richard Hatcher, are bringing together many of the same players for an anniversary celebration. U.S. Representative MAXINE WATERS of California, chairwoman of the Congressional Black Caucus, will speak at the Genesis Center tomorrow evening. Many social conditions continue to place African-Americans at a disadvantage in finding employment and adequate housing. As a result, the public is being asked to join in the celebration for a weekend of solidarity and discussion, which will focus on striving to eliminate the burdens plaguing African-Americans.

A host of the Nation's most respected academic and political activists, including Dick Gregory, Dr. Ron Walters, Ron Daniels, U.S. Representative DANNY K. DAVIS, and Dr. Ron Karenga, have confirmed their attendance. I am proud to be a part of this celebration and would also like to commend the efforts of the members of the Gary Committee to Commemorate the 1972 National Black Political Convention: Richard Gordon Hatcher, James Holland, Dozier T. Allen, Morris Carter, Judy Cherry, Carolyn McCrady, and a host of other participants working to make this anniversary celebration a success. As the U.S. Representative of Indiana's First Congressional District, I am proud to represent the place of my birth, Gary, IN. I look forward to continuing to work with my African-American colleagues in making this country a better place for all people.

Mr. Speaker, I ask you and my other distinguished colleagues to join me in commemorating the 25 year anniversary of the 1972 Black Political Convention and to encourage public participation in carrying out their vision into the future.

## DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 1998

SPEECH OF

### HON. JOHN W. OLVER

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 25, 1997*

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2267) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1998, and for other purposes:

Mr. OLVER. Mr. Chairman, I rise in strong opposition to the Hefley amendment which would reduce funding for the economic development agency [EDA] by $90 million.

The EDA plays a vital role in providing support to communities in high economic distress. An anecdote from my district illustrates how the EDA can work for all of our cities and towns. A large community in western Massachusetts just experienced sizable defense industry layoffs. Modest economic development money can inject economic life into communities facing similar hardships. EDA grants fund utilities construction to create industrial parks, provide capital for small business loans, fund regional economic planning for small communities to coordinate job creation efforts, and turn former military bases into centers for new businesses.

EDA funds help to build infrastructure, attract private investment, and create jobs. This is the kind of help that every district needs.

I urge my colleagues to preserve EDA funding and reject the Hefley amendment.

## HONORING RABBI BERTRAM KORN

### HON. JON D. FOX

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 26, 1997*

Mr. FOX of Pennsylvania. Mr. Speaker, I rise today to honor a man who, in his all-too-brief 60 years of life, accomplished more than most could in three lifetimes. Rabbi Bertram W. Korn was a man of deep faith, a devoted family man, a heroic military officer, and a community leader in the 13th Congressional District of Pennsylvania.

Rabbi Korn served Reform Congregation Keneseth Israel in Elkins Park, PA, as its senior rabbi from 1949 until his death in 1979. During that period, Keneseth Israel grew to become the largest synagogue in the Delaware Valley and a keystone of the religious community of Montgomery County, PA. He was the first senior rabbi to be educated, Bar Mitzvahed, and confirmed at the synagogue he led for so many years.

Mr. Speaker, Rabbi Korn was a dynamic and energetic leader who was known for his charismatic leadership and a catalyst for progressive change. He was entirely devoted to his congregation and would be there for them at important events throughout their lives. While his title comes from the Hebrew rabbi, meaning "my master," Bertram Korn spent his life in service to the congregation of Keneseth Israel.

Rabbi Korn was a trailblazer, patriot, and military leader. Since World War II, he faithfully served the U.S. Navy becoming the first Jewish admiral in the Naval chaplaincy. He was a scholar, historian, and humanitarian with numerous books and writings to his credit.

Now, the congregation he loved and served so conscientiously will honor him by dedicating its sanctuary to Rabbi Korn's memory at Shabbat services this evening. Mr. Speaker, in Judaism, the sanctuary is the spiritual center of our synagogue and it is fitting that Keneseth Israel is dedicating their sanctuary to Rabbi Korn because for them, he was their spiritual center for many years and his memory and influence still lingers. The sanctuary is where our families gather for prayer and where we keep the Torah, which contains the entire body of Jewish religious law and learning including sacred literature and oral tradition. Rabbi Korn exemplified what is best about the family and the power of prayer for generations of our people.

Leading tonight's ceremonies will be Keneseth Israel's new senior rabbi, Bradley Bleefeld as well as Rabbi Aaron Landes of Beth Shalom Congregation. Rabbi Landes was both a rabbinical and Navy colleague of Rabbi Korn and will be the featured speaker and will be followed by Charles Pollack, head of the Bertram Korn Memorial Committee.

At the end of the service there will be two dedications. The first is a dedication of a mezuzah commissioned by the Korn family including his sister, Jean, and his two children, Bertram Jr., and Judy. A mezuzah is a copy of the Hebrew text of Deuteronomy 6:4–9 and 1:13–21 in a container marked with the word Shaddai, the name of God. Rabbi Korn's son, Bertram W. Korn Jr., is the executive editor of the Jewish Exponent newspaper in Philadelphia. The second dedication will be the dedication of the sanctuary.

In association with this celebration, Temple Judea Museum of Keneseth Israel is opening a display of artifacts honoring Rabbi Korn to coincide with the dedications. In the entire 150-year history of the synagogue, there have only been seven rabbis. Of all of them, Rabbi Korn, is noted for having 13 or 14 of his students go onto rabbinical college.

E. Harris Baum, current president of Keneseth Israel, said that part of this celebration is designed to introduce a new generation of young Jews to the legacy of a great rabbi and to rekindle interest in his intellectual work and all that he gave to Reform Judaism. Mr. Baum said the message he received from Rabbi Korn was that each individual in the world has a responsibility to the other—not just Jews, but to all human beings.

Recently, Mr. Speaker, we honored Mother Teresa of Calcutta for similar reasons. Both of these individuals recognized that human kindness and our obligation to care for each other should not be limited by national origins or differences in religious practice. Compassion for each other is something that can bring the world's religious together just as Rabbi Korn's humanity pulled the families of his synagogue together in prayer and caring. His positive impact as a rabbi was felt all over the United States.

Rabbi Korn believed in the vibrancy of Judaism and believed it to be an empowering, energizing force for human growth and development. He not only preached this belief, he incorporated it into his daily life and urged his congregation and others across the United States to do the same. As example of his self-sacrificing dedication to humanity, Mr. Speaker, his daughter has spoken of times when he was sick and would have to go to the hospital for dialysis in the morning. Following this fatiguing treatment, instead of going home to rest, he would spend his time visiting patients throughout the hospital. During his entire life, Rabbi Korn put others before himself and his own needs. Now, his congregation and the entire reformed movement can admire his legacy and have the chance to say "thank you."

So, Mr. Speaker, I am very proud to rise to pay tribute to beloved Rabbi Bertram W. Korn and I join with his family, friends, congregation, and the entire Delaware Valley community to salute him and offer our gratitude for a lifetime of service.

## THE OKLAHOMA WOMEN'S BUSINESS CENTER

### HON. J.C. WATTS, JR.

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 26, 1997*

Mr. WATTS of Oklahoma. Mr. Speaker, the Oklahoma Women's Business Center, serving all of central Oklahoma, is an excellent example of a public-private nonprofit organization uniting and coordinating a multitude of Oklahoma resources in support of small women-owned companies. Mr. Speaker, I visited the Oklahoma Women's Business Center during the August recess and learned first hand of their superb efforts to train, mentor, coach, fund, and encourage women-owned businesses. Over the past 2 years the Women's Business Center was integral in assisting women-owned businesses in developing strategic plans, obtaining expansion capital, and expanding market share. The Oklahoma Women's Business Center can point to numerous successes, like Rosemary Carslile, owner of Mattress Furniture Direct in Norman, OK, who experienced a 30-percent growth in sales, in part, because of the help she received from this program. The economic leverage realized from programs like this contribute immensely to women's entrepreneurial efforts and are responsible for creating products, services, and new jobs within the community. Mr. Speaker, I strongly support programs like the Oklahoma Women's Business Center.

## A TRIBUTE TO REV. WILLIAM P. COOKE

### HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 26, 1997*

Mr. MATSUI. Mr. Speaker, I rise today to pay tribute to the reverend emeritus of the Shiloh Baptist Church in Sacramento, CA. Rev. William P. Cooke. As Reverend Cooke celebrates his 80th birthday today, I ask all of my colleagues to join me in saluting his remarkable life's work in community service.

Reverend Cooke's commitment to the Sacramento community dates back to 1952 when he joined Shiloh Baptist Church. In 1956 he was ordained by the church and he began his service as pastor just 3 months thereafter.

The commitment of Reverend Cooke to his congregation has become legendary in Sacramento. When the membership undertook the task of building a new church, Pastor Cooke often labored alone on the construction of a new house of worship for his ministry.

For 5 years, Reverend Cooke worked 12- to 15-hour days completing the church structure. Since the congregation had no carpenters among its ranks, Pastor Cooke did all of the finish carpentry himself. Reverend Cooke's unwavering dedication to this project ultimately led to the completion of a new house of worship for Shiloh Baptist Church in 1963.

In 1965, Pastor Cooke began the important tradition of an annual banquet for the Shiloh Baptist Church congregation. The day was envisaged by Reverend Cooke as a perpetual reminder of the hardships endured and the accomplishments achieved by the prayer and faith of his dedicated membership.

Since then, Reverend Cooke has been a formidable spiritual leader in the Sacramento community. Currently, he is enjoying a very well-deserved retirement after 26 years as pastor at Shiloh Baptist Church, plus another 4 years in an interim capacity.

Over the years, Reverend Cooke has received numerous special recognitions for his many good deeds. In 1973, the Sacramento City Council paid tribute to Reverend Cooke for his work as a member of the Citizen's Committee on Police Practices by giving him a Distinguished Service Award.

Because of his tireless leadership and concern for his fellow Sacramentans, especially young people, Reverend Cooke was presented with the Father of the Year Award in 1977. He has served selflessly as a foster parent for dozen of children throughout California.

Reverend Cooke has also displayed a passion for the cause of civil rights. Along this vein, he served as a member of the board of the National Association for the Advancement of Colored People for many years.

In 1985, Reverend Cooke was honored with the Educational Board Award of the California State Baptist Convention. His exceptional leadership of Shiloh Baptist Church, along with an unwavering confidence in the power of education, made Reverend Cooke a most appropriate recipient of this high honor.

Additonally, Reverend Cooke was recognized for his exceptional spiritual deeds when he was presented with the Intergenerational Spiritual Leadership Award in 1994. The Department of Health and Human Services has similarly honored Reverend Cooke with an award for Outstanding Public Service.

Mr. Speaker, I am honored to pay tribute today to a remarkable man of faith who single-handedly built a great ministry in Sacramento. Rev. Willie Cooke is a special person whose record of compassionate community service will endure for many years to come. I ask all of my colleagues to join me in wishing him a very joyous 80th birthday celebration.

## CAMPAIGN FINANCE REFORM

### HON. RON KIND

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 26, 1997*

Mr. KIND. Mr. Speaker, today I want to take a moment to offer my praise and thanks to the Members of the U.S. Senate. Today the Senate began debating campaign finance reform. Senate Majority Leader TRENT LOTT has shown great leadership by bringing a bill sponsored by Senators MCCAIN and FEINGOLD to the floor. Senator LOTT knows that the public is eager to have a debate on this issue and should be applauded for responding to the demands of the people.

Unfortunately, Speaker GINGRICH has chosen not to follow Senator LOTT's lead. Today's New York Times headline says it all, "Gingrich Asserts Campaign Bill, Alive in Senate, Is Dead in House." The Speaker has made it clear that the status quo has served his own self interests and he has no desire to fix the worst abuses in the campaign system.

The Speaker believes that rather than taking the influence of big money out of politics, we need more money in the system. The people of western Wisconsin do not share this belief. The people of western Wisconsin know that the millions of dollars raised in soft money for both political parties, which is all legal, leaves them out of the process and it must be stopped. The people of western Wisconsin think that the reason they no longer have a voice in the process is because they can't make $1,000 contributions to a candidate for office. Raising the current $2,000 per individual campaign limit is not the answer to getting more real citizens involved in the process, and it only shows how out of touch the Speaker is with the people of this Nation.

I hope that the Speaker will reconsider his stated opposition to campaign finance reform. I hope that Speaker GINGRICH will follow the lead of Senator LOTT and bring a bill to the floor soon. We will no longer take "no" for an answer.

## DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 1998

SPEECH OF

### HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 25, 1997*

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2267) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1998, and for other purposes:

Mr. GILMAN. Mr. Chairman, I rise today in support of restoring $4.9 million of necessary funding to the Tropical Ocean-Global Atmosphere Program [TOGA] which is responsible for researching and predicting the effects of el nino.

El nino is responsible for driving the tradewind system and is characterized by long periods of rainfall, which are normally found over Indonesia, moving out into the Pacific as the ocean water warms there. As el nino fades, the rainfall patterns return to their normal positions. These climate fluctuations affect much of the world over simply due to a change in the prevailing winds over much of the planet as tropical rainfall patterns change their position and intensity. Severe storms and flooding along the west coast, droughts in the midwest and increased typhoons in Hawaii are a sample of the severe weather problems associated with el nino.

Columbia University's Lamont-Doherty Earth Observatory, located in my district, is the home of the International Research Institute for Climate Research, a National Oceanic and Atmospheric Administration [NOAA] funded institute. Working in conjunction with the Scripps Institute of Oceanography at the University of California at San Diego, Columbia University's renowned facility has helped to define the el nino effect.

With this year's prediction that there will be the most active el ninos of the century, I believe that we must give full funding of $74.9 million to the Office of Global Programs at NOAA. This can be achieved by adding an additional $4.9 million which will be used by TOGA for continuing to research el nino.

Increasing the funding for the TOGA Program would expand its ability to work as a fully operational observation system, thus providing NOAA with the opportunity to understand the climate conditions caused by el nino. This early warning capability would in turn help business owners, farmers, and local government officials better prepare for the damaging effects of el nino.

I appreciate the work done by Chairman ROGERS and look forward to working with him and Mr. BILBRAY of California as we proceed with these important programs.

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## HAMMOND TECHNICAL VOCATION APPRECIATION SOCIETY

### HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 26, 1997*

Mr. VISCLOSKY. Mr. Speaker, it is my great pleasure to congratulate the Hammond Technical Vocation Appreciation Society as it holds its first annual "Thanks for the Memories" Recognition Dinner tonight, September 26, 1997, at the After Four Supper Club in Cedar Lake, IN. I would also like to take this opportunity to commend the Society's board of directors, Stan Bafia, Dave Carlson, Chester Lobodzinski, Tom Martin, and Marvin Snorton, for the work they have put forth in planning this special event.

The Hammond Technical Vocation Society was founded in November 1996, for the primary purpose of paying overdue recognition to past faculty members of Hammond Technical Vocation High School, Hammond Tech. Tonight's dinner will be in recognition of four outstanding former educators and coaches of Hammond Tech High School, who have displayed the utmost in pride and dedication throughout their careers. Special recognition will be given to this year's selected honoree, retired educator and coach, George Bereolos. Former coaches, Dale Vieau, the late Swede Carlson, and the late Richard Milton Wilson, will also be honored on this occasion. Hammond Tech will forever be remembered for its 1940 State Championship Basketball Team, whose three remaining members, Bob Haack, Richard Haack, and John Thomas, will be recognized at the dinner tonight.

An educator and coach for 42 years in the Hammond School System, George Bereolos' accomplishments in the classroom and on the court are shining examples of the pride and dedication he exhibited in his work. A 1934 graduate of Hammond High School, George earned a degree in education from Indiana University after his service with the U.S. Army as a first lieutenant during World War II. In addition to teaching social studies, George assumed the added responsibility of head basketball coach in 1954. George's coaching career also included positions with the track and football teams. George currently resides in Munster, IN.

Dale Vieau, Swede Carlson, and Richard Milton Wilson were very devoted teachers and coaches at Hammond Tech, as well. Dale Vieau, a 1944 graduate of Hammond Tech, coached for his alma mater for approximately 32 years, and within the Hammond School System for 38 years. Dale served as coach of the basketball, baseball, and cross country teams. Swede Carlson, a 1938 graduate of Ball State University, was a history and social studies teacher for Hammond Tech. Before his retirement in 1979, he worked with the golf and football teams during his 34-year coaching career. Upon earning his teaching degree from State Normal School, now the University of Wisconsin, Richard Milton Wilson began Hammond Tech's physical education and athletic programs. In the early years of the program, Richard coached every sport with one assistant. An excellent athlete, Richard played football with the Green Bay Packers from 1919 to 1921. In the early 1980's, he was inducted into the Green Bay Packer Hall of Fame. Although Swede Carlson and Richard Milton Wilson have both passed away, memories of their spirit and love for teaching will always remain.

Hammond Tech was founded in 1919, when Fred S. Barrows began a vocational high school in the attic of Central High School on Russell Street in downtown Hammond, IN. In the first year of the school's existence, there was only one teacher and one student. However, only 3 years later, Hammond Tech students filled the halls of the Central High School building when a new Central High School was built on Calumet Avenue. Hammond Tech remained at this location until the summer of 1949, when a new Hammond Tech High School was built on Sohl Avenue. Although the State of Indiana closed Hammond Tech in 1980, the school will always be held in high esteem for the strong dedication and concern of its faculty, as well as the academic and athletic accomplishments of its student body. Today, Hammond Tech still holds the record for the highest high school graduation rate in the nation, at 98.6 percent.

Mr. Speaker, I ask you and my other distinguished colleagues to join me in congratulating the Hammond Technical Vocation Appreciation Society and this year's faculty honorees for their lifetime of dedication to their school and its students. I commend all of those who have played a role in successfully keeping the memory of Hammond Tech alive over the years, as the pride and spirit of its faculty and former students serves as an inspiration to us all.

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## GOLD STAR MOTHER'S DAY

### HON. ZACH WAMP

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 26, 1997*

Mr. WAMP. Mr. Speaker, they were in the prime of life, full of hope and youthful promise, when they died defending their country and preserving our freedom. Their loss was and is heart-breaking for the families and friends they left behind. And—enjoying the long period of peace and freedom that these young American service men and women bought so dearly—we are in danger of forgetting their great sacrifice.

But there is one group of fine Americans who are uniquely able to make sure that the rest of us do not forget. They are the Gold Star Mothers. Each one lost a child who died in the military service of our country during time of war.

I am proud and grateful that we have a strong and active group of Gold Star Mothers in the Third District of Tennessee, which I represent in Congress. On Sunday, September 28, they and their counterparts from all across the Nation are marking Gold Star Mother's Day. They are part of a group that had its roots in the first great conflict of the 20th Century: World War I. President Woodrow Wilson proclaimed that service flags would be displayed at homes that had family members serving the country. Blue Stars were displayed for each family member in the Armed Forces. And, as the war progressed and casualties mounted, the stars were turned to Gold Stars to represent each service member killed defending our country.

The Gold Star Mothers were officially organized in Washington, DC, in 1929. But one does not have to be a formal member of the national organization to be a Gold Star Mother. The standard for entering this revered group of Americans is much, much higher and more difficult than simply joining an organization. One must have had a child who made the supreme sacrifice for our country. In 1936 Congress—in a joint resolution—designated the last Sunday in September as Gold Star Mother's Day. In 1940, President Franklin Roosevelt further recognized the day.

These Gold Star Mothers, perhaps better than anyone else, know the agony that comes from caring for, nurturing, and raising up a child only to see that young life lost just as it is beginning. But these fine Americans, who include at least 62 ladies from the Chattanooga area, deserve the greatest admiration, thanks and respect from all of us.

These ladies whose loved ones did not make it home devote themselves to caring for and helping those who did. In a supreme act of love and concern for others, many Gold Star Mothers dedicate themselves to helping the children of other mothers, children who survived war. Gold Star Mothers assist in all manner of ways. They visit veterans' hospitals to help service people there. They take part in patriotic observances that help all of us remember the sacrifices that bought our freedom. On Sunday those in the Chattanooga area are marking the observance of the day during a candlelight ceremony at VFW Post 4848 in Chattanooga.

I salute the Gold Star Mothers of the Third District, the Chattanooga area, and the Nation. All of us should be grateful that our Nation produces men and women with the courage and dedication to make the supreme sacrifice so that we might be free. We should be thankful too that our Nation has mothers whose courage and compassion help make those sacrifices worth it and—in the most special way—make sure that the memory of those who died for our country lives on.

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## PERSONAL EXPLANATION

### HON. GEORGE P. RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 26, 1997*

Mr. RADANOVICH. Mr. Speaker, on Thursday, September 25, 1997, I missed rollcall votes Nos. 447 and 455.

Rollcall vote No. 447 was an amendment, by Representative ELEANOR HOLMES-NORTON, to H.R. 2267 that would strike bill language to prohibit the use of funds to perform abortions in the Federal Prison System. Let the record state, that had I been present, I would have voted against this amendment.

An amendment by Representative JOEL HEFLEY, rollcall vote No. 455, was also offered on September 25, 1997. It would reduce funding for thee Economic Development Administration's trade adjustment assistance program by $90 million. I would like to make it known I would have voted in favor of this amendment had I been present to vote.

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## DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 1998

SPEECH OF

### HON. DAVID E. PRICE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 25, 1997*

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2267) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1998, and for other purposes:

Mr. PRICE of North Carolina. Mr. Chairman, I join my colleagues from North Carolina and Maryland in strong support of the amendment to provide $3 million to the National Oceanic and Atmospheric Administration to respond to the *Pfiesteria* threat on the east coast of the United States. I am a cosponsor of this amendment because we in North Carolina have felt the effects of *Pfiesteria piscicida* for a number of years, through massive fish kills in the Albemarle-Pamlico Estuarine System and through reports of strange health effects from people who have been in and near affected waters, including skin lesions, respiratory impairment, and memory loss. Although there has been some Federal role in supporting research on *Pfiesteria* and *Pfiesteria*-like dinoflagellates in the past, the recent fish kills and reported human health effects in Virginia and Maryland related to *Pfiesteria*, and further reports of the presence of the toxic form of *Pfiesteria* from Delaware all the way to Florida, call for a broader role by the Federal Government in what is showing itself to be a regional environmental and human health problem.

Through its new, interagency Ecohab Research Program, the National Oceanic and Atmospheric Administration has the capacity to play an essential coordinating role in research efforts designed to uncover the ecological dynamics which favor the transformation of *Pfiesteria* into its toxic form. This amendment will also provide funding to affected States to initiate and extend essential efforts to monitor for *Pfiesteria* and similar organisms. Monitoring will allow researchers to quickly respond to outbreaks of *Pfiesteria* in its toxic form and gather the data which is necessary to accelerate our progress in learning more about the causes and effects of this organism.

I want to thank the gentleman from Maryland [Mr. HOYER] for taking the lead on this important issue and for his part in initiating this important amendment. I appreciate my colleagues' support for this amendment for a greater Federal role in research related to *Pfiesteria*.

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## TRIBUTE TO MYRON FLECK

### HON. ELIZABETH FURSE

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 26, 1997*

Ms. FURSE. Mr. Speaker, I rise today to honor a distinguished Oregonian, Myron Fleck, who is retiring after 30 years with Coopers & Lybrand L.L.P. It has been my honor to call Myron a friend for the past 5 years that I have held office. He has also been a valued advisor and counseled me on numerous issues important to his profession.

Over the past 3 decades, Myron has had a distinguished career. He has been a leader in a number of professional associations, including the Oregon Society of Certified Public Accountants and the Portland Estate Planning Council where he was past president to both. He has been an active member of the National Council of Farmers Cooperatives where he chaired the legal, tax, and accounting committee, as well as the National Society of Accountants for Cooperatives where he led the taxation committee.

In recognition of his knowledge of the accounting profession, Myron was appointed to the Oregon State Board of Accountancy and served three terms, one as chairman. In addition, Myron's academic credentials include his tenure as adjunct professor of taxation at the Portland State University and editor of a column for the Agricultural Journal of Taxation.

Myron has been actively involved in his community as well. He has been a long-standing member of the Portland Rotary and serves on the finance council of the Catholic Archdiocese of Portland. He is a former trustee to Saint Mary's Academy High School.

As a partner at Coopers & Lybrand, Myron has advised clients in a variety industries with special emphasis on tax services to cooperatives and bank holding companies. He retires as the partner-in-charge of the Portland office tax practice, as well as his firm's northwest regional tax partner-in-charge.

Myron has had a productive and full career. He has given back much to his profession and his community, and I am pleased to have had his views and advice. I hope that Myron enjoys a long and rewarding retirement.

Please join me in wishing Myron well.

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## TREASURY, POSTAL SERVICE, AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 1998

SPEECH OF

### HON. ROBERT B. ADERHOLT

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 24, 1997*

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2378) making appropriations for the Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain independent agencies, for the fiscal year ending September 30, 1998, and for other purposes:

Mr. ADERHOLT. Mr. Chairman, I rise today to speak out against an increase in pay for Members of Congress.

The Federal Government is still spending more than it takes in. Despite the fact that we have passed the historic balanced budget bill which will balance the budget by 2002, until that date, we are still adding to the national debt that we will pass on to the next generation of Americans. I believe to allow a pay raise for Members of Congress at this point in time is not the responsible thing to do.

Congress should not be increasing its pay while we have such a large national debt, especially when we are adding to that debt every day. This is one reason I am cosponsoring H.R. 632, the Balance the Budget First Act of 1997, introduced by Congressman JON CHRISTENSEN. This legislation not only repeals the automatic pay increase for Members of Congress, but it also expresses the sense of the Congress that pay of Members of Congress should not be increased until the Federal budget has been balanced.

I appreciate that under current law, the pay increase for Members of Congress is tied to the pay increase for the Federal judiciary. That is why I am an original cosponsor of H.R. 2517, introduced by my colleague from Alabama, Congressman BOB RILEY. This legislation, like H.R. 632, would eliminate the automatic pay increase only for Members of Congress, not for members of the Federal judiciary.

I hope that we will have the good sense to listen to the American people and prevent this pay increase for Members of Congress.

## COMMONWEALTH OF NORTHERN MARIANA ISLANDS

SPEECH OF

## HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 24, 1997*

Mr. HALL of Texas. Mr. Chairman, while the gentleman from California [Mr. MILLER] and I seldom agree on issues, we are apparently in agreement that more resources and effort must be committed to law enforcement in The Commonwealth of the Northern Mariana Islands. It is my strong recommendation that additional funds be transferred to the appropriate category for use in adding an additional Assistant U.S. Attorney to be stationed in the NMI. It is the obligation of the Federal Government to ensure that Federal laws are enforced in the Commonwealth. The addition of an Assistant U.S. Attorney will provide needed support to enforce Federal criminal law. I hope the Chairman [Mr. ROGERS] will include language in the managers statement to this affect.

In a report prepared under Mr. MILLER's supervision and published in April of this year by the minority staff of the House Resources Committee, it is alleged that in the past 5 years there are 27 documented examples of failure to prosecute violations in the CNMI. Of these, 21 were either in the exclusive or concurrent jurisdiction of the U.S. Department of Labor, the National Labor Relations Board, the U.S. Attorney's Office or other U.S. Departments. Only six were within the exclusive jurisdiction of the CNMI. Mr. MILLER's report was a scathing denunciation of the CNMI but contained no similar rebuke of the Federal agencies who had jurisdiction over the majority of abuses he cites. I am pleased to see his recognition of the need for Federal attention to Federal problems in the CNMI.

While this may be a proper forum to take this first small step, it is not the forum to address the larger questions of Federal responsibility in the CNMI. The committee of jurisdiction is the Resources Committee. It is my understanding that my good friend from Alaska, Mr. YOUNG, chairman of the Resources Committee, will lead a delegation to that area in January. I strongly suggest that the gentleman from California, who is the ranking member of that Committee join the chairman on that trip. Hopefully, he will be persuaded—as I was after my visit there—that while there are some problems in that area—which voluntarily became a part of America 21 years ago—those problems are not insurmountable. I believe this cooperation will yield much more readily to reasoned solutions than the impassioned rhetoric heard on the House floor.

## THE ATP PROGRAM

## HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 26, 1997*

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, the ATP Program is important to our economy because it facilitates a partnership between research and commercialization. ATP's mission is that technology should benefit the U.S. economy. As a result, ATP's sole aim is to develop high-risk, potentially high-payoff enabling technologies that otherwise would not be pursued because of obstacles and risks that discourage private investments.

This partnership is crucial to the private sector because it gives them the opportunity to succeed without crippling risks that may preempt them from marketing necessary technological patents. ATP is industry driven—research priorities are set by the industry, not the Government. This enables organizations to share costs, risks, and technology expertise in competitive research and development projects.

Partnership programs like the ATP Program help bridge the gap between the lab bench and the marketplace, and help spawn new innovations and industries. This freedom allows researchers and industry to work together toward a common goal. ATP works through rigorous, open competition and is accessible to all businesses. This has proven to be an effective mechanism for motivating companies to look farther out onto the technology horizon. In addition, ATP is a competitive, peer-reviewed, cost-shared program.

In closing, ATP-sponsored research fuels economic growth by introducing future products and industrial processes. I fully support the ATP Program because disabling this program would discourage research and development which is key to strengthening our economy and international commerce.

## PERSONAL EXPLANATION

## HON. JAMES E. ROGAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 26, 1997*

Mr. ROGAN. Mr. Speaker, on Thursday, September 25, 1997 due to illness, I was granted a leave of absence and therefore unable to vote. Had I been present, I would have voted in the following manner:

Rollcall No. 438 "no," Rollcall No. 439 "yes," Rollcall No. 440 "no," Rollcall No. 441 "yes," Rollcall No. 442 "yes," Rollcall No. 443 "yes," Rollcall No. 444 "no," Rollcall No. 445 "no," Rollcall No. 446 "yes," Rollcall No. 447 "no".

Rollcall No. 448 "no," Rollcall No. 449 "no," Rollcall No. 450 "no," Rollcall No. 451 "yes," Rollcall No. 452 "yes," Rollcall No. 453 "no," Rollcall No. 454 "no," Rollcall No. 455 "yes," Rollcall No. 456 "yes".

## END LOGGING ROAD SUBSIDIES NOW

## HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 26, 1997*

Mr. LANTOS. Mr. Speaker, as conferees representing the House and Senate go to conference to resolve differences between each Chamber's version of the Interior appropriations bill, I urge my colleagues on the conference committee to put an end to the use of taxpayer subsidies for the construction of logging roads in our national forests.

The Federal Government spends millions of dollars each year subsidizing the construction of logging roads in our national forests. These roads' only purpose is to allow loggers to cut more trees. It is time to end this fiscally wasteful and environmentally destructive subsidy of the timber industry.

Our national forests represent a major portion of some of the last remaining untouched forests in this country. Regrettably, the U.S. Forest Service continues to spend $90 million each year to build logging roads deep into these forests so that timber companies can chop down these precious resources. These needless corporate subsidies also carry with them very detrimental environmental consequences. I know of absolutely no reason why we should continue the construction of these roads.

Logging roads cut through precious habitats of fish and wildlife, including many threatened and endangered species. The construction of these roads has had a devastating impact upon habitat, water quality, and wildlife population. Road construction has also increased the risk of landslides, erosion, and siltation of streams.

In July, the House voted on the Porter-Kennedy amendment to the Interior Appropriations Act of 1998, which would prevent further destruction of our Nation's Federal forests, including old growth forests which remain on public land. The vote to abolish this subsidy came within only two votes of passing the

House. A secondary amendment, however, cut the subsidy in half.

Mr. Speaker, it is not often that we have a chance to enhance environmental protection while at the same time reducing the Federal budget deficit and finally putting an end to an unnecessary corporate subsidy. Soon, the House-Senate conference committee will make a decision about the inclusion of the logging road subsidy. I urge the conferees to eliminate purchaser credits and eliminate the appropriation for timber roads. We do not need any new taxpayer subsidized logging roads in our national forests.

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## AMERICA RECYCLES DAY

### HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 26, 1997*

Mr. FARR of California. Mr. Speaker, today I am introducing legislation that would express the sense of the House that the country ought to give itself a pat on the back for its progress in recycling. I am joined in this effort by Mr. PORTER, Mr. GEJDENSON and Mr. GILCHREST, and I am proud to have them as partners in this worthy effort.

This resolution would suggest that the House believes it appropriate that a national celebration of "America Recycles Day" be observed by States and localities. This would be a day to celebrate the progress the country has made in establishing and integrating recycling programs in each State, in hundreds of cities, in thousands of communities.

Whether it be the simple act of depositing an old Coke can in an aluminum recycling bin, or meticulously separating brown glass from green glass from clear glass and hauling them all down to the city recycling center, it is clear that Americans have learned that recycling is a valuable means of conserving resources, saving money, and keeping our environment clean.

When you look at the trash that we generate in a year's time—208 million tons worth—it is clear that it is incumbent on us to use less, recycle more, and find new ways of managing our finite resources. The numerous recycling programs throughout the country are dedicated to this cause and each person who recycles ought to be commended for their dedication to a cleaner, safer environment.

The resolution I introduce today with my colleagues will hopefully be a catalyst for more Americans to recycle and continue this positive and simple means to a better future.

Mr. Speaker, I ask unanimous consent that the text of the resolution be printed following my remarks.

H. RES.—

Whereas the people of the United States generate approximately 208,000,000 tons of municipal solid waste each year, or 4.3 pounds per person per day;

Whereas the average office worker in the United States generates between 120 and 150 pounds of recoverable white office paper a year;

Whereas the Environmental Protection Agency recently estimated that the recycling rate in the United States has reached 27 percent of the solid waste stream;

Whereas making products from recycled materials allows the people of the United States to get the most use of every tree, every gallon of oil, every pound of mineral, every drop of water, and every kilowatt of energy that goes into the products they buy;

Whereas manufacturing from recycled materials creates less waste and fewer emissions;

Whereas recycling saves energy, reducing the need to deplete nonrenewable energy resources;

Whereas it is estimated that 9 jobs are created for every 15,000 tons of solid waste recycled into new products;

Whereas recycling is completed only when recovered materials are returned to retailers as new products and are purchased by consumers;

Whereas buying recycled products conserves resources and energy, reduces waste and pollution, and creates jobs;

Whereas more than 4,500 recycled products are now available to consumers;

Whereas the United States has a two-way, use and reuse system of recycling and buying recyclables;

Whereas Americans support recycling, but need a regular reminder of the importance of buying recycled content products, the availability of recycled content products, and how to recycle;

Whereas states and localities throughout the country will be establishing November 17, 1997, and November 15, 1998, as "America Recycles Day" in their communities: Now, therefore, be it

*Resolved*, That—

(1) the House of Representatives supports the goals of America Recycles Day; and

(2) the House of Representatives requests that the President issue a proclamation calling on the people of the United States to support the goals of each America Recycles Day with appropriate ceremonies and activities.

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## LEGISLATIVE BRANCH APPROPRIATIONS ACT, 1998

SPEECH OF

### HON. JOHN F. TIERNEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 26, 1997*

Mr. TIERNEY. Mr. Speaker, I rise today slightly bemused at the specter we are witnessing where the Republican Majority is effectively denying its own member, the gentlewoman from Washington, the opportunity to address a matter of significance to her and other members.

Last week, the same Majority brought forward for a vote H.R. 2378, Treasury, Postal, General Government Appropriations for FY 1998. The rules established by the leadership did not allow for broad amendments, Representative SMITH tells us she wanted an opportunity to raise under that bill the issue of Cost of living Adjustments for federal employees, including judges and Members of Congress.

Mr. Speaker, I have no way of knowing if the gentlewoman was persuaded or tricked by her leadership into not raising the issue, at that time. I do know that the membership, in the absence of amendments, addressed the merits of appropriations set forth in H.R. 2378, and voted only on that. In the aftermath, the vote on the appropriations bill was construed as being either "for" or "against" maintenance of the Cost of living Adjustment—for all Federal employees, judges and Congressmen and women. This, of course, later got further distilled as a vote "for" or "against" a congressional pay raise.

All of that occurred without adequate deliberation on the issue of COLAs, and even without specific discussion as to whether a distinction could be made for COLAs for federal employees, judges or Members of Congress. Thus, the American public was deprived of a clear and full enunciation of respective positions as well as a recorded vote on this particular issue. Members were ill-served by the portrayal of the vote on the broad Treasury, Postal, General Government Appropriations bill as a vote on a pay raise, particularly when the bill did not specifically address Ms. SMITH's issue.

The Majority now appears ready to compound the travesty today by once again closing debate without providing Ms. SMITH and those who might agree with her position an opportunity to amend or even debate the issue.

Mr. Speaker, operation of the House in such a manner could rightly be seen by the public as akin to the conduct of a certain Senate Committee Chairman in the other legislative body who recently invoked procedure to stifle a hearing and vote on an ambassadorial appointment for Mexico.

I suggest Mr. Speaker, that people will and should be more troubled by the way this business has been conducted than by whether or not a 2.3% COLA, in place since 1989, actually is authorized.

Personally I find that points made by experienced Members—including those who were here in 1989—seem to be reasonable in support of the 2.3% COLA, for Members of Congress, as well as for judges and other federal employees. I am told that the COLA was first established at a time when Members' ability to earn outside income was curtailed. In addition, Members are afforded no living allowances for the costs of maintaining a second residence and other expenses associated with the need to be both in the home district and in Washington D.C. Many Members believe firmly that the 2.3% COLA is fair, especially since it has not taken effect for several years, and that the salary set for Members helps attract quality candidates and Members. They also cite their seven day (and most evening) schedules and dedication to their work—which includes a responsibility to legislate on significant issues, including a multi-trillion dollar budget.

Yet these arguments have not been fully articulated because of the Majority's procedural maneuver to shut down debate. Other than a sense that the public may resent Congress' COLA, there has been little discussion as to why other federal employees and judges ought to be denied COLAs.

Mr. Speaker, I've yet to hear a sufficient rebuttal to the points made in favor of the COLA, but unfortunately it seems I shall not get that chance as the Majority appears set against it.

Had I the opportunity to weigh in, I'd like it known that I would support COLAs for federal employees and judges. Since many would seize the opportunity to politicize any action on Congressional COLA's, I would prefer that they be allowed to take effect in the session of Congress following the one in which a vote is taken. In fact, Mr. Speaker, I suggest that that would be the better course this year and at any future time when the compensation of those voting on the issue is in question.

So, I object to abuse of the process, and the refusal of the Majority leadership to put the question squarely to the membership for deliberation, debate and vote. I am also sure many Members will find objectionable the interpretations and misinterpretations of Members' positions.

Mr. Speaker, the insistence of the Republican leadership to be clever on the issue instead of forthright is a disservice to the public and to Members.

## TRIBUTE TO ST. JAMES PRESBYTERIAN CHURCH

### HON. BRAD SHERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 26, 1997*

Mr. SHERMAN. Mr. Speaker, I rise today to celebrate the groundbreaking ceremony for St. James Presbyterian Church's new sanctuary. It is an honor to join the congregation in celebrating this momentous occasion.

On January 17, 1994, the St. James sanctuary was destroyed by the Northridge earthquake. Since that time the congregation has worshiped in their fellowship hall which does not accommodate their entire congregation. Finally, 3½ years later, they are able to rebuild their sanctuary. We gather here to celebrate this new beginning.

St. James Presbyterian has a long and detailed history which stretches back to the end of the Second World War. During that time the San Fernando Valley had an unexpected population boom and Dr. John Tufft was selected by the Presbyterian Church's Presbytery of Los Angeles to be the organizing pastor of a new church in Tarzana, St. James Presbyterian Church.

The membership grew quickly, from 132 members in 1952 to 1,295 members in 1961. Luckily they were able to begin construction of a sanctuary to accommodate all who wanted to worship. They dedicated their magnificent sanctuary and the first service was so moving it was televised on the program "Great Churches of the Golden West." Unfortunately, it was this sanctuary that was destroyed by the earthquake.

Many members have struggled financially with the hopes of worshiping with the entire congregation under one roof again. This dream is finally a reality with today's groundbreaking ceremony.

Mr. Speaker, distinguished colleagues, please join me in celebrating the groundbreaking of this beautiful sanctuary. The members of this congregation deserve this recognition for their dedication and sacrifice.

## IN RECOGNITION OF THE FORMAL DEDICATION OF ANHEUSER-BUSCH HALL AT WASHINGTON UNIVERSITY SCHOOL OF LAW

### HON. STEVE R. ROTHMAN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 26, 1997*

Mr. ROTHMAN. Mr. Speaker, I rise today to offer my sincere best wishes and congratulations to the Washington University School of Law in St. Louis, MO, as the school formally dedicates its new building, Anheuser-Busch Hall. This state-of-the-art facility will provide plenty of much-needed space and provide the students and faculty with all of today's modern technology to make for a productive learning environment. This environment will enable Washington University students to continue to excel and will allow the distinguished faculty to continue to provide an excellent education for the lawyers of the 21st century.

As a graduate of Washington University's School of Law, it is exciting to see this new five-story structure open, complete with its 350,000 volume law library. Mudd Hall, the old site of the law school and the building in which I spent many days and nights studying, taking classes, and working, holds special memories for me and many others. However, I am sure that Anheuser-Busch Hall will only enhance the law school's ability to provide a high quality education for our future leaders.

I urge all of my colleagues to join me in congratulating the university and school of law, all its students, faculty, and benefactors, and wish them the best in Anheuser-Busch Hall.

## DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 1998

SPEECH OF

### HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 25, 1997*

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2267) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1998, and for other purposes:

Mrs. LOWEY. Mr. Chairman, I rise in opposition to the Bartlett Amendment.

This extreme amendment blocks the U.S. from taking even the first step toward fulfilling its debt to the U.N.

Mr. BARTLETT cloaks his amendment in the rhetoric of reform. He claims that his amendment will somehow take us down the path to reform.

But let's be very clear, Mr. Chairman. This amendment is NOT about U.N. reform. This amendment is simply about blocking the U.S. from fulfilling its obligations to the U.N.

I don't think there is anyone in this House who is not supportive of further U.N. reform. That is why we worked to elect a new Secretary General. That is why the Administration and the Congress have come up with a reform and arrears plan that is currently being negotiated by a conference committee. And that is why we will continue to advocate far-reaching reforms throughout the U.N. system.

But this amendment approaches the issue in an irresponsible, haphazard manner. In fact, the amendment would upend the ongoing negotiations between the Administration, Congressional leaders, and the U.N., setting back our efforts to implement reform in the U.N.

Mr. Chairman, the U.S. has a tremendous amount of influence within the U.N., but that level of influence is in danger of decreasing.

Our outstanding debt to the U.N. is draining our power in the organization and has created a climate of resistance to U.S. proposals.

The U.N. has historically served U.S. interests, but our debt is making it hard for the organization to carry out the very activities that serve these interests.

For all of these reasons, the U.S. must fulfill its financial obligation to the U.N. But that will not happen if the Bartlett Amendment passes.

In the interest of reforming the United Nations, I urge my colleagues to vote "no" on the Bartlett Amendment.

## INVESTIGATE ABUSES SURROUNDING THE CITIZENSHIP U.S.A. PROGRAM

### HON. MARK E. SOUDER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 26, 1997*

Mr. SOUDER. Mr. Speaker, I am submitting additional evidence supporting the need for my amendment approved by the House on September 24, 1997 which provides $2,000,000 for the inspector general's office at the Justice Department to complete a thorough and objective investigation of the abuses surrounding the Citizenship U.S.A. Program accelerating the naturalization process prior to the 1996 elections. This evidence includes an executive summary of the KPMG Peat Marwick LLP Report, a statistical listing of the naturalizations where complete background checks were not done provided by the Justice Department, and an editorial in the Washington Post entitled "Burned Again."

Naturalization is a critical symbol of the American democratic experiment and the continuing contribution immigrants made. The time has come to eliminate this blemish on the immigration system and those, the overwhelming majority of whom, legally pursue their citizenship. These abuses of the Clinton/Gore administration should not be tolerated which cheapen the integrity of citizenship and the naturalization process.

DEPARTMENT OF JUSTICE, IMMIGRATION AND NATURALIZATION SERVICE, NATURALIZATION QUALITY PROCEDURES IMPLEMENTATION REVIEW

FINAL REPORT—APRIL 17, 1997

Executive Summary: The Department of Justice, Justice Management Division, engaged KPMG Peat Marwick LLP to review the Immigration and Naturalization Service's (INS) implementation of the November

29, 1996 Naturalization Quality Procedures (NQP). The Naturalization Quality Procedures address seven key enhancements to the naturalization process. These enhancements include (1) standardization of work process, (2) fingerprint check integrity, (3) enhanced supervisory review, (4) instructions regarding temporary file (T-file) use, (5) implementation of a standardized quality assurance program, (6) guidance regarding revocation procedures, and (7) requirements for increased monitoring of outside English and Civics test sites. The instructions contained within the November 29, 1996 memorandum were effective upon receipt, and affected interview scheduling and oath ceremonies.

DoJ contracted with KPMG to conduct a review of NQP implementation to evaluate the effective implementation of these procedures. This document contains our review of the NQP directed internal controls implemented by INS to determine if INS field offices and service centers were complying with Memorandum provisions. We conducted our review between February 19 and March 26, 1997. The sites reviewed by KPMG represent approximately 85% of the INS naturalization processing capacity and provide a cross-section of INS offices. Our review indicates that, of the seven areas addressed by the Memorandum, the INS continues to have the most significant control problems with the fingerprint process and the identification of statutorily-barred applicants.

A key control implemented by the Naturalization Quality Procedures was the establishment of a data match between INS naturalization tracking systems and the Federal Bureau of Investigation (FBI) billing system to identify aliens with a disqualifying criminal history. This data match allowed INS to direct that no cases could be scheduled for interview or oath ceremony until receipt of a definitive response from the FBI regarding criminal history had occurred. Although this data match utilizes the same methodology used to determine the number of cases identified for the felony case review, there is one important exception. Unlike the methodology utilized during the felony case review, the production system requires a match of not only the A-number, but also the first and last names of the applicant. This additional requirement should increase the accuracy of the matching results. However, it should be understood that, although this is an improvement over the previous methodology, the introduction of any data manipulation into the matching methodology also introduces potential errors into the results.

The root cause of this potential error is the continued lack of quality control in the completion of FD-258 fingerprint cards. Although the automated matching process does provide some control, a correct identification from the FBI is not assured. Currently, INS is experiencing a growing backlog of cases that are classified "not found" as a result of the failure of the FBI and INS matching effort. Additionally, in a sample conducted by INS of 200 cases identified as NON-IDENT by the FBI, 25 applicants admitted to previous arrested during their interviews.

In addition to the potential error in the matching methodology between INS and FBI systems, local and state agencies are not required to report criminal arrest data to the FBI. Although the problem with state and local agency reporting is beyond the control of the INS, the integrity of FD-258 data is clearly within the INS purview, and should be corrected immediately. Based on our review, the use of Designated Fingerprint Services (DFS) has done little to increase the accuracy of this data.

To ensure that no cases are scheduled for interview or oath ceremony until a definitive criminal history response from the FBI is received, a unique system-generated control number is required to be entered on the N-400 processing worksheet. However, in our review, we often were unable to verify that this mandatory check had taken place. Since this is the validation step of this critical control, we feel this constitutes a material weakness in the criminal history validation process.

Upon further examination of the fingerprint process, we discovered pending case files with fingerprints that had been rejected by the FBI and are currently on indefinite hold pending a policy decision from INS Headquarters. The categories of fingerprint rejections currently being held pending a policy decision include: Applicants whose fingerprints had been rejected twice by the FBI as unclassifiable; applicants who had not responded to a request to be reprinted; and, applicants whose rejection notice was undeliverable due to an incorrect address given by the applicant.

The number of rejections we witnessed further supports our conclusion that the DFS initiative is not significantly improving the overall quality and integrity of the FD-258 process.

In addition to the findings regarding the criminal history validation process, our remaining findings focused on two major areas: dissemination of the new procedures and staff training. With regard to dissemination of the NQP, we discovered three different versions of the memorandum had been distributed throughout the INS. One is the Commissioner's signed copy, a second is an unsigned cc:mail version of the Commissioner's memos with different attachments, and the third is an early version drafted for the Deputy Commissioner's signature. The cc:mail version being used did not require FBI verification, completion of a processing worksheet with initials and dates, nor enhanced supervisory review for IDENT, T-file, or complex cases. If a sense of urgency regarding the NQP was communicated from INS Headquarters, it became diminished as it worked its way down the chain of command. In addition, generally staff at the first-line supervisor level and below were not informed of the reasons behind the implementation of the changes.

In reviewing the training records related to the NQP memorandum, we discovered that INS Headquarters decentralized training down to the individual office level. There were no standards set, no curriculum established, and no policies established regarding the recording of attendance for accountability purposes. This was a major contributing factor in the INS' inability to implement fully the NQP.

As a result of our site reviews, it is now clear that the NQP has increased internal control and helped reduce the risk of incorrectly naturalizing an applicant. But it is also clear that criminal history validation, a key control of the NQP, remains ineffective. In addition, the NQP standards outlined in the memorandum were unevenly applied across the INS as a result of the lack of standardized training and an inability to effectively communicate the NQP requirements.

Due to the inherent weaknesses in the FBI and INS matching, and the continued lack of control within the overall fingerprint process, we cannot provide assurance that INS is not continuing to incorrectly naturalize aliens with disqualifying conditions.

*Distribution of Naturalized Persons*

[Sept. 1995-96]

| | |
|---|---|
| Non-Idents: Persons identified as having no FBI criminal history records | 766,959 |
| Idents:[1] Persons identified as having FBI records which include INS administrative actions, misdemeanor and felony arrests and convictions | 81,492 |
| Reject/unclassifiable:[2] Persons identified as not having had definitive criminal history checks conducted because their fingerprint cards were rejected by the FBI because of poor quality prints | 124,740 |
| Not matched:[2] Persons for whom it cannot be determined whether or not FBI records checks were ever conducted | 55,750 |
| Elder/minor (not submitted): Elders and minors for whom INS policy does not require FBI records checks | 19,685 |
| Pending: Persons whose records checks were still being processed by the FBI at the time this data was produced | 1,241 |
| Total naturalized persons | 1,049,867 |

(1) Includes 9,145 candidate IDENTS resulting from full FBI CJIS name check, without full 10-print identification, as well as some expunged records.

(2) No record found from full FBI CJIS name check. No criminal history record based on name/date of birth check.

*Breakdown of idents*

[Persons identified by FBI as having criminal records]

| | |
|---|---|
| Administrative Violations: Individuals arrested only for INS administrative violations | 31,000 |
| Misdemeanor: Individuals arrested for at least one misdemeanor, but no felonies | 25,000 |
| Felony: Persons arrested for at least one felony | 16,400 |
| Candidate Idents: Possible matches based on name checks; some expunged records | 9,100 |
| Total idents | 81,500 |

*Table 3.—Case files reviewed by INS/KPMG*

| | |
|---|---|
| Proper decision: Cases in which the NRT adjudicators found that the statutorily defined residency and good moral character criteria were met (64.5%) | 10,030 |
| Presumptively ineligible: Cases in which the NRT adjudicators found that the statutorily defined residency and good moral character criteria were presumptively not met (2%) | 296 |
| Needs further action: Cases in which the NRT adjudicators found that they could not validate that the statutorily defined residency and good moral character criteria were met based on the information contained in the case files the NRT has in Lincoln (33.5%) | [1]5,210 |
| Total cases reviewed | 15,536 |

[1] Plus 4,650 involve failure to reveal felony arrest.

[From the Washington Post, Mar. 5, 1997]

### BURNED AGAIN

On subject after subject, this turns out to be a White House that you believe at your peril. Six months ago, Republicans were accusing it of trying to make political use of the Immigration and Naturalization Service. The charge was that the White House had put the arm on the INS to speed up and cut corners in the naturalization process, the theory being that new citizens would more likely vote Democratic than Republican, and therefore the more of them, the merrier.

The Administration responded that there was no way it would do a thing like that, manipulate the citizenship process for political gain, and folks believed it. We ourselves wrote sympathetically that, while "some congressional Republicans suspect a Democratic plan to load up the voter rolls . . . the administration replies that there are good and innocent reasons for [the] increase."

So now, guess what? It turns out the White House was in fact leaning on the INS to hasten the process, in part in hopes of creating new Democratic voters. There are documents that amply show as much. The attempt was described in a lengthy account in this newspaper by reporter William Branigin the other day. It was centered in the office of Vice President Gore, where they do reinventing government projects. But it wasn't just another reinvention. "The president is sick of this and wants action," Elaine Kamarck, a domestic policy adviser to Mr. Gore wrote in an e-mail last March, the "this" being that the INS wasn't moving people along at the proper speed.

The Republican charge is that, in speeding up the process, the INS made citizens of some applicants with criminal records who should have been barred. The Democratic defense—the current version—is that some of this may indeed have occurred, but not because of political interference. Rather, it was the result of simple bungling. You are told now that you shouldn't take the political meddling in this process—essentially a law enforcement process—seriously not because it didn't happen but because it was ineffectual. Now there's a comfort.

The INS has long been an agency in disrepair. It had and still has a huge naturalization backlog, partly the result of increased applications after the grant of amnesty to certain illegal aliens in the immigration act of 1986, partly now the result as well of last year's welfare bill, which cuts off benefits to immigrants who fail to naturalize. The agency was already trying to cut the backlog, as well it should, and if ever there were a candidate for reinvention, it's the INS. So you had a legitimate project until the folks with the hot hands in the White House decided it should be a political project as well, at which point it was compromised.

Some of the worst ideas ginned up in the White House never got anywhere, in part apparently because of stout INS resistance. Nor is it yet clear how many people with disqualifying records were made citizens, nor how much of that was due to political pressure and how much to just plain everyday incompetence. But in a way it doesn't matter. What matters is that once again the political people couldn't keep their distance from a process that should have been respected and left alone on decency-in-government grounds, and then they were untruthful about it. Who believes them and goes bail for them next time?

# SENATE—*Monday, September 29, 1997*

The Senate met at 12 noon, and was called to order by the President pro tempore [Mr. THURMOND].

## PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

God of all nations, Father of every tribe, color, and tongue of humankind, You have created us to live at peace with one another in Your family. You have revealed to us Your desire that all Your children should be free to worship You. Here in America, freedom of religion is a basic fabric of our life. Sadly, this freedom is not enjoyed in so many places in our world. We are grieved by the shocking accounts of religious persecution. Prejudice expressed in hostility and then in hatred and violence exists throughout the world. Yesterday, millions joined in an International Day of Prayer for the Persecuted Church. As we think of the needs, pain, and suffering inflicted on Christians because of their faith, we are reminded of all forms of intolerance over religion in the world. We remember the suffering of the Jews in this century. Forgive any prejudice in our own hearts and purge from us any vestige of imperious judgmentalism of people whose expression of faith in You differs from our own. We pray for tolerance in the human family. Through our Lord and Saviour. Amen.

## RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The able majority leader is recognized.

## SCHEDULE

Mr. LOTT. Mr. President, today the Senate will resume consideration of S. 25, the pending campaign finance reform bill.

As a reminder to all Senators, no votes will occur during today's session of the Senate. The next vote will occur 11 a.m. on Tuesday, September 30, on the motion to invoke cloture on the Coats amendment regarding scholarships. That amendment is to the District of Columbia appropriations bill, which is the last appropriations bill that we need to pass through the Senate for this fiscal year. It is hoped that the Senate will be able to complete action on the D.C. appropriations bill on Tuesday, although there are still some amendments that are being negotiated that could require more time, maybe even another cloture vote. I hope it will be worked out, though. Also during Tuesday's session of the Senate, the Senate will consider the continuing resolution. As Members are aware, we have been able to make good progress on the appropriations bills, so it is hoped that the continuing resolution and the remaining appropriations conference reports can be acted upon in a timely manner. We don't know of any problem with the continuing resolution. We think and we hope that it will be a clean CR, with a limited amount of time for debate, although we have not worked out those details yet. I will discuss it with the minority leader and we will advise the Members as to how much time would be required there.

With those things in mind, Members can anticipate votes throughout the day on Tuesday. With regard to the pending campaign finance reform bill, I encourage all Members to come to the floor and participate in this important debate. We will have time throughout this week, even though we will, of course, be affected, regarding how much time we can use toward the end of the week on this debate, by the Jewish religious holiday. We still need to work with those that would be needing leave to go to their respective States, as to how we will deal with that on Thursday and Friday. We will work that out.

As I announced last week, there will be no votes after 1 p.m. on Wednesday in observance of the Jewish holiday. However, the Senate will remain in session as is necessary in order for Members to fully debate S. 25. Still, we will need to talk about exactly how we will do that to make sure we are not inconveniencing any Senator that would need to be away for the Jewish holiday who would also like to be involved in that debate. We will work that through as the week goes on.

Mr. President, I believe now we are ready for the reporting of S. 25 by the clerk and the modification by Senator MCCAIN.

## BIPARTISAN CAMPAIGN REFORM ACT OF 1997

The PRESIDING OFFICER (Mr. KYL). Under the previous order, the Senate will now resume consideration of S. 25 which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 25) to reform the financing of Federal elections.

The Senate resumed consideration of the bill.

Mr. MCCAIN. Mr. President, I would like to ask the majority leader a question before I send a modification to the desk. Maybe I can discuss this with him on the floor.

It is not clear to me as to what his plans are for the following week. I understand tomorrow is taken up with conference reports and other business. As he said, we would go back on Wednesday to debate S. 25 with the modification. And then would it be his intention to begin votes later this week, or the following week? I know it is a little hard to tell, but I wonder if maybe we should have some discussion off the floor on this issue.

Mr. LOTT. Mr. President, if the Senator will yield so that I may make a comment on that, I hope, first, that we will have some time on Tuesday of this week, before or after, during some of the votes that may be occurring on the continuing resolution, as well as the appropriations conference reports. I hope that most of those won't take a lot of time. We will have some time for debate tomorrow. But until we see exactly what will be available and how much time is needed on the CR, we won't know for sure. But we will find that out, hopefully, today and we will confer with the leadership on both sides of the aisle, as well as the Senators interested in this bill.

I had hoped that we could also have some debate on Wednesday afternoon, even though we would not have any votes after 1 o'clock. But we would still have debate up until about 4 o'clock, and then Thursday is open. We don't want to, in any way, infringe on the religious holiday. So we will need to talk that through. We could have some debate on Thursday and, of course, we can, and I assume will, have some debate Friday. We want to talk that through to make sure everybody is comfortable with that.

My hope is that we could continue debate on Monday the 6th and begin having votes on Tuesday, and the possibility also on Wednesday. But, again, we need to go and get started with debate and see how that is going to stack up, and we will talk about that. It is a little bit broken up because of the religious holiday, but we want to have full time for debate, and we will start votes after that. That was my thinking.

Mr. MCCAIN. I thank the majority leader. I think that clarifies a great deal. I also appreciate his sensitivity to those who have to be home at this holiday season. I know my colleague from Wisconsin and other Senators who need to be involved in this issue. I want to thank the majority leader for what seems to me to be a generous amount of time for debate and discussion of this issue.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Mr. President, in just a few moments, I will lay before the Senate the modified version of the McCain-Feingold campaign finance reform bill. After I do so, the leader will be recognized to offer an amendment to the bill. Therefore, I wanted to take a few minutes before that action occurs to speak briefly to the modification.

First, I want to thank my cosponsors and allies in this fight. Senator THOMPSON and Senator COLLINS have played crucial roles as we moved forward on this matter. Their steadfast support, advice, and friendship is greatly appreciated.

But more than anybody, I want to thank my friend from the other side of the aisle, the Senator from Wisconsin, RUSS FEINGOLD. I do not believe that when he and I first sat down and began a discussion on this matter that we would be where are today—engaged in a historic battle to reform the electoral system of this great Nation. My friend, as he is indeed my friend, has been steadfast in his commitment and his belief in this cause and I want to state for the RECORD that I am grateful he is my ally in this fight.

Mr. President, I want to briefly highlight again what the modified bill does and does not do. This is not a big government solution. The modified test is just over 50 pages long.

The defenders of the status quo are not defending an unbridled, unregulated bastion of free speech. The Federal Election Campaign Act, known as FECA, governs Federal elections today.

Elections are regulated today. They need to be regulated. We do not want corporations, unions, or wealthy individuals to buy and sell elections. This is not a country where a royal class controls the Government. No one here wants corporations to give directly to campaigns. The fact is that at certain times and certain places, there is a role for some regulation and restraint in order to protect the greater public good.

Title I of the modified bill seeks to reduce the influence of special interest money in campaigns by banning the use of soft money in Federal races. Soft money would be allowed to be contributed to State parties in accordance with State law.

We do, however, seek to differentiate between State and Federal activities. Soft money contributed to State parties could be used for any and all State candidate activities. Let me repeat that statement. Soft money given to the State parties could be used for any State electioneering activities.

If a State allows soft money to be used in a gubernatorial race, a State senate race, or the local sheriff's race, it would still be allowed under this bill. However, if a State party seeks to use soft money to indirectly influence a Federal race, such activity would be banned 120 days prior to the general election. Using such funds to finance voter registration activities would be allowed except during the 120 days prior to the election.

Voter registration efforts are very important. I know my colleagues recognize that fact. We want individuals to register and then to vote. This bill recognizes that fact and allows parties to engage in voter registration activities. Additionally, State parties would be allowed, within limits, to engage in generic party advertising. These activities help build the party and encourage people to vote.

To make up for the loss of soft money, the modified bill doubles the limit that individuals can give to State parties in hard money. Consequently, the aggregate contribution limit for hard money that individuals could donate to political races would rise to $30,000.

Title II of the modified bill seeks to limit the role of independent expenditures in political campaigns.

Mr. President, I think we ought to pay attention to this part of it because, over the weekend, it seems to be the attack point for various pundits and those throughout the Nation, most of whom by the way have not seen the bill.

The bill in no way bans, curbs, or seeks to control real, independent, noncoordinated expenditures in any manner. Additionally, if hard money—money that is recorded and traceable—is used, then there are no restrictions of any kind on advertising.

Let me repeat that fact. This bill in no way restricts any message or any use of the airwaves. It does however place limits and controls on expenditures if certain kinds of money are used to fund such activity.

Any independent expenditure made to advocate any cause, with the exception of the express advocacy of a candidate's victory or defeat, is fully allowed. To do any thing else would violate the first amendment.

However, the bill does expand the definition of express advocacy. The courts have routinely ruled that the Congress may define express advocacy. In fact, current standards of express advocacy have been derived from the Buckley case itself.

As we all know, the Supreme Court case of Buckley versus Valeo stated that campaign spending cannot be mandatorily capped. This bill is fully consistent with the Buckley decision. I ask unanimous consent that a letter signed by 126 legal scholars expressing support for the constitutionality of this bill be printed in the RECORD at this time.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

BRENNAN CENTER FOR JUSTICE,
*New York, NY, September 22, 1997.*

Senator JOHN MCCAIN,
Senator RUSSELL FEINGOLD,
*U.S. Senate, Washington, DC.*

DEAR SENATORS MCCAIN AND FEINGOLD: We are academics who have studied and written about the First Amendment to the United States Constitution. We submit this letter to respond to a series of recent public challenges to two components of S. 25, the McCain-Feingold bill. Critics have argued that it is unconstitutional to close the so-called "soft money loophole" by placing restrictions on the source and amount of campaign contributions to political parties. Critics have also argued that it is unconstitutional to offer candidates benefits, such as reduced broadcasting rates, in return for their commitment to cap campaign spending. We are deeply committed to the principles underlying the First Amendment and believe strongly in preserving free speech and association in our society, especially in the realm of politics. We are not all of the same mind on how best to address the problems of money and politics; indeed, we do not all agree on the constitutionality of various provisions of the McCain-Feingold bill itself. Nor are we endorsing every aspect of the bill's soft money and voluntary spending limits provisions. We all agree, however, that the current debate on the merits of campaign finance reform is being sidetracked by the argument that the Constitution stands in the way of a ban on unlimited contributions to political parties and a voluntary spending limits scheme based on offering inducements such as reduced media time.

### I. LIMITS ON ENORMOUS CAMPAIGN CONTRIBUTIONS TO POLITICAL PARTIES FROM CORPORATIONS, LABOR UNIONS, AND WEALTHY CONTRIBUTORS ARE CONSTITUTIONAL

To prevent corruption and the appearance of corruption, federal law imposes limits on the source and amount of money that can be given to candidates and political parties "in connection with" federal elections. The money raised under these strictures is commonly referred to as "hard money." Since 1907, federal law has prohibited corporations from making hard money contributions to candidates or political parties. See 2 U.S.C. §441b(a) (current codification). In 1947, that ban was extended to prohibit union contributions as well. Id. Individuals, too, are subject to restrictions in their giving of money to influence federal elections. The Federal Election Campaign Act ("FECA") limits an individual's contributions to (1) $1,000 per election to a federal candidate; (2) $20,000 per year to national political party committees; and (3) $5,000 per year to any other political committee, such as a PAC or a state political party committee. 2 U.S.C. §441a(a)(1). Individuals are also subject to a $25,000 annual limit on the total of all such contributions. Id. §441a(a)(3).

The soft money loophole was created not by Congress, but by a Federal Election Commission ("FEC") ruling in 1978 that opened a seemingly modest door to allow non-regulated contributions to political parties, so long as the money was used for grassroots campaign activity, such as registering voters and get-out-the-vote efforts. These unregulated contributions are known as "soft money" to distinguish them from the hard money raised under FECA's strict limits. In the years since the FEC's ruling, this modest opening has turned into an enormous loophole that threatens the integrity of the regulatory system. In the last presidential elections, soft money contributions soared to the unprecedented figure of $263 million. It was not merely the total amount of soft money contributions that was unprecedented, but the size of the contributions as well, with donors being asked to give amounts $100,000, $250,000 or more to gain preferred access to federal officials. Moreover, the soft money raised is, for the most part, not being spent to bolster party grassroots organizing. Rather, the funds are often solicited by federal candidates and used for media advertising clearly intended to influence federal elections. In sum, soft money has become an end run around the campaign contribution limits, creating a corrupt system in which monied interests appear to buy access to, and inappropriate influence with, elected officials.

The McCain-Feingold bill would ban soft money contributions to national political parties, by requiring that all contributions to national parties be subject to FECA's hard money restrictions. The bill also would bar federal officeholders and candidates for such offices from soliciting, receiving, or spending soft money and would prohibit state and local political parties from spending soft money during a federal election year for any activity that might affect a federal election (with exceptions for specified activities that are less likely to impact on federal elections).

We believe that such restrictions are constitutional. The soft money loophole has raised the specter of corruption stemming from large contributions (and those from prohibited sources) that led Congress to enact the federal contribution limits in the first place. In Buckley v. Valeo, the Supreme Court held that the government has a compelling interest in combating the appearance and reality of corruption, an interest that justifies restricting large campaign contributions in federal elections. 424 U.S. 1, 23–29 (1976). Significantly, the Court upheld the $25,000 annual limit on an individual's total contributions in connection with federal elections. Id. at 26–29, 38. In later cases, the Court rejected the argument that corporations have a right to use their general treasury funds to influence elections. See, e.g., Austin v. Michigan Chamber of Commerce, 494 U.S. 652 (1990). Under Buckley and its progeny, Congress clearly possesses power to close the soft money loophole by restricting the source and size of contributions to political parties, just as it does for contributions to candidates, for use in connection with federal elections.

Moreover, Congress has the power to regulate the source of the money used for expenditures by state and local parties during federal election years when such expenditures are used to influence federal elections. The power of Congress to regulate federal elections to prevent fraud and corruption includes the power to regulate conduct which, although directed at state or local elections, also has an impact on federal races. During a federal election year, a state or local political party's voter registration or get-out-the-vote drive will have an effect on federal elections. Accordingly, Congress may require that during a federal election year state and local parties' expenditures for such activities be made from funds raised in compliance with FECA so as not to undermine the limits therein.

Any suggestion that the recent Supreme Court decision in Colorado Republican Federal Campaign Committee v. FEC, 116 S. Ct. 2309 (1996), casts doubt on the constitutionality of a soft money ban is flatly wrong. Colorado Republican did not address the constitutionality of banning soft money contributions, but rather the expenditures by political parties of hard money, that is, money raised in accordance with FECA's limits. Indeed, the Court noted that it "could understand how Congress, were it to conclude that the potential for evasion of the individual contribution limits was a serious matter, might decide to change the statute's limitations on contributions to political parties." Id. at 2316.

In fact, the most relevant Supreme Court decision is not Colorado Republican, but Austin v. Michigan Chamber of Commerce, in which the Supreme Court held that corporations can be walled off from the electoral process by forbidding both contributions and independent expenditures from general corporate treasuries. 494 U.S. at 657–61. Surely, the law cannot be that Congress has the power to prevent corporations from giving money directly to a candidate, or from expending money on behalf of a candidate, but lacks the power to prevent them from pouring unlimited funds into a candidate's political party in order to buy preferred access to him after the election.

Accordingly, closing the loophole for soft money contributions is in line with the longstanding and constitutional ban on corporate and union contributions in federal elections and with limits on the size of individuals' contributions to amounts that are not corrupting.

### II. EFFORTS TO PERSUADE CANDIDATES TO LIMIT CAMPAIGN SPENDING VOLUNTARILY BY PROVIDING THEM WITH INDUCEMENTS LIKE FREE TELEVISION TIME ARE CONSTITUTIONAL

The McCain-Feingold bill would also invite candidates to limit campaign spending in return for free broadcast time and reduced broadcast and mailing rates. In Buckley, the Court explicitly declared that "Congress . . . may condition acceptance of public funds on an agreement by the candidate to abide by specified expenditure limitations." 424 U.S. at 56 n.65. The Court explained: "Just as a candidate may voluntarily limit the size of the contributions he chooses to accept, he may decide to forgo private fundraising and accept public funding." Id.

That was exactly the Buckley Court's approach when it upheld the constitutionality of the campaign subsidies to Presidential candidates in return for a promise to limit campaign spending. At the time, the subsidy to Presidential nominees was $20 million, in return for which Presidential candidates agreed to cap expenditures at that amount and raise no private funds at all. The subsidy is now worth over $60 million and no Presidential nominee of a major party has ever turned down the subsidy.

In effect, the critics argue that virtually any inducement offered to a candidate to persuade her to limit campaign spending is unconstitutional as a form of indirect "coercion." But the Buckley Court clearly distinguished between inducements designed to elicit a voluntary decision to limit spending and coercive mandates that impose involuntary spending ceilings. If giving a Presidential candidate a $60 million subsidy is a constitutional inducement, surely providing free television time and reduced postal rates falls into the same category of acceptable inducement. The lesson from Buckley is that merely because a deal is too good to pass up does not render it unconstitutionally "coercive."

Respectfully submitted,

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Mr. McCAIN. What the modified bill seeks to do is establish a so-called bright line test 60 days out from an election. Any independent expenditures that fall within that 60-day window could not use a candidate's name or his or her likeness. During this 60-day period, ads could run that advocate any number of issues. Pro-life ads, pro-choice ads, antilabor ads, prowilderness ads, pro-Republican party or Democratic party ads—all could be aired without restriction. However, ads mentioning candidates themselves could not be aired.

This accomplishes much. First, if soft money is banned to the political parties, such money will inevitably flow to independent campaign organizations. These groups often run ads that the candidates themselves disapprove of. Further, these ads are almost always negative attack ads and do little to further beneficial debate and a healthy political dialog. To be honest, they simply drive up an individual candidate's negative polling numbers and increase public cynicism for public service in general.

The modified bill explicitly protects voter guides. I believe this is a very important point. Some have unfairly criticized the original bill because they thought it banned or prohibited the publication and distribution of voter guides and voting records. While I disagree with those individual's conclusions, the sponsors of the modified bill sought to clarify this matter.

Let me state that voter guides are completely protected in the modified bill. Any statements to the contrary are simply not true.

Some of my colleagues have voiced concern about the 60-day bright line test as being arbitrary. They have noted that different standards would exist prior to 60 days out. They are right. But what is their point. Election law is riddled with deadlines and time frames. When a candidate runs for office, he or she must file papers by a certain date. In order to appear on the ballot, certain deadlines must be met, certain events must occur. What is their point. Would they advocate abolishing all time frames and just let elections occur as spontaneous events? I don't think so.

I hope that we will not allow our attention to be distracted from the real issues at hand—how to raise the tenor of the debate in our elections and give people real choices. No one benefits from negative ads. They don't aid our Nation's political dialog. Again, if someone chooses to run negative ads, this bill will not restrict their right to do so. But we should not just throw up our hands and say, "Who cares?" We should seek, within the protections of the Constitution, to encourage a healthy political debate.

I believe that in 1994 it was not better funding and more money that gave Republicans victory; it was better and more ideas. If money was the key to Republican victory, why then did it take so long?

I am very serious about this point. Some have stated that money helps equalize the Republican Party's ability to win elections due to the liberal press. If that is true, then why didn't it work? Since 1974, when we last reformed the campaign finance system, throughout the 1970's and 1980's and 1990's, Republicans routinely have outraised and outspent Democrats. Yet, with the exception of 1980 to 1986 in the Senate, we did not control the Congress. I would argue that the 6 years in which we controlled the Senate during the 1980's was due to the strength and leadership of Ronald Reagan; not our ability to spend.

When we took over the Congress in 1994—and I say this not to agitate my Democrat colleagues—it was not due to money. It was due to our superior ideas. It was due to the Contract With America. It was due to a fundamental change in the views of the American electorate. It was not due to a spate of negative campaign advertising.

Title III of the modified bill mandates greater disclosure. Our bill mandates that all FEC filings documenting campaign receipts and expenditures be made electronically and that they then be made accessible to the public on the Internet not later than 24 hours after the information is received by the Federal Election Commission.

Additionally, current law allows for campaigns to make a "best effort" to obtain the name, address, and occupation information of the donors, et cetera. The bill also mandates random audits of campaigns. Such audits would only occur after an affirmative vote of at least four of the six members of the FEC. This will prevent the use of audits as a purely partisan attack.

Title IV seeks to encourage individuals to limit the amount of personal money they spend on their own campaigns. If an individual voluntarily elects to limit the amount of money he or she spends in his or her race to $50,000, then the national parties are able to use funds known as "coordinated expenditures" to aid such candidates. If candidates refuse to limit their own personal spending, the parties are prohibited from contributing coordinated funds to the candidate.

This serves to limit the advantage that wealthy candidates enjoy and strengthens the party system by encouraging candidates to work more closely with the parties.

Lastly, the bill codifies the Beck decision, which states that nonunion employees in a closed-shop union workplace who are required to contribute funds to the union can request and ensure that his or her money not be used for political purposes.

I personally support stronger language. I believe no individual should be forced to contribute to political activities. However, I recognize stronger language would invite a filibuster of this bill and would doom its final passage.

Mr. President, what I have outlined is a basic summary of our modification to the original bill.

I have heard many colleagues say that they could not support S. 25, the original McCain-Feingold bill, for a wide variety of reasons. Some oppose spending limits. Others oppose free or reduced rate broadcast time. Yet others could not live with postal subsidies to candidates, and others complain that nothing was being done about labor.

Again, as I stated in the opening debate on Friday, I hope all of my colleagues who made such statements will take a new and openminded look at this bill. Gone are spending limits. Gone is free broadcast time. Gone are reduced rate TV time and postal subsidies. We have sought to address the problem of undue influence being exercised by the labor unions. All of the excuses of the past are gone.

Mr. President, let me close again by emphasizing that the sponsors of this legislation have but one purpose—to enact a fair, bipartisan campaign reform that seeks no advantage for one party or the other but only seeks to find common ground upon which we can all agree to pass the best, most balanced, and most important reform we have ever had.

All we ask of our colleagues is that they approach this debate with the same purpose in mind.

To those who accuse the opponents of this bill of being unyielding in their opposition to any reform, let me recite the words of my friend from Kentucky from an op-ed piece he wrote for the Washington Post in 1993. My friend, Senator MCCONNELL from Kentucky, said:

"The truth is that Republicans support a ban on all soft money," Senator MCCONNELL wrote, "regardless of whether it benefits Republicans or Democrats."

Let me repeat that.

"The truth is that Republicans support a ban on all soft money," Senator MCCONNELL wrote, "regardless of whether it benefits Republicans or Democrats."

The Senator went on to identify himself and the Republican Party with the advocates of reform:

> Truly campaign finance reform is needed—

truly campaign finance reform is needed—

> but it should not have to cost the taxpayers, and it does not have to include spending limits. If we are going to pass a meaningful bipartisan campaign finance bill, we must drop the roadblocks to reform: taxpayers financing and spending limits.

Mr. President, I say to my friend from Kentucky that, as a sign of our good faith, the sponsors of this bill have listened to his objections, and we have dropped the provisions which he once criticized as roadblocks. Moreover, we share Senator MCCONNELL's view that soft money must be banned.

I would say that we are very close to the proposed reforms that Senator MCCONNELL proposed in 1993. We pled with our colleagues not to use the amendment process only to kill the prospects for real reform by offering amendments intended to be, as Senator MCCONNELL put it, "roadblocks" to reform.

If Senator MCCONNELL is as sincere in proposing reforms as he was a few years ago—which I do not doubt—work with us to resolve our very few remaining differences and help us reach our common goal of genuine campaign finance reform.

### MODIFICATION TO S. 25

Mr. MCCAIN. Mr. President, I send the modification to the desk.

The PRESIDING OFFICER. The bill is so modified.

The modification is as follows:

Strike all after the enacting clause and insert the following:

**SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

(a) SHORT TITLE.—This Act may be cited as the "Bipartisan Campaign Reform Act of 1997".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—REDUCTION OF SPECIAL INTEREST INFLUENCE

Sec. 101. Soft money of political parties.
Sec. 102. Increased contribution limits for State committees of political parties and aggregate contribution limit for individuals.
Sec. 103. Reporting requirements.

TITLE II—INDEPENDENT AND COORDINATED EXPENDITURES

Sec. 201. Definitions.
Sec. 202. Civil penalty.
Sec. 203. Reporting requirements for certain independent expenditures.
Sec. 204. Independent versus coordinated expenditures by party.
Sec. 205. Coordination with candidates.

TITLE III—DISCLOSURE

Sec. 301. Filing of reports using computers and facsimile machines; filing by Senate candidates with Commission.
Sec. 302. Prohibition of deposit of contributions with incomplete contributor information.
Sec. 303. Audits.
Sec. 304. Reporting requirements for contributions of $50 or more.
Sec. 305. Use of candidates' names.

Sec. 306. Prohibition of false representation to solicit contributions.
Sec. 307. Soft money of persons other than political parties.
Sec. 308. Campaign advertising.

TITLE IV—PERSONAL WEALTH OPTION

Sec. 401. Voluntary personal funds expenditure limit.
Sec. 402. Political party committee coordinated expenditures.

TITLE V—MISCELLANEOUS

Sec. 501. Codification of Beck decision.
Sec. 502. Use of contributed amounts for certain purposes.
Sec. 503. Limit on congressional use of the franking privilege.
Sec. 504. Prohibition of fundraising on Federal property.
Sec. 505. Penalties for knowing and willful violations.
Sec. 506. Strengthening foreign money ban.
Sec. 507. Prohibition of contributions by minors.
Sec. 508. Expedited procedures.
Sec. 509. Initiation of enforcement proceeding.

TITLE VI—SEVERABILITY; CONSTITUTIONALITY; EFFECTIVE DATE; REGULATIONS

Sec. 601. Severability.
Sec. 602. Review of constitutional issues.
Sec. 603. Effective date.
Sec. 604. Regulations.

## TITLE I—REDUCTION OF SPECIAL INTEREST INFLUENCE

### SEC. 101. SOFT MONEY OF POLITICAL PARTIES.

Title III of the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.) is amended by adding at the end the following:

### "SEC. 324. SOFT MONEY OF POLITICAL PARTIES.

"(a) National Committees.—

"(1) In general.—A national committee of a political party (including a national congressional campaign committee of a political party) and any officers or agents of such party committees, shall not solicit, receive, or direct to another person a contribution, donation, or transfer of funds, or spend any funds, that are not subject to the limitations, prohibitions, and reporting requirements of this Act.

"(2) Applicability.—This subsection shall apply to an entity that is directly or indirectly established, financed, maintained, or controlled by a national committee of a political party (including a national congressional campaign committee of a political party), or an entity acting on behalf of a national committee, and an officer or agent acting on behalf of any such committee or entity.

"(b) State, District, and Local Committees.—

"(1) In general.—An amount that is expended or disbursed by a State, district, or local committee of a political party (including an entity that is directly or indirectly established, financed, maintained, or controlled by a State, district, or local committee of a political party and an officer or agent acting on behalf of such committee or entity) for Federal election activity shall be made from funds subject to the limitations, prohibitions, and reporting requirements of this Act.

"(2) Federal election activity.—

"(A) In general.—The term 'Federal election activity' means—

"(i) voter registration activity during the period that begins on the date that is 120 days before the date a regularly scheduled Federal election is held and ends on the date of the election;

"(ii) voter identification, get-out-the-vote activity, or generic campaign activity conducted in connection with an election in which a candidate for Federal office appears on the ballot (regardless of whether a candidate for State or local office also appears on the ballot); and

"(iii) a communication that refers to a clearly identified candidate for Federal office (regardless of whether a candidate for State or local office is also mentioned or identified) and is made for the purpose of influencing a Federal election (regardless of whether the communication is express advocacy).

"(B) Excluded activity.—The term 'Federal election activity' does not include an amount expended or disbursed by a State, district, or local committee of a political party for—

"(i) campaign activity conducted solely on behalf of a clearly identified candidate for State or local office, provided the campaign activity is not a Federal election activity described in subparagraph (A);

"(ii) a contribution to a candidate for State or local office, provided the contribution is not designated or used to pay for a Federal election activity described in subparagraph (A);

"(iii) the costs of a State, district, or local political convention;

"(iv) the costs of grassroots campaign materials, including buttons, bumper stickers, and yard signs that name or depict only a candidate for State or local office;

"(v) the non-Federal share of a State, district, or local party committee's administrative and overhead expenses (but not including the compensation in any month of an individual who spends more than 20 percent of the individual's time on Federal election activity) as determined by a regulation promulgated by the Commission to determine the non-Federal share of a State, district, or local party committee's administrative and overhead expenses; and

"(vi) the cost of constructing or purchasing an office facility or equipment for a State, District or local committee.

"(c) Fundraising Costs.—An amount spent by a national, State, district, or local committee of a political party, by an entity that is established, financed, maintained, or controlled by a national, State, district, or local committee of a political party, or by an agent or officer of any such committee or entity, to raise funds that are used, in whole or in part, to pay the costs of a Federal election activity shall be made from funds subject to the limitations, prohibitions, and reporting requirements of this Act.

"(d) Tax-Exempt Organizations.—A national, State, district, or local committee of a political party (including a national congressional campaign committee of a political party, an entity that is directly or indirectly established, financed, maintained, or controlled by any such national, State, district, or local committee or its agent, an agent acting on behalf of any such party committee, and an officer or agent acting on behalf of any such party committee or entity), shall not solicit any funds for, or make or direct any donations to, an organization that is described in section 501(c) of the Internal Revenue Code of 1986 and exempt from taxation under section 501(a) of such Code (or has submitted an application to the Secretary of the Internal Revenue Service for determination of tax-exemption under such section).

"(e) Candidates.—

"(1) In general.—A candidate, individual holding Federal office, or agent of a candidate or individual holding Federal office shall not solicit, receive, direct, transfer, or spend funds for a Federal election activity on behalf of such candidate individual, agent or any other person unless the funds are subject to the limitations, prohibitions, and reporting requirements of this Act.

"(A) State law.—Paragraph (1) does not apply to the solicitation or receipt of funds by an individual who is a candidate for a State or local office if the solicitation or receipt of funds is permitted under State law for any activity other than a Fedral election activity.

"(B) Fundraising events.—Paragraph (1) does not apply in the case of a candidate who attends, speaks, or is a featured guest at a fundraising event sponsored by a State, district, or local committee of a political party.".

### SEC. 102. INCREASED CONTRIBUTION LIMITS FOR STATE COMMITTEES OF POLITICAL PARTIES AND AGGREGATE CONTRIBUTION LIMIT FOR INDIVIDUALS.

(a) Contribution Limit for State Committees of Political Parties.—Section 315(a)(1) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)(1)) is amended—

(1) in subparagraph (B), by striking "or" at the end;

(2) in subparagraph (C)—

(A) by inserting "(other than a committee described in subparagraph (D))" after "committee"; and

(B) by striking the period at the end and inserting "; or"; and

(3) by adding at the end the following:

"(D) to a political committee established and maintained by a State committee of a political party in any calendar year that, in the aggregate, exceed $10,000".

(b) Aggregate Contribution Limit for Individual.—Section 315(a)(3) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)(3)) is amended by striking "$25,000" and inserting "$30,000".

### SEC. 103. REPORTING REQUIREMENTS.

(a) Reporting Requirements.—Section 304 of the Federal Election Campaign Act of 1971 (2 U.S.C. 434) (as amended by section 203) is amended by adding at the end the following:

"(e) Political Committees.—

"(1) National and congressional political committees.—The national committee of a political party, any national congressional campaign committee of a political party, and any subordinate committee of either, shall report all receipts and disbursements during the reporting period.

"(2) Other political committees to which section 324 applies.—A political committee (not described in paragraph (1)) to which section 324(b)(1) applies shall report all receipts and disbursements made for activities described in paragraphs (2) and (3)(A)(v) of section 324(b).

"(3) Itemization.—If a political committee has receipts or disbursements to which this subsection applies from any person aggregating in excess of $200 for any calendar year, the political committee shall separately itemize its reporting for such person in the same manner as required in paragraphs (3)(A), (5), and (6) of subsection (b).

"(4) Reporting periods.—Reports required to be filed under this subsection shall be filed for the same time periods required for political committees under subsection (a).".

(b) Building Fund Exception to the Definition of Contribution.—Section 301(8)(B) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(8)(B)) is amended—

(1) by striking clause (viii); and

(2) by redesignating clauses (ix) through (xiv) as clauses (viii) through (xiii), respectively.

### TITLE II—INDEPENDENT AND COORDINATED EXPENDITURES

**SEC. 201. DEFINITIONS.**

(a) DEFINITION OF INDEPENDENT EXPENDITURE.—Section 301 of the Federal Election Campaign Act (2 U.S.C. 431) is amended by striking paragraph (17) and inserting the following:

"(17) INDEPENDENT EXPENDITURE.—

"(A) IN GENERAL.—The term 'independent expenditure' means an expenditure by a person—

"(i) for a communication that is express advocacy; and

"(ii) that is not provided in coordination with a candidate or a candidate's agent or a person who is coordinating with a candidate or a candidate's agent.".

(b) DEFINITION OF EXPRESS ADVOCACY.—Section 301 of the Federal Election Campaign Act of 1971 (2 U.S.C. 431) is amended by adding at the end the following:

"(20) EXPRESS ADVOCACY.—

"(A) IN GENERAL.—The term 'express advocacy' means a communication that advocates the election or defeat of a candidate by—

"(i) containing a phrase such as 'vote for', 're-elect', 'support', 'cast your ballot for', '(name of candidate) for Congress', '(name of candidate) in 1997', 'vote against', 'defeat', 'reject', or a campaign slogan or words that in context can have no reasonable meaning other than to advocate the election or defeat of 1 or more clearly identified candidates;

"(ii) referring to 1 or more clearly identified candidates in a paid advertisement that is broadcast by a radio broadcast station or a television broadcast station within 60 calendar days preceding the date of an election of the candidate and that appears in the State in which the election is occurring, except that with respect to a candidate for the office of Vice President or President, the time period is within 60 calendar days preceding the date of a general election; or

"(iii) expressing unmistakable and unambiguous support for or opposition to 1 or more clearly identified candidates when taken as a whole and with limited reference to external events, such as proximity to an election.

"(B) VOTING RECORD AND VOTING GUIDE EXCEPTION.—The term 'express advocacy' does not include a printed communication that—

"(i) presents information in an educational manner solely about the voting record or position on a campaign issue of 2 or more candidates;

"(ii) that is not made in coordination with a candidate, political party, or agent of the candidate or party; or a candidate's agent or a person who is coordinating with a candidate or a candidate's agent;

"(iii) does not contain a phrase such as 'vote for', 're-elect', 'support', 'cast your ballot for', '(name of candidate) for Congress', '(name of candidate) in 1997', 'vote against', 'defeat', or 'reject', or a campaign slogan or words that in context can have no reasonable meaning other than to urge the election or defeat of 1 or more clearly identified candidates.".

(c) DEFINITION OF EXPENDITURE.—Section 301(9)(A) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(9)(A)) is amended—

(1) in clause (i), by striking "and" at the end;

(2) in clause (ii), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(iii) a payment for a communication that is express advocacy; and

"(iv) a payment made by a person for a communication that—

"(I) refers to a clearly identified candidate;

"(II) is provided in coordination with the candidate, the candidate's agent, or the political party of the candidate; and

"(III) is for the purpose of influencing a Federal election (regardless of whether the communication is express advocacy)."

**SEC. 202. CIVIL PENALTY.**

Section 309 of the Federal Election Campaign Act of 1971 (2 U.S.C. 437g) is amended—

(1) in subsection (a)—

(A) in paragraph (4)(A)—

(i) in clause (i), by striking "clause (ii)" and inserting "clauses (ii) and (iii)"; and

(ii) by adding at the end the following:

"(iii) If the Commission determines by an affirmative vote of 4 of its members that there is probable cause to believe that a person has made a knowing and willful violation of section 304(c), the Commission shall not enter into a conciliation agreement under this paragraph and may institute a civil action for relief under paragraph (6)(A)."; and

(B) in paragraph (6)(B), by inserting "(except an action instituted in connection with a knowing and willful violation of section 304(c))" after "subparagraph (A)"; and

(2) in subsection (d)(1)—

(A) in subparagraph (A), by striking "Any person" and inserting "Except as provided in subparagraph (D), any person"; and

(B) by adding at the end the following:

"(D) In the case of a knowing and willful violation of section 304(c) that involves the reporting of an independent expenditure, the violation shall not be subject to this subsection.".

**SEC. 203. REPORTING REQUIREMENTS FOR CERTAIN INDEPENDENT EXPENDITURES.**

Section 304(c) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(c)) is amended—

(1) in paragraph (2), by striking the undesignated matter after subparagraph (C);

(2) by redesignating paragraph (3) as paragraph (7); and

(3) by inserting after paragraph (2) (as amended by paragraph (1)) the following:

"(d) TIME FOR REPORTING CERTAIN EXPENDITURES.—

"(1) EXPENDITURES AGGREGATING $1,000.—

"(A) INITIAL REPORT.—A person (including a political committee) that makes or contracts to make independent expenditures aggregating $1,000 or more after the 20th day, but more than 24 hours, before the date of an election shall file a report describing the expenditures within 24 hours after that amount of independent expenditures has been made.

"(B) ADDITIONAL REPORTS.—After a person files a report under subparagraph (A), the person shall file an additional report within 24 hours after each time the person makes or contracts to make independent expenditures aggregating an additional $1,000 with respect to the same election as that to which the initial report relates.

"(2) EXPENDITURES AGGREGATING $10,000.—

"(A) INITIAL REPORT.—A person (including a political committee) that makes or contracts to make independent expenditures aggregating $10,000 or more at any time up to and including the 20th day before the date of an election shall file a report describing the expenditures within 48 hours after that amount of independent expenditures has been made.

"(B) ADDITIONAL REPORTS.—After a person files a report under subparagraph (A), the person shall file an additional report within 48 hours after each time the person makes or contracts to make independent expenditures aggregating an additional $10,000 with respect to the same election as that to which the initial report relates.

"(3) PLACE OF FILING; CONTENTS.—A report under this subsection—

"(A) shall be filed with the Commission; and

"(B) shall contain the information required by subsection (b)(6)(B)(iii), including the name of each candidate whom an expenditure is intended to support or oppose.".

**SEC. 204. INDEPENDENT VERSUS COORDINATED EXPENDITURES BY PARTY.**

Section 315(d) of the Federal Election Campaign Act (2 U.S.C. 441a(d)) is amended—

(1) in paragraph (1), by striking "and (3)" and inserting ", (3), and (4)"; and

(2) by adding at the end the following:

"(4) INDEPENDENT VERSUS COORDINATED EXPENDITURES BY PARTY.—

"(A) IN GENERAL.—On or after the date on which a political party nominates a candidate, a committee of the political party shall not make both expenditures under this subsection and independent expenditures (as defined in section 301(17)) with respect to the candidate during the election cycle.

"(B) CERTIFICATION.—Before making a coordinated expenditure under this subsection with respect to a candidate, a committee of a political party shall file with the Commission a certification, signed by the treasurer of the committee, that the committee has not and shall not make any independent expenditure with respect to the candidate during the same election cycle.

"(C) APPLICATION.—For the purposes of this paragraph, all political committees established and maintained by a national political party (including all congressional campaign committees) and all political committees established and maintained by a State political party (including any subordinate committee of a State committee) shall be considered to be a single political committee.

"(D) TRANSFERS.—A committee of a political party that submits a certification under subparagraph (B) with respect to a candidate shall not, during an election cycle, transfer any funds to, assign authority to make coordinated expenditures under this subsection to, or receive a transfer of funds from, a committee of the political party that has made or intends to make an independent expenditure with respect to the candidate.".

**SEC. 205. COORDINATION WITH CANDIDATES.**

(a) DEFINITION OF COORDINATION WITH CANDIDATES.—

(1) SECTION 301(8).—Section 301(8) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(8)) is amended—

(A) in subparagraph (A)—

(i) by striking "or" at the end of clause (i);

(ii) by striking the period at the end of clause (ii) and inserting "; or"; and

(iii) by adding at the end the following:

"(iii) anything of value provided by a person in coordination with a candidate for the purpose of influencing a Federal election, regardless of whether the value being provided is a communication that is express advocacy, in which such candidate seeks nomination or election to Federal office."; and

(B) by adding at the end the following:

"(C) The term 'provided in coordination with a candidate' includes—

"(i) a payment made by a person in cooperation, consultation, or concert with, at the request or suggestion of, or pursuant to any general or particular understanding with a candidate, the candidate's authorized committee, or an agent acting on behalf of a candidate or authorized committee;

"(ii) a payment made by a person for the production, dissemination, distribution, or republication, in whole or in part, of any broadcast or any written, graphic, or other form of campaign material prepared by a candidate, a candidate's authorized committee, or an agent of a candidate or authorized committee (not including a communication described in paragraph (9)(B)(i) or a communication that expressly advocates the candidate's defeat);

"(iii) a payment made by a person based on information about a candidate's plans, projects, or needs provided to the person making the payment by the candidate or the candidate's agent who provides the information with the intent that the payment be made;

"(iv) a payment made by a person if, in the same election cycle in which the payment is made, the person making the payment is serving or has served as a member, employee, fundraiser, or agent of the candidate's authorized committee in an executive or policymaking position;

"(v) a payment made by a person if the person making the payment has served in any formal policy making or advisory position with the candidate's campaign or has participated in formal strategic or formal policymaking discussions with the candidate's campaign relating to the candidate's pursuit of nomination for election, or election, to Federal office, in the same election cycle as the election cycle in which the payment is made;

"(vi) a payment made by a person if, in the same election cycle, the person making the payment retains the professional services of any person that has provided or is providing campaign-related services in the same election cycle to a candidate in connection with the candidate's pursuit of nomination for election, or election, to Federal office, including services relating to the candidate's decision to seek Federal office, and the person retained is retained to work on activities relating to that candidate's campaign;

"(vii) a payment made by a person who has engaged in a coordinated activity with a candidate described in clauses (i) through (vi) for a communication that clearly refers to the candidate and is for the purpose of influencing an election (regardless of whether the communication is express advocacy);

"(viii) direct participation by a person in fundraising activities with the candidate or in the solicitation or receipt of contributions on behalf of the candidate;

"(ix) communication by a person with the candidate or an agent of the candidate, occuring after the declaration of candidacy (including a pollster, media consultant, vendor, advisor, or staff member), acting on behalf of the candidate, about advertising message, allocation of resources, fundraising, or other campaign matters related to the candidate's campaign, including campaign operations, staffing, tactics, or strategy; or

"(x) the provision of in-kind professional services or polling data to the candidate or candidate's agent.

"(D) For purposes of subparagraph (C), the term 'professional services' includes services in support of a candidate's pursuit of nomination for election, or election, to Federal office such as polling, media advice, direct mail, fundraising, or campaign research.

"(E) For purposes of subparagraph (C), all political committees established and maintained by a national political party (including all congressional campaign committees) and all political committees established and maintained by a State political party (including any subordinate committee of a State committee) shall be considered to be a single political committee.".

(2) SECTION 315(a)(7).—Section 315(a)(7) (2 U.S.C. 441a(a)(7)) is amended by striking subparagraph (B) and inserting the following:

"(B) a thing of value provided in coordination with a candidate, as described in section 301(8)(A)(iii), shall be considered to be a contribution to the candidate, and in the case of a limitation on expenditures, shall be treated as an expenditure by the candidate.

(b) MEANING OF CONTRIBUTION OR EXPENDITURE FOR THE PURPOSES OF SECTION 316.—Section 316(b)(2) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441b(b)) is amended by striking "shall include" and inserting "includes a contribution or expenditure, as those terms are defined in section 301, and also includes".

## TITLE III—DISCLOSURE

### SEC. 301. FILING OF REPORTS USING COMPUTERS AND FACSIMILE MACHINES; FILING BY SENATE CANDIDATES WITH COMMISSION.

(a) USE OF COMPUTER AND FACSIMILE MACHINE.—Section 302(a) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(a)) is amended by striking paragraph (11) and inserting the following:

"(11)(A) The Commission shall promulgate a regulation under which a person required to file a designation, statement, or report under this Act—

"(i) is required to maintain and file a designation, statement, or report for any calendar year in electronic form accessible by computers if the person has, or has reason to expect to have, aggregate contributions or expenditures in excess of a threshold amount determined by the Commission; and

"(ii) may maintain and file a designation, statement, or report in electronic form or an alternative form, including the use of a facsimile machine, if not required to do so under the regulation promulgated under clause (i).

"(B) The Commission shall make a designation, statement, report, or notification that is filed electronically with the Commission accessible to the public on the Internet not later than 24 hours after the designation, statement, report, or notification is received by the Commission.

"(C) In promulgating a regulation under this paragraph, the Commission shall provide methods (other than requiring a signature on the document being filed) for verifying designations, statements, and reports covered by the regulation. Any document verified under any of the methods shall be treated for all purposes (including penalties for perjury) in the same manner as a document verified by signature.".

(b) SENATE CANDIDATES FILE WITH COMMISSION.—Title III of the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.) is amended—

(1) in section 302, by striking subsection (g) and inserting the following:

"(g) FILING WITH THE COMMISSION.—All designations, statements, and reports required to be filed under this Act shall be filed with the Commission."; and

(2) in section 304—

(A) in subsection (a)(6)(A), by striking "the Secretary or"; and

(B) in the matter following subsection (c)(2), by striking "the Secretary or".

### SEC. 302. PROHIBITION OF DEPOSIT OF CONTRIBUTIONS WITH INCOMPLETE CONTRIBUTOR INFORMATION.

Section 302 of Federal Election Campaign Act of 1971 (2 U.S.C. 432) is amended by adding at the end the following:

"(j) DEPOSIT OF CONTRIBUTIONS.—The treasurer of a candidate's authorized committee shall not deposit, except in an escrow account, or otherwise negotiate a contribution from a person who makes an aggregate amount of contributions in excess of $200 during a calendar year unless the treasurer verifies that the information required by this section with respect to the contributor is complete.".

### SEC. 303. AUDITS.

(a) RANDOM AUDITS.—Section 311(b) of the Federal Election Campaign Act of 1971 (2 U.S.C. 438(b)) is amended—

(1) by inserting "(1) IN GENERAL.—" before "The Commission"; and

(2) by adding at the end the following:

"(2) RANDOM AUDITS.—

"(A) IN GENERAL.—Notwithstanding paragraph (1), the Commission may conduct random audits and investigations to ensure voluntary compliance with this Act. The selection of any candidate for a random audit or investigation shall be based on criteria adopted by a vote of at least 4 members of the Commission.

"(B) LIMITATION.—The Commission shall not conduct an audit or investigation of a candidate's authorized committee under subparagraph (A) until the candidate is no longer a candidate for the office sought by the candidate in an election cycle.

"(C) APPLICABILITY.—This paragraph does not apply to an authorized committee of a candidate for President or Vice President subject to audit under section 9007 or 9038 of the Internal Revenue Code of 1986.".

(b) EXTENSION OF PERIOD DURING WHICH CAMPAIGN AUDITS MAY BE BEGUN.—Section 311(b) of the Federal Election Campaign Act of 1971 (2 U.S.C. 438(b)) is amended by striking "6 months" and inserting "12 months".

### SEC. 304. REPORTING REQUIREMENTS FOR CONTRIBUTIONS OF $50 OR MORE.

Section 304(b)(3)(A) of the Federal Election Campaign Act at 1971 (2 U.S.C. 434(b)(3)(A) is amended—

(1) by striking "$200" and inserting "$50"; and

(2) by striking the semicolon and inserting ", except that in the case of a person who makes contributions aggregating at least $50 but not more than $200 during the calendar year, the identification need include only the name and address of the person;".

### SEC. 305. USE OF CANDIDATES' NAMES.

Section 302(e) of the Federal Election Campaign Act of 1971 (2 U.S.C. 432(e)) is amended by striking paragraph (4) and inserting the following:

"(4)(A) The name of each authorized committee shall include the name of the candidate who authorized the committee under paragraph (1).

"(B) A political committee that is not an authorized committee shall not—

"(i) include the name of any candidate in its name; or

"(ii) except in the case of a national, State, or local party committee, use the name of any candidate in any activity on behalf of the committee in such a context as to suggest that the committee is an authorized committee of the candidate or that the use of the candidate's name has been authorized by the candidate.".

### SEC. 306. PROHIBITION OF FALSE REPRESENTATION TO SOLICIT CONTRIBUTIONS.

Section 322 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441h) is amended—

(1) by inserting after "Sec. 322." the following: "(a) In General.—"; and

(2) by adding at the end the following:

"(b) Solicitation of Contributions.—No person shall solicit contributions by falsely representing himself or herself as a candidate or as a representative of a candidate, a political committee, or a political party.".

### SEC. 307. SOFT MONEY OF PERSONS OTHER THAN POLITICAL PARTIES.

(a) In General.—Section 304 of the Federal Election Campaign Act of 1971 (2 U.S.C. 434) (as amended by section 103(c)) is amended by adding at the end the following:

"(g) Disbursements of Persons Other Than Political Parties.—

"(1) In general.—A person, other than a political committee or a person described in section 501(d) of the Internal Revenue Code of 1986, that makes an aggregate amount of disbursements in excess of $50,000 during a calendar year for activities described in paragraph (2) shall file a statement with the Commission—

"(A) on a monthly basis as described in subsection (a)(4)(B); or

"(B) in the case of disbursements that are made within 20 days of an election, within 24 hours after the disbursements are made.

"(2) Activity.—The activity described in this paragraph is—

"(A) Federal election activity;

"(B) an activity described in section 316(b)(2)(A) that expresses support for or opposition to a candidate for Federal office or a political party; and

"(C) an activity described in subparagraph (C) of section 316(b)(2).

"(3) Applicability.—This subsection does not apply to—

"(A) a candidate or a candidate's authorized committees; or

"(B) an independent expenditure.

"(4) Contents.—A statement under this section shall contain such information about the disbursements made during the reporting period as the Commission shall prescribe, including—

"(A) the aggregate amount of disbursements made;

"(B) the name and address of the person or entity to whom a disbursement is made in an aggregate amount in excess of $200;

"(C) the date made, amount, and purpose of the disbursement; and

"(D) if applicable, whether the disbursement was in support of, or in opposition to, a candidate or a political party, and the name of the candidate or the political party.".

(b) Definition of Generic Campaign Activity.—Section 301 of the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.) (as amended by section 201(b)) is amended by adding at the end the following:

"(21) Generic campaign activity.—The term 'generic campaign activity' means an activity that promotes a political party and does not promote a candidate or non-Federal candidate.".

### SEC. 308. CAMPAIGN ADVERTISING.

Section 318 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441d) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1)—

(i) by striking "Whenever" and inserting "Whenever a political committee makes a disbursement for the purpose of financing any communication through any broadcasting station, newspaper, magazine, outdoor advertising facility, mailing, or any other type of general public political advertising, or whenever";

(ii) by striking "an expenditure" and inserting "a disbursement"; and

(iii) by striking "direct"; and

(B) in paragraph (3), by inserting "and permanent street address" after "name"; and

(2) by adding at the end the following:

"(c) Any printed communication described in subsection (a) shall—

"(1) be of sufficient type size to be clearly readable by the recipient of the communication;

"(2) be contained in a printed box set apart from the other contents of the communication; and

"(3) be printed with a reasonable degree of color contrast between the background and the printed statement.

"(d)(1) Any broadcast or cablecast communication described in paragraphs (1) or (2) of subsection (a) shall include, in addition to the requirements of that paragraph, an audio statement by the candidate that identifies the candidate and states that the candidate has approved the communication.

"(2) If a broadcast or cablecast communication described in paragraph (1) is broadcast or cablecast by means of television, the communication shall include, in addition to the audio statement under paragraph (1), a written statement that—

"(A) appears at the end of the communication in a clearly readable manner with a reasonable degree of color contrast between the background and the printed statement, for a period of at least 4 seconds; and

"(B) is accompanied by a clearly identifiable photographic or similar image of the candidate.

"(e) Any broadcast or cablecast communication described in paragraph (3) of subsection (a) shall include, in addition to the requirements of that paragraph, in a clearly spoken manner, the following statement: ' is responsible for the content of this advertisement.' (with the blank to be filled in with the name of the political committee or other person paying for the communication and the name of any connected organization of the payor). If broadcast or cablecast by means of television, the statement shall also appear in a clearly readable manner with a reasonable degree of color contrast between the background and the printed statement, for a period of at least 4 seconds.".

## TITLE IV—PERSONAL WEALTH OPTION

### SEC. 401. VOLUNTARY PERSONAL FUNDS EXPENDITURE LIMIT.

Title III of the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.) (as amended by section 101) is amended by adding at the end the following:

### "SEC. 325. VOLUNTARY PERSONAL FUNDS EXPENDITURE LIMIT.

"(a) Eligible Senate Candidate.—

"(1) Primary election.—

"(A) Declaration.—A candidate is an eligible primary election Senate candidate if the candidate files with the Commission a declaration that the candidate and the candidate's authorized committees will not make expenditures in excess of the personal funds expenditure limit.

"(B) Time to file.—The declaration under subparagraph (A) shall be filed not later than the date on which the candidate files with the appropriate State officer as a candidate for the primary election.

"(2) General election.—

"(A) Declaration.—A candidate is an eligible general election Senate candidate if the candidate files with the Commission—

"(i) a declaration under penalty of perjury, with supporting documentation as required by the Commission, that the candidate and the candidate's authorized committees did not exceed the personal funds expenditure limit in connection with the primary election; and

"(ii) a declaration that the candidate and the candidate's authorized committees will not make expenditures in excess of the personal funds expenditure limit.

"(B) Time to file.—The declaration under subparagraph (A) shall be filed not later than 7 days after the earlier of—

"(i) the date on which the candidate qualifies for the general election ballot under State law; or

"(ii) if under State law, a primary or runoff election to qualify for the general election ballot occurs after September 1, the date on which the candidate wins the primary or runoff election.

"(b) Personal Funds Expenditure Limit.—

"(1) In general.—The aggregate amount of expenditures that may be made in connection with an election by an eligible Senate candidate or the candidate's authorized committees from the sources described in paragraph (2) shall not exceed $50,000.

"(2) Sources.—A source is described in this paragraph if the source is—

"(A) personal funds of the candidate and members of the candidate's immediate family; or

"(B) proceeds of indebtedness incurred by the candidate or a member of the candidate's immediate family.

"(c) Certification by the Commission.—

"(1) In general.—The Commission shall determine whether a candidate has met the requirements of this section and, based on the determination, issue a certification stating whether the candidate is an eligible Senate candidate.

"(2) Time for certification.—Not later than 7 business days after a candidate files a declaration under paragraph (1) or (2) of subsection (a), the Commission shall certify whether the candidate is an eligible Senate candidate.

"(3) Revocation.—The Commission shall revoke a certification under paragraph (1), based on information submitted in such form and manner as the Commission may require or on information that comes to the Commission by other means, if the Commission determines that a candidate violates the personal funds expenditure limit.

"(4) Determinations by commission.—A determination made by the Commission under this subsection shall be final, except to the extent that the determination is subject to examination and audit by the Commission and to judicial review.

"(d) Penalty.—If the Commission revokes the certification of an eligible Senate candidate—

"(1) the Commission shall notify the candidate of the revocation; and

"(2) the candidate and a candidate's authorized committees shall pay to the Commission an amount equal to the amount of expenditures made by a national committee of a political party or a State committee of a political party in connection with the general election campaign of the candidate under section 315(d).".

### SEC. 402. POLITICAL PARTY COMMITTEE COORDINATED EXPENDITURES.

Section 315(d) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(d)) (as amended by section 204) is amended by adding at the end the following:

"(5) This subsection does not apply to expenditures made in connection with the general election campaign of a candidate for the Senate who is not an eligible Senate candidate (as defined in section 325(a)).".

## TITLE V—MISCELLANEOUS

### SEC. 501. CODIFICATION OF BECK DECISION.

Section 8 of the National Labor Relations Act (29 U.S.C. 158) is amended by adding at the end the following new subsection:

"(h) NONUNION MEMBER PAYMENTS TO LABOR ORGANIZATION.

"(1) IN GENERAL.—It shall be an unfair labor practice for any labor organization which receives a payment from an employee pursuant to an agreement that requires employees who are not members of the organization to make payments to such organization in lieu of organization dues or fees not to establish and implement the objection procedure described in paragraph (2).

"(2) OBJECTION PROCEDURE.—The objection procedure required under paragraph (1) shall meet the following requirements:

"(A) The labor organization shall annually provide to employees who are covered by such agreement but are not members of the organization—

"(i) reasonable personal notice of the objection procedure, the employees eligible to invoke the procedure, and the time, place, and manner for filing an objection; and

"(ii) reasonable opportunity to file an objection to paying for organization expenditures supporting political activities unrelated to collective bargaining, including but not limited to the opportunity to file such objection by mail.

"(B) If an employee who is not a member of the labor organization files an objection under the procedure in subparagraph (A), such organization shall—

"(i) reduce the payments in lieu of organization dues or fees by such employee by an amount which reasonably reflects the ratio that the organization's expenditures supporting political activities unrelated to collective bargaining bears to such organization's total expenditures;

"(ii) provide such employee with a reasonable explanation of the organization's calculation of such reduction, including calculating the amount of organization expenditures supporting political activities unrelated to collective bargaining.

"(3) DEFINITION.—For purposes of this subsection, the term 'expenditures supporting political activities unrelated to collective bargaining' means expenditures in connection with a federal, state, or local election or in connection with efforts to influence legislation unrelated to collective bargaining.".

### SEC. 502. USE OF CONTRIBUTED AMOUNTS FOR CERTAIN PURPOSES.

Title III of the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.) is amended by striking section 313 and inserting the following:

### "SEC. 313. USE OF CONTRIBUTED AMOUNTS FOR CERTAIN PURPOSES.

"(a) PERMITTED USES.—A contribution accepted by a candidate, and any other amount received by an individual as support for activities of the individual as a holder of Federal office, may be used by the candidate or individual—

"(1) for expenditures in connection with the campaign for Federal office of the candidate or individual;

"(2) for ordinary and necessary expenses incurred in connection with duties of the individual as a holder of Federal office;

"(3) for contributions to an organization described in section 170(c) of the Internal Revenue Code of 1986; or

"(4) for transfers to a national, State, or local committee of a political party.

"(b) PROHIBITED USE.—

"(1) IN GENERAL.—A contribution or amount described in subsection (a) shall not be converted by any person to personal use.

"(2) CONVERSION.—For the purposes of paragraph (1), a contribution or amount shall be considered to be converted to personal use if the contribution or amount is used to fulfill any commitment, obligation, or expense of a person that would exist irrespective of the candidate's election campaign or individual's duties as a holder of Federal officeholder, including—

"(A) a home mortgage, rent, or utility payment;

"(B) a clothing purchase;

"(C) a noncampaign-related automobile expense;

"(D) a country club membership;

"(E) a vacation or other noncampaign-related trip;

"(F) a household food item;

"(G) a tuition payment;

"(H) admission to a sporting event, concert, theater, or other form of entertainment not associated with an election campaign; and

"(G) dues, fees, and other payments to a health club or recreational facility.".

### SEC. 503. LIMIT ON CONGRESSIONAL USE OF THE FRANKING PRIVILEGE.

Section 3210(a)(6) of title 39, United States Code, is amended by striking subparagraph (A) and inserting the following:

"(A) A Member of Congress shall not mail any mass mailing as franked mail during a year in which there will be an election for the seat held by the Member during the period between January 1 of that year and the date of the general election for that Office, unless the Member has made a public announcement that the Member will not be a candidate for reelection to that year or for election to any other Federal office.".

### SEC. 504. PROHIBITION OF FUNDRAISING ON FEDERAL PROPERTY.

Section 607 of title 18, United States Code, is amended by—

(a) striking subsection (a) and inserting the following:

"(a) PROHIBITION.—

"(1) IN GENERAL.—It shall be unlawful for any person to solitict or receive a donation of money or other thing of value for a political committee or a candidate for Federal, State or local office from a person who is located in a room or building occupied in the discharge of official·duties by an officer or employee of the United States. An individual who is an officer or employee of the Federal Government, including the President, Vice President, and Members of Congress, shall not make solicit a donation of money or other thing of value for a political committee or candidate for Federal, State or local offices, while in any room or building occupied in the discharge of official duties by an officer or employee of the United States, from any person.

"(2) PENALTY.—A person who violates this section shall be fined not more than $5,000, imprisoned more than 3 years, or both.".

(b) Inserting a subsection (b) after "Congress" "or Executive Office of the President".

### SEC. 505. PENALTIES FOR KNOWING AND WILLFUL VIOLATIONS.

(a) INCREASED PENALTIES.—Section 309(a) of the Federal Election Campaign Act of 1971 (2 U.S.C. 437g(a)) is amended—

(1) in paragraphs (5)(A), (6)(A), and (6)(B), by striking "$5,000" and inserting "$10,000"; and

(2) in paragraphs (5)(B) and (6)(C), by striking "$10,000 or an amount equal to 200 percent" and inserting "$20,000 or an amount equal to 300 percent".

(b) EQUITABLE REMEDIES.—Section 309(a)(5)(A) of the Federal Election Campaign Act of 1971 (2 U.S.C. 437g(a)(5)) is amended by striking the period at the end and inserting ", and may include equitable remedies or penalties, including disgorgement of funds to the Treasury or community service requirements (including requirements to participate in public education programs).".

(c) AUTOMATIC PENALTY FOR LATE FILING.—Section 309(a) of the Federal Election Campaign Act of 1971 (2 U.S.C. 437g(a)) is amended—

(1) by adding at the end the following:

"(13) PENALTY FOR LATE FILING.—

"(A) IN GENERAL.—

"(i) MONETARY PENALTIES.—The Commission shall establish a schedule of mandatory monetary penalties that shall be imposed by the Commission for failure to meet a time requirement for filing under section 304.

"(ii) REQUIRED FILING.—In addition to imposing a penalty, the Commission may require a report that has not been filed within the time requirements of section 304 to be filed by a specific date.

"(iii) PROCEDURE.—A penalty or filing requirement imposed under this paragraph shall not be subject to paragraph (1), (2), (3), (4), (5), or (12).

"(B) FILING AN EXCEPTION.—

"(i) TIME TO FILE.—A political committee shall have 30 days after the imposition of a penalty or filing requirement by the Commission under this paragraph in which to file an exception with the Commission.

"(ii) TIME FOR COMMISSION TO RULE.—Within 30 days after receiving an exception, the Commission shall make a determination that is a final agency action subject to exclusive review by the United States Court of Appeals for the District of Columbia Circuit under section 706 of title 5, United States Code, upon petition filed in that court by the political committee or treasurer that is the subject of the agency action, if the petition is filed within 30 days after the date of the Commission action for which review is sought.";

(2) in paragraph (5)(D)—

(A) by inserting after the first sentence the following: "In any case in which a penalty or filing requirement imposed on a political committee or treasurer under paragraph (13) has not been satisfied, the Commission may institute a civil action for enforcement under paragraph (6)(A)."; and

(B) by inserting before the period at the end of the last sentence the following: "or has failed to pay a penalty or meet a filing requirement imposed under paragraph (13)"; and

(3) in paragraph (6)(A), by striking "paragraph (4)(A)" and inserting "paragraph (4)(A) or (13)".

### SEC. 506. STRENGTHENING FOREIGN MONEY BAN.

Section 319 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441e) is amended—

(1) by striking the heading and inserting the following: "CONTRIBUTIONS AND DONATIONS BY FOREIGN NATIONALS"; and

(2) by striking subsection (a) and inserting the following:

"(a) PROHIBITION.—It shall be unlawful for—

"(1) a foreign national, directly or indirectly, to make—

"(A) a donation of money or other thing of value, or to promise expressly or impliedly to make a donation, in connection with a Federal, State, or local election to a political committee or a candidate for Federal office; or

"(ii) a contribution or donation to a committee of a political party; or

"(B) for a person to solicit, accept, or receive such contribution or donation from a foreign national.".

### SEC. 507. PROHIBITION OF CONTRIBUTIONS BY MINORS.

Title III of the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.) (as amended by section 401) is amended by adding at the end the following:

### "SEC. 326. PROHIBITION OF CONTRIBUTIONS BY MINORS.

An individual who is 17 years old or younger shall not make a contribution to a candidate or a contribution or donation to a committee of a political party.".

### SEC. 508. EXPEDITED PROCEDURES.

(a) IN GENERAL.—Section 309(a) of the Federal Election Campaign Act of 1971 (2 U.S.C. 437g(a)) (as amended by section 505(c)) is amended by adding at the end the following:

"(14)(A) If the complaint in a proceeding was filed within 60 days preceding the date of a general election, the Commission may take action described in this subparagraph.

"(B) If the Commission determines, on the basis of facts alleged in the complaint and other facts available to the Commission, that there is clear and convincing evidence that a violation of this Act has occurred, is occurring, or is about to occur, the Commission may order expedited proceedings, shortening the time periods for proceedings under paragraphs (1), (2), (3), and (4) as necessary to allow the matter to be resolved in sufficient time before the election to avoid harm or prejudice to the interests of the parties.

"(C) If the Commission determines, on the basis of facts alleged in the complaint and other facts available to the Commission, that the complaint is clearly without merit, the Commission may—

"(i) order expedited proceedings, shortening the time periods for proceedings under paragraphs (1), (2), (3), and (4) as necessary to allow the matter to be resolved in sufficient time before the election to avoid harm or prejudice to the interests of the parties; or

"(ii) if the Commission determines that there is insufficient time to conduct proceedings before the election, summarily dismiss the complaint.".

(b) REFERRAL TO ATTORNEY GENERAL.—Section 309(a)(5) of the Federal Election Campaign Act of 1971 (2 U.S.C. 437g(a)(5)) is amended by striking subparagraph (C) and inserting the following:

"(C) The Commission may at any time, by an affirmative vote of at least 4 of its members, refer a possible violation of this Act or chapter 95 or 96 of title 26, United States Code, to the Attorney General of the United States, without regard to any limitation set forth in this section.".

### SEC. 509. INITIATION OF ENFORCEMENT PROCEEDING.

Section 309(a)(2) of the Federal Election Campaign Act of 1971 (2 U.S.C. 437g(a)(2)) is amended by striking "reason to believe that" and inserting "reason to investigate whether".

## TITLE VI—SEVERABILITY; CONSTITUTIONALITY; EFFECTIVE DATE; REGULATIONS

### SEC. 601. SEVERABILITY.

If any provision of this Act or amendment made by this Act, or the application of a provision or amendment to any person or circumstance, is held to be unconstitutional, the remainder of this Act and amendments made by this Act, and the application of the provisions and amendment to any person or circumstance, shall not be affected by the holding.

### SEC. 602. REVIEW OF CONSTITUTIONAL ISSUES.

An appeal may be taken directly to the Supreme Court of the United States from any final judgment, decree, or order issued by any court ruling on the constitutionality of any provision of this Act or amendment made by this Act.

### SEC. 603. EFFECTIVE DATE.

Except as otherwise provided in this Act, this Act and the amendments made by this Act take effect on the date that is 60 days after the date of enactment of this Act or January 1, 1998, whichever occurs first.

### SEC. 604. REGULATIONS.

The Federal Election Commission shall prescribe any regulations required to carry out this Act and the amendments made by this Act not later than 270 days after the effective date of this Act.

### AMENDMENT NO. 1258

(Purpose: To guarantee that contributions to Federal political campaigns are voluntary)

Mr. LOTT. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Mississippi [Mr. LOTT] proposes an amendment numbered 1258.

Mr. LOTT. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Strike all of section 501, and insert the following:

### SEC. 501. PAYCHECK PROTECTION ACT.

(a) IN GENERAL.—Section 316 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441b) is amended by adding the following new subsection:

"(c)(1) Except with the separate, prior, written, voluntary authorization of each individual, it shall be unlawful—

"(A) for any national bank or corporation described in this section to collect from or assess its stockholders or employees any dues, initiation fee, or other payment as a condition of employment if any part of such dues, fee, or payment will be used for political activities in which the national bank or corporation, as the case may be, is engaged; and

"(B) for any labor organization described in this section to collect from or assess its members or nonmembers any dues, initiation fee, or other payment if any part of such dues, fee, or payment will be used for political activities.

"(2) An authorization described in paragraph (1) shall remain in effect until revoked and may be revoked at any time.

"(3) For purposes of this subsection, the term 'political activities' includes communications or other activities which involve carrying on propaganda, attempting to influence legislation, or participating or intervening in any political campaign or political party."

Mr. LOTT. Mr. President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

### AMENDMENT NO. 1259 TO AMENDMENT NO. 1258

(Purpose: To guarantee that contributions to Federal political campaigns are voluntary)

Mr. LOTT. Mr. President, I send an amendment to the desk to my amendment.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Mississippi [Mr. LOTT] proposes an amendment numbered 1259 to amendment No. 1258.

Mr. LOTT. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

In lieu of the matter proposed to be inserted insert the following:

### SEC. 501. PAYCHECK PROTECTION ACT.

(a) IN GENERAL.—Section 316 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441b) is amended by adding the following new subsection:

"(c)(1) Except with the separate, prior, written, voluntary authorization of each individual, it shall be unlawful—

"(A) for any national bank or corporation described in this section to collect from or assess its stockholders or employees any dues, initiation fee, or other payment as a condition of employment if any part of such dues, fee, or payment will be used for political activities in which the national bank or corporation, as the case may be, is engaged; and

"(B) for any labor organization described in this section to collect from or assess its members or nonmembers any dues, initiation fee, or other payment if any part of such dues, fee, or payment will be used for political activities.

"(2) An authorization described in paragraph (1) shall remain in effect until revoked and may be revoked at any time.

"(3) For purposes of this subsection, the term 'political activities' includes communications or other activities which involve carrying on propaganda, attempting to influence legislation, or participating or intervening in any political campaign or political party."

(b) EFFECTIVE DATE.—This section shall take effect one day after enactment of this Act.

Mr. LOTT. I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

### AMENDMENT NO. 1260 TO AMENDMENT NO. 1258

(Purpose: To guarantee that contributions to Federal political campaigns are voluntary)

Mr. LOTT. I send a perfecting amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Mississippi [Mr. LOTT] proposes an amendment numbered 1260 to amendment No. 1258.

Mr. LOTT. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Strike all after the word "**SEC.**" in the pending amendment and insert the following:

**501. PAYCHECK PROTECTION ACT.**

(a) IN GENERAL.—Section 316 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441b) is amended by adding the following new subsection:

"(c)(1) Except with the separate, prior, written, voluntary authorization of each individual, it shall be unlawful—

"(A) for any national bank or corporation described in this section to collect from or assess its stockholders or employees any dues, initiation fee, or other payment as a condition of employment if any part of such dues, fee, or payment will be used for political activities in which the national bank or corporation, as the case may be, is engaged; and

"(B) for any labor organization described in this section to collect from or assess its members or nonmembers any dues, initiation fee, or other payment if any part of such dues, fee, or payment will be used for political activities.

"(2) An authorization described in paragraph (1) shall remain in effect until revoked and may be revoked at any time.

"(3) For purposes of this subsection, the term 'political activities' includes communications or other activities which involve carrying on propaganda, attempting to influence legislation, or participating or intervening in any political campaign or political party."

(b) EFFECTIVE DATE.—This section shall take effect two days after enactment of this Act.

AMENDMENT NO. 1261

(Purpose: To guarantee that contributions to Federal political campaigns are voluntary)

Mr. LOTT. I now send an amendment to the desk to the language proposed to be stricken.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Mississippi [Mr. LOTT] proposes an amendment No. 1261.

Mr. LOTT. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 42, in the language proposed to be stricken, strike all after "**SEC. 501**" through the end of the page and insert the following:

**PAYCHECK PROTECTION ACT.**

(a) IN GENERAL.—Section 316 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441b) is amended by adding the following new subsection:

"(c)(1) Except with the separate, prior, written, voluntary authorization of each individual, it shall be unlawful—

"(A) for any national bank or corporation described in this section to collect from or assess its stockholders or employees any dues, initiation fee, or other payment as a condition of employment if any part of such dues, fee, or payment will be used for political activities in which the national bank or corporation, as the case may be, is engaged; and

"(B) for any labor organization described in this section to collect from or assess its members or nonmembers any dues, initiation fee, or other payment if any part of such dues, fee, or payment will be used for political activities.

"(2) An authorization described in paragraph (1) shall remain in effect until revoked and may be revoked at any time.

"(3) For purposes of this subsection, the term 'political activities' includes communications or other activities which involve carrying on propaganda, attempting to influence legislation, or participating or intervening in any political campaign or political party."

(b) EFFECTIVE DATE.—This section shall take effect three days after enactment of this Act.

Mr. LOTT. I now ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 1262 TO AMENDMENT NO. 1261

(Purpose: To guarantee that contributions to Federal political campaigns are voluntary)

Mr. LOTT. Mr. President, I send an amendment to the desk to my amendment.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Mississippi [Mr. LOTT] proposes an amendment numbered 1262 to amendment No. 1261.

Mr. LOTT. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Strike all after the first word in the pending amendment and insert the following:

**PROTECTION ACT.**

(a) IN GENERAL.—Section 316 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441b) is amended by adding the following new subsection:

"(c)(1) Except with the separate, prior, written, voluntary authorization of each individual, it shall be unlawful—

"(A) for any national bank or corporation described in this section to collect from or assess to its stockholders or employees any dues, initiation fee, or other payment as a condition of employment it any part of such dues, fee, or payment will be used for political activities in which the national bank or corporation, as the case may be, is engaged; and

"(B) for any labor organization described in this section to collect from or assess its members or nonmembers any dues, initiation fee, or other payment if any part of such dues, fee, or payment will be used for political activities.

"(2) An authorization described in paragraph (1) shall remain in effect until revoked and may be revoked at any time.

"(3) For purposes of this subsection, the term 'political activities' includes communications or other activities which involve carrying on propaganda, attempting to influence legislation, or participating or intervening in any political campaign or political party."

(b) EFFECTIVE DATE.—This section shall take effect four days after enactment of this Act.

MOTION TO RECOMMIT

AMENDMENT NO. 1263 TO INSTRUCTIONS TO THE MOTION TO RECOMMIT

(Purpose: To guarantee that contributions to Federal political campaigns are voluntary)

Mr. LOTT. Mr. President, I now move that the Senate recommit S. 25 to the Committee on Rules and Administration with instructions to report back forthwith, and I send an amendment to the instructions to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Mississippi [Mr. LOTT] proposes an amendment numbered 1263 to instructions to the motion to recommit.

Mr. LOTT. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the instructions add the following:

"with an amendment as follows:

Strike all of section 501 and insert the following:

**SEC. . PAYCHECK PROTECTION ACT.**

(a) IN GENERAL.—Section 316 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441b) is amended by adding the following new subsection:

"(c)(1) Except with the separate, prior, written, voluntary authorization of each individual, it shall be unlawful—

"(A) for any national bank or corporation described in this section to collect from any assess its stockholders or employees any dues, initiation fee, or other payment as a condition of employment if any part of such dues, fee, or payment will be used for political activities in which the national bank or corporation, as the case may be, is engaged; and

"(B) for any labor organization described in this section to collect from or assess its members or nonmembers any dues, initiation fee, or other payment if any part of such dues, fee, or payment will be used for political activities.

"(2) An authorization described in paragraph (1) shall remain in effect until revoked and may be revoked at any time.

"(3) For purposes of this subsection, the term 'political activities' includes communications or other activities which involve carrying on propaganda, attempting to influence legislation, or participating or intervening in any political campaign or political party."

Mr. LOTT. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 1264 TO AMENDMENT NO. 1263

(Purpose: To guarantee that contributions to Federal political campaigns are voluntary)

Mr. LOTT. I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Mississippi [Mr. LOTT] proposes an amendment numbered 1264 to amendment No. 1263.

Mr. LOTT. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

Mr. McCAIN. I object to suspension of the reading. I would like to know what the amendment is.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

In lieu of the matter proposed to be inserted insert the following:

**SEC. . PAYCHECK PROTECTION ACT.**

(a) IN GENERAL.—Section 316 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441b) is amended by adding the following new subsection:

"(c)(1) Except with the separate, prior, written, voluntary authorization of each individual, it shall be unlawful—

"(A) for any national bank or corporation described in this section to collect from or assess its stockholders or employees any dues, initiation fee, or other payment as a condition of employment if any part of such dues, fee, or payment will be used for political activities in which the national bank or corporation, as the case may be, is engaged; and

"(B) for any labor organization described in this section to collect from or assess its members or nonmembers any dues, initiation fee, or other payment if any part of such dues, fee, or payment will be used for political activities.

"(2) An authorization described in paragraph (1) shall remain in effect until revoked and may be revoked at any time.

"(3) For purposes of this subsection, the term 'political activities' includes communications or other activities which involve carrying on propaganda, attempting to influence legislation, or participating or intervening in any political campaign or political party."

EFFECTIVE DATE.—This section shall take effect one day after enactment of this Act.

The PRESIDING OFFICER. Is there a sufficient second to the request for the yeas and nays?

There is a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 1265 TO AMENDMENT NO. 1264

(Purpose: To guarantee that contributions to Federal political campaigns are voluntary)

Mr. LOTT. I send a final amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Mississippi [Mr. LOTT] proposes an amendment numbered 1265 to amendment No. 1264.

Mr. LOTT. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

Mr. McCAIN. I object.

The PRESIDING OFFICER. Objection is heard.

The clerk will report.

The legislative clerk read as follows:

Strike all after the word "section" in the first degree amendment and insert the following:

**PAYCHECK PROTECTION ACT.**

(a) IN GENERAL.—Section 316 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441b) is amended by adding the following new subsection:

"(c)(1) Except with the separate, prior, written, voluntary authorization of each individual, it shall be unlawful—

Mr. McCAIN. Mr. President, I ask unanimous consent that the remaining part of the reading of the amendment be dispensed with since it is the same as the other amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The remainder of the amendment is as follows:

"(A) for any national bank or corporation described in this section to collect from or assess its stockholders or employees any dues, initiation fee, or other payment as a condition of employment if any part of such dues, fee, or payment will be used for political activities in which the national bank or corporation, as the case may be, is engaged; and

"(B) for any labor organization described in this section to collect from or assess its members or nonmembers any dues, initiation fee, or other payment if any part of such dues, fee, or payment will be used for political activities.

"(2) An authorized described in paragraph (1) shall remain in effect until revoked and may be revoked at any time.

"(3) For purposes of this subsection, the term 'political activities' includes communications or other activities which involve carrying on propaganda, attempting to influence legislation, or participating or intervening in any political campaign or political party."

(b) EFFECTIVE DATE—This section shall take effect two days after enactment of this Act.

Mr. LOTT. Mr. President, I would like to explain what just transpired.

Mr. President, Senate procedure can be sometimes confusing. So let me take a moment to go over what are the amendments that were offered and what is pending.

Under the unanimous-consent agreement reached last week, Senator McCAIN modified his original McCain-Feingold bill. I was then recognized to offer an amendment.

The amendment I offered—the Paycheck Protection Act—will not wipe out the underlying McCain bill, if it is adopted. On the contrary, if adopted, this amendment would become part of the bill.

The other amendments I just offered were part of the process which is informally known as "filling up the amendment tree." This is a fairly standard procedure to ensure opponents of an amendment cannot gut it by offering yet another amendment.

I ask unanimous consent that five recent examples be printed in the RECORD.

There being no objection, the materials was ordered to be printed in the RECORD, as follows:

1977—Jimmy Carter's Energy Deregulation Bill—Byrd filled up amendment tree.

1984—Grove City—Byrd (in minority) filled up the tree.

1985—Budget Resolution—Dole filled up the tree.

1988—Campaign Finance—Byrd filled up the tree (eight cloture votes).

1993—Emergency Supplemental Approps (Stimulus Bill)—Byrd filled up the tree.

Mr. LOTT. Mr. President, also, I note that this is done two or three times a year and certainly is not unprecedented.

I hope no one will characterize this amendment as a "poison pill" for campaign finance reform. It is so fundamental to fairness in the campaign process. Shouldn't workers in America be able to have some say about how their fees, assessments, or dues are used in political campaigns? I think the answer truly should be yes.

Some of our colleagues may not want to expose, much less vote on, one of the worst campaign abuses that exists—compulsory business or union dues—but that is no reason for them to suddenly change their position on campaign finance reform as a whole.

Most Americans would be shocked to learn that some workers in our Nation are forced to contribute to a candidate or campaign they don't support or do not know anything about. They have no way of directing where those funds go.

Because of that abuse, this amendment, the Paycheck Protection Act, is an essential element to genuine campaign reform. It requires that all political contributions be voluntary.

The McCain-Feingold bill places restrictions on political parties, bans soft money, and curbs the activities of grassroots organizations. But it contains a giant loophole: It allows corporations and unions to confiscate money, for political purposes, from their employees' and members' paychecks without getting their permission. This loophole must be closed.

Senator McCAIN himself stated that he "personally supports much stronger [Beck] language." He said he "believes that no individual—a union member or not—should be required to contribute to political activities." This was on a floor statement of September 26, 1997.

The McCain-Feingold bill limits what people can voluntary contribute for political purposes, but it does not protect people from being forced to contribute involuntarily to political campaigns.

We must require unions and corporations to get a worker's permission before taking money out of his or her paycheck for political purposes.

As I have said before, my own father was a union member. This amendment is not targeted at unions. It is, as a matter of fact, directed at affecting both unions and corporations as well.

No worker—whether union or corporate business, large or small—should be forced to contribute against his or her will, as a condition of their employment.

Many workers don't want to pay and be involved in campaigns or in politics, and many of those don't want to be told what they have to do and don't want to have their funds taken from them without their permission.

A recent poll of union members revealed that 78 percent did not know they had the right to stop paying for politics.

A 1996 poll of union members found that 62 percent opposed the AFL–CIO's expenditure of over $35 million—and probably much more—of their money in a campaign to control Congress.

No worker should be forced to pay for politics that they do not support. As such, I hope Senators will support my amendment.

There will be plenty of time to debate this amendment and other amendments, and then we will design a process to have some votes to see where the Senate stands on this and other issues.

I yield the floor.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I ask the distinguished leader if I may be designated as a cosponsor of his amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Mr. President, I commend the leader because there is no more essential thing in America than our freedom. It is written into every important document. It is the very foundation upon which our Republic was formed, yet we have turned aside and winked at this process whereby the American worker is penalized in that he or she cannot exercise his or her own free will in making the most fundamental of decisions: Whether or not to have his or her paycheck involuntarily docked for a sum of money for which in most instances they have no idea to what uses it will be put by people who make decisions for them.

Then that same worker will exercise his or her right of freedom to go to a polling place and write in a check or pull a lever or whatever the procedure may be by which he or she will exercise his or her freedom to select that individual, Democrat or Republican, independent, whether it is for chairman of the board of supervisors in the hometown, President of the United States, or whatever the case may be. To me it is a total anachronism to say that you cannot make a decision with regard to your paycheck, yet you are free to go into the polling booth and make that decision.

This amendment is referred to as a poison pill.

Mr. President, I ask unanimous consent to have printed in the RECORD a sample of the type of thing that is being used today in certain States by which that worker signs and sends into his or her respective employer his or her written consent to do just what this amendment asks.

There being no objection, the sample was ordered to be printed in the RECORD, as follows:

### Political Contribution Withholding Authorization

No employer or other person may withhold a portion of a Washington State resident's earnings (or that of a non-resident whose primary place of work is in Washington) in order to make contributions to a political committee that must report to the Public Disclosure Commission or to a candidate for state or local office without annual, written permission from that individual. Completion of this form entitles the entity specified to make such a withholding for no more than 12 consecutive months.

I, (First Name, Middle Initial, Last Name) authorize (Name of Employer or Other Person) to withhold ($ Amount per/pay period/week/month/year/ from my earnings in order to make political contributions to (Name, City and State of political committee(s) and/or candidate(s) to receive deductions).

If more than one recipient is indicated, each is to receive the following portion of the deduction made: ____________. This authorization is valid for no more than twelve consecutive months. It is effective on (Month/Day/Year) and expires on (Month/Day/Year).

Signature:

Date:

According to state law, no employer or labor organization may discriminate against an officer or employee in the terms or conditions of employment for (a) the failure to contribute to, (b) the failure in any way to support or oppose, or (c) in any way supporting or opposing a candidate, ballot proposition, political party, or political committee.

### TIMING OF CONTRIBUTIONS

Primary and General Contributions: With the exception of contributions from a bona fide political party organization or a legislative caucus committee, no primary election contribution may be made after the date of the primary.

No general election contribution is permitted after November 30 of the election year from any contributor—except the candidate using personal funds for his own campaign.

Mr. WARNER. Mr. President, I remember a famous poem written years and years ago, and I will insert in the RECORD portions of it. But it related to military people around the turn of the century. It says: "Yours is not to reason why; yours is but to do or die."

Mr. President, I ask unanimous consent that an excerpt of "The Charge of the Light Brigade" be printed in the RECORD.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

### The Charge of the Light Brigade

II.

"Forward, the Light Brigade!"
Was there a man dismay'd?
Not tho' the soldier knew
  Some one had blunder'd:
Theirs not to make reply,
Theirs not to reason why,
Theirs but to do and die:
Into the valley of Death
  Rode the six hundred.

Mr. WARNER. That is the philosophy behind this automatic deduction—yours is not to reason why; you just do as we tell you. That is antithetical. It is not a poison pill to correct that and have maybe six simple words which say, I hereby consent to have my paycheck deducted in a certain amount. How can anyone in good conscience call that simple one sentence a poison pill? It is the exercise of the very essence of democracy in this country and no longer adheres to the refrain "yours is not to reason why."

The American worker is quite different in profile today than when this statute, which they predicate the automatic deduction, was put in. Given a few gray hairs and a few years, I bridge back to those thirties when so much of the labor legislation was enacted. That laboring person was drawn from a segment of society that was struggling for its very existence, would take any job, would follow any order, would accept any working condition just to have enough of an opportunity to provide for his or her family.

Fortunately, this country has progressed today to where that is gone, and today that working person is of an entirely different profile. They have had the opportunity to get education, and many are still seeking to augment their education. They have the opportunity to think for themselves. We are in a society today dominated by all sorts of opportunities, be it on television or in schools or otherwise, to enhance one's level of education and to develop, Mr. President, a thought process by which the American worker can make many, many more decisions for himself or for herself than at the time of the origin of these very oppressive statutes that we still struggle with today.

So I commend the distinguished majority leader. It seems to me anyone who wants to call this a poison pill should hold up that simple form, point to it and say that the exercise of the right to simply say that I consent is a poison pill. I call it, Mr. President, a "freedom" pill, if you want to use that phraseology. This is a "freedom" pill for the ability of the American worker to begin to think and exercise his or her own judgment. I commend those who support this measure. I yield the floor.

Mr. McCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Mr. President, very briefly, reluctantly, I must oppose the amendment before the Senate. I do so not because I disagree with its intent. In fact, I strongly support what it seeks to do. But, as with all difficult choices, a decision must be made. In this case, I must decide that passage of overall campaign finance reform must be the Senate's first goal. The cosponsors of the modified bill recognized that something must be done about enforcing the Beck decision.

S. 25, our original bill, was silent on this point. We chose in the modification to take the important step to codify Beck. This step was not taken lightly, and it should not be discounted by those who want more. The fight with my friends on the other side of the aisle over this issue loomed large for some time. To be frank, this was certainly one of the most contentious issues we faced. In fact, inclusion of Beck language in the bill nearly fractured our bipartisan coalition. However, in the end, all involved came to the same conclusion that I have today. We must put the goal of overall campaign finance reform first. By this I do not mean to say that workers' rights issues are second to any other subject. They are extremely important and are long overdue in being addressed, but now is the time to debate campaign finance reform. We can turn to other subjects in due time.

Mr. President, in the modified bill, we seek to codify the landmark 1988 Supreme Court Beck decision. President Bush did this by Executive order in 1992 to the applause of the right and a condemnation of the left and the unions. It was the right thing to do then, and it is the right first step now.

Unfortunately, as we all know, elections have consequences, and after winning the White House, President Clinton soon reversed course and repealed President Bush's Executive order. This bill would effectively reverse the actions of President Clinton. The bill would require that all labor unions give notice to nonunion individuals who are forced to pay agency fees annual notice of their Beck rights. Such notice would occur by mail and must inform the worker how much money he or she could receive. Again, this notification must occur each and every year.

If an employee chooses to utilize his or her rights, an employee would be able to notify the union of such action by mail and have his or her fees reduced accordingly. The Beck decision does not affect labor's contributions to candidates from its PAC. The law already restricts dues and fees from being used for any PAC activity. The codification of Beck contained in the modified bill is not inconsequential. An estimated 3 million of 19 million individuals working under labor contracts are in union or agency shops where they must pay union fees even though they are not members. If nonunion employees chose to invoke their rights, unions would have to return up to $2.4 million a year.

On April 14, 1992, after President Bush issued his Executive order, the Cleveland Plain Dealer reported:

> "Unions in truth have not been complying with Beck," said Robert Duvin, a Cleveland lawyer who represents management on labor issues. "It's a joke. I am not saying workers don't get their money back. Unions are not keeping the kind of accounting they should."

The language in the modified bill will go far to stop this "joke." It will make clear that Beck is the law of the land, that it must be complied with, and that the status quo is no longer acceptable.

As I noted, in 1992, when President Bush took this action, it was widely applauded by Republicans as a good first step, and I admit it is exactly that, a good first step, not comprehensive action. Just as the bill before the Senate is not all that I would want, it, too, is only a good first step. In both cases we must not let perfect be the enemy of the good. I hope that we can quickly resolve this issue. Now is not the time for a debate on labor policy. This amendment should be offered on other legislation. I would strongly support debate on a freestanding bill. Perhaps all my colleagues could agree to move to Senator NICKLES' Paycheck Protection Act immediately after debate on campaign finance reform. I challenge my Democratic colleagues to come to the floor and pledge to allow the majority leader to bring the Nickles' Paycheck Protection Act to the floor and to allow for full debate in the regular order. Just as we are debating campaign finance reform, we could have a healthy debate on labor law, and that is the best way to deal with this issue.

Again, I urge my colleagues to work out a solution to this matter that does not jeopardize passage of campaign finance reform. Both sides of the aisle must come to an agreement to deal with this subject without engaging in a filibuster. A filibuster at this time will doom campaign finance reform. There will be plenty of blame to go around if such action occurs. I hope the public will understand that any prolonged debate at this time is designed solely to kill campaign finance reform. If we can't come to some agreement to bring this matter up freestanding, then I hope my colleagues will allow us to vote on the matter. Let the will of the majority of the Senate prevail. Then we can and must continue under the regular order and proceed with other amendments. We should not let the prospects for passage of campaign finance reform come crashing down based on the first amendment offered.

Let me point out again, Mr. President, I think we ought to go ahead and vote on this amendment, dispose of it and move forward. I hope that we can do that soon, since it is an issue that is fairly well known to most of my colleagues.

Mr. President, on Friday, we began a historic debate on the issue of campaign finance reform. The Senate heard from many Members who feel very passionately on this subject. The Washington Post characterized the debate as having "rare passion and eloquence," and that goes on both sides of this issue. I think it is a tribute to the nature of this body that such a debate is now occurring. We must not allow this opportunity to be lost. I urge the Senate to move forward with debate on campaign finance reform and resolve this unrelated labor debate as soon as possible.

Mr. President, I yield the floor.

Mr. McCONNELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. McCONNELL. Mr. President, is the Senator from Arizona going to stay in the Chamber? I would like to enter into a colloquy with him if he is available for that.

If I could, I would ask my friend from Arizona, last Friday when the debate began, the substitute which the Senator from Arizona laid down today was not ready until today. Is the Senator from Kentucky correct about that?

Mr. McCAIN. Of course.

Mr. McCONNELL. And the letter from the Brennan Center in New York, which the Senator from Arizona and the Senator from Wisconsin received, was dated last Monday, September 22. So would the Senator from Kentucky be correct in saying that the 126 signatories to that letter probably had not seen the substitute which the Senator from Arizona laid down today?

Mr. McCAIN. Of course, the Senator from Kentucky knows that the core of the bill basically remains the same. What we did was, as I mentioned in both my statement on Friday and again this morning, we did away with a number of the provisions in the bill which would have guaranteed its failure, not that we had in any way abandoned the fundamental belief in those provisions of the bill, but we were not going to let the perfect be the enemy of the good. We are in contact with the Brennan Center, and they will update their views on this within a very short period of time. So if the Senator from Kentucky has some concerns about their being up to date with the latest changes, let me calm his fears at this time to tell him that we will be receiving very soon another letter that approves of the modified version.

Mr. McCONNELL. Well, the original letter to the Senator from Arizona, which I have read, talks about party soft money and spending limits on campaigns. The spending limits on campaigns portion, I understand, is not in the revision that the Senator from Arizona has sent to the desk.

According to my reading of the letter, there is no mention of either independent expenditures or issue advocacy provisions, which I assume are the same in the substitute as were in the original bill. Am I missing something, or is the Senator from Arizona——

Mr. McCAIN. The Senator from Kentucky did miss something. I am sorry he wasn't able to attend our press conference that we held last week with

Burt Neuborne, if you will look the final signature for Burt Neuborne, John Norton Pomeroy Professor of Law, legal director, Brennan Center for Justice, New York University School of Law. He was queried on exactly that point and stated that he firmly believed in its constitutionality and, as I say, that letter will be updated very soon to include that.

Mr. MCCONNELL. I would say to my friend from Arizona I am reading from the letter of September 22. It says, "We do not all agree on the constitutionality of various provisions of the McCain-Feingold bill itself, nor are we endorsing every aspect of the bill's soft money and voluntary spending limits provision."

Is the Senator from Arizona then suggesting that all 126 signatories to the letter endorse the independent expenditure and issue advocacy provisions of the modification?

Mr. MCCAIN. I am telling the Senator from Kentucky that I am totally confident that all or the overwhelming majority of the 126 who signed this letter will also sign and approve of the changes that we have made. Again, fundamentally because there have been reductions in the bill instead of an expansion of it.

Again, Mr. Neuborne, who was the one who was the progenitor of this entire letter and contacted all 126 people, expressed his confidence that that would also be the case.

Mr. FEINGOLD. Will the Senator from Kentucky yield for a question?

Mr. MCCONNELL. Let me just say there have been a whole series of cases——

Mr. FEINGOLD. Will the Senator from Kentucky yield for a question?

Mr. MCCONNELL. Not at this time.

There have been a whole series of cases on issue advocacy. It is not in a gray area. In fact, the FEC's enforcement actions and regulatory efforts to suppress issue advocacy have been going on for a number of years.

They have been involved in a number of cases. I am looking at a whole list here, FEC versus AFSCME, in 1979; FEC versus CLITRIM, in 1980; FEC versus Machinists, in 1981; FEC versus Massachusetts Citizens for Life, in 1986; FEC versus——

Mr. MCCAIN. May I ask the Senator from Kentucky, is our colloquy over or is it going to continue?

Mr. MCCONNELL. I apologize to my friend from Arizona. I am now making some observations about issue advocacy.

Mr. FEINGOLD. Will the Senator yield for a question?

Mr. MCCONNELL. FEC versus Phillips Publishing, in 1981; FEC versus National Organization for Women; FEC versus Survival Education Fund, in 1995; FEC versus Christian Action Network, in 1996; FEC versus GOPAC, in 1994; FEC versus Colorado Republican Federal Campaign Committee, in 1996.

Now, in all of those cases the Federal Election Commission was trying to snuff out issue advocacy. It was rebuffed in all of those cases and, in the case of FEC versus the Christian Action Network, in the fourth circuit, the court was so angry at the FEC for continuing to pursue these citizens groups that it ordered the FEC to pay the legal fees of the citizen group which had been harassed by the FEC.

Mr. President, there may be some things that are in a gray area in this debate, but issue advocacy is not. The court has been very, very clear, since Buckley, that it is impermissible for the Congress to shut these people up when they seek to criticize us. An effort to say that in proximity to the election they can't criticize us would be an exercise in futility. I mean, these citizens have a right to band together. We don't like it. I stipulate that I have been subjected, shall I say, to these issue advocacy campaigns myself. I don't like it. I would rather not be criticized. But, as a practical matter, the courts are not going to allow us to shut these people up just because we find what they say about us offensive.

The enforcement actions that I mentioned are just the tip of the iceberg, since many enforcement actions never progress beyond the administrative levels. But these administrative investigations can be equally chilling on free speech.

The FEC has attempted to buttress its position regulating issue advocacy by extensive regulatory proceedings resulting in the adoption of the following regulations, which have been invalidated by the courts.

The FEC has been on this mission to shut these people up for a long time. So they issued a variety of different regulations, 11 CFR 114.4(b)(5), which was invalidated in Faucher versus FEC, in 1991; 11 CFR 114.1(e)(2), invalidated in Chamber of Commerce versus FEC, in 1995; 11 CFR 100.22, invalidated in Maine Right to Life Committee versus FEC in 1996; 11 CFR 114.10, invalidated in Minnesota Citizens Concerned for Life versus FEC, in 1995; 11 CFR 114.4(c)(4) and (5) invalidated in Clifton versus Federal Election Commission, in 1996.

I don't know who these constitutional scholars are. I am not prepared to argue with the Senator from Arizona or the Senator from Wisconsin that they all went to law school. But this business of seeking to regulate the expressions of citizens against our voting records doesn't have any chance at all of being upheld in the courts. I would hope the Senate would not waste its time engaging in some ill-conceived idea here to try to keep people from criticizing our records. It is a clear violation of the first amendment.

So, it seems to this Senator that that is something we ought not to be engaging in. As the Senator from Arizona pointed out, that provision of McCain-Feingold remains largely the same as it was in the original version.

I see my friend from Wisconsin is on his feet and would like to engage in a colloquy. I had in mind asking him a few questions as well, so I will be happy to yield to him for a question.

Mr. FEINGOLD. Mr. President, I thank the Senator from Kentucky. I just want to go over a couple of points relating to the Brennan Center for Justice letter of September 22.

First of all, the Senator from Kentucky made a statement a few days prior to the release of that letter on national television. He said something to the effect as follows: RUSS does not have one single constitutional scholar who supports his position. So I can understand the Senator from Kentucky being a little tender about a letter signed by 126 constitutional scholars that says exactly what it says.

I would first like to ask the Senator from Kentucky if he ever heard any of us, either at the news conference or otherwise, purport that that letter included references to the issue of issue advocacy versus express advocacy?

Mr. MCCONNELL. I did not. I want to commend the Senator from Wisconsin for bringing that up, because it proves precisely my point, that the constitutional scholars are not certifying to the constitutionality of the issue advocacy or independent expenditure provisions of the bill. I think the Senator from Wisconsin has made an appropriate correction.

Mr. FEINGOLD. That is right, Mr. President, because this is nothing but a red herring. The Senator from Kentucky does not like what the letter says, so he is trying to pretend that we actually said it said something else, and then get me to say it did not say that.

Let me ask the Senator from Kentucky whether he, in reviewing the letter, recognizes that there are two main points to the letter, one is the view of these 126 scholars that a ban on soft money is constitutional; and, second, that a system that would provide voluntary incentives to candidates who agree to some limits on their spending would also be constitutional?

Mr. MCCONNELL. I would say to my friend from Wisconsin, that is precisely what I was saying. That is what the constitutional scholars, in the letter released by the Senator from Arizona and the Senator from Wisconsin, were talking about. It's their view of what a court would likely rule in the case of soft money and in the spending limits proposals, since dropped, that would apply to individual campaigns. That was precisely the point the Senator from Kentucky was trying to make, that the constitutional scholars are not certifying that they believe that provisions of the bill related to issue advocacy or independent expenditure are constitutional.

Mr. FEINGOLD. Of course the Senator from Kentucky is correct. The very reason we would have asked for such a letter to be signed by 126 constitutional scholars is that for years the Senator from Kentucky has said that it is unconstitutional to ban soft money, even though the Senator from Kentucky proposed a bill in the 103d Congress that would ban soft money himself. He has stood on the floor of the Senate repeatedly, year after year, and said that a system that would provide an incentive to a candidate to limit his or her spending is unconstitutional because, in his words, "It would put a gun to the head of a candidate, in effect forcing him or her to do so."

So watch the shifting constitutional argument. First, the Senator from Kentucky focused his debate last year against our bill on the PAC ban, which is no longer in the bill. Then he focused on the soft money ban. Then he focused on the issue of whether or not voluntary incentives could be given. In each case, the Senator from Kentucky concluded emphatically, on the floor and off the floor, that it is plainly unconstitutional. He does not have a leg to stand on anymore; 126 constitutional scholars have said to him: Wrong, wrong, and wrong.

So now he is moving to another discussion. Now he is going to put up another figleaf in front of this obvious attempt to keep the current system in the form of a——

Mr. McCONNELL. Mr. President, I would caution the Senator from Wisconsin that this is supposed to be a civil debate. I don't know whether he is violating rule XIX or not, but I have the floor.

The PRESIDING OFFICER. The Senator from Kentucky has the floor.

Mr. McCONNELL. I have yielded temporarily to the Senator from Wisconsin. I would like to have a debate about this constitutional principle.

Mr. FEINGOLD. Mr. President, I recognize the comments of the Senator from Kentucky. Let me just go back to a question, in fairness. The fact is that the provisions that we have placed in the bill, the modified bill, with regard to the issue of candidate advocacy versus issue advocacy are not identical——

Mr. McCONNELL. Is the Senator asking a question?

Mr. FEINGOLD. I am about to ask a question—are not identical to those in the bill last year. In fact, I would ask the Senator from Kentucky if he is aware that the provisions we have just put in the modification are different than any that we have introduced before?

Mr. McCONNELL. I would say, Mr. President, that I am aware the bill has been evolving. I am aware issue advocacy is different now, in the revised bill, than it was originally.

Mr. FEINGOLD. Will the Senator from Kentucky acknowledge that the notion of a bright-line test with regard to issue advocacy is not the same as some of the other approaches?

Mr. McCONNELL. Mr. President, regaining the floor, let me suggest to the Senator from Wisconsin that the bright-line test probably makes it even more unconstitutional. I think it is inconceivable that the courts would say that you can criticize a Member of Congress anytime you want to, except right before an election.

Let me say with regard to this ongoing discussion of constitutional scholars that I don't know how many of the constitutional scholars in the letter presented by the Senator from Arizona and the Senator from Wisconsin have actually practiced these cases in court. I don't know the answer to that. It could be that many of them have. But the American Civil Liberties Union, which was cocounsel to Senator Buckley in the 1996 case and has handled a lot of this litigation over the years, believes that the provisions of the McCain-Feingold substitute with regard to issue advocacy is unconstitutional.

The American Civil Liberties Union is America's expert on the first amendment. It is true that the Senator from Wisconsin has diligently searched for years and managed to come up with some folks who will sign a letter saying this is constitutional. I said last week I could probably find 126 people who say the Earth is flat. But, the experts on the first amendment, the American Civil Liberties Union, believe that these provisions are not constitutional.

Let me just read from a letter earlier this year, to me from the ACLU, regarding independent expenditure provisions in McCain-Feingold at that time.

> The new restrictions on independent expenditures improperly intrude upon that core area of electoral speech, and impermissibly invade the absolutely protected area of issue advocacy.

Mr. President, the ACLU went on:

> Two basic truths have emerged with crystal clarity after 20 years of campaign finance decisions—[20 years]. First, independent expenditures for express electoral advocacy by citizens groups about political candidates lie at the very core of the meaning and purpose of the first amendment. Second, issue advocacy by citizen groups lies totally outside the permissible area of Government regulation.

This bill assaults both principles.

So, Mr. President, I am not disputing for a moment that the Senators who are the principal sponsors of this bill have found some folks who went to law school who were certifying that they believe this bill is constitutional. But I am suggesting that the people who litigated in this area, the lawyers, the distinguished lawyers who have litigated in this area for the last 20 years, who were involved in the original case, the Buckley case, that went to the Supreme Court, believe that these provisions on independent expenditures and issue advocacy are fatally flawed.

I rest my case. I guess we can all sort of pick our own expert and decide who we want to rely on, depending upon the outcome that we want to achieve. But I think most people would believe that the first amendment lawyers at the American Civil Liberties Union know a little bit about this area of litigation.

I want to take a few moments to pose a few questions to my friend from Wisconsin, if I may.

(Mr. DEWINE assumed the chair.)

Mr. FEINGOLD. Mr. President, if I may, I have a couple of questions relating to the letter itself I would like to ask, and then I will be happy to yield for those questions, if I could, just with regard to the comments the Senator was just making.

If the Senator will yield for a question, does the Senator realize that the person who put the letter together, Mr. Burt Neuborne, New York University Law School, was the former executive director of the ACLU?

Mr. McCONNELL. Right. Also Professor Neuborne believes that the Buckley case was a mistake. He has been very candid about that. He believes that Thurgood Marshall was wrong when he said spending is speech. So Professor Neuborne, I would say, has been very candid about his views. He has a view that is contrary to the state of the law.

Mr. FEINGOLD. Doesn't the ACLU also take the position that the Buckley case was wrong?

Mr. McCONNELL. The ACLU didn't like every aspect of it. They didn't like the fact that the Court decided it was permissible to put a limit on contributions. The ACLU felt that even the contribution limit, Mr. President, was a violation of free speech. They didn't win that one, but they won the rest of the case.

Thurgood Marshall said spending is speech, and all nine Supreme Court Justices said spending is speech. I heard the Democratic leader out here Friday talking about a 5-to-4 case. It wasn't a 5-to-4 case. It was 9 to 0 that spending is speech. My friend from Wisconsin wanted to ask a question or observe——

Mr. FEINGOLD. Mr. President, does the Senator from Kentucky consider Lawrence W. Knowles, University of Louisville School of Law, qualified to discuss these issues?

Mr. McCONNELL. I don't know Larry Knowles, but a professor of mine at the University of Kentucky Law School I noticed was a signatory to your letter, I say to my friend from Wisconsin.

Mr. FEINGOLD. Thank you, Mr. President.

Mr. McCONNELL. One of my former professors is a signatory of your letter. I think we haven't persuaded him——

Mr. FEINGOLD. Can we safely assume the two signatories with a good

Kentucky background know what they are talking about?

Mr. MCCONNELL. I don't know what they know about this kind of litigation and the first amendment, but I won't dispute the fact that 126 people signed this letter. I hope the Senator from Wisconsin won't dispute that Professor Neuborne disagreed with the Buckley decision, thinks it was wrong and for 24 years has been trying to argue that somehow the Court ought to reconsider this and change its mind even while the Court has been going more and more in the direction of permissible political speech.

So, Mr. President, I still have the floor, I believe, and if the Senator from Wisconsin is up for a few more questions, I would like to ask him a few.

I gather that the Senator from Wisconsin said last Friday—I know the Senator from Arizona did, too—that they hoped to offer an amendment to restore the individual spending limits on campaigns, if they were given such an opportunity. Is that correct?

Mr. FEINGOLD. Let me respond to that in a slightly different way. Another point I wanted to clear up in response to that question, the Senator from Kentucky is suggesting that there are no spending limits in our base bill. That is incorrect. Our bill, the modification that was just offered, does provide that a candidate who wants to get the coordinated party expenditure benefit from their party has to limit their personal wealth contribution to no more than $50,000.

So the fact is that provision, which these 126 constitutional scholars have suggested is perfectly constitutional, is in our base bill. The Senator is, of course, correct, that we do intend to add—in fairness to his comment—we do intend to add an amendment that would go further, that would, in fact, bring back some of the other proposed voluntary limits that would then be coupled with what we hope would be an incentive for reduced cost for television time. We hope to add that to the bill, but the concept is already in the base bill.

Mr. MCCONNELL. I stand corrected, Mr. President. There is a partial spending limit in the remaining bill. In any event, I am sure I haven't mischaracterized the position of the Senator from Wisconsin. He likes spending limits. He thinks that too much money is being spent in American campaigns; is that correct?

Mr. FEINGOLD. It is not correct that I like mandatory spending limits, Mr. President. I believe that under the Buckley versus Valeo decision—which the Senator knows I accept because I oppose a constitutional amendment that would require mandatory spending limits—I believe that under that decision, it is permissible and appropriate to offer voluntary spending limits, and that is the kind of spending limit that I would support. I would not support a constitutional amendment, for example, to require mandatory spending limits.

Mr. MCCONNELL. Well, Mr. President, the original McCain-Feingold bill seeks to, shall I say, entice people into limiting their spending, and the Senator has often said he thinks there is too much money in politics and we should be able to entice people into limiting their spending. So I would just like to ask the Senator how much is too much? How much spending is too much?

Mr. FEINGOLD. Mr. President, I don't believe it is my language that there is such a thing as too much money. It is all in context, and the context is this: If somebody chooses, as they may under their constitutional right, to spend as much as they want, I believe we should establish a system whereby a person who is challenging that person has a chance to at least get their message out.

So I don't have any theoretical limit that I believe in. If Michael Huffington wants to spend $30 million in California, that's his right, but it is my belief that we ought to provide some kind of incentive to those who would voluntarily limit their spending so they could have a fair chance to get their message out.

I don't accept the premise of the Senator's question, that I believe there is some sort of a magical number. What I want is some kind of fairness in the system, some kind of leveling the playing field so not just multimillionaires would get to participate.

Mr. MCCONNELL. In the McCain-Feingold bill, there is a State-by-State formula for how much one would be permitted to spend if he "voluntarily" accepted the spending limit. Now, what would that add up to in the 1998 elections? Do you have a calculator there, or does your staff have a calculator to give us a sense—

Mr. FEINGOLD. You are asking about the total amounts for all the States put together?

Mr. MCCONNELL. There is a formula in the McCain-Feingold bill, as I understand it, that specifies how much spending would be allowed in various States. Do you know what that would add up to in the 1998 election?

Mr. FEINGOLD. Of course, Mr. President, that is an inaccurate statement of what the bill does. It does not provide limits. It says only that if a person agrees to a stable or certain figure, depending on the size of the State, that those individuals would get the benefits provided by the bill. There is no automatic limit. Anyone can go over the limit if they want to, if they are willing to forfeit the benefits.

Mr. BENNETT. Mr. President, will the Senator yield for an additional question?

Mr. MCCONNELL. I yield to the Senator from Utah for a question?

Mr. BENNETT. I recall in Friday's debate when the Senator from Arizona laid down the three fundamental purposes of McCain-Feingold, and the second of those three was to lessen the amount of money in politics. So I think the question of the Senator from Kentucky is a legitimate one: How much do the sponsors of McCain-Feingold want to lessen the amount of money in politics?

According to the Senator from Arizona, that is one of the three fundamental pillars of this, and I hope the two Senators will continue the colloquy until we get an answer to that question: How much do the sponsors of McCain-Feingold want to lessen the amount of money in politics?

Mr. MCCONNELL. I thank my friend from Utah. Let me just read the formula that is in the McCain-Feingold bill. I say to my friend from Utah, that might be helpful in giving my colleague from Wisconsin an opportunity to answer the question, How much is too much?

The formula, as I understand it, in the original bill is $400,000 plus 30 cents times voting age population less than or equal to 4 million plus 25 cents times the voting age population greater than 4 million.

So in the case, I say to my friends from Utah and Wisconsin—but there is one State that is different. In the case of New Jersey, where they have only one VHF station, the formula is different. It is 80 cents and 70 cents instead of 30 cents and 25 cents. Moreover, the minimum general election limit is $950,000, maximum being $5,500,000. That is for any State, no matter how big. And then the primary is 67 percent of the general limit, and the runoff limit is 20 percent of the general.

I am a little confused here. I gather that means that you can spend more per voter in New Jersey than you can in Utah; is that right?

Mr. FEINGOLD. Is the question being posed to me?

Mr. MCCONNELL. Yes, it is your bill. I want to ask you about it.

Mr. FEINGOLD. I will be happy to respond to that question. First of all, of course, this provision is not what is before us at this point. Nevertheless, I do believe in the system of overall voluntary spending limits, and the real driving force behind that is a concern about television costs. Any modifications or changes in the formula that had to do with a State-by-State difference without a doubt had something to do with the question of what does it cost to run a television campaign in a U.S. Senate race.

I find it slightly amusing that the Senators question me about language that my colleague from Arizona used about limiting spending in campaigns, when the Senator from Kentucky, in S. 7, 103d Congress, had a bill entitled "To amend the Federal Election Campaign Act of 1971 to reduce special interest influence on elections, to increase competition in politics, to reduce campaign costs, and for other purposes."

The point is, actually all three of us agree that you should not mandatorily limit campaign spending.

Mr. McCONNELL. But it is the hope of the Senator from Wisconsin that somebody would accept these "voluntary" spending limits.

Mr. FEINGOLD. Of course, it is my hope they would accept them, but only voluntarily, so that not a single person in this country is forced to give up their free speech rights. That is not a part of our bill. The whole premise of reducing the amount of money in politics is not to deny anyone their rights, but, in appropriate cases, to encourage people to limit their spending so we can have fair races, so we don't have a scenario like the one that we have now where a Senate race, on average, costs $4.5 million or $10 million or $15 million.

I would be curious if either the Senator from Utah or the Senator from Kentucky believe there is any amount of money that is inappropriate in terms of a U.S. Senate race?

Mr. McCONNELL. If I may regain my time, the answer is I don't think the Government should be determining how much speech there is in any Senate race, I don't care what the size of the State is.

I see my friend from Utah standing up again. Here is an explanation that I think will help the Senator from Wisconsin. Obviously, he hopes that people will accept their spending limits and the provision in their measure that would make it pretty hard not to, because if you don't accept the spending limits, you have to pay way more for television than somebody who doesn't.

It is my view the courts would strike that down as unconstitutional because they are punishing you if you choose to express yourself too much. You get punished because you have to pay more for your broadcast time.

Clearly, the Senator from Wisconsin wants people to accept the spending limit, and I would argue the spending limit in the original McCain-Feingold is not voluntary at all because the Government basically has a gun to your head.

If you do not accept it, it costs you a heck of a lot of money. It gets back to this formula we were just discussing. The measure's spending limits are based on a formula that takes each State's voting age population into account. The basic general election spending limit is $400,000, plus 30 percent per voter up to 4 million of the voting age population and 25 percent per voter in excess of 4 million of the voting age population.

I say to my friend from Utah, it appears as if the voters in excess of 4 million do not get as much spent on them as the voters below 4 million. So presumably you do not speak as much to the people over 4 million as you do to the people under 4 million. But then the general election spending limit can be no lower than $950,000. So presumably if you are in a little State, it cannot go below $950,000 or more than $5.5 million in any State. That presumably would limit California to $5.5 million. Then the basic primary election spending is two-thirds of the general election spending limit, but not more than $2.75 million in any State.

If I could read on just a minute before taking the question of the Senator from Utah.

The proposed legislation creates some incredible anomalies that have been omitted from the public debate. Incredible? How else to describe a law, when figured on a per-voter basis, that would allow a Senatorial candidate in Wyoming to spend almost 11.5 times the amount that could be spent by a candidate in California?

With a 22.8 million voting age population, the biggest of any State, California, under the McCain-Feingold scheme, gets the biggest spending limit. If figured on the same basis as other States, California spending would be $10.5 million; but, in fact, it is capped at $5.5 million. But California is the only State where maximum spending limits, $5.5 million per general and $2.75 million for a primary election would be applied; thus, California's total campaign spending is $8.25 million for the general election, which works out, Mr. President, to about 24.1 cents per voter.

Not too far away from California, in Wyoming, the State with the least population where there are only 344,000 people of voting age, the spending limit would be $503,200 if it were not for the laws of minimum limit of $1.586 million, general election and primary election, $636,000. The general election spending limit works out to $2.74 per voter.

Mr. President, over in California under the spending limits regime in the McCain-Feingold bill, which is not in the substitute but will be offered as an amendment if given the opportunity, a voter in California is treated to 24.1 cents in campaigns while Wyoming is $2.76 per voter.

Putting this in a different perspective, the McCain-Feingold legislation allows senatorial candidates in California to engage in first amendment protective activity at a level of financial activity that is barely one-tenth of the amount that a candidate could spend in Wyoming. To achieve parity so that the voters in the two States receive the same level of general election campaigning from their U.S. Senate candidates would require California candidates to spend an amount that is 11.5 times greater than allowed in the McCain-Feingold bill, a whooping $63.25 million; or you could reduce the amount that could be spent in Wyoming to $82,600.

Now, why do I bother to mention this Mr. President? This is truly a Rube Goldberg scheme. "We are here from the Government to help you," and we have concocted this spending limit regime up here in the Government so that the voters in these various States will not be tainted by too much expression being directed at them in the course of their campaigns. But as often is the case when the Federal Government tries to micromanage something, particularly something so difficult as micromanaging political expression, you end up with a sort of absurd result.

Mr. President, the reason I talk about these spending limits is that they are in the original McCain-Feingold bill. Senator MCCAIN, Senator FEINGOLD do intend—if they have the opportunity—to offer that amendment to give the Senate an opportunity to go on record as saying that California voters only get 24.1 cents spent on them while Wyoming voters get $2.76. This scheme is something that they want us to sanction.

Mr. President, this is an extraordinarily difficult concept for people of average intelligence to understand. Besides the constitutionality problem, they are also saying that in order to speak more you have to pay more—and you do not get the broadcast discount—or if you decide to speak too much, you pay more for your speech. It is just one of the many problems with the spending limits regime with which the Senate has been confronted not just in this debate, but at various times over the last decade.

And I ask my friend from Utah, is a voter in Wyoming entitled to more of a campaign than a voter in California?

Mr. BENNETT. Mr. President, if I may respond to my friend from Kentucky, I know a little bit about campaigns in Wyoming because a large portion of the Wyoming electorate is served out of the television market headquartered in Salt Lake City, UT. As a consequence, voters in Utah were treated to attack ads telling us how terrible Mr. ENZI was in the last campaign. We had no idea who he was. I did not meet him until he was sworn in here. But I had seen all of the attack ads that were put on through the Salt Lake City television stations attacking the senatorial candidate in Wyoming.

By contrast, if I may, our friend from Delaware, Senator BIDEN, has told us that Delaware has no television outlets at all in the State. As a consequence, if he is going to run a television campaign in Delaware, he has to do all of his buying in Philadelphia, so that the voters of Pennsylvania get to hear all of the glories and beauties of JOE BIDEN, none of whom can vote for him because he cannot buy television time in Delaware.

What the Senator from Kentucky has demonstrated is how incredibly difficult it is to craft legislation that approaches the ideal sought by the Senators from Arizona and Wisconsin in a market-by-market, State-by-State, election-by-election circumstance. It is virtually impossible to do that. We ought to recognize that and defeat the whole thing out of hand.

Mr. MCCONNELL. Would it not be appropriate to say, I say to my friend from Utah, that the Government has no business doing that anyway?

Mr. BENNETT. Of course the Government has no business doing that. That is the point we made on Friday when we were having the debate. Even if we grant the argument raised by the Senator from Wisconsin and his 126 experts that it can be done in a way that is constitutional, we recognize that it cannot be done in a way that makes sense.

It is possible to craft a system that meets the narrow requirements of the Constitution in terms of protecting free speech, but it is not possible to do one in a way that makes any logical sense at all.

I had risen to ask my colleague this question about the example we have before us. We are being told this is constitutional because it is voluntary. And I suppose that is the reason these 126 scholars have signed the letter. As long as you agree in advance to give up your constitutional rights, then the Constitution will not defend you.

The Senator from Kentucky has said it isn't really voluntary. There is a huge incentive which the Senator from Kentucky describes as a gun pointed at your head to see to it that you are voluntary. So it is not voluntary. This is the question I had in mind.

We have an example before us of people giving up their constitutional rights in return for Federal dollars. There are some who are so unkind to call that a bribe. But in the Presidential system now, virtually every candidate for President accepts the bribe; that is, he or she accepts the Federal dollars in return for agreeing to limit their speech. The Senator from Wisconsin says, no, every American has a constitutional right not to accept that money and to go ahead on their own.

Isn't it true that the only two candidates who have been able to run for President without accepting the Federal money and mount anything approaching a worthwhile campaign are Ross Perot and Steve Forbes, both of whom approach billionaire status? Is that a correct summary of what the Presidential system that is constitutional has brought us to?

Mr. MCCONNELL. The Senator from Utah is entirely correct. Even people like Ronald Reagan, who opposed the Federal Election Campaign Act of 1974, always checked no on his tax return as a protest against using tax dollars for the Presidential campaign. He had no choice because the contribution limit on candidates for President was only $1,000. You simply could not raise enough to compete for President unless you accepted the bribe that the Government offered you to give you so much money to limit your speech. There was simply no choice. And that kind of choice, it seems to me, is similar to what we have here and is really quite unfortunate for candidates because it restricts their options.

If I may just for a moment go back to the spending limit analogy while my friend from Utah is still up, another example would be to compare New Jersey to New York, two States right next to each other. In New Jersey they are able to spend more money on a candidate than in New York, even though New York has more than twice as many voting age residents as New Jersey. Two States right next to each other, people commuting back and forth to work all the time, and yet somebody in the Government determines that the voters of New Jersey are entitled to more communication than the voters in New York under the formula in the original McCain-Feingold bill.

Does that strike the Senator from Utah as really very difficult to understand?

Mr. BENNETT. As I said at the outset, it demonstrates just how ridiculous it is for the Federal Government to get into the business of determining who can spend what and for how much in a constitutional way. You end up so contorted and distorted in your attempt to get around the obvious constitutional ban on this kind of nonsense that you create a circumstance that virtually no one can defend on practical grounds: More money going for a candidate in New Jersey than for a candidate in New York, different rules applying to a candidate in Delaware than apply to a candidate in Wyoming.

All of this is voluntary, but it becomes voluntary because there is a huge bribe out there waiting for you if you agree to give up your constitutional rights. I think it is absurd.

I was delighted over the weekend to read the comments of George Will, who said that this debate is one of the most fundamental we have had since the founding of the Republic. I had not thought to put McCain-Feingold in the same fashion that George Will does, but he describes it as similar to the speech codes adopted in many of our campuses, the excesses of the 1950's in the days of Joseph McCarthy, the 1920's speech activity, the Alien and Sedition Acts, but he says all of those are less significant in their threat to a fundamental liberty than this one because they came and went in the frenzy of the day. This one would leave behind a huge Federal bureaucracy aimed at producing exactly the kind of results the Senator from Kentucky is talking about, laying out that this candidate in this State can spend this much, and as soon as he steps across the State line, if he decided to run in another State, then the rules would change, the limits would change, the circumstances would change.

That kind of Federal bureaucracy intruding itself into the campaign even if it were through some tortuous method of gaining consent on the part of those involved, constitutionally it remains clearly violative of the spirit of the first amendment, if not the specific letter. I believe the courts would strike it down.

Mr. MCCONNELL. Mr. President, I see the Senator from Virginia is on his feet. I just want to make one wrapup observation about what the Senator from Utah was just talking about.

The George Will column to which he referred was in the Washington Post yesterday. And just to pick out some excerpts, Mr. Will said, "Nothing in American history * * * matches the menace to the First Amendment posed by campaign 'reforms' * * *"

Further, Mr. Will said, "Thus is the First Amendment nibbled away, like an artichoke devoured leaf by leaf," which is what the Senator from Utah was talking about.

And toward the end of the article he called this "the most important [debate] in American history" because really what we are talking about here is core political discussion in this country, as the Senator from Utah has pointed out.

Mr. President, I ask unanimous consent that George Will's column, the headline of which says "Here Come the Speech Police," be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Sept. 28, 1997]

### HERE COME THE SPEECH POLICE

(By George F. Will)

Almost nothing that preoccupies Washington is as important as Washington thinks almost all its preoccupations are. But now Congress is considering some version of the McCain-Feingold bill, which raises "regime-level" questions. It would continue the change for the worse of American governance. And Washington's political class hopes the bill's real importance will be underestimated.

With a moralism disproportionate to the merits of their cause, members of that class—including the exhorting, collaborative media—are mounting an unprecedentedly sweeping attack on freedom of expression. Nothing in American history—not the left's recent campus "speech codes," not the right's depredations during 1950s McCarthyism or the 1920s "red scare," not the Alien and Sedition Acts of the 1790s—matches the menance to the First Amendment posed by campaign "reforms" advancing under the protective coloration of political hygiene.

Such earlier fevers were evanescent, leaving no institutional embodiments when particular passions abated. And they targeted speech of particular political content. What today's campaign reformers desire is a steadily thickening clot of laws and an enforcing bureaucracy to control both the quantity and the content of all discourse pertinent to politics. By the logic of their aims, reformers cannot stop short of that. This is so, regardless of the supposed modesty of the measure Congress is debating.

Reformers first empowered government to regulate "hard" money—that given to particular candidates. But there remains the "problem" of "soft" money—that given to parties for general political organizing and advocacy. Reformers call this a "loophole." Reformers use that word to stigmatize any silence of the law that allows unregulated political expression. So now reformers want to ban "soft" money. But the political class will not stop there.

Its patience is sorely tried by the insufferable public, which persists in exercising its First Amendment right of association to organize in groups as different as the Sierra Club and the National Rifle Association. One reason people so organize is to collectively exercise their First Amendment right of free speech pertinent to politics. Therefore reformers want to arm the speech police with additional powers to ration the permissible amount of "express advocacy," meaning speech by independent groups that advocates the election or defeat of an identifiable candidate.

But the political class will not stop there. Consider mere issue advocacy—say, a television commercial endorsing abortion rights, mentioning no candidate and not mentioning voting but broadcast in the context of a campaign in which two candidates differ about abortion rights. Such communications can influence the thinking of voters. Can't have that, other than on a short leash held by the government's speech police. So restriction of hard money begets restriction of soft, which begets regulation of issue advocacy—effectively, of all civic discourse.

The political class is not sliding reluctantly down a slippery slope, it is eagerly skiiing down it, extending its regulation of political speech in order to make its life less stressful and more secure. Thus is the First Amendment nibbled away, like an artichoke devoured leaf by leaf.

This is an example of what has been called "the Latin Americanization" of American law—the proliferation of increasingly rococo laws in attempts to enforce fundamentally flawed laws. Reformers produce such laws from the bleak, paternalistic premise that unfettered participation in politics by means of financial support of political speech is a "problem" that must be "solved."

One reason the media are complacent about such restrictions on (others') political speech is that restrictions enhance the power of the media as the filters of political speech, and as unregulated participants in a shrunken national conversation. Has the newspaper in which this column is appearing ever editorialized to the effect that restrictions on political money—restrictions on the ability to buy broadcast time and print space and other things the Supreme Court calls "the indispensable conditions for meaningful communications"—do not restrict speech? If this newspaper ever does, ask the editors if they would accept revising the First Amendment to read:

"Congress shall make no law abridging the freedom of the press, but Congress can restrict the amount a newspaper may spend on editorial writers, reporters and newsprint."

As Sen. Mitch McConnell, the Kentucky Republican, and others filibuster to block enlargement of the federal speech-rationing machinery, theirs is arguably the most important filibuster in American history. Its importance will be attested by the obloquies they will receive from the herd of independent minds eager to empower the political class to extend controls over speech about itself.

Mr. McCONNELL. Mr. President, I yield for a question to the Senator from Virginia.

Mr. WARNER. Mr. President, I wonder at this point in time if I just might make some follow-on comments to my earlier observation. Would the Senator be agreeable?

Mr. McCONNELL. I will.

Mr. WARNER. Mr. President, earlier I talked in support, the strongest support, of the distinguished majority leader's amendment. Mr. President, I rise today to address the issue of campaign finance reform. As chairman of the Committee on Rules and Administration, I have spent a great deal of time with these issues over the past 2 years. I appreciate the effort by the majority leader to bring campaign finance reform to the floor for debate, and I welcome the opportunity to join in this important debate.

The Rules Committee has held 10 hearings in 1996 and 1997 concerning campaign finance reform issues. Many of these hearings dealt with the specific issues contained in the legislation commonly known as McCain-Feingold, such as soft money, free television time, regulation of issue advocacy, and spending caps. The committee has compiled a detailed record on these issues for the Senate. During these hearings, we have heard from many noted experts in this field, including many of the same witnesses who appeared before the Committee on Governmental Affairs last week.

My view of how the campaign finance debate will evolve is as follows. Democrats argue that the Republicans must rely even more on contributions from individuals—hard money—and less on large soft money contributions. Republicans argue that the Democrats, who have relied heavily on the involuntary confiscation of the dues of union members, must agree that union members must give their advance, written consent before a part of their paycheck should go to partisan political activities.

I received a letter from President Clinton last Tuesday in support of McCain-Feingold. He added that "any attempts to attach amendments that would make it unpalatable to one party or another are nothing less than attempts to defeat campaign finance reform." I understand that latest version of McCain-Feingold does not include a requirement that union members give prior, written consent before their dues could be used for partisan purposes. This Senator will support an amendment to add this requirement, and I say that if the Democrats decide to filibuster campaign finance legislation because it includes this provision, then it is they who are blocking true bipartisan reform, not the Republicans.

In the Rules Committee we have held a series of hearings on these issues that are being discussed here today. I want to focus on one particular hearing where we allowed both sides to come in and discuss compulsory deduction by unions. And we held this hearing. We had as a witness David Stewart, a member of the Transport Workers Union of America, local 514, located in Tulsa, OK.

I remember him very well. He was proudly in the hearing room in his basic working uniform. He testified, and I have extracted some of that testimony to read in this debate today, this very important debate. This is what this American worker said:

> * * * I really do not agree with some of the Agendas and the Candidates that the union endorses. Yet, we are all required to fund these agendas and campaigns just by virtue of our membership in the Union.

This is a union man, Mr. President.

> As I searched for relief from this unjust requirement, I found out about the "Beck Supreme Court Decision," which in effect gives a Union Member the right to a refund of the Non-Bargaining expenditures of the Union. The problem is, I must relinquish my Union Membership and the rights associated with that Membership to seek this refund. It is absurd to require me to fund the Contract Bargaining, Contract Enforcement and Administration of the Local, yet require me to forfeit my rights to a voice in these affairs, only because I oppose the Political Expenditures of the Union. I am not opposed to my requirement to belong to the Union. I still attend the Union meetings and enjoy having a voice in the affairs of the Union and my career, I am not willing to give up this activity to receive the refund afforded me by the "Beck Decision."

We also heard from Cindy Omlin, a former teacher from Washington State. She described the schemes by which her union illegally used her dues—that mandatory deduction—for political contribution. The unions got caught, but nonetheless they upped the amount of dues teachers were required to contribute for partisan activities. Our committee listened to these workers and they came forward at some risk to themselves to give this important testimony.

At the appropriate time I hope to ask the sponsors of this legislation whether or not they have taken it upon themselves to go out and talk to the workers and find out exactly how they feel about this onerous requirement of mandatory deduction. I will await the opportunity to talk to one or more of the sponsors or both on this point when they have that availability.

Now I have read that the new version of McCain-Feingold may include a provision to enforce the Beck decision and require posting of notices that employees can receive refunds. This idea, although certainly better than the status quo, is not nearly good enough.

Effective enforcement of Beck is difficult at best. The posting of a small sign or a small note in a union magazine will not do. Many employees will never learn of their Beck rights, and unions will no doubt continue to set up substantial obstacles to exercising these rights. In our hearing, we heard how unions make the window for objecting very brief and it changes every year, with the notice often buried deep within lengthy union magazines.

Moreover, single employees are very poorly equipped to challenge accountings provided by union officials as to the breakdown of chargeable and nonchargeable activities. Also, an employee wishing to appeal this determination would need to hire his or her own attorneys and accountants for an arbitration run under rules established by the union. The financial disclosure forms filed by unions with the Labor Department, the LM-2, are notoriously useless in actually assisting employees to determine what percentage of their dues go to political activities.

All of these procedural hurdles are in addition to the stigmatization of objectors, officially called agency-fee payers. Often lists of objectors are published in union literature and cases of threatened violence are common.

I believe the only solution, and one that is not contained in the McCain-Feingold legislation, is to require prior, written consent before dues are confiscated. I am a cosponsor of Senator NICKLES' bill, the Paycheck Protection Act, which would rectify this egregious situation. Without this provision, we will not have fair campaign finance reform.

Mr. McCONNELL. I want to thank the Senator from Virginia not only for the remarks he has made today but the way he has listened to all of those who have come forward at the Rules Committee over the period of his chairmanship. He and I, many times, were the only two there. He has been wonderful in giving an opportunity to a number of groups who, frankly, have had a difficult time giving testimony in the past, who typically have not been listened to. I think he has made a major contribution in providing some balance to this important constitutional debate.

Mr. WARNER. Mr. President, I thank my distinguished colleague. Indeed, we have not fully agreed on all provisions that are options throughout this whole realm of campaign finance, but fundamentally we certainly agree on the question of the mandatory deduction.

We went to the difficulty of finding witnesses and brought them to the hearing room and listened to their testimony.

It is ever so clear to this Senator, and I am sure the other members of the committee, that throughout America the workers want to be recognized for their ability to think for themselves and their ability to make decisions for themselves. This whole idea of mandatory deduction is against free will—I think, indeed, against the very essence of what freedom is all about.

I commend my distinguished colleague from Kentucky. Let us fight on in the cause of freedom.

Mr. McCONNELL. Mr. President, I am happy to yield the floor. I see the Senator from Illinois is here desiring to speak.

Mr. DURBIN. I thank my colleague, the Senator from Kentucky for yielding. I only have a short period of time here, I say for the information of my colleague from Maine, and I appreciate this chance to rise and speak on this issue.

It has been said in debate that the columnist, George Will, has pronounced this as the most important debate in American history. I didn't want to miss it and that is why I came to the floor today. I will not question Mr. Will because he was reared and his early education took place in the State of Illinois, and somewhere or another he got off the course shortly afterwards, but at least we attribute his early training to Illinois' educational standards.

Is this the most important debate in American history? It may be, because what is at stake in this debate is not the amount of money that is being spent in a campaign, it is really not about the conduct of campaigns, it really doesn't have much to do with political action committees or labor unions or corporations or associations. What is at stake in this debate is the future of this democracy.

If that sounds hyperbolic, let me tell you why I say it. I am honestly, genuinely, personally concerned as a Member of this great institution, about the fact that the American people are losing interest in their Government. The clearest indication of that loss of interest is their participation in elections.

Now, why is it at this moment in time when the United States of America is obviously one of the most attractive places in the world to live, where we have to almost construct a fence and a wall around our borders to keep people from other nations from coming to the United States, why is it that at a time when our economy is booming, at a time when we are so proud of what we have achieved not only in this Nation but around the world, that the people we serve, the American voters, have decided they are not interested? And they have demonstrated that, unfortunately, in that quadrennial forum where we asked people to come forward and name the leader of this Nation.

Let me show you what I am talking about. I think it is interesting in this debate about campaigns and money and voters to take a look at what has happened in the United States of America in the last 36 years. This bar graph shows the amount of money that has been spent on campaigns at all levels, Federal through local. If you look it was a rather meager sum, $175 million, in the earliest years, and then skyrocketed up to $4 billion here in 1996.

So to entice people to vote, to interest them in candidates and interest them in campaigns, we have raised money in record sums and spent it on television, radio, direct mail, bumper stickers, emery boards, pocket combs and everything we can dream of, to say to the voters, "Look at me. Get interested. I'm running. I need your vote." Is it working? As we plow more money into this system, is it working? Well, the sad truth is, it is not.

Look at this percentage of those who vote in Presidential elections: Starting in 1960, 63.1 percent of the American people said the Kennedy-Nixon election is one that we consider critically important, our family is going to vote. Look what happened in this last election in November: 49.1 percent of the American people turned out to vote. We spent record numbers, dramatically increasing the amount of money on political campaigns, and the voters voted with their feet and stayed home. Isn't it curious that the more money we plow into our campaign system the fewer voters turn out?

Now let me just suggest something. If you happen to own a company selling a widget and say to your marketing department, "We are going to double our advertising. Next quarter we want to see what happens to sales," and you gave them twice as much money for advertising your widget, and they came back after the quarter was finished and said, "We have the report." You said, "What is it?" "Advertising went up 100 percent." "How about sales?" "Sales went down." What? Advertising went up and sales went down? Well, you could draw some conclusions. There was something wrong with the advertising or there may have been something wrong with the product. That is what this debate is about.

There is not only something wrong with the advertising, it has become so negative, so nasty, so dirty, that people are disgusted with it. There is something wrong with the products. Candidates for the House and Senate are losing their reputation or seeing their integrity maligned because we spend so much time grubbing for money. People believe that we are captives of special interest groups. And because they are sick of the style of campaign and because they have little or no confidence in those of us who wage the campaigns, they stay home.

The turnout for the Presidential election last November was the lowest percentage turnout in America for a Presidential election in 72 years. Now if Jay

Leno and David Letterman pronounced this election over in July, as they probably did, I don't think that explains it. I think there was something else at work here. The American voters are at best indifferent, and at worst, downright cynical about the system we use to elect people in the United States.

Let me also show you something that makes the case even more. I guess some people would argue, well, back in 1960 there must have been a higher percentage of people who were registered to vote. Well, that was not the case. Our figures start on this chart in 1964, and there were 64.6 percent of Americans registered to vote; if you remember, 63.1 percent of those turned out to vote.

Now, we have increased the franchise by making it easier to register to vote. You can register when you go to get a new license for your car or driver's license renewal, that sort of thing. So, more and more Americans are getting registered to vote. There is more participation. I think that is a healthy thing. I backed motor-voter. We are now up to 74.4 percent of eligible voters registered in America in the 1996 election. You can be proud of that.

People have said, "Yes, I will sign the form. I'm willing to go out and put my name on the voter rolls" knowing they may be called for jury duty or something else. They did it anyway. Then look what happened. Despite this dramatic increase in the people who are registering to vote, remember November 1996? Fewer than 50 percent of the American people then exercised their right to vote.

I think that is a telling commentary on this debate. If you listen to the arguments of my colleague from Kentucky, Senator McCONNELL, and Senator BENNETT from Utah, who was on the floor the other day, and Speaker NEWT GINGRICH and others, they have analyzed the situation and said, clearly, the major problem with the American political system is, in their words, "We're just not spending enough money. We have to put more money in these campaigns. We have to get on television more and radio more, and mail more things to the American people. Then they will know we are out here."

Well, they know we are out here. They just aren't buying what we are selling. They are staying home. Those who argue that the best way to reform the system is to plow more money into the system have missed the point completely. Nine out of ten Americans—90 percent of them—believe that we spend too much in political campaigns, not too little.

Isn't it an oddity that we are at this point in our history where we are actually engaging in an argument as to whether or not a person's wealth should determine their ability to participate in a democracy? This is not a new debate. We have been through this one before. In the 19th century, the debate was cast in a different tone. If you wanted to vote, would you have to be a property owner? That is an evidence of wealth and stability, and some of our Founding Fathers said, well, that is a good indicator, and we should not let people vote unless they own property, and the States can determine the qualifications of electors. Let them put that in as a qualification.

We rejected that over 100 years ago and said that isn't what America is all about. Your participation with a vote should not have anything to do with whether you are wealthy or poor. If you are an American citizen, you are entitled to vote. Since the early part of this century, whether you are a man, a woman, black, white, or brown, whatever your ethnic heritage, whether you are poor as a church mouse or as rich as Donald Trump, you get the same one vote when you come to the polls.

Listen to this debate today. The debate today says, let's change this system and say that if you are wealthy in America—let's say you are a middle-aged, crazy millionaire who decided he wants to be in the House or Senate or a Governor, then you go out and spend your money, exercise your constitutional right, show your freedom of speech to go forward and ask for votes. If you happen to have more money than the next guy, your likelihood of winning is that much better. What I just said is not breakthrough; this is established fact. Candidates with more money and political campaigns usually win. That is a fact of life.

So my Republican friends who say, "All this system needs is more money," are basically saying, "If we can just get wealthier people interested in running for office or people who are drawing money in from wealthy interests, special interests, that is good for America, that is endorsement of our Bill of Rights, and that speaks well of our freedom of speech."

I don't buy that. I don't think the American people buy that.

As amendments are produced on the floor during the course of this debate which try to enshrine wealth as the keystone for American citizenship, I will oppose them. I hope Members on both sides will join me. It is a sad state of affairs in America if we have reached the point where, in fact, a person's wealth is a determinant as to whether they can be a successful candidate or be directly involved in our political process. That is what this debate is all about. That is why it could be historic in nature.

Let me address one particular example used in the debate Friday about a good friend of mine who passed away a little over a year ago. His name was Mike Synar. Mike was a Congressman from Oklahoma. He was proud to characterize himself as an "Okie from Muskogee." You have never met a political renegade like Mike Synar. I loved him. I loved his politics. He used to drive people crazy. He would vote on issues and know that, if he went home, people would be angry with him. He would get involved in issues that made everybody squirm and uneasy in their seats. That is just the way he was. He also decided to stack the deck against himself because he announced when he came to the House of Representatives, representing Muskogee, he wasn't going to take PAC money. Mike said, "I am going to take money from individuals, and I will rise or fall based on my friends supporting me, and so be it." He managed to survive for a number of years.

Then came 1994. All of the special interest groups that had been opposing him in the Halls of Congress decided to team up against him back home. In 1992, they had spent $750,000 to defeat Mike Synar. Who were these people? The National Rifle Association, the tobacco lobby, the western grazing interests. They came in, and did they debate Mike Synar on gun control in his district? No. Did they debate him on tobacco regulation? No. Did they debate him on whether or not we are too generous in the subsidies to western grazing? No. They came in and literally plowed hundreds of thousands of dollars into the campaign against him with negative ads on a variety of other subjects—and it was perfectly legal. Mike escaped it in 1992, but not in 1994.

The illustration on the floor made by one of my colleagues last Friday that somehow or other "Mike Synar, with $325,000, could not defeat an opponent who only had $10,000 and, therefore, money is not the determinate in an election," really overlooked the obvious. Mike Synar's money alone wasn't at risk. It was the money of a lot of special interest groups. He was defeated. He worked very hard for campaign finance reform and a lot of other issues that I have the highest respect for.

Let me just also say that I have heard a lot of argument from my colleagues on the Republican side that this debate is really about labor unions, and we have to get our hand on the fact that labor unions in the last election were so vocal and involved and spent so much money. Some estimate $35 million. That is an interesting premise for this debate because, if you look at the totals that were spent by labor and business, the business community dramatically outspent labor organizations in that campaign. Yet, many of the amendments which we will be considering have nothing to do with the business community being restricted, only labor unions.

I think some of my colleagues should take care to watch out for what is characterized as poison pills, or those amendments that will be put in the bill in the hope of killing the bill. It is an old legislative ploy. Take an amendment adopted on the floor, which you are certain could never be part of the final legislation, show your heartfelt concern about campaign finance reform, knowing in your heart of hearts that it will go nowhere with a poison pill amendment. We are going to see a lot of these, I am afraid, during the course of this debate.

Let me address an issue that I think is critically important—television time. In the McCain-Feingold, as originally introduced, which I and 44 other Democratic Senators endorsed, which three of my Republican colleagues have joined in endorsing, including my colleague, the Senator from Maine, Senator COLLINS. I think the number may be up to four now, we have, in that original bill, provisions that would say to a candidate that we know what is costing money in campaigns. We know where you are putting your money.

When I ran for the Senate in Illinois and raised literally millions of dollars sitting on a telephone day after day calling strangers and begging them to contribute, the money that was coming in was going right out the front door for television. That is where I spent my money. Most major State candidates do the same. My colleague, Bob TORRICELLI of New Jersey, spent 84 percent of all the money he raised on television. Think about that. Try to buy a 30-second TV ad in New York City that costs $100,000, and you will understand very quickly how that could happen. In Illinois, over 80 percent of our money went into raising money and spending it on television.

I think it is a good illustration that if we don't address the reason campaigns are so expensive, we are not going to see any real reform. Now, the people who represent the television industry say you can't do that; you can't take away time that this station can sell to a private advertiser and give to it a political candidate. But they forgot something very basic. The people who own television stations and make a very handsome profit do it because they are using our airwaves—not the Senate's airwaves; the American people's airwaves. We own these airwaves. We license these companies, at no charge, to use our airwaves and make a profit. It is not unreasonable for us as a people to go back to these television stations and say we want to take a slight and tiny percentage of those airwaves and dedicate them to cleaning up the American election process, to make sure that the time is available for incumbents and challengers alike on a reduced level—or even free in some circumstances—so the voters can hear legitimate messages and we will clean up the message in the process. It won't be the drive-by shooting ads you see in campaigns. It will be informative. People will know where DURBIN stands on Social Security and where his opponent stands on Social Security. Things like that. That is not unreasonable. For the stations to say, "don't even touch it; we own the airwaves, not the American people," I think they need a reminder as to how this got started. They are licensed by this Government, representing the American people, to make their profits. Now the argument that we are going to take away reduced costs of TV time is troubling to me. If you don't reduce the cost of television, you will in fact continue to have political campaign costs skyrocketing. You will have men and women running for election and reelection to seats, spending the majority of their time raising money to pay for television.

So I think the original McCain-Feingold provision is absolutely essential. I think we should continue on not only to eliminate soft money, not only to reduce the cost of television, but also to go after issue ads that are actually candidate ads. Political candidates and those who work around us watch television more closely than anybody, because we search that screen during a campaign cycle to find the tiniest of print on the bottom of the TV commercials, which identifies who paid for it.

On the Saturday night before the election last November, bone weary, I pulled into my apartment in Chicago, and I was going to relax a little bit. It was in the closing days of the campaign. So I slumped down in a chair, grabbed the remote control to listen to Saturday Night Live. Somewhere between the news and Saturday Night Live, up pops four television commercials, one after the other, and every one of them blasting me. What a treat that was to sit in the chair and get pummeled by four different commercials.

The most unique thing was that not a single one was paid for by my opponent, the Republican Party in Illinois, or the National Republican Party. They were paid for by committees and organizations that most people never heard of. These are organizations which mushroom up during campaigns, take some high-sounding name, collect millions of dollars, undisclosed and unreported, and run ads, the most negative ads on television, against politicians. That is an outrage. It is an outrage that I have to account for every dollar I raise and spend and I have to identify the television commercials that I put on, either comparing my record with my opponent or speaking about something I believe in, and these groups can literally run roughshod over the system, spending millions of dollars without any accountability.

McCain-Feingold addresses that. Thank God it does. If we don't put an end to this outrage, most of these other reforms are meaningless. To eliminate soft money and to allow special interest groups, whether on the business or labor side, to continue to spend money unfettered in issue advocacy and the like is outrageous. The McCain-Feingold legislation is an idea whose time has come.

I hope that a number of my colleagues will step forward, as my colleague, the Senator from Maine, has done already. We have 49 votes, ladies and gentlemen, for McCain-Feingold. We need one more. Every Democrat has signed onto this bipartisan legislation. We now have four Republican Senators. We need one more. Who will it be? Who will step forward and say, "This is the most important debate in American history and I want to be on the right side of history"? I hope we can come up not only with that 50th vote, but with enough votes procedurally to keep this issue alive. The rules of the Senate, like cloture and filibuster and the like, allow people who in the name of good government, or whatever, can stop an issue in its tracks. I hope that doesn't happen. I hope we can debate this to its conclusion and have a real vote on real reform.

I yield the remainder of my time.

Ms. COLLINS addressed the Chair.

The PRESIDING OFFICER. The Senator from Maine is recognized.

### PRIVILEGE OF THE FLOOR

Ms. COLLINS. Mr. President, I ask unanimous consent that Steve Diamond, from my staff, be accorded privileges of the floor for the duration of this debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. COLLINS. Mr. President, I rise to urge my colleagues to seize this opportunity to make much-needed changes in our campaign finance laws by supporting the modified version of the McCain-Feingold legislation. I am pleased, Mr. President, to be a cosponsor of this landmark bill.

Shortly after becoming President of the United States, one of our former Presidents was asked what his biggest surprise was on assuming office. Without hesitation, he said it was his discovery that things were actually as bad as he had been saying they were during the campaign.

Mr. President, during my Senate campaign, I told the people of Maine that our Nation's campaign finance system is broken. Since my election, I have spent a great deal of my time questioning witnesses at the hearings held by the Governmental Affairs Committee. Unlike the former President, what I have discovered is not that things are as bad as I had been saying they were; it is that they are much worse.

The twin loopholes of soft money and bogus issue ads have virtually obliterated our campaign finance laws, leaving us with little more than a pile of legal rubble. We supposedly have restrictions on how much individuals can give to political parties; yet, Yogesh

Gandhi is able to contribute $325,000 to the DNC to buy a picture with the President, and Roger Tamraz mockingly tells a committee of the U.S. Senate that next time he will spend $600,000, rather than $300,000, to buy access to the White House. We supposedly prohibit corporations and unions from spending money on political campaigns; yet, the AFL–CIO spends $800,000 in Maine on so-called issue ads which anyone with an ounce of common sense recognized were designed to defeat a candidate for Congress.

We in this body decry legal loopholes, but we have reserved the largest ones for ourselves. Indeed, these loopholes are more like black holes, and that sucking sound you hear during election years is the whoosh of six-figure soft money donations rushing into party coffers.

Why should this matter, we are asked by those all too eager to equate freedom of speech with freedom to spend? It should matter because political equality is the essence of democracy, and an electoral system driven by big money is one lacking in political equality.

Mr. President, this is an issue of great concern to the people of my home State. While there are differences in Maine on how the system should be reformed—I, for one, do not believe that meaningful change requires that we make taxpayers underwrite campaigns—there does seem to be a stronger consensus in Maine than elsewhere on the need for reform.

If my colleagues will indulge me a bit of home State pride, I think the Maine perspective results from old fashioned Down East common sense. Maine people are able to see through the complexities of this debate. They focus on what is at heart a very simple and yet very profound problem. As long as we allow unlimited contributions—whether in the form of hard or soft money—we will not have political equality in this country.

It is not simply the lack of a level playing field for those seeking public office. What is more important is the lack of a level playing field for those seeking access to their government.

It strikes me that the Maine attitude may be shaped by the fact that many communities in my State still hold town meetings. I am not talking about the staged, televised town meeting which has become so fashionable of late. I am talking about a rough and tumble meeting held in the town office or the high school gym or the grange hall. Attend one of these sessions and you will observe an element of true democracy: People with more money do not get to speak longer and louder than people with less money. What is true at Maine town meetings is unfortunately not true in Washington.

Mr. President, let me address a very disquieting aspect of the debate on the McCain-Feingold bill; namely, the misinformation that is being spread about what the bill would do. In that connection, I would emphasize that McCain-Feingold does not bar issue advocacy. I will say that again because the legislation's opponents persist in misstating this point—McCain-Feingold does not, and I emphasize not, bar issue advocacy.

To explain this aspect of the bill in more detail, and to share with my colleagues an experience that contributed to my becoming a cosponsor, I need to go back to the 1996 race for Maine's First Congressional District in the House of Representatives. In the course of that election, the AFL–CIO spent $800,000 to defeat the Republican candidate. They did this by running a steady barrage of blatantly negative ads.

Now why am I protesting a national union, using money from its general treasury to run a saturation campaign of negative ads that may well have decided a Maine congressional race? Whatever our objection to such ads, isn't that perfectly legal? The answer is, or at least is supposed to be, no. Current law prohibits a union, as well as a corporation, from spending money, other than through a PAC, to influence an election for a Federal office.

That leads to another obvious question—if current law forbids unions from using non-PAC money to run ads to influence a Federal election, how was the AFL–CIO able to spend $800,000 to defeat a Republican congressional candidate in Maine? Mr. President, that question takes us to the heart of the problem and to the need for McCain-Feingold.

Unfortunately, some courts have interpreted "expressly advocating" to require that the ad use words such as "vote for" or "vote against" or "elect" or "defeat." If the ad avoids those magic words and makes at least a passing reference to an issue, as the AFL–CIO did in Maine, those courts concluded that it does not expressly advocate the election or defeat of a candidate, and the union may run it.

Mr. President, the situation I have described has led to the biggest sham in American politics. Nobody in Maine believed that the AFL–CIO's negative ads were for any purpose other than the defeat of a candidate. Indeed, at least one newspaper which endorsed the Democratic candidate blasted the union ads against his opponent. Ads of that nature make an absolute mockery out of the prohibition against unions and corporatings spending money on Federal elections.

The "express advocacy" provision in McCain-Feingold is designed to do away with this sham. Contrary to what some have said, it would not affect independent ads financed other than by a union or corporation, except to enhance the reporting requirements, which everyone in this body purports to favor. It also would not stop unions and corporations from running true issue ads.

Mr. President, I would say to my colleagues that if you believe, as I do, that it continues to represent sound public policy to prohibit unions from using their vast general funds to dictate the results of Federal elections, particularly in small States like Maine, then you should support McCain-Feingold.

Mr. President, let me also take a minute to explain the bright line test for express advocacy that has been the subject of ill-informed criticism during this debate. What that test would provide is that any television ad that clearly identifies a candidate and that is run within 60 days of an election would be deemed express advocacy.

I view the bright line test as a key provision of McCain-Feingold, and I support its inclusion for two reasons. First, the courts have said that for constitutional purposes, people must clearly know what they can and cannot do, something which the bright line test gives them.

Second, and contrary to what some opponents of the bill have said, the bright line test lessens the power of the Federal Election Commission. By having a clear standard, rather than one which requires a case-by-case analysis, the regulatory agency has less discretion to determine what the law should be and when actions should be brought. Thus, those who have argued both against the test and against a greater role, for the FEC are in reality arguing with themselves.

Mr. President, this subject is more complex than any of us would like, but behind the complexity is a simple proposition. Current law has given rise to the widespread practice of running bogus issue ads, and that should not be allowed to continue. Those Members of this body who support the prohibition against unions and corporations using their vast resources to dictate the results of Federal elections should vote for McCain-Feingold. Those Members who do not support the prohibition should take the honest road and work for its repeal. The one unacceptable course is to perpetuate a sham that undermines the integrity of our election laws.

I look forward to debating this issue in the days ahead.

Thank you, Mr. President.

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER (Mr. HAGEL). The Senator from Michigan.

Mr. LEVIN. Mr. President, let me congratulate the Senators from Arizona, Wisconsin, Maine, and other Senators who have joined so strongly in this effort—an important bipartisan effort—to finally reform the campaign finance laws. The system is terribly broken. I think most of us know that, and

I hope enough of us will get together to really reform it properly.

The time has finally come for Congress to decide whether we are going to fix this system, which is in shambles, and fix the laws that are now doing so much damage to public confidence in our governmental operations. These laws are now so full of loopholes that what was intended to be limits on campaign contributions in effect are easily evaded. And if we are going to close those loopholes we must do it together. This will not happen if Democrats and Republicans do not come together. It is going to require that kind of a bipartisan effort if we are going to restore public confidence in this campaign finance system.

For the past couple of months, members of the Senate Governmental Affairs Committee have sat through hours and days of hearings on the failings of our campaign finance laws. We have asked dozens of witnesses hundreds of questions on the problems of the 1996 elections.

My constituents are asking me just one question. "Are you going to do something about it?" That is what they want to know. They have heard our questions. They have heard the answers. They know we have observed the witnesses. They have seen and heard the debate. And, of course, the majority who have not been able to watch the hearings personally know that the campaign finance system is a subject of great debate.

Yet the question I get wherever I go is, "Are you going to do something about it?" It is a simple question. It is a direct question. My answer is, "I hope so, and I am sure going to do everything I can to see that we finally do in fact close the loopholes that have made a shambles of the laws that are supposed to set limits on how much money could be contributed by individuals to our campaigns."

The Senate hearings have focused much of their time on allegations of illegal conduct in the 1996 elections. But the vast majority of what the public doesn't like is not what is illegal, although they surely don't like that. It is what is legal. Most of it involves the so-called soft money or unregulated money because both parties have gotten around the law of the 1970's by establishing a whole separate world of campaign finance. That is the world of so-called soft money—contributions that are not technically covered by the limits under current law.

In the 1996 election, the Republican Party raised more than $140 million in soft money. The Democrats raised over $120 million.

That is how we get to these enormous sums of money in the last campaign, like the $1.3 million to the Republican National Committee from just one company in 1996 and a $450,000 contribution from just one couple to the Democratic National Committee the same year.

Once that soft money loophole was opened and once that loophole was viewed as being legal, the money chase was on, and that chase has been carried on by both parties. When you couple that with the high cost of television advertising, you have the money chase involving just about all candidates. The chase for money has led most of us in public office or seeking public office to push the envelope and to take the law to the limits in order to get the necessary contributions. The money chase pressures political supporters to cross lines that they should not in order to help their candidates get needed funds. The money chase in political campaigns is a serious disease and it has become chronic. Most of us have been affected by it. Most of us have spent too much time fundraising and in the process pushing the fundraising rules to their limits. We know in our hearts that the money chase is a bipartisan problem and that bipartisan reform is the right way to go.

If the Senate hearings have exposed illegal practices that would otherwise go unpunished, that is useful. If the hearings have also exposed activities that are currently allowed but which should not be, and if that arouses public opinion so that Congress will end the money hunt, that would be a major contribution. But if those hearings leave no solid record of legislative reform behind, we will have done something far worse than missing an opportunity. We will be deepening public pessimism and thickening the public gloom about this democracy's ability to restore public confidence in the financing of our campaigns and our elections. And that is why I believe the enactment of major campaign finance reform is so critical. Existing law says that individuals cannot contribute more than $1,000 now to any candidate or political committee with respect to any election for Federal office. Existing law says that corporations and unions can't contribute at all to those candidates. And Presidential campaigns are supposed to be financed with public funds. That is the law on the books today. And yet we have all heard stories of contributions of hundreds of thousands of dollars from individuals, from corporations and from unions—Roger Tamraz giving $300,000 to Democrats. What happened to the $1,000 contribution limit?

Here is a Democratic National Committee document relative to DNC trustees. These are major contributors, I think $100,000, and they're offered various events to attend if they make that large contribution. What are the events? The events are two annual trustee events with the President in Washington. That is just an offer of access for contributions. But these are not the contributions that the law is supposed to limit to $1,000 for each candidates. These are $100,000 contributions. These are the soft money contributions. And these are the connections to access. Both parties do it.

Here is the 1997 RNC Annual Gala, May 13, 1997. Right in the middle of all of this angst, all of this concern about big money and access, it has this dinner. It is open, nothing hidden about this. Cochairman of the Republican National Committee Annual Gala, $250,000 fundraising goal.

What do you do? You sell or purchase, sell or purchase, Team 100 memberships or Republican Eagle memberships. That's $100,000 I believe for Team 100. And what do you get? You get, among other things, luncheon with the Republican Senate and House committee chairman of your choice. It is the open offer of access in exchange for a contribution, and the contribution is soft money. It is not the $1,000 contribution to come to a dinner. It is give or raise $250,000 and you get lunch with the committee chairman of your choice. It is like the Democratic National Committee offer, give $100,000 and you get two receptions with the President.

Now, one of the ways we are going to stop this abhorrent offer of sale of access in exchange for contributions is if we get to the soft money loophole it is the most direct way to get to it. Here are some other examples, recent examples of soft money. This is, I believe, a Team 100 document, a Republican document called hot prospects. Who is the third prospect? Some retired inventor. And here is what the document says.

> We are working on getting him an appointment with Dick Armey so we can get his other $50,000.

These are documents which came up in our investigation, in our hearings. We can get his other $50,000 if we can get him an appointment with DICK ARMEY. The public sees that and they respond the way I respond. That is abhorrent. What are we doing, offering access in exchange for a contribution? And the amount of money here is abhorrent. "His other $50,000." That means he has already given $50,000. Here is a total of $100,000. What happened to the $1,000 limit?

We thought there was a law. The problem is that in the race to compete and to win in our Federal elections, candidates and parties have found a way around the law. And that is the soft money loophole. Hard money, the contributions which are regulated by campaign finance laws, is, indeed, hard money. It is harder to come by. So soft money is easier to raise. You can get $100,000 or $500,000 from just one corporation or individual. You don't have to go to 500 different people and raise $1,000, and you don't have to go to 5,000 people and raise $100 the way you do with hard money. You can just find one person, one corporation wealthy enough or willing enough to pay a half-million dollars and then you accept that contribution.

Now, there is another part of the current law which says if you spend money in an election in support of a candidate or opposed to a candidate, you have to spend money that is only raised the hard way, following the limit. But one of the greatest areas of abuse in the 1996 election was the use of hundreds of millions of dollars of unregulated, unlimited, and undisclosed money to broadcast so-called issue ads just before an election—ads that any reasonable viewer would interpret as attacking or supporting a particular candidate.

Here is an example of one of these so-called issue ads. This was an ad that was run against Congressman CAL DOOLEY in California. This ad was paid for with unregulated, unlimited dollars. It read as follows:

> Congressman Cal Dooley makes choices for you and your family.
>
> Cal Dooley said "no" to increased money for federal prisons. Instead, Dooley gave money to lawyers. Lawyers that used taxpayer's money to sue on behalf of prison inmates and illegal aliens.
>
> Cal Dooley said "no" to increased money for drug enforcement. Instead, Dooley gave your money to radical lawyers who represented drug dealers.
>
> Is Cal Dooley making the right choices for you?

That is a so-called issue ad, at least it was called, because it didn't use the magic words "vote for," "vote against," "elect," "defeat."

And that is paid for with unlimited dollars. But here is the same ad with one of the magic words:

> Congressman Cal Dooley makes choices for you and your family.
>
> Cal Dooley said "no" to increased money for Federal prisons. Instead, Dooley gave the money to lawyers that used taxpayer's money to sue on behalf of prison inmates and illegal aliens.
>
> Cal Dooley said "no" to increased money for drug enforcement. Instead, Dooley gave your money to radical lawyers who represented drug dealers.
>
> Is Cal Dooley making the right choices for you?

That is the exact same ad except in this version I have added the following words: "Defeat Cal Dooley."

All of a sudden the same ad becomes an ad which under the current approach of some has to be paid for in hard dollars. If you put that ad on and then comply with the election limits, you could go to jail. But if you put the first ad on and just said, "Is Cal Dooley making the right choices for you?" You can put on millions of dollars of advertising. No one knows where it is coming from, no restrictions, the exact same ad with the same effect except for one word.

Now, any viewer looking at that ad is going to say that both ads have the same effect. They are both attack ads. They are both attacking a candidate. And yet one of those ads, if paid for with dollars that are supposed to be limited but weren't, could actually put the person who put that ad on either in jail or given a fine. The other ad, unlimited soft money.

In the real world, there is no difference between those ads. The Supreme Court has ruled that the second ad, with the word "defeat," must be paid for with limited dollars. This is a candidate advocacy ad, and that is what the Supreme Court has ruled. It is said that we can require that ads which explicitly call for the election or defeat of a candidate must be paid for in limited dollars. But the first ad which I have put up is the functional equivalent of the second ad. It is the apparent equivalent of the second ad. It is the real world equivalent of the second ad.

This bill, which has been introduced today, would treat these two ads the same legally because they have the same apparent effect, the same functional effect, the same real world effect, the same practical effect. There is no difference between those ads except for one word. And to our constituents there is no difference when they see those two ads.

We believe that the Supreme Court, because we maintain a bright-line test, will permit this law to stand. That is our hope, and that is our belief. It is based on the real world, the real world of our constituents who, when they see those two ads I have just read, see and hear no difference between them because they know that the first ad is an ad that is attacking a candidate just the way the second ad does and there is no real world difference between those two ads.

Now, we intended corporations and unions not be allowed to contribute to candidates. That is the intention of the current law. Corporations are not supposed to contribute except through political action committees. Unions are not supposed to contribute except through very limited means.

How is it then that, for instance, corporations contribute millions of dollars? The same thing can be said for unions—millions of dollars to these campaigns which do not comply with the current law? Congress is permitted to restrict the contributions of corporations and unions. That was a decision in the Austin case where Justice Thurgood Marshall said that "we, therefore, have recognized the compelling governmental interest in preventing corruption supports the restriction of the influence of political war chests funded through the corporate form."

Justice Marshall said, speaking for the Court, "Regardless of whether this danger of financial quid pro quo corruption may be sufficient to justify a restriction on independent expenditures, Michigan's regulation," which was the regulation on corporate contributions at issue, "aims at a different type of corruption in the political arena, the corrosive and distorting effects of immense aggregations of wealth that are accumulated with the help of the corporate form and have little or no correlation to the public support for the corporation's political ideas."

And then he went on:

> Corporate wealth can unfairly influence elections when it is deployed in the form of independent expenditures just as it can when it assumes the guise of political contribution.

We intended to restrict corporate contributions to candidates. We intended, in our law, to say that corporations cannot contribute to candidates at all except through the very strict rules for political action committees. Yet we have corporations and unions, both, contributing millions of dollars that effectively get involved in campaigns and effectively go to either help candidates or hurt candidates. It is that same soft money loophole that allows the frustration of congressional intent.

Our intent was clear. The Supreme Court has held that our intent is legitimate; that where there is an express advocacy in a campaign for the defeat or the election of a candidate, that we are right, we are permitted, it is allowed for Congress to restrict those kinds of contributions. That effort on the part of Congress over 20 years ago to restrict corporate and union contributions has also been frustrated by the soft money loophole. We are determined to close that loophole. We are also determined to make it very clear that advertisements, which are functionally the same, that have the exact same effect on the effort to defeat or elect a candidate, be treated the same. That is part of this bill, the so-called independent expenditure part, or issue advocacy part. We simply are adopting another very bright bright-line test.

The Supreme Court did not say it was the only bright-line test. The Supreme Court said that a bright-line test was necessary, relative to satisfactory compliance with the first amendment. And it gave an example of a bright-line test, an example which was realistic in the world of the 1970's. But another bright-line test is necessary now because the first test that we adopted, that the Supreme Court used as an example, has been evaded. And the rules that were permitted by the Supreme Court to apply, the law which the Supreme Court said was appropriate to enact relative to advocacy—to the election or defeat of a candidate—that has been frustrated, it has been evaded, and we are now simply trying to implement it in another way which is fully compliant, we believe, with the first amendment.

There has been a new study by the Annenberg Public Policy Center, which estimates that during the 1996 election cycle, as much as $150 million was spent on so-called issue ads by political parties and groups other than candidates. Their research shows that half of those ads favored Democrats and half favored Republicans. It found that nearly 90 percent mentioned a candidate by name and, compared to other types of political advertising, these so-called issue ads were the highest in pure attack.

Mr. President I ask unanimous consent that a summary of the Annenberg Center study be inserted in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

ANNENBERG PUBLIC POLICY CENTER ANALYSIS OF BROADCAST ISSUE ADVOCACY ADS, SEPTEMBER 1997

A national survey of 1,026 registered voters commissioned by the Annenberg Public Policy Center shortly after election day showed that a majority of voters (57.6%) recalled seeing an issue advertisement during the 1996 campaign. When compared to other political communications, using data collected from the same national survey viewership of issue advertisements ranked below that of presidential candidate-sponsored advertising and debates. More voters recalled seeing issue advertisements than recalled watching at least one of the short speeches delivered by President Clinton and Robert Dole using free air time donated by broadcast networks.

The Annenberg Public Policy Center has compiled an archive of 107 issue advocacy advertisements that aired on television or radio during the 1996 election cycle. These ads were sponsored by 27 separate organizations. Data about the content of these advertisements are summarized below. The following figures are percentages of produced advertisements, which do not take into account differential airing and reach of the ads. In addition, although the Center's archive does include independent expenditure advertisements aired by parties and advocacy organizations, only the issue ads are included in this analysis.

As noted earlier, issue advertisements are those that do not expressly advocate the election or defeat of a candidate. If the ads do not call for viewers or listeners to cast a vote in a particular manner, what action do they call for? In many cases, the advertisement makes no call to action at all. Our analysis shows that one-quarter of issue ads (25.2%) contained no action step. Of those issue ads produced in 1996 that did solicit some actions on the part of the audience, the greatest proportion asked voters to "call" a public official or candidate (37.4%). Some asked individuals to "tell" or "let a public official know" one's support for or disapproval of particular policy positions (16.8%), while others asked that a call be placed directly to the advocacy organization sponsoring the ad (15.9%). A few of the advertisements called for support or opposition to pending legislation (4.7%).

Despite the presence of clear calls to action, many advertisements did not provide information, such as a phone number or address, to enable the individual to carry out the action. One in three (31.3%) issue ads that suggest action did not provide sufficient actionable information.

During the 1996 election cycle, it was the norm for issue advertisements to refer to public officials or candidates for office by name. Early nine in ten did so. It was also common for television issue advertisements to picture officials and candidates:

Both ends of the political spectrum were represented in issue advertising campaigns. Based on the number of advertisements produced, ads generally supportive of Democratic positions and those generally aligned with Republican positions were evenly split. Each accounted for 48.6% of the total. A few advertisements (2.8%), on term limits and flag burning, were not categorized as Democratic or Republican.

While issue advertising echoed many dominant campaign themes, it also raised issues not addressed by the major party presidential candidates. For instance, abortion, gay rights, pension security, product liability reform, and term limits were among the topics that appeared in issue advocacy advertising, but were largely absent from the policy debate among the presidential candidates.

Medicare was the topic most frequently mentioned in the issue advocacy advertising of 1996. One in four advocacy ads (24.3%) mentioned the issue.

Consistent with prior Annenberg Public Policy Center research on the discourse of political campaigns, we divided issue advertisements into their central arguments. Arguments were categorized as advocacy (a case made only for the position supported by the ad's sponsor), pure attack (a case made only against the opposing position), and comparison (an argument that pairs a case against the opposition with a case for the sponsor's position). Comparison is considered preferable to pure attack because it allows evaluation of alternative positions. Pure attack contributes to the negative tone of political campaigns.

Compared to other discursive forms, including presidential candidate ads, debates, free time speeches and news coverage of the campaign (both television and print), issue advertisements aired in 1996 were the highest in pure attack. Two in five arguments in issue ads attacked.

Arguments in issue ads were less likely to compare positions than debates, free time speeches, and ads sponsored by the presidential candidates.

Because pure attack and comparison accounted for 81.3% of the arguments, so-called "advocacy ads" rarely simply advocated their own position. Pure advocacy appeared in fewer than one in five of the ads (18.7%).

Mr. LEVIN. So the result is now a vicious combination, outside of the limits of our campaign finance laws, of, one, huge amounts of money; two, funding the worst type of campaign attack ads. And the net result is that the exceptions to our campaign finance laws have swallowed the rules. The rules basically no longer exist. It is up to this body and to the House to restore limits—restore some fences around contributions so what we intended to do, and the portion of what we did that was affirmed by the Supreme Court in the Buckley case, can be operative in the real political world that we operate in.

It is a daunting task to plug these loopholes, to make the law whole again—to make it whole, to make it effective. If we don't do this, if we do not act on a bipartisan basis and adopt real campaign reform, and if we do not make real what Congress intended to do 20 years ago, and which the Supreme Court has said we can do, where the advocacy of the election or defeat of a candidate is involved—we are allowed to act relative to campaign contributions. We know that. We were told that in Buckley. Providing our aim is at those contributions which go to the effort to elect or defeat a candidate, we are permitted to act providing we act in a way which is clear and has a bright line, and which is aimed at a problem, a societal problem which we identify. Clean elections are something that we are allowed to seek to achieve. We are allowed to seek to achieve the reduction of the impact of aggregated money by corporations and power by corporations and unions. That has been permitted by the Supreme Court. It is up to us, now, to fashion a bill which complies with those standards and we believe this bill does.

If we do not do it, if we do not put a stop to the money chase and the attack ads that are overwhelming the system and disgusting the American people, we will let down our constituents. Marlin Fitzwater, who was the press secretary for President Bush, made this statement in April 1992. He made this statement following a dinner for President Bush, at which the major contributors, soft money contributors, were offered access, private receptions with the President in the White House. It was a very open offer of access in exchange for major contributions, contributions of soft money. This is what Marlin Fitzwater said very openly and honestly in April 1992, following that dinner: "It buys access to the system, yes. That's what the political parties and the political operation is all about."

He spoke the truth. He spoke the tragic truth that buying access to the system is what the political operation is all about and, too often, what the political parties are all about. We have to change that. We have to restore to the political process what the political parties and the political operations should be all about, which is listening to people, communicating with people, organizing people, grassroots effort—yes, raising contributions in small amounts, limited amounts as we intended to do in the 1970's when we passed that law. That is what the political operation and the political parties should be all about.

But whether or not they are going to, again, be about that instead of about raising $50,000 and $100,000 and $250,000 and $1 million in soft money, which is spent in the functionally equivalent way—the same way, apparently, as the so-called hard money—whether we are going to be able to do that is going to be dependent on whether or not we can pull together Democrats and Republicans as Americans, realize that we have a sick system of campaign finance raising and money raising, and change it—close the loopholes, respond to the demand of the American people that the money chase and the excessive contributions and the attack ads end.

In the next week or two, that is a decision we are going to make. I believe the majority of the Senate will support significant reforms and the President has said he will work for the passage of McCain-Feingold and will sign it with enthusiasm. The time for waiting while we document further campaign abuses that we all know exist is over. The time for ending those abuses is here.

I want to close by again commending the sponsors of the bill for their steadfast efforts and their commitment to campaign finance reform. It is a privilege to be part of their cause.

I ask unanimous consent that a number of documents be printed in the RECORD including the campaign television advertisements that were involved in the Cal Dooley campaign and in the Bill Yellowtail campaign. I ask unanimous consent they be printed in the RECORD at this time. I yield the floor and thank the Chair.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

### CITIZENS FOR REFORM AD

Congressman Cal Dooley makes choices for you and your family.

Cal Dooley said "no" to increased money for federal prisons.

Instead, Dooley gave the money to lawyers. Lawyers that used taxpayers' money to sue on behalf of prison inmates and illegal aliens.

Cal Cooley said "no" to increased money for drug enforcement.

Instead, Dooley gave your money to radical lawyers who represented drug dealers.

Is Cal Dooley making the right choices for you?

---

### CITIZENS FOR REFORM AD AS MODIFIED

Congressman Cal Dooley makes choices for you and your family.

Cal Dooley said "no" to increased money for federal prisons.

Instead, Dooley gave the money to lawyers. Lawyers that used taxpayers' money to sue on behalf of prison inmates and illegal aliens.

Cal Dooley said "no" to increased money for drug enforcement.

Instead, Dooley gave your money to radical lawyers who represented drug dealers.

Is Cal Dooley making the right choices for you?

Defeat Cal Dooley.

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### CITIZENS FOR REFORM (AS AD RAN)

#### NEGATIVE TV AD ON WIFE BEATING AND CRIMINAL RECORD

Who is Bill Yellowtail?

He preaches family values, but he took a swing at his wife.

Yellowtail's explanation?

He only slapped her, but her nose was not broken.

He talks law and order, but is himself a convicted criminal.

And though he talks about protecting children, Yellowtail failed to make his own child support payments, then voted against child support enforcement.

Call Bill Yellowtail and tell him we don't approve of his wrongful behavior.

---

### CITIZENS FOR REFORM (WITH CHANGED LAST LINE)

#### NEGATIVE TV AD ON WIFE BEATING AND CRIMINAL RECORD

Who is Bill Yellowtail?

He preaches family values, but he took a swing at his wife.

Yellowtail's explanation?

He only slapped her, but her nose was not broken.

He talks law and order, but is himself a convicted criminal.

And though he talks about protecting children, Yellowtail failed to make his own child support payments, then voted against child support enforcement.

Call Bill Yellowtail and tell him we don't approve of his wrongful behavior.

Vote Against Bill Yellowtail.

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### DEMOCRATIC NATIONAL COMMITTEE TRUSTEE—EVENTS & MEMBERSHIP REQUIREMENTS

#### EVENTS

Two annual trustee events with the President in Washington, DC.

Two annual trustee events with the Vice President in Washington, DC.

Annual economic trade missions: Beginning in 1994, DNC Trustees will be invited to join Party leadership as they travel abroad to examine current and developing political and economic matters in other countries.

Two annual retreats/issue conferences: One will be held in Washington and another at an executive conference center. Both will offer Trustees the opportunity to interact with leaders from Washington as well as participate in exclusive issue briefings.

Invitations to home town briefings: Chairman Wilhelm and other senior Administration officials have plans to visit all 50 states. Whenever possible, impromptu briefings with local Trustees will be placed on the schedule. You will get the latest word from Washington on issues affecting the communities where you live and work.

Monthly policy briefings: Briefings are held monthly in Washington with key administration officials and members of Congress. Briefings cover such topics as health care reform, welfare reform, and economic policy.

VIP status: DNC trustees will get VIP status at the 1996 DNC Convention with tickets to restricted events, private parties as well as pre- and post-convention celebrations.

DNC staff contact: Trustees will have a DNC staff member specifically assigned to them, ready to assist and respond to requests for information.

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### 1997 RNC ANNUAL GALA, MAY 13, 1997, WASHINGTON HILTON, WASHINGTON, DC

#### GALA LEADERSHIP COMMITTEE

Cochairman—$250,000 fundraising goal: Sell or purchase Team 100 memberships, Republican Eagles memberships or dinner tables. Dais seating at the gala; breakfast and photo opportunities with Senate Majority Leader Trent Lott and Speaker of the House Newt Gingrich on May 13, 1997; luncheon with Republican Senate and House Leadership and the Republican Senate and House Committee Chairmen of your choice; and private reception with Republican Governors prior to the gala.

Vice chairman—$100,000 fundraising goal: Sell or purchase Team 100 memberships, Republican Eagles memberships or dinner tables. Preferential seating at the gala dinner with the VIP of your choice; breakfast and photo opportunities with Senate Majority Leader Trent Lott and Speaker of the House Newt Gingrich on May 13, 1997; luncheon with Republican Senate and House Leadership and the Republican Senate and House Committee Chairmen of your choice; and private reception with Republican Governors prior to the gala.

Deputy chairman—$45,000 fundraising goal: Sell or purchase three (3) dinner tables or three (3) Republican Eagles memberships. Preferential seating at the gala dinner with the VIP of your choice; luncheon with Republican Senate and House Leadership and the Republican Senate and House Committee Chairmen of your choice; and private reception with Republican Governors prior to the gala.

Dinner committee—$15,000 fundraising goal: Sell or purchase one (1) dinner table. Preferential seating at the gala dinner with the VIP of your choice; and VIP reception at the gala with the Republican members of the Senate and House Leadership.

(Benefits pending final confirmation of the Members of Congress schedules.)

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### MEMORANDUM

To: Tim Barnes, Kelley Goodsell.
From: Kevin Kellum.
Re: Hot prospects.

These prospects are not "real hot", but are very realistic.

Gino Palucci, Palucci Pizza. Eric Javits has spoken with Gino who has committed to join Team 100. He asked me to call Gino's money man in D.C. (Henry Cashen) who is in charge of fascilitating these transactions. I have spoken with Henry who said he would get back to me and have since placed a couple of calls to his office with no response. I will call him again next week.

Ron Ricks, President, Southwest Airlines. Asst: Linda. Herb Vest has spoken with Ron and said he committed to joining Team 100, but since then Nancy has called and left a message with no return call. I will call his office next week.

Ole Nilssen (HOT), Retired inventor. We are working on getting him an appointment with Dick Armey, so we can get his other $50,000. We had a meeting set up for this week, but Armey cancelled his Florida leg of his trip.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Mr. President, I think, with some research by some very excellent staff members, we may have a basis for an agreement here. I really believe we have a very strong chance, because I think we can use, to a large degree, as a basis for our negotiations, not so much the McCain-Feingold bill but the bill that was introduced as S. 7 by Senator Robert Dole and Senator McCONNELL on January 31, 1993.

This was S. 7, remembering in those days on this side of the aisle the Republicans were in the minority, so the majority had the first five bills and the minority, the Republicans, had the next five. This is S. 7, so I don't know what 6 was, but this was the second one.

I want to talk about this a little bit because I think it is important. This is a bill that Senator McCONNELL introduced and spoke on with Senator Dole.

I think it is very important. The bill was introduced in the Senate on Thursday, January 21, 1993 by Senator Robert Dole. At the present time there are 24 cosponsors of the bill—24 Republicans. Let me tell you the cosponsors of this bill. They were BURNS, CHAFEE, COVERDELL, CRAIG, D'AMATO, DOMENICI, Durenberger, GORTON, GRASSLEY, GREGG, HATCH, Hatfield, KEMPTHORNE, LOTT, LUGAR, McCAIN, McCONNELL, MURKOWSKI, NICKLES, PACKWOOD, ROTH, Simpson, STEVENS, THURMOND.

So, most of the present leadership of the Republican side was represented as cosponsors of this bill. Of course Senator LOTT, Senator COVERDELL, Senator NICKLES, the whip, Senator CRAIG, and of course Senator McCONNELL.

The bill says: Deal with campaign finance reform. Let me read very quickly from Senator McCONNELL's remarks.

> Mr. President, in 1992, voter turnout increased, electoral competition increased, campaign spending increased. Most objective observers of the political system . . ..
>
> Mr. President, Democratic campaign finance bills based on spending limits and taxpayer financing do, indeed, constitute change. They do not, however, reform. They do not improve the electoral process.

Quoting from Senator McCONNELL:

> The Democratic bills we have seen in the past were good public relations . . .. Spending limits were totally discredited in the presented system . . .. Mandatory spending limits are unconstitutional . . .. Taxpayer funding of the Congressional campaign system to provide inducements or penalties is not palatable.

Then he goes on and says:

> Republicans will not stand by while the first amendment is sacrificed for a facade of reform. Campaign finance reform need not be unconstitutional, partisan, bureaucratic or taxpayer funded. The minority leader and I, joined by Republican colleagues, have today introduced the Comprehensive Campaign Finance Reform Act, the most extensive and effective reform bill before this Congress bar none. It bans PAC's, the epitome of special interest influence and a major incumbent protection tool. Our bill bans soft money, all soft money, party, labor, and that spent by tax-exempt organizations. It cuts campaign costs, provides seed money to challengers paid for, not by taxpayers, but by the political parties. It constricts the millionaires' loophole, [which, by the way, happens to be a part of the revised package we have, I am sure by coincidence] restricts and regulates independent expenditures, fights election fraud, and restricts gerrymandering.
>
> Real reform: In stark contrast to the Democrats' bill, the Republican bill puts all the campaign money on top of the table where voters can see it. Nothing would have a more cleansing effect on the electoral process.

Then:

> The text of the bill eliminates all special interest political action committees, corporate, union, and trade association, also bans all non-connected or ideological PAC's and all leadership PAC's.
>
> Note, if a ban on non-connected PAC's is determine to be unconstitutional by the Supreme Court, the legislation will subject nonconnected PAC's to a $1,000 per election contribution limit.

I could not agree more with Senator McCONNELL's position on that.

Soft money ban: Bans all soft money from being used to influence a Federal election. Soft money is defined as the "raising and spending of political money outside of the source restrictions, contribution limits and disclosure requirements of the Federal Election Campaign Act and its regulations."

So we are in complete agreement with Senator McCONNELL on that.

Establishes new rules for political party committees to ensure that soft money is not used to influence Federal elections, including the requirement that national, State, and local political parties establish a separate account for activities benefiting Federal candidates and a separate account for activities benefiting State candidates.

Requirement of full disclosure of all accounts by any political party committee that maintains a Federal account, and the establishment of minimum percentages of Federal funds which must be used for any party building program, voter registration, get out the vote, absentee ballots, ballot security which benefits both Federal and State candidates.

Exempts certain organizational activities, as ours does—research, get out the vote, voter registration—from coordinated or other limitations.

Requires disclosures and allocation for these activities and retains the same coordinated expenditure limits for media expenditures.

Maintains the limit on total contributions of Federal party accounts at $20,000; limits to $50,000 per calendar year the total amount of contributions an individual or other entity may make to national, State, or local party accounts combined.

Labor and soft money employee protection: Codifies the Supreme Court decision in Beck versus Communications Workers of America and provides certain rights for employees who are union members.

Soft money restrictions: Prohibits tax-exempt 501(c) organizations from engaging in any activity which attempts to influence a Federal election on behalf of a specific candidate for public office.

Extends to all 501(c) organizations the current prohibition on campaign activity which applies to 501(c) charities.

Restricts tax-exempt organizations from engaging in voter registration or get-out-the-vote activities which are not candidate-specific if a candidate or Member of Congress solicits money for the organization.

Restricts Federal activities by State PAC's created by Members of Congress.

Reduces from $1,000 to $500 the maximum allowable contributions by individuals residing outside a candidate's State, an interesting take on the influence of outside money.

Indexes the individual contribution limit, $1,000 per election for in-State contributions or $500 per election to out of State.

Congressional candidates using Consumer Price Index, something that I think could be very well discussed.

Prohibits bundling, which I think is a very laudable goal, and then it talks about independent expenditures.

Requires all independently financed political communications to disclose the person or organization financing it. That is very interesting. I wonder how the Christian Coalition and the right to life and other organizations would feel about requiring all independently financed political communications to disclose the person or organization financing it. When Senator FEINGOLD and I floated that proposal, it met with a pretty strong opposition from both sides. This is a proposal that, obviously, as I have said many times, Senator McCONNELL made around 4 years ago; requires that that disclosure be complete and conspicuous.

Requires timely notice to all candidates of the communications placement and content.

Defines independent expenditure to prohibit consultation with a candidate or his agents.

Requires the FCC to hold a hearing within 3 days of any formal complaint of collusion between an independent expenditure committee and a candidate.

I must say, Mr. President, if, in the last election campaign, that provision requiring the FCC to hold a hearing within 3 days of any formal complaint of collusion between an independent expenditure committee and a candidate had been the law of the land, they would have been holding hearings 24 hours a day, 7 days a week.

Creates an expedited cause of action in Federal courts for a candidate seeking relief from expenditures which are not independent.

Allows for a broadcast discount in the last 45 days before a primary and the last 60 days before a general election.

Permits challenger seed money, which I think is a laudable goal, and addresses a problem that we have had with giving a challenger a level playing field.

Requires congressional candidates to declare upon filing for an election where they intend to spend alone over $250,000 in personal funds in a race and raises the individual contribution limit to $5,000 per election, from $1,000 for all opponents of a candidate who declare such an intention.

No limits would apply to individual contributions by party, et cetera.

Then there is a very interesting one, franked mail. Prohibits franked mass mailings during the election year of a Member of Congress and requires more disclosure of the use of franked mail for unsolicited mailings.

Our proposal, as we know, is to cut off the name and face being mentioned in drawing a bright line. I have 60 days. Senator McCONNELL's 1993 proposal prohibited franked mass mailings during the entire election year.

It goes into gerrymandering and goes into enhanced FEC enforcement. I heard my colleague from Utah complaining long and loud about any possibility of enhanced FEC enforcement. By the way, my colleague from Utah was not here in 1993, so I kind of doubt that he would have cosponsored this bill, as did 24 Republicans.

Mr. BENNETT addressed the Chair.

Mr. McCAIN. I guess what I am saying is that we had a very good bill in 1993—a very good bill—and one that I was proud to cosponsor, along with Senator Dole and Senator McCONNELL and 24 of our Republican colleagues.

Mr. BENNETT. Mr. President, will the Senator yield for a clarification?

Mr. McCAIN. I will be glad to yield.

Mr. BENNETT. I was here in 1993, and I think I probably did cosponsor that. The Senator is making a good case that I probably made a mistake.

Mr. McCAIN. Thank you. I appreciate the correction from the Senator from Utah.

That entire list of 24 Republican cosponsors of S. 7, as I mentioned, are BURNS, CHAFEE, COVERDELL, CRAIG, D'AMATO, DOMENICI, Durenberger, GORTON, GRASSLEY, GREGG, HATCH, Hatfield, KEMPTHORNE, LOTT, LUGAR, McCAIN, McCONNELL, MURKOWSKI, NICKLES, PACKWOOD, ROTH, SIMPSON, STEVENS, and THURMOND.

Mr. President, I haven't had a chance to examine all the details of the proposal that Senator McCONNELL's and Senator Dole's S. 7 had, and I believe that there are probably some differences, but I will argue very strongly that we have the basis for negotiations and possible agreement based on S. 7.

My understanding is that there is not the independent campaign bright line. That actually, as my colleagues know, was an idea that Mr. Norm Ornstein and Mr. Mann and Mr. Trevor Potter, Professor Potter, came up with as a way of trying to get about the issue of the independent campaigns which we all know are out of control and they are all negative campaigns.

I was, frankly, encouraged to see that Senator McCONNELL had proposed such a comprehensive way of reforming the campaign system as far back as 1993, obviously displaying a degree of clairvoyance that I didn't have at the time. So I hope we can go back to that.

Mr. President, I just want to end up—and I know Senator McCONNELL wants to respond to that—there is a book that Brooks Jackson wrote called "Honest Graft: Big Money in the American Political Process." This book is somewhat dated. It was published in 1990. A lot of things have happened since then. Some things haven't happened. Some things haven't changed, they have just gotten worse.

Let me quote from a chapter in his book, and I will be brief:

> Nearly everyone complains that something is wrong with the American political system. Liberals see a Congress bought by business interests, while PAC managers complain they are being shaken down by money-hungry legislators. Lawmakers detest the rising cost of campaigning, the inconvenience and indignity of asking for money, and the criticism they endure for accepting it. Democrats envy the Republican Party's financial strength and decry the sinister influence of big money and expensive political technology while trying to get as much of both for themselves as possible. Republicans, portrayed by the business PACs they nourished, seethe at their inability to dislodge Democratic incumbents. Critics of various leanings deplore lawmakers who use their office to help themselves or moneyed benefactors. Liberal and conservative commentators alike call the system "corrupt."
>
> The problem isn't corruption; it is more serious than that. If unprincipled buying and selling of official favors was at fault then the solution would be simple. Honest legislators would refuse to participate, and prosecutors or voters would deal with the rest. To be sure, corruption does exist; it is hard to imagine any other community of 535 souls where felonies are so often proven. But those illegalities are only symptoms of the underlying sickness.
>
> The true predicament is that perverse incentives twist the behavior of ordinary legislators. The system of money-based elections and lobbying rewards those who cater to well-funded interests, both by keeping them in office and by allowing men like Ferdinand St Germain to enrich themselves while they serve. It also punishes those who challenge the status quo, as D. G. Martin discovered. And it bends even the best of intentions, like Tony Coelho's priestly instincts, toward the courtship of moneyed cliques. As Coelho himself says, "the process buys you out." The system doesn't require bad motives to produce bad Government.
>
> America is becoming a special-interest nation where money is displacing votes. Congress commands less and less support among the electorate as it panders increasingly to groups with money, yet its members cling to office like barnacles on a hull of a broken-down steamer.

Mr. President, I would not use those words myself. I think they are strong words. I do respect Brooks Jackson a great deal. He is one of the foremost authorities on campaign finance reform. But if that was the case, if that was the view of one of the most respected commentators in 1990, can you imagine what the view of many of them are today?

Again, I want to say that I hope we can sit down and have some serious negotiations. I would, to a large degree, move to S. 7 as a basis for a lot of those negotiations. Maybe we can get Senator Dole back, most respected by all of us, and see if Senator Dole—I believe he still supports many of those principles. We could all sit down together.

If I can very seriously say, I hope that we can understand that what the American people want is not a filibuster and not a gridlock, not a filibuster by Republicans, not a filibuster by Democrats, but we have shown certainly this year what we are capable of doing when we sat down on both sides of the aisle and put the Nation on a path toward a balanced budget; when we sat down, Republicans and Democrats alike, trading off, as is necessary, to reach a goal of giving the American people their first tax cuts in 16 years.

I believe we can do that if there is a willingness to do so, and I, for one, believe that the majority of my colleagues would agree that there are some things that are fundamentally wrong with this system. If the majority of my colleagues agree with that, then it seems to me we should be able to reach some kind of agreement on how we can reform that system.

Mr. President, I yield the floor.

Mr. McCONNELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. McCONNELL. Mr. President, I am sure my good friend and colleague from Arizona will agree that politics is a team sport. In order to be effective, we have to have allies. The bill he went back 4 years to had 24 cosponsors. I can assure my friend from Arizona, it had a good idea from all 24. Legislation is, someone said, sort of like making sausage: a little bit of this and a little bit of that.

I confess to having joined in cosponsoring a bill with a whole lot of things that my friend from Arizona will surely remember that I have consistently argued against for 10 years. But the feeling was, and he remembers it because he cosponsored the bill, that we needed to have a Republican alternative. And in the spirit of being a part of the team, I put my name on a bill. I am sure the Senator from Arizona has never put his name on a bill with which he disagreed with any part. In fact, he said here today he is not entirely happy with the union provision in the bill that he is putting forward.

The Senator from Kentucky may be guilty of many things, but I think in this debate rarely guilty of inconsistency and many of the things that the Senator from Arizona mentioned I personally argued against prior to coming up with this five-legged dog. Somebody said you might be able to make a five-legged dog, but nobody has ever seen one in nature. That is sort of what that bill was. So I confess to having signed on to a bill much of which I thought was probably not the right thing to do.

But let me ask the Senator from Arizona—he said on Friday and again, I believe, today, any genuinely independent expenditure made to advocate any cause which does not expressly advocate the election or the defeat of a candidate is fully allowed. Is that the view of the Senator from Arizona?

Mr. McCAIN. That is correct. That is correct.

Mr. McCONNELL. I say to my friend from Arizona, under the Federal Election Campaign Act the term "independent expenditure" is defined as follows:

> The term "independent expenditure" means an expenditure by a person expressly advocating the election or defeat of a clearly identified candidate which is made without cooperation or consultation with any candidate or any authorized committee or agent of such candidate and which is not made in concert with or at the request or suggestion of any candidate or any authorized committee or agent of such candidate.

I am wondering if the Senator from Arizona really meant what he said, because an "independent expenditure" under the Federal Election Act does by definition expressly advocate the election or defeat of a candidate.

Mr. McCAIN. I say to my friend from Kentucky, we are changing the definition of "express advocacy" as well as the definition of "independent campaign." And we feel compelled to do so because we see that on both sides the campaigns are no more independent than I am qualified to be on the next trip to Mir.

We are, on page 13 of the bill, under where it says "Definitions * * * (17) Independent Expenditure—* * *. The term "independent expenditure" means an expenditure by a person—(i) for a communication that is express advocacy; and (ii) that is not provided in coordination with a candidate or a candidate's agent or a person who is coordinating with a candidate or a candidate's agent."

And then "(b) Definition of Express Advocacy—Section 301," which the Senator from Kentucky just quoted from "* * * is amended by adding at the end the following: '(20) Express Advocacy—(A) In general.—The term "express advocacy" means a communication that advocates the election or defeat of a candidate by—containing a phrase such as "vote for", "reelect", "support", "cast your ballot for", "(name a candidate) for Congress", "name of candidate in 1997", "vote against", "defeat", "reject", or a campaign slogan or words that in context can have no reasonable meaning * * *'"

This is the important part—"can have no reasonable meaning other than to advocate the election or defeat of 1 or more clearly identified candidates; * * *"

That is, so we are changing both. I say to my friend, I am changing both the definition of "independent expenditure" and the definition of "express advocacy." We are doing so because there is clearly a huge problem in American politics today, which I am sure the Senator from Kentucky appreciates. There are no longer independent campaigns. There is nowhere in any dictionary in the world the word "independent" that would fit these campaigns. They are part of campaigns. To my dismay, and I am sure to every Member of this body, they are negative. And they are negative to the degree where all of our approval ratings sink to an alltime low.

So that is—I am sorry for the long response, but the Senator from Kentucky asked a very good question.

Mr. McCONNELL. Then the definition of what is "reasonable" would be determined by the Federal Election Commission; is that correct?

Mr. McCAIN. And the courts, just as the previous ones were interpreted, and in the case of the Colorado decision, as the Senator from Kentucky well knows, opened up a massive loophole which was driven through with alacrity and speed. That is what we are trying to close here.

Mr. McCONNELL. I ask my friend from Arizona, how would it work? The Federal Election Commission would either on its own initiative or as a result of receiving some complaints from someone intervene in what way to determine what is or is not "reasonable"?

Mr. McCAIN. First of all, as you know, any bright line would be that the candidate's name or face would not be mentioned, which is carrying what was, in my view, the original intent, which was obviously that they could not say "vote for" or "cast your ballot for."

So I would be glad to discuss with the Senator from Kentucky exactly how we could define that in report language or other.

But I want to return to the fundamental problem here with the Senator from Kentucky. I ask him, in return, does he believe that these so-called independent campaigns are truly independent?

Mr. McCONNELL. Well, if they are not, if it is an independent expenditure which is required under the law——

Mr. McCAIN. I am talking about, are they really independent in what any of us would define as the word "independent," or are they just additional methods to get around contribution limits in order to defeat another candidate? Which is it?

Mr. McCONNELL. Is the Senator talking about independent expenditures or express advocacy?

Mr. McCAIN. I am talking about independent campaigns. I am talking about a problem. What drives independent campaigns, as the Senator from Kentucky well knows, is the definition of "independent expenditure" and "express advocacy," which we are changing.

I am asking the Senator from Kentucky again, does he believe that in the last campaign the attacks by labor, for example, in congressional district 6, where over $2 million was spent by labor, with Congressman J.D. HAYWORTH'S face distorted on the screen, sometimes morphing into that of NEWT GINGRICH, does the Senator from Kentucky believe that that was an independent campaign against Congressman J.D. HAYWORTH?

Mr. McCONNELL. What I believe it was is an engagement in issue advocacy.

Mr. McCAIN. You really believe that was an issue advocacy ad when they said: Congressman J.D. HAYWORTH is an enemy of every man, woman and child in Arizona? Surely, the Senator from Kentucky does not believe that. Surely, the Senator from Kentucky does not believe that these independent ads, which are done by both sides, both Republican and Democrats, are no more than character attacks, destruction, but, more importantly, adjunct to political campaigns. Surely, the Senator from Kentucky cannot stand here on the floor of the Senate and say that those are independent campaigns by any reasonable definition.

Mr. McCONNELL. I say to my friend from Arizona, it really does not make any difference what the Senator from Kentucky says. The Supreme Court says——

Mr. McCAIN. I think it has a lot to do with what the Senator from Kentucky believes. I think it has a lot to do with it, because if the Senator from Kentucky thinks that this is just basically an evasion of the law by getting around the law, which has contribution limits, then certainly it matters what the Senator from Kentucky believes.

If the Senator from Kentucky believes that these are truly independent campaigns, set up and run and funded by individuals who just want to see their particular issues, whether it be pro-life or pro-choice or workers' right to strike or any of the others, then fine. But it is beyond me to believe that the Senator from Kentucky could have, having seen these ads—he is very deeply involved in the political process—that they are independent. They are not. They are appendices of the political campaigns. The tragedy of it is, 98 percent of them are attack ads, as the Senator well knows.

Mr. McCONNELL addressed the Chair.

The PRESIDING OFFICER (Ms. COLLINS). The Senator from Kentucky.

Mr. McCONNELL. I believe I have the floor.

All I was trying to say to my friend from Arizona is that worth a good deal more than the opinion of the Senator from Kentucky is the opinion of the Supreme Court, which has said in order to avoid—and admittedly these groups want to criticize us. There is no question about it. They want to criticize us. They want to criticize us. And we hate it. They want to criticize us in proximity to the elections. Sometimes they criticize us earlier than that.

But the Supreme Court has said that it is issue advocacy unless the words "vote for," "elect," "support," "cast your ballot," "Smith for Congress," "vote against," "defeat," or "reject"—or it lists the magic words here. It is not really vague. I think the reason the Court did this is because they want to encourage citizens to be free to be critical of us any time they want to.

I would readily concede to my friend from Arizona we have gotten a lot more criticism in the last couple of years than we used to. I will also readily concede that having been the beneficiary, or victim, depending on your point of view, of some of that myself, I do not like it. But the Court, it seems to me, has made it rather clear that we do not have the right to keep these people, these groups, from expressing their views about our records at any point, whether it is in close proximity to the election or not.

Now, an independent expenditure, as my friend from Arizona knows, is different. That is hard money. That is regulated by the FEC. In order to qualify as an independent expenditure, you must not consult with those whom you are seeking to aid or reject.

Issue advocacy is a different animal. The Court has put that in a separate category. Admittedly, the distinctions are sometimes blurred. The Court anticipated in the Buckley case that many times the distinction would be blurred. But they erred on the side of more expression. They erred on the side of allowing more and more citizens, if they chose to, to criticize us at any point they wanted to.

Now, what we all saw in 1996 was there was a lot of criticism, a lot of criticism by a lot of groups that a lot of people on my side of the aisle did not like. But I think there is not any chance whatsoever the Supreme Court is going to allow us by legislation to make it difficult for people to criticize us just because it may be in close proximity to an election.

Therein lies the dilemma. My good friend from Arizona is trying hard to do that. I understand why he would like to do it. These campaigns are a source of great irritation to the people who run for public office. I understand that.

Mr. McCAIN. Could I respond?

Mr. McCONNELL. It is just my prediction—just as one Senator here having read these cases, it is my prediction that the courts will not allow us to in effect shut these folks up or to create a context in which their criticizing us is more difficult. That is just my opinion. But it is also the opinion of many, including the American Civil Liberties Union, who have looked at this particular area.

Mr. McCAIN. Could I respond to the Senator very quickly?

Mr. McCONNELL. Sure.

Mr. McCAIN. First of all, the Senator well knows better than I, footnote 52 is where the magic words are, which is a footnote on the decision. The interpretation of many of us is that the language in the body of the opinion indicates that Congress does have a role to play and can be involved in it.

But that is a difference of opinion that the Senator from Kentucky and I have. That is why I think I would be willing to try to make a case on the floor of the Senate here of the constitutionality of our view of changing the definitions of "independent expenditure" and "express advocacy" just as when we passed the line-item veto and there was significant constitutional question about the line-item veto by good and principled individuals of this body who said, "Look. What you're doing here is unconstitutional; so, therefore, I'm voting against it."

I am saying that I believe there is sufficient good opinions by good and principled individuals that differ as to what the interpretation is and what Congress has the right to not do.

May I ask unanimous consent, Madam President, to have stricken from the RECORD the name of a Member of the other body, because I misspoke, and it is against the rules of the Senate to say the name of a Member of the other body. I ask unanimous consent that that reference be removed from the RECORD.

The PRESIDING OFFICER. Is there objection?

Mr. McCONNELL. Madam President, I believe I have the floor. I had yielded to the Senator from Arizona for a question.

The PRESIDING OFFICER. The Senator from Kentucky has the floor.

Mr. McCAIN. So if I could finish my answer. It is not so much that it aggravates me as to whether it is negative or not. Of course, it pains all of us when the approval rating of elected officials is so low. There was a Fox poll that said, "I believe that my Member of Congress is:" 36 percent said, "someone I can trust," 44 percent said, "a lying windbag." That bothers all of us. But that is not the fundamental problem here, I say to my friend from Kentucky, because you can do that with hard money. You should be able to do that with hard money, any kind of attack, any kind of thing you want to do.

What we are objecting to is it being used for soft money and the fact that it is not independent, does not meet, by any objective measure, at least in my view, the definition of the word "independent."

I thank the Senator from Kentucky.

Mr. McCONNELL. I believe I still have the floor.

The PRESIDING OFFICER. The Senator from Kentucky still has the floor.

Mr. FEINGOLD. Will the Senator yield?

Mr. McCONNELL. No, not right now.

I say to my friend from Arizona, it is not at all clear that express advocacy has to be independent. But nevertheless, the Senator from Arizona is entirely correct that the words are in a footnote. There is no question that the words are in a footnote.

On the other hand, there have been at least 15 cases in this field. This has been a field that has been very much litigated. The Federal Election Commission has been interested in going after issue advocacy groups for years. So there has been a lot of litigation on the issue that my friend from Arizona raises.

He raises a good point, it is in a footnote. It is not like we haven't been there before. There have been 15 cases. The FEC has lost every single issue advocacy case seeking to do things similar—similar—to what is sought to be done by legislation here.

Recently in the Citizens Action Network case, not only did the fourth circuit rule against the Federal Election Commission trying to do what we are trying to do here, it ordered them to pay the legal fees of the group that they were out to quiet.

So the only thing I say to my friend from Arizona, he is right, it is a footnote. On the other hand, this is something that the courts have had a good deal to say about, a good deal to say about, and there has been a lot of litigation on this whole question of trying to quiet the voices of those who would criticize us for our votes.

I see my friend from Utah is on the floor.

Mr. FEINGOLD. Will the Senator from Kentucky yield?

Mr. McCONNELL. Was the Senator from Utah seeking to ask a question?

Mr. BENNETT. I would like to obtain the floor in my own right at some point, but I make a comment to the Senator from Kentucky and ask him if he would like at this point with respect to the 126 scholars that have been mentioned up until now—I will wait until I have the floor.

Mr. McCAIN. I think this kind of debate we need to engage in. I think this is important. I think the CONGRESSIONAL RECORD needs to be made and I look forward to more of this kind of debate and discussion because this is really the heart of the matter. I thank the Senator from Kentucky for raising this particular issue because this seems to be one of the major, if not the major, areas that need to be discussed.

Thank you.

Mr. McCONNELL. I believe I still have the floor.

I agree with the Senator from Arizona. I think this is the heart of the current version of McCAIN-FEINGOLD, and certainly does need to be adequately vented.

I see the Senator from Wisconsin was interested in getting into the discussion.

Mr. FEINGOLD. I thank the Senator from Kentucky for his courtesy and I will have a couple of brief questions for him on a very interesting discussion that the Senator from Arizona and Kentucky had.

I ask the Senator from Kentucky if he voted for the Communications Decency Act, which was sent up to the Supreme Court?

Mr. McCONNELL. Frankly, I don't remember. I am sure the Senator knows.

Mr. FEINGOLD. The answer is yes. I believe there were only 16 Members of the Senate—I happened to be one—who did not think it was constitutional, who thought it was a violation of the first amendment to start censoring the Internet.

Does the Senator recall how the Supreme Court disposed of the Communications Decency Act?

Mr. McCONNELL. Why don't I let the Senator from Wisconsin tell us.

Mr. FEINGOLD. It was a unanimous decision, 9 to 0.

The U.S. Senate, including yourself, voted overwhelmingly for something that in my view, was unconstitutional on its face.

What was the downside of it? What happened? What happened was that the law was struck down, isn't that right?

Mr. McCONNELL. My friend from Wisconsin, who is a distinguished lawyer and went to Harvard knows that pornography does not enjoy the same level of protection as political speech. The Supreme Court has always put political discourse in a special protected category. Pornography, by its very definition, has been excluded from first amendment protection.

My guess is that in that particular piece of litigation we didn't have a very good idea how the Supreme Court was going to decide and the Senator from Wisconsin is probably going to say why not take a chance here and see if the Court will uphold these restrictions on express advocacy.

Mr. FEINGOLD. I assume the Senator has no doubt that this Supreme Court will strike down the provisions in our bill he is talking about, isn't that right?

Mr. McCONNELL. It is my hope, Madam President, that we won't give them an opportunity to do it.

Mr. FEINGOLD. I understand, but my question is, Don't you believe that this Court would strike down the provisions you criticize?

Mr. McCONNELL. Yes, I believe the Supreme Court would not, in this highly protected area of political speech, allow the Congress to reduce the quality of criticism that can be leveled at us in proximity to an election.

I think we are not flying entirely blind here, Madam President, because this whole delicate area of issue advocacy has benefited from a lot of litigation.

Mr. FEINGOLD. One other question, a point I am trying to make for the Record is I agree with the Senator from Kentucky that should we pass this legislation, this, of course, will go to the Supreme Court. I think it is very important that we acknowledge as we make this Record that they will review it, and that they will want to know exactly what our intentions were with regard to this legislation.

I want to ask a question in terms of making this Record, following on the question of the Senator from Arizona. I will read the Senator from Kentucky an advertisement that supposedly was an issue advocacy ad, apparently legally treated that way, and ask him if he believes this is properly characterized as issue advocacy rather than express advocacy or campaign ad.

The ad concerned a Winston Bryant. The announcement said, "Senate candidate Winston Bryant's budget as attorney general increased 71 percent. Bryant has taken taxpayer-funded junkets to the Virgin Islands, Alaska, and Arizona, and spent about $100,000 on new furniture. Unfortunately, as the State's top law enforcement official, he has never opposed the parole of any convicted criminal, even rapists and murderers; and almost 4,000 Arkansas prisoners have been sent back to prison for crimes committed while they were out on parole. Winston Bryant: government waste, political junkets, soft on crime. Call Winston Bryant and tell him to give the money back.

Does the Senator from Kentucky consider that to be an issue ad within the Supreme Court definition, or does he think it is possible—possible—that the U.S. Supreme Court just might find that to be a campaign ad?

Mr. McCONNELL. Madam President, that ad sounds very similar to some newspaper editorials I have read during the end of campaigns and in editorial endorsements, another form of criticism that we typically find very offensive.

My guess is, absent the words "vote for," or "vote against," the others that we went over in the Buckley case, the Court would in all likelihood say those voters are perfectly free to make candidate Winston Bryant very uncomfortable before his election.

And I understand that the Senator from Wisconsin and the Senator from Arizona would like to change that standard and give the Supreme Court another chance to try to reach a different decision.

Let me tell you why, Madam President, I think it is extremely unlikely that the Court would go in the direction that the Senator from Wisconsin would like it to go. Referring again to the American Civil Liberties Union, America's experts on the first amendment, dealing with the restrictions on independent expenditures and issue advocacy in the bill we are discussing.

They say the new restrictions on independent expenditure are improperly intruding upon the core area of electoral speech and invading the absolutely protected area of issue advocacy—absolutely protected area of issue advocacy.

The ACLU went on: Two basic truths have emerged with crystal clarity after 20 years of campaign finance decisions—20 years. This is not a new area of the law; 20 years of campaign finance decisions.

First, independent expenditures for express electoral advocacy by citizen groups about political candidates lie at the very core of the meaning and purpose of the first amendment. This is not some peripheral area here—the very core of the first amendment.

Second, issue advocacy by citizen groups lie totally outside the permissible area of Government regulation. So I say to my friend from Wisconsin, my prediction that no matter how much candidate Bryant may not have liked that criticism, my prediction that the Court is likely to uphold the ability of citizens to band together and engage in that criticism is based not on some kind of speculation but on 20 years of decisions in this field.

So I guess my prediction, in answer to the question the Senator from Wisconsin asked, is that I don't think there is any chance the Court would allow the Congress to make it tougher for people to criticize us. There is absolutely no hint in 20 years of cases in this area that the Court is going to backtrack and give us the ability to quiet our critics. We would love to do this.

One thing I am sure the Senator from Wisconsin and I agree on, we don't like this kind of thing. We really would prefer not to be criticized by either of these avenues, whether it is independent expenditures or whether it is express advocacy, we don't like it. I think we can stipulate that.

However, the Court has been rather clear over 20 years that we are not going to be able to quiet these voices. So my prediction would be that they would not allow us to do it.

There are others who want to speak. I yield the floor.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. I thank the Senator from Kentucky for his candid answers and say I have great confidence in the U.S. Supreme Court. They are perfectly capable of handling this provision. Our job is to pass a law so they can take it up and they can strike it down if they don't like it. That is the approach we take here when there is a good-faith disagreement about a constitutional provision. Surely there are good-faith arguments on both sides, and the right body to resolve it is the Supreme Court.

The PRESIDING OFFICER. The Senator from Utah.

Mr. BENNETT. Madam President, during the hearings we have held in the Governmental Affairs Committee there have been a number of headline-grabbing witnesses who have appeared before us. Unfortunately, when we got to the phase of the hearings where we were discussing this issue, the television cameras all left the room and the press tables all became vacant.

In that atmosphere I was able to say some things that I maybe wouldn't have otherwise said because I knew no one would say anything. It is a bit like the question, When a tree falls in the forest and nobody is there to hear it does it make any sound?

But there was one witness that appeared who made a lot of sound and whose statements are so apropos I have taken the floor to read most of them into the RECORD. His full statement is available to anyone who wants to go into the committee. I will not take the time to read the full statement here, but for the Senators who participated in this debate I think hearing some of the comments this man made will be particularly enlightening. I am speaking of Curtis Gans, the director of the Committee for the Study of the American Electorate. The advisory board of that committee includes people such as David Gergen, Peter Hart, Abigail McCarthy, Cyrus Vance, former Secretary of State, Ted Van Dyk, Anne Wexler, Richard Whalen, and a number of others whose names I don't recognize but I am sure are equally distinguished.

Mr. Gans points out he has been the director of this nonpartisan nonprofit committee for 21 years, engaged in the issues surrounding low and declining voter participation. That is his area of expertise. He has published publications, organized commissions, testified before Congress, engaged in this activity for a long period of time.

With my apologies for quoting so much, I will get into the details of Mr. Gans' testimony because, as I said, I think it is particularly enlightening.

I am now quoting from Mr. Gans:

> Mr. Chairman, with all respect to this committee's good work and the chairman's good intentions, I would like to suggest a few verities: that campaign finance is the most overblown issue in American politics, that the problems we face today in campaign finance are the products of bad law passed in 1971 and 1974 and the severability contained in that law and not the result of the Buckley versus Valeo decision; that there are serious problems in the present methods of financing campaigns, but that they are built into the incentive structure current law creates; that, in attempting to remedy the existing problems deliberations should be guided by the principle of "Do No Harm," (that we have already seen the unintended consequences of good intentions) and that it should proceed incrementally and with true bipartisanship; and that the case for such incremental reform can be done without the gross vilification of individual leaders or the system as a whole which is both inaccurate and does a profound disservice by undermining—perhaps more than the laws themselves—public faith in the political process.

Mr. Gans goes on in another place in his testimony:

> I think the American people have long known that people give money for essentially four reasons:
>
> 1. That they are friends with the candidate or officeholder.
>
> 2. That the candidate or officeholder has views congruent to the giver on one or more key issues.
>
> 3. That the opponent has views which are anathema on one or more key issues.
>
> 4. To gain access to the candidate/officeholder to express one's interest and point of view.
>
> I don't believe that the American people think that Representative . . .

He names the Member of the other body.

> is a liberal because he gets liberal money, or that . . .

He names another Member of the other body.

> is a conservative because he gets conservative money.
>
> I do believe they understand that access is different from influence—even if money buys access. I think they know that access to a leader comes from several different sources—personal friendship, long-time loyalty, fame, grassroots citizens organization and money, and that money does not speak with one voice. I think the American people know—as their responses to surveys about their own Congresspersons and Senators (the ones with whom they have had first-hand experience)—that the overwhelming majority of leaders are honorable leaders who arrive at public policy decisions on a basis other than contributions. And that if there is cynicism about the profession as a whole, it is not because of its actions, but because they have been vilified by those who seek reform.

Later on in his statement, Mr. Gans gives what I find to be two fascinating questions:

> I am fond of asking the question: "What do Social Security, Medicare, Medicaid, Aid to Families with Dependent Children, Federal aid to education, the Civil Rights Act, the Voting Rights Act, the Occupational Safety and Health Administration, the Environmental Protection Agency, the Council on Environmental Quality have in common?"
>
> The answer is that they were all enacted and created when individuals could give unlimited and undisclosed amounts of money to candidates, often in unmarked paper bags, and when the Republican party usually enjoyed a 3-1 spending advantage over the Democrats. (As one staff member of this committee has pointed out, it should also be noted that the Hatch and Taft-Hartley Acts were also enacted in this period, lest the Republicans think reform would be a good thing for their policy ends.)
>
> What this incandescently shows us is that major public policy is a matter of leadership and citizen consensus rather than campaign cash.

Mr. Gans goes on in his second question, equally compelling in my opinion:

> I am also fond of asking a second question, "What do Michael Huffington, Clayton Williams, Rudy Boschwitz, Mark Dayton, Lew Lehrman, Jack Brooks, Guy VanderJagt, Steve Forbes and, if anyone remembers, John Connally, have in common?"
>
> The answer is that each and every one of them spent millions of dollars of their own money, outspent their opponents by as much as 5-1 and lost.

When he gets to discussing our current problems, Mr. Gans has this to say.

> . . . campaign finance laws were enacted in 1971 and 1974, whose only beneficially durable features were the mandating of public disclosure of some of the money in politics, the provision for partial public financing of campaigns and the establishment of an agency, which for whatever its flaws, has attempted to do a decent job of disclosure and tracking and improving election law.

Later, he says:

> That law were challenged and substantial parts of the law were overturned in Buckley. The Supreme Court ruled, and I believe rightly, not, as some would have us believe, that "money is speech," but rather that money is necessary for speech to be heard. Accordingly, the Court ruled against spending limits—as inhibiting speech and competition (about which there is considerable evidence) unless such limits were truly voluntary and until there were compensatory benefits to insure that there would be a full and fair hearing of campaign speech. It overturned restrictions on the use of personal funds in campaigns. But it left stand, I think wrongly, the $1,000 contribution limits (to meet the "appearance of corruption," and established a "bright line" of "express advocacy"—the specific advocacy to vote for or against a particular candidate, so named, as the only place in which the amount of money spent on such advocacy could be regulated.
>
> Because the law law was written so that it was severable—that the provisions which were not struck down—would remain in place, we emerged with an accident waiting to happen, a partial law for which evasion would prove not only likely, but perhaps necessary. We ended up with contribution limits that were constraining and subject to strict disclosure, hard money for both candidates and national parties which were severely restricted and subject to disclosure both on the contribution and expenditure level, soft money—to nonfederal party accounts and to nonprofit groups—which were unregulated and only partially disclosed. . . . The problems with the resulting system became evidence early.

Mr. Gans goes on to give us a personal example that I found fascinating. He says:

> (On the issue of venture capital, I can speak from some experience. I provided the theory for and helped organize in 1967 something called "the Dump Johnson Movement," and by the accident of being one of two persons who knew who populated that movement, I became staff director of Senator Eugene McCarthy's 1968 Presidential campaign. When the candidate announced on November 30, 1967, he was unknown to 57 percent of the American people; in early February, he stood at 2 percent in the polls in New Hampshire, the first primary, and there was near-universal opinion that one could not beat a sitting President within his own party. If we had had to live within the present contribution limits, that campaign would never have happened and the people of the United States would have been denied the opportunity to express their opinion on the war in Vietnam and Johnson's leadership within the political process. There was neither the time to raise the money or an adequately accessible number of small contributors to make that effort possible. And we do not today know how many other legitimate challengers have been denied the opportunity since 1974 to compete because of a lack of venture capital.)

Now, apropos of this debate, Mr. Gans has some interesting things to say about that great bugaboo, soft money:

> Then, there is the question of "soft money." I, along with Dr. Herbert Alexander and Dr. Anthony Corrado, among comparatively dispassionate and nonpartisan observers, have long been a defender of soft money. I have done so because my research shows that in competitive campaigns for the U.S. Senate, nearly 60 percent . . . of the hard money campaign budget goes to televised advertising, 30 percent usually is expended on fundraising, and the balance on candidate travel and staff. In this situation, soft money are the only funds then and now available for activities involving people—grassroots campaigning, voter registration and education and party development.
>
> But beginning in 1992, soft money has increasingly been used for none of these. Instead, almost all of these unregulated moneys have been poured into television advertising, which is the antithesis of grassroots organization and party development. They underline participation and erode respect for either party. It is safe to say that one reason the Democratic National Committee is substantially in the business of refunding illegal contributions is that they so denuded their staff during the campaign to put every last dollar into advertising that there was no one left to exercise oversight.
>
> All of which is to suggest that—without the high-flown rhetoric about corruption, elections being bought and public policy being for sale—both supporters and critics of current and choice reform proposals see some of the same problems.
>
> The question is what to do. And therein lies the rub.

Mr. Gans says:

> I will leave to others the argument about the implication of limits on the First Amendment guarantees of free speech. While I agree with them, leaders like Senator MITCH MCCONNELL, Ira Glasser, Roy Schotland, among a host of others, can carry this argument better than I. I would rather deal in the world of practicality.

He goes on to say:

> I think there are four verities which will, at least in my limited lifetime and perhaps through the lifetime of my ten-year-old child, continue to hold:
>
> 1. That because of the recent realignment in the South, the Republican Party will continue to have, at the very minimum, a cloture-proof minority. The impact of this on campaign finance law is that campaigns will be run for the forseeable future largely or totally on private money.

I think his implication there is that he knows the Republican Party is opposed to public funding.

> 2. That the Supreme Court is highly unlikely ever to rule that an individual cannot spend whatever he or she wants of his or her personal money on his or her campaign. Thus, we will continue to have self-financed millionaires running for office.
>
> 3. That the Supreme Court is highly unlikely to rule that like-minded people cannot band together, organize, participate and contribute to campaigns. Thus, we will continue to have political action committees.
>
> 4. That the Supreme Court is highly unlikely to say that groups and individuals independent of campaigns cannot express their points of view on the issues and candidates up for election. Thus, we will continue to have independent expenditures.
>
> (Two things in this regard should be noted. The recent statement by 126 legal scholars, organized by the Brennan Center, was notably silent on these issues. Secondly, Mr. James Bopp's excellent law review article which chronicles various recent cases regarding independent expenditures shows that, if anything, both the Court—in the Colorado case, and the courts, in general, are likely to expand the ability of both parties and independent groups to exercise their free speech rights in the electoral context.)
>
> All of which suggests to me that no closed system can or, from my point of view, should be created and that limits will not work.
>
> Do we really want to continue the current low level of contribution limits and continue to advantage millionaires and those with large rolodexes of midlevel and large contributors?
>
> Do we really want to abolish soft money if the net effect will be simply to starve the political parties and drive money toward independent expenditures?

He says:

> In some mythical world it might be conceivable to create a system of limits which would not have downside effects—that would be high enough to insure competition, that would provide for full accountability, and would provide varying forms of compensation for the inequities that grants the constitutional rights to such entities as millionaires and independent expenditures may create.

Madam President, I love this sentence. It summarizes better than anything I could say how I feel about the enforcement procedures that we are having discussion about here:

> But to administer such a program would likely take a bureaucracy larger than the Department of Defense and a litigation budget considerably in excess of the Department of Justice and the tobacco companies combined.

Well, what does Mr. Gans have to offer in the way of a solution? He says this toward the end of his testimony:

> I think at this time there is a possibility of real bipartisan agreement on a number of modest, but not unimportant steps.
>
> 1. That we mandate full and timely disclosure of all contributions and expenditures above a certain level and within a certain timeframe—including the expenditures and larger contributions to State parties and independent expenditure groups.
>
> 2. That we establish nationwide computerization of finance records and mandate electronic filing and fast release of all things mandated to be disclosed.
>
> 3. That we define adequately what a foreign contribution is, provide strict prohibition on such contribution and provide teeth in the enforcement of this provision.
>
> 4. That, at least within this mandate, we empower the federal election commission and give it the resources to do its job.
>
> 5. That we indeed do something about soft money. But that we need to think carefully about what we do. To abolish soft money would send money into independent expenditures and, in the absence of substantially raising the amount which can be given in hard money, starve already atrophying parties.
>
> There is, to my mind, a better way. Which is that soft money has been justified on the basis that it exists to provide a source of funds for grassroots activity and party building. Let us limit its use to that. Specifically, let us, as we have not until now, recognize in law that such funds exist, deny their use for broadcast advertising and overrule the Federal Election Commission's decision that "generic" advertising is not broadcast advertising as stated in existing law. If we did that we would either reduce the demand for soft money or there would be enormous amounts of money moving in the right direction—in activities that educate and engage the citizenry and strengthen and build political institutions rather than in destroying the will to vote.
>
> This would not solve all the problems contained within the campaign finance conundrum, particularly with respect to contribution limits, independent expenditures and the overall and spiralling demand for money. But it would be a good start. It would make the system profoundly more accountable, and it would correct the worst abuses of soft money without rendering the parties impotent.

Finally, as he concludes, Mr. Gans summarizes this whole circumstance in language that is one of those phrases you say afterward, "Gee, I wish I had written that."

This is his conclusion.

> The dialogue on campaign finance has generated a maximum amount of heat and a minimum amount of light.
>
> Our political system has been called corrupt. Our Congress bought. Our leaders cowardly. All in the name of attempting to force through a particular set of ill-thought out proposals for reform on a Congress which well understands their weakness.
>
> Those responsible for this dialogue are Common Cause, Public Citizen and their mouthpieces particularly on the editorial boards of The Washington Post and New York Times. And while both the latter are great newspapers with noble journalistic traditions, with respect to this set of issues, all should be ashamed.
>
> Not only because it is not true, but because they, by this attitude, much more than the admittedly flawed system of campaign finance, are deepening the cynicism of an already increasingly cynical public.
>
> I know the overwhelming majority of our leaders are honorable. I know many have demonstrated courage in their lives and in their political conduct. I know that, despite many flaws, this nation's political system is the greatest in the world or at least among the greatest.
>
> It is time to stand up to the bullies and cool the dialogue—to pinpoint our flaws precisely and address them, but not to tear down the system most of us love and are seeking to improve.

As I said at the outset, Madam President, I apologize for quoting so much from one man's testimony. But I found it compelling. I find myself in agreement with almost all of it, if not all of it. I am particularly in agreement with his statements that our problems arise in large part because of the flaws in the current law, and the lack of severability that occurred when the law came before the Court, so that when the Court found portions of it unconstitutional they did not strike down the entire law. And we were left with, as Mr. Gans says, "an accident waiting to happen."

I know in the context of this debate we cannot start with a clean sheet of paper and move in the direction that Mr. Gans outlined. But if in fact, as many are predicting, and as, frankly, I expect nothing comes of the present effort to enact McCain-Feingold, I hope that instead of walking away from it shaking our heads and pointing our fingers at each other that we take a clear look at Mr. Gans' approach, which would be to, as he quotes Abraham Lincoln, "think anew and act anew," and say, We can solve this problem. We can solve it in a bipartisan manner. But we can do it in such a way that would not create all of the evils that his testimony so graphically describes.

I thank my colleagues for their indulgence in allowing me to read so much.

I yield the floor, Madam President.

Mr. DORGAN addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Madam President, I must say that it is interesting when we involve ourselves in aggressive and controversial debates that we find from time to time we disagree with colleagues for whom we have the greatest respect. That is certainly the case with me for the Senator from Utah. He is one of the best Members of the U.S. Senate, and I have been privileged to work with him on a lot of things. And, yet, I profoundly disagree with him on this issue. I want to spend a bit of time explaining why that is the case.

In September 1796, George Washington announced that he was retiring after some 45 years of service. I want to read just a paragraph from his Farewell Address, which is read each year here in this Chamber.

George Washington wrote:

> This government, the offspring of our own choice, uninfluenced and unawed, adopted upon full investigation and mature deliberation, completely free in its principles, in the distribution of its powers, uniting security with energy, and containing within itself a provision for its own amendment, has a just claim to your confidence and your support.

George Washington was right about that. I wonder today, as perhaps others have before me, why has the confidence and support of the American people in this institution receded? What is causing that?

I happen to enjoy public policy. I rather like politics. I feel that it is an enormous privilege to serve here in the U.S. Senate. And, yet, I think the political system is a system that has become distorted in a caricature of itself. The question is, what can we do about that? What should we do about that? In answering that, we should probably answer, what is the problem? Answer the question, what is the problem? And then define, what is the solution?

I have listened for the last hour and a half with great interest to my friend, the Senator from Kentucky, who I am sure will be back on the floor momentarily. He made references when the Senator from Arizona was speaking that no one can nor should be prevented from involving themselves in issue advocacy, et cetera. No one that I am aware of on the floor of the Senate has ever proposed such a position. No one that I am aware of is suggesting that anyone under any circumstances in this country can be prevented from speaking, or prevented from paying for a political message. No one has made that proposition.

So, to the extent that it is being represented that is so, let us say, yes, that is the case. And let's move on to what we are debating, and not create a new debate.

When the Lincoln and Douglas debates were well underway, at one point, I am told, President Lincoln was so frustrated because he couldn't get Mr. Douglas to understand his point. And finally he said to him in great frustration, "Well, then tell me. How many legs does a horse have?"

Douglas said, "Why, four, of course."

Lincoln said, "Well, now if you were to call a horse's tail a leg, how many legs would the horse have?"

Douglas said, "Why, five."

Lincoln said, "See, that is where you are wrong. Simply calling it a leg doesn't make it a leg at all."

That is the point in this debate. One can take positions. But if they are not on point and totally relevant to what is being discussed, what is the value of the position?

I want to describe that just a bit in terms of what I mean by that.

The Senator from Wisconsin read an advertisement. I want to read it again because I think it is at the heart of this discussion, and it is at the heart of the mess that we find ourselves in in campaign finance reform. This was an ad in a Senate race down South. I will just add as an aside that both political parties did this. Independent groups did it. But here is an ad.

> Senate candidate Winston Bryant's budget as attorney general increased 71 percent. Bryant has taken taxpayer-funded junkets to the Virgin Islands, Alaska and Arizona, and spent $100,000 on new furniture. Unfortunately, as the State's top law enforcement official, he has never opposed the parole of any convicted criminal, even rapists and murderers; and almost 4,000 Arkansas prisoners have been sent back to prison for crimes committed while they were out on parole. "Winston Bryant: government waste, political junkets, soft on crime. Call Winston Bryant and tell him to give the money back."

Should there be some position that says they don't have any right to say this? No. Whoever did this has every right to put this on television, and did. Do they have a right to put this on TV with soft money so that those who contributed are never disclosed? Do they have a right to say this is not part of the political process; this is not part of the campaign; it is totally unrelated; this is an issue advocacy commercial? Does that pass anybody's laugh test? Not in a million years.

That is why one Senator, when asked repeatedly by the Senator from Arizona, "Do you really think these are independent; do you really believe these are independent expenditures?"—referencing a series of these kinds of things. It was never answered. I suspect the answer would be no.

We all understand what is going on. The same people are involved. They hire common television producers to produce the commercials, and the same fundraising networks. But it has become a legal form of cheating. It has taken the old tax reform law and manipulated it and distorted it to the point that is no longer recognizable, and becomes what I think is a legal form of cheating. And I say that we ought to stop this. Stop it by saying You can't say it? No. You can say that. But if you want to get involved in this particular Senate campaign, then you must abide by the rules. You say it by hard dollars and disclose who donated the hard dollars.

That is the point. It is not that they can't say it. It is that they are required to use the same hard dollars that the people involved in the race are using, and getting it from the same sources and disclosing who made the contribution.

Mr. BENNETT. Madam President, will the Senator yield for a question?

Mr. DORGAN. I would be happy to yield for a question.

Mr. BENNETT. I hesitate to intrude when he is in full cry because I don't like to be intruded on when I am in a full cry. But I am emboldened by the kind of words that my colleague offered at the beginning.

This is a personal observation. I agree with the Senator absolutely. That ad should be identified; that it was clearly part of the campaign. I am not any more fooled than anybody else. However, we are driven to that kind of chicanery by the present law.

My solution—and I am speaking clearly just for myself and not for anybody else on this side—would be to repeal the present law and allow the campaigns to go back to a degree of honesty. I do say to the Senator: I believe that under the present ruling of the Court the statement by the Senator from Kentucky is correct. The Court would rule that since the magic words were not in that ad it would in fact not be considered a campaign ad under the legal definition.

I agree with the Senator. The legal definition is artificial and improper.

But I would solve it in ways other than passing the McCain-Feingold.

I thank my friend.

Mr. DORGAN. I appreciate the contribution because the contribution made by the Senator from Utah is that this sort of thing is improper, and that it is chicanery.

If that is the case—if in fact what I just described is improper and chicanery—then the question isn't whether there is a problem. The question is, What do we do about the problem?

And there are some people, as the Senator from Utah especially knows, in this Chamber who would say, What problem? There is no problem. The only problem we have, they say, is there is not enough money in politics.

I want to show my colleagues what is happening with campaign finance.

This line, the red line, describes what is happening with funding for political campaigns in this country.

I assume we can find people who will come to the floor and will wave their arms, and say on this floor and on the floor on the other side of this building, Well, the American people spend *x* hundreds of millions of dollars on Rolaids, they spend *x* hundreds of millions of dollars on Preparation H, and Oh Henry candy bars and, therefore—what? Therefore, what? It is totally irrelevant.

The point is what is happening to campaign financing is it is mushrooming and escalating out of control. Is there a problem? Or is it just fine?

In the paper today there is a statement by one of the leaders of the other body saying there is not enough money in politics; we need more money in politics. In fact, those who debate this issue saying there is too much money in politics are wrong. We need more money in politics, they say.

I could not disagree more. You see what is happening. There is too much money in politics. Too much money. In State after State after State, all of these campaigns are mushrooming out of control, and it is not just the campaigns; it is the independent expenditures and all the groups weighing in with chicanery and with improper, in my judgment, spending, packaging up things saying, by the way, this is independent, this is express advocacy, this is issue advertising. And all of us know that you cannot say that any longer with a straight face. It is all connected. It is all part of the same campaign. It becomes legal cheating. If we do not have the courage to stand up when we see this proliferation of legal cheating going on and saying, if that's the way the law is going to be interpreted and if, after pulling the teeth of the FEC, we complain they can't chew, if we are left in that position, then let us at least change the campaign finance law to know what we should do in this country and take at least some of the influence of money out of campaigns.

Now, there is a proposal that is being debated in the Senate called the McCain-Feingold proposal. I don't think it is perfect. If I had written it, I would have written it differently. I cosponsored it, but I would have written it differently. But it is a proposal that deals with a whole range of things, and it needs to deal with some more. I hope that we will add to it an amendment to restore a portion that was not included when it was brought to the floor of the Senate but which was included when it was written. That provision is spending limits.

Now, I want to deal just a bit with this question of spending limits and free speech. I noticed this weekend some of the columnists talked about the speech patrol and the infringement of free speech, and so on.

Spending limits, which is not now in this bill, which I think should be—and I hope there will be an amendment we can vote on to restore spending limits—is an attempt to say let's establish a set of rules by which campaigns are waged and let's try to see if we can, if not establish enforceable spending limits, at least establish voluntary spending limits with sufficient incentive that most campaigns would abide by voluntary limits. The limit might be $1.5 million in one State, $3 million in another, less than that in a third State, in which both candidates agree here is a practical limit on spending.

As I said, there are lots of ways to do that. The Supreme Court has already ruled by a one-vote margin that enforceable spending limits is not appropriate; it is unconstitutional. I think the Supreme Court ought to be asked to rule again on another case because, if it is that close, I think you can make the case they might rule differently in other circumstances. Notwithstanding that, I think we ought to try to work to achieve some approach by which we are able to get spending limits in campaigns.

The problem is campaigns cost too much. That's why money has such a corrosive influence in politics. Campaigns cost too much. How do you get to the solution of that? Well, you try to establish some spending limits, some spending limits that are practical, that you can make stick.

John F. Kennedy used to say that every mother kind of hoped her child might grow up to be President as long as they didn't have to be active in politics. I suppose he was musing about how unpopular the process of politics is. I am not someone who believes that politics is something that is underhanded or dirty. I think politics is noble and honorable. I am involved in it because I enjoy the political process. But I do not enjoy what is going on with respect to campaign finance. I think this system is broken. No one in this Chamber can look at this system and with a straight face say, yes, this system sure does serve America well.

This system does not serve this country well. This system is a disservice to the country. Now, do we fix it by suggesting, as one Senator today has implied, that we prevent this group or that group from being able to speak in the political system? No. No one has ever recommended that—no one. So if you want to have that debate, have that debate alone. You can always win a debate that no one else is involved with. I say good for you; you just won a debate that I was advocating.

We are not suggesting, none of us, that we would infringe on the right of any group to say anything at any time. I am saying, however, that when you take a look at advertisements like the one I described and read in the Chamber, as did Senator FEINGOLD, and understand that this is a pole vault over the legal definition and becomes on its face a farce and an attempt to undermine the process, if we are not willing to decide to correct this, then there is no hope for us to deal with the issue of campaign financing.

We have a bill in the Chamber that is called a reform bill. It is cosponsored by Senator McCAIN from Arizona and Senator FEINGOLD from Wisconsin. Both of them are Senators for whom I have a great deal of respect. I do not agree with them on everything either, but they brought a reform to the floor of the Senate. It is interesting; at least for a half-hour or so today I heard a description of this bill that doesn't match the bill. The description was that somehow Senator McCAIN and Senator FEINGOLD want to prohibit criticism of the Congress. So I felt, well, maybe I may have missed something here. Maybe they have introduced a bill that I hadn't read previously.

But then I realized that is simply taking the debate and moving it over here to create an issue that does not exist because one is uncomfortable debating the issue of McCain-Feingold.

No one is suggesting there would be any manner that one could devise in McCain-Feingoldo prohibit criticism of the U.S. Congress. Lord, read a couple hundred years of history and discover about a Congress that's been criticized. No one is suggesting that you could not do anything that constitutionally prohibits criticism of the Congress. We have generous criticism of the Congress, always will. The issue that Senator McCAIN and Senator FEINGOLD address is not criticism of the Congress. It is the corrosive influence of money in campaigns. And ads like this sponsored and run by organizations whose funding is secret, undisclosed to anyone in this country, collected in soft money increments perhaps of $20,000, $50,000, maybe $100,000, could be $1 million. We have seen 1 million chunks of money go in soft money, undisclosed secret money, through organizations used as express advertising or express advocacy rather than declare they are not part of the campaign. What a bunch of rubbish. It does not pass any laugh test in any cafe in this country, and that is why we must be serious about trying to find a way to thoughtfully reform this system.

I would like to just mention two additional items before I close. One of the concerns I have about our political system is so much of the advertising is negative. There is nothing you can do about that; I understand that. We cannot prohibit this kind of advertisement. We can say, if you are going to put this kind of advertisement on the air, you have to play by the rules and get hard money and disclose the donors.

There is nothing wrong with that. But we cannot prohibit any advertisement. So much of it now is negative and so much of it is a 30-second little political explosion that goes on across our country where candidates are not even hardly named, at least with respect to the person's campaign, in financing the 30-second ad. It is a nameless, faceless, little bomb directed to destroy, tar or feather some other candidate.

One of the small amendments that I intend to offer is the following. We now require in Federal law that television stations provide the lowest cost for television commercials during certain periods of the year. In other words, the lowest part of their rate card must be offered to campaigns for those political commercials. I am going to propose that the lowest cost on their rate card be provided candidates whose commercials are at least 1 minute in length and on which the candidate appears 75 percent of the time. I am not suggesting you cannot continue the 30-second slash-and-tear ads. Everybody can do that. Why should we reward those advertisements with the bottom of the rate card? Why don't we as a matter of law say we will provide and require the lowest rate be offered to those commercials that are at least 1 minute in length and on which at least 75 percent of the time the candidate appears in the commercial.

Well, we will have a debate about that. I suppose some will say, well, that is interference. We interfere already by saying you must charge the lowest rate that a television station offers for advertising for a political campaign during certain portions of the year. Perhaps we could do so providing an incentive that the campaign commercials be somewhat instructive and somewhat related to the candidate who is actually paying for the campaign commercial.

There are several kinds of air pollution in this country, one of which is political air pollution, and if we can do anything to in any small, measurable way, provide a little more thoughtful approach to campaign advertising through an incentive, then I would like to see us do it. I expect, however, that when and if I am able to offer this amendment, some will suggest it is some sort of colossal interference. I think not. I think it is a sensible, thoughtful way to address that issue.

Finally, if the problem is there is too much money in politics and the solution is to reform our campaign financing system in one way or another, then how will we reform our system? Well, we reform it by bringing a bill to the floor and passing it, doing the same in the House, going to conference, agreeing in conference and getting a bill to the President he can sign.

Now, is that likely? What is likely to be the future of campaign finance reform? I applaud Senator LOTT for bringing it to the floor of the Senate for a debate. Giving us the opportunity to discuss this issue is important. But it is the starting line, not the finish line. The finish line for Congress will be when we have, on a bipartisan basis hopefully, achieved an agreement on a campaign finance reform package that will give the American people some basic confidence that what we are holding are elections not auctions; some basic confidence that we will step away from this exponential increase in spending on political campaigns.

Senator MCCAIN and Senator FEINGOLD have taken a first long jump here to get this legislation to the floor of the Senate, and I hope that in the coming few days we can open up the process and allow some amendments and have a vote.

I noticed today, when the Senate opened for business, amendments were offered in a very careful way. In fact, it took, I believe, six different amendments today in a series of maneuvers to fill the tree which, for those who don't know about our parliamentary situation, means that no one else is allowed to do anything at this point because the parliamentary tree is full. Amendments are not allowed. So we have had a maneuver that was accomplished today to fill the tree.

So we will see where all that leads. Every time somebody does that—and both sides have done it about a handful of occasions—every time someone has done it, they have done it to prevent someone else from doing something later. I hope that is not the case. I hope we can shake this tree a bit and shake it sufficiently so that we can offer some amendments and reach a conclusion on campaign finance reform that is good for this country and restores some confidence in the American people that we are moving in the right direction.

Mr. President, I yield the floor.

Mr. LIEBERMAN addressed the Chair.

The PRESIDING OFFICER (Mr. ALLARD). The Senator from Connecticut.

Mr. LIEBERMAN. I thank the Chair.

This, as the tone of the debate indicates, is a critically important debate with consequences that go well beyond the subject at hand, campaign finance reform, because the infusion of massive amounts of money into our political process affects so many other areas in which we are supposed to govern and to legislate, and it is why this appropriately becomes a priority topic.

As I hear the seriousness of the debate in the Chamber, I must share my own disappointment that there is murmuring outside the Chamber that nothing is going to happen this year, that there is not going to be any campaign finance reform legislation adopted, that this is just a lot of sound and fury which, as the bard reminded us, will signify nothing.

Well, that would be an infuriating tragedy, an outrageous, in my opinion, abdication of our responsibility, a shocking refusal to face the facts that have come out at the hearings of the Senate Governmental Affairs Committee, on which I am privileged to serve. That committee's hearings show that ours is a system in crisis, and it is a crisis that affects so many aspects of our Government.

I hope these murmurings are wrong, and I hope that the debate we have begun in the Chamber will signify more than noise; it will signify the beginning of a genuine effort to change the laws, to go back in some ways to where we were after the last great campaign finance scandal, which was the Watergate scandal, to go back to the laws adopted after that scandal which set limits not only on contributions but on spending in a campaign.

In my capacity as a member of the Governmental Affairs Committee, I have had what might be called a front-and-center view of the extraordinary failures of the status quo campaign finance system, failures that routinely stem from the corrupting influence of big money in politics. As if peeling back the layers of an onion, in this case a spoiled onion, our investigation slowly revealed story after story of unseemly and negligent behavior that all too often seemed to cross over the line into lawlessness.

I know the Governmental Affairs Committee's hearings were controversial. Sometimes they were criticized for being partisan. In fact, sometimes they were too partisan. But the fact is, though they were not always orderly and they weren't always neat and they weren't always pretty, they told a story. They told a story of a system gone out of control and the consequences it has had on our great democracy.

There was the international entrepreneur who never registered to vote because he thought his money was more influential than his franchise. The sad fact is, he was right.

There was the story of the White House official who advised a potential contributor, whom he had never met, whom he had just talked to over the phone, about how to effectively skirt tax liabilities on a proposed donation of somewhere between $1 million and $5 million.

There was the Republican Party research institute that defaulted on a loan from a Hong Kong businessman and then swindled him out of the interest he had earned on his own money, which was deposited as collateral for the loan; and the party chairman, Democratic Party chairman, who allegedly called on the CIA—although there is doubt on this, conflicting testimony, but an allegation that the chairman called on the CIA to help burnish the image of a questionable contributor.

In no uncertain terms, as far as I am concerned, people with fat wallets bought access at the highest levels of our Government, executive and congressional, and some Government leaders were perfectly willing to auction off their clout.

As California entrepreneur and major Democratic donor Johnny Chung observed, "The White House is a subway: You have to put in coins to open the gates."

Clearly, the two parties, in their mad scramble for money, shamelessly exploited during the 1996 election cycle well-intentioned campaign finance laws to the point of rendering them meaningless. In the end, their debased standards of the pressure-cooker world of high-stakes election campaigns mocked one of the basic principles of our democracy, the principle that all citizens have an equal vote, an equal voice in the governance of their country, an equal opportunity to influence its policies.

Now we have an unfettered political fundraising system that neither serves the public interest nor deserves the public trust. No wonder the American people look on politics with a jaundiced eye. No wonder more and more of them have concluded their vote doesn't count, so they don't vote. I saw a survey awhile ago of 165 countries in the world today who conduct elections. The United States of America is 139th in terms of those of voting age who actually vote. Our proud democracy—we are proud to call it the greatest democracy in the world—we are 139th among the countries of the world in the percentage of our population that can vote that actually does vote. Don't you think part of that has to do with the conclusion that millions of our fellow Americans have made that their vote doesn't count, not if they don't have money?

The proposal offered by Senators MCCAIN and FEINGOLD is, in my opinion, our best hope for changing this unacceptable status quo and for reviving public faith in our Government.

The key to real reform, I conclude after sitting through the Senate Governmental Affairs Committee hearings, is less big money and less special interest money in the election process. That is exactly what the McCain-Feingold bill would do. The central provision of this bill is a ban on soft money; that is, a ban on unlimited contributions to the two national parties from corporations, unions, and wealthy individuals.

It is hard to believe, but it actually was 1907 when a law was passed by this Congress that made it illegal for corporations to contribute to political campaigns. In the 1940's a similar law was passed regarding labor unions. How is it that in the 1996 election corporations and labor unions contributed hundreds of thousands of dollars individually, millions in some cases? It is because of this so-called soft money, this little opening that was created in a vaguely worded law that was then interpreted by the Federal Election Commission to allow people to give unlimited amounts of money to parties to help voter registration, get out the vote, that turned into a loophole large enough for a fleet of trucks—not Mack trucks but Brinks trucks—to go driving through.

The explosive growth of soft money and the way it is spent represents, in my opinion, the most egregious abuse of our campaign finance laws today. Most of the controversial donations from the 1996 campaigns were soft-money contributions. Most of the foreign money contributions that we took evidence on at the governmental Affairs Committee hearings were soft-money contributions.

Soft money has played a role in Federal elections since 1980, the year after Congress tried, the way I mentioned, to enhance the role of national parties. But in 1996 it exploded—$272 million that we know of spent by both national parties in soft money in 1996, 13 times the amount spent in 1984, an increase that has dramatically changed the landscape of campaign fundraising and of American democracy. By the November 1996 elections, the soft-money loophole had become a cash bonanza for the two parties, an irresistible opportunity to raise and spend money, each driving the other to keep up, and the easiest way to do it was to raise big money. It became, for that reason, the most expedient way for an elite class of contributors to buy access; frankly, for an elite class of contributors to be exploited, in some sense coerced, by the political class into giving contributions of unprecedented size.

The quintessential example of trading money for access was the brutally honest and now legendary Roger Tamraz. An international banker-businessman, Tamraz donated $300,000 to the Democratic Party because he wanted to talk to President Clinton and other high officials of our Government about his plans to finance an oil pipeline through the former Soviet Union. The National Security Council warned against admitting Tamraz to the White House. They had already decided, in the due and diligent exercise of governmental decisionmaking, that his proposal was not the right proposal for a pipeline in that particular part of the world. They understood that he was falsely claiming White House support for his projects. They warned that, if high officials of our Government gave him even a meeting, even were seen close to him, he would trade on that proximity in the area of the world in which he was doing business.

But Tamraz was nothing if not persistent. He said to us at one point that, "I'm the kind of person, if I can't find my way through a door, I'll go through a window. And if that window is closed, I'll go through another window until I get in." He went so far as to enlist a buddy at the CIA to lobby the administration on his behalf. But what he really did was kept going to the window with his checkbook. Eventually, he was invited to six different social gatherings.

The very troubling clincher is this. When I asked Tamraz when, not whether he registered to vote—because I then was going to ask him what party he was in, trying to prove the fact that parties didn't matter to him, ideology didn't matter to him, he was just buying access, he was trying to influence our Government with bucks—when I asked him when he registered to vote he shocked me by saying he wasn't registered to vote. When you think about it, in his world, the world that soft money invites, there is no need to register to vote. His money was more important and bought more access than any vote could. It was as if he was saying: Oh, voting is a nostalgic exercise for those millions of people out there who don't have influence—most Americans. They are the ones who can take the time to register and vote. I buy my way, in America, to the highest levels of power. So Mr. Tamraz seemed to be saying.

The right to vote, which was central to the creation of our country, the right to vote, for which our founders and succeeding generations of Americans have fought and died, didn't matter to Tamraz. He figured it out—$300,000 bought him a lot more access in this democracy than anybody who just votes had. This standard is so well embedded in our political system that when I asked him whether he got his money's worth, even though he never actually won White House support for his pipeline nor got a separate private meeting with the President, Tamraz said next time he'd double that donation to $600,000.

I am not naive. People have always tried to do what Roger Tamraz did. As long as there have been governments, as long as there have been people with any power in any human society, people have tried to seek favor by conveying items of worth, and they will continue to do so. But, when soft money contributions open the door to unlimited contributions, when the competitive pressure of our political campaigns raises leads to spending without limits, the temptations will be that much greater for the influence peddlers and purchasers, for the hustlers to try to buy something big.

Frankly, the temptation will be that much greater and, ultimately, for many, irresistible, for those in power to sell what the influence purchasers are trying to buy. That is why, in short, we have to ban soft money.

The attempt to influence Government with purchases is nothing new. Look in the Bible. There is a prohibition there against judges or other leaders accepting gifts from anyone who comes before them for judgment, anyone who is affected by their leadership.

The wisdom there was based on an understanding of human nature and the need for those in government to set limits to protect themselves and those they governed. People in government who exercise power are, after all is said and done, beneath their titles, no matter how high they are, just human beings with the same frailties as everyone else. Put them in the public competitive reality of a political campaign, and too many will not be able to say no, particularly while they see their opponents saying yes.

The Governmental Affairs Committee's hearings have built significant support for banning soft money. Just last week, John Sweeney, the president of the AFL–CIO—his organization, in fact, contributed millions in soft money, almost all of it to the Democratic Party in the 1996 cycle—said, soft money donations are "polluting our political system."

Last week, a group of business leaders made essentially the same statement demanding a ban. Chief executives at Monsanto, General Motors, and Allied Signal have already dropped out of the soft money game. Why? They said it is impossible to track contributions to gauge their success. In other words, the payoff for five- or six- or seven-figure contributions is simply not worth the expense.

I will tell you something else they didn't say. Members of the Senate may have heard, as I have, from people who were solicited for soft money contributions, large contributions. They felt coerced. They felt it hard to say no. Think about it, if you are the executive of a business and you have a lot of contact with the Government and are regulated by the Government, if you are the executive of a business that has matters before Congress and a high official in the executive branch or the legislative branch calls you and asks for a large soft money contribution, it is hard to say no.

If we are successful only in banning soft money, however, as important as that is, our work will still be incomplete. Although I must say, if we could just ban soft money, I think we will have achieved enormously significant reform.

But in the best of all worlds, it is not enough, and in the best of all bills, the McCain-Feingold bill, they don't stop at banning soft money. It is important to go on. Money is like water, it flows to the weakest point. Just as water spills through an unplugged gap in the dike, once one hole is filled, it will find the next hole, or it will find the weakest point in the dike to make a hole. Political money seeks unregulated gaps in our election laws.

I do not say this simply as a matter of physics or theory. I say this, again, as a result of what we heard in the hearings before our committee. Money blocked by contribution limits to candidates flows instead into unlimited soft money contributions to parties. Money blocked by a soft money ban will be diverted in increasingly large amounts to unregulated issue ads.

Issue ads are paid for by soft money raised by independent advocacy groups and parties. They are supposed to be about specific policy issues, not specific candidates. That is why unlimited amounts of money may be spent. But issue ads, as we heard discussed on this floor in the 2 days of this debate, have actually become stealth candidate ads.

Widespread abuse in the last election saw these ads hiding behind the veil of issue advocacy, even as they promoted or attacked individual candidates.

A study by the nonpartisan independent Annenberg Public Policy Center found that 87 percent of the so-called issue advertisements broadcast in 1996 mentioned a candidate by name—87 percent mentioned a candidate. Almost 60 percent showed the likeness of a candidate.

The Annenberg study further found that more than 40 percent of the 1996 ads plainly attacked candidates, not issues. One of the witnesses before our committee said last week that by his review of the ads, the issue ads were actually more negative to candidates than the candidate ads were. Some ads don't bother with issues at all.

One of these ads, run by opponents of a congressional candidate in Montana, simply used the air time to rehash the candidate's marital problems. Ads broadcast by the Democratic and Republican parties ostensibly on the issues in the 1996 Presidential campaign were little more than biography spots at best, promoting the election of President Clinton or of our former leader, Bob Dole.

Issue ad sponsors, like the AFL–CIO or the National Rifle Association, are under no obligation to disclose the money they spend when they do issue ads. But when the ad zeros in on specific candidates, as we all know was the case and as the Annenberg study so brilliantly documents, clearly there is at least a violation of the spirit of the Federal spending limits. It is an end run on what the law says can be spent on a campaign.

No one can be held accountable for the false or misleading information those ads might convey, because the public doesn't know who paid for the ads. And yet in the 1996 election cycle, advocacy groups and the two parties spent more than $135 million on issue ads. That is about one-third of the $400 million that was spent on broadcast advertising by all Federal candidates last year.

Kathleen Hall Jameison, director of the Annenberg center, concluded that issue ads "set an agenda different from that of either candidate and, in some cases, drown out the voices of these who are actually running for office."

We run the risk here, Mr. President, of the candidates becoming bit players in a contest that occurs at a higher level between dueling interest groups spending millions of dollars running issue ads with soft money.

McCain-Feingold appropriately proposes a more precise distinction between ads supporting or opposing an issue versus those supporting or opposing a candidate. I am convinced, based on my own reading of the Supreme Court decisions, that that provision will withstand the constitutional test.

The soft money ban and the crackdown on illegal issue ads, which I have spoken to, are two of the most critically important and politically realistic reforms that we can hope to make. I say politically realistic in the sense of being related to the political reality that we all have experienced in campaigns, and it was vividly documented in the hearings that the committee held.

Other provisions in the McCain-Feingold bill—strengthening disclosure requirements, outlawing the solicitation of campaign donations in Federal buildings and limiting the amount of personal money that candidates may contribute to their own campaign—will also help bring our fundraising system back under control.

But, Mr. President, I regret that the bill has been stripped of the voluntary spending limits in it, because I believe that ultimately the best way to end corruption or the appearance of corruption in campaigns is to impose spending limits on campaigns.

I know that there is a disagreement among Members on whether that would be constitutional. Under the Buckley versus Valeo decision, mandatory spending limits would not be constitutional. If I had my druthers, as Li'l Abner used to say, personally I would like to see that 1976 Supreme Court decision overturned, because I think the central principle established by that case, that money equals speech, is not right, and, even if it had some validity in theory in 1976, it no longer reflects the reality of the last 20 years of campaign raising and spending.

Money doesn't equal speech. How can speech be free if it costs money? How can speech be free if you have to spend money to get it or, as I believe my friend and colleague from Georgia, Senator CLELAND, who is on the floor, said in our committee—and I paraphrase knowing I will not achieve the pungency that he did—if money equals speech, if you have to have big bucks to have speech, that means the people who don't have big bucks aren't going to have any speech. Is that what the Framers of the Constitution intended when they adopted the first amendment? I can't believe that they did.

Several times in the history of the Supreme Court, the Justices have applied principles of law that did damage to our country and that experience ultimately proved were not realistic. That most tellingly was the case when the Court upheld segregation laws on a theoretical basis of equal protection when the reality of equal protection was not there.

It took until 1954 when a massive amount of evidence was brought before the Supreme Court to show that separate but equal was in fact not equal—only then did the Court strike down those discriminatory laws. In another way, this was true with some of the labor laws adopted in the earlier part of this century.

Minimum wage laws were originally struck down as violations of employee's rights to contract until a case was built by advocates for those laws which showed that the right to contract, though noble in theory, was not real when you had two unequal parties negotiating the contract. So the Supreme Court reversed itself, and upheld the minimum wage laws and maximum hour laws to protect working people from being exploited.

Respectfully, I think the same scenario is true with regard to the interpretation of the first amendment rendered by the Supreme Court of 1976 in Buckley. Let me just point out for the record, which a lot of folks forget—I forgot myself before I went back and read the Buckley decision—that the post-Watergate reforms, the 1974 Federal Election Campaign Act didn't just say that Mr. Buckley, who was a part-time resident of my State and truly one of the Lord's noble people, could spend his own money and not being restricted from doing so by the law, but the Buckley decision struck down the preexisting limits on what Members of Congress could spend in their campaigns—the 1974 act actually had limits that Members of both the Senate and the House could spend on their campaigns based on a certain amount per voter in the State—the Court struck that down on the theory that that was an element of free speech.

But what is the reality? The reality is that the unlimited spending that has occurred has distorted and constricted free speech. It has limited the free speech of those who don't have the money. It has undercut the other fundamental bedrock principle of our Government that everybody should have equal access to Government. All people are created equal, all created in God's image. Our rights were given to us not by Congress, but by our Creator, as it says in the first paragraph of the Declaration of Independence. That principle clearly has been compromised by the enormous sums of money people are spending in political campaigns today.

I must also say that the testimony we heard, and I understand we didn't hear exactly a random sample of contributors of big soft money contributions, but it seemed to me, at least, that those generous contributions were not political speech in the way we normally contemplate.

Roger Tamraz did not give $300,000 because he had a particular feeling that he wanted to express about an ideology, a candidate or a party. He was buying access. He was trying to make money. It was clear that he was willing to spend $300,000, $600,000 because he would have made hundreds of millions of dollars if his pipeline proposal had been adopted.

Johnny Chung, Yogesh Ghandi, the whole range of people who were buying access through soft money, they were not interested in political speech as we know it, the kind of political speech that the Founders of our country established in our formative documents.

They were buying a picture with the President to take back home, as one said, "to put powder on my face so I would look better so I could convert that into business." They were looking to do business. They were looking to influence Government to make them richer. That is not political speech in the traditional way in which it has been known. They were advancing their interests.

White House coffees, photo-ops with the President, breakfasts, lunches, dinners with Members of Congress—these are the things that top-dollar contributors enjoy. These are the things that are protected by the Buckley decision. These are things that we do not normally consider to be speech in the fullest sense of our democracy.

Jefferson, I think, would be surprised—Madison, Hamilton, Adams, no matter which side they were on, in the early debates of our country's history, they would be surprised to see that it is the rights of Roger Tamraz and Johnny Chung that we are now using the first amendment to protect. The Supreme Court adopted that theory in 1976, but now we have the facts. And with the facts, I hope someday we can reverse this decision.

I know that more than 20 State attorneys general of both parties have formed a task force to see if they can find a case to take back to the Supreme Court to relitigate the Buckley decision, because the fact is that you cannot really have contribution limits without spending limits that are effective.

When candidates and parties are free to spend as much money as they want, they will. That is what the record shows. They will find ways to raise that money in larger and larger amounts even if it means ignoring the results and breaking the law because the stakes are enormous. Those who continue to argue for the Buckley decision are just not considering the realities of what has happened under that decision. And those realities are based on the realities of human nature and the give-and-take of today's real political world.

Despite all of that, we have to legislate within the Buckley decision. We have to recognize that reality. Within that decision, I think the McCain-Feingold proposal, by banning soft money and regulating issue ads, does as much as we can possibly do and does a lot to put us back on course to protect the equal access to and founding principles of our Government.

If we do not adopt something like this, I hesitate to think about what the future is going to look like. Despite all the congressional hearings, all the special investigations, all of the concern about foreign money and big money in the 1996 campaign, the fact is that while all this attention has been given, Federal Election Commission records show that the two parties have actually raised $34 million in soft money in the first half of this year, which is not less than the last comparable period, it is 2½ times the $13 million raised in the 6 months after the last election.

These numbers are going to continue to escalate, Mr. President, unless we find the courage to rein in the system, to rein in ourselves. If we face the 2000 Presidential election without any change in the law, I am afraid it is going to be the biggest auction in American history.

What is going to be for sale is our Government. And what is going to be lost is the people's faith in public service, which will erode at ever-alarming rates unless we give them, by our actions, reason to respect the political system. Our own integrity, human as we are, full of frailties as we are, our own integrity will continue to be threatened by the pressure to spend big money in an unlimited system and the need, therefore, to raise it.

Mr. President, the people are watching. They are skeptical. We can control temptations that inevitably arise when gigantic amounts of money are available for political campaigns. Millions of them have, in fact, given up on us and our system, bringing our great democracy I am afraid to one of the lowest points in its proud history.

We have it within our capacity to change all this, to work together across party lines to reform the status quo of the campaign finance system, to return our politics to a higher ground and revive our citizens' trust in their

Government by adopting genuine campaign finance reform like that included in the McCain-Feingold bill.

The question remains, and it will echo throughout the debate this week and next, will we do it? Will we seize the moment or will this debate ultimately be just a lot of sound and fury that will ultimately produce nothing?

I thank the Chair and I yield the floor.

Mr. NICKLES addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I wish to speak on campaign reform, but I also see my colleague from Georgia is here. I have kind of come in two or three times to speak thinking maybe we are going to alternate. I do not want to impugn on his time.

Mr. CLELAND. Mr. President, I yield to the Senator from Oklahoma.

Mr. NICKLES. I thank my colleague from Georgia. It is a pleasure to serve on the Governmental Affairs Committee with him. He is one of the members, as well as the Senator from Connecticut, who spends a lot of time on the committee and does a very good job, I will say, in really trying to find out what has happened and what the facts are.

Mr. President, just a few general comments on campaign reform. Everybody says, "Well, now we change the law. It's vitally important for us to change the law." I think it is more important, and maybe the best campaign reform that we could have would be enforcement of the existing law.

Why in the world, if the statutes are very clear on the books—and some people say they are ambiguous; I think I will show in a moment they are not that ambiguous—why in the world should we be worried about changing the law if we are not going to enforce the law as it is written?

We have numerous cases that, I believe clearly, laws were broken, and in some cases flagrantly broken, and yet we have seen almost no enforcement from this administration, and yet they are out there beating the drum, saying, "Change the law. Change the law." It reminds me of something like somebody has been robbing banks and says, "Oh, yes, let's have a tougher law against bank robbing. Oh, yeah, I've been doing it a long time. Oh, yeah, if I get caught, I'll send the money back." I don't think that is good enough.

As a matter of fact, this administration has been caught with their hand in the cookie jar for millions of dollars. They have sent millions of dollars back, and they say, "Well, that's OK." Well, I do not think that is OK.

If the law has been broken, it should be enforced. If we would enforce the law, if we would actually indict people, if we would arrest people, if we would seek their participation and comments before a grand jury, I think that would do more for campaign reform than any of the bills that we have before us.

And we have a lot of bills, good bills I will say, Democrat bills, Republican bills. Before we do that, we have several statutes that are on the books that ought to be enforced. Frankly, they have not been enforced. You might say, "Well, give me an example."

One that has been kind of famous is 18 United States Code 607: prohibits soliciting and receiving contributions in Government building.

I know we heard from Mr. Sandler, who is general counsel for the Democratic National Committee say—well, he interprets that to mean that you can be in a Federal building, you can make all the phone calls you want on hard money, soft money, as long as you are calling somebody that does not happen to be a Federal employee in a Federal building, that you can do it.

That is an absurd reading of the statute. I do not see how an intelligent person can read the statute and come to that conclusion, but that is the Democratic National Committee's general counsel, that was his general summary. It seems to be the advice that the Vice President has followed, to say he has broken no law.

But the law is very clear. It says it should be unlawful for any person to solicit or receive campaign contributions in a Federal building, period. If you look further, the definition of "contribution," is "money received to influence an election." So I think they have broken the law.

Maybe we will just ignore the law and say there is no controlling legal authority because that law has not been enforced. But my guess is no other administration in history has ever broken the law like this administration, never abused the law, never pushed the envelope. I think they pushed well beyond the envelope. I do not think it is into the gray area. I do not think it is a couple cases where somebody called you back and, "Well, yes, we'd like for you to host something." I think this was systematic, flagrant—"Let's raise a lot of money." I believe very much that the President and the Vice President were involved in it. The President had a memo that said, "Start the overnighters at $50,000 and $100,000." I happen to think that is the silver bullet people are talking about.

The President of the United States said, "Let's start the coffees." He is talking about raising money. They had 103 coffees. They raised $26.4 million. In the President's own handwriting he said, "Start them." Guess what, they started right after he said, "Start them." "Start the overnighters"—they started the overnighters. They had hundreds of people spending the night, hundreds of people spending the night in the White House, more than any other administration, a volume that they have never seen before. And a whole lot of them were contributing $100,000. We had the FBI testify that 51 averaged over $107,000 each to spend the night in the White House. I happen to think that is a flagrant violation of the current law, the law as it is written right now.

We could just go on and on.

And 18 United States Code 600: prohibits promising any Government benefit in return for political support. Johnny Chung is reported to have donated $25,000 to Ms. O'Leary's favorite charity at her direction in order for Mr. Chung to obtain a meeting with several Chinese businessmen. He contributed the money. He got the meeting. Ms. O'Leary's charity got the $25,000. He also donated more than $360,000 to the DNC from 1994 to 1996.

And 2 United States Code 441(e): prohibits a foreign national from making a political contribution either directly or through another person. Also prohibits anyone from accepting such contributions.

Pauline Kanchanalak contributed $135,000 which the DNC had to return when it was revealed the contribution was actually from her mother-in-law. She visited the White House 26 times, she testified. Yet, has she been before a grand jury? Has this administration done anything to compel her testimony for laundering funds? I do not think so.

Charlie Trie contributed $789,000 to the President's legal defense fund which we heard testimony that some of the checks were laundered through a Taiwan-based religious sect, Suma Ching Hai. He also received a steady stream of wire transfers from foreign sources from 1994 to 1996, totally $1.4 million, some of which came from Mr. Wu, his Macao-based business partner.

Some people said, "Well, we haven't seen any foreign money." They have not had their eyes opened.

Mr. Trie had a lot of foreign money, $1.4 million, wired in, and he had great access. This is a person who is a Little Rock restaurant businessman. And all of a sudden he is spending millions of dollars, had unbelievable access to the White House. He visited the White House at least 37 times. He received a Presidential appointment to a foreign policy commission, one that the President had to expand the number of commissioners so he could serve on it.

John Huang directed a $50,000 contribution to the DNC through Hip Hing Holdings which was reimbursed from Lippo's Indonesian headquarters. John Huang and a DNC fundraiser, Maria Hsia "Shaw," collected $100,000 to $140,000 from Vice President GORE's Buddhist Temple fundraiser of which half had to be ordered returned from foreign sources. A lot of that money was laundered as we found out through testimony. It happens to be illegal.

United States Code 201: prohibits any Federal official from receiving any benefit in return for official action. Johnny Chung brought in six Chinese officials to hear the President's radio address and gave the First Lady's chief of staff a $50,000 check in the same week that he was able to get them in. In exchange for $50,000, they were able to attend the radio address. That happens to be illegal. Has Mr. Chung been indicted? Has he been brought before a grand jury? Has he testified before the Senate committee? No. Mr. Chung made a statement, "I see the White House like a subway; you have to put in the coins to open the gates."

I could go on and talk about Charlie Trie getting a Chinese arms dealer into a White House coffee with President Clinton. Only 4 days before the coffee, it is reported, Mr. Huang's arms trading company received special permission to import 100,000 special assault weapons, although there was a ban on the importation of these assault weapons.

United States Code 7201 prohibits evasion of income tax; United States Code 371 prohibits conspiracy to defraud the United States. The Buddhist temple is a tax-exempt organization. They made contributions to Vice President GORE, they made contributions to other colleagues in this body, they made contributions at the DNC with tax-exempt dollars. People were getting tax deductions, writing checks to the Buddhist temple, and the Buddhist temple wrote political checks. Everybody else in the country who writes political checks has to do it with after-tax dollars. In this case, people got a tax deduction for contributing to a Buddhist temple, and it was the Buddhist temple who was making contributions.

That is wrong. That is against the law. That is against the IRS Code. I just quoted the IRS Code. Who has been indicted on that? This is an egregious violation of the law. It has happened time and time again.

My point is we need campaign reform. In my opinion, one of the best steps we could take toward campaign reform would be to enforce the existing law. Maybe we should enforce the existing law and find out where its shortcomings might be before we try to expand the law or redefine the law or change the law.

Now, Mr. President, I want to make a couple of comments concerning the legislation that we have before the Senate, the so-called McCain-Feingold legislation. First, let me compliment the authors of the legislation because I think they made some steps in the right direction. They have improved it and taken off, as I can see, the spending caps. They have taken off the ban which, incidentally, I think is clearly unconstitutional. They have taken off the ban on PAC's, political action committees. Those are steps in the right direction.

They did a couple of things, though, that need to be improved upon, one of which is they said, well, we are going to codify Beck. We are going to make sure union members can get their money back. That is the language I have heard bandied about on the floor. Mr. President, that is not good enough.

I firmly believe we should make sure that all Americans have voluntary contributions to campaigns. No Americans should be compelled to contribute to a campaign, whether they work for a business, whether they are a member of the union, or whether they are not a member. Some say that is an antiunion provision, a killer amendment. I beg to differ. If we are going to pass campaign reform this year, we will pass a provision that makes campaign contributions voluntary for all Americans.

I feel very, very strongly about this. You might say, where did this come from? It came from a town meeting I had in Collinsville, OK, when an employee of American Airlines held his hand up, and one of the first questions he asked was, "Senator NICKLES, I really don't like my money being taken away from me on a monthly basis without consent to be used to elect people and support issues I don't agree with. That is not America. That is not right." The company the person worked for happened to be American Airlines. He happened to be what some people call a blue-collar, middle-income American. He is a great American. He is a union guy. He is prounion. He just wants to have a voice on whether or not he is going to contribute to a political party or not.

I happen to agree with that. I happen to be a Republican, but I don't want anybody taking my money to spend it for political purposes without my consent. It would be over my body. I don't think anybody should be compelled to contribute to a different campaign or to a campaign they don't agree with. If you are going to have compulsory campaign contributions, you have lost real freedom, you have lost your political freedom. To say, "We will give you information on how you can get a refund," is not satisfactory. That is after the fact. That is after your money has already been taken away from you, spent in a way you didn't like, and, "Oh, yes, you can file for a refund. Incidentally, you have to go through a lot of trouble if you file."

Guess what? You can't be a member of the union. Under the Beck language we have in the McCain bill and under the language that is currently out, if you get a refund, you have to be basically a nonunion member. You can't vote in union elections. You can't decide who would be president of that union. You can't have any impact on the collective bargaining strategy. Maybe you want to be a member of the union. Maybe it is the thing to do, but you disagree with the union's political agenda. Right now you don't have a choice. You can't have both. You can't be in the union and say, "No, I don't want my money going to elect liberal Democrats or to elect people who have a social agenda that I disagree with." You don't have that option under current law.

We will change that. If we are going to have campaign reform this year, we will have the underlining promise that all campaign contributions will be voluntary, period. Every employee that works for any company should know his campaign contributions will be voluntary. If he doesn't want to make them, he doesn't have to make them, period, whether they are a member of the union, not a member of the union, whether they work for a company that doesn't have a union, they should all know, nobody should be compelled to contribute to a political campaign against their will. Nobody.

So that is one of the amendments we have up here. I don't look at it as a killer amendment. I tell my colleagues I am willing to negotiate. I heard Senator MCCAIN say he is willing to negotiate. I am willing to negotiate. Senator LOTT asked me to see if we couldn't work out a bipartisan bill. I am willing to work with my colleagues.

I mentioned earlier, I think the McCain-Feingold bill took some steps in the right direction. I think it maybe has a couple of steps further to go. This is one of them. This is one of them. If we are going to have campaign reform, in this Senator's opinion, it will have to start with the premise that all campaign contributions will be voluntary; make sure that no one is compelled.

Then what else can we do? We can do a lot of things. Some say ban soft money, others have proposals to limit soft money. Some say allow individuals to do more. Some people have ideas requiring that a certain percentage has to be raised within an individual's home State or district. I think all those things are legitimate for discussion. Let's put them all on the table. Some people have a proposal that says you can't contribute to campaigns unless you can legally vote. I think that is a good proposal. Other people want to have free TV time. I don't happen to agree with that. Some people want to have subsidized TV or half-rate TV for political candidates. I don't agree with that.

I am willing to talk about it. I am willing to negotiate. I am willing to negotiate everything I mentioned, but the one fundamental thing I draw a line on is that the campaign contributions have to be voluntary.

I take issue with anybody who says that is an antiunion bill. That is a proworker provision. That is a profreedom provision. It is basically saying no one should be compelled to contribute to a campaign against their will. That is a fundamental American freedom. We should be ashamed of ourselves for making anybody be compelled to contribute to a campaign against their will.

We will fix that. I hope we will fix it. I believe we will fix it. I also believe that will be part of our bill, and then I will tell my colleagues I don't look at it as a killer amendment, because I'm willing to work with them to try to pass real, substantive campaign reform.

Keep it constitutional, do not limit speech, encourage participation, make it possible for more people to participate, do not come up with a system that guarantees incumbents' advantage. I am more than willing to do other things that would limit incumbents' advantage. We can say, incumbents, you can't do any mailings in an election year. That will crimp it down a little bit. Incumbents, you cannot have carryover funds. We can do a lot of things for real campaign reform that we could pass in a bipartisan fashion.

I believe one fundamental freedom should exist that we should all agree on, Democrats and Republicans, and that is that all campaign contributions should be voluntary. That is the reason why we have the Paycheck Protection Act. We don't want anybody reaching into your back pocket, taking your money out, and spending it for political purposes unless you say OK. That is your back pocket. You are the one who worked hard; you are the one who put the money in there. Nobody—no group, no association, no employer—should be able to reach in and say, "I will take a little bit out and spend it the way I want without your permission." We will protect your paycheck and let you have control over it. That will be part of this bill. It will be the first amendment I believe we will vote on.

I urge my colleagues to vote for it.

Mr. CLELAND addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. CLELAND. Mr. President, I enjoyed the remarks of my colleague from the great State of Oklahoma.

Mr. President, this is a day I have been waiting for since I had the great honor and privilege of taking my oath of office as a U.S. Senator back in January: a day when we are debating pending campaign finance reform legislation on the Senate floor. It has been a long and tortuous road since January, and on more than one occasion, we have all heard pronouncements that campaign finance reform was dead for this session, if not for all time.

That we are here today is a great tribute to the perseverence an effectiveness of my friends and colleagues, Senators MCCAIN and FEINGOLD, as well as the relentless commitment of the Democratic leader, Senator DASCHLE, to the cause of campaign finance reform.

I wish also to thank the distinguished majority leader for affording us the opportunity to debate, and cast meaningful votes, on this vital issue.

This is also a testimony to the groundswell of public opinion that is compelling us to act on a very embarrassing matter, the way we raise political money.

Will Rogers said it best: "It takes a lot of money now days to even get beat with." That was said over 70 years ago. It is certainly even more true today.

But, in describing the current unremitting, unforgiving money chase which has overtaken our democratic process, especially, at the Federal level, in such a manner as to have a "for sale sign" on both ends of Pennsylvania Avenue, I like the quote by W.C. Fields to the extent, "We must take the bull by the tail and face the situation."

As we begin this Senate debate on whether or not we should enact far-reaching restrictions on the current way money is raised and spent for Federal office in America, we must face the situation that this current system is fatally flawed. It has enough loopholes in it to drive a fleet of 18 wheelers through it and is rendering our democratic process and our Government, which flows from that process, vulnerable to influence peddling, the inordinate impact of special interest pressure groups, foreign influence and outright corruption.

It's time to take the bull by the tail.

I for one have been fighting this battle for campaign financing reform for many years.

In 1974, in the wake of the Watergate scandal, I introduced legislation in the Georgia Senate when I was a State senator limiting campaign expenditures and contributions. As Georgia's secretary of state in the 1980's and early 1990's, I fought for tighter limits on campaign giving, and full disclosure of lobbying expenditures.

As a U.S. Senator sworn in this year on January 7, the first legislation I signed as a cosponsor was the McCain-Feingold campaign financing reform bill. I am 1 of 45 of my Democratic colleagues and 4 of my Republican colleagues pledged to support the McCain-Feingold bill in its present form when it comes to the floor of the Senate.

Also, as a new Member of the Senate, I volunteered for service on the Governmental Affairs Committee, which has been conducting a far-reaching investigation into the multitude of alleged illegal and improper activities associated with the 1996 campaign. Just last week, the committee turned to consideration of suggested remedies for such abuses. All year long, I have listened to numerous witnesses, sifted through countless pages of testimony, read scores of media reports, and otherwise immersed myself in the nitty-gritty of the financing of Federal campaigns last year. I also had the personal experience of enduring the current process in my own race for the U.S. Senate in 1996.

Sitting in these hearings and seeing the sordid tale of the money chase in 1996, has turned my stomach. I also think the American public has viewed all this with increasing disgust. What I have witnessed, heard, and read has made me even more convinced than ever that we must strengthen our campaign financing laws, now, and provide strong enforcement through the Federal Election Commission of these laws, or risk seeing our elections process, which is supposed to be conducted between the candidates, the press, and the voters, be swept away in a tidal wave of big bucks. Unless we act now, we will only see the power of special interest groups, corporations, and unions to pedal influence grow. We will only see our system more and more vulnerable to foreign governments and unscrupulous individuals. Unless we tighten our laws, we will see our system more and more operating against the public interest.

I don't think our Founding Fathers, especially Thomas Jefferson and James Madison, had that in mind when they helped create this Government.

Mr. President, the other day I was over in the Library of Congress and received a marvelous book by James Madison, titled "The Search for Nationhood." Mr. President, I am afraid that more and more candidates for Federal office are not so much in search of fulfilling our search for nationhood as they are for fulfilling the search for money.

I certainly don't think they had that in mind when they led the effort to create the U.S. Senate. Jefferson and Madison led the way to create the Senate to look at the long view of American government, and provide a balanced approach for the future of our country.

Thomas Jefferson, the author of the Declaration of Independence stated in that magnificent document that the Founding Fathers had pledged their lives, fortunes and sacred honor. They didn't say that in order to set up a democratic form of government that one had to spend their lives to pursue a fortune to run for public office and jeopardize their honor in the process.

Opponents of McCain-Feingold tend to concentrate their spoken criticisms on its alleged violations of free speech. Those criticisms mistakenly equate money with speech. It is an equation which inevitably leads to the conclusion that the paid speech of the millionaire will have greater weight and influence than the opinions and expressions of the common man and woman.

Certainly there can be little doubt about the commitment of James Madison, Father of the Constitution, an architect of the Bill of Rights, and President of the United States, to the great cause of free speech. But listen to what Madison wrote in The Federalist Papers:

> But what is government itself, but the greatest of all reflections on human nature? If men were angels, no government would be necessary. In framing a government which is to be administered by men over men, the great difficulty lies in this: you must first enable the government to control the governed; and in the next place oblige it to control itself.

While he was certainly both a revolutionary and a visionary, Madison never allowed himself to stray too far from the practical realities of the world in which he lived. To him, the lack of human perfection was thus the basis for government, and a factor which must be taken into account in providing a government with sufficient powers to accomplish its necessary functions, while at the same time holding it fully accountable to the governed. We must hold those who run for Federal elective office fully accountable to tight regulations and complete disclosure in the raising and spending of campaign dollars.

Last week on the Senate floor, Senator THOMPSON delivered a very fine statement on campaign finance reform and free speech in which he pointed out that, in the real world, this current debate about campaign finance reform and free speech is not one of absolutes, as some would have it. This is not a choice between a system of unfettered free speech and government regulation, for our current system recognizes many, many instances in which there is a legitimate, and constitutional, public interest in regulating speech, from slander laws, to prohibitions on the disclosure of the identities of American intelligence agents, to the campaign arena itself, with a longstanding ban on corporate contributions, and quarter-century and older limits on other forms of contributions and disclosure requirements.

So the debate really isn't about free speech. TV isn't free, yet it's the main vehicle by which Federal candidates connect to their voters, and the single most important factor driving up campaign costs. In the words of Dr. Norm Ornstein, a noted political scientist and recent witness in the Governmental Affairs hearing, the question is not free speech, but whether we will erect some fences to prevent the worst abuses of campaign financing to occur. I'm for tighter fences, to prevent the horse from getting out of the barn next time.

Campaign finance reform opponents also sometimes claim to be concerned that such efforts will further increase the advantage currently enjoyed by incumbents. Even on its face, I have a hard time taking this argument seriously. I am aware of very, very few cases in the real world of contemporary American politics, whether at the Federal, State, or local level, where incumbents do not enjoy a substantial advantage over challengers under the current system. And, it is difficult to imagine any situation under which any form of campaign limits, whether on contributions or spending, will not constrain far more the incumbents rather than the challengers.

For example, earlier this year, the group Public Citizen presented one of the first detailed analyses of the likely impact of the expenditure limits contained in the original version of McCain-Feingold, based not on theoretical conjecture, but on the actual results had S. 25 been in effect in the most recent elections for each of the 100 U.S. Senate seats, based on the 1992, 1994, and 1996 Senate elections. The findings of the Public Citizen study clearly demonstrate that had the provisions of McCain-Feingold been in effect since 1992, Senate campaign spending would have been reduced by $259 million—that's $259 million—with far more of this reduction coming among incumbents than challengers. While fully 90 percent of all the Senate incumbents were able to exceed McCain-Feingold's spending limits, just 24 percent of all the challengers did so. In other words, 9 out of 10 Senate incumbents would have been forced to spend less by McCain-Feingold, while only one in four challengers would have seen their spending constrained. This should put to rest any legitimate argument that spending limits are an incumbent's protection measure. The record does not bear this out, and as the figures demonstrate, this is not even a close call.

Some also charge that McCain-Feingold, in whatever version, would somehow advantage Democrats more than Republicans. First of all, one of the prime sponsors of S. 25 is my good friend and fellow Vietnam veteran, the distinguished senior Senator from Arizona. Senator McCAIN is many things. He is a wonderful human being, and a fine Senator. But, he is also a very faithful Republican. He would never put forward a proposal which would harm his party.

Once again, the Public Citizen report bears out this commonsense wisdom.

Since 1992, almost identical portions of Democratic and Republican Senate candidates would have exceeded McCain-Feingold spending limits: 54 percent of Democrats, 59 percent of Republicans. You can't get much more of a level playing field than that.

And, while the revised version of McCain-Feingold does not contain spending limits, the principles of greater constraint on incumbents than challengers, and of relatively even partisan impact, applies to soft money and issue advocacy advertising as well.

As I have told anyone who has asked, I like being a U.S. Senator. Having the privilege of representing my State in this body, where such giants as Clay, Webster, Calhoun, Norris, LaFollette, Dirksen, and Russell have served with distinction is the greatest honor of my life. But, sitting here day by day, with evidence continually mounting in the Governmental Affairs Committee hearings of campaign abuses, and public opinion surveys chronicling the loss of public trust in the political process, not to mention the ongoing massive fundraising which takes place all the time in the Nation's Capital, I cannot but conclude that the current campaign finance system is broken and cries out for reform.

We have heard a lot of talk, and we will hear more talk this week and next, about these abuses, and about the general topic of campaign finance reform. But, the time is coming when we must take action. Certainly, the revised McCain-Feingold package is not perfect; it is not all that I think needs to be done to remedy our problem, but it is an essential first step aimed at dealing with the worst of these abuses which currently plague our campaign system.

The revised bipartisan campaign finance reform proposal does not contain spending limits, does not contain limits on PAC's; and does not provide free or discounted broadcast air time for Federal candidates, all of which I personally favor. It places no limits on what groups or organizations say in their campaign-related communications.

What the proposal does do is this: It bans soft money contributions to and spending by the national political parties—something that has been the bane of those that care about campaign finance reform, and who have witnessed the testimony before the Government Affairs Committee. It should be noted that the pursuit of soft money is at the root of almost all of the questionable fundraising activities identified to date by the Governmental Affairs Committee upon which I sit.

I might say also that if you ban soft money then all contributions, whether you are a union member, a citizen, stockholder, would be voluntary because you would have only two ways you could contribute: Independently on your own, or through a political action committee registered with the Federal Elections Commission. That is voluntarily as well.

The bill modifies the definition of "express advocacy." These are ads, unfortunately, that don't provide a clear distinction between communications used to advocate issues from those used to back or oppose candidates. This bill would require that clear distinction.

Under the proposal, independent groups will be free to air either kind of ad, but to qualify for the "issue ad" designation and thereby to avoid the disclosure and financing requirements applied to candidates and party committees, they merely have to not use a candidate's name or else run more than 60 days before the election. This hardly represents an infringement on free speech.

It improves the enforcement of existing laws by expanding disclosure and Federal Election Commission monitoring capability. It strengthens current law in such areas as fundraising from Federal property, and the use of the congressional franking privilege.

It strictly codifies the Beck decision concerning the right of nonunion members to have a refund of any union fees used for political purposes to which they object.

It bars political parties from making coordinated expenditures on behalf of candidates who do not agree to limit their own personal spending on their own behalf.

It bans all campaign contributions and expenditures by foreign sources.

In addition to this core package, Senators McCAIN and FEINGOLD will offer an amendment, which I strongly support, to establish a voluntary system in which those candidates who raise a majority of their contributions in their home State, accept no more than 25 percent of total contributions from political action committees, and spend no more than $50,000 of their own money in the election would receive a 50-percent discount on television costs.

We must have controls—rigid, well-enforced controls—on campaign financing because campaigns are the embryo of democratic government itself. Men are not angels, yet we must find ways to govern ourselves in a fair and democratic manner. Therefore, we must enact laws to control the financing of campaigns for Federal office in a fair and democratic manner.

My colleagues, the country is watching what we do on campaign finance reform. Make no mistake about this. They are understandably skeptical that we will take action to reform the system under which we all were elected. Their expectations for our action are quite low. Let's surprise the public as well as ourselves. Let's prove that physicians can heal themselves. Let's take the bull by the tail.

I urge my colleagues to support the distinguished efforts of two courageous Senators, JOHN McCAIN and RUSSELL FEINGOLD, who through their diligence, persistence, and strong belief in upholding the finest traditions of our democratic process have brought us to this hour.

I yield the floor, Mr. President.

Mr. FEINGOLD addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, let me first thank my friend, the Senator from Georgia, for his kind remarks, but more importantly for his steadfast support on the issue of campaign finance reform.

The first thing that the Senator from Georgia did when he became a Member of this distinguished body was to cosponsor our legislation. But he didn't stop there. He has been out here every single time we have had to fight the battle. And I know he will be again. I thank very much the Senator from Georgia for his support.

I also want to thank my colleagues, Senators LEVIN, LIEBERMAN, DORGAN, COLLINS, and, of course, Senator McCAIN for taking the time on what is usually a quiet Monday to have a very intense debate to continue this discussion on campaign finance reform.

Mr. President, one of the most important tactics that has been used already in this debate is to single out a couple of provisions of the McCain-Feingold modification and to suggest that they are the entire bill. It happens that the provisions that have been discussed—the issues having to do with express advocacy, and a couple of others—are very important provisions, but you would swear that they were the whole bill. That is because it is virtually impossible to criticize or attack the rest of the bill. Let us remember what is included in the entirety of the McCain-Feingold modification—the bill that we introduced today.

First of all, it completely bans soft money. We have heard virtually nothing on the floor effectively criticizing banning these $100,000, $200,000, and $500,000 contributions that have clearly undermined our political process and made a mockery of the fact that for almost a century corporations have not been allowed to give contributions to campaigns directly, and for almost half a century labor unions have not been allowed to give contributions directly to campaigns. Our bill bans that, and the other side apparently has dropped their concern about that.

There is also virtually no discussion of the fact that our bill strongly improves the provisions having to do with disclosure of information about campaign contributions; and strengthens the hand of the Federal Elections Commission so it can do its job; so we can enforce the current laws—the very argument that we have heard the majority leader and the Senator from Kentucky make. "Why don't we enforce the current law?"

Why no comment about the series of important provisions in our bill that do exactly that, that improve disclosure and improve enforcement?

Why no comment on the lowering of contribution limits from $200 to $50? If somebody gives $100 to a candidate, we think this ought to be reported.

Why no comment on the fact that our bill strengthens the hand of the Federal Election Commission by tripling the penalty for knowing, willful violations of Federal election law? This is exactly the kind of provision that the other side claims we should have and yet fails to mention it is part of the bill.

Why no mention of the fact that our bill does provide for electronic filing with the FEC on a daily basis of campaign contributions so that the public does not have to wait and the media do not have to wait for 6 months to find out whether a contribution occurred in close proximity to a vote? Our bill provides for that. Our bill provides that the FEC would make campaign finance records available on the Internet within 24 hours of their filing.

The bill also strengthens the hand of the Federal Election Commission by permitting the FEC to conduct random audits at the end of a campaign to ensure compliance with Federal election law. We are strengthening the hand of enforcement under the current law.

Why no discussion at all of the fact that our bill, in addition to the other issues, makes it absolutely clear that campaign contributions cannot be used for personal purposes? You cannot buy a new suit with campaign contributions. You cannot finance various family activities or mortgage payments or country club memberships. Some of this has been done in the past. Why no comment on the fact that our bill tightens up on that?

Why no reference to the fact that the McCain-Feingold bill requires political advertisements to carry a disclaimer that clearly identifies who is responsible for the content of the campaign ad?

Do you know what really irritates my constituents in Wisconsin? It is all those negative ads and the fact that the candidates who put them out make sure that they are not identified, that people do not know who made the ad? The McCain-Feingold bill says if you want to say it, you can say it, but how about letting us know you are saying it. The other side completely ignores this provision that I think would be of great appeal to many members of the public.

Why doesn't the other side say anything about the fact that the McCain-Feingold bill bans the practice of using mass mailings under the franking privilege in an election year? We get rid of that. We get rid of that incumbent protection provision in current law that allows Senators to send out thousands, tens of thousands, of items at public expense, at Government expense when they are running for reelection. We get rid of that. I happen to not do these mailings anyway. A number of Senators do not do them anyway. But we get rid of that in an election year. But no comment whatsoever from the other side.

Our bill also clarifies, which is long overdue, that it should be absolutely unlawful to raise any money or solicit any money on Federal property, whether it be in the White House or whether it be in the Capitol or whether it be in one of these Senate or House office buildings. We do know that even Members of Congress have already said that they have done that. This bill makes it clear that there are no excuses for doing that in the future.

No reference from the other side except for a brief one to the fact that we do begin in this bill to voluntarily provide an incentive to candidates to limit their spending. Our bill, as we introduced it today as a modification to the underlying bill, says that if you contribute over $50,000 of your own personal money to a campaign, you can do that, but you shouldn't be able to get the large party-coordinated expenditures to assist you. We do that.

We have provisions relating to clarifying contributions regarding money contributions from foreign nationals.

All of this is in the bill. They are very good provisions. But yet, in an effort to distort what this bill is about, the focus has been on only one or two provisions rather than the heart of the bill.

Mr. President, I should like to summarize the debate today by pointing out that all of this emphasis on a couple of items in the bill to the exclusion of the rest of the bill is merely a prelude to the three principal arguments that our opposition has raised thus far as we have debated the issue on Friday and today.

The first argument has been the primary argument in the past, but it is flagging. The argument that our bill will be deemed unconstitutional by the U.S. Supreme Court just is not having the same luck it has had in the past.

The senior Senator from Kentucky recently said on one of the national news shows with reference to me, he said:

> Russ has got no constitutional experts with any credentials who will say that this is going to be upheld in court.

That was on Fox News Sunday, September 14, 1997. Not one constitutional expert, the Senator from Kentucky said, would support our view that the basic provisions of the bill are constitutional.

That was an unfortunate claim because 1 week later we were able to release a letter signed by 126 constitutional experts across this country representing 88 different institutions, including those in Kentucky, saying just the opposite—126 constitutional scholars specifically said that the ban on soft money and those provisions that relate to providing voluntary incentives to candidates to limit their spending are perfectly constitutional within the ruling of the Supreme Court 20 years ago in Buckley versus Valeo.

It is hard to read this chart because there are so many of them, because 126 of the leading constitutional experts in this country say that this constitutional argument is wrong. In fact, the constitutional argument is nothing but a smokescreen because it has been shifting from month to month. First, it was the claim that the PAC ban was unconstitutional, even though the Senator from Kentucky knew very well that we had a backup provision because of that concern which he himself had introduced in the past. The Senator from Kentucky had proposed the very provision that he said was unconstitutional. So then he shifted to saying that banning soft money was unconstitutional.

Well, that is not working out very well after 126 constitutional scholars say just the opposite. There is no credible argument under current law that banning that kind of contribution is unconstitutional. There simply is no credible authority who believes that.

So the Senator from Kentucky shifts again. He says that providing voluntary incentives to candidates to limit their spending is unconstitutional. But that is the very thing that Buckley versus Valeo laid out as a mechanism by which you could limit spending voluntarily.

So now the Senator from Kentucky seems to have dropped all of these constitutional arguments and all he has left now is to try to say that our attempt to clarify the meaning of express advocacy is unconstitutional. Well, he is wrong about that, too. But as he admitted in the Chamber today—and this is critical—in the worst-case scenario, in the very worst-case scenario, if he is right and we are wrong, the Supreme Court will simply strike that provision down.

Our bill is severable. What does that mean? It means that if the Supreme Court determines a provision is unconstitutional, they can sever that provision, leaving the rest of the bill intact. That's exactly what the Court did in the landmark case of Buckley versus Valeo, where the Court said you can't have mandatory spending limits, and it severed that from the bill, but the Court did say you could have contribution limits, which is what we have had for 20 years. This is where PAC's are limited to $10,000 per campaign, where individuals are limited to $1,000 per individual. So the fact is that these constitutional arguments, if they are right, in the worst-case scenario, will simply be dealt with by the Supreme Court doing their job. Now, why can't we do our job and let the Supreme Court do their job?

Where was the concern of the Senator from Kentucky about this when he voted for the Communications Decency Act, saying that it violated the first amendment? And the Supreme Court voted 9 to nothing: No, you can't do that. It was taken care of, it was struck down. It is not a law. So, this is a smokescreen. Mr. President, 126 constitutional scholars have already said that the basic provisions of our bill are constitutional.

So, the constitutional argument is flagging. So the opponents of reform, who I think sometimes can also be known as the filibusterers, go to a second tactic, that is killing the bill by trying to force a filibuster. Today, not surprisingly—the majority leader had his choice of any amendment he could offer. That is his right. He could offer a substitute amendment, a whole new bill, he could offer a simple amendment having to do with certain kinds of contributions or aspects of soft money or FEC enforcement—he could choose any amendment he wanted. What did the majority leader choose? And what did he use to fill up the tree? He used a provision specifically and harshly directed at labor unions. The majority leader, and I do appreciate his letting us have this bill come to the floor, came out here and said that that choice, to be the first item we debate, was not intended as a poison pill.

What does that mean? What it means is, he is saying he didn't pick that amendment as a way to cause a filibuster. But this does not square with what the majority leader said last Friday. He was quoted in the Wall Street Journal, saying "I set it up so they will be filibustering me." That is what I am talking about. He had his choice. He came out here, he purposely offered a strong antilabor amendment, he set it up in the hope that he would force Members on the other side of the aisle to filibuster the bill so that he and his colleagues would not be blamed for killing it. How can you say that's not a poison pill, if your very statement was that you set it up so the other side would filibuster? That is the definition of a poison pill. Let no one mistake this. This is an intentional effort to kill campaign finance reform.

Why, if this concern about this issue was so great, was it not brought up earlier? This is S. 9, that he has brought up. It is a bill I believe offered by the Senator from Oklahoma. Why was this not brought out to the floor earlier? Why is this the item that we lead with, if it is not intended to destroy campaign finance reform and make sure somebody else gets blamed for it? It is a poison pill. It's a more dangerous attack than the flimsy constitutional arguments. It does run the risk—it does run the risk of destroying the bill, and everyone should know that when we vote on the poison pill antilabor amendment, that is exactly what it does.

Most of the time that has been taken up on the floor of the Senate by those who seek to kill this legislation has been devoted to a third attempt. That third attempt is to make the public believe that this bill somehow creates a giant Government bureaucracy that is going to regulate their speech. If I could just show a copy of the bill—the problem with that is, in the past, when folks have tried to argue that a bill is a huge Government bureaucracy bill, they hold up the bill. They hold up the President's budget: 2,000 pages. They hold up the health care bill and they weigh it on a scale. But this is not going to work with the McCain-Feingold bill. It is only 55 pages. It is pretty hard, the way lawyers write, to set up a giant Government bureaucracy in 55 pages.

But that is what they want folks to believe. They want folks to believe that somehow we are creating a new world of campaign financing that will change the way things are done in this country and will change the ability of members of the public to speak their mind in an election. I think it is just the opposite. I think what the current system is, I think the status quo, that the Senator from Kentucky defends so vigorously, is so at variance with the system that I grew up to believe in that it is shocking. I think we have come so far from the notion of one person one vote; so far from the notion that every child born in this country could grow up to serve in the House or serve in the Senate, or perhaps even be President, that it is an embarrassment.

Look at what Mr. Tamraz said recently about this system and how he apparently gamed it. He said, before the Governmental Affairs Committee on September 18, 1997, in response to a question—the question was a very direct question:

> Was one of the reasons that you made these contributions because you believed it might get you access? That's my question.

Mr. Tamraz' response was very straightforward. He said:

> Senator, I'm going even further. It's the only reason—to get access, but what I'm saying is once you have access, what do you do with it? Is it something bad or something good. That's what we have to see.

When I heard that comment from Mr. Tamraz I just couldn't help but think how far we had come from the America that I was brought up to believe in. Maybe I was naive, growing up back in Janesville, WI, but I really believed it when my parents told me that, "You may not be the richest kid in town, you may not be the most powerful person in the town or in the State or in the country. But every American has the same vote. Your vote counts the same as a Rockefeller's." That was the name we used in those days.

So, when you look at the story of what has happened in the last 30 years, I can't help but reflect that when I was 7 years old and John F. Kennedy was running for President, the way that we would sort of observe a Presidential campaign was not just through the television. There were a few television sets. You could go out to the Sauk County 4-H fair. There was a little Democratic booth. Just a few feet away was a little Republican booth. And there was a little ribbing going back and forth. You know, those booths have not moved an inch in 37 years. They are in the exact same place they always were. That is where the campaign was, people talking to each other.

Nobody said anything about raising money. I'm sure they had to fund their campaigns, but that was not what the news stories were about. I'm sure the Senator from Utah, who is on the floor, would agree with me, that that was not the nature of the discussion, who had the most money to win an election in those days. Then, as I got into my teen years, the civil rights movement came upon us, the Vietnam war, the beginning of the environmental movement, the women's movement—so many political movements; on the other side of the political spectrum, the great concern that arose about law and order in this country. These were the great discussions of our time, as well as others.

I recall some kind of conversation about Howard Hughes giving some money to both Presidential candidates, but it was sort of an odd story, an esoteric story. "What is going on? Why would this rich fellow, a recluse, give all this money to Presidential campaigns?" It was not the stuff of public life. It was not the news, who was giving what money to what political party. In fact, the gentleman who used to hold this seat before I did, a couple of Senators back, my friend Gaylord Nelson, told me recently that in his distinguished career in Wisconsin politics as a Member of this body for 18 years, he never once made a phone call to raise money. He never once picked up the phone and said: Hey, I'm running for reelection, can you give me some money?

I suggest that those were the good old days. What the Senator from Kentucky is trying to defend is a new world, where not only are Senators expected to make phone calls almost every day to raise money for their campaigns, but where Senators and others are encouraged to call up people and ask them for $100,000. This is not the system that I grew up with. This is not the system that led the late Robert Kennedy to refer to politics as an honorable profession.

Then, in high school, the people used to rib me a little bit. I guess I was a little bit too open about my desire to go into politics. Some of them would say, because I talked so much I would be a good politician, and other comments like that. But the one thing they never said to me was, "RUSS, if you want to go into politics you have to go out and make $10 million first; that there is an opening ante, there is an opening fee, that you must be a millionaire." That we are, in effect, recreating here in Washington the House of Lords, which we freed ourselves from over 200 years ago. Nobody ever said that to me.

Politics was still church dinners and Rotary clubs and the State fair and all those things that one may regard as corny. But the fact is, it was a pretty good system. This is a lousy system; a system where somebody pays $300,000 to get in a room to be with his competitor who has paid $300,000, a room that none of us could ever get in. That is a lousy system.

I was still under the perhaps naive belief, in 1982 when I sought election to the State senate in Wisconsin, my first race for public office—I was under the illusion that money wasn't important. Thanks to the good laws of the State of Wisconsin it wasn't terribly important.

I had no money, but the State law provided that if I could raise $17,000, the State would match it with $17,000 if I agreed to a $34,000 limit and that that would be a reasonable amount for a campaign voluntarily. That's what I did.

I wrote to every relative I had. I wrote to a few former professors and teachers of mine. They all sent in a few dollars. We had $17,000 by August, and we went out and campaigned. I went to the Sauk County Fair, walked in parades, and had some very civil and nice debates with my opponent.

I do remember a brief moment, though, at the end of that campaign when one of the senior Democratic officials in the State called me up and said, "RUSS, you're going to lose if you don't borrow $10,000 for the last few days."

I said, "I can't do that. I'm just not going to do that to my family."

He was almost right, because I only won that election by 31 votes out of 47,000. It was the closest election in the history of the Wisconsin State Senate. But the fact is, it was reasonable—$35,000. It was something I could at least think about as a person of average means.

Now the same races in that same district, just 15 years later, cost something like $250,000, $300,000 just for a Wisconsin State Senate seat that pays somebody some $35,000 to $40,000. But yet I still believe, because I won by the slimmest of margins, that running for office was not equal to having a lot of money.

I got a bit of a rude awakening, Mr. President, in 1987 when I started thinking about running for the U.S. Senate. I thought I had amassed a decent record over the years as a Wisconsin State Senator, and I wanted to run against the incumbent senator. But as I went around the State gradually for several years trying to build a grassroots organization, I wasn't asked what I had done in the State Senate; I wasn't asked what I had done before I was in the State Senate; I wasn't asked what my views might be. Almost every single encounter, whether with the media or with a potential supporter, was, "RUSS, this is fine and good and you seem like a nice young fellow, but where are you going to get the money?"

"Where are you going to get the money, RUSS?"

"How can you possibly think you have a right or an opportunity to run for the U.S. Senate unless you are independently wealthy or if you are well connected to Washington?"

That was the message I was given over and over again. Anybody who knows the kind of race I went through—I had a lot of good fortune, obviously, because I am standing here—that was my biggest problem. I wasn't considered credible because I wasn't wealthy. That didn't feel to me like what my parents had told me. That didn't feel to me like the assurance that I would have a fair chance to compete with everyone else simply because I am an American citizen. It felt really bad. Maybe it made me work hard. Maybe it made me stay the course.

It got particularly difficult when I would go to a group with whom I had a good relationship; for example, the independent bankers, a group with whom I have a very good relationship. I always admired their independence in Wisconsin. And I said to them, "Could you give me some support for my race?"

They said, "Well, we think you have done a good job, but we have to check in with Washington." There is a guy in Washington who makes this decision.

Then when I checked in with some of my friends in the labor unions, whom I probably do support on many, many issues, I thought they would be able to decide at the local whether or not they would want to back me. But, no, they had to check in with Washington, with the Washington gatekeepers who want to kill this bill. That is what I learned about the system.

Of course, partially because my two primary opponents were both very well-heeled and attacked each other that I wound up winning the primary. They used their money to make each other look pretty bad, and I wound up winning the primary because I was the other guy who was running. And that gave me momentum to win the final election.

As I stand here with these colleagues I admire greatly, sometimes I wonder, am I the last person of average wealth and income who will ever serve in this body? Is the door going to slam on people who actually worry about making ends meet, people who actually worry about their mortgage payment, as I do? Am I the last person who is not a millionaire who will be invited to serve in this institution?

I don't think that is the way it will end up, but I can tell you this, if we don't pass a reform like the one we have before us today, it will be. I cannot in good conscience look at a high school senior today, as I was in 1971, and say, "You know, it would be great if you pursued a political career; it will be wonderful; just learn the issues, work with people, show people that you are a natural leader." I can't just leave it at that. If I am being honest with a young person, I would have to say, "And you better darn well come up with $10 million or nobody is going to take you seriously." That hurts my image of America that I have to say that to a high school senior today.

The opponents of this bill have absolutely no answer for those high school students. They say somehow that free speech in America means that they don't matter, it means that they can't participate, it means that they don't have the same right that everyone else does to run for an office in the House or Senate and have some kind of a belief that they can prevail.

Each of us, I suppose, wants to tell our own story of how we got here, as I just did. It is a great honor to serve in this body. Less than 2,000 Americans have ever done so. I appreciated it when the majority leader the other day spoke to some of his concerns when he was running for office. This is the only issue where all the Members of the Senate are experts, because we have been through it and we know.

But the reason I am involved with this bill is that the senior Senator from Arizona had the courage to come to me and say, "Look, we've got to do something to change this system, to put aside our partisan differences." We just decided that we couldn't live with a country where a Presidential candidate would begin his campaign, make the high point of his announcement for President the following statement:

> I have the most reliable friend you can have in American politics and that is ready money.

That was a leading comment in an announcement for President of the United States. I don't remember either John F. Kennedy or Richard Nixon leading their campaigns in 1960 with that comment, or anyone else. That is a tragic commentary on where we have come over the years.

So that is what this really comes down to. You have heard the constitutional arguments and have seen them fall. You see already an attempt to bring a "poison pill" out on the floor to kill this bill by making it too harsh for either side to accept and destroy its bipartisan nature. You have heard the effort to distort what this bill really does by suggesting that somehow our bill will create a large governmental involvement in free speech.

The fact is, it is this system that is destroying free speech. It is a system where people can give hundreds of thousands of dollars of unregulated money or give huge contributions or fundraisers of hard money to candidates that cut the average person out of the process. This is the corporate democracy that we have come to.

So, in the coming days, we will hear more of the efforts of our opponents to take each little piece of the bill and indicate that there is a problem here or a problem there. Of course, that is the purpose of the debate. But we are ready, Senator MCCAIN and I, to negotiate to solve some of the real problems. But what we will not tolerate is the suggestion that we should do nothing. Our opposition has no alternative. They have no answer to the careening role of money in American politics. They just want to kill this bill and get back to the business of running elections.

Mr. President, there will be much more to say on this bill.

All I can say is that we will not allow this debate to become mired in the minutia of important issues that ultimately would be resolved by the U.S. Supreme Court. We will come back again and again to the central point that this is still a country of one person-one vote, not $1 million-1 million votes. And it is still a country where every high school student should at least be able to think or dream about participating in the process without having to become a multimillionaire first.

Mr. President, I yield the floor.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I have listened to my colleague from Wisconsin chat about these problems. You know, in all honesty, I wonder sometimes if we do not treat the American public like they are idiots, when in fact the American public is a very smart collective group of people.

You know, I just do not see why in the world we have to have government interfere with the first amendment privileges of free speech, just to mention one constitutional issue involved here, just because some think there are millionaires in the Senate. There have always been millionaires in the Senate, as far as I know, at least in this century. But there have always been a number of Senators—and there is a great number of Senators here today—who are not millionaires who made it here the hard way, even under this present system, and who will always be able to make it because the American people are not idiots.

They are smart. They know what is going on. They have the ability to choose between competing candidacies. Every once in a while you know some of us worry about it because of some people who make it here, but, in all honesty, it seems to me that to put another layer of Federal regulations on what people can say and do in politics is not the way to do it, and it presumptively seems to believe that the American people do not have the capacity collectively or individually to make right decisions for themselves with regard to politics.

The thing that I find heinous and offensive in the current political structure is that we have all kinds of advocacy groups out there, some of which support only one party to the exclusion of the other, who spend millions and millions of dollars that are never reported in this political process.

I will just cite with particularity one group. I remember when the AFL-CIO decided they were going to spend $35 million in advocacy during the last campaign. Now, we Republicans all understand that because virtually every penny of that goes for liberal Democrats. The only Republicans that they ever support —and there are very few of those; and if there is a moderate-to-liberal Democrat, they will support the Democrat every time over even a liberal Republican for the most part—very few of the liberal Republicans are supported by them, but if any are, they have to be very liberal.

So virtually every dollar of the union movement goes into liberal Democratic Party politics. But $35 million is a drop in the bucket because the Congressional Research Service mentions that in every 2-year election cycle the trade union movement puts between $100 and $500 million into the political process, not one penny of which is reported in any filing or disclosure form.

There is nothing in the Republican Party that comes close to that type of economic leverage, and yet I have to say McCain-Feingold does absolutely nothing about that. There is good reason for it, because you would be restricting the right of the trade union movement in this country to express their viewpoints with regard to their political beliefs. But you are not talking about distortion.

Mr. President, $100 to $500 million every 2 years in local, State, and Federal politics, not one penny of which is reported. The $35 million was reported because those were direct contributions to individuals, or actually most of it was not reported because most of it was soft money that was used to advocate for Democratic, liberal Democratic Party politics.

In fact, ask conservative Democrats how much union money they get as a general rule. Not very much. So you know, I sometimes think that we beat our gums in here over what appear to be on the surface important principles but which really in reality would undermine the very constitutional process that we have.

In that regard, let me just mention that I think one of the most prescient articles on this subject ever written was written by George Will in the Washington Post yesterday. I know it has been mentioned here on the floor before. But let me just read a little bit from that article.

I did not come here wanting to talk about campaign finance "reform," but I did want to say these few remarks. But I did read this today, and I brought it with me. He just says, "Here Come the Speech Police," which is the title of the article—"Here Come the Speech Police." George goes on to say:

> Almost nothing that preoccupies Washington is as important as Washington thinks almost all its preoccupations are. But now Congress is considering some version of the McCain-Feingold bill, which raises "regime-level" questions. It would continue the change for the worse of American governance. And Washington's political class hopes the bill's real importance will be underestimated.
>
> With a moralism disproportionate to the merits of their cause, members of that class—including the exhorting, collaborative media—are mounting an unprecedentedly sweeping attack on freedom of expression. Nothing in American history—not the left's recent campus "speech codes," not the right's depredations during 1950s McCarthyism or the 1920s "red scare," not the Alien and Sedition Acts of the 1790s—matches the menace to the First Amendment posed by campaign "reforms" advancing under the protective coloration of political hygiene.

I ask unanimous consent that the full article be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Sept. 28, 1997]

### HERE COME THE SPEECH POLICE

(by George F. Will)

Almost nothing that preoccupies Washington is as important as Washington thinks almost all its preoccupations are. But now Congress is considering some version of the McCain-Feingold bill, which raises "regime-level" questions. It would continue the change for the worse of American governance. And Washington's political class hopes the bill's real importance will be underestimated.

With a moralism disproportionate to the merits of their cause, members of that class—including the exhorting, collaborative media—are mounting an unprecedented sweeping attack on freedom of expression. Nothing in American history—not the left's recent campus "speech codes," not the right's depredations during 1950s McCarthyism or the 1920s "red scare," not the Alien and Sedition Acts of the 1790s—matches the menace to the First Amendment posed by campaign "reforms" advancing under the protective coloration of political hygiene.

Such earlier fevers were evanescent, leaving no institutional embodiments when particular passions abated. And they targeted speech of particular political content. What today's campaign reformers desire is a steadily thickening clot of laws and an enforcing bureaucracy to control both the quantity and the content of all discourse pertinent to politics. By the logic of their aims, reformers cannot stop short of that. This is so, regardless of the supposed modesty of the measure Congress is debating.

Reformers first empowered government to regulate "hard" money—that given to particular candidates. But there remains the "problem" of "soft" money—that given to parties for general political organizing and advocacy. Reformers call this a "loophole." Reformers use that word to stigmatize any silence of the law that allows unregulated political expression. So now reformers want to ban "soft" money. But the political class will not stop there.

Its patience is sorely tried by the insufferable public, which persists in exercising its First Amendment right of association to organize in groups as different as the Sierra Club and the National Rifle Association. One reason people so organize is to collectively exercise their First Amendment right of free speech pertinent to politics. Therefore reformers want to arm the speech police with additional powers to ration the permissible amount of "express advocacy," meaning speech by independent groups that advocates the election or defeat of an identifiable candidate.

But the political class will not stop there. Consider mere issue advocacy—say, a television commercial endorsing abortion rights, mentioning no candidate and not mentioning voting, but broadcast in the context of a campaign in which two candidates differ about abortion rights. Such communications can influence the thinking of voters. Can't have that, other than on a short leash held by the government's speech police. So restriction of hard money begets restriction of soft, which begets restriction of express advocacy, which begets regulation of issue advocacy—effectively, of all civic discourse.

The political class is not sliding reluctantly down a slippery slope, it is eagerly skiing down it, extending its regulation of political speech in order to make its life less stressful and more secure. Thus is the First Amendment nibbled away, like an artichoke devoured leaf by leaf.

This is an example of what has been called "the Latin Americanization" of American law—the proliferation of increasingly rococo laws in attempts to enforce fundamentally flawed laws. Reformers produce such laws from the bleak, paternalistic premise that unfettered participation in politics by means of financial support of political speech is a "problem" that must be "solved."

One reason the media are complacent about such restrictions on (others') political speech is that restrictions enhance the power of the media as the filters of political speech, and as unregulated participants in a shrunken national conversation. Has the newspaper in which this column is appearing ever editorialized to the effect that restrictions on political money—restrictions on the ability to buy broadcast time and print space and other things the Supreme Court calls "the indispensable conditions for meaningful communication"—do not restrict speech? If this newspaper ever does, ask the editors if they would accept revising the First Amendment to read:

"Congress shall make no law abridging the freedom of the press, but Congress can restrict the amount a newspaper may spend on editorial writers, reporters and newsprint."

As Sen. Mitch McConnell, the Kentucky Republican, and others filibuster to block enlargement of the federal speech-rationing machinery, theirs is arguably the most important filibuster in American history. Its importance will be—attested by the obloquies they will receive from the herd of independent minds eager to empower the political class to extend controls over speech about itself.

Mr. HATCH. Let me just quote a couple of other paragraphs because I think this article really sums it up. I do not know how anybody could disagree with this article. I am skipping over quite a bit of it which I think is worthy of consideration by anybody, but let me just read a couple more paragraphs:

> The political class is not sliding reluctantly down a slippery slope, it is eagerly skiing down it, extending its regulation of political speech in order to make its life less stressful and more secure. Thus is the First Amendment nibbled away, like an artichoke devoured leaf by leaf.
>
> This is an example of what has been called "the Latin Americanization" of American law—the proliferation of increasingly rococo laws in attempts to enforce fundamentally flawed laws. Reformers produce such laws from the bleak, paternalistic premise that unfettered participation in politics by means of financial support of political speech is a "problem" that must be "solved."
>
> One reason the media are complacent about such restrictions on (others') political speech is that restrictions enhance the power of the media as the filters of political speech, and as unregulated participants in a shrunken national conversation.

What a comment, terrific comment. And it sums it up pretty well:

> Has the newspaper in which this column is appearing ever editorialized to the effect that restrictions on political money—restrictions on the ability to buy broadcast time and print space and other things the Supreme Court calls "the indispensable conditions for meaningful communication"—do not restrict speech? If this newspaper ever does, ask the editors if they would accept revising the First Amendment to read:
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What an article. He sums it up better than anybody I know. Frankly, I commend this article to anybody who cares about free speech rights, that this bill, as modified, would eviscerate.

I don't quite agree with George Will, that this may be the most important constitutional filibuster in history, but it is certainly one of the most important. I know of others that have been, I think, equal in importance, not the least of which is the debate we had on the resignation of the President a few years ago.

## MORNING BUSINESS

Mr. HATCH. Mr. President, I ask unanimous consent there be a period of morning business with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

## THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business Friday, September 26, 1997, the federal debt stood at $5,387,382,191,644.62. (Five trillion, three hundred eighty-seven billion, three hundred eighty-two million, one hundred ninety-one thousand, six hundred forty-four dollars and sixty-two cents)

One year ago, September 26, 1996, the federal debt stood at $5,198,325,000,000 (Five trillion, one hundred ninety-eight billion, three hundred twenty-five million)

Twenty-five years ago, September 26, 1972, the federal debt stood at $437,507,000,000 (Four hundred thirty-seven billion, five hundred seven million) which reflects a debt increase of nearly $5 trillion—$4,949,875,191,644.62 (Four trillion, nine hundred forty-nine billion, eight hundred seventy-five million, one hundred ninety-one thousand, six hundred forty-four dollars and sixty-two cents) during the past 25 years.

## WHY A PRIVATE SCHOOL VOUCHER PLAN FOR D.C. SCHOOLS IS A BAD IDEA

Mr. CHAFEE. Mr. President, tomorrow morning the Senate will vote on the creation of the first federally funded private school voucher program in the Nation.

It is no accident that this new voucher program is being debated on the D.C. appropriations bill. None of us has a constituency in the District of Columbia. We can do anything to the District, and we are unaccountable to its voters for our actions. And in recent years, Congress has done quite a bit to the District of Columbia.

Two years ago, in recognition of poor city management and extreme budgetary problems, Congress created a financial control board to help get the city back on its fiscal feet. Not quite a year ago, the control board announced the formation of an emergency management team for the city's schools. The elected school board was relieved of its authority. The superintendent was urged to resign, and a new team was established, which is headed by retired Gen. Julius Becton.

General Becton signed on for a 3-year tour of duty in D.C. schools, yet before even a full year has passed, Congress is poised to pull the rug out from under him by creating a private school voucher plan.

Supporters of private school vouchers prefer to call them school choice. But parents don't choose the schools their children will attend. Private schools select the children they will accept. This is not a luxury our public schools enjoy. Public schools are committed to providing an education to all children: To children who come to school at any time of the year, to children with disabilities, to children whose primary language is not English, to children with disciplinary problems, and to children with low IQ's.

Private schools have the ability to select the smartest, the least difficult students with the fewest challenges to overcome. Supporters of the voucher plan point out that there are a number of inner-city, parochial schools that take whatever child comes to the door. There is no doubt that parochial schools have an important role to play and are doing a good job, but that does not mean that they should receive Federal funding. It does not mean that they have taken on all of the obligations of our public schools.

I believe that it is wrong to provide Federal dollars to private or parochial schools to enable them to skim the best students from the public schools. Vouchers also would skim the students whose parents are involved in their child's education, leaving the public schools with the greatest challenges.

Supporters of the voucher plan say District of Columbia should provide choices to parents. They say District of Columbia should have charter schools. They call for partnerships between city schools and the Smithsonian Institution. The truth is that District of Columbia has all of these things. The District has public school choice. There is a charter school program at a school not six blocks from the Capitol. Down the street there is a middle school which has entered into a partnership with the Smithsonian. D.C. public schools are the only public schools in the area that provide an all day kindergarten program, and every high school in the District is a magnet school.

A lot of attention has been paid to the fact that the schools didn't open on time this year, and Congress is not without responsibility for the delay. But very little mention has been made of the rigorous standards that have been put into place in every school, here. Starting this school year, teachers, parents, and students have a clear idea of what the children should know at each grade level. Last week, students all across the District were tested in reading, math, and language arts to see what level they are at. At the end of the school year, they will be tested again, to assess their progress. The performance of teachers and principal also will be based on these assessments. The pressure is on not to let a single child slip through the cracks, and I think that is an enormous step in the right direction.

Teachers and principals are turning up the heat on parents, as well. Parents of students in D.C. public schools are signing compacts, agreeing to be full participants in their child's education. They are visiting classrooms, to see first-hand what and how their children are learning. They are becoming responsible for making sure their children do their homework, and parents are being asked to check the work and sign it. They are being asked to read to their children regularly. I ask unanimous consent that an article from the

Washington Post, dated September 28, 1997, about back to school night at a local school be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. CHAFEE. Mr. President, these are improvements that will help all of the students in the District of Columbia schools, not just 3 percent of the students. Let's support what works for all of the children, not just a handful of them. That's the point of public education.

I plan to vote against the voucher plan and urge my colleagues to do the same. Let's send a clear message to General Becton and the teachers, parents, and students in D.C. schools: We support your efforts to make your local schools better for everyone.

EXHIBIT 1

[From the Washington Post, Sept. 28, 1997]

### BACK TO WORK FOR SCHOOLS

(By Courtland Milloy)

"Good evening," W. Irene Woodard, the Watkins Elementary School principal, said melodically. The parents seated before her nodded politely.

"I said, 'Good evening,'" Woodard repeated, not so sweet as before. "When I say, 'Good evening,' I expect you to sing."

It was Back to School Night, and apparently I wasn't the only parent feeling somewhat demoralized by the delayed opening of D.C. public schools. No school for the first three weeks of September, and then, when it did start last week, some schools still had not received all of the necessary books and supplies.

"Don't look so dreary," said Channita Fraser, the Watkins PTA president. "When you come to meetings, smile." She began to sing in Spanish, "The more we get together, the happier we'll be."

People like Woodard and Fraser made it hard for me to just sit and stew in my juices. The way they saw it, there was no time for sulking or complaining. Our children needed help, and they needed it fast.

"Because of the delay in the opening of school, we're going to need parental cooperation like never before," said Ellen Costello, who heads PTA fund-raising for Watkins.

To make sure it gets the resources it needs, an abundance of candy and holiday wrapping paper must be sold. Parents with the means could make donations directly to their children's classrooms, she said.

"Last year, we raised $22,000," Costello told the parents. "The money was used to fix up the school library. But more is needed to purchase copy paper and make copy machine repairs. We're also trying to get water coolers for each classroom. Remember, we live in the District of Columbia, and we don't have much money."

That notion—that we live in the District, ergo, we don't have much money—was going to take me more than one Back to School Night to get used to. The tax bite out of my paycheck said otherwise. D.C. public schools get more than $500 million a year to educate about 78,000 students. You'd think we'd have all the amenities of an elite private school.

Instead, I was told, my third-grader would be expected to take on the equivalent of a part-time job as a candy bar salesman just so his school could get money to buy supplies. But there I go being negative again.

"We had 142 students who sold something last year," Costello reported. "That's only a 33 percent participation rate, and we need to raise it."

I was particularly impressed with my child's teacher, Kimberly Sakai. She's from Hawaii. This is her first year teaching in D.C. public schools, and she has brought to the job all of the enthusiasm you'd expect of a person who doesn't know any better.

"Our class will be starting a new social studies program that focuses on D.C.," Sakai told parents. "Strange how D.C. schools don't have a program that focuses exclusively on Washington. Hawaii is very big on learning about D.C. How can we bypass D.C.? We're going to get to know our community and our government and go on lots of field trips."

Then she asked us to fork over $3 each for a subscription to a weekly children's current events magazine.

More important than raising money, however, is getting parents to support their children's teachers. To that end, we all signed a "parent contract." Instead of giving parents money to escape the public school system, as a school voucher would, a parent contract pledges parents to work to improve the schools that their children already attend.

An exchange that occurred between a teacher and a parent at the meeting last week revealed the need for greater parental commitment.

Teacher: "Each child will have a homework folder with his or her assignments written down in it, and I expect you to check it and sign it before your child returns."

Parent, sounding distressed: "You aren't going to assign homework every night, are you?"

Teacher: "I'll try not to give them homework on Fridays."

Parent, with a sigh of relief: "Thank you."

That parent, judging from the way she was dressed, probably had just come from work. She might have had another full-time job as a housekeeper waiting for her when she got home. Understandably, more homework for her child meant more work for her.

And yet, I would have thought that all D.C. schoolteachers—just to make up for the three-week delay—would be piling on the homework. And I wouldn't expect them to let up on Fridays either, especially for third- and fifth-graders, whose progress is being measured against national standards for the first time this year.

I could only vow that my child would have homework every night, whether his teachers assigned it or not. Somehow, the expectations for our children must be raised.

"For all of the resources and services that we have, our children are not achieving at the level that they are capable of," Woodard told the parents. "We all must work harder on that. We especially need parents to enhance and extend what is going on in the classroom.

"Be sure that your children are reading a great deal of books, and be sure that they are understanding what they read."

Sounds like homework to me.

## MESSAGES FROM THE HOUSE

At 4:24 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that pursuant to the provisions of section 154 of title 2, United States Code, as amended by section 1 of Public Law 102–246, the Chair announces the Speaker's appointment of the following member on the part of the House to the Library of Congress Trust Fund Board: Mr. Wayne Berman of the District of Columbia to fill the existing vacancy thereon.

At 6:28 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following joint resolution, in which it requests the concurrence of the Senate:

H.J. Res. 94. Joint resolution making continuing appropriations for the fiscal year 1998, and for other purposes.

## EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–3043. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, eleven rules received on September 25, 1997; to the Committee on Commerce, Science, and Transportation.

EC–3044. A communication from the Perfomance Evaluation and Records Management, Federal Communication Commission, transmitting, pursuant to law, six rules received during the month of August, 1997; to the Committee on Commerce, Science, and Transportation.

EC–3045. A communication from the Perfomance Evaluation and Records Management, Federal Communication Commission, transmitting, pursuant to law, four rules received on September 8, 1997; to the Committee on Commerce, Science, and Transportation.

EC–3046. A communication from the Perfomance Evaluation and Records Management, Federal Communication Commission, transmitting, pursuant to law, two rules received on September 9, 1997; to the Committee on Commerce, Science, and Transportation.

EC–3047. A communication from the Perfomance Evaluation and Records Management, Federal Communication Commission, transmitting, pursuant to law, a rule received on September 12, 1997; to the Committee on Commerce, Science, and Transportation.

EC–3048. A communication from the Perfomance Evaluation and Records Management, Federal Communication Commission, transmitting, pursuant to law, a rule received on September 17, 1997; to the Committee on Commerce, Science, and Transportation.

EC–3049. A communication from the Perfomance Evaluation and Records Management, Federal Communication Commission, transmitting, pursuant to law, a rule received on September 19, 1997; to the Committee on Commerce, Science, and Transportation.

EC–3050. A communication from the Perfomance Evaluation and Records Management, Federal Communication Commission, transmitting, pursuant to law, a rule received on September 19, 1997; to the Committee on Commerce, Science, and Transportation.

EC–3051. A communication from the Perfomance Evaluation and Records Management, Federal Communication Commission, transmitting, pursuant to law, a rule received on September 23, 1997; to the Committee on Commerce, Science, and Transportation.

EC–3052. A communication from the Assistant Administrator for Ocean Services and Coastal Zone Management, Department of Commerce, transmitting, pursuant to law, two rules; to the Committee on Commerce, Science, and Transportation.

EC–3053. A communication from the Assistant Administrator for Fisheries, National Marine Fisheries Services, Department of Commerce, transmitting, pursuant to law, two rules; to the Committee on Commerce, Science, and Transportation.

EC–3054. A communication from the Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, five rules; to the Committee on Commerce, Science, and Transportation.

EC–3055. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Services, Department of Commerce, transmitting, pursuant to law, a rule received on August 28, 1997; to the Committee on Commerce, Science, and Transportation.

EC–3056. A communication from the Assistant Secretary for Communications and Information, Department of Commerce, transmitting, pursuant to law, the report of the Public Telecommunications Facilities Program grants for fiscal year 1997; to the Committee on Commerce, Science, and Transportation.

EC–3057. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, three rules; to the Committee on Commerce, Science, and Transportation.

EC–3058. A communication from the Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, eight rules; to the Committee on Commerce, Science, and Transportation.

EC–3059. A communication from the Chair of the Advisory Council on California (Indian Policy), transmitting, pursuant to law, the report entitled "The ACCIP Historical Overview Report: The Special Circumstances of California Indians"; to the Committee on Indian Affairs.

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. BROWNBACK:

S. 1233. A bill to terminate the taxes imposed by the Internal Revenue Code of 1986 other than Social Security and railroad retirement-related taxes; to the Committee on Finance.

By Mr. HOLLINGS:

S. 1234. A bill to improve transportation safety, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. WYDEN:

S. 1235. A bill to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel registered as State of Oregon official number OR 766 YE; to the Committee on Commerce, Science, and Transportation.

By Mr. DORGAN:

S. 1236. A bill to amend title 23, United States Code, to provide for a national program concerning motor vehicle pursuits by law enforcement officers, and for other purposes; to the Committee on Commerce, Science, and Transportation.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HOLLINGS:

S. 1234. A bill to improve transportation safety, and for other purposes; to the Committee on Commerce, Science, and Transportation.

### THE HIGHWAY AND SURFACE TRANSPORTATION SAFETY ACT OF 1997

Mr. HOLLINGS. Mr. President, I rise to introduce the Highway and Surface Transportation Safety Act of 1997. This legislation is designed to reauthorize federal highway safety and surface transportation programs that are under the jurisdiction of the Commerce, Science, and Transportation Committee.

As the Members of this body know, the Commerce Committee has jurisdiction over Federal agencies that oversee highway safety and surface transportation policies. These agencies include the National Highway Traffic Safety Administration [NHTSA], which administers automobile safety regulations and Federal safety grant programs, such as anti-drunk-driving and seatbelt use grants; the Research and Special Projects Administration [RSPA], which assists States in responding to hazardous materials spills; the Federal Highway Administration [FHWA], which administers the truck safety programs; and the Federal Railroad Administration [FRA], which regulates rail safety. Each of these agencies, as well as the policies under their authority, is vital to ensuring that Americans are provided with the safest and most efficient transportation, including safe automobiles, highways, and public transportation systems.

In addition to preserving the security of our roadways, the measures administered by these agencies are critical to the health of our Nation's economy. The availability of the goods we consume and that are essential to our everyday lives depend on efficiently functioning transportation systems.

The participation of the Federal Government in assuring that our automobiles and roadways are safe has been affirmed overwhelmingly by the American public. A recent Lou Harris poll shows that 91 percent of Americans believe the Federal Government has a role in assuring safe highways and 94 percent believe it is important to have motor vehicle safety standards.

Our transportation and highway safety policies deserve as much attention as campaign finance reform, the popular measure of today. Yes, we must clean up the election system, but we also must clean up our roadways. NHTSA reports that every year over 41,000 Americans are killed on our Nation's highways—that is an average of 114 lives every day. In just the past 5 years alone, over 160,000 Americans have lost their lives, and more than 12 million have suffered serious injuries due to traffic accidents and road hazards—at a cost over $700 billion dollars.

Astoundingly, almost 25 percent of these traffic fatalities involve children. In 1995, over 9,000 kids were killed in auto accidents. Of course, no poll, and no economic gauge, can measure the value of losing a precious young life.

Studies, however, show that many of these accidents and fatalities are preventable. Most accidents are due to reckless behavior, such as drunk driving. According to NHTSA, alcohol-related accidents are responsible for over 40 percent of traffic fatalities. That means almost half of the tens of thousands of Americans that die every year because of traffic accidents can be saved if we can just prevent people from driving drunk. That is why I have supported measures in the past, and included provisions in this legislation, to encourage the enactment of stringent anti-drunk-driving laws.

In addition to deterring the reckless behavior of those that cause accidents, there are steps every vehicle occupant can take to enhance safety. All safety experts agree that the most simple, and most effective, way to protect ourselves from accidental injuries is to buckle up—wear a seatbelt. During the early 1980's an active campaign was initiated by NHTSA and public safety groups to encourage the use of seatbelts. The campaign had many positive results—helping to increase seatbelt use from 11 percent in 1980 to a current use rate of 68 percent. But 68 percent is still not sufficient. To continue to save lives, we must boost the use rate, at the very least, to the 90 percent range. This is why I joined Senator MCCAIN earlier this year in sending letters to all State Governors encouraging the enactment of tougher seatbelt laws nationwide.

#### LEGISLATION

The legislation I am introducing is designed to address these important safety issues. The following is a summary of many of the major provisions:

Drunk driving—The bill reauthorizes NHTSA's safety grant programs, which include incentive grants to States to encourage the adoption of stringent drunk driving laws.

Seatbelt Grant Program—The bill establishes for the first time ever a formal Federal seatbelt grant program to encourage states to adopt primary seatbelt laws. Primary seatbelt laws permit police to stop persons solely for not wearing a seatbelt. The new grant program has been included in lieu of the administration's proposal which attempted to force States to adopt primary seatbelt laws by reducing their highway construction funds.

Required warnings—Vans to transport children—A provision has been included to require NHTSA to notify car dealers each year about Federal regulations that prohibit the sale of vans to schools for the transportation of students. This policy has been adopted to prevent the transport of children in less safe vehicles.

Hazardous materials transportation reauthorization—The bill reauthorizes appropriations for assisting States in responding to hazardous materials spills.

Sanitary food transportation—The bill authorizes the transfer from the Department of Transportation to the Food and Drug Administration [FDA] the responsibility of ensuring that trucks and rail cars that transport the Nation's food supply are sanitary. This change is needed in order to take advantage of FDA's expertise in determining the cleanliness of these transports.

Rail and mass transportation antiterrorism—The legislation increases the penalties for anyone convicted of a terrorist attack on railroads or mass transport systems and gives the Federal Bureau of Investigation [FBI] the lead role in investigating such incidents.

Rail and mass transportation safety—This legislation requires that DOT's Federal Transit Administration consult with the Federal Railroad Administration on relevant rail safety issues in making any grant or loan under its commuter railroad authority.

Boating safety—The bill extends funding for the Clean Vessel Act, and authorizes spending for State grants for recreational boating safety, vessel pump-outs, facilities for large recreational vessels, and sport fishing outreach and communications.

### CONCLUSION

This legislation has been drafted from the framework of the administration's proposed highway safety bill. However, a number of changes have been made as a result of consultation with highway safety and consumer groups, such as the Advocates for Highway Safety and Public Citizens, as well as the National Association of Governors' Highway Safety Representatives, in an effort to craft the best safety bill possible. I look forward to working with Chairman MCCAIN and other committee members, in addition to the highway safety organizations, as we begin our work on the legislation.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

### S. 1234

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### SECTION 1. SHORT TITLE.

This Act may be cited as the "Highway and Surface Transportation Safety Act of 1977".

### SEC. 2. AMENDMENT OF TITLE 49, UNITED STATES CODE; TABLE OF SECTIONS.

(a) AMENDMENT OF TITLE 49, UNITED STATES CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or a repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 49, United States Code.

(b) TABLE OF SECTIONS.—The table of sections for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Amendment of title 49, United States Code; table of sections.
Sec. 3. Awards.

Title I—Highway Safety

Sec. 101. Highway safety programs.
Sec. 102. National driver register.
Sec. 103. Authorizations of appropriations.
Sec. 104. Global environmental and safety standards for vehicles.
Sec. 105. Amendments to chapter 323 (consumer information).
Sec. 106. Amendment to chapter 329 (automobile fuel economy).
Sec. 107. Amendments to chapter 331 (theft prevention).
Sec. 108. Dealer notification program for prohibited sale of nonqualifying vehicles for use as schoolbuses.

Title II—Hazardous Materials Transportation Reauthorization

Sec. 201. Short title.
Sec. 202. Findings and purposes; definitions.
Sec. 203. Handling criteria repeal.
Sec. 204. Hazmat employee training requirements.
Sec. 205. Registration.
Sec. 206. Highway transportation of hazardous materials.
Sec. 207. Shipping paper retention.
Sec. 208. Public sector training curriculum.
Sec. 209. Planning and training grants.
Sec. 210. Special permits and exclusions.
Sec. 211. Cooperative agreements.
Sec. 212. Enforcement.
Sec. 213. Penalties.
Sec. 214. Preemption.
Sec. 215. Judicial review.
Sec. 216. Hazardous material transportation reauthorization.
Sec. 217. Authorization of appropriations.

Title III—Sanitary Food Transportation

Sec. 301. Short title.
Sec. 302. Findings.
Sec. 303. Responsibilities of the Secretary of Health and Human Services.
Sec. 304. Department of Transportation requirements.
Sec. 305. Effective date.

Title IV—Rail and Mass Transportation Anti-terrorism

Sec. 401. Short title.
Sec. 402. Purpose.
Sec. 403. Amendments to the "wrecking trains" statute.
Sec. 404. Terrorist attacks against mass transportation.
Sec. 405. Investigative jurisdiction.

Title V—Rail and Mass Transportation Safety

Sec. 501. Safety considerations in grants or loans to commuter railroads.
Sec. 502. Railroad accident and incident reporting.
Sec. 503. Vehicle weight limitations—mass transportation buses.

Title VI—Motor Carrier Safety

Subtitle A—State Grants and Other Commercial Vehicle Programs

Sec. 601. Statement of purpose.
Sec. 602. Grants to States.
Sec. 603. Federal share.
Sec. 604. Availability of amounts.
Sec. 605. Information systems and strategic safety initiatives.
Sec. 606. Authorization of appropriations.
Sec. 607. Conforming amendments.

Subtitle B—Motor Carrier Safety Act of 1997

Sec. 651. Short title.
Sec. 652. Safety regulations.
Sec. 653. Commercial motor vehicle operators.
Sec. 654. Penalties.
Sec. 655. International registration plan and international fuel tax agreement.
Sec. 656. Study of adequacy of parking facilities.
Sec. 657. National minimum drinking age—technical corrections.

Title VII—Research

Subtitle A—Programs and Activities

Sec. 701. Transportation research and development.
Sec. 702. Bureau of Transportation Statistics.
Sec. 703. Research and technology program.
Sec. 704. National technology deployment initiatives.

Subtitle B—Intelligent Transportation Systems

Sec. 751. Short title and findings.
Sec. 752. Definitions; conforming amendment.
Sec. 753. Scope of program.
Sec. 754. General authorities and requirements.
Sec. 755. National ITS program plan, implementation, and report to Congress.
Sec. 756. Technical, training, planning, research and operational testing project assistance.
Sec. 757. Applications of technology.
Sec. 758. Funding.

Title VIII—Boating Safety

Sec. 801. Short title.
Sec. 802. Amendment of 1950 Act.
Sec. 803. Outreach and communications programs.
Sec. 804. Clean Vessel Act funding.
Sec. 805. Boating infrastructure.

### SEC. 3. AWARDS.

(a) Section 326 is amended—

(1) by adding at the end thereof the following:

"(e) For the purpose of executing the powers and duties of the Department, and as a means to encourage safety improvements by making special or periodic awards, the Secretary may provide for the honorary recognition of individuals and organizations that significantly contribute to programs, missions, or operations, including state and local governments, transportation unions, and commercial and nonprofit organizations, and pay for plaques, medals, trophies, badges, and similar items to acknowledge the contribution, including reasonable expenses of ceremony and presentation, using any appropriations or other funds available to the Department and its agencies."; and

(2) by inserting "**and awards**" after "**Gifts**" in the section caption.

(b) The analysis of sections for chapter 3 is amended by striking the item relating to section 326 and inserting the following:

"Gifts and awards.".

## TITLE I—HIGHWAY SAFETY

### SEC. 101. HIGHWAY SAFETY PROGRAMS.

(a) UNIFORM GUIDELINES.—Section 402(a) of title 23, United States Code, is amended by striking "section 4007" and inserting "section 4004".

(b) ADMINISTRATIVE REQUIREMENTS.—Section 402(b) of such title is amended—

(1) by striking the period at the end of subparagraph (A) and subparagraph (B) of paragraph (1) and inserting a semicolon;

(2) by inserting ", including Indian tribes," after "subdivisions of such State" in paragraph (1)(C);

(3) by striking the period at the end of paragraph (1)(C) and inserting a semicolon and "and"; and

(5) by striking paragraphs (3) and (4) redesignating paragraph (5) as paragraph (3).

(c) APPORTIONMENT OF FUNDS.—Section 402(c) of such title is amended by—

(1) by inserting "the apportionment to the Secretary of the Interior shall not be less than three fourths of 1 percent of the total apportionment and" after "except that" in the sixth sentence; and

(2) by striking the seventh sentence.

(d) APPLICATION IN INDIAN COUNTRY.—Section 402(i) of such title is amended to read as follows:

"(i) APPLICATION IN INDIAN COUNTRY.—

"(1) IN GENERAL.—For the purpose of application of this section in Indian country, the term 'State' and 'Governor of a State' include the Secretary of the Interior and the term 'political subdivision of a State' includes an Indian tribe. Notwithstanding the provisions of subparagraph (b)(1)(C) of this section, 95 percent of the funds apportioned to the Secretary of the Interior under this section shall be expended by Indian tribes to carry out highway safety programs within their jurisdictions. The provisions of subparagraph (b)(1)(D) of this section shall be applicable to Indian tribes, except to those tribes with respect to which the Secretary determines that application of such provisions would not be practicable.

"(2) INDIAN COUNTRY DEFINED.—For the purposes of this subsection, the term 'Indian country' means—

"(A) all land within the limits of any Indian reservation under the jurisdiction of the United States, notwithstanding the issuance of any patent, and including rights-of-way running through the reservation;

"(B) all dependent Indian communities within the borders of the United States whether within the original or subsequently acquired territory thereof and whether within or without the limits of a State; and

"(C) all Indian allotments, the Indian titles to which have not been extinguished, including rights-of-way running through such allotments.".

"(e) RULEMAKING PROCESS.—Section 402(j) of such title is amended to read as follows:

"(j) RULEMAKING PROCESS.—The Secretary may from time to time conduct a rulemaking process to identify highway safety programs that are highly effective in reducing motor vehicle crashes, injuries and deaths. Any such rulemaking shall take into account the major role of the States in implementing such programs. When a rule promulgated in accordance with this section takes effect, States shall consider these highly effective programs when developing their highway safety programs.".

(f) SAFETY INCENTIVE GRANTS.—Section 402 of such title is amended by striking subsection (k) and inserting the following:

"(k)(1) SAFETY INCENTIVE GRANTS: GENERAL AUTHORITY.—The Secretary shall make a grant to a State that takes specific actions to advance highway safety under subsection (l), (m), (n), or (o) of this section. A State may qualify for more than one grant and shall receive a separate grant for each subsection for which it qualifies. Such grants may only be used by recipient States to implement and enforce, as appropriate, the programs for which the grants are awarded.

"(2) MAINTENANCE OF EFFORT.—No grant may be made to a State under subsection (l) or (m) of this section in any fiscal year unless such State enters into such agreements with the Secretary as the Secretary may require to ensure that such State will maintain its aggregate expenditures from all other sources for the specific actions for which a grant is provided at or above the average level of such expenditures in its fiscal years preceding the date of the enactment of this subsection.

"(3) MAXIMUM PERIOD OF ELIGIBILITY; FEDERAL SHARE FOR GRANTS.—Each grant under subsection (l) or (m) of this section shall be available for not more than 6 fiscal years beginning in the fiscal year after September 30, 1997, in which the State becomes eligible for the grant. The Federal share payable for any grant under subsection (l) or (m) shall not exceed—

"(A) in the first and second fiscal years in which the State receives the grant, 75 percent of the cost of implementing and enforcing, as appropriate, in such fiscal year a program adopted by the State;

"(B) in the third and fourth fiscal years in which the State receives the grant, 50 percent of the cost of implementing and enforcing, as appropriate, in such fiscal year such program; and

"(C) in the fifth and sixth fiscal years in which the State receives the grant, 25 percent of the cost of implementing and enforcing, as appropriate, in such fiscal year such program.

"(l) ALCOHOL-IMPAIRED DRIVING COUNTERMEASURERS: BASIC GRANT ELIGIBILITY.—The Secretary shall make grants to those States that adopt and implement effective programs to reduce traffic safety problems resulting from persons driving under the influence of alcohol. A State shall become eligible for one or more of three basic grants under this subsection by adopting or demonstrating the following to the satisfaction of the Secretary:

"(1) BASIC GRANT A.—At least 4 of the following:

"(A) ADMINISTRATIVE LICENSE REVOCATION.—An administrative driver's license suspension or revocation system for persons who operate motor vehicles while under the influence of alcohol which requires that—

"(i) in the case of a person who, in any 5-year period beginning after the date of enactment of this subsection, is determined on the basis of a chemical test to have been operating a motor vehicle under the influence of alcohol or is determined to have refused to submit to a test as proposed by a law enforcement officer, the State agency responsible for administering drivers' licenses, upon receiving the report of the law enforcement officer—

"(I) shall suspend the driver's license of such person for a period of not less than 90 days if such person is a first offender in such 5-year period; and

"(II) shall suspend the driver's license of such person for a period of not less than 1 year, or revoke such license, if such person is a repeat offender in such 5-year period; and

"(ii) the suspension and revocation referred to under clause (A)(i) of this subparagraph shall take effect not later than 30 days after the day on which the person refused to submit to a chemical test or received notice of having been determined to be driving under the influence of alcohol, in accordance with the State's procedures.

"(B) UNDERAGE DRINKING PROGRAM.—An effective system, as determined by the Secretary, for preventing operators of motor vehicles under age 21 from obtaining alcoholic beverages. Such system shall include the issuance of drivers' licenses to individuals under age 21 that are easily distinguishable in appearance from drivers' licenses issued to individuals age 21 years of age or older.

"(C) STOPPING MOTOR VEHICLES.—Either—

"(i) A statewide program for stopping motor vehicles on a nondiscriminatory, lawful basis for the purpose of determining whether the operators of such motor vehicles are driving while under the influence of alcohol, or

"(ii) a statewide Special Traffic Enforcement Program for impaired driving that emphasizes publicity for the program.

"(D) REPEAT OFFENDERS.—Effective sanctions for repeat offenders convicted of driving under the influence of alcohol. Such sanctions, as determined by the Secretary, may include electronic monitoring; alcohol interlocks; intensive supervision of probation; vehicle impoundment confiscation, or forfeiture; and dedication detention facilities.

"(E) GRADUATED LICENSING SYSTEM.—A three-stage graduated licensing system for young drivers that includes nighttime driving restrictions during the first 2 stages, requires all vehicle occupants to be properly restrained, and makes it unlawful for a person under age 21 to operate a motor vehicle with a blood alcohol concentration of .02 percent or greater.

"(2) BASIC GRANT B.—Both of the following:

"(A) ADMINISTRATIVE LICENSE REVOCATION.—An administrative driver's license suspension or revocation system for persons who operate motor vehicles while under the influence of alcohol which requires that—

"(i) in the case of a person who, in any 5-year period beginning after the date of enactment of this subsection, is determined on the basis of a chemical test to have been operating a motor vehicle under the influence of alcohol or is determined to have refused to submit to such a test as requested by a law enforcement officer, the State agency responsible for administering drivers' licenses, upon receiving the report of the law enforcement officer—

"(I) shall suspend the drivers' license of such person for a period of not less than 90 days if such person is a first offender in such 5-year period; and

"(II) shall suspend the driver's license of such person for a period of not less than 1 year, or revoke such license, if such person is a repeat offender in such 5-year period; and

"(ii) the suspension and revocation referred to under clause (A)(i) of this subparagraph shall take effect not later than 30 days after the day on which the person refused to submit to a chemical test or receives notice of having been determined to be driving under the influence of alcohol, in accordance with the State's procedures; and

"(B) .08 BAC PER SE LAW.—A law that provides that any person with a blood alcohol concentration of 0.08 percent or greater while operating a motor vehicle shall be deemed to be driving while intoxicated.

"(3) BASIC GRANT C.—Both of the following:

"(A) FATAL IMPAIRED DRIVER PERCENTAGE REDUCTION.—The percentage of fatally injured drivers with 0.10 percent or greater blood alcohol concentration in the State has decreased in each of the 3 most recent calendar years for which statistics for determining such percentages are available; and

“(B) FATAL IMPAIRED DRIVER PERCENTAGE COMPARISON.—The percentage of fatally injured drivers with 0.10 percent or greater blood alcohol concentration in the State has been lower than the average percentage for all States in each of such calendar years.

“(4) BASIC GRANT AMOUNT.—The amount of each basic grant under this subsection for any fiscal year shall be up to 15 percent of the amount apportioned to the State for fiscal year 1997 under section 402 of this title.

“(5) ALCOHOL-IMPAIRED DRIVING COUNTERMEASURES: SUPPLEMENTAL GRANTS.—During the period in which a State is eligible for a basic grant under this subsection, the State shall be eligible to receive a supplemental grant in no more than 2 fiscal years of up to 5 percent of the amount apportioned to the State in fiscal year 1997 under section 402 of this title. The State may receive a separate supplemental grant for meeting each of the following criteria:

“(A) OPEN CONTAINER LAWS.—The State makes unlawful the possession of any open alcoholic beverage container, or the consumption of any alcoholic beverage, in the passenger area of any motor vehicle located on a public highway or the right-of-way of a public highway, except—

“(i) as allowed in the passenger area, by a person (other than the driver), of any motor vehicle designed to transport more than 10 passengers (including the driver) while being used to provide charter transportation of passengers; or

“(ii) as otherwise specifically allowed by such State, with the approval of the Secretary, but in no event may the driver of such motor vehicle be allowed to possess or consume an alcoholic beverage in the passenger area.

“(B) MANDATORY BLOOD ALCOHOL CONCENTRATION TESTING PROGRAMS.—The State provides for mandatory blood alcohol concentration testing whenever a law enforcement officer has probable cause under State law to believe that a driver of a motor vehicle involved in a crash resulting in the loss of human life or, as determined by the Secretary, serious bodily injury, has committed an alcohol-related traffic offense.

“(C) VIDEO EQUIPMENT FOR DETECTION OF DRUNK DRIVERS.—The State provides for a program to acquire video equipment to be used in detecting persons who operate motor vehicles while under the influence of alcohol and in prosecuting those persons, and to train personnel in the use of that equipment.

“(D) BLOOD ALCOHOL CONCENTRATION FOR PERSONS UNDER AGE 21.—The State enacts and enforces a law providing that any person under age 21 with a blood alcohol concentration of 0.02 percent or greater when driving a motor vehicle shall be deemed to be driving while intoxicated or driving under the influence of alcohol, and further provides for a minimum suspension of the person's driver's license for not less than 30 days.

“(E) SELF-SUSTAINING DRUNK DRIVING PREVENTION PROGRAM.—The State provides for a self-sustaining drunk driving prevention program under which a significant portion of the fines or surcharges collected from individuals apprehended and fined for operating a motor vehicle while under the influence of alcohol are returned to those communities which have comprehensive programs for the prevention of such operations of motor vehicles.

“(F) REDUCING DRIVING WITH A SUSPENDED LICENSE.—The State enacts and enforces a law to reduce driving with a suspended license. Such law, as determined by the Secretary, may require a “zebra” stripe that is clearly visible on the license plate of any motor vehicle owned and operated by a driver with a suspended license.

“(G) EFFECTIVE DWI TRACKING SYSTEM.—The State demonstrates an effective driving while intoxicated (DWI) tracking system. Such a system, as determined by the Secretary, may include data covering arrests, case prosecutions, court dispositions and sanctions, and provide for the linkage of such data and traffic records systems to appropriate jurisdictions and offices within the State.

“(H) ASESSMENT OF PERSONS CONVICTED OF ABUSE OF CONTROLLED SUBSTANCES; ASSIGNMENT OF TREATMENT FOR ALL DWI/DUI OFFENDERS.—The State provides for assessment of individuals convicted of driving while intoxicated or driving under the influence of alcohol or controlled substances, and for the assignment of appropriate treatment.

“(I) USE OF PASSIVE ALCOHOL SENSORS.—The State provides for a program to acquire passive alcohol sensors to be used by police officers in detecting persons who operate motor vehicles while under the influence of alcohol, and to train police officers in the use of that equipment.

“(J) EFFECTIVE PENALTIES FOR PROVISION OR SALE OF ALCOHOL TO PERSONS UNDER 21.—The State enacts and enforces a law that provides for effective penalties or other consequences for the sale or provision of alcoholic beverages to any individual under 21 years of age. The Secretary shall determine what penalties are effective.

“(6) DEFINITIONS.—For the purposes of this subsection, the following definitions apply:

“(A) ‘Alcoholic beverage’ has the meaning such term has under section 158(c) of this title.

“(B) ‘Controlled substances’ has the meaning such term has under section 102(6) of the Controlled Substances Act (21 U.S.C. 802(6)).

“(C) ‘Motor vehicle’ means a vehicle driven or drawn by mechanical power and manufactured primarily for use on public streets, roads, and highways, but does not include a vehicle operated only on a rail line.

“(D) ‘Open alcoholic beverage container’ means any bottle, can, or other receptacle—

“(i) which contains any amount of an alcoholic beverage; and

“(ii)(I) which is open or has a broken seal, or

“(II) the contents of which are partially removed.

“(m) STATE HIGHWAY SAFETY DATA IMPROVEMENTS.—The Secretary shall make a grant to a State that takes effective actions to improve the timeliness, accuracy, completeness, uniformity, and accessibility of the State's data needed to identify priorities within State and local highway and traffic safety programs, to evaluate the effectiveness of such efforts, and to link these State data systems, including traffic records, together and with other data systems within the State, such as systems that contain medical and economic data:

“(1) FIRST-YEAR GRANT ELIGIBILITY.—A State is eligible for a first-year grant under this subsection in a fiscal year if such State either:

“(A) Demonstrates, to the satisfaction of the Secretary, that it has—

“(i) established a Highway Safety Data and Traffic Records Coordinating Committee with a multi-disciplinary membership including the administrators, collectors, and users of such data (including the public health, injury control, and motor carrier communities) of highway safety and traffic records databases;

“(ii) completed within the preceding 5 years a highway safety data and traffic records assessment or audit of its highway safety data and traffic records system; and

“(iii) initiated the development of a multi-year highway safety data and traffic records strategic plan to be approved by the Highway Safety Data and Traffic Records Coordinating Committee that identifies and prioritizes its highway safety data and traffic records needs and goals, and that identifies performance-based measures by which progress toward those goals will be determined; or

“(B) Provides, to the satisfaction of the Secretary—

“(i) certification that it has met the provisions outlined in clauses (A)(i) and (A)(ii) of subparagraph (A) of this paragraph;

“(ii) a multi-year plan that identifies and prioritizes the State's highway safety data and traffic records needs and goals, that specifies how its incentive funds for the fiscal year will be used to address those needs and the goals of the plan, and that identifies performance-based measures by which progress toward those goals will be determined; and

“(iii) certification that the Highway Safety Data and Traffic Records Coordinating Committee continues to operate and supports the multi-year plan described in clause (B)(ii) of this subparagraph.

“(2) FIRST-YEAR GRANT AMOUNT.—The amount of a first-year grant made for State highway safety data and traffic records improvements for any fiscal year to any State eligible for such a grant under subparagraph (1)(A) of paragraph (A) of this subsection shall equal $1,000,000, subject to the availability of appropriations, and for any State eligible for such a grant under subparagraph (1)(B) of this subsection shall equal a proportional amount of the amount apportioned to the State for fiscal year 1997 under section 402 of this title, except that no State shall receive less than $250,000, subject to the availability of appropriations. The Secretary may award a grant of up to $25,000 for one year to any State that does not meet the criteria established in paragraph (1). The grant may only be used to conduct activities needed to enable that State to qualify for first-year funding to begin in the next fiscal year.

“(3) STATE HIGHWAY SAFETY DATA AND TRAFFIC RECORDS IMPROVEMENTS; SUCCEEDING-YEAR GRANTS.—A State shall be eligible for a grant in any fiscal year succeeding the first fiscal year in which the State receives a State highway safety data and traffic records grant if the State, to the satisfaction of the Secretary:

“(A) Submits or updates a multi-year plan that identifies and prioritizes the State's highway safety data and traffic records needs and goals, that specifies how its incentive funds for the fiscal year will be used to address those needs and the goals of the plan, and that identifies performance-based measures by which progress toward those goals will be determined;

“(B) Certifies that its Highway Safety Data and Traffic Records Coordinating Committee continues to support the multi-year plan; and

“(C) Reports annually on its progress in implementing the multi-year plan.

“(4) SUCCEEDING-YEAR GRANT AMOUNTS.—The amount of a succeeding-year grant made for State highway safety data and traffic records improvements for any fiscal year to any State that is eligible for such a grant shall equal a proportional amount of the amount apportioned to the State for fiscal year 1997 under section 402 of this title, except that no State shall receive less than $225,000, subject to the availability of appropriations.".

(g) Occupant Protection Program.—

(1) In general.—Section 410 of title 23, United States Code, is amended to read as follows:

**"§ 410. Safety belts and occupant protection program**

"The Secretary shall make basic grants to those States that adopt and implement effective programs to reduce highway deaths and injuries resulting from persons riding unrestrained or improperly restrained in motor vehicles. A State may establish its eligibility for one or both of the grants by adopting or demonstrating the following to the satisfaction of the Secretary:

"(1) Basic grant a.—At least 4 of the following:

"(A) Safety belt use law for all front seat occupants.—The State has in effect a safety belt use law that makes unlawful throughout the State the operation of a passenger motor vehicle whenever a person in the front seat of the vehicle (other than a child who is secured in a child restraint system) does not have a safety belt properly secured about the person's body.

"(B) Primary safety belt use law.—The State provides for primary enforcement of its safety belt use law.

"(C) Child passenger protection law.—The State has in effect a law that requires minors who are riding in a passenger motor vehicle to be properly secured in a child safety seat or other appropriate restraint system.

"(D) Child occupant protection education program.—The State demonstrates implementation of a statewide comprehensive child occupant protection education program that includes education about proper seating positions for children in air bag equipped motor vehicles and instruction on how to reduce the improper use of child restraints systems. The states are to submit to the Secretary an evaluation or report on the effectiveness of the programs at least three years after receipt of the grant.

"(E) Minimum fines.—The State requires a minimum fine of at least $25 for violations of its safety belt use law and a minimum fine of at least $25 for violations of its child passenger protection law.

"(F) Special traffic enforcement program.—The State demonstrates implementation of a statewide Special Traffic Enforcement Program for occupant protection that emphasizes publicity for the program.

"(2) Basic grant b.—Both of the following:

"(A) State safety belt use rate.—The State demonstrates a statewide safety belt use rate in both front outboard seating positions in all passenger motor vehicles of 80 percent or higher in each of the first 3 years a grant under this paragraph is received, and of 85 percent or higher in each of the fourth, fifth, and sixth years a grant under this paragraph is received.

"(B) Survey method.—The State follows safety belt use survey methods which conform to guidelines issued by the Secretary ensuring that such measurements are accurate and representative.

"(3) Basic grant amount.—The amount of each basic grant for which a State qualifies under this subsection for any fiscal year shall equal up to 20 percent of the amount apportioned to the State for fiscal year 1997 under section 402 of this title.

"(4) Occupant protection program: supplemental grants.—During the period in which a State is eligible for a basic grant under this subsection, the State shall be eligible to receive a supplemental grant in a fiscal year of up to 5 percent of the amount apportioned to the State in fiscal year 1997 under section 402 of this title. The State may receive a separate supplemental grant for meeting each of the following criteria:

"(A) Penalty points against a driver's license for violations of child passenger protection requirements.—The State has in effect a law that requires the imposition of penalty points against a driver's license for violations of child passenger protection requirements.

"(B) Elimination of non-medical exemptions to safety belt and child passenger protection laws.—The State has in effect safety belt and child passenger protection laws that contain no nonmedical exemptions.

"(C) Safety belt use in rear seats.—The State has in effect a law that requires safety belt use by all rear-seat passengers in all passenger motor vehicles with a rear seat.

"(5) Definitions.—As used in this subsection—

"(A) 'Child safety seat' means any device except safety belts, designed for use in a motor vehicle to restrain, seat, or position children who weighs 50 pounds or less.

"(B) 'Motor vehicle' means a vehicle driven or drawn by mechanical power and manufactured primarily for use on public streets, roads, and highways, but does not include a vehicle operated only on a rail line.

"(C) 'Multipurpose passenger vehicle' means a motor vehicle with motive power (except a trailer), designed to carry not more than 10 individuals, that is constructed either on a truck chassis or with special features for occasional off-road operation.

"(D) 'Passenger car' means a motor vehicle with motive power (except a multipurpose passenger vehicle, motorcycle, or trailer) designed to carry not more than 10 individuals.

"(E) 'Passenger motor vehicle' means a passenger car or a multipurpose passenger motor vehicle.

"(F) 'Safety belt' means—

"(i) with respect to open-body passenger vehicles, including convertibles, an occupant restraint system consisting of a lap belt or a lap belt and a detachable shoulder belt; and

"(ii) with respect to other passenger vehicles, an occupant restraint system consisting of integrated lap and shoulder belts.".

(2) Conforming amendment.—The chapter analysis for chapter 4 of that chapter is amended by striking the item relating to section 410 and inserting the following:

"410. Safety belts and occupant protection program".

(h) Drugged Driver Research and Demonstration Program.—Section 403(b) of title 23, United State Code, is amended—

(1) by inserting "(1)" before "In addition";

(2) by striking "is authorized to" and inserting "shall";

(3) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B); and

(4) by inserting after subparagraph (B), as redesignated, the following:

"(C) Measures that may deter drugged driving.".

**SEC. 102. NATIONAL DRIVER REGISTER.**

(a) Transfer of Selected Functions to Non-Federal Management.—Section 30302 is amended by adding at the end thereof the following:

"(e) Transfer of Selected Functions to Non-Federal Management.—(1) The Secretary may enter into an agreement with an organization that represents the interests of the States to manage, administer, and operate the National Driver Register's computer timeshare and user assistance functions. If the Secretary decides to enter into such an agreement, the Secretary shall ensure that the management of these functions is compatible with this chapter and the regulations issued to implement this chapter.

"(2) Any transfer of the National Driver Register's computer timeshare and user assistance functions to an organization that represents the interests of the States shall begin only after a determination is made by the Secretary that all States are participating in the National Driver Register's 'Problem Driver Pointer System' (the system used by the Register to effect the exchange of motor vehicle driving records), and that the system is functioning properly.

"(3) The agreement entered into under this subsection shall include a provision for a transition period sufficient to allow the States to make the budgetary and legislative changes they may need to pay fees charged by the organization representing their interests for their use of the National Driver Register's computer timeshare and user assistance functions. During this transition period, the Secretary (through the National Highway Traffic Safety Administration) shall continue to fund these transferred functions.

"(4) The total of the fees charged by the organization representing the interests of the States in any fiscal year for the use of the National Driver Register's computer timeshare and user assistance functions shall not exceed the total cost to the organization for performing these functions in such fiscal year.

"(5) Nothing in this subsection shall be construed to diminish, limit, or otherwise affect the authority of the Secretary to carry out this chapter.".

(b) Access to Register Information.—Section 30305(b) is amended by—

(1) by striking "request." in paragraph (2) and inserting the following: "request, unless the information is about a revocation or suspension still in effect on the date of the request";

(2) by inserting after paragraph (6) the following:

"(7) The head of a Federal department or agency that issues motor vehicle operator's licenses may request the chief driver licensing official of a State to obtain information under subsection (a) of this section about an individual applicant for a motor vehicle operator's license from such department or agency. The department or agency may receive the information, provided it transmits to the Secretary a report regarding any individual who is denied a motor vehicle operator's license by that department or agency for cause; whose motor vehicle operator's license is revoked, suspended or canceled by that department or agency for cause; or about whom the department or agency has been notified of a conviction of any of the motor vehicle-related offenses or comparable offenses listed in subsection 30304(a)(3) and over whom the department or agency has licensing authority. The report shall contain the information specified in subsection 30304(b).

"(8) The head of a Federal department or agency authorized to receive information regarding an individual from the Register under this section may request and receive such information from the Secretary.";

(3) by redesignating paragraphs (7) and (8) as paragraphs (9) and (10); and

(4) by striking "paragraph (2)" in paragraph (10), as redesignated, and inserting "subsection (a) of this section".

### SEC. 103. AUTHORIZATIONS OF APPROPRIATIONS.

(a) Highway Safety Programs.—The following sums are authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account):

(1) Consolidated state highway safety programs.—

(A) For carrying out the State and Community Highway Safety Program under section 402 of title 23, United States Code, by the National Highway Traffic Safety Administration, except for the incentive programs under subsections (l) and (m) of that section, $142,700,000 for fiscal year 1998, and $166,700 for each of fiscal years 1999, 2000, 2001, and 2002, and $171,034,000 for fiscal year 2003.

(B) To carry out the alcohol-impaired driving countermeasures incentive grant provisions of subsection (l) of section 402 of title 23, United States Code, by the National Highway Traffic Safety Administration, $35,000,000 for fiscal year 1998, $39,000,000 for each of fiscal years 1999, 2000, and 2001, $46,000,000 for fiscal year 2002, and $49,000,000 for fiscal year 2003. Amounts made available to carry out subsection (l) are authorized to remain available until expended, provided that, in each fiscal year the Secretary may reallocate any amounts remaining available under subsections (l) and (m) of section 402 of title 23, United States Code, as necessary to ensure, to the maximum extent possible, that States may receive the maximum incentive funding for which they are eligible under these programs.

(C) To carry out the occupant protection program incentive grant provisions of section 410 of title 23, United States Code, by the National Highway Traffic Safety Administration, $20,000,000 for fiscal year 1998, $22,000,000 for each of fiscal years 1999, 2000, and 2001, $24,000,000 for fiscal year 2002, and $23,312,000 for fiscal year 2003. Amounts made available to carry out subsection (m) are authorized to remain available until expended, provided that, in each fiscal year the Secretary may reallocate any amounts remaining available under subsections (l) and (m) to subsections (l), (n), and (o) of section 402 of title 23, United States Code, as necessary to ensure, to the maximum extent possible, that States may receive the maximum incentive funding for which they are eligible under these programs.

(D) To carry our the State highway safety data improvements incentive grant provisions of subsection (n) of title 23, United States Code, by the National Highway Traffic Safety Administration, $12,000,000 for each of fiscal years 1998, 1999, 2000, and 2001. Amounts made available to carry out subsection (n) are authorized to remain available until expended.

(2) NHTSA operations and research.—For carrying out the functions of the Secretary, by the National Highway Traffic Safety Administration, for traffic and highway safety under (A) section 403 of title 23, United States Code (Highway Safety Research and Development), (B) Chapter 301 of Title 49, United States Code (Motor Vehicle Safety), and (C) Part C of Subtitle VI of Title 49, United States Code (Information, Standards, and Requirements), there are authorized to be appropriated $147,500,000, for each of fiscal years 1998, 1999, 2000, 2001, and 2002, and $15,335,000 for fiscal year 2003.

(E) To carry out the drugged driving research and demonstration programs of section 403(b)(1) of title 23, United States Code, by the National Highway Traffic Safety Administration, $2,500,000 for each of fiscal years 1999, 2000, 2001, and 2002, and $1,000,000 for fiscal year 2003.

(3) National driver register.—For carrying out chapter 303 (National Driver Register) of title 49, United States Code, by the National Highway Traffic Safety Administration, there are authorized to be appropriated under section 30308(a) of such chapter $2,300,000 for each of fiscal years 1998, 1999, 2000, 2001, and 2002, and $2,360,000 for fiscal year 2003.

### SEC. 104. GLOBAL ENVIRONMENTAL AND SAFETY STANDARDS FOR VEHICLES.

(a) Development of a Global Register.—The Secretary of Transportation (hereinafter in this section referred to as the "Secretary") and the Administrator of the Environmental Protection Agency (hereinafter in this section referred to as the "Administrator") may participate in the development of an international compendium of national motor vehicle standards, including both safety and environmental standards.

(b) Promotion of International Cooperative Programs.—The Secretary or Administrator may participate in activities to promote international cooperative programs for conducting research, development, demonstration projects, training, and other forms of technology transfer and exchange, including safety conferences, seminars, and expositions, to enhance international motor vehicle safety, and provide technical assistance to other countries relating to their adoption of United States Federal standards for vehicles. This effort shall not reduce or diminish the Secretary's or Administrator's obligation to conduct research on issues of vehicle safety, environmental protection, and testing relevant to the operation of vehicles in the United States.

(c) International Harmonization of Safety and Environmental Regulation of Vehicles.—

(1) In general.—The Secretary and the Administrator may participate in international negotiations (including working parties, other international bodies, and panels of experts) and may agree to harmonized rules for vehicular safety and environmental pollution if the United States position to be taken in such an international negotiation is developed in accordance with paragraphs (2), (3), and (4).

(2) Adoption of higher global standards.—The Secretary or Administrator may adopt the global standard if the Secretary or Administrator determines that—

(A) in light of the Secretary's or Administrator's determination under both subparagraphs (B) and (C), the harmonized standard provides an overall higher level of safety performance or environmental protection than the comparable United States standard;

(B) the harmonized standard or any portion of the standard provides a unique or higher level of safety or environmental performance than the comparable United States standard;

(C) the comparable United States standard or any portion thereof does not provide a unique or higher level of safety or environmental performance not contained in the harmonized standard;

(D) it is adopted through a rulemaking procedure conducted in accordance with the provisions of chapters 5 and 7 of title 5, United States Code, relating to rulemaking; and

(E) the requirements of subsections (d) and (e) are met.

(3) Actual benefits to be weighted.—In making the determinations under paragraph (2), the Secretary or the Administrator shall take into account the overall safety and environmental benefits that will accrue to users under real-world driving conditions from adoption of a harmonized standard.

(4) Retention of higher domestic standards.—Any standard adopted by the Secretary or the Administrator under paragraph (2) shall retain those portions of the comparable United States standard determined by the Secretary or the Administrator, under paragraph (2)(C), to provide unique practices or levels of safety performance or environmental protection not contained in the global standard.

(d) General Requirements.—

(1) Public disclosure of all matter.—Notwithstanding any provision of law, any documentation, proposal, negotiating document, internal discussion memorandum, meeting notes, correspondence (including electronic mail), and submissions from the private sector in connection with such negotiations received by the Secretary or the Administrator shall be made available to the public through a docket published by the Department of Transportation or the Environmental Protection Agency.

(2) Notice of meetings; public comment.—Not less than 90 days before any bilateral or multilateral harmonization meeting attended by the Secretary or the Administrator (or their delegates) is scheduled to be held, the Secretary or the Administrator, or both, as appropriate—

(A) shall publish notice of the purpose of the meeting in the Federal Register under the heading "Harmonization and Equivalence"; and

(B) shall establish a public docket number and hold a hearing in accordance with the provisions of chapter 5 of title 5, United States Code, on the subject matter of the meeting.

(e) World Trade Organization Action Foreclosed.—Before the United States may enter into any international agreement or agree to any standard-setting procedure, the agreement shall provide that any existing or future State standard or future United States Federal standard that is higher, more stringent, or more rigorous than the standard to be established by that agreement or procedure—

(1) may not be challenged before the World Trade Organization or any other international organization on the basis of a higher level of protection or its means of implementation; or

(2) shall contain the following clause, and other necessary safeguards: "any domestic standard providing a higher level of protection is not actionable before the World Trade Organization or other international organization on the basis of its level of protection or its means of implementation".

(f) Use of International Standards in Domestic Proceedings.—In any domestic proceeding, any agreement or standard setting procedure (arrived at or being negotiated) shall not be cited or used by the United States as a rationale for opposing efforts to provide for a greater or different level of protection.

### SEC. 105. AMENDMENTS TO CHAPTER 323 (CONSUMER INFORMATION).

Section 32302 is amended by striking subsection (c).

### SEC. 106. AMENDMENT TO CHAPTER 329 (AUTOMOBILE FUEL ECONOMY).

Section 32907(a)(2) is amended to read as follows:

"(2) A manufacturer shall submit a report under paragraph (1) of this subsection during the 30 days before the beginning of each model year.".

### SEC. 107. AMENDMENTS TO CHAPTER 331 (THEFT PREVENTION).

Section 33104(a)(6) is repealed.

### SEC. 108 DEALER NOTIFICATION PROGRAM FOR PROHIBITED SALE OF NONQUALIFYING VEHICLES FOR USE AS SCHOOLBUSES.

Section 30112 is amended by adding at the end thereof the following:

"(c) NOTIFICATION PROGRAM FOR DEALERS CONCERNING SALES OF VEHICLES AS SCHOOLBUSES.—Not later than September 1, 1998, the Secretary shall develop and implement a program to notify dealers and distributors in the United States that subsection (a) prohibits the sale or delivery of any vehicle for use as a schoolbus (as that term is defined in section 30125(a)(1) of this title) that does not meet the standards prescribed under section 30125(b) of this title.".

## TITLE II—HAZARDOUS MATERIALS TRANSPORTATION REAUTHORIZATION

### SEC. 201. SHORT TITLE.

This title may be cited as the "Hazardous Materials Transportation Safety Reauthorization Act of 1997".

### SEC. 202. FINDINGS AND PURPOSES; DEFINITIONS.

(a) FINDINGS AND PURPOSES.—Section 5101 is amended to read as follows:

**"§ 5101. Findings and purposes**

"(a) FINDINGS.—The Congress finds with respect to hazardous materials transportation that—

"(1) approximately 4 billion tons of regulated hazardous materials are transported each year and that approximately 500,000 movements of hazardous materials occur each day, according to the Department of Transportation estimates;

"(2) accidents involving the release of hazardous materials are a serious threat to public health and safety;

"(3) many States and localities have enacted laws and regulations that vary from Federal laws and regulations pertaining to the transportation of hazardous materials, thereby creating the potential for unreasonable hazards in other jurisdictions and confounding shippers and carriers that attempt to comply with multiple and conflicting registration, permitting, routings, notification, loading, unloading, incidental storage, and other regulatory requirements;

"(4) because of the potential risks of life, property and the environment posed by unintentional releases of hazardous materials, consistency in laws and regulations governing the transportation of hazardous materials, including loading, unloading, and incidental storage, is necessary and desirable;

"(5) in order to achieve greater uniformity and to promote the public health, welfare, and safety at all levels, Federal standards for regulating the transportation of hazardous materials in intrastate, interstate, and foreign commerce are necessary and desirable;

"(6) in order to provide reasonable, adequate, and cost-effective protection from the risks posed by the transportation of hazardous materials, a network of adequately trained State and local emergency response personnel is required;

"(7) the movement of hazardous materials in commerce is necessary and desirable to maintain economic vitality and meet consumer demands, and shall be conducted in a safe and efficient manner; and

"(8) primary authority for the regulation of such transportation should be consolidated in the Department of Transportation to ensure the safe and efficient movement of hazardous materials in commerce.

"(9) emergency response personnel have a continuing need for training on responses to releases of hazardous materials in transportation and small business have a continuing need for training on compliance with hazardous materials regulations.

"(b) PURPOSES.—The purposes of this chapter are—

"(1) to ensure the safe and efficient transportation of hazardous materials in intrastate, interstate, and foreign commerce, including the loading, unloading, and incidental storage of hazardous material;

"(2) to provide the Secretary with preemption authority to achieve uniform regulation of hazardous material transportation, to eliminate inconsistent rules that apply differently from Federal rules, to ensure efficient movement of hazardous materials in commerce, and to promote the national health, welfare, and safety; and

"(3) to ensure adequate training of hazardous materials emergency responders, including small businesses involved in hazardous materials transportation.".

(b) DEFINITIONS.—Section 5102 is amended by—

(1) by striking paragraph (1) and inserting the following:

"(1) 'commerce' means trade or transportation in the jurisdiction of the United States—

"(A) between a place in a State and a place outside of the State;

"(B) that affects trade or transportation between a place in a State and a place outside of the State; or

"(C) on a United States-registered aircraft.";

(2) by striking paragraphs (3) and (4) and inserting the following:

"(3) 'hazmat employee' means an individual who—

"(A) is—

"(i) employed by a hazmat employer,

"(ii) self-employed, or

"(iii) an owner-operator of a motor vehicle; and

"(B) during the course of employment—

"(i) loads, unloads, or handles hazardous material;

"(ii) manufactures, reconditions, or tests containers, drums, or other packagings represented as qualified for use in transporting hazardous material;

"(iii) performs any function pertaining to the offering of hazardous material for transportation;

"(iv) is responsible for the safety of transporting hazardous material; or

"(v) operates a vehicle used to transport hazardous material.

"(4) 'hazmat employer' means a person who—

"(A) either—

"(i) is self-employed,

"(ii) is an owner-operator of a motor vehicle, or

"(iii) has at least one employee; and

"(B) performs a function, or uses at least one employee, in connection with—

"(i) transporting hazardous material in commerce;

"(ii) causing hazardous material to be transported in commerce, or

"(iii) manufacturing, reconditioning, or testing containers, drums, or other packagings represented as qualified for use in transporting hazardous material.";

(3) by striking "title." in paragraph (7) and inserting "title, except that a freight forwarder is included only if performing a function related to highway transportation";

(4) by redesignating paragraphs (9) through (13) as paragraphs (12) through (16);

(5) by inserting after paragraph (8) the following;

"(9) 'out-of-service order' means a mandate that an aircraft, vessel, motor vehicle, train, other vehicle, or a part of any of these, not be moved until specified conditions have been met.

"(10) 'package' or 'outside package' means a packaging plus its contents.

"(11) 'packaging' means a receptacle and any other components or materials necessary for the receptacle to perform its containment function in conformance with the minimum packaging requirements established by the Secretary of Transportation."; and

(6) by striking "or transporting hazardous material to further a commercial enterprise;" in paragraph 12(A), as redesignated by paragraph (4) of this subsection, and inserting a comma and "transporting hazardous material to further a commercial enterprise, or manufacturing, reconditioning, or testing containers, drums, or other packagings represented as qualified for use in transporting hazardous material".

(c) CLERICAL AMENDMENT.—The chapter analysis of chapter 51 is amended by striking the item relating to section 5101 and inserting the following:

"5101. Findings and purposes".

### SEC. 203. HANDLING CRITERIA REPEAL.

Section 5106 is repealed and the chapter analysis of chapter 51 is amended by striking the item relating to that section.

### SEC. 204. HAZMAT EMPLOYEE TRAINING REQUIREMENTS.

Section 5107(f)(2) is amended by striking "and sections 5106, 5108(a)–(g)(1) and (h), and".

### SEC. 205. REGISTRATION.

Section 5108 is amended by—

(1) by striking subsection (b)(1)(C) and inserting the following:

"(C) each State in which the person carries out any of the activities.";

(2) by striking subsection (c) and inserting the following:

"(c) FILING SCHEDULE.—Each person required to file a registration statement under subsection (a) of this section shall file that statement annually in accordance with regulations issued by the Secretary.";

(3) by striking "552(f)" in subsection (f) and inserting "552(b)"; and

(4) by striking "may" in subsection (g)(1) and inserting "shall".

(5) by amending §5108(I)(2)(B) by adding "an INDIAN TRIBE" after "STATE,"

### SEC. 206. HIGHWAY TRANSPORTATION OF HAZARDOUS MATERIALS.

(a) IN GENERAL.—Section 5109 is amended to read as follows:

**"§ 5109. Hazardous materials pilot program**

"(a) GENERAL.—The Secretary of Transportation shall implement a pilot program to evaluate the use of automated carrier assessment programs for carriers of certain hazardous materials.

"(b) HAZARDOUS MATERIALS COVERED.—The Secretary shall determine the hazardous materials to be covered by the pilot program. The Secretary may limit materials to—

"(1) class 1.1, 1.2, or 1.3 explosives;

"(2) liquefied natural gas;

"(3) hazardous materials the Secretary designates as extremely toxic by inhalation;

"(4) a highway route controlled quantity of radioactive material, as defined by the Secretary; or

"(5) any other hazardous material designated by the Secretary under section 5103(a) of this title.".

(b) CLERICAL AMENDMENT.—The chapter analysis for chapter 51 is amended by striking the item relating to section 5109 and inserting the following:

"5109. Hazardous materials pilot program".

### SEC. 207. SHIPPING PAPER RETENTION.

Section 5110(e) is amended by striking the first sentence and inserting "After expiration of the requirement in subsection (c) of this section, the person who provided the shipping paper and the carrier required to maintain it under subsection (a) of this section shall retain the paper or an electronic image thereof, for a period of 1 year after the shipping paper was provided to the carrier, to be accessible through their respective principal places of business.".

### SEC. 208. PUBLIC SECTOR TRAINING CURRICULUM.

Section 5115 is amended by—

(1) by striking "DEVELOPMENT AND UPDATING.—Not later than November 16, 1992, in" in subsection (a) and inserting "UPDATING.—In";

(2) by striking "develop and" in the first sentence of subsection (a);

(3) by striking the second sentence of subsection (a);

(4) by striking "developed" in the first sentence of subsection (b);

(5) by inserting "or involving an alternative fuel vehicle" after "material" in subparagraphs (A) and (B) of subsection (b)(1); and

(6) by striking subsection (d) and inserting the following:

"(d) DISTRIBUTION AND PUBLICATION.—With the national response team, the Secretary of Transportation may publish a list of programs that use a course developed under this section for training public sector employees to respond to an accident or incident involving the transportation of hazardous material.".

### SEC. 209. PLANNING AND TRAINING GRANTS.

Section 5116 is amended by—

(1) by striking "of" in the second sentence of subsection (e) and inserting "received by";

(2) by striking subsection (f) and inserting the following:

"(f) MONITORING AND TECHNICAL ASSISTANCE.—The Secretary of Transportation shall monitor public sector emergency response planning and training for an accident or incident involving hazardous material. Considering the results of the monitoring, the Secretary shall provide technical assistance to a State, political subdivision of a State, or Indian tribe for carrying out emergency response training and planning for an accident or incident involving hazardous material and shall coordinate the assistance using the existing coordinating mechanisms of the National Response Team for Oil and Hazardous Substances and, for radioactive material, the Federal Radiological Preparedness Coordinating Committee."; and

(3) by adding at the end thereof the following:

"(l) SMALL BUSINESSES.—The Secretary may authorize a State or Indian tribe receiving a grant under this section to use up to 25 percent of the amount of the grant to assist small businesses in complying with regulations issued under this chapter.".

### SEC. 210 SPECIAL PERMITS AND EXCLUSIONS.

(a) Section 5117 is amended by—

(1) by striking the section caption and inserting the following:

**"§ 5117. Special permits and exclusions";**

(2) by striking "exemption" each place it appears and inserting "special permit";

(3) by inserting "authorizing variances" after "special permit" the first place it appears; and

(4) by striking "2" and inserting "4" in subsection (a)(2).

(b) The chapter analysis for chapter 51 is amended by striking the item related to section 5117 and inserting the following:

"5117. Special permits and exclusions".

### SEC. 211. COOPERATIVE AGREEMENTS.

Section 5121, as amended by section 211(a), is further amended by adding at the end thereof the following:

"(c) AUTHORITY FOR COOPERATIVE AGREEMENTS.—To carry out this chapter, the Secretary may enter into grants, cooperative agreements, and other transactions with a person, agency or instrumentality of the United States, a unit of State or local government, an Indian tribe, a foreign government (in coordination with the State Department), an educational institution, or other entity to further the objectives of this chapter. The objectives of this chapter include the conduct of research, development, demonstration, risk assessment, emergency response planning and training activities.".

### SEC. 212. ENFORCEMENT.

Section 5122, as amended by section 211(b), is further amended by—

(1) by inserting "inspect," after "may" in the first sentence of subsection (a);

(2) by striking the last sentence of subsection (a) and inserting: "Except as provided in subsection (e) of this section, the Secretary shall provide notice and an opportunity for a hearing prior to issuing an order requiring compliance with this chapter or a regulation, order, special permit, or approval issued under this chapter.";

(2) by redesignating subsections (d) and (e) as subsections (f) and (g), and inserting after subsection (c) the following:

"(d) OTHER AUTHORITY.—During inspections and investigations, officers, employees, or agents of the Secretary may—

"(1) open and examine the contents of a package offered for, or in, transportation when—

"(A) the package is marked, labeled, certified, placarded, or otherwise represented as containing a hazardous material, or

"(B) there is an objectively reasonable and articulable belief that the package may contain a hazardous material;

"(2) take a sample, sufficient for analysis, of material marked or represented as a hazardous material or for which there is an objectively reasonable and articulable belief that the material may be a hazardous material, and analyze that material;

"(3) when there is an objectively reasonable and articulable belief that an imminent hazard may exist, prevent the further transportation of the material until the hazardous qualities of that material have been determined; and

"(4) when safety might otherwise be compromised, authorize properly qualified personnel to conduct the examination, sampling, or analysis of a material.

"(e) EMERGENCY ORDERS.—

"(1) If, through testing, inspection, investigation, or research carried out under this chapter, the Secretary decides that an unsafe condition or practice, or a combination of them, causes an emergency situation involving a hazard of death, personal injury, or significant harm to the environment, the Secretary may immediately issue or impose restrictions, prohibitions, recalls, or out-of-service orders, without notice or the opportunity for a hearing, that may be necessary to abate the situation.

"(2) The Secretary's action under this subsection must be in a written order describing the condition or practice, or combination of them, that causes the emergency situation; stating the restrictions, prohibitions, recalls, or out-of-service orders being issued or imposed; and prescribing standards and procedures for obtaining relief from the order.

"(3) After taking action under this subsection, the Secretary shall provide an opportunity for review of that action under section 554 of title 5.

"(4) If a petition for review is filed and the review is not completed by the end of the 30-day period beginning on the date the petition was filed, the action will cease to be effective at the end of that period unless the Secretary determines in writing that the emergency situation still exists.".

### SEC. 213. PENALTIES.

(a) Section 5123(a)(1) is amended by striking the first sentence and inserting the following: "A person that knowingly violates this chapter or a regulation, order, special permit, or approval issued under this chapter is liable to the United States Government for a civil penalty of at least $250 but not more than $27,500 for each violation.".

(b) Section 5123(c)(2) is amended to read as follows:

"(2) with respect to the violator, the degree of culpability, any good-faith efforts to comply with the applicable requirements, any history of prior violations, any economic benefit resulting from the violation, the ability to pay, and any effect on the ability to continue to do business; and".

(c) Section 5124 is amended to read as follows:

**§ 5124. Criminal penalty**

"(a) IN GENERAL.—A person knowingly violating section 5104(b) of this title or willfully violating this chapter or a regulation, order, special permit, or approval issued under this chapter, shall be fined under title 18, imprisoned for not more than 5 years, or both.

"(b) AGGRAVATED VIOLATIONS.—A person knowingly violating section 5104(b) of this title or willfully violating this chapter or a regulation, order, special permit, or approval issued under this chapter, and thereby causing the release of hazardous material, shall be fined under title 18, imprisoned for not more than 20 years, or both.".

### SEC. 214. PREEMPTION.

(a) REQUIREMENTS CONTRARY TO PURPOSES OF CHAPTER.—Section 5125(a)(2) is amended by inserting a comma and "the purposes of this chapter," after "this chapter" the first place it appears.

(b) DEADWOOD.—Section 5125(b)(2) is amended by striking "prescribes after November 16, 1990." and inserting "prescribes.".

(c) Add § 5125(h) as Follows: "RELATIONSHIP TO OTHER LAW.—No preemption authority established by subsection (a), (b), (c) or (g) of this section, or section 5119(a) of this chapter, shall be construed to limit or be limited by any other preemption authority of this section or chapter."

### SEC. 215. JUDICIAL REVIEW.

(a) Chapter 51 is amended by redesignating section 5127 as section 5128, and by inserting after section 5126 the following new section:

**§ 5127. Judicial review**

"(a) FILING AND VENUE.—Except as provided in section 20114(c) of this title, a person disclosing a substantial interest in a final order issued, under the authority of section 5122 or 5123 of this title, by the Secretary of Transportation, the Administrators of the Research and Special Programs Administration, the Federal Aviation Administration, or the Federal Highway Administration, or the Commandant of the United States Coast Guard ('modal Administrator'), with respect to the duties and powers designated to be carried out by the Secretary under this chapter, may apply for review in the United

States Court of Appeals for the District of Columbia or in the court of appeals for the United States for the circuit in which the person resides or has its principal place of business. The petition must be filed not more than 60 days after the order is issued. The court may allow the petition to be filed after the 60th day only if there are reasonable grounds for not filing by the 60th day.

"(b) JUDICIAL PROCEDURES.—When a petition is filed under subsection (a) of this section, the clerk of the court immediately shall send a copy of the petition to the Secretary or the modal Administrator, as appropriate. The Secretary or the modal Administrator shall file with the court a record of any proceeding in which the order was issued, as provided in section 2112 of title 28.

"(c) AUTHORITY OF COURT.—When the petition is sent to the Secretary or the modal Administrator, the court has exclusive jurisdiction to affirm, amend, modify, or set aside any part of the order and may order the Secretary or the modal Administrator to conduct further proceedings. After reasonable notice to the Secretary or the modal Administrator, the court may grant interim relief by staying the order or taking other appropriate action when good cause for its action exists. Findings of fact by the Secretary or the modal Administrator, if supported by substantial evidence, are conclusive.

"(d) REQUIREMENT FOR PRIOR OBJECTION.—In reviewing a final order under this section, the court may consider an objection to a final order of the Secretary or the modal Administrator only if the objection was made in the course of a proceeding or review conducted by the Secretary, the modal Administrator, or an administrative law judge, or if there was a reasonable ground for not making the objection in the proceeding.

"(e) SUPREME COURT REVIEW.—A decision by a court under this section may be reviewed only by the Supreme Court under section 1254 of title 28, United States Code.".

(b) The chapter analysis for chapter 51 is amended by striking the item related to section 5127 and inserting the following:

"5127. Judicial review.".
"5128. Authorization of appropriations.".

### SEC. 216. HAZARDOUS MATERIAL TRANSPORTATION REAUTHORIZATION.

(a) IN GENERAL.—Chapter 51, as amended by section 216 of this Act, is amended by redesignating section 5128 as section 5129 and by inserting after section 5127 the following:

**§5128. High risk hazardous material; motor carrier safety study**

"(a) STUDY.—The Secretary of Transportation shall conduct a study—

"(1) to determine the safety benefits and administrative efficiency of implementing a Federal permit program for high risk hazardous material carriers;

"(2) to identify and evaluate alternative regulatory methods and procedures that may improve the safety of high risk hazardous material carriers and shippers;

"(3) to examine the safety benefits of increased monitoring of high risk hazardous material carriers, and the costs, benefits, and procedures of existing State permit programs;

"(4) to make such recommendations as may be appropriate for the improvement of uniformity among existing State permit programs; and

"(5) to assess the potential of advanced technologies for improving the assessment of high risk hazardous material carriers' compliance with motor carrier safety regulations.

"(b) TIMEFRAME.—The Secretary shall begin the study required by subsection (a) within 6 months after the date of enactment of the Surface Transportation Safety Act of 1997 and complete it within 30 months.

"(c) REPORT.—The Secretary shall report the findings of the study required by subsection (a), together with such recommendations as may be appropriate, within 36 months after the date of enactment of that Act.".

(b) SECTION 5109 REGULATIONS TO REFLECT STUDY FINDINGS.—Section 5109(h) is amended by striking "not later than November 16, 1991." and inserting "based upon the findings of the study required by section 5128(a).".

(c) CONFORMING AMENDMENT.—The chapter analysis for chapter 51, as amended by section 216, is amended by striking the item relating to section 5128 and inserting the following:

"5128. High risk hazardous material; motor carrier safety study
"5129. Authorization of appropriations".

### SEC. 217. AUTHORIZATION OF APPROPRIATIONS.

Section 5129, as redesignated, is amended—

(1) by striking subsection (a) and inserting the following:

"(a) GENERAL.—Not more than $15,492,000 may be appropriated to the Secretary of Transportation for fiscal year 1998, and such sums as may be necessary for fiscal years 1999, 2000, 2001, 2002, and 2003, to carry out this chapter (except sections 5107(e), 5108(g)(2), 5113, 5115, 5116, and 5119).";

(2) by striking subsections (c) and (d) and inserting the following:

"(c) TRAINING CURRICULUM,—Not more than $200,000 is available to the Secretary of Transportation from the account established under section 5116(i) of this title for each of the fiscal years ending September 30, 1999–2003, to carry out section 5115 of this title.

"(d) PLANNING AND TRAINING.—

(1) Not more than $2,444,000 is available to the Secretary of Transportation from the account established under section 5116(i) of this title for the fiscal year ending September 30, 1998, and such sums as may be necessary for fiscal years 1999–2003, to carry out section 5116(a) of this title.

"(2) Not more than $3,666,000 is available to the Secretary of Transportation from the account established under section 5116(i) of this title for the fiscal year ending September 30, 1998, and such sums as may be necessary for fiscal years 1999–2003, to carry out section 5116(b) of this title.

"(3) Not more than $600,000 is available to the Secretary of Transportation from the account established under section 5116(i) of this title for the fiscal year ending September 30, 1998, and such sums as may be necessary for fiscal years 1999–2003, to carry out section 5116(f) of this title."; and

(3) striking subsection (e) and inserting the following:

"(e) UNIFORM FORMS AND PROCEDURES.—Not more than $250,000 may be appropriated to the Secretary of Transportation for each of fiscal years 1998, 1999, and 2000 for making grants under section 5119(c).".

## TITLE III—SANITARY FOOD TRANSPORTATION

### SEC. 301. SHORT TITLE.

This title may be cited as the "Sanitary Food Transportation Act of 1997".

### SEC. 302. FINDINGS.

Congress finds that—

(1) the Department of Transportation, the Department of Agriculture, and the Food and Drug Administration in the Department of Health and Human Services have consulted about how best to ensure that food is not adulterated as a result of the conditions under which it is transported. As a result of these consultations, the agencies have confirmed that steps to ensure the safety of food are more efficient if taken by the agencies directly charged with the responsibility for food safety;

(2) the Secretary of Agriculture has ample authority under the Federal Meat Inspection Act (21 U.S.C. 601 et seq.), the Poultry Products Inspection Act (21 U.S.C. 451 et seq.), and the Egg Products Inspection Act (21 U.S.C. 1031 et seq.), to inspect and regulate continuously the transportation of meat, poultry, and eggs in commerce for use in human food, has exercised the statutory authority in a diligent manner so as to prevent the transportation of unwholesome or adulterated meat, poultry, and egg products in commerce, and does not need additional enforcement authority to regulate the transportation of meat, poultry, and egg products in commerce;

(3) certain statutory changes are necessary to provide the Secretary of Health and Human Services with the authority necessary to ensure that food, other than that regulated by the Secretary of Agriculture, will not be rendered adulterated in transportation;

(4) the appropriate role for the Secretary of Transportation is to provide assistance concerning the transportation aspects of food safety; and

(5) therefore, amendment of chapter 57 of title 49, United States Code, and the transfer of certain authorities to the Secretary of Health and Human Services, is appropriate.

### SEC. 303. RESPONSIBILITIES OF THE SECRETARY OF HEALTH AND HUMAN SERVICES.

(a) UNSANITARY TRANSPORT DEEMED ADULTERATION.—Section 402 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 342) is amended by adding at the end the following:

"(h) If it is transported under conditions that are not in compliance with the sanitary transportation practices prescribed by the Secretary under section 414.".

(b) SANITARY TRANSPORTATION REQUIREMENTS.—Chapter IV of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 341 et seq.) is amended by adding at the end the following:

### "SEC. 414. SANITARY TRANSPORTATION OF FOOD.

"(a) SANITARY TRANSPORTATION PRACTICES.—The Secretary shall establish by regulation sanitary transportation practices which shippers, carriers, receivers, and other persons engaged in the transportation of food shall be required to follow to ensure that the food is not transported under conditions that may render it adulterated, including such practices as the Secretary may find appropriate relating to—

"(1) sanitation;

"(2) packaging, isolation, and other protective measures;

"(3) limitations on the use of vehicles;

"(4) information to be disclosed—

"(A) to a carrier by a person arranging for the transport of food, and

"(B) to a manufacturer or other persons arranging for the transport of food by a carrier or other person furnishing a tank or bulk vehicle for the transport of food; and

"(5) recordkeeping.

"(b) LIST OF UNACCEPTABLE NONFOOD PRODUCT.—The Secretary, by publication in the Federal Register, may establish and periodically amend—

"(1) a list of nonfood products that the Secretary determines may, if shipped in a tank or bulk vehicle, render adulterated food transported subsequently in such vehicle; and

"(2) a list of nonfood products that the Secretary determines may, if shipped in a motor or rail vehicle (other than a tank or bulk vehicle), render adulterated food transported simultaneously or subsequently in such vehicle.

"(c) Waiver Authority.—

"(1) In general.—The Secretary may waive all or part of this section, or any requirement under this section, with respect to any class of persons, of vehicles, of food, or of nonfood products, if the Secretary determines that such waiver—

"(A) will not result in the transportation of food under conditions that would be unsafe for human or animal health; and

"(B) will not be contrary to the public interest or this Act.

"(2) Publication.—The Secretary shall publish in the Federal Register any waiver and the reasons for the waiver.

"(d) Preemption.—

"(1) In general.—No State or political subdivision of a State may directly or indirectly establish or continue in effect, as to any food in interstate commerce, any authority or requirement concerning that transportation of food that is not identical to the requirement of this section.

"(2) Effective date.—The provisions of this subsection apply only with respect to transportation occurring on or after the effective date of regulations prescribed under subsection (a).

"(e) Assistance of Other Agencies.—The Secretary of Transportation, the Secretary of Agriculture, the Administrator of the Environmental Protection Agency, and the heads of other Federal agencies, as appropriate, shall provide assistance upon request, to the extent resources are available, to the Secretary of Health and Human Services for the purposes of carrying out this section.

"(f) Definitions.—For purposes of this section—

"(1) The term 'transportation' means any movement of property in commerce by motor vehicle or rail vehicle.

"(2) The term 'tank or bulk vehicle' includes any vehicle in which food is shipped in bulk and in which the food comes directly into contact with the vehicle, including tank trucks, hopper trucks, rail tank cars, hopper cars, cargo tanks, portable tanks, freight containers, or hopper bins.".

"(c) Inspection of Transportation Records.—

"(1) Amendment of chapter VII.—Chapter VII of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 371 et seq.) is amended by inserting after section 703 the following new section:

### "SEC. 703A. FOOD TRANSPORTATION RECORDS.

"Shippers, carriers by motor vehicle or rail vehicle, and other persons subject to section 414 shall, upon request of an officer or employee duly designated by the Secretary, permit such officer or employee, at reasonable times, to have access to and to copy all records that the Secretary requires them to make or retain under section 414(a)(5) of this Act.".

"(2) Conforming amendment.—The second proviso of section 703 of the Act (21 U.S.C. 373) is amended by inserting ", unless otherwise explicitly provided," after "That".

(d) Prohibited Acts.—

(1) Amendment of section 301(c).—Section 301(c) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 331(e)) is amended by—

(A) by striking "or 703" and inserting ", 703, or 703A"; and

(B) by inserting "414," before "505(i)".

(2) Unsafe food transportation.—Section 301 of the Act (21 U.S.C. 331) is further amended by—

(A) by redesignating subsection (u) as subsection (v); and

(B) by adding at the end the following new subsection:

"(w) The failure, by a shipper, carrier, receiver, or any other person engaged in the transportation of food, to comply with the sanitary transportation practices prescribed by the Secretary under section 414.".

### SEC. 304. DEPARTMENT OF TRANSPORTATION REQUIREMENTS.

Chapter 57 relating to sanitary food transportation, is amended to read as follows:

### "CHAPTER 57—SANITARY FOOD TRANSPORTATION

"Sec.
"5701. Findings.
"5702. Food transportation safety inspections.

### "§ 5701. Findings

"Congress finds that—

"(1) the United States public is entitled to receive food and other consumer products that are not made unsafe because of certain transportation practices;

"(2) The United States public is threatened by the transportation of products potentially harmful to consumers in motor vehicles and rail vehicles that are used to transport food and other consumer products; and

"(3) the risks to consumers by those transportation practices are unnecessary and those practices must be ended.

### "§ 5702. Food transportation safety inspections

"(a) Inspection Procedures.—

"(1) The Secretary of Transportation, in consultation with the Secretaries of Health and Human Services and Agriculture, shall establish procedures to be used in performing transportation safety inspections for the purpose of identifying suspected incidents of contamination or adulteration of food that may violate regulations issued under section 414 of the Federal Food, Drug, and Cosmetic Act and shall train personnel of the Department of Transportation in the appropriate use of such procedures.

"(2) The procedures established under paragraph (1) of this subsection shall apply, at a minimum, to the Department of Transportation personnel who perform commercial motor vehicle and railroad safety inspections.

"(b) Notification of Secretaries of Health and Human Services and Agriculture.—The Secretary of Transportation shall promptly notify the Secretary of Health and Human Services or the Secretary of Agriculture, as applicable, of any instances of potential food contamination or adulteration of a food identified during transportation safety inspections.

"(c) Use of State Employees.—The Secretary of Transportation may carry out notification under subsection (b) by transmittal of reports of inspections conducted in accordance with such procedures by State employees using funds authorized to be appropriated under sections 31102 through 31104 of this title.".

### SEC. 305. EFFECTIVE DATE.

Unless otherwise specified, the provisions of this title take effect on October 1, 1997.

## TITLE IV—RAIL AND MASS TRANSPORTATION ANTI-TERRORISM

### SEC. 401. SHORT TITLE.

This title may be cited as the "Transportation Anti-Terrorism Act of 1997".

### SEC. 402. PURPOSE.

The purpose of this title is to protect the passengers and employees of railroad carriers and mass transportation systems and the movement of freight by railroad from terrorist attacks.

### SEC. 403. AMENDMENTS TO THE "WRECKING TRAINS" STATUTE.

(a) Section 1992 of title 18, United States Code, is amended to read as follows:

### "§ 1992. Terrorist attacks against railroads

"(a) General Prohibitions.—Whoever willfully—

"(1) wrecks, derails, set fire to, or disables any train, locomotive, motor unit, or freight or passenger car used, operated, or employed by a railroad carrier;

"(2) brings, carries, possesses, places or causes to be placed any destructive substance, or destructive device in, upon, or near any train, locomotive, motor unit, or freight or passenger car used, operated, or employed by a railroad carrier, without previously obtaining the permission of the carrier, and with intent to endanger the safety of any passenger or employee of the carrier, or with a reckless disregard for the safety of human life;

"(3) sets fire to, or places any destructive substance, or destructive device in, upon or near, or undermines any tunnel, bridge, viaduct, trestle, track, signal, station, depot, warehouse, terminal, or any other way, structure, property, or appurtenance used in the operation of, or in support of the operation of, a railroad carrier, or otherwise makes any such tunnel, bridge, viaduct, trestle, track, station, depot, warehouse, terminal, or any other way, structure, property, or appurtenance unworkable or unusable or hazardous to work or use, knowing or having reason to know such activity would likely derail, disable, or wreck a train, locomotive, motor unit, or freight or passenger car used, operated, or employed by a railroad carrier;

"(4) removes appurtenances from, damages, or otherwise impairs the operation of any railroad signal system, including a train control system, centralized dispatching system, or highway-railroad grade crossing warning signal on a railroad line used, operated, or employed by a railroad carrier;

"(5) interferes with, disables or incapacitates any locomotive engineer, conductor, or other person while they are operating or maintaining a train, locomotive, motor unit, or freight or passenger car used, operated, or employed by a railroad carrier, with intent to endanger the safety of any passenger or employee of the carrier, or with a reckless disregard for the safety of human life;

"(6) commits an act intended to cause death or serious bodily injury to an employee or passenger of a railroad carrier while on the property of the carrier;

"(7) causes the release of a hazardous material being transported by a rail freight car, with the intent to endanger the safety of any person, or with a reckless disregard for the safety of human life;

"(8) conveys or causes to be conveyed false information, knowing the information to be false, concerning an attempt or alleged attempt being made or to be made, to do any act which would be a crime prohibited by this subsection; or

"(9) attempts, threatens, or conspires to do any of the aforesaid acts, shall be fined under this title or imprisoned not more than twenty years, or both, if such act is committed, or in the case of a threat or conspiracy such act would be committed, within the United States on, against, or affecting a railroad carrier engaged in or affecting interstate or foreign commerce, or if in the course of committing such acts, that person travels or communicates across a State line in order to commit such acts, or transports materials across a State line in aid of the commission of such acts; Provided however, that whoever is convicted of any crime prohibited by this subsection shall be:

"(A) imprisoned for not less than thirty years or for life if the railroad train involved carried high-level radioactive waste or spent nuclear fuel at the time of the offense;

"(B) imprisoned for life if the railroad train involved was carrying passengers at the time of the offense; and

"(C) imprisoned for life or sentenced to death if the offense has resulted in the death of any person.

"(b) Prohibitions on the Use of Firearms and Dangerous Weapons.—

"(1) Except as provided in paragraph (4), whoever knowingly possesses or causes to be present any firearm or other dangerous weapon on board a passenger train of a railroad carrier, or attempts to do so, shall be fined under this title or imprisoned not more than one year, or both, if such act is committed on a railroad carrier that is engaged in or affecting interstate or foreign commerce, of if in the course of committing such act, that person travels or communicates across a State line in order to commit such act, or transports materials across a State line in aid of the commission of such act.

"(2) Whoever, with intent that a firearm or other dangerous weapon be used in the commission of a crime, knowingly possesses or causes to be present such firearm or dangerous weapon on board a passenger train or in a passenger terminal facility of a railroad carrier, or attempts to do so, shall be fined under this title or imprisoned not more than 5 years, or both, if such act is committed on a railroad carrier that is engaged in or affecting interstate or foreign commerce, or if in the course of committing such act, that person travels or communicates across a State line in order to commit such act, or transports materials across a State line in aid of the commission of such act.

"(3) A person who kills or attempts to kill a person in the course of a violation of paragraphs (1) or (2), or in the course of an attack on a passenger train or a passenger terminal facility of a railroad carrier involving the use of a firearm or other dangerous weapon, shall be punished as provided in sections 1111, 1112, and 1113 of this title.

"(4) Paragraph (1) shall not apply to:

"(A) the possession of a firearm or other dangerous weapon by an officer, agent, or employee of the United States, a State, or a political subdivision thereof, while engaged in the lawful performance of official duties, who is authorized by law to engage in the transportation of people accused or convicted of crimes, or supervise the prevention, detection, investigation, or prosecution of any violation of law;

"(B) the possession of a firearm or other dangerous weapon by an officer, agent, or employee of the United States, a State, or a political subdivision thereof, while off duty, if such possession is authorized by law;

"(C) the possession of a firearm or other dangerous weapon by a Federal official or a member of the Armed Forces is such possession is authorized by law; or

"(D) an individual transporting a firearm on board a railroad passenger train (except a loaded firearm) in baggage not accessible to any passenger on board the train, if the railroad carrier was informed of the presence of the weapon prior to the firearm being placed on board the train.

"(c) Prohibition Against Propelling Objects.—Whoever willfully or recklessly throws, shoots, or propels a rock, stone, brick, or piece of iron, steel, or other metal or any deadly or dangerous object or destructive substance at any locomotive or car of a train, knowing or having reason to know such activity would likely cause personal injury, shall be fined under this title or imprisoned for not more than 5 years, or both, if such act is committed on or against a railroad carrier engaged in or affecting interstate or foreign commerce, or if in the course of committing such act, that person travels or communicates across a State line in order to commit such act, or transports materials across a State line in aid of the commission of such act. Whoever is convicted of any crime prohibited by this subsection shall also be subject to imprisonment for not more than twenty years if the offense has resulted in the death of any person.

"(d) Definitions.—In this section—

"(1) 'dangerous device' has the meaning given to that term in section 921(a)(4) of this title;

"(2) 'dangerous weapon" has the meaning given to that term in section 930 of this title;

"(3) 'destructive substance" has the meaning given to that term in section 31 of this title, except that (A) the term 'radioactive device' does not include any radioactive device or material used solely for medical, industrial, research, or other peaceful purposes, and (B) 'destructive substance' includes any radioactive device or material that can be used to cause a harm listed in subsection (a) and that is not in use solely for medical, industrial, research, or other peaceful purposes;

"(4) 'firearm' has the meaning given to that term in section 921 of this title;

"(5) 'hazardous material' has the meaning given to that term in section 5102(2) of title 49, United States Code;

"(6) 'high-level radioactive waste' has the meaning given to that term in section 10101(12) of title 42, United States Code;

"(7) 'railroad' has the meaning given to that term in section 20102(1) of title 49, United States Code;

"(8) 'railroad carrier' has the meaning given to that term in section 20102(2) of title 49, United States Code;

"(9) 'serious bodily injury' has the meaning given to that term in section 1365 of this title;

"(10) 'spent nuclear fuel' has the meaning given to that term in section 10101(23) of title 42, United States Code; and

"(11) 'State' has the meaning given to that term in section 2266 of this title.".

(b) In the analysis of chapter 97 of title 18, United States Code, item "1992" is amended to read:

"1992. Terrorist attacks against railroads".

### SEC. 404. TERRORIST ATTACKS AGAINST MASS TRANSPORTATION.

(a) Chapter 97 of title 18, United States Code, is amended by adding at the end thereof the following new section:

### "§ 1994. Terrorist attacks against mass transportation

"(a) General Prohibitions.—Whoever willfully—

"(1) wrecks, derails, sets fire to, or disables a mass transportation vehicle or vessel;

"(2) places or causes to be placed any destructive substance in, upon or near a mass transportation vehicle or vessel, without previously obtaining the permission of the mass transportation provider, and with intent to endanger the safety of any passenger or employee of the mass transportation provider, or with a reckless disregard for the safety of human life;

"(3) sets fire to, or places any destructive substance in, upon, or near any garage, terminal, structure, supply, or facility used in the operation of, or in support of the operation of, a mass transportation vehicle, knowing or having reason to know such activity would likely derail, disable, or wreck a mass transportation vehicle used, operated, or employed by a mass transportation provider;

"(4) removes appurtenances from, damages, or otherwise impairs the operation of a mass transportation signal system, including a train control system, centralized dispatching system, or rail grade cross warning signal;

"(5) interferes with, disables or incapacitates any driver or person while they are employed in operating or maintaining a mass transportation vehicle or vessel, with intent to endanger the safety of any passenger or employee of the mass transportation provider, or with a reckless disregard for the safety of human life;

"(6) commits an act intended to cause death or serious bodily injury to an employee or passenger of a mass transportation provider on the property of a mass transportation provider;

"(7) conveys or causes to be conveyed false information, knowing the information to be false, concerning an attempt or alleged attempt being made or to be made, to do any act which would be a crime prohibited by this subsection; or

"(8) attempts, threatens, or conspires to do any of the aforesaid acts—shall be fined under this title or imprisoned not more than twenty years, or both, if such act is committed, or in the case of a threat or conspiracy such act would be committed, within the United States on, against, or affecting a mass transportation provider engaged in or affecting interstate or foreign commerce, or if in the course of committing such act, that person travels or communicates across a State line in order to commit such act, or transports materials across a State line in aid of the commission of such act. Whoever is convicted of a crime prohibited by this section shall also be subject to imprisonment for life if the mass transportation vehicle or vessel was carrying a passenger at the time of the offense, and imprisonment for life or sentenced to death if the offense has resulted in the death of any person.

"(b) Prohibition on the Use of Firearms and Dangerous Weapons.—

"(1) Except as provided in paragraph (4), whoever knowingly possesses or causes to be present any firearm or other dangerous weapon on board a mass transportation vehicle or vessel, or attempts to do so, shall be fined under this title or imprisoned not more than one year, or both, if such act is committed on a mass transportation provider engaged in or affecting interstate or foreign commerce, or if in the course of committing such act, that person travels or communicates across a State line in order to commit such act, or transports materials across a State line in aid of the commission of such act.

"(2) Whoever, with intent that a firearm or other dangerous weapon be used in the commission of a crime, knowingly possesses or causes to be present such firearm or dangerous weapon on board a mass transportation vehicle or vessel, or in a mass transportation passenger terminal facility, or attempts to do so, shall be fined under this title, or imprisoned not more than 5 years, or both, if such act is committed on a mass transportation provider engaged in or affecting interstate or foreign commerce, or if in the course of committing such act, that person travels or communicates across a State line in order to commit such act, or transports materials across a State line in aid of the commission of such act.

"(3) A person who kills or attempts to kill a person in the course of a violation of paragraphs (1) or (2), or in the course of an attack on a mass transportation vehicle or vessel, or a mass transportation passenger terminal facility involving the use of a firearm or other dangerous weapon, shall be punished as provided in sections 1111, 1112, and 1113 of this title.

"(4) Paragraph (1) shall not apply to:

"(A) the possession of a firearm or other dangerous weapon by an officer, agent, or employee of the United States, a State, or a political subdivision thereof, while engaged in the lawful performance of official duties, who is authorized by law to engage in the transportation of people accused or convicted of crimes, or supervise the prevention, detection, investigation, or prosecution of any violation of law;

"(B) the possession of a firearm or other dangerous weapon by an officer, agent, or employee of the United States, a State, or a political subdivision thereof, while off duty, if such possession is authorized by law;

"(C) the possession of a firearm or other dangerous weapon by a Federal official or a member of the Armed Forces if such possession is authorized by law; or

"(D) an individual transporting a firearm on board a mass transportation vehicle or vessel (except a loaded firearm) in baggage not accessible to any passenger on board the vehicle or vessel, if the mass transportation provider was informed of the presence of the weapon prior to the firearm being placed on board the vehicle or vessel.

"(c) PROHIBITION AGAINST PROPELLING OBJECTS.—Whoever willfully or recklessly throws, shoots, or propels a rock, stone, brick, or piece of iron, steel, or other metal or any deadly or dangerous object or destructive substance at any mass transportation vehicle or vessel, knowing or having reason to know such activity would likely cause personal injury, shall be fined under this title or imprisoned for not more than 5 years, or both, if such act is committed on or against a mass transportation provider engaged in or substantially affecting interstate or foreign commerce, or if in the course of committing such acts, that person travels or communicates across a State line in order to commit such acts, or transports materials across a State line in aid of the commission of such acts. Whoever is convicted of any crime prohibited by this subsection shall also be subject to imprisonment for not more than twenty years if the offense has resulted in the death of any person.

"(d) DEFINITIONS.—In this section—

"(1) 'dangerous device' has the meaning given to that term in section 921(a)(4) of this title;

"(2) 'dangerous weapon' has the meaning given to that term in section 930 of this title;

"(3) 'destructive substance' has the meaning given to that term in section 31 of this title, except that (A) the term 'radioactive device' does not include any radioactive device or material used solely for medical, industrial, research, or other peaceful purposes, and (B) 'destructive substance' includes any radioactive device or material that can be used to cause a harm listed in subsection (a) and that is not in use solely for medical, industrial, research, or other peaceful purposes;

"(4) 'firearm' has the meaning given to that term in section 921 of this title;

"(5) 'mass transportation' has the meaning given to that term in section 5302(a)(7) of title 49, United States Code, except that the term shall include schoolbus, charter, and sightseeing transportation;

"(6) 'serious bodily injury' has the meaning given to that term in section 1365 of this title; and

"(7) 'State' has the meaning given to that term in section 2266 of this title.".

(b) The analysis of chapter 97 of title 18, United States Code, is amended by adding at the end thereof:

"1994. Terrorist attacks against mass transportation.".

**SEC. 405. INVESTIGATIVE JURISDICTION.**

The Federal Bureau of Investigation shall lead the investigation of all offenses under sections 1192 and 1994 of title 18, United States Code. The Federal Bureau of Investigation shall cooperate with the National Transportation Safety Board and with the Department of Transportation in safety investigations by these agencies, and with the Treasury Department's Bureau of Alcohol, Tobacco and Firearms concerning an investigation regarding the possession of firearms and explosives.

## TITLE V—RAIL AND MASS TRANSPORTATION SAFETY

**SEC. 501. SAFETY CONSIDERATIONS IN GRANTS OR LOANS TO COMMUTER RAILROADS.**

Section 5329 is amended by adding at the end the following:

"(c) COMMUTER RAILROAD SAFETY CONSIDERATIONS.—In making a grant or loan under this chapter that concerns a railroad subject to the Secretary's railroad safety jurisdiction under section 20102 of this title, the Federal Transit Administrator shall consult with the Federal Railroad Administrator concerning relevant safety issues. The Secretary may use appropriate authority under this chapter, including the authority to prescribe particular terms or covenants under section 5334 of this title, to address any safety issues identified in the project supported by the loan or grant.".

**SEC. 502. RAILROAD ACCIDENT AND INCIDENT REPORTING.**

Section 20901(a) is amended to read as follows:

"(a) GENERAL REQUIREMENTS.—On a periodic basis as specified by the Secretary of Transportation, a railroad carrier shall file a report with the Secretary on all accidents and incidents resulting in injury or death to an individual or damage to equipment or a roadbed arising from the carrier's operations during that period. The report shall state the nature, cause, and circumstances of each reported accident or incident. If a railroad carrier assigns human error as a cause, the report shall include, at the option of each employee whose error is alleged, a statement by the employee explaining any factors the employee alleges contributed to the accident or incident.".

**SEC. 503. VEHICLE WEIGHT LIMITATIONS—MASS TRANSPORTATION BUSES.**

Section 1023(h)(1) of the Intermodal Surface Transportation Efficiency Act of 1991, as amended (23 U.S.C. 127 note), is amended by striking "the date on which" and all that follows through "1995" and inserting "January 1, 2003".

## TITLE VI—MOTOR CARRIER SAFETY

### SUBTITLE A—STATE GRANTS AND OTHER COMMERCIAL VEHICLE PROGRAMS

**SEC. 601. STATEMENT OF PURPOSE.**

Chapter 311 is amended—

(1) by inserting before section 31101 the following:

**"§ 31100. Purpose**

"The purposes of this subchapter are—

"(1) to improve commercial motor vehicle and driver safety;

"(2) to facilitate efforts by the Secretary, States, and other political jurisdictions, working in partnership, to focus their resources on strategic safety investments;

"(3) to increase administrative flexibility;

"(4) to strengthen enforcement activities;

"(5) to invest in activities related to areas of the greatest crash reduction;

"(6) to identify high risk carriers and drivers; and

"(7) to improve information and analysis systems."; and

(2) by inserting before the item relating to section 31101 in the chapter analysis for chapter 311 the following:

"§ 31100. Purposes".

**SEC. 602. GRANTS TO STATES.**

(a) PERFORMANCE-BASED GRANTS.—Section 31102 is amended—

(1) by inserting "improving motor carrier safety and" in subsection (a) after "programs for"; and

(2) by striking "adopt and assume responsibility for enforcing" in the first sentence of paragraph (b)(1) and inserting "assume responsibility for improving motor carrier safety and to adopt and enforce".

(b) HAZARDOUS MATERIALS.—Section 31102 is amended—

(1) by inserting a comma and "hazardous materials transportation safety," after "commercial motor vehicle safety" in subsection (a); and

(2) by inserting a comma and "hazardous materials transportation safety," in the first sentence of subsection (b) after "commercial motor vehicle safety".

(c) CONTENTS OF STATE PLANS.—Section 31102(b)(1) is amended—

(1) by redesignating subparagraphs (A) through (Q) as subparagraphs (B) through (R), respectively;

(2) by inserting before subparagraph (B), as redesignated, the following:

"(A) implements performance-based activities by fiscal year 2003;"

(3) by inserting "(1)" in subparagraph (K), as redesignated, after "(c)"; and

(4) by striking subparagraphs (L) and (M), as redesignated, and inserting the following:

"(L) ensures consistent, effective, and reasonable sanctions;

"(M) ensures that the State agency will coordinate the plan, data collection, and information systems with the State highway safety programs under title 23;

(5) by striking subparagraph (O), as redesignated;

(6) by striking "activities—" in subparagraph (P), as redesignated, and inserting "activities in support of national priorities and performance goals including—";

(7) by striking "to remove" in clause (i) of subparagraph (P), as redesignated, and inserting "activities aimed at removing";

(8) by striking "to provide" in clause (ii) of subparagraph (P), as redesignated, and inserting "activities aimed at providing";

(9) by inserting "and" after the semicolon in clause (ii) of subparagraph (P), as redesignated;

(10) by striking clauses (iii) and (iv) of subparagraph (P), as redesignated;

(11) by inserting after clause (ii) of subparagraph (P), as redesignated, the following:

"(iii) interdiction activities affecting the transportation of controlled substances by commercial motor vehicle drivers and training on appropriate strategies for carrying out those interdiction activities."; and

(12) by striking subparagraph (Q), as redesignated, and redesignating subparagraph (R), as redesignated, as subparagraph (Q).

**SEC. 603. FEDERAL SHARE.**

Section 31103 is amended—

(1) by inserting before "The Secretary of Transportation" the following:

"(a) COMMERCIAL MOTOR VEHICLE SAFETY PROGRAMS AND ENFORCEMENT.—"

(2) by inserting "improve commercial motor vehicle safety and" in the first sentence before "enforce"; and

(3) by adding at the end the following:

"(b) OTHER ACTIVITIES.—The Secretary may reimburse State agencies, local governments, or other persons up to 100 percent for those activities identified in 31104(f)(2).".

**SEC. 604. AVAILABILITY OF AMOUNTS.**

(a) IN GENERAL.—Section 31104(a) is amended to read as follows:

"(a) GENERAL.—Subject to section 9503(c)(1) of the Internal Revenue Code of 1986 (26 U.S.C. 9503(c)(1)), there are available from the Highway Trust Fund (except the Mass Transit Account) for the Secretary of Transportation to incur obligations to carry out section 31102 of this title, not more than $83,000,000 for each of the fiscal years ending September 30, 1998, 1999, 2000, 2001, 2002, and 2003.".

(b) AVAILABILITY AND REALLOCATION.—Section 31104(b)(2) is amended to read as follows:

"(2) Amounts made available under section 4002(e)(1) and (2) of the Intermodal Surface Transportation Efficiency Act of 1991 before October 1, 1996, that are not obligated on October 1, 1997, are available for obligation under paragraph (1) of this subsection.".

(c) ALLOCATION CRITERIA.—Section 31104(f) is amended to read as follows:

"(f) ALLOCATION CRITERIA AND ELIGIBILITY.—

"(1) On October 1 of each fiscal year or as soon after that date as practicable, the Secretary, after making the deduction described in subsection (e) of this section, shall allocate, under criteria the Secretary prescribes through regulation, the amounts available for that fiscal year among the States with plans approved under section 31102 of this title.

"(2) The Secretary may designate up to 12 percent of such amounts to reimburse States for border commercial motor vehicle safety programs and enforcement and other high priority activities and projects. These amounts may be allocated by the Secretary to State agencies and local governments, that use trained and qualified officers and employees, and to other persons, in coordination with State motor vehicle safety agencies, for the improvement of commercial motor vehicle safety.".

(d) OTHER AMENDMENTS.—

(1) Section 31104 is amended by striking subsection (g) and redesignating subsection (h) as subsection (g).

(2) Section 31104(j) is amended by striking "tolerance" in the first sentence.

(3) Section 31104 is amended by striking subsection (i) and redesignating subsection (j) as subsection (h).

**SEC. 605. INFORMATION SYSTEMS AND STRATEGIC SAFETY INITIATIVES.**

Section 31106 is amended to read as follows:

**"§ 31106. Information Systems and Strategic Safety Initiatives.**

"(a) INFORMATION SYSTEMS.—

"(1) IN GENERAL.—The Secretary is authorized to establish motor carrier information systems and data analysis programs to support motor carrier regulatory and enforcement activities required under this title. In cooperation with the States, the information systems shall be coordinated into a network providing identification of motor carriers and drivers, registration and licensing tracing, and motor carrier and driver safety performance. The Secretary shall develop and maintain data analysis capacity and programs to provide the means to develop strategies to address safety problems and to use data analysis to measure the effectiveness of these strategies and related programs; to determine the cost effectiveness of State and Federal safety compliance, enforcement programs, and other countermeasures; to evaluate the safety fitness of motor carriers and drivers; to identify and collect necessary data; and to adapt, improve, and incorporate other information and information systems as deemed appropriate by the Secretary.

"(2) PERFORMANCE AND REGISTRATION INFORMATION SYSTEM MANAGEMENT.—

"(A) The Secretary may include as part of the information system authorized under paragraph (1), an information system, to be called the Performance and Registration Information System Management, to serve as a clearinghouse and repository of information related to State registration and licensing of commercial motor vehicles and the safety system of the commercial motor vehicle registrants or the motor carriers operating the vehicles. The Secretary may include in the system information on the safety fitness of each of the motor carriers and registrants and other information the Secretary considers appropriate, including information on vehicle, driver, and motor carrier safety performance.

"(B) The Secretary may prescribe technical and operational standards to ensure—

"(i) uniform, timely and accurate information collection and reporting by the States necessary to carry out this system;

"(ii) uniform State and Federal procedures and policies necessary to operate the Commercial Vehicle Information System; and

"(iii) the availability and reliability of the information to the States and the Secretary from the information system.

"(C) The system shall link the Federal motor carrier safety systems with State driver and commercial vehicle registration and licensing systems, and shall be designed—

"(i) to enable a State, when issuing license plates or throughout the registration period for a commercial motor vehicle, to determine, through the use of the information system, the safety fitness of the registrant or motor carrier;

"(ii) to allow a State to decide, in cooperation with the Secretary, the types of sanctions that may be imposed on the registrant or motor carrier, or the types of conditions or limitations that may be imposed on the operations of the registrant or motor carrier that will ensure the safety fitness of the registrant or motor carrier;

"(iii) to monitor the safety fitness of the registrant or motor carrier during the registration period; and

"(iv) to require the State, as a condition of participation in the system, to implement uniform policies, procedures, and standards, and to possess or seek authority to impose commercial motor vehicle registration sanctions on the basis of a Federal safety fitness determination.

"(D) Of the amounts available for expenditure under this section, not more than $6,000,000 in each of fiscal years 1998, 1999, 2000, 2001, 2002, and 2003 may be made available to carry out paragraph (a)(2) of this section. The Secretary may authorize the operation of the information system by contract, through an agreement with one or more States, or by designating, after consultation with the States, a third party that represents the interests of the States.

"(b) COMMERCIAL MOTOR VEHICLE DRIVER SAFETY PROGRAM.—The Secretary is authorized to establish a program focusing on improving commercial motor vehicle driver safety. The objectives of the program shall include—

"(1) enhancing the exchange of driver licensing information among the States and among the States, the Federal Government, and foreign countries;

"(2) providing information to the judicial system on the commercial motor vehicle driver licensing program; and

"(3) evaluating any aspect of driver performance and safety as deemed appropriate by the Secretary.

"(c) COOPERATIVE AGREEMENTS, GRANTS, AND CONTRACTS.—The Secretary may carry out this section either independently or in cooperation with other Federal departments, agencies, and instrumentalities, or by making grants to and entering into contracts and cooperative agreements with States, localities, associations, institutions, corporations (profit or nonprofit) or other persons.".

**SEC. 606. AUTHORIZATION OF APPROPRIATIONS.**

Section 31107 is amended to read as follows:

**"§ 31107. Authorization of appropriations for information systems and strategic safety initiatives.**

"(a) GENERAL.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) for the Secretary to incur obligations to carry out section 31106 of this title the sum of $17 million for each of the fiscal years 1998, 1999, 2000, 2001, 2002, and 2003. The amounts made available under this subsection shall remain available until expended.

"(b) CONTRACT AUTHORITY.—Approval by the Secretary of a grant under this section imposes upon the United States Government a contractual obligation for payment of the Government's share of costs incurred in carrying out the objectives of the grant.".

**SEC. 607. CONFORMING AMENDMENTS.**

The chapter analysis for chapter 311 is amended—

(1) by striking the heading for subchapter I and inserting the following:

"SUBCHAPTER I. STATE GRANTS AND OTHER COMMERCIAL MOTOR VEHICLE PROGRAMS.";

and

(2) by striking the items relating to sections 31106 and 31107 and inserting the following:

"31106. Information Systems and Strategic Safety Initiatives
"31107. Authorization of Appropriations for Information Systems and Strategic Safety Initiatives.".

## SUBTITLE B—MOTOR CARRIER SAFETY ACT OF 1997

**SEC. 651. SHORT TITLE.**

This subtitle may be cited as the "Motor Carrier Safety Act of 1997".

**SEC. 652. SAFETY REGULATIONS.**

(a) REPEAL OF REVIEW PANEL.—Subchapter III of chapter 311 is amended—

(1) by striking sections 31134 and 31140; and

(2) by striking the items relating to sections 31134 and 31140 in the chapter analysis for that chapter.

(b) REVIEW PROCEDURE.—

(1) IN GENERAL.—Section 31141 is amended—

(A) by striking subsection (b) and redesignating subsections (c), (d), (e), (f), (g), and (h) as subsections (b), (c), (d), (e), (f), and (g), respectively;

(B) by striking so much subsection (b), as redesignated, as precedes paragraph (2) and inserting the following:

"(b) REVIEW AND DECISIONS BY THE SECRETARY.—

"(1) The Secretary shall review the laws and regulations on commercial motor vehicle safety in effect in each State, and decide—

"(A) whether the State law or regulation—

"(i) has the same effect as a regulation prescribed by the Secretary under section 31136 of this title;

"(ii) is less stringent than that regulation; or

"(iii) is additional to or more stringent than that regulation; and

"(B) for each State law or regulation which is additional to or more stringent than the regulation prescribed by the Secretary, whether—

"(i) the State law or regulation has no safety benefit;

"(ii) the State law or regulation is incompatible with the regulation prescribed by the Secretary under section 31136 of this title; or

"(iii) enforcement of the State law or regulation would cause an unreasonable burden on interstate commerce.";

(C) by striking paragraph (5) of subsection (b)(5), as redesignated, and inserting the following:

"(5) In deciding under paragraph (4) of this subsection whether a State law or regulation will cause an unreasonable burden on interstate commerce, the Secretary may consider the effect on interstate commerce of implementation of all similar laws and regulations of other States.";

(D) by striking subsections (d) and (e), as redesignated, and inserting the following:

"(d) WRITTEN NOTICE OF DECISIONS.—The Secretary shall give written notice of the decision under subsection (b) of this section to the State concerned."; and

(E) by redesignating subsections (f) and (g), as redesignated, as subsections (e) and (f), respectively.

(2) CONFORMING CHANGES.—

(A) The caption of section 31141 of such title is amended to read as follows:

**"§31141. Preemption of State laws and regulations".**

(B) The chapter analysis of chapter 311 of such title is amended by striking the item relating to section 31141 and inserting the following:

"31141. Preemption of State laws and regulations".

(c) INSPECTION OF VEHICLES.—

(1) Section 31142 is amended—

(A) by striking "part 393 of title 49, Code of Federal Regulations" in subsection (a) and inserting "regulations issued pursuant to section 31135 of this title"; and

(B) by striking subsection (c)(1)(C) and inserting the following:

"(C) prevent a State from participating in the activities of a voluntary group of States enforcing a program for inspection of commercial motor vehicles; or".

(2) Subchapter IV of chapter 311 is amended—

(A) by striking sections 31161 and 31162; and

(B) by striking the items relating to sections 31161 and 31162 in the chapter analysis for that chapter.

(3) Section 31102(b)(1) is amended—

(A) by striking "and" at the end of subparagraph (P);

(B) by striking "thereunder." in subparagraph (Q) and inserting "thereunder; and"; and

(C) by adding at the end thereof the following:

"(R) provides that the State will establish a program: (i) to ensure the proper and timely correction of commercial motor vehicle safety violations noted during an inspection carried out with funds authorized under section 31104 of this title; and (ii) to ensure that information is exchanged among the States in a timely manner.".

(d) SAFETY FITNESS OF OWNERS AND OPERATORS.—Section 31144 is amended to read as follows:

**"§31142. Safety fitness of owners and operators**

"(a) PROCEDURE.—The Secretary of Transportation shall maintain in regulation a procedure for determining the safety fitness of owners and operators of commercial motor vehicles, including persons seeking new or additional operating authority as motor carriers under section 13902 of this title. The procedure shall include—

"(1) specific initial and continuing requirements to be met by the owners, operators, and other persons to demonstrate safety fitness;

"(2) a means of deciding whether the owners, operators, or other persons meet the safety requirements under paragraph (1) of this subsection; and

"(3) specific time deadlines for action by the Secretary in making fitness decisions.

"(b) PROHIBITED TRANSPORTATION.—Except as provided in sections 521(b)(5)(A) and 5113 of this title, a motor carrier that fails to meet the safety fitness requirements established under subsection (a) of this section may not operate in interstate commerce beginning on the 61st day after the date of the determination by the Secretary that the motor carrier fails to meet the safety fitness requirements and until the motor carrier meets the safety fitness requirements. The Secretary may, for good cause shown, provide a carrier with up to an additional 60 days to meet the safety fitness requirements.

"(c) RATING REVIEW.—The Secretary shall review the factors that resulted in a motor carrier failing to meet the safety fitness requirements not later than 45 days after the motor carrier requests a review.

"(d) GOVERNMENT USE PROHIBITED.—A department, agency, or instrumentality of the United States Government may not use a motor carrier that does not meet the safety fitness requirements.

"(e) PUBLIC AVAILABILITY; UPDATING OF FITNESS DETERMINATIONS.—The Secretary shall amend the motor carrier safety regulations in subchapter B of chapter III of title 49, Code of Federal Regulations, to establish a system to make readily available to the public, and to update periodically, the safety fitness determinations of motor carriers made by the Secretary.

"(f) PENALTIES.—The Secretary shall prescribe regulations setting penalties for violations of this section consistent with section 521 of this title.".

(e) SAFETY FITNESS OF PASSENGER AND HAZARDOUS MATERIAL CARRIERS.—

(1) IN GENERAL.—Section 5113 is amended—

(A) by striking subsection (a) and inserting the following:

"(a) PROHIBITED TRANSPORTATION.—

"(1) A motor carrier that fails to meet the safety fitness requirements established under subsection 31144(a) of this title may not operate a commercial motor vehicle (as defined in section 31132 of this title)—

"(A) to transport hazardous material for which placarding of a motor vehicle is required under regulations prescribed under this chapter; or

"(B) to transport more than 15 individuals.

"(2) The prohibition in paragraph (1) of this subsection applies beginning on the 46th day after the date on which the Secretary determines that a motor carrier fails to meet the safety fitness requirements and applies until the motor carrier meets the safety fitness requirements.";

(B) by striking "RATING" in the caption of subsection (b) and inserting "FITNESS";

(C) by striking "receiving and unsatisfactory rating" in subsection (b) and inserting 'failing to meet the safety fitness requirements";

(D) by striking "has an unsatisfactory rating from the Secretary" in subsection (c) and inserting "failed to meet the safety fitness requirements"; and

(E) by striking "RATINGS" in the caption of subsection (d) and inserting "Fitness Determination";

(F) by striking ", in consultation with the Interstate Commerce Commission," in subsection section (d); and

(G) by striking "ratings of motor carriers that have unsatisfactory ratings from" in subsection (d) and inserting "fitness determinations of motor carriers made by".

(2) CONFORMING AMENDMENTS.—

(A) The caption of section 5113 of such chapter is amended to read as follows:

**"§5113. Safety fitness of passenger and hazardous material carriers".**

(B) The chapter analysis for such chapter is amended by striking the item relating to section 5113 and inserting the following:

"5113. Safety fitness of passenger and hazardous material carriers".

(f) DEFINITIONS.—

(1) Section 31101(1) is amended—

(A) by inserting "or gross vehicle weight, whichever is greater," after "rating" in subparagraph (A);

(ii) by striking "10,000" and inserting "10,001";

(B) by striking "10" in subparagraph (B) and inserting "15"; and

(C) by inserting "and transported in a quantity requiring placarding under regulations prescribed by the Secretary under section 5103" after "title" in subparagraph (C).

(2) Section 31132 is amended—

(A) by inserting "or gross vehicle weight, whichever is greater," after "rating" in paragraph (1)(A); and

(B) by adding at the end of paragraph (3) the following:

"For purposes of this paragraph, the term 'business affecting interstate commerce' means a business employing a commercial motor vehicle in interstate commerce and includes all operations of the business in intrastate commerce which use vehicles otherwise defined as commercial motor vehicles under paragraph (1) of this section.".

(g) MINIMUM FINANCIAL RESPONSIBILITY FOR TRANSPORTING PETROLEUM PRODUCTS.—Section 31139(c)(2)(A)(i) is amended by inserting "or petroleum products classified as hazardous materials" after "Administrator)".

(h) EMPLOYEE PROTECTIONS.—Section 31105 is amended—

(1) by adding at the end of subsection (d) the following: "An employee may also independently bring a civil action to enforce an order issued under subsection (b) of this section in the district court of the United

States for the judicial circuit in which the violation occurred."; and

(2) by adding at the end thereof the following:

"(e) ATTENDANCE AND TESTIMONY OF WITNESSES AND PRODUCTION OF EVIDENCE; ENFORCEMENT OF SUBPOENA.—In carrying out the authority under this section, the Secretary may require the attendance and testimony of witnesses and the production of evidence under oath. Witnesses shall be paid the same fees and mileage that are paid witnesses in the courts of the United States. In cases of failure or refusal by any person to obey such an order, any district court of the United States for the jurisdiction in which such person is found, resides, or transacts business, shall have jurisdiction to issue, upon application by the Secretary, an order requiring such person to appear and produce evidence and to give testimony relating to the matter under investigation or in question. Any failure to obey such order of the court may be punished by said court as a contempt thereof.".

### SEC. 653. COMMERCIAL MOTOR VEHICLE OPERATORS.

(a) REPEAL OF OBSOLETE GRANT PROGRAMS.—Chapter 313 is amended—

(1) by striking sections 31312 and 31313; and

(2) by striking the items relating to sections 31312 and 31313 in the chapter analysis for that chapter.

(b) COMMERCIAL DRIVER'S LICENSE REQUIREMENT.—

(1) IN GENERAL.—Section 31302 is amended to read as follows:

**"§ 31302. Commercial driver's license requirement**

"No individual shall operate a commercial motor vehicle without a commercial driver's license issued according to section 31308 of this title.".

(2) CONFORMING AMENDMENTS—

(A) The chapter analysis for that chapter is amended by striking the item relating to section 31302 and inserting the following:

"31302. Commercial driver's license requirement".

(B) Section 31305(a) is amended by redesignating paragraphs (2) through (8) as paragraphs (3) through (9), respectively, and by inserting after paragraph (1) the following:

"(2) may establish performance based testing and licensing standards that more accurately measure and reflect an individual's knowledge and skills as an operator;".

(c) COMMERCIAL DRIVER'S LICENSE INFORMATION SYSTEM.—Section 31309 is amended—

(1) by striking "make an agreement under subsection (b) of this section for the operation of, or establish under subsection (c) of this section," in subsection (a) and inserting "maintain";

(2) by striking subsections (b) and (c) and redesignating subsections (d), (e), and (f) as subsections (b), (c), and (d) respectively;

(3) by striking "Not later than December 31, 1990, the" in paragraph (2) of subsection (b), as redesignated, and inserting "The"; and

(4) by striking "shall" in paragraph (2) of subsection (b), and redesignated, and inserting "may";

(5) by inserting after the caption of subsection (c), as designated, the following: "Information about a driver in the information system may be made available under the following circumstances:"; and

(5) by starting a new paragraph with "(1) On request" and indenting the paragraph 2 ems from the lefthand margin.

(d) REQUIREMENTS FOR STATE PARTICIPATION.—Section 31311(a) is amended—

(1) by striking "31310(b)-(e)" in paragraph (15) and inserting "31310(b)-(e), and (g)(1)(A) and (2)";

(2) by striking paragraph (17); and

(3) by redesignating paragraph (18) as paragraph (17).

(e) WITHHOLDING AMOUNTS FOR STATE NONCOMPLIANCE.—Section 31314 is amended—

(1) by striking ", (2), (5), and (6)" and inserting "(3), and (5)"; and

(2) by striking "1992" in subsections (a) and (b) and inserting "1995";

(3) by striking paragraph (1) of subsection (c);

(4) by striking "(2)" in subsection (c)(2);

(5) by striking subsection (d); and

(6) by redesignating subsection (e) as subsection 9d).

(f) COMMERCIAL MOTOR VEHICLE DEFINED.—Section 31301 is amended—

(1) by inserting "or gross vehicle weight, whichever is greater," after "rating" each place it appears in paragraph (4)(A); and

(2) by inserting "is" in paragraph (4)(C)(ii) before "transporting" each place it appears and before "not otherwise".

(g) SAFETY PERFORMANCE HISTORY OF NEW DRIVERS; LIMITATION ON LIABILITY.—

"(1) IN GENERAL.—Chapter 5 is amended by adding at the end thereof the following:

**§ 508. Safety performance history of new drivers; limitation on liability**

"(a) LIMITATION ON LIABILITY.—No action or proceeding for defamation, invasion of privacy, or interference with a contract that is based on the furnishing or use of safety performance records in accordance with regulations issued by the Secretary may be brought against—

"(1) a motor carrier requesting the safety performance records of an individual under consideration for employment as a commercial motor vehicle driver as required by and in accordance with regulations issued by the Secretary;

"(2) a person who has complied with such a request; or

"(3) the agents or insurers of a person described in paragraph (1) or (2) of this subsection.

"(b) RESTRICTIONS.—

"(1) Subsection (a) does not apply unless—

"(A) the motor carrier requesting the safety performance records at issue, the person complying with such a request, and their agents have taken all precautions reasonably necessary to ensure the accuracy of the records and have fully complied with the regulations issued by the Secretary in using and furnishing the records, including the requirement that the individual who is the subject of the records be afforded a reasonable opportunity to review and comment on the records;

"(B) the motor carrier requesting the safety performance records, the person complying with such a request, their agents, and their insurers, have taken all precautions reasonably necessary to protect the privacy of the individual who is the subject of the records, including protecting the records from disclosure to any person, except for their insurers, not directly involved in forwarding the records or deciding whether to hire that individual; and

"(C) the motor carrier requesting the safety performance records have used those records only to assess the safety performance of the individual who is the subject of those records in deciding whether to hire that individual.

"(2) Subsection (a) does not apply to persons who knowingly furnish false information.

"(c) PREEMPTION OF STATE AND LOCAL LAW.—No State or political subdivision thereof may enact, prescribe, issue, continue in effect, or enforce any law (including any regulation, standard, or other provision having the force and effect of law) that prohibits, penalizes, or imposes liability for furnishing or using safety performance records in accordance with regulations issued by the Secretary.".

(2) CONFORMING AMENDMENT.—The chapter analysis for that chapter is amended by inserting after the item relating to section 507 the following:

"508. Safety performance history of new drivers; limitation on liability".

### SEC. 654. PENALTIES.

(a) NOTIFICATION OF VIOLATIONS AND ENFORCEMENT PROCEDURES.—Section 521(b)(1) is amended—

(1) by inserting: "with the exception of reporting and recordkeeping violations," in the first sentence of subparagraph (A) after "under any of those provisions,";

(2) by striking "fix a reasonable time for abatement of the violation," in the third sentence of subparagraph (A);

(3) by striking "(A)" in subparagraph (A); and

(4) by striking subparagraph (B).

(b) CIVIL PENALTIES.—Section 521(b)(2) is amended—

(1) by striking subparagraph (A) and inserting the following:

"(A) IN GENERAL.—Except as otherwise provided in this subsection, any person who is determined by the Secretary, after notice and opportunity for a hearing, to have committed an act which is a violation of regulations issued by the Secretary under subchapter III of chapter 311 (except sections 31137 and 31138) or section 31502 of this title shall be liable to the United States for a civil penalty in an amount not to exceed $10,000 for each offense. Notwithstanding any other provision of this section (except subparagraph (C)), no civil penalty shall be assessed under this section against an employee for a violation in an amount exceeding $2,500.";

(2) by redesignating subparagraphs (B) and (C) as subparagraphs (C) and (D), respectively; and

(3) by inserting after subparagraph (A) the following:

"(B) RECORDKEEPING AND REPORTING VIOLATIONS.—

"(i) A person required to make a report to the Secretary, answer a question, or make, prepare, or preserve a record under section 504 of this title or under any regulation issued by the Secretary pursuant to subchapter III of chapter 311 (except sections 31137 and 31138) or section 31502 of this title about transportation by motor carrier, motor carrier of migrant workers, or motor private carrier, or an officer, agent, or employee of that person, who—

"(I) does not make that report;

"(II) does not specifically, completely, and truthfully answer that question in 30 days from the date the Secretary requires the question to be answered; or

"(III) does not make, prepare, or preserve that record in the form and manner prescribed by the Secretary,

shall be liable to the United States for a civil penalty in an amount not to exceed $500 for each offense, and each day of the violation shall constitute a separate offense, except that the total of all civil penalties assessed against any violator for all offenses related to any single violation shall not exceed $5,000.

"(ii) Any such person, or an officer, agent, or employee of that person, who—

"(I) knowingly falsifies, destroys, mutilates, or changes a required report or record;

"(II) knowingly files a false report with the Secretary;

"(III) knowingly makes or causes or permits to be made a false or incomplete entry in that record about an operation or business fact or transaction; or

"(IV) knowingly makes, prepares, or preserves a record in violation of a regulation or order of the Secretary,

shall be liable to the United States for a civil penalty in an amount not to exceed $5,000 for each violation, provided that any such action can be shown to have misrepresented a fact that constitutes a violation other than a reporting or recordkeeping violation.".

(c) PENALTY FOR AIDING AND ABETTING.—

(1) IN GENERAL.—Chapter 5 is amended by adding at the end thereof the following:

**"§ 527. Aiding and abetting**

"A person who knowingly aids, abets, counsels, commands, induces, or procures a violation of a regulation or order issued by the Secretary under chapter 311 or section 31502 of this title shall be subject to civil and criminal penalties under this chapter to the same extent as the motor carrier or driver who commits a violation.".

(2) Conforming amendment.—The chapter analysis for that chapter is amended by inserting after the item relating to section 526 the following:

"527. Aiding and abetting".

(d) AUTHORITY TO INVESTIGATE.—Section 506(a) is amended—

(1) by inserting ", freight forwarder, shipper, broker, consignee, or other person" after "motor private carrier";

(2) by striking "or" after "migrant workers"; and

(3) by striking the last sentence.

(e) ENFORCEMENT.—Section 507(a)(2) is amended—

(1) by inserting ", shipper, broker, consignee, or other person" after "freight forwarder"; and

(2) by striking "or" after "motor private carrier".

(f) CONFORMING AMENDMENTS.—

(1) Section 503(a) is amended by striking "(except a motor contract carrier)".

(2) Section 522 is amended—

(A) by striking "(a)" in subsection (a); and

(B) by striking subsection (b).

### SEC. 655. INTERNATIONAL REGISTRATION PLAN AND INTERNATIONAL FUEL TAX AGREEMENT.

Chapter 317 is amended—

(1) by striking sections 31702, 31703, and 31708; and

(2) by striking the items relating to sections 31702, 31703, and 31708 in the chapter analysis for that chapter.

### SEC. 656. STUDY OF ADEQUACY OF PARKING FACILITIES.

The Secretary shall conduct a study to determine the location and quantity of parking facilities at commercial truck stops and travel plazas and public rest areas that could be used by motor carriers to comply with Federal hours-of-service rules. The study shall include an inventory of current facilities serving the National Highway System, analyze where shortages exist or are projected to exist, and propose a plan to reduce the shortages. The study may be carried out in cooperation with research entities representing the motor carrier and travel plaza industry.

### SEC. 657. NATIONAL MINIMUM DRINKING AGE—TECHNICAL CORRECTIONS.

Section 158 of title 23, United States Code, is amended—

(1) by striking "104(b)(2), 104(b)(5), and 104(b)(6)" each place it appears in subsection (a) and inserting "104(b)(3), and 104(b)(5)(B)"; and

(2) by striking subsection (b) and inserting the following:

"(b) AVAILABILITY OF WITHHELD FUNDS.—No funds withheld under this section from apportionment to any State after September 31, 1988, shall be available for apportionment to such State.".

## TITLE VII—RESEARCH

## SUBTITLE A—PROGRAMS AND ACTIVITIES

### SEC. 701. TRANSPORTATION RESEARCH AND DEVELOPMENT.

Subtitle III is amended by adding a new chapter 52 to read as follows:

"CHAPTER 52—RESEARCH AND DEVELOPMENT

"SUBCHAPTER I—GENERAL AND ADMINISTRATIVE

"Sec.
"5201. Transactional authority.
"5202. Reliance on competition.
"5203. Authorizations.

"SUBCHAPTER II—PLANNING

"5221. Planning.
"5222. Implementation.

"SUBCHAPTER III—ADVANCED TRANSPORTATION RESEARCH AND DEVELOPMENT PROGRAMS

"5231. Intermodal transportation research and development program.

"SUBCHAPTER IV—PROFESSIONAL CAPACITY BUILDING

"5241. National university transportation centers.

"SUBCHAPTER I—GENERAL AND ADMINISTRATIVE

**"§ 5201. Transactional authority**

"To carry out this chapter, the Secretary of Transportation may enter into contracts, grants, cooperative agreements, and other transactions with any person, agency, or instrumentality of the United States, any unit of State or local government, any educational institution, and any other entity to further the objectives of this chapter.

**"§ 5202. Reliance on competition**

"The Secretary of Transportation may award grants or contracts to university transportation centers established through competition under section 5241 of this title without further competition. A noncompetitive award authorized by this section must be for transportation research, development, education or training consistent with the strategic plan approved as part of the selection process for the center.

**"§ 5203. Authorizations**

"(a) There is available from the Highway Trust Fund, other than the Mass Transit Account, for the Secretary of Transportation $10,000,000 for fiscal year 1998, $15,000,000 for fiscal year 1999, $20,000,000 for fiscal year 2000, $25,000,000, for fiscal year 2001, $30,000,000 for fiscal year 2002, and $35,000,000 for fiscal year 2003, to carry out subchapters II and III of this chapter.

"(b) CONTRACT AUTHORITY AND AVAILABILITY OF FUNDS.—Funds authorized by this section shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code; except that any Federal share of the cost of any activity under subchapters II and III of this chapter shall be in accordance with the provision of those subchapters, and such funds shall remain available for obligation for a period of 2 years after the last day of the fiscal year for which such funds are authorized.

"SUBCHAPTER II—PLANNING

**"§ 5221. Planning**

"(a) AUTHORITY.—The Secretary of Transportation shall establish a strategic planning process to determine national transportation research and technology priorities, coordinate Federal transportation research and technology activities, and measure the impact of these research and technology investments on the performance of the national transportation system.

"(b) CRITERIA.—In developing strategic plans for intermodal, multimodal, and modal research and technology, the Secretary shall consider the need to:

"(1) Coordinate and link Federal, regional, state, and metropolitan planning activities;

"(2) Ensure that standard-setting in transportation is compatible with the concept of a seamless transportation system;

"(3) Encourage innovation;

"(4) Identify and facilitate initiatives and partnerships to deploy advanced technology with the potential for improving transportation systems over ten years;

"(5) Identify core research to support the Nation's long-term transportation technology and system needs, including safety;

"(6) Ensure the Nation's ability to compete on a global basis; and

"(7) Provide a means of assessing the impact of Federal research and technology investments on the performance of the Nation's transportation system.

**"§ 5222. Implementation**

"In implementing section 5221, the Secretary of Transportation shall adopt such policies and procedures as appropriate—

"(1) to provide for consultation among the Administrators of the operating administrations of the Department and other Federal officials with responsibility for research important to national transportation needs;

"(2) to promote the maximum exchange of information on transportation-related research and development activities among the operating elements of the Department, other Federal departments and agencies, state and local governments, colleges and universities, industry and other private and public sector organizations engaged in such activities;

"(3) to ensure that the Department's research and development programs do not duplicate other Federal research and development programs;

"(4) to ensure that the Department's research and development activities make appropriate use of the talents, skills, and abilities residing at the Federal laboratories and leverage, to the extent practical, the research capabilities of institutions of higher education and private industry; and

"(5) to validate the scientific and technical assumptions underlying the Department's research and technology plans.

"SUBCHAPTER III—ADVANCED TRANSPORTATION RESEARCH AND DEVELOPMENT PROGRAMS

**"§ 5231. Intermodal transportation research and development program**

"(a) ESTABLISHMENT.—The Secretary of Transportation shall establish a program to be known as the 'Intermodal Transportation Research and Development Program'.

"(b) PURPOSES.—The purposes of the Intermodal Transportation Research and Development Program are to—

"(1) enhance the capabilities of Federal agencies in meeting national transportation needs as defined by their missions through support for basic and applied research and development impacting the various modes of transportation including research and development in safety, security, mobility, energy and environment, information and physical infrastructure, and industrial design;

“(2) identify and apply innovative research performed by the Government, academia and the private sector to the intermodal and multimodal transportation research, development, and deployment needs of the Department and the Nation's transportation enterprise;

“(3) identify and leverage research, technologies, and other information developed by the Government for national defense and non-defense purposes for the benefit of public, commercial and defense transportation sectors; and

“(4) share information, analytical and research capabilities among Federal, state and local governments, colleges and universities, and private organizations to advance their transportation research, development and deployment needs.

### “Subchapter IV—Professional Capacity Building

### **“§ 5241. National university transportation centers**

“(a) Regionally-based Centers.—The Secretary of Transportation shall make grants to nonprofit institutions of higher learning to establish and operate one university transportation center in each of the ten (10) United States Government regions that comprise the Standard Federal Regional Boundary System.

“(b) Other Centers.—The Secretary may make grants to non-profit institutions of higher learning to establish and operate up to ten other university transportation centers to address transportation management, research and development, with special attention to increasing the number of highly skilled minority individuals and women entering the transportation workforce; transportation and industrial productivity; rural transportation; advanced transportation technology; international transportation policy studies; transportation infrastructure technology; urban transportation research; transportation and the environment; surface transportation safety; or such other national transportation issues designated by the Secretary.

“(c) Selection Criteria.—A nonprofit institution of higher learning interested in receiving a grant under this section shall submit an application to the Secretary in the way and containing the information the Secretary prescribes. The Secretary shall select each recipient through a competitive process on the basis of the following:

“(1) for regionally-based centers, the location of the center within the Federal Region to be served;

“(2) the demonstrated research and extension resources available to the recipient to carry out this section;

“(3) the capability of the recipient to provide leadership in making national and regional contributions to the solution of immediate and long-range transportation problems;

“(4) the recipient's establishment of a surface transportation program encompassing several modes of transportation;

“(5) the recipient's demonstrated commitment of at least $200,000 in regularly budgeted institutional amounts each year to support ongoing transportation research and education programs;

“(6) the recipient's demonstrated ability to disseminate results of transportation research and education programs through a statewide or region-wide continuing education program; and

“(7) the strategic plan the recipient proposes to carry out under the grant.

“(d) Objectives.—Each university transportation center shall conduct:

“(1) basic and applied research, the products of which are judged by peers or other experts in the field to advance the body of knowledge in transportation;

“(2) an education program that includes multi-disciplinary course work and participation in research; and

“(3) an ongoing program of technology transfer that makes research results available to potential users in a form that can be implemented, utilized or otherwise applied.

“(e) Maintenance of Effort.—Before making a grant under this section, the Secretary may require the recipient to make an agreement with the Secretary to ensure that the recipient will maintain total expenditures from all other sources to establish and operate a university transportation center and related research activities at a level at least equal to the average level of those expenditures in its 2 fiscal years prior to award of a grant under this section.

“(f) Federal Share.—A grant under this section is for 50 percent of the cost of establishing and operating the university transportation center and related research activities the recipient carries out. The non-Federal share may include funds provided to a recipient under section 5307 or 5311 of this title.

“(g) Program Coordination.—The Secretary shall provide for coordinating research, education, training, and technology transfer activities that grant recipients carry out under this section, the dissemination of the results of the research, and the establishment and operation of a clearinghouse. At least annually, the Secretary shall review and evaluate programs the grant recipients carry out. The Secretary may use not more than one percent of amounts made available from Government sources to carry out this subsection.

“(h) Amounts Available for Technology Transfer Activities.—At least 5 percent of the amounts made available to carry out this section in a fiscal year are available to carry out technology transfer activities.

“(i) Limittion of Availability of Funds.—Funds made available to carry out this program remain available for obligation for a period of 2 years after the last day of the fiscal year for which such funds are authorized.”.

### SEC. 702. BUREAU OF TRANSPORTATION STATISTICS.

(a) Section 111(b)(4) is amended by striking the second sentence.

(b) Section 111(c)(1) is amended—

(1) by striking “and” after the semicolon in subparagraph (J);

(2) by striking “system.” in subparagraph (K) and inserting “system' and”; and

(3) by adding at the end of the following:

“(L) transportation-related variables influencing global competitiveness.”.

(c) Section 111(c)(2) is amended—

(1) by striking “national transportation system” in the first sentence and inserting “nation's transportation systems”;

(2) by striking subparagraph (A) and inserting the following:

“(A) be coordinated with efforts to measure outputs and outcomes of the Department of Transportation and the nation's transportation systems under the Government Performance and Results Act;”; and

(3) by inserting a comma and “made relevant to the States and metropolitan planning organizations,” after “accuracy” in subparagraph (C).

(d) Section 111(c)(3) is amended by adding at the end the following: “The Bureau shall review and report to the Secretary of Transportation on the sources and reliability of the statistics proposed by the modal administrations to measure outputs and outcomes as required by the Government Performance and Results Act, and shall undertake such other reviews of the sources and reliability of other data collected by the modal administrations as shall be requested by the Secretary.”.

(e) Section 111(c) is amended by adding at the end the following:

“(7) Supporting transportation decision making.—Ensuring that the statistics compiled under paragraph (1) of this subsection are relevant for transportation decisions by Federal, State, and local governments, transportation-related associations, private business, and consumers.”.

(f) Section 111 is amended—

(1) by redesignating subsections (d), (e) and (f) as subsections (h), (i) and (j), respectively;

(2) by striking subsection (g); and

(3) by inserting after subsection (c) the following:

“(d) Intermodal Transportation Data Base.—The Director shall establish and maintain an Intermodal Transportation Data Base, in consultation with the Assistant Secretaries and operating Administrations of the Department. This data base shall be suitable for analyses conducted by the Federal Government, the States, and metropolitan planning organizations. The data base shall include but not be limited to—

“(1) information on the volumes and patterns of movement of goods, including local, interregional, and international movements, by all modes of transportation and intermodal combinations, and by relevant classification;

“(2) information on the volumes and patterns of movement of people, including local, interregional, and international movements, by all modes of transportation and intermodal combinations, and by relevant classification; and

“(3) information on the location and connectivity of transportation facilities and services and a national accounting of expenditures and capital stocks on each mode of transportation and intermodal combinations.

“(e) National Transportation Library.—The Director shall establish and maintain the National Transportation Library, containing a collection of statistical and other information needed for transportation decision making at the Federal, State, and local levels. The Bureau shall facilitate and promote access to the Library, with the goal of improving the ability of the transportation community to share information and the Bureau to make statistics readily accessible under paragraph (c)(5) of this section. The Bureau shall work with other transportation libraries and other transportation information providers, both public and private, to achieve this goal.

“(f) National Transportation Atlas Data Base.—The Director shall develop and maintain geo-spatial data bases depicting transportation networks; flows of people, goods, vehicles, and craft over those networks; and social, economic, and environmental conditions affecting or affected by those networks. These data based shall be able to support intermodal network analysis.

“(g) Research and Development Grants.—The Secretary may make grants to, or enter into cooperative agreements of contracts with, public and nonprofit private entities (including, but not limited to, State Departments of Transportation, metropolitan planning organizations, Transportation Research Centers, and universities) for—

“(1) the investigation of the subjects listed in subsection (c)(1) of this section and for research and development of new methods of data collection, management, integration, dissemination, interpretation, and analysis;

“(2) development of electronic clearinghouses of transportation data and related information, as part of the National Transportation Library under subsection (e) of this section; and

“(3) development and improvement of methods for sharing geographic data, in support of the National Transportation Atlas Data Base under subsection (f) and the National Spatial Data Infrastructure.”.

(g) Section 111(i), as redesignated, is amended to read as follows:

“(i) Prohibition on Certain Disclosures.—

“(1) An officer or employee of the Bureau may not—

“(A) make any publication in which the data furnished by a person under paragraph (c)(2) can be identified;

“(B) use the information furnished under the provisions of paragraph (c)(2) of this section for a non-statistical purpose; or

“(C) permit anyone other than the individuals authorized by the Director to examine individual reports furnished under paragraph (c)(2) of this section.

“(2) No department, bureau, agency, officer, or employee of the United States except the Director of the Bureau of Transportation Statistics in carrying out the purpose of this section, shall require, for any reason, copies of reports which have been filed under paragraph (c)(2) with the Bureau of Transportation Statistics or retained by any individual respondent. Copies of such reports which have been so retained or filed with the Bureau or any of its employees, contractors, or agents shall be immune from legal process, and shall not, without the consent of the individual concerned, be admitted as evidence or used for any purpose in any action, suit, or other judicial or administrative proceeding. This paragraph shall only apply to individually identifiable data.

“(3) In a case in which the Bureau is authorized by statute to collect data or information for nonstatistical purposes, the Director shall clearly distinguish the collection of such data or information by rule and on the collection instrument to inform a respondent requested or required to supply the data or information of the nonstatistical purposes.”.

(h) Section 111(j), as redesignated, is amended by striking “On or before January 1, 1994, and annually thereafter, the” and inserting “The”.

(i) Section 111 is amended by adding at the end the following:

“(k) Data Product Sales Proceeds.—Notwithstanding section 3302 of title 31, United States Code, funds received by the Bureau of Transportation Statistics from the sale of data products may be credited to the Highway Trust Fund (other than the Mass Transit Account) for the purpose of reimbursing the Bureau for such expenses.

“(l)(1) Funding.—There are authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account), $31,000,000 for each of fiscal years 1998, 1999, 2000, 2001, 2002 and 2003 to carry out this section, provided that amounts for activities under subsection (g) of this section may not exceed $500,000 per year. Amounts made available under this subsection shall remain available for a period of 3 years.

“(2) Contract Authority.—Funds authorized by this subsection shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code.”.

(j) Conforming Amendment.—Section 5503 is amended by striking subsection (d) and redesignating subsections (e), (f), and (g) as subsections (d), (e), and (f), respectively.

### SEC. 703. RESEARCH AND TECHNOLOGY PROGRAM.

(a) Section 307 of title 23, United States Code, is amended to read as follows:

### §307 Research and planning

“(a) Findings; General Authority; and Collaborative Agreements.—

“(1) Findings.—The Congress finds that—

“(A) Results of research, technology transfer, studies, and activities have demonstrated that continued and increased efforts to provide for technical innovation must be a cornerstone in the foundation as the transportation community moves into the next century.

“(B) A strong Federal transportation research and technology program is recognized as essential to ensure that innovation is developed and incorporated into the multi-billion dollar infrastructure program.

“(C) Technology advancement is essential to support the Nation's infrastructure needs and, in turn, its ability to continue to participate successfully in a global marketplace and economy.

“(2) Authority of the Secretary.—

“(A) In general.—The Secretary shall engage in research, development, and technology transfer activities with respect to motor carrier transportation and all phases of highway planning and development (including construction, operation, modernization, development, design, maintenance, safety, financing, and traffic conditions) and the effect thereon of State laws and may test, develop, or assist in testing and developing any material, invention, patented article, or process.

“(B) Cooperation, grants, and contracts.—The Secretary may carry out this section either independently or in cooperation with other Federal departments, agencies, and instrumentalities or by making grants to, or entering into contracts, cooperative agreements, and other transactions with, the National Academy of Sciences, the American Association of State Highway and Transportation Officials, or any State agency, authority, association, institution, corporation (profit or nonprofit), organization, or person.

“(C) Technical innovation.—The Secretary shall develop and administer programs to facilitate application of the products of research and technical innovations that will improve the safety, efficiency, and effectiveness of the highway system.

“(D) Funds.—

“(i) In general.—Except where specifically noted otherwise in other sections of chapter 3, the funds necessary to carry out this subsection shall be taken by the Secretary out of administrative funds deducted pursuant to section 104(a) of this title and such funds as may be deposited by any cooperating organization or person in a special account of the Treasury of the United States established for such purposes, and such funds shall remain available for obligation for a period of 3 years after the last day of the fiscal year for which the funds are authorized.

“(ii) Use of funds.—The Secretary shall use funds available to carry out this section to develop, administer, communicate, and achieve the use of products of the research, development, and technology transfer programs, and to otherwise interact with partners and users in the planning and dissemination of results.

“(3) Collaborative research and development.—

“(A) In general.—For the purposes of encouraging innovative solutions to surface transportation problems and stimulating the marketing of new technology by private industry, the Secretary is authorized to undertake, on a cost-shared basis, collaborative research and development with non-Federal entities, including State and local governments, foreign governments, colleges and universities, corporations, institutions, partnerships, sole proprietorships, and trade associations that are incorporated or established under the laws of any State.

“(B) Agreements.—In carrying out this paragraph, the Secretary may enter into cooperative research and development agreements, as such term is defined under section 12 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a).

“(C) Federal share.—The Federal share payable on account of activities carried out under a cooperative research and development agreement entered into under this paragraph shall not exceed 50 percent of the total cost of such activities; except that, if there is substantial public interest or benefit, the Secretary may approve a higher Federal share. All costs directly incurred by the non-Federal partners, including personnel, travel, and hardware development costs, shall be treated as part of the non-Federal share of the cost of such activities for purposes of the preceding sentence.

“(D) Utilization of technology.—The research, development, or utilization of any technology pursuant to a cooperative research and development agreement entered into under this paragraph, including the terms under which the technology may be licensed and the resulting royalties may be distributed, shall be subject to the Stevenson-Wydler Technology Innovation Act of 1980.

“(E) Funds.—The funds necessary to carry out this paragraph shall be taken by the Secretary out of administrative funds deducted pursuant to section 104(a) of this title and such funds as may be deposited by any cooperating organization or person in a special account of the Treasury of the United States established for such purposes.

“(4) Waiver of advertising requirements.—The provisions of section 3709 of the Revised Statutes (41 U.S.C. 5) shall not be applicable to contracts or agreements entered into under this chapter.

“(b) Mandatory Contents of Program.—The Secretary shall include in the surface transportation research, development, and technology transfer programs under this subsection and as specified elsewhere in this title—

“(1) a coordinated long-term program of research for the development, use, and dissemination of performance indicators to measure the performance of the surface transportation system of the United States, including indicators for productivity, efficiency, energy use, air quality, congestion, safety, maintenance, and other factors which reflect the overall performance of such system.

"(2) a program to strengthen and expand surface transportation infrastructure research, development, and technology transfer, including, as a minimum, the following elements:

"(A) Methods and materials for improving the durability of surface transportation infrastructure facilities and extending the life of bridge structures, including new and innovative technologies to reduce corrosion.

"(B) Expansion of the Department of Transportation's inspection and mobile nondestructive examination capabilities, including consideration of the use of high energy field radiography for more thorough and more frequent inspection of bridge structures as well as added support to State, local, and tribal highway departments.

"(C) A research and development program directed toward the reduction of costs associated with the construction of highways and mass transmit systems.

"(D) A surface transportation research program to develop nondestructive evaluation equipment for use with existing infrastructure facilities and for next generation infrastructure facilities that utilize advanced materials.

"(E) Information technology including appropriate computer programs to collect and analyze data on the status of the existing infrastructure facilities for enhancing management, growth, and capacity; and dynamic simulation models of surface transportation systems for predicting capacity, safety, and infrastructure durability problems, for evaluating planned research projects, and for testing the strengths and weaknesses of proposed revisions in surface transportation operations programs.

"(F) New innovative technologies to enhance and facilitate field construction and rehabilitation techniques for minimizing disruption during repair and maintenance of existing structures.

"(G) Initiatives to improve the Nation's ability to respond to emergencies and natural disasters, and to enhance national defense mobility.

"(c) As used in this chapter the term 'safety' includes, but is not limited to, highway safety systems, research, and development relating to vehicle, highway, and driver characteristics, accident investigations, communications, emergency medical care, and transportation of the injured.".

### SEC. 704. NATIONAL TECHNOLOGY DEPLOYMENT INITIATIVES.

(a) In General.—Chapter 3 of title 23, United States Code, is amended—

(1) by striking section 321; and

(2) by amending section 326 to read as follows:

**§326. National technology deployment initiatives program**

"(a) Establishment.—The Secretary shall develop and administer a National Technology Deployment Initiatives program for the purpose of significantly expanding the adoption of innovative technologies by the surface transportation community.

"(b) Deployment Goals.—The Secretary shall establish a limited number of goals for the program carried out under this section. Each of the goals and the program developed to achieve the goals shall be designed to provide tangible benefits in the areas of transportation system efficiency, safety, reliability, service life, environmental protection, and sustainability. For each of these goals, the Secretary, in cooperation with representatives of the transportation community such as the States, local government, the private sector, and academia, shall access domestic and international technology to develop strategies and initiatives to achieve the goal, including technical assistance in deploying technology, and mechanisms for sharing information among program participants. Goals to be addressed may include:

"(1) Reduced delay and improved safety within construction and maintenance work areas.

"(2) Extended life of the current infrastructure.

"(3) Increased system durability and life, including applications of high performance materials.

"(4) Improved safety of driving at night and other periods of reduced visibility.

"(5) Support and enhancement of the environment with use of innovative technologies.

"(6) Support of community-oriented transportation and sustainable development.

"(7) Minimized transportation system closures, constraints, and delay caused by snow and ice.

"(c) Funding.—There are authorized to be appropriated, out of the Highway Trust Fund (other than the Mass Transit Account), $56,000,000 for each of fiscal years 1998, 1999, and 2000; and $84,000,000 for each of fiscal years 2001, 2002, and 2003 to carry out this section. Where appropriate to achieve the goals outlined above, the Secretary may further allocate such funds to States for their use.

"(d) Leveraging of Resources.—The Secretary shall give preference to projects that leverage Federal funds against significant resources from other sources, public or private.

"(e) Contract Authority.—Funds authorized by this subsection shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of this title; except that the Federal share of the cost of any activity under this section shall be determined by the Secretary and such funds shall remain available for obligation for a period of 3 years after the last day of the fiscal year for which the funds are authorized. After providing notice and an opportunity for comment, the Secretary may waive, in whole or in part, application of any provision of this title, if the Secretary determines that such waiver is not contrary to the public interest and will advance the technology development nationwide. Any waiver under this section shall be published in the Federal Register, together with reasons for such waiver.".

(b) Conforming Amendment.—The analysis for chapter 3 is amended—

(1) striking the item relating to section 321; and

(2) striking the item relating to section 326 and inserting the following:

"326. National technology deployment initiatives program".

## Subtitle B—Intelligent Transportation Systems Act of 1997

### SEC. 751. SHORT TITLE AND FINDINGS.

(a) Short Title.—This subtitle may be cited as the "Intelligent Transportation Systems Act of 1997".

(b) Findings.—The Congress finds that the research and tests conducted under the Intelligent Transportation Systems Act of 1991 demonstrated the potential benefit and readiness of Intelligent Transportation Systems to enhance the safety and efficiency of surface transportation operations in a variety of ways.

(c) Purpose.—The purpose of this subtitle is to provide for the accelerated deployment of proven technologies and concepts, while also increasing the Federal commitment to improving surface transportation safety through aggressive, long-range research, development, testing, and promotion of crash avoidance technologies and systems in cooperation with industry.

### SEC. 752. DEFINITIONS; CONFORMING AMENDMENT.

(a) For the purposes of this subtitle, the following definitions apply:

(1) Advanced rural transportation systems.—The term "Advanced Rural Transportation Systems" means the construction, or acquisition, and operation of ITS predominantly outside of metropolitan areas, and including public lands such as National Parks, monuments, and recreation areas, for the purposes of providing—

(A) traveler safety and security advisories and warnings;

(B) emergency "Mayday" services to notify public safety and emergency response organizations of travelers in need of emergency services;

(C) tourism and traveler information services;

(D) public mobility services to improve the efficiency and accessibility of rural transit service;

(E) enhanced rural transit fleet operations and management;

(F) improved highway operations and maintenance through the rapid detection of severe weather conditions, hazardous road and bridge conditions, and imminent danger to construction and maintenance crews from errant vehicles in work zones; and

(G) Commercial Vehicle Operations (CVO) user services.

(2) CVISN:—The term "Commercial Vehicle Information Systems and Networks" means the information systems and communications networks that support CVO.

(3) CVO.—The term "Commercial Vehicle Operations" means motor carrier operations and motor vehicle regulatory activities associated with the commercial movement of goods, including hazardous materials, and passengers. Public sector CVO activities include the issuance of operating credentials, motor vehicle and fuel tax administration, and roadside safety and border crossing inspection and regulatory compliance operations.

(4) Intelligent transportation infrastructure.—The term "Intelligent Transportation Infrastructure" means the initial construction or acquisition of fully integrated public sector ITS components as defined by the Secretary, including traffic signal control systems, freeway management systems, incident management systems, transit management systems, regional multi-modal traveler information systems, emergency management services, electronic toll collection systems, electronic fare payment systems, ITS-based railroad grade crossing safety systems, roadway weather information and prediction systems, advanced rural transportation systems, and commercial vehicle information systems and networks.

(5) Intelligent transportation systems.—The term "intelligent transportation systems" means the development or application of electronics, communications, or information processing (including advanced traffic management systems, commercial vehicle operations, advanced traveler information systems, commercial and advanced vehicle control systems, advanced public transportation systems, satellite vehicle tracking systems, and advanced vehicle communications systems) used singly or in combination

to improve the efficiency and safety of surface transportation systems.

(6) ITS Collision Avoidance Systems.—The term "ITS Collision Avoidance Systems" means an intelligent transportation system that assists vehicle operators to avoid collisions that would otherwise occur.

(7) National Architecture.—The term "National Architecture" means the common framework for interoperability adopted by the Secretary, and which defines the functions associated with ITS user services, the physical entities or subsystems within which such functions reside, the data interfaces and information flows between physical subsystems, and the communications requirements association with information flows.

(8) National ITS Program Plan.—The term "National ITS Program Plan" means the March 1995 First Edition of the National ITS Program Plan jointly developed by the U.S. Department of Transportation and the Intelligent Transportation Society of America, and subsequent revisions issued by the Secretary pursuant to section 755(a)(1).

(9) State.—The term "State" has the meaning such term has under section 101 of title 23, United States Code.

(b) National Highway System.—The undesignated paragraph in section 101(a) of title 23, United States Code, relating to the National Highway System is amended by inserting after "title" the following: "and the Intelligent Transportation Infrastructure associated with such system.".

**SEC. 753. SCOPE OF PROGRAM.**

(a) Scope.—Subject to the provisions of this subtitle, the Secretary shall conduct an ongoing program to research, develop, and operationally test intelligent transportation systems and advance Nation-wide deployment of such systems as a component of the Nation's surface transportation systems.

(b) Goals.—The goals of the program to be carried out under this subtitle shall include, but not be limited to:

(1) the widespread planning, implementation and operation of integrated intermodal, interoperable intelligent transportation infrastructure, in conjunction with corresponding private sector systems and products, to enhance the capacity, efficiency, and safety of surface transportation, using the authorities provided under sections 103, 119, 133, 134, 135, 149, and 402 of title 23, and sections 31102, 5307, and 5309 of title 49, United States Code;

(2) the protection and enhancement of the natural environment and communities affected by surface transportation, with special emphasis on assisting the efforts of the States to attain air quality goals established pursuant to the Clean Air Act, while addressing the transportation demands of an expanding economy;

(3) the enhancement of safe operation of the Nation's surface transportation systems with a particular emphasis on aspects of intelligent transportation systems that will decrease the number and severity of collisions and identification of aspects of such systems that may degrade safety, and on invehicle systems that bring about a significant reduction in the deaths and injuries by helping prevent collisions that would otherwise occur;

(4) the enhancement of surface transportation operational and transactional efficiencies to allow existing facilities to be used to meet a significant portion of future transportation needs, and to reduce regulatory, financial, and other transaction costs to public agencies and system users;

(5) research, development, investigation, documentation, and promotion of intelligent transportation systems and the public sector organizational capabilities needed to perform or manage the planning, implementation, and operation of intelligent transportation infrastructure in the United States, using authorities provided under section 307 of title 23, United States Code, and sections 111, 112, 301, 30168, 31106, 5312, 5337, and 20108 of title 49, United States Code;

(6) the enhancement of the economic efficiency of surface transportation systems to improve America's competitive position in the global economy;

(7) the enhancement of public accessibility to activities, goods, and services, through the preservation, improvement and expansion of surface transportation system capabilities, operational efficiency, and intermodal connections;

(8) the development of a technology base and necessary standards and protocols for intelligent transportation systems; and

(9) the improvement of the Nation's ability to respond to emergencies and natural disasters, and the enhancement of national defense mobility.

**SEC. 754. GENERAL AUTHORITIES AND REQUIREMENTS.**

(a) Cooperation.—In carrying out the program under this subtitle, the Secretary shall foster enhanced operations and management of the Nation's surface transportation systems, strive to achieve the widespread deployment of intelligent transportation systems, and continue to advance emerging technologies, in cooperation with State and local governments and the United States private sector. As appropriate, in carrying out the program under this subtitle, the Secretary shall consult with the Secretary of Commerce, the Secretary of the Treasury, the Administrator of the Environmental Protection Agency, the Director of the National Science Foundation, and the heads of other interested Federal departments and agencies and shall maximize the involvement of the United States private sector, colleges and universities, including Historically Black Colleges and Universities and other Minority Institutions of Higher Education, and State and local governments in all aspects of the program, including design, conduct (including operations and maintenance), evaluation, and financial or in-kind participation.

(b) Standards.—The Secretary shall develop, implement, and maintain a National Architecture and supporting standards and protocols to promote the widespread use and evaluation of intelligent transportation systems technology as a component of the Nation's surface transportation systems. To the extent practicable, such standards and protocols shall promote interoperability among intelligent transportation systems technologies implemented throughout the States. In carrying out this subsection, the Secretary may use the services of such existing standards-setting organizations as the Secretary determines appropriate. The Secretary shall consult with the Secretary of Commerce, the Secretary of Defense, and the Federal Communications Commission, and take all actions the Secretary deems necessary to secure the necessary spectrum for the near-term establishment of a dedicated short-range vehicle to wayside wireless standard.

(c) Evaluation.—The Secretary shall prescribe guidelines and requirements for the independent evaluation of field and related operational tests carried out pursuant to section 756, including provisions to ensure the objectivity and independence of the evaluator needed to avoid any real or apparent conflict of interest or potential influence on the outcome by parties to such tests or any other formal evaluation conducted under this subtitle. Any survey, questionnaire, or interview which the Secretary considers necessary to carry out the evaluation of such tests or program assessment activities under this subtitle shall not be subject to the requirements of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520).

(d) Information Clearinghouse.—

(1) Clearinghouse.—The Secretary shall establish and maintain a repository for technical and safety data collected as a result of federally sponsored projects carried out pursuant to this subtitle and shall make, upon request, such information (except for proprietary information and data) readily available to all users of the repository at an appropriate cost.

(2) Delegation of Authority.—The Secretary may delegate the responsibility of the Secretary under this subsection, with continuing oversight by the Secretary, to an appropriate entity not within the Department of Transportation. If the Secretary delegates such responsibility, the entity to which such responsibility is delegated shall be eligible for Federal assistance under this subtitle.

(e) Advisory Committees.—The Secretary may utilize one or more advisory committees in carrying out this subtitle. Any advisory committee so utilized shall be subject to the Federal Advisory Committee Act. Funding provided for any such committee shall be available from moneys appropriated for advisory committees as specified in relevant appropriations acts and from funds allocated for research, development, and implementation activities in connection with the intelligent transportation systems program under this subtitle.

(f) Authority To Use Funds.—Each State and eligible local entity is authorized to use funds provided under this subtitle or under section 1030 of the National Economic Crossroads Transportation Efficiency Act of 1997, sections 103, 119, 133, 149, and 402, of title 23, and sections 31102, 5307, 5309, 5310, and 5311 of title 49, United States Code, in accordance with the provisions of each of these sections, for implementation, modernization, and operational purposes in connection with intelligent transportation infrastructure and systems.

(g) Conformity With Standards.—the Secretary shall ensure that the implementation of intelligent transportation systems using funds authorized under this subtitle conform to the National Architecture and ITS standards and protocols, developed under subsection (b), except for projects using funds authorized for specific research objectives in the National ITS Program Plan under section 755 of this subtitle.

(h) Life-Cycle Cost Analysis.—The Secretary shall require an analysis of the lifecycle costs of each project using Federal funds referenced in subsection (f) of this section, and those authorized in section 757 of this subtitle, for operations and maintenance of ITS elements, where the total initial capital costs of the ITS elements exceeds $3 million.

(i) Procurement Methods.—To meet the need for effective implementation of ITS projects, the Secretary shall develop appropriate technical assistance and guidance to assist State and local agencies in evaluating and selecting appropriate methods of procurement for ITS projects, including innovative and nontraditional methods of procurement.

### SEC. 755. NATIONAL ITS PROGRAM PLAN, IMPLEMENTATION, AND REPORT TO CONGRESS.

(a) NATIONAL ITS PROGRAM PLAN.—

(1) UPDATES.—The Secretary shall maintain and update the National ITS Program Plan as necessary.

(2) SCOPE.—The plan shall—

(A) specify the goals, objectives, and milestones for the deployment of intelligent transportation infrastructure in the context of major metropolitan areas, smaller metropolitan and rural areas, and commercial vehicle information systems and networks, and how specific programs and projects relate to the goals, objectives, and milestones, including consideration of the 5-, 10-, and 20-year timeframes for the goals and objectives;

(B) establish a course of action necessary to achieve the program's goals and objectives;

(C) provide for the evolutionary development of standards and protocols to promote and ensure interoperability in the implementation of intelligent transportation systems technologies; and

(D) establish a cooperative process with State and local governments for determining desired surface transportation system performance levels and development of plans for national incorporation of specific ITS capabilities into surface transportation systems.

(b) DEMONSTRATION AND EVALUATION OF INTELLIGENT VEHICLE SYSTEMS.—The Secretary shall conduct research and development activities for the purpose of demonstrating integrated intelligent vehicle systems. Such research shall include state-of-the-art preproduction systems and shall integrate collision avoidance, in-vehicle information, and other safety related systems. Development work shall incorporate human factors research findings to improve situational awareness of drivers and ensure success of the man-machine relationship. This program shall build on the technologies developed as part of the NHTSA Crash Avoidance and FHWA Automated Highway System programs and shall be conducted in cooperation with private industry, educational institutions, and other interested parties.

(c) IMPLEMENTATION REPORTS.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, and biennially thereafter, the Secretary shall submit to Congress a report on implementation of the National ITS Program Plan under subsection (a) of this section.

(2) SCOPE OF IMPLEMENTATION REPORTS.—In preparing reports under this subsection, the Secretary shall—

(A) summarize the status of intelligent transportation infrastructure deployment progress;

(B) analyze the possible and actual accomplishments of ITS projects in achieving congestion, safety, environmental, and energy conservation goals and objectives;

(C) assess nontechnical problems and constraints identified, including the inability to secure suitable spectrum allocations to implement a national or international dedicated short range vehicle to wayside communication standard; and

(D) include, if appropriate, any recommendations of the Secretary for legislation or modification to the National ITS Program Plan developed under subsection (a).

### SEC. 756. TECHNICAL, TRAINING, PLANNING, RESEARCH AND OPERATIONAL TESTING PROJECT ASSISTANCE.

(a) TECHNICAL ASSISTANCE, TRAINING, AND INFORMATION.—The Secretary may provide planning and technical assistance, training, and information to State and local governments seeking to implement, operate, maintain, and evaluate ITS technologies and services.

(b) PLANNING ASSISTANCE.—The Secretary may make available financial assistance under this section to support adequate consideration of transportation system management and operations, including intelligent transportation systems and technologies, within metropolitan and statewide transportation processes. Such financial assistance shall be made available at such time, in such amounts and subject to such conditions as the Secretary may determine. The Secretary shall develop appropriate technical assistance to support the consideration of operations and management issues within metropolitan and statewide transportation planning.

(c) ELIGIBILITY OF CERTAIN ENTITIES.—Any commercial vehicle regulatory agency and any interagency traffic, transportation, or incident management entity, including independent public authorities or agencies, contracted by a State or local transportation agency for the planning, system development, evaluation, implementation, or operation of intelligent transportation infrastructure, including commercial vehicle information systems and networks, within a designated area or along a specific corridor are eligible to receive Federal assistance under this subtitle.

(d) RESEARCH AND OPERATIONAL TESTING PROJECTS.—The Secretary may provide funding to Federal agencies and make grants to non-Federal entities, including State and local governments, universities, including Historically Black Colleges and Universities and other Minority Institutions of Higher Education, and other persons, for research and operational tests relating to intelligent transportation systems. In deciding which projects to fund under this subsection, the Secretary shall—

(1) give the highest priority to those projects that will—

(A) contribute to the goals and objectives specified in the National ITS Program Plan developed under section 755 of this subtitle;

(B) minimize the relative percentage and amount of Federal contributions under this subtitle to total project costs;

(C) validate and accelerate the establishment and widespread conformance with the National Architecture and related standards and protocols;

(D) enhance traffic safety through accelerating the deployment of ITS collision avoidance products through the combined efforts of the Federal Government and industry;

(E) demonstrate innovative arrangements for multi-agency and/or private sector participation in the cooperative financing of the deployment and/or operation of intelligent transportation systems; and

(F) validate the effectiveness of integrated, intelligent transportation systems and infrastructure in enhancing the safety and efficiency of surface transportation within metropolitan and rural areas;

(2) seek to fund operational tests that advance the current state of knowledge in direct support of national ITS research and technology objectives as defined in the National ITS Program Plan under section 755 of this subtitle, and

(3) require that operational tests utilizing Federal funds under this subtitle have a written evaluation of the intelligent transportation systems technologies investigated and of the results of the investigation which is consistent with the guidelines developed under section 754(c) of this subtitle.

### SEC. 757. APPLICATIONS OF TECHNOLOGY.

(a) INTELLIGENT TRANSPORTATION INFRASTRUCTURE DEPLOYMENT INCENTIVES PROGRAM.—The Secretary shall conduct a program to promote the deployment of regionally integrated, intermodal intelligent transportation systems and, through financial and technical assistance under this subtitle, shall assist in the development and implementation of such systems, leveraging to the maximum extent funding from other sources. In metropolitan areas, funding provided under this subtitle shall primarily support activities which integrate existing intelligent transportation infrastructure elements or those implemented with other sources of public or private funding. For commercial vehicle projects and projects outside metropolitan areas, funding provided under this subtitle may also be used for installation of intelligent transportation infrastructure elements.

(b) PRIORITIES.—In providing funding for projects under this section, the Secretary shall allocate not less than 25 percent of the funds made available to carry out this section to eligible State or local entities for the implementation of commercial vehicle information systems and networks, and international border crossing improvements (in accordance with the requirements of this section and section 1030 of the National Economic Crossroads Transportation Efficiency Act of 1997), in support of public sector CVO activities nationwide, and not less than 10 percent for other intelligent transportation infrastructure deployment activities outside of metropolitan areas. In accordance with the National ITS Program Plan under section 755 of this subtitle, the Secretary shall provide incentives for the deployment of integrated applications of intermodal intelligent transportation infrastructure and system technologies so as to—

(1) stimulate sufficient deployment to validate and accelerate the establishment of national ITS standards and protocols;

(2) realize the benefits of regionally integrated, intermodal deployment of intelligent transportation infrastructure and commercial vehicle operations, including electronic border crossing applications; and

(3) motivate innovative approaches to overcoming non-technical constraints or impediments to deployment.

(c) PROJECT SELECTION.—To be selected for funding under this section, a project shall—

(1) contribute to national deployment goals and objectives outlined in the National ITS Program Plan under section 755 of this subtitle;

(2) demonstrate a strong commitment to cooperation among agencies, jurisdictions, and the private sector, as evidenced by signed Memorandums of Understanding that clearly define the responsibilities and relation of all parties to a partnership arrangement, including institutional relationships, and financial agreements needed to support deployment, and commitment to the criteria provided in paragraphs (3) through (7) of this subsection;

(3) demonstrate commitment to a comprehensive plan of fully integrated ITS deployment in accordance with the national ITS architecture and established ITS standards and protocols;

(4) be part of approved plans and programs developed under applicable statewide and metropolitan transportation planning processes and applicable State air quality implementation plans at the time Federal funds are sought;

(5) be instrumental in catalyzing corresponding public or private ITS investments and that minimize the relative percentage and amount of Federal contributions under this section to total project costs;

(6) include a sound financial approach to ensuring continued, long-term operations and maintenance without continued reliance on Federal funding under this subtitle, along with documented evidence of fiscal capacity and commitment from anticipated public and private sources; and

(7) demonstrate technical capacity for effective operations and maintenance or commitment to acquiring necessary skills.

(d) Funding Restrictions and Limitations.—Funding eligibility under this section for intelligent transportation infrastructure projects in metropolitan areas shall be limited to items necessary to integrate intelligent transportation system elements either deployed or to be deployed by various implementing public and private agencies and organizations. Annual awards shall be limited to $15,000,000 per metropolitan area, $2,000,000 per rural project, and $5,000,000 per CVISN project, provided that no more than $35,000,000 shall be awarded annually within any State.

### SEC. 758. FUNDING.

(a) Intelligent Transportation Infrastructure Deployment Incentives Program.—There is authorized to be appropriated to the Secretary for carrying out section 757 of this subtitle, out of the Highway Trust Fund (other than the Mass Transit Account), $100,000,000 for each of fiscal years 1998, 1999, 2000, 2001, 2002, and 2003. In addition to amounts made available by subsection (b) of this section, any amounts authorized by this subsection and not allocated by the Secretary for carrying out section 757 of this subtitle may be used by the Secretary for carrying out other activities authorized under this subtitle.

(b) ITS Research and Program Support Activities.—There is authorized to be appropriated to the Secretary for carrying out multi-year research and technology development initiatives under this subtitle (other than section 757), out of the Highway Trust Fund (other than the Mass Transit Account), $96,000,000 for each of fiscal years 1998, 1999, and 2000, and $130,000,000 for each of fiscal years 2001, 2002, and 2003.

(c) Federal Share Payable.—

(1) For activities funded under subsection (a) of this section, the Federal share payable from the sums authorized under subsection (a) shall not exceed 50 percent of the costs thereof, and the total Federal share payable from all eligible sources (including subsection (a)) shall not exceed 80 percent of the costs thereof.

(2) For activities funded under subsection (b) of this section, unless the Secretary determines otherwise, the Federal share payable on account of such activities shall not exceed 80 percent of the costs thereof.

(3) For long range activities undertaken in partnership with private entities for the purposes of section 755(b) of this subtitle, the Federal share payable on account of such activities shall not exceed 50 percent of the costs thereof.

(4) The Secretary shall seek maximum participation in the funding of such activities under this subtitle from other public and private sources, and shall minimize the use of funds provided under this subtitle for the construction or long-term acquisition of buildings and grounds.

(d) Applicability of Title 23.—Funds authorized by this section shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code, except that the Federal share of the cost of any activity under this section shall be determined in accordance with this section, and such funds shall remain available for obligation for a period of 3 years after the last day of the fiscal years for which the funds are authorized.

## TITLE VIII—BOATING SAFETY

### SEC. 801. SHORT TITLE.

This Act may be cited as the “Sportfishing and Boating Improvement Act of 1997”.

### SEC. 802. AMENDMENT OF 1950 ACT.

Whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision of the 1950 Act, the reference shall be considered to be made to a section or other provision of the Act entitled “An Act to provide that the United States shall aid the States in fish restoration and management projects, and for other purposes,” approved August 9, 1950 (16 U.S.C. 777 et seq.).

### SEC. 803. OUTREACH AND COMMUNICATIONS PROGRAMS.

(a) Definitions.—Section 2 of the 1950 Act (16 U.S.C. 777a) is amended—

(1) by indenting the left margin of so much of the text as precedes “(a)” by 2 ems;

(2) by inserting “For purposes of this Act—” after the section caption;

(3) by striking “For the purpose of this Act the” in the first paragraph and inserting “(1) the”;

(4) by indenting the left margin of so much of the text as follows “include—” by 4 ems;

(5) by striking “(a)”, “(b)”, “(c)”, and “(d)” and inserting “(A)”, “(B)”, “(C)”, and “(D)”, respectively;

(6) by striking “department.” and inserting “department;”; and

(7) by adding at the end thereof the following:

“(2) the term ‘outreach and communications program’ means a program to improve communication with anglers, boaters, and the general public regarding angling and boating opportunities, to reduce barriers to participation in these activities, to advance adoption of sound fishing and boating practices, to promote conservation and the responsible use of the nation's aquatic resources, and to further safety in fishing and boating; and

“(3) the term ‘aquatic resource education program’ means a program designated to enhance the public's understanding of aquatic resources and sport-fishing, and to promote the development of responsible attitudes and ethics toward the aquatic environment.”.

(b) Funding for Outreach and Communications Program.—Section 4 of the 1950 Act (16 U.S.C. 777c) is amended—

(1) by redesignating subsections (c, (d), and (e) as subsections (d), (e), and (f);

(2) by inserting after subsection (b) the following:

“(c) National Outreach and Communications Fund.—

“(1) Establishment.—There is established on the books of the Treasury a fund to be known as the ‘National Outreach and Communications Fund’.

“(2) Credits.—There shall be credited to the Fund—

“(A) out of the balance of each such annual appropriation remaining after the distribution and use under subsections (a) and (b), respectively, the sum of—

“(i) $5,000,000 for the fiscal year 1998;

“(ii) $6,000,000 for fiscal year 1999;

“(iii) $7,000,000 for fiscal year 2000;

“(iv) $8,000,000 for fiscal year 2001; and

“(v) $10,000,000 for fiscal year 2002; and

“(B) amounts allocated to it under subsection (d).

“(3) Carryforward.—Amounts credited to the fund under paragraph (2) shall remain available for 2 fiscal years after the fiscal year in which credited. Amounts credited to the fund under that paragraph that are unobligated by the Secretary of the Interior more than 2 years after the fiscal year in which credited shall be available to the Secretary under subsection (e).”;

(4) by inserting a comma and “for an outreach and communications program” after “Act” in subsection (d), as so redesignated;

(5) by striking “subsections (a) and (b),” in subsection (d), as so redesignated, “subsections (a), (b), and (c),”;

(6) by adding at the end of subsection (d), as so redesignated, the following: “Of the sum available to the Secretary of the Interior under this subsection for any fiscal year, not more than $2,500,000 is authorized to be allocated to the National Outreach and Communications Fund. No funds available to the Secretary under this subsection may be used to replace funding traditionally provided through general appropriations, nor for any purposes except those purposes authorized by this Act. The Secretary shall publish a detailed accounting of the projects, programs, and activities funded under this subsection annually in the Federal Register.”; and

(7) by striking “subsections (a), (b), and (c),” in subsection (e), as so redesignated, and inserting “subsections (a), (b), (c), and (d),”.

(c) Increase in State Allocation.—Section 8 of the 1950 Act (16 U.S.C. 777g) is amended—

(1) by striking “12½ percentum” each place it appears in subsection (b) and inserting “15 percent”;

(2) by striking “10 percentum” in subsection (c) and inserting “15 percent”;

(3) by inserting “and communications” in subsection (c) after “outreach”; and

(4) by redesignating subsection (d) as subsection (f); and by inserting after subsection (c) the following:

“(d) National Outreach and Communications Program.—

“(1) Implementation.—Within 1 year after the date of enactment of the Sportfishing and Boating Improvement Act of 1997, the Secretary of the Interior shall develop and implement, in cooperation and consultation with the Sport Fishing and Boating Partnership Council, a national plan for outreach and communications.

“(2) Content.—The plan shall provide—

“(A) guidance, including guidance on the development of an administrative process and funding priorities, for outreach and communications programs; and

“(B) for the establishment of a national program.

“(3) Secretary may match or fund programs.—Under the plan, the Secretary may obligate amounts from the National Outreach and Communications Fund under section 4(c) of this Act—

“(A) to make grants to any State or private entity to pay all or any portion of the cost of carrying out any outreach or communications program under the plan; or

“(B) to fund contracts with States or private entities to carry out such a program.

“(4) Review.—The plan shall be reviewed periodically, but not less frequently than once every 3 years.

“(e) State Outreach and Communications Program.—Within 12 months after the completion of the national plan under subsection (d)(1), a State shall develop a plan for an outreach and communications program and submit it to the Secretary. In developing the plan, a State shall—

"(1) review the national plan developed under subsection (d);

"(2) consult with anglers, boaters, the sportfishing and boating industries, and the general public; and

"(3) establish priorities for the State outreach and communications program proposed for implementation.".

**SEC. 804. CLEAN VESSEL ACT FUNDING.**

Section 4(b) of the 1950 Act (16 U.S.C. 777c(b)) is amended to read as follows:

"(b) USE OF BALANCE AFTER DISTRIBUTION.—

"(1) FISCAL YEAR 1998.—For fiscal year 1998, of the balance remaining after making the distribution under subsection (a), an amount equal to $51,000,000 shall be used as follows:

"(A) $31,000,000 for fiscal year 1998 shall be transferred to the Secretary of Transportation and shall be expended for State recreational boating safety programs under section 13106 of title 46, United States Code;

"(B) $10,000,000 shall be available for each fiscal year to the Secretary of the Interior for 3 years for obligation for qualified projects under section 5604(c) of the Clean Vessel Act of 1992 (33 U.S.C. 1322 note); and

"(C) $10,000,000 shall be available for each fiscal year to the Secretary of the Interior for 3 years for obligation for qualified projects under section (5)(d) of the Sportfishing and Boating Improvement Act of 1997.

"(2) FISCAL YEARS 1999–2003.—For each of fiscal years 1999 through 2003, the balance of each annual appropriation remaining after making the distribution under subsection (a), an amount equal to $84,000,000, reduced by 82 percent of the amount appropriated for that fiscal year from the Boat Safety Account of the Aquatic Resources Trust Fund established by section 9504 of the Internal Revenue Code of 1986 (26 U.S.C. 9504) to carry out the purposes of section 13106(a) of title 46, United States Code, shall be used as follows:

"(A) $10,000,000 shall be available for each fiscal year to the Secretary of the Interior for 3 years for obligation for qualified projects under section 5604(c) of the Clean Vessel Act of 1992 (33 U.S.C. 1322 note);

"(B) $10,000,000 shall be available for each fiscal year to the Secretary of the Interior for 3 years for obligation for qualified projects under section (5)(d) of the Sportfishing and Boating Improvement Act of 1997; and

"(C) the balance shall be transferred for each such fiscal year to the Secretary of Transportation and shall be expended for State recreational boating safety programs under section 13106 of title 46, United States Code.

"(3) Amounts available under subparagraphs (A) and (B) of paragraph (1) and paragraph (2) that are unobligated by the Secretary of the Interior after 3 years shall be transferred to the Secretary of Transportation and shall be expended for State recreational boating safety programs under section 13106(a) of title 46, United States Code.".

**SEC. 805. BOATING INFRASTRUCTURE.**

(a) PURPOSE.—The purpose of this section is to provide funds to States for the development and maintenance of public facilities for transient nontrailerable recreational vessels.

(b) SURVEY.—Section 8 of the 1950 Act (16 U.S.C. 777g), as amended by section 803, is amended by adding at the end thereof the following:

"(g) SURVEYS.—

"(1) NATIONAL FRAMEWORK.—Within 6 months after the date of enactment of the Sportfishing and Boating Improvement Act of 1997, the Secretary, in consultation with the States, shall adopt a national framework for a public boat access needs assessment which may be used by States to conduct surveys to determine the adequacy, number, location, and quality of facilities providing access to recreational waters for all sizes of recreational boats.

"(2) STATE SURVEYS.—Within 18 months after such date of enactment, each State that agrees to conduct a public boat access needs survey following the recommended national framework shall report its findings to the Secretary for use in the development of a comprehensive national assessment of recreational boat access needs and facilities.

"(3) EXCEPTION.—Paragraph (2) does not apply to a State if, within 18 months after such date of enactment, the Secretary certifies that the State has developed and is implementing a plan that ensures there are and will be public boat access adequate to meet the needs of recreational boaters on its waters.

"(4) FUNDING.—A State that conducts a public boat access needs survey under paragraph (2) may fund the costs of conducting that assessment out of amounts allocated to it as funding dedicated to motorboat access to recreational waters under subsection (b)(1) of this section.".

(c) PLAN.—Within 6 months after submitting a survey to the Secretary under section 8(g) of the Act entitled "An Act to provide that the United States shall aid the States in fish restoration and management projects, and for other purposes," approved August 9, 1950 (16 U.S.C. 777g(g)), as added by subsection (b) of this section, a State may develop and submit to the Secretary a plan for the construction, renovation, and maintenance of public facilities, and access to those facilities, for transient nontrailerable recreational vessels to meet the needs of nontrailerable recreational vessels operating on navigable waters in the State.

(d) GRANT PROGRAM.—

(1) MATCHING GRANTS.—The Secretary of the Interior shall obligate amounts made available under section 4(b)(1)(C) of the Act entitled "An Act to provide that the United States shall aid the States in fish restoration and management projects, and for other purposes," approved August 9, 1950 (16 U.S.C. 777c(b)(1)(C)) to make grants to any State to pay not more than 75 percent of the cost to a State of constructing, renovating, or maintaining public facilities for transient nontrailerable recreational vessels.

(2) PRIORITIES.—In awarding grants under paragraph (1), the Secretary shall give priority to projects that—

(A) consist of the construction, renovation, or maintenance of public facilities for transient nontrailerable recreational vessels in accordance with a plan submitted by a State under subsection (c);

(B) provide for public/private partnership efforts to develop, maintain, and operate facilities for transient nontrailerable recreational vessels; and

(C) propose innovative ways to increase the availability of facilities for transient nontrailerable recreational vessels.

(e) DEFINITIONS.—For purposes of this section, the term—

(1) "nontrailerable recreational vessel" means a recreational vessel 26 feet in length or longer—

(A) operated primarily for pleasure; or

(B) leased, rented, or chartered to another for the latter's pleasure;

(2) "public facilities for transient nontrailerable recreational vessels" includes mooring buoys, daydocks, navigational aids, seasonal slips, or similar structure located on navigable waters, that are available to the general public and designed for temporary use by nontrailerable recreational vessels; and

(4) "State" means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Commonwealth of the Northern Mariana Islands.

(f) EFFECTIVE DATE.—This section shall take effect on October 1, 1997.

**SEC. 806. BOAT SAFETY FUNDS.**

(a) IN GENERAL.—Section 13106 of title 46, United States Code, is amended—

(1) by striking the first sentence of subsection (a)(1) and inserting the following: "Subject to paragraph (2) and subsection (c), the Secretary shall expend in each fiscal year for State recreational boating safety programs, under contracts with States under this chapter, an amount equal to the sum of (A) the amount appropriated from the Boat Safety Account for that fiscal year and (B) the amount transferred to the Secretary under section 4(b)(1) of the Act of August 9, 1950 (16 U.S.C. 777c(b)(1))."; and

(2) by striking subsection (c) and inserting the following:

"(c) Of the amount transferred for each fiscal year to the Secretary of Transportation under section 4(b)(1)(A) of the Act of August 9, 1950 (16 U.S.C. 777c(b)), $5,000,000 is available to the Secretary for payment of expenses of the Coast Guard for personnel and activities directly related to coordinating and carrying out the national recreational boating safety program under this title. Amounts made available by this subsection shall remain available until expended. The Secretary shall publish annually in the Federal Register a detailed accounting of the projects, programs, and activities funded under this subsection.".

(b) CONFORMING AMENDMENTS.—

(1) The caption for section 13106 of title 46, United States Code, is amended to read as follows:

**"§ 13106. Authorization of appropriations".**

(2) The chapter analysis for chapter 131 of title 46, United States Code, is amended by striking the item relating to section 13106 and inserting the following:

"13106. Authorization of appropriations".

**SEC. 807. FUNDS FOR RECREATIONAL BOATING SAFETY.**

(a) ALLOCATION OF FUNDS TO INSULAR AREAS.—Section 13103 of title 46, United States Code, is amended—

(1) by inserting "(1) before "The Secretary" in subsection (a);

(2) by redesignating paragraphs (1), (2), and (3) of subsection (a) as subparagraphs (A), (B), and (C), respectively;

(3) by adding at the end of subsection (a) the following:

"(2) The amount allocated to each of the insular areas under this subsection shall not exceed one-half of one percent of the total amount allocated under paragraph (1).";

(4) by striking "year." in subsection (b) and inserting the following: "year, except that, in the case of the insular areas, the requirement for local matching funds is waived for amounts under $200,000."; and

(5) by adding at the end thereof the following:

"(d) For purposes of this section, the term 'insular areas' means American Samoa, Guam, the Northern Mariana Islands, and the Virgin Islands.".

(b) AVAILABILITY OF ALLOCATIONS.—Section 13104(a) of such title is amended—

(1) by striking "3 years" in paragraph (1) and inserting "2 years"; and

(2) by striking "3-year" in paragraph (2) and inserting "2-year".

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By Mr. DORGAN:

S. 1236. A bill to amend title 23, United States Code, to provide for a national program concerning motor vehicle pursuits by law enforcement officers, and for other purposes; to the Committee on Commerce, Science, and Transportation.

### THE NATIONAL POLICE PURSUIT POLICY ACT OF 1997

Mr. DORGAN. Mr. President, when Police Chief John Whetsel pulled up to the scene of a fiery car wreck, he never expected to recognize the charred remains of a familiar vehicle. After receiving word that a highway patrol cruiser's 100-miles-per-hour pursuit of a fleeing motorcycle had led to a terrible accident involving several bystanders, Chief Whetsel hurried to the scene.

Upon his arrival, Chief Whetsel quickly recognized his family's smoldering automobile and let out a long cry of anguish as he discovered that his wife and two daughters were the victims of this terrible accident. Unfortunately, 1995 statistics show that 40 percent of all high-speed pursuits end in accidents, causing needless death and injury to our Nation's families.

I certainly understand the pain that Chief Whetsel endured. My mother was killed in a high-speed police chase on her drive from a local Bismarck, ND hospital. Eyewitnesses say that the speed of this chase was 80 to 100 miles an hour through the city streets. She died as the drunk lawbreaker fishtailed his pickup truck racing away from pursuing officers. She was a wonderful woman, and it was a senseless and painful loss of life.

There are countless other tragic examples. In fact, there is an entire organization, called STOPP, dedicated to raising the awareness of the dangers of high speed police pursuits. The members of their board have very strong convictions on this issue, for each of them also lost a family member or a friend who was an innocent victim of a high speed chase.

Mr. President, today I rise to introduce the National Police Pursuit Policy Act of 1997. It is my hope that this legislation, if enacted, would help prevent tragic losses like the episode that occurred to Chief Whetsel, my family, and so many others. High speed chases are dangerous and occur too frequently, and the human losses resulting from high-speed police pursuits in the last several years continue to mount. While we are finally seeing some initiative being taken by various States and local communities to address this problem, these efforts must extend to all State and local jurisdictions in this country to attack the problem.

According to the U.S. Department of Transportation, there were 377 deaths nationwide in 1996, and 27 percent of these deaths were police officers or innocent bystanders that died as a result of high-speed chases. Many chases begin as motorists—whether out of fright, panic, or guilt—flee at high speeds instead of pulling over when a police vehicle turns on its lights and siren. Unfortunately, some police become determined to apprehend the fleeing motorists at all costs, and an alarming 60 percent of all police pursuits originate from minor traffic violations. The result is that the safety of the general public—and the dangers that are created by high-speed chases in city traffic—become secondary to catching someone whose initial offense may have been no greater than driving a car with a broken tail-light.

Increased training and education are essential in addressing this problem. Every single law enforcement jurisdiction in the United States must adopt a reasoned, and well-balanced pursuit policy. With 73 percent of all police officers reporting that they have been involved in a high-speed pursuit in the last 12 months, these officers need specialized training in this area. Currently, new studies show that on average only 14 hours of driver training is provided to new law enforcement recruits, with the majority of this time used for the mechanics of driving rather than practicing safe and effective high-speed pursuit procedures. In addition, statistics show that there is a decrease in high-speed pursuits when law enforcement officers are properly trained in this area.

Specific training on departmental pursuit policies and regular followup training is necessary to guarantee that all citizens, both civilians and police, receive the benefit of uniform awareness of this problem. There must be a national realization that there are circumstances in which police should not conduct a chase, and our officers should be commended for making these important, lifesaving choices. A drive across country should not be a "pot luck" regarding one's chances of being maimed or killed by a police pursuit.

I want to stress that the police are not the villains here. It is the folks that run from the police who are the villains. We must focus on the fleeing lawbreakers who are initiating these chases. The punishment for fleeing the police should be certain and severe. People should be aware that if they flee they will pay a big price for doing so.

The legislation that I am introducing today would require the enactment of State laws making it unlawful for the driver of a motor vehicle to take evasive action if pursued by police and would establish a standard minimum penalty of 3 months imprisonment and the seizure of the driver's vehicle. In addition, my bill would require each law enforcement agency to establish a hot-pursuit policy and provide that all officers receive adequate training in accordance with that policy.

Mr. President, this public safety problem is not an easy issue to solve. I understand that it will always be difficult for police officers to judge when a chase is getting out of hand and when public safety would be served best by holding back. However, it can improve the situation if we ensure that police officers are trained on how best to make these difficult judgments, and if we send a message to motorists that if you flee, you will do time in jail and lose your car.

I believe that these requirements, if passed, will demonstrate strong and uniform Federal leadership in response to this problem. Consequently, I ask unanimous consent that the full text of this bill be printed in the RECORD, and I urge my colleagues to support this important measure.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1236

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "National Police Pursuit Policy Act of 1997".

**SEC. 2. FINDINGS.**

Congress finds that—

(1) in 1996—

(A) 377 deaths occurred in the United States as a result of high-speed motor vehicle pursuits; and

(B) 103 of those deaths were police officers or innocent bystanders who died as a result of high-speed motor vehicle pursuits;

(2) in 1995, of the high-speed motor vehicle pursuits conducted during that year, approximately—

(A) 40 percent resulted in accidents;

(B) 20 percent resulted in injury; and

(C) 1 percent resulted in death;

(3) a recent study found that approximately 60 percent of high-speed motor vehicle pursuits resulted from pursuits that were not related to felony offenses;

(4) an insufficient amount of statistical data and documentation concerning high-speed motor vehicle pursuits is available;

(5) a recent study found that although only 31 percent of law enforcement agencies maintain consistent records on motor vehicle pursuits made by law enforcement officers, 71 percent of those agencies were able to provide data on the number of high-speed motor vehicle pursuits conducted;

(6) a recent study found that—

(A) 73 percent of the law enforcement officers polled had been involved in a high-speed motor vehicle pursuit during the 12-month period preceding the date of the polling; and

(B) 40 percent of those officers reported that an accident resulted from a high-speed motor vehicle pursuit in which the officer participated;

(7) a recent study found that most law enforcement recruits who receive training to

become law enforcement officers receive only an average of 14 hours of training for driving skills, and a majority of that time is used to provide training in the mechanics of driving instead of providing practice for safe and effective high-speed motor vehicle pursuit procedures; and

(8) a recent study found that an increased emphasis on the high-speed motor vehicle pursuit policies, procedures, and training decreases the occurrence of high-speed motor vehicle pursuits, as the recruits who receive training that includes special training for effective high-speed motor vehicle pursuits were less likely to engage in those pursuits.

**SEC. 3. MOTOR VEHICLE PURSUIT REQUIREMENTS FOR STATE HIGHWAY SAFETY PROGRAMS.**

Section 402(b)(1) of title 23, United States Code, is amended—

(1) in each of subparagraphs (A) through (D), by striking the period at the end and inserting a semicolon;

(2) in subparagraph (E), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following new subparagraph:

"(F) on and after January 1, 1999, have in effect throughout the State—

"(i) a law that—

"(I) makes it unlawful for the driver of a motor vehicle to increase speed or to take any other deliberately evasive action if a law enforcement officer clearly signals the driver to stop the motor vehicle; and

"(II) provides that any driver who violates that law shall be subject to a minimum penalty of—

"(aa) imprisonment for a period of not less than 3 months; and

"(bb) seizure of the motor vehicle at issue; and

"(ii) a requirement that each State agency and each agency of a political subdivision of the State that employs law enforcement officers who, in the course of employment, may conduct a motor vehicle pursuit shall—

"(I) have in effect a policy that meets requirements that the Secretary shall establish concerning the manner and circumstances in which a motor vehicle pursuit may be conducted by law enforcement officers;

"(II) train all law enforcement officers of the agency in accordance with the policy referred to in subclause (I); and

"(III) for each fiscal year, transmit to the chief executive officer of the State a report containing information on each motor vehicle pursuit conducted by a law enforcement officer of the agency.".

**SEC. 4. REPORTING REQUIREMENT.**

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Attorney General of the United States, the Secretary of Agriculture, the Secretary of the Interior, the Secretary of the Treasury, the Chief of the Capitol Police, and the Administrator of General Services shall each transmit to Congress a report containing—

(1) the policy of the department or agency headed by that individual concerning motor vehicle pursuits by law enforcement officers of that department or agency; and

(2) a description of the procedures that the department or agency uses to train law enforcement officers in the implementation of the policy referred to in paragraph (1).

(b) REQUIREMENT.—Each policy referred to in subsection (a)(1) shall meet the requirements established by the Secretary of Transportation pursuant to section 402(b)(1)(F)(ii)(I) of title 23, United States Code, concerning the manner and circumstances in which a motor vehicle pursuit may be conducted.

## ADDITIONAL COSPONSORS

### S. 627

At the request of Mr. JEFFORDS, the name of the Senator from Illinois [Ms. MOSELEY-BRAUN] was added as a cosponsor of S. 627, a bill to reauthorize the African Elephant Conservation Act.

### S. 887

At the request of Ms. MOSELEY-BRAUN, the names of the Senator from Maine [Ms. SNOWE] and the Senator from Maine [Ms. COLLINS] were added as cosponsors of S. 887, a bill to establish in the National Service the National Underground Railroad Network to Freedom program, and for other purposes.

### S. 981

At the request of Mr. THOMPSON, the name of the Senator from Minnesota [Mr. GRAMS] was added as a cosponsor of S. 981, a bill to provide for analysis of major rules.

### S. 1052

At the request of Mr. FAIRCLOTH, his name was added as a cosponsor of S. 1052, a bill to amend the Andean Trade Preference Act to prohibit the provision of duty-free treatment for live plants and fresh cut flowers described in chapter 6 of the Harmonized Tariff Schedule of the United States.

### S. 1056

At the request of Mr. BURNS, the names of the Senator from Kansas [Mr. BROWNBACK], the Senator from Kansas [Mr. ROBERTS], the Senator from Kentucky [Mr. MCCONNELL], the Senator from Iowa [Mr. HARKIN], and the Senator from Illinois [Ms. MOSELEY-BRAUN] were added as cosponsors of S. 1056, a bill to provide for farm-related exemptions from certain hazardous materials transportation requirements.

### S. 1081

At the request of Mr. LEAHY, the names of the Senator from Hawaii [Mr. INOUYE] and the Senator from Washington [Mrs. MURRAY] were added as cosponsors of S. 1081, a bill to enhance the rights and protections for victims of crime.

### S. 1105

At the request of Mr. COCHRAN, the names of the Senator from Virginia [Mr. WARNER] and the Senator from Tennessee [Mr. FRIST] were added as cosponsors of S. 1105, a bill to amend the Internal Revenue Code of 1986 to provide a sound budgetary mechanism for financing health and death benefits of retired coal miners while ensuring the long-term fiscal health and solvency of such benefits, and for other purposes.

### SENATE CONCURRENT RESOLUTION 48

At the request of Mr. KYL, the names of the Senator from Utah [Mr. HATCH] and the Senator from Michigan [Mr. ABRAHAM] were added as cosponsors of Senate Concurrent Resolution 48, a concurrent resolution expressing the sense of the Congress regarding proliferation of missile technology from Russia to Iran.

### SENATE RESOLUTION 119

At the request of Mr. FEINGOLD, the name of the Senator from South Dakota [Mr. JOHNSON] was added as a cosponsor of Senate Resolution 119, a resolution to express the sense of the Senate that the Secretary of Agriculture should establish a temporary emergency minimum milk price that is equitable to all producers nationwide and that provides price relief to economically distressed milk producers.

## AMENDMENTS SUBMITTED

## THE BIPARTISAN CAMPAIGN REFORM ACT OF 1997

### LOTT (AND WARNER) AMENDMENT NO. 1258

Mr. LOTT (for himself and Mr. WARNER) proposed an amendment to the bill (S. 25) to reform the financing of Federal elections; as follows:

Strike all of section 501, and insert the following:

**SEC. 501. PAYCHECK PROTECTION ACT.**

(a) IN GENERAL.—Section 316 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441b) is amended by adding the following new subsection:

"(c)(1) Except with the separate, prior, written, voluntary authorization of each individual, it shall be unlawful—

"(A) for any national bank or corporation described in this section to collect from or assess its stockholders or employees any dues, initiation fee, or other payment as a condition of employment if any part of such dues, fee, or payment will be used for political activities in which the national bank or corporation, as the case may be, is engaged; and

"(B) for any labor organization described in this section to collect from or assess its members or nonmembers any dues, initiation fee, or other payment if any part of such dues, fee, or payment will be used for political activities.

"(2) An authorization described in paragraph (1) shall remain in effect until revoked and may be revoked at any time.

"(3) For purposes of this subsection, the term 'political activities' includes communications or other activities which involve carrying on propaganda, attempting to influence legislation, or participating or intervening in any political campaign or political party."

### LOTT AMENDMENT NO. 1259

Mr. LOTT proposed an amendment to amendment No. 1258 proposed by him to the bill, S. 25, supra; as follows:

In lieu of the matter proposed to be inserted insert the following:

**SEC. 501. PAYCHECK PROTECTION ACT.**

(a) IN GENERAL.—Section 316 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441b) is amended by adding the following new subsection:

“(c)(1) Except with the separate, prior, written, voluntary authorization of each individual, it shall be unlawful—

“(A) for any national bank or corporation described in this section to collect from or assess its stockholders or employees any dues, initiation fee, or other payment as a condition of employment if any part of such dues, fee, or payment will be used for political activities in which the national bank or corporation, as the case may be, is engaged; and

“(B) for any labor organization described in this section to collect from or assess its members or nonmembers any dues, initiation fee, or other payment if any part of such dues, fee, or payment will be used for political activities.

“(2) An authorization described in paragraph (1) shall remain in effect until revoked and may be revoked at any time.

“(3) For purposes of this subsection, the term ‘political activities’ includes communications or other activities which involve carrying on propaganda, attempting to influence legislation, or participating or intervening in any political campaign or political party.”

(b) EFFECTIVE DATE.—This section shall take effect one day after enactment of this Act.

### LOTT AMENDMENT NO. 1260

Mr. LOTT proposed an amendment to amendment No. 1258 proposed by him to the bill, S. 25, supra; as follows:

Strike all after the word “SEC.” in the pending amendment and insert the following:

**501. PAYCHECK PROTECTION ACT.**

(a) IN GENERAL.—Section 316 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441b) is amended by adding the following new subsection:

“(c)(1) Except with the separate, prior, written, voluntary authorization of each individual, it shall be unlawful—

“(A) for any national bank or corporation described in this section to collect from or assess its stockholders or employees any dues, initiation fee, or other payment as a condition of employment if any part of such dues, fee, or payment will be used for political activities in which the national bank or corporation, as the case may be, is engaged; and

“(B) for any labor organization described in this section to collect from or assess its members or nonmembers any dues, initiation fee, or other payment if any part of such dues, fee, or payment will be used for political activities.

“(2) An authorization described in paragraph (1) shall remain in effect until revoked and may be revoked at any time.

“(3) For purposes of this subsection, the term ‘political activities’ includes communications or other activities which involve carrying on propaganda, attempting to influence legislation, or participating or intervening in any political campaign or political party.”

(b) EFFECTIVE DATE.—This section shall take effect two days after enactment of this Act.

### LOTT AMENDMENT NO. 1261

Mr. LOTT proposed an amendment to the bill, S. 25, supra; as follows:

On page 42, in the language proposed to be stricken, strike all after “SEC. 501.” through the end of the page, and insert the following:

**PAYCHECK PROTECTION ACT.**

(a) IN GENERAL.—Section 316 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441b) is amended by adding the following new subsection:

“(c)(1) Except with the separate, prior, written, voluntary authorization of each individual, it shall be unlawful—

“(A) for any national bank or corporation described in this section to collect from or assess its stockholders or employees any dues, initiation fee, or other payment as a condition of employment if any part of such dues, fee, or payment will be used for political activities in which the national bank or corporation, as the case may be, is engaged; and

“(B) for any labor organization described in this section to collect from or assess its members or nonmembers any dues, initiation fee, or other payment if any part of such dues, fee, or payment will be used for political activities.

“(2) An authorization described in paragraph (1) shall remain in effect until revoked and may be revoked at any time.

“(3) For purposes of this subsection, the term ‘political activities’ includes communications or other activities which involve carrying on propaganda, attempting to influence legislation, or participating or intervening in any political campaign or political party.”

(b) EFFECTIVE DATE.—This section shall take effect three days after enactment of this Act.

### LOTT AMENDMENT NO. 1262

Mr. LOTT proposed an amendment to amendment No. 1261 proposed by him to the bill, S. 25, supra; as follows:

Strike all after the first word in the pending amendment and insert the following:

**PROTECTION ACT.**

(a) IN GENERAL.—Section 316 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441b) is amended by adding the following new subsection:

“(c)(1) Except with the separate, prior, written, voluntary authorization of each individual, it shall be unlawful—

“(A) for any national bank or corporation described in this section to collect from or assess its stockholders or employees any dues, initiation fee, or other payment as a condition of employment if any part of such dues, fee, or payment will be used for political activities in which the national bank or corporation, as the case may be, is engaged; and

“(B) for any labor organization described in this section to collect from or assess its members or nonmembers any dues, initiation fee, or other payment if any part of such dues, fee, or payment will be used for political activities.

“(2) An authorization described in paragraph (1) shall remain in effect until revoked and may be revoked at any time.

“(3) For purposes of this subsection, the term ‘political activities’ includes communications or other activities which involve carrying on propaganda, attempting to influence legislation, or participating or intervening in any political campaign or political party.”

(b) EFFECTIVE DATE.—This section shall take effect four days after enactment of this Act.

### LOTT AMENDMENT NO. 1263

Mr. LOTT proposed an amendment to the motion to recommit the bill, S. 25, supra; as follows:

At the end of the instructions add the following:

“with an amendment as follows:

Strike all of section 501 and insert the following:

**SEC. . PAYCHECK PROTECTION ACT.**

(a) IN GENERAL.—Section 316 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441b) is amended by adding the following new subsection:

“(c)(1) Except with the separate, prior, written, voluntary authorization of each individual, it shall be unlawful—

“(A) for any national bank or corporation described in this section to collect from or assess its stockholders or employees any dues, initiation fee, or other payment as a condition of employment if any part of such dues, fee, or payment will be used for political activities in which the national bank or corporation, as the case may be, is engaged; and

“(B) for any labor organization described in this section to collect from or assess its members or nonmembers any dues, initiation fee, or other payment if any part of such dues, fee, or payment will be used for political activities.

“(2) An authorization described in paragraph (1) shall remain in effect until revoked and may be revoked at any time.

“(3) For purposes of this subsection, the term ‘political activities’ includes communications or other activities which involve carrying on propaganda, attempting to influence legislation, or participating or intervening in any political campaign or political party.”

### LOTT AMENDMENT NO. 1264

Mr. LOTT proposed an amendment to amendment No. 1263 proposed by him to the bill, S. 25, supra; as follows:

In lieu of the matter proposed to be inserted insert the following:

**SEC. . PAYCHECK PROTECTION ACT.**

(a) IN GENERAL.—Section 316 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441b) is amended by adding the following new subsection:

“(c)(1) Except with the separate, prior, written, voluntary authorization of each individual, it shall be unlawful—

“(A) for any national bank or corporation described in this section to collect from or assess its stockholders or employees any dues, initiation fee, or other payment as a condition of employment if any part of such dues, fee, or payment will be used for political activities in which the national bank or corporation, as the case may be, is engaged; and

“(B) for any labor organization described in this section to collect from or assess its members or nonmembers any dues, initiation fee, or other payment if any part of such dues, fee, or payment will be used for political activities.

“(2) An authorization described in paragraph (1) shall remain in effect until revoked and may be revoked at any time.

“(3) For purposes of this subsection, the term ‘political activities’ includes communications or other activities which involve carrying on propaganda, attempting to influence legislation, or participating or intervening in any political campaign or political party.”

“(b) EFFECTIVE DATE.—This section shall take effect one day after enactment of this Act.

### LOTT AMENDMENT NO. 1265

Mr. LOTT proposed an amendment to amendment No. 1264 proposed by him to the bill. S. 25, supra; as follows:

Strike all after the word "section" in the first-degree amendment and insert the following:

**PAYCHECK PROTECTION ACT.**

(a) IN GENERAL.—Section 316 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441b) is amended by adding the following new subsection:

"(c)(1) Except with the separate, prior, written, voluntary authorization of each individual, it shall be unlawful—

"(A) for any national bank or corporation described in this section to collect from or assess its stockholders or employees any dues, initiation fee, or other payment as a condition of employment if any part of such dues, fee, or payment will be used for political activities in which the national bank or corporation, as the case may be, is engaged; and

"(B) for any labor organization described in this section to collect from or assess its members or nonmembers any dues, initiation fee, or other payment if any part of such dues, fee, or payment will be used for political activities.

"(2) An authorization described in paragraph (1) shall remain in effect until revoked and may be revoked at any time.

"(3) For purposes of this subsection, the term 'political activities' includes communications or other activities which involve carrying on propaganda, attempting to influence legislation, or participating or intervening in any political campaign or political party."

(b) EFFECTIVE DATE.—This section shall take effect two days after enactment of this Act.

## NOTICE OF HEARINGS

### COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. JEFFORDS. Mr. President, I would like to announce for information of the Senate and the public that a hearing of the Senate Committee on Labor and Human Resources will be held on Tuesday, September 30, 1997, 10 a.m., in SD–430 of the Senate Dirksen Building. The subject of the hearing is Tobacco Settlement part III. For further information, please call the committee, 202/224–5375.

### COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. JEFFORDS. Mr. President, I would like to announce for information of the Senate and the public that a hearing of the Senate Committee on Labor and Human Resources will be held on Wednesday, October 1, 1997, 10 a.m., in SD–430 of the Senate Dirksen Building. The subject of the hearing is Voluntary Initiatives to Expand Health Insurance Coverage. For further information, please call the committee, 202/224–5375.

### COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. LUGAR. Mr. President, I would like to announce that the Senate Committee on Agriculture, Nutrition, and Forestry has changed the hearing schedule for October. The committee will meet on the following days:

Tuesday, October 7, 1997 in SR–328A at 9 a.m. To consider the nomination of Sally Thompson to be the Chief Financial Officer for the U.S. Department of Agriculture. The committee will also consider other recently announced nominations whose paperwork is received in a timely manner.

Wednesday, October 8, 1997 in SR–328A at 9 a.m. The purpose of this hearing is to examine food safety issues and recent food safety legislation proposed by the U.S. Department of Agriculture.

## AUTHORITY FOR COMMITTEE TO MEET

### SUBCOMMITTEE ON ADMINISTRATIVE OVERSIGHT AND THE COURTS

Mr. BENNETT. Mr. President, I ask unanimous consent that the subcommittee on Administrative Oversight and the Courts, of the Senate Committee on the Judiciary, be authorized to meet during the session of the Senate on Monday, September 29, 1997, at 2 p.m. to hold a hearing in room 226, Senate Dirksen Building, on: A Review of the FBI Crime Laboratory.

The PRESIDING OFFICER. Without objection, it is so ordered.

## ADDITIONAL STATEMENTS

### WHAT NEXT, MR. PRIME MINISTER? DEMOCRACY HANGS IN THE BALANCE IN SLOVAKIA ON CONSTITUTION'S FIFTH ANNIVERSARY

● Mr. D'AMATO. Mr. President, 5 years ago, the speaker of the Slovak Parliament, Ivan Gasparovic, described his country's new constitution as "an expression of centuries-old emancipation efforts of the Slovak people to have a sovereign state of their own." He also spoke of its "supreme binding force." Since then, the people who present themselves as the guardians of Slovakia's statehood have undermined Slovakia's constitution.

This is what they have done.

This May, the Ministry of Interior ignored the Constitutional Court's ruling and altered an important referendum on NATO and on the direct election of the President, effectively denying the people of Slovakia their constitutionally guaranteed right to register their views through a referendum. Defending its actions, members of the Prime Minister's party insisted that they acted in conformity with the constitution—as they interpreted it—and that they were justified in placing their views ahead of the ruling of the highest court in the land.

The actions of the ruling coalition in the case of Frantisek Gaulieder makes clear that the Meciar government has a profound and fundamental disregard for the constitution of Slovakia.

Then there is the case of Frantisek Gaulieder.

Frantisek Gaulieder is a member of the Slovak Parliament who was removed from office because he renounced his membership in Prime Minister Vladimir Meciar's party, the Movement for a Democratic Slovakia. On July 25, the Constitutional Court confirmed that the ruling coalition's action which deprived Gaulieder of his seat was unconstitutional and violated Gaulieder's rights. But members of the Prime Minister's coalition again claimed that they, and not the Constitutional Court, have the right to determine what the constitution means, and have declined to act to restore Gaulieder to his seat in Parliament.

In short, the "supreme binding force" that Ivan Gasparovic spoke of 5 years ago no longer flows from the constitution, but from the will of Vladimir Meciar.

When there are differences of opinion as to what a constitution means, whether those differences arise between branches of government or between the government and its citizens, in a state operating under the rule of law, it is the job of a constitutional court to interpret what the constitution means—not the Prime Minister or Parliament. Although this principle is taken for granted in many parts of Europe, and was established early in American history by the famous Supreme Court case of Marbury versus Madison, it has apparently not yet been accepted in Slovakia.

Mr. President, the Slovak Democratic Coalition has moved, four times, to convene a special session of the Parliament in order to implement the decision of the Constitutional Court and restore Frantisek Gaulieder to his seat. Four times, however, Prime Minister Meciar's coalition has boycotted their own Parliament rather than face the following dilemma: restore Gaulieder to his seat—consistent with the Constitutional Court's decision—and risk the chance that others will follow Gaulieder's example and defect from the Prime Minister's party, or vote down the Slovak Democratic Coalition's proposal to restore Gaulieder to his seat and confirm that whatever form of government exists in Slovakia, it is not constitutional democracy, at least not as we understand it.

Sooner or later, the Slovak Parliament will reconvene. When it acts, or fails to act, on the Gaulieder question, we will know whether Slovakia is committed to becoming a functioning constitutional democracy. If it is not, what it will become is an isolated State under constant international pressure and scrutiny, cut off from a promising and prosperous future by the arrogance and greed of its own leaders.

As Vladimir Meciar is asked in his weekly news show, what next, Mr. Prime Minister?●

## TRIBUTE TO GEN. JOHN M. SHALIKASHVILI

• Mr. LEVIN. Mr. President, I rise today to pay tribute to Gen. John M. Shalikashvili on the occasion of his retirement after serving on active duty for more than 39 years, the last 4 years of which he has served as the Chairman of the Joint Chiefs of Staff.

General Shalikashvili's life is a marvelous American success story. Many people are aware that he was born in Warsaw, Poland of stateless parents and came to Peoria, IL, at the age of 16. What is not generally known, however, is that when he became a naturalized American citizen shortly before he graduated from Bradley University, it was the first nation of which he was a citizen, and that he was drafted into the U.S. Army shortly after graduation. He is the only Chairman of the Joint Chiefs of Staff who is a naturalized American citizen and the only Chairman who was drafted into the military.

Mr. President, I won't attempt to describe all of General Shalikashvili's military achievements, but I would like to include a few of his experiences that I believe molded his outlook and enabled him to perform in such a superb fashion as our Nation's senior military officer.

General Shali, as he likes to be called, served in Vietnam during the Tet offensive and in Korea in the early 1970's. His experience in combat and in a theater in which U.S. forces faced a strong and unpredictable military foe undoubtedly prepared him to be the strong spokesman for the men and women in uniform and a strong advocate for maintaining our Nation's military might second to none.

I have been struck by General Shali's frequent reference to his experience in 1991 as the head of Operation Provide Comfort. This operation brought the Iraqi Kurds down from the mountains of northern Iraq and eastern Turkey where thousands were dying and helped them to return to their towns and villages. He has described that experience as the toughest challenge and, at the same time, one of the most gratifying things that he has done. Mr. President, it has been my experience that our finest military leaders are also people who are caring human beings. General Shali's compassion and humanity comes clearly through in his recollection of his experience with the Iraqi Kurds who suffered so much at the hands of Saddam Hussein.

General Shali also served in a number of positions in Europe both during and after the cold war. Just last week, I had an opportunity along with Senators ROTH and BIDEN and other members of the Senate NATO Observer Group to meet with General Shali and the chiefs of defense of our NATO allies. I observed with pride the respect and admiration that the senior military leaders of our NATO allies have for General Shali. I am sure that it was also evident to them that all of the Senators at that meeting have the highest regard for General Shali. With his European upbringing and his several assignments in the European area, including as NATO's Supreme Allied Commander, General Shali has been a unique leader as NATO has been carrying out its internal adaptation and its enlargement.

Mr. President, I am sure that there will be a number of tributes paid to General Shali here on the Senate floor, elsewhere in the Capital area, and around the world. Some will no doubt recount his extraordinary performance as the Chairman of the Joint Chiefs of Staff. I have chosen to highlight only a few and perhaps lesser known aspects of General Shali's career because I believe they demonstrate his qualities of leadership, compassion, humanity, and courage.

General Shali has been a superb Chairman, a true friend of the men and women who serve our Nation, and I count myself fortunate to consider him a good personal friend. I salute him for the former and cherish the latter.•

## KENNETH APFEL CONFIRMATION

• Mr. GRASSLEY. Mr. President, today Mr. Ken Apfel will be sworn in for the position of Commissioner of the Social Security Administration. Mr. Apfel was confirmed earlier this month to direct the agency responsible for administering the largest domestic program in the United States. Social Security will have an impact on the life of every single American at one time or another. I support Mr. Apfel's confirmation to head this vital agency.

Mr. Apfel will guide the Social Security program into the 21st century, bringing it right up to the edge of the largest demographic shift this country has ever seen. Starting in 2010, the baby boom generation—70 million strong—will begin entering retirement. Because of the tremendous medical strides we have made in extending life expectancy, this cohort will be living longer and collecting benefits longer. It is imperative that our Social Security program be ready to absorb such a huge influx of beneficiaries. The Commissioner must be a leader in preparing the agency and the program itself, to meet this challenge.

Preparing for the retirement of the baby boom generation is only half of the challenge. There are on-going problems that must be addressed as well. The Social Security Administration has had difficulties protecting taxpayer dollars. The General Accounting Office recently elevated the Supplemental Security Income Program to its high-risk list of Federal programs because of their inability to pay out the proper amount of money. Huge overpayments go out to beneficiaries—most of which are never collected. Additional problems exist in the Disability Insurance Program. Prisoners and legal aliens have received benefits improperly. The agency has not fulfilled its legislative mandate to refer applicants and recipients of disability benefits to appropriate rehabilitation. Addressing these issues is very important because problems in any one of the programs that the Social Security Administration operates undermines confidence in all of the programs.

I will say right now that I do not envy Mr. Apfel. He is endeavoring to take on a job with many difficult challenges. Having met with him personally, I can honestly say I believe he can do the job. It is my hope, however, that he will not fall into the practice of his predecessors of not taking a pro-active stance with regard to policy issues faced by the Social Security Administration. When he sees the need for legislative action, or he sees problems with policies that must be changed—that he communicate with Congress immediately.

I hope he will see himself , in his capacity as Commissioner, as a liaison to the public, to the President, and to Congress to resolve some of the most important challenges that will face our country and the Government over the next 6 years. Most of all, SSA, like any other Government agency, is an overseer of taxpayer dollars—our money. That responsibility must be taken with the utmost seriousness and deliberation. If he can motivate his personnel to do that—protect taxpayer dollars—he will have a successful term as Commissioner.•

## BLACK CAREER WOMEN

• Mr. DEWINE. Mr. President, I rise today to recognize the achievement of a very valuable community organization in Cincinnati, OH.

The group—known as Black Career Women, or BCW—has been serving the African-American community in Cincinnati and throughout the United States for 20 years. Back in the early 1980's, BCW provided word processing assistance and office-skill development services to unemployed and underemployed women—to help them get decent jobs with a living wage.

This nonprofit organization provides an extremely valuable service to corporations and managers who are trying to develop and support successful skills-development strategies for African-American women. Working in partnership with executives, BCW has helped improve the lives of countless women from corporate executives to entrepreneurs.

Over the last two decades, more than 10,000 women have benefited from the service of Black Career Women.

Black Career Women has been helping the African-American women in the Cincinnati area and throughout the Nation achieve the goals of self-help and self-determination. They deserve the praise of all people who believe in diversity, economic progress, and independence for working people.

I ask all my colleagues to join me in extending our warmest congratulations on their 20th anniversary. They are making a big difference for the better in the life of the Cincinnati area and the entire nation.●

## RECOGNITION OF HISPANIC HERITAGE MONTH

● Mrs. HUTCHISON. Mr. President, I am proud to be able to speak today, as many of my colleagues have done recently, on the significance of Hispanic Heritage Month, being commemorated from September 15 through October 15. For almost 30 years, we as a nation have, in this way, formally acknowledged and celebrated the contributions Hispanic Americans have made and are making to our country.

Mr. President, in my home State of Texas, Hispanics are an intrinsic and dynamic part of our history, culture, economy, and civic life. From El Paso to Texarkana, and from Amarillo to Brownsville, over 6 million Latinos in Texas contribute immeasurably to making the Lone Star State the unique and wonderful place it is. Whether they trace their ancestry to the earliest Spanish settlers in Texas or have recently immigrated to this country, individually and collectively Hispanics have made our State and our Nation a richer place in which to live.

For at least 250 of the last 400 years, Hispanic heritage was synonymous with Texas heritage. Since the first Spanish landing at the mouth of the Rio Grande by Alonso Alvarez de Pineda in 1519, the Spanish, and later the Mexicans bravely began to colonize the vast and rugged land known as Tejas. To this day, Hispanics continue to contribute their boundless determination and unique perspective to every facet of life in Texas and the Nation. Hispanic Americans enrich our lives in virtually every field of endeavor: politics, business, science, education, art, music, film, cuisine, and countless other fields.

In my home State, we recently lost two of our greatest native Texas Hispanics, Congressman Frank Tejeda and musical artist Selena Perez. In their own way, both of these individuals demonstrated astonishing determination, which in turn reflected the vibrancy and strength of the Hispanic community: Frank Tejeda, who dropped out of high school from the south side of San Antonio and went on to distinguish himself in military service in Vietnam, in higher education, in the business world, and as a dedicated public servant; and Selena who, at the young age of 23 became a pop icon, entertaining audiences in her hometown of Corpus Christi and throughout the world with her unique brand of "Tejano" music. Although the lives of these two great Texans ended far too soon, they will forever inspire the tens of thousands of young Hispanics who will look to them and to the many other Hispanic leaders in our country as symbols of what can be achieved through hard work, ambition, and the support of the community.

As a Texan and as a member of the Senate Republican Conference Task Force on Hispanic Affairs, I remain committed to ensuring that the American dream continues to exist and to come true for all Americans. Through my activities on this task force and in the Senate, as well as through daily contact with my constituents, I have worked hard to ensure that the needs and concerns of the Hispanic community are heard and responded to. While we all share the goal of improving our country and the opportunities for our children, there are economic and other concerns that disproportionately impact the Hispanic community. I believe we in Congress must continue to address those concerns by pursuing policies that promote education, health care, urban renewal, and a business environment that encourages entrepreneurial activity and risk taking.

There are certainly challenges ahead. With so many Hispanic-owned businesses starting up around the country, access to capital is a critical need. I have supported and continue to support lending and contracting programs that offer fledgling businesses the opportunity to launch themselves—and to continue to soar. I am also working to give small business people and other Americans relief from excessive levels of taxation and Federal regulation.

On the eve of a new millennium, it is vital that we remain a people united, respectful of the individual, the family, and our country as a whole. In this same spirit, it is also important to inform ourselves and our children of the sacrifices and contributions that have been made by our ancestors on our behalf. Hispanics have extremely good reason to be proud of that heritage and to rejoice in it.

Mr. President, I am pleased to be able to highlight today the contribution of Hispanics to the exquisite mosaic that is America the Beautiful, America la linda.●

## PROTECTING RELIGIOUS FREEDOM WORLDWIDE

● Mr. ABRAHAM. Mr. President, I rise today to draw the attention of my colleagues to an article I recently read on the subject of religious freedom. The author, Mr. Philip Peters, a senior fellow at the Alexis de Tocqueville Institution, offers a keen assessment of the tragedy that currently faces Christians who are being persecuted in their homelands. In his article, "Persecution and Redemption," Mr. Peters makes specific reference to the treatment of Christians and other victims of religious persecution living in the former Soviet Union.

It is unfortunate but true that tens of thousands of people in the former Soviet Union cannot practice their religion without encountering hostility from their government. As the author points out, "About one fourth of Russia's regional governments have laws restricting religious activity."

I agree with Mr. Peters' assessment that refugees from the former Soviet Union "deserve the support of anyone concerned about Christians and other victims of religious persecution around the world." I have joined with Senators KENNEDY, HATCH, and LEAHY in urging President Clinton to restore the refugee ceiling on refugees from the former Soviet Union in fiscal year 1998 to its level in fiscal year 1997.

Mr. President, I ask that Mr. Peters' article be printed in the RECORD.

The article follows:

[From the Washington Times, Sept. 25, 1997]

### PERSECUTION AND REDEMPTION

(By Philip Peters)

This year, Washington has caught on to a fact that human rights activists have known for some time: Persecution of Christians is on the rise around the world. This issue was at the center of the debate on China's trade status, and the State Department issued a special report on it in July.

Now, the question is whether anything will be done about it.

New legislation introduced by Sen. Arlen Specter and Rep. Frank Wolf, the Freedom From Religious Persecution Act, is so laden with new economic sanctions and foreign policy prescriptions that it has drawn the opposition of the Clinton administration, business, and pro-trade groups, and is destined for prolonged debate.

While that debate goes on, four other senators have proposed a far more immediate and concrete way for the U.S. to help.

On Sept. 10, Sens. Spencer Abraham, Edward Kennedy, Orrin Hatch, and Patrick Leahy called on the administration to abandon its current plan to cut next year's admissions of refugees from the former Soviet Union. They deserve the support of anyone concerned about Christians and other victims of religious persecution around the world.

The State Department wants to cut admissions from the former Soviet Union to 21,000, even though 27,000 were admitted this year. The senators propose instead 30,000 admissions from the former Soviet Union, with no reductions in planned admissions from other regions.

This proposal is modest. The Clinton administration has driven refugee admissions down 40 percent, and if the senators' proposal is accepted, total 1998 admissions would be 87,000, far lower than the 100,000-plus refugees admitted annually from 1989 to 1995.

The senators' letter has ignited a debate among administration aides, who must soon decide on the number of refugees to admit in 1998. They need look no further than the administration's own reports on religious persecution in the former Soviet Union. These reports document that:

Legislation passed last week by the lower house of Russia's parliament would require the registration of new religious groups, and would require these groups to wait up to 15 years to obtain full legal status. During this period, these groups would be barred from importing or distributing religious materials, and it would be difficult for them to own property or have bank accounts. This bill does not apply to Orthodoxy, Islam, Judaism or Buddhism; instead, it would affect faiths newer to Russia, especially evangelical Christians. President Yeltsin vetoed the bill once but now seems prepared to sign it.

About one fourth of Russia's regional governments have laws restricting religious activity.

Russian authorities have made Christian missionary work difficult or impossible in some regions, and they have made recovery of property difficult for non-Orthodox faiths, including the Catholic church.

As a result, Pentecostals and other evangelical Christians now account for about half the refugees from the former Soviet Union.

The State Department argues against any increase in refugee admissions. In spite of conditions in the former Soviet Union, it claims that interest in the U.S. refugee program is declining, even though 6,000 more were admitted this year than it proposes to admit next year.

But even if less than 30,000 admissions slots for the former Soviet Union are needed in 1998, the increase in overall admissions would give the administration greater flexibility to address other crises. This year, the administration exceeded its planned admissions from the former Yugoslavia by 25 percent. If the implementation of the Dayton accords continues to prove difficult, the need to resettle refugees from this region will grow. And, following the historical pattern in other refugee crises, American action to resettle refugees from the former Yugoslavia will cause European and other countries to accent greater numbers of these refugees for resettlement.

Last year, the House and Senate defeated legislative attempts to slash refugee admissions. The senators' action is one more demonstration of the bipartisan consensus supporting American action to help refugees fleeing oppression. President Clinton should view their proposal as an opportunity to help victims of religious oppression, and to revitalize American humanitarian leadership around the globe.●

## ENERGY AND WATER APPROPRIATIONS CONFERENCE REPORT

● Mr. GORTON. Mr. President, in the Energy and Water Appropriations Conference Report, which this body may consider as early as tomorrow, is a provision that encourages the Corps of Engineers to make a decision on permits for a 50-foot dock extension at the Port of Seattle.

Over the past several years the Port of Seattle, Muckleshoot Indian Tribe, and Corps of Engineers have been involved in a debate over the replacement of a 350-foot wood dock with a 400-foot concrete dock at the Port of Seattle. In an effort to move this process forward and break the deadlock between the parties, I included report language in the Energy and Water Appropriations Conference Report asking the Corps of Engineers promptly to consider the permit issue.

Due to the continued cooperation and hard work of the Muckleshoot Indian Tribe and Port of Seattle, an agreement was reached this past Friday evening over the dock extension. I would like to praise the judgment and cooperation of the Port of Seattle and the Muckleshoot Indian Tribe both. Their willingness to work together has not only averted a protracted conflict but also provide a positive example for other local governments and tribal governments in reaching agreements under similar circumstances.

As a result of this agreement, the language which I included in the Energy and Water Appropriation Conference Report is redundant and no longer necessary. I have discussed this point with Congressman NORM DICKS in the House and would like the official record to show that both the House and Senate agree that this language is effectively voided by the agreement. Furthermore, I would like to request that the final version of the Energy and Water Conference Report that will be considered by the Senate not contain this language. In any event, that language should be treated as having no effect.●

## JUDICIAL NOMINEES

Mr. HATCH. Mr. President, I rise this evening to say a few words in response to President Clinton's radio address over the weekend about the pace of the Senate's consideration of judicial nominees. In that address, the President chided Members of this body for what he described as "a vacancy crisis" in our Federal courts ostensibly resulting from politically motivated scrutiny of his nominees.

I will respond for a moment to the myths and distortions that the Clinton administration has engaged in; specifically the myth that there is a vacancy crisis in the Federal judiciary and the myth that there is a Republican slowdown of judicial confirmations.

There is no vacancy crisis. So far this year, the Senate has confirmed 18 of President Clinton's judges. This brings the total number of Clinton nominees on the Federal bench to 222—that is nearly 30 percent of the active Federal judiciary. There are more sitting Federal judges today than there were through virtually all of the Reagan and Bush administrations. As of September 26, 1997, just 3 days ago, there were 750 active Federal judges. Now, this figure excludes the approximately 79 senior status judges who continue to preside over and hear cases.

Yet at this point in the 101st Congress when George Bush was President and in the 102d Congress when George Bush was President, by contrast, when President Bush's nominees were being processed by a Democrat-controlled Senate, there were only 711 and 716 active judges, respectively. We have 750 as we stand here today.

Keep in mind that the Clinton administration is on record as stating that 63 vacancies—a vacancy rate just over 7 percent—is considered virtual full employment of the Federal judiciary, and they were right. Ninety-four vacancies, the current vacancy rate, is a vacancy rate of about 11 percent. So ask yourselves this question, how can a 4-percent rise in the vacancy rate from 7 percent to 11 percent convert full employment into a crisis?

Moreover, let's compare today's vacancy level, 94, with those that existed during the early 1990's when George Bush was President and the Democrats controlled the Senate. In May 1997 there were 148 Federal judicial vacancies, and in May 1992 there were 117 Federal judicial vacancies. I remember those years. I don't recall one comment about it in the media. I don't recall one television show mentioning it. I don't recall one writer writing about it. Nobody seemed to care. But all of a sudden it has become a crisis today with less vacancies at this time than the Democrat-controlled Senate and Judiciary Committee at that time had.

I should also note that at the end of the Bush administration, there were 115 vacancies compared to the 65 at the end of the last Presidential election; 115 vacancies, for which 55 nominees were pending before the Judiciary Committee. None of these 55 nominees even received the courtesy of a hearing.

I have heard all the yelling and screaming here on the floor and in the public media today and by the President on Saturday. In short, I think it is unfair and frankly inaccurate to report that the Republican Congress has created a vacancy crisis in our courts.

Now, it is also incorrect when we suggest there is a deliberate Republican slowdown of the nominations process. The President pointed out on Saturday, correctly I might add, that he has sent up to the Senate nearly 70 nominees to fill vacant seats on the Federal bench, 68 to be exact. By way of comparison, he notes that the Senate has confirmed fewer than 20 of his nominees, suggesting undue Senate delay in the face of an abundance of qualified nominees.

But the picture the President paints is less than complete. Of the 68 judicial nominees submitted to the Judiciary Committee this year, nearly half of them, 30 in all, have been nominated just since July 1 of this year. So, factoring in the Senate's August recess, when we were gone for better than 30 days, the Judiciary Committee has had scarcely 2 months to consider virtually one-half of the President's nominees this year.

Perhaps, then, it is fair to say the delay has been a factor in the face of

Senate confirmation. Unfortunately, the delay has to date been largely at the other end of Pennsylvania Avenue—at the White House, if you will.

Even the Administrative Office of the Courts has concluded that most of the blame for the current vacancies falls predominantly with this administration. It calculates that until his most recent rush of nominations, it has taken President Clinton an average of 618 days to name a nominee for a vacancy—nearly twice the time it has historically taken prior White Houses.

By contrast, it has taken the Senate an average of 91 days to confirm a judge once the President finally nominates him or her. In other words, the Senate is carrying out its constitutional responsibilities with respect to the confirmation of judicial nominees more than six times faster than the President. And in recent months, the Judiciary Committee has been moving noncontroversial nominees at a remarkably fast pace.

Since returning from the August recess, we have already scheduled two nomination hearings. At the first, earlier this month, we considered four of the President's nominees. Tomorrow we will hold a hearing for seven judicial nominees, and in addition a hearing for the President's nominee for Associate Attorney General. Those were scheduled before the President, I think, ever dreamed of giving a speech last Saturday. I should note that the Clinton administration was made aware of this fact prior to the President's address, but he failed to mention that. In addition, we are planning to have another hearing in the next few weeks, so, clearly noncontroversial nominees are being considered at a responsible pace.

I will concede that some nominations have taken longer than is customary. But in many instances, this has been due to the unfortunate fact that some nominees have not been entirely forthcoming with the Judiciary Committee. In the interest of fairness, I have given these nominees repeated opportunities to fully respond to the committee's inquiries, and when they have done so, we have moved the nomination. Ms. Margaret Morrow is a good example of a nominee who was slowed by her reluctance to promptly answer questions posed by members of the committee. After I spoke with her and urged her to be more forthcoming, her nomination was reported to the floor—with my support, I might add—and I expect her nomination will be scheduled for a floor vote soon. I expect it to be scheduled. It should be scheduled. If people have differences with her, let them express those differences with their votes. But she has been reported by the Judiciary Committee, and with good reason as far as I'm concerned.

Nevertheless, other nominees have been similarly less than cooperative. While I appreciate and concur in the President's expression of concern for the integrity of our courts, we will all be better served by this administration's renewed commitment to sending up restrained, qualified nominees who respect the essential role that the Senate must play in the confirmation process. We cannot serve that function well when nominees are less than forthright with members of the committee.

The President was quite correct when he said over the weekend, "This age demands we work together in a bipartisan fashion and the American people deserve no less." Indeed, they do deserve no less. But bipartisan cooperation depends not only on swift confirmations, but qualified and cooperative nominees as well.

Now, I also want to take a moment to address some of the personal criticisms directed at our majority leader. To suggest that the majority leader has acted irresponsibly with respect to the nominations is just plain wrong. Of 21 judicial nominees reported to the floor by the Judiciary Committee, only 3 remain on the calendar. One was reported within the last 2 weeks. So to suggest that this majority leader is playing games with nominations is not only unfair, it is grossly untrue.

Now, I have been pleased to have worked, over the past number of months, with White House counsel Chuck Ruff to ensure that the nomination and confirmation process is a collaborative one between the White House and Members of the Senate. I think it is fair to say that after a few months in which the process suffered due to inadequate consultation between the White House and some Senators, the process is now working rather smoothly. I think the process is due to the White House's renewed commitment to good faith consultation with Senators of both parties.

Now, I think it is important to note that I believe the Senate is doing its best to move nominees and to move them quickly. If we have noncontroversial nominees submitted, we can move them quickly. If and when the administration sends us qualified, noncontroversial qualified nominees, they will be processed fairly and promptly. In the last 6 weeks or so, the administration has finally began sending us nominees which I have, for the most part, found to be quite acceptable. Take Ms. Hull, who was nominated for a very important seat on the Eleventh Circuit. That is a circuit court of appeals judge. She was nominated on June 18, she had her hearing June 22, and was confirmed on September 4. That is a remarkably fast turnaround for both parties, the White House and the Senate. Or Mr. Alan Gould from Florida, who was nominated in February. We completed his paperwork and our review in March and April. He had a hearing shortly thereafter in May, and was reported out in committee and confirmed before the Fourth of July recess. Another good example is Janet Hall, from Connecticut, who was nominated to the U.S. District Court on June 5, 1997. The Committee had a hearing on July 22, and she was confirmed September 11. Clearly, when it comes to new noncontroversial nominees, we are in fact proceeding with extraordinary speed and diligence.

Now, more controversial nominees take a little more time. Of the 69 individuals nominated in this Congress, only 43 have been new. The other 23 are renominees that were nominated but never confirmed in the last Congress. Some have had committee consideration, but most of the nominees with completed paperwork who have not yet had consideration are ones who were renominated from the last Congress. When the administration simply sends back nominees who had problems last Congress, it takes much more time and it is much more difficult to process them, and they know it.

I am trying to work out the differences between the Senators of the respective States—I might add, Democrats and Republicans—and the White House so that we can move more of these. It was worth pointing out that there was, in nearly every instance, a reason why the Senate confirmed 202 other Clinton nominees, but not these 23. If all we are left with are judges that we are not ready to move, I will not compromise our advise and consent function simply because the White House does not send qualified nominees. As I said at the outset, the Senate's advise and consent function should not be reduced to a mere numbers game. The confirmation of an individual to serve for life as a Federal judge is a serious matter and should be treated as such. In fact, we have sent a letter down to the White House and Justice Department and explained the problem with each nominee, and they understand perfectly well why some of these nominees have not moved. When you talk about confirmation numbers, let me compare them to the previous Congresses. As of today, we have processed 24 nominees this year—18 confirmed, 3 on the floor, and 3 are pending in committee. Now, not all of these judges have been confirmed, but we expect that most all of them will be confirmed fairly promptly.

Assuming most of these nominees are confirmed, I think any reasonable person could see that our efforts compare quite favorably to prior Congresses in terms of the number of judges confirmed at this point in the first session of a Congress, especially if you look at recent Democrat controlled Congresses. In 1993, there were zero judges confirmed by the Democrat Congress by the end of July of that year. In 1991, 23 judges were confirmed, at a time when there were 148 vacancies—in a Congress controlled by Democrats. In 1989, only 4 judges were confirmed—a Democrat Congress. In 1987, only 17 judges confirmed—a Democrat Congress. I can go on and on. So the plain fact is, we are on track, if not ahead of previous Democrat Congresses.

Well, I can say so much more, but let me just say this. Some have argued that the Republican leadership is holding up qualified nominees. Let me just point out for the record that there were a number of qualified nominees of President Bush who weren't even given the courtesy of a hearing. For instance, John G. Roberts, Jr., nominated on January 27, 1992, for the vacancy left by the now Supreme Court Justice Clarence Thomas. Among his long list of accomplishments, I note, was that he was a former law clerk to the Chief Justice of the Supreme Court. He had worked at various high level positions at the Justice Department, including serving as Deputy Solicitor General of the United States. He was an outstanding lawyer and he wasn't even given the courtesy of a hearing.

Another fine nominee was Maureen Mahoney. Keep in mind, we have had some Senators take to the floor here and try to imply that because it has been difficult to get a certain woman nominee through from time to time, that there must be something wrong with the Judiciary Committee for not doing that. Well, take the fine nominee, Maureen Mahoney, nominated for the U.S. District Court in the Eastern District of Virginia on April 2, 1992. Like Mr. Roberts, she, too, was a well-respected litigator. She clerked for Chief Justice Rehnquist and also served as a deputy solicitor general of the United States. Neither of these exceptionally qualified nominees were able to get a hearing on their nomination.

I could go on and on. Keep in mind that we have 750 judges on the bench today, compared to in 1991–92 when we had considerably less judges at that particular time—711 and 716, compared to 750 today. Plus, in addition to the 750, we have a number of senior status judges—79 as I recall—who are hearing cases and continuing their work even though they have taken senior status. So there is no crisis.

Now, having said all of this, I would like to move these nominees who are qualified as fast as we can. I would like them to come up on the floor as fast as they can be brought up. Thus far, the majority leader has virtually brought up everybody we have brought out of the committee, except a couple, and they will be brought up in the near future. Margaret Morrow will have her vote in the Senate. I will announce right here and now that I will vote for her, even though I did have some qualms as a result of her first confirmation hearing and as a result of some of the things that she had said while President of the California Bar Association, and on other occasions during the earlier years. But I have found her to be qualified and I will support her. Undoubtedly, there will be some who will not, but she deserves to have her vote on the floor. I have been assured by the majority leader that she will have her vote on the floor. I intend to argue for and on her behalf.

I believe that with continued cooperation from the White House, in consultation with Senators up here—keep in mind that this isn't a one-way street. Senators have a right to be concerned about lifetime-appointed judges serving within their areas, their States. Therefore, that is why the Senate has a noble and very important role in this confirmation process. I want to commend the current White House counsel, Charles Ruff for the work he is doing in meeting personally with Senators up here and trying to resolve their difficulties. I think he has made a lot of strides, and I think that is going to be helpful over the long run.

Mr. President, these are important matters. I do not believe they should be politicized. I think activist judges, whether they come from the right or left, are judges who ignore the law and just do whatever their little old visceral tendencies tell them to do. These are judges who act like superlegislatures from the bench who usurp the powers of the other two branches—coequal branches—of Government, the executive and legislative branches. These are judges who ignore the written law. These are judges who take their own political purposes to what the law should be. These are judges, a number of whom sit on the Ninth Circuit Court of Appeals, who have given me nothing but angst because of their activism. During this last year 28 of 29 cases on the Ninth Circuit Court of Appeals were reversed by the Supreme Court because of judicial activism.

Everybody knows that judicial activism is hard to define. But it is not hard to define when you look at some of those cases. Judges do have to try cases at first impression. And when they do, they do have to make decisions, and they have to split the baby, so to speak. But we are talking not about those cases. We are talking about judges who ignore the basic intents of the law, the basic languages of the law, who substitute their own policy preferences for what the law really is.

When we see judges like that, I tell them they are undermining the Federal judiciary, they are making my job as chairman of the Judiciary Committee much more difficult, and the job of the ranking member much more difficult, and they are doing wrong things.

It is important that this be brought to the attention of the American people because these judges are nominated by the President. They are confirmed for life. When they retire, they get full judgeship pay the rest of their lives. We need an independent judiciary in this country. There is no stronger voice for an independent judiciary than I. And we do need the lifetime tenure. But when judges ignore the basic laws and substitute their own policy preferences for what the law really is, they are undermining the Federal judiciary, and they are disgraces to the Federal judiciary.

Frankly, it is time that they wake up and realize that. It is embarrassing to the good judges throughout this country—manifestly embarrassing to them to have some of these judges who just think they are above the law; who think they are above the Constitution; who think they are above the other two coequal branches of Government.

Thank goodness there are not too many of them in the Federal judiciary. Thank good goodness we have people and a Senator willing to stand up and say, We have had enough. I happen to be one of them.

Mr. President, these are important issues. The Federal judiciary can determine what happens in this country for years to come. It is important that we have people of the utmost integrity and respect for the law and respect for the rule of law and respect for the role of judging on our Federal benches.

As long as I am on the Judiciary Committee, I am going to work as hard as I can to see that those are the kinds of people that we get there. I am not so sure it is that important whether they are liberal or conservative, if they will respect the role of judges and respect the rule of law. I have seen great liberal judges, and I have seen great conservative judges. And I have seen lousy ones in both categories as well.

I just suggest that they respect the role of judging. Judging generally has been pretty good.

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## UNANIMOUS CONSENT AGREEMENT—HOUSE JOINT RESOLUTION 94

Mr. HATCH. Mr. President, I ask unanimous consent that the majority leader, after consultation with the minority leader, may proceed to the consideration of House Joint Resolution 94, the continuing resolution, which will be received from the House.

I further ask unanimous consent that no amendments be in order to the resolution and that the Senate then immediately proceed to a vote on passage of the resolution with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATCH. I now ask unanimous consent that, notwithstanding the receipt of the continuing resolution, it be in order to ask for the yeas and nays at this time.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

## NATIVE AMERICAN PROGRAMS ACT AMENDMENTS OF 1997

Mr. HATCH. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 57, S. 459.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (S. 459) to amend the Native American Programs Act of 1974 to extend certain authorizations, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Indian Affairs with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

***SECTION 1. SHORT TITLE.***

*This Act may be cited as the "Native American Programs Act Amendments of 1997".*

***SEC. 2. AUTHORIZATIONS OF CERTAIN APPROPRIATIONS UNDER THE NATIVE AMERICAN PROGRAMS ACT OF 1974.***

*Section 816 of the Native American Programs Act of 1974 (42 U.S.C. 2992d) is amended—*

*(1) in subsection (a), by striking "for fiscal years 1992, 1993, 1994, and 1995." and inserting "for each of fiscal year 1997, 1998, 1999, and 2000.";*

*(2) in subsection (c), by striking "for each of the fiscal years 1992, 1993, 1994, 1995, and 1996," and inserting "for each of fiscal years 1997, 1998, 1999, and 2000,"; and*

*(3) in subsection (e), by striking ", $2,000,000 for fiscal year 1993 and such sums as may be necessary for fiscal years 1994, 1995, 1996, and 1997." and inserting "such sums as may be necessary for each of fiscal years 1997, 1998, 1999, and 2000.".*

***SEC. 3. NATIVE HAWAIIAN REVOLVING LOAN FUND.***

*(a) IN GENERAL.—Section 803A of the Native American Programs Act of 1974 (42 U.S.C. 2991b-1) is amended—*

*(1) in subsection (a)(1)—*

*(A) in the matter preceding subparagraph (A)—*

*(i) by striking "award grants" and inserting "award a grant"; and*

*(ii) by striking "use such grants to establish and carry out" and inserting "use that grant to carry out"; and*

*(B) in subparagraph (A), by inserting "or loan guarantees" after "make loans";*

*(2) subsection (b)—*

*(A) in paragraph (1), by striking "loans to a borrower" and inserting "a loan or loan guarantee to a borrower"; and*

*(B) in paragraph (2)—*

*(i) in the matter preceding subparagraph (A), by striking "Loans made" and inserting "Each loan or loan guarantee made";*

*(ii) in subparagraph (A), by striking "5 years" and inserting "7 years"; and*

*(iii) in subparagraph (B), by striking "that is 2 percentage" and all that follows through the end of the subparagraph and inserting "that does not exceed a rate equal to the sum of—*

*"(I) the most recently published prime rate (as published in the newspapers of general circulation in the State of Hawaii before the date on which the loan is made); and*

*"(II) 3 percentage points."; and*

*(3) in subsection (f)(1), by striking "for each of the fiscal years 1992, 1993, and 1994, $1,000,000" and inserting "for the first full fiscal year beginning after the date of enactment of the Native American Programs Act Amendments of 1997, such sums as may be necessary".*

Mr. HATCH. Mr. President, I ask unanimous consent that the committee substitute be agreed to, the bill be deemed read a third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill appear at this point in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendment was agreed to.

The bill (S. 459), as amended, was passed.

## ORDERS FOR TUESDAY, SEPTEMBER 30, 1997

Mr. HATCH. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until the hour of 10 a.m. on Tuesday, September 30. I further ask that on Tuesday, immediately following the prayer, the routine requests through the morning hour be granted and the Senate resume consideration of the Coats amendment No. 1249 to the District of Columbia appropriations bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATCH. Mr. President, I now ask unanimous consent that the Senate stand in recess on Tuesday from the hours of 12:30 to 2:15 p.m. for the weekly policy conferences to meet.

The PRESIDING OFFICER. Without objection, it is so ordered.

## PROGRAM

Mr. HATCH. Tomorrow morning at 10 a.m. the Senate will begin 1 hour of debate prior to the cloture vote on the Coats amendment regarding school choice. Following that vote, the Senate will continue consideration of the D.C. appropriations bill with the hope of finishing action on that bill during Tuesday's session.

The Senate will also consider the continuing resolution tomorrow as well. Therefore, additional votes will occur.

## ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. HATCH. Mr. President, if there is no further business to come before the Senate, I now ask that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 6:36 p.m., adjourned until Tuesday, September 30, 1997, at 10 a.m.

# HOUSE OF REPRESENTATIVES—*Monday, September 29, 1997*

The House met at 10:30 a.m. and was called to order by the Speaker pro tempore [Mr. NETHERCUTT].

## DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
*September 29, 1997.*

I hereby designate the Honorable GEORGE R. NETHERCUTT, Jr. to act as Speaker pro tempore on this day.

NEWT GINGRICH,
*Speaker of the House of Representatives.*

## MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 462. An act to reform and consolidate the public and assisted housing programs of the United States, and to redirect primary responsibility for these programs from the Federal Government to States and localities, and for other purposes;

S. 1178. An act to amend the Immigration and Nationality Act to extend the visa waiver pilot program, and for other purposes; and

S. 1227. An act to amend title I of the Employee Retirement Income Security Act of 1974 to clarify treatment of investment managers under such title.

## MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 21, 1997, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each Member other than the majority and minority leaders and the minority whip limited to not to exceed 5 minutes.

The Chair recognizes the gentleman from Michigan [Mr. KNOLLENBERG] for 5 minutes.

## PEOPLE'S BUSINESS DELAYED BY CAMPAIGN FINANCE REFORM

Mr. KNOLLENBERG. Mr. Speaker, last week my colleagues on the other side of the aisle held the House hostage in an attempt to score political points. In apparently a panic mode over the endless scandals from the 1996 Presidential election, they repeatedly forced procedural votes that delayed our work on the appropriation bills. They justify delaying the people's business as an attempt to force consideration of campaign finance reform.

Mr. Speaker, campaign finance reform is an important issue, but it is also a complex issue. Before acting, we should first fully understand all that is involved with the current system.

From the beginning of this year, scandal after scandal involving the Clinton White House, the Democratic National Committee, and their liberal political allies have dominated the headlines.

Given this onslaught of negative press coverage, I understand why my Democratic colleagues would like to change the subject and create the appearance that they are good Government reformers. But I believe it is critically important for Congress to act in a deliberative fashion on this issue. It is not enough to say that the system stinks. We need to identify the people who make the system stink and hold them accountable for skirting the law.

The money laundering schemes involving illegal foreign contributions are serious allegations, and they are allegations that need to be fully investigated before campaign finance legislation is considered.

I am not saying that there is no need for reform. In fact, I have introduced a bill that would make Members of Congress more accountable to their constituents and less beholden to Washington special interests. But I believe the old saying, "Do not place the cart in front of the horse." It applies to this situation.

The American people have elected us to do their business in a deliberative and a thoughtful manner. They understand the way we finance elections is flawed, but they are not looking for knee-jerk solutions or reactions that may have the unintended consequence of making the system worse. At this point, we do not know enough about what went wrong in 1996 to offer a solution.

Just consider, for example, the scandal involving the 1996 Teamsters presidential election. On September 18, three political consultants for Teamsters president Ron Carey pled guilty to criminal conspiracy charges related to a money laundering scheme that may involve the Democratic National Committee, Clinton campaign aides, and senior White House officials.

For background purposes, a 1989 settlement between the Teamsters and the Justice Department over racketeering charges called for the Federal Government to finance and oversee the 1996 Teamsters presidential election. Ron Carey won the election by a narrow margin, but on August 22 a court-appointed Federal overseer threw out the election, the results, and called for a new election because of fundraising abuses.

Mr. Speaker, under current law it is illegal for Teamsters funds to be spent on a candidate in a union election. The money laundering scheme that Carey's political aides pled guilty to involved using Teamsters funds to make political contributions to outside groups which then sent the money back to the Carey campaign, a clear violation of the law.

A memo has emerged that indicates Teamster money may have been contributed to State and local Democratic parties in exchange for DNC officials funneling money into Carey's campaign. Senior Clinton advisers have been implicated in this scandal, and while we do not know the extent of their involvement at this time, the possibility of the President's men being involved in a conspiracy of this magnitude is certainly troubling. After all, the Clinton Justice Department was supposed to ensure that the Teamsters election was conducted in a fair and honest manner. To carry out this responsibility, Congress provided some $22 million.

As a member of the House Committee on Education and the Workforce, I am pleased that the gentleman from Michigan [Mr. HOEKSTRA] and the gentleman from Illinois [Mr. FAWELL] have scheduled hearings on this troubling matter, and I look forward to working with them to get to the bottom of this scandal.

Mr. Speaker, we must reform our system to make political candidates more accountable to the people they represent and less beholden to the big money and interests that provide it, but we must first examine what is wrong with the system before we can offer a workable solution. After all, a doctor would not prescribe a patient or a treatment for a patient that he has not examined.

By allowing the inquiries by the relevant congressional committees, the Justice Department, and, hopefully, a special counsel to move forward, we will gain a better understanding of what needs to be done to improve this system.

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

The scandals from the Clinton reelection campaign have tainted the process by which Americans choose their leaders, and no matter how hard the President and his allies try to change the subject, this troubling fact must not be swept under the rug.

As elected officials, we have an obligation to investigate the matter fully and hold those responsible for this sleazy money chase of 1996 accountable. Mr. Speaker, to do anything less would be scandalous in its own right.

## MAKING COLLEGE AFFORDABLE FOR ALL

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997, the gentleman from Massachusetts [Mr. McGOVERN] is recognized during morning hour debates for 5 minutes.

Mr. McGOVERN. Mr. Speaker, last week the College Board came out with its annual report on tuition costs at our Nation's institutions of higher learning. This year's average tuition increase of 5 percent represents a curb over the past decade of double-digit inflation in college costs. Nonetheless, it is still an increase above the national inflation rate.

When we evaluate the information in this report, we do need to recognize that the overwhelming number of colleges, universities, and community colleges across the land are keeping their annual tuition increases within the 2 to 3 national percent average for inflation. Even some of our most elite colleges are attempting to keep increases in tuition within this national boundary.

Last week the president of the Massachusetts Institute of Technology, Dr. Charles Vest, visited my office and related how MIT has managed to keep its costs down to 2 percent of inflation. Dr. Vest said that he had taken a page out of the corporate handbook to contain operating costs. MIT has closed down its in-house office supply system and is now contracting with private supply companies. It has outsourced many of the publications it once handled in house as well.

No one would argue that our colleges and universities could not do more to keep overall costs down so that those increases are not passed along as tuition increases. We should recognize, however, that like all institutions, colleges and universities have been having to adjust their operations to face a new century and a new future.

The top three factors for tuition and fee growth have been: First, the need to make technological improvements on campus such as the purchase and use of computers, information technology, and more sophisticated laboratories and libraries, et cetera; second, the need for the institution to provide a greater share of student financial aid due in large measure to the decreases in Federal and State provided grant aid; and, third, increase in faculty salaries and benefits with health and retirement increases similar to those elsewhere in the Nation which, over the past decade, have also risen at rates greater than the national inflation rate.

When we in Congress review the situation, we do need to demand fiscal restraint and accountability from our colleges and universities, but we must also recognize that we have not always played a helpful role and, indeed, that we might be part of the problem, not the solution.

Federal investment in higher education, especially student financial aid, has shrunk significantly in constant dollars over the past 15 years. In the decade between 1986 and 1996, the amount of Federal dollars invested in Pell grants fell by 16 percent. For work-study programs, Federal aid deceased 32 percent; for Perkins loans, funding decreased by 17 percent; and for the Federal SEOG program, funding fell by 33 percent.

Whenever Federal dollars are taken away from student financial aid, those costs must be picked up by the institutions themselves. Institutional fundraising that would normally have been used to cover the costs of faculty and staff benefits or upgrading technology are less available, so part of those costs are passed along to students and their families through tuition and fee increases.

Once again, to use MIT as an example, in 1980 the Federal Government provided about 40 percent of financial aid grants to students based on economic need, with MIT providing about 50 percent. In 1996, the Federal Government provided 10 percent of need-based grants and MIT raised funds for 80 percent of those grants.

If we are going to make a college education affordable for every student qualified to attend an institution of higher learning, then we must make grant funding a far greater priority for national spending.

This year, the combination of increases in the Pell grant maximum award and education tax credits will provide financial support and relief for many American families. In spite of President Clinton's commitment to increase the Pell grant maximum to $3,000, an amount upheld in the House Labor-HHS-Education appropriations bill, we must still do more. We must do much more.

If the Pell grant were to have the same value and impact this year as it did when it was created, then the Pell grant maximum would have to be increased today by $5,000, a level that would not only increase the average award amount but would also broaden the eligibility pool.

I know many of my colleagues want to support legislation that would pledge a Pell grant award to every eligible child upon graduation. Well, if they want that grant to be worth the paper it is written on, they had better start supporting significantly greater increases in our appropriations for Pell grants each year.

We must all do more to make a college education affordable to all. We must all do more to make every college accessible to those who qualify for admission to an institution of higher learning. Colleges and universities must do their part by controlling overall operating costs, and we here in Congress must do more to support our children's future by ensuring that Federal support for student financial aid increases substantially over the next 5 years.

## RECESS

The SPEAKER pro tempore. There being no further requests for morning hour debates, pursuant to clause 12, rule I, the Chair declares the House in recess until 12 noon.

Accordingly (at 10 o'clock and 43 minutes a.m.), the House stood in recess until 12 noon.

□ 1200

## AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore [Mr. UPTON] at 12 noon.

## PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

We pray this day with the words of Psalm 100:

*Make a joyful noise to the Lord, all the lands!*
*Serve the Lord with gladness!*
*Come into his presence with singing!*
*Know that the Lord is God!*
*It is he that made us, and we are his;*
*we are his people and the sheep of his pasture.*
*Enter into his gates with thanksgiving,*
*and into his courts with praise!*
*Give thanks to him, and bless his name!*
*For the Lord is good;*
*his steadfast love endures forever,*
*and his faithfulness to all generations.*

Amen.

## THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

## PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Texas [Mr. SMITH] come forward and lead the House in the Pledge of Allegiance.

Mr. SMITH of Texas led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### CONGRESS MUST CHANGE THE BURDEN OF PROOF IN TAX CASES

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, an IRS agent testified under oath that taxpayers who fight back are told, and I quote, "Sue us; go right ahead, sue us and prove that we are wrong."

Think about it. After our taxpayers are hit with unnecessary tax bills, heavy enough to cause a hernia for the Jolly Green Giant, they are told, "If you don't like it, sue us."

This is not hearsay, this is not rumor, this is an exact quote of an IRS agent who also said, "Beware, Congress. The IRS will tell you these are isolated incidents. That's not true. This is, in fact, standard policy."

Beam me up. I say it is time for Congress to shove these illegal tactics right up the assets of the IRS. The IRS has been created by Congress. Congress caused this problem, Congress must solve this problem, and Congress must change the burden of proof in the tax case, or else the IRS will keep saying, "Prove it, sucker, prove it. Prove we're wrong."

I yield back all the balance of these illegal tactics.

### PASS THE MARRIAGE TAX ELIMINATION ACT

(Mr. WELLER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WELLER. Mr. Speaker, let me ask a very simple and basic question. My colleagues, does the average American feel that it is fair, is it fair, that our Tax Code imposes a higher tax, a tax penalty, on marriage? Do Americans feel it is fair that the average married couple, 21 million average married working couples, pay $1400 more in taxes than a working couple living together outside of marriage? That is wrong, that is immoral, my colleagues. We need to repeal and eliminate the marriage tax penalty on marriage.

Let me quote an editorial in the Kankakee Daily Journal, a daily in my own congressional district:

> The marriage tax is an unfair imposition. The Code should be rewritten to eliminate it. Laws should encourage rather than discourage marriage. They should encourage rather than discourage couples from staying together.

It is an issue of fairness, my colleagues. That is why it is so important we pass the Marriage Tax Elimination Act, legislation that is now enjoying the bipartisan support of almost 190 Members of this House.

Next year when we move forward with another balanced budget, in 1998, let us make the centerpiece of next year's budget elimination of the most unfair and immoral portion of our Tax Code, and that is the marriage tax penalty.

### SENDING A CLEAR MESSAGE TO OUR CHILDREN

(Mr. BLUMENAUER asked and was given permission to address the House for 1 minute.)

Mr. BLUMENAUER. Mr. Speaker, one of the joys of serving in the House is being able to bring young visitors here to the floor, but when I bring children on the House floor, they are often surprised to see Members of Congress smoking here in the Chamber.

My young guests ask if it is against the rules to smoke in the House, and I tell them there are some areas one can and some areas one cannot. I have no good answer as to why the rules are not enforced or why smoking is permitted here at all.

I am concerned about this message we are sending to our children. We tell them not to smoke, and they watch smoking here in the House, the people's Chamber.

A bipartisan group of Members and I have proposed House Resolution 247 which protects our guests from tobacco smoke. This prohibition would include the House floor, passageways and rooms leading to the floor, and the Rayburn Room.

We need to lift the cloud hanging over the House and send a clear message to our children. It is time to have Congress join the rest of America and provide a smoke-free environment, especially for our young visitors.

### IN RECOGNITION OF THE NATIONAL LEAGUE CENTRAL DIVISION CHAMPION HOUSTON ASTROS

(Mr. BENTSEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BENTSEN. Mr. Speaker, I rise today to honor the Houston Astros from my district for winning the National League Central Division. Fittingly, the division winning game came 11 years to the day after the Astros won their last division title when pitcher Mike Scott threw a no-hitter against the San Francisco Giants.

In winning the Central Division title, the Astros have displayed the grit and determination that are the hallmarks of Houston's brand of baseball. With all-stars such as first baseman Jeff Bagwell, second baseman Craig Biggio, pitchers Darryl Kile and Billy Wagner, the Astros have played exciting baseball, displaying their explosive offense and stellar defense throughout the season.

I would also like to praise the rookie manager for the Astros, Larry Dierker. A former Astros pitcher during the 1960's and 1970's, Larry gave up his highly respected job as a color commentator for the Astros radio and television broadcasts to become the new manager of the team last October.

As Houston is known as the city of champions, my bet is with the Astros to bring the World Series title home in October.

### APPLAUDING THE ATRA FOR SETTING ASIDE LAST WEEK AS NATIONAL LAWSUIT ABUSE AWARENESS WEEK•

(Mrs. NORTHUP asked and was given permission to address the House for 1 minute.)

Mrs. NORTHUP. Mr. Speaker, I rise today to thank the American Tort Reform Association for setting aside last week as the National Lawsuit Abuse Awareness Week to remind the American public of the problems and the promise of our legal system.

Last week served as a reminder that Congress and the President have a real opportunity to do something about those abuses this year by passing and signing the Federal product liability legislation. Reform legislation can go far in curbing abuses, spurring economic development, and helping consumers, particularly women, who have been harmed by the current legal system.

For example, women are adversely affected by the near shutdown of contraceptive research in the United States due to the manufacturers' fears of lawsuit. Those same fears are actually keeping women out of clinical studies.

Furthermore, women own 30 percent of all small businesses in America. That number is predicted to be at 40 percent by the turn of the century. Federal legislation will help remove unnecessary and unreasonable burdens on these job creators.

I applaud the ATRA for its work and look forward to working with my colleagues to see product liability reform legislation enacted into law this year.

### COMMUNICATION FROM MINORITY STAFF DIRECTOR AND CHIEF COUNSEL OF THE COMMITTEE ON COMMERCE

The Speaker pro tempore laid before the House the following communication from Reid P.F. Stuntz, minority staff director and chief counsel of the Committee on Commerce:

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON COMMERCE,
*Washington, DC, September 25, 1997.*
Hon. NEWT GINGRICH,
*Speaker, U.S. House of Representatives,*
*Washington, DC.*

DEAR MR. SPEAKER: This is to formally notify you, pursuant to Rule L (50) of the Rules of the House of Representatives, that I have received subpoenas for documents and testimony issued by the U.S. District Courts for the Central District of California and the District of Columbia, respectively, in the matter of *Oxycal Laboratories, Inc., et al.* v. *Patrick, et al., No. SA CV–96–1119 AHS (Eex)* (D.D. Cal.) (a civil dispute between private parties that apparently arises out of an alleged breach of a settlement agreement).

After consultation with the Office of General Counsel, I have determined that the subpoenas appear, at least in part, not to be consistent with the rights and privileges of the House and, to the extent consistent with the rights and privileges of the House, should be resisted.

Sincerely,
REID P.F. STUNTZ,
*Minority Staff Director and*
*Chief Counsel.*

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the provisions of clause 5, rule I, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered or on which the vote is objected to under clause 4 of rule XV.

Such rollcall votes, if postponed, will be taken after debate has concluded on all motions to suspend the rules, but not before 5 p.m. today.

## PERMANENT ENTRY AUTHORITY FOR CERTAIN RELIGIOUS WORKERS

Mr. SMITH of Texas. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1198) to amend the Immigration and Nationality Act to provide permanent authority for entry into the United States of certain religious workers, as amended.

The Clerk read as follows:

S. 1198

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. 3-YEAR EXTENSION OF SPECIAL IMMIGRANT RELIGIOUS WORKER PROGRAM.**

(a) IN GENERAL.—Section 101(a)(27)(C)(ii)) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(27)(C)(ii)) is amended by striking "1997," each place it appears and inserting "2000,".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act.

**SEC. 2. WAIVER OF NONIMMIGRANT VISA FEES FOR CERTAIN CHARITABLE PURPOSES.**

(a) IN GENERAL.—Section 281 of the Immigration and Nationality Act (8 U.S.C. 1351) is amended by adding at the end the following new sentence: "Subject to such criteria as the Secretary of State may prescribe including the duration of stay of the alien and the financial burden upon the charitable organization, the Secretary of State shall waive or reduce the fee for application and issuance of a nonimmigrant visa for any alien coming to the United States primarily for, or in activities related to, a charitable purpose involving health or nursing care, the provision of food or housing, job training, or any other similar direct service or assistance to poor or otherwise needy individuals in the United States.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act.

**SEC. 3. 6-MONTH EXTENSION OF DEADLINE FOR DESIGNATION OF EFFECTIVE DATE FOR PAPERWORK CHANGES IN EMPLOYER SANCTIONS PROGRAM.**

(a) IN GENERAL.—Section 412(e)(1) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (Public law 104–208; 110 Stat. 3009–668) is amended by striking "12" and inserting "18".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as if included in the enactment of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas [Mr. SMITH] and the gentleman from California [Mr. CONDIT] each will control 20 minutes.

The Chair recognizes the gentleman from Texas [Mr. SMITH].

### GENERAL LEAVE

Mr. SMITH of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. SMITH of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am happy to have played a role in the creation of the Religious Worker Immigrant Visa Program in 1990. I support these visas since they allow American religious denominations, large and small, to benefit by the addition of committed religious workers from overseas.

The visa program expires at the end of the fiscal year, September 30. This substitute amendment to S. 1198 extends the program for 3 additional years, until October 2000.

When the program was created, a sunset date was included because of congressional concerns about potential fraud. Recently, the Immigration and Naturalization Service and the State Department have strongly indicated that these earlier concerns about fraud have, in fact, proved warranted.

The State Department's assistant secretary of state for consular affairs wrote to me the Department has, quote, uncovered a troubling number of scams, both individual and organized, seeking to exploit this category to obtain immigration benefits illegally.

Most problematic are those cases that involved organized fraud rings in which documents or religious institutions in the United States are fabricated or when the applicant colludes with a member of a religious institution in the United States to misrepresent either his or her qualifications with the position to which the applicant is destined.

The American Embassy in Moscow discovered a fraud ring in New York which fabricated documentation of several religious denominations in New York City on behalf of applicants who had no religious training and no intention of taking up religious occupations in the United States. Several consular offices have reported suspicions that some churches in the United States have created fictitious positions solely to help an alien procure an immigration benefit, end quote.

Extending the program for another 3 years will allow for further investigation of the misuse of religious worker visas. We will have time to accomplish what the State Department considers prudent; that is, quote, to follow this program closely to see what new fraud patterns emerge and what new tools the Department may need to deter them, end quote.

It is in everyone's interest to combat fraud for, as the State Department notes, quote, for the first time we will reach the statutory limit of 5,000 religious worker immigrant visas this fiscal year. Any future growth in the use of the program will cause the development of a waiting list. This will mean that each visa fraudulently obtained will delay the issuance of an immigrant visa to legitimate religious workers, end quote.

This substitute amendment to S. 1198 also includes a provision added to the Senate bill by Senator HATCH. The provision would allow the Secretary of State to waive or reduce visa processing fees for aliens coming to the United States for purposes involving health or nursing care, the providing of food or housing, job training, or any other similar direct service or assistance to the poor and needy here in the United States.

Lastly, S. 1198 extends the time period last year's immigration bill gave the INS to reduce the number of documents acceptable for employment verification purposes. The INS informs us that the agency cannot, within the original deadline of the end of the month, issue appropriate regulations and properly educate employers. The bill, therefore, grants the INS a 6-month extension of that deadline.

Mr. Speaker, I urge my colleagues to vote in support of the substitute amendment to S. 1198.

Mr. Speaker, I reserve the balance of my time.

Mr. CONDIT. Mr. Speaker, I rise in support of the bill, as amended.

Mr. Speaker, on behalf of the gentleman from North Carolina [Mr. WATT] I rise in support.

☐ 1215

There are some difficulties with the bill. There are some Members on this side of the aisle who would have preferred for us to have a permanent extension, and the Senate did pass a permanent extension, but we have worked together in a bipartisan way. We understand the White House would prefer it to be permanent, but they are in support of however we can work it out over here. So I rise in behalf of the gentleman from North Carolina [Mr. WATT] in support of the bill today.

Mr. Speaker, I reserve the balance of my time.

Mr. SMITH of Texas. Mr. Speaker, I wish to thank the gentleman from California [Mr. CONDIT] for his comments and his support for this bill.

Ms. LOFGREN. Mr. Speaker, I intend to support S. 1198 as substituted by the gentleman from Texas.

The availability of visas for religious workers to come and do good in our country is important. We all agree on that.

I would prefer a permanent extension of these visas, but can vote for Chairman SMITH's 3-year extension before us today.

I recommend that my colleagues join me in supporting this bill.

Mr. SMITH of Texas. Mr. Speaker, I yield back the balance of my time.

Mr. CONDIT. Mr. Speaker, I yield back the balance of my time as well.

The SPEAKER pro tempore [Mr. UPTON]. The question on the motion offered by the gentleman from Texas [Mr. SMITH] that the House suspend the rules and pass the Senate bill, S. 1198, as amended.

The question was taken.

Mr. TRAFICANT. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

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## AUTHORIZING APPROPRIATIONS FOR REFUGEE AND ENTRANT ASSISTANCE, FISCAL YEARS 1998 AND 1999

Mr. SMITH of Texas. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1161), to amend the Immigration and Nationality Act to authorize appropriations for refugee and entrant assistance for fiscal years 1998 and 1999.

The Clerk read as follows:

S. 1161

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. AUTHORIZATION OF APPROPRIATIONS FOR REFUGEE AND ENTRANT ASSISTANCE.**

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 414(a) of the Immigration and Nationality Act (8 U.S.C. 1524(a)) is amended by striking "fiscal year 1995, fiscal year 1996, and fiscal year 1997" and inserting "each of fiscal years 1998 and 1999".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect October 1, 1997.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas [Mr. SMITH] and the gentleman from California [Mr. CONDIT] each will control 20 minutes.

The Chair recognizes the gentleman from Texas [Mr. SMITH].

### GENERAL LEAVE

Mr. SMITH of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. SMITH of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of the Senate bill, S. 1161, as passed by the Senate, and urge my colleagues to support it.

S. 1161 simply reauthorizes refugee resettlement funds for 2 years. The language "such sums as are necessary" allows the Committee on Appropriations to adjust the funds available, based upon the number of refugees resettled in the United States for fiscal years 1998 and 1999.

While I hope that the number of refugees being settled in the United States declines in the upcoming years, I also hope that those refugees who need to be resettled in the United States have programs available to help ease them into the American way of life.

Since the existence of several programs hinge on enactment of reauthorization of the programs, passage of this bill is necessary. I urge the adoption of the bill.

Mr. Speaker, I reserve the balance of my time.

Mr. CONDIT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of the bill on behalf of the gentleman from North Carolina [Mr. WATT], and urge its passage. This is another bipartisan piece of legislation that the gentleman from Texas [Mr. SMITH] has managed and we urge its adoption.

Mr. Speaker, I yield 5 minutes to the gentleman from Ohio [Mr. TRAFICANT].

Mr. TRAFICANT. Mr. Speaker, I want to commend and compliment the gentleman from Texas [Mr. SMITH] and I want to compliment the gentleman from California [Mr. CONDIT], who has been an outspoken leader in many areas; responsible for the Blue Dogs in this Congress, has helped to fashion some important policy changes, and I want to personally thank him on behalf of the American people for some of his efforts.

I rise on a different issue, and I do not want to belabor and take a lot of time, Mr. Speaker. What I have to talk about is very important. Albanian Prime Minister Nano is in Washington today. I want to warn my colleagues, I want to warn this committee, I want to warn this Congress and I want to warn this Government about the serious problems in Albania.

There was recently an assassination attempt on one of the prominent members of the democratic party in Albania. Nano's socialist government has denied freedom of speech, freedom of the press, freedom of assembly. In Macedonia the rights of ethnic Albanians are literally being trampled upon. They are being treated like cattle, treated like dogs. Families are in misery. It is unbelievable. And through all of this, our Government has actually remained silent.

I want to let this Congress know that the silence in America is deafening in Albania and deafening to the free people throughout our world. Unbelievable to me. It is time for the United States of America to make it clear to Prime Minister Nano that we will not tolerate or stand by while Albanians are being systematically abused and persecuted. The message must be loud, the message must be consistent, the message must be clear: Let there be no mistake. Nano's socialist party is the old Communist Party, and they have destroyed the rights of Albanian people for years and years. The legacy speaks for itself.

The United States should offer no aid. The United States should offer no solace to this Nano government who has repeatedly demonstrated a lack of respect for rights and a willingness to abuse the Albanian people.

I will today, on the Subcommittee on Commerce, Justice, and State, the Judiciary and Related Agencies appropriation bill, seek a colloquy and look for report language directing policy to this issue. I thank the gentleman for his leadership that has provided freedom for many people throughout the world, and I ask for the gentleman's support in my effort with the gentleman from Kentucky [Mr. ROGERS], chairman of the Subcommittee on Commerce, Justice, State and Judiciary of the Committee on Appropriations.

With that, I thank the gentleman for allowing me this time. It is unusual for me to speak out, but I have become aware of this through a very good friend and former Member, Joseph DiGarde. This is a tragedy, this is a shame, this is a human rights concern beyond reproach, and Congress must not allow this deafening silence throughout the world.

Mr. CONDIT. Mr. Speaker, I yield myself such time as I may consume.

Once again, I urge the House to pass the bill. It is a bipartisan approach. I must say that I appreciate the kind words of the gentleman from Ohio [Mr. TRAFICANT]. He says that rarely does he speak out, but he can always be counted on to speak out and do what is right for this country. I think he is a great American and I appreciate his efforts and all he has done for this House and for this country.

Mr. Speaker, I yield back the balance of my time.

Mr. SMITH of Texas. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas [Mr. SMITH] that the House suspend the rules and pass the Senate bill, S. 1161.

The question was taken.

Mr. CONDIT. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

## PROVIDING PERMANENT AUTHORITY FOR THE ADMINISTRATION OF AU PAIR PROGRAMS

Mr. CAMPBELL. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1211) to provide permanent authority for the administration of au pair programs.

The Clerk read as follows:

S. 1211

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. PERMANENT AUTHORITY FOR AU PAIR PROGRAMS.**

Section 1(b) of the Act entitled "An Act to extend au pair programs", approved December 23, 1995 (Public Law 104–72; 109 Stat. 776) is amended by striking ", through fiscal year 1997".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California [Mr. CAMPBELL] and the gentleman from Indiana [Mr. HAMILTON] each will control 20 minutes.

The Chair recognizes the gentleman from California [Mr. CAMPBELL].

Mr. CAMPBELL. Mr. Speaker, I yield myself such time as I may consume.

Today we bring to the floor the Senate bill, S. 1211, a permanent extension of the au pair program. The date of the present program's expiration is approaching, and so it is imperative to continue the program through this legislation.

The au pair program gives young people from many different countries a chance to visit the United States and to live with an American family for up to a year, assisting with child care and other needs around the home. It is a way for providing for round-trip travel, tuition fees, and weekly stipend. It is of assistance both to our country and to the individual visitor who learns more about the United States.

This is a bipartisan, noncontroversial measure. It has already passed the other body, and I hope that my colleagues in the House will support this bill in passage and promptly send it to the President for signature.

Mr. Speaker, I reserve the balance of my time.

Mr. HAMILTON. Mr. Speaker, I yield myself such time as I may consume.

I commend the gentleman from New York [Mr. GILMAN] and my friend and colleague, the gentleman from California [Mr. CAMPBELL], for bringing before the House this bill to permanently extend the authority of USIA to run the au pair program. I have had my doubts about whether the program should be run by USIA. I understand the program brings many positive experiences, both to the au pairs as well as to the host families.

The 1995 lapse in authorization was very disruptive to the program and its participants, and to the U.S. host families. Another such interruption will be avoided by passing this bill before authorization would expire on September 30. Given its long history and the favorable October 1996 report to Congress by USIA, the au pair program should no longer be subject to uncertainty and short-term authorizations.

I urge the adoption of the measure. I commend again the chief sponsors of it, including the gentleman from California [Mr. CAMPBELL].

Mr. Speaker, I yield back the balance of my time.

Mr. CAMPBELL. Mr. Speaker, I yield myself such time as I may consume to simply add that it is always a pleasure to be on the floor with my colleague and good friend, the distinguished gentleman from Indiana [Mr. HAMILTON].

### GENERAL LEAVE

Mr. CAMPBELL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on S. 1211, the Senate bill now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. CAMPBELL. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question on the motion offered by the gentleman from California [Mr. CAMPBELL] that the House suspend the rules and pass the Senate bill, S. 1211.

The question was taken.

Mr. CONDIT. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

## CLINT INDEPENDENT SCHOOL DISTRICT AND FABENS INDEPENDENT SCHOOL DISTRICT LAND CONVEYANCE

Mr. CAMPBELL. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1116) to provide for the conveyance of the reversionary interest of the United States in certain lands to the Clint Independent School District and the Fabens Independent School District

The Clerk read as follows:

H.R. 1116

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION. 1. CONVEYANCE OF PROPERTY.**

Subject to section 2, the Secretary of State shall execute and file in the appropriate office such instrument as may be necessary to release the reversionary interest of the United States in the 40-acre tract of land referred to in Public Law 85–42.

**SEC. 2. TERMS AND CONDITIONS.**

The release under section 1 shall be made upon condition that the Clint Independent School District and the Fabens Independent School District in the State of Texas use any proceeds received from the disposal of such land for public educational purposes.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California [Mr. CAMPBELL] and the gentleman from Indiana [Mr. HAMILTON] each will control 20 minutes.

The Chair recognizes the gentleman from California [Mr. CAMPBELL].

Mr. CAMPBELL. Mr. Speaker, this bill is authored by our colleague and friend, Mr. REYES, from Texas, and I expect that we will hear from him as soon as the opportunity arises on the Democratic side of the aisle, but I wish to begin by giving him credit for authorship of the bill. It is my privilege to bring the bill to the floor. This bill will provide for the reversionary interest to be conveyed from the United States, in which it presently lies, to the Clint Independent School District and the Fabens Independent School District in the State of Texas.

The present reversionary interest is exercised by the United States through the Department of State. The Department of State has informed us that it no longer has any interest in the property. Through this bill, the State Department relinquishes its reversionary interest and gives it back to local school districts in Texas.

It is an utterly noncontroversial, bipartisan measure. The two local school districts will benefit from it. Their educational programs will benefit from it. The land will be free and clear for whatever further conveyancing or use these school districts have. It is a straightforward bill, and I urge my colleagues to adopt H.R. 1116.

Mr. Speaker, I reserve the balance of my time.

Mr. HAMILTON. Mr. Speaker, I yield myself such time as I may consume.

Let me again express appreciation to the gentleman from New York [Mr. GILMAN] for bringing before the House the bill by the gentleman from Texas [Mr. REYES] to release the Federal Government's reversionary interest in the Clint and Fabens independent school districts.

We on the committee are glad that we have been helpful to our friend from Texas on this matter. As I understand it, the school districts in his district in Texas have had this property since about 1940. The Federal Government originally retained a reversionary interest in the property for good oversight reasons.

□ 1230

According to the Department of State, it no longer has any interest in the property. In order to allow the district's ability to make best use of the property, it is necessary for us to pass H.R. 1116 to release the Secretary of State from the reversionary interest. Under this bill the release of the interest shall be conditional upon the property being used for public educational purposes. I urge the adoption of the measure.

Mr. Speaker, I yield the balance of my time to the gentleman from Texas [Mr. REYES], the sponsor of the bill.

Mr. REYES. Mr. Speaker, I rise today in support of this bill, which is highly important to two school districts in El Paso, the Sixteenth District of Texas. This legislation would make only a minor change in the law, but would provide much-needed relief to the Clint and Fabens Independent School Districts, and provide them the power to determine how to use one of their assets much more effectively.

Since 1957 the Clint and Fabens Independent School Districts in El Paso have used land conveyed to them by the Federal Government to enhance their agricultural and vocational curriculum. An agricultural farm used mainly by the Clint School District is situated on this land.

Before the farm was built, the Federal Government had let the land lie unused for 23 years. By locating an educational farm on this land, the Clint Independent School District made the land useful and an important dimension to their educational programming. For decades we have greatly appreciated the Federal Government's transferring this property to our school districts.

Over the years, however, transporting students to the educational farm has grown increasingly problematic. The land is located 2 miles beyond the outermost boundary of the Clint Independent School District, and school officials and teachers must confront daily the difficulties of getting the students to the farm and back safely.

Students must travel 2 miles each way on busy streets. This takes time away from learning and places the students in danger during the school day. Also, in a district like Clint, most students do not have vehicles, so teachers and students must work to locate transportation to and from the farm.

Because of the distance to the farm, it would make sense for Clint to sell the land and use the proceeds to purchase land closer to the school. As a matter of fact, the school district has already located land directly adjacent to the school on which they could build an agricultural farm for their students. This would allow students simply to walk next door to the educational farm, avoiding costly transportation needs, danger, and increasing the learning time.

As the law is written, however, the State Department holds a reversionary interest in the land where the farm is currently located. This reversionary interest requires that ownership of the land revert to the Federal Government if any attempt is made to dispose of the lands.

For 40 years Clint and Fabens have been confined by this law, which requires them to either keep the lands, regardless of changes in local circumstances, or surrender it back to the Federal Government and leave their students with even fewer vocational resources and opportunities than are currently available.

Mr. Speaker, in pursuing this legislation, I have worked closely with the Department of State, which currently holds the reversionary interest in the land. I have a letter here from Barbara Larkin, Assistant Secretary of State for Legislative Affairs, which states that the Department no longer has an interest in this land and does not object to the release of the reversionary interest.

I have also worked closely with the Committee on International Relations on this bill, and I want to thank both the gentleman from New York [Mr. GILMAN] and the gentleman from Indiana [Mr. HAMILTON] for their cooperation in this matter, and for bringing my bill to the floor today.

Mr. Speaker, I also want to thank their staffs, Ms. Kristen Gilley and Ms. Elana Broitman for their assistance in moving this bill forward. Waiving this reversionary interest is a simple and straightforward way to help the young people in my district in Texas. The language of the legislation is narrowly tailored to ensure that any proceeds from the sale of lands will go toward improving the education of students. The State Department does not want or need the reversionary interest, and it would provide much needed authority to my local school districts. I urge my colleagues to support this legislation.

Mr. Speaker, I yield back the balance of my time.

Mr. CAMPBELL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, it is an honor to be here with my colleague, the gentleman from Texas [Mr. REYES]. I want to give tribute to my chairman, the gentleman from New York [Mr. GILMAN], who allowed me to represent him in bringing this bill to the floor.

The logic that our colleague, the gentleman from Texas [Mr. REYES], brings to us in this context also is present in a bill that my colleague might be not yet aware of, offered by the gentleman from Kansas [Mr. RYUN], regarding reversionary interests in land where there had been an easement for railroad use. Land should go back to its original owners when an easement is no longer needed. I applaud the gentleman from Texas for his thinking in this case. I urge that he might want to look at the other case as an example of a comparable approach.

### GENERAL LEAVE

Mr. CAMPBELL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 1116.

The SPEAKER pro tempore [Mr. UPTON]. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. CAMPBELL. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. CAMPBELL] that the House suspend the rules and pass the bill, H.R. 1116.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

## EXPRESSING THE SENSE OF CONGRESS REGARDING THE OCEAN

Mr. SAXTON. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (House Concurrent Resolution 131) expressing the sense of Congress regarding the ocean, as amended.

The Clerk read as follows:

### H. CON. RES. 131

Whereas the ocean comprises nearly three quarters of the surface of the Earth;

Whereas the ocean contains diverse species of fish and other living organisms which form the largest eco-system on Earth;

Whereas these living marine resources provide important food resources to the United

States and the world, and unsustainable use of these resources has unacceptable economic, environmental, and cultural consequences;

Whereas the ocean and sea floor contain vast energy and mineral resources which are critical to the economy of the United States and the world;

Whereas the ocean largely controls global weather and climate, and is the ultimate source of all water resources;

Whereas the vast majority of the deep ocean is unexplored and unknown, and the ocean is truly the last frontier on Earth for science and civilization;

Whereas the ocean is the common means of transportation between coastal nations and carries the majority of the United States foreign trade;

Whereas any nation's use or misuse of ocean resources has effects far beyond that nation's borders;

Whereas it has been 30 years since the Commission on Marine Science, Engineering, and Resources (popularly known as the Stratton Commission) met to examine the state of United States ocean and coastal policy, and issued recommendations which led to the present Federal structure for oceanography and marine resource management; and

Whereas 1998 has been declared the International Year of the Ocean, and in order to observe such celebration, the National Oceanic and Atmospheric Administration and other Federal agencies, in cooperation with organizations concerned with ocean science and marine resources, have resolved to promote exploration, utilization, conservation, and public awareness of the ocean: Now, therefore, be it

*Resolved by the House of Representatives (the Senate concurring)*, That it is the sense of the Congress that—

(1) the ocean is of paramount importance to the economic future, environmental quality, and national security of the United States;

(2) the United States has a responsibility to exercise and promote comprehensive stewardship of the ocean and the living marine resources it contains; and

(3) Federal agencies are encouraged to take advantage of the United States and international focus on the oceans in 1998, to—

(A) review United States oceanography and marine resources management policies and programs;

(B) identify opportunities to streamline, better direct, and increase interagency cooperation in oceanographic research and marine resource management policies and programs; and

(C) develop scientific, educational, and resource management programs which will advance the exploration of the ocean and the sustainable use of ocean resources.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey [Mr. SAXTON] and the gentleman from California [Mr. FARR] each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey [Mr. SAXTON].

Mr. SAXTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, today we are considering House Concurrent Resolution 131, Mr. Speaker, expressing the sense of Congress on the importance of the ocean, the gentleman from Hawaii [Mr. ABERCROMBIE] and I, for two purposes. First, it will publicize the importance of the oceans to the economy, environmental quality, and national security of the United States.

The ocean is critical to our Nation. Ninety-eight percent of the U.S. foreign trade travels by ship. Half of Americans live within 50 miles of the coastline. However, many U.S. ocean programs have received flat or decreasing funding over the last decade. We cannot act to address this problem unless the public fully understands that the oceans are important to all Americans, whether or not they make their living directly from the sea.

Mr. Speaker, House Concurrent Resolution 131 helps to build this understanding. Also, it is interesting to point out that 1998 will be the International Year of the Ocean. Scientific and educational events designed to increase understanding of the oceans and ocean resources will be held throughout the year.

The international focus on ocean resources presents a very good opportunity for us to make substantive improvements to the U.S. oceans programs. House Concurrent Resolution 131 encourages the administration to take advantage of the Year of the Ocean to review and streamline ocean programs, and take steps to improve our understanding of the ocean resources.

Mr. Speaker, this resolution, will express congressional recognition of the importance of the ocean and congressional commitment to improving the ocean programs. Obviously, I hope everyone will support this bill.

I would also like to point out the important role that the gentleman from California [Mr. FARR] has played, not only in helping to bring this resolution to the floor, but relative to the subject of ocean environment, generally. His contribution has been very, very meaningful, and it has been a pleasure to work with him.

Mr. Speaker, I urge all Members to support this bill, and I reserve the balance of my time.

Mr. FARR of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of House Concurrent Resolution 131. Mr. Speaker, the U.N. General Assembly has declared 1998 to be the International Year of the Ocean. That is probably one U.N. action that everyone in this House can support.

It has been nearly 30 years, as the gentleman from New Jersey [Mr. SAXTON] pointed out, since the Commission on Marine Science, Engineering, and Resources, commonly known as the Stratton Commission, took a comprehensive look at the U.S. ocean policy. A large group of Members of Congress have recently urged the President to hold a White House conference on the ocean, and there will be an international exhibit on the oceans in Lisbon, Portugal, beginning next spring.

Without a doubt, the world is becoming focused on the oceans and 1998 is the year. It is time for all the world's seafaring nations to reexamine their ocean policies. The once boundless resources of the oceans have proven to be finite when pitted against our incredible technology. Many of our great fisheries have been decimated. Coastal ecosystems are severely stressed by development and by pollution. Yet, we depend on the oceans more than ever for food, for transportation, and for recreation.

We need to take a long, hard look at how we interact with the oceans, and define a new relationship based on sustainable use, I repeat that, on sustainable use, of our ocean resources.

Mr. Speaker, this resolution is an excellent way for the House to launch that effort. I join my colleague, the gentleman from New Jersey [Mr. SAXTON] in urging bipartisan support. The gentleman from New Jersey is chair of the subcommittee. He has been a remarkable leader on this issue.

It is very interesting that today a Representative from New Jersey and a Representative from California get up to support this, because we are separated by land mass, but our two districts are joined by the oceans, the long way around, I might add. But the fact is that what affects one affects the other, so this resolution will help bring a sense of Congress that this is an important issue, and that we ought to, in this Congress, be spending more attention and more moneys on oceans than we are on outer space, because the oceans are our future, how we are going to survive on this planet.

Mr. Speaker, I thank the chairman of the committee for his leadership, and I urge my colleagues to support this resolution.

Mr. Speaker, I yield back the balance of my time.

Mr. SAXTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me just emphasize just how important I think this subject is. Obviously, when we pass a resolution suggesting that Congress pay special note to something, or that the American people pay special note of something, obviously there is a good reason for us to do it.

I think what the gentleman from California [Mr. FARR] and I bring to the House together in terms of this subject is that we have both had experiences over the last decade or so that have shown us that while there are problems related to the oceans, and while we continue to need to make progress along that line, we have also made significant progress in the last 10 years.

One decade ago, in the summer of 1987 on the Atlantic coast, we had a horrific summer. We had dolphins washing up on our shores, we had algae blooms all up and down the East coast, and in my home State of New Jersey and on Long Island there was medical waste that washed up on our beaches. It was enough to lead anyone who would vacation in the Northeast at the shore or to eat products derived from the sea to take their vacations elsewhere, or to buy their food from some other source. It was an easy conclusion for the public to make.

Since 1987 and 1988, we have cooperated with the States, we have put Federal programs in place to help with the ocean environment, we have passed the Medical Waste Tracking Act, for example, we passed the sludge dumping prohibition that passed in 1988 or 1989, and generally speaking, the ecological state of our oceans has improved manyfold since those very difficult times in the Northeast.

Mr. Speaker, as we move forward, we continue to have problems. We continue to have problems with the regulatory process through which we try to regulate fish and mammals that live in the ocean. I spoke of one the other day with the gentleman from California [Mr. FARR]. We have a Federal agency that regulates the fishing industry. It is known as the National Marine Fisheries Service.

Perhaps it has some goals that need to be changed, because really, every time I go home and talk to someone who lives by the sea, I hear another story about how we need to do a better job in making sure that the ocean environment is conducive to making a good home for fish and mammals and other animal life that live there.

□ 1245

This is indeed an important subject. The amount of people who live near the ocean is immense. The amount of the world's surface that is covered by oceans is huge, and it is in all of our best interests to take these subjects extremely seriously. And so I hope that today will not be just a pro forma vote, passing another resolution.

The United Nations has recognized how important this is on a global basis and has designated 1998 as the Year of the Oceans, internationally. It is in all of our best interests to support this bill and to carry this message out across the country and, in fact, around the world as to just how important these matters are.

Mr. FARR of California. Mr. Speaker, will the gentleman yield?

Mr. SAXTON. I yield to the gentleman from California.

Mr. FARR of California. Mr. Speaker, I want to commend the gentleman, because this is just one of many steps that he is going to take in his committee to try to strengthen the awareness and the law as it regards the oceans.

We spend a lot of time on this floor debating how we are going to help disaster stressed communities. We usually look at natural disasters and base closures as sort of the two major reasons that we need economic relief.

I happen to represent the city of Monterrey, CA, which at one time was the largest sardine port in the world, certainly well known by the writings of John Steinbeck in "Cannery Row." Sardines disappeared. They are coming back in small numbers now. But they are mostly a bycatch rather than the main catch. But that was in the late 1940's and early 1950's. Everybody has agreed that the reason they disappeared is that they were just overfished. It shut down an entire industry, entire community. It was before we knew about disaster relief.

I think what we are seeing with the impact of the pfiesteria infection on the Maryland shores is that we have got to have a much better awareness of what is happening to animals, to fish, and to marine life, because we are really dependent on it. We may not be totally dependent on it for food stocks, but we are dependent on it for economic survival in our communities, for recreation, for tourism, for restaurants, and, essentially, if the ocean is not healthy, then our communities cannot be healthy.

So this attention that the gentleman's resolution and other bills that he is working on and I am working with him on, I think, is going to go a long way in bringing America to the forefront of being a pioneer, a new pioneer in the oceans, as we have been in the last decade. I thank the gentleman for his efforts.

I encourage all my colleagues to take this issue seriously, because it is about our future. It is about our weather. It is about our knowledge of weather, our knowledge of oceans, and essentially the quality of life on the planet Earth.

Mr. SAXTON. I thank the gentleman for his comments.

Mr. YOUNG of Alaska. Mr. Speaker, House Concurrent Resolution 131 is a resolution that recognizes the importance of our oceans and the fact that 1998 has been internationally declared the "Year of the Ocean."

As the Congressman for all Alaska, I am keenly aware of how vital the oceans are to my constituents. With the largest coastline in the Nation of 6,640 miles, Alaskan waters contain some of the richest and most valuable fishing grounds in the world. Many Alaskan towns are connected to the rest of the State only by watercraft, and many Alaskan Natives depend on fish and marine mammals for their subsistence.

I strongly support efforts to focus attention on these bodies of water, which comprise nearly three-quarters of the Earth's surface. While remarkably we know little about many of the ocean's resources, in the future we are likely to grow increasingly dependent on the energy, food, and mineral resources that exist there.

During the past 3 years, the Subcommittee on Fisheries Conservation, Wildlife and Oceans has conducted valuable hearings on the importance of our fishery resources, the ocean disposal of radioactive materials, the impact of offshore mineral production, and the need to update nautical charts. In fact, we have been successful in convincing the appropriators that accurate charts are essential to the maritime community and that adequate funding is necessary.

The United States has always been a fishing nation, and these resources have provided protein to millions of Americans. It is crucial that our world's fisheries be properly managed and that effective conservation measures be enforced. By focusing attention on this issue, House Concurrent Resolution 131 serves an important purpose. I compliment the authors for highlighting the need to promote sound stewardship of the oceans and their living marine resources.

I urge my colleagues to support House Concurrent Resolution 131.

Mr. BOEHLERT. Mr. Speaker, I rise in support of House Concurrent Resolution 131, expressing the sense of Congress regarding the ocean and recognizing 1998 as the international year of the ocean.

Congress, this Nation, and countries throughout the world need to foster a greater understanding and appreciation of our oceans. This resolution is one small but important step toward that end.

Ocean waters cover nearly 75 percent of the Earth's surface. They comprise such a dominant part of our national, social, and cultural environment that it would be foolish to try to even begin listing all the benefits and functions they provide.

Unfortunately, they are also fragile—at least more fragile in many respects than we would like to admit. Pollution, invasive species, encroaching populations, and other stressors can take their toll.

Concerted efforts are needed. The world's nations, including ours, should work more closely together to respect and conserve our global marine resources.

I commend Representative SAXTON for his efforts and the Resources Committee in general for its role in moving this resolution forward.

I should also add that the Transportation and Infrastructure Committee did not seek a referral of House Concurrent Resolution 131 but has various jurisdictional interests in it and in other efforts relating to oceans. The Coast Guard and Maritime Transportation Subcommittee, chaired by Representative WAYNE GILCHREST, and the Water Resources and Environment Subcommittee, which I chair, are particularly interested in various environmental and transportation-related aspects of the oceans. We look forward to working on additional initiatives and legislative provisions that are consistent with the spirit of this resolution and protect and promote various aspects of the world's oceans.

I urge my colleagues to support House Concurrent Resolution 131.

Mr. PORTER. Mr. Speaker, I rise in strong support of this resolution. Next year is the International Year of the Oceans as designated by the United Nations. This designation hopes to draw attention to the need for conservation of the limited resources that our oceans provide. For years, humans have considered ocean resources as inexhaustible. As evidenced by the depletion and extinction of many fish species, the destruction of coral reefs and the pollution of waters around the globe, these resources are finite. We cannot continue to harvest the ocean without replenishing what we take. I am very pleased that the U.S. House of Representatives is recognizing the importance of the oceans and the need for the world to stop taking what they provide for granted. The oceans are an integral part of our lives whether we rely on them for food, transport or recreation. If we do not properly maintain our oceans, they will not continue to sustain us.

Mr. FARR of California. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

### GENERAL LEAVE

Mr. SAXTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to include extraneous material on the concurrent resolution under consideration.

The SPEAKER pro tempore (Mr. UPTON). Is there objection to the request of the gentleman from New Jersey?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey [Mr. SAXTON] that the House suspend the rules and agree to the concurrent resolution, House Concurrent Resolution 131, as amended.

The question was taken.

Mr. CONDIT. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

## CORAL REEF CONSERVATION ACT OF 1997

Mr. SAXTON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2233) to assist in the conservation of coral reefs, as amended.

The Clerk read as follows:

### H.R. 2233

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Coral Reef Conservation Act of 1997".

**SEC. 2. PURPOSES.**

The purposes of this Act are the following:

(1) To preserve, sustain, and restore the health of coral reef ecosystems.

(2) To assist in the conservation and protection of coral reefs by supporting conservation programs.

(3) To provide financial resources for those programs.

(4) To establish a formal mechanism for collecting and allocating monetary donations from the private sector to be used for coral reef conservation projects.

**SEC. 3. DEFINITIONS.**

In this Act:

(1) CORAL.—The term "coral" means species of the phylum Cnidaria, including—

(A) all species of the orders Antipatharia (black corals), Scleractinia (stony corals), Gorgonacea (horny corals), Stolonifera (organpipe corals and others), and Coenothecalia (blue coral), of the class Anthozoa; and

(B) all species of the order Hydrocorallina (fire corals and hydrocorals), of the class Hydrozoa.

(2) CORAL REEF.—The term "coral reef" means any reef or shoal composed primarily of the skeletal material of species of the order Scleractinia (class Anthozoa).

(3) CORAL REEF ECOSYSTEM.—The term "coral reef ecosystem" means the complex of species associated with coral reefs and their environment that—

(A) functions as an ecological unit in nature; and

(B) is necessary for that function to continue.

(4) CORALS AND CORAL PRODUCTS.—The term "corals and coral products" means any living or dead specimens, parts, or derivatives, or any product containing specimens, parts, or derivatives, of any species referred to in paragraph (1).

(5) CONSERVATION.—The term "conservation" means the use of methods and procedures necessary to preserve or sustain corals and species associated with coral reefs as diverse, viable, and self-perpetuating coral reef ecosystems, including all activities associated with resource management, such as conservation, protection, restoration, and management of habitat; habitat monitoring; assistance in the development of management strategies for marine protected areas and marine resources consistent with the National Marine Sanctuaries Act (16 U.S.C. 1431 et seq.) and the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.); law enforcement through community participation; conflict resolution initiatives; and community outreach and education.

(6) FUND.—The term "Fund" means the Coral Reef Conservation Fund established under section 5(a).

(7) SECRETARY.—The term "Secretary" means the Secretary of Commerce.

**SEC. 4. CORAL REEF CONSERVATION ASSISTANCE.**

(a) IN GENERAL.—The Secretary, subject to the availability of funds, shall use amounts in the Fund to provide grants of financial assistance for projects for the conservation of coral reefs for which final project proposals are approved by the Secretary in accordance with this section.

(b) PROJECT PROPOSAL.—Any relevant natural resource management authority of a State or territory of the United States or other government jurisdiction with coral reefs whose activities directly or indirectly affect coral reefs, or any nongovernmental organization or individual with demonstrated expertise in the conservation of coral reefs, may submit to the Secretary a project proposal under this section. Each proposal shall include the following:

(1) The name of the individual responsible for conducting the project.

(2) A succinct statement of the purposes of the project.

(3) A description of the qualifications of the individuals who will conduct the project.

(4) An estimate of the funds and time required to complete the project.

(5) Evidence of support of the project by appropriate representatives of States or territories of the United States or other government jurisdictions in which the project will be conducted, if the Secretary determines that the support is required for the success of the project.

(6) Information regarding the source and amount of matching funding available to the applicant.

(7) Any other information the Secretary considers to be necessary for evaluating the eligibility of the project for funding under this Act.

(c) PROJECT REVIEW AND APPROVAL.—

(1) IN GENERAL.—The Secretary shall review each final project proposal to determine if it meets the criteria set forth in subsection (d).

(2) CONSULTATION: APPROVAL OR DISAPPROVAL.—Not later than 6 months after receiving a final project proposal, and subject to the availability of funds, the Secretary shall—

(A) request written comments on the proposal from each State or territory of the United States or other government jurisdiction, including the relevant regional fishery management councils established under the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.), within which the project is to be conducted;

(B) provide for the meritbased peer review of the proposal and require standardized documentation of that peer review;

(C) after reviewing any written comments and recommendations based on merit review, approve or disapprove the proposal; and

(D) provide written notification of that approval or disapproval to the person who submitted the proposal, and each of those States, territories, and other government jurisdictions.

(d) CRITERIA FOR APPROVAL.—The Secretary may approve a final project proposal under this section if the project will enhance programs for conservation of coral reefs by assisting efforts to—

(1) implement conservation programs;

(2) address the conflicts arising from the use of environments near coral reefs or from the use of corals, species associated with coral reefs, and coral products;

(3) enhance compliance with laws that prohibit or regulate the taking of corals, species associated with coral reefs, and coral products or regulate the use and management of coral reef ecosystems;

(4) develop sound scientific information on the condition of coral reef ecosystems or the threats to such ecosystems; or

(5) promote cooperative projects on coral reef conservation that involve foreign governments, affected local communities, nongovernmental organizations, or others in the private sector.

(e) PROJECT SUSTAINABILITY.—In determining whether to approve project proposals under this section, the Secretary shall give priority to projects which promote sustainable development and ensure effective, long-term conservation of coral reefs.

(f) PROJECT REPORTING.—Each grantee under this section shall provide periodic reports, as the Secretary considers necessary, to the Secretary. Each report shall include all information required by the Secretary for evaluating the progress and success of the project.

(g) MATCHING FUNDS.—The Secretary may not approve a project under this section unless the Secretary determines that there are non-Federal matching funds available to pay at least 50 percent of the total cost of the project.

### SEC. 5. CORAL REEF CONSERVATION FUND.

(a) ESTABLISHMENT.—There is established in the general fund of the Treasury a separate account, to be known as the "Coral Reef Conservation Fund", which shall consist of amounts deposited into the Fund by the Secretary of the Treasury under subsection (b).

(b) DEPOSITS INTO THE FUND.—The Secretary of the Treasury shall deposit into the Fund—

(1) all amounts received by the Secretary in the form of monetary donations under subsection (d); and

(2) other amounts appropriated to the Fund.

(c) USE.—

(1) IN GENERAL.—Subject to paragraph (2), the Secretary may use amounts in the Fund without further appropriation to provide assistance under section 4.

(2) ADMINISTRATION.—Of amounts in the Fund available for each fiscal year, the Secretary may use not more than 3 percent to administer the Fund.

(d) ACCEPTANCE AND USE OF MONETARY DONATIONS.—The Secretary may accept and use monetary donations to provide assistance under section 4. Amounts received by the Secretary in the form of donations shall be transferred to the Secretary of the Treasury for deposit into the Fund.

### SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Fund $1,000,000 for each of fiscal years 1998, 1999, 2000, 2001, and 2002 to carry out this Act, which may remain available until expended.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey [Mr. SAXTON] and the gentleman from California [Mr. FARR], each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey [Mr. SAXTON].

Mr. SAXTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we are now considering H.R. 2233, the Coral Reef Conservation Act of 1997.

The gentleman from Hawaii [Mr. ABERCROMBIE] and I and the gentleman from California [Mr. FARR] introduced this bill to promote conservation of coral reef ecosystems.

The Committee on Resources Subcommittee on Fisheries Conservation, Wildlife, and Oceans, which I chair, had two coral-reef-related hearings this year, and it is very clear that coral reefs are an important natural resource for coastal nations worldwide and many U.S. States and territories. Reefs generate significant tourism, provide habitat for many commercial fisheries, and protect coastlines from storm damage.

Unfortunately, coral reefs worldwide are also in great danger from both natural and human-induced causes. In the U.S. waters near Florida, six new coral reef diseases have been identified in the last 5 years, and they are spreading rapidly. In the Philippines, an astounding 70 percent of native reef environments have been obliterated by destructive fishing practices such as, believe it or not, dynamiting and cyanide fishing.

This bill establishes a coral reef conservation fund which is modeled after existing programs such as the very successful African elephant conservation program. This fund will contain both appropriated moneys and donations. Grants from the fund will support conservation projects which benefit coral reefs worldwide.

The bill authorizes $1 million to be appropriated into the fund annually for the next 5 years and requires that all grants be matched by other funds on a one-to-one basis.

Mr. Speaker, this type of conservation approach has been very successful for African elephants and other threatened species. I believe that this bill can make a difference in reducing damage to coral reefs worldwide. I urge my colleagues on both sides of the aisle to support the bill.

Mr. Speaker, I reserve the balance of my time.

Mr. FARR of California. Mr. Speaker, I yield myself such time as I may consume.

I rise in support of H.R. 2233. This bill will help provide much needed funding for research and conservation projects at coral reef ecosystems. The health of these ecosystems is in decline globally due to a wide range of threats, including nonsource pollution, destructive fishing practices, unwise coastal development, and global climate change. If we do not act decisively and soon, there will be no reefs left to save in just a few years.

Why is it important to save it? The reefs essentially are the rain forests of the ocean. That is where most of the biological life live. If we lose these reefs, we lose much more than just their picturesque beauty, we lose a world class storehouse of marine biodiversity and a renewable economic resource that is vital to coastal and insular nations.

H.R. 2233 is a good first step in addressing these problems. The amendment before the House requires a match for every Federal dollar so that research funds can even go further than originally drafted. I support the amendment. I urge all my colleagues on this side of the aisle to do so as well.

Mr. Speaker, I yield back the balance of my time.

Mr. SAXTON. Mr. Speaker, I yield myself such time as I may consume.

I would just conclude by saying that the gentleman from California [Mr. FARR] and I made note of some successes that we have had over the last decade in terms of protecting the ocean habitat.

While this is one of the great failures of humankind in the way we have taken the coral reef systems for granted and the practices that we have continued to perpetuate that have caused great damage to the coral reef systems, which, as Mr. FARR eloquently pointed out, are immensely important to the ocean ecosystems and the interdependence of life in the oceans, when we held our hearings and it was brought to light publicly that two of the ways, two of the techniques of fishing are through the use of dynamite and cyanide, I looked at those issues with some disbelief. But we should not look at those issues with disbelief because they are, in fact, practices that are used which do cause great damage not only to the coral reef system but, obviously, to other life in the oceans as well.

While we have had some successes over the last 10 years, it is pretty obvious that our work is not completed. Passage of this bill is perhaps a good first step in addressing the problems that are still to be addressed.

Mr. YOUNG of Alaska. Mr. Speaker, I rise in support of H.R. 2233, the Coral Reef Conservation Act, a bill introduced by our colleagues JIM SAXTON and NEIL ABERCROMBIE.

While there may be only a few scattered corals in Alaska, coral reefs represent a new frontier source for medicines and lifesaving products. In addition, they provide natural protection for coastlines from high waves, storm surges, coastal erosion, and accompanying threats to human life and property.

Furthermore, coral reefs are particularly important in generating tourism, and they contain some of the world's most productive marine habitats. These reefs make a real contribution to the economies where they are located.

This bill is a positive effort to protect our Nation's coral reefs, and I am confident that the Department of Commerce will effectively manage the Coral Reef Conservation Fund.

Mr. SAXTON. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey [Mr. SAXTON] that the House suspend the rules and pass the bill, H.R. 2233, as amended.

The question was taken.

Mr. CONDIT. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

## GENERAL LEAVE

Mr. SAXTON. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on H.R. 2233, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

## CANADIAN RIVER RECLAMATION PROJECT

Mr. THORNBERRY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2007) to amend the Act that authorized the Canadian River reclamation project, Texas, to direct the Secretary of the Interior to allow use of the project distribution system to transport water from sources other that the project, as amended.

The Clerk read as follows:

H.R. 2007

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. USE OF DISTRIBUTION SYSTEM OF CANADIAN RIVER RECLAMATION PROJECT, TEXAS, TO TRANSPORT NONPROJECT WATER.**

The Act of December 29, 1950 (chapter 1183; 43 U.S.C. 600b, 600c), authorizing construction, operation, and maintenance of the Canadian River reclamation project, Texas, is amended by adding at the end the following new section:

"SEC. 4. (a) The Secretary of the Interior shall allow use of the project distribution system (including all pipelines, aqueducts, pumping plants, and related facilities) for transport of water from the Canadian River Conjunctive Use Groundwater Project to municipalities that are receiving water from the project. Such use shall be subject only to such environmental review as is required under the Memorandum of Understanding, No. 97–AG–60–09340, between the Bureau of Reclamation and the Canadian River Municipal Water Authority, and a review and approval of the engineering design of the interconnection facilities to assure the continued integrity of the project. Such environmental review shall be completed within 90 days after the date of enactment of this section.

"(b) The Canadian River Municipal Water Authority shall bear the responsibility for all costs of construction, operation, and maintenance of the Canadian River Conjunctive Use Groundwater Project, and for costs incurred by the Secretary in conducting the environmental review of the project. The Secretary shall not assess any additional charges in connection with the Canadian River Conjunctive Use Groundwater Project.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas [Mr. THORNBERRY] and the gentleman from California [Mr. FARR], each will control 20 minutes.

The Chair recognizes the gentleman from Texas [Mr. THORNBERRY].

Mr. THORNBERRY. Mr. Speaker, I yield myself such time as I may consume.

I rise in support of H.R. 2007. This bill directs the Secretary of the Interior to allow the use of the Bureau of Reclamation facilities in Texas for the transport of water from the proposed Canadian River conjunctive use ground-water project to municipalities receiving water from the existing reclamation project.

This additional water is needed because the yield of the Reclamation's Canadian River project is less than originally anticipated and because of ongoing water quality problems associated with the Federal project.

The Canadian River Municipal Water Authority has a proposal to construct this ground-water project in order to supplement project water supplies with better quality ground water. The proposed ground-water project will not require Federal funding. It would be interconnected with the existing Canadian River project facilities in order for the ground water to be mixed with project water and distributed throughout the existing conveyance system.

This legislation is needed because questions have been raised about the authority of the Bureau of Reclamation to allow the interconnection of the non-Federal ground-water project with the Federal Canadian River project facilities. This bill will also ensure that the environmental review of the interconnection facilities is completed in a timely manner.

H.R. 2007 further stipulates that all of the costs for construction, operation, and maintenance of the ground-water project are the responsibility of the Canadian River Municipal Water Authority. This bill goes a long way to resolving at no cost to the Federal Government the water quality and water supply issues facing 11 cities in the High Plains area of Texas, including Lubbock and Amarillo. I urge my colleagues to support this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. FARR of California. Mr. Speaker, I yield myself such time as I may consume, and I rise in opposition to H.R. 2007.

Mr. Speaker, this bill amends the authorization for the Canadian River project in Texas. I think while the project underlying this bill represents a worthwhile effort to improve water quality for several communities in the High Plains of Texas, the bill itself is entirely unnecessary.

The bill would grant the local water authority the right to use excess capacity of the Bureau of Reclamation facilities to manage non-Federal ground water through the Canadian River Authority's conjunctive use ground-water project. That project would make necessary improvements to the urban water quality. However, the project is already going forward under existing authorization for the Canadian River project.

The Bureau of Reclamation has entered memorandums of understanding with the Canadian River Authority and has begun environmental review of the project. The Bureau can incorporate the ground-water conjunctive use project within the existing project's authority. There is simply no need for this bill. It is not only unnecessary but the big problem is, it would constrain the Bureau of Reclamation's review of the ground-water project under the National Environmental Policy Act.

The administration has expressed continuing concerns regarding the bill's potential to override NEPA. Yet the bill proponents have been unwilling to remove the NEPA language from the bill.

I want to thank the chairman of the subcommittee, the gentleman from California [Mr. DOOLITTLE], for the work his staff has put into improving the language of this bill. The bill now provides the Bureau of Reclamation to approve the engineering designs in order to avoid potential problems with the system. It also includes language to ensure the local water district that it pay for the expenses associated with the project. However, as long as the override of the NEPA policy act is in the bill, I must oppose the legislation as unnecessary and inappropriate.

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Mr. FARR of California. Mr. Speaker, I reserve the balance of my time.

Mr. THORNBERRY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I think it is helpful for someone who has been involved in this project from the beginning to give a brief review of some of the difficulties that has made this legislation necessary.

As a matter of fact, there have been 88 changes to the project over time, none of which have caused any sort of question to arise from the Bureau of Reclamation as for the authority to tie in privately financed changes into the existing project. And this project itself has been on the drawing books for at least 5 years. The Bureau knew about it every step of the way, and yet not until February of this year did they raise any questions about it.

I will make part of the RECORD some of the letters that the Municipal Water Authority has received from the Bureau questioning whether the Bureau has even the authority to allow this project to go forward.

As a matter of fact, I will quote briefly from a February 21, 1997, letter signed by Mrs. Elizabeth Cordova-Harrison, area manager, that says:

> The implementation of the current proposal to convey groundwater via the pipeline project would require new or amendatory legislative authority.

Of course, then they study it a little bit more; and on April 1997 they write back, I will put the full letter in the RECORD, but basically they believe, well, maybe we find that we do have the authority after all.

The point of that is that there is at least some question, at least with some people in the Bureau, about whether there is the legislative authority to allow this privately financed, independently-obtained groundwater supply and mix it with the current supplies.

H.R. 2007 has been amended. It requires an environmental review. That environmental review is going to be paid for by the water district itself, not by the Federal Government. We have bent over backward to make sure that all of the provisions of this measure are consistent with the intent of this Congress, but also that there are not unnecessary bureaucratic delays because of some confusion as far as the legislative authority by the Bureau of Reclamation.

That is why this legislation exists. We have worked in a bipartisan way with Members on the other side of the aisle to come up with this language, and I believe it makes a lot of sense.

Mr. Speaker, I reserve the balance of my time.

Mr. FARR of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me point out to my colleagues what the problem is, as expressed in a letter from the Secretary of Interior, the Assistant for Water and Science, Patricia Beneke. In that letter to the chairman of the committee, the gentleman from California [Mr. DOOLITTLE], she points out that

> The intent of referencing the MOU seems to be to limit the scope of required environmental review, because the MOU itself is expressly limited to preparation and finalization of an environmental assessment.

And she goes on to say,

> While the MOU itself does not preclude a full environmental impact statement, as well as full compliance with other environmental laws, its reference in the legislation, its incorporation in the legislation, could be construed as a limitation on the scope of the environmental review. This part of the bill thus arguably legislatively prejudges that the project will pose no significant impacts and that an environmental assessment fulfills our NEPA requirement.

> Similarly,

in another part of the bill,

> the bill would mandate that any environmental review be completed within 90 days after the date of enactment. This too prejudices the project that the project will not require a full environmental impact statement. Moreover, a portion of the work is being conducted by the Authority's contractor, and Reclamation has no control over the quality or timing of the contractor's project.

So there are, essentially, two concerns that the administration is raising about this bill which I bring to the House, which seems to me could be addressed by appropriate amendments. Those amendments have not come forth, and so at this point we object to the legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. THORNBERRY. Mr. Speaker, I have no further requests for time at this point, and I continue to reserve the balance of my time until the time on the other side is yielded back.

Mr. FARR of California. Mr. Speaker, I yield back the balance of my time.

Mr. THORNBERRY. Mr. Speaker, I include the following two letters for the RECORD:

U.S. DEPARTMENT OF THE INTERIOR,
BUREAU OF RECLAMATION, GREAT
PLAINS REGION, AUSTIN RECLAMATION OFFICE,
*Austin, TX, April 10, 1997.*

Mr. JOHN WILLIAMS, P.E.
*General Manager, Canadian River Municipal Water Authority, Sanford, TX.*

Subject: Use of Project Conveyance Facilities—Canadian River Project, Texas.

DEAR MR. WILLIAMS: This is in reference to our letter dated February 21, 1997, concerning the augmentation of existing Canadian River Project (Project) water supplies with groundwater from wells located east of the Project. As explained in the letter, our preliminary evaluation indicated the lack of general authority to allow the use of reclamation project facilities for storing or conveying non-project water, and that such use of project facilities would require new or amendatory legislation.

A more comprehensive review of Reclamation laws has revealed existing statutes which provide sufficient authority to allow the incorporation of the proposed ground water project's facilities and water into the Canadian River Project. This can be accomplished administratively without further legislative action, but would require review, approval and compliance under existing processes and regulatory laws, including the National Environmental Policy Act.

If you would like to pursue the option outlined above, we recommend that a meeting be scheduled to discuss the administrative process required for incorporating the ground water project into existing facilities.

If you have any questions, or need any additional information, please contact me or Mike Martin of this office at telephone No. (512) 916-5641.

Sincerely,
ELIZABETH CORDOVA-HARRISON,
*Area Manager.*

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U.S. DEPARTMENT OF THE INTERIOR,
BUREAU OF RECLAMATION, GREAT
PLAINS REGION, OKLAHOMA-TEXAS
AREA OFFICE,
*Oklahoma City, OK, February 21, 1997.*

Mr. JOHN WILLIAMS, P.E.,
*General Manager, Canadian River Municipal Water Authority, Sanford, TX.*

Subject: Use of Project Facilities for Conveyance of Non-Project Water, Canadian River Project, Texas.

DEAR MR. WILLIAMS: This follow up letter is in reference to our meeting at your office on January 22, 1997, during which we discussed various matters concerning the Canadian River Project. Among the issues covered were the transfer of title to project aqueduct facilities, project financial concerns, and the augmentation of existing project water supplies with groundwater from wells located in Hutchinson County, Texas. The need for compliance with provisions of the National Environmental Policy Act (NEPA) and other applicable statutes for title transfer and modification of a Federal project was also addressed.

We have reviewed existing laws relating to the use of Reclamation projects for storing or conveying non-project water (water from outside the originally authorized project). Based on this preliminary evaluation, it appears that the authority for allowing such use of project facilities is limited solely to water for irrigation purposes. Presently, we are without adequate authority to allow the use of Canadian River Project facilities for the storage or conveyance of non-project water for municipal and industrial purposes. Accordingly, the implementation of the current proposal to convey groundwater via the project pipeline would require new or amendatory legislative authority.

If you have any questions, or need any additional information, please contact me or Mike Martin at (512) 916-5641.

Sincerely,
ELIZABETH CORDOVA-HARRISON,
*Area Manager.*

Mr. Speaker, the final comment I would make is that there has been no suggestion by any party, anyone associated, that there is any environmental problem or potential problem associated here; and that is one of the reasons that I think the negotiations are currently going at a rapid pace.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas [Mr. THORNBERRY] that the House suspend the rules and pass the bill, H.R. 2007, as amended.

The question was taken.

Mr. CONDIT. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

## GENERAL LEAVE

Mr. THORNBERRY. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on H.R. 2007, the bill just considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas [Mr. THORNBERRY]?

There was no objection.

## MICCOSUKEE SETTLEMENT ACT OF 1997

Mr. THORNBERRY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1476) to settle certain Miccosukee Indian land takings claims within the State of Florida.

The Clerk read as follows:

### H.R. 1476

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Miccosukee Settlement Act of 1997".

**SEC. 2. CONGRESSIONAL FINDINGS.**

Congress finds and declares that—

(1) there is pending before the United States District Court for the Southern District of Florida a lawsuit by the Miccosukee Tribe which involves the taking of certain tribal lands in connection with the construction of highway interstate 75 by the Florida Department of Transportation;

(2) the pendency of this lawsuit clouds title of certain lands used in the maintenance and operation of the highway and hinders proper planning for future maintenance and operations;

(3) the Florida Department of Transportation, with the concurrence of the board of trustees of the Internal Improvements Trust Fund of the State of Florida, and the Miccosukee Tribe have executed an agreement for the purpose of resolving the dispute and settling the lawsuit, which agreement requires consent of the Congress in connection with contemplated land transfers;

(4) the settlement agreement is in the interests of the Miccosukee Tribe in that the tribe will receive certain monetary payments, new reservation land to be held in trust by the United States, and other benefits;

(5) land received by the United States pursuant to the settlement agreement is in consideration of Miccosukee Indian Reservation land lost by the Miccosukee Tribe by virtue of transfer to the Florida Department of Transportation under the settlement agreement, and such United States land therefore shall be held in trust by the United States for the use and benefit of the Miccosukee Tribe as Miccosukee Indian Reservation land in compensation for the consideration given by the tribe in the settlement agreement; and

(6) Congress shares with the parties to the settlement agreement a desire to resolve the dispute and settle the lawsuit.

**SEC. 3. DEFINITIONS.**

For the purposes of this Act—

(1) the terms "Miccosukee Tribe" and "tribe" mean the Miccosukee Tribe of Indians of Florida, a tribe of American Indians recognized by the United States and organized under section 16 of the Act of June 18, 1934 (48 Stat. 987; 25 U.S.C. 476), and recognized by the State of Florida pursuant to chapter 285, Florida Statutes;

(2) the term "Miccosukee land" means land held in trust by the United States for the use and benefit of the Miccosukee Tribe as Miccosukee Indian Reservation land which is identified pursuant to the settlement agreement for transfer to the Florida Department of Transportation;

(3) the term "Florida Department of Transportation" means the executive branch department and agency of the State of Florida responsible for, among other matters, the construction and maintenance of surface vehicle roads, existing pursuant to section 20.23, Florida Statutes, with authority to execute the settlement agreement pursuant to section 334.044, Florida Statutes;

(4) the term "board of trustees of the Internal Improvements Trust Fund" means the agency of the State of Florida holding legal title to and responsible for trust administration of certain lands of the State of Florida, consisting of the Florida Governor, Attorney General, Commissioner of Agriculture, Commissioner of Education, Controller, Secretary of State, and Treasurer sitting as trustees;

(5) the term "State of Florida" means all agencies or departments of the State of Florida, including the Florida Department of Transportation and the board of trustees of the Internal Improvements Trust Fund, as well as the State itself as a governmental entity;

(6) the term "Secretary" means the United States Secretary of the Interior;

(7) the term "land transfers" means those lands identified in the settlement agreement fro transfer from the United States to the Florida Department of Transportation and those lands identified in the settlement agreement for transfer from the State of Florida to the United States;

(8) the term "lawsuit" means the action in the United States District Court for the Southern District of Florida, entitled Miccosukee Tribe of Indians of Florida v. State of Florida and Florida Department of Transportation, et al., docket number 91-6285-Civ-Paine; and

(9) the terms "settlement agreement" and "agreement" mean those documents entitled "settlement agreement" (with incorporated exhibits), which identifies the lawsuit in the first paragraph, which was signed on page 15 therein on August 28, 1996, by Ben G. Watts (Secretary of the Florida Department of Transportation) and Billy Cypress (Chairman of the Miccosukee Tribe), and thereafter concurred in by the board of trustees of the Internal Improvements Trust Fund of the State of Florida.

**SEC. 4. AUTHORITY OF SECRETARY.**

As trustee for the Miccosukee Tribe, the Secretary shall:

(1) Aid and assist in the fulfillment of the settlement agreement at all times and in all reasonable manner, and cooperate with and assist the Miccosukee Tribe for this purpose.

(2) Upon finding that the settlement agreement is legally sufficient and that the State of Florida and its agencies have the necessary authority to fulfill the agreement, sign the settlement agreement on behalf of the United States, and have a representative of the Bureau of Indian Affairs sign the settlement agreement as well.

(3) Upon finding that all necessary conditions precedent to the transfer of Miccosukee land to the Florida Department of Transportation as provided in the settlement agreement have been or will be met so that the agreement has been or will be fulfilled but for the execution of this land transfer and related land transfers, transfer ownership of the Miccosukee land to the Florida Department of Transportation as provided in the settlement agreement, including in such transfer solely and exclusively that Miccosukee land identified in the settlement agreement for such transfer and no other land.

(4) Upon finding that all necessary conditions precedent to the transfer of Florida land to the United States have been or will be met so that the agreement has been or will be fulfilled but for the execution of this land transfer and related land transfers, receive and accept in trust for the use and benefit of the Miccosukee Tribe ownership of all land identified in the settlement agreement for transfer to the United States, constituting thereby Indian Reservation lands of the Miccosukee Tribe.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas [Mr. THORNBERRY] and the gentleman from California [Mr. FARR] each will control 20 minutes.

The Chair recognizes the gentleman from Texas [Mr. THORNBERRY].

Mr. THORNBERRY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 1476, the proposed Miccosukee Settlement Act of 1977, which provides that Congress consents to a settlement agreement reached between the State of Florida, the Miccosukee Tribe, and the U.S. Department of the Interior involving the transfer of rights-of-way from the tribe to the State.

Included in the settlement agreement are provisions relating to airboat access to certain lands, the relocation of a microwave tower, interchange lighting at the Snake Road interchange, and the conveyance of 22.87 acres of land to the United States by the State of Florida.

Also included in the settlement agreement are provisions whereby the tribe agrees to dismiss certain litigation pending against the State and to release and forever discharge any and all claims the tribe may have against the Florida Department of Transportation and State of Florida in any way related to Interstate Highway 75.

Mr. Speaker, I believe this measure deserves the support of the House.

Mr. Speaker, I reserve the balance of my time.

Mr. FARR of California. Mr. Speaker, I yield as much time as he may consume to the gentleman from Michigan [Mr. KILDEE], a long and experienced Member on these issues, distinguished Member of this House.

Mr. KILDEE. Mr. Speaker, I thank the gentleman for yielding me time.

We also support passage of this act. This bill ratifies a 1996 settlement of a lawsuit between the Miccosukee Tribe in Florida over lands taken by the State for construction of Alligator Alley across the Everglades.

Under the terms of this agreement, the tribe gets $2.1 million, 22 acres of land, and two rights-of-way, while the State gets several rights-of-way from the tribe for highway maintenance and release from the lawsuit. Congress is involved because the agreement calls for the Department of the Interior to approve the rights-of-way given to the State and to place the tribe's newly acquired lands into trust.

I am pleased that the tribe and State have reached this amicable agreement. I also applaud the diligence and hard work of the gentleman from Florida [Mr. DIAZ-BALART]. I also note that the Committee on Resources held a hearing, and just prior to full committee markup the Department sent over several technical changes that have not yet been incorporated into the bill. These are not critical changes, but it is my hope that the Senate will give them fair consideration as it takes up the bill.

Mr. DIAZ-BALART. Mr. Speaker, H.R. 1476, The Miccosukee Settlement Act of 1997, approves and implements a settlement between the State of Florida and the Miccosukee Tribe of Indians of Florida regarding right-of-way usage and dredging during the construction of Interstate Highway I-75—"Alligator Alley"—across tribal lands in the Florida Everglades. This settlement authorizes the Secretary of the Interior to transfer title to certain strips of land used to dredge fill material for the construction of I-75 to the Florida Department of Transportation from its trust status, and in return directs the Secretary to take into trust for the Miccosukee Tribe as Miccosukee Indian Reservation several parcels of land as compensation.

This land transfer is fully endorsed by the Florida Governor and Cabinet, who sit jointly as the trustees for Florida land and who voted unanimously in favor of this settlement. The Tribe also receives approximately $2 million, better access to its existing reservation through new access ramps on I–75, and airboat launch sites.

I am pleased that the State and the tribe have worked out a fair solution and I recommend passage of the bill.

Mr. THORNBERRY. Mr. Speaker, I have no further requests for time.

Mr. KILDEE. Mr. Speaker, I yield back the balance of my time.

Mr. THORNBERRY. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas [Mr. THORNBERRY] that the House suspend the rules and pass the bill, H.R. 1476.

The question was taken.

Mr. CONDIT. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point or order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 5, rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

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## GENERAL LEAVE

Mr. THORNBERRY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 1476, the bill just debated.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

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## SMALL BUSINESS PROGRAMS REAUTHORIZATION AND AMENDMENTS ACT OF 1997

Mr. TALENT. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2261) to reauthorize and amend the programs of the Small Business Act and the Small Business Investment Act, and for other purposes, as amended.

The Clerk read as follows:

### H.R. 2261

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

(a) SHORT TITLE.—This Act may be cited as the "Small Business Programs Reauthorization and Amendments Acts of 1997".

(b) TABLE OF CONTENTS.—

Sec. 1. Short title; table of contents.

TITLE I—AUTHORIZATIONS

Sec. 101. Authorizations.

TITLE II—FINANCIAL PROGRAMS

Subtitle A—General Business Loans

Sec. 201. Securitization regulations.
Sec. 202. Background check of loan applicants.
Sec. 203. Report on increased lender approval, servicing, foreclosure, liquidation, and litigation of 7(a) loans.
Sec. 204. Completion of planning for loan monitoring system.

Subtitle B—Certified Development Company Program

Sec. 221. Reauthorization of fees.
Sec. 222. PCLP participation
Sec. 223. PCLP eligibility.
Sec. 224. Loss reserves.
Sec. 225. Goals.
Sec. 226. Technical amendments.
Sec. 227. Promulgation of regulations.
Sec. 228. Technical amendment.
Sec. 229. Repeal.
Sec. 230. Loan servicing and liquidation.
Sec. 231. Use of proceeds.
Sec. 232. Lease of property.
Sec. 233. Seller financing.
Sec. 234. Preexisting conditions.

Subtitle C—Small Business Investment Company Program

Sec. 241. 5-year commitments.
Sec. 242. Program reform.
Sec. 243. Fees.
Sec. 244. Examination fees.

Subtitle D—Microloan Program

Sec. 251. Microloan program extension.
Sec. 252. Supplemental microloan grants

TITLE III—WOMEN'S BUSINESS ENTERPRISES

Sec. 301. Reports.
Sec. 302. Council duties.
Sec. 303. Council membership.
Sec. 304. Authorization of appropriations.
Sec. 305. Women's business centers.
Sec. 306. Office of Women's Business Ownership.

TITLE IV—COMPETITIVENESS PROGRAM

Sec. 401. Program term.
Sec. 402. Monitoring agency performance.
Sec. 403. Reports to Congress.
Sec. 404. Small business participation in dredging.
Sec. 405. Technical amendment.

TITLE V—MISCELLANEOUS PROVISIONS

Sec. 501. Small business development centers.
Sec. 502. Small business export promotion.
Sec. 503. Pilot preferred surety bond guarantee program extension.
Sec. 504. Very small business concerns.
Sec. 505. Extension of cosponsorship authority.
Sec. 506. Trade assistance program for small business concerns harmed by NAFTA.

TITLE VI—SERVICE DISABLED VETERANS

Sec. 601. Purposes.
Sec. 602. Definitions.
Sec. 603. Report by Small Business Administration.
Sec. 604. Information collection.
Sec. 605. State of small business report.
Sec. 606. Loans to veterans.
Sec. 607. Entrepreneurial training, counseling, and management assistance.
Sec. 608. Grants for eligible veterans outreach programs.
Sec. 609. Outreach for eligible veterans.

TITLE VII—SMALL BUSINESS TECHNOLOGY TRANSFER PROGRAM

Sec. 701. Amendments.

### TITLE I—AUTHORIZATIONS

**SEC. 101. AUTHORIZATIONS.**

Section 20 of the Small Business Act (15 U.S.C. 631 note) is amended by striking subsections (l) through (q) and inserting the following:

"(l) The following program levels are authorized for fiscal year 1998:

"(1) For the programs authorized by this Act, the Administration is authorized to make—

"(A) $40,000,000 in technical assistance grants, as provided in section 7(m); and

"(B) $60,000,000 in loans, as provided in section 7(m).

"(2) For the programs authorized by this Act, the Administration is authorized to make $15,040,000,000 in deferred participation loans and other financings. Of such sum, the Administration is authorized to make—

"(A) $11,000,000,000 in general business loans as provided in section 7(a);

"(B) $3,000,000,000 in financings as provided in section 7(a)(13) of this Act and section 504 of the Small Business Investment Act of 1958;

"(C) $1,000,000,000 in loans as provided in section 7(a)(21); and

"(D) $40,000,000 in loans as provided in section 7(m).

"(3) For the programs authorized by title III of the Small Business Investment Act of 1958, the Administration is authorized to make—

"(A) $600,000,000 in purchases of participating securities; and

"(B) $500,000,000 in guarantees of debentures.

"(4) For the programs authorized by part B of title IV of the Small Business Investment Act of 1958, the Administration is authorized to enter into guarantees not to exceed $2,000,000,000, of which not more than $650,000,000 may be in bonds approved pursuant to section 411(a)(3) of that Act.

"(5) The Administration is authorized to make grants or enter into cooperative agreements—

"(A) for the Service Corps of Retired Executives program authorized by section 8(b)(1), $4,000,000; and

"(B) for activities of small business development centers pursuant to section 21(c)(3)(G), $15,000,000, to remain available until expended.

"(m)(1) There are authorized to be appropriated to the Administration for fiscal year 1998 such sums as may be necessary to carry out this Act, including administrative expenses and necessary loan capital for disaster loans pursuant to section 7(b), and to carry out the Small Business Investment Act of 1958, including salaries and expenses of the Administration.

"(2) Notwithstanding paragraph (1), for fiscal year 1998—

"(A) no funds are authorized to be provided to carry out the loan program authorized by section 7(a)(21) except by transfer from another Federal department or agency to the Administration, unless the program level authorized for general business loans under subsection (l)(2)(A) is fully funded; and

"(B) the Administration may not approve loans on behalf of the Administration or on behalf of any other department or agency, by contract or otherwise, under terms and conditions other than those specifically authorized under this Act or the Small Business Investment Act of 1958, except that it may approve loans under section 7(a)(21) of this Act in gross amounts of not more than $1,250,000.

"(n) The following program levels are authorized for fiscal year 1999:

"(1) For the programs authorized by this Act, the Administration is authorized to make—

"(A) $60,000,000 in technical assistance grants as provided in section 7(m); and

"(B) $60,000,000 in loans, as provided in section 7(m).

"(2) For the programs authorized by this Act, the Administration is authorized to make $16,540,000,000 in deferred participation loans and other financings. Of such sum, the Administration is authorized to make—

"(A) $12,000,000,000 in general business loans as provided in section 7(a);

"(B) $3,500,000,000 in financings as provided in section 7(a)(13) of this Act and section 504 of the Small Business Investment Act of 1958;

"(C) $1,000,000,000 in loans as provided in section 7(a)(21); and

"(D) $40,000,000 in loans as provided in section 7(m).

"(3) For the programs authorized by title III of the Small Business Investment Act of 1958, the Administration is authorized to make—

"(A) $700,000,000 in purchases of participating securities; and

"(B) $650,000,000 in guarantees of debentures.

"(4) For the programs authorized by part B of title IV of the Small Business Investment Act of 1958, the Administration is authorized to enter into guarantees not to exceed $2,000,000,000, of which not more than $650,000,000 may be in bonds approved pursuant to section 411(a)(3) of that Act.

"(5) The Administration is authorized to make grants or enter cooperative agreements—

"(A) for the Service Corps of Retired Executives program authorized by section 8(b)(1), $4,500,000; and

"(B) for activities of small business development centers pursuant to section 21(c)(3)(G), not to exceed $15,000,000, to remain available until expended.

"(o)(1) There are authorized to be appropriated to the Administration for fiscal year 1999 such sums as may be necessary to carry out this Act, including administrative expenses and necessary loan capital for disaster loans pursuant to section 7(b), and to carry out the Small Business Investment Act of 1958, including salaries and expenses of the Administration.

"(2) Notwithstanding paragraph (1), for fiscal year 1999—

"(A) no funds are authorized to be provided to carry out the loan program authorized by section 7(a)(21) except by transfer from another Federal department or agency to the Administration, unless the program level authorized for general business loans under subsection (n)(2)(A) is fully funded; and

"(B) the Administration may not approve loans on behalf of the Administration or on behalf of any other department or agency, by contract or otherwise, under terms and conditions other than those specifically authorized under this Act or the Small Business Investment Act of 1958, except that it may approve loans under section 7(a)(21) of this Act in gross amounts of not more than $1,250,000.

"(p) The following program levels are authorized for fiscal year 2000:

"(1) For the programs authorized by this Act, the Administration is authorized to make—

"(A) $75,000,000 in technical assistance grants as provided in section 7(m); and

"(B) $60,000,000 in direct loans, as provided in section 7(m).

"(2) For the programs authorized by this Act, the Administration is authorized to make $19,040,000,000 in deferred participation loans and other financings. Of such sum, the Administration is authorized to make—

"(A) $13,500,000,000 in general business loans as provided in section 7(a);

"(B) $4,500,000,000 in financings as provided in section 7(a)(13) of this Act and section 504 of the Small Business Investment Act of 1958;

"(C) $1,000,000,000 in loans as provided in section 7(a)(21); and

"(D) $40,000,000 in loans as provided in section 7(m).

"(3) For the programs authorized by title III of the Small Business Investment Act of 1958, the Administration is authorized to make—

"(A) $850,000,000 in purchases of participating securities; and

"(B) $700,000,000 in guarantees of debentures.

"(4) For the programs authorized by part B of title IV of the Small Business Investment Act of 1958, the Administration is authorized to enter into guarantees not to exceed $2,000,000,000, of which not more than $650,000,000 may be in bonds approved pursuant to the provisions of section 411(a)(3) of that Act.

"(5) The Administration is authorized to make grants or enter cooperative agreements—

"(A) for the Service Corps of Retired Executives program authorized by section 8(b)(1), $5,000,000; and

"(B) for activities of small business development centers pursuant to section 21(c)(3)(G), not to exceed $15,000,000, to remain available until expended.

"(q)(1) There are authorized to be appropriated to the Administration for fiscal year 2000 such sums as may be necessary to carry out this Act, including administrative expenses and necessary loan capital for disaster loans pursuant to section 7(b), and to carry out the provisions of the Small Business Investment Act of 1958, including salaries and expenses of the Administration.

"(2) Notwithstanding paragraph (1), for fiscal year 2000—

"(A) no funds are authorized to be provided to carry out the loan program authorized by section 7(a)(21) except by transfer from another Federal department or agency to the Administration, unless the program level authorized for general business loans under subsection (p)(2)(A) is fully funded; and

"(B) the Administration may not approve loans on behalf of the Administration or on behalf of any other department or agency, by contract or otherwise, under terms and conditions other than those specifically authorized under this Act or the Small Business Investment Act of 1958, except that it may approve loans under section 7(a)(21) of this Act in gross amounts of not more than $1,250,000.".

## TITLE II—FINANCIAL PROGRAMS

### Subtitle A—General Business Loans

### SEC. 201. SECURITIZATION REGULATIONS.

The Administrator shall promulgate final regulations permitting bank and non-bank lenders to sell or securitize the non-guaranteed portion of loans made under section 7(a) of the Small Business Act (15 U.S.C. 636(a)). Such regulations shall be issued within 90 days of the date of enactment of this Act, and shall allow securitizations to proceed as regularly as is possible within the bounds of prudent and sound financial management practice.

### SEC. 202. BACKGROUND CHECK OF LOAN APPLICANTS.

Section 7(a)(1) of the Small Business Act (15 U.S.C. 636(a)(1)) is amended by striking "(1)" and inserting the following:

"(1)(A) CREDIT ELSEWHERE.—", and by adding the following new paragraph at the end:

"(B) BACKGROUND CHECKS.—Prior to the approval of any loan made pursuant to this subsection, or section 503 of the Small Business Investment Act, the Administrator shall verify the applicant's criminal background, or lack thereof, through the best available means, including, if possible, use of the National Crime Information Center computer system at the Federal Bureau of Investigation.".

### SEC. 203. REPORT ON INCREASED LENDER APPROVAL, SERVICING, FORECLOSURE, LIQUIDATION, AND LITIGATION OF 7(a) LOANS.

(a) Within six months of the date of enactment of this act the Administrator shall report on action taken and planned for future reliance on private sector lender resources to originate, approve, close, service, liquidate, foreclose, and litigate loans made under Section 7(a) of the Small Business Act. The report should address administrative and other steps necessary to achieve these results, including—

(1) streamlining the process for approving lenders and standardizing requirements;

(2) establishing uniform reporting requirements using on-line automated capabilities to the maximum extent feasible;

(3) reducing paperwork through automation, simplified forms or incorporation of lender's forms;

(4) providing uniform standards for approval, closing, servicing, foreclosure, and liquidation;

(5) promulgating new regulations or amending existing ones;

(6) establishing a timetable for implementing the plan for reliance on private sector lenders;

(7) implementing organizational changes at SBA; and

(8) estimating the annual savings that would occur as a result of implementation.

(b) In preparing the report the Administrator shall seek the views and consult with, among others, 7(a) borrowers and lenders, small businesses who are potential program participants, financial institutions who are potential program lenders, and representative industry associations, such as the U. S. Chamber of Commerce, the American Bankers Association, the National Association of Government Guaranteed Lenders and the Independent Bankers Association of America.

### SEC. 204. COMPLETION OF PLANNING FOR LOAN MONITORING SYSTEM.

(a) The Administrator shall perform and complete the planning needed to serve as the basis for funding the development and implementation of computerized loan monitoring system, including—

(1) fully defining the system requirement using on-line, automated capabilities to the extent feasible;

(2) identifying all data inputs and outputs necessary for timely report generation;

(3) benchmark loan monitoring business processes and systems against comparable industry processes and, if appropriate, simplify or redefine work processes based on these benchmarks;

(4) determine data quality standards and control systems for ensuring information accuracy;

(5) identify an acquisition strategy and work increments to completion;

(6) analyze the benefits and costs of alternatives and use to demonstrate the advantage of the final project;

(7) ensure that the proposed information system is consistent with the agency's information architecture; and

(8) estimate the cost to system completion, identifying the essential cost element.

(b) Six months from the date of enactment of this Act, the Administrator shall report to the House and Senate Committees on Small Business pursuant to the requirements of subsection (a), and shall also submit a copy of the report to the General Accounting Office, which shall evaluate the report for compliance with subsection (a) and shall submit such evaluation to both Committees no later than 28 days after receipt of the report from the Small Business Administration. None of the funds provided for the purchase of the loan monitoring system may be expended until the requirements of this section have been satisfied.

## Subtitle B—Certified Development Company Program

### SEC. 221. REAUTHORIZATION OF FEES.

Section 503 of the Small Business Investment Act of 1958 (15 U.S.C. 697) is amended—

(1) by striking subsection (b)(7)(A) and inserting the following:

"(A) assesses and collects a fee, which shall be payable by the borrower, in an amount equal to 0.9375 percent per year of the outstanding balance of the loan; and";

(2) by striking from subsection (d)(2) "equal to 50 basis points" and inserting "equal to not more than 50 basis points,";

(3) by adding the following at the end of subsection (d)(2): "The amount of the fee authorized herein shall be established annually by the Administration in the minimal amount necessary to reduce the cost (as that term is defined in section 502 of the Federal Credit Reform Act of 1990) to the Administration of purchasing and guaranteeing debentures under this Act to zero."; and

(4) by striking from subsection (f) "1997" and inserting "2000".

### SEC. 222. PCLP PARTICIPATION.

Section 508(a) of the Small Business Investment Act of 1958 (15 U.S.C. 697e(a)) is amended by striking "not more than 15".

### SEC. 223. PCLP ELIGIBILITY.

Section 508(b)(2) of the Small Business Investment Act of 1958 (15 U.S.C. 697e(b)(2)) is amended by striking paragraphs (A) and (B) and inserting:

"(A) is an active certified development company in good standing and has been an active participant in the accredited lenders program during the entire 12-month period preceding the date on which the company submits an application under paragraph (1), except that the Administration may waive this requirement if the company is qualified to participate in the accredited lenders program;

"(B) has a history (i) of submitting to the Administration adequately analyzed debenture guarantee application packages and (ii) of properly closing section 504 loans and servicing its loan portfolio; and".

### SEC. 224. LOSS RESERVES.

Section 508(c) of the Small Business Investment Act of 1958 (15 U.S.C. 697e(c)) is amended to read as follows:

"(c) Loss Reserve.—

"(1) Establishment.—A company designated as a premier certified lender shall establish a loss reserve for financing approved pursuant to this section.

"(2) Amount.—The amount of the loss reserve shall be equal to 10 percent of the amount of the company's exposure as determined under subsection (b)(2)(C).

"(3) Assets.—The loss reserve shall be comprised of any combination of the following types of assets:

"(A) segregated funds on deposit in an account or accounts with a federally insured depository institution or institutions selected by the company, subject to a collateral assignment in favor of, and in a format acceptable to, the Administration; or

"(B) irrevocable letter or letters of credit, with a collateral assignment in favor of, and a commercially reasonable format acceptable to, the Administration.

"(4) Contributions.—The company shall make contributions to the loss reserve, either cash or letters of credit as provided above, in the following amounts and at the following intervals:

"(A) 50 percent when a debenture is closed;

"(B) 25 percent additional not later than 1 year after a debenture is closed; and

"(C) 25 percent additional not later than 2 years after a debenture is closed.

"(5) Replenishment.—If a loss has been sustained by the Administration, any portion of the loss reserve, and other funds provided by the premier company as necessary, may be used to reimburse the Administration for the company's 10 percent share of the loss as provided in subsection (b)(2)(C). If the company utilizes the reserve, within 30 days it shall replace an equivalent amount of funds.

"(6) Disbursements.—The Administration shall allow the certified development company to withdraw from the loss reserve amounts attributable to any debenture which has been repaid.".

### SEC. 225. GOALS.

Section 508 of the Small Business Investment Act of 1958 (15 U.S.C. 697e) is amended by inserting the following after subsection (d) and by redesignating subsections (e) to (i) as (f) to (j):

"(e) Program Goals.—Certified development companies participating in this program shall establish a goal of processing 50 percent of their loan applications for section 504 assistance pursuant to the premier certified lender program authorized in this section.".

### SEC. 226. TECHNICAL AMENDMENTS.

Section 508(g) of the Small Business Investment Act of 1958 (15 U.S.C. 697(g)) is amended—

(1) in subsection (g), as redesignated herein, is amended by striking "State or local" and inserting "certified";

(2) in subsection (h), as redesignated herein—

(A) by striking "EFFECT OF SUSPENSION OR DESIGNATION" and inserting "EFFECT OF SUSPENSION OR REVOCATION"; and

(B) by striking "under subsection (f)" and inserting "under subsection (g)".

### SEC. 227. PROMULGATION OF REGULATIONS.

Section 508(i) of the Small Business Investment Act of 1958 (15 U.S.C. 697e(i)), as redesignated herein, is amended to read as follows:

"(i) Regulations.—Not later than 90 days after the date of enactment of this section, the Administration shall promulgate regulations to carry out this section. Not later than 120 days after the date of enactment, the Administration shall issue program guidelines and implement the changes made herein.".

### SEC. 228. TECHNICAL AMENDMENT.

Section 508(j) of the Small Business Investment Act of 1958 (15 U.S.C. 697e(j)), as redesignated herein, is amended by striking "other lenders" and inserting "other lenders, specifically comparing default rates and recovery rates on liquidations".

### SEC. 229. REPEAL.

Section 217(b) of Public Law 103–403 (108 Stat. 4185) is repealed.

### SEC. 230. LOAN SERVICING AND LIQUIDATION.

Section 508(d)(1) of the Small Business Investment Act of 1958 (15 U.S.C. 697e(d)) is amended by striking "to approve loans" and inserting "to approve, authorize, close, service, foreclose, litigate, and liquidate loans".

### SEC. 231. USE OF PROCEEDS.

Section 502(1) of the Small Business Investment Act of 1958 (15 U.S.C. 696(1)) is amended to read as follows:

"(1) The proceeds of any such loan shall be used solely by such borrower or borrowers to assist an identifiable small-business or businesses and for a sound business purpose approved by the Administration.".

### SEC. 232. LEASE OF PROPERTY.

Section 502 of the Small Business Investment Act of 1958 (15 U.S.C. 696) is amended by adding the following new subsection:

"(5) Not to exceed 25 percent of any project may be permanently leased by the assisted small business: *Provided*, That the assisted small business shall be required to occupy and use not less than 55 percent of the space in the project after the execution of any leases authorized in this section.".

### SEC. 233. SELLER FINANCING AND COLLATERALIZATION.

Section 502(3) of the Small Business Investment Act of 1958 (15 U.S.C. 696(3)) is amended by inserting the following new subparagraphs:

"(D) Seller financing.—Seller provided financing may be used to meet the requirements of—

"(i) paragraph (B), if the seller subordinates his interest in the property to the debenture guaranteed by the Administration; and

"(ii) not to exceed 50 percent of the amounts required by paragraph (C).

"(E) Collateralization.—The collateral provided by the small business concern generally shall include a subordinate lien position on the property being financed under this title, and is only one of the factors to be evaluated in the credit determination. Additional collateral shall be required only if the Administration determines, on a case by case basis, that additional security is necessary to protect the interest of the Government.".

### SEC. 234. PREEXISTING CONDITIONS.

Section 502 of the Small Business Investment Act of 1958 (15 U.S.C. 696) is amended by adding the following new paragraph:

"(6) Any loan authorized under this section shall not be denied or delayed for approval by the Administration due to concerns over preexisting environmental conditions: *Provided*, That the development company provides the Administration a letter issued by the appropriate State or Federal environmental protection agency specifically stating that the environmental agency will not institute any legal proceedings against the borrower or, in the event of a default, the development company or the Administration based on the preexisting environmental conditions: *Provided further*, That the borrower shall agree to provide environmental agencies access to the property for any reasonable and necessary remediation efforts or inspections.".

## Subtitle C—Small Business Investment Company Program

### SEC. 241. 5-YEAR COMMITMENTS.

Section 20(a)(2) of the Small Business Act (15 U.S.C. 631 note) is amended in the last sentence by striking "the following fiscal year" and inserting "any one or more of the 4 subsequent fiscal years".

### SEC. 242. PROGRAM REFORM.

(a) TAX DISTRIBUTIONS.—Section 303(g)(8) of the Small Business Investment Act of 1958 (15 U.S.C. 683(g)(8)) is amended in the first sentence—

(1) by inserting ", for each calendar quarter or once annually, as the company may elect," after "the company may"; and

(2) by inserting "for the preceding quarter or year" before the period.

(b) LEVERAGE FEE.—Section 303(i) of the Small Business Investment Act of 1958 (15 U.S.C. 683(i)) is amended by striking ", payable upon" and all that follows before the period and inserting the following: "in the following manner: 1 percent upon the date on which the Administration enters into any commitment for such leverage with the licensee, and the balance of 2 percent (or 3 percent in which case in which no commitment has been entered into by the Administration) on the date on which the leverage is drawn by the licensee".

(c) PERIODIC ISSUANCE OF GUARANTEES AND TRUST CERTIFICATES.—Section 320 of the Small Business Investment Act of 1958 (15 U.S.C. 687m) is amended by striking "three months" and inserting "6 months".

(d) INDEXING FOR LEVERAGE.—Section 303 of the Small Business Investment Act of 1958 (15 U.S.C. 683) is amended—

(1) in subsection (b)—

(A) in paragraph (2), by adding at the end the following:

"(D)(i) The dollar amounts in subparagraphs (A), (B), and (C) shall be adjusted annually to reflect increases in the Consumer Price Index established by the Bureau of Labor Statistics of the Department of Labor.

"(ii) The initial adjustments made under this subparagraph after the date of enactment of the Small Business Reauthorization Act of 1997 shall reflect only increases from March 31, 1993."; and

(B) by striking paragraph (4) and inserting the following:

"(4) MAXIMUM AGGREGATE AMOUNT OF LEVERAGE.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), the aggregate amount of outstanding leverage issued to any company or companies that are commonly controlled (as determined by the Administrator) may not exceed $90,000,000, as adjusted annually for increases in the Consumer Price Index.

"(B) EXCEPTIONS.—The Administrator may, on a case-by-case basis—

"(i) approve an amount of leverage that exceeds the amount described in subparagraph (A) for companies under common control; and

"(ii) impose such additional terms and conditions as the Administrator determines to be appropriate to minimize the risk of loss to the Administration in the event of default.

"(C) APPLICABILITY OF OTHER PROVISIONS.—Any leverage that is issued to a company or companies commonly controlled in an amount that exceeds $90,000,000, whether as a result of an increase in the Consumer Price Index or a decision of the Administrator, is subject to subsection (d)."; and

(2) by striking subsection (d) and inserting the following:

"(d) REQUIRED CERTIFICATIONS.—

"(1) IN GENERAL.—The Administrator shall require each licensee, as a condition of approval of an application for leverage, to certify in writing—

"(A) for licensees with leverage less than or equal to $90,000,000, that not less than 20 percent of the licensee's aggregate dollar amount of financings will be provided to smaller enterprises; and

"(B) for licensees with leverage in excess of $90,000,000, that, in addition to satisfying the requirements of subparagraph (A), 100 percent of the licensee's aggregate dollar amount of financings made in whole or in part with leverage in excess of $90,000,000 will be provided to smaller enterprises as defined in section 103(12).

"(2) MULTIPLE LICENSEES.—Multiple licensees under common control (as determined by the Administrator) shall be considered to be a single licensee for purposes of determining both the applicability of and compliance with the investment percentage requirements of this subsection.".

### SEC. 243. FEES.

Section 301 of the Small Business Investment Act of 1958 (15 U.S.C. 681) is amended by adding the following:

"(d) FEES.—

"(1) IN GENERAL.—The Administration may prescribe fees to be paid by each applicant for a license to operate as a small business investment company under this Act.

"(2) USE OF AMOUNTS.—Amounts collected pursuant to this subsection shall be—

"(A) deposited in the account for salaries and expenses of the Administration; and

"(B) available without further appropriation solely to cover contracting and other administrative costs related to licensing.".

### SEC. 244. EXAMINATION FEES.

Section 310(b) of the Small Business Investment Act of 1958 (15 U.S.C. 687b(b)) is amended by inserting after the first sentence the following: "Fees collected under this subsection shall be deposited in the account for salaries and expenses of the Administration, and are authorized to be appropriated solely to cover the costs of examinations and other program oversight activities.".

## Subtitle D—Microloan Program

### SEC. 251. MICROLOAN PROGRAM EXTENSION.

(a) LOAN LIMITS.—Section 7(m)(3)(C) of the Small Business Act (15 U.S.C. 636(m)(3)(C)) is amended by striking "$2,500,000" and inserting "$3,500,000".

(b) LOAN LOSS RESERVE FUND.—Section 7(m)(3)(D) of the Small Business Act (15 U.S.C. 636(m)(3)(D)) is amended by striking clauses (i) and (ii), and inserting the following:

"(i) during the initial 5 years of the intermediary's participation in the program under this subsection, at a level equal to not more than 15 percent of the outstanding balance of the notes receivable owed to the intermediary; and

"(ii) in each year of participation thereafter, at a level equal to not more than the greater of—

"(I) 2 times an amount reflecting the total losses of the intermediary as a result of participation in the program under this subsection, as determined by the Administrator on a case-by-case basis; or

"(II) 10 percent of the outstanding balance of the notes receivable owed to the intermediary.".

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 7(m) of the Small Business Act (15 U.S.C. 636(m)) is amended—

(1) in the subsection heading, by striking "DEMONSTRATION";

(2) by striking "Demonstration" each place that term appears;

(3) by striking "demonstration" each place that term appears; and

(4) in paragraph (12), by striking "during fiscal years 1995 through 1997" and inserting "during fiscal years 1998 through 2000".

### SEC. 252. SUPPLEMENTAL MICROLOAN GRANTS.

Section 7(m)(4) of the Small Business Act (15 USC 636 (m)(4)) is amended by adding the following:

"(F)(i) The Administration may accept and disburse funds received from another Federal department or agency to provide additional assistance to individuals who are receiving assistance under the State program funded under part A of title IV of the Social Security Act (42 USC 601 et seq.), or under any comparable State-funded means-tested program of assistance for low-income individuals.

"(ii) Grant proceeds are in addition to other grants provided by this subsection and shall not require the contribution of matching amounts to be eligible. The grants may be used to pay or reimburse a portion of child care and transportation costs of individuals described in clause (i) and for marketing, management and technical assistance.

"(iii) Prior to accepting and distributing any such grants, the Administration shall enter a Memorandum of Understanding with the department or agency specifying the terms and conditions of the grants and providing appropriate monitoring of expenditures by the intermediary and ultimate grant recipient to insure compliance with the purpose of the grant.

"(iv) On January 31, 1999, and annually thereafter, the Administration shall submit to the Committees on Small Business of the House of Representatives and the Senate a report on any monies distributed pursuant to the provisions of this paragraph.

"(v) No funds are authorized to be provided to carry out the grant program authorized by this paragraph (F) except by transfer from another Federal department or agency to the Administration.".

## TITLE III—WOMEN'S BUSINESS ENTERPRISES

### SEC. 301. REPORTS.

Section 404 of the Women's Business Ownership Act of 1988 (15 U.S.C. 631 note) is amended—

(1) by inserting ", through the Small Business Administration," after "transmit";

(2) by striking paragraph (1) and redesignating paragraphs (2) through (4) as paragraphs (1) through (3), respectively; and

(3) in paragraph (1), as redesignated, by inserting before the semicolon the following: ", including a status report on the progress of the Interagency Committee in meeting its responsibilities and duties under section 402(a)".

### SEC. 302. COUNCIL DUTIES.

Section 406 of the Women's Business Ownership Act of 1988 (15 U.S.C. 631 note) is amended—

(1) in subsection (c), by inserting after "Administrator" the following: "(through the Assistant Administrator for the Office of Women's Business Ownership)"; and

(2) in subsection (d)—

(A) in paragraph (4), by striking "and" at the end;

(B) in paragraph (5), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

"(6) submit to the President and to the Committee on Small Business of the Senate and the Committee on Small Business of the House of Representatives, an annual report containing—

"(A) a detailed description of the activities of the council, including a status report on the Council's progress toward meeting its duties outlined in subsections (a) and (d) of section 406;

"(B) the findings, conclusions, and recommendations of the Council; and

"(C) the Council's recommendations for such legislation and administrative actions as the Council considers appropriate to promote the development of small business concerns owned and controlled by women.

"(e) SUBMISSION OF REPORTS.—The annual report required by subsection (d) shall be submitted not later than 90 days after the end of each fiscal year.".

**SEC. 303. COUNCIL MEMBERSHIP.**

Section 407 of the Women's Business Ownership Act of 1988 (15 U.S.C. 631 note) is amended—

(1) in subsection (a), by striking "and Amendments Act of 1994" and inserting "Act of 1997";

(2) in subsection (b)—

(A) by striking "and Amendments Act of 1994" and inserting "Act of 1997";

(B) by inserting after "the Administrator shall" the following: ", after receiving the recommendations of the Chair and the Ranking Member of the Minority of the Committees on Small Business of the House of Representatives and the Senate,";

(C) by striking "9" and inserting "14";

(D) in paragraph (1), by striking "2" and inserting "4";

(E) in paragraph (2)—

(i) by striking "2" and inserting "4"; and

(ii) by striking "and" at the end;

(F) in paragraph (3)—

(i) by striking "5" and inserting "6"; and

(ii) by striking "national".

**SEC. 304. AUTHORIZATION OF APPROPRIATIONS.**

Section 409 of the Women's Business Ownership Act of 1988 (15 U.S.C. 631 note) is amended—

(1) by striking "1995 through 1997" and inserting "1998 through 2000"; and

(2) by striking "$350,000" and inserting "$600,000, of which $200,000 shall be for grants for research of women's procurement or finance issues.".

**SEC. 305. WOMEN'S BUSINESS CENTERS.**

(a) IN GENERAL.—Section 29 of the Small Business Act (15 U.S.C. 656) is amended to read as follows:

**"SEC. 29. WOMEN'S BUSINESS CENTERS.**

"(a) DEFINITION.—For the purposes of this section the term 'small business concern owned and controlled by women', either startup or existing, includes any small business concern—

"(1) that is not less than 51 percent owned by one or more women; and

"(2) the management and daily business operations of which are controlled by one or more women.

"(b) AUTHORITY.—The Administration may provide financial assistance to private organizations to conduct 5-year projects for the benefit of small business concerns owned and controlled by women. The projects shall provide—

"(1) financial assistance, including training and counseling in how to apply for and secure business credit and investment capital, preparing and presenting financial statements, and managing cash flow and other financial operations of a business concern;

"(2) management assistance, including training and counseling in how to plan, organize, staff, direct, and control each major activity and function of a small business concern; and

"(3) marketing assistance, including training and counseling in identifying and segmenting domestic and international market opportunities, preparing and executing marketing plans, developing pricing strategies, locating contract opportunities, negotiating contracts, and utilizing varying public relations and advertising techniques.

"(c) CONDITIONS OF PARTICIPATION.—

"(1) NON-FEDERAL CONTRIBUTIONS.—As a condition of receiving financial assistance authorized by this section, the recipient organization shall agree to obtain, after its application has been approved and notice of award has been issued, cash contributions from non-Federal sources as follows:

"(A) In the first and second years, 1 non-Federal dollar for each 2 Federal dollars.

"(B) In the third year, 1 non-Federal dollar for each Federal dollar.

"(C) In the fourth and fifth years, 2 non-Federal dollars for each Federal dollar.

"(2) FORM OF NON-FEDERAL CONTRIBUTIONS.—Not more than one-half of the non-Federal sector matching assistance may be in the form of in-kind contributions which are budget line items only, including but not limited to office equipment and office space.

"(3) FORM OF FEDERAL CONTRIBUTIONS.—The financial assistance authorized pursuant to this section may be made by grant, contract, or cooperative agreement and may contain such provision, as necessary, to provide for payments in lump sum or installments, and in advance or by way of reimbursement. The Administration may disburse up to 25 percent of each year's Federal share awarded to a recipient organization after notice of the award has been issued and before the non-Federal sector matching funds are obtained.

"(4) FAILURE TO OBTAIN PRIVATE FUNDING.—If any recipient of assistance fails to obtain the required non-Federal contribution during any project, it shall not be eligible thereafter for advance disbursements pursuant to paragraph (3) during the remainder of that project, or for any other project for which it is or may be funded by the Administration, and prior to approving assistance to such organization for any other projects, the Administration shall specifically determine whether the Administration believes that the recipient will be able to obtain the requisite non-Federal funding and enter a written finding setting forth the reasons for making such determination.

"(d) CONTRACT AUTHORITY.—A women's business center may enter into a contract with a Federal department or agency to provide specific assistance to women and other underserved small business concerns. Performance of such contract should not hinder the women's business centers in carrying out the terms of the grant received by the women's business centers from the Administration.

"(e) SUBMISSION OF 5-YEAR PLAN.—Each applicant organization initially shall submit a 5-year plan to the Administration on proposed fundraising and training activities, and a recipient organization may receive financial assistance under this program for a maximum of 5 years per women's business center.

"(f) CRITERIA.—The Administration shall evaluate and rank applicants in accordance with predetermined selection criteria that shall be stated in terms of relative importance. Such criteria and their relative importance shall be made publicly available and stated in each solicitation for applications made by the Administration. The criteria shall include—

"(1) the experience of the applicant in conducting programs or ongoing efforts designed to impart or upgrade the business skills of women business owners or potential owners;

"(2) the present ability of the applicant to commence a project within a minimum amount of time;

"(3) the ability of the applicant to provide training and services to a representative number of women who are both socially and economically disadvantaged; and

"(4) the location for the women's business center site proposed by the applicant.

"(g) OFFICE OF WOMEN'S BUSINESS OWNERSHIP.—There is established within the Administration an Office of Women's Business Ownership, which shall be responsible for the administration of the Administration's programs for the development of women's business enterprises (as that term is defined in section 408 of the Women's Business Ownership Act of 1988). The Office of Women's Business Ownership shall be administered by an Assistant Administrator, who shall be appointed by the Administrator.

"(h) REPORT.—The Administrator shall prepare and submit an annual report to the Committees on Small Business of the House of Representatives and the Senate on the effectiveness of all projects conducted under the authority of this section. Such report shall provide information concerning—

"(1) the number of individuals receiving assistance;

"(2) the number of startup business concerns formed;

"(3) the gross receipts of assisted concerns;

"(4) increases or decreases in profits of assisted concerns; and

"(5) the employment increases or decreases of assisted concerns.

"(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $8,000,000 per year to carry out the projects authorized by this section of which for fiscal year 1998 not more than 10 percent may be used for administrative expenses related to the program. Amounts appropriated pursuant to this subsection for fiscal year 1999 and later are to be used exclusively for grant awards and not for costs incurred by the Administration for the management and administration of the program. Notwithstanding any other provision of law, the Administration may use such expedited acquisition methods as it deems appropriate, through the Assistant Administrator of the Office of Women's Business Ownership, to achieve the purposes of this section, except that the Administration shall ensure that all small business sources are provided a reasonable opportunity to submit proposals.".

(b) APPLICABILITY.—Any organization conducting a 3-year project under section 29 of the Small Business Act (15 U.S.C. 656) on the day before the date of enactment of this Act, may extend the term of that project to a total term of 5 years and receive financial assistance in accordance with section 29(c) of the Small Business Act (as amended by this title) subject to procedures established by the Administrator in coordination with the Office of Women's Business Ownership established under section 29 of the Small Business Act (15 U.S.C. 656) (as amended by this title).

**SEC. 306. OFFICE OF WOMEN'S BUSINESS OWNERSHIP.**

Section 29 of the Small Business Act (15 U.S.C. 656) is amended by adding at the end the following:

"(j) ASSISTANT ADMINISTRATOR FOR THE OFFICE OF WOMEN'S BUSINESS OWNERSHIP.—

"(1) ESTABLISHMENT.—There is established the position of Assistant Administrator for the Office of Women's Business Ownership (hereafter in this section referred to as the

'Assistant Administrator') who shall serve without regard to the provisions of title 5, United States Code, governing appointments in the competitive service.

"(2) RESPONSIBILITIES AND DUTIES.—

"(A) RESPONSIBILITIES.—The responsibilities of the Assistant Administrator shall be to administer the programs and services of the Office of Women's Business Ownership established to assist women entrepreneurs in the areas of—

"(i) starting and operating a small business;

"(ii) development of management and technical skills;

"(iii) seeking Federal procurement opportunities; and

"(iv) increasing the opportunity for access to capital.

"(B) DUTIES.—Duties of the position of the Assistant Administrator shall include—

"(i) administering and managing the Women's Business Centers program;

"(ii) recommending the annual administrative and program budgets for the Office of Women's Business Ownership (including the budget for the Women's Business Centers);

"(iii) establishing appropriate funding levels therefore;

"(iv) reviewing the annual budgets submitted by each applicant for the Women's Business Center program;

"(v) selecting applicants to participate in this program;

"(vi) implementing this section;

"(vii) maintaining a clearinghouse to provide for the dissemination and exchange of information between Women's Business Centers;

"(viii) serving as the vice chairperson of the Interagency Committee on Women's Business Enterprise;

"(ix) serving as liaison for the National Women's Business Council; and

"(x) advising the Administrator on appointments to the Women's Business Council.

"(3) CONSULTATION REQUIREMENTS.—In carrying out the responsibilities and duties described in this subsection, the Assistant Administrator shall confer with and seek the advice of the Administration officials in areas served by the Women's Business Centers.

"(k) PROGRAM EXAMINATION.—

"(1) IN GENERAL.—Not later than 180 days after the date of enactment of this subsection, the Administration shall develop and implement an annual programmatic and financial examination of each Women's Business Center established pursuant to this section.

"(2) EXTENSION OF CONTRACTS.—In extending or renewing a contract with a Women's Business Center, the Administration shall consider the results of the examination conducted pursuant to paragraph (1).

"(l) CONTRACT AUTHORITY.—The authority of the Administration to enter into contracts shall be in effect for each fiscal year only to the extent and in the amounts as are provided in advance in appropriations Acts. After the Administration has entered a contract, either as a grant or a cooperative agreement, with any applicant under this section, it shall not suspend, terminate, or fail to renew or extend any such contract unless the Administration provides the applicant with written notification setting forth the reasons therefore and affording the applicant an opportunity for a hearing, appeal, or other administrative proceeding under chapter 5 of title 5, United States Code.".

## TITLE IV—COMPETITIVENESS PROGRAM

### SEC. 401. PROGRAM TERM.

Section 711(c) of the Small Business Competitiveness Demonstration Program Act of 1988 (15 U.S.C. 644 note) is amended by striking ", and terminate on September 30, 1997".

### SEC. 402. MONITORING AGENCY PERFORMANCE.

Section 712(d)(1) of the Small Business Competitiveness Demonstration Program Act of 1988 (15 U.S.C. 644 note) is amended to read as follows:

"(1) Participating agencies shall monitor the attainment of their small business participation goals on an annual basis. An annual review by each participating agency shall be completed not later than January 31 of each year, based on the data for the preceding fiscal year, from October 1 through September 30.".

### SEC. 403. SMALL BUSINESS PARTICIPATION IN DREDGING.

Section 722(a) of the Small Business Competitiveness Demonstration Program Act of 1988 (15 U.S.C. 644 note) is amended by striking "and terminating on September 30, 1997".

### SEC. 404. TECHNICAL AMENDMENT.

Section 717 of the Small Business Competitiveness Demonstration Program Act of 1988 (15 U.S.C. 644 note) is amended—

(1) by striking "standard industrial classification code" each time it appears and inserting in lieu thereof "North American Industrial Classification Code"; and

(2) by striking "standard industrial classification codes" each time it appears and inserting in lieu thereof "North American Industrial Classification Codes".

## TITLE V—MISCELLANEOUS PROVISIONS

### SEC. 501. SMALL BUSINESS DEVELOPMENT CENTERS.

(a) IN GENERAL.—Section 21(a) of the Small Business Act (15 U.S.C. 648(a)) is amended—

(1) in paragraph (1), by inserting "any women's business center operating pursuant to section 29," after "credit or finance corporation,";

(2) in paragraph (3)—

(A) by striking ", but with" and all that follows through "parties." and inserting the following: "for the delivery of programs and services to the Small Business community. Such programs and services shall be jointly developed, negotiated, and agreed upon, with full participation of both parties, pursuant to an executed cooperative agreement between the Small Business Development Center applicant and the Administration."; and

(B) by adding at the end the following:

"(C) On an annual basis, the Small Business Development Center shall review and coordinate public and private partnerships and cosponsorships with the Administration for the purpose of more efficiently leveraging available resources on a National and a State basis.";

(3) in paragraph (4)(C)—

(A) by striking clause (i) and inserting the following:

"(i) IN GENERAL.—

"(I) MAXIMUM AMOUNT.—Except as provided in clause (ii), and subject to subclause (II) of this clause, the amount of a grant received by a State under this section shall not exceed greater of—

"(aa) $500,000; and

"(bb) the State's pro rata share of a national program, based upon the population of the State as compared to the total population of the United States.

"(II) EXCEPTION.—Subject to the availability of amounts made available in advance in an appropriations Act to carry out this section for any fiscal year in excess of amounts so provided for fiscal year 1997, the amount of a grant received by a State under this section shall not exceed the greater of $500,000, and the sum of—

"(aa) the State's pro rata share of a national program, based upon the population of the State as compared to the total population of the United States; and

"(bb) and $300,000 in fiscal year 1998, $400,000 in fiscal year 1999, and $500,000 in each fiscal year thereafter."; and

(B) in clause (iii), by striking "(iii)" and all that follows through "1997." and inserting the following:

"(iii) NATIONAL PROGRAM.—The national program under this section shall be—

"(I) $85,000,000 for fiscal year 1998;

"(II) $90,000,000 for fiscal year 1999; and

"(III) $95,000,000 for fiscal year 2000 and each fiscal year thereafter."; and

(4) in paragraph (6)—

(A) in subparagraph (A), by striking "and" at the end;

(B) in subparagraph (B), by striking the comma at the end and inserting "; and"; and

(C) inserting after subparagraph (B) the following:

"(C) with outreach, development, and enhancement of minority-owned small business startups or expansions, veteran-owned small business startups or expansions, and women-owned small business startups or expansions, in communities impacted by base closings or military or corporate downsizing, or in rural or underserved communities;".

(b) SBDC SERVICES.—Section 21(c) of the Small Business Act (15 U.S.C. 648(c)) is amended—

(1) in paragraph (3)—

(A) in subparagraph (A), by striking "businesses;" and inserting "businesses, including—

"(i) working with individuals to increase awareness of basic credit practices and credit requirements;

"(ii) working with the Administration to develop and provide informational tools for use in working with individuals on pre-business startup planning, existing business expansion, business plans, financial packages, credit applications, contract proposals, and export planning; and

"(iii) working with individuals referred by the local offices of the Administration and Administration participating lenders;";

(B) in each of subparagraphs (B), (C), (D), (E), (F), (G), (M), (N), (O), (Q), and (R) by moving each margin two ems to the left;

(C) in subparagraph (C), by inserting "and the Administration" after "Center";

(D) in subparagraph (Q), by striking "and" at the end;

(E) in subparagraph (R), by striking the period at the end and inserting "; and"; and

(2) in paragraph (5)—

(A) by moving the margin 2 ems to the left;

(B) by striking "paragraph (a)(1)" and inserting "subsection (a)(1)";

(C) by striking "which ever" and inserting "whichever"; and

(D) by striking "last,," and inserting "last,";

(3) by redesignating paragraphs (4) through (7) as paragraphs (5) through (8), respectively; and

(4) in paragraph (3), in the undesignated material following subparagraph (S) (as added by this subsection), by striking "A small" and inserting the following:

"(4) A small".

(c) COMPETITIVE AWARDS.—Section 21(l) of the Small Business Act (15 U.S.C. 648(l)) is amended by adding at the end the following: "If any contract under this section is not renewed or extended, award of the succeeding contract shall be made on a competitive basis.''.

(d) Prohibition on Certain Fees.—Section 21 of the Small Business Act (15 U.S.C. 648) is amended by adding at the end the following:

''(m) Prohibition on Certain Fees.—A small business development center shall not impose or otherwise collect a fee or other compensation in connection with the provision of counseling services under this section.''.

### SEC. 502. SMALL BUSINESS EXPORT PROMOTION.

(a) In General.—Section 21(c)(3) of the Small Business Act (15 U.S.C. 648(c)(3)) is amended by inserting after subparagraph (R) the following:

''(S) providing small business owners with access to a wide variety of export-related information by establishing on-line computer linkages between small business development centers and an international trade data information network with ties to the Export Assistance Center program.''.

(b) Authorization of Appropriations.—There are authorized to be appropriated to carry out section 21(c)(3)(S) of the Small Business Act (15 U.S.C. 648(c)(3)(S)), as added by this section, $1,500,000 for each of fiscal years 1998 and 1999.

### SEC. 503. PILOT PREFERRED SURETY BOND GUARANTEE PROGRAM EXTENSION.

Section 207 of the Small Business Administration Reauthorization and Amendment Act of 1988 (15 U.S.C. 694b note) is amended by striking ''September 30, 1997'' and inserting ''September 30, 2000''.

### SEC. 504. VERY SMALL BUSINESS CONCERNS.

Section 304(i) of Public Law 103–403 (15 U.S.C. 644 note) is amended by striking ''1998'' and inserting ''2000''.

### SEC. 505. EXTENSION OF COSPONSORSHIP AUTHORITY.

Section 401(a)(2) of the Small Business Administration Reauthorization and Amendments Act of 1994 (15 U.S.C. 637 note) is amended by striking ''September 30, 1997'' and inserting ''September 30, 2000''.

### SEC. 506. TRADE ASSISTANCE PROGRAM FOR SMALL BUSINESS CONCERNS HARMED BY NAFTA.

The Small Business Administration shall coordinate assistance programs currently administered by the Administration to counsel small business concerns harmed by the North American Free Trade Agreement to aid such concerns in reorienting their business purpose.

## TITLE VI—SERVICE DISABLED VETERANS

### SEC. 601. PURPOSES.

The purposes of this title are—

(1) to foster enhanced entrepreneurship among eligible veterans by providing increased opportunities;

(2) to vigorously promote the legitimate interests of small business concerns owned and controlled by eligible veterans; and

(3) to ensure that those concerns receive fair consideration in purchases made by the Federal Government.

### SEC. 602. DEFINITIONS.

For purposes of this title, the following definitions apply:

(1) Administration.—The term ''Administration'' means the Small Business Administration.

(2) Administrator.—The term ''Administrator'' means the Administrator of the Small Business Administration.

(3) Eligible veteran.—The term ''eligible veteran'' means a disabled veteran, as defined in section 4211(3) of title 38, United States Code.

(4) Small business concern owned and controlled by eligible veterans.—The term ''small business concern owned and controlled by eligible veterans'' means a small business concern (as defined in section 3 of the Small Business Act)—

(A) which is at least 51 percent owned by 1 or more eligible veteran, or in the case of a publicly owned business, at least 51 percent of the stock of which is owned by 1 or more eligible veteran; and

(B) whose management and daily business operations are controlled by eligible veterans.

### SEC. 603. REPORT BY SMALL BUSINESS ADMINISTRATION.

(a) Study and Report.—Not later than 6 months after the date of the enactment of this Act, the Administrator shall conduct a comprehensive study and issue a final report to the Committees on Small Business of the House of Representatives and the Senate containing findings and recommendations of the Administrator on—

(1) the needs of small business concerns owned and controlled by eligible veterans;

(2) the availability and utilization of Administration programs by small business concerns owned and controlled by eligible veterans;

(3) the percentage, and dollar value, of Federal contracts awarded to small business concerns owned and controlled by eligible veterans in the preceding 5 fiscal years; and

(4) methods to improve Administration and other programs to serve the needs of small business concerns owned and controlled by eligible veterans.

The report also shall include recommendations to Congress concerning the need for legislation and recommendations to the Office of Management and Budget, relevant offices within the Administration, and the Department of Veterans Affairs.

(b) Conduct of Study.—In carrying out subsection (a), the Administrator—

(1) may conduct surveys of small business concerns owned and controlled by eligible veterans and service disabled veterans, including those who have sought financial assistance or other services from the Administration;

(2) shall consult with the appropriate committees of Congress, relevant groups and organizations in the non-profit sector, and Federal or State government agencies; and

(3) shall have access to any information within other Federal agencies which pertains to such veterans and their small businesses, unless such access is specifically prohibited by law.

### SEC. 604. INFORMATION COLLECTION.

After the date of issuance of the report required by section 603, the Secretary of Veterans Affairs shall, in consultation with the Assistant Secretary for Veterans' Employment and Training and the Administrator, engage in efforts each fiscal year to identify small business concerns owned and controlled by eligible veterans in the United States. The Secretary shall inform each small business concern identified under this section that information on Federal procurement is available from the Administrator.

### SEC. 605. STATE OF SMALL BUSINESS REPORT.

Section 303(b) of the Small Business Economic Policy Act of 1980 (15 U.S.C. 631b(b)) is amended by striking ''and female-owned businesses'' and inserting '', female-owned, and veteran-owned businesses''.

### SEC. 606. LOANS TO VETERANS.

Section 7(a) of the Small Business Act (15 U.S.C. 636(a)) is amended by inserting after paragraph (7) the following:

''(8) The Administration is empowered to make loans under this subsection to small business concerns owned and controlled by disabled veterans. For purposes of this paragraph, the term 'disabled veteran' shall have the meaning such term has in section 4211(3) of title 38, United States Code.''.

### SEC. 607. ENTREPRENEURIAL TRAINING, COUNSELING, AND MANAGEMENT ASSISTANCE.

The Administrator shall take such actions as may be necessary to ensure that small business concerns owned and controlled by eligible veterans have access to programs established under the Small Business Act which provide entrepreneurial training, business development assistance, counseling, and management assistance to small business concerns. Such programs include the Small Business Development Center, Small Business Institute, Service Corps of Retired Executives (SCORE), and Active Corps of Executives (ACE) programs.

### SEC. 608. GRANTS FOR ELIGIBLE VETERANS OUTREACH PROGRAMS.

Section 8(b) of the Small Business Act (15 U.S.C. 637(b)) is amended—

(1) by striking ''and'' at the end of paragraph (15);

(2) by striking the period at the end of the first paragraph (16) and inserting ''; and'';

(3) by striking the second paragraph (16); and

(4) by adding at the end the following new paragraph:

''(17) to make grants to, and enter into contracts and cooperative agreements with, educational institutions, private businesses, veterans' nonprofit community-based organizations, and Federal, State, and local departments and agencies for the establishment and implementation of outreach programs for disabled veterans, as defined in section 4211(3) of title 38, United States Code.''.

### SEC. 609. OUTREACH FOR ELIGIBLE VETERANS.

The Administrator, the Secretary of Veterans Affairs, and the Assistant Secretary of Labor for Veterans' Employment and Training shall develop and implement a program of comprehensive outreach to assist eligible veterans. Such outreach shall include business training and management assistance, employment and relocation counseling, and dissemination of information on veterans benefits and veterans entitlements.

## TITLE VII—SMALL BUSINESS TECHNOLOGY TRANSFER PROGRAM.

### SEC. 701. AMENDMENTS.

Section 9 of the Small Business Act (15 U.S.C. 638) is amended—

(1) in subsection (b)(7), by inserting '', and the Committee on Science'' after ''of the Senate'';

(2) in subsection (e)(4)(A) by striking ''(ii)'';

(3) in subsection (e)(6)(B), by inserting ''agency'' after ''to meet particular'';

(4) in subsection (n)(1)(C), by striking ''and 1997'' and inserting in lieu thereof ''through 2000'';

(5) in subsection (o)—

(A) by redesignating paragraphs (8) through (11) as paragraphs (10) through (13), respectively; and

(B) by inserting after paragraph (7) the following new paragraphs:

''(8) include, as part of its annual performance plan as required by section 1115(a) and (b) of title 31, United States Code, a section on its STTR program, and shall submit such section to the Committee on Small Business of the Senate, and the Committee on Science and the Committee on Small Business of the House of Representatives;

"(9) collect such data from awardees as is necessary to assess STTR program outputs and outcomes;"; and

(6) by adding at the end the following new subsections:

"(s) OUTREACH PROGRAM.—Within 90 days after the date of the enactment of this subsection, the Administrator shall develop and begin implementation of an outreach program to encourage increased participation in the STTR program of small business concerns, universities, and other research institutions located in States in which the total number of STTR awards for the previous 2 fiscal years is less than 20.

"(t) INCLUSION IN STRATEGIC PLANS.—Program information relating to the SBIR and STTR programs shall be included by Federal agencies in any updates and revisions required under section 306(b) of title 5, United States Code.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Missouri [Mr. TALENT] and the gentleman from New York [Mr. LAFALCE] each will control 20 minutes.

The Chair recognizes the gentleman from Missouri [Mr. TALENT].

Mr. TALENT. Mr. Speaker, I yield myself such time as I may consume.

The primary purpose of H.R. 2261 is to reauthorize the Small Business Administration and the programs which that agency manages by authority granted under the Small Business Act and the Small Business Investment Act through fiscal year 2000.

The committee regularly authorizes these programs for a 3-year period, with the last reauthorization occurring in 1994 during the 103d Congress. Programs include the financial programs of the SBA: the 7(a) general business loan guarantee, Section 504 Certified Development Company program, and other programs.

The programs of the SBA, Mr. Speaker, annually provide assistance to over 100,000 small businesses all across the United States. These financial programs remedy shortfalls in access to credit and capital for small businesses that are in need because of unfortunate imperfections in the national economy.

By assuring financial assistance for amounts as small as $500 to as much as $1,250,000, the SBA and its private sector partners, bank and non-bank lenders, surety bond insurers, et cetera, provide a vital impetus to the small business sector. The SBA also provides hundreds of millions of dollars in vital disaster assistance to small businesses and homeowners every year.

H.R. 2261 reflects the committee's dedication to and support for these programs and the belief that they are not only necessary but also constantly in need of refinement and improvement as the economy shifts and changes. The bill includes not only the basic reauthorization language necessary to continue regular operations but also changes to the underlying program structures.

The bill includes significant improvements in the Preferred Certified Lender Program of the Section 504 Certified Development Company Program. These changes serve to help implement the committee's goals of increased reliance on private sector lending partners. The committee seeks to both enable the CDC's to take additional responsibility for servicing, liquidation and litigation of defaulted loans, and to improve the recoveries for this program.

H.R. 2261 also continues the committee's work on improving the Small Business Investment Company Program. Last year this program underwent significant changes, and this year the committee seeks to build on those improvements by providing SBIC's with increased flexibility and some responsiveness in order to better allow the SBIC's to interact in the marketplace and thereby reduce risks of loss.

The measure before us has two additional components that were added to this legislation since our committee reported it. These additional elements have been added as a result of bipartisan efforts and, in fact, have involved the collective work of multiple committees. Title VI of H.R. 2261, as amended, contains a number of provisions which are designed to assist the Federal Government in better serving service disabled veterans and small businesses owned by service disabled veterans. These measures are the product of bipartisan efforts by myself and the gentleman from New York [Mr. LAFALCE], the committee's ranking member, working together with the chairman of the Committee on Rules and the chairman of the Committee on Veterans' Affairs.

Title VII of this legislation is also the product of a bipartisan and multicommittee effort between the Committee on Small Business and the Committee on Science. Title VII contains H.R. 2429, as reported by the Committee on Science, which is a 3-year reauthorization of the Pilot Small Business Technology Transfer Program. Building upon the established model of the Small Business Innovation Research Program, the STTR program provides the statutory basis for structured collaborations between small technology entrepreneurs and nonprofit research institutions, such as universities or federally funded Research and Development Centers, to foster commercialization of the results of federally sponsored research.

Mr. Speaker, I urge my colleagues to support small business, the engine of our economy, by voting for this needed legislation.

Mr. Speaker I reserve the balance of my time.

Mr. LAFALCE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H.R. 2261. I concur fully in the remarks of the gentleman from Missouri [Mr. TALENT], the distinguished chairman of the Committee on Small Business.

Mr. Speaker, I do not think it is necessary to reiterate the contents of this bill. Suffice it to say it is an important bill. The bill is a product of tremendous cooperation between the gentleman from Missouri [Mr. TALENT] and myself, between his staff and my staff, and amongst the various committees that were involved, too, the Committee on Rules, the Subcommittee on Technology, et cetera.

The gentleman from Missouri [Mr. TALENT] has shown excellence as chairman of the Committee on Small Business. He will do nothing but grow in that position and become even more excellent, but I hope he will yield that position unwillingly at the end of 1998.

Mr. Speaker, I rise in strong support of H.R. 2261. The bill, which was marked up by the Small Business Committee in late July, received broad bipartisan support and was unanimously adopted by the Small Business Committee. It reauthorizes and makes improvements to a number of excellent SBA programs that have always had, and today do have broad bipartisan support in this House.

The small business community has long been a key source of economic activity and a spur to job creation. But access to capital has been a recurrent problem. The programs of the SBA annually provide over $13 billion of financial assistance to over 100,000 small businesses, remedying shortfalls in access to credit and capital for small business.

By providing financial assistance for amounts as small as $500 to as much as $1,250,000, the SBA and its private sector partners—bank and non-bank lenders, surety bond insurers, certified development companies, microlenders, and small business investment companies—play a vital role for small businesses in this economy. The SBA is particularly successful because it relies mostly on private capital to provide financing to small businesses. In addition, the SBA has become more responsive to the needs of small businesses by creating loan programs geared to their special needs, including the LowDoc Program with reduced paperwork for smaller borrowers, the Export Working Capital Program for small business exporters, and the Microloan Program. Also, the SBA also provides millions of dollars in vital disaster assistance to small businesses and homeowners every year.

In addition, the SBA also provides counseling to small business owners. in fiscal year 1997, the agency has provided counseling and training to over 1 million of its small business clients through resource partners such as the Service Corps of Retired Executives [SCORE] and Small Business Development Centers [SBDC's].

These billions of dollars in assistance are provided at a total cost of $850 million for programs and salaries and expenses.

The bill reauthorizes the Small Business Administration's programs for 3 years, fiscal year 1998 through fiscal year 2000, and also makes significant improvements to them. The programs include the section 7(a) general business loan guarantee, the section 504 Certified Development Company [CDC], the Microloan, the Small Business Investment

Company [SBIC], SBDC, and SCORE Programs. I would like to describe some of the bill's more important provisions.

Title I of the bill sets forth the authorization levels for the various SBA programs. For example, in fiscal year 1998, funding is provided to allow for $10 billion in guaranteed loans, with an increase to $11 billion in fiscal year 1999, and $13 billion in fiscal year 2000. Likewise the section 504 [CDC] program is authorized at $3 billion in fiscal year 1998, an increase of 340 million over current year levels, $3.5 billion in fiscal year 1991, and $4.5 billion in the year 2000. The bill authorizes increases in the Micro-loan Program, from increased technical assistance to more funds for guaranteed and direct loans.

Title II improves various financial assistance programs to make them more sound, by increasing funding from the private sector and effectively liquidating those loans which do fail.

In particular, title II makes significant improvements in the section 504 [CDC] program. It expands the program to qualify more Certified Development Companies [CDC's]; establishes loan loss reserves to preferred lender participants; authorizes participating CDC's to foreclose on, liquidate, and litigate on defaulted loans, which should free up SBA resources and substantially improve recovery rates for those loans which do fail; allows sellers of property to provide financing of up to 50 percent, as long as the seller is subordinate to the SBA's interest in the property; and prevents SBA from delaying loan approval due to environmental concerns, if a prospective borrower obtains a letter of nonliability from the EPA or a State environmental agency concerning any hazardous conditions and otherwise cooperates in remediation efforts.

Title II also makes several minor changes and reforms to the SBIC program. The bill would provide SBICs with greater flexibility and better access to financial markets and would improve the operations of SBA's investment division.

Finally, title II permanently authorizes the Microloan Program, changing it from a demonstration program, and extends the guaranteed Microloan Program by 3 years. This program provides loans of amounts below $25,000 and is designed to provide technical assistance, business counseling grants, and financial assistance to very small businesses, in particular startups and home-based businesses. The Microloan Program has made over 5,000 loans totaling over $60 million to small businesses since 1991.

In addition, the bill authorizes the SBA and its microlending partners to provide supplemental technical assistance in the form of transportation and child care assistance, to be paid from funds made available by other agencies. The House report on this bill reflected a concern expressed by two Democratic members, Messrs. BALDACCI and FLAKE, regarding the availability of transportation in economically depressed areas and the obstacles it poses to people looking for work. The committee encourages funding of for-profit and cooperative transportation businesses to provide links between these communities and job opportunities.

Title III of the bill expands on SBA's programs for Women's Business Enterprises, including Women Business Centers, the SBA's Office of Women's Business Ownership, and the Women's Business Council, an effective advocacy organization. I am especially pleased that this bill continues strong support for women's business efforts, including expanding the women's business center program, which provides seed funding for business training centers across the country and is one of the most successful programs which SBA operates. The bill establishes a funding formula for grantees receiving funds under this program, increasing the time to 5 years, but requiring an increasing number of non-Federal dollars for each Federal dollar, 2 non-Federal dollars for each Federal dollar in funding during years four and five, for example.

Title V contains miscellaneous provisions. For example, section 502 encourages SBA to develop and expand an international trade data network. This title also extends the Preferred Surety Bond Program through fiscal year 2000. And, section 506 directs SBA to coordinate its programs and offer specific assistance to small businesses that may have been adversely affected by NAFTA.

Chairman TALENT has included in the bill a manager's amendment, which includes, first, a technical amendment; second, provisions to require SBA to conduct a study on the small business needs of disabled veterans and to expand SBA outreach to such veterans; and third, a reauthorization for the Small Business Technology Transfer [STTR] Program. After negotiations with the Science Committee, Chairman TALENT and I agreed to a simple bill which reauthorizes the STTR program for 3 years. The bill, reported out by the Science Committee, does not in any way change the STTR program.

In summary, the bill will allow continuation of these current SBA programs, some of the most effective business programs operated by the U.S. Government, and makes changes to improve their effectiveness for small businesses, while protecting the government's interest. I strongly urge an affirmative vote for H.R. 2261 today, so that we could go to conference before the financial assistance and other SBA programs expire on September 30. Finally, I want to thank Chairman TALENT and his staff for their cooperation in the process of coming up with this excellent bill.

Mr. Speaker, I reserve the balance of my time.

Mr. TALENT. Mr. Speaker, I thank the gentleman for his kind comments, and I yield 2 minutes to the gentleman from Florida [Mr. MILLER].

Mr. MILLER of Florida. Mr. Speaker, as a former small businessman before entering Congress, I certainly recognize the importance of small business. My community in Florida, in Sarasota, is totally dependent on small business. And certainly the Small Business Administration does a lot of very fine things and should continue.

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I have some concerns, this being brought up under suspension, for a rather significant increase in money, and maybe I need to have explained to me a little bit more, because the total amount of money authorized is a significant increase over what is currently being appropriated, and I recognize this still has to go through the appropriation process, and as a member of the Committee on Appropriations, though not the subcommittee for small business, I will be able to follow this.

But under the 1997 bill, appropriation bill, we have an authorization or outlays of $820 million, and it is going to increase next year to $1.3 billion. So it is a rather significant increase that concerns me, that we are doing this under suspension, where we have no opportunity to offer amendments and question it. While there are many good programs, there have been concerns about set-aside issues also under the Small Business Administration.

So, I, or I think the gentleman from California [Mr. CONDIT], may be asking for a recorded vote because of concerns of bringing this under this particular suspension.

Mr. TALENT. Mr. Speaker, I yield myself such time as I may consume, and I appreciate the gentleman's comments.

Let me just say that if we take the reauthorization levels over the next 3 years, the authorization is not going up, it is going down. The bill does not mention or refer to any of the set-aside programs in the Small Business Administration, and that was done deliberately as a result of agreement between the gentleman and myself. In fact, this is one of the few major bills dealing with any of the agencies which does not mention any of the set-aside programs.

For example, we have voted on appropriations bills that have come out of the Committee on Appropriations, in which the gentleman serves, most of which have some kind of set-aside programs. We are debating right now the Commerce, State, and Justice appropriations bill which funds the Small Business Administration, including the 8(a) program which is a set-aside program, and that might be a good opportunity, if the gentleman wants to raise the point, to raise that whole issue. We have not done it here.

This is a bill which reauthorizes a number of important programs, including the disaster relief program. Members need to understand that if we do not pass this bill, that program will run out at the end of the fiscal year unless it is extended by a CR.

We are moving toward privatization of a number of these lending programs and greater efficiency in these programs. The gentleman knows that the appropriations for the SBA is going down, and I would expect that it would continue to go down under this authorization, and that is certainly my intention.

As for bringing up on suspension, we are getting near the end of the year. The bill came out unanimously from committee. It does an awful lot of good things, and up until the last few days nobody had raised any issues. I would maintain that the issue regarding set-asides is extraneous to this bill, although, of course, Members are entitled to conclude what they want.

So I hope the Members will support this, and I understand the issue regarding set-asides is a very important one. I feel strongly about it myself, but it is truly extraneous to this bill, and I would suggest that Members look for other vehicles if they do want to raise the issue.

Mr. LAFALCE. Mr. Speaker, I yield 5 minutes to the gentleman from Texas [Mr. BENTSEN].

Mr. BENTSEN. Mr. Speaker, I thank the gentleman for yielding this time to me, and there is an issue within this bill that I wanted to discuss, if I could, with both the chairman and the ranking member as it relates to the unsecuritized portion of 7(a) loans.

I am a former, I served on this committee in the last Congress, I do not serve on the committee in this Congress, and in the last Congress when we were working on this bill, the issue of certain SBA rules as it related to the unsecuritized portion of 7(a) loans came up.

I have a great deal of concern with the SBA and the direction that they are headed on this. I appreciate the fact that the bill, as I understand it, either asked or requires the SBA to address this issue within 90 days of enactment, and, if I could, during my time I would like to discuss this with both the chairman and the ranking member.

Mr. TALENT. Mr. Speaker, will the gentleman yield?

Mr. BENTSEN. I yield to the gentleman from Missouri.

Mr. TALENT. I would be happy to discuss this with the gentleman. This is the securitization the gentleman has been talking about?

Mr. BENTSEN. The gentleman is correct.

Mr. TALENT. Mr. Speaker, I appreciate the gentleman's good work on this.

The agency has had this issue, as the gentleman knows, since the bill we passed last year. I am hopeful that the agency can come up with a set of regulations that do advance the ability of both bank and nonbank lenders to securitize these on the secondary market as much as is consistent, of course, with sound lending practices, and I recognize the gentleman's background on that, and I am very pleased that he is working to midwife some acceptable compromise in that area.

Mr. BENTSEN. Also, reclaiming my time, I have been in some meetings with the SBA about this. I agree that we need to ensure that there are prudent lending standards that ensure the safety and soundness as it relates to the tax back guarantee of the 7(a) loans and how that relates to the unsecuritized portion.

I do have some concerns with what SBA has been proposing that may, in fact, go overboard and, in fact, may have additional motives beyond safety and soundness, which is what I think primarily the concern of the committee and House ought to be.

Mr. LAFALCE. Mr. Speaker, will the gentleman yield?

Mr. BENTSEN. I yield to my colleague from New York, who is also aware of this.

Mr. LAFALCE. Mr. Speaker, this is an issue that both the chairman and I have discussed at considerable length, we have discussed with representatives from the Small Business Administration, and I am concerned that we do not have some more definitive position coming from the SBA.

We had hoped in the last Congress that they would have promulgated definitive regulations by this time. But in consultation with them, I became concerned that they might be confusing their purposes, that they instead of focusing exclusively on securitization issues, on creditworthy issues and safety and soundness issues, et cetera, they might be focusing additionally on the issue of concentration of lending. And I think it is appropriate for them to focus on concentration of lending and do something about it, if it is necessary, but not within the context of securitization rules. They are totally separate and distinct. They should deal with securitization issues and promulgating securitization rules. They should deal with concentration issues by promulgating concentration rules if need be.

Further, there is clearly a distinction between insured depository institutions and nonbank lenders, and while we want rough parity, that does not mean that we must have identity of treatment; at least that is my judgment, and of course it is up to the SBA to make their own independent judgment exclusively based upon their perception of the public interest.

Mr. BENTSEN. Mr. Speaker, I thank the gentleman for his comment, and, reclaiming my time, I will just close by saying that we need and the SBA needs to understand that we are dealing with sophisticated markets here which are fairly transparent and that I would hope that we would continue to have as much efficiency as the chairman spoke about while maintaining and preserving safety and soundness.

And I also would like to say for Members of the House that I congratulate the chairman on this bill, I think, being his first major bill, his first time as chairman, and of course the ranking member, and I am in strong support of the legislation, and I appreciate the fact that it does address this issue.

Mr. LAFALCE. Mr. Speaker, I have no further requests for time, and therefore I yield back the balance of my time.

Mr. TALENT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I just want to say because I want to make sure I did not misspeak before, when we authorize these lending programs in this committee, the authorization level goes to the total amount of loans that are authorized; in other words, the total loan volume.

We do expect that as a result of the kinds of changes that are being instituted in the last few years and over at the agency the amount of loan volume that we will be able to support with current or less appropriations levels is going to go up. In other words, I anticipate that we will continue to reduce appropriations for the lending programs for this agency.

At the same time, I do expect that the loan volume is going to go up, so I think we are going to see appropriations going down; it is going down this year. This agency is more than going to do its part in terms of meeting a balanced budget, but I would expect the overall loan volumes, I hope that we can support with those appropriations, to go up.

Mr. SENSENBRENNER. Mr. Speaker, last week in a bipartisan effort, the Committee on Science favorably reported H.R. 2429, as amended, a bill to reauthorize the Small Business Technology Transfer Program [STTR] through fiscal year 2000. This week, the Committee on Science and the Committee on Small Business, again working in a bipartisan fashion, have agreed to incorporate H.R. 2429 into H.R. 2261, the Small Business Programs Reauthorization and Amendments Acts of 1997.

I would like to thank the ranking member of the Science Committee, Mr. BROWN, the Subcommittee on Technology chairwoman, Mrs. MORELLA, and the ranking member of that subcommittee, Mr. GORDON, for their efforts to reauthorize STTR. I would also like to thank the chairman of the Committee on Small Business, Mr. TALENT, for the great cooperation he and all his staff have shown in working with the Science Committee to reauthorize STTR.

STTR was started as a pilot program in 1994. STTR was enacted to provide high technology, small businesses across the country an opportunity to receive Federal R&D funding for ideas that were originated in, and developed in cooperation with, nonprofit research institutions such as universities. It is financed by a 0.15 percent set-aside from the extramural R&D budgets of five agencies: the Department of Defense, the Department of Energy, the National Institutes of Health, the National Aeronautics and Space Administration, and the National Science Foundation.

These ideas are developed under STTR in three phases. Phase I is a 1-year grant of up to $100,000. It is primarily used to research the viability of a technology. After phase I, a company may apply for phase II funding. Phase II is a 2-year award, of up to $500,000. Phase II award winners will further develop the technology—with the goal of achieving phase III. Phase III is defined as commercialization of the technology, including use of the technology by the Government. STTR funds are not used for phase III.

H.R. 2429 will reauthorize STTR at its current set-aside of 0.15 percent through fiscal year 2000. The measure also makes some significant improvements to the program.

H.R. 2429 requires the STTR participating agencies to include STTR in their annual performance plans, as required by the Results Act. This plan will result in each agency defining program goals and setting out metrics to measure these goals. I believe that the plan will give Congress a clearer picture of the effectiveness of the STTR Program. In addition to the performance plan, H.R. 2429 requires each agency to include programs under 15 U.S.C. 638 in their strategic plan updates, again a requirement under the Results Act.

The STTR program has been criticized in some circles for the disparity of awards among States. To address this concern, H.R. 2429 mandates the Small Business Administration to develop an outreach program for small businesses and universities from States that have not received 20 or more STTR or Small Business Innovation Research [SBIR] awards in the previous 2 fiscal years. I do not favor mandating a set-aside for these States, but I do believe that through this program we will see an increase in the number of award applications, which should serve to strengthen STTR.

Finally, H.R. 2429 assures that the Committee on Science will be added to the list of committee's receiving the Small Business Administration's annual report on the STTR and SBIR Programs.

I am pleased that H.R. 2429 will be incorporated in its totality into H.R. 2261. It is also my understanding that the Committee on Science will have an equal number of conferees as the Small Business Committee on the STTR provision, when and if conference occurs with the Senate. I look forward to working with the Small Business Committee in representing the House position on the STTR Program.

Mr. WEYGAND. Mr. Speaker, I rise in support of H.R. 2261, the Small Business Programs Reauthorization and Amendments Act of 1997. First, I would like to thank Chairman TALENT and Mr. LAFALCE for their leadership and for producing a bill that will undoubtedly benefit all small businesses. This bill reauthorizes the Small Business Administration and its programs which provide access to capital and services that might not otherwise be available to small business owners.

To highlight the SBA's importance, I would like too showcase what the SBA is doing in my district, in Rhode Island. Over the past 4 years there have been significant increases in the number of Small Business Administration loans awarded. In fact the number of loans has more than doubled. In 1993, there were 115 approved loans totaling $32.6 million, in 1996, there were 292 loans totaling $53.3 million.

Importantly, in my district alone there have been dramatic improvements in access to capital for women, minorities, and veterans. In 1993, there were 8 loans to minorities, 17 to women, and 14 to veterans. In 1996, we had 16 loans to minorities, 40 to women, and 46 to veterans. That is, nearly 35 percent of all approved SBA loans are going to these three groups. By reauthorizing these programs we will continue to provide the access to capital that those groups need allowing us to expand opportunities to women, minorities, and veterans.

I cannot overstate the impact of small business on Rhode Island's economy. Approximately 97 percent of all businesses in Rhode Island are classified as small businesses. These companies employ thousands of Rhode Islanders and provide the economic foundation of my State and our country. Small businesses play a vital role in job creation and provide endless opportunities for our citizens.

Along with the financial programs, the SBA provides services to assist business owners in becoming or remaining successful. Once a business has a loan we must make sure that the business stays healthy and profitable enough to repay that loan. Services provided by programs such as Small Business Development Centers, Service Corps of Retired Entrepreneurs, Business Information Centers, Minority Enterprise Development program, and Women's Business Enterprise program supply information and counseling services to business owners. These services are invaluable to the smallest businesses who do not have the budgets to hire high-priced consultants.

Small businesses are the backbone of our economy. They account for 53 percent of the Nation's private workforce. Small businesses generate more than 50 percent of the gross domestic product and are the primary source growth across the country. We, as leaders, must do all we can to foster and encourage the development and growth of small businesses and this bill moves us in that direction. This bill will allow us to continue to support existing small businesses and encourage the development of new ones, both in Rhode Island and across the country. I urge my colleagues to support it.

Mr. TALENT. Mr. Speaker, the primary purpose of H.R. 2261 is to reauthorize the Small Business Administration [SBA] and the programs which that agency manages by authority granted under the Small Business Act and the Small Business Investment Act through fiscal year 2000. The committee regularly authorizes these programs for a 3-year period, with the last reauthorization occurring in 1994 during the 103d Congress. The programs include the financial programs of the SBA: the 7(a) general business loan guarantee program, the Section 504 Certified Development Company program, the Microloan program and the Small Business Investment Company [SBIC] program.

In addition, the bill will reauthorize the technical assistance and procurement programs of the SBA—the Service Core of Retired Executives [SCORES], the Women's Business Center program, the Small Business Development Center [SBDC] program, the Competitiveness Demonstration program, and other.

This legislation also changes and improves various programs, specifically modifying the Section 504 Preferred Certified Lender Program [PCLP], the SBIC program, the Women's Business Center program, and the SBDC program.

The programs of the Small Business Administration annually provide over $14 billion of financial assistance to over 100,000 small businesses all across the United States. These financial programs remedy shortfalls in access to credit and capital for small businesses that are in need because of unfortunate imperfections in our national economy. By assuring financial assistance for amounts as small as $500 to as much as $1,250,000, the SBA and its private sector partners—bank and nonbank lenders, surety bond insurers, certified development companies, microlenders, and small business investment companies—provide a vital impetus to the small business sector of the economy. The SBA also provides hundreds of millions of dollars in vital disaster assistance to small businesses and homeowners every year.

H.R. 2261 reflects the committee's dedication to and support for these programs and the belief that they are not only necessary but also constantly in need of refinement and improvement as the economy shifts and changes. The bill includes not only the basic reauthorization language necessary to continue regular operations but also changes to the underlying program structures.

The bill includes significant improvements in the Preferred Certified Lender Program of the Section 504 Certified Development Company Program. These changes serve to help implement the committee's goals of increased reliance on private sector lending partners. The committee seeks to both enable the certified development companies to take additional responsibility for servicing, liquidation, and litigation of defaulted loans, and to improve the recoveries for this program.

Committee hearings revealed that recoveries are, in fact, the largest single factor in the increased subsidy cost of the 504 program. The committee continues to be concerned over the subsidy estimates for the 7(a) and 504 programs and makes these changes in the 504 program in order to encourage private sector participation in the liquidation process.

H.R. 2261 also continues the committee's work on improving the Small Business Investment Company program. Last year this program underwent significant changes, and this year the committee seeks to build on those improvements by providing SBIC's with increased flexibility and some responsiveness in order to better allow the SBIC's to interact in the marketplace and thereby reduce risks of loss.

The bill also reauthorizes and improves the Microloan program. Begun in 1991, this program has served the smallest and often least noticed segment of the small business community. The committee has recognized the efficacy of this program and changed it from demonstration to permanent program status.

In addition to financial assistance, the SBA also provides technical and managerial advice and assistance to hundreds of thousands of small businesses every year through the small business development centers, the women's business centers, and the Service Corps of Retired Executives. The committee reauthorizes these programs in H.R. 2261 and makes some valuable improvements to both the Women's Business Center and Small Business Development Center programs.

The measure before us has two additional components that were added to this legislation since our committee reported it. These additional elements have been added as a result of bipartisan efforts; and, in fact, have involved the collective work of multiple committees. Title VI of H.R. 2261, as amended, contains a number of provisions which are designed to assist the Federal Government in better serving service disabled veterans and small businesses owned by service disabled veterans. These measures are the product of bipartisan efforts by myself and our committee's ranking member, working together with the chairman of the Rules Committee and the chairman of the Committee on Veterans' Affairs.

Title VII of this legislation is also the product of a bipartisan and multicommittee effort between the Small Business Committee and the Science Committee. Title VII contains H.R. 2429, as reported by the Committee on Science, which is a 3-year reauthorization of the Pilot Small Business Technology Transfer [STTR] program. Building upon the established model of the Small Business Innovation Research [SBIR] program, the STTR Program provides the statutory basis for structured collaborations between small technology entrepreneurs and nonprofit research institutions, such as universities or Federal-funded research and development centers [FFRDC's], to foster commercialization of the results of federally sponsored research.

Mr. Speaker, H.R. 2261 is the product of bipartisan efforts in our committee to reauthorize the Small Business Administration through fiscal year 2000. It also reflects the efforts of other individuals and committees and their staffs. I would like to thank Mr. SENSENBRENNER, the chairman of the Committee on Science, and Mr. BROWN, his ranking member, for their work on H.R. 2429, which has become title VII of this legislation. I would also like to express my appreciation to their staff who worked on this. I would also like to thank Mr. STUMP, the chairman of the Veterans' Affairs Committee, and Mr. SOLOMON, the chairman of the Rules Committee, along with their staffs, for their help in working on title VI of this legislation. I would also like to thank our committee's ranking member, Mr. LAFALCE, for all of his help in helping to craft this legislation and assisting in bringing it to this floor. Finally, I would like to acknowledge the Small Business Committee staff who worked on this legislation: Emily Murphy, Mary McKenzie, Charles "Tee" Rowe, and Harry Katrichis for the majority, and Jeanne Roslanowick, Steve McSpadden, and Tom Powers for the minority.

I urge my colleagues to vote for this important legislation.

Mrs. MORELLA. Mr. Speaker, I am delighted that the bipartisan bill H.R. 2429 will be included as an amendment to the small business reauthorization bill. I would like to thank Chairman SENSENBRENNER; ranking member, Mr. BROWN; the ranking member of the Subcommittee on Technology, Mr. GORDON; Mr. BARTLETT, as well as the other members from the Committee on Small Business who have cosponsored H.R. 2429.

The STTR program expires on September 30th of this year. H.R. 2429 will reauthorize STTR at its current set-aside level through fiscal year 2000. This will put STTR on the same timeline as its parent program, the Small Business Innovation Research Program.

STTR fosters collaboration between small businesses and research institutions to develop high-technology projects that can one day reach the marketplace or be used by the Federal Government. Since its inception, STTR has made nearly 800 awards totaling over $115 million. Of those totals, 42 awards for $4.8 million have gone to Maryland small businesses.

As Chairman SENSENBRENNER has stated, H.R. 2429 addresses some important concerns regarding the STTR Program, including establishing goals for the program, and establishing an outreach program to increase the participation of those states that have been under-represented in the STTR Program.

STTR began in 1994. Very few ideas have even reached the phase II level. Because of its infancy, it was difficult to determine whether STTR was a success or not. I hope that—with the changes made by H.R. 2429—along with 3 more years of data, Congress will have a better idea of the effectiveness and success of the program when its reauthorization expires in the year 2000.

Mr. TALENT. I have no further speakers on this side, Mr. Speaker, and so I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Missouri [Mr. TALENT] that the House suspend the rules and pass the bill, H.R. 2261, as amended.

The question was taken.

Mr. MILLER of Florida. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 5, rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

## GENERAL LEAVE

Mr. TALENT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 2261, the bill just considered

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

## CHILD SUPPORT INCENTIVE ACT OF 1997

Mr. SHAW. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2487) to improve the effectiveness and efficiency of the child support enforcement program and thereby increase the financial stability of single parent families, including those attempting to leave welfare, as amended.

The Clerk read as follows:

### H.R. 2487

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

***SECTION 1. SHORT TITLE.***

*This Act may be cited as the "Child Support Incentive Act of 1997".*

***SEC. 2. INCENTIVE PAYMENTS TO STATES.***

*(a) IN GENERAL.—Part D of title IV of the Social Security Act (42 U.S.C. 651–669) is amended by inserting after section 458 the following:*

***"SEC. 458A. INCENTIVE PAYMENTS TO STATES.***

*"(a) IN GENERAL.—In addition to any other payment under this part, the Secretary shall, subject to subsection (f), make an incentive payment to each State for each fiscal year in an amount determined under subsection (b).*

*"(b) AMOUNT OF INCENTIVE PAYMENT.—*

*"(1) IN GENERAL.—The incentive payment for a State for a fiscal year is equal to the sum of the applicable percentages (determined in accordance with paragraph (3)) of the maximum incentive amount for the State for the fiscal year, with respect to each of the following measures of State performance for the fiscal year:*

*"(A) The paternity establishment performance level.*

*"(B) The support order performance level.*

*"(C) The current payment performance level.*

*"(D) The arrearage payment performance level.*

*"(E) The cost-effectiveness performance level.*

*"(2) MAXIMUM INCENTIVE AMOUNT.—*

*"(A) IN GENERAL.—For purposes of paragraph (1), the maximum incentive amount for a State for a fiscal year is—*

*"(i) with respect to the performance measures described in subparagraphs (A), (B), and (C) of paragraph (1), 0.49 percent of the State collections base for the fiscal year; and*

*"(ii) with respect to the performance measures described in subparagraphs (D) and (E) of paragraph (1), 0.37 percent of the State collections base for the fiscal year.*

*"(B) DATA USED TO CALCULATE RATIOS REQUIRED TO BE COMPLETE AND RELIABLE.—Notwithstanding subparagraph (A), the maximum incentive amount for a State for a fiscal year with respect to a performance measure described in paragraph (1) is zero, unless the Secretary determines, on the basis of an audit performed under section 452(a)(4)(C)(i), that the data which the State submitted pursuant to section 454(15)(B) for the fiscal year and which is used to determine the performance level involved is complete and reliable.*

*"(C) STATE COLLECTIONS BASE.—For purposes of subparagraph (A), the State collections base for a fiscal year is equal to the sum of—*

*"(i) 2 times the sum of—*

*"(I) the total amount of support collected during the fiscal year under the State plan approved under this part in cases in which the support obligation involved is required to be assigned to the State pursuant to part A or E of this title or title XIX; and*

*"(II) the total amount of support collected during the fiscal year under the State plan approved under this part in cases in which the support obligation involved was so assigned but, at the time of collection, is not required to be so assigned; and*

*"(ii) the total amount of support collected during the fiscal year under the State plan approved under this part in all other cases.*

*"(3) DETERMINATION OF APPLICABLE PERCENTAGES BASED ON PERFORMANCE LEVELS.—*

*"(A) PATERNITY ESTABLISHMENT.—*

*"(i) DETERMINATION OF PATERNITY ESTABLISHMENT PERFORMANCE LEVEL.—The paternity establishment performance level for a State for a fiscal year is, at the option of the State, the IV-D paternity establishment percentage determined under section 452(g)(2)(A) or the statewide paternity establishment percentage determined under section 452(g)(2)(B).*

*“(ii) DETERMINATION OF APPLICABLE PERCENTAGE.—The applicable percentage with respect to a State's paternity establishment performance level is as follows:*

| “If the paternity establishment performance level is: | | The applicable percentage is: |
|---|---|---|
| At least: | But less than: | |
| 80% | | 100 |
| 79% | 80% | 98 |
| 78% | 79% | 96 |
| 77% | 78% | 94 |
| 76% | 77% | 92 |
| 75% | 76% | 90 |
| 74% | 75% | 88 |
| 73% | 74% | 86 |
| 72% | 73% | 84 |
| 71% | 72% | 82 |
| 70% | 71% | 80 |
| 69% | 70% | 79 |
| 68% | 69% | 78 |
| 67% | 68% | 77 |
| 66% | 67% | 76 |
| 65% | 66% | 75 |
| 64% | 65% | 74 |
| 63% | 64% | 73 |
| 62% | 63% | 72 |
| 61% | 62% | 71 |
| 60% | 61% | 70 |
| 59% | 60% | 69 |
| 58% | 59% | 68 |
| 57% | 58% | 67 |
| 56% | 57% | 66 |
| 55% | 56% | 65 |
| 54% | 55% | 64 |
| 53% | 54% | 63 |
| 52% | 53% | 62 |
| 51% | 52% | 61 |
| 50% | 51% | 60 |
| 0% | 50% | 0. |

*Notwithstanding the preceding sentence, if the paternity establishment performance level of a State for a fiscal year is less than 50 percent but exceeds by at least 10 percentage points the paternity establishment performance level of the State for the immediately preceding fiscal year, then the applicable percentage with respect to the State's paternity establishment performance level is 50 percent.*

*“(B) ESTABLISHMENT OF CHILD SUPPORT ORDERS.—*

*“(i) DETERMINATION OF SUPPORT ORDER PERFORMANCE LEVEL.—The support order performance level for a State for a fiscal year is the percentage of the total number of cases under the State plan approved under this part in which there is a support order during the fiscal year.*

*“(ii) DETERMINATION OF APPLICABLE PERCENTAGE.—The applicable percentage with respect to a State's support order performance level is as follows:*

| “If the support order performance level is: | | The applicable percentage is: |
|---|---|---|
| At least: | But less than: | |
| 80% | | 100 |
| 79% | 80% | 98 |
| 78% | 79% | 96 |
| 77% | 78% | 94 |
| 76% | 77% | 92 |
| 75% | 76% | 90 |
| 74% | 75% | 88 |
| 73% | 74% | 86 |
| 72% | 73% | 84 |
| 71% | 72% | 82 |
| 70% | 71% | 80 |
| 69% | 70% | 79 |
| 68% | 69% | 78 |
| 67% | 68% | 77 |
| 66% | 67% | 76 |
| 65% | 66% | 75 |
| 64% | 65% | 74 |
| 63% | 64% | 73 |
| 62% | 63% | 72 |
| 61% | 62% | 71 |
| 60% | 61% | 70 |
| 59% | 60% | 69 |
| 58% | 59% | 68 |
| 57% | 58% | 67 |
| 56% | 57% | 66 |
| 55% | 56% | 65 |
| 54% | 55% | 64 |
| 53% | 54% | 63 |
| 52% | 53% | 62 |
| 51% | 52% | 61 |
| 50% | 51% | 60 |
| 0% | 50% | 0. |

*Notwithstanding the preceding sentence, if the support order performance level of a State for a fiscal year is less than 50 percent but exceeds by at least 5 percentage points the support order performance level of the State for the immediately preceding fiscal year, then the applicable percentage with respect to the State's support order performance level is 50 percent.*

*“(C) COLLECTIONS ON CURRENT CHILD SUPPORT DUE.—*

*“(i) DETERMINATION OF CURRENT PAYMENT PERFORMANCE LEVEL.—The current payment performance level for a State for a fiscal year is equal to the total amount of current support collected during the fiscal year under the State plan approved under this part divided by the total amount of current support owed during the fiscal year in all cases under the State plan, expressed as a percentage.*

*“(ii) DETERMINATION OF APPLICABLE PERCENTAGE.—The applicable percentage with respect to a State's current payment performance level is as follows:*

| “If the current payment performance level is: | | The applicable percentage is: |
|---|---|---|
| At least: | But less than: | |
| 80% | | 100 |
| 79% | 80% | 98 |
| 78% | 79% | 96 |
| 77% | 78% | 94 |
| 76% | 77% | 92 |
| 75% | 76% | 90 |
| 74% | 75% | 88 |
| 73% | 74% | 86 |
| 72% | 73% | 84 |
| 71% | 72% | 82 |
| 70% | 71% | 80 |
| 69% | 70% | 79 |
| 68% | 69% | 78 |
| 67% | 68% | 77 |
| 66% | 67% | 76 |
| 65% | 66% | 75 |
| 64% | 65% | 74 |
| 63% | 64% | 73 |
| 62% | 63% | 72 |
| 61% | 62% | 71 |
| 60% | 61% | 70 |
| 59% | 60% | 69 |
| 58% | 59% | 68 |
| 57% | 58% | 67 |
| 56% | 57% | 66 |
| 55% | 56% | 65 |
| 54% | 55% | 64 |
| 53% | 54% | 63 |
| 52% | 53% | 62 |
| 51% | 52% | 61 |
| 50% | 51% | 60 |
| 49% | 50% | 59 |
| 48% | 49% | 58 |
| 47% | 48% | 57 |
| 46% | 47% | 56 |
| 45% | 46% | 55 |
| 44% | 45% | 54 |
| 43% | 44% | 53 |
| 42% | 43% | 52 |
| 41% | 42% | 51 |
| 40% | 41% | 50 |
| 0% | 40% | 0. |

*Notwithstanding the preceding sentence, if the current payment performance level of a State for a fiscal year is less than 40 percent but exceeds by at least 5 percentage points the current payment performance level of the State for the immediately preceding fiscal year, then the applicable percentage with respect to the State's current payment performance level is 50 percent.*

*“(D) COLLECTIONS ON CHILD SUPPORT ARREARAGES.—*

*“(i) DETERMINATION OF ARREARAGE PAYMENT PERFORMANCE LEVEL.—The arrearage payment performance level for a State for a fiscal year is equal to the total number of cases under the State plan approved under this part in which payments of past-due child support were received during the fiscal year and part or all of the payments were distributed to the family to whom the past-due child support was owed (or, if all past-due child support owed to the family was, at the time of receipt, subject to an assignment to the State, part or all of the payments were retained by the State) divided by the total number of cases under the State plan in which there is past-due child support, expressed as a percentage.*

*“(ii) DETERMINATION OF APPLICABLE PERCENTAGE.—-The applicable percentage with respect to a State's arrearage payment performance level is as follows:*

| “If the arrearage payment performance level is: | | The applicable percentage is: |
|---|---|---|
| At least: | But less than: | |
| 80% | | 100 |
| 79% | 80% | 98 |
| 78% | 79% | 96 |
| 77% | 78% | 94 |
| 76% | 77% | 92 |
| 75% | 76% | 90 |
| 74% | 75% | 88 |
| 73% | 74% | 86 |
| 72% | 73% | 84 |
| 71% | 72% | 82 |
| 70% | 71% | 80 |
| 69% | 70% | 79 |
| 68% | 69% | 78 |
| 67% | 68% | 77 |
| 66% | 67% | 76 |
| 65% | 66% | 75 |
| 64% | 65% | 74 |
| 63% | 64% | 73 |
| 62% | 63% | 72 |
| 61% | 62% | 71 |
| 60% | 61% | 70 |
| 59% | 60% | 69 |
| 58% | 59% | 68 |
| 57% | 58% | 67 |
| 56% | 57% | 66 |
| 55% | 56% | 65 |
| 54% | 55% | 64 |
| 53% | 54% | 63 |
| 52% | 53% | 62 |
| 51% | 52% | 61 |
| 50% | 51% | 60 |
| 49% | 50% | 59 |
| 48% | 49% | 58 |
| 47% | 48% | 57 |
| 46% | 47% | 56 |
| 45% | 46% | 55 |
| 44% | 45% | 54 |
| 43% | 44% | 53 |
| 42% | 43% | 52 |
| 41% | 42% | 51 |
| 40% | 41% | 50 |
| 0% | 40% | 0. |

*Notwithstanding the preceding sentence, if the arrearage payment performance level of a State for a fiscal year is less than 40 percent but exceeds by at least 5 percentage points the arrearage payment performance level of the State for the immediately preceding fiscal year, then the applicable percentage with respect to the State's arrearage payment performance level is 50 percent.*

*“(E) COST-EFFECTIVENESS.—*

*“(i) DETERMINATION OF COST-EFFECTIVENESS PERFORMANCE LEVEL.—The cost-effectiveness performance level for a State for a fiscal year is equal to the total amount collected during the fiscal year under the State plan approved under this part divided by the total amount expended*

*during the fiscal year under the State plan, expressed as a ratio.*

*“(ii) DETERMINATION OF APPLICABLE PERCENTAGE.—The applicable percentage with respect to a State's cost-effectiveness performance level is as follows:*

| ***“If the cost effectiveness performance level is:*** | | ***The applicable percentage is:*** |
|---|---|---|
| ***At least:*** | ***But less than:*** | |
| *5.00* | | *100* |
| *4.50* | *4.99* | *90* |
| *4.00* | *4.50* | *80* |
| *3.50* | *4.00* | *70* |
| *3.00* | *3.50* | *60* |
| *2.50* | *3.00* | *50* |
| *2.00* | *2.50* | *40* |
| *0.00* | *2.00* | *0.* |

*“(c) TREATMENT OF INTERSTATE COLLECTIONS.—In computing incentive payments under this section, support which is collected by a State at the request of another State shall be treated as having been collected in full by both States, and any amounts expended by a State in carrying out a special project assisted under section 455(e) shall be excluded.*

*“(d) ADMINISTRATIVE PROVISIONS.—The amounts of the incentive payments to be made to the States under this section for a fiscal year shall be estimated by the Secretary at or before the beginning of the fiscal year on the basis of the best information available. The Secretary shall make the payments for the fiscal year, on a quarterly basis (with each quarterly payment being made no later than the beginning of the quarter involved), in the amounts so estimated, reduced or increased to the extent of any overpayments or underpayments which the Secretary determines were made under this section to the States involved for prior periods and with respect to which adjustment has not already been made under this subsection. Upon the making of any estimate by the Secretary under the preceding sentence, any appropriations available for payments under this section are deemed obligated.*

*“(e) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary governing the calculation of incentive payments under this section, including directions for excluding from the calculations certain closed cases and cases over which the States do not have jurisdiction.*

*“(f) REINVESTMENT.—A State to which a payment is made under this section shall expend the full amount of the payment—*

*“(1) to carry out the State plan approved under this part; or*

*“(2) for any activity (including cost-effective contracts with local agencies) approved by the Secretary, whether or not the expenditures for which are eligible for reimbursement under this part, which may contribute to improving the effectiveness or efficiency of the State program operated under this part.”.*

*(b) TRANSITION RULE.—Notwithstanding any other provision of law—*

*(1) for fiscal year 2000, the Secretary shall reduce by ⅓ the amount otherwise payable to a State under section 458, and shall reduce by ⅔ the amount otherwise payable to a State under section 458A; and*

*(2) for fiscal year 2001, the Secretary shall reduce by ⅔ the amount otherwise payable to a State under section 458, and shall reduce by ⅓ the amount otherwise payable to a State under section 458A.*

*(c) REGULATIONS.—Within 9 months after the date of the enactment of this section, the Secretary of Health and Human Services shall prescribe regulations governing the implementation of section 458A of the Social Security Act when such section takes effect and the implementation of subsection (b) of this section.*

*(d) STUDIES.—*

*(1) GENERAL REVIEW OF NEW INCENTIVE PAYMENT SYSTEM.—*

*(A) IN GENERAL.—The Secretary of Health and Human Services shall conduct a study of the implementation of the incentive payment system established by section 458A of the Social Security Act, in order to identify the problems and successes of the system.*

*(B) REPORTS TO THE CONGRESS.—*

*(i) REPORT ON VARIATIONS IN STATE PERFORMANCE ATTRIBUTABLE TO DEMOGRAPHIC VARIABLES.—Not later than October 1, 2000, the Secretary shall submit to the Congress a report that identifies any demographic or economic variables that account for differences in the performance levels achieved by the States with respect to the performance measures used in the system, and contains the recommendations of the Secretary for such adjustments to the system as may be necessary to ensure that the relative performance of States is measured from a baseline that takes account of any such variables.*

*(ii) INTERIM REPORT.—Not later than March 1, 2001, the Secretary shall submit to the Congress an interim report that contains the findings of the study required by subparagraph (A).*

*(iii) FINAL REPORT.—Not later than October 1, 2003, the Secretary shall submit to the Congress a final report that contains the final findings of the study required by subparagraph (A). The report shall include any recommendations for changes in the system that the Secretary determines would improve the operation of the child support enforcement program.*

*(2) DEVELOPMENT OF MEDICAL SUPPORT INCENTIVE.—*

*(A) IN GENERAL.—The Secretary of Health and Human Services, in consultation with State directors of programs operated under part D of title IV of the Social Security Act and representatives of children potentially eligible for medical support, shall develop a performance measure based on the effectiveness of States in establishing and enforcing medical support obligations, and shall make recommendations for the incorporation of the measure, in a revenue neutral manner, into the incentive payment system established by section 458A of the Social Security Act.*

*(B) REPORT.—Not later than October 1, 1999, the Secretary shall submit to the Congress a report that describes the performance measure and contains the recommendations required by subparagraph (A).*

*(e) TECHNICAL AMENDMENTS.—*

*(1) IN GENERAL.—Section 341 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (42 U.S.C. 658 note) is amended—*

*(A) by striking subsection (a) and redesignating subsections (b), (c), and (d) as subsections (a), (b), and (c), respectively; and*

*(B) in subsection (c) (as so redesignated)—*

*(i) by striking paragraph (1) and inserting the following:*

*“(1) CONFORMING AMENDMENTS TO PRESENT SYSTEM.—The amendments made by subsection (a) of this section shall become effective with respect to a State as of the date the amendments made by section 103(a) (without regard to section 116(a)(2)) first apply to the State.”; and*

*(ii) in paragraph (2), by striking “(c)” and inserting “(b)”.*

*(2) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the enactment of section 341 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996.*

*(f) ELIMINATION OF PREDECESSOR INCENTIVE PAYMENT SYSTEM.—*

*(1) REPEAL.—Section 458 of the Social Security Act (42 U.S.C. 658) is repealed.*

*(2) CONFORMING AMENDMENTS.—*

*(A) Section 458A of the Social Security Act (42 U.S.C. 658a) is redesignated as section 458.*

*(B) Subsection (d)(1) of this section is amended by striking “458A” and inserting “458”.*

*(3) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on October 1, 2001.*

*(g) GENERAL EFFECTIVE DATE.—Except as otherwise provided in this section, the amendments made by this section shall take effect on October 1, 1999.*

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida [Mr. SHAW] and the gentleman from Michigan [Mr. LEVIN] each will control 20 minutes.

The Chair recognizes the gentleman from Florida [Mr. SHAW].

### GENERAL LEAVE

Mr. SHAW. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 2487.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. SHAW. Mr. Speaker, the Federal Government now spends nearly half a billion dollars per year providing the States with incentive payments for good performance in collecting child support, but the current system has serious deficiencies.

The Federal Government provides more than half the incentive money virtually without regard to performance. Even worse, although many States have poor child support programs, current laws allow States to use the incentive payment as a kind of kitty for the State treasury. Thus, money that should be used to improve child support programs is used by some States to build roads and bridges.

The new system we are considering today, based on work by the administration, directors of State and child support programs, and a bipartisan coalition headed by the gentleman from Michigan [Mr. LEVIN] and me, solves both of these problems and more. Under this bill, which was approved unanimously by the Committee on Ways and Means, every penny of the incentive money will be based on performance and States can use the money only on child support activities.

The new incentive system created by this legislation is simply one more tool that Congress has enacted to improve the performance of the Federal-State child support program. Many other tools are just now being put in place by State governments as required under last year's welfare reform law.

Once all of last year's reforms are in place and once the new incentive program begins to reward high-performance States, I believe we will see a steady improvement in the child support program as more and more single-parent families and children receive sorely needed cash and medical support. Perhaps of the greatest importance, many hundreds of thousands of those helped will be single parents struggling to leave welfare and to stay off of welfare.

This bill enjoys bipartisan support and was developed in close cooperation with the administration. The reforms made by this bill will greatly improve the child support program. Let us bring this bill out of the House with a resounding voice so that the Nation's children can start getting the financial support they need and deserve.

Mr. Speaker, I reserve the balance of my time.

□ 1330

Mr. LEVIN. Mr. Speaker, I yield myself such time as I may consume.

I want to thank the gentleman from Florida [Mr. SHAW], and I wish to express my appreciation for the bipartisan spirit with which this important piece of legislation has been developed. I would also like to congratulate the administration, HHS, Secretary Shalala and all of her staff, and I would like to congratulate the staffs of our committee, Dr. Haskins, who is here, Deborah Colton, who is on the floor with us, my own staff, as well as others, because today we are poised to take an important next step in our continuing efforts to assure that every kid in this country is supported by both parents. A job that pays a living wage is one component of self-sufficiency for families, and for single parents, a child support order and a noncustodial parent who supports the family every month can be equally important.

Last year we devoted considerable time and attention to one aspect of assuring the financial security of America's children: making work a central element of our Nation's welfare laws. After all, a job paying a living wage is probably the most important component of self-sufficiency for families on welfare.

Another essential part of welfare reform is child support. It sends a message of responsibility to both parents and it is a vital part of moving families toward work and self-sufficiency.

We have seen some progress since the 1970's when Congress began to insist that States give priority to child support enforcement. Collections have risen from $1 billion a year to more than $11 billion in 1995; and in that same year, more than 5 million parents were located and paternity was established for over 600,000 children.

But that is not good enough. Of the 9.9 million female-headed families in 1991 eligible for child support, only 56 percent had child support orders. That means that 4.5 million families did not even have an order to enforce. Those with child support orders were not always much better off. Only about half of those due money from a noncustodial parent actually received 100 percent of their court-ordered child support payments.

Well, in the mid-1980's when we designed the current incentive system, we did the best we could with limited information available to us. But now, after nearly a decade of experience, we are in a position to create a more sophisticated system that truly rewards performance.

The new system will reward States with incentive funds based on the State's performance in 5 essential areas: establishment of paternity; establishment of child support orders; collection on current child support owed; collection on previously or past due child support owed; and cost-effectiveness. These measures will more accurately reflect the true performance of the States and their success in helping families achieve self-sufficiency.

To be sure, a wholesale change of this magnitude may be a bit daunting to States because of the uncertainty of the size of incentive payments coupled with the dramatic changes our entire welfare system is undergoing. But before we conclude that some States may lose Federal funds under this new system, let us remember that it will be several years before the new incentives are fully implemented, and the goal is for all States to continue working and to qualify for the new incentives.

In the past decade, we have made progress, but as said, much more remains to be done, and as the gentleman from Florida [Mr. SHAW], has said so well throughout these proceedings, this bill can help.

Our legislation redesigns the financing of the child support program to reward those States that perform best. We fine-tune the incentive payments we make to the States so that those States that operate a balanced and efficient program are rewarded, and we phase in the new system, and that should be emphasized, to minimize any disruptions at the State level.

This bill is a bipartisan product. It is truly a consensus proposal, and I am sure that the gentleman from Florida [Mr. SHAW] and all of the Members of our committee, and I think the House today, will join in expressing this hope, that we will not only pass this bill in this House but the Senate will act on it before it adjourns for the year.

Mr. Speaker, I reserve the balance of my time.

Mr. SHAW. Mr. Speaker, I do not have any further requests for time, and I yield back the balance of my time.

Mr. LEVIN. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. SHAW] that the House suspend the rules and pass the bill, H.R. 2487, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

## SECURITIES AND EXCHANGE COMMISSION AUTHORIZATION, FISCAL YEARS 1998 AND 1999

Mr. OXLEY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1262) to authorize appropriations for the Securities and Exchange Commission for fiscal years 1998 and 1999, and for other purposes.

The Clerk read as follows:

H.R. 1262

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Securities and Exchange Commission Authorization Act of 1997".

**SEC. 2. AUTHORIZATION OF APPROPRIATIONS.**

Section 35 of the Securities Exchange Act of 1934 (15 U.S.C. 78kk) is amended to read as follows:

**"SEC. 35. AUTHORIZATION OF APPROPRIATIONS.**

"(a) IN GENERAL.—In addition to any other funds authorized to be appropriated to the Commission, there are authorized to be appropriated to carry out the functions, powers, and duties of the Commission—

"(1) $320,000,000 for fiscal year 1998; and

"(2) $342,700,000 for fiscal year 1999.

"(b) MISCELLANEOUS EXPENSES.—Funds appropriated pursuant to this section are authorized to be expended—

"(1) not to exceed $3,000 per fiscal year, for official reception and representation expenses;

"(2) not to exceed $10,000 per fiscal year, for funding a permanent secretariat for the International Organization of Securities Commissions; and

"(3) not to exceed $100,000 per fiscal year, for expenses for consultations and meetings hosted by the Commission with foreign governmental and other regulatory officials, members of their delegations, appropriate representatives, and staff to exchange views concerning developments relating to securities matters, for development and implementation of cooperation agreements concerning securities matters and provision of technical assistance for the development of foreign securities markets, such expenses to include necessary logistic and administrative expenses and the expenses of Commission staff and foreign invitees in attendance at such consultations and meetings, including—

"(A) such incidental expenses as meals taken in the course of such attendance;

"(B) any travel or transportation to or from such meetings; and

"(C) any other related lodging or subsistence.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio [Mr. OXLEY] and the gentleman from New York [Mr. MANTON] each will control 20 minutes.

The Chair recognizes the gentleman from Ohio [Mr. OXLEY].

Mr. OXLEY. Mr. Speaker I yield myself such time as I may consume.

Mr. Speaker, I am pleased to be a sponsor of the legislation before us today which will authorize the Securities and Exchange Commission for appropriations for fiscal years 1998 and 1999.

The capital markets of this Nation are expanding at an unprecedented rate. The broad spectrum of investors that these markets attract, individual Americans saving through mutual fund investments, institutional investors like pension funds, venture capitalists and more, are fueling the growth of our economy. Last year, $50 billion was raised for new businesses through our capital markets. Today, mutual fund assets, at a record $3.7 trillion, surpass bank deposits by more than $1 trillion.

As our markets are expanding, they are also developing. The astonishing advancements in technology in recent years are creating new mechanisms for investors to access our markets and to obtain better, faster information about market activity.

Against this backdrop, this legislation takes on increased significance. The Securities and Exchange Commission is, indeed, the investor's advocate. The growth and success of our great capital markets is dependent upon their fundamental fairness. The Securities and Exchange Commission has demonstrated its commitment to ensure that the fairness of our markets is not compromised. Investors around the world come to the U.S. markets in no small part because of the confidence they have in that basic fairness.

Our capital markets rely upon not only investor confidence, but also the extraordinary ingenuity that has spurred the markets' development. It is essential that in regulating these markets, we do not stifle them. Chairman Arthur Levitt and the Commission are to be commended for initiating regulatory changes to facilitate the ability of companies to raise capital. They have eliminated unnecessary regulations, liberalized exemptions for all business, streamlined filing requirements, and promoted the use of something we are often in dire need of here on Capitol Hill: good old plain English. Reduction of regulatory burdens has aided the tremendous growth of our markets, and I intend to ensure that regulation continues to become less intrusive, less expensive, more flexible and more sensible.

H.R. 1262, the Securities and Exchange Commission Authorization Act of 1997, authorizes $320 million for fiscal year 1998 and $342 million for fiscal year 1999. The authorization for fiscal year 1998 is essentially flat from the current year. The increase of approximately $22 million for the 1999 appropriation will provide the Commission with necessary resources to manage the growth and development of our capital markets.

Importantly, this legislation is consistent with the provisions of the fee reduction agreement among the gentleman from Virginia [Mr. BLILEY] of the Committee on Commerce, the gentleman from Texas [Mr. ARCHER] of the Committee on Ways and Means, and the gentleman from Kentucky [Mr. ROGERS] of the Committee on Appropriations, as enacted in the National Securities Markets Improvement Act of 1996. Through this agreement, the fees that the Commission receives will gradually be reduced, while the funding for the Commission will be increasingly provided through an appropriation.

I am pleased to have sponsored H.R. 1262 and to be joined by my friends, the gentleman from Virginia [Mr. BLILEY], the gentleman from Michigan [Mr. DINGELL], the gentleman from New York, [Mr. MANTON], and the gentleman from Massachusetts [Mr. MARKEY], as cosponsors. This legislation is as necessary for the economy as it is for investors, and I urge all of my colleagues to join us with their support.

Mr. Speaker, I reserve the balance of my time.

Mr. MANTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to join my colleague, the gentleman from Ohio [Mr. OXLEY], in support of this legislation. Over the years, the SEC has proven to be an efficient and effective regulator of our securities markets, despite having both limited resources and personnel. The funding authorized by this legislation will enable the SEC to continue to fulfill its dual objectives of both protecting investors and assuring fair and orderly markets.

As a representative from the great State of New York, home to the largest financial markets in the world, I am particularly appreciative of the indispensable role the Commission performs in maintaining the strength and integrity of our markets. The importance of this industry to the city and State cannot be overestimated. The exchanges and financial institutions provide enormous tax revenue and also jobs for thousands of New Yorkers. In fact, last year alone record profits on Wall Street resulted in more than $450 million in unanticipated tax revenue for the city.

Over the last several years, millions of Americans have flooded the securities market, resulting in record-breaking highs on major indices. The SEC serves as police and protector for average investors by guarding against fraud and manipulation. This is especially necessary at present when so many people rely on stability and fairness of our markets.

The SEC also faces new challenges due to technological developments that offer instant and inexpensive communication between markets and participants. While this new technology offers great opportunity for investors, it also potentially exposes them to significant risk.

I commend Chairman Levitt and the Commissioners for doing a wonderful job keeping pace in this rapidly-changing environment and for working to ensure that, above all, individual investors be protected and supplied with clear and trustworthy information.

Mr. Speaker, in keeping with tradition, the Committee on Commerce reported out a clean SEC reauthorization bill. I hope all of my colleagues will support this legislation.

Mr. BLILEY. Mr. Speaker, I am pleased to be a sponsor of the legislation before us today. H.R. 1262, the Securities and Exchange Commission Authorization Act of 1997, authorizes appropriations for the Securities and Exchange Commission for fiscal years 1998 and 1999. These appropriations are necessary to ensure that the Commission is provided with the resources it needs to continue its important work as regulator of our securities markets.

This legislation continues the process we put into place in the 104th Congress with the enactment of the National Securities Markets Improvement Act of 1996. That act established a mechanism to bring greater certainty to the Commission's funding and to reduce the fees that the participants in our capital markets pay the Commission.

That mechanism, reached through an agreement with my friends BILL ARCHER of the Ways and Means Committee and HAROLD ROGERS of the Appropriations Committee, implements a new funding structure that increasingly funds the Commission through an appropriation and reduces SEC fees. Those fees, which in recent years have amounted to more than double the Commission's budget, are a tax on capital. The legislation we enacted last year will eventually bring the fees down to a level that equals what it costs to run the agency.

I am pleased that the funding authorization in H.R. 1262 and the Commission's budget request for fiscal 1998 and 1999 are consistent with the agreement underlying the Commission's new funding structure.

This legislation is especially important in this era of unprecedented growth in our capital markets. Last October 14, the markets were abuzz with the remarkable news that the Dow had finally crossed the 6,000 mark. Incredibly, today, less than a year later, the Dow is hovering around 8,000. The record pace at which investors are pouring their money into our capital markets is a testament to the confidence those markets inspire. The Securities and Exchange Commission serves a vital role in preserving and promoting the fairness that is the backbone of our markets.

Equally important, the Commission is charged with the obligation to tailor its regulation of our markets to promote efficiency, competition, and the continued fostering of capital formation. Our markets may be the most successful in the world today, but that doesn't mean there is no competition out there. In order to remain ahead and provide our country's investors and businesses with the greatest opportunity we must ensure that the regulation of our markets does not trap us in obsolescence. It is essential that the Commission weigh the costs and benefits of regulations before their implementation to ensure that our markets are not weighed down by needless cost, or stifled by obstacles to growth and innovation. The Commission has worked to streamline regulation and reduce the burden on businesses seeking access to our capital markets. I commend the Commission for this work and look forward to continued progress.

The appropriation for fiscal year 1998 in H.R. 1262 is essentially flat from the current year. The increased funding authorization that the legislation would provide the Commission for fiscal year 1999 will permit the Commission to request additional funds from the appropriators to permit the Commission to meet the regulatory demands and obligations accompanying the remarkable growth in our markets.

I commend Subcommittee Chairman OXLEY for introducing this important legislation. I also commend my good friend and ranking member of the committee, JOHN DINGELL, ranking member of the Finance Subcommittee TOM MANTON, and ED MARKEY for their cosponsorship of this legislation. This legislation is important to every American investor, and every participant in the great capital markets of our nation. I urge all my colleagues to join me in supporting H.R. 1262.

Mr. OXLEY. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. MANTON. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio [Mr. OXLEY] that the House suspend the rules and pass the bill, H.R. 1262.

The question was taken.

Mr. DOGGETT. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

## GENERAL LEAVE

Mr. OXLEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material in the RECORD on the bill (H.R. 1262).

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

## EXTENDING CERTAIN PROGRAMS UNDER THE ENERGY POLICY AND CONSERVATION ACT

Mr. CRAPO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2472) to extend certain programs under the Energy Policy and Conservation Act.

The Clerk read as follows:

### H.R. 2472

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled.*

**SECTION 1. ENERGY POLICY AND CONSERVATION ACT AMENDMENTS.**

The Energy Policy and Conservation Act is amended—

(1) in section 166 (42 U.S.C. 6246) by striking "1997" and inserting in lieu thereof "1998";

(2) in section 181 (42 U.S.C. 6251) by striking "1997" both places it appears and inserting in lieu thereof "1998"; and

(3) in section 281 (42 U.S.C. 6285) by striking "1997" both places it appears and inserting in lieu thereof "1998".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Idaho [Mr. CRAPO] and the gentleman from Texas [Mr. HALL] each will control 20 minutes.

The Chair recognizes the gentleman from Idaho [Mr. CRAPO].

Mr. CRAPO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of this bill which reauthorizes certain provisions contained in the Energy Policy and Conservation Act for 1 fiscal year. This is an important bill because it assures the President's authority to draw dawn the Strategic Petroleum Reserve in an energy emergency and preserves the ability of the U.S. oil companies to participate in the International Energy Agreement without violating antitrust laws.

I believe that a 1-year-only reauthorization of these provisions remains the appropriate course of action as long as the Committee on Appropriations continues to look at these oil reserves as a source of revenue. For the past 3 years, the members of the Committee on Commerce have opposed the sale of oil from the reserves to meet budgetary goals. However, in less than 3 years three sales have been authorized, and the fourth sale is currently being considered.

The Strategic Petroleum Reserve and the International Energy Agreement are critical elements of America's energy security plan. Therefore, it is important that they be reauthorized. However, until we stop using the reserve in a manner for which it is not intended, I believe we should subject these programs to an annual reauthorization.

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Mr. Speaker, I urge my colleagues to support this bill, and I reserve the balance of my time.

Mr. HALL of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I of course am pleased to support H.R. 2472, which reauthorizes a key section of the Energy Policy and Conservation Act for 1 year.

This bill has been handled in a bipartisan manner and was reported from the Committee on Commerce on a voice vote. I know of no objection to it from this side of the aisle. I support the reauthorization of EPCA because it will ensure that the United States and industry are able to fulfill their respective duties in any or all oil-related emergencies. We are not unaware of those emergencies. Recent events in the Middle East have underscored once again how quickly circumstances can change, and the need for the United States to be self-sufficient during periods of instability.

I want to thank the gentleman from Virginia, Chairman BLILEY, and the gentleman from Colorado, Mr. DAN SCHAEFER, and the gentleman from Idaho, Mr. CRAPO, for bringing this very important bill to the House floor.

The Democrats on the Committee on Commerce strongly support the efforts to ensure that the Strategic Petroleum Reserve is used for the intended purposes, and not, as some have attempted, sold off for deficit reduction.

EPCA is very important to our country's economic and energy security, and I am pleased to support this legislation.

Mr. DAN SCHAEFER of Colorado. Mr. Speaker, the bill reauthorizes provisions of the Energy Policy and Conservation Act relating to the Strategic Petroleum Reserve and U.S. participation in the International Energy Agreement for one fiscal year. These provisions, which will expire September 30 absent this reauthorization, assure that, if there is an energy emergency, the President's authority to drawdown the Strategic Petroleum Reserve and the ability of U.S. oil companies to participate in the International Energy Agreement without violating antitrust laws is preserved for another year.

As I stated at the markup, because of their importance to U.S. national energy security I believe these programs should not go unauthorized. At the same time, I believe requiring them to be reauthorized annually is appropriate as long as oil from the Reserve continues to be sold for budgetary purposes. It is my hope that when D-O-E completes its review of S-P-R polices we can work with the administration and the appropriators to develop a coherent and consistent policy regarding the future of the Reserve.

Finally, there are several conservation related programs contained in EPCA and which were discussed at the subcommittee hearing that are not included in the bill we are considering today. I intend to work with interested parties to reauthorize these programs in the neat future.

Mr. HALL of Texas. Mr. Speaker, I yield back the balance of my time.

Mr. CRAPO. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. UPTON). The question is on the motion offered by the gentleman from Idaho [Mr. CRAPO] that the House suspend the rules and pass the bill, H.R. 2472.

The question was taken.

Mr. CRAPO. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore (Mr. UPTON). Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

## GENERAL LEAVE

Mr. CRAPO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 2472, the bill just considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Idaho?

There was no objection.

## EXTENSION OF DEADLINE FOR CONSTRUCTION OF FERC PROJECT IN THE STATE OF IOWA

Mr. CRAPO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2165) to extend the deadline under the Federal Power Act applicable to the construction of FERC Project No. 3862 in the State of Iowa, and for other purposes.

The Clerk read as follows:

H.R. 2165

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. EXTENSION OF DEADLINE.**

(a) PROJECT NUMBERED 3862.—Notwithstanding the time period specified in section 13 of the Federal Power Act (16 U.S.C. 806) that would otherwise apply to the Federal Energy Regulatory Commission project numbered 3862, the Commission is authorized, at the request of the licensee for the project, and after reasonable notice, in accordance with the good faith, due diligence, and public interest requirements of that section and the Commission's procedures under that section, to extend the time required for commencement of construction of the project for not more than 3 consecutive 2-year periods.

(b) EFFECTIVE DATE.—This section shall take effect on the date of the expiration of the extension of the period required for commencement of construction that the Commission issued, prior to the date of enactment of this Act, under section 13 of the Federal Power Act (16 U.S.C. 806) for the project described in subsection (a).

(c) REINSTATEMENT OF EXPIRED LICENSE.—If the license for the project referred to in subsection (a) has expired prior to the date of enactment of this Act, the Commission shall reinstate the license effective as of the date of its expiration and extend the time required for commencement of construction of the project as provided in subsection (a) for not more than 3 consecutive 2-year periods, the first of which shall commence on the date of such expiration.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Idaho [Mr. CRAPO] and the gentleman from Texas [Mr. HALL] each will control 20 minutes.

The Chair recognizes the gentleman from Idaho [Mr. CRAPO].

Mr. CRAPO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, under section 13 of the Federal Power Act, project construction must begin within 4 years of issuance of a license. If construction has not begun by that time, the Federal Energy Regulatory Commission cannot extend the deadline and must terminate the license. H.R. 2165 provides for extension of the construction deadline of the LeClaire project, a 27-megawatt hydroelectric project in Iowa, if the sponsor pursues the commencement of construction in good faith and with due diligence.

These types of bills have not been controversial in the past, and this bill does not change the license requirements in any way, and does not change environmental standards. It merely extends the construction deadline. There is a need to act, since the construction deadline for the project expires in February 1998. If Congress does not act, FERC will terminate the license, the project sponsors will lose their investment in the project, and the community will lose the prospect of significant job creation and added revenues.

H.R. 2165 would extend the deadline for up to 6 years and reinstate the license if it expires before the enactment of the bill. Lack of a power purchase agreement is the main reason construction of projects may not commence in a timely manner. It is very difficult for a hydroelectric project sponsor to secure financing until they have a license, and once they have been granted a license the construction deadline begins to run. However, the onset of intense competition in the electric industry is driving utilities to lower their costs and avoid making long-term commitments.

Without a power purchase agreement a project generally cannot be financed. According to sponsors of the LeClaire project, construction has not commenced because of the lack of a power purchase agreement needed to obtain the financing. I should also note that the bill incorporates the views of the Federal Energy Regulatory Commission. The Subcommittee on Energy and Power solicited the views of FERC, and the agency does not oppose H.R. 2165.

I urge my colleagues to support H.R. 2165, and I reserve the balance of my time, Mr. Speaker.

Mr. HALL of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to support H.R. 2165, which extends the license for a very important hydroelectric project. I commend the gentleman from Iowa [Mr. LEACH] for bringing the bill to the committee. This continues a bipartisan tradition of the Committee on Commerce under which noncontroversial pending hydro projects can receive an extension of time to permit their completion.

I think these projects are important to Members on both sides of the aisle, and I commend the gentleman from Virginia, Chairman BLILEY, and the gentleman from Colorado, Mr. DAN SCHAEFER, and the gentleman from Idaho, Mr. CRAPO, for their leadership in moving these bills forward in a prompt and fair manner.

Mr. Speaker, I reserve the balance of my time.

Mr. CRAPO. Mr. Speaker, I yield such time as he may consume to the gentleman from Iowa [Mr. LEACH].

Mr. LEACH. Mr. Speaker, I would like to thank Mr. CRAPO for managing the bill today and Chairman DAN SCHAEFER and Ranking Member RALPH HALL of the Subcommittee on Energy and Power, as well as Chairman TOM BLILEY and Ranking Member JOHN DINGELL of the Committee on Commerce for bringing this legislation to the floor so expeditiously. I would also like to express my appreciation to the staff of the Commerce Committee, and particularly Joe Kelliher, for their work on the bill.

H.R. 2165 authorizes the Federal Energy Regulatory Commission [FERC] to extend the time required for commencement of construction of a hydroelectric project in my district for a maximum of three consecutive 2-year periods.

The project this legislation affects, FERC Project No. 3862, calls for the construction of a 27-megawatt hydropower facility on lock and dam 19 located on the Mississippi River adjacent to LeClaire, IA. Plans for deregulation of the power industry have temporarily halted the willingness of utilities to enter into long-term power purchase agreements. As a result, project coordinators do not anticipate being able to finalize power sales negotiations in time to meet the present February 28, 1998, deadline for beginning construction on the project.

My understanding is that granting FERC the authority to extend the deadline for such projects has become a routine matter, and that FERC has indicated that it has no objection to the extension called for by H.R. 2165.

Granting the extension authorized by this legislation would help ensure a responsible review of the project's economic viability. It would also enable the environmental impact of the project to remain under review in order to help ensure that the project's impact on the ecology of the Mississippi River is benign.

Again, I would like to thank the members of the Commerce Committee and its staff for their support of H.R. 2165 and urge its support by my colleagues in the House.

Mr. HALL of Texas. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. CRAPO. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Idaho [Mr. CRAPO] that the House suspend the rules and pass the bill, H.R. 2165.

The question was taken.

Mr. CONDIT. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 5, rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

### GENERAL LEAVE

Mr. CRAPO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 2165, the bill just considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Idaho?

There was no objection.

## COASTAL POLLUTION REDUCTION ACT OF 1997

Mr. BOEHLERT. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2207) to amend the Federal Water Pollution Control Act concerning a proposal to construct a deep ocean outfall off the coast of Mayaguez, Puerto Rico, as amended.

The Clerk read as follows:

H.R. 2207

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Coastal Pollution Reduction Act of 1997".

**SEC. 2. MAYAGUEZ, PUERTO RICO.**

(a) FINDINGS.—Congress makes the following findings:

(1) The existing discharge from the Mayaguez publicly owned treatment works is to the stressed waters of Mayaguez Bay, an area containing severely degraded coral reefs, and relocation of that discharge to unstressed ocean waters could benefit the marine environment.

(2) The Federal Water Pollution Control Act should, consistent with the environmental goals of the Act, be administered with sufficient flexibility to take into consideration the unique characteristics of Mayaguez, Puerto Rico.

(3) Some deep ocean areas off the coastline of Mayaguez, Puerto Rico, might be able to receive a less-than-secondary sewage discharge while still maintaining healthy and diverse marine life.

(4) A properly designed and operated deep ocean outfall off the coast of Mayaguez, Puerto Rico, coupled with other pollution reduction activities in the Mayaguez Watershed could facilitate compliance with the requirements and purposes of the Federal Water Pollution Control Act without the need for more costly treatment.

(5) The owner or operator of the Mayaguez publicly owned treatment works should be afforded an opportunity to make the necessary scientific studies and submit an application proposing use of a deep ocean outfall for review by the Administrator of the Environmental Protection Agency under section 301(h) of the Federal Water Pollution Control Act.

(b) APPLICATION FOR SECONDARY TREATMENT WAIVER FOR MAYAGUEZ, PUERTO RICO, DEEP OCEAN OUTFALL.—Section 301 of the Federal Water Pollution Control Act (33 U.S.C. 1311) is amended by adding at the end the following:

"(q) APPLICATION FOR WAIVER.—

"(1) STUDY.—In order to be eligible to apply for a waiver under this section, the owner or operator of the Mayaguez, Puerto Rico, publicly owned treatment works shall transmit to the Administrator a report on the results of a study of the marine environment of coastal areas in the Mayaguez area to determine the feasibility of constructing a deep ocean outfall for the Mayaguez treatment works. In conducting the study, the owner or operator shall consider variations in the currents, tidal movement, and other hydrological and geological characteristics at any proposed outfall location. Such study may recommend one or more technically feasible and environmentally acceptable locations for a deep ocean outfall intended to meet the requirements of subsection (h). Such study may be initiated, expanded, or continued not later than 3 months after the date of the enactment of this subsection.

"(2) SECTION 301(h) APPLICATION FOR MAYAGUEZ, PUERTO RICO.—Notwithstanding subsection (j)(1)(A), not later than 18 months after the date of the enactment of this subsection, an application may be submitted for a modification pursuant to subsection (h) of the requirements of subsection (b)(1)(B) by the owner or operator of the Mayaguez, Puerto Rico, publicly owned treatment works at a location recommended in a study conducted pursuant to paragraph (1). Such application shall not be subject to the application revision procedures of section 125.59(d) of title 40, Code of Federal Regulations. No such application may be filed unless and until the applicant has entered into a binding consent decree with the United States that includes, at a minimum, the following:

"(A) A schedule and milestones to ensure expeditious compliance with the requirements of subsection (b)(1)(B) in the event the requested modification is denied, including interim effluent limits and design activities to be undertaken while the application is pending.

"(B) A schedule and interim milestones to ensure expeditious compliance with the requirements of any modification of subsection (b)(1)(B) in the event the requested modification is approved.

"(C) A commitment by the applicant to contribute not less than $400,000 to the Mayaguez Watershed Initiative in accordance with such schedules as may be specified in the consent decree.

"(3) INITIAL DETERMINATION.—On or before the 270th day after the date of submittal of an application under paragraph (2) that has been deemed complete by the Administrator, the Administrator shall issue to the applicant a tentative determination regarding the requested modification.

"(4) FINAL DETERMINATION.—On or before the 270th day after the date of issuance of the tentative determination under paragraph (3), the Administrator shall issue a final determination regarding the modification.

"(5) ADDITIONAL CONDITION.—The Administrator may not grant a modification pursuant to an application submitted under this subsection unless the Administrator determines that the new deep water ocean outfall will use a well-designed and operated diffuser that discharges into unstressed ocean waters and is situated so as to avoid discharge (or transport of discharged pollutants) to coral reefs, other sensitive marine resources or recreational areas, and shorelines.

"(6) EFFECTIVENESS.—If a modification is granted pursuant to an application submitted under this subsection, such modification shall be effective only if the new deepwater ocean outfall is operational on or before the date that is 4½ years after the date of the Administrator's initial tentative determination on the application.".

**SEC. 3. NATIONAL ESTUARY PROGRAM.**

(a) GRANTS FOR COMPREHENSIVE CONSERVATION AND MANAGEMENT PLANS.—Section 320(g)(2) of the Federal Water Pollution Control Act (33 U.S.C. 1330(g)(2)) is amended by inserting "and implementation" after "development".

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 320(i) of such Act (33 U.S.C. 1330(i)) is amended by striking "1987" and all that follows through "1991" and inserting the following: "1987 through 1991, such sums as may be necessary for fiscal years 1992 through 1997, and $20,000,000 for fiscal year 1998".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York [Mr. BOEHLERT] and the gentleman from Pennsylvania [Mr. BORSKI] each will control 20 minutes.

The Chair recognizes the gentleman from New York [Mr. BOEHLERT].

Mr. BOEHLERT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the bill would amend the Clean Water Act to allow a community in Puerto Rico to apply to EPA for an alternative to secondary treatment requirements. Any alternative approved by EPA would be, and this is important, would be subject to requirements and conditions necessary to assure the adequate protection of coastal resources. Mr. Speaker, this bill could help save the community up to $65 million by avoiding the construction of more costly facilities while including appropriate environmental safeguards.

Another provision in the bill, added in committee, modifies the Clean Water Act's national estuary program. The bill allows the use of Federal funds for implementation, as opposed to just development, of comprehensive conservation and management plans. This is a widely supported approach to protecting America's estuaries.

Allowing Federal funds to be used for implementing the national estuary program is an initiative strongly supported by State, local, and regional interests, including the environmental community. Many States have completed their comprehensive conservation and management plans required under the national estuary program, and it is time to help put their plans to work.

Committee on Transportation and Infrastructure members should be congratulated for their efforts in developing the Coastal Pollution Reduction Act. I would particularly like to recognize the efforts of the gentleman from Pennsylvania [Mr. SHUSTER], the chairman, the gentleman from Minnesota [Mr. OBERSTAR], the ranking Democrat of the committee, and my colleague and good friend, the gentleman from Pennsylvania [Mr. BORSKI], the ranking Democrat of the Subcommittee on Water Resources and Environment.

In addition, I would be remiss if I did not thank the gentleman from Puerto Rico [Mr. ROMERO-BARCELÓ] the primary sponsor of the bill. His efforts to address this matter and promote greater flexibility in the Clean Water Act have been thoughtful and persistent.

I would also like to thank the gentleman from Alaska, Mr. DON YOUNG, our colleague, the chairman of the Committee on Resources, for his role in supporting the bill and helping to clarify that the intent of the national estuaries program amendment is not to provide any new or expanded authority to regulate land use.

Finally, I want to thank representatives of the Environmental Protection Agency and the environmental community, particularly in Puerto Rico, for their input. The final text of the bill and the detailed committee report largely reflect their comments and concerns.

Throughout the development of this bill, our intent has been to fashion a responsible approach to meet a site-specific need for flexibility under the Clean Water Act and to strengthen the national estuaries program. I think we have succeeded.

I urge my colleagues to support H.R. 2207, and I reserve the balance of my time, Mr. Speaker.

Mr. BORSKI. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of H.R. 2207, the Coastal Pollution Reduction Act of 1997. This bill, which would amend the Clean Water Act, provides an opportunity for Mayàguez, Puerto Rico, to apply for a waiver of secondary treatment requirements in an effort to protect its coral reef. While I urge my colleagues to support this bill for the environmental protection it should provide, as the ranking Democrat of the Subcommittee on Water Resources and Environment, I feel compelled to raise some of my concerns about this type of legislation.

The protection of ocean water quality has long been a responsibility and priority of our subcommittee through its jurisdiction over the Clean Water Act, the Ocean Dumping Act, and the Oil Pollution Act. For far too long our oceans were viewed as a convenient dumping ground for the wastes associated with human development.

As we have learned, those earlier practices were a mistake which we find ourselves continuing to correct to this day. With the Ocean Dumping Ban Act, the dumping of sewage sludge came to an end. Yet, our inadequate control of pollution associated with point and nonpoint sources, now largely controlled through the Clean Water Act, left us a legacy of contaminated sediments in our harbors, estuaries, and lakes.

Whether it is nonpoint source pollution, uncollected runoff from urban and rural areas, or collected runoff through storm sewers, we continue to allow sediments to enter our waterways and carry their pollution with them.

Too often when we discuss coastal and ocean issues we talk about treating the symptoms, but not the cause of the problems. Unless and until there are aggressive steps taken to address the pollution sources in our coastal areas, urban runoff, storm sewers, municipal sewage treatment plants, and agriculture, our coastal areas will continue to be under great stress.

Mr. Speaker, I must say, I feel strongly that, despite the necessity of this legislation I rise in support of today, our subcommittee's efforts are better directed toward advancing the cleanup of our Nation's waters. I am confident that the distinguished gentleman from New York [Mr. BOEHLERT], the subcommittee chairman, shares my view, and that we will do so in this Congress by addressing the major sources of pollution in coastal areas.

However, while I sincerely hope the next time we are on the floor discussing the Clean Water Act it is with the intent of strengthening it, rather than to create waiver opportunities, I believe that the unique conditions at Mayàguez make H.R. 2207 an acceptable tradeoff. If the opportunity to apply for a permit under the deep ocean outfalls provision is needed to protect coral reef in Mayàguez, then that competing environmental concern is significant enough to warrant such action today.

Mr. Speaker, I reserve the balance of my time.

Mr. BOEHLERT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I wish to assure my colleague, the gentleman from Pennsylvania, that I share his enthusiasm for moving with dispatch on reauthorization of the Clean Water Act. It is very important not just to our committee or to this Congress but to the Nation, and that is something that will have my undivided attention at the appropriate time. It looks like the appropriate time will be early in the next session of the House.

Mr. BORSKI. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to compliment the hard work and dedication of our colleague, the gentleman from Puerto Rico [Mr. ROMERO-BARCELÓ]. He is working hard to improve the quality of the coastal environment and precious near shore reefs. This bill is the first step in protecting the coastal environment.

Mr. SHUSTER. Mr. Speaker, I rise in support of H.R. 2207, the Coastal Pollution Reduction Act of 1997.

This bipartisan legislation, introduced by Representative ROMERO-BARCELO, amends the Clean Water Act to allow a community in Puerto Rico to apply to EPA for an alternative to secondary treatment requirements, subject to other requirements and conditions.

This bill could help save Mayaguez, PR up to $65 million by avoiding the construction of more costly facilities while including appropriate environmental safeguards. The flexibility to pursue reasonable alternatives makes economic and environmental sense.

Another provision, added in committee, modifies the Clean Water Act's National Estuary Program. The amendment would allow the use of Federal funds for implementation, as opposed to just development of comprehensive conservation and management plans [CCMP's]. This is a widely supported approach to protecting America's estuaries.

I want to assure my colleagues that nothing in this amendment in any way provides new authority or expands existing authority for land use regulation. The existing NEP has been successful to date, in part, because it avoids a Federal regulatory approach. This amendment simply allows the use of Federal funds and technical assistance under section 320 of the Clean Water Act so that State, local and regional interests can take CCMP's to the next step: implementation. I appreciate the assistance and cooperation of my friend and colleague, Representative DON YOUNG, who is also chairman of the House Resources Committee, for bringing to my attention the need to clarify this point.

I also want to commend the gentleman from Minnesota [Mr. OBERSTAR], the ranking Democrat of the Transportation and Infrastructure Committee; the gentleman from New York [Mr. BOEHLERT], the chairman of the Water Resources and Environment Subcommittee; and the gentleman from Pennsylvania [Mr. BORSKI], the ranking Democrat of the Water Resources and Environment Subcommittee. They have been instrumental in moving this important legislation.

Finally, I would be remiss if I did not thank Representative ROMERO-BARCELO who is responsible for promoting this bill to address the needs of a particular community by increasing the flexibility of the Clean Water Act.

Mr. Speaker, I urge my colleagues to support H.R. 2207.

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Mr. BOEHLERT. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. BORSKI. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. UPTON). The question is on the motion offered by the gentleman from New York [Mr. BOEHLERT] that the House suspend the rules and pass the bill, H.R. 2207, as amended.

The question was taken.

Mr. CONDIT. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

## GENERAL LEAVE

Mr. BOEHLERT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 2207, the bill just considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

## MARTIN V. B. BOSTETTER, JR. UNITED STATES COURTHOUSE

Mr. KIM. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 819) to designate the United States courthouse at 200 South Washington Street in Alexandria, Virginia, as the "Martin V. B. Bostetter, Jr. United States Courthouse."

The Clerk read as follows:

S. 819

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. DESIGNATION OF MARTIN V. B. BOSTETTER, JR. UNITED STATES COURTHOUSE.**

The United States courthouse at 200 South Washington Street in Alexandria, Virginia, shall be known and designated as the "Martin V. B. Bostetter, Jr. United States Courthouse".

**SEC. 2. REFERENCES.**

Any reference in a law, map, regulation, document, paper, or other record of the United States to the United States courthouse referred to in section 1 shall be deemed to be a reference to the "Martin V. B. Bostetter, Jr. United States Courthouse".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California [Mr. KIM] and the gentleman from Ohio [Mr. TRAFICANT] each will control 20 minutes.

The Chair recognizes the gentleman from California [Mr. KIM].

Mr. KIM. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, S. 819 designates the U.S. courthouse in Alexandria, VA, as the "Martin V.B. Bostetter, Jr. United States Courthouse."

Chief Judge Bostetter has served and continues to serve his country in many ways. Since 1952, Judge Bostetter's entire career has taken place within a radius of eight blocks in Old Town, Alexandria, VA. He served as the special assistant to the city attorney and associate judge of the municipal court.

In 1960, Judge Bostetter was appointed to the U.S. Bankruptcy Court and continues to serve as a judge for the U.S. Bankruptcy Court for the Eastern District of Virginia. He was appointed chief judge in February 1, 1985, and ranks among the longest sitting full-time bankruptcy judges in the United States.

This is a fitting tribute to such a distinguished jurist. I support this act and urge my colleagues to join in this support.

Mr. Speaker, I reserve the balance of my time.

Mr. TRAFICANT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to join the gentleman from California [Mr. KIM] in supporting S. 819, a bill to designate the courthouse on South Washington Street in Alexandria, VA, in honor of Judge Martin Bostetter, Jr. He certainly deserves it.

I would also like to state that the gentleman from Virginia [Mr. MORAN], one of my Democratic colleagues, has also introduced companion legislation, H.R. 1851, also a bill naming this courthouse in honor of Judge Martin Bostetter, Jr. I will include his written statement immediately after my remarks.

Judge Bostetter served the people of Virginia for over 40 years. He ranks among the longest sitting full-time bankruptcy judges in these United States. He has long been associated with and active in many civic and community organizations, including the Chamber of Commerce in Alexandria, the Alexandria Hospital, and the Alexandria Boys Club, to show the diversity of his involvement and his caring of the people whom he has served for so many years.

I am proud to join the gentleman from Virginia, [Mr. MORAN], Senator WARNER, and the gentleman from California, [Mr. KIM] in this legislation. I want to commend the gentleman from California [Mr. KIM] for the fine, expeditious job to bring this and other legislation forward.

Mr. MORAN of Virginia. Mr. Speaker, it is with great pleasure that I rise today in support of S. 819. This legislation is identical to the bill I introduced June 10, 1997, naming the United States Court House on South Washington Street in Alexandria, Virginia the Chief Bankruptcy Judge Martin V. B. Bostetter, Jr. Court House. The Bostetter Court House will be a lasting reminder of the distinguished career of Judge Bostetter and commemorates his numerous contributions to bankruptcy law in Northern Virginia.

Judge Bostetter's distinguished legal career began in 1952 and took place entirely within an eight block radius of Old Town, Alexandria. He served as Special Assistant to the City Attorney of Alexandria in 1953 in the capacity of City Prosecutor. In 1957, he became an Associate Judge of Alexandria's Municipal court system. Judge Bostetter was then appointed to the United States Bankruptcy Court in 1959 and presently serves as a United States Bankruptcy Judge for the Eastern District of Virginia. In 1985, he was appointed Chief Judge and now ranks among the longest sitting full-time bankruptcy judges in the United States.

In 1959, Judge Bostetter established the First Bankruptcy Court in Alexandria, in the former Federal District Courthouse—38 years later he resides in the same building as the Chief Judge of the Bankruptcy Court for the Eastern District of Virginia. He has taken a special interest and great pride in the ongoing renovation of this historic building.

During his service on the bench, Chief Judge Bostetter has seen the Bankruptcy Court for the Eastern District of Virginia grow to three divisions with five full-time judges and staff, 90 employees in its Clerk's Office and an average of more than 2,600 bankruptcy filings per month. The Alexandria Division has two full-time judges, 22 employees and averages approximately 790 bankruptcy filings per month.

When Judge Bostetter began his career on the bench with approximately nine bankruptcy filings per month and one employee. He remained the only full time bankruptcy judge in Alexandria from July 1959 until December 1994. During the 1980's and early 1990's his case load swelled to about two times the volume expected for a single judge to preside over.

Chief Judge Bostetter has been a dedicated and loyal public servant, serving the people of Virginia faithfully with honor, integrity and distinction during his tenure as a bankruptcy judge. He has fulfilled his duties with a strong sense of fairness and pragmatism, while adhering to the constraints imposed by the Bankruptcy Code and related case law. Moreover, he has set very high standards for the lawyers who practice before him, thereby making those lawyers better prepared and more effective advocates for their respective client's interest.

Mr. Speaker, I want to take this opportunity to thank Transportation and Infrastructure Committee Chairman SHUSTER, Subcommittee Chairman JAY KIM and ranking members JIM OBERSTAR and JIM TRAFICANT, along with the committee and subcommittee staff for their efforts to bring this legislation to the floor. I truly appreciate their cooperation.

Mr. TRAFICANT. Mr. Speaker, I yield back the balance of my time.

Mr. KIM. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MILLER of Florida). The question is on the motion offered by the gentleman from California [Mr. KIM] that the House suspend the rules and pass the Senate bill, S. 819.

The question was taken.

Mr. KIM. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

## GENERAL LEAVE

Mr. KIM. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on S. 819, the Senate bill just considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

## HOWARD M. METZENBAUM UNITED STATES COURTHOUSE

Mr. KIM. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 833) to designate the Federal building courthouse at Public Square and Superior Avenue in Cleveland, Ohio, as the "Howard M. Metzenbaum United States Courthouse."

The Clerk read as follows:

S. 833

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. DESIGNATION OF HOWARD M. METZENBAUM UNITED STATES COURTHOUSE.**

The Federal building courthouse at Public Square and Superior Avenue in Cleveland, Ohio, shall be known and designated as the "Howard M. Metzenbaum United States Courthouse".

**SEC. 2. REFERENCES.**

Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building courthouse referred to in section 1 shall be deemed to be a reference to the "Howard M. Metzenbaum United States Courthouse".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California [Mr. KIM] and the gentleman from Ohio [Mr. TRAFICANT], each will control 20 minutes.

The Chair recognizes the gentleman from California [Mr. KIM].

Mr. KIM. Mr. Speaker, I yield myself such time as I may consume.

S. 833 designates the U.S. courthouse located at Public Square in Cleveland, OH, as the Howard Metzenbaum United States Courthouse.

Senator Metzenbaum was born in Cleveland, OH, in 1917. He began his political career in 1942 by his successful bid to the Ohio House of Representatives, becoming the youngest person elected to the State legislature at that time.

In 1950, Senator Metzenbaum retired from public office to return to his private practice and business interests, most notably his parking lot network. After several years pursuing his business interests, Senator Metzenbaum returned to political office in 1973 by an appointment to the U.S. Senate to fill the unexpired term of William Saxbe, who had been appointed Attorney General. After the general election in 1974, he was elected to a full term in 1976.

Senator Metzenbaum served on the Energy and Natural Resources, the Judiciary Committee, and the Select Committee on Indian Affairs, and later on the Labor and Human Resources Committee and the Committee on the Budget. He was a tireless advocate on causes for the American worker and was active in numerous judicial nominations. He retired at the end of the 103d Congress.

This is a fitting tribute to a dedicated public servant. I urge my colleagues to support this act.

Mr. Speaker, I reserve the balance of my time.

Mr. TRAFICANT. Mr. Speaker, I yield myself such time as I may consume.

I, too, want to join the two Senators from Ohio, Senators GLENN and DEWINE, as well as Senator LAUTENBERG, in supporting this bill to name the Federal courthouse in Cleveland in honor of former Senator Howard Metzenbaum.

My involvement is a little different. I worked many times to help elect Howard Metzenbaum to the U.S. Senate, and I am very proud to have announced that here and to have worked with him and to help him carry our State of Ohio.

His service to the U.S. Senate has now spanned 18 years. It was marked by devotion to diligence, dedication, fairness, and equality for all Americans. Senator Metzenbaum was an absolute zealot on behalf of the rights of the American people. Right now he is probably so upset over the revelation of the Internal Revenue Service, I know full well he is urging the Congress to pass my bill, H.R. 367, to change the burden of proof in a civil tax case and to stop these crazy seizures without judicial control. Senator Metzenbaum would be banging away, as I am, on that issue.

As Members know, he was very concerned about the flippant use of guns in our society, and he led the charge in trying to, in fact, place greater penalties on those who violate the law using a handgun. For that, he has brought to the consciousness of the American people that great issue and is largely responsible for a moderating approach to that whole phenomenon. He has championed this Nation's underprivileged, and he has championed the cause of so many poor and defenseless people in our society. It is absolutely fitting that we name this courthouse in his name and honor.

I am proud to join forces with the gentleman from California [Mr. KIM] and thank him once again for his fair effort in bringing forward some of these naming bills that reflect both sides of the aisle. Senator Metzenbaum has earned it. He deserves it. It will be a pleasure to walk into that courthouse bearing the name of Senator Howard Metzenbaum.

Mr. Speaker, I yield back the balance of my time.

Mr. KIM. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. KIM] that the House suspend the rules and pass the Senate bill, S. 833.

The question was taken.

Mr. CRAPO. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

## GENERAL LEAVE

Mr. KIM. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on S. 833, the Senate bill just considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

## TED WEISS UNITED STATES COURTHOUSE

Mr. KIM. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 548) to designate the United States courthouse located at 500 Pearl Street in New York City, New York, as the "Ted Weiss United States Courthouse."

The Clerk read as follows:

H.R. 548

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. DESIGNATION.**

The Federal building located at 500 Pearl Street in New York City, New York, shall be known and designated as the "Ted Weiss United States Courthouse".

**SEC. 2. REFERENCES.**

Any reference in a law, map, regulation, document, paper, or other record of the United States to the United States courthouse referred to in section 1 shall be deemed to be a reference to the "Ted Weiss United States Courthouse".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California [Mr. KIM] and the gentleman from Ohio [Mr. TRAFICANT], each will control 20 minutes.

The Chair recognizes the gentleman from California [Mr. KIM].

Mr. KIM. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 548 designates the new U.S. courthouse in New York City as the Ted Weiss U.S. Courthouse.

Ted Weiss was born in Gava, Hungary, in September 1927. He and his family fled eastern Europe to escape Nazi persecution on the last passenger ship to leave Hamburg, Germany, arriving in the United States in 1938. In 1961, he was elected to the New York City Council, where he was influential in writing the city's gun control laws and environmental measures. After 15 years of service as a councilman, he was elected to the U.S. House of Representatives in 1976, where he served until his untimely death in September 1992.

Congressman Weiss is remembered as a thoughtful advocate true to his causes. The naming of this courthouse is a fitting tribute to a respected colleague. I urge my colleagues to support this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. TRAFICANT. Mr. Speaker, I yield myself such time as I may consume.

I am honored to join with the gentleman from New York [Mr. NADLER], sponsor of this legislation, in supporting this bill to designate the new courthouse on Pearl Street in lower Manhattan as the Ted Weiss U.S. Courthouse.

Ted was a friend of mine, a colleague. He was fair. He is well known for his work in advocating for the funding of AIDS research, well known for his efforts in promoting the human rights movement, and well known for his efforts in establishing dignity and equality for Vietnam veterans who came back and were scorned after having put their lives on the line. These were just a few of the causes for which our good friend, Ted Weiss, was a tireless advocate and worker.

As a young refugee from the Holocaust, Ted Weiss became a staunch supporter of civil liberties in this country second to none. His legislative record was built around his service on the Government Operations Committee, where he chaired the Subcommittee on Human Resources and Intergovernmental Relations, and everyone knows of his fairness and his willingness to include all thoughts and ideas. It is absolutely fitting and proper that we honor Ted Weiss by this designation.

I want to commend my colleague, the gentleman from New York [Mr. NADLER], for his tireless efforts to ensure that the Congress of the United States will not overlook the great contribution of Ted Weiss.

Mr. NADLER. Mr. Speaker, as the sponsor of this bill, I would like to thank Chairman KIM and Ranking Member TRAFICANT as well as Chairman SHUSTER and Ranking Member OBERSTAR for their support of this legislation.

As one of Ted Weiss's friends, I knew the compassionate, dedicated, hard working and loving man that many people never get to see in their elected officials. The unique personality that made Ted Weiss was crafted by a life that began in eastern Hungary on September 17, 1927. He later would arrive in the United States on March 12, 1938, on the last passenger ship out of Hamburg, Germany, before the end of World War II.

Ted went on to earn his undergraduate and law degree in 4½ years from Syracuse University. He then worked as an assistant district attorney in Manhattan for 4 years. At that time, Ted was elected to the New York City Council and so began a lifetime of public service that was marked by compassion and principle.

As one of Ted Weiss's constituents for the 16 years he served in Congress, I knew first hand how tirelessly he worked to bring issues important to the people whom he served to the forefront. Ted Weiss was one of the first elected officials in the Nation to focus attention on the need to increase funding for AIDS research, before the epidemic dominated discussions worldwide. He was a strong supporter of human rights throughout the world and right here at home. He received the Vietnam Veterans of America's highest award 2 years in a row for his work on behalf of America's veterans. Ted was not afraid to stand up for his convictions and make sure we understood why he held them so dear to his heart.

We will be honoring Ted by naming this court house after him. I believe this suits the man who fought so hard to create a more just world. Being the sponsor of this legislation I hope to, in some small way, say thank you to my friend and colleague for bringing prestige and honor to the congressional seat that was known as the 17th District, now the Eighth District, in New York City.

Mr. TRAFICANT. Mr. Speaker, I yield back the balance of my time.

Mr. KIM. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by gentleman from California [Mr. KIM] that the House suspend the rules and pass the bill, H.R. 548.

The question was taken.

Mr. CRAPO. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

## GENERAL LEAVE

Mr. KIM. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 548, the bill just considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

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## AVIATION INSURANCE REAUTHORIZATION ACT OF 1997

Mr. KIM. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2036) to amend chapter 443 of title 49, United States Code, to extend the authorization of the aviation insurance program, and for other purposes, as amended.

The Clerk read as follows:

H.R. 2036

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Aviation Insurance Reauthorization Act of 1997".

**SEC. 2. VALUATION OF AIRCRAFT.**

Sections 44302(a)(2) and 44306(c) of title 49, United States Code, are each amended by striking "as determined by the Secretary" and inserting "as determined by the Secretary in accordance with reasonable business practices in the commercial aviation insurance industry".

**SEC. 3. EFFECT OF INDEMNITY AGREEMENTS.**

Section 44305(b) of title 49, United States Code, is amended by adding at the end of the following: "If such an agreement is countersigned by the President, the agreement shall constitute, for purposes of section 44302(b), a determination that continuation of the aircraft operations to which the agreement applies is necessary to carry out the foreign policy of the United States.".

**SEC. 4. ARBITRATION AUTHORITY.**

(a) AUTHORIZATION OF BINDING ARBITRATION.—Section 44308(b)(1) of title 49, United States Code, is amended by inserting after the second sentence the following: "Any such policy may authorize the binding arbitration of claims made thereunder in such manner as may be agreed to by the Secretary and any commercial insurer that may be responsible for any part of a loss to which such policy relates.".

(b) AUTHORITY TO PAY ARBITRATION AWARD.—Section 44308(b)(2) of such title is amended—

(1) by striking "and" at the end of subparagraph (A);

(2) by redesignating subparagraph (B) as subparagraph (C); and

(3) by inserting after subparagraph (A) the following:

"(B) pay the amount of a binding arbitration award made under paragraph (1); and".

**SEC. 5. EXTENSION OF PROGRAM.**

Section 44310 of title 49, United States Code, is amended by striking "September 30, 1997" and inserting "December 31, 1998".

**SEC. 6. PUBLIC AIRCRAFT DEFINED.**

Section 40102(a)(37)(A) of title 49, United States Code, is amended—

(1) by striking "or" at the end of clause (i);

(2) by redesignating clause (ii) as clause (iii); and

(3) by inserting after clause (i) the following:

"(ii) owned by the Armed Forces of the United States and operated by any person for purposes related to crew training, equipment development, or demonstration; or".

The SPEAKER pro tempore (Mr. UPTON). Pursuant to the rule, the gentleman from California [Mr. KIM] and the gentleman from Minnesota [Mr. OBERSTAR] each will control 20 minutes.

The Chair recognizes the gentleman from California [Mr. KIM].

Mr. KIM. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this bill reauthorizes the War Risk Insurance Program for another year. The War Risk Insurance Program was first reauthorized in 1951 and has been reauthorized periodically since then. Its current authorization expires tomorrow. This program was used extensively during operations in Desert Shield and Desert Storm to insure aircraft ferrying troops and supplies to the Middle East. Without this program, the military would have had to buy more aircraft for this purpose, which would have cost taxpayers billions of dollars. Instead, commercial aircraft, with the protection of war risk insurance, were willing to take on these dangerous missions.

The bill being considered today reauthorizes this program and makes several relatively minor changes that were suggested by the administration, the GAO, and the airlines, at the Subcommittee on Aviation hearing last May. The bill differs slightly from the bill that was approved by the Committee on Transportation and Infrastructure last July. The main difference is that the provision on borrowing authority was dropped and the reauthorization period was shortened.

The borrowing authority provision was designed to ensure that insurance claims could be paid in a timely manner without having to wait for an appropriation. Unfortunately, the administration opposed this. They did agree, however, to develop an alternative. This bill gives them 1 year to develop that alternative.

Also, this bill includes a small change to the definition of "public aircraft." That change will allow military aircraft manufacturers to lease back their planes from the military for air shows or other demonstration purposes. This is a good bill, and I urge my colleagues to support this.

Mr. Speaker, I reserve the balance of my time.

Mr. OBERSTAR. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I, of course, support H.R. 2036, the War Risk Insurance Reauthorization Act of 1997. This is one of several times we have come to the floor to reauthorize this legislation, and this particular reauthorization extends the program until December 31, 1998.

This is very important legislation. It may not seem large in the great scheme of things that we do in the House or even on our Committee on Transportation, but this particular legislation is vitally important to our national security effort. This bill includes provisions to ensure that the program will run more smoothly the next time we have to call upon the airlines to engage in national security support initiatives.

The War Risk Insurance Program was most recently put into operation during Desert Shield and Desert Storm. U.S. air carriers flew thousands of U.S. troops and tons of equipment from the United States and from Europe into the Middle East theater of operations. During that period of time, the FAA issued nonpremium war risk insurance for some 5,000 commercial flights that operated air lift services as part of the Civil Reserve Air Fleet.

In fact, in an assessment after Desert Storm, President Bush complimented the Civil Reserve Air Fleet, the domestic airline carriers and both the scheduled carriers and the charter operators and our cargo fleet on the superb job they did, saying that without those 5,000 fleets, we could not have met the challenge with the readiness that the U.S. forces demonstrated at the outset of both Desert Shield and Desert Storm.

Not only is insurance vital to airline operations, it is essential in operations such as this type in high-risk combat zones. The FAA and the DOT requires insurance for airline operations under any circumstance. But in these circumstances, there is a higher risk and a higher need. And that is why this is a matter of national policy to provide war risk insurance.

The very simple fact is that such operations are carrying out foreign policy objectives of the United States in a highly contested arena. The program is divided into two parts, both premium and nonpremium insurance. Under the premium policy, insurance is provided to U.S. or foreign carriers for commercial scheduled and charter service. It can be used only for international flights. It is a very important distinction. Premium insurance was provided during the Vietnam war and on 37 occasions after Iraq invaded Kuwait.

Nonpremium insurance is used to ensure that airlines operating under contract to the U.S. Government, either State or Defense Department, and it can cover domestic or international flights. In the course of the Subcommittee on Aviation hearings conducted by the gentleman from Tennessee [Mr. DUNCAN], our very distinguished chairman, GAO raised two issues that should be addressed legislatively.

First, air carriers that are purchasing premium insurance, in GAO's opinion, needed to have a better guarantee that if they suffered a claim in excess of the amount in the revolving fund, they would be assured of complete and immediate reimbursement.

Second, there was a need to clarify whether flights conducted on behalf of Defense and State covered by nonpremium insurance had to be determined by the President to be in the best foreign policy interests of the United States. Both of those concerns are addressed in this legislation.

Since then, the administration has expressed again its concerns about a provision in the bill that provided borrowing authority to the FAA in the event a claim would be made in excess of the amount in the revolving fund. The administration wanted time to work out an agreement between the FAA and DOT to meet the concerns expressed by GAO. We have agreed to drop that provision but have shortened the length of time for this authorization from 5 years to 15 months.

Normally, we would have a much longer authorization period. I felt that this shorter timeframe needed to be explained, because it is not the committee's intention to proceed without some understanding on this very important matter of extending the borrowing authority for those cases in which claims are made in excess of the revolving fund.

I know that is the concern of the gentleman from Tennessee [Mr. DUNCAN]. I know that is a concern of the gentleman from Illinois [Mr. LIPINSKI], our ranking member on the Subcommittee on Aviation, and I know that the gentleman from Pennsylvania [Mr. SHUSTER] shares that concern.

We do want to ensure that there will be continuity for this program. We want to ensure that it will not be subject to stop and start by fits. We prefer a much longer period of authorization. But until this issue is revolved, I do not think it is responsible for the Congress to proceed until this matter is resolved.

I take this opportunity to urge the DOT, as the lead agency here, and State and Defense and all the other entities in the administration that have a say in this issue, to get together, resolve the issue so that we can provide the longer term authorization that is our customary practice in the war risk insurance issue.

I want to congratulate the gentleman from Tennessee [Mr. DUNCAN], our subcommittee chair, and the gentleman from Illinois [Mr. LIPINSKI], our ranking minority member, for the splendid work they have done, and our staff on both sides of the aisle for paying such careful and detailed attention to this very important issue that might otherwise not be so fully appreciated.

Mr. Speaker, I yield such time as she may consume to the gentlewoman from Florida [Ms. BROWN].

Ms. BROWN of Florida. Mr. Speaker, I rise in support of H.R. 2036, the Aviation Insurance Reauthorization Act of 1997.

First of all, I wish to congratulate the gentleman from Tennessee [Mr. DUNCAN], subcommittee chairperson; and the gentleman from Illinois [Mr. LIPINSKI], the ranking member; as well as the gentleman from Pennsylvania [Mr. SHUSTER], the chairman; and the gentleman from Minnesota [Mr. OBERSTAR], the ranking member, for their work on this legislation. It is a good bill and deserves the support of all.

Mr. Speaker, H.R. 2036 reauthorizes the important War Risk Insurance Program until December 31, 1998. It also contains provisions intended to ensure that the program runs more smoothly the next time it is utilized. It is important that carrier concerns are addressed to the greatest extent possible in order to encourage continued carrier participation in the Civil Reserve Air Fleet. The need for a vibrant CRAF Program was evidenced in 1990, during the Desert Shield and Desert Storm operations.

Since the program was last authorized, the Department of Defense, working with the Federal Aviation Administration and the carriers, entered into an agreement whereby losses incurred by a carrier operating on behalf of the Departments of State or Defense, covered by nonpremium insurance, could be reimbursed in a more timely manner.

When our committee held a hearing on these programs earlier this year, GAO testified that there were only two outstanding issues that should be addressed legislatively.

Mr. Speaker, this is a noncontroversial bill developed on a bipartisan basis, and I urge my colleagues to support its passage.

Mr. OBERSTAR. Mr. Speaker, I yield 1 minute to the gentleman from Ohio [Mr. TRAFICANT].

Mr. TRAFICANT. Mr. Speaker, I thank the ranking member, Mr. OBERSTAR, for yielding me the time, and I support the amendment.

But I took to the floor to note that the gentleman from Minnesota [Mr. OBERSTAR], our ranking member, had been in Minnesota a couple weeks ago because his 86-year-old mother, Mariette, had a heart attack. I am glad to see that he is back energetically handling our committee's business. He was made to do so.

I am proud to announce that his mom is doing fine. And everybody here would like to just state, for the RECORD, that we support this bill and we are glad to see our ranking member back and his mom doing fine up there in Minnesota.

Mr. KIM. Mr. Speaker, I yield back the balance of my time.

Mr. OBERSTAR. Mr. Speaker, I thank the gentleman from Ohio [Mr. TRAFICANT] for his very heartfelt comments, and if my mother were watching, she would be very happy to have heard those kind words, as well. It is very reassuring that she has been able to rebound from a very serious illness and assume her normal course of activities, cooking, baking, the things that she loves best.

The woman, who in her lifetime has cooked probably three tons of bread, is not going to be stopped by a heart attack. I thank the gentleman from Ohio [Mr. TRAFICANT] for his kind words and all those who have been so supportive.

Mr. DUNCAN. Mr. Speaker, Chairman SHUSTER, myself, the ranking member of the full committee, Mr. OBERSTAR, and the ranking member of the Aviation Subcommittee, Mr. LIPINSKI, introduced H.R. 2036, the Aviation Insurance Reauthorization Act of 1997 on June 25th.

This war risk insurance program was first authorized in 1951, and, over the years, has been improved upon during the reauthorization process.

On May 1, 1997, the Aviation Subcommittee held a hearing to review the War Risk Insurance Program, which expires tomorrow.

Of course, we rarely hear about this program until a conflict arises, like Vietnam, the gulf war, or Bosnia. This insurance program was an integral part of our Nation's military response in those cases.

The reauthorization of this program is also very essential for a viable Civil Reserve Air Fleet Program which meets the Nation's security needs.

The Department of Defense depends on the CRAF Program for over 90 percent of its passengers, 40 percent of its cargo, and nearly 100 percent of its air medical evacuation capability in wartime. These flights could not be operated without the insurance provided by this bill.

So it is very important that we reauthorize this program in a timely manner.

This bill was approved unanimously by the Aviation Subcommittee on July 10 and by the full Transportation and Infrastructure Committee on July 23. The bill incorporated many of the suggestions we heard from expert witnesses at our May hearing.

Mr. Speaker, this legislation authorizes the Secretary of Transportation to be guided by reasonable business practices of the commercial aviation insurance industry when determining the amount for which an aircraft should be insured.

This change is intended to recognize that there may be instances in which an aircraft's market value is not the appropriate basis for determining the amount of insurance.

The bill also states that the President's signature of the indemnification agreement between the DOT Secretary and the head of another U.S. Government agency will constitute the required finding under current law that the flight is necessary to carry out the foreign policy of the United States.

Section 4 of the bill permits a war risk insurance policy to provide for binding arbitration of a dispute between the FAA and the commercial insurer over what part of a loss each is responsible.

The provision on borrowing authority that was in the reported bill has been dropped because the administration objected to it.

However, they did agree to develop in the coming months an alternative to the borrowing authority that would ensure that air carrier insurance claims could be paid in a timely manner. We look forward to working with them on that.

And finally, the bill also now includes a very simple provision designed to fix a problem experienced by defense contractors who lease back their planes from the military in order to fly them in air shows or other similar demonstrations.

Although this practice has been going on for many years, some in the FAA have interpreted the law in a way that would prevent this from occurring. This bill would allow these flight demonstrations, which are important to product development and company sales, to take place.

I strongly use the House to support this legislation so that we can reauthorize this very essential program.

Mr. SHUSTER. Mr. Speaker, the war risk insurance program has been a relatively noncontroversial program.

It was first authorized in 1951 and last reauthorized in 1992.

Since 1975, it has been used to insure more than 5000 flights to trouble spots such as the Middle East, Haiti, and Bosnia. It was used to insure airlines ferrying troops and supplies to the Middle East during Operation Desert Storm.

The program is scheduled to expire at the end of this fiscal year.

The reauthorization of this program is relatively straightforward.

Several technical changes suggested by GAO, the administration, or the affected airlines have been included in the bill. These changes would do the following—

Authorize the Secretary to be guided by the reasonable business practices of the commercial aviation insurance industry when determining the amount for which an aircraft should be insured.

This change is intended to recognize that there may be instances in which an aircraft's market value is not the appropriate basis for determining the amount of insurance. For example, this occurs in the case of leased or mortgaged aircraft when the lessor or mortgagor require a specified amount of insurance in the lease or mortgage agreement. As the market values of aircraft fluctuate, the specified amount may sometimes be different than the market value of the aircraft.

States that the President's signature of the indemnification agreement between the DOT Secretary and the head of another U.S. Government agency will constitute the required finding that the flight is necessary to carry out the foreign policy of the United States.

Permits a war risk insurance policy to provide for binding arbitration of a dispute between FAA and the commercial insurer over what part of a loss each is responsible for.

Extends the program for 1 year.

There are 3 changes from the bill that was reported by our Committee (Report 105–244) they are—

Elimination of the provision on borrowing authority;

Shortening of the authorization period; and

A very limited provision on public aircraft.

The elimination of the borrowing authority and the shortening of the reauthorization period are closely related.

We have dropped the borrowing authority at the request of the administration. However, FAA officials have committed to us that in return for eliminating this provision, they would work with us to develop an alternative to ensure that airline insurance claims can be paid in a timely fashion.

The reauthorization period has been shortened to ensure that FAA addresses this matter in the next year. We look forward to working with the FAA, DoD and the airlines on this.

The new provision on public aircraft is a response to a problem recently experienced by Boeing, McDonnell-Douglas and other defense contractors. The problem arises because these companies will sometimes lease back from the military aircraft that they had previously sold them. They do this in order to fly them in air shows, flight demonstrations, research, development, test, evaluation, or aircrew qualification. When they do this, FAA now believes that they lose their status as public aircraft and become subject to FAA regulations. However, as military aircraft, they cannot comply with civil regulations.

In order to allow aircraft manufacturers to once again fly their aircraft in air shows and demonstrate them for customers, this bill will make clear that these aircraft retain their status as public aircraft when leased back to the manufacturer for these limited purposes. This provision will certainly not allow anyone to lease a plane from the military and use it to carry passengers or for similar commercial purposes.

I urge support for this legislation.

Mr. OBERSTAR. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. KIM] that the House suspend the rules and pass the bill, H.R. 2036, as amended.

The question was taken.

Mr. CONDIT. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 5, rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

## GENERAL LEAVE

Mr. KIM. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend remarks and include extraneous material on H.R. 2036, the bill just considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

## WILLIAM AUGUSTUS BOOTLE FEDERAL BUILDING AND UNITED STATES COURTHOUSE

Mr. KIM. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 595) to designate the Federal building and U.S. courthouse located at 475 Mulberry Street in Macon, GA, as the "William Augustus Bootle Federal Building and United States Courthouse".

The Clerk read as follows:

H.R. 595

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. DESIGNATION.**

The Federal building and United States courthouse located at 475 Mulberry Street in Macon, Georgia, shall be known and designated as the "William Augustus Bootle Federal Building and United States Courthouse".

**SEC. 2. REFERENCES.**

Any references in a law, map, regulation, document, paper, or other record of the United States to the Federal building and United States courthouse referred to in section 1 shall be deemed to be a reference to the "William Augustus Bootle Federal Building and United States Courthouse".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California [Mr. KIM] and the gentleman from Ohio [Mr. TRAFICANT] each will control 20 minutes.

The Chair recognizes the gentleman from California [Mr. KIM].

Mr. KIM. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 595 simply designates the U.S. courthouse in Macon, GA, as the "William Augustus Bootle Federal Building and United States Courthouse."

Judge Bootle was appointed to the U.S. District Court by President Dwight D. Eisenhower on May 20, 1954. He presided as district judge and acted as chief judge handling all six divisions of the court in six different courthouses, in 71 counties of Georgia.

Throughout his career, Judge Bootle was highly regarded by lawyers throughout the district for his keen intellect and warm sense of humor. He is, perhaps, most widely recognized for his decision in 1961 ordering the admittance of two African-American students to the University of Georgia. This decision led to the desegregation of Georgia's public school system.

The naming of this courthouse in Judge Bootle's honor is certainly a fitting tribute to a distinguished jurist. I support this bill and urge my colleagues to support the bill.

Mr. Speaker, I reserve the balance of my time.

Mr. TRAFICANT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 595, and I want to commend my colleague, the gentleman from Georgia [Mr. CHAMBLISS], for sponsoring this legislation to designate the U.S. courthouse in Macon, GA, as the "William Augustus Bootle Federal Building and United States Courthouse."

□ 1430

Judge Bootle began his judicial career in 1925 when he was admitted to the Georgia bar. He has served the people of Georgia since 1928, when he was first appointed assistant U.S. attorney for the Middle District of Georgia. In 1954, he was appointed U.S. district judge and served as the chief judge from 1961 through 1972, where at that time he had taken senior status.

Mr. Speaker, it is absolutely fitting and proper to join forces with the gentleman from Georgia [Mr. CHAMBLISS] in recognizing the outstanding service of Judge Bootle. I am proud to support this bill. I want to thank the gentleman from California [Mr. KIM] again for the effort he has put forward for both sides of the aisle on this legislation here, and I want to thank the staff, Mr. Barnett and Ms. Brita, for their efforts in helping bring it along.

Mr. Speaker, I rise in support of H.R. 595, a bill to designate the U.S. Courthouse in Macon, GA, as the "William Augustus Bootle Federal Building and United States Courthouse".

Judge Bootle began his judicial career in 1925 when he was admitted to the Georgia bar. He has served the people of Georgia since 1928 when he was appointed assistant U.S. attorney for the Middle District of Georgia.

In 1954 he was appointed U.S. district judge and served as the chief judge from 1961 through 1972, when he took senior status.

It is fitting and proper to honor his long, productive career by this designation.

Mr. CHAMBLISS. Mr. Speaker, I would like to take this opportunity to express my strong support for H.R. 595, the William Augustus Bootle Federal Building and U.S. Courthouse. This is an issue of great importance to me, as well as the citizens of Macon, GA.

On February 5, 1997, I introduced this legislation in the House of Representatives. H.R. 595 is similar to a bill I introduced in the 104th Congress, H.R. 4119. H.R. 4119 passed in the House by voice vote, but unfortunately was vetoed in the U.S. Senate along with many other naming bills.

H.R. 595 passed in the Senate on June 12, 1997, and I urge my colleagues to pass this legislation in the House and send this bill to the President for his signature.

This courthouse is vital to judicial proceedings in the State of Georgia. It serves as the U.S. District Court for the Middle District of Georgia which covers much of the territory of Georgia's 8th Congressional District which I represent. Mr. Speaker, there is not a more deserving individual to name this building and courthouse for than Judge Bootle and the current judges of the court wholeheartedly agree.

Judge Bootle received his undergraduate and juris doctor from Mercer University located in Macon. He was admitted to the bar of the State of Georgia in 1925. Judge Bootle honorably served the U.S. District Court for the Middle District of Georgia for a number of years. Upon his appointment by President Eisenhower, Judge Bootle served as district judge from 1954 to 1961 before serving as chief judge from 1961 to 1972. Moreover, he served the Middle District as assistant U.S. attorney and as U.S. attorney from 1928 to 1933. Judge Bootle also served the Macon community as dean of Mercer University's School of Law from 1933 to 1937. His distinguished service is admired, appreciated, and recognized throughout the State of Georgia.

Upon Judge Bootle's appointment to the bench as the judge for the Middle District of Georgia in 1954, the chief judge was ill and remained so for an extended period of time, and until 1962 when another judge was appointed, Judge Bootle handled all six divisions of the middle district of Georgia which included the Athens, Macon, Columbus, Americus, Albany, and Valdosta Divisions. Those six courthouses covered 71 counties in Georgia.

Judge Bootle was also responsible for the admittance of the first black students into the University of Georgia. I would like to take this opportunity to quote from a book written by Frederick Allen entitled "Atlanta Rising." This book deals with a lot of history which took place in the Atlanta area during the years of the civil rights era.

The two black applicants who were denied admittance into the University of Georgia were Charlayne Hunter and Hamilton Holmes. They filed suit in the middle district of Georgia, and quoting from this book, I read as follows:

> Two black applicants, Charlayne Hunter and Hamilton Holmes, went to the court attacking the welter of excuses University of Georgia officials had concocted to keep them out. The two made a convincing case that the only reason they had been denied admission was segregation, pure and simple. In a

ruling issued late on the afternoon of Friday, January 6, 1961, Judge William A. Bootle ordered Hunter and Holmes admitted to the school, not in 6 months or a year, but bright and early the next Monday morning.

Judge Bootle has dedicated himself to years of service as a humble steward of justice, his community, the State of Georgia, and the United States. Due to this level of commitment, all of these societies are better places. Naming the courthouse the "William Augustus Bootle Federal Building and United States Courthouse" is an appropriate way to ensure the judge's efforts will always be remembered.

Again, I would like to urge my colleagues to vote in favor of naming the Federal Building and United States Courthouse in Macon after this honorable, deserving individual.

Mr. TRAFICANT. Mr. Speaker, with that, I reserve the balance of my time.

Mr. KIM. Mr. Speaker, I do not have any other speakers, and I yield back the balance of my time.

Mr. TRAFICANT. I, too, Mr. Speaker, yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. KIM] that the House suspend the rules and pass the bill, H.R. 595.

The question was taken.

Mr. CONDIT. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 5, rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

## GENERAL LEAVE

Mr. KIM. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 595.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

## RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until 5 p.m.

Accordingly (at 2 o'clock and 32 minutes p.m.), the House stood in recess until 5 p.m.

## AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore [Mr. EWING] at 5 o'clock and 1 minute p.m.

## PERMISSION TO FILE CONFERENCE REPORT ON H.R. 2378, TREASURY, POSTAL SERVICE, AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 1998

Mr. LIVINGSTON. Mr. Speaker, I ask unanimous consent that the managers on the part of the House may have until midnight tonight, September 29, 1997, to file a conference report on the bill (H.R. 2378) making appropriations for the Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending 1998, and for other purposes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

## MAKING IN ORDER ON TUESDAY, SEPTEMBER 30, 1997, OR ANY DAY THEREAFTER, CONSIDERATION OF CONFERENCE REPORT ON H.R. 2378, TREASURY, POSTAL SERVICE, AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 1998

Mr. LIVINGSTON. Mr. Speaker, I ask unanimous consent that it be in order on Tuesday, or on any day thereafter, to consider the conference report to accompany the bill (H.R. 2378) making appropriations for the Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1998, and for other purposes; that all points of order against the conference report and against its consideration be waived; and that the conference report be considered as read when called up.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

## MOTION TO ADJOURN

Mr. MILLER of California. Mr. Speaker, I have a preferential motion at the desk.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. MILLER of California moves that the House do now adjourn.

The SPEAKER pro tempore. The question is on the motion to adjourn offered by the gentleman from California [Mr. MILLER].

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. MILLER of California. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 55, nays 339, not voting 39, as follows:

[Roll No. 460]

YEAS—55

Abercrombie
Allen
Andrews
Barrett (WI)
Becerra
Berry
Coburn
Coyne
Davis (FL)
DeFazio
Delahunt
DeLauro
Deutsch
Doggett
Eshoo
Evans
Farr
Filner
Ford
Frank (MA)
Gejdenson
Gutierrez
Hastings (FL)
Hilleary
Jackson-Lee (TX)
Jefferson
Kaptur
Kind (WI)
LaFalce
Lewis (GA)
Lowey
Markey
Martinez
McDermott
McNulty
Meehan
Miller (CA)
Mink
Obey
Olver
Pastor
Pelosi
Rodriguez
Sanchez
Shadegg
Slaughter
Stupak
Tauscher
Thurman
Tierney
Torres
Velázquez
Vento
Visclosky
Woolsey

NAYS—339

Ackerman
Aderholt
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bentsen
Bereuter
Berman
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Borski
Boswell
Boucher
Boyd
Brady
Brown (CA)
Brown (FL)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Carson
Castle
Chabot
Chambliss
Christensen
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Cook
Costello
Cramer
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (IL)
Davis (VA)
Deal
DeGette
DeLay
Dellums
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emerson
Engel
English
Etheridge
Everett
Ewing
Fawell
Foley
Forbes
Fowler
Fox
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Ganske
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Hilliard
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
John
Johnson (CT)
Johnson (WI)
Johnson, E.B.
Johnson, Sam
Jones
Kanjorski
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum

McCrery
McDade
McGovern
McHale
McHugh
McInnis
McIntyre
McKeon
McKinney
Meek
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Minge
Moakley
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Ortiz
Oxley
Packard
Pappas
Parker
Pascrell
Paul
Paxon
Payne
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Radanovich
Rahall
Ramstad
Redmond
Regula
Reyes
Riggs
Riley
Rivers
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryun
Sabo
Salmon
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Schumer
Scott
Sensenbrenner
Serrano
Sessions
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Spence
Spratt
Stabenow
Stark
Stearns
Strickland
Stump
Sununu
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Tiahrt
Traficant
Turner
Upton
Walsh
Wamp
Waters
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Weygand
White
Whitfield
Wicker
Wise
Wolf
Wynn
Yates

NOT VOTING—39

Barcia
Bono
Brown (OH)
Chenoweth
Conyers
Cooksey
Cox
Crane
Ehrlich
Ensign
Fattah
Fazio
Flake
Foglietta
Gekas
Gephardt
Gonzalez
Harman
Hefner
Herger
Hill
Hinchey
Jenkins
McIntosh
Neal
Owens
Pallone
Quinn
Rangel
Sanders
Schiff
Souder
Stenholm
Stokes
Towns
Watkins
Wexler
Young (AK)
Young (FL)

□ 1725

Mr. SHIMKUS, Mr. HOYER, Ms. RIVERS, Mrs. MYRICK, and Mr. CUNNINGHAM changed their vote from "yea" to "nay."

So the motion to adjourn was rejected.

The result of the vote was announced as above recorded.

## CONTINUING APPROPRIATIONS, FISCAL YEAR 1998

Mr. LIVINGSTON. Mr. Speaker, pursuant to the order of the House of September 26, 1997, I call up the resolution (H.J. Res. 94) making continuing appropriations for the fiscal year 1998, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the joint resolution.

The text of House Joint Resolution 94 is as follows:

H.J. RES. 94

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,*

That the following sums are hereby appropriated, out of any money in the Treasury not otherwise appropriated, and out of applicable corporate or other revenues, receipts, and funds, for the several departments, agencies, corporations, and other organizational units of Government for the fiscal year 1998, and for other purposes, namely:

SEC. 101. (a) Such amounts as may be necessary under the authority and conditions provided in the applicable appropriations Act for the fiscal year 1997 for continuing projects or activities including the costs of direct loans and loan guarantees (not otherwise specifically provided for in this joint resolution) which were conducted in the fiscal year 1997 and for which appropriations, funds, or other authority would be available in the following appropriations Acts:

The Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 1998;

The Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1998, notwithstanding section 15 of the State Department Basic Authorities Act of 1956, section 701 of the United States Information and Educational Exchange Act of 1948, section 313 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103–236), and section 53 of the Arms Control and Disarmament Act;

The Department of Defense Appropriations Act, 1998, notwithstanding section 504(a)(1) of the National Security Act of 1947;

The District of Columbia Appropriations Act, 1998, the House and Senate reported versions of which shall be deemed to have passed the House and the Senate respectively as of October 1, 1997, for the purposes of this joint resolution, unless a reported version is passed as of October 1, 1997, in which case the passed version shall be used in place of the reported version for the purposes of this joint resolution;

The Energy and Water Development Appropriations Act, 1998;

The Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1998, notwithstanding section 10 of Public Law 91–672 and section 15(a) of the State Department Basic Authorities Act of 1956;

The Department of the Interior and Related Agencies Appropriations Act, 1998;

The Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 1998;

The Legislative Branch Appropriations Act, 1998;

The Military Construction Appropriations Act, 1998;

The Department of Transportation Appropriations Act, 1998;

The Treasury, Postal Service, and General Government Appropriations Act, 1998; and

The Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1998:

*Provided,* That, whenever the amount which would be made available for the authority which would be granted in these Acts as passed by the House and Senate as of October 1, 1997, is different than that which would be available or granted under current operations, the pertinent project or activity shall be continued at a rate for operations not exceeding the current rate: *Provided further,* That whenever the amount of the budget request is less than the amount for current operations and the amount which would be made available or the authority which would be granted in these appropriations Acts as passed by the House and Senate as of October 1, 1997, is less than the amount for current operations, then the pertinent project or activity shall be continued at a rate for operations not exceeding the greater of the rates that would be provided by the amount of the budget request or the amount which would be made available or the authority which would be granted in these appropriations Acts: *Provided further,* That whenever there is no amount made available under any of these appropriations Acts as passed by the House and Senate as of October 1, 1997, for a continuing project or activity which was conducted in fiscal year 1997 and for which there is fiscal year 1998 funding included in the budget request, the pertinent project or activity shall be continued at a rate for operations not exceeding the lesser of the rates that would be provided by the amount of the budget request or the rate for current operations under the authority and conditions provided in the applicable appropriations Act for the fiscal year 1997.

(b) Whenever the amount which would be made available or the authority which would be granted under an Act listed in this section as passed by the House as of October 1, 1997, is different from that which would be available or granted under such Act as passed by the Senate as of October 1, 1997, the pertinent project or activity shall be continued at a rate for operations not exceeding the current rate under the appropriation, fund, or authority granted by the applicable appropriations Act for the fiscal year 1998 and under the authority and conditions provided in the applicable appropriations Act for the fiscal year 1997: *Provided,* That whenever the amount of the budget request is less than the amount for current operations and the amounts which would be made available or the authority which would be granted in these appropriations Acts as passed by the House and the Senate as of October 1, 1997, are both less than the amount for current operations, then the pertinent project or activity shall be continued at a rate for operations not exceeding the greater of the rates that would be provided by the amount of the budget request or the amount which would be made available or the authority which would be granted in the applicable appropriations Act as passed by the House or as passed by the Senate under the appropriation, fund, or authority provided in the applicable appropriations Act for the fiscal year 1998 and under the authority and conditions provided in the applicable appropriations Act for the fiscal year 1997.

(c) Whenever an Act listed in this section has been passed by only the House or only the Senate as of October 1, 1997, the pertinent project or activity shall be continued under the appropriation, fund, or authority granted by the one House at a rate for operations not exceeding the current rate under the authority and conditions provided in the applicable appropriations Act for the fiscal year 1997: *Provided,* That whenever the amount of the budget request is less than the amount for current operations and the amounts which would be made available or the authority which would be granted in the appropriations Act as passed by the one House as of October 1, 1997, is less than the amount for current operations, then the pertinent project or activity shall be continued at a rate for operations not exceeding the greater of the rates that would be provided by the amount of the budget request or the amount which would be made available or the authority which would be granted in the applicable appropriations Act as passed by the one House under the appropriation, fund, or authority provided in the applicable appropriations Act for the fiscal year 1998 and under the authority and conditions provided in the applicable appropriations Act for the fiscal year 1997: *Provided further*, That whenever there is no amount made available under any of these appropriations Acts as passed by the House or the Senate as of October 1, 1997, for a continuing project or activity which was conducted in fiscal year 1997 and for which there is fiscal year 1998 funding included in the budget request, the pertinent project or activity shall be continued at a rate for operations not exceeding the lesser of the rates that would be provided by the amount of the budget request or the rate for current operations under the authority and conditions provided in the applicable appropriations Act for the fiscal year 1997.

SEC. 102. No appropriation or funds made available or authority granted pursuant to section 101 for the Department of Defense shall be used for new production of items not funded for production in fiscal year 1997 or prior years, for the increase in production rates above those sustained with fiscal year 1997 funds, or to initiate, resume, or continue any project, activity, operation, or organization which are defined as any project, subproject, activity, budget activity, program element, and subprogram within a program element and for investment items are further defined as a P–1 line item in a budget activity within an appropriation account and an R–1 line item which includes a program element and subprogram element within an appropriation account, for which appropriations, funds, or other authority were not available during the fiscal year 1997: *Provided*, That no appropriation or funds made available or authority granted pursuant to section 101 for the Department of Defense shall be used to initiate multi-year procurements utilizing advance procurement funding for economic order quantity procurement unless specifically appropriated later.

SEC. 103. Appropriations made by section 101 shall be available to the extent and in the manner which would be provided by the pertinent appropriations Act.

SEC. 104. No appropriation or funds made available or authority granted pursuant to section 101 shall be used to initiate or resume any project or activity for which appropriations, funds, or other authority were not available during the fiscal year 1997.

SEC. 105. No provision which is included in an appropriations Act enumerated in section 101 but which was not included in the applicable appropriations Act for fiscal year 1997 and which by its terms is applicable to more than one appropriation, fund, or authority shall be applicable to any appropriation, fund, or authority provided in this joint resolution.

SEC. 106. Unless otherwise provided for in this joint resolution or in the applicable appropriations Act, appropriations and funds made available and authority granted pursuant to this joint resolution shall be available until (a) enactment into law of an appropriation for any project or activity provided for in this joint resolution, or (b) the enactment into law of the applicable appropriations Act by both Houses without any provision for such project or activity, or (c) October 23, 1997, whichever first occurs.

SEC. 107. Appropriations made and authority granted pursuant to this joint resolution shall cover all obligations or expenditures incurred for any program, project, or activity during the period for which funds or authority for such project or activity are available under this joint resolution.

SEC. 108. Expenditures made pursuant to this joint resolution shall be charged to the applicable appropriation, fund, or authorization whenever a bill in which such applicable appropriation, fund, or authorization is contained is enacted into law.

SEC. 109. No provision in the appropriations Act for the fiscal year 1998 referred to in section 101 of this Act that makes the availability of any appropriation provided therein dependent upon the enactment of additional authorizing or other legislation shall be effective before the date set forth in section 106(c) of this joint resolution.

SEC. 110. Appropriations and funds made available by or authority granted pursuant to this joint resolution may be used without regard to the time limitations for submission and approval of apportionments set forth in section 1513 of title 31, United States Code, but nothing herein shall be construed to waive any other provision of law governing the apportionment of funds.

SEC. 111. This joint resolution shall be implemented so that only the most limited funding action of that permitted in the joint resolution shall be taken in order to provide for continuation of projects and activities.

SEC. 112. Notwithstanding any other provision of this joint resolution, except section 106, for those programs that had high initial rates of operation or complete distribution of fiscal year 1997 appropriations at the beginning of that fiscal year because of distributions of funding to States, foreign countries, grantees or others, similar distributions of funds for fiscal year 1998 shall not be made and no grants shall be awarded for such programs funded by this resolution that would impinge on final funding prerogatives.

SEC. 113. Notwithstanding any other provision of this joint resolution, except section 106, the amount made available to the Securities and Exchange Commission, under the heading Salaries and Expenses, shall include, in addition to direct appropriations, the amount it collects under the fee rate and offsetting collection authority contained in Public Law 104–208, which fee rate and offsetting collection authority shall reman in effect during the period of this joint resolution.

SEC. 114. Notwithstanding any other provision of this joint resolution, except section 106, the rate for operations for projects and activities that would be funded under the heading "International Organizations and Conferences, Contributions to International Organizations" in the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1998, shall be the amount provided by the provisions of section 101 multiplied by the ratio of the number of days covered by this resolution to 365.

SEC. 115. Notwithstanding any other provision of this joint resolution, except section 106, the amounts made available for the following new programs authorized by the National Capital Revitalization and Self-Government Act of 1997, Public Law 105–33, shall be the higher of the amounts in the budget request or the House or Senate District of Columbia Appropriations Act, 1998, passed as of October 1, 1997, multiplied by the ratio of the number of days covered by this joint resolution to 365: Federal Contribution to the Operations of the Nation's Capital; Federal Payment to the District of Columbia Corrections Trustee Operations; Payment to the District of Columbia Corrections Trustee for Correctional Facilities, Construction and Repair, and Federal Payment to the District of Columbia Criminal Justice System: *Provided*, That the amounts made available for the last item shall be made available to the Joint Committee on Judicial Administration in the District of Columbia; the District of Columbia Truth in Sentencing Commission; the Pretrial Services, Defense Services, Parole, Adult Probation, and Offender Supervision Trustee; and the United States Parole Commission as appropriate.

SEC. 116. Notwithstanding any other provision of this joint resolution, except section 106, the authorities provided under subsection (a) of section 140 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103–236) shall remain in effect during the period of this Act, notwithstanding paragraphs (3) and (5) of said subsection.

SEC. 117. Notwithstanding any other provision of this joint resolution, except section 106, the authorities provided under 217 of the Immigration and Nationality Act (8 U.S.C. 1187) shall remain in effect during the period of this joint resolution, notwithstanding subsection (f) of said section.

SEC. 118. The National Flood Insurance Act of 1968 (42 U.S.C. 4026) is amended in section 1319 by striking "September 30, 1997" and inserting "October 23, 1997" and in section 1336 by striking "September 30, 1996" and inserting "October 23, 1997".

SEC. 119. Notwithstanding section 204 of the Financial Responsibility and Management Assistance Act of 1995 related to the latest maturity date for the short-term Treasury advances, the District of Columbia government may delay repayment of the 1997 Treasury advances beyond October 1, 1997 until it receives the full year Federal contribution, as authorized by section 11601 of the National Capital Revitalization and Self-Government Improvement Act of 1997, Public Law 105–33. Any interest or penalties that would generally apply to such late payments are hereby waived under this provision.

SEC. 120. In addition to the amounts made available for the Veterans Health Administration, Medical Care account pursuant to section 101 of this joint resolution, this account is also available for necessary administrative and legal expenses of the Department for collecting and removing amounts owed the Department as authorized under 38 U.S.C. chapter 17, and the Federal Medical Care Recovery Act, 42 U.S.C. 2651 et seq.

SEC. 121. Notwithstanding section 235(a)(3) of the Foreign Assistance Act of 1961 (22 U.S.C. 2195(a)(3)), the authority of section 235(a) (1) and (2), of the same Act, shall remain in effect during the period of this joint resolution.

SEC. 122. Section 7 of the Export-Import Bank Act of 1945 (12 U.S.C. 635f) is amended by striking "1997" and inserting "October 23, 1997".

SEC. 123. Section 506(c) of Public Law 103–317 is amended by striking "September 30, 1997" and inserting "October 23, 1997".

The SPEAKER pro tempore. Pursuant to the order of the House of Friday, September 26, 1997, the gentleman from Louisiana [Mr. LIVINGSTON] and the gentleman from Wisconsin [Mr. OBEY] each will control 30 minutes.

The Chair recognizes the gentleman from Louisiana [Mr. LIVINGSTON].

### GENERAL LEAVE

Mr. LIVINGSTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on House Joint Resolution 94 and that I might include tabular and extraneous material.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. LIVINGSTON. Mr. Speaker, as a matter of a point of order, I would like to make sure I understood properly.

□ 1730

Mr. Speaker, did the Chair say that each side would be provided with 30 minutes to debate this issue?

The SPEAKER pro tempore (Mr. EWING). The gentleman is correct. The gentleman from Louisiana [Mr. LIVINGSTON] will control 30 minutes and the gentleman from Wisconsin [Mr. OBEY] will control 30 minutes.

Mr. LIVINGSTON. Mr. Speaker, I certainly do not anticipate using that time, but I ask unanimous consent that we each cede 5 minutes to the gentleman from California [Mr. ROHRABACHER], who has a concern about a provision in the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

The SPEAKER pro tempore. The gentleman from California [Mr. ROHRABACHER] will control 10 minutes.

Mr. LIVINGSTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, fiscal year 1998 begins tomorrow. The Congress has not presented all 13 regular appropriations bills to the President. Because these bills will not be enacted by tomorrow night, it is necessary now to proceed with a short term continuing resolution, and I emphasize that, short-term continuing resolution so that the Government can continue to operate while we finish our work.

Currently we have concluded a conference on five bills and six more are in conference and we are making good progress, but we need a little bit more time.

While I wish I were here today speaking on the last of the 13 conference reports that we will need to approve, unfortunately, I am not. But I am also not here to despair that the process is broken and that we are facing a stalemate or Government shutdown. Even though we are here with a continuing resolution, this resolution will be signed and we will get our appropriations work completed in the near future.

Why are we not finished? Well, last year we passed our first bill on May 30, and this year we passed our first bill on July 8. This year, we withheld action on our appropriations bills pending the disposition of the budget agreement. It took awhile, but it finally came. And though we started late, it was worth it because the agreement gave us the confidence to develop bills within an overall funding agreement. This is also the reason that I believe we will be able to get our work completed in the near future.

This continuing resolution is slightly different than those of the past. The basic rate is the current rate of 1997 bills. Previous ones used were slightly more restrictive rates. However, this should not jeopardize final funding rates because the continuing resolution is a short-term one, and we take precautions to lower or restrict those current rates that might be too high or higher than finally agreed to. Also, the traditional restrictions such as no new starts and 1997 terms and conditions are included. The expiration date is October 23, 1997, and that should give us time to complete our work.

Earlier this year there was extensive debate about enacting an automatic continuing resolution so that we would not have to be here now on this bill. The argument went something like: If there is an automatic continuing resolution, then there will never be a controversial rider attached to a short-term continuing resolution that will cause a Government shutdown. My answer to that is if we do not want a Government shutdown, then develop noncontroversial continuing resolutions. Besides, if any of the proposed automatic continuing resolutions, or CR's, had been enacted, we would still be here today because we would have needed some additional provisions because of funding anomalies.

Every CR that has ever been developed has had anomalies; it is just the nature of the beast. Account structures change, new initiatives need to be started, restrictions need to be imposed. Every CR needs to be fine-tuned for each circumstance. Automatic pilots will not work. Good-faith negotiations will work, and Government shutdowns do not need to occur in those situations.

I should point out that there is a provision in this CR that extends section 245(i) of the Immigration and Nationality Act for 23 days. There is some controversy about extending this provision, as will be noted by the gentleman from California [Mr. ROHRABACHER]. This CR would only provide a very limited extension, though, to that provision that would otherwise expire tomorrow night. This should give the Congress time to address this matter in a more direct way, given the fact that we are extending it only for 3 weeks. For this reason, we have included it in this continuing resolution.

Mr. Speaker, while I am disappointed that we have to be here at all with a continuing resolution, this is the right kind of a short-term CR that we should be doing. It will be signed, and we can complete our work, so I urge adoption of the resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. OBEY. Mr. Speaker, I yield 2 minutes to the gentleman from Maryland [Mr. HOYER].

Mr. HOYER. Mr. Speaker, I thank my friend, the gentleman from Wisconsin [Mr. OBEY], the distinguished ranking member of the Committee on Appropriations, and I rise to congratulate the gentleman from Louisiana [Mr. LIVINGSTON], the chairman of the Committee on Appropriations, and the ranking member.

Clearly, for those of us who represent large numbers of Federal employees, September 30 is always a traumatic day for them to face. In fact, I think both sides of the aisle have agreed that we are not going to put them at risk as we move through the appropriations process trying to get our work done on time, and I just wanted to come to the floor to say that I, for one, and I know all of the other Members on both sides appreciate the fact that we are moving on when nobody intends to shut down the Federal Government, to do our business, to resolve our differences in an orderly and productive fashion. I thank the chairman and I thank the ranking member for this time.

Mr. ROHRABACHER. Mr. Speaker, I yield myself such time as I may consume.

Included in this continuing resolution is a 3-week extension of a temporary provision of the Immigration and Nationality Act known as section 245(i). This provision was snuck into the law 3 years ago. If we do not permit it to expire, it will destroy the integrity of the legal immigration process into the United States and nullify the Illegal Immigration Reform Act that we just passed last year.

Three years ago the Democrat leadership engaged in an undemocratic tactic to get this provision into law. At that time I begged the Committee on Rules not to waive points of order against putting into our immigration law section 245(i), or what I called the Kennedy loophole. This provision, establishing a 3-year period in which illegal aliens could become legal while staying in the United States, was not considered separately by either House of the Congress, but instead was inserted during conference negotiations on the Commerce, Justice, and State, the Judiciary, and related agencies appropriations bill.

To date, there has only been one time in which either Chamber has voted on this provision. That was when the House adopted my amendment last year to repeal 245(i) a year before it was scheduled to expire on September 30, 1997. Ultimately, the conferees dropped my amendment, which, of course, was the only one that was ever voted on in this House, arguing that the other provisions of the Illegal Immigration Reform Act were being phased in and that 245(i) would expire anyway. I was stunned to learn that the continuing resolution, this continuing resolution, provides for an extension of 245(i).

Mr. Speaker, there are several reasons why 245(i) are bad for this country, and our Members should know about this. Number one, it contradicts the Illegal Immigration Reform Act passed last year by inviting people who are illegally in this country to participate in a system that will encourage even more people to come illegally into this country.

Mr. Speaker, 245(i) rewards individuals who either snuck across our borders or who overstayed their visas by allowing them to pay $1,000 to the INS and have their status changed from illegal to legal. This is blatantly unfair to the millions of people around the world who abide by our laws, go through the proper screening process, and they are doing this in their own countries, they are waiting in line there, and wait their turn to become American residents.

Mr. Speaker, 245(i) is a slap in the face to these people who are obeying our laws and trying to come here legally. It makes a joke out of our legal immigration system and sends the clear message that if one is abiding by our laws and waiting one's turn in their own country to come here, that person is a fool. Why wait one's turn in one's own country when one can break the laws of the United States, come here and pay $1,000 and basically be moved to the front of the line.

Extending 245(i) also raises serious national security questions. Unlike those who enter the United States legally, 245(i) applicants are not required to go through the same criminal history checks as they do go through in their home countries when they are awaiting their turn to come here legally.

Consular officers located in the applicant's home country, along with foreign national employees working for the State Department, are in the best position to determine if an applicant has a criminal background or is some kind of a national security risk. Consulates abroad are more knowledgeable. They speak the local language; they know the different criminal justice systems in those countries. They are the ones who should be screening people before they come to the United States, so that we do not have criminals and terrorists coming to the United States, not being screened, and end up paying $1,000 to be put in the front of the line.

This is absurd that we are doing this, and again, the only time we voted on this, we voted it down.

Those who support the extension of 245(i) maintain that allowing it to expire will force undue hardship on these illegal aliens by breaking up their families. Well, we are also breaking up the families of the people who are standing in line and have families here in the United States, who are waiting their turn and going through the legal processes. There are just as many families being broken up; we are just saying the people who come here illegally, we are going to care about them, but not the ones standing in line who want to come and join their families in the United States. Some of those people have been waiting years to come here legally.

Proponents of 245(i) also maintain that the provision only applies to those who are already eligible for permanent resident status. The same millions of people around the world, by the way, we are talking about, they are eligible for permanent residency status. These people have been waiting in line and waiting in line. All we are doing, again, is we are picking the people who have broken the law to move to the head of the line and giving them benefits that we are not giving to people who are obeying the law and waiting their turn in line.

It is time to be honest about this provision. The reason 245(i) still exists is because it raises money for the INS. Those are the people who get that $1,000; and it lightens the caseload of our consulates abroad. Funding for the INS, and lightening the State Department's workload, these are separate issues. Sneaking provisions into the law to encourage illegal immigration is not the way that we should raise money for the INS or lighten the workload for the State Department.

Mr. Speaker, we are a nation of immigrants and the citizens of this country are a fair people and we welcome newcomers with open arms. This is not about legal immigration; this is about government-sponsored illegal activity so that the INS can make a buck.

Last year we promised our constituents that we would no longer take their money to pay for an immigration system that is unfair, randomly applied and contradictory. We told our constituents that we would no longer support a system which rewards those who break our law. That was the essence of what we were trying to do. We promised them that this country's immigration system would embody the principles that have drawn would-be Americans to our country for centuries, meaning fairness and equity.

Are we going to extend this provision which makes a mockery of fairness and equity? Are we going to break the promise that we made to the American people and provide this incredible loophole, in which hundreds of thousands if not over 1 million people who are in this country legally will be able to stay in this country at the expense of other people who have been waiting in line, waiting their legal turn?

□ 1745

Mr. Speaker, I ask my colleagues to consider voting "no" on the concurrent resolution.

Mr. Speaker, I yield 1 minute to my friend, the gentleman from San Diego, CA [Mr. HORN].

Mr. HORN. Mr. Speaker, I would like to congratulate the gentleman from California [Mr. ROHRABACHER] for the eloquence with which he has approached this subject. He is absolutely correct on every single point. It is shameful to have this provision in, where people illegally here, by paying $1,000 or whatever, can now get into this country.

The gentleman is also correct, when we go around the world and see many of our friends in the Philippines, for example, long, long lines. They have pursued immigration here legally. This undercuts, of course, what we did in Simpson-Mazzoli, long before I got here. As everybody in this Chamber knows, it was a great law, but the implementation was gutted.

The result of that is that people come here illegally, and gain us more congressional districts in California, I will say to my friends east of the Sierras. If they do not want to help us on this, just plan on losing a few more seats out of New York, Pennsylvania, Kentucky. Last time I think we took two from Pennsylvania, one from Kentucky, and so on. So we need the Members' help. It is wrong. Let us straighten it out today.

Mr. ROHRABACHER. Mr. Speaker, I yield 30 seconds to the gentleman from California [Mr. BILBRAY].

Mr. BILBRAY. Mr. Speaker, this is an issue of fairness and of common sense. I know those words may seem extreme to some people in this House. Fairness is the issue. There are people who are playing by the rules waiting to enter this country legally. They do not get an option to buy their way into a fast track.

Common sense says we do not reward people for breaking the law, and do not give them vehicles for people breaking the law that are not available to those who play by the rules. I want every Member here who voted for the immigration reform bill last year to remember this provision is a veto of the most commonsense part of that bill that says we will stop rewarding people for breaking our laws and coming here illegally.

Mr. ROHRABACHER. Mr. Speaker, I yield 1 minute to the gentleman from San Diego, [Mr. DUKE CUNNINGHAM]. Perhaps if he has some other things to say some other Members might yield him another minute or two.

Mr. CUNNINGHAM. Mr. Speaker, first of all, we need to differentiate between legal and illegal. The United States of America has more legal entrants than all the other countries put together. That is good. However, where we must draw the line is illegal immigration. It is beyond me. The thing that both sides of the aisle fight over all the time is legislation that slips in in the dark of night, when no one is around, by unanimous consent. That is how this was put into this bill.

That is wrong, Mr. Speaker. This provision to allow illegals to remain in this country, the only thing they should have is a ticket out of here, illegals out of the United States of America, period. If we take a look at how over the period of time that immigration has rewarded the United States, that is good.

I just returned from the Philippines. The State Department is overwhelmed by visas from people trying to come into this country legally. We need to support that, Mr. Speaker, and take out this provision. We do not have the votes to beat this, but we should have an up-or-down vote on this provision.

Mr. OBEY. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, I would simply say, this is not a piece of legislation to extend the Immigration Service. This is a piece of legislation to keep the Government open so we do not shut down the Government, either on purpose or by accident.

I would point out that the fiscal year starts in 2 days, and there are only 9 legislative days left between now and the expiration of the concurrent resolution, which we now have before us. So I think we need to find the fastest possible way to resolve differences and finish these bills.

Mr. Speaker, I yield back the balance of my time.

Mr. LIVINGSTON. Mr. Speaker, I yield myself 30 seconds.

Mr. Speaker, I simply would add that the gentleman from Wisconsin [Mr. OBEY] is absolutely correct. This is a bill which extends the opportunity for Government to keep from shutting down because those appropriations bills which have not yet been signed into law can and will be within the 3 weeks allotted by this bill.

The fact that the immigration issue is involved only extends what has been lawful for the last several years for 3 specific weeks. In that 3 weeks, I hope that the opponents of these provisions can meet their demands and satisfy their concerns.

In any event, Mr. Speaker, I urge the adoption of this continuing resolution.

Mr. QUINN. Mr. Speaker, I would like to express my support for House Joint Resolution 94, making continuing appropriations for the fiscal year ending September 30, 1997.

This resolution provides temporary funding, beginning October 1, 1997, and lasting until either October 23 or when the relevant bill is signed into law, whichever comes first. The continuing resolution funds ongoing projects at current rates, except for those for which both the President and Congress have proposed reduced funding.

The joint resolution also allows payment for the administrative costs of the user fee program of the Veterans Administrative Medicare Care Program.

This short-term measure would allow the Congress to continue its important work of passing appropriations bills while not dangerously bringing the Government to a halt. I strongly opposed the Government shutdowns of 1995 and 1996, as it had a direct effect on many of my constituents in western New York.

Last year, many Federal workers in my district were forced to stay home from work and did not receive a paycheck for months. This resolution will see to it that this type of situation is averted. Many of my constituents also were unable to obtain passports, iron out problems with their deserved benefits, or enjoy visiting our national parks while on vacation.

The SPEAKER pro tempore (Mr. EWING). All time for debate has expired.

The joint resolution is considered as having been read for amendment.

Pursuant to the order of the House of Friday, September 26, 1997, the previous question is ordered.

The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the joint resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. ROHRABACHER. Mr. Speaker, on that I demand a recorded vote.

A recorded vote was refused.

Mr. ROHRABACHER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 355, nays 57, not voting 21, as follows:

[Roll No. 461]

YEAS—355

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baesler
Baldacci
Ballenger
Barrett (NE)
Barrett (WI)
Bass
Bateman
Becerra
Bentsen
Bereuter
Berman
Berry
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Borski
Boswell
Boucher
Boyd
Brady
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Capps
Cardin
Carson
Castle
Chabot
Christensen
Clay
Clayton
Clement
Clyburn
Condit
Cook
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
DeFazio
DeGette
Delahunt
DeLauro
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Dreier
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Farr
Fawell
Fazio
Filner
Foley
Forbes
Ford
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Ganske
Gejdenson
Gekas
Gibbons
Gilchrest
Gilman
Goodlatte
Goodling
Gordon
Goss
Granger
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hamilton
Hansen
Hastert
Hastings (FL)
Hastings (WA)
Hill
Hilliard
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Hostettler
Houghton
Hoyer
Hulshof
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson (WI)
Johnson, E.B.
Johnson, Sam
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McDermott
McGovern
McHale
McHugh
McIntosh
McIntyre
McKinney
McNulty
Meehan
Meek
Menendez
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Nethercutt
Ney
Northup
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Packard
Pappas
Parker
Pascrell
Pastor
Paxon
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Radanovich
Rahall
Ramstad
Redmond
Regula
Reyes
Riggs
Rivers
Rodriguez
Roemer
Rogan
Rogers
Ros-Lehtinen
Rothman
Roybal-Allard
Rush
Ryun
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schumer
Scott
Serrano
Sessions
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stark
Stokes
Strickland
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Tierney
Torres
Towns
Turner
Upton
Velázquez
Vento
Visclosky
Walsh
Waters
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wise
Wolf
Woolsey
Wynn
Yates
Young (AK)

NAYS—57

Baker
Barr
Bartlett
Barton
Bilbray
Bono
Campbell
Chambliss
Chenoweth
Coble
Coburn
Collins
Combest
Cubin
Deal
DeLay
Doolittle
Duncan
Everett
Ewing
Gallegly
Gillmor
Goode
Graham
Hall (TX)
Hayworth
Hefley
Herger
Hilleary
Horn
Hunter
Jones
Largent
Manzullo
McInnis
McKeon
Metcalf
Neumann
Norwood
Paul
Pickett
Riley
Rohrabacher
Roukema
Royce
Salmon
Sanford
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Shadegg
Stearns
Stump
Taylor (MS)
Traficant
Wamp

NOT VOTING—21

Barcia
Conyers
Cooksey
Ensign
Fattah
Flake
Foglietta
Gephardt
Gonzalez
Harman
Hefner
Hinchey
Jenkins
Neal
Pallone
Quinn
Rangel
Schiff
Stenholm
Watkins
Young (FL)

☐ 1809

Mr. McINNIS, Mr. MANZULLO, Mrs. CHENOWETH, and Mr. CAMPBELL changed their vote from "yea" to "nay."

Mr. HASTINGS of Florida and Mr. SANDLIN changed their vote from "nay" to "yea."

So the joint resolution was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## PERSONAL EXPLANATION

Mr. JENKINS. Mr. Speaker, due to airline cancellations, I was unable to make rollcall vote No. 461. Had I been present I would have voted "Yea." I would have voted "No" on vote No. 460.

## ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. Pursuant to the provisions of clause 5, rule I, the Chair will now put the question on the following motions to suspend the rules on which further proceedings were postponed earlier today in the order in which that motion was entertained.

Votes will be taken in the following order:

S. 1211, de novo;

H.R. 2261, de novo;

H.R. 2472, de novo.

Further proceedings on the remaining motions to suspend the rules will be postponed until a subsequent legislative day.

The Chair will reduce to 5 minutes the time for any electronic vote after the first such vote in this series.

## PROVIDING PERMANENT AUTHORITY FOR THE ADMINISTRATION OF AU PAIR PROGRAMS

The SPEAKER. The pending business is the question of suspending the rules and passing the Senate bill, S. 1211.

The Clerk read the title of the Senate bill.

The SPEAKER. The question is on the motion offered by the gentleman from California [Mr. CAMPBELL] that the House suspend the rules and pass the Senate bill, S. 1211.

The question was taken.

### RECORDED VOTE

Mr. DOGGETT. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 377, noes 33, not voting 23, as follows:

[Roll No. 462]

AYES—377

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Baesler
Baker
Baldacci
Ballenger
Barrett (NE)
Barrett (WI)
Bartlett
Bass
Bateman
Becerra
Bentsen
Berman
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Carson
Castle
Chabot
Chambliss
Christensen
Clay
Clayton
Clement
Coburn
Collins
Combest
Condit
Cook
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fawell
Fazio
Filner
Forbes
Ford
Fowler
Fox
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Gejdenson
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hill
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E.B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McDermott
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Mollohan
Moran (VA)
Morella
Murtha
Myrick
Nadler
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Paxon
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Pickering
Pickett
Pitts
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Radanovich
Rahall
Ramstad
Redmond
Regula
Reyes
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Rush
Ryun
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schaefer, Dan
Schumer
Scott
Serrano
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stark
Stokes
Strickland
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Tierney
Torres
Towns
Traficant
Turner
Upton
Velázquez
Visclosky
Walsh
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wise
Wolf
Woolsey
Wynn
Yates
Young (AK)

NOES—33

Barr
Barton
Bereuter
Blunt
Chenoweth
Clyburn
Coble
Duncan
Ganske
Hefley
Herger
Hilleary
Hilliard
Hulshof
Hunter
LaHood
Moran (KS)
Neumann
Paul
Petri
Pombo
Riggs
Royce
Salmon
Sanford
Scarborough
Schaffer, Bob
Sensenbrenner
Sessions
Stearns
Stump
Wamp
Waters

NOT VOTING—23

Bachus
Barcia
Conyers
Cooksey
Fattah
Flake
Foglietta
Foley
Frank (MA)
Gephardt
Gonzalez
Harman
Hefner
Hinchey
Manzullo
Neal
Quinn
Rangel
Schiff
Stenholm
Vento
Watkins
Young (FL)

☐ 1828

So (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## SMALL BUSINESS PROGRAMS REAUTHORIZATION AND AMENDMENTS ACT OF 1997

The SPEAKER pro tempore. The pending business is the question de novo of suspending the rules and passing the bill, H.R. 2261, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Missouri [Mr. TALENT] that the House suspend the rules and pass the bill, H.R. 2261, as amended.

The question was taken.

### RECORDED VOTE

Ms. JACKSON-LEE of Texas. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 397, noes 17, not voting 19, as follows:

[Roll No. 463]

### AYES—397

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berman
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Capps
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Cook
Costello
Coyne
Cramer
Crane
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fawell
Fazio
Filner
Forbes
Ford
Fowler
Fox
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Hastert
Hastings (FL)
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E.B.
Johnson, Sam
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McDermott
McGovern
McHale
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Mica
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Paxon
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Radanovich
Rahall
Ramstad
Redmond
Regula
Reyes
Riggs
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Ros-Lehtinen
Rothman
Roybal-Allard
Rush
Ryun
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Schumer
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stokes
Strickland
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Tierney
Torres
Towns
Traficant
Turner
Upton
Velázquez
Vento
Visclosky
Walsh
Wamp
Waters
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wise
Wolf
Woolsey
Wynn
Yates
Young (AK)

### NOES—17

Barr
Campbell
Canady
Cox
Dreier
Hastings (WA)
Hostettler
Jones
McIntosh
Miller (FL)
Neumann
Paul
Rohrabacher
Roukema
Royce
Sanford
Stump

### NOT VOTING—19

Conyers
Cooksey
Fattah
Flake
Foglietta
Foley
Frank (MA)
Gephardt
Gonzalez
Harman
Hefner
Hinchey
Neal
Quinn
Rangel
Schiff
Stenholm
Watkins
Young (FL)

□ 1840

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid upon the table.

Mr. TALENT. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 1139) to reauthorize the programs of the Small Business Administration, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

The Clerk read the Senate bill as follows:

### S. 1139

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

(a) SHORT TITLE.—This Act may be cited as the "Small Business Reauthorization Act of 1997".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Effective date.

TITLE I—AUTHORIZATIONS

Sec. 101. Authorizations.

TITLE II—FINANCIAL ASSISTANCE

Subtitle A—Microloan Program

Sec. 201. Microloan program.
Sec. 202. Welfare-to-work microloan pilot program.

Subtitle B—Small Business Investment Company Program

Sec. 211. 5-year commitments for SBICs at option of Administrator.
Sec. 212. Fees.
Sec. 213. Small business investment company program reform.
Sec. 214. Examination fees.

Subtitle C—Certified Development Company Program

Sec. 221. Loans for plant acquisition, construction, conversion, and expansion.
Sec. 222. Development company debentures.
Sec. 223. Premier certified lenders program.

TITLE III—WOMEN'S BUSINESS ENTERPRISES

Sec. 301. Interagency committee participation.
Sec. 302. Reports.
Sec. 303. Council duties.
Sec. 304. Council membership.
Sec. 305. Authorization of appropriations.
Sec. 306. Women's business centers.
Sec. 307. Office of women's business ownership.
Sec. 308. National Women's Business Council procurement project.

TITLE IV—COMPETITIVENESS PROGRAM AND PROCUREMENT OPPORTUNITIES

Subtitle A—Small Business Competitiveness Program

Sec. 401. Program term.
Sec. 402. Monitoring agency performance.
Sec. 403. Reports to Congress.
Sec. 404. Small business participation in dredging.

Subtitle B—Small Business Procurement Opportunities Program

Sec. 411. Contract bundling.

Sec. 412. Definition of contract bundling.
Sec. 413. Assessing proposed contract bundling.
Sec. 414. Reporting of bundled contract opportunities.
Sec. 415. Evaluating subcontract participation in awarding contracts.
Sec. 416. Improved notice of subcontracting opportunities.
Sec. 417. Deadlines for issuance of regulations.

TITLE V—MISCELLANEOUS PROVISIONS

Sec. 501. Small business technology transfer program.
Sec. 502. Small business development centers.
Sec. 503. Pilot preferred surety bond guarantee program extension.
Sec. 504. Extension of cosponsorship authority.
Sec. 505. Asset sales.
Sec. 506. Small business export promotion.
Sec. 507. Defense Loan and Technical Assistance program.

TITLE VI—HUBZONE PROGRAM

Sec. 601. Short title.
Sec. 602. Historically underutilized business zones.
Sec. 603. Technical and conforming amendments to the Small Business Act.
Sec. 604. Other technical and conforming amendments.
Sec. 605. Regulations.
Sec. 606. Report.
Sec. 607. Authorization of appropriations.

**SEC. 2. EFFECTIVE DATE.**

This Act and the amendments made by this Act shall take effect on October 1, 1997.

## TITLE I—AUTHORIZATIONS

**SEC. 101. AUTHORIZATIONS.**

Section 20 of the Small Business Act (15 U.S.C. 631 note) is amended by striking subsections (c) through (q) and inserting the following:

"(c) Fiscal Year 1998.—

"(1) Program levels.—The following program levels are authorized for fiscal year 1998:

"(A) For the programs authorized by this Act, the Administration is authorized to make—

"(i) $28,000,000 in technical assistance grants, as provided in section 7(m); and

"(ii) $60,000,000 in loans, as provided in section 7(m).

"(B) For the programs authorized by this Act, the Administration is authorized to make $17,040,000,000 in deferred participation loans and other financings. Of such sum, the Administration is authorized to make—

"(i) $13,000,000,000 in general business loans as provided in section 7(a);

"(ii) $3,000,000,000 in financings as provided in section 7(a)(13) of this Act and section 504 of the Small Business Investment Act of 1958;

"(iii) $1,000,000,000 in loans as provided in section 7(a)(21); and

"(iv) $40,000,000 in loans as provided in section 7(m).

"(C) For the programs authorized by title III of the Small Business Investment Act of 1958, the Administration is authorized to make—

"(i) $600,000,000 in purchases of participating securities; and

"(ii) $500,000,000 in guarantees of debentures.

"(D) For the programs authorized by part B of title IV of the Small Business Investment Act of 1958, the Administration is authorized to enter into guarantees not to exceed $2,000,000,000, of which not more than $650,000,000 may be in bonds approved pursuant to section 411(a)(3) of that Act.

"(E) The Administration is authorized to make grants or enter into cooperative agreements—

"(i) for the Service Corps of Retired Executives program authorized by section 8(b)(1), $4,000,000; and

"(ii) for activities of small business development centers pursuant to section 21(c)(3)(G), $15,000,000, to remain available until expended.

"(2) Additional authorizations.—

"(A) There are authorized to be appropriated to the Administration for fiscal year 1998 such sums as may be necessary to carry out this Act, including administrative expenses and necessary loan capital for disaster loans pursuant to section 7(b), and to carry out the Small Business Investment Act of 1958, including salaries and expenses of the Administration.

"(B) Notwithstanding subparagraph (A), for fiscal year 1998—

"(i) no funds are authorized to be provided to carry out the loan program authorized by section 7(a)(21) except by transfer from another Federal department or agency to the Administration, unless the program level authorized for general business loans under subsection (l)(2)(A) is fully funded; and

"(ii) the Administration may not approve loans on behalf of the Administration or on behalf of any other department or agency, by contract or otherwise, under terms and conditions other than those specifically authorized under this Act or the Small Business Investment Act of 1958, except that it may approve loans under section 7(a)(21) of this Act in gross amounts of not more than $1,250,000.

"(d) Fiscal Year 1999.—

"(1) Program levels.—The following program levels are authorized for fiscal year 1999:

"(A) For the programs authorized by this Act, the Administration is authorized to make—

"(i) $28,000,000 in technical assistance grants as provided in section 7(m); and

"(ii) $60,000,000 in loans, as provided in section 7(m).

"(B) For the programs authorized by this Act, the Administration is authorized to make $18,540,000,000 in deferred participation loans and other financings. Of such sum, the Administration is authorized to make—

"(i) $14,000,000,000 in general business loans as provided in section 7(a);

"(ii) $3,500,000,000 in financings as provided in section 7(a)(13) of this Act and section 504 of the Small Business Investment Act of 1958;

"(iii) $1,000,000,000 in loans as provided in section 7(a)(21); and

"(iv) $40,000,000 in loans as provided in section 7(m).

"(C) For the programs authorized by title III of the Small Business Investment Act of 1958, the Administration is authorized to make—

"(i) $700,000,000 in purchases of participating securities; and

"(ii) $650,000,000 in guarantees of debentures.

"(D) For the programs authorized by part B of title IV of the Small Business Investment Act of 1958, the Administration is authorized to enter into guarantees not to exceed $2,000,000,000, of which not more than $650,000,000 may be in bonds approved pursuant to section 411(a)(3) of that Act.

"(E) The Administration is authorized to make grants or enter cooperative agreements—

"(i) for the Service Corps of Retired Executives program authorized by section 8(b)(1), $4,500,000; and

"(ii) for activities of small business development centers pursuant to section 21(c)(3)(G), not to exceed $15,000,000, to remain available until expended.

"(2) Additional authorizations.—

"(A) There are authorized to be appropriated to the Administration for fiscal year 1999 such sums as may be necessary to carry out this Act, including administrative expenses and necessary loan capital for disaster loans pursuant to section 7(b), and to carry out the Small Business Investment Act of 1958, including salaries and expenses of the Administration.

"(B) Notwithstanding subparagraph (A), for fiscal year 1999—

"(i) no funds are authorized to be provided to carry out the loan program authorized by section 7(a)(21) except by transfer from another Federal department or agency to the Administration, unless the program level authorized for general business loans under subsection (n)(2)(A) is fully funded; and

"(ii) the Administration may not approve loans on behalf of the Administration or on behalf of any other department or agency, by contract or otherwise, under terms and conditions other than those specifically authorized under this Act or the Small Business Investment Act of 1958, except that it may approve loans under section 7(a)(21) of this Act in gross amounts of not more than $1,250,000.

"(e) Fiscal Year 2000.—

"(1) Program levels.—The following program levels are authorized for fiscal year 2000:

"(A) For the programs authorized by this Act, the Administration is authorized to make—

"(i) $28,000,000 in technical assistance grants as provided in section 7(m); and

"(ii) $60,000,000 in direct loans, as provided in section 7(m).

"(B) For the programs authorized by this Act, the Administration is authorized to make $21,040,000,000 in deferred participation loans and other financings. Of such sum, the Administration is authorized to make—

"(i) $15,500,000,000 in general business loans as provided in section 7(a);

"(ii) $4,500,000,000 in financings as provided in section 7(a)(13) of this Act and section 504 of the Small Business Investment Act of 1958;

"(iii) $1,000,000,000 in loans as provided in section 7(a)(21); and

"(iv) $40,000,000 in loans as provided in section 7(m).

"(C) For the programs authorized by title III of the Small Business Investment Act of 1958, the Administration is authorized to make—

"(i) $850,000,000 in purchases of participating securities; and

"(ii) $700,000,000 in guarantees of debentures.

"(D) For the programs authorized by part B of title IV of the Small Business Investment Act of 1958, the Administration is authorized to enter into guarantees not to exceed $2,000,000,000, of which not more than $650,000,000 may be in bonds approved pursuant to section 411(a)(3) of that Act.

"(E) The Administration is authorized to make grants or enter cooperative agreements—

"(i) for the Service Corps of Retired Executives program authorized by section 8(b)(1), $5,000,000; and

"(ii) for activities of small business development centers pursuant to section

21(c)(3)(G), not to exceed $15,000,000, to remain available until expended.

"(2) ADDITIONAL AUTHORIZATIONS.—

"(A) There are authorized to be appropriated to the Administration for fiscal year 2000 such sums as may be necessary to carry out this Act, including administrative expenses and necessary loan capital for disaster loans pursuant to section 7(b), and to carry out the Small Business Investment Act of 1958, including salaries and expenses of the Administration.

"(B) Notwithstanding subparagraph (A), for fiscal year 2000—

"(i) no funds are authorized to be provided to carry out the loan program authorized by section 7(a)(21) except by transfer from another Federal department or agency to the Administration, unless the program level authorized for general business loans under subsection (p)(2)(A) is fully funded; and

"(ii) the Administration may not approve loans on behalf of the Administration or on behalf of any other department or agency, by contract or otherwise, under terms and conditions other than those specifically authorized under this Act or the Small Business Investment Act of 1958, except that it may approve loans under section 7(a)(21) of this Act in gross amounts of not more than $1,250,000.".

## TITLE II—FINANCIAL ASSISTANCE

### Subtitle A—Microloan Program

### SEC. 201. MICROLOAN PROGRAM.

(a) LOAN LIMITS.—Section 7(m)(3)(C) of the Small Business Act (15 U.S.C. 636(m)(3)(C)) is amended by striking "$2,500,000" and inserting "$3,500,000".

(b) LOAN LOSS RESERVE FUND.—Section 7(m)(3)(D) of the Small Business Act (15 U.S.C. 636(m)(3)(D)) is amended by striking clauses (i) and (ii), and inserting the following:

"(i) during the initial 5 years of the intermediary's participation in the program under this subsection, at a level equal to not more than 15 percent of the outstanding balance of the notes receivable owed to the intermediary; and

"(ii) in each year of participation thereafter, at a level equal to not more than the greater of—

"(I) 2 times an amount reflecting the total losses of the intermediary as a result of participation in the program under this subsection, as determined by the Administrator on a case-by-case basis; or

"(II) 10 percent of the outstanding balance of the notes receivable owed to the intermediary.".

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 7(m) of the Small Business Act (15 U.S.C. 636(m)) is amended—

(1) in the subsection heading, by striking "DEMONSTRATION";

(2) by striking "Demonstration" each place that term appears;

(3) by striking "demonstration" each place that term appears; and

(4) in paragraph (12), by striking "during fiscal years 1995 through 1997" and inserting "during fiscal years 1998 through 2000".

(d) TECHNICAL ASSISTANCE GRANTS.—Section 7(m)(4)(E) of the Small Business Act (15 U.S.C. 636(m)(4)(E)) is amended—

(1) by inserting "(i)" before "Each intermediary";

(2) by striking "15" and inserting "25";

(3) by adding at the end of the paragraph "(ii) The intermediary may expend up to 25 percent of the funds received under paragraph (1)(B)(ii) to enter into third party contracts for the provision of technical assistance".

### SEC. 202. WELFARE-TO-WORK MICROLOAN PILOT PROGRAM.

(a) PROGRAM ESTABLISHMENT.—Section 7(m) of the Small Business Act (15 U.S.C. 636(m)) is amended—

(1) in paragraph (1)(A)—

(A) in clause (ii), by striking "and" at the end;

(B) in clause (iii), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

"(iv) to establish a welfare-to-work microloan pilot program, which shall be administered by the Administration, in order to—

"(I) test the feasibility of supplementing the technical assistance grants provided under clauses (ii) and (iii) of subparagraph (B) to individuals who are receiving assistance under the State program funded under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.), or under any comparable State-funded means-tested program of assistance for low-income individuals, in order to adequately assist those individuals in—

"(aa) establishing small businesses; and

"(bb) eliminating their dependence on that assistance;

"(II) permit the grants described in subclause (I) to be used to provide intensive management, marketing and technical assistance as well as to pay or reimburse a portion of child care and transportation costs of individuals described in subclause (I) who become microborrowers;

"(III) eliminate barriers to microborrowers in establishing child care businesses; and

"(IV) evaluate the effectiveness of assistance provided under this clause in helping individuals described in subclause (I) to eliminate their dependence on assistance described in that subclause and become employed in their own business;";

(2) in paragraph (4), by adding at the end the following:

"(F) SUPPLEMENTAL GRANTS.—

"(i) IN GENERAL.—In addition to grants under subparagraphs (A) and (C) and paragraph (5), the Administration may select from participating intermediaries and recipients of grants under paragraph (5), not more than 20 entities in fiscal year 1998, 25 entities in fiscal year 1999, and 30 entities in fiscal year 2000, each of whom may receive annually a supplemental grant in an amount not to exceed $200,000 for the purpose of providing additional technical assistance and related services to borrowers who are receiving assistance described in paragraph (1)(A)(iv)(I) at the time they initially apply for assistance under the program.

"(ii) INAPPLICABILITY OF CONTRIBUTION REQUIREMENTS.—The contribution requirements of subparagraphs (B) and (C)(i)(II) do not apply to any grant made under this subparagraph.

"(iii) CHILD CARE AND TRANSPORTATION COSTS.—Any grant made under this subparagraph may be used to pay or reimburse a portion of the costs of child care and transportation incurred by a borrower under the welfare-to-work microloan pilot program under paragraph (1)(A)(iv).";

(3) in paragraph (6), by adding at the end the following:

"(E) ESTABLISHMENT OF CHILD CARE ESTABLISHMENTS.—In addition to other eligible small business concerns, borrowers under any program under this subsection may include individuals who will use the loan proceeds to establish for-profit or nonprofit child care establishments.";

(4) in paragraph (9)—

(A) by striking the paragraph designation and paragraph heading and inserting the following:

"(9) GRANTS FOR MANAGEMENT, MARKETING, TECHNICAL ASSISTANCE, AND RELATED SERVICES.—"; and

(B) by adding at the end the following:

"(C) WELFARE-TO-WORK MICROLOAN PILOT PROGRAM.—Of amounts made available to carry out the welfare-to-work microloan pilot program under paragraph (1)(A)(iv) in any fiscal year, the Administration may use not more than 5 percent to provide technical assistance, either directly or through contractors, to welfare-to-work microloan pilot program grantees, to ensure that, as grantees, they have the knowledge, skills, and understanding of microlending and welfare-to-work transition, and other related issues, to operate a successful welfare-to-work microloan pilot program."; and

(5) by adding at the end the following:

"(13) EVALUATION OF WELFARE-TO-WORK MICROLOAN PILOT PROGRAM.—On January 31, 1999, and annually thereafter, the Administration shall submit to the Committees on Small Business of the House of Representatives and the Senate a report on the welfare-to-work microloan pilot program authorized under paragraph (1)(A)(iv), which report shall include, with respect to the preceding fiscal year, an analysis of the progress and effectiveness of the program during that fiscal year, and data relating to—

"(A) the number and location of each grantee under the program;

"(B) the amount of each grant;

"(C) the number of individuals who received assistance under each grant, including separate data relating to—

"(i) the number of individuals who received training;

"(ii) the number of individuals who received transportation assistance; and

"(iii) the number of individuals who received child care assistance (including the number of children assisted);

"(D) the type and amount of loan and grant assistance received by borrowers under the program;

"(E) the number of businesses that were started with assistance provided under the program that are operational and the number of jobs created by each business;

"(F) the number of individuals receiving training under the program who, after receiving assistance under the program—

"(i) are employed in their own businesses; and

"(ii) are not receiving public assistance for themselves or their children;

"(G) whether and to what extent each grant was used to defray the transportation and child care costs of borrowers; and

"(H) any recommendations for legislative changes to improve program operations.".

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out the welfare-to-work microloan pilot program under section 7(m)(1)(A)(iv) of the Small Business Act (as added by this section)—

(1) $3,000,000 for fiscal year 1998;

(2) $4,000,000 for fiscal year 1999; and

(3) $5,000,000 for fiscal year 2000.

### Subtitle B—Small Business Investment Company Program

### SEC. 211. 5-YEAR COMMITMENTS FOR SBICs AT OPTION OF ADMINISTRATOR.

Section 20(a)(2) of the Small Business Act (15 U.S.C. 631 note) is amended in the last sentence by striking "the following fiscal year" and inserting "any 1 or more of the 4 subsequent fiscal years".

### SEC. 212. FEES.

Section 301 of the Small Business Investment Act of 1958 (15 U.S.C. 681) is amended by adding the following:

"(e) FEES.—

"(1) IN GENERAL.—The Administration may prescribe fees to be paid by each applicant for a license to operate as a small business investment company under this Act.

"(2) USE OF AMOUNTS.—Amounts collected pursuant to this subsection shall be—

"(A) deposited in the account for salaries and expenses of the Administration; and

"(B) available without further appropriation solely to cover contracting and other administrative costs related to licensing.".

### SEC. 213. SMALL BUSINESS INVESTMENT COMPANY PROGRAM REFORM.

(a) BANK INVESTMENTS.—Section 302(b) of the Small Business Investment Act of 1958 (15 U.S.C. 682(b)) is amended by striking "1956," and all that follows before the period and inserting the following: "1956, any national bank, or any member bank of the Federal Reserve System or nonmember insured bank to the extent permitted under applicable State law, may invest in any 1 or more small business investment companies, or in any entity established to invest solely in small business investment companies, except that in no event shall the total amount of such investments of any such bank exceed 5 percent of the capital and surplus of the bank".

(b) INDEXING FOR LEVERAGE.—Section 303 of the Small Business Investment Act of 1958 (15 U.S.C. 683) is amended—

(1) in subsection (b)—

(A) in paragraph (2), by adding at the end the following:

"(D)(i) The dollar amounts in subparagraphs (A), (B), and (C) shall be adjusted annually to reflect increases in the Consumer Price Index established by the Bureau of Labor Statistics of the Department of Labor.

"(ii) The initial adjustments made under this subparagraph after the date of enactment of the Small Business Reauthorization Act of 1997 shall reflect only increases from March 31, 1993."; and

(B) by striking paragraph (4) and inserting the following:

"(4) MAXIMUM AGGREGATE AMOUNT OF LEVERAGE.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), the aggregate amount of outstanding leverage issued to any company or companies that are commonly controlled (as determined by the Administrator) may not exceed $90,000,000, as adjusted annually for increases in the Consumer Price Index.

"(B) EXCEPTIONS.—The Administrator may, on a case-by-case basis—

"(i) approve an amount of leverage that exceeds the amount described in subparagraph (A) for companies under common control; and

"(ii) impose such additional terms and conditions as the Administrator determines to be appropriate to minimize the risk of loss to the Administration in the event of default.

"(C) APPLICABILITY OF OTHER PROVISIONS.—Any leverage that is issued to a company or companies commonly controlled in an amount that exceeds $90,000,000, whether as a result of an increase in the Consumer Price Index or a decision of the Administrator, is subject to subsection (d)."; and

(2) by striking subsection (d) and inserting the following:

"(d) REQUIRED CERTIFICATIONS.—

"(1) IN GENERAL.—The Administrator shall require each licensee, as a condition of approval of an application for leverage, to certify in writing—

"(A) for licensees with leverage less than or equal to $90,000,000, that not less than 20 percent of the licensee's aggregate dollar amount of financings will be provided to smaller enterprises; and

"(B) for licensees with leverage in excess of $90,000,000, that, in addition to satisfying the requirements of subparagraph (A), 100 percent of the licensee's aggregate dollar amount of financings made in whole or in part with leverage in excess of $90,000,000 will be provided to smaller enterprises as defined in section 103(12).

"(2) MULTIPLE LICENSEES.—Multiple licensees under common control (as determined by the Administrator) shall be considered to be a single licensee for purposes of determining both the applicability of and compliance with the investment percentage requirements of this subsection.".

(c) TAX DISTRIBUTIONS.—Section 303(g)(8) of the Small Business Investment Act of 1958 (15 U.S.C. 683(g)(8)) is amended by adding at the end the following: "A company may also elect to make a distribution under this paragraph at the end of any calendar quarter based on a quarterly estimate of the maximum tax liability. If a company makes 1 or more quarterly distributions for a calendar year, and the aggregate amount of those distributions exceeds the maximum amount that the company could have distributed based on a single annual computation, any subsequent distribution by the company under this paragraph shall be reduced by an amount equal to the excess amount distributed.".

(d) LEVERAGE FEE.—Section 303(i) of the Small Business Investment Act of 1958 (15 U.S.C. 683(i)) is amended by striking ", payable upon" and all that follows before the period and inserting the following: "in the following manner: 1 percent upon the date on which the Administration enters into any commitment for such leverage with the licensee, and the balance of 2 percent (or 3 percent if no commitment has been entered into by the Administration) on the date on which the leverage is drawn by the licensee".

(e) PERIODIC ISSUANCE OF GUARANTEES AND TRUST CERTIFICATES.—Section 320 of the Small Business Investment Act of 1958 (15 U.S.C. 687m) is amended by striking "three months" and inserting "6 months".

### SEC. 214. EXAMINATION FEES.

Section 310(b) of the Small Business Investment Act of 1958 (15 U.S.C. 687b(b)) is amended by inserting after the first sentence the following: "Fees collected under this subsection shall be deposited in the account for salaries and expenses of the Administration, and shall be available without further appropriation solely to cover the costs of examinations and other program oversight activities.".

## Subtitle C—Certified Development Company Program

### SEC. 221. LOANS FOR PLANT ACQUISITION, CONSTRUCTION, CONVERSION, AND EXPANSION.

Section 502 of the Small Business Investment Act of 1958 (15 U.S.C. 696) is amended—

(1) by striking paragraph (1) and inserting the following:

"(1) The proceeds of any such loan shall be used solely by the borrower to assist 1 or more identifiable small business concerns and for a sound business purpose approved by the Administration.";

(2) in paragraph (3), by adding at the end the following:

"(D) SELLER FINANCING.—Seller-provided financing may be used to meet the requirements of subparagraph (B), if the seller subordinates the interest of the seller in the property to the debenture guaranteed by the Administration.

"(E) COLLATERAL REQUIREMENTS.—Adequacy of collateral provided by the small business shall be one factor evaluated in the credit determination. Collateral provided by the small business concern generally will include a subordinate lien position on the property being financed, and additional collateral may be required in a case-by-case basis, as determined by the Administration."; and

(3) by adding at the end the following:

"(5) Except as provided in paragraph (4), not to exceed 25 percent of the project may be leased by the assisted small business, if—

"(A) the assisted small business is required to occupy permanently and use not less than 75 percent of the space in the project after the execution of any leases authorized in this paragraph; and

"(B) each tenant is engaged a business that enhances the operations of the assisted small business.".

### SEC. 222. DEVELOPMENT COMPANY DEBENTURES.

Section 503 of the Small Business Investment Act of 1958 (15 U.S.C. 697) is amended—

(1) in subsection (b)(7), by striking subparagraph (A) and inserting the following:

"(A) assesses and collects a fee, which shall be payable by the borrower, in an amount established annually by the Administration, which amount shall not exceed the lesser of—

"(i) 0.9375 percent per year of the outstanding balance of the loan; and

"(ii) the minimum amount necessary to reduce the cost (as that term is defined in section 502 of the Federal Credit Reform Act of 1990) to the Administration of purchasing and guaranteeing debentures under this Act to zero; and"; and

(2) in subsection (f), by striking "1997" and inserting "2000".

### SEC. 223. PREMIER CERTIFIED LENDERS PROGRAM.

(a) IN GENERAL.—Section 508 of the Small Business Investment Act of 1958 (15 U.S.C. 697e) is amended—

(1) in subsection (a), by striking "not more than 15";

(2) in subsection (b)(2), by striking subparagraphs (A) and (B) and inserting the following:

"(A) is an active certified development company in good standing and has been an active participant in the accredited lenders program during the entire 12-month period preceding the date on which the company submits an application under paragraph (1), except that the Administration may waive this requirement if the company is qualified to participate in the accredited lenders program;

"(B) has a history of—

"(i) submitting to the Administration adequately analyzed debenture guarantee application packages; and

"(ii) of properly closing section 504 loans and servicing its loan portfolio; and";

(3) by striking subsection (c) and inserting the following:

"(c) LOSS RESERVE.—

"(1) ESTABLISHMENT.—A company designated as a premier certified lender shall establish a loss reserve for financing approved pursuant to this section.

"(2) AMOUNT.—The amount of the loss reserve shall be based upon the greater of—

"(A) the historic loss rate on debentures issued by such company; or

"(B) 10 percent of the amount of the company's exposure as determined under subsection (b)(2)(C).

"(3) ASSETS.—The loss reserve shall be comprised of any combination of the following types of assets:

"(A) segregated funds on deposit in an account or accounts with a federally insured depository institution or institutions selected by the company, subject to a collateral assignment in favor of, and in a format acceptable to, the Administration; or

"(B) irrevocable letter or letters of credit, with a collateral assignment in favor of, and a commercially reasonable format acceptable to, the Administration.

"(4) CONTRIBUTIONS.—The company shall make contributions to the loss reserve, either cash or letters of credit as provided above, in the following amounts and at the following intervals:

"(A) 50 percent when a debenture is closed;

"(B) 25 percent additional not later than 1 year after a debenture is closed; and

"(C) 25 percent additional not later than 2 years after a debenture is closed.

"(5) REPLENISHMENT.—If a loss has been sustained by the Administration, any portion of the loss reserve, and other funds provided by the premier company as necessary, may be used to reimburse the Administration for the company's 10 percent share of the loss as provided in subsection (b)(2)(C). If the company utilizes the reserve, within 30 days it shall replace an equivalent amount of funds.

"(6) DISBURSEMENTS.—The Administration shall allow the certified development company to withdraw from the loss reserve amounts attributable to any debenture which has been repaid.";

(4) in subsection (f), by striking "State or local" and inserting "certified";

(5) in subsection (g), by striking the subsection heading and inserting the following:

"(g) EFFECT OF SUSPENSION OR REVOCATION.—";

(6) by striking subsection (h) and inserting the following:

"(h) PROGRAM GOALS.—Each certified development company participating in the program under this section shall establish a goal of processing a minimum of not less than 50 percent of the loan applications for assistance under section 504 pursuant to the program authorized under this section."; and

(7) in subsection (i), by striking "other lenders" and inserting "other lenders, specifically comparing default rates and recovery rates on liquidations".

(b) REGULATIONS.—The Administrator of the Small Business Administration shall—

(1) not later than 120 days after the date of enactment of this Act, promulgate regulations to carry out the amendments made by subsection (a); and

(2) not later than 150 days after the date of enactment of this Act, issue program guidelines and fully implement the amendments made by subsection (a).

(c) PROGRAM EXTENSION.—Section 217(b) of the Small Business Reauthorization and Amendments Act of 1994 (15 U.S.C. 697e note) is amended by striking "October 1, 1997" and inserting "October 1, 2000".

## TITLE III—WOMEN'S BUSINESS ENTERPRISES

### SEC. 301. INTERAGENCY COMMITTEE PARTICIPATION.

Section 403 of the Women's Business Ownership Act of 1988 (15 U.S.C. 631 note) is amended—

(1) in subsection (a)(1), by adding at the end the following:

"(K) The Department of Education.

"(L) The Environmental Protection Agency.

"(M) The Department of Energy.

"(N) The Administrator of the Office of Procurement Policy.

"(O) The National Aeronautics and Space Administration.";

(2) in subsection (a)(2)(A)—

(A) by striking "and Amendments Act of 1994" and inserting "Act of 1997"; and

(B) by inserting before the final period ", and who shall report directly to the head of the agency on the status of the activities of the Interagency Committee";

(3) in subsection (a)(2)(B), by inserting before the final period the following: "and shall report directly to the Administrator on the status of the activities on the Interagency Committee and shall serve as the Interagency Committee Liaison to the National Women's Business Council established under section 405"; and

(4) in subsection (b), by striking "and Amendments Act of 1994" and inserting "Act of 1997".

### SEC. 302. REPORTS.

Section 404 of the Women's Business Ownership Act of 1988 (15 U.S.C. 631 note) is amended—

(1) by inserting ", through the Small Business Administration," after "transmit";

(2) by striking paragraph (1) and redesignating paragraphs (2) through (4) as paragraphs (1) through (3), respectively; and

(3) in paragraph (1), as redesignated, by inserting before the semicolon the following: ", including a status report on the progress of the Interagency Committee in meeting its responsibilities and duties under section 402(a)".

### SEC. 303. COUNCIL DUTIES.

Section 406 of the Women's Business Ownership Act of 1988 (15 U.S.C. 631 note) is amended—

(1) in subsection (c), by inserting after "Administrator" the following: "(through the Assistant Administrator for the Office of Women's Business Ownership)"; and

(2) in subsection (d)—

(A) in paragraph (4), by striking "and" at the end;

(B) in paragraph (5), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

"(6) submit to the President and to the Committee on Small Business of the Senate and the Committee on Small Business of the House of Representatives, an annual report containing—

"(A) a detailed description of the activities of the council, including a status report on the Council's progress toward meeting its duties outlined in subsections (a) and (d) of section 406;

"(B) the findings, conclusions, and recommendations of the Council; and

"(C) the Council's recommendations for such legislation and administrative actions as the Council considers appropriate to promote the development of small business concerns owned and controlled by women.

"(e) SUBMISSION OF REPORTS.—The annual report required by subsection (d) shall be submitted not later than 90 days after the end of each fiscal year.".

### SEC. 304. COUNCIL MEMBERSHIP.

Section 407 of the Women's Business Ownership Act of 1988 (15 U.S.C. 631 note) is amended—

(1) in subsection (a), by striking "and Amendments Act of 1994" and inserting "Act of 1997";

(2) in subsection (b)—

(A) by striking "and Amendments Act of 1994" and inserting "Act of 1997";

(B) by inserting after "the Administrator shall" the following: ", after receiving the recommendations of the Chair and the Ranking Member of the Minority of the Committees on Small Business of the House of Representatives and the Senate, ";

(C) by striking "9" and inserting "14";

(D) in paragraph (1), by striking "2" and inserting "3";

(E) in paragraph (2)—

(i) by striking "2" and inserting "3"; and

(ii) by striking "and" at the end;

(F) in paragraph (3)—

(i) by striking "5" and inserting "6";

(ii) by striking "national"; and

(iii) by striking the period at the end and inserting the following: ", including representatives of Women's Business Center sites; and"; and

(G) by adding at the end the following:

"(4) 2 shall be representatives of businesses or educational institutions having an interest in women's entrepreneurship."; and

(3) in subsection (c), by inserting "(including both urban and rural areas)" after "geographic".

### SEC. 305. AUTHORIZATION OF APPROPRIATIONS.

Section 409 of the Women's Business Ownership Act of 1988 (15 U.S.C. 631 note) is amended—

(1) by striking "1995 through 1997" and inserting "1998 through 2000"; and

(2) by striking "$350,000" and inserting "$400,000".

### SEC. 306. WOMEN'S BUSINESS CENTERS.

(a) IN GENERAL.—Section 29 of the Small Business Act (15 U.S.C. 656) is amended to read as follows:

### "SEC. 29. WOMEN'S BUSINESS CENTERS.

"(a) DEFINITIONS.—In this section—

"(1) the term 'small business concern owned and controlled by women', either startup or existing, includes any small business concern—

"(A) that is not less than 51 percent owned by 1 or more women; and

"(B) the management and daily business operations of which are controlled by 1 or more women; and

"(2) the term 'women's business center site' means the location of—

"(A) a women's business center; or

"(B) 1 or more women's business centers, established in conjunction with another women's business center in another location within a State or region—

"(i) that reach a distinct population that would otherwise not be served;

"(ii) whose services are targeted to women; and

"(iii) whose scope, function, and activities are similar to those of the primary women's business center or centers in conjunction with which it was established.

"(b) AUTHORITY.—The Administration may provide financial assistance to private organizations to conduct 5-year projects for the benefit of small business concerns owned and controlled by women. The projects shall provide—

"(1) financial assistance, including training and counseling in how to apply for and secure business credit and investment capital, preparing and presenting financial statements, and managing cash flow and other financial operations of a business concern;

"(2) management assistance, including training and counseling in how to plan, organize, staff, direct, and control each major activity and function of a small business concern; and

“(3) marketing assistance, including training and counseling in identifying and segmenting domestic and international market opportunities, preparing and executing marketing plans, developing pricing strategies, locating contract opportunities, negotiating contracts, and utilizing varying public relations and advertising techniques.

“(c) CONDITIONS OF PARTICIPATION.—

“(1) NON-FEDERAL CONTRIBUTIONS.—As a condition of receiving financial assistance authorized by this section, the recipient organization shall agree to obtain, after its application has been approved and notice of award has been issued, cash contributions from non-Federal sources as follows:

“(A) in the first, second, and third years, 1 non-Federal dollar for each 2 Federal dollars;

“(B) in the fourth year, 1 non-Federal dollar for each Federal dollar; and

“(C) in the fifth year, 2 non-Federal dollars for each Federal dollar.

“(2) FORM OF NON-FEDERAL CONTRIBUTIONS.—Not more than one-half of the non-Federal sector matching assistance may be in the form of in-kind contributions which are budget line items only, including but not limited to office equipment and office space.

“(3) FORM OF FEDERAL CONTRIBUTIONS.—The financial assistance authorized pursuant to this section may be made by grant, contract, or cooperative agreement and may contain such provision, as necessary, to provide for payments in lump sum or installments, and in advance or by way of reimbursement. The Administration may disburse up to 25 percent of each year's Federal share awarded to a recipient organization after notice of the award has been issued and before the non-Federal sector matching funds are obtained.

“(4) FAILURE TO OBTAIN PRIVATE FUNDING.—If any recipient of assistance fails to obtain the required non-Federal contribution during any project, it shall not be eligible thereafter for advance disbursements pursuant to paragraph (3) during the remainder of that project, or for any other project for which it is or may be funded by the Administration, and prior to approving assistance to such organization for any other projects, the Administration shall specifically determine whether the Administration believes that the recipient will be able to obtain the requisite non-Federal funding and enter a written finding setting forth the reasons for making such determination.

“(d) CONTRACT AUTHORITY.—A women's business center may enter into a contract with a Federal department or agency to provide specific assistance to women and other underserved small business concerns. Performance of such contract should not hinder the women's business centers in carrying out the terms of the grant received by the women's business centers from the Administration.

“(e) SUBMISSION OF 5-YEAR PLAN.—Each applicant organization initially shall submit a 5-year plan to the Administration on proposed fundraising and training activities, and a recipient organization may receive financial assistance under this program for a maximum of 5 years per women's business center site.

“(f) CRITERIA.—The Administration shall evaluate and rank applicants in accordance with predetermined selection criteria that shall be stated in terms of relative importance. Such criteria and their relative importance shall be made publicly available and stated in each solicitation for applications made by the Administration. The criteria shall include—

“(1) the experience of the applicant in conducting programs or ongoing efforts designed to impart or upgrade the business skills of women business owners or potential owners;

“(2) the present ability of the applicant to commence a project within a minimum amount of time;

“(3) the ability of the applicant to provide training and services to a representative number of women who are both socially and economically disadvantaged; and

“(4) the location for the women's business center site proposed by the applicant.

“(g) OFFICE OF WOMEN'S BUSINESS OWNERSHIP.—There is established within the Administration an Office of Women's Business Ownership, which shall be responsible for the administration of the Administration's programs for the development of women's business enterprises (as that term is defined in section 408 of the Women's Business Ownership Act of 1988). The Office of Women's Business Ownership shall be administered by an Assistant Administrator, who shall be appointed by the Administrator.

“(h) REPORT.—The Administrator shall prepare and submit an annual report to the Committees on Small Business of the House of Representatives and the Senate on the effectiveness of all projects conducted under the authority of this section. Such report shall provide information concerning—

“(1) the number of individuals receiving assistance;

“(2) the number of startup business concerns formed;

“(3) the gross receipts of assisted concerns;

“(4) increases or decreases in profits of assisted concerns; and

“(5) the employment increases or decreases of assisted concerns.

“(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $8,000,000 per year to carry out the projects authorized by this section. Amounts appropriated pursuant to this subsection are to be used exclusively for grant awards and not for costs incurred by the Administration for the management and administration of the program. Notwithstanding any other provision of law, the Administration may use such expedited acquisition methods as it deems appropriate, through the Assistant Administrator of the Office of Women's Business Ownership, to achieve the purposes of this section, except that the Administration shall ensure that all eligible sources are provided a reasonable opportunity to submit proposals.”.

(b) APPLICABILITY.—Any organization conducting a 3-year project under section 29 of the Small Business Act (15 U.S.C. 656) on the day before the date of enactment of this Act, may extend the term of that project to a total term of 5 years and receive financial assistance in accordance with section 29(c) of the Small Business Act (as amended by this title) subject to procedures established by the Administrator in coordination with the Office of Women's Business Ownership established under section 29 of the Small Business Act (15 U.S.C. 656) (as amended by this title).

**SEC. 307. OFFICE OF WOMEN'S BUSINESS OWNERSHIP.**

Section 29 of the Small Business Act (15 U.S.C. 656) is amended by adding at the end the following:

“(l) ASSISTANT ADMINISTRATOR FOR THE OFFICE OF WOMEN'S BUSINESS OWNERSHIP.—

“(1) QUALIFICATION.—The Assistant Administrator for the Office of Women's Business Ownership (hereafter in this section referred to as the 'Assistant Administrator') shall serve without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification and General Schedule pay rates, but at a rate of pay not to exceed the maximum of pay payable for a position at GS–17 of the General Schedule.

“(2) RESPONSIBILITIES AND DUTIES.—

“(A) RESPONSIBILITIES.—The responsibilities of the Assistant Administrator shall be to administer the programs and services of the Office of Women's Business Ownership established to assist women entrepreneurs in the areas of—

“(i) starting and operating a small business;

“(ii) development of management and technical skills;

“(iii) seeking Federal procurement opportunities; and

“(iv) increasing the opportunity for access to capital.

“(B) DUTIES.—Duties of the position of the Assistant Administrator shall include—

“(i) administering and managing the Women's Business Centers program;

“(ii) recommending the annual administrative and program budgets for the Office of Women's Business Ownership (including the budget for the Women's Business Centers);

“(iii) establishing appropriate funding levels therefore;

“(iv) reviewing the annual budgets submitted by each applicant for the Women's Business Center program;

“(v) selecting applicants to participate in this program;

“(vi) implementing this section;

“(vii) maintaining a clearinghouse to provide for the dissemination and exchange of information between Women's Business Centers;

“(viii) conducting program examinations of recipients of grants under this section;

“(ix) serving as the vice chairperson of the Interagency Committee on Women's Business Enterprise;

“(x) serving as liaison for the National Women's Business Council; and

“(xi) advising the Administrator on appointments to the Women's Business Council.

“(3) CONSULTATION REQUIREMENTS.—In carrying out the responsibilities and duties described in this subsection, the Assistant Administrator shall confer with and seek the advice of the Administration officials in areas served by the Women's Business Centers.

“(j) PROGRAM EXAMINATION.—

“(1) IN GENERAL.—Not later than 180 days after the date of enactment of this subsection, the Administration shall develop and implement an annual programmatic and financial examination of each Women's Business Center established pursuant to this section.

“(2) EXTENSION OF CONTRACTS.—In extending or renewing a contract with a Women's Business Center, the Administration shall consider the results of the examination conducted pursuant to paragraph (1).

“(k) CONTRACT AUTHORITY.—The authority of the Administration to enter into contracts shall be in effect for each fiscal year only to the extent and in the amounts as are provided in advance in appropriations Acts. After the Administration has entered a contract, either as a grant or a cooperative agreement, with any applicant under this section, it shall not suspend, terminate, or fail to renew or extend any such contract unless the Administration provides the applicant with written notification setting forth the reasons therefore and affording the applicant an opportunity for a hearing, appeal, or other administrative proceeding under chapter 5 of title 5, United States Code.".

### SEC. 308. NATIONAL WOMEN'S BUSINESS COUNCIL PROCUREMENT PROJECT.

(a) IN GENERAL.—The Women's Business Ownership Act of 1988 (15 U.S.C. 631 note) is amended by adding at the end the following:

### "SEC. 410. NATIONAL WOMEN'S BUSINESS COUNCIL PROCUREMENT PROJECT.

"(a) PROCUREMENT PROJECT.—

"(1) FEDERAL PROCUREMENT STUDY.—

"(A) IN GENERAL.—The Council shall conduct a study on the award of Federal prime contracts and subcontracts to women-owned businesses, which study shall include—

"(i) an analysis of data collected by Federal agencies on contract awards to women-owned businesses;

"(ii) a determination of the degree to which individual Federal agencies are in compliance with the 5 percent women-owned business procurement goal established by section 15(g)(1) of the Small Business Act (15 U.S.C. 644(g)(1));

"(iii) a determination of the types and amounts of Federal contracts characteristically awarded to women-owned businesses; and

"(iv) other relevant information relating to participation of women-owned businesses in Federal procurement.

"(B) SUBMISSION OF RESULTS.—Not later than October 1, 1999, the Council shall submit to the Committees on Small Business of the House of Representatives and the Senate, and to the President, the results of the study conducted under subparagraph (A).

"(2) BEST PRACTICES REPORT.—Not later than March 1, 2000, the Council shall submit to the Committees on Small Business of the House of Representatives and the Senate, and to the President, a report, which shall include—

"(A) an analysis of the most successful practices in attracting women-owned businesses as prime contractors and subcontractors by—

"(i) Federal agencies (as supported by findings from the study required under subsection (a)(1)) in Federal procurement awards; and

"(ii) the private sector; and

"(B) recommendations for policy changes in Federal procurement practices, including an increase in the Federal procurement goal for women-owned businesses, in order to maximize the number of women-owned businesses performing Federal contracts.

"(b) CONTRACTING AUTHORITY.—In carrying out this section, the Council may contract with 1 or more public or private entities.

"(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, not to exceed $200,000, to remain available until expended through fiscal year 2000.".

## TITLE IV—COMPETITIVENESS PROGRAM AND PROCUREMENT OPPORTUNITIES

### Subtitle A—Small Business Competitiveness Program

### SEC. 401. PROGRAM TERM.

Section 711(c) of the Small Business Competitiveness Demonstration Program Act of 1988 (15 U.S.C. 644 note) is amended by striking "1997" and inserting "2000".

### SEC. 402. MONITORING AGENCY PERFORMANCE.

Section 712(d)(1) of the Small Business Competitiveness Demonstration Program Act of 1988 (15 U.S.C. 644 note) is amended to read as follows:

"(1) Participating agencies shall monitor the attainment of their small business participation goals on an annual basis. An annual review by each participating agency shall be completed not later than January 31 of each year, based on the data for the preceding fiscal year, from October 1 through September 30.".

### SEC. 403. REPORTS TO CONGRESS.

Section 716(a) of the Small Business Competitiveness Demonstration Program Act of 1988 (15 U.S.C. 644 note) is amended—

(1) by striking "1996" and inserting "2000";

(2) by striking "for Federal Procurement Policy" and inserting "of the Small Business Administration"; and

(3) by striking "Government Operations" and inserting "Government Reform and Oversight".

### SEC. 404. SMALL BUSINESS PARTICIPATION IN DREDGING.

Section 722(a) of the Small Business Competitiveness Demonstration Program Act of 1988 (15 U.S.C. 644 note) is amended by striking "1996" and inserting "2000".

### Subtitle B—Small Business Procurement Opportunities Program

### SEC. 411. CONTRACT BUNDLING.

Section 2 of the Small Business Act (15 U.S.C. 631) is amended by adding at the end the following:

"(j) In complying with the statement of congressional policy expressed in subsection (a), relating to fostering the participation of small business concerns in the contracting opportunities of the Government, each Federal agency, to the maximum extent practicable, shall—

"(1) comply with congressional intent to foster the participation of small business concerns as prime contractors, subcontractors, and suppliers;

"(2) structure its contracting requirements to facilitate competition by and among small business concerns, taking all reasonable steps to eliminate obstacles to their participation; and

"(3) avoid unnecessary and unjustified bundling of contract requirements that precludes small business participation in procurements as prime contractors.".

### SEC. 412. DEFINITION OF CONTRACT BUNDLING.

Section 3 of the Small Business Act (15 U.S.C. 632) is amended by adding at the end the following:

"(o) DEFINITIONS OF BUNDLING OF CONTRACT REQUIREMENTS AND RELATED TERMS.—In this Act—

"(1) The term 'bundling of contract requirements' means consolidating two or more procurement requirements for goods or services previously provided or performed under separate smaller contracts into a solicitation of offers for a single contract that is likely to be unsuitable for award to a small-business concern due to—

"(A) the diversity, size, or specialized nature of the elements of the performance specified;

"(B) the aggregate dollar value of the anticipated award;

"(C) the geographical dispersion of the contract performance sites; or

"(D) any combination of the factors described in subparagraphs (A), (B), and (C).

"(2) The term 'separate smaller contract', with respect to a bundling of contract requirements, means a contract that has been performed by one or more small business concerns or was suitable for award to one or more small business concerns.

"(3) The term 'bundled contract' means a contract that is entered into to meet requirements that are consolidated in a bundling of contract requirements.".

### SEC. 413. ASSESSING PROPOSED CONTRACT BUNDLING.

(a) IN GENERAL.—Section 15 of the Small Business Act (15 U.S.C. 644) is amended by inserting after subsection (d) the following new subsection (e):

"(e) PROCUREMENT STRATEGIES; CONTRACT BUNDLING.—

"(1) IN GENERAL.—To the maximum extent practicable, procurement strategies used by the various agencies having contracting authority shall facilitate the maximum participation of small business concerns as prime contractors, subcontractors, and suppliers.

"(2) MARKET RESEARCH.—

"(A) IN GENERAL.—Before proceeding with an acquisition strategy that could lead to a contract containing consolidated procurement requirements, the head of an agency shall conduct market research to determine whether consolidation of the requirements is necessary and justified.

"(B) FACTORS.—For purposes of subparagraph (A), consolidation of the requirements may be determined as being necessary and justified if, as compared to the benefits that would be derived from contracting to meet those requirements if not consolidated, the Federal Government would derive from the consolidation measurably substantial benefits, including any combination of benefits that, in combination, are measurably substantial. Benefits described in the preceding sentence may include the following:

"(i) Cost savings.

"(ii) Quality improvements.

"(iii) Reduction in acquisition cycle times.

"(iv) Better terms and conditions.

"(v) Any other benefits.

"(C) REDUCTION OF COSTS NOT DETERMINATIVE.—The reduction of administrative or personnel costs alone shall not be a justification for bundling of contract requirements unless the cost savings are expected to be substantial in relation to the dollar value of the procurement requirements to be consolidated.

"(3) STRATEGY SPECIFICATIONS.—If the head of a contracting agency determines that a proposed procurement strategy for a procurement involves a substantial bundling of contract requirements, the proposed procurement strategy shall—

"(A) identify specifically the benefits anticipated to be derived from the bundling of contract requirements;

"(B) set forth an assessment of the specific impediments to participation by small business concerns as prime contractors that result from the bundling of contract requirements and specify actions designed to maximize small business participation as subcontractors (including suppliers) at various tiers under the contract or contracts that are awarded to meet the requirements; and

"(C) include a specific determination that the anticipated benefits of the proposed bundled contract justify its use.

"(4) CONTRACT TEAMING.—In the case of a solicitation of offers for a bundled contract that is issued by the head of an agency, a small-business concern may submit an offer that provides for use of a particular team of subcontractors for the performance of the contract. The head of the agency shall evaluate the offer in the same manner as other offers, with due consideration to the capabilities of all of the proposed subcontractors. When a small business concern teams under this paragraph, it shall not affect its status as a small business concern for any other purpose.".

(b) ADMINISTRATION REVIEW.—The third sentence of subsection (a) of such section is amended—

(1) by inserting after "discrete construction projects," the following: "or the solicitation involves an unnecessary or unjustified bundling of contract requirements, as determined by the Administration,";

(2) by striking out "or (4)" and inserting in lieu thereof "(4)"; and

(3) by inserting before the period at the end the following: ", or (5) why the agency has determined that the bundled contract (as defined in section 3(o)) is necessary and justified".

(c) RESPONSIBILITIES OF AGENCY SMALL BUSINESS ADVOCATES.—Subsection (k) of such section is amended—

(1) by redesignating paragraphs (5) through (9) as paragraphs (6) through (10), respectively; and

(2) by inserting after paragraph (4) the following:

"(5) identify proposed solicitations that involve significant bundling of contract requirements, and work with the agency acquisition officials and the Administration to revise the procurement strategies for such proposed solicitations where appropriate to increase the probability of participation by small businesses as prime contractors, or to facilitate small business participation as subcontractors and suppliers, if a solicitation for a bundled contract is to be issued;".

### SEC. 414. REPORTING OF BUNDLED CONTRACT OPPORTUNITIES.

(a) DATA COLLECTION REQUIRED.—The Federal Procurement Data System described in section 6(d)(4)(A) of the Office of Federal Procurement Policy Act (41 U.S.C. 405(d)(4)(A)) shall be modified to collect data regarding bundling of contract requirements when the contracting officer anticipates that the resulting contract price, including all options, is expected to exceed $5,000,000. The data shall reflect a determination made by the contracting officer regarding whether a particular solicitation constitutes a contract bundling.

(b) DEFINITIONS.—In this section, the term "bundling of contract requirements" has the meaning given that term in section 3(o) of the Small Business Act (15 U.S.C. 632(o)) (as added by section 412 of this title).

### SEC. 415. EVALUATING SUBCONTRACT PARTICIPATION IN AWARDING CONTRACTS.

Section 8(d)(4) of the Small Business Act (15 U.S.C. 637(d)(4)) is amended by adding at the end the following:

"(G) The following factors shall be designated by the Federal agency as significant factors for purposes of evaluating offers for a bundled contract where the head of the agency determines that the contract offers a significant opportunity for subcontracting:

"(i) A factor that is based on the rate provided under the subcontracting plan for small business participation in the performance of the contract.

"(ii) For the evaluation of past performance of an offeror, a factor that is based on the extent to which the offeror attained applicable goals for small business participation in the performance of contracts.".

### SEC. 416. IMPROVED NOTICE OF SUBCONTRACTING OPPORTUNITIES.

(a) USE OF THE COMMERCE BUSINESS DAILY AUTHORIZED.—Section 8 of the Small Business Act (15 U.S.C. 637) is amended by adding at the end the following:

"(k) NOTICES OF SUBCONTRACTING OPPORTUNITIES.—

"(1) IN GENERAL.—Notices of subcontracting opportunities may be submitted for publication in the Commerce Business Daily by—

"(A) a business concern awarded a contract by an executive agency subject to subsection (e)(1)(C); and

"(B) a business concern which is a subcontractor or supplier (at any tier) to such contractor having a subcontracting opportunity in excess of $10,000.

"(2) CONTENT OF NOTICE.—The notice of a subcontracting opportunity shall include—

"(A) a description of the business opportunity that is comparable to the description specified in paragraphs (1), (2), (3), and (4) of subsection (f); and

"(B) the due date for receipt of offers.".

(b) REGULATIONS REQUIRED.—The Federal Acquisition Regulation shall be amended to provide uniform implementation of the amendments made by this section.

(c) CONFORMING AMENDMENT.—Section 8(e)(1)(C) of the Small Business Act (15 U.S.C. 637(e)(1)(C)) is amended by striking "$25,000" each place that term appears and inserting "$100,000".

### SEC. 417. DEADLINES FOR ISSUANCE OF REGULATIONS.

(a) PROPOSED REGULATIONS.—Proposed amendments to the Federal Acquisition Regulation or proposed Small Business Administration regulations under this subtitle and the amendments made by this subtitle shall be published not later than 120 days after the date of enactment of this Act for the purpose of obtaining public comment pursuant to section 22 of the Office of Federal Procurement Policy Act (41 U.S.C. 418b), or chapter 5 of title 5, United States Code, as appropriate. The public shall be afforded not less than 60 days to submit comments.

(b) FINAL REGULATIONS.—Final regulations shall be published not later than 270 days after the date of enactment of this Act. The effective date for such final regulations shall be not less than 30 days after the date of publication.

## TITLE V—MISCELLANEOUS PROVISIONS

### SEC. 501. SMALL BUSINESS TECHNOLOGY TRANSFER PROGRAM.

(a) REQUIRED EXPENDITURES.—Section 9(n) of the Small Business Act (15 U.S.C. 638(n)) is amended by striking paragraph (1) and inserting the following:

"(1) REQUIRED EXPENDITURE AMOUNTS.—With respect to fiscal years 1998, 1999, 2000, 2001, 2002, or 2003, each Federal agency that has an extramural budget for research, or research and development, in excess of $1,000,000,000 for that fiscal year, is authorized to expend with small business concerns not less than 0.15 percent of that extramural budget specifically in connection with STTR programs that meet the requirements of this section and any policy directives and regulations issued under this section.".

(b) PILOT PROGRAM.—

(1) IN GENERAL.—Section 9 of the Small Business Act (15 U.S.C. 638) is amended by adding at the end the following:

"(s) PILOT PROGRAM.—

"(1) DEFINITION OF ELIGIBLE STATE.—In this subsection, the term 'eligible State' means a State—

"(A) if the total value of contracts awarded to the State during fiscal year 1995 under this section was less than $5,000,000; and

"(B) that certifies to the Federal agency described in paragraph (2) that the State will, upon receipt of assistance under this subsection, provide matching funds from non-Federal sources in an amount that is not less than 50 percent of the amount provided under this subsection.

"(2) PROGRAM AUTHORITY.—Of amounts made available to carry out this section for fiscal year 1998, 1999, or 2000, the Administrator may expend with eligible States not more than $2,000,000 in each such fiscal year in order to increase the participation of small business concerns located in those States in the programs under this section.

"(3) AMOUNT OF ASSISTANCE.—The amount of assistance provided to an eligible State under this subsection in any fiscal year—

"(A) shall be equal to twice the total amount of matching funds from non-Federal sources provided by the State; and

"(B) shall not exceed $100,000.

"(4) USE OF ASSISTANCE.—Assistance provided to an eligible State under this subsection shall be used by the State, in consultation with State and local departments and agencies, for programs and activities to increase the participation of small business concerns located in the State in the programs under this section, including—

"(A) the establishment of quantifiable performance goals, including goals relating to—

"(i) the number of program awards under this section made to small business concerns in the State; and

"(ii) the total amount of Federal research and development contracts awarded to small business concerns in the State;

"(B) the provision of competition outreach support to small business concerns in the State that are involved in research and development; and

"(C) the development and dissemination of educational and promotional information relating to the programs under this section to small business concerns in the State.".

(2) REPEAL.—Effective October 1, 2000, section 9(s) of the Small Business Act (as added by paragraph (1) of this subsection) is repealed.

### SEC. 502. SMALL BUSINESS DEVELOPMENT CENTERS.

(a) IN GENERAL.—Section 21(a) of the Small Business Act (15 U.S.C. 648(a)) is amended—

(1) in paragraph (1)—

(A) by inserting "any women's business center operating pursuant to section 29," after "credit or finance corporation,";

(B) by inserting "or a women's business center operating pursuant to section 29" after "other than an institution of higher education"; and

(C) by inserting "and women's business centers operating pursuant to section 29" after "utilize institutions of higher education";

(2) in paragraph (3)—

(A) by striking ", but with" and all that follows through "parties." and inserting the following: "for the delivery of programs and services to the Small Business community. Such programs and services shall be jointly developed, negotiated, and agreed upon, with full participation of both parties, pursuant to an executed cooperative agreement between the Small Business Development Center applicant and the Administration."; and

(B) by adding at the end the following:

"(C) On an annual basis, the Small Business Development Center shall review and coordinate public and private partnerships and cosponsorships with the Administration for the purpose of more efficiently leveraging available resources on a National and a State basis.";

(3) in paragraph (4)(C)—

(A) by striking clause (i) and inserting the following:

"(i) IN GENERAL.—

"(I) GRANT AMOUNT.—Subject to subclause (II), the amount of a grant received by a State under this section shall be equal to the greater of $500,000, or the sum of—

"(aa) the State's pro rata share of the national program, based upon the population of the State as compared to the total population of the United States; and

"(bb) $300,000 in fiscal year 1998, $400,000 in fiscal year 1999, and $500,000 in each fiscal year thereafter.

"(II) Pro rata reductions.—If the amount made available to carry out this section for any fiscal year is insufficient to carry out subclause (I), the Administration shall make pro rata reductions in the amounts otherwise payable to States under this clause."; and

(B) in clause (iii), by striking "(iii)" and all that follows through "1997." and inserting the following:

"(iii) Authorization of appropriations.—There are authorized to be appropriated to carry out the national program under this section—

"(I) $85,000,000 for fiscal year 1998;

"(II) $90,000,000 for fiscal year 1999; and

"(III) $95,000,000 for fiscal year 2000 and each fiscal year thereafter."; and

(4) in paragraph (6)—

(A) in subparagraph (A), by striking "and" at the end;

(B) in subparagraph (B), by striking the comma at the end and inserting "; and"; and

(C) inserting after subparagraph (B) the following:

"(C) with outreach, development, and enhancement of minority-owned small business startups or expansions, veteran-owned small business startups or expansions, and women-owned small business startups or expansions, in communities impacted by base closings or military or corporate downsizing, or in rural or underserved communities;".

(b) SBDC Services.—Section 21(c) of the Small Business Act (15 U.S.C. 648(c)) is amended—

(1) in paragraph (3)—

(A) in subparagraph (A), by striking "businesses;" and inserting "businesses, including—

"(i) working with individuals to increase awareness of basic credit practices and credit requirements;

"(ii) working with individuals to development business plans, financial packages, credit applications, and contract proposals;

"(iii) working with the Administration to develop and provide informational tools for use in working with individuals on pre-business startup planning, existing business expansion, and export planning; and

"(iv) working with individuals referred by the local offices of the Administration and Administration participating lenders;";

(B) in each of subparagraphs (B), (C), (D), (E), (F), (G), (M), (N), (O), (Q), and (R) by moving each margin two ems to the right;

(C) in subparagraph (C), by inserting "and the Administration" after "Center";

(D) by striking subparagraph (H), and inserting the following:

"(H) working with the technical and environmental compliance assistance programs established in each State under section 507 of the Clean Air Act Amendments of 1970, or State pollution prevention programs to notify small businesses through outreach programs of regulations that affect small businesses and making counseling, conferences, and materials available on methods of compliance;";

(E) in subparagraph (Q), by striking "and" at the end;

(F) in subparagraph (R), by striking the period at the end and inserting "; and"; and

(G) by inserting after subparagraph (R) the following:

"(S) providing counseling and technology development when necessary to help small businesses find solutions for complying with environmental, energy, health, safety, and other Federal, State, and local regulation including cooperating with the technical and environmental compliance assistance programs established in each State under section 507 of the Clean Air Act Amendments of 1970 or State pollution prevention programs in the provision of counseling and technology development to help small businesses find solutions for complying with environmental regulations.";

(2) in paragraph (5)—

(A) by moving the margin 2 ems to the right;

(B) by striking "paragraph (a)(1)" and inserting "subsection (a)(1)";

(C) by striking "which ever" and inserting "whichever"; and

(D) by striking "last,," and inserting "last,";

(3) by redesignating paragraphs (4) through (7) as paragraphs (5) through (8), respectively; and

(4) in paragraph (3), in the undesignated material following subparagraph (S) (as added by this subsection), by striking "A small" and inserting the following:

"(4) A small".

(c) Competitive Awards.—Section 21(l) of the Small Business Act (15 U.S.C. 648(l)) is amended by adding at the end the following: "If any contract under this section with an entity that is in compliance with this section is not renewed or extended, any award of a contract under this section to another entity shall be made on a competitive basis.".

(d) Prohibition on Certain Fees.—Section 21 of the Small Business Act (15 U.S.C. 648) is amended by adding at the end the following:

"(m) Prohibition on Certain Fees.—A small business development center shall not impose or otherwise collect a fee or other compensation in connection with the provision of counseling services under this section.".

### SEC. 503. PILOT PREFERRED SURETY BOND GUARANTEE PROGRAM EXTENSION.

Section 207 of the Small Business Administration Reauthorization and Amendment Act of 1988 (15 U.S.C. 694b note) is amended by striking "September 30, 1997" and inserting "September 30, 2000".

### SEC. 504. EXTENSION OF COSPONSORSHIP AUTHORITY.

Section 401(a)(2) of the Small Business Administration Reauthorization and Amendments Act of 1994 (15 U.S.C. 637 note) is amended by striking "September 30, 1997" and inserting "September 30, 2000".

### SEC. 505. ASSET SALES.

In connection with the Administration's implementation of a program to sell to the private sector loans and other assets held by the Administration, the Administration shall provide to the Committees on Small Business in the Senate and House of Representatives a copy of the draft and final plans describing the sale and the anticipated benefits resulting from such sale.

### SEC. 506. SMALL BUSINESS EXPORT PROMOTION.

(a) In General.—Section 21(c)(3) of the Small Business Act (15 U.S.C. 648(c)(3)) is amended—

(1) in subparagraph (Q), by striking "and" at the end;

(2) in subparagraph (B), by striking the period at the end and inserting "; and"; and

(3) by inserting after subparagraph (R) the following:

"(S) providing small business owners with access to a wide variety of export-related information by establishing on-line computer linkages between small business development centers and an international trade data information network with ties to the Export Assistance Center program.".

(b) Authorization of Appropriations.—There are authorized to be appropriated to carry out section 21(c)(3)(S) of the Small Business Act (15 U.S.C. 648(c)(3)(S)), as added by this section, $1,500,000 for each fiscal years 1998 and 1999.

### SEC. 507. DEFENSE LOAN AND TECHNICAL ASSISTANCE PROGRAM.

(a) DELTA Program Authorized.—

(1) In general.—The Administrator of the Small Business Administration may administer the Defense Loan and Technical Assistance program in accordance with the authority and requirements of this section.

(2) Expiration of authority.—The authority of the Administrator to carry out the DELTA program under paragraph (1) shall terminate when the funds referred to in subsection (g)(1) have been expended.

(3) DELTA program defined.—In this section, the terms "Defense Loan and Technical Assistance program" and "DELTA program" mean the Defense Loan and Technical Assistance program that has been established by a memorandum of understanding entered into by the Administrator and the Secretary of Defense on June 26, 1995.

(b) Assistance.—

(1) Authority.—Under the DELTA program, the Administrator may assist small business concerns that are economically dependent on defense expenditures to acquire dual-use capabilities.

(2) Forms of assistance.—Forms of assistance authorized under paragraph (1) are as follows:

(A) Loan guarantees.—Loan guarantees under the terms and conditions specified under this section and other applicable law.

(B) Nonfinancial assistance.—Other forms of assistance that are not financial.

(c) Administration of Program.—In the administration of the DELTA program under this section, the Administrator shall—

(1) process applications for DELTA program loan guarantees;

(2) guarantee repayment of the resulting loans in accordance with this section; and

(3) take such other actions as are necessary to administer the program.

(d) Selection and Eligibility Requirements for DELTA Loan Guarantees.—

(1) In general.—The selection criteria and eligibility requirements set forth in this subsection shall be applied in the selection of small business concerns to receive loan guarantees under the DELTA program.

(2) Selection criteria.—The criteria used for the selection of a small business concern to receive a loan guarantee under this section are as follows:

(A) The selection criteria established under the memorandum of understanding referred to in subsection (a)(3).

(B) The extent to which the loans to be guaranteed would support the retention of defense workers whose employment would otherwise be permanently or temporarily terminated as a result of reductions in expenditures by the United States for defense, the termination or cancellation of a defense contract, the failure to proceed with an approved major weapon system, the merger or consolidation of the operations of a defense contractor, or the closure or realignment of a military installation.

(C) The extent to which the loans to be guaranteed would stimulate job creation and new economic activities in communities most adversely affected by reductions in expenditures by the United States for defense, the termination or cancellation of a defense contract, the failure to proceed with an approved major weapon system, the merger or consolidation of the operations of a defense contractor, or the closure or realignment of a military installation.

(D) The extent to which the loans to be guaranteed would be used to acquire (or permit the use of other funds to acquire) capital equipment to modernize or expand the facilities of the borrower to enable the borrower to remain in the national technology and industrial base available to the Department of Defense.

(3) ELIGIBILITY REQUIREMENTS.—To be eligible for a loan guarantee under the DELTA program, a borrower must demonstrate to the satisfaction of the Administrator that, during any 1 of the 5 preceding operating years of the borrower, not less than 25 percent of the value of the borrower's sales were derived from—

(A) contracts with the Department of Defense or the defense-related activities of the Department of Energy; or

(B) subcontracts in support of defense-related prime contracts.

(e) MAXIMUM AMOUNT OF LOAN PRINCIPAL.—The maximum amount of loan principal for which the Administrator may provide a guarantee under this section during a fiscal year may not exceed $1,250,000.

(f) LOAN GUARANTY RATE.—The maximum allowable guarantee percentage for loans guaranteed under this section may not exceed 80 percent.

(g) FUNDING.—

(1) IN GENERAL.—The funds that have been made available for loan guarantees under the DELTA program and have been transferred from the Department of Defense to the Small Business Administration before the date of the enactment of this Act shall be used for carrying out the DELTA program under this section.

(2) CONTINUED AVAILABILITY OF EXISTING FUNDS.—The funds made available under the second proviso under the heading "RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE" in Public Law 103–335 (108 Stat. 2613) shall be available until expended—

(A) to cover the costs (as defined in section 502(5) of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a(5))) of loan guarantees issued under this section; and

(B) to cover the reasonable costs of the administration of the loan guarantees.

## TITLE VI—HUBZONE PROGRAM

### SEC. 601. SHORT TITLE.

This title may be cited as the "HUBZone Act of 1997".

### SEC. 602. HISTORICALLY UNDERUTILIZED BUSINESS ZONES.

(a) DEFINITIONS.—Section 3 of the Small Business Act (15 U.S.C. 632) (as amended by section 412 of this Act) is amended by adding at the end the following:

"(p) DEFINITIONS RELATING TO HUBZONES.—In this Act:

"(1) HISTORICALLY UNDERUTILIZED BUSINESS ZONE.—The term 'historically underutilized business zone' means any area located within 1 or more—

"(A) qualified census tracts;

"(B) qualified nonmetropolitan counties; or

"(C) lands within the external boundaries of an Indian reservation.

"(2) HUBZONE.—The term 'HUBZone' means a historically underutilized business zone.

"(3) HUBZONE SMALL BUSINESS CONCERN.—The term 'HUBZone small business concern' means a small business concern—

"(A) that is owned and controlled by 1 or more persons, each of whom is a United States citizen; and

"(B) the principal office of which is located in a HUBZone; or

"(4) QUALIFIED AREAS.—

"(A) QUALIFIED CENSUS TRACT.—The term 'qualified census tract' has the meaning given that term in section 42(d)(5)(C)(i)(I) of the Internal Revenue Code of 1986.

"(B) QUALIFIED NONMETROPOLITAN COUNTY.—The term 'qualified nonmetropolitan county' means any county—

"(i) that, based on the most recent data available from the Bureau of the Census of the Department of Commerce—

"(I) is not located in a metropolitan statistical area (as that term is defined in section 143(k)(2)(B) of the Internal Revenue Code of 1986); and

"(II) in which the median household income is less than 80 percent of the nonmetropolitan State median household income; or

"(ii) that, based on the most recent data available from the Secretary of Labor, has an unemployment rate that is not less than 140 percent of the statewide average unemployment rate for the State in which the county is located.

"(5) QUALIFIED HUBZONE SMALL BUSINESS CONCERN.—

"(A) IN GENERAL.—A HUBZone small business concern is 'qualified', if—

"(i) the small business concern has certified in writing to the Administrator (or the Administrator otherwise determines, based on information submitted to the Administrator by the small business concern, or based on certification procedures, which shall be established by the Administration by regulation) that—

"(I) it is a HUBZone small business concern;

"(II) not less than 35 percent of the employees of the small business concern reside in a HUBZone, and the small business concern will attempt to maintain this employment percentage during the performance of any contract awarded to the small business concern on the basis of a preference provided under section 31(b); and

"(III) with respect to any subcontract entered into by the small business concern pursuant to a contract awarded to the small business concern under section 31, the small business concern will ensure that—

"(aa) in the case of a contract for services (except construction), not less than 50 percent of the cost of contract performance incurred for personnel will be expended for its employees or for employees of other HUBZone small business concerns; and

"(bb) in the case of a contract for procurement of supplies (other than procurement from a regular dealer in such supplies), not less than 50 percent of the cost of manufacturing the supplies (not including the cost of materials) will be incurred in connection with the performance of the contract in a HUBZone by 1 or more HUBZone small business concerns; and

"(ii) no certification made or information provided by the small business concern under clause (i) has been, in accordance with the procedures established under section 31(c)(1)—

"(I) successfully challenged by an interested party; or

"(II) otherwise determined by the Administrator to be materially false.

"(B) CHANGE IN PERCENTAGES.—The Administrator may utilize a percentage other than the percentage specified in under subclause (IV) or (V) of subparagraph (A)(i), if the Administrator determines that such action is necessary to reflect conventional industry practices among small business concerns that are below the numerical size standard for businesses in that industry category.

"(C) CONSTRUCTION AND OTHER CONTRACTS.—The Administrator shall promulgate final regulations imposing requirements that are similar to those specified in subclauses (IV) and (V) of subparagraph (A)(i) on contracts for general and specialty construction, and on contracts for any other industry category that would not otherwise be subject to those requirements. The percentage applicable to any such requirement shall be determined in accordance with subparagraph (B).

"(D) LIST OF QUALIFIED SMALL BUSINESS CONCERNS.—The Administrator shall establish and maintain a list of qualified HUBZone small business concerns, which list shall, to the extent practicable—

"(i) include the name, address, and type of business with respect to each such small business concern;

"(ii) be updated by the Administrator not less than annually; and

"(iii) be provided upon request to any Federal agency or other entity.".

(b) FEDERAL CONTRACTING.—

(1) IN GENERAL.—The Small Business Act (15 U.S.C. 631 et seq.) is amended—

(A) by redesignating section 31 as section 32; and

(B) by inserting after section 30 the following:

### "SEC. 31. HUBZONE PROGRAM.

"(a) IN GENERAL.—There is established within the Administration a program to be carried out by the Administrator to provide for Federal contracting assistance to qualified HUBZone small business concerns in accordance with this section.

"(b) ELIGIBLE CONTRACTS.—

"(1) DEFINITIONS.—In this subsection—

"(A) the term 'contracting officer' has the meaning given that term in section 27(f)(5) of the Office of Federal Procurement Policy Act (41 U.S.C. 423(f)(5)); and

"(B) the terms 'executive agency' and 'full and open competition' have the meanings given such terms in section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403).

"(2) REQUIREMENTS.—Subject to paragraph (3), a contract opportunity offered for award pursuant to this section shall be awarded on the basis of competition restricted to qualified HUBZone small business concerns, if there is a reasonable expectation that not less than 2 qualified HUBZone small business concerns will submit offers and that award can be made at a fair market price.

"(3) ALTERNATE AUTHORITY.—Notwithstanding any other provision of law, a contracting officer may award sole source contracts under this section to any qualified HUBZone small business concern, if—

"(A) the qualified HUBZone small business concern is determined to be a responsible contractor with respect to performance of such contract opportunity;

"(B) the anticipated award price of the contract (including options) will not exceed—

"(i) $5,000,000, in the case of a contract opportunity assigned a standard industrial classification code for manufacturing; or

"(ii) $3,000,000, in the case of all other contract opportunities; and

"(C) in the estimation of the contracting officer, the contract award can be made at a fair and reasonable price.

"(4) Price evaluation preference in full and open competitions.—In any case in which a contract is to be awarded on the basis of full and open competition, the price offered by a small business concern shall be deemed as being lower than the price offered by another offeror (other than another small business concern), if the price offered by the qualified HUBZone small business concern is not more than 10 percent higher than the price offered by the otherwise lowest, responsive, and responsible offeror.

"(5) Relationship to other contracting preferences.—

"(A) Subordinate relationship.—A procurement may not be made from a source on the basis of a preference provided in paragraph (2), (3), or (4), if the procurement would otherwise be made from a different source under section 4124 or 4125 of title 18, United States Code, or the Javits-Wagner-O'Day Act.

"(B) Parity relationship.—The provisions of paragraphs (2), (3), and (4) shall not limit the discretion of a contracting officer to let any procurement contract to the Administration under section 8(a). Notwithstanding section 8(a), the Administration may not appeal an adverse decision of any contracting officer declining to let a procurement contract to the Administration, if the procurement is made to a qualified HUBZone small business concern on the basis of a preference under paragraph (2), (3), or (4).

"(c) Enforcement; Penalties.—

"(1) Verification of eligibility.—In carrying out this section, the Administrator shall establish procedures relating to—

"(A) the filing, investigation, and disposition by the Administration of any challenge to the eligibility of a small business concern to receive assistance under this section (including a challenge, filed by an interested party, relating to the veracity of a certification made or information provided to the Administration by a small business concern under section 3(p)(5)); and

"(B) verification by the Administrator of the accuracy of any certification made or information provided to the Administration by a small business concern under section 3(p)(5).

"(2) Examinations.—The procedures established under paragraph (1) may provide for program examinations (including random program examinations) by the Administrator of any small business concern making a certification or providing information to the Administrator under section 3(p)(5).

"(3) Provision of data.—Upon the request of the Administrator, the Secretary of Labor, the Secretary of Housing and Urban Development, and the Secretary of the Interior (or the Assistant Secretary for Indian Affairs), shall promptly provide to the Administrator such information as the Administrator determines to be necessary to carry out this subsection.

"(4) Penalties.—In addition to the penalties described in section 16(d), any small business concern that is determined by the Administrator to have misrepresented the status of that concern as a 'HUBZone small business concern' for purposes of this section, shall be subject to—

"(A) section 1001 of title 18, United States Code; and

"(B) sections 3729 through 3733 of title 31, United States Code.".

(2) Initial limited applicability.—During the period beginning on the date of enactment of this Act and ending on September 30, 2000, section 31 of the Small Business Act (as added by paragraph (1) of this subsection) shall apply only to procurements by—

(A) the Department of Defense;

(B) the Department of Agriculture;

(C) the Department of Health and Human Services;

(D) the Department of Transportation;

(E) the Department of Energy;

(F) the Department of Housing and Urban Development;

(G) the Environmental Protection Agency;

(H) the National Aeronautics and Space Administration;

(I) the General Services Administration; and

(J) the Department of Veterans Affairs.

### SEC. 603. TECHNICAL AND CONFORMING AMENDMENTS TO THE SMALL BUSINESS ACT.

(a) Performance of Contracts.—Section 8(d) of the Small Business Act (15 U.S.C. 637(d)) is amended—

(1) in paragraph (1)—

(A) in the first sentence, by striking "small business concerns owned and controlled by socially and economically disadvantaged individuals" and inserting ", qualified HUBZone small business concerns, small business concerns owned and controlled by socially and economically disadvantaged individuals"; and

(B) in the second sentence, by inserting "qualified HUBZone small business concerns," after "small business concerns,";

(2) in paragraph (3)—

(A) by inserting "qualified HUBZone small business concerns," after "small business concerns," each place that term appears; and

(B) by adding at the end the following:

"(F) In this contract, the term 'qualified HUBZone small business concern' has the meaning given that term in section 3(p) of the Small Business Act.";

(3) in paragraph (4)(E), by striking "small business concerns and" and inserting "small business concerns, qualified HUBZone small business concerns, and";

(4) in paragraph (6), by inserting "qualified HUBZone small business concerns," after "small business concerns," each place that term appears; and

(5) in paragraph (10), by inserting "qualified HUBZone small business concerns," after "small business concerns,".

(b) Awards of Contracts.—Section 15 of the Small Business Act (15 U.S.C. 644) is amended—

(1) in subsection (g)(1)—

(A) by inserting "qualified HUBZone small business concerns," after "small business concerns," each place that term appears;

(B) in the second sentence, by striking "20 percent" and inserting "23 percent"; and

(C) by inserting after the second sentence the following: "The Governmentwide goal for participation by qualified HUBZone small business concerns shall be established at not less than 1 percent of the total value of all prime contract awards for fiscal year 1999, not less than 1.5 percent of the total value of all prime contract awards for fiscal year 2000, not less than 2 percent of the total value of all prime contract awards for fiscal year 2001, not less than 2.5 percent of the total value of all prime contract awards for fiscal year 2002, and not less than 3 percent of the total value of all prime contract awards for fiscal year 2003 and each fiscal year thereafter.";

(2) in subsection (g)(2)—

(A) in the first sentence, by striking ", by small business concerns owned and controlled by socially and economically disadvantaged individuals" and inserting ", by qualified HUBZone small business concerns, by small business concerns owned and controlled by socially and economically disadvantaged individuals";

(B) in the second sentence, by inserting "qualified HUBZone small business concerns," after "small business concerns,"; and

(C) in the fourth sentence, by striking "by small business concerns owned and controlled by socially and economically disadvantaged individuals and participation by small business concerns owned and controlled by women" and inserting "by qualified HUBZone small business concerns, by small business concerns owned and controlled by socially and economically disadvantaged individuals, and by small business concerns owned and controlled by women"; and

(3) in subsection (h), by inserting "qualified HUBZone small business concerns," after "small business concerns," each place that term appears.

(c) Offenses and Penalties.—Section 16 of the Small Business Act (15 U.S.C. 645) is amended—

(1) in subsection (d)(1)—

(A) by inserting ", a 'qualified HUBZone small business concern'," after "'small business concern',"; and

(B) in subparagraph (A), by striking "section 9 or 15" and inserting "section 9, 15, or 31"; and

(2) in subsection (e), by inserting ", a 'HUBZone small business concern'," after "'small business concern',".

### SEC. 604. OTHER TECHNICAL AND CONFORMING AMENDMENTS.

(a) Title 10, United States Code.—Section 2323 of title 10, United States Code, is amended—

(1) in subsection (a)(1)(A), by inserting before the semicolon the following: ", and qualified HUBZone small business concerns (as that term is defined in section 3(p) of the Small Business Act)"; and

(2) in subsection (f)(1), by inserting "or as a qualified HUBZone small business concern (as that term is defined in section 3(p) of the Small Business Act)" after "(as described in subsection (a))".

(b) Federal Home Loan Bank Act.—Section 21A(b)(13) of the Federal Home Loan Bank Act (12 U.S.C. 1441a(b)(13)) is amended—

(1) by striking "concerns and small" and inserting "concerns, small"; and

(2) by inserting ", and qualified HUBZone small business concerns (as that term is defined in section 3(p) of the Small Business Act)" after "disadvantaged individuals".

(c) Small Business Economic Policy Act of 1980.—Section 303(e) of the Small Business Economic Policy Act of 1980 (15 U.S.C. 631b(e)) is amended—

(1) in paragraph (1), by striking "and" at the end;

(2) in paragraph (2), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(3) qualified HUBZone small business concern (as that term is defined in section 3(p) of the Small Business Act).".

(d) Small Business Investment Act of 1958.—Section 411(c)(3)(B) of the Small Business Investment Act of 1958 (15 U.S.C. 694b(c)(3)(B)) is amended by inserting before the semicolon the following: ", or to a qualified HUBZone small business concern, as that term is defined in section 3(p) of the Small Business Act".

(e) Title 31, United States Code.—

(1) Contracts for collection services.—Section 3718(b) of title 31, United States Code, is amended—

(A) in paragraph (1)(B), by inserting "and law firms that are qualified HUBZone small business concerns (as that term is defined in section 3(p) of the Small Business Act)" after "disadvantaged individuals"; and

(B) in paragraph (3)—

(i) in the first sentence, by inserting before the period "and law firms that are qualified HUBZone small business concerns";

(ii) in subparagraph (A), by striking "and" at the end;

(iii) in subparagraph (B), by striking the period at the end and inserting "; and"; and

(iv) by adding at the end the following:

"(C) the term 'qualified HUBZone small business concern' has the meaning given that term in section 3(p) of the Small Business Act.".

(2) PAYMENTS TO LOCAL GOVERNMENTS.—Section 6701(f) of title 31, United States Code, is amended—

(A) in paragraph (1)—

(i) in subparagraph (A), by striking "and" at the end;

(ii) in subparagraph (B), by striking the period at the end and inserting "; and"; and

(iii) by adding at the end the following:

"(C) qualified HUBZone small business concerns."; and

(B) in paragraph (3)—

(i) in subparagraph (A), by striking "and" at the end;

(ii) in subparagraph (B), by striking the period at the end and inserting "; and"; and

(iii) by adding at the end the following:

"(C) the term 'qualified HUBZone small business concern' has the meaning given that term in section 3(p) of the Small Business Act (15 U.S.C. 632(o)).".

(3) REGULATIONS.—Section 7505(c) of title 31, United States Code, is amended by striking "small business concerns and" and inserting "small business concerns, qualified HUBZone small business concerns, and".

(f) OFFICE OF FEDERAL PROCUREMENT POLICY ACT.—

(1) ENUMERATION OF INCLUDED FUNCTIONS.—Section 6(d) of the Office of Federal Procurement Policy Act (41 U.S.C. 405(d)) is amended—

(A) in paragraph (11), by inserting "qualified HUBZone small business concerns (as that term is defined in section 3(p) of the Small Business Act)," after "small businesses,"; and

(B) in paragraph (12), by inserting "qualified HUBZone small business concerns (as that term is defined in section 3(p) of the Small Business Act (15 U.S.C. 632(o))," after "small businesses,".

(2) PROCUREMENT DATA.—Section 502 of the Women's Business Ownership Act of 1988 (41 U.S.C. 417a) is amended—

(A) in subsection (a)—

(i) in the first sentence, by inserting "the number of qualified HUBZone small business concerns," after "Procurement Policy"; and

(ii) by inserting a comma after "women"; and

(B) in subsection (b), by inserting after "section 204 of this Act" the following: ", and the term 'qualified HUBZone small business concern' has the meaning given that term in section 3(p) of the Small Business Act (15 U.S.C. 632(o)).".

(g) ENERGY POLICY ACT OF 1992.—Section 3021 of the Energy Policy Act of 1992 (42 U.S.C. 13556) is amended—

(1) in subsection (a)—

(A) in paragraph (2), by striking "or";

(B) in paragraph (3), by striking the period and inserting "; or"; and

(C) by adding at the end the following:

"(4) qualified HUBZone small business concerns."; and

(2) in subsection (b), by adding at the end the following:

"(3) The term 'qualified HUBZone small business concern' has the meaning given that term in section 3(p) of the Small Business Act (15 U.S.C. 632(o)).".

(h) TITLE 49, UNITED STATES CODE.—

(1) PROJECT GRANT APPLICATION APPROVAL CONDITIONED ON ASSURANCES ABOUT AIRPORT OPERATION.—Section 47107(e) of title 49, United States Code, is amended—

(A) in paragraph (1), by inserting before the period "or qualified HUBZone small business concerns (as that term is defined in section 3(p) of the Small Business Act)";

(B) in paragraph (4)(B), by inserting before the period "or as a qualified HUBZone small business concern (as that term is defined in section 3(p) of the Small Business Act)"; and

(C) in paragraph (6), by inserting "or a qualified HUBZone small business concern (as that term is defined in section 3(p) of the Small Business Act)" after "disadvantaged individual".

(2) MINORITY AND DISADVANTAGED BUSINESS PARTICIPATION.—Section 47113 of title 49, United States Code, is amended—

(A) in subsection (a)—

(i) in paragraph (1), by striking the period at the end and inserting a semicolon;

(ii) in paragraph (2), by striking the period at the end and inserting "; and"; and

(iii) by adding at the end the following:

"(3) the term 'qualified HUBZone small business concern' has the meaning given that term in section 3(p) of the Small Business Act (15 U.S.C. 632(o))."; and

(B) in subsection (b), by inserting before the period "or qualified HUBZone small business concerns".

**SEC. 605. REGULATIONS.**

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Administrator of the Small Business Administration shall publish in the Federal Register such final regulations as may be necessary to carry out this title and the amendments made by this title.

(b) FEDERAL ACQUISITION REGULATION.—Not later than 180 days after the date on which final regulations are published under subsection (a), the Federal Acquisition Regulatory Council shall amend the Federal Acquisition Regulation in order to ensure consistency between the Federal Acquisition Regulation, this title and the amendments made by this title, and the final regulations published under subsection (a).

**SEC. 606. REPORT.**

Not later than March 1, 2000, the Administrator of the Small Business Administration shall submit to the Committees on Small Business of the House of Representatives and the Senate a report on the implementation of the HUBZone program established under section 31 of the Small Business Act (as amended by this title) and the degree to which the HUBZone program has resulted in increased employment opportunities and an increased level of investment in HUBZones (as that term is defined in section 3(p) of the Small Business Act, as added by this title).

**SEC. 607. AUTHORIZATION OF APPROPRIATIONS.**

Section 20 of the Small Business Act (15 U.S.C. 631 note) (as amended by section 101 of this Act) is amended—

(1) in subsection (c), by adding at the end the following:

"(3) HUBZONE PROGRAM.—There are authorized to be appropriated to the Administration to carry out the program under section 31, $5,000,000 for fiscal year 1998.";

(2) in subsection (d), by adding at the end the following:

"(3) HUBZONE PROGRAM.—There are authorized to be appropriated to the Administration to carry out the program under section 31, $5,000,000 for fiscal year 1999."; and

(3) in subsection (e), by adding at the end the following:

"(3) HUBZONE PROGRAM.—There are authorized to be appropriated to the Administration to carry out the program under section 31, $5,000,000 for fiscal year 2000.".

### MOTION OFFERED BY MR. TALENT

Mr. TALENT. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. TALENT moves to strike out all after the enacting clause of Senate 1139 and insert in lieu thereof the provisions of H.R. 2261, as passed by the House.

The motion was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

The title of the Senate bill was amended so as to read: "a bill to reauthorize and amend the programs of the Small Business Act and the Small Business Investment Act, and for other purposes".

A motion to reconsider was laid on the table.

A similar House bill (H.R. 2261) was laid on the table.

## EXTENDING CERTAIN PROGRAMS UNDER THE ENERGY POLICY AND CONSERVATION ACT

The SPEAKER pro tempore. The pending business is the question de novo of suspending the rules and passing the bill, H.R. 2472.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Idaho [Mr. CRAPO] that the House suspend the rules and pass the bill, H.R. 2472.

The question was taken.

### RECORDED VOTE

Mr. DOGGETT. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 405, noes 8, not voting 20, as follows:

[Roll No. 464]

AYES—405

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berman
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Carson
Castle
Chabot
Chambliss
Christensen
Clay
Clayton
Clement

Clyburn
Coble
Coburn
Collins
Combest
Condit
Cook
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fawell
Fazio
Filner
Forbes
Ford
Fowler
Fox
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E.B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McDermott
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
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Moakley
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Paxon
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Radanovich
Rahall
Ramstad
Redmond
Regula
Reyes
Riggs
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Rush
Ryun
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Schumer
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stokes
Strickland
Stump
Stupak
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Thurman
Tierney
Torres
Towns
Traficant
Turner
Upton
Velázquez
Vento
Visclosky
Walsh
Wamp
Waters
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wise
Wolf
Woolsey
Wynn
Yates
Young (AK)

NOES—8

Doolittle
Hostettler
Neumann
Paul
Rohrabacher
Royce
Sununu
Tiahrt

NOT VOTING—20

Chenoweth
Conyers
Cooksey
Fattah
Flake
Foglietta
Foley
Frank (MA)
Gephardt
Gonzalez
Harman
Hefner
Hinchey
Neal
Quinn
Rangel
Schiff
Stenholm
Watkins
Young (FL)

☐ 1850

Mr. RAMSTAD changed his vote from "no" to "aye."

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## ELECTION OF MEMBERS TO COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT

Mr. ARMEY. Mr. Speaker, I offer a resolution (H. Res. 249) and I ask unanimous consent for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 249

*Resolved*, That the following named Members be, and are hereby, elected to the Committee on Standards of Official Conduct: Mr. Smith of Texas; Mr. Hefley of Colorado; Mr. Goodlatte of Virginia; and Mr. Knollenberg of Michigan.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

## ELECTION OF MEMBERS TO COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT

Mr. FAZIO of California. Mr. Speaker, I offer a resolution (H. Res. 250), and I ask unanimous consent for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 250

*Resolved*, That the following named Members be, and that they are hereby, elected to the following standing committee of the House of Representatives:

Committee on Standards of Official Conduct: Mr. Sabo of Minnesota; Mr. Pastor of Arizona; Mr. Fattah of Pennsylvania; and Ms. Lofgren of California.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

## ANNOUNCEMENT OF INTENTION TO OFFER MOTION TO INSTRUCT CONFEREES ON H.R. 1757, FOREIGN RELATIONS AUTHORIZATION ACT, FISCAL YEARS 1998 AND 1999, AND EUROPEAN SECURITY ACT OF 1997

Mr. DOGGETT. Mr. Speaker, pursuant to clause 1(c) of rule XXVIII, I hereby give notice of my intention to offer a motion to instruct conferees on the bill (H.R. 1757) to consolidate international affairs agencies, to authorize appropriations for the Department of State and related agencies for fiscal years 1998 and 1999, and to ensure that the enlargement of the North Atlantic Treaty Organization [NATO] proceeds in a manner consistent with United States interests, to strengthen relations between the United States and Russia, to preserve the prerogatives of the Congress with respect to certain arms control agreements, and for other purposes, and the form of the motion is as follows:

> Mr. DOGGETT moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the bill, H.R. 1757, be instructed to reject section 1601 of the Senate amendment which provides for payment of all private claims against the Iraqi Government before those of U.S. veterans and the U.S. Government (i.e., U.S. taxpayers).

## PERSONAL EXPLANATION

Mr. PALLONE. Mr. Speaker, on rollcall No. 460, the motion to adjourn, and rollcall No. 461, the continuing resolution, I was unable to be present because of the birth, and I am very happy, the birth of my daughter, Celeste Teresa. Had I been present, I would have voted "yes" on both of these rollcall votes.

The SPEAKER pro tempore. Congratulations to our new father.

## COMMUNICATION FROM THE HONORABLE JOHN D. DINGELL, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from the Honorable JOHN D. DINGELL, Member of Congress:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
*Washington, DC, September 26, 1997.*
Hon. NEWT GINGRICH,
*Speaker, House of Representatives,*
*Washington, DC.*

DEAR MR. SPEAKER: This is to formally notify you, pursuant to Rule I (50) of the Rules of the House of Representatives, that the "Office of Congressman John D. Dingell" has received a subpoena for documents and testimony issued by the U.S. District Court for the Central District of California and the District of Columbia, respectively, in the matter of *Orycal Laboratories, Inc., et al.* v. *Patrick, et al., No. SA CV-96-1119 AHS (Eex)* (C.D. Cal.) (a civil dispute between private parties that apparently arises out of an alleged breach of a settlement agreement).

After consultation with the Office of General Counsel, I have determined that the subpoena appears, at least in part, not to be consistent with the rights and privileges of the House and, to the extent not consistent with the rights and privileges of the House, should be resisted.

Sincerely,
JOHN D. DINGELL.

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HOUSE OF REPRESENTATIVES,
*Washington, DC, September 26, 1997.*
Hon. NEWT GINGRICH,
*Speaker, House of Representatives,*
*Washington, DC.*

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After consultation with the Office of General Counsel, I have determined that the subpoena appears, at least in part, not to be consistent with the rights and privileges of the House and, to the extent not consistent with the rights and privileges of the House, should be resisted.

Sincerely,
JOHN D. DINGELL.

☐ 1900

## SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

## CONGRATULATIONS TO THE HOUSTON ASTROS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas [Mr. GREEN] is recognized for 5 minutes.

Mr. GREEN. Mr. Speaker, normally we stand up here and talk about a lot of the great issues we debate, and every once in a while we get to talk about something in our hometown. This evening I would like to talk about my own district of Houston, Texas, where we are celebrating tonight and hopefully celebrating the rest of the week. I see my colleague from Georgia over there. I would like to congratulate the Houston Astros on their division title, and more than that, wish them luck in their game tomorrow against the Atlanta Braves.

The Houston Astros captured their first ever National League Central title last Thursday, thanks to a 9-to-1 win over the Chicago Cubs, and it was their first division title since 1986.

Since their All Star break, the Astros were 39-32 and 42-35 over the last 77 games. The Astros have been in first place in their division since July 18 of this year.

Attendance at these games this year topped the 2 million mark for only the fourth time in our club history.

Congratulations to both the owner, Drayton McLane, and our manager, Larry Dierker, Tal Smith, and all of the players and staff of the Houston Astros administration.

Astros manager Larry Dierker joins a short list of rookie skippers this year who have won a division title in their first year. In fact, the last time a first-year manager was to achieve this feat was Hal Lanier, who led the Houston Astros to the 1986 division championship.

No stranger to major league baseball, Larry Dierker's name has been associated with baseball in Houston almost since the inception of the club in the early 1960s. He made his baseball major league debut in Colt Stadium on his 18th birthday and on that day he struck out both Willie Mays and Jim Hart in the first inning.

His 14-year pitching career saw him become Houston's first 20-game winner in 1969, the same year he pitched a club record of 20 complete games. Larry Dierker was named to the National League All-Star team for the 1969 game that was played here at RFK Stadium in Washington, and also the 1971 contest in Tiger Stadium in Detroit. He still ranks among the club's all-time leaders in virtually every pitching category.

With a manager like Larry Dierker, the Astros truly have a leader who not only knows Houston, but also knows the ins and outs of baseball.

Mr. Speaker, we also have two major stars on our team also affectionately called the Killer Bs. Jeff Bagwell, the home run king for the Astros, hit a total of 43 home runs this season. Not only did he set a new club record, he finished second in homers in the National League. Bagwell also established club records this year with 135 RBIs, 335 total bases, and 84 extra base hits. Setting a new Astros single season club record for homers, Bagwell ranked second in the National League for the number of RBIs.

Then there is the other Killer B, Craig Biggio. He is the first player in the history of major league baseball to play in 162 games without grounding into a double play for the season. Biggio broke a 1935 record held by Augie Galan from the Chicago Cubs who went 154 games without grounding into a double play.

Currently, Biggio crossed the plate 146 times this season, the most runs by a national leaguer since Chuck Klein scored 152 runs in 1932. Not only that, he has been hit by a pitch 34 times this season, establishing a new Astros record, which is not a record, I have to say, we are proud of, to have one of our players hit 34 times. Overall, 100 Astros were hit by pitches this year, the highest total by a team this century. The rest of the team will not back down from any of the pitchers either.

In fact, the great pitching staff we have is congratulations to Darryl Kile and the other outstanding pitchers. Kile is currently up for the top pitching award, the Cy Young Award. He has pitched 255-2/3 innings this season with a ranking of second in the National League. In addition, he has thrown 4 shutouts, tying for second in the National League.

These key players, as well as the team, all contributed to their National League Central division title last Thursday, and being a Houston Astros fan, along with thousands and thousands of people in Houston, I want to congratulate the Astros and wish them the best of luck in their playoff game versus the Atlanta Braves tomorrow and also the series over the next few days.

Mr. CHAMBLISS. Mr. Speaker, will the gentleman yield?

Mr. GREEN. I yield to the gentleman from Georgia, who is also a pretty good basketball player in his own right.

Mr. CHAMBLISS. Mr. Speaker, I thank the gentleman from Texas [Mr. GREEN], my partner on the basketball court, and I would congratulate your Houston Astros also. They have had a great year this year. We look forward to them coming to Atlanta. I hope they are unhappy when they leave Atlanta, but we sure look forward to a great series. I think five of them have been one-run games, two of them have been extra inning games. It is going to be a great series. We look forward to it.

## THE WILLIAM AUGUSTUS BOOTLE FEDERAL BUILDING AND UNITED STATES COURTHOUSE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia [Mr. CHAMBLISS] is recognized for 5 minutes.

Mr. CHAMBLISS. Mr. Speaker, I would like to take this opportunity to encourage my colleagues to support H.R. 595, the William Augustus Bootle Federal Building and United States Courthouse naming bill. This is an issue of great importance to me as well as all the citizens of Georgia and in particular, Macon, GA.

On February 5, 1997, I introduced this legislation in the House of Representatives. H.R. 595 is similar to a bill introduced in the 104th Congress which was titled H.R. 4119. H.R. 4119 passed in this House by voice vote, but unfortunately was submarined in the U.S. Senate, along with a number of other naming bills.

H.R. 595 passed in the Senate on June 12, 1997, and earlier today, this bill was debated in this body. I look forward to its passage tomorrow so it can be sent to the White House for the President's signature.

The courthouse houses the U.S. District Court for the Middle District of Georgia, which covers much of the territory of Georgia's Eighth Congressional District, which I represent.

Mr. Speaker, there is not a more deserving individual to name this building and courthouse for than Judge Bootle, and the current judges of the court wholeheartedly agree. Judge Bootle received his undergraduate and juris doctorate degree from Mercer University in Macon, GA. He was admitted to the bar of the State of Georgia in 1925.

Judge Bootle honorably served the U.S. District Court for the Middle District of Georgia for almost 25 years. Upon his appointment by President Eisenhower, Judge Bootle served as district judge from 1954 to 1961 and began serving as chief judge from 1961 to 1972. Moreover, he served the middle district as assistant U.S. attorney and as U.S. attorney from 1928 to 1933. Judge Bootle also served Georgia's legal community as dean of Mercer University School of Law from 1933 to 1937. His distinguished service is admired, appreciated, and recognized throughout the State of Georgia.

Upon Judge Bootle's appointment to the bench as judge for the Middle District of Georgia in 1954, the chief judge was ill and remained so for an extended period of time, and until 1962 when another judge was appointed, Judge Bootle handled all six divisions of the Middle District of Georgia, which included 71 of Georgia's 159 counties.

Judge Bootle served this country well during the very emotional and precarious time of desegregation in the South. Judge Bootle was responsible for the admittance of the first black students in the University of Georgia.

I would like to take this opportunity to quote from a book written by Frederick Allen, which is entitled, "Atlanta Rising." This book deals with a lot of history which took place in the Atlanta area during the years of the civil rights movement. Two black applicants who were denied admittance to the University of Georgia filed suit in the Middle District of Georgia, and quoting from this book, I read as follows:

> Two black applicants, Charlayne Hunter and Hamilton Holmes, went to the court attacking the welter of excuses University of Georgia officials had concocted to keep them out. The two made a convincing case that the only reason they had been denied admission was segregation, pure and simple. In a ruling issued late on the afternoon of Friday, January 6, 1961, Judge William A. Bootle ordered Hunter and Holmes admitted to the school, not in six months or a year, but bright and early the next Monday morning.

In the 1960's in Georgia, folks, that took great judicial integrity.

Judge Bootle has dedicated himself to years of service as a humble steward of justice, his community, the State of Georgia, and the United States. Due to this level of commitment, all of these societies are better places. Naming the courthouse the William Augustus Bootle Federal Building and United States Courthouse is an appropriate way to ensure the judge's efforts will always be remembered.

## TRIBUTE TO QUINN CHAPEL AME CHURCH

The SPEAKER pro tempore (Ms. GRANGER). Under a previous order of the House, the gentleman from Illinois [Mr. DAVIS] is recognized for 5 minutes.

Mr. DAVIS of Illinois. Madam Speaker, I rise today to commend and congratulate the Quinn Chapel African Methodist Episcopal Church on the occasion of their 150th year anniversary. One hundred fifty years ago, in 1847, the community and fellowship known as Quinn Chapel African Methodist Episcopal Church formally took its name under the leadership of Rev. George Johnson, a missionary of the New York conference.

This group of churchgoers decided to name their church in honor of, and after the renowned Bishop William Paul Quinn. Bishop Quinn was one of the most prolific circuit-riding preachers in the 1800's who personally organized 97 AME churches, prayer bands, and temperance societies. It is interesting to note that Quinn Chapel's first community project focused on the abolition of slavery, and ironically, Quinn Chapel became a station on the Underground Railroad. Moreover, for 150 years, during race riots, depressions, the great Chicago Fire of 1871, and a myriad of other natural disasters and human crises, African-Americans came to Quinn Chapel for protection, information, support, and inspiration, in part because African-Americans were denied attention from other private institutions.

Quinn Chapel was the birthplace of Provident Hospital of Chicago, organized by Dr. Daniel Hale Williams in 1891. Dr. Williams was the first surgeon to successfully operate on a human heart, and Provident was the first U.S. hospital where black nurses could be trained and employed. In addition, black physicians could treat patients and black patients could receive quality care, where before black patients' only option for surgery was the doctor's office or their own home. In addition, it was Quinn Chapel who initiated in 1898 the first retirement home for African-Americans.

The sons and daughters of Quinn Chapel have filled important leadership roles in the AME church, including Archibald Carey, Sr., B.A. Taylor, Archibald Carey, Jr., John M. Crawford, Jr., Mrs. Portia Bailey Beal, Rev. Charles Spivey, Jr., and Mrs. Eloise King. Additionally, the sons and daughters of Quinn Chapel have also made historic contributions to public service, including State Senators Adelbert G. Roberts, William A. Roberts, and State Representatives Cornell A. Davis, Shadrach B. Turner, George Kersey, and James Y. Carter, and Aldermen Robert R. Jackson, Rev. A.J. Carey, Jr., and Pastor A. Leon Bailey. Also, the first executive director of the Illinois Commission on Human Relations.

More than 65 sons and daughters of Quinn Chapel have been specifically singled out for their pioneering work in education in Chicago, across the Nation, and around the world. Others have excelled in self-help, and toward that end have founded numerous businesses, including Mr. Kit Baldwin, the founder of Baldwin Ice Cream Co., and a cofounder of the Cosmopolitan Chamber of Commerce. Many outstanding artists have performed at Quinn Chapel or for Quinn Chapel, including Duke Ellington, Patti LaBelle, and Wynton Marsalis.

Quinn Chapel has always demonstrated a high level of involvement with national affairs, from the abolition of slavery to every war, beginning with the Civil War, Spanish-American War, World War I, World War II, the Korean war, Vietnam conflicts, and continuing today.

Quinn Chapel has hosted many historical figures such as Presidents William McKinley and Howard Taft, Dr. Booker T. Washington, Ms. Jane Adams, Paul Lawrence Dunbar, Rev. Dr. Martin Luther King, Jr., Congressman Adam Clayton Powell, Rev. Jesse Jackson, Sr., Prof. Michael E. Dyson, Frederick Douglass, Dr. George Washington Carver, Richard B. Garrison, Susan B. Anthony, Branch Rickey, Studs Terkel, Irving "Kup" Kupcient, Lionel Hampton, Senators Paul Douglas, Charles Perry, and Adalai Stevenson, Oprah Winfrey, Scottie Pippen, Patti LaBelle, Oscar Brown, Jr., Ossie Davis, Ruby Dee, Mayor Willie Brown, Jr., and of course Chicago's magnificent mayor, Harold Washington.

□ 1915

Quinn Chapel has been pastored by a succession of extraordinarily devoted, talented, dedicated, and unique individuals who have left their imprint on the church and the community. Those dynamic pastors have come all the way from Archibald Carey to Thomas M. Higginbotham, who is currently there. These individuals have contributed significantly to the development of African-American life.

I salute and commend them on the occasion of their 150th year celebration, and I urge that we all take note of their mammoth contributions to the development of African-American life.

## TIME FOR MEANINGFUL CAMPAIGN FINANCE REFORM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arkansas [Mr. SNYDER] is recognized for 5 minutes.

Mr. SNYDER. Madam Speaker, once again, I want to thank the staff for being here this evening to let us talk about the issues of campaign finance reform.

Madam Speaker, we call these special orders. The reason we have to talk about these during this time of special orders is because the Republican leadership will not let the matter of campaign finance reform be brought to the floor of the House for a meaningful discussion. It is something that I do not understand and want to talk about more, but I appreciate the staff being here.

Madam Speaker, on June 11, 1995, this was the famous photo between the President and the Speaker of the House, I believe it was in New Hampshire, in which they shook hands and committed themselves to working on campaign finance reform. This weekend I was shocked to hear the Speaker once again reiterate what he thinks campaign finance reform is, which is unlimited donations, that is right, absolutely no cap whatsoever on the ability of an individual to give money to a campaign.

Would $1,000 be good? Yes. Would $10,000 be good? Yes. Would $20,000 be a legal donation? Yes. Would a Ted Turner $1 billion donation be legal under the Speaker's definition of meaningful campaign finance reform? That is what he said this weekend, and that is the position that he is advocating. That is contrary to the position of the American people.

Madam Speaker, this weekend I was in Arkansas and the President was there. He has had a good week. It has been a great week for Arkansas, talking about the Rock 9. But the President has confirmed his support for campaign finance reform. It was interesting to me that in Arkansas in 1990 when the legislature thwarted the effort to have some meaningful campaign finance reform, President, then Governor Clinton, called a special session. When that was unsuccessful he led the effort to get an initiated act with signatures on the ballot that is now the current law of Arkansas.

The President is committed, the American people are committed. It is the Republican leadership in this House that needs to let this body bring the issue of campaign finance reform, meaningful campaign finance reform, to the American people.

Mr. TIERNEY. Madam Speaker, will the gentleman yield?

Mr. SNYDER. I am glad to yield to the gentleman from Massachusetts.

Mr. TIERNEY. Madam Speaker, just in line with what the gentleman is saying, I note that what the Speaker is talking about in terms of unlimited campaign contributions is, in essence, as one editorial says, trying to paste on the label of reform without the content.

I think that finally the majority party and the Speaker in particular are starting to hear the voices of America coming forward and saying they will not tolerate inaction on campaign finance reform, and clearly, that majority party, led by its Speaker, do not want to have any real meaningful campaign finance reform, so they are doing just that, trying to paste on the label of reform without the content by saying that they want to reform it by lifting all the rules, and have people have unlimited individual contributions, and then in the next step, they go on to ban so-called soft money.

Madam Speaker, soft money was there just to beat the limits. So if we remove the limits on contributions, we do not need the soft money. In effect, we just open it right up and you can buy any vote you want. It is just unlimited money coming in and basically, again, trying to disarm one party, leaving a party that traditionally gets enormous amounts of money from very wealthy interests to have their day. Editorials have already started to see through this ploy. I think the American people have seen through it long before.

Mr. SNYDER. If I might reclaim my time for a moment, what is discouraging about the Speaker's position is that there are Republicans who are advocating for meaningful campaign finance reform, and we are going to hear from at least one this evening on this issue. So I do not understand the motivation, trying to block meaningful campaign finance reform from coming to the floor of the House.

Mr. MILLER of California. Madam Speaker, will the gentleman yield?

Mr. SNYDER. I am glad to yield to the gentleman from California.

Mr. MILLER of California. I thank the gentleman for yielding to me.

I think the picture reminds me that most of us in politics are well aware that the basic currency of politics is your word. You give your word to your constituents. You give your word to your colleague. You give your word to the voters.

The Speaker here and the President gave their word that they would pursue campaign finance reform. Yet, the Speaker refuses to test a date for campaign finance reform, to make it part of the agenda for the House of Representatives, and we are getting very close to the end of this session. The word, the promise that he made over 2 years ago, should be kept with the American people. It should be kept with the Members of this House.

That is what our efforts have been trying to do, is to make sure that in fact campaign finance reform, and I appreciate the gentleman's involvement in helping us, becomes a fact; that we get a chance to debate it in a full and open and fair manner, and to live up to the promise that the gentleman reminds us the Speaker made over 2 years ago.

I thank the gentleman for taking the well on behalf of campaign finance reform.

Mr. SNYDER. Madam Speaker, I thank the gentleman very much.

I now yield to the other gentleman from California, who has been a leader on campaign finance reform for several years.

Mr. FARR of California. Madam Speaker, I thank the gentleman very much for yielding.

I would like to point out that that handshake is reflective of something that Congress has been able to do. We have been able to pass campaign reform. In 1976 was the first effort to try to set the limits that are now in law, much of the law in this country.

## URGING CONSERVATIVE COLLEAGUES TO SUPPORT MEANINGFUL CAMPAIGN FINANCE REFORM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arkansas [Mr. HUTCHINSON] is recognized for 5 minutes.

Mr. HUTCHINSON. Madam Speaker, I rise to urge support of my colleagues for campaign finance reform. I want to recognize the remarks made by my friend, the gentleman from Arkansas [Mr. SNYDER], who is a cosponsor of the Freshman Bipartisan Campaign Integrity Act, which we are trying to move forward in this body. I want to particularly make reference to it for a few moments today to urge my colleagues, and particularly my conservative colleagues, to consider campaign finance reform.

I do not believe that campaign finance reform particularly is of any ideological persuasion, but I think the conservatives have been more reluctant, for various reasons, to join the effort to reform our campaign finance system. I think they can join the effort.

First of all, I am a conservative. I am very much in support of, as a former State party chairman, reforming our campaign system. If we look at the campaign finance reform ideas out on the table, we first have to acknowledge that there are some bad ideas out there. There are some ideas that I would not support, but then there are some other ideas for reform that are consistent with conservative principles.

I would not support, for instance, public funding of primaries. I would not support mandatory spending limits. But I do support reforms that stop the abuses of soft money, and I think that is what we need to address.

I have sponsored, along with the gentleman from Maine, Mr. TOM ALLEN, across the aisle, the Bipartisan Campaign Integrity Act of 1997. It is a good bill that bans soft money, that increases disclosure to the American public of what is being spent. In addition, it helps the parties in reference to raising hard money, the honest money. It empowers individuals and slows down the influence of special interest groups. So it is a good bill and it is based upon conservative principles.

In addition to the gentleman from Maine, Mr. TOM ALLEN, and myself sponsoring this, we have numerous other Members. In fact, we have one of the leading bills for cosponsorship from both sides of the aisle. That is why it is of a bipartisan nature. When I look at conservative principles I think of the free market system, I think of individual liberty, I think of smaller government, and I think of a strong defense. This bill really helps us to move in all of those things.

When we look at a free market, we have a free market system because we are able to control monopolies, and say monopolies cannot work because they infringe upon the free market system. Yet, we look at the free market system of ideas and they are being infringed upon by the international corporations that have such an undue influence on our political system.

So this bill levels the playing field, creates really a free market out there, empowers individuals. It encourages individual liberty by empowering individuals. It emphasizes those people who work at the grass roots rather than those people who simply try to generate gross profits. That empowers individuals.

Why does it encourage smaller government? Because if we do not act for reform now, the call for public funding of our campaigns will grow and grow. We do not need the Government involved. We need to stop the abuse with campaign finance reform now.

Finally, a strong defense, if we can stop the foreign influence, and it will be reduced if we can eliminate the loophole of soft money.

For all of these reasons, the bill, the Bipartisan Campaign Integrity Act, is solid. It is based upon conservative principles. It will stop the abuses, and when I talk across this country, people of all ideological persuasions understand the need for honest, legitimate reform.

That is why I urge my colleagues to support this. Whether they call themselves a liberal, whether they call themselves a conservative, or whether they call themselves a moderate, this is reform that the American public demands across the aisle. Our bill is consistent with conservative principles. I urge my colleagues to support it.

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## CAMPAIGN FINANCE REFORM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas [Mr. DOGGETT] is recognized for 5 minutes.

Mr. DOGGETT. Madam Speaker, let me begin by commending our colleague, the gentleman from Arkansas [Mr. HUTCHINSON], for the remarks that he just made. I think that he made some very good points about the need for us to address this whole issue of soft money, and I fully support the initiative that he and our colleague, the gentleman from Maine, Mr. TOM ALLEN, and other freshmen Members, against considerable resistance, have maintained in offering the Bipartisan Campaign Integrity Act.

Madam Speaker, indeed, I was the Member who stood here on the floor last Friday and asked Speaker GINGRICH personally when he was in the Chair to grant us consent to take up and consider that bill last week. It seemed to me appropriate that we should be considering campaign finance reform on the same day that our colleagues across the hall in the United States Senate were considering that issue last Friday, but instead, we were denied that opportunity.

It seems to me that the kind of bipartisanship that the gentleman from Arkansas has just demonstrated in working, both Democrats and Republicans together, to address this issue is the very kind of bipartisanship that has existed in the Senate, with the leadership of Senator MCCAIN joining with Senator FEINGOLD to propose realistic ways in which we can address this problem of the money chase that affects people of all political philosophies in both parties, devoting in many cases more time to finding the funds to maintain themselves in office or to achieve office than to attend to the public's business.

So I would say, first, I come tonight to agree with my Republican colleagues, and I will say secondly that I agree with comments that many of our Republican colleagues have made on this floor recently concerning the need to enforce existing campaign finance laws.

I read with alarm the reports in the New York Times and otherwise about three campaign aides to the Teamster chief making guilty pleas about illegal money and reelection of the Teamsters tied to a scheme including Democrats. There are already three people that have pled guilty. I want to see that fully and thoroughly investigated, fully and thoroughly prosecuted, along with any other violation by anyone on either side of the political aisle, the political philosophy, of our existing laws.

The problem that brings us here tonight, because we are not an enforcement body of existing laws, is not those existing laws and such violations as may or may not have occurred. To me the problem is that what is legal is not right.

What is legal under existing campaign finance laws is the ability of special interests to pour in millions and millions of dollars that influences what happens in this Congress every day and every evening. What is legal is not right, by the view of the American people, who watch their Congress coming increasingly under the control of special interests who can afford to dump more and more money, soft money, to soften up the political process.

What I find indeed amazing were the comments this weekend of colleagues, both Speaker GINGRICH here in the House and various Members of the other body, saying that they had a solution to the problem of campaign finance reform. What is their solution? They do not think we have enough money in the system. They think that all of the existing reforms in terms of campaign finance limitation, they want to have campaign finance reform by repealing the existing laws and by allowing anyone to pay whatever it costs to buy whatever it is they need in the political process.

I do not believe that people who have studied our system, the ordinary person who is out there working, trying to make ends meet, that they begin to believe the nonsense of those who perhaps have spent too much time focused on how to raise the money for the next campaign instead of how to make ends meet out in the real world; that anyone out there with good sense, looking at this system, thinks that we can make it better if we allow the big boys to pour in even more money than they are funneling into the system already; money that distorts the legislative priorities, that results in a tobacco company being able to come in here and give more soft money to the Republican Party than any other special interest in the first 6 months of this year, and then come along in month 7 and they get a $50 billion tax break tucked into page 300 and something of the balanced budget bill; to have another contributor who was an individual family contributor who contributed about $1 million in the spring of this year, and then come along in month 7, and they got a pretty good tax break buried in that balanced budget bill, also.

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That is the way this system has worked, and that is what is wrong with the system. Too much time is focused on fund-raising and not enough time on good public policy. We can change that by bringing campaign finance system reform to this floor for full and open debate.

## CITIZENSHIP REFORM ACT OF 1997

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. BILBRAY] is recognized for 5 minutes.

Mr. BILBRAY. Madam Speaker, let me first say, as one of the original cosponsors of the bipartisan campaign finance legislation, I would ask those of us on both sides of the aisle who truly want to see this body finally address that issue to go to our colleagues and ask them to quit the dilatory procedures in asking for adjournment after adjournment so we can get through the budgetary process, not have to have a CR, not have to be threatened with the close-down of the Government. And then we can address the issue that we all want to take a look at, especially those of us who cosponsored the bipartisan campaign finance reform.

That set aside, I am here to specifically address an issue of fairness and an issue of common sense. It is the bill that is called H.R. 7. It is the Citizenship Reform Act of 1997. It amends the Naturalization Act to stop giving automatic citizenship to the children of illegal aliens and tourists. It is basically there because those of us who have worked in local government and had to address this issue in local communities realize that it is a much bigger issue than what most people say.

I served as a county supervisor in a county in California. We came to the conclusion that Washington has to quit giving incentives to people to break our immigration laws. Madam Speaker, in California, in fact in Los Angeles County alone, there are over 250,000 citizen children of illegal aliens who qualify for such benefits as Medicare, AFDC, WIC, SSI. And, de facto, their parents get that money rewarded to them for breaking the law and having a child here. We are talking about two-thirds of the births in the largest populated county in the United States, Los Angeles County, and those public hospitals, are children of illegal aliens. We are talking about a cost in California alone to the State of California of over $500 million annually in providing health care services to the children of illegal aliens.

Now, some people may say that 40 percent of all births paid by Medicare in California going to illegal aliens is not that big a deal because it is California. But, Madam Speaker, all of the United States pays for this and all the people of the United States bear the responsibility of sending the wrong message, and that is, we will reward people for breaking our laws and punish those who wait patiently.

This loophole needs to be closed. It is not the responsibility of an illegal alien to close this loophole. It is not their fault that Washington has invited people in to get paid for breaking the law. The fact is, this loophole falls on our shoulders. It is not the mother of illegal aliens that should be blamed. It is Washington and our lack of commitment to fairness and common sense.

In Texas alone, there were fraudulent birth certificates sold to foreigners just so they can gain access to these public benefits. In fact, in one county in Texas, over 3,800 phony birth certificates were sold to the mothers so their children could get this automatic citizenship. Eighty-nine people today are being indicted, and over $400,000 worth of welfare fraud has been identified.

Now, granting automatic citizenship to the illegal aliens in this country is one of those terrible bait and switches that we say, come on in, break our laws, and we will reward you. We are talking fairness here, because there are thousands of would-be immigrants who are waiting patiently to immigrate into this country who do not get these benefits because their children were born while they were waiting.

The other issue is, what is really the difference between an illegal immigrant who comes in with a child who is 1 year old in their arms? Do they not have as much need for service as somebody who came across and gave birth right after getting on U.S. soil? It is totally absurd, and we have got to talk about the fairness.

Madam Speaker, there are those who will say that it is unconstitutional not to give everyone on U.S. soil automatic U.S. citizenship. I remind you, the children of diplomats do not get automatic citizenship and the children of certain tribes did not get automatic citizenship until 1924. The 14th amendment has never been clarified by the Supreme Court. The Supreme Court has never ruled on the right of illegal alien children to get automatic citizenship.

I think it is the obligation of Congress, under the fifth section of the 14th amendment, to raise this issue, bring it forth, and let the chips fall where they might. Why are people so scared of fairness? Why are they so scared of taking care of this?

Madam Speaker, I close with the fact that we have 51 bipartisan cosponsors. A hearing was held on June 25. We are looking forward to the gentleman from Texas [Mr. SMITH] chairman of the Subcommittee on Immigration and Claims, setting a date in October. I encourage everyone to join with us, call your Congressman, let us address this issue fairly and up front.

## DEMOCRAT RECORD ON CAMPAIGN FINANCE REFORM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. FARR] is recognized for 5 minutes.

Mr. FARR of California. Madam Speaker, I rise to continue the discussion on campaign finance reform. As you have heard earlier, there is a big effort here in the House to come up with a meaningful package.

I would like to remind everyone that this is not the first time that we have debated this issue. In fact, in the last Congress, in the 104th, which is the Congress that was elected in 1994, a bill came to the floor, a bill that I authored so I am very familiar with it, that was a repetition of the bills that had been here before that had been passed out of this House when Democrats were in control. And I think that the approach that we need to be reminded of, in this era when everybody wants some campaign reform, they will take the cream off the top and try to do something immediately, trying to do an easy fix. We do not even seem to be able to do the easy fix.

We were shown the now historical handshake where the President and the Speaker of this House agreed that it would be campaign finance reform done in the last session. It has not been done. It was supposed to be done in this session. We have not even had a committee hearing or a scheduled vote.

I want to remind people that the bill that has always gotten the most votes in this House, and that in the 103d and the 102d and the 101st sessions of Congress got off of the floor of this House only to be filibustered by Republicans in the Senate or vetoed by President Bush, was a campaign finance reform bill that was comprehensive that did set campaign spending limits.

My colleagues, we are not going to have a meaningful campaign reform bill until we can limit how much candidates can do. We know from case law and the Supreme Court decision that we cannot, as a Congress, limit free speech, but we also know that we can set up a process where one can volunteer to set the limits for themselves in a campaign, and, with that volunteering, you trigger in such things as spending limits, as new PAC limits, as new individual contribution limits, as public benefits that have never been given before for those who voluntarily limit their campaign spending.

It eliminates things like bundling provisions, it eliminates the soft money provisions, and it requires for independent expenditures for those organizations outside of this system, outside of a candidate's campaign, who are going to come in and comment on the campaign, who are going to run literature that says this candidate is a good or bad candidate, it requires them to disclose who they are and where their sources of funding are coming from. This is comprehensive campaign reform.

What you have heard so far are bits and pieces of that. The bipartisan freshman bill, it is a good bill. It is a step in the right direction that deals with independent expenditure; other bills that deal with elimination of soft money; other bills that deal with public benefits. But none of the bills are comprehensive, that go all the way throughout the spectrum from campaign spending limits to overhaul of the benefits that candidates should get.

Mr. MILLER of California. Madam Speaker, will the gentleman yield?

Mr. FARR of California. I yield to the gentleman from California.

Mr. MILLER of California. Madam Speaker, I thank the gentleman for making this point.

Many have tried to say that somehow those of us who are asking that the House debate and pass campaign finance reform are somehow doing it to change the subject because the President and the administration have their own problems with how the money was raised and given to them in the last election.

As the gentleman points out, when the Democrats were in control of this House, in three successive efforts they made to pass and did, in fact, pass campaign finance reform, it was vetoed by the President, it was filibustered in the Senate.

The fact of the matter is, knowing even then that this was a system that was headed into a meltdown, we tried to take some efforts to get comprehensive finance reforms and they were thwarted by the other party. But now it is even worse.

We just heard Members from the other side say that they want to make this effort, and we had a press conference, a bipartisan press conference, supporting bipartisan legislation. We cannot even debate that legislation on the floor of the House, the so-called people's House, because the Republican leadership will not let us. Yet we have numerous Members from the other side of the aisle who have worked many years on this problem. They cannot even be heard.

Mr. FARR of California. Madam Speaker, I think the point is so well taken, the fact that there is no effort in this legislative body, the only body that can change the law. We are having hearings here where people want to hear and smear or just listen and say, we will finish with that and come up with something. This House has been doing campaign finance reform when the Democrats were in control year after year after year. Why can we not do it now?

Mr. MILLER of California. Because the Speaker is determined that it will not be on the schedule, that it will not be on the agenda of this House. That is what we are trying to change with many of these procedural votes, to call the attention to the public that we are being gagged in the House of Representatives from talking about this problem.

Mr. FARR of California. Continue the effort.

## THE IRS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Tennessee [Mr. DUNCAN] is recognized for 5 minutes.

Mr. DUNCAN. Madam Speaker, the Nation has been outraged by the disclosures of IRS abuses of power expressed in last week's hearings in the other body. Yet very few people have really been shocked because almost everyone either has been mistreated by the IRS or has a close friend or relative who has been.

Leaders of both parties have promised some type of legislation, possibly even before we break this year. But IRS browbeating of citizens is so bad that we need more than some quick fix, cosmetic type change. We need to change the entire system.

The IRS' ability to mistreat people comes primarily from three sources: First, a Tax Code so complicated and confusing that no one understands it and not even the IRS itself; second, a Civil Service system that protects Federal employees so much that they can get away with almost anything; and, third, the fact that the Congress keeps giving the IRS huge increases in funding.

Let me speak briefly to those points in reverse order. First, it is almost unbelievable, because almost everyone knows how bad the IRS is, how abusive it is, yet we are rewarding them with a $548 million increase in funding. This is in the Treasury-Postal appropriations bill, and the conference report on that bill is scheduled later this week.

I voted against this bill the first time, primarily because of the IRS increase and because it also contained a congressional pay raise. I hope we will vote the bill down this week, if we can get enough Members to request a vote. This IRS increase is almost three times the rate of inflation and is totally unjustified, especially for an agency that just squandered billions, billions on a computer system that it admits will not work in the real world.

Second, the Civil Service System that we have now really does nothing for good, dedicated employees but it serves as a protection for lazy, incompetent, rude, or abusive employees.

There is really very little that can be done to a Federal employee no matter what he or she does or does not do, and, unfortunately, far too many take advantage of this. Federal employees cannot be held accountable for their misdeeds or wrongdoing, and thus nothing is done for huge mistakes that would cause quick termination in the private sector. About the only real violations that are acted on in the Federal bureaucracy today are violations of political correctness.

Thus, the IRS makes a megabillion-dollar foulup on its computer system, but what happens? We give it a $548 million raise and no heads roll, as they should. Also, we sit around and see the IRS used as never before to get back at enemies, so 12 conservative think tanks are being audited while no liberal ones are and Paula Jones gets audited and the IRS goes merrily on its way.

Third, the Tax Code is far too complicated and confusing. Many of the answers the IRS itself gives out are wrong. Honest people make honest mistakes on their returns and then are pursued like criminals by the IRS and zealous prosecutors trying to make names for themselves.

We need to drastically simplify our Tax Code. We need a very simple flat tax or a national sales tax. Much about the flat tax appeals to me, but a national sales tax has one big advantage in that it would enable us to do away with almost all of the IRS. I voted for the most recent tax cut, the first since 1981. Yet one major disappointment for me was that it made our Tax Code even more complicated.

□ 1945

I hope people all over this Nation will call or write Members of Congress and demand that we drastically simplify our Tax Code. I hope they will also tell their Members of the House and Senate to stop giving the IRS huge increases in funding. I hope they will tell their Representatives that we need to make major reforms of our civil service system so that IRS and other Federal employees cannot get away with rude, arrogant, abusive behavior any longer.

And I hope we will finally start cutting Federal spending. We have had much false publicity about cuts, but Federal spending is still going way up every year. This is why Federal, State, and local taxes combined, plus regulatory costs, now take half of the average person's income.

Big government breeds the types of abuses we are now hearing about by the IRS and many other Federal departments and agencies. The only long-lasting solution is to bring our government back home, closer to the people, and let the private sector and local governments solve most of our problems once again.

In short, Madam Speaker, we need a government of, by and for the people instead of one that is of, by and for the bureaucrats.

## COMMUNICATION FROM THE CHAIRMAN OF THE COMMITTEE ON COMMERCE

The SPEAKER pro tempore laid before the House the following communication from the Hon. TOM BLILEY, Chairman of the Committee on Commerce:

HOUSE OF REPRESENTATIVES,
COMMITTEE ON COMMERCE,
*Washington, DC, September 26, 1997.*

Hon. NEWT GINGRICH,
*Speaker, House of Representatives,*
*The Capitol, Washington, DC.*

DEAR MR. SPEAKER: This is to formally notify you, pursuant to Rule L (50) of the Rules of the House of Representatives, that the Committee on Commerce has received subpoenas for documents and testimony issued by the U.S. District Courts for the Central District of California and the District of Columbia, respectively, in the matter of Oxycal Laboratories, Inc., et al. v. Patrick, et al., No SA CV–96–1119 AHS (EEx) (C.D. Cal.) (civil dispute between private parties that apparently arises out of an alleged breach of a settlement agreement).

After consultation with the Office of General Counsel, I have determined that the subpoenas appear, at least in part, not to be consistent with the rights and privileges of the House and, to the extent not consistent with the rights and privileges of the House, should be resisted.

Sincerely,

TOM BLILEY,
*Chairman.*

## ELIMINATE THE IRS AS IT IS NOW KNOWN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania [Mr. FOX] is recognized for 5 minutes.

Mr. FOX of Pennsylvania. Madam Speaker, I rise tonight to speak on a very important topic, and that is to eliminate the IRS as we know it, and I have to thank my friend, the gentleman from Tennessee [Mr. DUNCAN], who has outlined well the case for why we in Congress, the House and the Senate, working together with the executive branch, must make these fundamental changes.

We have a Tax Code that is over 5 million words, an agency that has 113,000 agents, and there are really two issues here. The two issues are these: First, we need to have IRS change, and then we need to make sure that in fact the code itself changes and we have a new system.

The IRS has to change because we have the abuses caused by the kind of burden of proof that is required. Right now in the United States the Commissioner of the IRS is presumed to be correct and the taxpayers are presumed to be guilty. In no other part of Anglo-American law is anyone presumed guilty before evidence is presented. It seems to me that that is a very fundamental, logical, reasonable change that has to be made, legislatively speaking, right here in the House and as well in the Senate.

Beyond making the burden-of-proof change, we should see a change, I believe, in the culture of how the investigations are conducted. We have heard case upon case last week in the Senate Committee on Finance and I, in my district in Montgomery County, Pennsylvania, have seen where regular business people, individuals and families have been terribly hurt by investigations without probable cause, where we have bank accounts seized, businesses closed, individuals' lives turned upside down because there may have been a belief, without evidence, that something was wrong.

The fact is in many cases the IRS has overstepped its bounds. There have been quotas for having cases brought, for convictions being made, and when in fact this has been turned over. We need to make sure the IRS is changed so that when there is an investigation conducted it is with probable cause, and we will not have bank accounts seized, we will not have businesses closed and we will not have lives turned upside down.

We need to make sure we provide those kinds of safeguards that already exist in the private sector. If someone wants to bring an action in a civil court, they have to have probable cause. And if a person brings injury against someone else, they have to pay just compensation. The United States should have the same burden so that the taxpayers are protected.

That is why I am sponsoring and cosponsoring legislation in this Congress to make the changes on the burden of proof, on changing the IRS, and on having a date certain by which we do that. By the year 2000 we will have a replacement agency which will oversee, hopefully, a new IRS and as well a new code.

The current code, with all the words and all the exclusions and all the exemptions seem to favor only a few while taking money from the many. We want to see the possibility of flat tax, one that would have exemptions, of course, for mortgage deduction, for State and local taxes that are collected, as well for charitable deductions.

Those kinds of reasonable changes will be the kinds of changes that the American people can embrace. And Congress has to lead the way in response to the abuses that have been outlined not only in the Senate Committee on Finance, Madam Speaker, but as well in the Committee on Ways and Means with the oversight hearings that are being conducted.

I am hoping colleagues on both sides of the aisle will join together to make those changes, because I know there are people in every State that have had these abuses. They must end. And while most of the IRS are doing a good job and care about what they have as a career, we have set up the circumstances by creating a system with an unfair burden of proof with a runaway agency because of the culture that was created years ago.

Those fundamental changes must be made. We can downsize and we can make sure that we are delivering to the people the kind of government they want and the kind of protection they want. And so I thank my colleagues for their support in this new legislation.

## IRS, MEDICARE, AND SOCIAL SECURITY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from Wisconsin [Mr. NEUMANN] is recognized for 60 minutes as the designee of the majority leader.

Mr. NEUMANN. Madam Speaker, I have been sitting in the Chamber listening to the 5-minute speeches that have been going on, so I want to start tonight by proposing some new legislation as it relates to campaign finance reform.

And here is what our legislation will do. We will make it illegal to make fund-raising phone calls from offices that are paid for by the taxpayers of this great Nation, so in the future it will be illegal to make phone calls from offices that are paid for with tax dollars.

We will make it so that the Lincoln bedroom, a very important part of our heritage in this great Nation, is no longer for sale for purposes of raising money for any political sort, whether it be Republican, Democrat or otherwise.

And the third thing our campaign finance reform bill will do is it will make it illegal for foreigners to contribute to, that is, buy, election influence in the United States of America.

Those are the three points of our campaign finance reform bill that I would hope to introduce.

The gentleman from Pennsylvania is nodding his head, and I would yield to him for a comment.

Mr. FOX of Pennsylvania. Well, Madam Speaker, I thank the gentleman and would just tell him that this is a takeoff of legislation I started about 8 months ago on the Lincoln bedroom. But I think the gentleman's legislation is a little more comprehensive, and I, frankly, would like to cosponsor the gentleman's bill and make sure we carry the message forward.

I think when the public and our colleagues hear about this particular abuse or that abuse, I think a comprehensive bill that would embrace all of the changes would get the attention, I believe, not only of the public but as well the Speaker and the leadership. So I would like to work with the gentleman on that legislation so we can have both sides of the aisle embrace it and have it pass in this session.

Mr. NEUMANN. I would tell the gentleman from Pennsylvania that two-thirds of this is already illegal in the United States of America. Unfortunately, we have these laws on the books already and they are not being enforced.

So I thought maybe after all we had been hearing about this campaign finance reform here tonight, that we should go back and redo the laws already on books, just write them over again exactly the way they are, and start enforcing some of the laws already on the books to clean up some of the mess out here before we try to add more laws.

Mr. FOX of Pennsylvania. Perhaps we should make sure the Attorney General is aware these are the laws so that she can make that a priority while she moves forward in making sure the Justice Department is effective and efficient.

Mr. NEUMANN. So perhaps we should re-pass them in that case.

I want to move forward now in a much more direct manner here. I would like to dedicate the rest of this hour to a very important person, and I want to pay special tribute to him this evening. My father had his birthday last week and I want to just pause tonight to recognize how important he and other people like him are in the lives of people like myself.

Without dad, and dad's influence in my life and his understanding and leading me through many tough situations in our life, and being an active help in our campaigns, both when we won and when we lost, I for one would not have been elected to this Chamber and we would not have brought about some of the changes that are happening.

I thought I might just dedicate a small portion of this to some of the changes that are being made specifically for senior citizens, and specifically after discussions with my own parents and an understanding of how influential they have been in my life, and, dad, I should pause long enough to say thank you this evening to dads all across America, my colleagues' dads, that have been so influential in changing America.

For senior citizens I do think it is important to know that Medicare, that was on the verge of bankruptcy in 1993, has been restored and Medicare is now solvent, so our senior citizens can rely on Medicare. There are some changes in Medicare, though, that came about after having these discussions with our senior citizens.

First, the attention is being turned to preventive care as well as care only after the disease or problem has developed. Things such as screening for breast cancer, screening for prostate cancer, blood sugar monitoring for diabetics, screening for colorectal cancer, these are things that have been added now as a preventive measure that in the long term will help our seniors live a healthier and better life. And I think it is a big move forward as we look at Medicare.

It is also important to point out that as Medicare was restored, it was done without raising taxes on the American people. It was done by providing our seniors something they never had before. Before the legislation that has just passed, the Federal Government decided what health insurance was necessary for our senior citizens and then they designed one-system-fits-all and said, senior citizens, like it or not, here is your health care.

The outcome of that, the outcome of Washington developing a one-size-fits-all health care policy, was that senior citizens like my parents were paying $43 a month, $43.50 a month to buy part B Medicare insurance. And on top of that they were going out and buying supplemental insurance to go with it to help pay for the things that Washington did not deem it appropriate to pay for.

Under this new plan our senior citizens will have the choice of staying on Medicare as they know it today, or they may take those same dollars and buy a different private sector policy.

I was talking to Mom and Dad about this particular aspect of the Medicare thing recently, just before we passed the bill, and they said to me, "Well, I think I am staying on Medicare." I said, "Well, Mom and Dad, is there any other program out there that you have seen that you like, that you might even give small consideration to switching to?" They came up and talked about one they thought might be okay, but it was still in the developmental process.

That is what this legislation is all about. I know and respect my parents and I know that the senior citizens in this Nation are capable of making good decisions for themselves. I know that like my mom and dad, if Medicare is the best thing for them, they will make the decision to stay on Medicare. But there are certainly very talented, capable people that are ready to look at other programs out there and they are certainly capable of making the choice to do something different, and that should be their freedom and their prerogative, and I am happy to say that is a significant change.

Mr. FOX of Pennsylvania. If the gentleman will yield, I wanted to add that I appreciate the gentleman's leadership on these issues, especially dealing with seniors and making sure that Medicare is approved.

One of the other items I want to thank the gentleman for working with me on is making sure we fought back the Senate changes that were proposed to raise the eligibility age for Medicare from 65 to 67. We fought that back and won.

There also was the Senate proposal to have a means test, and we fought that back, for people that had already invested in their work, from the time they were working for Medicare. We won on that.

And there was also to be an increase in the co-pay, the Part B for home health care. We fought that back. So we were able to make sure not only were the prevention programs the gentleman worked on, to make sure they were a part of the Medicare package, but also we were able to maintain the kind of program as it is, without the means test, without the increased co-pay and without raising the age of people who are on Medicare.

Mr. NEUMANN. I sincerely hope that our colleagues and our colleagues' parents all across America will look to our parents and thank them for their contribution as Medicare has been restored.

I thought, continuing this theme of dedicating a portion of this to my father, in honor of his birthday, I thought we would also talk about the Social Security System, because I know how important that is to my parents in their lives and what it means to them to receive a Social Security check, and what that means to other senior citizens all across America.

Today, Washington, the government, is collecting dollars out of the paychecks of people, working families, so that they have money in here in this fund called the Social Security fund so they can give Social Security checks back out to our senior citizens. Today they collect more money than what they pay back out to our senior citizens in benefits.

Now, with that extra money, it is supposed to be set aside in a savings account. And the savings account is supposed to grow and grow and grow, to protect our seniors, to protect the Social Security System as we know it today. Well, it should come as no great surprise to anyone out here that before we got here in 1995, since about 1983 that extra money that has been coming in has been spent on other government programs instead of being set aside to preserve and protect Social Security.

So we have introduced legislation out of our office called the Social Security Preservation Act. The Social Security Preservation Act, it is not like Einstein kind of stuff. It simply says the money coming in for Social Security must be put in the Social Security Trust Fund.

The idea of collecting this extra money out of the paychecks of working families is that when the baby boom generation moves towards retirement, and there is not enough money in the Social Security Trust Fund to make good on the Social Security checks, instead of going to senior citizens like my parents saying, "We can not give you Social Security any more," the idea was that there would be enough money sitting there in the savings account, so when there was a shortfall they could go to the savings account, get the money, and make good on the Social Security promises to the senior citizens.

The legislation that we have introduced, called the Social Security Preservation Act, very simply would require that the money coming in for Social Security would be put in the Social Security Trust Fund and would stay there.

Mr. FOX of Pennsylvania. If the gentleman will yield, I think the gentleman's bill certainly is an idea whose time has arrived. I cosponsored the bill as soon as it was introduced.

I know, having been a senior citizen advocate myself, making sure my parents had the benefits of Medicare and Social Security, I know that in prior Congresses, before we arrived, they had in fact helped to balance the budget on the backs of senior citizens by borrowing money from the trust fund, I think to the tune of about $380 billion.

□ 2000

So, hopefully, with the line-item veto, with the downsizing of certain Government programs, hopefully with legislation that I have to sunset agencies and departments that are duplicating the State government work, that we will be able to make sure over a period of time with my colleague's bill, which we cosponsored, be able to pay back to the trust fund the kinds of moneys that we want to have in there so that when they say now the funds are secured until 2029, but this will take it well beyond 2029, so that future generations of senior citizens will also have the benefit of the Social Security system.

Mr. NEUMANN. Reclaiming my time, that is great and that is where we should be going with the future of this country.

Another thing I know my parents and they have talked to me a lot about and most senior citizens in this country, they want to give a Nation to their children that is better than the Nation they received. They want to fulfill their responsibility to this country, just as generations before them have done.

One of the problems that has developed over the last 15, 20 years is the growing debt facing America. And they are very concerned about this, and they are very concerned that this is the legacy that will be passed on to the next generation. So I thought I would take a few minutes and talk about how we got to where we are, how deeply in debt we as a Nation are and what we need to do to fix the problem and how things have changed in the last few years.

This chart I brought with me shows how the debt was growing starting in 1960 to 1980. You can see how it is a relatively flat line, but from 1980 forward, this thing has gone off the wall. Let me put this in perspective, because there has been a lot of partisan stuff going on here on this floor this evening.

When I look at 1980 and I say, look, that is when this thing started really climbing here, 1978, 1979, a lot of people go, well, that was the year Ronald Reagan was elected to office. That is what all the Democrats say. They say, therefore, it is the Republicans' fault.

And all the Republicans say, well, now wait a second. You ought to really understand what is going on here. All spending originates in the House of Representatives. That is the Constitution. And, therefore, since the House was controlled by Democrats, it is absolutely the Democrats' fault that we are this far in debt.

The reality of this situation is that when we look at this debt chart, we are currently up here. And it is now an American problem; and whether you are Republican or Democrat, it is our responsibility as American citizens to do something about this mess before it brings this Nation to its knees. That, basically, is what has been going on out here since 1995.

I want to put this in perspective because I know this is the part that concerns my parents a lot and I know it concerns a lot of senior citizens. The debt today currently stands at about $5.3 trillion. If you have not seen that number before, it has got about 12 zeroes after it, or 11 zeroes after the 3. It is a huge number. Remember, this is the amount of money that this Government has seen fit to spend over and above what it collects in taxes.

To put it another way, and this is the old math teacher in me, I used to teach math before I was a home builder, if you divide the debt by the people in the United States of America, the Federal Government has borrowed $20,000 on behalf of every man, woman, and child in the United States of America.

I would encourage my colleagues to go to a city in their district on a very busy day and look at the crowds of people and just start looking about what it means for this Government to have spent $20,000 on behalf of every man, woman, and child in the United States of America more than what it collected in taxes. For a family of five, like mine, of course that means they have spent $100,000 more than what they collected in taxes.

Here is the real problem with this growing debt. Today a family of five in America pays an average of $580 a month, every month, to do absolutely nothing but pay the interest on this Federal debt. That money is actually borrowed. It is borrowed by when people buy T bills and people invest in T bills across America. This money is actually borrowed and there is interest being paid on it. The average cost of interest for a family of five is $580 a month.

A lot of people say, "Well, I do not pay $580 a month in taxes, so I do not have to worry about it." But the facts are, if you do something as simple as buy a loaf of bread in the store, the store owner makes a profit on that loaf of bread and part of that profit comes out here to Washington, DC to do nothing but pay interest on the Federal debt.

It is staggering the impact that this has on our economy today. And the nice thought is what would happen if we paid this debt off so that this $580 a month could stay in the homes of those families instead of being sent out here to Washington, DC. What a change to America this would really be.

Mr. DUNCAN. Madam Speaker, will the gentleman yield?

Mr. NEUMANN. I yield to the gentleman from Tennessee.

Mr. DUNCAN. First of all, I would like to commend the gentleman from Wisconsin [Mr. NEUMANN] for his comments. I did not know he was going to get into the campaign financing. But I think all of the people of this country would prefer to have an administration in power that gives more influence to American citizens than it does to representatives of foreign campaign contributors. And I certainly agree with the comments of the gentleman on that.

But I rise tonight especially to commend him for his concern about this horrendous national debt that we have. I went recently in Knoxville to the Cedar Springs Presbyterian Church. The minister, John Wood, prayed what I thought was a very interesting prayer. He prayed for those who had come there that day hurting in some way due to a family problem or a business problem or a health problem. But he then said he was praying most especially of all for those who had come in a complacent mood and did not think they needed any help and thus needed it perhaps most of all.

I think in some ways that describes a little bit the condition of the country today, because some people think that because the stock market is temporarily high that things are better than they really are. But this $5½ trillion national debt puts us on very thin ice economically, as the gentleman from Wisconsin [Mr. NEUMANN] has pointed out.

Then, on top of that, we have these looming Federal pension obligations, Social Security as my colleague mentioned, the Federal pensions, the military pensions, horrendous obligations that in other countries, the only way that governments have been able to meet those obligations is by either drastically decreasing benefits or drastically inflating the money.

Sometimes when I speak in high schools I tell some of the young people, "I know when we say we have a $5½ trillion national debt that maybe your eyes glaze over and you think it does not have any effect on you. But it really does." Every leading economist says it is like a chain hanging around the neck of our economy, holding us back. Times are good now for some people, but they could and should be good for everybody. People making $5 and $6 an hour can be making $10 or $12 an hour if we did not have this horrible debt.

We are getting ready, shortly after the turn of the century, to face some of the biggest problems that this country has ever faced. And if we do not start doing things like the gentleman from Wisconsin [Mr. NEUMANN] is talking about, starting to pay this national debt back and getting Federal spending under control, as I pointed out in my 5-minute special order a few minutes ago, Federal spending, in spite of all the publicity about cuts, is still going way up every year.

So I salute my colleague for the work he is doing in this regard. It is very, very important for the country, especially now while we still have a chance to do something about it.

Mr. NEUMANN. Reclaiming my time, the statement of the gentleman from Tennessee [Mr. DUNCAN] about complacency and the pastor's words reminds me of a saying that has been ringing very much in my ears as we contemplate the next election cycle. And that is not about us but rather about the people in America. It goes something like this: "In order for evil to succeed, good people need only sit idly by."

That is, effectively, what has happened over the last 15 or 20 years in this Nation. We are going to talk a little bit about how we got here and how different it is in the last 3 or 4 years, because there is some reason for optimism. Some things have changed. We still have got that huge problem that they passed to us. But there are things changing out here, and it is important that people know about that.

Mr. FOX of Pennsylvania. If the gentleman would continue to yield, I have to agree with the gentleman from Tennessee [Mr. DUNCAN] when it comes to saluting the leadership of the gentleman from Wisconsin [Mr. NEUMANN], really being a trailblazer when it comes to the deficit question, and also his work on the budget committee.

Particularly, when we look to the balanced budget, I know from Alan Greenspan and people like the gentleman from Wisconsin [Mr. NEUMANN] and the gentleman from Ohio [Mr. KASICH], chairman of the committee, by having a balanced budget finally by the year 2002, we are in fact going to reduce interest costs for cars, interest costs for college, and interest costs for home mortgage.

But would my colleague explain to me, under his Debt Repayment Act, what is the effect going to be for the homeowner, for the family, and how long will it take us to succeed, over how many years will it take for the Debt Repayment Act to take full effect?

Mr. NEUMANN. Reclaiming my time, I think if I could take just a couple minutes first and show how we got into this mess and how much things have changed, and then let us go forward to the future. I think it is important for any group of people to understand how they got to where they are, if in fact things are changing, and where we might be headed to in the future.

I brought with me a chart today to show how we did get to where we are and what was going on in the past. Before 1994, and this credit should go to the American people, before 1994 what was going on was Washington was promising that they were going to balance the budget. They were recognizing how serious a problem this national debt was.

This blue line shows what they promised to do with the deficit line hitting zero, or a balanced budget, in 1993. The red line shows what they actually did. And I think it is important to understand that in the past they had Gramm-Rudman-Hollings, the first one, and then Gramm-Rudman-Hollings again. And then another promise in 1990, and 1993 came and went and of course there was no balanced budget.

In fact, in 1993 they looked at this and they said, well, we cannot control Washington spending. So there is only one other alternative if we are serious about doing something about this, and they did it. They reached into the pockets of the American people and they collected more taxes out.

I have been starting some of our group meetings to show how different things are today than they were before by announcing a very important piece of legislation. Here is what it does: It raises the top income tax bracket from 31 to 36 percent and tacks on a 10-percent surcharge. It makes the tax increase retroactive to January 1 of this year. It raises Social Security taxes on our senior citizens, and it raises the gasoline tax. Just in case we missed anybody with the first group, it raises the gasoline tax by 4.3 cents a gallon and does not even use the new money that it has taken in for roads; it directs the money to social welfare programs.

I start talking about this legislation because it gradually dawns on people that that was the 1993 tax increase bill. That was what they did out here when they looked at this picture in 1993. In 1994, the American people were fed up with this and they said "no more."

I would add that that tax increase, the solution to this problem of taking more money out of the pockets of people, that solution passed by one vote in the House of Representatives and it passed by a single vote in the Senate. I might add, and I do not want to turn this into partisanship but I have tried not to, there was not a single Republican vote for that tax increase back in 1993 because Republicans had a different idea.

We thought that the right way to balance the budget was by controlling the growth of Washington spending, a very different picture. Well, Republicans did take control of the House of Representatives in 1995, for the first time in a long time, and the Senate. And I think what happened in 1995 should be looked at very carefully by the American people, because the American people have had these promises in the past and they have always been broken.

When the change occurred in 1995, we laid a plan into place that was very much like this blue line. We said that by the year 2002 we were going to balance the Federal budget. I have that on the chart here. Here is our promised deficit stream when the Republican plan passed in 1995. But it is very different than the outcome. We are not only on track but ahead of schedule. My colleagues will notice the red line is in the opposite spot from where it was up here. We are not only hitting our targets, but we are far ahead of our targets, and we are going to provide the American people the first balanced budget since 1969 next year, 4 years ahead of schedule, not broken promises, no excuses as to why it cannot be done. It is done, and it is done 3 or 4 years ahead of the original promised schedule.

That is a phenomenal change in what is happening in Washington from this picture and raising taxes, to this picture, balancing the budget, on track, ahead of schedule, and at the same time saying to the American people "it is time you had a tax cut."

For the first time in 16 years, a tax cut is going to be delivered in this year. It is actually signed and into law. The ink is dry. The tax cut is there. If we get time later on in this special order, I would like to go through some of the things in the tax cut. But for now I would like to move a little bit farther forward and show how it is possible that we get to a situation where we can both balance the budget 4 years ahead of schedule and at the same time lower taxes for the American people.

What this chart shows, the blue line shows the growth in revenue. And we see that the growth in revenue from 1989 to 1995 was going up at about the same speed that spending was going up. What that meant was that all the new money coming into Washington was immediately being spent on new Washington programs.

But in 1995, the revenue kept going up at a pretty good pace, but the red line started going up at a slower pace. Well, when spending goes up at a rate slower than revenue growth, the lines crossed quickly. So the reason we are in a position today where we can both have a balanced budget 4 years ahead of schedule and provide tax relief to the American people is because the revenues have continued to go up strong, but instead of letting spending go up with them, spending has been curtailed.

I have got another chart here to put this in perspective. Because one thing that I hear when I am out in public at town hall meetings, as a matter of fact I heard it in a meeting this morning before I got on a plane to come out here, the general concept is, "Well, the economy is doing so well; and because the economy is doing well, you politicians are trying to take credit for how good the economy is."

Again, the facts are significantly different than that. I would first point out that between 1969, the last time we had a balanced budget, and today, we have had a lot of good economies. But in the past when there was a good economy, Washington simply expanded the spending to a point where the deficit remained. That is why we have had a deficit every year since 1969.

This Congress is different. The revenues did come in faster than expected, and the revenues are coming in good because the economy is strong. But with the revenues coming in, the growth rate of Washington spending has been slowed by 40 percent in 2 years. This chart is extremely significant in understanding how we can both balance the budget and reduce taxes at the same time.

Before we got here, spending was growing at an annual rate of 5.2 percent. It is now growing at a rate of 3.2 percent. So, in the face of strong economy, extra revenues coming in, instead of doing what past Congresses have done, and that is find new ways of spending it here in Washington, at the same time the economy is very strong, spending growth has been curtailed in this city. And that is what got us to this position where we are going to have our first balanced budget since 1969 and our first tax cut in 16 years.

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This whole system works because we have curtailed the growth of Washington spending. And let us go a step further. When we curtail the growth of Washington spending, that means Washington borrows less money out of the private sector. Well, when Washington borrows less money out of the private sector, that means there is more money available in the private sector. More money available, law of supply and demand; again, this is not complicated. The law of supply and demand says: When there is more money available in the private sector, the interest rates will stay down; and, again, this is not unexpected.

We had hoped that the result of those lower interest rates would be a strong economy, where people bought more houses and cars because they could afford them easier with the low interest rates, and in fact that is exactly what is happening, and that is spurring on our economy today better than anything else we could have done.

So when government spends less, they borrow less out of the private sector, it leaves more money available in the private sector. With more money available in the private sector, the interest rates stay down, and when the interest rates are down, people buy more houses and cars, and the logical next step when people buy more houses and cars, somebody has to go to work building those houses and cars, and of course that is what leads us to more job opportunities for our people.

Mr. FOX of Pennsylvania. Mr. Speaker, if the gentleman would yield, I think that is one of the best items you just pointed out.

When you talk about getting the budget in balance, two major facts: First, we have lower interest rates for cars, college, and for the home; and we also increase, because companies are doing better, more job opportunities. So we are lowering the unemployment rate, and by doing that, there are more people employed, and those who are employed have a better chance of rising up within their own business, and we also stabilize the tax base, because you have more people paying into the tax system, and hopefully at lower rates because of our new programs.

Mr. NEUMANN. Exactly.

Would the gentleman, reclaiming my time?

Mr. FOX of Pennsylvania. Certainly.

Mr. NEUMANN. The wonderful thing to think about here is, it is more than about these numbers and charts; it is about my two kids are in college and my other one, who is a freshman in high school, it is about these kids and whether or not there are going to be job opportunities right here in America or whether we are going to find ourselves in a position where, in order for my children to have hopes and dreams and the opportunity to live the American dream that we have had in this great Nation, it is about whether they are going to be able to do that at home in Wisconsin or whether they are going to have to go over to a Pacific rim country, or China, or wherever, in order to have the hopes and dreams and the opportunities that we have had during our generation. That is what this is about. It is about whether or not our kids are going to have an opportunity to live the American dream.

I thought I would show one more chart, because another thing that comes up a lot of times when I am out at public meetings is, they say, well, who is supposed to get all the credit for this thing, and are not you afraid somebody is going to get the credit, and Clinton is going to get credit for what you guys have done, and how are we going to stop that from happening? And this is how the discussion goes. And I brought a chart to kind of show what would have happened had we not been here.

In 1995 when we took office, in 1995 when we took office, if we had played golf and tennis and basketball instead of doing our job, this is where the deficit was going. This is where the deficit was going when we got here and what we inherited when my colleagues and I took office in 1995.

This yellow line shows what happened after 12 months, and some people remember our first 100 days, the battles that went on. If we had quit after the first 12 months, the deficit would have followed this yellow line. The green line shows what we had hoped to do, and the blue line shows what is actually happening. And, again, the emphasis here is how far we have come from 1995 to 1997 and what a phenomenal change there is in this great Nation we live in.

I would be happy to yield.

Mr. FOX of Pennsylvania. I think, you know, you deserve a great deal of credit for being a visionary on this. You know, while some people look at one bill at a time, you are looking at it from a 4- or 5-year projection. As you are looking for your children and eventually your grandchildren, you are giving a real vision to this Congressman.

The question I have, MARK, is, how do we know that we can assure this for the years to come? We know we have done for the 104th Congress and 105th the Congress. What kind of budget discipline and what kind of legislation can be achieved so that the same kind of graph that you have been showing, where there is going to be more opportunity, your children will fulfill their dreams and have a job and give less money to the government and more money back in their pocket for their children to fulfill their dreams, what kind of legislation do we need in order to make sure that the dreams of your children will be fulfilled?

Mr. NEUMANN. Well, I think the logical next step in this whole thing is the answer to that question. That is, after we balance the budget, we still have that $5.3 trillion debt that our generation is going to give to the next as a legacy if we do not do something about it.

So while things have changed a lot since 1993 and the broken promises and tax increases of the past to a point where we are on track balancing the budget and providing tax relief to the people, restored Medicare, good things, but we have to ask, where are we going next?

And the answer to that is, we need to start making payments on the $5.3 trillion debt, and the easiest way to describe what we are suggesting that we do in our legislation, I know we have cosponsored this bill together, and people in Pennsylvania are very fortunate to have a person like yourself here to help with this kind of legislation; what we are doing is proposing, very much like on a home mortgage, just like all the folks out there that have a home, and they borrow money to buy the home, they make payments on their home mortgage, we are effectively suggesting that we do exactly the same thing in that $5.3 trillion debt.

We have introduced a bill called the National Debt Repayment Act, and what the National Debt Repayment Act does is, it caps the growth of Washington spending, it controls the growing Washington spending, at a rate 1 percent lower than the rate of revenue growth, and it has to be at least 1 percent lower. That creates a surplus.

With the surplus created, we take one-third of the surplus and dedicate it to additional tax cuts, and two-thirds of it goes to start making those mortgage payments on the Federal debt, and it is real important, when the mortgage payments are being made on the Federal debt, we are also putting the money back into the Social Security Trust Fund that has been taken out over the last 15 years.

So our National Debt Repayment Act would pay off the entire debt by the year 2026 so our children could inherit this Nation debt free, but it would also restore the Social Security Trust Fund.

And I said earlier this hour that I am dedicating this special order to my father, who had his birthday last week. Senior citizens should be in droves behind this kind of legislation because by putting the money back into the Social Security Trust Fund, Social Security once again will be safe and secure, and for the people in the work force this will provide additional tax relief each and every year.

I brought a chart with me to kind of show how this would work and show what actually happens in picture kind of form. The red line, again, is the spending growth, and you can see spending still going up. So for those that are concerned that Medicare, Medicaid, or whatever will not be there, spending is still going up. And I might just add a personal note here.

If this was me, spending would not be shown going up this fast, and if I was in control of Congress where the conservatives were actually the majority in this body, this spending line would be much slower, it might even be flatlined, so we would even shrink Washington spending much more. But even with spending going up at a small rate, if you keep it going up at a rate 1 percent lower than the rate of revenue growth, the blue line shows the rate of revenue growth, the red line, the spending growth; if the red line is going up slower than the blue line, that creates the surplus in between here, and one can see how the surplus develops, giving us the revenues necessary to pay back the Social Security trust fund, to pay off our debt so we can give this to our children debt free and we can dedicate some of those surpluses to additional tax cuts for the American people.

I would be happy to yield to the gentleman.

Mr. FOX of Pennsylvania. People will say to us, well, this sounds good, but what happens in times of emergency, and what happens in a time of war?

Mr. NEUMANN. The bill kicks out actually during the time of emergency and during the time of war, and remember, the bill says we have to keep at least a 1 percent difference in this growth rate.

There are going to be other times where it is more than a 1 percent gap; that is, spending is going to be going up much slower than the rate of revenue growth. We happen to be in one of those times right now. As a matter of fact, revenues to the Federal Government today are growing by 7.3 percent, and spending is only going up by 3.2 percent. There is a 4-point spread in there right now. This chart shows how it works with only a 1-point differential.

So during the good times like those that we are in right now, I think we find a wider than 1 percent spread, and during those bad times the bill would kick out, because in all fairness, if we are in a war, I do not think we want this sort of thing restricting us, and if we went into some sort of a major recession, there may be a reason for the Government to actually spend more money.

Today, that is not the case. Today, our economy is booming. There are job opportunities for people. We are seeing the welfare rolls decline with the welfare reform that went through a year ago. We are seeing a lot of good things happening in our country, but we do not want to tie our hands with this sort of legislation that we could not adjust in the event of an emergency.

Mr. FOX of Pennsylvania. Well, if the gentleman will yield, the National Debt Repayment Act is certainly a bill that both sides of the aisle should be supporting, and, frankly, I would like to see the Senate support it once it gets there after we pass it.

But with regard to tax legislation, where we have seen great reform in this session which you and I supported along with our colleagues, we have reduced, we have a $500 per child credit, reduced capital gains tax, increased the inheritance tax exemption, and one of the most important items, tax credits on education.

Do you think we could be going to a time, maybe next year, the second session of the 105th Congress, where we can further reduce capital gains, which will increase savings, new jobs, and growth?

Mr. NEUMANN. Well, that is what this bill is all about really, is it does provide one-third of this surplus for additional tax cuts as we move forward.

The gentleman mentioned that this needs to happen in the Senate as well. I would just point out that in the Senate of the United States there is not a single Member over there as of yet that is interested in introducing the Social Security Preservation Act which we talked about earlier. That is the bill that forces Social Security money to actually stay in the Social Security trust fund. Not a single Senator yet has moved forward. And on this National Debt Repayment Act, what seems to me to be the logical next step, not a single Senator as of yet has sponsored the bill. And I am optimistic that we will see movement in that direction because it does, after all, take passage in both Houses in order to get this job done.

On the tax cuts, maybe we should go into the tax cuts that have already passed, and remember, the bill is currently on the table to sunset the entire IRS Code and replace it with something that is simpler and fairer, easier for our people to understand, by the year 2001.

So I anticipate we are going to begin an immediate debate over an entirely new tax system, something people actually can understand, and they will at that point be able to figure out their own taxes and understand, if there is a tax increase, they are going to know about it.

And there is one thing I know for sure. If they know their taxes are being increased, politicians are going to be much less likely to increase them. In 1993, the way they got away with it is, they demagogued it, saying it was only tax increases on the rich. Well, the reality was, you were rich if you owned an automobile and filled it up with gasoline, because when they were done, taxes went up by 4.3 cents a gallon as well as a 2.5 cent extension in the gasoline tax.

So that is part of it, but maybe we should talk about the Tax Code and how it has changed. And, again, I think we need to look back to 1993 when taxes were going up and see that this is good even though it is a little complicated. Should we start maybe with the one that is going to hit the most families? I do not know how many families it hits in Pennsylvania. I know in Wisconsin, 550,000 families are eligible to keep $400 per child more of their own money in their own house instead of sending it out here to Washington, DC.

Mr. FOX of Pennsylvania. If the gentleman would yield, my own county, Montgomery County in Pennsylvania, in my district, 108,000 families will have the benefit of the $400, eventually $500, per child tax credit. That will go a long way to help pay other bills.

Mr. NEUMANN. You have got 108,000 just in your county in Pennsylvania, and we have only got 550,000 in all of the State of Wisconsin. Our people had better start having more kids in Wisconsin so we catch up.

Seriously, it is important for my colleagues to understand that next year, starting in January, for each one of those children under the age of 17, on January 1 they can go into their place of employment and adjust their withholding taxes so they start keeping $33 per month per child more in their own paycheck instead of sending it out here. The $33 a month is the $400 total divided up over the 12 months.

So if you have got a family of five, three kids under the age of 17, what they should do in January of next year is go in and increase their take-home pay by $100 a month. That is what this tax cuts means to the 550,000 families in Wisconsin and the 108,000 in your county in Pennsylvania.

The other thing is, I think the emphasis on education in this tax bill was real important. I always talk to our groups, and I ask if anybody has got a freshman or a sophomore in college, and inevitably we see a bunch of hands go up. For a freshman and sophomore in college, in the vast majority of the cases, the parents will be able to keep $1,500 more of their own money instead of sending it out here to Washington.

And I want to be as clear as I can be on this. This is not a deduction. This is as in you figure out your taxes, and when you are all done figuring out how much you would have owed, if you are a freshman or sophomore, spent $2,000 on their college tuition, room, board, and tuition, you subtract $1,500 off the bottom line. You figure your taxes out, and you subtract $1,500 off the bottom line for a freshman or sophomore in college. For a junior or senior in college, it is 20 percent of the first $5,000 of costs, or in many cases $1,000 for a junior or a senior.

And, again, it is important that our constituents understand that this means that in January of next year, if you have got a freshman in college, you simply go in and take 1,500 divided by 12, or $125 a month more in your take-home pay. There is nothing else you have to do; you just take home an extra $125 a month.

For a family of five in Wisconsin, we have got some church friends, one in college, freshman in college, two still at home. This family is eligible for $2,300 next year, and I know in this particular family that they are working several jobs in order to make ends meet.

Just think what this tax cut package means to a family of five, where the mother and father have been working not only their regular jobs but an extra job or two in order to get ready for Christmas. Next year, this family is eligible to keep $2,300 more of their own money instead of sending it to Washington.

Mr. FOX of Pennsylvania. If the gentleman will yield, I think one of the most important parts of the tax package is the education tax credits, because there are so many young people who want to go into higher education, whether it is junior college, community college, regular college, whatever kind of higher education, leading to a satisfying job. They want to know that they have got the chance, that their parents will get the kind of credit off their taxes to encourage them to get that extra education. They can make sure they get a better job, and their families will certainly have full opportunity.

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Mr. FOX of Pennsylvania. So I will continue working with the gentleman in Congress to make sure we expand educational opportunity so each person can be all they can be educationally, vocationally, and within the society.

Mr. NEUMANN. Madam Speaker, the other one that relates to education, in the same area, is the $500 per child education savings account. I have a lot of grandparents that say what should we give our grandchildren for this particular birthday or this particular birthday. This account has been set up so that the grandparent could conceivably put $500 per child into a savings account that would then stay in the savings account until the child reaches college age. The child then, the interest accumulates tax-free and the child could then take it out when it is time to pay for their college education.

Of course, it is not only grandparents that could do this, parents could do this if they have the financial wherewithal, but it is an account that allows families to start saving for their children's future education, where the interest accumulates tax-free in the account. It is called the educational savings account and works sort of like an IRA used to work.

Mr. FOX of Pennsylvania. Madam Speaker, if the gentleman would yield, we also have the Coverdell and Gingrich bill, a plus account, which will be an additional $2,000 towards college education.

So I think whatever we can do to give the students the opportunity to attend the college of their choice, the institute of their choice, whatever it may be, then I think the Congress, moving educationally, we are doing the right thing for all of our people.

Mr. NEUMANN. Madam Speaker, reclaiming my time, does the gentleman think these education accounts that we have just talked about point out how different things are in Washington?

Five years ago, if this would have been the discussion, it would have gone like this: Well, we are going to raise taxes on the people, get more money out here in Washington, and then we here in Washington are going to decide which families out there in America have a right to get some of this money back.

That is not what this is about. This says people that have worked hard to earn a living, and whoever they are, if they have children under the age of 17, keep $400 more of their own money. They have to earn it first; it is their money, they have to earn it, but after they have earned it, they keep it in their own home instead of sending it to Washington. It is not Washington deciding which people are going to be eligible and collecting more tax dollars like they did in 1993, but rather, it is a tax cut. It simply says if they earn the money, the kids are under the age of 17, keep it in their own home; we know they know how to spend it better than the people here in Washington. It is really great to look at these kinds of tax cuts as opposed to what might have gone on before.

Why do we not jump out of education. I hear a lot of times when I am out at our town hall meetings, well, MARK, I do not have any kids, and since I do not have any kids, I am not eligible for any of those tax cuts. Well, there is a few other things in here, and I talked to a union worker in particular. He said, "My kids have gone and I am not really thinking about selling my house and I am not really eligible for anything." I said to him, "Are you thinking of saving to help take care of yourself and retirement?" He said, "I know you are going to talk about IRA's, but I already have a 401(k) at work." I said, "Would you consider saving more for your retirement, if you could, tax-free?" He said, "Yes, I would be interested in doing that, but I am not going to be eligible because I have a 401(K) already."

The new tax cut package has changed that. Even if people are eligible for a 401(k) at work, under the new tax plan, it is called the Roth IRA. People can now put $2,000 per person per year into a savings account. Now, they are putting in after-tax dollars as opposed to before-tax dollars. They are putting in after-tax dollars, but the interest accumulates tax-free, so if they put the money in this year, whatever they earn on that money between now and retirement, when they get to retirement and take the money out of this account, the money that they take out is absolutely tax-free. So they put $2,000 per person per year into the account, they pay tax on that money this year, but when they take it out in retirement, it comes out to them absolutely tax-free. There is no tax on the increased value of that $2,000 they put in.

The nice thing, I have a lot of young people that say, "Well, MARK, I am not sure I am ready to think about retirement yet." This account also works for young families who are trying to save up to buy their first home. They can put $2,000 per year per person into this account, and a lot of especially couples without children or single working families, they put this money into this account and then later they can take up to $10,000 out of the account without penalties to buy their first home.

So for the young families it is an opportunity to save to buy their first home. For the folks that are in their 40's and 50's, maybe the kids are gone, it is an opportunity to save more for themselves for retirement and have it be a tax-free retirement.

Mr. FOX of Pennsylvania. Madam Speaker, will the gentleman yield?

Mr. NEUMANN. I yield to the gentleman from Pennsylvania.

Mr. FOX of Pennsylvania. Madam Speaker, under the Roth IRA, it is $2,000 per person for how many years hence?

Mr. NEUMANN. As many years as one so desires.

Mr. FOX of Pennsylvania. OK. So there is no sunset on that provision?

Mr. NEUMANN. No. One can keep putting $2,000 per year into this account each year from now through the year they retire, unless, unless we go back to the ways of 1993; and if we go back to the ways of 1993, broken promises and higher taxes, certainly this might be one of the accounts they look at; but it is up to the American people to make sure they keep elected Representatives who are going to be more interested in controlling Washington spending, because when we control Washington spending, that means the people can keep more of their own money instead of sending it to Washington. The folks have to make sure that they understand that is what is necessary in order for this Tax Code to continue with tax cuts as opposed going back to the way of 1993, but that is up to the American people.

Mr. FOX of Pennsylvania. The National Debt Repayment Act, which the gentleman authored and I have cosponsored, has this gone to the Committee on the Budget for review, or Ways and Means? Where has it gone?

Mr. NEUMANN. It will be reviewed in a series of ways. I am optimistic that we will have an inner-term vote, but at least it says no new Washington spending with the extra revenues coming in. And it will put us on track that the only thing we can do with the surpluses is either reduce taxes or pay down debt, and that will certainly put us in the right direction.

Mr. FOX of Pennsylvania. Madam Speaker, will the gentleman yield?

Mr. NEUMANN. I yield to the gentleman from Pennsylvania.

Mr. FOX of Pennsylvania. Madam Speaker, one of the related bills that I have, and I hope that would also see legislative action, and that would be what I call the sunset review of Federal agencies. It is something we did in Pennsylvania where we evaluated all of the State agencies and said, over a 7-year period or 5 years or whatever we want to pick, each agency had to justify its own existence. To the extent it could, it would remain. To the extent it did not, it would be consolidated, privatized, downsized, or eliminated. This is a process that seems so logical it should have been adopted previously, but it is something that I believe is related to the gentleman's legislation when it comes to debt repayment and balanced budgets.

Mr. NEUMANN. I have a sneaking suspicion there is a whole heap of agencies that could not justify their existence today.

We started through this in my first year here, and it was unbelievable the number of agencies that when we went to them, there is just no way that they could justify. But it is too vast a list to go at them each one at a time. We get as many as we can. The way to do this is to look at the overall numbers and keep squeezing them down, but I certainly support that type of legislation, sunseting every agency every 7 years unless it can justify its existence. It sounds like a great idea to me.

A couple of the tax cuts that we have passed, and again, this bill has been signed, this is happening, the ink is dry, this is law: The capital gains tax rate has gone from 28 percent to 20, and then it is going down to 18 after that. I have some people say, "Well, Mark, you made it more complicated because it is 15 months or 18 months or 12 months, and how long do we have to hold it?"

But when it is over and done, I think people can take the time to find out whether they have held their asset for 12 months or 18 months in order to pay 8 percent less and then 10 percent less.

For the folks on the lower income tax bracket, this is something I learned in Brodhead, WI at a town hall meeting. I had someone come up and say, "I volunteer my time helping senior citizens fill out their tax forms. And all that capital gains stuff you are talking about, they do not earn enough money to be affected by the 28 down to 20."

Well, the fact is, if a person is earning less than $41,000 a year, their capital gains tax rate goes down to 10 percent. This person told me about a number of senior citizens who, in addition to Social Security, are drawing small amounts out of whatever they have used to save money in the past, and of course then there is capital gains on whatever it is that they are drawing this money from, and this will reduce their tax rate from the current 15 down to 10 as well for the lower income folks.

Mr. FOX of Pennsylvania. Madam Speaker, if the gentleman will yield, a part of what we have to do is make sure we get the word out about these new tax reductions so that all of our senior citizens and others will continue to take advantage of them.

Mr. NEUMANN. Madam Speaker, reclaiming my time, another one that not many know about, and this really impacts: 74 percent of all senior citizens in Wisconsin still own their own home, and there is a new tax provision that is very directly aimed at senior citizens, but it is going to affect all of society, and that is if they have lived in their home for 2 years and they sell the home, they no longer pay any Federal taxes on it in the vast majority of the cases. Now, what has happened in the past is we had this rule that said if a person was 55, they could have a one-time exclusion when they sell their home.

So what has happened is a lot of our senior citizens have sold their home at age 55, took the one-time exclusion, and then they went out and bought a smaller home, because of course at 55 their kids were gone so they did not need the big house any more. So they bought a new home at age 56, and they are now 67 or 68 and would like to sell their home again.

Under the old Tax Code, since they had taken their one-time exclusion at age 55, they would pay capital gains on the appreciation of that home from the age of 56 to 66. Under the new Tax Code, there is no Federal taxes due on the sale of a personal residence as long as they have lived in the residence for 2 years in the vast majority of the cases.

This is a phenomenally large change. Being a homebuilder, I dealt with this an awful lot where we would have clients come in and the clients would say to me, "Well, I have moved from wherever to Wisconsin where it was a little more affordable housing," and they would come in and say, "We have huge capital gains, and I took this job transfer, and I was happy to take the job promotion and have the opportunity to live a better life for myself and my family. When I got here the house prices were low and that is good, but now I owe the Government all of this money."

Well, that is all gone, that is history. The law has changed. If a person lives in a home for 2 years and it is their personal residence and they sell it, there is no Federal taxes due on it. I have said that 3 times because I was on a radio talk show in one of our communities and I had a caller call in and ask me whether or not I was sure that there was no Federal taxes due.

And I said, "No, there is no Federal taxes due." She had bought a home, I think it was for $20,000, and was selling it for about $80,000 and she wanted to make sure of this. And she said, "I pay income tax on it instead of capital gains." And I said, "No, there is no Federal tax due to the sale of your home," and she said, "Well, then I pay," and she gave me some other kind of tax. I said, "No, it is not that the tax has been shifted to some place else; there is no tax due on the sale of that home" that had appreciated in value from $20,000 to $80,000 in this particular caller's case. So this is also a phenomenal change.

I know Pennsylvania has some agriculture, as does Wisconsin. I think another point here that we would be failing if we did not bring up is the farm tax change.

Mr. FOX of Pennsylvania. Madam Speaker, if the gentleman would yield, that is certainly going to help us. We have small businesses in Pennsylvania, of course, and in Wisconsin, and we also have a lot of family farms. What we are able to do under this new inheritance tax law is $1.3 million, I think that is the right figure, will be the exemption from the inheritance tax.

So instead of having to sell the family farm to pay the estate taxes of the deceased, we are going to be able to have the family farm or the family-owned small business that had been worked on for years now carried forward to the sons and daughters, so they can carry on the family business without having all of the money that the farm is worth, or the business, going up in taxes.

Mr. NEUMANN. Madam Speaker, they say under this new Tax Code, reclaiming my time, that 90 percent of all farms may now be passed from one generation to the next generation without the tax being due, the death tax being due to the extent where many of those farms are being sold.

The other thing that affects and directly impacts the agriculture industry of course is that many farms are now corporations, which means there is stock in the corporation and as the stock is transferred, the capital gains rate directly impacts what taxes are due, and of course the reduced capital gains tax helps our farmers immensely.

I see the gentleman from Indiana has joined us.

Mr. SOUDER. Madam Speaker, will the gentleman yield?

Mr. NEUMANN. I yield to the gentleman from Indiana.

Mr. SOUDER. Madam Speaker, I wanted to briefly join in here, because the gentleman called my attention earlier this evening to an article that ran in the Wall Street Journal today, and Congressman SHADEGG from Arizona cited it in particular, and then I actually read it.

The gentleman has been a leader in our class and in Congress in doing budget numbers, tax numbers, appropriation bill numbers, and has been somebody we all look to, and now I realize that the gentleman is completely politically incorrect. The article in the Wall Street Journal today from Lynn Cheney about the National Commission for Education Testing was talking about math, and the gentleman from Wisconsin [Mr. NEUMANN] asked me earlier this evening, "Did you see this absurd statement in the Wall Street Journal?" Steven Leinwand, this is quoting from the Wall Street Journal today, Lynn Cheney's article, who sits on the committee overseeing President Clinton's proposed National Mathematics Exam, has written an essay explaining why it is downright dangerous to teach students things like 6 times 7 is 42, put down 2 and carry the 4. Such instructions sorts people out, Mr. Leinwand writes, anointing the few who master these procedures and casting out the many. That is a quote. As Mr. Leinwand tells it, there might have once been an excuse for such undemocratic goings-on, but we can now, because of technology, throw off the "discriminatory shackles of computational algorithms."

Mr. NEUMANN. Reclaiming my time, can we just point out again who this person is that they are quoting? This is the person that sits on the board that is going to design the national tests to test our children. All of those things the gentleman from Pennsylvania said. He is the person that is going to be designing these tests, and this person thinks it is inappropriate to teach kids that 7 times 6 is 42, and when they are doing multiplication of more than one number times another, how to actually go through it. I am an old math teacher and if my colleague sees my face turning red at this point, it is only because I find it so frustrating that we would think in this society that we have moved to this point.

I do not want a national math test. I want the parents and the local community folks and the school board, I want them to develop a test to test their kids and their community for what they think their kids should know.

□ 2045

Mr. SOUDER. If the gentleman will continue to yield, Madam Speaker, as both a former math teacher, which the gentleman from Wisconsin [Mr. NEUMANN] is, and as a former homebuilder whose whole business depends on being able to, if not directly, at least understand the computation of 6 times 7 equals 42, otherwise you are likely to be having ridiculous prices on the homes that you are trying to build, how do we expect the American people in the future to be able to read charts like the gentleman has in front of him, or be able to understand how to calculate capital gains taxes if this man, and to reiterate one other point that the gentleman said, he is not only on the National Math Board, he serves as a consultant to the Connecticut Department of Education, sits on the board of the $10 million National Science Foundation math program, and advises the standard-setting project funded by the Pew and MacArthur Foundations.

It is not just this kind of one-man kind of weirdo sitting there, he is on a whole bunch of boards, driving this whole dumbing-down sense of America. And then people want to know how, well, we cannot quite understand your chart. This is too complicated. They want to feel things through. If we do not have a basic understanding of math, we are basically going to get ripped off.

Mr. NEUMANN. Madam Speaker, reclaiming my time, this is the problem with the liberal philosophy. The liberal philosophy would tell us that we do not need to understand math because Washington can take care of you, trust us. The Government will take care of you. That is the wrong philosophy. Folks need to understand basic math, reading, and science so they can look at a situation and evaluate the situation, and make a decision for themselves on how to best take care of themselves and their families in this world we live in.

Mr. SOUDER. Madam Speaker, if the gentleman will continue to yield, I will be talking later, and I know the gentleman from Arizona [Mr. SHADEGG] wants to talk about this, too, but the gentleman has been kind of a national math teacher to this country, going through the budgets, going through the appropriations bills, going through the tax bills. I appreciate the gentleman calling my attention to this article and the fallacy of these national tests, because if we do not have a country that can defend themselves, they are going to get run over by the Washington bureaucracy. I thank the gentleman for his leadership.

Mr. NEUMANN. That is the nicest thing I have been called since I came to Washington, so I thank the gentleman.

I yield to the gentleman from Pennsylvania [Mr. FOX].

Mr. FOX of Pennsylvania. Madam Speaker, I appreciate the gentleman from Indiana sharing with us his comments, because he has also been a leader working with the gentleman and I, when it comes to making sure the taxpayers are getting their money's worth.

That is what this is all about, we want to have a Federal Government that performs the kinds of services that have to be there that are not taken care of by the State government, and that individuals and families cannot take care of by themselves. But there is no reason we should be overcharged for that.

Frankly, I think the National Debt Repayment Act we need to go very strongly on. I am hoping we will not need a sponsor, because it is going to pass the House and it just needs Senate votes. I am sure there are Senators who may hear and read about this and will actually want to be the gentleman's Senate sponsor. I will pursue that with the gentleman further after this special order.

From my point of view, Mr. Speaker, I think my constituents who have heard about the National Debt Repayment Act and the quest to get the balanced budget think that Washington is finally listening to what they have been saying back home. This is not a Washington idea, this is an at-home idea. The people back home want to make sure we spend less, we regulate less, we tax less, and we let them keep more of the money, power, and influence that should be kept in our neighborhoods and our communities.

Mr. NEUMANN. I think that is a good lead-in to wrapping this hour up this evening. We have dedicated the hour to my dad and others, people like him across America that are so responsible for giving us the opportunity to be here and change this great Nation.

When we look back to before 1995 and see the broken promises of moving to a balanced budget, and the promises that they were going to get there, and as the deficit escalated, they raised taxes back in 1993.

If we look at how far we have come in the last 2 or 3 years, we are to a balanced budget, not as promised, but 3 or 4 years ahead of schedule; we are going to balance the budget for the first time in fiscal year 1998 since 1969, when I was a sophomore in high school, the last time the budget was balanced. Taxes are coming down for the first time in 16 years.

What a phenomenal contrast from 1993 to 1997, the tax increases versus the tax cuts of 1997. Medicare has been restored to our senior citizens, to my dad and to my parents, to the senior citizens out there. Medicare has been restored, and we are now moving rapidly forward.

We look at the future. We have our first balanced budget in our hands and our first tax cut. The ink is dry, it is passed. As we look to the future, we realize that even after the budget is balanced, we still have a $5.3 trillion debt.

The next move is to pass the National Debt Repayment Act, which will pay off the Federal debt much like we pay off a home mortgage over the next 30 years. That means that we can give this Nation to our children debt-free. It means that the money that has been confiscated out of the Social Security trust fund will be returned so Social Security is safe and solvent once again for our seniors. In that bill, one-third of the surpluses are dedicated to additional tax cuts as we move forward.

So as we look at the past, the present, and the future and where we are going with this great Nation, things have changed since 1995. It is truly a pleasure to be able to bring to the American people how different this great Nation is today than it was 3 short years ago, and how those changes can lead to a better future for our children and our grandchildren, because that is what it is all about, giving those kids hope for opportunities to live the American dream in this great Nation.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore [Ms. GRANGER]. The Chair will remind all Members to refrain from urging Senate action or inaction.

## REPORT ON RESOLUTION PROVIDING FOR THE CONSIDERATION OF HOUSE RESOLUTION 244, SUBPOENA ENFORCEMENT IN THE CASE OF DORNAN V. SANCHEZ

Mr. McINNIS (during the special order of Mr. SOUDER), from the Committee on Rules, submitted a privileged report (Rept. No. 105–280) on the resolution (H. Res. 253) providing for consideration of the resolution (H. Res. 244) demanding that the Office of the United States Attorney for the Central District of California file criminal charges against Hermandad Mexicana Nacional for failure to comply with a valid subpoena under the Federal Contested Elections Act, which was referred to the House Calendar and ordered to be printed.

## REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 1127, NATIONAL MONUMENT FAIRNESS ACT

Mr. McINNIS (during the special order of Mr. SOUDER), from the Committee on Rules, submitted a privileged report (Rept. No. 105–283) on the resolution (H. Res. 256) providing for consideration of the bill (H.R. 1127) to amend the Antiquities Act to require an Act of Congress and the concurrence of the Governor and State legislature for the establishment by the President of national monuments in excess of 5,000 acres, which was referred to the House Calendar and ordered to be printed.

## REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 1370, REAUTHORIZATION OF THE EXPORT-IMPORT BANK

Mr. McINNIS (during the special order of Mr. SOUDER), from the Committee on Rules, submitted a privileged report (Rept. No. 105–282) providing for consideration of the bill (H.R. 1370) to reauthorize the Export-Import Bank of the United States, which was referred to the House Calendar and ordered to be printed.

## REPORT ON RESOLUTION WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 2203, ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 1998

Mr. McINNIS (during the special order of Mr. SOUDER), from the Committee on Rules, submitted a privileged report (Rept. No. 105–281) on the resolution (H. Res. 254) waiving points of order against the conference report to accompany the bill (H.R. 2203) making appropriations for energy and water development for the fiscal year ending September 30, 1998, and for other purposes, which was referred to the House Calendar and ordered to be printed.

## A RIDICULOUS THREAT FROM THE PRESIDENT TO CONGRESS REGARDING CAMPAIGN FINANCE REFORM

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from Indiana [Mr. SOUDER] is recognized for 60 minutes.

Mr. SOUDER. Madam Speaker, I have found few things as ridiculous since I have been elected to Congress in 1994 as the headline that I saw last week in the Washington Times, repeated in various publications around the country in different ways. That headline says "Clinton Threatens to Recall Lawmakers to Hill. Campaign Finance Vote Demanded During Session."

Madam Speaker, I was trying to sort this through. My basic understanding of this was that the President of the United States, Mr. Campaign Finance himself, is threatening to call us into session for campaign finance reform; this, the President who has made more from Air Force One, the plane, than Harrison Ford made from the movie? He wants us to have a session on campaign finance reform?

Tonight, Madam Speaker, we are going to talk a little bit about this President and some of his friends. Additional Members will be joining me as we go through this. But I have been soliciting some information about different people's opinion on this, and what their reaction was to this headline.

Madam Speaker, I have a couple of comments that I want to share with the Members. We will be going through a number of these tonight.

I think that principle No. 1, and if I can, I am going to move down to the other microphone here so I can use these posters, rule No. 1, before we pass a bunch of new laws, is, how about we start in this campaign finance reform with follow the current law. Because it does not do a lot of good if in this country we pass a bunch of laws but then we ignore those laws.

As I suggested the other day, if the President wants to have a special session, maybe we could have the first day with his friends who are in jail; the second day with his friends who have already been released from jail; maybe the third day would be his friends who have been indicted and are headed to jail. Then we could have a couple of days for his friends who have pleaded immunity, 1 day for those who pleaded partial immunity, 1 day for those who pleaded full immunity. Then we could have a couple days for his friends who pleaded the fifth amendment. There are I think 56 of those right now. Then we could have 3 days for his friends who have fled the country, possibly 1 day for each continent.

Madam Speaker, it is ridiculous. They are not following the current law. Why does he want us to come in and pass a bunch of new laws if we cannot get people to follow the current law?

We have the Vice President of the United States, and we will get into this more later, but who said that he was not following the existing law because he was not clear on the controlling legal authority. Madam Speaker, that is quite the explanation, that he was not sure of the controlling legal authority.

The sale of access by this administration is unprecedented. To be fair, the President does not discriminate where they are going to take the money from. If the money is green, they will take it. They have taken it from drug dealers, international fugitives, from arms dealers. Hey, it is an equal opportunity administration.

There are some things that you can buy, for example, if you tune into the Clinton Shopping Network. For $100,000 you can become a managing trustee of the Democratic Party, which entitles you to two meals with the President, two with the Vice President, issue retreats, private impromptu meetings with administration officials, and your very own DNC staffer to assist with your personal requests.

For $300,000, you can bypass the national security aides and get directly to the President, even if you are an international fugitive like Roger Tamraz. In his case, it was $250,000 or $300,000 to be able to talk to the President about a pipeline, and he did not even get it. I do not know what it would have cost if he was going to get the pipeline.

We cannot even make up a cast of characters like the contributors who wound up at the White House coffees, overnight in the Lincoln bedroom, or posing for photographs with the President. It is something like out of the bar scene from "Star Wars." It is such an odd conglomeration of different types of people.

The key, driving thing was, how can we raise more money so we can put more ads up. Do not worry about the details. Drop the background checks, in spite of the advice they were getting from different people regarding individuals that were coming. The key thing was, can they bring in money, will they give the party money.

One other thing in looking at this cast of characters, it is not clear because we have not at least found a memo regarding this yet, whether or not all these people who have been bringing the funds in, whether we have seen the exhaustive list.

For example, what exactly does it cost if you want to see the President and somebody from the Department of the Interior? Does that cost more money? What if you want to see the President and somebody from the Department of Treasury? What if you want to see two cabinet officials? What if you have a case pending in front? What if you are from a foreign country that maybe has minerals that you want an international exclusive on, and maybe you would like a wilderness area? It is not clear how these things interrelate, and a lot of documents are missing or have yet to come clear.

Hopefully we will have some people with the courage that we had under the Nixon administration, when clearly they were attempting to cover up. Democrats and Republicans joined together to try to find the truth. It was not a partisan event. Sure, the Democrats were very partisan against Nixon. We would expect them to be partisan against Nixon. Members might expect me and other Republicans to be partisan against the President.

But where are the Democrats speaking out against President Clinton, like the Republicans did against Nixon? Where are the staffers whose conscience goes to the country as opposed to their boss? Are they so intimidated? Are they so dulled to the sense of decency that they are not coming forth? Or have people learned so much from Watergate that maybe they did not leave as many messages as they did in the old days? Quite probably they did not tape the conversations at the White House like they did under Nixon.

But we need to have ways to find out, because it certainly is clear that the administration did everything they could to get as much money as they could. They backed off of the clearances of the people that were coming in. They clearly had coffees, for which they had a going price.

They took the Lincoln bedroom from the days of just a few people going there, friends, other dignitaries. I think, if I recall right off the top of my head, President Bush had maybe 8 to 10 major contributors there. And they took it to a system, a production line of people who could give the money to the President of the United States, and get to stay in the Lincoln bedroom. They took all these things to a new high effort.

In the foreign contributors, there is a lot of debate about what the lines are in foreign contributions. Can you do this? Can you do that? But there are some lines that are crystal clear. Foreign governments cannot put money into campaigns. Furthermore, you definitely cannot have somebody who is not wealthy give money on behalf of somebody else. That is law violation No. 1.

Law violation No. 2 is if that person then gets refunded their money from somebody who is not an American citizen, from an overseas thing. And it is clear that that is what happened to this administration, because it had to give the money back.

For example, we have seen the concerted efforts by foreign contributors and governments to generously support Clinton-Gore. We have watched them use executive branch officials and fact-finding to raise money overseas. It is against the law, and it was supported with taxpayer dollars. President Clinton and the Democratic Party received more than $75 million in Federal funds during the 1996 campaign, and the infusion of Federal matching funds provided additional fuel for their fundraising obsession. We have never seen this level of use and abuse of the system.

A friend of mine who is a historian, a former history professor, made a list for me of 10 reasons for a special congressional session on campaign finance reform to determine whether the Clinton administration has set a record for the largest number of officials under investigation in American history.

Runners-up, Grant, Harding, and Nixon. Harding just appeared not to know what was going on. He never claimed to be a detail-type person. General Grant had good days and bad days, depending on other things in his personal lifestyle. So while they were accountable for what went on under them, they did not claim to be micromanaging, like our current President and Vice President, who said they were going to reinvent government and were going to be hands-on President and Vice President. Of course, Nixon we all know about. And maybe Nixon was as bad as Clinton, but he does not have or did not have quite that number of people under investigation.

No. 2, of the 10 reasons for a special congressional session on campaign finance reform, to find out if the American timber industry is large enough to handle the paper needs of the special prosecutors, grand juries, and congressional committees looking into the deeds and misdeeds of the Clinton officials. After all, as an environmentalist, he needs to be concerned about all the paper we are using and all the trees that are being chopped down for all these investigators.

□ 2100

Maybe he could call a special session to enable Paula Jones to address us on sexual harassment at the workplace. That would make about as much sense as the President calling us into session on campaign finance reform.

No. 4, to commission Arthur Schlesinger, Jr. to conduct a government funded survey in which noted historians assess "distinguishing characteristics" of the 42 men who have been President.

No. 5, to ascertain why the administration has had such difficulties in persuading witnesses to return from safe havens in Beijing and other places committed to MFN, religious freedom, and human rights.

No. 6, to learn at long last who hired Craig Livingstone and who is paying the fees of his attorneys. I sit on the Government Reform and Oversight Committee. I got to actually ask questions of Craig Livingstone and ask him who hired him. It was quite the experience. He did not come in for a tour at the White House. He did not even come in to work at the receptioninst desk. He came in to be charge of security at the White House. Yet he doesn't know who hired him.

He said under oath that it was the goal of his life to some day work at the White House, that he worked in many low level campaigns, got what a lot of people would consider to be dirty jobs in those campaigns in order to some day have a chance at working his way up and maybe working at the White House. So he finally gets to the White House and he does not know who hired him.

I asked him, because he had been saying all day he did not know what all of us know, who our early supporters were, especially if it was your dream to get to the White House, I said, who did you say thank you to. Are you so ungrateful that you never told thank you to anybody who hired you? And he hung his head down. And I want to say that I believe he felt badly. I do not know what intimidation was on him. I do not know why he would not give up the information. He just said, I do not know who hired me.

My next question was relatively simple as well. The American people are watching and they know, as visitors in the gallery know, that if you go to the White House and want to take a tour, they do checks on you. If we, as Members of Congress, want to go over, they do checks on us, if we take somebody through, they run background checks on us. He was coming in to be head of White House security and he did not know who hired him. I said, who let you in the door. He gave me the name of the receptionist.

I mean this is a joke. This is absolutely ridiculous. We kept the questioning up. And later one of the former counsels at the White House ventured that maybe Vince Foster hired him. Do you know what? Every time we came to a tough point in the travelgate hearing, every time we came to a tough point in whatever investigation we were going through, the FBI files, who hired Craig Livingstone, whenever the pressure got toughest, they blamed it on the dead guy. Either Vince Foster was carrying tremendous baggage or some people are really abusing Vince Foster, who is no longer with us to defend himself. So maybe we could learn in a special session who hired Craig Livingstone.

No. 7, to charge the civil Rights Commission with investigating whether Gennifer Flowers was actually retained as an Arkansas State employee at the expense of a more qualified minority applicant.

No. 8, to permit Roger Tamraz to fuel all the automobiles retained by Members of Congress and their staffs in return for attending all the receptions held in the Rayburn building for a year with an overnight stay in Statuary Hall.

No. 9, to commission the printing of the motto "no controlling legal authority" on all letterhead charged to the House Ethics Committee, the Senate Judiciary Committee, and the Department of Justice.

No. 10, present the Congressional Medal of Honor to Mary Heslin, lately of the National Security Council, for daring to attempt to preserve the honor and integrity of the presidency from the corrosive clutches of its present occupant and to ban all Georgetown bar bouncers from obtaining access to her FBI file.

It is really scary, when we go through. In the Nixon administration, Chuck Colson went to prison because he had one FBI file. When we went through the FBI files in our committee and we started asking, I remember one of the early questioners asking one of the former attorneys at the White House if he knew Craig Livingstone and he looked around and said, I met him once. He reported to me but I did not really know him. Then they asked him if he knew Anthony Marceca. He looked down the thing, no, never met him, never saw him. He later, to another question, said, yes, the FBI files were under my office. The FBI files were never looked at by anybody. Nobody looks at these, these were under Livingstone and Marceca's control. So former Congressman Bill Martini asked the question, Mr. Nussbaum, under oath, you earlier said that you had met Craig Livingstone one time. You never met Anthony Marceca; you did not know him. Yet you also said under oath that all these files were never violated, nobody looked at them and does not that seem to be a contradiction? And Mr. Nussbaum said, the reason I can say that is I know nobody in our administration would stoop so low as to look at any of those files.

It is like, come on, guys. If you have hundreds and hundreds of files scattered through various staffers, they had interns having these files with background information that they had checked on Republicans, people they had no business even investigating in the first place yet alone looking at their file. They do not know who hired the national security advisor who most of his qualifications were that he had been a dirty tricks person in large part in different campaigns. They have in Travelgate, when we got into that, you look at that and see that what the whole deal there was is first you have a girlfriend of a staffer getting a deal. Then you realize that a friend from Arkansas is trying to get, without White House security clearance, is wondering around trying to get the contract for the travel office. What he really wants is the contract for travel for his agency for all the different branches of the Federal Government which, rather than just the small travel office budget, is now millions and millions of dollars. And we see this unfold first in the Travelgate. Because we are looking at the Travelgate, we find out about the files. And we are looking at the files and we find out about Craig Livingstone.

It is just like what is now starting to happen, when we start to unravel the money, part of the reason this is so confusing to the American people is you start, you go, wow, there is money from China here and some arms dealer and such-and-such, and the next thing you are over in Indonesia and next thing it is happening from Thailand. Oh, Taiwan, too. And pretty soon you have people confused because it is coming from about every major country in the world that has any business. You have all these different people pouring money in left and right. It is no wonder the American people are confused as to the particulars.

I have a couple of other charts here. This is a list of witnesses who have fled the country. Charlie Trie was last seen in Beijing, China. He is a former restaurateur and old friend of President Clinton who tried to give $640,000 in suspicious contributions to the President's legal expense trust. Part of the reason it is hard for our committees to lay this out is it is not like China is cooperating and it is not like the banks in China are cooperating, and it is not like Charlie Trie is cooperating. So it is a little hard to get all this information.

I think you will see, as the House investigations start this fall and go through next year, that we will hopefully get more of this. Pauline Kanchanalak, in Thailand, had $235,000 in DNC contributions returned because she could not verify that she was the source. In other words, we are already seeing this money being sent back. It is not like it is a dispute whether the funds were legal. He is telling us he wants campaign finance reform when rule No. 1 is this, follow the current law.

The current law seems to be, in the eyes of this administration, if the Senate investigators or the House investigators turn up the funds, send it back fast. That seems to be what is happening. We are seeing very little money sent back until we uncover it in one of the committees. Then they send it back. That is not the law. The law says, do not take the illegal money and send the illegal money back, not until Congress discovers it.

Third, Ming Chen, a businessman in Beijing, China, runs Ng Lap Seng's restaurant business in that city and is the husband of Yue Chu.

Agus Setiawan, Indonesian employee of Lippo who signed many of the checks to the DNC drawn on Lippo affiliates.

Subandi Tanuwidjaja, in Indonesia, gave $80,000 to the DNC for a dinner with Clinton, which may have come from wire transfers from his father-in-law, Ted Sioeng, who lives in China. Arief and Soraya Wiriadinata, Indonesian couple who gave the DNC $450,000 after the receipt of a $500,000 wire from Soraya's father, a co-founder of the Lippo Group.

It knows no country. John H. K. Lee, South Korean businessman, president of Cheong Am America, Inc., DNC returned $250,000 to Cheong Am.

Antonio Pan, ex-Lippo executive and friend of Charlie Trie and John Huang who delivered cash to individuals for conduit payments.

And then there is Ted Sieong, father of Jessica Elnitiarta, who donated $100,000 to the DNC. He is reportedly connected to the Chinese intelligence community.

Then there are the witnesses who have pled the fifth amendment to the House or Senate committees. John Huang, former DNC fundraiser, Commerce Department official and Lippo Group employee who solicited more than $1 million in questionable contributions.

Jane Huang, wife of John Huang, her name appears on DNC documents as a solicitor of some DNC donations while Huang was at Commerce.

Mark Middleton, former White House Deputy Chief of Staff, who became an international businessman, worked with the Riadys and Trie. Maria Hsia, Taiwan-born consultant who helped Huang organize the temple fundraiser.

Manlin Foung, sister of Charlie Trie, was given thousands of dollars to donate to the DNC in her name by Trie.

Joseph Landon, Manlin Foung's friend, was given thousands of dollars to donate to the DNC in his name by Trie.

David Wang, made $5,000 contribution to the DNC at Trie's request.

Nora and Gene Lum, fundraising couple who pled guilty to violations of Federal election laws.

These are people who pled the fifth, remembering that rule No. 1, before we do campaign finance reform, is follow the current law. Do you know what? Generally speaking, I am not an attorney. I know some of my friends here tonight are attorneys. It does not mean you are guilty because you plead the fifth. But it means you are not being very cooperative in trying to find out the truth, and it does not look particularly good.

The next name on here, Webster Hubbell, already is coming out of jail, former Associate Attorney General, not the kind of person you want to see go to jail or that kind of ups your confidence in the President that he would put in an Associate Attorney General who goes to jail, received hundreds of thousands of dollars from Lippo after leaving the Justice Department. Hsiu Luan Tseng, a Buddhist nun at a Hawaiian temple who contributed to the DNC at the Hsi Lai temple event.

Judy Hsu, Buddhist nun who contributed at the temple event.

Yumei Yang, Buddhist nun who contributed at the temple event.

Seow Fong Ooi, Buddhist nun who contributed at the temple event.

By the way, either nuns make a lot more money than I thought they did, or we have a serious problem here. Jen Chin Hsueh, gave $2,000 to DNC, listed address as home owned by the temple but does not live there. Jie Su Hsiao, Buddhist nun who contributed at the temple event.

Gin F. J. Chen, DNC donor at a fundraiser at Washington's Hay Adams hotel who may have been reimbursed by Hsi Lai.

Hsin Chen Shih, DNC donor at a fundraiser at Washington's Hay Adams hotel who may have been reimbursed by Hsi Lai.

Bin Yueh Jeng, Taiwanese national who, at John Huang's urging, gave $5,000 to the DNC.

Hsiu Chu Lin, employee of Hsi Lai, who gave the DNC $1,500.

Chi Rung Wang, a California man who gave DNC $5,000 at the temple fundraiser.

Noland Hill, business partner of the late Secretary Ron Brown.

Yogesh Ghandi, while receiving $500,000 in wire transfers from a Japanese bank, contributed $325,000 to the DNC.

These are people who pled the fifth amendment. They do not want to talk to us about it. Jane Dewi Tahir, college student related by marriage to the Riadys who received $200,000 in wires from the Lippo bank and gave $30,000 to the DNC.

Duangnet Kronenberg, sister-in-law of Pauline Kanchanalak, attended a coffee at Vice President GORE's residence.

Maria Mapili, employed by Trie, familiar with wires he received from Ng Lap Seng.

Jou Sheng, gave DNC $8,000 listing a Maywood, CA, Buddhist temple as his address but does not live there.

I want to make it clear that these people at the Buddhist temple, they may or may not have known what the American laws are. That is the responsibility of the people soliciting the money. It is the responsibility of the Democratic National Committee, the Vice President of the United States, the President of the United States to know the law.

And I personally want to make it clear that it would be very easy to make this seem like somebody is anti-Asian or anti these countries. That is not the case here. The question is what were the leaders of this country doing when they know the law, as every one of us know the law, soliciting money and taking advantage of people who think that that is how the U.S. Government works?

It is an insult to our Nation and a shame on our Government that they would use these other countries, use how they may have to deal in other parts of the world to let them think they have to give money to the President's campaign committee and the President's party in order to do business with the United States. They should be up front and say, we do business fairly here. We do not have things for sale in this country. We have a different standard than the rest of the world. And instead, we abuse people who may not have known, who had always looked to America as a country different in the world, a country that was not corruptible. And they went and used these people, even in their own Buddhist temple. They used these people to get their money and to then use it for campaign purposes to stay in power. It is very difficult, I feel bad if I mispronounce these names but there is a whole bunch more from there.

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I could go on, but I see I have been joined by a few of my friends here. I will yield to the distinguished gentleman from Arizona [Mr. SHADEGG].

Mr. SHADEGG. I would be happy to join in this discussion if the gentleman would yield.

One of the posters the gentleman put up is one that strikes me a great deal in this debate, and if he will put it back up, it says, first rule, follow the current law.

I notice we are now debating on the set-aside the whole issue of campaign finance reform, and there is this hue and cry that we really ought to be revising our campaign laws because, clearly, this episode demonstrates that we need to rewrite the law. And yet, as the gentleman shows there, rule No. 1, follow the current law, it kind of makes me wonder what is the point of rewriting the law so that we have a new law if they did not follow the old law. Why do we think they will follow the new law? It is kind of amazing.

I know the gentleman talked about legal authorities. I am an attorney, and I was proud to make my living in that field before coming here, but in that regard, and just to touch on follow the law, let us talk about AL GORE's favorite phrase: The controlling legal authority. And guess what? There is some in this area. As a matter of fact, there are a number of statutes that touch on these practices quite directly.

For example, 18 United States Code section 201 outlaws bribery in this country. Now, whether or not we quite have the facts to establish bribery, whether they will come out before the Thompson hearings end, whether they will come out in the course of the Burton hearings may not be clear, but there is a law here that says bribery is wrong.

But let us talk about some others where we do have some pretty clear evidence.

How about 18 United States Code section 600, which prohibits the use of government offices for political purposes. How about that same section of law that says it is a crime to promise access to a government building or to government services in return for campaign contributions.

There were, I think, 103 White House coffees held with the President, telling them they could come to the White House and have coffee with the President for $500,000. It seems to me we turned this place into Starbucks on Pennsylvania Avenue.

Let us talk about another one. 18 United States Code section 607 specifically says it is a Federal crime to solicit campaign contributions in a Federal building. On that one we have AL GORE on at least 86 different solicitation calls from the White House.

We also have a fascinating note, that maybe the gentleman has put it up or maybe he has not put it up, where a White House staffer makes a note that BC made 15 to 20 calls and raised $500,000. Now, BC, I suppose we could be talking about the cartoon character BC who I used to read about. We could be talking about Bill Cosby.

Mr. SOUDER. Or Boston College. We should not be so judgmental.

Mr. SHADEGG. Boston College. There could be that other remote possibility, that when it says on a staff note written in the White House, written by David Strauss, "BC made 15 to 20 calls and raised $500,000," there is at least a slim chance, I would suppose, and maybe I could ask my colleague if he wants to comment on this, that BC did not refer to Bill Cosby or Boston College but Bill Clinton.

Mr. SOUDER. Especially when we look at the—it is hard to read the small print, but it is talking about the $5 million needed by year's end, refers to other specific individuals, and then it said BC made 15 to 20 calls, raised 500 K. Hard to believe that would not be Bill Clinton.

Mr. SHADEGG. We are trying to bring some light to this discussion and maybe some humor here, maybe we should do a national call-in, where we put up a 1-800 number and ask the American people how many people think BC in that note refers to Bill Cosby or Boston College or the cartoon character BC or somebody other than Bill Clinton; and how many think maybe BC in that White House note refers to 15 to 20 calls raising $500,000 by BC, referring to Bill Clinton.

Mr. SOUDER. Kind of a credibility test.

Mr. SHADEGG. We could do that and let the American people call in and tell us what they really think.

To continue the theme of mentioning a few controlling authorities that the Vice President did not happen to notice.

Mr. SOUDER. Did the gentleman mention the HRC?

Mr. SHADEGG. The gentleman can talk about the HRC.

Mr. SOUDER. Well, there is one here that says HRC was making calls, too, which I assume is the human resources counsel. I would not want to jump to the conclusion it was Hillary Rodham Clinton.

Mr. SHADEGG. Hillary Rodham Clinton? Oh, no, I am certain that is a coincidence. I doubt if it would be Hillary Rodham Clinton.

Mr. SOUDER. It is against the law. They would not do that.

Mr. SHADEGG. No, that is right. That is in the same note where it said BC made 15 to 20 calls and HRC is making calls. I doubt if that is Hillary Rodham Clinton. I am certain it is just someone else who happens to have similar initials.

Mr. SOUDER. We will probably discover it after the statute of limitations runs.

Mr. SHADEGG. No doubt shortly after the statute of limitations.

Just, again, reclaiming the time the gentleman has yielded to me graciously, AL GORE, in his perusal of the statutes, could not find a controlling legal authority. My staff found yet another one they thought was interesting.

18 United States Code, section 641, which talks about converting Federal property to a private use. That, of course, brought to my staff's mind the idea that there was a notation, I believe, since we are talking about notations on House documents, that said quote, ready to start overnights right away, and was signed President Clinton.

President Clinton. Now, those initials BC, Bill Clinton? That would be the same one?

Mr. SOUDER. Maybe it was supposed to have a P in front of this one.

Mr. SHADEGG. PBC?

Mr. SOUDER. Well, maybe it was Bill Cosby.

Mr. SHADEGG. There was one last one. The gentleman was just talking about the use of the Buddhist temple and the innocence of the people there. We found one more controlling authority that our friend Mr. GORE might want to take a look at.

It was 18 United States Code, section 371, and 26 United States Code, section 7201, which similarly make it a crime to misuse a tax exempt organization such as, for example, a Buddhist temple which has tax exempt status.

Mr. SOUDER. If the gentleman will yield for a second, I need to make a brief point before yielding to the gentleman from Colorado.

Earlier the gentleman mentioned the White House coffees and the $50,000 for the coffees and mentioned Starbucks. Starbucks is $1.27 for me. I did not want people to think coffee at Starbucks was the same as coffee at the White House.

Mr. SHADEGG. Good point. So coffee at Starbucks is $1.27, coffee at the White House is $50,000.

Mr. SOUDER. Madam Speaker, I yield to the gentleman from Arizona once again.

Mr. SHADEGG. If I could, briefly, while we are on this point, and then I will be happy to yield back. We are trying to bring some light and make this a little humorous, so I hope everyone watching understands this is a little tongue in cheek.

We did discover a rather tongue-in-cheek memo from the White House, actually probably not crafted in the White House because I doubt they would let this memo out, but it says "Clinton White House Lessons Learned in the Campaign of 1996."

I thought the gentleman mentioned some humorous things his friend had sent him, and so I thought I would mention a couple of these things that I thought were rather pointed in the vein of Clinton White House lessons learned in the campaign of 1996.

First, lesson No. 1, "Blame it all on the DNC chairmen."

Lesson No. 2, "Don't give back illegal money until it's discovered in a Senate hearing."

Lesson No. 3, "Make sure all donors know their 5th Amendment rights" against self-incrimination.

Lesson No. 4, "The press won't cover the truth until after the campaign."

Lesson No. 5, "Spin illegal international contributions as 'foreign investment,' helping the trade deficit, pro-labor."

Mr. SOUDER. That is a good point, I never thought it as helping to balance the trade. Get some of our money back.

Mr. SHADEGG. We are trying to help out the economy. Helps the trade deficit and the labor movement.

Lesson No. 6, "Sprint has the best rate for international calls."

Mr. SOUDER. That is good to know, if I ever make one.

Mr. SHADEGG. If we are going to call overseas to get a contribution, use Sprint, it is cheap.

Mr. SOUDER. They have done our field work for us.

Mr. SHADEGG. Lesson No. 7, "Never put it in writing."

This one AL GORE should have learned. Obviously, he does not have friends.

Lesson No. 8, "Friends don't let friends call from work."

And one that touched on the point the gentleman went into at length about what happened in this Buddhist temple, and the fact that people there were extremely generous, as a matter of fact. This is an important Clinton White House lesson learned in the course of the campaign of 1996: "Monks may not be as poor as you think."

Another one, "Don't settle for less."

Yet another, "Never sell the Presidency for less than $50,000," unless of course you can get $50.

Another one, "Felons deserve a second chance: Donor mentoring."

"The CIA can't keep a secret."

Mr. SOUDER. That is something we just recently learned in these hearings.

Mr. SHADEGG. The last one, and I will conclude: "Leak it as soon as you know it, so that before the hearing you can call it old news."

That one we watched play out last week, where it was very important in the Committee on House Oversight that we make all depositions instantaneously public so that they could be old news by the time the hearings were held, and we brought them out and brought them to light and pointed out, oh, by the way this sentence in the deposition demonstrates a crime.

Mr. SOUDER. Then the President says it is old news. "They already proved I did this immorally and illegally." What is news about this?

Mr. SHADEGG. If it was leaked last week or a month ago, it is old news, even if it is just now revealed to show a crime.

I thank the gentleman and give back my time.

Mr. SOUDER. I yield to the gentleman from Michigan, who has been a leader in a lot of these issues in trying to root out corruption in government.

Mr. HOEKSTRA. I thank the gentleman for yielding, and I appreciate some of this tongue-in-cheek tonight, but I think we also recognize that this is very serious business, and recently we have encountered another whole aspect of what may be corruption in the administration. We know that there is corruption.

What I am talking about is an action that the House took here last week, on Friday, and we also took a similar action the week before, and it deals with the Teamsters Union, where in 1996 the Teamsters had another election for a Teamsters president.

The election cost somewhere in the neighborhood of $20 million. And it is kind of like, well, I really hope that when the Teamsters run an election and they spend $20 million, that the Teamster members are entitled to a fair and honest election, and there are Federal laws in place to make sure that that happens.

But there is one slight difference with the Teamsters election in 1996, in that the Teamsters did not pay for the election in 1996. They did not pay for their own election. They did not pay for the printing of the ballots, they did not pay for the counting of the ballots, they did not pay for the facilities that were rented, they did not pay for the campaigns; none of these things. The sad thing was, in 1996, and over a period of about 2½, 3 years, the American taxpayers spent about $20 million, the American taxpayers spent $20 million to pay for a Teamsters election.

The Teamsters election was completed in December 1996, the ballots were completed, counted early in 1997, and on August 22 the election officer who oversaw the election process overthrew the election. She looked at the election, looked at the charges that were made, and said this was a fraudulent election and we are going to throw it out; meaning we have to do it over again.

Mr. SOUDER. Reclaiming my time, I want to make sure that I and those listening understand this. Was it Congress' intent to pay for that election?

Mr. HOEKSTRA. No, we do not think so. It was a consent decree in 1989, where the Justice Department reached an agreement on a series of steps and activities to root out corruption out of the Teamsters and required a democratic election for the president of the Teamsters in 1991 and another election in 1996, and it was optional for the Justice Department or the executive branch to decide who was going to pay for the election in 1996.

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In 1991, the Teamsters did exactly the right thing, they said this is an internal operation. We would like Government Oversight to make sure that Federal laws are adhered to and those types of things. The Teamsters paid for their own election in 1997. It was a good, fair, clean election. The people that we have interviewed and told us about that said it was a good election, 1996.

Somewhere around 1993, 1994, we do not know exactly who or where, but somebody said do not worry about that $20 million, Teamsters. The Federal Government is going to pick up that tab. We will pay for it, and who knows what you are going to do with that other $20 million, but the Federal Government will pay for the election. We run the election, and 9 months later we throw it out.

Mr. SOUDER. Reclaiming my time, as my colleague has pointed out repeatedly in other issues, there really is not a Federal Government. That is your people in the district of Michigan and mine in Indiana that paid for that election. You are telling us that the Justice Department decided that we were going to pay for the Teamsters election.

Mr. HOEKSTRA. That is correct.

Mr. SOUDER. And then after, in effect, deciding for us that without a vote that we were going to pay for the election, they were overseeing the election that they now say is corrupt?

Mr. HOEKSTRA. That is absolutely correct. What has happened, and I thank the gentleman from Indiana [Mr. SOUDER] for clarifying this. I was right, the Federal Government paid for it. You were more correct because, you know, when we in Washington spend $20 million, it is not our money, it is taxpayer dollars. It was about $50 a vote for every vote cast is what the American taxpayers paid for the Teamsters election.

Now, the interesting thing is how did the election officer determine to make this serious, you know, change in policy that said, I have reviewed the election, and there is such corruption in this election I am going to throw it out. And what she found in this process was that there was money laundering. There was money laundering to vendors who would bill the Teamsters for certain activity, never complete the activities, but get paid for it and funnel money back into the campaign of Mr. Carey.

There were political action committees, organizations, whose primary intent and focus is to drive the agenda here in this House and drive the agenda here in Washington, who all of a sudden started getting extraordinarily large amounts of dollars from the Teamsters.

This is now the union money, funds coming to the union headquarters in Washington and being sent somewhere with the understanding that if we send you some money, oh, look, they gave me some money.

Mr. SOUDER. Reclaiming my time, is that because the union dues could not be used directly for Mr. Carey's election?

Mr. HOEKSTRA. That is because the union dues could not be used directly for the election of Mr. Carey. So they were laundered through campaign organizations with a quid pro quo, you do this for me and I will do this for you.

The end result is what do we have? We have $20 million of taxpayer money that is right down the drain. We know that when the Teamsters ran their own election, they ran a clean election. When the Federal Government and this administration got involved in the process, we spent $20 million of taxpayers' money and all we got was an illegal election.

So we know that the Teamsters election was full of illegalities. That is why it was overthrown. We know that there were lots of dollars that were funneled out into congressional campaigns, meaning that I believe that there were many congressional campaigns that we can accurately describe as being tainted elections because the dollars got into those elections in an illegal way. So we have got tainted Teamsters elections. We have got tainted congressional elections. And we have $20 million of taxpayers' money right down the shooter.

I just want to add one thing, what we did last week, in a very surprising vote, is Congress finally stood up twice in the last 10 days and said, we are not going to pay for the rerunning of the Teamsters election. We are going to follow the current law. We can run a Teamsters election fairly. We know that we did that in 1991. We do not need any change of the law to have Teamsters get a fair election. All we need to do is follow the existing law.

In the last 10 days, this Congress and the other body on one occasion have said, we are not going to pay for any more internal operations of the Teamsters. But increasingly, in both cases, we had almost 190 Members of this House say, oh, yeah, we will let the taxpayers pay for the rerun of this election. We have the Justice Department and Labor Department right now figuring out ways to get some money, the money we did not spend in 1996.

We are collecting some fines and penalties. Why are we collecting fines and penalties? These are not wild allegations. There are three people that have already pled guilty and have been fined and the Justice Department saying, wow, here is some more money coming in, these people who will pay for the rerunning of the election.

This House stood up and said, no more. We will supervise the election. It is our job to make sure that the Federal laws are enforced. That is our responsibility. That is the people's responsibility. But it is not the people's responsibility to pay for the printing and counting of ballots and to run the internal operations of the union.

This is an interesting situation. We are going to be taking, I think both of our committees are going to be taking an additional look at this because of the involvement of taxpayers' dollars, the overthrowing of the election, and how it may have gone into other parties of the campaign process in 1996.

Mr. SOUDER. Reclaiming my time, I want to yield, if the gentleman will, for a couple more questions just to reiterate, because it is confusing to a lot of people how this occurred.

As I understand what the gentleman said, is that somewhere along the line, around 1994 or thereabouts, the Justice Department decided that the taxpayers should pay for the election, which had the Teamsters pay for it out of their own dues, would not have left as many dollars for the then President to go out and cut sweetheart deals with contractors and with the Democratic Party in return for them giving money to his campaign.

In other words, if the dues had been used for a fair election, perhaps A, the president of the union might not have won, unless he wasted all his dollars in the campaign, and B, there are Members of Congress whose elections may have been different.

Is that what you are, in effect, saying?

Mr. HOEKSTRA. We are saying that, as a result of the American taxpayer picking up the tab for the 1996 election, the American taxpayer spent $20 million that the Teamsters organization did not have to spend itself. I do not know what they did with that money, where that money went. But I think it is a question that is worth asking.

Just as a side note to this, not only did the American taxpayer pay for the Teamsters election in the U.S., now think about this, the American taxpayer paid for the printing of ballots, paid for the counting of ballots in Canada. We paid to run the private internal organization of the Teamsters not only in the U.S., but also in Canada. Unbelievable.

Mr. SOUDER. Reclaiming my time, I guess it kind of counters the point that the gentleman from Arizona [Mr. SHADEGG] was making earlier about the balance of trade. We were getting money in illegal contributions, but we were taking taxpayer dollars to pay for elections overseas.

My colleague would know this more than I, but my understanding was that the losing candidate actually carried the Midwestern States, where we are from, and lost the Canadian vote which we funded.

Mr. HOEKSTRA. If the gentleman would continue to yield, I believe that if the Teamsters election had only been an U.S. election, the result would have been different. But because the American taxpayer picked up the tab for the Canadian election, the result was different, and that is what pushed Mr. Carey over the top.

And just a quick correction, before we get inundated with faxes, a correction, Canada is not overseas.

Mr. SOUDER. It depends on how you define the Great Lakes. As a police Midwesterner, those are big lakes to us.

Mr. SHADEGG. Madam Speaker, if the gentleman would yield, at the risk of changing topics, and I think that is a vitally important issue about which we are all concerned and it fits with the theme of this hour, I notice we are running out of time, and I wanted to take a moment, both of my colleagues are on the Committee on Education, to raise a separate issue that was raised at the end of the last hour, and ask each of them to comment on it, because I think it is an issue that the American people need to know about.

My questions tonight arise out of a Wall Street Journal column that appeared today that I hope each of my colleagues have seen. It is a column by Lynne Cheney, and it carries the caption "A Failing Grade for Clinton's National Standards." If I could, I just would like to talk about this article for a moment because it is so compelling to me.

I have a 15-year-old and an 11-year-old at home. As a matter of fact, just before coming over here to the floor, I was on the phone with my 15-year-old and asking her some questions, and she was working on her homework and doing a small project for me. Nothing is more important to me than their education. And I am deeply interested that they get a good education and get ahead in this life.

And that takes us to a debate that is at the fore of this Nation right now and on which conferees between the House and Senate will be meeting very soon, and that is the question of national testing. The point I want to make here is that I have reasonable friends at home, very bright people at home, who come to me and say, "Congressman, I do not understand. Why are you against national testing? Should we not, as a Nation, want to know how our students are doing and want to compare our kids in Arizona," my home State, "with the children in other States across the country," such as yours, Indiana. And I walk them through this explanation. But this article really brings the issue home.

I point out to them that the sad reality is that teachers will teach to the test. And maybe that is not so sad. They want their students to do well. So if they know the content of the test, they are going to say, "I better make sure my students learn the content of the test."

So people say to me, okay, Congressman, if you are worried that a national test will cause people to teach to the test, does that not simply say that when the President picked objective areas, such as math, and not more subjective areas, such as social studies, that that really should solve the problem about national testing, we will test English and we will test math and there are black and white, right and wrong answers and we will see how kids are performing and we will not get into the subjective areas like history?

And I point out to them that, while that sounds good, reasonable, rationale people ought to be deadly opposed to National testing. And this article makes it clear why: Because there are not black-and-white areas in today's Washington, D.C. Education Department under Bill Clinton.

And here is the point: The article by Lynne Cheney in today's Wall Street Journal, and I hope my colleagues all have read it and I hope America will read it, talks about a gentleman by the name of Steven Leinwand. He sits on the committee overseeing President Clinton's proposed national mathematics exams. He has written an essay, and this gentleman is mainstream, new education, Washington, D.C. expert. In the essay he explains why it is "downright dangerous" to teach students things like 6 times 7 equals 42. He says it is downright dangerous to teach students the multiplication facts.

Now why does he say that is dangerous? Because such instruction, teaching kids their multiplication facts, "sorts people out," Mr. Leinwand writes, "annointing the few who master these procedures and casting out the many." His basic principle is, we cannot teach math to kids because some kids will learn the answer, 6 times 7 is 42, and some kids will not learn it; and the kids who do not learn it will feel bad. Now, if that is the kind of mindset that is going to dictate Bill Clinton's national testing and the teachers in America will be compelled to teach to that, I think it is disastrous.

Let me conclude by pointing out, he writes another test for an organization called the National Council of Teachers of Mathematics; and they propose, through this committee, a national math exam that will avoid directly assessing certain knowledge and skills, such as whole-number computation. He does not want kids to be able to do addition, subtraction, multiplication, or division because of this sense that some of them will fail and some of them will feel bad.

And the organization says, in case this exam which they have written might indirectly assess whether 8th graders can add, subtract, multiply and divide, the committee recommends that, even for those basic skills, students should have a calculator throughout the entire time period. This is just amazing to me. But that is why I think national testing, while it sounds good and sounds reasonable, is in fact an attempt to impose a national standard and national agenda that the people in Arizona do not really like.

□ 2145

Mr. HOEKSTRA. The problem gets to be, and we have had hearings around the country in my subcommittee. I chair an oversight subcommittee, and we have been taking a look at education.

Mr. SHADEGG. Did a hearing in my district in Arizona.

Mr. HOEKSTRA. We have been in Arizona, and we also went to Delaware, and the reason I bring up Delaware is, Delaware is the size of one of our congressional districts, all right? So, you know, Delaware said, we want a State test, and what Delaware did is, they spent 3 years starting at the grassroots level to develop a State test. Remember, one congressional district; Michigan has 16. It took them 3 years to develop a test, because they wanted to get parental by, and they wanted to get teacher by, and they want to get school administrator, business community. They wanted the State to accept the test. Bill Clinton wanted to take 10 months and, top down, drive a test and impose it on all of America, on every school, on every child, and have them test, the exact wrong. It is the "Washington knows best" mentality rather than doing a grass, which is going on in the States right now; States are developing tests, and it is a grassroots, bottom-up type of move, not good enough for our President. Bill Clinton wants to be the expert, says, I am going to develop a test, I am going to impose it on everybody.

Mr. SHADEGG. Reclaiming my time, top down is just dead wrong.

I want to rebut one other argument in support of national testing, and that is, the proponents of this idea said, well, States can opt out, and Lynne Cheney, in writing this article which I commend to all of my colleagues here in the Congress and to all of America, points out that even if States choose to opt out, a Federal test will strongly influence the textbooks because they are only a handful of textbook companies, and they are going to write those textbooks to such a national task.

And it seems to me the whole notion of, well, one or two States, Arizona, can opt out; heck, Arizona opted out of daylight savings time, one of, I think, only two States in the Nation which did. But in this field, where Arizona just said, we do not want that national test, the textbooks we would have to go purchase would be driven by that top down Bill Clinton dictated, but I do not care if it was Ronald Reagan dictated top down, one-size-fits-all standard, and I think it is a mistake.

Mr. SOUDER. Reclaiming my time, because I would like to kind of tie a couple things together here, and one of the things we are seeing is that what has gone on in this country, it is hard for us, many of us do not get up here every day and talk, but it does not pass the laugh test. I mean a national test where the person on the math board does not want to do 7 times 6 equal 42, because it might intimidate some people that they feel left out or behind.

The idea that the taxpayers are going to pay for a Teamsters election so the Teamsters can use their money, the leadership, to try to finance their own race against what appears to have been the majority of the Teamsters members of the United States, and we pay for Canadian ballots, and then that money goes and elects other Members of Congress who claim they want campaign finance reform.

How about those members paying for the Teamsters election who got and benefited from the money of the Teamsters' members and the taxpayers of the United States, and it flowed into their campaign. How about following the current law?

Another debate that we are currently having that I simply cannot fathom is on the Census, because it is fine to use sampling to try to set up and understand where we are headed, but it is not fine to do the actual count mandated by the Constitution by guessing. That would be like going to the Clinton administration political appointees and saying, we are going to throw one out of every five of you in jail because we know at the end of this time, and when we get through, done with everything, one out of five is going to jail. They may have the wrong person, just like in the sampling that they have had around the country, they may have the people in the wrong State. That is real sad, but at least they got the rough number calculated.

It does not pass a laugh test. National tests do not pass the laugh test. The funding of the Teamsters election, which the gentleman from Michigan has twice now had this House go on record where, against the Census sampling, it does not pass the laugh test, and, quite frankly, the President of the United States threatened to recall lawmakers to the Hill so that we would have a special session on campaign finance and the people here in the House who keep saying this, it is a joke, it is an insult to the intelligence of the American people in a book, now discounted because it did not sell that great, called "Putting People First" by Governor Bill Clinton and Senator AL GORE.

In campaign finance reform, to show you how humorous this is, it says American politics is being held hostage by big money interests. Members of Congress now collect more than $2.5 million in campaign funds every week, like he did, while political action committees, industry lobbies, and cliques of $100,000 donors buy access to the White House. This is what Bill Clinton ran against, and he turned it into an art form.

This simply does not pass the laugh test, and it is so frustrating to me, and I know that, and I thank the two gentlemen who are here tonight on this special order who have been leaders in investigating this and in campaigning against this, and I enjoy working with both of you on the different committees.

I do not know if any of you have a concluding comment here, too, but I wanted to get that last comment in. No matter what area we look at right now, whether it is Census sampling, national tests, Teamsters election, campaign finance reform, it is hard for me to believe the American people are taking this seriously.

Mr. HOEKSTRA. If the gentleman would yield, I think it is pretty exciting we have made some progress on the education issue again, but it is interesting to watch the debate. In the Senate a couple of weeks ago, they passed a motion that said, they passed an amendment that said we are moving decisionmaking back.

## CONFERENCE REPORT ON H.R. 2378

Mr. KOLBE submitted the following conference report and statement on the bill (H.R. 2378) making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1998, and for other purposes:

### CONFERENCE REPORT H. REPT. 105–284

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2378) "making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1998, and for other purposes," having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert:

*That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 1998, and for other purposes, namely:*

### *TITLE I—DEPARTMENT OF THE TREASURY*

### *DEPARTMENTAL OFFICES*

### *SALARIES AND EXPENSES*

*For necessary expenses of the Departmental Offices including operation and maintenance of the Treasury Building and Annex; hire of passenger motor vehicles; maintenance, repairs, and improvements of, and purchase of commercial insurance policies for, real properties leased or owned overseas, when necessary for the performance of official business; not to exceed $2,900,000 for official travel expenses; not to exceed $150,000 for official reception and representation expenses; not to exceed $258,000 for unforeseen emergencies of a confidential nature, to be allocated and expended under the direction of the Secretary of the Treasury and to be accounted for solely on his certificate; $114,771,000: Provided, That section 113(2) of the Fiscal Year 1997 Department of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, Public Law 104–208 (110 Stat. 3009–22) is amended by striking "12 months" and inserting in lieu thereof "2 years": Provided further, That the Office of Foreign Assets Control shall be funded at no less than $4,500,000: Provided further, That chapter 9 of the fiscal year 1997 Supplemental Appropriations Act for Recovery from Natural Disasters, and for Overseas Peacekeeping Efforts, including those in Bosnia, Public Law 105–18 (111 Stat. 195–96) is amended by inserting after the "County of Denver" in each instance "the County of Arapahoe": Provided further, That $200,000 are provided to conduct a comprehensive study of gambling's effects on bankruptcies in the United States: Provided further, That for necessary expenses of the Office of Enforcement, including, but not limited to, making transfers of funds to Treasury bureaus and offices for programs, projects or initiatives directed as the investigation or prosecution of violent crime, $1,600,000, to remain available until expended, to be derived from balances available in the Violent Crime Reduction Trust Fund.*

### *OFFICE OF PROFESSIONAL RESPONSIBILITY*

### *SALARIES AND EXPENSES*

*For necessary expenses of the Office of Professional Responsibility, including purchase and hire of passenger motor vehicles, $1,250,000: Provided, That the Under Secretary of Treasury for Enforcement shall task the Office of Professional Responsibility to conduct a comprehensive review of integrity issues and other matters related to the potential vulnerability of the U.S. Customs Service to corruption, to include examination of charges of professional misconduct and corruption as well as analysis of the efficacy of departmental and bureau internal affairs systems.*

### *AUTOMATION ENHANCEMENT*

### *(INCLUDING TRANSFER OF FUNDS)*

*For the development and acquisition of automatic data processing equipment, software, and services for the Department of the Treasury, $25,889,000, of which $11,000,000 shall be available to the United States Customs Service for the Automated Commercial Environment project, of which $6,100,000 shall be available to Departmental Offices for the International Trade Data System, and of which $8,789,000 shall be available to Departmental Offices to modernize its information technology infrastructure and for business solution software: Provided, That these funds shall remain available until September 30, 1999: Provided further, That these funds shall be transferred to accounts and in amounts as necessary to satisfy the requirements of the Department's offices, bureaus, and other organizations: Provided further, That this transfer authority shall be in addition to any other transfer authority provided in this Act: Provided further, That none of the funds appropriated shall be used to support or supplement Internal Revenue Service appropriations for Information Systems: Provided further, That of the $27,000,000 provided under this heading in Public Law 104–208, $12,000,000 shall remain available until September 30, 1999: Provided further, That none of the funds appropriated for the International Trade Data System may be obligated until the Department has submitted a report on its system development plan to the Committees on Appropriations: Provided further, That the funds appropriated for the Automated Commercial Environment project may not be obligated until the Commissioner of Customs has submitted a systems architecture plan and a milestone schedule for the development and implementation of all projects included in the systems architecture plan, and the plan and schedule have been reviewed by the General Accounting Office and approved by the Committees on Appropriations.*

### *OFFICE OF INSPECTOR GENERAL*

### *SALARIES AND EXPENSES*

### *(INCLUDING TRANSFER OF FUNDS)*

*For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, not to exceed $2,000,000 for official travel expenses; including hire of passenger motor vehicles; and not to exceed $100,000 for unforeseen emergencies of a confidential nature, to be allocated and expended under the direction of the Inspector General of the Treasury; $29,719,000, of which $26,034 shall be transferred to the "Departmental Offices" appropriation for the reimbursement of Secret Service personnel in accordance with section 115 of this Act.*

### *TREASURY BUILDING AND ANNEX REPAIR AND RESTORATION*

*For the repair, alteration, and improvement of the Treasury Building and Annex, $10,484,000, to remain available until September 30, 1999.*

### *FINANCIAL CRIMES ENFORCEMENT NETWORK*

### *SALARIES AND EXPENSES*

*For necessary expenses of the Financial Crimes Enforcement Network, including hire of passenger motor vehicles; travel expenses of non-Federal law enforcement personnel to attend meetings concerned with financial intelligence activities, law enforcement, and financial regulation; not to exceed $14,000 for official reception and representation expenses; and for assistance to Federal law enforcement agencies, with or without reimbursement; $22,835,000: Provided, That funds appropriated in this account may be used to procure personal services contracts.*

### *VIOLENT CRIME REDUCTION PROGRAMS*

### *(INCLUDING TRANSFER OF FUNDS)*

*For activities authorized by Public Law 103–322, to remain available until expended, which shall be derived from the Violent Crime Reduction Trust Fund, as follows:*

*(a) As authorized by section 190001(e), $131,000,000; of which $19,421,000 shall be available to the Bureau of Alcohol, Tobacco and Firearms, including $3,000,000 for administering the Gang Resistance Education and Training program, $3,974,000 for the canine explosives detection program, $5,200,000 for CEASEFIRE/IBIS, $5,639,000 for vehicles and communications systems, and $1,608,000 for collection of information on arson and explosives; of which $1,000,000 shall be available to the Financial Crimes Enforcement Network for the Secure Outreach/Encrypted Transmission Program; of which $15,731,000 shall be available to the United States Secret Service, including $6,700,000 for vehicle replacement, $1,460,000 to provide technical assistance and to assess the effectiveness of new technology intended to combat identity-based crimes, $5,000,000 for investigations of counterfeiting, and $2,571,000 for forensic and related support of investigations of missing and exploited children, of which $571,000 shall be available as a grant for activities related to the investigations of exploited children and shall remain available until expended; of which $60,648,000 shall be available for the United States Customs Service, including $15,000,000 for high energy container x-ray systems and automated targeting systems, $5,735,000 for laboratory modernization, $7,400,000 for vehicle replacement, $8,413,000 for anti-smuggling inspectors, $9,500,000 for the passenger processing initiative, $4,000,000 for redeploying agents and inspectors to high threat drug zones, $4,500,000 for Forward-Looking Infrared capabilities, $1,100,000 for construction of canopies for inspection of outbound vehicles along the Southwest border, and $5,000,000 to acquire vehicle and container inspection systems; of which $20,200,000 shall be available to the Office of National Drug Control Policy, including $13,000,000 to the Counterdrug Technology Assessment Center for a program to transfer technology to State and local law enforcement agencies, $6,000,000 for a Federal Drug Free Prison Zone demonstration project, and $1,200,000 for Model State Drug Law Conferences; and of which $3,000,000 is provided to Federal Drug Control Programs for the Rocky Mountain HIDTA;*

*(b) As authorized by section 32401, $10,000,000 to the Bureau of Alcohol, Tobacco and Firearms for disbursement through grants, cooperative agreements, or contracts to local governments for Gang Resistance Education and Training: Provided, That notwithstanding sections 32401 and 310001, such funds shall be allocated to*

*State and local law enforcement and prevention organizations;*

*(c) As authorized by section 180103, $1,000,000 to the Federal Law Enforcement Training Center for specialized training for rural law enforcement officers.*

### *FEDERAL LAW ENFORCEMENT TRAINING CENTER*

#### *SALARIES AND EXPENSES*

*For necessary expenses of the Federal Law Enforcement Training Center, as a bureau of the Department of the Treasury, including materials and support costs of Federal law enforcement basic training; purchase (not to exceed 52 for police-type use, without regard to the general purchase price limitation) and hire of passenger motor vehicles; for expenses for student athletic and related activities; uniforms without regard to the general purchase price limitation for the current fiscal year; the conducting of and participating in firearms matches and presentation of awards; for public awareness and enhancing community support of law enforcement training; not to exceed $9,500 for official reception and representation expenses; room and board for student interns; and services as authorized by 5 U.S.C. 3109; $64,663,000, of which up to $13,034,000 for materials and support costs of Federal law enforcement basic training shall remain available until September 30, 2000: Provided, That the Center is authorized to accept and use gifts of property, both real and personal, and to accept services, for authorized purposes, including funding of a gift of intrinsic value which shall be awarded annually by the Director of the Center to the outstanding student who graduated from a basic training program at the Center during the previous fiscal year, which shall be funded only by gifts received through the Center's gift authority: Provided further, That notwithstanding any other provision of law, students attending training at any Federal Law Enforcement Training Center site shall reside in on-Center or Center-provided housing, insofar as available and in accordance with Center policy: Provided further, That funds appropriated in this account shall be available, at the discretion of the Director, for: training United States Postal Service law enforcement personnel and Postal police officers; State and local government law enforcement training on a space-available basis; training of foreign law enforcement officials on a space-available basis with reimbursement of actual costs to this appropriation, except that reimbursement may be waived by the Secretary for law enforcement training activities in foreign countries undertaken pursuant to section 801 of the Antiterrorism and Effective Death Penalty Act of 1996, Public Law 104–32; training of private sector security officials on a space-available basis with reimbursement of actual costs to this appropriation; and travel expenses of non-Federal personnel to attend course development meetings and training at the Center: Provided further, That the Center is authorized to obligate funds in anticipation of reimbursements from agencies receiving training at the Federal Law Enforcement Training Center, except that total obligations at the end of the fiscal year shall not exceed total budgetary resources available at the end of the fiscal year: Provided further, That the Federal Law Enforcement Training Center is authorized to provide short term medical services for students undergoing training at the Center.*

#### *ACQUISITION, CONSTRUCTION, IMPROVEMENTS, AND RELATED EXPENSES*

*For expansion of the Federal Law Enforcement Training Center, for acquisition of necessary additional real property and facilities, and for ongoing maintenance, facility improvements, and related expenses, $32,548,000, to remain available until expended.*

### *INTERAGENCY LAW ENFORCEMENT*

#### *INTERAGENCY CRIME AND DRUG ENFORCEMENT*

*For expenses necessary for the detection and investigation of individuals involved in organized crime drug trafficking, including cooperative efforts with State and local law enforcement, $73,794,000, of which $7,827,000 shall remain available until expended.*

### *FINANCIAL MANAGEMENT SERVICE*

#### *SALARIES AND EXPENSES*

*For necessary expenses of the Financial Management Service, $202,490,000, of which not to exceed $13,235,000 shall remain available until September 30, 2000 for information systems modernization initiatives: Provided, That beginning in fiscal year 1998 and thereafter, there are appropriated such sums as may be necessary to reimburse Federal Reserve Banks in their capacity as depositaries and fiscal agents for the United States for all services required or directed by the Secretary of the Treasury to be performed by such banks on behalf of the Treasury or other Federal agencies.*

### *BUREAU OF ALCOHOL, TOBACCO AND FIREARMS*

#### *SALARIES AND EXPENSES*

*For necessary expenses of the Bureau of Alcohol, Tobacco and Firearms, including purchase of not to exceed 650 vehicles for police-type use for replacement only and hire of passenger motor vehicles; hire of aircraft; services of expert witnesses at such rates as may be determined by the Director; for payment of per diem and/or subsistence allowances to employees where an assignment to the National Response Team during the investigation of a bombing or arson incident requires an employee to work 16 hours or more per day or to remain overnight at his or her post of duty; not to exceed $12,500 for official reception and representation expenses; for training of State and local law enforcement agencies with or without reimbursement, including training in connection with the training and acquisition of canines for explosives and fire accelerants detection; and provision of laboratory assistance to State and local agencies, with or without reimbursement; $478,934,000, of which $1,250,000 may be used for the Youth Crime Gun Interdiction Initiative; of which not to exceed $1,000,000 shall be available for the payment of attorneys' fees as provided by 18 U.S.C. 924(d)(2); and of which $1,000,000 shall be available for the equipping of any vessel, vehicle, equipment, or aircraft available for official use by a State or local law enforcement agency if the conveyance will be used in drug-related joint law enforcement operations with the Bureau of Alcohol, Tobacco and Firearms and for the payment of overtime salaries, travel, fuel, training, equipment, and other similar costs of State and local law enforcement officers that are incurred in joint operations with the Bureau of Alcohol, Tobacco and Firearms: Provided, That no funds made available by this or any other Act may be used to transfer the functions, missions, or activities of the Bureau of Alcohol, Tobacco and Firearms to other agencies or Departments in the fiscal year ending on September 30, 1998: Provided further, That no funds appropriated herein shall be available for salaries or administrative expenses in connection with consolidating or centralizing, within the Department of the Treasury, the records, or any portion thereof, of acquisition and disposition of firearms maintained by Federal firearms licensees: Provided further, That no funds appropriated herein shall be used to pay administrative expenses or the compensation of any officer or employee of the United States to implement an amendment or amendments to 27 CFR 178.118 or to change the definition of "Curios or relics" in 27 CFR 178.11 or remove any item from ATF Publication 5300.11 as it existed on January 1, 1994: Provided further, That none of the funds appropriated herein shall be available to investigate or act upon applications for relief from Federal firearms disabilities under 18 U.S.C. 925(c): Provided further, That such funds shall be available to investigate and act upon applications filed by corporations for relief from Federal firearms disabilities under 18 U.S.C. 925(c): Provided further, That no funds in this Act may be used to provide ballistics imaging equipment to any State or local authority who has obtained similar equipment through a Federal grant or subsidy unless the State or local authority agrees to return that equipment or to repay that grant or subsidy to the Federal Government: Provided further, That no funds under this Act may be used to electronically retrieve information gathered pursuant to 18 U.S.C. 923(g)(4) by name or any personal identification code.*

#### *LABORATORY FACILITIES*

*For necessary expenses for construction of a new facility or facilities to house the Bureau of Alcohol, Tobacco and Firearms National Laboratory Center and the Fire Investigation Research and Development Center, not to exceed 185,000 occupiable square feet, $55,022,000 to remain available until expended: Provided, That these funds shall not be available until a prospectus for the Laboratory Facilities is reviewed and resolutions of authorization are approved by the House Committee on Transportation and Infrastructure and the Senate Committee on Environment and Public Works.*

### *UNITED STATES CUSTOMS SERVICE*

#### *SALARIES AND EXPENSES*

*For necessary expenses of the United States Customs Service, including purchase and lease of up to 1,050 motor vehicles of which 985 are for replacement only and of which 1,030 are for police-type use and commercial operations; hire of motor vehicles; contracting with individuals for personal services abroad; not to exceed $30,000 for official reception and representation expenses; and awards of compensation to informers, as authorized by any Act enforced by the United States Customs Service; $1,522,165,000, of which such sums as become available in the Customs User Fee Account, except sums subject to section 13031(f)(3) of the Consolidated Omnibus Reconciliation Act of 1985, as amended (19 U.S.C. 58c(f)(3)), shall be derived from that Account; of the total, not to exceed $150,000 shall be available for payment for rental space in connection with preclearance operations, and not to exceed $4,000,000 shall be available until expended for research, not to exceed $5,000,000 shall be available until expended for conducting special operations pursuant to 19 U.S.C. 2081, and up to $6,000,000 shall be available until expended for the procurement of automation infrastructure items, including hardware, software, and installation: Provided, That uniforms may be purchased without regard to the general purchase price limitation for the current fiscal year: Provided further, That $1,250,000 shall be available to fund the Global Trade and Research Program at the Montana World Trade Center: Provided further, That notwithstanding any other provision of law, the fiscal year aggregate overtime limitation prescribed in subsection 5(c)(1) of the Act of February 13, 1911 (19 U.S.C. 261 and 267) shall be $30,000.*

#### *OPERATIONS, MAINTENANCE AND PROCUREMENT, AIR AND MARINE INTERDICTION PROGRAMS*

*For expenses, not otherwise provided for, necessary for the operation and maintenance of marine vessels, aircraft, and other related equipment of the Air and Marine Programs, including operational training and mission-related travel, and rental payments for facilities occupied by the air or marine interdiction and demand reduction programs, the operations of which include: the interdiction of narcotics and other* *goods; the provision of support to Customs and other Federal, State, and local agencies in the enforcement or administration of laws enforced by the Customs Service; and, at the discretion of the Commissioner of Customs, the provision of assistance to Federal, State, and local agencies in other law enforcement and emergency humanitarian efforts; $92,758,000, which shall remain available until expended: Provided, That no aircraft or other related equipment, with the exception of aircraft which is one of a kind and has been identified as excess to Customs requirements and aircraft which has been damaged beyond repair, shall be transferred to any other Federal agency, Department, or office outside of the Department of the Treasury, during fiscal year 1998 without the prior approval of the Committees on Appropriations.*

### *CUSTOMS SERVICES AT SMALL AIRPORTS*

### *(TO BE DERIVED FROM FEES COLLECTED)*

*Beginning in fiscal year 1998 and thereafter, such sums as may be necessary for expenses for the provision of Customs services at certain small airports or other facilities when authorized by law and designated by the Secretary of the Treasury, including expenditures for the salary and expenses of individuals employed to provide such services, to be derived from fees collected by the Secretary pursuant to section 236 of Public Law 98–573 for each of these airports or other facilities when authorized by law and designated by the Secretary, and to remain available until expended.*

### *HARBOR MAINTENANCE FEE COLLECTION*

*For administrative expenses related to the collection of the Harbor Maintenance Fee, pursuant to Public Law 103–182, $3,000,000, to be derived from the Harbor Maintenance Trust Fund and to be transferred to and merged with the Customs "Salaries and Expenses" account for such purposes.*

## *BUREAU OF THE PUBLIC DEBT*

### *ADMINISTERING THE PUBLIC DEBT*

*For necessary expenses connected with any public-debt issues of the United States, $173,826,000, of which not to exceed $2,500 shall be available for official reception and representation expenses, and of which $2,000,000 shall remain available until September 30, 2000 for information systems modernization initiatives: Provided, That the sum appropriated herein from the General Fund for fiscal year 1998 shall be reduced by not more than $4,400,000 as definitive security issue fees and Treasury Direct Investor Account Maintenance fees are collected, so as to result in a final fiscal year 1998 appropriation from the General Fund estimated at $169,426,000, and in addition, $20,000, to be derived from the Oil Spill Liability Trust Fund to reimburse the Bureau for administrative and personnel expenses for financial management of the Fund, as authorized by section 102 of Public Law 101–380: Provided further, That notwithstanding any other provisions of law, effective upon enactment, the Bureau of the Public Debt shall be fully and directly reimbursed by the funds described in Public Law 101–136, title I, section 104, 103 Stat. 789 for costs and services performed by the Bureau in the administration of such funds.*

## *INTERNAL REVENUE SERVICE*

### *PROCESSING, ASSISTANCE, AND MANAGEMENT*

*For necessary expenses of the Internal Revenue Service, not otherwise provided for; including processing tax returns; revenue accounting; providing tax law and account assistance to taxpayers by telephone and correspondence; matching information returns and tax returns; management services; rent and utilities; and inspection; including purchase (not to exceed 150 for replacement only for police-type use) and hire of passenger motor vehicles (31 U.S.C. 1343(b)); and services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner; $2,925,874,000, of which up to $3,700,000 shall be for the Tax Counseling for the Elderly Program, and of which not to exceed $25,000 shall be for official reception and representation expenses.*

### *TAX LAW ENFORCEMENT*

### *(INCLUDING RESCISSION)*

*For necessary expenses of the Internal Revenue Service for determining and establishing tax liabilities; tax and enforcement litigation; technical rulings; examining employee plans and exempt organizations; investigation and enforcement activities; securing unfiled tax returns; collecting unpaid accounts; statistics of income and compliance research; the purchase (for police-type use, not to exceed 850), and hire of passenger motor vehicles (31 U.S.C. 1343(b)); and services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner, $3,142,822,000: Provided, That of the funds appropriated under this heading in Public Law 104–208, $26,000,000 is rescinded and in Public Law 104–52, $6,000,000 is rescinded.*

### *EARNED INCOME TAX CREDIT COMPLIANCE INITIATIVE*

*For funding essential earned income tax credit compliance and error reduction initiatives pursuant to section 5702 of the Balanced Budget Act of 1997 (Public Law 105–33), $138,000,000, of which not to exceed $10,000,000 may be used to reimburse the Social Security Administration for the costs of implementing section 1090 of the Taxpayer Relief Act of 1997.*

### *INFORMATION SYSTEMS*

*For necessary expenses for data processing and telecommunications support for Internal Revenue Service activities, including developmental information systems and operational information systems; the hire of passenger motor vehicles (31 U.S.C. 1343(b)); and services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner, $1,272,487,000, which shall be available until September 30, 1999: Provided, That under the heading "Information Systems" in Public Law 104–208 (110 Stat. 3009), the following is deleted: "of which no less than $130,075,000 shall be available for Tax Systems Modernization (TSM) development and deployment": Provided further, That the IRS shall submit a reprogramming request, of which no less than $87,000,000 shall be available for Year 2000 conversion: Provided further, That none of the funds under this heading, or funds made available under this heading in any previous Acts, may be obligated to award or otherwise initiate a Prime contract to implement the Internal Revenue Service's Modernization blueprint submitted to Congress on May 15, 1997, although funds may be used to develop a Request for Proposals for the Prime contract.*

### *INFORMATION TECHNOLOGY INVESTMENTS*

*For necessary expenses for the capital asset acquisition of information technology systems, including management and related contractual costs of said acquisition, including contractual costs associated with operations as authorized by 5 U.S.C. 3109, $325,000,000, which shall remain available until September 30, 2000: Provided, That none of these funds is available for obligation until September 1, 1998: Provided further, That none of these funds shall be obligated until the Internal Revenue Service and the Department of the Treasury submits to Congress for approval, a plan for expenditure that: (1) implements the Internal Revenue Service's Modernization Blueprint submitted to Congress on May 15, 1997; (2) meets the information systems investment guidelines established by the Office of Management and Budget in the fiscal year 1998 budget; (3) has been reviewed and approved by the Internal Revenue Service's Investment Review Board, the Office of Management and Budget, and the Department of the Treasury's Modernization Management Board, and has been reviewed by the General Accounting Office; (4) meets the requirements of the May 15, 1997 Internal Revenue Service's Systems Life Cycle program; and (5) is in compliance with acquisition rules, requirements, guidelines, and systems acquisition management practices of the Federal Government.*

### *ADMINISTRATIVE PROVISIONS—INTERNAL REVENUE SERVICE*

*SECTION 101. Not to exceed 5 percent of any appropriation made available in this Act to the Internal Revenue Service may be transferred to any other Internal Revenue Service appropriation upon the advance approval of the House and Senate Committees on Appropriations.*

*SEC. 102. The Internal Revenue Service shall maintain a training program to ensure that Internal Revenue Service employees are trained in taxpayers' rights, in dealing courteously with the taxpayers, and in cross-cultural relations.*

*SEC. 103. The funds provided in this Act for the Internal Revenue Service shall be used to provide, as a minimum, the fiscal year 1995 level of service, staffing, and funding for Taxpayer Services.*

*SEC. 104. None of the funds appropriated by this title shall be used in connection with the collection of any underpayment of any tax imposed by the Internal Revenue Code of 1986 unless the conduct of officers and employees of the Internal Revenue Service in connection with such collection, including any private sector employees under contract to the Internal Revenue Service, complies with subsection (a) of section 805 (relating to communications in connection with debt collection), and section 806 (relating to harassment or abuse), of the Fair Debt Collection Practices Act (15 U.S.C. 1692).*

*SEC. 105. The Internal Revenue Service shall institute and enforce policies and procedures which will safeguard the confidentiality of taxpayer information.*

*SEC. 106. Funds made available by this or any other Act to the Internal Revenue Service shall be available for improved facilities and increased manpower to provide sufficient and effective 1–800 help line for taxpayers. The Commissioner shall continue to make the improvement of the IRS 1–800 help line service a priority and allocate resources necessary to increase phone lines and staff to improve the IRS 1–800 help line service.*

*SEC. 107. Hereafter, no field support reorganization of the Internal Revenue Service shall be undertaken in Aberdeen, South Dakota until the Internal Revenue Service toll-free help phone line assistance program reaches at least an 80 percent service level. The Commissioner shall submit to Congress a report and the GAO shall certify to Congress that the 80 percent service level has been met.*

*SEC. 108. Notwithstanding any other provision of law, no reorganization of the field office structure of the Internal Revenue Service Criminal Investigation division will result in a reduction of criminal investigators in Wisconsin and South Dakota from the 1996 level.*

## *UNITED STATES SECRET SERVICE*

### *SALARIES AND EXPENSES*

*For necessary expenses of the United States Secret Service, including purchase not to exceed 705 vehicles for police-type use, of which 675 shall be for replacement only, and hire of passenger motor vehicles; hire of aircraft; training and assistance requested by State and local governments, which may be provided without reimbursement; services of expert witnesses at such rates as may be determined by the Director; rental of buildings in the District of Columbia, and fencing, lighting, guard booths, and other* facilities on private or other property not in Government ownership or control, as may be necessary to perform protective functions; for payment of per diem and/or subsistence allowances to employees where a protective assignment during the actual day or days of the visit of a protectee require an employee to work 16 hours per day or to remain overnight at his or her post of duty; the conducting of and participating in firearms matches; presentation of awards; for travel of Secret Service employees on protective missions without regard to the limitations on such expenditures in this or any other Act if approval is obtained in advance from the House and Senate Committees on Appropriations; for repairs, alterations, and minor construction at the James J. Rowley Secret Service Training Center; for research and development; for making grants to conduct behavioral research in support of protective research and operations; not to exceed $20,000 for official reception and representation expenses; for sponsorship of a conference for the Women in Federal Law Enforcement, to be held during fiscal year 1998; not to exceed $50,000 to provide technical assistance and equipment to foreign law enforcement organizations in counterfeit investigations; for payment in advance for commercial accommodations as may be necessary to perform protective functions; and for uniforms without regard to the general purchase price limitation for the current fiscal year; $564,348,000.

### ACQUISITION, CONSTRUCTION, IMPROVEMENT, AND RELATED EXPENSES

For necessary expenses of construction, repair, alteration, and improvement of facilities, $8,799,000, to remain available until expended.

### General Provisions—Department of the Treasury

SEC. 110. Any obligation or expenditure by the Secretary in connection with law enforcement activities of a Federal agency or a Department of the Treasury law enforcement organization in accordance with 31 U.S.C. 9703(g)(4)(B) from unobligated balances remaining in the Fund on September 30, 1998, shall be made in compliance with reprogramming guidelines.

SEC. 111. Appropriations to the Treasury Department in this Act shall be available for uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901), including maintenance, repairs, and cleaning; purchase of insurance for official motor vehicles operated in foreign countries; purchase of motor vehicles without regard to the general purchase price limitations for vehicles purchased and used overseas for the current fiscal year; entering into contracts with the Department of State for the furnishing of health and medical services to employees and their dependents serving in foreign countries; and services authorized by 5 U.S.C. 3109.

SEC. 112. The funds provided to the Bureau of Alcohol, Tobacco and Firearms for fiscal year 1998 in this Act for the enforcement of the Federal Alcohol Administration Act shall be expended in a manner so as not to diminish enforcement efforts with respect to section 105 of the Federal Alcohol Administration Act.

SEC. 113. Not to exceed 2 percent of any appropriations in this Act made available to the Federal Law Enforcement Training Center, Financial Crimes Enforcement Network, Bureau of Alcohol, Tobacco and Firearms, U.S. Customs Service, and U.S. Secret Service may be transferred between such appropriations upon the advance approval of the House and Senate Committees on Appropriations. No transfer may increase or decrease any such appropriation by more than 2 percent.

SEC. 114. Not to exceed 2 percent of any appropriations in this Act made available to the Departmental Offices, Office of Inspector General, Financial Management Service, and Bureau of the Public Debt, may be transferred between such appropriations upon the advance approval of the House and Senate Committees on Appropriations. No transfer may increase or decrease any such appropriation by more than 2 percent.

SEC. 115. The Secretary of the Treasury shall pay from amounts transferred to the "Departmental Offices" appropriation, up to $26,034 to reimburse Secret Service personnel for any attorney fees and costs they incurred with respect to investigation by the Department of the Treasury Inspector General concerning testimony provided to Congress: *Provided*, That the Secretary of the Treasury shall pay an individual in full upon submission by the individual of documentation verifying the attorney fees and costs: *Provided further*, That the liability of the United States shall not be inferred from enactment of or payment under this provision: *Provided further*, That the Secretary of the Treasury shall not pay any claim filed under this section that is filed later than 120 days after the date of enactment of this Act: *Provided further*, That payment under this provision, when accepted, shall be in full satisfaction of all claims of, or on behalf of, the individual Secret Service agents who were the subjects of said investigation.

SEC. 116. (a)(1) Effective beginning on the date determined under paragraph (2), the compensation and other emoluments attached to the Office of Secretary of the Treasury shall be those that would then apply if Public Law 103–2 (107 Stat. 4; 31 U.S.C. 301 note) had never been enacted.

(2) Paragraph (1) shall become effective on the later of—

(A) the day after the date on which the individual holding the Office of Secretary of the Treasury on January 1, 1997, ceases to hold that office; or

(B) the date of the enactment of this Act.

(3) Nothing in this subsection shall be considered to affect the compensation or emoluments due to any individual in connection with any period preceding the date determined under paragraph (2).

(b) Subsection (b) of the first section of the public law referred to in subsection (a)(1) of this section shall not apply in the case of any appointment the consent of the Senate to which occurs on or after the date of the enactment of this Act.

(c) This section shall not be limited (for purposes of determining whether a provision of this section applies or continues to apply) to fiscal year 1998.

SEC. 117. (a) REQUIREMENT OF ADVANCE SUBMISSION OF TREASURY TESTIMONY.—During the fiscal year covered by this Act, any officer or employee of the Department of the Treasury who is scheduled to testify before the Committee on Appropriations of the House of Representatives or the Senate, or any of its subcommittees, shall, not less than 7 calendar days (excluding Saturdays, Sundays, and Federal legal public holidays) preceding the scheduled date of the testimony, submit to the committee or subcommittee—

(1) a written statement of the testimony to be presented, regardless of whether such statement is to be submitted for inclusion in the record of the hearing; and

(2) any other written information to be submitted for inclusion in the record of the hearing.

(b) LIMITATION ON TREASURY CLEARANCE PROCESS.—None of the funds made available in this Act may be used for any clearance process within the Department of the Treasury that could cause a submission beyond the specified time, as officially transmitted by the committee, of—

(1) any corrections to the transcript copy of testimony given before the Committee on Appropriations of the House of Representatives or the Senate, or any of its subcommittees; or

(2) any information to be provided in writing in response to an oral or written request by such committee or subcommittee for specific information for inclusion in the record of the hearing.

(b) EXCEPTION.—The time periods established in subsections (a) and (b) shall not apply to any specific testimony, or corrections, if the Secretary of the Treasury—

(1) determines that special circumstances prevent compliance; and

(2) submits to the committee or subcommittee involved a written notification of such determination, including the Secretary's estimate of the time periods required for specific testimony, information, or corrections.

SEC. 118. (a) NEW RATES OF BASIC PAY.—Section 501 of the District of Columbia Police and Firemen's Salary Act of 1958, (District of Columbia Code, section 4–416), is amended—

(1) in subsection (b)(1), by striking "Interior" and all that follows through "Treasury," and inserting "Interior";

(2) by redesignating subsection (c) as subsection (b)(3);

(3) in subsection (b)(3) (as redesignated)—

(A) by striking "or to officers and members of the United States Secret Service Uniformed Division"; and

(B) by striking "subsection (b) of this section" and inserting "this subsection"; and

(4) by adding after subsection (b) the following new subsection:

"(c)(1) The annual rates of basic compensation of officers and members of the United States Secret Service Uniformed Division, serving in classes corresponding or similar to those in the salary schedule in section 101 (District of Columbia Code, section 4–406), shall be fixed in accordance with the following schedule of rates:

"SALARY SCHEDULE

| Salary class and title | Service steps | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|
| | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 |
| Class 1: Private | 29,215 | 30,088 | 31,559 | 33,009 | 35,331 | 37,681 | 39,128 | 40,593 | 42,052 |
| Class 4: Sergeant | 39,769 | 41,747 | 43,728 | 45,718 | 47,715 | 49,713 | | | |
| Class 5: Lieutenant | 45,148 | 47,411 | 49,663 | 51,924 | 54,180 | | | | |
| Class 7: Captain | 52,523 | 55,155 | 57,788 | 60,388 | | | | | |
| Class 8: Inspector | 60,886 | 63,918 | 66,977 | 70,029 | | | | | |
| Class 9: Deputy Chief | 71,433 | 76,260 | 81,113 | 85,950 | | | | | |

"SALARY SCHEDULE

| Salary class and title | Service steps | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|
| | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 |
| Class 10: Assistant Chief | 84,694 | 90,324 | 95,967 | | | | | | |
| Class 11: Chief of the United States Secret Service Uniformed Division | 98,383 | 104,923 | | | | | | | |

"(2) Effective at the beginning of the first applicable pay period commencing on or after the first day of the month in which an adjustment takes effect under section 5303 of title 5, United States Code (or any subsequent similar provision of law), in the rates of pay under the General Schedule (or any pay system that may supersede such schedule), the annual rates of basic compensation of officers and members of the United States Secret Service Uniformed Division shall be adjusted by the Secretary of the Treasury by an amount equal to the percentage of such annual rate of pay which corresponds to the overall percentage of the adjustment made in the rates of pay under the General Schedule.

"(3) Locality-based comparability payments authorized under section 5304 of title 5, United States Code, shall be applicable to the basic pay under this section, except locality-based comparability payments may not be paid at a rate which, when added to the rate of basic pay otherwise payable to the officer or member, would cause the total to exceed the rate of basic pay payable for level IV of the Executive Schedule.

"(4) Basic pay, and any locality pay combined with basic pay may not be paid by reason of any provision of this subsection (disregarding any locality-based comparability payment payable under Federal law) at a rate in excess of the rate of basic pay payable for level V of the Executive Schedule contained in subchapter II of chapter 53 of title 5, United States Code.

"(5) Any reference in any law to the salary schedule in section 101 (District of Columbia Code, section 4–406) with respect to officers and members of the United States Secret Service Uniformed Division shall be considered to be a reference to the salary schedule in paragraph (1) of this subsection as adjusted in accordance with this subsection.

"(6)(A) Except as otherwise permitted by or under law, no allowance, differential, bonus, award, or other similar cash payment under this title or under title 5, United States Code, may be paid to an officer or member of the United States Secret Service Uniformed Division in a calendar year if, or to the extent that, when added to the total basic pay paid or payable to such officer or member for service performed in such calendar year as an officer or member, such payment would cause the total to exceed the annual rate of basic pay payable for level I of the Executive Schedule, as of the end of such calendar year.

"(B) This paragraph shall not apply to any payment under the following provisions of title 5, United States Code:

"(i) Subchapter III or VII of chapter 55, or section 5596.

"(ii) Chapter 57 (other than section 5753, 5754, or 5755).

"(iii) Chapter 59 (other than section 5928).

"(7)(A) Any amount which is not paid to an officer or member of the United States Secret Service Uniformed Division in a calendar year because of the limitation under paragraph (6) shall be paid to such officer or member in a lump sum at the beginning of the following calendar year.

"(B) Any amount paid under this paragraph in a calendar year shall be taken into account for purposes of applying the limitations under paragraph (6) with respect to such calendar year.

"(8) The Office of Personnel Management shall prescribe regulations as may be necessary (consistent with section 5582 of title 5, United States Code) concerning how a lump-sum payment under paragraph (7) shall be made with respect to any employee who dies before an amount payable to such employee under paragraph (7) is made.".

(b) CONVERSION TO NEW SALARY SCHEDULE.—(1)(A) Effective on the first day of the first pay period beginning after the date of enactment of this section, the Secretary of the Treasury shall fix the rates of basic pay for members of the United States Secret Service Uniformed Division in accordance with this paragraph.

(B) Subject to subparagraph (C), each officer and member receiving basic compensation, immediately prior to the effective date of this section, at one of the scheduled rates in the salary schedule in section 101 of the District of Columbia Police and Firemen's Salary Act of 1958, as adjusted by law and as in effect prior to the effective date of this section, shall be placed in and receive basic compensation at the corresponding scheduled service step of the salary schedule under subsection (a)(4).

(C)(i) The Assistant Chief and the Chief of the United States Secret Service Uniformed Division shall be placed in and receive basic compensation in salary class 10 and salary class 11, respectively, in the appropriate service step in the new salary class in accordance with section 304 of the District of Columbia Police and Firemen's Salary Act 1958 (District of Columbia Code, section 4–413).

(ii) Each member whose position is to be converted to the salary schedule under section 501(c) of the District of Columbia Police and Firemen's Salary Act of 1958 (District of Columbia Code, section 4–416(c)) as amended by this section, in accordance with subsection (a) of this section, and who, prior to the effective date of this section has earned, but has not been credited with, an increase in his or her rate of pay shall be afforded that increase before such member is placed in the corresponding service step in the salary schedule under section 501(c).

(2) Except in the cases of the Assistant Chief and the Chief of the United States Secret Service Uniformed Division, the conversion of positions and individuals to appropriate classes of the salary schedule under section 501(c) of the District of Columbia Police and Firemen's Salary Act of 1958 (District of Columbia Code, section 4–416(c)) as amended by this section, and the initial adjustments of rates of basic pay of those positions and individuals, in accordance with paragraph (1) of this subsection, shall not be considered to be transfers or promotions within the meaning of section 304 of the District of Columbia Police and Firemen's Salary Act of 1958 (District of Columbia Code, section 4–413).

(3) Each member whose position is converted to the salary schedule under section 501(c) of the District of Columbia Police and Firemen's Salary Act of 1958 (District of Columbia Code, section 4–416(c)) as amended by this section, in accordance with subsection (a) of this section, shall be granted credit for purposes of such member's first service step adjustment under the salary schedule in such section 510(c) for all satisfactory service performed by the member since the member's last increase in basic pay prior to the adjustment under that section.

(c) LIMITATION ON PAY PERIOD EARNINGS.—The Act of August 15, 1950 (64 Stat. 477), (District of Columbia Code, section 4–1104), is amended—

(1) in subsection (h), by striking "any officer or member" each place it appears and inserting "an officer or member of the Metropolitan Police force, of the Fire Department of the District of Columbia, or of the United States Park Police";

(2) by redesignating subsection (h)(3) as subsection (i); and

(3) by inserting after paragraph (2) the following new paragraph:

"(3)(A) no premium pay provided by this section shall be paid to, and no compensatory time is authorized for, any officer or member of the United States Secret Service Uniformed Division whose rate of basic pay, combined with any applicable locality-based comparability payment, equals or exceeds the lesser of—

"(i) 150 percent of the minimum rate payable for grade GS–15 of the General Schedule (including any applicable locality-based comparability payment under section 5304 of title 5, United States Code or any similar provision of law, and any applicable special rate of pay under section 5305 of title 5, United States Code or any similar provision of law); or

"(ii) the rate payable for level V of the Executive Schedule contained in subchapter II of chapter 53 of title 5, United States Code.

"(B) In the case of any officer or member of the United States Secret Service Uniformed Division whose rate of basic pay, combined with any applicable locality-based comparability payment, is less than the lesser of—

"(i) 150 percent of the minimum rate payable for grade GS–15 of the General Schedule (including any applicable locality-based comparability payment under section 5304 of title 5, United States Code or any similar provision of law, and any applicable special rate of pay under section 5305 of title 5, United States Code or any similar provision of law); or

"(ii) the rate payable for level V of the Executive Schedule contained in subchapter II of chapter 53 of title 5, United States Code,

such premium pay may be paid only to the extent that such payment would not cause such officer or member's aggregate rate of compensation to exceed such lesser amount with respect to any pay period.".

(d) SAVINGS PROVISION.—On the effective date of this section, any existing special salary rates authorized for members of the United States Secret Service Uniformed Division under section 5305 of title 5, United States Code (or any previous similar provision of law) and any special rates of pay or special pay adjustments under section 403, 404, or 405 of the Federal Law Enforcement Pay Reform Act of 1990 applicable to members of the United States Secret Service Uniformed Division shall be rendered inapplicable.

(e) CONFORMING AMENDMENT.—The Federal Law Enforcement Pay Reform Act of 1990 (104 Stat. 1466) is amended by striking subsections (b)(1) and (c)(1) of section 405.

(f) EFFECTIVE DATE.—The provisions of this section shall become effective on the first day of the first pay period beginning after the date of enactment of this Act.

SEC. 119. Section 117 of the Treasury, Postal Service, and General Government Appropriations Act, 1997 (as contained in section 101(f) of division A of Public Law 104–208) is hereby repealed.

SEC. 120. Based on results of industry response to the Request for Proposals, in tax-year 1998, the Internal Revenue Service (IRS) shall initiate a pilot project which would pay qualified returns preparers, electronic return originators, or transmitters who electronically forward and file tax returns (form 1040 and related information returns) properly formatted and accepted by the Internal Revenue Service, up to $3.00 per return so filed if such payments are determined by the Commissioner of the IRS to be in the best interest of the government: Provided, That the payment may not be made unless the electronic filing service is provided without charge to the taxpayer whose return is so filed: Provided further, That the IRS shall use standard procurement processes to establish this pilot project and through these processes, IRS shall assure the security of all electronic transmissions and the full protection of the privacy of taxpayer data.

SEC. 121. Subsection (a) of section 5378, title 5 U.S.C., is amended to read as follows:

"(a) The Secretary of the Department of the Treasury, or his designee, in his sole discretion shall fix the rates of basic pay for positions within the police forces of the United States Mint and the Bureau of Engraving and Printing without regard to the pay provisions of title 5, United States Code, except that no entry-level police officer shall receive basic pay for a calendar year that is less than the basic rate of pay for General Schedule GS–7 and no executive security official shall receive basic compensation for a calendar year that exceeds the basic rate of pay for General Schedule GS–15.".

SEC. 122. (a) The Secretary of the Treasury is authorized to receive all unavailable collections transferred from the Special Forfeiture Fund established by section 26073 of the Anti-drug Abuse Act of 1988 (21 U.S.C. Section 1509) by the Director of the Office of Drug Control Policy as a deposit into the Treasury Forfeiture Fund (31 U.S.C. Section 9703(a)), to become available for obligation on October 1, 1998, as revenue available for purposes identified under 31 U.S.C. Section 9703(g)(4)(B).

(b) Paragraph (3)(C) of section 9703(g) of title 31, United States Code, is amended by adding after the last sentence of that paragraph as amended by Public Law 104–208, the following sentence: "Unobligated balances remaining pursuant to section 4(B) of 9703(g) shall also be carried forward.".

(c) Paragraph (4)(B) of section 9703(g) of title 31, United States Code, is amended by striking ", subject to subparagraph (C)," from the first and only sentence of that paragraph.

SEC. 123. Notwithstanding any other provision of law, the Secretary of the Treasury shall establish the port of Kodiak, Alaska as a port of entry and United States Customs Service personnel in Anchorage, Alaska shall serve such port of entry. There are authorized to be appropriated such sums as necessary to cover the costs associated with the performance of customs functions using such United States Customs Service personnel.

SEC. 124. None of the funds made available by this Act may be used by the Inspector General to contract for advisory and assistance services that has the meaning given such term in section 1105(g) of title 31, United States Code.

This title may be cited as the "Treasury Department Appropriations Act, 1998".

## TITLE II—POSTAL SERVICE

### PAYMENTS TO THE POSTAL SERVICE FUND

### PAYMENT TO THE POSTAL SERVICE FUND

For payment to the Postal Service Fund for revenue forgone on free and reduced rate mail, pursuant to subsections (c) and (d) of section 2401 of title 39, United States Code, $86,274,000: Provided, That mail for overseas voting and mail for the blind shall continue to be free: Provided further, That 6-day delivery and rural delivery of mail shall continue at not less than the 1983 level: Provided further, That none of the funds made available to the Postal Service by this Act shall be used to implement any rule, regulation, or policy of charging any officer or employee of any State or local child support enforcement agency, or any individual participating in a State or local program of child support enforcement, a fee for information requested or provided concerning an address of a postal customer: Provided further, That none of the funds provided in this Act shall be used to consolidate or close small rural and other small post offices in the fiscal year ending on September 30, 1998.

This title may be cited as the "Postal Service Appropriations Act, 1998".

## TITLE III—EXECUTIVE OFFICE OF THE PRESIDENT AND FUNDS APPROPRIATED TO THE PRESIDENT

### COMPENSATION OF THE PRESIDENT AND THE WHITE HOUSE OFFICE

### COMPENSATION OF THE PRESIDENT

For compensation of the President, including an expense allowance at the rate of $50,000 per annum as authorized by 3 U.S.C. 102; $250,000: Provided, That none of the funds made available for official expenses shall be expended for any other purpose and any unused amount shall revert to the Treasury pursuant to section 1552 of title 31, United States Code: Provided further, That none of the funds made available for official expenses shall be considered as taxable to the President.

### SALARIES AND EXPENSES

For necessary expenses for the White House as authorized by law, including not to exceed $3,850,000 for services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 105; including subsistence expenses as authorized by 3 U.S.C. 105, which shall be expended and accounted for as provided in that section; hire of passenger motor vehicles, newspapers, periodicals, teletype news service, and travel (not to exceed $100,000 to be expended and accounted for as provided by 3 U.S.C. 103); not to exceed $19,000 for official entertainment expenses, to be available for allocation within the Executive Office of the President; $51,199,000: Provided, That $9,800,000 of the funds appropriated shall be available for reimbursements to the White House Communications Agency.

### EXECUTIVE RESIDENCE AT THE WHITE HOUSE

### OPERATING EXPENSES

For the care, maintenance, repair and alteration, refurnishing, improvement, heating and lighting, including electric power and fixtures, of the Executive Residence at the White House and official entertainment expenses of the President, $8,045,000, to be expended and accounted for as provided by 3 U.S.C. 105, 109–110, 112–114.

### REIMBURSABLE EXPENSES

For the reimbursable expenses of the Executive Residence at the White House, such sums as may be necessary: Provided, That all reimbursable operating expenses of the Executive Residence shall be made in accordance with the provisions of this paragraph: Provided further, That, notwithstanding any other provision of law, such amount for reimbursable operating expenses shall be the exclusive authority of the Executive Residence to incur obligations and to receive offsetting collections, for such expenses: Provided further, That the Executive Residence shall require each person sponsoring a reimbursable political event to pay in advance an amount equal to the estimated cost of the event, and all such advance payments shall be credited to this account and remain available until expended: Provided further, That the Executive Residence shall require the national committee of the political party of the President to maintain on deposit $25,000, to be separately accounted for and available for expenses relating to reimbursable political events sponsored by such committee during such fiscal year: Provided further, That the Executive Residence shall ensure that a written notice of any amount owed for a reimbursable operating expense under this paragraph is submitted to the person owing such amount within 60 days after such expense is incurred, and that such amount is collected within 30 days after the submission of such notice: Provided further, That the Executive Residence shall charge interest and assess penalties and other charges on any such amount that is not reimbursed within such 30 days, in accordance with the interest and penalty provisions applicable to an outstanding debt on a United States Government claim under section 3717 of title 31, United States Code: Provided further, That each such amount that is reimbursed, and any accompanying interest and charges, shall be deposited in the Treasury as miscellaneous receipts: Provided further, That the Executive Residence shall prepare and submit to the Committees on Appropriations, by not later than 90 days after the end of the fiscal year covered by this Act, a report setting forth the reimbursable operating expenses of the Executive Residence during the preceding fiscal year, including the total amount of such expenses, the amount of such total that consists of reimbursable official and ceremonial events, the amount of such total that consists of reimbursable political events, and the portion of each such amount that has been reimbursed as of the date of the report: Provided further, That the Executive Residence shall (1) implement a system for the tracking of expenses related to reimbursable events within the Executive Residence that includes a standard for the classification of any such expense as political or nonpolitical; and (2) prepare and submit to the Committees on Appropriations, by not later than December 1, 1997, a report setting forth a detailed description of such system and a schedule for its implementation: Provided further, That no provision of this paragraph may be construed to exempt the Executive Residence from any other applicable requirement of subchapter I or II of chapter 37 of title 31, United States Code.

### WHITE HOUSE REPAIR AND RESTORATION

For the repair, alteration, and improvement of the Executive Residence at the White House, $200,000, to remain available until expended for renovation and relocation of the White House laundry, to be expended and accounted for as provided by 3 U.S.C. 105, 109–110, 112–114.

### SPECIAL ASSISTANCE TO THE PRESIDENT AND THE OFFICIAL RESIDENCE OF THE VICE PRESIDENT

### SALARIES AND EXPENSES

For necessary expenses to enable the Vice President to provide assistance to the President in connection with specially assigned functions, services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 106, including subsistence expenses as authorized by 3 U.S.C. 106, which shall be expended and accounted for as provided in that section; and hire of passenger motor vehicles; $3,378,000.

### OPERATING EXPENSES

*For the care, operation, refurnishing, improvement, heating and lighting, including electric power and fixtures, of the official residence of the Vice President, the hire of passenger motor vehicles, and not to exceed $90,000 for official entertainment expenses of the Vice President, to be accounted for solely on his certificate; $334,000: Provided, That advances or repayments or transfers from this appropriation may be made to any department or agency for expenses of carrying out such activities.*

### COUNCIL OF ECONOMIC ADVISERS

### SALARIES AND EXPENSES

*For necessary expenses of the Council in carrying out its functions under the Employment Act of 1946 (15 U.S.C. 1021), $3,542,000.*

### OFFICE OF POLICY DEVELOPMENT

### SALARIES AND EXPENSES

*For necessary expenses of the Office of Policy Development, including services as authorized by 5 U.S.C. 3109, and 3 U.S.C. 107; $3,983,000.*

### NATIONAL SECURITY COUNCIL

### SALARIES AND EXPENSES

*For necessary expenses of the National Security Council, including services as authorized by 5 U.S.C. 3109, $6,648,000.*

### OFFICE OF ADMINISTRATION

### SALARIES AND EXPENSES

*For necessary expenses of the Office of Administration, including services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 107, and hire of passenger motor vehicles $28,883,000, of which $2,000,000 shall remain available until expended for a capital investment plan which provides for the modernization of the information technology infrastructure.*

### OFFICE OF MANAGEMENT AND BUDGET

### SALARIES AND EXPENSES

*For necessary expenses of the Office of Management and Budget, including hire of passenger motor vehicles, services as authorized by 5 U.S.C. 3109, $57,440,000, of which not to exceed $5,000,000 shall be available to carry out the provisions of 44 U.S.C. chapter 35: Provided, That, as provided in 31 U.S.C. 1301(a), appropriations shall be applied only to the objects for which appropriations were made except as otherwise provided by law: Provided further, That none of the funds appropriated in this Act for the Office of Management and Budget may be used for the purpose of reviewing any agricultural marketing orders or any activities or regulations under the provisions of the Agricultural Marketing Agreement Act of 1937 (7 U.S.C. 601 et seq.): Provided further, That none of the funds made available for the Office of Management and Budget by this Act may be expended for the altering of the transcript of actual testimony of witnesses, except for testimony of officials of the Office of Management and Budget, before the House and Senate Committees on Appropriations or the House and Senate Committees on Veterans' Affairs or their subcommittees: Provided further, That this proviso shall not apply to printed hearings released by the House and Senate Committees on Appropriations or the House and Senate Committees on Veterans' Affairs.*

### OFFICE OF NATIONAL DRUG CONTROL POLICY

### SALARIES AND EXPENSES

### (INCLUDING TRANSFER OF FUNDS)

*For necessary expenses of the Office of National Drug Control Policy; for research activities pursuant to title I of Public Law 100–690; not to exceed $8,000 for official reception and representation expenses; and for participation in joint projects or in the provision of services on matters of mutual interest with nonprofit, research, or public organizations or agencies, with or without reimbursement; $35,016,000, of which $17,000,000 shall remain available until expended, consisting of $1,000,000 for policy research and evaluation and $16,000,000 for the Counterdrug Technology Assessment Center for counternarcotics research and development projects: Provided, That the $16,000,000 for the Counterdrug Technology Assessment Center shall be available for transfer to other Federal departments or agencies: Provided further, That the Office is authorized to accept, hold, administer, and utilize gifts, both real and personal, for the purpose of aiding or facilitating the work of the Office: Provided further, That not before December 31, 1997, the Director of the Office of National Drug Control Policy shall transfer all balances in the Special Forfeiture Fund established by section 6073 of the Anti-drug Abuse Act of 1988 (21 U.S.C. section 1509) to the Treasury Forfeiture Fund (31 U.S.C. section 9703(a)).*

### FEDERAL DRUG CONTROL PROGRAMS

### HIGH INTENSITY DRUG TRAFFICKING AREAS PROGRAM

### (INCLUDING TRANSFER OF FUNDS)

*For necessary expenses of the Office of National Drug Control Policy's High Intensity Drug Trafficking Areas Program, $159,007,000 for drug control activities consistent with the approved strategy for each of the designated High Intensity Drug Trafficking Areas, of which $3,000,000 shall be used for a newly designated High Intensity Drug Trafficking Area in Milwaukee, Wisconsin should the Director of the Office of National Drug Control Policy determine the location meets the designated criteria; of which $7,300,000 shall be used for national efforts related to methamphetamine reduction; of which $1,500,000 shall be used for methamphetamine reduction efforts within the Rocky Mountain High Intensity Drug Trafficking Area; of which $6,000,000 shall be used for a newly designated High Intensity Drug Trafficking Area in the three State area of Kentucky, Tennessee, and West Virginia; of which $1,000,000 shall be used for a newly designated High Intensity Drug Trafficking Area in central Florida; of which no less than $80,000,000 shall be transferred to State and local entities for drug control activities, which shall be obligated within 120 days of the date of enactment of this Act and up to $79,007,000 may be transferred to Federal agencies and departments at a rate to be determined by the Director: Provided, That funding shall be provided for existing High Intensity Drug Trafficking Areas at no less than the fiscal year 1997 level.*

### SPECIAL FORFEITURE FUND

### (INCLUDING TRANSFER OF FUNDS)

*For activities to support a national anti-drug campaign for youth, and other purposes, authorized by Public Law 100–690, as amended, $211,000,000, to remain available until expended: Provided, That such funds may be transferred to other Federal departments and agencies to carry out such activities: Provided further, That of the funds provided, $195,000,000 shall be to support a national media campaign to reduce and prevent drug use among young Americans: Provided further, That none of the funds provided for the support of a national media campaign may be obligated until the Director, Office of National Drug Control Policy, submits a strategy for approval to the Committees on Appropriations and the Senate Judiciary Committee that includes: (1) guidelines to ensure and certify that funds will supplement and not supplant current anti-drug community based coalitions; (2) guidelines to ensure and certify that funds will supplement and not supplant current pro-bono public service time donated by national and local broadcasting networks; (3) guidelines to ensure and certify that none of the funds will be used for partisan political purposes; (4) guidelines to ensure and certify that no media campaigns to be funded pursuant to this campaign shall feature any elected officials, persons seeking elected office, cabinet-level officials, or other Federal officials employed pursuant to Schedule C of title 5, Code of Federal Regulations, section 213, absent advance notice to the Committees on Appropriations and the Senate Judiciary Committee; (5) a detailed implementation plan to be submitted to the Committees on Appropriations and the Senate Judiciary Committee for securing private sector contributions including but not limited to in-kind contributions; (6) a detailed implementation plan to be submitted to the Committees on Appropriations and the Senate Judiciary Committee of the qualifications necessary for any organization, entity, or individual to receive funding for or otherwise be provided broadcast media time; and (7) a system to measure outcomes of success of the national media campaign: Provided further, That the Director shall report to Congress quarterly on the obligation of funds as well as the specific parameters of the national media campaign and report to Congress within two years on the effectiveness of the national media campaign based upon the measurable outcomes provided to Congress previously: Provided further, That of the funds provided for the support of a national media campaign, $17,000,000 shall not be obligated prior to September 30, 1998: Provided further, That of the funds provided, $6,000,000 shall be used to continue the drug use reduction program for those involved in the criminal justice system: Provided further, That of the funds provided, $10,000,000 shall be to initiate a program of matching grants to drug-free communities, as authorized in the Drug-Free Communities Act of 1997.*

*This title may be cited as the "Executive Office Appropriations Act, 1998".*

## TITLE IV—INDEPENDENT AGENCIES

### COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

### SALARIES AND EXPENSES

*For necessary expenses of the Committee for Purchase From People Who Are Blind or Severely Disabled established by the Act of June 23, 1971, Public Law 92–28, $1,940,000.*

### FEDERAL ELECTION COMMISSION

### SALARIES AND EXPENSES

### (INCLUDING TRANSFER OF FUNDS)

*For necessary expenses to carry out the provisions of the Federal Election Campaign Act of 1971, as amended, $31,650,000, of which no less than $3,800,000 shall be available for internal automated data processing systems, and of which not to exceed $5,000 shall be available for reception and representation expenses: Provided, That of the amounts appropriated for salaries and expenses, $750,000 shall be transferred to the General Accounting Office for the sole purpose of entering into a contract with the private sector for a management review, and technology and performance audit, of the Federal Election Commission, and $300,000 may be transferred to the Government Printing Office.*

### FEDERAL LABOR RELATIONS AUTHORITY

### SALARIES AND EXPENSES

*For necessary expenses to carry out functions of the Federal Labor Relations Authority, pursuant to Reorganization Plan Numbered 2 of 1978, and the Civil Service Reform Act of 1978, including services as authorized by 5 U.S.C. 3109, including hire of experts and consultants, hire of passenger motor vehicles, rental of conference rooms in the District of Columbia and elsewhere; $22,039,000: Provided, That public members of the Federal Service Impasses Panel may be paid travel expenses and per diem in lieu of subsistence as authorized by law (5 U.S.C.*

*5703) for persons employed intermittently in the Government service, and compensation as authorized by 5 U.S.C. 3109: Provided further, That notwithstanding 31 U.S.C. 3302, funds received from fees charged to non-Federal participants at labor-management relations conferences shall be credited to and merged with this account, to be available without further appropriation for the costs of carrying out these conferences.*

### *GENERAL SERVICES ADMINISTRATION*

### *FEDERAL BUILDINGS FUND*

### *LIMITATIONS ON AVAILABILITY OF REVENUE*

*To carry out the purpose of the Fund established pursuant to section 210(f) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 490(f)), the revenues and collections deposited into the Fund shall be available for necessary expenses of real property management and related activities not otherwise provided for, including operation, maintenance, and protection of federally owned and leased buildings; rental of buildings in the District of Columbia; restoration of leased premises; moving governmental agencies (including space adjustments and telecommunications relocation expenses) in connection with the assignment, allocation and transfer of space; contractual services incident to cleaning or servicing buildings, and moving; repair and alteration of federally owned buildings including grounds, approaches and appurtenances; care and safeguarding of sites; maintenance, preservation, demolition, and equipment; acquisition of buildings and sites by purchase, condemnation, or as otherwise authorized by law; acquisition of options to purchase buildings and sites; conversion and extension of federally owned buildings; preliminary planning and design of projects by contract or otherwise; construction of new buildings (including equipment for such buildings); and payment of principal, interest, and any other obligations for public buildings acquired by installment purchase and purchase contract, in the aggregate amount of $4,835,934,000, of which (1) $300,000,000 shall remain available until expended, for repairs and alterations which includes associated design and construction services: Provided, That additional projects for which prospectuses have been fully approved may be funded under this category only if advance approval is obtained from the Committees on Appropriations of the House and Senate: Provided further, That the amounts provided in this or any prior Act for Repairs and Alterations may be used to fund costs associated with implementing security improvements to buildings necessary to meet the minimum standards for security in accordance with current law and in compliance with the reprogramming guidelines of the appropriate Committees of the House and Senate: Provided further, That funds made available in this Act or any previous Act for Repairs and Alterations shall, for prospectus projects, be limited to the amount originally made available, except each project may be increased by an amount not to exceed 10 percent when advance approval is obtained from the Committees on Appropriations of the House and Senate of a greater amount: Provided further, That the difference between the funds appropriated and expended on any projects in this or any prior Act, under the heading "Repairs and Alterations", may be transferred to Basic Repairs and Alterations or used to fund authorized increases in prospectus projects: Provided further, That all funds for repairs and alterations prospectus projects shall expire on September 30, 2000 and remain in the Federal Building Fund except funds for projects as to which funds for design or other funds have been obligated in whole or in part prior to such date: Provided further, That the amount provided in this or any prior Act for Basic Repairs and Alterations may be used to pay claims against the Government arising from any projects under the heading "Repairs and Alterations" or used to fund authorized increases in prospectus projects; (2) $142,542,000 for installment acquisition payments including payments on purchase contracts which shall remain available until expended; (3) $2,275,340,000 for rental of space which shall remain available until expended; (4) $1,331,789,000 for building operations which shall remain available until expended; and (5) $680,543,000 which shall remain available until expended for projects and activities previously requested and approved under this heading in prior fiscal years: Provided further, That for the purposes of this authorization, and hereafter, buildings constructed pursuant to the purchase contract authority of the Public Buildings Amendments of 1972 (40 U.S.C. 602a), buildings occupied pursuant to installment purchase contracts, and buildings under the control of another department or agency where alterations of such buildings are required in connection with the moving of such other department or agency from buildings then, or thereafter to be, under the control of the General Services Administration shall be considered to be federally owned buildings: Provided further, That funds available in the Federal Buildings Fund may be expended for emergency repairs when advance approval is obtained from the Committees on Appropriations of the House and Senate: Provided further, That amounts necessary to provide reimbursable special services to other agencies under section 210(f)(6) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 490(f)(6)) and amounts to provide such reimbursable fencing, lighting, guard booths, and other facilities on private or other property not in Government ownership or control as may be appropriate to enable the United States Secret Service to perform its protective functions pursuant to 18 U.S.C. 3056, as amended, shall be available from such revenues and collections: Provided further, That revenues and collections and any other sums accruing to this Fund during fiscal year 1998, excluding reimbursements under section 210(f)(6) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 490(f)(6)) in excess of $4,835,934,000 shall remain in the Fund and shall not be available for expenditure except as authorized in appropriations Acts.*

### *POLICY AND OPERATIONS*

*For expenses authorized by law, not otherwise provided for, for Government-wide policy and oversight activities associated with asset management activities; utilization and donation of surplus personal property; transportation; procurement and supply; Government-wide and internal responsibilities relating to automated data management, telecommunications, information resources management, and related technology activities; utilization survey, deed compliance inspection, appraisal, environmental and cultural analysis, and land use planning functions pertaining to excess and surplus real property; agency-wide policy direction; Board of Contract Appeals; accounting, records management, and other support services incident to adjudication of Indian Tribal Claims by the United States Court of Federal Claims; services as authorized by 5 U.S.C. 3109; and not to exceed $5,000 for official reception and representation expenses; $107,487,000.*

### *OFFICE OF INSPECTOR GENERAL*

*For necessary expenses of the Office of Inspector General and services authorized by 5 U.S.C. 3109, $33,870,000: Provided, That not to exceed $10,000 shall be available for payment for information and detection of fraud against the Government, including payment for recovery of stolen Government property: Provided further, That not to exceed $2,500 shall be available for awards to employees of other Federal agencies and private citizens in recognition of efforts and initiatives resulting in enhanced Office of Inspector General effectiveness.*

### *ALLOWANCES AND OFFICE STAFF FOR FORMER PRESIDENTS*

*For carrying out the provisions of the Act of August 25, 1958, as amended (3 U.S.C. 102 note), and Public Law 95–138, $2,208,000: Provided, That the Administrator of General Services shall transfer to the Secretary of the Treasury such sums as may be necessary to carry out the provisions of such Acts.*

### *GENERAL PROVISIONS—GENERAL SERVICES ADMINISTRATION*

*SEC. 401. The appropriate appropriation or fund available to the General Services Administration shall be credited with the cost of operation, protection, maintenance, upkeep, repair, and improvement, included as part of rentals received from Government corporations pursuant to law (40 U.S.C. 129).*

*SEC. 402. Funds available to the General Services Administration shall be available for the hire of passenger motor vehicles.*

*SEC. 403. Funds in the Federal Buildings Fund made available for fiscal year 1998 for Federal Buildings Fund activities may be transferred between such activities only to the extent necessary to meet program requirements: Provided, That any proposed transfers shall be approved in advance by the Committees on Appropriations of the House and Senate.*

*SEC. 404. No funds made available by this Act shall be used to transmit a fiscal year 1999 request for United States Courthouse construction that (1) does not meet the design guide standards for construction as established and approved by the General Services Administration, the Judicial Conference of the United States, and the Office of Management and Budget; and (2) does not reflect the priorities of the Judicial Conference of the United States as set out in its approved 5-year construction plan: Provided, That the fiscal year 1999 request must be accompanied by a standardized courtroom utilization study of each facility to be constructed, replaced, or expanded.*

*SEC. 405. None of the funds provided in this Act may be used to increase the amount of occupiable square feet, provide cleaning services, security enhancements, or any other service usually provided through the Federal Buildings Fund, to any agency which does not pay the rate per square foot assessment for space and services as determined by the General Services Administration in compliance with the Public Buildings Amendments Act of 1972 (Public Law 92–313).*

*SEC. 406. Section 10 of the General Services Administration General Provisions, Public Law 100–440, is hereby repealed.*

*SEC. 407. Funds provided to other Government agencies by the Information Technology Fund, GSA, under 40 U.S.C. 757 and sections 5124(b) and 5128 of Public Law 104–106, Information Technology Management Reform Act of 1996, for performance of pilot information technology projects which have potential for Government-wide benefits and savings, may be repaid to this Fund from any savings actually incurred by these projects or other funding, to the extent feasible.*

*SEC. 408. The Administrator of the General Services Administration is directed to ensure that the materials used for the facade on the United States Courthouse Annex, Savannah, Georgia project are compatible with the existing Savannah Federal Building-U.S. Courthouse facade, in order to ensure compatibility of this new facility with the Savannah historic district and to ensure that the Annex will not endanger the National Landmark status of the Savannah historic district.*

SEC. 409. (a) The Act approved August 25, 1958, as amended (Public Law 85–745; 3 U.S.C. 102 note), is amended by striking section 2.

(b) Section 3214 of title 39, United States Code, is amended—

(1) in subsection (a) by striking "(a) Subject to subsection (b), a" and inserting "A"; and

(2) by striking subsection (b).

SEC. 410. There is hereby appropriated to the General Services Administration such sums as may be necessary to repay debts to the United States Treasury incurred pursuant to section 6 of the Pennsylvania Avenue Development Corporation Act of 1972, as amended (Public Law 92–578, 86 Stat. 1266, 40 U.S.C. 875), and in addition such amounts as are necessary for payment of interest and premiums, if any, related to such debts.

SEC. 411. From funds made available under the heading "Federal Buildings Fund Limitations on Revenue," claims against the Government of less than $250,000 arising from direct construction projects and acquisition of buildings may be liquidated from savings effected in other construction projects with prior notification to the Committees on Appropriations of the House and Senate.

SEC. 412. (a) IN GENERAL.—Notwithstanding any other provision of law, the Administrator of General Services shall sell the property described in subsection (b) through a process of competitive bidding, in accordance with procedures and requirements applicable to such a sale under section 203(e) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 484(e)).

(b) PROPERTY DESCRIBED.—The property referred to in subsection (a) is the property known as the Bakersfield Federal Building, located at 800 Truxton Avenue in Bakersfield, California, including the land on which the building is situated and all improvements to such building and land.

SEC. 413. Section 201(b) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 481) as amended to read as follows:

"(b)(1) The Administrator shall as far as practicable provide any of the services specified in subsection (a) of this section to any other Federal agency, mixed ownership corporation (as defined in section 9101 of title 31, United States Code), or the District of Columbia, upon its request.

"(2)(A) Upon the request of a qualified nonprofit agency for the blind or other severely handicapped that is to provide a commodity or service to the Federal Government under the Javits-Wagner O'Day Act (41 U.S.C. 46 et seq.), the Administrator may provide any of the services specified in subsection (a) to such agency to the extent practicable.

"(B) A nonprofit agency receiving services under the authority of subparagraph (A) shall use the services directly in making or providing an approved commodity or approved service to the Federal Government.

"(C) In this paragraph—

"(i) The term 'qualified nonprofit agency for the blind or other severely handicapped' means—

"(I) a qualified nonprofit agency for the blind, as defined in section 5(3) of the Javits-Wagner O'Day Act (41 U.S.C. 48b(3)); and

"(II) a qualified nonprofit agency for other severely handicapped, as defined in section 5(4) of such Act (41 U.S.C. 48b(4)).

"(ii) The term 'approved commodity' and 'approved service' means a commodity and a service, respectively, that has been determined by the Committee for Purchase from the Blind and Other Severely Handicapped under section 2 of the Javits-Wagner O'Day Act (41 U.S.C. 47) to be suitable for procurement by the Federal Government.".

### FEDERAL PAYMENT TO MORRIS K. UDALL SCHOLARSHIP AND EXCELLENCE IN NATIONAL ENVIRONMENTAL POLICY FOUNDATION

For payment to the Morris K. Udall Scholarship and Excellence in National Environmental Trust Fund, to be available for purposes of Public Law 102–259, $1,750,000, to remain available until expended.

### JOHN F. KENNEDY ASSASSINATION RECORDS REVIEW BOARD

For the necessary expenses to carry out the John F. Kennedy Assassination Records Collection Act of 1992, $1,600,000: Provided, That $100,000 shall be available only for the purposes of the prompt and orderly termination of the John F. Kennedy Assassination Records Review Board, to be concluded no later than September 30, 1998.

### MERIT SYSTEMS PROTECTION BOARD

#### SALARIES AND EXPENSES

#### (INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out functions of the Merit Systems Protection Board pursuant to Reorganization Plan Numbered 2 of 1978 and the Civil Service Reform Act of 1978, including services as authorized by 5 U.S.C. 3109, rental of conference rooms in the District of Columbia and elsewhere, hire of passenger motor vehicles, and direct procurement of survey printing, $25,290,000, together with not to exceed $2,430,000 for administrative expenses to adjudicate retirement appeals to be transferred from the Civil Service Retirement and Disability Fund in amounts determined by the Merit Systems Protection Board.

### NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

#### OPERATING EXPENSES

For necessary expenses in connection with the administration of the National Archives (including the Information Security Oversight Office) and records and related activities, as provided by law, and for expenses necessary for the review and declassification of documents, and for the hire of passenger motor vehicles, $205,166,500: Provided, That the Archivist of the United States is authorized to use any excess funds available from the amount borrowed for construction of the National Archives facility, for expenses necessary to provide adequate storage for holdings.

#### ARCHIVES FACILITIES AND PRESIDENTIAL LIBRARIES REPAIRS AND RESTORATION

For the repair, alteration, and improvement of archives facilities and presidential libraries, and to provide adequate storage for holdings, $14,650,000, to remain available until expended.

### NATIONAL HISTORICAL PUBLICATIONS AND RECORDS COMMISSION

#### GRANTS PROGRAM

For necessary expenses for allocations and grants for historical publications and records as authorized by 44 U.S.C. 2504, as amended. $5,500,000, to remain available until expended.

### OFFICE OF GOVERNMENT ETHICS

#### SALARIES AND EXPENSES

For necessary expenses to carry out functions of the Office of Government Ethics pursuant to the Ethics in Government Act of 1978, as amended by Public Law 100–598, and the Ethics Reform Act of 1989, Public Law 101–194, including services as authorized by 5 U.S.C. 3109, rental of conference rooms in the District of Columbia and elsewhere, hire of passenger motor vehicles, and not to exceed $1,500 for official reception and representation expenses; $8,265,000.

### OFFICE OF PERSONNEL MANAGEMENT

#### SALARIES AND EXPENSES

#### (INCLUDING TRANSFER OF TRUST FUNDS)

For necessary expenses to carry out functions of the Office of Personnel Management pursuant to Reorganization Plan Numbered 2 of 1978 and the Civil Service Reform Act of 1978, including services as authorized by 5 U.S.C. 3109; medical examinations performed for veterans by private physicians on a fee basis; rental of conference rooms in the District of Columbia and elsewhere; hire of passenger motor vehicles; not to exceed $2,500 for official reception and representation expenses; advances for reimbursements to applicable funds of the Office of Personnel Management and the Federal Bureau of Investigation for expenses incurred under Executive Order 10422 of January 9, 1953, as amended; and payment of per diem and/or subsistence allowances to employees where Voting Rights Act activities require an employee to remain overnight at his or her post of duty; $85,350,000; and in addition $91,236,000 for administrative expenses, to be transferred from the appropriate trust funds of the Office of Personnel Management without regard to other statutes, including direct procurement of printed materials, for the retirement and insurance programs: Provided, That the provisions of this appropriation shall not affect the authority to use applicable trust funds as provided by section 8348(a)(1)(B) of title 5, United States Code: Provided further, That, except as may be consistent with 5 U.S.C. 8902a(f)(1) and (i), no payment may be made from the Employees Health Benefits Fund to any physician, hospital, or other provider of health care services or supplies who is, at the time such services or supplies are provided to an individual covered under chapter 89 of title 5, United States Code, excluded, pursuant to section 1128 or 1128A of the Social Security Act (42 U.S.C. 1320a-7–1320a-7a), from participation in any program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.): Provided further, That no part of this appropriation shall be available for salaries and expenses of the Legal Examining Unit of the Office of Personnel Management established pursuant to Executive Order 9358 of July 1, 1943, or any successor unit of like purpose: Provided further, That the President's Commission on White House Fellows, established by Executive Order 11183 of October 3, 1964, may, during the fiscal year ending September 30, 1998, accept donations of money, property, and personal services in connection with the development of a publicity brochure to provide information about the White House Fellows, except that no such donations shall be accepted for travel or reimbursement of travel expenses, or for the salaries of employees of such Commission.

### OFFICE OF INSPECTOR GENERAL

#### SALARIES AND EXPENSES

#### (INCLUDING TRANSFER OF TRUST FUNDS)

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act, as amended, including services as authorized by 5 U.S.C. 3109, hire of passenger motor vehicles, $960,000; and in addition, not to exceed $8,645,000 for administrative expenses to audit the Office of Personnel Management's retirement and insurance programs, to be transferred from the appropriate trust funds of the Office of Personnel Management, as determined by the Inspector General: Provided, That the Inspector General is authorized to rent conference rooms in the District of Columbia and elsewhere.

### GOVERNMENT PAYMENT FOR ANNUITANTS, EMPLOYEES HEALTH BENEFITS

For payment of Government contributions with respect to retired employees, as authorized by chapter 89 of title 5, United States Code, and the Retired Federal Employees Health Benefits Act (74 Stat. 849), as amended, such sums as may be necessary.

### GOVERNMENT PAYMENT FOR ANNUITANTS, EMPLOYEE LIFE INSURANCE

*For payment of Government contributions with respect to employees retiring after December 31, 1989, as required by chapter 87 of title 5, United States Code, such sums as may be necessary.*

### PAYMENT TO CIVIL SERVICE RETIREMENT AND DISABILITY FUND

*For financing the unfunded liability of new and increased annuity benefits becoming effective on or after October 20, 1969, as authorized by 5 U.S.C. 8348, and annuities under special Acts to be credited to the Civil Service Retirement and Disability Fund, such sums as may be necessary: Provided, That annuities authorized by the Act of May 29, 1944, as amended, and the Act of August 19, 1950, as amended (33 U.S.C. 771–75), may hereafter be paid out of the Civil Service Retirement and Disability Fund.*

## OFFICE OF SPECIAL COUNSEL

### SALARIES AND EXPENSES

*For necessary expenses to carry out functions of the Office of Special Counsel pursuant to Reorganization Plan Numbered 2 of 1978, the Civil Service Reform Act of 1978 (Public Law 95–454), the Whistleblower Protection Act of 1989 (Public Law 101–12), Public Law 103–424, and the Uniformed Services Employment and Reemployment Act of 1994 (Public Law 103–353), including services as authorized by 5 U.S.C. 3109, payment of fees and expenses for witnesses, rental of conference rooms in the District of Columbia and elsewhere, and hire of passenger motor vehicles; $8,450,000.*

## UNITED STATES TAX COURT

### SALARIES AND EXPENSES

*For necessary expenses, including contract reporting and other services as authorized by 5 U.S.C. 3109, $33,921,000: Provided, That travel expenses of the judges shall be paid upon the written certificate of the judge.*

*This title may be cited as the "Independent Agencies Appropriations Act, 1998".*

## TITLE V—GENERAL PROVISIONS

### THIS ACT

*SEC. 501. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.*

*SEC. 502. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.*

*SEC. 503. None of the funds made available by this Act shall be available for any activity or for paying the salary of any Government employee where funding an activity or paying a salary to a Government employee would result in a decision, determination, rule, regulation, or policy that would prohibit the enforcement of section 307 of the Tariff Act of 1930.*

*SEC. 504. None of the funds made available by this Act shall be available in fiscal year 1998, for the purpose of transferring control over the Federal Law Enforcement Training Center located at Glynco, Georgia, and Artesia, New Mexico, out of the Treasury Department.*

*SEC. 505. The Office of Personnel Management may, during the fiscal year ending September 30, 1998, and hereafter, accept donations of supplies, services, land, and equipment for the Federal Executive Institute and Management Development Centers to assist in enhancing the quality of Federal management.*

*SEC. 506. No part of any appropriation contained in this Act shall be available to pay the salary for any person filling a position, other than a temporary position, formerly held by an employee who has left to enter the Armed Forces of the United States and has satisfactorily completed his period of active military or naval service and has within 90 days after his release from such service or from hospitalization continuing after discharge for a period of not more than 1 year made application for restoration to his former position and has been certified by the Office of Personnel Management as still qualified to perform the duties of his former position and has not been restored thereto.*

*SEC. 507. No funds appropriated pursuant to this Act may be expended by an entity unless the entity agrees that in expending the assistance the entity will comply with sections 2 through 4 of the Act of March 3, 1933 (41 U.S.C. 10a–10c, popularly known as the "Buy American Act").*

*SEC. 508. (a) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—In the case of any equipment or products that may be authorized to be purchased with financial assistance provided under this Act, it is the sense of the Congress that entities receiving such assistance should, in expending the assistance, purchase only American-made equipment and products.*

*(b) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance under this Act, the Secretary of the Treasury shall provide to each recipient of the assistance a notice describing the statement made in subsection (a) by the Congress.*

*SEC. 509. If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a "Made in America" inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, such person shall be ineligible to receive any contract or subcontract made with funds provided pursuant to this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.*

*SEC. 510. Except as otherwise specifically provided by law, not to exceed 50 percent of unobligated balances remaining available at the end of fiscal year 1998 from appropriations made available for salaries and expenses for fiscal year 1998 in this Act, shall remain available through September 30, 1999, for each such account for the purposes authorized: Provided, That a request shall be submitted to the House and Senate Committees on Appropriations for approval prior to the expenditure of such funds: Provided further, That these requests shall be made in compliance with reprogramming guidelines.*

*SEC. 511. None of the funds made available in this Act may be used by the Executive Office of the President to request from the Federal Bureau of Investigation any official background investigation report on any individual, except when it is made known to the Federal official having authority to obligate or expend such funds that—*

*(1) such individual has given his or her express written consent for such request not more than 6 months prior to the date of such request and during the same presidential administration; or*

*(2) such request is required due to extraordinary circumstances involving national security.*

*SEC. 512. (a) PROHIBITING REAPPOINTMENT OF MEMBERS OF FEDERAL ELECTION COMMISSION.—Section 306(a)(2)(A) of the Federal Election Campaign Act of 1971 (2 U.S.C. 437c(a)(2)(A)) is amended by striking "for terms of 6 years" and inserting "for a single term of 6 years".*

*(b) APPLICABILITY.—The amendment made by subsection (a) shall apply with respect to individuals nominated by the President to be members of the Federal Election Commission after December 31, 1997.*

*SEC. 513. No funds appropriated by this Act shall be available to pay for an abortion, or the administrative expenses in connection with any health plan under the Federal employees health benefit program which provides any benefits or coverage for abortions.*

*SEC. 514. The provision of section 513 shall not apply where the life of the mother would be endangered if the fetus were carried to term, or the pregnancy is the result of an act of rape or incest.*

*SEC. 515. Section 1 under the subheading "General Provision" under the heading "Office of Personnel Management" under title IV of the Treasury, Postal Service and General Government Appropriations Act, 1992 (Public Law 102–141; 105 Stat. 861; 5 U.S.C. 5941 note), as amended by section 532 of the Treasury, Postal Service and General Government Appropriations Act, 1995 (Public Law 103–329; 108 Stat. 2413), and by section 5 under the heading "General Provisions—Office of Personnel Management" under title IV of the Treasury, Postal Service, and General Government Appropriations Act, 1996 (Public Law 104–52; 109 Stat. 490), is further amended by striking "1998" both places it appears and inserting "2000".*

*SEC. 516. (a) Title 5, United States Code, is amended—*

*(1) in section 8334 by adding at the end the following new subsection:*

*"(m) A Member who has served in a position in the executive branch for which the rate of basic pay was reduced for the duration of the service of the Member to remove the impediment to the appointment of the Member imposed by article I, section 6, clause 2 of the Constitution, or the survivor of such a Member, may deposit to the credit of the Fund an amount equal to the difference between the amount deducted from the basic pay of the Member during that period of service and the amount that would have been deducted if the rate of basic pay which would otherwise have been in effect during that period had been in effect, plus interest computed under subsection (e).";*

*(2) in section 8337(a) by striking "or (q)" and inserting "(q), or (r)";*

*(3) in section 8339—*

*(A) in subsections (f) and (i)–(m) by striking "and (q) of this section" and "and (q)" each time either appears and inserting "(q), and (r)";*

*(B) in subsection (g) by striking "or (q) of this section" each time it appears and inserting "(q), or (r)"; and*

*(C) by adding at the end the following new subsection:*

*"(r) The annuity of a Member who has served in a position in the executive branch for which the rate of basic pay was reduced for the duration of the service of the Member in that position to remove the impediment to the appointment of the Member imposed by article I, section 6, clause 2 of the Constitution, shall, subject to a deposit in the Fund as provided under section 8334(m), be computed as though the rate of basic pay which would otherwise have been in effect during that period of service had been in effect.";*

*(4) in section 8341(b)(1) and (d) by striking "and (q) of this title" each place it appears and inserting "(q), and (r)";*

*(5) in section 8334a(c) by striking "and (q) of section 8339 of this title" and inserting "(q), and (r) of section 8339";*

*(6) in section 8344(a)(A) by striking "and (q) of this title" and inserting "(q), and (r)";*

*(7) in section 8415 by adding at the end the following new subsection:*

*"(h) The annuity of a Member who has served in a position in the executive branch for which*

the rate of basic pay was reduced for the duration of the service of the Member in that position to remove the impediment to the appointment of the Member imposed by article I, section 6, clause 2 of the Constitution, shall, subject to a deposit in the Fund as provided under section 8422(g), be computed as though the rate of basic pay which would otherwise have been in effect during that period of service had been in effect.''

(8) in section 8422 by adding at the end the following new subsection:

''(g) A Member who has served in a position in the executive branch for which the rate of basic pay was reduced for the duration of the service of the Member to remove the impediment to the appointment of the Member imposed by article I, section 6, clause 2 of the Constitution, or the survivor of such a Member, may deposit to the credit of the Fund an amount equal to the difference between the amount deducted from the basic pay of the member during that period of service and the amount that would have been deducted if the rate of basic pay which would otherwise have been in effect during that period had been in effect, plus interest computed under section 8334(e).''; and

(9) in section 8468 by striking ''through (f)'' and inserting ''through (g)''.

(b) The amendments made by subsection (a) shall be applicable to any annuity commencing before, on, or after the date of enactment of this Act, and shall be effective with regard to any payment made after the first month following the date of enactment.

SEC. 517. (a) Section 5948 of title 5, United States Code, is amended—

(1) in subsection (d) by striking the second sentence and inserting the following: ''No agreement shall be entered into under this section later than September 30, 2000, nor shall any agreement cover a period of service extending beyond September 30, 2002.''; and

(2) in subsection (j)(2)(A) by striking ''September 30, 1997'' and inserting ''September 30, 2000''.

(b) Section 3 of the Federal Physicians Comparability Allowance Act of 1978 (5 U.S.C. 5948 note) is amended by striking ''September 30, 1999'' and inserting ''September 30, 2002''.

(c) The amendments made by this section shall take effect on the date of enactment of this Act.

SEC. 518. (a)(1) Section 8341 of title 5, United States Code, is amended by adding at the end the following:

''(k)(1) Subsections (b)(3)(B), (d)(ii), and (h)(3)(B)(i) (to the extent that they provide for termination of a survivor annuity because of a remarriage before age 55) shall not apply if the widow, widower, or former spouse was married for at least 30 years to the individual on whose service the survivor annuity is based.

''(2) A remarriage described in paragraph (1) shall not be taken into account for purposes of section 8339(j)(5) (B) or (C) or any other provision of this chapter which the Office may by regulation identify in order to carry out the purposes of this subsection.''.

(2) Such section 8341 is further amended—

(A) in subsections (b)(3)(B) and (d)(ii) by striking ''remarries'' and inserting ''except as provided in subsection (k), remarries''; and

(B) in subsection (h)(3)(B)(i) by striking ''in'' and inserting ''except as provided in subsection (k), in''.

(b)(1)(A) Section 8442(d) of title 5, United States Code, is amended by adding at the end the following:

''(3) Paragraph (1)(B) (relating to termination of a survivor annuity because of a remarriage before age 55) shall not apply if the widow or widower was married for at least 30 years to the individual on whose service the survivor annuity is based.''.

(B) Subsection (d)(1)(B) of such section 8442 is amended by striking ''remarries'' and inserting ''except as provided in paragraph (3), remarries''.

(2)(A) Section 8445 of title 5, United States Code, is amended by adding at the end the following:

''(h)(1) Subsection (c)(2) (to the extent that it provides for termination of a survivor annuity because of a remarriage before age 55) shall not apply if the former spouse was married for at least 30 years to the individual on whose service the survivor annuity is based.

''(2) A remarriage described in paragraph (1) shall not be taken into account for purposes of section 8419(b)(1)(B) or any other provision of this chapter which the Office may by regulation identify in order to carry out the purposes of this subsection.''.

(B) CONFORMING AMENDMENT.—Subsection (c)(2) of such section 8445 is amended by striking ''shall'' and inserting ''except as provided in subsection (h), shall''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to remarriages occurring on or after January 1, 1995.

## TITLE VI—GENERAL PROVISIONS

### DEPARTMENTS, AGENCIES, AND CORPORATIONS

SEC. 601. Funds appropriated in this or any other Act may be used to pay travel to the United States for the immediate family of employees serving abroad in cases of death or life threatening illness of said employee.

SEC. 602. No department, agency, or instrumentality of the United States receiving appropriated funds under this or any other Act for fiscal year 1998 shall obligate or expend any such funds, unless such department, agency, or instrumentality has in place, and will continue to administer in good faith, a written policy designed to ensure that all of its workplaces are free from the illegal use, possession, or distribution of controlled substances (as defined in the Controlled Substances Act) by the officers and employees of such department, agency, or instrumentality.

SEC. 603. Notwithstanding 31 U.S.C. 1345, any agency, department, or instrumentality of the United States which provides or proposes to provide child care services for Federal employees may reimburse any Federal employee or any person employed to provide such services for travel, transportation, and subsistence expenses incurred for training classes, conferences, or other meetings in connection with the provision of such services: Provided, That any per diem allowance made pursuant to this section shall not exceed the rate specified in regulations prescribed pursuant to section 5707 of title 5, United States Code.

SEC. 604. Unless otherwise specifically provided, the maximum amount allowable during the current fiscal year in accordance with section 16 of the Act of August 2, 1946 (60 Stat. 810), for the purchase of any passenger motor vehicle (exclusive of buses, ambulances, law enforcement, and undercover surveillance vehicles), is hereby fixed at $8,100 except station wagons for which the maximum shall be $9,100: Provided, That these limits may be exceeded by not to exceed $3,700 for police-type vehicles, and by not to exceed $4,000 for special heavy-duty vehicles: Provided further, That the limits set forth in this section may not be exceeded by more than 5 percent for electric or hybrid vehicles purchased for demonstration under the provisions of the Electric and Hybrid Vehicle Research, Development, and Demonstration Act of 1976: Provided further, That the limits set forth in this section may be exceeded by the incremental cost of clean alternative fuels vehicles acquired pursuant to Public Law 101–549 over the cost of comparable conventionally fueled vehicles.

SEC. 605. Appropriations of the executive departments and independent establishments for the current fiscal year available for expenses of travel, or for the expenses of the activity concerned, are hereby made available for quarters allowances and cost-of-living allowances, in accordance with 5 U.S.C. 5922–24.

SEC. 606. Unless otherwise specified during the current fiscal year, no part of any appropriation contained in this or any other Act shall be used to pay the compensation of any officer or employee of the Government of the United States (including any agency the majority of the stock of which is owned by the Government of the United States) whose post of duty is in the continental United States unless such person (1) is a citizen of the United States, (2) is a person in the service of the United States on the date of enactment of this Act who, being eligible for citizenship, has filed a declaration of intention to become a citizen of the United States prior to such date and is actually residing in the United States, (3) is a person who owes allegiance to the United States, (4) is an alien from Cuba, Poland, South Vietnam, the countries of the former Soviet Union, or the Baltic countries lawfully admitted to the United States for permanent residence, (5) is a South Vietnamese, Cambodian, or Laotian refugee paroled in the United States after January 1, 1975, or (6) is a national of the People's Republic of China who qualifies for adjustment of status pursuant to the Chinese Student Protection Act of 1992: Provided, That for the purpose of this section, an affidavit signed by any such person shall be considered prima facie evidence that the requirements of this section with respect to his or her status have been complied with: Provided further, That any person making a false affidavit shall be guilty of a felony, and, upon conviction, shall be fined no more than $4,000 or imprisoned for not more than 1 year, or both: Provided further, That the above penal clause shall be in addition to, and not in substitution for, any other provisions of existing law: Provided further, That any payment made to any officer or employee contrary to the provisions of this section shall be recoverable in action by the Federal Government. This section shall not apply to citizens of Ireland, Israel, or the Republic of the Philippines, or to nationals of those countries allied with the United States in a current defense effort, or to international broadcasters employed by the United States Information Agency, or to temporary employment of translators, or to temporary employment in the field service (not to exceed 60 days) as a result of emergencies.

SEC. 607. Appropriations available to any department or agency during the current fiscal year for necessary expenses, including maintenance or operating expenses, shall also be available for payment to the General Services Administration for charges for space and services and those expenses of renovation and alteration of buildings and facilities which constitute public improvements performed in accordance with the Public Buildings Act of 1959 (73 Stat. 749), the Public Buildings Amendments of 1972 (87 Stat. 216), or other applicable law.

SEC. 608. In addition to funds provided in this or any other Act, all Federal agencies are authorized to receive and use funds resulting from the sale of materials, including Federal records disposed of pursuant to a records schedule recovered through recycling or waste prevention programs. Such funds shall be available until expended for the following purposes:

(1) Acquisition, waste reduction and prevention, and recycling programs as described in Executive Order 12873 (October 20, 1993), including any such programs adopted prior to the effective date of the Executive Order.

(2) Other Federal agency environmental management programs, including, but not limited to,

*the development and implementation of hazardous waste management and pollution prevention programs.*

*(3) Other employee programs as authorized by law or as deemed appropriate by the head of the Federal agency.*

*SEC. 609. Funds made available by this or any other Act for administrative expenses in the current fiscal year of the corporations and agencies subject to chapter 91 of title 31, United States Code, shall be available, in addition to objects for which such funds are otherwise available, for rent in the District of Columbia; services in accordance with 5 U.S.C. 3109; and the objects specified under this head, all the provisions of which shall be applicable to the expenditure of such funds unless otherwise specified in the Act by which they are made available: Provided, That in the event any functions budgeted as administrative expenses are subsequently transferred to or paid from other funds, the limitations on administrative expenses shall be correspondingly reduced.*

*SEC. 610. No part of any appropriation for the current fiscal year contained in this or any other Act shall be paid to any person for the filling of any position for which he or she has been nominated after the Senate has voted not to approve the nomination of said person.*

*SEC. 611. No part of any appropriation contained in this or any other Act shall be available for interagency financing of boards (except Federal Executive Boards), commissions, councils, committees, or similar groups (whether or not they are interagency entities) which do not have a prior and specific statutory approval to receive financial support from more than one agency or instrumentality.*

*SEC. 612. Funds made available by this or any other Act to the Postal Service Fund (39 U.S.C. 2003) shall be available for employment of guards for all buildings and areas owned or occupied by the Postal Service and under the charge and control of the Postal Service, and such guards shall have, with respect to such property, the powers of special policemen provided by the first section of the Act of June 1, 1948, as amended (62 Stat. 281; 40 U.S.C. 318), and, as to property owned or occupied by the Postal Service, the Postmaster General may take the same actions as the Administrator of General Services may take under the provisions of sections 2 and 3 of the Act of June 1, 1948, as amended (62 Stat. 281; 40 U.S.C. 318a, 318b), attaching thereto penal consequences under the authority and within the limits provided in section 4 of the Act of June 1, 1948, as amended (62 Stat. 281; 40 U.S.C. 318c).*

*SEC. 613. None of the funds made available pursuant to the provisions of this Act shall be used to implement, administer, or enforce any regulation which has been disapproved pursuant to a resolution of disapproval duly adopted in accordance with the applicable law of the United States.*

*SEC. 614. (a) Notwithstanding any other provision of law, and except as otherwise provided in this section, no part of any of the funds appropriated for the fiscal year ending on September 30, 1998, by this or any other Act, may be used to pay any prevailing rate employee described in section 5342(a)(2)(A) of title 5, United States Code—*

*(1) during the period from the date of expiration of the limitation imposed by section 616 of the Treasury, Postal Service and General Government Appropriations Act, 1997, until the normal effective date of the applicable wage survey adjustment that is to take effect in fiscal year 1998, in an amount that exceeds the rate payable for the applicable grade and step of the applicable wage schedule in accordance with such section 616; and*

*(2) during the period consisting of the remainder of fiscal year 1998, in an amount that exceeds, as a result of a wage survey adjustment, the rate payable under paragraph (1) by more than the sum of—*

*(A) the percentage adjustment taking effect in fiscal year 1998 under section 5303 of title 5, United States Code, in the rates of pay under the General Schedule; and*

*(B) the difference between the overall average percentage of the locality-based comparability payments taking effect in fiscal year 1998 under section 5304 of such title (whether by adjustment or otherwise), and the overall average percentage of such payments which was effective in fiscal year 1997 under such section.*

*(b) Notwithstanding any other provision of law, no prevailing rate employee described in subparagraph (B) or (C) of section 5342(a)(2) of title 5, United States Code, and no employee covered by section 5348 of such title, may be paid during the periods for which subsection (a) is in effect at a rate that exceeds the rates that would be payable under subsection (a) were subsection (a) applicable to such employee.*

*(c) For the purposes of this section, the rates payable to an employee who is covered by this section and who is paid from a schedule not in existence on September 30, 1997, shall be determined under regulations prescribed by the Office of Personnel Management.*

*(d) Notwithstanding any other provision of law, rates of premium pay for employees subject to this section may not be changed from the rates in effect on September 30, 1997, except to the extent determined by the Office of Personnel Management to be consistent with the purpose of this section.*

*(e) This section shall apply with respect to pay for service performed after September 30, 1997.*

*(f) For the purpose of administering any provision of law (including section 8431 of title 5, United States Code, and any rule or regulation that provides premium pay, retirement, life insurance, or any other employee benefit) that requires any deduction or contribution, or that imposes any requirement or limitation on the basis of a rate of salary or basic pay, the rate of salary or basic pay payable after the application of this section shall be treated as the rate of salary or basic pay.*

*(g) Nothing in this section shall be considered to permit or require the payment to any employee covered by this section at a rate in excess of the rate that would be payable were this section not in effect.*

*(h) The Office of Personnel Management may provide for exceptions to the limitations imposed by this section if the Office determines that such exceptions are necessary to ensure the recruitment or retention of qualified employees.*

*SEC. 615. During the period in which the head of any department or agency, or any other officer or civilian employee of the Government appointed by the President of the United States, holds office, no funds may be obligated or expended in excess of $5,000 to furnish or redecorate the office of such department head, agency head, officer, or employee, or to purchase furniture or make improvements for any such office, unless advance notice of such furnishing or redecoration is expressly approved by the Committees on Appropriations of the House and Senate. For the purposes of this section, the word "office" shall include the entire suite of offices assigned to the individual, as well as any other space used primarily by the individual or the use of which is directly controlled by the individual.*

*SEC. 616. Notwithstanding any other provision of law, no executive branch agency shall purchase, construct, and/or lease any additional facilities, except within or contiguous to existing locations, to be used for the purpose of conducting Federal law enforcement training without the advance approval of the House and Senate Committees on Appropriations.*

*SEC. 617. Notwithstanding section 1346 of title 31, United States Code, or section 611 of this Act, funds made available for fiscal year 1998 by this or any other Act shall be available for the interagency funding of national security and emergency preparedness telecommunications initiatives which benefit multiple Federal departments, agencies, or entities, as provided by Executive Order Numbered 12472 (April 3, 1984).*

*SEC. 618. (a) None of the funds appropriated by this or any other Act may be obligated or expended by any Federal department, agency, or other instrumentality for the salaries or expenses of any employee appointed to a position of a confidential or policy-determining character excepted from the competitive service pursuant to section 3302 of title 5, United States Code, without a certification to the Office of Personnel Management from the head of the Federal department, agency, or other instrumentality employing the Schedule C appointee that the Schedule C position was not created solely or primarily in order to detail the employee to the White House.*

*(b) The provisions of this section shall not apply to Federal employees or members of the armed services detailed to or from—*

*(1) the Central Intelligence Agency;*

*(2) the National Security Agency;*

*(3) the Defense Intelligence Agency;*

*(4) the offices within the Department of Defense for the collection of specialized national foreign intelligence through reconnaissance programs;*

*(5) the Bureau of Intelligence and Research of the Department of State;*

*(6) any agency, office, or unit of the Army, Navy, Air Force, and Marine Corps, the Federal Bureau of Investigation and the Drug Enforcement Administration of the Department of Justice, the Department of Transportation, the Department of the Treasury, and the Department of Energy performing intelligence functions; and*

*(7) the Director of Central Intelligence.*

*SEC. 619. No department, agency, or instrumentality of the United States receiving appropriated funds under this or any other Act for fiscal year 1998 shall obligate or expend any such funds, unless such department, agency, or instrumentality has in place, and will continue to administer in good faith, a written policy designed to ensure that all of its workplaces are free from discrimination and sexual harassment and that all of its workplaces are not in violation of title VII of the Civil Rights Act of 1964, as amended, the Age Discrimination in Employment Act of 1967, and the Rehabilitation Act of 1973.*

*SEC. 620. No part of any appropriation contained in this Act may be used to pay for the expenses of travel of employees, including employees of the Executive Office of the President, not directly responsible for the discharge of official governmental tasks and duties: Provided, That this restriction shall not apply to the family of the President, Members of Congress or their spouses, Heads of State of a foreign country or their designees, persons providing assistance to the President for official purposes, or other individucls so designated by the President.*

*SEC. 621. Notwithstanding any provision of law, the President, or his designee, must certify to Congress, annually, that no person or persons with direct or indirect responsibility for administering the Executive Office of the President's Drug-Free Workplace Plan are themselves subject to a program of individual random drug testing.*

*SEC. 622. (a) None of the funds made available in this or any other Act may be obligated or expended for any employee training that—*

*(1) does not meet identified needs for knowledge, skills, and abilities bearing directly upon the performance of official duties;*

*(2) contains elements likely to induce high levels of emotional response or psychological stress in some participants;*

*(3) does not require prior employee notification of the content and methods to be used in the training and written end of course evaluation;*

*(4) contains any methods or content associated with religious or quasi-religious belief systems or "new age" belief systems as defined in Equal Employment Opportunity Commission Notice N–915.022, dated September 2, 1988;*

*(5) is offensive to, or designed to change, participants' personal values or lifestyle outside the workplace; or*

*(6) includes content related to human immunodeficiency virus-acquired immune deficiency syndrome (HIV/AIDS) other than that necessary to make employees more aware of the medical ramifications of HIV/AIDS and the workplace rights of HIV-positive employees.*

*(b) Nothing in this section shall prohibit, restrict, or otherwise preclude an agency from conducting training bearing directly upon the performance of official duties.*

*SEC. 623. No funds appropriated in this or any other Act for fiscal year 1998 may be used to implement or enforce the agreements in Standard Forms 312 and 4355 of the Government or any other nondisclosure policy, form, or agreement if such policy, form, or agreement does not contain the following provisions: "These restrictions are consistent with and do not supersede, conflict with, or otherwise alter the employee obligations, rights, or liabilities created by Executive Order 12356; section 7211 of title 5, United States Code (governing disclosures to Congress); section 1034 of title 10, United States Code, as amended by the Military Whistleblower Protection Act (governing disclosure to Congress by members of the military); section 2302(b)(8) of title 5, United States Code, as amended by the Whistleblower Protection Act (governing disclosures of illegality, waste, fraud, abuse or public health or safety threats); the Intelligence Identities Protection Act of 1982 (50 U.S.C. 421 et seq.) (governing disclosures that could expose confidential Government agents); and the statutes which protect against disclosure that may compromise the national security, including sections 641, 793, 794, 798, and 952 of title 18, United States Code, and section 4(b) of the Subversive Activities Act of 1950 (50 U.S.C. section 783(b)). The definitions, requirements, obligations, rights, sanctions, and liabilities created by said Executive Order and listed statutes are incorporated into this agreement and are controlling.": Provided, That notwithstanding the preceding paragraph, a nondisclosure policy form or agreement that is to be executed by a person connected with the conduct of an intelligence or intelligence-related activity, other than an employee or officer of the United States Government, may contain provisions appropriate to the particular activity for which such document is to be used. Such form or agreement shall, at a minimum, require that the person will not disclose any classified information received in the course of such activity unless specifically authorized to do so by the United States Government. Such nondisclosure forms shall also make it clear that they do not bar disclosures to Congress or to an authorized official of an executive agency or the Department of Justice that are essential to reporting a substantial violation of law.*

*SEC. 624. No part of any funds appropriated in this or any other Act shall be used by an agency of the executive branch, other than for normal and recognized executive-legislative relationships, for publicity or propaganda purposes, and for the preparation, distribution or use of any kit, pamphlet, booklet, publication, radio, television or film presentation designed to support or defeat legislation pending before the Congress, except in presentation to the Congress itself.*

*SEC. 625. (a) IN GENERAL.—No later than September 30, 1998, the Director of the Office of Management and Budget shall submit to the Congress a report that provides—*

*(1) estimates of the total annual costs and benefits of Federal regulatory programs, including quantitative and nonquantitative measures of regulatory costs and benefits;*

*(2) estimates of the costs and benefits (including quantitative and nonquantitative measures) of each rule that is likely to have a gross annual effect on the economy of $100,000,000 or more in increased costs;*

*(3) an assessment of the direct and indirect impacts of Federal rules on the private sector, State and local government, and the Federal Government; and*

*(4) recommendations from the Director and a description of significant public comments to reform or eliminate any Federal regulatory program or program element that is inefficient, ineffective, or is not a sound use of the Nation's resources.*

*(b) NOTICE.—The Director shall provide public notice and an opportunity to comment on the report under subsection (a) before the report is issued in final form.*

*SEC. 626. None of the funds appropriated by this Act or any other Act, may be used by an agency to provide a Federal employee's home address to any labor organization except when it is made known to the Federal official having authority to obligate or expend such funds that the employee has authorized such disclosure or that such disclosure has been ordered by a court of competent jurisdiction.*

*SEC. 627. The Secretary of the Treasury is authorized to establish scientific certification standards for explosives detection canines, and shall provide, on a reimbursable basis, for the certification of explosives detection canines employed by Federal agencies, or other agencies providing explosives detection services at airports in the United States.*

*SEC. 628. None of the funds made available in this Act or any other Act may be used to provide any non-public information such as mailing or telephone lists to any person or any organization outside of the Federal Government without the approval of the House and Senate Committees on Appropriations.*

*SEC. 629. Notwithstanding section 611, interagency financing is authorized to carry out the purposes of the National Bioethics Advisory Commission.*

*SEC. 630. No part of any appropriation contained in this or any other Act shall be used for publicity or propaganda purposes within the United States not heretofore authorized by the Congress.*

*SEC. 631. None of the funds appropriated in this or any other Act shall be used to acquire information technologies which do not comply with part 39.106 (Year 2000 compliance) of the Federal Acquisition Regulation, unless an agency's Chief Information Officer determines that non-compliance with part 39.106 is necessary to the function and operation of the requesting agency or the acquisition is required by a signed contract with the agency in effect before the date of enactment of this Act. Any waiver granted by the Chief Information Officer shall be reported to the Office of Management and Budget, and copies shall be provided to Congress.*

*SEC. 632. For fiscal year 1998, the Secretary of the Treasury is authorized to use funds made available to the FSLIC Resolution Fund under Public Law 103–327, not to exceed $33,700,000, to reimburse the Department of Justice for the reasonable expenses of litigation that are incurred in the defense of claims against the U.S. arising from FIRREA and its implementation.*

*SEC. 633. PERSONAL ALLOWANCE PARITY AMONG NAFTA PARTIES. (a) IN GENERAL.—The United States Trade Representative and the Secretary of the Treasury, in consultation with the Secretary of Commerce, shall initiate discussions with officials of the Governments of Mexico and Canada to achieve parity in the duty-free personal allowance structure of the United States, Mexico, and Canada.*

*(b) REPORT.—The United States Trade Representative and the Secretary of the Treasury shall report to Congress within 90 days after the date of enactment of this Act on the progress that is being made to correct any disparity between the United States, Mexico, and Canada with respect to duty-free personal allowances.*

*(c) RECOMMENDATIONS.—If parity with respect to duty-free personal allowances between the United States, Mexico, and Canada is not achieved within 180 days after the date of enactment of this Act, the United States Trade Representative and the Secretary of the Treasury shall submit recommendations to Congress for appropriate legislation and action.*

*SEC. 634. None of the funds made available in this Act for the United States Custom Service may be used to allow the importation into the United States of any good, ware, article, or merchandise mined, produced, or manufactured by forced or indentured child labor, as determined pursuant to section 307 of the Tariff Act of 1930 (19 U.S.C. 1307).*

*SEC. 635. No later than 30 days after the enactment of this Act, the Director of the Office of Management and Budget shall require all Federal departments and agencies to report total obligations for the expenses of employee relocation. All obligations incident to employee relocation authorized under either chapter 57 of title 5, United States Code, or section 901 of the Foreign Service Act of 1980 (22 U.S.C. 4081; Public Law 96–465), shall be included. Such information for the past, current, and budget years shall be included in the agency budget submission to the President. The Director of the Office of Management and Budget shall prepare a table presenting obligations for the expenses of employee relocation for all departments and agencies, and such table shall be transmitted to Congress each year as part of the President's annual budget.*

*SEC. 636. Notwithstanding any other provision of law, no part of any appropriation contained in this Act or any other Act for any fiscal year shall be available for paying Sunday premium pay to any employee unless such employee actually performed work during the time corresponding to such premium pay.*

*SEC. 637. Section 302(g)(1) of the Federal Election Campaign Act of 1971 (2 U.S.C. 432(g)(1)) is amended—*

*(1) by striking "and" after "Senator,"; and*

*(2) by inserting after "candidate," the following: "and by the Republican and Democratic Senatorial Campaign Committees".*

*SEC. 638. (a) Chapter 31 of title 5, United States Code, is amended by inserting after section 3112 the following:*

***"§3113. Restriction on reemployment after conviction of certain crimes***

*"An employee shall be separated from service and barred from reemployment in the Federal service, if—*

*"(1) the employee is convicted of a violation of section 201(b) of title 18; and*

*"(2) such violation related to conduct prohibited under section 1010(a) of the Controlled Substances Import and Export Act (21 U.S.C. 960(a)).".*

*(b) The table of sections for chapter 31 of title 5, United States Code, is amended by inserting after the item relating to section 3112 the following:*

*"3113. Restriction on reemployment after conviction of certain crimes.".*

*(c) This section shall apply during fiscal year 1998 and each fiscal year thereafter.*

*SEC. 639. (a) COORDINATION OF COUNTERDRUG INTELLIGENCE CENTERS AND ACTIVITIES.—(1) Not later than 120 days after the date of enactment of this Act, the Director of the Office of National Drug Control Policy shall submit to the appropriate congressional committees, including the Committees on Appropriations, a plan to improve coordination, and eliminate unnecessary duplication, among the counterdrug intelligence centers and counterdrug activities of the Federal Government, including the centers and activities of the following departments and agencies:*

*(A) The Department of Defense, including the Defense Intelligence Agency.*

*(B) The Department of the Treasury, including the United States Customs Service and the Financial Crimes Enforcement Network (FinCEN).*

*(C) The Central Intelligence Agency.*

*(D) The Coast Guard.*

*(E) The Department of Justice, including the National Drug Intelligence Center (NDIC); the Drug Enforcement Administration, including the El Paso Intelligence Center (EPIC); and the Federal Bureau of Investigation.*

*(2) The purpose of the plan under paragraph (1) is to maximize the effectiveness of the centers and activities referred to in that paragraph in achieving the objectives of the national drug control strategy. In order to maximize such effectiveness, the plan shall—*

*(A) articulate clear and specific mission statements for each counterdrug intelligence center and activity, including the manner in which responsibility for counterdrug intelligence activities will be allocated among the counterdrug intelligence centers;*

*(B) specify the relationship between such centers;*

*(C) specify the means by which proper oversight of such centers will be assured;*

*(D) specify the means by which counterdrug intelligence will be forwarded effectively to all levels of officials responsible for United States counterdrug policy; and*

*(E) specify mechanisms to ensure that State and local law enforcement agencies are apprised of counterdrug intelligence acquired by Federal law enforcement agencies in a manner which—*

*(i) facilitates effective counterdrug activities by State and local law enforcement agencies; and*

*(ii) provides such State and local law enforcement agencies with the information relating to the safety of officials involved in their counterdrug activities.*

*(b) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term "appropriate congressional committees" means the following:*

*(1) The Committee on Foreign Relations, the Committee on the Judiciary, and the Select Committee on Intelligence of the Senate.*

*(2) The Committee on International Relations, the Committee on the Judiciary, and the Permanent Select Committee on Intelligence of the House of Representatives.*

*SEC. 640. No part of any appropriation contained in this or any other Act shall be available for the payment of the salary of any officer or employee of the Federal Government, who—*

*(1) prohibits or prevents, or attempts or threatens to prohibit or prevent, any other officer or employee of the Federal Government from having any direct oral or written communication or contact with any Member, committee, or subcommittee of the Congress in connection with any matter pertaining to the employment of such other officer or employee or pertaining to the department or agency of such other officer or employee in any way, irrespective of whether such communication or contact is at the initiative of such other officer or employee or in response to the request or inquiry of such Member, committee, or subcommittee; or*

*(2) removes, suspends from duty without pay, demotes, reduces in rank, seniority, status, pay, or performance of efficiency rating, denies promotion to, relocates, reassigns, transfers, disciplines, or discriminates in regard to any employment right, entitlement, or benefit, or any term or condition of employment of, any other officer or employee of the Federal Government, or attempts or threatens to commit any of the foregoing actions with respect to such other officer or employee, by reason of any communication or contact of such other officer or employee with any Member, committee, or subcommittee of the Congress as described in paragraph (1).*

*SEC. 641. Section 5118(d)(2) of title 31, United States Code, is amended by striking "This paragraph shall" and all that follows through the end of the paragraph.*

*SEC. 642. (a) This section may be cited as the "Federal Employees' Retirement System Open Enrollment Act of 1997".*

*(b) Any individual who, as of January 1, 1998, is employed by the Federal Government, and on such date is subject to subchapter III of chapter 83 of title 5, United States Code, may elect to become subject to chapter 84 of such title in accordance with regulations promulgated under subsection (c).*

*(c) The Office of Personnel Management shall promulgate regulations to carry out the provisions of this section. Such regulations shall—*

*(1)(A) subject to subparagraph (B), provide for an election under subsection (b) to be made not before July 1, 1998, or after December 31, 1998; and*

*(B) with respect to a Member of Congress, provide for—*

*(i) an election under subsection (b) to be made not before July 1, 1998, or after October 31, 1998; and*

*(ii) such an election to take effect not before January 4, 1999;*

*(2) provide notice and information to individuals who may make such an election, including information on a comparison of benefits an individual would receive from coverage under chapter 83 or 84 of title 5, United States Code; and*

*(3) provide for treatment of such an election similar to the applicable provisions of title III of the Federal Employees' Retirement System Act of 1986 (Public Law 99–335; 100 Stat. 599 et seq.).*

*(d)(1) Section 210(a)(5)(H)(i) of the Social Security Act (42 U.S.C. 410(a)(5)(H)(i)) is amended—*

*(A) by striking "or" after "1986" and inserting a comma; and*

*(B) by inserting "or the Federal Employees' Retirement System Open Enrollment Act of 1997" after "(50 U.S.C. 2157),".*

*(2) Section 3121(b)(5)(H)(i) of the Internal Revenue Code of 1986 is amended—*

*(A) by striking "or" after "1986" and inserting a comma; and*

*(B) by inserting "or the Federal Employees' Retirement System Open Enrollment Act of 1997" after "(50 U.S.C. 2157),".*

*This Act may be cited as the "Treasury and General Government Appropriations Act, 1998".*

And the Senate agree to the same.

For consideration of the House bill, and the Senate amendment, and modifications committed to conference:

JIM KOLBE,
FRANK R. WOLF,
BOB LIVINGSTON,
STENY H. HOYER,
DAVID OBEY,
*Managers on the Part of the House.*

BEN NIGHTHORSE CAMPBELL,
RICHARD SHELBY,
TED STEVENS,
HERB KOHL,
BARBARA A. MIKULSKI,
ROBERT C. BYRD,
*Managers on the Part of the Senate.*

As additional conferees solely for consideration of Titles I through IV of the House bill, and Titles I through IV of the Senate amendment, and modifications committed to conference:

ERNEST ISTOOK,
ANNE M. NORTHUP,
CARRIE P. MEEK,
*Managers on the Part of the House.*

## JOINT EXPLANATORY STATEMENT

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2378), making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1998, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report.

The conference agreement on the Treasury, Postal Service, and General Government Appropriations Act, 1998, incorporates some of the language and allocations set forth in House Report 105–240 and Senate Report 105–49. The language in these reports should be complied with unless specifically addressed in the accompanying statement of managers.

Senate Amendment: The Senate deleted the entire House bill after the enacting clause and inserted the Senate bill. The conference agreement includes a revised bill.

Throughout the accompanying explanatory statement, the managers refer to the Committee and the Committees on Appropriation. Unless otherwise noted, in both instances the managers are referring to the House Subcommittee on Treasury, Postal Service, and General Government and the Senate Subcommittee on Treasury and General Government.

### REPROGRAMMING AND TRANSFER OF FUNDS GUIDELINES

Due to continuing issues associated with agency requests for reprogramming and transfer of funds and use of unobligated balances, the conferees have agreed to revise reprogramming guidelines of the Committees on Appropriations. These guidelines shall be complied with by all agencies funded by the Treasury, Postal Service and General Government Appropriations Act, 1998:

1. Except under extraordinary and emergency situations, the Committees on Appropriations will not consider requests for a reprogramming or a transfer of funds, or use of unobligated balances, which are submitted after the close of the third quarter of the fiscal year, June 30;

2. Clearly stated and detailed documentation presenting justification for the reprogramming, transfer, or use of unobligated balances shall accompany each request;

3. For agencies, departments, or offices receiving appropriations in excess of $20,000,000, a reprogramming shall be submitted if the amount to be shifted to or from any object class, budget activity, program line item, or program activity involved is in

excess of $500,000 or 10 percent, whichever is greater, of the object class, budget activity, program line item, or program activity;

4. For agencies, departments, or offices receiving appropriations less than $20,000,000, a reprogramming shall be submitted if the amount to be shifted to or from any object class, budget activity, program line item, or program activity involved is in excess of $50,000, or 10 percent, whichever is greater, of the object class, budget activity, program line item, or program activity;

5. For any action where the cumulative effect of below threshold reprogramming actions, or past reprogramming and/or transfer actions added to the request, would exceed the dollar threshold mentioned above, a reprogramming shall be submitted;

6. For any action which would result in a major change to the program or item which is different than that presented to and approved by either of the Committees, or the Congress, a reprogramming shall be submitted;

7. For any action where funds earmarked by either of the Committees for a specific activity are proposed to be used for a different activity, a reprogramming shall be submitted; and,

8. For any action where funds earmarked by either of the Committees for a specific activity are in excess to meet the project or activity requirement, and are proposed to be used for a different activity, a reprogramming shall be submitted.

Additionally, each request shall include a declaration that, as of the date of the request, none of the funds included in the request have been obligated, and none will be obligated, until the Committees on Appropriations have approved the request.

## TITLE I—DEPARTMENT OF THE TREASURY

### DEPARTMENTAL OFFICES

### SALARIES AND EXPENSES

The conferees agree to provide $114,771,000, instead of $113,410,000 as proposed by the House and $114,794,000 as proposed by the Senate. Within this amount, $477,000 is for Domestic Finance, $750,000 is for International Affairs, and $500,000 is for contract awards to the National Law Center for Inter-American Free Trade for the explicit purpose of supporting Federal government efforts to conduct legal research specific to relevant trade issues. The conferees specifically deny the $1,000,000 request for the Commodity Market Fees Study, including the study of alternative funding sources and structures for the Commodity Futures Trading Commission.

The conferees agree to include language which sets aside $200,000 for a comprehensive study of the effect of gambling on bankruptcies as proposed by the House.

The conferees agree to include language which sets a funding "floor" for the Office of Foreign Assets Control as proposed by the Senate, modified to set the floor at $4,500,000.

The conferees agree to include language making technical corrections to language which appeared under this heading in the fiscal year 1997 Emergency Supplemental Appropriations Act as proposed by the Senate.

The conferees agree to include language allowing the Under Secretary for Enforcement to transfer up to $1,600,000 of available prior year balances of the Violent Crime Reduction Trust Fund.

### UNDER SECRETARY FOR ENFORCEMENT

The conferees direct the Department of the Treasury to submit, with its fiscal year 1999 budget request, detailed budget justification materials for the Office of the Under Secretary for Enforcement.

### OFFICE OF PROFESSIONAL RESPONSIBILITY

### SALARIES AND EXPENSES

The conferees agree to provide $1,250,000 as proposed by the Senate instead of $1,500,000 as proposed by the House. The conferees expect that the Department will use approximately $350,000 in reprogramming authority, the anticipated share of the unobligated balance of funds at the end of fiscal year 1997, to augment this appropriation. The conferees include House language requiring the Under Secretary for Enforcement to undertake a comprehensive review of integrity issues and other matters related to the potential vulnerability of the U.S. Customs Service.

### AUTOMATION ENHANCEMENT

The conferees agree to provide $25,889,000, instead of $25,989,000 as proposed by the House and $29,389,000 as proposed by the Senate. This includes: $8,789,000 for the Departmental Office's modernization plan; $6,100,000 for the International Trade Data System; and $11,000,000 for Customs' Automated Commercial Environment (ACE).

### AUTOMATED COMMERCIAL ENVIRONMENT (ACE)

The conferees have followed closely Customs' efforts to meet the conditions for release of the $3,475,000 that was fenced in fiscal year 1997 pending completion of a systems architecture plan. While the conferees agree that Customs has markedly improved its processes for making systems investments, including the definition of requirements, the plan is still under review at this time.

In addition, the conferees were dismayed with the recent decision made by Customs to continue to fund ACE projects out of the Salaries and Expenses appropriation when it became clear that the fenced funding would not become available by mid-year. Although the funding level itself was below the dollar threshold for a formal reprogramming request, the conferees believe that the reallocation was not in accordance with Congressional intent. In the future, the conferees direct that funding for ACE be provided exclusively from resources appropriated in this account, absent prior consultation with the Committees on Appropriations.

The conferees strongly support modernization and automation of Customs business functions, and encourage the bureau to continue apace in its planning efforts; however, they remain equally convinced that automation and information technology investments must follow the prudent investment planning processes just now being implemented. The conferees agree to provide $11,000,000 in fiscal year 1998, but only after the Commissioner submits, and the Committees on Appropriations approve, a systems architecture plan and a milestone schedule for the development and implementation of all projects included in that plan.

### INTERNATIONAL TRADE DATA SYSTEM

The conferees agree to provide $6,100,000 instead of $5,700,000 as proposed by the House and $5,600,000 as proposed by the Senate. The conferees direct that $500,000 of this amount be provided to support the Global TransPark Network Customs Information Project (GTPN/CIP).

### OFFICE OF INSPECTOR GENERAL

### SALARIES AND EXPENSES

The conferees agree to provide $29,719,000 as proposed by the Senate instead of $29,927,000 as proposed by the House.

The conferees agree to include language which transfers $26,034 to the Departmental Offices appropriation for the reimbursement of Secret Service agents who were the apparent targets of an investigation. The reimbursements are subject to Section 115 of this Act.

### TREASURY BUILDING AND ANNEX REPAIR AND RESTORATION

The conferees agree to provide $10,484,000 as proposed by the Senate instead of $6,484,000 as proposed by the House.

### TREASURY FORFEITURE FUND

The conferees are aware that the "super surplus" for the Treasury Forfeiture Fund in fiscal year 1997 will be significantly larger than in recent years and direct that the Department provide the Committees the plan for its intended use of these resources in a timely fashion. In support of using these resources to strengthen critical law enforcement capabilities, the conferees direct the Department to use $26,179,000 as follows: $11,100,000 to the Secret Service for its financial fraud operation ($3,000,000), activities related to the Federal Law Enforcement Wireless Users Group (FLEWUG) ($6,100,000), and maintenance requirements of the Rowley Training Center ($2,000,000); $4,000,000 to Customs to fund inspector rotation, if necessary and subject to the findings of the review to be undertaken by the Office of Professional Responsibility; $8,979,000 to the Bureau of Alcohol, Tobacco and Firearms for its firearms trafficking initiative ($6,000,000), increased arson inspectors ($2,729,000), and a guide for firearms and ammunition identification ($250,000); and $2,100,000 for the Financial Crimes Enforcement Network for international money laundering programs ($2,000,000), and to assist with travel and per diem costs of the National Conference of Commissioners of Uniform State Laws in connection with the drafting of a model law envisioned by section 407 of the Money Laundering Suppression Act of 1994 ($100,000).

### EXPLOSIVES INSPECTORS

The conferees are strongly supportive of ATF efforts to fully inspect explosives facilities but find the justification for enhanced annual inspections of all facilities nationwide inadequate. The conferees provide $2,729,000 for this effort in fiscal year 1998, half of the funding requested.

### VIOLENT CRIME REDUCTION PROGRAMS

The conferees agree to provide $131,000,000, instead of $97,000,000 proposed by the House and $130,955,000 proposed by the Senate. This amount is to be used as follows:

| | |
|---|---|
| Bureau of Alcohol, Tobacco and Firearms: | |
| GREAT administration/training | $ 3,000,000 |
| CEASEFIRE/IBIS Program | 5,200,000 |
| Vehicle replacement | 4,500,000 |
| Arson/Explosives Information Collection | 1,608,000 |
| Landmobile Radio Systems | 1,139,000 |
| Canine Explosives Detection Program | 3,974,000 |
| Subtotal, ATF | 19,421,000 |
| GREAT Program Grants: | 10,000,000 |
| Secret Service: | |
| Vehicle replacement | 6,700,000 |
| Identity-based fraud | 1,460,000 |
| Counterfeit investigations | 5,000,000 |
| Forensic technologies | 2,000,000 |

| | |
|---|---|
| Support for the NCMEC | 571,000 |
| Subtotal, Secret Service | 15,731,000 |
| Customs: | |
| High Energy X-Ray Inspection Systems | 15,000,000 |
| Redeployment of agents and inspectors | 4,000,000 |
| Canopy construction (Southwest border) | 1,100,000 |
| Land Border Automation Initiative | 9,500,000 |
| Operation Hard-Line III | 8,413,000 |
| Vehicle replacement | 7,400,000 |
| Laboratory modernization | 5,735,000 |
| Vehicle and container inspection system | 5,000,000 |
| Forward-Looking Infrared | 4,500,000 |
| Subtotal, Customs | 60,648,000 |
| Financial Crimes Enforcement Network | 1,000,000 |
| Federal Law Enforcement Training Center | 1,000,000 |
| Office of National Drug Control Policy: | |
| Counterdrug Technology Assessment Center | 13,000,000 |
| Model State Drug Law Conferences | 1,200,000 |
| Drug-Free Prison Pilot Project | 6,000,000 |
| Subtotal, ONDCP | 20,200,000 |
| High Intensity Drug Trafficking Areas: | 3,000,000 |

### SECRET SERVICE

For the Secret Service, the conferees provide $15,731,000 instead of $16,837,000 as proposed by the House and $21,178,000 as proposed by the Senate. The conferees provide $15,664,000 for White House Security through the Secret Service's Salaries and Expenses appropriation and $3,000,000 for Financial Institution Fraud Investigations through the Treasury Forfeiture Fund.

### NATIONAL CENTER FOR MISSING AND EXPLOITED CHILDREN

#### CHILD EXPLOITATION UNIT

In fiscal year 1997, the Committees provided start up costs for the operation of the Exploited Child Unit at the National Center for Missing and Exploited Children as well as sufficient funds for the operation of this unit through fiscal year 1999. The Committees have had the opportunity to review the work of this Unit and are pleased with the progress being made in the integration of investigations of exploited children with investigations being conducted through the National Center for Missing and Exploited Children in recovering missing children. The conferees wish to express continued support for the work of this Center as well as the cooperation being provided by the Secret Service through the use of forensic technologies. The conferees provided an additional $571,000 for the operation of the Exploited Child Unit of the National Center for Missing and Exploited Children and encourages the Center to provide the Committees with periodic status reports of its investigative efforts.

#### COUNTERDRUG TECHNOLOGY TRANSFER PILOT PROGRAM

The conferees provide $13,000,000 to the Counterdrug Technology Assessment Center (CTAC) of the Office of National Drug Control Policy (ONDCP) to establish a program for transferring technology directly to State and local law enforcement agencies. Since its inception, CTAC has worked with many law enforcement agencies and prosecutors to find technological solutions to critical law enforcement problems, and many valuable applications have been developed. The conferees direct that this new funding be used to initiate a pilot program to transfer these technologies directly to State and local law enforcement agencies who may otherwise be unable to profit from the developments due to limited budgets or a lack of technological expertise. The conferees direct CTAC to initiate this program under the direction of the Chief Scientist, ONDCP, with the advice of experts from State and local law enforcement, and in cooperation with High Intensity Drug Trafficking Area (HIDTA) programs to identify the technologies to be transferred and locations to be served. The conferees expect that priority will be given to identifying candidates for transfer in the currently designated HIDTAs, and expect that CTAC and HIDTA will also weigh the ability and willingness of potential recipients to share in the costs of new technology, either through in-kind or direct contributions. The conferees also direct the Chief Scientist to submit a report to the Committees on Appropriations evaluating the performance of the program not later than 18 months from the date of the first transfer, as well as a strategic plan for countrywide deployment of technology. Additionally, the Chief Scientist is directed to consult with the Committees on Appropriations prior to the obligation of these funds to ensure that the money appropriated is going toward providing State and local law enforcement agencies access to counterdrug technology and not unreasonable administrative or otherwise unintended purposes.

### FEDERAL LAW ENFORCEMENT TRAINING CENTER

#### FOREIGN LAW ENFORCEMENT TRAINING

The conferees have modified the Federal Law Enforcement Training Center (FLETC) language to allow the Secretary of the Treasury to waive the reimbursement requirement for training of foreign law enforcement officials for those training activities which take place in foreign countries under the provisions of section 801 of the Antiterrorism and Effective Death Penalty Act of 1996. However, the conferees expect the Secretary to ensure that utilization of such authority will not result in a diminution of the funds and personnel available for training of domestic law enforcement personnel.

#### FEDERAL LAW ENFORCEMENT TRAINING CENTER

#### ACQUISITION, CONSTRUCTION, IMPROVEMENTS, AND RELATED EXPENSES

The conferees agree to provide $32,548,000 as proposed by the House instead of $13,930,000 as proposed by the Senate.

### FINANCIAL MANAGEMENT SERVICE

#### SALARIES AND EXPENSES

The conferees agree to provide $202,490,000 as proposed by the Senate instead of $199,675,000 as proposed by the House.

### BUREAU OF ALCOHOL, TOBACCO AND FIREARMS

#### SALARIES AND EXPENSES

The conferees agree to provide $478,934,000, instead of $478,649,000 proposed by the House and $473,490,000 proposed by the Senate. This amount includes $4,961,000 for technology and telecommunications; $754,000 for laboratory and investigative supplies; $3,615,000 for computer modernization; $1,250,000 for the Youth Crime Gun Interdiction Initiative; and $6,333,000 for Permanent Change of Station moves and Within-Grade-Increases.

The conference agreement does not include a provision to require the ATF to seek prior approval from the House Committee on Government Reform and Oversight and the Senate Committee on Governmental Affairs for separation incentive plans authorized by Public Law 104–208. However, the conferees would like to remind all agencies that they are required to submit to the House and Senate, prior to implementation, their strategic plans outlining the intended use of such incentive payments and a proposed organization chart for the agency once the incentive payments have been completed.

The conferees recommend that the Bureau of Alcohol, Tobacco and Firearms work with the federally licensed firearms dealers to make recommendations for the improvement of the dealers' existing security measures.

### UNITED STATES CUSTOMS SERVICE

#### SALARIES AND EXPENSES

The conferees agree to provide $1,522,165,000, instead of $1,526,078,000 proposed by the House and $1,551,028,000 as proposed by the Senate. This includes funding of $5,000,000 for Customs house renovation; $1,250,000 for one-time funding of the Global Trade and Research Program at the Montana World Trade Center; and $300,000 to staff a dedicated commuter lane in El Paso, Texas. The conference agreement provides language permitting up to $5,000,000 to be used for special operations. The conference agreement also provides that the overtime pay cap for Customs inspectors will be raised to $30,000.

#### LEASE AND PURCHASE OF CUSTOMS SERVICE VEHICLES

The conference agreement provides authority to the U.S. Customs Service to purchase and lease vehicles for police-type use. The conferees would like to remind Customs to conduct a cost-benefit analysis of the available acquisition methods, as required by OMB Circular A–109, when they are acquiring vehicles. Based on the results of this analysis, Customs should proceed with leasing vehicles, for police-type modification, only when it is determined that this acquisition method provides the Federal government long term savings.

#### CUSTOMS CLEARANCE

The conferees are concerned about possible disparities in customs clearance, time in transit, duties, and processing paperwork burdens attributable to shipment of goods. In its role of facilitating the movement of merchandise, cargo, and mail, the Customs Service is directed by the conferees to examine whether disparities exist in services used by small and large businesses and individuals with regard to customs clearance, time in transit, duties, and processing paperwork burdens. The Customs Service is directed to report back to the Committees on Appropriations by February 2, 1998. Further, the conferees are aware of the examination of the General Accounting Office on this issue, and request that the Customs Service cooperate fully with this investigation.

#### OPA-LOCKA AIRPORT

The conferees are aware that Opa-locka Airport in Dade County, Florida now has customs service from 9 a.m. to 5 p.m. These limited hours require general aviation aircraft arriving from Latin America and the Caribbean after 5 p.m. to land at Miami International Airport (MIA). This diversion further congests MIA, which is already the nation's busiest cargo airport. Accordingly, the conferees encourage the Customs Service to provide customs service at Opa-locka airport from 9 a.m. to 10 p.m. daily.

### TEXTILES

The Customs Service shall report to the Appropriations Committee no later than March 1, 1998 on what actions it is taking to enforce prohibitions of illegal transshipments of fraudulently labeled textiles and apparels within the U.S. textile quota system. The Service will also provide the Committee with an assessment of the severity of the transshipment problem and its impact on U.S. textile and apparel manufacturers.

### SOFTWOOD LUMBER AGREEMENT

One of the U.S. Customs Service's most important tasks is fully and effectively enforcing U.S. trade agreements. With this in mind, the conferees have provided an additional $2,000,000 to the U.S. Customs Service to supply additional resources for monitoring and enforcing the United States/Canada Softwood Lumber Agreement—our largest bilateral sectoral agreement. The Lumber Agreement, established in April 1996, addresses the problem of subsidized Canadian lumber imports which have caused enormous injury to U.S. lumber producers. This additional funding will provide Customs adequate resources to reconcile U.S. import data with Canadian export data on shipments under the Agreement. The resources should ensure that Customs conducts the Northern border inspections and analyzes the trade statistics necessary to ensure full and effective enforcement of the Lumber Agreement.

In that regard, the conferees expect that the U.S. Customs Service will cease enforcement of any interpretative ruling that would have the effect of undermining enforcement of the Lumber Agreement, including any ruling that would have the effect of classifying lumber that would otherwise be classified under the heading of 4407 of the Harmonized Tariff Schedule in a different classification because it has been drilled or otherwise subject to minor processing, until Congress can address this issue.

### OPERATIONS, MAINTENANCE AND PROCUREMENT, AIR AND MARINE INTERDICTION PROGRAMS

The conferees agree to provide $92,758,000 as proposed by the Senate, instead of $97,258,000 as proposed by the House. The conferees agree to fund Forward-Looking Infrared systems through the Violent Crime Reduction Trust Fund.

### CUSTOMS SERVICES AT SMALL AIRPORTS

The conferees agree to make permanent the provision that Customs services at small airports may be derived from fees collected.

## BUREAU OF THE PUBLIC DEBT

### ADMINISTERING THE PUBLIC DEBT

The conferees agree to provide $169,426,000, the amount proposed by both the House and the Senate. The conferees agree to include language providing $2,500 for official reception and representation expenses as proposed by the Senate.

## INTERNAL REVENUE SERVICE

### PROCESSING, ASSISTANCE, AND MANAGEMENT

The conferees agree to provide $2,925,874,000, instead of $2,915,100,000 as proposed by the House and $2,943,174,000 as proposed by the Senate.

The $17,300,000 reduction from the amount proposed by the Senate is from the amount requested for Earned Income Tax Credit (EITC) enforcement. The conferees have agreed to provide a total of $138,000,000 for EITC enforcement in a separate appropriation account and therefore the $17,300,000 is no longer required under this appropriation.

### BROOKHAVEN SERVICE CENTER

The conferees are concerned that the IRS appears to be unwilling to come to a resolution on its proposed renovation plans for the IRS Center in Brookhaven, New York. Due to this recalcitrant attitude on the part of IRS, the renovation project is at least three years behind schedule.

Despite past assurances from both the IRS and the General Services Administration (GSA) that this renovation project would move forward expeditiously, this has not happened. The conferees direct the IRS to submit a report by January 15, 1998, to the Appropriations Committees that details its planned construction schedule to renovate the IRS Center in Brookhaven.

### FIELD OFFICE REORGANIZATION

The Treasury, Postal Service and General Government Appropriations Act, 1997, (P.L. 104–208) included a provision (Section 105) which required the IRS to provide a report to the Committees on Appropriations on the impact of the planned field reorganization before it could implement the reorganization. The Committees found the report lacking, particularly with regard to the cost/benefit analysis of how adequate taxpayer service will be provided in the future. The conferees, therefore, direct the IRS to continue to delay its planned field reduction-in-force until it submits another report to the Committees on Appropriations, no earlier than January 30, 1998, with a detailed plan on how the IRS will ensure adequate taxpayer service in the future. In addition, based on concerns expressed by Members of Congress, the conferees direct the IRS to include in the report a detailed analysis of the impact of the field reorganization on the adequacy of taxpayer services in rural areas of the country.

### PRIVACY ISSUES

The conferees have not included a provision as proposed by the House which would have prohibited the IRS from including Social Security numbers on mailing labels or other visible mailings because of the concern over the cost which the IRS would incur to implement this provision. However, the conferees remain concerned that including Social Security numbers on mailing labels or other visible mailings violates certain taxpayer privacy protections. The IRS should report to the Committees on Appropriations on how it plans to protect taxpayer privacy in its mailings.

### ELECTRONIC FILING INITIATIVE

The conferees have included a provision as recommended by the House, with modifications, which establishes an Electronic Filing Initiative.

The provision directs that this initiative be established as a pilot project in fiscal year 1998. The initiative directs the IRS to pay up to $3.00 for each return filed electronically when the Commissioner of the IRS has determined that it is in the best interest of the government to make such a payment. The conferees stress the "up to" $3.00 sets the cap on the payment, but does not set a floor on the payment. The amount of the payment would be at the discretion of the Commissioner.

Additionally, it is not the intent of the conferees that the IRS should pay for electronically-filed tax returns which it would otherwise have received without making any payment. Therefore, the IRS shall only pay for the volume of electronically-filed tax returns that are in excess of the number which were received in 1996.

The conferees agree that only if the Commissioner determines that it is in the best interest of the government, shall any payment be made for the increased volume of electronically-filed tax returns. The conferees recognize that the IRS is in the process of developing a contract with private sector companies which provide electronic filing services which may offer non-payment incentives to increase electronic filing. The inclusion of this provision should not be construed as an effort to hinder or alter the IRS effort. The conferees simply want to ensure that the IRS will carry through on its long-delayed plan to increase electronically-filed returns. The plan should include the most appropriate mix of incentives, which may or may not include monetary offers, as determined by the Commissioner.

### TAX LAW ENFORCEMENT

The conferees agree to provide $3,142,822,000, instead of $3,108,300,000 as proposed by the House and $3,153,722,000 as proposed by the Senate.

The $10,900,000 reduction from the amount proposed by the Senate is from the amount requested for Earned Income Tax Credit (EITC) enforcement. The conferees have agreed to provide a total of $138,000,000 for EITC enforcement in a separate appropriation account and therefore the $10,900,000 is no longer required under this appropriation.

### RESCISSION OF FUNDS

The conferees agree to rescind $32,000,000 in previously appropriated funds as proposed by the Senate instead of a rescission of $14,500,000 in previously appropriated funds as proposed by the House.

### INTERNAL AUDIT REPORTS

The conferees request that the Internal Revenue Service forward to the Committees on Appropriations copies of internal audit reports.

### TIP REPORTING ALTERNATIVE COMMITMENT PROGRAM

The conferees agree with the House position that the IRS should work with taxpayers to ensure compliance with the Tip Reporting Alternative Commitment Agreement (TRAC). In too many instances, restaurant owners perceive that the IRS may be overzealous in their pursuit of voluntary agreement with TRAC by intimating that the business will be audited if there is no agreement. The conferees agree that IRS should ensure compliance with tip reporting by stressing its customer service role while working with restaurant owners.

### REGULATIONS REGARDING CONDUCT OF NON-PROFIT VENTURES

The report which accompanied the Treasury, Postal Service and General Government Appropriations, 1997 (P.L. 104–208), incorporated by reference language contained in the Senate's report 104–330 concerning tax-exempt organizations and the tour industry. This is a continuing issue in fiscal year 1998 because of increased growth in the number of tax exempt organizations that choose to engage in commercial activities. The ambiguities in the definition of what is and is not taxable, contribute to the ongoing controversy.

The 1997 report directed the Internal Revenue Service to review this situation and take steps, if necessary, to develop regulations clarifying the "substantially related" test as it applies to tax exempt travel and tour activities. The IRS has not yet developed regulations to clarify this issue. The conferees believe that this issue must be resolved soon and directs the IRS to work with the appropriate Congressional committees to develop the necessary regulations before April 15, 1998.

### EARNED INCOME TAX CREDIT COMPLIANCE INITIATIVE

The conferees agree to provide $138,000,000 in a new appropriation account for the Earned Income Tax Credit (EITC) compliance initiative which was established by section 5702 of the Balanced Budget Act of 1997 (Public Law 105-33). This is $30,895,000 more than the $107,105,000 requested by the President in a September 17, 1997 budget amendment.

The conferees direct that IRS use these funds only for the EITC compliance initiative. Furthermore, the IRS should establish a method to track the expenditure of funds and measure the impact on compliance. The IRS shall submit quarterly reports to the Committees on Appropriations which identify the expenditures and the change in the rates of compliance.

### INFORMATION SYSTEMS

The conferees agree to provide $1,272,487,000, as proposed by the Senate, instead of $1,292,500,000 as proposed by the House.

Within this amount, the conferees agree to provide funds as follows:

| | |
|---|---|
| Operational Systems | $936,614,000 |
| Century Date Change | 289,700,000 |
| Quality Assurance | 7,112,000 |
| Modernization Management | 8,227,000 |
| Modernization Support | 23,834,000 |
| Retraining/Relocation of employees | 7,000,000 |
| Total | 1,272,487,000 |

Through the re-application of 1997 and 1996 funds, an additional $87,000,000 is made available for Century Date Change requirements as discussed below.

The conferees note that the amount provided for Operational Systems is the amount requested in the fiscal year 1998 budget request. Should the IRS require the expenditure of funds in a manner different from that listed above, a reprogramming action is required.

### CENTURY DATE CHANGE REQUIREMENTS

The conferees agree to provide a total of $376,700,000 for Century Date Change requirements. The conferees understand that, as of September 12, 1997, this is the amount requested for this program. Of this amount, $289,700,000 is provided as an appropriation in the Information Systems account. The conferees also direct that $77,000,000 be reprogrammed from fiscal year 1997 funds available from the Tax Systems Modernization (TSM) development and deployment program and $10,000,000 shall be reprogrammed from the 1996 TSM program. The conferees direct the IRS to expeditiously submit the necessary reprogramming actions to the Committees on Appropriations.

To the extent that the Century Date Change requirements exceed the amount provided, the Committees on Appropriations would be willing to consider a reprogramming request which would increase the amount available for the Century Date Change program.

The Committees on Appropriations were provided with an abundance of conflicting data from the IRS concerning what constitutes projects and activities required for addressing the Year 2000 systems changes. The conferees are concerned that the Century Date Change requirements are not yet finalized and projects and activities considered as part of the program may frequently change. Additionally, the conferees are concerned that the IRS has no overall integrated plan for the assessment of the problem, applying solutions to the problem, and then adequately testing the solutions before deployment of the applications to field operations.

Therefore, the conferees direct the IRS to develop a Century Date Change strategy which adequately addresses infrastructure, assessment (inventory/analysis), application renovation (upgrade deployment), and validation requirements. The conferees direct the IRS to provide quarterly reports tracking its progress in meeting this strategy. The report should include expenditure of funds, application of FTEs, and an estimate in percentage terms, stating how much has been accomplished and how much remains to be completed in accordance with the strategy.

Of the $376,700,000 provided for Century Date Change, $170,000,000 is available as follows:

| | |
|---|---|
| Conversion & Testing | $79,000,000 |
| Telecommunications | 23,000,000 |
| ADP Equipment | 13,000,000 |
| Operating systems software | 17,000,000 |
| Project Office/Program Management | 9,000,000 |
| Certification | 7,000,000 |
| Contingency | 42,000,000 |
| Offset within IRS budget | −20,000,000 |
| Total | 170,000,000 |

The conferees direct that the IRS provide the Committees on Appropriations notification prior to the expenditure of any funds identified above as a "Contingency." The notification shall include a justification of the expenditure and a certification that the expenditure is in compliance with the IRS strategy for Century Date Change.

### DATA CENTER CONSOLIDATION

The conferees agree to provide a total of $164,700,000 for the consolidation of IRS' data centers. Of this amount, $157,700,000 is for costs associated with the acquisition and installation of equipment and software and $7,000,000 is for costs associated with any possible retraining or relocation of employees affected by the consolidation. To the extent that IRS does not require all of the $7,000,000 designated for retraining and relocation of employees, it may submit a reprogramming request to add these funds to the $157,000,000 provided for acquisition and installation of equipment and software necessary for Data Center Consolidation.

### GOVERNMENT PROGRAM MANAGEMENT OFFICE (GPMO)

The conferees agree to provide $8,227,000 for Modernization Management. The conferees direct that, within these funds, the GPMO be staffed at no more than 75 full-time equivalents. The GPMO's responsibilities are to administer and manage the modernization program. The conferees expect that, in fiscal year 1998, the modernization program will focus on completing necessary details of the modernization blueprint, not the acquisition of new systems. The GPMO should monitor this process to ensure that the development of these details reflect the requirements of the IRS.

### REPORTING REQUIREMENTS

The conferees agree with the quarterly reporting requirements contained in the House report (Report 105-240). However, the conferees agree that the quarterly reports should be submitted no later than 30 days after the close of each quarter, rather than 15 days, as recommended by the House.

### INFORMATION TECHNOLOGY INVESTMENTS

The conferees agree to provide $325,000,000 as proposed by the Senate instead of $326,000,000 as proposed by the House. The conferees further agree that the funds are provided for modernization as described in the Modernization Blueprint which was submitted to Congress on May 15, 1997.

The conferees have agreed to prohibit the obligation of funds from the Information Systems (IS) appropriation, as well as previous IS appropriations, for awarding or otherwise initiating the Prime contract through which systems related to modernization would be acquired. The conferees have also agreed to prohibit the obligation of funds from the Technology Investments account until September 1, 1998, and until certain conditions are met. The conferees remind the IRS that the obligation of these funds is prohibited until the IRS is in compliance with all the requirements of the legislation.

The General Accounting Office (GAO) has reviewed the Modernization Blueprint and has informed the Committees on Appropriations that IRS has made a good start in developing its Modernization Blueprint, but must complete and implement this Blueprint before building or acquiring new systems. The conferees agree with the GAO in this regard. The Committees on Appropriations are very pleased that IRS has made significant progress in putting together a workable modernization program. However, many details of the Blueprint need to be completed before the IRS commits to acquire new systems. Funds provided for Modernization Support should be used to continue efforts to complete the necessary details.

The conferees direct the IRS to submit a status report, no later than April 30, 1998, which addresses ongoing efforts to implement the May 15, 1997 Modernization Blueprint. The report should, at a minimum, provide (1) detailed descriptions of how the IRS has implemented the processes and procedures for investment review and systems life cycle and (2) the status of efforts on the development of business cases and requirements.

### ADMINISTRATIVE PROVISIONS

### INTERNAL REVENUE SERVICE

Section 101–105. The conferees agree to include these provisions which were proposed by both the House and the Senate.

Section 106. The conferees agree to include a provision as proposed by the Senate which directs that funds shall be available for improved facilities and increased manpower to provide sufficient and effective 1-800 telephone assistance.

Section 107. The conferees agree to include a provision as proposed by the Senate which directs that no field reorganization shall be undertaken at Aberdeen, South Dakota, until certain conditions are met.

Section 108. The conferees agree to include a modified provision proposed by the Senate, which directs that no field reorganization of the Criminal Investigation Division will result in a reduction, as compared to the 1996 levels, of criminal investigators in Wisconsin. The provision has been modified to include the South Dakota Criminal Investigation Division.

### UNITED STATES SECRET SERVICE

### SALARIES AND EXPENSES

The conferees agree to provide $564,348,000 instead of $555,736,000 as proposed by the House and $570,809,000 as proposed by the Senate. The conferees provide $20,936,000 for additional White House Security requirements, instead of $4,000,000 as proposed by the House and $6,568,000 as proposed by the Senate; this includes $15,664,000 for White House Security previously funded through the Violent Crime Reduction Trust Fund. The conferees include $6,100,000 for the Federal Law Enforcement Wireless Users Group in the Treasury Forfeiture Fund.

### WHITE HOUSE SECURITY REQUIREMENTS

The conferees have provided a total of $20,936,000 for various White House Security requirements in fiscal year 1998. This is $7,864,000 below the amount requested by the Administration and reflects a reduction of $4,001,000 associated with 277 positions that remain unfilled and $3,863,000 for additional technical and clerical positions within the White House. The conferees fully support all ongoing and planned White House Security enhancements and note that, since the completion of the "White House Security Review", a total of $51,406,000 of the total anticipated requirement of approximately $62,000,000 has been funded. The conferees are committed to fully funding the recommendations of the "White House Security Review" and anticipate that full funding will be provided in fiscal year 1999.

### ACQUISITION, CONSTRUCTION, IMPROVEMENT, AND RELATED EXPENSES

The conferees agree to provide $8,799,000 instead of $5,775,000 as proposed by the House and $9,176,000 as proposed by the Senate. This includes $7,176,000 for activities related to the new Headquarters as well as $1,623,000 for fixed site security requirements previously funded through Salaries and Expenses. The conferees provide $2,000,000 for maintenance related activities of the Rowley Training Center through the Treasury Forfeiture Fund.

### General Provisions—Department of the Treasury

Section 110–114. The conferees agree to include these provisions which were proposed by both the House and Senate with minor technical corrections.

The conferees have not included a provision related to the currency paper contract, as proposed by the House.

Section 115. The conferees agree to include a provision as proposed by both the House and Senate which authorizes the reimbursement of Secret Service personnel under certain conditions. However, the conferees agree to the total amount of $26,034, as proposed by the House.

Section 116. The conferees agree to include a provision as proposed by both the House and Senate which prospectively adjusts the compensation of the Secretary of the Treasury, beginning with the subsequent Secretary.

Section 117. The conferees agree to include a provision as proposed by the House which limits the amount of time the Department may have to respond to requests for information. The conferees stress that the problems alleviated by this provision are problems which were experienced by the House Appropriations Committee, not the Senate Appropriations Committee.

Section 118–119. The conferees agree to include these provisions which were proposed by both the House and Senate with minor technical corrections.

Section 120. The conferees agree to include a provision, with modifications, as proposed by the House which directs the IRS to initiate an electronic filing pilot project. The provision has been modified to expand the group of participants and provide more discretion to the IRS Commissioner. This provision is addressed more fully in the IRS section of this Statement.

Section 121. The conferees agree to include a provision, with modifications, as proposed by the House which addresses compensation rates of police officers at the BEP and U.S. Mint. The modifications agreed to by the conferees clarify that setting the rates of pay shall be at the sole discretion of the Secretary of the Treasury or his designee.

Section 122. The conferees agree to include a provision, with modifications, as proposed by the House which adjusts the transfer of funds from the Treasury Forfeiture Fund to the Special Forfeiture Fund, and provides that unobligated balances of the Super Surplus may be carried forward into the next fiscal year. The modifications agreed to by the conferees provide that $38,500,000 of the Super Surplus would not be available for obligation until fiscal year 1999.

Section 123. The conferees agree to include a provision as proposed by the Senate which waives certain requirements of the U.S. Customs Service.

Section 124. The conferees agree to include a provision as proposed by the Senate which prohibits funds for the Inspector General of the Treasury Department to contract for advisory and assistance services.

## TITLE II—POSTAL SERVICE

### Payment to the Postal Service Fund for Nonfunded Liabilities

The conferees provide no appropriation for Nonfunded Liabilities instead of $34,850,000 as proposed by both the House and Senate. The Balanced Budget Act of 1997, Pub. L. 105–33, contains a provision repealing the authorization for payments to the Postal Service as reimbursement for costs associated with former Post Office Department employees under the Employees' Compensation Fund. As a result, no funding has been provided for Payment to the Postal Service Fund for Nonfunded Liabilities.

### Non-Postal Commercial Activities

The conferees have recently been made aware of concerns within the small business community relating to certain "non-postal" commercial activities. The non-postal commercial activities recently initiated by the Postal Service include the sale of T-shirts, neckties, greeting cards, stationary, and other gift items.

The conferees continue to have an interest in non-postal commercial activities and therefore direct the Postal Service to report, as part of its fiscal year 1999 budget submission, on the non-postal activities offered by the Postal Service including a description of each service, the potential benefits to postal customers, an assessment of how these non-postal services contribute to providing uniform postal services at uniform rates, an estimate of net revenue generated, and, if applicable, an assessment of the potential impact of non-postal operations on the small business community.

The conferees also note that the House Government Reform and Oversight Committee is considering postal reform legislation and among the issues which it may consider is the issue of competition by the Postal Service in these areas. The requested report should be made available to that Committee for consideration during action in this area as part of its postal reform legislation or as separate legislation.

### Global Package Link

The conferees include no provisions related to Global Package Link as proposed by the House in House Report 105–240.

## TITLE III—EXECUTIVE OFFICE OF THE PRESIDENT AND FUNDS APPROPRIATED TO THE PRESIDENT

### White House Office

### WHITE HOUSE COMMUNICATIONS AGENCY

The conferees direct the White House Office to establish a system for tracking and verifying all reimbursements made to the White House Communications Agency (WHCA) and to report to the Committees on Appropriations on this system no later than November 1, 1997. In addition, the conferees direct the White House Office, as part of its annual budget submission, to provide a detailed accounting of reimbursements made to WHCA in the current fiscal year and an estimate of reimbursements for the upcoming year. This submission should include a description of the types of services reimbursed.

### Executive Residence at the White House

### REIMBURSABLE EXPENSES

The conferees establish a separate account for the Reimbursable Expenses of the Executive Residence, as proposed by the House.

### Office of Policy Development

### SALARIES AND EXPENSES

The conferees eliminate all restrictions on the use of funds for computer modernization within the Office of Policy Development as proposed by the Senate.

### Office of Administration

### CAPITAL INVESTMENT PLAN

The conferees have recently received information from the Office of Administration (OA) regarding the Executive Office of the President's (EOP) five-year automation plan. Based on this information, and as requested by the Administration, the conferees have agreed to eliminate all restrictions on the use of funds for information technology within the Executive Office of the President. The conferees understand that the OA has established a formal Information Technology Management Team (ITMT) as of September 25, 1997. The conferees further understand that the ITMT will be responsible for assessing, approving, modifying and implementing a systems architecture plan for EOP information technology modernization. The conferees direct the OA to submit the architectural plan, as approved by the ITMT, to the Committees on Appropriations as expeditiously as possible. As part of the fiscal year 1999 budget submission, the OA should include a milestone schedule for the development and implementation of all projects included in the systems architecture plan and an estimate of the funds and projects required to support the fiscal year 1999 capital investments associated with that plan.

### Office of Management and Budget

### SALARIES AND EXPENSES

The conferees agree to provide $57,440,000 for the Office of Management and Budget (OMB) instead of $57,240,000 as proposed by the House and the Senate.

### CONGRESSIONAL REVIEW ACT

The conferees are aware of concerns that the Office of Information and Regulatory Affairs (OIRA) may not be implementing and coordinating certain provisions of the Congressional Review Act (CRA) as efficiently and effectively as possible. The conferees urge the Director of OMB to ensure the maximum coordination and implementation of the CRA through the OIRA.

### AGRICULTURAL MARKETING ORDERS

As proposed by the House, the conferees have included a provision prohibiting the use of funds for reviewing agricultural marketing orders. The conferees agree that this provision shall not negate the study of the Northeast Interstate Dairy Compact as required by Section 732 of the conference report accompanying H.R. 2160. The conferees also agree that OMB shall not conduct any study or review that hinders the Department of Agriculture from implementing the consolidations and reforms of federal milk marketing orders as requited by the provisions of Section 143 of the Federal Agricultural Improvement and Reform Act of 1996 (7 U.S.C., et seq).

### DEBT COLLECTION ACTIVITIES

The Debt Collection Improvement Act (DCIA) of 1996 (31 U.S.C. 3716, 31 U.S.C. 3720A, 26 U.S.C. 602, and 5 U.S.C. 5514) requires agencies to refer delinquent debt to the Department of the Treasury so that Treasury can offset delinquent debt owed the respective agency against payments made by Treasury disbursement officials. Pursuant to the DCIA, agencies are required to transfer to Treasury for collection, debts that are insufficiently serviced and 180 days delinquent, unless prescribed actions by a particular agency have commenced.

Enactment of this legislation is intended to streamline and enhance the capabilities of the Federal government in collection of outstanding debts. The conferees are concerned that agencies have not taken the appropriate steps required by law and are failing to provide Treasury with the information within the time frame outlined in the statute.

The conferees, therefore, direct the Director of OMB to ensure that agencies are complying with the law and providing information to Treasury as required.

### UNIQUE IDENTIFICATION NUMBER

The Director of the Office of Management and Budget shall prepare and submit to the Committees on Appropriations and to the Government Reform and Oversight Committee of the House and the Committee on Governmental Affairs of the Senate, by not later than March 15, 1998, a report on the costs, benefits and logistics of implementing a proposal to require that each organization that receives a grant from the Federal government should be issued a unique identification number.

### OFFICE OF NATIONAL DRUG CONTROL POLICY

### SALARIES AND EXPENSES

The conferees agree to provide $35,016,000 instead of $43,516,000 as proposed by the House and $36,016,000 as proposed by the Senate. Of this amount, the conferees have included $16,000,000 for the basic program of the Counterdrug Technology Assessment Center, and $1,000,000 for policy research and evaluation.

The conference agreement separately funds $13,000,000 for a new technology transfer program by the Counterdrug Technology Assessment Center, as well as $1,200,000 for model state drug law conferences, through the Violent Crime Reduction Trust Fund.

### FEDERAL DRUG CONTROL PROGRAMS

### HIGH INTENSITY DRUG TRAFFICKING AREAS PROGRAM

The conferees agree to provide $159,007,000 instead of $146,207,000 as proposed by the House and $140,207,000 as proposed by the Senate. This amount would fully fund the Administration's request. The conferees provide $10,000,000 for the creation of three new HIDTAs: $6,000,000 for Kentucky, West Virginia, and Tennessee; $1,000,000 for central Florida; and $3,000,000 for Milwaukee, Wisconsin, should the Director of the ONDCP determine the location meets the designated criteria. In addition, funding is included for methamphetamine programs, including $1,500,000 to the Rocky Mountain HIDTA and $7,300,000 to build upon national methamphetamine reduction programs funded in fiscal year 1997 through the Special Forfeiture Fund. Finally, the conferees agree to provide an additional $3,000,000 for the Rocky Mountain HIDTA through the Violent Crime Reduction Trust Fund. The conferees encourage the Director of the ONDCP to consider providing assistance under this program to the Suffolk County, New York, Police Department's Computer Crime Analysis Unit.

### SPECIAL FORFEITURE FUND

The conferees agree to provide $211,000,000 instead of $205,000,000 as proposed by the House and $145,300,000 as proposed by the Senate. This includes $195,000,000 to support a national media campaign, $10,000,000 to support matching grants to drug-free communities as authorized in the Drug-Free Communities Act of 1997, and $6,000,000 to continue the program funded in fiscal year 1997 to reduce drug use in the criminal justice system.

### YOUTH MEDIA CAMPAIGN

The conference agreement includes $195,000,000 to support a national media campaign for the first year of a possible five-year media campaign proposed by the Director of the ONDCP to target young people. No funds would be available for obligation until the ONDCP Director submits a strategy for approval that contains:

(1) guidelines to ensure and certify that funds will neither supplement nor supplant current anti-drug community based coalitions or pro bono public service time donated by national and local broadcasting networks;

(2) guidelines to ensure and certify that no funds will be used for partisan political purposes, or to fund media campaigns that feature elected officials, persons seeking elected office, cabinet-level officials, or certain other Federal officials;

(3) a detailed implementation plan for securing private sector contributions including but not limited to in-kind contributions;

(4) a detailed implementation plan of the qualifications necessary for any organization, entity, or individual to receive funding for or otherwise be provided broadcast media time; and

(5) a system to measure outcomes of success of the national media campaign.

The conference agreement requires the ONDCP Director to report to Congress quarterly on obligation of funds and on the parameters of the campaign, as well as to report to Congress within two years on the effectiveness of the campaign based upon the measurable outcomes previously provided to Congress.

The conferees direct ONDCP to assess all media vehicles available for this campaign including, but not limited to, broadcast and print media, and the Internet. Further, the conferees direct ONDCP to consult with media and drug experts, such as the Ad Council and the Partnership for a Drug-Free America, in an effort to draw from the experience and expertise of individuals and organizations that have experience in this field, including health and education professionals. The conferees are convinced that close consultation with the private sector on the development and implementation of this campaign is critical to its success.

The conferees believe this media campaign, if properly executed, has the potential to produce concrete results by the year 2001. The conferees will closely track this campaign and its contribution to achieving a drug-free America. The conferees anticipate that future funding will be based on results.

## TITLE IV—INDEPENDENT AGENCIES

### FEDERAL ELECTION COMMISSION

### SALARIES AND EXPENSES

The conferees provide $31,650,000 instead of $34,550,000 as proposed by the House and $29,000,000 as proposed by the Senate. Of this amount $3,800,000 is fenced for internal automated data processing; this includes $2,500,000 for ongoing computer modernization initiatives and $1,300,000, as requested by the FEC, for computerized imaging and indexing of documents related to the 1996 election cycle. The conferees also provide $750,000 for an independent audit of the FEC and $300,000 for a system to disclose and maintain all FEC filings on the Internet. The conferees agree that the FEC should maintain an FTE level of no greater than 313.5 during fiscal year 1998.

### PERFORMANCE AND TECHNOLOGICAL AUDIT

The conferees agree that $750,000 of FEC's funds will be made available, by transfer, to the General Accounting Office (GAO). GAO is directed to use these funds to enter into a contract with an independent entity for the purpose of conducting a technological and performance audit and management review of FEC operations. GAO shall develop a scope of work that addresses the management and technology concerns raised by the conferees and identified in House Report 105–240, shall perform the administrative duties necessary to award and monitor the contract, shall ensure that the selected contractor has the necessary background and technical skills to successfully conduct the study, and shall ensure that the contractor deliverables are responsive to the scope of the contract. The conferees direct GAO to consult with the Committees on Appropriations and the House Oversight Committee on the parameters of this audit and wish to make it clear that the audit outline, scope, content and resultant reports are the purview of these Committees, not of the GAO.

### FEDERAL LABOR RELATIONS AUTHORITY

### SALARIES AND EXPENSES

The conferees provide $22,039,000 as proposed by the Senate instead of $21,803,000 as proposed by the House.

### GENERAL SERVICES ADMINISTRATION

### FEDERAL BUILDINGS FUND

### LIMITATIONS ON AVAILABILITY OF REVENUE

The conferees agree to provide $4,835,934,000 in new obligational authority for the General Services Administration's (GSA), Federal Buildings Fund (FBF) as proposed by the House, instead of $4,885,934,000 as proposed by the Senate.

The conferees agree with the House position on providing no additional obligational authority for chloroflurocarbons program in 1998. This reduction is taken without prejudice. The conferees agree that this will place an additional burden on GSA's attempts to meet its requirements under the Clean Air Act. However, limited funding options did not provide sufficient latitude for the conferees to meet this requirement.

The conferees agree with the Senate position on providing separate limitations on the Rental of Space and the Building Operations programs, instead of the House position which combined these two programs into one limitation amount.

The conferees agree with the House position which set a $680,543,000 limitation on expenditures "previously requested and approved under this heading in prior fiscal years." By accepting the House language, the conferees wish to stress that the General Services Administration, not just Congress, contributed to the creation of a shortfall in the Federal Buildings Fund by requesting the authority to use the Fund for the construction, acquisition, and repair of Federal buildings when the balances in the Fund were not sufficient to support the request.

### POLICY AND OPERATIONS

The conferees agree to provide $107,487,000 as proposed by the House instead of $104,487,000 as proposed by the Senate.

The conferees direct that $2,000,000 be provided in accordance with the direction included in the House report and that $1,000,000 be used to initiate a digital medical education project.

### GOVERNOR'S ISLAND

The conferees direct that, in fiscal year 1999, GSA appropriately budget for the protection and maintenance of Governor's Island, New York. This U.S. Coast Guard property is designated for disposal by GSA in the future and such funds as may be necessary should be requested so that there is no undue deterioration of the property prior to its sale.

### FEDERAL OFFICE BUILDING IN COLORADO SPRINGS

The Federal building located at 1520 Willamette Avenue in Colorado Springs, Colorado, is owned by GSA and is currently leased to the U.S. Air Force Space Command. In the event that the Space Command does not renew or extend its lease, and the facility becomes vacant and is deemed surplus, the conferees urge GSA to strongly consider the United States Olympic Committee's need for additional space and to give priority to the USOC's request to gain title or otherwise acquire this property.

### SURPLUS EQUIPMENT TO SCHOOLS AND EDUCATIONAL INSTITUTIONS

The conferees urge the GSA, in line with its responsibilities for the disposal of excess and surplus Federal personal property, to promote and foster the transfer of excess and surplus computer equipment directly to schools and appropriate nonprofit, community-based educational organizations. The GSA should communicate with other Federal agencies to heighten their ongoing awareness of the existing opportunities at both the national and local levels to meet the needs of the schools for such equipment and work with agencies to ensure that the equipment is conveyed to the school or organization quickly and at the least cost to the institution. The conferees further direct GSA to work with the regional Federal executive boards providing guidance and assistance to help establish regional clearinghouses of information on the availability of excess computer surplus equipment in each region. This information should be made readily available to schools.

### GENERAL PROVISIONS—GENERAL SERVICES ADMINISTRATION

Sections 401–409. The conferees agree to include provisions as proposed by both the House and Senate.

Section 410. The conferees agree to include a provision as proposed by the House which authorizes GSA to repay debts incurred by the Pennsylvania Avenue Development Corporation.

Section 411. The conferees agree to include a provision as proposed by the House which authorizes GSA to pay claims up to $250,000 from construction projects and acquisition of buildings.

Section 412. The conferees agree to include a provision as proposed by the House which directs GSA to sell certain property in Bakersfield, California.

Section 413. The conferees agree to include a provision as proposed by the Senate, with modifications, which amends Section 201(b) of the Federal Property and Administrative Services Act (Section 1555 of the Federal Acquisition Streamlining Act). H.R. 2378, as reported to the House of Representatives, included a provision identical to that included as Section 410 in the Senate version of the bill. The provision was eliminated from the House bill due to technical issues associated with the Rules of the House. The modifications agreed to by the conferees reinstate the authority of qualified nonprofit agencies for the blind and severely handicapped that are providing a commodity or service to the Federal government under a contract awarded under the Javits-Wagner O'Day Act. This authority was inadvertently deleted in the language which was adopted by the Senate. The provision included by the conferees only deletes that part of Section 201(b) known as the Cooperative Purchasing Act.

### FEDERAL PAYMENT TO MORRIS K. UDALL SCHOLARSHIP AND EXCELLENCE IN NATIONAL ENVIRONMENTAL POLICY FOUNDATION

The conferees agree to provide $1,750,000, instead of $2,000,000 as proposed by the House and no appropriation as proposed by the Senate.

### MERIT SYSTEMS PROTECTION BOARD

### SALARIES AND EXPENSES

The conferees agree to provide $25,290,000 as proposed by the House instead of $24,810,000 as proposed by the Senate.

### NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

### OPERATING EXPENSES

The conferees agree to provide $205,166,500 instead of $202,354,000 as proposed by the House and $206,479,000 as proposed by the Senate.

### ARCHIVES FACILITIES AND PRESIDENTIAL LIBRARIES

### REPAIRS AND RESTORATION

The conferees agree to provide $14,650,000, instead of $10,650,000 as proposed by the House and $13,650,000 as proposed by the Senate. Within this amount, the National Archives shall spend $4,000,000 to complete its plan for the repair and restoration of the Truman Library and $4,000,000 to complete its plan for the repair and restoration of the Roosevelt Library.

### NATIONAL HISTORICAL PUBLICATIONS AND RECORDS COMMISSION

### GRANTS PROGRAM

The conferees agree to provide $5,500,000 as proposed by the House instead of $5,000,000 as proposed by the Senate.

### OFFICE OF GOVERNMENT ETHICS

### SALARIES AND EXPENSES

The conferees agree to provide $8,265,000 as proposed by the Senate instead of $8,078,000 as proposed by the House.

### OFFICE OF SPECIAL COUNSEL

### SALARIES AND EXPENSES

The conferees agree to provide $8,450,000 as proposed by the Senate instead of $8,116,000 as proposed by the House.

### UNITED STATES TAX COURT

### SALARIES AND EXPENSES

The conferees agree to provide $33,921,000 as proposed by the House instead of $34,293,000 as proposed by the Senate.

## TITLE V—GENERAL PROVISIONS

### THIS ACT

SEC. 501-503. The conferees agree to include these provisions proposed by both the House and the Senate.

SEC. 504. The conferees agree to include a provision as proposed by the Senate which prohibits transferring control over FLETC. The conferees do not agree to make this provision permanent as proposed by the House.

SEC. 505. The conferees agree to make permanent a provision as proposed by both the House and Senate which authorizes the Federal Executive Institute and Management Development Centers to accept donations of supplies, services, land and equipment.

SEC. 506. The conferees agree to include a provision as proposed by both the House and Senate which provides employment rights to federal employees who return to their civilian jobs after assignment with the Armed Forces.

SEC. 507. The conferees agree to include a provision as proposed by the House and Senate regarding compliance with the Buy American Act.

SEC. 508. The conferees agree to include a provision as proposed by the House and Senate which prohibits contracts which use goods not made in America.

SEC. 509. The conferees agree to include a provision as proposed by both the House and Senate which prohibits the intentional use of a "Made in America" inscription on goods not made in the United States.

SEC. 510. The conferees agree to include a provision as proposed by the House and Senate authorizing the use of unobligated balances for certain purposes. The conferees agree to the Senate proposal that such requests be made in compliance with reprogramming guidelines.

SEC. 511. The conferees agree to include a provision as proposed by both the House and Senate which prohibits the use of funds for the White House to request official background reports without the written consent of the individual who is the subject of the report.

The conferees have not included a provision as proposed by the House that would have limited the expenditure of funds for Sunday premium pay or night differential pay, and would allow differential pay to an employee in a paid leave status under certain conditions. This provision is addressed in Title VI.

The conferees do not include a provision as proposed by the House which provided an additional $4,200,000 for the FEC's automated data processing systems.

SEC. 512. The conferees agree to include a provision as proposed by the House, with modifications, limiting term limits for FEC Commissioners. The modification limits the term for FEC Commissioners nominated by the President to be members after December 31, 1997.

SEC. 513. The conferees agree to include a provision as proposed by the House which would prohibit the expenditure of funds for abortions under the FEHBP. The same language was included by the Senate as Section 644.

SEC. 514. The conferees agree to include a provision as proposed by the House which would authorize the expenditure of funds for abortions under the FEHB if the life of the mother is in danger or the pregnancy is the result of an act of rape or incest. The same language was included by the Senate as Section 645.

SEC. 515. The conferees agree to include a provision as proposed by the Senate which provides the Office of Personnel Management more time to study and report to Congress on the methodology for determining cost-of-living allowance (COLA) rates.

SEC. 516. The conferees agree to include a provision authorizing the adjustment of retirement pay for certain individuals under certain conditions.

SEC. 517. The conferees agree to include a provision to extend the Physicians Comparability Allowance.

SEC. 518. The conferees agree to include a provision on survivor annuities.

### TITLE VI—GOVERNMENT WIDE GENERAL PROVISIONS

SECTION 601-626. The conferees agree to include provisions as proposed by both the House and Senate with minor technical corrections.

SECTION 627. The conferees agree to include a provision as proposed by the House which authorizes the Secretary of the Treasury to establish standards for explosives detection canines.

SECTION 628. The conferees agree to include a provision as proposed by both the House and Senate which prohibits the use of funds to provide non-public information such as mailing or telephone lists to any person or organization outside of the Federal government.

SECTION 629. The conferees agree to include a provision as proposed by the House which authorizes interagency financing for the National Bioethics Advisory Commission.

SECTION 630-631. The conferees agree to include provisions proposed by both the House and the Senate.

SECTION 632. The conferees agree to include a provision concerning FSLIC, authorizing reimbursement to the Department of Justice for litigation expenses in claims against the United States. The conferees expect that OMB will submit, with the fiscal year 1999 budget request, language which would make this provision permanent law.

The conferees do not agree to include a provision as proposed by the House which prohibits IRS from including Social Security numbers on mailing labels or other visible IRS mailings. This issue is addressed in the IRS section

SECTION 633. The conferees agree to include a provision relating to NAFTA as proposed by both the House and Senate with minor technical corrections.

SECTION 634. The conferees agree to include a provision as proposed by the House which prohibits the U.S. Customs Service from allowing the importation of products produced by forced or indentured child labor.

SECTION 635. The conferees agree to include a provision, with modifications, as proposed by the Senate requiring OMB to establish an object class to track employee relocation costs. The revised provision would require Federal departments and agencies to report their total obligations for the expenses of employee relocation to OMB with their annual budget submissions. The information would then be compiled by OMB into a table which will be transmitted to Congress with the President's annual budget submission.

SECTION 636. The conferees agree to include a provision, with a modification, as proposed by the Senate which limits the expenditure of funds for Sunday premium pay. The modification makes this provision government-wide. The House included a similar provision as Section 513.

The conferees do not agree to include a provision as proposed by the Senate which directed the USPS to issue a special rate breast cancer stamp.

The conferees do not agree to include a provision as proposed by the Senate which prohibited Federal agencies from furnishing commercially available services or property to other agencies unless certain requirements were met.

SECTION 637. The conferees agree to include a provision as proposed by the Senate which amends the Federal Election Campaign Act to extend coverage to the Republican and Democratic Senatorial Campaign Committees.

The conferees do not agree to include a provision as proposed by the Senate which included a sense of the Senate regarding the importation of fish.

The conferees do not agree to include a provision as proposed by the Senate which prohibited computer game programs on Federal government computers.

The conferees do not agree to include a provision as proposed by the Senate which authorized Congressional committees to provide certain reporting.

SECTION 638. The conferees agree to include a provision as proposed by the Senate which requires the separation from service and bars reemployment of Federal employees convicted of bribery related to violations of the Controlled Substances Import and Export Act.

SECTION 639. The conferees agree to include a provision as proposed by the Senate which requires ONDCP to submit a plan for counterdrug intelligence coordination.

SECTION 640. The conferees agree to include a provision as proposed by the House and Senate, with modifications, which prohibits the use of funds to prevent Federal employees from communicating with Congress or take disciplinary or personnel actions against employees for such communication. The modification makes the provision effective government wide.

SECTION 641. The conferees agree to include a provision as proposed by the Senate which amends Title 31 relating to gold clauses.

The conferees do not agree to a Senate provision relating to Judicial Salaries.

The conferees do not agree to a Senate provision relating to cost-of-living adjustments for Members of Congress.

SECTION 642. The conferees agree to include a provision on the Federal Employees' Retirement System.

### CONFERENCE TOTAL—WITH COMPARISONS

The total new budget (obligational) authority for the fiscal year 1998 recommended by the Committee of Conference, with comparisons to the fiscal year 1997 amount, the 1998 budget estimates, and the House and Senate bills for 1998 follows:

| | |
|---|---|
| New budget (obligational) authority, fiscal year 1997 | $24,101,623,000 |
| Budget estimates of new (obligational) authority, fiscal year 1998 | 25,774,854,000 |
| House bill, fiscal year 1998 | 25,155,789,000 |
| Senate bill, fiscal year 1998 | 25,206,539,000 |
| Conference agreement, fiscal year 1998 | 25,325,767,500 |
| Conference agreement compared with: | |
| New budget (obligational) authority, fiscal year 1997 | +1,224,144,500 |
| Budget estimates of new (obligational) authority, fiscal year 1998 | −449,086,500 |
| House bill, fiscal year 1998 | +169,978,500 |
| Senate bill, fiscal year 1998 | +119,228,500 |

For consideration of the House bill, and the Senate amendment, and modifications committed to conference:

JIM KOLBE,
FRANK R. WOLF,
BOB LIVINGSTON,
STENY H. HOYER,
DAVID OBEY,
*Managers of the Part of the House.*
BEN NIGHTHORSE CAMPBELL,
RICHARD SHELBY,
TED STEVENS,
HERB KOHL,
BARBARA A. MIKULSKI,
ROBERT C. BYRD,
*Managers on the Part of the Senate.*

As additional conferees solely for consideration of Titles I through IV of the House bill, and Titles I through IV of the Senate amendment, and modifications committed to conference:

ERNEST ISTOOK,
ANNE M. NORTHUP,
CARRIE P. MEEK,
*Managers of the Part of the House.*

## LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. HEFNER (at the request of Mr. GEPHARDT) for today, on account of illness in the family.

Mr. UNDERWOOD (at the request of Mr. GEPHARDT) for today through Wednesday, October 1, on account of official business.

Mr. RANGEL (at the request of Mr. GEPHARDT) for today, on account of official business.

Ms. HARMAN (at the request of Mr. GEPHARDT) for today, on account of traveling en route to Washington from official business in the district.

Mr. FATTAH (at the request of Mr. GEPHARDT) for today, on account of personal business.

## SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. MCNULTY) to revise and extend their remarks and include extraneous material:)

Mr. GREEN, for 5 minutes, today.

Mr. DAVIS of Illinois, for 5 minutes, today.

Mr. SNYDER, for 5 minutes, today.

Mr. DOGGETT, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Mr. FARR of California, for 5 minutes, today.

(The following Members (at the request of Mr. DUNCAN) to revise and extend their remarks and include extraneous material:)

Mr. CHAMBLISS, for 5 minutes, today.

Mr. KINGSTON, for 5 minutes, today.

Mr. HUTCHINSON, for 5 minutes, today.

Mr. HULSHOF, for 5 minutes, on October 1.

Mr. NORWOOD, for 5 minutes each day, on today, September 30, and October 1.

Mr. BILBRAY, for 5 minutes, today.

Mr. DUNCAN, for 5 minutes, today.

Mr. METCALF, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. FOX of Pennsylvania, for 5 minutes, today.

## EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. MCNULTY) and to include extraneous matter:)

Mr. NADLER.
Mr. POSHARD.
Mr. KANJORSKI.
Mr. FROST.
Mrs. MEEK of Florida.
Mr. LAFALCE.
Mr. STARK.
Mr. LANTOS.
Mr. KIND.

(The following Members (at the request of Mr. DUNCAN) and to include extraneous matter:)

Mr. SAXTON.
Mr. FORBES.

(The following Members (at the request of Mr. SHADEGG) and to include extraneous matter:)

Ms. PELOSI.
Mrs. TAUSCHER.
Mr. KLINK.
Mr. ABERCROMBIE.
Mr. BARR of Georgia.
Mr. KUCINICH.
Mr. PACKARD.
Mr. WEYGAND.
Mr. PAYNE.

## ENROLLED BILL SIGNED

Mr. THOMAS, from the Committee on House Oversight, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 1420. An act to amend the National Wildlife Refuge System Administration Act of 1966 to improve the management of the National Wildlife Refuge System, and for other purposes.

## SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 871. An act to establish the Oklahoma City National Memorial as a unit of the National Park System; to designate the Oklahoma City Memorial Trust, and for other purposes.

## ADJOURNMENT

Mr. SHADEGG. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 52 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, September 30, 1997, at 9 a.m. for morning hour debates.

## EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

5215. A letter from the Administrator, Agricultural Marketing Service, transmitting the Service's final rule—Nectarines and Peaches Grown in California; Revision of Handling Requirements for Fresh Nectarines and Peaches [Docket No. FV96–916–3 FIR] received September 29, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5216. A letter from the Administrator, Agricultural Marketing Service, transmitting the Service's final rule—Milk in the New Mexico-West Texas Marketing Area; Suspension of Certain Provisions of the Order [DA–97–07] received September 29, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5217. A letter from the Administrator, Agricultural Marketing Service, transmitting the Service's final rule—Irish Potatoes Grown in Colorado; Change in Handling Regulation for Area No. 2 [Docket No. FV97–948–1 IFR] received September 26, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5218. A letter from the Administrator, Agricultural Marketing Service, transmitting the Service's final rule—Raisins Produced From Grapes Grown in California; Suspension of Provisions Concerning Certain Offers of Reserve Raisins to Handlers for Free Use [Docket No. FV–97–989–2 FR] received September 26, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5219. A letter from the Administrator, Agricultural Marketing Service, transmitting the Service's final rule—Specialty Crops; Import Regulations; Extension of Reporting Period for Peanuts Imported Under 1997 Import Quotas [Docket No. FV97–999–1 IFR] received September 26, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5220. A letter from the Administrator, Agricultural Marketing Service, transmitting the Service's final rule—Almonds Grown in California; Revision to Requirments Regarding Inedible Almonds [Docket No. FV97–981–3 FIR] received September 26, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5221. A letter from the Administrator, Farm Service Agency, transmitting the Agency's final rule—Tree Assistance Program [Workplan No. 97–011] (RIN: 0560–AF17) received September 29, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5222. A letter from the Chief, Programs and Legislation Division, Department of the Air Force, transmitting notification that the Commander of Lackland Air Force Base, Texas, has conducted a cost comparison to reduce the cost of Kennel Management, pursuant to 10 U.S.C. 2304 nt.; to the Committee on National Security.

5223. A letter from the Chief, Programs and Legislation Division, Department of the Air Force, transmitting notification that the Commander in Chief of United States Strategic Command is initiating a cost comparison of non-military essential computer systems support functions impacting a total of 352 employees, pursuant to 10 U.S.C. 2304 nt.; to the Committee on National Security.

5224. A letter from the Acting Under Secretary (Acquisition and Technology), Department of Defense, transmitting the report to Congress for Department of Defense purchases from foreign entities in fiscal year 1996, pursuant to Public Law 104–201, section 827 (110 Stat. 2611); to the Committee on National Security.

5225. A letter from the Acting Assistant Secretary (Command, Control, Communications, and Intelligence), Department of Defense, transmitting a report on support services other than telecommunications support services provided to the White House by the Department of Defense through the White House Communications Agency for the 3rd quarter of FY 1997, pursuant to Public Law 104–201, section 912; to the Committee on National Security.

5226. A letter from the Assistant Secretary for Reserve Affairs, Department of Defense, transmitting a letter advising that the report on reserve retirement initiatives will be submitted on or about November 28, 1997, pursuant to Public Law 104–201, section 531; to the Committee on National Security.

5227. A letter from the Secretary of Defense, transmitting a report on Modification of Requirement for Conversion of Military Positions to Civilian Positions; to the Committee on National Security.

5228. A letter from the Secretary of the Treasury, transmitting the annual report on the operations of the Exchange Stabilization Fund (ESF) for fiscal year 1996, pursuant to 31 U.S.C. 5302(c)(2); to the Committee on Banking and Financial Services.

5229. A letter from the Attorney-Advisor, Federal Register Certifying Officer, Financial Management Service, transmitting the Service's final rule—Depositories and Financial Agents of the Federal Government (RIN: 1510–AA42) received August 25, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

5230. A letter from the Administrator, Health Care Financing Administration, transmitting the Administration's "Major" final rule— Medicaid Program; Coverage of Personal Care Services [MB–071–F] (RIN: 0938–AH00) received September 17, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5231. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule—Enforcement Guidance Memorandum [EGM 97–015] received September 29, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5232. A letter from the Secretary of Energy, transmitting the Department's Combined Thirty-sixth and Thirty-seventh Quarterly Report to Congress on the status of Exxon and Stripper Well Oil Overcharge Funds as of December 31, 1996; to the Committee on Commerce.

5233. A letter from the Deputy Secretary, Securities and Exchange Commission, transmitting the Commission's final rule—Registration under the Securities Act of 1933 of Certain Investment Company Securities [Release Nos. 33–7448, IC–22815; File No. S7–19–97] (RIN: 3235–AG73) received September 10, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5234. A letter from the Secretary, Securities and Exchange Commission, transmitting the Commission's final rule—Rule Amendments Relating to Multiple Class and Series Investment Companies [Release No. IC–22835; File No. S7–24–96] (RIN: 3235–AG72) received September 29, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5235. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a report on the progress made toward opening the United States Embassy in Jerusalem, pursuant to Public Law 104–45, section 6 (109 Stat. 400); to the Committee on International Relations.

5236. A letter from the Chief Counsel, Office of Foreign Assets Control, Department of the Treasury, transmitting the Department's final rule—Blocked Persons, Specially Designated Nationals, Specially Designated Terrorists, Specially Designated Narcotics Traffickers, and Blocked Vessels: Additional Designations and Removal of Two Individuals [31 CFR Chapter V] received September 9, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

5237. A letter from the Deputy Director, Russia-NIS Program Office, International Trade Administration, transmitting the Administration's final rule—Cooperative Agreement Program for American Business Centers in Russia and the New Independent States [Docket No. 970910230–7230–01] received September 17, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

5238. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 12–106, "Arts and Humanities Enterprise Fund Establishment Amendment Act of 1997" received September 26, 1997, pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform and Oversight.

5239. A letter from the Mayor, The District of Columbia, transmitting a copy of D.C. Act 12–147, "Amended Fiscal Year 1998 Concensus Budget Request Act of 1997" received September 11, 1997, pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform and Oversight.

5240. A letter from the Executive Director, Committee for Purchase from People Who Are Blind or Severely Disabled, transmitting the Committee's final rule—Additions to and Deletions from the Procurement List [97–017] received September 26, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

5241. A letter from the Assistant Secretary for Employment Standards, Department of Labor, transmitting the Department's final rule—Government Contractors, Affirmative Action Requirements, Executive Order 11246 (RIN: 1215–AA01) received August 19, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

5242. A letter from the Deputy Associate Administrator for Acquisition Policy, General Services Administration, transmitting the Administration's final rule—Federal Acquisition Regulation; Part 15 Rewrite; Contracting by Negotiation and Competitive Range Determination (National Aeronautics and Space Administration) [FAC 97–02; FAR Case 95–029] (RIN: 9000–AH21) received September 24, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

5243. A letter from the Chairman, Merit Systems Protection Board, transmitting the Board's report entitled "Achieving a Representative Federal Workforce: Addressing the Barriers to Hispanic Participation," pursuant to 5 U.S.C. 1204(a)(3); to the Committee on Government Reform and Oversight.

5244. A letter from the Chairman, National Transportation Safety Board, transmitting the Board's strategic plan, including mission and vision statement, goals, and an annual performance plan, pursuant to Public Law 103–62; to the Committee on Government Reform and Oversight.

5245. A letter from the Deputy Director, Office of Government Ethics, transmitting the Office's final rule—Removal of Superseded References to the Former Honorarium Ban, Revisions to Conform with Procurement Integrity Changes and Conflict-of-Interest Exemptions, and Other Updates (RINs: 3209–AA00 and 3209–AA04) received September 12, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

5246. A letter from the Acting Director, Office of Personnel Management, transmitting the Office's final rule—Retirement, Health, and Life Insurance Coverage for Certain Employees of the District of Columbia Under the National Capital Revitalization and Self-Government Improvement Act of 1997 (RIN: 3206–AI02) received September 26, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

5247. A letter from the Assistant Secretary, Land and Minerals Management, Department of the Interior, transmitting the annual report on royalty management and collection activities for Federal and Indian mineral leases in FY 1996, pursuant to 30 U.S.C. 237; to the Committee on Resources.

5248. A letter from the Acting Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting a draft of proposed legislation to amend the Act which established the Frederick Law Olmstead National Historic Site, in the Commonwealth of Massachusetts, by modifying the boundary; to the Committee on Resources.

5249. A letter from the Acting Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting a draft of proposed legislation to amend the Act which established the Richmond National Battlefield Park, in the Commonwealth of Virginia, by modifying the boundary; to the Committee on Resources.

5250. A letter from the Acting Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting the Department's "Major" final rule—Migratory Bird Hunting; Late Seasons and Bag and Possession Limits for Certain Migratory Game Birds (RIN: 1018–AE14) received September 26, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5251. A letter from the Acting Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Shortraker/Rougheye Rockfish in the Eastern Regulatory Area of the Gulf of Alaska [Docket No. 961126334–7052–02; I.D. 092297D] received September 26, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5252. A letter from the Secretary of the Interior, transmitting a draft of proposed legislation to establish a uniform, workable administrative process by which those States and local governments that claim R.S. 2477 rights-of-way across Federal land can have the appropriate Federal land manager make binding determinations of their existence and validity; to the Committee on Resources.

5253. A letter from the Secretary of Housing and Urban Development, transmitting the report on Loan Portfolio Valuation, pursuant to Public Law 104–134, section 31001; to the Committee on the Judiciary.

5254. A letter from the Executive Secretary, Inland Waterways Users Board, transmitting the Board's eleventh annual report of its activities; recommendations regarding construction, rehabilitation priorities and spending levels on the commercial navigational features and components of inland waterways and harbors, pursuant to Public Law 99–662, section 302(b) (100 Stat. 4111); to the Committee on Transportation and Infrastructure.

5255. A letter from the Acting Assistant Secretary of the Army (Civil Works), Department of the Army, transmitting a report entitled "Columbia River Treaty Fishing Access Sites," pursuant to Public Law 104–303, section 512; to the Committee on Transportation and Infrastructure.

5256. A letter from the Commissioner, Social Security Administration, transmitting the report on continuing disability reviews for the fiscal year 1996, pursuant to Public Law 104–121, section 103(d)(2) (110 Stat. 850); to the Committee on Ways and Means.

5257. A letter from the Commissioner, Social Security Administration, transmitting the report on options for enhancing the Social Security card, pursuant to Public Law 104–208, section 657; Public Law 104–93, section 111; jointly to the Committees on Ways and Means and the Judiciary.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BLILEY: Committee on Commerce. H.R. 695. A bill to amend title 18, United States Code, to affirm the rights of U.S. persons to use and sell encryption and to relax export controls on encryton; with an amendment (Rept. 105–108, Pt. 5). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 512. A bill to prohibit the expenditure of funds from the land and water conservation fund for the creation of new National Wildlife Refuges without specific authorization from Congress pursuant to a recommendation from the U.S. Fish and Wildlife Service to create the refuge (Rept. 105–276). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 2223. A bill to assist in the conservation of coral reefs; with an amendment (Rept. 105–277). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 1476. A bill to settle certain Miccosukee Indian land takings claims within the State of Florida (Rept. 105–278). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 2007. A bill to amend the act that authorized the Canadian River reclamation project, TX, to direct the Secretary of the Interior to allow use of the project distribution system to transport water from sources other than the project; with an amendment (Rept. 105–279). Referred to the Committee of the Whole House on the State of the Union.

Mr. SOLOMON: Committee on Rules. House Resolution 253. Resolution providing for consideration of the resolution (H. Res. 244) demanding that the Office of the U.S. Attorney for the Central District of California file criminal charges against Hermandad Mexicana Nacional for failure to comply with a valid subpoena under the Federal Contested Elections Act (Rept. 105–280). Referred to the House Calendar.

Ms. PRYCE of Ohio: Committee on Rules. House Resolution 254. Resolution waiving points of order against the conference report to accompany the bill (H.R. 2203) making appropriations for energy and water development for the fiscal year ending September 30, 1998, and for other purposes (Rept. 105–281). Referred to the House Calendar.

Mr. DREIER: Committee on Rules. House Resolution 255. Resolution providing for consideration of the bill (H.R. 1370) to reauthorize the Export-Import Bank of the United States (Rept. 105–282). Referred to the House Calendar.

Mr. McINNIS: Committee on Rules. House Resolution 256. Resolution providing for consideration of the bill (H.R. 1127) to amend the Antiquities Act to require an Act of Congress and the concurrence of the Governor and State legislature for the establishment by the President of national monuments in excess of 5,000 acres (Rept. 105–283). Referred to the House Calendar.

Mr. KOLBE: Committee of Conference. Conference report on H.R. 2378. A bill making appropriations for the Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain independent agencies, for the fiscal year ending September 30, 1998, and for other purposes (Rept. 105–284). Ordered to be printed.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of Rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred, as follows:

By Mrs. FOWLER (for herself, Mr. Cox of California, Mr. Gibbons, Mr. Gilman, Mr. Hunter, Mr. Sam Johnson, Mr. McIntosh, Mr. Rohrabacher, Mr. Royce, Mr. Shadegg, Mr. Smith of New Jersey, Mr. Solomon, and Mr. Spence):

H.R. 2570. A bill to condemn those officials of the Chinese Communist Party, the Government of the People's Republic of China, and other persons who are involved in the enforcement of forced abortions by preventing such persons from entering or remaining in the United States; to the Committee on the Judiciary.

By Mr. STUMP (for himself, Mr. Evans, Mr. Stearns, and Mr. Gutierrez):

H.R. 2571. A bill to authorize major medical facility projects and major medical facility leases for the Department of Veterans Affairs for fiscal year 1998, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. EVANS (for himself, Mr. Kennedy of Massachusetts, Mr. Mascara, Mr. Rodriguez, and Mr. Filner):

H.R. 2572. A bill to amend title 38, United States Code, to require that in the case of past-due benefits awarded an individual pursuant to a proceeding before the Secretary of Veterans Affairs, the payment of attorneys fees with respect to such award may not exceed 20 percent of the award; to the Committee on Veterans' Affairs.

By Mr. HAYWORTH:

H.R. 2573. A bill to amend the Federal Election Campaign Act of 1971 to require that a majority of the funds raised by a candidate for election to the Senate or the House of Representatives come from individuals residing in the State the candidate seeks to represent, to require labor organizations to provide their members with information on the use of member dues for political purposes, and for other purposes; to the Committee on House Oversight.

By Mr. POMEROY:

H.R. 2574. A bill to consolidate certain mineral interests in the National Grasslands in Billings County, ND, through the exchange of Federal and private mineral interests to enhance land management capabilities and environmental and wildlife protection, and for other purposes; to the Committee on Resources.

By Mr. PORTER:

H.R. 2575. A bill to suspend the duty on the 2,6-Dimethyl-m-Dioxan-4-ol Acetate until January 1, 2001; to the Committee on Ways and Means.

By Mr. PORTER:

H.R. 2576. A bill to suspend the duty on B-Bromo-B-nitrostyrene until January 1, 2001; to the Committee on Ways and Means.

By Mrs. THURMAN:

H.R. 2577. A bill to exempt certain individuals who were 65 years of age or older as of the date of the enactment of the Omnibus Budget Reconciliation Act of 1993 from changes made by the act in the Medicare secondary payer rules for individuals with end stage renal disease; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ARMEY:

H. Res. 249. Resolution designating Majority membership on certain standing committees of the House; considered and agreed to.

By Mr. FAZIO of California:

H. Res. 250. Resolution designating Minority membership on certain standing committees of the House; considered and agreed to.

By Mr. FARR of California (for himself, Mr. Porter, Mr. Gejdenson, and Mr. Gilchrest):

H. Res. 251. Resolution expressing support for the goals of America Recycles Day; to the Committee on Commerce.

By Mr. ROHRABACHER (for himself, Mr. Solomon, Mr. Cox of California, Mr. Smith of New Jersey, and Mr. Royce):

H. Res. 252. Resolution urging the President to make clear to the People's Republic of China the commitment of the American people to security and democracy on the Republic of China on Taiwan; to the Committee on International Relations.

## MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

209. The SPEAKER presented a memorial of the House of Representatives of the State of Missouri, relative to House Concurrent Resolution No. 23 advising and strongly urging the EPA to retain the existing NAAQS for ozone; to the Committee on Commerce.

210. Also, a memorial of the House of Representatives of the State of Louisiana, relative to House Resolution No. 120 urging and requesting the Congress of the United States to propose an amendment to the Constitution of the United States for ratification, for submission to the states, to provide for election of members of the federal judiciary; to the Committee on the Judiciary.

211. Also, a memorial of the Legislature of the State of Oregon, relative to House Bill 3640 requesting that the Federal Government honor the Federal Government's original mandate to implement and complete the cleanup and restoration of the Hanford Nuclear Reservation; jointly to the Committees on National Security and Commerce.

## ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 26: Mr. Gibbons.

H.R. 135: Mr. Price of North Carolina.

H.R. 250: Mr. Foley.

H.R. 345: Mr. Salmon.

H.R. 367: Mrs. Myrick.

H.R. 610: Mr. Sawyer.

H.R. 754: Mrs. Lowey.

H.R. 778: Mr. Fattah.

H.R. 779: Mr. Fattah.

H.R. 780: Mr. Fattah.

H.R. 991: Mr. Abercrombie and Mr. Dingell.

H.R. 992: Mr. Holden.

H.R. 1114: Mr. Paxon, Mr. Redmond, Mr. Watts of Oklahoma, Mr. Shays, and Mr. Weldon of Pennsylvania.

H.R. 1371: Mr. Weldon of Florida.

H.R. 1507: Mr. Stark, Mr. Pallone, and Mr. Roemer.

H.R. 1531: Ms. Ros-Lehtinen.

H.R. 1631: Mr. Frank of Massachusetts.

H.R. 1704: Mr. Goode.

H.R. 1710: Mr. Fawell, Mr. Aderholt, Mr. Cannon, Mr. Wamp, and Mr. Matsui.

H.R. 1711: Mr. Cooksey, Ms. Danner, Mr. Goodlatte, Mr. Hefley, Mr. McCrery, Mr. Moran of Kansas, and Mr. Sandlin.

H.R. 1842: Mr. Young of Alaska, Mr. Cunningham, and Mr. Sessions.

H.R. 2009: Mr. Holden, Mr. Coyne, Mr. Saxton, and Mr. Greenwood.

H.R. 2090: Mrs. Kennelly of Connecticut, Mr. Frank of Massachusetts, Mr. Torres, Mr. Weygand, Mr. Berman, Mr. Rothman, Mr. Matsui Mr. LaFalce Mr. Kucinich Mr. Watts of Oklahoma, and Ms. Christian-Green.

H.R. 2110: Mr. Rush.

H.R. 2183: Mr. Horn.

H.R. 2200: Mr. Lewis of Georgia

H.R. 2221: Mr. Boehner.

H.R. 2250: Mr. Clyburn, Mr. Scarborough, and Mr. Manzullo.

H.R. 2273: Mr. Blumenauer and Mr. Pickett.

H.R. 2382: Mr. Frost and Ms. Furse.

H.R. 2383: Mr. Hoekstra.

H.R. 2409: Mr. Ackerman, Ms. Lofgren, and Mr. Skeen.

H.R. 2424: Mr. Herger, Mrs. Myrick, and Mr. Farr of California.

H.R. 2434: Mr. Filner, Mr. Strickland, and Mr. Thompson.

H.R. 2454: Mr. McNulty, Mr. Filner, Ms. Stabenow, and Mr. Costello.

H.R. 2456: Mr. LoBiondo, Mr. Minge, and Mr. Taylor of North Carolina.

H.R. 2457: Mr. McNulty, Mr. Gutierrez, Ms. Kaptur, and Mr. Filner.

H.R. 2460: Mr. Wynn.

H.R. 2476: Mr. Thompson, Mr. McNulty, and Mr. Kennedy of Massachusetts.

H.R. 2488: Ms. Stabenow and Mr. Graham.

H.R. 2497: Mr. CAMPBELL, Mr. CANADY of Florida, Mr. TAYLOR of North Carolina, Mr. WATTS of Oklahoma, Mr. SMITH of New Jersey, Mr. GOSS, Mr. WATKINS, Mr. DUNCAN, Mrs. EMERSON, Mrs. FOWLER, Mr. LATOURETTE, Mr. MORAN of Kansas, Mr. TRAFICANT, Mr. PAXON, Mr. BUNNING of Kentucky, Mr. PORTER, Mr. CALLAHAN, Mrs. NORTHUP, Mr. COX of California, Mr. HASTERT, Mr. HULSHOF, Ms. DUNN of Washington, Mr. SOLOMON, Ms. PRYCE of Ohio, Mr. FRELINGHUYSEN, Mr. FOX of Pennsylvania, Mr. SNOWBARGER, Mr. BASS, Mr. GRAHAM, Mr. SHAYS, Mr. MCCOLLUM, Mr. PETERSON of Pennsylvania, Mr. DAVIS of Virginia, Mr. EHLERS, and Mr. GOODE.

H.R. 2503: Mr. POSHARD, Mr. ACKERMAN, Mr. MARTINEZ, and Mr. DAVIS of Virginia.

H.R. 2526: Mr. FROST, Mr. TALENT, Mr. GOSS, Mr. UNDERWOOD, Mr. MCDERMOTT, and Mr. SKEEN.

H.R. 2535: Mr. BALLENGER, Mr. CASTLE, and Mr. WATTS of Oklahoma.

H.R. 2554: Mr. KENNEDY of Massachusetts.

H.R. 2568: Mr. OXLEY, Mr. PETERSON of Minnesota, and Mr. TALENT.

H.J. Res. 84: Mr. SHADEGG.

H. Con. Res. 38: Mr. SHAYS.

H. Con. Res. 68: Ms. KAPTUR.

H. Con. Res. 80: Mr. WALSH.

H. Con. Res. 114: Ms. STABENOW.

H. Con. Res. 158: Mr. BARCIA of Michigan.

## PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the clerk's desk and referred as follows:

22. The SPEAKER presented a petition of the Louisiana Municipal Association, relative to a resolution memorializing the Congress of the United States to act to grant to the states the authority needed to enforce the collection of sales taxes on interstate catalog sales; to the Committee on the Judiciary.

23. Also, a petition of Gregory D. Watson of Austin, Texas, relative to bringing to the attention of Congress a significant correction as to the sequence of events leading to the 1992 ratification of the 27th article of amendment to the United States Constitution, and referencing action taken by the General Assembly of the Commonwealth of Kentucky two centuries earlier in the year 1792; to the Committee on the Judiciary.

24. Also, a petition of the County of Los Angeles, Board of Supervisors, relative to requesting that Federal and State legislation be enacted to allow men and women from the military to obtain credit for their training so that their skills are transferable to the private sector and to other government agencies; to the Committee on Veterans' Affairs.

## DISCHARGE PETITIONS—ADDITIONS OR DELETIONS

*[Omitted from the Record of September 26, 1997]*

The following Members added their names to the following discharge petitions:

Petition 1 by Mr. YATES on House Resolution 141: Peter A. Fazio, Sam Gejdenson, Anna G. Eshoo, Walter H. Capps, Charles B. Rangle.

## AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 901

OFFERED BY: MR. VENTO

AMENDMENT NO. 51: Page 10, line 15, Following the word "special" insert the following: ", including commercial,"

# EXTENSIONS OF REMARKS

## THE DISTINGUISHED SERVICE OF THE "SS STEPHEN HOPKINS"

### HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, September 29, 1997*

Ms. PELOSI. Mr. Speaker, I rise today to honor the memory of the distinguished service of the SS *Stephen Hopkins,* an American merchant vessel, who sailed during World War II.

The SS *Hopkins* holds a unique distinction in U.S. merchant marine history. On Saturday, September 27 the city and county of San Francisco will observe SS *Stephen Hopkins* Day and the 55th anniversary of the only American Ship to sink a German Navy Surface Warship.

The *Hopkins* sailed out of her home port in San Francisco on April 14, 1942. On September 17, 1942, during her maiden voyage in the South Atlantic Sea the *Hopkins* and her crew waged a courageous battle against two heavily armed German vessels. This battle earned the *Hopkins* the citation of U.S. Government *Gallant Ship.* Her citation inscription recounts the events of that fateful day when, "Two enemy raiders suddenly appeared out of the morning mist to attack her. The lightly armed merchantmen exchanged shot for shot with the enemy raiders, sinking one and setting the other a fire. The stark courage of her crew in their heroic stand against overpowering odds caused her name to be perpetuated as a Gallant Ship." The *Hopkins* was lost as a result of that valiant battle after sustaining destroyed engines, exploded boilers, and catching fire from stem to stern. Only 15 of the 19 surviving crew survived the 31-day lifeboat trip which brought them to safety in Brazil.

Mr. Speaker on behalf of the Congress, let us join the veteran merchant mariners and San Francisco community in commemorating the service of SS *Stephen Hopkins* and the brave crew who sailed her into history.

## THE 50TH WEDDING ANNIVERSARY OF KURT AND ELIZABETH BOOTH, OCTOBER 4, 1997

### HON. JIM SAXTON

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Monday, September 29, 1997*

Mr. SAXTON. Mr. Speaker, it is my distinct privilege and honor to pay tribute to Kurt and Elizabeth Booth of Lacey Township, NJ. On October 4, 1997, Mr. and Mrs. Booth will celebrate their 50th wedding anniversary.

Kurt Booth was born in Elizabeth, NJ on March 23, 1927. After graduating from Thomas Jefferson High School in 1944, he enlisted in the U.S. Marine Corps. During his service as a marine, Kurt did a tour of duty in World War II's Pacific campaign and did occupation duty in Japan. He was discharged from the Marine Corps on August 21, 1946.

Elizabeth Mazur was born in Carteret, NJ. She moved with her family to New Castle, NY, and then moved back to Rahway, NJ, where she graduated from high school in 1946.

The couple met in November of 1946 at the Twin City Roller Skating Rink, while Kurt was employed as a postal worker in Elizabeth. On Valentine's Day 1947, they were engaged and on October 4, 1947 they were married at the Russian Orthodox Church in Rahway.

They moved to Lacey Township in October of 1975 and have lived there ever since. Kurt was employed as an electrical contractor with offices in Lacey and Woodbridge, NJ. Since his retirement in 1992, Kurt has worked part time as a photographer with Ocean County, NJ. Kurt Booth served as chairman of the Chairman's Ball Ad Journal for 6 years and co-chairman of the Ocean County Candidates Ad Journal for 12 years. Kurt was also the designer of the journals and most of their ads as well as a very effective fund raiser for the party.

Kurt and Elizabeth have a son, Professor Kenneth Kurt Booth, who spent 14 years in South Africa teaching people how to provide veterinary care to animals in the community. He now resides in the United States with his three children.

Mr. Speaker, Mr. and Mrs. Booth's commitment to each other, illustrated by their 50 years together, is a testament to their characters. Not only have they enriched the lives of those they have come into direct contact with, but they have displayed immense leadership in their community, State, and country. It is with great pleasure that I recognize this couple on this special occasion.

## DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 1998

SPEECH OF

### HON. NEIL ABERCROMBIE

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 26, 1997*

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2267) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1998, and for other purposes:

Mr. ABERCROMBIE. Mr. Chairman, I rise in support of the Miller language adopted into H.R. 2267, the Departments of Commerce, Justice and State appropriations bill. These instructions will set aside a small amount of funding for the Executive Office of U.S. Attorneys to provide assistance to the victims of human rights abuses in the Commonwealth of the Northern Marianas Islands.

Since at least 1984, Federal officials have expressed concern about the CNMI alien labor system. Worker complaints over wages and working conditions are continuing undiminished according to the third annual report of the Federal-CNMI Initiative. The Governments of the Philippines and China have expressed concerns about the treatment of their citizens in this U.S. Commonwealth and allegations persist regarding the CNMI's inability to protect workers against crimes such as illegal recruitment, battery, rape, child labor, and forced prostitution.

Without Representative MILLER'S language in H.R. 2267, individuals who have been the subject of human rights abuses—right here in the United States—have only the charity of private relief organizations to rely upon for help. In Hawaii, the Filipino Solidarity Coalition is currently providing sanctuary to a young girl named Katrina who came to Hawaii as a Government witness. When Katrina was 14 she was brought to the CNMI by an employer who promised her a good job and fair wages in the restaurant industry. When she arrived in the CNMI her hopes for a better life were destroyed. She discovered that the employer had lured her to the CNMI under false pretenses. Not only was she confined to her assigned living quarters but she was also forced into service as a prostitute. Katrina had few options and even less money but she escaped her confines and filed suit against her employer with the help of the local Philippine consulate. When Katrina's actions were revealed to her employer, her life was threatened. To escape the abusive situation, the consulate helped her to find refuge in Guam. However, Guam's close proximity to her former employer still put Katrina in a dangerous situation.

Through the help of the Filipino Solidarity Coalition, Katrina managed to escape to Hawaii where local donations and a small grant from the Department of Labor helped to provide her shelter, food, and further legal assistance. However, there are many others who remain in the CNMI still suffering the abuse and indignity that Katrina managed to escape. I appreciate the Chairman's support of the Miller language which will help those like Katrina who are victims of human rights abuse, not faraway in a foreign country, but right here in the United States of America.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

## A TRIBUTE TO REV. RICHARD J. LEHMAN, PASTOR OF THE CONGREGATIONAL UNITED CHURCH OF CHRIST

### HON. MICHAEL P. FORBES

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Monday, September 29, 1997*

Mr. FORBES. Mr. Speaker, I rise today to pay tribute to Rev. Richard J. Lehman, pastor of the Congregational United Church of Christ, in Farmingville, Long Island, who this Sunday will celebrate the 50th anniversary of his ordination.

Along with the golden anniversary of his ordination in 1947, Reverend Lehman will also mark two other important milestones this Sunday: he and his congregants will celebrate the 25th anniversary of his pastorship of the Congregational United Church of Christ, on the same day as his 75th birthday.

A truly gifted and dedicated professional, Reverend Lehman has built a proud legacy of service to the spiritual needs of his congregants. This Sunday, September 28, 1997, the Congregational United Church of Christ community will join in praising his outstanding life of service with a special festival service. Friends, family, and colleagues will come from across Long Island, 13 States, Australia, and England to honor the lifetime of service to the church.

Throughout his 50-year career, Reverend Lehman has dedicated his time, energy, and talents to his alternate calling: educating ministers, rabbis, priests, and seminarians in the skills of pastoral care to the sick. Upon graduating from Oberlin Graduate School of Theology, Reverend Lehman was assigned to his first church in Elyria, OH. It was there that he began his training in clinical pastoral education, completing a 2-year residency at University Hospital in Ann Arbor.

For the next 40 years, Reverend Lehman was employed by the New York State Department of Mental Hygiene, teaching clinical pastoral education to clergy and seminarians at two psychiatric hospitals, the first in Gowanda, NY. Then in 1967, Reverend Lehman arrived at Central Islip Psychiatric Center, on Long Island. During his teaching career, Reverend Lehman trained more than 600 clergy and seminarians for careers in pastoral care.

Though retired from Central Islip Psychiatric Center, Reverend Lehman still serves as pastor of the Congregational United Church of Christ. Reverend Lehman married his first wife, Priscilla, while living in Gowanda, and they had two children, Nancy and Thomas. Priscilla Lehman succumbed to cancer in 1989, and he eventually married again, to longtime family friend, Marilyn Birkmann Blume.

Mr. Speaker, I ask my colleagues in the House of Representatives to join me in honoring Rev. Richard J. Lehman for his remarkable lifetime of service to God and man. Through the Grace of God, our Long Island community has been truly blessed with the ministry of this gifted and spiritual man.

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## SUPPORT OF THE INTERFAITH ASSEMBLY ON HOMELESSNESS AND HOUSING ON OCCASION OF ITS 10TH ANNIVERSARY

### HON. JERROLD NADLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Monday, September 29, 1997*

Mr. NADLER. Mr. Speaker, I rise today in recognition of the Interfaith Assembly on Homelessness and Housing on occasion of its 10th anniversary.

For 10 years now the Interfaith Assembly on Homelessness and Housing has served the homeless of New York City with sensitivity and understanding. This coalition has reached out to those in our society who are without shelter and offered a helping hand. Whether helping individuals rebuild their lives through the Speakers' Bureau and Project Success Program or tirelessly advocating for public policy that maintains decent and affordable housing for all New Yorkers, the Interfaith Assembly on Homelessness and Housing has provided the city of New York with a valuable service that we all ought to recognize and acknowledge.

Mr. Speaker, I rise to commend the Interfaith Assembly on Homelessness and Housing for its dedication to the homeless, its fight for affordable housing, and its ability to effect change in a city that desperately needs it. Through testimonials that have touched the hearts of many and raised the consciousness of many more, this broad and diverse coalition, which includes a wide range of religious organizations throughout the city, ought to be proud of the work they have done to spread compassion and serve others.

As we all know, there is a lot more that we must do to end homelessness in New York and across America. I look forward to working closely with members of this coalition in the battles ahead, and sincerely hope that our efforts will one day be unnecessary as our society comes to recognize that decent affordable housing is a right we all deserve.

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## TRIBUTE TO THE ANTIOCH BABE RUTH ALL STAR TEAM

### HON. ELLEN O. TAUSCHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, September 29, 1997*

Mrs. TAUSCHER. Mr. Speaker, I rise today to celebrate the championship victory of the Antioch All Star Team on Saturday, August 17, 1997, at the 16–18 Babe Ruth World Series. The city of Antioch, which is in my district, recently celebrated their homecoming with a parade through the city and a civic celebration at city hall. The accomplishments of these fine young men are a great honor to the city of Antioch.

The 16–18 Babe Ruth World Series was held in Jamestown, NY, where the players from Antioch competed against other such teams from around the Nation. Throughout the 1-week tournament, the team exhibited a true show of perseverance and a dedication to excellence. They managed to come from behind in several of their games, proving to the other teams that they would not give up. These athletes were not only dedicated to winning the game, but also dedicated to each other. The players from Antioch practiced long and hard to earn the right to play for the national championship, and through their hard work on the field and their commitment to teamwork, they rose from underdogs at the beginning of the series to the champions on the final day.

It is wonderful to see such positive support from the community for this talented and dedicated group of East Bay teens. They show us that when we bestow our faith in our children, they can truly achieve excellence.

The Antioch Babe Ruth All Star Team is deserving of the honor as the best 16–18 Babe Ruth League team in the country. These ballplayers are an excellent example of the kinds of things that young people in our communities can achieve. I hope you will join me in congratulating them for their achievement and their ambition.

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## HONORING CAPTAIN NIKOLAOS FRANGOS

### HON. RON KLINK

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, September 29, 1997*

Mr. KLINK. Mr. Speaker, I rise today to honor the 1997 Hellenic Chamber of Commerce "Man of the Year Award" recipient, Capt. Nikolaos Frangos. Born in the town of Kardamyla on the island of Chios, Nikolaos's family was no stranger to the maritime merchants trade. Today, he is the owner of one of the largest dry bulk shipping fleets in the world. His shipping enterprise has grown to over 3,000 crew members and shore-based employees.

Captain Frangos has provided a great service to people throughout the world. During the gulf war he assisted the United States by shipping much needed supplies to our troops based in the Middle East. He is a gentleman worthy of the distinction of the Hellenic American man of the year. His accomplishments outside the shipping industry include his membership to the governing board of the Orphanage of Vouliagmeni and his membership to the Leadership-100 of the Archdiocese of America.

It is with great pride and honor that I urge my colleagues to rise and honor the life and contribution of Capt. Nikolaos Frangos and his wonderful family including his wife Stella and his children Angeliki, John, and Maria. His devotion to his family, his country, and the world are truly admirable.

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## BEST WISHES TOMMY AMAKER

### HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Monday, September 29, 1997*

Mr. PAYNE. Mr. Speaker, on Tuesday, September 30, a reception will be held for Harold Tommy Amaker in New Jersey. Tommy

Amaker is Seton Hall University's (SHU) first African-American men's basketball head coach. He is also the youngest coach in the Big East Conference, one of the top basketball conferences.

Mr. Speaker, I am a proud alumnus of Seton Hall University and my level of pride keeps going up when things like this happen. I was an SHU student when the great Seton Hall team in 1953 won the National Invitational Tournament (NIT). It was the premiere collegiate championship tournament. The Seton Hall team was led by Walter Dukes and Richie Regan. Richie Regan continues to serve the University as the Pirate Blue chairman. The Pirate Blue is an athletic fund raising group at Seton Hall.

I want to applaud Monsignor Robert Sheeran, president of SHU, who used personal leadership to recruit SHU's first African-American basketball coach. I would also like to commend Philip Thigpen, former national middle distance champ in the 50's, for his leadership in assembling a group of African-American alumni of SHU and its School of Law to host this reception.

Tommy Amaker and his challenge to return SHU to championship status have brought excitement. On March 20 he was named the coach of SHU men's basketball team. Prior to this position he had served the Duke University basketball team for 13 years—4 as a player and 9 as an assistant coach. During his tenure he became the top recruiter for Duke's Blue Devils where he helped land highly-touted Shane Battier, a 6-foot-8 forward from Michigan; Jeff Capel, a current Duke guard, and Grant Hill, now of the Detroit Pistons. Amaker captained Duke as a senior and earned All-American honors. He received the Henry Iba Corinthian Award in 1987 as the Nation's best defensive player. In 1986 during the Final Four, he had the most steals, seven.

Academics are just as important to Tommy Amaker as are sports. He received a B.A. degree in Economics from Duke in 1987 and was drafted by the NBA's Seattle SuperSonics. After being cut in training camp, he returned to Duke as a management intern with the university administration for 1 year before enrolling in the Fuqua School of Business. He served as a graduate assistant while studying in the business school in 1988–89. He is a fine student and teacher of the game. He also has been successful in forming the Tommy Amaker Basketball Academy, a summer day camp for youth.

Mr. Speaker, I am sure my colleagues will join me as I extend best wishes to Tommy Amaker and his wife, Stephanie, as they undertake successful careers in the great State of New Jersey.

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## TRIBUTE TO DEKERRIAN WARE

### HON. MARTIN FROST

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Monday, September 29, 1997*

Mr. FROST. Mr. Speaker, I rise to honor Dekerrian Ware, the 1997–98 national poster child for sickle cell disease and a student in my congressional district. Dekerrian is 8 years old, and is a third grade honor student at David K. Sellars Elementary School in Fort Worth, TX.

Dekerrian is as active as most boys are his age by playing football, basketball, riding his bicycle, and keeping busy with his church activities. But because of sickle cell disease, there are times when he is too sick to do the things you and I take for granted.

Dekerrian, however, is a young man filled with strength and determination, and I believe that he will be able to achieve anything he sets out to do. Dekerrian is a true champion in life and in school as he copes with this genetic blood disease which has no cure.

Mr. Speaker, September is National Sickle Cell Disease Awareness Month and there is still much to do in combating this disease. Sickle cell anemia, the most common form of the disease, affects 1 in 500 African-Americans, or about 72,000 Americans.

All newborn babies should be tested for sickle cell, because all forms of sickle cell disease are inherited. Children inherit genes for the disease from their parents, and we need to encourage everyone to learn more about sickle cell disease.

Dekerrian is a true hero to all of us who are fighting sickle cell, and an inspiration to those who confront this illness.

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## ROLLCALL VOTES 457, 458, AND 459

### HON. ROBERT A. WEYGAND

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

*Monday, September 29, 1997*

Mr. WEYGAND. Mr. Speaker, on September 26, 1997, I was unavoidably detained and was not, therefore, able to vote on rollcall votes 457, 458, and 459. Had I been able to vote, I would have voted "yea" 457 and "nay" on rollcall votes 458 and 459.

During that time, Secretary of Defense Cohen and Assistant Secretary of the Navy Douglas, were visiting my district to tour Electric Boat and the Naval Undersea Warfare Center and to discuss current Defense appropriations and proposals that will affect national security.

Due to that visit, I missed votes on amendments concerning State Department appropriations. As we move to complete work on the Commerce, Justice, State appropriations bill, it is critical that we address concerns regarding the use of those funds by the State Department.

The Bartlett amendment, rollcall vote 458, would reduce payments made by the State Department to the United Nations, which is in the process of reforming itself; we should not take action that may prevent that reform.

I believe it is in our Nation's best interest to continue participation in the activities of the United Nations and we must do so in good faith, and that means making good on our financial obligations.

The Gilman amendment, rollcall vote 457, will withhold 2 percent of the State Department's salaries and expenses budget until the Department complies with the provisions of the 1996 terrorism bill. It is my hope that the Gilman amendment will encourage the Department to conform. We must ensure that the State Department is following the intent of the 1996 terrorism bill and designates foreign terrorists.

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## ADDRESS OF REYNOLD LEVY, PRESIDENT OF THE INTERNATIONAL RESCUE COMMITTEE, AT THE EXHIBIT IN BUDAPEST ON THE LIFE AND WORK OF VARIAN FRY

### HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, September 29, 1997*

Mr. LANTOS. Mr. Speaker, I call the attention of my colleagues to an excellent address given earlier this month in Budapest, Hungary, at the opening of an exhibit on the Life and Work of Varian Fry by Mr. Reynold Levy, the new President of the International Rescue Committee. I am asking that Mr. Levy's address be placed in the Record.

Mr. Speaker, on July 1st of this year, Mr. Levy assumed the position of President of the International Rescue Committee (IRC). This organization was founded over half a century ago by a number of distinguished Americans in an effort to help mitigate the tragedy of dislocation and destruction which accompanied World War II. Since its founding the IRC has been one of the leading organizations in the world in helping to deal with the problem of refugees and those seeking political asylum, and the organization has been a major provider of and advocate for humanitarian assistance.

It is most appropriate that one of the first public responsibilities of Mr. Levy as the new president of the IRC was to speak at an exhibit honoring the activities of Varian Fry. Mr. Fry was designated by the IRC to go to France in 1940 in an effort supported by the United States government to bring to the United States 200 prominent Jewish intellectuals—writers, scientists, academics, journalists, historians, musicians, opposition political leaders, and others—who were in southern France, having fled the advancing Nazi forces and were seeking to escape. In recognition of Varian Fry's outstanding efforts in Europe in 1940 with the IRC, he is the only American who has received the honor "Righteous Among the Nations" from Yad Vashem, the Israeli memorial to Holocaust victims, for risking his own life to save the lives of Jews during the Holocaust.

Mr. Levy is a graduate of Hobart College, and he holds a Ph.D. in government and foreign affairs from the University of Virginia and a degree in law from Columbia University. His distinguished career includes a period of service as Executive Director of the 92nd Street Y, a leading cultural, educational and social service institution on Manhattan's upper east side. He later was a senior officer of AT&T Corporation, serving first as founder and chief executive officer of the AT&T Foundation, and later as Corporate Vice President, and Managing Director of International Public Affairs. After leaving his position at AT&T, he spent a nine-month sabbatical writing two books—one on the exercise of corporate and social responsibility and the other on what he sees as a renaissance in American philanthropy.

Mr. Speaker, I ask that Mr. Levy's address at the opening of the exhibit in Budapest, Hungary, on the Life and Work of Varian Fry be placed in the RECORD. I urge my colleagues to carefully consider the thoughts of Reynold Levy, a distinguished American philanthropist and humanitarian.

REMARKS OF REYNOLD LEVY

Congressman Lantos and Mrs. Lantos, Ambassador and Mrs. Blinken, distinguished guests.

As President of the International Rescue Committee, I'd like to accomplish two objectives with some brief remarks.

My first objective is to explain why it is important to remember Varian Fry's life and work. A very distinguished Board member colleague of Congressman Lantos and Mrs. Blinken, Elie Wiesel, explains the matter definitively in this passage from his book *All Rivers to the Sea*.

"Memory is a passion no less powerful or pervasive than love. What does it mean to remember? It is to live in more than one world, to prevent the past from fading and to call up the future to illuminate it. It is to revive fragments of existence, to rescue lost beings, to cast light on faces and events and to drive back the sands that cover the surface of things, to combat oblivion and to reject death."

In recognizing Varian Fry we "Rescue a lost being . . . and drive back the sands that cover the surface of things."

My second objective is to offer a perspective on Fry's legacy.

For his heroic work and that of the Emergency Rescue Committee did not end with his expulsion from France in 1941. It continues to this day through the ERC's successor organization, the International Rescue Committee. It has, to its credit, over 56 years of unbroken service to refugees and victims of oppression.

With the end of World War II and the defeat of fascism, the IRC assisted hundreds of thousands of displaced persons in Europe to re-build their shattered lives. Many came to the United States and were helped by the IRC to resettle and to become self-sufficient citizens in their new country.

The Iron Curtain that fell across Europe after the war produced a whole new set of refugees—those fleeing Stalin's dictatorship in the Soviet Union and the countries of Eastern Europe that had fallen under communist domination, not least the wonderful country of Hungary. The IRC, following in the steps of Varian Fry, was there to rescue them in flight, including, of course, tens of thousands of Hungarians.

Since the fall of the Berlin wall, the IRC has been involved in every major refugee crisis up to this day—making it the largest non-sectarian refugee relief organization in the world. Rescue teams are now at work in Bosnia, in Rwanda, in Cambodia and in 20 more countries, bringing life-saving humanitarian aid, medical care, shelter and education to well over a million refugees. In addition, the IRC continues to resettle large numbers of political refugees coming to the United States. And, the IRC remains a strong voice advocating for refugees, their rights and their needs.

This, then is a powerful legacy of Varian Fry. His heroic exploits are the inspiration for the International Rescue Committee in its world-wide efforts to bring help, aid and comfort to the world's refugees. His light, which shone so dimly in the Hotel Splendide and on the rue Grignan, shines brightly today, relieving human suffering and providing refuge to so many who seek freedom and protection from a well-founded fear of persecution.

I thank you for being here today to pay tribute to a selfless hero whose rescue of endangered lives inspires so many of my colleagues at the International Rescue Committee. Each of us endeavors to honor in our work his resourcefulness, courage and fortitude.

## TRIBUTE TO HOWARD METZENBAUM

### HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Monday, September 29, 1997*

Mr. KUCINICH. Mr. Speaker, I rise today to honor the legacy of Howard Metzenbaum, former Senator from the State of Ohio. Howard Metzenbaum was a giant who strode across the political landscape of Ohio for five decades. Some called him a rabble-rouster with a fierce independent streak. The Washington Post called him "an uncompromising, indefatigable and often irascible champion of liberal causes." I always found him to be an inspiration, a breath of fresh air who was willing to do whatever necessary to defend the interests of working people.

Howard Metzenbaum had a remarkably varied career. After graduating from law school in 1941, he became a labor lawyer in Cleveland and then the very successful owner of a string of parking lots. He started one of the Nation's first car rental companies, now known as Avis. In 1949, as a member of the Ohio Senate, he won passage of legislation regulating consumer credit. After several attempts, he won a seat in the U.S. Senate in 1976, starting an 18-year career that placed him at the forefront of some of the most important issues of our time. It was Senator Howard Metzenbaum who championed plant closing legislation and got the Worker Adjustment and Retraining Notification [WARN] Act passed over the President's veto. He was a vocal opponent of corporate welfare before such opposition became fashionable. When he retired in 1994, Democrats and Republicans alike hailed him as the conscience of the U.S. Senate.

It is a fitting tribute to Senator Howard Metzenbaum that the Federal Courthouse at Public Square and Superior in Cleveland bear his name. The courthouse is a symbol of justice, and Howard Metzenbaum built his career on fighting for justice, fairness, and dignity for all citizens. I commend this bill to my fellow Members of Congress and urge its passage.

## MAX BARTIKOWSKY HONORED BY JEWISH COMMUNITY CENTER

### HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, September 29, 1997*

Mr. KANJORSKI. Mr. Speaker, I am pleased to have the opportunity to pay tribute today to a businessman and community leader from my congressional district, Mr. Max Bartikowsky. Next month the Jewish Community Center will honor Max at a surprise brunch. I am proud to have been asked to participate in this event.

Max is the owner of one of Wilkes-Barre's finest retailers, Bartikowsky Jewelers. The store has been an institution in downtown Wilkes-Barre ever since Max's grandfather emigrated from Poland and founded the store 100 years ago. While other stores have fled for suburban shopping malls, it is a testament to Max's commitment to Wilkes-Barre that his store has remained as a cornerstone of downtown.

The business has always been an extension of the Bartikowsky family's commitment to civic involvement by being a key supporter of the United Way, Northeast Philharmonic, American Heart Association, Hospice St. John, the Diabetes Association, Children's Miracle Network, and the city of Wilkes-Barre fire and police departments, Max has built on and continued the family's tradition both personally and professionally.

Max's personal community activities also fill a long list. He is an active supporter of Wyoming Seminary, a prestigious local educational institution. Along with Wyoming Seminary, Max is also involved in supporting the Rose Brader Clinic where he was named person of the year in 1991. He has also been a strong supporter of Penn State University and has been active in the Knights of Saber, Wilkes-Barre Lions. His personal dedication to the Jewish Community Center is also well known.

Mr. Speaker, I am proud to join with the members of the Jewish Community Center to recognize and pay tribute to an amazing and generous individual. I send my best wishes as the JCC honors one of its most distinguished and dedicated leaders.

## CAMPAIGN FINANCE REFORM

### HON. RON KIND

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Monday, September 29, 1997*

Mr. KIND. Mr. Speaker, for those who are interested in passing legislation in Congress that will fix the broken campaign finance system, there appears to be good news on the horizon. Last week the U.S. Senate began debate on the McCain-Feingold campaign finance reform bill.

In this House the future of campaign finance reform is not so clear. The leadership in the House has offered conflicting opinions on whether or not they will allow a debate on this issue.

Many Members have been pressuring the House leaders to schedule consideration of any one of the reform bills currently pending in Congress. I have been making a daily statement on the floor of the House demanding a vote on finance reform. It is my hope that these combined efforts, and the pressure being put on Members of Congress by the public, will force the leadership to reconsider their opposition to debate on a bill.

However, my greatest fear is not that we won't get a vote, but that we will get a campaign finance reform bill containing a poison pill that will doom the legislation.

The Republican leadership would like nothing better than to pass a campaign finance bill containing a poison pill that would force a veto by the President. That way the Republicans get political credit for passing a campaign finance reform bill while knowing full well that the bill will never become law.

This works if you are satisfied with the status quo, and many Members of Congress are satisfied with the current system. It got them elected, so why change it to give their opponents a chance to defeat them.

That approach may serve the self-interests of the Members of this House, but it would be an injustice to the people we represent. If we are going to actually see real reform, the next few days are crucial. I hope the leadership in the House of Representatives will see the wisdom of cleaning up the political process by passing meaningful campaign finance reform legislation.

## OPPORTUNITY SCHOLARSHIPS

### HON. RON PACKARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, September 29, 1997*

Mr. PACKARD. Mr. Speaker, I rise today to urge my colleagues to support educational freedom for the children of Washington, DC. By providing parents a choice in education, kids in the District of Columbia can be rescued from drug-infested, run down schools.

The fiscal year 1998 District of Columbia appropriations bill contains a provision to allow parents in Washington, DC, to choose schools for their children with the help of opportunity scholarships. Sadly, President Clinton has threatened to veto this legislation if opportunity scholarships are included in the bill.

Today, thousands of children in this city are literally being robbed of their futures because this administration and congressional Democrats are afraid to anger powerful labor unions who support the status quo. Mr. Speaker, this is no longer about conservative versus liberal values—the parents of this city's children don't want to make this political—they simply want their children to get a quality education. Right now, President Clinton refuses to let that happen.

Mr. Speaker, we can not afford to fail our children. There is nothing more important than the quality of our schools and the value of the education they provide. Without opportunity, we are shortchanging our children and depriving them of any hope for a prosperous future.

The truth is, we are losing children every day to the lure of drugs and crime because inner-city schools are failing to give them the tools they need to succeed. Mr. Speaker, many of these children may still get the chance to receive the education they deserve if their parents are given the choice to send them to quality schools.

Mr. Speaker, I urge my colleagues to send the President a bill that contains opportunity scholarships. We should let those who would rather trap children in poor schools where crackpipes and drug syringes are as plentiful as pencils explain why they think choice and opportunity in education is such a bad idea.

## RECOGNIZING THE NATIONAL WOMEN'S BUSINESS COUNCIL

### HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Monday, September 29, 1997*

Mr. LAFALCE. Mr. Speaker, as the ranking member of the Small Business Committee, I am proud that the reauthorization bill we reported contains strong support for women business owners. I am particularly delighted that our committee has reauthorized and expanded the National Women's Business Council.

As the Small Business Subcommittee Chair in the 1970's, I held a number of hearings on the unique challenges and obstacles faced by women business owners. Remembering these hearings, the late Gillian Rudd, then president of NAWBO, approached me shortly after I became chairman of the House Small Business. She said, "Congressman LAFALCE, now that you are Chairman of the full Committee, I hope you will do something what's never been done before. I hope you will take up the cause of women business owners and give them a seat at the table." That is exactly what I intended to do.

I asked Gillian to help me in preparing a series of hearings on women entrepreneurs. We searched for the best minds in the United States to learn about the business environment that was out there for women business owners. The hearings were a tremendous success, and we took our marching orders from the women who testified. We have learned that there were a number of things that Congress needed to do immediately to support the growth of women owned enterprises

First and foremost, we needed to create a National Women's Business Council to be a voice for women entrepreneurs within the Federal Government. We also knew that there would need to be an interagency task force, comprised of representatives from all the Federal agencies to work with the council in a public/private sector partnership. Finally, it was essential that we also come up with a business training program developed for women addressing their unique needs.

On the heels of receiving this information, delivered to the Small Business Committee in landmark testimony, I introduced and Congress passed H.R. 5050. That bill, the Women's Business Ownership Act of 1988, included several very important initiatives, including the creation of the National Women's Business Council. This was the first step in achieving our goals.

Now, 10 years later, we have accomplished all three of these goals. I am deeply gratified to have played a role in the establishment of all three and to see the fruits these efforts have borne. While it is so often repeated, I still think it merits mentioning just one more time. There are more than 8 million women business owners in the United States today, represented by 1,000 women's business organizations. Looking back on where we were two decades ago when this all began. I am still amazed at how the numbers of women entrepreneurs have skyrocketed. With greater growth in women's business ownership on the horizon, it is even more incumbent upon us to find ways to help these businesses succeed.

On July 21, the National Women's Business Council, in partnership with the Federal Reserve System and the Small Business Administration, held an Access to Capital and Credit Expert Policy Workshop in my district, in my hometown of Buffalo, NY. The purpose of the workshop was to make recommendations on how to expand the access to capital and credit. During this particular workshop, one of ten held around the country, we focused on the growth in western New York. The National Women's Business Council has compiled the recommendations made by the great women entrepreneurs of Buffalo and other women around the country into a report to be released tomorrow. I look forward to working with the Council on their implementation.

I have been working with the National Women's Business Council since I helped to create it in 1988. They have been an incredible resource to me and my staff. They do a wonderful job of representing women business owners around the country before Congress and the President, a task to which they have dedicated themselves wholeheartedly. The council is comprised of prominent women business owners and national women's business organizations which represent millions of women entrepreneurs nationwide. It is currently chaired by Lillian Vernon, a true American success story. These accomplished women are a resource at our disposal.

In 1988, I held a series of hearings on the problems that women entrepreneurs face—the first series of its kind—that was compiled into a report entitled "New Economic Realities: The Role of Women Entrepreneurs." In it, I said that there is a great untapped gold mine that exists within the American economy. There is a pool of talent that is so rich, that if we could tap into it and exploit it, we could unleash a windfall for the American economy. We have finally begun to do that.

## HMO ABUSE

### HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, September 29, 1997*

Mr. STARK. Mr. Speaker, there is a lot of talk about fraud, waste, and abuse in health care. One type of fraud that does not get mentioned much—but which cheats the taxpayers and the beneficiaries out of billions of dollars a year—is the overpayment of HMO's under Medicare.

I would like to include in the RECORD a summary of a recent Prospective Payment Assessment Commission meeting, as prepared by Gray & Associates, a health consulting and reporting service. At the ProPAC meeting, the staff of this congressional advisory panel noted that the adjusted community rate data—the data that determines how much extra an

HMO must provide its enrollees in benefits and services—is suspect.

I also include a letter I have sent to the Acting Medicare Administrator regarding overpayments to HMO's. The recent Denver HMO bidding demonstration—blocked by Congress and the courts—would, if implemented nationwide, save Medicare approximately $2 billion a year while expanding the level of benefits to enrollees.

Mr. Speaker, the current system must be reformed, ASAP.

### ADJUSTED COMMUNITY RATES

The adjusted community rate (ACR) is used to establish a risk contract's premium for Medicare, as well as the plan's supplemental benefits. The form filled out by plans demonstrates an actuarial equivalence between the plan's benefits and fee for service benefits, and establishes the difference that is to be returned to the Medicare program either through waived premiums, extra benefits, or actual payments back to Medicare (no one does the third option).

Staff believes that the forms could be used to glean useful cost information concerning the plans. This information could be used to determine the fairness of Medicare payment rates. However, the current reliability of the data is highly suspect, mainly because the information contained therein is not audited. In fact, staff states that some plans pick their final benefit plans, and make the numbers on the form fit the final plan. Other plans submit forms showing net losses per Medicare patient, which intuitively one knows cannot be accurate otherwise the plans would not be financially able to participate year after year in Medicare.

The BBA now requires that the ACRs be audited to ensue the quality of the data contained in them. Staff wants to take the now fairly reliable data and try to reconcile benefits packages with particular ACRs. Staff also hopes its analysis will reveal whether the new auditing requirements effect any major changes in the ACRs, which might, in turn, effect payment changes in the Medicare risk contract program.

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COMMITTEE ON WAYS AND MEANS,
U.S. HOUSE OF REPRESENTATIVES,
*Washington, DC, September 23, 1997.*

NANCY-ANN MIN DEPARLE,
*Acting Administrator, Health Care Financing Administration, Washington, DC.*

DEAR NANCY-ANN: Enclosed is a page from a health care newsletter which I received today. It reports former Administrator Vladeck as saying that before the Denver demonstration was blocked, HCFA had received four bids from HMOs that would have saved Medicare 10–12% and which "would have expanded current Medicare HMO benefits without any premium charge to enrollees."

Not every newspaper report is accurate, and I have certainly been misquoted a number of times * * * but is this generally accurate? Did HCFA receive four such bids?

If so, during the Ways and Means Health Subcommittee's anti-fraud hearing on September 30th, I would like to discuss this issue as an example of waste and abuse, and I would urge you to speed the implementation of risk adjustments and audits of adjusted community rates. We need to make some immediate adjustments in HMO payment rates and/or their payment of benefits to enrollees—especially in light of the August 18 GAO report (released September 16) on the non-enrollment of the chronically ill in HMOs.

If the news report is accurate and the Denver experience could be applied nationwide, we would save at least $2 billion dollars a year in managed care payments with no decrease in benefits—or beneficiaries should be receiving substantially more. Thank you for your help with this inquiry.

Sincerely,

PETE STARK,
*Member of Congress.*

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[From the Managed Medicare & Medicaid News]

Peter's PHO, Albany, N.Y.; Crouse Irving Memorial PHO, Syracuse, N.Y.; Chester County PHO, West Chester, Pa.; the PHO of Pennsylvania Hospital, Philadelphia; St. Barnabas Health Care System Provider Partnership, Livingston, N.J. (including St. Barnabas Medical Center, Newark Beth Israel Medical Center and Monmouth Medical Center). HCFA still is negotiating payment rates for the "Provider Partnership" test but hopes Medicare will save 5% on fee-for-service rates under the combined payments, which will be for all but a few acute care admissions [Managed Med 7/28/97]. The agency also expects bundling will help hospitals improve their Medicare margins by permitting them better control of facility use by physicians. [Info: HCFA, 202/690–6145]

HCFA's Denver-area bidding test could have saved Medicare 10–12% on Denver-area capitation payments. The figure, disclosed by ex-Administrator Bruce Vladeck, reflects four bids received by the agency before the demonstration was blocked by a federal court [Managed Med 7/14/97]. At a farewell meeting with health reporters last week, Vladeck also said that the four bids would have expanded current Medicare HMO benefits without any premium charge to enrollees. Vladeck advised that the seven competitive bidding demonstrations authorized by Congress in the final balanced budget bill [Managed Med 7/28/97] avoid markets that already have at least "a half-dozen plans and more pending" and ones where a single plan has an overwhelming market share. Poor demonstration sties also include ill-defined HMO markets in southern California and "megalopolis" centers of the Northeast, he believes.

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## THE TRAGEDY OF WACO DESERVES ANOTHER LOOK

### HON. BOB BARR

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, September 29, 1997*

Mr. BARR of Georgia. Mr. Speaker, the Waco tragedy in early 1993 killed 4 Federal law enforcement agents and 76 men, women, and children, in the worst law enforcement tragedy in American history. Congressional hearings to uncover the truth of what happened at Waco, and to take steps to see that a similar tragedy never happens again, were held in mid 1995, but failed to achieve their full potential either in uncovering the truth about Waco or in taking meaningful steps to prevent a recurrence.

One of the reasons the hearings were less than fully successful, was the lack of complete information and evidence available to Members of Congress conducting the hearings. For example, much evidence at the scene of the tragedy was destroyed by the Federal Government immediately after the buildings burned to the ground. Also, important pieces of evidence, such as firearms reportedly seized by the Government, were neither objectively tested nor made available to the Congress. Continued evasion and stonewalling by the FBI and the Department of Justice continues to this day.

Recently, however, private citizens produced and released a movie, entitled "WACO: the Rules of Engagement," which is playing to limited audiences across the country. The film ought to be reviewed by every government official and law enforcement officer at the FBI, the ATF and the Department of Justice, and many at the Department of Defense. The film ought also to be required viewing for every Member of Congress, and every citizen of this country who is concerned about the dangers of militarization of domestic law enforcement in America, and who shares an interest in accountability by those clothed with the power to enforce the laws of our country.

I have reviewed this film, and find it to be a compelling and objective analysis of this tragedy known forever more as simply, WACO.

I include for the RECORD a review of this important documentary tape, which aired on September 20, 1997, on the Siskel and Ebert Show, and was reviewed in writing by Roger Ebert, on September 19, 1997, in the Chicago Sun Times. Both of these respected and widely read film critics gave "WACO: the Rules of Engagement" a thumbs up. The reason they gave it two thumbs up was that it fulfilled its purpose, which was to raise important questions in the minds of the viewers about how the U.S. Government handled the WACO tragedy. The reviewers found it to be fair, persuasive, and an important documentary. Roger Ebert found the film compellingly presented witnesses who were telling the truth and that the American people were sold a bill of goods about the Branch Davidians that wasn't necessarily true.

In his written review, Mr. Ebert also correctly noted that after reviewing the tape, it was clear the original raid staged by ATF, in which both Branch Davidians and Federal agents were killed, was simply a publicity stunt. He also found the film presented testimony from both sides and resisted efforts to take cheap shots which would have been relatively easy. The reviewer also was struck by the scenes in the film taken by FBI heat-sensitive cameras, which seemed to show, including to the reviewer, FBI agents firing into the compound even though the FBI steadfastly denies firing any shots into the compound.

The movie is a compelling documentary which very clearly raises the question of why the American people and the Congress are not demanding as loudly as possible that further investigation of this tragedy be conducted, in order to come much closer than previously to answering for those dead children and future generations of Americans why this tragedy happened. How is it that a joint operation of the ATF, the FBI, and, in some respects, our military, under the direction of the top leaders of this country, could result in the gassing and burning of dozens upon dozens of men, women, and children, and virtually no steps resulting in accountability be taken? This matter needs to be reopened and reexamined. I commend the reviews of this movie and the film itself to all Americans.

[From the Chicago Sun-Times, Sept. 1997]

## WACO: THE RULES OF ENGAGEMENT

(By Roger Ebert)

Like many news-drenched Americans, I paid only casual attention to the standoff at Waco, Texas, between the Branch Davidians and two agencies of the federal government. I came away with the vague impression that the “cult,” as it was always styled, was a group of gun-toting crackpots, that they killed several U.S. agents, refused to negotiate and finally shot themselves and burned down their “compound” after the feds tried to end the siege peacefully with tear gas.

Watching William Gazecki's remarkable documentary “Waco: the Rules of Engagement,” I am more inclined to use the words “religion” than “cult,” and “church center” than “compound.” Yes, the Branch Davidians had some strange beliefs, but no weirder than those held by many other religions. And it is pretty clear, on the basis of this film, that the original raid was staged as a publicity stunt, and the final raid was a government riot—a tragedy caused by uniformed boys with toys.

Of course I am aware that “Waco” argues its point of view, and that there is no doubt another case to be made. What is remarkable, watching the film, is to realize that the federal case has not been made. Evidence has been “lost,” files and reports have “disappeared,” tapes have been returned blank, participants have not testified and the “crime scene,” as a Texas Ranger indignantly testifies, was not preserved for investigation, but razed to the ground by the FBI—presumably to destroy evidence.

The film is persuasive because:

1. It presents testimony from both sides, and shies away from cheap shots. We feel we are seeing a fair attempt to deal with facts.

2. Those who attack the government are not simply lawyers for the Branch Davidians or muckraking authors (although they are represented) but also solid middle-American types like the county sheriff, the district Texas Rangers, the FBI photographer on the scene, and the man who developed and patented some of the equipment used by the FBI itself to film devastating footage that appears to show its agents firing into the buildings—even though the FBI insists it did not fire a single shot.

3. The eyes of the witnesses. We all have built-in truth detectors, and although it is certainly possible for us to be deceived, there is a human instinct that is hard to fool. Those who argue against the government in this film seem to be telling the truth, and their eyes seem to reflect inner visions of what they believe happened, or saw happen. Most of the government defenders, including an FBI spokesman and Attorney General Janet Reno, seem to be following rehearsed scripts and repeating cant phrases. Reno comes across particularly badly: Either she was misled by the FBI and her aides, or she was completely out of touch with what was happening.

If the film is to be believed, the Branch Davidians were a harmless if controversial group of religious zealots, their beliefs stretching back many decades, who were singled out for attention by the Bureau of Alcohol, Tobacco and Firearms for offenses, real or contrived, involving the possession of firearms—which is far from illegal in Texas. The ATF hoped by raiding the group to repair its tarnished image. And when four of its agents, and several Davidians, were killed in a misguided raid, they played cover-up and turned the case over to the FBI, which mishandled it even more spectacularly.

What is clear, no matter which side you believe, is that during the final deadly FBI raid on the buildings, a toxic and flammable gas was pumped into the compound even though women and children were inside. “Tear gas” sounds innocent, but this type of gas could undergo a chemical transformation into cyanide, and there is a pitiful shot of an 8-year-old child's body bent double, backward, by the muscular contractions caused by cyanide.

What comes through strongly is the sense that the attackers were “boys with toys.” The film says many of the troops were thrilled to get their hands on real tanks. Some of the law-enforcement types were itching to “stop standing around.” One SWAT team member boasts he is “honed to kill.” Nancy Sinatra's “These Boots Are Made for Walking” was blasted over loudspeakers to deprive those inside of sleep (the memory of that harebrained operation must still fill the agents with shame).

When the time came, on April 19, 1993, the agents were apparently ready to rock 'n' roll. Heat-sensitive films taken by the FBI and interpreted by experts seem to show FBI agents firing into the compound, firing on an escape route after the fires were started, and deliberately operating on the side of the compound hidden from the view of the press. No evidence is presented that those inside started fires or shot themselves. Although many dead Davidians were indeed found with gunshot wounds, all of the bullets and other evidence has been impounded by the FBI.

Whatever happened at Waco, these facts remain: It is not against the law to hold irregular religious beliefs. It is not illegal to hold and trade firearms. It is legal to defend your own home against armed assault, if that assault is illegal. It is impossible to see this film without reflecting that the federal government, from the top down, treated the Branch Davidians as if those rights did not apply.

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## “WACO: THE RULES OF ENGAGEMENT” REVIEW

(By Siskel & Ebert)

GENE SISKEL: The United States Congress investigates the debacle that four years ago killed 76 men, women, and children who belonged to the Branch Davidian religious sect based in Waco, Texas in a new documentary called “Waco,” which clearly attempts to establish that the agents from the FBI and the Bureau of Alcohol, Tobacco, and Firearms lied to Congress and the American people, and needlessly harassed and ultimately murdered religious worshippers. To start with, the FBI claims that they fired no shots at the Branch Davidians. But the documentary has hired experts who argue otherwise, based on looking at surveillance tapes.

GENE: The documentary also argues that the FBI acted out of a macho, don't-trifle-with-us posture toward the Branch Davidians after, to be sure, a two-month standoff.

GENE: Singled out for scorn is the then-new Attorney General of the United States, Janet Reno who, the film argues, let the FBI run wild, and crucially walked away from responsibility by choosing to give a speech in nearby Baltimore rather than stay in her office and supervise the FBI's invasion of the Davidian compound.

GENE: “Waco: The Rules of Engagement”—that's the full title of this documentary—it's fascinating in the way it argues that the FBI acted irresponsibly. Would the documentary be stronger if the FBI had been allowed to argue its own case? Yes, definitely yes. But this is clearly an advocacy piece of filmmaking, and it certainly raised plenty of questions in my mind about how our government handled the Waco tragedy. Thumbs up from me.

ROGER EBERT: Thumbs way up for me, too. And you know, although it does have a particular point of view, it tries to be fair. It does show information from both sides, but the defenders of the government positions are inarticulate, they are clearly I think not saying everything that they're thinking or that they know, and they're hewing to a party line. You can look in the eyes of the people in this film and tell who you feel is telling the truth and who isn't. And what it amounts to here is that the American people were sold a bill of goods about the Branch Davidians what wasn't necessarily true, that these people were demonized...

GENE: Yes.

ROGER:..in a way that wasn't accurate. And then “boys with toys,” Gene.

GENE: Yeah, I know.

ROGER:...all those guys who never got a chance to drive a tank before, and who were excited and ready to go. Like that guy who says, “I'm honed to kill, I'm honed to kill.” They just couldn't wait to start shooting.

GENE: Well, that's why this is an important documentary in addition to just the case that it deals with. Two things: one, the macho element. Hey, If you're on point for two months,. you're going to want to shoot something if you haven't been able to! That's telling us something. And the other one, and I think this is the most interesting one, is how we learn from the media. The fault, ultimately—and I'll pick myself okay?—is that I wasn't as plugged in to this story as I should have been, because I'm getting sometimes a headline service...

ROGER: But of course, at the time there was no information available about the other side! And now, when you see this film, what's interesting as if you're looking for people who are unbalanced zealots...

GENE: Right.

ROGER:... you don't find them among the Branch Davidians, you find them among the FBI and Alcohol, Tobacco, and Firearms; those are the people in this movie who deserve to be feared, I think.

GENE: Well, but what I'm saying is that when we do these religious cult stories, when the media does these stories, then they better do a little bit harder reporting. I think that's one of the things you take out.

ROGER: Yeah, well, they should stay away from the trigger words like “cult” and “compound.” How about calling it a “religious group and their church?” That would have changed the entire perception of what went on.

GENE: Because to me the stunner is who was in that compound. Weren't those . . .

ROGER: Sensible . . .

GENE: Seemed like it.

ROGER: * * * sincere people who were not under the hypnotic leadership . . .

GENE: This is not Jim Jones, and the film makes the Guyana story, repeatedly makes that comment.

THE CRITICS' JOINT COMMENT FROM THE SUMMARY PORTION OF THE PROGRAM

GENE: Two thumbs up for the shocking documentary “Waco: The Rules of Engagement,” a special motion picture.

ADDITIONAL, INDIVIDUAL COMMENTS

GENE: So we do have some young filmmakers here, but the real discovery is "Waco."

ROGER: This movie is moving around the country. They are sometimes having discussions after it. I think that anyone who thinks they know what happened at Waco has another thing coming.

## SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, September 30, 1997, may be found in the Daily Digest of today's RECORD.

### MEETINGS SCHEDULED

OCTOBER 1

9:00 a.m.
Appropriations
Labor, Health and Human Services, and Education Subcommittee
To hold hearings to examine the results of the nationwide study by the National Cancer Institute of Radioactive Fallout from Nuclear Testing.
SD-192

9:30 a.m.
Commerce, Science, and Transportation
To hold hearings on the nomination of William E. Kennard, of California, to be a Member of the Federal Communications Commission.
SR-253

10:00 a.m.
Armed Services
To hold hearings on the nomination of Jacques S. Gansler, of Virginia, to be Under Secretary of Defense for Acquisition and Technology.
SR-222

Foreign Relations
Near Eastern and South Asian Affairs Subcommittee
To hold hearings to examine recent events in Algeria.
SD-419

Governmental Affairs
To continue hearings to examine certain matters with regard to the committee's special investigation on campaign financing.
SH-216

Judiciary
To hold hearings to examine Congress' constitutional role in protecting religious liberty.
SD-226

Labor and Human Resources
To hold hearings to examine voluntary initiatives to expand health insurance coverage.
SD-430

Rules and Administration
Closed business meeting, concerning petitions filed in connection with a contested U.S. Senate election held in Louisiana in November 1996.
SR-301

2:00 p.m.
Energy and Natural Resources
National Parks, Historic Preservation, and Recreation Subcommittee
To hold hearings on S. 940, to provide for a study of the establishment of Midway Atoll as a national memorial to the Battle of Midway, and H.R. 765, to ensure maintenance of a herd of wild horses in Cape Lookout National Seashore.
SD-366

Select on Intelligence
To hold hearings on the nomination of Lt. Gen. John A. Gordon, USAF, to be Deputy Director of Central Intelligence.
SD-106

OCTOBER 6

10:00 a.m.
Governmental Affairs
Permanent Subcommittee on Investigations
To hold hearings to examine traditional frauds perpetrated over the Internet.
SD-342

OCTOBER 7

9:00 a.m.
Agriculture, Nutrition, and Forestry
To hold hearings on proposed legislation relating to food safety.
SR-332

10:00 a.m.
Banking, Housing, and Urban Affairs
Securities Subcommittee
To hold joint hearings with the Committee on Finance's Subcommittee on Social Security and Family Policy and Subcommittee on Health Care to examine investment based alternatives to the current pay-as-you-go method of financing Social Security and Medicare.
SD-215

Finance
Social Security and Family Policy Subcommittee
To hold joint hearings with the Committee on Finance's Subcommittee on Health Care and the Committee on Banking, Housing, and Urban Affairs' Subcommittee on Securities to examine investment based alternatives to the current pay-as-you-go method of financing Social Security and Medicare.
SD-215

Finance
Health Care Subcommittee
To hold joint hearings with the Committee on Banking, Housing, and Urban Affairs' Subcommittee on Securities and the Committee on Finance's Subcommittee on Social Security and Family Policy to examine investment based alternatives to the current pay-as-you-go method of financing Social Security and Medicare.
SD-215

Foreign Relations
To hold hearings to examine the strategic rationale for NATO enlargement.
SD-419

Governmental Affairs
To resume hearings to examine certain matters with regard to the committee's special investigation on campaign financing.
SH-216

Labor and Human Resources
To hold hearings on the nomination of Charles N. Jeffress, of North Carolina, to be an Assistant Secretary of Labor.
SD-430

2:00 p.m.
Energy and Natural Resources
Water and Power Subcommittee
To hold hearings on S. 725, to direct the Secretary of the Interior to convey the Collbran Reclamation Project to the Ute Water Conservancy District and the Collbran Conservancy District, S. 777, to authorize the construction of the Lewis and Clark Rural Water System and to authorize assistance to the Lewis and Clark Rural Water System, Inc. a nonprofit corporation, for the planning and construction of the water supply system, H.R. 848, to extend the deadline under the Federal Power Act applicable to the construction of the AuSable Hydroelectric Project in New York, H.R. 1184, to extend the deadline under the Federal Power Act for the construction of the Bear Creek Hydroelectric Project in the State of Washington, and H.R. 1217, to extend the deadline under the Federal Power Act for the construction of a hydroelectric project in the State of Washington.
SD-366

OCTOBER 8

9:30 a.m.
Energy and Natural Resources
To hold hearings on S. 1064, to amend the Alaska National Interest Lands Conservation Act to more effectively manage visitor service and fishing activity in Glacier Bay National Park.
SD-366

Indian Affairs
To hold hearings on the proposed settlement between State Attorneys General and tobacco companies, focusing on the proposed Indian provision.
SR-485

10:00 a.m.
Governmental Affairs
To continue hearings to examine certain matters with regard to the committee's special investigation on campaign financing.
SH-216

Labor and Human Resources
To hold hearings on the nomination of David Satcher, of Tennessee, to be Assistant Secretary of Health and Human Services and Medical Director and Surgeon General of the Public Health Service, Department of Health and Human Services.
SD-430

OCTOBER 9

9:30 a.m.
Labor and Human Resources
Public Health and Safety Subcommittee
To hold hearings to examine the National Institutes of Health clinical research.
SD-430

10:00 a.m.
Governmental Affairs
To continue hearings to examine certain matters with regard to the committee's special investigation on campaign financing.
SH–216

2:00 p.m.
Energy and Natural Resources
National Parks, Historic Preservation, and Recreation Subcommittee
To hold oversight hearings on the feasibility of using bonding techniques to finance large-scale capital projects in the National Park System.
SD–366

OCTOBER 21

9:30 a.m.
Labor and Human Resources
To hold hearings on S. 1124, to amend title VII of the Civil Rights Act of 1964 to establish provisions with respect to religious accommodation in employment.
SD–430

OCTOBER 22

9:30 a.m.
Labor and Human Resources
Business meeting, to consider pending calendar business.
SD–430

Indian Affairs
To hold hearings on S. 1077, to amend the Indian Gaming Regulatory Act.
Room to be announced

OCTOBER 23

10:00 a.m.
Labor and Human Resources
To hold hearings on S. 869, to prohibit employment discrimination on the basis of sexual orientation.
SD–430

OCTOBER 27

2:00 p.m.
Labor and Human Resources
Public Health and Safety Subcommittee
To hold hearings to examine proposals to deter youth from using tobacco products.
SD–430

OCTOBER 28

10:00 a.m.
Labor and Human Resources
To resume hearings to examine an Administration study on the confidentiality of medical information and recommendations on ways to protect the privacy of individually identifiable information and to establish strong penalties for those who disclose such information.
SD–430

OCTOBER 29

9:30 a.m.
Indian Affairs
To resume oversight hearings on proposals to reform the management of Indian trust funds.
Room to be announced

OCTOBER 30

10:00 a.m.
Labor and Human Resources
To hold hearings to examine recent developments and current issues in HIV/AIDS.
SD–430

## CANCELLATIONS

OCTOBER 2

10:00 a.m.
Governmental Affairs
To continue hearings to examine certain matters with regard to the committee's special investigation on campaign financing.
SH–216

# SENATE—*Tuesday, September 30, 1997*

The Senate met at 10 a.m., and was called to order by the President pro tempore [Mr. THURMOND].

### PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

A bracing word from the Lord calls us to prayer. Through Isaiah He says, "Woe to those who call evil good and good evil; who put darkness for light and light for darkness; who put bitter for sweet and sweet for bitter. Woe to those who are wise in their own eyes and prudent in their own sight."—Isaiah 5:20–21.

Let us pray.

Almighty God, we reaffirm the absolutes of Your Commandments and the irreducible mandates of the Bible. We commit ourselves to those principles rather than our own prejudices. Make us moral and spiritual leaders of our culture and not chameleon emulators of the equivocations of our time. Help us to discern Your good and reject the clever distortions of evil. May we be people of the light who dispel the darkness of deceit. Keep us from solicitous sweetness or unforgiving bitterness.

Dear God, bless the women and men of this Senate with the divine wisdom to lead and the greatness to inspire our beloved Nation. Through our Saviour and Lord. Amen.

### RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able acting majority leader, Senator COATS, is recognized.

### SCHEDULE

Mr. COATS. Mr. President, this morning the Senate will resume consideration of the Coats amendment No. 1249 to S. 1156, the D.C. appropriations bill. Under the order, there will be 1 hour of debate prior to the cloture vote on the Coats amendment regarding school choice.

Following the 11 a.m. cloture vote, the Senate will continue debating amendments to the D.C. appropriations bill with the hope of finishing action on that bill during today's session. In addition, the Senate will consider the continuing resolution at some point during the session.

As previously ordered, the Senate will recess from 12:30 p.m. to 2:15 p.m. in order for the weekly policy luncheons to meet, and the Senate may also return to consideration of S. 25 regarding the financing of political campaigns or any conference reports that are cleared for Senate action. Therefore, Members can anticipate additional rollcall votes throughout the day.

### CONGRATULATIONS TO THE KENNEDY FAMILY

Mr. COATS. Mr. President, I want to take a moment here to congratulate the Senator from Massachusetts for winning a major sailing race this past weekend, and he did not hire a professional crew. He used his sister and son and family and came in first, which is no small feat. The Senator deserves our congratulations for that, and hopefully we can get off to a good debate this morning on vouchers with the Senator feeling so good about winning that race.

Mr. KENNEDY. Mr. President, if the Senator will yield, I thank the Senator very much for his kind comments, once in awhile, it's nice to win something around here.

I thank the Senator for his comments.

Mr. COATS. It was clearly a family affair, Mr. President, and congratulations to the entire Kennedy family for that.

### RESERVATION OF LEADER TIME

The PRESIDING OFFICER (Mr. BENNETT). Under the previous order, the leadership time is reserved.

### DISTRICT OF COLUMBIA APPROPRIATIONS ACT, 1998

The PRESIDING OFFICER. The Senate will now resume consideration of S. 1156, which the clerk will report.

The bill clerk read as follows:

A bill (S. 1156) making appropriations for the Government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1998, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

Coats modified amendment No. 1249, to provide scholarship assistance for District of Columbia elementary and secondary school students.

Wyden amendment No. 1250, to establish that it is the standing order of the Senate that a Senator who objects to a motion or matter shall disclose the objection in the CONGRESSIONAL RECORD.

Graham-Mack-Kennedy amendment No. 1252, to provide relief to certain aliens who would otherwise be subject to removal from the United States.

Mack-Graham-Kennedy amendment No. 1253 (to amendment No. 1252), in the nature of a substitute.

#### AMENDMENT NO. 1249

The PRESIDING OFFICER. The pending question is the Coats amendment No. 1249. Who yields time?

Mr. COATS. Mr. President, I yield myself 3 minutes.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. COATS. I am pleased that over the last few days we have had the opportunity to debate what I think is a very vital and very important issue, particularly one that affects low-income children in the District of Columbia. We have had a number of debates on the Senate floor on the question of vouchers for students to have a choice to attend another school because the parents do not feel the school their child is in is providing the education they need to succeed.

We have a particularly acute situation in the District of Columbia whereby a number of children find themselves trapped in schools, in particularly low-income, primarily minority neighborhoods, with virtually no way out. We know that many aspire to be pro athletes, and I join that group that aspires to do that, but unfortunately God only gives a very select few the kind of talent to do that. Education is one of the primary ways for young people to better their circumstances, particularly in situations where children of limited means or practically no means find themselves locked in a situation that gives them no choice. Then their opportunities for meaningful and gainful employment in the workplace or for continued education to give them better opportunities is forfeited.

The D.C. Scholarship Program is something that Senator LIEBERMAN and I have coauthored and have worked to pass. We are moving toward a very important vote at 11 o'clock that will allow us to continue the debate, which I think is not just a debate focused on this bill but a debate that this Senate, Congress, the President, and the entire country should be engaging in: How do we improve our education system? It has been nearly a decade and a half since the report "A Nation at Risk." That report cited the mediocrity of American public education. There have been a number of reforms that have taken place in different parts of the country, but it seems that those who are left behind are those who occupy low-income homes, mostly minority students in failing schools, urban school systems.

Now, our goal is not to replace the public school system in the District of Columbia or anywhere else. Clearly, given the number of students we have,

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

the limited availability of private schools, we need to find ways to strengthen the public school system. We believe that this offers an opportunity to provide that impetus, that spur, to help move along the necessary reforms in the D.C. public school system. We also believe it offers an opportunity to 2,000 children in the District to better their situation, to utilize the voucher to provide an opportunity for a better education. So this bill would provide scholarships for 2,000 young people in grades K through 12 in the District of Columbia that are at or below 185 percent of poverty. It would also provide tutoring help for those who chose to stay within the public schools but needed some assistance in terms of reading and math.

Mr. President, I yield at this particular time. I know we have a limited amount of time. Senator LIEBERMAN and I will be dividing that time up, and I believe we have one or two other speakers on our side.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. I yield myself 10 minutes.

Mr. President, I oppose the voucher amendment to the District of Columbia appropriations bill. Students in the District of Columbia deserve good public schools, safe public schools, well-trained teachers, and a decent education. Vouchers will undermine all of these essential goals by undermining the public schools, not helping them.

Vouchers will simply subsidize private school tuition for 3 percent of the students in the public schools and leave the other 97 percent of the students even worse off. Public funds should be used for public school reforms that help all students, not to pay for a few public school students to attend private and religious schools. Our goal is to improve public schools, not encourage families to abandon them.

We all want the children of the District of Columbia to get the best possible education. We should be doing more, much more, to support efforts to improve the local schools in the District. We should oppose any plan that would undermine these efforts.

A year ago, as part of an overall effort to deal more effectively with the serious financial and other challenges facing the District of Columbia, Gen. Julius Becton was appointed to improve the D.C. schools. General Becton asked for $87 million to make the critical repairs necessary to ensure that all schools would be ready to open for the 1997–98 school year on time, yet only $50 million was appropriated by Congress to repair the schools. Requests for additional funding were initially denied and were only made available by Congress at the last minute. So Congress bears part of the responsibility for the continuing problems of the D.C. schools, including the festering problems that led to the embarrassing delayed opening of the schools this fall.

This voucher amendment would further undermine General Becton's efforts just as he is making headway in repairing D.C. schools, increasing security and developing effective ways to improve the schools and help all students reach academic standards.

In addition, the voucher system would impose yet another bureaucracy, another federally appointed board on the District of Columbia to use Federal funds to implement the voucher system. The nominations of six of the seven board members would be controlled by Republican leaders of Congress. Only one representative of the District of Columbia would serve on the corporation.

Instead of supporting local efforts to revitalize the schools, the voucher proponents are attempting to make D.C. public schools a guinea pig for an ideological experiment in education that voters in the District of Columbia have soundly rejected and that voters across the country have soundly rejected, too. Our Republican colleagues have clearly been unable to generate any significant support for vouchers in their own States, and it is a travesty of responsible action for them to attempt to foist their discredited idea on the long-suffering people and long-suffering public schools of the District of Columbia. If vouchers are a bad idea for the public schools in 50 States, they are a bad idea for the public schools of the District of Columbia, too.

Many of us in Congress favor D.C. home rule and many of us in Congress believe that the people of the District of Columbia should be entitled to have voting representation in the Senate and the House, like the people in every State. It is an embarrassment to our democracy that the most powerful democracy on Earth denies the most basic right of any democracy—the right to vote—to the citizens of the Nation's Capital.

The District of Columbia is not a test tube for misguided Republican ideological experiments on education. Above all, the District of Columbia is not a slave plantation. Republicans in Congress should start treating the people of the District of Columbia with the respect that they deserve.

General Becton, local leaders, and D.C. parents are working hard to improve all D.C. public schools for all children. Congress should give them its support, not undermine them.

We have here, Mr. President, the examples of some of the activities that are taking place in the Walker Jones Elementary School in Northwest Washington working with the Laboratory for Student Success, using Community for Learning, a research-based reform model, and it is working. The concept is called whole school reform. With increased and more intensive teacher training, in proven methods and materials geared toward better student learning, student test scores have improved. After 6 months in the program, the school raised its ranking in the District on reading scores from 99th in 1996 to 36th in 1997. In math, the school climbed from 81st in the District to 18th. It is working. These kinds of investments are working in this particular school.

The John Tyler Elementary School in Southeast Washington uses the Comer School Development Model Program to restructure school management, curriculum, and teacher training. Teachers focus on reading and math instruction as well as hands-on learning in science and math. All of the students in the Tyler School, of whom 95 percent come from low-income families, are benefiting from the reforms. Academic achievement is going up. It is improving.

Spingarn High School in Northeast Washington has extended the day because they felt that school safety was a first priority. The school is a safe haven for students, and the academic standards are going up.

The District of Columbia has created the so-called Saturday academies for students who read below grade level. The Saturday curriculum reinforces the weekly instruction and benefits from a reduced student-teacher ratio, and the results show that it is working.

These are examples of what is taking place in the District of Columbia, working for all students. They should be encouraged. They should be expanded. They should be given the resources to be able to implement those programs.

Mr. President, $7 million would provide afterschool programs for every school in the District of Columbia. That would benefit all students, not just a very small group.

Scarce education funds should be targeted to public schools. They do not have the luxury of closing their doors to students who pose challenges, such as children with disabilities, limited English-proficient children, or homeless students. Vouchers will not help children who need the most help.

Voucher proponents argue that vouchers increase choice for parents. But parental choice is a mirage. Private schools apply different rules than public schools. Public schools must accept all children. Private schools can decide whether to accept a child or not. The real choice goes to the schools, not the parents. The better the private school, the more parents and students are turned away.

In fact, many private schools require children to take rigorous achievement tests, at the parents' expense, as a basic for admission to the private schools. Lengthy interviews and complex selection processes are often mandatory. Private schools impose many barriers to admission. Few parents can even get to the schoolhouse door to find out if it is open to their child. For the vast majority of families with children in public schools, the so-called school choice offered by the voucher scheme is a hollow choice.

Public schools must take all children, and build a program to meet each of their needs. Private schools only take children who fit the guidelines of their existing programs. We should not use public tax dollars to support schools that choose some children, and reject others.

There are also serious constitutional objections to the voucher scheme. The vast majority of private schools that charge tuition below $3,200 are religious schools. Providing vouchers to sectarian schools violates the establishment clause of the first amendment of the U.S. Constitution. In many States voucher schemes would violate the State constitution, too. Courts in Wisconsin, Ohio, and Vermont have all reached decisions this year upholding the ruling that the use of public funds to pay for vouchers for religious schools is unconstitutional.

If voucher proponents genuinely wanted to help the children of the District of Columbia obtain a good education, they would use the $7 million in this amendment to support reform efforts to improve the public schools. Money is not the only answer to school reform, but it is a principal part of the answer. Public schools in States across the country are starved for funds, and so are the D.C. public schools.

We saw an example just this morning. The Ballou Senior High School here in the District was forced to close due to a leaky roof caused by the weekend rainstorms. Students were sent to Douglass Junior High School, one of the buildings closed by the District. Again, the students of the D.C. schools suffered because of poor facilities. Seven million dollars would begin the critical repairs to the 80 buildings that did not get new roofs this year, to make sure that this will not happen to other schools.

We know what works in school reform. Steps are available with proven records of success to improve teaching and instruction, reduce crowded classrooms, and bring schools into the world of modern technology—let alone repairing crumbling schools facilities and making classrooms, corridors, and playgrounds safe for children trying their best to learn in conditions that no private schools would tolerate.

Too often, with good reason, children in too many public schools in too many communities across the country feel left out and left behind. Vouchers will only make that problem worse. Three percent of the students would be helped by enabling them to attend private schools, while 97 percent of the students are left even farther behind.

Supporting a few children at the expense of all the others is a serious mistake. We don't have to abandon the public schools in order to help. We should make investments that help all children in the D.C. schools to obtain a safer and better education. I hope my colleagues will reject this amendment.

Again, we should not impose on the District of Columbia what voters in other States don't want. In the last year, voters in Colorado, Washington, and California have rejected the vouchers. In the past 10 years, State legislatures in 16 States have voted this down. Even the Texas legislature rejected even the vouchers this year, and we should as well.

I reserve the remainder of our time.

Mr. COATS. Mr. President, I yield 4 minutes to the Senator from Kansas.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. BROWNBACK. Mr. President, I note at the outset we should not impose on the children of the District of Columbia what Members of the U.S. Senate are not willing to do. We did a survey of Members of the U.S. Senate to find out how many sent their children to the District of Columbia public schools. Of the 100 Members of the U.S. Senate, we were able to get ahold of 95 offices. We have not found an office yet that sends their children to the District of Columbia public schools.

Should we require students whose families do not have the income to be able to either move to other schools or to go to private schools to stay in this public school system? I submit we should not. It is not fair to the kids.

Listen to the statistics. These are just the facts. No. 1, 78 percent of the fourth grade students are below basic reading achievement levels in the District of Columbia. I chaired this subcommittee. I have held numerous hearings on this. I have gone to the schools. These are the facts.

No. 2, 11 percent of the students in the D.C. public schools have avoided going to school for safety reasons.

Fact No. 3, 11 percent of the students in the D.C. public schools report being threatened or injured with a weapon during the past school year.

Fact No. 4, this amendment provides low-income students and their parents a choice, a choice they currently do not have under the D.C. public school system. Right now, pupils in the District do not have a choice but to risk their lives and their potential for educational achievement by going to the D.C. public schools.

Fact No. 5, General Becton, who heads the reform in the District of Columbia public schools, said, "Give me to the year 2000. We will fix the schools up by the year 2000." And I am behind the General and the work he is trying to do to make these public schools better. But if you are a first grade student that means you are going to be in the first and second and third grade in these schools that have failed the kids. And they have failed the children. Some of them have worked, but overall they have failed the students. They have to learn to read and write and add and subtract during those 3 years. That time is too valuable to condemn those students to that type of situation.

It is not fair to the kids. If they had the wherewithal, if they had the income, a number of them would move out to different schools in Maryland or Virginia or to private schools. They don't have the option to be able to do that. This is not fair to the kids, to condemn them to this system. All we are asking is for students below that certain level of poverty, that they be able to have the possibility of doing what most of the Members—in fact all we have been able to find, of the 95 that we surveyed and got ahold of—all of the Members in the U.S. Senate do, and that is send their children to other schools because this system has failed. This system has failed the children, according to the District of Columbia control board itself. This system has failed the children. Let's not condemn that first grader, that second grader, that third grader, not to be able to read or write by not allowing this choice.

One of my highest priorities as the chairman of the Senate Subcommittee on Oversight of Government Management, Restructing, and the District of Columbia, is to make sure the children in the Nation's capital are receiving the quality education they deserve. The District's public schools, unfortunately, have failed too many students. I'm pleased to join Senators COATS, LIEBERMAN, and LANDRIEU in offering this amendment to empower students and their parents in the District with a choice in their education.

I, along with the distinguished ranking member of my subcommittee, Senator LIEBERMAN, have held hearings to explore options to improve public education in the District. I know there are public schools which are working and where students are thriving in their learning environment. I had the privilege to visit two schools in the District: Stuart-Hobson Middle School and Options Public Charter School. I was impressed by the success of their educational programs and how the students took pride in their education. The Options Public Charter School was especially interesting as an example for future charter schools in the District to follow. These schools, unfortunately, are exceptions in the District public school system.

The overall facts about the District public schools speak for itself: 78 percent of fourth grade students are below basic reading achievement levels; 11 percent of the D.C. public schools have avoided going to school for safety reasons; and 11 percent of the students report being threatened or injured with a weapon during the past year. We cannot continue to trap these students in an educational system that is failing them.

This amendment provides low income students a choice they currently do not have under the D.C. public school system. Right now, pupils in the District do not have a choice but to risk their lives and their potential for educational achievement by going to the D.C. public schools. Right now, students in the District do not have a choice but to go to a D.C. public school knowing the glaring reality that the longer they remain in the D.C. public schools, the less likely they will succeed. The Coats-Lieberman-Brownback-Landrieu amendment would give low-income students and parents the choice to enroll their children in a safe environment with high quality education at a private school. Under this amendment, the parents and the students are empowered with a choice in their education. It is an immediate solution to an immediate crisis in the District.

Gen. Julius Becton, chief executive officer and superintendent of the District of Columbia Public Schools, and the District of Columbia Emergency Transitional School Board of Trustees have said that they will make significant improvements by the year 2000, and I recognize and respect the work that lies ahead of them. But the year 2000 is 3 school years away. In three school years, a child progresses through grades one through three in which they learn to read, write, add, subtract, and so forth. These 3 school years are too valuable to force these students to continue in the public school system that has not delivered.

The focus of this amendment is on the low-income student in the D.C. public schools. By providing up to $3,200 in individual scholarships to low-income families who will choose the school for their children, this amendment would give these students the chance to make sure the next three school years do not go to waste while General Becton improves the D.C. public schools. Improving the chances for these children to get the education they need is one of the most fundamental elements to restore the Nation's capital into the shining city the United States deserves.

Mr. President, I ask the Members to support the Coats amendment and yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. I yield 5 minutes to the Senator from California.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I say to my friend from Massachusetts, thank you for leading this side.

Mr. President, this amendment—and this is the reason why we are voting against cloture—this amendment would use $7 million of public taxpayer funding to pay tuition at private schools. We are in battle to balance the budget. I am proud to say we are making great progress. But I know that Americans agree that education is a priority and, while we cannot give every child a scholarship, while we cannot do everything we want to do, while we cannot fund, as we would like, Senator CAROL MOSELEY-BRAUN's incredible initiative as we rebuild our crumbling schools—while we cannot do that, here we are diverting $7 million of taxpayer funds and giving them to private schools.

Who are we helping in the District of Columbia? Who, under this idea, do we contend would be helped? Mr. President, 2,000 out of 78,000 children; 3 percent. It is the 3-percent solution when we need a 100-percent solution. You know, you could really debate whether 3 percent of the kids would be helped. Because I have read this proposal, and I have to tell you, if I were for vouchers I would have written it a little differently. Why do I say that? This allows schools to spring up, mom-and-pop-shop schools, untested, if they can show that they can draw 25 children. Untested schools will spring up to grab this new source of funding from Uncle Sam. Because, as we know, the good schools that are touted around here, No. 1, many of them are filled up; No. 2, most of them charge at least twice the tuition that these children will get. So we are, in essence, going to start a whole new cottage industry of people popping up with "new schools," to grab this taxpayer money. To supposedly help 3 percent of the kids. I contend 3 percent of the kids will not be helped by going to some of those operations.

So, I hope my colleagues will read this proposal because, if you read it, you learn a lot of interesting things. For example, a new board of directors is set up. This is a bureaucracy, folks—a new bureaucracy. The board of directors are going to be political appointees, political appointees. So here we have a lot of talk about, "get government out of our lives," and who is going to decide this? Political appointees: The Speaker of the House, NEWT GINGRICH, is going to recommend these appointees to the President. Guess what, buried in that bill, the people who sit on these boards can earn up to $5,000 a year in a stipend. That $5,000 is more than the tuition check for the child. So we are creating a little cushy new bureaucracy here, with political appointees, to help 3 percent of the kids, which I contend would not be helped.

So, I feel Members ought to look at this. My State, California, has rejected vouchers twice. Let me tell you the reason. The reason is they want to help 100 percent of the kids. They are smart. They know the answer lies in better schools. That's why we backed charter schools, that's why we want national standards, to make sure that our children are living up to their potential. So these are the things that we want to do in California.

Mr. President, we could take this $7 million and we could do a lot of repairs on some of these D.C. schools. Some of them need boilers, because it is freezing in those schools. We could set up an after-school program. That is so important. We are doing it in Los Angles and Sacramento, so these kids have something to say "Yes" to after school. We could set up many of those after-school programs with this $7 million. By the way, just take the half-million off the top you are going to use for this new bureaucracy, you could fix a lot of schools. You could put after-school programs in. You could mentor a lot of children.

So I want quality schools for every child in America. I think this is a surrender. This is a surrender. And even with it, if it went into place, in my view it would encourage these new little schools to pop up, untested, because somebody would get the idea: Oh, this is great. I can get $3,500 per child. I will just set up my own school. And convince this board of directors that is politically appointed that they ought to be allowed to continue.

I hope we are going to reject this. I do not doubt for one moment that the people who put this forward are very sincere and caring about children. I just think it will have unintended consequences. I hope we will vote this down.

I thank my colleague from Massachusetts and I yield the remainder of my time to him.

Mr. KENNEDY. Will the Senator yield just for a question?

Mrs. BOXER. I believe I yielded my time back to the Senator.

Mr. KENNEDY. I yield the Senator 3 more minutes, if we need to.

Mrs. BOXER. Yes.

Mr. KENNEDY. Seven years ago, 53 percent of the D.C. teachers were not certified. Last year that number had dropped to 33 percent. In 1997, all new teachers are going to be certified and existing teachers who are here must be certified by January, 1998, or risk dismissal. Is that the kind of reform that you are talking about, a comprehensive solution, rather than helping just a few children? Programs that enhance the training and bring teachers up to speed so they have world class standards and world class certification, to be able to work with all children? Is that the kind of thing that the Senator from California is talking about?

Mrs. BOXER. Absolutely. I am talking about quality schools for 100 percent of the children, and I think the chart behind the Senator from Massachusetts explains the situation:

Restructure the whole school; foster world-class instruction; extend the school day; enhance family centered learning.

I talked about after school. Senator CAROL MOSELEY-BRAUN talks about fixing the crumbling schools. This is what we ought to be doing, not surrendering and giving these dollars to private institutions, some of them that are going to be totally untested, I say to my friend.

Mr. KENNEDY. Will the Senator yield further? Under General Becton's new initiatives, students in grade 3 and 8 have to have the basic reading skills before advancing to a higher grade. This requirement reflects the commitment of the District of Columbia to ensure all children master basic reading skills. That has been the new program.

Do I understand that if we had $7 million to try to implement those kinds of programs to work with kids, particularly those that may have more difficulty working through and enhancing their academic achievement, we would see all of the students in that class moving along together in enhancing their reading capabilities, which is key to all learning in the future? Those are the kind of investments that the Senator thinks would make sense for all the students, I imagine?

Mrs. BOXER. Absolutely, and testing. We support, you and I, this voluntary national testing. It is interesting, some of the people who are the strongest supporters of giving back to these private schools are fighting against testing. They don't want to have the children tested. Therefore, we will never know who is being left behind. The Senator is on target. We know what we have to do to make these kids whole. We know what we have to do to help 100 percent of the kids.

Mr. KENNEDY. I thank the Senator. I reserve the remainder of our time.

Mr. COATS. Mr. President, I yield 4 minutes to the Senator from Texas.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Mr. President, let's begin by talking about testing. I have here a pie chart that talks about people who attend D.C. public schools. These are the cold realities of the situation: 52.9 percent of them drop out of D.C. public schools before they graduate. So, obviously, they don't have a chance of going to college.

Of the less than half who graduate, 22.1 percent of all people who are in the system never take the SAT test that would allow them an opportunity, if they are successful, to attend a major college or university.

Of those who take the test, half make below 796 on the test. That is below the minimum standard set by most major colleges or universities in this region of the country.

So to begin with, roughly only one out of eight students has any chance in the world of attending a major college or university. That is the quality of the system that we see defended today by people who are willing to let children go to schools that don't teach, that don't deliver, that don't produce quality in order to defend teachers unions and vested interests.

Let me show you the next chart. The next chart basically points out where we are in the District of Columbia as compared to what is required to actually be successful and go on to a college or university.

The average student in the District of Columbia makes 790 on the SAT test. The average for the country as a whole is about 1050. To go to the University of Maryland, you have to average about 1170. To go to Penn State, you have to average about 1190. To go to the University of North Carolina, you have to score about 1230, and to go to the University of Virginia, you have to make about 1300.

Talk about discriminating against children. You force working families in the District of Columbia to send their children and their money to schools that turn out children that make 790 on the SAT test, and you are discriminating against them before they ever have any opportunity to use their God-given talents to advance themselves and their families.

Let me make note of the fact that the NCAA says that if you don't make 840 on the SAT test, you are not a real student and you are being exploited by playing football or basketball at a major college or university. The average SAT score in the District of Columbia is 789. That is clearly a case of failure.

Is it a failure to commit money? The average school system in America spends $5,765 per student. The District of Columbia spends $10,180 per student, roughly twice the national average, and yet look at the final product. But not for children of D.C. teachers. They want a mandatory program for everybody except themselves.

Nationwide, 12.1 percent of public schoolteachers on average send their kids to private schools. But in the District of Columbia, it is 28.2 percent. So despite more money than any other school system in America—twice the national average, more than twice the number of teachers in the District of Columbia send their children to private schools as the national average. Yet the test scores continue to reflect failure, and this is not new.

The failure of the D.C. schools to deliver in terms of hard achievement are well documented, and they have been in existence for a long time. Why not spend $7 million to give people a chance to compete? For God's sakes, this is something we ought to do. We ought to be ashamed of denying these children an opportunity to compete. I yield the floor.

The PRESIDING OFFICER (Mr. GRAMS). Who yields time?

Mr. KENNEDY. Mr. President, how much time remains on our side?

The PRESIDING OFFICER. The Senator from Massachusetts has 8 minutes remaining.

Mr. KENNEDY. I yield 6 minutes, or more, if the Senator from Illinois wants it.

The PRESIDING OFFICER. The Senator from Illinois.

Ms. MOSELEY-BRAUN. Thank you very much, Mr. President. To my colleague and friend from Texas, I raise the point that this is not just a matter of a mandatory system for everybody but themselves, referring to people in the District of Columbia, but, as I understand it, the State of Texas has rejected an attempt to put in vouchers. So this issue is one which is applied to the District but not to the State of the Senator from Texas. I think we ought to consider for a moment if it is not good for Texas, it is not good for anyone else in the country.

I point out this argument about helping poor kids ought to be looked at very seriously. Are we really helping poor children, No. 1, and, No. 2, does it help poor children to hold them out to be guinea pigs in an experiment that has not worked anywhere that it has been tried for which we have no information and in which, quite frankly, it represents a clear capitulation and a clear admission of failure, not just of failure, but of a lack of will to reform and revive the system of public education that we have in the District of Columbia?

The fact of the matter is, the $7 million that is to be diverted from the District schools won't fix a single school, won't fund reform and won't support the children who are there. I think that we should be building up the schools, not tearing them down, not taking money or bleeding money away from a public school system that admittedly is troubled. We want to reform the public schools in the District, but they have started a reform effort and, much as the reform effort in my home State of Illinois, it has shown to have great success where there is energized and committed leadership. We can reform our schools if we will just believe that they can be reformed, if we will just invest in them.

The fact is, again, with the $7 million we could make a real difference in the D.C. public schools. We could fully fund every after school program in the D.C. schools. We could buy 368 new boilers for the schools. We could rewire 65 of the schools that don't have the electrical wiring to accommodate computers and multimedia equipment. We could upgrade the plumbing in 102 schools with substandard facilities. We could buy 460,000 new books for the D.C. school libraries.

Instead of engaging the $7 million to fix what we have, we are going to say, let's bleed this patient to death, let's spin off enough for 2 percent of the schoolchildren and leave the others behind.

Let me point out for a moment, and it has been mentioned in the debate already, that one of the schools in the District just today had to close because of a leaky roof. As you know, I have been speaking about the whole issue of school facilities for a while, and in the District of Columbia, we see, according to reports by the General Accounting Office and others, that 67 percent of the schools have crumbling roofs.

If you know anything at all, you know if you have a leaky roof, you are likely to have walls that collapse and floorboards that curl and electrical wiring that can't be used. So having a leaky roof goes to the very heart of the environment for learning.

Are we going to put the $7 million into fixing some of those crumbling roofs? Apparently not, according to this plan.

Sixty-five percent of the schools in the District of Columbia have faulty plumbing, again, a situation where we have children who go to schools where the plumbing doesn't work. Yet, instead of saying we are going to fix the plumbing we are going to engage to support and build up and improve education for these kids, we are going to spin off some of them into another system, again, that has never been tried and created, and that we don't, frankly, know whether or not it is going to provide any benefit at all even to them.

Forty-one percent of the schools don't have enough power outlets and electrical wiring to accommodate computers and multimedia equipment. Everybody knows in this generation of students, computers are what books were to my generation. The kids have to have computers, and that is one of the reasons people do want to have quality education because they want to make certain their youngsters can get on the information superhighway. You can't plug the computer in if you don't have electrical wiring in the wall.

Yet, instead of putting $7 million into fixing the electrical wiring in the schools, we want to spend that money somewhere else.

Sixty-six percent of the schools have inadequate heating, ventilation, and air conditioning. Again, I don't know if people listening have spent a summer in the District of Columbia, but if you get here toward summertime, being in a room without air conditioning is close to being sentenced to purgatory. The children in the public schools would benefit if we were to make the kind of investment in them, as opposed to, again, bleeding the system as this proposal suggests.

I think, Mr. President, though, that at the heart of this debate is really almost a sad kind of capitulation, a sad kind of a lack of will that says that education is just a matter of whether or not I got mine, get yours, go into the market, buy an education for this chit and if you don't get a chit and can't buy a better education, that is too bad for you. The whole notion of public education is that it creates a public good, that it is something that benefits all of us, and that public education becomes, if you will, the great center of meritocracy that defines what this country is all about.

The ladder of opportunity is crafted in the classroom in America. What we are now saying is that some will get the opportunity and others will not. Assuming for a moment that this proposal were adopted—and I am going to do everything I can in opposition to it—but assuming it were adopted, of the 80,000 children in the District of Columbia, about 2,000 of them would be served. That would leave then 78,000 children left behind, left behind with schools that have crumbling roofs, faulty plumbing, not enough electrical power, and inadequate heating, ventilation, and air conditioning. That is what this proposal really represents.

I had in my office two students who were interns briefly. They were actually high school students from the District of Columbia. The reason they were working in my office as recently as last week was because they couldn't go to school, and they couldn't go to school because the courts had closed their school down for bad facilities. The infrastructure was so bad in their schools that they had no place to go to get an education. So we took them in to give them an opportunity just to do something during the daytime.

In the face of that failure, how we can suggest or how it can be suggested that bleeding that system even further instead of investing in it and giving it the support seems to me to be not only shortsighted but counterproductive. I think we can afford to waste no child. I think we should leave no child behind. To the extent that the combination of money and leadership, because it is not just money alone, it has to take an engaged population, if we engage to preserve, to revive and to reform these public schools, we can save them, and we can provide opportunity for all of our children.

The idea is not to create a two- and three-tier system of education so some can get and others cannot, what we want to do is have quality education for every child, so whether that child is an orphan or that child has parents who don't understand the school system or don't speak the language, that child will not be left behind in that which we have relegated to the back burner, that which is left over after we have siphoned off the resources into a private system.

I say let's not make the children of the District of Columbia guinea pigs in this ill-considered experiment.

I thank the Chair. I yield the floor.

Mr. HELMS. I am grateful to the Senator from Indiana [Mr. COATS] and the Senator from Connecticut [Mr. LIEBERMAN] for their having introduced the pending amendment. They are to be commended for offering this proposal, which will improve the circumstances of many students who live in the District of Columbia, and who want to escape—and no other word really fits—escape the horrific conditions that exist in so many local public schools.

I would say to my friends from Indiana and Connecticut that it takes a lot of courage to stand up against the public education establishment. They're a powerful bunch, the National Education Association crowd, and they're not afraid to use all of their muscle to oppose any effort to help parents find alternatives to failing public school systems.

Those who have examined the appalling state of the D.C. public schools are fully aware that parents need an alternative to the status quo. On February 20 of this year, even the Washington Post reported the following dismaying statistics:

Sixty-five percent of D.C. public school children tested below their grade levels for reading in the Comprehensive Test of Basic Skills.

Seventy-two percent of fourth-graders in the D.C. public schools tested below the "basic proficiency" level on the National Assessment of Education Progress test given to students every 2 years—this was the lowest score of any school system in the country.

The dropout rate among D.C. public schools students is an astounding 40 percent.

Meanwhile, even those that graduate are unprepared. More than half of D.C. public school graduates who take the U.S. Armed Forces Qualification Test scored below 50 percent on the test—that's a failing grade, Mr. President. That might be the saddest statistic of all. These young people—who want to better their lives through association with our armed forces—cannot pass the vocational aptitude exam given to aspiring recruits because the D.C. public schools are not properly preparing them.

So, Mr. President, the list goes on and on. The Heritage Foundation reports that 11 percentage of students in the D.C. public school system avoid school because they fear for their own safety. Isn't that sad, Mr. President? Children in our Nation's Capital are afraid to go to school.

Then again, why wouldn't they be afraid? Sixteen percent of the students in the D.C. public schools have at one time carried a weapon into their school. There are metal detectors at many if not all schools to prevent pistols, switchblade knives and narcotics from being smuggled into the classrooms.

Nor is it just the students who are afraid. Almost one in five D.C. public school teachers report that verbal abuse from their students is a serious problem. With conditions like these, no wonder student performance is so low.

Mr. President, again I congratulate Senator COATS and Senator LIEBERMAN for offering this amendment, which opens up the alternative of private or parochial schools to parents whose family income is below 185 percent of the poverty level. Their plan provides opportunity scholarships of up to $3,200 for parents who are fed up with the education—or, rather, the lack of education—provided by the D.C. public schools.

Mr. President, there is a lot of misinformation swirling about concerning the high cost of private and parochial schools. When the words private school are mentioned, the image of elite and high-priced education often springs to mind. Nothing could be further from the truth.

In fact, there is a vast and accessible network of private schools in the Washington area. My friend, the Senator from Indiana, informs me that there are 60 private schools in this area that cost less than $3,200 a year—the amount that families living below the poverty level can receive under the Coats/Lieberman amendment.

Of these 60 schools, many are the remarkable Catholic schools that operate in the most poverty-stricken parts of Washington, DC. These schools are willing and able to provide true quality education to poor students; in fact the Catholic Archdiocese of Washington reports over 1,000 spaces are available in its 16 Washington schools.

They want to do the job, Mr. President. But first, Congress must stand up to the teachers' unions and the rest of the public school establishment that doesn't want to answer for the poor performance of public schools. The Coats/Lieberman amendment is a day of reckoning for the failure of the D.C. public school system—and an outstanding way for Congress to help school children receive the education they deserve.

Mr. DODD. Mr. President, I rise today in strong opposition to this amendment.

Few issues are as divisive in education as this one—private school vouchers. There are very strong feelings on both sides of this issue. This is as it should be on issues affecting our children—strong feelings should be the norm. But I believe we should be concerned for all children, not just for a few.

Our universal system of public education is one of the very cornerstones of our Nation, our democracy and our culture.

In every community, public schools are where America comes together in its rich diversity. For generations, educating the rich, poor, black, white, first-generation Americans—be they Irish, English, Japanese or Mexican-Americans—and all Americans has been the charge and challenge of our public schools. It is clearly not the easiest task. But it's importance cannot be undervalued.

These efforts are essential to our democracy which relies on an educated citizenry, to our communities which require understanding of diversity to function, and to our economy which thrives on highly educated and trained worker. Education—public education—is also the door to economic opportunity for all citizens individually.

However, voucher proposals, like the one before us today, fundamentally undermine this ideal of public education.

Supporters of these programs never argue they will serve all children. They simply argue it is a way for some children to get out of public schools. The amendment offered today would provide 2,000 children, at most, with vouchers. But the D.C. public schools serve 78,000 children and about 50,000 are low-income.

I do not argue that our public schools do not face challenges—violence, disinvestment and declining revenues plague some of our schools, just as they do many other community institutions.

And our schools are not ignoring these problems—even with limited resources.

Many are digging themselves out of these problems to offer real hope and opportunities to students. James Comer in Connecticut has led a revolution in public schools across the country by supporting parents and improving education through community involvement and reinvestment in the schools. Public magnet and charter schools are flourishing offering students innovative curriculum and new choices within the public school system. School safety programs, violence prevention curriculum and character education initiatives are making real gains in the struggle against violence in our schools and larger communities.

And these reform efforts are beginning to show results. Our schools are getting better. Student achievement is up in math, science and reading. The reach of technology has spread to nearly all of our schools. The drop out rate continues to decline.

We clearly have a ways to go before all our schools are models of excellence, but our goal must be to lend a hand in these critical efforts, not withdraw our support for the schools that educate 89 percent of all students in America—public schools.

And there is no question about it, private school vouchers will divert much needed dollars away from public schools. Our dollars are limited. We must focus them on improving opportunities for all children by improving the system that serves all children—the public schools.

The $7 million this amendment would dedicate to D.C. vouchers are much better invested in the District of Columbia's public schools. Last week, Secretary Riley outlined how he would spend these funds on whole school improvement efforts and after-school programs. In addition, the infrastructure needs in D.C. schools remain quite severe—under the leadership of General Beckton, things are improving and these problems are being addressed. But, he estimates infrastructure needs alone top $2 billion.

Proponents of private school choice argue that vouchers will open up new educational opportunities to low-income families and their children. In fact, vouchers offer private schools, not parents choice. The private schools will pick and choose students, as they do now. Few will choose to serve students with low test scores, with disabilities or with discipline problems. Vouchers, which will be between $2,400 and $3,200, will not come close to covering the cost of tuition at the vast majority of private schools in the District.

In fact, the tuitions they will cover are at religious schools raising serious constitutional questions. No Federal court has ever upheld the use of vouchers for parochial school or religious education. To receive these funds, private religious schools would likely have to change the nature of their educational programs and eliminate any religious content. Many schools would be unwilling to do this; further limiting parent's ability to choose.

There are also important accountability issues. Private institutions can fold in mid-year as nearly half a dozen have done in Milwaukee leaving taxpayers to pick up these pieces—only the pieces are children's lives and educations.

This amendment also establishes a new bureaucracy within the District of Columbia to administer this program. There will be a board of citizens—only one of whom will be appointed by a D.C. official—to set up and oversee this program. For all our criticism of the D.C. government, its layer of bureaucracy, and lack of accountability structures, it is ironic that this amendment would set up yet another governing body. This is a long way from what this city needs.

Mr. President, our public schools are not just about any one child; they are about all children and all of us. I do not have any children, but I pay property taxes and do so happily to support the education of the children I am counting on to be tomorrow's workers, thinkers, leaders, teachers and taxpayers.

Our future is dependent on nurturing and developing the potential of every child to its fullest. Investing in our public schools is the best way to reach this goal.

I urge my colleagues to join me in defeating this amendment.

Mrs. MURRAY. Mr. President, today we debate an amendment to the fiscal year 1998 District of Columbia Appropriations Act that would provide publicly-funded vouchers to low-income students so they can attend private and religious schools in the District and surrounding areas.

The bill would authorize $7 million in the first year and a total of $45 million over 5 years. My colleagues have pointed out that this $7 million would only serve 3 percent of the students in the Washington, DC school district, and that we should instead be looking at investments that will help 100 percent of the students.

How much would $7 million buy for all the students in Washington, DC schools? How much real help—that would improve their ability to learn and succeed?

How many teachers, reading assistants, school counselors, nurses, or volunteer coordinators would $7 million buy? How many computers, video systems, wireless communications systems, computer-assisted drafting systems, technology labs and other tools could $7 million buy? How many different ways could we help the parents—through parent involvement programs or family literacy services—to help their children succeed in school, with $7 million?

My colleagues have in this debate asserted or intimated that defense of the public school is essentially defending the status quo, and being afraid of change. Well, when it comes to using public school funds to pay for students to attend private, sectarian schools, the status quo is actually set in the U.S. and many State constitutions.

Our country has a rich history, since Roger Williams, Thomas Jefferson, and James Madison, that keeps a line of separation between our public tax dollars and the checking account at the local house of worship. These debates are further informed by public votes and public polls. As far as the American public is concerned, this particular ground has been gone over. The argument is moot; the law is clear.

The experiences of the State of Washington also have bearing on this issue. I stand before you as a former school board member from a State where the law allows school boards to change anything not otherwise prohibited by law—to help students learn.

Washington State allows wide flexibility in carrying out existing school law—and the Washington State Legislature has held many open public debates on laws that seem too stifling. In every school in my State, like those in many other States, there are teachers, students, parents, and community members thinking about how to make schools better, and taking actions to make them better.

I want to be very clear about this—fear of change is not the obstacle here. My State also has a public school choice law that allows any student to attend school in any public school they choose. One thing we've learned from this Washington State law is that the biggest frustration occurs when a school determines, as it is allowed, to say when the school is full, and closes the door to new students—who then must choose another school.

The voters of Washington had a choice last fall, to allow private school vouchers. And they overwhelmingly rejected the idea at the polls. As you have heard, this has happened in other States around the country.

Today, if you are worried about the educational crisis affecting any student in a public school anywhere in this country —you have two choices. You can play "let's talk about vouchers," or you can go help a school. You can work at a think tank, or write a column for a newspaper, or become a Member of Congress.

And you can spend a good portion of your career, countless hours of debate, and millions of dollars breaking your pick in the ground of the school voucher issue. You can impose your will on the only people in the contiguous United States without representative government. You can play games with a community that faces enough challenges already. You can strive to further denigrate the D.C. schools by luring away to private religious schools the 2,000 students who are most likely to want to become leaders in a revitalized public school.

Or, you can do something productive. This $7 million could do some good. Your time devoted to a public school could help make needed changes. Your fund-raising on behalf of a public school foundation could make the difference for many students. Your tutoring or advocacy on behalf of a student or family could be the symbol that drives much more volunteer time and public awareness.

It all comes down to one parent wanting to get the very best for his or her son or daughter, and how we can help that parent. We can dangle the possibility of a religious school voucher, or we can help the student and his or her school. For that one student, this $7 million voucher system could be far less meaningful than the help and attention of one caring adult.

If any nationally-recognized voucher advocate went to that one student's school and offered to mediate a discussion, hold a fund-raiser, or work with a family—that student could find real solutions in a real school. Or, we can continue to talk about vouchers and other things that will not, and in this case, should not happen.

People have been talking about the crisis in schools for many years. The research shows we are doing better in many areas, but are not living up to the expectations of a new century. I fear that these kinds of discussions just create a crisis of a different kind—a crisis that saps our sense of volunteer spirit and voluntary support of public education. The students deserve better.

Mr. BIDEN. Mr. President, since 1992, when the Senate first voted on the issue of providing private school vouchers, I have consistently voted against spending Federal money to pay for tuition at private schools. I did so again today. But, I rise to let my colleagues know that I am reconsidering my position based on the changed circumstances in American education. I want to give everyone fair notice that in the future, I may vote to allow such a limited experiment.

I realize that whenever elected officials change their position on an issue, they are subject to accusations of flip-flopping or being inconsistent or trying to have it both ways. It is for that reason that I want to explain my thinking on this matter today.

Unlike some opponents of vouchers, I have never categorically opposed the idea of public money being used under any circumstances for private school education. Rather—and I think I have been forthright about this from the very beginning—my concerns have been very specific. First, I have questions about whether a private school voucher system, when it involves private religious schools, is constitutional. And, second, I have deep reservations about taking money away from underfunded public schools.

But, Mr. President, I do not believe that simply because I have always voted a particular way on a particular issue that I should be locked in forever to that position. Circumstances change. Thinking changes. And, I have been giving this issue a lot of thought.

I have come to the belief that the constitutional issues involved here are not as clear cut as opponents have argued. While lower courts have ruled that vouchers used in private religious schools violate the first amendment's prohibition on the establishment of religion, the Supreme Court has not yet weighed in on the question.

In fact, the Supreme Court has ruled that State tuition tax credits for private religious school tuition are perfectly constitutional, and the Supreme Court has ruled that Pell grants—vouchers for college students—can be used in private religious colleges without violating the Constitution. Granted, Mr. President, the issues that the Court has adjudicated are not exactly parallel to the issue of private school vouchers for elementary and secondary school students. But, the point is, it is an open question. Even some liberal constitutional scholars have noted that vouchers to parents and children may be constitutional. And, as long as it remains an open question, I do not think I can dismiss the issue of vouchers solely on constitutional grounds.

With regard to my second concern—that private school vouchers may drain funds away from the public schools—I now think that the issue is more complex. The real issue is not whether money is drained from public schools, but what effect vouchers would have on public schools and the quality of education those students receive. And, yes, I do believe there is a difference. Even if vouchers were to take money away from the public schools—and I should point out that not all voucher proposals do—that does not in and of itself mean that public schools will be harmed.

When you have an area of the country—and most often here we are talking about inner cities—where the public schools are abysmal or dysfunctional or not working and where most of the children have no way out, it is legitimate to ask what would happen to the public schools with increased competition from private schools and what would happen to the quality of education for the children who live there.

Most of the opponents of private school vouchers argue that with more kids attending private schools, the support for public education will be drained. To date, that assertion has largely gone unchallenged. I am not sure it should any more. Is it not possible that giving poor kids a way out will force the public schools to improve and result in more people coming back?

Make no mistake about it. Public education must be our primary focus. And, in considering voting for vouchers in the future, I am not subscribing to the philosophy of many voucher supporters who argue that there should be no Federal role in education or that the Federal Government should not in any way help States fund public education or that we should decrease our commitment to public education. On the contrary, I think we should increase that commitment. But, for those kids who are presently caught in a failed public school, we must start asking—only asking—if public education is still the only answer.

I do not know the answer to that or any of the other questions I have raised today. But, I believe the questions need to be asked. And, it may be that the only way that we will find out the answers is to create a limited private school voucher demonstration project.

I say "may," Mr. President, because I do not know. And, that really is part of the point here. I will continue to ask these questions, listen to both sides of the debate, and ponder the answers. In so doing, however, I want everyone to understand that I may conclude in the end that the only true way to answer the questions is to try vouchers—in a limited fashion for those who need the most help.

Mr. DASCHLE. Mr. President, I appreciate the concerns my colleagues have expressed for the future of the children of Washington, DC. The conditions in many of the schools are truly deplorable, and the performance levels of the children show that there are many problems that need to be addressed. I do not, however, share their faith in vouchers as a solution.

Although the sponsors have worked to address some of the problems with past voucher proposals, I see four serious flaws with this particular approach.

First, this proposal ignores 97 percent of all children in the D.C. schools. There are 78,000 children in the D.C. public schools. Approximately 50,000 of them are from low-income families. Under this proposal, only 2,000 children—less than 3 percent of all children in D.C. schools—would receive vouchers.

If helping children leave the public school system and go to private school really is the only way to get a good education—and I will outline in a moment why I do not believe it is—what message would we be sending to the children who would not get vouchers? Are we telling them that they're not important? Are we telling them that we're giving up on them?

I think we ought to tell them that they're all important, that we cannot afford to leave one of them behind. We need solutions that help all children, not just a few who happen to be lucky enough to win a lottery.

The second flaw I see with this proposal is that there is little proof that vouchers work. I certainly do not believe, as some of the proponents have claimed, that those who are left behind are helped in any way by the divisions that will be created within communities or by the loss of active parents to the public school system. But there is also little evidence that vouchers have helped the children who receive them in Milwaukee and Cleveland. The research is contradictory, but careful examination of the data seems to show that improvements in children's academic achievement has almost everything to do with family background, and almost nothing to do with vouchers.

A third problem with this proposal is that, in the end, it's not parents who choose, it's private schools. My colleagues say they want to give parents more choices, and I am sympathetic to that argument. But, who is really doing the choosing? The answer: private schools will choose. As the article in this morning's Washington Post points out, very few of the secular private schools in this area charge a tuition at or below the level of the vouchers and many of these do not have places for additional students. The better the school, the more likely they are to turn students away.

The proposal does not require private schools to accept children with disabilities or children with limited English proficiency. So, parents of these children are likely to find they have few choices available to them.

Finding schools to accept children has been a problem in cities with voucher programs. In Cleveland, for example, nearly half of the public school students who received vouchers could not find a private school that would accept them. No choice was available for those students or their parents.

Finally, Mr. President, I would point out that the public is opposed to vouchers. All parents want their children to be able to go to the best schools possible. But, when people understand how voucher programs work, they reject them. District voters rejected vouchers by an 8-to-1 margin in 1981. More recent voucher initiatives in California, Oregon and Washington State were rejected by more than 2-to-1.

Who does support vouchers? Among the biggest proponents are people who want to dismantle public schools, especially the radical religious right. In his book, America Can Be Saved, Jerry Falwell writes:

> One day, I hope in the next 10 years, I trust that we will have more Christian day schools than there are public schools. I hope I live to see the day when, as in the early days of our country, we won't have any public schools. The churches will have taken them over again and Christians will be running them. What a happy day that will be!

Mr. President, make no mistake about this. I support religious schools. I am a product of a Catholic school education. My parents had that choice, and I believe every parent should have that choice. But, I do not believe taxpayers should be forced to subsidize that choice. Our forefathers wisely understood that there should be a constitutional separation between church and state.

There are other ways to expand parents' choices without violating the Constitution. We should increase parents' ability to choose which public schools their children attend within a district, among districts and even statewide. We should increase the number of magnet and theme schools within the public school system such as math and science academies that have been developed in some communities. We should establish more charter public schools, where motivated administrators and teachers work with innovative programs in exchange for more flexibility.

Mr. President, it is pessimistic and callous to settle for helping less than 3 children in 100. We can do better. We know what works in education. We know that children need good teachers, high standards and reliable measurements to tell us whether they are achieving those standards, safe classrooms, and the active involvement of parents in the schools.

There are public schools all across the country doing an outstanding job of educating children. They are laboratories of reform and excellence. We ought to support these schools and help other public schools reach their level, not give up on the principle of providing a good public education to all children.

Sharing information about local school reforms that work, incidentally, is one of the functions performed by the Department of Education—which many voucher supporters would abolish.

The American people are not willing to abandon public schools. Polls show that 71 percent of Americans believe we should revitalize public schools, not abandon them. They believe we should educate all children, not just a few. When Americans have had the chance to vote for vouchers, they have voted against them overwhelmingly.

In summary, this voucher amendment would: ignore the needs of 97 percent of D.C. school children; make D.C. children guinea pigs for unproven theory; give choice to private schools, not parents; and drain needed energy and resources away from efforts to revitalize our public schools.

There are better ways to improve our students' academic performance. I urge my colleagues to oppose the amendment and work with me to enact real and meaningful strategies that help all of our children, not just a few.

The PRESIDING OFFICER. All time allotted to the Senator from Massachusetts has expired.

The Senator from Indiana.

Mr. COATS. I yield myself 6 minutes, and my understanding is that will reserve roughly 10 minutes for the Senator from Connecticut.

The PRESIDING OFFICER. There would be 9½ minutes remaining.

Mr. COATS. Mr. President, it is interesting that in this debate not one person who is opposed to the scholarship program for D.C. students has come down here and addressed the fundamental issue of this debate. The fundamental issue is, will we give poverty-stricken minority children the opportunity to escape a failed educational system so that they, too, can participate in the American dream?

We have talked about plumbing, air conditioning, crumbling schools, and we have heard if you can't give it for 100, you can't give it for any. What kind of argument is that? In other words, if you can't totally reform the system all at once for everyone, you condemn another whole generation in the District of Columbia—and in Chicago and other cities around this country—to failure and the inability to gain skills to become gainfully employed or to have the opportunity to go on to further education.

Now, this argument about bleeding the system—if I could have the attention of the Senator from Illinois and the delegate from the District of Columbia, who is on the floor—bleeding the system. The D.C. school system gets $672 million a year, and you are saying that if you added $7 million, the system would be fixed?

The General Accounting Office said that 25 percent of the maintenance budget never leaves the maintenance facilities office. It doesn't go to fix plumbing. The system is broken. We are taking $7 million, not out of the $672 million, not one penny of this is coming out of the current budget for D.C. schools. The $7 million is coming out of money set aside to reduce the general deficit. That was added on to the President's budget.

Bleeding the system, fixing the ventilating, while kids can't even achieve the test score to go on to higher education, kids can't get out of a school—your own statistics show why parents want to leave. If 67 percent of the schools have crumbling roofs and 65 percent have faulty plumbing and 66 percent have inadequate heating, ventilation, and air-conditioning and more than 50 percent goes to maintenance and administration and less than 50 percent of the $672 million goes to educating students, what is wrong with that system? There is something desperately wrong with the system.

This program is designed to at least give 2,000 kids a chance. We talk about the 100-percent solution. Well, it is like if you can't give 100 percent of the kids an opportunity within a failed system, then let's not give any kids an opportunity, let's condemn all of them.

Now, the District of Columbia system needs help desperately. Even the Washington Post, not a supporter of school vouchers, has said give it a chance. At least try it, to see if maybe it spurs the system on, the D.C. public schools system, to a little bit better performance. If it doesn't work—we have a test built in here—if it doesn't work, we will try something else. But let's do something to help these kids. Let's do a small, little piece.

Now, the Senator from California talks about bureaucracy. "Bureaucracy" is another word for the D.C. public school system. More than 50 percent of the money, $672 million, doesn't even go to the classroom. Yet in this bill we have a cap of 7.5 percent on administration. We will match our administration with the D.C. administration any time, anywhere.

Senator KENNEDY said, who wants it? Nobody wants it in the District of Columbia. Here are 2,000 parents that want it that have signed this petition. I have a list of 100 ministers, D.C. ministers, almost all minority ministers, who said, we plead with you, give our kids a chance to get an education. They want it.

There was a recent poll taken in the District of Columbia, and 64 percent of D.C. residents indicated if they had the funds, they would get their kids out of the public school system; 40 percent drop out—the Senator had a chart saying 50; say it's 40 or 50 percent, whatever—they don't even graduate from the system.

The constitutional argument—vouchers are good enough for day care. I think the Senator supported that. Vouchers are good enough for Head Start. I think the Senator supported that. Vouchers are good enough for the GI bill and good enough for kids to go to Loyola in your State. That is a religious school. If they are good enough for people over 17 and they are good enough for kids under 5, why aren't they good enough for kids between 5 and 17?

Does the Senator want to respond?

Ms. MOSELEY-BRAUN. I would be delighted. I am very happy to respond to that.

I think the issue, and the point I have just made, if the Senator is prepared to support an effort to address this as well, to address fixing up the crumbling schools in the District of Columbia so those 98 percent of the children who will be left behind——

Mr. COATS. I will be glad to respond. This Senator would be happy to support any effort to improve public schools, but I don't put plumbing ahead of education. I think the first thing we ought to do—and I don't know why the Senator doesn't support it—we first ought to help kids get educated, and at the same time maybe we can do that.

If we don't fix the schools, we will not fix the education—that is upside down.

One last thing. It was stated on this floor that few parents can get to the schoolhouse door. Well, there are a lot of poor kids who have no opportunities in life that can't get through the schoolhouse door because Members of Congress are standing at the schoolhouse door saying, "Nope, you are not allowed in the school. You don't have the money, you can't get in."

I am a product of public schools. My kids are a product of public schools. I support public schools. But I don't support public schools that don't give education. I want to do something to help that public education.

I yield the remaining time existing to the Senator from Connecticut.

The PRESIDING OFFICER. The Senator from Connecticut has 8 minutes 30 seconds remaining.

Mr. LIEBERMAN. I thank my colleague from Indiana.

Let me pick up on what was said by Senator COATS, citing that this amendment is bleeding the system. Good God, the system is bleeding. It is not this amendment that is bleeding it. What is bleeding it is the failure of the system, and the blood that is being lost are the hopes and dreams of thousands of parents and children trapped in the school system who know it is a failure for them, who know it is not working for them.

I appeal to my colleagues, particularly my Democratic colleagues, please look at the facts, cut through the rhetoric. I know there is strong pressure from interest groups representing the establishment, the education status quo. I know that my colleagues on the Democratic side are great believers in the public school system. But remember those words that I think were spoken by John Gardner, that too often debates are between those who are unloving critics and uncritical lovers. We all love the public school system, but open our eyes, look what is happening here.

Senator KENNEDY earlier in charting progress in the school system in the District of Columbia said in the last period of time the number of uncertified teachers went from more than 50 to 33 percent. Is that a sign of progress? Yes, it is progress. That is why Senator BROWNBACK and I are working with Delegate NORTON and others to bring more money to the District and support General Becton.

But think about the reality. How many Members of this Senate would send their children to a school system in which one-third of the teachers were uncertified, unless they were forced to send them there because they didn't have the money to get them out.

The Senator from California earlier said, gee, let's take this money, and my colleague and friend from Illinois added, let's put it on top, give it to all the kids, instead of just benefiting this relatively small group of 2,000.

The Washington Post said a while ago in an editorial that the D.C. school system is a well-financed failure. So choice here is whether you will put $7 million on top of the more than $600 million we put into the system and better finance the failure instead of giving that money and focusing it on 2,000 kids and thereby giving them the opportunity for a better education and a better life.

The D.C. school system already spends $7,655 a year, more than $1,500 greater than the national average spent, per student in schools, more than $1,000 greater than that spent in the school districts in the neighboring counties of Maryland and Virginia.

The debate is not about whether you are for the public schools. Senator BROWNBACK as the chairman and I as the ranking Democrat have worked very hard with General Becton. Progress is being made. This is a system in which buildings are still deteriorating, are deteriorated, kids are afraid to go to schools, teachers are afraid to come and teach. Half the children are dropping out. The longer they stay in the school system, the worse they do compared to national averages on the standardized tests.

We are saying here on this amendment, while we are all working with General Becton to improve this school system, let's recognize that this is a building on fire and let's get some kids out of those parts of the building on fire to give them a chance to better themselves.

This is not a choice between public schools and private, parochial schools. That is a false choice. You can support this amendment and support the public schools in the District. The true choice here is between preserving the status quo at all costs, which is slamming a door in the face of the parents and children who want to do better, and doing what is necessary to put those children first. In other words, asking whether the status quo of the public education orthodoxy, which is letting down so many children, is so important that we are willing to sacrifice the hopes and aspirations of thousands of children for the sake of a process, not for the sake of the children.

What is the interest of government in education? Not to protect a particular form but to educate our children. That is what this amendment is about. It is not a panacea. We have a lot more work to do. There is a recent independent study of the scholarship program similar to this one in Cleveland, and they found it helped produce enormous academic gains in 1 year. The same is true in Milwaukee.

Also, it will have an effect on this school system in the District, as competition does, to get them to improve what they are doing. Support for choice is growing widely. In a poll, the Joint Center for Political and Economic Studies found support for school vouchers is surprisingly strong. They concluded it has substantially increased in the last year. A majority of African-Americans, 57.3 percent, and Hispanics, 65.4 percent, supported school vouchers.

Mr. President, I want to make a direct appeal to my Democratic colleagues: I don't know why there is only a handful of us who are Democratic Members of this Senate supporting this proposal. This party of ours has been at its best when we have been for opportunity, when we have been for helping people up the ladder of American life—not to give a handout, but to give people a little help, to help them better themselves. That is what this is about. This is not about protecting a status quo, protecting education. Let's focus on human opportunity and the waste of human talent.

In my opinion, voting against this measure, I say with respect, is about the equivalent of voting against Pell grants or the GI bill or child care programs or any of the host of other programs that Democrats, majority strong, proudly I say, have supported this year and over history.

I think we have just become either uncritical lovers of the school system, the public school system, forgetting our primary education to the children who are there, or are being convinced by those who have a vested interest in the status quo that this is somehow, though on its face a good idea, the proverbial camel's nose under the tent. This is a lifeline for 2,000 children who are trapped in a school system where none of us would let our kids be. I don't mean all of it, but in many cases in this school system many of the schools we simply would not let our kids attend. We see it in the wealthiest section of this city. Choice supporters see that 65 percent of the families living in ward 3, the wealthiest in this city, send their children to private schools. Those ministers and children who came to see us from the poorest sections of this city asked us: Is it fair given this indictment of the District of Columbia public schools by the wealthier families and the wealthier neighborhoods for the Congress to force the poor and disenfranchised to attend schools that we would not ourselves?

I appeal to my colleagues. Break out, break free, and let the kids—2,000 of them now trapped in this school system—have the freedom that our Constitution provides them, the opportunity that we try to give them, and a future that is their birthright as Americans.

I thank the Chair. I yield the floor.

### CLOTURE MOTION

The PRESIDING OFFICER. All time on the amendment being expired, under the previous order, pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The assistant legislative clerk read as follows:

### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the pending Coats amendment numbered 1249 to S. 1156:

Trent Lott, Dan Coats, Richard Shelby, Mitch McConnell, Connie Mack, Lauch Faircloth, James Inhofe, Alfonse D'Amato, Rod Grams, John Warner, Pat Roberts, Chuck Hagel, Ted Stevens, John McCain, Susan Collins, and Sam Brownback.

### VOTE

The PRESIDING OFFICER. The question is, Is it the sense of the Senate that debate on amendment No. 1249, as modified, to S. 1156, the District of Columbia appropriations bill, shall be brought to a close?

The yeas and nays are required under the rules. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Vermont [Mr. LEAHY] is absent due to a death in the family.

The PRESIDING OFFICER (Mr. SANTORUM). Are there any other Senators in the Chamber who desire to vote?

The yeas and nays resulted—yeas 58, nays 41, as follows:

[Rollcall Vote No. 260 Leg.]

YEAS—58

Abraham
Allard
Ashcroft
Bennett
Bond
Breaux
Brownback
Burns
Campbell
Coats
Cochran
Collins
Coverdell
Craig
D'Amato
DeWine
Domenici
Enzi
Faircloth
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hagel
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Jeffords
Kempthorne
Kyl
Landrieu
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Moynihan
Murkowski
Nickles
Roberts
Roth
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Warner

NAYS—41

Akaka
Baucus
Biden
Bingaman
Boxer
Bryan
Bumpers
Byrd
Chafee
Cleland
Conrad
Daschle
Dodd
Dorgan
Durbin
Feingold
Feinstein
Ford
Glenn
Graham
Harkin
Hollings
Inouye
Johnson
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Levin
Mikulski
Moseley-Braun
Murray
Reed
Reid
Robb
Rockefeller
Sarbanes
Torricelli
Wellstone
Wyden

NOT VOTING—1

Leahy

The PRESIDING OFFICER. On this vote, the yeas are 58 and the nays are 41.

Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

Mr. MACK addressed the Chair.

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. MACK. Mr. President, what is the pending business before the Senate?

The PRESIDING OFFICER. The amendment of the Senator from Indiana is the pending business.

Mr. MACK. Mr. President, I ask unanimous consent that that amendment be set aside.

Mr. COATS. Objection.

The PRESIDING OFFICER. Objection is heard.

Mr. COATS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT—HOUSE JOINT RESOLUTION 94

Mr. LOTT. Mr. President, after consultation with the minority leader, I ask unanimous consent that the vote occur on passage of House Joint Resolution 94, the continuing resolution, at 2:15 today.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. I observe the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MACK. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MACK. Mr. President, what is the pending business before the Senate?

The PRESIDING OFFICER. The pending business is the Coats amendment.

Mr. MACK. I ask unanimous consent the Coats amendment be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1253, AS MODIFIED

Mr. MACK. Am I correct that the pending business before the Senate now is amendment 1253?

The PRESIDING OFFICER. The Senator is correct.

Mr. MACK. Mr. President, I have a modification to send to the desk.

The PRESIDING OFFICER. The Senator has a right to modify his amendment.

The amendment, as modified, is as follows:

Strike all after the word "section" and insert the following:

**. IMMIGRATION REFORM TRANSITION ACT OF 1997.**

(a) IN GENERAL.—Section 240A, subsection (e), of the Immigration and Nationality act is amended—

(1) in the first sentence, by striking "this section" and inserting in lieu thereof "section 240A(b)(1)";

(2) by striking ", nor suspend the deportation and adjust the status under section 244(a) (as in effect before the enactment of the Illegal Immigration Reform and Immigration Responsibility Act of 1996),"; and

(3) by striking the last sentence in the subsection and inserting in lieu thereof: "The previous sentence shall apply only to removal cases commenced on or after April 1, 1997, including cases where the Attorney General exercises authority pursuant to paragraph (2) or (3) of section 309(c) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (P.L. 104-208, Division C, 110 Stat. 3009).".

(b) REPEALERS.—Section 309, subsection (c), of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (P.L. 104-208, Division, C, 110 Stat. 3009) is amended by striking paragraph (7).

(c) SPECIAL RULE.—Section 240A of the Immigration and Nationality Act is amended—

(1) In subsection (b), paragraph (3), by striking "(1) or (2)" in the first and third sentences of that paragraph and inserting in lieu thereof "(1), (2), or (3)", and by striking the second sentence of that paragraph;

(2) In subsection (b), by redesignating paragraph (3) as paragraph (4);

(3) In subsection (d), paragraph (1), by striking "this section." and inserting in lieu thereof "subsections (a), (b)(1), and (b)(2).";

(4) in subsection (b), by adding after paragraph (2) the following new paragraph—

"(3) SPECIAL RULE FOR CERTAIN ALIENS COVERED BY THE SETTLEMENT AGREEMENT IN *American Baptist Churches et al.* v. *Thornburgh* (ABC), 760 F. Supp. 796 (N.D. Cal. 1991).—

"(A) The Attorney General may, in his or her discretion, cancel removal and adjust the status from such cancellation in the case of an alien who is removable from the United States if the alien demonstrates that—

"(i) the alien has not been convicted of an offense under section 212(a)(2), 237(a)(2), or 237(a)(3) and—

"(I) was not apprehended after December 19, 1990, at the time of entry, and is either—

"(aa) a Salvadoran national who first entered the United States on or before September 19, 1990, and who registered for benefits pursuant to the ABC settlement agreement on or before October 31, 1991, or applied for Temporary Protected Status on or before October 31, 1991; or

"(bb) a Guatemalan national who first entered the United States on or before October 1, 1990, and who registered for benefits pursuant to the ABC settlement agreement by December 31, 1991; or

"(cc) the spouse or unmarried son or daughter of an alien described in (aa) of this subclause and granted relief under this paragraph, provided that the spouse, son or daughter entered the United States on or before September 19, 1990, or the spouse or unmarried son or daughter of a alien described in (bb) of this subclause and granted relief under this paragraph, provided that the spouse, son or daughter entered the United states on or before October 1, 1990; or

"(II) is an alien who—

(aa) is a Nicaraguan, Guatemalan, or Salvadoran who filed an application for asylum with the Immigration and Naturalization Service before April 1, 1990, and the Immigration and Naturalization Service had not granted, denied, or referred that application as of April 1, 1997; or

(bb) is the spouse or unmarried son or daughter of an alien described in (aa) of this subclause and granted relief under this paragraph, provided that the spouse, son, or daughter entered the United States on or before April 1, 1990; and—

"(ii) the alien is not described in paragraph (4) of section 237(a), paragraph (3) of section 212(a) of the Act, or section 241(b)(3)(i); and—

"(iii) the alien is removable under any law of the United States, has been physically present in the United States for a continuous period of not less than seven years immediately preceding the date of such application, and proves that during all of such period he was and is a person of good moral character, and is a person whose removal would, in the opinion of the Attorney General, result in extreme hardship to the alien or to his spouse, parent, or child, who is a citizen of the United States or an alien lawfully admitted for permanent residence.

"(B) Subsection (d) of this section shall not apply to determinations under this paragraph, and an alien shall not be considered to have failed to maintain continuous physical presence in the United States under clause (A)(iii) of this paragraph if the alien demonstrates that the absence from the United States was brief, casual, and innocent, and did not meaningfully interrupt the continuous physical presence.

"(C) The determination by the Attorney General whether an alien meets the requirements of subparagraph (A) or (B) of this paragraph is final and shall not be subject to review by any court. Nothing in the preceding sentence shall be construed as limiting the application of subparagraph (B) of section 242(a)(2) to other eligibility determinations pertaining to discretionary relief under this Act.".

(d) EFFECTIVE DATE OF SUBTITLE (c).—The amendments made by subtitle (c) shall be effective as if included in Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (P.L. 104-208, Division C, 110 Stat. 3009).

(e) APPEAL PROCESS.—Any alien who has become eligible for suspension of deportation or cancellation of removal as a result of the amendments made by subsections (b) and (c) may, notwithstanding any other limitations on motions to reopen imposed by the Immigration and Nationality Act or by regulation file one motion to reopen to apply for suspension of deportation or cancellation of removal. The Attorney General shall designate a specific time period in which all such motions to reopen must be filed. The period must begin no later than 120 days after the date of enactment of this Act and shall extend for a period of 180 days.

(f) EFFECTIVE DATE OF SECTION.—This section shall take effect one day after enactment of this Act.

Mr. MACK. Mr. President, I ask unanimous consent that Senator REED of Rhode Island be added as a cosponsor of this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MACK. Mr. President, the amendment I have offered simply clarifies the implementation of last year's immigration legislation in one specific area, the suspension of deportation. Last year's bill imposed stricter standards to obtain suspension of deportation. While this is fine for future applicants, it is unfair to impose new, harsher standards on cases which were already in the pipeline at the time of passage.

This amendment does two specific things: first of all, it clarifies that certain Central American immigrants who were in the administrative pipeline for suspension of deportation must continue to meet the standards that applied before the immigration reform law took effect. Second, the annual cap on suspensions of deportation would only apply to cases commenced after April 1, 1997.

Without those two changes, we will be changing the rules midstream for a group of people who were attempting to comply with the guidelines for regularizing their immigration status. We encouraged them to come forward and play by the rules and we cannot go back on our word now.

As a way of background, let me lay out some information for the Senate. Starting in the mid-1980's, Nicaraguans, Salvadorans, and Guatemalans fleeing the civil wars in their home countries started coming to the United States. Many of them made asylum claims, many of which were improperly denied as the U.S. Government acknowledged by ordering them readjudicated. In the case of Nicaraguans, this was done through the Nicaraguan review program established by Ronald Reagan. And in the case of Salvadorans and Guatemalans this was done through settlement of the ABC class lawsuit agreed to by the Bush administration.

A huge backlog of asylum claims, however, then prevented their cases from being reheard for many years. Meanwhile, various temporary statuses allowed the members of this group to avoid deportation. In addition, they received authorization to work legally in the United States. During that time many members of that group established strong roots in this country.

Under immigration law, there has long been available a procedure called "suspension of deportation" for an individual found to be of good character and who has been here for 7 years to adjust to legal status if deporting that individual would cause "extreme hardship" to the person or his or her immediate legal present relative. This requires a case-by-case adjudication that the person being granted this benefit meets the legal standard. Because of the asylum backlog and because conditions in the individual's home country had changed since the filing of their original asylum claims, the Department of Justice under President Clinton encouraged these central Americans to seek suspension of deportation rather than continuing to press their asylum claims or file a new lawsuit.

Again, the point that I am trying to make here in laying out this history is that each step along the way this group of individuals has complied with the rules that existed at the time. In fact, we went to the extent that we encouraged these people to file for suspension of deportation, and it would just be fundamentally unfair at this point if we were to change the rules on these people who in fact have been trying to live by the rules every day that they have been here.

Several other points. The reason why we believe this is important is because we believe that this in essence will deny these people the right to due process under laws with respect to suspension of deportation.

I want to emphasize to my colleagues that this is not amnesty, and there is nothing automatic here. Let us assume for a moment that this amendment were to pass. We are not guaranteeing anybody anything other than the fact that they will have to comply with the rules as they existed at the time they came into the process of suspension of deportation.

Again, I want to emphasize to my colleagues that this is not amnesty. Every person affected by my amendment is merely being given a chance for due process, to have their case heard. They must still meet the criteria to be granted suspension of deportation. In addition, my amendment is focused only upon an identifiable group. There are those who want to create the impression that if this amendment passes literally millions of people, millions of illegal immigrants will use this as a loophole to remain in the country. This is an extremely identifiable group. And, again, working with the INS, we have concluded that there are probably in the neighborhood of 316,000 individuals that would be included in the group, and of that 316,000 it is likely that 150,000 will receive suspension of deportation.

Again, I make the point that we ought to pass this amendment from the perspective of fairness. We should not change the rules midstream for this group of people. It is unfair and, I would make the claim, un-American.

On a personal note, from time to time, I have been asked why I became involved in this issue, and I will tell you that one of the memories that comes back to me is a trip to Nicaragua back in the 1980's where I went to a contra camp, and this was at a particular period of time where the concern was whether the United States was going to continue to provide assistance to those fighting for freedom in Nicaragua. And since they did not have the commitment to those financial resources, thousands of these freedom fighters came back into the camps in northern Nicaragua. I visited them. It was quite a scene—I must say, too, a very emotional scene.

As the helicopter landed, off to the side of the camp two lines were formed, in essence two lines of men in fatigues at attention. As we walked through this group of individuals, where roughly 7,000 to 8,000 freedom fighters were standing at attention, three men, three of the soldiers, with guitars played the Nicaraguan national anthem. It was a tremendously emotional period. In essence I said to them that we will not abandon you, that we will continue to support you in your fight for freedom.

I would make the case that fighting for freedom is not just providing resources to those engaged in battle, or fighting for freedom is not simply standing firm in the U.S. Senate for a strong national defense. But standing firm for the protection of individual rights is, in fact, standing up for freedom. And I encourage my colleagues to support this amendment.

We have encouraged those people over years, not only in their fight for freedom, but afterward, telling them that if they played by the rules they could stay in this country.

Mr. President, again, I encourage my colleagues to support this amendment. It is the right thing to do. It is a fair thing to do. And it would be in the best interests of our country to continue to stand up for freedom for this group of people.

I yield the floor.

The PRESIDING OFFICER. The Senator from Florida.

Mr. GRAHAM. Mr. President, I am very proud to support my friend and colleague, Senator MACK, in our efforts to include the Immigration Reform and Transition Act, as modified, in this current legislation. It is important that we take this step today, or as soon thereafter as possible. There are thousands of families who are currently in a legal limbo because of the retroactive changes that were made in the immigration laws that were passed in 1996. Senator MACK, Senator KENNEDY, and others have worked to develop a bipartisan, humane solution to give these families the opportunity to remain together—and I underscore the word "opportunity"—and to continue the lives that they have built in hundreds of our local communities in the United States.

I can tell you from personal knowledge and experience and relationships, that the people to whom this amendment is primarily directed are, in the overwhelming number, hard-working, tax-paying, law-abiding individuals who have followed every rule and regulation since they have been resident in the United States and are making a contribution to the development of our country. Since the 1996 retroactive immigration bill passed, with the consequences that Senator MACK has just outlined, these families have lived in fear, fear of being uprooted and torn apart, and fear that all of their hard work in the United States will be for naught. We now have the chance to act and ease these fears.

The thousands of people we are seeking justice for have human faces. They are not just statistics, they are not just theories in an Immigration Act. I want to submit for the RECORD, stories that mention the human dimension of this important amendment. Also, I ask unanimous consent to have printed in the RECORD, editorials in support of the actions we are urging today.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the Miami Herald, Mar. 4, 1997]

### DEPORTATIONS WITHOUT CAUSE

Once again the United States has thrown up a hurdle to stymie immigrants who have legitimate grounds to stay in this country. A recent ruling by the Board of Immigration Appeals could send packing tens of thousands of Nicaraguans, Salvadorans, Mexicans, and others who have lived in this country for years.

The case before the board involved a Nicaraguan woman from Miami who had been served deportation orders. Like any number who fled Nicaragua during the 1980s, she sought legal status under immigration rules that offer relief to those who, among other criteria, have been in the United States for at least seven years. The board ruled 7–5 that she was ineligible for relief, however. It interpreted the new Illegal Immigration Reform and Immigrant Responsibility Act to mean that her time in the United States ended when she was served a summons called an "Order to Show Cause." Though physically she had resided and worked in the United States more than the required time, the board said, officially she did not meet the seven-year criteria for suspending her deportation.

Ernesto Varas, the woman's attorney, is one among many who dispute that legal interpretation. He now plans to take the case to the 11th U.S. Circuit Court of Appeals. Meanwhile, there is little comfort for those living under threat of deportation. The INS, which is still mulling the Immigration Board ruling, doesn't offer an estimate of how many may be affected. In South Florida, estimates range from 20,000 to 75,000 possible deportees. The prospect alarmed even Nicaragua's National Assembly, which argued in a letter to the U.S. Congress that its economy is in no shape to absorb such an impact.

Alternatives to deportation *should* be sought. Particularly for Nicaraguans, who sought refuge from the Sandinista regime in the country that financed the war against the Sandinistas. Deportation would mean unjust hardship for folks who have lived here peaceably for years, such as Nicaraguan Juan Sorto of Fort Lauderdale. As reported by Mabell Dieppa in El Nuevo Herald, Mr. Sorto entered the United States from Mexico on Jan. 2, 1987. Served with an Order to Show Cause the same day, he may not qualify for relief from deportation—even though the INS released him on bail and issued him work permits, and even though he has paid taxes and supported his three U.S.-born children for 10 years here.

Attorney General Janet Reno should keep in mind Mr. Sorto and contradictory U.S. policy and review the Immigration Board's recent ruling along with its implementation by the INS.

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[From the Miami Herald, May 22, 1997]

### DEFENDING THE INDEFENSIBLE

It's bad enough that Congress passed the immoral illegal Immigration Reform and Immigrant Responsibility Act, now in effect. It's worse that the U.S. Immigration and Nationalization Service is incapable of enforcing this law with any measure of commonsense or consistency. It's worse still that the highest immigration court misinterpreted—forcing the INS to misapply—the law so that overnight tens of thousands of Nicaraguans and other longtime immigrants became deportable aliens.

But worse of all, what's happening now in U.S. District Court in Miami is simply reprehensible: The federal government is using its full weight to try to keep those immigrants from having their deserved say in court.

The Nicaraguans are suing the government in a class-action suit representing some 30,000 to 40,000 immigrants who could qualify for legal status if not for the retroactive application of a provision in the new law. Under that provision, immigrants we were served "show-cause" papers by immigration authorities before their seventh year in the United States no longer qualify for relief from deportation.

Senior U.S. District Judge James Lawrence King heard testimony for two days last week and temporarily barred the deportation of those immigrants. U.S. attorneys argued that under the new law, federal courts do not have jurisdiction in these immigration cases. The government's argument "would require the court to rule that there is simply no remedy available for the 30,000 to 40,000 Nicaraguan refugees and others who have sought suspension of deportation. The court declines to do so," ruled Judge King. Well done, and well said.

Unbelievably, however, government lawyers are still battling to keep the immigrants from their right to a hearing. Why? Because their testimony would form a factual record on the merit of their claims for an appellate court to review. Congress is empowered to limit courts' jurisdiction, Judge King wrote. But it can't deny courts their power to review constitutional questions.

To his credit, Judge King has called the government lawyers' bluff. He ordered them to produce thousands of pages of documents to the immigrants' lawyers by tomorrow. He ordered INS Commissioner Doris Meissner and other officials to appear in his court on Saturday and Monday for depositions. And he set a hearing on a temporary injunction for next Tuesday.

Now it's the government's move. Could it just make too much sense to stop wasting tax dollars trying to deport productive, taxpaying, longtime immigrants without due process, a hearing to which they're entitled? We'll soon see.

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[From the Ft. Lauderdale Sun-Sentinel, June 26, 1997]

### RENO SHOULD BACK JUDGE'S RULING, HELP NICARAGUANS TO STAY IN PEACE

It's temporary reprieve, but a welcome and justifiable one, for 40,000 Nicaraguans who were about to be deported from this country. In a lengthy ruling, dripping with anger at the government and packed with compassion for hard-working immigrants, U.S. District Judge James Lawrence King blocked their deportation at least until a trial can be held in January.

Their deportation orders should be revoked permanently. Nicaraguans who fled to this country in the 1980s as refugees from their country's bloody civil war, in which the United States was deeply involved, were at first helped by the Immigration and Naturalization Service to get work permits and find jobs.

As King pointed out, the Nicaraguans then established homes, married, had children and grandchildren, started businesses, paid taxes, obeyed our laws and contributed to their communities. In return, INS changed the rules in midstream and tried to deport them to their native land.

That's unfair and unacceptable. "Their hopes and expectations of remaining in the United States were raised and then dashed" by INS' change in policy, King said, and if they're deported they'll be separated from their children and irreparably harmed.

King's ruling in Miami was gutsy and appropriate. It lashes at the INS for misinterpreting a new immigration law and for luring tens of thousands of Nicaraguans to apply for suspension of deportation—and pay a fee—while knowing full well Congress was considering eliminating that right of suspension.

The Nicaraguans, stung and frightened by unfair government treatment in a nation supposedly built on fairness, have gone underground, or pulled their children from school, or decline to come forward for medical treatment. One Nicaraguan child, cited by King in his ruling, died when his parents refused to bring him to a hospital for treatment.

The Nicaraguans thought, not without some validity, that by appearing in public they would be picked up and deported. That's perhaps the saddest story, with the most painful lesson to emerge from this debacle: Come forward voluntarily, and some U.S.

government agent could send you packing, leaving your American-born children behind.

The best way to end this deeply embarrassing episode is for Attorney General Janet Reno, one of the defendants, to convince her boss, President Clinton, that the new immigration law has been misintepreted. Then the INS should slink away, and let the Nicaraguans live in peace, in what Judge King referred to as "a nation renowned throughout the civilized world for justice, fairness and respect for human rights."

Mr. GRAHAM. Mr. President, I am working today to offer fairness and justice for a woman who lives in Miami. She is 86 years old. She and her family came to America, encouraged by the U.S. Government to do so in 1984. Without this amendment, she faces almost certain deportation back to Nicaragua. With this amendment she has the chance, the opportunity to apply to be considered on her own individual merits, based on her length of residence in the United States and her contributions since she has been in this country, to stay in the United States on a permanent, secure basis.

I also speak on behalf of an 18-year-old student at Coral Park High School in Miami. This student's parents fled Nicaragua when he was 7 years old. His family was allowed to stay under the old law, and now he may be forced back to a country with which he has almost no connection.

These two examples, an elderly lady and a young man, are examples of the people to whom we are attempting to apply fundamental fairness, to give them the opportunity to apply on their own merits, on their own records in this country, for a legal, permanent status. These families have been in our Nation since the early 1980's, since our Government encouraged them to flee Communist oppression and civil unrest in Central America. Speaking specifically to those who have come from Nicaragua, they fled a nation which had been taken over by a Communist regime, which was supported by the then-Soviet Union. In one of the last of those cold war confrontations in a third country, between the Soviet Union and the United States, the United States encouraged those Nicaraguans to leave, to come and to participate in the effort, which was finally successful, to restore democratic government to Nicaragua.

Mr. President, 15 years after they came at our request, they own their own homes, they have U.S. citizen children, they have opened up small businesses, they have become flourishing entrepreneurs. Now we have changed the rules and threaten to divide families. This massive upheaval would be detrimental, not only to the individuals affected, but also to Central American nations that would be forced to absorb thousands of new residents. This action, taken in 1996, if not modified by this amendment which Senator MACK, Senator KENNEDY, and I are proposing today, would have adverse effects on U.S. interests in this important region. It would have a destabilizing effect today. It would have an even greater impact in the future, when, God forbid, we were ever in another situation as we were in Nicaragua in the early 1980's. How could the United States with any credibility call out to the people of that country to resist the actions of governments which were antithetical to U.S. interests?

I believe the honor of the United States of America is at stake in this amendment that we offer today. I emphasize, as Senator MACK has so effectively done, that this is not an amnesty program. We are not stating that all of these people who meet the standards covered by this amendment will become permanent residents, or have any other legal status in the United States. What we are saying is that under the rules that applied at the time they came into this country, at our invitation, they will have the right to apply. They will have the right to apply to receive permanent residence. It will then be their obligation to meet the standards to justify a permanent status in the United States. That is fundamental American fairness.

By adopting this amendment and by recommitting ourselves to that standard of fairness and justice, we will be sending a strong message, that we will support the foreign policy objectives that led to our call in the first instance. We will be sending a strong message that the United States of America believes in playing by the rules and not changing those rules in midlife.

These families deserve that message of fairness. They deserve it now. They fled persecution and communism to seek a safe haven in our country. They assisted our country in restoring democracy to their country. We must not abandon them now.

Mr. President, I yield back my time to my colleague, Senator MACK, and also to Senator ABRAHAM, for further comments on this issue. Thank you, Mr. President.

Mr. ABRAHAM addressed the Chair.

The PRESIDING OFFICER (Mr. SESSIONS). The Senator from Michigan.

Mr. ABRAHAM. Thank you very much, Mr. President.

I rise today to speak in support of the amendment offered by the Senators from Florida. This may be a somewhat unusual occurrence in the Senate, because it is often the case that individuals who chair authorizing committees, in this case the Immigration Subcommittee which I chair, frequently are at odds with Members who seek to use appropriations bills as vehicles for substantive legislation.

So I wanted to come down today to speak on behalf of this amendment and to explain it a little bit, both why I am not here in opposition on the basis of the process we are using, and also why I support doing something at this time along the lines outlined in the amendment.

First, Mr. President, let me just indicate that a number of us have been working for some months to try to resolve the issues that are addressed by this amendment. We are working with our House counterparts. We will continue to work, even as we move forward in the Senate today, to try to find an ultimate solution.

At the same time, though, time is of the essence. There is a sense of urgency, I think a growing sense of urgency, among a number of Members, as expressed by both the Senators from Florida, as well as in my case and probably other Members as well, because the impact of the 1996 immigration legislation is slowly but surely coming into effect. The people who may or may not be affected by that legislation, depending on the various decisions to be made by the Department of Justice and the courts, are living on a day-to-day basis under the threat of the prospect of deportation. It seems it is in everyone's interest, but it is also in the interest of fairness for these individuals, for us to try to take legislative action to resolve and address these matters once and for all.

Both Senators have already talked at some length about the chronology of circumstances that brings us here today. I won't go into all the detail, nor do I have the sort of personal, first-hand experience of having served in the Senate or the Congress at the time many of these issues were previously debated. I am a late arrival to the debate, and I am more an observer of the circumstances that took place in Central America than a participant.

Those were significant times, Mr. President. The civil wars of the 1980's in El Salvador, in Guatemala, and Nicaragua were integrally related to the national security policy of our country, as well as our views with regard to America's role in our hemisphere.

Throughout the 1980's and into the early 1990's, El Salvador lived through a brutal civil war which left tens of thousands of people killed, over a quarter of the population driven from their homes and the economy in shambles. Hundreds of thousands of Salvadorans made their way to the United States seeking asylum out of fear of being killed by the military, the leftist guerrillas or the extreme right death squads. In fact, from fiscal year 1981 to fiscal year 1991, approximately 126,000 Salvadorans applied for asylum. That was a quarter of all our asylum applications in that timeframe.

Meanwhile, similar events took place in Guatemala. Approximately 42,000 Guatemalans applied for asylum in the United States.

Meanwhile, the civil war in Nicaragua in the 1980's also prompted actions of a similar nature. As you know, Mr. President, during the 1980's, there was a war between the Communist-influenced Sandinistas, who controlled the government at the time, and groups seeking to overthrow that government. These groups ultimately were supported by the U.S. Government and became known as the Contras. The war drained the Nicaraguan economy, which was battered as well by a United States embargo on trade and a series of natural disasters. Approximately 126,000 Nicaraguans applied for asylum in the United States from 1981 to 1991.

What happened when these various people came to our country was somewhat different than what happened to others who have come here. First of all, many of these people were, in one form or another, either asylees or invitees. Indeed, the actions with regard to the Nicaraguans in particular suggests that the American Government was actively promoting the notion that those Nicaraguans, fearful of the outcome of these uprisings, come to America. The extended voluntary departure program, which was granted by our Attorney General, was a form of temporary protection from deportation granted under the discretionary authority of the Attorney General.

When that program, which began in 1979, expired, it was extended further through a variety of other congressional actions and administrative actions. In 1987, the Reagan administration established the Nicaraguan Review Program. The NRP provided an extra level of review to Nicaraguans denied asylum. The Attorney General, taking into account a new Supreme Court decision bearing on standard of proof for an asylum applicant to show fear of persecution, encouraged Nicaraguans to reapply for asylum under the new standard and instructed the INS to conduct outreach in Nicaraguan communities and to issue work permits to Nicaraguan applicants as soon as they applied for asylum under the new standard.

When that program ended in 1995, the INS published a notice announcing the termination of the program. Instead of facing deportation, however, under a phaseout program, Nicaraguans were encouraged to reopen their deportation cases and apply for suspension of deportation, for which they were told they may be eligible if they had been in the United States continuously for 7 or more years.

The point of my statement with respect to Nicaraguans, and a similar set of circumstances as pertains to the Salvadorans and Guatemalans, is that during this period, Mr. President, in the 1980's, this country actively encouraged people fearing persecution, fearing death squads, fearing disruptions of their communities to come to America. Then we took extraordinary measures to make it feasible for them to stay here, even those who had been denied asylum through the official asylum-seeking procedures.

All of this transpired, Mr. President, prior to the passage of the 1996 immigration bill. At that point, things changed. Here I think it is very important to understand some of the legal circumstances that changed.

Prior to the passage of the 1996 bill, if someone had been in this country for a period of 7 years or more, they were permitted to seek suspension and adjustment of their status from being in illegal status here or being here under one of the special programs for the Central Americans. Extensions were given to the Central American communities I have mentioned to allow them to stay here long enough to apply for these programs.

Detrimental reliance on their part occurred under the belief that if they continued to follow these programs, they would be given their day in court and given a fair adjudication of their status, and that is what transpired.

At every step of the way, either through an act of Congress or through an act of the executive branch, these individuals were given, I think, a very clear signal that they would be able remain if they played by the rules that were then existent: That if they stayed for 7 years and proved themselves to be of good moral character, they would be given an opportunity to have a full adjudication of whether or not any process to deport them would be suspended and whether or not they would be given a green card and a chance to stay permanently.

However, the 1996 bill changed the rules under which this would be permitted. In my judgment, Mr. President, it was not the intent of Congress to have this 1996 legislation retroactively apply to the people in these circumstances. I believe that Congress tried to avoid changing the standard retroactively.

We specifically provided that, generally speaking, the old rules are supposed to be applied to people in deportation proceedings before April 1, 1997, the effective date of the act. The problem is the INS has interpreted the act as saying that many of the Central Americans were not in deportation proceedings before that time and, hence, it has to apply the tougher new standards to them.

Now, the basis on which this determination was made by the INS, I believe, Mr. President, is extremely subject to question. I think it is an extremely difficult case to make that the group that the INS has argued were not in proceedings as of April 1, 1996, truly were not in proceedings. I believe they acted exactly as they had been told they should act, to qualify for the adjudications I have mentioned. But for whatever reason, the INS has concluded that, as to them, we will retroactively change the rules.

Let me talk about what those rule changes would be. First, as opposed to being required to be in the country for 7 years, the requirement was changed to 10 years, meaning an additional 3 years before one could even seek to have their status cleared. In addition, the standard to be used in such adjudications was made much more difficult. In other words, the standard that people had been promised they would be judged by for all the years they were here was altered and made a much tougher standard retroactively after they had stayed longer, after they had detrimentally relied on the assurances they had been granted with regard to whether or not they would be given a hearing, and after they had been told what they had every reason to expect was the basis on which the relief would be granted.

Furthermore, based on a judicial decision made within the immigration courts, the clock was stopped with respect to the accrual of time toward the 10-year standard, or, for that matter, the old 7-year standard, because it was determined as soon as the individuals had received so-called orders to show cause, the clock would stop.

Mr. President, these are obviously fairly complicated legal terms, and I will try to simplify them here for purposes of this discussion. The rules were changed in the middle of the game to the detrimental reliance of literally thousands of individuals who had been waiting and playing by the rules and, in most cases, had actually made themselves available for this process by coming forward in response to requirements that had been in the earlier legislation that had set the process in motion.

Now they had a choice when the earlier legislation was passed. They could have disappeared into the country, never subjected themselves to the process, and been totally immune from any deportation unless they were somehow discovered. Alternatively, they could make themselves available, accept orders to show cause, subject themselves to the process under a standard they believed would remain in place until they had their trials, and then either be able to stay or be required to leave based on a fair adjudication.

For the people who played by the rules, the second group, the rules are now being changed. They will be disadvantaged as opposed to the people who did not play by the rules. To me, Mr. President, that would be a complete and catastrophic mistake for us to make. It has to be addressed in the interests of fairness.

Now, there is another thing that has changed that I will also mention in the bill that was passed in 1996, a limit, a cap of 4,000 suspensions and adjustments per year was placed and put in force. I believe it was put in force at that level because it was the view of the drafters of the legislation that 4,000 would be adequate to meet the amount of such suspensions and adjustments of status that would be granted by the reviewing boards, the immigration courts. I believe that 4,000 figure was recommended by the Immigration Service because it was never contemplated that it would be applied to those who are in this category of Central Americans we are trying to address today because this category is a much larger group. They will consume more than 4,000 adjustments per year, because at least that many and probably as many as 7,000 or 8,000 more per year will meet the standard and be permitted to stay.

The cap now in place has the perverse effect of literally putting people in a position where if they somehow meet the 7- or 10-year standard, if they somehow meet the adjudicatory standard of whether or not they will be permitted to stay if the 4,000 cap is reached, they will still be deported. Now, I can't imagine that that was the intent of the drafters, and I can't imagine, frankly, Mr. President, it would be sustained in the Federal court system. I believe it is one of a variety of problems that now exists and which will be effectively addressed by Senator MACK's proposal.

To summarize what these problems are, there are the constitutional issues that I think will arise. The due process question is whether the standards could be changed in the middle of the game and applied retroactively. We have the problem of this cap, which potentially creates the absurd circumstance I just described where people who have been adjudged to be able to stay in the country are still deported because the 4,000 limit has been reached. We have the anomaly I have described where those people who were trying to play by the rules, who subjected themselves to the process in response to legislation we passed, would suddenly find themselves in a disadvantaged position as opposed to those who never played by the rules in the first place. And what we have, in effect, is a circumstance that I describe as bait and switch. We encouraged people to come forward, to make themselves available for the adjudicatory process, and once they do, based on this interpretation of the 1996 bill, we have now changed the standard by which they will be subjected and changed whether or not even if they successfully meet a standard, they will be allowed to stay.

For all those reasons, I think we really have to do something in the short run, not wait any longer. I think the bill offered by Senator MACK makes sense, and it is consistent with the long history of America's response to the Central American community and to the struggles of the 1980's. For that reason, as I said at the outset, although it is a little bit unusual for an authorizing committee chairman to come down to the floor to support the inclusion of legislation within their sphere on appropriations, I support this legislation and look forward to working with other Members—if we are going to pass this—work both with the Senators as well as with our House colleagues to try to ultimately reach a solution that is satisfactory to everyone affected.

The PRESIDING OFFICER. The Senator from Florida.

Mr. MACK. Mr. President, I want to thank Senator ABRAHAM not only for his eloquent statement but also his understanding of the matter of why we have ended up in this situation of having to deal with this issue on an appropriations bill. Again, I appreciate both your effort and your staff's effort over this last week or 10 days to try to keep making the effort to see if there was some way we could come to some agreement that would not have to put the Senate through this debate. So again, your counsel was invaluable, and I appreciate your presence on the floor as the chairman of the Subcommittee on Immigration of the Judiciary Committee. It is very meaningful to have your support, and we thank you very much.

Just a couple of other comments, Mr. President. I wanted to indicate some of those who are supportive of this legislation. I have a letter from Empower America that is signed by Jeane Kirkpatrick, former Ambassador to the United Nations; Jack Kemp, former Member of Congress and former Secretary of HUD; William Bennett, former Secretary of Education; Lamar Alexander, former Secretary of Education; and Steve Forbes. All of them are supporting the legislation, making some of the same points that have been made already in the debate this morning. They urge support of the bill.

"We urge you to join in standing in solidarity with free people and democratic governments of our Central American neighbors and friends."

The point they stressed in the letter is that the Central American countries, who, in essence, we went to bat for in the 1980's to protect democracy and to move them toward freedom and capitalism, today are still struggling in that battle. To send several hundred thousand individuals back into an environment, for example, in Nicaragua, where the unemployment rate is 60 percent, would destabilize those countries, which would be just the opposite of the effort that we made in the 1980's.

Again, I appreciate their letter and their support of this legislation. To give you a sense of the range of support, my colleague from Florida mentioned several editorials. I don't want to duplicate those editorials, but I ask unanimous consent that letters from Empower America and the National Restaurant Association be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

EMPOWER AMERICA,
*Washington, DC, September 29, 1997.*

Hon. TRENT LOTT,
*U.S. Senate,*
*Washington, DC.*

DEAR SENATOR TRENT LOTT: In the 1980s, we stood in solidarity with the people and governments of Central America who struggled for democracy and peace when threatened by expanding Communist violence and influence. We stand in solidarity with them today, as they work to consolidate democracy and free market economies.

Central America's struggles of the last decade caused thousands of Central Americans to flee to the United States. These Central American refugees have tried to comply with U.S. laws and with the immigration requirements which governed their presence in this country. These rules and understandings have now been changed retroactively and unfairly. Our Central American friends living in the United States now face unexpected and unjust deportations, and their countries of origin will face destabilization. Central America will not be able to simultaneously absorb influxes of large numbers of people being forcibly deported and the deprivation of family remittances that have bolstered these struggling economies.

The ex post facto legislation under which Central Americans in our country are threatened with deportation undermines and violates our principles and one of President Reagan's most cherished legacies—a stable and free Central America.

Senator Connie Mack has introduced the Immigration Reform Transition Act, S. 1076, legislation which will rectify this unfortunate situation. We urge you to support this bill. We urge you to join us in standing in solidarity with the free people and democratic governments of our Central American neighbors and friends.

Sincerely,

JEANE KIRKPATRICK.
JACK KEMP.
WILLIAM BENNETT.
LAMAR ALEXANDER.
STEVE FORBES.

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NATIONAL RESTAURANT ASSOCIATION,
*Washington, DC, September 23, 1997.*

U.S. SENATE,
*Washington, DC.*

DEAR SENATOR: On behalf of the National Restaurant Association and the 787,000 restaurants nationwide, we urge you to support bipartisan immigration legislation that will provide relief for many hardworking members—employees—of the restaurant industry.

First, we urge you to support permanent extension of Section 245(i) of the Immigration and Nationality Act as part of the Fiscal Year 1998 Commerce, State, Justice Appropriations bill. Section 245(i), which sunsets on September 30, 1997, enables certain restaurant employees who are eligible for permanent resident status to remain in the United States while their application for a "green card" is being processed. By definition, these are employees who are outstanding in their field or for whom no U.S. worker is available. Many families and businesses will be disrupted if these employees are forced to return to their home country to wait for paperwork.

Second, we urge you to support bipartisan legislation, H.R. 2302, introduced by Rep. Lincoln Diaz-Balart (R-FL) and S. 1076, introduced by Senators Connie Mack (R-FL) and Edward Kennedy (D-MA). In 1996 Congress passed the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) which made many important immigration reforms. However, one provision would apply new standards and restrictions retroactively, making it much more difficult for certain immigrants—who are residing in this country legally—to get relief.

Most affected by the provision are thousands of Central Americans from El Salvador, Nicaragua, and Guatemala who have been in this country legally under temporary protection from deportation while civil wars in their countries made it dangerous for them to go home. These refugees, having lived and worked here for at least seven years, are eligible to remain in the U.S. permanently. The 1996 Act changed the rules of this relief. H.R. 2302 and S. 1076 would prevent the new rules of IIRIRA from being applied to cases that were ending when the law went into effect on April 1, 1997.

Thank you for your consideration and support.

Sincerely,

ELAINE Z. GRAHAM,
*Senior Vice President,*
*Government Affairs and Membership.*
CHRISTINA M. HOWARD,
*Senior Legislative Representative.*

Mr. MACK. Mr. President, I ask unanimous consent that editorials from the Miami Herald, New York Times, and Washington Times be printed in the RECORD, also.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Miami Herald, Sept. 3, 1997]

### FIX CRUEL IMMIGRATION LAW

Fresh from summer recess, Congress returns this week to tackle substantive issues anew. One that it needs to address is the plight of longtime immigrants who unjustly face deportation because of an unfair, un-American law.

Enacted by the same Congress that brought you anti-immigrant welfare reform, a new 1996 immigration law denies the chance to gain legal status to hundreds of thousands of Central Americans and others who have lived peaceably in the United States for years. Some of the new law is so shameful that Senior U.S. District Judge James Lawrence King, in a class-action suit in Miami, has ruled that it violates the due-process rights of some 40,000 Nicaraguans with more than seven years in this country.

After Judge King forbade the Immigration and Naturalization Service to deport these class members, Attorney General Janet Reno commendably extended the same protections nationwide to cover an estimated 150,000 Savadorans and 80,000 Guatemalans as well. These people also fled U.S. supported civil wars in their homelands during the 1980s. Many have been issued work permits repeatedly and have established families and businesses. They send billions of dollars to loved ones back in their homelands, helping keep struggling economies afloat and dampening illegal immigration to the United States.

Unjust immigration law should be corrected. To their credit, a number of legislators have submitted various proposals with that intent, the best of which was authored by U.S. Rep. Lincoln Diaz-Balart, R-Miami. An administration-backed bill, proposed by Sens. Bob Graham, D-Miami Lakes, Connie Mack, R-Cape Coral, and Edward Kennedy, D-Mass, removes a retroactive "stop-time" rule that unfairly prevents many longtime immigrants from gaining resident status. But an onerous provision that denies immigrants judicial review is most offensive and quite possibly unconstitutional.

Under Mr. Diaz-Balart's legislation, immigrants in deportation proceedings before the new law went into effect last April 1 would rightly qualify for relief under previous, more-favorable rules. The same would apply to Nicaraguans, Guatemalans, and Salvadorans who filed asylum claims before April 1990; many of them have been hurt by tremendous INS backlogs. (It would be better if the asylum provision extended to Haitians and others immigrants, too). Folks covered by the bill also would be exempt from a arbitrary cap that limits to 4,000 the deportations that may be canceled annually.

Much as its earlier budget legislation restored significant welfare benefits to legal immigrants, let Congress now reverse a cruel immigration law's punitive provisions.

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[From the New York Times, Sept. 29, 1997]

### FLAWS IN IMMIGRATION LAWS

The Illegal Immigration Reform and Immigrant Responsibility Act of 1996 is a morass of technical complexity that has yet to be fully explicated by either the law's drafters or the immigration officers who are supposed to carry it out. But it is already apparent that at least two elements need immediate correction.

One provision unfairly punishes refugees from Nicaragua, El Salvador and Guatemala who fled civil wars in the 1980's and were given temporary protection from deportation. Under prior law, these refugees, totaling abut 300,000 could have become permanent residents by showing that they had lived here for seven years and had good moral character, and that deportation would cause them and their family members extreme hardship. The 1996 act increased the residency requirements to 10 years, eliminated hardship to the refugee himself as a basis to fight deportation and limited the number of immigrants who could seek permanent residency through this avenue to 4,000.

These Central Americans played by an earlier set of rules endorsed by both Republican and Democratic administrations, but are now being unjustly penalized. The White House supports, and Congress should pass, a bill introduced by Senator Connie Mack, a Florida Republican, that would exempt this group from provisions of the new law, allowing the prior legal standards to apply.

A second provision would actually encourage illegals to stay underground rather than risk going abroad, as they might soon have to, to obtain immigrant visas. The new law imposes a three-year bar to re-entry on illegals who leave the country today and a 10-year bar on those who leave after April 1. If a key provision in current immigration law is allowed to expire tomorrow, as scheduled, illegals will have to return to their home countries to obtain permanent visas.

Under the current role, people who qualify for permanent residency can have their applications for immigrant visas, or "green cards," processed here rather than through American consulate in their home countries. This does not give them any preference. But it reduces paperwork at consulate offices abroad, and generates $200 million a year in revenues from applicants who pay $1,000 each to have their papers processed here.

The Senate has voted to make the provision permanent, but the House is expected to vote only on a three-week extension. If Congress does not renew the provision, hundreds of thousands of people will have to go abroad for green cards. Thousands who have met the criteria for permanent residency but are technically illegal in status would be barred from coming back for years.

Fighting illegal immigration is a difficult and important job. But Congress should do it in a way that will deter illegal entry at the border. Deporting Central American war refugees and those who are on the verge of getting green cards will not achieve that goal.

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[From the Washington Times, Aug. 22, 1997]

### RIGHTING AN IMMIGRATION WRONG

Back in the 1980s when communist regimes and insurgences swept through Central America, it was clear to many here that those nations were badly in need of help. The Reagan administration took up the cause of the Contras in Nicaragua, offered support for the beleaguered government of El Salvador, even invading Grenada to prevent communism from gaining foothold in the hemisphere. Despite the best efforts of Democrats to undermine the effort, it was a remarkably successful policy. Today, democracy dominates the region, and economic reconstruction is taking shape.

But there is one forgotten chapter of the story, which could have a less than happy ending. That's the over 300,000 refugees from El Salvador, Nicaragua and Guatemala, who ended up in the United States, fleeing persecution, danger and poverty in their home countries, victims of forces far beyond their control.

The status of the refugees was not exactly legal, but not exactly illegal either. They were granted various forms of temporary protection from deportation, which in accordance with the law would become permanent if certain conditions were met: seven years of continuous residency, a record of good behavior, and proof of hardships awaiting in their native countries. As a consequence, the refugees settled, had children, many becoming a part of the U.S. workforce that Washington knows very well indeed, the nannies, housekeepers and gardeners that so many have come to rely on.

That was until the 1996 Immigration Act changed everything—and did so retroactively. Aimed not so much at the Central Americans but at deterring new refugees, the law capped the number of grantees at 4,000, changed the conditions, and mandated immediate deportation of those who were rejected. To obtain what is now known as "cancellation of removal," a refugee must now have been in the country for 10 years, show good character and demonstrate "extreme or exceptional hardship" to a U.S. citizen or resident, be that a spouse, child or parent—but, oddly, not the refugee himself.

Also, the clock "stops ticking" on those 10 years, the moment the INS removal proceedings start. That means that if you applied in good faith after your seven years in the country (as per the 1986 law), and got rejected for having accumulated too little time (in accordance with the 1096 law), you would now be out of luck because you could not accumulate more time. If this sounds Kafkaesque, it's because it surely is.

About 1,000 people were deported before the outcry from the Latin American community and the governments in the region caused the Clinton administration to reverse course. On July 10, Attorney General Janet Reno vacated a Board of Immigration Appeal's decision in a test case, and the deportations were halted, though last week one Nicaraguan was deported, the first since the attorney general's decision. Bills in the House and Senate will be taken up when Congress comes back to fix the unintended consequences of the 1996 Immigration Act and to grant relief from the 4,000 annual cap. All the refugees want is a hearing based on the conditions at the time when they were granted temporary stay—in other words eliminate the element of retroactivity in the law, which indeed only seems fair.

But there is not only the refugees to think of here. If we want the fragile economies of Central America to recover, governments in the region will need breathing space. Nicaragua, for instance, has an unemployment rate of 60 percent and cannot afford to absorb its 250,000 refugees in the United States. Nor indeed can the country afford to do without the remittance sent by Nicaraguans here to their families at home. In other words, giving the Central American refugees the fair shake they deserve will also mean giving their countries a chance to stabilize, which, after all, has been the aim of the U.S. policy deal all around, for them and for us.

Mr. MACK. Again, I mention those particular editorials because I think it gives you a sense of the range of support, both Democrat and Republican, from conservative to those considered liberal, who support our action and support this amendment.

Mr. President, there are several things I need to do.

I ask unanimous consent that Senator SANTORUM be added as an original cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MACK. Mr. President, just to close this portion of the debate, there may be some that are saying, why are we doing this now? I ask people to try to put themselves in a position of a group of people who have, in fact, played by the rules, as was so eloquently laid out by Senator ABRAHAM, and now there is the great potential that the rules could be changed on them and they would be denied due process. That is fundamentally wrong.

I want people to think about what it must be like to wake up each morning and wonder whether you are going to be one of those that will be the subject of deportation. Think about the fear that must be going through that family, that mother or father, when that child goes off to school that afternoon or that morning. What is going to happen? Are they going to receive a notice of deportation? I know that our Nation does not want to impose that kind of fear on people. That is counter to everything that we believe.

So again, I ask those who have listened to this debate and will be voting to vote in favor of this amendment.

Mr. KENNEDY. It is a privilege to join Senator MACK and Senator GRAHAM in offering this amendment on behalf of Central American refugees. The amendment we propose today closely parellels S. 1076 the Immigration Reform Transition Act of 1997 proposed by President Clinton, which we introduced on July 28.

Without this legislation, thousands of Central American refugee families who fled death squads and persecution in their native lands and found safe haven in the United States would be forced to return. Republican and Democratic administrations alike promised them repeatedly that they will get their day in court to make their claims to remain in the United States.

Last year's immigration law, however, turned its back on that commitment and treated these families unfairly. This legislation reinstates that promise and guarantees these families the day in court they deserve.

Virtually all of these families fled to the United States in the 1980's from El Salvador, Nicaragua, or Guatemala. Many were targeted by death squads and faced persecution at the hands of rogue militias. They came to America to seek safety and freedom for themselves and their children.

The Reagan administration, the Bush administration, and the Clinton administration assured them that they could apply to remain permanently in the United States under our immigration laws. They were promised that if they have lived here for at least 7 years and are of good moral character, and if a return to Central America will be an unusual hardship, they would be allowed to remain. Last year's immigration law violated that commitment.

President Clinton has promised to find a fair and reasonable solution for these families, and the administration will use its authority to help as many of them as possible. But Congress must do its part too, by enacting this corrective legislation.

Some are opposing this legislation as an amnesty for illegal aliens. That charge is false. It is an insult to these hard-working refugees, and their families who have suffered so much pain and hardship and who relied in good faith on the solemn promise they were given.

Virtually all of these families are already known to the Immigration and Naturalization Service. They are not illegal aliens working underground. These families have applied to come to the United States under INS programs, and they are here on a variety of temporary immigration categories. They have acted in accord with what our Government told them to do.

Not all of these families will qualify to remain here under the terms of this amendment. They still must meet certain standards that existed in the law, before last year's immigration law was enacted and applied retroactively. The Immigration Service estimates that less than half of those who qualify to apply to remain in this country will be approved.

These families are law-abiding, taxpaying members of communities in all parts of America. In many many cases, they have children who were born in this country and who are U.S. citizens by birth. They deserve to be treated fairly, and I urge the Senate to support the amendment.

Mr. KYL. Mr. President, I will not raise a point of order against Senator MACK's amendment. Though I continue to have numerous concerns about the proposed measure, it has been improved since the original Clinton administration proposal was offered.

I am supportive of allowing those Central Americans who came to this country during the 1980's in order to flee persecution, and other forms of danger, to have the opportunity to apply for relief from deportation under the suspension of deportation application rules that existed prior to the passage of last year's immigration reform bill.

During the 1980's thousands of our neighbors from El Salvador, Guatemala, and Nicaragua came to this country to escape civil war. These individuals were granted temporary protected status [TPS], and were allowed to stay in the United States and work because of the foreign policy issues at hand.

During such time, these Central Americans should have been afforded a proper opportunity to have asylum applications processed, but some were denied this opportunity. As a result, these individuals, made up of Salvadorans and Guatemalans who are sometimes referred to as the American Baptist Churches [ABC] case group, were given another opportunity to have their asylum cases heard. This group is also comprised of Nicaraguans who participated in the Nicaraguan Review Program.

If such asylum applications were denied, the Central Americans were to be afforded the opportunity to apply for what is known as suspension of deportation. That means that, even if they were denied asylum, but could prove that they were persons of good moral character, had been living in the United States for 7 years, and could prove that deportation would cause extreme hardship to either the immigrant or a U.S. citizen or legal immigrant, the Attorney General could suspend the alien's deportation.

However, in the ensuing years, the U.S. asylum system has become so backed-up that upward of 240,000 Central Americans' asylum cases have not been resolved. As a result, the process for applying for suspension of deportation has been delayed as well.

Many of us argue that these Central Americans should be allowed to go through the suspension of deportation process that existed prior to the passage of the Immigraton Act of 1996 because most have lived here since the 1980's and were led to believe that their claims to asylum, or that their pleas to adjust to legal status, would be processed under pre-1996 rules.

The Mack amendment will afford these Central Americans who fled here amid civil war and chaos in the 1970's and 1980's a fair chance to show that their deportation would cause extreme hardship.

The Mack amendment has been improved substantially in one critical area. Initially, the proposal allowed any individual, not just Central Americans, in deportation proceedings as of April 1, 1997, to apply for suspension of deportation under the old rules—7 years in U.S., good moral character, extreme hardship—instead of the new tougher rules under the Immigration Act of 1996. The revised Mack amendment will allow those Central Americans, who came here to flee civil strife and war in the 1980's, to apply for suspension of deportation under the old rules. Individuals who have simply come here illegally will be required to apply for suspension of deportation under the new Immigration Act of 1996 rules. The new rules require such illegal immigrants to prove, like the old law, that they are of good moral character. But, in addition, they must prove that they have been in the United States continuously for 10 years and demonstrate that removal would cause extreme and unusual hardship to a U.S. citizen or legal immigrant, but not to the illegal immigrant himself.

The fact that this amendment has been revised to include only Central Americans is important—during all of the meetings I have had on this issue, and of all of the correspondence I have received, none have suggested that any individuals other than those Central Americans who fled to the United States in the 1980's should be processed under old Immigration Act suspension standards. I am pleased that the Mack proposal limits the scope in this area.

A provision of the Mack amendment that I continue to be concerned about concerns a numerical cap included in last year's Immigration Act. The Immigration Act of 1996 imposed a cap of 4,000 on the number of suspension of deportation cases that can be adjudicated in a given year. The Mack proposal removes the numerical cap of 4,000.

Even though the necessary adjustments have been made to ensure that only a specific group of individuals will be allowed to have their suspension of deportation cases heard under the old rules, the fact is, according to the Immigration and Naturalization Service, approximately 150,000 Central Americans will actually be adjusting their status to permanent legal resident. These additional permanent resident numbers should be offset in other areas of legal immigration. During the negotiation on this amendment, many of us suggested that we increase the number of individuals who will be adjudicated per year from 4,000 to 14,000, but include these numbers in our annual count of legal immigration and ensure, as a result of the addition, that legal immigration does not increase. The Mack proposal should be modified to reinstate the cap, but at 14,000 annually, with an offset in legal immigration that ensures that legal immigration does not increase.

Another concern I have about the Mack proposal is its silence about whether thousands of individuals who entered the country illegally, with no connection to any of these formerly war-torn countries, should be exempted from one of the new tougher standards against illegal immigration in the Immigration Act of 1996. Specifically, the Mack amendment is silent on the issue of the N–J–B case. The N–J–B case determined that section 309(C)5 of the Immigration Act of 1996 means that period of continuous residence stopped when an alien was served with an order to show cause before enactment of the Immigration Act of 1996, and that such time stops when an alien is, or was, served a notice to appear after enactment of the Immigration Act of 1996. In other words, the Bureau of Immigration Appeals has interpreted the provision to mean that those aliens applying for suspension of deportation cannot count as time spent here in the United States that time spent here after having received an order. If congressional intent is not clarifed in this area, it has been made clear that the Clinton administration will seek to administratively overturn the N–J–B decision.

Legislation introduced by Representative LAMAR SMITH would clarify congressional intent. It provides that the period of time that an individual is considered to have been in the United States stops when an order to show cause was issued, except for those Guatemalans, Salvadorans, and Nicaraguans who fled here during the 1970's and 1980's to escape civil strife and persecution. Under the Smith proposal, these Central Americans would be allowed to continue to count the time spent here in the United States after having received an order to show cause.

Mr. President, many people are legitimately concerned about the effects of the removal of these Central Americans from the United States. It is my hope that, as we work toward a D.C. appropriations conference report, a modified version of this amendment can be achieved to the satisfaction of all interested parties.

Mr. MACK. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MACK. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

## RECESS

Mr. MACK. Mr. President, I now ask that the Senate stand in recess.

There being no objection, the Senate, at 12:25 p.m., recessed until 2:15 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. COATS).

## CONTINUING APPROPRIATIONS FOR FISCAL YEAR 1998

The PRESIDING OFFICER. The clerk will report House Joint Resolution 94.

The legislative clerk read as follows:

A joint resolution (H. J. Res. 94) making continuing appropriations for the fiscal year 1998, and for other purposes.

### LOG EXPORTS

Mr. GORTON. I rise for a brief colloquy with, the manager of the bill. Mr. President, section 104 of the continuing resolution states that no funds available or authority granted shall be used to initiate or resume any project or activity for which appropriations, funds, or other authority were not available during fiscal year 1997. As the chairman knows, the fiscal year 1997 interior—or is it Omnibus—appropriations bill included language which prohibited the use of appropriated funds to review or modify sourcing areas previously approved under the Forest Resources Conservation and Shortage Relief Act [FRCSRA] of 1990. The fiscal year 1997 language goes on to further prohibit the use of funds to enforce or implement Forest Service regulations for this act that were issued on September 8, 1995. As the chairman is also aware, I have included language in the fiscal year 1998 Interior appropriations bill that clarifies FRCSRA. Am I correct in my interpretation of the continuing resolution, that the provisions related to FRCSRA in fiscal year 1997 are extended for the duration of this CR?

Mr. STEVENS. The Senator is correct in his assessment of the continuing resolution. If funding and authority were restricted in fiscal year 1997, then that same funding and authority remains restricted under this resolution. In this particular case, the language to which the Senator from Washington refers in fiscal year would be extended for the duration of the CR.

The PRESIDING OFFICER. The question is on the third reading of the joint resolution.

The joint resolution (H. J. Res. 94) was ordered to a third reading, and was read for a third time.

The PRESIDING OFFICER. The joint resolution having been read for a third time, the question is, Shall the joint resolution pass? On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Vermont [Mr. LEAHY] is absent due to a death in the family.

The result was announced—yeas 99, nays 0, as follows:

[Rollcall Vote No. 261 Leg.]

YEAS—99

Abraham
Akaka
Allard
Ashcroft
Baucus
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bryan
Bumpers
Burns
Byrd
Campbell
Chafee
Cleland
Coats
Cochran
Collins
Conrad
Coverdell
Craig
D'Amato
Daschle
DeWine
Dodd
Domenici
Dorgan
Durbin
Enzi
Faircloth
Feingold
Feinstein
Ford
Frist
Glenn
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Hagel
Harkin
Hatch
Helms
Hollings
Hutchinson
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kempthorne
Kennedy
Kerrey
Kerry
Kohl
Kyl
Landrieu
Lautenberg
Levin
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Mikulski
Moseley-Braun
Moynihan
Murkowski
Murray
Nickles
Reed
Reid
Robb
Roberts
Rockefeller
Roth
Santorum
Sarbanes
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Torricelli
Warner
Wellstone
Wyden

NOT VOTING—1

Leahy

The joint resolution (H.J. Res. 94) was passed.

Mr. STEVENS. Mr. President, I move to reconsider the vote.

I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS. I suggest the absence of a quorum, Mr. President.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DASCHLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

## CAMPAIGN FINANCE REFORM

Mr. DASCHLE. Mr. President, I would like to use just a few minutes of my leader time, if I can. I know we are on the D.C. appropriations bill, and there is a Mack amendment pending. But until we get back to it, I would like to just take a couple of minutes.

I do not know whether we will have the opportunity again today to talk about campaign finance reform. I certainly hope so. But on the possibility that we will not have that opportunity, I wanted to reiterate an offer that I have made publicly and I would like to do it for the RECORD, if I can.

Obviously, we are in a situation now where the tree has been filled, and there are no opportunities to offer amendments. I am disappointed we are in that set of circumstances because, clearly, with campaign finance reform, as important as it is, with Senators waiting to have the opportunity to offer amendments, we are being denied that right. I hope that at some point we could clear the tree and allow Senators the opportunity to offer amendments. That is what a good debate is all about. It is not how long you spend on any given issue as much as it is, during whatever time you spend on the issue, whether or not you have had a good chance for debate.

I must say I think the debate has been very good with regard to Senators coming to the floor to express themselves on an array of positions, and I respect Senators on both sides of the aisle who made the effort to come to the floor and express themselves as clearly as they can.

My hope is that we can get back to this issue and have the opportunity, therefore, to offer amendments. The offer I made—and I will personally make this same offer to the majority leader—is that we take the Lott amendment and separate it. Democrats would be prepared, just as soon as we finish campaign finance reform, to allow this bill to be debated without filibuster, to allow the bill to be voted upon up or down. Obviously, we have amendments because in our view, whatever treatment we accord labor, we ought to accord corporations and other organizations that may have membership requirements. We do that, and we can have a good debate about that.

To add an extraneous amendment onto this bill, and therefore not only preclude Senators from offering the amendments that they had hoped they could but to preclude us from even getting a vote on campaign finance reform makes it a poison pill and nothing more. If we are interested in debating the issue about whether or not organizations ought to refund part of their membership fees, that is one question. We should have a good debate about it. We should have an opportunity to discuss it. And we are prepared to allow a final vote on that issue if we can get agreement on this proposal.

If, on the other hand, we are simply using this as a guise, as a way in which to prevent Senators, perhaps the vast majority of Senators, from having a vote on campaign finance reform, from offering amendments, then it is nothing more than that.

So I hope we can work through this. I hope we can find a way to resolve this impasse. But certainly that would be one way to do it.

Let us take the Lott amendment. Let us set it aside. Let us have a good debate. Let us schedule a time when amendments could be offered. Senators will not filibuster the motion to proceed, nor the bill itself. I am hopeful we can work through that and at some point, as I have indicated, I will discuss this matter at greater length with the majority leader.

With that, I yield the floor.

Mr. KERREY addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. KERREY. I ask unanimous consent to be able to speak as if in morning business.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

## REFORMING THE IRS

Mr. KERREY. Mr. President, I come to the floor today to speak about bipartisan efforts to reform the Internal Revenue Service because these efforts are being publicly challenged and criticized, I regret to say, inaccurately by the administration. It is perplexing to me personally why this administration would send a message to the American taxpayer that despite what they have been hearing the Internal Revenue Service does not need comprehensive reform.

During 3 days of hearings of the Senate Finance Committee last week, taxpayers and employees of the Internal Revenue Service testified under oath that the legal power to collect taxes has been and continues to be abused. Combined with 12 days of public hearings held by the congressionally mandated Commission on Restructuring the IRS, which conducted thousands of hours of interviews with IRS investigators, professional preparers, private sector experts, and taxpayers, a clear and convincing conclusion has been reached. The law which creates and governs the actions of the IRS needs to be changed.

Mr. President, if lawmakers in the Senate and the House consider that hundreds of new collection notices will be sent to taxpayers every working day and that 800,000 monthly contacts in its notices of audit or taxes owed will be made, then there is an urgency for us to act quickly.

If we can prevent any of the suffering disclosed in these hearings with a change in the law, why would we hesitate to act?

Of equal importance is the need to increase confidence in this unique Federal agency. More Americans pay taxes than vote. Remember, America's tax system depends upon our voluntary declaration of taxes owed and a patriotic willingness to pay our fair share. If citizens believe there is a chance that voluntary compliance will result in their privacy being violated, their return unfairly audited, or their lives made miserable, all of which we now know is a possibility, then the percentage of citizen participation could fall even further. It is safe to say that the faith of the American people in our ability to govern is linked to the ability of the IRS to function properly.

The House leadership has declared its intent to pass a new law and to pass a law this year—a law which was created in a bipartisan and bicameral atmosphere—which would solve many of the problems highlighted by the Senate Finance Committee hearings last week. The House intends to enact comprehensive reform, similar to that recommended by the congressionally mandated National Commission on Restructuring the IRS. And the Senate, in my judgment, Mr. President, should do the same.

As cochair of the commission, along with Congressman ROB PORTMAN of Ohio, I would like to share with my colleagues the problems that were uncovered by our deliberation. To be clear, at no time during these deliberations did Congressman PORTMAN and I resort to bashing the IRS. Indeed, a former Commissioner of the IRS, Peggy Richardson, was an ex officio member of our commission. We gained unprecedented access and a window into the operations of the IRS. We visited service centers, we worked and talked with employees. It is significant to note that our legislation has the endorsement of the National Treasury Employees Union.

We found that the IRS has a law enforcement mentality, but that the vast majority of its employees perform functions including tracking finances, sending out notices, and assisting taxpayers.

We find as well the IRS has a general attitude that taxpayers are guilty, even though close to 90 percent of taxpayers are compliant.

We found that taxpayers have a low opinion of service levels provided by the IRS and do not believe the IRS is trying to help make paying taxes easier. Indeed, in today's USA Today, a poll shows that 70 percent of Americans think that the IRS abuses their power.

We found that training is not a priority, and employees do not have the skills of their private sector counterparts.

We found that the IRS uses employee evaluation measures that do not encourage employees to provide quality service to taxpayers.

We found IRS management and governance structure makes strategic planning impossible and has caused a massive failure of the IRS's $3.4 billion computer modernization program. Mr. President, this conclusion has been supported by a GAO report that was issued in 1996.

We found the IRS computer systems were developed during the 1960's and 1970's and lacked the capability to provide taxpayers with quality service.

We found wasteful inefficiencies and high error rates existing in the processing of paper forms.

We found that the Treasury Department has done little to correct IRS management problems, and lacks the expertise and continuity to do so effectively. In fact, Treasury officials were noticeably absent at last week's Finance Committee hearings.

We found as well the congressional oversight of the IRS is scattered and can send confusing signals to the IRS that can be manipulated by the IRS to avoid accountability. Indeed, witness after witness came before our committee, knowledgeable witnesses who assist taxpayers in preparing their returns, and laid equal blame upon the executive and the legislative branches.

We found as well that complexity and constant changing of the Tax Code is a major obstacle that intensifies all of these problems.

The administration continues to criticize the legislation introduced by Senator GRASSLEY and I on this floor on the 23d of July, and Congressman PORTMAN and Congressman CARDIN in the House in the same week. They continue to criticize our legislation unfairly and, most important, inaccurately. In order to perhaps clear up some of the differences between what we are proposing and what the administration would like to see happen, I would like to review the complaints made against the IRS in last week's hearings and show how the law as proposed by Senator GRASSLEY and I, the IRS Restructuring Reform Act of 1997, would change things.

Criticism No. 1. Citizens have no power in a dispute with the IRS. Our law would create in law new protections for the taxpayer and new rights if a taxpayer dispute arises. At a minimum, the law should, one, expand authority of the taxpayer advocate to issue taxpayer assistance orders; two, to expand the authority of the taxpayer to recover costs and fees by permitting awards relating back to the 30-day notice letter, allowing awards for pro bono services, increasing net worth limitations, and allowing recovery for IRS negligence up to $100,000; third, require the IRS to provide more information to taxpayers, such as making public their general audit selection criteria and explaining certain rights to taxpayers before audits such as joint and several liability and extensions of statutes of limitations.

The question of fairness of audits can be solved by requiring the IRS to provide general audit selection criteria. Remarkably, the only information we currently have about how the IRS audits comes from a researcher who used the Freedom of Information Act to force the IRS to surrender some data. There simply is no good reason for us not to write a law requiring an annual disclosure.

Fourth, force the IRS to resolve its dispute with the National Archives in which allegations have been made that historical records have been mishandled or destroyed.

Fifth, help taxpayers pay their fair share of taxes by establishing national and local allowances for offers-in-compromise; eliminating the interest differential; dropping tolling penalties during installment agreements; and providing safe harbors to qualify for installment agreements.

Sixth, open low-income taxpayer clinics with matching grants up to $100,000 a year for up to 3 years to help low-income taxpayers and especially small business.

No. 7, expand the jurisdiction of the tax court to allow more taxpayers to take advantage of the simplified small case procedures.

And, eighth, require a study of the administration of penalties, especially penalties that will fall heavier on married filers and the burden of proof needed before penalties are determined valid.

These are eight suggested changes in the law that would give taxpayers more power, more authority. They are not made as a consequence of receiving a number of complaints. They are made as a consequence of thoughtful deliberation between Republicans and Democrats, trying to figure out what the payers themselves say need to be done. We examined it in a bipartisan and bicameral fashion with the full cooperation and participation of former Commissioner Richardson who says today that she would support these provisions. These changes in the law, all by themselves, would solve many of the problems that we heard before the Senate Finance Committee last week. And all by themselves, would go a long ways toward increasing citizen confidence that they are going to be able to get a fair deal from the IRS.

The administration's bill, which they introduced—had Members introduce for them—has no taxpayer protections or rights provisions. I want to underline that. One of the things the administration has been saying is we like the Portman-Kerrey bill but we don't like the board. We like everything in it. If they like everything in it, the question is why don't they have taxpayer protections or rights provisions? I believe the reason is they introduced their bill, had their bill introduced, just so they could say we want to change the IRS as well.

A second criticism we heard was that the IRS is isolated from the taxpayer. Anybody who does not think the IRS is isolated has not examined the structure. It is buried in Treasury. The Secretary of Treasury is in charge of oversight, not just of the IRS, the 115,000-person organization, but the Secretary of the Treasury obviously has lots of other things on his mind—whoever the Secretary is. It does not have to be Secretary Rubin—any Secretary faced this. They also have to manage Secret Service, Customs, the Bureau of Alcohol, Tobacco and Firearms. Keeping the operational side inside Treasury buried as it is, makes it difficult to achieve accountability.

This, in my judgment, may be the most common thread that ran through the decisions, the criticisms that we heard, not only last week but for the entire last year.

Tax Code complexity, outdated technology, a primitive management structure contributed to the problem, but these factors alone did not explain a bureaucratic culture that produced allegations of taxpayers being hounded based on their vulnerability; confidential returns being snooped; or records being altered to reflect the IRS's point of view. Those flaws are the symptom of an agency isolated from the customers it is supposed to be serving. The IRS is languishing under a suffocating bureaucracy from which it is getting inadequate oversight and far too little input from the taxpayer.

Our new law would do a number of things. First, it would create a Presidentially appointed citizens oversight board that would oversee the operation of the IRS. The members of this board, for example, could have expertise in the operation of large service organizations or in other areas. What we tried to do was give the President maximum flexibility, so he could make selection of individuals who had expertise—the Secretary of Treasury is on the board, the head of the National Treasury Employees Union is on the board—because we believe that there are going to be significant personnel decisions that have to be made. We believe it is important to have a representative on the board, making those decisions and getting support as a consequence.

The board would be responsible for oversight, approval of strategic plans and review of operational plans. The President would appoint board members for 5-year terms and would have the authority to remove any of these members at will.

The board would approve an advisory budget of IRS, prepared in conjunction with the commissioner. It would have no access to taxpayer return information and it would not participate in law enforcement. This is what has drawn the most heat from the administration, and leads me to suspect that their principal concern is relinquishing any authority to a board that would have any authority over the decisions that are being made.

They have misrepresented and said that the board is going to be composed of chief executive officers—not mentioned in the law. They have suggested of these board members, as recently as yesterday, there were going to be significant conflicts of interest. If that be the case, how could the Secretary of Treasury sit on the board? How could anybody from the private sector sit on any advisory board that we have in all of Government? We understand conflicts of interest and we deal with them. It is not accurate to say that we cannot protect ourselves, especially when this statute says that this board will have no access to taxpayer return information and it will not participate in law enforcement.

Equally important, and oftentimes lost in the debate over this board, is that our law would create a requirement for two annual joint hearings of tax writing, appropriating, and oversight committees. It would also expand the duties and reporting requirements of the joint committee on taxation.

The Finance Committee hearings last week were the first oversight hearings in 21 years. It is the inconsistent oversight that we are trying to deal with, with this provision. But, in addition, we heard from individual after individual, the restructuring commission did, that one of the most important things you have to do before you make a technology decision or other allocation decision, you have to get a shared agreement on what the mission is going to be. Having a new oversight board for the IRS, working with a new oversight committee on the congressional side, would give us the possibility of achieving this common and shared mission.

In our deliberations, we found that congressional oversight of the IRS had no coordination. This provision will allow the IRS Citizens Oversight Board and Congress to reach agreement on regulations, goals, and objectives. It will enable the authorization of new initiatives after IRS satisfies rigorous contingencies to assure financial accountability, subject, of course, as always to the approval of the appropriating committees.

For example, decisions about the design and purchase of computer systems will be made after the legislative and executive branches have agreed on a plan. The strategy is to collect taxes owed from those Americans unwilling to pay their fair share, must also be jointly approved in order to survive congressional funding cycles.

Finally, we must provide funding for the century date change. As all of us have looked at that particular problem know, if you think the IRS computer system is a mess now, it could get a heck of a lot worse if the date change problem is not fixed and not fixed at 100 percent.

The administration proposal would codify the status quo. Treasury proposes the creation of an IRS management board made up of 20 Government officials, mainly political appointees from departments including OMB, OPM, and the Vice President's office. I urge colleagues who are concerned about this board that Senator GRASSLEY, Congressman PORTMAN and Congressman CARDIN and I are proposing, who are critical of that, compare it to what the administration is proposing. To repeat, the administration wants a 20-person board composed entirely of Government officials, political appointees, including people from OMB, OPM, and the Vice President's office.

They also propose an advisory board of citizens. For decades there has been a commissioner's advisory group to the IRS, and we were told that it was ineffectual and the bureaucracy ignored their advice.

The reason they ignored their advice, Mr. President, is an advisory board has no authority, no power, and no one, to my knowledge, pays a lot of attention to advisory boards that lack either authority or power.

Fourteen expert witnesses testified before the Ways and Means Committee on September 16. All but two or three testified in favor of the bill that Congressmen PORTMAN and CARDIN introduced, and all testified against the administration's proposal.

I would like to read the names of some of the experts who testified: Eugene Steuerle, senior fellow of the Urban Institute, against; Donald F. Kettl, director, Brookings Institution, against; Robert B. Stobaugh, Harvard Business School, against; Phillip Mann, section of taxation, American Bar Association, against. And on and on, Mr. President.

The administration's proposal has been opposed by all the people that they cite, or some of the people they cite at least as reasons not to support the newly constructed oversight board that Senator GRASSLEY and I have proposed. Again, I have regrettably reached the conclusion that this really is not about what is going to work as it is about making certain that no power and authority is relinquished by the Secretary of the Treasury over the 115,000 people who work for the IRS.

The third criticism that we heard not only last week, but all year long, was that the IRS management structure does not allow for the removal of bad apples. Our law, Mr. President, would create a 5-year term for the IRS Commissioner. In current form, our legislation says that the board appoints the Commissioner. I would be willing to consider having the President appoint the Commissioner with formal input from the board and continuing to allow the board to evaluate and recommend removal for cause.

This law would give this Commissioner increased legal authority to manage the IRS. Consistent with merit system principles, veterans preferences and established labor/management rules, the Commission would be given a new rating system to hire qualified applicants and flexibility to hire a senior team of managers.

Remarkably, the IRS Commissioner has very little flexibility in managing this agency, and one of the difficulties that he or she is going to have, regardless of who they have, in managing with zero tolerance is the sort of things we saw last week: the absence of the power and authority to be able to manage as I think most of us in Congress and most of the American taxpaying citizens would like to see done.

The administration's proposal would create a 5-year term for the Commissioner. That is true; that is the same as ours. But it stops there. It would not have board members with 5-year terms to provide the needed continuity and support to the Commissioner. All the political appointees could come and go in the same year.

One of the biggest problems we have with the IRS is lack of continuity, particularly continuity of management oversight. One of the defects of a board being all political appointees inside the Government is that they tend to turn over more. It is this turnover that makes it difficult for us to get the kind of continuity this agency demands.

The fourth criticism we have heard is it is difficult to file a tax return and there is a breathtaking gap between the service taxpayers get from the IRS and the service they get in the private sector.

Our new law would create goals and due dates for electronic filing. At the heart of comprehensive reform must be a vision of an IRS that operates in the new paradigm of electronic commerce. One of the most telling comparisons made by taxpayers who appeared before us was the comparison given between an ATM card that is provided by their commercial banks and the lack of similar conveniences from the IRS. Potential savings to the taxpayers are large: The error rate for electronic filers was less than 1 percent, compared with 20 percent for a paper file. While we will never have a paperless IRS, Congress must change the law to provide incentives and assistance to a new IRS which gives its customers services comparable to the private sector.

The administration proposal would allow the IRS to spend more money on marketing electronic filing, but would not include any specific goals or requirements for the IRS to take immediate action to increase electronic filing.

The fifth criticism we heard is that Congress has created a monster of a Tax Code that is too complex to administer. Under our new law, Mr. President, we would create a process for evaluating the cost to the taxpayer of tax law complexity by giving the Commissioner, for the first time, an advisory role when new tax laws are being considered; requiring, as well, a tax complexity analysis during legislative deliberations; increasing Federal-State cooperation; and requiring the Joint Committee on Taxation to study feasibility of estimating taxpayers' compliance burdens.

We just made the Social Security Administration independent. The President's nominee was confirmed by the Senate. When the President's nominee came before the Senate Finance Committee, we were able to ask the question: If you reach a conclusion that the President doesn't like or that we don't like up here, are you going to be able to express that conclusion publicly? And the answer is yes. That is what comes with independence.

We need an IRS Commissioner that is able to, while we are debating taxes, say, "Great idea, Mr. President, I saw everybody gave you a standing ovation." "Great speech, Senator Blowhard, I see you got a standing ovation as well, but guess what it is going to cost the taxpayer to comply with your idea? They may give you a standing ovation, but if it becomes law, this is what it is going to create as far as the taxpayer is concerned."

Under the current law, the IRS Commissioner will never come before the American people and make that kind of statement. Under our law, they would be required to do so. The complexity of the Code may require comprehensive reform of our tax law, but in the meantime, why not give the Commissioner authority to advise Congress of the potential problems of our ideas, and why not require a tax complexity analysis? At least we could then evaluate these potential new costs before proceeding. The administration's proposal would not do anything to encourage simplification of the tax law, although it would allow the IRS to enter into cooperative agreements with State tax administrators.

Mr. President, let me add a closing note about the administration's handling of this bill. Honest people can have honest disagreements. For that reason, I tried to be restrained in my criticism of the administration's proposal. But the ongoing public relations battle they are waging requires me to respond.

First, my broad critique is that the administration's proposal is both timid and hollow. We started our proposal with the belief that the law needed to be changed. Laws, Mr. President, have teeth. They must be enforced. They make a difference. The administration's proposal is more a set of suggestions than a set of laws—false substitutes. They become dentures rather than teeth.

Second, the administration has leveled its strongest complaints against our proposal for an oversight board comprised of taxpayers. We made this proposal because we thought the IRS was culturally isolated from the taxpayer, because we believe the IRS lacked the independence from the bureaucracy it needs to fix the problems, and because we believe the agency needs input from outside its own headquarters.

I assume the administration agrees with this observation, because it, too, has proposed an oversight board. The problem with the administration's board is that its members would come from the same bureaucracies that created the problem we heard about last week. Taxpayers would have no input except through an advisory panel, and the board they propose would have little real power. In fact, all 14 expert witnesses, as I said earlier, testifying before the Ways and Means Committee said they do not support the administration's IRS governance proposals.

The administration contends our oversight board would consist of self-interested CEO's. This is quite simply, and quite directly, false, and the administration knows it. They have read our bill. They know what is in it. And they continue to describe it inaccurately in order to get people to presume they should oppose it.

Our proposal is for a nine-member board, two of whom will be the Secretary of the Treasury and a representative of Treasury employees. The other seven could be anyone who the President appoints and the Senate confirms—anyone. A small business owner in Lincoln, NE, can be on this board, as a taxpayer advocate from anywhere in America. "CEO" does not appear in our bill. I do not know where the administration has concocted this ruse, unless they fear that CEO's are who this administration will appoint.

The administration also claims a board run by taxpayers is a recipe for conflicts of interest. At root, this is an argument that the vast majority of taxpayers who do not work for the Government lack the necessary moral rectitude to participate in reforming the Government that belongs to them, and I strongly disagree. Americans who work and pay taxes in the private sector contribute to Government all the time. In fact, one of them is the Secretary of the Treasury today. He ran one of Wall Street's most elite firms. I presume that whatever mechanism has been sufficient to protect him against conflicts of interest would also be sufficient to guard against conflicts of interest by members of this board.

Finally, it seems to me the administration is intent, perhaps determined, on preserving the basic structure of the status quo. They wish to strand the IRS in the labyrinth that is the Treasury Department's bureaucracy and is the same bureaucracy that has failed to run the IRS in a manner that gives citizens confidence.

The problems at the IRS are not this administration's fault alone, but I cannot help but observe that if the Treasury Department had done a great job running the IRS the last 5 years, I might be more convinced that they ought to keep running it. But the simple truth is, they haven't. Perhaps the best summary of the administration's proposal is this: If you like the service you get from the IRS now, you'll love the administration's IRS protection bill.

Having responded in kind, Mr. President, I still hope the administration will start participating in this debate constructively. I still believe we can work out our differences, which are not great, as long as they begin to tell the truth about Senator GRASSLEY's and my plan.

Regardless, Congress needs to proceed as quickly as possible to enact changes in the law which will result in the best practices being applied to the operations of the IRS. Americans want an IRS that can quickly answer the question, How much do I owe; an IRS that is customer oriented to those payers willing to voluntarily comply as is a commercial bank to its customers; an IRS that knows it had better be right when it comes after a taxpayer for collection, otherwise it will pay for wrongly accusing a taxpayer of being delinquent.

In the interest of those Americans who voluntarily comply but who struggle with a complicated code, a confusing service policy, incompatible information systems, and the fear that they could be the next in line for harassment, the time has come for Congress to act.

Mr. President, it is time the IRS starts working for the American taxpayer. To further delay is to ask millions to suffer unnecessarily. I yield the floor.

The PRESIDING OFFICER (Mr. ROBERTS). Who seeks time?

Mr. FAIRCLOTH addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina is recognized.

## DISTRICT OF COLUMBIA APPROPRIATIONS ACT, 1998

The Senate continued with the consideration of the bill.

Mr. FAIRCLOTH. Thank you, Mr. President.

The managers are here to accept amendments to the District of Columbia appropriations bill, and I remind all Senators that we intend to complete action on the bill today. I encourage any Member to come to the floor immediately if you have any amendments or to advise the staff if you intend to offer an amendment.

Mrs. BOXER. Will the Senator yield?

Mr. FAIRCLOTH. I will yield to the ranking member on this bill.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. BOXER. Thank you very much, Mr. President. I just want to reiterate to our side that if there are amendments, we are here, and we are very hopeful to move this bill through. The chairman and I work well together. We are just waiting for colleagues from both sides. We think this is an important bill. We think there are a lot of good things, and we want to move them forward. We are hoping people will come down at this time.

I ask unanimous consent to speak as in morning business for up to 12 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. Thank you very much, Mr. President. If I do see colleagues who are here to offer amendments to this bill, I hope they will let me know, and I will make my remarks brief.

## CAMPAIGN FINANCE REFORM IS A PRESSING MATTER

Mrs. BOXER. Mr. President, I was listening to the news this morning, and the reporter said, "The Senate has agreed to set aside campaign finance reform and go to more pressing matters."

I thought to myself, campaign finance reform is a pressing matter. It seems to me there can be no more pressing matter. We ought to deal with this issue of campaign finance reform and let the chips fall.

We have a lot of parliamentary games being played. One of my colleagues, Senator DORGAN, said earlier that if the American public was listening this morning and heard somebody say, "There is a poison pill on a tree that has been filled," the public would not really understand what we were talking about. When we talk about a poison pill, we are talking about an objectionable amendment that is extraneous to what we are trying to do being offered in an attempt to kill the underlying bill. Filling the tree means using a parliamentary tactic to prevent opponents of an amendment from offering any changes to that amendment. So I apologize to the American public if they tuned in and heard somebody talking about a tree being filled with poison pills because it does get confusing.

But the matter is not that confusing. The matter is, how do we finance our campaigns, and can we improve that system? I think all of America is crying out, "Yes, we can improve it." Only a few say, "Don't touch it, it is great, and money is speech."

Now, it is true that a divided Supreme Court did equate spending as much money as you have with the right of free speech. But that was a close call. It seems to me our Founders would be turning in their graves if they believed at the time they stood up for free speech that it really meant "only if you are rich," because, folks, that is what it is about.

I am proud of my colleagues, RUSS FEINGOLD and JOHN MCCAIN, for pressing this matter across party lines, and standing up for campaign finance reform. I am proud of both of them because it is not easy. The status quo around here is what people like the best.

I have to tell you, when I think about speech, I think about both sides of it. If you have an independently wealthy billionaire running against you in a State like California, and he writes checks every day and bashes you on television every day and bashes the other opponents that he is running against every day, I believe we should ask, what about the free speech rights of the opponents? What about the speech of the other people that are drowned out because of money? If you equate money and speech, it seems to me you are saying someone who is wealthy has more speech rights than someone who is not.

This is not the American way. We are all created equal. That is the basis of who we are as a nation. I really hope that we can get past this notion that money is speech and that we will move forward with a comprehensive bill.

My one disappointment with the substitute pending before the Senate, is that it is not as comprehensive as the first version of the McCain-Feingold bill. However, I respect the judgement of the Senators that it would be best at this time to zero in on two horrible abuses of the system.

One abuse is the soft money abuse, which means unregulated dollars of any amount that flow into political parties. We have seen the hearings that are going on by this U.S. Senate and over in the House. If anything, we come away with this: Let's put an end to soft money. We could point fingers all day—this politician, that politician, where the calls were made, who made them—but I guarantee that gets us nowhere. The issue is the system. There will be enough examples around from both parties. This is not the problem.

So if we get exercised about these hearings—and I have seen colleagues here who are very exercised about them—they should go over to JOHN MCCAIN and RUSS FEINGOLD and tell them they are on their side. There ought to be some controls on the soft money contribution, and those controls are now pending before the Senate. The second area of abuse tackled by the McCain-Feingold bill is the so-called issues advocacy advertisements. This is where you take an organization with endless sums of money to put into an attack ad against the candidate they don't like.

Under current law, individuals can only give $1,000 in the primary and $1,000 in the general to the candidate, but issues advocacy has grown into huge loophole. These so-called issues ads are not regulated at all and mention candidates by name. They directly attack candidates without any accountability. It is brutal. I have seen them. I have seen them from both sides.

I can tell you, it is totally unfair and totally unregulated and vicious. It is vicious. We have an opportunity in the McCain-Feingold bill to stop that and basically say, if you want to talk about an issue, that is fine, but you can't mention a candidate. If this is truly issue advocacy, you can't mention a candidate a few weeks before the election.

If you want to talk about an issue day and night, talk about the issue, whether it is choice, the environment, health care, gun control—talk about it. But once you attack a candidate, that is not an issue ad. This is what the Feingold-McCain will go after.

I think we owe a great big thank you to those two colleagues for pushing this and moving this. I have to say that I am very disappointed at some of the debate, because one of our colleagues who is leading the charge against this says, "We are going to kill this bill and we're going to be proud to kill this bill."

I don't know why someone would feel proud to kill a reform bill that the American people want to see us do. I don't think it is a proud moment. I don't think it will be a proud moment if we can't move this forward.

I am both hopeful and fearful at this point. Hopeful because, as long as we are here in this body and this measure is pending and the people are listening, there will be an outcry for reform; but I am fearful because of some of the statements I have heard.

Let me close by saying what it is like to run in a State like California. I am told by the people with the calculators that if you figure out how much a candidate from California needs to raise in 6 years to run for the U.S. Senate, you would have to raise $10,000 every day, 7 days a week, in order to meet your budget. That is not right. That is not the way I think the American people want us to spend our time. I also don't think the American people want to make this an exclusive club for multimillionaires.

If we get to that stage where everyone here is independently wealthy and they really don't understand what life is all about, I think we will lose a very special aspect of what a representative democracy is.

I am hopeful we will rise to the occasion. We have done it before in this body. We have a chance to do it again. I see the Senator from Minnesota is on his feet, and I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. WELLSTONE. While we are waiting for amendments, I ask if I could have up to 15 minutes to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WELLSTONE. Mr. President, I want to pick up on some comments made by the Senator from California. First of all, I express my disappointment that we are really not debating this campaign finance reform bill. There are a lot of games that are being played right now.

What we have—my colleague from California was saying there is no reason to talk about filling up the tree and poison pill provisions—but what we have going on here is an amendment introduced by the majority leader that has an Orwellian title called the Paycheck Protection Act. It is really kind of a union label working people gag act. In any case, it is a killer amendment and has no business being on this bill.

Senator DASCHLE, the minority leader, has said if the majority leader wants to have a debate on this division provision, we will deal with it separately. We will agree to a debate on it. We will have amendments and we will deal with it.

But what is going on right now is that this amendment and this effort to fill up the tree means that there is no way in which other Senators can introduce amendments. For that matter, I don't see us having much of a debate. I am hopeful we will get back to this debate.

I want to be clear with people in the country that the fact that you have a campaign finance reform bill hanging out there on the Senate calendar, I guess starting at the end of last week and yesterday, Monday, doesn't necessarily mean we have really a high-quality debate. I am not even going to speak that long because I want to wait for colleagues to come out here on the other side and have a full-scale debate on this piece of legislation.

Mr. President, we are very close to passing a reform bill. In many ways I am pessimistic because I think this amendment that the majority leader has introduced is an amendment which may very well destroy our chances for passing reform legislation if it passes. On the other hand, I think people in the country are pretty smart about this. I think they see it for what it is. My hope is that there will be a few more Republicans that will join Senator McCAIN and Senator COLLINS and Senator THOMPSON and Senator SPECTER and we will have the ability to defeat this amendment and then go on to the McCain-Feingold bill.

I am willing to admit people have different views about how to solve this problem. I am convinced this is the core problem. I don't think there is a more important issue. I think people in the country know it. The problem is that people hate this system and they know it, and I think they believe that Government too often responds to the interests of the wealthy and powerful and not them. I think they are probably right. Even though I think individuals here in the Senate and the House have a highly developed sense of public service, people can agree to disagree, but systematically you have a huge imbalance of power because this whole political process has become too dependent on the heavy hitters and the investors and the givers and the people who have a whole lot of money. That tilts the system in a very dangerous direction toward the very top of the population, and it leaves the vast majority of people out.

It also means we have a very, if you will, distorted debate on issues. I don't think it is any accident that ultimately when it came down to how we did deficit reduction, a good part of many of the areas we made reductions in affected vulnerable people, low- and moderate-income people who are not the big givers. I don't think it is any accident we left most of the tax loopholes and tax deductions alone, because then we would have had to take on the big givers. I don't think it is any accident that there are a whole lot of questions that deal with concentration of power. I will take the telecommunications industry, since I think we made a big mistake when we passed that piece of legislation. I think the flow of information in a democracy is the most precious thing we have, but in a way this whole issue of concentration of power gets taken off the table.

I don't think it is any accident when we were debating universal health care coverage very fine Senators would say to me, "There is no way we can take on the insurance industry given the power of the insurance industry."

This is very corrupting in a very systematic way—not in an individual way, but in a very systematic way. I just say I think if we don't get the job done or if we don't at least get half the job done or if we at least don't get a quarter of the job done, I think people will be disillusioned and they will have a right to be. We will have given them every justification, every reason for being disillusioned with us.

Now, Senator McCAIN and Senator FEINGOLD are both close colleagues and good friends. Senator FEINGOLD is my colleague from the State of Wisconsin. We have all worked together on these reform issues. I was proud to be one of the original cosponsors of the bill with Senator THOMPSON. What we had was an original—it's a little like hot sauce; we have the McCain-Feingold original formula, and we have the McCain-Feingold extra mild, which is the new formulation. The extra mild is meant to get us past the filibuster and any diversion from the majority side, and I hope it does. But I have to say that I don't even think the extra mild has enough zing in it. I know this is a good-faith effort to move us forward.

Let me talk in very concrete terms about what all this means for people in the country. I will get back to this in a more extensive way when we have the debate. What has already been dropped out, I think, is a shame. I think Senators FEINGOLD and McCAIN are disappointed, but they are trying to move forward on some reform. What has been dropped out of this is the agreed-upon spending limits, reducing the amount of money that is spent in exchange for discount broadcast advertising time and direct mailing expenses.

In other words, the very part of the legislation that actually would have reduced the amount of money spent in our races, Senate and House races, has been taken out. Actually, the one provision of this bill that I think would have led to a more level playing field has been taken out already. I think that is a shame. The reason that I got so involved in this whole debate about reform from the word go was because I just think an obscene amount of money is spent. The reason I got involved was, back in 1989 and part of 1990, it was so disillusioning to me to have just about everybody I talked to tell me I didn't have a chance to win because I didn't have access to the money. That is all people would talk about.

Actually, the provision of this legislation that directly deals with our raising money and our spending money in our campaigns and the connection to how we vote—even though I think all of us hope there is no connection, it certainly looks that way to people—has already been taken out. What is in this piece of legislation that I think is important—there is one provision I disagree with. In the aggregate we have now raised the amount of money individuals can contribute from $25,000 to $30,000 a year. I would not raise individual contributions at all. I think that just intensifies the problem of those people who have the big bucks being able to contribute more. Most people in North Carolina or Kansas or Minnesota cannot afford to contribute $100 a year much less collectively $30,000 a year.

But we are now down to, as I said, an extra mild version. It doesn't have enough zing in it, from my point of view. But I understand it would represent a step forward if we keep it intact. Part of that deals with the unregulated money, the soft money, that goes to parties. I think it is terribly important to prohibit that because obscene amounts of money have been spent. We really saw that in the Presidential election. It essentially has become such a loophole that it has made people utterly disgusted with the system. A lot of what people have read about and heard about on TV has to do with soft money.

There's a second part which my colleague was talking about, independent expenditures. It's the issue advocacy ads, which are terribly important to talk about because this is a huge loophole. If this gets stripped out of this piece of legislation, we will be making a huge mistake. I don't need to tell the people in Minnesota who followed the last election because there was about a million dollars spent on issue ads. They essentially run these ads on television and they bash you if you are a Democrat or a Republican—it depends who is doing it. They just don't say vote against you. There is no spending limits at all. So a huge problem, again, is with the unregulated money, which can be the soft money, which means that people can be contributing huge amounts of money to this, obscene amounts, which is used to buy elections.

What this piece of legislation says is you can't do those ads. It becomes express advocacy if you do it in a 60-day period prior to the election and you use the name of the candidate. This is the bright-line test, which makes a whole lot of sense. You can't have perfection here. But if you drop that provision—and I know a lot of colleagues want to drop that provision—then what you will do is stop the soft money to the parties; it is just like Jello, you push in and it will all shift over to these issue advocacy ads. You will have all sorts of groups and organizations, and some you might like and some the Chair might like, some the Senator from North Carolina might like, some I would not like, but that is beside the point. You are going to have the same unregulated, obscene amount of money, no accountability, being spent in these elections, adding to the disillusionment of the people and used, by the way, for these attack ads, where they have been raising millions of dollars figuring out how to rip their opponent to shreds or how to prevent themselves from being ripped up into shreds. Hundreds of millions of dollars are spent like this, and it does not add one bit of information for one citizen in the United States. No wonder people hate this system. We ought to really try to build a little bit more accountability into this.

Well, Mr. President, these are important provisions that we are talking about here. I think that this represents a huge step forward. Mr. President, what I would worry about—and I will sort of finish up this way—is these three scenarios, and when we get into the debate, I can go into all of them in more specifics. One scenario is that we have the majority leader's amendment. It really is, as my colleague said, extraneous to this legislation. We can have a separate debate on it later on. It is really essentially a union gag, worker gag amendment. It is harsh. It should not be on this bill. If it passes—and I think we can have the votes to defeat it—then we reach a huge impasse. I suppose that people can think we have a clever strategy here. But most people in the country know this is nothing more than an effort to waylay the whole reform effort. It won't work. We are only a vote or two away from defeating it. I think we can have Republicans and Democrats join together to do that.

The second scenario I worry about as well, which is an already stripped-down version of McCain-Feingold, you will have the 60-day accountability on the issue ads taken out. You will raise campaign contributions and you will wind up with a piece of legislation that will have a fine-sounding acronym, that made-for-Congress look, but as a matter of fact, it will just shift the amount of money, spent in a different way. It will be an obscene amount of money. It will still undercut democracy. You will still have all of this money spent, and when people in the country find out that not much really has changed, they will be furious, discouraged, disengaged, and none of us benefit. I hope that doesn't happen.

The third thing that could happen is that the McCain-Feingold, what I called extra mild, the new formulation, will pass. Again, there is not enough zing in it, from my point of view, but I think it would represent a step forward. I mean, the provisions in the McCain-Feingold extra mild would be a step forward. It would be a reform effort. It would build some more accountability into the system. It would lessen some of the money that was spent, and I think it would give people some confidence that we are serious in this Congress about trying to change this system, this mix of money and politics, which so severely undercuts democracy.

Now, a final point, if I have 2 minutes left. There is a whole lot of energy around the country at the State level. I mean, Vermont just passed a clean money election option. Maine passed it. I know that Massachusetts is going to deal with this question. This is an effort that I love. I have introduced a bill with Senators KERRY, BIDEN, and GLENN which basically says we are going to get all of the private money out, the big dollars out, and I think ultimately this is the direction we have to go in. I will tell you something. People around the country at the State level are saying yes to that.

So, colleagues, people are serious about reform. This is one of those moments in time. As the Senator from Minnesota, I am very discouraged that we are not out here debating this. Let's finish this appropriations bill that my colleagues from North Carolina and California are managing, the D.C. appropriations bill, and let's have the debate on campaign finance reform. Let's not have amendments out here that are nothing less than an effort to destroy this reform effort. Let's debate the stripped-down McCain-Feingold measure and get on and pass the reform bill.

I yield the floor.

The PRESIDING OFFICER. The time of the Senator has expired.

## DISTRICT OF COLUMBIA APPROPRIATIONS ACT, 1998

The Senate continued with the consideration of the bill.

Mr. FAIRCLOTH. Mr. President, I yield to the Senator from Vermont 40 minutes.

The PRESIDING OFFICER. The Senator from Vermont is recognized for 40 minutes.

Mr. JEFFORDS. Mr. President, I don't anticipate taking very long. I want to raise a very important issue relative to the District of Columbia. First of all, I want to commend the subcommittee chairman. I served just ahead of him in that capacity. I know of the tremendous responsibility he has, and I have admired the way he has been handling his job. I have also admired the way they have put the bill together this year to help the city of Washington.

But there are problems that are really beyond the possibility of the subcommittee to correct. These are what I want to discuss today. First of all, let us remember what the important issues facing this Nation are and reflect and look at the District of Columbia with respect to those. The District of Columbia, as we all know, is the Nation's Capital. But I think sometimes we Members have a tendency to forget that we are responsible now for the city of Washington. We, in 1974, turned the city over to home rule. As that experience turned out to be rife with difficulty for the residents of D.C., Congress made efforts to become more vigorously involved with the city's governance. By getting more directly involved, particularly with regard to the education system, we therefore made ourselves, the Members of this body and the House, directly responsible to the people of the District of Columbia. And furthermore, we became more directly responsible to the people of the Nation overall that we would have to do what is necessary to make this Capital a capital we can all be proud of.

Can you be proud of the United States Capital when the top issue in this Nation right now is education and here in Washington we continue to have some of the lowest educational scores and standards in the country? We are doing our jobs as leaders in a major metropolitan area; how can we turn this city into a model for the Nation to show how we can take the cities and help them become educational enterprises that are functioning well and that are delivering our young people into society with the skills they need to be able to make this Nation strong?

This is a national problem of the highest priority. But let us take a look at the District of Columbia and where we stand as far as what we are doing for it and the distance that we have to go. As I said, I had the job that the Senator from North Carolina has, the chairmanship of the subcommittee, and I took that responsibility very, very seriously. Working with Congressman GUNDERSON on the other side, we developed an educational program for the city. We worked long and hard at it. We got it approved, and it is in law. It sets out the goals and methodology and the means for us to take this city and turn it from the worst—and I will explain that later—in educational results of any city in this country.

Second—and I will talk about that even more quickly—we also have about the worst infrastructure of any school system in this country—the worst. So if we are going to make real progress in turning this education system around we have a long way to go.

We set the framework a couple years ago when we took over the city. We created, first, the Control Board, which now has more of the mayoral responsibilities, or is more analogous to a board of aldermen. They then created a school board to take a look and see what they could do to take this city and to change it into a city that we could be proud of.

We have all recently noted that the schools didn't open on time. Children were ready to come in, but the roofs were leaking, books had not been delivered. What happened? We had an amount of money for emergency repairs that had been appropriated—but that money, about $86 million came from the remainder of existing funds, and other one-time piece meal funding, not through a dedicated, sustainable revenue stream. It will just not be the right way to go to meet the needs we have, particularly with regard to infrastructure.

Take a look at this chart. You can see that if this situation is not the worst in the Nation, it is pretty close.

Look at these statistics from a General Services Administration study, which I will make a part of the RECORD, which goes through these infrastructure categories item-by-item to show where this city is.

Exterior walls: The national average for having problems is 27 percent. We have 72 percent of our exterior walls and windows which are bad and not meeting codes.

Next one: Roofs. This probably has improved a little since we spent $70 million fixing roofs this fall. But a year ago, only 27 percent of the schools in this country had poor roofs—but in the District we had 60-some percent of the roofs that were not meeting code. This does not mean they are beautiful; they just do not meet the code and safety violations.

Heating and ventilation, and air conditioning: The national average, 36 percent below code; Washington D.C., 66 percent.

Plumbing: Sixty-five percent of the plumbing doesn't meet code in D.C.'s schools—65 percent.

Electrical and lighting: Fifty-three percent of the District's school's are in code violations in this category

Life safety codes: Fifty-one percent of our schools are in violation of life safety codes. Would you trust your own children to that? I think not.

Power for technology: This is where we are doing the best, fortunately. But, still, 41 percent of the schools don't have power to utilize technology.

I am talking here about the Nation's Capital, the city that we would like to point to to show as an example of how a school system should be run.

Keep that in mind.

Let's take a look at this next chart to see what is going to happen.

For 3 years in a row we have had the schools not opened on time because of violations. Well, this is according to the GSA. The amount of repairs, cost of repairs to meet code, plus some other essential repair: $2 billion—that is with a "b"—2 billion dollars' worth of repairs that are necessary in order to get our schools in compliance with the safety codes and other codes.

We managed to get $86 million available this year. That was the high point. We put $50 million the year before. Divide $86 million into $2 billion, and you will see that somewhere between 20, 30, or 40 years from now depending on what you spend each year, those schools are going to be in code—our Nation's Capital.

That is inexcusable. You tell me how we are going to get $2 billion to be able to fix those schools. Is this subcommittee going to appropriate $2 billion? Of course not.

I went from the Appropriations Committee to the Finance Committee, because I knew that was where the action was going to be. There is a lot of money out of there—$35 billion for education.

So to the Finance Committee, I said, "Hey. We ought to fix these schools." So I had an amendment to get $1 billion—only one $1 billion—to get half the job done. I came within one vote of passing that in the Finance Committee. That was one of those meetings in the middle of the night where nobody was quite present. But, anyway, I came within one vote of getting it. I finally got $50 million. That would have paid part of this year.

We went to conference. And they said, "No. We would much rather create more jobs in the city. We would much rather give things like tax credits for buying new houses, and all of these kinds of things." So I went after the $50 million. But I did get a commitment from the head of OMB. I will get into that in the later part of the discussion here. But he agreed with me that we ought to do something, and that he would go with me and travel and talk with the Governors of Maryland and Virginia. I intend to do that, and see whether we can work something out. That will get to the solution which I will get to a little later.

Now let's take a look at where we are as far as the achievement of our young people and take a look at this, if you want to get depressed.

This chart shows where the District of Columbia is in red. We put the District of Columbia in red each time where it belongs. And this shows the Northeast average; the national average levels. These are fourth grade students scored at or above basic reading achievement levels. And it was down 6 percent from 1992. We took these from 1994. Twenty-eight percent of the children in the District of Columbia were passing the assessment for reading. In 1993, it went down 6 percent to 22 percent.

If we are going to make the District of Columbia the model for the Nation to follow, we are kind of headed in the wrong direction.

So what are we going to do about that? I will also get to that in a little bit. Right now I think it would be appropriate to go to the next phase where I am going to offer the amendment.

AMENDMENT NO. 1266

(Purpose: To provide for a regional education and work force training system in the metropolitan Washington area, to improve the school facilities of the District of Columbia, and to fund such activities in part by an income tax on nonresident workers in the District of Columbia)

Mr. JEFFORDS. Mr. President, I have an amendment at the desk. I would especially want to alert my Virginia and Maryland Senators that they don't need to jump out of their chairs and run over to the floor right now because I intend to withdraw it when I am finished. I offer the amendment.

The PRESIDING OFFICER. Is there objection to setting aside the pending amendment? Without objection, it is so ordered.

Mr. JEFFORDS. I ask unanimous consent to set aside temporarily the pending amendment and I will withdraw it so it will be back pending at the time.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Vermont [Mr. JEFFORDS] proposes an amendment numbered 1266.

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the purpose be read. It is relatively short. The amendment is unfortunately quite long.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

(Purpose: To provide for a regional education and work force training system in the metropolitan Washington area, to improve the school facilities of the District of Columbia, and to fund such activities in part by an income tax on nonresident workers in the District of Columbia)

Mr. JEFFORDS. I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

Mr. JEFFORDS. Mr. President, I thought that last sentence might stir up some anxiety. So I wanted to make sure that I reassured Senators that I would withdraw it.

But I did want to reemphasize that I intend to meet with the OMB director and with the Governors of Maryland and Virginia, and lay out this plan which will help the District. But it will also help the two surrounding States. So hopefully we can get an agreement to go forward with this, if we could, one, raise the $2 billion to take care of the infrastructure problem; and, two, share 50-50 the ability to create the kind of skilled training that is necessary in this metropolitan area in order to provide skilled workers for the 50,000 jobs that are available in this region which are not being filled at this time.

Before I go on, I want to say that the things which I am saying here and recommending are not things that JIM JEFFORDS decided when he was losing his mind or something, as somebody would think about standing up here and trying to help the District of Columbia. But this book everyone ought to be required to read in the Congress, which is "The Orphaned Capital," and it is by Carol O'Clanahan, at the Brookings Institution.

This was done on behalf of the city to explain the mess we are in, and possible solutions as to how to get out of the mess.

So, again I want to emphasize that what I am trying to do today is to challenge the delegations from Maryland and Virginia, or anybody else, to say show me if you have a better way to come up with $2 billion so that we are not embarrassed by having our schools shut down. Let me tell you why they will end up shutting down again if we don't come up with something.

There is a group called Parents United. And they are upset with the fact that their kids are going to schools that are unsafe. So each year they go to a judge who is very friendly to them and who likes to make us look stupid. So that judge shuts the schools down each year. And they have about 20 to 40 years to go, depending on how much we put up each year with these code violations.

So they will pick on a number of code violations. The boilers are about to blow in several of the schools. So maybe this winter the Christmas holidays may get extended, if they decide to go and get the boilers fixed, although I hope they will be able to fix the boilers without that.

But anyway, they will each time go, and they will get the court to order the schools to be repaired. But as you say, with $2 billion to go in doing it with $50 million to $80 million a year, it will take a while. I don't want to have to spend the rest of my time here being embarrassed every year about why these schools are not being opened.

So let's take a look at what the positive side of the events are. Let me tell you what we have here, just to give you some credence on what I am saying. Look at this Washington Post editorial the shortage of workers in this regional area for the information technology jobs available.

But, as I mentioned earlier, there is a serious labor market shortage in this area. We have a burgeoning development of technology-based jobs—not only in the information industry but in every sector of our economy. These jobs are available in a location that's nice and convenient to the Capitol. There are 50,000 jobs out there right now that cannot be filled. And these are $20- $30- and $40-an-hour jobs that cannot be filled because the schools, the high schools in this area, even though we have some good ones out in the suburbs, are not graduating people from high school with the capacity they should have to take these jobs. I want to mention this to give you an idea of the dimension of the problem.

If we could fill these jobs, it would increase the revenues in the area available by $3.5 billion annually. We are talking about an enormous amount. Keep that figure in mind. That is the potential that we could do. Keep also in mind the fact that in this city now two-thirds of the workers are living in the suburbs. That is up by one-half from several years ago when everybody flooded out of the city.

I will remind you. Why did they flood out? Two reasons: One, crime; and, back and forth between number one and two, the schools. The schools are lousy. I am not going to bring my kids up here. I am taking them to the suburbs.

So now two-thirds of the workers go out. Do you know what they take with them? They take with them $20 billion a year—$20 billion a year that goes out to be taxed by Virginia and Maryland. Do you want to know why Virginia and Maryland are going to get upset? Because if I try to take some of that, wow. That is going to be revenue out of their pockets.

That is why I want to emphasize that if we increase the revenues by $3.5 billion, it will help reduce the impact of removing it. And we are not going to take all of it anyway. How much comes back in from people working out? One percent of that. One percent comes from workers working out of the District—outside the District, coming back into the District. It is a huge disparity.

Another fact that I want to mention—this one is very, very important to remember. Washington, DC, is the only city in America which is in an interstate area where its workers cannot—cannot—be taxed on their wages before they go home. It is the only city in America that is in that situation.

All of the cities that are in an interstate situation have taxes on the nonresidents. So part of the work revenue stays. The highest I think is 4 percent. The average is around 2 or 3 percent. Just keep that figure in mind because you have a huge amount of money that flows out of the District into Maryland and Virginia, which grab hold of it and throw into their treasury. Everybody would like to be able to do that.

So that is the situation we are in.

Now the question is, How can we make an equitable system, granted that this city is restrained? How are we restrained? Let me tell you how that happened. Back in 1974, when the District of Columbia went to home rule, a very astute Member of the House said, "Hey. Every other city in this country grabs money from the workers." And that Representative was from Virginia, naturally, and offered an amendment which passed that said the District of Columbia is prohibited from taxing workers, nonresident workers. And that is still in the law. So right now, unlike any other city in America in a similar situation, the District of Columbia cannot tax the nonresident income.

Well, it seemed to me that under that circumstance it would be appropriate to take a look to see if we could not just nick it and take some money back to float the bond for the $2 billion needed for the infrastructure code repairs.

That is what this amendment does. But in addition to that, to be more wise and also make it more appealing, my amendment will take money from the nonresident workers, the tax money that goes to Annapolis and Richmond, and bring it back into counties of Maryland and Virginia that border the District of Columbia.

So in the final analysis we start out and ease it in, phase it in so that it would have a slow differential in the impact it has on those States starting off with money to repair the schools. That will take about 1 percent. We could phase that in in a couple years. One percent would take care of the bonds to raise $2 billion. Then, if we can go to 3 percent, split that so that it equals half the money going to the suburbs and half to the District of Columbia—that is including the infrastructure repairs—we can then create what needs to be done, a system to be able to coordinate the schools in these areas to find out where best to have skill training. For instance, I would recommend we take UDC, the University of the District of Columbia, and make it into a skill training center. Give it a new purpose. It could be used for those purposes. And these grants would be given out in cooperation with the Department of Education and the Department of Labor. I did not want to give it to the Federal Government, but that does make it necessary for interstate compacts. So then we could create the system.

Let's take a look back at the Washington Post. What it is talking about is where the jobless could be given jobs. I want to give validity to what I am saying. They are aware of this. The business community is also aware of what I am trying to do and very supportive, and the educators are, of course, too.

> I have spoken with the leaders of the exploding high-technology industry from Virginia and Maryland, and they note that the boom has been so dramatic that they're worried about finding enough people to work for them. Then note the plight of the District, where businesses evaporate and unemployment is the highest in the region. The obvious but so far elusive solution: match the District of Columbia jobless with Northern Virginia jobs.

So this is known as an area of need. So what I am recommending with this amendment is that we ought to work together as a region. And this can be done nationally. I would say the Senator from North Carolina, when we discussed this some time ago, pointed out in North Carolina they have developed these things, and the South has been very astute. We in the Northeast and the rest of the country ought to be aware of what they are doing. They are working together in a region. They are inviting businesses to come in. They are creating skill training in order to make sure that they can get the jobs and get the businesses to locate in their States to provide them with what is necessary.

Now, I am hopeful that when the other States look at this they will realize, if we come in and just take a little bit of the money, which any other city in this country could do that is in this interstate situation, we must make sure we turn this city around and move it in the right direction, first, by fixing up the schools.

Now, certainly I am embarrassed, and I hope all of my colleagues are embarrassed, by the fact that this city has the worst school infrastructure in the country and that such a huge number of our schools are unfit. With $2 billion, I hope they would take notice and join me in trying to do something about it.

But I also point out that it does not make any difference to me how we do it. I would challenge the Senators from Virginia and Maryland, if they do not like the fact that some of the money may be taken from their State capitals and moved down into their counties near here or some into the District of Columbia, then suggest another alternative. I urge any of my colleagues to figure out how we can raise $2 billion over the next couple years so that we can get these schools fixed so we do not have to go through the difficult period of time each year of being embarrassed by the District of Columbia school system.

In winding up, I urge that we will get your attention because I think it is easy for us, as so many Members do when I talk to them, to say, "Oh, that's Mayor Marion Barry's problem. He made a mess out of it." That may be true. But that is not the solution. We are responsible. We are the ones who have to come up with a solution, and if we do not do it, then I am sad for the kids in these schools. I am sad for the city, and I am sad for all of us who will be embarrassed, instead of having the Nation's Capital pointed to, as it could be, as a model to follow, and ridiculed and we feel so sorry for those kids.

Now, let me talk a little bit also about other things that can be done to help the city and that are being done. I have lived here now close to 25 years. I have lived right in the District. I have not gone out to the suburbs so I know what's going on here and I have seen it improved; I have seen it getting better; but I feel very responsible for it. And so I hope that we will see as we move forward that we can change this city around. I am hopeful that we will have that responsibility, recognize it and do something about it.

In addition to what I have already told you about, I would also like to mention what the private sector has been doing to assist. We ought to keep our eye on the private sector because they are showing us their ability through volunteering.

Let me talk about two programs that I have been working with the private sector. One looks at one of the most difficult problems the Nation has, and that is reading. You saw the record, the horrible record of the District of Columbia in reading. We have started a program called Everybody Wins! This is a lunchtime volunteer reading program that pairs caring adults with elementary school children in Title 1 schools to help them learn to read and learn the value of reading and education. Senate volunteers go every Tuesday to the Brent School to read over here on the Hill and the House volunteers go down to the John Tyler school. All in all we now have around 300 House and Senate staff who read in the program. We began Everybody Wins! up here on the Hill to generate awareness with the private sector and others of how fantastic a program it is and how easy and effective it is to get involved and this year we will have about 1,200 volunteers all across the city who are reading to kids in first through sixth grades to make sure at the end of the third grade they know how to read—a great program. It is a non-profit educational foundation funded by the private sector, with the whole effort led by the PGA Tour and the Tour Wives Association. The PGA Tour is under the leadership of Commissioner Tim Finchem, who is really making children and education a priority, and I commend him for all his help. We have been able to raise some money each year at a fundraiser called Links to Literacy. The entire House and Senate leadership from both sides of the aisle joined me and Senator KENNEDY in spearheading this event. We will have another fundraiser this spring where "everybody wins" so that we can make progress toward our goal of having every elementary school child in the D.C. public schools read with an adult volunteer once a week at lunchtime.

Second, the area of greatest difficulty—and here is another area where the District of Columbia leads the Nation, I think—is school dropouts. Forty percent of the kids in the District of Columbia system who start do not finish, and that I tell you is very much related to the serious crime problem because 80 percent of the people that are in jails are school dropouts.

I traveled out to San Diego and visited a program there which was set up by the private sector called Operation FitKids. This program was founded by a man named Ken Germano who works in the fitness industry and who is passionately dedicated to underprivileged kids. He figured out a way for the fitness industry to donate used equipment to schools to create safe, educational fitness centers in the middle and high schools. Now you have to have the biggest and best equipment in order to attract people. I know I watch television. Every couple weeks there is a new way to tread the mill and those kinds of things. My colleague Senator KOHL has joined with me to bring this great program to the District of Columbia. This summer we were able to have half a million dollars worth of equipment that has been donated to four of the middle schools and high schools in our city's worst areas to help young people with a place to go to exercise and to communicate with each other and to learn lifelong healthy habits. To make this work we had to form a partnership with a local university and American University stepped right up to the plate and we now will have a big launch event this fall to get the word out about how more people can get involved.

Another area. Representative CASS BALLENGER has been working with the private sector and contractors, saying, will you help? Will you help do things with a little money? In other words, try to get donated whatever is needed to help fix these schools. And they say yes. Ballenger said, well, the problem is we can't do much about it because of the Davis-Bacon Act. And hopefully at the same time we do this we could get an agreement to lift the Davis-Bacon Act, or at least the size of contracts which are needed to be met so that we could take that money and do it with much less by being able to get around the Davis-Bacon Act.

So the private sector is ready to help. I am certainly ready to help. A number of my colleagues are. But it is up to the rest of the Senate and the House to really say we are going to make this capital the best in the country, not the worst. And right now we are embarrassed, and I am embarrassed, but I am hopeful a year from now we will be on the road to progress and I am going to do everything I can to make sure that we are on that road.

Mr. President, I am pleased to yield back the remainder of my time. I withdraw my amendment.

The PRESIDING OFFICER. The amendment is withdrawn.

The amendment (No. 1266) was withdrawn.

Mr. FAIRCLOTH. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FAIRCLOTH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

### UNANIMOUS-CONSENT AGREEMENT—H.R. 2203.

Mr. FAIRCLOTH. Mr. President, I ask unanimous consent that at 5 o'clock today, the Senate proceed to the consideration of the conference report to accompany H.R. 2203, the Energy and Water appropriations bill. I further ask that the reading be waived and the conference report be limited to the following debate time: the two managers, 10 minutes each; Senator MCCAIN up to 10 minutes. I further ask unanimous consent that immediately following the expiration of the time, the Senate proceed to a vote on the adoption of the conference report with no intervening action or debate.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The PRESIDING OFFICER. The Senator from West Virginia.

### AMENDMENT NOS. 1267, 1268, 1269, EN BLOC

Mr. BYRD. Mr. President, I send three amendments to the desk. I ask unanimous consent they be considered en bloc. I have discussed this with the manager of the bill. He understands that I am going to make this request, and he has no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from West Virginia [Mr. BYRD] proposes amendments 1267, 1268, 1269, en bloc.

Mr. BYRD. Mr. President, I ask unanimous consent that reading of the amendments be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments are as follows:

### AMENDMENT NO. 1267

(Purpose: To prohibit alcoholic beverage advertisements on billboards, signs, posters, and other forms of advertising in certain publicly visible locations in the District of Columbia where children are likely to walk to school or play)

At the appropriate place, insert the following:

SEC. . (a) Chapter 29 of title 12A of the District of Columbia Municipal Regulations (D.C. Building Code Supplement of 1992; 39 DCR 8833) is amended by adding the following 2 new sections 2915 and 2916 to read as follows:

"2915.0 Alcoholic Beverage Advertisements.

"2915.1 Notwithstanding any other law or regulation, no person may place any sign, poster, placard, device, graphic display, or any other form of alcoholic beverage advertisements in publicly visible locations. For the purposes of this section 'publicly visible location' includes outdoor billboards, sides of buildings, and freestanding signboards.

"2915.2 This section shall not apply to the placement of signs, including advertisements, inside any licensed premises used by a holder of a licensed premises, on commercial vehicles used for transporting alcoholic beverages, or in conjunction with a one-day alcoholic beverage license or a temporary license.

"2915.3 This section shall not apply to any sign that contains the name or slogan of the licensed premises that has been placed for the purpose of identifying the licensed premises.

"2915.4 This section shall not apply to any sign that contains a generic description of beer, wine, liquor, or spirits, or any other generic description of alcoholic beverages.

"2915.5 This section shall not apply to any neon or electrically charged sign on a licensed premises that is provided as part of a promotion of a particular brand of alcoholic beverages.

"2915.6 This section shall not apply to any sign on a WMATA public transit vehicle or a taxicab.

"2915.7 This section shall not apply to any sign on property owned, leased, or operated by the Armory board.

"2915.8 This section shall not apply to any sign on property adjacent to an interstate highway.

"2915.9 This section shall not apply to any sign located in a commercial or industrial zone.

"2915.10 Any person who violates any provision of this section shall be fined $500. Every person shall be deemed guilty of a separate offense for every day that violation continues.".

(b) The amendment made by subsection (a) shall take effect 180 days after the date of enactment of this Act.

### AMENDMENT NO. 1268

(Purpose: To increase the number of ABC inspectors in the District of Columbia and focus enforcement on sales to minors)

On page 49, between lines 13 and 14, insert the following:

SEC. 148. There are appropriated from applicable funds of the District of Columbia such sums as may be necessary to hire 12 additional inspectors for the Alcoholic Beverage Control Board. Of the additional inspectors, 6 shall focus their responsibilities on the enforcement of laws relating to the sale of alcohol to minors.

### AMENDMENT NO. 1269

(Purpose: To require the General Accounting Office to study the effects of the low rate of taxation on alcohol in the District of Columbia)

At the appropriate place, insert the following:

SEC. . (a) Not later than 6 months after the date of enactment of this Act, the General Accounting Office shall conduct and submit to Congress a study of—

(1) the District of Columbia's alcoholic beverage tax structure and its relation to surrounding jurisdictions;

(2) the effects of the District of Columbia's lower excise taxes on alcoholic beverages on consumption of alcoholic beverages in the District of Columbia;

(3) ways in which the District of Columbia's tax structure can be revised to bring it into conformity with the higher levels in surrounding jurisdictions; and

(4) ways in which those increased revenues can be used to lower consumption and promote abstention from alcohol among young people.

(b) The study should consider whether—

(1) alcohol is being sold in proximity to schools and other areas where children are likely to be; and

(2) creation of alcohol free zones in areas frequented by children would be useful in deterring underage alcohol consumption.

Mr. BYRD. Mr. President, I rise today to address an issue that concerns me and, in my opinion, does not receive enough attention, enough attention or enough action by the Congress. This is the issue of youth alcohol use. It is a serious problem in the District of Columbia, as it is throughout the Nation.

Alcohol is the drug that is used most by teens. If we are concerned about drug use by teens, this is the drug that is used most by teens. Information compiled by the National Center on Addiction and Substance Abuse indicates that, among children between the ages of 16 and 17, 69.3 percent have at one point in their lifetime experimented with alcohol.

Let me say that again. Among children between the ages of 16 and 17, 69.3 percent have at one point in their lifetime experimented with alcohol. That is not a very good reflection on their parents, I would say. In the last month, approximately 8 percent of the Nation's eighth graders—now, get that—in the last month, approximately 8 percent of the Nation's eighth graders have been drunk. What are we coming to? Eighth graders—8 percent of the Nation's eighth graders have been drunk. What does that say about the parents? What does it say about this Nation of ours? Eighth graders are generally 13-year-olds. Every State has a law prohibiting the sale of alcohol to individuals under the age of 21. Unfortunately, though, two out of every three teenagers who drink report that they can buy their own alcoholic beverages.

Alarmingly, junior and senior high school students drink 35 percent of all wine coolers and consume 1.1 billion cans of beer a year. Yet, again, every State and the District of Columbia have laws prohibiting the sale of alcohol to individuals under the age of 21. Alcohol is a factor in the three leading causes of death for 15- to 24-year-olds: accidents, homicides, and suicides. In approximately 50 to 60 percent of youth suicides, alcohol is a factor. Alcohol is involved. In 1995, there were 1,666 alcohol-related fatalities of children between the ages of 15 and 19. Drinking and driving kills. Links have also been shown between alcohol use and teen pregnancies. And links have been shown between alcohol use and sexually transmitted diseases.

According to a Washington Post article from July 17, 1997, entitled, "The Corner Store," the District outranks every State with regard to deaths and diseases related to alcohol. In addition, according to Joye M. Carter, chief D.C. medical examiner, in 1993, 50 percent of the homicide victims had consumed alcohol.

In order to begin to address the distressing cost of alcohol to this city, and its children, I am offering three commonsense amendments to this bill, the District of Columbia Appropriations Act for fiscal year 1998. The amendments I have sent already to the desk.

The first one would prohibit alcoholic beverage advertisements on billboards, signs, and posters and other forms of advertising in certain publicly visible locations in the District of Columbia where children are likely to walk to school or to play. I believe this is an important, commonsense measure to help to shelter innocent children of the District of Columbia from the daily bombardment of messages tempting them to partake of alcoholic beverages. There is a lot of fuss made about advertisements concerning smoking. Nothing is said about advertisements concerning alcohol. That, apparently, is taboo.

Competitive Media Reporting estimates that the alcoholic beverage industry spent more than $1 billion on alcohol advertising in 1995. That is an enormous amount of money, and this advertising is often crafted to particularly appeal to impressionable children. Our children are bombarded with slick and ingenious messages that drinking alcohol will lead to popularity; you will be popular; it leads even to good looks, and leads to a magnetic personality. Nothing could be further from the truth, of course. Drinking alcohol more often leads to wrecked automobiles, unwanted sex, coarse and stupid behavior, and more often than we like to contemplate, a space in the cemetery with a tombstone resting above—especially in the case of young drinkers. Ads filled with singles playing exciting outdoor sports, or sophisticated adults combining alcohol with an elegant evening out, mask the darker view of children cringing and hiding when Daddy weaves drunkenly through the door from a bleary-eyed evening spent in the company of a bottle, or several bottles.

Similar bans have been enacted in Baltimore and Chicago to protect children in those cities. Why not here? Given the large number of liquor stores in the District and the number of signs enticing children to try a substance that they are barred from using by law, it is important that we take action now. Let us not delay and miss this opportunity to make a positive difference for the District's children.

It is my understanding that similar legislation is currently pending before the D.C. Council. It is not clear whether the council will act expeditiously on this important matter. Thus, it is incumbent upon the Congress to provide this important protection to the District of Columbia's children as they walk to school and as they play in their neighborhoods. In my opinion, the amendment, although I believe it is crafted to survive legal challenges, does not go as far as I would like in protecting the District's children. I urge the council to explore additional ways to expand this protection.

I am sure that some will challenge this amendment, arguing that commercial speech is protected from such bans under the First Amendment. As a matter of fact, the beer industry challenged the Baltimore ordinance banning outdoor, stationary alcoholic beverage advertising which is almost identical to my amendment. The circuit court has upheld the Baltimore ordinance as constitutional.

Children cannot readily interpret media messages. Their ability to analyze information is not yet fully developed, and, thus, they are more vulnerable to being swayed by advertisements. This fact is of particular concern when the substances being advertised are illegal for consumption by minors. According to the U.S. Court of Appeals, Fourth Circuit, in Anheuser-Busch, Incorporated versus Schmoke:

> This decision thus conforms to the Supreme Court's repeated recognition that children deserve special solicitude in the First Amendment balance because they lack the ability to assess and to analyze fully the information presented through commercial media.

The Fourth Circuit decision goes on:

> After our own independent assessment, we recognized the reasonableness of Baltimore City's legislative finding that there is a "definite correlation between alcoholic beverage advertising and underage drinking." We also concluded that the regulation of commercial speech is not more extensive than necessary to serve the governmental interest. . .

Mr. President, in addition to its decision, the Court determined that Baltimore's ordinance was not more restrictive than necessary to accomplish the stated goal of protecting children from alcoholic beverage advertising.

The Court of Appeals specifically cited the ordinance's inclusion of an exemption, which is also included in my amendment, for commercial and industrial areas. According to the decision, "* * * Baltimore's efforts to tailor the ordinance by exempting commercial and industrial zones from its effort renders it not more extensive than is necessary to serve the governmental interest under consideration."

The exceptions to the ban included in my amendment are numerous and result in a narrowly tailored approach to achieving the goal of protecting children in areas they frequent while staying within the confines of permissible restrictions on commercial speech under the Constitution. Banning billboard advertisements for alcoholic beverages where children play and go to school are reasonable safeguards that communities can take to address youth alcohol use. So, I urge my colleagues to join me in this worthwhile and narrowly tailored effort to protect the children of our Nation's Capital.

My second amendment, Mr. President, would increase the number of Alcohol Beverage Control Board inspectors in the District and focus enforcement on the sale of alcoholic beverages to minors. The D.C. Alcohol Beverage Control Board has just three inspectors in the field in addition to their chief, who also performs inspections of alcohol outlets. These four inspectors are responsible for monitoring over 1,600 alcoholic beverage outlets. This is a sad state of affairs for a city that has more alcohol-influenced crime than any other city of comparable size. In contrast, Baltimore employs 18 regular inspectors in addition to a number of part-time inspectors.

It is illegal for persons under the age of 21 to purchase, possess, or consume alcoholic beverages in the District. In addition, the sale of alcoholic beverages to minors is prohibited. However, these laws are not being adequately enforced.

In May of this year, the Center for Science in the Public Interest [CSPI] conducted a sting operation at small grocery and convenience stores in which alcoholic beverages are sold. The sting operation used youthful looking twenty-one-year-olds to purchase beer. In 63 percent of the cases, the young looking subjects were able to buy beer without presenting age identification—63 percent of the cases. Clearly this is not good news. It is not legal to sell alcoholic beverages to minors. The low probability of enforcement of this law results in lax age identification checks. My amendment strengthens the District's ABC enforcement efforts by bringing the number of inspectors up to a level comparable to other cities of this size. It is my hope that my colleagues will join me in this important effort to address the serious issue of alcoholic beverage sales to minors.

My third amendment calls for the General Accounting Office [GAO] to conduct a study on the District's alcoholic beverage excise taxes. It is my understanding that the level of taxation in the District is amongst the lowest in the Nation. According to local activists concerned about the effects of alcohol consumption on the District, raising the excise tax on alcohol could be the single most effective means of reducing alcohol consumption in the District. This amendment would require the General Accounting Office to study: (1) the District of Columbia's alcoholic beverage tax structure and its relation to surrounding jurisdictions; (2) the effect of D.C.'s lower excise taxes on alcoholic beverages on consumption of alcoholic beverages in D.C.; (3) ways in which the District of Columbia's tax structure can be revised to bring it into conformity with the higher levels in surrounding jurisdictions; and (4) ways in which those increased revenues can be used to lower consumption and promote abstention from alcohol amongst young people.

The study would also explore whether alcohol is being sold in proximity to schools and other areas where children are likely to be. In addition, would the creation of alcohol free zones in areas frequented by children be useful in deterring under-age alcohol consumption?

These are important issues. They are important issues that ought to be explored. The information obtained in the study will be useful in determining the need for possible future adjustments of the excise taxes in the District on alcohol that might reduce the high costs that alcohol abuse imposes on the District of Columbia.

The District of Columbia is our Nation's Capital, a centerpiece for our Nation's Government, as well as a hometown for 600,000 people. It should be a shining star in the constellation of American cities, but it is not. Sadly, that star is tarnished by neglect, abuse, and by the complex forces that hold sway over and within it. The corrosive effects of alcohol abuse further erode its beauty and grandeur. I believe that these three amendments make a positive step toward repairing the District so that it might claim its rightful place at the pinnacle of American metropolitan areas.

Mr. President, I ask for the yeas and nays on the amendments en bloc.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. BYRD. Mr. President, I ask unanimous consent that the amendments, en bloc, be set aside temporarily to a time when the leadership would find it most convenient for Members to have the vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FAIRCLOTH. Mr. President, the three amendments offered by Senator BYRD will be voted on en bloc, and we want to set them aside until the leadership arranges a vote.

The PRESIDING OFFICER. The amendments have been set aside.

Mr. FAIRCLOTH. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FAIRCLOTH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

### UNANIMOUS-CONSENT AGREEMENT

Mr. FAIRCLOTH. Mr. President, I ask unanimous consent that the votes occur on the amendments offered and considered en bloc by Senator BYRD immediately following the vote on the energy and water appropriations conference report and that one vote count as three votes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FAIRCLOTH. Mr. President, again, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FAIRCLOTH. Mr. President, I ask unanimous consent that the order for the quorum be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FAIRCLOTH. Mr. President, I modify my consent request with respect to the Byrd votes, that one vote count as only one vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FAIRCLOTH. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HOLLINGS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HOLLINGS. Mr. President, I ask unanimous consent to proceed for 5 minutes as in morning business and my remarks not interrupt the pending amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

## THE DEFICIT

Mr. HOLLINGS. In his book "Breaking the News," Jim Fallows writes: "If the public is confused, alienated, pessimistic or hostile to government, that is only partly the public's fault. . . ." And he goes on to say, "Journalism should lead the public by pointing out realities."

So I briefly point out a reality, Mr. President, to the Congress here this afternoon. In "The Economic and Budget Outlook" of the Congressional Budget Office—the authority with respect to budgetary figures such as the balanced budget, deficits and surpluses—we find on page 34, Mr. President, the reality that while, yes, a unified deficit is listed as $34 billion, the actual deficit for the year 1997 that ends at midnight tonight is $177 billion. That is the deficit. The media should report this, the reality, and not the fraudulent unified deficit. We are spending $177 billion more than we are taking in.

The unified deficit is $34 billion because they count the surpluses from the airports, the highway trust funds, Social Security, and the military and civil service pension funds—billions of dollars moved over. But that does not obscure the fact, nor it should not obscure the fact, that as of this fiscal year, when we are all talking about wonderful reductions in deficits, we are running a real deficit of $177 billion.

Now, Mr. President, 5 years out when we all say, "Oh, we have a balanced budget for the first time since Lyndon Johnson," and everyone is running around shouting "balance!" there will be no balance, according to the Congressional Budget Office. In the year 2002, the deficit, rather than being in balance, will be $161 billion. And that assumes optimistically that 95 percent of the domestic cuts occur in the last 2 years.

I can assure the distinguished Senator from North Carolina that the deficit will be bigger 5 years out than it is today, at the end of this fiscal year. Looking at the figures across the board for the next 5 years, I see that the CBO forecasts next year's deficit to be $210 billion; the year following that, 1999, the deficit will be $226 billion. Go across the board and you will find out the so-called balanced budget actually increases the national debt by $1 trillion.

Now why is that dangerous? That is dangerous because you cannot avoid the interest costs on the national debt. The national debt is now in excess of $5.3 trillion, and going up to over $7 trillion in the next 10 years.

Mr. President, the Congressional Budget Office estimates that even with low-interest rates we will spend $358 billion in the next year just servicing the national debt. This amounts to almost $1 billion a day. This is $1 billion a day we cannot spend on new roads or schools. The first thing the Government does every day is borrow another $1 billion to pay interest on the national debt. Now, if you managed your family finances or your business this way, you would not last long; but we are doing it.

All this reminds me of Denny McLain. He was convicted earlier this year of using his company's pension fund to pay off his company's debt. You see, we passed the Pension Reform Act of 1994, and when Denny violated that act, he was sentenced to 8 years in prison. If you can find what prison he is in, tell Denny he made a mistake. He should have run for the Senate: instead of getting a prison sentence, he would have gotten the Good Government award. That is what we are doing around here—stealing from the American people's pension funds. And we are patting each other on the back. This is a sweetheart deal. Both parties are agreeing to lie to the American people so that we can proclaim the budget is balanced.

The truth of the matter is, we have a deficit now, and we will still have one in 2002. This year's much-ballyhooed budget deal increases spending $52 billion and cuts revenues $95 billion. Now, how can you balance anything by increasing your spending and cutting your revenues? You can't. But that is what we are claiming. It is Rome all over again, and we are trying to make the people happy with bread and circuses. Only today, the Congress' circuses are spending increases and tax cuts and shouts of "balance, balance, balance."

I yield the floor, Mr. President. I thank the distinguished Presiding Officer and my colleague from North Carolina.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. FAIRCLOTH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded and that the time be equally divided.

The PRESIDING OFFICER (Ms. SNOWE). Without objection, it is so ordered.

## ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 1998—CONFERENCE REPORT

The PRESIDING OFFICER. Under the previous order, the Senate will now turn to the conference a report on (H.R. 2203) making appropriations for energy and water development for the fiscal year ending September 30, 1998.

The report will be stated.

The bill clerk read as follows:

> The committee on conference on the disagreeing votes of the two Houses on the amendment of the (Senate or House) to the (H.R. 2203) having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by all of the conferees.

The Senate proceeded to consider the conference report.

(The conference report is printed in the House proceedings of the RECORD of September 26, 1997.)

Mr. DOMENICI. Madam President, on July 16, the Senate passed its version of the Energy and Water Development Act for fiscal year 1998 by a vote of 99 to 0. Since that time, the House has passed its version, which in some cases was quite different than the Senate version, and conferees have resolved the differences between the two bills.

At times, those negotiations were difficult. However, the final result is a well balanced bill I believe should be supported by all my colleagues—it certainly was well received by the House which passed it a few hours ago by a vote of 404 to 17.

In summary, the bill provides $21,209,623,000, a reduction of $1,895,701,000 from the amount of the request and $57,421,000 below the level recommended by the Senate, for programs with the jurisdiction of the subcommittee. Details are provided in the report which was filed last Friday and has been available to Members since Saturday when it was printed in the RECORD.

There are a few matters that need clarification.

The conferees included language in the conference report commending the Department on the tremendous advances made in pulsed-power technology in the past year. Because of uncertainties, which I will discuss in a moment, in the level of funding needed for the pulsed power program in the coming fiscal year, a level was not specified. However, the conferees have indicated that the Department should support continued Z-physics and diagnostics in the coming year.

A robust pulsed power program in the coming year might include $13,000,000 for continued Z-machine physics, $5,000,000 for backlighting, and an additional $7,000,000 for the conceptual design of the next generation pulsed power machine; X-1. However, there may be less expensive ways to achieve backlighting, and the schedule for a next generation machine would be better determined following additional experiments on the existing machine. For those reasons, it is impossible to specify a level of funding for the coming year. However, the Department should continue Z-physics experiments with those objectives in mind.

The conferees agreed to a provision that would prohibit the Department of Energy from awarding, amending, or modifying any contract in a manner that deviates from the Federal acquisition regulation, unless the Secretary grants, on a case-by-case basis, a waiver to allow for such deviation. In the statement of managers, the conferees direct the Department to be cognizant of and utilized provisions of the Federal acquisition regulation that permit exceptions to the Federal acquisition regulation and provisions intended to address the special circumstances entailed by management and operating contracts. I want to clarify that, if the Department utilizes those provisions of the Federal acquisition regulation that permit exceptions to the Federal acquisition regulation or that address the special circumstances of management and operating contracts, it will not be necessary for the Secretary to obtain a waiver for those cases; the use of such provisions will not be considered a deviation from the Federal acquisition regulation.

Due to a production error, report language agreed to by conferees from the House and Senate was inadvertently excluded from the joint statement of the managers. The text of that language is as follows:

> With respect to funds appropriated in fiscal year 1993 and made available to the Center for Energy and Environmental Resources, Louisiana State University, Baton Rouge, Louisiana, the conferee strongly recommend that the Department disperse these funds only in accordance with the original intent to place the facility on property owned by the Research Park Corporation in Baton Rouge, Louisiana or contiguous property thereto owned by Louisiana State University, Baton Rouge.

We fully expect that the Department of Energy and interested stakeholders will regard this language as though included in full in the joint explanatory statement of the committee of conference.

The conference report contains a provision requiring the Bureau of Reclamation [BOR] "to undertake a study of the feasibility of using the Mount Taylor mine as a possible source of water supply for the City of Gallup." While the background material for this study clearly indicates that this study will include the impacts of such water use on other users, such as the Laguna and Acoma Indian Pueblos, I would like to clarify today that it has been my intention, as verified in the detailed project description, to include these Indian Pueblos as possible beneficiaries of available water supplies from the Mount Taylor mine or its environs.

Like other water users in the Mount Taylor area where water is scarce, any new and potable water resource would be most welcome. The Laguana and Acoma Pueblos are east of Mount Taylor, Gallup is to the west, and the private mine that is the focus of the study is on the western slope of Mount Taylor. The Canoncito Band of Navajo Indians are also to the east of Mount Taylor, new Laguna Pueblo. The feasibility of providing Mount Taylor water to these Indian Tribes is included in the details of the planned BOR study.

As stated in the project study description, "Some potential exists for the Mt. Taylor pipeline project to be integrated into a regional water supply network along the Interstate 40 corridor." Depending on the findings of this study "to verify the quantity, quality, and expected life of the water source," there are many potential beneficiaries. It is my intention, as stated in the project narratives, to do our best to include as many potential water users along this corridor as possible. I thank the Chair for this opportunity to clarify an important section of this bill for these potential water users from the Mt. Taylor source.

Madam President, I would like to thank my friend and colleague from Nevada for his help on this legislation. This is Senator REID's first year as ranking member of the subcommittee and it has been a most productive year. I greatly appreciate his cooperation and look forward to many years of working together.

Madam President, I am merely going to remind the Senate that when we are in conference with the House, sometimes we get our way, sometimes they get their way. As a matter of fact, most of the items that the distinguished Senator from Arizona is concerned about were House matters, as I listened to them and as my staff tells me about them.

Frankly, everybody in this body that has been here for any period of time knows that when you go to conference with the House, they have to get some things that are theirs and we have to get some things that are ours, and we have to compromise on others. I want the Senate to know that, in terms of overall expenditures, this bill is $1.8 billion in budget authority under the request of the President. That means we have done things differently than the President. In some areas, we have gone up and in some areas we have gone way down from where he wanted us to be. When you add them altogether, water projects, which are more than the President wanted and, obviously, the House wanted far more water projects than we did—and there again it is a question of working with both bodies—add up the water, nondefense, energy, research and the defense part, and it is about $1.8 billion below what the President of the United States requested.

Madam President, again, let me give a little recap on the bill and then yield to my friend Senator REID. Madam President, on July 17, the Senate passed its version of the Energy and Water Development Act by 99 to 0. Since that time, the House passed its own version of the bill, and last week, as implicit in my remarks, conferees for the two bodies met to work out differences, and there were many that dealt with many millions of dollars.

The bill started off quite differently. The Senate bill had $810 million over the House bill on defense matters. On the nondefense side, though, the allocations were very similar. The House had proposed spending approximately $300 million less on the Department of Energy nondefense programs and about $300 million more on water projects. It is obvious that those are extremely large differences. The full committee of appropriations decided that the allocation that the House received on the entire bill was too low. Some adjustments were made, both on the defense and nondefense side, which permitted us to get together and bridge some remaining gaps that were indeed very serious.

This bill provides what we need for stockpile stewardship to maintain the trustworthiness of our nuclear weapons, to participate adequately in the builddown, which is extremely technical and highly scientific, without building any new weapons, and without any underground testing—to make sure that our weapons are safe and reliable—which is a new concept called science-phased stockpile stewardship.

That represents a little over $4 billion in this bill. And I imagine for a long period of time we will be spending something like that, or more, because apparently we are not going to do any underground testing. That means that scientists have to use new methods built around large computers, and testing in other ways; and scientific instruments that will measure the validity of our nuclear weapons without having them tested.

In addition, there is some very excellent research that everybody thinks ought to take place. Much of it is not necessarily in direct energy research but has to do with basic physics wherein some of the best physics research in the world takes place under the auspices of this bill.

We are busy trying to do our very best to maintain the stewardship of the weapons; to see what the reality of the future lies therein; to take care of the basic research for this, which is one of the three or four major areas for research in science-based physics, and the like, found in this bill; and, at the same time to satisfy many requests for Members about water projects.

It has been a very exceptional year of many floods with many of the levies being torn down, and much work having to be done, especially in the southern part of America regarding flood damage. Much of that is in this bill—and an orderly manner of authorizing the Corps of Engineers to get on with some of it. They will be rather busy. They have received authority to start a number of new projects.

But I am hopeful that in the final analysis the President will sign this bill, and that the U.S. Senate will overwhelmingly support it.

I yield the floor.

Mr. McCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. It is my understanding that, under the unanimous-consent agreement, I have 10 minutes.

The PRESIDING OFFICER. The Senator is correct.

Mr. McCAIN. Madam President, the Senate will shortly vote to adopt the conference agreement on the fiscal year 1998 energy/water appropriations bill. And unfortunately, this bill is laden with pork-barrel spending, much of which was considered by neither the House nor the Senate as part of the normal appropriations process.

I count seven projects for which funds are earmarked in the bill language that were not included in the bill that passed either the Senate or the House. Let me list these seven projects for the benefit of my colleagues who are not members of the Appropriations Committee.

First, there are three projects earmarked in the legislative language agreed to by the conferees for reimbursements to non-Federal sponsors of work in Texas:

There is $150,000 for the White Oak Bayou watershed in Texas. The House added a line item for this unrequested project in its report; the Senate never considered it. Yet it is now included in the conferees' legislative language.

There is $500,000 for the Hunting Bayou element and another $2 million for the Brays Bayou portion of the flood control project in Buffalo Bayou, TX. In its report, the House cut the $1.8 million requested for this project, while the Senate included the line item in its report at the requested amount of $1.8 million. Neither body included an earmark in legislative language, but the conferees approved an earmark of $2.5 million which is almost $700,000 more than the amount requested.

Another legislative earmark approved by the conferees is $4 million for the Army Corps of Engineers to dredge Sardis Lake, MS, so that the city of Sardis may proceed with development of the lake. The conferees directed the corps to conduct or pay for environmental assessments and impact studies required under the Sardis lake recreation and tourism master plan, phase II. This provision was in neither bill.

The conferees included bill language to earmark $6 million for the Corps of Engineers to extend navigation channels on the Allegheny River to provide passenger boat access to the Kittanning, PA, Riverfront Park. This project was mentioned in the House report, but was not included in either bill.

Another earmark that migrated from the House report to the conference bill language is $2.5 million of corps' operations funds to intercept and dispose of solid waste upstream of Lake Cumberland, KY.

Another earmark that moved from Senate report language to the conference bill language is $6.9 million from Tennessee Valley Authority funds for operation, maintenance, surveillance, and improvement of Land Between the Lakes.

These seven provisions, earmarking over $32 million for these specific projects, were added to the bill language in conference. I don't know why the conferees chose to add emphasis to these provisions by including them as earmarks in the bill language, instead of including them, as is the normal process, in the report language if they were approved by the conferees. Only the conferees could explain that decision.

However, Madam President, in at least one instance, it is clear that the conferees chose to add a wholly new provision to this bill. And they did this behind closed doors, without benefit of public or full congressional review.

Madam President, the Congress has a process for considering legislation. That process relies on full and open consideration of the President's budget and policy requests, as well as fair and open consideration of Members' requests for added funding or new policies. That process, when followed, makes it possible for all Members of the Congress, not just those who serve on the Appropriations Committees, to have an opportunity to review the legislation on which we must vote.

This bill, at least in part, bypassed that normal process. Unfortunately, the decision of the conferees to bypass the normal authorization and appropriations process is one of the reasons the American people do not trust the Congress to do what the people desire.

Madam President, I do not mean to give the impression that this bill does not provide necessary and appropriate funding for important projects that will benefit our Nation. Funding is included for flood control and water projects, nuclear energy and weapons activities, environmental restoration of contaminated properties, and other important projects that are necessary and valid. The majority of the funding recommendations in this bill are ones that I fully support.

But I am saddened by the blatant examples of pork-barrel spending in this bill. And because this bill is not amendable in its present form, there is, unfortunately, nothing that I or any other Member of this body can do to eliminate these spending items.

Madam President, I ask unanimous consent that a list of objectional provision in this conference agreement be printed in the RECORD.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

### OBJECTIONABLE PROVISIONS IN H.R. 2203, CONFERENCE AGREEMENT

#### BILL LANGUAGE

Earmarks funds for 15 specific projects, including feasibility studies, from general investigations account of Army Corps of Engineers, including 2 projects not in either bill [$500,000 to reimburse the non-Federal sponsor of the Hunting Bayou element of the flood control project in Buffalo Bayou, Texas; and $150,000 to reimburse the non-Federal sponsor of the flood control project in the White Oak Bayou watershed in Texas]

Earmarks funds for 40 specific projects from Army Corps of Engineers construction account, including 1 project not in either bill [$2 million to reimburse the non-Federal sponsor of the flood control project in the Brays Bayou portion of the Buffalo Bayou, Texas]

Earmarks funds from Army Corps of Engineers flood control funding for 3 specific projects, including 1 project not in either bill [up to $4 million to dredge Sardis Lake, Mississippi, so that the City of Sardis may proceed with development of the lake, including direction to pay for environmental assessments and impact studies required under the Sardis Lake Recreation and Tourism Master Plan, Phase II]

Earmarks funds for 9 projects from Army Corps of Engineers operation and maintenance account, including 2 projects not in either bill [$6 million for navigation channels on the Allegheny River to provide passenger boat access to the Kittanning, Pennsylvania, Riverfront Park; and $2.5 million to intercept and dispose of solid waste upstream of Lake Cumberland, Kentucky]

Section 101—Earmarks $5 million for the Army Corps of Engineers to provide planning, design, and construction assistance to non-Federal interests in carrying out water related environmental infrastructure and environmental resources development projects in Alaska [Senate had provided $10 million in nationwide authority; conferees cut funding half but limited application of section to Alaska]

Appropriates additional $10 million above the budget request for Appalachian Regional Commission (for a total of $170 million)

Earmarks $6.9 million, not in either bill, from Tennessee Valley Authority funds for operation, maintenance, surveillance, and improvement of Land Between the Lakes

Section 507—Increases the appropriations ceiling for construction of the Chandler Pumping Plant in Arizona from $4 million to $13 million.

Section 508—Revises a 1977 recreation cost-sharing agreement between the State of West Virginia and the U.S. to: allow West Virginia to receive credit toward its required contribution for the cost of recreation facilities at Stonewall Jackson Lake in West Virginia, which are constructed by a joint venture of the State of West Virginia and a private entity; remove the requirement that these facilities be owned by the Government when completed; and prohibit any reduction in Government funding for the project.

#### REPORT LANGUAGE

[NOTE: States that language in either House or Senate report that is not specifically addressed in the conference report remains the intent of the conferees. Following list identifies only those earmarks specifically included in the conferees' statement of managers.]

*Army Corps of Engineers*

Extensive report language clarifies detailed instructions of conferees for expenditure of Army Corps of Engineers projects added in the tables on pages 40–68 of the report. For example:

$200,000 earmarked "to accelerate work on the feasibility study for the development of a comprehensive basin management plan for navigation, including recreational navigation, environmental restoration, and water quality for the Dog River, Alabama, watershed"

$200,000 earmarked "to modify the Lower West Branch Susquehanna River Basin Environmental Restoration, Pennsylvania, reconnaissance study to address the wide range of complex water resources problems in the large study area which includes Clinton, Northumberland, Lycoming, Sullivan, Tioga, and Union Counties, Pennsylvania"

"$2,000,000 for the development of strategies for the control of zebra mussels"

Includes directive and support language which falls short of earmarking funds, such as:

"[T]he conferees expect the Corps of Engineers to give priority to projects that protect the environmental, historic, and cultural resources of SMITH Island, Maryland and Virginia."

"The attention of the Corps of Engineers is directed to the following projects in need of maintenance of review: Alabama-Coosa River navigation system; Brunswick Harbor, Georgia; and Little and Murrells Inlet in South Carolina."

"Not later than 30 days after the date of enactment of this Act, the Secretary of the Army . . . is urged to make a final decision with respect to permits . . . for the replacement of the existing 350-foot wood dock with a 400-foot concrete extension of the existing Terminal 5 dock (including associated dredging and filling) in the West Waterway of the Duwamish River in Seattle, Washington. The Secretary shall not reject that application on the basis of any claim of Indian treaty rights, but shall leave any question with respect to such rights to be determined in the course of judicial review of his action. . . ."

*Bureau of Reclamation*

Extensive report language clarifies detailed instructions of conferees for expenditure of Bureau of Reclamation funds added in the tables on pages 74–79 of the report. For example:

$1 million to complete the in-situ copper mining project, and $300,000 for Bureau oversight and technology transfer associated with the project

$1.5 million for completion of design and initiation of construction of the fish screen at the Contra Costa Canal intake at Rock Slough in California; $5 million for a fish screen project in Reclamation District 108; $2.625 million for a fish screen project at Reclamation District 1004; and $2.5 million for fish screen projects in Princeton-Glenn-Codora and Provident Irrigation Districts

$300,000 for Bureau of Reclamation to work with local interests to identify the most effective voluntary water conservation practices applicable to the Walker River Basin in Nevada, and to quantify the contribution that voluntary conservation can make to solving the water resources problems in Walker Lake and the basin as a whole

$1.45 million under fish and wildlife management and development for the Bureau of Reclamation to undertake Central Arizona Project fish and wildlife activities

*Department of Energy*

Extensive report language clarifies detailed instructions of conferees for expenditure of Department of Energy funds. For example:

$1.5 million of the funding for photovoltaic energy systems is "directed to university research to increase university participation in this program and to fun the acquisition of photovoltaic test equipment at the participating institutions"

Directed allocation of biomass/biofuels funding, including: $150,000 for gridley rice straw project, "27 million for ethanol production, including $4 million for the biomass ethanol plant in Jennings, Louisiana; and $2.5 million for the Consortium for Plant Biotechnology Research

$1 million for a research and development partnership to manufacture electric transmission lines using aluminum matrix composite materials

Direction to "include appropriate laboratories, industry groups, and universities" in the $7 million university reactor fuel assistance and support program; the conferees state, "None of the funds are to be provided to industry and no less than $5 million is to be made available to universities participating in this program."

Direction to "assess the cost of decommissioning the Southwest Experimental Fast Oxide Reactor site in Arkansas" and provide a report to Congress

Earmark of $3 million for a "rigorous, peer-reviewed research program that will apply the molecular level knowledge gained from the Department's human genome and structural biology research to ascertain the effects on levels ranging from cells to whole organisms that arise from low-dose-rate exposures to energy and defense-related insults (such as radiation and chemicals)", and directs the Department to "develop a multiyear program plan, including budgets, for the subsequent ten years"

$4 million to upgrade a nuclear radiation center to accommodate boron neutron capture therapy at University of California-Davis

$7.5 million for design, planning, and construction of an expansion of the Medical University of South Carolina's cancer research center, to provide areas for utilization of positron emission tomography, using metabolic bio-markers, a ribozyme-based gene therapy

$2 million for Englewood Hospital in New Jersey for breast cancer treatment using condensed diagnostic process

$10 million for the Northeast Regional Cancer Institute for innovative research supporting the Department's exploration of microbial genetics

$2.5 million for design, planning and construction of a science and engineering center at Highlands University in Las Vegas, New Mexico

$30 million add-on for infrastructure and equipment needs at the national laboratories and Nevada test site

$10 million for the American Textile Partnership (AMTEX)

$10 million for the Swan Lake-Lake TyeeIntertie project of the Alaska Power Administration

Includes directive and support language which falls short of earmarking funds, such as:

Conferees "support the peer-reviewed nuclear medicine research program in biological imaging at the University of California Los Angeles and strongly encourage the Department to fully fund that research in fiscal year 1998"

Conferees "recognize the capability and availability of resources at the University of Nevada-Las Vegas to store data and scientific studies related to Yucca Mountain and encourage the Department to maximize utilization of this resource"

*Tennessee Valley Authority*

Directs TVA to relocate power lines in the area of the lake development proposed by Union County, Mississippi, and assist in preparation of environmental impact statements, where necessary

Mr. MCCAIN. Of course, this conference agreement contains other objectionable provisions in the bill, as well as the usual earmarks in the report language.

Madam President, I plan to write to the President recommending that he veto the line items in this bill that are unnecessary and wasteful, particularly those that were added without benefit of public or congressional review.

Madam President, I want to tell the distinguished managers of the bill again of my deep disappointment that they would add seven projects in conference that totals $32 million and which were in neither bill, along with the usual unnecessary and wasteful projects. I think it is an abrogation of my ability as a U.S. Senator to vote for these projects, and I deeply resent it.

I yield the floor.

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Madam President, my good friend from Arizona, the neighbor to the State of Nevada, pointed out seven projects which he objected to. These are all in the House budget.

But I would say to the Senate, and anyone who is in the sound of my voice, that these are seven projects out of hundreds and hundreds of projects. He complains that this bill is a $21 billion bill. And we should waste no Government money—not a single penny. But I have to say that in picking seven relatively small projects out of a $21 billion bill I think the Senator from New Mexico and I in managing this bill did a pretty good job. This bill provides many different things.

I would also say before leaving that subject that the Senator from Arizona, my good friend, also talks about things being done without authorization. The House is very, very tough on making sure that things are authorized. Congressman MCDADE, chairman of the subcommittee on the House side, has been very strict on that. However, I want to make sure that everyone understands that this bill provides a number of dollars for many different projects.

Let's take, for example—I will not take any of the things in Nevada for obvious reasons. But let's take the sister State of California: $6 million to dredge and deepen Long Beach Harbor. This deepening will significantly improve sea trade up and down the west coast, and in the Asia-Pacific basin. It will even reduce the transportation costs of oil that is being brought down from Alaska. That is one example for $6 million.

The bill also provides $10 million to restore the sensitive Everglades ecosystem which has been damaged for decades by agricultural production.

Those are only two examples. There are numerous flood control projects throughout the country that will prevent significant personal and economic loss.

This is of particular importance in light of El Nino which may bring unusually heavy rains, as it already has to the western part of the United States.

These floods projects are important. It is a relatively small part of the bill. But they are important projects.

Madam President, the Corps of Engineers is one of the last great bastions of infrastructure development in this country. You can just take the bill itself and look at some of the flood control projects. You can look at them in Arkansas at a place called American River Watershed; in Colorado, at a place called Alamosa; you can look at Florida and many different places, including the Everglades that we have already talked about; Hawaii, at a place called Wailupe Stream; in Illinois, Reno Lake; Indiana, the Fort Wayne metropolitan area; you can talk about Kansas, Kentucky, Louisiana. All through this country there are flood control projects that are going to save lives and property. That is one of the main parts of this bill.

I am somewhat concerned that someone would indicate that this bill is fluffed. It is far from that, Madam President.

I would like at this time to make sure that the RECORD is spread with the fact that this is a bill that has reached the Senate floor as a result of bipartisanship. The chairman of the subcommittee, the senior Senator from New Mexico, and I worked hand in glove this past 10 months to arrive at the point where we are now asking the Senate to approve this conference report.

So I want to extend my appreciation to the Senator from New Mexico, and also extend my appreciation to my clerk, Greg Daines, and Liz Blevins on the minority side for the work that they have done day after day, week after week, month after month, arriving at this point.

I also say publicly that Alex Flint, David Gwaltney, and Lashawnda Leftwich on the majority side, have set an example of how congressional staffs should work together to arrive at a goal that is good for this country.

Madam President, this bill has, as the Senator from New Mexico pointed out, many different items dealing with the sciences. For example, one of the things that I am extremely happy about is that we have provided money for desalinization. Personally I don't think it is nearly enough because I think in the years to come desalinization is going to be the watchword for not only water in this country but all over the world. We need to do much more than what we have done.

Senator Paul Simon, the Senator, just retired, from Illinois, is writing a book on water. I had the good fortune to read the book before it went to the publisher. It is a wonderful book. He points out how important desalinization is. And I acknowledge that and agree with him. There is desalinization in this bill that I think is very important.

We have done things with hydrogen fuel development. We have done things with the other renewable programs—solar; and programs that are going to take the place someday of fossil fuel. It is not enough certainly in this bill, but I am proud of the fact that it is in this legislation.

I would like to also point out another California project called the California Bay-Delta ecosystem restoration project.

I say this because this is one of the first times in the history of this country that parties with dissimilar and often opposing interests have sat down and are working together for an equitable resolution to a significant problem in the State of California dealing with water.

I think this very big project—for which there is a lot of money in this bill to get this started—is going to set the pattern all over the country. Now parties with dissimilar interests have to sit down and work toward a common goal as they have done.

I am very proud of this bill. I think we have done a good job. We have done a good job in making sure that we have not only done the projects that the Senator from New Mexico and I have talked about but also, Madam President, we have done a good job in making sure that our nuclear deterrent is safe and reliable.

When I was in the House of Representatives, I supported a nuclear freeze. I support the Comprehensive Test Ban Treaty. And I do it with so much more anticipation now because of what we have in this bill because we have enough money to provide for stockpile stewardship so that the people who we are going to call upon to certify that our stockpile is safe and reliable can do it.

So, in short, this is a good bill. And I hope that it passes the Senate as it did on the initial go-around unanimously.

Mr. BOND. Madam President, St. Louis, MO, is the location of this country's first nuclear weapons site. Unfortunately, the wastes are in the midst of the St. Louis metropolitan area and are for the most part uncontrolled. The radioactive waste at these sites was generated from the production of nuclear weapons as part of the Federal Government's Manhattan Project and Atomic Energy Commission between 1942 and 1957. Much to my dismay, St. Louis has the distinction of having the largest volume of radioactive waste in the country with over 900,000 cubic yards.

For 15 years we have worked with the Department of Energy to clean up this site. Finally, in just the past 2 weeks, after much frustration and delay, we have come to the point were DOE has begun preliminary cleanup efforts. Given this recent progress, the news of the FUSRAP program's transfer out of DOE has, quite understandably, caused a great deal of distress in the community. While I am by no means questioning the corps' ability to handle the FUSRAP project, I am concerned that potential delays caused by the transfer will undo much of the recent progress.

With site recommendations already made, feasibility studies concluded, and contracts let, it is important that the corps honor the preliminary groundwork laid by DOE in order to avoid any further delays. Will the corps be willing to respect these studies, site plans, and contracts?

Mr. DOMENICI. The committee fully intends that the feasibility studies and the site recommendations prepared by DOE will be accepted and carried out by the Corps of Engineers as appropriate. Furthermore, the Energy and Water Development Conference for fiscal year 1998 contains language requiring the corps to honor all existing contracts.

Mr. BOND. The local community has been very involved in designing a plan to clean up the site. They are concerned that the administration of the cleanup will be moved away from the St. Louis area to Omaha or Kansas City, reducing their input and influence on the cleanup process. When the Army Corps of Engineers takes over the FUSRAP program, will the St. Louis cleanup be managed out of the St. Louis Corps office?

Mr. DOMENICI. It is the understanding and intent of the committee that the cleanup and restoration of contaminated sites falling within the purview of FUSRAP shall be managed and executed by the nearest Civil Works District of the Corps of Engineers with appropriate assistance from an approved design center for hazardous, toxic, and radioactive waste. Local communities throughout the country have been very involved in designing cleanup plans at FUSRAP sites and this strategy effectively maintains community input on the process.

Mr. BOND. I thank the chairman for his assistance and assurances.

Mr. THOMPSON. Madam President, I intend to support final passage of H.R. 2203, the fiscal year 1998 energy and water development appropriations conference report, because it includes funding for a number of projects important to Tennessee, including the National Spallation Neutron Source in Oak Ridge.

However, I want to express my deep concern about the section of the conference report dealing with the Tennessee Valley Authority [TVA]. The conference report includes $70 million for TVA's nonpower programs in fiscal year 1998, which is $36 million less than TVA received to perform these functions last year. However, the House version of the bill had zeroed out funding for TVA, so I am grateful that the conferees provided most of the Senate-passed level of $86 million for next year.

Unfortunately, the conferees also stipulated that this will be the last year that they will provide funding for TVA to carry out its nonpower activities. They warned that, beginning next year, these nonpower responsibilities will either have to be transferred to some other Federal agency or paid for with revenues from TVA's self-financing power program.

Mr. President, I want to be sure everyone understands what we are talking about when we discuss TVA's nonpower programs. We are talking about flood control and navigation on the Tennessee River, our Nation's fifth-largest river system. We are talking about the operation and maintenance of 14 navigational locks and 54 dams—to which the TVA power system contributes its proportionate share of funding. And we are talking about the management of 480,000 acres of recreational lakes, nearly 11,000 miles of shoreline, and 435,000 acres of public land—including such unique national resources as the Land Between the Lakes National Recreation Area in Tennessee and Kentucky.

During the debate on this legislation, some have claimed that the residents of the seven-State TVA region are receiving an unfair Federal subsidy that no one else in the country receives. Madam President, that is simply not true. In every other region of the country, these types of natural resource and infrastructure management activities are performed by some Federal agency, whether it is the Army Corps of Engineers, the National Park Service, the National Forest Service, or the Bureau of Reclamation. In the southeast region, they have traditionally been carried out by the TVA. But if the TVA does not perform them next year, someone else will have to. There is no question that these are Federal responsibilities.

Perhaps the most disturbing suggestion that has been made in recent weeks is that the TVA power program should pick up the cost of these Federal land and water stewardship responsibilities. That is nothing less than an unfair tax on TVA ratepayers. As I said before, these are Federal responsibilities that are paid for by the Federal Government in every other region of the country. Nowhere else are utility ratepayers expected to assume the costs of these types of Federal responsibilities by paying more for their electricity.

So while I appreciate the fact that the conferees agreed to provide funding for TVA to meet its Federal obligations this year, I am very concerned about what they have proposed for the future. And I want to be clear about one thing: it is not acceptable for Congress to walk away from its Federal responsibilities in one region of the country while continuing to provide for them everywhere else. Over the course of the coming year, I plan to work very hard with my colleagues to come up with a solution that is fair and equitable for the people of the Tennessee Valley.

Mr. DOMENICI. Madam President, we yield back any time we have remaining on the bill.

Mr. REID. I yield back any time the minority has.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

Mr. DOMENICI. Have the yeas and nays been ordered?

The PRESIDING OFFICER. They have not.

Mr. DOMENICI. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the conference report. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Vermont [Mr. LEAHY] is absent due to a death in the family.

The result was announced—yeas 99, nays 0, as follows:

[Rollcall Vote No. 262 Leg.]

YEAS—99

Abraham
Akaka
Allard
Ashcroft
Baucus
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bryan
Bumpers
Burns
Byrd
Campbell
Chafee
Cleland
Coats
Cochran
Collins
Conrad
Coverdell
Craig
D'Amato
Daschle
DeWine
Dodd
Domenici
Dorgan
Durbin
Enzi
Faircloth
Feingold
Feinstein
Ford
Frist
Glenn
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Hagel
Harkin
Hatch
Helms
Hollings
Hutchinson
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kempthorne
Kennedy
Kerrey
Kerry
Kohl
Kyl
Landrieu
Lautenberg
Levin
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Mikulski
Moseley-Braun
Moynihan
Murkowski
Murray
Nickles
Reed
Reid
Robb
Roberts
Rockefeller
Roth
Santorum
Sarbanes
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Torricelli
Warner
Wellstone
Wyden

NOT VOTING—1

Leahy

The conference report was agreed to.

Mr. DOMENICI. Madam President, I move to reconsider the vote.

Mr. GRAMM. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DOMENICI. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FAIRCLOTH. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

## DISTRICT OF COLUMBIA APPROPRIATIONS ACT, 1998

The Senate continued with the consideration of the bill.

VOTE ON AMENDMENTS NOS. 1267, 1268, 1269, EN BLOC

The PRESIDING OFFICER. Under the previous order, the Senate will now vote en bloc on amendments Nos. 1267, 1268, 1269, offered by the Senator from West Virginia [Mr. BYRD].

The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. MCCAIN (when his name was called). Present.

Mr. FORD. I announce that the Senator from Delaware [Mr. BIDEN] and the Senator from Louisiana [Ms. LANDRIEU] are necessarily absent.

I also announce that the Senator from Vermont [Mr. LEAHY] is absent due to a death in the family.

The result was announced, yeas 69, nays 27, as follows:

The result was announced—yeas 69, nays 27, as follows:

[Rollcall Vote No. 263 Leg.]

YEAS—69

Abraham
Akaka
Baucus
Bennett
Bingaman
Bond
Breaux
Brownback
Bumpers
Byrd
Cleland
Coats
Conrad
Coverdell
D'Amato
Daschle
DeWine
Dodd
Dorgan
Durbin
Enzi
Faircloth
Feinstein
Ford
Frist
Glenn
Graham
Grams
Gregg
Hagel
Harkin
Hatch
Helms
Hollings
Hutchinson
Hutchison
Inouye
Jeffords
Johnson
Kennedy
Kerrey
Kerry
Lautenberg
Lieberman
Lott
Lugar
McConnell
Mikulski
Moseley-Braun
Moynihan
Murkowski
Murray
Nickles
Reed
Roberts
Rockefeller
Roth
Sarbanes
Shelby
Smith (OR)
Snowe
Specter
Stevens
Thompson
Thurmond
Torricelli
Warner
Wellstone
Wyden

NAYS—27

Allard
Ashcroft
Boxer
Bryan
Burns
Campbell
Chafee
Cochran
Collins
Craig
Domenici
Feingold
Gorton
Gramm
Grassley
Inhofe
Kempthorne
Kohl
Kyl
Levin
Mack
Reid
Robb
Santorum
Sessions
Smith (NH)
Thomas

ANSWERED "PRESENT"—1

McCain

NOT VOTING—3

Biden
Landrieu
Leahy

The amendments (Nos. 1267, 1268, 1269), en bloc, were agreed to.

Mr. STEVENS. Madam President, I move to reconsider the vote by which the amendments were agreed to, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LOTT. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

### AMENDMENT NO. 1250

Mr. LOTT. Madam President, I believe the Senator from Oregon would like to now move to the consideration of his amendment. We have an agreement there will be up to 20 minutes of debate on that amendment and we will engage in a colloquy.

I am glad to yield the floor so the Senator from Oregon can carry this out.

Mr. WYDEN. Madam President, the Wyden-Grassley amendment is before the Senate at this time?

The PRESIDING OFFICER. That is correct.

Mr. WYDEN. Madam President, I will be very brief. I also want to thank the majority leader for his courtesy.

This amendment involves one of the most awesome powers that a Member of the U.S. Senate has. That is the power to effectively block the consideration of a bill or nomination in secret.

Now, it is a power that I think many Americans are concerned about. I have made it very clear that I am not seeking to abolish the right of a Senator to put a hold on a measure or matter. But I do think that if an important health or environmental matter comes before the Senate, as the Kennedy-Kassebaum measure did in the last Congress, involving health care for millions of Americans, that there ought to be public disclosure, that there ought to be sunshine.

The majority leader, in my view, has made a number of constructive proposals in the past with respect to this procedure. I am particularly pleased that he sought in the beginning of this year, January 27, to limit Members from putting holds on blocks of legislation, in effect, blocking a whole package of legislation, from coming before the Senate. But we still have not been able to change the Senate rules to bring some sunshine in, to make sure that the American people can hold each one of us accountable.

There have been reports that when the Senate passes the Wyden-Grassley legislation to have public disclosure of holds in the U.S. Senate, this is just going to die in conference and it will just vanish in the vapor in secret. It is especially ironic that an effort to eliminate secrecy in the exercise of awesome powers of the U.S. Senate, that would somehow take place again in secret, but I am concerned that may happen. In fact, there is a report today in Roll Call, a Capitol Hill publication, that raises concern in my mind.

I briefly would like to engage the majority leader in a colloquy on this point. He and I have been talking about it for about a year and a half now, I think. As I said, I believe the majority leader has made a number of constructive changes already with respect to the hold procedure. I would like to have his thoughts at this time with respect to his views on public disclosure of holds, and specifically whether it will be possible on a bipartisan basis to work out this change and ensure that there is real accountability with the American people for important actions taken by Senators.

I yield to the majority leader.

Mr. LOTT. Madam President, first and foremost, I want to apologize to the Senator from Oregon for not being able to respond last week to his request that we engage in a colloquy regarding his amendment which is pending to the D.C. appropriations bill. He was generous enough to be understanding that we had a number of other issues we were dealing with late last week, including the campaign finance reform issue, as well as a number of other issues that are very pressing at the end of the fiscal year with the appropriations bills. So I am glad he was willing to allow us to do the colloquy now instead of last week. I appreciate his attitude on that.

I think also I should note that he has been talking with me over the past year and 4 months that I have been majority leader about his concerns in this area. I appreciate the fact that you noted, Senator, I have tried to be more open and more communicative with Senators about the procedures around here, trying to open up, trying to make them clearer and more understandable. As a matter of fact, I sent out a long letter clarifying to Members what is the process and what is the proper way to exercise a hold. I did feel that it had sort of evolved into a situation that was not fair and was not intended.

I continue and want to continue working to have a fair system around here and one that everybody understands. I am sure the Senator also has learned to appreciate, as a Senator, the importance and the significance of the hold. It is a unique creature in the Senate and it is one that is used, I think reasonably and responsibly most all of the time, and can serve very positive purposes.

For instance, I believe you noted in your comments that you used it earlier, or last month, with regard to the confirmation of the Chairman of the Joint Chiefs of Staff to get an issue addressed that was important to you. You didn't do it secretly. You were pretty open about your hold. It led to some accommodations that I believe will be helpful to the families there in Oregon and satisfied the Senator.

We want to be careful how we change things around here. When you come over from the House to the Senate you really have a lot of questions about how this place operates: What are the rules? This seems like an archaic way to do things. Then you begin to understand it better, then you begin to think to yourself, no, I don't want the Senate to be the House. You begin to appreciate the traditions and the rules and the procedures around here. You have an opportunity to talk to Senator BYRD, as the Senator from Oregon has, or in my case, to Senator STEVENS or Senator HELMS. If you go to them and say, why is this important? Why has it been done that way? Then you begin to have a whole different view about the institution and the tradition and how things are done.

So, I will continue to move in the direction, I think, that the Senator is seeking. I want a clearer understanding and I like doing things in the daylight, not in the dark of night. I don't like secrecy generally on anything, as a matter of fact. I like sunshine.

But it is a problem for the majority leader and for the Senate to make this kind of change on the D.C. appropriations bill. I think to change the standing orders of the Senate in this way is something that is troublesome to some Senators.

For instance, I have not had an opportunity yet to sit down and talk with the minority leader about this. I had thought that the better place to do this would be at the beginning of a session when we meet, between the two leaders of the two parties, and we have knowledge and input from both sides of the aisle and that you do it at the beginning of a Congress when you have the organization of the Senate. I think that path would have been much preferable or is preferable to this approach.

I assume that the minority leader has some reservations of the use of any Senator to effect the so-called standing orders with an amendment on an appropriations bill.

So I say to my colleague, then, that I understand what he is trying to do and I am not unsympathetic to that, but I do have problems with doing it in this way on an appropriations bill.

I will continue to listen to all Senators. I will sit down. This has caused me to find a time—and I am not complaining—to sit down and make sure that senior Senators understand what we might be thinking of doing. Are there problems with it? I don't know that there will be. I really think that any Senator who feels strongly enough about an issue to put a hold on it ought to be prepared to come to the floor and explain it. I have indicated to Senators on both sides of the aisle, sometimes when holds have been placed and have not been removed in a reasonable period of time that they better be prepared to come to the floor and object and debate because I was prepared to call up the issue.

However, I also feel a real appreciation for the way the Senate is considerate of every single Senator—if she or he has a problem, I like to give them time to work through it, whether they are Republican or Democrat, regardless of philosophy, religion, or anything else. Sometimes there may be a good reason why they would not want, in a specified period of time, 2 days, for instance, to explain all of what is going on.

I guess that is a long explanation to the Senator's comments and questions, but I understand what he is trying to do. I hope we can find a way to continue to work on it and come to a conclusion that would benefit the Senate as a whole.

Mr. WYDEN. If the majority leader can spend another minute—these are thoughtful points that you raise, and I appreciate the courtesy—the reason for acting now is this is the season when senior Members say that the abuses are greatest. At the end of a session when there is a rush to complete the business is when this practice which, as the majority leader points out, is a long tradition, that is when this practice is abused. I think the majority leader makes a very good point with respect to the need for courtesy and respect for traditions.

I see our friend, Senator GRASSLEY, is here. This is a bipartisan amendment. We share the majority leader's view with respect to this tradition. We are not seeking to eliminate the hold, seeking to eliminate the filibuster, seeking the right of Senators to work matters out. What we are concerned about is secrecy. At a time when the American people are so skeptical about our Government, when they go to hearings and day after day look at practices that they question, when they look at the U.S. Senate and see these procedures that are secret, it smacks of a backroom deal.

I think the majority leader is right, the Senate is a good institution. It is not going to suffer if a bit of sunlight comes in. This is an institution strong enough to have a bit of sunlight and to have Members held accountable. I don't want to disrupt the tradition of the Senate, but if an important health or environmental measure or other important issue is held up for months on end because a Senator genuinely objects, then it is not just a matter of courtesy, it is a matter of being accountable to the American people.

I will interpret the majority leader's response to this colloquy as willing to work with the Wyden-Grassley effort, and I appreciate the fact that it is going to pass today. I know the majority leader has other matters that he has to attend to. I want to thank him for his colloquy and look forward to working with him.

I yield the time now to the Senator from Iowa, Senator GRASSLEY.

The PRESIDING OFFICER (Mr. BROWNBACK). The Senator from Iowa.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. GRASSLEY. Mr. President, what we are proposing in the Wyden-Grassley amendment is not going to hurt anybody. Senator WYDEN and I experimented with this so the other 98 Members of the Senate would not have to be hurt if it didn't work. Well over a year ago, we voluntarily, on our own, without any instigation from the rules or anything or anybody else, we publicly stated that we were going to follow the practice of our amendment, even though we didn't have to, and when we put a hold on a bill or a nomination, we would put it in the CONGRESSIONAL RECORD. We did that. I can speak for myself and say that there are no bruises, there is no harm, there is no retaliation. Nothing happened as a result of the whole world knowing why Senator GRASSLEY or Senator WYDEN were holding up a particular action.

I think that ought to tell everybody else that they can likewise do whatever they need to do in the Senate to adequately represent the interests of their constituents through the use of a hold and freely tell everybody, and the end result can still be accomplished without anybody being hurt as a result of it. I hope that we will now institutionalize what I have found to be a very effective way of doing the job of U.S. Senator and, yet, at the same time, being open and aboveboard about it.

This amendment requires simply disclosure by Senators of the holds that they place on legislation. As we all know, the current Senate practice allows Senators to block consideration of any measure without disclosing their actions just by notifying Senate leaders of their objection. Our amendment does not stop this practice. Rather, we seek to put an end to the secrecy surrounding the practice. If any Senator objects to legislation, that Senator should have the courage and conviction to express openly the reasons for opposition. It is critical to preserve the right of every Senator to represent the views of his constituents, but we cannot fully earn the trust of our constituents if we do not shed the brightest possible light on what we do here in the people's assembly.

It is important for the Senators to remember that their right to place holds on initiatives about which they have objection, then, is very much preserved in the tradition of the Senate, but everything is out in the open. The only thing untraditional about it is, if you want to hold up legislation, you should state your reason in the RECORD and let people know. All we are requiring is that Senators make their objections known in one of two ways—either stating their objections on the floor, or publishing their objections in the CONGRESSIONAL RECORD within 48 hours of placing such a hold.

It is a simple amendment that sends a very powerful message that the U.S. Senate is willing to operate in an open manner, according to the principles of representative democracy. I believe this amendment can only increase our constituents' belief that we are willing to be open and honest about the legislative process and what our legislative agenda is. It should help reduce some of the cynicism toward the processes of representative Government here at the Federal level.

I thank Senator WYDEN for his work on this amendment and the majority leader for accommodating this issue. It will go to conference. I would expect comity between the House and Senate because this is just a Senate issue, and that there will not be any objection on the part of the House because of comity. In the case of the Senate, since this is being adopted by the Senate, I would expect that our Senate conferees would uphold the amendment and it would become a part of the traditional process.

I urge my colleagues to continue to work toward reform that makes Congress more open and straightforward in how we do the people's business. I thank you for your consideration.

Mr. WYDEN. Mr. President, I ask unanimous consent to speak for an additional 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WYDEN. Thank you. Mr. President, I want to especially thank my colleague, Senator GRASSLEY, for a fine statement and for all his help. He has long been recognized as one of the most honest, up-front Members of the U.S. Senate. I want to tell him that it is a special pleasure to be able to work with him.

Mr. President, certainly, if you walk down the main streets of this country and ask our citizens what a hold is in the U.S. Senate, you are certainly not going to find many Americans who are familiar with this practice. But the fact of the matter is, this is an awesome, awesome power exercised by a Member of the U.S. Senate. The power to put a hold on a bill or a nomination is the power to singlehandedly, effectively block the consideration of a bill or nomination from coming to the floor of the U.S. Senate.

All Senator GRASSLEY and I are asking tonight is that when a Member of the U.S. Senate exercises this extraordinary power, that it be publicly disclosed. All we are asking is for an end to the secrecy.

My constituents look at the U.S. Senate sometimes and raise questions about how business is done here and, frankly, have some suspicions about the way the Senate conducts business. Sometimes I think they suspect that the procedures around here are a little bit like an elegant game of three-card monte. Now, my own hope is that with the passage of this amendment tonight in the U.S. Senate, and by making public the exercise of this extraordinary power by a U.S. Senator, our citizens will feel a bit more confidence and a bit more likely to see the Senate as an institution that is open and accountable.

The majority leader, Senator LOTT, is absolutely right about the traditions of the Senate and, particularly, making accommodations to work out issues wherever possible. All we are saying is that when a Member of the U.S. Senate digs in with all his or her strength to block a bill or a nomination, the American people deserve to know the name of that Senator. This effort does not eliminate holds, it doesn't eliminate the filibuster; it eliminates none of the traditions that the majority leader referred to. All it does is say that a Senator is going to be straight with the American people when they exercise their enormous power to effectively block the consideration of a bill or a nomination on the use of the hold procedure.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Under the previous order, the amendment is agreed to.

The amendment (No. 1250) was agreed to.

Mr. WYDEN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. HUTCHINSON). Without objection, it is so ordered.

## MORNING BUSINESS

Mr. LOTT. Mr. President, I ask unanimous consent that there be a period for the transaction of morning business, with Senators permitted to speak for up to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

## SURFACE TRANSPORTATION REAUTHORIZATION

Mr. FAIRCLOTH. Mr. President, I want to say a few words about the surface transportation reauthorization debate. North Carolina is the number one donor State. We received just 82 cents on the dollar for our gas tax contributions to the Highway Trust Fund under the 1991 ISTEA. In fact, over the 40 year life of the federal highway aid program, we have received just 87 cents for every dollar that we sent to Washington. There is no State that received a lesser rate of return on its gas taxes than North Carolina.

Mr. President, like other Donor State Senators, I will not support a reauthorization bill that fails to offer the Donor States some basic fairness. The Donor States accepted this role—and accepted it graciously—for forty years. The Chafee-Warner-Baucus bill is a step in the right direction. However, there is much work to be done. I served on the North Carolina Highway Commission and chaired it for four years. We understood the national importance of the interstate system. We were not happy about our Donor State status, Mr. President, but we accepted it. We understood that the interstate system was a national priority. However, the interstate system is now almost complete, and the rationale for Donor and Donee States is gone.

The Donor States are not asking for extra dollars. We're not asking to be made whole for past subsidies to the Donee States. We just want an equitable rate of return on our gas taxes. Just a fair return after forty years of our subsidies to other States. I believe that there is a real role for the federal government in transportation. But it must be a fair one. Make no mistake about it, now that the rationale for Donor and Donee States is gone, their argument is just plain old-fashioned politics.

Let me illustrate the absurd results of this long-term imbalance. One of the last additions to the 1991 ISTEA was a 3 billion dollar pot of money to reimburse States for the costs of roads built before the start of the Interstate system in 1956. This so-called "equity category" benefitted, for the most part, northeastern Donee States. These are the same States that enjoyed a huge windfall from the federal highway aid program during the Interstate construction era. Mr. President, these roads are more than 40 years old, and the construction bonds were paid off long ago. The toll booths are still up, though, collecting millions of dollars. These States received 3 billion dollars in ISTEA—for 40-year-old roads—but, apparently, that wasn't enough for them.

The Clinton administration proposed in its NEXTEA that the American taxpayers continue to funnel their hard-earned tax dollars to these States. In the NEXTEA proposal—its plan for the first post-Interstate highway bill—the White House proposes not only to retain this program, but to increase it to 6 billion dollars.

These must have been pretty expensive roads. After all, Mr. President, they have been paid for several times. First, the drivers paid tolls to pay off the construction bonds, and these roads were all paid off more than a decade ago. After the bonds were paid off, though, the States kept collecting tolls. Then the federal government sent 3 billion dollars to pay for the roads again. And the States kept collecting the tolls. Now they want 6 billion dollars to pay for the roads another time. And they will still keep collecting the tolls. North Carolina drivers lose 20 cents off every gas tax dollar to the Donee States. The Southern States are growing fast and have major transportation needs. But, not only can't North Carolina drivers get a dollar for dollar return, we are supposed to pay again and again for these 40-year-old roads. It seems just absurd to squander money like this. It is especially absurd since there is such a limited pool of transportation funds.

In fact, Mr. President, the transportation budget is so squeezed that we hear all this talk about new "user fees" for transportation. These are just new taxes, of course, just a euphemism for new ways to take money from the taxpayers. The American people are already overtaxed. These proposals to raise taxes just defy common sense. I find it interesting, however, that I don't hear much discussion about one of the most obvious ways to increase the value of our transportation dollars. It will not cost the taxpayers a dime and will boost the value of some transportation dollars by 15 percent.

The taxpayers' friends know that I am talking about repeal of the Davis-Bacon Act. I am talking about a Congress that favors the taxpayers over the union bosses. These Davis-Bacon requirements, especially the "union work practices" provision, drive up construction costs because they promote inefficiency in many forms. Davis-Bacon is a needless surcharge, just a contribution to union bosses, on these construction projects. The Davis-Bacon Act drives up construction costs by an average of 15 percent. The Congressional Budget Office confirms that repeal of Davis-Bacon will save the taxpayers billions of dollars.

Incredibly, the White House proposed to expand Davis-Bacon in its transportation bill. It is no secret, though, that Davis-Bacon repeal is essential if we are serious about squeezing every penny out of the federal highway program. It is far better for the taxpayers to root out these inefficiencies than to raise the taxes of the American people. I know that some people find it hard to imagine that there are alternatives to new taxes in order to increase the transportation budget. This Senate voted this year for billions of dollars for a mission in Bosnia, which was supposed to be over last year, and for hundreds of millions of dollars in new welfare spending.

It is time to cut the waste—not raise taxes—to fund our transportation priorities. This is the first authorization bill in the post-Interstate era. It is also the first authorization bill subject to the constraints of a balanced budget plan. This bill brings new challenges. And, Mr. President, new obligations. This bill must be fair to the States that subsidized the Interstate system for 40 years. We need to get the most for each and every dollar in the transportation budget. We certainly cannot afford to squander taxpayer dollars on outdated rules in order to prop up the power of the labor unions.

It's time to tell the union bosses that the good times are over! This is not their transportation bill! North Carolina needs a transportation bill that builds highways, not government bureaucracies. A transportation bill that works for the taxpayers, not the labor bosses. Mr. President, if this bill is not fair to North Carolina taxpayers, I will be forced to filibuster it.

## VISIT OF DAVID TRIMBLE OF THE NORTHERN IRELAND ULSTER UNIONIST PARTY

Mr. KENNEDY. Mr. President, next week David Trimble, leader of the Ulster Unionist Party in Northern Ireland, will begin a visit to the United States where he will meet with many of us on both sides of the aisle in Congress who are deeply committed to helping achieve a lasting peace in Northern Ireland. There is perhaps no one better placed to make that happen than Mr. Trimble, who leads Northern Ireland's largest party.

Mr. Trimble is to be commended for bringing his party into the current talks, which now include Sinn Fein as a result of the restoration of the IRA cease-fire in July. Those talks are ably chaired by our former Senate colleague, George Mitchell.

Mr. Trimble and his party faced many difficulties in deciding to participate in talks which include Sinn Fein. There is a long history of distrust by both sides in Northern Ireland, and the fears and concerns of unionists cannot be dismissed. Mr. Trimble spent the month of August consulting with many people and concluded that his constituents want his party to participate in the talks as the best hope for achieving a peaceful settlement.

Huge challenges lie ahead. Negotiating a solution which can obtain the support of both communities is a formidable task. But at long last, the principal parties are at the negotiating table and real dialogue is beginning. David Trimble deserves a significant share of the credit for this long-sought progess. I look forward to his visit to this country, and I ask unanimous consent that an excellent article in the September 29 issue of Time Magazine be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From Time, Sept. 29, 1997]

### FACE TO FACE

(By Barry Hillenbrand)

It was no surprise last week when, just as historic talks began to try to dissolve the annealed hate that divides Northern Ireland, a 400-lb. bomb exploded in a largely Protestant town near Belfast. The hard men for whom terrorism has become a way of life were again trying to blow away the chance for peace. Nor was it a surprise that the Protestant politicians, who fear any change in their domination of the province, denounced the bombing as a Roman Catholic republican plot that made the talks impossible.

But it was a surprise when, one day after the explosion, the talks began anyway, bringing together for the first time the leaders of Sinn Fein, the political wing of the Irish Republican Army, which has waged war to drive the British off the island of Ireland, and the main leaders of their bitter Protestant Unionist opponents. That the talks began at all was a triumph of patience, persistence and cleverness by the governments of Ireland, Britain and the U.S., which are shepherding the broader peace process.

It was also a measure of how much has changed in Northern Ireland over the past half dozen years. Most important, the 1.6 million people of the province, Protestant and Catholic alike, have come to hate the war of hate and are demanding peace. Second, the terrorists have come to believe they can win more from talking than from killing. And finally, the huge parliamentary majority rolled up by Tony Blair and the Labour Party has stripped the recalcitrant Unionists of their veto over the efforts of the British government to change the status of its troubled province.

In the past the Unionists have been able simply to stonewall the peace process. But last week, there at the head of the Unionist delegation was David Trimble, a hot-tempered, frequently red-faced law lecturer who heads Northern Ireland's largest and most important Protestant party, the Ulster Unionist Party (U.U.P.).

For years Trimble, like many other Unionists, refused to sit down in the same room with Sinn Fein repesentatives. Once Trimble stormed out of a TV interview in the midst of a live broadcast because he was about to be electronically linked with a Sinn Fein member in another studio. But in August the British government declared that a new I.R.A. cease-fire was genuine and that Sinn Fein was thus qualified to join the political talks jointly sponsored by London and Dublin under the chairmanship of former U.S. Senator George Mitchell. Suddenly, Sept. 15, the date set for the start of a new round of talks, became the moment of truth for Trimble, Sinn Fein would join the talks, but would Trimble take his party in?

If Trimble's temperament and political background were any guide, the answer would clearly have been no. As a young lecturer in law at Queen's University in Belfast in the late '60s, Trimble joined a fringe political group Vanguard, that condemned the U.U.P., the party Trimble was later to head, for being insufficiently hard line. He flirted with other extremist groups before finally coming to terms with the U.U.P. and being elected to Parliament as one of its candidates in 1990. His rise to the top of the party was swift. He won the leadership slot in 1995, largely on the strength of the militant image he had acquired by marching at the head of a triumphalist Protestant parade that bullied its way through a besieged Catholic neighborhood. “We were in despair when he was elected,” says a moderate in Trimble's party. “We thought all hope for peace and accommodation was gone.”

But Trimble has changed. Once he became leader of the party, there was a concerted effort by Britain and the U.S. to erode his narrow provincialism by getting him to travel outside Ulster, a process that had worked well with Gerry Adams, the leader of Sinn Fein. For a man who once bragged he had never set foot outside the U.K., it was a heady experience. Trimble visited the U.S., long shunned by Unionists as the bastion of fervent I.R.A. support. He had coffee with President Bill Clinton and chatted with the sort of Congressmen he once considered the enemies of Unionism. Now Trimble's office hands out copies of the *Congressional Record* featuring a speech paying tribute to the Irish Protestant tradition in America. Its author: *Ted Kennedy*, the Irish republican's greatest champion in Congress. Trimble also traveled to South Africa with delegations of other parties from Northern Ireland for a conference on Conflict resolution.

Trimble is still a staunch Unionist and profoundly leery of Sinn Fein. Before walking into the talks last week, he defiantly said he had come not to “negotiate with Sinn Fein but to confront them and to expose their facist character.” “Yet,” says David Ervine, a senior official of the Progressive Unionist Party, who marched into talks with Trimble last week, “Trimble has come further than any Unionist leader in history.” He has broken out of the siege mentality, which for years had Unionist leaders hiding behind banners proclaiming no surrender and refusing to consider any accommodation with the Catholic minority or with the Irish Republic to the south. “We are certainly going to address the views of those who consider themselves Irish and don't want to be part of the United Kingdom,” says Trimble. “We have to respect their cultural identity and protect their civil rights. We are comfortable with that.” But, of course, Trimble holds fast to the basic principle of Unionism: that Northern Ireland should remain part of the U.K.

Despite his firm belief that the I.R.A. cease-fire is a sham, Trimble recognized that the moral burden of continuing the peace process has fallen on him. “We could have stayed back and waited for the talks to collapse without us,” says Trimble. But then we would have been accused of blocking peace.”

Trimble also knew that the popular political mood in Northern Ireland was running strongly in favor of all-inclusive peace talks. The failure of the I.R.A. cease-fire which collapsed in February 1996, had profoundly depressed people. This summer sectarian tension once again ran high, and Northern Ireland teetered on the edge of what one of the senior members of Mitchell's team warned could have been “full-scale civil war.” The I.R.A. cease-fire announced in July and the promise of peace talks in September again raised hopes. Says Christopher McGimpsey, a U.U.P. city councilor from Belfast: “We were hearing from the grass roots that we should enter talks.”

Trimble also received a powerful shove through the negotiating gates from Blair. First, Blair warned Sinn Fein that if it wanted to have a say in the future of Northern Ireland, it would have to secure a cease-fire from the I.R.A. and agree to respect democratic principles. When it did just that, Blair turned his attention to Trimble's Unionists. "Some Unionists failed to understand that if we do not join the talks, London and Dublin could impose a political solution on us," says John Taylor, the deputy leader of Trimble's party. With that possibility staring him in the face, Trimble could hardly have said no to the talks.

Even after last week's bombing, Trimble arrived for the talks. "Two years ago," said Marjorie ("Mo") Mowlam, the tough-talking, no-nonsense British Secretary of State for Northern Ireland, "it would not have been possible for Trimble to move forward after a bomb like that. Now Unionism wants its leaders to be talking." And in the North, that is surprising progress.

## HONORING THE WOODALLS ON THEIR 50TH WEDDING ANNIVERSARY

Mr. ASHCROFT. Mr. President, families are the cornerstone of America. The data are undeniable: Individuals from strong families contribute to the society. In an era when nearly half of all couples married today will see their union dissolve into divorce, I believe it is both instructive and important to honor those who have taken the commitment of "till death us do part" seriously, demonstrating successfully the timeless principles of love, honor, and fidelity. These characteristics make our country strong.

For these important reasons, I rise today to honor Elsa and James Woodall IV of Springfield, MO, who on October 18, 1997, will celebrate their 50th wedding anniversary. My wife, Janet, and I look forward to the day we can celebrate a similar milestone. The Woodalls' commitment to the principles and values of their marriage deserves to be saluted and recognized.

## TRIBUTE TO DONALD J. BABB

Mr. ASHCROFT. Mr. President, I rise today to acknowledge and honor the achievement of Mr. Donald J. Babb of my home State of Missouri. Mr. Babb recently received the Shirley Anne Munroe Leadership Development Award from the American Hospital Association and the Hospital Research and Education Trust. Mr. Babb is the chief executive officer of the Citizens Memorial Hospital and the executive director of Citizens Memorial Health Care Foundation in Bolivar, MO. The national award recognizes leaders in executive management positions in small or rural hospitals who have improved health care delivery to rural areas through innovative and progressive steps.

Donald has been an instrumental part of the Citizens Memorial Hospital since before its opening in 1982. Under his leadership, the hospital was recognized as one of the "Top Ten Small Rural Hospitals" in the Nation, as determined by the American Hospital Association, and has become a fully integrated health care delivery system. Mr. Babb stated that, "Meeting the needs of the communities we serve has been my No. 1 priority. We have expanded services so that patients have access to quality care for every stage of their lives." His dedication to the good health of the people in rural southwest Missouri is obvious through his efforts directed toward improving the quality of health care available in this area.

For the past 17 years, Mr. Babb has dedicated his life to the betterment of his community and the people he serves. His work embodies the spirit of the American dream. Mr. President, I ask that Members of the Senate join me in recognizing and honoring the work and lifetime achievements of Mr. Donald J. Babb.

## SOUTHSIDE SAVANNAH RAIDERS

Mr. COVERDELL. Mr. President, the Southside Savannah Raiders baseball team of Savannah, GA deserves recognition for its extraordinary talent and teamwork for its winning the State championship of the 1996 Division A Georgia Recreation and Parks' Twelve and Under Youth Division. The Raiders achieved an impressive record of 53 wins and 3 losses for the year, and secured the League, City, District 2, and Georgia Games titles, as well as second place in the AAU State Tourney, on their way to the championship.

The All Stars included Joey Boaen, Christopher Burnsed, Brian Crider, Bryan Donahue, Matthew Dotson, Kevin Finnegan, Kevin Edge, Mark Hamilton, Garett Harvey, Bobby Keal, Adam Kitchen, and Daniel Willard. Linn Burnsed, Danny Boaen, and Dana Edge ably coached these young players and instilled in them a winning attitude and a sense of sportsmanship. The team's success can be attributed to the dedication of all of the team members, as well as the parents and countless friends who lent their support.

Mr. President, I appreciate the chance to acknowledge the Southside Savannah Raiders' successes, and commend the ability and dedication of these champions.

## THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Monday, September 29, 1997, the federal debt stood at $5,388,315,809,652.79. (Five trillion, three hundred eighty-eight billion, three hundred fifteen million, eight hundred nine thousand, six hundred fifty-two dollars and seventy-nine cents)

Five years ago, September 29, 1992, the federal debt stood at $4,045,289,000,000. (Four trillion, forty-five billion, two hundred eighty-nine million)

Ten years ago, September 29, 1987, the federal debt stood at $2,340,446,000,000. (Two trillion, three hundred forty billion, four hundred forty-six million)

Fifteen years ago, September 29, 1982, the federal debt stood at $1,118,989,000,000. (One trillion, one hundred eighteen billion, nine hundred eighty-nine million)

Twenty-five years ago, September 29, 1972, the federal debt stood at $433,946,000,000 (Four hundred thirty-three billion, nine hundred forty-six million) which reflects a debt increase of nearly $5 trillion—$4,954,369,809,652.79 (Four trillion, nine hundred fifty-four billion, three hundred sixty-nine million, eight hundred nine thousand, six hundred fifty-two dollars and seventy-nine cents) during the past 25 years.

## REPORT OF THE NOTICE OF THE CONTINUATION OF THE IRAN EMERGENCY—MESSAGE FROM THE PRESIDENT—PM 70

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs.

*To the Congress of the United States:*

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue beyond the anniversary date. In accordance with this provision, I have sent the enclosed notice, stating that the Iran emergency declared in 1979 is to continue in effect beyond November 14, 1997, to the *Federal Register* for publication. Similar notices have been sent annually to the Congress and the *Federal Register* since November 12, 1980. The most recent notice appeared in the *Federal Register* on October 31, 1996. This emergency is separate from that declared with respect to Iran on March 15, 1995, in Executive Order 12957.

The crisis between the United States and Iran that began in 1979 has not been fully resolved. The international tribunal established to adjudicate claims of the United States and U.S. nationals against Iran and of the Iranian government and Iranian nationals against the United States continues to function, and normalization of commercial and diplomatic relations between the United States and Iran has not been achieved. In these circumstances, I have determined that it is necessary to maintain in force the broad authorities that are in place by virtue of the November 14, 1979, declaration of emergency and that are needed in the process of implementing the January 1981 agreements with Iran.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *September 30, 1997.*

## MESSAGES FROM THE HOUSE

### ENROLLED BILLS SIGNED

At 10:03 a.m., a message from the House of Representatives, delivered by one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

S. 871. An act to establish the Oklahoma City National Memorial as a unit of the National Park System; to designate the Oklahoma City Memorial Trust, and for other purposes.

H.R. 1420. An act to amend the National Wildlife Refuge System Administration Act of 1966 to improve the management of the National Wildlife Refuge System, and for other purpose.

The enrolled bills were signed subsequently by the President pro tempore [Mr. THURMOND].

At 11:10 a.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 2472. An act to extend certain programs under the Energy Policy and Conservation Act.

The message also announced that the House has passed the following bill, without amendment:

S. 1211. An act to provide permanent authority for the administration of au pair programs.

At 2:22 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2203) making appropriations for energy and water development for the fiscal year ending September 30, 1998, and for other purposes.

The message also announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1116. An act to provide for the conveyance of the reversionary interest of the United States in certain lands to the Clint Independent School District and the Fabens Independent School District.

H.R. 2487. An act to improve the effectiveness and efficiency of the child support enforcement program and thereby increase the financial stability of single parent families including those attempting to leave welfare.

### ENROLLED BILL AND JOINT RESOLUTION SIGNED

At 4:58 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the Speaker has signed the following enrolled bill and joint resolution:

S. 1211. An act to provide permanent authority for the administration of au pair programs.

H.J. Res. 94. Joint resolution making continuing appropriations for the fiscal year 1998, and for other purposes.

The enrolled bill and joint resolution were signed subsequently by the President pro tempore [Mr. THURMOND].

At 5:50 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2378) making appropriations for the Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain independent agencies, for the fiscal year ending September 30, 1998, and for other purposes.

## MEASURES REFERRED

The following bills were read the first and second times by unanimous consent and referred as indicated:

H.R. 1116. An act to provide for the conveyance of the reversionary interest of the United States in certain lands to the Clinton Independent School District and the Fabens Independent School District; to the Committee on Foreign Relations.

H.R. 2487. An act to improve the effectiveness and efficiency of the child support enforcement program and thereby increase the financial stability of single parent families including those attempting to leave welfare; to the Committee on Finance.

## ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on September 30, 1997 he had presented to the President of the United States, the following enrolled bills:

S. 871. An act to establish in the Oklahoma City National Memorial as a unit of the National Park System; to designate the Oklahoma City Memorial Trust, and for other purposes.

S. 1211. An act to provide permanent authority for the administration of au pair programs.

## EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-3060. A communication from the Director of the Office of Regulatory Management and Information, U.S. Environmental Protection Agency, transmitting, pursuant to law, a rule received on August 25, 1997; to the Committee on Environment and Public Works.

EC-3061. A communication from the Director of the Office of Regulatory Management and Information, U.S. Environmental Protection Agency, transmitting, pursuant to law, three rules received on August 26, 1997; to the Committee on Environment and Public Works.

EC-3062. A communication from the Director of the Office of Regulatory Management and Information, U.S. Environmental Protection Agency, transmitting, pursuant to law, seven rules received on August 27, 1997; to the Committee on Environment and Public Works.

EC-3063. A communication from the Director of the Office of Regulatory Management and Information, U.S. Environmental Protection Agency, transmitting, pursuant to law, two rules received on September 15, 1997; to the Committee on Environment and Public Works.

EC-3064. A communication from the Director of the Office of Regulatory Management and Information, U.S. Environmental Protection Agency, transmitting, pursuant to law, three rules received on September 16, 1997; to the Committee on Environment and Public Works.

EC-3065. A communication from the Director of the Office of Regulatory Management and Information, U.S. Environmental Protection Agency, transmitting, pursuant to law, five rules received on September 5, 1997; to the Committee on Environment and Public Works.

EC-3066. A communication from the Director of the Office of Regulatory Management and Information, U.S. Environmental Protection Agency, transmitting, pursuant to law, six rules received on September 10, 1997; to the Committee on Environment and Public Works.

EC-3067. A communication from the Director of the Office of Regulatory Management and Information, U.S. Environmental Protection Agency, transmitting, pursuant to law, a rule received on September 15, 1997; to the Committee on Environment and Public Works.

EC-3068. A communication from the Director of the Office of Regulatory Management and Information, U.S. Environmental Protection Agency, transmitting, pursuant to law, four rules received on September 17, 1997; to the Committee on Environment and Public Works.

EC-3069. A communication from the Director of the Office of Regulatory Management and Information, U.S. Environmental Protection Agency, transmitting, pursuant to law, five rules received on September 18, 1997; to the Committee on Environment and Public Works.

EC-3070. A communication from the Director of the Office of Regulatory Management and Information, U.S. Environmental Protection Agency, transmitting, pursuant to law, two rules received on September 22, 1997; to the Committee on Environment and Public Works.

EC-3071. A communication from the Director of the Office of Regulatory Management and Information, U.S. Environmental Protection Agency, transmitting, pursuant to law, three rules received on September 23, 1997; to the Committee on Environment and Public Works.

EC-3072. A communication from the Director of the Office of Regulatory Management and Information, U.S. Environmental Protection Agency, transmitting, pursuant to law, two rules received on September 26, 1997; to the Committee on Environment and Public Works.

EC-3073. A communication from the Director of the Office of Regulatory Management and Information, U.S. Environmental Protection Agency, transmitting, pursuant to law, a rule received on September 26, 1997; to the Committee on Environment and Public Works.

EC-3074. A communication from the Acting Assistant Secretary of the Interior for Fish and Wildlife and Parks, transmitting, pursuant to law, a rule entitled "Migratory Bird

Hunting" (RIN1018-AE14) received on September 29, 1997; to the Committee on Environment and Public Works.

EC–3075. A communication from the Acting Assistant Secretary of the Interior for Fish and Wildlife and Parks, transmitting, pursuant to law, a rule entitled "Migratory Bird Hunting" (RIN1018-AE14) received on August 25, 1997; to the Committee on Environment and Public Works.

EC–3076. A communication from the Director of the Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, a rule received on August 21, 1997; to the Committee on Environment and Public Works.

EC–3077. A communication from the Director of the Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, a rule received on August 22, 1997; to the Committee on Environment and Public Works.

EC–3078. A communication from the Director of the Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, a rule received on August 29, 1997; to the Committee on Environment and Public Works.

EC–3079. A communication from the Director of the Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, a rule received on September 5, 1997; to the Committee on Environment and Public Works.

EC–3080. A communication from the Director of the Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, a rule received on September 12, 1997; to the Committee on Environment and Public Works.

EC–3081. A communication from the Director of the Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, a rule received on September 29, 1997; to the Committee on Environment and Public Works.

EC–3082. A communication from the Acting Chief Financial Officer of the U.S. Environmental Protection Agency, transmitting, pursuant to law, the report of the Agency's Strategic Plan; to the Committee on Environment and Public Works.

EC–3083. A communication from the Acting Assistant Secretary of the Interior for Fish and Wildlife and Parks, transmitting, pursuant to law, a rule entitled "1997-98 Refuge-Specific Hunting and Sport Fishing Regulations" (RIN1018-AE18) received on September 4, 1997; to the Committee on Environment and Public Works.

EC–3084. A communication from the Director of the State and Site Identification Center, U.S. Environmental Protection Agency, transmitting, pursuant to law, a rule received on September 25, 1997; to the Committee on Environment and Public Works.

EC–3085. A communication from the Chairman of the U.S. Nuclear Regulatory Commission, transmitting, a draft of proposed legislation entitled "The Atomic Energy Act Amendments of 1997"; to the Committee on Environment and Public Works.

EC–3086. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, a rule received on August 28, 1997; to the Committee on Environment and Public Works.

EC–3087. A communication from the Deputy Administrator of the General Services Administration, transmitting, pursuant to law, informational copies of a Building Project Survey for the Baltimore, Maryland, metropolitan area; to the Committee on Environment and Public Works.

EC–3088. A communication from the Acting Assistant Secretary of the Army (Civil Works), transmitting, pursuant to law, a report relative to the Columbia River Treaty Fishing Access Sites; to the Committee on Environment and Public Works.

EC–3089. A communication from the Executive Secretary of the Inland Waterways Users Board, transmitting, pursuant to law, the annual report for fiscal year 1998; to the Committee on Environment and Public Works.

EC–3090. A communication from the Acting Assistant Secretary of the Army (Civil Works), transmitting, pursuant to law, a report relative to the St. Paul Island Harbor, Alaska; to the Committee on Environment and Public Works.

EC–3091. A communication from the Acting Assistant Secretary of the Army (Civil Works), transmitting, pursuant to law, a report relative to a deep-draft navigation project at Chignik Harbor, Alaska; to the Committee on Environment and Public Works.

EC–3092. A communication from the Acting Under Secretary of Defense (Comptroller), transmitting, pursuant to law, the report of a violation of the Antideficiency Act, case number 96-03; to the Committee on Appropriations.

## REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. STEVENS, from the Committee on Appropriations:

Special Report entitled "Further Revised Allocation To Subcommittees of Budget Totals from the Concurrent Resolution for Fiscal Year 1998" (Rept. No. 105–91).

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

S. 750. A bill to consolidate certain mineral interests in the National Grasslands in Billings County, North Dakota, through the exchange of Federal and private mineral interests to enhance land management capabilities and environmental and wildlife protection, and for other purposes (Rept. No. 105–92).

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

S. 1158. A bill to amend the Alaska Native Claims Settlement Act, regarding the Huna Totem Corporation public interest land exchange, and for other purposes (Rept. No. 105–93).

By Mr. MCCAIN, from the Committee on Commerce, Science, and Transportation, with an amendment in the nature of a substitute and an amended preamble:

H. Con. Res. 8. A concurrent resolution expressing the sense of Congress with respect to the significance of maintaining the health and stability of coral reef ecosystems (Rept. No. 105–94).

By Mr. WARNER, from the Committee on Rules and Administration, without amendment:

S. Res. 126. An original resolution authorizing supplemental expenditures by the Committee on Veterans' Affairs.

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. ENZI (for himself, Mr. GREGG, Mr. FRIST, Mr. JEFFORDS, Mr. COATS, Mr. DEWINE, Mr. HUTCHINSON, Mr. BURNS, Mr. HAGEL, Ms. COLLINS, Mr. MCCONNELL, Mr. WARNER, Mr. ALLARD, Mr. CRAIG, Mr. ROBERTS, Mr. SESSIONS, Mr. THOMAS, Mr. SMITH of Oregon, Mr. BROWNBACK, and Mr. NICKLES):

S. 1237. A bill to amend the Occupational Safety and Health Act of 1970 to further improve the safety and health of working environments, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. SMITH of Oregon:

S. 1238. A bill to amend section 1926 of the Public Health Service Act to encourage States to strengthen their efforts to prevent the sale and distribution of tobacco products to individuals under the age of 18 and for other purposes; to the Committee on Labor and Human Resources.

By Mr. ABRAHAM:

S. 1239. A bill to suspend temporarily the duty on ethofumesate; to the Committee on Finance.

S. 1240. A bill to suspend temporarily the duty on phenmedipham; to the Committee on Finance.

S. 1241. A bill to suspend temporarily the duty on desmedipham; to the Committee on Finance.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. ENZI (for himself, Mr. GREGG, Mr. FRIST, Mr. JEFFORDS, Mr. COATS, Mr. DEWINE, Mr. HUTCHINSON, Mr. BURNS, Mr. HAGEL, Ms. COLLINS, Mr. MCCONNELL, Mr. WARNER, Mr. ALLARD, Mr. CRAIG, Mr. ROBERTS, Mr. SESSIONS, Mr. THOMAS, Mr. SMITH of Oregon, Mr. BROWNBACK, and Mr. NICKLES):

S. 1237. A bill to amend the Occupational Safety and Health Act of 1970 to further improve the safety and health of working environments, and for other purposes; to the Committee on Labor and Human Resources.

### THE SAFETY ADVANCEMENT FOR EMPLOYEES ACT

Mr. ENZI. Mr. President, I rise today to introduce the Safety Advancement for Employees Act of 1997. I send the bill to the desk.

Mr. President, I ask that further reading of the bill be dispensed with.

Mr. President, during this first Session of the 105th Congress, my esteemed colleague from New Hampshire, Senator GREGG, and I, each introduced a bill related to workplace safety and health. On July 10, a comprehensive OSHA oversight hearing was held by Chairman FRIST in the Subcommittee on Public Health and Safety. This hearing specifically focused on OSHA modernization legislation pending before the committee. The results of this hearing further confirmed the commitment Senator GREGG and I share concerning the safety and health of our Nation's workforce.

It is with great pleasure that Senator GREGG and I, introduce this consensus legislation. The SAFE Act has the support of Subcommittee Chairman FRIST, as well as Labor Committee Chairman JEFFORDS. Both are proud to be original cosponsors and I am sincerely grateful to them for all their hard work. They have clearly helped pave the way for this important measure. In addition, my House colleague and chairman of the Small Business Committee, JIM TALENT, will introduce similar legislation in the House today. This legislation has received strong bipartisan support—an essential ingredient in the recipe for success.

It is important to understand that both the Senate and House versions do not attempt to reinvent OSHA's wheel, just change its tires. Treading water for 27 years, OSHA has never seriously attempted to encourage employers and employees in their efforts to create safe and healthful workplaces. Instead, OSHA chose to operate according to a command and control mentality. This approach has lead to burdensome and often incomprehensible regulations which may not relate to worker safety and health and are, quite often, only sporadically enforced. Even the AFL-CIO has acknowledged that with only 2,451 State and Federal inspectors regulating 6.2 million American worksites, an employer can expect to see an inspector once every 167 years.

While changing OSHA's bald tires, it is important to point out that the SAFE Act does not dismantle OSHA's enforcement capabilities. That approach has been tried time and time again. But, enforcement alone cannot ensure the safety of our Nation's workplaces and the health of our working population. America would be better served by an OSHA that places a greater emphasis on promoting employers and employees working together and this bill would strike that balance.

The SAFE Act is geared to provide employers who seek a safe and healthful workplace for their employees with the ability to obtain compliance evaluations from qualified, third party consultants. In addition, the SAFE Act includes additional voluntary and technical compliance initiatives to assist employers in deeming their worksites safe for their employees. Businesses and employees need clarification on a whole host of issues. They need progress, now. We need good commonsense legislation that advances safety and health of the American workplace, now.

Senator GREGG and I are not interested in making another political statement. It is time for us to tuck the political statements into our coat pockets and pass good common sense legislation that advances the safety and health of the American workplace. Advancing safety and health in the American workplace is a matter of great importance and it must be considered in a serious and rational manner by Congress, by the Occupational Safety and Health Administration, by employers, and yes, by employees too.

Mr. President, I firmly believe that the SAFE Act represents a clean start to addressing the problems that affect OSHA and its dealings with employers and employees. Senator GREGG and I, are quite eager to continue working with my Senate and House colleagues on this important matter. By working together in a bipartisan fashion, we can ensure our Nation's work force that Congress does care about their personal safety and health. I welcome your support in doing just that.

I ask unanimous consent that the text of the bill be included in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

## S. 1237

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### SECTION 1. SHORT TITLE; REFERENCE.

(a) SHORT TITLE.—This Act may be cited as the "Safety Advancement for Employees Act of 1997" or the "SAFE Act".

(b) REFERENCE.—Whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.).

### SEC. 2. PURPOSE.

Section 2(b) (29 U.S.C. 651(b)) is amended—

(1) in paragraph (13), by striking the period and inserting "; and"; and

(2) by adding at the end the following:

"(14) by increasing the joint cooperation of employers, employees, and the Secretary of Labor in the effort to ensure safe and healthful working conditions for employees.".

### SEC. 3. EMPLOYEE AND EMPLOYER PARTICIPATION PROGRAMS.

Section 4 (29 U.S.C. 653) is amended by adding at the end the following:

"(c)(1) In order to further carry out the purpose of this Act to encourage employers and employees in their efforts to reduce occupational safety and health hazards, employers may establish employer and employee participation programs which exist for the sole purpose of addressing safe and healthful working conditions.

"(2) An entity created under a program described in paragraph (1) shall not constitute a labor organization for purposes of section 8(a)(2) of the National Labor Relations Act (29 U.S.C. 158(a)(2)) or a representative for purposes of sections 1 and 2 of the Railway Labor Act (45 U.S.C. 151 and 151a).

"(3) Nothing in this subsection shall be construed to affect employer obligations under section 8(a)(5) of the National Labor Relations Act (29 U.S.C. 158(a)(5)) to deal with a certified or recognized employee representative with respect to health and safety matters to the extent otherwise required by law.".

### SEC. 4. ESTABLISHMENT OF SPECIAL ADVISORY COMMITTEE.

Section 7 (29 U.S.C. 656) is amended by adding at the end the following:

"(d)(1) Not later than 6 months after the date of enactment of this subsection, the Secretary shall establish an advisory committee (pursuant to the Federal Advisory Committee Act (5 U.S.C. App)) to carry out the duties described in paragraph (3).

"(2) The advisory committee shall be composed of—

"(A) 3 members who are employees;

"(B) 3 members who are employers;

"(C) 2 members who are members of the general public; and

"(D) 1 member who is a State official from a State plan State.

Each member of the advisory committee shall have expertise in workplace safety and health as demonstrated by the educational background of the member.

"(3) The advisory committee shall advise and make recommendations to the Secretary with respect to the establishment and implementation of a consultation services program under section 8A.".

### SEC. 5. THIRD PARTY CONSULTATION SERVICES PROGRAM.

(a) PROGRAM.—The Act (29 U.S.C. 651 et seq.) is amended by inserting after section 8 the following:

### "SEC. 8A. THIRD PARTY CONSULTATION SERVICES PROGRAM.

"(a) ESTABLISHMENT OF PROGRAM.—

"(1) IN GENERAL.—Not later than 12 months after the date of enactment of this section, the Secretary shall establish and implement, by regulation, a program that qualifies individuals to provide consultation services to employers to assist employers in the identification and correction of safety and health hazards in the workplaces of employers.

"(2) ELIGIBILITY.—Each of the following individuals shall be eligible to be qualified under the program:

"(A) An individual licensed by a State authority as a physician, industrial hygienist, professional engineer, safety engineer, safety professional, or occupational nurse.

"(B) An individual who has been employed as an inspector for a State plan State or as a Federal occupational safety and health inspector for not less than a 5-year period.

"(C) An individual qualified in an occupational health or safety field by an organization whose program has been accredited by a nationally recognized private accreditation organization or by the Secretary.

"(D) Other individuals determined to be qualified by the Secretary.

"(3) GEOGRAPHICAL SCOPE OF CONSULTATION SERVICES.—An individual qualified under the program may provide consultation services in any State.

"(b) SAFETY AND HEALTH REGISTRY.—The Secretary shall develop and maintain a registry that includes all individuals that are qualified under the program to provide the consultation services described in subsection (a) and shall publish and make such registry readily available to the general public.

"(c) DISCIPLINARY ACTIONS.—

"(1) IN GENERAL.—The Secretary may revoke the status of an individual qualified under subsection (a) if the Secretary determines that the individual—

"(A) has failed to meet the requirements of the program; or

"(B) has committed malfeasance, gross negligence, or fraud in connection with any consultation services provided by the qualified individual.

"(d) CONSULTATION SERVICES.—

"(1) SCOPE OF CONSULTATION SERVICES.—

"(A) IN GENERAL.—The consultation services described in subsection (a), and provided by an individual qualified under the program, shall include an evaluation of the workplace of an employer to determine if the employer is in compliance with the requirements of this Act, including any regulations promulgated pursuant to this Act.

"(B) NON-FIXED WORK SITES.—With respect to the employees of an employer who do not work at a fixed site, the consultation services described in subsection (a), and provided by an individual qualified under the program, shall include an evaluation of the safety and health program of the employer to determine if the employer is in compliance with the requirements of this Act, including any regulations promulgated under this Act.

"(2) CONSULTATION REPORT.—Not later than 10 business days after an individual qualified under the program provides the consultation services described in subsection (a) to an employer, the individual shall prepare and submit a written report to the employer that includes an identification of any violations of this Act and requirements with respect to corrective measures the employer needs to carry out in order for the workplace of the employer to be in compliance with the requirements of this Act.

"(3) REINSPECTION.—Not later than 30 days after an individual qualified under the program submits a report to an employer under paragraph (2), or on a date agreed on by the individual and the employer, the individual shall reinspect the workplace of the employer to verify that any occupational safety or health violations identified in the report have been corrected and the workplace of the employer is in compliance with this Act. If, after such reinspection, the individual determines that the workplace is in compliance with the requirements of this Act, the individual shall provide the employer a declaration of compliance.

"(4) GUIDELINES.—The Secretary, in consultation with an advisory committee established in section 7(d), shall develop model guidelines for use in evaluating a workplace under paragraph (1).

"(e) ACCESS TO RECORDS.—Any records relating to consultation services (as described in subsection (a)) provided by an individual qualified under the program, or records, reports, or other information prepared in connection with safety and health inspections, audits, or reviews conducted by or for an employer and not required under this Act, shall not be admissible in a court of law or administrative proceeding against the employer except that such records may be used as evidence for purposes of a disciplinary action under subsection (c).

"(f) EXEMPTION.—

"(1) IN GENERAL.—If an employer enters into a contract with an individual qualified under the program, to provide consultation services described in subsection (a), and receives a declaration of compliance under subsection (d)(3), the employer shall be exempt from the assessment of any civil penalty under section 17 for a period of 2 years after the date the employer receives the declaration.

"(2) EXCEPTIONS.—Paragraph (1) shall not apply—

"(A) if the employer involved has not made a good faith effort to remain in compliance as required under the declaration of compliance; or

"(B) to the extent that there has been a fundamental change in the hazards of the workplace.

"(g) DEFINITION.—In this section, the term 'program' means the program established by the Secretary under subsection (a).".

**SEC. 6. INDEPENDENT SCIENTIFIC PEER REVIEW.**

Section 6(b) (29 U.S.C. 655(b)(1)) is amended—

(1) by striking: "(4) Within" and inserting: "(4)(A) Within"; and

(2) by adding at the end the following:

"(B)(i) Prior to issuing a final standard under this paragraph, the Secretary shall submit the draft final standard and a copy of the administrative record to the National Academy of Sciences for review in accordance with clause (ii).

"(ii)(I) The National Academy of Sciences shall appoint an independent Scientific Review Committee.

"(II) The Scientific Review Committee shall conduct an independent review of the draft final standard and the scientific literature and make written recommendations with respect to the draft final standard to the Secretary, including recommendations relating to the appropriateness and adequacy of the scientific data, scientific methodology, and scientific conclusions, adopted by the Secretary.

"(III) If the Secretary decides to modify the draft final standard in response to the recommendations provided by the Scientific Review Committee, the Scientific Review Committee shall be given an opportunity to review and comment on the modifications before the final standard is issued.

"(IV) The recommendations of the Scientific Review Committee shall be published with the final standard in the Federal Register.".

**SEC. 7. CONTINUING EDUCATION AND PROFESSIONAL CERTIFICATION FOR CERTAIN OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION PERSONNEL.**

Section 8 (29 U.S.C. 657) is amended by adding at the end the following:

"(h) Any Federal employee responsible for enforcing this Act shall (not later than 2 years after the date of enactment of this subsection or 2 years after the initial employment of the employee) meet the eligibility requirements prescribed under subsection (a)(2) of section 8A.

"(i) The Secretary shall ensure that any Federal employee responsible for enforcing this Act who carries out inspections or investigations under this section, receive professional education and training at least every 5 years as prescribed by the Secretary.".

**SEC. 8. INSPECTION PROCEDURES AND QUOTAS.**

(a) IN GENERAL.—Section 8(f) (29 U.S.C. 657(f)) is amended—

(1) in paragraph (1)—

(A) in the second sentence, by inserting before "and a copy" the following: "and shall state whether the alleged violation has been brought to the attention of the employer and if so, whether the employer has refused to take any action to correct the alleged violation,";

(B) by inserting after the third sentence the following: "The inspection shall be conducted for the limited purpose of determining whether the violation exists. During such an inspection, the Secretary may take appropriate actions with respect to health and safety violations that are not within the scope of the inspection and that are observed by the Secretary or an authorized representative of the Secretary during the inspection."; and

(C) by inserting before the last period the following: ", and, upon request by the employee or employee representative, shall provide a written statement of the reasons for the determination of the Secretary"; and

(2) by adding at the end thereof the following:

"(3) The Secretary or an authorized representative of the Secretary may, as a method of investigating an alleged violation or danger under this subsection, attempt, if feasible, to contact an employer by telephone, facsimile, or other appropriate methods to determine whether—

"(A) the employer has taken corrective actions with respect to the alleged violation or danger; or

"(B) there are reasonable grounds to believe that a hazard exists.

"(4) The Secretary is not required to conduct an inspection under this subsection if the Secretary determines that a request for an inspection was made for reasons other than the safety and health of the employees of an employer or that the employees of an employer are not at risk.".

(b) QUOTAS.—Section 9 (29 U.S.C. 658) is amended by adding at the end the following:

"(d) The Secretary shall not establish for any employee within the Occupational Safety and Health Administration (including any regional director, area director, supervisor, or inspector) a quota with respect to the number of inspections conducted, the number of citations issued, or the amount of penalties collected, in accordance with this Act.

"(e) Not later than 12 months after the date of enactment of this subsection and annually thereafter, the Secretary shall report on the number of employers that are inspected under this Act and determined to be in compliance with the requirements prescribed under this Act.".

**SEC. 9. PERSONAL RESPONSIBILITIES.**

(a) THE USE OF ALTERNATIVE METHODS AS AN AFFIRMATIVE DEFENSE.—Section 9 (29 U.S.C. 658), as amended by section 8, is further amended by adding at the end the following:

"(f)(1) No citation may be issued under subsection (a) to an employer unless the employer knew, or with the exercise of reasonable diligence, would have known, of the presence of an alleged violation.

"(2) No citation shall be issued under subsection (a) to an employer for an alleged violation of section 5, any standard, rule, or order promulgated pursuant to section 6, any other regulation promulgated under this Act, or any other occupational safety and health standard, if the employer demonstrates that—

"(A) the employees of the employer have been provided with the proper training and equipment to prevent such a violation;

"(B) work rules designed to prevent such a violation have been established and adequately communicated to the employees by the employer and the employer has taken reasonable measures to discipline employees when violations of the work rules have been discovered;

"(C) the failure of employees to observe work rules led to the violation; and

"(D) reasonable measures have been taken by the employer to discover any such violation.

"(g) A citation issued under subsection (a) to an employer who violates section 5, any standard, rule, or order promulgated pursuant to section 6, or any other regulation promulgated under this Act shall be vacated if such employer demonstrates that the employees of such employer were protected by alternative methods that are equally or more protective of the safety and health of the employees than the methods required by such standard, rule, order, or regulation in the factual circumstances underlying the citation.

"(h) Subsections (f) and (g) shall not be construed to eliminate or modify other defenses that may exist to any citation.".

(b) EMPLOYEE RESPONSIBILITY.—The Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.) is amended by inserting after section 10 the following:

### "SEC. 10A. EMPLOYEE RESPONSIBILITY.

"(a) IN GENERAL.—Notwithstanding any other provision of this Act, an employee who, with respect to personal protective equipment, willfully violates any requirement of section 5 or any standard, rule, or order promulgated pursuant to section 6, or any regulation prescribed pursuant to this Act, may be assessed a civil penalty, as determined by the Secretary, for each violation.

"(b) CITATIONS.—If, upon inspection and investigation, the Secretary or the authorized representative of the Secretary believes that an employee of an employer has, with respect to personal protective equipment, violated any requirement of section 5 or any standard, rule, or order promulgated pursuant to section 6, or any regulation prescribed pursuant to this Act, the Secretary shall within 60 days issue a citation to the employee. Each citation shall be in writing and shall describe with particularity the nature of the violation, including a reference to the provision of this Act, standard, rule, regulation, or order alleged to have been violated. No citation may be issued under this section after the expiration of 6 months following the occurrence of any violation.

"(c) NOTIFICATION.—The Secretary shall notify the employee by certified mail of the citation and proposed penalty and that the employee has 15 working days within which to notify the Secretary that the employee wishes to contest the citation or penalty. If no notice is filed by the employee within 15 working days, the citation and the penalty, as proposed, shall be deemed a final order of the Commission and not subject to review by any court or agency.

"(d) CONTESTING OF CITATION.—If the employee notifies the Secretary that the employee intends to contest the citation or proposed penalty, the Secretary shall immediately advise the Commission of such notification, and the Commission shall afford an opportunity for a hearing (in accordance section 554 of title 5, United States Code). The Commission shall after the hearing issue an order, based on findings of fact, affirming, modifying, or vacating the Secretary's citation or proposed penalty, or directing other appropriate relief. Such order shall become final 30 days after issuance of the order.".

### SEC. 10. REDUCED PENALTIES FOR PAPERWORK VIOLATIONS.

Section 17 (29 U.S.C. 666) is amended by striking subsection (i) and inserting the following:

"(i) Any employer who violates any of the posting or paperwork requirements, other than fraudulent reporting requirement deficiencies, prescribed under this Act shall not be assessed a civil penalty for such a violation unless the Secretary determines that the employer has violated subsection (a) or (d) with respect to the posting or paperwork requirements.".

### SEC. 11. REVIEW BY THE COMMISSION.

Section 17 (29 U.S.C. 666) is amended by striking subsection (j) and inserting the following:

"(j) The Commission shall have authority to assess all civil penalties under this section. In assessing a penalty under this section for a violation, the Commission shall give due consideration to the appropriateness of the penalty with respect to—

"(1) the size of an employer;

"(2) the number of employees exposed to the violation;

"(3) the likely severity of any injuries directly resulting from the violation;

"(4) the probability that the violation could result in injury or illness;

"(5) the good faith of an employer in correcting the violation after the violation has been identified;

"(6) the history of previous violations by an employer; and

"(7) whether the violation is the sole result of the failure of an employer to meet a requirement under this Act, or prescribed by regulation, with respect to the posting of notices, the preparation or maintenance of occupational safety and health records, or the preparation, maintenance, or submission of any written information.".

### SEC. 12. TECHNICAL ASSISTANCE PROGRAM.

(a) IN GENERAL.—Section 21(c) (29 U.S.C. 670(c)) is amended—

(1) by striking "(c) The" and inserting "(c)(1) The";

(2) by striking "(1) provide" and inserting "(A) provide";

(3) by striking "(2) consult" and inserting "(B) consult"; and

(4) by adding at the end the following:

"(2)(A) The Secretary shall, through the authority granted under section 7(c) and paragraph (1), enter into cooperative agreements with States for the provision of consultation services by such States to employers concerning the provision of safe and healthful working conditions.

"(B)(i) Except as provided in clause (ii), the Secretary shall reimburse a State that enters into a cooperative agreement under subparagraph (A) in an amount that equals 90 percent of the costs incurred by the State for the provision of consultation services under such agreement.

"(ii) A State shall be reimbursed by the Secretary for 90 percent of the costs incurred by the State for the provision of—

"(I) training approved by the Secretary for State personnel operating under a cooperative agreement; and

"(II) specified out-of-State travel expenses incurred by such personnel.

"(iii) A reimbursement paid to a State under this subparagraph shall be limited to costs incurred by such State for the provision of consultation services under this paragraph and the costs described in clause (ii).

"(C) Notwithstanding any other provisions of law, not less than 15 percent of the total amount of funds appropriated for the Occupational Safety and Health Administration for a fiscal year shall be used for education, consultation, and outreach efforts.".

(b) PILOT PROGRAM.—Section 21 (29 U.S.C. 670) is amended by adding at the end the following:

"(d)(1) Not later than 90 days after the date of enactment of this subsection, the Secretary shall establish and carry out a pilot program in 3 States to provide expedited consultation services, with respect to the provision of safe and healthful working conditions, to employers that are small businesses (as the term is defined by the Administrator of the Small Business Administration). The Secretary shall carry out the program for a period not to exceed 2 years.

"(2) The Secretary shall provide consultation services under paragraph (1) not later than 4 weeks after the date on which the Secretary receives a request from an employer.

"(3) The Secretary may impose a nominal fee to an employer requesting consultation services under paragraph (1). The fee shall be in an amount determined by the Secretary. Employers paying a fee shall receive priority consultation services by the Secretary.

"(4) In lieu of issuing a citation under section 9 to an employer for a violation found by the Secretary during a consultation under paragraph (1), the Secretary shall permit the employer to carry out corrective measures to correct the conditions causing the violation. The Secretary shall conduct not more than 2 visits to the workplace of the employer to determine if the employer has carried out the corrective measures. The Secretary shall issue a citation as prescribed under section 5 if, after such visits, the employer has failed to carry out the corrective measures.

"(5) Not later than 90 days after the termination of the program under paragraph (1), the Secretary shall prepare and submit a report to the appropriate committees of Congress that contains an evaluation of the implementation of the pilot program.".

### SEC. 13. VOLUNTARY PROTECTION PROGRAMS.

(a) COOPERATIVE AGREEMENTS.—The Secretary of Labor shall establish cooperative agreements with employers to encourage the establishment of comprehensive safety and health management systems that include—

(1) requirements for systematic assessment of hazards;

(2) comprehensive hazard prevention, mitigation, and control programs;

(3) active and meaningful management and employee participation in the voluntary program described in subsection (b); and

(4) employee safety and health training.

(b) VOLUNTARY PROTECTION PROGRAM.—

(1) IN GENERAL.—The Secretary of Labor shall establish and carry out a voluntary protection program (consistent with subsection (a)) to encourage and recognize the achievement of excellence in both the technical and managerial protection of employees from occupational hazards. The Secretary of Labor shall encourage small businesses (as the term is defined by the Administrator of the Small Business Administration) to participate in the voluntary protection program by carrying out outreach and assistance initiatives and developing program requirements that address the needs of small businesses.

(2) PROGRAM REQUIREMENT.—The voluntary protection program shall include the following:

(A) APPLICATION.—Employers who volunteer under the program shall be required to submit an application to the Secretary of Labor demonstrating that the worksite with respect to which the application is made meets such requirements as the Secretary of Labor may require for participation in the program.

(B) ONSITE EVALUATIONS.—There shall be onsite evaluations by representatives of the Secretary of Labor to ensure a high level of protection of employees. The onsite visits shall not result in enforcement of citations under the Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.).

(C) INFORMATION.—Employers who are approved by the Secretary of Labor for participation in the program shall assure the Secretary of Labor that information about the safety and health program of the employers shall be made readily available to the Secretary of Labor to share with employees.

(D) REEVALUATIONS.—Periodic reevaluations by the Secretary of Labor of the employers shall be required for continued participation in the program.

(3) EXEMPTIONS.—A site with respect to which a program has been approved shall, during participation in the program be exempt from inspections or investigations and certain paperwork requirements to be determined by the Secretary of Labor, except that

this paragraph shall not apply to inspections or investigations arising from employee complaints, fatalities, catastrophes, or significant toxic releases.

### SEC. 14. PREVENTION OF ALCOHOL AND SUBSTANCE ABUSE.

The Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.) is amended—

(1) by striking sections 29, 30, and 31;

(2) by redesignating sections 32, 33, and 34 as sections 30, 31, and 32, respectively; and

(3) by inserting after section 28 (29 U.S.C. 676) the following:

### "SEC. 29. ALCOHOL AND SUBSTANCE ABUSE TESTING.

"(a) Program Purpose.—In order to secure a safe workplace, employers may establish and carry out an alcohol and substance abuse testing program in accordance with subsection (b).

"(b) Federal Guidelines.—An alcohol and substance abuse testing program described in subsection (a) shall meet the following requirements:

"(1) Substance abuse.—A substance abuse testing program shall permit the use of an onsite or offsite urine screening or other recognized screening methods, so long as the confirmation tests are performed in accordance with the mandatory guidelines for Federal workplace testing programs published by the Secretary of Health and Human Services on April 11, 1988, at section 11979 of title 53, Code of Federal Regulations (including any amendments to such guidelines), in a lab that is subject to the requirements of subpart B of such mandatory guidelines.

"(2) Alcohol.—The alcohol testing component of the program shall take the form of alcohol breath analysis and shall conform to any guidelines developed by the Secretary of Transportation for alcohol testing of mass transit employees under the Department of Transportation and Related Agencies Appropriations Act, 1992.

"(c) Test Requirements.—This section shall not be construed to prohibit an employer from requiring—

"(1) an applicant for employment to submit to and pass an alcohol or substance abuse test before employment by the employer; or

"(2) an employee, including managerial personnel, to submit to and pass an alcohol or substance abuse test—

"(A) on a for-cause basis or where the employer has reasonable suspicion to believe that such employee is using or is under the influence of alcohol or a controlled substance;

"(B) where such test is administered as part of a scheduled medical examination;

"(C) in the case of an accident or incident, involving the actual or potential loss of human life, bodily injury, or property damage;

"(D) during the participation of an employee in an alcohol or substance abuse treatment program, and for a reasonable period of time (not to exceed 5 years) after the conclusion of such program; or

"(E) on a random selection basis in work units, locations, or facilities.

"(d) Construction.—Nothing in this section shall be construed to require an employer to establish an alcohol and substance abuse testing program for applicants or employees or make employment decisions based on such test results.

"(e) Preemption.—The provisions of this section shall preempt any provision of State law to the extent that such State law is inconsistent with this section.

"(f) Investigations.—The Secretary is authorized to conduct testing of employees (including managerial personnel) of an employer for use of alcohol or controlled substances during any investigations of a work-related fatality or serious injury.".

### SEC. 15. CONSULTATION ALTERNATIVES.

Subsection (a) of section 9 (29 U.S.C. 658(a)) is amended to read as follows:

"(a)(1) Nothing in this Act shall be construed as prohibiting the Secretary or the authorized representative of the Secretary from providing technical or compliance assistance to an employer in correcting a violation discovered during an inspection or investigation under this Act without issuing a citation.

"(2) Except as provided in paragraph (3), if, upon an inspection or investigation, the Secretary or an authorized representative of the Secretary believes that an employer has violated a requirement of section 5, of any regulation, rule, or order promulgated pursuant to section 6, or of any regulations prescribed pursuant to this Act, the Secretary may with reasonable promptness issue a citation to the employer. Each citation shall be in writing and shall describe with particularity the nature of a violation, including a reference to the provision of the Act, regulation, rule, or order alleged to have been violated. The citation shall fix a reasonable time for the abatement of the violation.

"(3) The Secretary or the authorized representative of the Secretary—

"(A) may issue a warning in lieu of a citation with respect to a violation that has no significant relationship to employee safety or health; and

"(B) may issue a warning in lieu of a citation in cases in which an employer in good faith acts promptly to abate a violation if the violation is not a willful or repeated violation.".

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By Mr. SMITH of Oregon:

S. 1238. A bill to amend section 1926 of the Public Health Service Act to encourage States to strengthen their efforts to prevent the sale and distribution of tobacco products to individuals under the age of 18 and for other purposes; to the Committee on Labor and Human Resources.

### THE TOBACCO USE BY MINORS DETERRENCE ACT OF 1997

Mr. SMITH of Oregon. Mr. President, today in America, too many teenagers have access to too much tobacco at too many stores and retail outlets. The result? Each day 3,000 more young people start smoking and get addicted to lethal tobacco products.

As Congress considers legislation to reduce teenage smoking and to address the growing public health concerns associated with the use of tobacco, I want to propose a concept that goes to the heart of the problem—keeping tobacco products out of the hands of kids. While there are numerous well-intentioned suggestions as to how to best achieve this goal, I believe that the proposal I am introducing today goes to the heart of the problem—holding both those who sell tobacco accountable and those who illegally purchase tobacco responsible. It demands the participation by store owners, clerks, parents, kids, and local law enforcement.

The proposal is a simple, direct approach: require those who sell tobacco to be licensed and trained, and hold children who illegally purchase tobacco responsible for their actions—by notifying their parents, imposing fines and community service, and restricting access to driving privileges.

With this legislation, we have an opportunity to take some incremental and immediate action today, to empower our communities in the fight against teenage tobacco use. The Tobacco Use by Minors Deterrence Act elicits cooperation among families, communities, the retailers, and law enforcement officials in the fight against tobacco use by children. Importantly, this legislation gives retailers a new leadership role and places greater responsibility on parents and minors.

First, this bill establishes a self-funding State license program for retailers to sell tobacco products, similar to liquor licenses. Second, it imposes strict penalties on store owners and employees for selling tobacco products to minors. Third, it requires employee training on all tobacco laws. Fourth, it subjects minors who are caught purchasing or using tobacco products to punishments that are meaningful to them, including the option of fines, parental notification, community service, and possible loss of driving privileges.

In my State of Oregon, restrictions on the distribution and sale of tobacco products are some of the strongest in the Nation. This legislation echoes Oregon's commitment by making it more difficult for retailers across the Nation to make a profit from the illegal sale of tobacco products to children.

Just how important is it that we take immediate action? Each day that we wait for the pending FDA lawsuits, and each day that we spend talking about doing something to reduce tobacco use by our Nation's children, 3,000 more young people begin smoking. I want you to think about that for a moment. Each day, 3,000 children start smoking—that's more than 1 million children each year. To put this into perspective, the Centers for Disease Control [CDC] estimates that 16.6 million of our children today will become regular smokers, and almost one-third, approximately 5 million children, will die from tobacco-related illness. In my State of Oregon, 191,688 children under 18 are projected to become smokers; 61,340 of those youth will die. It is time to recognize teen tobacco use for what it is—a public health epidemic.

In addition to the loss of life associated with tobacco use, there is a significant cost to our public health system. Currently, health care costs caused directly by smoking total more than $50 billion each year. We cannot afford to wait any longer. Because the longer we postpone empowering communities, families, and law enforcement officials, we do so by sacrificing the health and life of our children.

## ADDITIONAL COSPONSORS

S. 28

At the request of Mr. THURMOND, the names of the Senator from South Carolina [Mr. HOLLINGS] and the Senator from Rhode Island [Mr. CHAFEE] were added as cosponsors of S. 28, a bill to amend title 17, United States Code, with respect to certain exemptions from copyright, and for other purposes.

S. 61

At the request of Mr. LOTT, the name of the Senator from Florida [Mr. GRAHAM] was added as a cosponsor of S. 61, a bill to amend title 46, United States Code, to extend eligibility for veterans' burial benefits, funeral benefits, and related benefits for veterans of certain service in the U.S. merchant marine during World War II.

S. 766

At the request of Ms. SNOWE, the name of the Senator from South Dakota [Mr. DASCHLE] was added as a cosponsor of S. 766, a bill to require equitable coverage of prescription contraceptive drugs and devices, and contraceptive services under health plans.

S. 773

At the request of Mr. DURBIN, the name of the Senator from Minnesota [Mr. WELLSTONE] was added as a cosponsor of S. 773, a bill to designate certain Federal lands in the State of Utah as wilderness, and for other purposes.

S. 852

At the request of Mr. LOTT, the name of the Senator from Tennessee [Mr. THOMPSON] was added as a cosponsor of S. 852, a bill to establish nationally uniform requirements regarding the titling and registration of salvage, nonrepairable, and rebuilt vehicles.

S. 943

At the request of Mr. SPECTER, the name of the Senator from Texas [Mr. GRAMM] was added as a cosponsor of S. 943, a bill to amend title 49, United States Code, to clarify the application of the Act popularly known as the "Death on the High Seas Act" to aviation accidents.

S. 1096

At the request of Mr. KERREY, the name of the Senator from Nebraska [Mr. HAGEL] was added as a cosponsor of S. 1096, a bill to restructure the Internal Revenue Service, and for other purposes.

S. 1133

At the request of Mr. COVERDELL, the names of the Senator from New York [Mr. D'AMATO] and the Senator from Pennsylvania [Mr. SANTORUM] were added as cosponsors of S. 1133, a bill to amend the Internal Revenue Code of 1986 to allow tax-free expenditures from education individual retirement accounts for elementary and secondary school expenses and to increase the maximum annual amount of contributions to such accounts.

S. 1141

At the request of Mr. JOHNSON, the name of the Senator from Illinois [Ms. MOSELEY-BRAUN] was added as a cosponsor of S. 1141, a bill to amend the Energy Policy Act of 1992 to take into account newly developed renewable energy-based fuels and to equalize alternative fuel vehicle acquisition incentives to increase the flexibility of controlled fleet owners and operators, and for other purposes.

S. 1180

At the request of Mr. KEMPTHORNE, the name of the Senator from Georgia [Mr. COVERDELL] was added as a cosponsor of S. 1180, a bill to reauthorize the Endangered Species Act.

S. 1205

At the request of Mrs. MURRAY, the name of the Senator from Washington [Mr. GORTON] was added as a cosponsor of S. 1205, a bill to amend the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 to clarify that records of arrival or departure are not required to be collected for purposes of the automated entry-exit control system developed under section 110 of such Act for Canadians who are not otherwise required to possess a visa, passport, or border crossing identification card.

SENATE CONCURRENT RESOLUTION 42

At the request of Mr. D'AMATO, the names of the Senator from Kansas [Mr. BROWNBACK], the Senator from Illinois [Ms. MOSELEY-BRAUN], the Senator from South Carolina [Mr. HOLLINGS], and the Senator from Louisiana [Mr. BREAUX] were added as cosponsors of Senate Concurrent Resolution 42, a concurrent resolution to authorize the use of the rotunda of the Capitol for a congressional ceremony honoring Ecumenical Patriarch Bartholomew.

SENATE CONCURRENT RESOLUTION 50

At the request of Mr. HUTCHINSON, the name of the Senator from Maine [Ms. COLLINS] was added as a cosponsor of Senate Concurrent Resolution 50, a concurrent resolution condemning in the strongest possible terms the bombing in Jerusalem on September 4, 1997.

SENATE RESOLUTION 116

At the request of Mr. LEVIN, the names of the Senator from Minnesota [Mr. GRAMS] and the Senator from New Jersey [Mr. LAUTENBERG] were added as cosponsors of Senate Resolution 116, a resolution designating November 15, 1997, and November 15, 1998, as "America Recycles Day."

SENATE RESOLUTION 124

At the request of Mr. ROTH, the names of the Senator from Ohio [Mr. DEWINE] and the Senator from New York [Mr. MOYNIHAN] were added as cosponsors of Senate Resolution 124, a resolution to state the sense of the Senate that members of the Khmer Rouge who participated in the Cambodian genocide should be brought to justice before an international tribunal for crimes against humanity.

AMENDMENT NO. 1253

At the request of Mr. MACK the names of the Senator from Rhode Island [Mr. REED] and the Senator from Pennsylvania [Mr. SANTORUM] were added as cosponsors of amendment No. 1253 proposed to S. 1156, an original bill making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1998, and for other purposes.

## AMENDMENTS SUBMITTED

## THE DISTRICT OF COLUMBIA APPROPRIATIONS ACT, 1998

### JEFFORDS AMENDMENT NO. 1226

Mr. JEFFORDS proposed an amendment to the bill (S. 1156) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1998, and for other purposes; as follows:

At the end of the bill, add the following:

### DIVISION 2—METROPOLITAN WASHINGTON EDUCATION AND WORKFORCE TRAINING IMPROVEMENT ACT OF 1997

**SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.**

(a) SHORT TITLE.—This division may be cited as the "Metropolitan Washington Education and Workforce Training Improvement Act of 1997".

(b) TABLE OF CONTENTS.—The table of contents of this division is as follows:

Sec. 1. Short title and table of contents.
Sec. 2. Findings and purpose.

TITLE I—METROPOLITAN WASHINGTON EDUCATION AND WORKFORCE TRAINING GRANTS

Sec. 101. Definitions.
Sec. 102. Grants.
Sec. 103. Metropolitan Partnership.
Sec. 104. Metropolitan Board.

TITLE II—METROPOLITAN WASHINGTON EDUCATION AND WORKFORCE TRAINING TAX

Sec. 201. Tax on income of nonresidents.
Sec. 202. Repeal of unincorporated business tax.
Sec. 203. Withholding and returns.
Sec. 204. Credit for State income tax payments.
Sec. 205. Technical amendment.
Sec. 206. Reciprocal tax collection.
Sec. 207. Metropolitan Washington Education and Workforce Training Trust Fund.
Sec. 208. Effective date.

**SEC. 2. FINDINGS AND PURPOSE.**

(a) FINDINGS.—The Congress finds that—

(1) the Greater Washington Metropolitan Area has an expanding regional economy but suffers from a serious regional labor market shortage that threatens economic growth;

(2) the region's education and training systems, particularly in the District of Columbia, fail to provide many youths and adults with the skills necessary to be competitive in the regional labor market;

(3) the need for a better skilled area workforce makes it imperative that the region's businesses, educational institutions, and governments work together to provide youth and adults with the education and training necessary to meet the needs of the 21st century;

(4) the condition of school facilities is a major impediment to improving the quality of education in the District of Columbia and their repair and modernization is a necessary step in making the District's public schools a full partner in preparing students for the regional labor market;

(5) the University of the District of Columbia, as well as other area institutions of post-secondary education, have an important role to play in providing skills training to meet the needs of the regional labor market;

(6) although the present revenues for the District of Columbia public school system provide sufficient operating funds, as with other public school systems in the metropolitan region, there are insufficient revenues for programs to prepare students to compete in the global economy and or to provide students with the skills demanded by the local market: and

(7) the Greater Washington Metropolitan Area has an opportunity to set a national example of regional cooperation in engaging in education reform and workforce training.

(b) PURPOSE.—

(1) IN GENERAL.—It is the purpose of this division to foster the development of a regional workforce investment system that will bring about improvements in education and workforce preparation by—

(A) creating a metropolitan partnership through which area businesses, school systems, postsecondary institutions, and governments can cooperate in charting a course for reforms and investments in education and workforce training; and

(B) providing the Greater Washington Metropolitan Area with the resources necessary to lead the Nation in improving its capacity to provide for a highly educated and skilled workforce.

(2) NONRESIDENT TAX.—The purpose of imposing the tax established by title II is to—

(A) fund the repair and modernization of District of Columbia public schools; and

(B) provide resources to carry out the activities of a Washington metropolitan partnership as described in title I.

## TITLE I—METROPOLITAN WASHINGTON EDUCATION AND WORKFORCE TRAINING GRANTS

### SEC. 101. DEFINITIONS.

In this title:

(1) ELEMENTARY SCHOOL; LOCAL EDUCATIONAL AGENCY; SECONDARY SCHOOL.—The terms "elementary school", "local educational agency", and "secondary school" have the meanings given the terms in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801).

(2) METROPOLITAN REGION.—The term "metropolitan region" means the Washington, D.C. metropolitan area, as defined by the Secretaries.

(3) POSTSECONDARY INSTITUTION.—The term "postsecondary institution" has the meaning given the term "institution of higher education" in section 481 of the Higher Education Act of 1965 (20 U.S.C. 1088).

(4) PRINCIPAL.—The term "principal" means an elementary school or secondary school principal.

(5) SECRETARIES.—The term "Secretaries" means the Secretary of Education and the Secretary of Labor, acting jointly.

(6) TEACHER.—The term "teacher" means an elementary school or secondary school teacher.

### SEC. 102. GRANTS.

(a) IN GENERAL.—Using funds made available from the Metropolitan Washington Education and Workforce Training Trust Fund, established in section 208, the Secretaries shall make grants to agencies and organizations to assist the agencies and organizations in carrying out the education and workforce training activities described in subsection (c) in the metropolitan region.

(b) ELIGIBILITY.—

(1) IN GENERAL.—To be eligible to receive a grant under this section, an entity shall be a local educational agency, or a public or private organization with demonstrated ability and experience in carrying out the education and workforce training activities.

(2) WORKFORCE TRAINING.—To be eligible to receive a grant under this section to provide services described in subsection (c)(5), an entity shall—

(A) be an postsecondary institution, business, or another provider of workforce training, such as literacy services, in the metropolitan region; and

(B) have demonstrated ability and experience in providing workforce training.

(c) USE OF FUNDS.—An agency or organization that receives a grant under subsection (a) shall use funds made available through the grant to carry out activities in the metropolitan region that consist of—

(1) providing professional development activities, including access to model professional development programs, for teachers and principals;

(2) developing apprenticeships and other programs that provide business experience to teachers who are participating in vocational training or technology training;

(3) constructing, renovating, repairing, or improving elementary schools, secondary schools, or other educational facilities for workforce training programs;

(4) developing partnerships between businesses, and vocational education or vocational training providers, to carry out student internship programs;

(5) providing youth and adult workforce training with remedial help such as literacy services;

(6) establishing model benchmarks to be used in the development of rigorous education and workforce training curricula;

(7) providing for both annual and long-term evaluation and assessment of other education and workforce training activities described in this subsection, including evaluation and assessment of—

(A) the degree to which expenditures of funds made available through the grant result in improvements in the activities;

(B) the extent to which the activities succeed in preparing participants for entry into postsecondary education, further learning, or high-skill, high-wage careers;

(C) the effect of benchmarks, performance measures, and other measures of accountability on the delivery of the activities; and

(D) the extent to which vocational training enhances the employment and earning potential of participants, reduces income support costs, and increases the level of employment in the metropolitan region;

(8) assisting in the development of individual mentoring and parental involvement programs and career path records for elementary and secondary school students;

(9) establishing—

(A) voluntary skill standards for participants in workforce training; and

(B) a methodology to assess the participants and certify attainment of the standards;

(10) assessing the need for, and utilization of, educational technology in the metropolitan region, including assessment of the potential for linkages among—

(A) elementary schools or secondary schools;

(B) workforce training providers; and

(C) businesses;

(11) improving educational technology in elementary schools or secondary schools; or

(12) providing resources to extend a school year or school day for any elementary school or secondary school that elects to make such an extension.

(d) APPLICATION.—To be eligible to receive a grant under this section, an agency or organization shall submit an application to the Secretaries at such time, in such manner, and containing such information as the Secretaries may require.

(e) DISTRIBUTION OF FUNDS.—

(1) IN GENERAL.—In making grants under subsection (a), the Secretaries shall, to the extent practicable, ensure that the funds made available through the grants are equitably distributed among the jurisdictions in the metropolitan region.

(2) SPECIAL RULE FOR THE DISTRICT OF COLUMBIA.—Any grants awarded to District of Columbia public schools under this section shall be expended in a manner consistent with section 2101(b)(1) of Public Law 104-134.

(f) MAINTENANCE OF EFFORT.—

(1) DEFINITION.—As used in this subsection, the term "covered activities" means education and workforce training activities described in subsection (c) and carried out in the District of Columbia.

(2) IN GENERAL.—Except as provided in paragraphs (3) and (4), no payments shall be made under this title for any fiscal year to an agency or organization for covered activities, unless the Secretaries determine that the fiscal effort per participant or the aggregate expenditures of the agency or organization for the activities for the fiscal year preceding the fiscal year for which the determination is made, equaled or exceeded the effort or expenditures for the activities for the second fiscal year preceding the fiscal year for which the determination is made.

(3) COMPUTATION.—In computing the fiscal effort or aggregate expenditures pursuant to paragraph (2), the Secretaries shall exclude capital expenditures, special one-time project costs, similar windfalls, and the cost of pilot programs.

(4) DECREASE IN FEDERAL SUPPORT.—If the amount made available for covered activities under this title for a fiscal year is less than the amount made available for the activities under this title the preceding fiscal year, then the fiscal effort per participant or the aggregate expenditures of the agency or organization required by paragraph (2) for the preceding fiscal year shall be decreased by the same percentage as the percentage decrease in the amount so made available.

(g) TECHNICAL ASSISTANCE FOR SKILL STANDARDS AND METHODOLOGY.—If the Secretaries make a grant to an agency or organization under this section to establish the standards and methodology described in subsection (c)(7), the National Skill Standards Board established under section 503 of the National Skill Standards Act of 1994 (29 U.S.C. 5933) shall provide technical assistance to the agency or organization.

### SEC. 103. METROPOLITAN PARTNERSHIP.

(a) ESTABLISHMENT.—There is established in the Department of Labor and the Department of Education a Metropolitan Washington Education and Workforce Training Partnership (referred to in this title as the "Metropolitan Partnership"), under the joint control of the Secretary of Labor and the Secretary of Education.

(b) ADMINISTRATION.—Notwithstanding the Department of Education Organization Act (20 U.S.C. 3401 et seq.), the General Education Provisions Act (20 U.S.C. 1221 et seq.), the Act entitled "An Act To Create a Department of Labor", approved March 4, 1913 (29 U.S.C. 551 et seq.), and section 169 of the Job Training Partnership Act (29 U.S.C. 1579), the Secretaries shall provide for, and exercise final authority over, the effective and efficient administration of this title and the officers and employees of the Metropolitan Partnership.

(c) RESPONSIBILITIES OF SECRETARIES.—The Secretaries, working through the Metropolitan Partnership, shall approve the applications, and make the grants, described in section 102.

### SEC. 104. METROPOLITAN BOARD.

(a) METROPOLITAN BOARD.—

(1) COMPOSITION.—There is established, in the Metropolitan Partnership, a Metropolitan Washington Education and Workforce Training Board (referred to in this title as the "Metropolitan Board") that shall be composed of 13 individuals, including—

(A) 7 individuals who are representative of business and industry in the metropolitan region, appointed by the President;

(B) 3 individuals who are representative of providers of secondary education, postsecondary education, and workforce training in the metropolitan region, appointed by the President; and

(C) 3 individuals who are representative of local government officers and employees in the metropolitan region, including at least 1 representative of a local government in Maryland, 1 representative of a local government in Virginia, and 1 representative of the local government of the District of Columbia, appointed by the President.

(2) TERMS.—Each member of the Metropolitan Board shall serve for a term of 3 years, except that, as designated by the President—

(A) 5 of the members first appointed to the Metropolitan Board shall serve for a term of 2 years;

(B) 4 of the members first appointed to the Metropolitan Board shall serve for a term of 3 years; and

(C) 4 of the members first appointed to the Metropolitan Board shall serve for a term of 4 years.

(3) VACANCIES.—Any vacancy in the Metropolitan Board shall not affect the powers of the Metropolitan Board, but shall be filled in the same manner as the original appointment. Any member appointed to fill such a vacancy shall serve for the remainder of the term for which the predecessor of such member was appointed.

(4) DUTIES AND POWERS OF THE METROPOLITAN BOARD.—The Metropolitan Board shall—

(A) provide advice to the Secretary of Labor and the Secretary of Education regarding reviewing and approving applications, and making grants, described in section 102; and

(B) prepare and submit to the appropriate committees of Congress an annual report on the activities of the Metropolitan Partnership.

(5) CHAIRPERSON.—The position of Chairperson of the Metropolitan Board shall rotate annually among the appointed members described in paragraph (1)(A).

(6) MEETINGS.—The Metropolitan Board shall meet at the call of the Chairperson but not less often than 4 times during each calendar year. Seven members of the Metropolitan Board shall constitute a quorum. All decisions of the Metropolitan Board with respect to the exercise of the duties and powers of the Metropolitan Board shall be made by a majority vote of the members of the Metropolitan Board.

(7) COMPENSATION AND TRAVEL EXPENSES.—

(A) COMPENSATION.—Members of the Metropolitan Board shall serve without compensation. Notwithstanding section 1342 of title 31, United States Code, the Secretaries may accept the voluntary and uncompensated services of members of the Metropolitan Board.

(B) EXPENSES.—The members of the Metropolitan Board shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Metropolitan Board.

(8) DATE OF APPOINTMENT.—The Metropolitan Board shall be appointed not later than 120 days after the date of enactment of this Act.

(9) NONTERMINATION OF BOARD.—Section 14 of the Federal Advisory Committee Act shall not apply to the Metropolitan Board.

(b) DIRECTOR.—

(1) IN GENERAL.—There shall be in the Metropolitan Partnership a Director, who shall be appointed by the President, by and with the advice and consent of the Senate.

(2) COMPENSATION.—The Director shall be compensated at the rate provided for level IV of the Executive Schedule under section 5315 of title 5, United States Code.

(3) DUTIES.—The Director shall carry out the administrative duties of the Metropolitan Partnership.

(4) DATE OF APPOINTMENT.—The Director shall be appointed not later than 120 days after the date of enactment of this Act.

(c) PERSONNEL.—

(1) APPOINTMENTS.—The Director may appoint and fix the compensation of 2 employees to carry out the functions of the Metropolitan Partnership. Except as otherwise provided by law, such employees shall be appointed in accordance with the civil service laws and their compensation fixed in accordance with title 5, United States Code.

(2) EXPERTS AND CONSULTANTS.—The Director may obtain the services of experts and consultants in accordance with section 3109 of title 5, United States Code, and compensate such experts and consultants for each day (including travel time) at rates not in excess of the rate of pay for level IV of the Executive Schedule under section 5315 of such title. The Director may pay experts and consultants who are serving away from their homes or regular places of business travel expenses and per diem in lieu of subsistence at rates authorized by sections 5702 and 5703 of such title for persons in Government service employed intermittently.

(3) DETAIL OF GOVERNMENT EMPLOYEES.—Any Federal Government employee may be detailed to the Metropolitan Partnership without reimbursement, and such detail shall be without interruption or loss of civil service or privilege.

(4) USE OF VOLUNTARY AND UNCOMPENSATED SERVICES.—Notwithstanding section 1342 of title 31, United States Code, the Secretary of Labor and the Secretary of Education are authorized to accept voluntary and uncompensated services in furtherance of the objectives of this title.

(5) MONETARY CONTRIBUTIONS.—Notwithstanding any other provision of law, the Metropolitan Partnership may accept monetary contributions to defray expenses.

## TITLE II—METROPOLITAN WASHINGTON EDUCATION AND WORKFORCE TRAINING TAX

### SEC. 201. TAX ON INCOME OF NONRESIDENTS.

(a) DEFINITION.—

(1) IN GENERAL.—Title III of the District of Columbia Income and Franchise Tax Act of 1947 (D.C. Code, secs. 47-1803.1—47-1803.2) is amended by adding at the end thereof the following new section:

"SEC. 4. GROSS INCOME AND EXCLUSION THEREFROM IN THE CASE OF NONRESIDENTS.—(a) In the case of nonresidents, the words 'gross income' shall include—

"(1) gains, profits, and income derived from salaries, wages, or compensation for personal services performed within the District of whatever kind and in whatever form paid, including salaries, wages, and compensation paid by the United States to its officers and employees, or income derived from any trade or business carried on within the District within the meaning of title X of this article or sales or dealings in property located within the District, whether real or personal, including capital assets as defined in this article, growing out of the ownership, or sale of, or interest in, such property; and

"(2) income derived from rent, on such property located within the District, or transactions of any trade or business carried on within the District within the meaning of title X of this article for gain or profit, or gains or profits.

"(b) In the case of nonresidents, the words 'gross income' shall not include any of the income described in subsection (b) of section 2 of this title.".

(2) CONFORMING AMENDMENT.—Section 2 of such title III (D.C. Code, sec. 47-1803.2) is amended by striking out ".—(a) The" and inserting in lieu thereof "IN THE CASE OF RESIDENTS.—(a) In the case of residents, the".

(b) INCOME TAX ON NONRESIDENTS.—

(1) IN GENERAL.—The District of Columbia Income and Franchise Tax Act of 1947 (D.C. Code, secs. 47-1801.1—47-1816.3) is amended by adding at the end thereof the following new title:

"TITLE XVII—INCOME TAX ON NONRESIDENTS

"SEC. 1. INCOME TAX ON NONRESIDENTS.—(a) For each taxable year, there is imposed on the taxable income of each nonresident an income tax determined at a rate equal to one-third of the rate applicable in the case of a resident under title VI of this article.

"(b) In computing the net income of a nonresident for purposes of this title, such nonresident shall be allowed a deduction equal to that portion of the deductions which would be allowed under any paragraph of section 3(a) of title III of this article to the nonresident if such nonresident were a resident which bears the same ratio to the sum of such deductions as the income of such nonresident subject to tax under this title bears to the gross income of such nonresident from all sources.

"(c) In computing taxable income for purposes of this title, there shall be allowed to nonresidents as credits against net income the personal exemptions allowed to residents under section 2 of title VI.

"SEC. 2. LIMITATION ON AUTHORITY OF THE COUNCIL TO REVISE TAX ON NONRESIDENTS.—The Council of the District of Columbia may not—

"(1) amend or otherwise revise this title so as to impose any additional or greater tax on the whole or any portion of the personal income of any nonresident unless at the same time it also amends or revises title VI of this article so as to impose the same proportion of additional or greater tax on the whole or portion of the personal income of any resident as was imposed on the whole or portion of the personal income of a nonresident; or

"(2) provide any deductions or personal exemptions to residents which are not also available, in accordance with section 1 of this title, in the case of nonresidents.

"SEC. 3. DISPOSITION OF REVENUES.—The District of Columbia shall allocate the revenues received under this title as follows:

"(1) One-third of the revenues shall be transferred to the District of Columbia Financial Responsibility and Management Assistance Authority for the purpose of funding the repair and modernization of public schools in the District of Columbia.

"(2) Two-thirds of the revenues shall be transferred to the Metropolitan Washington Education and Workforce Training Trust Fund established by section 208 of the Metropolitan Washington Education and Workforce Training Improvement Act of 1997.".

(2) PHASE-IN OF TAX.—The income tax imposed by title XVII of the District of Columbia Income and Franchise Tax Act of 1947 (as added by paragraph (1) of this subsection) shall be phased in as follows:

(A) In the calendar year beginning after the date of enactment of this Act, the rate shall be ½ of the rate imposed and revenues received shall be expended as provided in section 3(1) of title XVII.

(B) In the calendar year beginning after the calendar year referred to in subparagraph (A), the rate shall be the full rate imposed and revenues received shall be expended ⅓ as provided in section 3(1) and ⅔ as provided in section 3(2) of title XVII.

(3) EXISTING TAX ON NONRESIDENTS.—Title VI of such Act is amended—

(A) in the title heading, by striking out "AND NONRESIDENTS"; and

(B) in section 1 (D.C. Code, sec. 47-1806.1)—

(i) by striking out "every resident" and inserting in lieu thereof "an individual", and

(ii) by inserting "in the case of residents and by section 1(c) of title XVII in the case of nonresidents" immediately after "this title".

### SEC. 202. REPEAL OF UNINCORPORATED BUSINESS TAX.

(a) IN GENERAL.—Title VIII of the District of Columbia Income and Franchise Tax Act of 1947 (D.C. Code, secs. 47-1808.1—47-1808.7) is amended—

(1) in the title heading, by striking out "TAX ON" and inserting in lieu thereof "NET INCOME OF"; and

(2) by repealing sections 2 through 6 and inserting in lieu thereof the following:

"SEC. 2. NET INCOME OF UNINCORPORATED BUSINESSES.—(a) An unincorporated business as such shall not be subject to tax under this article. Individuals carrying on a trade or business as an unincorporated business shall be liable in their individual capacity, under title VI of this article in the case of residents and under title XVII of this article in the case of nonresidents, for tax with respect to their distributive share, whether distributed or not, of the net income of such unincorporated business derived from sources within the District within the meaning of title X of this article. If an individual entitled to a distributive share of such net income of an unincorporated business computes his income tax under this article upon the basis of a period different from that upon the basis of which the net income of the unincorporated business is computed, then his distributive share of the net income of the unincorporated business for any accounting period of the unincorporated business ending within the taxable year upon the basis of which such individual's income tax is computed shall be included in computing such tax.

"(b) If the deductions which are allowed or allowable to an unincorporated business under section 3(a) of title III of this article exceed the gross income of such unincorporated business derived from sources within the District within the meaning of title X of this article, the distributive shares of such excess deductions shall be allowed as deductions to the individuals entitled thereto in determining their individual tax liability under title VI of this article in the case of residents and under title XVII of this article in the case of nonresidents, except that in the case of a nonresident such excess deductions shall be allowed to the nonresident only to the extent provided in section 1(b) of such title XVII. If an individual entitled to a distributive share of the excess deductions of an unincorporated business computes his income tax under this article upon the basis of a period different from that upon the basis of which the net income of the unincorporated business is computed, then his distributive share of the excess deductions of the unincorporated business for any accounting period of the unincorporated business ending within the taxable year upon the basis of which such individual's income tax is computed shall be included in computing such tax.

"(c) In computing the net income or the excess deductions of an unincorporated business for purposes of this title, the full amount of the deductions described in section 3(a) of title III of this article shall be allowed to such unincorporated business notwithstanding that a nonresident may be entitled to a distributive share of such net income or excess deductions.".

(b) CONFORMING AMENDMENTS.—

(1)(A) Section 1 of title III of such Act (D.C. Code, sec. 47-1803.1) is amended by inserting "or unincorporated business, as the case may be," immediately after "taxpayer".

(B) Paragraph (11) of section 3(a) of such title (D.C. Code, sec. 47-1803.3(a)(11)) is amended to read as follows:

"(11) REASONABLE ALLOWANCE FOR SALARY.—A reasonable allowance for salaries or other compensation for personal services actually rendered. Nothing in this paragraph shall be construed to exempt any salary or other compensation for personal services from taxation as part of the taxable income of the person receiving such salary or other compensation.".

(C) Such section 3(a) (D.C. Code, sec. 47-1803.3(a)) is further amended by adding at the end thereof the following new paragraph:

"(15) EXCESS DEDUCTIONS OF AN UNINCORPORATED BUSINESS.—In the case of an individual, the distributive share of any excess deductions for an unincorporated business to which the individual is entitled under section 2(b) of title VIII of this article.".

(D) Paragraph (5) of section 3(b) of such title (D.C. Code, sec. 47-1803.3(b)(5)) is repealed.

(2)(A) Paragraph (f) of such section (D.C. Code, sec. 47-1805.2(6)) is amended—

(i) in the first sentence, by striking out "having a gross income of more than $12,000, regardless of whether or not it has a net income"; and

(ii) in the second sentence, by striking out "the taxpayer or taxpayers liable for payment of the tax" and inserting in lieu thereof "the individual or individuals who would be entitled to share in the net income of the unincorporated business, if distributed, and shall include the name and address of each such individual and the amount of the distributive share of each such individual in the net income of the unincorporated business or, if the allowable deductions of the unincorporated business exceed its gross income, the allocation among such individuals of such excess allowable deductions".

(B) Paragraph (g) of such section (D.C. Code, sec. 47-1805.2(7)) is amended by striking out "other than partnerships subject to the taxes imposed by title VIII of this article on unincorporated businesses, engaged in any trade or business, or" and inserting in lieu thereof "not required to file a return under paragraph (f), which is".

(3) Section 1 of title VI of such Act (D.C. Code, sec. 47-1806.1) is amended by striking out "and that portion of the entire net income of every nonresident which is subject to tax under title VIII of this article".

(4) Section 1 of title X of such Act (D.C. Code, sec. 47-1810.1) is amended by striking "and (2) a franchise tax upon every corporation and unincorporated business" and inserting "(2) an income tax on certain income of nonresidents which is derived from sources within the District, and (3) a franchise tax upon every corporation".

(5)(A) Section 8(a) of title XII of such Act (D.C. Code, sec. 47-1812.8(a)) is amended by striking out "or unincorporated business" each place it appears.

(B) Section 14 of such title (D.C. Code, sec. 47-1812.14-1) is amended—

(i) in the section caption, by striking out "AND UNINCORPORATED BUSINESSES";

(ii) in the first sentence of subsection (a), by striking out "and unincorporated business"; and

(iii) in subsection (b)—

(I) in the subsection caption, by striking out "OR UNINCORPORATED BUSINESS", and

(II) in paragraph (1), by striking out "or an unincorporated business".

(6) The first sentence of section 1(a) of title XIV of such Act (D.C. Code, sec. 47-1814.1(a)) is amended by striking out "which is excluded from the imposition of the District of Columbia tax on unincorporated businesses under the definition set forth in section 1 of title VIII of this article".

### SEC. 203. WITHHOLDING AND RETURNS.

(a) WITHHOLDING.—

(1) Section 8(b)(1) of title XII of the District of Columbia Income and Franchise Tax Act of 1947 (D.C. Code, sec. 47-1812.8(b)(1)) is amended by inserting before the first sentence the following: "Every employer making payment of wages to a nonresident shall deduct and withhold a tax upon such wages in accordance with regulations which the Council of the District of Columbia shall promulgate.".

(2) Section 8(i)(1) of such title (D.C. Code, sec. 47-1812.8(i)(1)) is amended to read as follows:

"(1)(A) Every person residing or domiciled in the District at the times prescribed in paragraph (4) of this subsection shall, at such times, make a declaration of his estimated tax for the taxable year if—

"(i) the gross income for the taxable year can reasonably be expected to consist of wages and of not more than $1,000 from sources other than such wages, and can reasonably be expected to exceed the total amount of the personal exemptions to which he is entitled under this article plus $5,000; or

"(ii) the gross income can reasonably be expected to include more than $1,000 which is not subject to the withholding provisions of this article, and can reasonably be expected to exceed the personal exemptions to which he is entitled under this article, plus $500.

"(B) Every person not residing or domiciled in the District at the times prescribed in paragraph (4) of this subsection shall, at such times, make a declaration of his estimated tax for the taxable year if such person can reasonably be expected to have more than $4,500 in taxable income, as determined under section 1 of title XVII of this article, for the taxable year which is not subject to withholding under the regulations promulgated by the Council of the District of Columbia pursuant to the first sentence of subsection (b).

"(C) Under this article, a declaration of estimated tax shall be considered a return of income.".

(b) FEDERAL WITHHOLDING.—Section 5516(a) of title 5, United States Code, is amended to read as follows:

"(a)(1) The Secretary of the Treasury, under regulations prescribed by the President, shall enter into an agreement with the District of Columbia Financial Responsibility and Management Assistance Authority, which agreement shall provide that the head of each agency of the United States shall comply with the requirements of the District of Columbia Income and Franchise Tax Act of 1947 in the case of employees of the agency who are subject to income taxes imposed by such Act and whose regular place of employment is within the District of Columbia. The agreement may not apply to pay for service as a member of the Armed Forces.

"(2) For purposes of this section—

"(A) the term 'agency' means—

"(i) any executive agency, including any independent establishment or wholly owned instrumentality of the Federal Government;

"(ii) the Administrative Office of the United States Courts;

"(iii) the General Accounting Office;

"(iv) the Library of Congress;

"(v) the Botanic Garden;

"(vi) the Government Printing Office; and

"(vii) the Office of the Architect of the Capitol; and

"(B) the term 'employee' means any employee and any officer of the United States and includes the President and Vice President and any justice or judge of the United States.".

### SEC. 204. CREDIT FOR STATE INCOME TAX PAYMENTS.

Section 5(a) of title VI of the District of Columbia Income and Franchise Tax Act of 1947 (D.C. Code, sec. 47-1806.4(a)), as amended by section 3(b)(3)(B) of this Act, is further amended—

(1) by inserting "(1)" immediately before "The" in the first sentence; and

(2) by adding at the end thereof the following new paragraph:

"(2) If any income of a resident which is subject to taxation under this title is also subject to an income tax under the laws of another State, the income tax payable on such income to such other State shall be allowed as a credit to the resident against the tax imposed by this title, except that (A) the credit allowed under this paragraph may not exceed the amount of tax which would be payable under this title on such income, and (B) no credit shall be allowed under this paragraph if the other State allows a credit against the income tax imposed by such State for the tax paid under this title. Proof of payment of income tax to another State shall be required before credit for such tax is allowed under this paragraph.".

### SEC. 205. TECHNICAL AMENDMENT.

The table of contents for the District of Columbia Revenue Act of 1947 (article I of which constitutes the District of Columbia Income and Franchise Tax Act of 1947) is amended as follows:

(1)(A) In the item relating to section 2 of title III of article I, insert "in the case of residents" immediately before the period.

(B) Immediately after the item relating to section 3(b) of such title, insert the following:

"Sec. 4. Gross income and exclusion therefrom in the case of nonresidents.".

(2) In the item relating to the title heading for title VI of article I, striking out "AND NONRESIDENTS".

(3)(A) In the item relating to the title heading for title VIII of article I, strike out "TAX ON" and insert in lieu thereof "NET INCOME OF".

(B) Strike out the items relating to sections 2 through 6 of such title VIII and insert in lieu thereof the following:

"Sec. 2. Net income of unincorporated businesses.".

(4)(A) In the item relating to subsection 14 of title XII of article I, strike out "and unincorporated businesses".

(B) In the item relating to subsection (b) of such section, strike out "or unincorporated business".

(5) Immediately after the item relating to title XVI of article I, insert the following new item:

"TITLE XVII—INCOME TAX ON NONRESIDENTS

"Sec. 1. Income tax on nonresidents.
"Sec. 2. Limitation on authority of the Council to revise tax on nonresidents.".

### SEC. 206. RECIPROCAL TAX COLLECTION.

(a) IN GENERAL.—Any State, territory, or possession, by and through its lawfully authorized officials, shall have the right to sue in the Superior Court of the District of Columbia to recover any tax lawfully due and owing to it when the reciprocal right is accorded to the District by such State, territory, or possession, whether such right is granted by statutory authority or as a matter of comity.

(b) PROOF.—The certificate of the Secretary of State or other authorized official of any State, territory, or possession, or subdivision thereof, to the effect that the official instituting the suit for collection of taxes in the Superior Court of the District of Columbia has the authority to institute such suit and collect such taxes shall be conclusive proof of that authority.

(c) DEFINITION.—For the purposes of this section, the term "taxes" includes—

(1) any and all tax assessments lawfully made, whether they be based upon a return or other disclosure of the taxpayer, or upon the information and belief of the taxing authority, or otherwise;

(2) any and all penalties lawfully imposed pursuant to a taxing statute, ordinance, or regulation; and

(3) interest charges lawfully added to the tax liability which constitutes the subject of the suit.

(d) AUTHORIZATION OF SUIT.—The Corporation Council or any of his assistants is authorized to bring suit in the name of the District of Columbia in the courts of States, territories, and possessions, and subdivisions thereof, to collect taxes lawfully due the District. The District of Columbia Financial Responsibility and Management Assistance Authority is authorized to procure professional and other services, at such rates as may be usual and customary for such services in the jurisdiction concerned, when he deems it necessary for the prosecution of any suit authorized by this section.

### SEC. 207. METROPOLITAN WASHINGTON EDUCATION AND WORKFORCE TRAINING TRUST FUND.

(a) ESTABLISHMENT.—There is established in the Treasury of the United States a trust fund, to be known as the Metropolitan Washington Education and Workforce Training Trust Fund (hereafter in this section referred to as the "Trust Fund"), consisting of such amounts as are transferred to the Trust Fund under subsection (b)(1) of this section and any interest earned on investment of amounts in the Trust Fund under subsection (c)(2) of this section.

(b) TRANSFER OF AMOUNTS EQUIVALENT TO CERTAIN TARIFFS.—

(1) IN GENERAL.—The District of Columbia Financial Responsibility and Management Assistance Authority shall transfer to the Trust Fund an amount equal to ⅔ of the revenues received by the District of Columbia from the tax imposed by title XVII of the District of Columbia Income and Franchise Tax Act of 1947 (as added by section 201 of this division).

(2) EFFECTIVE DATE.—The transfers required by paragraph (1) shall begin at the end of the first quarter of the calendar year beginning after the calendar year referred to in section 201(b)(2)(A).

(3) TRANSFERS BASED ON ESTIMATES.—The amounts required to be transferred to the Trust Fund under paragraph (1) shall be transferred at least quarterly from the District of Columbia to the Trust Fund on the basis of estimates made by the District of Columbia Financial Responsibility and Management Assistance Authority. Proper adjustment shall be made in amounts subsequently transferred to the extent prior estimates were in excess of or less than the amounts required to be transferred.

(c) INVESTMENT OF TRUST FUND.—

(1) IN GENERAL.—It shall be the duty of the Secretary of the Treasury to invest such portion of the Trust Fund as is not, in the Secretary's judgment, required to meet current withdrawals. Such investments may be made only in interest-bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States. For such purpose, such obligations may be acquired—

(A) on original issue at the issue price, or

(B) by purchase of outstanding obligations at the market price.

The purposes for which obligations of the United States may be issued under chapter 31 of title 31, of the United States Code, are hereby extended to authorize the issuance at par of special obligations exclusively to the Trust Fund. Such special obligations shall bear interest at a rate equal to the average rate of interest, computed as to the end of the calendar month next preceding the date of such issue, borne by all marketable interest-bearing obligations of the United States then forming a part of the Public Debt; except that where such average rate is not a multiple of one-eighth of 1 percent, the rate of interest of such special obligations shall be the multiple of one-eighth of 1 percent next lower than such average rate. Such special obligations shall be issued only if the

Secretary of the Treasury determines that the purchase of other interest-bearing obligations of the United States, or of obligations guaranteed as to both principal and interest by the United States on original issue or at the market price, is not in the public interest.

(2) SALE OF OBLIGATION.—Any obligation acquired by the Trust Fund (except special obligations issued exclusively to the Trust Fund) may be sold by the Secretary of the Treasury at the market price, and such special obligations may be redeemed at par plus accrued interest.

(3) CREDITS TO TRUST FUND.—The interest on, and the proceeds from the sale or redemption of, any obligations held in the Trust Fund shall be credited to and form a part of the Trust Fund.

(d) OBLIGATIONS FROM TRUST FUND.—The Secretary of Labor and the Secretary of Education are authorized to obligate such sums as are available in the Trust Fund (including any amounts not obligated in previous fiscal years) for grants as provided in section 101 of this division.

(e) REPORT TO CONGRESS.—It shall be the duty of the Secretary of the Treasury to hold the Trust Fund, and (after consultation with the Secretary of Labor or the regional authority, as appropriate) to report to the Congress each year on the financial condition and the results of the operations of the Trust Fund during the preceding fiscal year and on its expected condition and operations during the next fiscal year. Such report shall be printed as both a House and Senate document of the session of the Congress to which the report is made.

**SEC. 208. EFFECTIVE DATE.**

The amendments made by this title and this title shall take effect at the beginning of the calendar year beginning after the date of enactment of this Act, and shall apply with respect to taxable years beginning on or after such date.

## BYRD AMENDMENTS NOS. 1267–1269

Mr. BYRD proposed three amendments to the bill, S. 1156, supra; as follows:

### AMENDMENT NO. 1267

At the appropriate place, insert the following:

SEC. . (a) Chapter 29 of title 12A of the District of Columbia Municipal Regulations (D.C. Building Code Supplement of 1992; 39 DCR 8833) is amended by adding the following 2 new sections 2915 and 2916 to read as follows:

"Section 2915.0 Alcoholic Beverage Advertisements.

"2915.1 Notwithstanding any other law or regulation, no person may place any sign, poster, placard, device, graphic display, or any other form of alcoholic beverage advertisements in publicly visible locations. For the purposes of this section 'publicly visible location' includes outdoor billboards, sides of buildings, and freestanding signboards.

"2915.2 This section shall not apply to the placement of signs, including advertisements, inside any licensed premises used by a holder of a licensed premises, on commercial vehicles used for transporting alcoholic beverages, or in conjunction with a one-day alcoholic beverage license or a temporary license.

"2915.3 This section shall not apply to any sign that contains the name or slogan of the licensed premises that has been placed for the purpose of identifying the licensed premises.

"2915.4 This section shall not apply to any sign that contains a generic description of beer, wine, liquor, or spirits, or any other generic description of alcoholic beverages.

"2915.5 This section shall not apply to any neon or electrically charged sign on a licensed premises that is provided as part of a promotion of a particular brand of alcoholic beverages.

"2915.6 This section shall not apply to any sign on a WMATA public transit vehicle or a taxicab.

"2915.7 This section shall not apply to any sign on property owned, leased, or operated by the Armory Board.

"2915.8 This section shall not apply to any sign on property adjacent to an interstate highway.

"2915.9 This section shall not apply to any sign located in a commercial or industrial zone.

"2915.10 Any person who violates any provision of this section shall be fined $500. Every person shall be deemed guilty of a separate offense for every day that violation continues.".

(b) The amendment made by subsection (a) shall take effect 180 days after the date of enactment of this Act.

### AMENDMENT NO. 1268

On page 49, between lines 13 and 14, insert the following:

SEC. 148. There are appropriated from applicable funds of the District of Columbia such sums as may be necessary to hire 12 additional inspectors for the Alcoholic Beverage Control Board. Of the additional inspectors, 6 shall focus their responsibilities on the enforcement of laws relating to the sale of alcohol to minors.

### AMENDMENT NO. 1269

At the appropriate place, insert the following:

SEC. . (a) Not later than 6 months after the date of enactment of this Act, the General Accounting Office shall conduct and submit to Congress a study of—

(1) the District of Columbia's alcoholic beverage tax structure and its relation to surrounding jurisdictions;

(2) the effects of the District of Columbia's lower excise taxes on alcoholic beverages on consumption of alcoholic beverages in the District of Columbia;

(3) ways in which the District of Columbia's tax structure can be revised to bring it into conformity with the higher levels in surrounding jurisdictions; and

(4) ways in which those increased revenues can be used to lower consumption and promote abstention from alcohol among young people.

(b) The study should consider whether—

(1) alcohol is being sold in proximity to schools and other areas where children are likely to be; and

(2) creation of alcohol free zones in areas frequented by children would be useful in deterring underage alcohol consumption.

## THE ENERGY POLICY AND CONSERVATION ACT EXTENSION ACT OF 1997

## MURKOWSKI AMENDMENT NO. 1270

Mr. LOTT (for Mr. MURKOWSKI) proposed an amendment to the bill (H.R. 2472) to extend certain programs under the Energy Policy and Conservation Act; as follows:

Strike all after the enacting clause and insert in lieu thereof:

**"SECTION 1. ENERGY POLICY AND CONSERVATION ACT AMENDMENTS.**

"The Energy Policy and Conservation Act is amended—

"(1) in section 166 (42 U.S.C. 6246) by striking "for fiscal year" and inserting in lieu thereof "through October 31,";

"(2) in section 181 (42 U.S.C. 6251) by striking "September 30" both places it appears and inserting in lieu thereof "October 31"; and

"(3) in section 281 (42 U.S.C. 6285) by striking "September 30" both places it appears and inserting in lieu thereof "October 31".".

## NOTICE OF HEARING

### SUBCOMMITTEE ON WATER AND POWER

Mr. KYL. Mr. President. I previously announced for the benefit of Members and the public that the Subcommittee on Water and Power of the Committee on Energy and Natural Resources scheduled a hearing to receive testimony on the following measures:

S. 725—To direct the Secretary of the Interior to convey the Collbran Reclamation Project to the Ute Water Conservancy District and the Collbran Conservancy District;

S. 777—To authorize the construction of the Lewis and Clark Rural Water System and to authorize assistance to the Lewis and Clark Rural Water System, Inc., a nonprofit corporation, for the planning and construction of the water supply system, and for other purposes;

H.R. 848—To extend the deadline under the Federal Power Act applicable to the construction of the AuSable Hydroelectric Project in New York, and for other purposes;

H.R. 1184—To extend the deadline under the Federal Power Act for the construction of the Bear Creek Hydroelectric Project in the State of Washington, and for other purposes; and

H.R. 1217—To extend the deadline under the Federal Power Act for the construction of a hydroelectric project in the State of Washington, and for other purposes.

In addition to these bills the subcommittee will also consider S. 1230, a bill to amend the Small Reclamation Projects Act of 1956 to provide for Federal cooperation in non-Federal reclamation projects and for participation by non-Federal agencies in Federal projects; and S. 841, to authorize construction of the Fort Peck Reservation Rural Water System in the State of Montana, and for other purposes.

The hearing will take place on Tuesday, October 7, 1997, at 2 p.m. in room SD–366 of the Dirksen Senate Office Building.

Those wishing to testify or submit written statements for the record should contact Betty Nevitt, Staff Assistant, at (202) 224–0765 or write to the

Subcommittee on Water and Power, Committee on Energy and Natural Resources, U.S. Senate, Washington, DC.

## AUTHORITY FOR COMMITTEES TO MEET

### COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. MACK. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Tuesday, September 30, 1997, to conduct a hearing of the following nominees: Laura S. Unger, of New York, to be a commissioner of the Securities and Exchange Commission; Paul R. Carey, of New York, to be a commissioner of the Securities and Exchange Commission; Dennis Dollar, of Mississippi, to be a member of the National Credit Union Administration Board; Edward M. Gramlich, of Virginia, to be a member of the Board of Governors of the Federal Reserve; Roger Walton Ferguson, of Massachusetts, to be a member of the Board of Governors of the Federal Reserve; and Ellen Seidman, of the District of Columbia, to be a director of thrift supervision.

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MACK. Mr. President, I ask unanimous consent the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Tuesday, September 30, for purposes of conducting a full committee hearing which is scheduled to begin at 9:30 a.m. The purpose of this oversight hearing is to receive testimony on the impact of a new climate treaty on U.S. labor, electricity supply, manufacturing, and the general economy.

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. MACK. Mr. President, I ask unanimous consent that the full Committee on Environment and Public Works be granted permission to meet to consider S. 1180, the Endangered Species Recovery Act of 1997, Tuesday, September 30, 9:30 a.m., Hearing Room (SD–406).

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON FOREIGN RELATIONS

Mr. MACK. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, September 30, 1997, at 4:00 p.m. to hold a House/Senate conference.

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. MACK. Mr. President, I ask unanimous consent on behalf of the Governmental Affairs Committee special investigation to meet on Tuesday, September 30, at 10 a.m., for a hearing on campaign financing issues.

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. MACK. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet for a hearing on tobacco settlement during the session of the Senate on Tuesday, September 30, 1997, at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON THE JUDICIARY

Mr. MACK. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Tuesday, September 30, 1997 at 2 p.m. in room 226 of the Senate Dirksen Office Building to hold a hearing on the nomination of Raymond C. Fisher, Jr., of California, to be Associate Attorney General.

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON THE JUDICIARY

Mr. MACK. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Tuesday, September 30, 1997 at 3 p.m. in room 226 of the Senate Dirksen Office Building to hold a Judicial Nominations hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

### SUBCOMMITTEE ON CONSTITUTION, FEDERALISM, AND PROPERTY RIGHTS

Mr. MACK. Mr. President, I ask unanimous consent that the Subcommittee on Constitution, Federalism, and Property Rights of the Senate Committee on the Judiciary, be authorized to meet during the session of the Senate on Tuesday, September 30, 1997, at 10:30 a.m. to hold a hearing in room 226, Senate Dirksen Building, on "Unconstitutional Set-Asides: ISTEA's Race-Based Set-Asides After ADARAND."

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. FAIRCLOTH. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Tuesday, September 30, 1997, at 2:30 p.m., on Fast Track.

The PRESIDING OFFICER. Without objection, it is so ordered.

## ADDITIONAL STATEMENTS

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## NOMINATION OF BILL LANN LEE

• Mrs. BOXER. Mr. President, I take the floor today to speak about the nomination of Bill Lann Lee to be Assistant Attorney General for Civil Rights at the Department of Justice. I urge the Judiciary Committee to act expeditiously on this nomination and send it to the full Senate for a vote.

Bill Lann Lee brings outstanding legal, educational and personal credentials to this important position. Most recently, he served as the western regional counsel for the NAACP Legal Defense and Education Fund. Mr. Lee is also regarded by many as a skilled consensus-builder with a knack for finding pragmatic solutions, earning him praise from allies and adversaries alike. His numerous accomplishments in litigation and over 20 years of experience in civil rights work have established him as one of the most experienced civil rights lawyers in the Nation.

Bill Lee was inspired to become a civil rights lawyer by his father, who was subjected to discrimination in housing and other areas because of his race, even after serving his country loyally in the U.S. Army during World War II. Witnessing this bigotry had a profound impact on young Bill. After graduating from Columbia Law School in 1974, he entered the legal profession with a passion for serving the public interest and advocating for civil rights.

Bill Lee will bring a passion and commitment to the cause of civil rights and equal treatment under law for all Americans. He is a tremendous role model for all Americans who care about civil rights. Early in life, he recognized the importance of public service and he has dedicated his life to it.

On that point, I would like to take this opportunity to express my concern that many Americans, especially those with Asian names or of Asian heritage, may be less interested in becoming involved in public life as a result of a series of unfortunate and disparaging remarks made by some in the media and in public positions.

Such remarks and misperceptions appeal to the worst human instincts when we should be appealing to the best. A recent study by the National Asian Pacific American Legal Consortium documented an increase last year in hate crimes targeting Asian Pacific Americans.

This disturbing trend demonstrates that now is the time for these issues to be handled fairly, thoroughly and expediently, under strong new leadership by the Justice Department's Civil Rights Division.•

## 50TH ANNIVERSARY OF ELLSWORTH AIR FORCE BASE'S 28TH BOMB WING

• Mr. JOHNSON. Mr. President, I would like to take this opportunity to recognize the men and women of Ellsworth Air Force Base's 28th Bomb Wing and join them in their celebration of the Air Force's and the bomb wing's 50th anniversary.

This is a wonderful time to reflect on the remarkable role the U.S. Air Force and the 28th Bomb Wing have played in our national security and to look toward the future at the growing importance air superiority will have in maintaining the peace around the world. These past five decades have provided countless successes and great memories for the men and women who piloted, maintained, and provided oversight to the numerous important missions of the U.S. Air Force. Our country owes all who have served a debt of gratitude.

The 28th Bomb Wing was born in August 1947 when the Strategic Air Command organized the wing at Rapid City Army Air Field, later renamed Ellsworth Air Force Base, SD. In 1949, the 28th participated in the first of a long line of historical missions when B–29's flew a 90-day show-of force mission during the Soviet blockade of Berlin. At the start of the cold war, the B–29's gave way to B–36 Peacemakers in 1950 as the 28th provided an umbrella of security for NATO countries.

The crews of the B–36 were dedicated to their missions—primarily reconnaissance and to gather photographic and electronic information. However, according to B–36 crew chief Bill Shoemaker, they did everything from drop haybales to stranded livestock during the terrible winters of 1949 and 1950 for Operation Haylifts; transport Thanksgiving turkeys to soldiers in Greenland; attend the coronation of Queen Elizabeth II, and take a member of the royal family on a short flight. The ability to perform any job, and do it well, was the hallmark of the B–36 crew and a trait that has been reflected in the personnel of the 28th throughout the years.

Senior Master Sgt. Dave Sitch spent 6 of his 26 years of military service at Ellsworth Air Force Base as part of the 28th Bomb Wing—1951–55, 1974–76. "In the days of the '36 and as part of the 28th, that was the closest group I had ever been in. There was a lot of competition among the squadrons, but there was a lot of camaraderie too. We looked out for each other."

Jet technology changed the face of aeronautics, and the all-jet B–52 Stratofortress started replacing the Peacemakers in 1957. The 28th Bomb Wing played an important role in the Vietnam war, flying both bombers and tankers for 9 years. Over the next 20 years, Ellsworth Air Force Base became a vital component of our country's defensive strategy as the 28th assumed the bomber role in the Strategic Projection Force. The B–52 mission expanded to include sea reconnaissance, surveillance, and conventional operations from forward bases, and Ellsworth Air Force Base's reach extended to a number of hot spots overseas.

Don Strachan spent 10 years as a member of the 28th Bomb Wing at Ellsworth Air Force Base. He recalls a time when the B–52's participated in an operation titled Airborne Alert, in which one-third of the entire B–52 fleet was expected to remain airborne at all times between 1957 and 1960. "Some of the wings couldn't handle it, but the 28th filled in. We never failed to meet our commitment. It was like family. We supported everyone extremely well. The esprit de corps was unmatched. There was a great deal of sharing among the crews. People would come in and observe our operations."

Strachan and Shoemaker recalled conducting maintenance on planes in desperately cold temperatures. While stationed with the B–36's in Greenland, Shoemaker recalled, "It was so cold, you couldn't do anything. We worked under the lights on ramps. It was so dark all the time." Strachan said maintenance crews worked in chill factors that were 100 degrees below zero. "Nothing stopped the 28th," said Strachan.

Fred Hurst spent six different stints totaling 19 years at Ellsworth Air Force Base as a member of the 28th Bomb Wing. For many years, he served as president of the 28th Bomb Wing Reunion Association and was recently succeeded in the position by Strachan. Hurst spent 30 years of military service, working in maintenance on B–29's, B–36's, and B–52's and retired from military service as a chief master sergeant. He retired last year as a civilian worker and advisor on B–1B operations. Hurst says the 28th Bomb Wing has always been admired for its professionalism and efficiency. "It is a good wing. It's been at the top for so many years as far as performance goes. It has a great safety record. Whenever someone had a problem, everyone and his brother tried to help him."

Mike Isaman spent a total of 15 years at Ellsworth Air Force Base over two stints. As a member of the 28th Bomb Wing, Isaman said teamwork was key to the success of any operation, as well as to the success of the Wing and the Base. "We were all friends. Everyone looked out after each other. It was a team. It worked together. They all stood together. We would do anything possible for other crews and squadrons."

The Air Force introduced the next generation of bombers, the B–1B Lancer, in 1987, and once again, the 28th took the lead in housing the sleek new bombers. Adding to its already storied combat experience, the wing deployed both tanker and airborne command post aircraft to Operations Desert Shield/Desert Storm. Following action in the Persian Gulf, B–1's were taken off alert, and the world began to settle into the post-cold war era. The 28th Bomb Wing, successful in protecting the United States for five decades began the transition from the strategic role to an all-conventional mission. Once again, the 28th shone brightly as the bomb wing successfully participated in the congressionally directed operational readiness assessment known as Dakota Challenge in 1994. The 77th Bomb Squadron was activated at Ellsworth Air Force Base in April 1997, and the 28th Bomb Wing will continue to stand tall as the "Pioneer of Peace for the 21st Century."

I strongly support the B–1B program and share the view of the Air Force that the B–1B is the backbone of our bomber force. It deserves this reputation because of the versatility, efficiency, and effectiveness of the craft. To the flight crews as well as the ground support, administrative staff, security personnel, base support, and hospital personnel who served and continue to serve as part of the 28th, I salute and commend your efforts. The active duty members, families, and retirees have forged an unbreakable bond with the communities of Box Elder and Rapid City.

Mr. President, I would like to take this opportunity to thank all of those associated with Ellsworth and the Air Force for their impressive efforts and for their commitment to South Dakota and the United States. I know they have had an illustrious past, and I know they will continue their success in the future. Their missions will continue, although modified to fit the requirements of the post-cold war world, and I have no doubt that they will continue to be the "first to fight with decisive combat airpower that achieves the aims of the combatant commander's campaign" as their mission states. Best wishes for another 50 years of pride and success.•

## INTERNATIONAL RESCUE COMMITTEE OF NEW YORK

• Mr. MOYNIHAN. Mr. President, today I am proud to note the accomplishments of the International Rescue Committee of New York.

This week the International Rescue Committee was awarded the Conrad N. Hilton Humanitarian Prize, in recognition of its relief and resettlement services to millions of refugees. In presenting the award to John C. Whitehead, chairman of the IRC Board, former President Jimmy Carter said, "This year, the Hilton Foundation has fulfilled a vital need in bringing the refugee issue, one that is often overlooked or ignored, to the forefront by honoring the International Rescue Committee."

The Conrad N. Hilton Foundation created the annual award to recognize outstanding efforts by the best American charitable organization engaged in combating "famine, war, disease, human affliction and man's inhumanity to man." IRC was selected to receive the award by a prestigious international jury that included Dr. C. Everett Koop, former Surgeon General of the United States. It was accorded the Hilton Prize on the basis of its achievements in alleviating suffering, on the sustainability of its programs, and on the extent to which it reaches out and involves others in accomplishing its mission.

I want to congratulate the International Rescue Committee on its fine achievements and salute the Conrad N. Hilton Foundation for recognizing those efforts.•

## CELEBRATION OF FLORIDA INTERNATIONAL UNIVERSITY'S SILVER ANNIVERSARY

• Mr. GRAHAM. Mr. President, this month the people of Florida join with faculty, staff, students, and more than 70,000 alumni in honoring Florida International University on its 25th anniversary. For the past quarter century, this outstanding institution's commitment to academic excellence and its constant celebration of diversity has enriched communities throughout Florida, the United States, and the entire world.

This milestone anniversary is particularly special to members of the Graham family. In 1943, State senator Ernest R. Graham—my father—introduced legislation to establish a public university in south Florida. Twenty-two years later, on May 26, 1965, the Florida State senate unanimously passed legislation to fulfill his vision. On September 19, 1972, Florida International University opened its doors for the first time.

That would have been a proud day for my father. When I was growing up in the Miami area, he used to tell my brothers, sister, and I that the best investment he ever made were his Dade County school taxes. He was proud, even enthusiastic, about paying those taxes because they enabled his children to get a strong education in the Dade County public school system. If he were alive today, my father would agree that the time and energy he put into laying the groundwork for a Florida International University was yet another wise educational investment.

After only a quarter-century in existence, FIU has already gained acclaim as one of the most academically challenging and culturally diverse universities in the entire United States. This distinction is a credit to Florida International University's hard-working staff, dedicated faculty, bright student body, loyal alumni, and especially the wise, dynamic leadership of FIU's four presidents—Charles Perry, Harold Crosby, Gregory Wolfe, and Modesto Maidique.

Each of these four outstanding individuals have contributed to Florida International University's popularity, prestige, and reputation. When Charles Perry took the reins of FIU in 1969, a full 3 years before the university opened, the campus was a run-down airport tower, old empty hangars, and 342 acres of land in west Dade County. His boundless energy and zeal for establishing an outstanding public university in south Florida led to the largest opening day enrollment of any university in American history. On September 19, 1972, nearly 6,000 students started classes at Florida International University.

Presidents Harold Crosby and Gregory Wolfe continued the outstanding work that president Perry had begun. President Crosby placed special emphasis on fulfilling the international vision espoused by FIU's founders, hiring faculty members from a number of foreign countries and establishing the multilingual, multicultural center. President Wolfe led Florida International through its critical transition from 2- to 4-year university.

For the last 10 years, Florida International University has had the good fortune to be guided by a dedicated, hard-working leader with an eye for excellence, a passion for education, a keen insight into bringing town and gown together in support of academic success, and a determination to make FIU second to none in preparing students for the United States' future in an increasingly international economy and society.

It might have been destiny that brought President Modesto "Mitch" Maidique to Florida International University. He has helped to mold FIU in his own image—president Maidique's own background contains the same ethnic and cultural diversity, financial savvy, and academic excellence that have come to characterize south Florida's preeminent public university.

The son of German-Czech emigrants who settled in Cuba during the early 1800's, president Maidique was born in Havana in 1940. At the end of his formal education, he had earned three degrees from the Massachusetts Institute of Technology—bachelor of science, master of science, doctor of electrical engineering—and another from the business program at MIT's Cambridge neighbor, Harvard University. By the time he assumed Florida International University's presidency in 1986, he had added professor and distinguished businessman to his résumé, teaching at prestigious institutions like Harvard and Stanford and lending his scientific knowledge and business know-how to several prominent firms.

Success followed president Maidique to Florida International. His decade of leadership has spurred a number of impressive academic, financial, and cultural achievements. In academics, U.S. News & World Report consistently ranks Florida International University as one of the top 150 national universities in the United States. Money magazine says that it is among America's best public commuter universities.

Perhaps Florida International University's greatest academic achievement is the fact that it so earnestly works to provide an outstanding education to all students, regardless of socioeconomic background. Thanks in part to low tuition rates, and to the work ethic and frugality of FIU administrators, faculty, and staff, its students are the fifth least indebted in the Nation. U.S. News & World Report rates it as one of the 10 best educational buys in the United States.

Finally, Florida International University is one of the most diverse colleges in the United States that is increasingly benefited by its ethnic diversity. For the last 25 years, it has been training young adults to live, work, and succeed in a world that speaks multiple languages and celebrates a variety of cultural achievements. More than half of its student body is Hispanic, and the university produces more Hispanic graduates than any other university in America. All in all, it has 70,000 alumni that represent all 50 States and more than 146 countries.

Mr. President, I join with all Floridians in congratulating president Modesto Maidique and every past and present member of the Florida International University community on its historic 25th anniversary. As the university prepares to begin its next quarter-century, its abiding commitment to academic excellence, affordability, and diversity is leading the United States into the 21st century.•

## TRIBUTE TO LESLIE LORD AND SCOTT E. PHILLIPS

• Mr. SMITH of New Hampshire. Mr. President, I rise today to honor the memories of two brave New Hampshire State Troopers killed in the line of duty. Leslie Lord, 45, of Pittsburg and Scott E. Phillips, 32, of Colebrook both bravely gave their lives trying to protect others and stop a man wielding an automatic rifle throughout the town of Colebrook, NH, on August 19. Vickie Bunnell, a Colebrook District Court judge, and Dennis Joos, editor of the Sentinel newspaper, were also innocent victims in the shooting spree.

Leslie Lord was a 1974 graduate of Pittsburg High School and the next year graduated in the 25th class at the New Hampshire Police Academy. Later, Lord became the chief of police in his hometown, until January 16, 1987, when he resigned to become a

State highway enforcement officer. After working as a State highway truck inspector, Lord became a State trooper for the Granite State in 1996.

Lord, who was not only a husband to Beverly, was also a father to two teenage boys, Cory and Shawn.

Scott Phillips was a 1984 graduate of White Mountain Regional High School in Whitefield and also a veteran of the U.S. Army. He served with the military police, including a tour of duty in Panama. In 1990, as a member of the 90th class at the State Police Academy, Phillips graduated an impressive 14th in a class of 38.

Phillips lived in Colebrook with his dear wife, Christine, their young son, Keenan, 2½, and their 1-year-old daughter, Clancy.

Both Troopers Lord and Phillips were known as dedicated, hardworking, and well-liked individuals by members of their respective communities.

Mr. President, the State of New Hampshire as well as the families of these fine State troopers have suffered a tremendous loss. I would like to commend the efforts of both men, for their actions were nothing short of heroic. I would also like to extend to the families of not only Lord and Phillips, but also of Vickie Bunnell and Dennis Joos, my deepest heartfelt sorrow and I pray that God watches over them. The memories of Leslie Lord and Scott E. Phillips will live on in all of the lives they have touched, for they were two remarkable and beloved individuals.•

## TRIBUTE TO CONRAD RICHARD GAGNON, JR. AND MAUREEN E. CONNELLY

• Mr. SMITH of New Hampshire. Mr. President, I rise today to honor Conrad Richard Gagnon, Jr. and Maureen E. Connelly who were named finalists in the second annual Samsung American Legion Scholarship Program.

The scholarship program is funded by a $5 million endowment from the Samsung Group, an international company based in South Korea, and is administered by the American Legion, the world's largest veterans organization. Only direct decedents of U.S. wartime veterans are eligible for the scholarships.

Conrad and Maureen are among many other outstanding young Americans named as finalists to compete for 1 of 10 college scholarships, each worth $20,000. The students were judged on the basis of their involvement in their school and community, and for their academic achievements.

Conrad is a native of Bedford, NH, and is currently in his senior year of high school. He is the son of Conrad and Gisele Gagnon, and has three brothers: Brian, Tim and Dan. His grandfather, Richard Adalard Gagnon, is a World War Two veteran.

Conrad has distinguished himself by achieving excellent grades, as well as being involved in numerous and varied actives. He is an associate editor of his school year book, a member of his school's math team, and French club. He has been awarded the Boy Scouts Order of the Arrow, and will travel to California and Japan this summer on the Sony Student Abroad scholarship. Conrad also participates in community service activities such as peer tutoring, food drives, and was involved in organizing an effort to place over 100 of his peers in volunteer positions. He would like to study engineering and law in college.

Maureen is a resident of Greenland, NH. She attends Portsmouth High School. She is the daughter of Mark and Marian Connelly, and she has a sister Carolyn and a brother Steven. Her grandfather, Quentin Dante Halstead, served on active duty in World War Two, the Korean war, and the Vietnam war.

Maureen has earned outstanding grades in honors and advance placement classes. She is also very active on her school's field hockey team and track team. In addition she is a member of student government, serving in the capacity of treasurer, as well as a member of the school newspaper staff. Maureen volunteers her time to teach young children field hockey, and she maintains a job as a lifeguard. She is a senior in high school and would like to be a doctor.

Young men and women such as Conrad and Maureen are a valuable asset to New Hampshire and the future of the United States. I congratulate them on all their hard work and wish them success in their future endeavors.•

## IN MEMORY OF CHAD WARREN

• Mr. SMITH of New Hampshire. Mr. President, I rise today in memory of Chad Warren, a young, thoughtful and motivated man who recently passed away. Chad was only 25 years old when he unfortunately lost his life, only months away from his 26th birthday. He is an example to us all because of his sheer dedication to his job and his unconditional love for his family.

Working at the Goodhue Hawkins Navy Yard for the past 6 years, Chad became an invaluable employee and was also known as a friend to all. Hard working and dedicated are only mere words to epitomize Chad as a person. He started out as a boat washer and dockboy and soon progressed to a boat rigger and forklift operator. He then achieved certification as a boat mechanic. Mr. President, I admire Chad not only for his dedication but also for the heart he put into his service at the navy yard.

Prior to his employment, Chad was in Steve Durgan's Junior High Geography and U.S. History classes at Kingswood Regional Junior/Senior High School. Steve, a close personal friend of mine, described Chad as quiet, shy and thoughtful.

At such a young age, Chad was surrounded by many close, loving people. Besides his mother, Linda Morrill of Wolfeboro, NH, and his father, Paul Warren of Ashburnham, MA, Chad leaves his dear wife Sherri Warren and their young beloved children Corbin, 5 years old, Shane, 8 years old, and Amber, 12 years old. Chad was blessed to have these valuable people in his life.

Mr. President, to lose any life is a sad event. But to lose a young life, one full of energy, life, hopes and dreams is a tragedy. My heart and prayers go out to Chad's family and especially his wife, Sherri, and their children, Corbin, Shane, and Amber. The loss of a husband and father is irreplaceable but Chad's memory will always live on in those who loved him.•

## TRIBUTE TO JEREMY CHARRON

• Mr. SMITH of New Hampshire. Mr. President, I rise today to honor the memory of a bright, young police officer wrongfully killed while on duty. Officer Jeremy Charron, 24, of Concord, NH, was gunned down while checking on a report of a suspicious car during the early morning hours of August 24.

Officer Charron embodied all that is honorable about our State's law enforcement professionals. His selfless devotion to protecting the lives of innocent New Hampshire citizens enabled him to perform the heroic acts for which he will always be remembered. It is not often that we see such strength, valor, and courage in a person. Jeremy Charron was unique and his family can be proud of his bravery in this tragedy.

Jeremy Charron was an All-American kid, a high school athlete, a natural leader, president of his senior class at Hillsborough-Deering High School, a U.S. Marine and a police officer.

Fulfilling his life long dream, Charron became a police officer for the town of Epsom, NH, in November, after completing the full-time police academy training and becoming certified as a full-time officer July 11.

Charron also served in the U.S. Marine Corps from July 1992 to June 1996, when he received an honorable discharge.

Born to Robert and Frances Charron, Jeremy leaves brothers Rob, 28, and Andrew, 27, and sisters, Amanda, 21, and Bethany, 12, and his finance, April LaRochelle.

Mr. President, the family of Jeremy Charron has suffered a great loss. The people of New Hampshire again have lost another fine officer. It is a time for faith and a time for healing. My prayers and sympathy go out to the families and friends of Officer Charron.•

## UNANIMOUS-CONSENT AGREEMENT—CONFERENCE REPORT ACCOMPANYING H.R. 2378

Mr. LOTT. Mr. President, I ask unanimous consent that the majority leader, after consultation with the minority leader, proceed to consideration of the conference report accompanying H.R. 2378, the Treasury-Postal Service appropriations bill. I further ask unanimous consent that the reading be waived and the conference report be limited to the following debate time:

The two managers, 15 minutes each;

Senator McCAIN, up to 10 minutes;

Senator BROWNBACK, up to 10 minutes;

Senator WELLSTONE, up to 10 minutes.

I further ask unanimous consent that immediately following the expiration of time, the Senate proceed to a vote on the adoption of the conference report with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

## U.S. DISTRICT COURTS ARBITRATION APPROPRIATIONS AUTHORIZATION ACT

Mr. LOTT. Mr. President, I ask the Chair lay before the Senate a message from the House of Representatives on (S. 996) to provide for the authorization of appropriations in each fiscal year for arbitration in U.S. district courts.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

*Resolved*, That the bill from the Senate (S. 996) entitled "An Act to provide for the authorization of appropriations in each fiscal year for arbitration in United States district courts.", do pass with the following amendments:

Strike out all after the enacting clause and insert:

***SECTION 1. ARBITRATION IN DISTRICT COURTS.***

*Section 905 of the Judicial Improvements and Access to Justice Act (28 U.S.C. 651 note) is amended in the first sentence by striking "for each of the fiscal years 1994 through 1997" and inserting "for each fiscal year".*

***SEC. 2. ENHANCEMENT OF JUDICIAL INFORMATION DISSEMINATION.***

*Section 103(b)(2) of the Civil Justice Reform Act of 1990 (Public Law 101–650; 104 Stat. 5096; 28 U.S.C. 471 note) is amended—*

*(1) by inserting "(A)" after "(2)";*

*(2) by striking "sections 471 through 478" and inserting "sections 472, 473, 474, 475, 477, and 478"; and*

*(3) by adding at the end the following new subparagraph:*

*"(B) The requirements set forth in section 476 of title 28, United States Code, as added by subsection (a), shall remain in effect permanently.".*

***SEC. 3. EXTENSION OF CERTAIN TEMPORARY JUDGESHIPS.***

*Section 203(c) of the Judicial Improvements Act of 1990 (28 U.S.C. 133 note) is amended—*

*(1) by striking paragraph (1) and redesignating the succeeding paragraphs accordingly; and*

*(2) by striking the last 3 sentences and inserting the following: "Except with respect to the western district of Michigan and the eastern district of Pennsylvania, the first vacancy in the office of district judge in each of the judicial districts named in this subsection, occurring 10 years or more after the confirmation date of the judge named to fill the temporary judgeship created by this subsection, shall not be filled. The first vacancy in the office of district judge in the western district of Michigan, occurring after December 1, 1995, shall not be filled. The first vacancy in the office of district judge in the eastern district of Pennsylvania, occurring 5 years or more after the confirmation date of the judge named to the fill the temporary judgeship created for such district under this subsection, shall not be filled. For districts named in this subsection for which multiple judgeships are created by this Act, the last of those judgeships filled shall be the judgeships created under this section.".*

***SEC. 4. TRANSFER OF FEDERAL COURT JUDGESHIP.***

*The table contained in section 133(a) of title 28, United States Code, is amended by amending the item relating to Louisiana to read as follows:*

| | |
|---|---|
| "Louisiana: | |
| "Eastern | 12 |
| "Middle | 3 |
| "Western | 7". |

Amend the title so as to read "An Act to provide for the authorization of appropriations in each fiscal year for arbitration in United States district courts, and for other purposes.".

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate concur in the amendments of the House.

The PRESIDING OFFICER. Without objection, it is so ordered.

## EXTENDING CERTAIN PROGRAMS UNDER THE ENERGY POLICY AND CONSERVATION ACT

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 2472, which was received from the House.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 2472) to extend certain programs under the Energy Policy and Conservation Act.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 1270

(Purpose: To extend certain programs under the Energy Policy and Conservation Act and for other purposes)

Mr. LOTT. Mr. President, Senator MURKOWSKI has an amendment at the desk, and I ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Mississippi (Mr. LOTT), for Mr. MURKOWSKI, proposes an amendment numbered 1270.

Mr. LOTT. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Strike all after the enacting clause and insert in lieu thereof:

**"SECTION 1. ENERGY POLICY AND CONSERVATION ACT AMENDMENTS.**

"The Energy Policy and Conservation Act is amended—

"(1) in section 166 (42 U.S.C. 6246) by striking for 'fiscal year' and inserting in lieu thereof 'through October 31,';

"(2) in section 181 (42 U.S.C. 6251) by striking 'September 30' both places it appears and inserting in lieu thereof 'October 31'; and

"(3) in section 281 (42 U.S.C. 6285) by striking 'September 30' both places it appears and inserting in lieu thereof 'October 31'.".

Mr. LOTT. Mr. President, I ask unanimous consent that the amendment be agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 1270) was agreed to.

Mr. LOTT. Mr. President, I ask unanimous consent that the bill be considered read a third time and passed, as amended; that the motion to reconsider be laid upon the table; and that any statements relating to the bill be placed at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 2472), as amended, was read the third time and passed.

## PROVIDING FOR RELEASE OF REVERSIONARY INTEREST HELD BY THE UNITED STATES

Mr. LOTT. Mr. President, I ask unanimous consent that the Agriculture Committee be discharged from further consideration of H.R. 394 and, further, that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 394) to provide for the release of the reversionary interest held by the United States in certain property located in the County of Iosco, Michigan.

The Senate proceeded to consider the bill.

Mr. LOTT. Mr. President, I ask unanimous consent that the bill be considered read a third time and passed; that the motion to reconsider be laid upon the table; and that any statements relating to the bill appear at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 394) was read the third time and passed.

## HOOD BAY LAND EXCHANGE ACT OF 1997

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 177, H.R. 1948.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 1948) to provide for the exchange of lands within Admiralty Island National Monument, and for other purposes.

The Senate proceeded to consider the bill.

Mr. LOTT. Mr. President, I ask unanimous consent that the bill be considered read a third time and passed; that the motion to reconsider be laid upon the table; and that any statements relating to the bill appear at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 1948) was read the third time and passed.

## AUTHORIZING SUPPLEMENTAL EXPENDITURES

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 126, which was reported by the Rules Committee today.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 126) authorizing supplemental expenditures by the Committee on Veterans' Affairs.

The Senate proceeded to consider the resolution.

Mr. LOTT. Mr. President, I ask unanimous consent that the resolution be agreed to; that the motion to reconsider be laid upon the table; and that any statements relating to the resolution appear at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 126) was agreed to, as follows:

S. RES. 126

*Resolved*, That section 18(b) of Senate Resolution 54, 105th Congress, agreed to February 13, 1997, is amended by striking out "$1,123,430" and inserting in lieu thereof "$1,698,430".

Mr. LOTT. I should note, Mr. President, that all these unanimous-consent requests have been discussed with and cleared by the minority leader's staff.

## ORDERS FOR WEDNESDAY, OCTOBER 1, 1997

Mr. LOTT. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until the hour of 10 a.m. on Wednesday, October 1. I further ask unanimous consent that on Wednesday, immediately following the prayer, the routine requests through the morning hour be granted and the Senate immediately begin consideration of the Treasury-Postal Service appropriations conference report as agreed to under the previous consent agreement.

The PRESIDING OFFICER. Without objection, it is so ordered.

## PROGRAM

Mr. LOTT. Mr. President, tomorrow morning, the Senate will begin 60 minutes of debate on the Treasury-Postal Service appropriations conference report. Senators can, therefore, expect rollcall votes Wednesday morning at approximately 11 a.m. or earlier if debate time is yielded back, and it could be yielded back, so the vote could be shortly before 11 o'clock. Following that vote, the Senate will resume consideration of the DC appropriations bill. It is the intention of the majority leader to finish action on the final appropriations measure. In observance of Rosh Hashanah, no recall call votes will occur after 1 p.m. tomorrow. Therefore, all Senators' cooperation will be appreciated in allowing the Senate to conclude action on the pending bill. I should note that we will continue to try to get an agreement to clear conference reports, and we probably will be in session until about 4 o'clock tomorrow afternoon, but there will be no recorded votes after 1 o'clock.

## ADJOURNMENT UNTIL TOMORROW AT 10 A.M.

Mr. LOTT. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 7:28 p.m., adjourned until 10 a.m., Wednesday, October 1, 1997.

## NOMINATIONS

Executive nominations received by the Senate September 30, 1997:

### DEPARTMENT OF STATE

KATHRYN LINDA HAYCOCK PROFFITT, OF ARIZONA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF MALTA.

WILLIAM H. TWADDELL, OF RHODE ISLAND, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE FEDERAL REPUBLIC OF NIGERIA.

# HOUSE OF REPRESENTATIVES—*Tuesday, September 30, 1997*

The House met at 9 a.m. and was called to order by the Speaker pro tempore [Mr. THUNE].

## DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
*September 30, 1997.*

I hereby designate the Honorable JOHN R. THUNE to act as Speaker pro tempore on this day.

NEWT GINGRICH,
*Speaker of the House of Representatives.*

## MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of May 12, 1995, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to 25 minutes, and each Member except the majority and minority leaders and the minority whip limited to 5 minutes, but in no event shall debate extend beyond 9:50 a.m.

The Chair recognizes the gentlewoman from California [Ms. SANCHEZ] for 2 minutes.

## THE DRUG COURT PROGRAM GIVES THOSE CHARGED WITH SUBSTANCE ABUSE CRIMES A FIGHTING CHANCE

Ms. SANCHEZ. Mr. Speaker, I rise today to tell my colleagues about a justice program that is working. The drug court is a program in use across our country to help give those charged with substance abuse crimes a fighting chance to make the difficult transition from a life of drug abuse to that of productive members of our society.

I worked hard to obtain Justice Department funding to keep this program going in Orange County, and I am glad that I was successful. The Orange County drug court is one of 160 drug courts throughout the Nation that are making a difference in helping to keep our courts from getting engulfed in a sea of cases.

Very simply put, this program allows some of those individuals who are charged with drug offenses the option of completing the drug court program which consists of individual specific community service and rehabilitation.

I recently went to the graduation of some of these people in the drug court program, and we affect not only individual's lives but entire families. Of the 14 who graduated that day, there were probably about 50 family members who had tears in their eyes that day to see the change that had overcome those people that they loved. Those who choose the option are placed in a highly structured program, and they are subject to intense supervision. Their successes are praised, and their failures are dealt with quickly and appropriately.

This program works. It makes our justice system more efficient, but, more important, it rebuilds peoples' lives. If any of my colleagues want to learn about this unique, effective drug court program, I would be happy to work with them to promote drug courts in their own areas.

## PRESIDENT OPPOSES CITIZEN OVERSIGHT OF IRS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997, the gentleman from California [Mr. ROGAN] is recognized during morning hour debates for 5 minutes.

Mr. ROGAN. Mr. Speaker, as a new Member of Congress, I had the chance to go home during the break and talk to constituents throughout my district. One of the things that I was pleased to report back home was the fact that Congress, acting in a bipartisan fashion, was able to deliver the first balanced budget in almost 30 years, and the first broad-based tax cut in almost 16 years. That is good news. It was good news to deliver, and judging from the response of my constituents back home in California, it was good news to receive.

But the fight is far from over, because if we are going to be able to deliver meaningful tax reform to the people of this country, tax reform that does not last just for one Congress but will last through the years, we are going to have to look at restructuring, and perhaps abolishing, the tax collection agency known as the Internal Revenue Service.

There is an exciting debate that is about to occur in Congress, and I hope that it will be on the radar screen of every taxpayer and every citizen. We in Congress are going to debate whether we should move to a flat tax as proposed by our Republican Majority Leader DICK ARMEY, or move to a consumption tax, essentially a national sales tax, as proposed by the Ways and Means chairman, the gentleman from Texas, Mr. BILL ARCHER, and the gentleman from Louisiana, Mr. BILLY TAUZIN, and others. That that will be an important debate, because it will significantly change the process of tax collecting in America. Either one of those alternatives will be preferential to the status quo.

Unfortunately, the IRS over the years has become an agency that has gone beyond its limited role of being a collection agency to fund constitutional government, and instead has been used time and time again as an agency to reward political friends and oppose political enemies.

During the last week here in Congress, we have held hearings on the IRS, and have heard horror stories about how taxpayers have been treated. These facts came not just from citizens who were injured by the IRS, but from IRS agents themselves who testified as to the practices of the IRS. The evidence shocked and stunned Americans. As a result of those hearings, one of the things we Republicans in Congress have proposed is a citizens' oversight board to protect Americans from agency abuses.

It ought to come as a shock to all taxpayers that we even have to consider appointing a board such as that to protect citizens from the abuses of an agency that was created to serve them, and not the other way around. Unbelievably, this morning I picked up the Washington Times and saw on the front page a headline that says, "White House Champions IRS, President Opposes Citizen Oversight." The lead column said, "The White House yesterday came to the defense of an embattled IRS vowing to 'vigorously oppose' congressional efforts to create a citizen oversight board to protect Americans from agency abuses."

Mr. Speaker, we Republicans have tried to work with the White House and with Democrat colleagues to forge a bipartisan solution to a lot of the problems that are facing our country. If ever there was a time for bipartisanship, Mr. Speaker, it is now when it comes to dealing with the IRS.

I do not know where the President will eventually come down on the issues of a national sales tax or a flat tax or if he supports the status quo, but surely this President, surely this administration, which has shown as a hallmark over the last 5 years the ability to read the tea leaves of public opinion, ought to understand that this

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☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

is not a partisan issue. This is an issue about good and decent Government.

The IRS for too many years has abused its power, has abused taxpayers, that have paid for this agency, and the time has come to make this agency responsive and accountable to those who pay its way. I urge the President to reconsider this unfortunate policy that was announced today, and to join with Republicans to create citizen oversight of the IRS. The best way to clean up the IRS is to have citizen accountability as Republicans have proposed in Congress.

## PUT THE GULF WAR VETERANS FIRST BECAUSE THEY PUT OUR COUNTRY FIRST

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997, the gentleman from Texas [Mr. DOGGETT] is recognized during morning hour debates for 5 minutes.

Mr. DOGGETT. Mr. Speaker, America should never forget the contribution of the men and women of our Armed Forces in the gulf war. Unfortunately many of the families of our veterans of that gulf war can never forget it because the lingering consequences of illness and disability continue to afflict many of those who participated in our Nation's defense in that gulf war.

Indeed, those classified as having so-called gulf war syndrome, who were exposed to toxins, exposed to poison substances, and who continue to experience a wide variety of very serious symptoms as a result of their service for our country in the gulf war.

In all, some 3,000 Desert Storm veterans have filed claims concerning their illnesses against frozen assets of the Iraqi Government. It was following the invasion of Kuwait by Iraq in 1990, that the United States froze $1.3 billion of Iraqi assets in this country. Those veterans should get the priority with reference to any claims that they might have against those assets.

I have up for the consideration of this House later today a motion regarding these matters. Before reviewing the text of that motion, let me cover very briefly the history of this matter.

In 1991, the U.N. Security Council declared in a resolution that "Iraq * * * is liable under international law for any direct loss, damage, or injury to foreign governments, nationals, and corporations as a result of Iraq's unlawful invasion and occupation of Kuwait." I think the type of claim that our gulf war veterans have is the very type of claim contemplated by that international resolution.

Accordingly, in 1994, when the Democrats were in charge of this House, legislation was passed through this House by an overwhelming majority, under the leadership then of the chair of the House Foreign Affairs Committee, the honorable gentleman from Indiana, Mr. LEE HAMILTON, that established an Iraq Claims Fund. I would quote from that bill in saying "before deciding any other claim against the Government of Iraq, the United States Commission shall, to the extent practical, decide all pending noncommercial claims of members of the United States armed forces." This body went on record in giving a priority to those who put their life and limb at risk for the future of our Nation.

Unfortunately, quite a different turn has occurred in this Congress in this session. Legislation has been approved and is pending in conference committee at present that would place these same gulf war veterans in a position where they would never be allowed to recover one red cent against the Government of Iraq.

And why is that? Because the separate commercial claims that existed before this war ever occurred of the seven largest tobacco companies and of other commercial enterprises have been elevated over our veterans. Our veterans have been left in last place with no real right to make a recovery against these frozen Iraqi assets.

This all took place at the behest of Senator JESSE HELMS of North Carolina, who inserted it into the State Department authorization that is pending in conference committee. Fortunately, this House has not yet acceded to his demands. I would say that while he may be able to block an Ambassador to Mexico, he ought not to be able to block the claims of these 3,000 people who served with valor our country.

My motion would instruct our conferees, here in the House, to the State Department bill to not accede to the demands of those who would place the tobacco companies and the other commercial claims ahead of our veterans, who deserve to be heard first and foremost for what they have done for this country.

I would draw the attention of the House to communications from the National Gulf War Resource Center which concludes in a letter to this House by saying, "Senator HELMS' legislation, if passed, would amount to a grotesque injustice against gulf war veterans poisoned by chemical warfare agents and other toxins during the gulf war. We ask you to consider the interests of gulf war veterans when voting on this legislation."

That is what I will be asking my colleagues to do later today as we take up and consider this motion: Put the gulf war veterans first because they put our country first.

□ 0915

## INS: SERVICE VERSUS ENFORCEMENT

The SPEAKER pro tempore (Mr. THUNE). Under the Speaker's announced policy of January 21, 1997 the gentleman from Texas [Mr. REYES] is recognized during morning hour debates for 5 minutes.

Mr. REYES. Mr. Speaker, I rise this morning to speak on an issue that is very important to me. For more than 26 years, I was an employee of the Immigration and Naturalization Service. I am proud to say that I worked for the INS and that I helped to enforce our Nation's immigration laws as a Border Patrol agent and subsequently as a Border Patrol chief.

I am proud to have worked alongside some of the most dedicated and professional men and women this country has to offer. It is for these men and women that I will introduce the Border Security and Enforcement Act of 1997, a bill which will separate the Border Patrol and other enforcement components from the INS and create a new enforcement agency.

The INS has real problems that demand real answers. I believe I can provide those answers in a manner that is beneficial to the INS and the American people who demand more from their Government.

The inherent problem with the INS is that they are attempting to serve two masters. For all of its good intentions and willing personnel, the INS is doomed to fail. The problem is that they are tasked with conflicting missions: service versus enforcement.

Despite funding increases of more than 52 percent over the past 2 years, the INS has not adequately handled naturalization or enforcement. There are approximately 1.4 million people waiting for the INS to process their naturalization applications, and this backlog, unfortunately, is expected to increase. This situation is unacceptable. It is the duty of our Nation to provide timely service to those seeking admission under the legal immigration system.

Our efforts to control the border are also falling short of expectations by the American people. By recent INS estimates, there are more than 5 million illegal immigrants living in the United States. It is the duty of our Nation to effectively control illegal immigration and drug trafficking in order to provide safety and security to the American people.

Increasingly the physical presence of Border Patrol agents on the Southwest border to deter illegal crossings has been an integral part of our border control strategy, but there is much more to be done. In addition to placing agents in the field, we must ensure that they are properly equipped to control our borders. It should not be acceptable to have drug smugglers and alien smugglers taking shots at our agents on the border. It should not be acceptable to ask our agents to make do with what resources are available rather than with the resources that they need to do their jobs. We owe it to these officers to provide them the tools that they need to protect our borders and keep our communities safe.

Last year alone, there were more than 1.5 million apprehensions of illegal aliens attempting to enter the United States along the Southwest border. As if this is not enough, Border Patrol agents are playing a major and integral part in our Nation's drug control strategy. Drug traffickers attempting to supply the drugs to feed America's $50 billion a year drug habit have become increasingly dangerous and sophisticated.

The men and women of the U.S. Border Patrol are outmanned and outgunned. The INS, with its mission overload, is forced to fund programs depending on the priority of the moment despite an unprecedented increase in resources. These priorities vary from border control, interior enforcement, or naturalization. It is time to correct this.

We cannot expect our Border Patrol agents to effectively combat illegal immigration and drug trafficking without providing them the means to do so. This newly created agency will be enforcement-oriented and will dedicate the necessary resources to control our borders and protect the lives of our Border Patrol agents.

This legislation will also allow the INS to focus its attention and resources on naturalization and adjudication by relieving them of their enforcement duties. The deficiencies inherent in our immigration system will finally be addressed. We must place a priority on controlling our borders and properly serving those seeking admission to our Nation legally. It is time to protect those who serve us every day on the border and throughout our Nation.

## OVERHAUL THE IRS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997 the gentleman from Florida [Mr. STEARNS] is recognized during morning hour debates for 5 minutes.

Mr. STEARNS. Mr. Speaker, I rise today to discuss the imperative need for tax reform. It is not simply that Americans pay too much taxes, it is that the entire U.S. tax system is too complex, too bureaucratic, and too unfair.

When the income tax was first enacted 84 years ago, there was one page of instructions coupled with a one-page form. Today, there are 480 IRS tax forms and 17,000 pages of IRS laws and regulations. Even the instructions alone for the 1040 EZ form are 28 pages long, and 293,760 trees must be cut down each year just to supply the 8 billion pages of paper needed for filing the country's income taxes.

The complexity of the system requires 136,000 employees at the IRS and elsewhere in the Government to administer the laws, costing the American taxpayers $13.7 billion to enforce and oversee the Code. So while tax reduction is a very important, much-needed step forward, we must not forget that it is a first step in many that must be taken. We should continue to work to reduce the tax burden, but we also must simplify the Tax Code.

To address the latter, Congress has an obligation to pursue tax fairness, yes, and simplification for all Americans, whether that be a flat tax, a national sales tax, a graduated tax, or even a value-added tax. Each has its merits, and certainly all are better than the current flawed system. It is essential that any overhaul ostensibly based on fairness must be just that: fair to everyone. Otherwise, we have not bettered the system, we have only exacerbated the already existing problem.

Furthermore, and most importantly, the IRS itself is in dire need of reform. It is the exemplification of all that is wrong with our overly complex and burdensome Tax Code.

In a recent survey, American taxpayers rated the IRS last in customer satisfaction among 200 private companies, local government agencies, even the U.S. Postal Service. Furthermore, the GAO reports that the IRS has been unable to accurately balance its own books for the last 4 years, reporting that in 1992 the IRS could not even account for 64 percent of its own budget. After spending $4 billion, the IRS acknowledged that its Tax Systems Modernization Computer Program still has not produced a working system. As a result, the IRS clerks continue to type away at a computer set up 30 years ago with an error rate of 22 percent.

It should be obvious to everyone that the entire U.S. tax system is in desperate need of reform. Taxes are too high. The Tax Code is too complex and burdensome, and the IRS itself is a bureaucratic mess.

Congress has an obligation to act, an obligation to reform the burdensome and monstrous Tax Code. We should seize this opportunity now. We should work to affect positive changes in our Nation's revenue collection agency, work toward simplifying our overly complex Tax Code, and work to bring some sanity to the incomprehensible Tax Code.

The unfair and oppressive tax system of today is not unlike the system that gave rise to the American Revolution in 1776. We have, as I mentioned, an overly complicated system exemplified by an immense and impersonal Government bureaucracy.

Mr. Speaker, America deserves better. Americans deserve fairness. They deserve further tax relief; they deserve tax simplification, and they deserve a new, less intrusive and less burdensome IRS. We cannot just fix the system today, we must replace it.

## RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until 10 a.m.

Accordingly (at 9 o'clock and 24 minutes a.m.), the House stood in recess until 10 a.m.

□ 1000

## AFTER RECESS

The recess having expired, the House was called to order by the Speaker at 10 a.m.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

Of all the gifts that we treasure in our hearts, O God, we are especially grateful for the gift of truth and we pray that we will cherish that gift with the unique respect and honor that is most fitting and appropriate. May we so use our thoughts and words in ways that truly reflect the right exchange of ideas between people and may every person, on every side of discourse or argument, use the wisdom and noble judgment that befits Your good creation. And may the words we say with our lips, be believed in our hearts, and all that we practice in our hearts, may we see lived out in our daily lives. In Your name we pray. Amen.

## THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. MCNULTY. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. MCNULTY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Pursuant to the provisions of clause 5, rule I, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

## PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Puerto Rico [Mr. ROMERO-BARCELÓ] come forward and lead the House in the Pledge of Allegiance.

Mr. ROMERO-BARCELÓ led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

## MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 459. An act to amend the Native American Programs Act of 1974 to extend certain authorizations, and for other purposes.

## ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will entertain 15 1-minutes on each side.

## YUCCA MOUNTAIN NUCLEAR WASTE REPOSITORY WILL MEAN LARGE GOVERNMENT PAYOFFS FOR DEVALUED PROPERTIES

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Madam Speaker, what will a temporary nuclear waste repository at Yucca Mountain, NV, mean to private property owners in some districts? It will mean large Government payoffs because the transportation of this radioactive waste will devalue their property. The New Mexico Supreme Court ruled that Mr. John Komis of Santa Fe be awarded more than $884,000 resulting from devaluation damage to his land due to the transportation of radioactive waste past his property.

If H.R. 1270 passes, almost 80,000 tons of nuclear waste will be transported across this country, devaluing property along the way. And who will pay for this devaluation in private property? Of course, the American taxpayer. They will foot the bill to support a radical and extremely costly policy mandated upon them by Congress.

It is time Members pay attention to this debate and represent the constituency that elected them to protect their property and their rights. Madam Speaker, this is a bill that America cannot afford.

## SUPPORT FOR LORETTA SANCHEZ

(Mr. ROMERO-BARCELÓ asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROMERO-BARCELÓ. Madam Speaker, I rise today to support our colleague, the gentlewoman from California, Ms. LORETTA SANCHEZ.

The Committee on House Oversight, in conducting its election probe, will not destroy her ability to represent the people of her district. This investigation has dragged out but will not drag down the gentlewoman from California.

Those of us who know the gentlewoman, know what the people of the 46th District knew when they voted her into Congress. She is going to stand up in Congress to the challenge. She is going to continue to stand up in Congress for the people of her district and the issues that matter most to them: education, crime prevention, and better jobs.

California's Secretary of State certified the gentlewoman was duly elected by the people of the 46th District. Yet the investigation continues.

The Committee on House Oversight is obviously stalling. The legal bills for the gentlewoman from California have exceeded $400,000, and this probe continues to cost her $10,000 a week. Is the committee protracting its investigation to keep her from raising funds for her reelection?

One way or another they want to bring her down, but we stand behind her, Madam Speaker, and we will not relent until this probe comes to an end. It is time to conclude this investigation, to terminate this extended fishing expedition, and for the attention of this Congress to be placed squarely on the people's business.

## COMPULSORY CAMPAIGN CONTRIBUTIONS ARE WRONG

(Mr. TIAHRT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TIAHRT. Madam Speaker, the House has been drug through knotholes over campaign finance reform lately, and after numerous attempts to shut down the House and prevent us from doing the people's business, those few who are responsible have failed to address true campaign reform; and that is simply to follow the laws that are on the books today.

For campaign finance reform they have failed to address the injustice in the current system. Senator LOTT was quoted in today's Washington Times as saying most Americans would be shocked to learn that some workers in our Nation are forced to contribute to candidates or campaigns they do not support or they do not know anything about. But it happens, Madam Speaker, in every national campaign, and it is wrong.

Thomas Jefferson said, "To compel a man to furnish contributions of money for the propagation of opinions which he disbelieves, is sinful and tyrannical."

Madam Speaker, let us free the American workers from compulsory campaign contributions for candidates they cannot support. It is bad policy and it is wrong.

## WHITE HOUSE'S DEFENSE OF IRS IS INDEFENSIBLE

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Madam Speaker, the IRS has a quota system. The IRS promotes workers who bully taxpayers. The IRS targets opponents. The IRS literally snoops through our files. The IRS has caused Bruce Barron and Alex Council to actually commit suicide. And after all this, a spokesman says the White House will champion the cause of the IRS because the criticism has been blown way out of proportion. Beam me up.

Let us tell it like it is. The White House is defending an agency that has become absolutely a Gestapo-type agency, un-American, out of control. I am totally convinced that at the White House they are out for soup with the group; they have gone for lunch with the bunch; and they must be smoking dope, so help me God.

I yield back the balance of the atrocities of the IRS.

## DEMOCRATS CALLING FOR CAMPAIGN FINANCE REFORM GIVES HYPOCRISY A BAD NAME

(Mr. HEFLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HEFLEY. Madam Speaker, to hear the liberals call for campaign finance reform is like Marv Albert scolding Mike Tyson for using his biting skills in an inappropriate manner.

Democrats have had to return over $2 million, $2 million, Madam Speaker, because they raised illegal money from foreign sources. In a town awash in hypocrisy, Democrats, who ran roughshod over existing fundraising laws in the last election, are giving hypocrisy a bad name.

One would expect the always fair, unbiased media to laugh them out of town when they hear the very same people who broke the law call for reform of the law. But here is the real shocker: The ever-balanced media, far from exposing their hypocrisy, are leading the way for calls in campaign finance reform.

How many times have we heard our liberal elite friends in the media say, "The real tragedy is not what is illegal but what is legal." Yes, shaking down impoverished Indian tribes, illegally mixing DNC funds with Teamster money, soliciting money from foreign nationals, laundering money and shredding evidence; no, I suppose that is not the real tragedy.

## CAMPAIGN FINANCE REFORM A MUST TO HAVE A DEMOCRACY WORTH PROTECTING

(Mr. BLAGOJEVICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BLAGOJEVICH. Madam Speaker, let me first of all start by quoting Winston Churchill, who said, "Democracy is the worst system ever devised by man, except for all the rest."

I think there is a clear need for campaign finance reform. I am a new Member and, clearly, most Members agree there is something wrong with the way we fund our campaigns and fuel our democracy. When we spend all the time we spend trying to raise money to get here, and when we consider all of the special interest money that helps us get elected to office, if that system is not corrupting, it certainly is corruptible.

We have an opportunity in this Congress to do something real about campaign finance reform. We live in a very special place. We live in the greatest country in the history of human history, and the reason we do is because of our system of government that is based on the consent of the governed. Unless the governed believe that we are acting in good faith and are truly trying to govern them in a fair way, we will not have a democracy worth protecting.

We must pass some form of campaign finance reform in this Congress if we are going to preserve what Abe Lincoln said is our last best hope on Earth.

## FREEDOM MUST NOT BE COMPROMISED IN THE NAME OF REFORM

(Mr. DELAY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DELAY. Madam Speaker, for any democracy to work, it must have fair and honest elections. To have fair and honest elections, the people running for office must follow the law. Some people want to change those laws despite overwhelming evidence that they were broken during the last campaign by the Clinton-Gore reelection team.

Madam Speaker, I support efforts to make our elections more fair and honest. I support giving the American people the best information possible about candidates. I support full disclosure, so that the voters know where the money is coming from. And I support the current laws that have been broken with regularity by the Clinton-Gore campaign team. But I will not support any so-called reform effort that limits the freedom of American citizens to participate in the political process.

We must not compromise freedom in the name of reform.

## REPUBLICANS HIDING BEHIND PREVIOUS ABUSES AND NOT ALLOWING CAMPAIGN FINANCE REFORM TO TAKE PLACE

(Mr. DOGGETT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DOGGETT. Madam Speaker, if it is illegal, prosecute it, but do not hide behind it as the Republicans have been doing throughout this session.

Indeed, our Republican colleagues came into this Congress in 1995 promising revolutionary change, and they have given us nothing but the most modest and cosmetic touchover of the way business as usual is conducted in this body.

If they had any real interest in revolutionary change in the way this Congress operates, campaign finance would have been considered in January 1995. Instead, we have had nothing but delays. And this year, having failed to reform the system in time for the last election, they are hiding behind any abuses that occurred, Democrat or Republican, in the last election, to defeat reform this time.

Even as our colleagues down the hall in the other body debate genuine campaign finance reform, they continue to refuse to schedule 1 minute for real debate, for presentation of bipartisan proposals on the floor of this House.

## DEMOCRATS ATTEMPTING TO CONFUSE AND DISORIENT PUBLIC ABOUT CAMPAIGN FINANCE REFORM

(Mr. RYUN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RYUN. Madam Speaker, when I was a young boy growing up in the great State of Kansas, my friends used to play a game in which we would blindfold someone, spin them around until disoriented, and then hand them a paper tail with a thumbtack attached and point them toward a wall where a donkey was drawn. While blindfolded they were to pin the tail on the donkey.

That game represents what the Democrats are doing to the public. They have attempted to confuse and disorient the general public on campaign finance reform. Madam Speaker, this must stop.

The Democrats wrote the campaign finance rules when they were in the majority. The Democrats have now broken the rules while they are in the minority. Let us remove that mask and unblindfold the public.

Before we consider fixing campaign finance reform, let us pin the tail of blame fully on the Democratic donkey, and find out what went wrong with the Democrats first before we change the system.

□ 1015

## IN SUPPORT OF FAIR REPRESENTATION FOR LATINOS

(Ms. VELÁZQUEZ asked and was given permission to address the House for 1 minute.)

Ms. VELÁZQUEZ. Madam Speaker, the Republicans are trying to deny the gentlewoman from California [Ms. SANCHEZ] the seat she won in a fair election. They are carrying out an investigation whose only purpose is to harass and intimidate the gentlewoman from California [Ms. SANCHEZ] and Latino voters.

Now they are trying to prevent an accurate count in the 2000 census. By not counting Latinos, opponents of a fair census can justify slashing resources to these communities. By pretending that millions of people do not exist, Latinos are silent at every level, from school boards all the way up to Presidential elections.

Well, I have news for the Republicans. Latinos will not be silenced. Recently, the Republicans passed out a memo about how to appeal to Latinos. Well, the Republicans need to learn a lesson about politics. By insulting our community this way, they will never get another Latino to join the Republican Party.

## MY, HOW THINGS HAVE CHANGED

(Mr. BOB SCHAFFER of Colorado asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOB SCHAFFER of Colorado. Madam Speaker, my, how things have changed. George Washington, the Father of our Nation, was obsessed with the idea of establishing a national character. He believed in the marrow of his bones that the esteem and success of a nation derived above all from one thing and one thing only.

It was not the strength of its army, the wealth of its resources, the level of taxation extracted from its citizens, nor was it the refinement of his laws. No, Washington believed that the esteem and success of a nation derived above all from the virtue of its people.

To General Washington, the greatness of a nation and the greatness of its people lay in the moral character of individuals. He wrote that "A good moral character is the first essential of man."

How different things are today in the city that bears the name of such a great American hero. We see daily a new standard of character, a never-never land of legalistic gymnastics that carefully avoids the outright lie, but plumbs the depths of deception, deceit, and verbal prestidigitation.

The campaign to deceive began with Medicare, blossomed in Filegate, and continues this very day with the corruption of American elections by foreign money. This new White House standard is a national disgrace.

## SANCHEZ-DORNAN ELECTION

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Madam Speaker, the truth will be told. Madam Speaker, Bob Dornan is fighting for a job, and the gentlewoman from California [Ms. SANCHEZ] is fighting for her life and the life of a people who deserve a right to be represented in the U.S. Congress. What a travesty.

First, the Republicans want to counter the real counting of people by opposing sampling so that urban dwelling Hispanics, African-Americans, Asians, new immigrants to this Nation, who become new citizens cannot be counted. Why? Sheer politics.

Why do the Republicans want to continue opposing the seating of the gentlewoman from California [Ms. SANCHEZ] when absolutely no fraud has been found? Because I guess they do not believe that all of us are equal in these United States.

Former Representative Bob Dornan has led a widespread abusive and costly search for voter fraud, claiming that the lost election, that he lost by more than a thousand votes, is due to massive illegal voting by Hispanics. There we go again bashing immigrants, now citizens. And yet, after $300,000 of taxpayer money has been expended, no fraud has been found.

Stop bashing Hispanics, count them. And leave the gentlewoman from California [Ms. SANCHEZ] alone to do her job for the 46th District of California.

## NUCLEAR WASTE POLICY ACT OF 1997

(Mr. ENSIGN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ENSIGN. Madam Speaker, I rise to talk about the nuclear waste bill of this year. Almost 80,000 tons of nuclear waste are going to be transported on our roads throughout America.

What most people do not understand is that the private companies that will be shipping this waste, if they happen to have a driver who is drunk, driving in the middle of the night through, say, St. Louis, Denver, Kansas City, Omaha, Chicago, Atlanta, Salt Lake City, Philadelphia, or Los Angeles, all of those cities this nuclear waste will be transported through, if one of the drivers of these rigs happens to crash through a house because they were drunk, this nuclear waste bill will protect that company from any kind of lawsuit.

Madam Speaker, this is outrageous. This Nuclear Waste Policy Act of 1997 needs to go down in flames. It is wrong for America. it protects the wrong people. We need to vote against it.

## MS. SANCHEZ WON ELECTION FAIR AND SQUARE

(Mr. BARRETT of Wisconsin asked and was given permission to address the House for 1 minute.)

Mr. BARRETT of Wisconsin. Madam Speaker, several weeks ago this House took the extraordinary action of banning Bob Dornan from the floor because of the embarrassing display he put on for the Members of this House and the American people.

What is unfortunate is that even though he has been banned from this floor, neither he nor the Republican party have given up on trying to restore his seat that he lost fairly and squarely to the gentlewoman from California [Ms. SANCHEZ].

The Republican Party has continued to go after the gentlewoman from California [Ms. SANCHEZ], and I fear the reason they are going after her, frankly, is because she is a woman and a minority. They think she is fair game. And even though she won the election fair and square, they are trying to reverse a decision that was made by the people of California.

The people have spoken, Madam Speaker, and what we should do is we should honor that election. There have been allegations of fraud, but there certainly have not been any allegations of fraud sufficient to upset this election. This election should not be put aside. It should stand.

The people of California, in 1998, can decide at that time whether the gentlewoman from California [Ms. SANCHEZ] should be allowed to continue in office. But it is wrong for her and it is wrong for the democratic process to take that seat now.

## WHITE HOUSE CHAMPIONS THE IRS

(Mr. ROGAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROGAN. Madam Speaker, during this last week, the other body has conducted hearings that are extremely significant to all Americans. We finally had a congressional committee turn over the rock at the IRS. What we heard were horror stories coming from citizens, taxpayers, and even from IRS agents who testified anonymously.

It did not surprise me, Madam Speaker, to see on the front page of U.S.A. Today that 69 percent of Americans believe the IRS abuses power often—not just now and then, but often. What did surprise me, Madam Speaker, was to see on the front page of the Washington Times, in response to a Republican congressional proposal that a citizen oversight board protect Americans from the IRS, that the "White House champions the IRS." The headlines say that "the President opposes citizen oversight."

Republicans in this Chamber, Madam Speaker, have made clear that the status quo with the IRS is unacceptable. I hope that the President will reconsider his apparent refusal to see citizens oversee the IRS, instead of having it the other way around.

## CALL HALT TO INVESTIGATION OF MS. SANCHEZ

(Ms. DeLAURO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DeLAURO. Madam Speaker, I rise today to say enough is enough. It is time to call a halt to the investigation of the gentlewoman from California [Ms. SANCHEZ].

Today's resolution on the floor is nothing more than an effort by the majority party to extend and to expand this investigation. The resolution has no authority to force the Justice Department to do anything. In fact, it will only impede the ongoing legal process.

The resolution is simply an attempt by the Republican Party to create enough smoke to steal this election. If they cannot do that, they hope to simply wear the gentlewoman from California [Ms. SANCHEZ] down, depleting her time, her energy, and her financial resources in order to weaken her for reelection.

The gentlewoman from California [Ms. SANCHEZ] won this seat fair and square. Bob Dornan's wild accusations of voter fraud have been proven false. This is an outrageous waste of taxpayers' funds. It is time to call an end to this investigation.

## LIBERALS CREATED THE SYSTEM WE HAVE

(Mr. ADERHOLT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ADERHOLT. Madam Speaker, I am truly struck by the volume and breadth of passion displayed by our liberal friends on the other side. Their compassion and zeal for campaign finance reform is touching, to say the least. And when they chant over and over "the system is rotten to the core," I am really impressed.

But then I started thinking, something that liberals never want people to do. I started thinking about the system. And you know what, Madam Speaker? Liberals created the system we have. For liberals to come to the floor and bemoan the system is just a little misplaced and more than a little insincere.

Madam Speaker, liberals realize the trouble the White House and the DNC are getting into, and they know they have been sold out. The liberals do not want campaign finance reform, they want to change the subject.

## CAMPAIGN FINANCE REFORM

(Ms. HOOLEY of Oregon asked and was given permission to address the House for 1 minute.)

Ms. HOOLEY of Oregon. Madam Speaker, a bipartisan group of freshmen legislators have crafted a campaign finance reform bill that can pass with strong support from Members on both sides of the aisle.

This is not a radical measure. It is incremental and focuses exclusively on areas of consensus between Republicans and Democrats. No partisan poison pills were included in the bill.

I urge the leadership to bring a measure up that appeals to both sides like this one, not a bill loaded with partisan politics. Madam Speaker, the American people want to see reform, not political games on this floor. It is time to bring up campaign finance reform measures that address the issues we all agree on.

## CAMPAIGN FINANCE REFORM

(Mr. KINGSTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KINGSTON. Madam Speaker, when the White House was having organized fundraising events in the Lincoln bedroom for Democrat fundraising purposes, when it was raised by Republicans, Democrats said, "You are being partisan."

When the Vice President of the United States raised thousands and thousands of dollars in a Buddhist temple from Buddhist monks and nuns, who had to take vows of poverty but they came up with $5,000 each, we were called antireligious.

Now, because of some very questionable voting tactics in the California race, we are being dragged into this thing on a race count. You know, fair elections are not the domain of the party that lost, it belongs to everybody, Democrats and Republicans. We have a situation here where files have been subpoenaed.

The legislation that we are having to pass today, which I hope all the Democrats join us in voting for, simply says give us the files so we can get to the bottom of this. We want to know whether it is fair or not, because it is not a Democrat or Republican issue.

## OUR RIGHT TO PRIVACY IS UNDER ATTACK

(Ms. FURSE asked and was given permission to address the House for 1 minute.)

Ms. FURSE. Madam Speaker, as an immigrant, as a Member of Congress, as one who won her second race by a very small minority, I want to say that I am appalled that new voters, and especially voters who have Hispanic surnames, are being targeted by the attacks on the gentlewoman from California [Ms. SANCHEZ].

All of us, all of us, our right to privacy, is under attack; and this attack is coming from a man who was not allowed to serve on this floor, Bob Dornan. It is time that the choice of the voters be honored. We who represent the people of our district must reject this attack on our Democratic election process. We must reject this resolution. We must support what the voters supported, the election of the gentlewoman from California [Ms. SANCHEZ] to serve the people of her district.

## MARRIAGE TAX ELIMINATION ACT

(Mr. WELLER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WELLER. Madam Speaker, let me address the House with a fairly simple question: Do Americans feel that it is fair that our Tax Code imposes a higher tax on married working couples? Do Americans feel it is fair that we tax married couples more than those who live together, with two incomes, outside a marriage? Do Americans feel that it is fair that 21 million average, middle-class married couples pay an average of almost $1,400 more in taxes than a working couple with identical dual incomes living outside of marriage?

I do not believe so. I believe that the folks back home, those who pay the bills, pay their taxes on time and live by the rules, also believe it is unfair. The marriage tax should be eliminated.

The Marriage Tax Elimination Act, which now enjoys the cosponsorship of 193 Members of this House, both Democrats and Republicans, will eliminate the marriage penalty. My colleagues, I ask for bipartisan support next year and we make it a bipartisan priority to eliminate the marriage tax.

□ 1030

## UNITED STATES SHOULD LEAD THE FIGHT TO RID THE WORLD OF LANDMINES

(Mr. ALLEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ALLEN. Madam Speaker, 89 nations agreed in Oslo recently to an international treaty to ban landmines. This achievement is the product of years of hard work by humanitarian groups in the United States and around the globe and honors the legacy of the late Princess Diana. Unfortunately, the administration has decided not to sign the Ottawa Treaty.

I fear we have missed an historic opportunity to do the right thing. The United States should lead the fight to rid the world of landmines.

The President said that total landmine ban was a line he could not cross for the safety of our troops. Their safety is of fundamental importance, but there are alternatives to mines that can protect our soldiers.

A child in Angola does not see the line between farm and minefield and does not know where she can safely cross. Every 22 minutes, an innocent civilian is killed or maimed by a landmine.

Madam Speaker, I urge Members and citizens across the country to call on the President to think of that little girl, do the right thing and sign the Ottawa Treaty in December.

## CALLING INVESTIGATION OF VOTER FRAUD A WITCH HUNT OR ATTACK ON HISPANICS IS UTTER NONSENSE

(Ms. PRYCE of Ohio asked and was given permission to address the House for 1 minute and to revise and extend her remarks and include extraneous material.)

Ms. PRYCE of Ohio. Madam Speaker, never have we heard or seen a more shameless, despicable display of playing the race card from the bottom of the deck than that we are seeing here today with regard to the disputed Sanchez election.

I have heard investigations into voter fraud described as a witch hunt, an attack on all Hispanic voters, and an unprecedented attack on Hispanics throughout the Nation. I have heard our constitutional duty to ensure fair and honest elections characterized as targeting every Hispanic voter as if they did not have the right to vote.

What utter nonsense. Fair and honest elections are not a Republican issue or a Democratic issue. Is the other side really suggesting that voter fraud should not be investigated? Is the other side really suggesting that non-U.S. citizens should be able to vote?

The other side's reckless, irresponsible, and deliberately inflammatory charges are an insult to this great institution, to the American ideal of fair and honest elections.

## WONDERING WHAT IRS WOULD MAKE OF WHITE HOUSE EXCUSES FOR CAMPAIGN FINANCE LAWBREAKING

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Madam Speaker, one wonders what the IRS would make of the excuses the White House makes whenever it comes to campaign finance law breaking. How ironic it is that the same administration that has an IRS out of control, an IRS that targets average citizens for political purposes, especially if they happen to work for the White House Travel Office, or used to, an IRS that gives one absolutely no benefit of the doubt, is the same administration that actually claims to be cooperating fully with congressional investigators while putting up a stone wall bigger than the Great Wall of China.

Do my colleagues think the IRS would be satisfied with the sudden "I don't recall" syndrome that happens every time a White House official testifies before Congress? Do my colleagues think the IRS would let them slide with the "no controlling legal authority" defense? Do my colleagues think the IRS would cut them some slack if they got caught red handed and then turned around and said, "The system made me do it, and anyway, everybody cheats"?

I wonder.

## MOTION TO ADJOURN

Ms. VELÁZQUEZ. Madam Speaker, I offer a privileged motion.

The SPEAKER pro tempore (Mrs. MORELLA). The Clerk will report the motion.

The Clerk read as follows:

Ms. VELÁZQUEZ moves that the House do now adjourn.

The SPEAKER pro tempore. The question is on the motion to adjourn offered by the gentlewoman from New York [Ms. VELÁZQUEZ].

The question was taken.

Ms. VELÁZQUEZ. Madam Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 132, nays 285, not voting 16, as follows:

[Roll No. 465]

YEAS—132

Abercrombie
Ackerman
Allen
Andrews
Baldacci
Barrett (WI)
Becerra
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boyd
Brown (CA)
Brown (FL)
Brown (OH)
Capps
Clayton
Clyburn
Coburn
Conyers
Coyne
Cramer
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dingell
Doggett
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Fazio
Filner
Ford
Frank (MA)
Furse
Gejdenson
Goode
Gutierrez
Hall (OH)
Harman
Hastings (FL)
Hefner
Hilleary
Hinchey
Hinojosa
Hoyer
Jackson-Lee (TX)
Jefferson
Johnson (WI)
Kanjorski
Kaptur
Kennedy (RI)
Kennelly
Kilpatrick
Kind (WI)
LaFalce
Largent
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Markey
Martinez
Matsui
McCarthy (NY)
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek
Menendez
Millender-McDonald
Miller (CA)
Mink
Moran (VA)
Murtha
Neal
Olver
Ortiz
Owens
Pascrell
Payne
Peterson (MN)
Pomeroy
Price (NC)
Rangel
Reyes
Rivers
Rodriguez
Roybal-Allard
Rush
Sanchez
Sanders
Sawyer
Scott
Slaughter
Smith, Adam
Snyder
Spratt
Stabenow
Stark
Stokes
Strickland
Stupak
Tauscher
Thurman
Tierney
Torres
Towns
Velázquez
Vento
Waters
Watts (OK)
Waxman
Wexler
Woolsey
Wynn

NAYS—285

Aderholt
Archer
Armey
Bachus
Baesler
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bentsen
Bereuter
Berman
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Boucher
Brady
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clay
Clement
Coble
Collins
Combest
Condit
Cook
Cooksey
Costello
Cox
Crane
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (VA)
Deal
DeLay
Diaz-Balart
Dickey
Dicks
Dixon
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Foley
Forbes
Fowler
Fox
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutknecht
Hall (TX)
Hamilton
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilliard
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones
Kasich
Kelly
Kennedy (MA)
Kildee
Kim
King (NY)
Kingston
Kleczka
Klug
Knollenberg
Kolbe
Kucinich
LaHood
Lantos
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Manton
Manzullo
Mascara
McCarthy (MO)
McCollum
McCrery
McDade
McHale
McHugh
McInnis
McIntosh
McKeon
McKinney
Metcalf
Mica
Miller (FL)
Moakley
Mollohan
Moran (KS)
Morella
Myrick
Nadler
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Oxley
Packard
Pappas
Parker
Pastor
Paul
Paxon
Pease
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Porter
Portman
Poshard
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Redmond
Regula
Riggs
Riley
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryun
Sabo
Salmon
Sandlin
Sanford
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stearns
Stenholm
Stump
Sununu
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Tiahrt
Traficant
Turner
Upton
Visclosky
Walsh
Wamp
Watkins
Watt (NC)
Weldon (FL)
Weldon (PA)
Weller
Weygand
White
Whitfield
Wicker
Wise
Wolf
Yates
Young (AK)
Young (FL)

NOT VOTING—16

Dellums
Flake
Foglietta
Gephardt
Gonzalez
Klink
Lampson
Livingston
Minge
Obey
Pallone
Pelosi
Rothman
Saxton
Schiff
Schumer

□ 1053

Messrs. KIM, CUNNINGHAM, NUSSLE, PORTER, DAVIS of Virginia, ROHRABACHER, and Ms. DUNN changed their vote from "yea" to "nay."

Messrs. McINTYRE, BOYD, PAYNE of New Jersey, ORTIZ, OLVER, LAFALCE, and RUSH, and Mrs. LOWEY and Ms. LOFGREN changed their vote from "nay" to "yea."

So the motion to adjourn was rejected.

The result of the vote was announced as above recorded.

## PERSONAL EXPLANATION

Mr. ROTHMAN. Mr. Speaker, on rollcall vote No. 465, I was unavoidably detained in New Jersey attending funeral services for Florence Rothman. Had I been present, I would have voted "no."

## THE JOURNAL

The SPEAKER pro tempore (Mr. NEY). Pursuant to clause 5 of rule I, the pending business is the question of the Speaker's approval of the Journal of the last day's proceedings.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Ms. JACKSON-LEE of Texas. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 360, nays 56, not voting 17, as follows:

[Roll No. 466]

YEAS—360

Ackerman
Aderholt
Allen
Andrews
Archer
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Bentsen
Bereuter
Berman
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bono
Boswell
Boucher
Boyd
Brady
Brown (FL)
Brown (OH)
Bryant
Bunning
Burr

Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clement
Clyburn
Coble
Collins
Combest
Condit
Conyers
Cook
Cooksey
Cox
Coyne
Cramer
Crane
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeGette
Delahunt
DeLay
Deutsch
Diaz-Balart
Dickey
Dingell
Dixon
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fazio
Foglietta
Foley
Forbes
Ford
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Ganske
Gekas
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutierrez
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastings (FL)
Hastings (WA)
Hayworth
Hefner
Herger
Hinojosa
Hobson
Hoekstra
Holden
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
Lofgren
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
Meehan
Meek
Metcalf
Mica
Millender-McDonald
Miller (FL)
Minge
Mink
Moakley
Mollohan
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Obey
Olver
Ortiz
Owens
Oxley
Packard
Pappas
Parker
Pascrell
Pastor
Paul
Paxon
Payne
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Rangel
Redmond
Regula
Reyes
Riggs
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Roybal-Allard
Royce
Ryun
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Scarborough
Schaefer, Dan
Scott
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stearns
Stenholm
Stokes
Strickland
Stump
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (NC)
Thomas
Thornberry
Thune
Thurman
Tiahrt
Tierney
Torres
Towns
Traficant
Turner
Upton
Walsh
Wamp
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Wexler
Weygand
White
Whitfield
Wicker
Wise
Wolf
Woolsey
Wynn
Yates
Young (AK)
Young (FL)

NAYS—56

Abercrombie
Becerra
Bonior
Borski
Brown (CA)
Clay
Costello
DeFazio
DeLauro
Doggett
English
Ensign
Fawell
Filner
Fox
Gejdenson
Gibbons
Gutknecht
Hefley
Hill
Hilleary
Hinchey
Hooley
Hulshof
Kilpatrick
Kucinich
Lewis (GA)
LoBiondo
Lowey
Markey
McDermott
McGovern
McNulty
Menendez
Miller (CA)
Moran (KS)
Nussle
Oberstar
Pombo
Poshard
Ramstad
Rush
Sabo
Salmon
Schaffer, Bob
Schumer
Sessions
Stark
Stupak
Taylor (MS)
Thompson
Velázquez
Vento
Visclosky
Waters
Weller

NOT VOTING—17

Armey
Clayton
Coburn
Dellums
Dicks
Flake
Gephardt
Gonzalez
Hastert
Hilliard
Lampson
Pallone
Pelosi
Pickett
Rothman
Saxton
Schiff

□ 1111

Mr. THOMAS changed his vote from "nay" to "yea."

So the Journal was approved.

The result of the vote was announced as above recorded.

## PERSONAL EXPLANATION

Mr. ROTHMAN. Mr. Speaker, on rollcall vote No. 466, I was unavoidably detained in New Jersey attending funeral services for Florence Rothman. Had I been present, I would have voted "yes."

## CONFERENCE REPORT ON H.R. 2203, ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 1998

Ms. PRYCE of Ohio. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 254 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 254

*Resolved*, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (H.R. 2203) making appropriations for energy and water development for the fiscal year ending September 30, 1998, and for other purposes. All points of order against the conference report and against its consideration are waived. The conference report shall be considered as read.

□ 1115

The SPEAKER pro tempore (Mr. NEY). The gentlewoman from Ohio [Ms. PRYCE] is recognized for 1 hour.

Ms. PRYCE of Ohio. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from Massachusetts [Mr. MOAKLEY], the distinguished ranking member of the Committee on Rules, pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only and should be limited to debate on the issue at hand.

Mr. Speaker, House Resolution 254 provides for the routine consideration of the fiscal year 1998 energy and water development appropriations bill. The resolution waives all points of order against the conference report and against its consideration. The rule provides that the conference report should be considered as read.

Let me begin my congratulating the gentleman from Pennsylvania [Mr. MCDADE] and the gentleman from California [Mr. FAZIO] for ably guiding the energy and water appropriations bill through conference. The product of their hard work is a fiscally responsible conference report that spends $1.9 billion less than the President requested, once again demonstrating to the taxpayers that this Congress is serious about cutting waste and prioritizing our spending.

Mr. Speaker, I believe this bill does an excellent job of accurately assessing our Nation's energy and water needs, adjusting the administration's request for water resources infrastructure. For example, the conference report provides funding for important flood control activities of the Army Corps of Engineers, a need that was definitely brought to light by the devastating floods that ravaged the South and Midwest last winter and throughout this past spring.

I would like to commend the gentleman from Pennsylvania [Mr. MCDADE] and the subcommittee for their continued support of the West Columbus flood wall project. In 1913, 1937, and 1959, melting snow and heavy rains caused the Scioto River to overflow its banks. The resulting catastrophic flood caused the loss of many lives, destroyed homes and businesses, and damaged millions of dollars' worth of residential and commercial property. Ensuring a continued Federal commitment to this project is essential to providing the West Columbus community peace of mind and a real measure of protection from the looming threat of destructive floods. There are examples all across our Nation of exactly the same situation found in this conference report.

I would also note that the conference report continues our commitment to downsizing and streamlining the Federal Government by imposing a number of management reforms on the Department of Energy, all designed to keep the Department focused, efficient, and accountable to the taxpayers. There are more than a few of my colleagues who view the Department of Energy as the epitome of wasteful bureaucracy that has outgrown its original limited purpose. How the Department responds to the reforms implemented by this bill will send an important message to Congress about what the future of this agency should be.

In the meantime, the conference report will provide the necessary DOE funds for basic scientific research, accelerated cleanup of contaminated DOE sites, maintenance of our Nation's nuclear weapons stockpile, and a continuation of solar renewable energy programs.

In addition, the conference report begins the phaseout of funding for another agency that has outlived its necessity by terminating the appropriations for the Tennessee Valley Authority after fiscal year 1998. I should note that through this legislation the TVA will receive $70 million for its nonpower program, but this amount represents a 34 percent cut below the current level and the administration's request.

Mr. Speaker, as the fiscal year draws to a close, I encourage my colleagues to adopt the rule before us without delay so that the House may proceed with consideration of the fiscal year 1998 energy and water conference report. I urge support for both the rule and the underlying legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. MOAKLEY. Mr. Speaker, I yield myself such time as I may consume. I thank my colleague and friend, the gentlewoman from Ohio [Ms. PRYCE], for yielding me the customary half hour.

Mr. Speaker, I rise in support of this rule and in support of this energy and water conference report. I also would like to congratulate my colleagues, the ranking member, the gentleman from California [Mr. FAZIO], and the chairman, the gentleman from Pennsylvania [Mr. MCDADE], for a job well done. The gentleman from Pennsylvania [Mr. MCDADE], in his first year as chairman, has worked very hard with the other body to make sure that House Members were treated fairly.

This conference report will make some very serious improvements in our country, especially in our country's infrastructure, and the subcommittee members should be congratulated on their diligence and on their hard work.

Mr. Speaker, this rule, like most conference report rules, waives points of order against the conference report and provides for 1 hour of debate. This conference report also fully funds the budget request for the Energy Department's arms control and nonproliferation programs as the House has instructed them to do. It restores funding for the Energy Department, which means that they can continue to cut spending through normal attrition instead of making radical staff cuts which could hurt our country's energy program. The Energy Department, in addition to atomic defense activities, conducts basic science and energy research which I think is tremendously important, especially in today's high-tech world.

I am glad that the committee did not have to make major staff cuts, and once again, Mr. Speaker, I congratulate my ranking member, the gentleman from California [Mr. FAZIO], and my chairman, the gentleman from Pennsylvania [Mr. MCDADE], for the conference committee and all the other conference committee members for their hard work. I urge my colleagues to support the rule.

Mr. Speaker, I yield back the balance of my time.

Ms. PRYCE of Ohio. Mr. Speaker, I have no further requests for time, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. DOGGETT. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 415, nays 3, not voting 15, as follows:

[Roll No. 467]

YEAS—415

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berman
Berry
Bilbray
Bilirakis
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Carson
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Fattah
Fawell
Fazio
Filner
Foglietta
Foley
Forbes
Ford
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McDermott
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Packard
Pappas
Parker
Pascrell
Pastor
Paul
Paxon
Payne
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Redmond
Regula
Reyes
Riggs
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Roybal-Allard
Royce
Rush
Ryun
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Scarborough
Schaefer, Dan
Schaffer, Bob
Schumer
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Stokes
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Tierney
Torres
Towns
Traficant
Turner
Upton
Velázquez
Vento
Visclosky
Walsh

Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wise
Wolf
Woolsey
Wynn
Yates
Young (AK)
Young (FL)

NAYS—3

Ensign
Gibbons
Kelly

NOT VOTING—15

Barr
Bishop
Cardin
Dellums
Farr
Flake
Gonzalez
Hunter
LaFalce
Pallone
Pelosi
Pickett
Rothman
Saxton
Schiff

□ 1141

Mr. ISTOOK changed his vote from "nay" to "yea."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

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PERSONAL EXPLANATION

Mr. ROTHMAN. Mr. Speaker, on rollcall vote No. 467, I was unavoidably detained in New Jersey attending funeral services for Florence Rothman. Had I been present, I would have voted "yes."

Mr. McDADE. Mr. Speaker, pursuant to House Resolution 254, I call up the conference report on the bill (H.R. 2203), making appropriations for energy and water development for the fiscal year ending September 30, 1998, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. NEY). Pursuant to House Resolution 254, the conference report is considered as having been read.

(For conference report and statement, see proceedings of the House of September 26, 1997, at page 20247.

The SPEAKER pro tempore. The gentleman from Pennsylvania [Mr. McDADE] will be recognized for 30 minutes, and the gentleman from California [Mr. FAZIO] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Pennsylvania [Mr. McDADE].

□ 1145

GENERAL LEAVE

Mr. McDADE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the pending bill and that I may be permitted to include tabular and extraneous material.

The SPEAKER pro tempore (Mr. NEY). Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. McDADE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise, of course, in support of this conference report and urge my colleagues to do likewise. We are delighted, all of us on both sides of the subcommittee, to present this bill before the close of the fiscal year, and may I say to my colleagues that this required cooperative efforts on both sides of this aisle and on both sides of the Capitol to get this done.

We met in conference and concluded last Wednesday, after a very difficult series of negotiations with the Senate. The key numbers are that this bill is $2 billion, roughly, lower than the administration's budget request appropriating $20.7 billion. It is also lower than the Senate level. And of the total amount, $20.7 billion, roughly 56 percent of it is devoted to the atomic energy defense activities, the 050 account within the Department of Energy.

We had a lot of difficult issues, Mr. Speaker, and I am pleased that we were able to work them out in a manner that protected the Members of the House and the prerogatives of the House. As a consequence of all of that, the final appropriation for the Corps of Engineers is $3.9 billion, which is very roughly, almost to the penny, the amount that was agreed upon when we left the House.

In addition to that, Mr. Speaker, may I say that there were a number of initiatives that were agreed upon by the House, numbering about seven general provisions, all of which in one form or another survived the conference. I want to say to my colleagues in the House that they bear a bit of their attention because they do represent significant reforms with respect to the Department of Energy.

As we went through this account exercising our duty for general oversight, we discovered, to our shock, that the Department of Energy had the authority to enter into M&O contracts without ever going to competitive bid. The worst case that we found, Mr. Speaker, was a bid that had been outstanding and extended periodically, since the Manhattan project, 40 years ago. I am talking about a contractor, Mr. Speaker, for 40 years not having to bid on a contract.

There are other examples, as well. That is the worst case. We denied them the opportunity of getting to go to a no-bid unless there is a unique research project, like hiring Albert Einstein, in which case we might consider a waiver. But they must get a waiver and they must consult with us.

We found out, as well, that the same sort of exemption removed the Federal acquisition regulations from the Department of Energy. In other words, they could not only go out and do a no-bid contract, but they could do one that need not comply with the Federal regulations on acquisition which apply to every other agency of the Government.

Mr. Speaker, those Federal acquisition rules and the requirement for competition are the taxpayers' guarantee that we will have competition and, therefore, lower prices and higher quality work. There will not be any rip-offs or abuses, or at least as few as we can help. And we hope we do not have any within the Department.

Perhaps the most difficult issue that we had as we went through the debate with the Senate was the issue of TVA. As my colleagues will recall, there was a zero appropriation for appropriated accounts within the TVA. We met with the Senate, which had a substantial amount; and we finally agreed, as we should have, on a number that represents a 33-percent reduction in appropriated funds for the TVA for the last fiscal year. And perhaps most importantly, working with all of my colleagues who have great interests, in return for that we agreed that this would be the final year in which TVA will receive any kind of appropriated dollars.

An item of great interest to the Members is the Bay-Delta environmental enhancement and water supply project in California; $85 million is included in the bill for that important project that affects the San Francisco Bay-Sacramento-San Joaquin Delta estuary in northern California.

The amount is less than the $120 million that we appropriated, with the great help of my friend from California. But it is considerably more than the $50 million that the Senate included. And I think everybody's last analysis is this will really kick-start the project and get it moving expeditiously.

Mr. Speaker, there were several other items that were within the conference report with which we had great difficulties. We have resolved them. This is a unanimous conference report. Every single conferee has agreed to the provisions.

I want to say to my colleagues, Mr. Speaker, that without the able cooperation of the gentleman from California [Mr. FAZIO], the ranking member, we would not have achieved that kind of unanimity. I want to commend every single member of the subcommittee. Every one of them has put an imprint and a footprint on this bill and a positive one.

Finally, Mr. Speaker, I want to thank the very able staff members, who burn the midnight oil 24 hours a day, many days a week to bring this work product to us. I hope that there will be a resounding vote in the House to adopt it.

Mr. Speaker, I rise in support of the conference agreement to accompany H.R. 2203, making appropriations for energy and water development in fiscal year 1998.

Mr. Speaker, I am pleased that the conference agreement on energy and water development is being considered by the House before the expiration of the current fiscal year. Getting this agreement to the floor expeditiously required the concerted and cooperative efforts of the conferees from both sides of the Hill and both sides of the aisle. I am especially proud of the managers on the part of the House, whose dedicated work produced a fair compromise agreement.

The conference on the energy and water bill concluded last Wednesday night after difficult negotiations with the Senate. The total amount of spending in the conference agreement is $20.7 billion. This represents an increase of $729 million above the House level and $782 million over the fiscal year 1997 level. This amount, however, is $1.9 billion lower than the administration's budget request and $58 million below the Senate recommendation for fiscal year 1998. Of the $20.7 billion appropriated, $11.5 billion or 56 percent is committed to the atomic energy defense activities of the Department of Energy.

Negotiations were particularly arduous this year because of the substantial differences between the House and Senate versions of the legislation. I am pleased to report that the House conferees successfully defended the House position on a great number of items in disagreement between the two Chambers. In particular, the House conferees protected the interests of Members in water infrastructure development; as a consequence, the conference committee agreed to a final appropriation of $3.9 billion for the water resource programs of the Army Corps of Engineers. This amount, which is nearly identical to the House-passed level, is $262 million higher than had been included in the Senate bill.

Furthermore, the final agreement includes a number of initiatives recommended by the House, including: General provisions to promote greater accountability and efficiency within the U.S. Department of Energy; transfer of the Formerly Utilized Sites Remedial Action Program from the Department of Energy to the Corps of Engineers; and a requirement for external review of DOE construction projects. The conferees crafted a delicate compromise with respect to the Tennessee Valley Authority. For fiscal year 1998, TVA will receive $70 million for its nonpower programs; this represents a 33-percent reduction from both the fiscal year 1997 level and the fiscal year 1998 budget request. For fiscal year 1999 and thereafter, the Authority will have to pay for these programs with internally generated revenues and savings.

The conference agreement also includes $85 million for the Bay-Delta Environmental Enhancement and Water Supply project, a new multiagency effort to protect and enhance water resources in the San Francisco Bay/Sacramento-San Joaquin Delta estuary (the bay-delta) in northern California. Although this amount is less than the $120 million recommended by the House, it is considerably more than the $50 million included in the Senate bill. We are confident that this sum, representing a generous first-year installment on a multiyear Federal commitment, will be sufficient to kick-start the effort to save the bay-delta.

As previously noted, the conference agreement includes a number of general provisions within the Department of Energy title of the bill. These provisions, originally recommended by the House, are intended to enhance accountability, promote efficiency, and control mission creep at the Department of Energy. One of these provisions, section 301, requires the Department to competitively bid all contracts, unless the Secretary of Energy determines that a waiver of this requirement is necessary and notifies Congress of the waiver 60 days in advance. These are contracts at the Department of Energy which have not been competed since the Manhattan project. Section 301 is designed to vigorously promote competition, an effective tool for reducing costs and increasing contractor accountability.

Another provision, section 302, requires the Department of Energy to adhere to the Federal Acquisition Regulation. As observed by the General Accounting Office, the Department has its own unique procurement regulations which permit deviations from normal contracting requirements used by most Federal agencies. These nonstandard contract clauses can limit DOE's ability to adequately protect the Government's interests and ensure the efficient use of contract funds. The conferees have directed the Department to ensure that Federal Acquisition Regulation policies are used in drafting new contracts or amending or modifying existing contracts. Along with competition in awarding contracts, consistency in contract requirements is a critical element in increasing contractor accountability.

Mr. Speaker, due to a production error, report language agreed to by conferees from the House and the Senate was inadvertently excluded from the joint statement of the managers. The text of that language follows:

> With respect to funds appropriated in fiscal year 1993 and made available to the Center for Energy and Environmental Resources, Louisiana State University, Baton Rouge, Louisiana, the conferees strongly recommend that the Department disperse these funds only in accordance with the original intent to place the facility on property owned by the Research Park Corporation in Baton Rouge, Louisiana or contiguous property thereto owned by Louisiana State University, Baton Rouge.

We fully expect that the Department of Energy and interested stakeholders will regard this language as though included in full in the joint explanatory statement of the committee of conference.

Mr. Speaker, I would like to once again thank and commend the Members of the House Subcommittee on Energy and Water Development for their extraordinary efforts with respect to this conference agreement. I am especially indebted to the ranking minority member, the Honorable VIC FAZIO, whose good will and cooperation were essential to the expenditous conclusion of conference.

Mr. Speaker, I urge all of my colleagues in the House to support the conference agreement to accompany H.R. 2203, making appropriations for energy and water development in fiscal year 1998.

## ENERGY AND WATER DEVELOPMENT APPROPRIATIONS, 1998 (H.R. 2203)

| | FY 1997 Enacted | FY 1998 Estimate | House | Senate | Conference | Conference compared with enacted |
|---|---|---|---|---|---|---|
| TITLE I - DEPARTMENT OF DEFENSE - CIVIL | | | | | | |
| DEPARTMENT OF THE ARMY | | | | | | |
| Corps of Engineers - Civil | | | | | | |
| General investigations | 153,872,000 | 150,000,000 | 157,260,000 | 164,065,000 | 156,804,000 | +2,932,000 |
| Construction, general | 1,081,942,000 | 1,082,470,000 | 1,475,892,000 | 1,284,266,000 | 1,473,373,000 | +391,431,000 |
| (By transfer) | (1,000,000) | | | | | (-1,000,000) |
| Flood control, Mississippi River and tributaries, Arkansas, Illinois, Kentucky, Louisiana, Mississippi, Missouri, and Tennessee | 310,374,000 | 266,000,000 | 285,450,000 | 289,000,000 | 296,212,000 | -14,162,000 |
| Emergency appropriations (P.L. 105-18) | 20,000,000 | | | | | -20,000,000 |
| Operation and maintenance, general | 1,697,015,000 | 1,618,000,000 | 1,726,955,000 | 1,661,203,000 | 1,740,025,000 | +43,010,000 |
| Emergency appropriations (P.L. 104-208) | 19,000,000 | | | | | -19,000,000 |
| Emergency appropriations (P.L. 105-18) | 150,000,000 | | | | | -150,000,000 |
| Regulatory program | 101,000,000 | 112,000,000 | 112,000,000 | 106,000,000 | 106,000,000 | +5,000,000 |
| Flood control and coastal emergencies | 10,000,000 | 14,000,000 | 14,000,000 | 10,000,000 | 4,000,000 | -6,000,000 |
| Emergency appropriations (P.L. 105-18) | 415,000,000 | | | | | -415,000,000 |
| Formerly utilized sites remedial action program | | | 110,000,000 | | 140,000,000 | +140,000,000 |
| General expenses | 149,000,000 | 148,000,000 | 148,000,000 | 148,000,000 | 148,000,000 | -1,000,000 |
| Total, title I, Department of Defense - Civil | 4,107,203,000 | 3,370,470,000 | 4,029,557,000 | 3,662,534,000 | 4,064,414,000 | -42,789,000 |
| (By transfer) | (1,000,000) | | | | | (-1,000,000) |
| TITLE II - DEPARTMENT OF THE INTERIOR | | | | | | |
| Central Utah Project Completion Account | | | | | | |
| Central Utah project construction | 25,827,000 | 23,743,000 | 23,743,000 | 23,743,000 | 23,743,000 | -2,084,000 |
| Fish, wildlife, and recreation mitigation and conservation | 11,700,000 | 11,610,000 | 11,610,000 | 11,610,000 | 11,610,000 | -90,000 |
| Utah reclamation mitigation and conservation account | 5,000,000 | 5,000,000 | 5,000,000 | 5,000,000 | 5,000,000 | |
| Program oversight and administration | 1,100,000 | 800,000 | 800,000 | 800,000 | 800,000 | -300,000 |
| Total, Central Utah project completion account | 43,627,000 | 41,153,000 | 41,153,000 | 41,153,000 | 41,153,000 | -2,474,000 |
| Bureau of Reclamation | | | | | | |
| General investigations | 16,650,000 | | | | | -16,650,000 |
| Construction program | 394,056,000 | | | | | -394,056,000 |
| Operation and maintenance | 267,876,000 | | | | | -267,876,000 |
| Emergency appropriations (P.L. 105-18) | 7,355,000 | | | | | -7,355,000 |
| Water and related resources | | 651,552,000 | 651,931,000 | 688,379,000 | 694,348,000 | +694,348,000 |
| California Bay-Delta ecosystem restoration | | 143,300,000 | 120,000,000 | 50,000,000 | 85,000,000 | +85,000,000 |
| Loan program | 12,715,000 | 10,425,000 | 10,425,000 | 10,425,000 | 10,425,000 | -2,290,000 |
| (Limitation on direct loans) | (37,000,000) | (31,000,000) | (31,000,000) | (31,000,000) | (31,000,000) | (-6,000,000) |
| Policy and administration | 46,000,000 | 47,658,000 | 47,658,000 | 47,558,000 | 47,558,000 | +1,558,000 |
| Colorado River Dam fund (by transfer, permanent authority) | (-3,774,000) | | | (-5,592,000) | (-5,592,000) | (-1,818,000) |
| Central Valley project restoration fund | 38,096,000 | 39,130,000 | 39,130,000 | 33,130,000 | 33,130,000 | -4,966,000 |
| Total, Bureau of Reclamation | 782,748,000 | 892,065,000 | 869,144,000 | 829,492,000 | 870,461,000 | +87,713,000 |
| Total, title II, Department of the Interior | 826,375,000 | 933,218,000 | 910,297,000 | 870,645,000 | 911,614,000 | +85,239,000 |
| (By transfer) | (-3,774,000) | | | (-5,592,000) | (-5,592,000) | (-1,818,000) |
| TITLE III - DEPARTMENT OF ENERGY | | | | | | |
| Energy supply | 2,699,728,000 | 2,999,497,000 | 880,730,000 | 953,915,000 | 906,807,000 | -1,792,921,000 |
| Energy assets acquisition | | 43,582,000 | | 13,025,000 | | |
| Uranium supply and enrichment activities | 43,200,000 | | | | | -43,200,000 |
| Gross revenues | -42,200,000 | | | | | +42,200,000 |
| Net appropriation | 1,000,000 | | | | | -1,000,000 |
| Non-defense environmental management | | | 497,619,000 | 894,684,000 | 497,059,000 | +497,059,000 |
| Uranium enrichment decontamination and decommissioning fund | 200,200,000 | 248,788,000 | 220,200,000 | 230,000,000 | 220,200,000 | +20,000,000 |
| Science | 996,000,000 | 875,910,000 | 2,207,632,000 | 2,084,567,000 | 2,235,708,000 | +1,239,708,000 |
| Science assets acquisition | | 110,250,000 | | 138,510,000 | | |
| Nuclear Waste Disposal Fund | 182,000,000 | 190,000,000 | 160,000,000 | 160,000,000 | 160,000,000 | -22,000,000 |
| Departmental administration | 215,021,000 | 232,604,000 | 214,723,000 | 220,847,000 | 218,747,000 | +3,726,000 |
| Miscellaneous revenues | -125,388,000 | -131,330,000 | -131,330,000 | -131,330,000 | -131,330,000 | -5,942,000 |
| Net appropriation | 89,633,000 | 101,274,000 | 83,393,000 | 89,517,000 | 87,417,000 | -2,216,000 |
| Office of the Inspector General | 23,853,000 | 29,499,000 | 27,500,000 | 27,500,000 | 27,500,000 | +3,647,000 |
| Environmental restoration and waste management: | | | | | | |
| Defense function | (5,619,304,000) | (6,058,499,000) | (5,263,270,000) | (5,654,974,000) | (5,520,238,000) | (-99,066,000) |
| Non-defense function | (791,911,000) | (933,472,000) | (717,819,000) | (894,684,000) | (717,259,000) | (-74,652,000) |
| Total | (6,411,215,000) | (6,991,971,000) | (5,981,089,000) | (6,549,658,000) | (6,237,497,000) | (-173,718,000) |

## ENERGY AND WATER DEVELOPMENT APPROPRIATIONS, 1998 (H.R. 2203) — continued

| | FY 1997 Enacted | FY 1998 Estimate | House | Senate | Conference | Conference compared with enacted |
|---|---|---|---|---|---|---|
| Atomic Energy Defense Activities | | | | | | |
| Weapons activities | 3,911,198,000 | 3,576,255,000 | 3,943,442,000 | 4,302,450,000 | 4,146,692,000 | +235,494,000 |
| Defense environmental restoration and waste management | 5,459,304,000 | 5,052,499,000 | 5,263,270,000 | 5,311,974,000 | 4,429,438,000 | -1,029,866,000 |
| Defense facilities closure projects | | | | | 890,800,000 | +890,800,000 |
| Defense environmental management privatization | 160,000,000 | 1,006,000,000 | | 343,000,000 | 200,000,000 | +40,000,000 |
| Subtotal, Defense environmental management | 5,619,304,000 | 6,058,499,000 | 5,263,270,000 | 5,654,974,000 | 5,520,238,000 | -99,066,000 |
| Other defense activities | 1,605,733,000 | 1,605,981,000 | 1,580,504,000 | 1,637,981,000 | 1,666,008,000 | +60,275,000 |
| Defense nuclear waste disposal | 200,000,000 | 190,000,000 | 190,000,000 | 190,000,000 | 190,000,000 | -10,000,000 |
| Defense asset acquisition | | 2,166,859,000 | | | | |
| Total, Atomic Energy Defense Activities | 11,336,235,000 | 13,597,594,000 | 10,977,216,000 | 11,785,405,000 | 11,522,938,000 | +186,703,000 |
| Power Marketing Administrations | | | | | | |
| Operation and maintenance, Alaska Power Administration | 4,000,000 | 1,000,000 | 1,000,000 | 3,500,000 | 3,500,000 | -500,000 |
| Capital assets acquisition | | | | 20,000,000 | 10,000,000 | +10,000,000 |
| Operation and maintenance, Southeastern Power Administration | 16,359,000 | 14,222,000 | 12,222,000 | 12,222,000 | 12,222,000 | -4,137,000 |
| Operation and maintenance, Southwestern Power Administration | 25,210,000 | 26,500,000 | 25,210,000 | 26,500,000 | 25,210,000 | |
| Construction, rehabilitation, operation and maintenance, Western Area Power Administration | 182,230,000 | 194,334,000 | 189,043,000 | 180,334,000 | 189,043,000 | +6,813,000 |
| (By transfer, permanent authority) | (3,774,000) | | | (5,592,000) | (5,592,000) | (+1,818,000) |
| Falcon and Amistad operating and maintenance fund | 970,000 | 1,065,000 | 970,000 | 1,065,000 | 970,000 | |
| Total, Power Marketing Administrations | 228,769,000 | 237,121,000 | 228,445,000 | 243,621,000 | 240,945,000 | +12,176,000 |
| Federal Energy Regulatory Commission | | | | | | |
| Salaries and expenses | 146,290,000 | 167,577,000 | 162,141,000 | 162,141,000 | 162,141,000 | +15,851,000 |
| Revenues applied | -146,290,000 | -167,577,000 | -162,141,000 | -162,141,000 | -162,141,000 | -15,851,000 |
| Total, title III, Department of Energy | 15,757,418,000 | 18,433,515,000 | 15,282,735,000 | 16,390,744,000 | 15,898,574,000 | +141,156,000 |
| (By transfer) | (3,774,000) | | | (5,592,000) | (5,592,000) | (+1,818,000) |
| TITLE IV - INDEPENDENT AGENCIES | | | | | | |
| Appalachian Regional Commission | 160,000,000 | 165,000,000 | 160,000,000 | 160,000,000 | 170,000,000 | +10,000,000 |
| Defense Nuclear Facilities Safety Board | 16,000,000 | 17,500,000 | 16,000,000 | 17,500,000 | 17,000,000 | +1,000,000 |
| Nuclear Regulatory Commission: | | | | | | |
| Salaries and expenses | 471,800,000 | 476,500,000 | 462,700,000 | 476,500,000 | 468,000,000 | -3,800,000 |
| Revenues | -457,300,000 | -457,500,000 | -446,700,000 | -457,500,000 | -450,000,000 | +7,300,000 |
| Subtotal | 14,500,000 | 19,000,000 | 16,000,000 | 19,000,000 | 18,000,000 | +3,500,000 |
| Office of Inspector General | 5,000,000 | 4,800,000 | 4,800,000 | 4,800,000 | 4,800,000 | -200,000 |
| Revenues | -5,000,000 | -4,800,000 | -4,800,000 | -4,800,000 | -4,800,000 | +200,000 |
| Subtotal | | | | | | |
| Total | 14,500,000 | 19,000,000 | 16,000,000 | 19,000,000 | 18,000,000 | +3,500,000 |
| Nuclear Waste Technical Review Board | 2,531,000 | 3,200,000 | 2,400,000 | 3,200,000 | 2,600,000 | +69,000 |
| Tennessee Valley Authority: Tennessee Valley Authority Fund | 106,000,000 | 106,000,000 | | 86,000,000 | 70,000,000 | -36,000,000 |
| Total, title IV, Independent agencies | 299,031,000 | 310,700,000 | 194,400,000 | 285,700,000 | 277,600,000 | -21,431,000 |
| Grand total: | | | | | | |
| New budget (obligational) authority | 20,990,027,000 | 23,047,903,000 | 20,416,989,000 | 21,209,623,000 | 21,152,202,000 | +162,175,000 |
| Appropriations | (20,378,672,000) | (23,047,903,000) | (20,416,989,000) | (21,209,623,000) | (21,152,202,000) | (+773,530,000) |
| Emergency appropriations | (611,355,000) | | | | | (-611,355,000) |
| (By transfer) | (1,000,000) | | | | | (-1,000,000) |

Mr. McDADE. Mr. Speaker, I reserve the balance of my time.

Mr. FAZIO of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in strong support of H.R. 2203, the energy and water conference report for fiscal year 1998.

I want to thank the gentleman from Pennsylvania [Mr. McDade] for all the work he has done to bring about a balanced, reasonable, and fair bill that provides adequate funding for not only important water projects all over this country, but for vital energy programs as well.

I want to say on behalf of my Democratic colleagues on the subcommittee, the gentleman from Indiana [Mr. Visclosky], the gentleman from Arizona [Mr. Pastor], and the gentleman from Texas [Mr. Edwards], how much we appreciate the way in which the majority has worked with us, and also thank the staff for the degree to which they have cooperated in our mutual goal of bringing a bipartisan bill to the floor.

Mr. Speaker, Chairman McDade has reached out to Members on both sides of the aisle to try to move infrastructure-related projects to completion and to begin a limited number of reconnaissance and feasibility studies mandated by the Water Resources Development Act of 1996. We have all read in the Washington Post how some of these projects may be subjected to the line-item veto.

I think there is a serious question worth considering here: our continued commitment to the types of infrastructure funding that we present in this bill.

There is little debate about the need for a transportation appropriations bill or an ISTEA bill to authorize and fund our highways and mass transit systems.

I believe the projects presented in this bill—projects that contribute to building our modern harbors and keeping them serviceable; projects that contribute to the flood control systems that protect our communities; and projects that contribute to our abundant production agriculture—these projects are equally important and equally worthy of both congressional and administration support.

For example, in the Sacramento area, the bill supplies funding for the long-term flood control improvements pointed out not by this year's floods, but by the flooding of 1986. However, funding is also provided for a comprehensive study of the Sacramento and San Joaquin River Basins, based on this year's flood event, to determine what additional flood control measures may need to be adopted. An important component of such a comprehensive study will be the post-flood assessment and a hydraulic/hydrologic model of the entire system.

Other Members can testify to the importance of these projects to the infrastructure in their own regions which the Nation depends upon for interstate commerce and sustained economic development.

I also want to particularly highlight a new program in our bill that has been generously funded—the Calfed initiative for San Francisco-Sacramento Bay-Delta. The bay-delta is a source of drinking water for 20 million people and irrigation water for over 200 crops—45 percent of the Nation's produce.

The people of the State of California made a significant commitment to this ecosystem restoration by approving a nearly $1 billion bond issue in 1996. There has been a bipartisan effort by a united California congressional delegation, and by urban and agricultural water users as well as the environmental community to acquiring the Federal share of ecosystem restoration projects. I am pleased to see that $85 million has been provided in this bill, and I can assure you that California will use this money well.

I also want to comment briefly on a complicated subject—the Central Valley project restoration fund. This fund is generated by assessments on water and power users, and is devoted to ecosystem restoration. The conferees ultimately settled on a $7 million reduction in the restoration fund, an even split between the Houses. Although this amount does not fully fund the restoration fund for 1998, the conference did well given California's extensive priorities.

The conferees were able to voice the limitations on the 1998 funding in terms that do not amend the Central Valley Project Improvement Act, and therefore will not affect restoration fund collections or appropriations in any other year.

The CVPIA's restoration fund provisions are confusing, contradictory, unfair, and counterproductive. They should be reformed by the authorizing committee as soon as possible.

On the energy side, this bill continues our investment in the development of alternative energy sources. Finding alternative means to help meet the energy needs of our growing economy is critical if we are to tackle air pollution and other environmental threats. Our strategy to reduce greenhouse gas emissions that contribute to global climate change assumes that cleaner solar and renewable energy sources will be available and economically viable in the future, and this bill supports that goal. Alternative energy sources are also critical to our energy security by helping reduce our reliance on foreign oil.

The bill invests $302 million in research and development into a range of promising technologies that make use of a variety of potential energy sources, including solar and photovoltaics, biomass, hydrogen, geothermal sources, and wind. And it does so while encouraging industry interest and commitment through cost-share programs that will later ensure the technologies will be commercially viable.

The bill also continues vital research and development in fusion energy, supports the national laboratories, and provides for national security by supporting the development of critical verification technology to assess the safety and reliability of our nuclear stockpile. It also funds the cleanup of the nuclear weapons complex to fulfill the country's obligation to restore those sites. The subcommittee has worked hard to encourage the Department to be more efficient and effective, and Secretary Peña has been highly responsive to this concern.

In short, this is a balanced bill, but one that should have the support of every Member and the administration as well. I ask that we support the work of our committee and the work of the House-Senate conference with a "yes" vote.

Mr. Speaker, if appropriate at this time, I would place my remarks in the Record and yield to Members who have an interest in colloquies.

Mr. Speaker, I yield 1½ minutes to the gentleman from Washington [Mr. Dicks], a colleague on the Committee on Appropriations.

Mr. DICKS. Mr. Speaker, I would like to engage the gentleman from Pennsylvania [Mr. McDade] and the gentleman from California [Mr. Fazio] in a brief colloquy with regard to language in the conference report.

As the chairman will recall, during the deliberations over the conference report on the Energy and Water Appropriations Act for fiscal year 1998, both Senators from the State of Washington and I were interested in clarifying Senate language that addressed the Corps of Engineers' actions with regard to the terminal 5 expansion project at the Port of Seattle. We appreciate the conference committee's decision to include a statement urging the corps to make a final decision with regard to the Port of Seattle permit application.

However, events that have occurred after the conference committee adjourned have rendered the language unnecessary. Specifically, the Muckleshoot Indian Tribe, which had been opposing the terminal 5 expansion, has now adopted a resolution approving a settlement that has been reached between the tribe and the port, including significant mitigation and enhancement measures that will benefit the tribes who utilize the Duwamish River fishery.

In this resolution of approval, the Muckleshoot Tribe has requested recognition in Congress that the language inserted in the conference report relating to the terminal 5 project is no longer necessary. We appreciate the committee's assistance in this project, which is critically important to the further development of international trading opportunities at the Port of Seattle.

Mr. McDADE. Mr. Speaker, will the gentleman yield?

Mr. DICKS. I yield to the gentleman from Pennsylvania.

Mr. McDADE. Mr. Speaker, let me say to my friend, the gentleman from Washington [Mr. Dicks], that I appreciate the information that he has provided to update the committee on the status of the terminal 5 expansion project in Seattle. We are grateful for his input.

Mr. FAZIO of California. Mr. Speaker, if the gentleman will yield, that certainly satisfies me. I appreciate the information the gentleman from Pennsylvania [Mr. McDade] provides.

Mr. DICKS. Mr. Speaker, reclaiming my time, I would take the remaining time to thank the chairman and ranking member for all the help for our State. We have many important projects, and they have done an outstanding job. We strongly support the bill.

Mr. FAZIO of California. Mr. Speaker, I yield as much time as she may consume to the gentlewoman from Connecticut [Ms. DELAURO] for purposes of a colloquy.

Ms. DELAURO. Mr. Speaker, I rise to engage in a colloquy with the subcommittee chairman.

I would like to applaud both the gentleman from Pennsylvania [Mr. MCDADE] and the gentleman from California [Mr. FAZIO], the ranking member, for the work that has been done to put this bipartisan bill together.

As my colleagues know, I have been concerned about the delays in contracting out the Point Beach, Milford Plain Army Corps of Engineers project. This project would enlist Army Corps of Engineers' assistance in raising 58 homes above flood level. The Corps of Engineers is authorized to provide this type of assistance to communities such as Milford under the Rivers and Harbors Act of 1962.

After consultation with Members of both the authorizing and appropriations committees, it is my understanding that no further authorization and no earmarked appropriation is necessary for the Corps to bid out this project.

Is that the understanding of the gentleman from Pennsylvania [Mr. MCDADE] as well?

Mr. MCDADE. Mr. Speaker, will the gentlewoman yield?

Ms. DELAURO. I yield to the gentleman from Pennsylvania.

Mr. MCDADE. That understanding is mine completely.

Ms. DELAURO. Mr. Speaker, reclaiming my time, this is good news for the people of Milford, whose homes can now be made safe from flooding. I thank the chairman of the authorizing committee for clarification, and I thank the ranking member.

Mr. FAZIO of California. Mr. Speaker, I yield such time as he may consume to the gentleman from Colorado [Mr. SKAGGS] for purposes of a colloquy as well.

Mr. SKAGGS. Mr. Speaker, I thank the gentleman from California [Mr. FAZIO] for yielding me the time.

I need to ask the chairman's assistance in clarifying one aspect of the conference report. Section 304 of the conference report says that DOE cannot use funds from other accounts to augment the funds provided for "severance payments and other benefits and community assistance grants authorized under section 3161" of the 1993 Defense Authorization Act.

As the author of section 3161, I am aware that severance payments and other payments are authorized under it. I am also aware that sometimes DOE makes severance payments in order to comply with other contract provisions.

Am I right, Mr. Chairman, that section 304 should be understood as not intending to restrict DOE's ability to fulfill such contractual requirements but merely sets a ceiling on payments not required by contract but made under 3161?

Mr. MCDADE. Mr. Speaker, will the gentleman yield?

Mr. SKAGGS. I yield to the gentleman from Pennsylvania.

Mr. MCDADE. May I say to my friend, the gentleman from Colorado [Mr. SKAGGS], his understanding is absolutely correct.

Mr. SKAGGS. Mr. Speaker, I thank the gentleman from Pennsylvania.

Mr. MCDADE. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Missouri [Mr. TALENT].

Mr. TALENT. Mr. Speaker, I thank the chairman for yielding me the time.

I ask the chairman of the Appropriations Subcommittee on Energy and Water if he would engage me in a colloquy regarding the transfer for a FUSRAP to the Army Corps of Engineers.

Mr. Speaker, I thank the gentleman from Pennsylvania [Mr. MCDADE] for his patience in this issue. Mr. Chairman, my district in Missouri has a major FUSRAP site which contains nuclear contamination from the Manhattan project and other hazardous waste. For 15 years, we have worked with the Department of Energy to clean up this site.

Finally, in just the past 2 weeks, after much frustration and delay, we have come to the point where DOE has begun preliminary cleanup efforts. Given this recent progress, the news of the FUSRAP program's transfer out of DOE has, quite understandably, caused a great deal of distress in the community.

While we are by no means questioning the corps' ability to handle the FUSRAP project, we are concerned that potential delays caused by the transfer will undo much of the recent progress.

With site recommendations already made, feasibility studies concluded, and contracts let, it is important that the corps honor the preliminary groundwork laid by DOE in order to avoid any further delays.

Will the corps be willing to respect these studies, site plans, and contracts?

Mr. MCDADE. Mr. Speaker, will the gentleman yield?

Mr. TALENT. I yield to the gentleman from Pennsylvania.

Mr. MCDADE. Mr. Speaker, let me say to my distinguished colleague from Missouri, Mr. TALENT, that the committee fully intends that the feasibility studies and the site recommendations prepared by the DOE will be accepted and carried out by the Corps of Engineers.

Furthermore, may I say to my friend that the Energy and Water Development Conference Report for fiscal year 1998 specifically contains language requiring the Corps to honor all existing contracts.

Mr. TALENT. Mr. Speaker, reclaiming my time, I thank the gentleman from Pennsylvania [Mr. MCDADE] for his concern.

One further issue: The local community has been very involved in designing a plan to clean up the site. They are concerned that the administration of the cleanup will be moved away from the St. Louis area to Omaha or Kansas City, reducing their input and influence on the cleanup process.

When the Army Corps of Engineers takes over the FUSRAP program, will the St. Louis program be managed out of the St. Louis Corps' office?

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Mr. MCDADE. Mr. Speaker, will the gentleman yield?

Mr. TALENT. I yield to the gentleman from Pennsylvania.

Mr. MCDADE. Mr. Speaker, let me say to my friend that it is the understanding of the committee that the cleanup and restoration of contaminated sites following within the purview of FUSRAP will be managed and executed by the nearest civil works district of the Corps of Engineers which has been designated as an improved design center for handling hazardous, toxic, and radioactive wastes.

Local communities throughout the country have been very involved in designing cleanup plans at FUSRAP sites, and this strategy effectively maintains community input in the process.

Mr. TALENT. Mr. Speaker, I thank the gentleman from Pennsylvania for his assurances and his assistance.

Mr. FAZIO of California. Mr. Speaker, I yield 1 minute to the gentleman from North Dakota [Mr. POMEROY], who has had so much influence on the amount of funds for his State in this bill.

Mr. POMEROY. Mr. Speaker, I thank the gentleman for yielding this time to me.

This Chamber at its best moments represents their work on a bipartisan basis of Members coming together to address problems, problems that really mean something to the people who are struggling with them. In representing the State of North Dakota, I would wager to say that the population I represent per capita has more, and verified, water problems than any other State in the entire country.

I rise to express particular personal gratitude to the chairman, to the chairman's staff, to the ranking member, and the ranking member's staff for all of the patience and time they have spent with me in understanding our problems and in crafting a bill that responds in a meaningful way to those problems.

Mr. Speaker, we did not get everything we wanted. Certainly some of the funding limits and some of the limiting language we would have liked to have had something different. But in balance, I mean it, this really is a responsive and meaningful effort to help the people of North Dakota with the problems that presently plague them. I am very, very grateful for this effort and have enjoyed working with my colleagues in this regard. I urge support for the bill.

Mr. FAZIO of California. Mr. Speaker, I yield 1 minute to the gentleman from West Virginia [Mr. WISE], a member of the authorizing committee, who worked so hard for his State and is so influential in this bill.

Mr. WISE. Mr. Speaker, I want to thank the gentleman from Pennsylvania [Mr. McDADE] and the ranking member, the gentleman from California [Mr. FAZIO], and rise in strong support of this conference report.

Very important in this legislation is language including $1.8 million for the Marment Locks, and the action of the gentleman from Pennsylvania [Mr. McDADE] and the ranking member, the gentleman from California [Mr. FAZIO], begin to end a lot of uncertainty for 200 families in the affected Belle area, in the affected construction area of the Marment Locks.

The conference report also provides money for the Appalachian Regional Commission which is crucial to Appalachia, and I would like to make a tribute at this point, and I would like to take a moment to pay tribute to one of its adopted sons, Michael Wenger, the Appalachian Regional Commission's State representative.

Mike has a long and distinguished history with the ARC beginning 20 years ago when, under then Governor Rockefeller, he served as the West Virginia Governor's alternate to the ARC. He ably represented West Virginia in that role. Four years later, he began representing all 13 States of Appalachia as the State's Washington representative to the ARC. In this capacity, Mike has spent many years working with local development districts, States' alternates, and Members of Congress, defending the agency and its priorities through the 1980's and into the 1990's. He has provided the States' good perspective in discussions of commission programs and ensured that the Nation keeps its commitments to the people of Appalachia.

I am going to miss Mike's detailed knowledge of the ARC's history, its politics, and its policy. I wish Mike well in his new role as deputy director of the President's Advisory Board on Race Relations. A job well done.

Mr. McDADE. Mr. Speaker, I yield such time as he may consume to the very distinguished gentleman from Michigan [Mr. KNOLLENBERG], an able member of the subcommittee.

Mr. KNOLLENBERG. Mr. Speaker, I thank the gentleman for yielding this time to me. The gentleman from Pennsylvania [Mr. McDADE] has done, I think, an extraordinary job, and I rise in strong support of this conference report.

I could express my appreciation to the gentleman from Pennsylvania [Mr. McDADE] in many ways, but I think he has shepherded through not just an extraordinary bill but, frankly, something that I think is a credit to the gentleman, to the man, and it is not an easy job, as everybody knows, to perform this so-called miracle, if my colleagues will.

I also want to express my thanks to the ranking member, the gentleman from California [Mr. FAZIO]. Mr. FAZIO has again been also a strong contributor to bringing about some collegiality, some understanding, and it really has been a bipartisan effort.

I would be remiss if I did not also thank the staff. They have all been monumentally resourceful about this whole thing in bringing about closure on some very, very difficult points that we have brought to closure in a way that I think benefits everybody.

Mr. Speaker, I will have my statement, which is a longer version in support of H.R. 2203, included in the appropriate place in the CONGRESSIONAL RECORD.

I rise in strong support of this conference report. I want to reexpress my appreciation to Chairman McDADE and Ranking Member FAZIO for their efforts and assistance with this bill. I also want to give a big thanks to the Energy and Water Subcommittee staff who were always ready and able to assist me and my staff on this bill.

H.R. 2203 includes several very important reforms that should have a dramatic impact on accelerating the environmental management cleanup of the Department of Energy and moving the Department forward after years of too little progress. Among the reforms are a funding mechanism to bring closure to the Rocky Flats site and the Ferndale site; transferring FUSRAP to the Corps of Engineers, who have been successfully completing similar low level cleanup programs for the Department of Defense; and stopping the flow of funding away from the mission-related work of the environmental management program to pay for separation benefits for workers who are displaced because of efficiency decisions of their employers. And, although not related to DOE, this bill contains another very important reform—the end of TVA appropriated funding after fiscal year 1998.

Mr. Speaker, I want to be clear about our resolve on the Department's efforts to accelerate cleanup. We support the vision brought forth by the Department but we were very discouraged in June with the 10-year plan—Accelerating Cleanup: Focus on 2006, Discussion Draft—that was brought forth. After a year of preparation, the result appeared to be nothing more than a top-level framework to begin the planning process. it was a document not supported by the details or by what could be realistically achieved. With this in mind, it is essential that DOE bring forth with next year's budget request, a detailed and defensible closure plan, based on aggressive but realistic estimates—that is, budget quality data—of the most that can be completed and closed out within the 10-year timeframe. I strongly believe that this vision can be accomplished by doing more sooner rather than later, by substantial mortgage and risk reduction, and by leveraging technology. As I've said many times before, it's time to get on with it.

One provision I worked with the committee to have included in H.R. 2203 is bill and report language under the Worker and Community Transition Program authorized under section 3161 of the 1993 National Defense Authorization Act. This year's appropriation stops the flow of funding from mission accomplishment to fund worker separations that are due to business and efficiency decisions. I believe this will be a tremendous benefit to the environmental management program, who has been required to bear the cost of the more than $500 million spent thus far on these types of separations. This bill provides more than enough funds to protect this narrow class of workers, displaced from current defense missions of the Department, who are the often unrecognized heroes of the cold war.

However, the enormous task of cleaning up the former nuclear defense facilities has been estimated to cost over $200 billion. Far too many dollars have been diverted away from the primary missions at these sites—to clean the environment. This bill protects those workers who may be displaced due to the end of the cold war, but it also protects the workers and nearby communities by keeping the cleanup dollars focused on cleanup.

Since its inception, more than 37,000 workers at Department of Energy sites across the Nation have benefited from the worker transition program. In fact, since that time, Congress has spent over $650 million providing very generous severance packages to workers displaced from the former nuclear weapons production sites. Of this, it is estimated that at least $500 million have been taken from mission-related funds of the environmental management program to fund separation benefits to workers, all of whom are being displaced not because of a current change in defense mission but because of business and efficiency decisions of their employers. Further, an additional $168 million has been provided to communities surrounding former nuclear weapons production sites for economic development activities.

It's been 6 years since we won the cold war and ceased nuclear weapons production. Most of these production sites have moved on to new missions and to cleaning up the legacy waste. Most of those who worked during the production era left these sites long ago or are protected under a seniority system of employment.

This bill says that it is no longer reasonable or sustainable to provide extraordinary benefits, to those who do not meet the original intent of section 3161 of the 1993 Defense Authorization Act. The $61 million provided for worker and community transition is more than enough to fund all cold war warriors who still work for a current or former nuclear facility and who would like to voluntarily separate during the next fiscal year. Frankly, I believe it is time to move toward giving the contractors more autonomy—those companies who are cleaning up the environmental management sites should manage and right-size their own work force without Federal subsidies.

Additionally, I would tell you that this program has been plagued by mismanagement and by questionable practices. The General Accounting Office has reported that individuals received extraordinary severance packages, in some cases in excess of $90,000 per person. Further, many of the workers receiving Federal assistance were hired in the years after the end of the cold war. Finally, the program has been criticized for providing benefits to terminate positions that were later refilled or rehired at added cost to the Government.

As I said before, the Department of Energy has provided over $168 million in economic assistance to the local communities surrounding DOE defense nuclear sites. Not only do I believe that this is not a proper allocation of Federal dollars, but I believe that these dollars have not yielded the desired results.

Take the Savannah River site in South Carolina as an example—3 years ago, the South Carolina regional diversification initiative was set up as an economic development initiative to help offset layoffs at the former defense plant. According to newspaper report, only 34 jobs have been created with a Federal investment of $7 million. My understanding is that the majority of the money was spent on studies and administration. Not exactly the return on investment or track record that would justify additional Federal investment. However, very recently, when the local community leaders met with the Department of Energy, they were given another $4.6 million for this initiative.

It is time to fund this program within it's authorized and appropriate levels—to provide help to the true cold war warriors—but stop diverting the money away from cleanup of the environmental management sites. This money should be used to accelerate cleanup and get this show on the road.

Mr. FAZIO of California. Mr. Speaker, I yield 2 minutes to the gentleman from Oregon [Mr. DEFAZIO].

Mr. DEFAZIO. Mr. Speaker, I thank the gentleman for yielding this time to me.

I would first like to congratulate the gentleman from Pennsylvania [Mr. MCDADE] and the gentleman from California [Mr. FAZIO] for their work on essential parts of this bill that contribute to the national infrastructure and to vital concerns of ports and other infrastructure concerns in my region.

I would like to go back to something that was vigorously debated in a somewhat confusing manner during the original consideration of the bill, and that was the DeFazio-Fazio of California amendment process regarding Animas la Plata.

Besides confusing the pronunciation of our names, many Members were confused over exactly what they were voting on, and when I look at the report from the committee, I think it is not quite on target if one refers back to the debate and would like to make that point here today.

The key point in the debate made with the Fazio of California amendment to the DeFazio amendment was that we were funding a process, the Romer-Schoettler process, to go forward and come up with a new proposal, all sides having admitted that the original Animas La Plata project was not affordable and was not going to go forward in its entirety.

Yet the report urges that the Corps of Engineers or Bureau of Reclamation go ahead with great dispatch in terms of beginning parts which were proved under the Endangered Species Act should be constructed without delay. I think that contradicts the debate we had here on the floor. Later on it does mention the Romer-Schoettler process and working toward a compromise.

I think it would be a great mistake if construction went forward at this point in time when the emphasis in the debate, in the close vote we had here on the floor of the House, was, no, we are going to develop an alternative that is cost effective and environmentally responsible.

So I would like to suggest that perhaps the drafting of the report is such that there could be a problem in dealing with the Bureau of Reclamation and would want the Bureau to refer back to the debate and the vote rather than looking at the report language.

Mr. FAZIO of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I just wanted to simply read the language in the report. It says the conferees directed funds previously appropriated for the project and still available, part to be used for the project and advancement of a modified project from the process which meets the original intent of the settlement.

So I think what we are saying here is, we are not restricting prior appropriations, but we are looking for the modification of the project, and the money that has been prior appropriated would be available for that purpose.

Mr. Speaker, I yield 1 minute to the gentleman from Texas [Mr. GREEN].

Mr. GREEN. Mr. Speaker, like my colleagues on both sides of the aisle, I would like to rise today to thank both the chairman and ranking member, the gentleman from Pennsylvania [Mr. MCDADE] and the gentleman from California [Mr. FAZIO], for their fairness and courtesy to many Members, and also to the only Texas Member on the Subcommittee on Energy and Water, my colleague, the gentleman from Texas, Mr. CHET EDWARDS, who was instrumental in helping this project begin this year.

The Port of Houston is so important to many levels, not only to the Houston region, but also to the State and outlining our Nation. More than 5,535 vessels navigate the channel. It is the eighth largest port in the world, and with this startup money for the 45-foot depth and the 520-feet widening, it is so important to be competitive in this day and time. In fact, yesterday's Journal of Commerce talked about the importance of ports being at least 45 feet in depth.

Again, I would like to thank the chairman and the ranking member and the staff working on this and appreciate the first money for the startup here, and we will be back again

Mr. FAZIO of California. Mr. Speaker, I yield such time as he may consume to another gentleman from Houston, TX, Mr. BENTSEN.

Mr. BENTSEN. Mr. Speaker, I thank my colleague from California, Mr. FAZIO for yielding this time to me.

First of all, let me tell my colleagues I rise in strong support of H.R. 2203, the fiscal year 1998 Energy and water appropriations conference report. I want to thank the chairman, the gentleman from Pennsylvania [Mr. MCDADE], the ranking member, the gentleman from California [Mr. FAZIO], as well as my colleague, the gentleman from Texas [Mr. EDWARDS], who has done a lot of work on behalf of the Harris County delegation.

H.R. 2203 includes vital funding for several flood control projects in the Houston, TX, area. These projects include Sims, Brays, Clear Creek, Greens, and White Oak Bayous, as well as Hunting Bayous, and provided much needed protection for our communities.

I am most grateful for the committee's decision to fully fund the Sims Bayou project at $13 million in fiscal year 1998 which will allow for speeding up construction of this much needed project to improve flood protection for an extensively developed urban area along Sims Bayou in southern Harris County.

Additionally, I appreciate the committee's decision to fully fund the Harris County Flood Control District's efforts to carry out three flood control projects on Brays, Hunting, and White Oak Bayous that were authorized last year in Public Law 104-303, the Water Resources Development Act of 1996, for some language that my colleague, the gentleman from Texas [Mr. DELAY], and I had pursued.

This is a new direct grant program to the counties, and I appreciate the fact that the committee has specifically included in the bill the implementation of section 211(f)(6) in funding $2 million for the reimbursement to the Harris

County Flood Control District for Brays Bayou. This is an innovative program that the Congress authorized last year, as I mentioned, and the fact that the committee is doing this, I believe, sends a message to the Corps of Engineers to follow through with the word of the bill and the language in that, and I appreciate the members of the subcommittee for doing that.

Mr. Speaker, I am also pleased that this legislation provides $20 million to begin construction to the Houston Ship Channel expansion project which was also authorized in the word of the bill.

What is particularly important about this is not the fact that it is more than what was in the original request or the Senate request, although that is important, but also what is important is that it directs the corps to move forward and implement a project cooperation agreement for the entire project. Had that not been done, there was some question, based upon the administration's original request, whether or not both Houston and Galveston authorities would be included in that.

I appreciate the committee for doing that, and in addition, by putting in the funding level and working with the Corps of Engineers, they ensured that the project will meet the 4-year time line which is critical to its implementation in the economic basis.

Mr. FAZIO of California. Mr. Speaker, I yield such time as he may consume to the gentleman from California [Mr. MILLER].

Mr. MILLER of California. Mr. Speaker, I thank the gentleman for his work on this bill and the committee's work.

I rise in support of H.R. 2203, making appropriations for energy and water development for fiscal year 1998.

This conference report provides funds for critical flood control and navigation projects in Contra Costa County and the San Francisco Bay area of California. Also included is $1.5 million to begin construction of fish screens for the Contra Costa Water District's intake at Rock Slough. The screens are needed to reduce the number of fish drawn into the system's pumping and storage facilities. Securing the funding is critical not only as part of fishery protection efforts but also to ensure that the district's Los Vaqueros Reservoir will be completed on schedule. I appreciate the committee's continued support for these projects.

I am particularly pleased that the conference report provides $85 million to fund the initial share of Federal participation in the bay-delta programs authorized last fall in the California Bay-Delta Environmental Enhancement and Water Security Act. Funding the bay-delta programs will allow us to begin a comprehensive effort to restore the many components of this huge area that have been damaged by human activity.

The bill also contains a prohibition on taking steps to build the San Luis drain, a huge canal that would convey contaminated agricultural waste water up to the Sacramento-San Joaquin Delta, where it would be discharged. I firmly believe that this drain should not be built, as it would allow the export of toxic pollution to the delta.

In addition, the bill contains $100,000 to begin studying the removal of underwater rock formations near the mouth of San Francisco Bay that threaten oil tankers and other deep-draft vessels. This funding will be used to assess the benefits of oil spill avoidance and improved navigation relative to the cost of the project.

I thank the conferees for their hard work on this legislation, and I urge my colleagues to support H.R. 2203.

Mr. FAZIO of California. Mr. Speaker, I yield such time as she may consume to the gentlewoman from California [Mrs. TAUSCHER] for a colloquy.

Mrs. TAUSCHER. Mr. Speaker, I thank the gentleman for yielding this time to me.

Mr. Speaker, I rise in support of H.R. 2203. This spending bill makes a number of important commitments to improve our environment, and I want to also congratulate the gentleman from California [Mr. FAZIO] and the distinguished chairman of the subcommittee, the gentleman from Pennsylvania [Mr. MCDADE], for their leadership in this effort.

Mr. Speaker, H.R. 2203 also includes language that will allow the Corps of Engineers to participate in projects that will improve aquatic ecosystems such as the San Francisco Bay delta.

I would ask the distinguished ranking Democrat to clarify my understanding that the conference committee agreement allows the Corps of Engineers to work with the East Bay Municipal Utility District and the State of California on this project.

Mr. FAZIO of California. Mr. Speaker, will the gentlewoman yield?

Mrs. TAUSCHER. I yield to the gentleman from California.

Mr. FAZIO of California. Mr. Speaker, I would be happy to answer the gentlewoman's inquiry. She is correct that the agreements permit the Corps of Engineers to participate at the site of the Penn Mine.

The conference agreement provides that the Corps of Engineers shall have $6 million to support eligible projects which include that Penn Mine site as well as others. I would encourage the corps to make available necessary funds for this project.

Mrs. TAUSCHER. Mr. Speaker, I thank the gentleman for his clarification on this important environmental issue.

Mr. FAZIO of California. Mr. Speaker, having no further requests for time, I yield back the balance of my time.

Mr. CRANE. Mr. Speaker, I just wanted to take this opportunity to express my support for the conference report on H.R. 2203, the Energy and water appropriations bill for fiscal year 1998.

While I would have preferred the version of H.R. 2203 that was passed by the House in July, this bill has much to be said for it. Not only does it keep spending within 1 percent of last year's level, but it helps address a long-standing inequity that the distinguished chairman of the Rules Committee reminded us of in a Dear Colleague distributed to all Members on August 28 of this year.

Attached to that Dear Colleague was a chart prepared by the Tax Foundation of Washington, DC Entitled "Federal Tax Burden by State," that chart compared all the taxes paid by each state to the Federal Government in 1996 to the total amount spend by Uncle Sam on those States in that year. Its figures are indeed interesting, reaffirming what those of us from the great state of Illinois have known for a long time. Our State continues to be one of the biggest of all donor States, only getting 73 cents back for every Federal tax dollar it sent to Washington last year.

Mr. Speaker, according to the Tax Foundation's figures, only two other States in the country have a lower ratio of taxes paid to dollars returned than does Illinois. Therefore, it is important for a bill like this not to forget the needs of the Prairie State and this bill does not. Not only does the conference report on H.R. 2203 provide needed moneys for two projects in which I have a particular interest—the internationally recognized Des Plaines River wetlands demonstration project [DPRWDP] and the Fox River floodgate installation project [FRFIP]—but it also funds at least 10 other water-related projects that will benefit Chicago and some of the suburbs to the north and west. As a result, over $20 million will be coming back to the Chicago area this coming fiscal year that will be put to good use combating the threat of flooding, promoting the preservation of wetlands, dealing with shoreline erosion and maintaining harbors.

With all the flooding the Chicagoland has suffered in recent years, this assistance could not come at a better time. That being the case, I want to express my particular thanks to the chairman of the Appropriations Committee, to the chairman of its Energy and Water Development Subcommittee, and to the conferees on H.R. 2203 for their support of such Chicago area projects as the Des Plaines River wetlands demonstration project and the Fox River floodgate installation project. Not only do I appreciate it but I am sure many others, who want to get a good return on the tax dollars they invest in our Government, will as well.

Mr. PACKARD. Mr. Speaker, I would like to take this opportunity to personally congratulate Chairman JOE MCDADE and ranking member VIC FAZIO for crafting a bill that recognizes the vital energy and water needs of California while maintaining the needed funding levels required for the balanced budget agreement.

Despite fiscal constraints, my colleagues and I were able to secure funding for a variety of projects designed to help alleviate southern California's continual water problems including needed construction funding, flood control programs, beach erosion studies and financial support of operation and maintenance for navigation.

Mr. Speaker, I was very pleased to see that several projects that will greatly assist my constituents received adequate levels of funding. Key projects that directly impact my district include the Oceanside Harbor maintenance and operation dredging program. Although it was not included in the President's budget request, we were able to secure $900,000 in funding for this important project. This project is seen as critical to the military, industrial and recreational communities that rely on Oceanside Harbor.

The Santa Ana River Mainstem Flood Control Project is another project that is of fundamental importance to the citizens of the 48th District and its surrounding communities. The funding provided will prove both important and essential for all three of my counties—Riverside, Orange, and San Diego.

Mr. Speaker, let me once again commend the fine work of Chairman McDADE and Mr. FAZIO of California for their fine work on the Energy and water appropriations bill for fiscal year 1998. Their hard work and dedication not only insured that critical projects received needed funding, but that they did so within the framework of a balanced budget.

Mr. LIPINSKI. Mr. Speaker, I rise in support of the conference report on the fiscal year 1998 Energy and water development appropriations bill. This legislation is very important in that it funds a number of vitally important flood control projects across the Nation. I thank Chairman McDADE, the ranking Democrat, Mr. FAZIO of California, and the other conferees on all the hard work they put into crafting this important of legislation. In particular, I would especially like to thank them for funding two Army Corps flood control projects in my district.

This legislation provides $250,000 for a feasibility study of Stoney Creek and $200,000 for a study of Tinley Creek. I strongly believe that this is a prudent allocation of federal funds. Funding the feasibility studies for these Army Corps projects is an important step in eliminating the flooding problems.

The flooding problems attributable to these creeks affect a number of communities in my district: Oak Lawn, Crestwood, Alsip, and the unincorporated Bluecrest subdivision of Worth Township. I have visited these communities in the aftermath of heavy rains and flooding, and I have seen firsthand the structural damages caused by the floods. It is estimated that average annual damages resulting from these floods total over one million dollars, and this does not even begin to take into account all of the heartache and grief experienced by the residents of the affected communities.

Mr. Speaker, I urge my colleagues to support this measure. We need to pass this important piece legislation to bring much needed funds for communities that live under the constant threat of floods.

Mr. WELDON of Florida. Mr. Speaker, I rise in strong support of the conference report and want to thank Chairman McDADE and Ranking Member FAZIO of California for their hard work. I know they had a difficult task balancing hundreds of requests.

It is important to note the importance and priority the Congress has again placed on federal beach renourishment projects. As a member of the Coastal Caucus I believe it is critical that we pass this important legislation.

As the chairman is aware, we have experienced unprecedented erosion along the beaches in Brevard and Indian River Counties in Florida. These beaches are not only important for our tourism industry, but they are home to the largest concentration of endangered sea turtle nests along our Nation's Atlantic coast. The failure to move forward with these beach renourishment efforts will continue erosion of this critical habitat.

Most of the erosion in Brevard County is directly attributable to the construction of the Canaveral Inlet by the Federal Government in the 1950's. Since that time homes and infrastructure that once stood 400 yards from the breaking waves are now at the water's edge. Indeed, study after study has shown that the inlet has acted as a barrier and has stopped sand from flowing to the beaches south of the inlet.

More than 300 residents of Brevard County whose property is in danger of falling into the Atlantic have filed suit against the federal government. This has the potential of costing the federal government hundreds of millions of dollars. The conference report before us moves forward with the Brevard County storm damage prevention project and will help the U.S. government avoid several hundred million dollars in liability.

The project doesn't propose putting the beach back like it was. It would create a 50 foot buffer to protect properties and rectify some of the damage caused by the Federal inlet.

Additionally, I am pleased that the Committee has included $500,000 that I requested for environmental restoration efforts along the Indian River Lagoon. This funding will help us move forward with the C–1 rediversion project which will help us reduce the flow of fresh water and sediment into this Estuary of National Significance. This will improve the health of the lagoon and benefit the manatee and the lagoon aquiculture industry.

I thank the Chairman and the conferees for their support of these projects.

Mrs. CLAYTON. Mr. Speaker, I rise in support of the Conference Report. On June 30 of this year, I toured the State Port Authority at Wilmington, NC with local and federal elected officials. Congressman VIC FAZIO of California joined us, and I thank him for that.

The Port of Wilmington has historically served as one of the greatest sources of revenue along the East Coast. While generating over $300 million in state and local taxes, the port creates over 80,000 jobs.

Along with North Carolina, many of the landlocked states of the South East have used the Port of Wilmington, and the Cape Fear River, as a conduit to the Atlantic Ocean and the rest of the world. The Cape Fear River has always been a vital resource for American overseas shipping.

The maximum water level is at an approximate depth of 38 feet, which is too shallow to accommodate the girth and weight of the larger commercial shipping vessels, which can carry more than 100 tons of goods, the kind of which are now being used. There is a plan to increase the draft space by four feet. This would allow the new, larger, vessels to use the Cape Fear River, as well as the Port of Wilmington, at an extremely faster rate than at the present time.

In the past, there have been three separate plans to improve the conditions of the Cape Fear River: widening the channel; deepening the river upstream of the Cape Fear Memorial Bridge; deepening the remainder of the river. The three proposals were considered individually, thereby financed separately. As distinct and separate projects, they would be far more costly and time consuming than necessary. Consolidating these three proposals into a single plan, results in the entire process costing considerably less time and money, and could be enacted with a heightened level of efficiency.

The Port of Wilmington is at a prime location for the overseas shipping of goods. Along with accommodating special purpose subzones, Wilmington can lower, defer, or avoid import duties. There is a 117,000 square foot heated on-dock warehouse, which is equipped with portable fumigation tents. There is also nearly one-half million square feet of warehouse space dedicated to forest products.

The larger vessels that would be permitted to use the Cape Fear River, as a result of the deepening and widening of the channel, possess a far greater load capacity. The increased speed and efficiency with which the new ships could travel the Cape Fear River would be a strong benefit for all manufacturers, transporters, distributors, and purchasers of any of the goods shipped on vessels coming to or from the Port of Wilmington.

Following the tour, as part of the Energy and Water Development Appropriations Bill, the Subcommittee on Energy and Water did pass a provision that embraces the consolidation, funds the first year effort and commits to funding the full project.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in support of H.R. 2203, the Energy and Water Development Appropriations for fiscal year 1998. I support this bill mainly because it provides $413 million which is (39 percent) more for the Army Corps of Engineers construction programs than requested by the Administration. The Administration originally requested $9.5 million for the construction of the Sims Bayou Project in Houston, Texas.

The Subcommittee on Energy and Water Development specifically earmarked an additional $3.5 Million bringing the total funding for the project to $13 Million.

Mr. Speaker, the Sims Bayou Project is a project that stretches through my district. Over the course of recent years, the Sims Bayou has seen massive amounts of flooding. Citizens in my congressional district, have been flooded out of their homes, and their lives have been disrupted. In 1994, 759 homes were flooded as a result of the overflow from the Sims Bayou. That is 759 families that were forced to leave their homes.

I mainly support the conference report, Mr. Speaker, because the subcommittee has earmarked in this bill $13 million for the construction and improvement of the Sims Bayou project that will soon be underway by the Army Corps of Engineers. I would like to thank the Army Corps of Engineers for their cooperation in bringing relief to the people of the 18th Congressional District in order to avoid dangerous flooding. The Subcommittee on Energy and Water Development added an additional $3.5 million for the construction of this Sims Bayou project and it remains in this conference report. I am quite certain, Mr. Speaker, that this project would not have been able to go forward if this additional money would not have been granted by the Subcommittee. For that I have to thank Chairman McDADE, Ranking Member FAZIO of California, and my friends and colleagues CHET EDWARDS, and MIKE PARKER who sit on the Appropriations Committee.

However, Mr. Speaker, I would like to call on the Army Corps of Engineers to do everything that they can to accelerate the completion of this project. The project will now extend to Martin Luther King and Airport Boulevards, and Mykaw to Cullen Boulevard. This is flooding that can be remedied and the project must be completed before the expected date of 2006. While I applaud the Army Corps of Engineers for their cooperation, this is unacceptable for the people in my congressional district who are suffering. They need relief and I know that they can not wait until the expected completion date of 2006. This must be done and I will work with the Army Corps of Engineers and local officials to ensure that this is done. I urge my colleagues to vote yes on this conference report.

Mrs. ROUKEMA. Mr. Speaker, I rise in strong support of this important legislation and want to take this opportunity to thank Chairman McDADE for his continued support for the Ramapo River at Oakland Flood project.

This has been a long and hard-fought battle. And it has been a cooperative effort with Mayor Peter Kendall and the Oakland Council and State Senator McNamara and Assemblymen Felice and Russo all working effectively. With the funds included in this bill, we can finally make this project a reality for my constituents in Oakland. This is government doing what government should do—putting taxpayers to work helping real people with real problems.

Flooding along the Ramapo River has occurred 15 times in the past 24 years. The 330 families that live along the 3.3-mile stretch cannot continue to endure the repeated hardship and personal turmoil that the flood waters bring.

The principal problems along the Ramapo River are flooding caused by the backwater effect produced by the Pompton Lake Dam, the hydraulic constrictions produced by bridges crossing the river, and insufficient channel capacity.

The project is now ready to move into the construction stage. The overall cost of the project through construction is estimated at $12.2 million. This cost is shared by the Federal Government, 75 percent, and the State, 25 percent.

The $2.5 million included in this bill will allow construction to advance by 1 year and substantially complete the first piece of the project. The completion of the first piece, the channel widening, would provide immediate flood reduction benefits to Oakland.

Flood protection is about more than money. The emotional price of being forced from your home by raging flood waters and returning only to find your most prized possessions ruined with mud and water goes far beyond the economic price.

On behalf of those families who have endured these floods I support this appropriation and thank Chairman McDADE and Congressman FRELINGHUYSEN.

Mr. SHUSTER. Mr. Speaker, I rise in support of H.R. 2203, the Energy and Water Development Appropriations Act for fiscal year 1998. This bill provides needed funding for the Nation's water resources infrastructure through such agencies as the Army Corps of Engineers.

H.R. 2203 includes funding for many of the critically needed Flood Control and Navigation Infrastructure projects that were contained in the Water Resources Development Act of 1996.

I would like to thank my colleague from Pennsylvania, Mr. McDADE, for his leadership and cooperation and for clarifying several provisions in the Senate bill within the jurisdiction of the Transportation and Infrastructure Committee. While in a perfect world there would be no authorizing language at all in an appropriations bill, most of the authorizing provisions contained in this legislation have taken into account concerns of the authorizing committee. For example, the conferees have significantly limited the scope of the Senate provision regarding environmental infrastructure to take our concerns into account.

The conference report also includes provisions on Devils Lake, ND, addressing the emergency flooding conditions that continue to threaten citizens, property and the environment. I want to assure the North Dakota delegation and Governor Schafer, who have worked tirelessly on this issue, that we will continue to look for appropriate, long-term solutions that help to stabilize the lake levels and balance the concerns of citizens within and beyond the watershed.

I would also like to address provisions relating to the Tennessee Valley Authority. The final compromise language reflects the views of many that TVA must change. As chairman of the authorizing committee, I expect we will continue our review of TVA's appropriated and nonappropriated programs.

On the transfer of the formerly Utilized Remedial Action Program [FUSRAP] to the Army Corps of Engineers, I would simply note that it is not our intent—and I have been assured by the chairman of the House Energy and Water Development Subcommittee that it is not his intent—to affect the jurisdiction of the authorizing committee. For example, the Transportation and Infrastructure Committee will obviously continue to exercise jurisdiction over Corps of Engineers civil works programs, including its support for other programs that involves activities to clean up hazardous, toxic, and radioactive wastes. I would also note that the statement of managers provides that "overall program management, schedule and resource priority setting and principal point of contact responsibilities for FUSRAP are to be handled as part of, and integrally with, the overall civil works program of the corps."

H.R. 2203 is a good bill and I urge my colleagues to support it.

□ 1215

Mr. McDADE. Mr. Speaker, I have no further requests for time, I yield back the balance of my time, and I move the previous question on the conference report.

The previous question was ordered.

The SPEAKER pro tempore [Mr. NEY]. The question is on the conference report.

Pursuant to clause 7 of rule XV, the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 404, nays 17, not voting 12, as follows:

[Roll No. 468]

YEAS—404

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berman
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady
Brown (FL)
Brown (OH)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Capps
Cardin
Carson
Castle
Chabot
Chambliss
Christensen
Clay
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Coyne
Cramer
Crane
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Filner
Flake
Foglietta
Foley
Forbes
Ford
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Klink
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McDermott
McGovern
McHale
McHugh
McInnis
McIntosh

McIntyre
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Packard
Pappas
Parker
Pascrell
Pastor
Paxon
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Pickering
Pitts
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Rangel
Redmond
Regula
Reyes
Riggs
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Roybal-Allard
Rush
Ryun
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sawyer
Scarborough
Schaefer, Dan
Schaffer, Bob
Schumer
Scott
Serrano
Sessions
Shadegg
Shaw
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Stokes
Strickland
Stump
Stupak
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Tierney
Torres
Towns
Traficant
Turner
Upton
Velázquez
Vento
Visclosky
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wise
Wolf
Woolsey
Wynn
Yates
Young (AK)
Young (FL)

NAYS—17

Campbell
Chenoweth
Deal
Ensign
Gibbons
Hoekstra
Kleczka
Klug
Neumann
Paul
Petri
Ramstad
Royce
Sanford
Sensenbrenner
Shays
Sununu

NOT VOTING—12

Brown (CA)
Clayton
Cox
Dellums
English
Gonzalez
Pallone
Pickett
Rothman
Saxton
Schiff
Smith (OR)

☐ 1235

Mr. KLUG changed his vote from "yea" to "nay."

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## PERSONAL EXPLANATION

Mr. ROTHMAN. Mr. Speaker, on rollcall vote No. 468, I was unavoidably detained in New Jersey attending funeral services for Florence Rothman. Had I been present, I would have voted "yes."

## PERSONAL EXPLANATION

Mr. FARR of California. Mr. Speaker, I rise for the purpose of explaining my absence on the last vote. Mr. Speaker, I was unavoidably absent during the last rollcall vote No. 467, the passage of the rule on the Energy and Water Appropriations Conference Report. I was in a lecture with a group of foreign military officers who are attending the naval postgraduate school in my district, and I was unable to return to the Chamber in time for the vote. Had I been present I would have voted "aye."

## REAUTHORIZATION OF THE EXPORT-IMPORT BANK

Mr. DREIER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 255 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 255

*Resolved*, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 1370) to reauthorize the Export-Import Bank of the United States. The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Banking and Financial Services. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Banking and Financial Services now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. Points of order against the committee amendment in the nature of a substitute for failure to comply with clause 7 of rule XVI are waived. No amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. The Chairman of the Committee of the Whole may: (1) postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment; and (2) reduce to five minutes the minimum time for electronic voting on any postponed question that follows another electronic vote without intervening business, provided that the minimum time for electronic voting on the first in any series of questions shall be fifteen minutes. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER. The gentleman from California [Mr. DREIER] is recognized for one hour.

Mr. DREIER. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to my very hardworking friend, the gentleman from South Boston, Massachusetts [Mr. MOAKLEY], who is carrying his second rule of the day for the minority, and I am sure he will do so very ably. All time that I will be yielding will be for debate purposes only.

Mr. Speaker, pending that, I yield myself such time as I may consume.

Mr. Speaker, this rule provides for consideration of H.R. 1370, legislation to reauthorize the U.S. Export-Import Bank, an organization often referred to as the Eximbank. The Eximbank provides the most significant direct U.S. government support for American exporters, a subsidized loan rate to some foreign entities that buy American-made products.

This is a modified closed rule providing 1 hour of general debate, divided equally between the chairman and ranking minority member of the Committee on Banking and Financial Services. The rule provides for consideration of the committee amendment in the nature of a substitute as an original bill for purpose of amendment under the 5-minute rule. The rule waives points of order against the amendment in the nature of a substitute for failure to comply with clause 7 of rule XVI, relating to germaneness.

In order to provide for orderly consideration of this bipartisan legislation, the rule makes in order only those amendments printed in the Committee on Rules report. However, I must note, Mr. Speaker, that the Committee on Rules made in order every germane amendment that was submitted to our committee in a timely fashion.

The amendments must be offered in the order printed in the report by the Member designated, shall be considered as read, shall be debatable for the time specified, shall not be subject to amendment, and shall not be subject to a division of the question in the House or the Committee of the Whole.

The rule also grants the authority to the chairman of the Committee of the Whole to postpone recorded votes on amendments and to reduce the voting time on amendments to 5 minutes, provided that the first vote in a series is not less than 15 minutes. Finally, the rule provides for one motion to recommit, with or without instructions.

Mr. Speaker, in requesting a rule for consideration of this legislation, the chairman and ranking member of the

Committee on Banking and Financial Services presented a unified front in support of this export financing organization, praising both the goals and operations of the Eximbank. The charter of the Eximbank expires at the end of this year, making action necessary to avoid a very disruptive break in its operations.

Many of my colleagues know that I have been a strong and vocal advocate for unfettered free trade. At the same time, I am not fond of export subsidies. I believe that the best thing for our economy and the economies of our trading partners around the world would be an end to government trade subsidy programs like the Eximbank.

However, Mr. Speaker, I do not believe in unilateral disarmament. The United States should try to eliminate export subsidies through a multilateral agreement, the way we have tried to end shipbuilding subsidies, for example. The global trading system would be better off without the distorting effects of subsidies.

I believe the American taxpayers should know that the Eximbank has been involved in just such efforts. The bank has helped lead U.S. efforts within the Organization for Economic Cooperation and Development, the [OECD] to reach agreement limiting the export subsidies of developed countries.

The Eximbank's "tied aid war chest" has been used successfully to bring down this trade-distorting practice by 75 percent since 1991.

□ 1245

Mr. Speaker, I believe the best near-term trade policy is served by enacting H.R. 1370 and extending the charter of the Eximbank through September 30, 2001. Currently, the bank helps finance $15 billion in U.S. exports each year.

We must be clear about the fact that the Eximbank does not entail U.S. taxpayers buying products that are then given away overseas. This is not, I underscore again, this is not, Mr. Speaker, foreign aid. Instead, this agency provides a slightly subsidized loan rate that permits overseas buyers to purchase American-made products. They buy the products, and they pay for the products.

While the Eximbank is only involved in 2 percent of total United States sales abroad, it is critical to sales in certain big-ticket capital projects, particularly in developing countries in Asia, Latin America, Eastern Europe, and the former Soviet Union.

Again, Mr. Speaker, I must repeat, while the nominal recipient of the slightly subsidized loan is a foreign company or government entity, that entity buys and pays for the American-made product. The American workers are the real beneficiaries, winning the jobs that go along with these major projects.

Mr. Speaker, the Committee on Rules has made in order the seven germane amendments that were timely submitted to the committee, four offered by the minority, the Democrats, and three from our side of the aisle, the Republicans.

While I will not go through each amendment, I would like to encourage the House to avoid trying to legislate foreign policy priorities on the backs of American export workers. Kicking American companies and their American workers out of legitimate export markets in the name of pet foreign policy goals strikes a blow against the effectiveness of this job protection tool. The only winners in such situations are the foreign competitors who will step in and fill the void left by American companies.

Mr. Speaker, this rule deserves bipartisan support and this bill deserves bipartisan support. I look forward to the House working its will on the amendments submitted to the Committee on Rules with the hope that the final product is something that can be signed into law with the purpose of encouraging job creation in this country.

Mr. Speaker, I reserve the balance of my time.

Mr. MOAKLEY. Mr. Speaker, I yield myself such time as I may consume. I thank my colleague and dear friend, the gentleman from California [Mr. DREIER], for yielding me the customary half hour.

Mr. Speaker, I rise in support of this rule. Although this bill normally comes to the floor under the suspension calendar, our Republican colleagues have decided to bring it to the floor this year with a rule.

Mr. Speaker, this bill passes this Congress every 2 years with strong bipartisan support. This year it passed the Committee on Banking and Financial Services by voice vote. It is a good bill. It is a noncontroversial bill. But in order to increase debate time on foreign policy, which has nothing to do with this bill, my Republican colleagues are bringing this noncontroversial bill to the floor with a rule and endangering the bank's authority to issue new export credits which expires tomorrow.

Mr. Speaker, the Export-Import Bank levels the playing field for American companies. It helps American companies overcome export credits from other countries and helps make American goods be affordable and accessible in these other countries. It is the primary way American businesses get credit to sell their goods overseas. Mr. Speaker, that creates jobs here, here at home.

American companies trying to do business overseas have a very hard time getting insurance and export credit in other countries. Foreign credit export agencies subsidize goods and undercut American competitors.

Mr. Speaker, even with the Export-Import Bank, we still do less for our businesses than any other of our major competitors. We provide export support only to 1.5 percent of our total exports. France provides the same support to 20 percent of their exports, and Japan provides support for 48 percent of the goods they export. In other words, Mr. Speaker, other countries have a lot easier time picking up business here than we do competing in their countries.

In New England, our manufacturing capacity has been declining for years. When manufacturing capacity declines, so do manufacturing jobs. Businesses move their operations overseas to take advantage of lower labor costs and overhead, and American workers are left holding the pink slips.

The Export-Import Bank enables us to convince companies that they can stay here, hire well-trained American workers, and develop competitive products. Last year, businesses in my district got $116 million in assistance from the Export-Import Bank. Some of those businesses include Horizon House Publications, Bird Machine Co., Harding and Smith Corp., which makes control system panels, Sea Beam Defense Contractors, Stone and Webster Corp., Engineering Contractors, and State Street Bank, and many, many others.

Mr. Speaker, every single employee at every single one of those companies who still has a job here in this country joins me, they join me in supporting the Export-Import Bank. When these companies do well, we all do well. Their success rate creates jobs here in the United States. I urge my colleagues to support this rule.

Mr. Speaker, I reserve the balance of my time.

Mr. DREIER. Mr. Speaker, I yield 4 minutes to the gentleman from Lincoln, NE, Mr. BEREUTER, chairman of the Subcommittee on Asia and the Pacific, who will have some very, very worthy advice on the amendments that we will be considering. I hope my colleagues will listen to that.

Mr. BEREUTER. Mr. Speaker, I rise in strong support of the rule and of H.R. 1370, a bill to reauthorize the Export-Import Bank for 4 years. I thank the distinguished gentleman from California for yielding me this time.

The Export-Import Bank is a crucial export promotion agency which provides insurance to lenders to facilitate the purchase of U.S. products abroad; in other words, to expand our export base. I appreciated the comments of the distinguished gentleman from Massachusetts and the gentleman from California [Mr. DREIER].

Opponents have sometimes labeled the Export-Import Bank as a corporate giveaway. Actually, the truth of the matter is that the Export-Import Bank facilitates the purchase of U.S. products abroad, which in turn provides jobs in the United States.

This Member doubts you will find any workers, even in one of the largest U.S. companies such as Boeing, who feel they are receiving welfare payments when they receive their paychecks at the end of a long week building state-of-the-art aircraft.

Export-Import Bank is not a giveaway program. It is a jobs and trade program. As long as our competitors continue to provide export assistance, as the gentleman from Massachusetts just indicated, and in great quantities beyond what we provide, we need to have this legislation and this agency to keep us competitive.

This Member contends that those who attack the Export-Import Bank as a wasteful government giveaway with little impact on international trade must really be living in a vacuum. If we compare the levels of support by our trade competitors, we will see that the United States lags far behind Japan, France, Canada, Germany, and the United Kingdom.

U.S. companies have realized the importance of operating in a global economy and have made it clear that if the United States is not willing to help them to play ball by providing export promotion, they will have no choice but to take their production facilities abroad and thus their jobs and tax dollars overseas as well.

As an example, one must only consider the recent decision by GE and Voith Hydro to seek German and Canadian export assistance to facilitate the purchase of equipment to be used in the Three Gorges Dam project in China. The Clinton administration has determined that Export-Import Bank participation in the Three Gorges project should not be available.

Does that mean the project will not go ahead? No. Does it mean that U.S. firms will not participate? No. It simply means that foreign subsidiaries of U.S. companies will receive the assistance overseas, and they will build their products there. And they will spend their money there in other countries, and U.S. workers do not have jobs here. We must not unilaterally disarm ourselves in this important global economy.

Therefore, this Member urges his colleagues to set aside the politically expedient rhetoric of attacking Export-Import Bank as corporate welfare and wake up to the fact that without the Export-Import Bank, the United States is unilaterally disarming in the global trade cold war. We must support U.S. products overseas.

I urge my colleagues to support the rule and to support the reauthorization of this 4-year extension of the Export-Import Bank's life and the LaFalce amendment which will soon be subject to debate as well in the Committee of the Whole House.

The LaFalce amendment, for example, will finally rename the agency to indicate what it does, and that is to make it the U.S. export agency, because this agency has nothing in the world to do with imports. This is an export arm of the American economy and of the American Government.

I thank my colleague for yielding me this time.

Mr. HALL of Ohio. Mr. Speaker, I yield 2 minutes to the gentleman from Florida [Mr. HASTINGS].

Mr. HASTINGS of Florida. Mr. Speaker, I thank the gentleman for yielding, and I would like to associate myself with the remarks of the gentleman from California [Mr. DREIER] and the gentleman from Massachusetts [Mr. MOAKLEY], the ranking member.

Some of us have some concerns with section 9, and the administration has expressed such, which requires the Bank to establish procedures to ensure that firms committed to job creation and reinvestment in the United States be given preference for receiving financial assistance.

The Bank is dedicated to the preservation and expansion of the U.S. jobs. In pursuing this goal, the Bank provides guarantees and loans to creditworthy foreign buyers of U.S. goods. Therefore, the Bank evaluates foreign buyers, not U.S. firms. Because it is the foreign buyer that chooses the exporting company, the Bank is not in a position to decide if the U.S. firm has made the commitment called for in the bill.

Also by way of amendment, I am hopeful, and I believe the administration would be as well, of addressing the concerns expressed in section 5 which would have the effects of statutorily selecting the Bank's ethics official. This selection would undermine the effectiveness of the executive branch ethics programs by eliminating one of its basic requirements; that is, that the agency head is ultimately responsible for the conduct of the agency's employees.

I am just back, as a member of the Committee on International Relations, from a meeting of the Organization for Security and Cooperation in Europe. The Eximbank is most active in the big emerging markets such as Asia, Latin America, Eastern Europe, and the Newly Independent States. I call on my colleagues here to be mindful that places like Uzbekistan, Tajikistan, or a number of the Newly Independent States in the Transcaucasus would benefit from the Eximbank, and what we would and could do by not supporting it would be to unilaterally disarm and allow our competitors free access to emerging markets.

Mr. DREIER. Mr. Speaker, I yield 1 minute to the gentleman from Syracuse, NY, Mr. WALSH.

Mr. WALSH. Mr. Speaker, I thank my friend from California for yielding me the time.

I would also like to thank our majority leader, the gentleman from Texas [Mr. ARMEY], for allowing this bill to get to the floor. It is very timely. This legislation, the reauthorization expires today. That would be a real shame, and it would cause great difficulty for many American corporations and American workers.

I speak in favor of the rule and the bill. The Export-Import Bank was established in 1934 and requires periodic rechartering by the Congress. As I said, today the bill, the reauthorization, expires so we have to act on it quickly. This event would be unprecedented in the Bank's 64-year history and extremely harmful to the competitiveness of U.S. exports. The export authority, export financing provides direct loans, loan guarantees, and insurance which enables American exporters to make creditworthy sales when other sources of financing are unavailable. As my colleague from Florida mentioned, the competitive factor is vital in large emerging areas such as Asia, Latin America, and the Newly Independent States of Eastern and Central Europe.

We feel the Export Bank represents the best kind of performance-based Federal program in which modest resources enable American businesses to compete for otherwise lost markets. I urge my colleagues to support this legislation, to reject all weakening amendments. This is a job creator.

□ 1300

Mr. HALL of Ohio. Mr. Speaker, I yield 3 minutes to the gentleman from Vermont [Mr. SANDERS].

Mr. SANDERS. Mr. Speaker, I thank the gentleman for yielding me this time. Later on in the course of the debate I will be talking about why I will support this legislation today, but let me just deal with some of the issues that my friends on the other side have raised which we should all be aware of when we talk about the Export-Import Bank.

The fundamental issue is whether working families in this country, who for many years have seen a decline in their real wages, people are working longer hours and are earning less, should be putting tens of millions of dollars in helping large multinational corporations who over the last 15 years have laid off hundreds of thousands of American workers. That is an issue we have to focus on.

The Boeing Co., which is the major recipient of this program, has laid off over 52,000 workers between 1990 and 1996. General Electric, which is taking jobs all over the world, hiring people at 50 cents an hour, laid off 153,000 workers from 1975 to 1995. AT&T laid off 127,000 workers. Are these the companies that the middle class taxpayers of this country should be supporting? I think there are real questions about that.

Now, some of my friends say, well, we need a level playing field. They are doing it in Europe and they are doing it in Japan. And there is truth to that argument. But there is another side to that story, and that is that corporations in Japan and corporations in Europe have a different ethic in many ways. Their systems are different.

In Europe they have a national health care system guaranteeing health care to all people. In Europe, German workers make 25 percent more than manufacturing workers do in the United States of America. In Europe, in many of those countries college education is free, not $25,000 or $30,000 a year. In many of those countries corporations pay significantly more in taxes than do companies in this country pay.

So what we have is corporations are coming in here and saying, help us with Exim programs, we need some help, but of course we want to pay less in taxes. We want to pay our workers lower wages. We want to move our jobs to Mexico or to China, but we really would like this form of corporate welfare.

Within the Committee on Banking and Financial Services I have successfully put in an amendment which begins to address some of these problems. Let me be very clear. If that amendment is taken out in conference committee, I will lead the effort in this body to defeat the Exim reauthorization. With the amendment, I think we will make some progress in saying that the companies that we are supporting should be companies who are reinvesting in America, who are trying to create jobs in America, and are not taking our jobs to China or Mexico.

Mr. DREIER. Mr. Speaker, I yield 6 minutes to the gentleman from Surfside Beach, TX, Mr. PAUL, who is a member of the Committee on Banking and Financial Services and joins me as an outspoken proponent of unfettered free trade.

Mr. PAUL. Mr. Speaker, I thank the gentleman for yielding me this time, and I appreciate the characterization of the benefits from the Export-Import Bank as being export subsidies because we are talking about subsidies.

Generally speaking, we on this side of the aisle are against subsidies, especially if the subsidies are for the poor people. I just suggest we should question whether we should oppose subsidies for the rich people as well.

So I rise in support of the rule. There could be a better rule but, under the circumstance, I support the rule but I do not support the legislation. There are very good economic and there are very good moral reasons why programs like this should not even exist.

I do want to take a moment to talk about something else I think is very important. Sometimes I think if one takes themselves too seriously around here one would become depressed, and I try very hard not to be depressed. But I found something in the committee report that I think is very, very interesting.

We have a House rule that says that in the committee report on legislation, when it comes up, we have to explain which part of the Constitution justifies what we do here. Of course, there is legislation that is proposed that if we pass the legislation it would be the law and we would have to answer to that antiquated document, the Constitution. I happen to be so old-fashioned as to believe that if we were all as serious about the Constitution, all we would have to do is vote the Constitution and those convictions each day and we would not need rules or laws.

But nevertheless I think it is interesting to note exactly where the constitutional authority comes from for the Export-Import Bank. Of course, the old standby is the general welfare clause. We do this for the general welfare of the people. But if we think about it, we are using taxpayers' money, we are using subsidized interest rates, we are benefiting certain companies, and we do benefit the foreign recipients and many times these are foreign governments, so they are not the general welfare. If it is a cost to the taxpayer, we are doing this at a penalty of the general welfare, not to the benefit of the general welfare.

This is a wastebasket used especially in the 20th century as a justification for doing almost anything in the Congress. But then the justification goes on, and I find this even more fascinating. Of course, the other justification is the power to regulate commerce.

Well, regulating commerce between the States, actually the commerce clause was written to deregulate and make sure there were no impediments against trade, so we cannot under the Constitution regulate trade. But that does not say subsidize certain people at the expense of others. So that was a giant leap in the 20th century where the regulation of commerce permits us to do almost anything.

It certainly rejects the whole notion and challenges the whole concept of the doctrine of enumerated powers. So we either have a Constitution where there is a doctrine of enumerated powers or we do not. The document is very clear. It delegates powers. The powers are very limited and they are numbered. They are enumerated.

But today, if we casually look at the welfare clause, and if we casually look at the regulatory clause on commerce, we here in the Congress, under that understanding, we can do just about anything. And what happens? We do just about anything. And that is why our Government is so big and our regulatory bodies are so huge and we have tens of thousands of pages of regulations, because we have so little respect for the document that we should be guided by.

But there is another justification, according to the committee report, as to why we should and are permitted to pass legislation like the Export-Import Bank. Now, this one has to catch somebody's interest and it has to be slightly humorous to somebody other than myself.

In addition, the power to coin money and regulate its value gives us the justification to give subsidies to big corporations, to benefit companies overseas, to take credit from one group and give it to another, and to steal the money from the people through an oppressive tax system in order to provide these subsidies. And yet the justification is to coin money?

The Constitution still says that all we can do is use gold and silver as legal tender. Since we do not do that, we should have changed the Constitution. We should do one or the other. But to use the coinage clause to extend credit is a stretch beyond belief. It says, though, that the courts have broadly construed this to allow Federal regulation, the provision of credit, to provide credit.

Well, this is exactly opposite of what the founders said and exactly opposite of one of the major reasons why we had the Constitutional Convention. This power that they take through the coinage clause in order to extend credit is exactly opposite of the provision in the 1792 Coinage Act, which says we have to protect against counterfeiting, and anybody who would be so bold as to debase the currency and ruin the value of the money, there was a death penalty mandated.

But here we casually give to our agencies of government this authority under the coinage clause to provide credit. Credit is nothing more than the dilution of the value of money. And believe me, long term, this is detrimental.

Later on in the general debate, I would like to address the economic issues as well.

Mr. HALL of Ohio. Mr. Speaker, I yield 3 minutes to the gentleman from Connecticut [Mr. GEJDENSON].

Mr. GEJDENSON. Mr. Speaker, if this was an ideological debate or an attempt at evolving a philosophy for the operation of the globe, we might want to discuss, in a theoretical sense, how government got to this point and where government should go. But this is a very practical life lesson for survival we are involved in.

The United States of America does very well in international trade. We have some very tough competitors. And, frankly, this is one of the few tools we have to prevent those international competitors from just rigging the system against American workers.

We can talk about American companies, and sometimes there are differences in the interests of the company and the workers, but in this case the workers' and the companies' interests are joined. If we do not sell the product, that company loses but the workers are unemployed.

When we look at large capital areas, for a while the French, the Japanese, and others were simply stealing markets as the American trade representatives and American financial institutions were asleep at the switch. What we had time and time again was the Americans making a better product at a better price, but the French came in with 1-percent financing, or the Germans came in with no-percent financing, or the Japanese gave a kicker to begin the program.

Well, over the last decade we have started responding. As a result of that, we have brought back market share to this country, and that has indeed helped companies. It has helped the strength of the American dollar, I would say to my friend from Texas, and it has helped American workers. It is not just large companies, although oftentimes we need to use the threat of Eximbank financing to back off other countries trying to take away American projects by subsidized financing.

It is small companies as well. In Thompson, CT, Neumann Tool, a small family-held company, has been helped by Eximbank. Companies slightly larger, but still relatively new companies that are in international trade, like Gerber Garment and Technologies in Tolland, CT, they have been helped when they were facing partnerships between governments and corporations in other countries.

If we could stop all the other countries from subsidizing interest rates and financing around the world, we could talk about ending these programs. But unless we want to give away major markets to Asia and Europe, then we need this tool to protect American employment. That is what I see this program as.

What happens in the headlines is that we get "Eximbank Finances Airplane Sale." What we really get are workers in America being able to compete internationally because they are not disadvantaged by a world that used to exist, where only the other side had some financing institutions to help save jobs.

Mr. DREIER. Mr. Speaker, I yield 3 minutes to the gentleman from Langley, WA, Mr. METCALF, a member of the Subcommittee on Domestic and International Monetary Policy of the Committee on Banking and Financial Services.

Mr. METCALF. Mr. Speaker, the Boeing Co. was mentioned by a previous speaker. By the way, right now Boeing Co., in my district and in my State, is hiring workers as fast they can right at this moment.

To get to the Export-Import Bank, it is one of the most important tools that we have to help the United States compete in the international marketplace. For more than 60 years, Exim has supported more than $300 billion in U.S. exports, and has more than met its primary goal of preserving and creating jobs in the United States and working to level the playing field against aggressive subsidized foreign competition.

The facts show that current accusations leveled against Exim by its opponents are unfounded. Exim creates jobs. One-fourth of the new net jobs created since 1992 came from export growth. During the last 5 years, Exim financing supported jobs for nearly 1 million Americans. Exim helps United States companies compete against subsidized foreign competition.

Japan and France currently finance 32.4 and 18.4 percent of their exports respectively. By comparison, the United States finances 3 percent of its exports. Eliminating Exim would result in lost jobs to American workers and lost market share to American companies.

Exim has a great return for the taxpayer. For every dollar appropriated to Exim the bank returned approximately $20 to $25 worth of exports. Exim programs do not just favor big business; Exim plays an important role in reaching small businesses interested in exporting. Last year 81 percent of Exim's transactions were with small business.

☐ 1315

Exim programs do not create an unhealthy risk for the taxpayer. Since its creation, Exim has maintained a strong and healthy portfolio with a loan-loss ratio of 1.9 percent. The loss ratios of commercial banks average around 6 percent to foreign governments.

In addition, Exim has more than an adequate reserve of $6.7 billion to protect the taxpayer in the event of any unforeseeable loss. We should reauthorize Exim today to preserve American jobs.

Mr. MOAKLEY. Mr. Speaker, I have no requests for further speakers, and I yield back the balance of my time.

Mr. DREIER. Mr. Speaker, I would simply close by saying that I urge strong support of this rule and the bill.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. PEASE). Without objection, the previous question is ordered on the resolution.

The question is on the resolution.

Mr. MILLER of California. Mr. Speaker, I object.

The SPEAKER pro tempore. The gentleman from California [Mr. MILLER] objects to ordering the previous question.

The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that ayes appeared to have it.

Mr. MILLER of California. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clause 5 of rule XV, the Chair will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device, if ordered, will be taken on the question of agreeing to the resolution.

The vote was taken by electronic device, and there were—yeas 423, nays 3, not voting 7, as follows:

[Roll No. 469]

YEAS—423

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berman
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeGette
Delahunt
DeLauro
DeLay
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Filner
Flake
Foglietta
Foley
Forbes
Ford
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)

Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McDermott
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McNulty
Meehan
Meek
Menendez
Metcalf
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Mollohan
Moran (KS)
Morella
Murtha
Myrick
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Packard
Pappas
Parker
Pascrell
Pastor
Paul
Paxon
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Redmond
Regula
Reyes
Riggs
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryun
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Scarborough
Schaefer, Dan
Schaffer, Bob
Schumer
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Stokes
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Tierney
Torres
Towns
Traficant
Turner
Upton
Velázquez
Vento
Visclosky
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wise
Wolf
Woolsey
Wynn
Yates
Young (AK)
Young (FL)

### NAYS—3

DeFazio
McKinney
Taylor (MS)

### NOT VOTING—7

Gonzalez
Hansen
Moran (VA)
Nadler
Pallone
Saxton
Schiff

☐ 1333

Mr. OWENS changed his vote from "nay" to "yea."

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. SAXTON. Mr. Speaker, due to a memorial service in New Jersey for the airmen from McGuire Air Force Base who were killed off the coast of Namibia, I was unable to make rollcall votes 465, 466, 467, 468, and 469. Had I been present I would have voted "nay" on vote No. 465, "yea" on vote No. 466, and "yea" on votes Nos. 467, 468, 469.

The SPEAKER pro tempore. Pursuant to House Resolution 255 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 1370.

The Chair designates the gentleman from California [Mr. CALVERT] as the Chairman of the Committee of the Whole and requests the gentleman from Indiana [Mr. PEASE] to assume the chair temporarily.

☐ 1336

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 1370) to reauthorize the Export-Import Bank of the United States, with Mr. Pease (Chairman pro tempore) in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Delaware [Mr. CASTLE] and the gentleman from New York [Mr. FLAKE] each will control 30 minutes.

The Chair recognizes the gentleman from Delaware [Mr. CASTLE].

Mr. CASTLE. Mr. Chairman, the Committee meets today to consider the bill, H.R. 1370, legislation to reauthorize the Export-Import Bank of the United States, Eximbank, as it is known, for an additional 4 years. The bill, as amended, was favorably reported by the Committee on Banking and Financial Services by voice vote to the House of Representatives on July 9 with a report on this bill, Report No. 105–224, being filed on July 31, 1997. Without timely reauthorization, Eximbank will have to shut down its operations at the end of this fiscal year, literally less than a day away.

Briefly, H.R. 1370 provides for the following:

First, a 4-year renewal of Eximbank's charter through September 30, 2001;

Second, an extension of the tied aid credit fund authority;

Third, an extension of the authority for providing financing for the export of nonlethal defense articles;

Fourth, a clarification of the President's authority to prevent bank financing based on national interest concerns;

Fifth, the creation of an Assistant General Counsel for Administration position;

Sixth, authorization for the establishment of an advisory committee to assist the bank in facilitating United States exports to sub-Saharan Africa;

Seventh, a requirement that two labor representatives be appointed to the Bank's existing advisory committee;

Eighth, a requirement that the Bank's chairman design an outreach program for companies that have never used its services;

Ninth, the establishment of regulations and procedures as appropriate to ensure that when the Bank is making a determination as among firms that receive assistance, that preference be given to those firms that have shown a commitment to reinvestment and job creation in the United States.

Not every Member may be familiar with the work of Eximbank, so let me clarify what the Bank is and what it is not. Eximbank is an independent Federal agency established in 1934 to provide export financing for U.S. businesses. It has the twofold purpose of neutralizing an aggressive financing by foreign export credit agencies and to furnish export credit financing when private financing is unavailable and only when the Bank has a reasonable assurance of repayment.

Eximbank is not a foreign policy agency. Eximbank is not a development agency. The Bank's narrow purpose is to create jobs in the United States by promoting exports abroad.

Why do we need Eximbank?

Largely because many foreign governments provide official financing to their countries' exporters.

Although many of us would like to reduce or eliminate export credit subsidies, it is clear that without Eximbank the United States would have no leverage to help bring more market discipline to the rules governing international trade finance.

Likewise, American exporters would be hindered in their efforts to establish market presence in developing countries lacking full and easy access to private sources of finance.

While American workers and companies have made enormous strides to compete in the global economy, they cannot compete and win against Government-supported foreign competition. We need Eximbank to deter the distorting tied aid and other forms of economic pressure used by some of our trading partners. We also need Eximbank to help secure the necessary financing that will enable our dynamic small businesses to export their goods and services to the broader global market.

American firms will simply not thrive at home unless they take full advantage of the tremendous opportunities abroad. Today, 96 percent of U.S. firms' potential customers are outside U.S. borders, and key developing markets alone will account for almost half of the world's market by the year 2010. These markets are already our country's best economic opportunity, with developing countries already accounting for 67 percent of world import growth.

This body and the American people should have no illusions about the intensity of commercial competition for export contracts in emerging markets, competition that frequently hinges on the terms of export financing. The simple fact of the matter is that without Eximbank, U.S. exporters would lose contracts in important developing countries to companies in Japan, France, and Germany that receive trade finance from their Government-supported export credit agencies. Moreover, in critical technology, such as aerospace, power generation, and telecommunications, the loss of markets is long-term as the initial choice of a supplier determines services, parts, and follow-on sales.

In closing, Mr. Chairman, the committee has reported out a solid bipartisan bill reauthorizing this vitally important agency. I would urge Members to give it their enthusiastic support.

Mr. Chairman, I reserve the balance of my time.

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Mr. FLAKE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise today in support of this bill and urge that my colleagues would support the Committee on Banking and Financial Services's report on the reauthorization of the Export-Import Bank of America.

Let me first thank the gentleman from Iowa [Mr. LEACH], the chairman of the committee, for his consistent efforts to reach an agreement on each and every one of the difficult issues that we have had to face. I would be remiss if I did not thank the gentleman from Delaware [Mr. CASTLE] for his efforts at the subcommittee level. We worked well together on the bill that is before this House this afternoon. I also wish to thank the gentleman for continually including my staff in bipartisan deliberations throughout this past 2 years as we have moved forward on this bill.

We have accomplished a great deal in the Committee on Banking and Financial Services's markup of the Export-Import Bank reauthorization, H.R. 1370. We reached three major goals. First, we instruct the State Department to expressly use the Chafee amendment process when it has national interest concerns with potential Ex-Im deals. Last year, the bank was requested to more or less take a role in deciding foreign policy. That is not the bank's mission. With guidance from the gentleman from Nebraska [Mr. BEREUTER], we have adopted a policy in this bill which would make Congress's intent clear with respect to the Chafee amendment.

We also create an advisory panel to counsel the bank on efforts to increase United States imports to sub-Saharan Africa. Congress has witnessed, over the past 5 months, the bipartisan commitment to increase trade with Africa. This commitment seems to resonate from the administration, the Congressional Black Caucus, the Speaker, and the rank and file Members of this Congress. I believe this is the right thing to do, and in fact, we should have done it years ago. Nevertheless, I am happy to have created this panel now, and even as we move forward, my hope is that it will do what we have created it to do.

Finally, we create mandated ethics counseling within the Ex-Im. Consequently, we assure that employees have the best possible ethical advice when major financing decisions are made.

Mr. Chairman, let me expand my remarks by stating that we need the Export-Import Bank. We need the institution because the global market for U.S. products shrinks when foreign companies consume lucrative opportunities. Furthermore, this market contraction is most often due to the fact that the companies have the complete support of their export credit agencies when they come to the table from other countries. While these companies have this explicit support from their governments, our companies face financial reluctance from private capital markets, and tend to find it extremely difficult to finance their exports and thus maintain a viable employment base of economically empowered U.S. citizens. Their lender of last resort policy has thus become a problem for the Export-Import Bank.

Ex-Im also is the financier of companies willing to export to risky markets. As we all know, taking risks is in the great American tradition of creating opportunities throughout entrepreneurship. Export-oriented entrepreneurs are the enterprises which government should assist, and supporting new opportunities and emerging markets will continue job growth where we need it the most, here in our own labor markets. As many should come to realize, Ex-Im operates under the adage, "jobs through exports."

My last remarks will again focus attention on Africa. We have a tremendous opportunity to foster trade with this last untapped market in the world. The export markets in Europe, Latin America and Asia are saturated, and new opportunities will come far and few between in the years to come. Africa, on the other hand, is still ripe for business. Countries like South Africa, Zimbabwe, Botswana, and Namibia have growing economies with sophisticated indigenous business cultures and represent viable markets for United States exports. French, English, German, and Malaysian businesses are moving aggressively into these marketplaces, and they are doing so with tremendous support from foreign credit agencies. U.S. businesses also need that same kind of support which only the Ex-Im Bank can give.

Toward that end, I am pleased to note that Ex-Im has recently sent a delegation to sub-Saharan Africa to explore opportunities for United States exports, and I am equally delighted to see efforts by the administration and colleagues of ours like the gentleman from New York [Mr. RANGEL] and the gentleman from Illinois [Mr. CRANE] who promote trade between the United States and Africa. I will encourage Ex-Im to work within these discussions, and signal my intent to encourage and craft a working system within Ex-Im to explore the very new opportunities that have been made available to us in sub-Saharan Africa.

Mr. Chairman, I close by noting that there are detractors of the agency, and we certainly are cognizant of corporate welfare arguments. This line of reasoning, however, ignores the fact that 81 percent of Ex-Im's financing deals go to small businesses. It also ignores the reality that for the 29 percent of deals that Ex-Im does with large enterprises, it inherently still maintains the operations of small business subcontractors and suppliers. These enterprises operate throughout the Nation and employ thousands of American citizens.

Thus, if we examine the institution's impact on American employment, we cannot come to the conclusion that Ex-Im is an exclusive concessional window of credit to corporate America. Rather, it is a lender of last resort, and it is successful in financing billions of dollars in U.S. exports for a rather small budget. In short, we need Ex-Im, and I intend to support its reauthorization and hope that my colleagues in the House will join me.

Mr. Chairman, I reserve the balance of my time.

Mr. CASTLE. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from Illinois [Mr. MANZULLO], a member of the Committee on Banking and Financial Services.

Mr. MANZULLO. Mr. Chairman, every bill and subsequent law that we pass in the House of Representatives has a face to it, and I would like to tell my colleagues about a couple thousand faces, people who get up at the crack of dawn, pack their lunch, get their kids off to school, go off to work, come back home, and oftentimes their spouses are also working. These are the 2,000 faces of the highly skilled union members of Beloit Corp. in Beloit, WI, and South Beloit, IL. They are the ones on behalf of whom I speak this afternoon in urging this body to reauthorize the Export-Import Bank.

Mr. Chairman, there are only three manufacturers of papermaking machines in the world: one in Finland, one in Germany, and one in the United States. These are obviously very sophisticated and huge machines. Some run as long as an entire football field. In doing battle with countries overseas that have subsidies of a sort to the manufacturers, these men and women who work very hard at the Beloit Corp. do not quite understand the intricacies of international banking, but they do understand when their company is put in a position where it is being hammered by overseas export agencies that prefer Finland and Germany. So the Export-Import Bank was started on behalf of these working men and women so that the corporation for which they work could be on an equal footing with the Finns and the Germans.

An opportunity came up for these men and women to build some huge machines to go to Indonesia. We helped Beloit Corp., and we helped those 2,000 people, and by helping those 2,000 people get that type of loan, the loan of last resort, the loan that would not exist otherwise, the loan were it not for the existence of Ex-Im Bank would have meant that they would have lost their jobs for a considerable period of time, that that loan not only made possible the work for these 2,000 people, but also 2,940 suppliers all over the United States. In fact, over 640 in the State of Massachusetts alone; several hundred in the State of Illinois, and likewise throughout the country. Because these types of loans that are given to companies doing royal battle in the international market really are not about corporate subsidies, end of quote; they are about the 2,000 people I represent at Beloit Corp. and about the nearly 3,000 suppliers, many of whom are little bitty guys that are battling it out, and Ex-Im is really for them.

Now, most of these people do not even know what the Ex-Im Bank is. All they know is whether or not they have an order to ship parts and to do some labor for Beloit Corp. So I am here today to speak on behalf of these 3,000 suppliers and the 2,000 people directly involved at Beloit Corp., and to the tens of thousands of workers across the land whose very livelihood depends upon the ability of the United States to engage competitively for overseas markets.

That is really what Ex-Im Bank is all about; it is about people. It is not about big companies, it is not about corporate welfare; it is about people, people who get up at the crack of dawn, pack their lunch, go off to work and thank God that they have a job so that they can raise their children.

Mr. Chairman, I would urge the Members of this body to reauthorize Ex-Im Bank because it does one thing that the private sector simply cannot do. It provides the tough, last-chance financing that companies need in order to be competitive globally. Ex-Im, in fact, in 1995 helped generate $13.5 billion in exports for the U.S. economy, which directly exported 200,000 high-wage U.S. jobs.

Mr. FLAKE. Mr. Chairman, I yield 5 minutes to the gentleman from New York [Mr. LAFALCE], the outstanding senior member of the Committee on Banking and Financial Services.

Mr. LAFALCE. Mr. Chairman, I thank the gentleman for yielding me this time.

First of all, I want to commend both the chairman of the subcommittee, the gentleman from Delaware [Mr. CASTLE], and the ranking Democrat on the subcommittee, the gentleman from New York [Mr. FLAKE], especially Mr. FLAKE because he will be retiring from Congress on October 15, for the outstanding job they did, both in subcommittee and full committee, in developing this bill and having it reported out in a bipartisan and enthusiastic fashion.

Some individuals ask the question: Should governments be involved in the subsidy of exports? And the theoretical answer to that is well, no, they should not be. So if we lived in this theoretical world that we would like to, governments would not subsidize.

But the fact of the matter is, we do not live in a theoretical world, we live in a very real world, a very real global economy, in which other governments assist companies in their countries to export. How much do they do this? Well, in the United Kingdom, 2.7 percent of national exports are subsidized. In Italy, 3.1 percent. In Germany, 5.2 percent. In Canada, 7.9 percent. In Spain, 8.3 percent. In France, 19.6 percent. In Japan, 47.9 percent. I repeat, in Japan, 47.9 percent. In the United States, 1.58 percent.

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Our subsidy is infinitesimally small in comparison to the subsidies of some of our principal competitors, such as Japan, France, et cetera.

Until the real world conforms to this theoretical world that we would like to exist, we must not unilaterally disarm. We must reauthorize our export agency, the Export-Import Bank.

There are a number of amendments that have been allowed by the Committee on Rules, seven. As we consider these amendments, let us realize that this bank is not a foreign policy instrument. This bank does not give subsidies to foreign countries. This bank gives business exclusively to United States companies for U.S. exports, regardless of the country involved. We ought not to try to make this an instrument of foreign policy micromanaged by the U.S. Congress.

Let us also keep in mind that there is a significant small business impact. I reiterate the comments of the gentleman from New York [Mr. FLAKE]. In fiscal year 1996 there were almost 2,000 small business transactions, a 60-percent increase since 1992. Of these, about 25 percent were first-time transactions for small businesses. Of all the transactions of the Eximbank, 81 percent of all transactions, accounting for about 21 percent of the dollar amount handled, were for the small business community. Of all the transactions, 81 percent were for small businesses in the United States.

For all of these reasons, I hope this body will overwhelmingly endorse and reauthorize this Bank. I hope we will look at these amendments that will be offered, these seven, one of which is mine, which would be to simply rename the Bank, and be selective in our acceptance or rejection of them, not trying to make it a foreign policy judgment, but a trade judgment, a jobs judgment that we make.

Mr. CASTLE. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from Texas [Mr. PAUL], with whom I disagree on this bill, but I totally agree with his right to present his points of view.

Mr. PAUL. I thank the gentleman for yielding time to me, Mr. Chairman, and for the disclaimer.

Mr. Chairman, it is correct, I am going to vote no on this bill, for various reasons. I stated some of those earlier on. One is constitutional. There is a strong moral argument against a bill like this. But I am going to talk a little bit about the economics. Also, one other reason why I am going to vote against this bill has to do with campaign finance reform. If we vote no against this, I think we would be working in the direction of campaign finance reform.

I myself get essentially no business PAC money. I do not have any philosophic reasons not to take it. I would take the money on my conditions, but that sort of excludes me. But not infrequently when I would visit with large corporations they would ask me, what is my position on the Export-Import Bank. And when they would find out, of course they would not give me any money.

So I would say that the incentive to get people to do certain things for subsidies gives this incentive for big corporations to subsidize and to donate money to certain politicians. If we did not have so much economic power here, there would not be the incentive for big business to come and buy our influence.

Mr. Chairman, I do not happen to believe that campaign finance reform will ever be accomplished by merely taking away the right of an individual or company to spend money the way they see fit. Regulating finances of a company, once a company can come in here and put pressure on us to pass the Export-Import Bank, I think is an impossible task.

There have been certain economic arguments, so-called, in favor of this bill, but I think there are some shortcomings on the economics. One thing for sure, I think even the supporters of this bill admit that this is not free trade, this is an infraction that we have to go through because the other countries do this.

But we might compare this. It is true, we subsidize our companies less than Japan, but would Members like to have Japan's economy right now? Japan has been in the doldrums for 8 years. They subsidize it 30, 40, 50 percent of the time. Maybe it is not a good idea. Yes, ours are small in number, but why should we expand it and be like Japan? So I would suggest that the benefits, the apparent benefits, are not nearly as great as one might think.

The other thing that is not very often mentioned is that when we allocate credit, whether we expand credit, which was mentioned earlier, that we do expand credit, we extend credit, we allocate it, we subsidize it, so we direct certain funds in a certain direction, but we never talk about at the expense of what and whom.

When a giant corporation or even a small business gets a government-guaranteed loan, it excludes somebody else. That is the person we never can hear from, so it is the unseen that is bothersome to me. Those who get the loans, sure, they will say yes, we benefited by it. Therefore, it was an advantage to us. But we should always consider those individuals who are being punished and penalized, that they do not have the clout nor the PAC to come up here and promote a certain piece of legislation.

Another good reason to vote against this piece of legislation, it is through this legislation that we do support countries like China and Russia. This is not supporting free markets. They are having a terrible time privatizing their markets. Yet, our taxpayers are being required to insure and subsidize loans to state-owned corporations.

China receives the largest amount of money under Eximbank. I do believe in free trade. I voted for low tariffs for China. I support that. But this is not free trade. This is subsidized trade. It is the vehicle that we subsidize so much of what we criticize around here. Some people voted against low tariffs for China because they said, we do not endorse some of the policies of China. They certainly should not vote for the subsidies to China nor the subsidies to the corporations that are still owned by the state in Russia, because it is at the expense of the American taxpayer.

It is said that the companies that benefit will increase their jobs, and that is not true. There are good statistics to show that the jobs are actually going down over the last 5 or 6 years. Jobs leave this country from those companies that benefit the most.

It is also said quite frequently here on the floor that this is a tremendous benefit to the small companies. Eighty-some percent, 81 percent of all the loans made go to small companies. There is some truth to that. That is true, but what they do not tell us is only 15 percent of the money. Eighty-five percent of the money goes to a few giant corporations, the ones who lobby the heaviest, the ones who come here because they want to support high union wages and corporate profits for sales to socialist nations and socialist-owned companies.

For these reasons, I urge a no vote on this bill.

Mr. FLAKE. Mr. Chairman, I yield myself 20 seconds.

Mr. Chairman, I just want the gentleman from Texas [Mr. PAUL] to understand that when the gentleman from Delaware [Mr. CASTLE] and I started putting the bill together, campaign finance reform was not such a hot issue. I think it is a bit of a stretch to include it in the bill.

Mr. Chairman, I yield 2½ minutes to the gentleman from Minnesota [Mr. VENTO], a senior member of the Committee on Banking and Financial Services.

Mr. VENTO. Mr. Chairman, I rise in support of this 4-year reauthorization and the tied aid program that is also being reauthorized in this measure.

Mr. Chairman, this measure is necessary because so often in the markets in which we are exporting in an increasingly global marketplace, the nature of the risks and the structure of the economies in these nations does not permit our companies, our entities that want to sell a product, a quality American product, to in fact be purchased; often there is not the financial structure.

As an example of that, look at the newly independent nations, the newly emerging nations that formerly comprised the Soviet Union. It is a very good point in fact that the committee report outlines. Here the banking and finance structure in these nations does not facilitate the extension of credit. So in order to facilitate the sale, many nations, our competition, in fact, provide for a more integrated type of credit structure to provide the sale of those products at the end of the day.

This credit that we extend here in fact attempts to do that. Usually it is a blended credit, a credit that we provide in conjunction with other U.S. financial institutions and other international financial institutions. So we are simply taking some of the risks, but an essential part. In doing so, the Ex-Im Bank, by taking that position, actually builds a foundation upon which credit in turn is built in these newly independent nations, as I pointed out, or states, newly independent states in the former Soviet Union.

Of course, it facilitates then a new marketplace for our products and facilitates an economic growth. For I think most of us, it is in our interests obviously in terms of jobs, in terms of making our global economy and marketplace work, to have this program in place. While a large number of the loans, 81 percent, are to small business, they make up only about 20 percent of the export credit.

So I want to credit the subcommittee ranking member and chairman for their work, and especially the ranking member, for whom it will probably be his last bill on the floor that he manages. He has been a good and dedicated Member. He shall be missed. We appreciate very much the gentleman's work, and I thank him.

Mr. CASTLE. Mr. Chairman, I yield 2 minutes to the gentleman from Texas [Mr. BRADY].

Mr. BRADY. Mr. Chairman, American companies and American workers can compete against anyone in the world if they are given a fair chance. With 95 percent of the world's consumers residing outside of America, we have economic battles going on around the globe.

Just as a strong national defense has ensured American military superiority, the Eximbank allows our companies to have a level playing field, and allows our companies to have an opportunity to compete against workers and companies anywhere throughout the world.

Right now the Government Accounting Office has said the most compelling reason for reauthorizing the Export-Import Bank is to level the international playing field for U.S. exporters, and to provide leverage, very much needed leverage, in trade policy negotiations to induce foreign governments to reduce and ultimately eliminate subsidies. Without the Bank, we do not have that opportunity, that leverage, and that strength, and our companies need that.

My goal is to have throughout the world a playing field where decisions of purchasing are made on the basis of price and quality and product and service. But that is the world we live in today. We need a strong economic tool, the Eximbank, to guard against unfair foreign subsidies and to give our companies and our workers a fair chance.

Mr. FLAKE. Mr. Chairman, I yield 2 minutes to the gentlewoman from California [Ms. WATERS], a ranking member of the subcommittee.

Ms. WATERS. Mr. Chairman, I rise today in support of H.R. 1317 to reauthorize the Eximbank. As a member of the Committee on Banking and Financial Services, I want to congratulate the gentleman from Delaware [Mr. CASTLE], the chairman of the Subcommittee on Domestic and International Monetary Policy, and the gentleman from New York [Mr. FLAKE] for their work on this important bill.

The Eximbank provides low-interest rate direct loans, export credit insurance, and loan guarantees to finance the purchase of U.S. goods internationally. There have been some criticisms today of the Bank. I share in some of those criticisms.

There are those who would believe that somehow I want to do away with the Bank. If we ask a lot of people, their first thought is the gentlewoman from California [Ms. MAXINE WATERS] is not going to support it, because too many big businesses receive the benefit from it. Not true.

Yes; I am concerned that too much of this goes to big businesses, but I am also concerned that we have the kind of dollars to support American firms that will make them competitive in the international market. Therefore, I want to expand this to more small businesses. I want to pay some attention to Africa, I want to make sure we make it what it should be. I do not want to get rid of this money. I do not want to do away with this opportunity.

There have been some important reforms that have been put into the legislation by the gentleman from Vermont [Mr. SANDERS] and others to make sure that labor is represented on the advisory board, to make sure that we have recommendations about how we can increase projects in Africa. I think we have some opportunities here.

I do not think we should just sit back and say, well, it is all right. It has not done everything we would like it to do. I think we should say, let us take this opportunity to provide subsidies, to provide credit, to provide loan guarantees, to be more competitive in the international market, to create jobs, to do all of those things. But let us not just sit back and criticize it and say the big firms are getting it all. I want some of the firms in my district to be involved, and I am going to make sure they are. I am going to make sure I pay attention to it.

Mr. CASTLE. Mr. Chairman, I yield 1½ minutes to the gentleman from Florida [Mr. MICA].

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Mr. MICA. Mr. Chairman, before coming to Congress, I was involved in international trade and saw firsthand what is happening in the trade arena. In fact, if all things were equal, we would not need Eximbank, but I am here to tell my colleagues that in fact we need Exim. In fact, it is one of the most valuable programs of this Government. In fact, the United States is in an economic fight for its life. In fact, the United States is now running a trade deficit that exceeds the national annual deficit. The fact is that we are competing against Japan, the United Kingdom, France, and a host of other countries that do a much better job backing up their business and creating an unlevel playing field for our business people.

Exim creates thousands, tens of thousands of jobs. Exim allows U.S. companies to compete in this international marketplace. Exim is not corporate welfare. Exim is not any type of subsidy. Exim in fact gives our American companies and our men and women that are seeking jobs and opportunity in this country that opportunity and the ability to compete in a growing world marketplace.

Mr. Chairman, I strongly recommend the passage of this legislation and request support from every Member of this Congress that is interested in jobs and opportunity for every American.

Mr. FLAKE. Mr. Chairman, I yield 2 minutes to the gentleman from Vermont [Mr. SANDERS].

Mr. SANDERS. Mr. Chairman, I thank the gentleman for yielding me this time.

I rise in support of this legislation because it contains some amendments which I think make the reauthorization palatable. But I should be very clear that if the amendments are taken out in conference, I will do everything that I can to defeat this reauthorization.

Mr. Chairman, one of the great economic crises of our time is the decline in real wages of American workers and the loss of millions of good manufacturing jobs. In my view, we are not going to rebuild the middle class and create good paying jobs unless we rebuild our manufacturing sector. Given that reality, Mr. Chairman, it is unacceptable that the taxpayers of this country continue to provide financial support for large multinational corporations who are laying off hundreds of thousands of American workers, they are taking our jobs to China, to Mexico, to countries where workers are paid 20 or 30 cents an hour. But then they come into this building and they say, help us, we need some money to participate in the export-import program.

Mr. Chairman, I have introduced an amendment which was accepted by the Committee on Banking and Financial Services which has a very simple goal. It demands that the Export-Import Bank implement procedures to ensure that in selecting among firms to which to provide financial assistance, preference is given to a firm which has shown commitment to reinvest in America and create jobs in America.

I do not think that is too much to ask. If the American taxpayers are going to help out in this process, they have a right to know that the companies who receive that help have a commitment to reinvest in America and create jobs in America and not to run to Mexico, not to run to China.

Mr. CASTLE. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from New York [Mr. HOUGHTON].

Mr. HOUGHTON. Mr. Chairman, I am not going to spend a lot of time because most of the arguments that I would use have already been used and they have been gone over and over and Members understand the merits and the demerits.

I think the only thing I can say is, I have been there. I understand what the Eximbank can do. It is a little bit like the Olympics. It used to always be amateur, and then all of a sudden it changed, and then people said, gee, maybe we ought to change, too.

Commercial banks used to be able to do what they are no longer able to do, and you find corporations, little companies, competing against countries. That is wrong. We can see it in the marketplace. Many times you have a good product, good service, good reputation, terrific quality, cannot sell your equipment because the financing terms are wrong. That is what the Eximbank does. I strongly support this amendment.

Mr. FLAKE. Mr. Chairman, I yield 2 minutes to the distinguished gentlewoman from New York [Mrs. MALONEY].

Mrs. MALONEY of New York. Mr. Chairman, first I would like to commend the gentleman from Delaware [Mr. CASTLE], the chairman, and the ranking member, the gentleman from New York [Mr. FLAKE], for their hard work on this legislation and particularly to add my words of appreciation to the gentleman from New York [Mr. FLAKE] for his many years of service. We regret that he has chosen to retire from this body, and we will miss him.

If we want to compete in the world economic arena, we must stand with the people who make the products which are exported. American companies need to enter the trade battle well armed, and the best way we can arm them is by allowing the Export-Import Bank to continue its work. Since 1990, one-third of the total growth in U.S. output has been in exports. In other words, if we want the tremendous growth we are seeing at this point to continue, we need to be aggressive in promoting exports.

The Export-Import Bank helps to level the playing field with U.S. exporters by using specific tools to make sure our industries are able to do business overseas. These tools include export credit insurance, guarantees on commercial loans for purchases of U.S. exports, and working capital guarantees to encourage banks to lend money to small exporters.

The bank only provides these tools when the private sector does not or cannot. The bank does not prevent anyone else from providing these services. It only provides them at or above market rate when no one else can or will.

I know from the experience of my own State of New York just how great an impact the Export-Import Bank has had on our economy. Between 1992 and 1996, the bank supported 345 companies and financed $3.8 billion in exports. This has translated into an estimated 56,000 jobs. During this 5-year period, the bank has returned about $20 worth of exports for each dollar it has spent. I support this.

Mr. CASTLE. Mr. Chairman, I yield 4 minutes to the distinguished gentleman from Iowa [Mr. LEACH], chairman of the Committee on Banking and Financial Services.

Mr. LEACH. Mr. Chairman, I thank the gentleman for yielding me the time. I would like to also express my great appreciation for his leadership on this issue and also that of the gentleman from New York [Mr. FLAKE].

In that the gentleman from New York [Mr. FLAKE] is retiring from this body, I would think it very appropriate to point out that the gentleman from New York [Mr. FLAKE] is not only one of the most decent Members I have ever served with, he has a streak of pragmatic practicality that is as large as any Member in this body. I think that is something that is much appreciated by everyone who has ever worked with him.

As for the Export-Import Bank, I know of no institution in the U.S. Government that has been more successful and is more supported on a bipartisan basis. Republicans, Democrats, business, labor, all have come to appreciate this particular small institution that helps the American worker and American business to compete in a very sophisticated global environment. Reauthorization of this institution is, thus, highly critical for America's competitive position in the world.

Just to give one example, because sometimes in vignettes there is great truth, I spoke at an event in East Moline, IL, this spring at the John Deere Co., where business and labor came together to celebrate an Export-Import Bank supported production assembly of hundreds of tractors and combines that were sent to the Ukraine. At this event, a train actually took off with a group of combines on it. A series of people talked abstractly about the Export-Import Bank, but real meaning was brought by an 18-year-old woman who had been hired by Deere and Company, their first literally youthful hiree in the last decade. Her job was made possible simply because of this export-supported program. I think that is a very telling circumstance.

The issue of corporate welfare has properly been raised. On the other hand, the Export-Import Bank over its long history has about broken even, slightly made a little bit of money, but approximately broken even. But if one adds to the U.S. Government revenue all the funds that are derived from those that pay taxes because of jobs they had that they would not otherwise have had, the Export-Import Bank is enormously in the black. So I think one can say that this is a very pragmatic institution of government.

If there is a corporate welfare argument, which properly arrises any time there is government intervention, it should be noted that the real corporate welfare would be to Japanese and French and German companies if we do not reauthorize Export-Import Bank.

In conclusion, let me just suggest that if we look at our own economy, that is doing rather well the last few years, it is impressive to point out that fully one-third of the economic growth in this country is related directly to exports. That export-driven growth is singularly important to the well-being of all Americans.

Finally, because this is a fairly partisan era, let me say to the Clinton administration that they have appointed decent people to work at the Export-Import Bank, decent people to lead it, and they have led in a very pragmatic direction that has emphasized small business support, and as chairman of the authorizing committee, I want to tip my hat to the administration for its attention to this institution.

Let me also express my gratitude to our distinguished retiring former chairman, Representative GONZALEZ, Representative LAFALCE, the chairman of the Asia Subcommittee, Mr. BEREUTER, and one of this body's strongest supporters of small business, Representative MANZULLO, among many others.

Mr. Chairman, as Members are aware, Eximbank is an independent Federal agency established to provide export financing for U.S. businesses. The Bank has a dual purpose: to neutralize aggressive financing by foreign export credit agencies, and to furnish prudent export credit financing when private financing is unavailable or insufficient to complete the deal. It does this through a variety of loan, guarantee, and insurance programs. Since its founding, Eximbank has supported more than $300 billion in U.S. exports, almost $100 billion in this decade alone. The Bank currently supports about $15 billion in U.S. exports annually. More than 80 percent of Eximbank's transactions are for exports from small businesses, a dramatic increase from just a few years ago.

Most of Eximbank's activities are directed at supporting U.S. exports to emerging market economies. As we all understand, developing markets offer tremendous opportunities for American businesses. More than 40 percent of U.S. exports, worth about $180 billion, go to developing countries, and the amount is rising. The World Bank estimates that by the year 2010, these countries will consume 40 percent of all goods and services produced worldwide. From a midwestern agribusiness perspective, exports not only of crops, but value-added products from processed pork to refined steel, tractors and combines are increasingly in demand.

In many respects, the heightened importance of exports to my home State of Iowa parallels the growing importance of exports to the overall national economy and the Nation's standard of living. In 1970, for example, the overall value of trade to the U.S. economy equals about 11 percent of GDP. Over the past 3 years, exports have accounted for about one-third of total U.S. economic growth. In 1995, some 11 million jobs depended on exports, and by the year 2000 that number will have risen substantially.

But commercial competition for sales in the global economy is formidable, particularly in emerging markets. Evidence of competitive financing is often a requirement just to bid on a contract. To sweeten the financing terms for potential buyers, many foreign export credit agencies eagerly offer officially backed loans or guarantees as a way to cinch the deal for their own country's exporters. At other times, the requirement of official financing for the import of goods and services is simply written into the terms of the foreign contract.

If the United States is to remain the world's preeminent exporter, which I am sure is the goal of every Member in this body, then American companies and American workers need the support of Eximbank to defend themselves against foreign government-supported competition. And that competition is substantial.

According to the General Accounting Office [GAO], no less than 73 export credit agencies now exist worldwide. Yet the United States devotes fewer resources to trade finance than our competitors. For example, in terms of the percentage of national exports financed by the G–7 industrialized countries, Eximbank is tied for last. In 1995, Eximbank supported 2 percent of total U.S. exports. By contrast, Japan supported 32 percent of its country's exports that year, with France second at 18 percent.

That lower level of spending is also consistent with a U.S. preference for fair competition in free markets. Again according to GAO, unlike Eximbank, other export credit agencies "appear to compete to varying degrees with private sources of export financing. They do not aim to function exclusively as 'lenders of last resort,' as Eximbank strives to do."

Eximbank is the last line of defense for American businesses that are competitive in terms of price, quality, and service but which are facing officially financed foreign competition. As one witness testified before the Banking Committee earlier this year, "This is the crux of the matter. No U.S. company, no matter how big, can compete against a foreign government in international finance. Neither can U.S. commercial lenders."

In this context, Eximbank estimates that in 1995 almost three-quarters of its activity was directed at leveling the playing field for American exporters, while the rest went toward making up gaps in private financing. Eximbank also helps give our negotiators leverage to bring greater discipline to the rules governing official export-credit-agency financing. And this trade policy leverage has been used effectively to negotiate subsidy reductions. For example, tied aid export promotion offers by foreign governments have declined by 75 percent since 1991.

Interest rates on Eximbank's direct loans are priced at the cost of borrowing plus 1 percent. Guaranteed loans are priced by commercial banks at market levels. Eximbank also charges U.S. exporters exposure fees to cover the risk of loans. The Bank's annual program budget reflects the difference between these fees and losses which may be incurred on new business committed that year. This appropriation acts as a loan loss reserve. As a result of the Bank's requirement of a reasonable assurance of repayment for each transaction, losses on the approximately $125 billion of loans financed since 1980 are less than $2.5 billion—a loan loss ratio of 1.9 percent. This figure is superior to that of commercial banks lending to foreign governments. It should also be noted that the Bank is fully reserved against potential losses in its guarantee and insurance portfolio.

In closing, I would stress that Eximbank's role in U.S. trade finance reflects the almost instinctive American philosophical preference for open markets and open trade. As GAO testified before the Banking Committee, Eximbank functions as a lender of last resort to American exporters. But while Congress has mandated that Eximbank complement the market and not compete with the private sector, other well-supported export credit agencies have historically demonstrated less fidelity to the precepts or free markets or fair trade.

Without Eximbank, American exporters would be left defenseless in the face of aggressive officially financed foreign competition. The ability of American firms to win contracts, market-share, and follow on deals in important emerging market economies—and the high paying jobs that support those exports—would be placed in jeopardy. Congress needs to reauthorize Eximbank to help continue to reduce export credit subsidies and make international trade more market-oriented. I urge support for this important legislation.

Mr. FLAKE. Mr. Chairman, I yield 2 minutes to the gentleman from Texas [Mr. BENTSEN].

Mr. BENTSEN. Mr. Chairman, let me thank my colleague, the gentleman from New York [Mr. FLAKE], and congratulate him on his service in this House, working with the chairman of the subcommittee, the gentleman from Delaware [Mr. CASTLE], on getting this bill through.

As an original cosponsor of H.R. 1370, I strongly support its passage. I am going to bypass getting into the issue of the amount of exports it has done for my State and talk about a couple of issues that my colleague from Texas raised earlier.

I think we need to get at the real issues about this. This is not a question of living in a perfect world. We do not live in a perfect world. We cannot go back to mercantilism, and, as a matter of fact, mercantilism did not work. I am afraid my colleague from Texas is advocating just that.

The fact is, it is not an issue of free trade. If it were free trade, the Japanese would not subsidize their export market up to 32 percent, the French would not subsidize their export market up to 18 percent. This is a question of leveling the playing field.

What Exim does is to extend credit where the private market will not go or at the price that will not allow U.S. companies to participate in the deals. The fact is, only 3 percent of the U.S. export market is involved in this. The loss rate is 1.9 percent, which is less than the commercial lending loss ratios.

The classical view offers no empirical evidence of any misallocation of credit. That would assume both an extremely finite capital market, which I think is unlikely, and the nonexpansive U.S. business strategy that, if you go one place, you are not going to try and get business somewhere else. Those of us who came from the private sector realize you try and get business where you can.

The fact is, U.S. companies which cannot obtain financing without Exim would either lose the business or would partner with foreign companies who had more favorable financing terms from their home countries. That would be at the expense of both the United States economy and U.S. workers at home.

I would encourage my colleagues not listen to these cries of corporate welfare but to look at the facts, look at what really has been laid on the table, because the opponents of this in the hearings before the committee brought no evidence whatsoever to the contrary that Exim does, in fact, create U.S. jobs and protect U.S. jobs.

Mr. CASTLE. Mr. Chairman, I yield 1 minute to the gentleman from Michigan [Mr. SMITH], in a sense of fairness and comity, because he is on the other side of this.

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Mr. SMITH of Michigan. Mr. Chairman, I rise to address the issue of corporate welfare.

The Export-Import Bank subsidizes loans and loan guarantees to American exporters and it has cost hundreds of millions of dollars. The experts agree Ex-Im Bank should be abolished.

The Congressional Budget Office makes the following observation: Ex-Im Bank has lost $8 billion on its operation, practically all in the last 15 years. "Little evidence exists that the bank's credit assistance creates jobs." "Providing subsidies to promote exports is contrary to the free market. It subsidizes big companies at the loss of small companies."

The Heritage Foundation recommends that Congress close down the Export-Import Bank. Heritage further states, "Subsidized exports promote the business interests of certain American businesses at the expense of other Americans."

Mr. Chairman, I think it needs to be closed down. I do not think we can close it down all at once. It needs to be phased out, but let us alert ourselves to what is happening. We are subsidizing huge corporations at the expense of small business.

Mr. Chairman, I rise to address the issue of corporate welfare. As we eliminate the fat from the Federal budget, we should recommit ourselves to making sure all projects and programs are closely examined—not just the politically easy ones.

The Export-Import Bank [Eximbank] subsidizes loans and loan guarantees to American exporters. These corporate welfare subsidies have been appropriated $787 million for 1996.

The experts agree; Eximbank should be abolished.

The Congressional Budget Office makes the following observations:

> Eximbank "has lost $8 billion on its operations, practically all in the last 15 years";
>
> Little evidence exists that the bank's credit assistance creates jobs;
>
> Providing subsidies to promote exports is contrary to the free-market policies the United States advocates.

The Congressional Research Service writes that:

> Most economists doubt that a nation can improve its welfare over the long run by subsidizing exports;
>
> At the national level, subsidized exports financing merely shifts production among sectors within the economy, rather than adding to the overall level of economic activity;
>
> Export financing "subsidizes foreign consumption at the expense of the domestic economy";
>
> Subsidizing financing "will not raise permanently the level of employment in the economy . . .

The Heritage Foundation recommends Congress close down the Export-Import Bank.

Heritage further states:

> Subsidized exports promote the business interests of certain American businesses at the expense of other Americans;
>
> Little evidence exists to demonstrate that subsidized export promotion creates jobs—at least net of the jobs lost due to taxpayer financing and the diversion of U.S. resources in to government-favored export activities at the expense of non-subsidized business.

According to Heritage, phasing out subsidies will save 2.3 billion over 5 years.

The director of regulatory studies at the Cato Institute calls the subsidy activity of Eximbank "corporate pork." He stated, "Even in the face of unfair international competition, the U.S. government doesn't have a right to use tax dollars to match equally stupid subsidies."

Eximbank's financial statements show that the Bank has paid $3.8 billion in claims from 1980–94. These dollars paid off commercial banks who couldn't collect from foreign borrowers. American taxpayers took the hit.

Exports financed by Eximbank actually hurt competitive U.S. exporters not selected for subsidies. The Bank chooses winners and losers in the economy. The only winners are selected foreign consumers and selected U.S. corporations.

The Eximbank is a prime example of corporate welfare. The majority of Eximbank subsidies go to Fortune 500 companies that could easily afford financing from commercial banks: Boeing—over $2 billion worth of loan guarantees; McDonnell Douglas—$647 million; Westinghouse Electric—$492 million; General Electric—$381 million; and At&T—$371 million.

To raise funds for its lending and guarantee programs, Eximbank puts additional pressure on Treasury borrowing, driving up interest rates for private borrowers. That's all of us. From a corner barbershop wanting to expand to a young family trying to finance their first home. We all pay the price.

Sadly, there's more.

Eximbank appears to have wasted money on frivolous items as well. After 50 years with the same agency logo, Eximbank decided it needed a new one. Designing a new logo—including creation, copyright search, and the redesign of Bank brochures and literature—cost nearly $100,000 last year.

And in 1993, Eximbank spent $30,000 to train 20 employees how to speak in public—including chairman Kenneth Brody. An outside consultant was paid $3,000 a day for this task.

Mr. Chairman, I believe Government shouldn't choose winners in the economy. With Eximbank, the big winners are foreign consumers, large corporations, and professional speech coaches. The losers are American taxpayers.

Mr. Chairman, it's time to derail this gravy train.

Mr. FLAKE. Mr. Chairman, I yield 1½ minutes to the gentlewoman from Connecticut [Mrs. KENNELLY].

Mrs. KENNELLY of Connecticut. Mr. Chairman, I urge my colleagues today to reauthorize the Export-Import Bank for one very, very important reason, and that is because it will create jobs.

In my home State of Connecticut the bank has already supported $251 million in exports from almost 100 local companies. Not big companies, small companies. In short, these exports mean jobs.

Connecticut is far from alone in benefitting from the Export-Import Bank. Over the last 5 years, the Bank has supported over $76 billion in foreign sales of American products which supported almost 200,000 jobs. The Bank produces these results by providing loans and insurance to help American companies export products, and this point is very, very important.

We do, in fact, live in an international world. If we are to keep our standard of living in the United States as we want it to be, we are going to have to export more and more. Small companies can begin if they have help, if they can get that insurance, if they have that initial financing. Then, once they become exporters and become savvy in the way of exporting, they can be on their own. But right now the export-import financing is so important, especially in developing countries.

The Bank has a very good record of using taxpayer resources. Its loan loss ratio of 1.9 percent compares favorably to commercial loans that are made by banks. The mission of the Export-Import Bank is simple: Create jobs by increasing exports.

I urge my colleagues to vote for this reauthorization.

Mr. CASTLE. Mr. Chairman, I yield 1 minute to the gentleman from Indiana [Mr. ROEMER].

Mr. FLAKE. Mr. Chairman, I yield 1 minute to the gentleman from Indiana [Mr. ROEMER].

Mr. ROEMER. Mr. Chairman, I rise in strong support of the reauthorization of the Exim Bank, and I do so for the following reason:

Certainly the economy is doing well. Nobody can argue that. But we are not doing well enough in terms of manufacturing products in the United States, in terms of the $114 billion trade deficit projected for this year, and in terms of too big a trade deficit with the Japanese and the Chinese.

So some might come to the floor and say, well, we need to eliminate the Exim Bank. That is exactly the wrong thing to do. The accusations here on the floor about corporate welfare, about exporting jobs, about foreign aid are absolutely wrong.

The Exim Bank, while not a perfect tool yet, is moving in absolutely the right direction to manufacture more products in this country. There is a requirement in the charter, that the product must be manufactured in the good old United States of America.

Second, Mr. Chairman, we are seeing more and more of the business, in terms of transactions, move to small businesses. Eighty-one percent of Exim's transactions went to small businesses. Almost 2,000 small business transactions took place. The number of first-time small businesses in the Exim financing, 411, and many of those in my great State of Indiana.

So if my colleagues are concerned, Republicans and Democrats, about a $115, $114 billion projected trade deficit, if we are concerned about corporate welfare, if we are concerned about more small businesses getting in on these transactions, if we are concerned about making products in the good old USA, let us work together to make the Exim Bank be a product, a tool, an instrument more of our trade policy in addressing these things. While not perfect, it is moving in this direction.

Mr. FLAKE. Mr. Chairman, I yield 1½ minutes to the gentleman from New Jersey [Mr. MENENDEZ].

Mr. MENENDEZ. Mr. Chairman, I thank the gentleman for yielding me this time.

In the years to come, our domestic fortunes will be directly tied to our place in the global marketplace, and those countries that get a foothold today in the major markets of tomorrow will be the ones that thrive.

If Japan becomes the major supplier of telecommunications technology to South American countries, for example, whose technology will become their standard? Whose spare parts will they buy in the years to come? And who will they call to upgrade their systems in the next century? Japan. But with the support of the Export-Import Bank, they will be calling us in the 21st century, and our kids and grandkids will be making the technology. That is America's future.

The mission of the Export-Import Bank in this process is simple but critical: finance U.S. exports where commercial banks cannot or will not because of unfair foreign subsidies. If and when our trading partners throughout the world reduce their export programs, then we might begin looking at modifying ours. But in today's world, a show of anything less than the strongest support for our Export-Import Bank would be a sign of unilateral economic disarmament.

This is about jobs. It is why Republicans and Democrats alike are getting up to support it. It is about American jobs that will feed American families, that will pay American mortgages, that will send the kids to school. So I urge my colleagues to send a strong signal that America is not going to stand down in this competition for new export markets; that we are going to be able to stand up on behalf of American jobs and get this bill reauthorized.

Mr. FLAKE. Mr. Chairman, I yield 1½ minutes to the gentlewoman from Texas [Ms. JACKSON-LEE].

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the gentleman for yielding me this time.

This is not a selfish stance I take, Mr. Chairman. This is one that really comports with what we should be doing in the U.S. Congress. I support the work of the gentleman from Delaware [Mr. CASTLE] and the ranking member, the gentleman from New York [Mr. FLAKE] to avoid a shutdown of the Export-Import Bank, and offer that we should reauthorize it. We should extend it for another 4 years. I wish we could do it for more. But $76 billion is not something to sneeze at. This is what has been generated by this bank in economic opportunity for American companies.

Additionally, in Texas it has helped textile manufacturing and petrochemical and energy companies in my district. I am delighted to emphasize that small businesses are, in fact, also targeted; that 81 percent of the bank's total transactions are with small businesses, 60 percent since 1992.

In sub-Saharan Africa we have made a decided difference in helping to enhance economic development with our own community of businesses there in Africa. And, yes, this is about jobs, 200,000 jobs. Jobs in the West, jobs in Houston, jobs in the Midwest, in South Dakota, in Michigan, in New York, in Atlanta, and all over this country people are benefiting with jobs because of the Export-Import Bank reauthorization act.

I would simply say to those who would argue corporate welfare, the fact is that Americans who work look to us to keep working to provide jobs. This bill will do this, Mr. Chairman. This is the right action to reauthorize this bill.

Mr. Chairman, I am gratified to have had just a small time to work with the gentleman from New York [Mr. FLAKE].

He is someone that is not only practical but is compassionate. I pay tribute to him, because of the great leadership that he has shown in this Congress.

And might I say that I have his wonderful family in Acres Home, TX, in the 18th Congressional District, which I represent. He is a friend, but he is a friend of all Americans. And I thank the gentleman from Delaware [Mr. CASTLE] for working as well with him on this very, very important legislation.

Mr. Chairman, I rise today in support of H.R. 1370, the Export-Import Bank Reauthorization Act. My colleagues, in today's highly competitive global marketplace the reauthorization of the Export-Import Bank will ensure that U.S. companies have the ability to compete globally and compete against other countries which subsidize their exports.

The Export-Import Bank has proven to be a productive tool in selling American-made products overseas. Over the past 5 years the Export-Import Bank has helped to sell more than $76 billion in U.S. exports in the world. In our global economy, opportunities for American trade with fast growing emerging economies around the globe have never been greater, and the stakes for U.S. business and labor in competing effectively for those markets have never been higher. The United States major trading competitors, with strong and abundant support from their governments are working to win these markets for their own. The Export-Import Bank is a key tool in our economic arsenal, and ensures that U.S. companies have a competitive edge.

In Texas, the impact of these exports on our economy is significant. In my district, Export-Import Bank financing has helped small textile manufacturing companies, to the large petrochemical and energy companies, as it exports abroad. Texas companies sell the second highest level of exports in our Nation. The Export-Import Bank helps to ensure that our State will continue to prosper and sell more Texas-made products.

I strongly believe that the Export-Import Bank is a good investment by our taxpayers. The Export-Import Bank works to level the playing field for U.S. companies and only targets those investments where our private capital markets have failed to serve.

Further, I was pleased to learn that H.R. 1370 is targeting small businesses. It is very important that small businesses do not feel left our of this economic boom because they have become an important engine of the economy which account for half of our gross domestic product while employing 54 percent of the private work force. In fact, a recent study by the Export-Import Bank shows that 81 percent of the Banks total transactions were with small businesses. This is an increase of 60 percent since 1992.

Being a adamant supporter of increasing trade with Africa, I am pleased to see the provision for promoting the Bank's financial commitments in sub-Saharan Africa under the Bank's program. Africa has been neglected by this Congress in terms of trade and economic development for far to long. I think this is a step in the right direction by the Export-Import Bank.

Some have labeled this program to be corporate welfare, others have argued that it is inefficient. In fact, Export-Import Banks' role cannot be dismissed. Over the last 5 years, the Bank has supported over 76.3 billion in exports, which in turn supported almost 200,000 jobs directly and over 1 million indirectly each year. This is a good deal for the U.S. Taxpayers.

My colleagues, all the evidence highlights the continued need for the Export-Import Bank. If the reauthorization of the Export-Import Bank is denied it would put U.S. companies at a disadvantage in that every other developed country has an export credit agency. If the Export-Import Bank is disbanded, it will put U.S. exporters at an unacceptable disadvantage. It would be foolhardy and dangerous to unilaterally disarm U.S. exporters. I urge my colleagues to support H.R. 1370 to ensure the reauthorization of the Export-Import Bank. Thank you.

Mr. FLAKE. Mr. Chairman, I yield myself such time as I may consume to comment that the gentlewoman does much to squeeze much out of a minute.

Mr. Chairman, I yield 1½ minutes to the gentlewoman from North Carolina [Mrs. CLAYTON].

Mrs. CLAYTON. Mr. Chairman, I thank the gentleman for yielding me this time, and I want to also add my personal tributes to the gentleman from New York [Mr. FLAKE] who will be leaving us; and I also want to commend both the chair of the subcommittee, along with him, in bringing this reauthorization bill here.

We create jobs through promoting trade. By maintaining an effective marketing promotion program, we can more effectively compete globally.

Export promotion programs are producing unprecedented gain. The balance of trade deficit compels us to take a close look at American trade policy and at the institution responsible for carrying out those policies. But we should not ignore the fact that the best opportunity for growth in America lies beyond the borders of the United States.

There are some who question the wisdom of investing in global competition; whether we should continue the Export-Import Bank. I think that questioning is really shortsighted. There is much to be had.

Look at the Pacific Rim, where two-thirds of the world's commerce flows. How can we ignore that? Look at China. One and a half billion citizens, potential consumers of American products, producing American jobs. Look at India, where people buy products and services, with a middle class larger than the United States. We cannot ignore that. America must be involved in that.

How must we be involved in that? The Export-Import Bank of the United States provides fertile ground and opportunity for those companies having that vision and who will take the time to venture out in those foreign markets. Their emphasis should be, indeed, on exports, because jobs are created as a result of that.

Yes, I say we should vote to reauthorize the Export-Import Bank and vote also "yes" on the LaFalce amendment.

Mr. FLAKE. Mr. Chairman, I yield myself such time as I may consume to close the debate by urging all my colleagues to understand the valuable resource that that Export-Import Bank is; to understand that we, as a nation, cannot afford to not be in a position to be globally competitive, and that our small businesses are in great need of the resources that are provided by this Bank.

This is not an entity where we are giving money away; therefore, any argument for corporate welfare is not consistent with what the Eximbank is. As a matter of fact, this Bank actually brings resources back to the Nation. Dollars that are invested actually bring money back to this country. It creates jobs in this country. It is a major economic development vehicle.

So it is my hope that all my colleagues will understand that it is important for us to put this Nation in a competitive situation, put our small businesses in the best possible posture so that they are not competing against governments of other nations.

I am pleased to have served in this last term of Congress with the gentleman from Delaware [Mr. CASTLE] as my chairman; with the gentleman from Iowa [Mr. LEACH] as chairman of the Committee on Banking and Financial Services; with the gentleman from Texas [Mr. GONZALEZ] preceding him; with the gentleman from New York [Mr. LAFALCE], and others who I have had an opportunity to work with.

This probably is my last bill on the floor, but my calling to ministry supersedes my election here, so I leave by saying I am grateful for the opportunity to have served.

Mr. Chairman, I yield back the balance of my time.

Mr. CASTLE. Mr. Chairman, I yield myself such time as I may consume.

I would like to start by standing in praise of our distinguished colleague, the ranking member of our subcommittee, the gentleman from New York [Mr. FLAKE]. We said goodbye to him on the floor about a week ago and here he is back again. But that shows us something about just how good he is.

Mr. FLAKE. Mr. Chairman, will the gentleman yield?

Mr. CASTLE. I yield to the gentleman from New York.

Mr. FLAKE. Mr. Chairman, I would just say to the gentleman, that is politics.

Mr. CASTLE. Mr. Chairman, reclaiming my time, the gentleman is a tremendous asset to this House and, unfortunately, it is the good people who we tend to lose in circumstances like this, and he will be missed tremendously. I have enjoyed working with him in every way possible.

I will not add too much more to what has already been stated on this legislation. I think there is some confusion about what we are dealing with. We are not dealing with OPIC. We are not dealing with foreign policy. I think the gentleman from New York [Mr. LAFALCE] made that comment. This is not a foreign policy instrument.

We are going to see amendments here in a little while which would make one think it is a foreign policy instrument in which we will try to impose our different standards on various countries, some of which we will oppose, some of which we will swallow on a little bit, but all of which, I think, are a little bit dubious in terms of what this policy should be. This truly is what it may be renamed to, which is an export bank for the United States to help our businesses, large and small.

I think it is important to understand there has been a change in the mindset at the Eximbank, and that is that small businesses need to be served. There has been a mindset change already, and we have also put it into this legislation as well, as well as some of the other amendments that were put on at the committee level which were discussed today, to make sure that we are encouraging this Bank to help American businesses, dealing with Americans, giving jobs in America, and giving jobs particularly to the small businesses in our country.

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While in the past some of our large companies have dominated and to some degree still do dominate the loan scene with the Eximbank, that is changing very, very rapidly. I think if we can chart that pace of change, we will see that the small businesses are now sharing dramatically.

Plus, I think, from comments of the gentleman from Illinois [Mr. MANZULLO], we saw what it means to the various suppliers to one company where the suppliers are all over the United States of America producing jobs in various parts of the country, and I think that is every bit equally as important.

Would taxpayers save money if we closed Eximbank? That issue has been raised by my colleagues here. The taxpayers would save no money by closing the Eximbank. A very credible study by the Economic Strategy Institute suggested, after 10 years, closing the bank would actually cost the Federal Government $24 billion annually due to the loss of Federal tax revenues that are generated by bank-approved exports and their indirect effect on the Nation's economy. And that is very, very important.

We need to understand all the economic ramifications of this, and I think that has been well studied and well demonstrated.

Mr. SMITH of Michigan. Mr. Chairman, will the gentleman yield?

Mr. CASTLE. I yield to the gentleman from Michigan.

Mr. SMITH of Michigan. Mr. Chairman, just according to the Heritage Foundation, phasing out subsidies will save $2.3 billion over 5 years.

Mr. CASTLE. Mr. Chairman, reclaiming my time, I thank the gentleman from Michigan [Mr. SMITH].

Obviously, that kind of discussion is money that would be foregone, not spent. But it does not use the offset of the revenue that comes in from the jobs which are created, which produces the $24 billion net surplus to the Federal coffers as a result of the tax payments which are made.

We have dealt with the issues of the distorting of free trade, does it do that. No, it does not. It is actually making trade more market driven than it otherwise would be. The so-called tied aid export promotion offered by foreign governments worldwide has declined 75 percent by 1991, a dramatic U.S. policy success. We have heard some mention of that. The gentleman from California [Mr. DREIER] is very concerned about that issue, and I am too.

I think we have had some modicum of success in trying to deal with that issue and drive it down as well as some of the other things that we have done, and I think that is the way that we should go.

We deal with Eximbank's policy on domestic content. The bank currently only finances products at no more than 15 percent foreign content. The bank will only finance the U.S. portion of the export. So we have paid attention to what happens in the United States of America.

We are paying more attention to the environmental guidelines. Quite frankly, I think a lot of this is because of the pressure which has been applied by the Congress of the United States. We are concerned about labor laws. We are concerned about jobs. So we are concerned about environmental laws and regulations in this country. We are raising these issues. And this is one agency which has responded to it and which has come forward and said that we are going to make the changes, and they have started to make the changes and, in my judgment, is worthy of the support of each and every one of us in Congress.

We do have, I believe, 7 amendments which will be coming up here shortly. I hope the Members will listen to the discussion of those 7 amendments, keeping in mind the mannerisms in which this bank has already worked and whether or not we should make substantial changes which could be harmful to it. And then at the end of it all, I hope we can have votes where we need to on the amendments and vote for full support of the reauthorization of the Eximbank for the next 4 years.

Mr. SANDERS. Mr. Chairman, I rise in support of H.R. 1370, the Export-Import Bank reauthorization bill, because I believe that the Export-Import Bank will have been made better as a result of amendments which were added to its authorization bill during its consideration of the Banking Committee.

I am very pleased that the committee approved an amendment that directs the Export-Import Bank [Exim] to establish procedures to ensure that, when selecting firms to provide financial assistance, preference is given to any firm which has shown a commitment to reinvestment and job creation in the United States. Because the purpose of Exim is to support U.S. jobs through exports, the Bank should give preference to U.S. corporations which reinvest and support jobs in the United States, as opposed to corporations which are laying off American workers only to locate production and other facilities in countries which have less expensive, unprotected workforces.

This preference provision gets at, I believe, the heart of the issue of the relationship between the U.S. Government, the taxpayers of this country and corporate America. A number of Federal programs are being criticized, inside and outside Congress, as corporate welfare and these programs are being targeted for spending cuts by people with widely different political philosophies. The Export-Import Bank is one of those programs.

The Journal of Commerce reported on June 12, 1997, that Exim, like the rest of the country, is presently facing a money crunch. The journal reports that Exim: "faced with strong exporter demand, may run out of money this fiscal year as early as July, officials indicate. Next year, the money squeeze could be worse." It seems clear that it is time for the Export-Import Bank to prioritize; this money squeeze should indicate to us that there is actually a need for a system of priorities, such as that in this amendment, to ensure that companies which are the most committed to jobs in the U.S. are given preference over companies that are not.

It is becoming too common for U.S. corporations, including corporations which are supported by Exim, to downsize their U.S. workforce and move their production facilities to take advantage of cheap labor in other countries. According to information from Exim, among the top 25 companies which receive assistance from Exim are Boeing, General Electric, and AT&T. A brief look at the employment practices of these corporations underscores the need for an amendment which gives preference to corporations that show a commitment to employment in the United States.

Boeing is the top recipient of Exim loans and guarantees. Reports indicate that in 1990 Boeing had 155,900 employees. In 1996, it had 103,600 employees—a decline of 52,300 jobs during that period. In other words, it laid off ⅓ of its workforce, despite being the top recipient of Exim aid.

General Electric [GE] is listed as the No. 2 recipient of Exim aid. In 1975 GE had 667,000 American workers. Twenty years later, it had 398,000, a decline of 269,000 jobs. General Electric is well known for its politics of moving

GE jobs to anyplace in the world where it can get cheap labor—Mexico, China, and other poor Third World countries.

As for AT&T, in 1995 AT&T laid off 40,000 workers. Interestingly enough, reports show that in that same year, AT&T provided its CEO, Robert Allen, with $15 million in options plus a $11 million grant.

The point here is that the entire approach of Exim in terms of job creation is too narrow. They approach the idea of jobs through exports on a project-by-project basis, and ignore the totality of what the company is doing. This amendment, on the other hand, expands Exim's focus when making the determination as to how many jobs a transaction will support. This amendment directs the Export-Import Bank's to look at the totality of the situation regarding a company's commitment to job creation in the United States, and not just a particular project. In other words, if there is a company that is showing a commitment to job creation and reinvestment in the United States, then that company should receive preference for assistance.

At a time when the Congress is working very hard to balance the budget, it seems only right that if U.S. taxpayer funds are to be used to support U.S. corporations' exports, then incentive and priority must be given to those corporations to reinvest and support jobs in the United States. A preference system, as provided by this amendment, would provide such an incentive to corporations, while at the same time, allowing the Bank some discretion in implementation, to ensure that both the purpose of the Bank and this amendment are fulfilled.

### TWO REPRESENTATIVES FROM THE LABOR COMMUNITY ON THE ADVISORY BOARD OF THE EXPORT-IMPORT BANK

The committee also approved an amendment which directs the Export-Import Bank to include upon its advisory committee no less than two representatives from the labor community.

Because the purpose of the Export-Import Bank is to support U.S. jobs through exports, it is important to have two members representing the American workforce on the advisory committee to ensure that the influence of the advisory committee is more evenly balanced for the sake of U.S. workers.

Mr. ARCHER. Mr. Chairman, I rise today in support of reauthorization of the Export-Import Bank of the United States. This institution is absolutely vital for our Nation in order to keep American companies and workers competitive in the world marketplace.

My philosophy on trade has always been that we should take every step possible to make it free and fair for all countries, and that purchases should be made based on quality, price and service. I firmly believe that, under such circumstances, American companies will excel. Unfortunately, as my colleagues know, this is not always the case today. In a perfect world, France, Germany, Japan, England, and our other competitors would not provide unfair advantages to their exporters. If that were the case, we would be having a different debate today. We would not need the Eximbank to level the playing field.

However, the fact remains that the Eximbank finances American exports where commercial financing is simply not available or competitive and where, without Government action, the sale would be lost. The Eximbank does this at a low cost to the taxpayers and with a tremendous positive impact on the American economy. Last year alone, Eximbank supported over 200,000 high quality American jobs.

It is also important to note that the Eximbank is not a giveaway program. The Bank must be repaid every dollar it lends, and has had a default rate of only 1 percent over the last 15 years. This is significantly better than our own commercial banks have performed over the same period of time.

Last week I met with Mr. James Harmon, the new president of Eximbank. Frankly, I was impressed with his determination to institute management and policy changes at the Bank that will make it an even better value for the taxpayers. He has some great innovative ideas that will help make American companies even more competitive in the 21st century. I look forward to working with him and I urge my colleagues to vote against unilateral economic disarmament and vote in favor of reauthorizing the Export-Import Bank.

Mr. CASTLE. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. Pursuant to the rule, the committee amendment in the nature of a substitute printed in the bill shall be considered as an original bill for the purpose of amendment under the 5-minute rule and shall be considered read.

The text of the committee amendment in the nature of a substitute is as follows:

### H.R. 1370

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### SECTION 1. EXTENSION OF AUTHORITY.

Section 7 of the Export-Import Bank Act of 1945 (12 U.S.C. 635f) is amended by striking "1997" and inserting "2001".

### SEC. 2. TIED AID CREDIT FUND AUTHORITY.

(a) Section 10(c)(2) of the Export-Import Bank Act of 1945 (12 U.S.C. 635i–3(c)(2)) is amended by striking "through September 30, 1997".

(b) Section 10(e) of such Act (12 U.S.C. 635i–3(e)) is amended by striking the first sentence and inserting the following: "There are authorized to be appropriated to the Fund such sums as may be necessary to carry out the purposes of this section.".

### SEC. 3. EXTENSION OF AUTHORITY TO PROVIDE FINANCING FOR THE EXPORT OF NONLETHAL DEFENSE ARTICLES OR SERVICES THE PRIMARY END USE OF WHICH WILL BE FOR CIVILIAN PURPOSES.

Section 1(c) of Public Law 103–428 (12 U.S.C. 635 note; 108 Stat. 4376) is amended by striking "1997" and inserting "2001".

### SEC. 4. CLARIFICATION OF PROCEDURES FOR DENYING CREDIT BASED ON THE NATIONAL INTEREST.

Section 2(b)(1)(B) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(b)(1)(B)) is amended—

(1) in the last sentence, by inserting ", after consultation with the Committee on Banking and Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate," after "President"; and

(2) by adding at the end the following: "Each such determination shall be delivered in writing to the President of the Bank, shall state that the determination is made pursuant to this section, and shall specify the applications or categories of applications for credit which should be denied by the Bank in furtherance of the national interest.".

### SEC. 5. ADMINISTRATIVE COUNSEL.

Section 3(e) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(e)) is amended—

(1) by inserting "(1)" after "(e)"; and

(2) by adding at the end the following:

"(2) The General Counsel of the Bank shall ensure that the directors, officers, and employees of the Bank have available appropriate legal counsel for advice on, and oversight of, issues relating to ethics, conflicts of interest, personnel matters, and other administrative law matters by designating an attorney to serve as Assistant General Counsel for Administration, whose duties, under the supervision of the General Counsel, shall be concerned solely or primarily with such issues.".

### SEC. 6. ADVISORY COMMITTEE FOR SUB-SAHARAN AFRICA.

(a) IN GENERAL.—Section 2(b) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(b)) is amended by inserting after paragraph (8) the following:

"(9)(A) The Board of Directors of the Bank shall take prompt measures, consistent with the credit standards otherwise required by law, to promote the expansion of the Bank's financial commitments in sub-Saharan Africa under the loan, guarantee, and insurance programs of the Bank.

"(B)(i) The Board of Directors shall establish and use an advisory committee to advise the Board of Directors on the development and implementation of policies and programs designed to support the expansion described in subparagraph (A).

"(ii) The advisory committee shall make recommendations to the Board of Directors on how the Bank can facilitate greater support by United States commercial banks for trade with sub-Saharan Africa.

"(iii) The advisory committee shall terminate 4 years after the date of the enactment of this subparagraph.".

(b) REPORTS TO THE CONGRESS.—Within 6 months after the date of the enactment of this Act, and annually for each of the 4 years thereafter, the Board of Directors of the Export-Import Bank of the United States submit to the Congress a report on the steps that the Board has taken to implement section 2(b)(9)(B) of the Export-Import Bank Act of 1945 and any recommendations of the advisory committee established pursuant to such section.

### SEC. 7. INCREASE IN LABOR REPRESENTATION ON THE ADVISORY COMMITTEE OF THE EXPORT-IMPORT BANK.

Section 3(d)(2) of the Export-Import Bank Act of 1945 (12 U.S.C. 635a(d)(2)) is amended—

(1) by inserting "(A)" "(2)"; and

(2) by adding after and below the end the following:

"(B) Not less than 2 members appointed to the Advisory Committee shall be representative of the labor community.".

### SEC. 8. OUTREACH TO COMPANIES.

Section 2(b)(1) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(b)(1)) is amended by adding at the end the following:

"(I) The Chairman of the Bank shall design and implement a program to provide information about Bank programs to companies which have not participated in Bank programs. Not later than 1 year after the date of the enactment of this subparagraph, the Chairman of the Bank shall submit to the Congress a report on the activities undertaken pursuant to this subparagraph.".

**SEC. 9. FIRMS THAT HAVE SHOWN A COMMITMENT TO REINVESTMENT AND JOB CREATION IN THE UNITED STATES TO BE GIVEN PREFERENCE IN FINANCIAL ASSISTANCE DETERMINATIONS**

Section 2(b)(1) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(b)(1)), as amended by section 8 of this Act, is amended by adding at the end the following:

"(J) The Board of Directors of the Bank shall prescribe such regulations and the Bank shall implement such procedures as may be appropriate to ensure that, in selecting from among firms to which to provide financial assistance, preference be given to any firm that has shown a commitment to reinvestment and job creation in the United States.".

The CHAIRMAN. No amendment shall be in order except those printed in House Report 105–282, which may be considered only in the order specified, may be offered only by a Member designated in the report, shall be considered read, shall be debated for the time specified in the report, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

The Chairman of the Committee of the Whole may postpone a request for a recorded vote on any amendment and may reduce to a minimum of 5 minutes the time for voting on any postponed question that immediately follows another vote, provided that the time for voting on the first question shall be a minimum of 15 minutes.

### PREFERENTIAL MOTION OFFERED BY MR. MC DERMOTT

Mr. McDERMOTT. Mr. Chairman, I move that the Committee do now rise.

The CHAIRMAN. The question is on the motion offered by the gentleman from Washington [Mr. McDERMOTT].

The question was taken; and the Chairman announced that the noes appeared to have it.

### RECORDED VOTE

Mr. McDERMOTT. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 128, noes 291, not voting 14, as follows:

[Roll No. 470]

AYES—128

Abercrombie
Ackerman
Allen
Andrews
Baldacci
Barrett (WI)
Becerra
Berry
Bishop
Blagojevich
Bonior
Borski
Boyd
Brown (OH)
Capps
Cardin
Carson
Clayton
Clyburn
Coyne
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
Delahunt
DeLauro
Deutsch
Dingell
Doggett
Ensign
Eshoo
Etheridge
Farr
Fattah
Fazio
Filner
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Green
Harman
Hastings (FL)
Hefner
Hilleary
Hilliard
Hinchey
Hinojosa
Hooley
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (WI)
Kaptur
Kennedy (RI)
Kennelly
Kilpatrick
Kind (WI)
Levin
Lewis (GA)
Lowey
Maloney (CT)
Maloney (NY)
Markey
Martinez
Matsui
McCarthy (MO)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Millender-McDonald
Miller (CA)
Mink
Moakley
Neal
Oberstar
Obey
Olver
Owens
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Poshard
Rangel
Reyes
Rothman
Roybal-Allard
Sanchez
Sawyer
Schumer
Serrano
Shadegg
Sherman
Slaughter
Smith, Adam
Snyder
Spratt
Stabenow
Stark
Stenholm
Strickland
Stupak
Tauscher
Thompson
Thurman
Tierney
Torres
Towns
Turner
Velázquez
Vento
Waters
Watt (NC)
Waxman
Weygand
Woolsey
Wynn

NOES—291

Aderholt
Armey
Bachus
Baesler
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bentsen
Bereuter
Berman
Bilbray
Bilirakis
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bono
Boswell
Boucher
Brady
Brown (CA)
Brown (FL)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clay
Clement
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Cramer
Crane
Crapo
Cubin
Cunningham
Davis (VA)
Deal
DeLay
Dellums
Diaz-Balart
Dickey
Dicks
Dixon
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Evans
Everett
Ewing
Fawell
Flake
Foley
Forbes
Fowler
Fox
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Greenwood
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hobson
Hoekstra
Holden
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kasich
Kelly
Kennedy (MA)
Kildee
Kim
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lucas
Luther
Manton
Manzullo
Mascara
McCarthy (NY)
McCollum
McCrery
McDade
McHale
McHugh
McInnis
McIntosh
McKeon
Menendez
Metcalf
Mica
Miller (FL)
Minge
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nethercutt
Neumann
Ney
Northup
Nussle
Ortiz
Oxley
Packard
Pappas
Parker
Paul
Paxon
Pease
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Redmond
Regula
Riggs
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Royce
Rush
Ryun
Sabo
Salmon
Sanders
Sandlin
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Scott
Sensenbrenner
Sessions
Shaw
Shays
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stearns
Stokes
Stump
Sununu
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thune
Traficant
Upton
Visclosky
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Wexler
White
Whitfield
Wicker
Wise
Wolf
Young (AK)
Young (FL)

NOT VOTING—14

Archer
DeGette
Foglietta
Gonzalez
Gutierrez
Meek
Nadler
Norwood
Pallone
Price (NC)
Roukema
Schiff
Tiahrt
Yates

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Messrs. LEWIS of Kentucky, WHITE, SANFORD, KINGSTON, and BAESLER changed their vote from "aye" to "no."

Mr. JOHN, Ms. DELAURO, Mr. PAYNE, Mr. GREEN, Ms. MILLENDER-McDONALD, Ms. DANNER, and Mr. SERRANO changed their vote from "no" to "aye."

So the motion was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. The Committee will rise informally in order that the House may receive a message.

The SPEAKER pro tempore (Mr. COOKSEY) assumed the chair.

## FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed without amendment a joint resolution of the House of the following title:

H.J. Res. 94. Joint Resolution making continuing appropriations for the fiscal year 1998, and for other purposes.

The SPEAKER pro tempore. The Committee will resume its sitting.

## REAUTHORIZATION OF THE EXPORT-IMPORT BANK

The Committee resumed its sitting.

The CHAIRMAN. It is now in order to consider amendment No. 1 printed in House Report 105–282.

### AMENDMENT NO. 1 OFFERED BY MR. EVANS

Mr. EVANS. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. EVANS:

At the end of the bill, add the following:

### SEC. 10. PREFERENCE IN EXPORT-IMPORT BANK ASSISTANCE FOR EXPORTS TO CHINA TO BE PROVIDED TO COMPANIES ADHERING TO CODE OF CONDUCT.

(a) In General.—Section 2 of the Export-Import Bank Act of 1945 (12 U.S.C. 635) is amended by adding at the end the following:

"(f) Preference in Assistance for Exports to China To Be Provided to Entities Adhering to Code of Conduct.—

"(1) Prohibitions.—

"(A) In general.—In determining, whether to guarantee, insure, extend credit, or participate in the extension of credit with respect to the export of goods or services destined for the People's Republic of China, the Board of Directors shall give preference to entities that the Board of Directors determines have established and are adhering to the code of conduct set forth in paragraph (2).

"(B) Penalty for violation.—The Bank shall withdraw any guarantee, insurance, or credit that the Bank has provided, and shall withdraw from any participation in an extension of credit, to an entity with respect to the export of any good or service destined for the People's Republic of China if the Board of Directors determines that the entity is not adhering to the code of conduct set forth in paragraph (2).

"(2) Code of conduct.—An entity shall do all of the following in all of its operations:

"(A) Provide a safe and healthy workplace.

"(B) Ensure fair employment, including by—

"(i) avoiding child and forced labor, and discrimination based upon race, gender, national origin, or religious beliefs;

"(ii) respecting freedom of association and the right to organize and bargain collectively;

"(iii) paying not less than the minimum wage required by law or the prevailing industry wage, whichever is higher; and

"(iv) providing all legally mandated benefits.

"(C) Obey all applicable environmental laws.

"(D) Comply with United States and local laws promoting good business practices, including laws prohibiting illicit payments and ensuring fair competition.

"(E) Maintain, through leadership at all levels, a corporate culture—

"(i) which respects free expression consistent with legitimate business concerns, and does not condone political coercion in the workplace;

"(ii) which encourages good corporate citizenship and makes a positive contribution to the communities in which the entity operates; and

"(iii) in which ethical conduct is recognized, valued, and exemplified by all employees.

"(F) Require similar behavior by partners, suppliers, and subcontractors under terms of contracts.

"(G) Implement and monitor compliance with the subparagraphs (A) through (F) through a program that is designed to prevent and detect noncompliance by any employee or supplier of the entity and that includes—

"(i) standards for ethical conduct of employees of the entity and of suppliers which refer to the subparagraphs;

"(ii) procedures for assignment of appropriately qualified personnel at the management level to monitor and enforce compliance;

"(iii) procedures for reporting noncompliance by employees and suppliers;

"(iv) procedures for selecting qualified individuals who are not employees of the entity or of suppliers to monitor compliance, and for assessing the effectiveness of such compliance monitoring;

"(v) procedures for disciplinary action in response to noncompliance;

"(vi) procedures designed to ensure that, in cases in which noncompliance is detected, reasonable steps are taken to correct the noncompliance and prevent similar noncompliance from occurring; and

"(vii) communication of all standards and procedures with respect to the code of conduct to every employee and supplier—

"(I) by requiring all management level employees and suppliers to participate in a training program; or

"(II) by disseminating information orally and in writing, through posting of an explanation of the standards and procedures in prominent places sufficient to inform all employees and suppliers, in the local languages spoken by employees and managers.

"(3) Small business exception.—This subsection shall not apply to an entity that is a small business (within the meaning of the Small Business Act.".

(b) Annual Report.—Section 2(b)(1)(A) of such Act (12 U.S.C. 635(b)(1)(A) is amended by adding at the end the following: "The Bank shall include in the annual report a description of the actions the Bank has taken to comply with subsection (f) during the period covered by the report.".

(c) Receipts of Assistance From the Export-Import Bank To Be Provided With Resources and Information To Further Adherence to Global Codes of Corporate Conduct.—The Export-Import Bank of the United States shall work with the Clearinghouse on Corporate Responsibility that is being developed by the Department of Commerce to ensure that recipients of assistance from the Export-Import Bank are made aware of, and have access to, resources and organizations that can assist the recipients in developing, implementing, and monitoring global codes of corporate conduct.

The CHAIRMAN. Pursuant to House Resolution 255, the gentleman from Illinois [Mr. Evans] and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Illinois [Mr. Evans].

Mr. EVANS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, my amendment to the Export-Import Bank reauthorization bill directs the Bank to provide a financial carrot for firms to adopt, adhere, and comply with their own business standards while operating in China. Under this proposal, priority for Export-Import Bank financing would be granted to firms who have pledged to avoid the use of child or prison labor, avoid discrimination based on religion, race, gender, and national origin, respect freedom of association and the right to organize, provide a safe and healthy workplace, obey applicable environmental laws, comply with U.S. and local laws in promoting good business practices, including laws prohibiting illicit payments, and assure that their business partners in China adhere to those same principles.

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In order to qualify for this preference, firms must demonstrate that they are making a good faith effort to comply with these principles. The board of directors would evaluate a firm's qualifications based on guidelines outlined in this amendment.

Most companies are aware of these procedures because they are modeled after chapter 8 of the U.S. Federal Sentencing Guidelines relating to organizational defendants. Those guidelines were implemented in 1991 as an incentive for U.S. corporations to prevent and detect violations of U.S. laws within their organization. If a firm implements a compliance system to prevent corporate crimes such as bribery or fraud, the firm can mitigate any fines incurred in court. As a result, these guidelines have been a powerful incentive for firms to establish ethics codes as well as compliance measures.

The amendment also directs the bank to work with the Commerce Department's Clearinghouse on Corporate Responsibility to ensure that the recipients of financing from the bank are aware of and have access to resources and organizations, such as Businesses for Social Responsibility, that assist businesses in developing, implementing and monitoring codes of conduct.

Good corporate citizenship is being embraced by more and more companies who are realizing that they do not have to sacrifice profits for principles. In fact, an article in the January issue of WorldBusiness notes that the conference board estimates that at least 95 percent of Fortune 500 companies now have such codes.

The time has come to strengthen our international trade and investment policies by fostering and rewarding the private sector's commitment to human and worker rights as well as environmental concerns. In the case of China, it is time to search for new avenues for promoting and fostering democracy and human rights. This amendment ensures that the constructive engagement with China works.

While critics of this amendment claim that this is an administrative burden on the bank, I believe placing priority on human rights and workers' rights is worth the effort. Additionally, in an era of tight budgets, should we not be very careful about spending taxpayers' dollars?

My amendment employs economic incentives to reward good corporate citizenship. No firms should be precluded from receiving financial assistance from the bank for activities in China. Rather, this amendment would ensure that the global corporate responsibility is a part of the strategy for improving and expanding global partnerships and opportunities. It is time that the U.S. invests in an international trade and investment policy that is both a competitive and a positive force abroad, not just a license to exploit workers and children.

Mr. Chairman, I reserve the balance of my time.

Mr. CASTLE. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from Delaware [Mr. CASTLE] is recognized for 5 minutes

Mr. CASTLE. Mr. Chairman, I yield myself 2 minutes.

I do rise in reluctant opposition to this, because I have a great deal of respect for the gentleman who has sponsored it, but I think we really need to understand what we are dealing with here. This is not just a labor vote per se or anything of that nature. We need to know who is opposed to this.

First of all, the State Department of the administration is opposed to this amendment and they state that we encourage companies to adopt and implement voluntary codes of conduct for doing business around the world. In adopting these voluntary codes of conduct, U.S. companies can serve as models, encouraging similar behavior by their partners, suppliers and contractors.

A mandatory, and that is what we are dealing with here, code of conduct is impractical and unworkable. It would be virtually impossible for Ex-Im Bank to monitor compliance. In China alone, there are more than 20,000 United States-China joint ventures.

Mr. Chairman, we are talking about U.S. firms which might export to other countries who have adopted and adhered to a code of conduct for their international operations, as what would be in the amendment. That code would include workplace safety, workers' union and collective bargaining rights, environmental protection, no political coercion of workers, community service, good ethical practices, et cetera. These are standards which are not even public all through America, much less in a lot of countries with which we deal. We basically eliminate a substantial percentage of the present work which goes on in the Ex-Im Bank.

At the same time, I think that we are the leaders through the Ex-Im Bank in having a lot of these practices put in place in some of these other countries for which we deserve credit, but on a voluntary basis, not on a mandatory basis. It imposes extraterritorial enforcement of U.S. labor and environmental laws, which is a substantive question that needs to be raised from a legal point of view. It would impose corporate enforcement requirements that would conflict with local laws. It imposes standards on non-U.S. firms which supply and contract with U.S. firms, and makes U.S. firms liable for contractor/supplier conduct.

As I said, I respect what the gentleman is trying to do and I respect the gentleman, but I believe this amendment is out of place. We are not making foreign policy here.

Mr. Chairman, I reserve the balance of my time.

Mr. EVANS. Mr. Chairman, is it my understanding that I have the right to close on this amendment.

The CHAIRMAN. The gentleman from Delaware [Mr. CASTLE] has the right to close.

Mr. EVANS. Mr. Chairman, I reserve the balance of my time.

Mr. CASTLE. Mr. Chairman, I yield 1½ minutes to the distinguished gentleman from New York [Mr. FLAKE], the ranking member of the Subcommittee on Domestic and International Monetary Policy.

Mr. FLAKE. Mr. Chairman, I rise to oppose this particular amendment because there is no guidance given as to the nature of the preference that is required here. The amendment appears to reflect a fundamental misconception of the bank's approval process. There is no ranking of transactions within which preferences would be invoked.

This would force Ex-Im Bank to breach its obligations under the full faith and credit of the United States, and would subject the United States Government to lawsuits. Requiring foreign importers to follow U.S. law in their employment practices and other corporate dealings constitutes an inappropriate extraterritorial extension of U.S. law. Requiring U.S. firms to act as if the U.S. laws applied in China, where clearly they do not, both encroaches on the legislative prerogatives of the foreign State and puts such U.S. companies at a severe disadvantage.

The amendment places impossible administrative burdens on the bank, as it is unable to monitor firms who adhere to such codes. This provision would reduce exports to China, thereby worsening the United States trade deficit with China overall.

This provision would result in a loss of trade-related jobs. I ask my colleagues in the House to stand opposed to this amendment and defeat it.

Mr. EVANS. Mr. Chairman, I yield such time as he may consume to the gentleman from Oregon [Mr. DEFAZIO].

Mr. DEFAZIO. Mr. Chairman, I thank the gentleman for yielding.

The arguments are interesting. First off, this gives preference and we are being told it would be too difficult for a U.S. agency, for the Export-Import Bank, with our tax dollars, to determine preference. Well, we do that in many other areas of Federal procurement. I do not think that would be too tough to deal with.

It would put U.S. firms at a severe disadvantage, a severe disadvantage if they avoided child-enforced labor. I do not believe that for a moment. I do not believe that there are any responsible U.S. firms sanctioning the use of child-enforced labor, or discrimination based on religion, race, gender and national origin. So I do not believe that should put our firms at a disadvantage.

These are big corporations. They are getting a very nice gift from the taxpayers through the Export-Import Bank, and we are saying, in return for that, here is a carrot. We will give preference to those firms that comply with this code, and that have an audit done independently and submit that audit to the Export-Import Bank. All the Export-Import Bank staff has to do is look at and verify that the independent audit was done. Yes, there will be a little expense in doing the audit, but nowhere near the subsidy that is being given to those firms by the U.S. taxpayers. It is just to ask some consideration for the use of our dollars by these huge corporations, that they follow some standards of basic international decency.

I heard it would worsen the trade deficit. It is not going to worsen the trade deficit. The trade deficit with China is going through the roof. The goods that are being produced in China that are driving the trade deficit through the roof are in good part being produced by United States firms in China. It is not going to worsen the deficit in any manner.

There are other problems with our trade policy. The fact that there is no reciprocity, the fact that the Chinese levy a 40-percent tariff on our goods, when we add in the VAT, and we levy 4 percent on goods coming from China, those are the causes of the trade deficit. This would not worsen the trade deficit.

The United States needs to stand for something, and when these corporations are getting U.S. taxpayer dollars, we should stand for something. We are against child enforced labor. We do not want discrimination based on religion, race, gender, and national origin, particularly not promoted by United States firms getting subsidies to operate in China.

Mr. CASTLE. Mr. Chairman, we have one speaker remaining and we have the right to close, so I would yield to the gentleman from Illinois.

The CHAIRMAN. All time for the gentleman from Illinois [Mr. EVANS] has expired.

Mr. CASTLE. Mr. Chairman, I yield the balance of our time to the gentleman from Iowa [Mr. LEACH], chairman of the Committee on Banking and Financial Services.

Mr. LEACH. Mr. Chairman, first let me say I think the gentleman from Illinois has a very thoughtful series of concerns which are thoroughly valid. However, it would appear, based on administration judgment and those of an awful lot of other people on the trade front that the results of his approach will be counter-productive.

What we will have established if this amendment passes is a carrot-and-stick approach in which the carrots will be given to competitors of U.S. businesses and the stick will be given to the U.S. worker. The fact of the matter is, as we isolate problems in foreign societies, and they are in many countries on many different continents, if our firms cannot deal with imperfect buyers, foreign competitors will be happy to step in and deal with them themselves. Who then gets the carrot? The foreign companies. Who gets the stick? It is the American worker who will not have a job to export a given kind of good.

So I would simply say this is a good, thoughtful, decent perspective that the gentleman from Illinois has brought us, but by the same token, the end result is probably counter-productive.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from Illinois [Mr. EVANS].

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. EVANS. Mr. Chairman, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The CHAIRMAN. Pursuant to House Resolution 255, further proceedings on the amendment offered by the gentleman from Illinois [Mr. EVANS] will be postponed.

The point of no quorum is considered withdrawn.

It is now in order to consider amendment No. 2 printed in House Report 105–282.

### AMENDMENT NO. 2 OFFERED BY MR. FRANK OF MASSACHUSETTS.

Mr. FRANK of Massachusetts. Mr. Chairman, I offer an amendment as provided for in the rule.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. FRANK of Massachusetts:

At the end of the bill, add the following:

**SEC. 10. COMMUNITY WORK REQUIREMENT FOR MEMBERS OF BOARDS OF DIRECTORS OF FIRMS RECEIVING ASSISTANCE FROM THE EXPORT-IMPORT BANK.**

Section 2 of the Export-Import Bank Act of 1945 (12 U.S.C. 635) is amended by adding at the end the following:

“(f) COMMUNITY WORK REQUIREMENT FOR MEMBERS OF BOARDS OF DIRECTORS OF FIRMS RECEIVING ASSISTANCE FROM THE BANK.—

“(1) PROHIBITION.—The Bank shall not provide assistance to a firm during a fiscal year unless each member of the board of directors of the firm agrees to perform not less than 8 hours of work (other than political activities) during each month of the immediately succeeding fiscal year in the community in which the member resides.

“(2) EXCEPTIONS.—Paragraph (1) shall not apply to an individual who is—

“(A) at least 62 years of age;

“(B) a person with disabilities;

“(C) working full time, attending school or vocational training, or otherwise complying with work requirements applicable under public assistance programs (as determined by the agencies or organizations responsible for administering such programs);

“(D) otherwise physically impaired, to the extent that the individual is unable to comply with paragraph (1), as certified by a doctor; or

“(E) the primary caregiver to a disabled individual or to a child who has not attained 6 years of age.

“(3) PERSON WITH DISABILITIES DEFINED.—As used in paragraph (2)(B), the term ‘person with disabilities’ means a person who—

“(A) has a disability as defined in section 223 of the Social Security Act;

“(B) is determined, pursuant to regulations issued by the Secretary of Housing and Urban Development, to have a physical, mental, or emotional impairment which—

“(i) is expected to be of long-continued and indefinite duration;

“(ii) substantially impedes the ability of the person to live independently; and

“(iii) is of such a nature that such ability could be improved by more suitable housing conditions; or

“(C) has a developmental disability as defined in section 102 of the Developmental Disabilities Assistance and Bill of Rights Act.

Such term shall not exclude persons who have the disease of acquired immunodeficiency syndrome or any conditions arising from the etiologic agent for acquired immunodeficiency syndrome.”.

The CHAIRMAN. Pursuant to House Resolution 255, the gentleman from Massachusetts [Mr. FRANK] and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Massachusetts [Mr. FRANK].

Mr. FRANK of Massachusetts. Mr. Chairman, I yield myself such time as I may consume.

I rise out of my respect for this institution to give it the opportunity to rebut an unfair accusation. There have people who argue that a double standard obtains, that when it comes to showing compassion for people who have not fared well in life for one reason or another, we have tended to be hard-hearted, but that when wealthy and powerful people come to our door, we are much more generous.

Recently this House voted to say that if one lives in public housing, if one is simply taking advantage of public housing because one cannot live anywhere else, one is paying what the law requires one to pay in rent, but because of the subsidy inherent in the rent one pays in public housing, if one does not have a job, we will require one to do 8 hours of community service. Even if one has to be taking care of someone who is ill or a child, one will still do 8 hours of community service per month.

Well, I did not agree with that principle, but I believe majority should rule and that is the principle the House has adopted. If one is getting the benefit of living in public housing and one is not otherwise employed, one has to do 8 hours of community service. And to show how conciliatory I am, I think the majority's principle ought to be applied generally.

Now, Mr. Chairman, let me ask, if we had to choose between getting the guarantee of one's business from the Export-Import Bank to make a $100 million sale, or the right to live in Cabrini Green, Chicago, which would one pick? My guess is most people would pick exporting with a guarantee.

I disregard that, however. I am willing to treat them equally. My amendment takes literally, word for word, the language from the bill imposing a community service requirement on people in public housing, and it applies that to members of boards of directors who are similarly situated if their corporation is getting something from the Export-Import Bank.

□ 1530

As I said, because of my respect for this institution, I would not want Members to be laboring under the view that when it comes to the poor we are hard-hearted and tough, but when it comes to the wealthy we roll over and say, here, what do you want? Therefore, I offer this amendment to make that no longer the case.

Mr. Chairman, I reserve the balance of my time.

Mr. CASTLE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in opposition to the amendment. I will also be brief. I have tried to point out throughout this discussion today that the Export-Import Bank has a very positive financial benefit, not just to members of board of directors or officers of corporations, but to many employees throughout the country, and even the revenues of the United States of America, due to the exports which we have.

The amendment, if it is to be treated seriously, in my judgment may be misplaced. If we are going to have the members of the board of directors do community work, why do we not have the stockholders do community work? They are the true beneficiaries of whatever this particular program may be, or even the workers, it may be argued, if we are going to extend it to this group.

Mr. FRANK of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. CASTLE. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Chairman, I would ask unanimous consent to amend the amendment, if the gentleman would be supportive.

Mr. CASTLE. Mr. Chairman, I do not translate that as support.

Mr. FRANK of Massachusetts. I apologize for taking the gentleman seriously.

Mr. CASTLE. Reclaiming my time, Mr. Chairman, extending it even more, we could talk about farmers who receive agricultural subsidies, Medicare recipients. There are a whole group of people who for various reasons we have elected in Congress to be able to help in some way or another, all of which programs are judged on their merits.

For that reason, I would hope that this is an amendment which could be withdrawn. I think the gentleman does make a valid point. I would hope that the Eximbank is doing a better job of managing how its various loans are handled.

Mr. Chairman, I reserve the balance of my time.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield myself such time as I may consume.

As I said, I would be prepared to go in to the stockholders as well, but obviously, what we have here is a view that when wealthy people are involved, we ought not to do anything but simply say, is that enough?

Yes, it is true that people who are engaged in exporting are decent people doing a good thing, and so are people who live in public housing. It does not mean that we think these are bad people when we impose this requirement. People who live in public housing are decent, hard-working people, on the whole, who are taking advantage of this program. Public housing, the construction of public housing, the payment of these funds, that has a positive effect on the community. So it is not a badge of dishonor, I hope, to live in public housing.

Similarly, the fact that people who are exporting are doing something good for the country does not take away the fact that they are receiving a significant benefit. The ability to have your exports guaranteed to some extent by the Export-Import Bank is important.

I support the Export-Import Bank. I worked hard in terms of the Raytheon Corporation to help them get guarantees that helped them to win a $1 billion contract. I was very glad. If in return some members of the board of directors would do 8 hours of public service, I think it would be a good thing.

Let me put it this way, we are simply asking people to give back who are able-bodied, younger or middle-aged, who have the capacity to give something back to the community. How this strikes anybody as unreasonable is beyond me. Now, of course, I am quoting the gentleman from New York [Mr. LAZIO] with regard to public housing tenants.

I guess the question is, why is it good for the public housing goose and not for the export-import gander? Why do we say if you are poor, if you are down on your luck and you take advantage of a Federal program that we think is overall a good thing, we are going to make you give us 8 hours of community service, but if you are wealthy enough, respected in the community, and you are a member of the board of directors, you will be the beneficiary of this for nothing, with no competition?

Let us have one rule. If the House votes this down, when we get the bill back, and let me say this is very relevant, because the other body has rejected that 8 hours of community service in that public housing bill. Let me say to the Members, I hope people are prepared to have a certain degree of consistency. If we are going to reject this for people in the Export-Import Bank, let us not impose it on the people in public housing.

Mr. Chairman, I reserve the balance of my time.

Mr. CASTLE. Mr. Chairman, I yield 1 minute to the gentleman from Texas [Mr. BRADY].

Mr. BRADY. Mr. Chairman, what a silly amendment. People who live in public housing often complain they do so because they do not have a job, or the job that they have does not pay enough to live in housing like many others have the privilege to do. To punish them who are trying to get off of welfare and out of public housing by discouraging the very jobs that they need is silly.

Exports now and imports are creating about 40 percent of all new jobs in this country. In our area, in the Houston region, and where we have a lot of people in public housing, one out of every three new jobs is related to export-import, and they may more than domestic jobs. The Eximbank levels the playing field for American companies and American workers so people in every type of housing have an opportunity to go to work.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the failed premise of that last comment is that if we ask members of board of directors to do 8 hours of community service, they will reject the loan. I reject that. People who serve on the board of directors have a responsibility to the stockholders whom they represent, they have a fiduciary responsibility.

I reject the notion that they would be so mean-spirited and so unwilling to contribute that if they were told they had to do 8 hours of community service, they would refuse the loan.

I was disappointed, I must say to the gentleman. When he began, people who live in public housing, I thought he was going to say people who live in public housing should not throw stones. If he had, I think it would have been a better argument than the one he made.

Mr. CASTLE. Mr. Chairman, I yield myself the balance of my time.

The CHAIRMAN. The gentleman from Delaware [Mr. CASTLE] is recognized for 2½ minutes.

Mr. CASTLE. Mr. Chairman, I would say that the amendment should be defeated. I think it makes a point, but my judgment is that if we carry it out to its nth degree, as I pointed out when I first spoke, we would have a serious problem with how to deal with this, and to add in all the various people who might have to do community work would go too far.

I do not want to denigrate in any way those people who may be in public housing or on welfare who have some work requirements placed on them, which I have always hoped to be a constructive program in terms of helping them develop so they can enter into the workplace. I do not treat that as punitive, perhaps as the sponsor of this amendment would. I would encourage all of us to take the position that this is not something that should be attached to the Exim authorization, and I encourage its defeat.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from Massachusetts [Mr. FRANK].

The amendment was rejected.

### PRIVILEGED MOTION OFFERED BY MS. DELAURO

Ms. DELAURO. Mr. Chairman, I offer a privileged motion.

The CHAIRMAN. The Clerk will report the motion.

The Clerk read as follows:

> Ms. DELAURO moves that the Committee do now rise.

The CHAIRMAN. The question is on the motion offered by the gentlewoman from Connecticut [Ms. DELAURO].

The question was taken; and the Chairman announced that the noes appeared to have it.

### RECORDED VOTE

Ms. DELAURO. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 162, noes 257, not voting 14, as follows:

.[Roll No. 471]

AYES—162

Abercrombie
Ackerman
Allen
Andrews
Baldacci
Barrett (WI)
Becerra
Berry
Bishop
Blumenauer
Bonior
Borski
Boucher
Boyd
Brown (CA)
Brown (OH)
Capps
Cardin
Carson
Clayton
Clement
Clyburn
Condit
Conyers
Coyne
Cramer
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Edwards
Engel
Ensign
Eshoo
Etheridge
Evans
Farr
Fattah
Fazio
Filner
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gordon
Green
Gutierrez
Hall (OH)
Harman
Hastings (FL)
Hefner
Hilleary
Hilliard
Hinchey
Hinojosa
Hooley
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (WI)
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (RI)
Kennelly
Kilpatrick
Kind (WI)
LaFalce
Lampson
Lantos
Levin
Lewis (GA)
Lowey
Luther
Maloney (CT)
Maloney (NY)
Markey
Martinez
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHale
McKinney
McNulty
Meehan
Menendez
Millender-McDonald
Miller (CA)
Mink
Moakley
Mollohan
Moran (VA)
Murtha
Neal
Obey
Olver
Owens
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Poshard
Price (NC)
Rangel
Reyes
Rivers
Rodriguez
Rothman
Roybal-Allard
Rush
Sanchez
Sanders
Sawyer
Schumer
Serrano
Shadegg
Sherman
Skaggs
Slaughter
Smith, Adam
Snyder
Spratt
Stabenow
Stark
Stenholm
Strickland
Stupak
Tanner

Tauscher
Thompson
Thurman
Tierney
Torres
Towns
Turner
Velázquez
Vento
Watt (NC)
Waxman
Wexler
Weygand
Wise
Woolsey
Wynn
Yates

NOES—257

Aderholt
Archer
Armey
Bachus
Baesler
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bentsen
Bereuter
Bilbray
Bilirakis
Blagojevich
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Boswell
Brady
Brown (FL)
Bryant
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clay
Coble
Collins
Combest
Cook
Cooksey
Costello
Cox
Crane
Crapo
Cubin
Cunningham
Davis (VA)
Deal
DeLay
Diaz-Balart
Dickey
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ewing
Fawell
Flake
Foley
Forbes
Fowler
Fox
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Greenwood
Gutknecht
Hall (TX)
Hamilton
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hobson
Hoekstra
Holden
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kennedy (MA)
Kildee
Kim
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaHood
Largent
Latham
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lucas
Manton
Manzullo
Mascara
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McIntyre
McKeon
Meek
Metcalf
Mica
Miller (FL)
Minge
Moran (KS)
Morella
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Ortiz
Packard
Pappas
Parker
Paul
Paxon
Pease
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Redmond
Regula
Riggs
Riley
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryun
Sabo
Salmon
Sandlin
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Scott
Sensenbrenner
Shaw
Shays
Shimkus
Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stearns
Stokes
Stump
Sununu
Talent
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Traficant
Upton
Visclosky
Walsh
Wamp
Waters
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wolf
Young (AK)

NOT VOTING—14

Berman
Burr
Coburn
Delahunt
Foglietta
Gonzalez
LaTourette
Nadler
Oxley
Pallone
Schiff
Sessions
Wicker
Young (FL)

☐ 1556

Mr. SKAGGS changed his vote from "no" to "aye."

So the motion was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 1 OFFERED BY MR. EVANS

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Illinois [Mr. EVANS] on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 241, noes 182, not voting 10, as follows:

[Roll No. 472]

AYES—241

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Berman
Bishop
Blagojevich
Blumenauer
Bonior
Bono
Borski
Boswell
Boucher
Brown (FL)
Brown (OH)
Bryant
Bunning
Burr
Burton
Capps
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Coburn
Condit
Conyers
Costello
Cox
Coyne
Cramer
Cummings
Danner
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dellums
Deutsch
Diaz-Balart
Dingell
Dixon
Doggett
Doyle
Duncan
Edwards
Ehlers
Engel
Ensign
Eshoo
Etheridge
Evans
Farr
Fattah
Fazio
Filner
Forbes
Ford
Frank (MA)
Franks (NJ)
Frost
Fursé
Ganske
Gejdenson
Gephardt
Gibbons
Gilchrest
Gilman
Goode
Goodling
Green
Gutierrez
Hall (OH)
Harman
Hastings (FL)
Hayworth
Hefley
Hefner
Hilliard
Hinchey
Hinojosa
Holden
Hooley
Horn
Hoyer
Hunter
Inglis
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Johnson (WI)
Johnson, E. B.
Jones
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Largent
LaTourette
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDade
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKinney
McNulty
Meehan
Meek
Menendez
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Mollohan
Moran (VA)
Murtha
Neal
Ney
Oberstar
Obey
Olver
Ortiz
Owens
Pappas
Pascrell
Pastor
Paul
Payne
Pelosi
Petri
Pitts
Pomeroy
Poshard
Price (NC)
Quinn
Rahall
Rangel
Reyes
Rivers
Rodriguez
Rohrabacher
Ros-Lehtinen
Rothman
Roybal-Allard
Royce
Rush
Sabo
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Scarborough
Schumer
Scott
Serrano
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith, Linda
Souder
Spratt
Stabenow
Stark
Stearns
Strickland
Stupak
Talent
Tauscher
Taylor (MS)
Thompson
Thune
Thurman
Tierney
Torres
Towns
Traficant
Turner
Upton
Velázquez
Vento
Visclosky
Wamp
Waters
Watt (NC)
Waxman
Weller
Wexler
Weygand
Wise
Wolf
Woolsey
Wynn
Yates

NOES—182

Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bentsen
Bereuter
Berry
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Boyd
Brady
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Christensen
Coble
Collins
Combest
Cook
Cooksey
Crane
Crapo
Cubin
Cunningham
Davis (FL)
Davis (VA)
Deal
DeLay
Dickey
Dicks
Dooley
Doolittle
Dreier
Dunn
Ehrlich
Emerson
English
Everett
Ewing
Fawell
Flake
Foley
Fowler
Fox
Frelinghuysen
Gallegly
Gekas
Gillmor
Goodlatte
Gordon
Goss
Graham
Granger
Greenwood
Gutknecht
Hall (TX)
Hamilton
Hansen
Hastert
Hastings (WA)
Herger
Hill
Hilleary
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hutchinson
Hyde
Istook
John
Johnson (CT)
Johnson, Sam
Kasich
Kelly
Kim
Klug
Knollenberg
Kolbe
LaHood
Latham
Lazio
Leach
Lewis (KY)
Linder
Livingston
Lucas
Manzullo
McCollum
McCrery
McDermott
McKeon
Metcalf
Mica
Miller (FL)
Moran (KS)
Morella
Myrick
Nethercutt
Neumann
Northup
Norwood
Nussle
Oxley
Packard
Parker
Paxon
Pease
Peterson (MN)
Peterson (PA)
Pickering
Pickett
Pombo
Porter
Portman
Pryce (OH)
Radanovich
Ramstad
Redmond
Regula
Riggs
Riley
Roemer
Rogan
Rogers
Roukema
Ryun
Salmon
Saxton
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Shadegg
Shaw
Shays
Skeen
Smith (OR)
Smith (TX)
Smith, Adam
Snowbarger
Snyder
Solomon
Spence
Stenholm
Stump
Sununu
Tanner
Tauzin
Taylor (NC)
Thomas
Thornberry
Tiahrt
Walsh
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
White
Whitfield
Wicker
Young (AK)

### NOT VOTING—10

Brown (CA)
Foglietta
Gonzalez
Lewis (CA)
Nadler
Pallone
Schiff
Sessions
Stokes
Young (FL)

☐ 1613

Mr. GRAHAM changed his vote from "aye" to "no".

Messrs. GILCHREST, QUINN, DAVIS of Illinois, and BONO changed their vote from "no" to "aye".

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN. It is now in order to consider amendment No. 3 printed in House Report 105–282.

### AMENDMENT NO. 3 OFFERED BY MR. LAFALCE

Mr. LaFALCE. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Mr. LAFALCE:

At the end of the bill, add the following:

**SEC. 10. RENAMING OF BANK AS THE UNITED STATES EXPORT BANK.**

(a) AMENDMENTS TO THE EXPORT-IMPORT BANK ACT OF 1945.—

(1) The first section of the Export-Import Bank Act of 1945 (12 U.S.C. 635 note) is amended to read as follows:

**"SECTION 1. SHORT TITLE.**

"This Act may be cited as the 'United States Export Bank Act of 1945'.".

(2) The following provisions of such Act are amended by striking "Export-Import Bank of the United States" and inserting "United States Export Bank":

(A) Section 2(a)(1) (12 U.S.C. 635(a)(1)).
(B) Section 3(a) (12 U.S.C. 635a(a)).
(C) Section 3(b) (12 U.S.C. 635a(b)).
(D) Section 3(c)(1) (12 U.S.C. 635a(c)(1)).
(E) Section 4 (12 U.S.C. 635b).
(F) Section 5 (12 U.S.C. 635d).
(G) Section 6(a) (12 U.S.C. 635e(a)).
(H) Section 7 (12 U.S.C. 635f).
(I) Section 8(a) (12 U.S.C. 635g(a)).
(J) Section 9 (12 U.S.C. 635h).

(3) The following provisions of such Act are amended by striking "Export-Import Bank" any place its appears and inserting "United States Export Bank":

(A) Section 2(b)(1)(A) (12 U.S.C. 635(b)(1)(A)).
(B) Section 3(c)(3) (12 U.S.C. 635a(c)(3)).

(b) DEEMING RULES.—Any reference in any law, map, regulation, document, paper, or other record of the United States to the Export-Import Bank of the United States is deemed to be a reference to the United States Export Bank, and any reference in any law, map, regulation, document, paper, or other record of the United States to the Export-Import Bank Act of 1945 is deemed to be a reference to the United States Export Bank Act of 1945.

The CHAIRMAN. Pursuant to House Resolution 255, the gentleman from New York [Mr. LAFALCE] and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New York [Mr. LAFALCE].

Mr. LAFALCE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the purpose of my amendment is very simple. It is to change the name of the bank so that we could help clarify the function and purpose of the bank.

The amendment would change the name of the bank to the United States Export Bank. It would eliminate the confusion that exists as to what the bank does. In fact, the bank imports nothing. In fact, the bank does not assist in the importation of anything. The bank has not imported anything or supported any imports since its very earliest days.

When it was named Eximbank at the time of its chartering, the bank sought to support trade with Russia, which at that time did not have hard currency. The bank then sought to arrange barter trade with Russia, and hence the name Export-Import Bank. That function, though, lasted only a few years. For approximately 60 years, since those early years, the only function of the Export-Import Bank of the United States has been to assist exporting by U.S. businesses.

My amendment would simply change the name to the United States Export Bank, a simple change that Eximbank supports and I believe the chairman of the subcommittee and the chairman of the full committee will support, also. This name change will clearly indicate that the Bank's purpose is to support U.S. exporters and workers whose jobs depend on exports.

Mr. Chairman, I reserve the balance of my time.

Mr. ROHRABACHER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from New York [Mr. LAFALCE].

Mr. Chairman, I could not disagree with my colleague, the gentleman from New York [Mr. LAFALCE], who stated that this would be a better name because it would more clarify what the Export-Import Bank does.

In fact, I would think that if we want to clarify what the Export-Import Bank does, it would be better to call it the American Import Bank or Subsidy of Foreign Imports into the United States Bank.

These businesses that are getting subsidized by our tax dollars, they are not saying, please subsidize my company so I can go over there and sell socks or refrigerators or some type of consumer items. That is a total myth that has been perpetuated in this argument, especially in arguments concerning trade with China.

What is happening instead are corporations, by and large, who want to set up manufacturing units overseas, especially in dictatorships, I might add, like Communist China and Vietnam and elsewhere, go to the Export-Import Bank and are receiving guaranteed loans and subsidies in order to set up a manufacturing unit, which will take advantage of people who have no right to set up unions, no right to protect their own interests, standards that are way below those of the United States.

So we subsidize them, creating a manufacturing unit by using taxpayer dollars. And then what happens? Those manufacturing units produce goods and services that are imported into the United States.

Yes, we should clarify that. We should clarify this so that American people know their tax dollars are being used to subsidize the competition for their own jobs in dictatorships overseas. And, yes, there are several companies that, yes, do indeed have their exports subsidized. That is in the aerospace industry. There are some situations where that exists. I acknowledge that. But that is not the majority of what is going on here.

Even with those loans to the aerospace industry, quite often demands are made in those other countries that we set up manufacturing units so that part of the airplanes that are being sold in those countries are produced in China and elsewhere. So what we end up doing is subsidizing the development of industries overseas with our tax dollars.

This has got to stop. If we want to clarify anything here, it should be the U.S. Government should not be subsidizing anybody who is setting up a manufacturing unit overseas, especially in dictatorships.

So let us clarify it, yes, and change the name to not the Export-Import Bank, but to the bank that subsidizes imports into the United States.

Mr. Chairman, I reserve the balance of my time.

Mr. LaFALCE. Mr. Chairman, how much time do I have remaining?

The CHAIRMAN. The gentleman from New York [Mr. LAFALCE] has 3 minutes remaining.

Mr. LaFALCE. Mr. Chairman, I would merely make the comment that I think the gentleman from California [Mr. ROHRABACHER] is confused between the functions and activities of this Bank and the OPIC, the Overseas Private Investment Corp.

Mr. Chairman, I reserve the balance of my time.

Mr. ROHRABACHER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I am not confused. And the fact is OPIC does offer private insurance for investment overseas. The Export-Import Bank is involved with these things as well.

Mr. Chairman, I reserve the balance of my time.

Mr. LAFALCE. Mr. Chairman, I yield such time as he may consume to the gentleman from Iowa [Mr. LEACH], chairman of the Committee on Banking and Financial Services.

Mr. LEACH. Mr. Chairman, let me just say on behalf of the Committee on

Banking and Financial Services that I consider this to be a very constructive amendment. The new name well-defines the institution that we are talking about that is the subject of legislation on the floor today.

I have some pains that the current name, which has such a fine general reputation, may go by the boards. But I think this is a very constructive and helpful amendment.

Finally, let me stress as carefully as I can that the currently named Export-Import Bank only subsidizes the sales of U.S. goods and services abroad. There is no mandate of the bank to construct any kind of American company on anybody else's shores. It is simply to support goods and services produced in the United States to be sold abroad.

Mr. LAFALCE. Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. The gentleman from California [Mr. ROHRABACHER] has 2¼ minutes remaining.

Mr. ROHRABACHER. Mr. Chairman, I yield 1 minute to the gentleman from Florida [Mr. STEARNS].

Mr. STEARNS. Mr. Chairman, I rise in opposition to the amendment.

Mr. LAFALCE. Mr. Chairman, how much timed do I have remaining?

The CHAIRMAN. The gentleman from New York [Mr. LAFALCE] has 2 minutes remaining.

Mr. LAFALCE. Mr. Chairman, I yield 1 minute to the gentleman from Oklahoma [Mr. WATKINS].

Mr. WATKINS. Mr. Chairman, I rise in support of the LaFalce amendment.

I rise for two reasons. I am from a rural area of the heartland of America, and we have not utilized the Export-Import Bank very much. I think one of the major things is the confusing name. I think the gentleman from New York [Mr. LAFALCE] has a change here that might improve it.

I have talked to them at the Export-Import Bank on numerous occasions about trying to involve more of the smaller towns, smaller businesses and industries across this country. I think a name change would help. I think named the United States Export Bank would better describe the purpose and activities of the bank.

Second, I am in support of it because the United States economic future is going to depend a great deal on our involvement in exporting. In fact, some economists have said that 90 percent of our future economic growth has got to come from export trade.

I think we need to do everything within our power to try to help our businesses and industries and agriculture be able to export more, and I think this would clarify and encourage economic enterprises to seek assistance. By changing the name, it would be less confusing to a lot of people out there in the business and agriculture world that want to participate in the global economy.

Mr. ROHRABACHER. Mr. Chairman, how much time do I have remaining?

The CHAIRMAN. The gentleman from California [Mr. ROHRABACHER] has 2 minutes remaining.

Mr. ROHRABACHER. Mr. Chairman, do I have the right to close?

The CHAIRMAN. The gentleman is not on the committee. The gentleman from New York [Mr. LAFALCE] has the right to close.

Mr. ROHRABACHER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I, of course, philosophically would believe that the Federal Government should not be involved in taking our taxpayers' dollars and using it for selected companies who are planning to do business overseas.

It is particularly repugnant, Mr. Chairman, for us to be loaning any money for people who want to invest in manufacturing units overseas who are receiving benefits from not the Export-Import Bank, but from OPIC and other government institutions.

I have two amendments that are coming up on Export-Import Bank, one which would prevent the Export-Import Bank from subsidizing the People's Liberation Army in China or any other government-owned entities and would not permit us to, basically, subsidize business in dictatorships.

But this idea that American business needs to have subsidies in big companies in order to sell their products overseas is a misnomer, and certainly we need to clarify that. In many, many cases, what we really are talking about is instead of subsidizing our exports, trying to make it possible facilitating exports. We are actually facilitating the building of manufacturing units which uses low-cost labor to ship things back into the United States.

That is why we have such a heinous situation with China. Because our people will go over to China, they will build a manufacturing unit there with subsidization from the Federal Government, the manufacturing unit will then use this basically slave labor over there and import these goods at a 3- or 4-percent tariff. The goods over there, however, when we want to sell our goods directly in China, there is about a 30- or 40-percent tariff when we want to sell our goods over there.

The most important thing that we could be doing is not subsidizing big corporations to the Export-Import Bank, or OPIC, or whatever. Instead, what we should be doing is knocking down impediments to our people doing business, like, for example, trying to eliminate their tariffs.

So I would oppose this measure. I do believe it does not clarify anything.

Mr. LAFALCE. Mr. Chairman, I yield 45 seconds to the gentleman from Florida [Mr. MICA].

Mr. MICA. Mr. Chairman, I just want to clarify for the House and my colleagues that what we heard about Eximbank is not the case. It is not subsidizing any foreign manufacturing.

What it is doing is allowing U.S. companies, the working men and women of this country, to be employed to assist in financing the sale of U.S. goods overseas. Most of the Exim funds for United States goods that go into China are to assist with financing Boeing aircraft, who must compete with Airbus and other international competitors. Boeing employs thousands of U.S. workers in the United States with the aid of this Exim Program.

I think there is great confusion about what this program does. But in fact, Exim does not do the things that are alleged. It allows American men and women to get high paying jobs and to compete in the international market where we find the opportunities for tomorrow, and those are the facts. We can not relegate our next generation to minimum wage jobs—we must not back away from supporting U.S. small and large business in selling their goods in a tough international marketplace.

Mr. LAFALCE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I remind all my colleagues that my amendment to change the name of the Bank to comport with reality; that is, the United States Export Bank, is supported by the Bank and is supported by the gentleman from Iowa [Mr. LEACH], the chairman of the full committee, the gentleman from Delaware [Mr. CASTLE], chairman of the subcommittee, and I hope virtually by all the Members of this body.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. LAFALCE].

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. ROHRABACHER. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 362, noes 56, not voting 15, as follows:

[Roll No. 473]

AYES—362

Abercrombie
Ackerman
Allen
Archer
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berman

Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Borski
Boswell
Boucher
Boyd
Brady
Brown (CA)
Brown (FL)
Brown (OH)
Bryant

Bunning
Buyer
Calvert
Camp
Campbell
Canady
Capps
Cardin
Carson
Castle
Chambliss
Christensen
Clay
Clayton
Clement
Clyburn
Coburn
Collins
Combest
Condit

Conyers
Cook
Cooksey
Costello
Coyne
Cramer
Crane
Crapo
Cubin
Cummings
Danner
Davis (FL)
Davis (IL)
Deal
DeGette
Delahunt
DeLauro
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Dreier
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Filner
Flake
Foglietta
Foley
Forbes
Ford
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Gejdenson
Gekas
Gephardt
Gibbons
Gillmor
Gilman
Goodlatte
Goodling
Goss
Graham
Granger
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hamilton
Hansen
Harman
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hill
Hilliard
Hinchey
Hinojosa
Hobson
Hoekstra
Hooley
Horn
Hostettler
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Jones
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McDermott
McGovern
McHale
McHugh
McIntyre
McKeon
McNulty
Meehan
Meek
Menendez
Metcalf
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Neal
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Pappas
Parker
Pascrell
Pastor
Payne
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Rahall
Ramstad
Redmond
Regula
Reyes
Riggs
Riley
Rivers
Rodriguez
Roemer
Rogers
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Rush
Ryun
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Schumer
Scott
Sensenbrenner
Serrano
Sessions
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Snowbarger
Souder
Spence
Spratt
Stabenow
Stark
Stenholm
Stokes
Strickland
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thurman
Tiahrt
Tierney
Torres
Towns
Turner
Upton
Velázquez
Visclosky
Walsh
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
White
Wicker
Wise
Wolf
Woolsey
Wynn
Yates
Young (AK)

NOES—56

Aderholt
Andrews
Armey
Barr
Berry
Bono
Burr
Burton
Callahan
Cannon
Chabot
Coble
Cox
Davis (VA)
DeFazio
DeLay
Doolittle
Duncan
Ganske
Goode
Hall (TX)
Hastert
Hilleary
Houghton
Jenkins
Johnson, Sam
Kanjorski
Kingston
Largent
McInnis
McIntosh
McKinney
Mink
Nethercutt
Neumann
Packard
Paul
Paxon
Pombo
Radanovich
Rogan
Rohrabacher
Royce
Scarborough
Schaefer, Dan
Schaffer, Bob
Shadegg
Snyder
Solomon
Stearns
Stump
Thune
Traficant
Vento
Wamp
Whitfield

NOT VOTING—15

Chenoweth
Cunningham
Gilchrest
Gonzalez
Gordon
Holden
Lucas
Moakley
Nadler
Pallone
Pelosi
Rangel
Schiff
Smith, Linda
Young (FL)

□ 1649

Mr. PAXON changed his vote from "aye" to "no."

Mr. NUSSLE and Mr. RILEY changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Mr. CASTLE. Mr. Chairman, I move the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. LATOURETTE) having assumed the chair, Mr. CALVERT, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 1370), to reauthorize the Export-Import Bank of the United States, had come to no resolution thereon.

## PERSONAL EXPLANATION

Mr. PALLONE. Mr. Chairman, I missed nine recorded votes while I was in New Jersey bringing my newborn daughter and wife home from the hospital today. If I had been present, my vote would have been cast as follows:

Rollcall vote 465, motion to adjourn, I would have voted "yes."

Rollcall vote 466, the Journal, I would have voted "no."

Rollcall vote 467, the rule for H.R. 2203 conference report, I would have voted "yes."

Rollcall vote 468, energy and water appropriations conference report, I would have voted "yes."

Rollcall vote 469, previous question for House Resolution 255, I would have voted "yes."

Rollcall vote 470, motion to rise, I would have voted "yes."

Rollcall vote 471, motion to rise, I would have voted "yes."

Rollcall vote 472, the Evans amendment to H.R. 1370, I would have voted "yes."

Rollcall vote 473, the LaFalce amendment to H.R. 1370, I would have voted "yes."

## CONFERENCE REPORT ON H.R. 2378, TREASURY, POSTAL SERVICE, AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 1998

Mr. KOLBE. Mr. Speaker, pursuant to the order of the House of Monday, September 29, 1997, I call up the conference report on the bill (H.R. 2378) making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies for the fiscal year ending September 30, 1998 and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. LATOURETTE). Pursuant to the order of the House of Monday, September 29, 1997, the conference report is considered as having been read.

(For conference report and statement, see proceedings of the House of September 29, 1997, at page 20687.)

The SPEAKER pro tempore. The gentleman from Arizona [Mr. KOLBE] and the gentleman from Maryland [Mr. HOYER] each will control 30 minutes.

The Chair recognizes the gentleman from Arizona [Mr. KOLBE].

### GENERAL LEAVE

Mr. KOLBE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the conference report to accompany H.R. 2378, and that I may include tabular and extraneous material.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

Mr. KOLBE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to rise today in support of the conference report on Treasury, Postal Service and General Government. This is a very good conference report and one which represents a great success on all sides. It provides $12.7 billion for agencies that come under this subcommittee's jurisdiction and, for the first time in 3 years, an increase in funding. I would point out that it is in strict compliance with the 1997 Balanced Budget Agreement.

The actions taken by the conferees boost support for both drug and law enforcement programs. The bill puts us on track for a drug-free America by the year 2001. In total, the conferees have recommended $3.9 billion, $737 million over 1997, that is a 24-percent increase, for the Customs Service, ATF, the Secret Service, the Financial Crimes Enforcement Network, the Office of National Drug Control Policy.

Specifically, let me just highlight a couple of the specific items in this bill in the area of law enforcement. Mr. Speaker, we provide $1.6 billion for Customs to combat drugs that come in through our borders and to facilitate passenger and cargo processing. So both the interdiction and the processing of legitimate traffic across the border are accommodated. We provide an additional $8.4 million for the next stage of Operation Hardline, an initiative that was started years ago to harden our borders against drugs, and $4.5 million to equip Customs helicopters with night vision equipment.

There is $195 million for the drug czar's anti-drug media campaign aimed at youth, $20 million more than the President had proposed. We believe this is a major step toward a comprehensive campaign for a drug-free America. There is $10 million for the recently authorized Drug Free Communities Act; $7.3 million for the Office of National Drug Control Policy's efforts to combat the dangers and growing problems of methamphetamine use in the U.S.; $13 million to provide counter drug technology assistance to State and local law enforcement; $159 million for the High Intensity Drug Trafficking Areas that I know many Members are concerned about; and $5.2 million for ballistic imaging systems for State and local law enforcement.

In other areas outside of purely law enforcement, we also continued the Committee on Appropriation's aggressive oversight of the IRS, prohibiting the IRS from spending more money on its computer modernization programs without congressional approval. By maintaining restrictions on the IRS's use of money absent a solid set of blueprints or an architectural plan for how that is going to be spent, the conference committee ensures that there is not going to be even 1 more year of wasteful spending on the computer systems for the Internal Revenue Service.

The conferees also make year 2000 computer compliance a priority within the IRS, providing $377 million for Century Date Conversion efforts.

The conferees also include requirements ensuring that IRS is in compliance with the Taxpayer Bill of Rights.

Finally, the agreement ends taxpayer subsidy of political events at the White House. In conjunction with the White House, we have worked out language that includes a new accounting mechanism for the Executive Residence. The agreement requires not only that expenses of all political events be carefully tracked, but that all of these events be paid for up front so that taxpayers are not tagged with the cost of, even for 1 day, fronting the money for political events in the White House, no matter which party is in the White House.

I strongly urge my colleagues to support this conference agreement. Not only are there no more free coffees at the White House, but the drug lords are not going to like this bill one bit. I think it is a bill that every Member of this body can support and support enthusiastically.

Mr. Speaker, I insert the following:

## TREASURY, POSTAL SERVICE, AND GENERAL GOVERNMENT APPROPRIATIONS BILL, 1998 (H.R. 2378)

| | FY 1997 Enacted | FY 1998 Estimate | House | Senate | Conference | Conference compared with enacted |
|---|---|---|---|---|---|---|
| TITLE I - DEPARTMENT OF THE TREASURY | | | | | | |
| Departmental Offices | 112,048,000 | 116,314,000 | 113,410,000 | 114,794,000 | 114,771,000 | +2,723,000 |
| Counterterrorism fund | 15,000,000 | | | | | -15,000,000 |
| Supplemental funding (P.L. 105-18) | 1,950,000 | | | | | -1,950,000 |
| Automation Enhancement | 27,100,000 | 29,389,000 | 25,989,000 | 29,389,000 | 25,889,000 | -1,211,000 |
| (Delay in obligation) | | | | (15,000,000) | | |
| Office of Inspector General | 29,770,000 | 31,333,000 | 29,927,000 | 29,719,000 | 29,719,000 | -51,000 |
| Office of Professional Responsibility | 1,500,000 | 1,625,000 | 1,500,000 | 1,250,000 | 1,250,000 | -250,000 |
| Treasury Buildings and Annex Repair and Restoration | 28,213,000 | 12,484,000 | 6,484,000 | 10,484,000 | 10,484,000 | -17,729,000 |
| Financial Crimes Enforcement Network | 22,387,000 | 23,006,000 | 22,835,000 | 22,835,000 | 22,835,000 | +448,000 |
| Department of the Treasury Forfeiture Fund (limitation on availability of deposits) | 10,000,000 | 9,500,000 | | | | -10,000,000 |
| Violent Crime Reduction Programs: | | | | | | |
| Bureau of Alcohol, Tobacco and Firearms | 36,595,000 | 42,378,000 | 21,528,000 | 24,023,000 | 19,421,000 | -17,174,000 |
| Departmental Offices | 18,300,000 | | | | | -18,300,000 |
| Financial Crimes Enforcement Network | 1,000,000 | 3,000,000 | 1,000,000 | 3,000,000 | 1,000,000 | |
| United States Secret Service | 20,000,000 | 20,664,000 | 16,837,000 | 21,178,000 | 15,731,000 | -4,269,000 |
| ONDCP - HIDTA | 13,105,000 | | 5,000,000 | 8,500,000 | 23,200,000 | +10,095,000 |
| Gang Resistance Education and Training: Grants | 8,000,000 | 8,000,000 | 8,000,000 | 10,000,000 | 10,000,000 | +2,000,000 |
| Federal Law Enforcement Training Center | | 24,058,000 | 1,000,000 | 19,619,000 | 1,000,000 | +1,000,000 |
| United States Customs Service | | 20,100,000 | 43,635,000 | 44,635,000 | 60,648,000 | +60,648,000 |
| Total, Violent Crime Reduction Programs | 97,000,000 | 118,200,000 | 97,000,000 | 130,955,000 | 131,000,000 | +34,000,000 |
| Federal Law Enforcement Training Center: | | | | | | |
| Salaries and Expenses | 56,185,000 | 65,663,000 | 64,663,000 | 64,663,000 | 64,663,000 | +8,478,000 |
| Acquisition, Construction, Improvements, and Related Expenses | 21,584,000 | 11,111,000 | 32,548,000 | 13,930,000 | 32,548,000 | +10,964,000 |
| Total, Federal Law Enforcement Training Center | 77,769,000 | 76,774,000 | 97,211,000 | 78,593,000 | 97,211,000 | +19,442,000 |
| Interagency Law Enforcement: | | | | | | |
| Interagency crime and drug enforcement 1/ | | 73,794,000 | 73,794,000 | 73,794,000 | 73,794,000 | +73,794,000 |
| Financial Management Service | 196,518,000 | 202,560,000 | 199,675,000 | 202,490,000 | 202,490,000 | +5,972,000 |
| Reimburse Federal Reserve Bank (indefinite) | | 122,000,000 | | | | |
| Bureau of Alcohol, Tobacco and Firearms: | | | | | | |
| Salaries and Expenses | 460,394,000 | 496,954,000 | 478,649,000 | 473,490,000 | 478,934,000 | +18,540,000 |
| Laboratory facilities | 6,978,000 | 55,022,000 | 55,022,000 | 55,022,000 | 55,022,000 | +48,044,000 |
| Total, Bureau of Alcohol, Tobacco and Firearms | 467,372,000 | 551,976,000 | 533,671,000 | 528,512,000 | 533,956,000 | +66,584,000 |
| United States Customs Service: | | | | | | |
| Salaries and Expenses | 1,549,585,000 | 1,566,826,000 | 1,526,078,000 | 1,551,028,000 | 1,522,165,000 | -27,420,000 |
| Customs facilities, construction, improvements | | 5,512,000 | | | | |
| Operation and Maintenance, Air and Marine Interdiction Programs | 83,363,000 | 92,758,000 | 97,258,000 | 92,758,000 | 92,758,000 | +9,395,000 |
| Customs Services at Small Airports (to be derived from fees collected) | 2,406,000 | 2,406,000 | 2,406,000 | 2,406,000 | 2,406,000 | |
| Harbor Maintenance Fee Collection | 3,000,000 | 3,000,000 | 3,000,000 | 3,000,000 | 3,000,000 | |
| Total, United States Customs Service | 1,638,354,000 | 1,670,502,000 | 1,628,742,000 | 1,649,192,000 | 1,620,329,000 | -18,025,000 |
| Bureau of the Public Debt | 165,335,000 | 169,426,000 | 169,426,000 | 169,426,000 | 169,426,000 | +4,091,000 |
| Internal Revenue Service: | | | | | | |
| Processing, Assistance, and Management | 1,790,288,000 | 2,943,174,000 | 2,915,100,000 | 2,943,174,000 | 2,925,874,000 | +1,135,586,000 |
| Tax Law Enforcement | 4,104,211,000 | 3,153,722,000 | 3,108,300,000 | 3,153,722,000 | 3,142,822,000 | -961,389,000 |
| Rescission | | | -14,500,000 | | -32,000,000 | -32,000,000 |
| Earned Income Tax Credit Compliance Initiative | | 107,105,000 | | | 138,000,000 | +138,000,000 |
| Information Systems | 1,323,075,000 | 1,272,487,000 | 1,292,500,000 | 1,272,487,000 | 1,272,487,000 | -50,588,000 |
| Rescission | -174,447,000 | | | | | +174,447,000 |
| Information technology investments | | 500,000,000 | 326,000,000 | 325,000,000 | 325,000,000 | +325,000,000 |
| Net total, Internal Revenue Service | 7,043,127,000 | 7,976,488,000 | 7,627,400,000 | 7,694,383,000 | 7,772,183,000 | +729,056,000 |
| United States Secret Service: | | | | | | |
| Salaries and Expenses | 531,288,000 | 575,971,000 | 555,736,000 | 570,809,000 | 564,348,000 | +33,060,000 |
| Rescission | -7,600,000 | | | | | +7,600,000 |
| Acquisition, Construction, Improvement, and Related Expenses | 37,365,000 | 9,176,000 | 5,775,000 | 9,176,000 | 8,799,000 | -28,566,000 |
| Total, United States Secret Service | 561,053,000 | 585,147,000 | 561,511,000 | 579,985,000 | 573,147,000 | +12,094,000 |
| Net total, title I, Department of the Treasury | 10,494,496,000 | 11,770,518,000 | 11,188,575,000 | 11,315,801,000 | 11,378,484,000 | +883,988,000 |

1/ Funded in CJSJ bill in FY 1997.

## TREASURY, POSTAL SERVICE, AND GENERAL GOVERNMENT APPROPRIATIONS BILL, 1998 (H.R. 2378) — continued

| | FY 1997 Enacted | FY 1998 Estimate | House | Senate | Conference | Conference compared with enacted |
|---|---|---|---|---|---|---|
| TITLE II - POSTAL SERVICE | | | | | | |
| Payments to the Postal Service | | | | | | |
| Payment to the Postal Service Fund | 85,080,000 | 86,274,000 | 86,274,000 | 86,274,000 | 86,274,000 | +1,194,000 |
| Supplemental funding (P.L. 105-18) | 5,383,000 | | | | | -5,383,000 |
| Payment to the Postal Service Fund for Nonfunded Liabilities | 35,536,000 | 34,850,000 | 34,850,000 | 34,850,000 | | -35,536,000 |
| Total, title II, Postal Service | 125,999,000 | 121,124,000 | 121,124,000 | 121,124,000 | 86,274,000 | -39,725,000 |
| TITLE III - EXECUTIVE OFFICE OF THE PRESIDENT AND FUNDS APPROPRIATED TO THE PRESIDENT | | | | | | |
| Compensation of the President and the White House Office: | | | | | | |
| Compensation of the President | 250,000 | 250,000 | 250,000 | 250,000 | 250,000 | |
| Salaries and Expenses | 40,193,000 | 51,199,000 | 51,199,000 | 51,199,000 | 51,199,000 | +11,006,000 |
| Executive Residence at the White House: | | | | | | |
| Operating Expenses | 7,827,000 | 8,045,000 | 8,045,000 | 8,045,000 | 8,045,000 | +218,000 |
| White House Repair and Restoration | | 200,000 | 200,000 | 200,000 | 200,000 | +200,000 |
| Special Assistance to the President and the Official Residence of the Vice President: | | | | | | |
| Salaries and Expenses | 3,280,000 | 3,378,000 | 3,378,000 | 3,378,000 | 3,378,000 | +98,000 |
| Operating expenses | 324,000 | 334,000 | 334,000 | 334,000 | 334,000 | +10,000 |
| Council of Economic Advisers | 3,439,000 | 3,542,000 | 3,542,000 | 3,542,000 | 3,542,000 | +103,000 |
| Office of Policy Development | 3,867,000 | 3,983,000 | 3,983,000 | 3,983,000 | 3,983,000 | +116,000 |
| National Security Council | 6,648,000 | 6,648,000 | 6,648,000 | 6,648,000 | 6,648,000 | |
| Office of Administration | 26,100,000 | 28,883,000 | 28,883,000 | 28,883,000 | 28,883,000 | +2,783,000 |
| Office of Management and Budget | 55,573,000 | 57,240,000 | 57,240,000 | 57,240,000 | 57,440,000 | +1,867,000 |
| Office of National Drug Control Policy | 35,838,000 | 36,016,000 | 43,516,000 | 36,016,000 | 35,016,000 | -822,000 |
| Unanticipated Needs | | 1,000,000 | | | | |
| Federal Drug Control Programs: High Intensity Drug Trafficking Areas Program | 127,102,000 | 140,207,000 | 146,207,000 | 140,207,000 | 159,007,000 | +31,905,000 |
| Special forfeiture fund | 112,900,000 | 175,000,000 | 205,000,000 | 145,300,000 | 211,000,000 | +98,100,000 |
| Total, title III, Executive Office of the President and Funds Appropriated to the President | 423,341,000 | 515,925,000 | 558,425,000 | 485,225,000 | 568,925,000 | +145,584,000 |
| TITLE IV - INDEPENDENT AGENCIES | | | | | | |
| Committee for Purchase from People Who Are Blind or Severely Disabled | 1,800,000 | 1,940,000 | 1,940,000 | 1,940,000 | 1,940,000 | +140,000 |
| Federal Election Commission | 28,165,000 | 34,216,000 | 34,550,000 | 29,000,000 | 31,650,000 | +3,485,000 |
| Federal Labor Relations Authority | 21,588,000 | 22,039,000 | 21,803,000 | 22,039,000 | 22,039,000 | +451,000 |
| General Services Administration: | | | | | | |
| Federal Buildings Fund: | | | | | | |
| Appropriation | 400,544,000 | 84,000,000 | | | | -400,544,000 |
| Limitations on availability of revenue: | | | | | | |
| Construction & acquisition of facilities | (657,711,000) | | | | | (-657,711,000) |
| Environmental cleanup activities | (20,000,000) | | | | | (-20,000,000) |
| Consolidated Federal Law Enforcement Bldg | (81,000,000) | | | | | (-81,000,000) |
| Repairs and alterations | (639,000,000) | (434,000,000) | (300,000,000) | (350,000,000) | (300,000,000) | (-339,000,000) |
| Installment acquisition payments | (173,075,000) | (142,542,000) | (142,542,000) | (142,542,000) | (142,542,000) | (-30,533,000) |
| Operations and rental of space | | | (3,607,129,000) | | | |
| Rental of space | (2,343,795,000) | (2,275,340,000) | | (2,275,340,000) | (2,275,340,000) | (-68,455,000) |
| Building Operations | (1,552,651,000) | (1,331,789,000) | | (1,331,789,000) | (1,331,789,000) | (-220,862,000) |
| Repayment of Debt | (88,312,000) | (105,720,000) | (105,720,000) | (105,720,000) | (105,720,000) | (+17,408,000) |
| Previously appropriated activities | | (680,543,000) | (680,543,000) | (680,543,000) | (680,543,000) | (+680,543,000) |
| Total, Federal Buildings Fund | 400,544,000 | 84,000,000 | | | | -400,544,000 |
| (Limitations) | (5,555,544,000) | (4,969,934,000) | (4,835,934,000) | (4,885,934,000) | (4,835,934,000) | (-719,610,000) |
| Policy and Operations | 110,173,000 | 104,487,000 | 107,487,000 | 104,487,000 | 107,487,000 | -2,686,000 |
| Office of Inspector General | 33,863,000 | 33,870,000 | 33,870,000 | 33,870,000 | 33,870,000 | +7,000 |
| Allowances and Office Staff for Former Presidents | 2,180,000 | 2,250,000 | 2,208,000 | 2,208,000 | 2,208,000 | +28,000 |
| Expenses, presidential transition | 5,600,000 | | | | | -5,600,000 |
| Rescission (P.L. 105-18) | -5,600,000 | | | | | +5,600,000 |
| Total, General Services Administration | 546,760,000 | 224,607,000 | 143,565,000 | 140,565,000 | 143,565,000 | -403,195,000 |
| John F. Kennedy Assassination Record Review Board | 2,150,000 | 1,600,000 | 1,600,000 | 1,600,000 | 1,600,000 | -550,000 |
| Merit Systems Protection Board: | | | | | | |
| Salaries and Expenses | 23,923,000 | 24,450,000 | 25,290,000 | 24,810,000 | 25,290,000 | +1,367,000 |
| (Limitation on administrative expenses) | (2,430,000) | (2,430,000) | (2,430,000) | (2,430,000) | (2,430,000) | |
| Morris K. Udall scholarship and excellence in national environmental policy foundation | | 2,000,000 | 2,000,000 | | 1,750,000 | +1,750,000 |

## TREASURY, POSTAL SERVICE, AND GENERAL GOVERNMENT APPROPRIATIONS BILL, 1998 (H.R. 2378) — continued

| | FY 1997 Enacted | FY 1998 Estimate | House | Senate | Conference | Conference compared with enacted |
|---|---|---|---|---|---|---|
| National Archives and Records Administration: | | | | | | |
| Operating expenses | 196,963,000 | 206,479,000 | 202,354,000 | 206,479,000 | 205,166,500 | +8,203,500 |
| Reduction of debt | -4,012,000 | -4,012,000 | -4,012,000 | -4,012,000 | -4,012,000 | ............ |
| Archives Facilities and Presidential Libraries: | | | | | | |
| Repairs and Restoration | 16,229,000 | 6,650,000 | 10,650,000 | 13,650,000 | 14,650,000 | -1,579,000 |
| National Historical Publications and Records Commission: | | | | | | |
| Grants program | 5,000,000 | 4,000,000 | 5,500,000 | 5,000,000 | 5,500,000 | +500,000 |
| Total, National Archives and Records Administration | 214,180,000 | 213,117,000 | 214,492,000 | 221,117,000 | 221,304,500 | +7,124,500 |
| Office of Government Ethics | 8,078,000 | 8,265,000 | 8,078,000 | 8,265,000 | 8,265,000 | +187,000 |
| Office of Personnel Management: | | | | | | |
| Salaries and Expenses | 87,286,000 | 85,350,000 | 85,350,000 | 85,350,000 | 85,350,000 | -1,936,000 |
| (Limitation on administrative expenses) | (94,736,000) | (91,236,000) | (91,236,000) | (91,236,000) | (91,236,000) | (-3,500,000) |
| Office of Inspector General | 960,000 | 960,000 | 960,000 | 960,000 | 960,000 | ............ |
| (Limitation on administrative expenses) | (8,645,000) | (8,645,000) | (8,645,000) | (8,645,000) | (8,645,000) | ............ |
| Government Payment for Annuitants, Employees Health Benefits | 4,059,000,000 | 4,338,000,000 | 4,338,000,000 | 4,338,000,000 | 4,338,000,000 | +279,000,000 |
| Government Payment for Annuitants, Employee Life Insurance | 33,000,000 | 32,000,000 | 32,000,000 | 32,000,000 | 32,000,000 | -1,000,000 |
| Payment to Civil Service Retirement and Disability Fund | 7,989,000,000 | 8,336,000,000 | 8,336,000,000 | 8,336,000,000 | 8,336,000,000 | +347,000,000 |
| Total, Office of Personnel Management | 12,169,246,000 | 12,792,310,000 | 12,792,310,000 | 12,792,310,000 | 12,792,310,000 | +623,064,000 |
| Office of Special Counsel | 8,116,000 | 8,450,000 | 8,116,000 | 8,450,000 | 8,450,000 | +334,000 |
| United States Tax Court | 33,781,000 | 34,293,000 | 33,921,000 | 34,293,000 | 33,921,000 | +140,000 |
| Total, title IV, Independent Agencies | 13,057,787,000 | 13,367,287,000 | 13,287,865,000 | 13,284,389,000 | 13,292,084,500 | +234,297,500 |
| (Limitation on administrative expenses) | (5,661,355,000) | (5,072,245,000) | (4,938,245,000) | (4,988,245,000) | (4,938,245,000) | (-723,110,000) |
| Net grand total | 24,101,623,000 | 25,774,854,000 | 25,155,789,000 | 25,206,539,000 | 25,325,767,500 | +1,224,144,500 |
| Appropriations | (24,276,337,000) | (25,774,854,000) | (25,170,289,000) | (25,206,539,000) | (25,357,767,500) | (+1,081,430,500) |
| Rescissions | (-182,047,000) | ............ | (-14,500,000) | ............ | (-32,000,000) | (+150,047,000) |
| Emergency funding (P.L. 105-18) | (7,333,000) | ............ | ............ | ............ | ............ | (-7,333,000) |
| (Limitations) | (5,661,355,000) | (5,072,245,000) | (4,938,245,000) | (4,988,245,000) | (4,938,245,000) | (-723,110,000) |
| Scorekeeping adjustments: | | | | | | |
| Bureau of The Public Debt (Permanent) | 129,000,000 | 144,000,000 | 144,000,000 | 144,000,000 | 144,000,000 | +15,000,000 |
| Ethics Reform Act Adjustment | -6,000,000 | ............ | ............ | -2,000,000 | ............ | +6,000,000 |
| Gold and platinum bullion | -12,000,000 | ............ | ............ | ............ | ............ | +12,000,000 |
| Section 409 | 1,000,000 | ............ | ............ | ............ | ............ | -1,000,000 |
| Federal Savings & Loan Insurance Corp. (Sec. 638) | 26,100,000 | 34,000,000 | ............ | ............ | 34,000,000 | +7,900,000 |
| Emergency funding for anti-terrorism | -275,328,000 | ............ | ............ | ............ | ............ | +275,328,000 |
| Trust fund budget authority | 105,700,000 | 102,311,000 | 102,311,000 | 102,311,000 | 102,311,000 | -3,389,000 |
| US Mint revolving fund | ............ | 30,000,000 | 30,000,000 | 30,000,000 | 30,000,000 | +30,000,000 |
| Sallie Mae | ............ | 1,000,000 | 1,000,000 | 1,000,000 | 1,000,000 | +1,000,000 |
| Federal buildings fund | ............ | ............ | -50,000,000 | ............ | -50,000,000 | -50,000,000 |
| Total, scorekeeping adjustments | -31,528,000 | 311,311,000 | 227,311,000 | 275,311,000 | 261,311,000 | +292,839,000 |
| Total mandatory and discretionary | 24,070,095,000 | 26,086,165,000 | 25,383,100,000 | 25,481,850,000 | 25,587,078,500 | +1,516,983,500 |
| Mandatory | 12,245,786,000 | 12,885,100,000 | 12,885,100,000 | 12,885,100,000 | 12,850,250,000 | +604,464,000 |
| Discretionary: | | | | | | |
| Crime trust fund | 97,000,000 | 118,200,000 | 97,000,000 | 130,955,000 | 131,000,000 | +34,000,000 |
| General purposes | 11,727,309,000 | 13,082,865,000 | 12,401,000,000 | 12,465,795,000 | 12,605,828,500 | +878,519,500 |
| Total, Discretionary | 11,824,309,000 | 13,201,065,000 | 12,498,000,000 | 12,596,750,000 | 12,736,828,500 | +912,519,500 |

Mr. KOLBE. Mr. Speaker, I reserve the balance of my time.

□ 1700

Mr. HOYER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of this conference report. The chairman has outlined well the provisions of this conference report. I think all of the Members on my side of the aisle, as well as all of the Members on the chairman's side of the aisle, can be pleased with the fact that this bill addresses significant law enforcement problems: fighting drugs, fighting crime, providing funds to the ONDCP to make sure that our young people know of the dangers of drugs, and convince them to stay off and to just say no, as Mrs. Reagan so aptly suggested.

It also provides other funds for the IRS to make sure that we have a system that works. We have new people in place that are addressing the problems that the committee has seen and that the Congress has seen, and very frankly, I think this bill is a good bill that could be unanimously supported by the committee.

I want to make a point to the chairman. I do not see the major chairman on the floor. I understand there is a colloquy, and I will wait perhaps and hopefully the gentleman from Louisiana, Chairman LIVINGSTON, will be on the floor. I understand he is on his way. I understand the gentleman from Arizona [Mr. KOLBE] has a colloquy to enter into.

Mr. Speaker, let me simply say that I congratulate the gentleman for his work on this bill, I congratulate him on the bipartisan fashion in which he has worked toward fashioning a bill that I think is acceptable to all parties.

Mr. Speaker, I reserve the balance of my time.

Mr. KOLBE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would just say, since I did not in my opening remarks, I would like to return the compliment to the gentleman from Maryland [Mr. HOYER]. It has been a great pleasure to work with him. We have not agreed on everything, by any means, but I think we have always worked in a spirit of constructive cooperation, of finding answers to the problems, and I think what we have is a bill that has such bipartisan support because of the work of the gentleman from Maryland [Mr. HOYER] and his staff, who I complimented when we considered the bill before. But I want to again compliment all the staff, the committee staff as well as the personal staffs on both sides of the aisle, for the work they have done.

Mr. Speaker, I yield such time as he may consume to the gentleman from Virginia [Mr. DAVIS] for the purposes of a colloquy.

Mr. DAVIS of Virginia. Mr. Speaker, is it correct that in this bill Congress has increased the Office of Management and Budget's budget by $200,000 in order to help OMB facilitate their oversight and coordination of both new and ongoing statutory responsibilities, including the Congressional Review Act?

Mr. KOLBE. That is correct.

Mr. DAVIS of Virginia. Mr. Speaker, this appropriated sum is significant because the House Committee on Government Reform and Oversight has learned in hearings over the past year and a half that OIRA has not been implementing and coordinating the Congressional Review Act, despite its organizing statute and President Clinton's Executive order.

To make the Congressional Review Act work, Congress and the agencies need OIRA'S expertise to coordinate agency input to the General Accounting Office on the new rules they promulgate. The Government Accounting Office has reported to us that they have been frustrated by OIRA's refusal to work with them in their role of helping Congress understand the impact of each major rule.

I appreciate the chairman's leadership on this bill.

Mr. KOLBE. Mr. Speaker, I appreciate the concern of the gentleman from Virginia [Mr. DAVIS] and the remarks that he has made. I look forward to working with him, and other Members who have expressed the same views on this issue, in the forthcoming year to ensure that the OMB dedicates the necessary resources to this and to other issues.

Mr. Speaker, I reserve the balance of my time.

Mr. HOYER. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Cleveland, OH, Mr. KUCINICH.

Mr. KUCINICH. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, as a former local official, I know every dollar counts, and that local taxpayers are being asked to shoulder the ever-increasing burden of services the Federal Government no longer provides. That is why I support a money-saving program for local and State governments, and why I now oppose the Treasury-Postal appropriation.

The cooperative purchasing program, which Congress passed into law in 1994, at section 1555 of the Federal Acquisition Streamlining Act, was designed to allow local and State governments, school districts and public hospitals, to purchase goods and services at a super discount off the Federal rate, saving local taxpayers hundreds of millions of dollars per year. Unfortunately, some have moved to take this particular program out of the conference report.

Here is how the cooperative purchasing program is supposed to work. A school district has to purchase computers, chalkboards, and basic furniture. Thanks to the cooperative purchasing program, the school district could buy the supplies and services it needed directly from vendors at the discounted prices the GSA negotiated. The GSA, as we know, is a procurement agency for the government.

These GSA-negotiated prices are often the lowest anywhere, allowing local taxpayers an opportunity to save money. Unfortunately, certain industry groups that benefit from government inefficiency would like nothing more than to have the law repealed. So the pharmaceutical industry wants to see the program repealed, because cooperative purchasing would entitle public hospitals and AIDS clinics to significant discounts on life-saving drugs. The medical equipment industry is also mobilizing against the discounts.

Mr. Speaker, we have a way to reduce the cost of government. It is called the cooperative purchasing program. Today the House will keep this idea and the program alive by rejecting the conference committee report. Let us tell our constituents we want to keep local taxes low and we reject the repeal of the cooperative purchasing program.

Mr. HOYER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the gentleman for his comments. Just briefly, obviously, that was an issue that there was strong feeling on, particularly in the Senate, and frankly it was impossible to prevail on that position from the House perspective.

Mr. Speaker, I would enter into a colloquy with the distinguished chairman. The chairman and I have had long discussions and worked many years on the FEC. We differ in our perspectives in some respects, but we have come, I think, to what is a fair agreement on both sides, given the status of the conference report.

Mr. Speaker, I would ask the gentleman, am I correct that under the language that we have adopted with respect to FEC term limits, that there are two Republican vacancies currently and two Democratic vacancies? As I understand it, there are three pending nominations and one Republican that was withdrawn and one that will be made. Hopefully both the executive and the legislative will cooperate to make sure those nominations are made prior to December 31.

It is our understanding that under those circumstances, they would then be able to be reappointed once after the initial appointment.

Is that correct, Mr. Speaker?

Mr. LIVINGSTON. Mr. Speaker, will the gentleman yield?

Mr. HOYER. I yield to the gentleman from Louisiana.

Mr. LIVINGSTON. Mr. Speaker, if the gentleman will yield, my friend, the gentleman from Maryland, is correct. As the gentleman knows, I have been a proponent of term limits for appointed members in the executive branch for some time, and especially on the Federal Election Commission.

It now appears that we are in the final days of resolving this with the prospect that those term limits could be adopted for members on the Federal Election Commission. In view of the fact that some members of the Commission have served for the duration of the Commission, since about 1974, it just seemed to me that term limits are an appropriate remedy.

That being the case, in order to get the bill signed without too much undue negotiation and/or a veto, I have agreed with the gentleman that we would make sure that any person currently on the Commission or any person who might be appointed to or nominated for an appointment to the Commission between now and December 31 of this year would not be subject to that term limit immediately, but would be able to be appointed for a subsequent term, and that would be their last term. Anybody nominated or appointed following December 31 of this year would in fact be subject to the one-term, one 6-year term limit, and would only be able to serve 6 years at the most.

Mr. HOYER. I thank the chairman for his comments. That is, indeed, my understanding, that the four vacancies, two Republicans and two Democrats that are pending now, three being nominated, one Republican to be nominated, they would be subject to these limits, to the extent that they could serve the term for which they are now nominated and one additional; that is, sitting members, now, could be reappointed for one term, but that all future commissioners would be limited to the one term.

Mr. LIVINGSTON. That is correct.

Mr. HOYER. I appreciate the chairman's clarification.

Mr. Speaker, I reserve the balance of my time.

Mr. KOLBE. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia, Mr. DAVIS.

Mr. DAVIS of Virginia. Mr. Speaker, I thank my friend for yielding time to me. I appreciate the gentleman's efforts that have gone into this.

I join with my friend, the gentleman from Ohio [Mr. KUCINICH] in being very disappointed and expressing our disappointment in the fact that this bill has come back from conference that repeals the cooperative purchasing program, which was a program established under Federal Acquisition Streamlining Act in the 103rd Congress.

This act allows local governments to buy at a discount items off the GSA schedule that the Federal Government buys and at prices the Federal Government currently pays. This provision could have saved local governments, State and local governments tens of millions, perhaps hundreds of millions of dollars annually.

Instead of passing this cost down to State and local taxpayers, the Senate, without holding one hearing, has decided to repeal this provision. I am particularly disappointed that the Group 70 schedule, a schedule with over 1,200 vendors, where over 90 percent of the vendors who applied to get on that schedule can get on, was discarded.

This is going to cost State and local governments millions of dollars, perhaps billions of dollars over the next decade as they go to acquisitions of information technology, computers, and very complex procedures that take a lot of time to go out with a request for proposal, responses to the proposals, best and final.

If they had been allowed to purchase under the Cooperative Purchasing Act, they could have purchased right off the GAO's schedule, could have defined exactly what they wanted, and it would have compressed the acquisition time in a significant manner, and literally would have saved millions of dollars.

So I am very disappointed, as is the National Governors' Association, the National Association of Counties, the National League of Cities, the Conference of Mayors, and other State and local government organizations who have worked with this Congress over the last couple of years to try to help them bring savings to their taxpayers, as we are trying to do here at the Federal level.

Mr. HOYER. Mr. Speaker, will the gentleman yield?

Mr. DAVIS of Virginia. I yield to the gentleman from Maryland.

Mr. HOYER. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I understand and appreciate the gentleman's position. As the gentleman knows, in fact, I share his position on this issue, and voted that way in committee before the bill was reported to the floor. As the gentleman well knows, I lost, and his position, as articulated now, lost as well. On a point of order it was struck, but the fact of the matter is the reality was that the majority of the conferees on the House side and the majority of the conferees on the Senate side were for doing what the Senate did.

I will tell my friend, who I believe serves on the Committee on Government Reform and Oversight, the real problem is the chairman of the Committee on Government Reform and Oversight did not demand that the jurisdiction of the committee be honored in this instance. Very frankly, this is an issue for the gentleman's committee. He is absolutely correct.

I regret that the initial recommendation of the gentleman from Arizona, Chairman KOLBE, which was, back when we did the supplemental in March, to defer this issue to the gentleman's committee for action, did not in fact happen. I appreciate the gentleman's point.

Mr. DAVIS of Virginia. Mr. Speaker, I include for the RECORD a letter from the Vice President supporting my position.

The letter referred to is as follows:

THE VICE PRESIDENT,
*Washington, September 23, 1997.*

Hon. THOMAS M. DAVIS, III,
*U.S. House of Representatives,*
*Washington, DC.*

DEAR TOM: Thank you for your strong support for the use of cooperative purchasing authority for state and local governments. The Administration opposes repeal of this authority in the Treasury-Postal Appropriations Act for 1998 and would support the House's position in conference.

In 1993, as part of my work on reinventing government, I recommended to the President that General Services Administration be granted the authority to allow states and localities to purchase items from the federal supply schedules so they could enjoy the same advantageous prices GSA is often able to negotiate under contracts it has set up for the federal government's use. Used in appropriate circumstances, this cooperative purchasing authority might result in significant savings to the American taxpayer. Congress agreed and in 1994, gave GSA cooperative purchasing authority in the historic Federal Acquisition Streamlining Act.

It is surprising that efforts are underway to repeal this authority without the benefit of congressional hearings or other opportunities to assess the advantages of this program for taxpayers. The General Accounting Office studied this issue and concluded that the provision, if managed effectively, would not harm the federal government. As a result, the Administration opposes this attempt to repeal the provision because it could deny state and local taxpayers the opportunity to share in the savings the Federal Government is able to negotiate as a large buyer of commercial items.

However, if the repeal cannot be stricken in Conference, the Administration is willing to work with the Congress on a compromise to permit such purchases for a number of specified product categories in demand by State and local governments and whose affected producers have not objected. We would further urge that this authority include a limited pilot program for pharmaceuticals used to treat life-threatening conditions, beginning with drugs used to treat HIV. We also urge the retention of GSA's authority to make any of the services it provides to Federal agencies available to a qualified nonprofit agency for the blind or other severely handicapped that is to provide a commodity or service to the Federal Government under the Javits-Wagner-O'Day Act. GSA's total collection of administrative fees will not increase by more than the incremental increase in the cost of administering the program.

As a former county official, you appreciate more than most that taxpayers do not make much distinction between the federal, state, and local governments when they pay taxes. They want the benefit of savings and efficiency, from whatever level of government. If we do not work together to make this happen, we will never be able to restore the public's confidence in government. The cooperative purchasing program is an important example of how we need to use common sense to save tax dollars and do the right thing for all Americans.

Again, thank you for your leadership in this good fight.

Sincerely yours,

AL GORE.

Mr. HOYER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me say to my friend, the gentleman from Virginia, and to all those who are concerned about this issue, the fact of the matter is, I am on their side and we lost. But I would urge the gentleman to look at the balance of the bill, because in terms of all of the rest of the bill, in terms of IRS, in terms of Customs, in terms of Secret Service, in terms of ATF, in terms of the White House, in terms of all of the other issues that this bill covers, it is a very positive bill for many of the folks that the gentleman and I represent.

I would urge the gentleman that this is really an issue that needs to be addressed in the gentleman's committee. It should not be in our committee, the gentleman is absolutely right. The fact of the matter is the majority believed that this should pass, and we did not have the votes to stop it. I thank the gentleman.

Mr. Speaker, I reserve the balance of my time.

Mr. KOLBE. Mr. Speaker, I yield 2 minutes to the gentleman from Indiana, Mr. SOUDER.

Mr. SOUDER. Mr. Speaker, it is unfortunate that the most felicity about this bill has been because our pay raise, our COLA increases, are tied to the salaries in this bill, because in actuality that is less of the amount of dollars than we are increasing the IRS. We as Republicans are going around the country right now criticizing the IRS, while we are increasing their dollars here. There are many reasons why we are doing it, but nevertheless, it is rather an inconsistent message.

Furthermore, many Republicans went around the country criticizing the Bureau of Alcohol, Tobacco, and Firearms, and many gun owners around this country have been concerned about their abuses and civil rights abuses, yet we are not only not eliminating ATF, we are increasing ATF. I have great problems with this, as well as with the pay increase, and Members need to know that that is what is tied to this bill.

The second major concern I have is the process. It was not that we were not aware that this bill had us tied to the pay increase, it was that there was no rule vote, so we could not object to the rule. The rule, because we could not object to a rule, it meant that we were not allowed to offer any amendment to stop the pay raise. Therefore, the only thing we could do the first time was to vote against this bill the first time it went through. We could not do a motion to recommit or a motion to instruct conferees, because that is left to the minority leadership, so we had a procedural vote.

Once again, because it is a conference report, we cannot have a vote in this Congress on the pay raise. I think that is unfortunate. There are a lot of Members, and I realize it is the will of this House, the majority of the Members favor a pay increase, but in fact this is another backdoor way to do it through, and it is unfortunate we did not have a straightforward vote.

□ 1715

Mr. HOYER. Mr. Speaker, I yield myself such time as I may consume.

Following up on the comments of the gentleman who has just spoken, this is not a back-door way to do anything. The amendment that the gentleman refers to, as I understand it, has been introduced in the form of a bill. It is in committee. It can be reported out. The fact of the matter is, we could add the amendment that the gentleman suggests to any bill being considered by this House. It is not germane on this bill because nothing in this bill deals with pay, as the gentleman knows. I presume he knows that. If he does not know it, I will inform him. Nothing in this bill deals with pay.

Mr. SOUDER. Mr. Speaker, will the gentleman yield?

Mr. HOYER. I yield to the gentleman from Indiana.

Mr. SOUDER. Mr. Speaker, is it not true that our salary increases are tied to the increases of Federal employees?

Mr. HOYER. To the extent that we cannot get any COLA adjustment if Federal employees do not get it, that is accurate. It is not included in this bill. No, sir. Nothing in this bill deals with the COLA's of Federal employees; nothing in this bill deals with the COLA's of Members; nothing, not one jot or tittle.

Mr. SOUDER. Mr. Speaker, if this would fail, would we get our increase?

Mr. HOYER. Absolutely. If it would pass, we would get our increase.

Mr. SOUDER. The gentleman is saying that our salaries go up regardless of what we do?

Mr. HOYER. Mr. Speaker, I am saying to the gentleman that nothing in this bill will affect his salary one way or the other.

Mr. SOUDER. Is it not true that this bill has historically, because it contains the salaries of Federal employees, the amendment to not have the pay raise, to eliminate the COLA is historically placed?

Mr. HOYER. Reclaiming my time, Mr. Speaker, obviously salaries and expenses for Federal employees are in every bill that deals with every agency, as the gentleman knows.

The gentleman is correct that this bill deals with the Office of Personnel Management. He is further correct that from time to time this bill has been used as a vehicle to stop the COLA adjustment. It could be effected in any bill, I tell the gentleman. So the gentleman's comments are as relevant to any bill that we consider as they are to this one.

Mr. SOUDER. Mr. Speaker, if the gentleman will continue to yield, is it not true that the Senate had placed their amendment on this bill and if we did it on another bill, the Senate has not passed it, therefore it could die in conference or could be vetoed by the President if it is freestanding, but if you do it on an appropriations bill, that it is less likely to be vetoed, and, secondly, that we have had no precedent in any other bill that the Senate has ever put that amendment on?

Mr. HOYER. Mr. Speaker, I think we could make that observation. Obviously, the Senate receded in this instance, as the gentleman knows, I think wisely so. I would hope that this conference committee would pass based upon the merits of this bill.

Mr. SOUDER. I thank the gentleman.

Mr. HOYER. Mr. Speaker, I reserve the balance of my time.

Mr. KOLBE. Mr. Speaker, I yield myself such time as I may consume. I would briefly like to respond to a couple of the other things that the gentleman from Indiana spoke about on the IRS.

I am very pleased with what we did here with the IRS. There are three increases that are in here for, as the gentleman from Indiana spoke about. Yes, it is an increase for IRS; $377 million of that increase is for Y-2K, that is the Year 2000 Compliance, to make sure that the computers are able to handle the shift to the new millennium. I do not think there is anybody that believes that we should have the whole system crash and the IRS not be able to function after the year 2000. That is what this money is in there for. We have funded that completely.

There is also $325 million for technology investment, what we used to call the tax system modernization where, we know, money was unfortunately frittered away in past years. So we have gone to a new system where now the money that we put aside for that is going to be fenced. We will not allow one dime of that to be spent until the committees, both the House and Senate, have seen the architectural plan for the spending of that money. There again, I think this is wise management and prudent spending.

Finally, for another initiative that this body has said is extraordinarily important, the $138 million for the earned income tax compliance initiative. We heard during the debate recently on the budget about the tremendous abuse of the earned income tax credit. We put in $138 million to enhance compliance and to cut down on the fraud and abuse of the earned income tax credit.

For all of those reasons, I think that the money that we have appropriated here, the increased money for the Internal Revenue Service, which, by the way, is still $204 million below the President's request, that that money that is in here is well spent. It has been carefully thought out. It has been worked out very carefully not only with the Internal Revenue Service, but also with the minority side, with the Senate, and I think that we have a very good handle on that money.

Mr. HOYER. Mr. Speaker, I yield myself such time as I may consume.

The fact of the matter is that I would hope that Members would concentrate on what this bill is, not what it is not, what it possibly could be, what could be added. There are a lot of great things that probably could be added to this bill that are not added to this bill. There are probably a lot of great things or bad things that this bill could preclude that it does not. But what it is, what this bill is that Members are going to consider is an excellent bill that does good and is bipartisan in nature. We all gave to reach agreement.

I thank the chairman for his leadership and effort on this issue.

### REQUEST FOR QUORUM CALL

Mr. HOYER. Mr. Speaker, I suggest the absence of a quorum.

The SPEAKER pro tempore (Mr. LATOURETTE). Does the gentleman from Maryland move a call of the House? Under clause 6(e)(1) of rule XV, a point of no quorum is not in order at this point in the debate. Does the gentleman move a call of the House?

### PARLIAMENTARY INQUIRY

Mr. FRANK of Massachusetts. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. FRANK of Massachusetts. Mr. Speaker, could I be told how much time remains in the debate?

The SPEAKER pro tempore. The gentleman from Maryland [Mr. HOYER] has 17 minutes remaining, and the gentleman from Arizona [Mr. KOLBE] has 18 minutes remaining.

### REQUEST FOR CALL OF THE HOUSE

Ms. DELAURO. Mr. Speaker, I move a call of the House.

The SPEAKER pro tempore. The gentlewoman will withhold that motion. Under clause 6(e)(2) of rule XV, recognition for a motion for a call of the House is entirely in the discretion of the Chair.

Mr. HOYER. Mr. Speaker, I yield myself such time as I may consume.

I want to reiterate why Members ought to vote for this bill. The reason they ought to vote for this bill is because it does some things that are very important to average Americans, families in neighborhoods, in communities, concerned about the safety of their children, concerned about the safety of their families, concerned about the safety of their neighborhoods.

It provides $3.9 billion for law enforcement efforts. Every Member in this House supports that kind of effort. The fact of the matter is, $1.6 billion of that money is for antidrug activities. We could all talk about making communities safe. We can go back to our town meetings and say, I want to keep America safe from drugs; I want to keep American kids off of drugs. But the fact of the matter is, this effort makes that happen. This is an important initiative.

ONDCP, which is the organization that General McCaffrey heads up, as all of you know, the most decorated soldier in America, General McCaffrey heads up the ONDCP. He has organized an effort across the Government to make sure that we maximize our effort to make our communities safe. We provide for monies to go on television. We know that there is nothing that impacts young people in America like television.

What this bill does is provide funds so that we can communicate with young people with reference to staying off drugs, as I said earlier, just saying no. That is a critically important effort. I would ask Members to focus on that. There are some of you who think this bill is not perfect. You are absolutely right, it not perfect, but it is a very important effort in trying to address the drug problem in America, safe communities in America.

Mr. SALMON. Mr. Speaker, will the gentleman yield?

Mr. HOYER. I yield to the gentleman from Arizona.

Mr. SALMON. Mr. Speaker, I have a question about the funding in this for the IRS. Is it true or not true that the funding for the IRS increases by a half a billion?

Mr. HOYER. Mr. Speaker, let me get that figure for the gentleman. Maybe the chairman has the exact figure.

Mr. KOLBE. Mr. Speaker, will the gentleman yield?

Mr. HOYER. I yield to the gentleman from Arizona.

Mr. KOLBE. Mr. Chairman, I just covered this a moment ago. Let me tell the gentleman again what is in here. Although it is $204 million below what the President requested, we have three increases for the IRS.

We have $377 million for Y-2K, year 2000 compliance, to make sure that the computers are compliant and that we will be able to process tax returns at the new millennium, which I do not know of any Member who thinks we should not be able to do in our Federal agencies.

There is $325 million in this bill for technology investment. This was formerly called the tax system modernization program, but unfortunately that money was wasted, and we have now gone back and said that not one dime of this $325 million can be spent by the IRS until there is actually an architectural blueprint or a plan for how it is going to be used.

Finally $138 million is in there for the earned income tax compliance initiative. We heard about this during the debate over the budget, the concerns about fraud and abuse of the EITC. I think it is a priority of this House that we have more compliance with the EITC. That is why we have it in here.

Mr. SALMON. Mr. Speaker, if the gentleman will continue to yield, so the overall figure is somewhere over a half a billion?

Mr. HOYER. Mr. Speaker, the answer to the gentleman's question is yes, but I would point out to the gentleman, the bill is over $200 million below what the President felt necessary to fund the IRS. The committee cut that figure by over $200 million.

Mr. HOYER. Mr. Speaker, I yield back the balance of my time.

Mr. KOLBE. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the conference report.

There was no objection.

The SPEAKER pro tempore. The question is on the conference report.

Pursuant to clause 7 of rule XV, the yeas and nays are ordered.

The vote was taken by electronic device, and there were— yeas 220, nays 207, not voting 7, as follows:

[Roll No. 474]

YEAS—220

Abercrombie
Ackerman
Archer
Armey
Ballenger
Barrett (NE)
Barton
Bateman
Becerra
Bentsen
Berman
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bono
Borski
Boucher
Boyd
Brown (CA)
Brown (FL)
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cardin
Castle
Clay
Clayton
Clement
Clyburn
Conyers
Cox
Coyne
Crapo
Cummings
Cunningham
Davis (VA)
Delahunt
DeLay
Dellums
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Dunn
Ehlers
Ehrlich
Engel
Eshoo
Ewing
Farr
Fattah
Fawell
Fazio
Filner
Flake
Foglietta
Foley
Fowler
Frank (MA)
Frelinghuysen
Frost
Furse
Gallegly
Ganske
Gilchrest
Gilman
Gingrich
Green
Greenwood
Hall (OH)
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hefner
Hilliard
Hobson
Hoekstra
Horn
Houghton
Hoyer
Hunter
Hyde
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Johnson, Sam
Kanjorski
Kennedy (MA)
Kilpatrick
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
LaFalce
Lantos
Latham
LaTourette
Leach
Levin
Lewis (CA)
Linder
Lipinski
Livingston
Manton
Markey
Martinez
Matsui
McCarthy (NY)
McCollum
McCrery
McDade
McDermott
McHale
McHugh
McInnis
McIntosh
McKeon
McNulty
Meehan
Meek
Millender-McDonald
Miller (CA)
Miller (FL)
Mink

Moakley
Mollohan
Moran (VA)
Morella
Murtha
Nadler
Neal
Nethercutt
Ney
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Parker
Paxon
Payne
Pelosi
Pickering
Pickett
Porter
Portman
Pryce (OH)
Quinn
Rahall
Rangel
Redmond
Regula
Rogers
Ros-Lehtinen
Roukema
Roybal-Allard
Rush
Sabo
Saxton
Scott
Serrano
Shaw
Shuster
Sisisky
Skaggs
Skeen
Skelton
Smith (NJ)
Smith (OR)
Smith (TX)
Solomon
Spence
Stark
Stokes
Stupak
Tanner
Tauzin
Taylor (NC)
Thomas
Thompson
Torres
Towns
Upton
Vento
Waters
Watt (NC)
Waxman
Weldon (FL)
Weldon (PA)
Wexler
Wicker
Wolf
Woolsey
Wynn
Yates
Young (AK)

NAYS—207

Aderholt
Allen
Andrews
Bachus
Baesler
Baker
Baldacci
Barcia
Barr
Barrett (WI)
Bartlett
Bass
Bereuter
Berry
Bonior
Boswell
Brady
Brown (OH)
Bryant
Bunning
Burr
Campbell
Canady
Capps
Carson
Chabot
Chambliss
Chenoweth
Christensen
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Costello
Cramer
Crane
Cubin
Danner
Davis (FL)
Davis (IL)
Deal
DeFazio
DeGette
DeLauro
Deutsch
Duncan
Edwards
Emerson
English
Ensign
Etheridge
Evans
Everett
Forbes
Ford
Fox
Franks (NJ)
Gejdenson
Gekas
Gephardt
Gibbons
Gillmor
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Gutierrez
Gutknecht
Hall (TX)
Hamilton
Hayworth
Hefley
Herger
Hill
Hilleary
Holden
Hooley
Hostettler
Hulshof
Hutchinson
Inglis
Istook
Jenkins
John
Johnson (CT)
Johnson (WI)
Jones
Kaptur
Kasich
Kelly
Kennedy (RI)
Kennelly
Kildee
Kim
Kind (WI)
Klug
Kucinich
LaHood
Lampson
Largent
Lazio
Lewis (GA)
Lewis (KY)
LoBiondo
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Manzullo
Mascara
McCarthy (MO)
McGovern
McIntyre
McKinney
Menendez
Metcalf
Mica
Minge
Moran (KS)
Myrick
Neumann
Northup
Norwood
Nussle
Pappas
Pascrell
Paul
Pease
Peterson (MN)
Peterson (PA)
Petri
Pitts
Pombo
Pomeroy
Poshard
Price (NC)
Radanovich
Ramstad
Reyes
Riggs
Riley
Rivers
Rodriguez
Roemer
Rogan
Rohrabacher
Rothman
Royce
Ryun
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Scarborough
Schaefer, Dan
Schaffer, Bob
Schumer
Sensenbrenner
Sessions
Shadegg
Shays
Sherman
Shimkus
Slaughter
Smith (MI)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Souder
Spratt
Stabenow
Stearns
Stenholm
Strickland
Stump
Sununu
Talent
Tauscher
Taylor (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Traficant
Turner
Velázquez
Visclosky
Walsh
Wamp
Watkins
Watts (OK)
Weller
Weygand
White
Whitfield
Wise

NOT VOTING—7

Gonzalez
Hinchey
Hinojosa
Maloney (NY)
Pastor
Schiff
Young (FL)

☐ 1750

Messrs. SHAYS, COOK, and Mr. BARTLETT of Maryland changed their vote from "yea" to "nay."

Messrs. BONO, McINTOSH, and BONILLA changed their vote from "nay" to "yea."

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid upon the table.

## PERSONAL EXPLANATION

Mr. PASTOR. Mr. Speaker, during rollcall vote No. 474 on H.R. 2378 I was unavoidably detained. Had I been present, I would have voted "aye."

## PERSONAL EXPLANATION

Mr. HINOJOSA. Mr. Speaker, on rollcall vote No. 474, final passage of the Treasury, Postal Appropriations Conference Report, H.R. 2378, I was unavoidably delayed. Had I been present to vote, I would have voted "nay."

## PERSONAL EXPLANATION

Mrs. MALONEY of New York. Mr. Speaker, on rollcall vote No. 474, the conference report to H.R. 2378, Treasury, Postal appropriations for fiscal year 1998, had I been present, I would have voted "no."

## CONTINUING NATIONAL EMERGENCY WITH RESPECT TO IRAN—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 105–137)

The SPEAKER pro tempore (Mr. LATOURETTE) laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations and ordered to be printed:

*To the Congress of the United States:*

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue beyond the anniversary date. In accordance with this provision, I have sent the enclosed notice, stating that the Iran emergency declared in 1979 is to continue in effect beyond November 14, 1997, to the *Federal Register* for publication. Similar notices have been sent annually to the Congress and the *Federal Register* since November 12, 1980. The most recent notice appeared in the *Federal Register* on October 31, 1996. This emergency is separate from that declared with respect to Iran on March 15, 1995, in Executive Order 12957.

The crisis between the United States and Iran that began in 1979 has not been fully resolved. The international tribunal established to adjudicate claims of the United States and U.S. nationals against Iran and of the Iranian government and Iranian nationals against the United States continues to function, and normalization of commercial and diplomatic relations between the United States and Iran has not been achieved. In these circumstances, I have determined that it is necessary to maintain in force the broad authorities that are in place by virtue of the November 14, 1979, declaration of emergency and that are needed in the process of implementing the January 1981 agreements with Iran.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *September 30, 1997.*

## GENERAL LEAVE

Mr. ROGERS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on further consideration of the bill, H.R. 2267, and that I may include tabular and extraneous material.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

## DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 1998

The SPEAKER pro tempore. Pursuant to House Resolution 239 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 2267.

☐ 1755

### IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 2267) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1998, with Mr. HASTINGS of Washington in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole House rose on Friday, September 26, 1997, amendment No. 16 by the gentleman from Georgia [Mr. BARR] had been disposed of and section 616 was open to further amendments.

Are there further amendments to this section of the bill?

Mr. ROGERS. Mr. Chairman, I move to strike the last word to discuss the evening schedule.

Mr. Chairman, the first order of business on the consideration of this bill is the matter dealing with the census. Under the unanimous-consent agreement of last week, debate time on this amendment was limited to 80 minutes.

On this side of the aisle, I do not anticipate any extraneous motions, in which case, if the other side could agree to that, we could have 80 minutes where Members would be able to attend to other business while the debate on this matter proceeds.

I wonder if the gentleman from West Virginia [Mr. MOLLOHAN] would like to discuss that. If so, I will yield.

Mr. OBEY. Mr. Chairman, would the gentleman from Kentucky [Mr. ROGERS] renew his motion? We could not hear it.

Mr. ROGERS. I did not have a motion. What I had attempted to do was to try to explain to the Members that the first order of business now is the consideration of the census matter, which under the unanimous consent of last week, the debate time is limited to 80 minutes.

If there are no extraneous motions intervening during that period of time on either side, Members can feel free to attend to other business during that period of time without fear of a vote.

□ 1800

I think I can assure the body that there will not be such motions on this side, and if we can have that assurance from that side, Members could have 80 minutes.

Mr. OBEY. Mr. Chairman, will the gentleman yield?

Mr. ROGERS. I yield to the gentleman from Wisconsin.

Mr. OBEY. With all due respect, Mr. Chairman, I cannot give that assurance on this side because I intend to make one of the motions myself.

AMENDMENT OFFERED BY MR. MOLLOHAN

Mr. MOLLOHAN. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part II amendment printed in House Report 105–264 offered by Mr. MOLLOHAN:

In the first paragraph under "DEPARTMENT OF COMMERCE—BUREAU OF THE CENSUS—PERIODIC CENSUSES AND PROGRAMS" strike "Subject to the limitations provided in section 209, for" and insert "For".

Strike section 209 and insert the following:

SEC. 209. None of the funds made available in this Act for fiscal year 1998 may be used by the Department of Commerce to make irreversible plans or preparations for the use of sampling or any other statistical method (including any statistical adjustment) in taking the 2000 decennial census of population for purposes of the apportionment of Representatives in Congress among the States.

SEC. 210. (a) There shall be established a board to be known as the Board of Observers for a Fair and Accurate Census (hereinafter in this section referred to as the "Board").

(b)(1) The function of the Board shall be to observe and monitor all aspects of the preparation and implementation of the 2000 decennial census (including all dress rehearsals) to determine whether the process has been manipulated in any way so as to bias the results in favor of any geographic region, population group, or political party, or on any other basis.

(2) In carrying out such function, the Board shall give special attention to the design and implementation of any sampling techniques and any statistical adjustments used in determining the population for purposes of the apportionment of Representatives in Congress among the several States.

(3) The Board shall promptly report to the Congress and the President evidence of any manipulation referred to in paragraph (1).

(c)(1) The Board shall be composed of 3 members as follows:

(A) 1 individual appointed by the President.

(B) 1 individual appointed jointly by the Speaker of the House of Representatives and the President pro tempore of the Senate.

(C) The Comptroller General of the United States.

The members appointed under subparagraphs (A) and (B), respectively, shall be former Presidents or others of similar stature.

(2) Members shall not be entitled to any pay by reason of their service on the Board, but shall receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.

(d)(1) The Board shall have an Executive Director who shall be appointed by the Board and paid at a rate not to exceed level IV of the Executive Schedule.

(2) The Board may appoint and fix the pay of such additional personnel as it considers appropriate, subject to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code.

(3) Subject to such rules as may be prescribed by the Board, the Board may procure temporary and intermittent services under section 3109(b) of such title 5, but at rates for individuals not to exceed the daily equivalent of the maximum annual rate of pay payable for grade GS–15 of the General Schedule.

(4)(A) Upon request of the Board, any personnel of an agency under subparagraph (B) may be detailed to the Board, on a reimbursable basis or otherwise, to assist the Board in carrying out its duties.

(B) The agencies under this subparagraph are the General Accounting Office, the Congressional Research Service, and the Congressional Budget Office.

(e)(1) Notwithstanding any provision of title 13, United States Code, or any other provision of law, members of the Board and any members of the staff who may be designated by the Board under this paragraph shall be granted access to any data, files, information, or other matters maintained by the Bureau of the Census (or received by it in the course of conducting a decennial census of population) which they may request, subject to such regulations as the Board may prescribe in consultation with the Secretary of Commerce.

(2) The regulations shall include provisions under which individuals gaining access to any information or other matter pursuant to paragraph (1) shall be subject to sections 9 and 214 of title 13, United States Code.

(f) The Board shall transmit to the Congress and the President—

(1) interim reports, as least semiannually, with the first such report due by August 1, 1998; and

(2) a final report not later than August 1, 2001.

The final report shall contain a detailed statement of the findings and conclusions of the Board with respect to the matters described in subsection (b), together with any recommendations regarding future decennial censuses of population.

(g) Of the amounts appropriated to the Bureau of the Census for each of fiscal years 1998 through 2001, $2,000,000 shall be available to the Board to carry out this section.

(h) To the extent practicable, members of the Board shall work to promote the most accurate and complete census possible by using their positions to publicize the need for full and timely responses to census questionnaires.

(i) The Board shall cease to exist on September 30, 2001.

The CHAIRMAN. Pursuant to House Resolution 239, the gentleman from West Virginia [Mr. MOLLOHAN] and a Member opposed will each control 40 minutes.

Who seeks time in opposition?

Mr. HASTERT. I do, Mr. Chairman.

The CHAIRMAN. The gentleman from Illinois [Mr. HASTERT] will control 40 minutes.

The gentleman from West Virginia [Mr. MOLLOHAN] is recognized for 40 minutes.

Mr. MOLLOHAN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise to offer an amendment to the bill.

I would first like to thank the distinguished chairman of the Committee on Rules, the gentleman from New York [Mr. SOLOMON], and the distinguished ranking member, the gentleman from Massachusetts [Mr. MOAKLEY], for making the Mollohan-Shays amendment in order. It was the fair thing to do.

Mr. Chairman, this is a bipartisan amendment offered jointly with my colleague from Connecticut [Mr. SHAYS]. I want to take this opportunity to thank him and the many other Members on both sides of the aisle, especially the gentleman from Ohio [Mr. TOM SAWYER] and the gentlewoman from New York [Mrs. CAROL MALONEY], who have worked so hard in support of this amendment.

Mr. Chairman, the Constitution requires that we take a census of the entire population of the United States every 10 years. That means we count everyone, rich people, poor people, rural, urban, all races.

We are increasingly having a problem doing this count accurately. The error rate skyrocketed in 1990 to include 26 million people with an undercount of 1.6 percent of the population, and if we do not do something, Mr. Chairman, it is estimated that in 2000 the undercount will continue to climb.

That is a lot of men, women, and children that will be left out of our Nation's family, just left out, Mr. Chairman, a lot from the inner city, a lot of the very rural, a lot of poor folks just left out of the count.

We can do something about this by building on sampling methods which have been a part of the census for the last 50 years. The Census Bureau wants to employ sampling, not only in this Democratic administration, but going back to President Bush's administration when Barbara Bryant, Republican appointed director of the 1990 census, started working to increase the use of sampling in the census. She says now, Mr. Chairman: "I am very much in favor of the plan the Census Bureau has. It builds work that I started on back in 1990."

Well, these plans and recommendation are good. It is also good that this bill contains $381 million to plan and run tests next spring for what could be the most accurate census in our Nation's history.

But there is a very bad provision in this bill, the Hastert substitute which calls for a constitutional review of sampling, and during that review, this provision kills sampling by prohibiting the Census Bureau from spending any money on sampling planning. If the Census Bureau cannot spend money planning for sampling, then we cannot use sampling in the 2000 census; it is just that simple.

Now, Mr. Chairman, the amendment the gentleman from Connecticut [Mr. SHAYS] and I offer removes the Hastert prohibitions and replaces them with the most reasonable language contained in the Senate-passed bill which lets the Census Bureau test scientific sampling methods so long as they are not irreversible. And our amendment goes one step further. We propose to create a board of advisors for a fair and accurate census. This body would be made up of three individuals, one appointed by the President, one jointly appointed by the Speaker and the President pro tem of the Senate, and third, the Comptroller General. The first two appointments shall be former Presidents or men and women of similar stature. The main purpose of the board would be to observe and monitor all aspects of the preparation and the implementation of the 2000 census to assure the process is not in any way manipulated.

Mr. Chairman, those who object to sampling use three main arguments which I think can be soundly refuted. In their first arguments, opponents of sampling cite the Constitution. They assert that the Constitution requires an actual head count of the population. However, separate opinions issued by the Department of Justice under Presidents Carter, Bush, and Clinton, bipartisan in nature, all concluded that the Constitution permits the use of sampling and statistical methods as a part of the census.

Stuart M. Gerson, assistant attorney general, Civil Division, in the Bush administration, concluded in a July 1991 memorandum to the Commerce Department's attorney general that the meaning of the term "enumeration of the Constitution" is, quote, more likely found in the accuracy of census-taking than in the selection of any particular method. Continuing, he says, nothing indicates any additional intent on the part of the Framers to restrict for any time, for all time, the manner in which the census is conducted, end of quote.

Additionally, on this issue of constitutionality of sampling, Mr. Chairman, Federal courts have uniformly upheld the use of sampling. For example, in the City of New York v. Department of Commerce, a 1990 case, the court concluded that, quote, because article 1, clause 2, requires the census to be as accurate as practicable, the Constitution is not, is not, a bar to statistical adjustment.

In their second argument, Mr. Chairman, opponents of sampling say that it is bad science. Quite the opposite. The experts and statisticians disagree. After the 1990 census, the Congress asked, because of the bad count, the Congress asked the National Academy of Sciences what could be done to make sure that every person in our country is counted in the 2000 census, unlike the 1990 census. And the National Academy of Sciences recommended sampling, a greater use of sophisticated sampling techniques.

Further, the National Research Council, the American Statistical Association, and the General Accounting Office all have endorsed the use of sampling, the increased use of sampling, in the census.

Barbara Bryant, again, census director under none other than President Bush, had the following to say in a recent letter to Speaker NEWT GINGRICH:

> In the long run, our Nation is best served by accuracy. Sample surveys to estimate those who will not or cannot be counted in the 2000 census after the Census Bureau has made every reasonable and good-faith effort to voluntarily enumerate them will increase the accuracy of the census.

Mr. Chairman, in their third argument, opponents of sampling say that the Commerce Department will politicize the results of the census. While I do not in any way share this view, its nature makes it impossible to refute through fact or expert opinion. It can only be refuted through a guarantee of careful oversight, and that is precisely what the Mollohan-Shays amendment does with the board of advisers for a fair and accurate census; it assures oversight.

Mr. Chairman, having refuted the three most used arguments against sampling, only one remains: Fear, the fear that using sampling will affect the political makeup of the House of Representatives. The real manipulation going on today is the Republicans' majority attempt to control funding to prevent the Census Bureau from using the one technique all the experts say will yield the most accurate census. And why are they doing this? By their words, it is, they indicate, that it is because they are afraid of what will happen if every person in this country is counted, afraid they may lose seats in the Congress. I do not agree with that view. It is a false fear.

But in any event, let me remind my colleagues that the purpose of the census is to count the people of our Nation, not to ensure that any political party controls the Congress. We should strive toward accuracy and let the political chips fall where they may. To quote the recent commentary in a Business Week magazine, Census 2000, Math, Not Politics, Please, end of quote.

Mr. Chairman, I would like to close by reaching out to my Republican colleagues, perhaps some from States that had a large undercount in the 1990 census. We cannot pass this amendment without them. Join us in fashioning a census where we count all women, all men, and all children, where we do not leave out four or five or six million inner city, rural, and poor folks. Let us take advantage of this historic opportunity in a bipartisan way to have the best census ever.

Vote for the Mollohan-Shays amendment.

Following are excerpts from decisions of several Federal courts which have considered the issue of the constitutionality and legality of use of sampling and statistical adjustment in the census, and from legal memoranda by senior Justice Department officials from both Republican and Democratic administrations.

United States Court of Appeals for the Sixth Circuit: "Although the Constitution prohibits subterfuge in adjustment of census figures for purposes of redistricting, it does not constrain adjustment of census figures if thoroughly documented and applied in a systematic manner."

*Young* v. *Klutznik*, 652 F.2d 617, 625 (6th Cir. 1981)

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United States District Court for the Eastern District of New York: "This Court concludes that because Article I, section 2 requires the census to be as accurate as practicable, the Constitution is not a bar to statistical adjustment."

*City of New York* v. *U.S. Dept. of Commerce*, 739 F.Supp. 761, 767 (E.D.N.Y. 1990)

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United States District Court for the Southern District of New York: "It appears to the Court that this language [in the Constitution] indicates an intent that apportionment be based on a census that most accurately reflects the true population of each state."

"Consequently, the Court finds defendants' constitutional and statutory objections concerning the impropriety of employing statistical adjustments to compensate for the undercount without merit."

*Carey* v. *Klutznik*, 508 F.Supp. 404, 415 (S.D.N.Y. 1980)

United States District Court for the Eastern District of Michigan: "It is unthinkable to suggest, that, when the allocation of federal resources and the apportionment of Congressional Representatives rest upon an accurate census count, and when the Census Bureau itself knows that there is an undercount, which heavily disfavors Blacks and minorities, and when a method can be found to correct that undercount, that the words 'actual enumeration' in the Constitution prevent an adjustment to obtain a more accurate figure than the actual headcount."

*Young* v. *Klutznik*, 497 F.Supp. 1318, 1333 (E.D. Mich 1980)

United States District Court for the Eastern District of Pennsylvania: "It may be that today an actual headcount cannot hope to be an accurate reflection of either the size or distribution of the Nation's population. If so, it is inconceivable that the Constitution would require the continued use of a headcount in counting the population. Therefore, the Court holds that the Constitution permits the Congress to direct or permit the use of statistical adjustment factors in arriving at the final census results used in reapportionment."

*City of Philadelphia* v. *Klutznick*, 503 F.Supp. 663, 679 (E.D.Pa. 1980) (emphasis in original)

United States Court of Appeals for the Second Circuit: "Reading sections 141 and 195 [of the Census Act] together in light of their legislative history, we conclude that Congress intended the Secretary (a) to conduct an actual enumeration as part of the decennial census, and (b) in lieu of a 'total' enumeration to use sampling and special surveys 'whenever possible'. Accordingly, we conclude that a statistical adjustment to the initial enumeration is not barred by the Census Act and indeed was meant to be encouraged."

*City of New York* v. *U.S. Department of Commerce*, 34 F.3d 1114, 1125 (2d Cir 1994) (citations omitted)

Stuart Gerson, Assistant Attorney General (Civil Division) in the Bush Administration (Legal Opinion for Commerce Dept., July 9, 1991): "Though the conclusion is not entirely free from doubt, it does appear the Constitution would permit a statistical adjustment if it would contribute to an accurate population count."

Stuart Gerson, Assistant Attorney General (Civil Division) in the Bush Administration, (Legal Opinion for Commerce Dept., July 9, 1991): "By directing the conduct of an 'actual Enumeration' for use in subsequent congressional apportionments, the Framers replaced the 'conjectural ratio' used in the initial apportionment, with a more permanent and precise standard. Nothing in the constitutional debates or any other historical records, insofar as we are aware, indicates any additional intent on the part of the framers to restrict for all time—except by constitutional amendment—the manner in which the census is conducted. Rather, the thrust of the 'actual Enumeration' language appears to be simply that the decennial census should represent an accurate counting of the population 'in such manner as [the Congress] shall by Law direct'."

* * * * *

"In sum, the essence of enumeration, as the term is both generally and constitutionally understood, is more likely found in the accuracy of census taking rather than in the selection of any particular method, i.e., a headcount."

Walter Dellinger, Assistant Attorney General in the Clinton Administration (Memorandum for the Solicitor General, Oct. 7, 1994): "Accordingly, we conclude that the Constitution does not preclude the [Census] Bureau from employing technically and administratively feasible adjustment techniques to correct undercounting in the next decennial census."

Walter Dellinger, Assistant Attorney General in the Clinton Administration (Memorandum for the Solicitor General, Oct. 7, 1994): "These discussions [at the constitutional convention] make clear that, in requiring an 'actual' enumeration, the Framers meant a set of figures that was not a matter of conjecture and compromise, such as the figures they had themselves provisionally assumed. An 'actual' enumeration would instead be based, as George Mason put it, on 'some permanent and precise standard'. There is no indication that the Framers insisted that Congress adopt a 'headcount' as the sole method for carrying out the enumeration, even if later refinements in the metric of populations would produce more accurate measures."

John M. Harmon, Asst. Attorney General (Office of Legal Counsel) in the Carter Administration (Memorandum dated Sept. 25, 1980): "In sum, the position that the Constitution prohibits any statistical adjustment is not supportable—not as a matter of semantics, Framers' intent, or Supreme Court case law."

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## THE AMERICAN STATISTICAL ASSOCIATION REPORT OF THE CENSUS BLUE RIBBON PANEL

### EXECUTIVE SUMMARY

In order to improve the accuracy and to constrain the costs of the Decennial Census for the year 2000 the Census Bureau is planning to make increased use of scientific sampling when conducting the Census. Critics have questioned the Bureau's intent to make greater use of sampling. Their criticism may be based upon a misunderstanding of the scientific basis of the Census Bureau's sampling plans. The President of the American Statistical Association appointed this panel and charged it with considering this aspect of the Bureau's plans and the criticisms of them. In our statement, we point out that sampling is an integral part of the scientific discipline of statistics and explain how its use can be an appropriate part of the methodology for conducting censuses.

Congress directed the Bureau of the Census to develop plans for the 2000 Decennial Census that (1) reduce the undercount, particularly the differential in the undercount across population groups, and (2) constrain the growth of costs. Because sampling potentially can increase the accuracy of the count while reducing costs, the Census Bureau has responded to the Congressional mandate by investigating the increased use of sampling. An additional benefit of sampling is that its appropriate use can also reduce the response burden on the population. We endorse the use of sampling for these purposes; it is consistent with best statistical practice.

### BACKGROUND

The Bureau of the Census is planning to improve coverage and constrain the costs of the Decennial Census for the year 2000 by making greater use of scientific sampling. Sampling is not new to the Census; it has been used for decades in compiling the Census. The Census Bureau has employed sampling to monitor and improve the quality of interviewers' work, to reduce respondent burden by asking some questions of only a sample of households, to estimate the number of vacant housing units, and to evaluate the completeness of the Census's coverage of the population. In addition, for the year 2000, the Census Bureau's plans include sampling households that do not respond to the mail questionnaire and are not reached in initial interviewer follow-up. This is a procedure known as sampling for "non-response follow-up." The Census Bureau also plans to use sampling to account for the remaining small percentage of households that cannot be counted in the enumeration. This procedure is referred to as "integrated coverage measurement." This increased use of sampling has been criticized; however, we believe the critics may have misunderstood the scientific basis of the Census Bureau's sampling plans.

Plans for the 2000 Census have been developed in response to a dual Congressional mandate to the Bureau. First, the Census Bureau is charged with improving the population count by reducing the undercount (which increased from 1.2% of the population in 1980 to 1.8% of the population in 1990) and, in particular, with reducing or eliminating the differentially higher undercount of some groups, such as African-Americans and Hispanics. Second, the Census Bureau is charged with constraining the cost of the 2000 Census (census costs escalated sharply between 1970 and 1990, even after allowing for inflation and population growth). In carrying out this dual mandate from the Congress, the Census Bureau has considered a variety of procedural and technical improvements to the 2000 Census and has developed plans to use sampling for non-response follow-up and for integrated coverage measurement. The Bureau has also created and consulted with a number of advisory groups and has sought the advice of several National Academy of Science panels.

As the Decennial Census draws nearer, Congress has been monitoring the Bureau's planning process more closely. The Bureau's proposed additional uses of sampling have created some controversy within Congress. Several recent actions, as well as proposed legislation, would affect the Bureau's ability to use sampling in the 2000 Census.

Two bills have been introduced in Congress that would restrict the role of sampling in the 2000 Census. One bill, HR3558, sponsored by Congresswoman Carrie Meek (D-Florida), states that "the Bureau shall attempt to contact every household directly (whether by mail or in person), and may use sampling as a substitute for direct contact in a particular census tract only after direct contact has been made with at least 90 percent of the households in such tract." This bill reflects concern about the Census Bureau's proposed plan to begin the use of sampling for non-response follow-up when 90 percent of the households have been enumerated in each county (counties are usually larger and more diverse geographic areas than are census tracts). The other bill, HR3589, sponsored by

Congressman Thomas Petri (R-Wisconsin), states that Title 13 of the U.S. Code shall be amended to add the following: "In no event may sampling or other statistical procedures be used in determining the total population by states . . . for purposes of the apportionment of Representatives in Congress among the several States." This bill would prohibit the use of any sampling to determine population counts used for congressional apportionment. This effectively prevents the use of sampling for any purpose other than collection of demographic or economic data through the "long form."

In June, the House Committee on Government Reform and Oversight prepared a report that recommended against sampling in the Census either to complete the field work or to correct the undercount. The committee has not yet considered or voted on the report. In early August, the Senate Committee on Appropriations approved a report to accompany the Fiscal Year 1997 Commerce Department funding bill that would prohibit the Census Bureau from preparing to use sampling in the Decennial Census. The full Senate is expected to consider the bill in September.

This statement has been composed by a panel appointed by the President of the American Statistical Association to consider the Census Bureau's plans to increase the use of sampling in the conduct of the next Census. The purpose of this statement is to point out that sampling is an integral part of the scientific discipline of statistics and to explain briefly how its use can be an appropriate part of the methodology for conducting censuses.

### STATEMENT

#### *Uses of and the Scientific Basis for Sampling*

Sampling is used widely in science, medicine, government, agriculture, and business because it is the fundamental basis for addressing specific questions in these arenas. Sampling is a critical tool for reducing uncertainty; it is possible to draw conclusions from a scientific sample of empirical observations with specific levels of confidence in our conclusions. Statistics, a branch of applied mathematics, is a rigorous discipline based upon centuries of development of the principles of probability and the empirical study of their applications. The use of sampling combined with the mathematics of probability provide the basis for drawing scientific inferences from observations. Without this basis, confirming or rejecting scientific theories would be impossible.

Specific areas that use statistical sampling extensively include auditing, market research, quality assurance, approving new drugs, and medical testing. For example, physicians use a sample of blood drawn from a patient to draw conclusions about all the blood in the patient's body. A full census of a patient's blood is not possible, and a small sample is fully adequate to measure the concentration of a specific chemical in the patient's blood system. Sampling permits observations to be made efficiently, economically, and fairly. Without sampling, we would not have quality control in our industries, soil testing in agriculture, or most of the national statistics on which the nation depends. Well-designed samples are used to draw accurate conclusions in many applications. The specific design of a sample in a particular setting depends on the particular problem being addressed. In complex situations such as the census, the detailed sample designs require careful analysis by people skilled and experienced in census taking.

#### *Using Sampling to Improve the Population Count*

The appropriate use of sampling can improve the count of a population. The basic idea underlying this conclusion is that some parts of the population will be easier to count and some more difficult. After an effort has been made to reach all households, some number of households will not have been reached; little is known about these households. Well-designed sampling to obtain information about them can reduce what would otherwise be a differential undercount between the easier to count and harder to count groups in the population. The attachment to this statement briefly explains the underlying logic of how sampling can improve population counts and also reduce costs.

In fact, every census is, in some sense, a sample, since everyone cannot be reached. Some countries, more authoritarian than ours, have ordered all people to remain in their homes all day on Census Day until the police or the army have come to count them. In democratic countries, however, everyone cannot be reached and counted. Those who have been counted amount to a sample of the total population, but this is not a sample based on probability theory because the reasons for missing information in the census are not understood. A probability based sample design, as planned by the Census Bureau, permits inferences to be drawn about the entire population with a specified level of confidence. The discipline of statistics largely focuses on reducing uncertainty through the use of sampling and other statistical techniques that permit inferences to be drawn about those missing in a sample. Thus, scientific probability sampling is broadly applicable to census taking.

In addition, sampling can reduce the burden on respondents to the census. Just as it is not necessary to impose on the medical patient the burden of withdrawing all the blood to measure the platelet count, it is not necessary to count every household and every person in the country in order to draw conclusions about the country. Careful design and execution of probability sampling can permit samples to generate data and precise inferences in which we can have considerable confidence. Indeed, the ability to employ sampling is perhaps the single most important element in the government's effort to reduce the burden it imposes on the population from which it collects statistics.

#### *Conclusion*

Congress directed the Bureau of the Census to develop plans for the 2000 Decennial Census that (1) reduce the undercount particularly the differential in the undercount across population groups, and (2) constrain the growth of costs. Because sampling has the potential to increase the quality and accuracy of the count and reduce costs, the Census Bureau has responded to the Congressional mandate by investigating the increased use of sampling. An additional benefit of sampling is that its appropriate use can also reduce the response burden on the population. The use of sampling for these purposes is consistent with sound statistical practice.

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CONGRESSIONAL RESEARCH SERVICE,
LIBRARY OF CONGRESS,
*Washington, DC, September 29, 1997.*

To: Honorable Carolyn B. Maloney, Attention: David McMillen
From: American Law Division
Subject: Questions re Legislative Provision for Expedited Judicial Review of Use of sampling and statistical Adjustment in Year 2000 Census

This memorandum is in response to your request for our consideration of four questions dealing with the implementation and likely impact of language added to H.R. 2267, the Commerce, Justice, State, and Judiciary Appropriations Bill. By the terms of the Rule granted the bill by the Committee on Rules, H. Res. 239; H. Rept. 105–264, the provision, set out in the cited report, was adopted upon the adoption of the Rule.

Briefly stated, the provision §209 of H.R. 2267, authorizes "[a]ny person aggrieved" by the use of a statistical method of determining population in connection with the year 2000, or later, census, to bring a civil action for declaratory, injunctive, and other appropriate relief against the use of the method on the ground that it is contrary to the Constitution or statute. The definition of an "aggrieved person" for purposes of the section is stated to be any resident of a State whose congressional representation or district "could" be changed by the use of a statistical method, any Representative or Senator, or either House of Congress. The action authorized is to be heard and determined by a three-judge district court, pursuant to 28 U.S.C. §2284. Expedited appeal direct to the Supreme Court of any decision by the district court is provided for under specified deadlines for filing.

A significant provision, subsection (b), states that "the use of any statistical method in a dress rehearsal or similar test or simulation of a census in preparation for the use of such method, in a decennial census, to determine the population for purposes of the apportionment or redistricting of members in Congress shall be considered the use of such method in connection with that census."

Under subsection (d)(2), no appropriated funds may be used for any statistical method, in connection with the decennial census, once a judicial action is filed, until it has been judicially determined that the method is authorized by the Constitution and by act of Congress.

Three of your questions relate to the likelihood of a Supreme Court decision, using the expedited procedure, either by the time of the beginning of the 1998 census dress rehearsal (approximately March 15, 1998) or prior to the census in 2000. Inasmuch as the date of the decision in any such case depends substantially on the filing date of the suit, and the beginning of the running of any period of expedition, we cannot even guess whether a Supreme Court decision would be likely before either event. Certainly, the date of the start of the dress rehearsal, if it is March 15, 1998, is less than six months from now, much less from the time of enactment of the provision, if it is enacted, and from the time a statistical method is tested, if that is sufficient to confer standing. Thus, we can be confident that a decision by March 15, 1998, is highly unlikely. A decision by the beginning of the start of the 2000 census is certainly possible, if a suit may be filed early enough. However, as we indicate below, it is doubtful that anyone would have standing by then, even in light of the section, to bring an action.

We can indicate, from the time line of past cases, especially those where Congress has provided especially for judicial review and expedited consideration, that the courts are enabled to proceed promptly and in less time than with respect to the ordinary case. For example, the most recent case was handled very expeditiously. *Raines* v. *Byrd*, 117 S.Ct. 2312 (1997). Congress in 1996 enacted the Line-Item Veto Act, which went into effect on January 1, 1997. The following day, six Members of Congress filed suit. The District Court handed down its decision on April 10, 1997. Pursuant to the statute's authorization, an appeal was filed in the Supreme Court on April 18, the Court granted review on April 23, and, even though the argument period for the Term had run, special oral argument was entertained on May 27, and the decision by the Supreme Court was rendered on June 26.

Thus, the time from filing in the District Court to the issuance of a decision by the Supreme Court was less than seven months, although we must observe that the decision was based on the lack of standing by the Members, perhaps a less difficult issue than the question on the merits. Nonetheless, the time frame was significant.

Other cases could be cited. For example, in *Bowsher* v. *Synar*, 478 U.S. 714 (1986), testing the constitutionality of certain features of the Gramm-Rudman-Hollings law, the Balanced Budget and Emergency Deficit Control Act of 1985, the courts moved promptly, again acting within a congressionally-enacted provision for expedited judicial review. The President signed the bill into law on December 12, 1985, and suit was filed the same day. A three-judge district court was impaneled, and a decision was issued on February 7, 1986. An appeal was filed in the Supreme Court on February 18, review was granted on February 24, oral argument was held on April 23, and the Court's decision was issued on July 7.

The time line was thus about seven months.

One may assume, therefore, that a suit, properly brought, challenging the use of some form of statistical adjustment, could be processed within a relatively brief time, perhaps within seven months and perhaps within a briefer period. However, that assumption is of little importance, because the substantial question, the hard issue, turns on what party has standing to bring such a suit; that is, when is a suit "properly brought"?

That the use of statistical methods, of samplings and adjustments, is not a frivolous question is evident. The argument is whether the Constitution in requiring an "actual Enumeration," Art. I, §2, cl. 3, mandates an actual counting or permits some kind of statistical analysis to enhance the count; the further argument is whether Congress, in delegating to the Secretary of Commerce its authority to conduct the census "in such Manner as [it] shall by Law direct," has by instructing him to take "a decennial census of the population . . . in such form and content as he may determine . . .", 13 U.S.C. §141(a), supplied him with sufficient authority to supplement or to supplant the actual count through statistical methods. The Supreme Court has reserved decision on both issues. *Wisconsin* v. *City of New York*, 116 S.Ct. 1091, 1101 nn. 9, 11 (1996).

Courts have entertained suits arising out of these and similar issues. E.g., *Wisconsin* v. *City of New York*, supra; *Franklin* v. *Massachusetts*, 505 U.S. 738 (1992); *Dept. of Commerce* v. *Montana*, 503 U.S. 442 (1992). However, all three cases arose after the actual conduct of or official decision about a particular action that resulted in actual injury to a State or to a political subdivision. These cases, and earlier decisions in the lower courts concerning the 1990 and 1980 censuses, certainly stand for the proposition that polities have standing to sue to contest actions that have already occurred and that have injured them. They do little to advance the inquiry required by §209.

All citizens, of course, have an interest that the Constitution be observed and followed, that laws be enacted properly based on and permitted by the Constitution, and that laws be correctly administered. However, this general interest, shared by all, is insufficient to confer standing on persons as citizens or as taxpayers. *Schlesinger* v. *Reservists Com. to Stop the War*, 418 U.S. 208 (1974); *United States* v. *Richardson*, 418 U.S. 166 (1974). See also *Valley Forge Christian College* v. *Americans United*, 454 U.S. 464, 483 (1982); *Allen* v. *Wright*, 468 U.S. 737, 754 (1984); *Lujan* v. *Defenders of Wildlife*, 504 U.S. 555, 560 (1992). Congress may not overturn this barrier to suit in federal court by devising a test law suit. E.g., *Muskrat* v. *United States*, 219 U.S. 346 (1911) (striking down a statute authorizing certain named Indians to bring a test suit against the United States to determine the validity of a law affecting the allocation of Indian lands, in which the attorneys' fees of both sides were to be paid out of tribal funds, deposited in the Treasury).

Standing is one element of the justiciability standard, which limits Article III federal courts to the decision only of cases that properly belong within the role allocated to federal courts. "[A]t an irreducible minimum," the constitutional requisites under Article III for the existence of standing are that the party seeking to sue must personally have suffered some actual or threatened injury that can fairly be traced to the challenged action of the defendant and that the injury is likely to be redressed by a favorable decision. E.g., *Allen* v. *Wright*, 468 U.S., 751; *Lujan* v. *Defenders of Wildlife*, supra, 504 U.S., 560; *Raines* v. *Byrd*, 117 S.Ct., 2317–18. "We have always insisted on strict compliance with this jurisdictional standing requirement." Id., 2317.

The first element, injury in fact, is a particularly stringent requirement. "[T]he plaintiff must have suffered an 'injury in fact'—an invasion of a legally protected interest which is (a) concrete and particularized, . . . and (b) actual or imminent, not conjectural or hypothetical. "*Lujan* v. *Defenders of Wildlife*, 504 U.S., 560 (internal quotation marks omitted). As the latter part of the element indicates, a party need not await the consummation of the injury in order to be able to sue. However, as the decisions combining parts of standing and of Article III ripeness show, pre-enforcement challenges to criminal and regulatory legislation will be permitted if the plaintiff can show a realistic danger of sustaining an injury to his rights as a result of the governmental action impending; a reasonable certainty of the occurrence of the perceived threat to a constitutional interest is sufficient to afford a basis for bringing a challenge, provided the court has before it sufficient facts to enable it to intelligently adjudicate the issues. *Buckley* v. *Valeo*, 424 U.S. 1, 113–18 (1976); *Duke Power Co.* v. *Carolina Environmental Study Group*, 438 U.S. 59, 81–2 (1978); *Babbitt* v. *Farm Workers*, 442 U.S. 238, 298 (1979); *Regional Rail Reorganization Act Cases*, 419 U.S. 102, 138–48 (1974). The Court requires, though, particularized allegations that show a reasonable certainty, an actual threat of injury. See *Renne* v. *Geary*, 501 U.S. 312 (1991); *Lujan* v. *Defenders of Wildlife*, 504 U.S., 564–65 & n. 2.

Critically, in any event, the certainty of injury requirement is a constitutional limitation, while the factual adequacy element is a prudential limitation on judicial review. *Regional Rail Reorganization Act Cases*, 419 U.S., 138–48.

Congress is free to legislate away prudential restraints upon the jurisdiction of the courts and to confer standing to the utmost extent permitted by Article III. But, Congress may not legislatively dispense with Article III's constitutional requirement of a distinct and palpable injury to a party or, if the injury has not yet occurred, a realistic danger of its happening. *Warth* v. *Seldin*, 422 U.S. 490, 501 (1975); *Raines* v. *Byrd*, 117 S.Ct., 2318 n. 3. Cf. *United States* v. *SCRAP*, 412 U.S. 669 (1973), disparaged in *Whitmore* v. *Arkansas*, 495 U.S. 149, 159 (1990), asserting that it "surely went to the outer limit of the law." The Court has firmly held that Congress, in pursuit of judicial oversight over government activity in areas of general public interest, areas that would not support standing in the first instance, may not enlarge the scope of judicial review by definitionally expanding the meaning of standing under Article III. *Lujan* v. *Defenders of Wildlife*, 504 U.S., 571–78. "Whether the courts were to act on their own, or at the invitation of Congress, in ignoring the concrete injury requirement described in our cases, they would be discarding a principle fundamental to the separate and distinct constitutional role of the Third Branch—one of the essential elements that identifies those 'Cases' and 'Controversies' that are the business of the courts rather than of the political branches." Id., 576. "[Statutory] broadening [of] the categories of injury that may be alleged in support of standing is a different matter from abandoning the requirement that the party seeking review must himself have suffered an injury." Id., 578 (quoting *Sierra Club* v. *Morton*, 405 U.S. 727, 738 (1972)).

Turning, then, to the proposed §209, we must observe that the precedents strongly counsel that the conferral of standing, especially in its definitional design of injury in fact, would be inadequate to authorize judicial review until the occurrence of the injury, the calculation of population figures showing the gains and losses of seats in the House of Representatives.

First, the conferral of standing in subsections (c)(2) and (3) is likely ineffective. In *Raines* v. *Byrd*, supra, Congress had included in the Line-Item Veto Act authorization for "[a]ny Member of Congress" to bring an action to contest the constitutionality of the Act. The Court held that the Members seeking to sue had suffered no personal, individualized injury, only rather an assertion of an institutional injury to their status as Members, that was inadequate under Article III. Conceivably, Members representing a State that lost one or more seats in the House as a result of statistical re-evaluation of the census enumeration could suffer the same injury that all residents of the State incurred, but that injury would be confined as we discuss below.

Second, while either the House of Representatives or the Senate may have interests that could be injured by Executive Branch action, giving either body or both bodies standing to bring an action, what interest either House could assert in the reallocation of seats in the House of Representatives is unclear at best.

Third, §209(a) authorizes "[a]ny person aggrieved by the use of any statistical method . . . in connection with . . . [a] census, to determine the population for purposes of the apportionment or redistricting of members of Congress . . ." to bring a court action to challenge the constitutionality of or the statutory basis of the statistical method. Under §209(c)(1), an "aggrieved person" is defined to include "an resident of a State whose congressional representation or district *could* be changed as a result of the use of a statistical method." (Emphasis supplied). By §209(b), it is provided that "the use of any statistical method in a dress rehearsal or similar test or simulation of a census in preparation for the use of such method . . . *shall be considered the use of such method in connection with that census.*" (Emphasis supplied). That is, any person residing in a state that "could" lose House representation as a result of a statistical adjustment of a census may sue as soon as there is "a dress rehearsal or similar test or simulation of a census."

The case law makes it clear that this authorization, if enacted, would run afoul of constitutional barriers to congressional conferral either of standing or of ripeness or both.

Under Article III, for a litigant to have standing, he must allege an injury in fact to himself or to an interest; if the injury has not yet occurred, he must allege a strong basis for fear that the injury will happen, that there is a real danger of the injury being felt. The quoted provisions purport to confer standing far beyond this constitutional requirement.

To illustrate, when each census occurs, it is the responsibility of the Bureau of the Census to calculate, using what is called "the method of equal proportions," 2 U.S.C. §2a(a), the number of seats, above the one each State is constitutionally guaranteed, to be allocated to each State, and the numbers are processed by the Department of Commerce, which refers them to the President, who has the responsibility to transmit them to Congress. See generally *Dept. of Commerce* v. *Montana*, 503 U.S. 442 (1992); *Franklin* v. *Massachusetts*, 505 U.S. 788, *Wisconsin* v. *City of New York*, 116 S.Ct. 1091 (1996). The allocation is not final until the President submits the figures to Congress. *Franklin* v. *Massachsuetts*, 505 U.S. 796–801. It is then that the loss of a seat or seats is legally final, and it seems clear that the States losing seats have suffered a cognizable injury, enabling them to bring suit to challenge at least certain aspects of the conduct of the census. Id., 801–803.

Whether residents of a State that has lost one or more seats in the House of Representatives have standing to bring suit is questionable. Certainly, voters in a State in which redistricting is not accomplished through the creation of equally-populated districts have standing to complain about the dilution of their voting strength. E.g., *Wesberry* v. *Sanders*, 376 U.S. 1 (1964); *Darcher* v. *Daggett*, 462 U.S. 725 (1983). And a resident of a congressional district that has been drawn impermissibly using race has standing to challenge that districting. *United States* v. *Hays*, 515 U.S. 737 (1995). But in the context of a State losing a House seat, every resident of that State has a general interest that is shared by all other residents. It is not a particularized injury in fact that is what normally confers standing.

Let us, however, assume that residents would have standing. The injury would not occur until the President transmits the figures to Congress. Even if one could allege the imminent likelihood of injury, a realistic danger of injury, that development is only going to mature when the census is completed and the calculations are made awarding the correct number of seats to each House. And we hear speak of a challenge to the actual census.

The challenge, however, authorized by §209, is to the use of a statistical method that "could" change the result of the census enumeration. An injury in fact would not occur, again, until the result is reported to Congress by the President; an imminent injury in fact could conceivably occur when the Census Bureau and the Commerce Department utilize a statistical adjustment that changes the allocation of seats. But that occurs after the tabulation of the census result and the utilization of a statistical method that changes the result of the census count itself.

The Supreme Court has never approved standing premised on an allegation that a particular governmental action "could" cause an injury. Of course, the application of a statistical method "could" work a change in the census, but to which States and with what results would be extremely speculative under the best of circumstances.

Moreover, the definition of the "use of any statistical method" to include a test, or dress rehearsal, or simulation of a census would confer standing that is even further removed from the occurrence of the event that "could" or "might" result in an injury. It would be impossible to point to any result of the conduct of a test or whatever that might conceivably occasion the loss of one or more House seats.

Because Congress lacks the power to create a definition of standing or of the imminent likelihood of injury giving standing that would infringe the constitutional requirement of standing—of injury in fact or of the imminent likelihood of injury—it appears extremely likely that the Supreme Court would either strike down the provision, cf. *City of Boerne* v. *Flores*, 117 S.Ct. 2157 (1997), or disregard it. Cf. *Raines* v. *Byrd*, supra.

Finally, we must note §209(e) that purports to authorize any executive branch agency or entity having authority to carry out the census to bring a civil action to obtain a declaratory judgment as to its constitutional and statutory powers in this regard. It seems doubtful that this authority could be exercised. It would likely fall under the principle that no suit may be maintained unless there is adversity between the plaintiffs and the defendants. See *Muskrat* v. *United States*, 219 U.S. 346 (1911). What government agencies have to do is to proceed on the basis of their judgment about their powers, and then they will be subject to suit challenging that judgment. This subsection appears to do nothing less than to authorize an agency to seek an advisory opinion.

JOHNNY H. KILLIAN,
*Senior Specialist,*
*American Constitutional Law.*

Mr. MOLLOHAN. Mr. Chairman, I reserve the balance of my time.

Mr. HASTERT. Mr. Chairman, I yield myself as much time as I may consume.

Mr. Chairman, I believe that every Member of this House can agree that we need to conduct the census that includes all Americans and is free of any partisan manipulation. There are those who say that this no longer can be accomplished by actually counting Americans. They want to restore the statistical methods in order to estimate or guess how many people are in this country. They have thrown up their hands and said an accurate census cannot be done by counting.

Mr. Chairman, it can be done, and in fact it has been done. Once again Washington bureaucrats need to listen and learn from folks outside the beltway.

In testimony before my subcommittee, communities like Milwaukee, Wisconsin, Indianapolis, and Cincinnati describe how they conducted an actual count at accuracy levels higher than those the Census Bureau proposes to achieve with their risky statistical scheme. Census Bureau Director Riche may not trust her ability to count, but Michael Morgan in Milwaukee proved he knew how to do it.

Mr. Chairman, census sampling is a bad idea, but there is a more fundamental question: Is it legal and constitutional to use sampling and statistical adjustment to apportion this House among the States? I believe it is clear that census sampling and statistical adjustments are both illegal and unconstitutional. In that light, to blindly move forward with a $5 million census that could well be thrown out by the Supreme Court would be very foolish.

☐ 1815

Article I, section 2 of the Constitution states that actual enumeration of the population be conducted every 10 years.

To enumerate means to count, one-by-one. It does not mean that we should use sampling as a shortcut just because counting might be hard. Nor does it mean that we should use statistical adjustment to manipulate the count so that the results are more to someone else's liking.

The 14th amendment to the Constitution States that "Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State." The 14th amendment does not tell us to use statistics; it tells us to count.

Title 13 of the United States Code, section 195, states that "Except for the determination of population for purposes of apportionment of Representatives in Congress among the several States, the Secretary shall, if he considers it feasible, authorize the use of the statistical method known as sampling."

Mr. Chairman, the statute is crystal clear. While allowing statistical methods for nonconstitutionally required purposes, the 1957 statute explicitly maintained an absolute firewall against the use of statistical methods for reapportionment. This was a wise, bipartisan precaution designed to prevent the census from deteriorating into a partisan power grab.

Mr. Chairman, the Congress reaffirmed this firewall once again in

1976 when it passed into law Title 13, section 141 of the United States Code. This section allows the Secretary broad discretion in the use of statistical methods for nonapportionment purposes. Let me repeat: for nonapportionment purposes.

The supporters of census sampling would have us believe that section 141 allows that sampling be used for reapportionment. That is simply not true. Congress specifically left intact the absolute prohibition on their use of apportionment purposes established in section 195. If Congress had intended that sampling be used for reapportionment, they would have repealed section 195 at that time. They did not.

Mr. Chairman, the law is clear, and I believe that the Justices will confirm that. The Justices know that actual enumeration means to count. Listen to what Justice Scalia said during the last census case, and I quote:

> The text of the Constitution, as I read it, does not say that there will be an estimate of the number of citizens. It talks about actual enumeration. It doesn't even use the word "census". It says actual enumeration.

He added, and I quote,

> Adjustment techniques ultimately involve kinds of value choices and are therefore politically manipulable.

Mr. Chairman, the Justices also know that they will ultimately be called on to rule on the legality of sampling. In the case that I just mentioned the city of New York tried to force a statistical adjustment of the census. The Supreme Court ruled that the Secretary of Commerce could not be forced to do so. During the oral arguments, Justice Scalia said that this case will decide whether you must use statistical estimates and the next one will decide whether you may use it.

Mr. Chairman, the Supreme Court will answer that fundamental question sooner or later. My language in this bill is designed to make it sooner. My colleagues on the other side of the aisle should not be afraid to let the Supreme Court rule. It is our duty as the people's representatives to see their tax money is spent wisely, not wasted. The wisest course for Congress today is to take the politics out of the census and let the Supreme Court decide before billions of tax dollars are wasted.

Mr. Chairman, the Mollohan-Shays amendment does not protect the census from political mischief or the taxpayers from fiscal disaster. The Mollohan-Shays amendment will leave taxpayers wide open to multibillion dollar boondoggles. Protect the integrity of our census and the tax dollars of hardworking Americans. Reject the Mollohan-Shays amendment and allow the Supreme Court to rule.

Mr. Chairman, I reserve the balance of my time.

Mr. MOLLOHAN. Mr. Chairman, I yield such time as he may consume to the gentleman from Illinois [Mr. DAVIS].

Mr. DAVIS. Mr. Chairman, I rise in support of the Mollohan-Shays amendment.

Mr. Chairman, I rise today and join my colleagues in strong support of the Mollahan-Shays amendment. This amendment is about ensuring an accurate count of the 2000 census. The Constitution requires an accurate count, not a headcount. This amendment would allow the use of statistical sampling to conduct the 2000 census.

Since 1790, during the first census there was a significant undercount especially among minorities. Two hundred years later in 1990, it is estimated that the census missed 10 percent of the population. The Government Accounting Office estimates that as many as 26 million people were missed. Locally, in the State of Illinois, the undercount was about .98 percent. In Cook County undercount was about 1.6 percent. The city of Chicago undercount was about 2.4 percent.

Furthermore, African-Americans were said to have anywhere from a 5–6 percent undercount; Latinos were about 5 percent; and Asian Pacific Islanders were about a 3-percent undercount.

The statistics demonstrate that the poor and mainly racial minorities are seriously missed. Africans-Americans are 7 times as likely to be missed as Whites. That translates into being—7 times more likely to be denied resources and representation in Congress, State legislatures, city councils, county boards and other political subdivision. An undercount among minorities furthers their deprivation to Federal money while devaluing their political power. Billions of Federal dollars are at stake. Governmental agencies often use census data to dole out money or at least to determine targeted areas for distribution. There are some 120 federally-funded programs that move approximately $150 billion a year, which use the census data in their formulation for distribution.

In 1990, children made up only one-fourth of the population but accounted for 52 percent of the undercount. The children, the most vulnerable people in our society have been denied representation and valuable resources because of this significant undercount.

This amendment simply seeks to ensure that each and every individual is counted without regard to color, wealth, or status. This amendment protects both the urban and rural dweller.

If the primary goals of the upcoming census are to reduce cost and to eliminate the differential undercount, then let's take the politics out of the census. The real issue is how to get the most accurate count and the real answer is sampling.

Statistical sampling and estimation techniques have been proposed as a means to finish the undercount for the 10 percent that are the hardest to reach—the hardest to find, the left out, the hopeless and helpless, traditionally minorities and the poor. This is not the first time that sampling has been used in the census. This approach has also been endorsed by expert panels of the National Academy of Sciences, the American Statistical Association, the Commerce Department's Inspector General, the GAO and various other professional organizations.

As a matter of fact, three separate panels convened by the National Academy of Sciences have recommended that the Census Bureau use sampling in the 2000 census to save money and improve accuracy. The commerce IG has said that sampling and statistical methods are the only way to eliminate the historic, disproportionate undercount of people of color and the poor.

Ten percent of the count in 1990 was wrong. The Census Bureau will make an unprecedented effort to count all Americans directly. Sampling is scientific, not guessing.

Conducting the most accurate census must be the goal for the 2000 census, that goal cannot be met without the use of sampling. We owe it to ourselves and we owe it to the American people.

Therfore, I urge my colleagues to join me in support of this amendment that would allow for the use of statistical sampling.

Mr. MOLLOHAN. Mr. Chairman, I yield such time as he may consume to the gentleman from Missouri [Mr. CLAY].

Mr. CLAY. Mr. Chairman, I thank the gentleman for yielding, and I rise in support of the Mollohan-Shays amendment.

Mr. Chairman, no one honestly or seriously disputes that the 1990 census undercounted the population. Nor does anyone honestly or seriously dispute the fact that minority populations, blacks and Hispanics especially, as well as rural residents and children were disproportionately undercounted.

Though my colleagues on the other side of the aisle will try to confuse the issue, there is no debate at all within the scientific community that the use of statistical sampling would improve the accuracy of the census.

So what is this debate about? Some have contended that statistical sampling may be a means by which the census would be intentionally distorted. The sponsors of this amendment have dealt with that concern by crafting an amendment that, among other things, provides assurances that sampling will be conducted in a scientific, non-partisan manner.

So what are the real concerns? Well, Mr. Chairman, it is blatantly obvious to me that those who oppose sampling fear that their own political power would be threatened by an accurate census. And, rather than contest for political power out in the open, they prefer a system that denies millions of Americans the representation they are due under our Constitution.

In the end, what this debate is about is whether we reject the view that some people may as well be invisible and whether we will abide by the principle of one man-one vote. I urge my colleagues to support the Mollohan-Shays amendment.

Mr. MOLLOHAN. Mr. Chairman, I yield 2 minutes to the gentlewoman from New York [Mrs. MALONEY], who is the ranking minority member on the Subcommittee on Government Management, Information, and Technology of the Committee on Government Reform and Oversight.

Mrs. MALONEY of New York. Mr. Chairman, sending the census sampling issue before the Supreme Court certainly sounds like a righteous compromise, but beware of a wolf in sheep's clothing. The Supreme Court will decide in favor of sampling, but while we are waiting as long as a year, the stalling will kill sampling for the 2000 census. Indecision will become the decision. Missing the Census Bureau deadlines for as long as a year means certain death for a fair and accurate census.

There has been a great deal of misinformation that has been bandied about, and I would like to set the record straight on the Census Bureau's plan. What the Census Bureau plans to do will be the largest peacetime mobilization ever. Ninety percent of the people will be counted using traditional methods. People will be contacted four times through the mail. They will be contacted by phone for the first time. Community outreach will include forms that are in post offices, stores, churches, malls, and TV ads are in the works.

Then the Bureau will begin to knock on doors, but we know that many of these doors will remain shut because people do not open their doors to strangers, they are not there, they are at work. And only for the last 10 percent, for those people who could not be reached by mail, phone, a knock on the door, or through the media, only for that last 10 percent will statistical sampling be used.

Mr. Chairman, we know that some people are more likely to be missed than others. They are our Nation's poor, our Nation's minorities. They are the people who most need to be heard and who are most often silenced. The use of sampling is the civil rights issue of the 1990's.

There are hundreds of professional organizations, community groups, editorial boards across the country, experts, who all endorse sampling. The Mollohan-Shays amendment will give people the simple right to the representation that they deserve.

I urge my colleagues to do what is right for all of their constituents. Make sure they can count on us not to count them out in the year 2000 census. Vote for the Mollohan-Shays bipartisan amendment.

Mr. Chairman, I include for the RECORD data from the Congressional Research Service in support of my position. The CRS report says that the Hastert amendment will just block forward-going of an accurate census.

CONGRESSIONAL RESEARCH SERVICE,
THE LIBRARY OF CONGRESS,
*Washington, DC, September 29, 1997.*

To: Honorable Carolyn B. Maloney, Attention: David McMillen.
From: American Law Division.
Subject: Questions re Legislative Provision for Expedited Judicial Review of Use of sampling and statistical Adjustment in Year 2000 Census.

This memorandum is in response to your request for consideration of four questions dealing with the implementation and likely impact of language added to H.R. 2267, the Commerce, Justice, State, and Judiciary Appropriations Bill. By the terms of the Rule granted the bill by the Committee on Rules, H. Res. 239; H. Rept. 105-264, the provision, set out in the cited report, was adopted upon the adoption of the Rule.

Briefly stated, the provision §209 of H.R. 2267, authorizes "[a]ny person aggrieved" by the use of a statistical method of determining population in connection with the year 2000, or later, census, to bring a civil action for declaratory, injunctive, and other appropriate relief against the use of the method on the ground that it is contrary to the Constitution or statute. The definition of an "aggrieved person" for purposes of the section is stated to be any resident of a State whose congressional representation or district "could" be changed by the use of a statistical method, any Representative or Senator, or either House of Congress. The action authorized is to be heard and determined by a three-judge district court, pursuant to 28 U.S.C. §2284. Expedited appeal direct to the Supreme Court of any decision by the district court is provided for under specified deadlines for filing.

A significant provision, subsection (b), states that "the use of any statistical method in a dress rehearsal or similar test or simulation of a census in preparation for the use of such method, in a decennial census, to determine the population for purposes of the apportionment or redistricting of members in Congress shall be considered the use of such method in connection with that census."

Under subsection (d)(2), no appropriated funds may be used for any statistical method, in connection with the decennial census, once a judicial action is filed, until it has been judicially determined that the method is authorized by the Constitution and by act of Congress.

Three of your questions relate to the likelihood of a Supreme Court decision, using the expedited procedure, either by the time of the beginning of the 1998 census dress rehearsal (approximately March 15, 1998) or prior to the census in 2000. Inasmuch as the date of the decision in any such case depends substantially on the filing date of the suit, and the beginning of the running of any period of expedition, we cannot even guess whether a Supreme Court decision would be likely before either event. Certainly, the date of the start of the dress rehearsal, if it is March 15, 1998, is less than six months from now, much less from the time of enactment of the provision, if it is enacted, and from the time a statistical method is tested, if that is sufficient to confer standing. Thus, we can be confident that a decision by March 15, 1998, is highly unlikely. A decision by the beginning of the start of the 2000 census is certainly possible, if a suit may be filed early enough. However, as we indicate below, it is doubtful that anyone would have standing by then, even in light of the section, to bring an action.

We can indicate, from the time line of past cases, especially those where Congress has provided especially for judicial review and expedited consideration, that the courts are enabled to proceed promptly and in less time than with respect to the ordinary case. For example, the most recent case was handled very expeditiously. *Raines* v. *Byrd*, 117 S.Ct. 2312 (1997). Congress in 1996 enacted the Line-Item Veto Act, which went into effect on January 1, 1997. The following day, six Members of Congress filed suit. The District Court handed down its decision on April 10, 1997. Pursuant to the Statute's authorization, an appeal was filed in the Supreme Court on April 18, the Court granted review on April 23, and, even though the argument period for the Term had run, special oral argument was entertained on May 27, and the decision by the Supreme Court was rendered on June 28.

Thus, the time from filing in the District Court to the issuance of a decision by the Supreme Court was less than seven months, although we must observe that the decision was based on the lack of standing by the Members, perhaps a less difficult issue than the question on the merits. Nonetheless, the time frame was significant.

Other cases could be cited. For example, in *Bowsher* v. *Synar*, 478 U.S. 714 (1986), testing the constitutionality of certain features of the Gramm-Rudman-Hollings law, the Balanced Budget and Emergency Deficit Control Act of 1985, the courts moved promptly, again acting within a congressional-enacted provision for expended judicial review. The President signed the bill into law on December 12, 1985,and suit was filed the same day. A three-judge district court was impaneled, and a decision was issued on Feburary 7. 1986. An appeal was filed in the Supreme Court on February 18, review was granted on February 24, oral argument was held on April 23, and the Court's decisions was issued on July 7.

The time line was thus about seven months.

One may assume, therefore, that a suit, properly brought, challenging the use of some form of statistical adjustment, could be processed within a relatively brief time, perhaps within seven months and perhaps within a briefer period. However, that assumption is of little importance, because the substantial question, the hard issue, turns on what party has standing to bring such a suit; that is, when is a suit "properly brought"?

That the use of statistical methods, of samplings and adjustments, is not a frivolous question is evident. The argument is whether the Constitution in requiring an "actual Enumeration," Art. I, §2, cl. 3, mandates an actual counting or permits some kind of statistical analysis to enhance the count; the further argument is whether Congress, in delegating to the Secretary of Commerce its authority to conduct the census "in such Manner as [it] shall by Law direct," has by instructing him to take "a decennial census of the population . . . in such form and content as he may determine . . .", 13 U.S.C. §141(a), supplied him with sufficient authority to supplement or to supplant the actual count through statistical methods. The Supreme Court has reserved decision on both issues. *Wisconsin v. City of New York*, 116 S.Ct. 1091, 1101 nn. 9, 11 (1996).

Courts have entertained suits arising out of these and similar issues, E.g., *Wisconsin v. City of New York*, supra; *Franklin v. Massachusetts*, 505 U.S. 738 (1992); *Dept. of Commerce v. Montana*, 503 U.S. 442 (1992). However, all three cases arose after the actual conduct of or official decision about a particular action that resulted in actual injury to a State or to a political subdivision. These cases, and earlier decisions in the lower courts concerning the 1990 and 1980 censuses, certainly stand for the proposition that polities have standing to sue to contest actions that have already occurred and that have injured them. They do little to advance the inquiry required by §209.

All citizens, of course, have an interest that the Constitution be observed and followed, that laws be enacted properly based on and permitted by the Constitution, and that laws be correctly administered. However, this general interest, shared by all, is insufficient to confer standing on persons as citizens or as taxpayers. *Schlesinger v. Reservists Com. to Stop the War*, 418 U.S. 208 (1974); *United States v. Richardson*, 418 U.S. (1974). See also *Vallety Forge Christian College v. Americans United*, 454 U.S. 464, 483 (1982); *Allen v. Wright*, 468 U.S. 737, 754 (1984); *Lujan v. Defenders of Wildlife*, 504 U.S. 555, 560 (1992). Congress may not overturn this barrier to suit in federal court by devising a test law suit. *E.g.*, *Muskrat v. United States*, 219 U.S. 346 (1911) (striking down a statute authorizing certain named Indians to bring a test suit against the United States to determine the validity of a law affecting the allocation of Indian lands, in which the attorneys' fees of both sides were to be paid out of tribal funds, deposited in the Treasury).

Standing is one element of the justiciability standard, which limits Article III federal courts to the decision only of cases that properly belong within the role allocated to federal courts. "[A]t an irreducible minimum," the constitutional requisites under Article III for the existence of standing are that the party seeking to sue must personally have suffered some actual or threatened injury that can fairly be traced to the challenged action of the defendant and that the injury is likely to be redressed by a favorable decision. E.g., *Allen v. Wright*, 468 U.S., 751; *Lujan v. Defenders of Wildlife*, supra, 504 U.S., 560; *Raines v. Byrd*, 117 S.Ct., 2317–18, "We have always insisted on strict compliance with this jurisdictional standing requirement." Id., 2317.

The first element, injury in fact, is a particularly stringent requirement. "[T]he plaintiff must have suffered an 'injury in fact'—an invasion of a legally protected interest which is (a) concrete and particularized, . . . and (b) actual or imminent, not conjectural or hypothetical." *Lujan v. Defenders of Wildlife*, 504 U.S., 560 (internal quotation marks omitted). As the latter part of the element indicates, a party need not await the consummation of the injury in order to be able to sue. However, as the decisions combining parts of standing and of Article III ripeness show, pre-enforcement challenges to criminal and regulatory legislation will be permitted if the plaintiff can show a realistic danger of sustaining an injury to his rights as a result of the governmental action impending; a reasonable certainty of the occurrence of the perceived threat to a constitutional interest is sufficient to afford a basis for bringing a challenge, provided the court has before it sufficient facts to enable it to intelligently adjudicate the issues, *Buckley v. Valeo*, 424 U.S. 1, 113–18 (1976); *Duke Power Co. v. Carolina Environmental Study Group*, 438 U.S. 59, 81–2 (1978); *Babbitt v. Farm Workers*, 442 U.S. 289, 298 (1979); *Regional Rail Reorganization Act Cases*, 419 U.S. 102, 138–48 (1974). The Court requires, though, particularized allegations that show a reasonable certainty, an actual threat of injury. See *Renne v. Geary*, 501 U.S. 312 (1991); *Lujan v. Defenders of Wildlife*, 504 U.S., 564–65 & n. 2.

Critically, in any event, the certainty of injury requirement is a constitutional limitation, while the factual adequacy element is a prudential limitation on judicial review. *Regional Rail Reorganization Act Cases*, 419 U.S., 138–48.

Congress is free to legislate away prudential restraints upon the jurisdiction of the courts and to confer standing to the utmost extent permitted by Article III. But, Congress may not legislatively dispense with Article III's constitutional requirement of a distinct and palpable injury to a party or, if the injury has not yet occurred, a realistic danger of its happening. *Warth v. Seldin*, 422 U.S. 490, 501 (1975); *Raines v. Byrd*, 117 S.Ct., 2318 n. 3. Cf. *United States v. SCRAP*, 412 U.S. 669 (1973), disparaged in *Whitmore v. Arkansas*, 495 U.S. 149, 159 (1990), asserting that it "surely went to the outer limit of the law." The Court has firmly held that Congress, in pursuit of judicial oversight over government activity in areas of general public interest, areas that would not support standing in the first instance, may not enlarge the scope of judicial review by definitionally expanding the meaning of standing under Article III. *Lugan v. Defenders of Wildlife*, 504 U.S., 571–78, "Whether the courts were to act on their own, or at the invitation of Congress, in ignoring the concrete injury requirement described in our cases, they would be discarding a principle fundamental to the separate and distinct constitutional role of the Third Branch—one of the essential elements that identifies those 'Cases' and 'Controversies' that are the business of the courts rather than of the political branches." Id., 576. "'[Statutory] broadening [of] the categories of injury that may be alleged in support of standing is a different matter from abandoning the requirement that the party seeking review must himself have suffered an injury." Id., 578 (quoting *Sierra Club v. Morton*, 405 U.S. 727, 738 (1972)).

Turning, then, to the proposed § 209, we must observe that the precedents strongly counsel that the conferral of standing, especially in its definitional design of injury in fact, would be inadequate to authorize judicial review until the occurrence of the injury, the calculation of population figures showing the gains and losses of seats in the House of Representatives.

First, the conferral of standing in subsections (c)(2) and (3) is likely ineffective. In *Raines v. Byrd*, supra, Congress had included in the Line-Item Veto Act authorization for "[a]ny Member of Congress" to bring an action to contest the constitutionality of the Act. The Court held that the Members seeking to sue had suffered no personal, individualized injury, only rather an assertion of an institutional injury to this status as Members, that was inadequate under Article III. Conceivably, Members representing a State that lost one or more seats in the House as a result of statistical re-evaluation of the census enumeration could suffer the same injury that all residents of the State incurred, but that injury would be confined as we discuss below.

Second, while either the House of Representatives or the Senate may have interests that could be injured by Executive Branch action, giving either body or both bodies standing to bring an action, what interest either House could assert in the reallocation of seats in the House of Representatives is unclear at best.

Third, § 209(a) authorizes "[a]ny person aggrieved by the use of any statistical method . . . in connection with . . . [a] census, to determine the population for purposes of the apportionment or redistricting of members of Congress . . ." to bring a court action to challenge the constitutionality of or the statutory basis of the statistical method. Under § 209(c)(1), an "aggrieved person" is defined to include "any resident of a State whose congressional representative or district *could* be changed as a result of the use of a statistical method." (Emphasis supplied). By § 209(b), it is provided that "the use of any statistical method in a dress rehearsal or similar test or simulation of a census in preparation for the use of such method . . . *shall be considered the use of such method in connection with that census.*" (Emphasis supplied). That is, any person residing in a state that "could" lose House representation as a result of a statistical adjustment of a census may sue as soon as there is "a dress rehearsal or similar test or simulation of a census."

The case law makes it clear that this authorization, if enacted, would run afoul of constitutional barriers to congressional conferral either of standing or of ripeness or both.

Under Article III, for a litigant to have standing, he must allege an injury in fact to himself or to an interest; if the injury has not yet occurred, he must allege a strong basis for fear that the injury will happen, that there is a real danger of the injury being felt. The quoted provisions purport to confer standing far beyond this constitutional requirement.

To illustrate, when each census occurs, it is the responsibility of the Bureau of the Census to calculate, using what is called "the method of equal proportions," 2 U.S.C. § 2a(a), the number of seats, above the one each State is constitutionally guaranteed, to be allocated to each State, and the numbers are processed by the Department of Commerce, which refers them to the President, who has the responsibility to transmit them to Congress. See generally *Dept. of Commerce v. Montana*, 503 U.S. 442 (1992); *Franklin v. Massachusetts*, 505 U.S. 788, *Wisconsin v. City of New York*, 116 S.Ct. 1091 (1996). The allocation is not final until the President submits the figures to Congress. *Franklin v. Massachusetts*, 505 U.S., 796–801. It is then that the loss of a seat or seats is legally final, and it seems clear that the States losing seats have suffered a cognizable injury, enabling them to bring suit to challenge at least certain aspects of the conduct of the census. Id., 801–803.

Whether residents of a State that has lost one or more seats in the House of Representatives have standing to bring suit is questionable. Certainly, voters in a State in which redistricting is not accomplished through the creation of equally-populated districts have standing to complain about the dilution of their voting strength. E.g., *Wesberry v. Sanders*, 376 U.S. 1 (1964); *Darcher v. Daggett*, 462 U.S. 725 (1983). And a resident of a congressional district that has been drawn impermissibly using race has standing to challenge that districting. *United States v. Hays*, 515 U.S. 737 (1995). But in the context of a State losing a House seat, every resident of that State has a general interest that is shared by all other residents. It is not a particularized injury in fact that is what normally confers standing.

Let us, however, assume that residents would have standing. The injury would not occur until the President transmits the figures to Congress. Even if one could allege the imminent likelihood of injury, a realistic danger of injury, that development is only going to mature when the census is completed and the calculations are made awarding the correct number of seats to each House. And we hear speak of a challenge to the actual census.

The challenge, however, authorized by § 209, is to the use of a statistical method that "could" change the result of the census enumeration. An injury in fact would not occur, again, until the result is reported to Congress by the President; an imminent injury in fact could conceivably occur when the Census Bureau and the Commerce Department utilize a statistical adjustment that changes the allocation of seats. But that occurs after the tabulation of the census result and the utilization of a statistical method that changes the result of the census count itself.

The Supreme Court has never approved standing premised on an allegation that a particular governmental action "could" cause an injury. Of course, the application of a statistical method "could" work a change in the census, but to which States and with what results would be extremely speculative under the best of circumstances.

Moreover, the definition of the "use of any statistical method" to include a test, or dress rehearsal, or simulation of a census would confer standing that is even further removed from the occurrence of the event that "could" or "might" result in an injury. It would be impossible to point to any result of the conduct of a test or whatever that might conceivably occasion the loss of one or more House seats.

Because Congress lacks the power to create a definition of standing or of the imminent likelihood of injury giving standing that would infringe the constitutional requirement of standing—of injury in fact or of the imminent likelihood of injury—it appears extremely likely that the Supreme Court would either strike down the provision, cf. *City of Boerne v. Flores*, 117 S.Ct. 2157 (1997), or disregard it. Cf. *Raines v. Byrd*, supra.

Finally, we must note §209(e) that purports to authorize any executive branch agency or entity having authority to carry out the census to bring a civil action to obtain a declaratory judgment as to its constitutional and statutory powers in this regard. It seems doubtful that this authority could be exercised. It would likely fall under the principle that no suit may be maintained unless there is adversity between the plaintiffs and the defendants. See *Muskrat v. United States*, 219 346 (1911). What government agencies have to do is to proceed on the basis of their judgment about their powers, and then they will be subject to challenging that judgment. This subsection appears to do nothing less than to authorize an agency to seek an advisory opinion.

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CONGRESS OF THE UNITED STATES,
*Washington, DC, September 29, 1997*

SUPPORT MOLLOHAN-SHAYS

CRS: Supreme Court Review Won't Happen

DEAR COLLEAGUE: Last week the Rules Committee changed the restrictive language on the census in the Commerce, Justice, State Appropriations bill at the request of Rep. Hastert, to ban the use of modern statistical methods pending a court decision. Proponents of the Hastert language argue that they have provided a compromise, but in reality this is just another attempt to stop the census from counting everyone.

We have always believed that it is legal to use sampling in the Census, based on Supreme Court decisions and opinions from the Justice Department under three Presidents. Because we take seriously concerns about partisan manipulation of the census, we support the Mollohan-Shays Amendment setting up a three-member bipartisan panel to oversee Census 2000. Mr. Hastert instead proposed a court review. Today we received a memorandum from the Congressional Research Service responding to a request to analyze the Hastert language. In short, the Hastert language will not result in a decision on the constitutionality of sampling, it will only block the use of appropriated funds.

The first issue is what lawyers call standing: whether someone can sue over the use of sampling in the census. In other words, has someone been injured by a government action, and can thus use the courts to address that injury. The Hastert language tries to get around this issue by declaring in the bill who has standing to sue. Unfortunately, the Constitution does not allow that. There is a Constitutional test to determine who has standing in a case, and Congress cannot bypass that requirement in a law. As CRS said, "The case law makes it clear that this authorization, if enacted, would run afoul of constitutional barriers to Congressional referral either of standing or of ripeness or both."

Even if standing were not a constitutional problem for the Hastert proposal, the Supreme Court has made it quite clear that a challenge to the census must take place after the numbers are final. As the CRS report says, "[W]e must observe that the precedents strongly counsel that the conferral of standing, especially in its definitional design of injury in fact, would be inadequate to authorize judicial review until the occurrence of injury, the calculation of population figures showing the gains and losses of seats in the House of Representatives."

The CRS memorandum is quite clear that this language will not work. "The case law makes it clear that this authorization, if enacted, would run afoul of constitutional barriers to congressional conferral either of standing or of ripeness or both." The memorandum goes on to say ". . . it appears extremely likely that the Supreme Court would either strike down the provision, or disregard it."

Only the Mollohan-Shays Amendment works towards a fair and accurate census.

CAROLYN MALONEY,
CHRISTOPEHR SAHYS,
*Members of Congress.*

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PROFESSIONAL ORGANIZATIONS THAT HAVE ENDORSED THE USE OF SAMPLING IN THE 2000 CENSUS

National Academy of Sciences Panel on Census Requirements in the Year 2000 and Beyond.

National Academy of Sciences Panel to Evaluate Alternative Census Methods.

American Statistical Association.

American Sociological Association.

Council of Professional Associations on Federal Statistics.

National Association of Business Economists.

Association of University Business and Economic Research.

Association of Public Data Users.

Decision Demographics.

Mr. HASTERT. Mr. Chairman, I yield 2 minutes to the gentlewoman from Ohio [Ms. PRYCE].

Ms. PRYCE of Ohio. Mr. Chairman, I rise today in strong opposition to the Mollohan amendment on census sampling, and in support of the provision offered by the gentleman from Illinois [Mr. HASTERT].

As a former judge I want to stress that sampling is neither a Republican issue nor a Democratic issue. It is a legal issue and a constitutional issue which ultimately should and must be settled by the U.S. Supreme Court, not a politicized commission as proposed by the Mollohan amendment. By defeating the Mollohan amendment, we will help clear the way for enactment of the Hastert provision.

Now, here is what the Hastert provision does. First, it recognizes that the legislative and executive branches have reached an unresolvable impasse on the subject of sampling and statistical adjustment. Then it asks the judicial branch to fulfill the role envisioned for it by the Founding Fathers in the Constitution, and step in and decide this dispute through the court system. Then it protects the taxpayer by getting a court decision on the legality of sampling and statistical adjustment before billions of taxpayer dollars are spent and potentially wasted.

Now, just like a judge would issue a temporary restraining order to prevent further harm in a dispute between two private parties, the Hastert provision would move to protect the taxpayers from potential harm by putting a temporary hold on funding for sampling while the court hears the case. Once the Supreme Court has reached a final decision, the temporary funding hold is removed and the Census Bureau will be free to spend money in compliance with the law as determined by the court.

Mr. Chairman, I urge my colleagues to defeat the Mollohan amendment and to allow the enactment of the Hastert provision. Then we will count. We will count the poor, we will count the minorities, we will count all Americans, as is required by the Constitution.

Mr. MOLLOHAN. Mr. Chairman, I am pleased to yield 3 minutes to the distinguished gentlewoman from Maryland [Mrs. MORELLA].

Mrs. MORELLA. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I rise today in strong support of the Mollohan-Shays amendment. The Census Bureau needs the full $381.8 million appropriated in fiscal year 1998 to prepare for the Census 2000. Fencing off all but $100 million would jeopardize critical components of census preparation, including the dress rehearsal and the preparation of the long form.

As Members of Congress, we depend on the accurate information provided by the census to give us insight into our changing communities and constituencies. If this amendment is not passed and data is not collected in Census 2000, we will lose the only reliable and nationally comparable source of information on our population. Both the private and public sectors, including State, county and municipal agencies, educators and human service providers, corporations, researchers, political leaders, and Federal agencies rely on the census long form.

The Mollohan-Shays amendment is critical if we are to prevent the mistakes that were made in 1990. I served on the Committee on Post Office and Civil Service during the 1990 census and

I saw firsthand the mistakes that were made.

According to the GAO, the 1990 census got 10 percent of the count wrong. Over 26 million people were missed, double-counted, or counted in the wrong place. Let me quote from the GAO Capping report on the 1990 census, which makes it clear that a straight count will not work. GAO reported that, "the current approach to taking the census needs to be fundamentally reassessed."

"The current approach to taking the census appears to have exhausted its potential for counting the population cost-effectively," et cetera.

"Specifically, the amount of error in the census increases precipitously as time and effort are extended to count the last few percentages of the population."

There is, my friends, strong scientific evidence that sampling will result in the most accurate census possible. The experts agree that spending more money to go door-to-door will result in errors as large or larger than 1990, and that the 2000 census will be more accurate for all congressional districts than 1990, 19 times more accurate for the Nation.

As a result of the GAO evaluation and bipartisan direction from Congress, the Census Bureau turned to the National Academy of Science for advice. The first panel said, "physical enumeration or pure 'counting' has been pushed well beyond the point at which it adds to the overall accuracy of the census."

That panel went on to recommend a census that started with a good faith effort to count everyone, but then truncate physical enumeration and use sampling to estimate the characteristics of the remaining nonrespondents.

Following these recommendations, the Census Bureau announced in February of 1995 a plan for the 2000 census which makes an unprecedented attempt to count everyone by mail, followed by door-to-door enumeration until reaching 90 percent of the households in each census tract. A sample of households is then used to estimate the last 10 percent.

I know my time has expired. A whole list of scientific organizations agree with it. It will save money, and it will be an accurate count.

Mr. HASTERT. Mr. Chairman, I yield myself 15 seconds just to inform the gentlewoman from Maryland that the Census Bureau gets all of the money that they asked for, it is not fenced off, and so she is misinformed.

Mr. Chairman, I yield 6 minutes to the distinguished gentleman from Kentucky [Mr. ROGERS], chairman of the subcommittee.

□ 1830

Mr. ROGERS. Mr. Chairman, I thank the gentleman for yielding me the time.

Mr. Chairman, I rise in opposition to the Mollohan amendment and in support of the provisions in the bill regarding the 2000 census. While I certainly respect and appreciate the efforts of my distinguished ranking member, the gentleman from West Virginia [Mr. MOLLOHAN], and I know that his intention is good, his amendment fails to address any of the real issues surrounding the 2000 census.

My colleagues, this is one of the most important issues that will come before the Congress. It is the Congress' constitutional responsibility to ensure that an actual enumeration of the population is conducted once every 10 years. Those are the words in the Constitution.

There is no other activity conducted by the Federal Government that has more of an impact on the daily lives of each and every one of our constituents. The census is used for everything, from ensuring that our constituents' constitutional right of one person-one vote is upheld, to determining how Federal dollars are apportioned to our communities.

Many of us are all too familiar with the consequences of a disputed census. In 1990, the American taxpayer spent $2.6 billion on the 1990 census. What did we get? A botched census, a census whose results were litigated for most of the decade, a census whose results will forever be questioned. We cannot afford another disaster like 1990. But that is exactly where we are headed if the Congress does not accept its responsibility to ensure that the 2000 census is above reproach.

The administration's plan for the 2000 census represents the most radical departure from the manner in which the census has been conducted for the last 200 years. Serious doubts have been raised about whether the administration is planning a fair census, a legal census, a constitutional census. Many of us believe the administration plans are not fair, and that they will not result in a more accurate census.

Why? For starters, we have already seen how dangerous an error-prone statistical manipulation can be in the census. In 1990, over the objections of the Census Bureau "experts", the Secretary of Commerce refused to adjust the census numbers using statistics because he thought they were inaccurate. He was right. Years after the fact the same Census Bureau "experts" discovered their statistically manipulated numbers had overestimated the number of people missed by millions, and because of a computer glitch would have mistakenly caused Pennsylvania to lose a seat in this body.

Just last month, the Census Bureau had to retract their own report extolling the accuracy of their census plans because a computer glitch underestimated the error rates. But even more importantly, unlike 1990, we are not even going to have an actual count of the population. Why? Because the administration only wants to count 90 percent of us, and then guess the rest. So how will we ever know what the actual count was, and how will we ever know if statistical adjustment is more accurate? The answer is, we never will. The administration expects us to trust the experts, the same ones that recommended we use faulty numbers to adjust the 1990 census.

But even more fundamental to this debate is the question of whether the administration's plans are legal and constitutional. Many of us believe they are not. We can debate those issues all day and night. It would not matter, because only the courts can decide that, and the courts will decide that, one way or the other. The only question is, when.

Under the bill, we say, have the courts resolve the questions now before we spend $4 billion on a census that is likely to be held illegal or unconstitutional. Does the Mollohan amendment address those questions? No. Even worse, it strikes the very provisions in the bill that would ensure the courts answer these questions before the fact.

In fact, instead of addressing any of these serious questions surrounding the census, the Mollohan amendment avoids them entirely, and instead tries to say that the only concern surrounding the census is the threat of political manipulation. That is just not the case, though certainly, given the track record of this administration, I can understand how people would be so concerned.

Even if it were the only concern, the Mollohan amendment is not the answer. Why? Because the commission has neither the expertise nor the power to oversee the administration's complicated, convoluted census 2000.

If Members want to know how well an oversight commission works, we have a recent example, the Teamsters election. The taxpayers spent $21 million on an oversight board for the Teamsters election, and what was the result? They threw out the election and they are going to start all over again, I guess. They are going to ask us to oversee it a second time. They had better ask us real hard about that. If we need any evidence about whether an oversight commission can protect the census, look to the Teamsters. We will spend $4 billion on the census, and then we will have to start all over again in 2001.

It is the Congress' duty to oversee the census. It is our duty to ensure that it is fair, that it is legal, and that it is constitutional. The Mollohan amendment would have us abdicate that constitutional responsibility.

At a time when the public's faith in the institutions of government is at an all-time low, we have a duty to ensure that the 2000 census is above reproach.

Make no mistake about it, the very integrity of the census is at stake here, not to mention a multibillion dollar taxpayer investment.

Mr. Chairman, I urge rejection of the Mollohan amendment.

Mr. MOLLOHAN. Mr. Chairman, I yield such time as she may consume to the distinguished gentlewoman from California [Ms. ROYBAL-ALLARD].

Ms. ROYBAL-ALLARD. Mr. Chairman, I thank the gentleman for yielding time to me.

I rise in strong support of the Mollohan-Shays amendment.

Mr. MOLLOHAN. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Massachusetts [Mr. FRANK].

Mr. FRANK of Massachusetts. Mr. Chairman, if what the gentleman who just spoke wanted to have happen could happen, I would support it. What he said is look, there is a constitutional question here. Let us, before anything happens, go to the United States Supreme Court and ask them to tell us. They will not do it. There is a core principle of American constitutionalism, which conservatives usually adhere to, which says they do not issue advisory opinions. The United States Supreme Court does not decide until there is a case or controversy, defined repeatedly by Justice Scalia, who was quoted only partially on one point, as injury in fact.

We recently had an effort to try to get around that by getting an advisory opinion in effect on the line item veto. The Supreme Court unanimously said, or almost unanimously said no, you cannot have it. What the gentleman from Kentucky is asking for is impossible. What he says is, we will go to court.

But the Supreme Court will not decide it. Standing is a core conservative principle. I thought the gentleman's amendment was written by William O. Douglas. I thought William O. Douglas had channeled himself through to somebody on the other side, because he is the great liberal justice who says there is a constitutional question, let me at it, I will handle it. What in fact the conservatives said is, no. You talk about judicial activism, this is a monument to judicial activism. This is a constitutional question. We will ask the United States Supreme Court for an advisory opinion. It will not give it to you. It requires an injury in fact.

Here is how you define standing. Here is who could bring this lawsuit. Any resident of a State, resident, not even a citizen, any resident of a State whose congressional district could, not was, could, in fact be changed. If you thought that your district might gain under this, you could go in and get an advisory opinion.

The Supreme Court will not do it. No one familiar with this jurisprudence thinks remotely that you could force this. If it were possible, it would be a good way. But remember, we said, we will have to deal with these first through the electoral process and the political process, and only after the fact can you go to court. Who said that? That was done by conservatives to keep the non-elected judiciary from being too intrusive. What the gentleman's amendment does is to reverse that principle of judicial restraint.

Mr. HASTERT. Mr. Chairman, I yield 2 minutes and 40 seconds to the gentleman from Georgia [Mr. KINGSTON].

Mr. KINGSTON. Mr. Chairman, there is a story of a very learned doctor of theology, a distinguished minister, who was walking through the park one day. He sees a guy who is kind of an itinerant of sorts, and he is reading the Book of Revelations. The doctor of theology says to him, in a condescending, intellectual way, my good man, "Do you have any idea at all of what you are reading in the Book of Revelations?" To which the guy said, "No, I can't say I understand every little bit of it." And he says, "Then sir, why are you reading it?" He said, "Because I know how it ends."

What I am saying, Mr. Chairman, is I do not believe this is a debate of pointy-headed intellectual bean-counters. I think this is a debate about common sense. Here is how I understand this issue. Under the normal U.S. census procedure, you go to a house. You ask how many folks live there. Three. You go to the second house. How many live there? Seven. How many live in the third house? Six. You write down three, seven, six. You come up with 16.

Now, under the Democratic samplematics, you are doing it a little more creatively. You go to the first house and count three, to the second house and count seven, and at the third house you go to the drugstore and get yourself a Coca-Cola, and you sample about 20 people there. Then, depending on how many you need, you say, in total, we got maybe 15 to 25 people, depending on how many the folks need back in the office, and that is the count.

Now, let us say that is how this thing works, in layman's terms, so I can understand it. Now think about it in other potential applications. We may want to take a second look at this as Members of Congress. What would be some other potential sampling applications?

How about balancing your checkbook? No problems with overdrafts. How about adjusting your income taxes; you know, sending it to the IRS, and when they start complaining, there is a lot of IRS passion going on these days, you can say, "Hey, look, I just used sampling to send you what I owed you."

That has often handicapped us. I will just say that a lot of people sample on their golfing already. On the SAT, for those Members with teenaged kids trying to get into college, sample up the SAT score, 1,500. Speeding tickets: "Officer, I was going about 100, but I was sampling. Just give it to me at 55." That is what this is about.

Mr. Chairman, the 14th Amendment of the United States says it real easy for someone like me and a lot of other folks, that counting the whole number of persons in each State is the way to do your sampling.

Mr. MOLLOHAN. Mr. Chairman, I am pleased to yield 2 minutes to the distinguished gentleman from North Carolina [Mr. WATT].

Mr. WATT of North Carolina. Mr. Chairman, I thank the gentleman for yielding me the time.

Mr. Chairman, I do not believe there is a Member of this House who over the last 5 years has risen in defense of the United States Constitution more than I have. I honestly would tell the Members if I thought statistical sampling was unconstitutional, regardless of the political consequences. I would be rising in support of the Constitution, in defense of the Constitution.

I think this whole constitutional argument is a bogus argument, however, and it fails to read the entire sentence in Article I, Section 2, clause 3 of the Constitution, because that section of the Constitution requires an actual enumeration, but then it goes on to say, ". . .in such manner as the Congress shall by law direct." And all of these gentlemen who have gotten up and talked about requiring a head count seem to be ignoring the second part of the sentence.

Every single Justice Department that has opined on this issue, the Bush Justice Department, the Carter Justice Department, the Clinton Justice Department, have all said that statistical sampling is fine under the Constitution. Every single court that has addressed this issue has said that statistical sampling is acceptable under the Constitution.

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The Federal District Court, Eastern District of New York, said it is no longer novel or in any sense new law to declare that statistical adjustment of the census is both legal and constitutional because article I, section 2, requires the census to be as accurate as practical. The Constitution is not a bar to statistical sampling. This is a bogus argument that my colleagues are using. Statistical sampling is constitutional.

I rise in support of the amendment.

Mr. HASTERT. Mr. Chairman, I yield 2 minutes to the gentleman from Iowa [Mr. LATHAM], a member of the subcommittee, who is well familiar with bean counters.

Mr. LATHAM. Mr. Chairman, I guess being in the soybean business, we do count a few beans there.

But I think we have to look at what this debate really is all about. We are talking about the census, but really what it gets down to is money and power. It really gets down to the debate of whether we want those things distributed in a fair and honest manner or if we want someone possibly with political motivation to guess at where those things go.

No. 1, with the money, as everyone here knows, and I do not know if the folks at home know that where the Federal dollars are distributed is based on the count, would we rather have an actual real count to know that we are getting our share of Federal dollars or would we like a bureaucrat here in Washington to guess at it?

As far as power, it has to do with how many Representatives we have from our States. If our State is kind of on the bubble here as to whether we are going to lose a seat or gain a seat, do we want that determined by an actual real count or do we want a bureaucrat here in Washington to make that determination for us and mute our voices? It is simply wrong to go that route.

I do not necessarily say that there is going to be politics involved in this census or this guessing that we are proposing do here, but let us look at the record. Has this administration politicized any other departments in government? Look at the FBI. There are 900 files of private citizens for political reasons in the White House today. They brought in over a million citizens last year for the election and did not check the background, for political reasons, of 180,000 of them. There are 30,000 convicted felons in this country because they politically wanted to get more people registered to vote.

Would they politicize the census? What do my colleagues think? We need an honest, fair, real, legal, and constitutional census, and that means to count real people.

Mr. MOLLOHAN. Mr. Chairman, I yield myself 45 seconds to respond to the gentleman, if he would stay at the podium.

I would just like to assure the gentleman, that is precisely the reason. That is the one argument against the census that cannot be refuted by fact, because it is based upon suspicion. That is why we created this oversight board, which is composed of former Presidents, people who have absolute credibility, to give the census credibility, because this kind of a debate that the gentleman just engaged in, in and of itself, is the greatest underminer of public confidence.

Also, with regard to the efficacy of sampling, our own Speaker GINGRICH must have believed in the efficacy of sampling because on April 30, 1991, he wrote, in part, to the Secretary of Commerce, I quote, I respectfully request that the census numbers for the State of Georgia be readjusted to reflect the accurate population of the State so as to include the over 100,000 which were not previously included.

Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Texas [Mr. STENHOLM].

Mr. STENHOLM. Mr. Chairman, though much of the debate on correcting the undercount of the census is centered around the number of people not counted in urban areas, as one who represents a very rural district, I want to highlight the fact that people in rural areas are being missed as well. In fact, some of our rural areas are undercounted to a greater degree than the entire country.

According to the Census Bureau, the net undercount for the Nation in 1990 was 1.6 percent, while rural areas were undercounted at a rate of 5.9 percent. I want to emphasize that accuracy is critical. Let there be no disagreement on that as we prepare for the 2000 census. The Census Bureau should form early and active partnerships with State and local governments so that these governments will have an early opportunity to review census address lists and maps for their area.

This amendment will remove the restrictive language included in the bill and allow the Census Bureau to continue to plan for the 2000 census. Their proposal, which is supported by scientists and statistical experts, should improve accuracy and save costs.

It is fascinating to sit here and listen to colleague after colleague argue against the best science available. I have taken to this well day after day after day, arguing that we should use the best science available, whether we are talking about environmental issues, food safety issues, or census issues. But tonight in this debate, we are being selective as to which science we should use. I find this a fascinating argument to listen to.

I am convinced, absolutely convinced, that statistical sampling is the best method to get an accurate census, and I urge my colleagues to listen to this debate and to listen to those who are saying that only some science is good and we will be selective in which we choose to agree to. Statistical scientists say that sampling will help us get an accurate count. Is that not what we all should really be for?

I urge my colleagues to support the Mollohan-Shays amendment.

Mr. HASTERT. Mr. Chairman, I yield 1 minute to the gentleman from Florida [Mr. MILLER]

Mr. MILLER of Florida. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from West Virginia and in opposition to the use of sampling.

I am a former statistics professor. I taught statistics at both the undergraduate and graduate level at several universities. I have respect for sampling, but sampling is used when you do not have enough time or money. What you really want to have is census information, statistics. When you use sampling, you have bias. You have nonsampling bias, and you have sampling bias.

In my first lecture on statistics both at the graduate level and the undergraduate level, I used to use this book, still available to buy in the book store. It is "How To Lie With Statistics."

Statistics can be manipulated in a variety of ways that can be legitimately defended. I do not trust statistics. I teach my students to be suspicious of statistics, to be cautious of the use of statistics. I used to make the statement, tell me the point you want me to prove, and I will prove it with statistics, because it can be done.

I know all the statisticians say sampling is great. Statisticians would not have a job if we did not have sampling. That is what statistics is based on. Statisticians are biased to start with.

I think we are doing a good job. What we need to do is do a good census. Dr. Riche is moving in that direction. Let us look at the examples of what took place in Milwaukee and what took place in Cincinnati. We can do a good census. Let us do the job right and not play around with sampling.

Mr. MOLLOHAN. Mr. Chairman, I yield 1¾ minutes to the gentlewoman from Florida [Mrs. MEEK].

Mrs. MEEK of Florida. Mr. Chairman, first of all, I do not trust statistics any more than the rest of my colleagues. But I trust even less the belief that everyone is going to be counted fairly.

If we look at the history of this, we have never had an accurate count. The under-count has been shown more in African Americans than it has in any other group. Do we want this repeated? Then we are sending a message that we do not want a fair census count.

This country does not look like it did in 1990. You better look around and see that it is different. You see more minorities. There will be even more. So you may as well learn that you have to count them accurately. You cannot count them accurately by the kinds of enumeration that you are doing or that you expect to do.

So it tells me that the issue is that because you know there are more of them than there are of you, that you do not want an accurate count. They are going to be there. They are going to be under the bridges. They are going to be in the homeless shelters. There are going to be people who do not return those things to the census.

All I am saying to you is, it is fruitless, it is crazy, it is a waste of money, but you would rather do that politically and for power than to go to a sampling which the Mollohan amendment is asking us to do. You would rather take that useless method because you do not want to count everybody. You want to go back to the time when there was a serious undercount.

It will repeat itself. It was in 1990, as you see from this chart. It is going to be in the year 2000, because you are going to insist on counting every head.

Mr. Chairman, they cannot enumerate and count every head because they are not going under the bridges, they are not going on the highways and byways of this country to find these little people and count them. If that is the way you want it, then you will not support the Mollohan amendment.

I support the Mollohan amendment because it is fair. African-Americans will be counted. It has got to be done.

Mr. HASTERT. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Illinois [Mr. HYDE].

Mr. HYDE. Mr. Chairman, this is a fascinating debate. I listened to my good friend, the gentleman from Texas [Mr. STENHOLM], talk about the scientists. I do not think you have to be a scientist, rocket or otherwise, to read the plain language of the Constitution: "The actual enumeration," those are not tough words, "shall be made within 3 years after the first meeting of the Congress."

And then a constitutional scholar, the gentleman from North Carolina [Mr. WATT], brought in the entire text. He said, "in such a manner as they," meaning Congress, "shall by law direct."

Well, you cannot by law amend the Constitution. You cannot pass a statute and erase the first three words of article I, "the actual enumeration."

It is a stretch to ask us to trust the sampling of the population to an administration that has shown, at best, a reckless disregard for the letter and the spirit of the law.

It goes beyond the Constitution. We have a statute. Title 13, section 195, says, "Except for the determination of population for purposes of apportionment of Representatives in Congress among the several States, the secretary shall, if he considers it feasible, authorize the use of the statistical method." It specifically excludes counting by sample, by guess, a determination, "for the purposes of apportionment."

We want to count everybody. If they are under the bridges, go down there and count them. You are getting paid to count them. Why is that less accurate than guessing how many people are under the bridge? Your administration does not exactly wear a T-shirt saying, "trust me," and engender an awful lot of confidence to have you count how many people there are and where they are and what the districts shall be in the next 10 years.

The CHAIRMAN. The Committee will rise informally in order that the House may receive a message.

The SPEAKER pro tempore (Mr. MILLER of Florida) assumed the chair.

## FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2203) "An Act making appropriations for energy and water development for the fiscal year ending September 30, 1998, and for other purposes."

The SPEAKER pro tempore. The Committee will resume its sitting.

## DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 1998

The Committee resumed its sitting.

Mr. MOLLOHAN. Mr. Chairman, I yield such time as she may consume to the gentlewoman from Texas [Ms. JACKSON-LEE].

Ms. JACKSON-LEE of Texas. Mr. Chairman, because sampling equals one vote and good science and good constitutional support, I rise to support the Mollohan-Shays amendment.

Mr. Chairman, I rise in support of the Mollohan-Shays amendment to H.R. 2267, the Commerce-Justice-State appropriations. This amendment if adopted would add language prohibiting use of any 1998 funds to make irreversible plans or preparations for the use of sampling or any other statistical method, including statistical adjustment, in taking the census for purposes of congressional apportionment. This same language is included in the Senate-passed version of the bill.

This amendment would also create a Board of Observers for a Fair and Accurate Census, with the function of observing and monitoring all aspects of the preparation and execution of Census 2000, to determine whether the process has been manipulated—through sampling, statistical adjustments, or otherwise—in any way that biases the results in favor of any geographic region, population group, or political party.

The constitutional requirements for the census are simple. Article I, section 2 clause 3, as amended by the 14th amendment, provides that the Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State.

It has come to my attention that the revised language in the rule regarding the census which would be automatically incorporated into the bill does not as reported provide for an expedited judicial review to determine the legality and constitutionality of sampling for purposes of apportionment or redistricting.

The critical test which would authorize judicial review is standing. From precedents we can be strongly counseled that the conferral of standing, especially in its definitional design of injury in fact, would be inadequate to authorize judicial review until the occurrence of the injury, the calculation of population figures showing the gains and losses of seats in the House of Representatives.

The case law makes it clear that this authorization, if enacted, would run afoul of constitutional barriers to congressional conferral either of standing or ripeness or both.

This would leave Congress in a poor light judicially, because we lack the power to create a definition of standing or of the imminent likelihood of injury giving standing that would infringe the constitutional requirement of standing of injury in fact or of the imminent likelihood of injury. This is not where this body should leave the issue of an accurate census for our Nation.

Under article II, of the Constitution for a litigant to have standing, he must allege an injury in fact to himself or to an interest; if the injury has not yet occurred, he must allege a strong basis for fear that the injury will happen, that there is a real danger of the injury being felt. The quoted provisions purport to confer standing far beyond this constitutional requirement.

If I recall correctly, in the last Congress, a number of proposals came forward which failed to limit the terms of those who serve in this body. Now, that the Census is upon us as a natural mechanism to creating turnover in the House we want a judicial challenge to the use of sampling that most believe is an accurate and reliable means of counting the population of this country.

The legal issue is sampling. Sampling and statistical adjustment of the decennial population census taken for the purpose of apportioning the Representatives in Congress among the States, have become increasingly controversial during the past two decades.

According to a Congressional Research report, the constitutional and statutory language relevant to sampling and statistical techniques appears to be clear, but never the less have been the subject of competing interpretations which would either permit or prohibit sampling and other statistical techniques in the census for apportionment. Although no court has ever decided the issue squarely on point, several courts have expressed opinions in dicta.

Today, some Members of the House of Representatives have declared a political and philosophical Jihad on the use of sampling for the 2000 census.

As a Member of the House Committee on Science, I am here to state clearly that this is not a matter of political philosophy, but scientific fact.

In 1990, the city of Houston, TX, was undercounted by 3.9 percent during that year's census which only recorded 1,630,553 residents. Based on sampling that was prepared for that census, but never used it is estimated that over 66,000 Houstonians were missed by the 1990 census.

It is impossible to count every resident of this country in the time allotted, for the census with the funds which have been appropriated. I am aware of the work done by three separate panels convened by the National Academy of Science which have recommended that the Census Bureau use sampling in the 2000 census to save money and improve census accuracy.

The National Academy of Sciences is a private, nonprofit, self-perpetuating society of distinguished scholars engaged in scientific and engineering research, dedicated to the furtherance of science and technology and to their use for the general welfare.

It is a fact that despite the gains made by the Bureau of the Census in address list development, form design, pre-notice and reminder mailings, and various outreach efforts, exclusive reliance on physical enumeration of all households cannot be successful in 2000. Based on the results of the 1990 census, it is highly unlikely that the Census Bureau can carry out this type of decennial census with acceptable accuracy within the current expected levels of funding.

The ability to use sampling during the 2000 census will ensure that any undercounting which may occur in this census because of sparsely populated regions of States like Texas or more densely populated cities like Houston, and Dallas can be held to a minimum. Undercounting the results of the 2000 census would negatively impact Texas' share of Federal funds for block grants, housing, education, health, transportation, and numerous other federally funded programs. The census, as you know, is also used in projections and planning decisions made by States, counties, and city governments.

I would ask that all of my colleagues support the Mollohan-Shays amendment to the Commerce-Justice-State appropriations.

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Mr. MOLLOHAN. Mr. Chairman, I yield 1¾ minutes to the distinguished gentleman from California [Mr. BECERRA].

Mr. BECERRA. Mr. Chairman, I thank the gentleman for yielding me this time.

I want to read from a document entitled "How To Use The Language of the 21st Century" by a pollster often used by a number of Members, mostly Republican Members. It states as follows, regarding Hispanic Americans:

> Our majority is at stake.
>
> Republicans barely maintained their congressional majority in 1996, and a major reason their support dropped from 1994 was the utter collapse of the Hispanic vote. In all the large key States, California, Texas, Florida and New York, the Hispanic percentage of the total vote is significant and growing.
>
> We do not need a majority of Hispanics to win a majority of the vote. In areas of heavy Latino concentration, any Republican who wins more than a third of the Latino vote will be elected. It is that simple. But if we allow our percentage among Hispanics to fall below 25 percent, the Bob Dornan loss in California will be repeated again and again.

We do not want to have a census that counts us all accurately because if we do there is a good chance that we will catch all those Hispanics that were not counted in the 1990 census. And if we look at the 1996 election, we will see that Hispanics are not voting Republican because of all the assaults on the Hispanic community by this Republican majority.

Does it make any sense for the Republicans to want to count all Latinos in this country when they are not voting for Democrats? Is anyone surprised that we do not want to see an accurate count come out of the 2000 census and count the one community that was most undercounted in the 1990 census?

It makes perfect political sense. Unfortunately, we should not be driven by politics in deciding what the Constitution has called one of the most important activities in this country, and that is counting every single American. Unfortunately, with this bill, we do not count every American. If we had the Mollohan-Shays amendment, we would.

We should vote for that amendment because it is the right thing to do. It is not the political thing to do.

Mr. HASTERT. Mr. Chairman, I yield 1 minute to the gentleman from Mississippi [Mr. WICKER].

Mr. WICKER. Mr. Chairman, I thank the gentleman for yielding me this time, and I rise in the strongest possible opposition to the Mollohan amendment and to the concept of census sampling.

This vote goes to the heart of the question: Will our Nation carry out an honest, accurate and complete census in the year 2000? And, beyond that, to the question: Will the United States have a fair congressional reapportionment in the year 2002?

As my other colleagues have said, my opposition to sampling is based on a variety of reasons. The guessing scheme is unconstitutional, it is contrary to statutory law, it is unreliable, and it is subject to abuse. The Constitution calls for "actual enumeration," and actual enumeration means actual counting. It says count the "whole number" in the 14th amendment. The United States Code specifically precludes the use of sampling for determining congressional reapportionment.

The chairman of the subcommittee is right. This may be one of the most significant and far-reaching votes of this entire Congress. The Constitution requires an actual count. Vote "no" on the Mollohan amendment.

Mr. MOLLOHAN. Mr. Chairman, I yield such time as she may consume to the gentlewoman from North Carolina [Mrs. CLAYTON].

Mrs. CLAYTON. Mr. Chairman, I rise in the strongest possible support of this amendment and also for sampling. It is the fair way to count, it is a proven way to count, and it is scientific. This is the fair way to make sure everybody is included in a democracy.

Mr. Chairman, I am strongly in favor of this important amendment. The impartial, outside experts—including GAO and the National Academy of Sciences agree that sampling must be used in the next census for it is the best method as well as the most cost-effective method.

Undercounting hurts those who are already hurting—the poor, children, rural area, and urban areas. If there is a method that gives them fair billing, why not use it—why use a method that we know, that we know undercounts people. The census numbers are critical for it is upon their foundation that most Federal dollars are distributed.

The census undercount is not just an inner city, minority problem. Rural communities are undercounted, too. And poor rural areas are undercounted to a greater degree than the country as a whole.

The net undercount for the Nation in 1990 was 1.6 percent, or about 4 million people. That's the difference between the 10 million people who were missed and the 6 million who were counted twice, errors that don't cancel each other out because people who are missed don't tend to live in the same neighborhoods as those who are likely to be counted more than once.

By contrast, the undercount of rural renters in 1990 was 5.9 percent. Owner/renter status is a proxy for income, so the proportion of poor rural people who were missed was far greater than the Nation as a whole. Ninety percent of the rural renters missed were not minorities.

Mr. Chairman, in the South, in 1990, the undercount of white renters was 6.23 percent, representing more than 10 percent of the total national undercount. For American Indians living on reservations, the 1990 undercount was more than 12 percent.

We cannot pretend this does not affect large groups of citizens, Mr. Chairman. Vote "yes" on the Mollohan amendment.

Mr. MOLLOHAN. Mr. Chairman, I yield such time as she may consume to the gentlewoman from Connecticut [Ms. DELAURO].

Ms. DELAURO. Mr. Chairman, I thank the gentleman for yielding me this time, and rise in support of the Mollohan-Shays amendment.

A sampling has been verified, it is a practice in the business community, it is the direction we should go.

Mr. MOLLOHAN. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from Ohio [Mr. SAWYER]. Along with the gentlewoman from New York [Mrs. MALONEY] the gentleman from Ohio has been extremely active on this issue. He is knowledgeable and has done an extremely good job.

Mr. SAWYER. Mr. Chairman, I thank the gentleman for yielding me this time.

The Romans had a phrase that captured the essence of intellectual corruption: "Video" meliora proboque deteriora sequor. It means: "I see the better course of action and approve it, but the worse path is the one I take." It could describe our work today.

Before us is a plan to count the Nation. It is legal, it is constitutional and supported by the broad consensus of science. The alternative will doom the census, the underpinning of our democracy, to failure. It will not be above reproach if we follow the language in the bill, it will be below respect.

The heart of the argument is over the use of sampling, which has been a part of the census for seven decades. Now, some say that the Constitution requires "an actual enumeration", and I agree, it does. However, as in so many things, history is important and instructive.

Madison and Sherman, in framing the great compromise, struggled to find a formula for proportional representation. Slave State delegates favored property as the rule for representation. They felt their slaves would be included as a measure of wealth and a useful substitute for population. Free States were hostile to slavery as a basis for any form of democracy and argued for an actual measurement of the number of inhabitants, not some measure of wealth as a partial substitute for population. Hence the term "actual enumeration" of people as opposed to some other method.

So we ask, what is an actual enumeration as determined by law, by the Congress? Well, in 1790, Thomas Jefferson sent out 600 Federal marshals. It took 8 months and he missed a million people. So in the 1800's they hired tens of thousands of temporary workers, who brought their disparate lists back to Washington where an army of "census girls" added them up by hand. In the end of the century, that took over 8 years to complete.

So in 1890 they used a punch card machine to record and tally results untouched by human hands. By 1940 they introduced sampling and have used it ever since. And in 1960 the census used the mails to deliver and collect forms, counting people without ever having knocked on their doors, and they still do today.

In short, as the Nation changes, techniques of actual enumeration have changed, but we still count population, not something else, as the Constitution requires. Still, it has gotten harder, so after the problems of 1990, the Congress did the right thing. We asked the General Accounting Office and the inspector general and the National Academy of Science's National Research Council and panels of outside experts who, to a one and without exception, said build on traditional methods, of course; use the most intensive mail and door-to-door techniques ever tried; and then supplement them with an expanded use of scientific sampling to test and improve the count.

Will that work? Well, let us listen to Speaker GINGRICH, as I have. I have read his book and I have listened to the tape of his course. In both he cites the work of W. Edwards Deming in the use of statistical quality control methods as one of his five pillars of American civilization.

And what does Deming say? He says, in his magnum opus on the topic, that the census is the earliest and largest and most successful full-scale application of statistical quality control, far beyond the dreams of private organizations, attributable to effective statistical work for continual improvement of quality and productivity.

The Speaker knew then what he knows now. Statistical measurements help produce a better result. Because Deming's principles are more valid and compelling today than ever before, ignoring them, failing even to test them next spring, as this bill would prevent, will produce a far worse and much more expensive census.

If Deming were alive today, he would be ashamed of us. He would say shame on us. He would tell us, "I taught you the better course of action, but the lesser path is the one you take." I prefer we do the best we can in counting the Nation. Anything less is a step toward intellectual corruption and a debasement of our democracy.

The Mollohan-Shays amendment will produce the finest count of which this Nation is capable. We have little choice, if we are to respect the constitutional mandate, but to follow it.

Mr. HASTERT. Mr. Chairman, I yield 1 minute to the gentleman from Texas, [Mr. BRADY].

Mr. BRADY. Mr. Chairman, America is so large, I always marvel at the challenge we face each census to count every person in this country. But because we have been conducting a census every 10 years since our Nation was founded, it is remarkably accurate. Even the harshest critics admit the last census was nearly 99 percent accurate.

But as good as that is, nearly 99 percent accurate is not nearly good enough because we rely on our census for a lot of our community goods, our funding and how large a voice we have in our local government, State legislatures and Congress.

As we have heard tonight, the census is so important it is enumerated in the very first article of the Constitution. It is insisted that we count every person in America, not estimated, not guessed at, and not determined by some algorithm of a subset of the percentage of the combined data collection error minus the rostering factor multiplied by the inmoving/outmoving ratio or something complicated.

Sampling is not constitutional. Like all statistics, it is easily manipulated. It is based on lowering our census accuracy to 90 percent and then guessing the rest. The Republican approach is constitutional, it is proven, and it counts real live human beings.

Mr. MOLLOHAN. Mr. Chairman, may I ask how much time remains?

The CHAIRMAN. The gentleman from West Virginia [Mr. MOLLOHAN] has 9½ minutes and the gentleman from Illinois [Mr. HASTERT] has 15¼ minutes remaining.

Mr. MOLLOHAN. Mr. Chairman, I reserve the balance of my time.

Mr. HASTERT. Mr. Chairman, I yield 1½ minutes to the gentleman from Arizona [Mr. SHADEGG].

Mr. SHADEGG. Mr. Chairman, I rise in strong opposition to this amendment, and I bring to it some level of experience. From 1983 to 1990 I enforced the Voting Rights Act in Arizona, and in 1990 I represented the Arizona legislature in reapportionment.

Mr. Chairman, no less than the integrity of this Nation is at stake in this amendment. This is not a difficult issue. My colleagues have accurately pointed out that both the United States Constitution specifically requires an actual count and so does Federal law.

This is not a question that is in doubt, but let me urge my colleagues to consider the consequences of what is being proposed by this amendment. Never, I repeat, never in the 200-year history of this country has there been a deliberate attempt to count less than the entire population.

Contrary to what we just heard on that side of the aisle, what the census proposes in this sampling idea is to deliberately count only 90 percent of Americans and then to stop at that point and estimate the rest. Until 1990, the Census Bureau rejected sampling and said it was unconstitutional.

I call on my colleagues to imagine the incentives we are creating. If we tell America we are only going to count, actually count, until we get to 90 percent, and then we are going to sample from that point on, what motive is there for a single American to send in the form; and what faith will they have in this system?

The Constitution says enumerate one-by-one and do an actual count. This is a bad idea and is at the heart of integrity in our government.

Mr. MOLLOHAN. Mr. Chairman, I yield such time as he may consume to the gentleman from California [Mr. FAZIO].

Mr. FAZIO of California. Mr. Chairman, I rise in strong support of the Mollohan-Shays amendment which will allow the Census Bureau to conduct a fair and accurate census in the year 2000.

I rise today to urge you to support the Mollohan-Shays amendment which will allow the Census Bureau to conduct a fair and accurate census in the year 2000.

The limited use of sampling is a crucial part of an accurate count and serves only as a supplement to the Census Bureau's aggressive direct counting effort.

The decennial census provides the cornerstone of knowledge about the people of our Nation.

State and local governments use census data to draw legislative districts of equal population.

The Federal Government uses census data to distribute billions of dollars in grants according to population-based formulas.

Federal, tribal, State and local officials study the patterns of detailed census data before constructing hospitals, highways, bridges, and schools.

And businesses use census data when deciding where to locate production facilities and retail outlets.

Ten percent of the count in 1990 was inaccurate, and GAO estimates an error rate of 26 million.

Contrary to popular belief, an undercount affects not only those in urban centers, but also those who live in remote rural areas.

Children and minorities were disproportionately undercounted, resulting in vital Federal services being underallocated for those who need them most.

The 2000 census is an unprecedented effort by the Census Bureau to ensure that all Americans are accounted for wherever they live, and I urge you to support the Bureau's innovative plan for the 2000 census, including sampling, and vote for the Mollohan-Shays amendment today.

Mr. MOLLOHAN. Mr. Chairman, I yield such time as she may consume to the gentlewoman from California [Ms. MILLENDER-McDONALD].

Ms. MILLENDER-McDONALD. Mr. Chairman, I rise in strong support of the Mollohan-Shays amendment ensuring that each American is fairly counted.

Mr. Chairman. I rise today in support of the Mollohan-Shays amendment, a bipartisan measure to allow the Census Bureau to use the scientific method of sampling to conduct the decentennial census in the year 2000. The current system is inefficient and expensive and needs to be fixed. There are various undercount problems that need to be solved before the numbers are delivered to the Congress—problems that affect congressional representation. These numbers also affect fundamental Federal community programs for the impoverished. In 1990, the differential undercount, where the census inadvertently omits a higher proportion of the minority population than the majority, was the highest it has been since the 1940's—4.4 percent of blacks, 5.0 percent of Hispanics, 2.3 percent of Asians and Pacific Islanders, and 4.5 percent of American Indians were unaccounted for, compared with only 1.2 percent of non-Hispanic whites.

Sampling is not a new technique. Especially in conducting the census. The method used to develop socio-economic profiles of the U.S. population employs extensive use of sampling. For instance, the Census Bureau's long form is sent to only one in six households. It is used to obtain most of our information about income, educational attainment, ancestry, and housing stock, just to name a few categories.

Sampling methods are not just limited to the Census. Tax legislation is written using data collected by sample surveys. Health legislation is based on the national health, examination, and nutrition survey. Even the consumer price index, whether it is ever reformed or not, will be calculated from two different sample surveys—the point of purchase survey and the consumer expenditure survey. And we rely on scientific sampling and analysis to improve the CPI's accuracy.

All the Census Bureau wants to do is to expand its capabilities to adjust for the undercount before its deadline to report the numbers. Under the Constitution, these are the numbers we use to reapportion our congressional districts. These data are also used for revenue-sharing purposes. So, to oppose sampling methodology to produce one single, accurate figure to be reported, makes no sense. I ask you, Is there some reason my colleagues don't want the census results to be accurate? Is there some reason they don't want the more transient among our population—the minorities, immigrants, low income, and impoverished counted in the official numbers? You tell me, because I can't figure it out. But I agree with a statement by Barbara Baylar, vice president for survey research at the National Opinion Research Center. She explained that:

> Oftentimes the pressures are not to produce data to support some position but not to produce data. All of us can name examples—income data, poverty data—that exerted [such] pressure. Not to produce this data in a timely and efficient manner is a brand of know-nothing-ism that we cannot afford to tolerate in the era of the information age, at the dawn of the new millennium.

This is a serious issue. The 1990 numbers undercounted the United States population by 4 million people. That's 1.6 percent. In the State of California alone, the nonsampling method missed 834,000 people. That's 2.7 percent. The Mollohan-Shays amendment would allow the Census Bureau to conduct its research more accurately and inexpensively, and should be supported by Members on both sides of the aisle. I encourage all of my colleagues to vote "yes" on this amendment.

Mr. HASTERT. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. CUNNINGHAM].

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Mr. CUNNINGHAM. Mr. Chairman, one of the most damning things about this body is the partisan deceit that takes place, partisan deceit for political gain.

This bill allows a 35 percent error rate within a district. Yeah, can you make it up nationally. But look in the past in the gerrymandering and reapportionment. Do you have any doubt where that 35 percent is going to take place? In individual Republican districts.

No, I do not trust. Why? If this body had operated in a bipartisan way, look at the White House union issue with the White House directing money. Look at the FBI files. Look at the INS keeping registration. And in San Diego, they kept Republicans from registering new Members of this body, of this country. Look at China and the Trie and the Huang and the Riady. Look across-the-board at the political manipulation.

My mom told me, "If you tell enough lies, you are going to go to hell." Well, I want to tell my colleagues something: On Medicare, Medicaid, education and the environment, the Democrat leadership is going to need a big fan when they die.

Do we trust the President? Absolutely not. Vote no on this amendment.

The CHAIRMAN. The gentleman from Illinois [Mr. HASTERT] has 12¾ minutes remaining, and the gentleman from West Virginia has 9½ minutes remaining.

Mr. HASTERT. Mr. Chairman, I have only two speakers left.

Mr. MOLLOHAN. Mr. Chairman, I yield 4 minutes to the distinguished gentleman from Connecticut [Mr. SHAYS].

Mr. SHAYS. Mr. Chairman, I am not a great fan of calling amendments by Members' names. My general view is if we have campaign finance reform to call it the bipartisan bill for campaign finance reform and not attach a Member's name to it. But I want to say to my colleagues that I take tremendous pride today in having this be the Mollohan-Shays amendment.

I really believe that the gentleman from West Virginia [Mr. MOLLOHAN], the gentleman from Ohio [Mr. SAWYER] and others, frankly, on that side of the aisle are right and most of my colleagues on my side of the aisle are wrong.

I believe, with all my heart and soul, that the Census Bureau needs to test intensive door-to-door surveys, it needs to test outreach programs, it needs to test advertising, it needs to test hiring practices and who they hire, it needs to test telephone responses, it needs to test multiple site form distributions, it needs to test polling by mail, and yes, it also needs to test and review the results of statistical sampling.

What most on my side of the aisle want to do is deny the Commerce Department and the Census Bureau the opportunity to prove the validity of statistical sampling. The issue here is not whether we will do it for the year 2000 census, the issue is will we be able to test to prove its validity. Sadly, on my side of the aisle, too many simply do not want that to even be proven.

Now, that is true because my colleague, the gentleman from Illinois [Mr. HASTERT], has decided to come in with an amendment that, basically, says we cannot even test for statistical sampling until the court has made a decision. But it is not the same thing.

Here we ask for parliamentary inquiries and the Speaker entertains it. But we cannot ask the court for a parliamentary inquiry. We cannot ask them to decide the constitutionality of a particular issue before they have a case before them.

So just like the line-item veto, the court might hear something and say, "We cannot decide, so we will never have a decision." In effect, my colleague, the gentleman from Illinois [Mr. HASTERT] will have achieved his objective. Statistical sampling will not even be allowed to be reviewed for determination on whether it works.

Now, the bottom line, as far as I am concerned, is that the science, not the politics, but the science proves that the National Academy of Science, the Inspector General, Commerce Department, the General Accounting Office, the American Numerical Statistical Association, and others, believe, with all their heart and soul, that the best way and the fairest count is to use statistical sampling after we have gone four times into the community and after we have reached 90 percent of the households.

One of my colleagues stood up and talked in great faith about how it was important to go from house to house. What do we do when someone leaves at 6 in the morning and does not get home until 12 at night? What do we do? Are we going to wait for them at 1 o'clock in the morning? No. We are just not going to count them.

What are we going to do, be standing at the door? We go four or five times to that apartment and no one is there.

The bottom line is we will undercount people in rural areas if we do not have statistical sampling, we will undercount people in urban areas if we do not have statistical sampling; and, yes, most of them, sadly, will be minorities.

I believe that we should allow the Census Bureau to do its job, and I believe we should not interfere. I know we have the protection to make sure that statistical sampling is applied fairly. We would have an appointment from the Republican side and an appointment from the Democrat side to review this. We would have the Comptroller General, who, by the way, is appointed by the President, but only from three nominations made by four Republicans and four Democrats. I hope and pray that this amendment passes.

Mr. HASTERT. Mr. Chairman, I yield myself 15 seconds.

When we cannot find those folks in the apartment houses and the homeless shelters, we do like people in Milwaukee did, we hire the homeless folks to go and seek them out. We also go out and work and hire postal employees to deliver the mail on weekends to find out where these people are. It can be done, and has been done, and should be done.

Mr. Chairman, I yield 4¾ minutes to the gentleman from Georgia [Mr. BARR].

Mr. BARR of Georgia. Mr. Chairman, former Treasury Secretary William Simon has said that "People use statistics like drunks use lampposts, for support rather than illumination." He would feel right at home on the other side tonight.

Somebody else would feel right at home on the other side tonight who wrote 132 years ago in a book on Alice. As Lewis Carroll had them saying, "Then you should say what you mean," the March hare went on. "I do," Alice hastily replied; "at least, at least I mean what I say. That's the same thing, you know." "Not the same thing a bit," said the Hatter. "Why, you might just as well say that 'I see what I eat' is the same thing as 'I eat what I see.' "

Mr. Chairman, this is a debate on the other side out of the "Twilight Zone." Let us look at reality. This administration, Mr. Chairman, has politicized the INS, the FBI, Department of Justice. We have seen Filegate, Travelgate. Let us not allow them to develop Censusgate.

If any administration has ever abused its power vested in it by the American people, Mr. Chairman, this administration has. Should the American people actually believe that this administration would not jump at the opportunity to use the census for its own political gain?

Fortunately, though, Mr. Chairman, our Founding Fathers envisaged that some day an administration would abuse its power and would attempt to manipulate the census. And Mr. Chairman, like they have done so many times before, thank goodness, our Founding Fathers predicted the error of our ways and saved us from our own demise; they provided us with a guide on how to run a democracy.

That guide, which too many Members ignore, is the U.S. Constitution. And on the issues of the census, it is unambiguous. The constitutional cornerstone of a representative democracy is the right to vote, and that is inextricably linked to the right to be counted.

The affirmed intent of the U.S. Constitution holds that the decennial census must be an actual count. Article I, section 2 of the Constitution states: "The actual enumeration shall be made within three years after the first meeting of the Congress of the United States, and within every subsequent term of ten years, in such manner as they," that is the Congress, "shall by law direct."

In 1868, as part of the 14th amendment, there was further clarity, stating in part: "Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State."

Three key principles arise from a study of the Constitution on this issue. First, the decennial census must be an "actual enumeration." Second, the "actual enumeration" must be "a counting of the whole number of persons in each State." And third, the decennial census must be conducted "in such a manner as they (Congress) shall by law direct."

The first challenge to the actual count came at the Constitutional Convention itself, when my own State of Georgia sought additional representation based on expected population growth. This was not allowed. The Framers' intent was that congressional apportionment must be based on actual count at the time of the census-taking.

Even though census figures are used for many determinations, the only constitutionally mandated purpose for the census is the determination of the U.S. population in order to apportion congressional seats. And for this purpose, the Constitution's requirements are crystal clear and they are mandatory.

In the 1950's, a small group of statisticians proposed the use of statistical sampling and adjustments as a gap filler for the decennial census. Wary of the potential for data manipulation, Congress enacted a statutory provision (13 U.S.C. Sect. 195) restricting the use of the statistical sampling and adjustments, stating: "The Secretary of the Commerce shall, if he considers it feasible, authorize the use of sampling except for the determination of population for purposes of apportionment of Representatives."

Mr. Chairman, the Clinton administration is on the verge of creating a virtual America based on virtual people, but based on a very real violation of law and of our Constitution. Congress has not waived, nor can it waive, the constitutional requirement that the decennial census must be an "actual enumeration," and the "counting of the whole number of persons of each State" is a requirement.

Mr. Chairman, no administration should have the ability to alter the census for any reason, especially for political gain. This administration has proved it will do and say anything in the name of politics. Congress must not allow them to politicize the census. It is here that we must draw the line and defeat this amendment.

PARLIAMENTARY INQUIRY

Mr. LEWIS of Georgia. Mr. Chairman, parliamentary inquiry.

The CHAIRMAN. The gentleman from Georgia [Mr. LEWIS] will state his parliamentary inquiry.

Mr. LEWIS of Georgia. Mr. Chairman, I wonder whether my colleague from Georgia [Mr. BARR] still believes that the Constitution suggested that a black person is only three-fifths of a person and that the Constitution also supported slavery. Does it still support slavery?

The CHAIRMAN. The gentleman from Georgia [Mr. LEWIS] has not stated a parliamentary inquiry.

Mr. MOLLOHAN. Mr. Chairman, I yield 15 seconds to the gentleman from Ohio [Mr. SAWYER] to speak to the Milwaukee representations made by the gentleman from Illinois [Mr. HASTERT].

Mr. SAWYER. Mr. Chairman, my colleague, the gentleman from Illinois [Mr. HASTERT], I think justifiably lauded the effort that the city of Milwaukee and others made in 1990. With that effort, they were able to keep their undercount to about 2.2 percent. The national average, however, was 1.6 percent, a 30 percent higher undercount, despite their numerous effort.

Mr. MOLLOHAN. Mr. Chairman, I yield as much time as he may consume to the gentleman from New York [Mr. ENGEL].

Mr. ENGEL. Mr. Chairman, I rise in strong support of the Mollohan-Shays amendment.

I rise to give my strong support to a fair and accurate Census 2000 which can be accomplished through the use of statistical sampling. This issue should not be caught up in cynical partisan sniping.

Three separate panels of experts convened by the National Academy of Sciences have recommended the use of sampling. Sampling in the 2000 Census has also been endorsed by the American Statistical Association, the American Sociological Association, the National Association of Business Economists. These are groups for whom the census is a matter of science and not politics.

The fact is that no matter how hard the Census Bureau reaches out (and during the 2000 Census they will be using more methods than ever before to reach every American) we simply cannot count every person.

The 1990 Census failed to count 1.6 million. The majority of those who were missed were minorities, and residents of poor rural communities.

During the last Census, African-Americans were six times more likely to be uncounted than Non-Hispanic White Americans. Hispanic American were seven times more likely to be undercounted than Non-Hispanic White Americans.

These are groups who are shut out of the workings of our Government in so many ways. By opposing the use of sampling we are further alienating these people who deserve to be counted and need to be counted.

In undercounting these groups we are denying them their apportionment of Federal funding which the Census determines.

Some of my colleagues have characterized sampling as guessing. The Census Bureau will not be making numbers up. Sampling is a well-tested method of following-up on those households which have not responded.

The Department of Justice under the administrations of Presidents Carter, Bush, and Clinton have all concluded that sampling is Constitutional.

We should not tie the hands of the Census Bureau because we are afraid of the political ramifications, or for any other reason.

If we want a fair census, if we want an accurate census, then we ought to let the Census Bureau conduct a professional census by using any method they deem necessary for accuracy, including statistical sampling.

Mr. MOLLOHAN. Mr. Chairman, I yield as much time as he may consume to the gentleman from Michigan [Mr. CONYERS].

Mr. CONYERS. Mr. Chairman, I rise in support of the Mollohan amendment.

Mr. MOLLOHAN. Mr. Chairman, I yield 2¼ minutes to the gentleman from Michigan [Mr. BONIOR], the distinguished minority whip.

Mr. BONIOR. Mr. Chairman, I thank the gentleman from West Virginia [Mr. MOLLOHAN] for yielding me the time.

Mr. Chairman, it is important to remember that an accurate census forms the foundation of our representative government and that every American has a right to be counted. Sampling is the most efficient, the most cost-effective, and the most accurate means of conducting a census. Sampling has the backing of the National Academy of Sciences, the American Statistical Association, the General Accounting Office, and even the census director under the Bush administration.

So the question then is, why are my Republican colleagues opposing sampling? They are afraid of the truth. They are afraid that an accurate count might include the 4 million Americans who were not counted in the last census, mostly children, minorities, and people living in rural areas.

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My distinguished colleague from Ohio reminded me that half of that 4 million that was not counted in the last census were children.

My colleagues, we are obligated under the Constitution to conduct an accurate census of all Americans, all Americans. Sampling allows us to do that. The Republican efforts to undermine the census for political gain is an insult to voters. It is also an insult to the Constitution that we, as Members, are sworn to uphold.

I cannot help but notice on this day that the pattern in this bill and the case of the gentlewoman from California [Ms. SANCHEZ] is the same. First, they do not count the people, and if that is not good enough, they do not count their votes.

Mr. Chairman, I urge my colleagues to vote for the Mollohan-Shays amendment.

Mr. HASTERT. Mr. Chairman, I yield 7¾ minutes to the gentleman from California [Mr. THOMAS].

Mr. THOMAS. Mr. Chairman, up until the last speaker, I thought we were doing pretty well focusing on the issues in front of us. A lot of people think the census, and I quote from a letter that I got, the census is the only source of reliable, comparable, small-area data on income, occupation, and labor force participation, educational attainment, household structure, and other key demographic and economic data. And many Members have said, I think quite correctly, there is only one reason why we have the census constitutionally. It was that grand experiment the Founding Fathers decided to try: government by the people.

Mr. Chairman, I know the gentleman, Mr. WATTS, indicated and others propounded on, the fact that the actual enumeration in article I, is the manner by which Congress shall pose. I say, "It's how you do it, not what you do," and I noticed every one of those individuals did not then turn to the 14th Amendment, as has been done on this side. After that great conflict it was determined that all people, I tell my friend and colleague from Georgia, that all people were to be counted, not three-fifths of a person, when all people were to be counted. The second clause of the 14th amendment says "whole number of persons," "whole number of persons."

I noticed also that as the minority side propounded its constitutional arguments; that is, that it is constitutionally permissible to sample, I never heard the Supreme Court mentioned once. I heard the Department of Justice under Democrats, I heard the Department of Justice under Republicans. I never heard the Supreme Court. What we are proposing to do is to say all right.

Now I tell my friend from West Virginia, the problem is not bad science the folks are concerned about, it is science. When we statistically sample, we must necessarily adjust. Adjustment means changing the numbers. Inevitably when we adjust, we take numbers from real people that were counted and substitute them for people who have not been counted. The Constitution does not say that can be done. We will be subtracting real people and counting people who have not been counted. That is the fundamental basis of adjustment.

Frankly, to tell me that professional statisticians are in favor of statistical adjustment is like going to a cattlemen's association annual convention and having two items on the menu, beef and fish. Guess which one they will choose?

Statistically, I guess we could say this is a bipartisan amendment; three Republicans will support it. That is the problem with statistics. But, as my colleagues know, we do concede that America is a mobile society and that information that we were talking about is useful and valuable. What we find, as has been pointed out by colleague after colleague, in the statute in section 195 says, "You can sample. You can statistically adjust. You can over that 10-year period attempt to make the numbers reflect where the people are." But it says, "When you count for enumeration, you count, you do not estimate."

Technology can help us and creativity can help us be a lot more effective in our count. The gentleman from West Virginia and the gentleman from Ohio said, correctly, the 1990 census was only 1.6 percent off. Why in the world, if we were only 1.6 percent off, do we back up to count, as the gentlewoman from New York said, only 90 percent? Why do we not focus on that 1.6 percent that we did not count? We have been told who was not counted. Great. Let us go count the ones we are told were not counted. If it takes more money, put more money in.

Every day somebody visits those households, they know where they are. Why have people who do not know the neighborhood do the counting? My colleague from Illinois mentioned mail carriers. Those people are available. We should use them.

How about this: Create a lottery. The ticket for the lottery is one's filled in form. I think we will have a couple of drawings that will increase the numbers significantly. Educate. School kids, "just say no on drugs," was a very useful message started in the schools. Let us get some programs going about how important it is to count. It just seems to me that there are any number of ways that we can assist.

But I want to spend the final minute or 2 on this business of politics. This amendment offers us a board of observers to ensure fairness. Now remember, under the Constitution, the only reason we have the census is to make sure that the People's House is based upon people, that it is the House of Representatives. The proposed board of observers says the President gets one vote, the House and the Senate together get one vote, and the Presidential appointment gets the third.

Hey, we do not have the President, that is OK. In the next census, if we are lucky, we will be able to elect a President, and we might have the 2 to 1 ratio. Read the fine print. This board dissolves itself in 2001. After it is done, they are dissolved.

But fundamentally, my colleagues, the Founding Fathers knew what they were doing. They knew what politics was all about. They knew what power was. Go back and reread Federalist 10. They knew perfectly well the use and abuse of power. That is why they said, with clear intent, an actual enumeration.

A noble experiment, government by the people, this is embodied in the Constitution. Count whole people. The fundamental distribution of power in this society is to be based upon real people, not estimated people, but less than 10 years after that was propounded and agreed to, then Gov. Elbridge Gerry of Massachusetts figured out a way to beat the system. They went ahead and took the census, and then they drew districts that were not fair, and I guess as a place in history, it is now known as the gerrymander.

For more than 150 years, when we did a fair census, it was taken away from the people by politics. For more than 150 years, we did not have real representation by the people. And then the Court acted. The Court said one man, one vote. How ironic. When we finally have buried the gerrymander, the census 2000 proposes to leave us, if the Mollohan amendment is adopted, the Clintonmander.

Honor the Founding Fathers' wisdom. For representational purposes. Count. Do not estimate.

Vote "no" on the Mollohan amendment.

The CHAIRMAN. All time of the gentleman from Illinois (Mr. HASTERT) has expired.

The Chair recognizes the gentleman from West Virginia.

Mr. MOLLOHAN. Mr. Chairman, I yield the remainder of my time to the distinguished minority leader, the gentleman from Missouri (Mr. GEPHARDT).

Mr. GEPHARDT. Mr. Chairman, let me urge Members to vote for this bipartisan amendment, and let me start by saying that the Census Bureau and a number of other important objective authorities have supported the targeted use of statistical sampling for the 2000 census to improve accuracy and to eliminate, as best we humanly can, the problem of undercounting.

This tool of sampling is to be used through the whole period that we are actually trying to count our citizens. As I understand it, the Census Bureau is intending to have the most aggressive, elaborate, door-to-door, human count that can possibly be made. Everybody wants that; everybody expects that; everybody anticipates that.

But what the experts are telling us who are going to do this is that they need statistical sampling as a tool throughout the period so they can target problems and then direct people to go out and make a better count so that we can get the best possible human count we can get at the end of the day.

Mr. Chairman, all the scientific evidence points to sampling as the best way to ensure the best count. Leading experts such as the National Academy of Sciences support the use of statistical sampling as the best way. The Department of Justice under Presidents Carter, Bush, and Clinton all issued opinions supporting the constitutionality and legality of using sampling in the census. Every Federal court that has addressed the issue has held that the Constitution and Federal statutes allow sampling. Barbara Bryant, the Republican appointed director of the 1990 census, supports sampling in the year 2000 census as consistent with the work she began back in 1990. Every authority that has talked about this, the agency that is supposed to do it, is saying that they can do a better job than they did 10 years ago if they are allowed to use statistical sampling.

Now at the end of the day, we have to ask why in the world would we not want to support this amendment to see that this important census, which is to ensure one person, one vote, the thing that James Madison fought hardest for in the constitutional convention, is not realized.

I urge Members to vote for this amendment. It is a bipartisan amendment; it is a sensible amendment; it is based on science; it is based on all the authorities. We know that the last time we had an undercount of anywhere between 4 million and 10 million people, and we are having all the experts tell us they can do much better than that if they are allowed to properly use statistical sampling.

Vote for the Mollohan-Shays amendment. It is the best way to get this done right.

Ms. ROYBAL-ALLARD. Mr. Chairman, I rise in support of the Mollohan-Shays amendment.

Seldom is an issue debated on this floor that is as clear in its importance and value to the American public as the upcoming Census 2000. An accurate, reliable, and inclusive census count is undeniably in the best interests of the American people, and allowing the Census Bureau to use statistical sampling is the best way to achieve that goal.

Census data on family status, housing, employment, and income levels gives the country a sense of who we are and where we are headed in the future.

For American businesses, census data is a valuable tool that helps them better understand their changing client bases and effectively plan for continued growth and economic well-being.

For Federal, State, and local governments, census data is critical for developing effective public policies that meet the future needs of Americans throughout the country. Census data is also the basis upon which $150 billion in Federal dollars is distributed to State and local governments each year.

As a result, a census undercount could have a devastating impact on States whose needs go unrecognized. Those with large urban and rural populations are especially vulnerable. For example, the 1990 census had a national undercount of 10 million people. In my home State of California, with an estimated undercount of 1.2 million, Californians were denied a stronger voice in determining public policy and lost millions of critically needed dollars for public facilities and services.

Mr. Chairman, history does not have to repeat itself.

The Census Bureau's proposal to use statistical sampling in Census 2000 is fiscally and scientifically sound. The National Academy of Sciences and a host of other reputable organizations and local government associations have recommended the use of statistical sampling to achieve an accurate count.

In addition, the Department of Justice under the Carter, Bush, and Clinton administrations, as well as every Federal court addressing the legality of statistical sampling, have held that the Constitution and Federal statutes permit its use.

Given the benefits of sampling and the fact that experts recommend its use, why are we having this debate?

Mr. Chairman, it is purely political. Although there is no evidence to support their assumption, many in the majority party fear that a statistically adjusted census will result in their party being disadvantaged.

We must put the American people first.

I, therefore, ask my Republican colleagues to abandon this ill-advised political gamesmanship and allow the Census Bureau to use statistical sampling for a more accurate and inclusive census that is indisputably in the best interests of all Americans.

Mr. ABERCROMBIE. Mr. Chairman, today I rise in support of the Mollohan-Shays amendment. The amendment removes the bill's current provision that is an impediment to provide for a fair and accurate census in the year

2000. This issue is very important to the people in my district. In fact, this is an issue that is important to all my House colleagues. We must work to ensure that all individuals are counted so that their voices may be heard.

The 1990 census missed at least 4 million people because, as the Bush administration's Census Director at the time said, "enumeration cannot count everybody." We in Congress must take steps to resolve and correct this situation. The Mollohan-Shays amendment seeks to address the issue and make the 2000 census more accurate.

The National Academy of Sciences and virtually the entire statistical profession, including the American Statistical Association, has endorsed sampling as the best and most efficient way to achieve an accurate census count.

The Justice Department under the Reagan, Bush and Clinton administrations has consistently held that sampling is constitutional.

Opponents of the amendment claim that sampling opens up the census count to political manipulation. In response, the sponsors of the amendment went out of their way to address that issue. An independent board of experts will monitor every aspect of the census to guard against any bias or manipulation. This safeguard creates a more effective barrier against fraud and error than under the present system.

The Congressional Research Service analyzed the Hastert census language that is currently in the bill, and it is quite clear that this language will not work. According to the memorandum, "The case law makes it clear that this authorization, if enacted, would run afoul of constitutional barriers to congressional conferral either of standing or of ripeness or both." The memorandum goes on to say "* * * it appears extremely likely that the Supreme Court would either strike down the provision, or disregard it." If my House colleagues are concerned about constitutionality they cannot support the Hastert language.

The Mollohan-Shays amendment works toward a fair and accurate census. I urge my colleagues to support the Mollohan-Shays amendment.

Mr. RODRIGUEZ. Mr. Chairman, in the 1990 census, the census missed an estimated 4.7 million people, 1.58 percent of the population. We are bound to have some undercount; but the undercount of minorities and inner city populations is unacceptably out of proportion to the national average. For minorities, the undercount was nearly tripled: The census missed 4.4 percent of the African-American population and 4.9 percent of the Hispanic population.

We need an accurate census. A count that does not leave minorities and inner city and rural populations behind. Without accurate census information, minorities, inner cities, and rural areas do not receive equal political representation or distribution of government resources. State and local governments with missed populations lose millions of dollars in Federal aid.

Sampling is not a new issue. In 1991, Congress passed a law requiring the Census Bureau to determine improved census methods and to consider the use of sampling to get a more accurate count of the population. Sampling is simply a way to get the most accurate census from available information. Based upon detailed analysis of areas that the Census Bureau counts by hand, it can quite accurately determine the population of similar places for which inaccurate or incomplete data was collected.

We all agree that we need an accurate count. Why do Members on the other side of the aisle oppose sampling? Because they fear it would mean counting more Democrats? Since its beginning, the Census Bureau has abstained from political posturing and continues to remain independent. We must let the Census Bureau do its job and use the method that is most accurate, and that avoids unfair undercounts. That is the American way.

Ms. MINK of Hawaii. Mr. Chairman, I rise in support of this amendment to restore credibility to the 2000 census. Unless we approve this amendment, the year 2000 census will again undercount millions of Americans.

The traditional methods of physical enumeration does not yield an accurate and honest count of Americans as required by the U.S. Constitution. Statistical sampling is a tested technique, refined to a level of great accuracy. It has been reviewed and studied by three separate panels of experts convened by the National Academy of Sciences, the independent inspector general of the Commerce Department, and the GAO. These prestigious groups of scientists have all recommended the use of sampling and endorsed the Census Bureau's plan.

The Mollohan-Shays amendment does not mandate sampling. It simply allows the use of the most advanced methodologies to obtain a more accurate count of the American population. If we limit the Census Bureau's ability to use all of the scientific tools at its disposal the accuracy of the census count could be compromised.

An accurate count of our population has enormous political and social consequences. The apportionment of our elected offices is affected. The allocation of Federal and State funds is affected. And if people of color and the poor are not accurately counted, their voice in our Government will be even more muted. The Mollohan-Shays amendment will achieve a more national profile of America as she lives and where she lives.

We are here today to say that everyone counts—whether you are a person of color, poor, or elderly, whether you are a recent immigrant or a citizen, whether you live in an urban or rural area. Support the Mollohan-Shays amendment. Tell the American people we want all to be counted in the next census.

Ms. VELÁZQUEZ. Mr. Chairman, I rise in strong support of the Mollohan amendment, which would provide full funding to the Census Bureau to conduct a fair and accurate census. It seems amazing, but the Republican leadership will stand in this chamber and do anything they can to stop fair representation for all people in this country. Not long ago, minority communities were prevented from being represented through violence and repression. Today, the methods being used are far more subtle.

During the last census, 26 million people were either missed, counted twice or counted in the wrong place. The biggest losers as a result of this undercount are minority and poor rural communities. In 1990, over 1 million Latinois were not counted. In poor rural communities, 1 out of every 16 people was missed. But the Republican leadership says that's okay.

But this is really not a debate about the way we should conduct the census. This is a debate about whose voice will be heard and whose voice will be silenced. By not counting minorities and the poor, opponents of a fair census can justify slashing resources to these communities. By pretending that millions of people don't exist, political representation is denied at every level—from school boards all the way up to Presidential elections.

We cannot allow fair representation to suffer at the hands of partisan politics. Expert after expert has made it clear that using sampling will produce the most accurate count. Yet our opponents are desperate to continue to force the Census Bureau to use inaccurate, unfair methods of conducting the census. Earlier this year, they were willing to allow flood victims in the midwest to suffer in their attempts to prevent an accurate count. Now, they are trying to slash the Census budget by two-thirds in order to carry on this attack against poor and minority communities. The Molohan amendment would restore that funding so the Census Bureau can do their job properly.

We must make sure that every person living in this country is counted in the census. We must not allow anyone to pretend that minorities and the rural poor do not exist. We will continue to expose these efforts for what they are—partisan attempts to silence the voice of minorities and the poor. Who is willing to stand here and tell the American people that the poor don't deserve proper representation? Who is willing to stand here and tell the American people that Latinos and African-Americans don't deserve proper representation? This a matter of basic fairness and democracy, and it is something that we will continue to fight for.

I strongly urge a yes vote on the Mollohan amendment.

Ms. PELOSI. Mr. Chairman, I rise in support of the Mollohan-Shays amendment prohibiting the use of fiscal year 1998 funds to make irreversible plans for the use of statistical sampling in the 2000 census.

The Census Bureau has acknowledged that at least 4 million Americans were not counted in the 1990 census. Twenty percent of these undercounted individuals reside in California. California is home to 12 percent of all U.S. residents. An undercount in the census places a disproportionate burden on our State. Scientific sampling is a necessary tool to achieve the most accurate census in the most difficult to reach areas and populations.

We all know that some population groups are missed in the census far more than others. African-Americans are 7 times as likely to be missed as whites. In 1990, children accounted for 52 percent of the undercount.

Statistical sampling will improve accuracy in counting minorities, children and the poor, all traditionally undercounted during the census. California is home to the largest Hispanic and Asian Pacific Islander populations among all 50 States. Between 1989 and 1993, the number of poor children, age 15 to 17, increased from 894,000 to nearly 1.4 million. An undercount denied significant Federal funding for education, child care and housing programs, among others.

An undercount as significant as 1990's denies equal representation for people of color at all levels of Government, including this body.

The National Academy of Sciences, American Statistical Association, Population Association of America, National Association of Counties, National Conference of Mayors, Council of Chief State Schools Officers have all endorsed the use of sampling to account for households that do not respond to census questionnaires or visits.

Accountability in sampling is increased through the Mollohan-Shays amendment, which creates a special board of observers to monitor the census process and protect it from any manipulation.

I urge my colleagues to support the most accurate census possible. Vote "yes" on the Mollohan-Shays amendment.

Ms. DELAURO. Mr. Chairman, I rise to support this amendment and urge the support of my colleagues as well. The key issue before us here is whether or not we will make a commitment to a fair, accurate census which counts everyone.

The Census Bureau's plan to sample is the only way to count those men, women and children who will otherwise be missed. Without sampling, the Census will cost more and be less accurate. Barbara E. Bryant, the Republican-appointed director of the 1990 Census, says that "I am very much in favor of the plan the Census Bureau has. It builds on work I started back in 1990."

Bryant began that work to try to improve the count during the 2000 Census. By most estimates, the 1990 Census, which used little sampling, missed at least 4 million people.

Scientists know that sampling can reduce the undercount—the people missed and uncounted—from 2% to one-tenth of one percent. A recent study by the National Science Foundation, the objective group of scientists to which Congress turns for scientific advice, concurs that sampling is a fair way to count people who would otherwise be left out. And business groups agree. That's why the most recent Business Week magazine ran an article that said that science, not politics, should settle this issue.

Objective Republicans and Democrats who have looked at the facts agree: sampling is more accurate, and more fair.

Let's put this question to the American people: we have two options. One will give us inaccurate information and cost more. The other will give us more accurate information, and cost less. More accuracy for less money—how can there even be a debate?

I urge my colleagues to support the Mollohan-Shays amendment, and thank my colleagues for offering us this opportunity to correct a serious wrong.

Mr. LEWIS of Georgia. Mr. Chairman, I rise in support of this amendment, and in support of a fair and honest Census count in the year 2000. In 1990, the census missed an estimated 4 million Americans. Four million left out of our democracy, hundreds of thousands of Georgians not counted, silenced, voiceless, left out and left behind.

This amendment supports a fair and honest census through "sampling"—the best way we know to conduct a fair and accurate census. The experts support it, the Justice Department under the last three Administrations—under Presidents Reagan, Bush, and Clinton support it. In 1990, even the Speaker of the House supported it.

But what we are debating today is not what is the best policy, but instead the best politics, the best Republican politics.

The census is more than just a political football, it is about fairness for every American—whether they live in North Georgia or Northern California. Every American—rich or poor, young or old, black, white, yellow, red or brown—deserves to be counted. No one should be left out or left behind. It is time to stop playing politics with the census.

Support the best census in the history of the Nation. Support the Mollohan amendment.

Mrs. MORELLA. Mr. Chairman, I rise today in strong support of the Mollohan-Shays amendment.

The Census Bureau needs the full $381.8 million appropriation in fiscal year 1998 to prepare for Census 2000 now—not pending expedited judicial review. Preventing the Census Bureau from spending any money on planning, preparing, or testing for the use of sampling would jeopardize all components of census preparation, including the dress rehearsal and the preparation of the long form.

As Members of Congress, we depend on the accurate information provided by the census to give us insight into our changing communities and constituencies. If this amendment is not passed, and data is not collected in Census 2000, we will lose the only reliable and nationally comparable source of information on our population. Both the private and public sectors, including state, county, and municipal agencies; educators and human service providers; corporations; researchers; political leaders; and federal agencies, rely on the census long form.

The Mollohan-Shays amendment is critical if we are to prevent the mistakes made in 1990. I served on the Committee on Post Office and Civil Service during the 1990 census, and I saw first-hand the mistakes that were made. According to the GAO, the 1990 Census got 10 percent of the count wrong. Over 26 million people were missed, double counted, or counted in the wrong place. Let me quote from the GAO Capping report on the 1990 census, which makes it clear that a straight count will not work:

GAO reported that "* * * the current approach to taking the census needs to be fundamentally reassessed." "The current approach to taking the census appears to have exhausted its potential for counting the population cost-effectively." Historic methods of trying to gather data on each nonresponding household is costly both in dollars and accuracy. "Specifically, the amount of error in the census increases precipitously as time and effort are extended to count the last few percentages of the population. * * *"

There is strong scientific evidence that sampling will result in the most accurate Census possible. The experts agree that spending more money to go door-to-door will result in errors as large or larger than 1990 and that the 2000 census will be more accurate for all congressional districts than 1990, and 19 times more accurate for the nation.

As a result of the GAO evaluation and bipartisan direction from Congress, the Census Bureau turned to the National Academy of Science for advice. the first panel said "* * * physical enumeration or pure 'counting' has been pushed well beyond the point at which it adds to the overall accuracy of the census."

The panel went on to recommend a census that started with a good faith effort to count everyone, but then truncate physical enumeration and use sampling to estimate the characteristics of the remaining nonrespondents.

Following those recommendations, the Census Bureau announced in February 1995 a plan for the 2000 Census which makes an unprecedented attempt to count everyone by mail, followed by door to door enumeration until reaching 90 percent of the households in each census track. A sample of households is then used to estimate the last 10 percent. The GAO Capping Report pointed out that in 1990 nearly half of the 14 weeks of field work were spent trying to count the last 10 percent, and resulted in increased error rates.

The Census plan has received overwhelming support from the scientific community including: National Academy of Sciences Panel on Census Requirements in the Year 2000 and Beyond; National Academy of Sciences Panel to Evaluate Alternative Census Methods: American Statistical Association; American Sociological Association; Council of Professional Associations on Federal Statistics; National Association of Business Economists; Association of University Business and Economic Research; Association of Public Data Users; and Decision Demographics.

And to close, I want to read a quote from the Blue Ribbon Panel on the Census, American Statistical Association, September 1996. "Because sampling potentially can increase the accuracy of the count while reducing costs, the Census Bureau has responded to the Congressional mandate by investigating the increased use of sampling. We endorse the use of sampling for these purposes; it is consistent with best statistical practice."

I hope that my colleagues will heed the advice of our nations' experts and join me in supporting the Mollohan-Shays amendment. To do otherwise would jeopardize the content and accuracy of Census 2000.

Mr. PETRI. Mr. Chairman, I rise in support of this bill and the inclusion of provisions to require the Census Bureau to conduct, as the Constitution says, an actual enumeration rather than using the statistical technique known as sampling. Following the 1990 census we had a debate over whether to use the number resulting from the actual enumeration or a number adjusted by sampling. This time the Bureau does not even intend to try to count everyone. As I understand it, the plan is to try to count 90 percent of the people and estimate the rest.

I oppose the use of sampling for several reasons. It would leave the census numbers open to political manipulation and would tend to undermine the public's confidence in the census. We have seen various administrations manipulate the FBI, IRS, and reportedly even the Immigration and Naturalization Service for political gain. Once we move away from a hard count what guarantee do we have that this or a future administration will not manipulate the census numbers for partisan gains?

A Member of the other body has stated that we should all support sampling since we all rely on something similar, public opinion polls, to get elected. The problem with this thinking is that we may use polls to guide us but we don't let them determine the winner.

I would have no objection if the Bureau uses sampling to determine where there may have been an undercount, and then goes back in and redoubles its efforts to count those people. That would be analogous to the way we use opinion polls. To rely on sampling rather than a physical count is comparable to changing election returns if they are at variance with the polls.

Sampling is said to adjust for undercounts in major cities. But once you estimate how many people are in a given city, to what wards, neighborhoods, and precincts do they belong? How can State legislatures and school boards and city councils be apportioned if we don't know where these estimated people live? Is sampling really accurate enough to tell us if some small town has 3,300 people instead of the 3,000 from a hard count?

When a State, such as Wisconsin, has hundreds of towns of such size, will sampling adjust for an undercount there the way it might in Los Angeles or some other major city? In 1990 an entire ward in one town in my district was missed. The community leaders pointed this out during the post-census review and the mistake was corrected. For 2000 the Bureau will not do a post-census review presumably since no one can know what mistakes were made since everyone wasn't supposed to be counted anyway.

Will the undercount of Indian reservations, of which there are several in Wisconsin be corrected? My understanding is that the bureau plans to do a hard count on Indian reservations. Yet native Americans were among the most undercounted in the last census. So how can it be claimed that the reason the bureau wants to use sampling is to correct for past undercounts?

The main argument of those supporting sampling is that it will save money. Well that may or may not be true but that can't be the only basis for designing the census. The cheapest possible census would be if the numbers were just made up altogether. We obviously aren't going to do that but the point is that saving money is not the only goal. Fairness is a goal and sampling is unfair to smaller communities and rural States. Following the Constitution, which calls for an actual enumeration, is a goal and the Supreme Court has never ruled on the issue.

What happens if we complete the 2000 census using sampling to estimate 10 percent of the population and then the Supreme Court throws it out? Then we will have wasted the $4 billion spent on the original census not to mention who knows how much in litigation. Rather than saving money, sampling could end up costing the taxpayers two or three times as much money as a hard count if we have to redo the whole thing. I believe a greater effort should be made to reach all Americans to provide an accurate hard count. Fifty percent of the undercount from the last census was caused by people never receiving the forms. Better mailing lists and better coordination with the Post Office and local governments can correct this problem. Approximately 32 percent of the undercount can be corrected through the use of easier to read forms and perhaps an 800 information number. The rest will have to be reached through better outreach. Instead the Bureau plans to spend less money on outreach, figuring that sampling can make up the difference.

I don't believe the bureau's plan will provide for the fairest and most accurate census. I encourage my colleagues to oppose this amendment.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from West Virginia [Mr. MOLLOHAN].

The question was taken; and the Chairman announced that the noes appeared to have it.

### RECORDED VOTE

Mr. MOLLOHAN. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 197, noes 228, not voting 8, as follows:

[Roll No. 475]

### AYES—197

Abercrombie
Ackerman
Allen
Andrews
Baesler
Baldacci
Barcia
Becerra
Bentsen
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brown (CA)
Brown (FL)
Brown (OH)
Capps
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Fazio
Filner
Flake
Foglietta
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gordon
Green
Gutierrez
Hall (OH)
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Hinojosa
Holden
Hooley
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Klink
Kucinich
LaFalce
Lampson
Lantos
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McGovern
McHale
McIntyre
McKinney
McNulty
Meehan
Meek
Menendez
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Mollohan
Moran (VA)
Morella
Murtha
Nadler
Neal
Oberstar
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pickett
Pomeroy
Poshard
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Scott
Serrano
Shays
Sherman
Sisisky
Skaggs
Skelton
Slaughter
Smith, Adam
Snyder
Spratt
Stabenow
Stark
Stenholm
Stokes
Strickland
Stupak
Tanner
Tauscher
Thompson
Thurman
Tierney
Torres
Towns
Turner
Velázquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Wexler
Weygand
Wise
Woolsey
Wynn

### NOES—228

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Brady
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Christensen
Coble
Coburn
Collins
Combest
Cook
Cox
Crane
Crapo
Cubin
Cunningham
Davis (VA)
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Foley
Forbes
Fowler
Fox
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Greenwood
Gutknecht
Hall (TX)
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
Johnson (WI)
Johnson, Sam
Jones
Kasich
Kelly
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Livingston
LoBiondo
Lucas
Manzullo
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Moran (KS)
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Obey
Oxley
Packard
Pappas
Parker
Paul
Paxon
Pease
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Redmond
Regula
Riggs
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Royce
Ryun
Salmon
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shaw
Shimkus
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stearns
Stump
Sununu
Talent
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Traficant
Upton
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)

### NOT VOTING—8

Cooksey
Gonzalez
McDermott
Roukema
Schiff
Schumer
Yates
Young (FL)

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So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. Are there further amendments?

Mr. ROGERS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, before we go to final passage on this bill, about seven Members have requested colloquies that should consume maybe 15 minutes or so before we get to final passage. So for Members' interest in that question, that is about the length of time we expect.

Mr. Chairman, with that mind, I yield to the gentlewoman from Colorado [Ms. DEGETTE].

Ms. DEGETTE. Mr. Chairman, I thank the gentleman for yielding to me.

First of all, let me say, Mr. Chairman, I appear tonight on behalf of my colleague, the gentlewoman from the District of Columbia [Ms. NORTON] who was unavoidably detained at a speech in her district with some constituents. The gentlewoman and I are both concerned, as she is the former chair of the Equal Employment Opportunity Commission and I am a former employment lawyer. We would like to commend the chairman on the fine job he has done in putting together this bill. We believe that this is fairly bipartisan and equitable.

However, we do have an area of concern, and we ask to bring this issue to the chairman's attention. The chair has a formidable backlog, caused in part by very new and very complicated jurisdictions. The commission is our Nation's principle enforcer of such landmark legislation as the Civil Rights Act, the Equal Pay Act, the Age Discrimination in Employment Act, and the Americans with Disabilities Act.

We are concerned that without an increase in funding for the EEOC, we will not be able to decrease this backlog in cases. The EEOC received roughly $240 million in its fiscal year 1997 budget, and it has been appropriated the same amount for the fiscal year 1998 budget, but yet, we have an increase in backlog of cases. The President has requested $246 million, which we feel is a modest increase, but which will help us attack the backlog of approximately 80,000 cases.

My colleague, the gentlewoman from the District of Columbia, Ms. ELEANOR HOLMES NORTON, and I, as well as others, were prepared to bring an amendment to the floor tonight that would have brought the EEOC funding level to the President's request. However, in deference to the negotiations on this bill and the tight fiscal constraints, we would like to work with the chairman in conference to work out this discrepancy in funding.

Mr. ROGERS. Mr. Chairman, I thank the gentlewoman from Colorado, Ms. DEGETTE, and the gentlewoman from the District of Columbia, Ms. ELEANOR HOLMES NORTON, as well for bringing this important issue to our attention.

As the Members know, I share the concern about the existing case backlog at the commission, and I will be happy to work with them and anyone else towards reaching the President's request to address this problem as the bill is considered in conference.

Mr. Chairman, I yield to the gentleman from Florida [Mr. SHAW].

Mr. SHAW. Mr. Chairman, I appreciate the chairman's yielding to me.

Mr. Chairman, I would like to take this opportunity to engage in a brief colloquy with the chairman of the subcommittee.

First, I want to thank the chairman for the increase he has given to the National Weather Service in its base operating account. As we know, the NOAA proposal to eliminate important staff positions at the hurricane center in South Florida during the past year caused enormous anxiety throughout Florida. Forecasters as well as their support personnel are vital to the safety of coastal areas like my district in the event of a hurricane, and my district goes from mid Miami beach all the way up to north of Palm Beach to Juno Beach at the south end of Jupiter.

Mr. ROGERS. Mr. Chairman, as the gentleman knows, the bill provides $642 million for the National Weather Service, and including a $15 million increase over fiscal year 1997 appropriated levels for base operations, and a $17 million increase over fiscal year 1997 appropriated levels for modernization activities.

Mr. SHAW. Mr. Chairman, I am grateful for the increase. I am, however, concerned that these funds can be raided by other divisions at NOAA.

Mr. ROGERS. I understand the gentleman's concern. The funds that are appropriated to the National Weather Service cannot be removed and used for other non-Weather Service activities in NOAA without prior consultation with our subcommittee. Under section 605 of this Act, all agencies must notify the committee through our reprogramming procedures prior to any shift in funds.

Mr. SHAW. I thank the chairman for clarifying the position of the National Weather Service. This information should be of great comfort to all residents in hurricane-prone areas, whether they be in Florida or elsewhere. I know in my district this issue is an especially important one, as hurricanes threaten our coastlines on an annual basis.

Mr. ROGERS. Mr. Chairman, I yield to the gentleman from Texas [Mr. BRADY].

Mr. BRADY. Mr. Chairman, I thank the gentleman for yielding to me. I and many of my colleagues on both sides of the aisle are very concerned about the funding provided in this bill.

The CHAIRMAN. The time of the gentleman from Kentucky [Mr. ROGERS] has expired.

Mr. ROGERS. Mr. Chairman, I move to strike the last word, and I yield to the gentleman from Texas [Mr. BRADY].

Mr. BRADY. Mr. Chairman, I and many of my colleagues on both sides of the aisle are concerned about the funding provided in this bill for the Maritime Administration, and specifically, the six State maritime academies. This year the report to accompany the House Commerce-Justice-State appropriations bill has not provided the specific funding level for the State academies. At the level provided for the overall operations and training account, it is likely this would threaten the ability of the academies to carry out their Federally-mandated mission of educating and training our Nation's licensed merchant mariners.

Mr. Chairman, the Texas State Maritime Academy has a ship for its use called the *Texas Clipper*. The ship's sole purpose is to meet the Federal mandate for training U.S.-licensed merchant mariners. Adequate funding is needed not only for this training but for the annual drydocking, fuel costs, retrofitting requirements, and general upkeep.

To conclude, Mr. Chairman, the Senate report makes available approximately $9.5 million for the State academies. The Senate language is also clear that the training ships where this money is used are Federal ships training U.S. maritime officers, and that is a Federal responsibility.

As we move to conference with this bill, I urge the chairman on behalf of our State Maritime Academies and on behalf of the maritime industry to work with the Senate to fully fund these academies.

Mr. ROGERS. Mr. Chairman, I yield to the gentlewoman from New York [Mrs. LOWEY].

Mrs. LOWEY. I thank the chairman for yielding to me.

Mr. Chairman, I, too, am concerned about the viability and sustainability of our six State maritime academies under this bill's funding level for MARAD operation and training accounts. These six academies currently provide 75 percent of our Nation's licensed mariners at approximately one-third the cost of the U.S. Merchant Marine Academy. In addition, the graduates enjoy an impressive press 100 percent job placement upon graduation.

Mr. Chairman, it is because of this great return on our investment that I am concerned about adequate funding. The report language notes that additional funding may be available for State Academies via the sale for scrap of vessels in the National Defense Reserve Fleet. However, EPA regulations currently prohibit such scrapping.

I would like to work with the chairman to resolve this problem, but in the meantime, I urge the chairman and Members of the subcommittee to work with the Senate in conference to ensure adequate funding for the State Maritime Academies.

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Mr. ROGERS. Mr. Speaker, I would like to thank the gentleman from Texas and the gentlewoman from New York for bringing up this important issue.

Funding requirements for the State Academies have been somewhat reduced because two of the five State Schoolships are now funded out of the Ready Reserve Force Program. In addition, MARAD has used the Vessel Operations Revolving Fund and unobligated balances to provide additional support for State Academies during the past year. A provision is currently pending in the defense authorization conference that would provide another source of revenue through the scrapping of vessels in the National Defense Reserve Fleet.

As we move into conference with the Senate on this bill and we receive additional clarification about the availability of these and other resources for the State Academies, I will be happy to work with you and other Members to address your concerns.

Mr. ROGERS. Mr. Chairman, I yield to the gentlewoman from Connecticut [Mrs. JOHNSON].

Mrs. JOHNSON of Connecticut. Mr. Chairman, first of all, I want to congratulate the gentleman on his thoughtful and effective leadership of this important appropriations subcommittee. It is a pleasure to work with him.

At this time I wish to engage him in a colloquy with regard to the Women's Business Center program and the National Women's Business Council, both administered by the Small Business Administration. I strongly support these programs.

Over the last decade, the growth in women's business ownership has created an enormous demand for the type of business training and technical assistance that is provided by the women's business centers. Within the last year alone, women's business centers have assisted approximately 17,500 women start and grow their businesses. I am joined by many of my House and Senate colleagues in supporting this program.

The Women's Business Centers program is unique because it builds upon a private-public partnership that is, in itself, unique. Once the Federal funding cycle is complete, which is only 3 years, the centers become self-sustaining in their local communities. They are able to do so because the programs are designed locally by women, for women, to meet each community's needs.

Women business owners have played a large role in the economic expansion that the United States is currently enjoying, and the country has a stake in seeing these businesses succeed and grow. The centers' training and technical assistance programs are an important part of the infrastructure that supports women-owned businesses.

The second and vital aspect of this infrastructure for women entrepreneurs is the National Women's Business Council. The council serves as an independent advisory body to Congress and the President with approximately 8 million women business owners in the United States today. The council provides this growing constituency a voice with the Government and a direct conduit to the Congress to learn its views.

This week, the House passed a bill which would increase the authorized funding levels for these programs. On that note, I want to express my hope that funding can be increased for the Women's Business Center program and the National Women's Business Council.

Mr. ROGERS. Mr. Chairman, the bill now includes $3 million for the women's business centers and $194,000 for the National Women's Business Council. Given the strong support within the Senate and the worthy goals of both programs, I am committed to working with the gentlewoman to ensure that these programs receive the necessary funding as the bill moves through conference.

Mrs. JOHNSON of Connecticut. Mr. Chairman, I thank the gentleman for his time and for his consideration of this worthy program.

Mr. ROGERS. Mr. Chairman, I yield to the gentlewoman from California [Ms. PELOSI].

Ms. PELOSI. Mr. Chairman, I want to commend the gentleman and the gentleman from West Virginia [Mr. MOLLOHAN] for the excellent job they did with this very complicated and difficult bill. I rise to engage in a colloquy with the distinguished chairman of the subcommittee.

Mr. Chairman, the Senate included in its bill language which I introduced in this body, language to require that the Legal Services Corporation include only the income of the client when determining the eligibility for services in cases of domestic violence only.

Out of deference to the gentleman, Mr. Chairman, and his desire to keep this kind of authorizing language off his appropriations bill, I chose not to offer the amendment at the time of the bill. But it is important. More than 4 million women each year are abused by their husbands or partners. Eligibility for legal services is now determined by household income, leaving open the frightening possibility that victims of domestic violence would be denied legal assistance because the abuser's income exceeded the threshold for household income requirements.

The Senate provision ensures that legal aid clinics will not be forced to turn domestic violence clients away based on the income of their abusers. Today I seek the gentleman's assurance, Mr. Chairman, that we can work together to address this issue during conference. We must ensure that no victim of abuse will be refused legal assistance based upon the economic status of the abuser.

Mr. ROGERS. Mr. Chairman, I thank the gentlewoman for her leadership on this issue. I understand the importance of providing access to legal services for victims of domestic violence and look forward to working with her and her colleagues on this important issue in the conference.

Ms. PELOSI. Mr. Chairman, I thank the gentleman.

I would like to also express interest in this issue on behalf of the gentleman from New York [Mr. SCHUMER] and will include his statement in the colloquy for the RECORD, except to just add that Legal Services Corporation's programs handle more than 50,000 cases involving clients seeking protection from abusive partners. This is a very important provision that we are asking for. I thank the chairman for his cooperation.

Mr. Chairman, I include for the RECORD the following statement:

Mr. SCHUMER. Mr. Chairman, I rise to express support for this important provision. Last year, Legal Services Corporation programs handled more than 50,000 cases involving clients seeking protection from abusive partners. This language is essential to ensure that women in poverty have equal access to these legal services, and to continue our fight against domestic violence.

The CHAIRMAN. The time of the gentleman from Kentucky [Mr. ROGERS] has expired.

Mr. ROGERS. Mr. Chairman, I move to strike the last word, and I yield to the gentleman from Texas [Mr. BENTSEN] for a colloquy with the gentleman from Texas [Mr. SMITH].

Mr. BENTSEN. Mr. Chairman, I had intended to offer an amendment to this bill to assist the Shriners Hospital for Children in my district that provides free orthopedic medical care for indigent children from the southwest United States and northern Mexico. The Shriners offers free patient care to children who suffer from diseases of bones, joints, muscles, and burns.

The Shriners Hospital in Houston has a service area which includes northern Mexico. The patients which they accept for treatment would not be able to receive comparable care in Mexico, and the Shriners completely cover the costs of their travel and treatment to Houston, Texas.

Regrettably, the visa processing fee, as provided in the Foreign Relations Authorization Act for fiscal years 1994 and 1995, that is required to be charged on all immigrants entering the U.S. causes an undue hardship for these children, their families, and in particular the Shriners who volunteer their time and funds to assist them.

My amendment would have prohibited the use of funds contained in this bill to enforce the visa processing fee for children entering the U.S. for prearranged medical care at a charitable hospital such as Shriners as well as for their accompanying parents and guardians. My office has been successful in obtaining an INS waiver of the border crossing free they charge for these children and their parents or accompanying guardian.

As the State Department apparently does not have the authority to waive the visa processing fees under the Foreign Relations Authorization Act, it is my hope that the Subcommittee on Immigration and Claims will take this matter under consideration, in particular, providing for the authority to waive such fees when special situations such as the case of Shriners Hospital for Children in Houston warrants it.

Mr. SMITH of Texas. Mr. Chairman, will the gentleman yield?

Mr. ROGERS. I yield to the gentleman from Texas.

Mr. SMITH of Texas. Mr. Chairman, I appreciate the point my friend from Texas is making. I am sure the subcommittee will be happy to consider the proposal and to evaluate the gentleman's situation. I thank him for calling it to my attention.

Mr. BENTSEN. Mr. Chairman, I thank the gentleman for his consideration of this.

Mr. ROGERS. Mr. Chairman, I yield to the gentleman from Ohio [Mr. TRAFICANT].

Mr. TRAFICANT. Mr. Chairman, I want to commend both the gentleman from Kentucky and the gentleman from West Virginia [Mr. MOLLOHAN] for their leadership on this bill. There is growing concern, Mr. Chairman, over developments in Albania, and there are those that believe that Albania could become the next Bosnia.

Mr. Chairman, earlier this month there was an assassination attempt made on a Democratic Party member, a member of the minority in Albania. The attempt was made by a member of the Socialist Party of the Parliament. Since taking power, the Socialist Party, the old Communist Party, has denied members of the opposition freedom of speech, freedom of assembly, and freedom of the press.

I am asking that the committee insert report language in the conference report directing the State Department to investigate the allegations that the Albanian Socialist Government has denied freedom of speech, freedom of the press, and freedom of assembly to both Albanian citizens and to the opposition Democratic Party, and to report back to this appropriations subcommittee on these matters in a timely manner.

Mr. ROGERS. Mr. Chairman, we will work with the gentleman to obtain the language that he seeks in the statement of the managers.

Mr. MOLLOHAN. Mr. Chairman, I move to strike the last word, and I yield to the distinguished gentlewoman from Texas [Ms. JACKSON-LEE].

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the ranking member very much.

I would like to thank the gentleman from West Virginia [Mr. MOLLOHAN], and as well I would like to thank the chairman of this committee for listening and providing assistance on the issue of the Prairie View A&M University Juvenile Prevention Center.

Many of my constituents are involved in this university and particularly are interested in ways of preventing juvenile crime. This center has been designated by the State legislature in Texas to assist training individuals who would be involved in preventing juvenile crime, teachers, professionals, and probation and other professionals dealing with this issue. I was delighted to be able to support the Riggs-Scott amendment that heavily relied upon prevention as opposed to incarceration of our juveniles.

The Senate mark on this bill does have provisions in funding for the Prairie View A&M University Juvenile Crime Prevention Center. I would hope that both the ranking member and the chairman, who worked so very hard on this very strong bill on the issue of prevention, would look to provide support to this particular center as it will serve not only the citizens of Texas and those citizens who reside in the 18th Congressional District, but as well citizens throughout the Nation who are interested in being trained or preventing juvenile crime.

Mr. Chairman, I rise today to draw my colleagues' attention to the question of funding for the establishment of a National Center for the Study and Prevention of Juvenile Crime and Delinquency at Prairie View A&M University, located outside of Houston, TX.

I have worked during the appropriations process with many of my colleagues in an effort to find such funding in the Commerce-Justice-State appropriations bill. While we were not successful in getting that funding into the House version of the bill, the Senate has included in its version, $500,000 for the establishment of the Prairie View center. And it is my understanding, through conversations my staff has held with committee staff, that Chairman ROGERS and Ranking Member MOLLOHAN agree that funding for the juvenile justice center at Prairie View could be incorporated into the conference report. I would like to thank both Chairman ROGERS and Ranking Member MOLLOHAN for their support of this important project.

The National Center for the Study and Prevention of Juvenile Crime and Delinquency at Prairie View A&M University will fill some very important functions: First, conducting academic programs, including continuing education and training for professionals in the juvenile justice field; second, conducting policy research; and third, developing and assisting with community outreach programs focused on the prevention of juvenile violence, crime, drug use, and gang-related activities.

The importance of such a center is evidenced by the fact that across America, violent crime committed by and against juveniles is a national crisis that threatens the safety and security of communities, as well as the future of our children. According to a recently released FBI report on crime in the United States, law enforcement agencies made an estimated 2.7 million arrests of persons under 18 in 1995.

Studies, however, show that prevention is far more cost-effective than incarceration in reducing the rates of juvenile crime. A study by the Rand Corp., titled "Diverting Children from a Life of Crime, Measuring Costs and Benefits", is the most recent comprehensive study done in this area. It is clear that juvenile crime and violence can be reduced and prevented, but doing so will require a long-term vigorous investment. The Rand study determined that early intervention programs can prevent as many as 250 crimes per $1 million spent. In contrast, the report said in investing the same amount in prisons would prevent only 60 crimes a year.

Children hurting children on the streets of our Nation is costly for the moral fabric of our society and the burden on our Government. Public safety is now becoming one of the most significant factors influencing the cost of State and local governments. We can begin to bring those costs down and make both short-term and long-term positive differences in the lives of our young people by targeting the prevention of juvenile crime.

In Texas, the historically black colleges and universities are forging ahead. The Juvenile Justice Center at Prairie View A&M University will become a State and national resource. It will perform a vital collaborative role by focusing on measures that target the prevention of juvenile violence, crime, delinquency, and disorder. The university will provide comprehensive teaching, research, and public service programs. There is no single answer to this problem, but this center will be a start to bridging the programs that work for the State of Texas and other States.

I would again like to thank both the chairman and the ranking member for their support of the National Center for the Study and Prevention of Juvenile Crime and Delinquency and to encourage that funding for this center be included in the conference report.

The CHAIRMAN. Are there further amendments?

Hearing none, the Clerk will read.

The Clerk read as follows:

This Act may be cited as the "Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1998".

Mr. FAZIO of California. Mr. Chairman, I implore the House Conferees on the Commerce, Justice, State and Judiciary Appropriations Bill for Fiscal Year 1998 to maintain the House silence on the issue of splitting the Ninth Circuit Court of Appeals. The Senate made a hasty decision to include a provision in their version of the bill which would split the Ninth Circuit without the appropriate and necessary study, and the Senate language would mandate that the split occur immediately, with only two years to wind up the circuit's administrative matters. The proposed split would not solve the backlog of cases, as some proponents argue; in fact, it would serve only to delay the cases currently on the docket even more.

There is overwhelming opposition to splitting the Ninth Circuit, both among the legal community in the Ninth Circuit and national organizations, such as the Federal Bar Association. The Judicial Council of the Ninth Circuit, the circuit's governing body, has repeatedly voted in opposition to division of the circuit. H.R. 908, which was passed on a voice vote by the House on June 3, 1997, calls for a commission to investigate structural alternatives for the Federal Court of Appeals. It is crucial that a costly and precedent-setting move such as splitting the Ninth Circuit Court of Appeals be carefully considered prior to implementation. No circuit has ever been divided without careful study and the support of the judges and lawyers within the circuit.

Splitting the Ninth Circuit would create the only two-state circuit in the country and would take away the important federalizing function of the court of appeals. Additionally, judges would be disproportionately allocated between the two new circuits—the 15 judges in the new Ninth Circuit would have a 44 percent higher caseload per judge than the 13 judges of the newly-created Twelfth Circuit.

The House Judiciary Committee and the administration oppose the Senate language on the grounds that it constitutes legislating on appropriations. I urge the House/Senate Conferees on the Commerce, Justice, State Appropriations bill to maintain the House position on this matter and call for further study on the issue before taking such decisive and potentially damaging action.

Mrs. MORELLA. Mr. Chairman, I would like to begin by congratulating Chairman ROGERS for his subcommittee's work to fully fund the National Institute of Standards and Technology [NIST].

NIST is the Nation's oldest Federal laboratory. It was established by Congress in 1901, as the National Bureau of Standards [NBS], and subsequently renamed NIST.

As part of the Department of Commerce, NIST's mission is to promote economic growth by working with industry to develop and apply technology, measurements, and standards. As the Nation's arbiter of standards, NIST enables our Nation's businesses to engage each other in commerce and participate in the global marketplace.

The precise measurements required for establishing standards associated with today's increasingly complex technologies require NIST laboratories to maintain the most sophisticated equipment and most talented scientists in the world. NIST's infrastructure, however, is failing and in need of repair and replacement.

NIST currently has a maintenance backlog of over $300 million. In addition, NIST requires new laboratory space that includes a higher level of environmental control—control of both vibration and air quality—than can be achieved through the retrofitting of any of its existing facilities. In order to meet this pressing need, NIST must construct an Advanced Measurement Laboratory [AML].

As part of the sums appropriated for NIST, H.R. 2267 includes $111 million for construction, renovation, and maintenance for NIST's laboratories. Of that total, $94 million is reserved until NIST, through the Department of Commerce, submits its construction plan to Congress.

The report accompanying the bill specifically states:

> The Committee has included funding above the request to address NIST's facilities requirements identified in this plan, but has included language in the bill providing for the release of the $94,400,000 increase only upon submission of a spending plan in accordance with section 605 of this Act. This spending plan should reflect the priorities identified in a long-term facilities master plan.

Mr. Chairman, the AML is indeed NIST's number one new construction priority. In NIST's just released "NIST Laboratory Facilities: Planning Status Report," NIST states that "all of the analysis leading to the new [construction] plan has verified the need to construct an Advanced Measurement Laboratory [AML] in Gaithersburg." It is my expectation that when the construction plan is finally released by the Department of Commerce and the Office of Management and Budget, the AML will top the list of construction projects for NIST.

I would like to again thank Chairman ROGERS for his support of NIST and its facility needs.

Mr. ETHERIDGE. Mr. Chairman, I rise in opposition to final passage of H.R. 2267, the Commerce-Justice-State appropriations bill, despite my strong support for certain provisions of the bill. I fully support most provisions in H.R. 2267 which provides funding for the Commerce, Justice, and State Departments, the Judiciary, and other related agencies. However, as the Representative for a rural, tobacco growing district in North Carolina, I oppose final passage of this legislation.

I support those provisions in H.R. 2267 addressing crime, environmental protection, and technology advancement. Specifically, of the $30 billion included in the bill, I favor the $5.3 billion for the Violent Crime Reduction Trust Fund, the $497 million increase for the Immigration and Naturalization Service which would provide for 1,000 new border control agents and 2,700 more detention cells, the increase by $129 million for the Drug and Enforcement Administration, $112 million more for the National Institute of Standards and Technology, $250 million for the Legal Services Corporation [LSC], including more thorough oversight by the Congress of the LSC without overburdening its effective administration, the Advanced Technology Program [ATP], National Endowment for Democracy, and increase by $1 million for fiscal year 1998 funding for the Office of the U.S. Trade Representative to equip the agency to defend national, state, local and territorial law adversely affected by international agreements.

The bill also contains an important provision passed by amendment which I cosponsored, the Hoyer-Cardin-Etheridge amendment, to add $3 million to the National Oceanic and Atmospheric Administration's [NOAA] National Ocean Service Account to respond effectively to pfiesteria and pfiesteria-like conditions throughout the Eastern Seaboard. NOAA has the mechanisms in place to study and assess the causes of pfiesteria and how we can begin to control it. Our natural resources and waterways are simply too valuable for us not to act to protect both them and the public health. I hope this marks the beginning of a strong Federal-state partnership to protect North Carolina's citizens and our waterways.

There are two provisions however to which I am strongly opposed: the Doggett amendment included in the bill and the bipartisan Mollohan-Shays amendment which is not. The Doggett language prohibits the use of funds in the bill to promote the sale or export of tobacco or tobacco products, and prohibits funds in the bill to be used to seek the reduction or removal by any foreign country of restrictions on the marketing of tobacco or tobacco products. I also strongly oppose the bill's language on statistical sampling as part of the 2000 Census. Statistical sampling will provide a more accurate census of the population and demographic groups of our country, including rural areas such as the Second District of North Carolina and save millions in taxpayer dollars.

I am hopeful the conference committee will correct these two provisions in the bill which hurt my district so that I may vote in favor of the crime, environmental, and advanced technology provisions I wholeheartedly support.

Mrs. MINK of Hawaii. Mr. Chairman, I rise today to express my deep disappointment that the Fiscal Year 1998 Commerce-Justice-State House Appropriations bill once again eliminates all funding for the East-West Center in Honolulu, Hawaii.

The Asia-Pacific Region is an emerging economic and military power of increasing importance to the United States economy and national security. The United States now trades more with countries in the Asia-Pacific Region than with NAFTA countries or the European Union. In addition to trade and security, the United States and Asian Pacific countries continually seek to learn from each other about education, health care, new technologies, and development of alternative forms of energy. We cannot undervalue the importance of continuing close ties with this Region. One important way to show our long-term investment in U.S. Asian-Pacific relations is through the East-West Center.

For almost four decades, the East-West Center has played a key role in strengthening relations between the governments and people of the Asia-Pacific Region and the U.S.

The Center helps prepare the United States for constructive involvement in Asia and the Pacific through education, dialog, research and outreach. Over 43,000 Americans, Asians, and Pacific Islanders from over 60 nations and territories have participated in the East-West Center's programs.

In a region where nations and cultures have become more interdependent, the Center's purpose is more important than ever. To carry out its mandate, the Center provides grants to undergraduate and graduate students, provides research and study fellowships, and sponsors conferences, workshops, seminars and meetings for training, research, and outreach purposes.

The East-West Center has already suffered a 58 percent reduction in direct federal support during the last two fiscal years. As a result, the Center overhauled its programs by reexamining their mission, prioritizing their activities, and streamlining operations. The Center has eliminated 122 of 255 staff positions as well as require research staff to raise 50% of their salaries from external sources.

To eliminate funding would be not only a blow to the center itself, but to our commitment to the Asian Pacific region. Elimination of all funding would ensure the closing of the East-West Center. We as a nation would be sending the message that the United States no longer cares about the Region and that U.S. Asian-Pacific relations are no longer a priority. Placing short-term goals of budget cutting ahead of long-term economic and international security in the Asia-Pacific is shortsighted and ill advised. I urge my colleagues to join me in supporting efforts to restore funding to the East-West Center in the final Commerce-Justice-State Appropriations bill.

Mr. FAZIO of California. Mr. Chairman, as the debate on the Commerce, Justice, State and the Judiciary Appropriations bill comes to an end, I would like to mention a small but vital Small Business Administration program—the National Women's Business Council. The Council was created by Congress in 1988, and it is charged with being an independent, bipartisan advisor to Congress and the President on women's entrepreneurship. The members of the Council are prominent women business owners and leaders of national women's business advocacy organizations, who are devoted to helping other women start and expand businesses.

Recent studies have shown that only 1.6 percent of the investments made by venture capitalists go to women-owned businesses despite the proven success of women's businesses, and this shows that we still have a long way to go in leveling the playing field for women-owned businesses. The National Women's Business Council is working to correct these and other inequities women's businesses face. The Council promotes bold initiatives, policies, and programs designed to foster women's businesses at all stages of development.

The National Women's Business Council seeks to become the nucleus of a national network of women business owners and their advocate to the executive and legislative branches. It helps provide information for women starting new businesses on how to access capital, credit training and technical assistance, and it distributes information on the success and innovation of women-owned businesses.

In my home district, in Sacramento, California, there are over 50,000 women-owned firms, employing over 85,000 people and generating over $10 billion in sales. These firms represent thirty-nine percent of all firms in the Sacramento metropolitan area. The National Women's Business Council has been instrumental in helping many of these firms become the successes that they are.

We must continue to encourage women to start businesses and provide them the assistance they need to remain viable. I commend the members of the National Women's Business Council on their hard work, and I encourage my colleagues in Congress to do the same.

The CHAIRMAN. If there are no further amendments, under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. GILLMOR) having assumed the chair, Mr. HASTINGS of Washington, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H,R. 2267) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1998, and for other purposes, pursuant to House Resolution 239, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

□ 2030

The SPEAKER pro tempore (Mr. GILLMOR). Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment?

Mr. COLLINS. Mr. Speaker, I demand a separate vote on amendment No. 2 offered by the gentleman from Illinois [Mr. HYDE].

The SPEAKER pro tempore. Is a separate vote demanded on any other amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The Clerk will report the amendment on which a separate vote has been demanded.

The Clerk read as follows:

Part II amendment printed in House Report 105-264:

Page 116, strike line 16 and all that follows through line 2 on page 117 and insert the following:

**SEC. 616. ATTORNEYS FEES AND OTHER COSTS IN CERTAIN CRIMINAL CASES.**

During fiscal year 1997 and in any fiscal year thereafter, the court, in any criminal case pending on or after the date of the enactment of this Act, shall award, and the United States shall pay, to a prevailing party, other than the United States, a reasonable attorney's fee and other litigation costs, unless the court finds that the position of the United States was substantially justified or that other special circumstances make an award unjust. Such awards shall be granted pursuant to the procedures and limitations provided for an award under section 2412 of title 28, United States Code. Fees and other expenses awarded under this provision to a party shall be paid by the agency over which the party prevails from any funds made available to the agency by appropriation. No new appropriations shall be made as a result of this provision.

Mr. ROGERS (during the reading). Mr. Speaker, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The SPEAKER pro tempore. The question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

### MOTION TO RECOMMIT OFFERED BY MR. BONIOR

Mr. BONIOR. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. BONIOR. I am, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. BONIOR moves to recommit the bill H.R. 2267 to the Committee on Appropriations.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The motion was rejected.

The SPEAKER pro tempore. The question is on the passage of the bill.

Pursuant to clause 7 of rule XV, the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 227, nays 199, not voting 7, as follows:

[Roll No. 476]

YEAS—227

Abercrombie
Aderholt
Archer
Armey
Baesler
Baker
Baldacci
Ballenger
Barr
Barrett (NE)
Barrett (WI)
Barton
Bass
Bateman
Bereuter
Berman
Bilbray
Bilirakis
Bliley
Boehlert
Boehner
Bonilla
Bono
Borski
Boucher
Brady
Brown (CA)
Bryant
Bunning
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Castle
Chambliss
Christensen
Coble
Collins
Condit
Cook
Cooksey
Cramer
Cubin
Cunningham
Danner
Davis (VA)
Deal
DeLay
Diaz-Balart
Dickey
Dicks
Dixon
Doyle
Dreier
Dunn
Ehlers
Emerson
English
Eshoo
Everett
Ewing
Farr
Fawell
Foley
Forbes
Fowler
Fox
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Goss
Granger
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Hastert
Hastings (WA)
Hayworth
Hefner
Herger
Hobson
Hoekstra
Holden
Horn
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Jenkins
Johnson (CT)
Johnson (WI)
Kanjorski
Kasich
Kelly
Kim
Kind (WI)
King (NY)
Kingston
Klink
Klug
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Livingston
LoBiondo
Lofgren
Luther
Matsui

McCarthy (MO)
McCollum
McCrery
McDade
McHale
McHugh
McKeon
Metcalf
Mica
Miller (CA)
Miller (FL)
Mollohan
Moran (VA)
Morella
Murtha
Myrick
Nethercutt
Ney
Northup
Nussle
Ortiz
Oxley
Packard
Pallone
Pappas
Parker
Pastor
Paxon
Pease
Peterson (PA)
Petri
Pickering
Pitts
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Rahall
Ramstad
Redmond
Regula
Reyes
Riggs
Rogan
Rogers
Ros-Lehtinen
Saxton
Schaefer, Dan
Sessions
Shadegg
Shaw
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowbarger
Solomon
Souder
Spence
Stearns
Stenholm
Sununu
Talent
Tanner
Tauzin
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Traficant
Upton
Visclosky
Walsh
Wamp
Watkins
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wise
Wolf
Young (AK)

NAYS—199

Ackerman
Allen
Andrews
Bachus
Barcia
Bartlett
Becerra
Bentsen
Berry
Bishop
Blagojevich
Blumenauer
Blunt
Bonior
Boswell
Boyd
Brown (FL)
Brown (OH)
Burr
Burton
Campbell
Capps
Cardin
Carson
Chabot
Chenoweth
Clay
Clayton
Clement
Clyburn
Coburn
Combest
Conyers
Costello
Cox
Coyne
Crane
Crapo
Cummings
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dellums
Deutsch
Dingell
Doggett
Dooley
Doolittle
Duncan
Edwards
Ehrlich
Engel
Ensign
Etheridge
Evans
Fattah
Fazio
Filner
Flake
Foglietta
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gibbons
Gordon
Graham
Green
Harman
Hastings (FL)
Hefley
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hooley
Hostettler
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Johnson, Sam
Jones
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kleczka
Kucinich
LaFalce
Lampson
Lantos
Largent
Levin
Lewis (GA)
Lipinski
Lowey
Lucas
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Markey
Martinez
Mascara
McCarthy (NY)
McGovern
McInnis
McIntosh
McIntyre
McKinney
McNulty
Meehan
Meek
Menendez
Millender-McDonald
Minge
Mink
Moakley
Moran (KS)
Nadler
Neal
Neumann
Norwood
Oberstar
Obey
Olver
Owens
Pascrell
Paul
Payne
Pelosi
Peterson (MN)
Pickett
Pombo
Pomeroy
Poshard
Radanovich
Rangel
Riley
Rivers
Rodriguez
Roemer
Rohrabacher
Rothman
Roybal-Allard
Royce
Rush
Ryun
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Scarborough
Schaffer, Bob
Scott
Sensenbrenner
Serrano
Shays
Slaughter
Smith, Adam
Smith, Linda
Snyder
Spratt
Stabenow
Stark
Stokes
Strickland
Stump
Stupak
Tauscher
Taylor (MS)
Thompson
Thurman
Tierney
Torres
Towns
Turner
Velázquez
Vento
Waters
Watt (NC)
Wexler
Weygand
Woolsey
Wynn

NOT VOTING—7

Gonzalez
McDermott
Roukema
Schiff
Schumer
Yates
Young (FL)

□ 2050

Messrs. COX of California, OWENS, ENGEL, GIBBONS, and RILEY changed their vote from "aye" to "no."

Mr. HERGER changed his vote from "no" to "aye."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1171

Mr. KASICH. Mr. Speaker, I ask unanimous consent that the name of the gentleman from Pennsylvania [Mr. MASCARA] be removed as cosponsor of H.R. 1171. He was added in error.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

## PROVIDING FOR CONSIDERATION OF H.R. 244, SUBPOENA ENFORCEMENT IN CASE OF DORNAN V. SANCHEZ

Mr. SOLOMON. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 253 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 253

*Resolved*, That upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the resolution (H. Res. 244) demanding that the Office of the United States Attorney for the Central District of California file criminal charges against Hermandad Mexicana Nacional for failure to comply with a valid subpoena under the Federal Contested Elections Act. The resolution shall be considered as read for amendment. The previous question shall be considered as ordered on the resolution and the preamble to final adoption without intervening motion except: (1) one hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on House Oversight; and (2) one motion to recommit which may not contain instructions and on which the previous question shall be considered as ordered.

The SPEAKER pro tempore [Mr. GILLMOR]. The gentleman from New York [Mr. SOLOMON] is recognized for 1 hour.

Mr. SOLOMON. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentlewoman from New York [Ms. SLAUGHTER], pending which I yield myself such time as I may consume. During consideration of the resolution, all time yielded is for the purposes of debate only.

Mr. Speaker, this resolution is a rule which provides for consideration of House Resolution 244. It is a resolution relating to subpoena enforcement in the case of Dornan v. Sanchez. The rule provides for 1 hour of debate, divided equally between the chairman and ranking minority member of the Committee on House Oversight. The rule also waives points of order against consideration of this resolution.

Finally, the rule provides for one motion to recommit.

Mr. Speaker, the resolution this rule brings to the floor today is an attempt to express the will of this House relating to the proper enforcement of a subpoena issued under the Federal Contested Elections Act.

The House will be asserting, by voting on this resolution, that ignoring a valid subpoena issued under this act is an affront to the dignity of the House of Representatives and to the integrity of its proceedings.

We will hear from Members of the House on the Committee on House Oversight to explain the facts of the case during the debate on this resolution. But it is important to consider the relevant statutes in question at the onset of this debate, and I would like to take a minute just to make sure that we all understand those statutes.

As the debate on this resolution unfolds, which is likely to be acrimonious, at best, I would ask Members to keep in mind these important provisions of law: Members should also be aware of their constitutional responsibilities as they consider this very, very difficult issue.

First, Article I, Section 5 of the Constitution states that each House, that means the House and the Senate, shall be the judge of its own elections, of its own returns, and qualifications of its own Members. That is Article I, Section 5 of the Constitution of the United States. This provides the groundwork for the House to judge contested elections involving its seats, a responsibility the House has practiced since the early Congresses, 200 years ago.

Also, the Federal Contested Elections Act, enacted in 1969, sets forth the procedures for candidates to contest an election in this House of Representatives. The act provides for filing a Notice of Contest with the Clerk of the House, among other congressional procedures. Furthermore, the act sets forth procedures for subpoena for depositions.

The Contested Elections Act is also very specific in "allowing subpoenas to be issued by any party in the elected contest." That is a quote. We heard considerable testimony on that subject in the Committee on Rules for several hours last night.

As the Members are well aware, there is a contested election pending in the

46th district in California. On March 17, 1997, and this is important for the Members to understand, the United States District Court issued a subpoena under the Contested Elections Act for the deposition and records of Hermandad Mexicana Nacional. The Committee on House Oversight voted to modify the subpoena and require compliance by a date certain, that date being May 1, 1997. To date, compliance with this valid subpoena has not occurred.

It should also be noted that, in the exercise of its proper role under the Contested Elections Act, the Committee on House Oversight met on September 24 just past and quashed several subpoenas, including one to the contestee in the case, the gentlewoman from California [Ms. SANCHEZ].

☐ 2100

Last week, Mr. Speaker, the United States District Court upheld the constitutionality of the deposition subpoena provisions of the Contested Election Act. House Resolution 244, the resolution before us today, will put the House on record asserting that the rights of the House as an institution and the dignity of its proceedings under the Constitution and under Federal law are called into question by the lack of compliance with the subpoena.

Now, Mr. Speaker, last night during the Committee on Rules consideration of the resolution, a member of the Committee on Rules, the gentleman from Florida [Mr. DIAZ-BALART], expressed concern that the drafting of the resolution violated the spirit of the constitutional doctrine of separation of powers. Because of this Congressman's concerns, I will be offering a manager's amendment to this rule that will address his concerns. This amendment to the rule will change the text of the House Resolution to read as follows:

Resolved that the House of Representatives demands that the Office of the United States Attorney for the Central District of California carry out its responsibility by filing, and that part is what is in the bill right now, but we would then add to that, pursuant to its determination that it is appropriate according to the law and the facts. And then we go back to the regular language in the resolution which states criminal charges against Hermandad Mexicana Nacional for failure to comply with a valid subpoena issued under the act.

The phrase again, what I would be offering in the manager's amendment, which I understand will probably be accepted by the other side, simply says, pursuant to its determination that it is appropriate according to the law and the facts, is what we are inserting.

Mr. Speaker, the amendment to the rule tightens the language of the original resolution to satisfy the concerns of the gentleman from Florida [Mr. DIAZ-BALART], and at the appropriate time I would urge support of the amendment and the rule.

Mr. DIAZ-BALART. Mr. Speaker, will the gentleman yield?

Mr. SOLOMON. I yield to the gentleman from Florida.

Mr. DIAZ-BALART. Mr. Speaker, I will be brief.

The chairman of the Committee on Rules was correct in stating that I expressed my serious concern, in fact was not able to support this rule last night. I opposed this rule last night because of my concern related to the separation of powers, not with regard to the process of discovery in this case.

I agree with the U.S. District Court for the Southern District of California that, and I would quote the court, in the review of its discovery process, Congress is not seizing a function not constitutionally entrusted to it, and there is no separation of powers violation, end quote, but, rather, in the demand that the resolution makes that the U.S. Attorney for the Central District of California filed criminal charges.

It was alleged more than once during the almost 4 hours that we listened to the testimony in the Committee on Rules last night that legal authority exists preventing that outright demand by Congress of the U.S. attorney. The Gorsuch case in the 1980's, specifically in 1983, was referred to.

So what we do with this amendment that the chairman of the Committee on Rules is proposing to the rule is to state and make clear that when the House makes its demands upon the U.S. attorney, that the determination to prosecute must be made by the U.S. attorney pursuant to its finding that it is appropriate according to the law and the facts in this case.

The evidence that the subpoena at issue in this matter has been ignored after hours of testimony in the Committee on Rules became very evident. The fact that no one is above the law in the United States of America must be made clear. We made clear in this House just a few weeks ago that the rules of this House also cannot be violated when we barred from the floor of this House the contestant in this matter.

With the amendment that we are proposing to the rule, Mr. Speaker, we are going the extra mile to make certain that absolutely no constitutional precepts are violated when the House of Representatives insists upon the principle that the law must be followed.

### AMENDMENT OFFERED BY MR. SOLOMON

Mr. SOLOMON. Mr. Speaker, I thank the gentleman from Florida, and if it is all right, I would say to the gentlewoman from New York, so that we are debating the actual resolution, I would at this time propound the unanimous-consent request that the amendment to House Resolution 253 that was placed at the desk be considered as adopted now.

The SPEAKER pro tempore (Mr. GILLMOR). The Clerk will report the amendment.

The Clerk read as follows:

Amendment Offered By Mr. SOLOMON:

At the end of the resolution add the following new sections:

"Sec. 2. Notwithstanding any other provision of this resolution, the amendment specified in section 3 of this resolution shall be considered as adopted.

"Sec. 3. The amendment described in section 2 of this resolution is as follows:

Page 3, line 4, after 'filing' insert the following: ', pursuant to its determination that it is appropriate according to the law and the facts,'.".

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

Mr. MENENDEZ. Reserving the right to object, Mr. Speaker, I would like to turn to the distinguished chairman of the Committee on Rules to ask a question.

I heard my dear friend and colleague from Florida [Mr. DIAZ-BALART] describe what he believes is the reasoning behind this, and I would like to ask the chairman, "Exactly what is your intent in this language?"

Mr. SOLOMON. Mr. Speaker, will the gentleman yield?

Mr. MENENDEZ. I yield to the gentleman from New York.

Mr. SOLOMON. It is exactly as the words that the gentleman from Florida [Mr. DIAZ-BALART] has asked us to place in it. Pursuant to its determination that it is appropriate according to the law and the facts. He just wants to make sure that we are not infringing on another branch of the Government, which he explained.

Mr. MENENDEZ. Does this indicate that the U.S. attorney has not made a determination that is in accordance with the law and the facts at this time?

Mr. SOLOMON. No, it does not.

Mr. MENENDEZ. Does it determine that he has made a determination?

Mr. SOLOMON. No, it does not.

Mr. MENENDEZ. So it is up in the air as to whether or not he has a determination pursuant to the law and the facts. We do not know whether he has made one.

Mr. SOLOMON. As far as the resolution is concerned, the gentleman is correct.

Mr. MENENDEZ. OK. So, in essence, what we will be doing if we permit this specific language to amend it is to demand that the U.S. attorney carry out his responsibility even though we recognize that a basis to determine whether or not the laws and the fact in this issue should rise to the level of pursuing a criminal charge has been made.

Mr. SOLOMON. I would just say to the gentleman, it makes no material difference whether it is in or out or not. This simply states the fact that they will be pursuant to law and to facts, whatever they may be.

Mr. MENENDEZ. Continuing on my reservation of objection, Mr. Speaker, I just have a simple question; maybe I misstated it.

The simple question is, are we saying that we do not know whether or not, or do we know whether the U.S. attorney has made a determination pursuant to the law and the facts that this is appropriate?

Mr. SOLOMON. No, and I do not know.

Mr. MENENDEZ. We do not know.

Mr. SOLOMON. I do not know.

Mr. MENENDEZ. And so by placing this in there, we are recognizing that it is the responsibility of the U.S. attorney to determine that it is appropriate pursuant to the law and the facts.

Mr. SOLOMON. It is his responsibility.

Mr. MENENDEZ. And we do not know whether he has made that determination yet or not.

Mr. SOLOMON. No, but we sure want to find out.

Mr. MENENDEZ. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

The SPEAKER pro tempore. Without objection, the amendment is agreed to.

There was no objection.

Mr. SOLOMON. Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the gentleman from New York [Mr. SOLOMON] for yielding me the customary time.

Mr. Speaker, I rise today to strongly urge my colleagues to defeat this rule and the resolution that it makes in order for several reasons.

First, there are still, in my view, major separation of powers concerns regarding this resolution. If I can repeat, I still think that the major separation of powers question remains because we are still demanding that action be taken.

Since when does this Congress demand that any law enforcement arm is to bring criminal action against private citizens? The majority knows very well it is beyond our power to compel compliance with this resolution, and the proof of that is the fact the resolution has no legal effect whatsoever. The role of Congress is to enact legislation, not to enforce it.

Second, the Committee on House Oversight has failed to make even the most basic determination that enough specific votes were in question to bring into doubt the, certified by the Secretary of State of California, the certified 984 vote margin. Common sense would mandate that the Committee on House Oversight should have been able to substantiate specific allegations of the mistaken counting of at least 984 identified votes before beginning the investigation. But no, we continued the investigation for 10 months and still are not able to identify enough votes to negate this outcome, and that is unconscionable. The Committee on House Oversight has allowed an election contest based not on facts or even specific allegations, but on innuendo and unsupported, vague assertions.

From the very beginning, the supposed investigation has been a fishing expedition trying desperately to find enough votes and voters to justify its own continuation, and what do we have after 10 months? Very little. The majority on the committee is now looking for distraction to draw attention from its inability to make a case and its unwillingness to dismiss it.

The red herring it offers today is a resolution that purports to demand that the United States attorney file criminal charges against an organization for its failure to comply with the subpoena issued by the defeated incumbent in the election, not by the House of Representatives, but by a defeated incumbent, a normal citizen, while knowing full well that this Congress has no authority to demand any such thing.

Third, simply as a procedural matter this resolution is premature. A court has just ruled on the constitutional status of the Contested Election Act last week. The time for appeal of that court ruling has not even expired, and yet this resolution nevertheless purports to demand that criminal charges be brought against an organization for failing to comply with subpoenas issued pursuant to that act. At the very least, it is inappropriate for this Congress to be acting so precipitously when it is still possible that a court of appeals may reverse the lower court's decision.

Mr. Speaker, I urge my colleagues to reject this attempt to divert attention from this committee's true responsibility and end this unwarranted fishing expedition. It is time for this committee to fish or cut bait. It has specifically identified sufficient invalid votes to overturn the certified 984-vote margin or declare an end to this floundering and this misbegotten challenge.

The amendment that we just passed unanimously I think reinforces what we were saying, that this resolution has absolutely no power behind it. We cannot demand another branch of the Government do anything, and in fact, frankly, I think what we proved again here is a simple phone call perhaps might have sufficed, but to tie up the Houses's time with a resolution is beyond the pale.

Mr. Speaker, I reserve the balance of my time.

Mr. SOLOMON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I really would like to just be frank for a few minutes and, as my colleagues know, just try to clear the air a little bit, because I personally want to be as fair as I can on this issue.

Mr. HOYER. Mr. Speaker, will the gentleman yield?

Mr. SOLOMON. I yield to the gentleman from Maryland.

Mr. HOYER. Mr. Speaker, I was wondering if the gentleman was just going to be frank for a few minutes.

Mr. SOLOMON. I will be as frank as my friend would like me to be, for as long as that.

But, as my colleagues know, I have heard the gentlewoman, whom I have great respect for, from Rochester, NY, use the term "red herring" and talk about fishing and cutting bait, and to tell the truth, I wish I was fishing and cutting bait right now up in the Adirondacks. It is a beautiful time up there. I invite all of my colleagues to come up when the beautiful colors appear at this time of the year.

Ms. SLAUGHTER. I mentioned flounder, too.

Mr. SOLOMON. Let me point out the difference on how we Republicans are handling this, because we are trying to be fair, and the gentlewoman from New York [Ms. SLAUGHTER] said we ought to be rushing this thing, we ought to be getting it over with. But I just go back to years ago before many of my colleagues were on this floor. I have been here for 20 years. But there was a situation where there was a gentleman by the name of Rick McIntyre from Indiana had won an election. He was certified by the State of Indiana as the winner, and in spite of that certification at that time, the Democrat-controlled Congress would not seat the certified winner.

□ 2115

But in fact, seated the loser, another good friend of mine, a Democrat by the name of Frank McCloskey.

Now, the point is this: In this disputed case, we did not try to rush this through and not seat the certified winner, the gentlewoman from California [Ms. SANCHEZ], because she should have been seated and she was, and she is here today; yet, we went ahead and we tried to investigate the matter.

Now, that is the difference. We did not rush to it and seat the loser, we seated the certified winner. But yet, it is terribly important if we are going to have an elected process in this country that it be a fair process, and we need to get to the bottom of it and that is really what we are attempting to do here. So I wanted to clear the air.

Mr. Speaker, I yield 3 minutes to the gentlewoman from Columbus, Ohio [Ms. PRYCE], to further clear the air.

Ms. PRYCE of Ohio. Mr. Speaker, I thank the distinguished chairman of the Committee on Rules for yielding me this time, and I rise to express my support for both this rule and the underlying resolution.

House Resolution 253 is a closed rule to govern debate on a very serious matter that speaks directly to the issue of whether this institution is willing to demand that the laws it passes are honored and enforced. It is both that simple and that important.

Mr. Speaker, we will hear plenty of impassioned debate today that will be driven by politics and influenced by personalities. The gentlewoman from California [Ms. SANCHEZ] is a pleasure to serve with and we all take pleasure in her company, but this is not about personalities. The resolution that this rule makes in order addresses the willful failure of the Hermandad Mexicana Nacional to comply with a valid legal subpoena.

However, some of my colleagues clearly are missing the point. It does not matter who requested the subpoena; it does not matter what the subpoena is expected to uncover, nor does it matter what the ethnicity is of the parties served by the subpoena. What is significant is that the subpoena is valid under the processes laid out by a Federal law that has been on the books for over 25 years.

How long can this body sit idle as the Hermandad completely ignores this subpoena and, in effect, challenges the legitimacy of the Federal Contested Elections Act? The bottom line is that if one breaks the law, then one must face the consequences, but somehow our friends on the other side of the aisle express outrage at this very simple principle.

Are they really suggesting that voter fraud should not be investigated? Are they really suggesting that non-U.S. citizens should be allowed to vote? And if the Department of Justice is content to drag its feet in the face of this defiance, then as a former prosecutor and a former judge, I believe it is the responsibility of this House to send a strong message that we demand that the law be enforced.

It is a sad day for all of us when we cannot expect this body, which is sworn to uphold the Constitution, to honor this very basic legal process.

The other side's deliberately inflammatory charges are an insult to this great institution and to the American ideal of fair and honest elections. We keep hearing clamoring for campaign reform. Well, I respectfully suggest that we enforce the laws that we have at hand. That is what this resolution is about, and I encourage my colleagues to support both the rule and the underlying resolution.

Ms. SLAUGHTER. Mr. Speaker, I yield 3 minutes to the gentleman from Michigan [Mr. BONIOR].

Mr. BONIOR. Mr. Speaker, in 1996 the voters of Orange County elected LORETTA SANCHEZ and defeated Bob Dornan. Now, that is the way the American democracy is supposed to work: voters get to choose who represents them in Congress. The gentleman from California [Mr. THOMAS] and the Republican leadership seem to have forgotten that. They are trying to deny voters their choice through an outrageous campaign of harassment against the gentlewoman from California [Ms. SANCHEZ] and half a million Americans.

The committee has abandoned its proper role to evaluate evidence and has assumed the role of partisan prosecutor. They say they are simply looking for information, but according to many press accounts, the Republican leadership has already decided the case in favor of Mr. Dornan.

The committee appears willing to go to any extreme. The gentleman from California [Mr. THOMAS] even directed the INS to comb through the records of 40 million Americans, trying to dredge up private information that somehow could be used to support Mr. Dornan's wild allegations. Of those 40 million Americans, half a million were singled out for further investigation. Of these, 50 percent were Hispanic, 30 percent were Asian.

Now, who are the actual people singled out as suspicious? Let us take a look. Mr. Dornan claims Carmen Villa was not entitled to vote because she was not an American citizen. Quite the contrary. She is proud to be an American citizen. She is proud to be an American citizen and she displays her naturalization certificate to prove it.

Mr. Dornan even questioned the voting rights of 18 Dominican nuns and a group of 18 active-duty Marines based at a helicopter air station.

The gentleman from California [Mr. THOMAS] continues to press on with this sham investigation, assuming thousands of Americans are guilty until proven innocent.

Now, that is not the American way and that is not the way the American system is supposed to work. The burden of proof should be on Mr. Dornan, not on thousands of Americans who simply exercised their constitutional right to vote.

So I call on this evening, and my colleagues will hear others call on this evening, the Republican leadership to stop this harassment.

This has been a terrible day for many Americans in this country. We just went through a process on the census and on sampling. Four to 10 million Americans were denied in the last census of being counted. They are people like every single one of us in this body. They deserve representation.

We got rid of three-fifths counting a long time ago. Now that my colleagues on the other side do not want to count them, they do not want to count the votes of those people who are American citizens who come and vote and exercise their right. This harassment has gone on long enough. We call for this resolution to be defeated and we call on this rule to be defeated.

Ms. SLAUGHTER. Mr. Speaker, I yield 4 minutes to the gentleman from Massachusetts [Mr. FRANK].

Mr. FRANK of Massachusetts. Mr. Speaker, we should be very clear on what this resolution says. It forthrightly demands that the United States attorney do whatever he thinks he ought to do. Now, I did not realize that we had become the paymasters of the U.S. Government. Apparently this is kind of a bed check on the U.S. Attorney. It demands, it does not recommend, it demands, that he do whatever is appropriate.

I guess, if that is all the majority has to do with its time, that may be a better way to take up time than others, but I think we ought to vote against the resolution anyway.

In the first place, it is kind of a silly precedent to set; not a bad precedent, but a silly one, and understand, that is what the resolution does. It demands that he do what he thinks is appropriate.

I suppose we could offer an amendment that we demand that he not do what he thinks is inappropriate, and we might also demand that if he is undecided, that he make up his mind. I mean, why pull any punches. I also, however, want to argue for letting the U.S. Attorney make the determination that they should not go forward.

This has been a day. I started this morning, and three times today I have seen the Republican Party repudiate what used to be conservative legal doctrines. In 1983, William French Smith, the United States Attorney General under Ronald Reagan, said, "No, Congress, you cannot tell me to prosecute a contempt citation. You cannot tell me to prosecute for failure to comply, because the way to deal with it is through the civil process."

No one is saying that Hermandad, who seem to be the victims in this case of a fishing expedition, no one is saying that they can simply ignore the law. They went to court; they are contesting it. A single district court judge has decided against them.

Now, all year the Republicans have said that when a single district court judge rules on affirmative action or a single district court judge rules on something else, on immigration, ignore it. That is arbitrary. Now we have a single district court judge, and what is this organization saying? They want to appeal the decision. They have constitutional arguments to make. The constitutional argument is that the subpoena issued not by this House, but by Robert Dornan, might not be appropriate. I am myself not used to hearing the words "Dornan" and "appropriate" in the same sentence. I think that is a valid constitutional argument to make.

What we are saying is, let them proceed with an appeal. Instead, the Republicans said no, no, William French

Smith in 1983 filed a lawsuit to enjoin the House of Representatives from doing a contempt citation. That is what the gentleman from Florida [Mr. DIAZ-BALART] was referring to. He called the lawsuit, by the way, to show his respect for this institution: The United States of America versus the House of Representatives. The judge threw out the lawsuit, but there was an agreement that a civil process would be a way to go forward. What we are saying here is, we will prosecute these people criminally in the middle of their appeal process.

Now, I have to say that is what we originally demanded. We should come back to what happened. Because of the gentleman from Florida [Mr. DIAZ-BALART], my colleagues have backed off, and are now, with a very silly resolution, demanding that the man do his job, but the context makes it worthy of defeat.

Mr. Speaker, maybe my colleagues will amend the resolution again while I am speaking, but I just again want to point out, conservatism ought to be some consistency to principle. I want to make a point, by the way. People talk about the McCloskey-McIntyre election. As a Democrat, I voted not to seat Mr. McCloskey. I thought he was a great Member, but I was not sure he won that election. No, I do not believe you to be partisan, but I think to deny this group the right to their civil appeal is a grave error.

The Republicans recently, in an amendment passed earlier today, decided that the constitutional doctrine of standing does not mean anything because we want to get at statistical sampling in the census. In the Committee on the Judiciary today they decided to have the Federal courts further involve themselves in zoning matters because of property rights.

The notion that conservatism stands consistently for a set of legal principles is being thrown out the window with such rapidity that passersby probably ought to be warned. Yes, I think it is a good thing that my colleagues backed off on the resolution and that it no longer demands, it no longer makes any sense, but given the context in which it came forward, I think we ought to vote "no."

Mr. SOLOMON. Mr. Speaker, hesitating to respond, let me yield 2 minutes to the gentleman from California [Mr. COX], a very distinguished member that used to work for the Reagan administration, to respond to Mr. FRANK.

Mr. COX of California. Mr. Speaker, I thank the gentleman, and appreciating fully the arguments just advanced by my colleague from Massachusetts and former law school classmate, if there is just one Federal district judge that has ruled here, then we ought not to listen to the Federal courts when he ruled that a subpoena is not validly enforceable and what really matters is that people be given time to appeal, then one would think that we would not hear from the gentleman, that this thing has got to be over and shut down, that we cannot have an investigation, that it is taking too long.

However, there are two simultaneous arguments. One is, this investigation should be dropped, it has not turned up anything after all of these months. The other is, we have litigated this through the district court and lost, but we deserve an opportunity now to litigate further and appeal. If you get to appeal and argue some more, even though you have already lost in Federal district court, obviously that consumes weeks and months and so on, and meantime, the subpoena issued under the Federal Contested Elections Act is not honored, the documents are not returned, the investigation cannot go forward, it is stalled.

So pick your arguments. Either say we are going to have more time for this investigation because we need to wait for the Court of Appeals to rule on the validity of the subpoenas, or say we are in a rush and therefore the way the district court has ruled has to be adequate here, and let us go and enforce the subpoena based on the district court ruling.

Obviously, we cannot walk north and south at the same time, but we are trying to get this done in a hurry. The Federal Contested Elections Act contemplates that we would decide this in what we would consider to be real time, that is, an election cycle, rather than what in the Federal courts typically is a normal period of time for civil litigation, which can be 4 and 5 years and so on.

I think we are doing the right thing here by drawing the attention of the Justice Department and the U.S. Attorney's office to the issuance of a valid subpoena, something that has been litigated in district court, as you point out, Hermandad lost, they tried to resist the subpoena, and at this point Congress, in support of our own process, the Federal Contested Elections Act, and it would not matter if this were the Democratic Congress in control and so on, it would be the same story.

□ 2130

We ought to stand behind the legal process, both of this Congress and of the Federal courts.

Ms. SLAUGHTER. Mr. Speaker, I yield 30 seconds to the gentleman from Massachusetts [Mr. FRANK].

Mr. FRANK of Massachusetts. Mr. Speaker, in the first place, there was not a subpoena issued by the committee. They are looking for these facts the way they think. But here is the problem. We are talking about private citizens, Hermandad. They cannot be forced, I think, to give up their constitutional rights for the convenience of this House's process.

What the gentleman is saying is these people who are asserting their constitutional right to privacy should be put under the threat of criminal prosecution, and I am saying no, they have a right as a citizens' group to their full appeal process. The gentleman's insistence on subjecting Hermandad to criminal prosecution, cutting off their right of appeal, seems to me unfortunate, no matter how convenient it might be for this House.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentlewoman from Michigan [Ms. KILPATRICK], a member of the committee.

Ms. KILPATRICK. Mr. Speaker, I do not want us to lose sight of why we are here. Let us concentrate on that.

I rise in opposition to this resolution, after having sat on that committee for now nearly 10 months. They do not have the evidence. If they had it, they would bring it forth. The subpoena has been issued and this organization has complied. Members might not know that in January, the District Attorney in California drove a truck up to Hermandad and seized their records, everything; computers, files. They did a sweep of their hard drive. Members might not also know that on August 17 those same records were turned over to our committee. They have the records. Use the records, if they have them. And if there was something to be found, believe me, this House of Representatives would have found it.

Let the gentlewoman from California, Ms. LORETTA SANCHEZ, go. She won the election by over 900 votes. She has been certified by the Republican Secretary of State. She has won in the recount, some more than 900 votes. I think it is horrendous.

Let us defeat this resolution. Let us let the gentlewoman from California [Ms. SANCHEZ] serve. She has been castigated and harassed enough. What is at stake is this institution. Will we allow an election won by some 900, nearly 1,000 votes, be overturned by constant, constant harassment?

This House of Representatives has authorized over $300,000 in legal fees for this witch hunt. I would much rather see that in senior meals, senior services and health services. We have to rise up in a bipartisan way. This must come to an end. Let us defeat this resolution. Let the gentlewoman from California [Ms. SANCHEZ] serve her constituents in the 46th district. She has accumulated over $500,000 in expenses.

Are we really a Congress for the people? Let us get back to the business of American citizens. Let us get to the work of jobs and industrial health for our people in this country. Let us defeat this resolution. Let the gentlewoman from California [Ms. SANCHEZ] get back to work, and let us go about the business of building America.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentlewoman from Texas [Ms. JACKSON-LEE].

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentlewoman for yielding time to me.

Mr. Speaker, I think this is a day that we need to focus on the facts. The facts become as clear as day if we would just open our eyes. That is that neither the committee nor the Republican Orange County District Attorney nor California State officials have ever substantiated that one single vote has been fraudulently cast in this election.

Then what is the issue, Mr. Speaker? The issue may be the Republicans have had an 8-year history in southern California of intimidating Latino voters at the polls; that they have paid to settle two voting intimidation cases, one from 1988, in which the Orange County Republican Party literally placed security guards at the voting polls in Hispanic neighborhoods, with signs designed to scare Hispanic voters, and the other case in 1989.

These efforts are not limited to California or to Hispanic voters. In Bergen County in New Jersey, in 1996, Republicans distributed a flyer in black precincts stating that dire consequences would follow for anyone who tried to vote who owed money, was guilty of misdemeanors, or any other number of possibilities.

The real issue is that Republicans do not want to place themselves in Hermandad's shoes. There are no more files, as have been represented. If there are, this organization has the right, the absolute right, to pursue its constitutional remedy. Just imagine if we would put a siege upon other citizens who are in the process of pursuing their constitutional rights, yet we in this body would insist that we want to instruct the U.S. attorney to implement a criminal procedure to deny someone their constitutional right? Is it because they have a Hispanic-sounding name that they can be subject to this kind of attack and abuse?

I think the Republicans need to recognize if they have something, get to the floor of the House and deal with it. If they have nothing, allow the gentlewoman from California, [Ms. LORETTA SANCHEZ], to maintain her position and represent her constituents. Turn down this rule and allow Americans to believe in this country once again.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in opposition to the rule on House Resolution 244, which demands that the Justice Department file criminal charges against Hermandad Mexicana Nacional for failing to comply with a subpoena issued by Representative Bob Dornan. Late last night the Rules Committee recommended a closed rule which blocks all amendments to the resolution. It is an outrage that the committee would allow such a resolution to come to the floor and an even further outrage to recommend a closed rule.

Representative SANCHEZ was elected to the House of Representatives in November 1996 from the 46th District of California. Since that time, she has been besieged by attacks from former Representative Bob Dornan as he attempts to prove that his defeat last fall was the result of voter fraud, not the will of the people.

Like the entire election contest, this resolution is about politics, pure and simple. Congresswoman LORETTA SANCHEZ has fully complied with requests for information relating to voter registration, organizations relating to voter registration and absentee balloting. She has objected only when those subpoenas became so intrusive as to demand access to her personal financial data. Further, the constitutionality of the subpoenas under the Federal Contested Elections Act was decided only last week. The House should, therefore, at the very least allow Hermandad a reasonable period from the time of the court's decision to respond.

I could not agree more strongly that allegations of voter fraud must be vigorously pursued and, when found meritorious, prosecuted. However, in this instance, 10 months and more than $300,000 in taxpayer's money have been spent, and yet no evidence of fraud has been presented. To this day, no one—not the committee, not the Republican Orange County District Attorney, and not California State officials—has substantiated that a single vote has been fraudulently cast in this election.

Mr. Speaker, the U.S. House of Representatives must not become a partner to Mr. Dornan's desperate charges. It is beneath the dignity of this body. I urge my colleagues to join me in saying enough is enough and to oppose the rule to House Resolution 244.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentlewoman from Florida [Mrs. MEEK].

Mrs. MEEK of Florida. Mr. Speaker, I thank the gentlewoman for yielding time to me.

Mr. Speaker, I stand today to ask this Congress, which I hope is a fair Congress, to defeat this rule and the resolution. There is no precedent in the Constitution for someone to receive the authority on the part of Congress to issue subpoenas, so the committee took care of this. They issued him the authority to issue subpoenas.

Mr. Speaker, what a shame on this country to see that happening in this day, when we have a young Hispanic woman who has given of herself to come forward to serve her country. What kind of message does this give to the other young Hispanic women in this country? What kind of message does it give to all young women in this country? Come forward, and we will just whittle away the votes that you have so that we can take your seat.

Mr. Dornan is receiving an authority that I know I would not receive. I know that as a black woman, if I came before this committee, they would never give me a chance to subpoena anything. They would send me back to where I came from. They would never give me a chance. It is constitutionally wrong, it is logically wrong, and it is morally wrong.

But do we want to stick with morals? Do we want to allow this young Hispanic woman to stand before this country, to say this Congress gave me a chance just because some male was defeated in California by 900 votes? She won. That is not the worst of it. She is going to win again when she comes up, and they are not going to take it away from her.

Mr. SOLOMON. Mr. Speaker, I yield 2 minutes to the gentleman from California, Mr. BILL THOMAS, the distinguished chairman of the Committee on House Oversight.

Mr. THOMAS. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, I will try to explain some of the arguments that have been made, because frankly, they have been factually wrong. I do not want anyone who is listening to the debate to believe that the statements that have been made, because they are not challenged, means that they are correct. They are not.

Mr. Speaker, the Orange County district attorney subpoenaed the Hermandad records, but as we know, when that subpoena is used as a criminal subpoena there is a fourth amendment search and seizure right, so you have to specify exactly what it is that you need. As a matter of fact, the Orange County district attorney has indicated that not all of the records and not all of the materials were obtained with the subpoena that he placed.

The reason that the committee placed a subpoena on top of the Orange County district attorney's subpoena was that that subpoena was being challenged. We wanted to make sure that those records were not lost. There are additional records out there. This subpoena, under the civil section of the statute, can obtain that additional material.

Our job is to get to the bottom of it. We want to know everything that Hermandad was involved with. Obviously, during debate on the resolution, I believe when I describe Hermandad, it will be a slightly different organization than has already been explained. These people have violated the law. The Federal and the State government has revoked their charters. They have taken money from them. These people are criminals. What we are trying to do is find out the extent of their activity. We need to have as many subpoenas as possible.

This resolution, after this rule passes, is not about the gentlewoman from California [Ms. LORETTA SANCHEZ], it is not about Bob Dornan. It is about people obeying the law, and it is about the House of Representatives demanding that the law be obeyed. That is what it is about.

Ms. SLAUGHTER. Mr. Speaker, I yield 30 seconds to the gentleman from California [Mr. BECERRA].

Mr. BECERRA. Mr. Speaker, I thank the gentleman for yielding me the time.

I hope we are very careful how we use words on this House floor. When we talk about criminals, that means someone has in a court of law been convicted. The gentleman from California [Mr. THOMAS] just referred to individuals who are under investigation. There are a lot of folks that sit on this House floor who are under investigation, but we do not call them criminals.

Mr. Speaker, I would just urge that all of us during this debate be reasonable, and understand that when we refer to things, we use accurate words to describe what is going on. It is not accurate to say that there are criminals. There are people under investigation. In this country, you are innocent until proven guilty.

Mr. SOLOMON. Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. THOMAS].

Mr. THOMAS. Mr. Speaker, I thank the gentleman for yielding me the time.

The Los Angeles Times, May 22, 1997, I quote, "In an apparent violation of Federal and State tax laws, Hermandad was also found in the audit to have spent $107,184 that it withheld from its employees' wages to satisfy Federal income taxes. Its director admitted that withholding the taxes was against the law."

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey [Mr. PALLONE].

Mr. PALLONE. Mr. Speaker, I have listened to my Republican colleagues, and they use very sinister language. They try to give the impression that those of us on this side are the ones, that the people that voted for the gentlewoman from California [Ms. LORETTA SANCHEZ] are all illegals or criminals, I think I heard the term, or otherwise badly motivated people.

This sinister language borders on racism. I have to say that, because it really concerns me. They claim, they claim to be so self-righteous, but they are the ones that are seeking to tear up the Constitution here tonight in this House of Representatives that we value so much. They know that the gentlewoman from California [Ms. SANCHEZ] was duly elected and certified by the State of California.

What gives the Republican leadership the right to overturn her election? Because they are the majority here in Washington? If the majority here determines what happens in Orange County, CA, then we have the worst form of tyranny that the Founders of this country sought to guard against in the Constitution.

This is an effort to intimidate voters, specifically Hispanic voters. Republicans want Hispanic and other minority voters to stay home at election time.

I listened to what the gentlewoman from Texas [Ms. SHEILA JACKSON-LEE] said. I remember that election in New Jersey when those warnings were put up at the polling places, and I saw armed guards in camouflage and guns, I do not know if they were real guns, but they tried to give the impression that they had guns, because they did not want minorities to vote.

Mr. Speaker, what is going on here is not right. It needs to end. Let us start right now by defeating this rule and defeating the underlying resolution. This resolution is nothing but a hoax to try to hide what they are really trying to do here, and that is steal this election from the voters of Orange County and the American people.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan [Mr. DINGELL].

Mr. DINGELL. Mr. Speaker, I have served here for 41 years and more. I have seen an awful lot of these kinds of challenges of elections. I never saw one like this. I have never heard charges of crime made about what appears at this time, at least, to be reasonably innocent behavior with regard to the election process. I have never seen subpoenas delegated in such an outrageous fashion by a committee of this body to a single individual, to be hurled around like confetti in a parade.

I have never seen the kind of behavior that brings, I think, this House into such low esteem. It gives every appearance that what we are doing is not inquiring into an election, but rather, that we are harassing a woman who is of obvious good character and integrity, who has been certified as having been duly and properly elected.

This proceeding tonight and the other proceedings that have been associated with this give a very bad appearance with regard to this body. I would think my colleagues on both sides would be embarrassed by what it is we are seeing happening tonight.

□ 2145

We have a criminal process going on out there in California to inquire into whether or not there was criminal misbehavior. Let that process go forward. Let us have the kind of proper inquiry that we have always had into these kinds of election situations, to find out what has happened. Let us not give the appearance of harassing innocent, law-abiding Hispanic Americans because they have chosen to vote. Let us not bring this body into discredit by the kind of behavior in which we are engaging.

I would tell my Republican colleagues, with all respect and with all affection, what it is that you are doing tonight is sowing a terrible wind. And you will reap the whirlwind, because it is not just going to be the fact that you bring discredit on this body by the behavior that I am seeing before me tonight or what I have seen in connection with your loose use of the subpoena and the enforcement process of this body. What is happening here is, you are creating further distrust and disrespect for this body.

It is going to have a bad effect on each and every one of us, whether we are Democrats or Republicans, but it is going to do something worse than that. It is going to do it to you, I would say to my Republican colleagues, because citizens all of a sudden are going to realize that elections are not about fighting out the issues in an honorable and a proper way and having an intelligent discussion of what it is that concerns the people, whether they be Hispanics, minority members, or whatever they might happen to be, but rather, it is win at any cost, win with any device, use the powers of this body to elect somebody who was clearly not elected by a fair election and who was clearly not elected by any vote of the people. And what you are giving the appearance of what you are seeking to do is to eject a legitimately elected Member of this body.

People are going to remember this. Be prepared to reap the whirlwind. You deserve it.

Mr. SOLOMON. Mr. Speaker, two quick points to the departing gentleman: I would hate to see the action he would take if a subpoena by his committee were not answered. Second, I hate to see Members bring up this business about stealing elections. My good friend and a gentleman I respect from Michigan was here in 1985 when there was a stolen election, and everybody knows it.

Mr. Speaker, I yield 3 minutes to the gentleman from Poland, Ohio [Mr. TRAFICANT], another respected Member of this body.

Mr. TRAFICANT. Mr. Speaker, I think this is an important debate. I believe it is a needed debate. There are Members on the Democrat side of the aisle who will not like what I have to say, and I will not explain it later, I will explain it now.

To me, this is not about LORETTA SANCHEZ. I believe under heavy pressure she has done a remarkable job, and I want to commend her. This is not, to me, about Bob Dornan. To me, it is not about Democrats at all and it is not about Republicans at all.

To me, this issue is about the possibility that illegal votes may have determined the outcome of a Federal election in our country. That is the issue before us. This is not about somebody that misplaced some ballots. This is not about a mistake of interpreting counts. This is about the possibility of illegal votes corrupting a Federal election. Congress must not allow a precedent to be set tonight that would allow the Federal election process to be corrupted or give the impression that we have soft-pedaled that possibility.

In my opinion, any individual or organization that has information or evidence in this matter should be compelled to comply. If the Justice Department does not pursue it, then, by God, Congress shall demand it. Congress must ensure enforcement. The Constitution requires it. The amount of illegal votes cast in this election must be carefully sought out; the exact numerical count must be known to Congress.

Let me say this: If there is any precedent to be set in the House of Representatives tonight, it should be a precedent that preserves the integrity of the election process. Let me say one other thing. The ox that may seem to be gored tonight is an ox different than what we see that might be gored tomorrow.

I support the rule. I support the bill. I believe the gentlewoman from California [Ms. SANCHEZ] has done a remarkable job, but the taint of her election must be removed and Congress must ensure, whether it is a Democrat or a Republican or any other party or an independent Member, that their rights are protected and that election and the integrity of that process is worthy of an individual being seated in this body.

Ms. SLAUGHTER. Mr. Speaker, if I could take just a second to correct what I think is a grave injustice here, the comment has been made several times this evening that these were committee subpoenas. I think it needs to be pointed out once again, these were given by a private citizen, Mr. Robert Dornan of California.

Mr. Speaker, I yield 1 minute to the gentleman from Wisconsin [Mr. OBEY].

Mr. OBEY. Mr. Speaker, what is happening here tonight is enough to give abuse of power a bad name. This act brings only one question into my mind: Does this body still believe in the biblical admonition, "Thou shalt not steal?" All I have to say about what you are about to do tonight is shame, shame, shame, shame, shame.

Mr. SOLOMON. Mr. Speaker, I yield 1 minute to the gentleman from Arizona [Mr. HAYWORTH].

Mr. HAYWORTH. Mr. Speaker, I thank my colleague from New York for yielding me the time.

With all due respect to my colleague from Wisconsin, putting personalities aside, dealing strictly with law, if this House of Representatives fails to take action to live up to the Constitution and the letter of the law, then shame, shame, shame, shame on this House and this process.

Ms. SLAUGHTER. Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. FARR].

Mr. FARR of California. Mr. Speaker, the question here tonight is why, why are we doing this? The American public knows the results of last November's elections. Look at those elections. There were six elections that were less than 1,000 votes. But look at the names: FOX, TIERNEY, SMITH, SMITH, BROWN, and, guess what, one SANCHEZ.

Why were not the elections where there was only 84 votes difference contested? Why was not the election of the gentleman from Massachusetts [Mr. TIERNEY] contested? He lives close to the Canadian border. Perhaps some people who speak English crossed over the border and voted for him. Why were not the Smiths and the Browns challenged? This is a challenge to LORETTA SANCHEZ, a Latino woman.

The State of California's secretary of state certified her election. She is of the people, by the people, and for the people. Do not abuse that.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes and 30 seconds to the gentleman from California [Mr. BECERRA].

Mr. BECERRA. Mr. Speaker, I thank the gentlewoman for yielding me this time.

Let me begin by first saying, as I think has been repeated often on my side, this resolution has no effect. The founders of this country, in drafting the Constitution, made it clear that we as politicians have no role of telling the Department of Justice how to prosecute.

We cannot demand that they prosecute, and I thank the gentleman from Florida for making it clear, with the amendment that we have all accepted, that we cannot do anything with this resolution. It is just posturing. If we cannot do anything with this resolution, what are we really doing?

I think there are probably three things that we can say are behind this particular resolution and its intent. Either it is an intent to bootstrap this electoral investigation that we know is going nowhere and perhaps to justify, and I want to say it now on the record, perhaps to justify in the future some action by this House to possibly vacate the seat of the gentlewoman from California [Ms. SANCHEZ] using this as an excuse for being able to do that.

Second, as many are whispering, maybe, as some have said, maybe it is payback time for 1985, because Republicans feel that there was an election stolen in 1985. So if that was a wrong, maybe two wrongs will make a right.

Or, third, perhaps it is just a downright honest attempt to intimidate voters, in this case Latino voters, who are now beginning to vote. Perhaps you do not like that they are beginning to vote.

Regardless of what the intent is, there is a message that you are sending, whether you like it or not. It is to folks like my parents. My father was born in this country but speaks broken English and probably falls within the category of folks you want to go after. My mother was not born in this country, speaks better English than my father, and is a U.S. citizen of this country, and she probably is on that list of names that you are now disclosing, violating her privacy rights in the process of doing so.

You are sending a message to these folks. You are telling them you do not want them to participate, you do not care about what they do, you do not value their worth as citizens.

I will just say this: Remember this, because the message will be sent. I will say, as I conclude, I do not need to talk to my parents about this vote. They will be watching. And just like my parents will be watching, there will be a lot of other folks who, for the first time in 1996, had a chance to vote. Some of them voted for LORETTA SANCHEZ. Some of them may have even voted for Bob Dornan. But they will remember what this House of Representatives is doing, because you certainly are not out to get a conviction, you are not out to get a criminal investigation, but you are certainly out to get the hides of people who have participated in this American process. That is wrong.

Mr. SOLOMON. Mr. Speaker, I yield 1 minute to the distinguished gentleman from California [Mr. CAMPBELL].

Mr. CAMPBELL. Mr. Speaker, I am very sorry to have heard what I have heard tonight, because the references to race and gender are not what concern me. What does concern me is fairness, and the investigation of the honest outcome of an election should concern all of us.

The certification by the Secretary of State is not a certification that there was no fraud. We know that. The matter deserves to be investigated. It does not deserve to be trivialized and to be said that we are simply doing what we do because of racial motivation. What a sad comment when our attempts to enforce the law, to enforce the prerogatives of our constitutional office, are taken instead to mean that we are acting in a racially motivated manner.

The statute says that failure to abide by a subpoena is a misdemeanor. We draw attention to the United States Attorney for the Central District of California of this violation, and we ask that he proceed pursuant to the determination that he would make or she would make. It is a sorry day.

Ms. SLAUGHTER. Mr. Speaker, I reserve the balance of my time.

Mr. SOLOMON. Mr. Speaker, I yield 2 minutes to the very distinguished gentleman from California [Mr. HUNTER].

□ 2200

Mr. HUNTER. The rule of law, my colleagues, it is the most precious thing that we have, and perhaps the most precious rule is that we vote and the person with the most votes wins. And sometimes it means for us, in fact, at times during all of our careers, we have agonizing defeats. The winner that has a victory sometimes goes on from that victory to a defeat fairly shortly thereafter, but it is the central part of our democracy. It is the heart of our democracy.

We had a group which took immigrants who were trying to become naturalized citizens and registered and voted those immigrants knowing that they had not yet raised their hands and become citizens of the United States. And from that group we want to get more information. That is absolutely appropriate.

I remember during the Contra wars of the 1980's, when we tried to export this precious thing called democracy to El Salvador and the guerrillas tried to stop the elections, we had one woman waiting in line who actually had a bullet wound in her arm, and she would not leave the line to get medical aid because she said, "I must vote. I must participate in this democracy."

All we want to see is who got the most votes. We can do no more and we should do no less for our country.

Ms. SLAUGHTER. Mr. Speaker, I yield 30 seconds to the gentleman from North Carolina [Mr. HEFNER].

Mr. HEFNER. Mr. Speaker, I want to respond to my good friend from California [Mr. CAMPBELL], and I challenge any Member in this House that has the certificate from the Secretary of State certifying that there was no fraud in their election. When I got my certification from the Secretary of State, it did not specify that there might not have been some fraud in my election.

Mr. CAMPBELL. Mr. Speaker, will the gentleman yield?

Mr. HEFNER. I yield to the gentleman from California.

Mr. CAMPBELL. Mr. Speaker, my statement was that the certification by the Secretary of State was not a certification that there was an absence of fraud. It is a certification of the numerical outcome of the election.

Mr. HEFNER. Mr. Speaker, reclaiming my time, I would say to the gentleman that the gentlewoman from California's certificate was a certification that she got more votes than anybody else, and fraud was not mentioned.

Mr. CAMPBELL. Mr. Speaker, if the gentleman will continue to yield, I stand by what I said.

Ms. SLAUGHTER. Mr. Speaker, I yield the balance of my time to the gentleman from Maryland [Mr. HOYER].

The SPEAKER pro tempore (Mr. GILLMOR). The gentleman from Maryland [Mr. HOYER] is recognized for 2¾ minutes.

Mr. HOYER. Mr. Speaker, this is an important resolution. The outcome of this vote tonight on this resolution will not decide the Sanchez-Dornan case. It will, however, be a statement as to whether or not we are going to proceed in a fair, judicial manner. I agree with the gentleman from California, that is the way we ought to proceed.

The gentleman from Massachusetts observed what has happened with this resolution. In the first instance, the committee proposed the harshest resolution it could ascribe, demanding that a U.S. citizen be indicted for crimes while under investigation by another body, the district attorney. My colleagues, that would not wash. It would not even wash with the majority of the majority party, and so that resolution was rightfully changed, and we did not object to that change.

The title was not changed. It still demands that the U.S. attorney seek criminal action against a citizen who has, as we have pointed out, still his and the organization's constitutional rights to contest the validity of the subpoena that is pending.

This resolution I have called precipitous. I believe it is. In response to the gentleman from Florida [Mr. DIAZ-BALART] yesterday, I said that what we ought to do, if we feel this way, is write a letter to the U.S. Attorney and say we think that he ought to take the appropriate action because the subpoena has not been responded to.

My colleagues attempt to adopt my suggestion by adopting language which now says that we demand, as the gentleman from Massachusetts [Mr. FRANK] pointed out, that pursuant to its determination, that is the U.S. Attorney's office, that it is appropriate, according to the law and the facts. In other words, do what you think is right.

Do we go around passing resolutions through the House of Representatives demanding that people do what they think is right when we know, my friend from California, the gentleman talks about the sanctity of a vote, the sanctity of the Constitution is something we are all sworn to preserve and protect, and it accords to every citizen that when the government moves against him or her that they have a right to go to the courts of this land and say "I need not respond."

Let us not put the House of Representatives in a position prematurely of demanding the denigration of that absolute constitutional right. Vote "no" on this resolution. Vote "no" on the final resolution.

Mr. SOLOMON. Mr. Speaker, I yield the balance of my time to the gentleman from San Antonio, Texas Mr. HENRY BONILLA, one of the most respected Members of this body, in my mind.

The SPEAKER pro tempore. The gentleman from Texas [Mr. BONILLA] is recognized for 2½ minutes.

Mr. BONILLA. Mr. Speaker, the debate tonight started out on the high road, and I was highly impressed and glad to see Members that are opposed to this resolution standing up and arguing the validity of this case on its merits. I even had a tremendous amount of respect and watched with great attention when the gentleman from Wisconsin [Mr. OBEY], my colleague on the Committee on Appropriations, stood up and got very emotional to tell us that he disagreed strongly with what we were doing tonight.

But then the debate deteriorated to those who choose to play the race card, when it is inappropriate, when they know they have lost other merits in their argument. That is unfortunate.

Three of my four grandparents emigrated here from Mexico at the turn of the century to seek a new life for their children and grandchildren. They did not come here to set up an isolated society within this country. They came here to be Americans first and to become part of the melting pot of this country that stood for certain values that all of us could benefit from regardless of what country we came from.

This country has prospered greatly because of the great immigration that we have seen from every part of the world. We should all be proud of that. To see Members tonight talk about racism is totally unjustified and they should be ashamed of themselves for doing that.

Members cannot tell me this is racism. I grew up in a barrio, in a Spanish-speaking neighborhood in South Texas, always with a dream that someday I would be able to aspire and work towards the American dream.

The implication among those who cry racism is one that says if a burglar broke into their home, that somehow they should have a different standard if the person is of a different color or ethnic background. How dumb an idea can that be? We are talking about people who are possibly implicated in crimes here. This Hermandad Mexicana Nacional, or whatever they call themselves, is one of the most corrupt organizations that has ever existed that is receiving Federal money.

We are trying to get to the truth of this. This has nothing to do with the gentlewoman from California [Ms. SANCHEZ] or Mr. Dornan. And if the gentlewoman comes out winning this election after this investigation is finished, I will be the first to congratulate her on her victory.

This is about justice, this is about finding out the truth. That is what all Americans want in every corner of the country, and I urge all Members to support this resolution and the resolution tomorrow as well.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the resolution, as amended.

There was no objection.

The SPEAKER pro tempore. The question is on the resolution, as amended.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. THOMAS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 221, nays 202, answered "present" 1, not voting 10, as follows:

[Roll No. 477]

YEAS—221

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Brady
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Christensen
Coble
Coburn
Collins
Combest
Cook
Cooksey
Cox
Crane
Crapo
Cubin
Cunningham
Davis (VA)
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Foley
Forbes
Fowler
Fox
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Goodlatte
Goodling
Goss
Graham
Granger
Greenwood
Gutknecht
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King (NY)
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Livingston
LoBiondo
Lucas
Manzullo
McCollum
McCrery
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Moran (KS)
Morella
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Packard
Pappas
Parker
Paul
Paxon
Pease
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Redmond
Regula
Riggs
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryun
Salmon
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Shimkus
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stearns
Stump
Sununu
Talent
Tauzin
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Traficant
Upton
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf

NAYS—202

Abercrombie
Ackerman
Allen
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Bentsen
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brown (CA)
Brown (FL)
Brown (OH)
Capps
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Fazio
Filner
Flake
Foglietta
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Goode
Gordon
Green
Gutierrez
Hall (OH)
Hall (TX)
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Hinojosa
Holden
Hooley
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (WI)
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHale
McIntyre
McKinney
McNulty
Meehan
Meek
Menendez
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Mollohan
Moran (VA)
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pickett
Pomeroy
Poshard
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanders
Sandlin
Sawyer
Scott
Serrano
Sherman
Sisisky
Skaggs
Skelton
Slaughter
Smith, Adam
Snyder
Spratt
Stabenow
Stark
Stenholm
Stokes
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson
Thurman
Tierney
Torres
Towns
Turner
Velazquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Wexler
Weygand
Wise
Woolsey
Wynn

ANSWERED "PRESENT"—1

Sanchez

NOT VOTING—10

Gonzalez
Houghton
McDade
Oxley
Schiff
Schumer
Smith (OR)
Yates
Young (AK)
Young (FL)

☐ 2229

Mr. OWENS changed his vote from "yea" to "nay."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

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## PERSONAL EXPLANATION

Mr. HINCHEY. Mr. Speaker, earlier today I was delayed en route to the vote on Treasury-Postal appropriations. If I had been in the House, I would like the RECORD to reflect that I would have voted in the affirmative.

## SUBPOENA ENFORCEMENT IN THE CASE OF DORNAN VERSUS SANCHEZ

Mr. THOMAS. Mr. Speaker, pursuant to House Resolution 253, I call up the resolution (H. Res. 244) demanding that the Office of the United States Attorney for the Central District of California file criminal charges against Hermandad Mexicana Nacional for failure to comply with a valid subpoena under the Federal Contested Elections Act, and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 244

Whereas the contested election case of Dornan v. Sanchez is pending before the Committee;

Whereas the Federal Contested Elections Act (2 U.S.C. 381 et seq.) (hereafter in this resolution referred to as the "Act") provides for the issuance of subpoenas, and on March 17, 1997, United States District Court Judge Gary L. Taylor issued such a subpoena at the request of the Contestant for the deposition and records of Hermandad Mexicana Nacional;

Whereas on April 16 1997, the Committee voted to modify the subpoena by limiting production of documents to the 46th Congressional District (among other modifications), and as perfected by the Committee, the subpoena required Hermandad Mexicana Nacional to produce documents and appear for a deposition no later than May 1, 1997;

Whereas Hermandad Mexicana Nacional failed to produce documents or appear for the deposition by May 1, 1997, and still has not complied with the subpoena;

Whereas Hermandad Mexicana Nacional, by willfully failing to comply with the lawfully issued subpoena, is in violation of section 11 of the Act (2 U.S.C. 390), which provides for criminal penalties;

Whereas on May 13, 1997, the Contestant wrote to the United States Attorney for the Central Distract of California, Nora M. Manella, requesting that action be taken to enforce the law with respect to Hermandad Mexicana Nacional, and on June 23, 1997, the Committee wrote to the Department of Justice inquiring as to the status of this request for criminal prosecution, and the Department responded on July 25, 1997, that the criminal referral remain "under review";

Whereas the United States Attorney's failure to enforce criminal penalties for the violation of the Act encourages disrespect for the law and hinders the Constitutionally mandated process of determining the facts in the contested election case, including the discovery of any election fraud that may have influenced the outcome of the election; and

Whereas on September 23, 1997, the United States District Court for the Central District of California ruled that the deposition subpoena provisions of the Act are constitutional: Now, therefore, be it

*Resolved*, That the House of Representatives demands that the Office of the United States Attorney for the Central District of California carry out its responsibility by filing, pursuant to its determination that it is appropriate according to the law and the facts, criminal charges against Hermandad Mexicana Nacional for failure to comply with a valid subpoena issued under the Act.

The SPEAKER pro tempore (Mr. GILLMOR). Pursuant to House Resolution 253, the gentleman from California

[Mr. THOMAS] and the gentleman from Connecticut [Mr. GEJDENSON] each will control 30 minutes.

The Chair recognizes the gentleman from California [Mr. THOMAS].

Mr. THOMAS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, it was contended earlier that this resolution really does not make the Department of Justice do anything.

Of course we cannot, but what we can do is express the will of the House in terms of the direction that the Department of Justice should go, and as a matter of fact we pass concurrent resolutions all the time, and as a matter of fact, we have passed some recently.

For example, in the instance of the burning of churches in the South, the concurrent resolution stated that Congress hoped that the Department of Justice would pursue with all vigor the criminals and prosecute them. The resolution did not mean that the Department of Justice was going to do it, but we felt strong enough that the House wanted to tell the Department of Justice what we thought they should do.

What we are talking about in terms of asking the Department of Justice to look at is a direct violation of the law. The Contested Elections Act says that if someone does not honor a subpoena, they are deemed to be guilty of a misdemeanor, and we want the Department of Justice to enforce the law.

But probably in the greater sense, this is actually the story of victims. There are two major groups of victims. Directly the first group of victims are those documented aliens who placed their trust in becoming citizens in the hands of an organization who betrayed their trust. Indirectly, there are victims, and those are the citizens who voted and trusted the authorities, us, to make sure their votes were not diluted unfairly and contrary to law. The group that betrayed the trust of documented aliens were people who were using government money, both Federal and State, purportedly to assist documented aliens to become citizens.

The gentleman from Massachusetts said that perhaps Hermandad should be looked at as a victim rather than the individuals that I mentioned who are actually the real victims. Let us take a closer look at Hermandad. Tens of millions of dollars, taxpayer money, runs through this organization. They have broken both Federal and State law.

According to a Los Angeles Times article in February of this year, Hermandad offered a 1996 Chevrolet Camaro to the winner of a lottery as an inducement to register to vote. The winner of the lottery who registered to vote through Hermandad was not a United States citizen. Although Hermandad is a tax-exempt organization that is prohibited from participating in partisan politics, subpoena records show that Hermandad ran endorsements for political candidates in its newspapers. It also, through its State-funded computers, tracked over $700,000 in campaign contributions, sorted Members by election precinct, and logged potential voters' political views.

A series of articles in the Los Angeles Times in April and May tracked the sordid financial record and the attempt to hide from the Government through stonewalling of the audits the misuse of money. Eventually an independent audit of Hermandad was carried out and it found that the group misspent or could not account for more than a half a million dollars of taxpayers' money.

An audit found that in addition to workers not being paid for months, Hermandad owed hundreds of thousands of dollars in Federal taxes and State employment benefits and they even stiffed Santa Anna Hospital Medical Center because they failed to repay a $27,000 loan. In fact, the California State Attorney General has recommended that Hermandad's nonprofit status be revoked for the failure to file necessary financial statements with the State.

In addition, the records subpoenaed by the Orange County district attorney and evaluated by the Los Angeles region of the Immigration and Naturalization Service, prior to Washington shutting down that operation, discovered more than 300 people who voted who should not have voted according to the law of the State of California.

There is a voter registration card used by people who register in the State of California. It starts off on the very top row, "Are you a citizen?" Two boxes, yes, no.

Mr. Speaker, I am pointing out that on the form that people sign it says, "Are you a U.S. citizen? Check yes or check no." If one checks no, it says, "If no, don't fill out this form." There is no argument about when they were going to become a citizen. If they were going to become a citizen prior to the election, it says "If you're not a citizen, don't fill out this form. If you don't fill out this form, you aren't a registered voter. But if you fill out this form and you're not a citizen, you're in violation of the law."

Over here it says, "Warning, it is a felony if you sign this statement even though you know it is untrue. Voter declaration: Read and sign below, I am a U.S. Citizen."

So we are talking about people who violated the law, but I think the individuals who cast those votes illegally were the victims. They were the victims because they were induced to do so by Hermandad.

The gentlewoman from New York said, "You know, there is no reason for us to try to pursue this resolution to get the Department of Justice to do something. Maybe we could clean it up with a simple phone call."

Several Members said, in fact, the gentleman from Maryland said, "Why don't we just write them a letter?" Perhaps the gentleman, notwithstanding the fact he is on the task force, is not familiar with the record, and I would ask that we place in the record a chronology, beginning on March 19 when we attempted to get Hermandad to simply follow the law; that is, to respond to a subpoena.

The record runs through March, April, and May. We finally wrote to the Department of Justice and said, "Please respond." Twice we wrote and said, "Please respond." We got back, "We are looking at it".

Into July, into August, and now into September, when there is a clear violation of the statute, there was no willingness to require Hermandad to produce documents. So we are here on the floor tonight to see if the House has sufficient resolve to simply tell the Department of Justice to carry out the law so that the task force can examine the other records that Hermandad has.

As I pointed out under the rule, the subpoena of the Orange County DA did not cover all of the records of Hermandad because it covered a specific assigned subpoena in particular rooms. The civil subpoena, to which Hermandad has refused to respond, would provide additional documents.

This organization is not a mom-and-pop struggling local operation. For half a century they have laundered Federal funds. They have now been exposed, and we still cannot get these people to respond to the law that is, "Could we please take a look at what they did in creating a group of victims who were preyed on and probably in the worst possible way?" These people placed their trust in an organization backed by taxpayers' dollars to make them U.S. citizens, and in fact they were used illegally for political purposes.

The House of Representatives should tell the Department of Justice to enforce the law.

### HERMANDAD MEXICANA NACIONAL SUBPOENA TIMELINE

March 19: HMN Custodian of Records served with Dornan subpoena.

March 21: HMN files Motion to Quash Subpoena with CHO.

April 6: CHO votes to modify Dornan subpoena to require protective order and limit the scope of HMN subpoena and authorize letter ordering response by May 1.

April 18: CHO issues modifications to subpoenas issued by Dornan on HMN and issues order to comply by May 1.

May 1: HMN fails to comply with Dornan subpoena deadline.

May 13: Hart files criminal complaint against HMN with U.S. Attorney Nora Manella.

June 2: Hart writes to Manella asking for a response to the May 13 request for HMN prosecution.

June 9: Hart writes to Manella asking for a response to the May 13 request for HMN prosecution.

June 17: Hart writes to House Oversight (CHO) asking for assistance in soliciting a response from U.S. Attorney regarding criminal complaint.

June 23: CHO writes to DOJ Deputy Attorney General requesting advisement on the status of the HMN criminal complaint.

June 30: CHO writes to DOJ Deputy Attorney General again requesting advisement on the status of the HMN criminal complaint.

July 2: Assistant U.S. Attorney Jonathan Shapiro writes to Hart requesting that Hart return to Judge Taylor to seek contempt order. Shapiro says that until such action is taken, his office will not file criminal action.

July 3: Hart writes to Assistant U.S. Attorney Shapiro to explain that Judge Taylor has deferred all enforcement responsibilities to CHO and that CHO has ordered HMN to comply with Dornan's subpoena (April 18 letter from CHO to HMN).

July 8: Assistant U.S. Attorney Shapiro writes to Hart requesting documents and supporting authority regarding subpoena enforcement.

July 16: Hart responds to Shapiro request citing Taylor's Minute Order of April 16, 1997 which states that the House has jurisdiction over the subpoenas issued by Dornan.

July 21: Shapiro writes to Hart explaining that "the proper authority to resolve discovery dispute and enforce these subpoenas is the House of Representatives." Shapiro also questions the authority of the House to demand that the U.S. Attorney act.

July 25: Hart writes to CHO requesting that the Committee issue an order directing the U.S. Attorney to investigate and prosecute HMN.

July 25: Assistant Attorney General Andrew Fois writes to CHO explaining that the HMN complaint is a matter "still under review". He also states that "further action by the Congress may be necessary before their (U.S. Attorney for the Central District) enforcement becomes ripe for judicial attention."

Mr. Speaker, I reserve the balance of my time.

Mr. GEJDENSON. Mr. Speaker, I yield myself such time as I may consume.

The final speaker on the rule lamented the inclusion of race in this debate. In the crime statutes we have something called RICO, and it is used when there is a repeated pattern of activity in an organization that leads one to the conclusion that it is involved continuously in criminal activity. Let us take a look at the record here and why some people, some Hispanics and some non-Hispanics, could come to the conclusion that race might be part of this debate.

In 1980 in New Jersey, the Republican Party brought people to the polls in uniforms to intimidate minority and Hispanic voters from voting. They filed a consent decree not to do it any more. In 1992, the Republican Party of California paid $400,000 for the very same activities. Today on the floor, earlier when we were speaking of the generic, trying to get an accurate census count, a count that a Bush census director said made sense, that the National Academy of Sciences said made sense, that the General Accounting Office said made sense, and that would undercount minorities if it was not used, was blocked by the Republican majority.

□ 2245

Once again, keeping minority voters out of the political process. And guess where we are tonight? We are on the Sanchez hunt.

Now, this has not that much to do with Sanchez; this is a little diversion. As the gentleman from Massachusetts [Mr. FRANK], in his normal manner so aptly represented to this Congress, we started off with what was almost a bill of attainder, demanding that the Justice Department prosecute these people. We are now sending the Justice Department a resolution, hoping that if they choose and see it to be correct, that they move forward.

Where are we and why are we here? The Speaker of the House, the gentleman from Georgia [Mr. GINGRICH] defeated a Democratic rival by 10 votes less than the gentlewoman from California [Mrs. SANCHEZ] has won her race.

The chairman of this committee is very concerned about leaks from the committee, and sometimes papers do get out here. I am not sure who lets those leaks out, but I have here from the Orange County Register, Mr. Dornan says, "The seat will be vacated, there will be a new election." Dornan said his sources on the committee staff told him; goes on and on, and finally says that they will throw out the results of the election and give him the seat.

Now, let us go back to where we started. Mrs. SANCHEZ won the election. Mr. Dornan came forward with complaints. He found there was one household that had 18 voters in it, all with different last names. Another one had 8 voters in it with different last names, and then there was someone who voted from their place of work, and they were investigated. We found 18 U.S. Marines, 8 nuns, and a zookeeper. That is what Mr. Dornan's charges came to.

Now, in all of the races that we have had since the 1969 Act, we have not tried to find the INS as the arbiter of the results of the election, and there is a reason for that. If we ask the INS if we can use their data to figure out who should be on the voter list, they tell us we cannot do that because one's name ends up in the INS for lots of reasons. If one tries to get an aunt or an uncle over here, one's name ends up in the INS. Their documents maybe should be more perfect, but they will tell us, in every transmittal, that one cannot use these to figure out who votes and who does not vote and whether they should vote.

We have now had 14 requests to the INS. We have had piles of names, as much as 500,000, in a district where just over 100,000 voted; we have had submission after submission, trying to keep enough smoke in the air so Mr. Dornan's prediction can be carried out.

The standard for Members of this House ought to be pretty basic, and that is, if one wins by as many votes as the Speaker did, then one ought to be seated and one ought to be left alone. If there is skullduggery in this election and one cannot prove it after 10 months, after 11 months, do we keep this process going in an attempt to exhaust Mrs. SANCHEZ until the next election?

My friends, what is clear here is there are people who see illegal aliens under every couch. They see them running across the border to vote in masses in districts across this country. They have nothing else to do but leave their homes in Mexico and elsewhere in Latin America and come up here and vote. We do not have any evidence of it, but there are lots of suspicions.

Today we have a simple matter, but it is a symbol of a case that has been carried on too long and ought to come to completion. Reject this as a symbol of our rejection of a process that has been unfair to Mrs. SANCHEZ, to her constituents, and to this House.

Mr. Speaker, I reserve the balance of my time.

Mr. THOMAS. Mr. Speaker, it is my pleasure to yield 4 minutes to the gentleman from Michigan [Mr. EHLERS], who is the chairman of the task force, a gentleman with unimpeachable integrity, a gentleman that brings pride on the House of Representatives.

Mr. EHLERS. Mr. Speaker, we have heard a lot of misinformation this evening. My purpose here is to simply try to lay out some facts and some information about the process that is used.

First of all, recognize that nothing is more sacred to the democratic process than to ensure that each legitimate voter be allowed to vote and that their votes be counted. Furthermore, that the voter be assured that no illegal votes be allowed to be cast or to be counted.

The principle of one person, one vote, or one citizen, one vote is extremely important in our system of government. So important, in fact, that the founders of our Nation decided to put it in the Constitution and ensure that the elections of the House were valid, and gave to the House itself the power, as we read in section 5 of Article I, near the beginning of the Constitution, that "Each House shall be the judge of the elections, returns and qualifications of its own Members."

Now, any contestant or any loser in an election may file a petition for a contested election. The committee does not choose to file these; the House does not. All of this discussion about picking on a particular person because the attributes of that person is simply false. The House has no control over which elections are contested. The losers of the election make that decision, and I am sure in this particular case we recognize that the person who filed the contest is not someone who would take advice from the House, the committee or anyone else.

Now, how does the House proceed? It has proceeded in various ways throughout the years the House has been in operation. Many, many contests have been filed over the years since 1789. All were filed under the constitutional provision. Some have been filed under statutes that were in effect at the time that the cases were filed, but there have been years when no statute was in effect, they were simply filed under the Constitution.

Our current law guiding this is the Contested Election Act passed in 1969. Under that, the duties and responsibilities of contested elections are assigned to the Committee on House Oversight, which then appoints task forces to investigate. I was appointed to the task force for this election. I did not seek that appointment. I did not want that appointment. It was almost as bad as being appointed chair of the Committee on Standards of Official Conduct.

It is a difficult task. It is particularly difficult for me to stand here and hear charges of racism, sexism and other charges when they are simply not true, and being unable to respond because of the nature of the case. There are many issues that are confidential. There are privacy statutes that have to be obeyed. Eventually, perhaps some of the details can be given, as we do in ethics cases, but I would urge those present and those listening in their offices not to judge the content of the case and the procedures by the comments that we have heard from some on the floor this evening.

Since 1789, the standard method of obtaining information in the case of a contested election has been the use of the subpoena. Even before statutes were written, the subpoena was used. There have been many contested elections over the years, and many thousands of subpoenas that have been issued in these cases. Currently they are issued within the confines of the Contested Election Act.

In this particular case, 51 subpoenas were requested by Mr. Dornan. The committee has the power, under the Contested Election Act, to review those subpoenas. We quashed 15 of them; 9 were withdrawn by the contestant. Six have been responded to; there was no response to 6; 13 have been ignored.

How can we enforce response? That is the question that faces the committee. If a subpoena is filed in a court, the court can use contempt proceedings. That power is not given us in the Contested Election Act. We must depend on the U.S. Attorney to bring actions in these cases.

The timetable in this case is that on March 19, a subpoena was issued on Hermandad Mexicana Nacional by Mr. Dornan. On April 16, the committee modified that. May 1, the response is due, no response is received. May 13, Mr. Dornan's attorney filed a criminal complaint with the U.S. Attorney. Nothing was done. June 2, the attorney once again asked for action. Nothing was done. June 23, the committee sent a letter to the U.S. Attorney. No response. June 30, another letter was sent, and we finally got a response saying, "We are looking at it." We are now in September, and we are still trying to get enforcement on the action on the subpoena that was issued under the law which was passed by the House of Representatives.

What can we do? What is the next step? We thought the next step was for the House to send a letter to the Department of Justice by way of the resolution that is before us right now. That is the next logical step. If the Department of Justice chooses not to respond again, the only next step is that we issue a committee subpoena, but I am sure that the recipients of the subpoenas would prefer dealing with a U.S. Attorney rather than dealing with facing contempt of the House of Representatives.

We simply cannot allow individuals to thumb their nose at the House of Representatives and say, we do not want to answer your subpoena, so we are not going to. It is a legal subpoena issued by a U.S. District Court judge, and it is very important that these subpoenas be responded to. Our task force needs the information. We have obtained some information from the INS through a committee subpoena. That is all we have available at the moment, but we need the information that will be provided by these various subpoenas, and once we have that information, we hope we can bring this case to a rapid conclusion.

Mr. GEJDENSON. Mr. Speaker, I yield 3 minutes to the gentleman from New Jersey [Mr. MENENDEZ].

Mr. MENENDEZ. Mr. Speaker, should Hermandad Mexicana Nacional comply with the legal subpoena? Yes. But should the Republicans on the Committee on House Oversight have given Bob Dornan the power to issue that subpoena in the first place? Absolutely not.

Case in point: Scott Moxley, a reporter in Orange County and a former Federal Election Commission employee, had the temerity to write some disfavorable articles about Mr. Dornan. In response, Mr. Dornan issued a subpoena against him. In addition to this, according to published reports in Roll Call and in papers filed with the Committee on House Oversight, Mr. Dornan went to Scott Moxley's editor to try to get him fired, called the FEC in an attempt to dig up some dirt on him, which he was not able to do, and even resorted to harassing Mr. Moxley's father.

So forgive me if we have a little trouble with a process that gives Bob Dornan subpoena power over anybody.

Of all of the cases in which this Congress could step in and demand that legal action be taken, of all of the unacceptable outrages and defiance of our laws that take place in this country every day, that the majority party would choose Mr. Dornan's subpoena to take this extraordinary step is beyond me. Does this represent their view of the priorities of the American people?

It was the Reagan administration that successfully challenged Congress' attempts to tell the U.S. Attorney what to do, and that is why my colleagues on the other side amended it earlier. To insist on enforcing a particular course of action is to interfere and compromise an apolitical investigation of the facts.

We cannot send a message that condones this process, that gives credence to granting Bob Dornan subpoena power, or that singles out enforcement of this one subpoena as a law enforcement priority for this country.

□ 2300

Yes, let us talk about the Constitution that we have heard about here tonight. Let me tell the Members why, as one American of Hispanic descent, we are convinced that they are after us.

Republicans have taken an unprecedented action to overturn the election of Congresswoman SANCHEZ. They have given unprecedented subpoena powers under this statute to Mr. Dornan, which he has abused. They have undertaken to violate the privacy rights of the families of the gentleman from Texas [Mr. BONILLA] and my family and hundreds of thousands of others who have filed papers with the INS, expecting and demanding every right to protect their privacy rights in this country. And we start there. Is the IRS next? Is there an HIV registry next? Where is it that they will go to?

They have changed the standard of proof from one in which Mr. Dornan must prove his case to one where Congresswoman SANCHEZ must defend her duly certified election. Under this standard, the mere allegation of fraud takes the place of proving any fraud.

So imagine now that as a Member of Congress, you win with 1,000 votes. Under the standard being set by the committee, the mere allegation of fraud, which is what is going to happen in every election, will be sufficient to overturn your election. What must women and Hispanic Americans be thinking about when their votes are on the verge of being nullified by Republicans in this House? If there is no justice in this case, there will be no peace in this House.

Mr. THOMAS. Mr. Speaker, it is my pleasure to yield 1 minute to the gentleman from Georgia [Mr. BARR], to shed some facts on the subject.

Mr. BARR of Georgia. Mr. Speaker, having been a former prosecutor and practiced law in the private sector, I thought I was somewhat familiar with various defenses that were raised in criminal prosecution and in civil proceedings, but during the past year, listening to the Reagan administration and listening to the other side tonight, there is a whole new universe of defenses that defense attorneys are not even aware of. We hear them daily from the White House: That law does not apply to me. That is an old law. That law has not been used very much. I am not a person under that law. This building is not a building.

We hear another one tonight. Despite the fact that the United States criminal and civil codes are replete with measures insuring that subpoenas, as duly and important court documents, can be enforced and are enforced, despite the fact that people can and are held daily in contempt for failure to respond to subpoenas, we have the preposterous statement on the other side just a short while ago that people in this country have an absolute civil liberties constitutional right to refuse to honor subpoenas.

Mr. Speaker, we must stand for the rule of law. It begins now.

Mr. GEJDENSON. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. FAZIO].

Mr. HOYER. Mr. Speaker, will the gentleman yield?

Mr. FAZIO of California. I yield to the gentleman from Maryland.

Mr. HOYER. Mr. Speaker, I thank the gentleman from California for yielding to me.

Mr. Speaker, the previous speaker either did not hear clearly the comments that were made, or has misrepresented them. I choose the former as the alternative.

What I said was that an American citizen has the right to go to court to question the constitutionality under which someone is asking that citizen to do something. In this case, that citizen has done so. The court just 8 days ago, I would say to the gentleman from Georgia [Mr. BARR], decided that they did have the constitutional right, and 8 days later, we demand that the U.S. Attorney take action, without giving the U.S. Attorney the opportunity to do so.

I think that is a precipitous and uncalled for action of this body sworn to uphold and defend the Constitution. That is what I said, I say to the gentleman from Georgia [Mr. BARR].

Mr. FAZIO of California. Mr. Speaker, reclaiming my time, it is time for this charade to end. Three hundred thousand dollars of the taxpayers' money has been spent, 10 months have gone by, and despite an incredibly long discovery phase, this committee has yet failed to produce any evidence to resolve this so-called contested election.

Despite unprecedented carte blanche investigative power given to the Committee on House Oversight and despite Bob Dornan's escapades, whether they be on this floor or on the Rush Limbaugh show, the vote count remains the same. Nevertheless, before us there is another puff of smoke just to prolong this investigation. This time it is a resolution that does nothing. It has no weight of law. We have all agreed to that. In fact, it is just another chapter in what is a never-ending saga designed to drain and assail the gentlewoman from California, Ms. LORETTA SANCHEZ, a woman whose election was certified by the California Secretary of State on December 9 of last year.

Mr. Speaker, someone watching this debate tonight could easily conclude that our Republican friends are going after this seat because it is held by a Latino woman in a district with a sizeable Hispanic population. Kick up enough dust and maybe, just maybe, those voters will not show up at the polls again.

Do not count on it. This attempt to intimidate voters will have a backlash the likes of which we have never seen, not just in California, but across this Nation, where new immigrants are an emerging political force to be reckoned with.

I say to my Republican friends, it is time to face the facts. This election was won fair and square. I say, get over it. The gentlewoman from California, Ms. LORETTA SANCHEZ, is the Congresswoman from the 46th District of California, and the attacks that she has weathered will only make her stronger. We stand with her. We will help her prevail. I say to the gentlewoman from California, Ms. LORETTA SANCHEZ, all that she is putting up with tonight will be worth it when she returns to this body in the next Congress.

Mr. GEJDENSON. Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts [Mr. FRANK].

Mr. FRANK of Massachusetts. Mr. Speaker, what we are talking about is the right of a citizens group here. First of all, the resolution, of course, is hardly worth all this. The resolution originally demanded that the Justice Department do something. It now demands that the Justice Department think about doing something and then do whatever it thinks. It was amended. I should note that this is, I guess, an example of what is meant by a self-executing resolution.

This resolution has already executed itself. It cut off its head. But we still have a headless horseman stumbling around, and it is an obnoxious one, because here is the issue. A private citizens group has been denounced criminal by persons with constitutional immunity from any libel suit on this floor. They have been denounced as criminal partly, I guess, because they had a tax problem.

I guess that is going to be the precedent: somebody is shown not to have done right on taxes, and they are a criminal. The word will probably echo around here a lot, and make the parliamentarians earn their pay.

But the question is this. This organization has been the subject of a very broad subpoena, subpoenaing things that go to everything that is done, including political activity. They are trying to resist it. Important constitutional law has been made in America, the NAACP against Alabama, other organizations. Resistance of subpoenas has been important.

What we now have is a U.S. Attorney entitled to decide that a particular subpoena may have been so broad as to fail.

My colleague, the gentleman from Georgia said, where did you get such an idea? I will tell Members where, from William French Smith, Ronald Reagan's Attorney General, who told us when this House voted to cite Anne Gorsuch for contempt, when the House voted, not just one Member, when the House voted, not even an ex-Member, but when the House voted to cite Anne Gorsuch with contempt, William French Smith said, we are not going to prosecute because we disagree. We think that constitutionally there is executive privilege here. That is the precedent that held. No one tried to break it.

Here we have a group of private citizens engaged in political organizing who have gotten a subpoena, and they want to litigate it. What are the Members saying? Prosecute them, treat them as criminals. There is a process going forward now before the district court, and they want to appeal it, and they are saying, no, prosecute them.

My friend, the gentleman from California [Mr. CAMPBELL] said, well, we have to get this on. We do not sacrifice the constitutional right of association of private citizens because we are in a hurry, not that they seem to have been in such a hurry on this. But even if we are, citizens have a right to assert their constitutional rights.

To have the subpoena power in the hands of one individual who has clearly issued inappropriate subpoenas to the press, the committee has quashed some, this organization, and understand, this is not a subpoena specifically about who voted and who did not. It is a very broad subpoena issued by Mr. Dornan, and they are trying to figure out a way to litigate it, and to demand that they be criminally prosecuted is inappropriate.

To demand that maybe they should be criminally prosecuted if someone who has the job of thinking that they should think they should is not inappropriate, it is just too silly. It is unfortunately done to accommodate a political imperative that should not be taking up all this time in the House.

Mr. THOMAS. Mr. Speaker, I yield 30 seconds to the gentleman from California [Mr. COX].

Mr. COX of California. Mr. Speaker, I rise simply to defend the late William French Smith, who cannot be here to defend himself. When the Attorney General of the United States determined that it was not appropriate to institute on behalf of the Congress of the United States enforcement proceedings for a congressional subpoena, he was doing something very different than what we are talking about here tonight.

What we have before us is a subpoena that has been authorized by the United States District Court. No such authorization was given in the case of the Gorsuch subpoena. That was a subpoena issued by Congress without any court involvement.

Mr. GEJDENSON. Mr. Speaker, I yield 30 seconds to the gentleman from Massachusetts [Mr. FRANK].

Mr. FRANK of Massachusetts. Yes, Mr. Speaker, it was a subpoena that came from the former Member, Mr. Dornan, as opposed to one solemnly voted by the House in the course of an investigation. But the argument that it was not authorized by a district court, no, under our Constitution this House has the right constitutionally to issue contempt citations to try to compel testimony.

The Attorney General, I did not libel or defame the Attorney General, I simply quoted him. Being dead is not relevant. The fact is that the Attorney General said, it is wholly a matter of prosecutorial discretion whether or not we act on a contempt citation, and one voted by the whole House in the course of an investigation certainly has a great deal of standing.

Mr. GEJDENSON. Mr. Speaker, I yield 2 minutes to the gentlewoman from Connecticut [Ms. DELAURO].

Ms. DELAURO. Mr. Speaker, my Republican colleagues are engaged in a partisan, political probe against the gentlewoman from California, [Ms. LORETTA SANCHEZ], and this resolution is an attempt to prolong and to expand that investigation. Make no mistake, this is not the election of the gentlewoman from California in isolation; this is part and parcel of a Republican strategy that would in fact deny minorities in this country the right to vote.

Earlier today, the Republican majority denied the Bureau of the Census the ability to make a full count of Americans, fearing that such sampling methods would enfranchise undercounted urban minorities. This is un-American and it is simply wrong. The fact is that this resolution does not have the authority to force the Justice Department to do anything, and it intrudes on an ongoing legal process.

The gentlewoman from California, Ms. LORETTA SANCHEZ won this election by 1,000 votes. There were other much closer elections in 1996, and no others have been subjected to this kind of a witch hunt. The sore loser in this case was Bob Dornan, a man who cannot believe that he lost, a man whose vendetta against the gentlewoman from California is unprecedented, and a man whose behavior is so offensive that this Congress actually barred him from the floor of this House.

The Republican Party has chosen to go after a seat held by a Democratic Hispanic woman in a race where Hispanic votes may have determined the election. This is a deep insensitivity to the right of Latinos and Hispanics in this country to be able to vote. It is clearly an attempt by the Republican Party to create enough smoke to steal this election. If they cannot do that they hope simply to wear down the gentlewoman from California [Ms. SANCHEZ], depleting her time, her energy, her financial resources, in order to weaken her for reelection.

It will not happen. She will be reelected to this body. Do not disgrace the people's House tonight. Do not let this body allow for this sort of partisan political purpose. Vote down this resolution.

Mr. THOMAS. Mr. Speaker, it is my pleasure to yield 2 minutes to the gentleman from Florida [Mr. STEARNS].

Mr. STEARNS. Mr. Speaker, the gentlewoman from Connecticut [Ms. DELAURO], let me remind her and the gentleman from New Jersey [Mr. MENENDEZ] and the gentleman from Connecticut [Mr. GEJDENSON] and the gentleman from Massachusetts [Mr. FRANK], as a result of an initial investigation into this matter, the Immigration and Naturalization Service, that is part of their administration, ordered that an arm of its citizenship testing program be shut down effective January 6, 1997. That is not Republicans, that is Democrats. Democrats decided to shut down a citizenship testing program after it was acknowledged and verified that there were proven cases of fraud.

I am not a lawyer. We can put up here the best lawyers and we can talk about subpoenas and go on and on, but their administration found there was acknowledged and verified fraud. So this is a concern of not just Democrats and Republicans and Independents, this is a concern of every Member of Congress; there but for the grace of God go you, me, any one of us.

If the administration of their party says on January 6, 1997, yes, there is fraud, we have acknowledged it, verified it, and we are going to stop citizenship testing programs, does that not concern the Members? Does that not tell them that she did not win by 900 votes, as the gentlewoman from Connecticut [Ms. DELAURO] keeps talking about?

☐ 2315

No; we have already identified half of those 900 are corroborated that they are false votes.

Mr. Dornan's request is not without precedence. We can go back to Supreme Court decisions. We can go back to McCloskey and McIntyre in the 99th Congress. We can back to Roush versus Chambers in the 87th Congress in the first session. And we can on and on with cases where we have the right and the House committee has the complete ability to order a recount in this congressional election if they want to.

This country prides itself on the fact that we are a democracy and we abide by the axiom, one man, one vote. However, I would like to quote a well known philosopher. This philosopher said it correctly: It is not the voting that is democracy, it is the counting.

Mr. GEJDENSON. The gentleman seemed to have placed great faith in the administration when they set aside Hermandad's activities but somehow does not trust the administration everywhere else.

Mr. Speaker, I yield 2 minutes to the gentleman from Illinois [Mr. GUTIERREZ].

Mr. GUTIERREZ. Mr. Speaker, I would just like to say that, LORETTA, the seat is yours and we are going to do everything possible to make sure that justice is done in your case.

Let me just share with everybody that this is not the first time that someone of Hispanic descent has been barred from the House of Representatives. About 9 months ago, I came here with my daughter and with my niece, and I waited in line in the main entrance to the Capitol of the United States. And as I walked through that line to come into this House, a security guard from the U.S. Capitol said to me, "You cannot come in here."

When I produced an ID, she said it was false. When I told her I was a Member of Congress, she said that I was crazy and that I was ludicrous. And then I said, "Ma'am, you really have a problem." And her response to me was, "No. The only problem we have is you and your people. Why do you not go back where you came from?" That was said to me as I entered in a very well published case right here. So, LORETTA, it is nothing new. It is nothing new.

But do you know something everybody said: She is not fit to serve the House of Representatives and the people of this Nation, given her actions. Do you know what my answer was? What can you expect from her? What can you expect from her when she sees Members of Congress each and every day on the TV set accuse those immigrants of coming across the border in hordes to destroy this Nation? When she sees on TV Presidential candidates with a rifle in their arms campaigning in Arizona and saying, "This is what we have for you, Jose," and then sees the Republican Party seat them at their convention in San Diego? What can you expect from a security guard when she sees Members of Congress come here and say, those seats should be invalidated that Latinos and African Americans were elected to and that we should challenge them in court? What do you think she expects when she sees a welfare reform bill come before this Congress which says, let us not give them any help?

LORETTA, you won. And in this Congress, you will prevail.

Mr. THOMAS. Mr. Speaker, I yield 2 minutes to the gentleman from Florida [Mr. MICA], a member of the committee.

Mr. MICA. Mr. Speaker, I rise in support of this resolution. In fact, this resolution is not offered in support or in opposition to the gentlewoman from California [Ms. SANCHEZ] who has been seated from California's 46th District. Nor is it offered in support or opposition to Mr. Dornan, who is contesting the election in California's 46th District. This resolution, in fact, is about the very heart and the essence of the democratic electoral process.

We have heard it said that the United States Constitution, Article I, section 5, states that the House shall be the judge of its Members and their election. The Committee on House Oversight, on which I am privileged to serve, is charged with seeking the facts relating to Members being seated in a contested election.

This resolution is not about the gentlewoman from California [Ms. SANCHEZ]. This resolution is not about Mr. Dornan. This resolution is not about a Republican or a Democrat serving in California's 46th District. This resolution is about determining whether or not the election in California's 46th District was conducted in a lawful and appropriate manner. This resolution is critical to every Member of this Congress and to the American people because this resolution seeks only to determine the facts as to who lawfully cast their ballots in a contested election.

This resolution deserves the support of every Member of this Congress to maintain the process that is outlined in our Constitution and to ensure the very integrity of the system of fair and honest representative government. I ask each and every Member to come down here and vote for this fair, honest, justice-seeking resolution.

Mr. GEJDENSON. Mr. Speaker, I yield 2 minutes to the gentleman from Texas [Mr. EDWARDS].

Mr. EDWARDS. Mr. Speaker, I grew up in a country that said Hispanic Americans could die for their country but not be buried in a public cemetery. I grew up in a community where Hispanic schoolchildren were punished for speaking their mother's native language on school grounds. I grew up in a neighborhood where a distinguished American veteran, a physician, was turned against and fought simply because he was Hispanic. Thank God, Mr. Speaker, those wrongs were righted years ago.

That is exactly why tonight I will be not a part of harassing an Hispanic American who was duly elected to this Congress and the thousands of Hispanic Americans who duly voted for her.

I must wonder, where are the philosophical conservatives tonight? Where are the Republicans who say we should limit the powers of government? Where are the Republicans who want to restrict the law enforcement powers of the ATF and the FBI? Where are the Republicans who say they believe in private property rights? Where are the Republicans who say they cherish our constitutional protections against unreasonable search and seizure by the Government?

How can those who believe in limited government want to give Robert Dornan, a private citizen, the right to subpoena American citizens' private property? If anyone should be offended by Mr. Dornan's subpoena power, it should be true philosophical conservatives.

Enough is enough. It is time to end the persecution of Hispanics now, right here in this House tonight.

Mr. THOMAS. Mr. Speaker, I yield myself 1 minute.

This resolution is to make sure that when those people become citizens and cast a vote, it is a vote that counts. The problem is, there are some people out there preying on these people, misrepresenting the law, and getting them to register so that they commit, unwittingly, a felony. Your feelings should be directed to those people who are preying on these innocent people. The innocent people are the ones who wind up committing the felony, but they are the victims. It is the organizations such as Hermandad that should be punished.

All this resolution seeks to do is to get the Department of Justice to make sure that those very people you talked about, I tell the gentleman from Texas, when they become citizens can cast a vote and have the confidence that that vote will not be diluted by fraud or illegality. That is what we are doing.

Mr. GEJDENSON. Mr. Speaker, I yield 1 minute to the gentlewoman from Connecticut [Mrs. KENNELLY].

Mrs. KENNELLY of Connecticut. Mr. Speaker, we are approaching a resolution right now that Congress cannot force the Justice Department to prosecute. The committee has already received all the relevant evidence that Hermandad ever possessed. They have got the information. So why are we here tonight?

It is 10 months after the election. Who are we, this body? We should be doing the people's business. We should be doing campaign finance reform. We should be finishing the appropriations bills. Instead, we are here at 11:30 tonight talking about a woman whom I know well. I know LORETTA SANCHEZ. I know her so well, I saw her come to Congress as a proud woman to represent her district, to represent her constituents, to do the job she was elected to do.

We are spending 10 months saying this wonderful young woman cannot be allowed to do what she was sent here to do. Let us end it. Let us say tonight, let her serve. We will have another election in November, the following November. Let it happen. We are the body of the people. We represent the people. Let LORETTA serve.

Mr. THOMAS. Mr. Speaker, I yield 2 minutes to the gentleman from Maryland [Mr. GILCHREST].

Mr. GILCHREST. Mr. Speaker, I thank the gentleman for yielding me the time.

I would like to make the comment that I have been stopped several times by the guards questioning whether I was a Member of Congress. I may not look like a Member of Congress, the Scotch-Irish descent, but I have been stopped many times questioning whether I was a Member of Congress.

We are debating here tonight. It is a positive thing that we debate the issues. Oliver Wendell Holmes, a physician, a jurist, and a poet, said that the Constitution was made for people with differing opinions. We are seeing that to an extent tonight.

But this is a Nation of laws, not of rhetoric. This is a Nation where we have one man, one vote. And we are committed to that.

A World War II veteran who is committed to his country and always optimistic and positive about what America stood for says our lives are made up of five things: Humility, I ask that our colleagues tonight look at who has humility; commitment to justice; compassion to people; faith in the American people; and faith that people will be responsible, will be decent, will be honest, and allow themselves to have dignity.

We must allow the process, in my judgment, to work to make sure that those people that vote vote honestly, have dignity. The last word he used was love, not for self-serving reasons but love for the things that America, which is still a great country, stands for.

I encourage Members to vote for this resolution because it means that we are committed to justice in America, one man, one vote, and we want people to have responsibility to do the right thing. And if we give them that responsibility and show them what we stand for, there will be dignity for each and every citizen that their vote counts.

Mr. GEJDENSON. Mr. Speaker, how much time remains on both sides?

The SPEAKER pro tempore (Mr. GILLMOR). The gentleman from Connecticut [Mr. GEJDENSON] has 7½ minutes remaining, and the gentleman from California [Mr. THOMAS] has 7 minutes remaining.

Mr. GEJDENSON. Mr. Speaker, I yield 1 minute to the gentleman from New York [Mr. NADLER].

Mr. NADLER. Mr. Speaker, the central problem here is that this so-called investigation has been improper from its inception.

Normally a claimant seeking to invalidate an election has the burden of proof of fraud or irregularities. He should look at the records of people who vote, the records from the board of elections, from birth records, from naturalization records, and show his evidence.

Instead, the claimant has been given individual subpoena power, has used that power irresponsibly and to the deprivation of the constitutional rights of others. He has issued broad-based, fishing-expedition subpoenas, some struck down, some not yet.

□ 2330

Hermandad got such a broad subpoena which invaded the constitutional rights of many people. The district court said the subpoena was okay. Hermandad is appealing that decision, but 8 days after the district court decision, while it is appealing that decision, they come up with this bill of attainder here which we are asked to pass, demanding criminal prosecution of this private group which has no role or should have no role in this at all.

Obviously, it is entirely politically motivated, as this entire process has been, and the motivation is to short-circuit the constitutional process and the constitutional rights of the individuals involved and should be voted down.

Mr. THOMAS. Mr. Speaker, I yield myself 1 minute.

I tell the gentleman from New York if he wants to know who gave Bob Dornan the right to subpoena, the CONGRESSIONAL RECORD, October 20th, 1969, on rollcall number 235, the yeas 311, nays 12, the legislation that was passed overwhelmingly on a bipartisan vote supported and defended by the court most recently and the House.

The fact that no one has used it, except for this particular time, does not mean it has not been there from the beginning. The point needs to be made that it is the statute that affords it. That is where it comes from. It is part of the Contested Election Act and it was passed overwhelmingly bipartisan.

Mr. Speaker, I reserve the balance of my time.

Mr. GEJDENSON. Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. MARTINEZ].

Mr. MARTINEZ. Mr. Speaker, I hear over and over again that we are concerned about the integrity of our election process, and I agree with that, not only for the 46th Congressional District but for all over the United States.

This is not the only place where voter fraud has occurred. But I hear interjected into the debate the reference to the number of fraudulent votes in the 46th District. Then our friend from Texas gets up and states that the Hermandad is the crookedest organization around and guilty of all kinds of wrongdoing.

The problem I have with that is an investigating committee trying to investigate someone who has already made up his mind lends itself to the idea that since they have already made up their mind, their investigation is going to conclude with the conclusions they have already made.

Let me say in the same breath that the gentleman speaks about the high level of debate that began this debate. He rushes in to chastise one of our Members for pulling a race card. What greater race card was there pulled when on that side of the aisle they chose as their closing speaker someone of Hispanic descent?

So I ask the question, is this about voter fraud, is it about the gentlewoman from California's election, or is it is about intimidating Latino voters? I think it is the latter.

Mr. GEJDENSON. Mr. Speaker, I yield 1½ minutes to the gentleman from North Carolina [Mr. HEFNER].

Mr. HEFNER. Mr. Speaker, I have been around this for a long, long while, and I can remember when we kept people from voting because we had something called the poll tax. And most of us could not afford it, especially sharecroppers. And we were sharecroppers, and some of our black neighbors could not afford to vote.

We have talked about numbers here. My good friend from California said what we want to make sure is that every vote counts. Votes are not counted in the District of California. The gentlewoman from California is being harassed. And if we took the 300 votes or 400 votes, throw them out, she still won a majority. She is still the winner.

In politics, that is all that matters, is getting the majority of the vote. The gentlewoman is being denied the vote, in my opinion, simply because she beat one of the real radical exhibitionists that has ever been in this House. Some Members do not like it.

As for the gentleman that said it was the Democrats, he was the one that sent out a press release accusing me of missing votes when my sister-in-law had died and I was not even here. So I just wanted to make that clear.

This is a charade that should not be taking place. It does not become this House and it does not become us as the most respected governing body on the face of the Earth, and we should be ashamed of our actions that are taking place today.

Mr. THOMAS. Mr. Speaker, I yield 4 minutes to the gentleman from Ohio [Mr. NEY], not only a member of the committee but a member of the task force, the vice chairman of the Committee on House Oversight.

Mr. NEY. Mr. Speaker, I thank the gentleman for yielding me this time.

Tonight I think it would become us, Mr. Speaker, since we are talking about what becomes this Chamber, it would become us to stick to the facts. The organization Hermandad Mexicana Nacional has, for nearly 5 months, refused to comply with the subpoena issued by a United States District Court judge. The Department of Justice says the matter is still under review, despite repeated letters from the Committee on House Oversight. That is a fact. The Department of Justice's failure to act has encouraged groups to ignore subpoenas, delaying the investigations.

This is no picnic for us, as any Member on either of the side of the aisle on this committee knows very well of this delay. It is not something we enjoy, it is not something we like, it is not something that has a political furtherance.

The other statement that is made that needs to be addressed is that the other side argues that most information requested in the subpoena to Hermandad has already been turned over. That is simply not true. Not all the information has been turned over. And if it had been, they would not be fighting so hard. Another thing is, they had all summer to file, but they did not. They filed in August because they wanted to delay the entire process.

It has been a great interesting night. First, Bob Dornan has no credibility. Bob Dornan has said things on the floor people do not like from that side of the aisle, but all of a sudden Bob Dornan is quoted tonight because he is now factual in what he says in the newspaper, because it is convenient to quote him tonight.

This is not about Bob Dornan, this is not about the gentlewoman from California [Ms. SANCHEZ], this is about the election process.

Politics? Here is the DCCC press release starting in February. Phone calls into districts trying to stop this, a legitimate inquiry of the U.S. House. There is a little politics there.

But I think we have seen it all tonight. What is in a name? Did Shakespeare say that or was it Hallmark? I am not sure. Somebody says that. What is in a name? Well, tonight it is in the Latino name. Tonight it is in the Latino name. Because all of a sudden, if one does not have a Latino name, something is wrong tonight.

Let me tell my colleagues something. We have Latino relatives. I do, in Fontana, California. The gentleman from Michigan [Mr. EHLERS] does. We have Latino relatives. My colleagues know it is not true that there is a bias to Latinos.

The words tonight, persecution, insulting, embarrassing, playing the race card, all the things that were raised tonight that my colleagues know are not true. My colleagues all know it. They know that is not accurate. They know it is not true. They know that is not the feelings we have.

We should stick to the facts, because what is not becoming of this Chamber is to use those scare tactics to Americans, Mr. Speaker, across this country. That does not become the energetic give and take of public debate. What becomes us is to stick to the facts, and if we do that, we will not have so much disgrace on the floor tonight by throwing out side innuendo that my colleagues know is simply not true. It is not fair to the American people and it is not fair to any Member of any gender, of any ethnic background on the floor tonight.

Mr. GEJDENSON. Mr. Speaker, I yield the balance of my time to the gentleman from Missouri [Mr. GEPHARDT], the distinguished minority leader.

Mr. GEPHARDT. Mr. Speaker, I rise in opposition to this ill-conceived resolution. I am not an expert on the legal dispute over Mr. Dornan's novel use of the power of subpoena. I do not know all of the facts surrounding the court cases that have come as a result of these subpoenas, but I have served in this House since 1977 and I have some sense of when it is appropriate for this House to speak to the judicial system.

Mr. Speaker, as far as I can determine, never in the 208-year history of this House has the majority decided to interfere so directly in a criminal matter by demanding that specific charges be brought against the particular party. In the best of circumstance, what is being done tonight would be a bad precedent that would only lead to mischief, but it is clear that the interference that is called for tonight in our judicial system is based on partisan political motives. And when that day comes, it is a sad day for this House of Representatives.

Make no mistake about it, the purpose is not law enforcement tonight, the purpose is to harass and intimidate. That is what this whole investigation has been about, arming Bob Dornan with subpoena authority. Unprecedented in the work of this committee, invading the privacy of thousands of Hispanic-Americans, all because a hardworking Hispanic businesswoman had the audacity to upset Bob Dornan in the 46th District of California. And Mr. Speaker, it was not even a close election.

Now we read in the newspapers that there is an effort, perhaps, to tell Mr. Dornan that the House is going to declare the seat vacant and call for a new election. I can only assume that these reports are just rumors and that they are wrong.

The gentlewoman from California [Ms. SANCHEZ] won this election by almost a thousand votes. If her election can be overturned on suspicion, with no facts, none of the facts that were brought have been found to be true, but on suspicion that there were noncitizens who voted, then who is next? Whenever there is a vote of under a thousand, do we go in and ask the INS to pull up all the records of new Americans in a district? Who is next? Which House race will we go into next time?

My colleagues, if this procedure goes on, if there is a move to vacate this election, this is no longer the people's House, it is the Republican Party's House, and I do not think any of us want any part of it.

Defeat this resolution and send this contest where it belongs. Dismiss it.

Mr. THOMAS. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, the gentleman from North Carolina said in politics all that matters is getting the most votes. I personally experienced that in a contested election in the Indiana 8th, because the votes in the Indiana 8th were counted not by any State.

I participated in a contested election contest in which the Democrats set the rules. Those rules did not exist in any State. They were made up. And then when, in following those rules they made up, Democrats were not going to win, they quit counting.

□ 2345

So I guess in politics, for some people all that matters is getting the most votes. But with this new majority, it is going to be determined by legal votes.

There has been some argument that we need to do some campaign finance reform. I will tell my colleagues, the vote tonight is the first vote on campaign finance reform, because I think fundamentally we must start with fundamental reform.

Far more important than the dollars spent in campaigns is who legally gets to vote; and, in this system, only citizens are supposed to legally vote. Let us start by enforcing that fact, and then we will look at other campaign changes.

Tonight, a vote for this resolution is a vote to uphold the law. Democracy works when it operates under the law. A lot of things have been said here. But I want Members, as they vote on this resolution, trying to get the Department of Justice to carry out the law, to remember that it is irrefutable that the question is not "Did fraud occur in the 46th District of California," the question is "How much?"

That has been the task of the task force. We have been stonewalled by people. People have refused to supply information. We have had to subpoena the Immigration and Naturalization Service. But I can assure my colleagues, no amount of intimidation, no amount of throwing around false charges of racism, no attempt to muddy the waters and obscor our purpose of determining how many legal votes were cast in that election, will deter us from making sure that every honest vote that was cast in that election gets its full, accountability, undiluted by fraudulent votes. That is our job, and we will do it.

I ask the House of Representatives tonight to assist us in asking, or, if you will, demanding that the Department of Justice enforce the law and make these people provide us with the information that will let us get to the bottom of how many fraudulent votes were cast in this particular district so that we can determine the true winner in California's 46th. I ask for a vote on the resolution.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in disgust with the way a former member is trying to manipulate the House of the people to create turmoil, to manipulate the election process and to spend tax payer monies—now more than $300,000 and counting—for nothing more than the purpose of stealing a seat out from under a duly elected Member, LORETTA SANCHEZ.

Bob Dornan has come to the floor of the House and shown himself not to be worthy of being allowed to appear on the floor as a former Member of the House.

He is trying to intimidate the voters of California's 46th Congressional District, the media, the INS, and now the Congress. He wants Congress to try to intimidate the U.S. attorney to file criminal charges against a political enemy of his. That's the meaning of this resolution and that's what he wants us to do.

Mr. Speaker, there has been absolutely no fraud found in this case and there has not been one shred of evidence that this renegade former member has been able to produce that illegal aliens have influenced the outcome of his defeat. He is defying the 28-year history of the Federal Contested Election Act and is using Republicans to carry on a crusade to get his seat back.

He needs to get out of denial that he lost an election and the people of Orange County have spoken. This is under-handed politics of the worst kind. This is nothing more than intimidation.

Mr. Speaker, I urge this distinguished body to end the saga of this misguided investigation. The people of California have legally ended their relationship with him—he embarrassed them until they had enough and now we should say we have had enough of his outrageous tactics and put an end to it once and for all. I urge my colleagues to vote against this travesty as they voted to show Mr. Dornan to the door of the House on one occasion and we should do it again today.

Mr. THOMAS. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. GILLMOR). All time for debate has expired.

### PARLIAMENTARY INQUIRY

Mr. HEFNER. Mr. Speaker, parliamentary inquiry.

The SPEAKER pro tempore. The gentleman from North Carolina [Mr. HEFNER] will state his parliamentary inquiry.

Mr. HEFNER. Mr. Speaker, am I entitled to raise a point of personal privilege since the gentleman from California [Mr. THOMAS] mentioned my name and misquoted me?

The SPEAKER pro tempore. That is not in order as a response during debate.

The resolution is considered read for amendment.

Pursuant to House Resolution 253, the previous question is ordered on the resolution, as amended, and on the preamble.

The question is on the resolution, as amended.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. THOMAS. Mr. Speaker, I object to the vote on the ground that a quorum is not present.

The SPEAKER pro tempore. A quorum is present.

Mr. THOMAS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were— yeas 219, nays 203, answered "present" 1, not voting 11, as follows:

[Roll No. 478]

YEAS—219

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Brady
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Christensen
Coble
Coburn
Collins
Combest
Cook
Cooksey
Cox
Crane
Crapo
Cubin
Cunningham
Davis (VA)
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Foley
Fowler
Fox
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Goodlatte
Goodling
Goss
Graham
Granger
Greenwood
Gutknecht
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King (NY)
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Livingston
LoBiondo
Lucas
Manzullo
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Moran (KS)
Morella
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Packard
Pappas
Parker
Paul
Paxon
Pease
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Redmond
Regula
Riggs
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Royce
Ryun
Salmon
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Shimkus
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stearns
Stump
Sununu
Talent
Tauzin
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Traficant
Upton
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf

NAYS—203

Abercrombie
Ackerman
Allen
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Bentsen
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brown (CA)
Brown (FL)
Brown (OH)
Capps
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Fazio
Filner
Flake
Foglietta
Forbes
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Goode
Gordon
Green
Gutierrez
Hall (OH)
Hall (TX)
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Hinojosa
Holden
Hooley
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (WI)
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHale
McIntyre
McKinney
McNulty
Meehan
Meek
Menendez
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Mollohan
Moran (VA)
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pickett
Pomeroy
Poshard
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanders
Sandlin
Sawyer
Scott
Serrano
Sherman
Sisisky
Skaggs
Skelton
Slaughter
Smith, Adam
Snyder
Spratt
Stabenow
Stark
Stenholm
Stokes
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson
Thurman
Tierney
Torres
Towns
Turner
Velázquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Wexler
Weygand
Wise
Woolsey
Wynn

ANSWERED "PRESENT"—1

Sanchez

NOT VOTING—11

Gonzalez
Hansen
Houghton
Oxley
Roukema
Schiff
Schumer
Smith (OR)
Yates
Young (AK)
Young (FL)

□ 0005

So the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

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## LEGISLATIVE PROGRAM

(Mr. LEWIS of Georgia asked and was given permission to address the House for 1 minute.)

Mr. LEWIS of Georgia. Mr. Speaker, I asked for this time because I noticed that the majority leader, the gentleman from Texas [Mr. ARMEY], is on the floor of the House, and I would like to know something about the schedule for the rest of tonight and tomorrow.

Mr. Speaker, tomorrow is the beginning of a high holiday for many of our Members.

Mr. ARMEY. Mr. Speaker, will the gentleman yield?

Mr. LEWIS of Georgia. I yield to the gentleman from Texas.

Mr. ARMEY. Mr. Speaker, we are about to do a motion to instruct offered by the gentleman from Texas [Mr. DOGGETT]. The gentleman from Kentucky [Mr. WHITFIELD] is very much interested in this, as are other Members, and we should expect that we should have a discussion of this matter and a vote, another vote, before we complete our evening's business.

We will convene the House at 10 a.m. tomorrow morning, we will move as quickly as we can to a consideration of the rule on national monuments, and then again we will move as quickly as we can to consideration of national monuments. We should then have completed the legislative business we will have planned for tomorrow, and we should be in a position for our Members who are anxious about being home for the observation of holidays before the sun goes down tomorrow evening to do so, except that we still have 14 votes that were ordered on the Suspension Calendar, and should those votes be in fact required to be taken, it would work, I would guess, some hardship on all the Members who might have travel plans.

I would remind the House that it has been on the schedule of the House for some time that we would complete business by 3 o'clock tomorrow. I have been implored by many, many Members, and I think for a very good reason, to try to move that up. I will have done everything I can do by trying to complete as much work as possible tonight in order for that to be moved up to 12:15.

It would be, I think, a consideration that might be granted to those Members who have this serious religious concern that we all want to respect for those people that had requested votes ordered on the suspension vote to reconsider the extent to which they truly indeed need those orders and might want to vacate that request, and that would be, I would think, a much appreciated consideration given to Members by those who would be in a position to do so. But we obviously cannot deny a Member his or her right to insist on ordering those votes on those suspensions.

And I notice my friend from Georgia, and I will assure him that I am as committed as I can be to persuading and encouraging everybody to do what we can to facilitate the need that many Members have to transport themselves and their families with as much dispatch as possible.

Mr. LEWIS of Georgia. Mr. Speaker, I would like to yield to my colleague from Texas [Mr. EDWARDS] for further inquiry of the majority leader.

Mr. EDWARDS. Would the distinguished majority leader be willing to let me address a question to him? Does he feel it is fair to require Members of this body to choose between their religious faith and their responsibility?

I believe I have a right to ask this. I think this is a very serious issue, Mr. Speaker.

Mr. ARMEY. Mr. Speaker, if the gentleman will yield, I will respond to the gentleman.

The SPEAKER. The time of the gentleman from Georgia [Mr. LEWIS] has expired.

The Chair recognizes the gentleman from Texas [Mr. DOGGETT] to offer a privileged motion.

## MOTION TO INSTRUCT CONFEREES ON H.R. 1757, FOREIGN RELATIONS AUTHORIZATION ACT, FISCAL YEARS 1998 AND 1999, AND EUROPEAN SECURITY ACT OF 1997

Mr. DOGGETT. Mr. Speaker, I offer a privileged motion.

The SPEAKER. The Clerk will report the motion.

The Clerk read as follows:

> Mr. DOGGETT moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the bill, H.R. 1757, be instructed to reject section 1601 of the Senate amendment, which provides for payment of all private claims against the Iraqi Government before those of U.S. veterans and the U.S. Government (i.e., U.S. taxpayers).

## MOTION TO ADJOURN

Mr. SCARBOROUGH. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER. A motion to adjourn is in order.

Mr. SCARBOROUGH. Mr. Speaker, I had asked earlier for a question. We can do a motion to adjourn, if I can ask the gentleman from Texas a question?

The SPEAKER. A motion to adjourn is not debatable, and the gentleman was not recognized prior to this time.

□ 0015

Does the gentleman from Florida insist on his motion to adjourn?

Mr. SCARBOROUGH. Yes, Mr. Speaker.

Mr. DOGGETT. Mr. Speaker, has the motion been reduced to writing?

The SPEAKER. Yes. The question is on the motion to adjourn offered by the gentleman from Florida [Mr. SCARBOROUGH].

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. DOGGETT. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 206, nays 183, not voting 44, as follows:

[Roll No. 479]

### YEAS—206

Aderholt
Archer
Armey
Bachus
Baesler
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Bonilla
Bono
Brady
Bryant
Burr
Burton
Buyer
Camp
Campbell
Cannon
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Cox
Crapo
Cubin
Cunningham
Davis (VA)
Deal
DeLay
Diaz-Balart
Dickey
Dixon
Doolittle
Dreier
Duncan
Ehlers
Ehrlich
English
Ensign
Everett
Ewing
Fawell
Flake
Foley
Forbes
Fowler
Fox
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Gutknecht
Hastert
Hastings (WA)
Hayworth
Herger
Hill
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King (NY)
Kingston
Klug
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Livingston
LoBiondo
Lucas
Manzullo
McCollum
McCrery
McHugh
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Moran (KS)
Morella
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Pappas
Parker
Paxon
Pease
Peterson (MN)
Peterson (PA)
Pickering
Pickett
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Redmond
Regula
Riggs
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Royce
Ryun
Salmon
Sanford
Saxton
Scarborough
Schaefer, Dan
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Shimkus
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stearns
Stump
Sununu
Talent
Tauzin
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Upton
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Wicker
Wolf

### NAYS—183

Abercrombie
Ackerman
Allen
Andrews
Baldacci
Barcia
Barrett (WI)
Becerra
Bentsen
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Boswell
Boyd
Brown (CA)
Brown (FL)
Brown (OH)
Capps
Cardin
Carson
Clayton
Clement
Costello
Coyne
Cramer
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dellums
Deutsch
Dingell
Doggett
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Fazio
Filner
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gilman
Gordon
Green
Gutierrez
Hall (TX)
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Hinojosa
Holden
Hooley
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (WI)
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
Lampson
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHale
McInnis
McIntyre
McKinney
McNulty
Meehan
Meek
Menendez
Millender-McDonald
Miller (CA)
Minge
Mink
Mollohan
Moran (VA)
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Packard
Pallone
Pascrell
Pastor
Payne
Pelosi
Petri
Poshard
Price (NC)
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schaffer, Bob
Scott
Serrano
Sherman
Sisisky
Skaggs
Skelton
Slaughter
Smith, Adam
Snyder
Spratt
Stabenow
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson
Thurman
Tierney
Torres
Towns
Traficant
Turner
Velázquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Wexler
Weygand
Whitfield
Wise
Woolsey
Wynn

### NOT VOTING—44

Baker
Berman
Boehner
Borski
Boucher
Bunning
Callahan
Calvert
Canady
Clay
Crane
Dicks
Dooley
Dunn
Emerson
Foglietta
Gonzalez
Greenwood
Hall (OH)
Hansen
Hefley
Houghton
LaFalce
Lantos
Largent
Manton
Markey
Martinez
McDade
Moakley
Murtha
Neumann
Oxley
Paul
Pomeroy
Roukema
Schiff
Schumer

Shuster
Smith (OR)
Stokes
Yates
Young (AK)
Young (FL)

□ 0030

Mr. FAWELL changed his vote from "yea" to "nay."

So the motion to adjourn was agreed to.

The result of the vote was announced as above recorded.

Accordingly (at 12 o'clock and 34 minutes a.m.) the House adjourned until today, Wednesday, October 1, 1997, at 10 a.m.

## SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 459. An act to amend the Native American Programs Act of 1974 to extend certain authorizations, and for other purposes; to the Committee on Resources.

## ENROLLED BILL AND JOINT RESOLUTION SIGNED

Mr. THOMAS, from the Committee on House Oversight, reported that that committee had examined and found truly enrolled a bill and a joint resolution of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 2203. An act making appropriations for energy and water development for the fiscal year ending September 30, 1998, and for other purposes.

H.J. Res. 94. Joint resolution making continuing appropriations for the fiscal year 1998, and for other purposes.

## SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 1211. An act to provide permanent authority for the administration of au pair programs.

## BILLS PRESENTED TO THE PRESIDENT

Mr. THOMAS, from the Committee on House Oversight, reported that that committee did on this day present to the President, for his approval, a bill and a joint resolution of the House of the following titles:

H.R. 1420. An act to amend the National Wildlife Refuge System Administration Act of 1966 to improve the management of the National Wildlife Refuge System, and for other purposes.

H.J. Res. 94. Joint resolution making continuing appropriations for the fiscal year 1998, and for other purposes.

## OMITTED FROM THE CONGRESSIONAL RECORD OF MONDAY, SEPTEMBER 22, 1997

## SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 1198. An act to amend the Immigration and Nationality act to provide permanent authority for entry into the United States of certain religious workers; to the Committee on the Judiciary.

## EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

5258. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Clean Air Act Reclassification; Nevada-Clark County Nonattainment Area; Carbon Monoxide [NV029-0003A FRL–5900–1] received September 30, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5259. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of State Implementation Plans (SIP); Louisiana; Control of Volatile Organic Compound (VOC) Emissions; Reasonable Available Control Technology (RACT) Catch-Ups; Major Source Definition Corrections [LA–8–1–7346; FRL–5899–4] received September 30, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5260. A letter from the AMD—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Part 90 of the Commission's Rules to Facilitate Future Development of SMR Systems in the 800 MHz Frequency Band; Implementation of Sections 3(n) and 322 of the Communications Act—Regulatory Treatment of Mobile Services; Implementation of Section 309(j) of the Communications Act—Competitive Bidding [PR Docket No. 93–144, RM–8117, RM–8030, RM–8029; GN Docket No. 93–252; PP Docket No. 93–253; FCC 97–224] received September 25, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5261. A letter from the AMD—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Lake City, Minnesota) [MM Docket No. 97–133, RM–9086] received September 25, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5262. A letter from the AMD—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Temple and Taylor, Texas) [MM Docket No. 96–219, RM–8881] received September 25, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5263. A letter from the AMD—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Slidell and Kenner, Louisiana) [MM Docket No. 97–102, RM–8969] received September 25, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5264. A letter from the AMD—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Dickson and Kingston Springs, Tennessee) [MM Docket No. 96–265, RM–8913] received September 25, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5265. A letter from the AMD—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Part 90 of the Commission's Rules to Facilitate Future Development of SMR Systems in the 800 MHz Frequency Band; Implementation of Sections 3(n) and 322 of the Communications Act—Regulatory Treatment of Mobile Services; Implementation of Section 309(j) of the Communications Act—Competitive Bidding [PR Docket No. 93–144, RM–8117, RM–8030; RM–8029; GN Docket No. 93–252; PP Docket No. 93–253; FCC 97–223] received September 25, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5266. A letter from the Acting Comptroller General, General Accounting Office, transmitting a monthly listing of new investigations, audits, and evaluations; to the Committee on Government Reform and Oversight.

5267. A letter from the Acting Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Northeastern United States; Summer Flounder Fishery; Commercial Quota Harvested for New Jersey (National Oceanic and Atmospheric Administration) [Docket No. 961210346–7035–02; I.D. 092297B] received September 29, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5268. A letter from the Acting Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Atlantic Tuna Fisheries; Atlantic Bluefin Tuna Angling Category [I.D. 091897A] received September 30, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5269. A letter from the Assistant Administrator, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule— Dean John A. Knauss Marine Policy Fellowship National Sea Grant College Federal Fellows Program [Docket No. 970624154–7154–01] (RIN: 0648–ZA30) received September 30, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5270. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Hazardous Materials Regulations; Editorial Corrections and Clarifications (Research and Special Programs Administration) [Docket No. RSPA–97–2910 (HM–189N)] (RIN: 2137–AD09) received September 29, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5271. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Saab Model SAAB 2000 Series Airplanes (Federal Aviation Administration) [Docket No. 96–NM–213–AD; Amdt. 39–10144; AD 97–20–06] (RIN: 2120–AA64) received September 29, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5272. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A300–600 Series Airplanes (Federal Aviation Administration) [Docket No. 96–NM–170–AD; Amdt. 39–10145; AD 97–20–07] (RIN: 2120–AA64) received September 29, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5273. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; General Electric Company CT58 Series Turboshaft Engines (Federal Aviation Administration) [Docket No. 97–ANE–15; Amdt. 39–10137; AD 97–19–17] (RIN: 2120–AA64) received September 29, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5274. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; de Havilland Model DHC–8–100, -200, and -300 Series Airplanes (Federal Aviation Administration) [Docket No. 97–NM–63–AD; Amdt. 39–10147; AD 97–20–10] (RIN: 2120–AA64) received September 29, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5275. A letter from the Chair, Water Rights Task Force, transmitting the report of the Federal Water Rights Task Force, pursuant to Public Law 104—127, section 389(d)(3); jointly to the Committees on Agriculture and Resources.

5276. A letter from the Inspector General, Railroad Retirement Board, transmitting the budget request for the Office of Inspector General, Railroad Retirement Board, for fiscal year 1999, pursuant to 45 U.S.C. 231f; jointly to the Committees on Appropriations, Transportation and Infrastructure, and Ways and Means.

5277. A letter from the Chairman, Railroad Retirement Board, transmitting the Chairman's comments regarding the budget level proposed by OMB for fiscal year 1999; jointly to the Committees on Appropriations, Transportation and Infrastructure, and Ways and Means.

5278. A letter from the Labor and Management Members, Railroad Retirement Board, transmitting the Board's budget request for fiscal year 1999, pursuant to 45 U.S.C. 231f; jointly to the Committees on Appropriations, Transportation and Infrastructure, and Ways and Means.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BLILEY: Committee on Commerce. H.R. 1839. A bill to establish nationally uniform requirements regarding the titling and registration of salvage, nonrepairable, and rebuilt vehicles; with an amendment (Rept. 105–285, Pt. 1). Referred to the Committee of the Whole House on the State of the Union.

Mr. LIVINGSTON: Committee on Appropriations. Report on the revised subdivision of budget totals for fiscal year 1998 (Rept. 105–286). Referred to the Committee of the Whole House on the State of the Union.

### DISCHARGE OF COMMITTEE

Pursuant to clause 5 of rule X the Committee on the Judiciary discharged from further consideration H.R. 1839. Referred to the Committee of the Whole House on the State of the Union.

## TIME LIMITATION OF REFERRED BILL

Pursuant to clause 5 of rule X the following action was taken by the Speaker:

H.R. 10. Referral to the Committee on Commerce extended for a period ending not later than October 31, 1997.

H.R. 1839. Referral to the Committee on the Judiciary extended for a period ending not later than September 30, 1997.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. SMITH of Texas:

H.R. 2578. A bill to amend the Immigration and Nationality Act to extend the visa waiver pilot program, and to provide for the collection of data with respect to the number of non-immigrants who remain in the United States after the expiration of the period of stay authorized by the Attorney General; to the Committee on the Judiciary.

By Mr. TALENT (for himself, Mr. Dooley of California, Mrs. Emerson, Mr. Bishop, Ms. Pryce of Ohio, Mr. Stenholm, Mrs. Fowler, and Mr. Goode):

H.R. 2579. A bill to amend the Occupational Safety and Health Act of 1970 to further improve the safety and health of working environments, and for other purposes; to the Committee on Education and the Workforce.

By Mrs. FOWLER (for herself, Mr. Cox of California, Mr. Gibbons, Mr. Gilman, Mr. Hunter, Mr. Hyde, Mr. Sam Johnson, Mr. McIntosh, Mr. Rohrabacher, Mr. Royce, Mr. Shadegg, Mr. Smith of New Jersey, Mr. Solomon, Mr. Spence, Mr. Wolf, and Ms. Pelosi):

H.R. 2580. A bill to ensure that commercial activities of the People's Liberation Army of China or any Communist Chinese military company in the United States are monitored and are subject to the authorities under the International Emergency Economic Powers Act; to the Committee on International Relations.

By Mr. CAMPBELL:

H.R. 2581. A bill to protect the privacy of individuals with respect to the Social Security number; to the Committee on Ways and Means.

By Mr. COBLE:

H.R. 2582. A bill to amend title 10 and title 14, United States Code, and the Merchant Marine Act, 1936, to increase the period of the service obligation for graduates of the military service academies, the Coast Guard Academy, and the United States Merchant Marine Academy; to the Committee on National Security, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CUNNINGHAM:

H.R. 2583. A bill to amend the Tariff Act of 1930 with respect to the marking of finished golf clubs and golf club components; to the Committee on Ways and Means.

By Ms. DELAURO (for herself, Mr. Frost, Mr. McGovern, Mr. Hinojosa, Mr. Schumer, Mr. Baldacci, Mr. Frank of Massachusetts, Mrs. Thurman, Mr. Manton, Mr. Olver, and Mr. Dellums):

H.R. 2584. A bill to provide a Federal response to fraud in connection with the provision of or receipt of payment for health care services, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. LOWEY (for herself and Mr. Oberstar):

H.R. 2585. A bill to provide that service of the members of the group known as the United States Cadet Nurse Corps during World War II constituted active military service for purposes of any law administered by the Department of Veterans Affairs; to the Committee on Veterans' Affairs, and in addition to the Committee on National Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MINGE (for himself, Mr. Condit, Mr. Neumann, Mr. Frost, Mr. Tanner, and Mr. Sandlin):

H.R. 2586. A bill to amend the Balanced Budget and Emergency Deficit Control Act of 1985 to extend and clarify the pay-as-you-go requirements regarding the Social Security trust funds; to the Committee on the Budget.

By Mrs. MYRICK:

H.R. 2587. A bill to require the Secretary of the Treasury to cause to be conducted an independent audit of the Internal Revenue Service; to the Committee on Ways and Means.

By Mr. REYES (for himself, Mr. Hunter, Mr. Becerra, Mr. Frost, Mr. Hinojosa, Mr. Green, Mr. Bono, Mr. Torres, Mr. Pastor, Mr. Boswell, Mr. Edwards, and Mr. Underwood):

H.R. 2588. A bill to establish the Office of Enforcement and Border Affairs within the Department of Justice; to the Committee on the Judiciary.

By Ms. CHRISTIAN-GREEN (for herself, Mr. Dellums, Ms. Kilpatrick, Mr. Frank of Massachusetts, Ms. DeLauro, Mr. Filner, Mr. Snyder, Mr. Watts of Oklahoma, Ms. Eddie Bernice Johnson of Texas, Mr. Lipinski, Mr. Frost, and Mr. Dixon):

H. Con. Res. 161. Concurrent resolution recognizing the 150th anniversary of the emancipation of African slaves in the Danish West Indies, now the United States Virgin Islands; to the Committee on the Judiciary.

By Mr. ROHRABACHER:

H. Con. Res. 162. Concurrent resolution relating to the recent developments toward normalization of relations between India and Pakistan; to the Committee on International Relations.

## ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 12: Mrs. Morella.

H.R. 59: Mr. Kasich and Mr. Chambliss.

H.R. 135: Mr. Condit, Mr. Vento,, Mr. Ortiz, and Mr. Solomon.

H.R. 145: Mr. Bentsen and Mr. Dingell.

H.R. 211: Mr. Thompson.

H.R. 292: Mr. Coburn.

H.R. 450: Mr. Nussle.

H.R. 598: Mr. Canady of Florida.

H.R. 600: Ms. Christian-Green.

H.R. 705: Mr. STEARNS.

H.R. 715: Mr. JACKSON.

H.R. 716: Mr. CRAPO.

H.R. 754: Mrs. MCCARTHY of New York.

H.R. 795: Mr. GUTIERREZ.

H.R. 815: Mr. ENGEL, Mrs. LOWEY, Mr. PAYNE, and Mr. PORTMAN.

H.R. 875: Mr. GREENWOOD and Ms. CARSON.

H.R. 915: Mr. KUCINICH, Mr. REYES, Mr. HINCHEY, Mr. ABERCROMBIE, Mr. STARK, Mrs. LOWEY, Mr. HORN, Mr. KENNEDY of Massachusetts, Ms. SANCHEZ, Mr. BROWN of California, Mr. POMBO, Ms. DELAURO, Mr. VENTO, Ms. CARSON, Mr. DELAHUNT, Mr. LAMPSON, Mr. FARR of California, Mr. NEAL of Massachusetts, Mr. KIND of Wisconsin, Mr. SHERMAN, Mr. WOLF, and Mr. LOBIONDO.

H.R. 950: Ms. PELOSI.

H.R. 965: Mr. HOEKSTRA and Mr. NORWOOD.

H.R. 972: Mr. SALMON.

H.R. 1114: Mr. BOSWELL, Mr. BLUNT, and Mr. KASICH.

H.R. 1126: Mr. PALLONE.

H.R. 1129: Mr. BARCIA of Michigan.

H.R. 1161: Mr. BLAGOJEVICH.

H.R. 1227: Mr. DUNCAN.

H.R. 1231: Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 1356: Mr. CUNNINGHAM.

H.R. 1373: Mr. FATTAH.

H.R. 1500: Mr. SMITH of New Jersey and Mrs. MORELLA.

H.R. 1507: Mr. BACHUS and Mr. FATTAH.

H.R. 1608: Mrs. MCCARTHY of New York, Ms. MILLENDER-MCDONALD, Mr. LOBIONDO, Mrs. MINK of Hawaii, Mr. COOK, and Mrs. MYRICK.

H.R. 1689: Mr. LINDER.

H.R. 1715: Mr. PETERSON of Pennsylvania.

H.R. 1727: Mr. RUSH.

H.R. 1737: Mr. TOWNS, Mrs. KENNELLY of Connecticut, Mr. NADLER, and Mrs. TAUSCHER.

H.R. 1766: Mr. CAMP, Mr. COOK, Mr. CONDIT, Mr. BOEHLERT, Mr. ABERCROMBIE, Mr. TIAHRT, Mr. BILIRAKIS, and Ms. WOOLSEY.

H.R. 1839: Mr. BARRETT of Wisconsin, Mr. ADERHOLT, Mr. CUNNINGHAM, Mr. SKELTON, Mr. MASCARA, Ms. KILPATRICK, Mr. MICA, and Mr. BALDACCI.

H.R. 1864: Mr. SALMON.

H.R. 1984: Mr. HILLEARY, Mr. PORTER, and Mr. GALLEGLY.

H.R. 2004: Mr. BISHOP.

H.R. 2023: Mr. GUTIERREZ.

H.R. 2069: Mr. BROWN of Ohio.

H.R. 2110: Mr. DEFAZIO.

H.R. 2116: Mr. SMITH of New Jersey, Mr. FRELINGHUYSEN, and Mr. BISHOP.

H.R. 2121: Mr. LEWIS of Georgia.

H.R. 2122: Mr. ADERHOLT.

H.R. 2140: Mr. FORD.

H.R. 2167: Mr. BOUCHER.

H.R. 2174: Mr. FAZIO of California, Mr. RUSH, Ms. NORTON, Mr. MATSUI, Mr. HINCHEY, Mr. MCDERMOTT, Mr. SCHUMER, Ms. DELAURO, and Mrs. MEEK of Florida.

H.R. 2183: Mr. DUNCAN.

H.R. 2190: Mr. HYDE.

H.R. 2195: Mr. HYDE, TRAFICANT, and Mr. WATTS of Oklahoma.

H.R. 2223: Mr. GRAHAM.

H.R. 2224: Mr. ENGLISH of Pennsylvania, Ms. CARSON, Mr. HASTINGS OF Florida, and Mr. FROST.

H.R. 2231: Ms. DUNN of Washington, Mr. SESSIONS, and Mr. CAMP.

H.R. 2292: Mr. CONDIT, MR. CRANE, Mr. THOMAS, Mr. PETERSON of Minnesota, Mr. SHAW, Mr. HOLDEN, Mr. BUNNING of Kentucky, Mr. HOUGHTON, Mr. DOOLEY of California, Mr. HERGER, Mr. MCCRERY, Mr. CAMP, Mr. RAMSTAD, Mr. NUSSLE, Mr. SAM JOHNSON, Ms. DUNN of Washington, Mr. COLLINS, Mr. ENGLISH of Pennsylvania, Mr. ENSIGN, Mr. CHRISTENSEN, Mr. WATKINS, Mr. HAYWORTH, Mr. WELLER, Mr. HULSHOF, Mr. ARMEY, Mr. STRICKLAND, Mr. KASICH, Mr. KOLBE, Mr. BOEHNER, Mr. CHABOT, Mr. PARKER, Mr. LAZIO of New York, Mr. PICKERING, Mr. GOSS, Mr. WATTS of Oklahoma, Mrs. KELLY, Mr. GILLMOR, Mr. REGULA, Mr. PETRI, Ms. PRYCE of Ohio, Mr. DREIER, Mr. HOBSON, Mr. HASTERT, Mr. CRAPO, Mr. HOSTETTLER, Mr. NETHERCUTT, Mr. EVERETT, Mr. BARCIA of Michigan, Mr. FRANKS of New Jersey, Mrs. CUBIN, Mr. HASTINGS of Washington, Mr. FOX of Pennsylvania, Mr. SUNUNU, Mr. NEY, Mr. LATOURETTE, Ms. ESHOO, Mr. DUNCAN, Mr. EWING, Mr. SENSENBRENNER, Mr. SHIMKUS, Mr. BONO, Mr. FROST, and Mr. STEARNS.

H.R. 2379: Mr. BURR of North Carolina, Mr. HEFNER, Mrs. MYRICK, and Mr. ETHERIDGE.

H.R. 2441: Mr. BARRETT of Wisconsin.

H.R. 2450: Mr. WOLF, Mr. STARK, Mrs. CLAYTON, Mr. FILNER, and Mr. PASTOR.

H.R. 2454: Mr. FOX of Pennsylvania, Mr. BOUCHER, and Mr. SANDERS.

H.R. 2456: Mr. HEFLEY, Ms. ROS-LEHTINEN, Mr. BILIRAKIS, and Mr. BARRETT of Nebraska.

H.R. 2457: Mr. FOX of Pennsylvania, Mr. FATTAH, Mr. COSTELLO, Mr. BOUCHER, and Mr. SANDERS.

H.R. 2458: Mr. RADANOVICH.

H.R. 2464: Mr. MCDERMOTT, Mr. YOUNG of Alaska, and Mr. BALDACCI.

H.R. 2469: Mr. HASTERT, Mr. SAWYER, and Mr. CANNON.

H.R. 2479: Mr. GIBBONS.

H.R. 2493: Mr. GALLEGLY.

H.R. 2495: Mr. DOOLEY of California, Mr. GEJDENSON, and Ms. KAPTUR.

H.R. 2509: Mr. EVANS and Mr. MANZULLO.

H.R. 2518: Mr. DEAL of Georgia, Mr. SKEEN, and Mr. GRAHAM.

H.R. 2519: Mr. BROWN of Ohio and Mr. LEWIS of Georgia.

H.R. 2524: Mr. LEWIS of Georgia, Mr. SABO, Mr. TIERNEY, Mr. GEJDENSON, and Mr. SKAGGS.

H.R. 2525: Mr. MCDERMOTT, Ms. MCKINNEY, Mr. FILNER, Mr. JACKSON, Mr. FROST, Mr. DELLUMS, Mr. YATES, Mr. FRANK of Massachusetts, Ms. FURSE, Mr. ACKERMAN, Mr. BERMAN, Mr. STARK, Mrs. MINK of Hawaii, Mr. WAXMAN, Mr. MILLER of California, and Mr. BROWN of California.

H.R. 2554: Mrs. JOHNSON of Connecticut.

H.R. 2560: Mr. DICKEY, Mr. BERMAN, Mr. HILLIARD, Mr. NADLER, Mr. ADAM SMITH of Washington, Mr. MEEHAN, Mr. TOWNS, Ms. LOFGREN, Mr. HUTCHINSON, MR. REYES, Mr. FROST, Ms. KILPATRICK, Mr. DEFAZIO, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. KENNEDY of Massachusetts, Mr. ENGEL, Mr. CUMMINGS, Mr. MATSUI, Mr. CONYERS, Mr. CLAY, Ms. DELAURO, Mr. DELLUMS, Ms. CHRISTIAN-GREEN, Mr. BARCIA of Michigan, Mr. CLYBURN, Mr. WYNN, Ms. WOOLSEY, Mr. JACKSON, Mr. RUSH, Mrs. MINK of Hawaii, Mr. DIXON, and Mr. WATTS of Oklahoma.

H.R. 2563: Mr. HULSHOF.

H.R. 2568: Mr. POSHARD and Mr. UPTON.

H. Con. Res. 55: Mr. MORAN of Virginia.

H. Con. Res. 65: Mr. SHAW.

H. Con. Res. 80: Mr. CAPPS.

H. Con. Res. 106: Mrs. MEEK of Florida, Mr. YATES, Ms. DELAURO, Mr. DEFAZIO, Mrs. MALONEY of New York, and Mrs. JOHNSON of Connecticut.

H. Con. Res. 151: Mr. THOMAS.

H. Con. Res. 158: Mr. BALLENGER.

H. Res. 247: Mr. LEWIS of Georgia and Mr. SNYDER.

## DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 1171: Mr. MASCARA.

# HOUSE OF REPRESENTATIVES—*Wednesday, October 1, 1997*

The House met at 10 a.m. and was called to order by the Speaker pro tempore [Mr. QUINN].

## DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
*October 1, 1997.*

I hereby designate the Honorable JACK QUINN to act as Speaker pro tempore on this day.

NEWT GINGRICH,
*Speaker of the House of Representatives.*

## PRAYER

The Chaplain, Reverend James David Ford, D.D., offered the following prayer:

For all Your favor to us, O God, and for the grace that You give to us in our lives, we offer this prayer of thanksgiving and praise.

While problems exist in our land and in the world and tensions can overwhelm even the strongest among us, yet we know that Your good spirit can lead and guide us when we need direction, give us comfort and assurance when we hurt, and forgive us when we miss the mark.

For all these blessings, O God, that are new every morning and with us all the day long, we offer these words of thanksgiving and praise.

This is our earnest prayer. Amen.

## THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. MCNULTY. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER pro tempore. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. MCNULTY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 5, rule I, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

## PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Illinois [Mr. SHIMKUS] come forward and lead the House in the Pledge of Allegiance.

Mr. SHIMKUS led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

## MESSAGE FROM THE SENATE

A message from the Senate by Ms. McDevitt, one of its clerks, announced that the Senate had passed without amendment bills of the House of the following titles:

H.R. 394. An act to provide for the release of the reversionary interest held by the United States in certain property located in the County of Iosco, Michigan; and

H.R. 1948. An act to provide for the exchange of lands within Admiralty Island National Monument, and for other purposes.

The message also announced that the Senate had passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 2472. An act to extend certain programs under the Energy Policy and Conservation Act.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair announces he will entertain five 1-minute speeches from each side.

## SUPPORT THE ENERGY POLICY ACT AMENDMENTS OF 1997

(Mr. SHIMKUS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SHIMKUS. Mr. Speaker, I rise today to ask support from my colleagues for legislation I introduced with the gentlewoman from New York [Mrs. MCCARTHY] to classify biodiesel and its blended versions as an alternative fuel under the Energy Policy Act of 1992.

Biodiesel is a renewable alternative fuel for diesel engines derived from soybeans. The production, sale, and use of biodiesel is good for the environment, good for family farmers, and good for the economy. Biodiesel runs cleaner than regular diesel fuel, which means that fewer emissions, such as particulate matter, hydrocarbons, and carbon monoxide, are released into the environment. Meanwhile, soybean farmers are given a new market in which to sell their product, which helps them and the economy.

Mr. Speaker, this legislation does not create a tax credit, a tax incentive, or a Federal mandate. In fact, it costs the taxpayers nothing. This bill gives fleet managers the option to use biodiesel in heavy-duty fleet vehicles, such as city buses, boats, and trucks, in order to comply with the Federal mandates of the Energy Policy Act of 1992.

Mr. Speaker, I urge my colleagues to support the Energy Policy Act amendments of 1997.

## UNION BOSSES TAKING MONEY FROM WORKING FAMILIES TO PAY FOR THEIR POLITICAL AGENDA

(Mr. TIAHRT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TIAHRT. Mr. Speaker, we have heard a lot about campaign finance reform, and America thinks it is important that we have the freedom to support candidates that lift up the same ideals they do, freedom to determine which candidate will push for the public policies that will create a better America for their children.

But many working men and women in America cannot do that. See, every month they have taken from their paychecks compulsory union dues, and more than 80 percent of those dues come right here to Washington where union bosses obtain it. These union bosses are taking money from working families who are struggling to provide for their families, and they spend it on their own political agenda and on their own union candidates.

Mr. Speaker, that is not freedom, that is oppression. It is wrong, the Supreme Court said it was wrong in the Beck decision, and so we cannot have campaign finance reform without freeing American workers from the unlawful burden.

Let us make the Beck decision the law of the land.

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□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

## VETERANS AWAIT CONGRESSIONAL MOVE ON FROZEN IRAQI ASSETS

(Mr. DOGGETT asked and was given permission to address the House for 1 minute.)

Mr. DOGGETT. Mr. Speaker, the current issue of the Stars and Stripes, the oldest national veterans newspaper in this land, tells the whole story. The lead headline is "Veterans Await Congressional Move on Frozen Iraqi Assets."

It is referring to the need for a congressional move on the Helms amendment, an amendment that would bar completely the right of every gulf war veteran to assert their claim against the frozen assets of Saddam Hussein. That amendment is wrong, and this morning this House has an opportunity to approve a motion to approve it on a record vote, to go down clearly on the side of the veterans of this country, who have defended this country, and respond to this issue.

And yet even this very morning in the morning newspapers, the author of the Helms amendment still insists on a position that would deny 1 red cent, veterans would not get 1 red cent, from Saddam Hussein if his position prevailed.

Let us approve the motion and send a message across the hall to Senator HELMS that we will stand up for veterans.

## CAMPAIGN FINANCE LAWS DID NOT STAND IN THE WAY OF THE CLINTON-GORE REELECTION CAMPAIGN

(Mr. BOB SCHAFFER of Colorado asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, when Americans opened up their newspaper last week, this is what they found:

DNC Teamsters and the Teamsters traded funds. Clinton-Gore campaign implicated in scheme to raise illegal donations. Court records show that the Clinton-Gore Reelection Committee and the Democrat National Committee conspired with Teamsters to divert money to a union boss's election. They conspired to hide these illegal contributions, and they conspired to swap funds with Teamsters. We know this because three aides to Teamster boss Ron Carey pleaded guilty to these felony charges of diverting funds through various political groups to the Teamsters. It was payback time over at the Clinton-Gore Reelection Committee, and so an illegal laundering scheme was hatched, and no campaign finance laws were going to stand in their way.

Here is how the laundry cycle worked: Take the union funds, put it to Democrat Senate and House election committees; the Clinton-Gore campaign pays back by calling their wealthy donors to send cash to the Carey reelection campaign.

And here we have just one more example of a Presidential legacy that makes Richard Nixon's legacy look like an ethics guide to the Boy Scouts.

## MAKE MY OVERRIDE

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. A spokesman said the White House will reform the IRS and any congressional bill that goes too far will be vetoed; "veto," the magic word. I expect to see Groucho's duck any day here.

Beam me up, Mr. Speaker, and it is time for Congress to take a stand. Who is kidding whom? The White House reforming the IRS would be like Barney Fife trying to reform Al Capone. My colleagues know it, I know it, and the American people know it.

Let us tell it like it is. If the President wants to carry water for the Internal Revenue Service, let him, and it is time for Congress to strap on the six-shooters and tell the President, "Make my override. Veto this."

Let us straighten those bums out.

## ASKING QUESTIONS ABOUT CAMPAIGN FINANCE REFORM

(Mr. ROGAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROGAN. Mr. Speaker, for the last several weeks we have been treated to a daily passionate call for campaign finance reform from our friends on the other side.

To those in the audience who listen to these debates and are actually persuaded by the seriousness of this litany, I suggest they ask a few questions to those people who make a daily practice of delivering these impassioned speeches.

Ask them if accepting campaign contributions from foreign governments should be illegal. If so, why are they silent on the subject, and who do they perceive to be the ones violating this on a routine basis?

Should laundering money from foreign sources to conceal its origin be illegal? If so, ask them who they see as being responsible for this practice.

Should shredding evidence to conceal criminal activity be illegal? If so, who do they see as being responsible for this practice?

Should raising money in Buddhist temples be illegal? Should fundraising on Federal property be illegal? If so, why are they so strangely silent on these real practices?

Listen closely to what these members are not saying, rather than what they are saying, and get a great education as to where they really stand on campaign finance reform.

## ARKANSAS AND AMERICA HAVE COME A LONG WAY IN 40 YEARS

(Mr. DAVIS of Illinois asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DAVIS of Illinois. Mr. Speaker, I rise today to commend the gentlemen from Arkansas, MARION BERRY, ASA HUTCHINSON, VIC SNYDER, and JAY DICKEY, for their eloquent and passionate remarks in commemorating the 40th anniversary of the integration of Central High School in Little Rock, AR. They reminded me that 40 years ago I too lived in Arkansas and, like JAY DICKEY, was a college freshman. Our heroes were Ernie Green, Melba Patillo, Gloria Ray, Thomas Jefferson, Minnie Jean Brown, Daisy Bates, Wiley Branton, and the rest of the Little Rock Nine.

Someone commented that in 40 years Arkansas has come a long way. I agree. But then I say so, too, has America.

## AMERICA'S VETERANS VERSUS TOBACCO COMPANIES

(Mr. EDWARDS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EDWARDS. Mr. Speaker, in the next hour this House will have a clear choice. It is a choice between America's veterans versus tobacco companies. It is a choice between veterans versus partisanship.

As someone who represents over 40,000 Army soldiers and 60,000 veterans in my district, I am disappointed and outraged that a Republican leader in the other body would add language to the foreign aid bill that actually gives tobacco companies precedence over Desert Storm veterans regarding claims against frozen Iraqi assets. What a slap in the face to every Desert Storm veteran and all veterans everywhere.

Desert Storm veterans were first in combat. They should not be last in line regarding legitimate claims against the Iraqis.

Mr. Speaker, I did not see tobacco companies fighting in Desert Storm. But I did see American service men and women fighting there, and I did have constituents who died on the sands of Kuwait in service to their Nation.

□ 1015

Those people, not tobacco companies, should be put first in line. They stood up for us; today we should stand up for them, and I hope my Republican colleagues will join the gentleman from Texas [Mr. DOGGETT] and the Democrats, and will work together to defeat the Helms amendment to the foreign aid bill.

## MANPRINT FOR THE U.S. ARMY

(Mr. SKELTON asked and was given permission to address the House for 1 minute.)

Mr. SKELTON. Mr. Speaker, today, it is my pleasure to share with my colleagues a good news story, one about our Nation's military and, in particular, our Army. It involves a materiel acquisition program first developed in the 1980's for Army soldiers. It is called MANPRINT, which stands for manpower and personnel integration.

The MANPRINT program objective is to improve the performance of Army weapons and equipment through a man-machine total systems approach. That is, MANPRINT focuses on the interrelationship of the soldier and his or her weapon or equipment and the human requirements for maximizing system performance. In a nutshell, it does not make any difference if there is a tank that is capable of firing 10 rounds per minute if its crew can only operate it at three rounds per minute. Regardless of its technical capabilities, the tank is a three-round-per-minute tank due to the human factors that limit its output. This is the kind of problem MANPRINT addresses.

MANPRINT is an umbrella term that refers to seven disciplines that are critical to optimizing the man-machine, total-system approach. They are manpower, personnel, training, human factors engineering, system safety, health hazards, and soldier survivability. The central idea is to integrate considerations of these domains continuously into the acquisition process.

Thanks to MANPRINT the Army now has a vastly increased confidence that its new systems will perform as expected in the hands of its soldiers-and, at the same time, save lives and dollars. As I will explain later, MANPRINT has, in fact, already saved hundreds of soldiers' lives and billions of dollars. It has returned thousands of percent on a trickle of investment dollars. It is, or should be, a governmental downsizer's dream come true. Moreover, in this day of increased reliance on technology, we are only beginning to explore the ramifications the Army's concept could have for our entire society.

There is an element of urgency associated with this Army program, however, and the very real danger that we could repeat mistakes of the past—the type where U.S. inventors or progressive thinkers create great ideas which we fail to appreciate and implement. Instead, other countries capitalize on them. You will recall the Dr. W. Edward Deming's ideas on quality were ignored in this country in the 1950's and then successfully adopted by the Japanese. We may be on the verge of committing such a mistake with the Army's MANPRINT program. The Army resources devoted to MANPRINT have been continually slashed during the drawdown. At the same time, the United Kingdom has picked up on the U.S. Army's idea and is already in the process of implementing it throughout all services in the royal force. Moreover, as the Japanese recognized, Deming's quality ideas applied to all technology, not just defense. Not surprisingly, the British are starting MANPRINT programs in the Departments of Trade and Industry as well.

In order to reduce the likelihood of our making the same error with MANPRINT as we did with Deming's quality management, I want to make sure my colleagues are familiar with this highly successful soldier-oriented concept for the design, development, manufacturing, and fielding of the Army's newest weapon's systems.

### ARMY ACQUISITION PROGRAMS LED TO ADOPTION OF MANPRINT

I am sure that many of you recall the manpower and readiness problems that plagued the Army force modernization program in the early 1980's. It seemed that whenever a new system was put into the hands of the soldier, actual field performance often failed to match the standards predicted during its development. The Stinger anti-aircraft missile, for example, was designed to hit incoming aircraft better than 6 percent of the time. But if it had been placed in service as originally designed, it would actually have achieved hits only 30 percent of the time when operated by soldiers in combat units. The Stinger's problems were eventually corrected. But the problems of soldier utilization were so great in the Division Air Defense Gun, known as the DIVAD or Sergeant York, that the program had to be canceled. In the case of the Dragon anti-tank missile, that soldier's nightmare is still in the Army's inventory.

In addition to unacceptable performance from new systems, the Army experienced problems in crew performance. When the Army replaced an existing system with a newer, more technologically complex system, the newer system often generated requirements for soldiers of a higher level of skill and for more soldiers per system. The Army personnel system simply could not provide enough soldiers of the caliber required to operate and maintain such sophisticated systems.

The Army's first study on what to do about the disappointing performance and unaffordable manpower costs of new weapons systems and equipment was conducted by retired Generals Walter T. Kerwin and George S. Blanchard in 1980. In examining the Army's concerns about the mobilization, readiness and sustainability of new systems, the report concluded that it was primarily a lack of consideration of the human in the system that was causing the problem. Human performance assessments either were not done or were too late to influence weapons design. Supporting the Kerwin and Blanchard findings, the General Accounting Office [GAO] published reports in 1981 and 1985 attributing 50 percent of equipment failures to human error. GAO, too, stressed the need for integrating into the acquisition process human disciplines, such as, in particular, manpower, personnel and training needs.

The recommendations for a new soldier-oriented approach to systems acquisition were taken very seriously in the mid-1980's. With the full support of the entire Army leadership, military and civilian, Gen. Maxwell Thurman, as the Vice Chief of Staff, directed that an entirely new approach to systems acquisition be adopted by the Army, one which required that systems fit the soldiers rather than that the soldier—through selection or training—fit the systems.

This new concept also affected industry because, as we all know, defense contractors actually design and develop Army systems. In the mid-eighties, the concept required a radical change in the way contractors did business. To successfully compete in the new Army acquisition process, industry had to focus on the human element and design systems that fit soldier's needs and capabilities. In the MANPRINT process, human parameters are specified in the same manner as any other component of the system. System performance is measured with the humans quantitative performance included as an inherent part of the total system performance. No longer could performance in the laboratory be extrapolated as satisfying the requirements of performance in the field.

The MANPRINT philosophy and examples of the array of concepts inherent in MANPRINT are documented in a book, "MANPRINT: An Approach to Systems Integration" (Van Nostrand Reinhold, 1990), edited by Dr. Harold R. Booher, who was the first senior Army civilian official appointed to direct the Army's MANPRINT program.

### COMANCHE AND MANPRINT

Nowhere has the new soldier-oriented partnership between Government and industry been more visible than on the Army's Light Helicopter Experimental [LHX] program. Better known to us today as the Comanche, the LHX in 1986 was the Army's true experimental program, testing where it was possible to introduce cutting-edge technology into its inventory without running headlong into the problems of unsatisfactory performance and runaway personnel costs. Even opponents of Comanche cannot ignore the great advances achieved in this program beyond the standard of normal acquisition practices.

Perhaps the first indication that MANPRINT was not only viable but could revolutionize the military's procurement process was the successful development of the Comanche's T–800 engine. The MANPRINT approach fostered hundreds of design improvements affecting both maintenance and reliability. In one striking example, the tool kit for the organization mechanic was reduced from 134 tools to only 6. The trunk-sized caster tool kit used on other helicopters was reduced to a canvass pouch half the size of a rolled-up newspaper. Furthermore, this reduction cost Government and industry nothing and will save taxpayer dollars.

For the Comanche itself, MANPRINT resulted in more than 500 design improvements in system performance and logistics. The cockpit was designed outward, from the pilot seat, using simulations and modeling, lessons learned from previous aircraft programs, and user inputs. In addition, when fielded, the Comanche would allow the aircrew to select what information is needed during missions. The result is an anticipated system with a much improved pilot-crew workload. A typical performance benefit is illustrated in the reduced number of steps it takes for the pilot to acquire a target. The OH–58D Kiowa Warrior required 34; the Comanche, 5.

Incorporation of MANPRINT considerations during Comanche development also introduced entirely new concepts to the acquisition process. The source selection competition included MANPRINT in all evaluation areas. It became impossible for a company to win the contract without a plan to integrate MANPRINT in the design, development, and manufacture of Comanche. In addition, seasoned maintenance personnel and other soldiers with field experience in operational units were assigned to the contractor's plant as representatives of the users in the operating commands. These soldiers were invaluable in fitting the machine to the operator. For example, they completed a rotor design change in 30 days that would otherwise have taken 12 months to achieve contractor-Government approval.

MANPRINT was also responsible for technological advances. To provide for easy maintenance to aircraft components, Comanche was built around a box-like, load-bearing keel. In most helicopters, the load is carried by the external skin. In Comanche, the load-bearing keel made it possible to locate easy-access panels almost anywhere on the aircraft. Consequently, maintenance personnel can easily reach all of the internal components. In this case, a maintenance requirement drove the technological design, which in turn resulted in an aerodynamic improvement.

In another instance MANPRINT and transport considerations suggested the need for an improved rotor blade removal capability. The contractor design team already had a rotor blade design which met Government specifications and was concerned about the added expense. Nevertheless, because of soldier concerns, MANPRINT prevailed. A new blade was designed at a cost of approximately $60,000. Life cycle cost calculations have indicated that the new blade will remain easier to manufacture and should save approximately $150 million in personnel, maintenance, and transport costs from the original design.

From the outset soldier safety has been a major design objective. Safety experts studied more than two decades of helicopters accident reports to determine how the designers could make Comanche a safer aircraft. As a result of their efforts, the Comanche's safety-related design features are projected—when compared to other helicopters such as the OH–58 Kiowa and AH–1F Cobra—to save 91 soldiers lives and avoid at least 116 disabling injuries.

A 1995 report by the Analytic Sciences Corp.—Minninger, et al.—documents the performance improvements and savings on Comanche attributable to MANPRINT. The report found Comanche cost avoidance in manpower, personnel, training, and safety to be a whopping $3.29 billion. This return resulted from a design investment of approximately 4 percent of the Comanche R&D budget. Calculated as a return on design investment, MANPRINT in the Comanche program yielded over an 8,000-percent return. Moreover, if the costs of the remaining MANPRINT disciplines—health hazards and soldiers survivability—are included in the calculation, the return on investment for the entire program remains well over 4000 percent.

### MANPRINT APPLIED TO OTHER ARMY SYSTEMS

MANPRINT is not only limited to new or major acquisition systems. It works with systems already in the inventory as well. In 1994, McDonnell Douglas conducted a study covering 4 years of MANPRINT design improvements on Longbow Apache. More than 80 MANPRINT problems, issues, and concerns were identified and resolved. Each of them yielded an improvement either for the operator or the maintainer of the aircraft. Once again, improved human performance proved cost effective. From a $2.7 million investment, a return in manpower and safety costs reached $268 million, approximately a 2,000-percent return on investment.

The Fox vehicle modification is an illustrative example of MANPRINT's contribution to smaller, less visible acquisition programs. The Army uses the Fox—a mobile sensing module built into an eight-wheeled armored vehicle—as a nuclear, biological, and chemical reconnaissance system for identifying contaminated areas. In a recent system improvement project, the Army wanted to reduce the crew from four soldiers to three. But operational evaluators labeled the vehicle, when operated by three soldiers, "unsuitable and ineffective." The program appeared doomed because it was out of money and time. But MANPRINT experts, using two different types of integration models, redesigned the Fox and it was subsequently shown to be fully effective in its projected missions. The MANPRINT effort cost $60,000 and was completed in a short time; additional operational testing was avoided and the Army saved $2 to $4 million from projected program costs while removing on crew member requirement from each vehicle.

### MANPRINT VIABILITY TODAY

A recent Army Audit Agency [AAA] report evaluated how the Army, after its radical downsizing, is "incorporating MANPRINT into weapon systems development." The good news is that nine Army weapons systems were evaluated and all but one were considered to have incorporated MANPRINT adequately. Based on the AAA's audit assessment, the Army can expect positive MANPRINT results in such current programs as Land Warrior, Javelin, and Extended Range Multiple Launch Rocket System. The Command and Control Vehicle program and several nondevelopmental programs examined by AAA, including the Embedded Global Positioning System/Inertial Navigation System, also include good MANPRINT initiatives. Because of MANPRINT, the Army can have increased confidence in many of the systems it will be fielding in the not-too-distant future.

The Army cannot rest on its laurels, however. Several developments cloud the future of MANPRINT.

First, the AAA report noted that not all systems under development have incorporated MANPRINT. The now-canceled Armored Gun System is an example in the recent past of a program in which MANPRINT considerations were purposely rejected. It is not a coincidence that the Army canceled the program.

Second, the new DOD acquisition system may make it easier to omit MANPRINT from programs. The new system rightly attempts to give program managers more latitude by removing regulations that previously proved too restrictive. But this new-found freedom in itself may make it more difficult in the future to ensure an appropriate incorporation of MANPRINT. It would be very unfortunate if an unintended consequence of streamlining the acquisition process proved to be a reduced emphasis on MANPRINT.

That need not be the case, as the AAA report points out. The new acquisition system, if approached correctly, affords the opportunity for greater integration of people-oriented concerns into the acquisition process. If the "unbound" program managers appreciate the value of optimizing the man-machine interface, they are free under the new system to tailor their programs to incorporate people-oriented considerations. Consequently, a major effort is needed to adapt MANPRINT to the new acquisition process.

A third concern is the erosion of the MANPRINT program in recent years as the Army has experienced the drawdown. The Army made a commitment to understand and incorporate the features that optimize man-machine performance in the mid-1980's but until recently has been in danger of returning to old ways. MANPRINT personnel have been reduced 55 percent while the active Army has come down approximately 37 percent. The AAA audit report concluded that the Army's training process, which started out so well in 1986, is now inadequate. Career paths no longer identify MANPRINT as important. Nor does MANPRINT always play as prominent a role in source selection as in some programs, such as Comanche. Finally, the technology resources devoted to the research and development needed to advance the state of the art for quantitative tradeoffs of manpower, personnel skills, and training have shrunk significantly.

Fortunately, thanks to the AAA audit report, Army leadership has been reminded that MANPRINT is a golden nugget and seems determined that it must be revitalized. A panel of senior officers has been working for several months to ensure that the wounds inflicted on the program by the drawdown are not fatal and that MANPRINT recovers its health.

In closing I want to congratulate the Army for developing MANPRINT and for continuing to support the program in a time of very scarce resources.

I also want to suggest that the Army's approach to systems integration is relevant to the other military departments, to the entire Department of Defense, and probably to the remainder of the Government. Acquisition reform seeks to advance technology while holding down procurement costs. Downsizing seeks to ensure essential Government functions are accomplished with a minimum of staff. MANPRINT can be an essential ingredient in both initiatives. With respect to the military, it ensures that the weapons and equipment supporting a reduced force structure will perform as expected on the battlefield.

But the possible applications for MANPRINT go far beyond the military in our constantly evolving technological-based society. Our regulatory agencies like the Federal Aviation Agency, the Nuclear Regulatory Commission, the Food and Drug Administration should push this concept to the forefront with the systems and equipment they regulate. Also it would seem our medical and educational systems could benefit from a technological development and management process which focuses on the end user. One may wonder what a difference it would make it these systems were made to operate primarily for the doctor and the patient or the teacher and the learner rather than fitting these individuals to the system as an afterthought. We have not been in such an enviable position to take advantage of a technological cultural change since Deming's total quality management. Let's not miss our opportunity this time around.

## COMMUNICATION FROM THE HONORABLE CHARLES E. SCHUMER, MEMBER OF CONGRESS

The SPEAKER pro tempore [Mr. QUINN] laid before the House the following communication from the Honorable CHARLES E. SCHUMER, Member of Congress:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
*Washington, DC, September 26, 1997.*

Hon. NEWT GINGRICH,
*Speaker, U.S. House of Representatives,*
*Washington, DC.*

DEAR MR. SPEAKER: This is to formally notify you pursuant to Rule L(50) of the rules of the House that I have been served with a subpoena duces tecum issued by the Supreme Court of the State of New York, County of Kings, in the case of *Ellen Frankel* v. *Jeffrey Frankel*, Index No. 10369/96.

After consultation with the Office of General Counsel, I have determined that the subpoena relates to my official duties, and that compliance with the subpoena is consistent with the privileges and precedents of the House.

Sincerely,

CHARLES E. SCHUMER,
*Member of Congress.*

## MOTION TO INSTRUCT CONFEREES ON H.R. 1757, FOREIGN RELATIONS AUTHORIZATION ACT, FISCAL YEARS 1998 AND 1999, AND EUROPEAN SECURITY ACT OF 1997

The SPEAKER pro tempore. The unfinished business is the motion to instruct conferees on the bill H.R. 1757 offered by the gentleman from Texas [Mr. DOGGETT].

The Clerk will report the motion.

The Clerk read as follows:

Mr. DOGGETT moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the bill, H.R. 1757, be instructed to reject section 1601 of the Senate amendment, which provides for payment of all private claims against the Iraqi Government before those of U.S. veterans and the U.S. Government (i.e., U.S. taxpayers).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas [Mr. DOGGETT] and the gentleman from Kentucky [Mr. WHITFIELD] each will control 30 minutes.

Mr. WHITFIELD. Mr. Speaker, I ask unanimous consent that we limit debate on this issue to 15 minutes per side.

Mr. DOGGETT. Mr. Speaker, I object. It has been delayed long enough and we need the full 30 minutes as provided for in our rules.

The SPEAKER pro tempore. Objection is heard.

The Chair recognizes the gentleman from Texas [Mr. DOGGETT].

Mr. DOGGETT. Mr. Speaker, I yield myself 4 minutes and 10 seconds.

Mr. Speaker, the men and women of our Armed Forces gave America their best in the gulf war against Saddam Hussein, and now these brave veterans deserve nothing less than our best from this Congress.

Unfortunately, many of our Desert Shield and Desert Storm veterans will never be able to forget their experience, because they have the lingering effects of illness and disability: fatigue, muscle and joint pain, severe headaches, and other limitations as a result of their defense of our national interests. They call it Persian Gulf syndrome from being exposed to biological and chemical weapons.

About 3,000 of our Desert Storm and Desert Shield veterans have filed claims concerning the illnesses against frozen Iraqi Government assets. Following the invasion of Kuwait by Iraq in 1990, the United States Government froze $1.3 billion of Iraqi assets in this country. This motion is to assure that our veterans are not forgotten with reference to those claims.

In 1991, the U.N. Security Council resolved that Iraq is liable, under international law, for the injury that it caused to foreign nationals as a result of its unlawful invasion of Kuwait. The claims of our veterans were clearly contemplated by this internationally approved resolution.

Accordingly, in 1994, when the Democrats were in control of this House, legislation was approved by an overwhelming majority under the leadership of the gentleman from Indiana [Mr. HAMILTON] that established an Iraqi claims fund and gave first preference, as we should, to the claims of our veterans. This House went on record as saying, we give our priority to those who sacrificed their life and limb for the future of our Nation. Unfortunately, the Senate did not act on this bill.

This year, 1997, the Senate has acted. The Senate version of the State Department or foreign authorization bill, which is now pending in conference committee, would place these same Desert Shield and Desert Storm veterans out in the storm without one red cent being recoverable from the frozen assets of Saddam Hussein.

This injustice is imposed on our veterans by subordinating their claims to the separate commercial claims that existed before the war ever took place and they made their sacrifices, claims that those who did business with Saddam Hussein like the seven largest tobacco companies, and undoubtedly among those enterprises that were doing business with Saddam Hussein were some of those who provided the very materials that were used in the war against our veterans. Who would like to go on record supporting a provision which turns out to benefit corporations at the expense of our soldiers? But that is exactly what the Senate provision would do. It puts our veterans in last place with no practical way to access the frozen assets of the Iraqis. Fortunately, the House has not yet acceded to this outrageous demand.

Additionally, I would note that this is not only a veterans' issue, it is a taxpayer issue. Why is it that the American taxpayer should be placed in last place behind the claims of the tobacco companies? But the same Helms amendment that does damage to veterans also subordinates the rights of the American taxpayer to reclaim money owed to the United States Government by the Iraqis.

This was first reported in a front-page story in USA Today entitled, "Helms Bill Favors Tobacco Firms Over Vets," referring to the authorization bill in conference, and recognizing that across the Hall in this Capitol building, it is apparently possible for one person and one person alone to deny a hearing to block individually the appointment of an Ambassador to Mexico. But please, Members of the House, do not allow one individual to block 3,000 vets from asserting their claims against the Iraqi Government.

Amazingly, I say to my colleagues, this morning's AP, this very morning, reports the author of the Helms amendment continuing, continuing this morning to defend his total bar to our veterans and American taxpayers against these Iraqi assets.

My motion would quite simply instruct our House conferees, who are meeting even today, to not accede to the demands of the tobacco companies and the other commercial claims and put those ahead of veterans. As the National Gulf War Resource Center has told this House, the Helms amendment, if passed, would amount to a grotesque injustice against gulf war veterans. Let us not have that injustice.

Mr. WHITFIELD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am delighted that today we have the opportunity to talk about very serious issues facing the American veterans. All of us obviously support the American veterans. There is no question about that. In this House on July 16, we passed an appropriation bill, $90.7 billion for the VA, and that was more than the Clinton administration had asked for.

Of course, we want to do more than that, and there are bills pending in the

House right now that would give veterans and retirees the opportunity to go to military bases, be treated, and have Medicare reimburse them both at the VA and also at the military bases. In addition to that, the Committee on Veterans' Affairs favorably considered H.R. 2206, the Veterans Health Program Improvement Act of 1997, and it was reported out favorably. It would improve the VA's ability to provide health care to Persian Gulf veterans by authorizing as many as 10 VA facilities to establish demonstration projects aimed at improving care to Gulf veterans with undiagnosed illnesses.

In addition, and this is particularly important, this bill would also specify that Persian Gulf veterans are eligible for VA health care for any problem related to service in the Gulf, not just those problems that may be linked to exposure to toxic substances or environmental hazards.

One of the great histories of our country is that we have been always supportive of our veterans. I also represent a district that has over 30,000 veterans, and Fort Campbell, home of the 101st Airborne, is in my district.

But I rise today in opposition to this amendment for many reasons. First of all, even if the amendment is adopted, it is not going to mean one thing for the American veteran. They will not receive one benefit, even if the amendment of the gentleman from Texas [Mr. DOGGETT] is adopted. So let us look at the facts of this case, and of course we all want to be emotional about veterans' issues, because they have dedicated their lives, and they have sacrificed for this country.

Mr. Speaker, let us look at the facts here. We are talking about establishing a mechanism so that money frozen in Iraqi assets after the Persian Gulf War or at the start of it, $1.2 billion, which has been sitting in a fund, untouched by anyone, since 1990, would be given back to individuals and companies who provided commerce to Iraq. Many of these were small businesses. Many of them have gone bankrupt, and there are over 813 individuals who also are asking to be reimbursed for their expenditures and their losses.

Now, if we do not adopt section 1601 as a part of this legislation, if the conferees kick it out, then in essence what is going to happen is nothing. The money is still going to be there, the veterans still are not going to be able to get to it, and let me also say this: The argument has been made that if we do not allow private claims to go over the Government claims, then the veterans somehow are going to get all of this money. But if we look at the Treasury Department's statement on this and the document that they provided, all of the claims, there is only $1.2 billion, and the priority for reimbursement by this administration is not the veteran, but it is the Commodity Credit Corporation of America. It is OPEC, it is the Export-Import Bank.

So this is not about veterans, this is not about tobacco companies, but I would commend the gentleman for his ability to cloud the issue. We do not want to mislead the veterans and make them think that they are going to get something that they are not going to get, because even if his motion is adopted, even if the conferees agree to it, it does not change anything about the veterans' ability to get any of this money that belongs to small businesses, large businesses, and individuals who did business.

Mr. EDWARDS. Mr. Speaker, will the gentleman yield?

Mr. WHITFIELD. I yield to the gentleman from Texas.

Mr. EDWARDS. Mr. Speaker, I appreciate the gentleman saying this issue should be based on the facts. Did I understand the gentleman correctly to say that the veterans' programs were appropriated $90 billion this year?

Mr. WHITFIELD. Mr. Speaker, $90.7 billion.

Mr. EDWARDS. $90 billion this year?

Mr. WHITFIELD. Right, for 1998.

Mr. EDWARDS. Mr. Speaker, if the gentleman were off by a factor of about $40 billion to $50 billion, would he agree that his facts were not correct? Because I know he would not want to mislead the veterans and make them think they are going to get something they are not going to get.

Mr. WHITFIELD. Mr. Speaker, reclaiming my time, let me say this. I looked at the Congressional Quarterly this morning, and the figure that I saw set out in there was $90.7 billion for the VA. If the gentleman is saying that I am wrong, and I am wrong, then I would apologize about that.

Mr. EDWARDS. Mr. Speaker, if the gentleman would yield further, I know it was not intentional, but I appreciate the gentleman saying that we should not make veterans think they are going to get something that they are not going to get. Last year the appropriation was in the approximate range of $37 billion. If they receive $90 billion this year, I want to commend the chairman of the VA appropriations subcommittee and the chairman of the authorizing committee for their tremendous work on behalf of the veterans.

Mr. WHITFIELD. Mr. Speaker, reclaiming my time once again, I would just say this to the gentleman. I would be happy to look this up and I will get back to the gentleman on it, because I do not want to mislead anybody on the amount of money available, and of course whatever is available is really not enough for veterans, but in trying to balance all of the demands on the taxpayer dollars, we have a great difficulty.

Mr. Speaker, I reserve the balance of my time.

Mr. DOGGETT. Mr. Speaker, I yield myself 10 seconds.

The gentleman who claims to represent so many veterans, while at the same time opposing an amendment in their vital interest, should have his facts correct. There is no reason why veterans should not be able to access this money and the conference committee able to adjust the differences under this instruction.

Mr. Speaker, I yield 3 minutes to the gentleman from Pennsylvania [Mr. McHALE], a Member of this body who serves on the Committee on National Security, who had the courage to resign his seat in the Pennsylvania House to serve our country in the gulf war, who is a marine and remains active not only as a veteran of that war, but as a colonel in the Marine Reserve.

□ 1030

Mr. McHALE. Mr. Speaker, I thank the gentleman from Texas for the promotion. It is lieutenant colonel, not colonel. There are many fine reasons why it will never be colonel.

Mr. Speaker, beginning in August 1990, our Nation deployed 540,000 men and women in uniform to the Persian Gulf. They answered the call to service. Of those who answered that call, 211 did not come home, 357 were wounded, for a total of approximately 550 casualties during the course of that war.

Mr. Speaker, I rise today, as the gentleman from Texas indicated, as a veteran of that war to urge strong support for the Doggett motion.

In addition to those who were wounded and killed in that war, we now recognize that as many as 100,000 of our forces may have been exposed to nerve gas. And, finally, there are currently 28,000 gulf war veterans receiving disability compensation.

I listened to the comments from the gentleman who spoke earlier in defense of the tobacco interests and other commercial activities, and I appreciate the defense that he has to raise. But I am holding in my hand an article from the September 10 issue of USA Today, which headline reads, in part, "Bill favors tobacco firms over vets."

Mr. Speaker, USA Today got it right. Tobacco firms over vets. We can reverse that priority today Mr. Speaker. I rise in strong support of the Doggett motion. That motion would simply instruct the conferees on the foreign relations authorization bill to strike section 1601, which very clearly and intentionally places our veterans in line behind the tobacco interests in making claim on the $1.2 billion fund that is available for compensation.

Mr. Speaker, the two largest groups of claimants against the Iraqi funds are the tobacco companies and our veterans. I once stood in a chow line in northern Saudi Arabia and looked at the helmet of the marine who was in front of me and it said, "It's not about oil." I would say today, Mr. Speaker, it is about tobacco.

There are 3,000 gulf war veterans who have indicated formally that they wish to pursue a claim against this again. In 1991 we needed the help of our men and women in our Nation's uniform. Today they need ours.

Mr. Speaker, the tobacco industry sells $49 billion worth of tobacco products each year, generating profits of approximately $7 billion, thereby continuing the single greatest cause of preventable death in the United States. Four hundred thousand graves dug each year by the tobacco industry. How dare we tell our brave men and women in uniform that they must stand in line behind the tobacco profiteers. That is outrageous. Shame on this body if we allow that to happen.

Mr. Speaker, this measure was surreptitiously inserted in the bill in the Senate. The Doggett motion simply says to our conferees: Remove that provision. Stand by our men and women in uniform.

Based on that principle, and frankly the tremendous moral obligation that I feel toward my fellow veterans of that war, I urge on both sides of the aisle overwhelming support for the Doggett motion.

Mr. WHITFIELD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, first of all, I would like to point out that there are over 400 companies that have claims against these funds that the Iraqi Government owed money to. There are over 832 individuals. In addition to that, there were many Government agencies.

This is not a debate about tobacco. Now, I know that in this Congress tobacco is not in favor, and I respect that. But this is not about tobacco. This is about a process to free up Iraqi funds to small businesses, large businesses, and individuals who are owed the money for services provided. Many of them have gone bankrupt.

The largest claimant is the Commodity Credit Corporation for $900 million. Now, if we paid the Commodity Credit Corporation $900 million, there is only $1.2 billion in the fund and no one else would even be considered.

Now, I would also like to point out, not that I am here to defend anyone in the Senate, but I do respect the body, and I respect the Members. They were all elected like we are. But there has been the impression left today that this was some sinister move by the senior citizen, or the senior Senator and citizen from North Carolina. I would like to point out to the body that this legislation was first proposed in 1993, and some of the cosponsors were Senator ROBB, a Democrat from Virginia, Senator PATTY MURRAY from Washington State, and others.

Mr. Speaker, I have a letter here dated September 29, 1997, from CHUCK ROBB and CHUCK HAGEL, both in the U.S. Senate, saying that they support this section 1601.

Mr. Speaker, if this were really an issue about veterans, of course we all would be there, we would want to help veterans. But the bottom line is there is not any way they are going to get any of this money, unless this body takes up the measure again and tries to go forward with it, and there has been no effort to do that by anyone.

But simply adopting the amendment of the gentleman from Texas does not do anything except put us back where we are with Iraqi funds frozen and many small businesses, many individuals, sitting there without being reimbursed.

Mr. Speaker, I reserve the balance of my time.

Mr. DOGGETT. Mr. Speaker, I yield 2 minutes to the gentleman from Missouri [Mr. SKELTON], a leading member of our Committee on National Security, a strong defender of our national defense, and someone who has indicated deep personal and professional commitment to our service men and women.

Mr. SKELTON. Mr. Speaker, the gentleman from Kentucky [Mr. WHITFIELD] spoke about us clouding an issue. This issue is not clouded. It is as clear as day.

The purpose of our military in this country is to protect our freedoms and to protect American interests. Today I speak for the veterans, I speak for those in uniform, I speak for the military who fought for America against Saddam Hussein and against Iraq. Some of those Americans died. Some were injured. Some came home very, very sick and still suffer as a result of toxics obtained in that area and from that war.

What kind of a message are we sending the troops that now stand guard in Macedonia, in Korea, Ft. Leonard Wood, anywhere else around the world, if we do not adopt this resolution unanimously? That is what I call upon us to do.

We should not put business interests ahead of those who fought for and sacrificed for our country, whether those business interests be tobacco or otherwise. Our American military should come first. It is up to the Congress under the Constitution to raise and maintain the military. I stand by them. Let us work with them. Let us support them. This is an opportunity to do just that.

Mr. Speaker, I heard in testimony in our committee some of these young soldiers who were suffering from what is known as gulf war syndrome. Not just fatigue. Some had deformed limbs, some had scars on their bodies, very difficult anxiety that they are going through.

I say this, Mr. Speaker, let us look at those veterans and listen to those veterans and then cast our vote in favor of them. They deserve no less.

Mr. WHITFIELD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I certainly respect the gentleman from Missouri [Mr. SKELTON] and we know that he has been a defender throughout his career, not only of the active military, but also those retired and veterans everywhere, and I commend the gentleman for that.

I would also like to point out, however, that during the consideration of this, the Disabled American Veterans testified relating to this issue, and I would just like to read a statement that they made. In fact, the statement was made by Mr. Violante, who was representing the Disabled American Veterans.

> While the DAV is certainly supportive of the principle of ensuring that there is just compensation for any damages or injuries received by a veteran or his or her family as a result of the war in the Persian Gulf, we are very concerned about the precedent established here. In recent history, veterans have always been cared for by the VA (previously Veterans' Administration, currently the Department of Veterans Affairs) with respect to the injuries received in services to their country.

And that is true. That is the obligation of VA. That is the obligation of this Congress to provide adequate funding to take care of them. And then he goes on to say, "However, the Iraqi claims legislation establishes a procedure whereby veterans could be compensated directly from the assets of the 'foreign enemy' government. This precedent could have far-reaching ramifications which could adversely impact upon the current VA system."

Mr. Speaker, it would be a first time that we have reacted in this type of way. We know that the U.S.S. *Stark*, which there were injuries and death on the U.S.S. *Stark* before the start of the Persian gulf war, the Iraqi Government agreed to compensate in that incidence and those people were compensated. Their families were compensated.

But I would simply point out that there are veterans and members of veterans groups who are very concerned about the new direction that we are moving off here, diverting responsibility away from this government into the hands of some foreign power that we have defeated in a military endeavor.

Mr. Speaker, I reserve the balance of my time.

Mr. DOGGETT. Mr. Speaker, I yield myself 10 seconds.

Mr. Speaker, the gentleman from Kentucky is referring to testimony given in 1994. This Congress made it clear that in no way would the right to claim against Saddam Hussein's assets interfere with the right of every veteran to the rights assured under the Veterans Administration, which were preserved. The Veterans of Foreign

Wars took exactly the opposite direction.

Mr. Speaker, I yield 1½ minutes to the gentleman from Massachusetts [Mr. TIERNEY], a Member of this body who has expressed significant concerns on behalf of our veterans, some 67,000 that he represents in Massachusetts.

Mr. TIERNEY. Mr. Speaker, I thank the gentleman from Texas [Mr. DOGGETT] for drawing to the attention of the House this serious matter. I also acknowledge the interest of the gentleman from Kentucky [Mr. WHITFIELD], our colleague across the aisle, and his concern for the veterans and want to draw a distinction between the legitimate claims our veterans have to health care services within the system and within the processes, and a separate matter of having a legal claim for wrongs and injustices done to them when Iraq violated international law.

Mr. Speaker, I think people need to know the distinction we are talking about here is $1.3 billion in assets frozen when Iraq entered into Kuwait, and those assets are there and available now. The U.S. Government has them for claims by people who feel they are legitimately pursuing some injustice to them, whether it be a contractual matter or personal injury.

What we stand to see happen over in the Senate and now in the conference committee is that veterans would be precluded from pushing their claims, but other corporations and other entities, in particular tobacco companies, would be allowed to exclude the veterans and go forward with their claims.

Mr. Speaker, what this particular resolution on behalf of my colleague from Texas says is that the veterans will at least have the ability to put forward their claims to stand there with the others and make their case for the wrongs that were done to them.

We have to remember that these were violations of international law that people are suffering from problems that have manifested themselves, sometimes very much later after their service was done. Veterans in my district and throughout this country have the continuing feeling that sometimes their concerns are lost. This is one way of assuring that they are given equal footing and a right to pursue the claims that they have.

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Mr. WHITFIELD. Mr. Speaker, I yield myself such time as I may consume.

I would like to point out that under existing law that is there today, veterans are precluded from pursuing any of this. As you know, there is a United Nations Commission with funds available and the U.S. Government has made claims against it but has never made any claims on behalf of veterans. As I said earlier, even if we adopt the gentleman's amendment from Texas, it is not going to make any difference.

My whole point is, of course, we all support veterans. But this amendment does nothing. If it eliminates it, all we are is where we began; that is, the money is still frozen. It is not going to be distributed to anyone.

What about the fact of this? In America, America was built on the free enterprise system where people went out and earned money and they worked hard and they were either successful or they were not successful. But as I said, we have 813 individuals; we have various commercial enterprises who did business; they are owed the money. In many ways, it is their money. They are going to be denied any opportunity of getting it.

Under section 601, there is a procedure for private claims with the Commission and then there is a procedure for the Government. As I said earlier, even if the Government makes the claim on behalf of veterans, they have already prioritized it in such a way that the Commodity Credit Corp., OPIC, and Eximbank would get the money first, leaving the veterans without anything.

That is why I think we need to do everything we can, as I said earlier, to support these bills reported out by the Committee on Veterans' Affairs that would address in a real way some of the problems of Persian Gulf syndrome. These bills provide real relief, not imaginary relief.

Mr. Speaker, I reserve the balance of my time.

Mr. DOGGETT. Mr. Speaker, I yield 3 minutes to the gentleman from Illinois [Mr. EVANS]. I can think of no one better able to respond about the Committee on Veterans' Affairs than the ranking member.

Mr. EVANS. Mr. Speaker, I rise in strong support of the Doggett motion to instruct conferees concerning H.R. 1757, the Foreign Relations Authorization Act.

It is very clear that our Senate colleagues, in this Helms amendment, have established an Iraqi claims fund to provide a means to handle conflicting claims for frozen Iraqi assets stemming from the Persian Gulf war. Among those who have filed claims for such frozen assets are gulf war veterans and tobacco companies. In determining who has priority to such claims, the Helms amendment would give preference to private corporate interests, such as tobacco companies, over our veterans.

It is inconceivable that Americans would support such priorities at the expense of our Nation's veterans. We should instruct the conferees to reject the Helms amendment to the foreign relations bill. Many veterans who served our Nation during that conflict have been afflicted with undiagnosed illnesses that many people call Persian Gulf syndrome since they returned home.

As forcefully stated by veterans service organizations and veterans advocates, this ill-conceived provision which pits gulf war veterans against tobacco would add insult to the illnesses many veterans contend with daily.

To suggest we have done enough to help those veterans of that war with the problems that they are facing I think is to ignore the facts. Under both Democratic and Republican administrations, I am afraid to say, we have not done enough for our Persian Gulf veterans.

Having access to these assets, perhaps as a result of a class action suit, the same way that Vietnam veterans sued the chemical companies dealing with the agent orange issue, is something that could be a real possibility for these veterans to obtain assistance they have not received from the Federal Government under those Democratic or Republican administrations.

While I have supported the legislation that has dealt in small part with the Persian Gulf veterans, I think it is woefully inadequate today. Our Government has not honored the claims of those people who fought and defended those people in the Persian Gulf region. This at least offers them one other fund, one other road, one other avenue that they can take to get the help they need.

Mr. WHITFIELD. Mr. Speaker, I yield myself such time as I may consume.

I would just say once again that of course we want the veterans to pursue any legal remedy that they have. I know that there is an attorney in Houston by the name of Gary Pitts who is working with a lot of veterans to pursue claims in various ways. But the bottom line, as I have said before, is that the money will not be there.

Let us work on real solutions to this problem. Let us get this legislation through that I have referred to. Let us take concrete action that will not raise false hopes for veterans, because we are raising false hopes here. That is my whole point.

These men and women have devoted an important part of their life. Their families have suffered. Many of them continue to suffer in the Persian Gulf syndrome. Why should we raise false expectations over this particular issue? We need to be involved with real solutions to this problem.

Mr. Speaker, I reserve the balance of my time.

Mr. DOGGETT. Mr. Speaker, how much time remains on each side?

The SPEAKER pro tempore (Mr. QUINN). The gentleman from Texas [Mr. DOGGETT] has 16 minutes remaining, and the gentleman from Kentucky [Mr. WHITFIELD] has 14½ minutes.

Mr. DOGGETT. Mr. Speaker, I yield 1½ minutes to the gentleman from Texas [Mr. REYES] a new Member of this body who has already distinguished himself as a member of the Committee on National Security and as a representative for the many men and women at Fort Bliss, TX, and the many veterans in the El Paso area.

Mr. REYES. Mr. Speaker, I appreciate the gentleman yielding me the time.

This morning I rise, regrettably, as a member of the Committee on Veterans' Affairs representing a district containing nearly 60,000 veterans and as a veteran myself, because I think it is a sad day, indeed, when we have to debate such a clear issue as this as we are today.

Thousands of our soldiers served honorably in the Persian Gulf and secured freedom for that part of the world. However, this did not come without a high cost. As we are all aware, Persian gulf war veterans came back with undiagnosable conditions suffering from a variety of ailments as a price for their service. Our country has an obligation to these men and women who risked life and health for the safety and security of our country and for freedom throughout the world.

One result of the Persian Gulf war was that Iraqi assets were frozen during the course of that conflict. These funds amounted to $1.3 billion. The Foreign Relations Authorization Act, which is currently in conference, establishes the Iraqi Claims Fund which allows claims against these frozen assets. Our veterans should not be placed in the back of the line in making claims against these assets. A provision provided from the Senate would put veterans behind other interested claimants, including tobacco companies and other commercial claimants. While commercial entities certainly must be allowed to file for compensation, our veterans must come first, for they paid the heaviest price.

I join today with the gentleman from Texas [Mr. DOGGETT] and the gentleman from Illinois [Mr. EVANS] and others to stand firmly with all veterans of this country in urging the conferees to strike the Senate provision favoring commercial entities over veterans.

Mr. DOGGETT. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Minnesota [Mr. LUTHER], an advocate for veterans.

Mr. LUTHER. Mr. Speaker, I rise in support of the Doggett motion and first want to thank the gentleman from Texas [Mr. DOGGETT] for his outstanding leadership on this issue.

Specifically, I oppose the process where a provision is inserted in a bill giving any priority to commercial interests over veterans when it comes to these frozen Iraqi assets. This provision was inserted without any hearings in committee or subcommittee. We recently saw, just a couple of months ago, where a $50 billion tax break for special interests was inserted in the budget bill, and now, just as we are in the process of repealing that, we see this provision. These are examples of why the American public has lost confidence in their Government, why they are disgusted with the political process, why many of them refuse to even vote any longer.

When I came to Congress, I promised to change the old way of doing things and to have openness in this body. That is what this provision is about. I urge fellow House Members to reject the old way of doing things. Support openness in government, support ordinary Americans, and support this motion.

Mr. DOGGETT. Mr. Speaker, I yield 1 minute to the gentleman from Texas [Mr. TURNER], another distinguished member of the Committee on National Security, an advocate for veterans.

Mr. TURNER. Mr. Speaker, I thank my colleague from Texas for his leadership on this very important issue.

It is very clear to me that the Senate has put our veterans at the end of the line in making their claims against the $1.3 billion fund frozen in the gulf war. Under the Senate amendment, those who served on the front lines will be at the back of the line when it comes to making their claims. Veterans who courageously served in the gulf war deserve better. Our Nation owes a debt to those veterans that we must try to repay, and we certainly are moving in the wrong direction if we put them at the back of the line in making their claims.

It is amazing to me that we did not even at least see the Senate give veterans equal access to these funds but, rather, they put them at the back of the line.

The American people have a long tradition of supporting our veterans who have served us so courageously. I urge the Members of this body to join in supporting this motion to instruct our conferees to give our veterans their fair share of these funds.

Mr. WHITFIELD. Mr. Speaker, I yield myself such time as I may consume.

Would the gentleman from Texas enter into a dialog for a moment? What I would like to ask the gentleman is: Let us say we adopted the amendment without anything else; is there a mechanism, would veterans be able to get to this money?

Mr. DOGGETT. Mr. Speaker, will the gentleman yield?

Mr. WHITFIELD. I yield to the gentleman from Texas.

Mr. DOGGETT. Mr. Speaker, I appreciate the gentleman raising the question. As the gentleman well knows, to be more specific in this motion, which is not truly an amendment, it is the Helms amendment by Senator HELMS of North Carolina that is the problem here. The House bill does not speak to this issue. The only motion I could offer, after consulting with the parliamentarian, was of the nature here.

I would like to have spelled out the entire mechanism for veterans recovery, but I believe that if we instruct our conferees in this fashion, the conference committee will be authorized to continue its negotiations, as it is negotiating now, to give veterans first preference, I would prefer, or at least treat them equally to the tobacco companies. I think they have earned that. I believe that that is the effect of this motion.

To not approve this motion, even under the statement of Senator HELMS as reported in Stars and Stripes by his explanation, we are assuring that veterans will never recover one penny of Saddam Hussein's assets if the Helms amendment sticks. That is why all these veterans groups are coming out against the Helms amendment and speaking out so vigorously against it and in favor of the motion that I am offering.

Mr. WHITFIELD. Mr. Speaker, I thank the gentleman.

I would just simply say that adopting this motion, as I said, does nothing. If we go through this process, the Government continues, this administration continues, to go by the priority that it has established: The veterans are not going to get anything. So the administration would have to change its position on this.

Mr. Speaker, I reserve the balance of my time.

Mr. DOGGETT. Mr. Speaker, I yield 1 minute and 30 seconds to the gentlewoman from Michigan [Ms. STABENOW], a woman in this body, because there are women who fought for this country in the gulf war as well, an outspoken advocate for veterans, especially those suffering from gulf war syndrome.

Ms. STABENOW. Mr. Speaker, I first would like to thank my colleague from Texas who has brought the attention of the House to this issue that is so critical to our veterans.

It has been said earlier today, and I feel compelled to respond, that this body, that our Government, has always been there for the veterans. I can assure my colleagues that the veterans in my district believe they have to be vigilant, fighting to make sure they have VA benefits, fighting to make sure they have the health care that they need, and especially those who fought in the gulf war.

The families in my district, the men and women who came back exposed chemically to illnesses that have ruined their lives, I have individuals in my district whose health will never be the same, who have been impacted so severely, they do not feel that their Government has been with them. They are fighting every day.

We are making small steps forward in finally recognizing what happened to them and creating some health care. But this amendment by Senator HELMS, the Helms language, takes us a tremendous step backward. It says to all of those who fought, who came home sick, whose lives have been forever changed because they served our country, that they are at the back of the line, that tobacco companies and others are more important.

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Shame on us as a Congress if we allow the Helms language to stand. I urge my colleagues to support this very important motion.

Mr. DOGGETT. Mr. Speaker, I yield 1 minute to the gentleman from San Antonio, TX, Mr. RODRIGUEZ, a member of the Committee on National Security, one of our new Hispanic Members who ably represents many Hispanic veterans who made the ultimate sacrifice. And I might note, Mr. Speaker, that our Hispanic population has contributed more congressional honor winners than any other group in this country.

Mr. RODRIGUEZ. Mr. Speaker, let me first of all thank the gentleman from Texas [Mr. DOGGETT] for his efforts in ensuring that veterans are prioritized as No. 1.

I have sat back and listened to the gentleman from Kentucky [Mr. WHITFIELD] indicate that it does not make any difference. If it does not make any difference, I would ask him to reconsider and accept the amendment and do the right thing.

I think it is unfair that as we move forward and listen to Senator HELMS and his prioritizing, there is no doubt that businesses out there have suffered. There is no doubt that the industry and construction has suffered, but we need to just ask one question: Who suffered the most in the Persian Gulf? It was our veterans who were out there. They were the ones out there on the front line. They were the ones that made the difference. They were the ones that made it happen, and we need to be there for them.

For us to not consider them as our first priority when we look at that $1.2 billion is not appropriate and it is unfair. We need to make sure that we are fair and that we are not insensitive, and so I will ask for my colleagues' support to make sure the conference committee takes into consideration and puts veterans No. 1.

Mr. Speaker, I rise in strong support of Mr. DOGGETT's motion to instruct conferees concerning H.R. 1757, the Foreign Relations Authorization Act.

There is not enough money from the $1.2 billion Iraqi frozen assets to pay all the claims of our citizens, businesses, and Government. Therefore, we have to decide who should take first, and how much they can potentially get. This is a tough decision. I recognize that many individuals and businesses who have dealt with Iraq have faced losses on shipments, commodities, and unpaid consulting and construction contracts. We must ask ourselves: Among us, who paid the highest price in the Persian Gulf war? I do not even have to leave my district to answer—the gulf war veteran suffering from disease and illness. I can think of several cases off the top of my head, one even involving birth defects to a veteran's child.

The other side argues that care for veterans has traditionally been the sole responsibility of the Government, which it is. But what do you do when the Government does not recognize the illness as service-connected? What do you tell the veteran whose own Government is telling him that he or she does not have a problem? I believe that telling the veteran that he or she will not get a chance to collect on a claim is adding insult to injury. While our Government deliberates on whether and how to compensate those so clearly affected by their service in the gulf war, how can we break the bank for anyone else?

I respectfully advise the conferees to look beyond the heated and sometimes misleading rhetoric on priorities of businesses versus veterans. Then, I believe, they will do the right thing.

Mr. WHITFIELD. Madam Speaker, I yield myself such time as I may consume to say that I think this debate has been quite helpful today because it has truly focused the issue of the importance of veterans to the American people and to the sacrifices that they have made.

My purpose in having this debate today was to bring attention to this whole process of how, as is usual in wars, they always set up these commissions to distribute money owed to people who provided services, and they allow governments to come in and make claims against them. This administration and this Congress, they have not done anything in a positive way to make sure that veterans are compensated and, as I said before, if the Doggett amendment is adopted, it still does nothing.

So I would urge the committee and the House to work diligently on Medicare subvention so that retirees can go to military bases and have Medicare reimburse them, because they can provide the services more economically. I would urge this House to allow veterans to go to VA hospitals, as they do, and when they are reimbursed through CHAMPUS or by private insurance, allow VA hospitals to keep that money instead of sending it back to the general fund.

I would also urge this House to move H.R. 2206, that would improve the VA's ability to provide health care to Persian Gulf veterans; and, more importantly, would specify that Persian Gulf veterans are eligible for VA health care for any problem related to service in the gulf, not just to those problems that may be linked to exposure to toxic substances or environmental hazards.

It is obvious to me that we all want the same thing, and I am delighted that the gentleman from Texas raised the issue, and I would like to say I hope that we will adopt it by unanimous consent.

Madam Speaker, I yield back the balance of my time.

Mr. DOGGETT. Madam Speaker, I yield myself 25 seconds to say that I think this is the first time I have found a debate here maybe really persuades an opponent, who is still opposing a measure but says we should adopt it by unanimous consent.

I would join the gentleman in urging Speaker GINGRICH to set every measure the gentleman mentioned on this calendar. I do not understand why Medicare subvention has not been set out here. I do not understand why a mechanism for our gulf war veterans to make claims against Saddam Hussein has not been put on the calendar.

I do not understand why this motion was tucked away at midnight last night and then adjourned instead of addressed. I think our veterans should be put first instead of last again and again by this Republican leadership.

Madam Speaker, I yield 1 minute to the gentlewoman from New Haven, CT [Ms. DELAURO], who has been an articulate spokesperson not only on the needs of our veterans but on the tremendous dangers of nicotine addiction.

Ms. DELAURO. Madam Speaker, I thank the gentleman for yielding this time to me.

We have a responsibility as public servants. That is what our job is here as the U.S. Government, as Democrats, as Republicans. This is not a partisan issue. This is a national issue.

We need to reward our veterans for their brave actions and their sacrifice. Veterans must come first. And it is very interesting this morning to take a look at what is going on, on this floor and who is speaking on this side of the aisle, on the Democrat side of the aisle. The gentleman is a lone voice on the other side. Where are his Republican colleagues to come here this morning and to talk about what veterans have done to protect our rights and our liberties in this country?

We stand here. We have the opportunity to serve this country because veterans fought for this great Nation of ours. I support this motion. I thank the gentleman from Texas [Mr. DOGGETT] for bringing it before the House.

I oppose what the tobacco companies would be allowed to do in making their claims before veterans in this country. It is wrong and we should vote for the Doggett amendment.

Mr. DOGGETT. Madam Speaker, I yield 4 minutes to the gentleman from Texas, Mr. CHET EDWARDS. We are fortunate, indeed, to have in this body someone who represents more members of our military in a populated area than anyone else in the world, I believe, Fort Hood, TX, the former chair of the Veterans Health Subcommittee within the Committee on National Security, I believe, and now on the Committee on Appropriations.

Mr. EDWARDS. Madam Speaker, sometimes silence says a lot and, frankly, I am disappointed that out of over 200 Republican House Members, not 1 Republican has come to the floor of this House to stand up for veterans versus tobacco companies this morning.

Most Americans will never know a young man named Arden Cooper. He was 22 years old, fighting against the Iraqi Forces in Kuwait. He saw a comrade of his lying in the sand wounded by Iraqi fire, and despite murderous fire, he went to his friend's aid and put his body over that of his comrade's in order to try to save his life. In doing so, Arden Cooper gave his life to his friend and to his country. When he was given a Silver Star for his bravery, his parents had to accept it posthumously.

To me Arden Cooper represents the very best of American veterans. Ordinary citizens, Americans, willing to fight and, if necessary, yes, die for their country. And while not all Americans died on the sands of Kuwait like that 22-year-old young American, many of Arden Cooper's comrades breathe every breath today in pain because of the injuries and the illnesses sustained in standing up to Saddam Hussein.

The choice today is very clear. It is a choice of whose side we are on, the side of those who made profits selling cigarettes to Saddam Hussein and his citizens, or do we want to side with those who put their lives on the line to fight for America's freedom and stand up to Saddam Hussein and his forces?

I am outraged that a Republican leader from the other body would be so bold as to put the interests of tobacco companies or any company ahead of the interests of the men and women who fought, were injured, yes, even those who died in Desert Storm. To put the interests of tobacco companies in front of the interests of veterans is absolutely, in my book, morally wrong. I think it is a slap in the face not only to Desert Storm veterans but to all veterans in America who have ever served this Nation.

The gentleman from Kentucky, and I respect his privilege to stand and speak for the other side on this issue, but I must take objection to his comment that we are only talking about $1.2 billion here. Well, maybe $1.2 billion is not a whole lot to the richest tobacco companies in the world, but to one of my constituents living in my hometown of Waco, who lives in a tent, confined in his own bedroom because of illnesses sustained in Desert Storm, to someone like that, a few thousand dollars, not $1.2 billion, could be the difference between living life in dignity and respect and just surviving.

Madam Speaker, in just a few days, on Veterans Day, Members from both sides of the aisle will go back home and ride in Veterans Day parades. They will give patriotic speeches thanking our veterans for their service to our country. Well, I do not think that is good enough. It is not good enough to just support veterans on Veterans Day or to pay tribute to those who died on Memorial Day. We ought to stand up for our veterans every day, and certainly we ought to stand up for them today.

I will join with any Member of this House to see that American veterans are put at the front of the line, not the back of the line, when it comes to claiming frozen Iraqi assets in America.

Mr. DOGGETT. Madam Speaker, how much time is remaining?

The SPEAKER pro tempore [Mrs. EMERSON]. The gentleman from Texas [Mr. DOGGETT] has 4 minutes remaining.

Mr. DOGGETT. Madam Speaker, I yield myself the balance of my time.

Members, with this motion, we probe once more the influence of the powerful tobacco lobby on this Congress: The same tobacco companies that begin the addiction of 3,000 children in America every day to nicotine; the same tobacco companies that rank among the top soft money contributors to soften up the political leadership of this Congress; the same tobacco companies that give that soft money to produce a hard, bad deal for the ordinary working American; the same tobacco companies that snuck into this Congress earlier this summer and got themselves a $50 billion tax break, masquerading under the title "Technical Amendments to the Small Business Job Protection Act," and then were so ashamed of it, they could not find anyone to claim authorship of that provision urged on by former Republican chair Haley Barbour.

That same group seems to have no shame, because not having gotten enough in the past from this Congress with their audacity, they come forward today through the senior Senator from North Carolina, and they ask to have their claims put on top of the heroic men and women who fought our Nation's battles in the gulf war.

The gentleman from Kentucky keeps referring to our clouding the issue this morning. Well, my colleagues, the only cloud here is a smoke cloud, a cloud of smoke that lingers over this Congress as long as the tobacco industry has a stranglehold on it.

A vote for this motion is simply a vote to assure an opportunity, not a guarantee, an opportunity for our gulf war veterans to make their case before the commission and to have a decision rendered based on the evidence that they are entitled to some payment for the illness and the disability that they are suffering.

As my colleague from Texas just pointed out, $1.2 billion is probably just pocket change to the seven largest tobacco companies that have been blocking, since Democrats were in control of this Congress, that have been blocking the access of our veterans to get to these funds.

Let me emphasize, contrary to what we heard from the opposition, from the gentleman from Kentucky, that in no way does this motion interfere with the obligation of the Federal Government to meet the needs of our veterans. I am merely suggesting that a young veteran who suddenly finds himself without the capacity to provide for his or her family, cut down in his youth, ought not to have to rely solely on a Veterans Hospital and on veterans disability payments, which often are not adequate to meet the true needs of a family; and that that veteran ought to have the right to say Mr. Saddam Hussein violated international law, as the United Nations even concluded, in invading Kuwait, and I ought to be able to get back some of the loss that my family has suffered as a result of his violation of international law, and my claim is every bit as legitimate as the seven tobacco companies that sold the cigarettes that the Iraqi soldiers were smoking there in the desert, and may still be laying around the desert somewhere, when they dealt with Saddam Hussein before he started this war.

□ 1115

It is my contention that these disabled veterans, as the VFW has concluded, as the State Department has concluded, will get nothing unless they have priority.

The front page of the "Stars and Stripes" magazine tells it all: "Our veterans await the decision of this Congress, even as Senator HELMS speaks out today that he would bar every cent of their claim."

I ask my colleagues to stand first with our gulf war veterans because they stood first for this country. We have a simple decision on this record vote. Stand with GI Joe, stand with GI Jane, who defended our democracy, not Joe Camel, who continues to exploit our children.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I would rise in support of my colleague from Texas, Mr. Doggett, to instruct the conferees on the Foreign Policy Act (H.R. 1757). Representative Doggett's motion instructs conferees to reject a Senate provision which would position private claims ahead of U.S. Government claimants—including gulf war veterans—against frozen Iraqi assets. The provision authored by Senator HELMS prioritizes the claims in such a way that tobacco companies and other commercial claimants would be paid from the fund before our veterans.

Mr. Speaker, as a friend of veterans I must urge my colleagues to vote in favor of Mr. Doggett's motion which would prevent any money taken from our veterans. Many of our soldiers have been afflicted with undiagnosed illnesses since defeating Saddam Hussen's forces in the Persian Gulf region. The U.S. Government has a duty to take care of its veterans. Their claims against available assets do not relieve the Government of its obligations to veterans, but rather provide additional compensation to veterans who have suffered at the hands of Iraq's violations of international law.

Instead of gulf war veterans, tens of thousands of whom are ill, Senator HELMS wants those with contracts, including seven large tobacco companies, to have priority to receive the funds. I must urge my colleagues to reject section 1601 of the Senate amendment, which provides for payment of all private claims against the Iraqi Government before those of U.S. veterans and the U.S. Government.

Mr. DOGGETT. Madam Speaker, I move the previous question on the motion.

The previous question was ordered.

The SPEAKER pro tempore (Mrs. EMERSON). The question is on the motion to instruct offered by the gentleman from Texas [Mr. DOGGETT].

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. DOGGETT. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 412, nays 5, not voting 16, as follows:

[Roll No. 480]

YEAS—412

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Berman
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fawell
Filner
Flake
Foglietta
Foley
Forbes
Ford
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McDermott
McGovern
McHale
McHugh
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Paul
Paxon
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Redmond
Regula
Reyes
Riggs
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryun
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Schaefer, Dan
Schaffer, Bob
Schumer
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stark
Stenholm
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Tierney
Torres
Towns
Traficant
Turner
Upton
Velázquez
Vento
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wise
Wolf
Woolsey
Wynn
Yates
Young (AK)

NAYS—5

Barr
Johnson, Sam
Scarborough
Stearns
Taylor (NC)

NOT VOTING—16

Bereuter
Bliley
Conyers
Fazio
Gibbons
Gonzalez
Granger
Linder
McInnis
Ros-Lehtinen
Schiff
Smith (OR)
Stokes
Visclosky
Waxman
Young (FL)

☐ 1135

So the motion to instruct was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## PERSONAL EXPLANATION

Mr. VISCLOSKY. Mr. Speaker, on rollcall vote No. 480, I was unavoidably detained and unable to record my vote. Had I been present, I would have voted "yea."

## FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2378) "An act making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1998, and for other purposes."

## REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 901, AMERICAN LAND SOVEREIGNTY PROTECTION ACT

Mr. SOLOMON, from the Committee on Rules, submitted a privileged report (Rept. No. 105–288) on the resolution (H. Res. 257) providing for consideration of the bill (H.R. 901) to preserve the sovereignty of the United States over public lands and acquired lands owned by the United States, and to preserve State sovereignty and private property rights in non-Federal lands surrounding those public lands and acquired lands, which was referred to the House Calendar and ordered to be printed.

## PERSONAL EXPLANATION

Mrs. ROUKEMA. Madam Speaker, last evening I was unavoidably detained and arrived too late for the vote on the Mollohan-Shays amendment. I would like to have the RECORD note that had I been here to vote, I would have voted against rollcall vote 475 to H.R. 2267.

Madam Speaker, we are bound by the Constitution to conduct a census every 10 years.

Article 1, section 2 of the Constitution calls for an actual enumeration. The 14th amendment calls for the Representatives to be apportioned by counting the whole number of persons in each State. Any deviation from conducting the census under this constitutional mandate is a question for the Supreme Court to answer.

This is what this bill will now do. It will bar the Census Bureau from using sampling until this vital question is answered. Any other course of action would not be prudent or constitutional. It is for this overriding reason that I would have opposed the Mollohan-Shays amendment.

## PROVIDING FOR CONSIDERATION OF H.R. 1127, NATIONAL MONUMENT FAIRNESS ACT

Mr. SOLOMON. Madam Speaker, by the direction of the Committee on Rules, I call up House Resolution 256 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 256

*Resolved*, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for consideration of the bill (H.R. 1127) to amend the Antiquities Act to require an Act of Congress and the concurrence of the Governor and State legislature for the establishment by the President of national monuments in excess of 5,000 acres. The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and the amendments made in order by this resolution and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Resources. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Resources now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. No amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. The Chairman of the Committee of the Whole may: (1) postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment; and (2) reduce to five minutes the minimum time for electronic voting on any postponed question that follows another electronic vote without intervening business, provided that the minimum time for electronic voting on the first in any series of questions shall be fifteen minutes. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mrs. EMERSON). The gentleman from New York [Mr. SOLOMON] is recognized for 1 hour.

Mr. SOLOMON. Madam Speaker, in trying to live up to the majority leader's request that we be out of here by noon time, we are going to try to expedite.

PARLIAMENTARY INQUIRY

Mr. CONDIT. Madam Speaker, is it appropriate for me to propound a parliamentary inquiry at this time?

The SPEAKER pro tempore. Does the gentleman from New York yield for a parliamentary inquiry?

Mr. SOLOMON. Not at this time, Madam Speaker. I want to get through this so we can live up to our obligation.

Mr. CONDIT. Madam Speaker, I offer a motion.

The SPEAKER pro tempore. The gentleman from California cannot take the gentleman from his feet by a motion while he is engaged in debate.

The gentleman from New York [Mr. SOLOMON] is recognized.

Mr. SOLOMON. Madam Speaker, for purposes of debate only, I yield the customary 30 minutes to the distinguished gentleman from Ohio [Mr. HALL], pending which I would yield myself such time as I might consume. During consideration of this resolution, all time yielded is for the purposes of debate only.

Madam Speaker, this bill before us is a simple resolution.

□ 1145

Mr. SOLOMON. Madam Speaker, the proposed rule that I am offering is a modified, closed rule providing for 1 hour of general debate divided equally between the chairman and ranking minority member on the Committee on Resources which will probably be taken up on the floor Monday or Tuesday, and not today.

Additionally, this resolution makes in order the Committee on Resources' amendment in the nature of a substitute as an original bill for purposes of amendment which shall be considered as read. Furthermore, this resolution provides for the consideration of the amendment printed in the Committee on Rules' report which shall be considered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and opponent of the amendment. The amendments shall not be subject to amendment, nor are they subject to a demand for a division of the question in the House or in the Committee of the Whole.

At the appropriate time, I intend to offer an amendment to the rule that would allow for the consideration of an amendment to be offered by the gentleman from Utah [Mr. HANSEN], the bill manager. This amendment is a germane amendment that reflects the concerns of both the gentleman from Utah [Mr. HANSEN] and the gentleman from New York [Mr. BOEHLERT].

If my colleagues will recall, the gentleman from New York [Mr. BOEHLERT] had given us an amendment in the Committee on Rules that was not germane. He has done his due diligence and made the amendment in order, so we are living up to our commitment to make all of the filed amendments that were germane in order, and that is what my amendment will be about.

Mr. Speaker, the rule allows for the Chairman of the Committee of the Whole to postpone during consideration of the bill and to reduce votes to 5 minutes on a postponed question if the vote follows a 15-minute vote.

Finally, H.R. 256 provides for one motion to recommit, with or without instructions.

Now, Mr. Speaker, on September 18, 1996, the President of the United States, claiming authority under the 1906 Antiquities Act, proclaimed the Grand Staircase Escalante National Monument in Utah. According to a U.S. News and World Report article, "the White House went to great lengths to keep secret its plan to create by executive fiat a massive 1.7 million acre national monument in southern Utah."

Madam Speaker, dusting off the 91-year-old Antiquities Act to circumvent public hearings and a likely congressional battle, the stealth-like initiative was designed to boost the President's popularity with environmentalists during his campaign last year. In fact, Madam Speaker, the administration did not even inform, did not even consult with any of Utah's elected representatives of any political party. However, members of the administration did take the time to notify Governor Miller of Nevada, Governor Romer of Colorado, and Senators REID and BRYAN of Nevada.

Why would the administration go to great lengths to hide its plans from the public and the Utah delegation? Perhaps the answer lies in a memorandum sent by Katie McGinty, the chair of the President's Council on Environmental Quality. She wrote, "Any public release of information would probably foreclose the President's option to proceed." That is in writing, and we have a copy of it.

Additionally, Interior Department Solicitor John Leshy wrote to an outside consultant, "I can't emphasize confidentiality too much. If word leaks out, it probably won't happen." Talk about stealth and hiding things from the American people, Madam Speaker.

When President Roosevelt signed the Antiquities Act, which was designed to respond to a national movement back in 1906 to stop the vandalism and looting that was occurring on landmarks of prehistoric, historic, and scientific interest and value, the act made a great deal of sense back in those days. During the early 1900's there were few mechanisms for setting aside or protecting large portions of land. However, during the next several decades, concern for conservation became more widespread, and Congress responded by passing very powerful laws which serve the cause of conservation more fully.

Let me just give an example. Since 1906, the Congress has created the National Park System, the National Wildlife Refuge System, the National Wilderness Preservation Act, and the Wild and Scenic Rivers System. The principal effect of laws such as these has been to make it much easier to preserve large portions of land. Therefore, what made sense in 1906 is not necessarily applicable today.

Madam Speaker, most people believe the issues should be debated in the public forum, and this bill amends the Antiquities Act of 1906 to prevent the President from unilaterally creating large national monuments. By requiring an act of Congress and the comments of the Governor from any particular State in which the proposed monument is located, we can be certain that a fair and open process is certain to continue.

This legislation is a commonsense proposal. I would urge my colleagues to support the rule and the underlying legislation.

Madam Speaker, I reserve the balance of my time.

## MOTION TO ADJOURN

Mr. CONDIT. Madam Speaker, I have a preferential motion at the desk.

The SPEAKER pro tempore (Mrs. EMERSON). The Clerk will report the motion.

The Clerk read as follows:

Mr. CONDIT moves that the House do now adjourn.

The SPEAKER pro tempore. The question is on the motion to adjourn offered by the gentleman from California [Mr. CONDIT].

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

### RECORDED VOTE

Mr. CONDIT. Madam Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 112, noes 295, not voting 26, as follows:

[Roll No. 481]

### AYES—112

Abercrombie
Ackerman
Allen
Andrews
Baesler
Baldacci
Barrett (WI)
Becerra
Bentsen
Blumenauer
Bonior
Borski
Boyd
Brown (CA)
Brown (OH)
Capps
Carson
Clayton
Condit
Cox
Cummings
Davis (FL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dingell
Doggett
Doyle
Edwards
Engel
Ensign
Eshoo
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gutierrez
Harman
Hastings (FL)
Hefner
Hinchey
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kilpatrick
Lampson
Levin
Lewis (GA)
Lofgren
Lowey
Maloney (NY)
Manton
Markey
Matsui
McCarthy (NY)
McDermott
McGovern
McNulty
Meehan
Miller (CA)
Mink
Moakley
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Owens
Pallone
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Rangel
Roybal-Allard
Sanchez
Sanders
Schumer
Serrano
Sherman
Skaggs
Slaughter
Stark
Stenholm
Strickland
Stupak
Tauscher
Thurman
Tierney
Torres
Towns
Turner
Velázquez
Vento
Waters
Wexler
Weygand
Woolsey

### NOES—295

Aderholt
Archer
Armey
Bachus
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Blunt
Boehlert
Boehner
Bonilla
Bono
Boswell
Boucher
Brady
Brown (FL)
Bryant
Bunning
Burr
Burton
Callahan
Calvert
Camp
Campbell
Cannon
Cardin
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clay
Clement
Clyburn
Coble
Coburn
Collins
Combest
Cook
Cooksey
Costello
Coyne
Cramer
Crane
Crapo
Cubin
Cunningham
Danner
Davis (IL)
Davis (VA)
Deal
DeLay
Dellums
Diaz-Balart
Dickey
Dicks
Dixon
Dooley
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Etheridge
Everett
Ewing
Fawell
Flake
Foley
Forbes
Fowler
Fox
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Green
Greenwood
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jenkins
John
Johnson (CT)
Johnson (WI)
Jones
Kasich
Kelly
Kildee
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaHood
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lipinski
Livingston
LoBiondo
Lucas
Luther
Maloney (CT)
Manzullo
Mascara
McCarthy (MO)
McCollum
McCrery
McDade
McHale
McHugh
McIntosh
McIntyre
McKeon
McKinney
Meek
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Minge
Mollohan
Moran (KS)
Morella
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Ortiz
Oxley
Packard
Pappas
Parker
Pascrell
Paul
Paxon
Pease
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Redmond
Regula
Reyes
Riggs
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rothman
Roukema
Royce
Rush
Ryun
Sabo
Salmon
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Scott
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Shimkus
Shuster
Sisisky
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stearns
Stump
Sununu
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Tiahrt
Traficant
Upton
Visclosky
Walsh
Wamp
Watkins
Watt (NC)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wise
Wolf
Wynn
Yates
Young (AK)
Young (FL)

### NOT VOTING—26

Baker
Berman
Bliley
Buyer
Canady
Conyers
Fazio
Foglietta
Gekas
Gibbons
Gonzalez
Granger
Johnson, Sam
Kennelly
LaFalce
Linder
Martinez
McInnis
Moran (VA)
Rohrabacher
Ros-Lehtinen
Schiff
Skelton
Smith (OR)
Stokes
Waxman

□ 1208

Ms. SANCHEZ, Ms. JACKSON-LEE of Texas and Ms. ROYBAL-ALLARD changed their vote from "no" to "aye".

So the motion to adjourn was rejected.

The result of the vote was announced as above recorded.

## PERSONAL EXPLANATION

Mr. GIBBONS. Madam Speaker, on rollcall No's. 480 and 481. I was unavoidably detained due to a medical emergency. Had I been present, I would have voted "yes" on rollcall vote 480 and "no" on rollcall vote 481.

## FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 2267.—Making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1998, and for other purposes.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 2267) "An Act making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1998, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. GREGG, Mr. STEVENS, Mr. DOMENICI, Mr. MCCONNELL, Mrs. HUTCHISON, Mr. CAMPBELL, Mr. COCHRAN, Mr. HOLLINGS, Mr. BYRD, Mr. INOUYE, Mr. BUMPERS, Mr. LAUTENBERG, and Ms. MIKULSKI, to be the conferees on the part of the Senate.

## PROVIDING FOR CONSIDERATION OF H.R. 1127, NATIONAL MONUMENT FAIRNESS ACT

Mr. HALL of Ohio. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, this is a modified closed rule. It will allow for consideration of H.R. 1127, which is a bill that amends the 1906 Antiquities Act to limit the ability of the President to establish national monuments. As the gentleman from New York [Mr. SOLOMON] described, this rule provides for 1 hour of general debate equally divided and controlled by the chairman and ranking minority member of the Committee on Resources.

Under this rule, five amendments printed in the committee report are allowed, each debatable for 10 minutes. No other amendments may be offered.

First of all, I do want to thank the members of the Committee on Rules and the gentleman from New York for making in order most of the amendments that were submitted, including four Democratic amendments.

Unfortunately, Members were notified on Thursday, September 25, that they had until Monday noon to submit amendments. That is only 2 working days. This modified closed rule only permits amendments that were submitted in advance, and these will be debated under severe time restraints. Thus, the House is denied the opportunity for full and fair debate normally permitted under an open rule.

On rare occasions, these restrictions are acceptable for matters of the highest priority or when urgent House action is required. However, this bill fits neither requirement. The bill was reported more than 2 months ago, and the House could have taken it up at any time.

Madam Speaker, this bill is not only low priority, it is entirely unnecessary in my opinion. This measure eliminates the President's ability to create new national monuments under 50,000 acres without specific congressional approval. However, Congress already has the power to add to, change, or reverse the designation of national monuments.

The bill would tie the President's hands in dealing with threats to our Nation's natural, historic, and scientific resources. If we pass the bill, the President will certainly veto it.

Madam Speaker, I reserve the balance of my time.

Mr. SOLOMON. Madam Speaker, I continue to reserve the balance of my time.

Mr. HALL of Ohio. Madam Speaker, I yield 5 minutes to the gentleman from Minnesota [Mr. VENTO].

Mr. VENTO. Madam Speaker, I rise in opposition to this rule. The fact is that this bill is being considered under severe time restraints and severe limits in terms of the amendments that are written in the rule.

While I appreciate the fact that the Committee on Rules did respond to my request to offer the amendment that I resubmitted, with the modifications to it, but the fact is that the nature of the time allotments on this, and the limitations on this are simply not justified.

☐ 1215

Mr. SOLOMON. Madam Speaker, will the gentleman yield?

Mr. VENTO. I yield to the gentleman from New York.

Mr. SOLOMON. Madam Speaker, let the gentleman understand that we made in order all amendments that were filed, including the gentleman's, and even gave him the opportunity to modify.

Because of the windows of opportunity, we have put a time limit of 10 minutes on each amendment. However, if the gentleman desires more time, I am sure that the gentleman from California [Mr. MILLER] or the gentleman from Utah [Mr. HANSEN] would be willing to grant more time. This was sort of the understanding that we had.

Mr. VENTO. Madam Speaker, I thank the chairman and, of course, I acknowledge exactly what he had repeated as I yielded to him. The concern is and the reason is that there is no urgency in terms of this matter, the issue of this matter has been before the Congress, an introduced measure since the beginning of this Congress. It has been over 3 months actually since this bill, the so called Monument Fairness Act, was acted on by the House Committee on Resources. The effort at this late date and at this time, in fact, to try and squeeze in this bill, as it were, this week or next week simply does not do justice to the nature of the issue that is before us.

I say that because this 1906 act, this antiquities law that is proposed to be substantially cut and modified by this proposal, is one of the foundations of modern conservation law in terms of what has happened in this century as our Nation and our people and values came to realize the importance of conserving the great landscapes that make up our Nation which are the legacy of future generations of Americans.

It is hardly the time in the 20th century, when we have come to a realization where the United States has led the world, really, in terms of conservation and preservation of these special landscapes, that we would propose at this date to move into the 21st century without extending and maintaining this essential power for the President.

While it is true that in the past 90 years we have developed the national parks, we have developed fish and wildlife areas and important landmark laws like the 1964 wilderness law, Madam Speaker, while it is true that we have developed these new laws that addressed the preservation of landscapes and provide Congress and, in a more limited way, the States and the administration an opportunity to act, in fact, deal with the risks and the problems that face these essential landscapes, the fact is that this fundamental power of the 1906 act is a very pervasive one and a very important one in terms of being the foundation of our efforts to, meet the objectives and goals of the American people in preserving these important natural, cultural, and scientific areas.

As a matter of fact, this is the legislation that is the essence of having developed important crown jewels that we hold up now as proudly as the accomplishments of this century as areas of landscape preservation, like the Grand Canyon, like Denali in Alaska, like Glacier Bay in southeast Alaska, and many, many other areas that are equally important and recognized by all America as our special places and valued.

To bring this bill up and to consider it with these abbreviated sorts of amendments and to try to jam it to conclusion in this session and in this manner is inappropriate and, I think, does not reflect well on the deliberative process that I would think would accompany a significant change in natural resource policy that is important to this House and our Nation.

Stripping away the President's power, the power that 13 Presidents have exercised in 105 different instances in creating and designating and declaring these national monuments, is a very important landscape and environmental law that we should not take away, initiated, by, of course, the pioneer of the modern conservation movement, Theodore Roosevelt, in 1906 and used through most of the Presidents, including President Clinton.

If we disagree with the actions of a President, whatever President it is, this Congress has the opportunity to act and historically has acted, effectively in terms of addressing this issue, but not to upset the very power that the Presidents have, in an emergency to act to protect our landscapes and resources for future generations of American.

Mr. SOLOMON. Madam Speaker, I yield to the gentleman from Utah [Mr. HANSEN], 7 minutes.

Mr. HANSEN. Madam Speaker, I appreciate the gentleman from New York yielding the time to me on this important piece of legislation.

Everyone has alluded to the idea of what Theodore Roosevelt was able to do. One of our great Presidents, no question about it, was the man who took care of conservation, started the ball rolling. What did he have to work with back at the turn of the century? Was there any legislation there that would allow him to go out and see these beautiful parks of America, let us take care of it? There was nothing there. So the 1906 antiquities law came along.

What does it do? Does it offer any protection to anything? Absolutely not. Nothing. So the President did not have the 1915 park bill. If he had, he would have used it, and later it was used. He did not have the 1969 NEPA bill. He did not have the 1964 wilderness bill. He did not have the 1976 FLPMA bill, Wild and Scenic River, Horse and Burro Act, did not have any of those things. What he did have? He had the 1906 law that has far outlived its usefulness.

What does that law say? The law says that the President of the United States sees an area, this should be protected for archeological reasons or historic reasons, and every President but one always stated the reason. Rainbow Bridge is a reason; two trains came together where it was. Whatever it may be. This President forgot to state the reason in this one. What does the next sentence in the law say? It is very clear. It says that he shall use the smallest amount of acreage to protect that archeological or historical thing.

Now we have a very interesting thing that occurred. On September 18, 1996, safely in Arizona, the President of the United States stood up and he declared 1.7 million acres as a national monument. Did this President say, here is this archeological thing I have tried to protect? Wait a minute, here is this historic thing I want to protect? He did not say a word about it. In fact, he had never even been there, different than Teddy Roosevelt who had been to all those areas. President Roosevelt had seen those areas, had walked on them, hunted on them, knew about them. He was an expert on it.

Does this President even know where it was? He did not even know where the thing was. Why did he do it? What is the historical nature? Did anyone say anything about this? Did I hear that from this side or this side? What was the archeological reason? Can anybody give it to me? And what is the smallest amount, as the law says? Should we now cut the President off and say, Mr. President, you cannot do this anymore; we have other laws?

No. There may be a hairy mammoth up there in northern Minnesota that we will find, and I would assure my good friend from Minnesota, who would want a national park there or national monument, the President could go up, under this law, and he could take 50,000 acres and no one says a thing about it. Come on, think about it.

Do any of you guys in here know anything about surveying? I do not know very much. Let me say this: How big is 50,000 acres? The size of Washington, DC, is 50,000 acres.

He can do that anywhere in any one of your States. He can go in and plunk it down right in the middle of Ithaca, NY, or wherever he wants to. You have 50,000; we do not say a thing about it. All we are saying is, this law has outused its purpose. Now let us just bring it to 50,000.

What does this bill say? It says, in the event the President of the United States wants more than 50,000 acres, he had better talk to the Governor. Does he have to listen to the Governor? No. But we are saying for 30 days he has to talk to the Governor of the State and then he has to come to Congress. And, incidentally, we all admit that Congress is given the right to take care of the public lands of America; the Constitution gives them that. And then he can come to Congress, and Congress can say, all right, Mr. President, we will give you more or less.

If he goes over, this bill says, for 2 years it sits there, and then it sunsets, unless Congress moves on it.

I would just say to my friends, please do not get conned into the idea of saying there is protection here. Does the antiquities bill stop coal mining in an area? No. You can still mine coal in a national monument. Does it stop mineral development? No. Conoco is drilling exploratory in the Grand Escalante Staircase as we speak. Does it prevent grazing? No. Grazing will continue. On the contrary, the national monuments are there to be seen.

This flies in the face of what the environmental community thought they had. They shot themselves in the foot on this one. They thought they got protection. What did they get? They got hundreds of people standing there. I was down there not too long ago. I was in the Government vehicle; State people were with me, all these folks standing around. They said: Hey, you folks are government. Tell us what is the national historic thing that I came to see in the monument, and where is the monument? We said: Folks, you are standing in it. I hope you enjoy it.

Next question: What is there to see? We do not know. So they are going there, all these people now. It is great for Escalante. It is great for Cannonville. It is great for Tropic. It is great for those little communities where they did not have a tax base. Now they have people coming in by the hundreds, and they are building motels, and they are building gas stations. And now all we can see out there is a panorama of people trying to find something to see like they do Rainbow Bridge, like they do the Golden Spike, like they do the other monuments. But there is nothing to see.

So why did we do it? Well, we have been asking the White House: Why did you do this anyway? Strangely enough, we are now even subpoenaing the records. They actually said I could look at them, and I did. There was not one thing in there about protecting it. And, in fact, the chairman of the President's Environmental Protection Council said this: This ground is not worthy of protection. That is in black and white.

So then you ask yourself, what about the time it happened? Do you know what they said? They said: Who do we want to stand with us safely on the south rim of the Grand Canyon? Do we want the mainstream Utah folks? That was not stated. What was stated: Do we want the enviro crowd to accept it wildly?

Let us be honest, whether it is a Republican or a Democrat, this was done for political purpose only. That is it. It had nothing to do with anything as far as protecting an area. My dad ran uranium mines down there. I can tell you, I agree with Kathleen McGinney, it does not deserve protection.

Mr. VENTO. Madam Speaker, will the gentleman yield?

Mr. HANSEN. I yield to the gentleman from Minnesota.

Mr. VENTO. Will the gentleman have a bill to repeal the declaration of the President with regard to the Escalante Grand Staircase national monument?

Mr. HANSEN. Madam Speaker, let me say this to the gentleman. If we had any sense and the President had time enough to talk to us, we would have said the Grand Staircase Escalante should be 50-mile mountain, and it should be Paria-Hackberry. I would agree, it is almost national park status. There is one little tiny part of it. They did not talk to us. In fact, no one from the delegation was even alerted, which I find a little offensive.

Mr. HALL of Ohio. Madam Speaker, I yield 5 minutes to the gentleman from New York [Mr. HINCHEY].

Mr. HINCHEY. Madam Speaker, life is certainly full of inconsistencies, and nowhere is that more evident than on the floor of the House of Representatives today. We have before us something called the rule on the National Monument Fairness Act of 1997.

□ 1230

Of course this act has nothing to do with fairness whatsoever. It has to do entirely and completely with trying to, in some misguided way, strike back at the administration for declaring a national monument in the Grand Staircase in Escalante in southern Utah, an act which, as a matter of fact, has been hailed by people all across the country, including many in Utah and many public officials in Utah.

Why we are doing this is certainly beyond me, but inconsistent it certainly is. In introducing the rule on this act, the chairman of the Committee on Rules inveighed against the closed nature in which the President engaged in establishing this national monument while, in fact, that was not a closed process at all. It was a very open process and heralded in many places all across the country. What is closed, in fact, is this modified closed rule in which we are seeking to address this very important issue.

Another inconsistency. Just recently, in a budget bill, we passed legislation which appropriated $5 million for the purchase of the Reagan ranch in California. Now, that may be a very good idea. I do not know. And I am sure most people do not know because there were no hearings. There was no open process. No one knew anything about it. The people in the surrounding area, I understand, are very upset about the fact that this ranch has now been purchased, or is about to be purchased, for $5 million. Talk about a closed process, this majority here seems to have the patent on closed processes.

Let us talk for a moment about one of the specific amendments here, the amendment that is being introduced by my good friend from Utah which would set up a process whereby before any national monuments can be designated, 30 days notice has to be given to the State. That may not be a bad idea, but then it goes further and it says that after 2 years, after the monument has been designated for 2 years, the Congress is going to have to take some affirmative action.

What that means is, in effect, that the National Monuments Act will be made null and void, because virtually any Member of the Congress would be able to hold it up.

Now, my dear friend from Utah was talking a few moments ago about how a national monument can be installed anyplace in the country by whim of the President. Not so, my colleagues. That is not the case at all. First of all, national monuments can be declared only on public land, and the Grand Staircase Escalante National Monument involves public land in the State of Utah, and that is what this is about.

This is about designating land that is owned by all of the people of this country, public lands owned by all of the people of this country to be a national monument.

Now, we were told also that there are no specifics in this proclamation. Quite the contrary, Madam Speaker. The proclamation that the President used in declaring the Grand Staircase Escalante National Monument is replete with specifics. Let me mention just a few.

The monument holds many arches and natural bridges, including the 130-foot high Escalante Natural Bridge, with a 100-foot span, and Grosvenor Arch, a rare double arch. The upper Escalante canyons in the northeastern reaches of the monument are distinctive: In addition to several major arches and the natural bridges, vivid geological features are laid bare in narrow serpentine canyons. It goes on and on. There are innumerable specifics in this proclamation that set forth precisely why this area was designated a national monument.

So what we have before us today is not an act that seeks fairness, it is an act that seeks some perverse kind of revenge for having done something that some people may not approve of, although is approved of by the overwhelming majority of the American people and by notable public officials in the State of Utah, including the Governor of the State of Utah.

This was, in fact, the right thing to do. The President has used this act in precisely the way it was intended to be used, precisely the way 13 other Presidents have used it in the past. And if this act were in effect when other national monuments were intended to be enacted, they never would have taken place. The people of this country would have been deprived of some of the most important aspects of our natural heritage.

This rule is a bad rule, Madam Speaker, and the amendments that it makes germane are bad also and they ought to both be defeated.

Mr. SOLOMON. Madam Speaker, I yield myself such time as I may consume.

I am shocked, literally shocked, at my colleague from New York, whose district borders mine, complaining about this rule. The rule is totally open to every Member of this Congress to offer amendments. We made in order every single request that we had, with the exception of the gentleman's colleague, who now has turned his amendment into a germane amendment and we are about to move to make that amendment in order as well.

I really hesitate to be critical of my colleague, but he ought to know that what he said is not true about the rule. The rule is fair and open and it is supported by everyone in the Chamber.

Mr. HINCHEY. Madam Speaker, will the gentleman yield?

Mr. SOLOMON. I will not yield to the gentleman from New York, because the gentleman would not yield to another colleague.

Well, I will yield to the gentleman to show how fair we are.

Mr. HINCHEY. Madam Speaker, I would point out to my friend that only 2 days time was given to file amendments and there is only 10 minutes allowed for debate on each of the amendments that have been allowed. So in my colleague's own language, and appropriately so, this rule has been described as a modified closed rule, and closed it certainly is.

Mr. SOLOMON. Madam Speaker, reclaiming my time, if the gentleman had requested an amendment, it would have been made in order.

Madam Speaker, I yield 2½ minutes to the gentleman from Alaska [Mr. YOUNG], chairman of the Committee on Resources. He is really one of the most respected Members of this body because he always tells it like it is.

Mr. YOUNG of Alaska. Madam Speaker, I have been listening to this thing with great interest. If my colleagues read the bill, it is a very simple and very good bill.

It limits the President's ability. Up to or below 50,000 acres, he can do anything he wants to do. If we read the Antiquities Act, it was never meant to be used as Jimmy Carter used it when they set aside 87 million acres in my State as a national monument. It was never meant to set Escalante aside. That was never the intent of the Antiquities Act. It was to save the Statue of Liberty or some historical house or something that was being threatened by, in fact, outside encroachment.

The most interesting thing I hear today is this body, especially that side, is willing to let the President run this country by himself when the Constitution says we have the authority, and only the Congress of the United States, to set aside and designate lands. I am not about to elect a king. He may think he is a king, but I say he is just a President and he has to answer to this Congress.

This gentleman from Utah puts it very clearly, that we now say, all right, sir, Mr. President, if there is a Statue of Liberty or a Washington Monument or Mount Vernon being threatened, he can declare that a national monument if they are not already. But if there is anything larger than 50,000 acres, which is bigger than the gentleman's district, then he has to come back to the Congress. And what is wrong with letting the Congress do the job instead of just letting the President do the job?

But more than Escalante, I want to tell my colleagues a little thing about Escalante. No one was consulted in the State of Utah. The Governor was not; our colleague was not. In fact, he was washed down the drain by this President on behalf of the environmental community. Washed out of this Congress. He was defeated because this President did not have the decency to communicate with those elected close by.

And by the way, it is not a monument. It is actually an area that is basically of little value other than the coal. It is ironic to me this large massive amount of coal is now off limits.

The second thing is there is private land involved here, 200,000 acres of land owned by the State of Utah, that is surrounded by, now, this monument. There are private land holdings within the monument that are no longer of any value. It is a taking without compensation.

We are trying to solve a problem that this President has abused; that Jimmy Carter abused. It is a bill that should be passed, and I would suggest, respectfully, let us go with the amendments that have been offered by the gentleman from Utah; let us pass this legislation; let us put, I suggest, Congress back in the role of selecting the lands that should be a monument.

Mr. HALL of Ohio. Madam Speaker, I yield 6 minutes to the gentleman from California [Mr. MILLER], the ranking minority member of the committee.

Mr. MILLER of California. Madam Speaker, I rise in strong opposition to this rule.

It is unfortunate that we are being rushed both in this rule and I guess in consideration of the underlying legislation. This is a bill that was reported out of our committee in June, and now we find, just before the House is in a rush to leave for the religious holidays, that we have this bill jammed to us on the floor and time limitations placed upon the amendment.

This is an important bill. Understand that. This is not a minor bill, this is an important bill, and it should be open to full and fair debate because this bill stands the Antiquities Act on its head.

Now, those who are supporting this legislation would have us think that somehow the President was wandering around the country willy-nilly declaring areas to be national monuments and to preserve Federal lands. That is not the case at all.

They would have us believe there has been no consultation, no discussion, no awareness of this. The fact of the matter is there has been years of consultation, years of discussion within the Utah delegation, within our committee, within the Congress, within the Senate, within the House, among the Governors, among the administration; and the fact of the matter is that nobody could arrive at a conclusion about the protection of these lands.

The people of Utah have expressed over and over again that they want an expansive Utah wilderness bill to protect these lands and other lands in that State. The President took these lands to protect them.

Why did he protect them? Because when we go out to Utah and we travel the lands, we will see an interesting phenomenon: people driving tractors across the land, people punching roads into the land because they think that that somehow will disqualify them from being nominated as a wilderness area. And it is going on on a weekly and daily basis out there, so somebody had to take action.

Now, under the existing law, the President took action, as he properly did and rightfully did, to protect the lands in this State that belong to the people of the United States, all of the people of the United States. But the Senators from Utah and elsewhere have filibustered, they have blocked amendments. They would not let this happen. The President took the action to protect the lands.

Now, the gentleman from Utah, the Senators from Utah or anybody else who wants, can come here and introduce legislation to modify the Escalante area. The gentleman says some of it is worthy of a national park and the rest is not much. Bring that bill to the floor. Let us have that debate.

Many people think that the wilderness area should be much larger than that. There are many other areas that should be protected. The gentleman has his own bill. Other people have brought bills in the past to modify actions of the President. Some 40 times we have modified those actions.

But rather than deal with that, rather than deal with this on the merits, is it too large, too small, is it the right area, the wrong area, is it a valuable area or an invaluable area, they would rather gut the Antiquities Act. They would rather put it back into the hands of the Senators who have filibustered the protection of these lands in the first place. That is what they want to do.

That stands one of the crown jewels of environmental protection on its head. It guts the Antiquities Act. When it is all said and done we put it right back into the hands of the great "hall of whims" down at the other end of the aisle here where they cannot resolve anything.

We have asked year after year after year for a Utah wilderness bill. They cannot resolve it. So we are not going to let people lay waste to these lands because the politicians cannot make up their minds to do what the people in the State want them to do. That is what this debate is about.

This bill is a bad bill, the amendments will not cure it, and we ought to defeat the rule and we ought to defeat the bill.

Mr. VENTO. Madam Speaker, will the gentleman yield?

Mr. MILLER of California. I yield to the gentleman from Minnesota.

Mr. VENTO. Madam Speaker, I thank the gentleman for yielding to me. I certainly concur with much of his statement.

The fact that President Carter, the fact that President Clinton used this action was precisely because there were imminent actions. And my colleague from Alaska, our chairman, surely knows that the protection of the D–2 lands, had it been extended, expired because Congress failed to act. The only tool he had available that would really work was this 1906 act.

Today we would not have the protection of many of these key areas in Alaska but for the fact that the President had this backup power. It is important to have the '64 Wilderness Act, the 1916 Park Act, and many others, but the fact is the President needs that so that he can protect the public interest, the national interest, in terms of these lands, whether they be in Alaska or Utah.

The gentleman disagrees, and I respect the fact that we have disagreement with regards to this, but the President acted in this instance because there were mineral leases that were going to go on.

Talking about consultation, there are major flaws in terms of these bills.

□ 1245

Mr. VENTO. The fact is that when there is an instance where there is a conservation action that may take place with regard to wilderness designation or park designation, we have a group of individuals in this country that will go on seeking mineral leasing, seeking permits, simply with the effort to in fact frustrate, and at great expense to the taxpayer. We have to go back at that particular point if we want to achieve the conservation, the preservation of that land, and pay for what the taxpayer already owns, that is, the Federal Government already has. We have to go back and pay, basically, in essence being blackmailed in these instances in order to conserve these lands. That is wrong.

Mr. MILLER of California. The gentleman from Minnesota [Mr. VENTO] is right. My colleague wants to keep alluding to Katie McGinty's memo. But the fact of the matter is, with advanced notice, the Senate would have tried to stop this, would have tried to put this into an appropriations bill, and left these lands unprotected.

That was the fact that was on the ground and evident to everyone in this Nation before the President had the courage to act and protect these lands.

Mr. SOLOMON. Madam Speaker, I intend to close for our side, if the gentleman from Ohio [Mr. HALL] would like to yield back the balance of his time.

Mr. HALL of Ohio. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I have no more speakers. I would just say that the chairman has referred to this as being an open rule. It is really a modified closed rule.

I just want to correct that particular statement and say that the bill is a high priority from the standpoint if you are an environmentalist and really care about these lands. On the other hand, the bill can wait and it is not necessary that we continue to stay here and debate this piece of legislation.

I would just say that I would hope that people would consider this rule and vote according to what the gentleman from California [Mr. MILLER] and what the gentleman from Minnesota [Mr. VENTO] and what the gentleman from New York [Mr. HINCHEY] have said about this. I think they have made very, very good points about this legislation.

Madam Speaker, I yield back the balance of my time.

Mr. SOLOMON. Madam Speaker, I yield 2 minutes to the gentleman from Utah [Mr. COOK], a very distinguished new Member of this body.

Mr. COOK. Madam Speaker, I thank the gentleman from New York [Mr. SOLOMON] for yielding me the time in the closing arguments here.

Madam Speaker, I rise to speak in strong support of the rule on the underlying legislation, the National Monument Fairness Act. With all due respect to my friends and colleagues from New York, Minnesota, and California, I just cannot see what the real problem is. Because, Madam Speaker, I think this act will only enhance the ability of a President to work with Governors and State lawmakers to preserve America's scenic wonders, something I feel very strongly about, something that ought to be done.

The Antiquities Act can be a wonderful tool for enshrining significant natural, archaeological and historical sites. H.R. 1127 will still allow a President to declare national monuments, up to 50,000 acres, in the same way that he declared the Escalante Grand Staircase.

But when he is going to designate a monument that size, 1.7 million, in fact, anything over 50,000, he is going to have to consult with State legislatures and Governors. Because if he does not, there will be sunsetting provisions or some other way to make sure appropriate notification, not denial, of the opportunity to use the Antiquities Act is done.

History shows us that this bill will not affect very many of the vast number of prospective sites. The vast majority of all previously declared areas are much, much smaller than 50,000 acres. But common sense and fair play dictate the large piece of land in a State that is to be set aside as a national monument, the Governor and the States' legislatures ought to be consulted. Failure to do so absolutely flies in the face of representative government and democracy itself.

That kind of offense is really unnecessary. This would totally be prevented by the simple notifications required.

Mr. SOLOMON. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I sum up very briefly, not using all of our time that we have. I just want to quote one more time, if I might, because it is really what this bill is all about that the rule makes in order; and that is the statement by Katie McGinty, the chair of the President's Council on Environmental Quality, when she wrote, "I will say again, any public release of information would probably foreclose the President's option to proceed," that is, hiding it from the American people.

Interior Department Solicitor John Lishy said something similar when he said, "I can't emphasize confidentiality too much. If word leaks out, it probably won't happen."

That is what this legislation is all about. The American people are always entitled to know what their Government is doing.

Now, the rule is a fair rule, whether it is modified closed, modified open. It is a rule that made in order every single request by every single Member for any germane amendment, including the gentleman from New York [Mr. BOEHLERT], the noted environmentalist, over here, who I will offer an amendment in a minute to this rule, making in order his amendment, which is now germane to the issue. And that is out of fairness.

We have then taken care of anyone and everyone who wanted to offer amendments to this, including the gentleman from New York [Mr. HINCHEY]. Had he wanted an amendment, it would have been made in order.

### AMENDMENT OFFERED BY MR. SOLOMON

Mr. SOLOMON. Madam Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SOLOMON:

At the end of the resolution add the following new sections:

"Sec. 2. Notwithstanding any other provision of this resolution, it shall be in order to consider the amendment specified in section 3 of this resolution as though it were amendment numbered 6 in House Report 105–283. That amendment may be offered only by Representative Hansen of Utah or his designee and shall be debatable for 10 minutes.

"Sec. 3. The amendment described in section 2 is as follows:

Strike all after the enacting clause and insert:

**SECTION 1. SHORT TITLE**

This Act may be cited as the "National Monument Fairness Act of 1997".

**SEC. 2. CONGRESSIONAL REVIEW OF NATIONAL MONUMENT STATUS AND CONSULTATION.**

Section 2 of the Act of June 8, 1906, commonly referred to as the "Antiquities Act" (34 Stat. 225; 16 U.S.C. 431) is amended by adding the following at the end thereof: "A proclamation of the President under this section that results in the designation of a total acreage in excess of 50,000 acres in a single State in a single calendar year as a national monument may not be issued until 30 days after the President has transmitted the proposed proclamation to the Governor of the State in which such acreage is located and solicited such Governor's written comments, and any such proclamation shall cease to be effective on the date 2 years after issuance unless the Congress has approved such proclamation by joint resolution.".

Mr. SOLOMON (during the reading). Madam Speaker, I ask unanimous consent that that amendment be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. SOLOMON. Madam Speaker, I yield back the balance of my time, and I move the previous question on the amendment and on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from New York [Mr. SOLOMON].

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the resolution, as amended.

The resolution, as amended, was agreed to.

A motion to reconsider was laid upon the table.

## REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1173

Mr. McCRERY. Madam Speaker, I request unanimous consent that my name be removed as a cosponsor of H.R. 1173.

The SPEAKER pro tempore (Mrs. EMERSON). Is there objection to the request of the gentleman from Louisiana?

There was no objection.

## INTERMODAL SURFACE TRANSPORTATION EFFICIENCY ACT EXTENSION

Mr. SHUSTER. Madam Speaker, I ask unanimous consent that the House immediately consider the bill (H.R. 2516) to extend the Intermodal Surface Transportation Efficiency Act of 1991 through March 31, 1998; that the amendment now at the desk be considered as adopted; and that the bill, as amended, be considered as passed.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The text of H.R. 2516 is as follows:

H.R. 2516

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. STATEMENT OF PURPOSE.**

This Act makes funds available for the Federal-aid highway, highway safety, motor carrier safety, and mass transportation programs for the first 6 months of fiscal year 1998 by extending the Intermodal Surface Transportation Efficiency Act of 1991 to ensure the continuation of such programs while a multiyear reauthorization is developed. This extension is structured to allow programmatic, apportionment formula, and funding adjustments for the second 6 months of fiscal year 1998 through enactment of a multiyear program.

### SEC. 2. EXTENSION OF FEDERAL-AID HIGHWAY PROGRAM FUNDING.

(a) IN GENERAL.—Section 1003 of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 1918–1922) is amended by adding at the end the following:

"(d) FEDERAL-AID HIGHWAYS FOR THE PERIOD OCTOBER 1, 1997, THROUGH MARCH 31, 1998.—

"(1) IN GENERAL.—For Federal-aid highways and highway safety construction programs, $11,942,375,000 are authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account) during the period October 1, 1997, through March 31, 1998, and shall be distributed in accordance with this subsection.

"(2) CERTAIN DISCRETIONARY PROGRAMS.—Of the amounts made available by paragraph (1), the Secretary shall deduct $32,500,000 to carry out section 118(c)(2) of title 23, United States Code, for the period October 1, 1997, through March 31, 1998, and shall deduct $30,250,000 to carry out the discretionary program under paragraphs (1) and (2) of section 144(g) of such title during such period.

"(3) STATE ALLOCATION PERCENTAGES.—From amounts remaining after making the deductions under paragraph (2) and application of paragraphs (4) and (5), the Secretary shall determine the amount to be apportioned among the States in accordance with the following table:

| "*State:* | *Percentage:* |
|---|---|
| Alabama | 2.0026 |
| Alaska | 1.0499 |
| Arizona | 1.4627 |
| Arkansas | 1.5268 |
| California | 8.9046 |
| Colorado | 1.0443 |
| Connecticut | 1.9229 |
| Delaware | 0.4057 |
| District of Columbia | 0.4436 |
| Florida | 4.4867 |
| Georgia | 3.2899 |
| Hawaii | 0.6435 |
| Idaho | 0.6314 |
| Illinois | 3.6779 |
| Indiana | 2.4581 |
| Iowa | 1.1364 |
| Kansas | 1.1383 |
| Kentucky | 1.6617 |
| Louisiana | 1.4831 |
| Maine | 0.6458 |
| Maryland | 1.4512 |
| Massachusetts | 3.5632 |
| Michigan | 3.0432 |
| Minnesota | 1.4547 |
| Mississippi | 1.1286 |
| Missouri | 2.2677 |
| Montana | 0.7857 |
| Nebraska | 0.7501 |
| Nevada | 0.6218 |
| New Hampshire | 0.4764 |
| New Jersey | 2.6851 |
| New Mexico | 0.8767 |
| New York | 5.7882 |
| North Carolina | 2.7408 |
| North Dakota | 0.5972 |
| Ohio | 3.4702 |
| Oklahoma | 1.5021 |
| Oregon | 1.1378 |
| Pennsylvania | 4.5007 |
| Rhode Island | 0.4708 |
| South Carolina | 1.6019 |
| South Dakota | 0.5990 |
| Tennessee | 2.0954 |
| Texas | 6.9197 |
| Utah | 0.6672 |
| Vermont | 0.4287 |
| Virginia | 2.4440 |
| Washington | 1.7603 |
| West Virginia | 1.1088 |
| Wisconsin | 2.0159 |
| Wyoming | 0.5999 |
| Puerto Rico | 0.4312. |

"(4) STATE PROGRAMMATIC DISTRIBUTION.—

"(A) IN GENERAL.—Of the funds to be apportioned to each State under paragraph (3), the Secretary shall ensure that the State is apportioned an amount of such funds, determined under subparagraph (B), for the Interstate maintenance program, the National Highway System, the bridge program, the surface transportation program, the congestion mitigation and air quality program, minimum allocation under section 157 of title 23, United States Code, Interstate reimbursement under section 160 of such title, the donor State bonus under section 1013(c) of the Intermodal Surface Transportation Efficiency Act of 1991, hold harmless under section 1015(a) of such Act, 90 percent of payments adjustments under section 1015(b) of such Act, metropolitan planning under section 134 of such title, section 1015(c) and sections 1103 through 1108 of such Act, and funding restoration under section 202 of the National Highway System Designation Act of 1995.

"(B) FORMULA.—The amount which each State is to be apportioned under this subsection for each item referred to in subparagraph (A) shall be in the same ratio that each State was apportioned funds for such item or allocated funds under sections 1103 through 1108 of the Intermodal Surface Transportation Efficiency Act of 1991 to the total of all such funds apportioned and allocated to such State for such items for fiscal year 1997.

"(C) MINIMUM ALLOCATION.—Not more than $319,500,000 of the funds apportioned to States by this subsection for minimum allocation shall not be subject to any obligation limitation.

"(D) SPECIAL RULE.—Amounts apportioned to a State by this subsection for carrying out sections 1103 through 1108 of the Intermodal Surface Transportation Efficiency Act of 1991 shall be available to such State for projects eligible for assistance under chapter 1 of title 23, United States Code.

"(E) ADMINISTRATION.—Funds apportioned, and funds allocated, under this subsection shall be administered as if they had been apportioned or allocated, as the case may be, under title 23, United States Code.

"(5) GENERAL OPERATING EXPENSES AND OTHER DEDUCTIONS.—

"(A) GENERAL OPERATING EXPENSES.—After making the determinations and before apportioning funds under paragraphs (3) and (4), the Secretary shall deduct the amount that would be required to be deducted under section 104(a) of title 23, United States Code, from the aggregate of amounts to be apportioned to all States for programs to which the deduction under such section would apply if such section applied to such apportionment.

"(B) TERRITORIAL HIGHWAYS.—After making the determinations and before apportioning funds under paragraphs (3) and (4), the Secretary shall deduct the amount required to be deducted pursuant to section 104(b)(1) of title 23, United States Code, for the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands from the aggregate amounts to be apportioned to all States for the National Highway System under this subsection.

"(6) NATIONAL RECREATIONAL TRAILS PROGRAM.—Section 104(h) of title 23, United States Code, is amended by inserting 'and $7,500,000 for the period October 1, 1997, through March 31, 1998' after '1997'.

"(7) WOODROW WILSON BRIDGE.—Section 104(i)(1) of title 23, United States Code, is amended by inserting 'and for the period October 1, 1997, through March 31, 1998' after '1997'.

"(8) OFF-SYSTEM BRIDGES.—Section 144(g)(3) of title 23, United States Code, is amended by inserting 'and in the period October 1, 1997, through March 31, 1998' after '1997' ".

(b) FEDERAL LANDS HIGHWAYS.—Section 1003(a)(6) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 1919) is amended—

(1) in subparagraph (A) by inserting "and $95,500,000 for the period October 1, 1997, through March 31, 1998" before the period;

(2) in subparagraph (B)—

(A) by striking "and" following "1995,"; and

(B) by inserting "and $86,000,000 for the period October 1, 1997, through March 31, 1998" before the period;

(3) in subparagraph (C)—

(A) by striking "and" following "1995,"; and

(B) by inserting ", and $42,000,000 for the period October 1, 1997, through March 31, 1998" before the period.

(c) CERTAIN ALLOCATED PROGRAMS.—

(1) HIGHWAY USE TAX EVASION.—Section 1040(f)(1) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat 1992–1993) is amended by inserting "and $2,500,000 for the period October 1, 1997, through March 31, 1998" before the period at the end of the first sentence.

(2) SCENIC BYWAYS PROGRAM.—Section 1047(d) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 1998) is amended—

(A) by striking "and" following "1994,"; and

(B) by inserting ", and $7,000,000 for the period October 1, 1997, through March 31, 1998" before the period at the end of the first sentence.

(3) FERRY BOAT CONSTRUCTION.—Section 1064(c) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2005) is amended—

(A) by striking "and" following "1996,"; and

(B) by inserting ", and $9,000,000 for the period October 1, 1997, through March 31, 1998" after "1997".

(d) FISCAL YEAR 1998 OBLIGATION LIMITATION.—

(1) AMENDMENTS TO ISTEA.—Section 1002 of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 1916–1918) is amended—

(A) in subsection (a)—

(i) by striking "and" at the end of paragraph (5);

(ii) by striking the period at the end of paragraph (6) and inserting "; and"; and

(iii) by inserting after paragraph (6) the following:

"(7) $21,500,000,000 for fiscal year 1998."; and

(B) by adding at the end the following:

"(i) SPECIAL RULE FOR FISCAL YEAR 1998.—The Secretary shall distribute on October 1, 1997, 50 percent of the limitation on obligations for Federal-aid highways and highway safety construction programs imposed by the Department of Transportation and Related Agencies Appropriations Act, 1998, and 50 percent of such limitation on July 1, 1998.".

(2) LIMITATION.—Nothing in this section (including the amendments made by this section) shall apply to any funds made available before October 1, 1997, for carrying out sections 125 and 157 of title 23, United States Code, and sections 1103 through 1108 of the Intermodal Surface Transportation Efficiency Act of 1991.

### SEC. 3. EXTENSION OF HIGHWAY SAFETY PROGRAMS.

(a) NHSTA HIGHWAY SAFETY PROGRAMS.—Section 2005(1) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2079) is amended by inserting "and $83,000,000 for the period October 1, 1997, through March 31, 1998" before the period at the end.

(b) ALCOHOL-IMPAIRED DRIVING COUNTERMEASURES.—Section 410 of title 23, United States Code, is amended—

(1) in subsection (c) by striking "5" and inserting "6";

(2) in subsection (c)(3) by striking "and fifth" and inserting "fifth, and sixth";

(3) in subsection (d)(2)(B) by striking "two" and inserting "3"; and

(4) in subsection (j) by inserting "and $12,500,000 for the period October 1, 1997, through March 31, 1998" after "1997".

(c) NATIONAL DRIVER REGISTER.—Section 30308(a) of title 49, United States Code, is amended—

(1) by striking "and" following "1994,"; and

(2) by inserting ", and $1,855,000 for the period October 1, 1997, through March 31, 1998" after "1996".

(d) OBLIGATION LIMITATION.—The total of all obligations for highway traffic safety grants under section 402 and 410 of title 23, United States Code, for fiscal year 1998 shall not exceed $186,500,000.

### SEC. 4. FEDERAL TRANSIT PROGRAMS.

(a) EXTENSION.—Title III of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2087–2140) is amended by adding at the end the following:

### "SEC. 3049. EXTENSION OF FEDERAL TRANSIT PROGRAMS FOR THE PERIOD OCTOBER 1, 1997, THROUGH MARCH 31, 1998.

"(a) ALLOCATING AMOUNTS.—Section 5309(m) of title 49, United States Code, is amended by inserting 'and for the period October 1, 1997, through March 31, 1998' after '1997'.

"(b) APPORTIONMENT OF APPROPRIATIONS FOR FIXED GUIDEWAY MODERNIZATION.—Section 5337(a) of title 49, United States Code, is amended by inserting 'and for the period October 1, 1997, through March 31, 1998' after '1997'.

"(c) AUTHORIZATIONS.—Section 5338 of title 49, United States Code, is amended—

"(1) by adding at the end of subsection (a)(1) the following:

'(F) $1,284,792,000 for the period October 1, 1997, through March 31, 1998.';

"(2) by adding at the end of subsection (a)(2) the following:

'(F) $213,869,000 for the period October 1, 1997, through March 31, 1998.';

"(3) by adding at the end of subsection (b)(1) the following:

'(F) $1,162,708,000 for the period October 1, 1997, through March 31, 1998.';

"(4) in subsection (c) by inserting 'and not more than $1,500,000 for the period October 1, 1997, through March 31, 1998' after '1997,';

"(5) in subsection (e) by inserting 'and not more than $3,000,000 is available from the Fund (except the Account) for the Secretary for the period October 1, 1997, through March 31, 1998' after '1997,';

"(6) in subsection (h)(3) by inserting '$3,000,000 is available for section 5317 for the period October 1, 1997, through March 31, 1998' after '1997';

"(7) in subsection (j)(5)—

"(A) by striking 'and' at the end of subparagraph (B);

"(B) by striking the period at the end of subparagraph (C) and inserting '; and'; and

"(C) by adding at the end the following:

'(D) the lesser of $1,500,000 or an amount the Secretary determines is necessary is available for the period October 1, 1997, through March 31, 1998.';

"(8) in subsection (k) by striking 'or (e)' and inserting '(e), or (m)'; and

"(9) by adding at the end the following:

'(m) SECTION 5316 FOR THE PERIOD OCTOBER 1, 1997, THROUGH MARCH 31, 1998.—Not more than the following amounts may be appropriated to the Secretary from the Fund (except the Account) for the period October 1, 1997, through March 31, 1998:

'(1) $125,000 to carry out section 5316(a) of this title;

'(2) $1,500,000 to carry out section 5316(b) of this title;

'(3) $500,000 to carry out section 5316(c) of this title;

'(4) $500,000 to carry out section 5316(d) of this title; and

'(5) $500,000 to carry out section 5316(e) of this title.' ".

(b) OBLIGATION LIMITATIONS.—

(1) DISCRETIONARY GRANTS AND LOANS.—The total of all obligations from the Mass Transit Account of the Highway Trust Fund for carrying out section 5309 of title 49, United States Code, relating to discretionary grants and loans, for fiscal year 1998 shall not exceed $2,000,000,000.

(2) FORMULA TRANSIT PROGRAMS.—The total of all obligations for formula transit programs under sections 5307, 5310(a)(2), 5311, and 5336 of title 49, United States Code, for fiscal year 1998 shall not exceed $2,210,000,000.

### SEC. 5. MOTOR CARRIER SAFETY PROGRAM.

(a) EXTENSION.—Section 4002 of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2140–2144) is amended by adding at the end the following:

"(m) EXTENSION OF MOTOR CARRIER SAFETY ASSISTANCE PROGRAM FOR PERIOD OCTOBER 1, 1997, THROUGH MARCH 1, 1998.—Section 31104(a) of title 49, United States Code, is amended by adding at the end the following:

'(6) not more than $45,000,000 for the period October 1, 1997, through March 31, 1998.' ".

(b) OBLIGATION LIMITATION.—The total of all obligations for carrying out the motor carrier safety program under section 31102 title 49, United States Code, for fiscal year 1998 shall not exceed $85,325,000.

### SEC. 6. EXTENSION OF RESEARCH PROGRAMS.

(a) BUREAU OF TRANSPORTATION STATISTICS.—Section 6006 of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2172–2174) is amended—

(1) by inserting "(a) IN GENERAL.—" before "Chapter I"; and

(2) in subsection (b)—

(A) by striking "and" following "1996,";

(B) by inserting ", and $12,500,000 for the period October 1, 1997, through March 31, 1998" after "1997".

(b) INTELLIGENT TRANSPORTATION SYSTEM.—Section 6058(b) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2194) is amended by inserting "and $56,500,000 for the period October 1, 1997, through March 31, 1998" after "1997".

### SEC. 7. FINAL ASSEMBLY OF BUSES.

In applying the requirements of section 5323(j) of title 49, United States Code, to buses purchased using funds made available by this Act, the Secretary shall require that the final assembly of such buses be conducted in the United States, including, at a minimum, the installation and interconnection of the engine, transmission, and axles, including the cooling and braking systems; the installation and interconnection of the heating and air conditioning equipment; the installation of pneumatic and electrical systems, door systems, passenger seats, passenger grab rails, destination signs, and wheelchari lifts; and road testing, final inspection repairs, and preparation of the vehicles for delivery.

## AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. SHUSTER

The SPEAKER pro tempore. Without objection, the reading of the amendment will be dispensed.

There was no objection.

The text of the amendment in the nature of a substitute is as follows:

Amendment in the nature of a substitute offered by Mr. SHUSTER:

Strike all after the enacting clause and insert the following:

### SECTION 1. STATEMENT OF PURPOSE.

This Act makes funds available for the Federal-aid highway, highway safety, motor carrier safety, and mass transportation programs for the first 6 months of fiscal year 1998 by extending the Intermodal Surface Transportation Efficiency Act of 1991 to ensure the continuation of such programs while a multiyear reauthorization is developed. This extension is structured to allow programmatic, apportionment formula, and funding adjustments for the second 6 months of fiscal year 1998 through enactment of a multiyear program.

### SEC. 2. EXTENSION OF FEDERAL-AID HIGHWAY PROGRAM FUNDING.

(a) IN GENERAL.—Section 1003 of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 1918–1922) is amended by adding at the end the following:

"(d) FEDERAL-AID HIGHWAYS FOR THE PERIOD OCTOBER 1, 1997, THROUGH MARCH 31, 1998.—

"(1) IN GENERAL.—For Federal-aid highways and highway safety construction programs, $11,942,375,000 are authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account) during the period October 1, 1997, through March 31, 1998, and shall be distributed in accordance with this subsection.

"(2) CERTAIN DISCRETIONARY PROGRAMS.—Of the amounts made available by paragraph (1), the Secretary shall deduct $32,500,000 to carry out section 118(c)(2) of title 23, United States Code, for the period October 1, 1997, through March 31, 1998, and shall deduct $30,250,000 to carry out the discretionary program under paragraphs (1) and (2) of section 144(g) of such title during such period.

"(3) STATE ALLOCATION PERCENTAGES.—From amounts remaining after making the deductions under paragraph (2) and application of paragraphs (4) and (5), the Secretary shall determine the amount to be apportioned among the States in accordance with the following table:

| "*State:* | *Percentage:* |
|---|---|
| Alabama | 2.0026 |
| Alaska | 1.0499 |
| Arizona | 1.4627 |
| Arkansas | 1.5268 |
| California | 8.9046 |
| Colorado | 1.0443 |
| Connecticut | 1.9229 |
| Delaware | 0.4057 |
| District of Columbia | 0.4436 |

| "*State:* | *Percentage:* |
|---|---|
| Florida | 4.4867 |
| Georgia | 3.2899 |
| Hawaii | 0.6435 |
| Idaho | 0.6314 |
| Illinois | 3.6779 |
| Indiana | 2.4581 |
| Iowa | 1.1364 |
| Kansas | 1.1383 |
| Kentucky | 1.6617 |
| Louisiana | 1.4831 |
| Maine | 0.6458 |
| Maryland | 1.4512 |
| Massachusetts | 3.5632 |
| Michigan | 3.0432 |
| Minnesota | 1.4547 |
| Mississippi | 1.1286 |
| Missouri | 2.2677 |
| Montana | 0.7857 |
| Nebraska | 0.7501 |
| Nevada | 0.6218 |
| New Hampshire | 0.4764 |
| New Jersey | 2.6851 |
| New Mexico | 0.8767 |
| New York | 5.7882 |
| North Carolina | 2.7408 |
| North Dakota | 0.5972 |
| Ohio | 3.4702 |
| Oklahoma | 1.5021 |
| Oregon | 1.1378 |
| Pennsylvania | 4.5007 |
| Rhode Island | 0.4708 |
| South Carolina | 1.6019 |
| South Dakota | 0.5990 |
| Tennessee | 2.0954 |
| Texas | 6.9197 |
| Utah | 0.6672 |
| Vermont | 0.4287 |
| Virginia | 2.4440 |
| Washington | 1.7603 |
| West Virginia | 1.1088 |
| Wisconsin | 2.0159 |
| Wyoming | 0.5999 |
| Puerto Rico | 0.4312. |

"(4) STATE PROGRAMMATIC DISTRIBUTION.—

"(A) IN GENERAL.—Of the funds to be apportioned to each State under paragraph (3), the Secretary shall ensure that the State is apportioned an amount of such funds, determined under subparagraph (B), for the Interstate maintenance program, the National Highway System, the bridge program, the surface transportation program, the congestion mitigation and air quality improvement program, minimum allocation under section 157 of title 23, United States Code, Interstate reimbursement under section 160 of such title, the donor State bonus under section 1013(c) of the Intermodal Surface Transportation Efficiency Act of 1991, hold harmless under section 1015(a) of such Act, 90 percent of payments adjustments under section 1015(b) of such Act, metropolitan planning under section 134 of such title, section 1015(c) of such Act, an amount equal to the funds provided under sections 1103 through 1108 of such Act, and funding restoration under section 202 of the National Highway System Designation Act of 1995.

"(B) FORMULA.—The amount which each State is to be apportioned under this subsection for each item referred to in subparagraph (A) shall be in the same ratio that each State was apportioned funds for such item or allocated funds under sections 1103 through 1108 of the Intermodal Surface Transportation Efficiency Act of 1991 to the total of all such funds apportioned, and allocated under such sections, to such State for such items for fiscal year 1997.

"(C) MINIMUM ALLOCATION.—Not more than $319,500,000 of the funds apportioned to States by this subsection for minimum allocation shall not be subject to any obligation limitation.

"(D) SPECIAL RULE.—Amounts apportioned to a State by this subsection attributable to sections 1103 through 1108 of the Intermodal Surface Transportation Efficiency Act of 1991 shall be available to such State for projects eligible for assistance under chapter 1 of title 23, United States Code.

"(E) ADMINISTRATION.—Funds authorized by this subsection shall be administered as if they had been apportioned, allocated, deducted, or set aside, as the case may be, under title 23, United States Code.

"(5) GENERAL OPERATING EXPENSES AND OTHER DEDUCTIONS.—

"(A) GENERAL OPERATING EXPENSES.—After making the determinations and before apportioning funds under paragraphs (3) and (4), the Secretary shall deduct the amount that would be required to be deducted under section 104(a) of title 23, United States Code, from the aggregate of amounts to be apportioned to all States for programs to which the deduction under such section would apply if such section applied to such apportionment.

"(B) TERRITORIAL HIGHWAYS.—After making the determinations and before apportioning funds under paragraphs (3) and (4), the Secretary shall deduct the amount required to be deducted pursuant to section 104(b)(1) of title 23, United States Code, for the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands from the aggregate amounts to be apportioned to all States for the National Highway System under this subsection.

"(6) NATIONAL RECREATIONAL TRAILS PROGRAM.—Section 104(h) of title 23, United States Code, is amended by inserting 'and $7,500,000 for the period October 1, 1997, through March 31, 1998' after '1997'.

"(7) WOODROW WILSON BRIDGE.—Section 104(i)(1) of title 23, United States Code, is amended by inserting 'and for the period October 1, 1997, through March 31, 1998' after '1997'.

"(8) OFF-SYSTEM BRIDGES.—Section 144(g)(3) of title 23, United States Code, is amended by inserting 'and in the period October 1, 1997, through March 31, 1998' after '1997'.".

(b) FEDERAL LANDS HIGHWAYS.—Section 1003(a)(6) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 1919) is amended—

(1) in subparagraph (A) by inserting "and $95,500,000 for the period October 1, 1997, through March 31, 1998" before the period;

(2) in subparagraph (B)—

(A) by striking "and" following "1995,"; and

(B) by inserting "and $86,000,000 for the period October 1, 1997, through March 31, 1998" before the period; and

(3) in subparagraph (C)—

(A) by striking "and" following "1995,"; and

(B) by inserting ", and $42,000,000 for the period October 1, 1997, through March 31, 1998" before the period.

(c) CERTAIN ALLOCATED PROGRAMS.—

(1) HIGHWAY USE TAX EVASION.—Section 1040(f)(1) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat 1992–1993) is amended by inserting "and $2,500,000 for the period October 1, 1997, through March 31, 1998" before the period at the end of the first sentence.

(2) SCENIC BYWAYS PROGRAM.—Section 1047(d) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 1998) is amended—

(A) by striking "and" following "1994,"; and

(B) by inserting ", and $7,000,000 for the period October 1, 1997, through March 31, 1998" before the period at the end of the first sentence.

(3) FERRY BOAT CONSTRUCTION.—Section 1064(c) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2005) is amended—

(A) by striking "and" following "1996,"; and

(B) by inserting ", and $9,000,000 for the period October 1, 1997, through March 31, 1998" after "1997".

(d) FISCAL YEAR 1998 OBLIGATION LIMITATION.—

(1) AMENDMENTS TO ISTEA.—Section 1002 of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 1916–1918) is amended—

(A) in subsection (a)—

(i) by striking "and" at the end of paragraph (5);

(ii) by striking the period at the end of paragraph (6) and inserting "; and"; and

(iii) by inserting after paragraph (6) the following:

"(7) $21,500,000,000 for fiscal year 1998."; and

(B) by adding at the end the following:

"(i) SPECIAL RULE FOR FISCAL YEAR 1998.—The Secretary shall distribute on October 1, 1997, 50 percent of the limitation on obligations for Federal-aid highways and highway safety construction programs imposed by the Department of Transportation and Related Agencies Appropriations Act, 1998, and 50 percent of such limitation on July 1, 1998.".

(2) LIMITATION.—Nothing in this section (including the amendments made by this section) shall apply to any funds made available before October 1, 1997, for carrying out sections 125 and 157 of title 23, United States Code, and sections 1103 through 1108 of the Intermodal Surface Transportation Efficiency Act of 1991.

**SEC. 3. EXTENSION OF HIGHWAY SAFETY PROGRAMS.**

(a) NHTSA HIGHWAY SAFETY PROGRAMS.—Section 2005(1) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2079) is amended by inserting "and $83,000,000 for the period October 1, 1997, through March 31, 1998" before the period at the end.

(b) ALCOHOL-IMPAIRED DRIVING COUNTERMEASURES.—Section 410 of title 23, United States Code, is amended—

(1) in subsection (c) by striking "5" and inserting "6";

(2) in subsection (c)(3) by striking "and fifth" and inserting "fifth, and sixth";

(3) in subsection (d)(2)(B) by striking "two" and inserting "3"; and

(4) in subsection (j)—

(A) by striking "and" following "1997,"; and

(B) by inserting "and $12,500,000 for the period October 1, 1997, through March 31, 1998" after "1997" the second place it appears.

(c) NATIONAL DRIVER REGISTER.—Section 30308(a) of title 49, United States Code, is amended—

(1) by striking "and" following "1994,"; and

(2) by inserting ", and $1,855,000 for the period October 1, 1997, through March 31, 1998" after "1996".

(d) OBLIGATION LIMITATION.—The total of all obligations for highway traffic safety grants under sections 402 and 410 of title 23, United States Code, for fiscal year 1998 shall not exceed $186,500,000.

**SEC. 4. FEDERAL TRANSIT PROGRAMS.**

(a) EXTENSION.—Title III of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2087–2140) is amended by adding at the end the following:

### "SEC. 3049. EXTENSION OF FEDERAL TRANSIT PROGRAMS FOR THE PERIOD OCTOBER 1, 1997, THROUGH MARCH 31, 1998.

"(a) Allocating Amounts.—Section 5309(m) of title 49, United States Code, is amended by inserting 'and for the period October 1, 1997, through March 31, 1998' after '1997'.

"(b) Apportionment of Appropriations for Fixed Guideway Modernization.—Section 5337 of title 49, United States Code, is amended—

"(1) in subsection (a) by inserting 'and for the period October 1, 1997, through March 31, 1998' after '1997'; and

"(2) by adding at the end the following:

"'(e) Special Rule for October 1, 1997, Through March 31, 1998.—The Secretary shall determine the amount which each urbanized area is to be apportioned for fixed guideway modernization under this section on a pro rata basis to reflect the partial fiscal year 1998 funding made available by section 5338(b)(1)(F).'.

"(c) Authorizations.—Section 5338 of title 49, United States Code, is amended—

"(1) by adding at the end of subsection (a)(1) the following:

"'(F) $1,284,792,000 for the period October 1, 1997, through March 31, 1998.';

"(2) by adding at the end of subsection (a)(2) the following:

"'(F) $213,869,000 for the period October 1, 1997, through March 31, 1998.';

"(3) by adding at the end of subsection (b)(1) the following:

"'(F) $1,162,708,000 for the period October 1, 1997, through March 31, 1998.';

"(4) in subsection (c) by inserting 'and not more than $1,500,000 for the period October 1, 1997, through March 31, 1998' after '1997,';

"(5) in subsection (e) by inserting 'and not more than $3,000,000 is available from the Fund (except the Account) for the Secretary for the period October 1, 1997, through March 31, 1998' after '1997,';

"(6) in subsection (h)(3) by inserting '$3,000,000 is available for section 5317 for the period October 1, 1997, through March 31, 1998' after '1997';

"(7) in subsection (j)(5)—

"(A) by striking 'and' at the end of subparagraph (B);

"(B) by striking the period at the end of subparagraph (C) and inserting '; and'; and

"(C) by adding at the end the following:

"'(D) the lesser of $1,500,000 or an amount the Secretary determines is necessary is available for the period October 1, 1997, through March 31, 1998.';

"(8) in subsection (k) by striking 'or (e)' and inserting '(e), or (m)'; and

"(9) by adding at the end the following:

"'(m) Section 5316 for the Period October 1, 1997, Through March 31, 1998.—Not more than the following amounts may be appropriated to the Secretary from the Fund (except the Account) for the period October 1, 1997, through March 31, 1998:

"'(1) $125,000 to carry out section 5316(a) of this title;

"'(2) $1,500,000 to carry out section 5316(b) of this title;

"'(3) $500,000 to carry out section 5316(c) of this title;

"'(4) $500,000 to carry out section 5316(d) of this title; and

"'(5) $500,000 to carry out section 5316(e) of this title.'".

(b) Obligation Limitations.—

(1) Discretionary grants and loans.—The total of all obligations from the Mass Transit Account of the Highway Trust Fund for carrying out section 5309 of title 49, United States Code, relating to discretionary grants and loans, for fiscal year 1998 shall not exceed $2,000,000,000.

(2) Formula transit programs.—The total of all obligations for formula transit programs under sections 5307, 5310, 5311, and 5336 of title 49, United States Code, for fiscal year 1998 shall not exceed $2,210,000,000.

### SEC. 5. MOTOR CARRIER SAFETY PROGRAM.

(a) Extension of Motor Carrier Safety Assistance Program for Period October 1, 1997, Through March 1, 1998.—Section 31104(a) of title 49, United States Code, is amended by adding at the end the following:

"(6) not more than $45,000,000 for the period October 1, 1997, through March 31, 1998.".

(b) Obligation Limitation.—The total of all obligations for carrying out the motor carrier safety program under section 31102 title 49, United States Code, for fiscal year 1998 shall not exceed $85,325,000.

### SEC. 6. EXTENSION OF RESEARCH PROGRAMS.

(a) Bureau of Transportation Statistics.—Section 6006 of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2172–2174) is amended—

(1) by inserting "(a) In General.—" before "Chapter I"; and

(2) in subsection (b)—

(A) by striking "and" following "1996,";

(B) by inserting ", and $12,500,000 for the period October 1, 1997, through March 31, 1998" after "1997".

(b) Intelligent Transportation System.—Section 6058(b) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2194) is amended by inserting "and $56,500,000 for the period October 1, 1997, through March 31, 1998" after "1997".

### SEC. 7. 1-YEAR EXTENSION OF HIGHWAY TRUST FUND EXPENDITURES.

(a) General Expenditure Authority and Purposes.—Paragraph (1) of section 9503(c) of the Internal Revenue Code of 1986 is amended—

(1) by striking "October 1, 1997" and inserting "October 1, 1998", and

(2) by striking the last sentence and inserting the following new flush sentence:

"In determining the authorizations under the Acts referred to in the preceding subparagraphs, such Acts shall be applied as in effect on the date of the enactment of this sentence."

(b) Transfers to Other Accounts.—

(1) Paragraphs (4)(A)(i) and (5)(A) of section 9503(c), and paragraph (3) of section 9503(e), of such Code are each amended by striking "October 1, 1997" and inserting "October 1, 1998".

(2) Subparagraph (E) of section 9503(c)(6) of such Code is amended by striking "September 30, 1997" and inserting "September 30, 1998".

(c) Mass Transit Account.—Paragraph (3) of section 9503(e) of such Code is amended—

(1) by striking "October 1, 1997" and inserting "October 1, 1998", and

(2) by striking all that follows "the enactment of" and inserting "the last sentence of subsection (c)(1)."

(d) Effective Date.—The amendments made by this section shall take effect on October 1, 1997.

The SPEAKER pro tempore. Is there objection to the basic request of the gentleman from Pennsylvania?

Mr. OBERSTAR. Madam Speaker, reserving the right to object, I do so for the purpose of simply stating that it is my understanding that the bill before us will extend the programs authorized under ISTEA for 6 months, without substantive changes, at exactly one-half the amount provided in the budget resolution for fiscal year 1998 and under a distribution formula which is the exact same percentage that the States received in fiscal year 1997.

Is that the understanding of the Chairman?

Mr. SHUSTER. Madam Speaker, will the gentleman yield?

Mr. OBERSTAR. Further reserving the right to object, I yield to the gentleman from Pennsylvania.

Mr. SHUSTER. That is my understanding.

Madam Speaker, I would like to express my appreciation to the gentleman from Texas, chairman of the Committee on Ways and Means, for his cooperation in allowing this bill to be brought up in an expeditious manner.

H.R. 2516 is an extension of the current ISTEA programs for the 6-month period October 1, 1997, through March 31, 1998.

I would first like to briefly explain how the bill works.

#### EXPLANATION OF THE BILL

The bill provides one-half of the funding allocation for surface transportation programs in the fiscal year 1998 budget resolution and authorizes those programs for 6 months of the fiscal year.

The bill is intended to fully comply with the budget resolution.

For the Highway Program, H.R. 2516 apportions these funds to the States according to the fiscal year 1997 final funding percentages in ISTEA.

The bill then directs that the funds distributed to each State be divided between the existing ISTEA Program categories in the same proportion as 1997.

Choosing the 1997 funding distribution while maintaining the fiscal year 1997 proportional ISTEA Program distribution is a balanced approach which will help ensure that States can continue to fund projects.

For donor States that are concerned about extending the ISTEA formulas, fiscal year 1997 was the most favorable funding year in ISTEA for donor States because of the 90 percent of payments program.

The bill also continues all allocated programs which are continued in BESTEA at 50 percent of their fiscal year 1997 funding levels.

The transit, safety and motor carrier programs are similarly continued by extending fiscal year 1997 authorizations for 6 months at one-half the fiscal year 1997 amounts.

#### WHY WE ARE OFFERING THIS BILL

It is with great reluctance that we are acting on this 6-month extension.

As I have outlined, extending ISTEA for any period of time is not the preferred course of action for the committee.

Our strongly desired course was to bring up beset before the full House for quick action.

However, this 6-month extension will provide States sufficient funding to carry out their highway construction programs for most of fiscal year 1998 so that we could obtain higher funding levels for BESTEA in the budget resolution next spring.

This bill will provide significant relief to the States. H.R. 2516 provides $12.4 billion in highway funding, of which $11.5 billion is distributed to the States. In addition, the States have nearly $10 billion in unobligated balances of funds apportioned in earlier years. Together, the States will have approximately $21 billion in funds to obligated during fiscal year 1998.

When the fiscal year 1998 transportation appropriations bill is signed into law, States will be able to obligate these new fiscal year 1998 funds as well as unobligated balances. That bill should provide about $21 billion in obligation authority.

We also anticipate quick action next spring on a multiyear reauthorization. When enacted, that bill will provide additional funding for fiscal year 1998 as well as beyond.

We have chosen 6 months because this is the maximum amount of funds that could be distributed for a part of fiscal year 1998 and still implement a formula change when the multiyear bill is passed later in the year.

If more funding was distributed, then some States would receive partial allocations that were larger than their full allocation for fiscal year 1998 in BESTEA.

We are sympathetic to the concerns of Members, States, and industry about a 6-month extension. However, it is the only way to ensure that sufficient funding is received for the multiyear reauthorization bill that we all want to pass.

We will continue to work with all parties to further refine this legislation, or if possible, enact a multiyear bill this fall.

UNANTICIPATED CHANGE TO MANDATORY BASELINE

An unanticipated consequence of this 6-month bill has been a change to the 10-year baseline for minimum allocation.

H.R. 2516 provides that $319 million of minimum allocation is exempt from the obligation limitation.

This amount is one-half of the fiscal year 1998 allocation of the exempt baseline for minimum allocation be made exempt in this bill.

However, providing this number in H.R. 2516 has had the result of freezing the baseline for minimum allocation at $640 million over the next 10 years.

This occurs because the recent Budget Reconciliation Act changed the baseline rules for programs that expire to eliminate adjustments for inflation. This change was made without any discussion or consultation.

As this situation proves, this was not a mere technical change.

The minimum allocation program authorized in section 157 of title 23 provides that such sums as necessary be expended for minimum allocation.

As a result, CBO has estimated that minimum allocation would grow from $640 million in fiscal year 1998 to $800 million in 2007.

This anomalous scoring effect would reduce minimum allocation by a total of $752 million over that period.

I had wanted to alter H.R. 2516 to prevent this reduction in the minimum allocation baseline.

I have spoken with the Budget Committee about this problem and they have assured me that the baseline for minimum allocation in the fiscal year 1999 budget resolution will restore this inadvertent cut.

This issue is critically important for the Federal-Aid Highway Program. Minimum allocations is the program which ensures that States receive a fair share of funds from the highway trust fund. Any cut would be devastating to the so-called donor States.

Madam Speaker, I insert in the RECORD an exchange of letters between the gentleman from Texas [Mr. ARCHER] and myself concerning this legislation.

The letters referred to follow:

COMMITTEE ON TRANSPORTATION AND
INFRASTRUCTURE, CONGRESS OF
THE UNITED STATES, HOUSE OF
REPRESENTATIVES,
*Washington, DC, September 26, 1997.*

Hon. BILL ARCHER,
*Chairman, Committee on Ways and Means, Longworth House Office Building, Washington, DC.*

DEAR BILL: Thank you for your letter of September 26, 1997 regarding H.R. 2516, a bill to extend the Intermodal Surface Transportation Efficiency Act of 1991 through March 31, 1998. H.R. 2516 was marked-up by the Committee on Transportation and Infrastructure on September 24, 1997 and reported to the House on September 25, 1997. I intend to move this legislation as expeditiously as possible to minimize any disruption in the program while Congress crafts a multi-year authorization bill next spring.

As described in your letter, the Committee on Ways and Means generally has limited expenditures from the Highway Trust Fund to certain purposes and time periods through provisions in the Trust Fund Code. Your Committee believes that this six month extension will require conforming amendments to the Trust Fund Code to permit continued expenditures. Your letter included a draft of the legislative language required to be added to H.R. 2516 which would extend the general expenditure authority from the Highway Trust Fund through September 30, 1998 and modify the eligible purposes for expenditures. Your proposal also makes similar changes to the Aquatic Resources Trust Fund. With your concurrence, I will add these provisions in an amendment to H.R. 2516 when it is considered by the House.

Finally, I concur that the Committee on Ways and Means has raised valid jurisdictional claims regarding the matters raised in your letter and appreciate your Committee's expedited consideration of these issues. I will place a copy of this exchange of letters in the Congressional Record during consideration of the bill. I want to thank you for your cooperation and assistance on this issue of high priority to my Committee.

With kindest personal regards, I remain
Sincerely,
BUD SHUSTER,
*Chairman.*

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COMMITTEE ON WAYS AND MEANS,
U.S. HOUSE OF REPRESENTATIVES,
*Washington, DC, September 26, 1997.*

Hon. BUD SHUSTER,
*Chairman, House Committee on Transportation and Infrastructure, Rayburn House Office Building, Washington, DC.*

DEAR BUD: I understand that on Thursday, September 25, 1997, the Committee on Transportation and Infrastructure reported H.R. 2516, a bill to extend the Intermodal Surface Transportation Efficiency Act of 1991 through March 31, 1998.

As you know, each trust fund in the Trust Fund Code includes specific provisions within the jurisdiction of the Committee on Ways and Means which limit purposes for which trust fund monies may be spent. Statutorily, the Committee on Ways and Means generally has limited expenditures by cross-referencing provisions of authorizing legislation. Currently, with respect to the Highway Trust Fund, the Trust Fund Code provisions approve all expenditures out of the Highway Trust Fund permitted under the highway authorization Acts of 1956, 1982, 1987, and 1991, but only as those Acts were in effect on the date of enactment of the 1991 Act. Thus, an Act not referenced in the Trust Fund Code must be approved by the Committee on Ways and Means before the authorizations are funded. Similarly, expenditures from the Highway Trust Fund into the Boat Safety Account and the Sport Fish Restoration Account in the Aquatic Resources Trust Fund require conforming Trust Fund Code language.

I now understand that you are seeking to have the bill considered by the House as early as next week. In addition, I have been informed that your Committee will seek a Manager's or Committee amendment to the bill which will include language I am supplying (attached) to address the necessary trust funds provisions. The amendment would extend through September 30, 1998, the general expenditure authority and purposes of the Highway Trust Fund contained in section 9503(c); extend, through September 30, 1998, authority to make expenditures from the Highway Trust Fund to the Boat Safety Account in the Aquatic Resources Trust Fund; and extend through September 30, 1998, authority to make expenditures from the Highway Trust Fund to the Sport Fish Restoration Account in the Aquatic Resources Trust Fund relating to small-engine fuels receipts.

Based on this understanding, and in order to expedite consideration of this legislation, it will not be necessary for the Committee on Ways and Mean to mark up this legislation. This is being done with the further understanding that the Committee will be treated without prejudice as to its jurisdictional prerogatives on such or similar provisions in the future, and it should not be considered as precedent for consideration of matters of jurisdictional interest to the Committee on Ways and Means in the future.

Finally, I would appreciate your response to this letter, confirming this understanding with respect to H.R. 2516, and would ask that a copy of our exchange of letters on this matter be placed in the Record during consideration of the bill on the Floor. Thank you for your cooperation and assistance on this matter.

With best personal regards,
BILL ARCHER,
*Chairman.*

Mr. BARCIA. Madam Speaker, I must express grave concerns about this measure in light of reports in yesterday's press. Assurances were made to our chairman, Mr. SHUSTER, and our ranking member, Mr. OBERSTAR, regarding the passage of this 6-month extension of ISTEA. They worked tirelessly this year to put together a bill which met the Nation's transportation needs. They withdrew it in favor of this temporary alternative with assurances of an opportunity to address the irresponsibly low transportation funding levels in the budget agreement. It would appear that the leadership has already closed that door.

I find your statements in yestersay's Congress Daily, Madam Speaker, to be deeply troubling. You were quite generous, during recent visits to our State of Michigan, in pledging your support for more funding for our deteriorating road system. Since that time, you have personally intervened in stopping a bill which would have delivered a much needed increase to our State, and yesterday, you reneged on your promise to seek more transportation funding for the Nation.

Madam Speaker, the people of Michigan sincerely want to believe your promises, and I can think of one individual in particular who is most interested in whether you will. Monday night our Governor, John Engler, experienced what literally thousands of Michiganites experience every week: his car blew a tire when it hit a pothole on Interstate 96. The next time the Governor calls you, I don't think there will be any doubt what he will be calling about.

Madam Speaker, yesterday you expressed concern for returning money to our citizens. If you want to return money to the people, Madam Speaker, free the highway trust fund to fix our broken roads. The gas taxes were collected to fix roads, and it should be spent to fix roads, not to offset spending on other programs. Let's keep our word to the American people and use our transportation trust funds for transportation.

I thank Mr. SHUSTER and Mr. OBERSTAR for their efforts.

Mr. PETRI. Madam Speaker, I want to express my support for this shortterm extension of ISTEA. The bill serves many important purposes. It allows States to continue to operate and manage their programs without interruption in the new fiscal year. At the same time, it will allow us to fully consider and make our case for increased transportation investment during budget negotiations next year. We then will be able to move the multiyear reauthorization bill, H.R. 2400, that the committee has developed.

It is important to note that funds going to the States in this extension are not based on ISTEA averages or some chart approved by conferees 6 years ago. It is based on the year 1997—the best year for donor States since that is the year that the equity program known as 90 percent of payments came into play and provided donor States a more equitable return.

I know there may be some States or contractors who want the safety and security of a long-term bill. Certainly we had hoped to provide them with that and a 6-month extension is not the preferable course of action. But, as my own State has told me, while we want a long-term bill, we do not want a long-term bill at any cost. There may be some uncertainty, but the potential payoff can be great.

If we were to authorize 6 years of transportation spending under the budget agreement, the highway trust fund balance would soar to roughly $80 billion. It is totally unacceptable for this Congress to continue to collect taxes from American citizens at the gas pump and then not spend those revenues for urgently needed transportation improvements. Even under H.R. 2400, where we begin to more fully spend highway trust fund revenues, the balance will grow to about $50 billion before stabilizing. The committee will not move forward with legislation that does not set us on a course of living up to the promise of the highway trust fund made over 40 years ago that taxes imposed on the traveling public would be used only for preserving and upgrading our Nation's transportation system.

We need the time provided in this extension to review changing economic conditions and spending and revenue projections in order to set a realistic, responsible level of funding for transportation for the future. H.R. 2516 allows the State programs to continue while we pursue our goal of a multiyear reauthorization bill and higher funding levels.

I urge the House to approve H.R. 2516.

The SPEAKER pro tempore. Without objection, the amendment is agreed to.

There was no objection.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

## GENERAL LEAVE

Mr. SHUSTER. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 2516, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 5 of rule I, the Chair will now put the question on each motion to suspend the rules on which further proceedings were postponed on Monday, September 29, 1997 in the order in which that motion was entertained, and then on approval of the Journal.

Votes will be taken in the following order. S. 1198, de novo; S. 1161, de novo; H. Con. Res. 131, de novo; H.R. 2233, de novo; H.R. 2007, de novo; H.R. 1476, de novo; H.R. 1262, by the yeas and nays; H.R. 2165, de novo; H.R. 2207, de novo; S. 819, de novo; S. 833, de novo; H.R. 548, de novo; H.R. 2036, de novo; and H.R. 595, de novo, and approval of the Journal.

The Chair will reduce to 5 minutes the time for any electronic vote after the first such vote in this series.

## PERMANENT ENTRY AUTHORITY FOR CERTAIN RELIGIOUS WORKERS

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and passing the Senate bill, S. 1198, as amended.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas [Mr. SMITH] that the House suspend rules and pass the Senate bill, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill, as amended, was passed.

The title of the Senate bill was amended so as to read:

> "A bill to amend the Immigration and Nationality Act to extend the special immigrant religious worker program, to amend the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 to extend the deadline for designation of an effective date for paperwork changes in the employer sanctions program, and to require the Secretary of State to waive or reduce the fee for application and issuance of a nonimmigrant visa for aliens coming to the United States for certain charitable purposes.".

A motion to reconsider was laid on the table.

## AUTHORIZING APPROPRIATIONS FOR REFUGE AND ENTRANT ASSISTANCE, FISCAL YEARS 1998 AND 1999

The SPEAKER pro tempore. The unfinished business is the question of suspending rules and passing the Senate bill, S. 1161.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas [Mr. SMITH] that the House suspend the rules and pass the Senate bill, S. 1161.

The question was taken.

Mr. MILLER of California. Madam Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device and there were—yeas 230, nays 193, not voting 10, as follows:

[Roll No. 482]

YEAS—230

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bishop
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Brady
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Cardin
Castle
Chabot
Chambliss
Chenoweth
Christensen
Coburn
Combest
Cook
Cox
Coyne
Crane
Crapo
Cubin
Cunningham
Davis (VA)
Deal
Delahunt
DeLay
Diaz-Balart
Dickey
Dingell
Doolittle
Dreier
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Ewing
Fawell
Filner
Foley
Forbes
Fowler
Fox
Franks (NJ)
Frelinghuysen
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Goss
Graham
Green
Greenwood
Gutknecht
Hall (OH)
Hamilton
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth

Hefley
Herger
Hill
Hobson
Hoekstra
Hooley
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Jackson-Lee (TX)
Johnson (CT)
Johnson, Sam
Kasich
Kelly
Kennelly
Kildee
Kim
King (NY)
Kingston
Klug
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Livingston
LoBiondo
Lucas
Luther
Maloney (CT)
Manzullo
McCollum
McCrery
McHugh
McInnis
McIntosh
McKeon
McKinney
McNulty
Menendez
Metcalf
Mica
Miller (FL)
Moran (KS)
Morella
Nadler
Nethercutt
Ney
Northup
Norwood
Nussle
Obey
Oxley
Packard
Pappas
Pascrell
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Pease
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Pickett
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Porter
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Ramstad
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Rothman
Ryun
Salmon
Sanchez
Sandlin
Sanford
Saxton
Schaffer, Bob
Schumer
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Sisisky
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Souder
Spence
Stearns
Stump
Sununu
Talent
Tauzin
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Towns
Upton
Walsh
Watkins
Watts (OK)
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Allen
Andrews
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Barcia
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Borski
Boswell
Boucher
Boyd
Brown (CA)
Brown (FL)
Brown (OH)
Capps
Carson
Clay
Clayton
Clement
Clyburn
Coble
Collins
Condit
Conyers
Cooksey
Costello
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Flake
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Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Goode
Gordon
Gutierrez
Hall (TX)
Hefner
Hilleary
Hilliard
Hinchey
Hinojosa
Holden
Hoyer
Istook
Jackson (IL)
Jefferson
Jenkins
John
Johnson (WI)
Johnson, E. B.
Jones
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Largent
Levin
Lewis (GA)
Lipinski
Lofgren
Maloney (NY)
Manton
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDade
McDermott
McGovern
McHale
McIntyre
Meehan
Meek
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Mollohan
Moran (VA)
Murtha
Myrick
Neal
Neumann
Oberstar
Olver
Ortiz
Owens
Pallone
Parker
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Pickering
Pomeroy
Poshard
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Roukema
Roybal-Allard
Royce
Rush
Sabo
Sanders
Sawyer
Scarborough
Schaefer, Dan
Scott
Sensenbrenner
Serrano
Shuster
Skaggs
Skelton
Slaughter
Smith, Adam
Snyder
Solomon
Spratt
Stabenow
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson
Thurman
Tierney
Torres
Traficant
Turner
Velázquez
Vento
Visclosky
Wamp
Waters
Watt (NC)
Waxman
Wise
Woolsey
Wynn
Yates

NOT VOTING—10

Ackerman
Barton
Berman
Gallegly
Gonzalez
Granger
Lowey
Ros-Lehtinen
Schiff
Stokes

□ 1321

Messrs. WATT of North Carolina, BOSWELL, WAMP, JENKINS, DIXON, EVERETT, and CUMMINGS, and Ms. FURSE changed their vote from "yea" to "nay."

Messrs. PETRI, UPTON, RIGGS, DELAHUNT, HOEKSTRA, LEWIS of Kentucky, NADLER, HASTINGS of Florida, WATKINS, WEYGAND, HEFLEY, BOB SCHAFFER of Colorado, GIBBONS, KILDEE, and Mrs. KENNELLY of Connecticut and Ms. JACKSON-LEE of Texas changed their vote from "nay" to "yea."

Mr. ROTHMAN and Mr. WEXLER changed their vote from "present" to "yea."

So (two-thirds not having voted in favor thereof) the motion was rejected.

The result of the vote was announced as above recorded.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. PEASE). Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device will be taken on each additional motion to suspend the rules on which the Chair has postponed further proceedings.

## REQUEST TO SPEAK OUT OF ORDER

Mr. NADLER. Mr. Speaker, I move to strike the last word.

The SPEAKER pro tempore. The gentleman is not in order.

Mr. NADLER. Mr. Speaker, I ask unanimous consent to speak out of order.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

Mr. FOLEY. Mr. Speaker, I object.

The SPEAKER pro tempore. Objection is heard.

Mr. NADLER. Mr. Speaker, the Jewish holiday of Rosh Hashana starts in 5 hours. The House should not be in session.

The SPEAKER pro tempore. The gentleman is speaking out of order and will suspend.

## MOTION TO ADJOURN

Mr. NADLER. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER pro tempore. The question is on the motion to adjourn offered by the gentleman from New York [Mr. NADLER].

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. DOGGETT. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 207, nays 213, not voting 13, as follows:

[Roll No. 483]

YEAS—207

Abercrombie
Allen
Andrews
Bachus
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Bentsen
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brown (CA)
Brown (FL)
Brown (OH)
Capps
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Fazio
Filner
Flake
Forbes
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gordon
Green
Gutierrez
Hall (OH)
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Hinojosa
Holden
Hooley
Horn
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (WI)
Johnson, E.B.
Jones
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kleczka
Kucinich
LaFalce
Lampson
Lantos
Largent
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Luther
Maloney (NY)
Manton
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHale
McIntyre
McKinney
McNulty
Meehan
Meek
Menendez
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Mollohan
Moran (VA)
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Paxon
Payne
Pelosi
Peterson (MN)
Pomeroy
Poshard
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roukema
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schumer
Scott
Serrano
Shaw
Shays
Sherman
Sisisky
Skaggs
Skelton
Slaughter
Smith, Adam
Snyder
Spratt
Stabenow
Stark
Stenholm
Strickland
Stupak
Tauscher
Taylor (MS)
Thompson
Thurman
Tierney
Torres
Towns

Turner
Velázquez
Vento
Visclosky
Wamp
Waters
Watt (NC)
Waxman
Wexler
Weygand
Wise
Woolsey
Wynn
Yates

NAYS—213

Aderholt
Archer
Armey
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Brady
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Christensen
Coble
Coburn
Collins
Combest
Cook
Cooksey
Cox
Crane
Crapo
Cubin
Cunningham
Davis (VA)
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Foley
Fowler
Fox
Franks (NJ)
Frelinghuysen
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Goss
Graham
Greenwood
Gutknecht
Hall (TX)
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Hill
Hilleary
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Kasich
Kelly
Kim
Kingston
Klink
Klug
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Livingston
Lucas
Manzullo
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Moran (KS)
Morella
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussie
Oxley
Packard
Pappas
Parker
Paul
Pease
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Redmond
Regula
Riggs
Riley
Rogan
Rogers
Rohrabacher
Royce
Ryun
Salmon
Sanford
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stearns
Stump
Sununu
Talent
Tanner
Tauzin
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Traficant
Upton
Walsh
Watkins
Watts (OK)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)

NOT VOTING—13

Ackerman
Berman
Foglietta
Gallegly
Gonzalez
Granger
Herger
Lowey
Maloney (CT)
Ros-Lehtinen
Schiff
Stokes
Weldon (FL)

□ 1340

Mr. BARTON of Texas changed his vote from "yea" to "nay."

Messrs. BARCIA, BACHUS, PAXON and LoBIONDO and Ms. McKINNEY changed their vote from "nay" to "yea."

So the motion to adjourn was rejected.

The result of the vote was announced as above recorded.

## EXPEDITING LEGISLATIVE SCHEDULE

(Mr. ARMEY asked and was given permission to address the House for 1 minute.)

Mr. ARMEY. Mr. Speaker, as of course we all know, we were here late last night as we moved work forward the best we could in the face of many motions to adjourn or to rise during the course of the day. But our purpose was to try to do our very best to help our colleagues that need help on this very special day in their lives.

We would have been done with all recorded votes today at 11:30, at which time there was a motion to adjourn that was offered before us. We have, of course, some unfinished business in the form of some remaining postponed votes on motions to suspend that tend to occupy our time today, and despite the fact that the announced time for adjournment was 3 o'clock and we have made every effort to move that to 12:30, which was met by our completion of work that required votes at 11:30, we continue to still be here with a great many Members who are finding their life beleaguered by anxiety.

□ 1345

## REQUEST THAT POSTPONED MOTIONS TO SUSPEND RULES AND PASS BILLS OR AGREE TO RESOLUTIONS BE CONSIDERED AS PASSED IN FORM CONSIDERED BY THE HOUSE ON MONDAY, SEPTEMBER 29, 1997, AND THE JOURNAL STAND APPROVED

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that the remaining postponed motions to suspend the rules and pass bills or agree to resolutions be considered as passed in the form considered by the House on Monday, September 29, 1997, and that the Journal stand approved today.

The SPEAKER pro tempore [Mr. PEASE]. Is there objection to the request of the gentleman from Texas?

Mr. MILLER of California. Reserving the right to object, Mr. Speaker, I appreciate the motion that the gentleman has made, but the history is all wrong. The history was that these votes were rolled from Monday night when the House went out early, coming to town late Monday, fully expecting to vote on these motions, and they were rolled to somehow teach a political lesson, the first time in the history of this House we have seen this kind of activity take place in front of the religious holidays. That was a conscious decision. This was a conscious decision.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

Mr. MILLER of California. Reserving right to object, Mr. Speaker.

Mr. ARMEY. Mr. Speaker, I ask for regular order, and I ask that my unanimous consent request be granted by the body.

### PARLIAMENTARY INQUIRY

Mr. FRANK of Massachusetts. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. FRANK of Massachusetts. Mr. Speaker, if we were to adjourn now without acting on the pending suspensions, what would the parliamentary effect be?

The SPEAKER pro tempore. The answer is that those motions would become unfinished business of the House.

Mr. FRANK of Massachusetts. They would simply be pending next week?

The SPEAKER pro tempore. No; tomorrow, on the next legislative day.

Mr. FRANK of Massachusetts. Which would be next week, if we adjourn, Mr. Speaker.

The SPEAKER pro tempore. Not if the House convenes tomorrow.

Is there objection to the request of the gentleman from Texas?

Mr. MILLER of California. Mr. Speaker, I object.

The SPEAKER pro tempore. Objection is heard.

## EXPRESSING THE SENSE OF CONGRESS REGARDING THE OCEAN

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and agreeing to the concurrent resolution, House Concurrent Resolution 131, as amended.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey [Mr. SAXTON] that the House suspend the rules and agree to the concurrent resolution, House Concurrent Resolution 131, as amended.

The question was taken.

Mr. MILLER of California. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Without objection, this is a 5-minute vote.

There was no objection.

The vote was taken by electronic device, and there were—yeas 237, nays 175, not voting 21, as follows:

[Roll No. 484]

YEAS—237

Abercrombie
Aderholt
Archer
Armey
Bachus
Baesler
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bono
Boyd
Brady
Bryant

Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Christensen
Coble
Coburn
Collins
Combest
Cook
Cooksey
Cox
Crane
Crapo
Cubin
Cunningham
Davis (VA)
Deal
Delahunt
DeLay
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Eshoo
Everett
Ewing
Farr
Fawell
Filner
Flake
Foley
Fowler
Fox
Franks (NJ)
Frelinghuysen
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Goss
Graham
Greenwood
Gutknecht
Hamilton
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hinchey
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hutchinson
Hyde
Inglis
Istook
Jenkins
John
Johnson (CT)
Johnson, Sam
Kasich
Kelly
Kim
King (NY)
Kingston
Klug
Knollenberg
Kolbe
Kucinich
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Livingston
LoBiondo
Lucas
Maloney (NY)
Manzullo
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McIntyre
McKeon
McNulty
Metcalf
Mica
Miller (FL)
Moran (KS)
Morella
Myrick
Nethercutt
Neumann
Northup
Norwood
Nussle
Ortiz
Oxley
Packard
Pallone
Pappas
Parker
Paxon
Pease
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Redmond
Regula
Riggs
Riley
Rogan
Rogers
Rohrabacher
Roukema
Royce
Ryun
Salmon
Sandlin
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Schumer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Shimkus
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stearns
Stump
Sununu
Talent
Tauzin
Taylor (NC)
Thornberry
Thune
Tiahrt
Traficant
Upton
Walsh
Wamp
Watkins
Weldon (FL)
Weldon (PA)
Weller
Weygand
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)

NAYS—175

Allen
Andrews
Baldacci
Barcia
Barrett (WI)
Becerra
Bentsen
Berry
Bishop
Blagojevich
Bonior
Borski
Boswell
Boucher
Brown (CA)
Brown (FL)
Brown (OH)
Capps
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
DeLauro
Dellums
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Etheridge
Evans
Fattah
Fazio
Foglietta
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gordon
Green
Gutierrez
Hall (OH)
Hall (TX)
Harman
Hastings (FL)
Hefner
Hilliard
Hinojosa
Holden
Hooley
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (WI)
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
LaFalce
Lampson
Lantos
Levin
Lewis (GA)
Lipinski
Lofgren
Luther
Maloney (CT)
Manton
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McGovern
McHale
McKinney
Meehan
Meek
Menendez
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Mollohan
Moran (VA)
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Owens
Pascrell
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Poshard
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sawyer
Scott
Serrano
Sisisky
Skaggs
Skelton
Slaughter
Smith, Adam
Snyder
Spratt
Stabenow
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson
Thurman
Tierney
Torres
Towns
Turner
Velázquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Wexler
Wise
Woolsey
Wynn
Yates

NOT VOTING—21

Ackerman
Berman
Deutsch
Diaz-Balart
Forbes
Gallegly
Gonzalez
Granger
Hunter
Jones
Lowey
McDermott
Ney
Pomeroy
Ros-Lehtinen
Schiff
Sherman
Smith (TX)
Stokes
Thomas
Watts (OK)

☐ 1354

Mr. BOYD and Mr. DELAHUNT changed their vote from "nay" to "yea."

So (two-thirds not having voted in favor thereof) the motion was rejected.

The result of the vote was announced as above recorded.

## REQUEST THAT POSTPONED MOTIONS TO SUSPEND RULES AND PASS BILLS OR AGREE TO RESOLUTIONS BE CONSIDERED PASSED IN FORM CONSIDERED BY HOUSE ON MONDAY, SEPTEMBER 29, 1997, AND THE JOURNAL STAND APPROVED TODAY

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that the remaining postponed motions to suspend the rules and pass bills or agree to resolutions be considered as passed in the form considered by the House on Monday, September 29, 1997, and that the Journal stand approved today.

The SPEAKER pro tempore (Mr. Pease). Is there objection to the request of the gentleman from Texas?

Mr. FROST. Mr. Speaker, reserving the right to object, if I could engage the majority leader in a colloquy.

The SPEAKER pro tempore. Regular order is demanded. Is there objection to the request of the gentleman from Texas?

Mr. MILLER of California. I object Mr. Speaker.

The SPEAKER pro tempore. Objection is heard.

## CORAL REEF CONSERVATION ACT OF 1997

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and passing the bill, H.R. 2233, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey [Mr. Saxton] that the House suspend the rules and pass the bill, H.R. 2233, as amended.

The question was taken.

### RECORDED VOTE

Mr. CONDIT. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 230, noes 181, not voting 22, as follows:

[Roll No. 485]

AYES—230

Abercrombie
Aderholt
Archer
Armey
Bachus
Baesler
Baker
Ballenger
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bentsen
Bereuter
Bilbray
Bilirakis
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bono
Brady
Bunning
Burr
Burton
Buyer
Calvert
Camp
Campbell
Canady
Cannon
Cardin
Castle
Chambliss
Christensen
Coble
Coburn
Combest
Cook
Cooksey
Cox
Crane
Crapo
Cubin
Cunningham
Davis (IL)
Davis (VA)
Deal
Delahunt
DeLay
Diaz-Balart
Dickey
Doolittle
Dreier
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Ewing
Fawell
Filner
Foley
Forbes
Fowler
Fox
Franks (NJ)
Frelinghuysen
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Goss
Graham
Green
Greenwood
Gutknecht
Hamilton
Hansen
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hinchey
Hobson
Hoekstra
Hooley
Horn
Hostettler
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
John
Johnson (CT)
Johnson, Sam
Kasich
Kelly
Kennelly
Kildee
Kim
King (NY)
Kingston
Klug
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Livingston
LoBiondo
Lucas
Luther
Maloney (CT)
Manzullo
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McIntyre
McKeon
McNulty
Metcalf
Mica
Miller (FL)
Minge
Moran (KS)
Morella
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Oxley
Packard
Pappas
Parker
Paxon
Pease
Peterson (PA)
Petri
Pickett
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Redmond
Regula
Riggs
Riley
Roemer
Rogan
Rohrabacher
Roukema
Ryun
Salmon

Sanchez
Sandlin
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sessions
Shadegg
Shaw
Shays
Shimkus
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Talent
Tauzin
Taylor (NC)
Thomas
Thornberry
Tiahrt
Traficant
Upton
Walsh
Wamp
Watts (OK)
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)

NOES—181

Allen
Andrews
Baldacci
Barcia
Barr
Barrett (WI)
Becerra
Berry
Bishop
Blagojevich
Bonilla
Bonior
Borski
Boswell
Boucher
Boyd
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Callahan
Capps
Carson
Chabot
Chenoweth
Clay
Clayton
Clement
Clyburn
Collins
Condit
Conyers
Costello
Coyne
Cramer
Cummings
Danner
Davis (FL)
DeFazio
DeGette
DeLauro
Dellums
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Duncan
Edwards
Engel
Eshoo
Etheridge
Evans
Everett
Fattah
Fazio
Flake
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gordon
Gutierrez
Hall (OH)
Hall (TX)
Harman
Hefner
Hilliard
Hinojosa
Holden
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (WI)
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kilpatrick
Kind (WI)
Kleczka
Klink
LaFalce
Lantos
Levin
Lewis (GA)
Lipinski
Lofgren
Maloney (NY)
Manton
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McGovern
McHale
Meehan
Meek
Menendez
Millender-McDonald
Miller (CA)
Mink
Moakley
Mollohan
Murtha
Nadler
Neal
Neumann
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Peterson (MN)
Pickering
Poshard
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Rogers
Rothman
Roybal-Allard
Royce
Rush
Sabo
Sanders
Sanford
Schumer
Scott
Sensenbrenner
Serrano
Sisisky
Skaggs
Skelton
Slaughter
Smith, Adam
Snyder
Spratt
Stabenow
Stark
Stenholm
Strickland
Stump
Stupak
Sununu
Tanner
Tauscher
Taylor (MS)
Thompson
Thune
Thurman
Tierney
Torres
Towns
Turner
Velázquez
Vento
Visclosky
Waters
Watkins
Watt (NC)
Waxman
Wise
Woolsey
Wynn
Yates

NOT VOTING—22

Ackerman
Berman
Deutsch
Farr
Foglietta
Gallegly
Gonzalez
Granger
Houghton
Jones
Lowey
McDermott
McKinney
Moran (VA)
Pelosi
Pomeroy
Ros-Lehtinen
Schiff
Sherman
Stearns
Stokes
Weldon (FL)

☐ 1403

So (two-thirds not having voted in favor thereof) the motion was rejected.

The result of the vote was announced as above recorded.

## REQUEST THAT POSTPONED MOTIONS TO SUSPEND RULES AND PASS BILLS OR AGREE TO RESOLUTIONS BE CONSIDERED PASSED IN FORM CONSIDERED BY HOUSE ON MONDAY, SEPTEMBER 29, 1997, AND THE JOURNAL STAND APPROVED

Mr. ARMEY. Mr. Speaker, in my continuing efforts to help Members who wish to make their religious observations on this day, I ask unanimous consent that the remaining postponed motions to suspend the rules and pass bills or agree to resolutions be considered as passed in the form considered by the House on Monday, September 29, 1997, and that the Journal stand approved today.

Mr. SCHUMER. Mr. Speaker, reserving the right to object.

The SPEAKER pro tempore. Regular order is insisted on. Is there objection to the request of the gentleman from Texas?

---

## MOTION TO ADJOURN

Mr. SCHUMER. Mr. Speaker, I offer a privileged motion.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. SCHUMER moves that the House do now adjourn.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York [Mr. SCHUMER].

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. MILLER of California. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 202, nays 211, not voting 21, as follows:

[Roll No. 486]

YEAS—202

Abercrombie
Allen
Andrews
Bachus
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Bentsen
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brown (CA)
Brown (FL)
Brown (OH)
Capps
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dellums
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Fazio
Filner
Flake
Forbes
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Goode
Gordon
Green
Gutierrez
Hall (OH)
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Hinojosa
Holden
Hooley
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (WI)
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Largent
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McGovern
McHale
McIntyre
McKinney
McNulty
Meehan
Meek
Menendez
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Mollohan
Moran (VA)
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Poshard
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roukema
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schumer
Scott
Serrano
Shaw
Sisisky
Skaggs
Skelton
Slaughter
Smith, Adam
Snyder
Spratt
Stabenow
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson
Thurman
Tierney
Torres
Towns
Turner
Velázquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Wexler
Weygand
Wise
Woolsey
Wynn
Yates

NAYS—211

Aderholt
Archer
Armey
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Brady
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Christensen
Coble
Coburn
Combest
Cook
Cooksey
Cox
Crane
Crapo
Cubin
Cunningham
Davis (VA)
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Foley
Fowler
Fox
Franks (NJ)
Frelinghuysen
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gingrich
Goodlatte
Goodling
Goss
Graham
Greenwood
Gutknecht
Hall (TX)
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Kasich
Kelly
Kim
Kingston
Klug
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Livingston
Lucas
Manzullo
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Moran (KS)
Morella
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oxley
Packard
Pappas
Parker
Paul
Paxon
Pease
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Redmond

Regula
Riggs
Riley
Rogan
Rogers
Rohrabacher
Royce
Ryun
Salmon
Sanford
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stearns
Stump
Sununu
Talent
Tauzin
Thomas
Thornberry
Thune
Tiahrt
Traficant
Upton
Walsh
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)

NOT VOTING—21

Ackerman
Berman
Collins
Deutsch
Fawell
Foglietta
Gallegly
Gilman
Gonzalez
Granger
Houghton
Jones
Lowey
McDermott
Pomeroy
Ros-Lehtinen
Schiff
Sherman
Stokes
Taylor (NC)
Wamp

□ 1421

Mr. LIVINGSTON changed his vote from "yea" to "nay."

So the motion to adjourn was rejected.

The result of the vote was announced as above recorded.

## REQUEST THAT POSTPONED MOTIONS TO SUSPEND RULES AND PASS BILLS OR AGREE TO RESOLUTIONS BE CONSIDERED PASSED IN FORM CONSIDERED BY HOUSE ON MONDAY, SEPTEMBER 29, 1997, AND THE JOURNAL STAND APPROVED

Mr. ARMEY. Mr. Speaker, I wish to take a moment to remind my colleagues that despite our very best efforts to complete this business as early as possible and to be done with business today, any of these suspension votes that are not handled today will, in fact, be regular order of business, necessarily handled tomorrow, and we would certainly want to avoid that if at all possible.

So in light of that, Mr. Speaker, again I ask unanimous consent that the remaining postponed motions to suspend the rules and pass bills or agree to resolutions be considered as passed in the form considered by the House on Monday, September 29, 1997, and that the Journal stand approved today.

Mr. FROST. Mr. Speaker, reserving the right to object, as the only Jewish Member of the leadership of either party in this House, I feel obligated to make some observations at this point and to make a suggestion to my distinguished colleague from Texas, the majority leader.

I believe that the parliamentary situation that we have found ourselves in for the last several hours does not bring credit to either party in this House, and I would suggest to the majority leader that there is a solution to this problem. I know the majority leader is reluctant to accept this solution. I would urge him to do so.

The solution is to roll these votes until next Monday. The alternative of having votes tomorrow places the Jewish Members of this House, both Republicans and Democrats, in an intolerable situation. The Jewish Members cannot be present tomorrow. The Republican Jewish Members cannot be present, the Democratic Jewish Members cannot be present tomorrow, and the majority leader understands that.

If I may continue, I think what we have done in the last several hours does not bring credit to this House and it does not bring credit to either party in this House.

□ 1423

I would urge the majority leader to amend his unanimous request and do the correct thing, even though I know he is reluctant to do that. But I would urge him, in a sense of comity, in a sense of what is good for this institution, to continue those votes to a time when Members can be present and vote.

Mr. SERRANO. Mr. Speaker, I object.

The SPEAKER pro tempore. Objection is heard.

## REQUEST FOR PERMISSION FOR CHAIR TO REDUCE TIME FOR ELECTRONIC VOTING ON REMAINING MOTIONS TO SUSPEND THE RULES

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that the Chair be authorized to reduce to not less than 2 minutes the time for voting by electronic device on the remaining motions to suspend the rules.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

Mr. WATT. Mr. Speaker, I object.

The SPEAKER pro tempore. The gentleman from North Carolina [Mr. WATT] objects.

## CANADIAN RIVER RECLAMATION PROJECT

The SPEAKER pro tempore. The unfinished business is the question de novo of suspending the rules and passing the bill, H.R. 2007, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas [Mr. THORNBERRY] that the House suspend the rules and pass the bill, H.R. 2007, as amended.

The question was taken.

Mr. SERRANO. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 226, nays 176, answered "present" 1, not voting 30, as follows:

[Roll No. 487]

YEAS—226

Aderholt
Archer
Armey
Baesler
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bentsen
Bereuter
Berry
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Brady
Bryant
Bunning
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Christensen
Coble
Coburn
Collins
Combest
Cook
Cooksey
Cox
Crane
Cubin
Cunningham
Davis (IL)
Davis (VA)
Deal
Delahunt
DeLay
Dickey
Dooley
Doolittle
Dreier
Duncan
Dunn
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Foley
Fowler
Fox
Franks (NJ)
Frelinghuysen
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Goss
Green
Greenwood
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Hooley
Horn
Hostettler
Hulshof
Hunter
Hutchinson
Hyde
Istook
Jackson-Lee (TX)
Jenkins
John
Johnson (CT)
Johnson, Sam
Kasich
Kelly
Kim
Kingston
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Livingston
LoBiondo
Lucas
Manzullo
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McIntyre
McKeon
Metcalf
Mica
Miller (FL)
Moran (KS)
Morella
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Ortiz
Oxley
Packard
Pappas
Parker
Paul
Paxon
Pease
Peterson (MN)
Peterson (PA)
Pickering
Pickett
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Redmond
Regula
Riggs
Riley
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Roukema
Ryun
Salmon
Sandlin
Sanford
Saxton
Scarborough
Schaffer, Bob
Sessions
Shadegg
Shaw
Shays
Shimkus
Shuster
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stenholm
Stump
Sununu
Talent
Tauzin
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Upton
Walsh
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)

NAYS—176

Abercrombie
Allen
Andrews
Baldacci
Barcia
Barrett (WI)
Becerra
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brown (CA)
Brown (FL)
Brown (OH)
Capps
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Crapo
Cummings
Danner
Davis (FL)
DeFazio
DeGette
DeLauro
Dellums
Dicks
Dingell
Dixon
Doggett

Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Fazio
Filner
Flake
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gordon
Gutierrez
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Hinojosa
Holden
Hoyer
Jackson (IL)
Jefferson
Johnson (WI)
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Lampson
Lantos
Levin
Lewis (GA)
Lipinski
Lofgren
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McGovern
McHale
McKinney
Meehan
Meek
Menendez
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Mollohan
Moran (VA)
Murtha
Nadler
Neal
Neumann
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Petri
Poshard
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rothman
Roybal-Allard
Royce
Rush
Sabo
Sanchez
Sanders
Sawyer
Schaefer, Dan
Schumer
Scott
Sensenbrenner
Serrano
Sisisky
Skeen
Skelton
Slaughter
Smith, Adam
Snyder
Spratt
Stabenow
Stark
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson
Thurman
Tierney
Torres
Towns
Traficant
Turner
Velázquez
Vento
Visclosky
Watt (NC)
Waxman
Weygand
Wise
Woolsey
Wynn
Yates

ANSWERED "PRESENT"—1

Waters

NOT VOTING—30

Ackerman
Bachus
Berman
Burr
Burton
Deutsch
Diaz-Balart
Ehlers
Foglietta
Forbes
Gallegly
Gonzalez
Graham
Granger
Houghton
Inglis
Jones
King (NY)
Lowey
McDermott
McNulty
Pomeroy
Ros-Lehtinen
Schiff
Sherman
Skaggs
Stearns
Stokes
Wamp
Wexler

□ 1432

Mr. TAYLOR of North Carolina changed his vote from "nay" to "yea."

So (two-thirds not having voted in favor thereof) the motion was rejected.

The result of the vote was announced as above recorded.

## PERSONAL EXPLANATION

Mr. EHLERS. Mr. Speaker, on rollcall No. 487, I missed the vote due to an urgent need to return to my office between votes. Had I been present, I would have voted "yes."

## REQUEST FOR REDUCTION OF TIME FOR VOTING BY ELECTRONIC DEVICE ON REMAINING MOTIONS TO SUSPEND THE RULES

Mr. ARMEY. Mr. Speaker, I have here before me an enumeration of over 10 hours' worth of votes on motions to adjourn and motions to rise taken since September 4 in this body. Had we had those 10 hours for our work, we would not be in such shape.

Mr. Speaker, I ask unanimous consent that after the 5-minute vote on the next suspension, the Speaker be authorized to reduce the time for voting by electronic device for the balance of the postponed suspensions today to not less than 2 minutes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

Mr. ENGEL. Reserving the right to object, Mr. Speaker, and I will not object, but I want to echo the statement of my colleague from Texas [Mr. FROST].

Mr. Speaker, there are a number of us here that would like to go home out of respect for the religious holiday. I think that the request of the gentleman from Texas [Mr. ARMEY] is more than fair. I think that there is right and wrong here on both sides. I am tired of the disrespect, and I would respectfully urge my colleagues to accept what the majority leader has said. I think that is a compromise and it is a fair compromise.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

Mr. WATT of North Carolina. Mr. Speaker, I object.

The SPEAKER pro tempore. Objection is heard.

## MICCOSUKEE SETTLEMENT ACT OF 1997

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and passing the bill, H.R. 1476.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas [Mr. THORNBERRY] that the House suspend the rules and pass the bill, H.R. 1476.

The question was taken.

Mr. SERRANO. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 229, nays 176, not voting 28, as follows:

[Roll No. 488]

YEAS—229

Abercrombie
Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Brady
Brown (FL)
Bryant
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Christensen
Coburn
Collins
Combest
Cook
Cooksey
Cox
Crane
Crapo
Cunningham
Davis (FL)
Davis (IL)
Davis (VA)
Deal
Delahunt
DeLay
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Eshoo
Everett
Ewing
Farr
Fawell
Flake
Foley
Fowler
Fox
Franks (NJ)
Frelinghuysen
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Goss
Greenwood
Gutknecht
Hall (OH)
Hamilton
Hansen
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Herger
Hill
Hilleary
Hobson
Hoekstra
Hooley
Horn
Hostettler
Hulshof
Hunter
Hutchinson
Hyde
Istook
Jenkins
John
Johnson (CT)
Johnson, Sam
Kasich
Kelly
Kennelly
Kildee
Kim
Kingston
Klug
Knollenberg
Kolbe
Kucinich
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Livingston
LoBiondo
Lucas
Manzullo
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McIntyre
McKeon
Meek
Metcalf
Mica
Miller (FL)
Moran (KS)
Morella
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Oxley
Packard
Pappas
Parker
Paul
Paxon
Pease
Peterson (PA)
Pickering
Pickett
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Redmond
Regula
Riggs
Riley
Roemer
Rogan
Rogers
Rohrabacher
Roukema
Royce
Ryun
Salmon
Sandlin
Sanford
Saxton
Scarborough
Schaffer, Bob
Sessions
Shadegg
Shaw
Shays
Shimkus
Shuster
Sisisky
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stearns
Stump
Sununu
Talent
Tauzin
Taylor (NC)
Thomas
Thornberry
Thune
Thurman
Tiahrt
Traficant
Upton
Walsh
Watkins
Watts (OK)
Weldon (FL)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)

NAYS—176

Allen
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Bentsen
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brown (CA)
Brown (OH)
Capps
Cardin
Carson
Chenoweth
Clay
Clayton
Clement
Clyburn
Coble
Condit
Conyers
Costello
Coyne
Cramer
Cubin
Cummings
Danner
DeFazio
DeGette
DeLauro
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Etheridge
Evans
Fattah
Fazio
Filner
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gordon
Green
Gutierrez
Hall (TX)
Harman
Hefley
Hefner
Hilliard
Hinchey
Hinojosa
Holden
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kilpatrick
Kind (WI)
Kleczka
Klink
LaFalce
Lampson
Lantos
Levin
Lewis (GA)
Lipinski
Lofgren
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez

Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McGovern
McHale
McKinney
Meehan
Menendez
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Mollohan
Moran (VA)
Murtha
Nadler
Neal
Neumann
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Petri
Poshard
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sawyer
Schaefer, Dan
Schumer
Scott
Sensenbrenner
Serrano
Skaggs
Skelton
Slaughter
Smith, Adam
Snyder
Spratt
Stabenow
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson
Tierney
Torres
Towns
Turner
Velázquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Weygand
Wise
Woolsey
Wynn
Yates

NOT VOTING—28

Ackerman
Berman
Burr
Dellums
Deutsch
Diaz-Balart
Foglietta
Forbes
Gallegly
Gonzalez
Graham
Granger
Houghton
Inglis
Johnson (WI)
Jones
King (NY)
Lowey
McDermott
McNulty
Pomeroy
Ros-Lehtinen
Schiff
Sherman
Stokes
Wamp
Weldon (PA)
Wexler

□ 1443

So (two-thirds of those present not having voted in favor thereof), the motion was rejected.

The result of the vote was announced as above recorded.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. PEASE). It should come as no surprise to Members that we are taking votes this afternoon and our colleagues would certainly appreciate it if Members would remain on the floor so that the votes are not delayed any longer than necessary.

## REQUEST THAT POSTPONED MOTIONS TO SUSPEND RULES AND PASS BILLS OR AGREE TO RESOLUTIONS BE CONSIDERED AS PASSED IN FORM CONSIDERED BY THE HOUSE ON MONDAY, SEPTEMBER 29, 1997, AND THAT THE JOURNAL STAND APPROVED

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that the remaining postponed motions to suspend the rules and pass bills or agree to resolutions be considered as passed in the form considered by the House on Monday, September 29, 1997, and that the Journal stand approved today.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

Mr. WATT of North Carolina. Mr. Speaker, I object.

The SPEAKER pro tempore. Objection is heard.

## REQUEST FOR PERMISSION FOR CHAIR TO REDUCE VOTING TIME ON REMAINING MOTIONS TO SUSPEND THE RULES

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that after the 5-minute vote on the next suspension, the Speaker be authorized to reduce the time for voting by electronic device to not less than 2 minutes.

Mr. ENGEL. Mr. Speaker, reserving the right to object, I once again appeal to my colleagues on both sides of the aisle. I have been a Member of this body for 9 years. We all respected each other. We come from different faiths and different backgrounds and different regions of the country.

I would ask my colleagues on both sides of the aisle to go along with what the majority leader has said in respect to the Jewish Members here who need to get home for the religious holiday. I might say to my colleagues that I respect everyone else's religion; please respect mine.

Mr. WATT of North Carolina. Mr. Speaker, I object.

The SPEAKER pro tempore. Objection is heard.

## SECURITIES AND EXCHANGE COMMISSION AUTHORIZATION, FISCAL YEARS 1998 AND 1999

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and passing the bill, H.R. 1262.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio [Mr. OXLEY] that the House suspend the rules and pass the bill, H.R. 1262, on which the yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 230, nays 170, not voting 33, as follows:

[Roll No. 489]

YEAS—230

Abercrombie
Aderholt
Archer
Armey
Bachus
Baesler
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bentsen
Bereuter
Bilbray
Bliley
Blunt
Boehlert
Boehner
Bono
Boucher
Brady
Bryant
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Cardin
Castle
Chabot
Chambliss
Christensen
Coble
Coburn
Collins
Combest
Cook
Cooksey
Cox
Cramer
Crane
Crapo
Cubin
Cunningham
Danner
Davis (IL)
Davis (VA)
Deal
Delahunt
DeLay
Dickey
Dixon
Doolittle
Dreier
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Flake
Foley
Fowler
Fox
Franks (NJ)
Frelinghuysen
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Goss
Green
Greenwood
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Hastert
Hastings (WA)
Hayworth
Herger
Hill
Hilleary
Hobson
Hoekstra
Hooley
Horn
Hostettler
Hulshof
Hunter
Hutchinson
Hyde
Istook
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Kasich
Kelly
Kim
Kingston
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Linder
Livingston
LoBiondo
Lucas
Maloney (CT)
Manton
McCollum
McDade
McHugh
McInnis
McIntyre
McKeon
Mica
Miller (FL)
Moran (KS)
Moran (VA)
Morella
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Oxley
Packard
Pappas
Parker
Paxon
Pease
Peterson (PA)
Pickering
Pickett
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Redmond
Regula
Riggs
Riley
Roemer
Rogan
Rogers
Rohrabacher
Rothman
Roukema
Royce
Rush
Ryun
Salmon
Sandlin
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Schumer
Sessions
Shadegg
Shaw
Shays
Shimkus
Shuster
Skaggs
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stearns
Sununu
Talent
Tauzin
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Traficant
Upton
Walsh
Watkins
Watts (OK)
Weldon (FL)
Weller
White
Whitfield
Wicker
Wise
Wolf
Young (AK)
Young (FL)

NAYS—170

Allen
Andrews
Baker
Baldacci
Barcia
Barrett (WI)
Becerra
Berry
Bishop
Blagojevich
Blumenauer
Bonilla
Bonior
Borski
Boswell
Boyd
Brown (CA)
Brown (FL)
Brown (OH)
Capps
Carson
Chenoweth
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cummings
Davis (FL)
DeFazio
DeGette
DeLauro
Dicks
Dingell
Doggett
Dooley
Doyle
Duncan
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Fazio
Filner
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gordon
Gutierrez
Harman
Hastings (FL)
Hefley
Hefner
Hilliard
Hinchey
Hinojosa
Holden
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (WI)
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Lampson
Lantos
Levin
Lewis (GA)
Lewis (KY)
Lipinski
Lofgren
Luther
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McGovern
McHale
McKinney
Meehan
Meek
Menendez
Metcalf
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Mollohan
Murtha
Neal
Neumann
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Petri
Poshard
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez

Roybal-Allard
Sabo
Sanchez
Sanders
Sawyer
Scott
Sensenbrenner
Serrano
Skelton
Slaughter
Smith, Adam
Snyder
Spratt
Stabenow
Stark
Stenholm
Strickland
Stump
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson
Thurman
Tierney
Torres
Towns
Turner
Velázquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Weygand
Woolsey
Wynn

NOT VOTING—33

Ackerman
Berman
Bilirakis
Burr
Dellums
Deutsch
Diaz-Balart
Foglietta
Forbes
Gallegly
Gephardt
Gonzalez
Graham
Granger
Houghton
Inglis
Jones
King (NY)
Lowey
McDermott
McIntosh
McNulty
Nadler
Pomeroy
Ros-Lehtinen
Schiff
Sherman
Sisisky
Stokes
Wamp
Weldon (PA)
Wexler
Yates

□ 1452

So (two-thirds not having voted in favor thereof), the motion was rejected.

The result of the vote was announced as above recorded.

## POSTPONEMENT OF MOTIONS TO SUSPEND RULES CONSIDERED BY THE HOUSE ON MONDAY, SEPTEMBER 29, 1997 TO MONDAY, OCTOBER 6, 1997

Mr. GILMAN. Mr. Speaker, according to the majority leader's previously announced schedule that we would wind up our business at 3 p.m., therefore, I am going to make the following unanimous-consent request and then move to adjourn so that the Jewish Members can observe their high holy days.

Mr. Speaker, I ask unanimous consent that further consideration of the remaining motions to suspend the rules postponed from Monday be postponed until Monday, October 6, 1997.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

Mr. WATT of North Carolina. Mr. Speaker, reserving the right to object, I just want to ask the gentleman a question. Would the votes be after 5 Monday?

Mr. ARMEY. Mr. Speaker, the votes would be for a long time after 5.

Mr. WATT of North Carolina. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

## ADJOURNMENT

Mr. GILMAN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 2 o'clock and 57 minutes p.m.), the House adjourned until tomorrow, Thursday, October 2, 1997, at 10 a.m.

## BILL PRESENTED TO THE PRESIDENT

Mr. THOMAS, from the Committee on House Oversight, reported that that committee did on this day present to the President, for his approval, a bill of the House of the following title:

H.R. 2203. An act making appropriations for energy and water development for the fiscal year ending September 30, 1998, and for other purposes.

## EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

5279. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Virginia: Determination of Attainment of Ozone Standard and Applicability of Certain Requirements in the Richmond Area [SIPTRAX No. VA–076–5028; FRL–5904–2] received October 1, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5280. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Connecticut; Reasonably Available Control Technology for Nitrogen Oxides [FRL–5901–7] received October 1, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5281. A letter from the Acting Assistant Secretary for Export Administration, Department of Commerce, transmitting the Department's final rule—Revision to Entity List: Bharat Electronics, Ltd. (aka Baharat Electronics, Ltd.), India [Docket No. 970428099–7227–04] (RIN: 0694–AB60) received October 1, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

5282. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a report on the designation of certain organizations as "foreign terrorist organizations," pursuant to Public Law 104–132, section 302; Public Law 104–208; to the Committee on International Relations.

5283. A letter from the Deputy Secretary, Department of Defense, transmitting the Department's strategic plan, pursuant to Public Law 103–62; to the Committee on Government Reform and Oversight.

5284. A letter from the Attorney General, Department of Justice, transmitting the Department of Justice Strategic Plan for 1997–2002, pursuant to Public Law 103–62; to the Committee on Government Reform and Oversight.

5285. A letter from the Acting Chief Financial Officer, Environmental Protection Agency, transmitting the Agency's strategic plan, pursuant to Public Law 103–62; to the Committee on Government Reform and Oversight.

5286. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting the Bank's strategic plan, pursuant to Public Law 103–62; to the Committee on Government Reform and Oversight.

5287. A letter from the Chairman, Federal Energy Regulatory Commission, transmitting the Commission's strategic plan for fiscal years 1997 through 2002, pursuant to Public Law 103–62; to the Committee on Government Reform and Oversight.

5288. A letter from the President, Federal Financing Bank, transmitting the Bank's final strategic plan for the years 1997 through 2002, pursuant to Public Law 103–62; to the Committee on Government Reform and Oversight.

5289. A letter from the Chairman, Federal Trade Commission, transmitting the Commission's strategic plan for fiscal years 1997 through 2002, pursuant to Public Law 103–62; to the Committee on Government Reform and Oversight.

5290. A letter from the Administrator, General Services Administration, transmitting the Administration's strategic plan covering the years 1998 through 2002, pursuant to Public Law 103–62; to the Committee on Government Reform and Oversight.

5291. A letter from the Director, Office of Management and Budget, transmitting the Office's strategic plan for fiscal years 1998 through 2002, pursuant to Public Law 103–62; to the Committee on Government Reform and Oversight.

5292. A letter from the Acting Director, Office of Personnel Management, transmitting the Office's strategic plan for the fiscal years 1997 through 2002, pursuant to Public Law 103–62; to the Committee on Government Reform and Oversight.

5293. A letter from the Secretary of the Treasury, transmitting the Department's strategic plan for the fiscal years 1997–2002, pursuant to Public Law 103–62; to the Committee on Government Reform and Oversight.

5294. A letter from the Secretary of Health and Human Services, transmitting the 1997 Strategic Plan for the Department of Health and Human Services, pursuant to Public Law 103–62; to the Committee on Government Reform and Oversight.

5295. A letter from the Chairman, Securities and Exchange Commission, transmitting the Commission's strategic plan, pursuant to Public Law 103–62; to the Committee on Government Reform and Oversight.

5296. A letter from the Acting Administrator, U.S. Agency for International Development, transmitting the Agency's 1998–2007 strategic plan, pursuant to Public Law 103–62; to the Committee on Government Reform and Oversight.

5297. A letter from the Assistant Secretary, Land and Minerals Management, Department of the Interior, transmitting the Department's final rule—Use by Settlers and Homesteaders of Timber on Their Pending Claims and Free Use of Timber upon Oil and Gas Leases (RIN: 1004–AC92) received September 25, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5298. A letter from the Assistant Secretary, Land and Minerals Management, Department of the Interior, transmitting the Department's final rule—Nonmineral Entries on Mineral Lands [WO–350–1430–00–24 1A] (RIN: 1004–AC65) received September 25, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5299. A letter from the Director, Office of Regulations Management, Department of Veterans Affairs, transmitting the Department's final rule—Survivors and Dependents Education: Extension of Eligibility Period (RIN: 2900–AI45) received October 1, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

5300. A letter from the Director, Office of Regulations Management, Department of Veterans Affairs, transmitting the Department's final rule—Disinterments from National Cemetaries (RIN: 2900–AI21) received October 1, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

5301. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Examination of returns and claims for refund, credit, or abatement; determination of correct tax liability [Rev. Proc. 97–45] received October 1, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5302. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Classification of taxes collected by the Internal Revenue Service [Rev. Proc. 97–46] received October 1, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5303. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Optional Procedures for Substantiating Certain Travel, Etc., Expenses—Public Comments Requested [Announcement 97–103] received October 1, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calender, as follows:

Mr. LIVINGSTON: Committee on Appropriations. Report on the revised subdivision of budget totals for fiscal year 1998 (Rept. 105–287). Referred to the Committee of the Whole House on the State of the Union.

Mr. HASTINGS of Washington: Committee on Rules. House Resolution 257. Resolution providing for the consideration of the bill (H.R. 901) to preserve thee sovereignty of the United States over public lands and acquired lands owned by the United States, and to preserve State sovereignty and private property rights in non-Federal lands surrounding those public lands and acquired lands (Rept. 105–288). Referred to the House Calendar.

Mr. SMITH of Texas: Committee on the Judiciary. H.R. 2464. A bill to amend the Immigration and Nationality Act to exempt internationally adopted children under age 10 from the immunization requirement; with amendments (Rept. 105–289). Referred To the Committee on the Whole House on the State of the Union.

Mr. BLILEY: Committee on Commerce. H.R. 1270. A bill to amend the Nuclear Waste Policy Act of 1982; with an amendment (Rept. 105–290 Pt. 1). Ordered to be printed.

### DISCHARGE OF COMMITTEE

Pursuant to clause 5 of rule X the Committee on Transportation and Infrastructure discharged from further consideration. H.R. 1270 referred to the Committee of the Whole House on the State of the Union.

## TIME LIMITATION OF REFERRED BILL

Pursuant to clause 5 of rule X the following action was taken by the Speaker:

H.R,. 1270. Referral to the Committee on Resources extended for a period ending not later than October 21, 1997.

H.R. 1270. Referral to the Committee on Transportation and Infrastructure extended for a period ending not later than October 1, 1997.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. COBLE (for himself, Mr. Frank of Massachusetts, Mr. Conyers, Mr. Gallegly, Mr. Goodlatte, Mr. Bono, Mr. Cannon, Mr. McCollum, Mr. Canady of Florida, Mr. Berman, Mr. Boucher, Ms. Lofgren, and Mr. Delahunt):

H.R. 2589. A bill to amend the provisions of title 17, United States Code, with respect to the duration of copyright, and for other purposes; to the Committee on the Judiciary.

By Mr. DeFAZIO (for himself, Mr. Dellums, Mr. Evans, Mr. Frost, Mr. Gejdenson, Mr. Green, Mr. LaFalce, Mr. Parker, Mr. Schumer, Ms. Slaughter, and Mr. Stark):

H.R. 2590. A bill to require life and disability insurers to disclose an insurance applicant's medical test results to the applicant, unless the applicant specifically declines to receive the results, and otherwise to restrict the disclosure of such results by such insurers; to the Committee on Commerce.

By Mr. LEACH (for himself and Mr. Gilman):

H.R. 2591. A bill to provide redress for inadequate restitution of assets seized by the U.S. Government during World War II which belonged to victims of the Holocaust, and for other purposes; to the Committee on International Relations.

By Mr. GOODLATTE (for himself, Mr. Smith of Texas, and Mr. Barr of Georgia):

H.R. 2592. A bill to amend title 11 of the United States Code to provide private trustees the right to seek judicial review of U.S. trustee actions related to trustee expenses and trustee removal; to the Committee on the Judiciary.

By Mr. HERGER (for himself, Mrs. Kennelly of Connecticut, Mr. Weller, Mr. Crane, Mr. Shaw, Mrs. Johnson of Connecticut, Mr. Bunning of Kentucky, Mr. Houghton, Mr. McCrery, Mr. Camp, Mr. Nussle, Mr. Sam Johnson, Ms. Dunn of Washington, Mr. Collins, Mr. Portman, Mr. English of Pennsylvania, Mr. Ensign, Mr. Christensen, Mr. Watkins, Mr. Hayworth, Mr. Neal of Massachusetts, and Mr. Coyne):

H.R. 2593. A bill to amend the Internal Revenue Code of 1986 to restore the deduction for two-earner married couples; to the Committee on Ways and Means.

By Mr. FOX of Pennsylvania (for himself, Mr. Weldon of Pennsylvania, and Ms. Pelosi):

H.R. 2594. A bill to restrict the access of youth to tobacco products, and for other purposes; to the Committee on Commerce.

By Mr. CHAMBLISS (for himself, Mr. Pombo, Mr. LaTourette, Mr. Graham, Mr. Bishop, Mr. Norwood, Mr. Paxon, Mr. Bono, Mr. Collins, Mr. Riley, Mr. Jones, Mr. Lucas of Oklahoma, Mr. Boyd, Mr. Thomas, Mr. Solomon, Mr. Latham, Mr. Nethercutt, Mr. Berry, Mr. John, Mr. Hastings of Washington, and Mr. Condit):

H.R. 2595. A bill to amend the Immigration and Nationality Act to create a new nonimmigrant category for temporary agricultural workers admitted pursuant to a labor condition attestation; to the Committee on the Judiciary, and in addition to the Committees on Agriculture, Ways and Means, and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CAMP (for himself and Mr. Gutknecht):

H.R. 2596. A bill to amend the Trade Act of 1974 to establish procedures for identifying countries that deny market access for agricultural products of the United States; to the Committee on Ways and Means.

By Ms. FURSE (for herself, Mr. Becerra, Mr. Bonior, Mr. Clay, Mr. Clyburn, Mr. Evans, Mr. Frank of Massachusetts, Mr. Gutierrez, Mr. Lewis of Georgia, Mr. McGovern, Mrs. Mink of Hawaii, Mr. Markey, Ms. Roybal-Allard, Mr. Sanders, Ms. Waters, and Ms. Woolsey):

H.R. 2597. A bill to rescind restrictions on welfare and public benefits for legal immigrants enacted by title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, and to reduce arms transfer subsidies; to the Committee on Ways and Means, and in addition to the Committee on International Relations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MORAN of Kansas:

H.R. 2598. A bill to amend the Internal Revenue Code of 1986 to provide for improved taxpayer access to the Internal Revenue Service, increased equity for taxpayers, and for other purposes; to the Committee on Ways and Means.

By Mr. FATTAH (for himself, Mr. Rush, Mr. Dellums, Ms. Christian-Green, Mr. Cummings, Mr. Sanders, Mr. Borski, Mr. Frank of Massachusetts, Mr. Foglietta, Mr. Stark, Mr. Tierney, Mr. Thompson, Mr. Davis of Illinois, and Mr. Filner):

H.R. 2599. A bill to amend the Consumer Credit Protection Act to make it unlawful to require a credit card as a condition for doing business; to the Committee on Banking and Financial Services.

By Mr. NUSSLE (for himself, Mr. Poshard, Mr. Moran of Kansas, Mr. Minge, Mr. DeFazio, Mr. Bereuter, Mr. Peterson of Pennsylvania, Mr. Hilliard, Mr. Pomeroy, Mr. Hayworth, Mr. Camp, Mr. Costello, Mr. Cooksey, Mr. Upton, Mr. Deal of Georgia, Mrs. Myrick, Mr. Boswell, Mr. Latham, Mr. Kind of Wisconsin, and Ms. Christian-Green):

H.R. 2600. A bill to amend title XVIII of the Social Security Act and section 4626 of the Balanced Budget Act of 1997 to prohibit the Secretary of Health and Human Services from providing any incentive payments to hospitals to reduce the number of residents in graduate medical education programs, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on Commerce, and Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ROGAN (for himself, Mr. Dreier, Mr. Gallegly, and Mr. McKeon):

H.R. 2601. A bill to exempt prescribed burning on national forestlands from regulation under the Clean Air Act; to the Committee on Commerce.

By Mr. STARK (for himself, Ms. PELOSI, Ms. SLAUGHTER, Mr. LIPINSKI, Mr. FILNER, Ms. HOOLEY of Oregon, Mrs. MALONEY of New York, Mr. YATES, Mr. MCGOVERN, Mr. SANDERS, Mrs. LOWEY, Ms. CHRISTIAN-GREEN, Mr. KUCINICH, Mr. MCDERMOTT, Mr. MILLER of California, Mr. MARKEY, Mr. SABO, and Mr. GUTIERREZ):

H.R. 2602. A bill to halt sales of surplus military material until the Defense Logistics Agency reclassifies such material according to the level of demilitarization required to render the material safe for public use and to ensure, that, in the future, surplus military material is correctly classified before disposal; to the Committee on National Security.

By Mr. FOX of Pennsylvania (for himself, Mr. GILMAN, Mr. WELLER, Mr. BRADY, Mr. SNOWBARGER, Mr. PAPPAS, Mr. WELDON of Pennsylvania, Mr. FORBES, Mr. LATOURETTE, Mr. HOSTETTLER, Mr. NEUMANN, Mr. HORN, Mr. PAXON, Mr. QUINN, Mr. MCHUGH, Mr. KINGSTON, Mr. GREENWOOD, Mr. WAXMAN, Mr. NADLER, Mr. SCHUMER, Mr. FOLEY, Mr. SAXTON, Mr. LINDER, Mr. ADERHOLT, Mrs. ROUKEMA, Mr. BONO, Ms. HARMAN, Mr. CANNON, Mr. SHIMKUS, Mr. ENGEL, Mr. MANZULLO, Mr. SOLOMON, and Mr. CARDIN):

H. Con. Res. 163. Concurrent resolution expressing the sense of the Congress that the United States should not provide assistance to terrorist organizations affiliated with the Palestinian Authority or to the Palestinian Broadcasting Corporation [PBC]; to the Committee on International Relations.

By Mrs. MINK of Hawaii:

H. Con. Res. 164. Concurrent resolution expressing the sense of the Congress that the Government of the Commonwealth of the Northern Marina Islands should provide for a plebiscite on the question of compliance with United States immigration and wage laws or independence from the United States; to the Committee on Resources.

By Mrs. MORELLA:

H. Con. Res. 165. Concurrent resolution expressing the sense of the Congress that the Government of Israel should extradite Samuel Sheinbein to the United States; to the Committee on International Relations.

## ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 135: Ms. DEGETTE.

H.R. 543: Mr. SKEEN, Mr. ROHRABACHER, Mrs. KELLY, Mr. MCGOVERN, Mr. GUTIERREZ, Mr. LOBIONDO, Mr. CUNNINGHAM, Mr. RANGEL, Mr. CAPPS, Mr. BONIOR, Mr. HOLDEN, and Mr. HAYWORTH.

H.R. 611: Mr. ROTHMAN.

H.R. 758: Mr. NUSSLE.

H.R. 777: Mr. EDWARDS.

H.R. 866: Mr. BARTON of Texas.

H.R. 1025: Mr. NADLER.

H.R. 1114: Mr. WAMP.

H.R. 1215: Mr. KENNEDY of Rhode Island.

H.R. 1231: Ms. FURSE and Mr. WEYGAND.

H.R. 1334: Mr. GEKAS.

H.R. 1371: Mr. MILLER of Florida, Mr. SANDERS, and Mr. BUNNING of Kentucky.

H.R. 1415: Mr. CLEMENT, Ms. DELAURO, Mr. KENNEDY of Massachusetts, Mr. BOSWELL, and Mr. COOK.

H.R. 1432: Ms. KILPATRICK.

H.R. 1541: Mr. MINGE and Mr. MORAN of Virginia.

H.R. 1595: Mr. BOB SCHAFFER.

H.R. 1614: Mr. RUSH.

H.R. 1625: Mr. PORTER, Mr. SCARBOROUGH, Mr. SOUDER, Mr. GOSS, and Mr. COX of California.

H.R. 1636: Mr. BALDACCI.

H.R. 1679: Ms. DELAURO.

H.R. 1689: Mr. BONO, Mr. GEJDENSON, and Mr. LUTHER.

H.R. 1719: Mrs. CHENOWETH and Mr. TURNER.

H.R. 1754: Mr. COOK, Mr. EHRLICH, Mr. QUINN, Mr. BARTLETT of Maryland, and Mr. HAYWORTH.

H.R. 1914: Mr. SALMON.

H.R. 1995: Ms. FURSE, Mr. BOSWELL, and Mr. METCALF.

H.R. 2001: Mr. BRADY and Mr. PETERSON of Minnesota.

H.R. 2011: Mr. MORAN of Kansas.

H.R. 2070: Mr. WEYGAND.

H.R. 2190: Mr. WOLF.

H.R. 2195: Mr. WOLF, Mr. WELLER, and Mr. BURTON of Indiana.

H.R. 2196: Mr. WATTS of Oklahoma, Mr. WOLF, Mr. PAUL, Mr. SMITH of Michigan, and Mr. HYDE.

H.R. 2215: Mr. KUCINICH.

H.R. 2221: Mr. SNOWBARGER.

H.R. 2253: Mr. QUINN, Mr. BARCIA of Michigan, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. THOMPSON, Mr. SANDLIN, Mr. TORRES, Mr. BISHOP, and Mrs. LOWEY.

H.R. 2332: Mr. MICA.

H.R. 2386: Mr. HYDE and Mr. WOLF.

H.R. 2400: Mr. LAHOOD.

H.R. 2404: Mr. GRAHAM.

H.R. 2405: Mr. CLEMENT, Mr. THOMPSON, and Mr. EVANS.

H.R. 2409: Ms. FURSE.

H.R. 2428: Mr. VENTO, Mr. FILNER, Mrs. MEEK of Florida, Mr. LAMPSON, Mr. SKAGGS, Mr. DAVIS of Illinois, Mr. GREEN, and Mr. FARR of California.

H.R. 2438: Mr. HILL, Mr. GALLEGLY, Mr. SAM JOHNSON, Mr. TRAFICANT, and Mrs. LINDA SMITH of Washington.

H.R. 2449: Mr. BURTON of Indiana.

H.R. 2456: Mr. GINGRICH and Mr. MCINTYRE.

H.R. 2476: Mr. GUTIERREZ.

H.R. 2483: Mr. BURTON of Indiana, Mr. COLLINS, Mr. DEAL of Georgia, Mr. GILLMOR, Mr. RIGGS, and Mr. WELDON of Florida.

H.R. 2490: Mr. ARMEY, Mr. BARTLETT of Maryland, Mr. BRYANT, Mr. BURR of North Carolina, Mr. CANADY of Florida, Mrs. CHENOWETH, Mr. COBLE, Mr. COBURN, Mr. COOKSEY, Mr. DICKEY, Mr. DOOLITTLE, Mr. DUNCAN, Mr. ENGLISH of Pennsylvania, Mr. FOX of Pennsylvania, Mr. FRANKS of New Jersey, Mr. GRAHAM, Mr. HASTINGS of Washington, Mr. SAM JOHNSON, Mr. LINDER, Mr. NEUMANN, Mr. NETHERCUTT, Mr. NORWOOD, Mr. PAUL, Mr. PICKERING, Mr. PITTS, Mr. ROGAN, Mr. SESSIONS, Mr. SHIMKUS, Mrs. LINDA SMITH of Washington, Mr. SMITH of Michigan, Mr. TIAHRT, Mr. TRAFICANT, and Mr. WELDON of Florida.

H.R. 2503: Mr. BALDACCI and Mrs. LOWEY.

H.R. 2517: Mr. BARCIA of Michigan, Mr. RYUN, Ms. RIVERS, Mr. TAYLOR of Mississippi, Mrs. CHENOWETH, Mr. COLLINS, and Mrs. EMERSON.

H.R. 2527: Mr. FRANK of Massachusetts, Mr. KENNEDY of Massachusetts, Mr. OBERSTAR, Mr. CLEMENT, Ms. FURSE, Mr. LEACH, Mr. SPRATT, Ms. DELAURO, Mr. FROST, Mr. WALSH, Mr. HINCHEY, Mr. ACKERMAN, Mr. OLVER, Ms. STABENOW, and Mrs. LOWEY.

H.R. 2535: Mr. FAWELL, Mr. SOUDER, and Mr. DEAL of Georgia.

H.R. 2551: Mr. GUTIERREZ and Mr. LATOURETTE.

H.R. 2568: Mr. MORAN of Kansas, Mr. DAVIS of Illinois, Mr. WHITFIELD, Mr. DREIER, and Mr. GILLMOR.

H. Con. Res. 65: Mr. FRANKS of New Jersey and Mr. RIGGS.

H. Con. Res. 114: Mrs. LOWEY.

H. Con. Res. 127: Mr. SHERMAN, Mr. SCHIFF, Mr. SMITH of Michigan, and Mr. ENSIGN.

H. Con. Res. 132: Mr. BROWN of Ohio, Mr. WATTS of Oklahoma, and Mr. SMITH of Oregon.

H. Res. 139: Mr. ROGAN and Mr. GILLMOR.

H. Res. 171: Mr. DAVIS of Illinois.

H. Res. 224: Mr. FILNER, Mr. LIVINGSTON, Mr. JOHN, and Mr. LAFALCE.

H. Res. 235: Mr. CUNNINGHAM, Mr. SKEEN, Mr. PAPPAS, Mr. ALLEN, Mr. BLUNT, Ms. JACKSON-LEE, and Mr. KENNEDY of Massachusetts.

H. Res. 247: Ms. FURSE.

## DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 1173: Mr. MCCRERY.

# SENATE—*Wednesday, October 1, 1997*

The Senate met at 10 a.m., and was called to order by the President pro tempore [Mr. THURMOND].

## PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Almighty God, Creator of the world, Ruler over all, our Adonai, Sovereign Lord of our life, we join with our Jewish friends in celebrating Rosh Hashanah, "the head of the year," the beginning of the days of awe and repentance, a time of reconciliation with You and one another. We thank You that we are all united in our need to repent, to return to our real selves for an honest inventory, and then to return to You with a humble and contrite heart. Forgive our sins of omission: the words and deeds You called us to do and we neglected, our bland condoning of prejudice and hatred, and our toleration of injustice in our society. Forgive our sins of commission: the times we turned away from Your clear and specific guidance, and the times we knowingly rebelled against Your management of our lives and Your righteousness in our Nation. Sound the shofar in our souls, blow the trumpets, and wake our somnolent spirits. Arouse us and call us to spiritual regeneration. Awaken us to our accountability to You for our lives, and our leadership of this Nation. We thank You for Your atoning grace and for the opportunity for a new beginning.

Help the Jews and Christians called to serve in this Senate, the Senators' staffs, and the whole support team of the Senate to celebrate our unity under Your sovereignty and exemplify to our Nation the oneness of a shared commitment to You. In Your holy name. Amen.

## RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able acting majority leader, the distinguished Senator from Colorado, is recognized.

Mr. CAMPBELL. Thank you, Mr. President.

## SCHEDULE

Mr. CAMPBELL. Mr. President, this morning the Senate will consider the Treasury-Postal appropriations conference report. Under the order, there will be 60 minutes of debate followed by a vote on the adoption of the conference report. Therefore, Senators can expect a rollcall vote at approximately 11 a.m. or earlier if debate time is yielded back.

Following that vote, the Senate will resume consideration of the D.C. appropriations bill. It is the intention of the majority leader to finish action on this measure today.

As a reminder to all Members, in observance of Rosh Hashanah, no rollcall votes will occur this week after 1 p.m. today. All Senators' cooperation will be appreciated in allowing the Senate to conclude action on the D.C. appropriations bill and any available appropriations conference reports.

## RESERVATION OF LEADER TIME

The PRESIDING OFFICER (Mr. SMITH of Oregon). Under the previous order, the leadership time is reserved.

## TREASURY, POSTAL SERVICE, AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 1998 CONFERENCE REPORT

Mr. CAMPBELL. Mr. President, I submit a report of the committee of conference on H.R. 2378 making appropriations for the Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain independent agencies, for the fiscal year ending September 30, 1998, and for other purposes, and ask for its immediate consideration.

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to consideration of the conference report accompanying H.R. 2378 which the clerk will report.

The assistant legislative clerk read as follows:

> The committee on conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2378) having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by a majority of the conferees.

The Senate proceeded to consider the conference report.

(The conference report is printed in the House proceedings of the RECORD of September 29, 1997.)

### PRIVILEGE OF THE FLOOR

Mr. CAMPBELL. Mr. President, before proceeding with my statement, I ask unanimous consent that the following staff be allowed floor privileges during the consideration of the conference report on H.R. 2378. That will be Pat Raymond, Barbara Retzlaff, Tammy Perrin, Lula Edwards, and Frank Larkin.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CAMPBELL. Mr. President, my colleague and I, Senator KOHL, are bringing before the Senate today the fiscal year 1998 appropriations bill of the Department of the Treasury, the U.S. Postal Service, and the Executive Office of the President, and certain independent agencies.

This bill contains $25.6 billion in mandatory and discretionary funding for fiscal year 1998. Reaching this level of funding has not been an easy task, and I would like at this time to publicly thank the ranking member, Senator KOHL, for his cooperation and continued effort in supporting this bill. We have tried our best to be supportive of the requests of individual Senators, and I think our bill reflects that.

This bill funds 40 percent of all Federal law enforcement. Adequate funding for this activity has been a top priority for both Senator KOHL and myself. In addition to providing sufficient funding for law enforcement, this bill goes a long way in encouraging the IRS to stay on track with modernization while at the same time addressing their needs for the year 2000 computer program.

Also, this bill provides for a new $195 million antidrug campaign for the Office of National Drug Control Policy targeted at our Nation's youth. This is $20 million above what the administration has requested.

In addition, this bill provides $10 million for the Drug Free Communities Act, a program which 27 Members of the Senate cosponsored. These funds will be used for the establishment of local counterdrug efforts focusing on successful local initiatives.

The bill also includes $159 million for the high intensity drug trafficking areas, or HIDTA's, as they are known. This provides funding for the existing HIDTA's, which are in Houston, Los Angeles, Miami, New York, the southwest border, Washington/Baltimore, Puerto Rico/Virgin Islands, Atlanta, Chicago, Philadelphia/Camden, Cascade, the gulf coast, Lake County, the Midwest, the Rocky Mountains, San Francisco, and Detroit. In addition, funding is provided for the new HIDTA's in West Virginia, Tennessee, Kentucky, central Florida and Wisconsin.

The bill also provides $10 million for the ATF's Gang Resistance Education And Training Program, or GREAT, as it is known, which many of my colleagues also support. This program provides grants to local law enforcement agencies.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

There is also $13 million for an antidrug technology transfer program targeted at State and local law enforcement. This new program aims at getting much-needed counterdrug technology currently used by Federal law enforcement out to those in the State and local communities in their efforts to help them in their efforts in fighting the drug war.

These are just a few of the items funded in this bill, Mr. President. This bill has taken lots of very, very hard work to stay within the budget agreement and still fund many important programs within the jurisdiction of the bill. I think this bill takes a strong stand for law enforcement while at the same time meeting the needs of many non-law enforcement agencies within the bill.

Therefore, I urge my Senate colleagues to support this bill. I believe it goes a long way in supporting what we all believe is important, primarily to continue to do what we can to reduce crime in the Nation.

Mr. President, this bill is the result of lots of hard work on behalf of Members and staff, too. I wish to thank all of them for that effort. I believe it deserves our support.

I now yield to Senator KOHL, our ranking minority member.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. KOHL. Thank you, Mr. Chairman.

Mr. President, I rise in support of this bill which provides funding for the Department of the Treasury, Executive Offices of the President, General Services Administration, and related agency programs. We have tried to be as critical and constructive as we can be. And I believe we have provided a strong funding bill.

Throughout this year we have had to grapple with a number of difficult issues, such as: accusations of IRS staff browsing at taxpayer files; IRS modernization efforts going awry; unidentified century date change requirements; and the appropriate funding level of the Office of National Drug Control Policy, ONDCP, media campaign.

These are issues we will continue to review and examine in 1998. And I hope we see some real progress occur as a result of the funding that we have provided.

In addition, we continue to be concerned with the level of crime through out our country. We realize that the money that is available through illegal drug and gun trafficking is enormous. As long as this kind of profit is available by doing illegal things our job will be more difficult in providing the necessary funding and technology required to deter that.

As a result, we have worked vigorously to fund the law enforcement agencies' priorities. And I hope that we can continue to work together to continue to fully fund much needed crime prevention programs such as GREAT, the Youth Crime Gun Interdiction Initiative, the Drug Free Prison Zone demonstration project and others.

I have enjoyed reviewing the diverse and complex issues of the agencies funded through this bill. I look forward to continuing to work with the subcommittee members and these agencies. Only through a constructive dialog, in a bipartisan fashion can we continue to build and maintain the agencies contained in this bill.

Finally, I want to say that I have enjoyed working with you, Mr. Chairman, and with your staff.

Thank you, Mr. President. I reserve the balance of my time.

I yield the floor.

### OIRA

Mr. NICKLES. Mr. President, I ask the Chairman, is it correct that it is Congress' intent that the budget appropriated for the Office of Management and Budget includes sufficient funds for the Office of Information and Regulatory Affairs, OIRA, to coordinate and implement the Congressional Review Act?

Mr. CAMPBELL. That is correct.

Mr. NICKLES. I thank the Chairman. It has become evident that OIRA has not been implementing and coordinating the Congressional Review Act despite its organizing statute and President Clinton's Executive order. To make the Congressional Review Act work, Congress and the agencies need OIRA's expertise to coordinate agency input to the General Accounting Office on the new rules they promulgate. The General Accounting Office has reported to us that they have been frustrated by OIRA's refusal to work with them in their role of helping Congress understand the impact of each major rule.

Mr. CAMPBELL. I thank the Senator.

We have several requests for time on both sides of the aisle, Mr. President. I would be happy to have Senator KOHL yield time to Senator WELLSTONE.

Mr. KOHL. I yield to Senator WELLSTONE.

Mr. WELLSTONE. Thank you, Mr. President.

I thank both my colleagues, Senator KOHL from Wisconsin and Senator BEN NIGHTHORSE CAMPBELL from Colorado, for their fine work.

Let me, first of all, say, Mr. President, I understand this is a conference committee report, we will have a vote on it and there are many, many good things in this bill. I understand the good work of all Senators. I also want to express my personal gratitude to Representative BERNIE SANDERS in the House and Senator HARKIN for a provision, with the support of my colleagues, that they now have in this bill which really puts our country on the side of taking some action against coerced child labor in other countries. I think it is a terribly important provision, and I am very pleased to see this provision in this conference report, Mr. President.

So it is with a little bit of regret that I speak against this bill. I intend to vote against it, though, again, I want to make it clear why because there are a lot of good things in the bill.

When we had this bill before us in the Senate, I had sent a letter out to colleagues saying that I thought it was not appropriate for us to take a pay increase, cost-of-living increase, salary increase, whatever you want to call it, which I would raise our salaries to about $136,000. I sent a letter to all my colleagues, and then we in the Senate voice voted for the proposition that we would delete that pay increase. So the Senate took a position when we voice voted that we are not going to have a recorded vote because there is unanimity, there is a consensus in the Senate, that this cost-of-living adjustment for Members is not the right thing to do. I regret to say that in the conference committee we did not keep this pay increase out of this legislation. So now we are here today with the pay increase.

Now, a filibuster is beside the point. There is much in this bill that is very good. It is going to pass. I understand that. But I want to go on record as a Senator from Minnesota about this pay increase, not to talk about the process, though I must say I think my colleagues have done a pretty good job of not being recorded for or against this pay increase.

To me, there is something more important. That is why I speak in the Senate this morning and why I am going to vote against this conference report. I hope other Senators will as well. I put the cost-of-living increase or pay increase for Senators and Representatives in the context of the debate that we have had on the floor of the Senate over the last several years. I have traveled in the country and spent a lot of time in poor communities, and I cannot even begin to tell you the number of Head Start teachers who tell me how important early Head Start is, how it would make so much difference if they could have a chance to work with kids when they are 1 and 2 years of age to give them a head start. We have a pittance of funding for that. We say we do not have any more money for it, and yet we give ourselves a salary increase.

I cannot begin to describe the conversations that I have had with people all across the country about child care, affordable child care, which by the way is not just a problem for low-income people, but is a problem for middle-income and moderate-income families as well. Again, we have made precious little investment in children for child care but we give ourselves this salary increase.

I was at the University of Iowa on Monday and there I found a focus on Pell grants. I can't tell you how many people in the higher education communities say, "Look, by doing so little by way of expanding Pell grants—yes, you did the tax deductions and tax credits—you are still not dealing with the students most in need." Expansion of the Pell grant is by far the most effective way to do this. We say we cannot do it, but we give ourselves a salary increase.

Mr. President, most poignantly of all, or at least most poignant to me, we voted not long ago for some $50 billion in deficit reduction, and the two major programs that we targeted were, first, the Food Stamp Program, which is the major safety net program in this country when it comes to nutrition for children; and second, benefits for legal immigrants. Now, we have restored some of the benefits, though, again, we still have eliminated food and nutrition assistance for legal immigrants, and by the year 2002 there will be a 20 percent cut in food assistance for children.

Over 50 percent of the cuts we have made come from the Food Stamp Program, which is the major food nutrition program in this country and is our major safety net program. This is the program that has led to a significant reduction in malnutrition and hunger among children, and yet we said that in the name of sacrifice and in the name of deficit reduction and in the name of tightening our belt that we would cut the major nutrition programs for children in America, and at the same time we are now about to vote for a conference report that gives ourselves a salary increase, putting our salaries over $136,000 a year.

I don't think a salary increase is appropriate, Mr. President. I just don't think it is appropriate. That is my own view. I have had a chance to come to the floor of the Senate and express that view honestly, openly and directly. I expressed that view in the letter I sent to my colleagues before this ever came out of the Senate. I sent another letter to conferees saying, please stick to the Senate position. We had a unanimous vote in the Senate to stop this pay increase and yet we still now have the increase in this piece of legislation.

I just don't see the justice of it, colleagues. I don't see how we can cut basic benefits to the most needy and vulnerable citizens in this country—food and nutrition benefits for children in the name of belt tightening, sacrifice and deficit reduction—and at the same time give ourselves a salary increase, putting our salary over $136,000 a year. I don't think it is appropriate. I don't think it is the right thing to do.

As good a job as both colleagues have done on this piece of legislation, I will vote against this bill and I hope other colleagues will as well.

I yield the floor.

Mr. CAMPBELL. Mr. President, before I yield 2 minutes to my friend from Kansas, Senator BROWNBACK, I commend Senator WELLSTONE for personally taking the lead on many of our children's issues in the U.S. Senate. I have always admired him for that. He knows my background from a home for orphans as a youngster, and I have always really appreciated his willingness to fight the battles for so many children in Congress who do not have a voice themselves.

In this bill there are many dollars, in fact, many tens of thousands of dollars, that are going to eventually help youngsters. The GREAT Program is a good example, the Youth Crime Awareness Program is a good example. Just because we fund money through the Federal agencies doesn't mean that some of it has not gone to help reduce gang violence or trying to get youngsters away from a life of crime.

I point out that I think in the other bills that have come before the Senate we have tried to at least keep the baseline steady, in fact, increased funding for many children programs in other areas of the national budget.

Mr. WELLSTONE. Will the Senator yield?

Mr. CAMPBELL. I am happy to yield to the Senator.

Mr. WELLSTONE. This is less in the spirit of a question, but I want to make it clear to my colleague, because I appreciate what he said, I have no objection to increases for other programs for children in the Government, and I understand full well some of the important programs in this piece of legislation.

That is not my quarrel. My quarrel is the proposition that we did not eliminate the pay increase for ourselves. And I think we should have included increases for the other programs I spoke about.

Mr. CAMPBELL. I yield 2 minutes to the Senator from Kansas [Mr. BROWNBACK].

The PRESIDING OFFICER. The Senator from Kansas.

Mr. BROWNBACK. Mr. President, I thank my colleague from Colorado for yielding.

I want to express my appreciation and congratulations to the conferees on the bill and what they put together. Overall, it is a good bill. There is a provision in this that I disagree with, and I will join my colleague from Minnesota in voting and stating my position against this bill because it does contain the COLA for Members of Congress.

That amendment was offered by myself and the senior Senator from Minnesota and was a bipartisan amendment which prohibited the Congress from receiving a cost-of-living adjustment in fiscal year 1998. Mr. President, I strongly believe that Congress should not receive a COLA until we balance the budget. The Senator from Minnesota and I have different reasons for doing this but the same objective, which is to object to the COLA for Members of Congress. I note, as well, that Members of Congress have not received a COLA for several years to date. I have been involved in those fights when I was in the House. The problem for me is that I think while we are moving to balance the budget and we are asking everyone to sacrifice in getting that done, that we should not be receiving a COLA during that period of time. While we have passed legislation to balance the budget, we are not quite there yet. But we are close.

Mr. President, it has never been my purpose in this debate to cast aspersions upon any of my colleagues or the institution of the Congress. I have great respect for the Senate and the people with whom I have the privilege to serve—all of the people in the Senate and all the people in this body. But I continue to believe that we should not receive a COLA while we are still running deficits. We should lead by example and not raise our COLA while we are still getting the Government's fiscal house in order.

Therefore, I oppose this conference report and call on my colleagues to do the same. I believe this is the kind of leadership that is necessary to finish the work of balancing the budget and beginning to pay down our massive public debt. I think our children deserve no less. For that reason, I do oppose overall the conference report. For that reason, even though I think it has many, many, very good features and I congratulate my colleagues for putting it together, I cannot support the COLA at this point in time.

I yield the floor.

Mr. CAMPBELL. I thank my colleagues from Kansas and Minnesota.

I point out a couple of things: It has been 5 years in which most of the Members voted down a cost-of-living increase for themselves; also, as they both remember when we were here on the floor with this bill a month or so ago, it was Senator BROWNBACK's amendment and cosponsored by Senator WELLSTONE and me to delete that COLA increase from the original bill.

So I think I have a pretty strong record. In fact, I have never voted for a pay increase in the U.S. Senate. And in fact when we did go to conference, as the Senator probably knows, both Senators probably know, there was a vote. It was a tie vote. It was not deleted. But Senator KOHL and I both voted against a pay raise in conference, if you want to use that phrase, but some people have a disagreement. However, we lost.

The question here is, should we sink a $26 billion bill because we didn't get our way in conference or we didn't get our way on the floor? I have been torn with this myself, too. It is a difficult decision for all of us, but frankly I just think there is so much good in this bill that there are other options. Certainly we can return it to the Treasury. If Members do not want it, certainly they can give it to charity as I have done in the past. They can give it to scholarships.

From my perspective, Mr. President, this bill is extremely important. Today is the date that funding runs out. It seems to me we need to pass the bill even if we don't agree with the various parts of it.

Mr. BROWNBACK. Will the Senator yield?

Mr. CAMPBELL. I am happy to yield to the Senator.

Mr. BROWNBACK. I say to the Senator from Colorado he has been a leader in this effort on Members of Congress not receiving a COLA, and did put this in the bill that came from the Senate. That was the Senate provision, that there would not be a COLA for Members of Congress. That was the Senate provision. It was the House that put in otherwise.

I recognize the work that the Senator has done, and I appreciate that very much. I also recognize the totality of the bill and the excellent qualities within it. I just want to note that because it had that provision I could not support it, but by no means question you or other Members of the Senate. Our provision did not have the COLA in it.

Mr. BAUCUS. Mr President, I rise today in opposition to the Treasury, Postal, and general Government appropriations bill. I do so with respect for the managers of the bill, my good friends Senator CAMPBELL of Colorado and Senator KOHL of Wisconsin. They have done a fine job of bringing divergent interests together, crafting a bill that takes care of essential Government functions. Clearly, there is much that is right with this bill.

One thing that is right is funding for the Global Trade and Research Program at the Montana World Trade Center in Missoula, MT. This vital program is the only world trade center housed in a university. This important link will allow new global business markets to be identified and targeted to create new jobs in Montana.

But, Mr. President, I will vote against this bill because it contains a pay raise for Members of Congress. Look, I'm not against pay raises. Who couldn't use a few extra dollars in every paycheck. The question is: who needs the raise. Clearly, Montanans do. And I think with this bill we are missing the point and sending the wrong message.

The message this bill sends is simply "we are going to protect ourselves instead of creating an economy that protects average families." That just doesn't make sense.

A vote to raise Members' pay is the wrong priority for Congress. This is not the kind of leadership the Congress needs. I believe that we will be as effective as leaders as the level of confidence vested in us. Clearly, voting to raise our pay will undermine public confidence in Congress. Particularly when we have an economy that isn't protecting average Americans.

It is clear that income for the average Montanan is not rising. Just Monday, the Census Bureau released consumer income statistics for 1994 to 1996. The numbers are startling and, I hope, a call to action for this Congress. Let's look at Montana. Median household income in Montana from 1994 to 1996 was $28,838. That's household income, money that an entire family has to spend for the year on bills, groceries, education, health care, and all the other expenses that take a bite out of their wallets. Montana's median income for those 3 years is over $6,000 lower than the national average and ranks 43d in the Nation.

And, compared to our regional neighbors, our median income ranks as the lowest. Now, we have all seen the stock market rise over the last few years. And clearly, a healthy percentage of Americans are making significant money. But it hasn't trickled down, to borrow a phrase, to the average Montanan.

I grew up on a ranch where it was a day's work for a day's pay. Americans work hard. And we in Congress work hard, but let's not lose sight of who we work for. We work for the citizens of our States and our country. We have a responsibility to protect them and to advance their ability to get a fair wage for a fair day's work. That should be the job of this Congress, not whether we in this Chamber are getting a raise.

Mr. President, I yield the floor.

Mr. McCAIN. Mr. President, I am sorry to say that I cannot support the legislation before the Senate today. While this bill contains many good provisions, I have never supported any legislation to raise the pay of Members of Congress, and I will not support this bill.

Yes, the Republican Congress has accomplished much this year. We have passed legislation which puts us on track toward balancing the Federal budget and providing much-needed tax relief for Americans. We have reformed the welfare system, our Nation's immigration policies, ensured our national security, and many other laudable accomplishments.

But there are many tasks the American people expect us to complete that we have yet to accomplish.

We still face a $5.4 trillion national debt, which will increase by hundreds of millions of dollars for several more years. In fact, current predictions are that we will not eliminate annual deficits until 2001 or 2002, and our national debt will have increased to nearly $6 trillion by that time. We have a long way to go before we can claim to have ended the fiscal irresponsibility that has saddled our children and grandchildren with this staggering debt.

We still face the daunting tasks of ensuring the future viability of the Medicare and Social Security systems, improving access to and affordability of health care for all Americans, reducing the size and intrusiveness of our Federal Government in people's lives, and ensuring the continued economic health of our Nation.

Members of Congress already rank in the top 1 percent of wage earners in this country. Public service in the Congress should not be a means to becoming wealthy, but an opportunity to serve our country.

I intend to vote against this legislation. And if it passes, I will not accept a pay raise. I have donated to charity every pay raise Congress has approved for itself since I have been in office, and I will do the same with this raise.

Mr. President, I find it quite ironic that, at the same time the Congress is proposing to raise pay for Members, we are also wasting more millions of taxpayer dollars on unnecessary, wasteful programs.

Mr. President, this bill contains the usual earmarks and set-asides requested by Members of Congress for their home States or districts.

I am particularly disappointed to note that the conferees retained all but one of the provisions to which I had objected in the Senate bill. And that one provision that was not retained in the conference bill—an earmark of $4 million each for repair work at the Truman and Johnson Presidential Libraries—has, instead, been clearly earmarked in the conference report language.

I would like to list for my colleagues the Senate bill language, retained in this conference agreement, that are earmarks for unnecessary or low-priority spending or that are protectionist in nature.

There is $1.25 million earmarked for the Global Trade and Research Program at the Montana World Trade Center, which the report indicates is a one-time set-aside to support research and dissemination of information on exploration, definition, and measurement of contributions to economic globalization. I should note that the Senate had allocated $2.5 million for this program, and the conferees very frugally cut this earmark in half.

Section 107—Prohibition on reorganizing the Aberdeen, SD, office of the IRS until toll-free phone line assistance reaches an 80-percent service level. We all know the difficulties experienced by all taxpayers in getting accurate, timely information from the IRS. But why should the taxpayers in Aberdeen, SD, be guaranteed continued access to an area IRS office? What about taxpayers in North Dakota? Or rural Ohio? And what if it makes sense to save money by closing some IRS offices in order to devote more resources to achieving the 80 percent service level for IRS telephone assistance?

Section 108—Prohibition on reorganizing the IRS Criminal Investigative Division if the result is a reduction of criminal investigators in Wisconsin and South Dakota from the 1996 level. Again, I question whether the Congress is the right body to decide whether the IRS' criminal investigative resources should be concentrated.

Section 123—Requirement to establish the port of Kodiak, AK, as a port of entry requiring U.S. Customs Service personnel in Anchorage to serve that port. Neither the Senate report nor the conference report offer any particular rationale for this directive.

Earmark of $3 million for the Rocky Mountain High Intensity Drug Trafficking Area, plus $1.5 million earmarked for methamphetamine reduction efforts at the facility. I ask my colleagues, do we know whether the Rocky Mountain area is most needful of this extra money?

Sections 507 and 508—Provisions requiring compliance with Buy America trade restrictions. I have long sought to remove all protectionist restrictions on free trade, and having made some progress, I guess the conferees wanted to ensure that nothing would change in the global marketplace.

Not surprisingly, the conferees also added several provisions from the House bill that are the same type of wasteful spending:

Earmark of $10 million for three newly designated High Intensity Drug Trafficking Areas—one in the three-State area of Kentucky, Tennessee, and West Virginia; one in central Florida; and one in Milwaukee, WI that was not included in either bill. We all support heightened efforts to combat drug trafficking throughout the United States, but I wonder how the Appropriations Committee determined that these three locations were the highest priority areas for funding for antidrug efforts?

Section 410—Earmark of "such sums as may be necessary" to repay debts to the U.S. Treasury incurred by the Pennsylvania Avenue Development Corporation. How much is "necessary"? And what sense does it make to appropriate Federal tax dollars to repay the Federal Treasury?

Section 412—Directed sale of the Bakersfield Federal Building at 800 Truxton Avenue in Bakersfield, CA, including all land and improvements. It is unclear from the conference agreement or the House report language whether the Federal Government wants to dispose of this property, or if the Congress has unilaterally decided to demand that it be sold.

Mr. President, these are just the provisions that are included in the bill. The report language of this conference agreement contains numerous other earmarks and set-asides. Let me note just a few:

Three Hundred thousand dollars to staff a dedicated commuter lane in El Paso, TX. This was an earmark in the Senate report that is repeated in the conference report, for emphasis, I guess.

Language "encouraging" the Customs Service to provide extended hours at the Opa-locka Airport in Florida.

Language "urging" GSA to consider the needs of the U.S. Olympic Committee and to give the USOC priority in acquiring a Federal building in Colorado Springs, just in case the current occupants—the U.S. Air Force Space Command—decide to move out.

I ask unanimous consent that a list of objectionable provisions in this conference agreement be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. McCAIN. I think it is important to note for my colleagues that this conference agreement, like each of the four other conference agreements the Senate has approved in the past few days, contains a clause in the statement of managers language that specifically endorses every single earmark and set-aside in the underlying reports of the House and Senate, unless specifically stated otherwise in the conference report. Mr. President, the bottom line is that Members of Congress can use the language in these reports, which "urges" or "encourages" or "strongly supports" some action, but which falls short of an earmark or directive, to pressure agencies to act accordingly.

Mr. President, I will say once again that this practice of wasteful spending must stop.

### EXHIBIT 1

### OBJECTIONABLE PROVISIONS IN CONFERENCE AGREEMENT ON H.R. 2378, THE FY 1998 TREASURY/POSTAL APPROPRIATIONS BILL

#### BILL LANGUAGE

$1.25 million earmarked for the Global Trade and Research Program at the World Trade Center, which the report indicates is a one-time set-aside to support research and dissemination of information on exploration, definition, and measurement of contributions to economic globalization.

Section 107—Prohibition on reorganizing the Aberdeen, South Dakota, office of the IRS until toll-free phone line assistance reaches an 80 percent service level.

Section 108—Prohibition on reorganizing the IRS Criminal Investigative Division if the result is a reduction of criminal investigators in Wisconsin and South Dakota from the 1996 level.

Section 123—Requirement to establish the port of Kodiak, Alaska, as a port of entry requiring U.S. Customs Service personnel in Anchorage to serve that port.

Earmark of $10 million for three newly designated High Intensity Drug Trafficking Areas—in Milwaukee, Wisconsin; in the three State area of Kentucky, Tennessee, and West Virginia; and in central Florida.

Earmark of $3 million for the Rocky Mountain High Intensity Drug Trafficking Area, plus $1.5 million earmarked for methamphetamine reduction efforts at the facility.

Section 410—Earmark of "such sums as may be necessary" to repay debts to the U.S. Treasury incurred by the Pennsylvania Avenue Development Corporation.

Section 412—Directed sale of the Bakersfield Federal Building at 800 Truxton Avenue in Bakersfield, California, including all land and improvements.

Sections 507 and 508—Provisions requiring compliance with "Buy America" trade restrictions.

#### REPORT LANGUAGE

[NOTE: Conferees explicitly endorse all earmarks and set-asides included in either the House and Senate reports, unless specifically addressed in the conference report statement of managers. The following listing includes only those objectionable provisions specifically included in the conference report language; additional items can be found in the underlying House and Senate reports on the bill.]

#### *Earmarks*

$500,000 earmarked for contract awards to the National Law Center for Inter-American Free Trade to support federal government efforts to conduct legal research specific to relevant trade issues.

$500,000 to support the Global TransPark Network Customs Information Project.

$300,000 to staff a dedicated commuter lane in El Paso, Texas.

$2 million add-on for Customs Service monitoring and enforcement of the U.S./Canada Softwood Lumber Agreement, and language stating the conferees' "expectation" that the Customs Service will cease to enforce any interpretive ruling "that would have the effect of undermining enforcement of the Lumber Agreement, including any ruling that would have the effect of classifying lumber that would otherwise be classified under the heading of 4407 of the Harmonized Tariff Schedule in a different classification because it has been drilled or otherwise subject to minor processing, until Congress can address this issue".

$2 million of GSA funds directed to be spent in accordance with House report, which earmarks the funds to initiate a pilot project in the development, demonstration, and continuous research of emerging digital learning technologies.

$1 million of GSA funds earmarked for a digital medical education project.

Directive language that GSA provide funding in FY 1999 for protection and maintenance of Governor's Island in New York, as necessary to ensure no undue deterioration of the property prior to disposal.

$4 million earmarked for repair and restoration of the Truman Library, and another $4 million for similar work on the Roosevelt Library.

#### *Words of encouragement:*

Language "encouraging" the Customs Service to provide customs service at Opa-locka Airport in Dade County from 9:00 a.m. to 10:00 p.m. daily, instead of the current 9:00 a.m. to 5:00 p.m. daily schedule, because the conferees believe the diversion of aircraft after 5:00 p.m. to Miami International Airport creates unnecessary congestion at the nation's busiest cargo airport.

Language "urging" GSA to strongly consider the U.S. Olympic Committee's need for additional space and to give priority to the USOC request to gain title to or otherwise acquire a building in Colorado Springs currently occupied by the U.S. Air Force Space Command and owned by GSA.

Mr. FAIRCLOTH. Mr. President, I rise to make a few remarks concerning the fiscal year 1998 Treasury appropriations conference report. First, I would like to thank the chairman of the Senate Treasury Appropriations Subcommittee, and my good friend, Senator CAMPBELL. He and his staff have been most gracious in working with me on a range of issues of concern to North Carolina, including funding in the budget of the Bureau of Alcohol, Tobacco and Firearms for two new data acquisition stations [DAS] for the Cumberland County sheriff's office and the Guilford County sheriff's office. These two stations will allow law enforcement in both western and eastern North Carolina access to sophisticated technology to examine bullets and bullet fragments found at crime scenes. These DAS stations will be powerful crime-fighting tools, and I want to thank the chairman for helping to make this possible.

I also want to thank the chairman for his inclusion of language I requested to repeal section 1555 of the Federal Acquisition Streamlining Act [FASA]. As many of my colleagues in the Senate know, this language was originally passed in 1994 without any hearings, and without any debate in Congress.

It was intended to give State and local governments access to the General Services Administration [GSA] purchasing schedule. GSA sells everything from office supplies to cars and law enforcement equipment.

The problem is this—if every State and local government purchases their supplies directly through the Federal Government, thousands of small businesses who currently provide those supplies will go out of business.

Section 1555 has not yet been implemented—a temporary moratorium was enacted in 1995, and most recently extended until the end of this session of Congress as part of the Emergency Supplemental Appropriations Act for fiscal year 1997.

If section 1555 were not repealed, most businesses would no longer be able to sell products to their local governments, but would be driven out by unfair competition. Perhaps a select few would be included in the General Services Administration's purchasing schedules, but heaven help the small business man or woman who must come to Washington, DC, for permission every time he or she wants to sell office supplies to their local city council or county commission. Tragically, this is the kind of result that section 1555 would bring about, and it would devastate small businesses across the country.

I have heard from numerous small business men and women who regard this provision to be a potential disaster, were it ever to be implemented. Thankfully, it will not be, now that language to repeal this statute has been included in this conference report. Section 1555 should never be implemented, it should be repealed as soon as possible. I strongly support the repeal language included in the bill.

### CONGRESSIONAL PAY RAISE

Mr. President, there are two other matters addressed in the Treasury appropriations conference report which forces me to oppose the bill, in spite of much that I have already described which is good.

Most troubling to me is language added to this conference report which removes a Senate amendment placing a 1-year freeze on congressional pay. I am opposed to a congressional pay increase. I am deeply disappointed that Members of Congress will now receive a 2.3-percent cost-of-living adjustment [COLA], and I do not plan on accepting this increase when I receive it.

In fact, I believe that to accept this pay raise next year would be in violation of the 27th amendment to the Constitution. I know that Chairman CAMPBELL and others joined me in opposition to this pay increase, but due to some procedural shortcuts, a conference was convened late on the evening of September 29—on a day when no votes had been scheduled, and I had already made commitments to be in North Carolina—for the sole purpose of attaching this pay increase for Members of Congress.

I am also deeply disappointed that an amendment I offered to remove computer games from all Government computers was not included in the conference report. I am pleased, however, that Senator THOMPSON, chairman of the Committee on Governmental Affairs, has indicated his interest in pursuing this issue in the future. I look forward to working with Senator THOMPSON to ensure that Government employees are not wasting taxpayers' dollars playing computer games when they should be working.

Due to the inclusion of the pay raise for Members of Congress and the removal of my amendment to remove computer games from Government computers, I regret that I must vote against the Treasury appropriations conference report on final passage.

### THE CONGRESSIONAL PAY INCREASE

Mrs. MURRAY. Mr. President, I rise today to express my deep concern about one provision within the bill before us today. The fiscal year 1998 Treasury-Postal Appropriations Act contains a cost-of-living adjustment—a pay raise—for Members of Congress. This increase represents a major change in policy. It has not been the subject of hearings. It has not been aired in public. The timing and merit are questionable. In light of these concerns, I intend to vote no on the pay raise, and no on the bill.

Each year I have been in the Senate, we have acted to suspend cost-of-living adjustments for Congress. In light of our ongoing efforts to balance the Federal budget and restore people's faith in the process, I think this has been the right course. Simply stated, allowing our own pay to increase sends the wrong signal at a time when the budget is out of balance and real wages are stagnant for many workers.

Like it or not, we in Federal office have a responsibility to set an example, to set the tone for responsible dialog about the Federal budget. Accepting a pay raise at this time undermines any credibility we might have on budget issues.

In July, Congress passed a historic law that will balance the Federal budget. After years of partisan rancor, bickering, disputes, and Government shutdowns, we were able to put aside differences and agree on a compromise that makes sense, and gives the people what they have been asking for.

Now, most of us who worked on this package, and made the tough calls over the past few years understandably want to promote the compromise and take credit for finishing the job. And I think we should. But taking a pay raise on the heels of passing a balanced budget sends the wrong signal. It says to the people, "we didn't really mean it."

As a member of the Appropriations Committee, it is very difficult for me to vote against the Treasury-Postal bill. In fact, it is rare that any of us on the committee opposes one of our own bills. In this case, I have to make an exception, even though there are many worthy programs and projects funded in this bill.

I hope my colleagues will hear my reasons and listen to them. As elected leaders, we are held to a different standard. We have a responsibility to set the tone, to earn the respect of our constituents. The public will be watching this vote. To them, it is not about funding the executive branch agencies. Instead, it is about whether we are willing to live up to our own standard of fiscal responsibility in 1997.

Mr. KOHL. Mr. President, I rise today to voice my opposition to a provision within the Treasury, General Government, Civil Service Appropriations Act.

I am the ranking member of the subcommittee which crafted this legislation, and there is much to support in the bill. However, I am opposed to the provision in the bill to provide a 2.3-percent cost-of-living-adjustment to Members of Congress.

I have heard the arguments on both sides of the issue and I cannot agree that it is appropriate for Congress to receive this pay raise. While we have made progress in balancing the budget, we have not made the kind of progress which justifies this raise. The American public is rightly holding us to a higher standard, and until we meet that standard, congressional pay should remain at its current level.

Earlier this week, we had a vote in the House-Senate conference committee on whether to keep the pay raise in the bill. I was prepared to offer a motion to reject the pay raise, and, indeed, voted against the measure. As this body knows, the House voted to insist on its position, and we could not muster a majority in the Senate to similarly insist on this Chamber's position against the pay raise.

Mr. President, this bill before us also includes many provisions and important programs. If this were an up-or-down vote on the pay raise, I would again oppose the measure. But, this bill is more than that—it funds the Treasury Department, the Internal Revenue Service, the White House, and dozens of other Federal agencies.

In addition, the bill includes many anticrime programs, including those operated by "Drug Czar," the Treasury Department, and the Bureau of Alcohol, Tobacco, and Firearms. I'm pleased that the legislation includes $3 million for the designation of a high-intensity drug trafficking area for milwaukee, WI. Unfortunately, the drug epidemic often crosses State lines, and it is necessary for Wisconsin law enforcement agencies to coordinate with Federal authorities. If the drug czar concurs with the language in this bill, this money will help my State better combat the growing drug problem.

The legislation also includes a $1 million increase in the Youth Gun Crime Interdiction Initiative. Milwaukee is one of a small number of cities selected last year to participate in the program which uses resources from the Federal Bureau of Alcohol, Tobacco, and Firearms to trace weapons in an attempt to track the seller. The program saw its first success in April when Milwaukee Police arrested a grocery store security guard and charged him with Federal firearms violations. Lawrence M. Shikes plead guilty to purchasing guns and reselling them to juveniles, gang members, and drug dealers in the Milwaukee area. This is an important program, and one of the reasons that I am voting for the overall bill.

Mr. President, while I am voting for this bill, I strongly oppose to the congressional pay raise provision. Because of this conviction, I will not accept any increase in my salary. Since coming to the Senate in 1989, I have not accepted any salary increase, and I will return any future pay increase to the U.S. Treasury to reduce the deficit.

Since this is one provision of a larger bill, I will vote in favor of the measure.

Mr. CAMPBELL. I suggest the absence of a quorum and ask that the time continue to be charged to both sides.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call.

Mr. ABRAHAM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ABRAHAM. Mr. President, I ask unanimous consent to be permitted to speak as in morning business for up to about 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

## SECTION 110 OF THE ILLEGAL IMMIGRATION REFORM AND IMMIGRANT RESPONSIBILITY ACT

Mr. ABRAHAM. Mr. President, today, I want to bring to the Senate's attention an issue of great concern, not only to my home State of Michigan, but also to many other Northeastern States that border Canada. Section 110, a rather small provision of the 1996 Illegal Immigration Reform and Immigrant Responsibility Act, has generated waves of controversy here in the United States and in Canada because of its unintended negative impact on trade and travel between the two countries.

Section 110 requires the Immigration and Naturalization Service to develop an automated entry and exit system to document the entry and departure of every alien arriving in and leaving the United States. The term "every alien" certainly would be interpreted to include both Canadians and American permanent residents who cross our land borders with Canada.

This interpretation conflicts with the decades-old practice of not requiring Canadians to present a passport, visa, or border crossing identification card at the border. As previously described, this interpretation was not intended by the law's authors. My former colleague, Alan Simpson, who preceded me as chairman of the Senate Immigration Subcommittee, and Representative LAMAR SMITH, who is the current chairman of the House Immigration Subcommittee, wrote in a letter last year to the Canadian Government that they did not intend to impose a new requirement for border crossing cards on Canadians who are not presently required to possess such documents.

Mr. President, I ask unanimous consent that this letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

His Excellency RAYMOND CHRÉTIEN,
*Ambassador of Canada,*
*Canadian Embassy, Washington, DC.*

DEAR MR. AMBASSADOR: This is in reply to your letter regarding congressional intent in the implementation of Sections 104 and 110 of the "Illegal Immigration Reform and Immigrant Responsibility Act of 1996." Ms. Strom and Mr. Day were accurate in their description of our intent regarding those provisions.

With regard to Section 104, it was not our intent to impose a new border crossing card requirement on Canadians who do not now need to possess such a card to enter the United States. With regard to Section 110, again, it was not our intent that Canadian citizens who now enter the United States without an I–94 will be required to obtain that form in the future.

Of course, any Canadians who elect to possess a border crossing card will be subject to the requirements for an improved card; and any Canadians who are now issued an I–94 form will be subject to the new exit control provisions of the law. But, again, we did not intend to impose a new requirement for border crossing cards or I–94's on Canadians who are not presently required to possess such documents.

Respectfully yours,
ALAN K. SIMPSON,
*Chairman, Subcommittee on Immigration, U.S. Senate*
LAMAR S. SMITH,
*Chairman, Immigrations & Claims, House of Representatives.*

Mr. ABRAHAM. Mr. President, I ask unanimous consent that the letter from the Canadian Ambassador to Congressman SMITH to which his letter responds be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

Hon. LAMAR S. SMITH,
*Chairman, Immigration and Claims,*
*House of Representatives, Washington, DC*

DEAR MR. CHAIRMAN: I wish to bring to your attention some language of the "Illegal Immigration Reform and Immigrant Responsibility Act of 1996" which, depending on how it is interpreted, could have significant cost implications for the United States as well as affect the mobility of millions of Canadians.

Section 110 of the Act requires the Attorney General to develop an automated entry-exit control system at ports of entry. We understand that this provision was introduced to document the entry and exit and gather information on immigration violations committed by foreign nationals who are entering the United States legally either with a U.S. non-immigrant visa or through the privilege of a visa waiver pursuant to the Visa Waiver Program initiated in 1986. Officials in both the Immigration and Naturalization Service and the State Department have brought to our attention that the final language of Section 110 uses the word "alien" without any qualification. This could be interpreted as including the millions of Canadian citizens who enter the United States every year and are not issued an I–94 form.

My officials have discussed the matter informally with Ms. Cordia Strom, your Chief Counsel, and Mr. Richard Day, her counterpart, in the House immigration Subcommittee. Ms. Strom and Mr. Day confirmed our understanding of the legislative intent as stated above. They indicated that Congress did not intend to require the issuance of documentation and the control of departure for the millions of Canadians who have, since well before 1986, traditionally enjoyed the privilege of a summary inspection. Such interpretation would have a very negative impact on cross border mobility at high volume border crossings such as the Rainbow bridge in Niagara Falls or the Detroit-Windsor Tunnel. I would therefore be grateful if you could confirm that Congress did not intend to make Canadians subject to this provision.

I am also concerned about an interpretation of Section 104 of the same Act that appeared in "Interpreter Releases" in their October 7, 1996 issue. The "Section-by-Section Summary" of that publication on Section 104 suggests that all aliens must use a border crossing card with a biometric identifier by September 30, 1999.

In their efforts to facilitate mobility in the context of the Border Accord, both Canada and the United States, encourage frequent travellers to consider the benefits of using dedicated inspections lines by enrolling in INSPASS or CANPASS. Enrollment in these programs is voluntary. Making it a mandatory requirement would become a major impediment to cross border mobility for millions of American and Canadian travellers. Our reading of Section 104 of the Act does not lead us to such a conclusion. I would therefore also appreciate your confirmation that it was not Congress's intention to require all Canadians, travelling to the U.S. by September 30, 1999, to hold such a card.

Thank you in advance for your cooperation on these matters.

Yours sincerely,

RAYMOND CHRÉTIEN,
*Ambassador.*

Mr. ABRAHAM. Unfortunately, the INS appears to maintain, regardless of the intention, that the law clearly calls for a record of every entry and departure by noncitizens entering or departing the United States. I will be sending a letter to INS Commissioner Doris Meissner to ask how the agency interprets section 110, how the agency plans to implement the law, and how we might work together to remedy what I see as an enormous problem on the horizon.

Bumper-to-bumper traffic is not an unusual occurrence in many parts of the country, whether its a morning or afternoon commute or a trip to a football game. This also occurs every day at already busy border crossing points. But imagine if you will, the traffic nightmare of back-up for miles and miles that would result from implementing this new provision at all U.S. border crossings. Under the section 110 statute, every Canadian citizen and American permanent resident must present a visa or proper immigration form to border inspectors. In 1996 alone, over 116 million people entered the United States by land from Canada. Similarly, over 52 million Canadian residents and United States permanent residents entered Canada last year. The new provision would require a stop on the U.S. side to record the exit of each person in every car. That's more than 140,000 every day; 6,000 every hour; 100 every minute. And that is just when you exit the United States. Those person entering the United States from Canada will also confront a similar circumstance. These delays will affect American citizens alike.

Now imagine the economic impact of such a policy. The free flow of goods and services that are exchanged every day through the United States and Canada has provided both countries with enormous economic benefits. Together, trade and tourism between the two nations is worth a billion dollars a day for the United States, and Canada is the United States' largest trading partner. The State of Michigan is an important beneficiary of this longstanding close relationship. The Ambassador Bridge in Detroit is the largest land border crossing point in North America. The United States automobile industry conducts $300 million worth of trade with Canada every day. Michigan, and Detroit in particular, would be severely impacted by excessive delays that would surely arise if truckers were forced to show a visa or fill out immigration forms at each port of entry. New just-in-time delivery methods have made United States-Canadian border crossings integral parts of our automobile assembly lines. A delivery of parts delayed by as little as 20 minutes can cause expensive assembly line shutdowns.

Tourism is another industry that would surely be affected by the implementation of section 110. Suddenly, people in Windsor, Canada, who thought they'd head to Detroit for a Tiger's baseball game or Red Wing's hockey game think again and stay home—with their money. In fact, this provision would force all Canadian residents who visit their family and friends in America to obtain a visa or obtain other immigration forms. It is for these reasons that we have twice rebuffed previous attempts in the Senate to impose a tax on border crossings.

Mr. President, our borders are already crowded. In 1993, nearly 9 million people traveled over the Ambassador Bridge I referred to earlier, 6.4 million traveled through the Detroit-Windsor tunnel, and approximately 6.1 million crossed the Blue Water Bridge in Port Huron. Think what it would mean to load them down with paperwork and fee payments. Optimistically, the new controls might take an extra 2 minutes per border crosser to fulfill. That is almost 17 hours of delay for every hour's worth of traffic. It's just not practical, and we must act to prevent it from happening.

As chairman of the Senate Subcommittee on Immigration, I intend to hold hearings in both Michigan and Washington to learn more of the impact of section 110. I am certain these proceedings will be useful in determining how to clarify the act and make the case to my colleagues that we must remedy this situation.

The illegal immigration law passed last year focused on those persons who enter our Nation illegally, not those who come here legally to make a better life for themselves and their families—let alone those who visit family here on a regular basis or help carry out our crucial, ongoing trade with Canada. I should also note that Canadians have not historically presented significant illegal immigration problems and that I appreciate very much the unique and close relationship Americans and Canadians share. Section 110 will not go into effect until September 1998. In the meantime, it is my hope that Congress will take the time to closely consider the problems I have outlined and conform the act to reflect current policy and our special relationship with Canada.

Mr. President, I yield the floor. I suggest the absence after quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CAMPBELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

## TREASURY, POSTAL SERVICE, AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 1998—CONFERENCE REPORT

The Senate continued with the consideration of the conference report.

Mr. CAMPBELL. Mr. President, given that there are no further Senators seeking recognition, I yield my time.

Mr. KOHL. I yield my time.

The PRESIDING OFFICER. All time has expired.

Mr. CAMPBELL. Mr. President, I urge the Senate to adopt the conference report for H.R. 2378, and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER (Mr. FRIST). The question is on agreeing to the conference report. On this question, the yeas and nays have been ordered, and the clerk will the role.

The assistant legislative clerk called the roll.

The result was announced—yeas 55, nays 45, as follows:

[Rollcall Vote No. 264 Leg.]

YEAS—55

Akaka
Bennett
Biden
Bingaman
Breaux
Bumpers
Byrd
Campbell
Chafee
Coats
Cochran
Conrad
Craig
Daschle
Domenici
Dorgan
Durbin
Feinstein
Ford
Glenn
Gorton
Graham
Hagel
Harkin
Hatch
Hutchison
Inhofe
Inouye
Jeffords
Kempthorne
Kennedy
Kerry
Kohl
Landrieu
Levin
Lieberman
Lott
Lugar
Mack
McConnell
Mikulski
Moynihan
Murkowski
Nickles
Reed
Robb
Rockefeller
Roth
Sarbanes
Smith (OR)
Stevens
Thompson
Thurmond
Torricelli
Warner

NAYS—45

Abraham
Allard
Ashcroft
Baucus
Bond
Boxer
Brownback
Bryan
Burns
Cleland
Collins
Coverdell
D'Amato
DeWine
Dodd
Enzi
Faircloth
Feingold
Frist
Gramm
Grams
Grassley
Gregg
Helms
Hollings
Hutchinson
Johnson
Kerrey
Kyl
Lautenberg
Leahy
McCain
Moseley-Braun
Murray
Reid
Roberts
Santorum
Sessions
Shelby
Smith (NH)
Snowe
Specter
Thomas
Wellstone
Wyden

The conference report was agreed to.

Mr. CAMPBELL. Mr. President, I move to reconsider the vote.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Virginia.

## TERMINATING INVESTIGATION OF LOUISIANA ELECTION

Mr. WARNER. Mr. President, I wish to advise the Senate that the Committee on Rules and Administration met this morning at 10 o'clock for the purpose of voting in executive session to review the investigation by that committee into the 1996 Louisiana election. The committee reviewed the evidence, heard the report of the chairman, then voted unanimously on a resolution to terminate the investigation by the Committee on Rules and Administration into that election.

I ask unanimous consent that the text of my remarks before the Rules Committee this morning, the text of the committee motion, and several letters, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

### STATEMENT OF CHAIRMAN JOHN WARNER, COMMITTEE ON RULES AND ADMINISTRATION, LOUISIANA CONTESTED ELECTION, OCTOBER 1, 1997

#### INTRODUCTION

This business meeting today is called to brief the Committee on the findings of our preliminary investigation of allegations that fraud, irregularities, or other errors affected the outcome of the 1966 Senate election in Louisiana. Our focus primarily will be on those matters the Committee has investigated since the Committee's vote on July 31 to continue the investigation.

#### HISTORY OF CONTEST PRIOR TO JULY 31, 1997

Mr. Jenkins' petition addresses one of the closest Senate contested cases in history: Senator Landrieu's margin was just under 6,000 votes out of 1.7 million cast. Mr. Jenkins' amended petition alleged that "a pattern of misconduct, irregularities, fraud, and political machine corruption violating state and federal law changed the result of the election . . ." He also alleged that "state, parish, and precinct officials inadequately administered the 1996 general election and failed to ensure the sanctity of the electoral process in Louisiana so that the results of the 1996 United States Senate election are in doubt."

On April 10, two outside counsel, Bill Canfield and Robert Bauer, respectively selected by the majority and minority members of this Committee to review the pleadings filed by the parties, reported their assessment of only the following: Jenkins' petition and related evidence, the rebuttal material submitted by Senator Landrieu, and the surrebuttal information presented by Mr. Jenkins. It is important to note that their review did not include any field investigation. These counsel jointly recommended that the allegations of fraud, including vote buying, multiple voting, and fraudulent registration, should be investigated by the Committee. They also recommended that the next phase be conducted under their direction, subject to guidance from the Chairman and the Ranking Member. Counsel further recommended that certain types of evidence be dismissed, such as evidence of mismatched signatures and phantom votes. On April 15, the Committee heard from Mr. Jenkins and counsel for Senator Landrieu concerning the Bauer-Canfield joint recommendations.

On April 17, the Committee, voting on partisan lines, adopted much of the Bauer-Canfield recommendation, but directed the Chairman to conduct a preliminary investigation. In doing so, the Committee indicated that it would not ignore potential evidence of fraud, including mismatched signatures and phantom voting. I also announced that I desired that the investigation be conducted by a team of outside counsel with extensive investigative experience.

Shortly after the Committee vote on April 17, Senator Ford, on behalf of the minority, expressed his desire to conduct the investigation jointly, and requested that an investigative protocol be developed between counsel for the majority, McGuire Woods Battle & Boothe, and counsel for the minority, Perkins Coie. At the same time, I initiated efforts to secure the assistance of detailees from the FBI. After extensive negotiation and the adoption of a protocol, we were able to secure two detailees from the FBI, and additional personnel from the General Accounting Office, and we negotiated the issuance of subpoenas for election records and documents from Mr. Jenkins and Senator Landrieu.

In the meantime, our majority outside counsel from McGuire Woods Battle & Boothe, headed by Richard Cullen and George Terwilliger, began a review of Louisiana's election laws and to what extent these laws and implementing regulations were followed in the November election. This examination revealed that many of the laws and regulations—statutory safeguards designed to protect the integrity of the election system—had not been observed: Fraud could have occurred.

The full preliminary field investigation then began in earnest on June 9, when two FBI agents were detailed to the Committee, and arrived in New Orleans to work with assistance from two retired FBI agents hired by the Committee. Outside counsel for majority and minority provided guidance as to the agents' activities.

A short twelve working days later, the minority unexpectedly pulled out of the investigation and the FBI terminated the detail of the two agents, despite my request that the detail be continued.

During those twelve days, our investigative teams had interviewed a number of witnesses who had submitted taped statements to Petitioner that they participated in or observed vote fraud. As has been well publicized by the minority, these witnesses recanted their testimony, stating that they had been paid and coached by a person hired by the Petitioner to make up their stories of fraudulent voting.

The complete picture on these witnesses, however, was complicated by the fact that there were reports of threats associated with the witnesses' initial reports, making it unclear if those who did recant were truthful in the first instance, or truthful in their recantation. It is also clear that many of these witnesses were acquaintances who clearly had the opportunity to discuss their testimony. Moreover, a small number of witnesses, alleging fraudulent voting, stuck to their original testimony and never recanted.

Senator Ford and I made separate referrals of the evidence of alleged witness tampering and threats to the Department of Justice. In addition, I made a referral of this information to Doug Moreau, the District Attorney for East Baton Rouge, Louisiana, who had opened his own investigation into allegations of election fraud during 1996.

Meanwhile, the Committee had charged detailees from the Government Accounting Office to examine election records for discrepancies between vote totals recorded on election documents and machines. This examination focused specifically on four of the seven categories of "phantom votes" alleged by Petitioner.

An interim report provided to the Committee on July 9 revealed that the allegations of widespread irregularities in these four categories could not be substantiated. While this review confirmed many of the discrepancies identified by Mr. Jenkins, the GAO detailees concluded that all but 153 of the several thousand "phantom votes" were explainable. The problems with Petitioner's analysis resulted from three primary factors: (1) transcription errors in the election records themselves; (2) errors in the compilation of numerical results by Mr. Jenkins; and (3) the fact that Mr. Jenkins did not have available to him all of the election documents which were available to the Committee. In short, many errors identified by Mr. Jenkins could be explained by our review of certain election records.

It is important to note, however, that while the irregularities in these four categories were not nearly as widespread as alleged by Mr. Jenkins, there were a number of precincts that did contain errors which might have been the result of fraudulent activities. In addition, there was one instance where 100 votes were erroneously credited to Senator Landrieu.

Let me for a minute return to the withdrawal of the minority. When the minority withdrew from this investigation, they focused on two facts. First, a number of witnesses to fraud had recanted their original testimony. Second, the allegations of widespread irregularities in four of seven categories raised by Mr. Jenkins were not significant enough to impact the election.

At that time, however, there were other significant areas of potential fraud which had not been examined at all. Mr. Jenkins had submitted hundreds of allegedly mismatched signatures which merited audit. He had alleged that massive numbers of voters had not completed legally required forms, which merited review. He had identified over one thousand voters registered to housing that had been abandoned. Petitioner had made allegations of fraudulent registration that had not been examined even though the Bauer-Canfield report had cited it as worthy of review. And allegations of political machine corruption, including the illegal use of corporate funds, deserved review. Remembering that the investigation had already ascertained that many of the statutory safeguards had been ignored, there was clearly the possibility that fraud could have occurred in these areas. It was our duty to further investigate these significant allegations.

On July 31, the Committee affirmed my recommendation to continue the investigation, approved the use of designated funds and authorized me to issue subpoenas.

### ACTIONS SINCE JULY 31, 1997

Immediately after the Committee's action of July 31, I wrote the Attorney General of the United States to request the reassignment of FBI agents to the Committee: this request was rejected. As an alternative, I then hired three additional retired FBI agents using Committee funds. I also sought renewed assistance from GAO, and after significant delay, they provided personnel to review election records assistance in late-August and accountants to examine financial documents in early September. To date, our investigation has encompassed a review of literally thousands of documents and the interview of hundreds of persons.

Subsequent to July 31, I issued 40 subpoenas to individuals, organizations, and companies with knowledge or documents related to the election. Some of these were for personal appearance at hearings, some for documents, and some for both. I would like to thank the United States Marshal's office in New Orleans for their help in serving many of these subpoenas in a timely and professional manner. These 40 subpoenas were in addition to the 134 Senator Ford and I agreed to issue in May for election records and documents from the parties.

The Committee also held four full days of field hearings in Louisiana and another hearing here in Washington. I will turn to the findings of these hearings in a moment.

Our sole focus was to fairly and impartially gather a body of evidence—to determine the presence or absence of fraud or irregularities—upon which the Committee, and ultimately the Senate, could make a reasoned judgment with regard to the petition submitted by Mr. Jenkins.

### RESULTS: ELECTION RECORDS AND INTERVIEWS

Election records, if properly prepared and maintained, are the post-election means to a prompt and reliable assessment that fraud did not penetrate an election. Indeed, with the advent of electronic voting machines, these records are often the only evidence available to demonstrate—corroborate—that an election was conducted properly and that the machines accurately reflect legitimate votes. Without reliable records, investigation of vote fraud allegations must involve time consuming and intrusive examination of the actions of both individual voters and groups involved in the political process.

If the legal requirements of the registration and voting process are adhered to and reliable records of the same are created and maintained, allegations of fraud can be expeditiously examined. If widespread fraud occurred, reliable records should readily yield evidence of the vote fraud. However, the absence of such records and effective registration and voting processes creates opportunity for fraud to exist.

Thus, candidates, election officials, and voters all share a common interest in electoral procedures that meet the requirements of the law. Anything less challenges the fundamental public interest in reliable and final elections.

#### *Review of "suspect" precincts and voter interviews*

Our GAO detailees have thoroughly examined the election documents in 34 precincts across the state. These precincts were identified by the Committee as "suspect" because of a variety of factors: Places where multiple voting was alleged, unusual registration patterns, late closing of machines, etc.

This analysis revealed numerous irregularities with these records: names on a poll list but not on a register, and vice versa; poll lists which are supposed to be duplicate have names out of order; and names on poll lists more than once.

Had irregularities not existed and had other safeguards not been ignored, our investigation may have been completed sooner. But these irregularities did exist, warranting further examination of a sampling of voters to assess whether this election was tainted by—and affected by—fraud. In certain of these precincts, Committee staff compared signatures on precinct registers with the signatures on registration cards to identify potentially questionable voters.

Our investigators have now interviewed voters from a third of the "suspect" precincts. With few exceptions, these voters have confirmed the fact that they voted. In the few exceptions of fraud that we have uncovered, there is no evidence of an organized, widespread effort to secure fraudulent votes on behalf of any individual, and certainly no evidence of any effort to secure votes specifically on behalf of Senator Landrieu.

#### *Duplicate social security numbers*

We have identified over 1500 voters with the same social security number as another voter, and we have learned that a number of these pairs of voters both voted. However, our investigation has revealed no scheme or effort to cast illegal votes, and more significantly, the evidence we have gathered to date indicates that the majority of these duplicate social security numbers appear to be the result of erroneous entry of social security numbers.

#### *Voters registered at abandoned housing*

We have reviewed Petitioner's allegations that over a thousand voters in Orleans Parish were registered at housing that had been abandoned before the election. First, our review of a sample of these voters revealed that none of them had registered before the housing became abandoned. Second, a comparison of registration records and records from the Housing Authority of New Orleans revealed that of 522 voters from four precincts that were reviewed, 41% still lived in housing that Mr. Jenkins alleged was vacant. Third, an additional 45% of these 522 voters had moved to other housing within Orleans parish, and were legally permitted to vote in their old precinct.

#### *Inactive voters required by law to complete address confirmation forms*

Under Louisiana law (18:192), address confirmation postcards are sent to voters every four years. Voters whose postcards are returned because the addresses are apparently invalid, are placed on "inactive status", and these voters are required by law to complete an "Address Confirmation Sheet" confirming that they still live within the parish, before they are permitted to vote.

Petitioner alleged that approximately half of the inactive voters in certain parishes did not fill out the required forms. He also expressed concern that the list of inactive voters is available to the public, and thus could be used to send imposters to the polls.

Of 170 precincts reviewed in Orleans Parish, we found approximately one voter per precinct who had not completed the requisite form and no more than seven in any one precinct. Overall, 55% of those required to fill out the form did not do so. In addition, in the 29 "suspect precincts" in Orleans Parish, we found that few voters had completed the form as required, but this still only amounted to approximately two voters per precinct. We also attempted to contact voters in the suspect precincts who should have completed these forms. Although many could not be contacted, of the nine we did contact, each of them confirmed that they voted, and several reported that they had completed the form, indicating sloppy record keeping.

While it may be argued that these are illegal votes under Louisiana law, it is also clear that these are errors that could have been brought to the attention of the precinct commissioners at the time of the election, and the issue may be waived for failing to raise it at that time. In addition, the disparate nature of these irregularities is far more indicative of negligence than a pattern of fraud.

### ILLEGAL CORPORATE CONTRIBUTIONS

We have attempted to examine whether local political organizations or gambling-related corporations illegally influenced the election in violating federal and state campaign finance laws. Foremost in this review was an examination of the activities of a group known as the Louisiana Independent Federation of Electors ("LIFE") and the marketing firm utilized by LIFE, Carl Mullican Communications, and those of several gambling companies.

Our review indicates that some federal and state election campaign laws may have been ignored, avoided, and even intentionally violated. There is evidence that gambling money used to pay canvassers, and donations given to local political organizations, may have resulted in illegal donations to federal candidates. However, there is no significant body of evidence that this use of money or other infractions of campaign laws was intended to aid the campaign of Senator Landrieu. Rather, the activities appear to be directed at local initiatives and elections. The absence of significant evidence of an organized effort to directly and illegally assist Senator Landrieu makes it appropriate to let the existing system (i.e., the Federal Election Commission and appropriate state authorities) assess where possible election campaign violations might have occurred.

### VOTE BUYING AND TRANSPORTING VOTERS TO THE POLLS

There is evidence that voters were transported to the polls which is illegal under most circumstances under Louisiana law. However, our investigation has revealed little evidence of fraudulent vote buying, and no evidence of an organized effort to buy thousands of votes so as to impact the Senate election.

### EMPLOYEES FORCED TO CAMPAIGN

We did confirm the existence of an organized effort to use city employees in support of election efforts. We did not, however, find any evidence that this was directed toward the benefit of Senator Landrieu. Nor did we find any significant evidence of illegal coercion. Moreover, this type of evidence normally does not support an election contest.

### AREAS UNDER EXAMINATION

Before making my recommendation with regard to Mr. Jenkins' petition, I note that there are two areas of examination that require greater discussion.

First, we were unable to conduct a direct examination of possible fraudulent registration by using the State's voter registration computer database. This system, when prepared and operated properly, is a significant safeguard against multiple registrations. In addition to the many voters registered with the same social security number, we learned that there are over 200,000 registrants who have no social security number in the database, making in easier for fraudulent registrations to be submitted without detection.

A federal district court has ruled that the Commissioner of Elections may no longer collect social security numbers, raising issues about the propriety of his maintaining those he has collected. This issue caused the Commissioner to refuse to comply voluntarily with a subpoena, and to advise us that he would resist our request in court. This position has been confirmed by the fact that Doug Moreau, the District Attorney for East Baton Rouge, is currently in court litigating the Commissioner's refusal to provide him a copy of the state voter registration computer database (which include social security numbers). Mr. Moreau is seeking these records to assist him in his investigation of possible illegal election activities during the November 1996 elections.

Second, under Louisiana law (18:102(1)), a convicted felon may not legally vote until he has completed this sentence, including any period of parole or suspension. These voters are supposed to be taken off the voter database and not be allowed to vote. It was recently reported that there are over 100,000 convicted felons that may not have been purged from the voter registration records, possibly leading to illegal votes. The Office of the Commissioner of Elections advised Committee staff last week that only about 2,100 felons remained on the registration records, with the number that voted less than the 2,100. Yesterday, it was reported in Louisiana press that parish registers are finding felons on their registration rolls at a number higher than indicated by the Commissioner of Elections.

I spoke with the Governor last evening and he assured me—as he also stated in his letter to me which I received on Monday of this week—that he would call for a bipartisan investigation of this issue of felons possibly voting in the election. I also spoke with the East Baton Rouge District Attorney who informed me that he would be examining this issue also.

There is no way, at this time, to itemize the amount of time and Committee effort that could be expended in assessing these two areas, although it clearly could be very substantial.

### RECOMMENDATION

While it is not necessary that the evidence gathered during a preliminary investigation prove that the election outcome was the result of fraud or irregularities, that evidence must indicate that further investigation is likely to result in that conclusion before proceeding to a full and lengthy investigation.

The facts submitted by Petitioner, and gathered by this Committee to date, do not meet that level of proof. It may be impossible, given the state of observance—or lack thereof—of election laws, and lax record keeping by Louisiana officials, for Petitioner to ever overcome this burden. This observation has been made by the Governor and Doug Moreau.

But the failure of election safeguards and lax record keeping do not suffice to overcome an election. More is required. There must ultimately be proof that the election would have been decided differently, or proof of such a magnitude of fraud, irregularities, or other errors that the true result of the election are unknown.

While there were some irregularities in this election, and isolated incidences of fraud, there is insufficient evidence in the aggregate, at this time, to indicate further investigation would result in the degree of evidence necessary to overcome petitioner's burden.

Our investigation to date has revealed a failure of safeguards and discrepancies in records. It has revealed possible campaign finance violations, although no indication of such violations on the part of Senator Landrieu. It also has revealed isolated instances of fraudulent or multiple voting and improper or duplicate registration. But it has not revealed an organized, widespread effort to illegally affect the outcome of this election. It has not revealed an organized, widespread effort to buy votes, or to procure multiple votes, or secure fraudulent registrations. It has not revealed such gross irregularities in the election and record keeping process that—by themselves and in the absence of massive fraud—meet the burden, which is always on the plaintiff, to prove that fraud or irregularities affected the outcome of the election. Finally, it has never been alleged, and no evidence has been uncovered, that Senator Landrieu was involved in any fraudulent election activities.

I would like to discuss briefly the challenges faced by the Committee in conducting this investigation—and I mean problems beyond the very difficult ones caused by the partisan division on the Committee concerning the conduct of the investigation.

The last time the Committee handled an election contest alleging voter fraud was in the *Hurley* v. *Chavez* contest in 1953–54. In 1954, there were actual paper ballots which could be reviewed, rather than electronic voting machines which print out results you hope are reliable. In 1954, there was no Federal Election Commission and few, if any, prohibitions on how money could be spent on campaigns. In 1954, there was not the communications system which made it easy for candidates, groups, and others to work together, both legally and illegally, by fax, by e-mail, or by cell phone.

But in both 1954 and 1997, there were many of the same problems with which this Committee has struggled: the need to balance a voter's right to privacy versus the need for information; the tendency to assume that all elections should be run perfectly even though most of the individuals actually running the precincts are volunteers putting in long hours with limited training; and the difficulty in deciding how and whether to determine if irregularities had an impact on the outcome of the election.

All of these have been problems which the Committee has faced and overcome in fulfilling its constitutional duty as "the Judge of the Elections, Returns, and Qualifications of its own Members..."

From the inception of this case, I have viewed the obligation of this Committee to be to fairly and objectively judge all the facts, with the Senate as our client. I submit to this Committee and the Senate a record which I believe is a credible discharge of the Committee's duty to the Senate.

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### Committee on Rules and Administration—Committee Motion, October 1, 1997

1. Whereas Louis "Woody" Jenkins filed a Petition for Election Contest with the United States Senate on December 5, 1996 and an Amended Petition for Election Contest on December 17, 1996, and Senator Mary Landrieu filed a Request for Summary Dismissal on January 17, 1997; and Petitioner Jenkins filed Petitioner's Answer to Request for Summary Dismissal on February 7, 1997;

2. Whereas the Committee on April 17, 1997 authorized "the Chairman, in consultation with the ranking minority member, to direct and conduct an Investigation of such scope as deemed necessary by the Chairman, into illegal or improper activities to determine the existence or absence of a body of fact that would justify the Senate in making the determination that fraud, irregularities or other errors, in the aggregate, affected the outcome of the election for United States Senator in the state of Louisiana in 1996";

3. Whereas the Committee on July 31, 1997 authorized "the Chairman to continue the investigation of the 1996 election for United States Senator from Louisiana authorized by the Committee Motion of April 17, 1997";

4. Whereas during the Committee's continued preliminary investigation, the Committee examined a number of areas of potential fraud, irregularities or other errors which had not been reviewed before July 31, including but not limited to the following allegations:

(A) use of funds from gambling interests to influence the Senate election;

(B) inaccurate and unreliable election records in certain precincts;

(C) apparent discrepancies in voters' signatures;

(D) duplicate voter registrations;

(E) illegal transportation of voters to the polls;

(F) improper and unreported campaign expenditures;

(G) voters registered at vacant public housing; and

(H) voters failing to submit required address confirmation forms;

5. Whereas the preliminary investigation has uncovered evidence that many of the statutory and regulatory safeguards meant to protect the integrity of the registration, voting, and campaign finance processes were violated, ignored, or enforced unevenly by election officials and others;

6. Whereas the Chairman has throughout this preliminary investigation conferred with the Governor of Louisiana and the District Attorney for East Baton Rouge, Louisiana, and both of these officials have written regarding their concerns about the election procedures, the violations of many election safeguards, and the absence of records corroborating the election results;

7. Whereas the Governor of Louisiana wrote to Chairman Warner on September 29, 1997, and concluded that:

"These issues are not about party affiliation. They are not about individual candidates or specific elections, even though this election in question clearly has illustrated some of the problems. The issue is the integrity and sanctity of our election process and its results. I share wholeheartedly with you your basic premise that our foremost duty is to ensure that our elections are conducted fairly and in accordance with law.

"I particularly share your frustration that our system of record keeping precludes adequate standards of accountability and that our lax enforcement substantially lowers public confidence in our elections. Witness to this is the fact that we recently learned that we have thousands of felons still on the voter rolls.

"Regardless of the future course of your investigation with the Rules Committee, Louisiana has a duty and an obligation to fashion a remedy for the many ills which have so amply been illustrated throughout these past months.

"Therefore, I will call for a bipartisan state legislative initiative with hearings focusing on every element of our registration and election process, involving Democrats and Republicans, and all appropriate state and local registrars, elections officials, and enforcement authorities."

8. Whereas the District Attorney for East Baton Rouge wrote to the Governor of Louisiana on September 2, 1997, and concluded that:

"We are currently conducting an investigation into election and voter registration irregularities. During the investigation, we have come across many concerns, including a number which I feel should be brought to your attention. That is because it appears that many of the Louisiana laws which were designed to assure the integrity of voter registration records and voting procedures may not be achieving the goals intended by the Legislature when enacted. The immediacy of the situation is that if the current procedures are not addressed, then the simple passage of time will result in the inability to insure that our laws provide either registration or election result integrity.

* * * * *

"These various practices, among others, create the opportunity for fraud in registration and voting and make it, for all practical purposes, impossible to discover, after the fact, if it occurred."

9. Whereas the breakdowns in Louisiana's electoral system indicate significant institutional problems which create the opportunity for fraud and irregularities to affect the outcome of Louisiana's elections; and

10. Whereas, notwithstanding the breakdowns in Louisiana's electoral safeguards, the Committee has not found a cumulative body of evidence of fraud, irregularities, or other errors—after review of a significant number of potential areas of fraud, irregularities, or other errors—to meet the petitioner's burden, as determined by Senate precedent, which burden is: to show not only proof of fraud or irregularities, but also that, upon completion of a full investigation, such fraud or irregularities, in the aggregate, did affect the result of the election or clearly make the true result of the election unknown.

Now, therefore, the committee hereby states that it finds that the evidence collected to date does not meet the applicable burden to justify further consideration of the amended petition by the Committee, or by the Senate, and the Committee terminates its investigation of the 1996 election for U.S. Senator from Louisiana and directs the Chairman to so inform the Senate;

The committee further hereby directs the Chairman to prepare a committee report, with minority or supplemental views as appropriate, which details the actions taken by the Committee, the legal standards applicable to the petition, and the evidence developed during the preliminary investigation;

The committee further hereby directs the Chairman to determine whether the evidence obtained during the preliminary investigation indicates that evidence of violations of federal or state election, campaign finance, or other laws or regulations should be referred to the Governor of Louisiana, the Department of Justice, the Federal Election Commission, law enforcement authorities in Louisiana, or other investigative authorities, and to report such determinations to the Committee for further action by the Committee and the Senate, according to Senate Rules; and

The committee further hereby authorizes the Chairman to maintain appropriate copies of relevant records for the official Committee files and to return or otherwise forward to the appropriate parties, as determined by the Chairman, all original documents submitted to the Committee in response to subpoenas issued in furtherance of the Committee's investigation.

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NINETEENTH JUDICIAL DISTRICT,
EAST BATON ROUGE PARKS, OFFICE OF THE DISTRICT ATTORNEY,
*Baton Rouge, LA, September 2, 1997.*

Re: Voter registrations and elections.

Hon. MURPHY J. "MIKE" FOSTER,
*Governor, State of Louisiana,*
*Baton Rouge, LA.*

DEAR GOVERNOR FOSTER: We are currently conducting an investigation into election and voter registration irregularities. During the investigation, we have come across many concerns, including a number which I feel should be brought to your attention. That is because it appears that many of the Louisiana laws which were designed to assure the integrity of voter registration records and voting procedures may not be achieving the goals intended by the Legislature when enacted. The immediacy of the situation is that if the current procedures are not addressed, then the simple passage of time will result in the inability to insure that our laws provide either registration or election result integrity.

Though there are too many to be detailed in a letter, I will attempt to highlight some of the problems which we have found.

I would like to mention at the outset that the purpose of this letter is to point a finger at problems, not at people, so that they may be identified, discussed, understood, and solved. Blame assessment, if it occurs, will come at its time and in its forum.

Our investigation began with a focus on the Election Code, LRS 18:1 et seq, which was enacted to ". . . regulate the conduct of elections . . ." It governs all aspects of elections, including officials, voters, registration, voting procedures, results, reporting, and even campaign finance.

Recent discoveries have prompted me to write this letter. The first is the finding of duplicate, inaccurate and/or incomplete information in the voter registration computer database. As of approximately one month ago, that database admittedly contained thousands of instance of duplication of social security numbers as well as over 200,000 registered voters who were shown as having no social security number. From our continuing review, this number is much higher today than it was then.

There are also a number of persons who are shown on the State Voter Registration Computer System to be registered in the same or in different parishes with the same social security number. Investigation has shown that in some cases, the registration seems to be of the same person who has moved, and in some cases, the registration seems to be of a completely different person. Regardless of which of these scenarios is true for any particular record, to maintain the status quo is to invite fraud.

These problems fly in the face of the enactments of the Legislature contained in Louisiana Revised Statute 18:104 and 101 which requires that citizens who register to vote provide certain unique information to the Registrar of Voters in order to be properly identified and registered, and that there be no citizen registered in more than one place. Among the statutory requirements is the applicant's social security number. Despite this statutory mandate, the Commissioner of Elections office recently sent a directive to all registrars instructing that the obtaining of a social security number would no longer be required from a voter applicant. The directive was presumably based on a judicial decision rendered in a lawsuit filed by an individual against a Registrar and the Commissioner of Elections. The State of Louisiana was not made a party to the suit. Pursuant to the requirements of LRS 18:64, the Registrar of Voters was represented by an Assistant Attorney General. However, the State as an entity was neither made a party nor represented. Based upon that ruling the Commissioner's office is advising registrars around the state that they are no longer required to follow the mandate of LRS 18:104.

Permitting a discussing of the legal issues involved, if the necessary identifying information is not required when a voter is registered, then it is a matter of which you should be aware.

The second recent discovery occurred in attempting to match voter signatures from "Motor Voter" applications to signatures on the precinct registers which are signed on election day. Though no handwriting analysis has been done, there are a number of obvious discrepancies apparent in many of the records. This, of course, has been one of the concerns raised by the National Voter Registration Act (NVRA), and appears to have caused a problem in our election records.

Further complicating all of these matters is the lack of administrative rules, which has resulted in inconsistencies among the various offices of the local registrars, not the uniformity envisioned in the law.

These various practices, among others, create the opportunity for fraud in registration and voting and make it, for all practical purposes, impossible to discover, after the fact, if it occurred.

There are many other problems we have found which cause a great deal of concern, but they will not be detailed here. The purpose of this letter, instead, is to inform you of the existence of some of these problems in our system of registration and elections so that you can take whatever action you think is necessary to correct the problems. I stand ready to assist you in identifying the depth of, and solutions to, these problems.

If there are any questions, please feel free to contact me.

Yours truly,

DOUG MOREAU,
*District Attorney.*

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STATE OF LOUISIANA,
OFFICE OF THE GOVERNOR,
*Baton Rouge, September 3, 1997.*

Hon. DOUG MOREAU,
*District Attorney, 19th Judicial District,*
*Baton Rouge, LA.*

DEAR MR. MOREAU: Thank you for your letter of September 2, 1997, about your concern for the integrity of the election process in Louisiana. Your remarks have caused me grave concern as to whether our election laws require extensive legislative review in order to ensure that election results in Louisiana are reliable, and so that the public may have confidence in our election process. The first duty of government is to protect the democratic election process against all risks of fraudulent practices, so that those who are chosen in the election process are indeed the true choices.

I am so very concerned about the questions which you have raised that I will forward a copy of your correspondence to Senator

Randy Ewing, President of the Senate, and Representative Hunt Downer, Speaker of the House of Representatives, recommending that these questions, as to election process integrity, be reviewed by a joint committee of the legislature, with assistance of appropriate legal counsel and the power of subpoena. With such legislative oversight we will be able to ensure that the election results based on the election laws of Louisiana are above any suspicion as to their reliability.

I thank you most sincerely for calling these matters to my attention.

Sincerely,

M.J. "MIKE" FOSTER, Jr.

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U.S. SENATE, COMMITTEE ON
RULES AND ADMINISTRATION,
*Washington, DC, September 26, 1997.*

Hon. J.J. "MIKE" FOSTER, Jr.,
*Governor of Louisiana,*
*Baton Rouge, LA.*

DEAR GOVERNOR FOSTER: This letter follows up our telephone conversation earlier today and the important personal meeting we had several weeks ago at the Southern Governors Conference. The Committee on Rules, which I chair, will meet next Wednesday to receive my report on the status of the Committee's preliminary investigation on behalf of the Senate, into allegations that fraud and irregularities affected the outcome of the November 5, 1996 election for U.S. Senate in your state.

My report will contain references to Louisiana's election laws, the presence or absence of adequate regulations, and the need for a proven level of enforcement of such laws and regulations. You have expressed to me your concerns related to Louisiana's election process and have told me that you plan to make your own evaluation of this system, in conjunction with members of your state legislature.

I particularly commend Doug Moreau, District Attorney for East Baton Rouge whom I have consulted on several occasions. He is continuing to perform investigation into areas which overlap with our own efforts.

One area in particular that Mr. Moreau is pursuing is a complete review of the state's voter registration computer database, which we have both discovered contains a significant number of voters with the same social security number or with no social security number at all. We were unable to obtain the complete database because the Commissioner of Elections would not voluntarily comply with a subpoena, as confirmed by the fact that Mr. Moreau is now in court seeking to enforce his subpoena.

At such time as the ongoing Senate preliminary investigation ceases—and I will know more details after my full Senate Committee meets next Wednesday—I want to offer, in compliance with Senate Rules, the opportunity for Rules Committee staff to brief the appropriate forum you establish for your legislative review.

My experience in this case leads me to recommend that—in light of the number of instances where the electoral safeguards, including record keeping, were not followed in the November 1996 elections, from the precinct level right up to the office of the Commissioner of Elections—your review should include an examination of what legislative or regulatory changes and enhanced adherence to present laws are needed to ensure that an official body, be it a body of the U.S. Congress, a court of law, or an appropriate governmental authority in your state, can more readily reach a credible and well documented decision about a statewide election contest.

Our foremost duty is to ensure our elections are conducted fairly and in accordance with law. We remain willing to provide you our observations and suggestions, within Senate rules, to assist you in your efforts to protect our electoral process.

Sincerely,

JOHN WARNER,
*Chairman.*

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STATE OF LOUISIANA,
EXECUTIVE DEPARTMENT,
*Baton Rouge, LA, September 29, 1997.*

Hon. JOHN WARNER,
*Chairman, Senate Committee on Rules and Administration, Washington, DC.*

DEAR SENATOR WARNER: I am in receipt of your letter of September 26 in which you informed me of your Rules Committee report to be delivered Wednesday and detailed some of your observations and wisdom gained through years of oversight.

So much of your thought process and concerns directly parallel my own. The allegations of fraud and irregularities which may have affected the outcome of the November 1996 U.S. Senate election are serious and disturbing. But, of even greater long term consequence are the suspicions that you and I apparently both share that there are chronic, systemic, and structural problems in the Louisiana election process.

These issues are not about party affiliation. They are not about individual candidates or specific elections, even though this election in question clearly has illustrated some of the problems. The issue is the integrity and sanctity of our election process and its results. I share wholeheartedly with you your basic premise that our foremost duty is to ensure that our elections are conducted fairly and in accordance with the law.

I particularly share your frustration that our system of record keeping precludes adequate standards of accountability and that our lax enforcement substantially lowers public confidence in our elections. Witness to this is the fact that we recently learned that we have thousands of felons still on the voter rolls.

Regardless of the future course of your investigation with the Rules Committee, Louisiana has a duty and an obligation to fashion a remedy for the many ills which have so amply been illustrated throughout these past months.

Therefore, I will call for a bipartisan state legislative initiative with hearings focusing on every element of our registration and election process, involving Democrats and Republicans, and all appropriate state and local registrars, elections officials, and enforcement authorities.

Nothing in a democracy is more sacred than the integrity of elections. On behalf of the state of Louisiana we offer our deepest appreciation for your efforts in identifying the problem areas in our elections system, and we gratefully accept your offer to have Rules Committee staff provide important information and examples of problems to our state hearings.

Again we sincerely appreciate the earnestness of your efforts and hope that your diligence and the ensuing hearings in Louisiana will profoundly impact our elections system for the better.

With kinds regards, I am,

Sincerely,

M.J. "MIKE" FOSTER, Jr.,
*Governor.*

Mr. SANTORUM addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SANTORUM. Mr. President, I rise today to congratulate the chairman of the Rules Committee for one of the most difficult tasks that any Member will be called upon to take in the U.S. Senate, and that is to look into the election of another Member of the Senate. It immediately has partisan overtones and can take a very ugly turn.

I can say that having sat through many of the hearings, both open and closed hearings, having sat with the chairman and seeing the efforts of this case and seeing the level of detail to which he took personally getting involved in this investigation and trying to ferret out the validity of the charges that were alleged, I am very proud of Senator WARNER's work on this investigation. He did it with the skill of the trained lawyer that he is. He did it in a way, really as the Senate's counsel, if you will, and also did it with, I believe, an extraordinary air of bipartisanship when, in fact, the partisan wranglings had boiled over far beyond what he actually deserved.

He did an excellent job. He did a thorough job. He used the resources that he had to the greatest extent that he possibly could. He took lots of arrows, in many cases in the back. But he stood tall and kept his eye on the ball, and that was to find out what happened in Louisiana, whether these charges that were put forward were, in fact, legitimate. He is determined, as well as the other members of the committee, that at this point there is not sufficient evidence to suggest that there was a systematic case of fraud in Louisiana, and so the investigation must come to a conclusion.

I support the chairman in that decision. I supported him, as did every other member of the Rules Committee, in the decision that he came to after this thorough and thoughtful investigation of the information that was presented to him.

I just wanted to take the floor today to commend him for a job well done. No doubt he will be criticized by many for ending this investigation, but I want to stand with him in saying that I think he reached the conclusion that was the only conclusion that could be reached at this point.

Having said that, obviously, just like with any of us, if information comes out subsequent that is a smoking gun or that is really problematic, then that evidence can be brought before the Rules Committee and we can take a look at it. To this point, that has not occurred, and I think the chairman has acted judiciously with respect to the evidence before him.

I wanted to stand and offer my gratitude for his excellent work and state my support for his effort. Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. FORD. Mr. President, let me thank the chairman of the Rules Committee, the distinguished Senator from Virginia, for his honest, straightforward, and direct investigation and statements in closed session and in public today. I think it is evident from his effort, with the vote of 16 to nothing, bipartisan, that we now cease and desist as it relates to the investigation of the Louisiana election, and the distinguished Senator MARY LANDRIEU be seated as a true Senator without any cloud over her head whatsoever, so she can get about the business of full-time representation of Louisiana.

I thank the chairman. I thank the members of the committee. I think it is now time that we put this behind us and proceed with the business of the Senate.

The PRESIDING OFFICER. The Senate will be in order. The Senator from Florida.

## DISTRICT OF COLUMBIA APPROPRIATIONS ACT, 1998

Mr. MACK. Mr. President, what is the pending business before the Senate?

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of S. 1156, which the clerk will report.

The assistant legislative clerk read as follows:

> A bill (S. 1156) making appropriations for the Government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District, for the fiscal year ending September 30, 1998, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

> Coats modified amendment No. 1249, to provide scholarship assistance for District of Columbia elementary and secondary school students.
>
> Graham-Mack-Kennedy amendment No. 1252, to provide relief to certain aliens who would otherwise be subject to removal from the United States.
>
> Mack-Graham-Kennedy modified amendment No. 1253 (to amendment No. 1252) in the nature of a substitute.

### AMENDMENT NO. 1253 TO AMENDMENT NO. 1252

The PRESIDING OFFICER. The amendment of the Senator from Florida is the pending business.

Mr. MACK. Mr. President, I ask unanimous consent that Senator DEWINE be added as a cosponsor to my amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MACK. Mr. President, this amendment was offered last Thursday. We still have not had one Member come to the floor to speak in opposition to it. It has received support from both sides of the aisle and is supported by Senator ABRAHAM, the chairman of the authorizing subcommittee. It has received positive editorial support from a wide array of newspapers, including the Washington Times and the New York Times. It has also received the endorsement of Empire America. Yesterday I introduced into the RECORD a letter of support from Jeanne Kirkpatrick, Jack Kemp, William Bennett, Lamar Alexander and Steve Forbes.

This is a narrowly targeted amendment which merely ensures that Central Americans receive the due process which they were originally promised. It is focused on an identifiable group of people and ensures their opportunity to apply for suspension of deportation. It is not a grant of immunity.

I have not been able to obtain an up-or-down vote on my amendment, so I will be moving to table my own amendment. I will oppose the motion to table, and ask for the support of my colleagues in opposing the motion to table.

So, Mr. President, I therefore move to table amendment No. 1253.

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on the motion to table.

Mr. MACK. Mr. President, I ask unanimous consent that this vote be delayed until 12:15.

The PRESIDING OFFICER. Without objection, it is so ordered.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Florida.

Mr. GRAHAM. Mr. President, I am pleased that after almost a week we are on the verge of having an expression of the Senate on this important issue. I ask unanimous consent that Senator BOXER also be added as a cosponsor of this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRAHAM. I ask unanimous consent that a statement by the President, which was released on July 25 of this year, at the time the administration supported the principles of the Immigration Reform Transition Act of 1997, also be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE WHITE HOUSE,
OFFICE OF THE PRESS SECRETARY,
*July 25, 1997.*

FOR IMMEDIATE RELEASE

*To the Congress of the United States:*

I am pleased to submit for your immediate consideration and enactment the "Immigration Reform Transition Act of 1997," which is accompanied by a section-by-section analysis. This legislative proposal is designed to ensure that the complete transition to the new "cancellation of removal" (formerly "suspension of deportation") provisions of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA; Public Law 104-208) can be accomplished in a fair and equitable manner consistent with our law enforcement needs and foreign policy interests.

This legislative proposal would aid the transition to IIRIRA's new cancellation of removal rules and prevent the unfairness of applying those rules to cases pending before April 1, 1997, the effective date of the new rules. It would also recognize the special circumstances of certain Central Americans who entered the United States in the 1980s in response to civil war and political persecution. The Nicaraguan Review Program, under successive Administrations from 1985 to 1995, protected roughly 40,000 Nicaraguans from deportation while their cases were under review. During this time the *American Baptist Churches* v. *Thornburgh* (ABC) litigation resulted in a 1990 court settlement, which protected roughly 190,000 Salvadorans and 50,000 Guatemalans. Other Central Americans have been unable to obtain a decision on their asylum applications for many years. Absent this legislative proposal, many of these individuals would be denied protection from deportation under IIRIRA's new cancellation of removal rules. Such a result would unduly harm stable families and communities here in the United States and undermine our strong interests in facilitating the development of peace and democracy in Central America.

This legislative proposal would delay the effect of IIRIRA's new provisions so that immigration cases pending before April 1, 1997, will continue to be considered and decided under the old suspension of deportation rules as they existed prior to that date. IIRIRA's new cancellation of removal rules would generally apply to cases commenced on or after April 1, 1997. This proposal dictates no particular outcome of any case. Every application for suspension of deportation or cancellation of removal must still be considered on a case-by-case basis. The proposal simply restores a fair opportunity to those whose cases have long been in the system or have other demonstrable equities.

In addition to continuing to apply the old standards to old cases, this legislative proposal would exempt such cases from IIRIRA's annual cap of 4,000 cancellations of removal. It would also exempt from the cap cases of battered spouses and children who otherwise receive such cancellation.

The proposal also guarantees that the cancellation of removal proceedings of certain individuals covered by the 1990 ABC litigation settlement and certain other Central Americans with long-pending asylum claims will be governed by the pre-IIRIRA substantive standard of 7 years continuous physical presence and extreme hardship. It would further exempt those same individuals from IIRIRA's cap. Finally, individuals affected by the legislation whose time has lapsed for reopening their cases following a removal order would be granted 180 days in which to do so.

My Administration is committed to working with the Congress to enact this legislation. If, however, we are unsuccessful in this goal, I am prepared to examine any available administrative options for granting relief to this class of immigrants. These options could include a grant of Deferred Enforced Departure for certain classes of individuals who would qualify for relief from deportation under this legislative proposal. Prompt legislative action on my proposal would ensure a smooth transition to the full implementation of IIRIRA and prevent harsh and avoidable results.

I urge the Congress to give this legislative proposal prompt and favorable consideration.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *July 24, 1997.*

Mr. GRAHAM. Mr. President, this is an extremely important and urgent bill, because the continuation of the 1996 law, with what I will describe as its inadvertent retroactive application to this class of people, is causing great distress and unnecessary instability in communities that are principally affected. As those who participated in the press conference earlier today underscored, this is a group of people who came here largely at our request. They came here because communism had taken over their country. They came here because the Soviet Union was establishing a satellite state in our own hemisphere. They came here in order to participate in those ultimately successful efforts to establish a democratic government in Nicaragua.

Now for us to change the rules from those that were in place at the time we extended that invitation, to have the practical effect of denying these people even the opportunity to be heard on their request for a permanent residence in the United States, is outrageous and inconsistent with basic American principles.

I underscore what Senator MACK and I have said throughout this debate. This is not an amnesty provision. By the passage of this legislation, no one automatically has their status in the United States altered. What they do have is the right to use the rules that were in effect when they came to this country to apply for permanent legal status in the United States. I think that is just fair and consistent with the relationships that we want to establish with, particularly, our neighbors in this hemisphere.

Mr. President, I applaud my colleague for having asked for this tabling motion which, obviously, is not a motion in which he is going to urge success, but it is our means of getting an expression of opinion by the U.S. Senate on this fundamental issue. I urge defeat of the motion to table and then a quick adoption of this amendment. Thank you, Mr. President.

Mr. DEWINE addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. DEWINE. Mr. President, I rise in strong support of the Mack amendment. I, of course, therefore will oppose the motion to table. This amendment will ensure that fundamental principles of fairness are respected in regard to the cases of some 316,000 immigrants, some of them from Central America.

In the immigration bill Congress passed last year, we changed the criteria for suspension of deportation. Certain retroactive changes in that bill, at least as they have been interpreted by the INS, had the unintended effect of applying these new criteria to applications of suspension for deportation which were already in the pipeline when the bill was passed.

The Mack amendment will ensure that those immigrants whose cases were in the pipeline when the 1996 immigration law took effect will have their cases decided according to the criteria in effect at the time that the law actually passed. It is only fair that we should not change the rules in midstream for these worried immigrants.

Let me take us back to the 1980's when we granted these 316,000 Central American immigrants temporary protection from deportation. We knew at that time the terrible consequences of war—the grinding poverty, human rights abuses that had driven these men, women, and, yes, children, to our shores.

At that time, we told these immigrants that their protection from deportation would be permanent if certain conditions were met—that is what we told them then—7 years of continuous residency, good behavior, proof of extreme hardship awaiting them in their native country. We basically said, "As long as you can prove that, then this will be permanent."

When Congress changed the law in 1996, we clearly did not intend to change the rules for these people who already, at that time, were in the pipeline. We, in essence, had made a commitment to them. We, in essence, had made a deal with them, and I don't believe we should go back on that deal today.

Mr. President, the Mack amendment would keep faith with these individuals. It is not, as my colleagues from Florida have already pointed out, an automatic grant of amnesty, nor is it an automatic grant of permanent residency. Far from it. It is merely a restoration of the original conditions these immigrants have to fulfill if we are going to allow them to remain in this country.

I had the opportunity this morning to participate in a press conference concerning this issue. I also had the opportunity a few months ago to travel to Nicaragua. I had made several visits to Nicaragua in the 1980's, about a decade ago. For me to go back to Nicaragua a few months ago was a very pleasant experience, and it was pleasant because I had seen where Nicaragua was. I had the opportunity a few months ago to see where Nicaragua is today. Yes, it is still the second-poorest country in this hemisphere and, yes, there is high unemployment and, yes, there are many, many problems. But what we see in Nicaragua today is a fledgling democracy. We see a country that is becoming what we envisioned and had hoped for and worked for in the 1980's, and that is a democracy.

Today, for the first time in history, all five Central American countries are democratic; all five are working to bring about the reforms that truly are an example of democracy.

When I traveled to Nicaragua, I had the opportunity to speak with then President-elect, now President Aleman and talked to him about his vision for his country.

One of the unintended consequences of the bill we passed in 1996, and one of the unintended consequences of the deportation of these 316,000 immigrants would be that we would strike a hard blow against democracy in Nicaragua and El Salvador and the other Central American countries. Anyone who has looked at these countries today understands what an economic impact and political impact it would have if all these citizens, all of these individuals were instantly returned to their native countries.

The ability to absorb these individuals simply does not exist. It does not exist from an economic point of view. Further, this would take away a major source, frankly, of income to these countries, a major source of help to the economy, not United States foreign aid, but rather the remittances that are sent back by Nicaraguans who are living in the United States. Those remittances are a major contribution to the Nicaraguan economy today. To take that away, I think, would have a very severe and devastating blow to the economy of Nicaragua and the economy of the other Central American countries.

That is not the principal reason to support the Mack amendment, but it is a fact, and it is a fact of life.

The central reason to support the Mack amendment is what has been stated on this floor by Senator Mack on several occasions, as well as Senator GRAHAM, and that simply is this is a matter of equity, it is a matter of fairness, it is a matter of keeping our word, and it is a matter of doing what is right.

I urge my colleagues to support the Mack amendment and, therefore, vote against the motion to table the MACK amendment.

Mr. President, I yield the floor. Mr. COATS addressed the Chair.

The PRESIDING OFFICER. The Senator from Indiana.

### AMENDMENT NO. 1249

Mr. COATS. Mr. President, we had, I think, a very constructive debate on the school choice issue, scholarships for D.C. children. Unfortunately, while having obtained a majority vote in support of at least a test of a program to provide some educational opportunities to D.C. children, we were not able to break a procedural vote of 60 necessary to move forward with this legislation. That limited our options considerably. While Senator LIEBERMAN and I were pleased with the fact that we received more votes than we ever have on this issue, we were still two short of the necessary number to break the promised filibuster on this, and that limits our options.

Mr. President, this is an issue that is not going away. I have always said this is not something that will be legislated from the top down in Congress but will be a grassroots movement from parents and PTA's and administrators and educators and others throughout America who are demanding better education for their children. Unfortunately, in many instances, they are not finding it in some of their public schools.

This is not a condemnation of the public school system. There are many fine public schools across this country. There are dedicated teachers, dedicated administrators, schools that are providing opportunities for their young people.

I am a product of the public schools, as is my wife. Our children are products of public schools, and we have found schools that have provided a sound education for our children.

Unfortunately, there are people in this country who don't have the options that we have had, who don't have the options that those of means have in terms of where they live, the school systems they choose to support, to be a part of and options that, should they find themselves in the situation where they are living that their public schools are not providing the education their children need or a school that has such a high incidence of violence and crime and other problems that they don't feel their children are safe there, they don't have the option that many of us have of transferring their student to a private school or another school outside the system or moving to an area where they can receive the kind of education they want their children to receive.

There is a very interesting story this morning in the Washington Post: "Popularity Grows for Alternatives to Public School. Some Districts Reacting to Threat of Competition."

The whole point we were trying to make yesterday is that we are not trying to undo the public school system. We are trying to provide options and alternatives for parents who are trapped in those public schools. But, by the same token, we hope that the competitive pressure will shake them out of their lethargy and cause them to bring about the changes and reforms necessary to make them viable once again.

In quoting from the Post, an article by Rene Sanchez, it says:

> In a movement flustering schools across the nation, more parents than ever are choosing alternatives to public education for their children, so much that what once seemed only a fad to many educators is instead starting to resemble a revolution.
>
> Charter schools are expanding at breakneck pace. Religious schools are overflowing with new students. Home schooling is attracting unprecedented numbers of parents who only a few years ago would never have dreamed of teaching their own children.
>
> Those migrating from public education say the roots of their disenchantment vary. Some parents are frustrated with bureaucracy, others fear student violence. Some want their children to spend more time learning values, others call the one-size-fits-all model of most large public schools an ineffective and impersonal way to learn.
>
> * * * * *
>
> But today those trends have begun to send a powerful message to public schools, even prompting some of them to acknowledge a threat of competition for the first time.

Our system is built on competition. We pride ourselves in America as producing the best product at the best price because of competitive pressures that force us to do better, that force us to make better products at lower cost, that force us to respond to someone else who is attempting to accomplish the same goal and might have found a better way to do it. It is that that has made this such a dynamic economy, one that employs so many people gainfully, and one that provides such a quality of living for so many Americans. That is the American way.

That system works everywhere except where there is a public monopoly, a State-run government public monopoly. That public monopoly has existed in public schools for far too long in far too many places. There are vigorous private school and parochial school options available in many parts of this country, but they are, sadly, lacking in some of the areas where they are needed the most.

But more than that, the problem is not lack of alternatives. The problem has been a system which leaves the lowest income and frequently the minority students of this country living in our urban areas with only one choice. And that choice, unfortunately, has been a failed public school. They have been denied opportunities to gain skills to enter the workplace. They have been denied opportunities to receive an education that qualifies them to go on to college or university education. They, therefore, are trapped, trapped in a system, a system which says, "We will do anything we can to maintain the status quo, and yet at the same time we will prevent you from an alternative by blocking any attempts to provide scholarships or vouchers or stipends or support to assist you in paying the tuition if you choose to move from a public school."

We had that debate yesterday. It was a very instructive debate. I thank my colleague from Connecticut, Senator LIEBERMAN. It is bipartisan obviously, Democrat and Republican, one from Connecticut, one from Indiana, joining forces. I appreciate the support we had from a few of our Democratic colleagues across the aisle. Unfortunately, we did not get enough to move on with this.

But there is a revolution going on in public education. It is a healthy one. It is a healthy one because parents are suddenly rising up and saying: We will not accept the platitudes and the promises that come from the public school system when now 15 years after the report "A Nation At Risk", 15 years later, essentially, we see no dramatic changes or no effective changes in many of our public schools. We will not accept any longer the promises of a system which cannot overcome its inertia and its bureaucracy, which cannot direct a majority of its funds to educating students but yet eats up a majority of those funds or a very substantial portion of those funds in administrative costs.

So this issue will be back. It will be back over and over again, and it will arise not because two Senators chose to offer an amendment to the D.C. appropriations bill; it will arise because constituents of Members throughout the country will demand in town meetings and in letters and in calls to their Congressmen and Senators, will demand opportunities and alternatives. No longer will inner-city poor parents, welfare parents and others living at or near the poverty line, allow their children to be condemned to a lifetime of inability to succeed because of the failure of the public school system to provide their children with an education.

They will demand that their Congressmen and their Senators provide opportunities, that their councilmen and their mayors and their school systems either provide a sound education for their children or give them the opportunity to seek that elsewhere. What parent would not do that? What parent in this Senate body would not do that? We all would because we have that choice. Minority children in many cases do not have that choice.

Mr. President, I would like to say just one more thing before I yield the floor. There was another quote in the Washington Post this morning in an article covering this particular issue. That quote was a disturbing one. There are boundaries to public discourse. There are boundaries that we all try to live by, boundaries of civility and honesty and good taste. When those limits are violated, it undermines this institution and it makes democracy more difficult.

I think deep disagreements are possible without bitterness. I have done my best to conduct my debates, including this school choice debate, in that spirit. But today in the Washington Post a quote was attributed to the Senator from Massachusetts. The Post has misquoted me in the past, and I sincerely hope that they have misquoted the Senator from Massachusetts. That quote reads:

> Kennedy reminded Republicans that "D.C. is not a test tube for misguided Republican ideological experiments on education . . .

> Republicans in Congress should stop acting like plantation masters and start treating the people of D.C. with the respect they deserve."

Mr. President, this is not just a racially offensive, irresponsible charge; it is the total inversion of reality. It is the opponents of school choice who want to require, compel, force minority children to remain in substandard schools. It is the opponents of school choice who want to confine poor minority children within the four walls of failed institutions, and sometimes just the four walls because the roofs are in disrepair.

Despite the infusion of hundreds of millions of dollars into this system, much of it is wasted irresponsibly in not providing either buildings or education to the children of the District of Columbia.

If there is a plantation here, it is a paternalistic plantation of those who somehow justify restricting the choices and options of poor children as a defense of their civil rights. As Alveda King said in room 207 just off the Senate floor here a week ago: One of the greatest civil rights issues for minority people today and for African-Americans is those who deny young black children the opportunity to receive an education. That condemns them, because of their income, because of where they live geographically, to a failed public school that fails to educate their children and condemns them to a lifetime of failure.

Let me suggest how we can respect the people of the District. We can respect them to make good choices in the interests of their children. We can respect them enough to give them options other than coercive assignment to failed and dangerous schools. We can respect them with resources, not with more lip service, platitudes, or promises. We can respect the right of a parent, the knowledge of a parent, the caring of a parent to make wise decisions for their children without the paternalistic attitude that only Congress or only bureaucrats, only the State, or only Government knows what is best for our children. This charge that supporters of school choice are plantation masters is deceptive and it is racist and it is hypocritical.

It is time for all of us, liberals and conservatives, to search our conscience. There are Members of this body who voted against scholarships for African-American children whose families have not darkened the door of public schools for generations. There are Members of the administration and this body, hours after those scholarships were defeated, who attended back-to-school night at Sidwell Friends, a school safe from leaking roofs and commonplace violence and failed education that prevails in so much of the District's public schools.

Does not anyone see the irony, does not anyone see the hypocrisy, does not anyone see the injustice in all of this?

Mr. President, I yield the floor.

Mr. FAIRCLOTH addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina.

### AMENDMENTS NOS. 1271, 1272, 1273, 1274, 1275, AND 1276

Mr. FAIRCLOTH. Mr. President, I send a series of managers' amendments to the desk on behalf of myself and Senator BOXER and ask unanimous consent that they be considered en bloc and further ask unanimous consent that the reading of these amendments be waived.

The PRESIDING OFFICER. Is there objection?

Mrs. BOXER addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. These amendments have been cleared on this side, and I ask for their immediate adoption.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from North Carolina [Mr. FAIRCLOTH], for himself and Mrs. BOXER, proposes en bloc amendments numbered 1271 through 1273.

The Senator from North Carolina [Mr. FAIRCLOTH], for Mr. BROWNBACK, proposes an amendment numbered 1274.

The Senator from California [Mrs. BOXER], for Mr. MOYNIHAN, proposes an amendment numbered 1275.

The Senator from California [Mrs. BOXER], for Mr. BYRD, proposes an amendment numbered 1276.

The amendments are as follows:

### AMENDMENT NO. 1271

(Purpose: A technical amendment on the part of the manager of the bill)

On page 3, line 9, after "facilities," insert the following: "and for the administrative operating costs of the Office of the Corrections Trustee,".

### AMENDMENT NO. 1272

(Purpose: To make a technical amendment)

On page 4, line 4 and 5, strike "Administrative Office of the United States Courts" and insert "District of Columbia Financial Responsibility and Management Assistance Authority".

On page 4, lines 15 and 16, strike "Administrative Office of the United States Courts" and insert "District of Columbia Financial Responsibility and Management Assistance Authority".

### AMENDMENT NO. 1273

(Purpose: To express the sense of the Senate supporting the management teams and management reform plans authorized in the District of Columbia Management Reform Act of 1997)

At the appropriate place, insert the following:

SEC. . It is the sense of the Senate that the management teams authorized in the District of Columbia Management Reform Act of 1997 should—

(1) take whatever steps are deemed necessary to identify the structural, operational, administrative, and other problems within the designated departments; and

(2) implement the management reform plans in accordance with the provisions of the District of Columbia Management Reform Act of 1997.

### AMENDMENT NO. 1274

(Purpose: To ensure the effectiveness of the charter school program)

On page 9, line 17, strike "$1,235,000" and all that follows through "134);" on line 24 and insert "$3,376,000 from local funds (not including funds already made available for District of Columbia public schools) for public charter schools: *Provided*, That if the entirety of this allocation has not been provided as payments to any public charter schools currently in operation through the per pupil funding formula, the funds shall be available for new public charter schools on a per pupil basis: *Provided further*, That $400,000 be available to the District of Columbia Public Charter School Board for administrative costs: *Provided further*, That if the entirety of this allocation has not been provided as payment to 1 or more public charter schools by May 1, 1998, and remains unallocated, the funds shall be deposited into a special revolving loan fund to be used solely to assist existing or new public charter schools in meeting startup and operating costs: *Provided further*, That the District of Columbia Education Emergency Board of Trustees shall report to Congress not later than 120 days after the date of enactment of this Act on the capital needs of each public charter school and whether the current per pupil funding formula should reflect these needs: *Provided further*, That until the District of Columbia Education Emergency Board of Trustees reports to Congress as provided in the preceding proviso, the District of Columbia Education Emergency Board of Trustees shall take appropriate steps to provide public charter schools with assistance to meet all capital expenses in a manner that is equitable with respect assistance provided to other District of Columbia public schools: *Provided further*, That the District of Columbia Education Emergency Board of Trustees shall report to Congress not later than November 1, 1998, on the implementation of their policy to give preference to newly created District of Columbia public charter schools for surplus public school property;".

Mr. BROWNBACK. Mr. President, I want to thank the chairman of the District of Columbia Appropriations Subcommittee for including the Brownback-Lieberman-Coats D.C. charter school amendment in the manager's amendment. I am also pleased that our amendment has bipartisan support. These charter school provisions are critical to ensure the success of charter schools in the District. Here in the Nation's Capital, unfortunately, the progress of creating charter schools has been slow. Legislation to create charter schools in the District was enacted in the last Congress but the District currently only has two charter schools.

I, along with the distinguished ranking member of the subcommittee, Senator LIEBERMAN, had the opportunity to visit one of these charter schools. The Options Public Charter School, which is just a few blocks from Capitol Hill, is the perfect example of the innovative approach charter schools bring to public education. It enrolls about 100 of the D.C. public schools most at-risk students, grades 5 to 8, and works closely with each student. As a result of this charter school education, the high school graduation rate for the Options Public Charter School is 75 percent compared to the approximate 50 percent graduation rate in the D.C. public schools.

To make sure the D.C. public charter school system follows the success of the Options Public Charter School and continues to grow, I, along with Senator LIEBERMAN and Senator COATS offered an amendment to expand funding for the D.C. public charter schools from $1,235,000 to $3,376,000 to ensure that current and future charter schools have adequate funding. In fiscal year 1998, the District of Columbia could have as many as 20 new charter schools. The $1.2 million appropriation is based on the budget of the two current charter schools. This amendment would also make sure there is sufficient funding for current public schools which would like to convert to a charter school.

Our amendment would also require the D.C. education emergency board of trustees to report to Congress on their implementation of policy providing preference to new charter schools for surplus D.C. public school property. It would also establish a revolving fund for D.C. charter schools for funds not spent by May 1, 1997. Under the current legislation, any remaining funds for charter schools must go into the D.C. general fund by May 1, 1997. This provision in the amendment would simply make sure that any funds appropriated for the D.C. charter schools will only be spent on the D.C. charter schools. In addition, the D.C. education emergency board of trustees would be required to report to Congress on the capital needs of each charter school within 120 days of enactment and to take all possible steps to provide assistance in capital costs for charter schools in the meantime.

I am pleased that our amendment is included in the manager's amendment and has the support of our Democratic colleagues. The charter school application process is underway in the District and new charter schools could begin to operate as early as January. Our goal is to make the Nation's Capital a shining city for the world to follow. One of the key elements of achieving this goal is to provide high quality education for the District's children. Charter schools in the District will inject accountability into D.C. public education, more options for parents and, most important, high quality education to the District's children.

AMENDMENT NO. 1275

(Purpose: To designate the year 2000 as the Year of the National Bicentennial Celebration for Washington, DC—the Nation's Capital)

At the appropriate place, insert the following:

**SEC. . NATION'S CAPITAL BICENTENNIAL DESIGNATION ACT.**

(a) SHORT TITLE; FINDINGS; PURPOSE.—

(1) SHORT TITLE.—This section may be cited as the "Nation's Capital Bicentennial Designation Act".

(2) FINDINGS.—The Senate finds that—

(A) the year 2000 will make the 200th anniversary of Washington, D.C. as the Nation's permanent capital, commencing when the Government moved from Philadelphia to the Federal City;

(B) the framers of the Constitution provided for the establishment of a special district to serve as "the seat of Government of the United States";

(C) the site for the city was selected under the direction of President George Washington, with construction initiated in 1791;

(D) in submitting his design to Congress, Major Pierre Charles L'Enfant included numerous parks, fountains, and sweeping avenues designed to reflect a vision as grand and as ambitious as the American experience itself;

(E) the capital city was named after President George Washington to commemorate and celebrate his triumph in building the Nation;

(F) as the seat of Government of the United States for almost 200 years, the Nation's capital has been a center of American culture and a world symbol of freedom and democracy;

(G) from Washington, D.C., President Abraham Lincoln labored to preserve the Union and the Reverend Martin Luther King, Jr. led an historic march that energized the civil rights movement, reminding America of its promise of liberty and justice for all; and

(H) The Government of the United States must continually work to ensure that the Nation's capital is and remains the shining city on the hill.

(3) PURPOSE.—The purposes of this section are to—

(A) designate the year 2000 as the "Year of National Bicentennial Celebration for Washington, D.C.—the Nation's Capital"; and

(B) establish the Presidents' Day holiday in the year 2000 as a day of national celebration for the 200th anniversary of Washington, D.C.

(b) NATION'S CAPITAL NATIONAL BICENTENNIAL.—

(1) IN GENERAL.—The year 2000 is designated as the "Year of the National Bicentennial Celebration for Washington, D.C.—the Nation's Capital" and the Presidents' Day Federal holiday in the year 2000 is designated as a day of national celebration for the 200th anniversary of Washington, D.C.

(2) SENSE OF THE SENATE.—It is the sense of the Senate that all Federal entities should coordinate with and assist the Nation's Capital Bicentennial Celebration, a nonprofit 501(c)(3) entity, organized and operating pursuant to the laws of the District of Columbia, to ensure the success of events and projects undertaken to renew and celebrate the bicentennial of the establishment of Washington, D.C. as the Nation's capital.

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AMENDMENT NO. 1276

(Purpose: To establish a remedial education pilot program in the District of Columbia in the District of Columbia public schools)

On page 49, between lines 13 and 14, insert the following:

SEC. 148. $4,000,000 from local funds shall be available for the establishment of a remedial education pilot program in the District of Columbia public school system to remain available through fiscal year 1999, of which $3,000,000 shall be used to create a one-year pilot program for the implementation of a remedial education program in reading and mathematics for the 3 lowest achieving elementary schools in the District of Columbia public school system (as to be determined by the District of Columbia public school system's Board of Education) and the training of teachers in remediation instruction at the targeted schools and $1,000,000 shall be used to establish a continuing education program for all teachers in the District of Columbia public school system. The General Accounting Office shall report to Congress on the effectiveness of the pilot program funded by this section at the end of fiscal year 1999.

The PRESIDING OFFICER. Without objection, the amendments are agreed to en bloc.

The amendments (Nos. 1271, 1272, 1273, 1274, 1275, and 1276) en bloc were agreed to.

Mr. FAIRCLOTH. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LOTT. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. Mr. President, I ask unanimous consent the vote scheduled at 12:15 now occur at 12:30.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. For the interest of all Members, there has been a meeting at the White House that went a little over time and there are a number of Members involved. They will be here by 12:30, so the vote will be at 12:30.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERTS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERTS. Mr. President, I ask unanimous consent to speak as in morning business, notwithstanding the upcoming vote, for 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

## BOSNIA

Mr. ROBERTS. Mr. President, I rise today to voice my concern regarding actions last night in Bosnia. NATO forces, of which we constitute the major part, have again seized several Bosnian Serb radio transmitters because they were hostile to the peacekeeping goals of our forces.

No doubt that was the case. I have no question about that. But I suggest that were we at war and the issue more clear such action would be more than warranted. But we are not, Mr. President. We are trying to implement the Dayton accords, and as such I am concerned this action is not only questionable but may very well be counterproductive.

What did the stations do to warrant this action? They said bad things about the SFOR troops and our mission, and they tampered, apparently, with an hour-long program taped by Louise Arbor, head of the International War Crimes Tribunal.

The good news, Mr. President, is that no violence has occurred yet in regard to the seizure. But I remind my colleagues that the last time we did this our troops were stoned and we quickly returned the station. But we made the Serbs promise not to interfere with pro-Moslem or pro-SFOR messages. Is anyone really surprised, Mr. President, that the Serbs did not live up to that promise?

First question: Now what? Do we have a plan this time? Do we intend to monitor and control all of the media in Bosnia to ensure that only messages that meet our criteria are heard by the people of Bosnia? Is that what the NATO mission has become—one-sided and totally controlled by NATO? Will we put NATO media and our intelligence personnel, let's be frank about it, in charge to produce programs that fit our mission? Are we shining the light of truth into Serb darkness or are we holding a censorship flashlight?

If that is the case, I think you can make a good case that we are enforcing the peace and we are aggressively establishing media control, then let's not kid ourselves and continue to call our role even-handed peacekeeping.

But here is the second question: What will we do if the Serbs react violently to the seizure? General Clark has stated rightly that we will use lethal force to protect our forces. Is this the issue that will precipitate that lethal force? Is this how we would explain loss of life to the parents of an American man or woman in uniform stationed in Bosnia?

Mr. President, we need to hear from the administration on last night's action and they need to outline the plan to get us out of this tar baby.

I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

## ANOTHER TRAGEDY

Mr. DEWINE. Mr. President, I rise today to call the attention of my colleagues to a story on the front page of last Thursday's Washington Post. This article tells the story of the beating death of a little 4-year-old girl, a little girl by the name of Monica Wheeler in Washington, DC. Monica was found dead in the bathroom of a man who was an acquaintance of her mother's. The police have ruled her death a homicide. In addition to being severely battered, Monica was suffering from malnutrition and showed signs of genital bleeding.

Now, Mr. President, 3 years ago, one of Monica's siblings, her brother, Andre, then age 2, was also found dead—in the same man's bathroom. That earlier death was ruled at that time an accidental drowning, but the police now are reopening that case.

Mr. President, it is up to the police and the courts to find out the truth about this particular tragedy. But one thing we know for certain is that there are far too many children returned to the care of people who have already abused and battered them, people who should not be allowed to take care of children at all. We know this occurs time and time again across this great country of ours.

Mr. President, every day in America three children actually die of abuse and neglect at the hands of their parents or their caretakers. That is over 1,200 children every year.

And almost half of these children are killed after—after—their tragic circumstances have already come to the attention of local child welfare agencies.

Mr. President, at the end of 1996, over 525,000 children were in foster homes. Over a year's time, it is estimated that over 650,000 children will spend some time in foster homes. Shockingly, 25 percent of the children in the foster care system at any one given point in time will languish in foster care longer than 4 years—25 percent of the kids. Ten percent will be in foster care longer than 7 years.

This problem has been brewing for many years. It is, at least in part, the unintended consequence of a law passed by this Congress in 1980, a law requiring that reasonable efforts be made to reunify families. In practice, this law has resulted in unreasonable efforts, unreasonable efforts, Mr. President, being made to reunite families that are really families in name only, families that simply never should be reunited.

I have been working to change this for almost 3 years now. About 10 days ago, along with Senator CHAFEE, Senator CRAIG and Senator ROCKEFELLER, I introduced a bill that I hope will represent the culmination of this effort. The PASS Act—the acronym we have given to it stands for the Promotion of Adoption Safety and Support for Abused and Neglected Children Act—would make a difference. It would, Mr. President, save young lives. It would put an end to a tragic policy that has put parents' interests above the health, the safety, and yes, even the survival of innocent children.

Mr. President, it would help child welfare agencies move faster to rescue these children. Every child deserves a better fate than being shuttled from foster home to foster home for years on end. That is why, Mr. President, we are working to pass this important bill.

Once this bill is passed, Mr. President, then let's work together on the next step in the continuing battle for our children's right to live in safe, stable, permanent and loving homes.

Mr. President, the tragedy of this little child who died in Washington, DC, a few day ago, this little 4-year-old girl, Monica Wheeler, should not be repeated. I think we have an obligation in this Congress to move as quickly as possible to change a 1980 law that has done a lot of good but that frankly had an unintended consequence. That unintended consequence is that children, even after there is evidence of abuse, even after there is not just evidence, even after there is overwhelming indication of abuse, children are placed back in homes time and time and time again. One of the reasons that occurs is because of the 1980 law.

We must act, Mr. President, to clarify that law, to clarify the reasonable efforts requirement of the law, so that the safety of children will always be paramount, and that these tragedies will be eliminated.

I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GRAMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ROBERTS). Without objection, it is so ordered.

Mr. GRAMS. Mr. President, I ask unanimous consent to speak as in morning business for 5 minutes.

## LEGAL PROTECTION FOR DATA BASES

Mr. GRAMS. Mr. President, I rise today to make a few remarks about an important issue facing our Nation in the information era—the issue of legal protection of data bases. The U.S. Copyright Office recently released a comprehensive report on the issue of data base protection. I welcome this new information and look forward to both the prompt consideration of the report by Congress and to the introduction of much-needed legislation that will protect the enormous investments of data base producers, to assure scientists, educators, businesses, and other consumers that they will continue to have access to accurate, verifiable information.

The Copyright Office report provides the requisite legal and legislative analysis that Congress needs in order to act in an appropriate and timely manner to respond to the legitimate concerns of all parties.

It is an important step in the process of addressing recent technological and legal developments that have left valuable American data bases vulnerable to unauthorized copying and dissemination.

The report states that it is expected that all member countries of the European Union will implement the European Union's directive on data bases by January 1, 1998—a fact that underscores the international implications of this issue for American data base producers. The directive provides a new form of protection for data bases to supplement copyright law. The directive extends this new protection only to data base producers located in a European Union member state and will not protect data bases originating in the United States until we adopt our own data base protection legislation.

Mr. President, the United States, as the world's leading producer and exporter of data bases of all types, needs legal protection abroad far more than any other nation. Unless the United States adopts this protection, the data bases of U.S. companies will be at risk. Smaller U.S. firms without global operations will be the most vulnerable. The worst-case scenario is that this could potentially force U.S. companies to move their operations out of this country and into countries that offer data base protection. Such a move poses a serious threat to U.S. jobs.

After studying the report, I believe current U.S. law and precedent are insufficient to adequately protect the enormous investment of money and effort that typically goes into creating data bases, both print and electronic. This is especially true given the declining copyright protection afforded to data bases after the Supreme Court's 1990 decision in Feist, and the inherent vulnerability of data bases to piracy made easy in the new digital environment.

America's data base producers employ or represent thousands of editors, researchers, and others who gather, verify, update, format, and distribute the information contained in their data base products. They also invest billions of dollars in hardware and software to manage these large bodies of information.

Mr. President, comprehensive data is indispensable to the successful operation of today's American economy, including information about communications, finance, medicine, law, news, travel, defense, and many other topics. As one of America's leading growth industries—one that generates jobs and supports American families—the information services industry creates a wealth of user-friendly, reliable, and up-to-date information critical to the lives of American citizens. Congress must provide the legal protection that ensures the future viability of the information services industry. Thank you, Mr. President.

I yield the floor.

## DISTRICT OF COLUMBIA APPROPRIATIONS ACT, 1998

The Senate continued with the consideration of the bill.

Mr. GRAMM addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas is recognized.

### AMENDMENT NO. 1253

Mr. GRAMM. Mr. President, as I understand it, we have scheduled a tabling motion of the Mack amendment, and Senator MACK himself has moved to table the amendment. I thought it would be timely for me to come over and say a little bit about this amendment.

Let me make it clear that I intend to vote against tabling the amendment. I think this amendment should be debated, and I think it is important to try to outline why. That is the purpose that has brought me to the floor today.

First of all, we are talking about, in the Mack-Graham-Kennedy amendment, an amendment that changes the immigration laws of the country. I remind my colleagues that we are considering the D.C. appropriations bill and, therefore, this amendment has nothing to do with the subject matter of that bill.

Second, I believe that this is complicated legislation, dealing with very complex, very important, and, quite frankly, very emotional issues that ought to be dealt with by the Immigration Subcommittee, by the people who wrote the law that we just adopted last year, and by people who are experts in this area. I do not believe that an amendment that has the sweeping impact of this amendment should be dealt with as a rider to an appropriations bill when, by and large, other than three or four Members of the Senate, nobody has closely examined the pending amendment.

Now, let me outline very briefly what the amendment, in my opinion, seeks to do, and let me also say that I am not a member of the committee that has jurisdiction. My concern about this amendment was generated by the chairman of the Immigration Subcommittee in the House, who is my colleague from Texas, who is very concerned about this amendment, and who is very much opposed to it. Basically, what this amendment seeks to do is to change the immigration bill that we wrote just last year. Now, our colleague from Florida argues that, well, it doesn't appear that maybe we wanted to do what we did. It is hard for me to judge that and, quite frankly, I don't know. But let me outline what the amendment will do and the concerns that I have.

First of all, one of the provisions in the immigration bill last year was a provision to try to end the practice of people coming into the country illegally and then using the system to stay here. I am very sensitive to this issue. We had an effort that was undertaken last year to cut back on legal immigration. I was a leader in killing that effort because I want people to have an opportunity to come to America legally. I am not one of these people who believes that America is full. I believe that we have a system for people to come here under existing law—to come to the country legally, to come to work, to build their dream, and to build the American dream.

I am a strong supporter of legal immigration, but I am a strong opponent of the illegal immigration of people who come to the country illegally and, in doing so, jump in line in front of 7 million people who are waiting to come legally. One of the things we did last year in the immigration bill was set a cap on the number of people who were in the country illegally but who were able to stay here by claiming extraordinary hardship if they were returned home. The cap was 4,000 people a year that we would allow to remain in the country under these extraordinary circumstances.

What the Mack amendment does is waive that cap for a huge number of people, certainly in the range of 300,000, and critics—I can't speak for whether they are right or wrong—who are concerned about it suggest perhaps a larger number. I think what this does is produce sort of a rolling amnesty. I remind my colleagues that in trying to gain control of our ability to have some say about who comes to our country, without limiting legal immigration, we took the extraordinary step of granting amnesty to people who had violated the law. But part of the deal was that it was a one-time agreement and that we weren't going to continue to do it. My concern here is that we are creating a rolling amnesty.

A second very real problem is that we are talking about people who came to this country, many of them from El Salvador, Guatemala, and Nicaragua, when there was a war going on. The war in El Salvador was a war where Communist insurgents were trying to overthrow the government and deny democracy and capitalism to the people in El Salvador. The war in Nicaragua was a war against a Communist dictatorship. What happened during this period is that people came to this country illegally.

Now we are hearing the argument that there was a wink and a nod and there was an agreement. But I don't see anywhere in law that that was the case. Now, I can't today make a judgment about whether people who came here from Nicaragua fleeing communism should be granted the ability to stay. I would have to say that I am more sympathetic to them than I am to people who came here from El Salvador, because they were supporting a

Communist insurgency, and now the El Salvadoran Government is saying, "Please keep those people in America, don't let them come back to El Salvador."

My point is this. I think we need to look at each one of these cases. But the war in each country from which these people were fleeing is over. We were successful in stopping Communist insurgency in El Salvador. We won in Nicaragua. Now people who were fleeing a conflict, now that the conflict is over, are saying, "We don't want to go back." Well, now, in some circumstances, they should not have to go back. But I don't think the Senate is ready today, without the benefit of hearings, without the benefit of consideration by the subcommittee and full committee, without an extensive debate, to make that determination. I don't know what we should do in each of these circumstances. If we could narrow the scope, if we could put the focus on those who came from Nicaragua, if we could find some middle ground, I might be willing to do that. But I don't see any effort to find a middle ground.

So this is one of these circumstances where we are trying to change a law that is just now going into effect—the first real test we have had in the new immigration bill—where we set a cap on the number of people who come to the country illegally and we subsequently allow to stay here. The first time we come up with a test based on, obviously, very real human drama—in many cases, strong cases by individual families—we are getting ready to set aside the bill that we so recently adopted and grant a rolling amnesty. Apparently, nobody else seems to care, but I care. That is why we have the rules of the Senate as we do, so that one person who cares can be heard, so that there can be a debate.

So I intend to vote against tabling. I hope the vote will be 100 to 0. But it won't change anything. We can vote not to table this amendment 100 times and it won't change anything, because I don't intend to step aside on this issue. Now, we have rules of the Senate. There can be cloture. We can file cloture and we are going to wait the several days that the Senate rules require it to mature.

We can have extensive and thorough debate. This amendment is amendable. It is amendable with a motion to recommit with instructions. It will be amendable when the second-degree amendment is disposed of. It will be amendable when we vote to name conferees. It will be amendable when we vote to take up the House bill and insert the Senate language. It will be amendable in many different ways. And, until we find a solution, I intend to see that it is amended.

I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to vote on a motion to table amendment No. 1253 by the Senator from Florida. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

Mr. MACK. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MACK. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Under the previous order, the Senate will now proceed to vote on a motion to table amendment 1253 by the Senator from Florida. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Maryland [Mr. SARBANES] is necessarily absent.

The result was announced—yeas 2, nays 97, as follows:

[Rollcall Vote No. 265 Leg.]

YEAS—2

Byrd
Stevens

NAYS—97

Abraham
Akaka
Allard
Ashcroft
Baucus
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bryan
Bumpers
Burns
Campbell
Chafee
Cleland
Coats
Cochran
Collins
Conrad
Coverdell
Craig
D'Amato
Daschle
DeWine
Dodd
Domenici
Dorgan
Durbin
Enzi
Faircloth
Feingold
Feinstein
Ford
Frist
Glenn
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Hagel
Harkin
Hatch
Helms
Hollings
Hutchinson
Hutchison
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Jeffords
Johnson
Kempthorne
Kennedy
Kerrey
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Lautenberg
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Levin
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Mikulski
Moseley-Braun
Moynihan
Murkowski
Murray
Nickles
Reed
Reid
Robb
Roberts
Rockefeller
Roth
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Thomas
Thompson
Thurmond
Torricelli
Warner
Wellstone
Wyden

NOT VOTING—1

Sarbanes

The motion was rejected.

## DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 1998

The PRESIDING OFFICER. Under the previous order, the Senate, having received H.R. 2267, the House companion bill to S. 1022, will now proceed to its immediate consideration. All after the enacting clause is stricken, the text of S. 1022, as amended, is inserted. The House bill is read a third time and passed. The Senate insists on its amendment and requests a conference with the House.

The bill (H.R. 2267), as amended, was passed.

The PRESIDING OFFICER (Mr. ROBERTS) appointed Mr. GREGG, Mr. STEVENS, Mr. DOMENICI, Mr. MCCONNELL, Mrs. HUTCHISON, Mr. CAMPBELL, Mr. COCHRAN, Mr. HOLLINGS, Mr. BYRD, Mr. INOUYE, Mr. BUMPERS, Mr. LAUTENBERG, and Ms. MIKULSKI conferees on the part of the Senate.

The PRESIDING OFFICER. Under the previous order, S. 1022 is indefinitely postponed.

Who seeks time?

Mr. FAIRCLOTH. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BRYAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. GREGG). Without objection, it is so ordered.

The Senator from Nevada.

Mr. BRYAN. Mr. President, I want to advise the floor leaders it is my intention to request approximately 12 minutes as in morning business to discuss another issue. I don't want to interrupt their flow on the floor, but it looks like this may be an appropriate time to do so.

Mr. FAIRCLOTH. We have no objection whatsoever.

Mr. BRYAN. I ask unanimous consent I might speak as in morning business for a period up to 12 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

## RADIATION EFFECTS

Mr. BRYAN. Mr. President, earlier today the Labor Subcommittee of the Senate Appropriations Committee held a hearing on a report prepared by the National Cancer Institute regarding the health effects of fallout from atmospheric testing of nuclear weapons in the 1950's and 1960's.

Today, 35 years after the last atmospheric test, we are just beginning to get a clear picture of the effects of the radioactive fallout from these tests.

While we should obviously continue to do everything we can to help the victims of these tests, I hope we can also learn something from our mistakes in the past.

This August, the National Cancer Institute released the results of its nationwide study of radioactive fallout from atmospheric nuclear tests conducted at the Nevada Test Site in the 1950's and 1960's.

In 1982, Congress directed the Department of Health and Human Services to develop methods to estimate radioactive iodine-131 exposure, to assess thyroid I-131 doses, and to assess risks for thyroid cancer from the exposures.

Ninety atmospheric tests were conducted at the test site mainly in the years 1952, 1953, 1955, and 1957.

All 48 contiguous States received some degree of exposure to radioactive iodine-131 fallout from these atmospheric nuclear bomb tests.

Everyone in those States was exposed.

Let me repeat that—everyone was exposed.

People living hundreds of miles to the north and east of the Nevada Test Site in Montana, Idaho, Utah, South Dakota, and Colorado were exposed.

Within these 5 States, 25 counties had particularly high fall-out exposure ranging from 12.0 to 9.0 rads.

A "rad" is a radiation absorbed dose, which is the amount of radiation absorbed by the tissues in the body.

The tragic conclusion of this study is that children, who lived in these high exposure areas, and who were aged between 3 months and 5 years at the time of the tests were at the greatest risk for iodine-131 exposure.

Since children's thyroids are so small, their exposure was disproportionately higher than adults.

Children who drank contaminated milk—particularly from cows maintained for family use—and which ate pasture vegetation, have an even greater exposure.

The children in this age group exceeded the average per capita thyroid dose by a factor of about 3.7 following the tests because of their greater milk consumption and their smaller thyroids.

After each of the 90 tests, people living in these States were exposed to varying levels of iodine-131—for about 2 months following each test.

This means the air, milk, and other dairy products, eggs and leafy vegetables were all contaminated, and that contamination lingered for a significant period of time after each test.

The National Cancer Institute has concluded from the limited data available on people who were exposed, as children, to iodine-131 from the nuclear tests' fallout that this exposure is linked to thyroid cancer.

NCI estimates between 10,000 to 75,000 people who were exposed as children may develop fallout-associated thyroid cancer during their lifetime.

Nearly all were under 15 years of age at the time of exposure, and 75 percent were under 5 years of age.

NCI is currently working with scientists in Belarus and Ukraine to study thyroid cancer following the Chernobyl nuclear accident in 1986.

Thousands of children exposed to the accident's fallout received radiation doses to their thyroids.

These doses ranged from comparatively small to 10 times higher than U.S. residents received from the Nevada tests in the 1950's and 1960's.

There was a clear increase in thyroid cancer from the Chernobyl accident in this population.

The wide range of radioactive fallout exposures to such a large number of people that resulted in an increase in thyroid cancer will be most helpful in assessing the impact of the Nevada tests on those exposed.

Additionally, the Centers for Disease Control and Prevention researchers are studying the health effects of radioactive iodine released from the Hanford, WA nuclear weapons plant in the 1940's and 1950's.

The Hanford study results are to be available in 1998.

The Institute of Medicine [IOM] is currently also working with the Department of Health and Human Services to review the data from the National Cancer Institute's study to assess the risk to the exposed individuals.

The IOM will also develop recommendations for physicians regarding how to treat people who might be at risk of disease because of their I-131 exposure.

These recommendations should be available within 6 to 9 months.

What child growing up in the 1950's and early 1960's was not encouraged to drink as much milk as possible to build strong and healthy bodies? In the 1950's and 1960's, health experts advocated each youngster should consume four glasses of milk each day. No one in those years expected young children living hundreds of miles to the north and east of the Nevada Test Site drinking their milk were going to face a possible increase in thyroid cancer incidence.

But that is the consequence being faced by those exposed.

In addition, it is becoming increasingly clear that some of the scientists and engineers associated with atmospheric testing knew, or at least suspected, that there were health and safety consequences to the fallout.

Some of the Government personnel working on the testing program actually sent their families away from the area during and immediately after tests to protect them from the fallout.

A story reported yesterday in the New York Times is even worse, the Atomic Energy Commission apparently warned the Eastman Kodak Co. and other film companies of planned tests, so that the film companies could take steps to protect their film stocks from being damaged.

Somehow, the AEC decided it was more important to protect photographic film, than the health and safety of tens of thousands of citizens who were exposed and who, today, we know will suffer thyroid and other genetic problems as a consequence of that exposure.

The last atmospheric test took place 35 years ago, but signs of atmospheric testing are still present in many areas, including southern Nevada.

Recently, in fact, scientists discovered the presence of radioactive contamination in dust in some attics in Las Vegas.

Nevadans have had plenty of experience with the Department of Energy.

During the cold war, we were proud to do our patriotic duty, and host the Nevada Test Site, the United States' major continental nuclear weapons testing facility.

We were all very proud of our participation in what we expected to be an exciting new age, we thought we were at the center of a new technology that would dominate the 21st century.

Of course, as these recent studies have shown pretty clearly, we were all completely ignorant of the tremendous dangers and costs of the nuclear age, and most of the captivating ideas of the 1950's never developed. In point of fact, nuclear power is on the decline.

Nuclear plants close regularly, due either to serious safety related problems, or dismal economic performance.

The legacy of the nuclear age, however, is still with us, the tens of thousands metric tons of commercial high-level nuclear waste, and an incomprehensible volume of defense related waste generated by the production of nuclear weapons.

Over Nevada's vigorous objections, our State has been targeted as the final resting place for these dangerous, poisonous wastes.

The Department of Energy, and the nuclear power industry, have spent millions of dollars attempting to convince Nevadans that they have nothing to fear, that this waste is perfectly safe, and poses no threat to our health and safety.

Unfortunately, Nevadans have had enough experience with the Department of Energy and its scientists to hold a certain amount of skepticism regarding these claims.

The report being reviewed by the committee today is yet another confirmation that the Department has historically cultivated a culture where concerns for public health and safety are subsumed to the pressure to reach the agencies ultimate goals, whether it is the development of nuclear weapons, or the disposal of commercial high-level nuclear waste.

The Yucca Mountain project is no exception.

In the 15 years Nevada has fought being designated as the repository for commercial high-level nuclear waste, we have seen repeated instances of the Department ignoring or explaining away scientific findings that do not conform to its repository program.

Signs of water percolating through the repository site were repeatedly ignored.

Seismic activity in the area, including an earthquake that did serious damage to the buildings housing project offices, were dismissed.

For every objection that has been raised, the Department has been quick to assure us that they are meaningless, and that even if there were problems, the engineers can design around them.

Recently, several new discoveries have added to the uncertainty about the suitability of Yucca Mountain as a repository site, and called into question the models and assumptions Yucca Mountain scientists have relied upon for more than a decade.

For example, analysis of material removed from the exploratory tunnel at Yucca Mountain have shown pockets of unusually high concentrations of chlorine 136, a radioactive isotope generated by nuclear detonations.

The presence of high levels of chlorine 136 at the proposed repository level is assumed to result from penetration of water from the surface, where it picked up chlorine 136 fallout from atmospheric testing at the NTS 50 years ago.

This rapid penetration of water through the welded tuff of Yucca Mountain contradicts the Department of Energy's assumptions about the nature of the geology at the site, and calls into question the validity and accuracy of much of the characterization effort.

Despite repeated assurances by the Department of Energy and the nuclear power industry that the nature and behavior of radioactivity and radionuclides are well understood and predictable, and thus nothing for Nevadans to worry about, evidence continues to mount that the scientific community actually knows little about this field.

Just 1 month ago, scientists studying the Nevada Test Site, an area adjacent to Yucca Mountain, discovered that plutonium resulting from underground nuclear testing have migrated underground far faster and further than previously expected—nearly a mile in less than 30 years.

The empirical data collected at the site contradicts the models that are being relied on by the Department to evaluate the environmental impacts of underground testing at the Nevada Test Site.

The cumulative effect of these, and other, scientific assurances that later prove to be inaccurate, misleading, or even outright dishonest has been to seriously damage the credibility of the Department of Energy and the nuclear industry in Nevada, and elsewhere across the Nation.

Nevadans, and many others, will continue to suffer the consequences of our failure to properly understand the nature and effects of radioactivity in the past.

Despite these historical lessons, however, the proponents of nuclear energy continue to press forward with their misguided efforts to bolster the industry at the expense of the health and safety of the public.

The most recent incarnation of the industry's avarice is the nuclear waste legislation currently working its way through this Congress. In a misguided attempt to remove waste from reactor sites, where it can be, according to the industry itself, safely stored for the next 100 years, the industry has proposed shipping 80,000 metric tons of its waste on 16,000 shipments through 43 States to Nevada where it will be stored in exactly the same type of storage currently available and, in some instances, currently in use at existing reactor sites. This unprecedented shipping campaign will bring shipments of high-level nuclear waste within 1 mile of the homes of more than 50 million Americans, creating potential public health and environmental consequences of staggering proportions.

The nuclear power industry's attempt to ship its waste to aboveground storage in Nevada is corporate welfare at its worst. In a desperate attempt to rejuvenate a dying industry, the nuclear power industry is willing to sacrifice the health and safety of millions of Americans to improve its bottom line.

Mr. President, there is simply no need to move this dangerous, poisonous waste at this time. The Nuclear Regulatory Commission and the industry itself concedes the storage of the waste at reactor sites is safe. The Nuclear Waste Technical Review Board, an independent oversight board created by Congress, has said that centralized interim storage is presently not needed.

The nuclear power industry's waste legislation has passed the Senate and I fear will likely pass the House in the near future. Fortunately, President Clinton has committed to veto this ill-advised piece of legislation, and we are fortunate to have the votes in the Senate to sustain the veto.

It is time for the nuclear utilities to give up their efforts to establish interim storage in Nevada and enter into serious negotiations with the Department of Energy regarding support for the continued storage of high-level nuclear waste at reactor sites until an objective, defensible characterization of Yucca Mountain can be completed.

In the 1950's and 1960's, most public policymakers could not understand the terrible consequences that would result from atmospheric testing. Today, more than 40 years later, every taxpayer is contributing to compensate those downwind victims for the cancer, genetic, and other health effects from the fallout of those tests. It would be inexcusable for us, with what we know today, to create yet another situation where future legislators, our successors, 50, 100, or even 150 years from now will need to make similar arrangements for new generations of victims of the legislation the nuclear power industry is asking us to approve in this Congress.

Mr. President, I yield the floor, and if there is any time remaining, I yield back the remainder of the time.

The PRESIDING OFFICER. Who seeks time? The Senator from North Carolina.

## MORNING BUSINESS

Mr. FAIRCLOTH. Mr. President, I ask unanimous consent that there be a period for the transaction of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FAIRCLOTH. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BOND. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

## VA-HUD APPROPRIATIONS

Mr. BOND. Mr. President, one of the pleasures and honors I have in this body is to serve as the chairman of the appropriations subcommittee that funds veterans' programs, housing, as well as environment, space, science, and emergency management.

On the veterans side, we have a very heavy responsibility to the people who, in my State and throughout the country, have been willing to put their lives on the line to protect our freedoms, and I think they deserve the best that we can give them. That is why in past years, I have been very disappointed and troubled at this administration's approach to funding for veterans' medical care. Quite frankly, they were willing to sacrifice these important programs, at least on paper, in order to pretend that they were reaching a balanced budget. I think that is just plain wrong.

I was also disappointed earlier this spring when the President and the congressional leadership proposed to take $300 million out of veterans' medical care as a part of the budget agreement. I said at the time that we would not let that happen.

I am pleased to report that last night in a bipartisan, bicameral session, the Senate and House negotiators on both sides, Democrats and Republicans, approved a measure that provides more funding than the President, more funding than the budget agreement for veterans' medical care. The conference agreement that we hope will soon be signed into law provides $17 billion next year for medical care for veterans.

This level of funding ensures that we keep our promise of continued care to all eligible veterans.

We will also be able to continue our efforts to improve the VA medical system, which has been under great stress and which we hope is making progress toward more efficient, more effective, more humane care and treatment for our veterans who need care.

It is sometimes easy during peace and prosperity to forget temporarily the promises that we as a country have made to those veterans who were willing to risk their lives to protect us. I said throughout this budget process I did not intend to let us forget, and I hope we will move quickly to send this bill to the President.

In addition to the tough battles we fought in the veterans' medical care area and the difficult decisions we made, we had to make some tough decisions and take some difficult actions with respect to housing. Over the last several weeks, many elderly residents in public housing complexes in Missouri and I am sure in other States represented in this body, have expressed their deep concern about the possibility of their housing subsidies being ended.

HUD was required by law and did send notices to thousands of senior citizens across the country over the last few months telling them that their rent subsidies were scheduled to expire this fall. That is required by law. But for most of the seniors who received the notices, it is very frightening because it threatens to tell most of them they will no longer be able to afford their homes and will be forced to move.

I visited residences of complexes in St. Louis and Springfield, MO, and listened as the residents described their fears about losing their rent subsidies. I told them I would do everything in my power to help them stay in their homes.

I am pleased to announce once again that last night the House-Senate conference agreed to provisions that we crafted, that I crafted to protect elderly housing. During the years I have spent as a member of the Senate Banking Committee and now as chairman of the VA, HUD, and Independent Agencies Appropriations Subcommittee, I made preservation of affordable, low-income housing, especially for seniors, for the elderly, a top priority and a long-term commitment.

Unlike the administration which, for some reason, continues to emphasize the possibility of vouchers as a one-size-fits-all approach to housing needs of low-income families and the elderly, I believe that elderly housing complexes, which are good, safe places, comfortable for the elderly residents, should be maintained. Frankly, it is terrifying to seniors who may have lived 10 to 15 to 20 years in the same housing complex to tell them suddenly they must move: "Here is a voucher, go out and pound the pavement and try to find housing."

Mr. President, if you have visited these complexes, and I am sure you have them in your State as we have them in all of our States, all you have to do is go into one of those complexes and meet with the residents, many of them in walkers, using canes, in wheelchairs and think just a minute of giving those people vouchers and asking them to go out and look for housing. What a ridiculous thought that is. We are not going to force them to go out and look for housing.

How many of us who have parents and grandparents or other relatives in elderly housing complexes want to see them torn away from their communities and forced to find new housing? I really believe that seniors should be treated differently from young persons eligible for subsidized housing.

While the trend in recent years has been to provide vouchers for recipients to use for housing of their choice in a variety of neighborhoods, many seniors—most of whom I talked to—prefer to remain in senior-only housing complexes. I think it makes sense for them to remain in communities where they have grown accustomed to living and have made friends and feel comfortable.

As chairman of the Senate appropriations subcommittee, I included language in the HUD-VA bill that was agreed to last night which does allow these seniors to remain in their homes, to remain in their complexes. Specifically, we provided for the renewal of project-based section 8 contracts at a rate affordable to the elderly.

Good, affordable elderly housing, more than just an example of a successful private-public partnership, is a community of people who live together and care about each other. We cannot afford to lose this type of housing. We cannot afford to lose the type of community this housing represents.

Washington sometimes loses sight of people and the importance of local communities. But I do not plan to let Washington lose sight of these elderly housing communities or the people who live in them now or in the future.

Mr. President, I thank the Chair. I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. SANTORUM). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DASCHLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DASCHLE. Mr. President, I will use my leader time to make a statement on a couple of issues.

## TRIBUTE TO GEN. JOHN SHALIKASHVILI

Mr. DASCHLE. Mr. President, I have very mixed feelings about the decision announced yesterday at the White House. After nearly four decades of exemplary service to his adopted Nation, Gen. John Shalikashvili will step down as the top soldier of our Nation's military forces. We understand that by statute he is required to do so, but it does not make the reality any less of a disappointment.

With his 39 years of distinguished service, General Shali, as he has come to be affectionately known, has earned the respect and admiration of men and women in uniform, the Nation and indeed the whole world. His brand of quiet, steady leadership will be greatly missed.

The General Shali story is as unusual as it is remarkable. Born in Warsaw, Poland, on June 27, 1936, John Shalikashvili was just 3 years old when Hitler's tanks rolled into his homeland. Five years later, Stalin's troops invaded Poland from the east. His family fled to Berlin, Germany, after World War II and then later moved to Peoria, IL, when John Shalikashvili was 16 years old. He graduated from Peoria High School in 1954 and received a degree in mechanical engineering from Bradley University 4 years later.

General Shali began his extraordinary military career in an ordinary way—as a draftee in 1958.

He graduated from officer candidate school a year later and was commissioned a second lieutenant in the Army. During the next 23 years, General Shalikashvili served in a variety of command and staff positions before becoming a brigadier general in 1982.

In addition to serving on the Army staff, Shali served in Germany as an assistant division commander in the 1st Armored Division. In 1986, he was promoted to major general, and, from 1987 to 1989, he served as Commander of the 9th Infantry Division in Fort Lewis, WA.

In 1989, he was promoted to lieutenant general and returned to Germany to serve as the deputy commander in chief of the Seventh Army. Then, in 1991, he was selected to command Operation Provide Comfort, the relief operation that returned hundreds of thousands of Kurdish refugees to northern Iraq.

In 1991, he became the Assistant to the Chairman of the Joint Chiefs of Staff and later served as the Supreme Allied Commander in Europe and the commander in chief of the U.S. European Command from June 1992 until October 1993.

On October 25, 1993, Gen. John Shalikashvili completed his rise to the top of the military. President Clinton appointed him to serve as the 13th Chairman of the Joint Chiefs of Staff. In that position, he has served as the principal military adviser to the President, the Secretary of Defense, and the National Security Council. During that tenure as Chairman, Shali was integral to the United States-led efforts to restore democracy in Haiti, enforce sanctions against Iraq, and keep peace in Bosnia.

His guidance, his commitment, and dedication truly made a difference in each of these and more than 40 other missions in which our troops participated over the last 4 years.

In addition to his extraordinary operational successes, the general has also made significant contributions to improving the Department of Defense. He was instrumental in adjusting our military forces to post-cold-war realities and budget levels, always ensuring that the troops received the best equipment and training in the world.

There is not a single soldier in our military today who has not benefited from the concern General Shali has consistently displayed for his or her well-being. His commitment to improving the quality of life for those serving in the Armed Forces has been second to none, and I am sure that they, like the rest of their fellow Americans, salute him.

I think his Commander in Chief best expressed the high regard in which General Shali is held. In his comments at General Shali's farewell ceremony yesterday, President Clinton stated:

> When future students look back upon his time, they will rank John Shali as among the greatest chairmen of the Joint Chiefs of Staff America ever had.

Mr. President, on behalf of the U.S. Senate, the men and women in uniform, and millions of his countrymen, I concur with President Clinton's assessment and thank General Shali for his 39 years of service to his country. I wish him and his wife, Joan, the very best as they begin a new chapter in their lives in the State of Washington.

## THE COMPREHENSIVE TEST BAN

Mr. DASCHLE. Mr. President, I come before the Senate this afternoon to talk briefly about the Comprehensive Test Ban Treaty submitted to the Senate by President Clinton last week. This treaty represents another useful and important step toward reducing the spread of nuclear weapons. I stand ready to do all that I can to ensure that the Senate considers the CTBT in a timely manner and votes to allow the United States to join 145 other signatories of this treaty to put an end to nuclear testing.

It was on July 16, 1945, at a site called Trinity in the desert near Alamogordo, NM, that the United States conducted the first test of an atomic bomb. In a fraction of a second, the detonation not only released over the isolated test site an amount of energy equivalent to what we consume in the entire United States in 30 seconds—it also changed the world. The nuclear age had loudly begun. For decades to come, humanity would be forced to grapple with the consequences borne out of what occurred at Trinity.

Much has happened since that first test in the New Mexico desert.

The United States was quickly joined in the nuclear club by Russia and several others. We saw the onset of the cold war and an arms race between the United States and the Soviet Union. As each country strove to keep pace with the other, the United States and Russia engaged in a buildup of thousands of nuclear weapons with a destructive power unprecedented in human history.

The United States would go on to conduct more than 1,000 additional nuclear tests; and the Russians more than 700. Several other countries would carry out a total of roughly 300 tests of nuclear weapons.

The Russians would test the largest weapon ever designed by mankind—a monstrous device that, in a split second, produced enough energy to power the entire United States for a whole day. At the height of the cold war, the United States and the Russians had deployed between them roughly 60,000 nuclear weapons.

Taken together, these frightening developments would make a four decade old comment by the preeminent scientist of the 20th century, Albert Einstein, even more poignant. Einstein played a large role in the conceptual development of the atom bomb. Moreover, in 1939, in a letter he sent to President Roosevelt, Einstein urged the President to begin a nuclear weapons program immediately. Later in life, after observing the early stages of the arms buildup and the development of ever more destructive weapons, Einstein commented, "I made one great mistake in my life, when I signed the letter to President Roosevelt recommending that atom bombs be made."

Fortunately, the outlook has improved markedly since the darkest days of the cold war. The United States and Russia have cooperated repeatedly during the past several years to reduce the nuclear threat. Each country has ratified the START I Treaty.

Following President Clinton's lead, the Senate ratified the START II Treaty, and we hope the Russians will follow suit by year's end. If START II is implemented, each side will reduce its strategic arsenal down to about 3,500 deployed weapons. In addition, once START II enters into force, Presidents Clinton and Yeltsin pledged to immediately begin negotiations on START III. Under the terms of the Helsinki agreement, START III would establish ceilings of as low as 2,000 strategic weapons.

While much has been done to reduce the threat posed by nuclear weapons, much remains to be done. And, President Clinton's submission of the Comprehensive Test Ban Treaty represents a useful step in the right direction.

The CTBT prohibits any test involving a nuclear explosion, regardless of the test's purpose, size, or location. On behalf of the United States, the President was the first to sign this treaty last September. He would subsequently be joined by representatives from more than 140 other nations.

We will soon hear from the usual critics of arms control, voicing objections to the treaty that are as predictable as they are likely. They will say the CTBT is unverifiable. They will say that it will lead to the inevitable erosion of our nuclear weapons capability. And, they will be wrong on both counts. Although we will have plenty of time to thoroughly address their objections in the days ahead, I will briefly address each of those criticisms.

As to the verifiability of the Comprehensive Test Ban Treaty, this is a familiar refrain uttered by those who oppose arms control agreements in any form. The treaty's verification regime includes a comprehensive international monitoring system composed of hundreds of seismological, radionuclide, hydroacoustic, and infrasound sensors spread out all over the globe. This network is backed up by the ability of Members to conduct onsite inspections of questionable activities. This combination should be more than sufficient to deter would-be cheaters and, if deterrence fails, catch those who try to violate the treaty's restrictions.

As to the concern that CTBT will erode our nuclear capability, I have 4.5 billion reasons why that will not be the case this year and tens of billions more reasons in subsequent years. Last week, the administration reached an important agreement with our weapons development labs. These labs are staffed by the world's foremost nuclear weapons experts. The labs stated that if they are provided with $4.5 billion this year and similar amounts in each subsequent year, they will be able to conduct a program that will ensure with a high level of confidence the safety and reliability of the nuclear weapons in our stockpile. In short, the cessation of nuclear testing need not erode our nuclear capability.

The CTBT is an important step down the path toward a safer world. In simple terms, the United States, the country with one of the largest and certainly the most sophisticated nuclear weapons arsenals in the world, has the most to gain from freezing the competition in place. Countries already possessing nuclear weapons will have a difficult time making qualitative and quantitative improvements to their existing arsenals. And as for countries without nuclear weapons, the CTBT will place an additional hurdle in their path if they seek to develop and deploy such weapons.

I do not believe we can rest with the submission, and, hopefully, ratification of this treaty.

Many more challenges face us if we are to reduce to acceptable levels the threat posed by nuclear weapons. For example, despite the fact that the cold war ended years ago, the United States and Russia still maintain at least 3,000 strategic nuclear warheads poised and ready to launch at a moment's notice. As noted by former Senator Sam Nunn, one of the most distinguished and insightful defense experts to ever serve in this Chamber, while this practice may have been necessary in the cold war, "today it represents a dangerous anachronism." Moreover, tens of tons of nuclear materials and thousands of nuclear weapons remain outside international controls.

Tens of thousands of highly trained employees of the Russian nuclear complex, each armed with the ability to design and build nuclear weapons, go unpaid for months at a time. Future security measures must be designed to speak to these concerns as well.

While I will be doing all I can to ensure smooth ratification of the CTBT in the Senate, I will also be attempting to help design measures that speak to these other security problems. Outside experts such as former Senator Nunn, General Lee Butler, the last Commander in Chief of the now-disbanded Strategic Air Command, and Dr. Bruce Blair, a thoughtful arms control expert at the Brookings Institution, have all raised these same concerns and begun to design solutions. It is an important opportunity for the Senate, the Pentagon, and the country to begin to consider them.

At Helsinki, the administration acknowledged its awareness of these problems and indicated a commitment to resolve them. Unfortunately, the administration appears to have put the detailed discussion of many of these measures on hold until START II enters force and the START III negotiations begin. I hope the administration would begin exploring these steps today. The only real linkage between START and these other measures is that they both can enhance our security. There is no reason why United States action in one arena should be held in abeyance until the Russians act in another.

In summary, Mr. President, I look forward to working with the administration and the other supporters of the CTBT in this body to ensure that the merits of this treaty are fully aired. If that happens, I am confident the CTBT will be ratified, and another step will be taken toward turning back the clock that unfortunately began ticking 52 years ago at a place called Trinity.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. THOMAS. Are we in morning business?

The PRESIDING OFFICER. The Senator is correct.

## CAMPAIGN FINANCE REFORM

Mr. THOMAS. Mr. President, we have spent several days recently and this week talking about campaign finance. I would like to share some of my thoughts. It is one of those issues that have become so complicated and so convoluted that it seems to me it is very difficult for a person to really bring it down to the simple basics, particularly if you haven't listened to all of it.

Proponents of campaign finance reform bills will have you believe this is the top issue and in the interest of Americans, that everyone on Main Street is waiting breathlessly for some significant action that would be more important than tax relief or the balanced budget—no. I think that is not so. When I go back to Wyoming nearly every week, people don't come and talk to me about campaign finance. They want to discuss health care, they want to discuss public lands, they want to discuss taxes.

This is not to say that it is not important, certainly not to say that I am against finance reform, because I think there should be some thoughtful changes in terms of campaign financing. I just don't believe that it is a catastrophic issue. I don't believe it is an issue that is the most important thing on our agenda as it sometimes is termed.

The steam behind the issue, as a matter of fact, is generally that of enforcing the laws that are now on the books. That is what the hearings were about. That is what brought it up. It is not new laws that are needed—enforce the ones that are now there, not merely adding more to be unenforced.

I am in favor of campaign finance reform. I have been very involved in political systems, as a matter of fact, long before I was ever in elective office, because it seemed to me over a period of years that it is pretty clear that politics and campaigns are how we govern ourselves. That is how you and I in our precincts decide the big issues in terms of government. So I just think we need to make it the kind of a process in which people can be involved, the kind of a process in which the first amendment opportunities to speak are there and are extended to everyone—not just limited to the press.

On the other hand, we can't overlook the defects we saw in the last campaign cycle. The answer, however, is not to marshal the powers of the Federal Government and increase governmental intervention. We can reintroduce principle, we can introduce integrity and serious compliance into this important function of governing ourselves by strengthening and enforcing the reporting and disclosure laws, by limiting the influence of soft money on the national level, by requiring that a majority of the funds in a campaign come from the district in which the election takes place, by banning compulsory contributions.

I don't think we ought to pass a bill just because we want to go through the rhetorical process, just because we want to shift the attention from not adhering to the law to writing new laws.

We are talking about being home, and I hear more than anything else in Wyoming, "Wait a minute, the issue is not new law; the issue is enforcing the laws we have." I think disclosure is the most important of the election issues. In that case, voters can determine where the money comes from to go to a candidate and make their own judgment as to whether or not that is reasonable. It is a simple way to bring our system of privately financed campaigns on track by strengthening and enforcing existing disclosure laws.

Privately financed—I think it is a mistake to move more and more to how the taxpayers finance campaigns. It seems to me that has proven not to be useful. Candidates in parties must offer fuller and more timely disclosure of campaign receipts and spending activities. Reports must be prompt and early. Now there is a period of time between the last reporting and the election in which donations and contributions are not reported until after the election is over. That is wrong. We ought to change that. Candidates' reports are often late and partial and voters are kept from knowing what they should know about contributions prior to the time of voting. People need to be better informed. We can do that and we should.

Soft money—I am concerned about the increased amount of soft money being spent on a national level. I say again, I was very involved in my party prior to being elected, and I saw us use money of that kind to do things that I thought were useful, and continue to think are useful—party building, voter identification, voter registration, getting people to vote and participate in government. That is what soft money is for.

Unfortunately, the receipts for campaigns have increased some 200 percent from the 1992 Presidential election to the 1996 cycle. That is a little scary. That is a lot. This money is not subject to the kind of disclosure requirements and restrictions in the kind of things that so-called hard money is. Voters have the right to be suspect of this kind of dough, it seems to me, since there are really not stringent accountability standards. We must develop, I think, a contribution limit on soft money. It doesn't need to be small. It can be healthy, but it should not be unlimited, and it should be for party building.

We talk sometimes disdainfully about politics. Politics is how we govern ourselves. That is how you and I who live in our precincts are able to make an impact. I feel very strongly about that.

Fundraising in the district—pretty evident that is the important thing. I support the idea of having at least 50 percent of the money that goes into the campaign come from the district from which the candidate runs.

Now, I am the first to admit—and that is one of the difficulties with all kinds of election controls and election restrictions—there are ways to go around that. In my State there are large companies that run mines, for example, that contribute to campaigns from out-of-state headquarters. They will simply contribute from instate headquarters, and it will be the same money. But, nevertheless it is important. I think there is a great shift of money from one place to another outside of the eligible voters, simply because of interests that are somewhere else, that go to this campaign. I suggest that at least 50 percent come from the area in which the candidates come.

Compulsory dues being used for campaigns I think is a real mistake. Labor unions are the only ones that really are able to do that. I think it certainly ought to be voluntary on the part of the member whether or not those dues are used for that purpose. There are some polls recently that say that is greatly supported, 4 to 1, by members of unions. I think that is right. They should not be restricted from using their money for that purpose if they choose to, but they need to choose.

Mr. President, in summary, voting is one of the highest privileges of being a citizen. Not only is it a privilege, it is an obligation and a responsibility if we are to have a government of the people, by the people and for the people, then the people must participate, must be given an opportunity to participate.

It is ironic to me, it seems to me we are in a time where we have the technical ability to have more information available to more people than ever in history. Can you imagine what it was like to vote 100 years ago? How much do you think people knew about national elections? Very little, I suspect. Now we know anything that happens in the world, and we know it in 10 minutes. Yet we seem not to have the kind of participation that we really ought to have in a citizen government. That is what we ought to be striving to have as we deal with election finance—voters being responsible, voters fulfilling their obligation, voters being knowledgeable, and voters being able to choose.

One of the real meaningful ways, of course, is that individuals can contribute to that point of view that they support. We should work hard to ensure that campaign system is free of some of its current laws and yet open and free and not governed in every detail by some bureau somewhere that decides what you can say in an ad. Those kind of things are not useful and, indeed in my opinion, move us in the wrong direction.

I hope we continue to work on this issue. I hope we do some things. I hope we stay away from the convoluted notion that we ought to have somebody in some bureaucracy, somewhere, manage all of the election activities. Here again, these kind of things belong in our communities, they belong in our States, they belong in our towns, they belong in our school boards. That is where they ought to be.

I yield the floor.

## SETTING GOVERNMENT LIMITS

Mr. BROWNBACK. Mr. President, I rise today to speak on two bills that I have introduced aimed at limiting the size of Government and restricting its growth. One reduces the Federal Government by restricting the ability of Congress to spend money, and the other limits Government by sunsetting the Internal Revenue Code.

First, I will discuss the Economic Growth and Debt Burden Reduction Act. Although I have only been in Congress a short time, I have reached an inescapable conclusion, and that is that Congress is much better at exercising fiscal recklessness than fiscal restraint. Accordingly, I have authored legislation that specifically restricts Congress' ability to embark on spending sprees by making it illegal to use excess Government revenues for anything other than debt reduction or tax cuts.

Congress has historically been wholly unable to exercise fiscal restraints when given resources in excess of the current demands of the Government. I believe we need to limit the size of the Government, and this bill forces it to do so.

Mr. President, we are going to soon approach a historic opportunity. For the first time since 1969 we are going to balance the budget. It was the last time we actually had revenues and expenditures equivalent. Now is the time for us to begin this great national debate as to, once you go into balance and you start moving into surplus, how should those surpluses be spent. In other words, whenever revenues exceed expenditures, what should they be spent upon.

We can say go on another spending spree and spend more money, or we can pay the debt down, or we can say we will cut taxes further on an American public that is taxed too heavily.

The bill that I put forward puts it this way: If revenues are projected to exceed the agreement levels, those excess revenues are immediately captured and reserved for tax cuts. If tax cutting legislation is not enacted, the additional revenues revert to deficit or debt reduction. This prevents any unanticipated revenues from being plowed back into higher expenditures and higher spending. And it seems to me that is what the American public wants us to be. They want us to pay down this massive $5.4 trillion debt —and we get from deficit into debt, start paying the debt down —and if we can't agree on cutting taxes further, then we can apply that immediately and require that it go toward the debt reduction. So we can reduce the mortgage on America, which is on our children. They are going to have to reduce the overall tax burden in this country today, which is about 38 percent of the average two-wage earner, two-child family—a 38-percent tax rate. That is at all levels of government, including Federal, State, and local.

### SUNSETTING THE INTERNAL REVENUE CODE

Mr. President, the other bill I introduced would sunset the Internal Revenue Code, except for the section relating to Social Security and Medicare. As my colleagues know, last week, the Senate Finance Committee held hearings on the Internal Revenue Service, and during those hearings, the Congress and the American people heard detailed accounts of endless cases of the IRS's abuse of power.

I believe the IRS needs to be reformed and, more fundamentally, I believe our Tax Code needs to be changed. The current Tax Code, along with the regulations, consists of more than 10 million words. It is impressive in size and oppressive in operation. It is antigrowth, antifamily, and it is not the sort of environment that we can put forward economically and hope to have the next century be another American century. That is why I have joined with Congressman PAXON on the House side in sponsoring a bill that would sunset the current Internal Revenue code by the end of the year 2000.

What we hope to do with this is start the great national debate about what sort of tax system should be in place. Should we go to a flat tax or a consumption-based tax, or truly do tax simplification? But let's set the timeframe and a goal and work toward it like we have done on balancing the budget, when we said that, in 7 years, we would balance the budget and then we will figure out how we are going to get that. That is what we have done and that is why we are going to get it balanced. Let's do the same on fundamental tax reform. Let's set a time certain in which to accomplish it and let's begin the great national debate.

I hope a number of my colleagues will join me in sponsoring this effort to sunset this Tax Code and start the next millennium in this Nation with a taxation system that is pro-family, progrowth and pro-American. We can do that and start this great debate now. I hope my colleagues will join in sponsoring both of those bills.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BROWNBACK). Without objection, it is so ordered.

### CAMPAIGN FINANCE REFORM

Mr. KENNEDY. Mr. President, few if any issues before the Senate this year are more important than campaign finance reform.

Americans from all walks of life are fed up with the current campaign financing system and its excessive reliance on unlimited contributions that make conflict of interest a way of life. They are fed up with a campaign process driven by the high cost of television commercials. They are fed up with candidates who spend more time raising money from special interests instead of serving the public interest.

And who can blame them?

In recent years, the amount of money spent in Presidential campaigns has doubled every 4 years. Senate and House races now cost millions of dollars. Election campaigns have become more and more negative, with misleading TV spots that traffic in half-truths or outright falsehoods. And corrupting and corroding it all are the massive abusers of the current loophole-ridden campaign financing laws.

The constant hunt for campaign dollars demeans our electoral process and undermines the very foundation of our country. We have the best political system that money can buy, and it's a disgrace to everything our democracy stands for.

The time for change is now. We must take elections off the auction block. We must limit campaign spending. We must return the election process to the people, in which every voter is equal, no matter what their income, or what job they hold, or where they live.

Democrats understand this. Democrats in the Senate are unanimously committed to campaign finance reform that limits campaign spending. All 45 Democrats in the U.S. Senate have pledged their support for the bipartisan McCain-Feingold bill. President Clinton, too, has clearly stated his unequivocal support for this important legislation. He has taken the extraordinary step of announcing his intention to use his authority under the U.S. Constitution to require Congress to meet in special session if it fails to take up this urgently needed reform.

But where are the Republicans?

Have they united behind a proposal—any proposal? Are they willing to join with Democrats to clean up the cesspool, and limit the amount of money and the power of money in American elections?

Sadly, the answer is "no."

The Republican prescription for these flagrant abuses is more money in politics, not less. They prescribe an even larger overdose of money for elections, in which their friends in big businesses and their lobbyists and special interests can write more checks and fatter checks to the Republican Party.

Their recipe for campaign finance reform is to tilt the balance even more unfairly against American workers. They want to increase the power of large corporations, and squash even the limited power that American workers have today. Republicans want to handcuff labor unions in the battle for a living wage, for decent health care for working families, and a secure retirement for the elderly. They want to silence union support for candidates who stand up and speak out on those basic issues.

In short, Republicans want to impose a gag rule on American workers.

The Republican antiworker scheme is a poison pill for campaign finance reform, and the Republicans admit it. The majority leader, Senator LOTT, told the Washington Times that his amendment would kill the bill because Democrats would mount a filibuster. He said, "I've set it up where they're going to be doing the filibustering."

Columnist Robert Novak agrees. Writing about the Republican amendment to impose a gag rule on workers, he says its "primary purpose in Congress is not to win Republican supporters for campaign reform but to lose Democratic supporters . . . . Republicans are divided between the many who bash labor to kill reform and the few who appease labor to save reform."

The Lott amendment is a killer amendment, because it unfairly punishes working Americans and their unions for participating in the elections. The Lott amendment bars unions from collecting dues from any workers—even members who voluntarily join the union and participate in setting its goals—unless those workers sign an authorization form to allow part of their union dues to be spent for political purposes.

This isn't reform—it's revenge. It's a blatant attempt to punish working Americans for their role in the 1996 elections—and an equally blatant attempt to silence working Americans in future elections.

Republicans intend this procedure to cripple any union's ability to participate in elections. They know that imposing such a requirement on any organization would have the same result. Yet, they don't propose it for the National Rifle Association or the big tobacco companies or the American Farm Bureau or the Chamber of Commerce. They don't ask corporations to get permission slips from their shareholders before the corporation can spend funds for political purposes. The Lott amendment should be called The Rampant Republican Hypocrisy Act of 1997. How hypocritical can they get?

The real measure of whether Republicans are serious about campaign finance reform is whether they will support honest limits on campaign spending.

The McCain-Feingold bill that all 45 Senate Democrats support will ban so-called soft money—the millions of dollars in campaign funds that today are virtually unregulated. This immense loophole in our current campaign laws allows contributions worth hundreds of thousands of dollars to be made to political parties. The parties then spend the money to help elect candidates for Federal office. While the amount of money that an individual voter can give to a candidate is limited to $1,000 per campaign, candidates for Federal office can receive millions through the back door using this soft money loophole.

Clearly, any legislation worth the name reform must ban this shameful practice.

In addition, the McCain-Feingold bill limits the ability of outside groups to run ads supporting specific candidates. This practice has become another source of soft money for Federal candidates. If you don't have enough money in your own campaign to pay for your ads, then get a friendly outside group to support them.

The McCain-Feingold bill says that organizations are free to run ads on genuine issues. That's free speech, and it's protected under the Constitution. But if an outside group runs an ad supporting a specific candidate, then the cost of that ad should be counted as part of the candidate's campaign, and should be subject to the Federal election laws.

The McCain-Feingold bill also increases disclosure requirements for campaigns, so that the public will be able to see much more clearly the sources and the amounts of all contributions that any candidates accept.

It is time for Congress to stop talking about reform and start acting to make it happen. This bill is not a perfect bill. All Senators can find some provision in it that they do not like. But the McCain-Feingold bill is an honest reform and the best hope to end the most flagrant abuses under the current system. I urge Democrats and Republicans alike to support this bill and send it on to President Clinton, so that we can clean up the current mess and restore the voters' shattered confidence in our democracy.

It is time to take our campaigns away from the special interests and give them back to the people. It is time to make our democracy worthy of its name.

Mr. President, I am not sure whether these have been printed in the RECORD so I will ask unanimous consent to print in the RECORD two editorials, one from the Washington Post and one from the New York Times, that comment on our Republican leader's amendments and parliamentary maneuvering so as to require the first and only vote that will be available to the Members of the Senate to occur on his particular gag rule on American workers.

The Washington Post says in the first sentence:

> Senate Majority Leader Trent Lott, having magnanimously allowed campaign finance reform legislation to come to the floor, now proposes to kill it with an amendment affecting the use of labor union dues for political purposes. . . .
>
> Everyone understands what kind of vote this is—a vote not on labor law but on campaign finance at one remove.

They have it right.

And the New York Times points out in its editorial:

> Trent Lott, as expected, has come up with a perverse stratagem to kill campaign finance reform this year. . . . Mr. Lott's purpose today is to scuttle the bill by making it unacceptable to Democrats. . . .
>
> [Members] should realize that if they let Mr. Lott kill the bill by subterfuge, their criticism of Democratic excesses will be mere opportunism and hollow rhetoric.

I ask unanimous consent that both of these editorials be printed in the RECORD.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the Washington Post, Oct. 1, 1997]

### LEADER LOTT'S AMENDMENT

Senate Majority Leader Trent Lott, having magnanimously allowed campaign finance reform legislation to come to the floor, now proposes to kill it with an amendment affecting the use of labor union dues for political purposes. He thinks he can summon the votes for the amendment, after which the theory is that the Democrats, who are the principal beneficiaries of labor support, will do the rest of his work for him by halting the underlying bill. The transparency offers him the best of both worlds: The bill will be defeated, but he won't have been the one to have done it.

The amendment would require unions to get the written permission of individual members before spending any of their dues for political purposes. The Paycheck Protection Act, its sponsors call it with mock solicitude. "Our political system depends upon one's freedom to participate without even the slightest degree of compulsion," assistant majority leader Don Nickles says. But in fact under labor law such freedom already exists; there is no such compulsion. No worker in this country can be forced to join a union. In some states, workers covered by union contracts who decline to join can be required to pay the equivalent of union dues, but they already have the right, under a 1988 Supreme Court decision, to have the political portion of those dues refunded. The reform bill would codify that decision; the amendment would go beyond it, not necessarily incapacitating the unions but creating an extra hill for them to climb.

Question One is whether Mr. Lott is right in thinking he has the votes. Everyone understands what kind of vote this is—a vote not on labor law but on campaign finance at one remove. A number of Republicans have indicated support for the reform legislation—perhaps enough, assuming all 45 Democrats also vote no, to set the Lott amendment aside. Do they vote with their leader or do they vote for reform?

Question Two is what happens if Mr. Lott prevails. Once again it is a question of senatorial will Proponents of reform said before the August recess that they were willing to tie up the Senate—prevent it from taking any or most other action—until they got a clear shot at a clean version of the reform bill. You presume they meant not just a chance to talk for a few days, take a test vote on a deflective amendment and quit, rather that they intend to press for a straight up-or-down majority vote on the bill itself. Do they do it at the risk of violating the accommodative code by which the Senate normally lives, or do they cave? What finally matters most to them? That's what the vote on Leader Lott's amendment will begin to tell.

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[From the New York Times, Oct. 1, 1997]

### TRENT LOTT'S POISON PILL

Trent Lott, as expected, has come up with a perverse strateagem to kill campaign finance reform this year. The Senate majority leader would add a provision to the McCain-Feingold bill requiring unions to get approval from workers before using their dues or fees for political purposes. The idea might deserve consideration another day, but Mr. Lott's purpose today is to scuttle the bill by making it unacceptable to Democrats.

After months of disclosures about excesses in both parties, all 45 Senate Democrats have joined 4 Republicans to support the McCain-Feingold legislation, which would prohibit unlimited donations to the parties by wealthy individuals, labor unions and corporations. These contributions were at the heart of the access-buying scandals of the Clinton campaign, and they figure in the influence of money from tobacco and other industries on Capitol Hill. Mr. Lott knows there are nearly enough senators to approve the bill, so he wants a poison pill to repel Democrats and shatter its bipartisan support.

Only one additional Republican would be needed to join other Republican backers of reform to block Mr. Lott's plan. But it will not be easy for Republicans to resist his seductive amendment. Even two reformers, Senators John McCain of Arizona and Susan Collins of Maine, support the principle behind the amendment, though they have said they oppose the amendment itself as a threat to reform at this crucial point. Many other Republicans would like to vote for something that would punish labor for its recent campaign spending, particularly the $35 million that paid for attack ads directed at Republican candidates in 30 Congressional races last year.

The McCain-Feingold bill would codify a nine-year-old ruling of the Supreme Court holding that non-union members who pay union dues or fees as a condition of employment are entitled to demand that the fees not be used for political purposes. If Republicans want to vote on a broader provision giving that right to all union members, they should accept the Democratic offer to consider it on another day without the threat of a filibuster. It would only be fair to consider a similar curb requiring corporations, which outspent unions nearly 9 to 1 on politics last year, to get approval from shareholders when making political expenditures.

If the four Republican supporters of McCain-Feingold stand firm, only one other Republican will be needed to defeat Mr. Lott's disingenuous amendment. Senator Alfonse D'Amato of New York, no particular champion of campaign reform in the past, is in for a tough re-election fight next year and has always had the backing of at least some labor unions. Senator Jim Jeffords of Vermont, a long-time champion of campaign reform, should see the wisdom of standing up now. Senator Olympia Snowe of Maine, where campaign finance reform has been approved locally, can join with Senator Collins to save the reform legislation.

Other senators who have shown independence on this issue in the past, like John Chafee of Rhode Island, should also come to the rescue. Down the road, still more Republicans will be needed to save the bill, because it will take 60 votes to thwart a promised filibuster. For now, they should realize that if they let Mr. Lott kill the bill by subterfuge, their criticism of Democratic excesses will be mere opportunism and hollow rhetoric.

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## CENTRAL AMERICAN REFUGEES

Mr. KENNEDY. Mr. President, I would like to speak for just a few moments about a very special provision that is now before the Senate, which we will vote on next week, and that is the amendment which has been proposed by Senator MACK, Senator GRAHAM, and myself, which is pending on the D.C. appropriations bill. Without this amendment, thousands of Central American refugee families who fled death squads and persecution in their native lands and found safe haven in the United States would be forced to return to their countries. Republican and Democratic administrations alike promised them repeatedly that they will get their day in court to make their claims to remain in the United States.

Last year's immigration law, however, turned its back on that commitment and treated these families unfairly. This legislation reinstates that promise and guarantees these families the day in court they deserve—that's all, just the day in court they deserve to be able to make their case, which they were promised at the time they came to the United States, by Republican and Democratic administrations. That particular guarantee was eliminated in the bill last year. It is the attempt by Senator MACK and Senator GRAHAM and myself to maintain that commitment to these families.

Virtually all of these families fled to the United States in the 1980's from El Salvador, Nicaragua, and Guatemala. Many were targeted by death squads and faced persecution at the hands of rogue militias. They came to America to seek safety and freedom for themselves and their children. The Reagan administration, the Bush administration, and the Clinton administration assured them that they could apply to remain permanently in the United States under our immigration laws. They were promised that if they have lived here for at least 7 years and are of good moral character, and if a return to Central America would be an unusual hardship, they would be allowed to remain. They have to meet those particular requirements and if they don't meet those requirements, then they are unable to remain in the United States. Last year's immigration law violated that commitment.

President Clinton has promised to find a fair and reasonable solution for these families, and the administration will use its authority to help as many of them as possible. But Congress must do its part by enacting this corrective legislation.

Earlier in the course of today's debate, our colleague from Texas, Senator GRAMM, talked at some length about this particular amendment and about the situation in which these refugees find themselves. I would like to just clarify and respond to some of the comments that were made earlier in the day.

The first comment was this legislation reverses our immigration laws enacted just last year. The answer is the law was changed on these families retroactively, we took steps, gave guarantees, and then took action. These families had very little to do with it, and now the law was changed. They played by the rules laid out by President Reagan, President Bush, and the Clinton administration. They were promised their day in court. But last year's law went back on that promise. All we are trying to do is to make sure they are given their day in court.

Then the comment was made that this should go through the Immigration Subcommittee, not on an appropriations bill. Our chairman, Senator ABRAHAM, spoke in support of this amendment. He is the chairman of the Immigration Subcommittee, and I am the ranking member. We are in strong support of this particular proposal, as I believe the members of the committee are.

The further point that was made by Senator GRAMM was we need to stop illegal immigration, that this is an amnesty. Mr. President, it is an insult to these hard-working refugees, and their families who have suffered so much pain and hardship and who relied in good faith on the solemn promise they were given to call them illegal aliens or call what we are doing an amnesty. Virtually all of these families are already known to the Immigration and Naturalization Service. They are not illegal aliens working underground. These are families who applied to come to the United States under INS programs, and they are here on a variety of temporary immigration categories. They have acted in accord with what our Government told them to do.

Not all these families will qualify to remain here under the terms of this amendment. They still must meet certain standards that existed in the law before the law was changed and applied retroactively. The Immigration Service estimates that less than half of those who qualify to apply to remain in this country will be approved. These families are law-abiding, tax-paying members of communities in all parts of America. In many, many cases, they have children who were born in this country and who are U.S. citizens by birth. They deserve to be treated fairly.

I just want to take a few moments to talk about who these people are. Zulema Balladares came to the United States from Nicaragua in 1986. If she is deported, she will be leaving her husband and four children who are lawful, permanent residents here in the United States. The Balladares have strong ties to the United States. They own their home, and two of their children serve in the U.S. Army, both served in Bosnia. Their children's ages range from 13 to 21 and have all resided in Miami for the past 10 years, the majority of the children's lives.

Justina Jiron entered the United States 12 years ago along with other family members. She has two U.S. citizen children. Her youngest, a baby, has a need for surgery and ongoing medical treatment as a result of a birth defect. Thankfully, she has health insurance to cover the expenses. However, unfortunately, if she is deported back to Nicaragua, her baby will not be able to obtain the needed medical treatment, because it is not available there. Since this lack of surgery and care is life threatening to the child, the deportation of Ms. Jiron will result in sending a U.S. citizen to death.

Enrique Sequeira, now 21 years old, came to the United States from Nicaragua at the age of 13 in 1988. He has been an outstanding student in the United States and has received numerous academic awards. In addition to excelling academically, Mr. Sequeira is a member of the Junior ROTC and has been involved extensively in community work in Miami. He was granted suspension of deportation November 1996, but the INS appealed that decision based on the Immigration Reform Law of 1996. If the INS appeal is granted, Mr. Sequeira faces disrupting his bright future and returning to a country he has not lived in since he was a young teenager.

Leonte Martinez is extensively involved in community service helping underprivileged youths of all nationalities in several church-sponsored programs. He owns his own home and earns $38,000 a year with medical benefits for his entire family. He has been in the United States since 1986. He is married to a lawful permanent resident, has three children, two of them U.S. citizens. His mother-in-law, a lawful permanent resident, resides with his family. Mr. Martinez was granted suspension of deportation in January 1997. According to the immigration judge, his was the best case she had ever heard. Apparently it was not strong enough, because INS is appealing in order to be able to deport him.

Finally, Roberto Bautista came to the United States 10 years ago from El Salvador. His wife and two children have been in the United States for 12 years. They are a typical upstanding American family. He and his wife hold down two jobs, pay their taxes, have no criminal histories, have health insurance, and have never been on public assistance. Their daughter graduated from the University of Miami and is presently employed by a graphic artist for a newspaper. Their son is an honors student at Georgia Tech, studying engineering, and was awarded the Silver Knight award by the Miami Herald for his outstanding volunteer service.

These individuals are entitled to have administrative process to make a judgment as to their ability to remain here in the United States or whether deportation would serve as a particular hardship. That is all we are attempting to do, under the Mack and Graham amendment. We ought to have enough respect for individuals and individual rights and liberties to treat fairly these families that were subject to extraordinary persecution in their own countries during a time of civil war, where many of these individuals were working and supportive of U.S. efforts to try to build a better country and democratic institutions. Because of the fear of terror, the death squads and others that were loose in the land, they came to the United States and have played by the rules. They were given certain assurances that, if they played by the rules, worked hard and supported their families, they would not be summarily dismissed, they would have a judgment that would be made to see whether they had participated in this country and made an important contribution to the life and well-being of this country.

I have given you a few examples, and there are scores of other examples, where people are giving back to the United States something for all that has been given to them.

I think this is a matter that should be favorably considered.

I am very hopeful that we will have the opportunity to vote on this. I believe we have overwhelming bipartisan support. I think I see a colleague from Pennsylvania, who is a cosponsor of this measure as well.

I yield the floor.

Mr. SANTORUM addressed the Chair.

Mr. LEVIN. Will the Senator from Pennsylvania yield for a unanimous-consent request?

Mr. SANTORUM. Certainly.

Mr. LEVIN. Mr. President, I ask unanimous consent that following the statement of the Senator from Pennsylvania, I be recognized to proceed in morning business for up to 20 minutes.

The PRESIDING OFFICER (Mr. BROWNBACK). Without objection, it is so ordered.

Mr. LEVIN. I thank my friend from Pennsylvania.

The PRESIDING OFFICER. The Senator from Pennsylvania.

## THE DEPORTATION OF IMMIGRANTS

Mr. SANTORUM. Mr. President, let me first address the issue the Senator from Massachusetts was referring to with respect to deportation of immigrants in this country. I am a very strong supporter of the Mack amendment. I believe people are entitled to due process and the right to be heard. Promises were made by many administrations and Congresses. These people were welcomed into this country as a result of the political strife that was going on in various countries in Latin America. I think it would be a true injustice for us to have changed the rules in midstream for many, literally thousands of people who are awaiting deportation hearings right now, to deport them in lieu of that hearing.

So I stand with Senator MACK and Senator GRAHAM from Florida, Senator KENNEDY, and Senator ABRAHAM from Michigan in support of the Mack legislation.

## CAMPAIGN FINANCE REFORM

Mr. SANTORUM. The subject matter on which I want to spend the majority of my time speaking on is the issue of campaign finance reform. As Members have gotten up to discuss the issue, I think one might be led to the impression that those of us who oppose McCain-Feingold are not for any changes in campaign finance rules and that we don't see that there are some problems there. I want to make it very clear that, as a Senator who is on the Rules Committee, which is the committee that has the jurisdiction on this subject matter—we have been bypassed by these floor maneuvers but we do have jurisdiction and have looked into this subject quite extensively—that I don't know of anybody on the Rules Committee on either side who does not believe the current campaign finance system has some problems with it and there are things that we can do to fix it.

We disagree on how to do that. Let me just, if I can, draw the differences between how one side wants to do it and the other side; sort of the big picture, not really talking so much about specifics but a general philosophy. Then I will get into more specifics.

The general philosophy of those of us who oppose the McCain-Feingold approach is that we believe that we can fix the campaign finance system in this country by making it purely voluntary, so that no one is going to be forced to contribute to an election. That is something that you would think is as fundamental as any right that we have in this country, that you should not be forced by your employer, by your union, by your association, or by your family to contribute to anyone the resources that you have worked hard to earn. So, one general tenet is that contributing to campaigns must be completely voluntary. I think that is a tenet you would suspect would be universally shared. It is not universally shared. People in support of McCain-Feingold, by and large—there are some exceptions, but few—do not support the concept that campaign contributions should be voluntary. That is one difference.

Second, that we achieve a better campaign system, a better campaign and a better campaign financing system, by increasing participation, by having more voices in the political discourse, not fewer. Those of us who oppose McCain-Feingold strongly hold to that reading of the first amendment that ensures, guarantees, one of the highest guarantees in the Constitution, the right of speech, political speech, and political discourse.

In this country today, political speech does not mean—it means this, what I am doing. But it does not only mean standing up on the street corner and sounding off on what you believe in. These days, if you are standing on the street corner sounding off on what you believe in, basically you are labeled some sort of freak. We believe the first amendment covers organized political speech, that is, people who ban together, who want to speak on a particular issue and marshal whatever resources they have, whether it is resources in manpower to distribute fliers that they print at a half a cent apiece, or to buy a radio ad on a local radio station or to, in fact, hold public meetings and public debates. Whatever medium they want to use, I think is appropriate to be protected by the Congress and by the first amendment.

On the other side, you have people who want to limit that activity. They want to limit people's ability to speak in the political arena because they find certain kinds of speech offensive, like people who advertise in opposition to a Member of Congress or a Senator saying that they voted in such a bad way and don't vote for them, and they do it within 60 days of the election; that is bad; somehow people getting together and expressing their opinion in a public forum is a bad thing that has to be prohibited by the Congress.

I don't believe that. I don't like it when someone does it to me, and it's been done to me and it will be done to me unless we pass one of these bills that says you can't. By the way, even if we did do that, I believe the Supreme Court would strike it down in a heartbeat. But I believe it will be done again.

I don't have a problem with it, even though it happens to me, because I think people have a right if they don't like what I am doing to speak up about it, even if I think the attack is unfair, because I trust the American public. I know a lot of people around here on a pretty regular basis don't trust the American public, but I trust the American public and the voters of America to sort of figure out all of those things on their own with the help of all the other information that they are going to get from networks like C-SPAN2, as we are on today, and other independent sources, that that ad, as nasty as it is, as horrible as it is, is not going to change somebody's opinion overnight. People are smart enough to take all that information, realize it is an ad, discount it to the degree they usually do and filter it into the mix, as we do with all speech.

But the other side believes that it is dangerous speech. I believe that there is nothing inherently dangerous about speech; there is something inherently dangerous about limiting speech, because once we start to limit speech, then that takes freedom away from the masses, from the people and gives that freedom and control to a bunch of people in Washington, DC, who think they know what is best for you.

You probably hear many Senators talk in those terms when it comes to a variety of other subjects in Washington, DC. I suggest that this attempt to take power away and freedom away from people and centralize it in Washington is consistent with what the other side of the aisle generally wants to do when it comes to every decision in your life. As a result, we have the huge Government that we have in Washington, DC. We have grown and grown and grown because we have taken more and more freedom away from people, whether it is in the form of freedom to use the money that you have earned by higher and higher taxes, or whether it is freedom in the form of regulation on regulation on every aspect of business and your life.

We have taken that responsibility, we have taken your freedom and have centralized that decisionmaking in Washington, DC. This is another attempt to do that. This has the salutary effect, from those who believe in big government, of stifling your criticism of big government. This is a win-win. This allows them to continue to grow government without you being able to speak out against it. So they can stifle you at the same time they continue what they want to do in the first place. I think that is very, very, very dangerous to the future of this country.

Columnist George Will called the filibuster—I don't know whether that is what it is or not, but let's use that term—that the filibuster of the McCain-Feingold finance reform is the most important filibuster in the history of America. I don't know if I agree with that, but I would say it is certainly one of the most important because it goes to the heart of our democracy, it goes to the heart of the political discourse in this country and how free are we going to allow this country to be at its most fundamental core, its democratic core. How free are we going to allow you to be, the average citizen in America?

There are those who say, "Well, you are just too free right now and you have too much power right now. We need to take some of that back for your own good. For your own good we're going to take some power away from you so you don't go out and do things that are going to hurt you."

My, my, and believe it or not, you have the national news media just along for the ride. They think this is great. And why not? Because if we limit your speech, the speech of those who are speaking everyday on the network news and in the newspapers and on the radios becomes that much louder, because the din of your speech has quieted down, and so their speech becomes much more important to the whole debate. You have the media very much for squelching other input, so they become much more powerful and much more important in the political discourse.

I suggest that if Congress were proposing a law to limit the amount of speech that newspapers and radios and television reporters can speak, there would be an absolute hue and cry of "freedom of the press"; "How dare you restrict"; "It is the most essential element of our democracy." "The first amendment"— "Oh, I'm sorry, just this part of the first amendment," because when it comes to the other part of the first amendment, they are all for shutting you up. They want to shut you up, but they don't want to be even in the least infringed upon. That is the hypocrisy that is going on in the national media today.

Let's get down to the bottom line here. What do those of us who would like to see campaign finance reform see as a solution to some of the problems?

No. 1, I suggest we make sure the system is voluntary; that there should not be a system where any individual in America is forced to contribute against their will. That is not the law of the land today. There are tens of thousands, probably hundreds of thousands, maybe millions, of workers in this country who are forced to contribute money to campaigns in which they do not believe. That should be an embarrassment to every single Member of the Senate and should be an outrage to every member of our society. When it comes to union dues being used for political purposes, that is exactly what occurs. So we have a very simple provision that says you can't do that anymore, it has to be voluntary.

Poll union members—not the union bosses, union members—and ask them whether they would like the right to be able to give money voluntarily instead of having it taken out of their dues. By overwhelming numbers—I just saw a poll in California—by a 4 to 1 margin, union members themselves said they want that choice.

Yet—and I always find this really funny because people for McCain-Feingold say, "well, we have to fight the special interests; it's the special interests that are the problem." Then they stand up here and fight against a bill that says all contributions should be voluntary. Why? Because the unions and their big money backing them in their campaigns won't allow them to do what's right. This just exposes it for what it is. This is about power. They just want to make sure that they can keep all the money funneling toward them, and then go about taking away power from you. Keep the money flowing on that side and then take the power away from you.

I don't necessarily think that is the right approach to take. When it comes to union dues being used involuntarily for political campaigns—there is absolutely no excuse for not having the voluntary campaign finance system. That should be at the fundamental core. The only reason it is not is because of the special interests supporting the other side of the aisle, the special interests that they get up and rail against: "Oh, this is horrible; special interest money and, by the way, we're going to stop campaign finance reform because of the special interest money we get from involuntary contributions being maced out of the people who work in unions. Maced is actually too kind of a word because some people get maced when they don't go along, because they have no choice. It is not a matter of being maced and losing your job. You just have to go along. You can't even say no.

So No. 1, it has to be a voluntary system.

No. 2, a goal of a campaign finance system should be to increase participation by the people who are most affected by the election, and that is your constituents. The goal of the bill that I am going to be introducing is to increase the amount of influence—I use that term advisedly—influence that constituents within the State in which you reside, such as my State of Pennsylvania, to influence the election disproportionate from anybody else, whether they be political action committees or people from California—I like people from California but they are not from Pennsylvania and, frankly, the people from Pennsylvania should have more of a say who the Senator is from Pennsylvania than the people from Washington State, Maine or anyplace else.

What I have suggested in my bill is we are going to increase the amount of contributions that can be given by people in Pennsylvania. The proposal that I have is to take the $1,000 limit and increase it to $4,000 per individual per election for people who reside in the State in which you run. Everybody else is kept at the $1,000 limit. But people in your State are going to have more of an ability to contribute.

I know, because I was a challenger twice. I am a rare breed of cat around this place. I defeated an incumbent Congressman to get into the House and defeated an incumbent Senator to get into the Senate. There are not very many of us around who have that honor, I guess, or burden, one of the two. So I know what it is like to be a challenger. I know what it is like to be the big underdog. I know what it is like to be outspent 3 to 1, and I didn't like it.

But I will tell you what I didn't like more than anything else. I didn't like the fact that my opponent, who was a sitting Congressman, had the ability to raise money all over the country. Because of being in Congress, he had connections. He could raise money from all over the place. He was known, not only all over the country, but all over the State. Nobody knew who I was.

I remember when I first ran for office, they took a poll 6 months before the election in 1990, and my name recognition in my district was 6 percent. I thought that was pretty great; "Yea, it is 6 percent." Then my pollster informed me that usually when they put somebody's name on the ballot, they get about 8 percent, because about 8 percent of the people are afraid to answer that they don't know the person, figuring if they were on the survey, they should know the person. So I got below what Mickey Mouse would get. Nobody knew me.

It was hard for me to raise money. I didn't have any money. And it was harder only because I could raise $1,000 at a time. If I was lucky enough to find someone who would support me who had any kind of resources, all I could get was $1,000. That makes it very, very hard for a challenger. You have to find a lot of people to help you, to get at least a bit of seed corn to build a campaign organization.

There was a comment from a person who was going to run for the U.S. Senate in Pennsylvania next year. She was headed toward running, but she announced abruptly she was not going to run. The reason she gave for not running was that she found it incredibly hard to find so many people to give her $1,000 at a time. She just couldn't find that many people to build up the seed corn necessary to start a campaign. Once you start a campaign, you can broaden out your search, you can get, as I have done—I have 35,000 donors, I believe, to my committee. And that is a lot of donors. I am very proud of that.

The average contribution is well under $100. But you have to get to there. And it takes time. It takes some money to start. Unless you are a millionaire, which I plead guilty of not being, then it is very difficult for the average Joe Citizen to get enough resources together to start a campaign when you have to raise it $1,000 at a time.

When you consider the fact that in a Senate race in Pennsylvania it is going to cost about probably $9 or $10 million, someone giving you $4,000 hardly warrants notice in the big scheme of things.

So to suggest that somehow, you know, this person has inordinate influence is ridiculous. And you are going to get hundreds of people to give you that kind of money. I guarantee you, within those hundreds of people there will be hundreds of different opinions on probably the same issue. So to suggest you are going to do one for one—it just doesn't work that way.

Anybody who believes—this is another fallacy of campaign financing—that Members of Congress get donations to do favors for people, I mean, that is just ridiculous. I mean, it is absolutely absurd. And that is why I am for limits on contributions, and I am for low limits. I think $4,000 is a low limit because I don't want someone to be able to give $100,000 or $200,000 or $500,000 because then, whether it occurs or not, the appearance of impropriety is there. With a small donation, relatively small, I am talking in terms of a $10 million campaign, $4,000 does not, I think, stick out to say they are buying a more disproportionate interest here.

The fact of the matter is, we have low limits. I think we should keep them relatively low, but they should be high enough so people can have some ability to form a little bit of seed corn to start a campaign if they want to run for office. So I believe that raising the limit, oddly enough, would help challengers and open-seat candidates more than it will help incumbents.

Incumbents can raise money now. They are one of the few who can raise money now. This is to help challengers. The other thing—follow me on this concept—what I believe has happened over the past 25 years and why campaign reform has come to be such a "scandal," although I think it is a somewhat created scandal in some respects; in many respects it is a scandal because people are breaking the laws—is what we did in 1974. It was well-intentioned. It was to limit the influence of special interests and limit the influence of big donors. Remember, $1,000 was set in 1974. If you index that to inflation, it would be over $3,000 today. That is why we increase it from $1,000 to $4,000. And campaigns have increased by 10 or 20 times as far as expenses since 1974.

What we have done—if I can give an example of a heart—you have a main artery that flows into the heart that provides the blood for the heart muscle so the heart can pump. What we did in 1974 was we occluded partially, we blocked that artery. We said, we are no longer going to allow a free flow of resources, blood, into the heart muscle, the candidate; we are going to block it.

It was an artificial block. It was artificial in the sense that the heart still needed the resources, but you have limited the ability for direct resources to flow into that heart.

If you are lucky, what happens if you are a human being and that happens? What happens is, you build up what is called collateral circulation, other circulation to feed the heart, to keep it alive and going and working.

Collateral circulation in politics is called soft money. By limiting the amount that you or anybody can give directly to a candidate, you have not stopped the need for the money to get to the candidate; all you have done is stop the main, most efficient, most disclosed, most apparent way of feeding that heart muscle, of feeding that candidate.

So what has happened is the money still wants to get there because the candidate needs it to run a race, and so what has happened is these collateral sources have been built up. We have built up all these soft money trees to feed the candidate behind the scenes, undisclosed or disclosed not as efficiently or not as readily as the direct pipeline to the heart or to the candidate.

So what I want to do is do a little angioplasty. Let us clear out the heart artery to allow some more resources and blood to flow so you can watch it. What I propose in my bill is to require monthly reporting—not quarterly, but monthly. Let us have more disclosure. Let us have more prompt disclosure. Let us find out who is giving the money and how much they are giving.

So we have, by doing that, and by raising the limits of people who live in the State, you will reduce the need for this other circulation for this other money to come into the system.

I think the best way to cure soft money is not Government to restrict it because, you know, we restricted hard money, that money, that direct pipeline, that main artery going into the campaign, we restricted it, and what happened? They figured out another way, constitutionally another way. We try to restrict that, and guess what will happen? They will figure out some other way. I mean, look, the big problem here is that Government is too big, it spends too much, and it regulates too much. It is involved in everything. We have this huge Government that people want to have some say in how the Government governs. They want to have some say in who is elected to make those decisions. And they have every right to do so.

What the folks who are for McCain-Feingold say is, "Well, we don't want you to have that right. We want to limit your right to do that." I think that is ridiculous. I think that is, frankly, undemocratic, certainly undemocratic, and I will go as far as to say it is un-American. We are a country that fought hard, we fought wars, we fought a Revolutionary War and many others to maintain our freedom. And first among them—the first amendment—first among them is the freedom of speech.

What this debate is fundamentally about is the freedom of political discourse, of your right to influence the course of an election, and, therefore, the course of the country. It is your only chance. This is a Republic, not a democracy. We are not all gathered here in the Senate—we do not get all 250 million people in the room and everybody says "aye" and "no." That is not how we do things. You elect me for better or for worse. You elect a Member of the Senate, two Members in the Senate from each State, and however many House Members you have, and those people represent you.

If you want to be represented here, you have to work through the electoral process to influence the decision as to what Member of Congress is elected and what Senator is elected. That is your outlet. What the people in this room, many who are for McCain-Feingold, want to do is limit the people's ability to impact that election. When I say "people," I don't just mean individuals, but associations and others who have every right under the first amendment to be heard.

So when you hear all this talk about, "Oh, special interests," remember one thing, the biggest special interest that is holding up this bill is labor unions who do not want voluntary contributions to be the law of the land. That is No. 1. So anytime you hear "special interests" from people who support McCain-Feingold, ask this question: "Are you for voluntary contributions for every member of society?" When they say, "No," then you say, "Don't talk to me about special interest because I know what special interest is buying you. So don't talk to me about, 'Oh, we need to get rid of special interests when your first vote is to defend it and to exhibit the power.'"

Voluntary contributions, increased participation, particularly from people who are within the boundaries of the district or your State, and increased disclosure. It is much easier for the cardiologist to be able to find a problem with the flow of blood to the heart by looking at one source where it is supposed to be. It is much easier to determine where the problem is than looking at all the other different sources that may be feeding that heart.

So if we allow the resources to be channeled, and we have disclosure of those resources promptly—monthly—then you are going to have a system that I think everyone will be proud of that will encourage participation, that will be voluntary, and that will be disclosed.

I yield the floor.

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER (Ms. COLLINS). The Senator from Michigan is recognized.

Mr. GORTON. Would the Senator from Michigan yield for a unanimous-consent request?

Mr. LEVIN. I would be happy to.

Mr. GORTON. I ask unanimous consent, Madam President, that I be permitted to speak in morning business at the conclusion of the remarks of the Senator from Michigan.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Michigan.

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## THE INDEPENDENT COUNSEL LAW

Mr. LEVIN. Madam President, I want to speak today about the independent counsel law and the political pressure being put on the Attorney General to appoint an independent counsel in the campaign fundraising investigation.

One Member has called on the Attorney General to resign. Some Members of the House are threatening impeachment proceedings against the Attorney General unless she reaches their conclusion on the appointment of an independent counsel.

For 18 years I served as either the chairman or ranking Democrat on the subcommittee of the Governmental Affairs Committee with jurisdiction over the independent counsel law. I have been actively involved in three reauthorizations of this important statute. And having experienced and studied the history of this law, I am deeply disturbed by this type of pressure being exerted.

Politically motivated attempts to intimidate the Attorney General runs directly counter to the fundamental purpose of the independent counsel law and counter to our constitutional system that makes the prosecution of crimes the sole responsibility of the executive branch.

The independent counsel law was enacted in the aftermath of Watergate. The Watergate committee recommended, and the Congress agreed, that we need a process by which criminal investigations of our top Government officials should be conducted in an independent manner as free as possible from any taint of favoritism or politics.

This was necessary, we decided, in order to maintain the public's confidence in one of the basic principles of our democracy, that this is a country that follows the rule of law. So we established a process whereby the Attorney General would follow certain established procedures in reviewing allegations of criminal wrongdoing by top Government officials and decide at certain stages whether to ask a special Federal court to appoint a person from the private sector to become a Government employee to take over the investigation and conduct it independently from the chain of command at the Department of Justice.

We wanted the public to have confidence that the investigations into alleged criminal conduct by top Government officials were no less aggressive and no more aggressive than similar investigations of average citizens. We particularly wanted to remove partisanship from the investigative and prosecutorial decisionmaking process.

We established the requirement that if the Attorney General receives specific information from a credible source that a crime may have been committed by certain enumerated top Government officials, the Attorney General has to conduct a threshold inquiry lasting no more than 30 days to determine if the allegation is frivolous or a potential legal problem. The top officials who trigger this so-called mandatory provision of the act are the President, the Vice President, Cabinet Secretaries, Deputy Secretaries of the executive branch departments, plus very top White House officials who are paid a salary at least as high as Cabinet Secretaries or Deputy Secretaries and the chairman and treasurer or other top officials of the President's campaign committee.

If, after the threshold inquiry, the Attorney General determines that there is specific information from a credible source that a crime may have been committed by a covered official, the Attorney General must then conduct a preliminary investigation lasting no more than 90 days in which she gathers evidence to determine whether further investigation is warranted. If after the conclusion of the 90-day period the Attorney General determines that further investigation is warranted with respect to a covered official, then she must seek the appointment of an independent counsel from the special court made up of three article III judges appointed for 2-year terms by the Chief Justice of the Supreme Court.

In crafting the independent counsel law, we contemplated a role for Congress with respect to the appointment of an independent counsel in a specific case. We included a provision that is tailored to the purposes of the statute. The independent counsel law explicitly provides that the appropriate avenue for congressional comment on the appointment of an independent counsel is through action of the Judiciary Committee.

The law provides that either a majority of the majority party or a majority of the minority party of the members of the Judiciary Committee may request the Attorney General to appoint an independent counsel.

Upon receipt of such a letter, the law provides that the Attorney General must respond in writing to the authors of the letter explaining "whether the Attorney General has begun or will begin a preliminary investigation" under the independent counsel law, setting forth "the reasons for the Attorney General's decision regarding such preliminary investigation as it relates to each of the matters with respect to which the congressional request is made. If there is such a preliminary investigation, the report shall include the date on which the preliminary investigation began or will begin."

The Attorney General is not obligated to trigger the statute when she receives such a letter. She is not required to initiate a threshold inquiry or conduct a preliminary investigation. She is only required to respond within 30 days. That is the process that we provided for in the independent counsel law for Congress to express an opinion in triggering the statute. That is how the procedure works.

The Attorney General has the sole discretion to determine if the statute is triggered and if an independent counsel should be appointed. That is a constitutional requisite of the statute, and without that discretion, the Supreme Court has said that the separation of powers principle is violated. Congress has the very specific way I indicated to express its opinion on the subject to the Attorney General. In the last analysis, as our chief law enforcement officer, it is her decision alone to make.

While the independent counsel law was designed to make sure that a covered official doesn't get preferential treatment with respect to a criminal investigation, equally important was the concern that the official not suffer worse treatment or a selective process prosecution that would not be applied to an ordinary citizen. In the din surrounding these calls for the Attorney General to seek the appointment of an independent counsel, that very important feature has been lost.

In 1981, our subcommittee that has jurisdiction over the independent counsel law held the first oversight hearings on its implementation. We had a number of knowledgeable witnesses, and we had several years of experience with the statute to review.

One of the cases that the subcommittee reviewed at the time was the case of Hamilton Jordan and Tim Kraft, top White House officials in the Carter administration, who were accused of using a controlled substance at a party in violation of the criminal code. Then Attorney General Benjamin Civiletti testified at the time that under ordinary circumstances the Department of Justice, exercising its discretion on when to prosecute, would not generally prosecute a case such as that against a regular citizen even though there might have been a violation. But because the law at the time didn't permit the Attorney General to consider prosecutorial policies of the Department in deciding whether or not to seek appointment of an independent counsel, the Attorney General felt obligated to seek appointment of independent counsels in those two cases.

Here is what then Attorney General Benjamin Civiletti told our subcommittee in 1981 about this decision:

> In normal circumstances, the Department does not investigate or prosecute every possible felony or every possible fact, or circumstance that comes to its attention. Historically, and within the law, it exercises discretion. It stays its hand in individual cases, not for the purpose of advancing or threatening personal interests, but for the purpose of doing justice and advancing the common good.
>
> This discretion is one of the great prerogatives that devolves upon the Department of Justice and the Executive under the common law. It is enormously important, and it is honored every day in every U.S. attorney's office in tradition and in practice.
>
> Any discretionary power, of course, can be abused. And if the Department's investigatorial and prosecutorial discretion should be exercised capriciously or irregularly, it would threaten and not advance the interests that it is designed to serve.
>
> For that reason, over the years we have developed guidelines that structure and restrain the exercise of our discretion in individual cases, thereby introducing a measure of principle and regularity into a sensitive and subjective process.

Attorney General Civiletti went on to say the following:

> In some instances these guidelines take the form of explicitly written standards concerning specific statutes and specific kind of offenses and procedures. In other instances they are unwritten understandings or policies that are followed within the Department.
>
> What's the point of the reference to regularity if the purpose of the special prosecutor provisions is to ensure that the high officers in the Government will receive an impartial treatment at the hands of the Department of Justice?

His answer:

> I am not sure that the statute goes as far as it might to accomplish that objective because the special prosecutor is given the freedom to disregard the standards, the limits, the discretionary judgments that have been entered over the last 100 years in the Department of Justice, and set about on his own course, which for each special prosecutor could be entirely different under different standards and promote great misfortune to the subject of the particular investigation."

Now, in light of Attorney General Civiletti's testimony, the subcommittee decided to amend the independent counsel law to require—and it is a requirement; it is not discretionary—to require that the Attorney General follow policies of the Department of Justice relative to the question of whether to prosecute a case even where evidence of a violation may exist.

We concluded that it was important to not let the independent counsel law be used as a weapon to punish a top official who would not otherwise be subject to prosecution if he were a regular citizen. Senator Cohen, with whom I cosponsored the 1982 reforms, and I were both clear that the purpose of the independent counsel law is to provide for criminal investigation of a top government official in a manner no better and no worse than anybody else.

We are not just talking about the written policies of the Department of Justice. Congress specifically rejected that limitation and included language in the statute requiring the Attorney General to follow both the written and unwritten policies of the Department of Justice.

Section 592(c)1 of the independent law reads as follows:

> In determining under this chapter whether reasonable grounds exist to warrant further investigation, the Attorney General shall comply with the written or other established policies of the Department of Justice with respect to the conduct of criminal investigations.

So we have an independent counsel statute where the Attorney General has the sole discretion whether to seek appointment of an independent counsel, but she has no discretion whether to apply the Department of Justice policies in making that decision. She must do so.

Now, what is the Justice Department's policy with respect to what has become the primary allegation against the President and Vice President—making fundraising phone calls out of the White House? It is alleged by some that the conduct falls under an obscure statute, 18 USC 607, which makes it unlawful for a person to solicit or receive a contribution, as defined by the Federal Election Campaign Act, in any Federal room or building. Here is what the statute says:

> It shall be unlawful for any person to solicit or receive any contribution within the meaning [of the Federal Election Act] in any room or building occupied in the discharge of official duties by any [Federal employee] or in any navy yard, fort or arsenal.

This statute has several elements, and I would like to discuss the key elements. The first element is whether there are certain requirements with respect to the solicitor of the contribution referred to in the statute and with respect to the person being solicited. As many commentators and legal experts have noted, this law was enacted to protect Federal employees from political pressure by their fellow workers and bosses. It was part of the Pendleton Act, which was a major effort in reforming the civil service system enacted in the late 1800's. It is directed at preventing a Federal employee from being pressured at work to make a political contribution, at preventing a sort of "shake-down" by a Federal employees' superiors. And it is placed in the part of the United States Code that addresses what Federal employees can and cannot do.

So, some have argued that either the solicitor is required to be a Federal employee or the person being solicited is required to be a Federal employee, or both. Some have argued that in order to cover the President and Vice President or Members of Congress, they would have to be specifically mentioned. That is an ambiguity that the Watergate Special Prosecution Force wrestled with when it recommended in the 1970's that Congress amend the statute "to clarify the question of its applicability to elected as well as appointed officials." We didn't take them up on their suggestion, by the way, so that question has never been answered specifically in the law.

The Justice Department's prosecution manual on prosecuting under section 607 apparently tried to answer this question, since it now says that "The employment status of the parties to the solicitation is immaterial; it is the employment status of the persons who routinely occupy the area where the solicitation occurs that determines whether section 607 applies." Yet, the discussion of section 607 in the manual still refers to section 607 under the title "Patronage Crimes."

But following these most recent guidelines by the Justice Department, it seems most likely that the statute could apply to private persons as well as Federal employees and to Members of Congress and the President and the Vice President as well as appointed officials, whether they are the ones making the solicitation or the ones being solicited. But there is still some uncertainty about this.

The next element of the statute is clear. It relates to the solicitation or receipt of a campaign contribution. And the question here is where and when does a solicitation occur. Does it occur when the request is made or when the request is received? There is a Supreme Court case on this very issue which concludes that the solicitation occurs when and where the solicitation is received. In the 1908 case of U.S. versus Thayer, the Supreme Court considered a solicitation conducted through the mail. The Court had to decide whether the solicitation occurred at the place the soliciting person mailed the letter or where the solicitation was received. The Court held, in an opinion written by Justice Holmes, that the solicitation occurred where the employee received the letter, which was his place of work. By analogy, then, with respect to a phone call, the solicitation would occur not from where the call is made but where the call is received.

The solicitation addressed by this statute has to occur where Federal employees are carrying out their official duties. That is what the purpose of the statute is. Section 607 says the solicitation has to occur "in any room or building occupied in the discharge of official duties by any person" mentioned in section 603, which means, by Federal employees. We recognize this purpose in the Senate when we described this law in our own Senate Ethics Manual. The September 1996 Senate Ethics Manual says:

> The criminal prohibition at section 607 was originally intended and was historically construed to prohibit anyone from soliciting contributions from federal clerks or employees while such persons were in a federal building. In interpretations of this provision, the focus of the prohibition has been directed to the location of the individual from whom a contribution was requested, rather than the location from which the solicitation had originated. . . The Department of Justice has noted that the statute was intended to fill a gap in protecting federal employees from assessment by prohibiting all persons from soliciting such employees while they are in a federal building.

In the 1954 case of United States versus Burleson, the U.S. District Court for the Eastern District of Tennessee threw out a case brought under section 670 because the court determined that the elements of the statute had not been met since Federal employees were solicited at the facility of a Federal contractor, not on Federal property. That, the court said, was dispositive of the case.

The Department of Justice has adopted this approach as part of its prosecutorial policy with respect to this statute. As the American Law Division and the Congressional Research Service concluded in its report on section 607 in March of this year:

> There is no indication from reported cases or Department of Justice material on the statute that there has ever been enforcement of the statute, in the more than 100 years of its existence, in such a manner as to suggest an interpretation of the law as applying to solicitations made by mail or telephone from a federal building to someone not in a federal building.

Now, that is our own Congressional Research Service saying that the policy of the Department of Justice is to not bring a section 607 case unless the person being solicited is located at a Federal workplace.

A third element of section 607 which has been the subject of discussion is the requirement that the solicitation referred to in the statute be a so-called hard money contribution, a contribution covered by the Federal Election Campaign Act, and not a soft money contribution, a contribution outside of the legal limits of our Federal campaign laws.

Ever since the Attorney General referred to this issue in her letter to the Judiciary Committee, commentators and Members have been working mightily to show that the Vice President was actually raising hard money, and thus covered by the statute, and not just soft money, which others have claimed was the case.

Now, it is hard to imagine that the Vice President thought he was raising hard dollars since the amounts of the solicitation were for far more than the limits for hard money. But even if one could show the intent to solicit hard money contributions, it would seem that the second hurdle to prosecution would be controlling. The Department of Justice has simply not prosecuted conduct where the person being solicited is not on Federal property at the time of the solicitation. The issue of whether the solicited money ended up in a hard money or soft money account would not even need to be addressed under the facts as we know them.

Parenthetically, if the hard money/soft money distinction were controlled, look at what some of us would be seeking to enforce—a statute that makes it a crime for a person to solicit $1 for his or her campaign, but makes it perfectly legal for that same person to solicit a million dollars or more from that same person for a political party which is totally committed to his or her election and will not only spend the money raised, but might even go into debt for that purpose. Now, that is an absurd interpretation that some Members of Congress are not only trying to uphold but, indeed, say is required.

Because the Attorney General raised this issue in her letter to congressional leaders about triggering the Independent Counsel Act, she should make clear what the policy of the Department of Justice is with respect to that, as well as the other elements of this possible crime.

Former U.S. Attorney Joseph DiGenova was straightforward in his assessment of how the Department of Justice should handle possible prosecution of the President or Vice President under section 607 when he said on a recent television show that no prosecutor in his or her right mind would bring a prosecution for those phone calls under this statute with the facts as we know them regarding the President and the Vice President. Other commentators have made similar arguments.

I ask unanimous consent that the following columns be printed in the RECORD immediately following my remarks: Articles by Richard Cohen, E.J. Dionne, Jr., Philip Heyman, and William Raspberry.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. LEVIN. If we take these elements and apply them to the case of the President or Vice President making phone calls from the White House, it becomes clear to me that the facts do not fit the statute.

Any phone calls they may have made, would have been solicitations made at the place where the person being called was located. We know that from the Supreme Court's decision in U.S. versus Thayer. And we know for section 607 to apply, that location has to be a location where Federal employees are performing their official duties.

In applying the prosecutorial policy and practice of the Department of Justice in this case, with respect to this law, the Attorney General, may well and properly find that she would not prosecute a noncovered official under these facts. If so, she is not allowed by law to seek the appointment of an independent counsel.

Madam President, the pressure being put upon the Attorney General to appoint an independent counsel is undermining the basic principle of this law and the nonpartisan spirit which has been so important to its operation. The effort to shoehorn the conduct of the President and Vice President into the prohibitions of an arcane law, never used under similar circumstances, violates our understanding of the criminal justice system—just as it would if cases had been brought against Senators who have already made similar calls from their Senate offices.

One Senator was reported in the Wall Street Journal several years ago as saying he "figures he spends two hours a day dialing for cash from his Washington home, his car, and his mobile phone;" he says he can even place calls from his Senate office. "I do it wherever I am," the Senator is quoted as saying. "I can use a credit card. * * * As long as I pay for the calls, I can make calls wherever I want to call."

Another of our colleagues was reported, when phoning to remind potential donors of a fundraiser, to have left a recorded message on an answering machine to call him at his Senate office for more information.

And, a third Senator's signature appeared on a solicitation letter in which potential contributors were invited to call his Senate office with questions about the fundraising solicitation. Have these Members been criminally prosecuted for a violation of section 607? No. Should they have been? No. The judgment of the Attorney General not to prosecute in these visible cases is further evidence that there has not been a policy to prosecute under section 607 when a solicitation is made to a person not on Federal property when solicited.

When President Reagan was in the White House, he called the Republican Eagles who were meeting in a Government building—the auditorium at the

Commerce Department. The President called and among his remarks, he said the following:

> I am genuinely sorry I couldn't be there in person with you today. . . . but we have the Eagles down to the White House quite often so I will be seeing you soon. In the meantime I'm sending Secretary Schultz, Secretary Regan and other members of the Cabinet over to keep you abreast of what's going on. In fact you will be seeing more of my Cabinet today than I will. . . . Let me say to you Eagles how important your contributions are to the Republican Party. . . . [T]o keep a lamp burning, we have to keep putting oil in it. You there today help to keep the light of the Republican Party burning brightly.

That call was made 15 years ago in September 1982. And here, with this call, the persons being urged on were actually in a Federal building—just what section 607 seems to cover. And it's very likely that the contributions referred to were hard money contributions. But should there have been an independent counsel appointed to investigate President Reagan to determine whether or not he violated section 607? No—it shouldn't have happened then and shouldn't happen now. But where were the threats, where was the orchestrated chorus then?

If we don't want our President or Vice President making fundraising calls, then we should pass a law to that effect and make it explicit. If its OK for them to make them from their taxpayer subsidized home or cars but not from their offices, then make it clear in the law. I question whether we really want criminality to hinge on whether the President makes a fundraising call from the Oval Office or from his upstairs office in the family section at the White House or from his car or from the phone booth on the corner? I, for one, would rather the President or Vice President not make fundraising calls, period. That's what we intended when we enacted public financing of our Presidential campaigns—but the soft money loophole changed all that. We've got to fix that. We should eliminate the soft money loophole—not utilize an ambiguity surrounded by a technicality to push the President or Vice President into an independent counsel investigation as if it is intended to be some form of punishment. The independent counsel process was never intended to be used this way.

Madam President, the Attorney General has a job to do. It has been given to her by the Constitution and the independent counsel law. She is now required to act to the best of her ability to follow the law—to conduct a thorough criminal investigation of all of the allegations; to follow the evidence wherever it leads; to follow the requirements of the independent counsel law—and this has too often been forgotten—including the requirement that she follow Justice Department discretionary policies about whether to prosecute when deciding whether to seek an independent counsel.

The political pressure on the Attorney General does a disservice to the Nation which is awaiting an objective and fair review. The political pressure on the Attorney General undermines the independent counsel law, which is dependent upon an application free from partisan pressure. If she finds that the criteria for triggering the independent counsel law has been met and that the Justice Department practice has been to prosecute in a case similar to this, so be it. But if she finds the criteria haven't been met, or if she finds that there has not been a policy of prosecution under section 607, so be it.

If those calling for an independent counsel want the Attorney General to follow the letter of the law with respect to section 607 because they think it means a possible criminal investigation and prosecution—and I have already shown why I disagree with that position—then they also have to urge the Attorney General to follow the letter of the law with respect to the appointment of an independent counsel. And the letter of that law has required, since 1982, that the Attorney General follow the policies and practices of the Department of Justice in determining whether independent counsel should be appointed. Again, it has not been the policy or practice of the Department of Justice to prosecute a solicitation under section 607 if the person being solicited is not on Federal property. If the Attorney General agrees, then she is not permitted to seek an independent counsel under the 1982 amendment to the independent counsel law.

Those urging the independent counsel appointment can't have it both ways. If they look at the spirit of section 607, or if they look at its letter, the Attorney General would be on firm ground should she seek not to appoint an independent counsel.

Madam President, I thank the Chair and I yield the floor.

EXHIBIT 1

[From the New York Times, Sept. 21, 1997]

DON'T MAKE GORE THE FALL GUY

(By Philip B. Heymann; Philip B. Heymann, a former Deputy Attorney General in the Clinton administration, is a professor at Harvard Law School and the Kennedy School of Government)

CAMBRIDGE, MA.—I have publicly supported those who have called for Attorney General Janet Reno to appoint an independent counsel to investigate the campaign donations intended for the 1996 Presidential campaign.

I have also argued that both the Democratic and Republican parties turned donations intended and used for campaigns, which are strictly regulated, into what looked like unregulated "soft money," not to be used for campaigns, by running it in and out of their national parties.

From a prosecutor's point of view, it would be absurd to reject these arguments and instead decide to single out Vice President Al Gore for investigation by an independent counsel. Making phone calls soliciting donations from a Government office rather than some private location is not an adequate basis for prosecution in this case.

Most prosecutors won't bring a case if three conditions apply: when there are serious doubts about whether a law technically covers the conduct in question, when the main purpose of the statute was not violated, and when the conduct is not inherently immoral. All three conditions apply to the facts of the Gore allegations.

When it comes to whether the law—Section 607 of the Federal Criminal Code—technically applies to Mr. Gore's phone calls, much remains uncertain. It is "unlawful," the section says, "for any person to solicit or receive any contribution . . . in any [Federal Government] room or building occupied in the discharge of official duties."

Fair enough. But to violate the law, must the person solicited be in a Federal building? In the 100 years since the law was enacted, it has never been applied unless the person solicited was on Federal property.

Must the person solicited be a Federal employee? After all, the main purpose of the statute was to protect Federal employees against being dunned by their bosses. In 1979, the Justice Department's Office of Legal Counsel concluded that "compelling arguments can be marshaled on either side of this issue." By now, the statute probably also applies to solicitation of non-employees, but the law has never been spelled out.

Does the statute cover the President and the Vice President? The wording specifically includes members of Congress and fails to mention the President and the Vice President, but again, the law is unclear. The Justice Department's Office of Legal Counsel has said that there are differences of opinion but that the law probably applies.

One thing is certain: the Vice President's actions were not inconsistent with the only plain purpose of this statute. Section 607 was drafted to protect Federal employees from being coerced into giving money. Since Mr. Gore was soliciting campaign money from outside sources, he did not violate the law's main purpose.

It is almost impossible to think of a reason that would lead to care whether the Vice President made calls from working quarters in the White House (where they may be forbidden) or the living quarters of the White House (where they are permitted) or from some nearby private location or cellular phone.

Of course, in a larger sense, an overriding purpose of many of our campaign finance laws is to prevent the purchase of access and influence. But where Mr. Gore made the phone calls is irrelevant to that purpose. The solicitations are either right or wrong, or either consistent or inconsistent with our statutes, without regard to where they took place.

In sum, it is hard to justify calling for prosecution of Mr. Gore. There is no obvious violation of the purpose of the law or claims on our sense of morality. Even if one tries to justify a prosecution on the grounds that the violation was a willful disregard of Section 607, this provides very frail support in a case where so many uncertainties remain about the law's scope.

So why are so many people calling for prosecution? First, because it would destroy the Democratic front-runner for President. Political figures of both parties have long urged prosecutions to knock off their current or potential opponents. It remains a very bad idea to bend general standards of prosecution either to reach or to avoid political figures.

Second, the Independent Counsel Statute denies the Attorney General the power to exercise even the most obvious of prosecutorial discretion unless she is prepared to say that the Justice Department would, as a matter of policy, never bring a prosecution in these circumstances.

But there is a third and final reason. Attorney General Reno has painted herself into a corner. In 1996, access was sold on a scale we haven't seen since 1972. Presidential campaigns solicited money from corporations and unions, which are forbidden to contribute to campaigns. And from individuals, they asked for donations in excess of what they are allowed to give. Hundreds of millions of dollars from these sources was given to the national parties, which then spent it as the Presidential campaigns directed.

This strategy to evade campaign finance laws was so transparent that the Justice Department could easily have dismissed the notion that the donations were given to political parties for noncampaign purposes. That conclusion would have meant that the donations were in violation of the law, and required the appointment of an independent prosecutor to investigate.

But instead, the Justice Department concluded there were no violations and accepted the parties' claims that they were technically within the law.

Now the Attorney General may find that the Vice President's phone calls from the White House technically violate Section 607, but still do not warrant appointment of an independent counsel. But it would be hard for the Attorney General to explain this decision credibly. Some will ask, if a technicality can be used to protect the President, isn't a technicality enough to prosecute the Vice President?

There is a compelling response to this question. Even if the Vice President's calls violated Section 607, that remains a case that few prosecutors would bring. What does warrant an independent counsel is the thorough evasion of our Federal election laws by dozens of politicians, including both Presidential candidates.

I continue to support calls for an independent counsel to investigate solicitation of donations from forbidden contributors. But Mr. Gore should not be made the scapegoat, simply because the Attorney General has not been willing to appoint an independent prosecutor for these allegations. Besides being unfair, that would simply deflect public attention from the real issue.

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[From the Washington Post, Sept. 23, 1997]

### WHO NEEDS AN INDEPENDENT COUNSEL?

(By Richard Cohen)

If President Clinton had some gumption and, maybe more important, a taste for confrontation, he would call in the press, order up the TV networks and announce he was pardoning both himself and Al Gore for anything relating to campaign fund-raising. He would do that, he would solemnly announce, so that Congress would write a law that makes some sense.

The current laws do not. In fact, there is something downright absurd about marshaling the Justice Department and then maybe an independent counsel to look into whether Clinton and Gore actually asked someone somewhere to make a political donation. This, we are told, might be a felony—like, say, armed robbery. As anyone can see, it is actually an absurdity.

What do we care—Mr. and Mrs. USA—whether Gore or Clinton was in the business section of the White House when he picked up the phone or upstairs in the private quarters? What do we care whether Gore was in his office or ducked across the street to a pay phone? What do we care whether he used a credit card or called collect? Yet these are some of the very issues involved in this molehill-into-a-mountain scandal.

As everyone but congressional Republicans seems to know, the law involved was designed to stop elected federal officials from putting the arm on their own staffs. This was once a routine practice and, indeed, is not unknown to this day. In some jurisdictions, county or municipal workers are expected to make political donations to the reigning organization. Senate Republicans in need of some pointers can ask Al D'Amato how this is done.

If Clinton or Gore had done something along those lines, an independent counsel would be justified. Or had either one of them—or anyone within a mile of Clinton—offered a job or a government program in exchange for a contribution, that too would be serious stuff. Then it would not matter if the call was made from the presidential shower or the Situation Room—with a Donald Duck phone or the vaunted red one. A crime would have been committed.

But in the absence of any such accusation, the Republicans press ahead anyway—and, in the process, do the White House a favor. The question of who called whom where obscures the uncontested fact that Clinton cheapened the White House with his greed for campaign bucks. The coffees, the sleepovers, the Lincoln Bedroom for the campaign version of frequent flyer miles—all these turned what used to be called The People's House into a bed and breakfast for fat cats.

Sooner or later the public—but probably never the press—is going to understand that the Republicans are calling for an independent counsel for what, in essence, may not be a crime and should not be a crime anyway. Back in 1975, that was the conclusion of four Watergate special prosecutors—Archibald Cox, Leon Jaworski, Henry Ruth and Charles Ruff. In a report, they said the law was so confusing and antiquated that Congress ought to change it. Congress, of course, has done nothing of the sort.

What's more, if an independent counsel is summoned, the result will be a partisan donnybrook. Attorney General Janet Reno will have to turn the matter over to a three-judge panel headed by the toxically partisan David B. Sentelle. (He supposedly named his daughter Reagan after you-know-who.) He is the same appellate judge whose panel fired Robert Fiske and replaced him with Kenneth Starr, a frank ideologue himself. Starr has since conducted an open-ended investigation of Whitewater, which has so far produced nothing more than questions about his competence. He seems lost in Arkansas.

The GOP has a case to make about the way this White House raised money. But for a party whose sole attribute is a belief in less government, it is awfully quick to bring in the government's heaviest guns to swat what is, after all, a mere gnat of an alleged infraction. Once summoned, though, the Lord High Independent Counsel can do pretty much what he or she wants. That would mean, among other things, that Gore would have to spend more and more time in the attic, searching for old records, canceled checks and high school yearbooks. He has already had to hire two criminal lawyers.

The whole thing is a study in disproportion, in a madness that, in other places, would entail an examination of the water supply. Campaign financing badly needs reform but, rather than do that, congressional Republicans are trying to lynch Clinton and Gore for what, it appears, is their most serious offense: winning the last election. No independent counsel is going to change that.

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[From the Washington Post, Sept. 30, 1997]

### RENO'S BURDEN

(By E.J. Dionne, Jr.)

The issue of whether Attorney General Janet Reno should recommend an independent counsel to investigate fund-raising by President Clinton and Vice President Gore is hopelessly ensnared in politics, weird legal interpretations and Washington power games.

If Reno fails to name a counsel, Republicans are talking about impeaching her. If she names a counsel, she will be seen as bowing to threats and falling into a trap she built for herself. Neither is a good option.

Reno should never have declared that Vice President Gore was legally untouchable if he was raising "soft" money in those telephone calls from his office, but under suspicion if he raised "hard" money.

This casuistic distinction between the first kind of money, which goes to general party purposes, and the second kind, which can be spent directly on candidates, was blown away when Bob Woodward of The Post reported that the Democratic National Committee put some of the money Gore raised into "hard money" accounts.

Reno acknowledged she learned this from The Post, not from her investigators, and was forced to reexamine her position on whether a counsel should be named.

But whether the money was "soft" or "hard," those phone calls, on their own, don't justify an independent counsel. That's especially true given widespread disagreement over whether the 1883 law they purportedly violated even applies in this case. And as Phil Kuntz reported recently in the Wall Street Journal, Sen. Phil Gramm was quoted in 1995 saying that he placed fund-raising calls, on his credit card, from his Senate office. He later denied explicitly soliciting money. The Justice Department, wrote Kuntz, "considered and decided against pursuing" the case.

Sen. Mitch McConnell (R-Ky.), who has threatened Reno with impeachment, urged the Senate Ethics Committee not to pursue Gramm, according to Kuntz, because so many other senators were probably guilty of the same thing. So Reno can't hang her decision on the phone calls.

But, yes, there are broader and much more troubling questions about the ways Democrats ripped apart the campaign law in 1996. So assume Reno seeks an independent counsel. Who picks the counsel? None other than the three-judge panel headed by Judge David Sentelle.

Judge Sentelle's panel, you'll recall, dismissed the original Whitewater counsel, Robert Fiske, and appointed Kenneth Starr. Sentelle thought the fact that Reno had picked Fiske raised the appearance of conflict of interest.

But appearances didn't seem to bother Judge Sentelle when he lunched with Sens. Jesse Helms and Lauch Faircloth, both North Carolina Republicans, shortly before he replaced Fiske. The same Sen. Faircloth had accused Fiske of a "cover-up." Five past presidents of the American Bar Association issued a statement saying the meeting was "unfortunate, to say the least" and gave rise "to the appearance of impropriety."

"Sentelle has polluted the waters," said Fred Wertheimer, president of Democracy 21 and a fierce critic of both parties' 1996 fund-raising tactics. "The notion of the independent counsel is to depoliticize the process, and the Republicans in Congress want to turn it into a political process."

Reno may have good reasons for dragging her feet on the independent counsel. Perhaps she's not happy with the Starr investigation or thinks she appointed too many counsels in Clinton's first term. It's possible she doesn't trust Judge Sentelle and—like many Democrats—has developed doubts about the independent counsel law.

If any of this is true, she should come right out and say so. In the current issue of the conservative American Spectator, former Reagan Justice Department official Terry Eastland has it right on this point. "there would be nothing necessarily wrong if Reno had changed her mind about the [independent counsel] law . . . and tried to reshape her enforcement of it accordingly," he writes. "But this would be vital information, something worth knowing and evaluating."

Similarly, Eastland said in an interview, if Reno doesn't trust the Sentelle panel, "that's the kind of thing that has to be candidly stated and argued for."

An intriguing alternative to turning to Judge Sentelle comes from Wertheimer and from columnist Al Hunt: Reno should appoint her own counsel within the Justice Department, someone "of unimpeachable reputation, and give that person the charter to do the job" of investigating all finance abuses in 1996, Republican as well as Democratic.

This idea, at least, would require Reno to say exactly what she's thinking and why. Whatever she does, Reno shouldn't let herself be railroaded by Republicans with obvious partisan motives. But she also has to restore confidence in the way the 1996 finance abuses are being investigated.

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[From the Washington Post, Sept. 23, 1997]

### CAMPAIGN FINANCE OVERKILL

(By William Raspberry)

I make no excuse for President Clinton or Vice President Gore. Indeed, I'm quite prepared to accept that they violated—knowingly violated—federal law with regard to campaign fund-raising.

Still, the hearings before Sen. Fred Thompson's Governmental Affairs Committee make me a little uneasy. The prospect of an independent counsel investigation, given the tendency of those things to get out of hand, is positively chilling.

If that sounds like partisan irresolution, it gets worse. I don't like the idea of high officials getting away with law violations, and yet I can't imagine what punishment of the alleged violations I would accept as equitable.

A bad analogy might demonstrate my dilemma. Say your state—for reasons you don't comprehend and which may not in fact make much sense—has enacted a 28-mph speed limit on an unremarkable two-mile strip of interstate highway. What do you do with motorists who come zooming through at, say, 32 mph?

You don't want to send the message that anyone can violate the speed laws with impunity; speed kills, and you have to believe that those who enacted the limits did so in the interest of public safety.

On the other hand, how many licenses would you snatch, and how many drivers would you send to jail for doing something that (it seemed to you) endangered the public not a whit?

Laws ought both to have some purpose and to advance that purpose. The purpose of the fund-raising laws is clear and commendable; to prevent the buying and selling of public office. But how does the law that has Al Gore in such trouble advance that purpose? It forbids solicitation or receipt of contributions in any federal "room or building occupied in the discharge of official duties." Did Gore solicit campaign contributions from his office phone? Sure he did. Clinton, too. Would the republic have been more secure if they had toddled off to the corner drugstore to make the calls? (Waiting until they got home after work would have been no solution; both live in buildings "occupied in the discharge of official duties.")

People who study these things say the prohibition, part of the civil service reform of a century ago, was designed to keep public officials from pressuring their staffs into making contributions. It did not contemplate telephoned solicitations made to private citizens.

But that's not all that bothers me about the investigations. Thompson's hearings are supposed to have some legislative purpose and, in truth, one keeps hearing about the need for campaign finance reform. But one could be forgiven for wondering if the true purpose isn't to bolster Republican Thompson's own presidential prospects and to destroy Democrat Gore's.

That is, perhaps, a small point. This isn't: The Supreme Court has said money is speech. If that makes sense (and it does to me), how can it make sense to put arbitrary limits on the amount of speech that's permissible?

That's not a trick question; it worries me a lot. It's inconceivable that there should be limits on the amount of time, doorbell-ringing, envelope-stuffing or other forms of political "speech" supporters can contribute to candidates of their choice. Why should we countenance limits on money speech?

The obvious answer is that we don't like the idea of rich people buying influence over public officials or otherwise subverting the government to their private purposes. (It's easy, though not necessarily fair, to assume that the purposes of the rich are more likely to be against the public interest than are the purposes of, say, organized labor.)

Maybe there's no way out of the dilemma. Either we allow free speech in all its forms, or we arbitrarily limit it for people we don't trust. The latest attempt to split the difference—allowing larger amounts of "speech" on behalf of political parties and smaller amounts for candidates—has pretty much come a cropper. Soft money/hard money indeed!

Public financing of campaigns is the most frequently offered solution. But how do you ensure fairness to lesser-known candidates, and how do you ensure the free speech rights of those who talk with their pocketbooks?

We have two things going on at the same time: a serious campaign-finance dilemma and a juicy campaign-finance scandal.

Guess which one will get the attention.

The PRESIDING OFFICER. Under the previous order, the Senator from Washington is recognized for 10 minutes.

## RETURNING MORE FREEDOM TO OUR LOCAL SCHOOLS

Mr. GORTON. Madam President, yesterday, President Clinton assailed my proposal to give more money to schools all across the country and restore authority for directing those funds to parents and teachers and school board members. The debate about the future of our public schools is vitally important to the future of this country. A front-page Washington Post article today notes: ". . .more parents than ever are choosing alternatives to public education for their children. . ." and are doing so in such great numbers that the phenomenon is starting to resemble a revolution. We should read this as a warning signal that parents are beginning to lose faith in their public schools. We must act decisively to restore that faith, improve education, and prepare our children for their future. More of what we are doing now is not enough.

On one point, the President and I do agree: We can improve public education. We part company, however, on who can best make decisions to improve our public schools. I believe that parents and teachers and local school board officials will make the greatest strides in improving education because they are in our homes and classrooms and high schools with our kids. But with his remarks yesterday, President Clinton says to parents and teachers: I don't trust you.

I find it remarkable that the President believes that restoring decision-making authority to parents and teachers and our elected school board members is somehow dangerous. The Gorton education reform amendment increases the amount of money school districts have to work with, thus, expanding the programs they can target to both disadvantaged and high-achieving students.

A recent study found that if Federal education funds for kindergarten through high school are sent directly to school districts, as the Gorton education reform amendment proposes, school districts would receive an additional $670 million. Why would they receive more? Because the funds would bypass the Department of Education and State educational bureaucracies and save that amount in administrative application and compliance costs. Washington State school districts would receive $12.5 million more to target to their most needy students; Arkansas schools would receive $7 million in increased education funds; Mississippi would get $9 million to target disadvantaged students and other school programs.

President Clinton and opponents of giving parents and teachers a larger role in our children's education presume that local school districts will act irresponsibly if Federal strings disappear. This adds insult to injury. How can the President say with a straight face that programs would be "abolished" just because a bureaucrat does not direct them? Those who share the schools and classrooms with our children every day are not going to squander an opportunity to use an increase in Federal funds to address the problems they see every day.

It is also extremely disingenuous to state that my proposal would somehow "close the Department of Education," as President Clinton suggested yesterday. Higher education and dozens of functions relating to education in general will remain in the Department—perhaps too many such functions—but hundreds of bureaucrats who now write rules and regulations to inflict on every school in America will go, and their salaries will be used to hire new teachers and provide better education in every school in our Nation.

Just on Sunday, Madam President, the Columbus Dispatch, in an editorial, summarized the dispute in this fashion:

> It's hard to see what the U.S. Department of Education has accomplished in its 20 years of existence to improve this country's system of schooling. The Senate's block grant approach is worth a try.

The will to change and improve our public school system and restore parents' faith in the quality of education it can provide to our kids is there. It is at home in our cities and towns and communities. Will we untie parents' and teachers' hands and let them do their jobs? The biggest point I believe today's Washington Post article makes clear is that parents are not turning to the Federal Government to improve their kids' education—parents and teachers are coming up with alternative solutions because they want the best possible education for their kids.

We must return and restore more freedom, not less, to our local schools, so that we can restore the public's faith in public education.

Mr. GLENN addressed the Chair.

The PRESIDING OFFICER (Mr. FAIRCLOTH). The Senator from Ohio.

## CAMPAIGN FINANCE REFORM

Mr. GLENN. Mr. President, I want to address the campaign finance matter that we have been involved with this year. I would like to start off by saying that I think sometimes we give the impression, with all of our horror stories about some of the things that have happened in campaign finance over the past few years, both on Capitol Hill and in the Presidential elections in both parties—that we sometimes emphasize to the point where we might add to the cynicism of the people of this country instead of helping placate or correct some of the reasons for that kind of cynicism.

I want to add that I think the majority of elected officials here in Washington, the majority of the people that run for office, whether high political office here in Washington, in the Congress, or even running for the Presidency or Vice Presidency, or the people back home running for State offices, are by and large some of the finest, most dedicated people we have, and they are dedicated to doing just as fine a job as they possibly can. So I think that sometimes we tend to overdo the criticism to the point where it adds to the problem we are trying to cure.

Having said that, there are problems, and there is no doubt about that. We have to look at the big picture sometimes. I think we get so bogged down into nits and gnats of what a particular advantage is this way to one party or that way to another party, that we sometimes need to stand back and look at the big picture of why some of us feel campaign finance reform is very, very important.

Let's drop back to the point where we see how our political system developed, why it developed the way it did. You know, we have the finest constitutional system of government in the world. We are the envy of much of the rest of the world for our political system. It represents all the people more perfectly than any system of government that has been devised. Winston Churchill put it well once when he said we have "the worst system of government, except for every other system of government ever tried."

We do more towards representing the individual and more towards making sure that every single person has a fair shake in our society than any other government that ever has been, even with the problems that we have. And we have to admit we do have a lot of problems. I see these problems as being mainly ones of danger signs up there to cure these little specks of rot that have crept into our system that could do major harm to our body politic in the future if we do not correct them now.

If we have such a great system of constitutional government, how about the people running that Government? The Constitution does not provide for how we are going to staff the Government. And mere words written on paper—be they the Constitution of the United States, and sacred though that it is—that does not guarantee that we will have a good running Government under that constitutional system unless we have good people in there to make that system work. That is the key, and that is fundamental, because that is what our political systems in this country are. Our political systems are basically the personnel departments to run that constitutional Government.

Those political parties that we have right now that wind up after an election staffing and giving direction to that constitutional system of government—those political parties are not provided for in the Constitution. We don't find anything in the Constitution that says there will be so many people in the Democratic Party, so many people in the Republican Party, and so on. No. In fact, our political parties have just sort of developed over a period of time under our constitutional system. That is as it should be, I guess. They have evolved. They have changed through the years to better reflect the interests of the people of this country.

But there is one thing you have to have to make that constitutional system of Government work. And that is in any democracy to long endure we have to have in Government the confidence of the people—the confidence of the people. Unless you have that, a democracy may not long endure because people will want to experiment with trying the other systems of government, or they will want to go up and join splinter groups that reflect more their own little, narrow interests of what their parochial views are in their local community and where they think the country should go in the future to benefit them personally. We will see more and more of that, if the confidence of our people in Government goes down.

Look across the seas. We see Italy. I don't know how many it is now—50-some different governments since World War II. I think they have averaged about one per year, or something like that. They only have a government by a coalition of different groups—disparate groups of people getting together and not making a permanent government for a lengthy period of time, and making temporary alliances for short-term advantage. That is not the hallmark of America. And to see us setting up any possibility of that kind of a situation would play a game of roulette for the future of this country.

Our country was founded on the basis not that we take this group, set it aside, and give it certain advantages. Not that there is a ruling class up here someplace, and they have certain advantages, and we set one class off against another. Our Government was set up on the basis of the importance of each individual—not groups, not special groups, but each single individual; and each individual was a king in this country, each individual was royalty in this country, if you will. Our Government was set up not to have a royalty that dictated their ideas, and everyone else had to live under that kind of rule. We have our constitutional system here where authority wells up from the people through their elected officials. It was that confidence in those elected officials that let us move ahead and become the kind of Nation we have become. We are a representative form of government. We are not a perfect town meeting government as we have seen in New England—the most pure form of democratic expression I guess that we have in our country. We cannot take a referendum on every single vote, in a national referendum—on every single issue—as they can at a town meeting. No. We say we will send people to work full time representing us, and we will trust those people. We will trust those people—that is the important word—to make those decisions on our behalf.

If we start having trust in those people eroded, and we see that trust going downhill, then I see a big danger for our country. Our Nation was founded on this representative form of government that represents all the people all the time. And any time we depart from that kind of a feeling in this country of our Government representing all the people all the time, we engender less faith in our system, and we set up a potential of a slide downhill in our ability to cope with the future.

I don't think the United States of America is ever going to get taken over by the likes of Russia, China, and North Korea and Iraq, or anybody, or put together by any combination. Our country is going to be militarily secure, I believe, into the indefinite future as far as we can see because we are cognizant of the fact that we live in an uncertain world. We will have to protect ourselves. And we are so far ahead of anybody else in military technology and power that I don't see that as a hazard for the future of this country at all. But I do see a danger for our country if we have this increasing cynicism, this cynicism of our people that seems to be growing, and particularly among our young people. If that cynicism grows to the point where our young people in particular feel that politics is just too dirty, "I do not want to touch it, wash my hands if I shook hands with a politician, I just do not want to have anything to do with politics"—if they have that kind of view, then what happens? We will have less support for our political system; that is, the department of personnel for this constitutional system of Government; less support for those parties. We will have less trust of elected Government officials and our representative form of Government. We will have people tending more to split off into special interest groups instead of supporting mainstream parties that have served us well for all of the history of this country—when we get away from representing all the people all the time, we start down a slope that I think is a danger to the future of this country.

One person, one vote, one person, one influence—let's say. We are divided up into so many million little bits of influence in this country in our system of government, one person, one vote, one influence—that is what people think about. We tell our kids. "When they are growing up, when you get to be old enough, you register to vote because your vote is every bit as important as the vote of the President of the United States." And we mean it. And it is. That vote counts every bit as much when the tallies come out on election night—no matter what the rank of the person, be it some gutter bum who got registered and decided to vote, or be it the wealthiest person in this country, or be it the President of the United States. All the votes are equal in that tally. And it is a vote. It is representing those people who are elected to represent all the people and represent them all the time. And that is the basis on which they are elected.

That one influence from each person is supposed to be that person's influence, and influence is the future of this country. That, throughout our history, has given us the confidence to work together.

So, when I see a cynical attitude developing toward Government and politics and those in Government instead of confidence in elected officials, we see question marks all the time about whatever is going on in Government—automatic suspicions, automatic paranoia: "You better watch those people in Washington. They are out to get us," in a certain way or whatever. That to me is the beginning of a danger signal. It is the beginning of the potential of a slide downhill and confidence in Government that to me can lead to many other problems and leave us less able to take care of ourselves as a nation in the future than we have been in the past.

This is erosion of trust to the point where people want no part of politics. They just didn't want any part of it at all because of what they see. It is something that we don't want to see happen.

It is rather peculiar because we see some of this cynicism developing and expressing itself in polls. When people are polled, they let their cynicism all hang out. It is right there in the polling—repeated polling that shows that cynicism has been growing with regard to how people view their Government. And the confidence they have. That is really amazing because we have had rare times in our history when economic times and the general social pattern across the country has been any better. There the lowest unemployment rate, the lowest inflation rate, and Federal employment is coming down. We have a chance of balancing our budget. The times are good, and unemployment is low. We have no big foreign threat out there to us physically. You think people would be very, very happy about this whole thing. But instead of that there has been this gnawing, growing, rotten little specks of cynicism growing on our body politic that I see as a real danger for the long term.

I think we can come back to what I mentioned a little while ago. People no longer feel confident that their primary interests are our primary concern here in Washington. They feel, "Why vote? Why get out there and vote? Why participate in a political party?" Why try an exercise that one little bit of influence they have to put together with millions of other little bits of influence which will direct the future of this country? Why should they try to exercise that little bit of influence when they see that the real influence in Washington, the real influence in our political parties, the real influence in Presidential elections, in congressional elections, in Senate elections, is too often money? It buys access.

Why do we think of Roger Tamraz on the Democratic side who is willing to put $300,000 into a Presidential race because he wanted to get in and try to influence somebody. If he could get to the President, or to the Vice President, or get to somebody, and if he could get them to say, "I will approve your oil pipeline" in Southwest Asia, he was going to make billions out of it. He made no bones about it. He put in $300,000, and he said the next time he would put $600,000 in. Fortunately, it didn't work, to the credit of the people that were in charge—the President, and the other people around there.

But I will tell you. It raises a warning signal to us about what can happen.

I used that example on the Democratic side. How about on the Republican side? How about when you put out invitations to a group called "The Season Ticket Holders" for $250,000 each. One hundred people can join this thing, and for that you are going to get a guaranteed dinner with the chairman of your choice in the Congress. It says it right in there. No problem. You are invited to all the policy matters. You are invited. If you are a businessman and you want to contribute $250,000, or have your corporation give that kind of soft money—and soft money can be given in any amount—then you are guaranteed that you will be able to come in and represent your business interests with the committee chairman of your choice.

It is not in the executive branch. It is here where the laws are formed—right here in Congress. At the bottom of the invitation, it says "Benefits Upon Receipt."

We wonder why the people are a little bit suspicious out there about what is going on.

That was out of the hearings we had in the Governmental Affairs Committee. I could go on and on with a number of other examples. I just used those two to make sure that we all understand that this isn't something that is just one or two or very few people.

It is something that has become endemic in Government. It is something that is pervasive. It is something that is a rot on the body politic. It hasn't ruined it yet. Most of that apple, most of that body politic, most of whatever it is still is in good shape and the people are just as dedicated as they have ever been and the public servants are just as dedicated as they have ever been. But if we let this practice on either side of the aisle grow into the long-term future, we are creating a problem for the future of this country. And that we do not need and we do not want and we cannot afford.

Trust is down. Suspicions are up. People cynically question those of us in office, and we cannot blame them.

Now, some other things have caused some problems in this area, too. One is that campaign spending has gone up and up and up and up and up. A report from the Federal Election Commission —let's go back about 10 years. Let's go back to 1985 and 1986. That is just over 10 years. At that time, the total, all congressional campaigns—just congressional not including the Presidential campaigns—in the 1985–86 cycle, the total spending for everything to do with Congress, Senate and the House of Representatives, was $472 million. Ten years later it is $790 million—$790 million just for congressional races, House and Senate.

This is interesting. The number of candidates has gone up in that period. I guess more people are running in primaries and so on that are subject to Federal elections. Back in 1985–86, there were 1,873 people who ran for national office, congressional campaigns. That has gone up to 2,605. I guess that should be encouraging to us in that maybe more people are running for office. I wish I knew the quality of those people who are running for public office and whether we are getting the best and brightest out there in the system instead of more people deciding to take a whack at running for Congress. Why not? I do not know how you could judge that. Someone could do a poli-sci, political science doctoral thesis trying to analyze that, as to what is happening to the quality of people running for office.

When you go from $472 million in 10 years to $790 million, the money chase is on. The money chase is on, and 70 percent of it goes to TV. If you are not coming into people's homes via TV, you are not, in effect, knocking at the door, as we used to do and greet the people and have a handshake. TV has replaced all that. If you do not come into that person's living room and say hello to them via TV, you are not in the campaign anymore. That requires about 70 percent. So the importance of TV has gone up, and that has raised the cost of campaigning tremendously.

I point these out as a danger to the future as I see it. We had one cataclysmic event back a few years ago, and that is what we all know of by the general term "Watergate." The revelations of Watergate resulted in our saying enough is enough. Congress got to work. It passed some legislation, put some limits on, deciding we were going to regulate some of these things in the future, not let them run rampant like they were because the whole public psyche in this country had been jerked up short at that time. I tell you, everybody was disturbed about this, and we couldn't wait every day to hear what the new revelations were.

Watergate, for the first time, resulted in the resignation of a President of the United States, something that, growing up, we thought would have been absolutely impossible.

But out of those national concerns came reforms, and the reforms served us well, I believe. They worked. We had testimony yesterday from our former colleagues here, Senator Nancy Kassebaum Baker, and a former colleague here also and later Vice President, Walter Mondale, before our Governmental Affairs Committee. They talked about how the reforms put in place following Watergate, they felt, really worked very well. There were some regulations put on. People had some questions about first amendment rights and all these different things that are brought up and discussed in the Chamber now also, but the reforms after Watergate seemed to have worked pretty well.

But then came a series of court and FEC decisions that undermined it and created some loopholes for those Watergate reforms. We started seeing the rise of soft money, and it rose and it rose, and then it really went out through the ceiling in the last election. And that was by far the biggest change that had occurred.

So we are now on a money chase, be it Presidential or be it here in the Congress. I have heard criticism on the floor, as well as in some of the press conferences of some of the Members here, being caustically critical of—and some of the press being caustically critical of—the President going out and fundraising when he says at the same time we need campaign finance reform. Isn't this being hypocritical? I say, no, I do not think so at all because we have not really changed the rules. As the President said, he is not interested in unilateral disarmament at this point.

As I said at our hearing yesterday, if both sides agree that this money chase should not go on the way it is and we agree to limit both sides, then certainly the President should not be out fundraising. If we agree to that, the other side could agree to it also. It would be a little bit like if I was over in England and I got used to driving on the left side of the road and I liked that, and I came back to this country and I put in legislation to say, let's have driving on the left-hand side of the highway become the norm in this country and we are going to pass a law that permits that to happen, but I say I believe in this so fervently I am going to go drive on the left-hand side of the road even before the law is changed, you know what the result would be. I guess we can say the same thing here. I think the President is right in going ahead with fundraising as long as the law is the way it is and the Republicans are doing exactly the same thing.

So I think some of our campaign practices need to be revised, and that is what we are talking about with campaign finance reform.

You know what all the current practices are. We see them every day right here on Capitol Hill. Some people can't go through more than, let's say, a two-pay period here without receiving an invitation here in Washington or someplace to a barbecue, to a coffee, to a reception, to a dinner. Are these all situations where you go and you say, I have to pay $500 or I have to pay $100 or I have to give $1,000 or I can't go to this thing? No. A number of these things, quite a lot of them, as a matter of fact, mean just getting acquainted with people and doing the first stroking, if you will, and setting up a situation where you can go back later and ask for some money, and, hopefully, they will see fit, once you become acquainted with them, to contribute to your campaign. That is the nature of politics. That is the way it is.

But then later on there are some people who creep into this whole process—even though I think the major part of the process is still legitimate and aboveboard—who do want special access. They are not looking to just support someone whose beliefs they believe in, whose statements of purpose, whose ideas of public office are something that they personally believe in—which would be the best of democracy, if we could guarantee that was the type of support being given to individuals.

No; they are people who come in and then want to do what I talked about a little while ago. They want either to buy a ticket to become a season ticket holder and have that guaranteed dinner with the committee chairman of their choice or they are a Tamraz who makes no bones about it; he wants to get his pipeline approved, and he is willing to give $300,000 to get a shot at a few words with the President in hopes he can influence that person to come around to his way of thinking—which did not occur, I repeat.

Is that influence imaginary? Buying access; is that imaginary? No, it is not. When we had insurance legislation here a couple years ago, it came out in the paper that some of the big contributors and big lobbyists were called in—I believe it was on an insurance bill—and actually wrote part of that bill on the Hill here. They called in the lobbyists who made the huge contributions and let them write their own portion of the bill. That was even defended by one of the Members by saying, well, they knew more about it than anybody else. They certainly did, but that did not mean they were going to write it in a way that was for the benefit of all the people all the time. They had bought their way in with influence, and they were writing it for the benefit of some of the people and the benefit of their special interest, you can bet on that, or they would not have been in here doing that.

We saw recently the results of $50 billion being inserted into a bill to benefit the tobacco companies, the biggest contributors. Their chief representative, who reportedly in a magazine makes about $50,000 a month, former Republican National Committee chairman, was the one who apparently worked his way and got that in. That is what people are unhappy about.

I have given both Democratic and Republican examples here because I want to point out that this is not something which is just all on one side of the aisle.

Sometimes the States get out ahead of the Federal Government in these United States of ours. They get out ahead of us in that they can operate, they can act more swiftly to take on a problem as they see it developing. Some of the States have seen their political systems be corrupted, or the danger of being corrupted, by political influence at the local level, and they have taken some action.

The State of Maine has recently passed legislation, the basic theme of which is they are going to try State funding for State races. They are saying, we are going to cure this thing; and rather than try to write more complex laws on top of already complex laws, we are going to say, no, we are not going to do that anymore. We are just going to say, in the best interests of the people in getting the government, getting our elected officials, to make sure they address the concerns of all the people all the time, once they get through the primary, then let's get them some financing here so they do not have to go out on this money chase and promise everything under the sun to get enough money to have a chance of winning an election.

There are 12 other States, as I understand it, that are looking at a similar program right now. Maybe that is the answer for the future. We have seen court rulings and FEC regulations and rulings create loopholes that let people have access to getting around our election laws. Perhaps Federal financing is a way to correct that. I personally think that is something we will come to eventually, whether we like it or not. We will be forced into it because it looks as if, unless something drastic changes in the Chamber here—we may get a bill through, but it appears that it is going to be watered down enough that it may not be the overall comprehensive campaign finance reform that some of us believe, sincerely believe, is necessary if we are going to correct this problem into the future.

I do not rule out the possibility that at some time in the future we are going to have Federal financing of Federal campaigns because I think the people of this country may demand that. I am one of the original cosponsors of a bill here in the Senate, the Kerry-Wellstone bill, to take a look at this, to see if we could not work out something that is satisfactory in that particular area.

So I think we need to watch this experience of the States as they try to take back their State governments and make their State governments representative of all the people all the time, not all the people part of the time and special interests the rest of the time. We need to watch this very, very closely.

Let me address one other area. We haven't had much discussion recently in the Governmental Affairs Committee hearings that we have been having, we have not had much emphasis on enforcement. There have been those who said we have all these laws on the books now. They are not working, so why add more laws on top of them and make more laws that won't work either? That is a pretty good argument, as a matter of fact. But I don't believe that is the way we ought to go. What we should do, we should make a FEC that can enforce the legislation, enforce the laws of the land, enforce the regulations they have put out, and make sure that anyone who violates those regulations is brought up short and is penalized and do it immediately, not years and years later.

Instead of that, what have we seen? We have seen, through the years, the budget for the Federal Election Commission either remain about the same or actually be cut, from year to year. Instead of giving better enforcement, they are only able to give less enforcement. Maybe the people who have perpetrated those cuts on our system here had that in mind. Maybe they did not want to see the FEC be anything more than, what has been termed in the past, a toothless tiger. I think if we have laws they should be enforced. I think whatever is required to help the FEC do that, we should provide the money to do exactly that.

This year we have reached even a ridiculous example. They asked for an additional $4.6 million over there in addition to their, I think it is, $28-point-something million. They asked for an additional $4.6 million to give them special investigative authority, investigative capability to go out and see what happened in the 1996 election. And the committees up here have not only not approved the additional money for them, they have sent word over there specifying they are not to hire more people. They are not to hire more people. That is the word that FEC is operating under from the committees on the Hill right now this very day. They are not to hire more people to look into these alleged violations of law that happened in the last election.

In other words, we are creating a Nation of political scofflaws out there, if you will. Because they know you are not likely to get caught if you do something wrong, because that is just the way the system is. It does not have the capability of picking up all the wrongs in the system. So you have a chance of getting away with all sorts of misdeeds if you want to try it.

So, we need a strong FEC. We had one estimate given to us the other day by one person who studies these things a lot of the time, that they thought the FEC budget should probably be doubled. It should be somewhere around the $50 million mark, instead of hovering around the $30 million or under mark. I would vote for that.

I think we also need to make some changes in the Federal Election Commission, in that I don't believe they are organized on the proper basis. When we say you have six commissioners over there, three will be Republican and three will be Democrat, that sets it up for political bickering right off the bat. It is organized for political disunity going in. It is not organized to get to election fraud and violations without fear or favor, no matter what the politics of it are, Republican, Democrat, or independent. It is set up with three and three, which just breeds political gridlock. And that is exactly what they have had through the years, in many cases. Much of the time.

One of the suggestions that had been made in the past is that we, instead of having the commissioners appointed on a political basis the way they are now, we should have the commissioners appointed from former Federal judges: People who would be stable; they have been used to giving fair consideration of the law and cases, that has been their training, that has been their background; and to be appointed for their nonpolitics, for their apolitical views, if you will, because they would best be able to judge, then, when a Democratic or Republican transgression occurs, they would best be able to give it the proper attention and proper consideration. Rather than just saying I am a Democrat so I better protect my Democratic interests over here no matter what, or I am a Republican so I'll see that we forgive that violation or whatever it is on the Republican side—no. That is not in the best interests of the people of the United States. The best interests of the people of the United States is in having a Federal Election Commission that enforces the law without fear or favor, wherever the violation occurs. And that means, I think, that we have to reorganize at the top level over there.

Going into our committee investigations this year, we were faced with a tough choice.

Before I leave that, for just a moment let me give a few figures here on the FEC, what their budget problems have been. For fiscal 1995 they had over 10 percent of their budget rescinded halfway through the fiscal year, the largest percentage agency rescission of any Government agency. In fiscal 1996 they sought $32 million but they received only $26 million, with some of those funds fenced for other particular purposes. For fiscal 1997 they had their travel budget limited and fenced such that it was difficult to conduct depositions and court appearances, including those undertaken in connection with the Christian Coalition litigation. In fiscal 1998, being considered right now, they asked both the House and Senate for $29 million, plus an additional $4.9 million—I correct my figure I gave a moment ago at $4.8 and $28 million, I guess I said—but they asked both the House and Senate for $29 million plus an additional $4.9 million just to deal with cases arising from the 1996 Federal election. The actual budget is still in conference, but they have been told specifically not to hire more staff to look into those problems of the 1996 election.

Let me tell you one other thing, and this I think is rather amazing. I didn't know this until a few days ago myself. Their total enforcement cadre over there is 30 lawyers to oversee all these hundreds and hundreds and hundreds of cases filed with the FEC. There are 30 lawyers. How many investigators would you think the FEC would have to go out in the field and investigate wrongdoing out there, get the information, go to boards of elections, bring that information back, really create these cases—how many investigators do we figure the FEC has? Do you know what the answer is right now, as of this day, the 1st of October, 1997? They have two, two investigators. And that is up from only one just a short time ago. I guess that is heartening. That is a 100 percent increase, isn't it? We have gone from one up to two.

Two investigators for the FEC. Their lawyers in the enforcement division go out but they don't do investigations. They will go out and do depositions. They will go out and do a court case someplace that has been developed here, but their work is basically paperwork handled at the Washington level. So the investigative capacity at the FEC is not much, two people for the whole agency.

I propose we somehow get some little cadre of FBI people who really know something about investigation and assign them, at least for a period here of a few years, to help out over there, doing real investigative work trying to clean up the problems of campaign finance where the laws have been broken. And there have been laws broken in a number of areas.

Where do they need to look? Starting out our hearings this year I suggested we, instead of just going with Republican investigations or Democratic investigations, I proposed that we pick some areas where we know there are difficulties with campaign finance and then we bring those up, one after the other, and have a series of hearings on each one of these subjects. Let the chips fall where they may, Democrat or Republican, and find out what is wrong with the system, get it out there, get it out in the open. If we need additional law, let's have additional law. If we just need to enforce existing law better, then let's do that, too. But let's find out what the problems are first and then enforce them and make a system that really is run on a tight basis.

What are some of these areas I want to look at? One is foreign money. There are all sorts of allegations about money coming in from wherever, whether it was the Chinese or Chinese Government, where it was being channeled, where it was coming through and who it was going to, and did it affect elections or did it not affect elections—we had all sorts of problems with foreign money potentially coming into the American system. We had one on one side looking at whether it is the Democrats are where the money is coming and John Huang and Charlie Trie, and did that money come from the Government of China? On the other hand, we had the spectacle of Haley Barbour and the Republican National Committee getting loans of money, $2.1 million out of Hong Kong, funding it through the National Policy Forum in this country and into the Republican coffers. So we had bipartisan foreign money problems, there isn't any doubt about it.

So we should be looking at that? That is one area. There are other areas, though, that we have only touched on briefly in the last few hearings that we have had, that I think we also have to look at if we are going to really do the right job, looking into campaign finance reform or campaign finance violations, No. 1; and things the FEC should be monitoring on a steady basis.

How about the second one, third-party transfer? If I have maxed out my contributions that I can give, I say, "I am maxed out." But I turn to somebody else and I say, "OK, look, I'll give you $1,000 and you go over there and you give that in your name and that clears it and I'll just give you the money." That is illegal. We have lots of information about that being done. That whole thing is an area we have really not even explored much yet, yet it was violated time after time after time.

So, foreign money, do we have to look into that? Of course we do. The third party transfer of funds? Of course we do.

Another area was the area of misuse of tax exempt organizations, so-called 501(c)(3) and (c)(4) organizations, where they have organizations given certain tax-exempt status and, for having that status, they are prohibited from political activity. But in this last election that whole thing ran amok. Organizations were being put together with that kind of charter and they were deliberately channeling money through. We have example after example of that, and we have not really had a chance to bring those things out yet, either. So that is another area we ought to be looking at.

Another area the FEC ought to be following, if we gave them adequate resources to do so, is tax-exempt organizations.

Then we had the biggest increase of all and that is in the area of soft money, where you can give any amount you want to give, any amount you want to give. If you are a billionaire you can walk in and put $1 billion down if you wanted to. Do you think that might buy some influence? I think it might buy some, yes. You can put down any amount you want. As I talked about a little while ago, we had the restricted membership of 100, if they would contribute $250,000 to that season ticket holder group that I mentioned just a moment ago when I was lining up one on the Democratic side and one on the Republican side to give some balance to this. The soft money can come in in any amounts now, but it is supposed to be just for party building. It is supposed to be used for things like get-out-the-vote drives and general advertising on general views of the Republican Party or the Democratic Party. Was that misused? There is no doubt whatsoever about the misuse of soft money and the pernicious influence that it had with this last election. The area of influence of soft money has just skyrocketed from election to election since the new FEC ruling just a few years ago.

Another area is the straight old quid pro quo. We could add that as a fifth. If I give you so much money as a public official, then I want you to pass a certain law for me; and you do it. There are examples of quid pro quo also. So, these are all areas that we cannot ignore from the past. There are many of those things, just in those areas that I mentioned, that are flat illegal. Soft money is not illegal. It is perfectly legal now, but we have to make it illegal with McCain-Feingold, which I support fully and I am a cosponsor of. This is probably the most runaway part of campaign financing that we have had in recent elections—certainly in this last election.

Now, along with soft money, that I make such a fuss about, there is one other part. If we are going to correct this, there is one other thing we have to do, too. We cannot just see the money that was formerly going to soft money, to the parties and being misused then, being put into State races or into congressional races. We can't just see that money then not go into soft money but go over into issue advocacy ads and independent expenditures for the so-called issue advocacy ads that can be put on in a particular campaign in the last few days and influence a campaign, quite apart from the person running in that campaign who doesn't even have control of who is coming in and putting on TV ads either for or against him or her.

So we can't just do away with soft money and hope that will solve the problem, because soft money is probably going to gravitate over to the area of issue advocacy or independent expenditures. If we are going to correct one, we have to correct the other; we have to deal with them together.

So the question is, how do we prevent soft money not only from going into issue advocacy ads or independent expenditures, but also we want to make sure that we don't create a loophole here where the soft money now will go by the many, many millions of dollars over to the States, which it would be legal to do right now, go to the States, and the State parties then would use it in particular campaigns within the State by putting on independent ads or issue advocacy ads in support of congressional candidates, even those that are not State races, but there is an interest in them. So you see how complex this whole thing becomes.

Mr. President, those are a few views on some of the things that I see with regard to campaign finance this year.

There are a couple of statements I would like to quote on the floor today. Will Rogers is looked at as one of our great political commentators, in a humorous way, from years past. He did it in a way that got the attention of the people. He was pretty caustic in his comments sometimes. He made a statement once that might be applicable today, though. He said:

> Wouldn't it be great if other countries started electing by the ballot instead of by bullet, and us electing by the ballot instead of by bullion?

I think he was right.

Another is a statement by Kin Hubbard, Frank McKinney Hubbard:

> When a fellow says, "It ain't the money but the principle of the thing," it's the money.

And you can bet on that.

Jesse Unruh of California some years ago said:

> Money is the mother's milk of politics.

And that's sure true. It is as true today as it has ever been before.

Let me finish up where I started off today with this. I am afraid by our talk here about what is the potential for the future that we talk about this in such terms to make our point on the floor that sometimes we emphasize them to the point that we are about to increase what we are trying to prevent, and that is cynicism in this country.

By talking about the difficulties of campaign finance and the transgressions against campaign finance law—which should never have occurred in the last election on both sides of the aisle, and they have to be corrected. I am not trying to say they are not important, but they are. My whole statement today has been along the theme that this is a beginning of a rot we have to correct. So I am not trying to minimize these things.

I hope most of the people of the country realize that most of the people who run for high office do so with very good purpose in mind. Most of the people here, I would say, are very talented people. Most of them could probably be making more in business or in some corporate position or outside of public office than they do here. Not all of them, but certainly many people could. We have people running for office who are very fine people.

But this is a danger when we see things like what happened in this last election—the potential with foreign money, although all the sums talked about or rumored, whatever came from foreign money is a tiny little pittance, just a tiny little nothing almost compared to what was spent. That $790 million I indicated was spent in the last election just in congressional elections. Not even the Presidential election is included in that.

So a few million dollars that may have come from some foreign source is a fairly small amount, but it is a danger sign. We have to regulate that. We have to cut it off. We have to make our restrictions enforceable if we are not to see that grow into the future, and that is the danger; that is the danger. We have to make sure that with third-party transfer of money, we don't just find rampant disregard of our laws, and then people just saying, "I know my limit is" so and so "under the law, I will give you" this, this, "and somebody else, and I will contribute a lot more than my Federal limit was ever supposed to be and I won't get caught anyway."

We have to make sure that doesn't occur. We have to make sure the misuse of tax exempts, which ran rampant this last time, as conduits from people who had special interest money to put in —and they put it in by the millions. We have evidence of where that went and how it went. I hope we are able to put that on in the hearings before our campaign finance investigation ends on the Governmental Affairs Committee.

All these areas—whether it is foreign money or third-party money or tax-exempt money or soft money or quid pro quo—all these areas must be enforced with existing law. Then we can go ahead with bringing soft money under better regulation than we have ever done in the past. In fact, there isn't any regulation on it to speak of now. Then we are making real progress.

I believe the McCain-Feingold bill, which I fully support, is a start. I don't view it as anything more than a start. I don't think Senator MCCAIN or Senator FEINGOLD feels it is anything but a start right now, but it is a start. It is a start in showing people that, yes, we can act here in Washington; yes, when we do see a danger for the future, when we see some rot beginning on this body politic, we can cut that out, we can correct it, we have the capability to do it and we can restore confidence.

Where we see cynicism and we see disregard for law, we see cynicism about what may be going on with our Government, we can replace that, once again, with real confidence, real faith in letting the people of this country know that we are concerned and are willing to do something about it.

That is the reason why I support the McCain-Feingold proposal so wholeheartedly. They are important, and I am hoping that we can really have a vote up or down eventually. I know the so-called legislative tree has been filled that will try to thwart the passage of this legislation, but I am hoping we will really see a vote possible on this legislation before we finish with it. I guess the schedule is we will finish with it sometime next week.

Mr. President, this was a rather lengthy statement. I will undoubtedly have more to say about this next week.

I ask unanimous consent that the full text of my prepared remarks be printed in the RECORD, and I yield the floor.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

### CAMPAIGN FINANCE REFORM

(By Senator John Glenn)

"Wouldn't it be great if [other countries] started electing by the ballot instead of by bullet, and us electing by the ballot instead of by bullion?"—Will Rogers.

"When a fellow says, 'It ain't the money but the principle of the thing,' it's the money,"—Frank McKinney Hubbard ("Kin Hubbard").

"Money is mother's milk of politics."—Jesse Unruh.

Well, Mr. President, I have often wondered if and when this day would come. I recognize that both the distinguished Majority Leader and the equally distinguished Minority Leader have worked long and hard to get this bill to the floor and I congratulate them on their efforts. I also want to express my appreciation of Senators McCain and Feingold as the authors of this legislation and for their leadership on an issue that truly goes to the heart of American values. Their bipartisan cooperation has pointed us in the right direction and I hope that we can follow their example. We now have an opportunity to restore faith in our American system and renew our commitment to government for all the people, all the time and not some of the people some of the time, special interests buying access too much of the time.

One thing is clear to me. Our current system is sick and must be healed. We must work together to find a way to bring that needed reform. Our nation is confronted by many concerns and we have spent much of this year addressing some of those problems through the budget, reconciliation, defense authorization, appropriations bills, and the Chemical and Biological Weapons Treaty. With this debate we turn our attention to a more fundamental question: the role of money in our electoral system. I believe that a simple principle should apply in our democracy. We should encourage the active participation of the greatest possible number of citizens and restrain the undue influence of narrow factions and special interests. Only by insuring that our electoral system is open and fair can the notion of "consent of the governed" have true meaning.

How we finance our election campaigns is a central feature of how American citizens judge the integrity of our democracy. Many Americans see our current campaign fund raising practices as a form of corruption and because they believe that some interests have an unfair advantage when it comes to governmental decision making. I believe that this contributes to a corrosive cynicism that undermines America. When voters continually witness the political money chase they conclude that our system is for sale, that politicians are bought, and that policy decisions are made to favor the highest bidder.

We have all noted the increasing numbers of people who lack confidence in government and do not trust the government to do the right thing. We have witnessed declining voting participation.

Some would have us believe that campaign finance reform isn't of any interest to the American public. Some say the public doesn't care, why should we care? I think that's flat wrong. I think the public does care.

Let's face it, the public continues to lose faith in their federal government. Recent polls have shown that 70% of Americans want campaign finance reform, but only 30% believe it will happen. And perhaps most disturbing of all, three out of four interviewed do not trust us in Washington to do what is right.

Let me read a quote about government leaders from one of those people interviewed: "I don't expect too much . . . They're all crooked. It's just a degree of crookedness."

That's chilling. And I'm afraid it's a sentiment that is all too common.

Campaign finance reform is a perfect example of why the public doesn't trust us.

Another recent poll (Center For Responsive Politics, conducted in early April) found that 60 percent of the people polled thought campaign finance reform should be a high priority this year. And, late last year, (Mellman Group, October, 1996) showed that 59 percent supported the concept of public financing of elections to clean up this mess.

Yet, despite its desire to see solutions, the public simply hears out of Washington that no one cares about campaign finance reform. The public sees both Democrats and Republicans sling mud at each other over each party's excesses, but they don't hear a real desire to clean up the mud. They hear about attempts to block reform, that reform isn't the "American way."

Poll after poll shows the public wants campaign finance reform. I think we should listen.

At the same time we have seen spending in campaigns rise through the roof. According to the Federal Election Commission (FEC) the cost of all Congressional campaigns more than doubled from $354.7 million in 1981–2 to $765.3 million in 1995–96. Major political party efforts at the local, state and national level increased from $254.1 million in 1981–2 to $881 million in 1995–96.

Of course most of this money has been used to purchase more and more broadcast time at ever increasing costs to reach more and more voters over an ever longer campaign. One could conclude that the amount of money raised and spent has had a negative effect on voter attitudes and participation.

### WATERGATE AND REFORM

We all remember the Watergate era that led to the campaign finance rules under which we currently operate. Reform at that time was long overdue. Important improvements were made at that time. Prior to the enactment of the Federal Election Campaign Act and its amendments, some campaigns conducted business through slush funds and hush money. Major reforms included the establishment of the Federal Election Commission, requiring reporting of contributions and expenditures by federal candidates, limits on individual contributions, and spending limits and partial public financing of presidential campaigns.

Unfortunately, those reforms have been eroded over the years by FEC rulings and Supreme Court decisions such as Buckley v. Valeo—overruling spending limits for Congressional candidates and equating money with free speech—and Colorado Campaign Republican Committee v. FEC—allowing political parties to make independent expenditures.

### THE ROAD TO REFORM

With this debate we continue the long battle to reform our campaign finance system. The former Senator from Oklahoma, Senator Boren first brought the need for reform to the attention of the Senate in 1985. The battle having been joined, it was difficult to get it considered in the 99th Congress. Former Senator Goldwater of Arizona played an important role.

In the 100th Congress, the Senate conducted a historical record number of cloture votes. In 1988, we saw a scene right out of Frank Capra's "Mr. Smith Goes to Washington" with an all night filibuster and the Sgt. At Arms arresting absent Senators and bringing them to the Senate chamber. I believe that our inability to bring about reform has made things worse.

### CURRENT PRACTICES

Let me be clear. I do not believe that raising money for campaigns is corrupt. I do not believe that our government is corrupt because public officials raise money for campaigns. I believe that fund raising and public policy decision making can be kept separate. I believe that those who choose public service have a high calling. This is an honorable profession and I have always been proud to serve.

However, with the explosion of fund raising and the erosion of our laws, many citizens believe that the credibility of our electoral process has been impugned by the view that special interests have special access and therefore have undue influence.

We must reform our system to restore faith in our democracy.

We all are witnesses to the perception that money has a growing influence. Political parties and candidates are engaged in an endless pursuit of campaign funds made up of both hard and soft money. Not a day passes without a full schedule of events, receptions, coffees, meetings, dinners, lunches, discussions, and, forums—many ultimately intended to establish the climate to eventually raise money.

Soft money, campaign contributions not directly used in behalf of federal candidates and not required to be reported has become the crack cocaine of politics and parties and candidates are addicted.

As the ranking member of the Senate Governmental Affairs Committee I have spent all year looking into campaign fund raising. It is clear to me that many contributors believe that they get what they are seeking. They pay for access in the legislative and executive branches, and they get it.

We have been examples of contributors who want to appear to have influence by being seen with important officials and to have their pictures taken as a way to impress others. We have also seen contributors who have a special interest or particular project that they want considered. Through their contributions they obtain access.

Many contributors do have interests that can be affected by government decisions. No one can underestimate the impact on the American people when headline after headline links governmental action and campaign contributions. The $50 billion tax benefit for tobacco companies in this year's tax bill, inserted in secret and with no debate, only serves to make many citizens believe that the integrity of our electoral process has been compromised by special interests.

### NEEDED REFORM

Eventually, Mr. President, I believe that the answer to our concern is to eliminate the role of private money in campaigns. We should allow campaigns to be fairly and equally underwritten by all Americans through a some form of publicly supported financing.

That is why I joined with my colleagues Senator Kerry of Massachusetts and Senator Wellstone of Minnesota in cosponsoring a bill, the Clean Money Clean Campaign Act, based upon the Maine plan to limit campaign spending, prohibit special interest contributions, eliminate fund raising efforts, provide equal funding and a level playing field for all candidates and end the loopholes that have wrecked our current system. Through a publicly funded system we can end the current abuse and establish a system that takes us back to our major responsibility, representing the interests of "all the people, all the time".

I recognize that the time has probably not yet come to move to federal financing, but I believe that the more the American people focus on the current system and its exploding abuses, the more likely it will be that the support will grow for such a change.

### MCCAIN-FEINGOLD

The bill before us originally contained spending limits for Congressional candidates. In an effort to reach out for a consensus on this issue, those provisions have been eliminated. Nevertheless, we now consider a bill which I believe addresses many important concerns.

We must address the question of soft money contributions. We must find a way to require the disclosure of funds used for express advocacy and issue advocacy.

I believe we have to take a hard look at the FEC. We must have enforcement of election law—present or future—or we encourage scofflaw parties and candidates. The FEC cannot do an adequate job. Currently the FEC has 30 enforcement attorneys. Mr. President, that is fewer than the number of lawyers currently working on the Governmental Affairs investigation. The FEC has two—count them—two full time investigators. In order to insure better enforcement we must consider that the $28 million FEC budget should be increased and if expected to do an adequate job it should be nearly doubled. Furthermore, while the FEC is being expanded I believe that investigative assistance should be provided by at least a small group of FBI agents.

### SUMMARY OF FEC BUDGET WOES

Fiscal 1995: Had over 10% of budget rescinded half way through the fiscal year, the largest percentage agency rescission of any government agency

Fiscal 1996: Sought $32 million but received only $26 million with some funds "fenced" for particular purposes.

Fiscal 1997: Had travel budget limited and fenced such that it was difficult to conduct depositions and court appearances including those undertaken in connection with the Christian Coalition litigation

Fiscal 1998: Asked both the House and Senate for $29 million plus an additional $4.9 million just to deal with cases arising from the 1996 federal election. Actual budget is still in conference but have been told specifically not to hire more staff. Summary of FEC Provisions in Clean Money Clean Campaign Bill

Adds "independent" Commissioner selected by independent commission to the FEC

Limits Commissioners to one six year term

Prohibits contributions from individuals not qualified to vote (juveniles, felons and foreign nationals)

Permits the Commission to conduct random audits of PACs, candidate and party committees

Grants the Commission the authority to seek an injunction to halt illegal act PRIOR to the election

Lowers the threshold for opening an investigation from reason to believe a violation has occurred to reason to open an investigation

Mandatory requirement to file disclosure reports either electronically or by fax.

Through this debate I hope that we can work together and make needed improvements to our system of campaign finance. We must clean up campaigns and restore faith in our government.

Ms. COLLINS addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the distinguished Senator from Maine.

## HEALTH CONCERNS CAUSED BY INCREASING AMOUNT OF IMPORTED FOOD AND VEGETABLES

Ms. COLLINS. Mr. President, Americans have long been urged by our doctors, our teachers, and our parents to eat at least five servings every day of fruits and vegetables. When we follow this good advice, we assume that the fruits and vegetables that we are consuming are wholesome. Recent reports, however, have raised questions about the safety of imported food products. Our markets are increasingly filled with imported food that may not meet U.S. food safety standards. Thus, American consumers seeking a healthy diet face the unappetizing risk of unknowingly subjecting themselves to tainted imported food.

As the chairman of the Permanent Subcommittee on Investigations, I am conducting an investigation into the safety of food imports. I have asked the General Accounting Office to examine whether or not the Federal Government adequately protects the American people from tainted imported food. We need to know how imports are currently being inspected, what resources are being devoted to food safety and whether the highest risks are being given the highest priority in the inspection process. We should make certain, Mr. President, that our food safety programs are effectively and efficiently managed to safeguard the public's health.

Recent news reports have shown several instances where tainted imported food has caused serious illnesses. Food safety programs and food safety problems are not limited to beef and poultry, and it is not just food coming from domestic facilities that can cause health problems.

Imported fruits and vegetables in increasing numbers are causing serious illnesses. In March, over 260 children and teachers from Michigan developed hepatitis after eating frozen strawberries that were imported from Mexico. Those berries were illegally provided to the School Lunch Program, which requires food used to be produced in the United States. Instead, the tainted Mexican berries had been shipped to over 1,500 locations across the country, including my home State of Maine. In another example, over 2,000 people were infected with cyclospora in the last 2 years from eating tainted raspberries from Guatemala, making it the largest outbreak of food-borne disease in recent years.

Mr. President, I believe Congress must thoroughly examine the safety of imported food products. Currently, the Food and Drug Administration and the Department of Agriculture's Food Safety and Inspection Service have shared responsibility for the regulation and inspection of imported food. Agriculture officials are responsible primarily for meat and poultry, while the Food and Drug Administration regulates and inspects other food products. Standards in enforcement are thus different, depending on the type of food. In addition, the significant increase in food imports has resulted in a system where consumers cannot be assured of the safety of the food they eat. A New York Times article on September 29 of this year, just this past week, indicates that food imports have doubled since the 1980s, straining the limits of our current inspection system.

Later this week, President Clinton is expected to announce several initiatives to increase and improve Federal attention to food safety. I welcome the President's increased interest in the safety of imported food products, and when his proposal is transmitted to the Congress, I will closely examine it to determine if it is, in fact, an effective and adequate response to this problem.

As chairman of the Permanent Subcommittee on Investigations, I want to make sure that our current programs are being effectively managed and that both existing and new resources are efficiently administered to promote safe food, especially imported food.

Mr. President, the safety of food product imports is literally a life-and-death issue for many Americans, especially our elderly and our children. Food safety deserves close attention of the administration and the Congress, and I look forward to working with my colleagues in the months ahead as my subcommittee continues its investigation and conducts hearings on this important matter.

## THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Tuesday, September 30, 1997, the Federal debt stood at $5,413,146,011,397.34. (Five trillion, four hundred thirteen billion, one hundred forty-six million, eleven thousand, three hundred ninety-seven dollars and thirty-four cents)

One year ago, September 30, 1996, the Federal debt stood at $5,224,811,000,000. (Five trillion, two hundred twenty-four billion, eight hundred eleven million)

Five years ago, September 30, 1992, the Federal debt stood at $4,064,621,000,000. (Four trillion, sixty-four billion, six hundred twenty-one million)

Ten years ago, September 30, 1987, the Federal debt stood at $2,350,277,000,000 (Two trillion, three hundred fifty billion, two hundred seventy-seven million) which reflects a debt increase of more than $3 trillion—$3,062,869,011,397.34 (Three trillion, sixty-two billion, eight hundred sixty-nine million, eleven thousand, three hundred ninety-seven dollars and thirty-four cents) during the past 10 years.

## U.S. FOREIGN OIL CONSUMPTION FOR WEEK ENDING SEPTEMBER 26TH

Mr. HELMS. Mr. President, the American Petroleum Institute reports that for the week ending September 26, the U.S. imported 8,262,000 barrels of oil each day, 1,726,000 barrels more than the 6,536,000 imported each day during the same week a year ago.

Americans relied on foreign oil for 56.5 percent of their needs last week, and there are no signs that the upward spiral will abate. Before the Persian Gulf war, the United States obtained approximately 45 percent of its oil supply from foreign countries. During the Arab oil embargo in the 1970's, foreign oil accounted for only 35 percent of America s oil supply.

Anybody else interested in restoring domestic production of oil? By U.S. producers using American workers?

Politicians had better ponder the economic calamity sure to occur in America if and when foreign producers shut off our supply—or double the already enormous cost of imported oil flowing into the United States—now 8,262,000 barrels a day.

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## BAILEY HOWELL

Mr. COCHRAN. Mr. President, the State of Mississippi is very proud of the induction of Bailey Howell into the Basketball Hall of Fame.

His college career at Mississippi State University still stands as the most impressive in the school's history.

He was second only to Wilt Chamberlain in the 1959 NBA draft, and he became one of the best professional players ever.

Today, he is living in Starkville, MS, where he spends much of his time engaged in church-related activities. He is a wonderful role model for today's star athletes.

I ask unanimous consent that two articles from the Clarion-Ledger describing his great career be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Clarion-Ledger, Sept. 29, 1997]

### HOWELL TO ENTER HALL OF FAME

(By Mike Knobler)

Mary Lou Howell will never forget what she said to the 6-foot-7 stranger in 1958 at a Baton Rouge church.

"I asked the dumbest question of all, 'Do you play basketball?'" Howell recalls. "I know he thought, 'Oh, this girl is really dumb.'"

"When I told my father, he said 'He won't be interested in you. He's really big-time.'"

Dad, it turns out, was only half right about Bailey Howell, who has been married to Mary Lou for 38 years and tonight becomes the first Mississippi man inducted into the Basketball Hall of Fame.

Bailey Howell's brilliant career, at Mississippi State University and with four NBA teams, included enough honors and statistical superlatives to fill most of this newspaper.

Thirty-eight years after his final MSU season, Howell still holds numerous school records, including highest career scoring average, most points in a game and most rebounds in a game, season or career.

No wonder he was the second player picked in the 1959 NBA draft, behind only Wilt Chamberlain.

But talk to Howell and the people who know him and you hear less about the numbers and more about the man behind them, a man dedicated to his family, to his God and to never-ending competition.

Former Boston Celtics teammate Satch Sanders tells of Howell's approach to pregame layup drills. Most players jogged through them casually; Howell sprinted fullspeed.

"You had to get out of the way," Sanders says. "We'd say, 'Bailey, save something for the game.' His philosophy was: If you ever take it easy going to the basket, there's a strong possibility you'd do that in a game."

Son-in-law Scott Stricklin tells of a two-on-two game he played during his first vacation with the Howell family. It was Stricklin and Howell against the two other sons-in-law.

"The other guys wound up with bruises and knots on their heads," Stricklin says. "He was almost 60 and playing with guys in their 20s, but he was so competitive it was like an NBA championship game."

Howell competes even when he's mowing his lawn. He times himself, always pushing to work faster and more efficiently. "I'm one-third through," he'll shout.

That kind of relentless intensity helped make him a dominating center in college and a six-time all-star forward in the NBA.

Howell won NBA championships with the Celtics in 1968 and 1969 after winning State's first Southeastern Conference championship in 1958. One of Howell's few regrets is that that 24–1 team in 1958 wasn't allowed to try for an NCAA championship. The Bulldogs were chosen for the NCAA Tournament, but Mississippi government leaders barred State from participating because it would have played against racially integrated teams.

Decades later, coach Richard Williams paid his respect to Howell by including him in the official traveling party for State's 1995 trip to the NCAA regionals and its 1996 trip to the Final Four.

#### VERY SPECIAL HONOR

Delta State University coach Margaret Wade and player Lusia Harris are the only Mississippians in the Basketball Hall of Fame. Howell joins them tonight. He'll be escorted by friend, teammate and Hall of Famer John Havlicek.

"It's just a very special honor and a thrill," Howell says. "To be recognized alongside those individuals that are in there, it's just really, I really struggle with words to express just how special it is."

Bailey and Mary Lou Howell will be accompanied at tonight's induction ceremony in Springfield, Mass., by their three daughters. One of those daughters, Beth Hansen of Jackson, named one of her sons after her dad. Bailey Hansen will be there tonight, too.

Children and family have always been important to Bailey Howell. One time, it carried over onto the basketball court.

As most parents do, Bailey and Mary Lou used to spell out things around the house that they didn't want their young daughters to understand. One night as an opponent lined up for a free throw, Bailey turned to a teammate and said, "If you get this rebound, hit me. I'll be going b-a-c-k-d-double o-r."

During the season, the Howells used to live wherever Bailey played—first Detroit, then Baltimore, then Boston and finally Philadelphia. In the offseason, though, they always returned to Starkville, where Bailey and Mary Lou still live.

When Bailey Howell retired in 1971, he thought about going into coaching.

"At 35, at the age where moving my children was really bothering them, I decided that wasn't something I could do," he says.

But he stayed involved in basketball by working for shoemaker Converse for almost 23 years. And for six of the last seven years, he has served as a role model at the NBA's mandatory rookie orientation camp run by his former teammate Sanders, an NBA vice president.

"He'd talk about staying grounded, thinking in terms of family, religion," Sanders says. "Just homespun good sense. Bailey has always been a highly respected player, but more than that he has always been very grounded. The Hall of Fame as far as I'm concerned will be a better place with Bailey in it."

#### WORKING FOR CHURCH

Nowadays, Bailey Howell, 60, puts his dedication to work for the Church of Christ in Starkville. Bailey and Mary Lou spent a month this summer with a church group teaching conversational English in Sopot, Poland, near Gdansk.

"His mind is very God-centered," Mary Lou Howell says. "We go to church and to Mississippi State sporting events."

The Bulldogs have had many talented players since Howell, but those who remember Howell's playing days say his ability, charisma and class set him apart.

Lee Baker, then sports editor of the defunct Jackson Daily News, won't forget the night he covered the final game of Howell's junior season at Mississippi State. When Baker arrived home, his wife was in the hospital delivering their son.

He went to the hospital, then headed to the newspaper to write.

"We were going to name him John Berrian, after my grandfather," Baker says. "At the end of my column, I announced the arrival of John Bailey Baker. My wife didn't know her son's name until she read it in the paper."

#### BAILY HOWELL HIGHLIGHTS

Born Jan. 20, 1937, at Middleton, Tenn.

Elected Mr. Mississippi State by the student body.

Member, Phi Kappa Phi scholastic honorary society.

No. 2 scorer in MSU history with 2,030 points.

Led NCAA in shooting percentage (56.8) in 1957.

Made 10 NBA playoff appearances in 12 seasons.

Averaged 18.7 points and 9.9 rebounds for NBA career.

Upon retirement, ranked among NBA's top 10 in nine categories, including points, rebounds and games played.

#### BAILY HOWELL'S MSU RECORDS

Scoring average, career: 27.1 points per game.

Point, game: 47 vs. Union, Dec. 4. 1958.

Free throws made, career: 682.

Free throw attempts, career: 892.

Free throws made, season:
243 in 1957–58.

Free-throw attempts, season: 315 in 1957–58.

Rebounds, career: 1,277.

Rebound average, career: 17.0 per game.

Rebounds, season: 492 in 1958.

Rebound average, season: 19.7 per game in 1956–57.

Rebounds, game: 34 vs. LSU, Feb. 1, 1957.

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[From the Clarion-Ledger, Sept. 30, 1997]

### WITH HOWELL IN SHRINE, CELTICS KEEP WINNING

(By Jeff Donn)

SPRINGFIELD, MASS.—Baily Howell still shudders at the memory of his first season with the Boston Celtics.

Bob Cousy was retired. Bill Russell was no longer the future of basketball. And the Celtics' march of eight straight NBA championships ended in 1967 when Philadelphia finally broke through.

"My first year there we lost, so here comes the kiss of death!" said Howell, a star at Mississippi State. "Before I even got to the Celtics, the team was getting old together."

Winning, though, had not gotten old to them. With Howell, player-coach Russell, John Havlicek and Sam Jones, they went on to claim the last two of 10 titles within 11 seasons—something no other team has approached. And they have been reaping honors since, their latest on Monday with the entry of Howell into the Basketball Hall of Fame.

Others inducted Monday night were three coaches—Pete Carril of Princeton, Don

Haskins of Texas-El Paso and Antonio Diaz-Miguel of Spain—as well as 1980s NBA scoring leader Alex English and women's stars Denise Curry and Joan Crawford.

Howell, a 6-foot-7, 220-pounder and the forerunner of today's power forward, is the 185th Celtics player and 23rd team entry, including coach Red Auerbach, in the Hall of Fame. No other team approaches those numbers.

Howell averaged 18.7 points and 10 rebounds game.

"Today, everything is such big business," said Howell, 60, who now manages commercial real estate. "The game is a game people love to watch and love to play at all levels. It's not just how much money somebody makes and how much profit."

Carril's Princeton teams made their name by upending more athletic opponents. On the sidelines was Carril, a rumpled elf with mussed hair who gesticulated like a New York City cabby.

Yet Carril, 67, now an assistant coach for the NBA's Sacramento Kings, is the only Division I college coach to win more than 500 games without the help of sports scholarships.

Did Princeton's half-court game and low scores ever get tedious?

"The only time I ever heard the word 'boring' was from the other side," Carril said.

Haskins also made a reputation by outplaying better known opponents. His team—then called Texas Western—fielded five black starters to defeat Adolph Rupp's all-white Kentucky stars in the 1966 NCAA championship.

With his unorthodox high-release jumper, English was the consummate scorer, hitting for 19,682 points in the 1980s, but unable to make it to the NBA Finals.

"He scored so easy and so often that it looked like he was bored out there," Howell said.

## NOTICE OF PROPOSED RULEMAKING

Mr. THURMOND. Mr. President, pursuant to section 303 of the Congressional Accountability Act of 1995 (2 U.S.C. sec. 1383), a notice of proposed rulemaking was submitted by the Office of Compliance, U.S. Congress. The notice publishes proposed amendments to regulations previously adopted by the Board implementing various labor and employment and public access laws to covered employees within the legislative branch.

Section 304(b) requires this notice to be printed in the CONGRESSIONAL RECORD, therefore I ask unanimous consent that the notice be printed in the RECORD.

There being no objection, the notice was ordered to be printed in the RECORD, as follows:

### OFFICE OF COMPLIANCE—THE CONGRESSIONAL ACCOUNTABILITY ACT OF 1995: AMENDMENTS TO PROCEDURAL RULES

### NOTICE OF PROPOSED RULEMAKING

*Summary*: The Executive Director of the Office of Compliance is proposing to amend the Procedural Rules of the Office of Compliance to cover the General Accounting Office ("GAO") and the Library of Congress ("Library") and their employees. The Congressional Accountability Act of 1995 ("CAA"), 2 U.S.C. §§ 1301–1438, applies the rights and protections of eleven labor and employment and public access laws to covered employees and employing offices within the Legislative Branch. Five sections of the CAA, which apply rights and protections of the Employee Polygraph Protection Act of 1988 ("EPPA"), the Worker Adjustment and Retraining Notification Act ("WARN Act"), the Uniformed Services Employment and Reemployment Act of 1994 ("USERRA"), and the Occupational Safety and Health Act of 1970 ("OSHAct"), and which prohibit intimidation or reprisal for the exercise of rights under the CAA, become effective with respect to GAO and the Library on December 30, 1997. This Notice of Proposed Rulemaking ("NPRM") proposes to extend the coverage of the Procedural Rules to include GAO and the Library and their employees for purposes of proceedings relating to these five sections of the CAA and the general provisions of the rules relating to ex parte communications. These proposed amendments to the Procedural Rules have been approved by the Board of Directors of the Office of Compliance.

*Dates*: Comments are due within 30 days after the date of publication of this NPRM in the Congressional Record.

Addresses: Submit comments in writing (an original and 10 copies) to the Executive Director, Office of Compliance, Room LA 200, John Adams Building, 110 Second Street, S.E., Washington, D.C. 20540–1999. Those wishing to receive notification of receipt of comments are requested to include a self-addressed, stamped post card. Comments may also be transmitted by facsimile ("FAX") machine to (202) 426–1913. This is not a toll-free call. Copies of comments submitted by the public will be available for review at the Law Library Reading Room, Room LM–201, Law Library of Congress, James Madison Memorial Building, Washington, D.C., Monday through Friday, between the hours of 9:30 a.m. and 4:00 p.m.

*For further information contact*: Executive Director, Office of Compliance, at (202) 724–9250 (voice), (202) 426–1912 (TTY). This notice will also be made available in large print or braille or on computer disk, upon request to the Office of Compliance.

### SUPPLEMENTARY INFORMATION

### *1. Background and Purpose of this Rulemaking*

The Congressional Accountability Act of 1995 ("CAA" or the "Act"), Pub. L. 104–1, 109 Stat. 3, 2 U.S.C. §§ 1301–1438, applies the rights and protections of eleven labor and employment and public access laws to covered employees and employing offices within the Legislative Branch. With respect to GAO and the Library, five sections of the CAA will become effective as of December 30, 1997: (a) section 204, applying rights and protections of the Employee Polygraph Protection Act of 1988 ("EPPA"), restricts the use of lie detector tests by employing offices; (b) section 205, applying rights and protections of the Worker Adjustment and Retraining Notification Act ("WARN Act"), assures covered employees of notice before office closings and mass layoffs; (c) section 206, applying rights and protections of the Uniformed Services Employment and Reemployment Act of 1994 ("USERRA"), protects job rights of covered employees who serve in the military and other uniformed services; (d) section 215, applying rights and protections of the Occupational Safety and Health Act of 1970 ("OSHAct"), protects the safety and health of covered employees from hazards in their places of employment; and (e) section 207 forbids intimidation or reprisal against covered employees for exercising rights under other sections of the CAA.

The Procedural Rules of the Office of Compliance establish procedures for considering matters that involve employing offices and covered employees other than GAO and the Library and their employees. The purpose of this rulemaking is to extend the rules to cover GAO and the Library and their employees for purposes of any proceedings in which GAO or the Library or their employees may be involved as employing offices or covered employees.

The Board of Directors has also proposed to extend its substantive regulations implementing sections 204, 205, and 215 of the CAA to cover GAO and the Library and their employees. The NPRM was published in the September 9, 1997 issue of the Congressional Record, at 143 Cong. Rec. S9014.

### *2. Record of Earlier Rulemakings*

To avoid duplication of effort, the Executive Director plans to rely generally on the record of earlier rulemakings. The current Procedural Rules of the Office of Compliance were proposed, adopted, and amended in three phases during the past two years. See 141 Cong. Rec. S17012 (daily ed. Nov. 14, 1995) (NPRM); 141 Cong. Rec. S19239 (daily ed. Dec. 22, 1995) (final rules); 142 Cong. Rec. H7450 (daily ed. July 11, 1996) (NPRM); 142 Cong. Rec. S10980 (daily ed. Sept. 19, 1996) (final rules); 143 Cong. Rec. S25 (daily ed. Jan. 7, 1997) (NPRM); 143 Cong. Rec. H1879 (daily ed. Apr. 24, 1997) (final rules). A copy of the Procedural Rules of the Office of Compliance is available for inspection at the Law Library Reading Room, at the address and times stated at the beginning of this Notice, and may also be viewed or downloaded from the Office of Compliance's internet Website at http://www.compliance.gov/proful3.html, or http://www.access.gpo.gov/compliance/proful3.html.

### *3. Proposed Amendments*

The Executive Director is presently aware of no reason why the procedural rules to cover GAO and the Library and their employees should be separate or substantively different from the rules already adopted for other employing offices and their employees. The Executive Director therefore proposes in this NPRM to extend the coverage of the rules already adopted to include GAO and the Library and their employees, and to make no other substantive change to the rules. Specifically, the NPRM proposes to amend the definitions established in section 1.02 of the Procedural Rules of the Office of Compliance: (a) by including the employees of GAO and the Library in the definition of "covered employee," (b) by including GAO and the Library in the definition of "employing office," and (c) by adding a new paragraph (q) to section 1.02 specifying that GAO and the Library and their employees are included in these definitions only for the purposes of proceedings involving sections 204, 205, 206, 207, or 215 of the CAA or for purposes of the rules regarding ex parte communications. A technical correction is also necessary in the language being amended.[1]

### *4. Request for Comment*

The Executive Director invites comment on these proposed amendments generally and invites comment specifically on whether there is any reason why the rules for GAO and the Library and their employees should be separate or different from the rules already adopted for other employing offices and their employees.

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[1] In section 1.02(b) of the Procedural Rates of the Office of Compliance, reference to the Office of Technology Assessment is being removed, as that office no longer exists.

Signed at Washington, DC., on this 30th day of September, 1997.

RICKY SILBERMAN,
*Executive Director,*
*Office of Compliance.*

Accordingly, the Executive Director of the Office of Compliance hereby proposes the following amendments to the Procedural Rules of the Office of Compliance:

It is proposed that section 1.02 of the Procedural Rules of the Office of Compliance be amended by revising paragraphs (b) and (h) and by adding at the end of the section a new paragraph (q) to read as follows:

*§1.02 Definitions.*

"Except as otherwise specifically provided in these rules, for purposes of this Part:

* * * * *

"*(b) Covered employee.* The term "covered employee" means any employee of

"(1) the House of Representatives;

"(2) the Senate;

"(3) the Capitol Guide Service;

"(4) the Capitol Police;

"(5) the Congressional Budget Office;

"(6) the Office of the Architect of the Capitol;

"(7) the Office of the Attending Physician;

"(8) the Office of Compliance; or

"(9) for the purposes stated in paragraph (q) of this section, the General Accounting Office or the Library of Congress.

* * * * *

"(h) *Employing Office.* The term "employing office" means:

"(1) the personal office of a Member of the House of Representatives or a Senator;

"(2) a committee of the House of Representatives or the Senate or a joint committee;

"(3) any other office headed by a person with the final authority to appoint, hire, discharge, and set the terms, conditions, or privileges of the employment of an employee of the House of Representatives or the Senate;

"(4) the Capitol Guide Board, the Capitol Police Board, the Congressional Budget Office, the Office of the Architect of the Capitol, the Office of the Attending Physician, and the Office of Compliance; or

"(5) for the purposes stated in paragraph (q) of this section, the General Accounting Office and the Library of Congress.

* * * * *

"(q) *Coverage of the General Accounting Office and the Library of Congress and their Employees.* The term "employing office" shall include the General Accounting Office and the Library of Congress, and the term "covered employee" shall include employees of the General Accounting Office and the Library of Congress, for purposes of the proceedings and rulemakings described in subparagraphs (1), (2), and (3):

"(1) The processing of any allegation that section 204, 205, or 206 of the Act has been violated, and any allegation of intimidation or reprisal prohibited under section 207 of the Act. Sections 204, 205, and 206 of the Act apply to covered employees and employing offices certain rights and protections of the following laws:

"(i) the Employee Polygraph Protection Act of 1988,

"(ii) the Worker Adjustment and Retraining Notification Act, and

"(iii) the Chapter 43 (relating to veterans' employment and reemployment) of title 38, United States Code.

"(2) The enforcement of the inspection and citation provisions of section 215(c)(1), (2), (3) of the Act, and proceedings to grant variances under section 215(c)(4) of the Act. Section 215 of the Act applies to covered employees and employing offices certain rights and protections of the Williams-Steiger Occupational Safety and Health Act of 1970.

"(3) Any proceeding or rulemaking, for purposes of section 9.04 of these rules."

## TREASURY/POSTAL APPROPRIATIONS CONFERENCE REPORT

Mr. GRAHAM. Mr. President, I appreciate the chance to record my comments regarding the conference report on the Treasury-Postal appropriations bill.

This legislation will help fund national functions, such as law enforcement and delivery of the mail. The law-enforcement provisions include an important anticrime initiative for Florida, which is strongly supported by public-safety officials. The anticrime provision would fund the establishment of a high intensity drug trafficking area in central Florida.

I have worked closely with colleagues Senator CONNIE MACK and Congressman JOHN MICA of Florida to include this measure in the conference report.

In an effort to fight crime and to support law enforcement, I voted for the conference report for the appropriations for the Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain independent agencies for the fiscal year ending September 30, 1998.

This conference report also contains a provision to adjust congressional pay for cost of living. When the Senate considered its version of this appropriations bill, the legislation did not include a pay adjustment for Members of Congress. The record reflects that I support the Senate version of this legislation that was submitted to a House-Senate conference.

If I had the opportunity to vote on the proposed adjustment as a separate, stand-alone measure, I would have voted "no."

## MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

### EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

## MESSAGES FROM THE HOUSE RECEIVED DURING ADJOURNMENT

Under the authority of the order of the Senate of January 7, 1997, the Secretary of the Senate, on October 1, 1997, during the adjournment of the Senate, received a message from the House of Representatives announcing that the Speaker has signed the following enrolled bill:

H.R. 2203. An act making appropriations for energy and water development for the fiscal year ending September 30, 1998, and for other purposes.

Under the authority of the order of the Senate of January 7, 1997, the enrolled bill was signed on October 1, 1997, by the President pro tempore [Mr. THURMOND].

### MESSAGES FROM THE HOUSE

At 3:59 p.m. a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 2516. An act to extend the Intermodal Surface Transportation Efficiency Act of 1991 through March 31, 1998.

The message also announced that the House has passed the following bill, with amendments, in which it requests the concurrence of the Senate:

S. 1198. An act to amend the Immigration and Nationality Act to provide permanent authority for entry into the United States of certain religious workers.

## MEASURE PLACED ON THE CALENDAR

The following measure was read the first and second times by unanimous consent and placed on the calendar;

H.R. 2516. An act to extend the Intermodal Surface Transportation Efficiency Act of 1991 through March 31, 1998.

## REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. CHAFEE, from the Committee on Environment and Public Works, with amendments:

S. 1173. A bill to authorize funds for construction of highways, for highway safety programs, and for mass transit programs, and for other purposes (Rept. No. 105–95).

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. KERREY:

S. 1242. A bill to amend the Internal Revenue Code of 1986 to allow the nonrefundable personal credits, the standard deduction, and the deduction for personal exemptions in determining alternative minimum tax liability; to the Committee on Finance.

S. 1243. A bill to amend title 23, United States Code, to enhance safety on 2-lane rural highways; to the Committee on Environment and Public Works.

By Mr. GRASSLEY (for himself and Mr. SESSIONS):

S. 1244. A bill to amend title 11, United States Code, to protect certain charitable contributions, and for other purposes; to the Committee on the Judiciary.

By Mr. BROWNBACK:

S. 1245. A bill to establish procedures to ensure a balanced Federal budget by fiscal year 2002 and to create a tax cut reserve fund to protect revenues generated by economic growth; to the Committee on the Budget and the Committee on Governmental Affairs, jointly, pursuant to the order of August 4, 1977, as modified by the order of April 11, 1986, with instructions that if one Committee reports, the other Committee have thirty days to report or be discharged.

By Mr. SANTORUM:

S. 1246. A bill to reform the financing of Federal elections; to the Committee on Rules and Administration.

By Mr. JEFFORDS (for himself, Mr. CONRAD, Ms. COLLINS, Mr. MURKOWSKI, Mr. REID, and Mr. AKAKA):

S. 1247. A bill to amend title 38, United States Code, to limit the amount of recoupment from veterans' disability compensation that is required in the case of veterans who have received special separation benefits from the Department of Defense; to the Committee on Veterans Affairs.

## SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. ABRAHAM (for himself and Mr. LEVIN):

S. Res. 129. A resolution referring S. 1168 entitled "A bill for the relief of Retired Sergeant First Class James D. Beniot, Wan Sook Beniot, and the estate of David Beniot, and for other purposes," to the chief judge of the United States Court of Federal Claims for a report on bill; to the Committee on the Judiciary.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. KERREY:

S. 1242. A bill to amend the Internal Revenue Code of 1986 to allow the nonrefundable personal credits, the standard deduction, and the deduction for personal exemptions in determining alternative minimum tax liability; to the Committee on Finance.

### ALTERNATIVE MINIMUM TAX LIABILITY LEGISLATION

Mr. KERREY. Mr. President, I am introducing legislation today to ensure that families are not denied the tax relief we promised them under the Taxpayer Relief Act of 1997.

What we promised under the Taxpayer Relief Act was a child credit to help families raise their kids and an education credit to help make higher education more affordable. As it turns out, the reality may be far different. What we may be doing is throwing middle-class families into the alternative minimum tax [AMT] simply because they take advantage of the new child and education credits. This will happen because under current law, individuals pay the greater of their regular tax owed minus nonrefundable tax credits or the AMT which cannot be reduced by these nonrefundable credits.

Under current law, the child credit and the education credit won't be allowed under the AMT. As a result, average-sized families with children are more likely to be thrown into the AMT simply by using these credits. Believe me, this is not the place we want to be sending them.

The bill I am introducing today is identical to one that was introduced last week by Congresswoman KENNELLY of Connecticut. By her calculations, in 2002, a full 2 million families will be in the AMT because of the family credit alone. For illustrative purposes, I will give you just one example of the kinds of people who will get hurt: A two-parent family with a gross income of $67,700 and three children, including one in college, would fall into the AMT and lose nearly $1,500 of the $2,500 in combined child and education credits that we promised them.

The legislation I am introducing today is simple. It would allow taxpayers to take the nonrefundable personal credits—the dependent care credit, the child credit, and the education credit under the AMT. It would also make the standard deduction and the personal exemptions deductible under the AMT.

As Congresswoman KENNELLY has noted, "The AMT was meant to ensure that sophisticated taxpayers couldn't zero out their taxes. It was never intended that your children would throw you into the AMT." We need to deliver on the family tax relief promises we made in the Taxpayer Relief Act. I urge my colleagues to join me in support of this legislation.

By Mr. KERREY:

S. 1243, A bill to amend title 23, United States Code, to enhance safety on two-lane rural highways; to the Committee on Environment and Public Works.

### THE RURAL HIGHWAY SAFETY ACT

Mr. KERREY. Mr. President, I recently introduced the Highway Safety Priority Act which proposed to make safety a primary consideration in highway investments.

Traffic accidents are part of a national health epidemic responsible for the loss of 1.2 million preretirement years of life a year; more than is lost to cancer or heart disease. It is the leading cause of death for Americans between the ages of 15 and 24. Last year, more than 41,900 Americans died from this epidemic and more than 3 million suffered serious injury. In Nebraska traffic accidents claimed 293 lives in 1996 up from 254 the year before. Most tragic, is the fact that this epidemic is almost 100 percent preventable.

To address this problem, the Congress must focus resources where they will do the most good. Throughout America there are two lane, two way roads which expose drivers to an unacceptably high level of risk. These high risk "killer roads" suffer from poor engineering, poor pavement, narrow shoulders and increasing levels of traffic. Because these roads are often in rural areas, feeding into the larger arteries, they are frequently overlooked by State and local roads departments in favor of the larger more modern and inherently safe portions of the National Highway System.

If we are to be serious about reducing death and accidents on America's roads, we need to pay greater attention to the roads which feed into the National Highway System. The Lincoln Journal Star reported in May that 70 percent of all Nebraska accidents occur on rural roads.

Today, I introduce legislation which proposes an aggressive efforts to make killer roads safer. This legislation, like the Highway Safety Priority Act was prepared with significant assistance of Dr. Jerry Donaldson, of Advocates for Highway Safety. Dr. Donaldson is one of the Nation's pre-eminent highway safety experts.

As the Senate prepares to consider the new highway bill, I urge my colleagues to consider and support the Rural Road Safety Act.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the ordered to be printed in the RECORD, as follows:

S. 1243

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Rural Highway Safety Act".

**SEC. 2. RURAL 2-LANE HIGHWAY SAFETY PROGRAM.**

(a) IN GENERAL.—Chapter 1 of title 23, United States Code, is amended by adding at the end the following:

**"§ 162. Rural 2-lane highway safety program**

"(a) ESTABLISHMENT.—

"(1) IN GENERAL.—The Secretary shall establish a 2-lane rural highway safety program (referred to in this section as the 'program') to ensure the systematic reconstruction of rural 2-lane arterial and collector highways of substantial length that are not on the National Highway System.

"(2) PRINCIPLES.—Reconstruction under the program shall be carried out in accordance with state-of-the-art principles of—

"(A) safe alignment and cross-section design;

"(B) safe roadside conditions;

"(C) safety appurtenances;

"(D) durable and safe pavement design (especially long-term skid resistance);

"(E) grade crossing safety; and

"(F) traffic engineering.

"(3) COOPERATION WITH STATES AND PRIVATE SECTOR.—The Secretary shall carry out the program in cooperation with State highway departments and private sector experts in highway safety design, including experts in highway safety policy.

"(b) APPORTIONMENT.—For each fiscal year, the Secretary shall apportion—

"(1) 50 percent of the amount made available under subsection (e) to the States in the ratio that—

"(A) the number of miles in the State of rural 2-lane arterial and collector surface roads that are not on the National Highway System; bears to

"(B) the number of miles in all States of rural 2-lane arterial and collector surface roads that are not on the National Highway System; and

"(2) 50 percent of the amount made available under subsection (e) to the States in the ratio that—

"(A) the percentage of the population of the State that resides in rural areas; bears to

"(B) the percentage of the population of all States that resides in rural areas.

"(c) SELECTION OF PROJECTS.—

"(1) IN GENERAL.—The States shall select projects to receive funding under the program based on—

"(A) criteria established in cooperation with the Secretary and other persons that give priority to highways associated with persistently high rates of fatal and non-fatal injuries due to accidents; and

"(B) to the maximum extent practicable, value engineering and life-cycle cost analysis.

"(2) COMPATIBILITY WITH MANAGEMENT SYSTEMS.—To the extent that a State selects projects in accordance with a functioning safety, pavement, bridge, or work zone management system, projects selected under the program shall be compatible with each management system.

"(3) STATEWIDE TRANSPORTATION PLANNING.—The selection of projects by a State under the program shall be carried out in a manner consistent with the statewide transportation planning of the State under section 135.

"(d) REPORT TO CONGRESS.—

"(1) IN GENERAL.—Not later than December 31, 2003, the Secretary shall submit a report to Congress on the results of the program.

"(2) CONTENTS.—The report shall include—

"(A) detailed travel and accident data by class of vehicle and roadway; and

"(B) an evaluation of the extent to which specific safety design features and accident countermeasures have resulted in lower accident rates, including reduced severity of injuries.

"(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $150,000,000 for fiscal year 1998, $125,000,000 for fiscal year 1999, $125,000,000 for fiscal year 2000, $100,000,000 for fiscal year 2001, $100,000,000 for fiscal year 2002, and $100,000,000 for fiscal year 2003.".

(b) CONFORMING AMENDMENT.—The analysis for chapter 1 of title 23, United States Code, is amended by adding at the end the following:

"162. Rural 2-lane highway safety program.".

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By Mr. GRASSLEY (for himself and Mr. SESSIONS): S. 1244. A bill to amend title 11, United States Code, to protect certain charitable contributions, and for other purposes; to the Committee on the Judiciary.

### THE RELIGIOUS LIBERTY AND CHARITABLE DONATIONS PROTECTION ACT

Mr. GRASSLEY. Mr. President, I rise today to introduce the Religious Liberty and Charitable Donations Protection Acts. This bill represents a giant step forward in protecting the religious freedom of many Americans who tithe. In the House of Representatives, Congressman RON PACKARD will today introduce a companion measure. I ask consent that the bill be printed in the RECORD following my remarks.

As my colleagues may know, bankruptcy judges across the country have been ordering churches to refund large sums of money when a parishioner declares bankruptcy. This causes serious hardship to churches and is a frontal assault on religious freedom of worship. After the Supreme Court's recent decision striking the Religious Freedom Restoration Act [RFRA] down as unconstitutional, I believe that Congress has a responsibility to act now to protect religious freedom. Because I chair the Subcommittee on Administrative Oversight and the Courts—which has primary jurisdiction over bankruptcy—I have an obligation to respond to this renewed threat to religious liberty.

Of course, there are other areas where Congress needs to protect religious freedom, and I look forward to assisting Chairman HATCH—who is a strong leader in protecting religious liberty—in these efforts.

But in the context of tithing and bankruptcy, I feel the time to act is now. The Supreme Court just vacated and remanded a case from the Eighth Circuit Court of Appeals which had ruled that RFRA protected churches from bankruptcy lawsuits seeking the return of money given as a tithe. This is a particular concern to me, since my home State of Iowa is in the eighth circuit and will be affected by this court case. The pastor of the church involved in this case, Pastor Steven Goold of the Crystal Free Evangelical Church, testified before my subcommittee as to the difficulties his church has faced in trying to protect itself from bankruptcy judges, including the huge legal costs associated with fighting the bankruptcy judge's ruling. Pastor Goold supports this legislation, as does Americans United for Separation of Church and State. So, the bill has broad support from many diverse sectors of our society.

In addition to preventing Federal judges from ordering churches to pay refunds of previous tithes, the legislation I'm introducing today will protect postbankruptcy tithing in chapter 13 cases. As currently interpreted, chapter 13, which permits debtors to repay their creditors at a discounted rate, also allows debtors to budget a moderate amount of money for entertainment expenses. But, several courts have said that debtors can't budget money to tithe to their church. In other words, if you're in chapter 13 bankruptcy, you can budget money for a hamburger and a movie, but you can't take that same money and give it to your church—even if you believe your faith requires that.

This is an obvious assault on the freedom of religion. Would our founding fathers have wanted a Federal judge to tell a citizen that he's not allowed to tithe to his church? Obviously not. Such a situation is antithetical to the American tradition of liberty and separation of church from State.

As a result of my hearing, I have made several minor changes to accommodate various concerns that have been raised about possible unintended consequences. I hope that the legislation as now drafted will receive the support of every Member of Congress who is concerned about protecting freedom generally and restoring freedom of religion—our first freedom—to its rightful place in American society.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1244

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Religious Liberty and Charitable Donation Protection Act of 1997".

**SEC. 2. DEFINITIONS.**

Section 548(d) of title 11, United States Code, is amended by adding at the end the following:

"(3) In this section, the term 'charitable contribution' means a charitable contribution, as that term is defined in section 170(c) of the Internal Revenue Code of 1986, if that contribution—

"(A) is made by a natural person; and

"(B) consists of—

"(i) a financial instrument (as that term is defined in section 731(c)(2)(C) of the Internal Revenue Code of 1986); or

"(ii) cash.

"(4) In this section, the term 'qualified religious or charitable entity or organization' means—

"(A) an entity described in section 170(c)(1) of the Internal Revenue Code of 1986; or

"(B) an entity or organization described in section 170(c)(2) of the Internal Revenue Code of 1986.".

**SEC. 3. TREATMENT OF PRE-PETITION QUALIFIED CHARITABLE CONTRIBUTIONS.**

(a) IN GENERAL.—Section 548(a) of title 11, United States Code, is amended—

(1) by inserting "(1)" after "(a)";

(2) by striking "(1) made" and inserting "(A) made";

(3) by striking "(2)(A)" and inserting "(B)(i);

(4) by striking "(B)(i)" and inserting "(ii)(I)";

(5) by striking "(ii) was" and inserting "(II) was";

(6) by striking "(iii)" and inserting "(III)"; and

(7) by adding at the end the following:

"(2) A transfer of a charitable contribution to a qualified religious or charitable entity or organization shall not be considered to be a transfer covered under paragraph (1)(B) in any case in which—

"(A) the amount of that contribution does not exceed 15 percent of the gross annual income of the debtor for the year in which the transfer of the contribution is made; or

"(B) the contribution made by a debtor exceeded the percentage amount of gross annual income specified in subparagraph (A), if the transfer was consistent with the practices of the debtor in making charitable contributions.".

(b) TRUSTEE AS LIEN CREDITOR AND AS SUCCESSOR TO CERTAIN CREDITORS AND PURCHASERS.—Section 544(b) of title 11, United States Code, is amended—

(1) by striking "(b) The trustee" and inserting "(b)(1) Except as provided in paragraph (2), the trustee"; and

(2) by adding at the end the following:

"(2) Paragraph (1) shall not apply to a transfer of a charitable contribution (as that term is defined in section 548(d)(3)) that is not covered under section 548(a)(1)(B), by reason of section 548(a)(2).".

(c) CONFORMING AMENDMENTS.—Section 546 of title 11, United States Code, is amended—

(1) in subsection (e)—

(A) by striking "548(a)(2)" and inserting "548(a)(1)(B)"; and

(B) by striking "548(a)(1)" and inserting "548(a)(1)(A)";

(2) in subsection (f)—

(A) by striking "548(a)(2)" and inserting "548(a)(1)(B)"; and

(B) by striking "548(a)(1)" and inserting "548(a)(1)(A)"; and

(3) in subsection (g)—

(A) by striking "section 548(a)(1)" each place it appears and inserting "section 548(a)(1)(A)"; and

(b) by striking "548(a)(2)" and inserting "548(a)(1)(B)".

### SEC. 4. TREATMENT OF POST-PETITION CHARITABLE CONTRIBUTIONS.

(a) CONFIRMATION OF PLAN.—Section 1325(b)(2)(A) of title 11, United States Code, is amended by inserting before the semicolon the following: ", including charitable contributions (that meet the definition of 'charitable contribution' under section 548(d)(3)) to a qualified religious or charitable entity or organization (as that term is defined in section 548(d)(4)) in an amount not to exceed 15 percent of the gross income of the debtor for the year in which the contributions are made".

(b) DISMISSAL.—Section 707(b) of title 11, United States Code, is amended by adding at the end the following: "In making a determination whether to dismiss a case under this section, the court may not take into consideration whether a debtor has made, or continues to make, charitable contributions (that meet the definition of 'charitable contribution' under section 548(d)(3)) to any qualified religious or charitable entity or organization (as that term is defined in section 548(d)(4)).".

### SEC. 5. APPLICABILITY.

This Act and the amendments made by this Act shall apply to any case brought under an applicable provision of title 11, United States Code, that is pending or commenced on or after the date of enactment of this Act.

### SEC. 6. RULE OF CONSTRUCTION.

Nothing in the amendments made by this Act is intended to limit the applicability of the Religious Freedom Restoration Act of 1993 (42 U.S.C. 2002bb et seq.).

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By Mr. JEFFORDS (for himself, Mr. CONRAD, Ms. COLLINS, Mr. MURKOWSKI, Mr. REID and Mr. AKAKA):

S. 1247. A bill to amend title 38, United States Code, to limit the amount of recoupment from veterans' disability compensation that is required in the case of veterans who have received special separation benefits from the Department of Defense; to the Committee on Veterans' Affairs.

### THE SPECIAL SEPARATION BENEFITS IMPROVEMENT ACT OF 1997

Mr. JEFFORDS. Mr. President, today I rise to introduce the Special Separation Benefits [SSB] Improvement Act of 1997. This legislation would address the unfair provision that double-taxes veterans who participate in the special separation benefits downsizing program run by the Department of Defense [DOD].

Since 1991, in an effort by the DOD to downsize the armed services, certain military personnel have been eligible for a special separation benefit [SSB]. However, since the inception of this program recipients who are subsequently determined to have a service-connected disability must offset the full SSB amount paid to that individual through the withholding of disability compensation by the Department of Veterans Affairs [VA]. Because of these cost cutting provisions, veterans who participate in the DOD's downsizing by selecting an SSB lump sum payment are forced to pay back the full, pre-tax amount in disability compensation—offsetting money that the disabled veteran would never see. This is a gross injustice to veterans by double taxing their hard earned benefits.

My bill would ease this double taxation for all members who accept an SSB package, and make these alterations retroactive to December 5, 1991. Thus, service members not able to receive payment concurrently since 1991 will be reimbursed for their lost compensation portion that was taxed. The near-term costs of this bill were estimated by the Congressional Budget Office to be less than $500,000 through the year 2000 and about $2 million in 2002—barely a fraction of a percentage of our annual spending on compensation and benefits for former military personnel.

Mr. President, I urge my colleagues to join me in correcting the double-taxing of veterans' benefits by the Government.

Mr. MURKOWSKI. Mr. President, I rise today as an original cosponsor to the Special Separation Benefits [SSB] Improvement Act of 1997. Offered by my colleague on the Senate Committee on Veterans' Affairs—Senator JEFFORDS, this legislation will correct a current injustice where service connected disabled veterans, who participate in the special separation benefits program [SSB], are wrongly doubled taxed on their benefits.

In 1991, the Department of Defense [DOD], in an effort to downsize the armed services, established the SSB, which gives military personnel a lump sum payment to retire. However, for those veterans who are subsequently determined to have a service-connected disability, their SSB benefit amount is offset by withholding the veteran's disability compensation from the VA. A veteran only receives the SSB benefits after taxes are withheld. At the same time, disability compensation is not taxed. The injustice is that the veteran must repay with his or her disability compensation the pre-tax amount of the SSB payment—in effect double taxing the veteran's benefits.

The Special Separation Benefits [SSB] Improvement Act of 1997 eases the double taxation for all members who participated in the SSB program retroactively to December 5, 1991. These servicemembers will receive payment for their lost compensation portion that was taxed. According to the Congress Budget Office [CBO], the near term costs are estimated to be less than $500,000 through the year 2000. For this small amount, Congress has the opportunity to correct an injustice against our veterans who have given so much.

I hope that my colleagues can join me in cosponsoring this legislation.

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## ADDITIONAL COSPONSORS

### S. 219

At the request of Mr. DASCHLE, the name of the Senator from Iowa [Mr. HARKIN] was added as a cosponsor of S. 219, a bill to amend the Trade Act of 1974 to establish procedures for identifying countries that deny market access for value-added agricultural products of the United States.

### S. 755

At the request of Mr. CAMPBELL, the name of the Senator from California [Mrs. BOXER] was added as a cosponsor of S. 755, a bill to amend title 10, United States Code, to restore the provisions of chapter 76 of that title (relating to missing persons) as in effect before the amendments made by the National Defense Authorization Act for fiscal year 1997 and to make other improvements to that chapter.

### S. 951

At the request of Mr. TORRICELLI, the name of the Senator from New Jersey [Mr. LAUTENBERG] was added as a cosponsor of S. 951, a bill to reestablish the Office of Noise Abatement and Control in the Environmental Protection Agency.

### S. 1062

At the request of Mr. D'AMATO, the name of the Senator from Tennessee [Mr. FRIST] was added as a cosponsor of S. 1062, a bill to authorize the President to award a gold medal on behalf of the Congress to Ecumenical Patriarch Bartholomew in recognition of his outstanding and enduring contributions toward religious understanding and peace, and for other purposes.

### S. 1096

At the request of Mr. KERREY, the name of the Senator from Mississippi

[Mr. COCHRAN] was added as a cosponsor of S. 1096, a bill to restructure the Internal Revenue Service, and for other purposes.

S. 1153

At the request of Mr. BAUCUS, the name of the Senator from Pennsylvania [Mr. SANTORUM] was added as a cosponsor of S. 1153, a bill to promote food safety through continuation of the Food Animal Residue Avoidance Database Program operated by the Secretary of Agriculture.

S. 1173

At the request of Mr. WARNER, the name of the Senator from Montana [Mr. BURNS] was added as a cosponsor of S. 1173, a bill to authorize funds for construction of highways, for highway safety programs, and for mass transit programs, and for other purposes.

S. 1194

At the request of Mr. KYL, the name of the Senator from North Carolina [Mr. HELMS] was added as a cosponsor of S. 1194, a bill to amend title XVIII of the Social Security Act to clarify the right of Medicare beneficiaries to enter into private contracts with physicians and other health care professionals for the provision of health services for which no payment is sought under the Medicare Program.

S. 1234

At the request of Mr. HOLLINGS, the names of the Senator from West Virginia [Mr. ROCKEFELLER] and the Senator from Hawaii [Mr. INOUYE] were added as cosponsors of S. 1234, a bill to improve transportation safety, and for other purposes.

SENATE CONCURRENT RESOLUTION 30

At the request of Mr. HELMS, the names of the Senator from South Dakota [Mr. DASCHLE] and the Senator from Florida [Mr. MACK] were added as cosponsors of Senate Concurrent Resolution 30, a concurrent resolution expressing the sense of the Congress that the Republic of China should be admitted to multilateral economic institutions, including the International Monetary Fund and the International Bank for Reconstruction and Development.

SENATE CONCURRENT RESOLUTION 48

At the request of Mr. KYL, the name of the Senator from Louisiana [Mr. BREAUX] was added as a cosponsor of Senate Concurrent Resolution 48, a concurrent resolution expressing the sense of the Congress regarding proliferation of missile technology from Russia to Iran.

AMENDMENT NO. 1253

At the request of Mr. MACK, the name of the Senator from Ohio [Mr. DEWINE] was added as a cosponsor of amendment No. 1253 proposed to S. 1156, an original bill making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1998, and for other purposes.

At the request of Mr. GRAHAM, the name of the Senator from California [Mrs. BOXER] was added as a cosponsor of amendment No. 1253 proposed to S. 1156, supra.

## SENATE RESOLUTION 129—RELATIVE TO PRIVATE RELIEF LEGISLATION

Mr. ABRAHAM (for himself and Mr. LEVIN) submitted the following resolution; which was referred to the Committee on the Judiciary:

SENATE RESOLUTION 129

*Resolved*, That the bill S. 1168 entitled "A Bill for the relief of Retired Sergeant First Class James D. Benoit, Wan Sook Benoit, and the estate of David Benoit, and for other purposes," is referred, with all accompanying papers, to the chief judge of the United States Court of Federal Claims for a report in accordance with sections 1492 and 2509 of title 28, United States Code.

## AMENDMENTS SUBMITTED

## THE DISTRICT OF COLUMBIA APPROPRIATIONS ACT, 1998

### FAIRCLOTH (AND BOXER) AMENDMENTS NOS. 1271–1273

Mr. FAIRCLOTH (for himself and Mrs. BOXER) proposed three amendments to the bill (S. 1156) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1998, and for other purposes; as follows:

AMENDMENT NO. 1271

On page 3, line 9, after "facilities," insert the following: "and for the administrative operating costs of the Office of the Corrections Trustee.".

AMENDMENT NO. 1272

On page 4, line 4 and 5, strike "Administrative Office of the United States Courts" and insert "District of Columbia Financial Responsibility and Management Assistance Authority".

On page 4, lines 15 and 16, strike "Administraive Office of the United States Courts" and insert "District of Columbia Financial Responsibility and Management Assistance Authority".

AMENDMENT NO. 1273

At the appropriate place, insert the following:

SEC. . It is the sense of the Senate that the management teams authorized in the District of Columbia Management Reform Act of 1997 should—

(1) take whatever steps are deemed necessary to identify the structural, operational, administrative, and other problems within the designated departments; and

(2) implement the management reform plans in accordance with the provisions of the District of Columbia Management Reform Act of 1997.

### BROWNBACK AMENDMENT NO. 1274

Mr. FAIRCLOTH (for Mr. BROWNBACK) proposed an amendment to the bill, S. 1156, supra; as follows:

On page 9, line 17, strike "$1,235,000" and all that follows through "134);" on line 24 and insert "$3,376,000 from local funds (not including funds already made available for District of Columbia public schools) for public charter schools: *Provided*, That if the entirety of this allocation has not been provided as payments to any public charter schools currently in operation through the per pupil funding formula, the funds shall be available for new public charter schools on a per pupil basis: *Provided further*, That $400,000 be available to the District of Columbia Public Charter School Board for administrative costs: *Provided further*, That if the entirety of this allocation has not been provided as payment to 1 or more public charter schools by May 1, 1998, and remains unallocated, the funds shall be deposited into a special revolving loan fund to be used solely to assist existing or new public charter schools in meeting startup and operating costs: *Provided further*, That the District of Columbia Education Emergency Board of Trustees shall report to Congress not later than 120 days after the date of enactment of this Act on the capital needs of each public charter school and whether the current per pupil funding formula should reflect these needs: *Provided further*, That until the District of Columbia Education Emergency Board of Trustees reports to Congress as provided in the preceding proviso, the District of Columbia Education Emergency Board of Trustees shall take appropriate steps to provide public charter schools with assistance to meet all capital expenses in a manner that is equitable with respect assistance provided to other District of Columbia public schools: *Provided further*, That the District of Columbia Education Emergency Board of Trustees shall report to Congress not later than November 1, 1998, on the implementation of their policy to give preference to newly created District of Columbia public charter schools for surplus public school property;".

### MOYNIHAN AMENDMENT NO. 1275

Mrs. BOXER (for Mr. MOYNIHAN) proposed an amendment to the bill, S. 1156, supra; as follows:

At the appropriate place, insert the following:

**SEC. . NATION'S CAPITAL BICENTENNIAL DESIGNATION ACT.**

(a) SHORT TITLE; FINDINGS; PURPOSE.—

(1) SHORT TITLE.—This section may be cited as the "Nation's Capital Bicentennial Designation Act".

(2) FINDINGS.—The Senate finds that—

(A) the year 2000 will mark the 200th anniversary of Washington, D.C. as the Nation's permanent capital, commencing when the Government moved from Philadelphia to the Federal City;

(B) the framers of the Constitution provided for the establishment of a special district to serve as "the seat of Government of the United States";

(C) the site for the city was selected under the direction of President George Washington, with construction initiated in 1791;

(D) in submitting his design to Congress, Major Pierre Charles L'Enfant included numerous parks, fountains, and sweeping avenues designed to reflect a vision as grand and as ambitious as the American experience itself;

(E) the capital city was named after President George Washington to commemorate and celebrate his triumph in building the Nation;

(F) as the seat of Government of the United States for almost 200 years, the Nation's capital has been a center of American culture and a world symbol of freedom and democracy;

(G) from Washington, D.C., President Abraham Lincoln labored to preserve the Union and the Reverend Martin Luther King, Jr. led an historic march that energized the civil rights movement, reminding America of its promise of liberty and justice for all; and

(H) the Government of the United States must continually work to ensure that the Nation's capital is and remains the shining city on the hill.

(3) PURPOSE.—The purposes of this section are to—

(A) designate the year 2000 as the "Year of National Bicentennial Celebration of Washington, D.C.—the Nation's Capital"; and

(B) establish the Presidents' Day holiday in the year 2000 as a day of national celebration for the 200th anniversary of Washington, D.C.

(b) NATION'S CAPITAL NATIONAL BICENTENNIAL.—

(1) IN GENERAL.—The year 2000 is designated as the "Year of the National Bicentennial Celebration for Washington, D.C.—the Nation's Capital" and the Presidents' Day Federal holiday in the year 2000 is designated as a day of national celebration for the 200th anniversary of Washington, D.C.

(2) SENSE OF THE SENATE.—It is the sense of the Senate that all Federal entities should coordinate with and assist the Nation's Capital Bicentennial Celebration, a nonprofit 501(c)(3) entity, organized and operating pursuant to the laws of the District of Columbia, to ensure the success of events and projects undertaken to renew and celebrate the bicentennial of the establishment of Washington, D.C. as the Nation's capital.

## BYRD AMENDMENT NO. 1276

Mrs. BOXER (for Mr. BYRD) proposed an amendment to the bill, S. 1156, supra; as follows:

On page 49, between lines 13 and 14, insert the following:

SEC. 148. $4,000,000 from local funds shall be available for the establishment of a remedial education pilot program in the District of Columbia public school system to remain available through fiscal year 1999, of which $3,000,000 shall be used to create a one-year pilot program for the implementation of a remedial education program in reading and mathematics for the 3 lowest achieving elementary schools in the District of Columbia public school system (as to be determined by the District of Columbia public school system's Board of Education) and the training of teachers in remediation instruction at the targeted schools and $1,000,000 shall be used to establish a continuing education program for all teachers in the District of Columbia public school system. The General Accounting Office shall report to Congress on the effectiveness of the pilot program funded by this section at the end of fiscal year 1999.

## NOTICE OF HEARING

### COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MURKOWSKI. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the full Committee on Energy and Natural Resources to consider the nomination of M. John Berry to be Assistant Secretary of the Interior for Policy, Management, and Budget.

The hearing will take place Thursday, October 9, 1997, at 9:30 a.m. in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

For further information, please call Camille Flint at (202) 224–5070.

## NOTICE OF HEARING POSTPONEMENT

### COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MURKOWSKI. Mr. President, I would like to announce for the information of the Senate and the public that the October 8, 1997, hearing to receive testimony on S. 1064, a bill to amend the Alaska National Interest Lands Conservation Act to more effectively manage visitor service and fishing activity in Glacier Bay National Park and for other purposes which is scheduled before the Committee on Energy and Natural Resources has been postponed until further notice.

For further information, please contact Jim O'Toole of the subcommittee staff at (202) 224–5161.

## AUTHORITY FOR COMMITTEES TO MEET

### COMMITTEE ON ARMED SERVICES

Mr. FAIRCLOTH. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet on Wednesday, October 1, 1997, at 10 a.m. in open session, to consider the nomination of Dr. Jacques S. Gansler, to be Under Secretary of Defense for Acquisition and Technology.

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. FAIRCLOTH. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Wednesday, October 1, 1997, at 9 a.m. on the nomination of William Kennard to be FCC Chairman.

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON FINANCE

Mr. FAIRCLOTH. Mr. President, I ask unanimous consent that the Committee on Finance be permitted to meet Wednesday, October 1, 1997, beginning at 10 a.m. in room SH–215, to conduct a markup on several bills.

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. FAIRCLOTH. Mr. President, I ask unanimous consent on behalf of the Governmental Affairs Committee special investigation to meet on Wednesday, October 1, at 10 a.m., for a hearing on campaign financing issues.

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON THE JUDICIARY

Mr. FAIRCLOTH. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Wednesday, October 1, 1997, at 10 a.m. in room 226 of the Senate Dirksen Office Building to hold a hearing on "Congress' Constitutional Role in Protecting Religious Liberty."

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. FAIRCLOTH. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet for a hearing on health insurance coverage during the session of the Senate on Wednesday, October 1, 1997, at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON RULES AND ADMINISTRATION

Mr. FAIRCLOTH. Mr. President, I ask unanimous consent that the Committee on Rules and Administration be authorized to meet during the session of the Senate on Wednesday, October 1, 1997, at 10 a.m. until business is completed to hold a business meeting concerning the contested election for U.S. Senator from Louisiana.

The PRESIDING OFFICER. Without objection, it is so ordered.

### SELECT COMMITTEE ON INTELLIGENCE

Mr. FAIRCLOTH. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Wednesday, October 1, 1997, at 2 p.m. to hold an open confirmation hearing on the nomination of Lt. Gen. John A. Gordon, to be Deputy Director of Central Intelligence.

The PRESIDING OFFICER. Without objection, it is so ordered.

### SUBCOMMITTEE ON NATIONAL PARKS, HISTORIC PRESERVATION, AND RECREATION

Mr. FAIRCLOTH. Mr. President, I ask unanimous consent that the Subcommittee on National Parks, Historic Preservation, and Recreation of the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Wednesday, October 1, for purposes of conducting a subcommittee hearing which is scheduled to begin at 2 p.m. The purpose of this hearing is to receive testimony on S. 940, a bill to provide a study of the establishment of Midway Atoll as a national memorial to the Battle of Midway; and H.R. 765, a bill to ensure the maintenance of a herd of wild horses in Cape Lookout National Seashore.

The PRESIDING OFFICER. Without objection, it is so ordered.

### SUBCOMMITTEE ON NEAR EASTERN AND SOUTH ASIAN AFFAIRS

Mr. FAIRCLOTH. Mr. President, I ask unanimous consent that the Subcommittee on Near Eastern and South Asian Affairs of the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, October 1, 1997, at 10 a.m. to hold a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

## ADDITIONAL STATEMENTS

## REMARKS OF SENATOR JON KYL AT THE FIRST INTERNATIONAL CONSERVATIVE CONGRESS

• Mr. KYL. Mr. President, I ask that the text of the my remarks before the First International Conservative Congress be printed in the RECORD.

The text of the remarks follows:

### REMARKS BY SENATOR JON KYL AT THE FIRST INTERNATIONAL CONSERVATIVE CONGRESS—SEPTEMBER 28, 1997

### DEFINING A CONSERVATIVE APPROACH TO DEFENDING THE WEST

Thank you for inviting me to address the conference.

A conservative and internationalist approach to foreign policy is consistent. For example, during the Cold War Ronald Reagan worked not just to contain communism but to expand democracy. NATO expansion is a contemporary example where conservatives believe the U.S. should remain involved internationally to promote democracy, free markets, and to hedge against a revival of communism. A successful internationalist policy requires that you have firm clear national goals and the means and will to achieve them strategically.

The Clinton Administration pursues a foreign policy without clear goals or the will to act decisively and is squandering the national security means left to it by a dozen years of Republican presidency. It emphasizes hope over reality and reliance on arms control agreements like the Comprehensive Test Ban Treaty (CTBT), the Anti-Ballistic Missile (ABM) Treaty, and the Chemical Weapons Convention (CWC) over a stronger defense. And political benefit over national security, as in its decisions to cave in to the concerns of some in industry in irresponsibly relaxing export controls on key items like encryption technology and supercomputers.

Today's debate is similar to that which took place during the Cold War between those who favored detente and arms treaties and those who believed in a rational, tough policy of peace through strength. During the Cold War, the proponents of detente argued that the U.S. should overlook violations of promises and arms control agreements because of our tense relations with the Soviet Union and China. Today, the supporters of "engagement" say we should overlook violations of such treaties because of our improved relations with Russia and China. The result is the same—a muddled, confused foreign policy. But it hasn't stopped the Administration from proposing even more treaties, even as existing treaties are continually violated by all but the U.S.

### PROLIFERATION

I want to focus on how conservatives in the West believe we should deal with the threat posed by the proliferation of weapons of mass destruction and ballistic missiles, which is the key national security challenge facing us today.

As with so many other areas, the Clinton Administration's efforts to address this issue have been long on rhetoric and short on action. In 1994, President Clinton issued Executive Order 12938 declaring that the proliferation of weapons of mass destruction and the means of delivering them constitutes "an unusual and extraordinary threat to the national security, foreign policy, and economy of the United States," and that he had, therefore, decided to "declare a national emergency to deal with that threat." The President reaffirmed this Executive Order in 1995 and 1996. But since issuing this order, the Administration has primarily focused on concluding arms control agreements and sending diplomatic protest notes to combat this growing threat.

### THE THREAT

Rogue nations that are hostile to the United States are the primary proliferation threat, though the Russian arsenal remains the largest potential threat. Iran is of particular concern. Tehran is aggressively pursuing the development of nuclear weapons. On January 19, 1995, the Washington Times reported that Western intelligence agencies believe Iran is using its civilian nuclear power program as a cover for acquiring the technology and expertise to build nuclear weapons. According to the Times, the CIA estimates Iran is about 5-7 years away from building nuclear weapons, but could shorten that timetable if it received foreign assistance.

Iran's chemical and biological weapons programs began in the early 1980's and are now capable of producing a variety of highly lethal agents. Iran currently has Scud-B and Scud-C missiles also working to develop the ability to domestically produce longer-range missiles. On September 10, 1997, the Washington Times disclosed that Russia is assisting Iran with the development of two ballistic missiles that could be fielded in as little as three years. One of the missiles will reportedly have sufficient range to allow Tehran to strike targets as far away as Germany. In addition, other rogue states like Iraq, Libya, Syria, and North Korea are also aggressively pursuing ballistic missile and nuclear, biological, and chemical weapons programs.

### HOW SHOULD THE WEST RESPOND TO THE PROLIFERATION THREAT?

We need an integrated strategy combining three elements: (1) responsible export controls, (2) firm economic and diplomatic actions to create incentives and disincentives to prevent the spread of missiles and weapons of mass destruction, and, (3) ultimately, robust defenses to deter and respond to attacks.

The Clinton Administration has irresponsibly relaxed U.S. export controls on key technologies like encryption, machine tools, and supercomputers. For example, in 1994, the Administration approved the sale of machine tools to China that were intended to be used to produce McDonnell Douglas civilian airliners. Just sic months after the export licenses were approved, the company discovered the machine tools had been diverted to a facility where cruise missiles and fighter aircraft are produced for the Chinese military. In addition, China has purchased 47 supercomputers form the U.S. and one of Russia's premier nuclear weapons facilities has bought four supercomputers from a U.S. firm as well.

Multilateral control regimes like the Australia Group, restricting chemical trade, the Missile Technology Control Regime, and the Nuclear Supplier Group can limit the spread of sensitive technology. But as we learned through our experience with COCOM during the Cold War, even the best controls only slow the spread of the technology because determined nations find ways to circumvent the controls or eventually develop the technology themselves. We also must guard against a reliance on arms control agreements like the CWC and the CTBT that are not global or verifiable, and therefore not effective or useful.

We should make it unprofitable for countries to supply missiles and weapons of mass destruction technology to rogue regimes. For example, the annual foreign aid bill recently passed by the Senate conditions U.S. aid to Russia on a halt to nuclear and missile cooperation with Iran. Western nations can also impose economic sanctions on supplier countries and companies to provide disincentives for them to continue this dangerous trade. In addition, we should use convert action to raise the costs to countries that are suppliers of this sensitive technology.

Ultimately, we need to maintain strong defense capabilities to deter and respond to attacks involving weapons of mass destruction and ballistic missiles. By maintaining a robust, credible nuclear weapons capability, the U.S. can deter rogue nations from using weapons of mass destruction against U.S. forces or our allies. The U.S. should also improve our chemical and biological defenses. As we learned during the recent Senate debate over the Chemical Weapons Convention, the U.S. military's chemical and biological defense programs are underfunded and are inadequate to meet the current and projected threat.

### BALLISTIC MISSILE DEFENSE

The West is nearly defenseless against the expanding missile threat we face. Space-based systems offer a promising long-term solution and should be pursued. Sea-based missile defenses based on the Navy's AEGIS class ships, however, have the potential to provide near-term, flexible, and affordable protection for U.S. forces and our allies abroad. Sea-based systems would allow for ascent phase intercept of missiles armed with chemical or biological warheads.

Sea-based systems are more affordable because the U.S. has already invested $50 billion in the AEGIS fleet. Development of a sea-based theater missile defense could be completed in five years and deployment of 650 interceptors on 22 ships could cost as little as $5 billion. This system could then evolve into a national missile defense system, whose development, production, and deployment could be completed in 6–10 years for $12–17 billion, according to preliminary CBO estimates.

### CONCLUSION

There are two points of view on how to address this threat. We can either talk tough, and even in the face of incontrovertible evidence, overlook arms control violations for fear of damaging our relations with other nations. Or we can follow the path of peace through strength.•

## THE AMERICAN FISHERIES ACT

• Mr. BREAUX. Mr. President, the American Fisheries Act, S. 1221, was introduced last week by Senators STEVENS, MURKOWSKI, HOLLINGS and myself. This bill represents another major milestone in our long efforts to reserve U.S. fishery resources for bona fide U.S. citizens as well as take steps to substantially improve the conservation and management of our Nation's fishery resources through a reduction in the overcapitalization of our fishing fleets. To put the bill in perspective, I wish to remind my colleagues of the steps taken in the past to establish our fishery conservation zone, now called the Exclusive Economic Zone or EEZ, to support an American preference for harvesting and processing fishery resources within that zone, to eliminate foreign fishing in our EEZ whenever sufficient U.S. capacity existed, and finally to reduce the conservation and management problems associated with excess capacity. The historical basis for such a bill is well established in U.S. fishery policy.

### THE OPEN SEAS

For hundreds of years, a basic component of the freedom of the seas had been the freedom of fishing. Nations claimed narrow territorial seas where they exercised sovereignty on and above the surface down to and including the seabed, subject only to the right of innocent passage. Originally, this territorial sea was limited to 3 miles out from the coastline—that distance being the range which a cannonball could be fired from the shore to protect the coastal State's interest. Outside of the territorial sea, all nations enjoyed free access to fishery resources on the high seas, subject only to limitations imposed by international agreements and a general yet unenforceable understanding to conserve the resource.

### ESTABLISHING THE EXCLUSIVE ECONOMIC ZONE

This concept was radically changed in 1945 with the issuance of the Truman Proclamation which declared that the continental shelf contiguous to U.S. coasts was "appertaining to the United States, subject to its jurisdiction and control." Although the Truman Proclamation did not carry the force of international law, other nations followed suit in extending their jurisdiction beyond 3 nautical miles, some nations went out to 12 miles while others went all the way out to 200 miles. Congress contributed to this trend when it passed the 12 Mile Fishery Jurisdiction Act. In passing the Fishery Conservation and Management Act in 1976, Congress established a 200-mile fishery conservation zone where the United States would exercise sovereign rights over the conservation, harvesting, and management of the resource. In 1983, President Reagan declared through Proclamation 5030 that the United States would exercise broad sovereign rights from the seaward limit of the territorial sea to a distance of 200 miles from the shore, thus establishing the Exclusive Economic Zone. The EEZ regime was reflected in the U.N. Convention on the Law of the Sea and although the United States has not ratified this treaty, we maintain that it is generally reflective of customary international law applying to the EEZ among other things.

### AMERICANIZING THE FISHERIES

For more than 200 years, the Federal Government has been looking after our fishermen, starting as early as the Treaty of Paris of 1783 which secured fishing rights off the coast of New England. However, our management of fishery stocks was limited to our narrow territorial sea. This principle worked well until technology became very sophisticated in the early 1950's. Harvesting efficiency and capacity greatly increased and the presence of large foreign fishing fleets off our coast threatened the survivability of numerous stocks. In the 1950's, as large foreign fishing fleets loomed off our coast, Congress acted to protect the rights of our fishermen with the Fisherman's Protective Act of 1954. The Fish and Wildlife Act of 1956 also affirmed the rights of U.S. fishermen to waters off our own coast. In 1964, Congress passed the Prohibition of Fishing in the U.S. Territorial Waters by Foreign-Fishing Vessels and then in 1972, Congress passed the Prohibition of Foreign Fishing Vessels Act, again attempting to reserve the right to harvest U.S. fishing resources for U.S. fishermen. These laws were all precursors to the Fishery Conservation and Management Act of 1976 to which the names of Senators Magnuson and STEVENS were later added.

The Magnuson-STEVENS Fishery Conservation and Management Act. The Magnuson-STEVENS Act established a 200-mile Fishery Conservation Zone and further established U.S. management jurisdiction over all fishery resources within that zone. As a House cosponsor of the bill, I can recall the great debates of the day as the Magnuson-STEVENS Act was being discussed. Members feared retaliation by other nations because of our unilateral extension of authority out to 200 miles, but the fear of the foreign fishing fleets just off our coast was greater. Of special significance was the concept that U.S. fishermen should have the first right to harvest the fishery resources found within our 200-mile limit. Specifically, section 201 of the Magnuson-STEVENS Act states "After February 28, 1977, no foreign fishing is authorized within the exclusive economic zone * * *" unless certain conditions are met as set forth within the act. Section 2(b)(1) of the Magnuson-STEVENS Act stated as a purpose: "to exercise sovereign rights for the purposes of exploring, exploiting, conserving, and managing all fish within the exclusive economic zone." This Americanization provision allowed for the gradual reduction of foreign fishing within U.S. waters as U.S. capacity increased.

### THE AMERICAN FISHERIES PROMOTION ACT

However, the great promise of the Magnuson-STEVENS Fishery Conservation and Management Act to Americanize the fisheries was slow to come to fruition. As many Members may recall, numerous bills were introduced and debated to help the U.S. fleet establish itself in the new fishery conservation zone. In 1979, 60 percent of the edible and industrial fish we used was supplied by foreign companies despite the fact that 20 percent of the world's fishery resource was within our own zone. Foreign fleets still dominated our fishery conservation zone. As chairman of the Subcommittee on Fisheries and Wildlife Conservation and the Environment within the House Committee on Merchant Marine and Fisheries, I authored the American Fisheries Promotion Act. Popularly coined as the fish and chips bill, the legislation was designed to promote development of U.S. fisheries by providing a statutory mechanism to phaseout foreign fishing within our fishery conservation zone. Unfortunately, the phaseout of foreign flag vessels did not fully achieve the goal of reserving the full economic benefits of our resources to U.S. citizens.

### REFLAGGING ISSUES

Foreign companies were able to circumvent the intent of these laws by reflagging. Foreign-controlled companies could reflag their vessels under U.S. documentation laws and gain the same priority access to U.S. fishery resources as bona fide U.S. citizens were intended to enjoy. To counter such actions, Congress passed the Anti-Reflagging Act of 1987 which was designed to stop this practice and prohibit foreign ownership/control of U.S. fishing vessels. The exact method of ensuring this occurred was by requiring that a majority controlling interest in any corporation who owns fishing vessels operating in the U.S. fishery were bona fide U.S. citizens. To protect the financial investments of vessels already within the fishery, grandfather provisions were included in the bill. Unfortunately, interpretation of the grandfather provision has effectively nullified the original intent of that landmark legislation. Although the vessels now carry the American flag, effective control of the vessels is under foreign hands. This bill will restore the rights of bona fide United States citizens to have priority access to U.S. fishery resources which are well established under United States and international law. In essence, we seek to return to a de facto standard as set forth in section 201(d) which establishes that the total level of foreign fishing shall be the portion of the optimal yield which will not be harvested by U.S. vessels.

### OVERCAPITALIZATION OF THE FLEET

A second issue that we deal with in this bill is the issue of overcapitalization of the fishing fleet. The increasing demand for fish products throughout the world has created an incentive for increasing the size and capabilities of the world's fishing fleets. Traditionally, the United States has operated under an open access system of fishery management and increased demand has led to increased entry into the fishing industry. It is not disputed that the harvesting and processing capacity in the world far exceeds that required to efficiently harvest most resources.

The Magnuson-STEVENS Act's first National Standard requires that any fishery management plan be consistent with conservation and management measures to prevent overfishing while achieving optimal yield from the fishery. Controlling overfishing has been done in basically four types of programs—controlling the when, where, how and how much of fishing. Fishery managers control the when—establishing seasons in which a particular species may be fished. Fishery managers control the where—setting closed areas where fishermen cannot fish. Fishery managers control the how—restricting certain forms of fishing gear. And finally, fishery managers control the how much—setting total allowable catches to limit harvest. However, these methods have not always been successful and the collapses of the New England ground fishery and Bering Sea crab fishery are examples of that. The existence of "derby style" fishery where an excessive number of boats attempt to catch a limited resource in the shortest period of time possibly is one symptom of inadequate controls. Such derby style fishing in overcapitalized fisheries has led to a range of serious conservation, management, bycatch and safety problems in our fisheries. It is time to establish some form of control of fishing capacity, particularly if the capacity is under the control of foreign fishing companies. This bill will establish such control by reducing capacity with a preference for American companies—as Congress has long intended.

Mr. President, there are some areas of this bill which I will want to address further. For instance, the menhaden and tuna industries use large vessels to harvest their catch, primarily through purse seining. These fisheries operate outside of our Exclusive Economic Zone and are not subject to management by our traditional Regional Council system nor have they experienced the problems associated with overcapitalization. I will seek to ensure there are no unintended consequences of this bill on their industry. Mr. President, I think this bill continues the work that was started in 1976 and I look forward to a healthy and open debate on these very important issues.●

## CLARIFYING TREATMENT OF INVESTMENT ADVISERS UNDER ERISA

● Mr. JEFFORDS. Mr. President, on Friday, September 26, 1997, I introduced legislation which amends title I of the Employee Retirement Income Security Act of 1974 [ERISA] to permit investment advisers registered with State securities regulators to continue to serve as investment managers to ERISA plans. At the end of last Congress, the Investment Supervision Coordination Act, landmark bipartisan legislation that adopted a new approach for regulating investment advisers, was passed and signed into law. Under this legislation, beginning July 8, 1997, States are assigned primary responsibility for regulating smaller investment advisers and the Securities and Exchange Commission is assigned primary responsibility for regulating larger investment advisers. Prior to the passage of the legislation, the issue arose that smaller investment advisers registered only with the States—and prohibited from registering with the SEC—would no longer meet the definition of investment manager under ERISA because the current Federal law definition only recognized advisers registered with the Securities and Exchange Commission. As a temporary measure, a 2-year sunset provision was included in the securities reform legislation extending the qualification of State registered investment advisers as investment managers under ERISA for 2 years. The purpose of this provision was to address the problem on an immediate basis while concurrently giving the congressional committees with jurisdiction over ERISA matters the opportunity to review and act on the issue. We have reviewed this issue and have developed the legislation that I am introducing today to permanently correct this problem.

Without this legislation, State licensed investment advisers who, because of the securities reform legislation, no longer are permitted to register with the Securities and Exchange Commission will be unable to continue to be qualified to serve as investment managers to pension and welfare plans covered by ERISA. Without this legislation, the practices of thousands of small investment advisers, investment advisory firms and their supervision of client 401(k) and certain other pension plans will be seriously disrupted after October 10, 1998.

For business reasons, it is necessary for an investment adviser seeking to advise and manage assets of employee benefit plans subject to ERISA to meet ERISA's definition of investment manager. It is also important, for business reasons, to eliminate the uncertainty about the status of small investment advisers as investment managers under ERISA. This uncertainty makes it difficult for such advisers to acquire new ERISA plan clients and may well cause the loss of existing clients.

Arthus Levitt, chairman of the Securities and Exchange Commission, has written a letter expressing the need for this legislation and his support for this effort to correct this problem. I ask that a copy of Chairman Levitt's letter be inserted in the RECORD.

It is my understanding that this bill is supported by the Department of Labor. In addition, this bill is supported by the Institute of Certified Financial Planners, the National Association of Personal Financial Advisors, the International Association for Financial Planning, the American Institute of Certified Public Accountants, and the North American Securities Administrators Association, Inc. Mr. President, the sooner that Congress responds in a positive fashion to correct this problem, the better for small advisers and the capital management marketplace.

The letter follows:

U.S. SECURITIES AND
EXCHANGE COMMISSION,
*Washington, DC, April 7, 1997.*

Hon. JAMES M. JEFFORDS,
*Chairman, Committee on Labor and Human Resources,*
*U.S. Senate, Washington, DC.*

DEAR CHAIRMAN JEFFORDS: I am writing to urge that the Senate Committee on Labor and Human Resources consider enacting legislation to amend the Employee Retirement Income Security Act of 1974 ("ERISA") in a small but terribly important way. Unless the Congress acts quickly, thousands of small investment adviser firms, and their employees, risk having their businesses and their livelihoods inadvertently disrupted by changes to federal securities laws that were enacted during the last Congress.

At the very end of its last session, Congress passed the Investment Advisers Supervision Coordination Act. This was landmark bipartisan legislation that replaced an overlapping and duplicative state and federal regulatory scheme with a new approach that divided responsibility for investment adviser supervision: states were assigned primary responsibility for regulating smaller investment advisers, and the Securities and Exchange Commission was assigned primarily responsibility for regulating larger investment advisers. We supported this approach.

Under the Coordination Act takes effect in the next few months, most of the nation's 23,500 investment adviser firms—regardless of their size—will continue to be registered with the SEC, as they have for many decades. Once the Act becomes effective, however, we estimate that as many as 16,000 firms will be required to withdraw their federal registration. Indeed, this requirement is crucial if the Act's overall intent of reducing overlapping and duplicative regulation is to be realized. But the withdrawal of federal registration is also what causes the problem for these firms under ERISA.

As a practical business matter, it is a virtual necessity for a professional money manager (such as an investment adviser) seeking to serve employee benefit plans subject to ERISA to meet ERISA's definition of "investment manager." The term is defined in ERISA to include only investment advisers registered with the SEC, and certain banks and insurance companies. Once the Coordination Act becomes effective, large advisers registered with the SEC will of course continue to meet the definition. But small advisory firms will not be able to meet the definition of investment manager because they will be registered with the states rather than with the SEC. Thus they may well be precluded from providing advisory services to employee benefit plans subject to ERISA, even if they have been doing so successfully for many years.

The sponsors of the Coordination Act were aware that the interplay between the Act and ERISA could have substantial detrimental consequences for small advisers, and thus added an amendment to ERISA during the House-Senate Conference on the Act. The ERISA amendment provided that investment advisers registered with a state can serve as "investment managers" for two years, or through October 12, 1998. My staff has been told that this "sunset" provision was included in the ERISA amendment so that the appropriate congressional committees with jurisdiction over ERISA could have a reasonable amount of time to review the amendment before deciding whether to make it permanent. Apart from that important procedural issue, I am not aware of any other considerations that would suggest the need for the ERISA amendment to expire in two years.

I believe that the Congress should move as quickly as possible to enact legislation that eliminates the sunset provision, and permanently enables properly registered state investment advisers to continue their service as investment managers under ERISA. There is no reason to wait until 1998 to do so. In fact, many small investment advisers believe that the ongoing uncertainty about their status as "investment managers" under ERISA is making it difficult for them to acquire new ERISA plan clients, and may even cause them to lose existing clients. Some advisers think the harm they could suffer, even before the expiration of the sunset provision next year, could be irreparable, and it is easy to see why.

It is only through the swift action of your Committee that these unintended and unnecessary consequences for thousands of successful small businesses can be avoided. If you or your staff would like additional information about this matter, please do not hesitate to contact me at 942–0100, or Barry P. Barbash, Director of the Division of Investment Management, or Robert E. Plaze, an Associate Director in the Division, at 942–0720.

Sincerely,

ARTHUR LEVITT.•

## FEDERAL JUDICIARY PROTECTION ACT OF 1997

• Mr. LEAHY. Mr. President, I am proud to join as a cosponsor of the Federal Judiciary Protection Act of 1997, S. 1189.

This legislation would provide greater protection to Federal judges, law enforcement officers, and their families. Specifically, our legislation would: Increase the maximum prison term for forcible assaults, resistance, opposition, intimidation, or interference with a Federal judge or law enforcement officer from 3 years imprisonment to 8 years; increase the maximum prison term for use of a deadly weapon or infliction of bodily injury against a Federal judge or law enforcement officer from 10 years imprisonment to 20 years; and increase the maximum prison term for threatening murder or kidnaping of a member of the immediate family of a Federal judge or law enforcement officer from 5 years imprisonment to 10 years. It has the support of the Department of Justice, the U.S. Judicial Conference, the U.S. Sentencing Commission, and the U.S. Marshals Service.

It is most troubling that the greatest democracy in the world needs this legislation to protect the hard-working men and women who serve in our Federal judiciary and other law enforcement agencies. But, unfortunately, we are seeing more violence and threats of violence against officials of our Federal Government.

Earlier this year, for example, a courtroom in Urbana, IL, was firebombed, apparently by a disgruntled litigant. This follows the horrible tragedy of the bombing of the Federal office building in Oklahoma City 2 years ago. More recently in my home State, a Vermont border patrol officer, John Pfeiffer, was seriously wounded by Carl Drega, during a shootout with Vermont and New Hampshire law enforcement officers in which Drega lost his life. Earlier that day, Drega shot and killed two State troopers and a local judge in New Hampshire. Apparently, Drega was bent on settling a grudge against the judge who had ruled against him in a land dispute.

There is, of course, no excuse or justification for someone taking the law into their own hands and attacking or threatening a judge or law enforcement officer. Still, the U.S. Marshals Service is concerned with more and more threats of harm to our judges and law enforcement officers.

The extreme rhetoric that some are using to attack the judiciary only feeds into this hysteria. For example, one of the Republican leaders in the House of Representatives was recently quoted as saying: "The judges need to be intimidated," and if they do not behave, "we're going to go after them in a big way." I know that House Republican Whip TOM DELAY was not intending to encourage violence against any Federal official, but this extreme rhetoric only serves to degrade Federal judges in the eyes of the public.

Let none of us in the Congress contribute to the atmosphere of hate and violence. Let us treat the judicial branch and those who serve within it with the respect that is essential to its preserving its public standing.

We have the greatest judicial system in the world, the envy of people and countries around the world that are struggling for freedom. It is the independence of our third, coequal branch of Government that gives it the ability to act fairly and impartially. It is our judiciary that has for so long protected our fundamental rights and freedoms and served as a necessary check on overreaching by the other two branches, those more susceptible to the gusts of the political winds of the moment.

We are fortunate to have dedicated women and men throughout the Federal judiciary and law enforcement in this country who do a tremendous job under difficult circumstances. They are examples of the hard-working public servants that make up the Federal Government, who are too often maligned and unfairly disparaged. It is unfortunate that it takes acts or threats of violence to put a human face on the Federal judiciary and other law enforcement officials, to remind everyone that these are people with children and parents and cousins and friends. They deserve our respect and our protection.

I urge my colleagues to support the Federal Judiciary Protection Act of 1997 and look forward to its swift enactment.•

## ENERGY AND WATER DEVELOPMENT APPROPRIATIONS CONFERENCE REPORT FOR FISCAL YEAR 1998

• Mr. ASHCROFT. I would like to make a statement regarding the transfer of FUSRAP to the Army Corps of Engineers.

Mr. President, yesterday I cast a vote in favor of the Energy and Water Development Appropriations Conference Report for FY 1998 with hesitation. Missouri has a major FUSRAP site in St. Louis which contains nuclear contamination from the Manhattan project and other hazardous waste. For 15 years we have worked with the Department of Energy to clean up this site. During such time I have expressed concern over the delays but in just the past 2 weeks we have come to the point where DOE has begun preliminary cleanup efforts. Given this recent progress, the news of the FUSRAP program's transfer out of DOE has, quite understandably, caused a great deal of distress in the St. Louis community. While I am not questioning the corps' ability to handle the FUSRAP project, concern has been expressed that further delays will be caused by the transfer and undo much of the recent progress.

With site recommendations already made, feasibility studies concluded, and contracts let, it is encouraging that the corps will honor the preliminary groundwork laid by the St. Louis community. The plan designed by the community further illustrates their ability to continue to administer the program from St. Louis. Further, I was pleased to learn that the cleanup and restoration of contaminated sites falling within the purview of FUSRAP shall be managed and executed by the St. Louis area Civil Works District of the Corps of Engineers, ensuring that the local community will continue to be very involved in designing cleanup plans at the FUSRAP site and effectively maintain community input in the process.•

## FLORIDA SHERIFFS YOUTH RANCHES

• Mr. GRAHAM. Mr. President, I want to take this opportunity to recognize a program that for the past 40 years has served over 30,000 troubled boys, girls, and their families. This program has assisted these troubled youth by providing an opportunity to learn to resolve conflicts and learn proper values as they work toward a lawful, productive, and secure future. I speak specifically of the Florida Sheriffs Youth Ranches, which have been in continuous operation since October 2, 1957.

The first of these ranches was established on the banks of Florida's historic Suwannee River under the direction of the Florida Sheriffs Association.

For four decades, this ranch and the many others established in its wake have provided a home for neglected, troubled, and abused boys and girls. They offer in-home counseling and parent effectiveness training to hundreds of families throughout Florida each year. The programs for youth include residential care, camping, foster care, adoption, after-care, and individual and family counseling.

Through these youth ranches, the Florida Sheriffs Association and our State's individual sheriffs, deputies, and office staffs have made a vital contribution in the fight against juvenile delinquency and the breakdown of the American family.

Mr. President, the Florida Sheriffs Youth Ranches are a shining example of law enforcement working with communities to help troubled youth and their families. I offer my sincerest congratulations and thanks for their four decades of service to the people of Florida, and wish all of the individuals involved the best of luck for the next 40 years and beyond.•

## GERMAN-AMERICAN DAY

•Ms. MOSELEY-BRAUN. Mr. President, October 6 is German-American Day, and it is my pleasure to recognize the more than 57 million Americans who trace part of their ancestry to Germany.

Since the arrival of the first German immigrants in Philadelphia in 1683, German-Americans have distinguished themselves through their cultural, economic, and political contributions to life in the United States. Through their participation in American society, German-Americans have demonstrated their loyalty to their new homeland and their strong support of our Nation's democratic principles.

The German-American Friendship Garden in Washington, DC stands as a symbol of the positive and cooperative relations between the United States and the Federal Republic of Germany. I urge every American to acknowledge and honor the contributions to our Nation made by German-Americans, and to celebrate October 6 as German-American Day.•

## HISPANIC HERITAGE MONTH

• Mr. CLELAND. Mr. President, it is with great pleasure that I join my colleagues in recognizing September 15 through October 15 as Hispanic Heritage Month. It is important that we reflect on the great contributions that Hispanic-Americans have made to our Nation.

Hispanic-Americans embrace the American society and culture, while at the same time perpetuating a unique cultural heritage of their own. In so doing, they are contributing to our Nation's diversity—a quality Americans take great and justifiable pride in maintaining.

As one of the fastest growing segments of our society, Hispanic-Americans are an increasingly vital part of our economy. Hispanic-owned firms contribute significantly to our economic growth, and their ranks are increasing every day. In my own State of Georgia, which once served as the boundary between Spanish and English America, the number of Hispanic-owned businesses has risen 184.9 percent over the past 10 years.

But the contributions of Hispanic-Americans go well beyond the economic arena. Their strong commitment to family, community, and country sets an example for all our people. For example, many have demonstrated their commitment to our Nation through dedicated military service. And Hispanic culture continues to enrich American art, music, and literature.

Hispanic Heritage Month seeks to increase national awareness and understanding of and respect for Hispanics and their tradition of achievement in this country. Across the Nation, events are taking place which demonstrate our rich Hispanic heritage. Through these festivities, every American will be given the chance to experience Hispanic culture. I urge every citizen to do so. You will be educating yourself and giving the Hispanic-American community in your area the recognition it deserves.•

## TRIBUTE IN COMMEMORATION OF 25TH ANNIVERSARY OF UNIFORMED SERVICES UNIVERSITY OF THE HEALTH SCIENCES [USUHS]

• Mr. SARBANES. Mr. President, I rise today to congratulate the Uniformed Services University of the Health Sciences [USUHS] as it celebrates 25 years of service to our country. It was on September 21, 1972 that Public Law 92–426 established USUHS to provide a corps of uniformed medical officers who would provide continuity and leadership for uniformed medicine in the United States. For 25 years, USUHS had remained our Nation's only military medical school, ensuring top-quality medical care to the men and women of our armed services. This institution has consistently produced first-rate career medical officers who excel in meeting the needs of military medicine and military readiness.

USUHS provides a unique curriculum that contributes greatly to our military preparedness by providing knowledge that is vastly different from that taught in civilian medical schools. In fact, the American Medical Association [AMA] has recognized that training in military medicine mandates special course work and instruction not necessary in the civilian sector, and calls the existence of USUHS vital to the continued strength, morale and operational readiness of the military services. This specialized training includes trauma, mass casualties, combat surgery, medical logistics, nuclear medicine, tropical infectious diseases, and medical responses to terrorism.

Following 18 graduations at the University, the total of USUHS School of Medicine [SOM] graduates is 2,470; the 2,276 active duty USUHS physicians represent 17 percent of the current physician force in the military medical system. Over the years, the university's graduates have consistently demonstrated a high level of performance during their various deployments in combat areas and in support missions, including Desert Storm and Somalia. This performance based upon their extensive military training has been validated by three Surgeons General, the American Medical Association and the Military Coalition, the Retired Officers Association, the National Association for Uniformed Services, and the American Legion, among others.

It is also important to underscore the long-term commitment made by USUHS graduates to our armed services. Although USUHS graduates are required to serve 7 years of active duty beyond the time they devote to internships and residencies, the average time served is actually 18.5 years. Indeed, 85 percent of those graduates who have completed their initial service obligations and could leave active duty for the private sector remain on active duty in the Armed Forces where they often hold significant leadership and operational positions. For example, four USUHS-SOM graduates currently work directly for the President of the United States in medical support positions. That so many USUHS graduates have made a career of military medicine provides the continuity that is so critical to our military medical services.

In addition to its original mandate, USUHS has further expanded its mission to meet the changing needs of the armed services. Additional programs provided by USUHS include the Graduate School of Nursing, recently granted full accreditation by the National League for Nursing, which prepares advanced practice nurses to deliver primary care and services to all eligible beneficiaries; the Graduate Medical Education Programs, established in 1986 to provide DOD-wide consultation on internships, residency, and fellowship training for physicians; the Graduate Education Program which has provided 444 students with graduate degrees in the basic medical sciences; and the Continuing Education for Health Professionals Program which facilitates the continued professional growth of health care professionals in the uniformed services and reduces DOD travel and other expenses by bringing medical training directly to the health care professional.

For 25 years, this institution has consistently produced first-rate career medical officers who excel in meeting the needs of military medicine and military readiness. USUHS is a cost effective means of providing these uniquely trained physicians and deserves significant recognition of its accomplishments over its 25-year history in providing top-quality medical care.•

## TRIBUTE TO JONATHAN CAMERON BOSTER

• Mrs. MURRAY. Mr. President, I rise today to honor Jonathan Cameron Boster, a fallen firefighter who gave his life in service to his community. While nearly 100 fire service personnel nationwide sacrifice their lives every year, Jon's death is even more poignant because he was just 19 years old.

At 10 p.m. on April 8, 1996, Grant County Fire District 5 was responding to a structure fire in Moses Lake, WA. The water tanker Jon was driving rolled off a curved rural road, killing him and injuring one other firefighter. Jon's comrades could not turn back because of their commitment to the community. They did what Jon would have done; they fought the fire.

Jon was a fun-loving young man with bright eyes and a charming smile. A Montana State all-star basketball player in high school, Jon also played football and ran track. He enjoyed water and snow skiing, fishing and hunting. Jon delighted in his niece and nephew and his greatest joy was playing with them.

His driving desire, however, was firefighting and his world revolved around his ambition. He was a resident firefighter and E.M.S. provider and a State-certified first responder and defibrillator technician. He planned to attend the Washington State Fire Academy.

Each October, the National Fallen Firefighters Foundation holds a memorial in tribute to the firefighters who died the previous year. On October 5, 1997, Jon will be honored and a plaque listing his name and the names of each fallen firefighter will be unveiled and dedicated.

Every fallen firefighter is a hero, and each death a loss to an entire community. While Jon's death is sorrowful, we can take comfort in knowing that Jon gave his life in pursuit of his goal, racing not just to a fire, but toward a dream.•

## GEN. A.M. "BUDDY" STROUD

• Mr. BREAUX. Mr. President, November 8th will be a significant and emotional day for the more than 13,000 members of the Louisiana National Guard. That day will mark the conclusion of the extraordinary and distinguished military career of their beloved adjutant general, Maj. Gen. Ansel "Buddy" Stroud.

For 17 years, "Buddy" Stroud has provided strong and innovative leadership as Louisiana's top guardsman. In fact, anyone familiar with the Louisiana National Guard can attest that today's Louisiana National Guard is better trained, better equipped, and better prepared to defend our Nation than ever before. And much of that high degree of training and preparedness is due to the visionary and determined leadership that General Stroud has always provided.

Under General Stroud's able command, the Louisiana National Guard has always enjoyed widespread popular support in my State and has often made the difference in times of crisis and natural disaster in our State. In 1992, when Hurricane Andrew pounded the South Louisiana coast and inflicted heavy damage on a number of communities from New Orleans to Lafayette, General Stroud and his men were on the scene almost immediately. I suspect that without his leadership—and without the dedicated, hardworking guardsmen under his command—Louisiana's recovery from Andrew would have been much more painful and prolonged.

The Louisiana military personnel under General Stroud's command also distinguished themselves in another endeavor. During 1990–91, more than 6,400 men and women were activated for duty in Desert Shield/Desert Storm in the Persian Gulf. In all, 2,000 Louisiana Guardsmen saw duty in the Persian Gulf war. Our Nation and the people of Kuwait owe these men and women—and thousands of other guardsmen from other states—our sincere gratitude for their service in this noble cause.

Earlier this year, when the rapidly rising Mississippi River threatened to overwhelm our State penitentiary at Angola, General Stroud's guardsmen helped save the day by shoring up the levees. Because of the Guard's immediate response to this potential disaster, a costly evacuation of thousands of prisoners was averted.

Under General Stroud's leadership, the Guard has not only been present in times of natural disaster. Buddy Stroud has given thousands of Louisiana high school dropouts a second chance by creating a bootcamp-style program that instills discipline and guides these former dropouts toward the achievement of their high school diploma. Another program created under General Stroud's leadership, the Louisiana National Guard's Youth Challenge Program, was recently honored as the best overall youth challenge program in the United States.

Buddy Stroud was born on April 5, 1927 in Shreveport, LA. After his high school graduation, he attended college at Baylor and Texas A&M and graduated with his B.S. degree from the University of the State of New York. His long and distinguished military career began with his enlistment in the Army in 1944. Three years later, in 1947, he began a half century of service in the Louisiana National Guard, which culminated in 1981 with his promotion to the rank of major general.

General Stroud served his Nation in a number of other capacities. He is former president of the National Guard Association of the United States and has served on that organization's executive council for the last 4 years. He has also served as president of the Adjutants General Association of the United States.

Among General Stroud's professional achievements is a 1977 study which he directed for the Department of the Army on full-time training and administration for the Army Guard and the Army Reserve. The study, known as the Stroud Study, was accepted by the Army as a guideline for requirements of the National Guard and Army Reserve for full-time manning programs and was the basis for launching the AGR program. Most recently, General Stroud's unique contributions were recognized by the people of Louisiana when the State legislature directed that the Louisiana Military History and Weapons Museum should now bear his name.

While he will no longer serve the Guard in a full-time capacity, I know that retirement will not diminish "Buddy" Stroud's dedication to the Louisiana National Guard. In fact, I am certain that, even in retirement, he will find a way to continue making a significant contribution.

For many years, it has been my honor and privilege count "Buddy" Stroud as a friend. I could begin to count the number of times we worked together on behalf of the Louisiana National Guard, and because of our joint endeavors, I will always have fond memories of the important work that we did—together—for the Louisiana National Guard and the people of Louisiana. Most of all, however, I will always value Buddy's friendship.

Mr. President, Buddy Stroud is a truly extraordinary American. I know I speak for all Louisianians and all Americans when I salute him for his more than half century of distinguished service to his country and his State and wish him only the best in his well-deserved retirement.•

## BUDGET SCOREKEEPING REPORT

• Mr. DOMENICI. Mr. President, I hereby submit to the Senate the budget scorekeeping report prepared by the Congressional Budget Office under section 308(b) and in aid of section 311 of the Congressional Budget Act of 1974, as amended. This report meets the requirements for Senate scorekeeping of section 5 of Senate Concurrent Resolution 32, the First Concurrent Resolution on the Budget for 1986.

This report shows the effects of congressional action on the budget through September 26, 1997. The estimates of budget authority, outlays, and revenues, which are consistent with the technical and economic assumptions of the 1997 Concurrent Resolution on the Budget, House Concurrent Resolution 178, show that current level spending is above the budget resolution by $9.5 billion in budget authority and by $12.9 billion in outlays. Current level is $20.6 billion above the revenue floor in 1997 and $36.3 billion above the revenue floor over the 5 years 1997-2001. The current estimate of the deficit for purposes of calculating the maximum deficit amount is $219.9 billion, $7.4 billion below the maximum deficit amount for 1997 of $227.3 billion.

Since my last report, dated September 17, 1997, there has been no action to change the current level of budget authority, outlays, or revenues.

U.S. CONGRESS,  
CONGRESSIONAL BUDGET OFFICE,  
*Washington, DC, September 29, 1997.*

Hon. PETE V. DOMENICI,  
*Chairman, Committee on the Budget,*  
*U.S. Senate, Washington, DC.*

DEAR MR. CHAIRMAN: The enclosed report for fiscal year 1997 shows the effects of Congressional action on the 1997 budget and is current through September 26, 1997. The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of the 1997 Concurrent Resolution on the Budget (H. Con. Res. 178). This report is submitted under Section 308(b) and in aid of Section 311 of the Congressional Budget Act, as amended

Since my last report, dated September 16, 1997, there has been no action to change the current level of budget authority, outlays or revenues.

Sincerely,

JAMES L. BLUM  
(For June E. O'Neill, Director).

Enclosure.

THE CURRENT LEVEL REPORT FOR THE U.S. SENATE, FISCAL YEAR 1997, 105TH CONGRESS, 1ST SESSION, AS OF CLOSE OF BUSINESS SEPT. 26, 1997

[In billions of dollars]

| | Budget resolution H. Con. Res. 178 | Current level | Current level over/under resolution |
|---|---|---|---|
| ON-BUDGET | | | |
| Budget authority | 1,314.9 | 1,324.4 | 9.5 |
| Outlays | 1,311.3 | 1,324.2 | 12.9 |
| Revenues: | | | |
| 1997 | 1,083.7 | 1,104.3 | 20.6 |
| 1997–2001 | 5,913.3 | 5,949.6 | 36.3 |
| Deficit | 227.3 | 219.9 | −7.4 |
| Debt subject to limit | 5,432.7 | 5,301.5 | −131.2 |
| OFF-BUDGET | | | |
| Social Security outlays: | | | |
| 1997 | 310.4 | 310.4 | 0.0 |
| 1997–2001 | 2,061.3 | 2,061.3 | 0.0 |
| Social Security revenues: | | | |
| 1997 | 385.0 | 384.7 | −0.3 |
| 1997–2001 | 2,121.0 | 2,120.3 | −0.7 |

Note: Current level numbers are the estimated revenue and direct spending effects of all legislation that Congress has enacted or sent to the President for his approval. In addition, full-year funding estimates under current law are included for entitlement and mandatory programs requiring annual appropriations even if the appropriations have not been made. The current level of debt subject to limit reflects the latest U.S. Treasury information on public debt transactions.

Source: Congressional Budget Office.

THE ON-BUDGET CURRENT LEVEL REPORT FOR THE U.S. SENATE, 105TH CONGRESS, 1ST SESSION, SENATE SUPPORTING DETAIL FOR FISCAL YEAR 1997, AS OF CLOSE OF BUSINESS SEPT. 26, 1997

[In millions of dollars]

| | Budget Authority | Outlays | Revenues |
|---|---|---|---|
| ENACTED IN PREVIOUS SESSIONS | | | |
| Revenues | | | 1,101,532 |
| Permanents and other spending legislation | 843,324 | 801,465 | |
| Appropriation legislation | 753,927 | 788,263 | |
| Offsetting receipts | −271,843 | −271,843 | |
| Total previously enacted | 1,325,408 | 1,317,885 | 1,101,532 |
| ENACTED THIS SESSION | | | |
| Airport and Airway Trust Fund Reinstatement Act of 1997 (P.L. 105–2) | | | 2,730 |
| 1997 Emergency Supplemental Appropriations Act (P.L. 105–18) | −6,497 | 281 | |
| Balanced Budget Act of 1997 (P.L. 105–33) | 1 | 1 | |
| Taxpayer Relief Act of 1997 (P.L. 105–34) | | | 60 |
| Total, enacted this session | −6,496 | 282 | 2,790 |
| ENTITLEMENTS AND MANDATORIES | | | |
| Budget resolution baseline estimates of appropriated entitlements and other mandatory programs not yet enacted | 5,491 | 6,015 | |
| TOTALS | | | |
| Total current level | 1,324,403 | 1,324,182 | 1,104,322 |
| Total budget resolution | 1,314,935 | 1,311,321 | 1,083,728 |
| Amount remaining: | | | |
| Under budget resolution | | | |
| Over budget resolution | 9,468 | 12,861 | 20,594 |
| ADDENDUM | | | |
| Emergencies | 9,236 | 1,919 | |
| Contingent emergencies | 307 | 300 | |
| Total | 9,543 | 2,219 | |
| Total current level including emergencies | 1,333,946 | 1,326,401 | 1,104,322 |

Note: Amounts shown under "emergencies" represent funding for programs that have been deemed emergency requirements by the President and the Congress. Amounts under "contingent emergencies" represent funding designated as an emergency only by the Congress that is not available for obligation until it is requested by the President and the full amount requested is designated as an emergency requirement.

Source: Congressional Budget Office.•

## BUDGET SCOREKEEPING REPORT—1998

• Mr. DOMENICI. Mr. President, I hereby submit to the Senate the budget scorekeeping report prepared by the Congressional Budget Office under section 308(b) and in aid of section 311 of the Congressional Budget Act of 1974, as amended. This report meets the requirements for Senate scorekeeping of section 5 of Senate Concurrent Resolution 32, the first concurrent resolution on the budget for 1986.

This is my first report for fiscal year 1998.

This report shows the effects of congressional action on the budget through September 26, 1997. The estimates of budget authority, outlays, and revenues, which are consistent with the technical and economic assumptions of the 1998 concurrent resolution on the budget (H. Con. Res. 84), show that current level spending is below the budget resolution by $295.4 billion in budget authority and by $144.4 billion in outlays. Current level is $1.6 billion below the revenue floor in 1998 and $2.6 billion above the revenue floor over the 5 years 1998–2002. The current estimate of the deficit for purposes of calculating the maximum deficit amount is $30.6 billion, $142.7 billion below the maximum deficit amount for 1998 of $173.3 billion.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
*Washington, DC, September 29, 1997.*
Hon. PETE V. DOMENICI,
*Chairman, Committee on the Budget, U.S. Senate, Washington, DC.*

DEAR MR. CHAIRMAN: The enclosed report, my first for fiscal year 1998, shows the effects of Congressional action on the 1998 budget and is current through September 26, 1997. The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of the 1998 Concurrent Resolution on the Budget (H. Con. Res. 84). This report is submitted under Section 308(b) and in aid of Section 311 of the Congressional Budget Act, as amended.

Sincerely,

JAMES L. BLUM
(For June E. O'Neill, Director).

THE CURRENT LEVEL REPORT FOR THE U.S. SENATE, FISCAL YEAR 1998, 105TH CONGRESS, 1ST SESSION, AS OF CLOSE OF BUSINESS SEPTEMBER 26, 1997

[In billions of dollars]

| | Budget Resolution H. Con. Res. 84 | Current level | Current level over/under resolution |
|---|---|---|---|
| ON-BUDGET | | | |
| Budget authority | 1,390.8 | 1,095.4 | −295.4 |
| Outlays | 1,372.3 | 1,228.0 | −144.4 |
| Revenues: | | | |
| 1998 | 1,199.0 | 1,197.4 | −1.6 |
| 1998–2002 | 6,477.7 | 6,480.3 | 2.6 |
| Deficit | 173.3 | 30.6 | −142.7 |
| Debt subject to limit | 5,593.5 | 5,301.5 | −292.0 |
| OFF-BUDGET | | | |
| Social Security outlays: | | | |
| 1998 | 317.6 | 317.6 | 0.0 |
| 1998–2002 | 1,722.4 | 1,722.4 | 0.0 |
| Social Security revenues: | | | |
| 1998 | 402.8 | 402.7 | −0.1 |
| 1998–2002 | 2,212.1 | 2,212.1 | (1) |

[1] Less than $50 million.

Note: Current level numbers are the estimated revenue and direct spending effects of all legislation that Congress has enacted or sent to the President for his approval. In addition, full-year funding estimates under current law are included for entitlement and mandatory programs requiring annual appropriations even if the appropriations have not been made. The current level of debt subject to limit reflects the latest U.S. Treasury information on public debt transactions.

Source: Congressional Budget Office.

THE ON-BUDGET CURRENT LEVEL REPORT FOR THE U.S. SENATE, 105TH CONGRESS, 1ST SESSION, SENATE SUPPORTING DETAIL FOR FISCAL YEAR 1998, AS OF CLOSE OF BUSINESS SEPTEMBER 26, 1997

[In millions of dollars]

| | Budget authority | Outlays | Revenues |
|---|---|---|---|
| Enacted in Previous Sessions | | | |
| Revenues | | | 1,206,379 |
| Permanents and other spending legislation | 880,313 | 866,860 | |
| Appropriation legislation | | 241,036 | |
| Offsetting receipts | −211,291 | −211,291 | |
| Total previously enacted | 669,022 | 896,605 | 1,206,379 |
| Enacted This Session | | | |
| 1997 Emergency Supplemental Appropriations Act (P.L. 105–18) | −350 | −280 | |
| Balanced Budget Act of 1997 (P.L. 105–33) | 1,525 | 477 | 267 |
| Taxpayer Relief Act of 1997 (P.L. 105–34) | | | −9,281 |
| Stamp Out Breast Cancer Act (P.L. 105–41) [1] | | | |
| Total enacted this session | 1,175 | 197 | −9,014 |
| Passed Pending Signature | | | |
| 1998 Defense appropriations bill (H.R. 2315) | 247,709 | 164,702 | |
| 1998 Legislative branch appropriations bill (H.R. 2209) | 2,251 | 2,023 | |
| 1998 Military construction appropriations bill (H.R. 2016) | 9,183 | 3,024 | |
| Total passed pending signature | 259,143 | 169,749 | |
| Entitlements and Mandatories | | | |
| Budget resolution baseline estimates of appropriated entitlements and other mandatory programs not yet enacted | 166,040 | 161,417 | |
| Totals | | | |
| Total current level | 1,095,380 | 1,227,968 | 1,197,365 |
| Total budget resolution | 1,390,786 | 1,372,341 | 1,199,000 |
| Amount remaining: | | | |
| Under budget resolution | 295,406 | 144,373 | 1,635 |
| Over budget resolution | | | |
| Addendum | | | |
| Emergencies | 266 | 2,283 | |
| Contingent emergencies | | | |
| Total | 266 | 2,283 | |
| Total current level including emergencies | 1,095,646 | 1,230,251 | 1,197,365 |

[1] The revenue effects of this act begin in fiscal year 1999.

Note: Amounts shown under "emergencies" represent funding for programs that have been deemed emergency requirements by the President and the Congress. Amounts shown under "contingent emergencies" represent funding designated as an emergency only by the Congress that is not available for obligation until it is requested by the President and the full amount requested is designated as an emergency requirement.

Source: Congressional Budget Office.•

## PASSAGE VITIATED—S. 1022

Ms. COLLINS. Mr. President, I now ask unanimous consent that passage of S. 1022 be vitiated.

The PRESIDING OFFICER. Without objection, it is so ordered.

## APPOINTMENT BY THE PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The Chair, on behalf of the President pro tempore, pursuant to Public Law 99–498, appoints Charles Terrell of Massachusetts to the Advisory Committee on Student Financial Assistance for a 3-year term effective October 1, 1997.

## RELIGIOUS WORKERS ACT OF 1997

Ms. COLLINS. Mr. President, I ask the Chair lay before the Senate a message from the House of Representatives on (S. 1198) to amend the Immigration and Nationality Act to provide permanent authority for entry into the United States of certain religious workers.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

*Resolved,* That the bill from the Senate (S. 1198) entitled "An Act to amend the Immigration and Nationality Act to provide permanent authority for entry into the United States of certain religious workers.", do pass with the following amendments:

Strike out all after the enacting clause and insert:

***SECTION 1. 3-YEAR EXTENSION OF SPECIAL IMMIGRANT RELIGIOUS WORKER PROGRAM.***

*(a) IN GENERAL.—Section 101(a)(27)(C)(ii) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(27)(C)(ii)) is amended by striking "1997," each place it appears and inserting "2000,".*

*(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act.*

***SEC. 2. WAIVER OF NONIMMIGRANT VISA FEES FOR CERTAIN CHARITABLE PURPOSES.***

*(a) IN GENERAL.—Section 281 of the Immigration and Nationality Act (8 U.S.C. 1351) is amended by adding at the end the following new sentence: "Subject to such criteria as the Secretary of State may prescribe, including the duration of stay of the alien and the financial burden upon the charitable organization, the Secretary of State shall waive or reduce the fee for application and issuance of a nonimmigrant visa for any alien coming to the United States primarily for, or in activities related to, a charitable purpose involving health or nursing care, the provision of food or housing, job training, or any other similar direct service or assistance to poor or otherwise needy individuals in the United States.".*

*(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act.*

***SEC. 3. 6-MONTH EXTENSION OF DEADLINE FOR DESIGNATION OF EFFECTIVE DATE FOR PAPERWORK CHANGES IN EMPLOYER SANCTIONS PROGRAM.***

*(a) IN GENERAL.—Section 412(e)(1) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (Public law 104–208; 110 Stat. 3009–668) is amended by striking "12" and inserting "18".*

*(b) Effective Date.—The amendment made by subsection (a) shall take effect as if included in the enactment of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996.*

Amend the title so as to read "A bill to amend the Immigration and Nationality Act to extend the special immigrant religious worker program, to amend the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 to extend the deadline for designation of an effective date for paperwork changes in the employer sanctions program, and to require the Secretary of State to waive or reduce the fee for application and issuance of a nonimmigrant visa for aliens coming to the United States for certain charitable purposes.".

Ms. COLLINS. Mr. President, I ask unanimous consent that the Senate concur in the amendments of the House.

The PRESIDING OFFICER. Without objection, it is so ordered.

## NATIONAL FLOOD INSURANCE REAUTHORIZATION ACT OF 1997

Ms. COLLINS. Mr. President, I now ask unanimous consent that the Banking Committee be discharged from further consideration of S. 1179, and further that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The bill clerk read as follows:

A bill (S. 1179) to amend the National Flood Insurance Act of 1968 to reauthorize the National Flood Insurance Program.

The Senate proceeded to consider the bill.

Mr. D'AMATO. Mr. President, I rise today to support the passage of the National Flood Insurance Reauthorization Act of 1997 (S. 1179). This legislation, which I introduced on September 16, 1997, provides for a simple and straightforward 5-year extension of the National Flood Insurance Program [NFIP] until September 30, 2002. This legislation will place this important program on a steady and secure foundation so that it continues to provide protection to flood insurance policyholders and the Federal taxpayers. I thank my friend and colleague Senator PAUL SARBANES for cosponsoring this measure.

The National Flood Insurance Program, which is administered by the Federal Emergency Management Agency [FEMA], enables over 3.7 million American families to insure their homes and possessions. In my home State of New York, 85,000 families participate in the NFIP. The NFIP allows these families, on Long Island and along the Great Lakes and the State's many rivers, to purchase insurance coverage to protect their homes in the event of a catastrophic flood.

The NFIP employs a comprehensive approach to alleviating the risks posed by catastrophic floods. Floodplain communities participate in FEMA's community rating system and are offered incentives to adopt and enforce measures to reduce the risk of flood damage and improve flood prevention building criteria. To avoid the danger of repetitive losses, the program provides stringent building standards designed to reduce the risk of future damage. These flood protection standards must be met before any structure which suffers substantial damage may be rebuilt. In addition, persons who receive disaster assistance and fail to subsequently purchase flood insurance are barred from receiving future assistance.

Mr. President, the NFIP plays a critical role in reducing the costs of Federal disaster relief. Current NFIP policyholders pay approximately $1.3 billion annually into the NFIP fund. Without this premium income, the Federal Government would likely pay spiraling costs in disaster relief. The NFIP has the added benefits of improving State and community planning and Federal support for locally driven disaster prevention and mitigation activities.

Reauthorizing the NFIP is an important step forward in reaffirming the commitment of the Federal Government to help American families protect their homes and to protect the Federal taxpayer from the risks of catastrophic floods. Clearly, we must do more. Lenders and private insurers who participate in the NFIP must do more to ensure compliance. States and local communities must improve their disaster planning, prevention, and response activities. FEMA must redouble its efforts to increase participation in the program to improve the safety and soundness of the NFIP fund. Also, the Federal Government must do more to prevent and mitigate against the losses which will inevitably occur from future floods.

Mr. President, I note that this bill has the full support of the administration. I wish to thank the members of the Banking Committee for their bipartisan support of this important measure and I urge our colleagues in the House to support its swift enactment.

Ms. COLLINS. Mr. President, I ask unanimous consent that the bill be deemed read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill appear at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 1179) was deemed read the third time and passed, as follows:

S. 1179

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "National Flood Insurance Reauthorization Act of 1997".

**SEC. 2. EXTENSION OF NATIONAL FLOOD INSURANCE PROGRAM.**

Section 1319 of the National Flood Insurance Act of 1968 (42 U.S.C. 4026) is amended by striking "September 30, 1997" and inserting "September 30, 2002".

## ORDERS FOR FRIDAY, OCTOBER 3, 1997

Ms. COLLINS. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in adjournment until the hour of 10 a.m., on Friday, October 3d. I further ask unanimous consent that on Friday, immediately following the prayer, the routine requests through the morning hour be granted and that there be a period of morning business with Senators permitted to speak for up to 5 minutes each, except for the following: Senator DASCHLE or his designee for 30 minutes, from 10 o'clock to 10:30; Senator COVERDELL or his designee for up to 60 minutes, from 10:30 to 11:30.

The PRESIDING OFFICER. Without objection, it is so ordered.

## PROGRAM

Ms. COLLINS. Mr. President, the Senate will not be in session tomorrow in observance of the Jewish holiday. On Friday, the Senate will reconvene for a period of morning business. As announced, no rollcall votes will occur on Friday or Monday. The next possibility for rollcall votes will occur Tuesday morning. Following Friday's session, the Senate will reconvene on Monday and resume consideration of S. 25, the campaign finance reform bill. In addition, the Senate may consider the D.C. appropriations bill during Tuesday's session.

## ADJOURNMENT UNTIL FRIDAY, OCTOBER 3, 1997, AT 10 A.M.

Ms. COLLINS. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 5:02 p.m., adjourned until Friday, October 3, 1997, at 10 a.m.

## NOMINATIONS

Executive nominations received by the Senate October 1, 1997:

### DEPARTMENT OF STATE

STEVEN J. GREEN, OF FLORIDA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF SINGAPORE.

DANIEL CHARLES KURTZER, OF MARYLAND, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE ARAB REPUBLIC OF EGYPT.

STEVEN KARL PIFER, OF CALIFORNIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE UKRAINE.

### EXECUTIVE OFFICE OF THE PRESIDENT

DUNCAN T. MOORE, OF NEW YORK, TO BE AN ASSOCIATE DIRECTOR OF THE OFFICE OF SCIENCE AND TECHNOLOGY POLICY, VICE LIONEL SKIPWORTH JOHNS, RESIGNED.

# EXTENSIONS OF REMARKS

## SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, October 2, 1997, may be found in the Daily Digest of today's RECORD.

## MEETINGS SCHEDULED

### OCTOBER 6

10:00 a.m.

Governmental Affairs

Permanent Subcommittee on Investigations

To hold hearings to examine traditional frauds perpetrated over the Internet.

SD–342

Indian Affairs

To hold hearings on S. 1079, to permit the leasing of mineral rights within the Fort Berthold Reservation.

SR–485

### OCTOBER 7

9:00 a.m.

Agriculture, Nutrition, and Forestry

To hold hearings on the nomination of Sally Thompson, of Kansas, to be Chief Financial Officer, Department of Agriculture, and on other pending nominations.

SR–332

10:00 a.m.

Banking, Housing, and Urban Affairs

Securities Subcommittee

To hold joint hearings with the Committee on Finance's Subcommittee on Social Security and Family Policy and Subcommittee on Health Care to examine investment based alternatives to the current pay-as-you-go method of financing Social Security and Medicare.

SD–215

Finance

Social Security and Family Policy Subcommittee

To hold joint hearings with the Committee on Finance's Subcommittee on Health Care and the Committee on Banking, Housing, and Urban Affairs' Subcommittee on Securities to examine investment based alternatives to the current pay-as-you-go method of financing Social Security and Medicare.

SD–215

Finance

Health Care Subcommittee

To hold joint hearings with the Committee on Banking, Housing, and Urban Affairs' Subcommittee on Securities and the Committee on Finance's Subcommittee on Social Security and Family Policy to examine investment based alternatives to the current pay-as-you-go method of financing Social Security and Medicare.

SD–215

Foreign Relations

To hold hearings to examine the strategic rationale for NATO enlargement.

SD–419

Governmental Affairs

To resume hearings to examine certain matters with regard to the committee's special investigation on campaign financing.

SH–216

Judiciary

To hold hearings on improving citzens' access to justice, focusing on vindication of property rights.

SD–226

Labor and Human Resources

To hold hearings on the nomination of Charles N. Jeffress, of North Carolina, to be an Assistant Secretary of Labor.

SD–430

2:00 p.m.

Energy and Natural Resources

Water and Power Subcommittee

To hold hearings on S. 725, to convey the Collbran Reclamation Project to the Ute Water Conservancy District and the Collbran Conservancy District, S. 777, to authorize the construction of the Lewis and Clark Rural Water System and to authorize assistance to the Lewis and Clark Rural Water System, Inc., H.R. 848, to extend the deadline under the Federal Power Act applicable to the construction of the AuSable Hydroelectric Project in New York, H.R. 1184, to extend the deadline under the Federal Power Act for the construction of the Bear Creek Hydroelectric Project in the State of Washington, H.R. 1217, to extend the deadline under the Federal Power Act for the construction of a hydroelectric project in the State of Washington, S. 1230, to provide for Federal cooperation in non-Federal reclamation projects, and S. 841, to authorize construction of the Fort Peck Reservation Rural Water System in the State of Montana.

SD–366

Foreign Relations

To hold hearings on the Taxation Convention with Austria (Treaty Doc. 104–31), Tax Convention with Ireland (Treaty Doc. 105–31), Taxation Convention with Luxembourg (Treaty Doc. 104–33), Tax Convention with South Africa (Treaty Doc. 105–9), Tax Convention with Swiss Confederation (Treaty Doc. 105–8), Taxation Convention with Thailand (Treaty Doc. 105–2), Taxation Agreement with Turkey (Treaty Doc. 104–30), and Protocol Amending Tax Convention with Canada (Treaty Doc. 105–29).

SD–419

3:00 p.m.

Veterans' Affairs

Business meeting, to mark up miscellaneous veterans health and benefits bills, including S. 987, S. 714, S. 986, S. 309, S. 464, S. 623, S. 730, S. 801, S. 813, and S. 999.

SR–418

### OCTOBER 8

9:00 a.m.

Agriculture, Nutrition, and Forestry

To hold hearings on proposed legislation relating to food safety.

SR–332

9:30 a.m.

Indian Affairs

To hold hearings on the proposed settlement between State Attorneys General and tobacco companies, focusing on the proposed Indian provision.

SR–485

10:00 a.m.

Governmental Affairs

To continue hearings to examine certain matters with regard to the committee's special investigation on campaign financing.

SH–216

Labor and Human Resources

To hold hearings on the nomination of David Satcher, of Tennessee, to be Assistant Secretary of Health and Human Services and Medical Director and Surgeon General of the Public Health Service, Department of Health and Human Services.

SD–430

Labor and Human Resources

To hold hearings on the nomination of David Satcher, of Tennessee, to be Assistant Secretary of Health and Human Services and Medical Director and Surgeon General of the Public Health Service, Department of Health and Human Services.

SD–106

2:00 p.m.

Judiciary

Antitrust, Business Rights, and Competition Subcommittee

To hold hearings to examine issues with regard to competition in the cable and video markets.

SD–226

### OCTOBER 9

9:30 a.m.

Energy and Natural Resources

To hold hearings on the nomination of M. John Berry, of Maryland, to be Assistant Secretary of the Interior for Policy, Management, and Budget.

SD–366

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Labor and Human Resources
Public Health and Safety Subcommittee
To hold hearings to examine the National Institutes of Health clinical research.
SD-430

10:00 a.m.
Governmental Affairs
To continue hearings to examine certain matters with regard to the committee's special investigation on campaign financing.
SH-216

2:00 p.m.
Energy and Natural Resources
National Parks, Historic Preservation, and Recreation Subcommittee
To hold oversight hearings on the feasibility of using bonding techniques to finance large-scale capital projects in the National Park System.
SD-366

### OCTOBER 20

10:00 a.m.
Indian Affairs
To hold hearings on H.R. 79, to provide for the conveyance of certain land in the Six Rivers National Forest in the State of California for the benefit of the Hoopa Valley Tribe, and S. 156, to provide certain benefits of the Pick-Sloan Missouri River Basin program to the Lower Brule Sioux Tribe.
SR-485

### OCTOBER 21

9:30 a.m.
Labor and Human Resources
To hold hearings on S. 1124, to amend title VII of the Civil Rights Act of 1964 to establish provisions with respect to religious accommodation in employment.
SD-430

10:00 a.m.
Indian Affairs
To hold hearings on H.R. 700, to remove the restriction on the distribution of certain revenues from the Mineral Springs parcel to certain members of the Agua Caliente Band of Cahuilla Indians, and H.R. 976, to provide for the disposition of certain funds appropriated to pay judgment in favor of the Mississippi Sioux Indians.
SR-485

### OCTOBER 22

9:30 a.m.
Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

Labor and Human Resources
Business meeting, to consider pending calendar business.
SD-430

### OCTOBER 23

9:30 a.m.
Indian Affairs
To hold hearings on S. 1077, to amend the Indian Gaming Regulatory Act.
SD-106

10:00 a.m.
Labor and Human Resources
To hold hearings on S. 869, to prohibit employment discrimination on the basis of sexual orientation.
SD-430

### OCTOBER 27

10:00 a.m.
Indian Affairs
To hold oversight hearings on the contemporary status of the Bureau of Indian Affairs of the Department of the Interior.
Room to be announced

2:00 p.m.
Labor and Human Resources
Public Health and Safety Subcommittee
To hold hearings to examine proposals to deter youth from using tobacco products.
SD-430

### OCTOBER 28

10:00 a.m.
Labor and Human Resources
To resume hearings to examine an Administration study on the confidentiality of medical information and recommendations on ways to protect the privacy of individually identifiable information and to establish strong penalties for those who disclose such information.
SD-430

### OCTOBER 30

10:00 a.m.
Labor and Human Resources
To hold hearings to examine recent developments and current issues in HIV/AIDS.
SD-430

### NOVEMBER 5

9:30 a.m.
Indian Affairs
To hold oversight hearings on proposals to extend compacting to agencies of the Department of Health and Human Services.
SR-485

## CANCELLATIONS

### OCTOBER 2

10:00 a.m.
Governmental Affairs
To continue hearings to examine certain matters with regard to the committee's special investigation on campaign financing.
SH-216

### OCTOBER 8

9:30 a.m.
Energy and Natural Resources
To hold hearings on S. 1064, to amend the Alaska National Interest Lands Conservation Act to more effectively manage visitor service and fishing activity in Glacier Bay National Park.
SD-366

### OCTOBER 29

9:30 a.m.
Indian Affairs
To resume oversight hearings on proposals to reform the management of Indian trust funds.
Room to be announced

# HOUSE OF REPRESENTATIVES—*Thursday, October 2, 1997*

The House met at 10 a.m. and was called to order by the Speaker pro tempore [Mr. PEASE].

## DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
*October 2, 1997.*

I hereby designate the Honorable EDWARD A. PEASE to act as Speaker pro tempore on this day.

NEWT GINGRICH,
*Speaker of the House of Representatives.*

## PRAYER

The Reverend Dr. Ronald F. Christian, director, Lutheran Social Services of Virginia, Fairfax, VA, offered the following prayer:

Almighty God, You have placed us in a world of space and time, and through the events of our lives You bless us with Your love.

Make us all mindful of the swift and certain passage of time, not only the ticks of the clock, but the sweep of the years.

We acknowledge that time is Your gift to each of us. We pray, let us all accept Your gift of time, the hours of this day, the days of this month, the months of this year, and the years of our lives with gratitude, using the gift wisely in the cause of peace and goodwill to all.

O God, let us use our time for blessing rather than cursing, for thanksgiving rather than complaining, for caring rather than gaining, and for giving rather than conserving.

May we know Your presence in our lives. May we see Your love in our surroundings, and may we live with joy in this moment. Amen.

## THE JOURNAL OF TUESDAY, SEPTEMBER 30, 1997

The SPEAKER pro tempore (Mr. PEASE). Pursuant to clause 5 of rule I, the unfinished business is the question of agreeing to the Speaker's approval of the Journal of Tuesday, September 30, 1997.

The question is on agreeing to the Speaker's approval of the Journal.

Pursuant to clause 1, rule I, the Journal stands approved.

## THE JOURNAL OF WEDNESDAY, OCTOBER 1, 1997

The SPEAKER pro tempore. The Chair has examined the Journal of Wednesday, October 1, 1997, and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

## PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from North Carolina [Mr. BALLENGER] come forward and lead the House in the Pledge of Allegiance.

Mr. BALLENGER led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

## MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed with amendment a bill of the House of the following title:

> H.R. 2267. An act making appropriations for the Departments of Commerce, Justice, and State, the judiciary, and related agencies for the fiscal year ending September 30, 1998, and for other purposes.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 2267) "An Act making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1998, and for other purposes," requests a conference with the House of Representatives on the disagreeing votes of the two Houses thereon, and appoints Mr. GREGG, Mr. STEVENS, Mr. DOMENICI, Mr. MCCONNELL, Mrs. HUTCHISON, Mr. CAMPBELL, Mr. COCHRAN, Mr. HOLLINGS, Mr. BYRD, Mr. INOUYE, Mr. BUMPERS, Mr. LAUTENBERG, and Ms. MIKULSKI, to be the conferees on the part of the Senate.

The message also announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

> S. 1179. An act to amend the National Flood Insurance Act of 1968 to reauthorize the National Flood Insurance Program.

## DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. LIVINGSTON. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

## GRANTING MEMBERS OF THE HOUSE, PRIVILEGE TO EXTEND REMARKS AND INCLUDE EXTRANEOUS MATERIAL IN THE CONGRESSIONAL RECORD TUESDAY, SEPTEMBER 30, 1997, THROUGH TODAY

Mr. LIVINGSTON. Mr. Speaker, I ask unanimous consent that for Tuesday, September 30, 1997, Wednesday, October 1, 1997, and for today, all Members be permitted to extend their remarks and to include extraneous material in that section of the RECORD entitled "Extensions of Remarks."

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

## ADJOURNMENT TO MONDAY, OCTOBER 6, 1997

Mr. LIVINGSTON. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet at 12:30 p.m. on Monday next for morning hour debate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

## NATIONAL LABOR RELATIONS BOARD

(Mr. BALLENGER asked and was given permission to address the House for 1 minute.)

Mr. BALLENGER. Mr. Speaker, the testimony presented last week in the Committee on Education and the Workforce and in other recent hearings makes it apparent that the National Labor Relations Board is an out-of-control Government bureaucracy.

Under the direction of the current Chairman and general counsel, the Board appears to be liberally interpreting the law and appears in many cases to be getting involved in labor disputes in order to promote the agenda of organized labor.

In our committee last week, hardworking business people spoke about the questionable NLRB actions in labor disputes and testified that the Board ignores illegal union tactics which result in substantial cost to the employers and disruptions and uncertainty in

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

the workplace. The Board's conduct also allows unions to harass companies until they give in and agree to representation, despite the wishes of the employees.

Mr. Speaker, Congress should rightfully be concerned that the National Labor Relations Board is not acting as a neutral referee in labor disputes as required by law. This behavior should be unacceptable to anyone who values the traditional concepts of fairness and balance in the labor-management relations in the United States.

## SPECIAL ORDERS

The SPEAKER pro tempore (Mr. PEASE). Under the Speaker's announced policy of January 7, 1997, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

## FRUSTRATIONS OF DOING THE PEOPLE'S BUSINESS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from Florida [Mr. SCARBOROUGH] is recognized for 60 minutes as the designee of the majority leader.

Mr. SCARBOROUGH. Mr. Speaker, I come to the floor today, I have to say, a bit saddened by some of the events that have occurred this past week. I came to Congress in 1994, and like many of us who came here, we had never been in government before, certainly had not been in Federal Government service before, and I have to say over the past 3 years I have had a wonderful opportunity to see the way that Government works, to see the way that Congress works, to see the way Washington, DC, works, and there have been a lot of highlights.

I have seen a lot of good, decent people on both sides of the aisle who care about this country, who care about their children's future, and who believe that America can do better, and I have been very proud to serve here. I think most Americans who, like me, had really just gotten their news from sitting on the couch watching TV their whole lives would be pleased if they came up here and saw a lot of things that happened. But regrettably, as is in any profession, there are some who do not really carry themselves with as much dignity as others.

I have to say, this past week I was deeply saddened by some of the events that occurred on this floor during debates regarding a seat in California, and it was Ms. SANCHEZ'S seat, and it had to deal with the challenge that Bob Dornan was placing on Ms. SANCHEZ.

Just putting aside the facts of this case, what bothered me the most was that there were several Members on the Democratic side that came up and chose to use race as an issue, and they have been using race as an issue over and over again. In fact, I think it would be safe to say, and I saw some journalists report that their activities could be described as race-baiting, basically calling anybody who followed the Los Angeles Times observations and who followed the observations by the House panel on this election, suggesting that anybody that raised tough questions about this election somehow was racist against Hispanics. I have to say, all we have to do is wave the race flag and one does cause a lot of people to retreat.

The reason I come to the floor today not retreating is because, regrettably, I think this is just another tactic by a very scared minority, the Democrats, political minority, who are trying to do their best to change the subject instead of changing America for the better or instead of changing the law for the better.

The Los Angeles Times reported early on about this election that the corruption and the vote-buying and the number of illegal aliens voting was so widespread that one of Mr. Dornan's opponents, not Ms. SANCHEZ, but one of Mr. Dornan's opponents, actually held a raffle for a car for illegal immigrants and told illegal immigrants that if they signed up for this raffle, all they had to do was vote, and the winner of this raffle would win a new car. And so the gentleman, the illegal immigrant that joined this, actually entered a raffle, voted illegally in the election, and then won a car because of it, according to Los Angeles Times reports.

There have also been documented up to 350 to 400 illegal immigrants voting in this election, with the possibility of many more voting, but regrettably, because the Justice Department has not moved swiftly enough, this matter continues to drag out.

But I guess what it highlighted to me was a continuing trend, and it was a trend to obstruct justice, politically obstruct justice, instead to seeing to it that the American people found out what was going on, and of course this is happening in campaign finance debates across Washington and across America. Every time somebody is charged with a new crime or a possible crime, or every time the news media comes out and attacks somebody for questionable behavior, they immediately turn around and try to change the subject.

This morning's New York Times writes, on the front page, top headline: "Democrats Used State Parties To Bypass Limits." Over $32 million was sent to local and State officials for the Democratic party to illegally, possibly, counteract FEC laws. This is a violation. So what happens? What do they do? They immediately change the subject and say, let us talk about campaign finance reform. This has been happening for some time.

On September 10 of this year, the headline for The New York Times said, "Democrats Give $2 Million to Candidates, Records Show." Down below, a Democratic party contributor said, whoever did this should go to jail. This is illegal, and they knew it.

Yet, all we have heard are member after member of this party come to the microphone and do procedural motions to adjourn and all of these other things that are supposed to delay us from doing the business of the people's House, which is costing American taxpayers tens of thousands of dollars, if not more, and none of them will step up to the microphone and say, I am very concerned about the abuses and the laws broken that have been reported in The New York Times or The Washington Post; I am very concerned that American democracy may have been influenced by illegal foreign money; I am very concerned that the Chinese Communists have their top leaders sketch out a plan on how to influence elections in America. We do not hear that. Instead, we just hear people changing the subject.

The chairman of the Democratic National Committee last year, it was reported a week ago, admitted arranging access for donors, and what he did in one case, one particularly offensive case, is he used his power as chairman of the Democratic National Committee to get an international fugitive an audience with the White House because this international fugitive said that he was going to give the White House $300,000.

Now, how did he do it? The first thing he did was, he called the international fugitive and they set up a dinner. Then the international fugitive said, I am having trouble getting into the White House because the National Security Council will not let me in the White House because I am an international fugitive. That seems to make sense to me.

Well, the Democratic National Committee chairman then, according to his own notes and records, then called the CIA, this is unbelievable, using our Central Intelligence Agency for political purposes to get an international fugitive into the White House to meet the President of the United States. They called the Central Intelligence Agency, the chairman of the Democratic National Committee, and told the CIA to call the Committee on National Security to get them into the White House.

Now, of course what happened? The international fugitive did get to the White House. His name is Mr. Tamraz. He gave the White House $300,000, because he wanted to get a pipeline overseas.

□ 1015

Now when the DNC chairman was asked by the Senate panel on whether he did try to get an international fugitive into the White House by using the

CIA, by calling "CIA Bob," as he called him, he said, and this is no surprise, he said, "I have no memory of any conversations with the CIA."

It seems this amnesia trend is sweeping Washington, and I think if we mix a subpoena with Washington tap water and media requests for interviews, all of the sudden people's memory starts to go. I could sort of refresh his recollection by simply using his own words. When he was meeting with an international fugitive, in the notes of the meeting with the international fugitive he wrote, "Go to CIA." And that is the Democratic National Committee chairman Donald Fowler's handwritten note reminding himself to go to CIA to intervene on behalf of an international fugitive for Democratic National Committee fundraising. "Go to CIA."

And, Mr. Speaker, this guy says "I don't remember." Now, I believe, and call me crazy, but I believe if I am chairman of the Democratic National Committee and an international fugitive comes to me and says, "I want to go to the White House and give the President $300,000," and then I picked up the phone and probably called the Central Intelligence Agency and spoke to Bob. He is on a first-name basis with CIA Bob. And then said, "Bob can you help the National Security Council understand the need to give this international fugitive an audience with the President of the United States?" And I broke arms at the National Security Council and it eventually happened, I think I would remember.

I do not know how many laws were broken here, I think probably an awful lot, but I would remember. And yet we hear time and time again, "I have no recollection." "I have no memory." And I think I really do need to introduce a bill called the National Amnesia Relief Act that would somehow study the effect of water and subpoenas on Washington, DC, officials, because I have got to tell my colleagues, amnesia is sweeping the Capital this year like never before.

Mr. SALMON. Would the gentleman yield?

Mr. SCARBOROUGH. One gentleman who never has a problem remembering is the gentleman from Arizona [Mr. SALMON], a good friend of mine, and I yield to the gentleman.

Mr. SALMON. Mr. Speaker, I cannot think of a more worthy project to pursue than a national study on the effects of the Potomac water on the brain, because apparently amnesia is running rampantly through this place.

Let me just make a couple of comments. First of all, the gentleman talked about this last week and the idea that there was a lot of race-baiting going on; that whenever the other side, the Democrats, seem to be losing an argument, they always throw out this trump card that purportedly gives them the upper hand, and that is to call us racist when they are losing on the merits of the argument.

I found that same thing to happen just the other night when we were about to adjourn and we were trying to get through the work, and that we had scheduled to do yesterday, and they got up and raised the issue several times that we were not concerned about the Jewish Members of this body. It was a very, very special Jewish holiday and it was fast approaching, and they wanted to know why we terrible racists over on the other side, or anti-Semites, would not be more sensitive to the needs of these Members of Congress, when they themselves were moving every time they got a chance to adjourn, knowing full well that it would take up extra time, knowing full well that it would cause those Jewish members of this body to miss or to be late for this holiday.

Mr. Speaker, I think it is despicable. We were doing everything that we could to try to get through, and they were pursuing these dilatory tactics time and time and time again, and yet the American public lets them get away with this.

Mr. SCARBOROUGH. Mr. Speaker, reclaiming my time just for one moment, I thought what was so telling about yesterday's episode, and I didn't bring that up. I thought the race-baiting a few nights ago was bad, but yesterday they raised the ugly specter of anti-Semitism and that somehow we were unfeeling toward the Jews to observe this very, very holy holiday, which of course we were not, and they knew it. But it was, again, win at all costs, which concerns me.

I thought it was very telling at the end of that debate that we had a very honorable Jewish gentleman from New York, a Democrat, stand up and plead. He pleaded.

Mr. SALMON. With his own people.

Mr. SCARBOROUGH. He pleaded with his own Members of his own party, "Please, let us enter into an agreement with the majority leader." It was a good agreement. He said it was a fair agreement and it was the best way for us to move forward to do the people's business, but at the same time respect one of the holiest of all holidays for the Jewish people.

Unfortunately, the goodness and decency of the Jewish Member from New York was ignored by other Democrats who, I guess, regretfully saw this as an opportunity to gain political advantage.

Again, it was a very sad moment. But I thought the gentleman showed a lot of courage, and I must say that an overwhelming majority of the Democrats agreed with him and agreed with us, agreed with the gentleman from New York [Mr. ENGEL] and agreed with us that this was a good idea.

Regretfully, we had Democrats, and I have not seen it in 3 years since I have been here, we had Democrats screaming at each other, yelling and fighting. Obviously, we had Jewish Members who were concerned that other Members may not have been as sensitive as they should have been. I saw it going on and I was saddened by it.

Mr. SALMON. Mr. Speaker, if the gentleman would continue to yield, I think it was interesting to note that yesterday, and one does not have to be a math teacher to figure this out. I think my son who is in remedial math in the third grade could figure this one out. If we would have not had all of the dilatory tactics pursued by the Democrats yesterday, the motions to adjourn every time they got a chance to stand up, we would have been done by 12 o'clock. As it stood, because of all of the dilatory tactics that they employed yesterday, we did not finish until, what was it, 3:00 or 3:30?

Mr. SCARBOROUGH. Mr. Speaker, reclaiming my time again, we actually finished at about 3 o'clock. We started to calculate the dilatory tactics that they have taken over the past month and how much it would cost the American taxpayers, and it is a remarkable number.

Now, they have that right. And let me just say right here, right now, the rules of this House allow Members to do that. And if they do that, that is their business. That is fine. If they want to delay for their own political agenda, that is their constitutional right and it is their right under the rules of this House.

But do not tell me when delaying from allowing Members to get home, delaying us to do the people's business, do not tell me that I am being insensitive in keeping people here when it is their dilatory tactics that are more responsible.

Mr. SALMON. Mr. Speaker, if the gentleman would continue to yield, it reminded me painfully of a time in my young life when I had a very, very traumatic experience. I remember when I was a little boy and my brother and his friends were playing in the living room and they broke a very, very special vase that was very, very important to my mother. And, frankly, they framed me for it.

Mr. SCARBOROUGH. That has happened.

Mr. SALMON. I was the one who got blamed for breaking this vase, and my father came home, and I said, "Daddy, I didn't do it. I didn't do it." Well, he did not believe me because all the evidence seemed to suggest that I was the one that did it, and so I got a spanking. Finally my brother came clean on it.

Mr. Speaker, I am just hoping that they come clean some day. Frankly, for them to be doing all of these dilatory tactics and being the reason that all of these Jewish Members were threatened at not being able to participate in their very, very special holiday, which all of us wanted them to do it, and then trying to blame us for it when they are the ones extending the time and playing gamesmanship on the floor, it brought back those painful memories all over again.

Mr. SCARBOROUGH. Mr. Speaker, reclaiming my time, it would be very interesting to see what would happen if some of these people broke their parents' vase at home. They probably would have changed the subject and said, "Yes, what this tells me is that we need to sue the vase makers to make sure they make the vases stronger." We have seen the changing of the subject.

Let me go back to what we were talking about. We were talking about how amnesia is sweeping Washington, DC, on not trivial matters, but very important matters of substance.

This is a headline, again talking about the international fugitive, that the chairman of the Democratic National Committee used his power to influence the CIA to influence the National Security Council to allow this international fugitive to get into the White House and give the President $300,000. The New York Times wrote a story on September 18, and it says, "Ex-White House Aide Tells of Pressure Over Donor," and her name is Sheila Heslin, testified under oath before the Senate investigating committee that the Energy Department officials and the CIA, as well as the Democratic National Committee, pressured her as a National Security Council member to let an international fugitive into the White House.

Mr. Speaker, I have to say that is so shocking, not just to me but to most reasonable people, that the American people have set up a National Security Council to protect the White House from international fugitives like this gentleman, and then the chairman of the largest party of the United States of America, and the Department of Energy that was formed to help Americans with energy crises, and then we have the Central Intelligence Agency which is supposed to protect our national security, being used to actually break down this wall of security that the American people placed between the White House and international fugitives.

This is what Sheila Heslin, who was a National Security Council aide who gave a very valiant effort to keep these people from the White House, said under oath. "I was shocked. I said what the hell is going on? Why are you guys working with Fowler?"

And that was National Security Council aide Sheila Heslin in testimony before the Senate on her reaction to the CIA's intervention on behalf of an international fugitive. This is what the New York Times says.

I will yield to the gentleman in one moment, but I wanted to tell what they said the next day in their editorial about this shameful episode in American history. The New York Times wrote of the international fugitive's testimony before the Senate committee, and he by the way was very proud that he was able to buy influence.

Mr. SALMON. Buy influence.

Mr. SCARBOROUGH. Buy influence and muscle his way into the White House. The New York Times wrote, "He," the international fugitive "was affirming that in the shadowy reaches of the international business world it was believed accurately that during the 1996 election, dubious entrepreneurs could buy White House audiences, particularly if they did not quibble about the cost of the ticket."

Again, the New York Times is saying that in the shadowy reaches of the international business world, the White House was for sale. The Times editorial concluded, "That so many high level people even took the party's role into consideration is one of the most shocking lapses of judgment."

Mr. Speaker, I yield to the gentleman from Arizona.

Mr. SALMON. Mr. Speaker, I have heard a lot of people on the other side, and even some who have written letters to the editor, say we are wasting time and we should get on with the business of the people, we should stop this investigation of the White House.

My response to them is, do those same people believe that all of the investigation of Watergate was not time well spent? In fact, as despicable and as sad of a time as Watergate was in the history of America, and I believe justice was served there, I do, there were never any allegations at that time of espionage, of treason, of bringing people in and possibly selling secrets to the enemy.

If Watergate was bad, then what potentially could these investigations yield? We are talking about very, very important matters and the White House has established a very, very disturbing pattern. Here is how it goes: It is a three-part, three-step pattern. No. 1: "I unequivocally was not there, did not do it. I did not do it."

□ 1030

I did not do it. That is in regard to raising money from Buddhist temples or making fundraising phone calls from the White House, which is in strict violation of U.S. law. OK. Then when the facts come out and the Washington Post and other media outlets find out through their investigative techniques that that is not accurate, that you in fact were there, that you in fact did do what you said you did not do, then the next response is, well, I cannot recall. I cannot recall whether I did that or whether I did not do that.

Then when the proof is in the pudding and you know exactly that they did what they said they did not do or they cannot recall whether they were there or not, the third response is, well, if I did it, it must have been legal. And there might even have been a fourth response now that Janet Reno is helping them. Well, the law is really kind of a stupid law in the first place. It really should not be on the books. Is that really the kind of people that we want leading our country? People that go through that kind of self-denial?

Mr. SCARBOROUGH. That is what the Washington Post has editorialized about time and time again. What they call it is telling the truth in dribs and drabs. They said, you paraphrased what they said, how the White House starts with a denial, then they say they cannot recall. Then they deny it. Then a little bit of information comes and they limit it to that, and then more information comes out later on and then they say, big deal. It happened time and again. It happened with Web Hubbell. It happened in a lot of the China investigation. Craig Livingstone. You were talking about how there is possible espionage. Newsweek reported that John Huang, when working at the Commerce Department and at the DNC, he would regularly get briefings from the CIA and then talked about times that he would get in a taxicab and go immediately over to the Chinese Embassy and talked.

It is, again, very, very disturbing. You brought up the name of Janet Reno. The New York Times has been very critical of Ms. Reno. I have been very critical. I know a lot of others have. I think in a way she has acted as shamefully as John Mitchell has in not moving forward as quickly as she should have when every reasonable person across the country knows of the abuses. Like you said, there are denials from the President that he raised money from the White House and then he says, if I did raise money, I did not break the law, when records show that he did, through the Post report, raise at least half a million from the White House.

You have a Vice President, AL GORE, who said that he had never done it before. Then we find out later that he placed at least 47 calls. Now we are over 100 calls. We were told that the coffees were not fundraisers. They were admitted to be fundraisers. Democratic Senator LIEBERMAN, in the hearings, stated as much, said we have to say that at least conclusively 103 of these coffees were fundraisers. So they have retreated.

Now the position they retreat to, and I have to tell you, the position that Janet Reno is supposedly debating this week is, it is insulting to the intelligence of me, you, the American people, that is, that, OK, there was a law that said do not raise money on Federal property, but it was an old law. And it was even before telephones were invented, and it had nothing to do with phone calls or anything like that. I wish I had the exact quote from the L.A. Times, but I can tell you what it said. It talked about how Judge Abner Mikva, who was the President's attorney, White House counsel in 1993, wrote a memo and said specifically, it is against the law to raise money in the White House. It is against the law to use White House phones to raise money. Avoid raising money at the White House at all costs. It is illegal. That is what he wrote in 1993.

Why have we not heard that from the Attorney General? Why have we not heard that from news reports? I have to tell you, the news media, not print media, but the media, ABC, CBS, NBC, the evening news have been circling their wagons, as Brent Bozell has reported very well in his daily updates, and been avoiding the story. They talk about it is an old law, they talk about how it may not apply. They never talk about how the President's own attorney in 1993 told the White House, do not raise money at the White House. It is illegal. You never hear that, do you?

Mr. SALMON. No, you do not hear that. In fact, we all have copies of the memo that he sent to the President wherein he told the President that fundraising from Federal property, it was illegal. It is the same for you and I. As freshman Congressmen when we came in 3 years ago, one of the very first things that we were told was do not make fundraising phone calls from your office. It is illegal. How long did the Vice President serve in the Senate before he went into the White House?

It gets down to this. I believe that pretty much what I am about to say has been editorialized over and over again, and I will paraphrase, you are down to either one, if indeed as all the evidence shows there were fundraising phone calls from the White House, and that is illegal, you are left with two very painful answers or a choice between two very painful answers. No. 1, there is some crooked behavior going on; No. 2, they are not very intelligent. And it might be a combination of both. I am not sure. But either one is very disturbing.

Let me comment, or ask you a question. As to saying I cannot recall, I cannot recall, I cannot recall, have you ever had a speeding ticket or a parking ticket?

Mr. SCARBOROUGH. Since I do not have a subpoena and have not been drinking Washington, DC, tap water, I can remember. Yes, I will admit here that I have had a speeding ticket.

Mr. SALMON. I remember I had a speeding ticket. I was going about 10 miles over the speed limit. I remember this was over 12 years ago. It was the last speeding ticket that I got. I remember exactly what day it was. I remember, I am not saying I remember exactly the date but I remember the time of year. I remember my nephews were in the car with me. And I remember being very chagrined because I was trying to set a better example for my nephews and being pulled over. It was a very embarrassing thing. This was 12 years ago that I got this speeding ticket, yet I remember all of the circumstances surrounding that speeding ticket. We are talking about a violation of Federal law, far more important than a speeding ticket or a parking ticket. I think most Americans out there can remember if they have gotten a speeding ticket or parking ticket. They can remember the circumstances, the emotions that they felt. They can remember what they were doing at the time that they received that speeding ticket.

Do you think that we should really believe that with the commission of this serious a violation of Federal law that these people cannot recall?

Mr. SCARBOROUGH. Again, it goes back to what the gentleman who chaired the Democratic National Committee said when he said he could not recall whether he helped get an international fugitive into the White House by using influence over the CIA, the Energy Department, the National Security Council, the White House itself. It absolutely strains credibility. I have to say that I am personally offended that the Justice Department has taken as long as it has in making its decision. I have to also say that I am offended that they continue to walk this fine legal line saying, we need to check and make sure that this one law about fundraising applies. This scandal is so huge, this is the largest fundraising scandal in American history, even if the media, even if TV media does not want to report it. It is the largest fundraising scandal in American history. If the media decides to pursue it aggressively and if the American people tune into it, I think they will see that it is every bit as damaging to the structure of American democracy and the structure of this constitutional Republic as what happened during Watergate, which was, I have to tell you, Watergate was an absolutely shameful period in this Nation's history and one of the heroes out of Watergate was a Senator from Tennessee named Howard Baker, who during the hearing had the guts to put aside partisanship in a way that JOE LIEBERMAN has done for the Democrats and asked the question, what did the President know and when did the President know it. I wish there were more Howard Bakers. I wish there were more JOE LIEBERMANS on both sides of the party, both sides of the aisle, who would ask tough questions and put the interests of America over the interests of the party.

I have to tell you, I did not come to Washington, DC, as a Republican. I think I prove that every day. I came to Washington, DC, as an American to be part of, be a positive part of a process to get money, power, and influence back to the States, back to the local governments, to balance the budget, to cut taxes, to do the type of education reforms we need to do to empower parents, teachers, students, local school boards, and take the power and authority and money out of the bureaucracies in Washington, DC.

I did not come here as a Republican, as a partisan Republican. JOE LIEBERMAN from Connecticut did not come to Washington, DC, solely as a cheerleader for the Democratic Party. Howard Baker did not come to Washington, DC, as a cheerleader for the Republican Party back in the 1970's. I have yet to hear one Democrat in this Chamber go before that microphone and say, yes, I am concerned that we were allowing international fugitives to abuse power, that the Democratic Party skimmed $2 million, as reported by the New York Times, that China may have bought influence in the White House and that there may have been espionage going on, that so many people that were contributors to the White House and now have fled this country and will not be recalled. It is a frightening spectacle.

Mr. SALMON. I think you make a really good point. I have been really proud that at least there is one Senator over on the other side, on the Democrat side that seems to be interested. I have been very impressed with Senator BOB KERREY and his willingness to try to pursue at least truth and justice. I do not believe anybody could accuse us of being partisan hacks or flunkies for the Republican leadership. There probably has not been two more vocal people on the floor in challenging our own leadership and in bucking the tide with our own leadership when we feel that they have gone astray.

I think we have earned the right to question whether or not this administration is engaged in an illegal activity. I think you make a really good point. Not one Democrat has stood up and asked for justice to be sought or found in relationship to the alleged illegal fundraising and selling of secrets and possible espionage going on in this White House, not one Democrat has stood up. I challenge them. I will buy whichever one does a steak dinner if they will have the moral courage to stand up and ask that we at least get to the bottom of the truth.

Mr. SCARBOROUGH. I think the gentleman is now starting to strike a nerve because maybe if you go to cash instead of money and maybe if you can get cash from a foreign friend and offer them some foreign cash, maybe that would be the type of thing they understand because they certainly understood it during the 1996 election. Tamraz understood that they understood that because this international fugitive, when questioned what mistakes were made and what laws were broken, his only response was, I think next time I will give $600. That is international fugitive Roger Tamraz commenting on his ability to buy White House access.

You are exactly right. We have not been partisan Republicans. We have questioned our leadership, I would say tougher this year than we certainly have questioned the Democrats. We have held them to a higher standard. We have the gentleman on the floor with us today that questioned them on the pay raise. We had some tough questions on how we thought they were trying to slip the pay raise through with the help of the Democratic leadership. We have questioned them on a lot of other things. I am very concerned about the $600 million that the IRS was given this week. I do not think they should be given anything. But these concerns continue to grow.

We asked tough questions of both sides. Again, it seems to me we have the right to ask the President and the Attorney General what they are doing. I have got to say, the Attorney General is going to be making a decision this week. She will be making the decision on whether to appoint a special, an independent counsel to look into it, and the New York Times editorialized a week or two ago that they did not believe that the President nor the Attorney General could be trusted to look fairly into this matter. The New York Times, who usually sides with more liberal Members of Congress, they did not this time. They said we cannot trust Janet Reno and we cannot trust the President to look into this, an independent third party needs to be sought.

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Mr. SALMON. If the gentleman will continue to yield just a few seconds, this situation with Janet Reno is so disturbing: That she cannot get by the fact that she feels she has to protect her boss more than she has to represent Justice or the needs of the American people to get to the truth and to find justice in this matter. I think we should pass a bill on the floor, if she does not appoint a special counsel, to call her the Enabler General instead of the Attorney General.

And frankly, just finally, the phrase, "A day late and a dollar short," we are talking about several million dollars here, and, frankly, she has a responsibility, a constitutional responsibility, to get to the bottom of this and to find truth and to find justice.

Mr. SCARBOROUGH. I thank the gentleman.

She does have that responsibility, and she needs, again, to review the situation.

As the New York Times wrote in an editorial on September 10, 1997, yesterday's testimony yet again punctures the fiction that the abuses that occurred were solely the responsibility of the Democrat Party and not the White House. That is very important for Janet Reno's decision, how much the White House was influenced.

And, again, the front page of the New York Times today talks about how the White House and, I think, Dick Morris had a scheme to funnel money to State parties to do it. And the New York Times editorialized about Janet Reno's faulty fix and stated, the Attorney General mistakes efficiency for integrity. And we hope, like the New York Times and others hope, that she will find the integrity that she needs to make the decision.

I would like to yield now to a gentleman that has been very helpful in the Committee on Government Reform and Oversight in investigating these things, the gentleman from Indiana.

Mr. SOUDER. I thank the gentleman from Florida for his leadership in pointing out the problems with this administration.

We have seen them from the days we started, first with the Travel Office and as we moved through the FBI files and as we moved through Whitewater and Craig Livingstone, and we have watched this in the Committee on Government Reform and Oversight relatively stunned.

And as we start to get the depositions, as we prepare for the larger investigation of campaign finance scams, I was so outraged about a week and a half ago to see that the President of the United States was proposing to call Congress into a special session on campaign finance reform. Talk about gall.

Rule No. 1 for campaign finance reform should be, follow the current law. What good does it do for us to pass a bunch of laws if they do not follow the current law? Today I wanted to share a couple of stories to illustrate this point.

Story No. 2: Last month, the Democratic National Committee returned $85,000 in funny money, this time to help repay victims of the $38 million fraud using President Clinton's photo. The pyramid scheme, set up by Unique Gems International Corp, has been called one of the costliest credit card rip-offs in U.S. history. Here is how it happened.

In October 1996, at a Florida fundraiser, President Clinton took a photo with executives of the Miami-based jewelry-making company who coughed up $85,000 to the DNC. So the price tag for this picture was $85,000.

When you start going after money everywhere as fast as you can get it, you forget to do some background checks. The pictures were featured in company newsletters to gain credibility with investors. The caption read, "The company has been honored by President Clinton for its role in helping many people with real opportunities to earn a well above average income."

Potential marks were told by one company boss, "We met with the President. If it were not a good company, the President would not have invited us to dinner."

Soon, investors were lining up to buy worthless beads to assemble into necklaces, which the company promised to market to retailers. At one point, when Unique Gems was using the President's picture most extensively, it was raking in $1 million a day.

By the time the operation was shut down, 15,000 people had been bilked, most of whom were new immigrants hoping to turn their $3,000 investment into a small fortune. The Democratic National Committee bilked new immigrants indirectly through this type of scheme.

Unique Gems apparently used third parties to donate $85,000 to the DNC, despite Federal law prohibiting such donations. Four of Unique Gems principals, who have, surprise, surprise, left the country, are foreign nationals prohibited by law from donating to U.S. campaigns.

Mr. Speaker, this is yet another example of campaign finance reform. Rule No. 1, follow the current law.

Former leader of Common Cause Fred Wertheimer put it best: "This is one example, and it is a classic example, of an attitude that led to the Clinton campaign saying, 'if you give us money, that is all we care about.' "

Just so everyone gets this story straight: DNC got the cash, swindlers got a photo with the President, and 15,000 people got stuck with $38 million of worthless beads.

The second case is Jorge Cabrera. As we know, the Vice President has been a good student of President Clinton's in more ways than one. In December 1995, Vice President GORE attended a fundraiser in Florida for 60 wealthy contributors. Among them were several guests more fitted to Shawshank than southern Florida. Consider the following attendees:

Jorge Cabrera, a drug trafficker with links to a Colombian cartel.

Dr. Joseph Douze, a fugitive who once blew up a bridge.

Great background checks on these people.

And the host for the evening, Jerome "Jerry" Berlin, was indicted in 1990, and later acquitted, on Federal conspiracy charges of bribing Federal officials. One of the politicians allegedly targeted was then Senator AL GORE, who prosecutors said did not know of the alleged plot.

One guest, who paid the minimum $10,000 cover charge, said, "Maybe the reason I got to sit with the Vice President is that I was the only honest person in the room."

To be fair, the Vice President was disappointed to learn that his picture had been taken with a long-time drug dealer. "He never wants to be associated with people who break the law."

That makes for interesting Cabinet meetings. In fact, sometimes you wonder how he looks in the mirror, since he violated the laws in campaign fundraising from the White House.

Some of the same donors at the Florida fundraiser later received personal greetings from the President and the First Lady. Only days later, the Cali-connected Cabrera was sipping eggnog at the White House Christmas party.

Cabrera, who gave $20,000 to the DNC, was later sentenced to 19 years in prison for helping import 6,000 pounds of Colombian cocaine that was killing kids in the streets of Fort Wayne, IN, and western Florida, and in Kansas, and he did not get a background check. This man was a drug cartel dealer, for crying out loud.

At the time of the Gore fundraiser and the White House visit, he had already been arrested twice on drug charges and pleaded guilty to non-drug-related charges. Court papers said that by 1995 he was already deeply involved with the Cali Colombian drug cartel.

Ross Perot put it nicely: "I never thought I would live to see a major drug dealer give 20,000 bucks in Florida and then be invited to a big Democratic reception by the Vice President of the United States, AL GORE, and then be invited to the White House for a Christmas party."

An invitation to the White House Christmas party was also sent to Dr. Douze, although the Government had confiscated his passport and restricted his travel after his arrest on 11 counts of Federal mail fraud and conspiracy.

Mr. SCARBOROUGH. Mr. Speaker, reclaiming my time for a second, I have to ask a question. Did the gentleman just say that a man who had his passport seized because he was a felon was invited to the White House even after we seized his passport?

What I am saying is, is the gentleman saying that basically the standard of getting in the White House is below the standard of actually being able to stay in the United States of America?

Mr. SOUDER. I think that is what I am saying. And, furthermore, a convicted drug dealer was let in. So it was not as though they did not have a record, it was not as though they did not have background checks on these people, it was the classic cannot see, cannot hear, and, therefore, there is no evil.

A Federal judge also denied his request to leave the area, Douze' request to leave the area, to visit the White House. But Douze, who was arrested in 1988 for blowing up a bridge in Haiti, received the judge's permission to visit his dying mother in Haiti a few weeks after the Gore fundraiser. Surprise, surprise, he has not come back.

How does it happen? They let it. They do not follow rule No. 1, which is to follow the current law.

I would like to, if I can, take a few more minutes here to go to the third case, Johnny Chung. This is his quote: "I see the White House like a subway; you have to put in coins to open the gates." That is how Johnny Chung explained his $50,000 contribution which was delivered to the First Lady's office in 1995 to buy access to the President.

Chung said he was seeking VIP treatment for a delegation of visiting Chinese businessmen when he was asked to help defray the First Lady's White House Christmas receptions that had been billed to the DNC. Chung's visit to Washington in March 1995 raised concerns in the Clinton administration's National Security Council.

So in answer to the gentleman from Florida's question, here the National Security Council at least warned them. The Passport Office did not. The other, presumably State Department, did not, on the case from Haiti. They did not warn the White House on the drug dealer's connections, but here the National Security Council did warn them.

One aide described Chung in the memo as "a hustler" trying to exploit his contacts at the White House. And we already saw in the first case what the contacts in the White House can do for bilking poor immigrants.

Chung essentially paid $7,000 a head to have six businessmen and himself watch Bill Clinton deliver an 8-minute radio address followed by photos with the President.

Chung knows his way around the White House. In December 1994, he escorted a Chinese beer executive through the West Wing, carrying two six-packs and taking pictures as they went. A photo with the First Lady with the beer executive is on display on one of Beijing's busiest street.

"He became an irritant," says one White House official. He took unfair advantage of the First Lady's office." At least he never came away empty handed.

Mr. SCARBOROUGH. If the gentleman could stay to answer a few questions, first of all, the first question I have is, how did the White House respond to the National Security Council's warning about Mr. Chung?

And I ask that because I had been speaking previously about how actually the National Security Council had said, do not let Mr. Tamraz in; he is an international fugitive. Then, of course, we saw the Democratic National Committee chairman improperly use his power to influence the Energy Department and influence the CIA to put pressure on the National Security Council.

And of course Ms. Heslin was tough and told them that he was an international fugitive, he could not get in, so they went around her.

How did the White House respond when the NSC also said this international business gangster was dangerous?

Mr. SOUDER. With benign neglect, would be kind. With overt refutation and opposite action, would be the correct way, because not only did they allow him in, they allowed him in repeatedly, and at a radio address, and into the White House with the Chinese businessmen. So they did not heed their National Security Council's warning.

And so at some point we have to say, how are we going to pass additional laws to regulate people who will not follow the laws, who allow drug dealers in, who allow people in who blow up bridges, who have their passports revoked, who have been warned by the National Security Council that the guy is a risk?

What they are doing is, they are going ka'chung, ka'chung, so to speak, because they want the money, they want the cash register to ring with the dollars, because that was the primary goal, not the integrity of the political process of the United States.

They abused people like Johnny Chung. His statement when he says he thought that was what you have to do, this is not a statement on Johnny Chung as much as it is a statement on the White House: "I see the White House as like a subway. You have to put in coins to open the gates."

So people who did not understand our system were led by this administration to think that the way it works in America is, they have to put the coins in, or you do not get any action. And that is a disappointing demonstration to people from all these different countries about how this works.

I am so disappointed in this administration, that they would let the world think that the way we do business with the President of the United States is giving him illegal campaign contributions.

Mr. SCARBOROUGH. And, regretfully, that is something that has been echoed, again in the New York Times: "Oil man says he got access by giving the Democrats money." And in this story he testifies, "I think next time I will give $600,000," and stated, really, that the way to get into the White House was money and said that was the only reason he was there, was money.

I want to yield in a second to the gentleman from Kansas, who is certainly a good friend and a great Congressman, but my office has called me back up, and I have to offer an apology, because I had said no Democrat had stood up and questioned the fundraising. And my office notified me that the gentleman from Ohio [Mr. TRAFICANT] has; and, of course, he is a trailblazer.

I have to remind the gentleman from Arizona, he owes the gentleman from Ohio a steak dinner, because he said he would give a steak dinner to the first Democrat that actually stood up and questioned it. The gentleman from

Ohio, of course, the trailblazer, did that.

Something that the gentleman from Indiana and I have not touched on yet, something that we are going to be working on in the coming months, has been the abuse by the Democratic National Committee and the AFL–CIO to launder money.

According to press reports and according to three Teamsters officials who have been indicted now and who are talking to the U.S. Justice Department, the AFL–CIO and the DNC have been acting improperly.

There is another part of this scandal that, of course, the Attorney General would like to ignore but simply cannot. The Washington Post, on Friday, September 19, 1997, wrote, "U.S. says Carey aides used DNC and AFL–CIO. Consultants plead guilty to funneling money to 10 Teamsters presidents' reelection campaign." And in the heart of the article it says, "Both the DNC and the Clinton-Gore Reelection Committee agreed to seek contributions to the Carey campaign in exchange for Teamsters' donations to the Democratic National Committee." And, of course, according to the Washington Post, that is what happened. That is what the United States is telling us now.

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And, of course, it is blatantly illegal to do that.

Mr. Speaker, I yield to the gentleman from Kansas [Mr. TIAHRT], who has had some experience dealing with some of the parties involved.

Mr. TIAHRT. Mr. Speaker, I thank the gentleman from Florida [Mr. SCARBOROUGH] for yielding.

I want to remind the Speaker that this Congress, through the Department of Labor, actually spent $20 million to oversee this election, and we were spending our taxpayers' dollars to try to ensure that there was a fair election in the Teamsters Union. And what happened is that we had an unfair election and that the president of the Teamsters Union had to step down, now is in very serious trouble.

Many people wonder, where do the unions get all this money that is available? It comes to them through compulsory union dues, it comes from all types of dues from working men and women that are struggling to make ends meet. And up to 80 percent of the money in their union dues does goes for contract negotiations, it does not go for grievance procedures. Eighty percent of the money, or approximately in some cases 89 percent of the money, goes to the international headquarters here in Washington, DC, where they push their own political agenda, where they push their own political candidates, where they attempt to launder money, in this case, in order to get their agenda forward, with no regard to what the workers have in mind as far as what they think is best for America.

Well, this is a typical laundering campaign, where the AFL–CIO was funneling money into the Teamsters, the DNC was funneling money into the Teamsters, with hopes of later on getting it reimbursed from the Teamsters back to the Democratic National Committee.

But it is not just at the Federal level. It is not just at the White House. We have had experience of it happening right in Kansas, in the heart of America in the Bible Belt.

The Wichita Eagle reported about how the Kansas State Democrat Party, which is limited by law to receive only $25,000 in Federal funds coming from the Federal party to the State party, managed to get $315,000 by funneling it through or laundering it through local Democratic candidates and county State parties.

A candidate would get a check for $500; and a phone call would say, "We would appreciate if you would send $400 right back to the State party." A county, the Democrat party, would get a check for $5,000, limited by statute again, and it will come back to the party. And they used that money to run ads against Senators and against Members of Congress who were running for election.

I think it is really interesting that the defense is kind of the same in each instance, whether it is the White House or whether it is the Vice President or whether it is the State party. First of all they say, "Well, I did not do it." Then later on, as more of the details come out, they say, "I didn't not do it. But, well, maybe I did do it, but it wasn't wrong."

Then the third line of defense was, "Well, yes, maybe it was wrong. But I will never do it again." And then the fourth line of defense is, "Well, it is not my fault. We had to win, you see. We had to do anything, at any cost, regardless of the law."

Well, we must, No. 1, uphold the law here in America. Because if there is no justice in Washington, DC, there is no justice in Wichita, KS, or in Florida, or Indiana, or anywhere in the United States. We must uphold the law of the United States of America in the States.

The campaign financing must start with the individuals. Rule No. 1, as was stated earlier by the gentleman from Indiana [Mr. SOUDER]: Follow the law. If we are ever going to find where we are going, we have got to find a place to start from. And that is the current law today, we must follow the law.

I guess the Democrat Party in the State of Kansas, the Teamsters, and the national party in the White House are tired of breaking old laws, so they want campaign reform so they get a brandnew set of laws to break.

I want to say in closing, we cannot write enough laws. We have proved that. We have laws upon laws, statute books upon statute books. People have to do the right thing. It is up to the American people to ferret out those who will misalign what they say and what they do and mistreat the taxpayers and the people of America by not doing the right thing. So voters need to find candidates that will do the right thing and support them so we can change America.

Mr. SCARBOROUGH. Mr. Speaker, reclaiming my time, I thank the gentleman from Kansas [Mr. TIAHRT] for his insights. And he is right, we have got to abide by the laws that we have already passed.

I have said for some time that for the Democrats and the President to talk about how they want new laws to be passed on campaign finance reform would be a lot like the driver of Princess Diana coming back from the dead and holding a press conference and demanding that the speed limit be lowered in the tunnels of Paris or that the alcohol level be lowered in Paris for DUI.

Abide by the laws that are on the books and nobody is going to get hurt. Regretfully, though, this is just another way that they can change the subject. And my colleague is right, it is shameful, a lot of the bobbing and weaving. I know the White House, the Vice President particularly said, "I did not break the law. I did not do anything wrong. And I promise I will never do it again."

It just does not make sense. The American people are being underestimated. They are smarter. When we see the scandals that are occurring, when we see the National Security Council, when we see money laundering with the AFL–CIO and the Teamsters, when we see the Energy Department being improperly used, the CIA, the NSC, the White House, the Vice President's office, it is time for us to do something.

I agree with the New York Times and I agree with editorial writers across the country, Janet Reno has no choice but to step up to the plate and hire an independent counsel, not a partisan Democrat, not a partisan Republican, but somebody that is independent that can look into this and look into the type of abuses, again, that the New York Times even wrote about this morning that the Democrats use State parties to bypass limits; that $32 million were sent to the local level, paid for by ads aiding Bill Clinton, possibly very, very illegal.

Somebody must look into this. We cannot allow the integrity of the American system to continue to be questioned like this. Let us get somebody independent in that can look at the law and apply the law equally to both sides. If that happens, America is the winner, not just Republicans or Democrats.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore [Mr. PEASE]. The Chair will remind all Members that they are to refrain from references to individual Members of the other body.

## ELIMINATE MARRIAGE PENALTY TAX

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana [Mr. MCINTOSH] is recognized for 5 minutes.

Mr. McINTOSH. Mr. Speaker, I would like to report to my colleagues today about a project that the gentleman from Illinois [Mr. WELLER] and I have started in the last few weeks. I want to thank each of my colleagues who have joined us in cosponsoring our legislation to eliminate the marriage penalty tax in our Tax Code.

I first started focusing on this when I received a letter from a constituent of mine, Sharon Mallory, who lives in Straughn, IN. Sharon wrote to me about how she and her boyfriend wanted to get married, went to the accountant, and found out that she would have to give up her $900 tax refund and start paying $2,800 if they got married. Sharon closed her letter of last February saying, "We hope some day the government will allow us to get married by not penalizing us. It broke our hearts when we found out we can't afford it."

And it broke my heart to think that Sharon and those like her that want to get married and start families in this country are not able to because our Tax Code penalizes them simply because they are married.

I have started a project on my website, and I wanted to share the results of this with my colleagues. People, when they want to communicate with me about the marriage penalty, have started leaving me e-mails at my site, www.House.gov/McIntosh, where we have got a special page on the marriage penalty and what it means to people. So, if I may, let me show my colleagues the map of the United States and some of the dozens of responses that we have gotten.

My colleagues, these are just a few of the communities around the United States where people have written me these e-mails explaining to me what the marriage penalty has meant to them. Let me share with my colleagues a few of them.

Wayne Shelly, who lives in Dayton, OH, wrote this:

> Penalizing for marriage flies in the face of common sense. This is a classic example of Government policy not supporting that which it wishes to promote. In our particular situation, my girlfriend and I would incur an annual net penalty of $2,000 or approximately $167 a month. Though not huge, this was enough to pay our monthly phone, cable, water, and home insurance bills. Therefore, the net effect to us is that, if we remain unmarried, the United States Government will pay these four bills for us.

He might have gone on to say, conversely, if we do get married, instead of paying those bills, we are going to have to dig into our pockets and pay the Government that money.

A second message was from William Dixon of Osgood, IN.

> I was a single parent paying child support. I remarried in 1990. Because of my change of status, I owed a tax bill that I could not pay. I am still trying to pay these taxes and penalties.

Terri Wyncoop of Springfield, VA, wrote to me:

> I knew it was more than enough because I had never owed before I was married. However, when I married I owed every year. We could owe anything from $500 to $1,000. We both claimed zero, and took out an additional $25 weekly out of both of our checks and still owed. Unfortunately, our marriage failed because of financial reasons.

Does it not just break the hearts of my colleagues to know that there are American citizens like Terri Wyncoop of Springfield, VA, who attribute the breakdown of their family to the fact that this government penalized them for when they were married?

I can just picture the desperate straits of those two young people who want their marriage to succeed deciding, "Well, let us take more out of our paychecks in order not to pay taxes at the end of the year," and to find themselves still penalized and hit with that terrible burden.

Now, those financial crises oftentimes come in at a time when young people are trying to make a new life together. And people say to me, how can that make a difference? Well, I want to share with my colleagues a few statistics of what has happened in this country since 1969 when we started penalizing marriages in our Tax Code.

The National Fatherhood Initiative reports that since the marriage penalty was created for the average American, the probability that a marriage taking place today will end in divorce or permanent separation is calculated to be 60 percent of those married. The percent of married couples households has plummeted from 71 percent to merely 55 percent of our households in America today.

In America, 1 out of every 11 adults is divorced, 3 times the proportion the year the marriage penalty first came into effect. So this penalty, as we can see from across the country, is having a devastating effect on American families. We must eliminate it from our Tax Code.

I am proud to say that the gentleman from Illinois [Mr. WELLER] and I have introduced a bill, along with now close to 200 cosponsors, that will do just that. We will not stop until we have succeeded in passing this legislation. I urge my fellow Members of Congress to join us in that effort.

## SPIRIT WHICH REFLECTS AMERICA OF TODAY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from New York [Mr. OWENS] is recognized for 60 minutes as the designee of the minority leader.

Mr. OWENS. Mr. Speaker, we have had a bit of a reign of pettiness over the past few weeks in the House of Representatives. Certainly it would appear to the general public that pettiness was in command, and much of the previous presentation that we have had was in that same spirit of pettiness.

I would like to talk about a different kind of American spirit, American approach, and commend to my colleagues in the Congress a different approach for the rest of what remains in this session, this first year of the 105th Congress, and to go forward into the next year of the 105th Congress in January with a different mind-set. Instead of the pettiness and the small-mindedness, we should look to inspiration from our past American heroes who have done things in a much bigger way.

I intend to talk about some very practical problems under this big theme of going forward in a spirit which reflects the America of today that should be. I think we ought to heed the call of President Clinton when he called for us to behave like an indispensable Nation, that we are the indispensable Nation, and we ought to behave that way as we go into the 21st century.

The previous discussion was an appropriate one in that it focused, to some degree, on the subject of campaign finance reform, but it was on petty terms. This is one example of how we fall off into pettiness. Pettiness prevailed yesterday as we were about to adjourn for the religious holidays, shouting back and forth on the floor about certain kinds of procedural items. It was generated by a bigger kind of pettiness that prevails as a result of the majority's insistence that an election was won in California by my colleague, the gentlewoman from California [Ms. SANCHEZ], that that election has to be investigated and reinvestigated despite the fact that she had a marginal 1,000 votes in that victory. Never before in the history of the House have we allowed this kind of petty investigation, subpoenaing of records and all kinds of harassment tactics to take place in connection with a disputed election.

☐ 1115

So that pettiness generated pettiness from the other side in terms of motions to adjourn and motions to rise, out of frustration on the minority's side to vent its anger through these methods. So we reduced to that, one sort of pettiness forces another.

When it comes to campaign finance reform that my colleagues were discussing before, we must realize that the campaign finance reform issue is an appropriate issue and ought to be discussed in a profound way. We ought to look at the reform of campaign financing in the most profound way. Do not call for a special prosecutor for one individual or one candidate or for the Vice President or for the President. Let us call for a thorough investigation of the whole campaign financing, the raising of money, the spending of money, by both parties, because I think the American people, in their wisdom and their common sense, understand that both parties have gone too far in raising funds for elections and that the real problem at the bottom of all of this is whether our democracy will be able to survive.

Can a democracy survive as a compatible partner with capitalism? Will capitalism inevitably overwhelm the capitalist economic system and inevitably overwhelm the Democratic governmental system?

In other words, if we have capitalism and we have freedom in the marketplace and we allow unbridled profits, and people become powerful in proportion to the kind of profits they make and the kind of money that they accumulate, if they are going to restrain themselves and not use that power to take over the governmental apparatus, can we have capitalism in a Democratic society and capitalism not move to take over? Can we have the rich not using their wealth to distort the democracy?

That is a profound question underneath all of this. Let us deal with it. Republicans and Democrats are guilty. Yes, the Democrats at this point are being exposed, there is more in the paper about them, because the focus is on the White House, a highly visible President and Vice President, but the pettiness of the arguments is being dismissed by the common sense of the American people. They are not impressed. They are not impressed with discussions with telephone calls and who made what telephone calls from where.

They are right not to be impressed, because in the final analysis it is a little absurd. Every Member of Congress knows that they have gotten telephone calls in their offices about fundraising. If they did not make them, somebody else made it to them. You cannot cut somebody else who calls you to talk about fund-raising. Every Member of Congress knows that they go home and they make a lot of telephone calls from home. That is perfectly legal.

Now, why do we not advise the President and the Vice President to go home to make their calls? If they do that, are they not still on Federal property? Does that not make the President and Vice President different and special? They are always on Federal property. They are home. They cannot make calls at home without being on Federal property.

It is a little ridiculous to insist that the President and Vice President have to be subjected to some kind of standard which is as stupid as that in terms of where you make a phone call from and insist that we should appoint a special prosecutor to focus on that.

We need an investigation. We have commissioned an impartial commission to look at campaign financing, the raising of the money and the spending of the money across the board. We might want to even consider privatizing that and giving a contract to Common Cause to take a thorough look at the whole thing, to pinpoint where some people have broken the law, the present laws, and to make sweeping recommendations for reform that the Congress might want to bind themselves to and on a fast-track basis.

We do trade treaties on a fast-track basis. We say we are going to accept the recommendations on an up-and-down basis, we are not going to amend it. Let us have a commission, either a private commission or an appointed commission, to look at the whole of campaign fund-raising and expenditure of funds.

Let us look at the relationship between Archer Daniels Midland and one of the candidates, the fact that a candidate's wife earned $1 million in speaking fees the year before. There are all kinds of things to be examined that a commission could look at fully.

If we focus on Republicans, we are going to find the same kind of problems that have been already exposed among Democrats. The process is tainted by the need to raise millions and millions of dollars, and we need to get away from that.

Underneath that, we need to find a way to deal with the problem of how we keep the capitalistic system which we all know is the system of the present and the system of the future. Capitalism is the only economic system that seems to work in the world, so how do we live with it, adjust it so that it does not take over?

We have laissez-faire, laissez-faire rules; a government will not interfere with the economy, a government will not interfere with the marketplace. We do not have reverse rules, which says that the marketplace and the rich, the corporations, will not interfere with the government. That is the problem. We need some kind of way to guarantee that money will not be used to run our democracy, money will not be used to distort the democratic process. That is the profound question underneath of all of this.

Let us think big. In thinking big, I am drawn to the very stunning announcement that was made a couple of weeks ago by Ted Turner. I think it is a positive note to begin on. Ted Turner announced that he was going to give $1 billion over the next 10 years to the United Nations, $1 billion. That is a capitalist who has succeeded, and there is a capitalist who thinks in terms of the American approach to problems, and certainly the America of the 21st century. He opens the door to a new way of having people and corporations with big money behave. He has thrown down a challenge.

I think it is a great thing that Ted Turner has done. A lot of cynics will say, well, he is not really giving cash, it is stock and the earnings on the stock, it is spread over a 10-year period. Cynics can always find a way to tear down an idealistic gesture. Some people say, well, he is just looking for headlines. Well, OK, maybe he is, but that is a great way to get headlines.

If the United Nations gets the money or the profits from the stock and kids in Bangladesh get vaccinations, and Rwanda, they get a decent meal, if things happen all over the world as a result of him getting publicity, then that is great.

If he was unconcerned about publicity, of course, we know he could have taken the Dick Morris approach. Dick Morris says, when you do big things, do them in small pieces at a time, teaspoonfuls. Ted Turner could have announced a $100,000 grant every week for the rest of his life and gotten plenty of headlines, it seems to me, if that was all he wanted.

He did things in a big American way. He did things in a way which is an example of the best spirit of the American approach to problems. It was the kind of spirit that an LBJ and an FDR and General Marshall of the Marshall plan were capable of, in their own sphere, not in the sphere of giving away money, philanthropy, but in their own spheres. We have had Americans do things in a big way, a profound way, that no other Nation or no other group of people have really been able to emulate.

Mr. Speaker, we have a Morrill Act that most people do not even know about or appreciate. The Morrill Act was the act by a Congressman named Morrill, M-O-R-R-I-L-L, because most people do not know about it, that created a land grant college in every State of the Union.

The land grant colleges were created with a specific mission, to provide practical education to the citizens, and it set in motion the whole set of agricultural experiment stations, local county agents to carry out the results of the experiments. It set in motion all of the activities which generated an American agriculture industry which has still not been surpassed by anybody in the world. We feed cheaper, we feed more people cheaper, than any other nation in the world as a result of that base that was laid by the Morrill Act.

But, of course, it did far more than establish agriculture as an enterprise worthy of study, worthy of scientific nations. Those land grant colleges have become major centers of intellectual activity in all of the States.

So the Morrill Act was one of those big acts. Ted Turner acted in the spirit of Morrill when he did that.

I do not know which Congressman was responsible for the Transcontinental Railroad Act. A lot of people do not know that the transcontinental railroad, linking up the railroads from the East to the railroads from the West and establishing that line right across the whole country, that was not done by private enterprise, it was done with the money of the taxpayers. The taxpayers paid private contractors to build that transcontinental railroad. It was a monumental activity, a monumental kind of action taken on by the Government, that resulted in linking the east coast with the west coast and establishing this Nation as one whole Nation in a way that could not have been done without that transcontinental railroad linkage.

Then we had, of course, the New Deal by Franklin Roosevelt, which was a sweeping plan which looked at the problems that we were experiencing economically and said, we have to approach these problems in a way to try to get at solutions, and we have a New Deal which transformed the role of the Federal Government totally, and later on the Great Society of LBJ which established Medicaid and Medicare.

We are debating about the cost of Medicaid and the cost of Medicare, aid to elementary and secondary education. All of that came under LBJ, who thought in the vein of an FDR and a Morrill and moved in a way which came to grips with big problems, enormous problems, and had ideas and concepts and legislation which were big enough to take care of those problems.

Then we had the Marshall plan, George Marshall. His conception of how we get Europe out of economic chaos and save it from communism was an unparalleled plan, unparalleled generosity on the part of the American people in terms of giving of their tax dollars to help to rehabilitate the economies of Europe, big, sweeping activities that were conceived by Americans who thought big.

So when President Clinton calls for us to behave as we are citizens in an indispensable Nation, he is in harmony with a tradition that has already been established.

I was very impressed with the President's State of the Union address, and I entered a piece in the CONGRESSIONAL RECORD on February 4 which I am going to read at this point before I talk more about the spirit of Ted Turner and how that spirit needs to be applied, the spirit of the big American approach, the willingness to seize the issue and to move with an overwhelming game plan to deal with it. One billion dollars to the United Nations by Ted Turner is a big act dealing with a big problem that has repercussions and will generate positive byproducts throughout the whole world.

□ 1130

First positive by-product of Ted Turner's gesture is, of course, it shows up the American Congress as a very petty body. We owe the United Nations $1.2 billion. One or two people in the Congress have held up the payment of our dues to the United Nations. We are blackmailing the United Nations into doing what we want to do by holding up our dues, and here is a man in one fell swoop is willing to give a billion dollars. Why can the Nation not pay past dues of more than a billion dollars? Why do we have to insist that they reform first, when we know that any organization that has more than 100 people is going to have inevitable administrative problems?

We have an IRS that has problems. We have a CIA with big administrative problems. They lost $4 billion dollars in a petty cash fund. We know that mankind is not an automatically administratively efficient animal. We have trouble administrating things. Administration is always a problem. Every agency and bureaucracy, every large construct will inevitably face problems.

So we should not put the United Nations in a category by itself and say we want them to reform all of their structural problems, we want them to solve all of their structural problems, we want maximum reform and then we will pay our dues. The world would not be able to run at all and would come to a standstill if we said that everybody had to be administratively efficient, every agency and department of the government must be efficient and effective before we allow the taxpayers' money to keep it running. It is ridiculous.

Mr. Speaker, Ted Turner's action to give $1 billion to the United Nations, the first by-product is to show how petty our behavior is with respect to the United Nations.

When I was a kid, we collected nickels for the UNESCO and the United Nations was a great hope for the future, and now we have Members on the floor of Congress maligning the United Nations, which still is the hope of the future in terms of spreading the benefits of peace and prosperity throughout the world.

So in harmony with the President and in appreciation of the President's State of the Union Address on February 4, I read the following into the CONGRESSIONAL RECORD. I made a statement and then I entered one of my rap poems to go with it:

> Mr. Speaker, President Clinton's inaugural address was not a State of the Union speech obligated to provide substance for general proposals. Appropriately, the President used his second inaugural statement to set a tone for the next four years, the prelude to the 21st century.
>
> America is a great country blessed by God with wealth far surpassing any Nation on the face of the earth now, or in the past. The Roman Empire was a beggar entity compared to the rich and powerful Americans.
>
> God has granted us an opportunity unparalleled in history. President Clinton called upon both leaders and ordinary citizens to measure up to this splendid moment. The President called upon all of us to abandon ancient hatreds and obsessions with trivial issues. For a brief moment in history we are the indispensable people.
>
> Other nations have occupied this position before and failed the world. The American colossus should break the historic pattern of empires devouring themselves. As we move into the 21st Century we need indispensable leaders with global visions. We need profound decisions.

Then, Mr. Speaker, I ended with the following rap poem:

> Under God, the indivisible, indispensable Nation. Guardian of the pivotal generation. Most fortunate of all the lands. For a brief moment, the hold world we hold in our hands. Internet sorcery, computer magic, tiny spirits make opportunity tragic.
>
> We are the indispensable Nation. Guardian of the pivotal generation. Millionaires must rise to see the need, or smother beneath their splendid greed. Capitalism is King, with potential to be Pope. Banks hoard gold that could fertilize universal hope. Jefferson, Lincoln, Roosevelt, King, make your star-spangled legacy sing. Dispatch your ghosts to bring us global visions. Indispensable leaders need profound decisions. Internet sorcery, computer magic, tiny spirits make opportunity tragic. We are the indispensable Nation. Guardian of the pivotal generation. With liberty and justice for the world, under God.

We are the indispensable Nation, and we ought to behave as leaders in the Congress like we are leaders of an indispensable Nation. Pettiness should be pushed to the background. We have problems before us which demand the best minds operating in a manner which seizes the moment and implies broad overall approaches and plans which get real solutions.

The President proposed a board on race relations. He tackled a huge problem which needs a lot of profound light, less heat and more light thrown upon it: The problem of race relations in America. It is a huge problem.

The board that the President has appointed has an opportunity to deal with the problem like they are profound leaders of an indispensable Nation, or they can allow it to crumble away into pettiness and small talk. They can get caught up in running away from controversy to the point where they run away from relevance. That race board is a good idea that needs to think in more profound terms about what it wants to do.

We have a problem with our Internal Revenue Service which has been highlighted in the past 2 weeks. The Internal Revenue Service is a necessity to have someone collect the taxes, and it is most unfortunate that Congress has over the years not applied and used its powers of oversight on a more regular basis. The oversight powers of Congress have really not been used in monitoring the executive branch of Government in general. It has always been a political thing, where one party in charge will zero in on just those items and those agencies which give them some political advantage from year to year. They neglect an ongoing master plan to oversee and look at what the Government is doing everywhere. The IRS is long overdue for some critical examination.

The problem with the present examination is that it is moving toward triviality. It is not trivial to deal with the problems in individual taxpayers' experiences with the IRS. Everybody who has faced the tyranny of IRS and found themselves being victimized deserves to have some relief and deserves to have the attention of Congress.

But what we have to understand is that the systemic problem, the systemic problem generates the specific problems, and nobody wants to deal with the systemic problems of IRS; that the system itself is based upon the assumption that we can collect more taxes, gain more revenue, please bosses at the top, if we go after small people who do not have defenses, if we collect from people who cannot hire corporate tax lawyers and who cannot bring in reams and reams of files and books and overwhelm us. The IRS agents can quickly show that they are doing something. Each agent, each department can collect taxes faster from individuals and families than they can from people who have the real money, corporations and the very rich who have the networks of investments.

We have had in the past, at least on two occasions, I think, administrations which have sent memos and they have been allowed to leak or we found out what they were saying, which in essence said: Go after the middle class. Tell the Internal Revenue if the collections are down, it is because they keep wasting time with the corporations. Go after the middle class because we get a quick return. They have the money and they are not going to put up any defense, so collect most of the taxes from the middle class.

Mr. Speaker, the systemic problem is the problem we ought to be dealing with. What is the result of that kind of approach of collecting most of the taxes from the middle class? We have in America a clear pattern. I used to bring a chart here. I do not have it today, but the chart showed that in 1944, corporations were paying a far greater share of the taxes than individuals and families. Corporations were paying almost 40 percent of the taxes and individuals and families were down much lower, 27, 28 percent.

Over the years, that has reversed and corporations now pay, I think, 11 or 12 percent now of the overall income tax burden, while individuals and families are paying 44 percent. Now, that is the result of a systemic problem, the problem of the philosophy of the IRS to collect money where it is easy to collect money. It is easier to collect money from the middle class than it is from corporations.

Mr. Speaker, we need to go after the systemic problem. Let us approach the IRS and the revamping of the IRS a profound way. What we are doing now is having a process where we intimidate the IRS and we highlight their activities in a way that only forces them to do more of what they have always done, and that is they will continue to try to avoid controversy by going after those who are most vulnerable. They will only come up with some public relations schemes now to hide the fact that they are doing it.

Corporations at this point are paying a smaller share, not only because of the way the tax laws are written but because of the way the IRS collects taxes. We have highlighted on this floor a profound problem that nobody wants to deal with. I have written to Mrs. Richardson, the previous tax commissioner before she resigned. I have written to Secretary Rubin. We talked about section 531 and 537 of the Internal Revenue Code. That section, to summarize, says that if corporations buy back their own stock illegally, that is, the Code says they cannot buy back their own stock except for certain purposes, and if they buy back the stock for purposes other than that, they have to suffer a penalty, and the penalty is something like almost a 39 percent penalty. It is on the books.

Mr. Speaker, I am not on the Committee on Ways and Means. I did not help write it and I do not help to monitor it at this point. But I am fascinated by the fact that we have corporate welfare in this country in several forms. One form is that corporate welfare flows through the IRS. The IRS, in its attitude and its refusal to enforce the Internal Revenue Code with respect to corporations, provides a subsidy to corporations that individuals do not get. Individuals are put on the spot more because the IRS is not doing the job it should be doing with the corporations.

Mr. Speaker, that is not an idle charge. We can back that up with some statistics which I will not go into now. I have admitted it into the RECORD before. I have put a whole set of arguments into the RECORD. I have listed corporations that are buying back their own stock in ever greater amounts. And when a corporation buys back its own stock, it does two things. It is violating section 531 and 537 of the Internal Revenue Code, which nobody seems to care about because they are afraid of corporations, but it is also denying the shareholders the profits. By making the decision to buy back the stock, the corporation hoards unto itself the wealth.

If it were to pay in dividends the money that it uses to buy the stock, then individual shareholders would benefit from that. I wonder what the mutual fund groups really think about this and why they are allowing it to happen year after year. What it does is keep the prices of stock up. If corporations buy back their own stock, that guarantees that there is a fund there ready to swoop in the minute the stock begins to go down and buy the stock so that the price goes up again.

Mr. Speaker, that, in my layman's mind, borders on manipulation, and that is part of the reason why the law was made the way it was made, to forestall excessive manipulation of the market. I wonder how much of the market's soaring prices is due to the fact that corporations have a fund ready always to buy stock as it goes down, and then it goes back up.

But in the meantime, what does that mean for the shareholders who are in it for the short-run, long-run, it does not matter. If shareholders do not get the dividends, they are deprived of the choice of spending their money and their profits some other way.

As we investigate the IRS, the IRS ought to be investigated with greater profundity than I hear now being exercised. The Committee on Ways and Means of the House is about to start its own investigation, its own hearings. Let us ask the question: Why have receipts from corporations over the years gone down drastically, while receipts from individuals and families have gone up? Explain that. Tell us how it is done.

We know the IRS cannot share with us the records of individual taxpayers or individual corporations, but they have statistics which show, and that is how we are able to say this, there are statistics that show that corporations paid a far smaller proportion of the overall income tax burden than they paid in 1944. We had a switch, so why did that take place?

Mr. Speaker, let us approach this like leaders, profound leaders in an indispensable nation, and deal with a systemic problem of a system so we correct the system and move it toward a more just method of tax collecting, instead of wild charges being made about abolishing the IRS, going to a flat tax system, doing all kinds of things which will make the rich even less vulnerable to taxes while poor people will be saddled with greater taxes. The flat tax, all the schemes that we have seen, they let the rich off but they do not do much to help middle-class taxpayers.

So in the area of tax reform, the IRS, let us move in the spirit of Ted Turner instead of the spirit of Mickey Mouse. The Mickey Mouse spirit is gnawing away at the agenda in this Capitol. Everybody wants to do things in a small way, and then blow them up with headlines and get a lot of credit for having done something. It is not important that we highlight the fact that individuals are being abused unless we deal with the system and corrections of the system.

□ 1145

I have talked about campaign finance reform being dealt with in a most profound way so that we have an investigation that runs across the board and deals with the problem and comes back with real recommendations that Congress agrees to enact, recommendations which will protect the American democracy, the democratic form of government from our capitalistic economy. There is a simple problem. If there are rich people in a society, are they going to use their wealth or be allowed to use their wealth to distort the democratic process? That is the problem and that problem has to be dealt with.

I have also talked about the President's Race Relations Board. Is the Race Relations Board going to deal with petty problems of attitudes that people may have and names that people may call each other and a lot of things that are going on from now until the world comes to an end or are they going to take this initiative to really provide us with some background information on what it is all about?

What is race relations all about in America, the core of race relations, the race relations between African-Americans and mainstream Americans? That is the most sensitive problem. That problem has its roots in a thing called slavery. If the Race Relations Board is not going to deal with some factual analysis on the history of what slavery was all about, of what 232 years of economic denial, of not being able to own anything, for 232 years the ancestors of slaves were not able to own anything, they could not own property. They could not pass anything down from one generation to another. So we descendants of those slaves ended up without having the benefits.

We are unlike any people anywhere in the country because we did not have anything to bring over from the Old World with us. They did not allow us to do that. Then for 232 years they exacted labor from the slaves without paying them, without allowing them to own anything. If you do not establish what that means, if you do not really use your resources to delve into that and to make the American people understand the consequences of a people being deprived for 232 years of livelihood and being able to pass it down. The wealth of America and the rest of the world is primarily inherited, it is passed from one generation to another. If you interrupt the flow of wealth from one generation to another for 232 years, what does that mean? So much is attached to income and wealth. There is a correlation between income, wealth, and education. There is a correlation between income, wealth, and the ability to cope with the problems of our modern society. There are correlations that cannot be ignored. If you do not have the wealth, you are not allowed to pass down even modest amounts of money from one generation to another. What is the consequence?

So the Race Relations Board appointed by the President needs to attack that in a big way. Then I said the IRS and the investigation of the IRS needs to be put in a new light and approached in a more profound way.

Now I would like to conclude by focusing on the most important subject of all, and that is approaching education in a way which is consistent with the spirit of Ted Turner's billion dollar gift to the United Nations, approaching the education problem in a way which is consistent with the New Deal, the Marshall plan, the Great Society, the Morrill Act, the transcontinental railroad. I forgot to mention the latest act which I consider on a plane worthy of being compared to the Morrill Act or the New Deal, and that is the Federal Communications Commission, Federal Communications Commission establishment of a universal fund for schools and libraries. The Federal Communications Commission established a fund for telecommunications at schools and libraries that will begin with $2.2 billion per year to go to schools and libraries in the form of discounts for services. The discounts will range from 20 percent for the richest school districts and schools to 90-percent for the poorest school districts.

In other words, in my district many of the schools who have large numbers of poor students who receive school lunches, they qualify for a 90-percent discount. If the telephone bill is part of the plan, they would only pay 10 cents on every dollar, a dollar's worth of telephone service they use. If they are on the Internet, whatever the charge is on the Internet, they would only pay 10 cents on the dollar because of the fact that this fund, the universal fund established under the order of the FCC, will take up the balance.

The universal fund was mandated by Congress. The Telecommunications Act of 1996 mandated that the Federal Communications Commission must establish some way to help schools and libraries. That was a great act of Congress. It was one of the acts worthy of an indispensable Nation, worthy of the leaders of a Nation going toward the 21st century.

So finally, the universal fund for schools and libraries fits into the whole school reform effort that ought to be moved up to a higher level. We are talking about school reform now again in very trivial terms. The approach to school reform has lapsed into pettiness. Pettiness, headline grabbing is what generated the stampede into testing. We stampeded a proposal for national testing, leaping over agreements that had been made by Congress that we should have three approaches, where the Federal Government was involved in education reform in three major ways. They were to deal with the national curriculum, deal with national testing standards, voluntary standards. Not a national test, but national testing standards were to be developed with the leadership and input of the Federal Government, and we had opportunity to learn standards as a part of that. Of course, because it grabs headlines and it does not cost very much money, testing has gotten pushed out of proportion to everything else.

It is that kind of pettiness, refusal to look at the problem in terms of the 21st century approach and think big about education reform. Education reform is a great challenge that we face now, probably the greatest challenge the Nation faces. We know there are things that are radically wrong and they can be corrected, we have the resources to correct them. We must go forward to deal with those corrections. We should not hesitate to apply the great wealth and the great know-how of the American Nation to the problems of education.

I talked before about Ted Turner, but there are a couple other examples of acting on a big scale that I would like to mention also before I conclude with the discussion of education. There are some other people other than Ted Turner who understand what the 21st century, as we go to the 21st century, how we should behave. Ted Turner set a new standard for billionaires, but not by himself. There is a guy named George Soros who also is a billionaire. He is funding several projects that are very critical in terms of analyzing what can be done about certain kinds of problems and in terms of allowing certain approaches and solutions to go forward so that they can be studied, and many of them are controversial. George Soros moved from Eastern Europe, where certain governments have kicked him out completely, to controversy here in America with the drug problem and the problem of what to do with our cities, a problem of anti-immigration attitudes, lawmakers and a few others. So George Soros, even beyond Ted Turner, is using his billions to get involved in controversy, to take on what other foundations have always backed away from; that is, using their dollars in areas of great controversy.

There are areas of controversy which need the help of most. Solutions to the problems that are considered controversial are solutions that are needed most. But we have not had the benefit of corporate money and foundation philanthropy because of the fact that everybody was afraid. So George Soros, in that new area, moves in a new direction.

In the area of education, we recently had an announcement by the Democratic task force on education which I want to applaud. It is a step forward in terms of clearly outlining what they are recommending that the Democratic Caucus members do. As such, it is a recommendation for all people in America interested in education reform. My problem is that it does not go far enough. It is not petty. It is profound, but it falls short of some problems that we are facing.

The Democratic Caucus plan includes the following set of principles. I applaud these principles. They call for first-class public schools that emphasize academic excellence in the basics. They call for well-trained, highly motivated teachers to help children achieve high standards. They call for the use of public dollars to improve public schools rather than private school vouchers and at public expense of a Federal role in education that supports local initiatives for strong neighborhood public schools. They call for the empowerment of parents to choose the best public schools for their children, and they say that every child should have access to a safe, well-equipped public school. They expand that, in the area of every child should have access to a safe, well-equipped public school, by focusing on the problem at the heart of all the problems of school reform; that is, they call for relief for crumbling and overcrowded schools. They call for a replacement of crumbling, overcrowded schools with schools with well-equipped classrooms and the kinds of resources that all children need. Five billion dollars to repair crumbling schools and provide new construction to relieve overcrowding and reduce class size, and they call for the assisting of schools to wire classrooms so that they are able to make use of the funds that I talked about before, the FCC universal service funds for schools and libraries.

I applaud the Democratic Caucus task force on education for what they have done. I think it is great that they have focused on one practical thing that is doable. The President proposed a $5 billion construction package and then in the negotiation process it got lost. It is well-formulated. It is in a bill. I think more than 90 Members of Congress are on the bill. It is a practical piece of legislation. It is a practical proposal that could move in the 105th Congress. Maybe not this year, this year of the 105th Congress, but early in the next Congress it could move. I think it could move better if it is part of an omnibus education program.

We should not hesitate to come forward with an omnibus education package in the next year. We should spend the rest of this session at least in outlining some of the things that ought to be included in that package, but at the core of an omnibus education package there should be a construction initiative because construction is at the heart of school reform. In my district when I talk to teachers and principals about we want to wire the schools for the Internet, make use of the universal fund that has been established by the FCC, they look at me, it is funny, it is a joke because they have a problem of roofs leaking and walls crumbling on the top floors of the schools. They have a problem with enough chalk. They have a problem with old blackboards. They have a problem with lack of repairs of the seats in the school. They have a problem with too many children.

The schools of New York are still overcrowded. We are in the midst of a mayoral election and you would not know it because everybody in the press and the media, working very hard to reelect the present mayor, so all of a sudden the problem we had in the fall of 1996 where 91,000 children did not have a place to sit—we have a school system of a million children and it boggles the mind when you start talking about the New York City school system, but there are a million children, more than a million children, 1,100 schools, 60,000 teachers, and it is overwhelming. But the system has failed to keep pace with the enrollment and you have last fall, in 1996, an admission of the fact that 91,000 children did not have a place to sit when school opened. This year it is an election year, and all of a sudden the problem seems to have gone away. The press and the media refuse to acknowledge we still have a massive overcrowding problem. There are schools which will tell you, we do not have an overcrowding problem, yet they have now 1,500. If you were built to hold 700 and you have 1,500, you have an overcrowding problem. They say they do not have an overcrowding problem. And you say, how many lunch periods do you have? They will tell you we have three. Some kids in some schools are forced to eat lunch at 10 in the morning because they have so many youngsters the cafeteria will not hold them all and they have to move in relays.

When you have to make a youngster eat lunch at 10 in the morning, you have a crisis. The last youngsters to eat lunch eat at 2. You have a crisis on both ends. It is child abuse, but those things are going on.

In the New York school system there are still almost 300 schools that have furnaces that burn coal. In the middle of a big city you have school furnaces burning coal. That is a crisis. We have the highest asthma rate in the country, one of the highest. The children are directly affected by the inability of the system to provide adequate facilities.

□ 1200

They not only have to live near those furnaces burning coal, they have to go and sit in classrooms in the schools where the coal is being burned.

We have a crisis. We have a crisis, and it is not just New York City's crisis, not New York State's crisis alone. The State, at least, has bellied up to the problem to the tune of placing on the agenda for a referendum vote a bond issue which will raise $2 billion to build schools, build, repair and renovate schools. That is a first step forward. I applaud my colleagues in the New York State legislature. They have taken the first step.

New York City, of course, the mayor, in this election year, has found funds to do repairs here and there. Everywhere we go we have some visible signs of the mayor's office, which cut the schools by $1.5 billion in the past, now discovering that education is important and producing funds and results.

Over the summer we had junior high schools throughout the city each receiving computers. I am glad we are having an election year because education is getting the attention in New York City that it should get. But we need a more profound response.

The State of New York, with its bond issue, needs help. Even a well meaning administration who really wanted to do something about education in New York City needs help. Why not get the help from the Federal Government? That is where most of the money is. The Federal Government has a responsibility, which is a moral responsibility.

It is not in the Constitution that the Federal Government is responsible for education. Most States have that in their State constitution. But it does not matter, we have the money and the resources. The money does not come from Federal sources because there are no Federal citizens in America. Maybe the citizens of Washington, DC, who have now been taken over again by the Federal Government, are Federal citizens. But the rest of us are citizens of States and we are citizens of cities and towns. We pay income tax from those cities and towns and States into the Federal Government. So the money comes from the local level, all of it does, and there is nothing wrong with having the money go back to take care of crisis situations.

The crisis now in America is not just in New York City but, according to the General Accounting Office, we need $120 billion for the infrastructure and repair programs of school systems throughout the whole Nation. It is not a local problem.

So at the heart of this education effort of the Democratic Caucus, I am glad to see they place school construction as the most specific area that they are approaching.

The caucus also has focused widely on well-trained teachers. I think there is agreement among Republicans and Democrats that we need well-trained teachers. I think there is agreement among Republicans and Democrats that we need to have more effort to wire the schools to make use of telecommunications and technology.

I think there is one other area of agreement, which I am afraid the Democratic task force did not mention, and that is charter schools. We have backed away from any mention of charter schools.

Now, why are charter schools important? Charter schools are important because of the fact that there is agreement on charter schools among Democrats and Republicans. There is agreement that both unions, both big national unions, the National Education Association and the American Federation of Teachers, both have agreed charter schools are a good idea.

We are going to be debating on this floor next week a bill concerning the D.C., District of Columbia, appropriations, and there is a very controversial item in that bill. That bill has an item which deals with the D.C. schools being forced to implement a voucher program. The D.C. schools in that bill are going to be forced by Congress to implement a voucher program.

Now, vouchers have not been implemented anywhere else in the country as a result of Federal funding or Federal intervention. This will be the first case. This would be Congress exercising its overwhelming powers over the District of Columbia to bully them into accepting vouchers.

It does not matter to the people who offer this amendment to do this that citizens of the District of Columbia had a referendum. They had a referendum, and they voted that they did not want vouchers. The citizens specifically voted not to accept vouchers. They do not want vouchers. It was put to the test in a democratic election. They voted that they do not want vouchers. They are embracing charter schools.

The District of Columbia has taken steps to embrace charter schools in a way no other locale has. The District of Columbia has established a board for charter schools. They have called for applications for 20 charter schools.

Now, here is a point of agreement where the Democrats agree and the Republicans agree, AFT, UFT, that charter schools are not a bad idea. I do not think charter schools will ever overwhelm the traditional public schools. I think the future of good schooling for most of America's children, the future is in the public schools.

The public schools, however, need to have a stimulant. Some people say they need competition. And the bureaucracies that I have encountered, certainly the bureaucracy of New York City, does need competition. We need ways in which we shake up the smugness among administrators and principals and superintendents by showing them that all the things they say cannot be done; there are some people who can do them using the same amount of money that they have.

Charter schools are public schools. Charter schools would take the same amount of money per child that the traditional public schools have, and the charter schools would use that amount of money per child to provide an education in accordance with the accountability standards established by the State. They would have to meet the same standards as the traditional public schools.

The difference between charter schools and the traditional public schools, however, would be the governance and the management. They would have more flexibility and more freedom because they would not be a part of a hide-bound bureaucracy. They would do things that we cannot do in a bureaucratic system, which insists everyone has to do the same thing everywhere regardless. They would do things without having to run up a chain of command for approval. They could take some risks, and they would probably have some failures as a result, but they might have a lot of successes. At any rate, they could tackle the big problems.

They say in the public schools that they cannot have disruptive children, they cannot have children coming from certain kinds of backgrounds, with problems at home, et cetera. Let us throw that child into a charter school and tell the charter school board of directors, who should be a group of people who come together and are pledged over a long period of time to work with the problem of schooling, and not a fly-by-night operation where somebody wants to experiment for a little while, maybe while their child is in the school, and then they will drop it. We need a solid board of directors for these charter schools, and they ought to tackle some real education problems.

At any rate, the District of Columbia has made its decision. The District of Columbia has a charter school board. They are calling for the establishment of 20 more charter schools. Next week, as we debate the appropriations provision which will force them to install vouchers, we should look at charter schools as an alternative. We should tackle the whole problem of education, at least.

It requires a movement on a broad base. There are a lot of components of education reform, but there are several components of education reform which now we can move forward on them because it is possible to reach agreement.

There is agreement that we need more training for teachers and that the resources ought to be provided partially by the Federal Government. There is agreement on that. We ought to be able to move forward there.

There is agreement that technology and wiring for the Internet will greatly improve education in our schools. We have a universal fund established for that. We should move forward on that.

There is agreement on charter schools, that charter schools are a good idea. Right now, in America, we have less than 800 charter schools. We have 86,000 traditional public schools. So when we look at 86,000 versus 800, we know charter schools are not about to overrun traditional public schools. Even if we had 10 percent, it would not overrun traditional public schools. So traditional public schools are not threatened by charter schools.

Charter schools represent an experiment that we ought to try. Charter schools represent an experiment which is far superior to vouchers. Vouchers carry us into another realm of private education where people who accept public money can tell us that they are not going to do things except their way. They have our money, our taxpayers' money, but they are going to do things their way.

They are honest enough to tell us that up front. They are not going to change their curriculum. They are not going to change their culture. They are not going to stop giving religious instruction, if they give religious instruction. That is what they are set up to do. They are honest enough to say that if we give them the money, they are not going to change or let us dilute their integrity.

So private schools or religious schools will operate as they have always operated. So let us not give them public money. Public money should go to public schools, and charter schools are public schools.

I want to conclude by saying that nowhere is the need greater than in the area of education, that we understand that we are leaders in an indispensable Nation. We are leaders in an indispensable Nation. We are the pivotal generation. If we are petty at this point, when our resources are greater than ever before; if we are petty at this point, when we do not have any global crisis, there is no world war, there is nothing attracting the attention of the American leaders and American resources as much as education should; if we at this point will not shift the tremendous amounts of dollars that we have spent on the cold war and on military defense, shift some of that money into education to meet the recognized crises in education, then we are petty leaders in an indispensable Nation, and the great indispensable Nation will lose its place in the world.

I have said before that compared to the United States of America, Rome was a little village. The Roman empire, with all its splendor, was nothing compared to the kind of colossus that America has at this point. But the minds of the American leaders are not measuring up to the size of the Nation and the mission of the Nation. We need a generation of profound leaders who act in a way that this indispensable Nation requires.

Ted Turner, in the area of billionaire philanthropy; George Soros, in the area of billionaire philanthropy; they have shown the way; Reed Hunt, at the Federal Communications Commission, has shown the way in the new guidelines for universal funds. There are many places where there are Americans who think like FDR and LBJ and they know we have to tackle big problems with big solutions. And in the area of education, we need to understand that we have a big problem that needs big solutions.

Part of that solution should be the training of teachers; part of that solution should be the upgrading of our schools with technology; part of that solution should be charter schools. And underneath that whole set of those subparts, there has to be a massive program to build schools. The construction, the bricks and mortar, comes first in this particular case, but in this indispensable Nation, we need an indispensable school system with universal quality education for all.

## DESIGNATION OF HON. EDWARD A. PEASE TO ACT AS SPEAKER PRO TEMPORE TO SIGN ENROLLED BILLS AND JOINT RESOLUTIONS THROUGH MONDAY, OCTOBER 6, 1997

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
*October 1, 1997.*

I hereby designate the Honorable Edward A. Pease to act as Speaker pro tempore to sign enrolled bills and joint resolutions through Monday, October 6, 1997.

Newt Gingrich,
*Speaker of the House of Representatives.*

The SPEAKER pro tempore (Mr. Pease). Without objection, the designation is accepted.

There was no objection.

## LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. Minge (at the request of Mr. Gephardt) for September 30, on account of medical reasons.

Mr. Rothman (at the request of Mr. Gephardt) for September 30, on account of attendance at funeral service for Florence Rothman.

Mr. McNulty (at the request of Mr. Gephardt) for October 1 after 2:20 p.m., on account of personal business.

Mr. Saxton (at the request of Mr. Armey) for September 30 until 2:45 p.m., on account of attending a memorial service.

Mr. Young of Florida (at the request of Mr. Armey) for September 30 after 3:30 p.m., on account of official business.

Mr. Wamp (at the request of Mr. Armey) for October 1 after 1:45 p.m., on account of a death in the family.

## SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. Ballenger) to revise and extend their remarks and include extraneous material:)

Mr. McKeon, for 5 minutes, today.

Mrs. Linda Smith of Washington, for 5 minutes, today.

Mr. McIntosh, for 5 minutes, today.

Mr. Smith of Michigan, for 5 minutes, today.

Mr. Hill, for 5 minutes, today.

Mr. Metcalf, for 5 minutes, today.

Mr. Leach, for 5 minutes, today.

Mr. Doolittle, for 5 minutes, today.

Mr. Paxon, for 5 minutes, today.

Mr. Jones, for 5 minutes, today.

Mr. Hutchinson, for 5 minutes, today.

Mr. Gutknecht, for 5 minutes, today.

## ENROLLED BILLS SIGNED

Mr. THOMAS, from the Committee on House Oversight, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 394. An act to provide for the release of the reversionary interest held by the United States in certain property located in the County of Iosco, Michigan.

H.R. 1948. An act to provide for the exchange of lands within Admiralty Island National Monument, and for other purposes.

## SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 996. An act to provide for the authorization of appropriations in each fiscal year for arbitration in United States district courts, and for other purposes.

S. 1198. An act to amend the Immigration and Nationality Act to extend the special immigrant religious worker program, to amend the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 to extend the deadline for designation of an effective date for paperwork changes in the employer sanctions program, and to require the Secretary of State to waive or reduce the fee for application and issuance of a nonimmigrant visa for aliens coming to the United States for certain charitable purposes.

## ADJOURNMENT

Mr. OWENS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 13 minutes p.m.), under its previous order, the House adjourned until Monday, October 6, 1997, at 12:30 p.m., for morning hour debates.

## NOTICE OF PROPOSED RULEMAKING

U.S. Congress,
*Office of Compliance,*
*Washington, DC, September 30, 1997.*

Hon. Newt Gingrich,
*Speaker of the House, U.S. House of Representatives, Washington, DC*

Dear Mr. Speaker: Pursuant to Section 303 of the Congressional Accountability Act of 1995, 2 U.S.C. §1383, I am transmitting the enclosed notice of proposed rulemaking (proposing amendments to procedural rules previously adopted) for publication in the Congressional Record.

The Congressional Accountability Act specifies that the enclosed notice be published on the first day on which both Houses are in session following this transmittal.

Sincerely,

Ricky Silberman,
*Executive Director.*

### OFFICE OF COMPLIANCE

The Congressional Accountability Act of 1995: Amendments to Procedural Rules.

### NOTICE OF PROPOSED RULEMAKING

*Summary:* The Executive Director of the Office of Compliance is proposing to amend the Procedural Rules of the Office of Compliance to cover the General Accounting Office ("GAO") and the Library of Congress ("Library") and their employees. The Congressional Accountability Act of 1995 ("CAA"), 2 U.S.C. §§1301–1438, applies the rights and protections of eleven labor and employment and public access laws to covered employees and employing offices within the Legislative Branch. Five sections of the CAA, which apply rights and protections of the Employee Polygraph Protection Act of 1988 ("EPPA"), the Worker Adjustment and Retraining Notification Act ("WARN Act"), the Uniformed Services Employment and Reemployment Act of 1994 ("USERRA"), and the Occupational Safety and Health Act of 1970 ("OSHAct"), and which prohibit intimidation or reprisal for the exercise of rights under the CAA, become effective with respect to GAO and the Library on December 30, 1997. This Notice of Proposed Rulemaking ("NPRM") proposes to extend the coverage of the Procedural Rules to include GAO and the Library and their employees for purposes of proceedings relating to these five sections of the CAA and the general provisions of the rules relating to ex parte communications. These proposed amendments to the Procedural Rules have been approved by the Board of Directors of the Office of Compliance.

*Dates:* Comments are due within 30 days after the date of publication of this NPRM in the Congressional Record.

*Addresses:* Submit comments in writing (an original and 10 copies) to the Executive Director, Office of Compliance, Room LA 200, John Adams Building, 110 Second Street, S.E., Washington, D.C. 20540–1999. Those wishing to receive notification of receipt of comments are requested to include a self-addressed, stamped post card. Comments may also be transmitted by facsimile ("FAX") machine to (202) 426–1913. This is not a toll-free call. Copies of comments submitted by the public will be available for review at the Law Library Reading Room, Room LM–201, Law Library of Congress, James Madison Memorial Building, Washington, D.C., Monday through Friday, between the hours of 9:30 a.m. and 4:00 p.m.

*For further information contact:* Executive Director, Office of Compliance, at (202) 724–9250 (voice), (202) 426–1912 (TTY). This notice will also be made available in large print or braille or on computer disk, upon request to the Office of Compliance.

SUPPLEMENTARY INFORMATION

*1. Background and Purpose of this Rulemaking*

The Congressional Accountability Act of 1995 ("CAA" or the "Act"), Pub. L. 104–1, 109 Stat. 3, 2 U.S.C. §§1301–1438, applies the rights and protections of eleven labor and employment and public access laws to covered employees and employing offices within the Legislative Branch. With respect to GAO and the Library, five sections of the CAA will become effective as of December 30, 1997: (a) section 204, applying rights and protections of the Employee Polygraph Protection Act of 1988 ("EPPA"), restricts the use of lie detector tests by employing offices; (b) section 205, applying rights and protections of the Worker Adjustment and Retraining Notification Act ("WARN Act"), assures covered employees of notice before office closings and mass layoffs; (c) section 206, applying rights and protections of the Uniformed Services Employment and Reemployment Act of 1994 ("USERRA"), protects job rights of covered employees who serve in the military and other uniformed services; (d) section 215, applying rights and protections of the Occupational Safety and Health Act of 1970 ("OSHAct"), protects the safety and health of covered employees from hazards in their places of employment; and (e) section 207 forbids intimidation or reprisal against covered employees for exercising rights under other sections of the CAA.

The Procedural Rules of the Office of Compliance establish procedures for considering matters that involve employing offices and covered employees other than GAO and the Library and their employees. The purpose of this rulemaking is to extend the rules to cover GAO and the Library and their employees for purposes of any proceedings in which GAO or the Library or their employees may be involved as employing offices or covered employees.

The Board of Directors has also proposed to extend its substantive regulations implementing sections 204, 205, and 215 of the CAA to cover GAO and the Library and their employees. The NPRM was published in the September 9, 1997 issue of the Congressional Record, at 143 Cong. Rec. S9014.

*2. Record of earlier rulemakings*

To avoid duplication of effort, the Executive Director plans to rely generally on the record of earlier rulemakings. The current Procedural Rules of the Office of Compliance were proposed, adopted, and amended in three phases during the past two years. *See* 141 Cong. Rec. S17012 (daily ed. Nov. 14, 1995) (NPRM); 141 Cong. Rec. S19239 (daily ed. Dec. 22, 1995) (final rules); 142 Cong. Rec. H7450 (daily ed. July 11, 1996) (NPRM); 142 Cong. Rec. S10980 (daily ed. Sept. 19, 1996) (final rules); 143 Cong. Rec. S25 (daily ed. Jan. 7, 1997) (NPRM); 143 Cong. Rec. H1879 (daily ed. Apr. 24, 1997) (final rules). A copy of the Procedural Rules of the Office of Compliance is available for inspection at the Law Library Reading Room, at the address and times stated at the beginning of this Notice, and may also be viewed or downloaded from the Office of Compliance's internet Website at http://www.compliance.gov/proful3.html, or http://www.access.gpo.gov/compliance/proful3.html.

*3. Proposed amendments*

The Executive Director is presently aware of no reason why the procedural rules to cover GAO and the Library and their employees should be separate or substantively different from the rules already adopted for other employing offices and their employees. The Executive Director therefore proposes in this NPRM to extend the coverage of the rules already adopted to include GAO and the Library and their employees, and to make no other substantive change to the rules. Specifically, the NPRM proposes to amend the definitions established in section 1.02 of the Procedural Rules of the Office of Compliance: (a) by including the employees of GAO and the Library in the definition of "covered employee," (b) by including GAO and the Library in the definition of "employing office," and (c) by adding a new paragraph (q) to section 1.02 specifying that GAO and the Library and their employees are included in these definitions only for the purposes of proceedings involving sections 204, 205, 206, 207, or 215 of the CAA or for purposes of the rules regarding ex parte communications. A technical correction is also necessary in the language being amended.[1]

*4. Request for comment*

The Executive Director invites comment on these proposed amendments generally and invites comment specifically on whether there is any reason why the rules for GAO and the Library and their employees should be separate or different from the rules already adopted for other employing offices and their employees.

Signed at Washington, D.C., this 30th day of September, 1997.

RICKY SILBERMAN
*Executive Director,*
*Office of Compliance.*

Accordingly, the Executive Director of the Office of Compliance hereby proposes the following amendments to the Procedural Rules of the Office of Compliance:

It is proposed that section 1.02 of the Procedural Rules of the Office of Compliance be amended by revising paragraphs (b) and (h) and by adding at the end of the section a new paragraph (q) to read as follows:

"*§1.02 Definitions.*

"Except as otherwise specifically provided in these rules, for purposes of this Part:

* * * * *

"(b) *Covered employee.* The term "covered employee" means any employee of

"(1) the House of Representatives;
"(2) the Senate;
"(3) the Capitol Guide Service;
"(4) the Capitol Police;
"(5) the Congressional Budget Office;
"(6) the Office of the Architect of the Capitol;
"(7) the Office of the Attending Physician;
"(8) the Office of Compliance; or
"(9) for the purposes stated in paragraph (q) of this section, the General Accounting Office or the Library of Congress.

* * * * *

"(h) *Employing Office.* The term "employing office" means:

"(1) the personal office of a Member of the House of Representatives or a Senator;

"(2) a committee of the House of Representatives or the Senate or a joint committee;

"(3) any other office headed by a person with the final authority to appoint, hire, discharge, and set the terms, conditions, or privileges of the employment of an employee of the House of Representatives or the Senate;

"(4) the Capitol Guide Board, the Capitol Police Board, the Congressional Budget Office, the Office of the Architect of the Capitol, the Office of the Attending Physician, and the Office of Compliance; or

"(5) for the purposes stated in paragraph (q) of this section, the General Accounting Office and the Library of Congress.

* * * * *

"(q) *Coverage of the General Accounting Office and the Library of Congress and their Employees.* The term "employing office" shall include the General Accounting Office and the Library of Congress, and the term "covered employee" shall include employees of the General Accounting Office and the Library of Congress, for purposes of the proceedings and rulemakings described in subparagraphs (1), (2), and (3):

"(1) The processing of any allegation that section 204, 205, or 206 of the Act has been violated, and any allegation of intimidation or reprisal prohibited under section 207 of the Act. Sections 204, 205, and 206 of the Act apply to covered employees and employing offices certain rights and protections of the following laws:

"(i) the Employee Polygraph Protection Act of 1988,

"(ii) the Worker Adjustment and Retraining Notification Act, and

"(iii) the Chapter 43 (relating to veterans' employment and reemployment) of title 38, United States Code.

"(2) The enforcement of the inspection and citation provisions of section 215(c)(1), (2), (3) of the Act, and proceedings to grant variances under section 215(c)(4) of the Act. Section 215 of the Act applies to covered employees and employing offices certain rights and protections of the Williams-Steiger Occupational Safety and Health Act of 1970.

"(3) Any proceeding or rulemaking, for purposes of section 9.04 of these rules."

## EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

5304. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Carfentrazone-ethyl; Temporary Pesticide Tolerance [OPP–300554; FRL–5744–8] (RIN: 2070–AB78) received October 2, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5305. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Exception Decisions to Early Entry Prohibition, Worker

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[1] In section 1.02(b) of the Procedural Rules of the Office of Compliance, reference to the Office of Technology Assessment is being removed, as that Office no longer exists.

Protection Standard; Technical Amendment [OPP–250122; FRL–5599–3] (RIN: 2070–AC95) received October 2, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5306. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Glyphosate Oxidoreductase and the Genetic Material Necessary for Its Production in All Plants; Exemption From Tolerance Requirement On All Raw Agricultural Commodities [OPP–300552; FRL–5745–2] (RIN: 2070–AB78) received October 2, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5307. A letter from the Secretary of Housing and Urban Development, transmitting notification that it is estimated that the limitation on the Government National Mortgage Association's ("Ginnie Mae's") authority to make commitments for a fiscal year will be reached before the end of that fiscal year, pursuant to 12 U.S.C. 1721 nt.; to the Committee on Banking and Financial Services.

5308. A letter from the Chairman, Board of Governors of the Federal Reserve System, transmitting the report on State member bank compliance with the national flood insurance program, pursuant to Public Law 103—325, section 529(a) (108 Stat. 2266); to the Committee on Banking and Financial Services.

5309. A letter from the Assistant to the Board of Governors, Federal Reserve System, transmitting the Board's final rule—Electronic Fund Transfers [Regulation E; Docket No. R–0959] received September 19, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

5310. A letter from the Acting General Counsel, Department of Energy, transmitting the Department's final rule—Acquisition Regulation; Revisions to Organizational Conflicts of Interest (RIN: 1991–AB26) received September 30, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5311. A letter from the Acting General Counsel, Department of Energy, transmitting the Department's "Major" final rule—Energy Conservation Program for Consumer Products: Energy Conservation Standards for Refrigerators, Refrigerator-freezers and Freezers [Docket No. EE-RM–93–801] received September 30, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5312. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Federal Motor Vehicle Safety Standards; Hydraulic Brake Systems; Passenger Car Brake Systems (National Highway Traffic Safety Administration) [Docket 85–06; Notice 13] (RIN: 2127–AG35) received September 26, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5313. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Maryland; 15% Rate of Progress Plan for the Baltimore Ozone Nonattainment Area [MD 053–3020; FRL–5905–8] received October 2, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5314. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Revocation of Significant New Use Rules for Certain Acrylate Substances [OPPTS–50625B; FRL–5744–6] (RIN: 2070–AB27) received October 2, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5315. A letter from the Director, Regulations Policy and Management Staff, Office of Policy, Food and Drug Administration, transmitting the Administration's final rule—Latex Condoms; User Labeling; Expiration Dating [Docket No. 95N–0374] (RIN: 0910–AA32) received October 2, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5316. A letter from the Chairman, Securities and Exchange Commission, transmitting the report on shareholder proposals, pursuant to Public Law 104—290, section 510(b)(2) (110 Stat. 3450); to the Committee on Commerce.

5317. A communication from the President of the United States, transmitting a report on the status of efforts to obtain Iraq's compliance with the resolutions adopted by the U.N. Security Council, pursuant to Public Law 102—1, section 3 (105 Stat. 4); (H. Doc. No. 105—138); to the Committee on International Relations and ordered to be printed.

5318. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting ILC Convention No. 177 and Recommendation No. 184 concerning Home Work; Convention No. 178 and Recommendation No. 185 concerning the Inspection of Seafarers' Working and Living Conditions; Convention No. 179 and Recommendation No. 186 concerning the Recruitment and Placement of Seafarers; Convention No. 180 concerning Seafarers' Hours of Work and the Manning of Ships; Recommendation No. 187 concerning Seafarers' Hours of Work and the Manning of Ships; and Protocol of 1996 to the Merchant Shipping Convention, 1976, pursuant to Art. 19 of the Constitution of the International Labor Organization; to the Committee on International Relations.

5319. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a memorandom of justification for use of section 506(a)(2) authority to draw down articles, services, and military education and training from the Department of Defense, pursuant to Public Law 101—513, section 547(a) (104 Stat. 2019); to the Committee on International Relations.

5320. A letter from the Acting Assistant Secretary for Export Administration, Department of Commerce, transmitting the Administration's final rule—Satellite fuel, Ground Support Equipment, Test Equipment, Payload Adapter/Interface Hardware, and Replacement Parts for the Preceeding Items, When Included with a Specific Commercial Communications Satellite Launch [Docket No. 960918265–7203–04] (RIN: 0694–AB09) received September 22, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

5321. A letter from the Director, Bureau of Alcohol, Tobacco and Firearms, transmitting the ATF's revised strategic plan, pursuant to Public Law 103—62; to the Committee on Government Reform and Oversight.

5322. A letter from the Acting General Counsel, Department of Energy, transmitting the Department's final rule—Acquisition Regulation: Elimination of Non-Statutory Certification Requirements (RIN: 1991–AB31) received September 30, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

5323. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Grants and Cooperative Agreements to State and Local Governments, Universities, Hospitals, and Other Non-Profit Organizations [FRL–5881–5] received September 26, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

5324. A letter from the Chairman, Merit Systems Protection Board, transmitting the Board's report entitled "Adherence to the Merit Principles in the Workplace: Federal Employees' Views," pursuant to 5 U.S.C. 1204(a)(3); to the Committee on Government Reform and Oversight.

5325. A letter from the Director, Office of Management and Budget, transmitting the report to Congress under the Paperwork Reduction Act of 1995, pursuant to 44 U.S.C. 3504(e)(2); to the Committee on Government Reform and Oversight.

5326. A letter from the Secretary of Commerce, transmitting the report on the U.S. Antarctic Marine Living Resource Directed Research Program, pursuant to 16 U.S.C. 2431 et seq.; to the Committee on Resources.

5327. A letter from the Chair, Advisory Council on California Indian Policy, transmitting the ACCIP Historical Overview Report: The Special Circumstances of California Indians, pursuant to Public Law 102—416; Public Law 104—109; to the Committee on Resources.

5328. A letter from the Assistant Secretary, Land and Minerals Management, Department of the Interior, transmitting the Department's final rule—Gifts; Acquisition of Lands or Interest in Lands by Purchase or Condemnation [WO–130–1820–00–24 1A] (RIN: 1004–AC98) received October 2, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5329. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Simultaneous De-designation and Termination of the Mud Dump Site and Designation of the Historic Area Remediation Site [FRL–5885–1] received September 26, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5330. A letter from the Assistant Administrator for Ocean Services and Coastal Zone Management, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Coastal Service's Center Broad Area Announcement [Docket No. 9707–14173–7173–01] (RIN: 0648–ZA31) received September 23, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5331. A letter from the Acting Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Vessels Using Trawl Gear in the Bering Sea and Aleutian Islands [Docket No. 961107312–7021–02; I.D. 092697A] received October 2, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5332. A letter from the Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries Off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; Nontrawl Sablefish Mop-Up Fishery [Docket No. 961227373–6373–01; I.D. 092497C] received October 2, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5333. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's final rule—Visas: Documentation of Nonimmigrants

Under the Immigration and Nationality Act, as Amended [Public Notice 2600] received September 15, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

5334. A letter from the Commissioner, Immigration and Naturalization Service, transmitting the Service's final rule—Adding Slovenia to the List of Countries Authorized to Participate in the Visa Waiver Pilot Program and Designating Ireland as a Permanent Participating Country (Formerly with Probationary Status) [INS No. 1786–96] (RIN: 1115–AB93) received October 1, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

5335. A letter from the Commissioner, Immigration and Naturalization Service, transmitting the Service's final rule—Interim Designation of Acceptable Documents for Employment Verification [INS No. 1818–96] (RIN: 1115–AE94) received October 1, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

5336. A letter from the Secretary of Transportation, transmitting the Department's 1996 Progress Report on the Transition to Quieter Airplanes, pursuant to Public Law 101—508, section 9308(g) (104 Stat. 1388—383); to the Committee on Transportation and Infrastructure.

5337. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Pratt & Whitney JT8D–200 Series Turbofan Engines (Federal Aviation Administration) [Docket No. 96–ANE–35; Amendment 39–10134; AD 97–19–13] (RIN: 2120–AA64) received September 26, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5338. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Pratt & Whitney JT8D Series Turbofan Engines (Federal Aviation Administration) [Docket No. 96–ANE–32; Amendment 39–10133; AD 97–19–12] (RIN: 2120–AA64) received September 26, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5339. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Enstrom Helicopter Corporation Model F–28A, F–28C, 280 and 280C Helicopters (Federal Aviation Administration) [Docket No. 96–SW–31–AD; Amendment 39–10142; AD 97–20–04] (RIN: 2120–AA64) received September 26, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5340. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; de Havilland Model DHC–7 Series Airplanes (Federal Aviation Administration) [Docket No. 97–NM–36–AD; Amendment 39–10141; AD 97–20–03] (RIN: 2120–AA64) received September 26, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5341. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Lockheed Model L–188A and L–188C Series Airplanes (Federal Aviation Administration) [Docket No. 97–NM–07–AD; Amendment 39–10140; AD 97–20–02] (RIN: 2120–AA64) received September 26, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5342. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 747 Series Airplanes (Federal Aviation Administration) [Docket No. 97–NM–237–AD; Amendment 39–10139; AD 97–20–01] (RIN: 2120–AA64) received September 26, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5343. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; AlliedSignal Inc. TSCP700–4B and -5 Auxillary Power Units (Federal Aviation Administration) [Docket No. 97–ANE–03; Amendment 39–10138; AD 97–19–18] (RIN: 2120–AA64) received September 26, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5344. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Raytheon Aircraft Company Models 1900, 1900C, and 1900D Airplanes (Federal Aviation Administration) [Docket No. 96–CE–60–AD; Amendment 39–10131; AD 97–15–13 R1] (RIN: 2120–AA64) received September 26, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5345. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Hazardous Materials in Intrastate Commerce; Delay of Compliance Date, Technical Amendments, Corrections and Response to Petitions for Reconsideration (Research and Special Programs Administration) [Docket HM–200; Amdt. Nos. 171–154 and 173–262] (RIN: 2137–AB37) received September 26, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5346. A letter from the Chairman, Interagency Coordinating Committee on Oil Pollution Research, transmitting the Committee's biennial report to Congress, pursuant to Public Law 101—380,, section 7001(e) (104 Stat. 564); to the Committee on Transportation and Infrastructure.

5347. A letter from the Secretary of Transportation, transmitting a report entitled "Implementation of the National Intelligent Transportation System Program," pursuant to Public Law 102—240, section 6054(c); to the Committee on Transportation and Infrastructure.

5348. A letter from the Director, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—NOAA Pan-American Climate Studies (PACS), Program Announcement—September 30, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

5349. A letter from the Director, Office of Regulations Management, Department of Veterans Affairs, transmitting the Department's final rule— Appeals Regulations: Remand for Further Development (RIN: 2900–AI50) received October 2, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

5350. A letter from the Chief Counsel, Bureau of the Public Debt, transmitting the Bureau's final rule—Regulations Governing the Offering of United States Mortgage Guaranty Insurance Company Tax and Loss BONDS [Department of the Treasury Circular, Public Debt Series No. 3–68] received September 24, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5351. A letter from the Chief, Regulations Branch, U.S. Customs Service, transmitting the Service's final rule—Import Restrictions Imposed on Archeological Artifacts from Guatemala [T.D. 97–81] (RIN: 1515–AC24) received October 1, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5352. A letter from the Acting Assistant Secretary, Department of Labor, transmitting a report concerning Recommendations to Ensure Compliance by Federal Contractors and Subcontractors, pursuant to Public Law 104—208, section 8118 (110 Stat. 3009—114); jointly to the Committees on National Security and Veterans' Affairs.

5353. A letter from the Secretary of Transportation, transmitting a report entitled "Successful Telecommuting Programs in the Public and Private Sectors," pursuant to Public Law 104—50, section 345; jointly to the Committees on Education and the Workforce and Appropriations.

5354. A letter from the Secretary of Energy, transmitting the Seventh Annual Report for the Demonstration and Commercial Application of Renewable Energy and Energy Efficiency Technologies Program, pursuant to 42 U.S.C. 12006; jointly to the Committees on Commerce and Science.

5355. A letter from the Secretary of Transportation, transmitting the Department's report entitled "Importing Noncomplying Motor Vehicles" for calendar year 1996, pursuant to 49 U.S.C. 30169(b); jointly to the Committees on Commerce and Ways and Means.

5356. A letter from the Executive Director, Office of Compliance, transmitting a notice of proposed rulemaking (proposing amendments to procedural rules previously adopted) for publication in the Congressional RECORD, pursuant to Public Law 104—1, section 303(b) (109 Stat. 28); jointly to the Committees on House Oversight and Education and the Workforce.

5357. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Secretary's certification to the Congress regarding the incidental capture of Sea Turtles in commercial shrimping operations, pursuant to Public Law 101—162, section 609(b)(2) (103 Sat. 1038); jointly to the Committees on Resources and Appropriations.

5358. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a report to Congress on Iran-Related Multilateral Sanction Regime Efforts, pursuant to Public Law 104—172, section 4(b) and 10(a); jointly to the Committees on International Relations, Banking and Financial Services, and Ways and Means.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. STUMP: Committee on Veterans' Affairs. H.R. 2571. A bill to authorize major medical facility projects and major medical facility leases for the Department of Veterans Affairs for fiscal year 1998, and for other purposes (Rept. 105–291). Referred to the Committee of the Whole House on the State of the Union.

Mr. STUMP: Committee on Veterans' Affairs. H.R. 1703. A bill to amend title 38, United States Code, to provide for improved and expedited procedures for resolving complaints of unlawful employment discrimination arising within the Department of Veterans Affairs; with amendments (Rept. 105–292). Referred to the Committee of the Whole House on the State of the Union.

Mr. STUMP: Committee on Veterans' Affairs. H.R. 2206. A bill to amend title 38, United States Code, to improve programs of the Department of Veterans Affairs for homeless veterans, and for other purposes; with an amendment (Rept. 105–293). Referred to the Committee of the Whole House on the State of the Union.

Mr. SMITH of Oregon: Committee on Agriculture. H.R. 1789. A bill to reauthorize the dairy indemnity program (Rept. 105–294). Referred to the Committee of the Whole House on the State of the Union.

Mr. SMITH of Oregon: Committee on Agriculture. H.R. 1779 A bill to make a minor adjustment in the exterior boundary of the Devils Backbone Wilderness in the Mark Twain National Forest, MO, to exclude a small parcel of land containing improvements (Rept. 105–295 Pt. 1). Referred to the Committee of the Whole House on the State of the Union.

Mr. SMITH of Oregon: Committee on Agriculture. H.R. 2366. A bill to transfer to the Secretary of Agriculture the authority to conduct the census of agriculture, and for other purposes (Rept. 105–296 Pt. 1). Ordered to be printed.

### DISCHARGE OF COMMITTEE

Pursuant to clause 5 of rule X the Committee on Resources discharged from further consideration. H.R. 1779 referred to the Committee of the Whole House on the State of the Union, and ordered to be printed.

## TIME LIMITATION OF REFERRED BILL

Pursuant to clause 5 of rule X the following action was taken by the Speaker:

H.R. 1779. Referral to the Committee on Resources extended for a period ending not later than October 2, 1997.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. COBLE (for himself and Mr. GOODLATTE):

H.R. 2603. A bill to amend title 28, United States Code, with respect to arbitration in U.S. district courts, and for other purposes; to the Committee on the Judiciary.

By Mr. PACKARD (for himself, Mr. GINGRICH, Mr. FAZIO of California, Mr. ARMEY, Mr. LEWIS of Georgia, Mr. WATTS of Oklahoma, Mr. JACKSON, Mr. LIVINGSTON, Mr. BOEHNER, Mr. MCKEON, Mr. CUNNINGHAM, Mr. HANSEN, Mr. FLAKE, Mr. HERGER, Mr. CRAPO, Mr. DOOLITTLE, Mr. STUMP, Mr. CANNON, Mr. TRAFICANT, Mr. BONILLA, Mr. STENHOLM, Mr. SOUDER, Mr. YOUNG of Alaska, Mr. SHIMKUS, Mr. WOLF, Mr. SAWYER, Mr. SAM JOHNSON, Mr. HUNTER, Mr. ISTOOK, Mr. COX of California, Mr. FILNER, Mr. EWING, Mr. CHRISTENSEN, Mr. REDMOND, Mr. GALLEGLY, Mr. LEWIS of California, Mr. BARR of Georgia, Mr. DREIER, Mr. CRAMER, Mr. TAYLOR of Mississippi, Mr. WELDON of Florida, Mr. MILLER of California, Mr. BERMAN, Mr. CAPPS, Mr. WATKINS, Mr. BRADY, Mrs. LINDA SMITH of Washington, Mr. ROHRABACHER, Mr. COOK, Mr. GUTIERREZ, Mr. PASTOR, Mr. BILBRAY, Mr. LAHOOD, Mr. PITTS, Mr. ORTIZ, Mr. WALSH, Mr. MCHUGH, Mr. HOEKSTRA, Mr. BUNNING of Kentucky, Mr. CONDIT, Mr. SMITH of New Jersey, Mrs. CLAYTON, Mr. BROWN of California, Mr. RADANOVICH, Mr. SALMON, Mr. SMITH of Michigan, and Mr. HALL of Ohio):

H.R. 2604. A bill to amend title 11, United States Code, to protect certain charitable contributions, and for other purposes; to the Committee on the Judiciary.

By Mr. SOLOMON:

H.R. 2605. A bill to require the United States to oppose the making of concessional loans by international financial institutions to any entity in the People's Republic of China; to the Committee on Banking and Financial Services.

By Ms. VELÁZQUEZ (for herself, Mr. DELLUMS, Mr. FROST, Mr. CONYERS, Mr. NADLER, Mr. SERRANO, Mrs. MCCARTHY of New York, Mr. FILNER, Mr. OWENS, Ms. SLAUGHTER, Mr. TOWNS, Mr. FLAKE, Mrs. MALONEY of New York, Mr. SCHUMER, Mr. BONIOR, Mr. MILLER of California, Mrs. LOWEY, Mr. HINCHEY, Mr. RANGEL, Mr. EVANS, and Mr. ACKERMAN):

H.R. 2606. A bill to amend the Public Health Service Act and the Employee Retirement Income Security Act of 1974 to establish certain requirements for managed care plans; to the Committee on Commerce, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. MORELLA (for herself and Mr. LANTOS):

H. Con. Res. 166. Concurrent resolution expressing the sense of the Congress that every effort should be made to assure the complete implementation of, and compliance with, the December 1996 Guatemalan peace accords; to the Committee on International Relations.

## MEMORIALS

Under clause 4 of rule XXII:

212. The SPEAKER presented a memorial of the House of Representatives of the Commonwealth of Puerto Rico, relative to a resolution urging President William Jefferson Clinton and the Congress of the United States to support the methodology proposed by the United States Bureau of the Census to conduct the Federal Census of the year 2000; to the Committee on Government Reform and Oversight.

## ADDITIONAL SPONSORS

Under clause 4, of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 367: Mr. TALENT and Ms. RIVERS.

H.R. 373: Mr. STOKES and Ms. NORTON.

H.R. 872: Mr. BERMAN, Mr. EDWARDS, Ms. HOOLEY of Oregon, Ms. LOFGREN, Mr. BOB SCHAFFER, Ms. SLAUGHTER, and Mr. WHITE.

H.R. 1126: Mr. PASTOR.

H.R. 1151: Mr. PACKARD, Mrs. TAUSCHER, and Mr. BLAGOJEVICH.

H.R. 1165: Mr. CLYBURN.

H.R. 1232: Mr. DEFAZIO, Mr. BUNNING of Kentucky, and Mr. KLINK.

H.R. 1371: Mr. TRAFICANT.

H.R. 1500: Mr. MATSUI.

H.R. 1526: Mr. WEYGAND.

H.R. 1534: Mr. SNOWBARGER, Mr. HILLEARY, Mr. DIAZ-BALART, Mr. SHAW, and Mr. BLUMENAUER.

H.R. 1619: Mr. COMBEST.

H.R. 1636: Mr. WEYGAND.

H.R. 1703: Mr. GUTIERREZ, Mr. DOYLE, Mr. FILNER, Mr. SPENCE, Mr. OLVER, Mr. REYES, Mr. SNYDER, Mr. SMITH of New Jersey, and Mr. PASCRELL.

H.R. 2195: Mr. WATKINS and Mr. BONIOR.

H.R. 2206: Mr. EVANS.

H.R. 2221: Mr. WELDON of Florida and Mr. MCINTOSH.

H.R. 2273: Mr. WATT of North Carolina, Mr. TAYLOR of North Carolina, Mr. ENGEL, and Mr. MARTINEZ.

H.R. 2292: Mr. SMITH of Oregon, Mr. TANNER, Mr. BERRY, Mr. BATEMAN, Mr. FRELINGHUYSEN, Mr. MORAN of Kansas, Mr. GIBBONS, and Mrs. MYRICK.

H.R. 2331: Mr. STENHOLM.

H.R. 2459: Mr. SCOTT, Mr. SAWYER, Mr. BLAGOJEVICH, Mr. BARCIA of Michigan, Mrs. CLAYTON, Mr. HALL of Ohio, Mr. MARTINEZ, Mrs. MEEK of Florida, Mr. PALLONE, Mr. PETERSON of Minnesota, Mr. ROEMER, Mr. VENTO, Mr. OWENS, Mr. MILLER of California, Mr. BECERRA, Mr. FATTAH, Mr. JACKSON, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. RAHALL, Mr. REYES, Ms. CHRISTIAN-GREEN, Mr. ANDREWS, Mr. BOUCHER, Mr. FORD, Mr. LUTHER, Mr. MCNULTY, Mr. OBERSTAR, Mr. PAYNE, Mr. RANGEL, Mr. STOKES, Mr. MCDERMOTT, Mr. ACKERMAN, Mr. PRICE of North Carolina, Mr. COYNE, Mr. HEFNER, Ms. JACKSON-LEE, and Mr. JOHNSON of Wisconsin.

H.R. 2497: Mr. MCINNIS, Mr. LUCAS of Oklahoma, Mr. CALVERT, Mr. MCINTOSH, Mr. GALLEGLY, Mr. HALL of Texas, Mr. DEAL of Georgia, Mr. WELDON of Pennsylvania, Mr. SENSENBRENNER, Mr. WHITE, Mr. SHADEGG, and Mr. GOODLATTE.

H.R. 2563: Mr. CLEMENT, Mr. FROST, and Mr. CUNNINGHAM.

H.R. 2571: Mr. FILNER and Mr. MASCARA.

H. Con. Res. 55: Mr. WELLER.

H. Res. 224: Mr. MCCRERY and Mr. TURNER.

# EXTENSIONS OF REMARKS

## THE SAFETY ADVANCEMENT FOR EMPLOYEES ACT [SAFE ACT]

### HON. JAMES M. TALENT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 30, 1997*

Mr. TALENT. Mr. Speaker, I rise today to talk about the Safety Advancement for Employees Act [SAFE Act], a bipartisan bill introduced today that is designed to foster a partnership between OSHA and employees and encourage greater worker safety. In addition to the bill, the House Committee on Small Business prepared a paper entitled, "Why Workers Need Change: The SAFE Act," outlining why the need for change and how the SAFE Act can succeed where the big stick methods of OSHA have failed.

On any given day in the United States, 17 workers will die and 18,600 workers will be injured on the job. The fact is that many of these accidents occur not because employers don't care about worker safety; on the contrary, even the Federal Government estimates that 95 percent of employers are striving to create safe environments for workers. The problem lies with the adversarial posture of the Occupational Safety and Health Administration [OSHA], the Federal agency responsible for worker safety. Established by Congress in 1970, OHSA's mandate was to assure for all workers safe and healthful working conditions "by encouraging employers and employees in their efforts to reduce the number of occupational safety and health hazards at their places of employment." The agency, however, has never seriously attempted to "encourag[e] employers and employees in their efforts" to create safe workplaces. Instead, OSHA operates according to a command and control mentality, issuing burdensome and often incomprehensible regulations which may not relate to worker safety, and are, in any event, only sporadically enforceable. Small wonder that, though OSHA has been in existence for 27 years and has generated tens of billions of dollars in compliance costs, there is a serious question whether it has improved worker safety at all.

For worksites to become safer, OSHA's ineffective, top-down approach must be overhauled. The agency in its present posture is simply incapable of handling the safety problems of millions of individual workplaces as America heads into the 21st century. As recognized by Vice President GORE, OSHA's system "doesn't work well enough." In short, OSHA can lead the country to better workplace safety; it cannot command the country into better workplace safety.

EMPLOYERS ARE DROWNING IN REGULATIONS

The sheer volume of OSHA regulations that employers are expected to read, understand, and implement is staggering. Many of the regulations bear no relationship to safety at the workplace. Others are so vague that discerning one correct interpretation is impossible. The result is that employers are left to fend for themselves, wasting valuable time and money misinterpreting regulations and making worksite improvements that are either not required by OSHA or not related to workplace safety, or both.

PAPERWORK REQUIREMENTS ARE HUGE AND HAVE NO TANGIBLE SAFETY BENEFITS

Far and away the greatest number of citations are leveled against employers for OSHA paperwork violations. In 1994, the top 6—and 11 of 20—of the most-cited violations involved paperwork deficiencies. Employers are thereby forced to create more and more paper without tangible safety benefits. Meanwhile, as OSHA focuses its sights on paperwork, serious safety concerns go in uninspected. For example, in 1994 and early 1995, three-quarters of worksites in the United States that suffered serious accidents had never been inspected by OSHA during this decade. In fact, even OSHA officials acknowledge that their inspectors "do not get to a lion's share of lethal sites until after accidents occur." The result is that incompetent or reckless employers go undeterred while good faith employers spend time and money on paperwork instead of safety.

SO MANY WORKSITES, SO FEW INSPECTORS

OSHA has only 2,451 State and Federal inspectors to regulate 96.7 million American workers. With a ratio of about one inspector to 3,000 worksites, Federal OSHA can currently inspect workplaces under its jurisdiction only once every 167 years. OSHA inspectors cannot possibly understand the safety and health concerns of worksites that they rarely visit. Nor can they have knowledge of workers' needs in industries as diverse as manufacturing plants, funeral homes, and restaurants.

A NEW OSHA REQUIRES A NEW APPROACH

The adversarial model that exists to regulate worker safety between OSHA and employers does not get the job done. Pitting the employer against the inspector, the current model fosters distrust and suspicion, flying in the face of true partnership efforts that are the key to worker safety. Both the Government and the private sector waste enormous resources on the struggle to catch employers in violation of regulations that no one believes will advance worker safety. No wonder that the current system has so little credibility in the private sector.

If we are to create a new OSHA, we must significantly change the culture that exists between employers and the agency—making them partners not enemies. It is not enough to threaten large fines for noncompliance when millions of safety-conscious employers don't know how to comply. Nor is it enough to weigh employers down with more compliance materials than they can possibly digest or understand.

The answer to achieving safer work environments is to encourage the 95 percent of employers who are concerned about worker safety and health to voluntarily seek expert advice on how to comply with OSHA's regulations and to implement and maintain the expert's recommendations. Creating true partnerships between employers and OSHA will empower the honest employers to improve worker safety, while allowing OSHA to concentrate its enforcement on the 5 percent of employers who constitute the bad actors.

Vice President GORE strongly advocates using private sector OSHA compliance experts to help employers achieve greater worker safety. Acknowledging that OSHA "doesn't work well enough," because there are "only enough inspectors to visit even the most hazardous workplace once every several years," the Vice President has called on OSHA to rely on private inspection companies in its efforts to ensure the safety and health of America's workers. In this way:

> [OSHA] would use the same basic technique the federal government uses to force companies to keep honest financial books: setting standards and requiring periodic certification of the books by expert financial auditors. No army of federal auditors descends upon American businesses to audit their books; the government forces them to have the job done themselves. In the same way, no army of OSHA inspectors need descend upon corporate America.

By creating partnerships with employers through the use of private sector compliance auditors, the "health and safety of American workers could be vastly improved."

THE SAFE ACT: THE SOLUTION FOR SAFER WORKPLACES

The Safety Advancement for Employees [SAFE] Act reflects a new partnership approach to worker safety. By encouraging employers to seek individualized compliance assistance from qualified third party auditors, the SAFE Act will ensure that more worksites are in compliance with OSHA, and more workers are protected. The SAFE Act does not waive any of OSHA's power to inspect workplaces, but it recognizes that employers who actively seek expert assistance to improve safety should not be treated as adversaries. Under the SAFE Act, employers can choose to enlist the aid of an entire field of compliance experts, thereby allowing OSHA to concentrate its resources on policing those worksites that truly need OSHA enforcement. The SAFE Act spells greater safety for workers and increased compliance by all employers.

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## REPORT FROM INDIANA—REV. PAUL KNECHT

### HON. DAVID M. McINTOSH

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 30, 1997*

Mr. McINTOSH. Mr. Speaker, I rise today to deliver my report from Indiana. This week, I

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

would like to share a special story of a dear and wonderful friend—Rev. Paul Knecht of Richmond, IN.

Reverend Knecht has recently retired after serving over 31 years as the executive director of Wernle Children's Home in Wayne County. Wernle Home is a dear place for both Ruthie and me. On many occasions we have visited our friends at Wernle. We've forged friendships with both the children and the wonderful people who care for them.

Working with abused and troubled children requires a special person, a special love, a special faith, and a special heart. Reverend Knecht is and was a special man.

Reverend Knecht dedicated his life to helping abused and troubled children all across Indiana. His service to God, his church, and the needy children of Wernle Home will leave a loving presence of acceptance and stability in the lives of thousands of children who came to Wernle.

So today, I would like to commend the efforts of Rev. Paul Knecht. As he retires after 31 years of service, he will be missed. His life work has touched so many people, so many people and lives forever.

That, Mr. Speaker, is my report from Indiana.

## PERSONAL EXPLANATION

### HON. JOHN E. ENSIGN

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 30, 1997*

Mr. ENSIGN. Mr. Speaker, on Monday, September 29, I missed rollcall votes 460 and 461 due to an aircraft delay in returning to Washington from Las Vegas. Had I been present for these two votes, I would have voted "nay" on rollcall vote 460 and "nay" on rollcall vote 461.

## 1996–97 VFW VOICE OF DEMOCRACY SCHOLARSHIP PROGRAM

### HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 30, 1997*

Mr. McINNIS. Mr. Speaker, on behalf of the Veterans of Foreign Wars I would like to introduce the following winning script from the Voice of Democracy Program. The winner of the contest from the Third District of Colorado was Tara Linton of Craig, CO.

"DEMOCRACY—ABOVE AND BEYOND"

The lyrics to "God Bless America" have been permanently etched into my brain. I can remember reciting the song over and over in preparation for a play my entire elementary school participated in to commemorate the two hundredth anniversary of the United States Constitution.

That play was like a welcome mat to the future for me. Not only did it introduce me to the exciting and rewarding world of the theatre, but it brought me closer to something else—democracy. The play retraced the path of democracy from America's past to its present. I thank my lucky stars that I had the chance to participate because, until then, I had no idea how democracy had gone above and beyond, shaping our country and its people. And now, nine years after singing about the "land that I love," I am proud to speak out on behalf of democracy.

Today's "performance," if you will, is divided into two acts. In act one we will see how democracy is responsible for the American Dream. And act two will focus on the contributions we all make to keep democracy rising above and beyond.

The curtain opens, and the American Dream is exposed. What we see is a plethora of people, every American who has ever lived or will live. They represent democracy's past, present, and future, how it has changed and how it has stayed the same.

But one thing stands out more than anything else. We can't see it or touch it or interpret it with any of the five senses. It is deeper and more powerful than any sensation. It is a sense of love, patriotism, and gratitude rolled into one.

You see, nobody had to sit down and decide that the people of the future deserved a better life. But somebody did. A lot of somebodies, in fact, including the likes of George Washington, Thomas Jefferson, and Benjamin Franklin. The result of their desire to improve the world is what generations of Americans have experienced—the original American Dream. We have the opportunity to live in the society our forefathers only dreamed about.

It's as if we are all actors fortunate enough to have starring roles in the manuscript our founders began to write even before the formation of the Union.

Washington, Jefferson, and Franklin. Their masterpiece wasn't the Declaration of Independence, nor was it the Constitution; their masterpiece is us.

This draws the curtain on act one and leads us to act two: just how we Americans send democracy above and beyond.

With every effort at getting involved, the driving force behind democracy gets stronger. And we're encouraged to get involved at an early age. Many schoolchildren are directly exposed to democracy the moment they enter the school with the recitation of the Pledge of Allegiance. With education playing a major role in democracy's success, the emphasis on saying the Pledge at school is a giant stepping stone for children to become familiar with the system.

But it only just begins in childhood. As we grow older we begin to make choices for ourselves and our country. Nearly every man and woman involved in the armed services does so for the preservation of democracy.

And all registered voters have the say in what the future should entail when they cast their ballots.

Why do Americans try so hard to keep democracy strong and prominent? Well, it all goes back to what we saw in act one. We came from a long line of people who truly care. Though democracy in America has faced a number of changes, one thing doesn't change: we care. About the past, the present, and the future.

The curtain has fallen over act two, but the performance isn't quite finished.

An actor knows that the hours spent memorizing, rehearsing and performing have been well worth the effort when the final curtain drops, and the audience, left in a state of wonder, fulfillment, and satisfaction, reacts with generous and sincere applause.

Will the manuscript our forefathers began writing hundreds of years ago ever come to a conclusion? We may never know. Like nearly all things, democracy will continue to grow and evolve—to go above and beyond. With every new life exposed to its benefits, democracy enters for an encore performance, sure to be even more spectacular than ever before.

And now, as the performance comes to a close, we should all take time to remember what democracy means to us. From the mountains, to the prairies, to the oceans, we stand beside her and guide her. America—the land that we love.

## EXTENSION OF CONGRATULATIONS TO TUSKEGEE UNIVERSITY

### HON. BOB RILEY

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 30, 1997*

Mr. RILEY. Mr. Speaker, I rise today to extend my congratulations to Tuskegee University for being named second in the Nation for the number of black graduating engineers.

I always love to hear about institutions of higher learning making good use of their resources. By using different programs at the university, the school helps to advance its students' futures. One program is the Research Apprenticeship for Disadvantaged High Schoolers [RADHS], which is implemented during the summer of a high school student's junior year. Another program is the Freshman Accelerated Start-up and Training for the Retention in Engineering Curricula [FASTREC], which is introduced at the freshman level of college. These two programs, as well as the familiarity between the faculty and the students, help the University to produce fine and outstanding engineers. Every school does it best to help students decide what they want to study, and to help the students achieve their goals with whatever means possible. Fortunately, Tuskegee has developed an effective program. This program enabled 192 students to finish their undergraduate degree in engineering. Through the example of Tuskegee University, other institutions may have a model of a productive, resourceful, and successful program—a program which will benefit students, Alabama, and this Nation.

## PERSONAL EXPLANATION

### HON. HELEN CHENOWETH

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 30, 1997*

Mrs. CHENOWETH. Mr. Speaker, yesterday, September 29, 1997, I was unavoidably detained and missed rollcall votes 460 and 464. Had I been here, I would have voted "nay" on rollcall No. 460 and "yea" on rollcall No. 464.

## PERSONAL EXPLANATION

### HON. MARK FOLEY

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 30, 1997*

Mr. FOLEY. Mr. Speaker, on rollcall Nos. 462, 463, and 464, I was unavoidably detained. Had I been present, I would have voted "aye."

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## A TRAGIC LOSS IN BOISE, ID

### HON. MICHAEL D. CRAPO

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 30, 1997*

Mr. CRAPO. Mr. Speaker, earlier this month, a tragic but common event in many U.S. cities came for the first time to the capital of Idaho, Boise. A police officer was killed in the line of duty—the first officer ever killed during the 100 years of operation for the Boise Police Department. The incident resulted from an altercation between two suspects, who were also killed in the confrontation with officers. Mark Stall was killed on early Saturday morning when he and another officer pulled over a vehicle for a traffic violation. The result was a shoot-out between two suspects and police officer. Another officer, Ron Winegar, was injured during the confrontation and remains hospitalized.

Officer Stall was a remarkable young man, one driven to a career in law enforcement from a dangerous encounter during his teenage years, when he and another young man were abducted and threatened at gunpoint. Boise benefited tremendously through his 3 years of service on the Boise Police Force. He leaves behind a wife and two young daughters and a community attempting to cope with a traumatic loss of one of those entrusted to protect and serve.

On Wednesday, businesses in Boise closed and flags flew at half-staff as Boise police, for the first time, buried one of their own. A newspaper columnist in Boise declared that Boise lost "its innocence with the death" of Officer Stall. That may be true—it is a tragic circumstance, one that has been repeated far too often throughout our country. We should all reflect on the loss experienced by those in Boise and how our communities can once again become safe havens for our families.

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## A TRIBUTE TO JESSICA KOZLOV

### HON. JIM SAXTON

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 30, 1997*

Mr. SAXTON. Mr. Speaker, recently a friend, a proud father, sent me an article his daughter authored. It seems to me that Jessica Kozlov, editor of Duke University's, the Chronicle, clearly articulates important and deep thoughts that are part of her developing being. I'd like to share them for the record.

[From the Chronicle, Sept. 16, 1997]

### HOUSEWIVES PLACE IN SOCIETY MINIMIZED BY FEMINIST MOVEMENT

(By Jessica Kozlov)

June Cleaver is as anachronistic in the '90s as Peg Bundy would have been in the '50s.

It is because feminism has begun to dictate those accomplishments of a woman that can be deemed "merit-worthy"—and June Cleaver no longer fits that model? Or is it because women have become so obsessively wrapped up in breaking the glass ceiling that they have forgotten she ever existed?

In a society that encourages women to be men in the workplace and mere nannies in the home, the triumphs and rewards of being a "house mom" have been overshadowed by the honor of being the division president of a company or by the esteem earned from climbing the corporate ladder. I am an anachronism in my own society, but only because of my mother: She was June Cleaver, and the only one in my neighborhood.

My family could be considered an atypical nuclear family: two parents, two children and a German shepherd named Abigail. All under one roof.

Dad went to work every day. Mom stayed home, packed our lunch and waited for the school nurse to call with an update of my newest illness. She was always there to retrieve me, teary eyed, from the school office-and because of that, I am different.

I came from a town where au pairs were the norm and housemoms a foreign concept. I remember afternoons at my friends' homes, eating after-school snacks served by babysitters who didn't speak English and cared only about their boyfriends back home in Italy or France.

My mother put her career on hiatus when I was born—a 21-year hiatus, and counting. The most important thing to her was raising her children, and for her, it was a full-time job. The result: My friends wanted to be career women when they grew up, and I just wanted to be Miss Piggy.

But 21 years have passed since my mom made that decision, and society is different. My mother was a product of the June Cleaver era, but my generation is the product of an era that began with "Working Girl" and has yet to peak.

Our society no longer admires the woman who chooses her family over her career. Feminism's quest to shatter the glass ceiling began as a valiant, admirable effort—and it has almost achieved its tangible goal. But in its path it has left a track of shattered values, misdirected esteem and latch-key children. The feminist movement has taken great strides in the past few decades: An increasing number of women are playing major roles in today's corporate world, and we are rapidly achieving a "genderless" workplace. Women themselves have completed a 180-degree rotation-from the homemaker to the working girl. That which we respect and strive for as women—and as society as a whole—has also completed that rotation.

In changing the perspective from which we define our values, we have changed our accomplishments to parallel those values. In other words, because a powerful movement valued gender equality in the workplace, women strive to achieve that equality.

Undermining the importance of gender equality is not my intention. Indeed, women have come a long way and should strive to maintain the gain already earned. But we must not lose sight of—or minimize—the reward we once experienced, be it personal or external, from raising our own children. The success that accompanies raising a child—in the eyes of many members of society—is no longer equivalent to the success that accompanies climbing the corporate ladder.

Now here we are at the third-ranked school in the nation, attending class after class. And for the first time, maybe learning just how much we don't know. We are here because we strive for the best—to be the best and to do the best. And we are immersed in an environment that fosters those intentions.

As I sit here in The Chronicle office enjoying the end of one of my many 18-hour days, I realize I have the genes of the quintessential workaholic.

Not long from now I will once again ask myself what I want to be when I grow up—and the answer will be much more difficult than it was in the days when Miss Piggy was my hero. A career is certainly a priority, and it is to that end that I have been trained to think.

Logically, I know I would appreciate the opportunity to stay home with my children—to raise children who will have the benefit of a childhood experience similar to mine and to promote their ability to grow up and contribute to the wealth of knowledge and the pool of successful individuals; to put down the reins of this parade of all-nighters and end the days endured on pure adrenaline highs.

I hope in today's society, in which the working woman is valued over the homemaker, I'll have the courage to follow my values as I have defined them and not follow what society has proscribed for me, just as my mother would have done.

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## SETTING THE RECORD STRAIGHT: THE NORTHERN MARIANA ISLANDS

### HON. DANA ROHRABACHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 30, 1997*

Mr. ROHRABACHER. Mr. Speaker, Wednesday evening, my colleague from California, Mr. MILLER, resumed his nonstop, politically driven attack on the government and people of the Commonwealth of the Northern Mariana Islands. The gentleman's remarks and accusations, along with those of Mrs. MINK and Ms. DELAURO are simply untrue and need to be corrected and clarified.

I respect and agree with their position that more Federal resources and efforts need to be directed to the Northern Mariana Islands to enforce the laws of which the Federal Government has jurisdiction. However, I believe their unwarranted attacks on the CNMI were misdirected, especially upon examination of the Federal law enforcement presence on the islands. In addition, I do not agree with their solution to increase the Federal law enforcement presence in the CNMI. When one takes into consideration that there are only two assistant U.S. attorneys on the islands—not to mention the fact that there is no U.S. attorney stationed on the islands—using American taxpayer dollars to increase funding for the Federal Victims' Assistance Program, as Mr. MILLER and Mrs. MINK proposed, is bad public policy.

The Northern Mariana Islands, with very few exceptions, is governed by the laws of the

United States of America. Both the U.S. citizens on the islands and the guest worker population reside under the protection of the U.S. flag and its Federal laws. For these reasons, the people of the Northern Mariana Islands willingly entered into a unique covenant with the United States in 1976. The people overwhelmingly voted to accept their self-government status, along with the responsibilities of being part of the American family. I am here to tell you that the CNMI Government and its people are living up to their responsibilities—they have established a self-reliant economy enabling the local government to fund its own operations without the assistance of Federal dollars through free enterprise; enforcement of local labor and immigration laws in the last 5 years has improved significantly and are continuing to be addressed stringently today; and the CNMI is promoting democratic values in Southeast Asia, where the American way of doing things is beginning to become the norm.

Unfortunately, the Federal Government is not fully living up to their Federal law enforcement responsibilities in the Northern Mariana Islands. The CNMI does not have authority to enforce U.S. laws. Enforcement of U.S. laws in the Commonwealth is the sole responsibility of the Federal Government. It is disingenuous for my colleagues to assert that the CNMI Government is not enforcing its local labor laws when the vast majority of alleged violations—nearly 90 percent—of labor laws in the CNMI are violations of Federal laws, which the U.S. Government has sole or concurrent jurisdiction. Therefore, Mr. Speaker, you can see why I am concerned with my colleague's, Mr. MILLER, proposal to fund anything other than an additional assistant U.S. attorney for the Northern Mariana Islands.

I hope the chairman of the Commerce, Justice, State Appropriations Committee, my good friend Mr. ROGERS from Kentucky, will work to include language in the statement of the managers to direct some of the increased funds from the fiscal year 1997 bill to the U.S. attorney's office for the purpose of providing an additional Assistant U.S. attorney to be stationed in the Northern Mariana Islands.

At the request of Mr. ROGERS, I agreed to address the allegations made regarding the CNMI at a later date due to the chairman's wishes to move forward with the bill. Had I had the opportunity to elaborate on the statement I presented in response to the attacks on the CNMI, I would have pointed out the fallacies in my colleagues' remarks.

Mr. MILLER suggested that the guest workers on the island are routinely subjected to gross violations of their human rights and are provided few of the legal protections afforded to workers on American soil. He cited a Reader's Digest report and an Inside Edition exposé done on the islands as documented evidence proving widespread abuses.

Let me reiterate that the CNMI Government has combated and continues to combat violations of their local laws. For example, in the case highlighted by the Reader's Digest involving the rape of a Chinese contract worker by former Immigration Officer Isidro Cabrerra, the CNMI Attorney General's Office has successfully prosecuted this unsavory individual. In addition, the CNMI's Department of Labor and Immigration's Administrative Hearing Office has eliminated its entire backlog of cases by conducting more than a thousand hearings over the past year. This has resulted in more than $2 million in payments to workers, the transfer of more than 1,000 workers to new employers, the deportation of 200 workers illegally employed in the CNMI, and the barring of 75 employers from hiring guest workers. Most recently, the CNMI Attorney General's office has facilitated the successful settlement of a civil action suit for the underpayment of garment worker wages totaling $996,000—the largest settlement ever collected by the office. These examples of enforcement and punishment of worker exploitation clearly do not reflect the picture painted by my colleagues who took the floor to chastise the CNMI Wednesday night.

In regard to the Inside Edition exposé, Mr. MILLER stated that this TV tabloid "captured the horrific conditions in the Marianas on film". With much interest, I viewed the exposé the night it ran, and I am puzzled as to what it was my colleague witnessed that was so horrific. The program I watched did not document the widespread abuses that my colleague alleges. The hidden camera investigation I saw turned up CNMI garment factories that their own reporter described as "clean and modern" and "beautiful". Unable to find the "sweatshops" they were looking for, the Inside Edition investigative team turned its attention to the dormitory accommodations made available to the guest workers by their employers—inexpensive living accommodations where the workers freely chose to live in order to send home more of their earnings to their families. Although the dormitories may be considered by some to be crowded by mainland standards, they are comparable, and in many cases, superior to other housing in the South Pacific region. In fact, the living quarters I examined on my visit to the Northern Mariana Islands were much nicer than the barracks provided to the migrant workers on the mainland.

Mr. Speaker, it was also stated on the floor Wednesday evening that my defense of the Northern Mariana Islands in relation to the guest workers has no "independent validation". I take personal offense, as probably many of my colleagues do who have witnessed first hand the successes in the CNMI, to this remark and would like to set the record straight on this implication. Members and staff from both sides of the aisle, journalists and think tanks have traveled to the NMI to examine the Commonwealth. The Republicans and Democrats who have participated on these fact-finding delegations have come to admire and respect the CNMI during the past 2 years. In fact, the distinguished chairman of the Resources Committee, Mr. YOUNG, has organized a CODEL to travel to the NMI and the other U.S. territories in January to address the concerns of the Congress and set the record straight. I strongly suggest that the gentleman from California [Mr. MILLER]—who is the ranking member of the Resources Committee—join the chairman's delegation.

Mr. Speaker, I would like to address one final concern raised by my friend from Hawaii, Mrs. MINK. It is in regards to the 16-year-old girl in Hawaii now awaiting resolution of her complaint against a Filipino night club owner who hired her to dance nude in his club. Sadly, stories like this are reported all too often in the media today. Incidentally, the Washington Post just ran a similar story in late August about a Virginia man who pleaded guilty to the importation of teen prostitutes from Canada to work here on the streets of our Nation's Capital. Stories like this put the situation in the NMI in perspective. I know that my colleagues would agree that these abuses—crimes—depicted in both of these stories are unacceptable. It is regrettable that in a great country like ours human beings can subject other humans to engage these type of behavior. The issue, however, is not that they occur but what is being done to prosecute the offenders and prevent this type of conduct in the future.

In all fairness to the CNMI, it should go on record that the statement made by my colleague is somewhat misleading. Mrs. MINK stated that this individual cannot obtain justice for the alleged crimes committed against her. According to the CNMI Attorney General, this is not true. The Federal officials are currently investigating the possible violations of the Fair Labor Standards Act, and the CNMI Attorney General's office is continuing their ongoing investigation and will file charges once the Federal prosecutors have completed their case.

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## HOUSE RESOLUTION 246—REJECTING ARAB LEAGUE CALL FOR EASING OF SANCTIONS AGAINST LIBYA

### HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 30, 1997*

Mr. LANTOS. Mr. Speaker, I call to the attention of the House a resolution which I have introduced with a number of our distinguished colleagues—House Resolution 246 which denounces and rejects a resolution adopted by the Foreign Ministers of the Arab League urging the easing of U.N. sanctions against Libya. Those sanctions were imposed, Mr. Speaker, because of Libya's refusal to surrender individuals on its territory who are wanted in connection with the 1988 terrorist bombing of PanAm flight 103.

In view of the action by the Arab League last week, Mr. Speaker, I think it is important that we reaffirm our commitment to the U.N. sanctions against the renegade Government of Libya. The resolution adopted by Arab League leaders last week in Cairo is an outrageous effort to weaken multilateral international sanctions against the renegade rogue regime in Libya. The government of Muammar el-Kaddafi has been one of the principal supporters of international terrorism. It is vital that we in the U.S. Congress make clear to these Arab countries our unequivocal rejection of their ill-conceived and counterproductive statement.

At the Cairo Conference of Arab League Foreign Ministers on September 21, the Ministers adopted a resolution calling for: "Arab countries to undertake measures to ease the severity of the embargo imposed on Libya until a final, peaceful, and just solution to the crisis is reached;" "to lift measures freezing

Libyan accounts involving money, the source of which is other than the selling or exporting of oil"; "to support Libya's right to obtain suitable compensation for human and material damages and losses it sustains as a result of pertinent U.N. Security Council resolutions"; and to exempt from sanctions Libyan "flights related to participation of the Libyan political leadership and official delegations in regional and international meetings."

Mr. Speaker, sanctions were imposed against Libya by the U.N. Security Council for the failure of the Government of Libya to turn over to United States or British authorities two individuals living on its territory who have been directly implicated in the bombing of PanAm flight 103. That aircraft was destroyed by a terrorist bomb over Lockerbie, Scotland, in December 1989. In that terrorist attack, 270 innocent people from 30 countries, including many from the United States, died. The Libyan Government has also refused to turn over to French authorities individuals directly implicated in the bombing of French ATA flight 772 over Niger in 1988 in which some 160 individuals lost their lives.

Mr. Speaker, I urge my colleagues to join me in supporting this important resolution. I also ask, Mr. Speaker, that the text of this resolution be printed in the RECORD.

H. RES. 246

Whereas the United Nations Security Council adopted Resolution 748 on March 31, 1992, imposing an embargo on the sale of arms and on international flights against the state of Libya and in Security Council Resolution 883 on November 11, 1993, further tightened economic sanctions against Libya for its refusal to surrender individuals suspected in connection with the terrorist bombing in 1988 of Pan Am Flight 103 over Lockerbie, Scotland, in which 270 individuals were killed and the terrorist bombing in 1989 of the French ATA Flight 772 over Niger, in which 160 individuals were killed;

Whereas the Security Council had repeatedly voted to maintain these international sanctions against Libya in view of the persistent refusal of the government of Libya to hand over for trial the two individuals currently in Libya who are accused of involvement in the terrorist bombing of Pan Am Flight 103 and ATA Flight 772;

Whereas the United Nations sanctions provide for legitimate humanitarian flights to and from Libya for medical and other reasons, and flights of a religious nature to permit Libyan residents to participate in the Hadj have been approved routinely under the United Nations sanctions;

Whereas Libya has repeatedly violated the United Nations sanctions, most egregiously when an aircraft carrying Libyan leader, Colonel Muammar el-Kaddafi, landed in Cairo, Egypt, in July 1996 in order for the Libyan leader to participate in an Arab summit meeting; and

Whereas the foreign ministers of the Arab League meeting in Cairo on September 21, 1997, adopted a resolution in which the ministers invited "Arab countries to undertake measures to ease the severity of the embargo imposed on Libya until a final, peaceful, and just solution to the crisis is reached," "to lift measures freezing Libyan accounts involving money, the source of which is other than the selling or exporting of oil," "to support Libya's right to obtain suitable compensation for human and material damages and losses it sustains as a result of pertinent United Nations Security Council resolutions," and to exempt from sanctions Libyan "flights related to participation of the Libyan political leadership and official designations in regional and international meetings": Now, therefore, be it

*Resolved,* That the House of Representatives—

(1) denounces and rejects in the strongest terms the resolution adopted on September 21, 1997, by the foreign minister of the Arab League in their conference in Cairo which invites Arab states to take action to ease United Nations sanctions against Libya;

(2) reaffirms the commitment of the United States to support United Nations sanctions against Libya until the two individuals suspected in connection with the terrorist bombing of Pan Am Flight 103 and UTA Flight 772 are turned over to appropriate judicial authorities in the United States or the United Kingdom and France as required by United Nations Security Council resolutions;

(3) calls upon the President to suspend all U.S. assistance to all countries which violate United Nations Security Council sanctions against Libya; and

(4) requests that the Secretary of State transmit a copy of this resolution to the government of each country which is a member of the Arab League and express to each government the profound concern of the United States about efforts to undermine the international fight against terrorism by weakening or violating sanctions imposed by the United Nations Security Council.

## IN HONOR OF ZUMBERAK LODGE NO. 859 OF THE CROATIAN FRATERNAL UNION OF AMERICA

### HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 30, 1997*

Mr. KUCINICH. Mr. Speaker, I rise to honor Zumberak Lodge No. 859, of the Croatian Fraternal Union of America on its 60th anniversary.

Zumberak Lodge began in 1937 with nine members. In the last 60 years, the organization has flourished to a membership of over 600, the largest lodge in the Greater Cleveland area. The lodge boasts members who represent various professions including: the clergy, doctors, lawyers, merchants, Congressmen, Governors, State representatives, judges, teachers, and executives.

Since its inception, Zumberak Lodge has been active in organizing events, community fundraisers, and sporting tournaments on a local and national level. The lodge often organizes picnics, dances, boat rides, and hay rides for its members. For 52 consecutive years, it has sponsored a concert by the Duquesne University Tamburitzans. Some of Zumberak's members have even been selected to perform with the Tamburitzans. The lodge was instrumental in establishing the Cleveland chapter of the Croatian Fraternal Union Scholarship Foundation. Members continue to support and benefit from this beneficial foundation.

In 1942, the lodge sponsored its first national event, the Croatian Fraternal Union Basketball Tournament. The Zumberak team has won several national tournaments, not to mention two trophies for being the best dressed team. Goldie Malone, Zumberak secretary-treasurer and the one and only basketball queen, organized the first women's basketball team in the Croatian Fraternal Union in 1952. A national bowling tournament was first organized in 1962, and since then Zumberak's sponsorship and participation has been second to none.

My fellow colleagues, please join me in recognizing Zumberak Lodge No. 859 for 60 years of activities, comradeship, and living by their creed: "be a friend to the friendless, make the warring classes obsolete, here and in the land of our parents. Patience, peace and prosperity are what we will be promulgating."

## A TRUE LOCAL HERO—LEROY ANDERSON

### HON. GLENN POSHARD

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 30, 1997*

Mr. POSHARD. Mr. Speaker, I would like to pay tribute to one of my dearest friends, LeRoy Anderson. He passed away on July 27, 1997, leaving a legacy of kindness and consideration that will be remembered by all who knew him. I am proud to say that I knew LeRoy, he was an active member in the Marion area and he touched many lives—especially in the field of education.

LeRoy was born on June 17, 1935, to Albert and Bessie Anderson. On July 7, 1956, he married Doris Feurer, his beloved wife for 41 beautiful years. Leroy is also survived by his three daughters, Valerie, Vickie, and Stephanie, a sister and brother, Sue and George, and five much loved grandchildren. All will miss him dearly.

The town of Marion, IL, has felt the indelible impact of LeRoy's commitment to his community, his church, and to Marion High School. LeRoy is an alumni of Southern Illinois University and proudly held a bachelor's and master's degree in both education and education administration. He was true to his profession and reached out to each and every student that set foot in his classroom.

LeRoy began his professional career in Pittsburg, IL, as a fifth- and sixth-grade teacher. He then moved to the high school level where he taught American history, civics, and driver education. While the mind is important to develop, LeRoy helped round his students out by involving them in sports and coached the football, softball, and baseball teams. LeRoy was able to cash in on his talents from his youth where he was an all around athlete as a student at Marion High School playing football, baseball, basketball, and track.

In 1980, LeRoy was promoted to principal of Marion High School and enjoyed an enduring tenure of 15 years. LeRoy was a local hero who did not hesitate to give back to his local neighbors and their children. His colleagues looked up to him for advice in their careers and his students were the benefactors of his love, understanding, and patience, especially when it came to driver education students.

LeRoy was not only a leader in the education arena, but a spiritual leader in his local church community. For over 30 years he was a faithful member of Zion United Church of Christ in Marion, IL. There he taught Sunday school and helped with local functions. LeRoy served on the board and was never a hesitant member, and could always be counted on to serve his fellow parishioners.

Mr. Speaker, LeRoy Anderson's legacy will live on. When we look at his life and his achievement, especially being awarded Citizen of the Year in 1975 by the Marion Chamber of commerce, serving on the Marion Park board for 1973–1977, his ability to initiate the Marion High School graduation spree, which began in 1991—the first of its kind in the local area, and jump starting the Marion Youth Baseball and Softball league, it is clear Leroy will be missed. No one could ever take his place. Mr. Speaker, LeRoy has touched my life—he lit the torch and the town of Marion, IL will always see him as an imspiration—a true local hero.

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## TMJ AWARENESS MONTH

### HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 30, 1997*

Mr. FRANK of Massachusetts. Mr. Speaker, I would like to call to my colleagues' attention the designation of this coming November and all future Novembers as Jaw Joints—TMJ Awareness Month. In Washington's world of abbreviations and acronyms, TMJ is not one of the better known. Temporomandibular Joint Disorders are among the more painful, yet least well understood disorders affecting people today. While estimates of the number of people in this country affected by TMJ disorders run into the millions, these disorders are often mistaken for other ailments or presumed to be psychological in nature.

In light of the difficulties that exist in diagnosing and treating TMJ disorders it is clearly very appropriate to establish an awareness month, and I applaud the Jaw Joints & Allied Musculo-Skeletal Disorders Foundation for helping organize this effort. The foundation, which is based in Boston, was created and is presided over by two extremely dedicated Massachusetts residents named Renee and Milton Glass. They have been an excellent source of information to me over the years about TMJ and related matters, and, although this November is officially TMJ Awareness Month, it is also in many ways a tribute to their dedication and hard work in the cause of helping those who suffer from this disorder.

As part of that work, Renee and Milton Glass and their colleagues are going to be involved in two important TMJ-related events in Washington in November. On November 20 and 21, the National Institutes of Health will be holding a workshop entitled "New Directions in Pain Research," which will include some discussion of TMJ. On November 22, the TMJ Association's annual meeting, with participation by the foundation, will take place at the NIH. Both events will no doubt make valuable contributions to the goals of TMJ Awareness Month.

Mr. Speaker, because I share the Glass' belief in the importance of making the public more aware of the effects of Temporomandibular Joint Disorders, I ask that the attached material describing TMJ in more detail, as well as the foundation's mission statement, be entered into the RECORD.

#### JAW JOINTS—TMJ AWARENESS MONTH

Temporomandibular Joint Disorders, commonly referred to as "TMJ," afflict millions of Americans, both children and adults of both sexes and all races.

"TMJ" is a painful and disabling disorder that emanates from the Jaw Joints and can affect the health of the entire neuro-musculo-skeletal system often spreading pain and dysfunction throughout the body.

The Jaw Joints are the most special and complex joints in the entire anatomy. While similar to other joints—cushioned by cartilage, held together by ligaments, and moved by muscles activated by nerves—they differ in their structure which allows them to perform more functions than the other joints in the body allowing the mandible [lower jaw] to function in a five-way movement, i.e., from side-to-side, forward-and-backward, up-and-down, and to "open wide."

Due to their location, the Jaw Joints are the pathway for motor and sensory activities to and from the brain to the rest of the body. Disorders to the Jaw Joints, therefore, can upset the delicate balance of the neuro-musculo-skeletal systems. Some of the diverse symptoms of this multi-faceted TMJ disorder include inability to open or close the mouth freely, difficulty in chewing and swallowing, headache, eye pain, ringing and pain in the ears, leg cramps, fatigue, and pain to the muscles throughout the entire body. Many of the symptoms mimic or overlap with many other disorders, thereby creating the popular designation for TMJ as "The Great Imposter," and its sufferers as "Prisoners of Pain."

While they are orthopedic joints like all other joints in the body, care for the Jaw Joints and disorders to them "falls between the cracks" of medicine and dentistry, but is largely directed into a dental and psychosomatic realm despite the myriad of symptoms usually treated by physicians and other non-dental health providers. TMJ has not yet been established as a "legitimate" medical disorder, thereby denying millions of Americans their fair entitlements to health insurance and other benefits, as well as their dignity and deprives them of decent quality of life. TMJ patients, therefore, are further penalized by being physically, emotionally, and financially broken.

The nation's pioneer TMJ patient advocacy organization, established in 1982, the Jaw Joints & Allied Musculo-Skeletal Disorders Foundation, Inc. [JJAMD] is headquartered in Boston, Massachusetts. Among its many goals and missions is the broader recognition of the importance of healthy Jaw Joints to good oral and general health. It plans to establish in-school programs to teach children, their teachers and parents, the importance and function of the Jaw Joints, as well as safety and prevention of injury to the Jaw Joints in sports, play, and daily activities. JJAMD advocates for recognition by the Medical Profession and their Societies, Center for Disease Control [CDC,] the National Institutes of Health [NIH], the Arthritis Foundation, and all others concerning the need to include the Jaw Joints along with all other joints for inclusion in their programs, appropriate comprehensive research and reporting in the medical and dental literature. JJAMD also encourages the Dental Profession to work with the Medical Profession and to establish a requisite TMJ Speciality training within their professional schools.

JJAMD advocates for the creation of medical models and medical protocols for the necessary appropriate health insurance coverage for TMJ patients. This will help to end the discrimination against millions of Americans who suffer with this disorder with disastrous results—including the thousands who have had silicone joint implants which have failed. To this end, JJAMD has sponsored independent research, holds free public lectures, encourages support/self-help groups and has organized and conducted professional lectures and national seminars. JJAMD has received the support of the Massachusetts Department of Public Health in many of its activities and has become allied with another leading patient advocacy organization. The TMJ Association, Ltd., in efforts to support all TMJ suffers around the country.

The ultimate aim of these actions is to alleviate the untold preventable human suffering of to those afflicted with TMJ as well as the needless high costs of health care associated therewith. By designating November of each years as "Jaw Joints-TMJ Awareness Month" awareness can be increased among all Americans, and in particular those in a position to help treat, insure, provide appropriate research ultimately to prevent this scourge in our nation.

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#### JAW JOINTS & ALLIED MUSCULO-SKELETAL DISORDERS FOUNDATION, INC.

##### WHO WE ARE

The Jaw Joints & Allied Musculo-Skeletal Disorders Foundation, Inc. [JJAMD] is a 501(c)(3) non-profit national educational, research, and advocacy organization. It works in promoting awareness, prevention, research, and knowledge of the Jaw Joints to whole body health. The disorder to the TemporoMandibular Joints [i.e., in layperson's term Jaw Joints], is mostly known as "TMJ Disorders." TMJ is one of the most pervasive, least understood, and controversial health disorders in existence today. TMJ is now acknowledged as a component in other disorders, and is also called by a variety of other names and acronyms, adding to the controversy.

##### VISION STATEMENT

JJAMD expresses its vision through the use of an axiom that "Life Revolves Around the Jaw Joints in Every Motor and Sensory activity 24 hours a day, awake or asleep." JJAMD believes that the disorder to these TemporoMandibular Joints—known primarily as "TMJ Disorder"—is largely preventable through a responsible and high quality program of public awareness and education.

##### MISSION STATEMENT

The specific mission of JJAMD, is to network with TMJ patients, the general public, health providers and their affiliations and societies, governmental agencies, insurers, and through liaison with the Massachusetts Department of Public Health, in order to:

Foster appropriate comprehensive public awareness, knowledge, education, research, and information concerning the TemporoMandibular Joints [the Jaw Joints]—how they are structured, their function, and their relationship to the whole body for general good health.

Promote prevention of disorders and diseases to the Jaw Joints and advocate for appropriate comprehensive perception, medical/dental classification, diagnoses, and treatments for TMJ Disorder.

Foster self-help-support groups through a National TMJ Alliance. Exchange information with other organizations who deal with disorders containing a TMJ component or relationship.

Encourage the Medical and Dental professions to work together in a multidisciplinary team effort to create a medical model, protocols for appropriate research, diagnoses, treatments, and responsible health insurance coverage.

Enlist the Medical/Dental School educators, and emergency medical staff, to include within their curricula the routine teaching of the TemporoMandibular Joints [TMJ] and the disorders and diseases to them.

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## AMERICAN TEACHERS IN BOZNIA AND HERZEGOVINA HELP DEVELOP SUPPORT FOR DEMOCRACY AND FREE ELECTIONS

### HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 30, 1997*

Ms. NORTON. Mr. Speaker, I am proud to recognize Anne A. Fickling, who participated in CIVITAS@Bosnia and Herzegovina, an intensive program designed to train teachers from throughout Boznia and Herzegovina with materials and methods developed to educate for democracy. Ms. Fickling was part of a team of 20 American educators who were assigned to 16 locations throughout Bosnia and Herzegovina, including the Republika Srpska. The Americans were teamed with 18 teachers from the Council of Europe in 9 of these sites. This Education for Democracy Program reached 550 teachers from both entities of Bosnia and Herzegovina.

The summer training program was developed by the Center for Civic Education as part of a major civic education initiative supported by the U.S. Information Agency and the U.S. Department of Education and built on a program begun in 1996. The U.S. Information Service in Sarajevo provided valuable assistance to the program. The goals of the program are to provide teachers with the tools necessary to help prepare students and their communities for competent and responsible citizenship, including participation in elections and other opportunities to take part in the political life of their communities. Achieving this goal will contribute to the reconstitution of a sense of community, cooperation, tolerance, and support for democracy and human rights in this war-torn area.

I am also pleased to announce that the curricular materials being used for the program in Bosnia and Herzegovina have been adapted from the We the People—the Citizen and the Constitution, Foundations of Democracy and the Project Citizen Programs which are supported by Congress and used in schools throughout the United States. Initial reports evaluating the summer program indicates the materials, selected and adapted by educators from Bosnia and Herzegovina, and teaching methods were enthusiastically received and will be adapted for use in classrooms in both entities of the country.

Anne Fickling is a resident of the District of Columbia and currently serves as program coordinator for the Center for Civic Education. She has traveled to Bosnia and Herzegovina 6 times spending 25 weeks assisting in the coordination of this important program to promote Democratic values in the classroom. Mr. Speaker, I wish to commend Anne Fickling for her dedication and commitment during the CIVITAS@Bosnia and Herzegovina program. Her work is helping to achieve the overall objective of building democracy in Bosnia and Herzegovina.

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## 35TH ANNIVERSARY OF KVCR–TV

### HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 30, 1997*

Mr. BROWN of California. Mr. Speaker, I rise today on the floor of the U.S. House of Representatives with the greatest sense of pride to congratulate KVCR–TV, a public television station located at San Bernardino Valley College in my congressional district, on its 35th anniversary.

On September 11, 1997, KVCR–TV reached the milestone of 35 years serving the people of the Inland Empire. As a primary public television station, KVCR–TV, with consistent programming of local events, plays a vital role in the educational and cultural growth of the Inland Empire.

KVCR–TV was the first public TV station in California to be licensed to a college or university and the first in the Nation to be licensed to a community college.

Public broadcasting is a private-public partnership that works. At the local level, KVCR–TV successfully carries out its great responsibility of providing meaningful access to information to the community. Furthermore, KVCR–TV spearheads alternative learning opportunities such as community service projects, Internet-related activities, and workshops for teachers, parents, and caregivers.

Its commitment to the well-being of a community and community-based broadcast services set KVCR–TV apart from national telecommunication services. The people of the Inland Empire have been very outspoken in their support of KVCR–TV and its quality programming. As a long-time supporter of Federal funding for public broadcasting stations, I am proud to have such an excellent example in our community.

Mr. Speaker, I ask my colleagues to join me in recognizing KVCR–TV on its 35th anniversary. Let us commend KVCR–TV for its public information efforts for the benefit of the children and families who rely on public broadcasting as their source for news, information, and education.

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## CONGRATULATING TRINITY COLLEGE ON ITS 100TH ANNIVERSARY

### HON. BARBARA B. KENNELLY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 30, 1997*

Mrs. KENNELLY of Connecticut. Mr. Speaker, today I rise to congratulate my alma mater, Trinity College of Washington, DC, which this year is celebrating its centennial anniversary of providing quality higher education to women in the Nation's Capital, across the country, and around the world.

Trinity College was founded in August 1897 by the Sisters of Notre Dame de Namur as the Nation's first Catholic liberal arts college for women. Chartered by an act of Congress, Trinity has a rich tradition of academic excellence, specializing in preparing women for roles of leadership and service.

The Sisters of Notre Dame had a vision of an institution for women, built on a challenging liberal arts curriculum that assumed that women are the intellectual equal of men, and composed of a student body national in scope. One hundred years later, as Trinity proudly celebrates its centennial, the work and beliefs of the community of the Sisters of Notre Dame live on.

Trinity welcomed its first students in 1900. In 1966, Trinity established its coeducational graduate program, and in 1984 created Weekend College, an undergraduate degree program designed to meet the educational goals of the Washington area's working women.

Today, with a diverse enrollment of nearly 1,500 students in its undergraduate and coeducational graduate programs, Trinity is a nationally recognized leader among the Nation's women's colleges and in the education of adult women. Using Washington, DC, as an extended classroom, generations of Trinity students have walked these very corridors, providing valuable services as interns and staff in so many of our offices.

In addition to its degree programs, Trinity also educates thousands of students each year through its nondegree and affiliated programs, including graduate workshops for teachers, Washington Very Special Arts, Upward Bound, Education for Parish Service, Notre Dame Education Center, and Elderhostel. The college is also home to the Pan American Symphony Orchestra, which performs concerts during the year for music lovers throughout the Washington area.

Carrying on the tradition of the Sisters of Notre Dame in helping those in need, Trinity students, faculty, and staff participate in various community service projects, including caring for boarder babies, tutoring and delivering meals to the homeless, and spending school breaks living and working with migrant farmworkers at the Farmworker Ministry run by the Sisters of Notre Dame in Apopka, FL. Trinity's graduate education students are active in partnerships with area schools, and undergraduate students conduct after-school programs for the children at neighborhood elementary schools, where faculty provide teaching assistance and mentoring programs.

Trinity graduates, including my esteemed colleague from the great State of California, NANCY PELOSI, are using their education to make a difference in their communities—across the country and around the globe—in corporate boardrooms, courtrooms, classrooms, laboratories, and families.

In 1997, the work of the Sisters of Notre Dame continues to thrive as Trinity College remains an institution centered around women, and enriched by the Catholic tradition, a place where women can gain the knowledge and tools necessary to succeed in their own lives and give back to their communities. As a member of Trinity's class of 1958, I am proud to wish Trinity College continued success as it celebrates "A Century of Women Leading the Way," and prepares to move forward into the 21st century.

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## JACOB WETTERLING CRIMES AGAINST CHILDREN AND SEXUALLY VIOLENT OFFENDERS REGISTRATION IMPROVEMENTS ACT OF 1997

### HON. JENNIFER DUNN

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 30, 1997*

Ms. DUNN. Madam Speaker, it is the responsibility of our Nation to make our communities safer. It is our responsibility to give communities and families the tools to protect women and children from sexual predators. Everything we can do to improve our laws and sharpen these tools is a top priority.

The Jacob Wetterling Improvements Act does just that. It improves upon existing sexual offender registration laws in order to ensure that sexual predators who may run, can no longer hide.

In 1994, Congress enacted The Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act. This act requires certain offenders to register their addresses and other pertinent information with local law enforcement upon release from prison. The Wetterling Improvements Act tightens this prudent law to prevent violent sex offenders from falling through the cracks.

In my home State of Washington, residents take sex offender registration laws very seriously. Legislators have enacted a new law which makes it a felony for sex offenders to ignore registration requirements. Violating the new law carries a penalty of up to 5 years in prison. A special police task force has been given the authority to track down and arrest sex offenders who fail to register their whereabouts with law enforcement.

Madam Speaker, these are the types of creative solutions that we need to protect our families and neighborhoods from sexual predators. The Jacob Wetterling Improvements Act provides States with the flexibility and freedom to design their own registry programs, instead of implementing a one-size-fits-all plan.

I applaud the improvements in this legislation and am proud to be an original cosponsor of the Jacob Wetterling Improvements Act. I ask my colleagues to join me in supporting this prudent measure.

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## TRIBUTE FOR LT. COMDR. LEIGH MADDEN

### HON. PATRICK J. KENNEDY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 30, 1997*

Mr. KENNEDY of Rhode Island. Mr. Speaker, today, it is with special pride that I rise to pay tribute to a friend, a great American, and a U.S. Navy SEAL, Lt. Comdr. Leigh Madden. The Navy's elite Sea-Air Land [SEAL] Forces represent a component of the U.S. Special Operations Command [SOCOM]. The people who comprise our Special Operations Forces [SOF] are specially trained, highly skilled, and extremely intelligent men and women. On a daily basis, our SOF exceed established standards, go that extra mile or, in Lieutenant Commander Madden's case, swim those extra miles in cold and dangerous conditions in order to prepare for deployment on some of our Nation's most sensitive and critical missions.

Just as the men and women of SOF can, on a moment's notice, integrate their special ops capabilities into a full spectrum of operations ranging from peacetime activities to war, throughout his career Lieutenant Commander Madden continues to use his skills and talents to succeed in a wide range of assignments.

Lieutenant Commander Madden's service to his country in Special Operations began in 1985 with his attendance and successful completion of the most challenging and physically demanding course in the U.S. military, Basic Underwater Demolition SEAL [BUDS] training. After graduating BUDS class 138, Leigh Madden spent the next 8 years serving in SEAL Teams on both the west coast and the east coast. Deploying over the years to more than 20 different countries in Asia, Central and South America, the Caribbean, and the Middle East, Lieutenant Commander Madden spent more time in worldwide hotspots than he did in his own hometown.

Lieutenant Commander Madden's experience and reputation as one of the finest in the Special Operations community ultimately led to his assignment as a leader of one of this country's most accomplished combat units. Because of the sensitive nature, the exploits of this unit must remain secret. Although at times Leigh has served in the covert world, it is evident that as he was placed in positions of rapidly increasing responsibility, he successfully met each challenge and his career quickly progressed.

Thus, when the leadership of the U.S. Special Operations Command required someone to work in the highly visible and politically significant Legislative Affairs Office, they knew Lieutenant Commander Madden was the person for the job. SOCOM knew they could count on Lieutenant Commander Madden to use his experience, skills, and education in a way that would clearly illustrate the importance of SOF while also conveying to U.S. policymakers the needs of Special Operators in the field.

In his position as deputy director of legislative affairs for SOCOM, Lieutenant Commander Madden provided Members of Congress with a better understanding of how the wide-ranging capabilities of our SOF relate to today's dynamic international environment. Lieutenant Commander Madden ensured that Senators, Representatives, and their staffs visited our Special Operations Forces around the globe. As a result of these trips, I and many others have been able to see firsthand the many contributions to our national security made by the first-rate men and women of the Special Operations Community.

In working with the Congress these past 2½ years, Leigh's sense of duty, his political acumen, and his ability to understand an issue from all angles has not only averted conflict but has resulted in sound decisions, decisions that were best for the Special Operations Community and for our Nation. One of the many tangible results of Lieutenant Commander Madden's diligence is the fact that the SEALS can expect the Advanced Seal Delivery System to be delivered into the fleet by late 1999 or early 2000.

Sadly for many of us in Congress who have had the pleasure and honor of working with Lieutenant Commander Madden, it is time for Leigh to return to the world that is his first love, the cold, wet, hard, and dangerous world of a Navy SEAL. On this assignment, his skills and experience as one of the Nation's best Special Operators will be put to immediate use in protecting our Nation.

Much as I take great pride in continuing the Kennedy family tradition of supporting our Special Operations Forces, Lieutenant Commander Madden can take great pride in a job exceptionally well done. On behalf of the U.S. Congress, I want to thank Lieutenant Commander Madden for his continuing service to this Nation and extend to both Leigh and his wife, Jessie, "Fair winds and following seas."

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## A POINT-OF-LIGHT FOR ALL AMERICANS: ETHELINE DUBIN

### HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 30, 1997*

Mr. OWENS. Mr. Speaker, on Friday, September 26, 1997, at the Brooklyn Society For Ethical Culture, the New York community saluted Etheline Dunbar Dubin as a Point-of-Light for her neighborhood, her city, and for all human kind. Etheline was a model for numerous other unsung heroes and heroines spread across our land. She was one of those thousands of citizens who are dedicated enough to work tirelessly behind the scenes and never request an ounce of glory or recognition.

In the early sixties when I first became involved in civil rights and political activities, Ms. Dubin was one of my mentors. She seemed to know everything about everybody in local public life. She was an invaluable civic guidebook for a newcomer from Memphis, TN, treading his way through the byzantine politics of New York City.

Unselfish in her personal life; unselfish with her family; and unselfish for the community in many causes, Etheline Dubin was the kind of leader who was needed in elected office. But she never threw her hat in the ring and announced that she was running for office.

Etheline Dubin was a Point-of-Light but she never craved high visibility; her ego never needed bolstering; she had no great hunger for political power.

She was not a wimp with weak convictions. Etheline Dubin was consumed by a passion to do the right thing. From her first civic activities to the very end she raged against evil. She was the unsung champion of the people on the bottom who had no one else to fight for them. One of the last indignant complaints that Etheline registered directly with me was a complaint against a candidate who was running for judge: "That man owns two houses that have hundreds of housing code violations. He is running for a judgeship but that man is a slum lord."

The civic and political history of Bedford-Stuyvesant and Brooklyn can be written against the backdrop of Etheline Dubin's indignation against evil and her feisty willingness to fight for whatever is right. Etheline and Marshall Dubin almost instinctively bounded to the right side. No one ever had to plead with them to go to the front line in a battle for a just cause.

When Bedford-Stuyvesant decided that it wanted more than one token representative in the NY State Assembly, Etheline was there in the fight to elect Tom Jones as the first real Bedford Stuyvesant people's representative. In the fights against discrimination in employment and against discrimination in housing, Etheline was there. In the middle of the controversy which erupted when community planning district boundaries were drawn, Etheline was there.

Etheline's long years of work on community planning board eight might be described as her anchor achievement in the community. From her base on planning board eight her concern for all aspects of community life could radiate outward.

From the battle to keep the Franklin Avenue shuttle running to the detailed monitoring of the quality of life near her home on the corner of Eastern Parkway and Washington Avenue, Etheline made her presence felt. We all enjoy the benefits of a better neighborhood and a better Brooklyn as a result of the efforts of Etheline and her partners on community planning board eight.

Etheline Dubin was a solid brick, a golden brick in the foundation of what is best about our American democracy. Most of us in decisionmaking positions realize that the hope of our system comes from the bottom up. It is the integrity and the tenacity of the brothers and sisters who are never awarded medals and big prizes; these qualities keep our society moving forward.

President Franklin Roosevelt's New Deal was shaped by the unrelenting demands of the strikers on the picket lines, the demonstrators in the streets, the activists in the endless meetings. President Lyndon Johnson was moved to push aggressively for voting rights legislation by the marchers who were beaten on a bridge in Selma, AL. We still do not know the names of the majority of the heroes who fell that morning under the clubs, bayonets, and tear gas. Just this past week we have witnessed commemorations in Little Rock attended by President Clinton to remind us of the heroism of nine children and other members of the Little Rock African-American community when they braved the threat of mob violence to integrate Central High School. Those ordinary people inspired President Eisenhower to send troops in to enforce a Supreme Court decision.

Etheline Dubin lived in this tradition of unusing heroes doing what had to be done. Now she has departed leaving behind her husband, Marshall and two sons: Jonathan and Jason Dubin. Today we do not have the resources and the power to erect a statue for Etheline. But the memorial service was more than just a moment of reflection, meditation and grieving. She is one of our last heroines. We must celebrate our heroines and heroes. We must erect monuments in our minds that will never crumble. We must let Points-of-Light shine that will never go out. We must rededicate our lives to the spirit of unselfish activism in memory of Etheline Dubin.

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## PREVENTING DEADLY CONFLICT

### HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 30, 1997*

Mr. HAMILTON. Mr. Speaker, I would like to bring to my colleagues' attention my monthly newsletter on foreign affairs from August 1997 entitled "Preventing Deadly Conflict."

I ask that this newsletter be printed in the CONGRESSIONAL RECORD.

The newsletter follows:

### PREVENTING DEADLY CONFLICT

Many thought the end of the Cold War would mean a more peaceful international order. But conflict has not lessened. Today, there are more than 27 conflicts underway around the world.

Conflict prevention is a matter of acute importance for U.S. foreign policy. Whenever or wherever a crisis erupts, the world looks for a U.S. leadership role in resolving it, Public opinion strongly resists a U.S. role as the world's policeman, and policy-makers always ask: What are the alternatives to sending in the Marines? The use of force should be the option of not only last but least resort. Unless a better system of conflict prevention is developed, the burden on the U.S. will be much greater, financially and military, to respond to instability and conflict.

Sources of conflict are diverse. Most conflicts today are not between states but within states. Political repression of racial, ethnic or religious groups creates the conditions for conflict. Violence born of desperation becomes the alternative to continued repression.

There are also economic causes. Gross imbalances in living standards can breed conflict. Even economic reform and growth, building blocks of stability, can contribute to conflict. For example, growth has bypassed indigenous populations in many parts of Latin America, and inequality has contributed to armed revolt in Mexico and Peru.

Nations still compete violently for the control of resources. Control of oil and water continue to be a source of contention—and war—in the Middle East. Population pressures can create a serious strain on limited resources, and so can refugees. Most of the world's 15 million refugees today are the result of conflict, but massive refugee movements can also spread conflict and instability.

Much conflict is rooted in deep-seated historical animosities. U.S. diplomacy has helped to stop wars, for example, in the Balkans and Middle East, but long-term resolution of these and other conflicts has been elusive.

What should be done? Because conflict resolution is so complex, we need a comprehensive approach. The challenge is to develop the available arsenal of tools and to use them skillfully. Among these tools are dialogue, mediation, political and economic sticks and carrots, diplomatic pressure from the regional and international communities, sanctions, and—if necessary—international military intervention, either by consent or by force.

At the local level, the primary responsibility for conflict prevention rests with a country itself. Any country will be susceptible to internal violence if there is not economic growth and good governance. If a country has good political, economic and legal mechanisms, tensions can be addressed before violence erupts. Democratic countries with market-based economies have the best record of achieving lasting peace and prosperity.

At the regional level, we should work to increase the effectiveness of security institutions—the Organization of American States, the Organization of African Unity, the ASEAN Regional Forum, and others—to prevent conflict. They should take more responsibility for economic development and integration, the promotion of good governance, and conflict prevention. It is better, for example, if Africans deal with African problems. Regional organizations should support confidence-building measures to increase military transparency, communication, and cooperation. They should develop the capability to apply pressure, offer assistance, or deploy regional forces to prevent conflict.

At the international level, there is much to be done. First, the international community needs a capability for preventive action. This means the ability to deploy civilian personnel—to mediate problems, to provide immediate economic relief, and to address the long-term problems that give rise to conflict. The UN should give higher priority to conflict prevention. Among other things, the international community needs a better system of early warning and response. Conflict seldom arises without warning. Persons knowledgeable about countries are rarely surprised when long-simmering problems escalate into full-scale conflict. The problem is getting timely attention by policy-makers.

Second, the international community needs to address the underlying economic causes of conflict. The U.S. should work with the international community, especially international financial institutions, to support long-term development assistance to achieve economic growth and promote economic opportunity and equality. Working through institutions such as the World Bank, the International Monetary Fund, and the World Trade Organization, the U.S. should support market reform and regional economic integration to bolster growth. The international community must be prepared to apply pressure, even sanctions, to states that do not work to prevent violence or promote conflict resolution.

Third, the international community needs to support political reform and the development of responsive and accountable government. Helping to establish and promote institutions of civil society such as political parties, trade unions, independent media, and the rule of law are important safeguards for protecting human rights, fighting corruption, and fending off political demagoguery. Democratic societies and governments handle political disputes with far less violence.

Finally, the international community must improve its military response to conflicts once they reach the crisis stage. There are many problems in developing the appropriate mechanism for an international military capability to intervene in areas of potential or actual conflict, but it is urgent that these problems be addressed and solutions found. The UN continues to coordinate efforts by governments to train forces and set aside necessary resources for future missions. The U.S. should support these efforts, so that the international community can respond rapidly and effectively if a military response is required.

Conclusion. There is no cure for war and human folly. We will always have both, and the U.S. cannot and should not be responsible for addressing all the world's ills. Yet the U.S., the international community, and individual states can do more to prevent or reduce conflict. Early attention to disputes can save lives as well as the financial and human costs of military intervention. It may not be a message that is popular in the current political climate, but devoting more resources and efforts to conflict prevention is a long-term investment that serves the U.S. national interest.

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## PERSONAL EXPLANATION

### HON. CASS BALLENGER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 30, 1997*

Mr. BALLENGER. Mr. Speaker, I was unavoidably detained on Thursday, September 25, for rollcall votes 453 and 454. Had I been present, I would have voted "no." In addition, I would have voted "yea" for rollcall vote 455 on this same day.

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## IN RECOGNITION OF COL. TERRY L. RICE

### HON. PETER DEUTSCH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 30, 1997*

Mr. DEUTSCH. Mr. Speaker, I rise today to recognize Col. Terry L. Rice, upon his departure from his post as Commander and District Engineer of the Jacksonville District of the U.S. Army Corps of Engineers. Among his many duties in the region, Colonel Rice is best remembered for his commitment to the Florida Everglades and the partnerships he developed toward restoration of this priceless national treasure.

Throughout his command at the Jacksonville District, Colonel Rice committed the corps to a balanced approach toward environmental management. He has incorporated creative planning, engineering, construction, and management of projects that encompass the third largest civil works district in the Nation. Historically, the Jacksonville District is known as an innovative global leader in environmental restoration. Colonel Rice has built on this legacy by giving the Army Corps of Engineers a new look in south Florida through his commitment to the people of Florida and his vision for ecosystem restoration.

For those of us in south Florida and all who value the Florida Everglades, I wish Colonel Rice great success in his future endeavors.

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## TRADE FAIRNESS

### HON. RANDY "DUKE" CUNNINGHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 30, 1997*

Mr. CUNNINGHAM. Mr. Speaker, golf was not invented in the United States. But the United States leads the world in the manufacturing of quality golf clubs. Golfers know that most of these manufacturers are headquartered in California, predominantly in Carlsbad in my congressional district. They dominate this $2-billion industry because they lead in research and development of new materials that improve the performance, durability, and appearance of golf clubs. Major American investments have been made in the research, development, design, and manufacture of golf clubs, components, and their materials.

To remain competitive, these companies at times source components, such as golf club heads, offshore. Their high-paying research and design and final manufacturing operations remain here in the United States. Modern quality domestic golf clubs undergo precision operations involving many skilled U.S. technicians, using leading edge assembly and test equipment here in the United States.

Unfortunately, the prosperity of American employers is threatened and disrupted by arbitrary or capricious country of origin marking rules and regulations. These have been adopted and proposed by the U.S. Customs Service. They include the NAFTA marking regulations, the proposed marking regulations, and ultimately the Uruguay round country of origin changes scheduled for implementation in several years. The U.S. golf club industry has been able to cope with U.S. Customs regulations prior to implementation of the NAFTA marking rules. But the new country of origin marking requirements have become real trade and economic barriers. Contrary to their stated purpose, the new requirements are less understandable, more subjective, and more burdensome than previous marking requirements.

The marking problems can be resolved by recognizing that the process of final manufacturing of golf clubs in the United States is clearly a substantial transformation. Unlike golf clubs of the past, the final manufacturing of modern golf clubs is a high-precision, multistep process by skilled U.S. technicians requiring significant attention to detail. They use laser-guided equipment and highly sensitive scales to determine the weights of individual components and final clubs. Any slight variance causes the rejection of a club that does not meet company or industry swingweight standards.

The U.S. golf club manufacturing industry is a significant domestic employer that deserves to be treated fairly by trade laws. New and Proposed country of origin marking requirements simply fail to recognize the technological progress this industry has made, at the demand of golfers everywhere. By enacting legislation that reflects current industry practices, we restore trade fairness to the U.S. golf club industry, preserve good American jobs, and enhance our trade competitiveness.

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## CAMPAIGN FINANCE REFORM

### HON. RON KIND

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 30, 1997*

Mr. KIND. Mr. Speaker, my colleagues in the Republican Party have continued to argue that they oppose campaign finance reform because we first need to investigate the abuses by the White House during the last campaign. While I fully support the airing of the abuses that may have taken place in 1996, I do not accept the excuse that we cannot act on changing the system until the Republican investigations are concluded.

The reality is that much of the abuses of the system in 1996 were technically legal. Parties are allowed to raise soft money, intended for party building activities, without any limits and with very little accountability. It is the completely legal soft money contributions of hundreds of thousands and even millions of dollars that are corrupting the political system.

Furthermore, the hearings are not covering every abuse of the current system. One such example is the multibillion-dollar tax break given to the tobacco industry during the balanced budget agreement. In that agreement, the Republican leadership in the House and the Senate inserted a $50 billion tax break for the tobacco industry. Campaign contributions of more than $1.9 million to the Republican Party over the past 18 months, all legal under the current system, bought the tobacco industry a multibillion-dollar tax break. Yet no one is investigating that issue.

Mr. Speaker, it is appropriate that we vigorously investigate possible violations of the law, by both political parties, during the 1996 election cycle. However, we should not use that as an excuse to delay making real changes to the campaign finance system as soon as possible. The time to act is now, we can no longer accept no as an answer.

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## THE 150TH ANNIVERSARY OF CLEVELAND-CLIFFS INC.

### HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 30, 1997*

Mr. STUPAK. Mr. Speaker, I have the privilege of coming before Congress today to pay tribute to a company operating in my district that has played a major role in the economic, cultural and historical development of northern Michigan and in the rise of the economic and military power of the United States itself in the last century and a half.

The history of Cleveland-Cliffs Inc. is a fascinating one, because it is entwined with the development of the Soo Locks, the growth of shipping on the Great Lakes, and the development of pelletizing iron ore. The company's history even has ties to a candidate for the U.S. Presidency in the year 1876.

The company began as the Cleveland Iron Co. in 1847, just 3 years after iron ore was discovered in the remote wilderness of Michigan's Upper Peninsula. Michigan had been given the Upper Peninsula as compensation for a disputed piece of land along the Michigan-Ohio border known as the Toledo strip. The discovery of iron and of copper in the Upper Peninsula of Michigan made this exchange suddenly seem very much worthwhile.

Northern Michigan in those years was still a remote frontier area. Mining began in earnest in the 1850's, but getting the ore to port from this wilderness was a great challenge. The construction of a plank road through miles of rugged terrain brought ore to the budding city of Marquette on Lake Superior, and by 1857 a railroad with steam engines was hauling ore to the new docks in Marquette.

The opening of the Sault Ste. Marie Ship Canal, allowing ships to bypass the rapids on the St. Mary's River en route between Lake Superior and Lake Huron, was a significant event in the development of the iron and steel industry in the United States. The passage of the two-masted brigantine *Columbia* through the Soo Locks in August 1855 with 120 tons of ore was significant in this regard. It meant not only that ore would be mined in Upper Michigan, and later in Minnesota, but that processing of ore and the manufacture of steel would be done in blast furnaces far from the mines, in States on the south shore of the eastern Great Lakes.

During the Civil War and in the years that followed the war, production tonnages increased on a regular basis, with shipments hitting the 200,000 ton mark in 1880. Surface deposits of ore were exhausted by then, and shaft mining was begun to follow the rich iron ore veins underground.

By 1890 there were two major iron mining operations on the Marquette Iron Range. Joining the Cleveland Iron Co. was the Iron Cliffs Co., founded by Samuel J. Tilden, Democratic Party nominee for President against Rutherford B. Hayes. A merger of these two companies in 1891 created the Cleveland-Cliffs Iron Co.

This new company was a pioneer, bringing many firsts to the industry and to the region. It brought electrical power to the Upper Peninsula by building an hydroelectric plant in 1910. In 1900 it created the first geological department for an iron mining company in the Lake Superior Region. It organized a welfare department in 1905, developed a pension plan in 1909, formed the region's first mine safety department in 1911, built a modern hospital in 1918, and even build lumber mills to harvest the abundant timber.

Making good use of its vast land holdings, the company hired a landscape architect to design a model town for the area. The community of Gwinn is named for Elizabeth Gwinn, mother of company president William Gwinn Mather.

Perhaps the most significant breakthrough for the region and for the industry occurred when Cleveland Cliffs researchers, working with the U.S. Bureau of Mines, developed the current method of concentrating low-grade ore into pellets. The process of pelletizing iron ore has provided Cleveland Cliffs and the steel industry with more than 375 million tons of iron ore pellets. These pellets are made from ore once considered too low in iron to have any value. Despite periods of economic slowdown, the company, now known as Cleveland-Cliffs Inc., is the world's largest producer of iron ore pellets and the leading supplier of high-quality iron ore products to the steel industry in North America.

The company employs approximately one-third of its 6,000-member work force in northern Michigan. Others work in the corporate headquarters in Cleveland, OH, as well as in northern Minnesota, where the company also mines iron ore.

Mr. Speaker, Cleveland-Cliffs has an economic, historical and cultural presence deep in the geography and the people of the Upper Peninsula of Michigan and in the economy of the United States. We wish the company and its employees years of success and the blessings of innovation that will keep it viable well into a new millennium.

## CONGRATULATING MASSACHUSETTS STATE SENATOR MARK MONTIGNY

### HON. JOSEPH P. KENNEDY II

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 30, 1997*

Mr. KENNEDY of Massachusetts. Mr. Speaker, I rise today to recognize and congratulate Massachusetts State Senator Mark Montigny as a 1997 recipient of the Dr. Nathan Davis Award in the category of Outstanding State Senator. The Davis awards, presented to local State, and Federal career and elected government officials, were established by the American Medical Association in 1989 and are truly one of the most prestigious forms of recognition for outstanding public service in the advancement of public health.

The Massachusetts Senate president, Thomas Birmingham, and the Massachusetts Medical Society, nominated Senator Montigny for this award because of his effort as Senate Chair of the Joint Committee on Health Care to protect the physician-patient relationship and to improve the health of our citizenry, particularly the working poor and their children.

Senator Montigny's innovative legislative initiatives include a new Massachusetts State law that provides health insurance to most of the Commonwealth's uninsured children and a pilot prescription drug subsidy program for indigent seniors. He has also authored a bill to limit the use of pre-existing condition clauses and waiting periods in health coverage—virtually guaranteeing the right to obtain health insurance coverage. He has also championed a Physician Profiling bill that supports both consumer empowerment and the need for accuracy and fairness to physicians. In addition, Senator Montigny is working on legislation that would refinance Massachusetts' Uncompensated Care Pool, regulate the managed care industry, and preserve traditional values for community health care institutions in the State.

Mr. Speaker, I have mentioned only a very short portion of a very long list of accomplishments that Senator Mark Montigny has contributed to the public health needs of Massachusetts residents. I am honored to congratulate him today for an award he undoubtedly has earned and deserves.

## TRIBUTE TO THE LIFE-CHOICES PREGNANCY CENTER

### HON. ROY BLUNT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 30, 1997*

Mr. BLUNT. Mr. Speaker, I rise today to recognize the Life-Choices Pregnancy Center, which has served the women of Joplin, MO since its inception in 1990. To date, over 4,000 women have received services from the center in the form of pregnancy testing, counseling for those considering an abortion, and support for those who have already had an abortion. The center also manages two programs that make a difference in the lives of many Joplin residents: Mom Care, is designed to help mothers deal with their parenting responsibilities, and the Virtuous Reality program provides valuable information to teens and parents about making responsible and healthy choices in their lives. As evidence of the good work of the Life-Choices Pregnancy Center, at least 160 babies who would have been aborted are alive and well today because of their counseling and support.

On October 7, the center will dedicate its new facility which will enable it to serve more women in a number of new ways. The center will immediately begin to offer ultrasound imaging, physical exams, and other forms of prenatal care for at-risk women. In the near future, they also plan to add testing and treatment for sexually transmitted diseases, pre and post adoption counseling, abstinence education, and a 24 hour telephone help line to better serve the women of southwest Missouri.

Life constantly presents us with choices, and there are consequences to the choices that we make. A woman faced with an unplanned pregnancy has few options, and often feels that she has no where to turn. I am grateful that the women of Joplin can turn to the Life-Choices Pregnancy Center because there they can find a friend who has the patience to listen and the experience to understand and give advice that many would not be able to give. And, whatever her decision might be, I know that the center will provider her with the love, support, and counseling that she will need to make it through such a difficult time.

In closing, I remember the words of Mother Theresa. Speaking at a National Prayer Breakfast in 1994, she asked "How do we persuade a woman not to have an abortion? As always, we must persuade her with love and remind ourselves that love means to be willing to give until it hurts. Jesus gave even his life to love us." I thank everyone who made the choice to give of their time and love for the benefit of others at the Life-Choices Pregnancy Center.

## A TRIBUTE TO THE SOUTH PHILADELPHIA REVIEW ON THE OCCASION OF ITS 50TH ANNIVERSARY

### HON. THOMAS M. FOGLIETTA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 30, 1997*

Mr. FOGLIETTA. Mr. Speaker, I rise today to pay tribute to my neighborhood newspaper, the South Philadelphia Review, which this year celebrates its 50th anniversary.

The South Philly Review is one of the best-written, best-edited community newspapers in the Commonwealth of Pennsylvania. Over the years, the Review has reported on many of my achievements here in Congress. But more importantly, the Review has been the eyes and ears of the unique community of South Philadelphia. Reporting on births and deaths, food and drink, high culture and low, the Review is South Philadelphia.

In keeping with its commitment to the people of South Philadelphia, the Review has sponsored many initiatives to improve our community. In the 1980's, they started an annual food drive that helps to feed thousands of hungry citizens every year; founded a Youth Appreciation Award to promote the positive achievements of South Philadelphia students, backing it up with the reward of a U.S. Savings bond; and created a Lifestyles Section to feature local artists, writers, and entertainers who have made an impact on their community. In 1992, they created an Opinion/Editorial page to give residents a forum to voice and exchange opinions on important issues, and in 1995 they started a free concert series that runs throughout the month of June in Marconi Plaza.

In recognition of the quality of the publication, the Philadelphia Press Association awarded it the title of Best Weekly Newspaper in the Delaware Valley for 1996. In 1997, the Review repeated as the recipient of this award.

Mr. Speaker, in light of its contributions to local journalism and to the community of South Philadelphia, I hope my colleagues will join me today in congratulating the South Philadelphia Review for its first 50 years, and wish it the best of luck in its next 50.

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## WELFARE-TO-WORK PROVISIONS

### HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 30, 1997*

Mr. COSTELLO. Mr. Speaker, I want to bring to my colleagues' attention the Clinton administration's proposed welfare-to-work provisions. The House is currently considering H.R. 2400, the BESTEA legislation, which includes a welfare-to-work component. However, I believe that in order for our welfare reform package—which I supported—to succeed, we must have strong provisions to transition welfare recipients into the workplace.

The BESTEA legislation includes $42 million with a cap of 10 projects nationwide. I commend Chairman SHUSTER and our ranking member, Congressman OBERSTAR, for recognizing the need for this program. However, I believe we should approve the Clinton administration's proposal for transit welfare-to-work, which calls for $100 million. By the year 2002, States must have moved half of all adult welfare recipients—over 2 million people—off of welfare and into the workforce. This pilot program approach is now written in BESTEA will not be adequate to meet the needs of welfare reform.

The Metro East has over 10,000 welfare clients without earned income who need education and training to find meaningful employment, according to the Illinois Department of Human Services. Regional studies have shown that with training, we can reduce our welfare rolls and put people back into the workplace, and transportation plays a key role in making that happen.

I support the administration's welfare-to-work provisions and intend to work next spring to increase the amount for this program in the BESTEA legislation. I urge my colleagues to work with me to lift the cap limit on projects and increase the amount authorized to sufficient levels to make welfare reform a success.

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## TRIBUTE TO P.I.M.E. MISSIONARIES AND THE KNIGHTS OF CHARITY

### HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 30, 1997*

Mr. BONIOR. Mr. Speaker, P.I.M.E. Missionaries in an organization with a noble mission: to serve people around the world in pastoral, educational, medical, and developmental ways. Throughout the years, their vision of peace and justice have enhanced the quality of life for so many people.

In 1947, under the influence of Edward Cardinal Mooney of the Archdiocese of Detroit, P.I.M.E. Missionaries established U.S. headquarters in Detroit. Its members come from several countries including Italy, England, the United States, Canada, Brazil, India, and Mexico. The international membership of P.I.M.E. embodies the characteristic of the universal church.

This year, P.I.M.E. has chosen three individuals who have dedicated much of their life to their communities. Frank Stella, Rabbi Daniel Syme, and Kenneth Way have continually used their resources and energy to bring aid and sympathy to those who need it. Through their charitable involvement, these men have proven to be indispensable members of their communities.

For the past five decades, the members of P.I.M.E. Missionaries have combined their time and talents to help those in need throughout the world. As Father Clement Vismara once said, "If we keep life only for ourselves, then it withers. Life is radiant from the moment we give it to others." I ask my colleagues to join me in congratulating the members of P.I.M.E. along with Frank Stella, Rabbi Syme, and Kenneth Way for their contributions to society.

## A POINT OF LIGHT FOR ALL AMERICANS: WILLIAM H. PEASE, JR.

### HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 30, 1997*

Mr. OWENS. Mr. Speaker, I rise to salute Prof. William H. Pease, Jr. as a Point of light for the citizens of New York City and for all Americans. Professor Pease is a teacher, a former engineer, and a forceful advocate of the study of African-American history. Tomorrow, October 2, 1997, Professor Pease will be 76 years old. He presently serves as professor emeritus, professor of electrical engineering and assistant dean of instruction at Suffolk Community College in Selden, NY.

In his own right, William Pease is a Point of light; however, he would proudly acknowledge the fact that he is also a reflection of the flames left burning by two of his mentors, Rosetta Gaston and Carter G. Woodson. In addition to all of his other labors, the promotion of African-American history has always been a passion of Professor Pease. He was a teenage pupil of Mother Gaston who first introduced him to the work of Carter G. Woodson, the founder of the Association for the Study of Negro Life and History. It should be noted that Dr. John Hope Franklin, the current chairman of the President's Advisory Board on Race, was also a disciple of Carter G. Woodson.

Professor Pease's great passion for the promotion of African-American history increases his effectiveness in his work with youth. Wherever possible, he is always ready to assist youth-serving programs. Together with his daughter, Denise Pease, he has sponsored a scholarship awarded through the Central Brooklyn Martin Luther King Commission to student winners of essay and art contests. As a teacher and a counselor he has directly inspired young people. In his quite and forthright presentations, he keeps the spirit of Frederic Douglass and Martin Luther King alive.

Professor Pease is a graduate of Polytechnic Institute of Brooklyn and Fordham University. Prior to assuming his position at Suffolk County Community College, he was a senior instructor at RCA Institute and a microwave engineer at Tungsol Electronics. At Suffolk, he has served as the director of the educational opportunities program and the facility advisor of the Black Students Organization.

Numerous organizations has previously recognized William Pease as a great Point of light. He won accolades as the Tuskegee airmen welter-weight champion in 1945. He was the first African-American president of the Institute of Electrical and Electronic Engineers. Over the years he has received awards from: The Association for the Study of Negro Life and History; the New York University Weekend Tutorial Project; the Professional Achievement Award of the Brownsville Association for the Study of African American Life and History; the Teacher of the Year Award from the New York University Outreach Program for Mathematics and Science; the Mary McLeod Bethune Award for the motivation of black youth; and a proclamation from the Suffolk County Executive for outstanding service and leadership.

Hundreds of the students and disciples of Professor Pease occupy leadership positions throughout the city and the Nation. For his community and for all Americans, Prof. William H. Pease, Jr. is a great point of light.

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## FAST-TRACK—WHAT IS AT STAKE

### HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 30, 1997*

Mr. HAMILTON. Mr. Speaker, I would like to bring to my colleagues' attention my monthly newsletter on foreign affairs from September 1997 entitled Fast-Track—What Is At Stake.

I ask that this newsletter be printed in the CONGRESSIONAL RECORD.

The newsletter follows:

FAST-TRACK—WHAT IS AT STAKE

Earlier this month, the President asked Congress to grant him "fast-track" authority to negotiate trade agreements. Under fast-track, Congress agrees to hold single, expedited yes-or-no votes on trade agreements in exchange for extensive input into the President's negotiating strategy. Congress will vote on fast-track in the coming weeks.

Much is at stake in this debate. Without fast-track, U.S. trade policy will grind to a halt. Other countries will not conclude trade deals with the President if Congress can later revise them. Increased trade will create good jobs and raise wages. It will also sustain our world leadership and achieve key foreign policy objectives.

Between 1974 and 1994 every President had fast-track authority. They used it to achieve two major worldwide agreements that cut trade barriers and boosted U.S. exports. Earlier this year, the President nailed down agreements, initiated before fast-track authority lapsed, that will cut prices for international phone calls and eliminate barriers to U.S. computer-related exports. U.S. markets are the most open in the world, and trade agreements consistently require other countries to do more than we do to lower trade barriers—to our great advantage.

U.S. prosperity increasingly depends on finding new foreign markets for the things we make and grow. One of every eight U.S. jobs is at least partly supported by exports. Ninety-six percent of the world's consumers live outside the U.S., and we need better access to these potential customers if we want to preserve or increase our 20% share of the world's wealth. Trade agreements give us that access. U.S. exports have increased 80%, for example, in the products covered by the 24 agreements we have concluded with Japan since 1992.

Consider what we lose without fast-track. Without fast-track, we won't be able to lead upcoming talks on reducing trade barriers in agriculture and services, two sectors in which we dominate world trade. Without fast-track, Europe and Japan will secure preferential access to markets at our expense. European and Japanese firms would be pleased if the U.S. did not conclude trade agreements with Latin America and Asia, because they want those markets for themselves. Without fast-track, new deals in key sectors in which the U.S. leads world industry—such as automobiles, energy equipment, and medical technology—will remain out of reach.

Without fast-track, foreign trade barriers that are hurting American workers and farmers *right now* will remain in place. Rules affecting the sale of our products overseas will be written by others, not by us. Hundreds of thousands of potential new jobs will not be created. But if we give the President fast-track, he will have the power to combat trade barriers—and each agreement he concludes will still have to be separately approved by Congress.

Critics of fast-track argue that U.S. jobs and wages are hurt by low labor and environmental standards in other countries. They want agreements to require our trading partners to raise these standards. But fast-track critics have not explained how we can persuade other governments to sign such agreements. Countries are unlikely to change labor and environmental policies simply for the opportunity to trade more with us. There is a better way to help other countries improve their labor and environmental standards: by helping them grow, and for that we need increased trade and fast-track.

Fast-track is important not only for the U.S. economy, but also for the achievement of key foreign policy objectives:

Most countries in Latin America have embraced democracy and adopted free-market economic policies. Increased trade with the U.S. will stimulate growth, providing a payoff for painful reforms. That will solidify democracy and enhance U.S. influence.

U.S.-led efforts to reduce trade barriers in the Asia-Pacific Economic Cooperation forum (APEC) will help maintain America's leadership role in Asia. For our close friends in the region, APEC's most important purpose is to keep the U.S. anchored in Asia.

Better access to world markets is critical to the success of economic and political reform in Eastern Europe, and to the independence of the countries of the former Soviet Union.

U.S.-led efforts to reduce trade barriers have contributed to a dramatic increase in global prosperity since World War II, reducing the potential for international conflict.

Trade is an increasingly important dimension of international relations. Continued U.S. trade leadership will reinforce U.S. foreign policy leadership. A rejection of fast-track will signal a retreat from our role as world leader.

Despite the power of these arguments, fast-track won't be approved unless we address deep-seated concerns about the impact of trade on the U.S. economy.

First, we need to strengthen programs that help workers adjust to foreign competition. Trade expansion benefits the U.S. economy as a whole, but it does hurt some workers, especially those with fewer skills. Better education and training will do more to help U.S. workers than anything a trade agreement can do about foreign labor practices.

Second, the President must persuade Americans that if they give him fast-track, he will use that authority aggressively—to knock down foreign trade restrictions and deliver agreements that increase good-paying jobs.

Third, the President and Congress need to launch a national dialogue on the importance of trade. We need to highlight the advantages of trade: the jobs created by exports, and the benefits of imports both to consumers and producers. We need to explain that low productivity in developing countries often neutralizes any competitive advantage provided by their low wages. We need to document the competitiveness of U.S. manufacturing and how American workers are being hurt by recent trade agreements concluded without U.S. participation—because of the absence of fast-track authority.

Fast-track will empower the President to open foreign markets—to the benefit of the U.S. economy and U.S. foreign policy. Without fast-track our economy's potential will be unfulfilled, and our international leadership will be diminished.

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## TRIBUTE TO BISHOP VICTOR T. CURRY, PASTOR OF NEW BIRTH BAPTIST CHURCH

### HON. CARRIE P. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 30, 1997*

Mrs. MEEK of Florida. Mr. Speaker, it is truly a distinct honor and privilege to pay tribute to one of Miami's great leaders, Bishop Victor T. Curry. I want to echo the same sentiments of joy and gratitude that the 10,000 members of the New Birth Baptist Church in Miami lifted up to Almighty God this past weekend to celebrate his sixth pastoral anniversary.

Bishop Curry, 37 years old, truly represents the best and the noblest of our community. As bishop, senior pastor, and teacher of New Birth Baptist Church, he is remarkably leading his congregation in the ways of God and has tirelessly worked to enlighten our community on the agenda of spiritual wisdom and good government based on our God-given conscience and responsibility.

It is indeed fitting for those of us who subscribe to the Judaeo-Christian faith to pause and reflect on the important role that Bishop Curry plays in the day-to-day affairs of our community. I want to acknowledge the tremendous work he is doing in constantly guiding not only the members of New Birth Baptist Church, but the entire community. He has truly exemplified the example of Christ as the Good Shepherd, and has led his flock of believers, sharing with them the words of God's wisdom and the good news emanating from the Gospel.

His motto, "From Vision to Victory," has impacted the lives of countless people, propelling him into one of our Nation's charismatic televangelists par excellence. Along with countless others in our community, I am indeed a fortunate beneficiary of Bishop Curry's televised teachings and radio ministry through the church-owned Radio WMBM–1490 AM, especially in his advocacy to demonstrate both by way of word and example our unconditional love for and commitment to the children and the elderly, the poor, the disenfranchised, and the least fortunate among us. I have learned from him the very centrality of God in our daily lives, conscious of the fact that the mandate of our faith must characterize our attitudes toward those who could least fend for themselves.

In its laudatory recognition the Miami Times aptly described him as "a forceful, courageous, and visionary leader not only of the religious community but also of our wider society * * * with the recognition that our churches are part of a larger network of institutions that are the pillars of our community." Bishop Curry is fully living up to his vocation as a genuine pastor. His standards for learning, caring, and achieving, especially among the youth has won for him the accolades of our ecumenical community. Public and private agencies have oftentimes cited him for his untiring consecration to the truth and his uncompromising stance on justice and equal opportunity for all.

Moreover, his crusades in teaching many a wayward inner-city youth has become legendary. He has gained the utmost confidence of countless parents and teachers who see in him a no-nonsense motivator. They are wont to entrust him with the future of their children, fully cognizant and genuinely confident that they would learn from him the tenets of scholarship and the pursuit of scholastic excellence under a conscientious commitment and rigorous discipline.

Our community is deeply touched and comforted by his undaunted leadership, compassion, and personal warmth. As head of one of the fastest growing churches in Florida, Bishop Curry preaches and lives by the adage that under the grace of God's Providence our common quest for personal integrity and professional achievement is not beyond the reach of those who are willing to dare the impossible. As a man of God and as an indomitable leader in our community, he has rightfully earned our deepest respect and genuine admiration.

This is the great legacy Bishop Victor T. Curry is unselfishly sharing with all of us. I am greatly privileged indeed to have his friendship and his confidence, and I am grateful that he continues to teach me to live by his noble ethic of always loving God and serving my fellowmen.

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## TRIBUTE TO RON MORRIS

### HON. DAVID DREIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 30, 1997*

Mr. DREIER. Mr. Speaker, I am proud to recognize Ron Morris who participated in CIVITAS@Bosnia and Herzegovina, an intensive program from August 1–17, 1997, designed to train teachers from throughout Bosnia and Herzegovina with materials and methods developed to educate for democracy. Mr. Morris was part of a team of 20 American educators who were assigned to 16 locations throughout Bosnia and Herzegovina, including the Republika Srpska. The Americans teamed with 18 teachers from the Council of Europe in nine of these sites. This education for democracy program reached 550 teachers from both entities of Bosnia and Herzegovina.

The summer teaching training program was developed by the Center for Civic Education as part of a major civic education initiative in Bosnia and Herzegovina supported by the U.S. Information Agency and the U.S. Department of Education built on a program begun in 1996. The goals of the program are to provide teachers with the tools necessary to help prepare students and their communities for competent and responsible citizenship, including participation in elections and other opportunities to take part in the political life of their communities. Achieving this goal will contribute to the reconstruction of a sense of community, cooperation, tolerance, and support for democracy and human rights in this war-torn area.

I am also pleased to announce that the curricular materials being used for the program in Bosnia and Herzegovina have been adapted from the We the People * * * the Citizen and the Constitution, Foundations of Democracy, and the Project Citizen Programs, which are supported by Congress and used in schools throughout the United States. Initial reports evaluating the summer program indicate the materials—selected and adapted by educators in Bosnia and Herzegovina—and teaching methods were enthusiastically received and will be adapted for use in classrooms in both entities of the country.

Ron Morris is a teacher at Arcadia High School in Arcadia, CA. He also serves as the district coordinator for the We the People * * * the Citizen and the Constitution Program in my home district. A student team of constitutional experts from Arcadia High School under the leadership of Ron Morris came to Washington, DC, this year to participate in the We the People * * * academic competition on the Constitution and Bill of Rights. They placed second in the entire Nation.

Mr. Speaker, I wish to commend Ron Morris for his dedication and commitment during CIVITAS@Bosnia and Herzegovina summer training program. His work is helping to achieve the overall objective of building democracy in Bosnia and Herzegovina.

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## THE RETIREMENT OF GEN. JOHN M. SHALIKASHVILI

### HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 30, 1997*

Mr. HOYER. Mr. Speaker, after 39 years of outstanding service the military career of Gen. John Shalikashvili will come to a close today. In my role as a cochairman of the bipartisan National Security Caucus [NSC] I had the honor and pleasure of presiding at a retirement ceremony for the General last week. I was joined by my fellow NSC cochairman, Senator CHARLES ROBB (D–VA), as well as Senator JACK REED (D–RI) and Representative JANE HARMAN (D–CA).

Rather than saying "farewell," the caucus organized this event to say "well done" to General Shalikashvili. He is truly deserving of this recognition because of his tremendous contributions to America's national security interests, and his life is a classic American success story.

General Shalikashvili was born in Warsaw, Poland, in 1936. He was the first foreign-born Chairman of the Joint Chiefs of Staff, the first draftee to become Chairman and the first Chairman who was a graduate of Officer Candidate School.

During his military career, General Shalikashvili held a number of prestigious commands. He served as commander of the 9th Infantry Division and was the commander of Operation Provide Comfort, the relief operation that returned hundreds of Kurdish refugees to Northern Iraq. His last position before being named Chairman of the Joint Chiefs was as Supreme Allied Commander, Europe and Commander in Chief, European Command.

During the tenure of General Shalikashvili as Chairman of the Joint Chiefs of Staff, there was an explosion in the number of military operations conducted by the Armed Forces of the United States, in such diverse areas of the world as Haiti, Bosnia, the Taiwan Straits, Kuwait, the Korean Peninsula and in and around the Arabian Peninsula. While most of these operations were peacekeeping or humanitarian in nature, a significant number of them were strike or deterrent operations.

Among the General's many accomplishments as Chairman have included NATO enlargement, the Partnership for Peace, the North Korean Nuclear Framework Agreement, new defense arrangements with Japan including revision of the status of Okinawa, as well as many projects concerning the Gulf States and Israel.

One of the last accomplishments of the General's tenure was the production of the Quadrennial Defense Review [QDR]. The QDR began the serious solution of the biggest hole in our defense program: the $20 billion modernization shortfall. With personnel reduction and cuts in aircraft and other programs, the Chairman has reduced roughly half of the shortfall and has laid the groundwork for the reduction of the remainder.

In short, as Chairman of the Joint Chiefs of Staff, General Shalikashvili confronted historic change, responded to nontraditional military missions and prepared America's Armed Forces for the challenge of the 21st century. General Shalikashvili's extraordinary service has brought great credit upon himself, the Armed Forces, the Department of Defense, and the Nation.

Mr. Speaker, I ask unanimous consent to place in the RECORD the remarks of Senator MAX CLELAND (D–GA) regarding the General's retirement. The Senator is also a cochairman of the National Security Caucus and is well known as a hero of the Vietnam war.

STATEMENT OF SENATOR MAX CLELAND

I am honored to be here to pay tribute to an outstanding American who exemplifies the highest of American ideals. Many Americans admire him for overcoming the tragedy of World War II by coming to the United States and fulfilling the American dream. Others praise him for the outstanding leadership he has shown over the past four years.

Indeed, the military has faced many challenges over the past several years. General Shalikashvili's efforts, however, have insured that the military has not only met each of these challenges but has excelled.

While I share these sentiments, as a Vietnam veteran, I am particularly proud of the fact that one of my comrades has led the Department. Those American soldiers who lived through the Vietnam era and its aftermath understand what soldiering is really about. They understand the meaning of sacrifice.

They understand what a national defense really means. That without one cold, hungry, scared 19-year-old soldier being willing to leave his foxhole and advance we have no national defense.

General Shalikashvili understands these principles. He learned them when he was a young child, a child who witnessed the horrors of war in Europe and returned there as an adult to lead the military of the world's foremost defender of freedom and democracy. General Shalikashvili did just that when he served as the Commander-in-Chief of the United States' European Command, a leader of all NATO forces.

I am extremely proud of the service he has rendered to the United States. We owe him a tremendous debt of gratitude for a job well done.

General, God bless you and your family on your retirement.

## PERSONAL EXPLANATION

### HON. CHARLES E. SCHUMER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 30, 1997*

Mr. SCHUMER. Mr. Speaker, on September 24, 1997, I was recorded as voting "yea" and then as voting "nay" on ordering the previous question for the Treasury-Postal appropriation bill, a vote which has been described as a referendum on the 2.3-percent cost of living adjustment (COLA) for Members of Congress.

The purpose of this statement is to set the record straight on my actions. I came into the Chamber with virtually no time remaining. Mistakenly, I inserted my card in "yes."

Once I ascertained that the vote was indeed a pay raise, I went immediately and corrected my vote to "nay." This "nay" vote was in accordance with my previous position on the cost of living increase for Members of Congress. Since 1993, I have voted against every cost of living increase.

When I first walked onto the floor, there were already 218 votes in favor of the measure. In other words, the COLA had already passed and my vote would have had no effect on the outcome. Therefore, correcting my vote to "no" could not and should not be seen as doing anything other than rectifying a mistake.

Furthermore, since early last week, I was working out ways to donate this COLA increase to charities in New York. I always intended to oppose this pay raise, as I have done in the past, and had fully intended to donate the money if the pay raise was foisted upon me.

Mr. Speaker, I insert the following:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
*Washington, DC, September 26, 1997.*

Mr. JOSEPH LELYVELD
*Executive Editor, The New York Times, New York, NY.*

DEAR MR. LELYVELD: May we add some detail to your report on Representative Charles Schumer's vote against the congressional pay raise.

This past week on the House floor, House Democrats have had multiple procedural motions designed to pressure the Republican Leadership on the need to bring campaign finance reform to the House floor. The vote on Wednesday, September 25th was a recorded vote to move the previous question. Representative Charles Schumer rushed onto the House floor with little if any time left on the voting clock. As he was pulling out his voting card from his wallet, a veteran member of Congress shouted from the back, "This is a 'yes' vote," and Mr. Schumer used the machine to vote 'aye.' Mr. Gejdenson came up the aisle and advised him that, in fact, this was not a procedural vote without meaning but was the vote on the congressional pay raise. Mr. Schumer was in obvious distress that he had voted contrary to his wishes. He rushed immediately to the front of the House and changed his vote from 'aye' to 'no,' thereby voting against the pay raise.

Sincerely,

VIC SNYDER,
*Member of Congress.*
SAM GEJDENSON,
*Member of Congress.*

## TRIBUTE TO MAJ. BRYAN A. KNIGHT

### HON. ROBERT L. EHRLICH, JR.

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 30, 1997*

Mr. EHRLICH. Mr. Speaker, today, I rise in honor of an American pilot whose quick thinking, skill, and tremendous courage saved hundreds of my constituents' lives.

On September 14, 1997, Maj. Bryan A. Knight, flying his F–117A fighter, participated in the Middle River air show near the Martin State airport. As he commenced his flyby, part of the plane's wing came off, causing the aircraft to spin helplessly in the air. As the plane began to disintegrate around him, Major Knight—demonstrating the excellent training and instincts every pilot must have—stayed with the plane until he has steered it away from the throng of spectators on the ground. He ejected at the last possible moment, only about 1,000 feet from the ground. While the crash caused some property damage, no one was injured or killed.

Major Knight, who holds a degree in mathematics from the University of Texas, earned his pilot's wings on April 1, 1987. He is currently assigned to the 7th fighter squadron as an instructor pilot. His decorations include three Air Force commendation medals, three Air Force achievement medals, and the National Defense Service Medal. He is a senior pilot with over 2,700 hours of flight time, 500 of them in the F–117.

Mr. Speaker, though there is every indication that Major Knight's actions before and after the incident were exemplary, it is to his credit that he still feels sorrow and regret for the families whose homes were damaged in the incident. Just recently, he revisited the crash site to survey the wreckage and visit with some of the impacted families. During his visit, he encountered a woman who had come to his aid after the crash. In a quiet, poignant gesture of thanks, he presented her with his flight suit name tag.

Mr. Speaker, many citizens of Middle River owe Major Knight their own debt of gratitude. His piloting skills and selfless concern for others prevented an unfortunate accident from becoming a tragedy. He epitomizes the very best qualities all our men and women in uniform should have. I am pleased and honored to give him the recognition he so richly deserves.

## H.R. 2568—ENERGY POLICY ACT AMENDMENTS OF 1997

### HON. KAREN McCARTHY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 30, 1997*

Ms. MCCARTHY of Missouri. Mr. Speaker, I rise today to urge my colleagues to cosponsor legislation which I have introduced with the gentleman from Illinois, Mr. SHIMKUS, H.R. 2568, the Energy Policy Act Amendments of 1997. This bipartisan legislation will allow the Federal Government, State, and local governments, as well as private entities and public utilities with large fleets to use a blended product called biodiesel as a part of the alternative fuel vehicle requirements set forth by the Energy Policy Act of 1992 [EPACT]. Biodiesel provides another option for fleet managers who must meet acquisition requirements from recent Department of Energy regulations. The original of alternative fuels did not include biodiesel, a product derived from soybean and other vegetable oils, because the technology had not been fully developed.

State and local governments are required to meet a prescribed schedule of new fleet acquisitions that are alternatively fueled, starting at 10 percent in 1997 and ending with 75 percent in 2001 and subsequent futures years. Alternative fuel providers and utilities must meet a higher percentage requirement, starting at 30 percent this year and ending with 90 percent in 2001 and beyond. Offices that must meet these requirements earn credits for each alternatively fueled vehicle obtained during the given time period. Fines up to $50,000 per violation can be imposed for those entities that do not meet the requirements set forth by the implementing regulations.

The biodiesel product has many benefits. It is a relatively inexpensive alternative because it can be used as a part of an 80/20 blend with regular diesel fuel without requiring any modification to the diesel engines of existing fleet vehicles. The added value for the environment is the increased biodegradability of the product and the ability to turn waste into fuel. The product tests produce lower emissions of hydrocarbons, carbon monoxide, and particulate matter, aiding local efforts to achieve Clean Air Act compliance.

The proposed legislation does not include a tax credit or Federal mandate. Adoption could save the Federal Government and other entities money by providing a less expensive alternative that can be implemented immediately. In my own community, tests are being conducted by the Kansas City area metropolitan transit authority. Several buses are being run on the 80/20 blend so that fuel economy and emissions results can be compared to the standard results using a traditional diesel fuel. Early returns indicate that the fuel will reduce emissions and perform as well as it has in over 100 other demonstrations, reducing emissions by nearly 14 percent. While the cost of operating a vehicle on biodiesel fuel is comparable to the cost of other alternative and replacements fuels, a U.S. Department of Agriculture report indicates that the equipment and infrastructure costs associated with other alternative fuel options—tanks and fueling stations;

retrofitting engines—is six to eight times greater than biodiesel.

The Federal alternative fuel fleet standards were set in order to help clean the air and promote the use of alternative fuels to reduce our Nation's dependence on foreign sources of oil and gas. H.R. 2568 would help meet the goals of EPACT by allowing for fleet managers to get credit for the actual use of alternative fuels, not just the acquisition of alternatively fueled vehicles. This legislation is a significant advancement in promoting alternatives which help reduce emissions and particulate matter; one that can be implemented quickly with minimal expense because it encourages products and technology which can be most easily adapted to the current fleet. Mr. Speaker, I urge my colleagues to join the bipartisan sponsors of H.R. 2568 and urge its passage.

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## HONORING DR. W.J. HALL'S 36TH PASTORAL ANNIVERSARY AT BETHEL BAPTIST CHURCH

### HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 30, 1997*

Mr. TOWNS. Mr. Speaker, I rise today to honor Dr. W.J. Hall's 36th pastoral anniversary at Bethel Baptist Church, Brooklyn, NY.

Dr. W.J. Hall is a native of Oxford, NC. He assumed responsibilities as pastor of Bethel Baptist Church in June 1961. Prior to his appointment at Bethel Baptist Church, Reverend Hall had a vast amount of experience in pastoring in Henderson and Oxford, NC, respectively. His pastoring was coupled with teaching in the public school system of North Carolina.

Since Dr. Hall's tenure at Bethel Baptist Church, many wonderful things have happened to the Church, to the people of the congregation, and to the South Brooklyn community as well. As a civil rights activist, Dr. Hall worked very closely with the Reverend Dr. Martin Luther King, Jr. by helping minorities obtain employment. Moreover, in the South Brooklyn community that surrounds Bethel Baptist Church, Dr. Hall has made it possible for minorities to have medical services such as family planning and pre-natal care. Dr. Hall also established the Bethel Baptist Church Day Care Center which provides day care for children of working parents. The center also allows qualified professionals gainful employment within the community.

As senior pastor of Bethel Baptist Church, Reverend Hall has led the congregation through two extensive renovations to Bethel Baptist Church, and is currently embarking upon another major renovation. Through his zealous advocacy, Dr. Hall's has made it possible for parishioners to improve their credit rating and to have the freedom to borrow money through a Federal credit union. Presently, Dr. Hall has plans on the drawing board for a Senior Citizens Housing Development. He is truly a beacon of hope for the Brooklyn community.

Mr. Speaker, I ask you to join me in saluting Dr. W.J. Hall on the occasion of his 36th pastoral anniversary at Bethel Baptist Church.

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## TRIBUTE TO JAMES E. DEWHIRST

### HON. LOUISE McINTOSH SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 30, 1997*

Ms. SLAUGHTER. Mr. Speaker, I rise today to pay special tribute to James E. Dewhirst, president and CEO of the Friendly Organization in Rochester, NY, who on October 21, 1997 will complete 2 years as chairman of the American Association of Homes and Services for the Aging. Through his work with the Friendly Organization, his active participation in aging-services organizations on the local, State, and national level, and countless hours of community service, Jim Dewhirst is truly making a considerable difference in the lives of many older Americans.

Dr. Dewhirst joined the Friendly Organization in May 1981 as assistant administrator of the Friendly Home and manager of the Eighty-One Linden Avenue Apartments—now known as Linden Knoll. In July 1985, he was appointed administrator of the Friendly Organization. He served in this capacity until April 1989, when he was appointed to the position of president and chief executive officer.

Jim Dewhirst's accomplishments at the Friendly Organization and his exemplary leadership in aging organizations in his community, State, and Nation have been wide and varied. His efforts have positioned the Friendly Organization to be not only a current leader but a visionary in the delivery of long-term care. A community activist, he has served as a board member of both the Rochester chapter of the Alzheimer's Disease and Related Disorders Association and Monroe County Long Term Care, an organization dedicated to finding innovative long-term care solutions. He has served as vice chairman and treasurer of the Rochester Area Association of Homes and Services for the Aging, and he held positions as board member, treasurer, and chairman-elect of the New York Association of Homes and Services for the Aging.

In 1990, Mr. Dewhirst received the Thomas Clarke Memorial Award as "Young Administrator of the Year" from the New York Association of Homes and Services for the Aging. In 1992, Rochester Area Multiple Sclerosis honored him with the Community Award for Volunteer Service. He is widely recognized and respected as a leader and innovator whose guidance and dedication stand as a national model of outstanding service to the elderly and others in need.

On October 21, at the American Association of Homes and Services for the Aging's 36th annual meeting and exposition in New Orleans, Mr. Dewhirst will complete his term as the organization's chairman, after having served as its top elected leader since 1995. Prior to that, he served with distinction in the association's house of delegates and as a member of its board of directors for 7 years. As immediate past chairman, he will continue to serve on the board as it strives to advance the association's vision, adopted under Mr. Dewhirst's leadership. That vision, which the association's 5,000 not-for-profit member espouse, calls for the development of a comprehensive system of care and services that recognizes the dignity of all persons and enhances the quality of life for older adults and others with special needs.

Mr. Speaker, it is my distinct honor and pleasure to congratulate James E. Dewhirst on 2 exemplary years as chairman of the National Association of Homes and Services for the Aging, and on his most distinguished record of service to older Americans.

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## CAMPAIGN FINANCE REFORM

### HON. NEWT GINGRICH

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 2, 1997*

Mr. GINGRICH. Mr. Speaker, I am pleased to submit into the CONGRESSIONAL RECORD an excellent article on campaign finance reform by the former Governor of Delaware, Pete du Pont:

[From The Wall Street Journal, Sept. 24, 1997]

PRICE CONTROLS ON DEMOCRACY

(By Pete du Pont)

Hard cases, it is said, make bad law. The hard cases of Clinton campaign cash corruption are pushing Congress toward very bad law—the McCain-Feingold bill, which would, in effect, impose price controls on political involvement.

The First Continental Congress understood well the consequences of legislated prices, which had been imposed during the Revolutionary War. In June 1778 it concluded that "limitations on the prices of commodities are not only ineffectual for the purposes proposed, but likewise productive of very evil consequences to the great detriment of the public service and grievous oppression of individuals."

But the failure of price controls reaches back to the beginning of government. As Robert L. Scheuttinger and Eamonn F. Butler document in "Forty Centuries of Wage and Price Controls," in 2150 B.C., the Kingdom of Babylon adopted the Code of Hammurabi. Among its provisions were wage and price controls. For example, the code said the price to hire a 60-ton boat shall be "a sixth part of a shekel of silver per diem," and the pay of a carpenter "four grains of silver per diem."

BOUNDLESS AVARICE

Twenty-five centuries later, in A.D. 284, the Roman Emperor Diocletian, complaining of "raging and boundless avarice," decreed that "maximum [prices] be fixed" for all foods and services. Hoarding, riots, a black market and a failed economy soon followed. Four years later Diocletian abdicated his throne.

Sixteen centuries after that, nations ranging from Lenin's U.S.S.R. to Hitler's Germany to Richard Nixon and Jimmy Carter's America imposed wage and price controls. All failed to achieve their purpose and caused more problems than they solved.

So it makes perfect sense in the world of Washington to insist that they be imposed again. This time Sens. John McCain (R., Ariz.) and Russ Feingold (D., Wis.), aided and abetted by Common Cause, the New York Times and President Clinton, want to impose price controls on political speech and campaigns. Their legislative proposal contains a wide variety of price controls: On campaigns (an overall spending limit), on private broadcasters (advertising rates), on government (postal rates) and on out-of-state contributors to a candidate (the proportion of contributions they may give is restricted).

The legislation is a mind-numbing example of government by the numbers. The overall spending limit for Senate races "shall not exceed the lesser of $5,500,000, or the greater of $950,000 or $400,000 plus 30 cents multiplied by the voting age population not in excess of 4,000,000 and 25 cents multiplied by the voting age population in excess of 4,000,000." Oh, that is unless the candidate runs in a state that has no more than one VHF TV transmitter licensed for operation, in which case 80 cents is substituted for 30, and 70 for 25.

In addition the bill proposes free television time for candidates. Each candidate would be entitled to a total of 30 minutes, to be used Monday through Friday between 6 and 10 p.m., in minimum bites of 30 seconds and a maximum of five minutes; but no more than 15 minutes on any one station. Breathtaking in its complexity, McCain-Feingold calls to mind a statement attributed to Soviet official Vladimir Kabaidze in 1936: "We cannot tolerate the proliferation of this paperwork any longer. We must kill the people producing it."

Other reformers offer alternative schemes of government control. Max Frankel, writing in the New York Times Magazine, is for "chasing political commercials off the air and giving ballot-worthy candidates enough free air time to present themselves to the voters." Two think-tankers, Thomas Mann of the Brookings Institution and Norman Ornstein of the American Enterprise Institute, want to eliminate political party "soft money" and narrow the definition of how much an individual or organization can spend advocating or opposing a public policy issue. And House and Senate Minority Leaders Richard Gephardt (D., Mo.) and Tom Daschle (D., S.D.) want to amend the Constitution, weakening the First Amendment to permit campaign price controls.

All of these ideas are bad economics, bad politics and, as 40 centuries of experience have proved, very bad public policy.

In addition to the First Amendment problem—the Supreme Court ruled unanimously in Buckley v. Valeo that political contributions are protected speech—there are enormous fairness issues. Mr. Frankel's formulation hints at them: giving "ballot-worthy candidates" free air time. So who is "ballot-worthy?" Strom Thurmond and the Dixiecrats in 1948? Eugene McCarthy's challenge to Lyndon Johnson in 1968? Harry Browne or Ralph Nader, last year's Libertarian and Green candidates for president? What impartial arbiter would decide who may or may not run for election in America?

Another affront to liberty is the McCain-Feingold proposal to limit a candidate's out-of-state contributions to 40% of all contributions. Under such a provision, non-Louisianans who don't want to see David Duke elected to the Senate might be unable to contribute to his opponent.

Limiting issue advocacy is another clear and present danger to American democracy. McCain-Feingold would permit the federal government to regulate campaign speech that contains "express advocacy" intended to affect an election. But advocacy of issues is what elections are about. There should be more of it, not less.

Any state or local party activity, from voter registration to kaffeeklatsches, that "might affect the outcome of a federal election" would also be covered by national campaign controls, effectively federalizing local elections. All this is Big Brother writ large, a bit of Leninism superimposed on modern America.

Finally comes the question of political action committees. Let's be clear, we are not talking of legalizing illegal acts—foreign contributions to political campaigns, solicitations from government offices or making contributions in the name of another. We are considering whether people of similar beliefs—union members or right-to-life advocates—may contribute to a common organization to increase their political impact.

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## HONORING JAVIER GONZALEZ 1996 CALIFORNIA TEACHER OF THE YEAR

### HON. ESTEBAN EDWARD TORRES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 1, 1997*

Mr. TORRES. Mr. Speaker, I rise today to recognize a special individual and an outstanding young educator, Javier Gonzalez of Pioneer High School in the Whittier Union High School District, located in my congressional district.

Mr. Gonzalez, a young man of humble origins, is a graduate of my alma mater, James A. Garfield High School in East Los Angeles. He has risen to the top of his profession in 6 short years by being named the 1996 California Teacher of the Year. Born to a large family, he is the 8th child of 21. His family immigrated to the United States in search of better opportunities in education and employment. He thanks public education and the programs afforded to him to help overcome the obstacles of learning a new language and for being the first in his family to earn a college degree.

Trained for a career in engineering, Mr. Gonzalez found his calling in education while serving as a tutor. He became fascinated with the power of education and his own ability to help young aspiring students reach their potential. He attained his bachelor of arts degree from California State University of Los Angeles in 1991 and his teaching credentials and master of arts degree from Point Loma Nazarene College in 1995. Mr. Gonzalez began his professional teaching career working with high school students in the Upward Bound Program at East Los Angeles College.

In 1990, Mr. Gonzalez began teaching at Pioneer High School. He currently teaches math, geometry, and algebra. He is the chair of the Pioneer Mathematics Department, GATE Advisory Committee, and also serves as its coordinator. He is an advisor to the California Scholarship Federation, Associated Student Council, and coach of the academic decathlon team. Mr. Gonzalez is a member of the School Site Council, Whittier Academy of Math and Science, Eisenhower Teams, Mexican-American Cultural Institute, National Education Association, California Teachers Association, Whittier Secondary Education Association, and the California Association for the Gifted. Also, he is the coordinator of the SAT Preparation Program and supervisor of the California Academic Partnership Program.

He was named 1996 California Teacher of the Year, in recognition of his leadership in the field of education and his unwavering dedication to our young people. He credits as his greatest contribution in education the creation of the Pioneer Math Academy. Established in 1991, each summer the Pioneer Math Academy serves over 500 students from grades 4 through 12. This program unites in a cooperative joint effort school board members, superintendents, administrators, teachers, parents, students, and college students, who serve as tutors, of three school districts, and provides service to over 40 schools. Everyone who participates in this truly worthwhile program comes away with a valuable and enriching experience.

Mr. Speaker, it is with pride that I rise to recognize California's esteemed 1996 Teacher of the Year, Javier Gonzalez, and ask my colleagues to join me in saluting him for his outstanding commitment to the education of our youth and to America's future.

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## TRIBUTE TO BILL GATES

### HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 1, 1997*

Mr. PASCRELL. Mr. Speaker, I would like to call to your attention Bill Gates who was honored at the Allied Health Industry dinner.

Bill is the president of the Gates Co., in Clifton, NJ. The company is a manufacturer and distributor of United States and foreign flags as well as custom banners. They also sell and install flag poles. The Gates Co. is now 127 years old, having been established by Bill's grandfather in 1870 in New York and moving to New Jersey in 1904.

Bill served with the U.S. Navy in World War II in the South Pacific and is a member of the U.S. Navy League. After completing his service requirements and attending William Paterson College, he joined the family business and now carries forth a proud tradition and a sense of legacy.

Currently Bill is deeply involved with Wayne General Hospital, serving on the board of trustees for both the hospital and the foundation. Wayne General Hospital is the sponsor of an exploring program where over 30 young people get a first hand look at various medical careers.

Bill is a member of the Greater Paterson Chamber of Commerce and the Northern Regional Chamber of Commerce where he serves on the board of directors. He was an area code coordinator for the PolioPlus Campaign, and has been tremendously involved in the Paterson Rotary Club. He served as past president of the Rotary Club, governor's representative, St. governor's representative, chief governor's representative for three terms, and past district governor of District 7490 of the Rotary International. Additionally he is on the board of the Action Theater Conservatory, a member of the Hawthorne Elks, the Genesis Masonic Lodge, a member of the Upper Montclair Country Club, and a former member of the Boy Scout Troop 20 in Paterson.

Bill and his wife, Joyce, reside in Wayne and are blessed with two daughters and three granddaughters.

Mr. Speaker, I ask that you join me, our colleagues, Bill's family and friends, and the people of northern Jersey in recognizing Bill Gates' many outstanding and invaluable contributions made to the community.

## REFORM THE IRS

### HON. DOC HASTINGS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 1, 1997*

Mr. HASTINGS of Washington. Mr. Speaker, I rise today in strong support of congressional efforts to reign in and reform the Internal Revenue Service [IRS]. Many Americans believe that the IRS is an agency that is out of control. Far too often we hear reports that this agency terrorizes and threatens taxpayers. While many of the IRS's problems are admittedly linked to our far-too-complicated Tax Code, the agency's shameful mistreatment of taxpayers has other roots, as well. Instead of working on their behalf, the IRS treats too many taxpayers as criminals who are presumed guilty unless they can prove their own innocence. Unfortunately, because most Americans lack sufficient resources to fight the IRS in court, the agency's actions are often financially devastating to families and businesses.

That is why I have cosponsored the IRS Restructuring and Reform Act of 1997, introduced by Congressman ROB PORTMAN, Republican, of Ohio. Our bill would implement the recommendations of the year-long National Commission on Restructuring the IRS, in order to provide taxpayers new protections and rights to assist in dealing with this overzealous agency. By improving customer service, expanding taxpayer rights, and overhauling the IRS's management structure, this legislation would provide badly needed long-term solutions to the problems that too many Americans experience with the IRS.

Most importantly, the IRS Restructuring and Reform Act of 1997 would completely overhaul the Tax Code. Since the last major simplification of the Tax Code was passed in 1986, 4,000 amendments have been added to the Tax Code. A fairer, simpler, single-rate Tax Code offers the best hope for ending the IRS as we know it. But until tax simplification is in place, we need to take steps to correct these very real abuses and protect our constituents and taxpayers. That is why I strongly urge this Congress to take swift action to enact the IRS Restructuring and Reform Act of 1997.

## STATEMENT ON THE UNQUESTIONED INTEGRITY OF UNDER SECRETARY OF STATE STUART EIZENSTAT

### HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 2, 1997*

Mr. LANTOS. Mr. Speaker, in my decades of watching and working on Capitol Hill, I have never met a public servant of greater integrity and dedication than the Under Secretary of State for Economic, Business and Agricultural Affairs, Stuart Eizenstat. Recent criticism involving him has prompted me to undertake an in depth review and analysis of his earlier private-sector work in the airline industry. My inquiry has only confirmed my unequivocal and carefully considered view of Mr. Eizenstat as a public servant of the highest integrity and impeccable action.

I profoundly deplore the absolutely unfounded accusations that have been made against him by special interests, who have a vested interest in an outcome contrary to the carefully considered and appropriate policy being pursued by the United States Government. It would appear that these interests are cynically using this totally unjustified and false criticism of this outstanding public servant in an effort to achieve their objectives through sleaze, innuendo, and falsehood.

I specifically wish to place in the public record the following information about Under Secretary Eizenstat in order to clarify this situation.

First, prior to his confirmation as U.S. Ambassador to the European Union, Ambassador Eizenstat listed over 30 clients with whom he would have no contact for a 1-year period. Ethics regulations require than an official recuse himself for 1 year from matters in which a former client is a party if the official believes that an appearance of a conflict would otherwise result. At the request of the Senate Foreign Relations Committee, Ambassador Eizenstat went even further. Because he had represented British Airways with respect to the USAir merger, he agreed not to participate in official matters involving this merger for the duration of his appointment as Ambassador and to consider carefully whether to participate in other issues involving British Airways, if any should arise. He fully honored this extensive commitment.

Second, after serving for over 2½ years as Ambassador to the European Union, he has twice been confirmed by the U.S. Senate, once in early 1996 as Under Secretary of Commerce for International Trade and again in the spring of this year as Under Secretary of State for Economic, Business, and Agricultural Affairs. In neither instance was he asked to limit further contact with British Airways or with any of his former clients. Indeed, he could not do his job in either position if he were required to recuse himself indefinitely from all matters involving his former clients.

Third, in his meeting with EU Commissioner Van Miert, he did not seek approval of the American Airlines-British Airways alliance. Rather, he presented a position of the State Department he himself had not participated in even developing. Instead he merely expressed concern that the European Union, in its consideration of the proposed alliance, not impose anticompetitive conditions which would complicate an Open Skies agreement with the United Kingdom. He never talked with anyone from the Department of Transportation.

Fourth, more than 4 years after having any representation of British Airways, having had no financial interest in his former law firm's representation of British Airways, having had no contact with British Airways in any official capacity even to this day, and conforming to the letter and spirit of the ethics requirements, he has continued to act, as he has throughout his public career, with the highest ethical standards. Indeed, he continues meeting the highest standards and has now decided to go beyond anything required and recuse himself from further involvement on this issue until DOT makes its administrative finding.

Fifth, this is confirmed by the following statement which was approved by the highest ethics official in the State Department:

> Under Secretary Eizenstat's recent discussions with EU officials regarding the British Airways-American Airlines alliance were fully consistent with Government ethical guidelines and regulations.
>
> No law or regulation requires recusal in this case. Government ethics rules require that an official not participate in a matter only in two instances: when the official has a financial interest in the matter or when the matter involves in certain cases a former client whom the official represented within the last year. Neither instance applies here: Under Secretary Eizenstat does not have a financial interest in this matter; he last represented British Airways 4 year ago.
>
> Under Secretary Eizenstat's 1993 statement of recusal on British Airways, referred to in the JOC [Journal of Commerce] article, resulted from his representation of the British Airways on a matter unrelated to the AA/BA [American Airlines/British Airways] alliance. The recusal was limited to the period when he served as U.S. Ambassador to the EU, a position that he no longer holds. Neither the law, the Congress, nor Government ethics officials required that he continue this recusal when he assumed his present position as Under Secretary.
>
> His current recusal provides as follows: "Finally, I will recuse myself from participation on a case-by-case basis in any particular matter in which, in my judgment, it is desirable for me to do so in order to avoid the possible appearance of impropriety, despite the lack of any actual conflict." Both Under Secretary Eizenstat and Department ethics officials have believed that the Under Secretary need not recuse himself under this provision from discussions with the EU on the AA/BA alliance because 4 years have passed since he represented BA and because his representation of BA was on a different issue than the pending area.

## THE 25TH ANNIVERSARY OF MONTEREY-SALINAS TRANSIT

### HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 1, 1997*

Mr. FARR of California. Mr. Speaker, I have the distinct honor and privilege of representing California's 17th Congressional District and, on behalf of all the residents of the central coast, I would like to commend to my colleagues' attention the 25th anniversary of Monterey-Salinas Transit.

The Monterey Peninsula Public Transit System Joint Powers Agency was formed by the cities of Carmel, Del Rey Oaks, Monterey, Pacific Grove, Seaside, and the County of Monterey on October 1, 1997. As the predecessor of Monterey-Salinas Transit, it served the Monterey Peninsula area, later expanded to provide service to the cities of Marina, Salinas, and Watsonville, now serving all of Northern Monterey County.

I am proud to claim that my district has been among the first in the country to promote community livability and sustainable development initiatives that enhance the quality of life for all its citizens. Monterey-Salinas Transit recognizes the benefit of sustainable development and the need to utilize clean technologies. One-quarter of the bus fleet is powered by clean natural gas [CNG] and future plans call for the total MST fleet and support vehicles to be fueled with CNG, a much more environmentally friendly source of fuel.

It is the foresight of the MST member jurisdictions that has enabled the transit service to be on the cutting edge of technology and service, with ridership of some 4 million passengers each year, including a paratransit van service for disabled customers, and a waterfront area visitor express service for tourists. As we stand on the threshold of the 21st century, I am pleased to commend Monterey-Salinas Transit for providing 25 years of exemplary public service to the central coast of California, and ask my colleagues in the U.S. House of Representatives to wish them well on the next 25 years.

## TRIBUTE TO ANGELO VOLPE

### HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 1, 1997*

Mr. GORDON. Mr. Speaker, I rise today to recognize the most enthusiastic person I have ever met, Angelo Volpe, the president of Tennessee Technological University.

Angelo Volpe is a distinguished scholar and scientist that any university would be proud to have as a president. During Dr. Volpe's 10 years tenure as the president of Tennessee Tech, he has brought energy and a level of enthusiasm that is contagious to the entire community. As the founder of Sharing the Vision, a university-wide fundraising campaign, President Volpe has made the dream of college a reality for many students who could not afford tuition. He not only recognizes the value of a university education, but also acknowledges the need for a campus that meets a wide range of student needs. During his tenure, President Volpe has overseen the creation of a new library and a recreation and fitness center. These additions have greatly expanded student resources and added to the stature of the university.

Angelo Volpe's strong chemistry background is also an asset to the university. He came to Tennessee Tech from East Carolina University and I know they must still feel the loss of this talented and visionary man. His pursuit of scientific knowledge has made him a member in good standing in such organizations as the American Chemical Society, the Tennessee Academy of Science, and a past president of the Tennessee College Association.

Although a Brooklyn native, Dr. Volpe has adjusted perfectly to southern life and has made Cookeville, TN his home. He is a tireless leader in the field of education and a prominent member of the Cookeville community and the Rotary Club. But no man is an island. Dr. Volpe has had the support and advice of his able wife, Jennette. Jennette has a Ph.D. in psychology and has been invaluable in assisting her husband with his duties as president of Tennessee Tech. They are active members of St. Thomas Aquinas Catholic Church and in the local community.

I am grateful that President Volpe will continue to lead Tennessee Tech into the 21st century. I know that with Dr. Volpe at the helm, this university will continue to prosper. He has given of his time, expertise, and energy to make Tennessee Tech an outstanding university and in turn, I would like for us to recognize his accomplishments today and wish him luck in the coming years.

## REFORMING THE INTERNAL REVENUE SERVICE

### HON. NEWT GINGRICH

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 1, 1997*

Mr. GINGRICH. Mr. Speaker, I submit for the CONGRESSIONAL RECORD a series of letters between myself and the White House on the subject of reforming the Internal Revenue Service.

The correspondence sadly demonstrates how removed from the concerns of the American people the White House appears on this important topic. Last week, the entire country saw ordinary taxpayers as well as IRS agents and managers offer dramatic testimony on many of the outrageous practices of the agency. Apparently, the White House staff were the only people in the country not to be concerned about this abusive behavior.

I hope that the White House will join with millions of American citizens and commit to reforming the IRS immediately.

THE SPEAKER,
U.S. HOUSE OF REPRESENTATIVES,
*Washington, DC, September 29, 1997.*

President WILLIAM J. CLINTON,
*The White House, Washington, DC.*

DEAR MR. PRESIDENT, I was gravely disturbed to read the comments in the press today from your top economic advisor, Gene Sperling, on the subject of reforming the IRS.

Americans have watched with horror in recent weeks as hearings in the Senate and House have uncovered dozens of documented instances of gross incompetence, harassment, and abuse of authority by agents of the IRS. According to the testimony of past and current IRS employees—some of whom were forced to disguise their voices and hide their faces for fear of retaliation—it has been standard practice within the agency to target poor individuals who could not afford to fight and to measure agents' performance on the number and amount of seizures they make.

Clearly the IRS is out-of-control and needs to be reformed. Every year we delay will result in tens of thousands of additional nightmares for taxpayers who are unfairly targeted, hounded, abused, and bankrupted by the agency.

That is why I am so greatly alarmed by the comments of your top economic advisor today that reform efforts are "a recipe for conflicts of interest" and a "serious step backwards." Surely you do not agree with Mr. Sperling's bizarre assertion that the bipartisan recommendations of the IRS reform commission headed by Rep. Rob Portman (R-OH) and Sen. Bob Kerrey (D-NE) would lead to "less accountability" and "less trust." Does Mr. Sperling truly speak for you when he said that you will "vigorously oppose" those recommendations?

If you do not repudiate the statements made by Mr. Sperling today, you will have allied yourself with the IRS' bureaucratic machine and turned your back on the millions of Americans who have been pulled through its gears. I urge you to immediately disavow Mr. Sperling's remarks and make clear your personal commitment to reforming the IRS.

Sincerely,

NEWT GINGRICH,
*Speaker of the House.*

THE WHITE HOUSE,
*Washington, September 29, 1997.*

Hon. NEWT GINGRICH,
*Speaker of the House, U.S. Congress, Washington, DC.*

DEAR SPEAKER GINGRICH: Thank you for your letter of September 29 regarding our approach to IRS reform.

As Mr. Sperling noted this morning in stating the Administration's position, we are firmly committed to reforming the IRS. This is a long-held commitment that recent congressional hearings have only helped reaffirm. As Mr. Sperling reiterated this morning "much more needs to be done" and we have put forward a "very strong reform agenda." President Clinton made that commitment clear when he signed the Taxpayer Bill of Rights into law last year: "We say to America's taxpayers, when you deal with the IRS, you also have privileges and we respect them. You have protection and we will help provide it. You have rights and we will shield them."

Earlier this month, Secretary Rubin outlined a comprehensive plan to build on those reforms and to modernize and restructure the IRS. This builds on the intensified oversight Treasury has provided over the last two years. Our reform plan mirrors many of the recommendations made by the Kerrey-Portman Commission. Our reform plan would strengthen oversight, increase accountability, and provide for increasing advice from the private sector. The plan would also grant the Taxpayer Advocate greater independence and build on our efforts to promote electronic filing.

To improve management at the IRS, we have nominated a top-notch private-sector information management expert, Charles Rossotti to head the agency. We believe he can bring his cutting-edge private sector expertise, particularly in the area of customer service, to that agency. His nomination is pending before the Senate, and I hope we can put his skills to use as soon as possible.

There is one area where we strongly disagree with the plan supported by the House Republican leadership. The President strongly opposes a part-time private board that would oversee the operations of the IRS. We believe that such a private board would foster less accountability and create the potential for wide-scale conflicts of interest, as Mr. Sperling noted this morning. Undoubtedly, the type of people qualified to serve on such a board would have their own business before the IRS; that potential for conflicts of interest would make impartial oversight difficult at best. That concern about conflicts of interest is shared by, among others, former IRS Commissioners from both Democratic and Republican administrations, Brookings Institution scholars, and the New York State Bar Association.

I hope we do not let our differences over the responsibilities of a private advisory board stand in the way of meaningful, bipartisan reform of the IRS. The American people deserve better. As Mr. Sperling said today, we were "appalled" and "extremely disturbed" by the tales of abuse of individual taxpayers described in the hearings. Such behavior has no place in this administration as Mr. Sperling's full comments this morning make perfectly clear.

We are encouraged by the measures that the IRS has undertaken to correct those abuses and eliminate any practices that may have inadvertently encouraged them. Secretary Rubin has assured me that he will redouble our efforts to root out cases of malfeasance and promote accountability at the Internal Revenue Service. To promote real reform at the IRS, I hope we can work with you in a bipartisan, constructive spirit.

Sincerely,

ERSKINE B. BOWLES,
*Chief of Staff.*

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THE SPEAKER,
U.S. HOUSE OF REPRESENTATIVES,
*Washington, DC, September 30, 1997.*

President WILLIAM J. CLINTON,
*The White House, Washington, DC.*

Dear Mr. President. With all due respect, Mr. President, your staff just doesn't seem to get it. For five years, the administration officials in charge of the IRS have fiddled while the agency has burned the hopes and dreams of thousands of innocent taxpayers. Fortunately, the bipartisan Portman-Kerrey commission has put forth real reforms to help the taxpayers.

Now, despite recent congressional hearings that have uncovered the extent of the malfeasance and mismanagement within the IRS, your staff has taken the indefensible position that this same group of political appointees should be allowed to continue supervising the agency.

In separate statements yesterday, both your top economic advisor and your Chief of Staff made the ludicrous assertion that placing a non-partisan private board of directors—unbeholden to any political interest—in charge of the IRS would foster "*less* accountability" and "*less* trust" in the agency.

Instead of this independent board, your administration has proposed the creation of an internal board made up of 15 current political appointees from within the IRS, the Department of Treasury and the Office of Management and Budget. In other words, your response to the dozens of horror stories we have heard from innocent taxpayers over recent weeks is that we leave exactly the same people in charge who have already failed to solve the problem.

Worse, several of the current officials who would make up such a board are also donors to the Democratic Party and Democrat candidates. In the midst of all of your administration's ongoing campaign finance scandals, do you really expect to restore the confidence of the American people in the IRS by putting some big-donor Democrats in charge of "non-partisan," "objective" tax collection.

Earlier today, you said that we must "not try to sweep any of these problems under the rugs." I agree. The only way to ensure a genuine housecleaning at the IRS is to appoint a private, independent board of directors for the agency.

I urge you to drop your opposition to reform and join with congressional Democrats and Republicans as we take action to restore public confidence in the IRS.

Sincerely,

NEWT GINGRICH,
*Speaker of the House.*

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## HONORING MARIO & CELIA JIMENEZ ON THE OCCASION OF THE CELEBRATION OF THE 30TH ANNIVERSARY OF MARIO'S TACOS

### HON. ESTEBAN EDWARD TORRES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 1, 1997*

Mr. TORRES. Mr. Speaker, I rise today to recognize a very special couple and dear friends, Mario and Celia Jimenez of Mario's Tacos in the City of Pico Rivera. On Saturday, October 4, 1997, Mario, Celia, and hundreds of members of the community will celebrate the 30th anniversary of Mario's Tacos.

Mario and Celia own and operate this family restaurant in my congressional district. Over the last 30 years, they built their small taco stand into a thriving business, expanding to its current large family eatery. It is known throughout the community for the traditional Mexican and American dishes that are served in a friendly family oriented atmosphere. Over the years, Mario's Tacos has endeared itself to the residents of Pico Rivera and surrounding communities and has become a common place for friends and family to join together.

A sense of family and a dedication to the community are values held dear to Mario and Celia. The success of their business can be credited to their impenetrable faith and belief in family and community. Each of their children, Mary, Mario, Jr., David, Martha, and Norma has contributed their time and efforts to making this family business a success. Mario and Celia instilled in their children a strong work ethic and a belief that with determination their children could accomplish anything.

Their successful business has afforded them the opportunity to give back to the community. Mario and Celia support various school and charitable organizations. Because of their strong belief in our young people and the education that they were denied, they contribute much of their time and money to community youth projects, school programs and activities that support quality education in their native country of Mexico, as well as in the United States.

Mario has established and works with a variety of international aid organizations, assisting poor communities in Mexico and South America gain access to health care, emergency, and educational resources. Locally, Mario and Celia have helped those less fortunate by providing meals for senior citizens and homeless. Also, Mario has been an unwavering supporter of the 34th Congressional District Congressional Awards Council, which recognizes young people in my congressional district for their volunteer contributions in the community.

Mr. Speaker, it is with pride that I rise to recognize the Jimenez family for their strong character and entrepreneurial spirit as they celebrate the 30th anniversary of Mario's Tacos. I ask my colleagues to join me in saluting this fine establishment and extending Mario and Celia Jimenez our fondest wishes for their continued success.

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## IN LOVING MEMORY OF BESSIE GILMORE

### HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 2, 1997*

Mr. PASCRELL. Mr. Speaker, I would like to call to your attention the loving memory of Bessie Gilmore, from Paterson, NJ.

Bessie was born on September 12, 1920 in Camden, SC. She was the daughter of the late Charles June, Sr. and Margaret Bracey June Jackson.

Bessie moved to Paterson, NJ at a very young age and was baptized at St. Augustine Presbyterian Church in Paterson. A graduate of Paterson Public School No. 6, she attend Eastside High School and graduated from Brown Home Mather Academy in Camden, SC.

As a community leader, Bessie spoke for the disenfranchised citizens of Paterson. She spearheaded numerous civic action committees, served as chief organizer for the Federation of Neighborhood Councils, which is a division of the Paterson Task Force for Community Action, and coorganized the Welfare Rights Organization.

Bessie served as a commissioner on the Paterson Board of Adjustment and a member of the Board of Directors of the Bergen/Passaic County Health Systems Agency, the WPAT Coalition Committee, and Title One Committee. A Fourth Ward Democratic coleader and County Committeewoman, she was a member of the NAACP and the Citizens Committee for the Passaic County Vocational High School.

Bessie's many honors included the War Against Poverty Award, presented to her by the Paterson Task Force for Community Action, the Major's Award for Civic Contributions, and the Paterson Chapter of the Black Women's Health Project Award.

Bessie is survived by her husband Louis Gilmore, her daughter Deborah Jamison Jeter, and two brothers, Charles June, Jr., and James Jackson, Jr.

Mr Speaker, I ask that you join me, our colleagues, Bessie's family and friends, and the city of Paterson in paying tribute to the loving memory of Bessie Gilmore.

## CONFERENCE REPORT ON H.R. 2378, TREASURY, POSTAL SERVICE, AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 1998

SPEECH OF

### HON. ROB PORTMAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 30, 1997*

Mr. PORTMAN. Mr. Speaker, I rise today to express my support for the overall fiscal year 1998 Treasury, Postal Service Appropriations Conference Report. But I also want to restate my concern over the way in which we were not given the opportunity to vote up or down on the cost-of-living adjustment for Members of Congress during the fiscal year 1998 appropriations process. If I had been given the chance, I would have voted against it.

I am a strong supporter of a number of important provisions in the conference report that has returned from the House/Senate Conference Committee, and that is why I feel compelled to support it. These provisions include funding levels that are consistent with the bipartisan IRS restructuring and reform legislation I am sponsoring, including $377 million of critical funding to address the Year 2000 problem in IRS computer systems. It also includes $326 million in needed information technology investments for the IRS.

Furthermore, this conference report includes $1.6 billion for activities related to drug abuse. It includes critical funding for the Drug Free Communities Act, which I authored this year to encourage effective community-based drug prevention programs.

And, given the recent reports about questionable usage of the White House for political fundraising, it has important provisions to increase accountability for the financing of political events at the White House to ensure that taxpayers are not subsidizing fundraisers.

After weighing the overall effect of this legislation, I felt it would be improper to oppose the entire legislation package over the issue of the COLA. That issue has already been debated before this body—where I expressed my opposition.

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## HARLEM'S HISTORIC SYLVIA'S RESTAURANT IS GOING ON THE ROAD

### HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 1, 1997*

Mr. RANGEL. Mr. Speaker, not long ago, I was honored to present to Herbert and Sylvia Woods an award as New York State's Parents of the Year. The owners of Harlem's world-renowned Sylvia's Restaurant had earned the accolade as a married couple who had raised four children and had been blessed by many grandchildren.

I said then that the Woods' had demonstrated what life is truly about: nurturing, educating, and inculcating in their children the values that had allowed them to carry on successfully in their own lives. But in addition, the Woods', who came from the humblest of backgrounds in South Carolina, have made a huge mark in the world of business, building a small family-owned restaurant in Harlem into a national operation in the culinary industry—restaurants in several cities and a line of bottled spices.

Recently reporter Michel Marriott chronicled their story in an article in the New York Times. That inspirational story of hard work, perseverance, and determination follows for the edification of my colleagues.

[From the New York Times, Sept. 3, 1997]

#### QUEEN OF SOUL FOOD TAKING "DOWN HOME" ON THE ROAD

(By Michel Marriott)

The scene on the broad, cracked sidewalk outside Sylvia's Restaurant in Harlem looked like the opening of a department store sale, as tourists from around the world, in sneakers, shorts and T-shirts, along with other diners in waiting, some in their Sunday best, anticipated the moment when they could surge inside.

When the door opened at 12:30 P.M., about 100 customers pressed forward, eager for fried chicken, salmon croquettes, collard greens, candied yams, black-eyed peas and the live music of Sylvia's Sunday gospel brunch.

For those for whom soul food has literal meaning, the weekly four-hour feast, in which hundreds gather, was a reaffirming evocation of down home. For other toe-tapping diners, it was a plateful of black culture, a taste of church suppers, backyard cookouts and old-fashioned, black hospitality.

The only thing missing was the queen of soul food herself, the owner, Sylvia Woods. Mrs. Woods doesn't work on Sundays anymore. After 35 years of 15- and 16-hour days to establish her restaurant, on Lenox Avenue near 127th Street, as a temple of black Southern dining up north, Mrs. Woods, 71, and her husband, 72 Herbert, are taking it a little easier.

They may need the energy: from modest beginnings in rural South Carolina, they are on the cusp of national success.

Mrs. Woods's mother mortgaged the family farm so that her daughter, than a waitress, and son-in-law, then a cabdriver, could open the restaurant in 1962. But now, investors led by the J.P. Morgan Community Development Corporation are helping to take the Woodses' vision of a cozy place to break cornbread and transplant it across the country.

Mrs. Woods, a round-faced women with outsize eyeglasses and a generous smile, finds that prospect pleasing.

"We've come such a long ways, but in a sense it feels like it was just yesterday," Mrs. Woods said, with her husband at her side. "I put my life in this restaurant."

Her regulars enjoy the couple's success.

"I have watched their development," said Percy Sutton, a leading Harlem businessman and former Manhattan Borough President. 'I know of no two more deserving and gracious people than the two of them. I am deliriously happy for them."

The expansion began in February, when the first Sylvia's branch opened in downtown Atlanta. Others are planned for Brooklyn, St. Louis and Baltimore.

Another arm of this food empire is being masterminded by their eldest son, Van DeWard Woods, 52: a Sylvia's line of bottled spices, sauces, dressings and canned seasoned beans, greens and peas—with Mrs. Woods's smiling face on the front. The products are appearing on the shelves of specialty shops and supermarkets chains in New York and nationally, including D'Agostino, Pathmark and A.&P./Food Emporium.

The Woodses are at the leading edge of a new interest in soul food. This fall, 20th Century Fox is set to release the feature film "Soul Food," a sentimental homage. The cuisine, born on slave plantations and relying heavily on cast-off cuts of meat, fried foods, gravies and spices, is being reimagined, often for diet-conscious customers, at popular restaurants like George's in Los Angeles and the Soul Cafe and Motown Cafe in midtown Manhattan.

In recent years, Mrs. Woods has given a nod to the calorie-conscious by offering a few items on her menu that are baked and grilled, not fried. She also seasons her collard greens with smoked turkey, rather than the traditional ham hocks, after some customers asked if they could get their greens sans pig.

Even with these accommodations, it's still the same restaurant that has become world renowned.

Its very walls pronounce its fame. The central element of the decor, which Mrs. Woods describes as "comfortable, decent and clean," are photographs of many notable visitors.

The former Republican Vice-Presidential candidate Jack Kemp, Labor Secretary Alexis Herman, the media mogul Quincy Jones and the actor Denzel Washington in the role of just another diner are among scores of those whose pictures are on display in the three cobbled-together rooms that make up Sylvia's.

Winnie Mandela dined there three times. Diana Ross asked for seconds of Sylvia's Sassy Rice. Muhammad Ali used to roam along the steam tables fetching his own biscuits. Spike Lee filmed a scene of his 1991 film, "Jungle Fever" in a corner of the restaurant now memorialized with a huge autographed poster for the movie.

It has long been a favorite haunt for uptown's power elite. Mr. Sutton remembered how over the years he held meetings at Sylvia's with figures like Robert F. Kennedy and Jesse Jackson.

But whenever one of her customers asks Mrs. Woods who was the most famous star to dine there, she responds with a rhetorical question and then answers it.

"Who's the most famous star to come into the restaurant?" she asks warmly. "You."

Mrs. Woods says the success of their $3 million-a-year restaurant is due as much to its unshakable sense of Southern hospitality as to the food itself.

"You got to make people feel like they're at home," Mrs. Woods said. "You got to make people feel like you appreciate them. That love and affection and caring will carry you where money can never carry."

If she is not going over menus and day-today details in her closet of an office—"Sylvia's Room" is burned into the door—she is minding the steam tables or "talking up customers" in a voice from her South Carolina roots.

"I walks the floor," Mrs. Woods explained. "If a person is not eating the food, I want to know why. 'Well, I'm not hungry,' I say, uh-uh, you have to bring it better than that. You wouldn't come in here, if you wasn't hungry."

Her accessibility, says Anthony Bowman, who operates a Harlem-based tour company, has helped make her "an icon."

"Most people who have gone there have at least once seen Sylvia," Mr. Bowman said: "She gives the place an identifiable face."

The couple say they are determined to maintain the personal touch in their new branches.

So, soft-spoken Herbert Woods, with his broad, gentle face, slides behind the steering wheel of their 1988 Rolls-Royce Silver Spur and drives with his wife 14 hours—nonstop—from their home in Mount Vernon, N.Y., to look in at the Atlanta restaurant, which is owned by their daughter Bedelia Woods, 49.

"We prefer to drive," Mrs. Woods said.

"I don't mind flying, but I prefer not for both of us to fly together," Mr. Woods noted. "Just in case."

Mrs. Woods disagreed, "If we go, we go together."

Their visit doesn't mean they don't have confidence in their daughter or their other three children and the five grandchildren who work in the family business. But Mom and Dad's "guidance" is always helpful, they note.

None of Mrs. Woods's success surprises Vicky Johnson, the Belgian war bride of Andrew Johnson the black entrepreneur who gave Mrs. Woods her first job in Harlem, as a waitress in his Harlem luncheonette.

"She was a hard worker," Mrs. Johnson, 69, recalled by telephone from her home in Summit, N.Y. "I worked side by side with her. She wanted to get somewhere. Believe you me, nobody gave her nothing. She earned it."

Mrs. Woods was reared by her mother, Julia Pressley, on their 35-acre farm in Hemingway, S.C., a patchwork of small farms with more wagons than cars when she was growing up.

Her father died two days before she was born, Mrs. Woods said, a victim of gassing during World War I. "I've never seen his face, not even a photo."

While picking beans for extra money for the family, she said, she met Herbert Woods. His mother had died, and he was being raised by his step-father in Hemingway. She was 11, and he was 12. By their early teens, both recalled, they were falling in love.

Their affection was so strong, Mr. Woods said, that when she went to New York with her mother, who worked as a domestic to buy more farmland back home, he joined the Navy. He thought that as a sailor he might sail to Brooklyn and see his sweetheart, he said.

"As close as I got was Norfolk, Va," Mr. Woods said with a soundless chuckle. He soon found himself in the middle of the Pacific Ocean and World War II as a cook on light cruisers and transports. "When I was in the Navy, that's all you could be," he said of the era's segregated armed forces.

Eventually, they married and moved to Harlem. He drove a cab; she worked for the Johnsons.

In 1961, Mr. Johnson, who owned three restaurants, turned to Sylvia Woods when his plans to build an upstate resort for blacks overextended him financially.

"He wanted me to buy the restaurant from him to raise some money," Mrs. Woods recalled. "I said: 'Johnson, are you crazy? You know I don't have any money.'"

But the mortgage from Mrs. Woods' mother provided the down payment on the $20,000 price for the restaurant, the start of an empire now worth $20 million. In 1988, Mrs. Woods bought the upstate resort to prevent Mrs. Johnson, by then a widow and in financial trouble, from losing it on the auction block.

Looking back to the early days, Mrs. Woods recalled, "It was really a struggle." But her success, she assured a visitor, was part of "God's plan." She paused and folded her hands.

"God is so good to me that I truly, truly know that He would not bring me this far and leave me alone," she said. "No."

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## THE 40TH ANNIVERSARY OF SPUTNIK

### HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 1, 1997*

Mr. BROWN of California. Mr. Speaker, October 4 marks the 40th anniversary of one of the most significant milestones in the history of humanity's exploration of space. I of course am speaking of the launching of the world's first artificial satellite—Sputnik—by the Soviet Union on October 4, 1957.

At the time, the successful orbiting of Earth's "second moon" had wide-ranging repercussions. It was an enormous blow to the American national psyche, and it led to an agonizing reappraisal of our educational system, a questioning of our assumed technological superiority in the world, and alarm over the national security implications of what the Soviet Union had accomplished. Thus, October 4, 1957 marked not only the birth of the space age, but also the birth of the space race between America and the Soviet Union—a race that was simply one more symbol of the cold war rivalry of the two superpowers.

Yet, from the vantage point of 40 years later, that rivalry is not the main legacy of Sputnik. Instead, its legacy is embodied in the countless ways in which humanity's exploration and utilization of space have enriched all of us and fundamentally transformed our lives.

We take for granted so much of what the space program has accomplished, that it is important to remember what the last four decades of space activities have brought us. These include, but are by no means limited to the following: Satellite communications, which has brought the rest of the world as close to us as our telephone receiver and our television set; meteorological satellites, which have revolutionized weather forecasting and storm warnings; space-based remote sensing, which has promoted our national security, helped us to understand and manage our environment and our resources, as well as helping us to monitor natural hazards; and satellite-based navigation, which has spawned numerous terrestrial applications and products, and which offers the promised of improved air traffic management. In addition, space research has left a wealth of technologies in its wake that have provided new materials, medical diagnostic and monitoring devices, improved power systems—the list goes on and on—to benefit our citizens. It is no exaggeration to say the space has spawned industries and jobs that have become a significant part of our Nation's economy.

Beyond the material benefits, our first 40 years in space have led to dramatic increases in our understanding of planet Earth, of the Sun and our solar system, and of the universe beyond. Space research has led to numerous rewritings of the science textbooks with no end in sight. Anyone who has marveled at the discoveries made by the Hubble space telescope or the Galileo spacecraft cannot doubt the truth of that statement.

And of course 40 years of accomplishments in space have had an enormous inspirational value—whether through seeing images of human footsteps on the Moon, images of Earth as a beautiful blue globe, or images of an overachieving little robotic rover on the surface of the Mars. The value of such inspiration should not be underestimated.

Finally, it should be noted that four decades after the event that triggered the space race, we have come full circle and are approaching space exploration as an endeavor to be conducted through international cooperation rather than competition. Few may remember that Sputnik was launched as a component of the International Geophysical Year [IGY], an early experiment in international scientific cooperation. Now, 40 years later, international cooperation is becoming the norm for both human space flight and space science research.

Forty years ago, human space flight was just a goal—and a goal framed in terms of the superpower rivalry. Today, on the other hand, we are attempting nothing less than the peaceful merger of the human space flight programs of Russia and the United States, as well as cooperation with a dozen nations on the development of a truly international space station. When we read reports of the difficulties that United States-Russian cooperation in space is encountering, it is well worth remembering how far we have come from the days of a dangerous rivalry, and how much we are trying to accomplish together. Space is not the province of a single nation—it is the province of all humanity.

In sum, we have accomplished much in the 40 years since that tiny metallic globe circled the Earth for the first time. We cannot predict with any great confidence what the next 40 years will bring. However, if the past is any guide, we can look forward to our future in space with anticipation, hope, and a sense of wonder.

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## TRIBUTE TO BISHOP VICTOR T. CURRY, PASTOR OF NEW BIRTH BAPTIST CHURCH

### HON. CARRIE P. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 1, 1997*

Mrs. MEEK of Florida. Mr. Speaker, it is truly a distinct honor and privilege to pay tribute to one of Miami's great leaders, Bishop Victor T. Curry. I want to echo the same sentiments of joy and gratitude that the 10,000 members of the New Birth Baptist Church in Miami lifted up to Almighty God this past weekend to celebrate his sixth pastoral anniversary.

Bishop Curry, 37 years old, truly represents the best and the noblest of our community. As bishop, senior pastor, and teacher of New Birth Baptist Church, he is remarkably leading his congregation in the ways of God and has tirelessly worked to enlighten our community on the agenda of spiritual wisdom and good government based on our God-given conscience and responsibility.

It is indeed fitting for those of us who subscribe to the Judeo-Christian faith to pause and reflect on the important role that Bishop Curry plays in the day-to-day affairs of our community. I want to acknowledge the tremendous work he is doing in constantly guiding not only the members of New Birth Baptist Church, but the entire community. He has truly exemplified the example of Christ as the Good Shepherd, and has led his flock of believers, sharing with them the words of God's wisdom and the good news emanating from the Gospel.

His motto, "From Vision to Victory," has impacted the lives of countless people, propelling him into one of our Nation's charismatic televangelists par excellence. Along with many others in our community, I am indeed a fortunate beneficiary of Bishop Curry's televised teachings and radio ministry through the church-owned Radio WMBM–1490 AM, especially in his advocacy to demonstrate both by way of word and example our unconditional love for and commitment to the children and the elderly, the poor, the disenfranchised, and the least fortunate among us. I have learned from him the very centrality of God in our daily lives, conscious of the fact that the mandate of our faith must characterize our attitudes toward those who could least fend for themselves.

In its laudatory recognition the Miami Times aptly described him as "a forceful, courageous, and visionary leader not only of the religious community but also of our wider society * * * with the recognition that our churches are part of a larger network of institutions that are the pillars of our community." Bishop Curry is fully living up to his vocation as a genuine pastor. His standards for learning, caring, and achieving, especially among the youth has won for him the accolades of our ecumenical community. Public and private agencies have oftentimes cited him for his untiring consecration to the truth and his uncompromising stance on justice and equal opportunity for all.

Moreover, his crusades in teaching many a wayward inner-city youth has become legendary. He has gained the utmost confidence of countless parents and teachers who see in him a no-nonsense motivator. They are wont to entrust him with the future of their children, fully cognizant and genuinely confident that they would learn from him the tenets of scholarship and the pursuit of scholastic excellence under a conscientious commitment and rigorous discipline.

Our community is deeply touched and comforted by his undaunted leadership, compassion, and personal warmth. As head of one of the fastest growing churches in Florida, Bishop Curry preaches and lives by the adage that under the grace of God's Providence our common quest for personal integrity and professional achievement is not beyond the reach of those who are willing to dare the impossible. As a man of God and as an indomitable leader in our community, he has rightfully earned our deepest respect and genuine admiration.

This is the great legacy Bishop Victor T. Curry is unselfishly sharing with all of us. I am greatly privileged indeed to have his friendship and his confidence, and I am grateful that he continues to teach us to live by his noble ethic of always loving God and serving our fellowmen.

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# SMALL BUSINESS PROGRAMS REAUTHORIZATION AND AMENDMENTS ACT OF 1997

SPEECH OF

## HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 2, 1997*

Mr. GORDON. Mr. Speaker, I rise in strong support of H.R. 2261, the Small Business Programs authorization. H.R. 2261 incorporates the provisions of H.R. 2429 which reauthorizes the Small Business Technology Transfer Program as reported by the Science Committee.

First, I want to say it has been a pleasure working with the Small Business Committee in this legislation.

During the Technology Subcommittee's hearing on the STTR program we heard strong bipartisan support for this small business, university, government partnership.

This program has been very successful at linking the research capabilities of universities and national laboratories, with the business sense and drive of our Nation's small business community.

A number of amendments have been drafted to the original legislation and I would like to call the attention of my colleagues to one amendment in particular.

From reviewing the STTR awards made during the past 3 years, I became concerned that the majority of awards are made to only a few States.

Therefore, I suggested a provision that would require SBA to develop an outreach program to under represented States. Under represented States are defined as those which receive less than 20 awards during the prior 2 year period. During fiscal years 1995–96 only 8 states received more than 20 awards.

During the Technology Subcommittee's hearing it seemed clear that other States have fully qualified small businesses, universities, and nonprofit labs to enable them to compete successfully in the STTR program. However, in many States the program is not well-known nor does the business community know how to apply to the program. The goal of these provisions are to expand participation in the STTR program.

I want to thank Chairman SENSENBRENNER and Ranking Member BROWN of the Science Committee and Chairman TALENT and Ranking Member LAFALCE for including these specific provisions in H.R. 2261.

I urge my colleagues to support H.R. 2261.

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# HONORING CALVARY COMMUNITY CHURCH FOR ITS 50 YEARS OF SERVICE

## HON. ESTEBAN EDWARD TORRES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 2, 1997*

Mr. TORRES. Mr. Speaker, I ask my colleagues to join with me today in honoring the Calvary Community Church on its 50th year of unselfish dedication to the community.

For 50 years, Calvary Community Church has provided a comfortable space for worship and social gathering for residents of Norwalk, Downey, Whittier, and other neighboring cities. Founded in October 1946, the church was officially established in April 1947, when Rev. Dale E. Hundsdoerfer was named its first pastor.

In 1949, Calvary Community Church purchased property on the corner of Pioneer and Mapledale, in the city of Downey; holding services in a tent while constructing its permanent building. On April 4, 1950, the church held its first service in its new chapel. A larger sanctuary was built in 1956 to facilitate the growing congregation.

Calvary Community Church has emerged as a revolutionary church providing service for the hearing impaired, initiating food and clothing drives for the needy, holding weekly services at the California Youth Authority facilities in Norwalk, bringing SHARE, a low-cost food program, to Los Angeles County, and for the past 10 years cosponsoring summer camps for abused and neglected children. In addition, the church currently provides support for 15 missionaries and provides weekly programs for boys (Royal Rangers), girls (Missionettes), teenagers, and adults of all backgrounds.

I would also like to recognize and thank the pastors for their selfless devotion to Calvary Community Church: Rev. Dale E. Hundsdoerfer 1947–62, Rev. A.J. Sovern 1963–77, Rev. Dennis Millat 1977–87, and Rev. Sam Miller 1987–91, Rev. Jim Knutsen 1991–95, Rev. Gary Jeffery 1995–96, and Rev. Siegfried Manntai 1996–present.

Mr. Speaker, I proudly ask my colleagues to join me in saluting, thanking, and honoring the pastors and congregation of Calvary Community Church for its 50 years of dedication and service to the community.

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# ANTHONY SCIBELLI OF SPRINGFIELD, MA, LONGEST CONTINUOUSLY SERVING STATE LEGISLATOR

## HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 2, 1997*

Mr. NEAL of Massachusetts. Mr. Speaker, it gives me great joy to extend my congratulations to a constituent of mine who was recently recognized by the National Conference of State Legislators as the "longest continuously serving legislator in the United States of America." Anthony Scibelli, a friend, neighbor, and staple in the Springfield political arena, has for 47 years served his constituents in the 10th Hampden County district with dedication, commitment, and honor.

Representative Scibelli's political career has been extensive. Tony began his life of public service in his native Springfield by serving for 12 years on the city council. In 1951, he began what has proven to be a successful career by becoming a State representative and member of the Massachusetts General Court. And over the years, as he has earned the title of "Dean of the House," Anthony Scibelli has never forgotten where he has come from and the people who have elected him.

Strongly committed to the concept of education for all, Scibelli's dedication is best embodied in the halls and classrooms of Springfield Technical Community College. As someone who has fought for opportunities for all, his devotion to this ideal has been enjoyed by every child and family who has ever swum in the Emerson Wight pool. A former chairman of the Ways and Means Committee, Representative Scibelli has been a vital participant in the State's legislative process.

Anthony Scibelli currently serves on the Joint Ways and Means Committee, House Ways and Means Committee and Transportation Committee. He also proudly serves as a distinguished member of the Knights of Columbus, the Elks, the Eagles, the Sons of Italy, and the Longmeadow Country Club. While his memberships and affiliations describe some of his personal qualities, perhaps Anthony Scibelli can best be understood by reviewing his personal philosophy. As he says about himself, "I never ignore or dismiss even the smallest request from people. Very simply put, I feel good about being in a position to help those who need it."

Mr. Speaker, I wish to commend, my friend, Representative Anthony Scibelli, on this unique and well-deserved national designation and for the vital role he has assumed in Springfield. I am proud to join with the citizens of the second congressional district in offering a most heartfelt congratulations.

## HONORING PASTOR AMOS G. JOHNSON

### HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 2, 1997*

Mr. KILDEE. Mr. Speaker, it is an honor for me to rise before you today to recognize the achievements of Pastor Amos G. Johnson of Pontiac, MI. On Saturday, October 4, the congregation of Pontiac's New Bethel Missionary Baptist Church will honor Pastor Johnson for 40 years of dedicated service to the community in the name of the Lord.

I wish the circumstances that brought Pastor Johnson to Pontiac from Clinton, MS in 1957 had been more pleasant. Even degrees from Jackson State College and American Baptist Theological Seminary could not protect him from persecution and harassment based on the color of his skin. Following a divine voice, Pastor Johnson left Mississippi for Michigan, and 2 weeks later became the head of New Bethel Missionary Baptist Church. In those 40 years, the New Bethel congregation has grown from 50 to more than 1,500 under Pastor Johnson's leadership. The church has moved from their original building to a beautiful new facility directly across the street. The original church still stands as the New Bethel Outreach Ministry-Shelter for the homeless, servicing 161 families and 288 children.

Pastor Johnson's time with the ministry has allowed him to develop a strong support network that extends outside the church. The pastor has been affiliated with and has held leadership positions in groups such as the Greater Pontiac District Association, Wolverine State Congress, Oakland County Ministerial Fellowship, and the National Baptist Congress of Christian Education, to name a few. He has also been honored with an honorary degree from the Urban Bible Institute in Detroit.

Pastor Johnson's deeds in the name of the Lord are just as remarkable as his deeds on behalf of the Pontiac community. In addition to the Outreach Center, he has served as chaplain at North Oakland Medical Center in Pontiac, and has worked tirelessly to aid those struggling with substance abuse. Counting strong relationships with young people as a major accomplishment, Pastor Johnson can often be found working with student and teachers in the Pontiac School District.

Mr. Speaker, it is with great pride that I ask you and my fellow Members of the 105th Congress to join me in saluting Pastor Amos Johnson. I also ask that you acknowledge the contributions made by Marjorie, his wonderful wife of 49 years, who has been with him every step of the way. Self evident in their lifelong commitment to enhancing the dignity and nurturing the spirits of all people. Our community is a much better place because of Pastor and Mrs. Amos Johnson.

## 40TH ANNIVERSARY CELEBRATION OF THE FLORIDA SHERIFFS YOUTH RANCHES

### HON. ALLEN BOYD

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 2, 1997*

Mr. BOYD. Mr. Speaker, I rise today to commemorate the 40th anniversary of the incorporation of the Florida Sheriffs Youth Ranches. On October 2, 1957, the sheriffs of the State of Florida, with the best interests of our young men and women in mind, saw fit to organize the Florida Sheriffs Boys Ranch along the banks of the Suwannee River. The Florida Sheriffs Boys Ranch has been in continuous operation for the last 40 years and has served as the foundation for programs ranging from statewide child care programs to nationally accredited, community-based, family counseling services; independent living skills; parenting classes; and family life education.

The ongoing work of these rewarding programs and their dedicated staff have given over 30,000 young men and women the chance to resolve personal conflicts and the opportunity to live as lawful, productive assets to society. Their efforts have helped to rebuild the American family and combat juvenile crime at the source, encouraging our youth to act as responsible citizens and to pursue more rewarding pastimes and activities. Their hard work and dedication to the youth of the State of Florida is most commendable, and I ask, Mr. Speaker, that you join me in honoring the Florida Sheriffs Youth Ranches on this, their 40th anniversary.

## DEDICATION OF KOOTENAI COUNTY VETERANS MEMORIAL PLAZA

### HON. HELEN CHENOWETH

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 1, 1997*

Mrs. CHENOWETH. Mr. Speaker, I would like to call the Members' attention to the dedication today of an important memorial in Kootenai County, ID. I am proud to say that the Kootenai County Veterans Memorial Plaza being dedicated today represents the gratefulness that the people of Idaho have for our Nation's veterans from the Revolutionary War up to the Persian Gulf war. The chairman of the county commissioners, Dick Compton, and Commissioners Richard Panabaker and Ronald D. Rankin echo the sentiments of the great people of Kootenai County in their appreciation for the great sacrifices these veterans made. The State of Idaho has a proud history of support for our Nation's armed services and for our Nation's veterans. Idaho has also stood strong for the founding principles that have made this country great. The Veterans Memorial Plaza stands as an important monument for our Nation's veterans and for these great principles which they stood for with such courage, willingness, and sacrifice of life and limb. I applaud the people of Kootenai County for the dedication of the Veterans Memorial Plaza. I would encourage each of the members to read the heartfelt words from Commissioner Rankin's dedication below.

#### DEDICATION OF VETERANS MEMORIAL PLAZA

(By Commissioner Ronald D. Rankin)

In December of 1776, just five months after the Declaration of Independence had been signed and the thirteen colonies were swept up in the American Revolution, Thomas Paine wrote, "These are the times that try men's souls. The summer soldier and the sunshine patriot will, in this crisis, shrink from the service of his country; but he that stands now deserves the love and thanks of all men and women."

That is why we are dedicating this Veterans Memorial Plaza today, to remember all of those who stood fast and held the line against tyranny, from the bridge at Concord to the sands of the Persian Gulf, and to say thank you . . . for without their courage, their dedication and their willingness to die for what was right, we would not be here today.

Those we honor today died so that we might enjoy life, liberty and the pursuit of happiness. Their legacy carries with it a tremendous burden—the responsibility to live our lives so that we may vouchsafe that for which they gave their lives . . . our freedom.

Freedoms won on distant battlefields can be lost in an instant here at home if we do not carry on the fight against tyranny.

No one knows better than a veteran that service to America does not end when you come home from the war. We fought for freedom and we've seen our friends die for freedom, but in spite of the great sacrifices of our fallen patriots of the past, we have become a nation morally adrift—without compass or rudder, sacrificing the generations we fought and died for to an enemy we cannot see.

In our wars, fought on the fields of battle, the enemy wore uniforms and carried weapons—rifles, bayonets, grenades—he was identifiable and we were armed and trained to recognize and defeat him.

Today, a far more insidious enemy is already on our shores striking at the very soul of America. Today's enemy does not wear a uniform or fight with bayonets or grenades. He uses our media, he preys on the carnal desires of our communities—he pollutes our childrens' minds with filth and their bodies with drugs—he has taken God out of our institutions and desecrates our flag with the approval of our Government. There are no distant drums of war signaling our peril—no fox holes, trenches, bayonets or grenades in this war. The ammunition is knowledge, which we must all continue to seek . . . and the battle is fought in the city halls, the courthouses, the legislatures, and the Congress.

I say to you here today, you patriots and protectors of our progeny and their heritage, as Patrick Henry stated, "the enemy is in the field . . . why stand we here idle?"

Thank God the people we honor today lived. Thank God that they cared enough about our country and its future that they laid down their lives to preserve it, and thank God that with His help we may have the strength and determination to carry on and make this again the "One Nation Under God" for which they died. It is a tremendous responsibility, but we owe it to them and to future generations.

The future begins today, the future begins with us. May God continue to bless America and may he bless us all in our righteous endeavors.

This I say humbly, in the name of Jesus Christ. Amen!

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## PRESCRIBED BURN PROGRAMS

### HON. JAMES E. ROGAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 1, 1997*

Mr. ROGAN. Mr. Speaker, today I am introducing H.R.  . The intent of this legislation is to slightly amend the Clean Air Act so that appropriate Federal, State, and local entities may conduct prescribed burn programs in nonattainment areas for a test period of 10 years.

Prescribed burns under limited conditions are essential to the life and health of our forests, to clean air, to the protection and propagation of species, and to increased water yields.

A carefully managed burn program will also lead to reduced floods and mudslides, and to the reduction of overall firefighting costs. These savings would then be made available for a wide variety of highly beneficial activities contained in forest management programs.

With more than 100 years of fire suppression history behind us, we know the current strategy is not working. Wildfires in these older fuel beds occur more frequently. These infernos burn several hundred degrees hotter. They burn larger areas and result in greater damage and costs.

Two decades ago, we spent an average of $100,000 per year to put out wildfires; today we spend $1 billion.

We experience multimillion dollar wildfires in the Angeles National Forest almost every year with the tragic and often unnecessary loss of homes, wildlife, trees, and watershed.

We cannot afford to let wildfires in the Angeles National Forest, and other U.S. forests that abut urban areas burn hotter, bigger, and faster. These types of tragedies grow even more lethal, destructive and expensive to fight.

Prescribed burns, when used wisely, have been effective in reducing the size of wildfires. But we cannot currently use them in our area to the extent necessary because smoke from a prescribed burn is charged against air standards within the framework of the Clean Air Act by Environmental Protection Agency [EPA], the California Air Resources Board [CARB], and the South Coast Air Qualify Management District [SCAQMD]. As such, prescribed burns are rarely and inadequately approved by the EPA.

The irony in this situation is that the EPA, while regulating all planned, open agricultural burning, forgives, naturally enough, wildfires, which produce 10 to 15 times the emissions and particulates when compared to prescribed forest burns.

We ask that a program of limited prescribed burns in wildland setting be allowed by the EPA for a period of 10 years, with the Forest Service monitoring the results in terms of air pollution, forest survival and health, species diversification, and suppression cost reduction.

Michael Rogers, forest supervisor of the Angeles National Forest, has given his support for limited prescribed burns in an unequivocal and straightforward manner. He said: "In Southern California we live with a fire-adaptive ecosystem. All our plants and animals have adapted to a high frequency of fires. We can either manage this situation through the proactive use of prescribed fire, or be held hostage by damaging wildfires that result in loss of life, property, natural resources with astronomic costs attributed to both the wildfires and the floods that follow wildfires."

It is time to use the restorative and productive use of fire to fight fires and to make our forest and living environs safer, cleaner, healthier, and more attractive.

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## CONGRATULATIONS TRI-CITY SER

### HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 1, 1997*

Mr. BARCIA. Mr. Speaker, we want to help every willing American to help find and keep a job. To that end, the Federal Government has provided a number of job training programs that depend upon skilled local operators to provide assistance to those seeking new or improved skills. I am proud to let our colleagues know that one such provider in my congressional district, Tri-City SER, which operates with offices in both Saginaw and Bay City, has been selected as the 1997 Community Based Organization of the Year by the Michigan Works! State Association.

This distinction has been awarded for its success in implementing its case management system, its co-location with other service providers, and the results of its Work First Job Search Program. The Tri-City SER Case Management System serves those residents of Bay County who participate in the Work First Program and Job Training Partnership Act programs. The case manager serves as an advocate for the program participant. The manager helps by determining the training plan that the participant should follow, and provides support to the individual by monitoring his or her progress in training, on in maintaining employment.

People who are in need of assistance often find that the array of programs available to them is confusing, or the effort necessary to take advantage of them is beyond their capability. For that reason, Tri-City SER co-located with the Michigan Employment Security Agency creating the "No Wrong Door Center." This center provides a one-stop location for employers and job seekers who need to deal with employment services, unemployment insurance, Michigan Rehabilitation Services, JTPA and Work First case management, and on-the-job training funds. It also acts as a resource center to help people seeking jobs.

The ultimate goal of job training is getting a job. But many candidates for employment have difficulty in knowing how to find a job. That is why Tri-City SER provides the Work First job search effort, geared toward pre-employment training and assistance with resume writing, interview skills, and completing applications. Help is also provided in making the correct first impression with suggestions for proper attire for both interviews and actual employment.

This award is the culmination of efforts made by individuals too numerous to mention. It was the result of the creativity and determination of a program staff that truly believes in its goal of helping people find and retain jobs. It also is testimony to all of the participants in the program who took advantage of what was being offered and made it a success worthy of duplication in many areas around Michigan and the Nation. Mr. Speaker, I urge you and all of our colleagues to join me in congratulating Tri-City SER on being named in 1997 Community Based Organization of the Year. It is an honor they have earned.

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## IN RECOGNITION OF OCTOBER 4, 1997—DAY OF CONSCIENCE TO END CHILD LABOR AND SWEATSHOP ABUSES

### HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 1, 1997*

Mr. LANTOS. Mr. Speaker, I rise today to support and pay tribute to the thousands of people who will be participating in the National Day of Conscience To End Child Labor and Sweatshop Abuses. On Saturday, October 4, 1997, people across our Nation and across the globe will join in a call to end child labor and sweatshops and to kick off the Holiday Shopping Season of Conscience.

As part of a 3-month national and international mobilization beginning on Saturday, October 4, 1997, thousands of organizations across our country will participate in vigils, rallies, walks for conscience, signing petitions, distributing of leaflets, demonstrations, and services. The National Day of Conscience will inaugurate the Holiday Shopping Season of Conscience—a national movement to encourage consumers to reward companies which turn away from sweatshops and labor exploitation and penalize those which continue to violate human rights.

Many people assume that the exploitation of children and the existence of sweatshops is a problem only in poorer countries or that it is a problem which does not exist in this country any longer. But many workers here in the United States still labor under exploitative conditions—long hours, subminimum wages, unsafe workplaces, and violations of child labor.

It will surprise many to learn that the United States ranks first among affluent nations in the rate of injury and death to working minors. Annually there are over 200,000 injuries of children and young people in our Nation's workplaces and 100 deaths among our working youth. In agriculture, 23,500 children are injured each year and more than 300 children die each year working in the fields. We cannot continue to allow our children's lives to be risked in hazardous, dangerous, or illegal work.

It will also surprise many to learn that sweatshops have returned in the United States in numbers and forms that are similar to the deplorable conditions that existed at the turn of the century. In 1995, American were shocked when investigators exposed the slave-like conditions of garment workers in El Monte, CA. Who can forget the young female immigrants from Thailand who were enslaved and forced to live in a compound encircled by razor wire? These women were forced to work 20-hour days in deplorable slave-like conditions for as little as $1 per hour. The El Monte sweatshop, it was later revealed, made apparel for some of this country's top fashion labels.

Mr. Speaker, the El Monte case unfortunately is not an isolated instance. The GAO recently reported that 2,000 of 6,000 garment shops in New York City and most of the 5,000 shops in Los Angeles operate in violation of minimum wage, overtime, or child labor laws. The National Day of Conscience and the Holiday Shopping Season of Conscience are an effort to make consumers aware of companies which are the worst sweatshop and child labor violators.

Mr. Speaker, I do not think that Americans knowingly purchase products made by children or by a worker who is forced to work under harsh and degrading sweatshop conditions. The great value of the National Day of Conscience and the Holiday Season of Conscience is that through wide participation and education consumers can be encouraged to avoid purchasing goods produced in sweatshops and by illegal child labor, and we can bring about an end to sweatshops and exploitation of our children.

Mr. Speaker, we can do much more to make our Nation's children's lives safer and more secure as they enter the work force. My good friend and colleague, TOM CAMPBELL, along with another 38 of our colleagues, have joined together in supporting comprehensive domestic child labor law reform. This legislation, H.R. 1870, the Young American Workers' Bill of Rights Act, sets new minimum standards for protecting children in the workplace and assuring time for academic achievement during the school year, while still allowing for beneficial work experience.

Mr. Speaker, this weekend will mark the beginning of a significant mobilization by consumers and grassroots organizations to end sweatshop abuses and child labor both here and abroad. It is my hope that we in the Congress will mobilize support here in the Congress to enact legislation which will ensure that the job opportunities for our youth are meaningful, safe, and healthy.

## HONORING THE MASON DISTRICT NEIGHBORHOOD WATCH PROGRAM AND ALL OF ITS PARTICIPANTS

### HON. THOMAS M. DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 1, 1997*

Mr. DAVIS of Virginia. Mr. Speaker, I rise today to recognize a neighborhood organization that is making a difference in the quality of life in northern Virginia. The Fairfax County Mason District Police Department is honoring its neighborhood watch participants on Saturday, October 4, 1997. This day of appreciation celebrates the success of a program which has helped the general crime rate to decline steadily since 1988.

The neighborhood watch participants throughout the Mason District are dedicated individuals who selflessly offer their time to improve their community. The Mason District has the largest number of and most active volunteers in northern Virginia. As a former county supervisor from the Mason District, I can attest to the dedication of those involved in the neighborhood watch. All of those in the Mason District share a tremendous sense of pride in the accomplishments of our neighborhood watch.

The individuals who work in this program coordinate with the police so they may keep abreast of crime in or around their community. The time and energy they give in walking their neighborhoods, tracking suspicious activities, people, and cars helps the Fairfax County police deter would-be criminals. The savings to taxpayers through the years has been millions of dollars, and the savings in crime deterred has also been measurable. The neighborhood watch program in Mason District proudly shows its strength and its numbers every year at the national night out where most of the over 100 watch patrols participate. The participants in this program have truly proven that getting involved in your community does make a difference. Those who take the time to cast a watchful eye on their surroundings ensure that they have a safer and more friendly place to live. The Parklawn neighborhood watch discovered a fire at Glasgow intermediate school in its early stages. Their early detection meant that firefighters arrived early and saved the school from serious damage. In other instances, leads established by the watch have led to solving burglaries and convicting car thiefs.

The members and coordinators of the Mason District neighborhood watch work in one of the most diverse communities in the Washington area. They often bridge culture and language gaps to come together and build safer neighborhoods. Often, the Mason District neighborhood watch has lead to a better understanding of different cultures and backgrounds as people recognize that they share the same community values. One of the greatest assets of the Mason District neighborhood watch program is the bonds it has built between individuals and neighborhoods. The neighborhood watch is a program that truly brings neighbors together. In one instance, a widow and a widower met when paired together on a watch patrol in Sleepy Hollow. Six months later they were married. I can't promise every single person who volunteers for the watch in Mason District will be guaranteed a spouse, but it is clear that the neighborhood watch has brought many of its diverse population closer together.

I know my colleagues will join me in saluting the Mason District neighborhood watch organization that has had so much success. The Mason District neighborhood watch participants have certainly earned a day of appreciation. Their work has made the Mason District one of the nicest communities on our Nation.

## 150TH ANNIVERSARY OF THE EMANCIPATION OF ENSLAVED AFRICANS IN WHAT IS NOW THE VIRGIN ISLANDS

### HON. DONNA M. CHRISTIAN-GREEN

OF VIRGIN ISLANDS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 1, 1997*

Ms. CHRISTIAN-GREEN. Mr. Speaker, last week I came to this floor to invite my colleagues and all Americans to join my constituents and I as we celebrate the 150th anniversary of the emancipation of enslaved Africans in what is now the U.S. Virgin Islands, the district I proudly represent.

Many of my colleagues have agreed to cosponsor the resolution I have submitted in recognition of this significant event in our history, and I thank them for their support.

Mr. Speaker, today, October 1, we remember and celebrate the "firebun," which represents a continuation on the part of the people of the Virgin Islands, to achieve a yet greater degree of self-determination.

For while the events of July 3, 1848, represented the end of physical slavery, the firebun which occurred 30 years later, was a victory over economic slavery.

You see, Mr. Speaker, 1 year after our emancipation in 1848, the Danish colonial government established the Provisional Labor Act to indenture workers for the continuation of the sugar cane industry on St. Croix.

A bare subsistence wage scale was established, fees were set to discourage off-island travel, and workers were restricted from changing jobs, or moving to another estate except on October 1 of each year.

That day, October 1 became known as Contract Day. After 30 years of existence under this oppressive act, St. Croix was once again ripe for an uprising. On Contract Day 1878, more than 400 workers, reacting to two incidents in Frederiksted town and adopting the cry "Ironside or ourside", began the revolt known as the firebun, which ultimately destroyed close to 70 estates, and in which about four whites and 200 blacks reportedly lost their lives. The labor act was repealed 1 year later.

Mr. Speaker, I cannot close without recounting the critical role of women in the uprising. Mary Thomas, known as "Queen Mary," Axellina Solomon, known as "Queen Agnes," and Mathilda McBean, known as "Bottom Belly," emerged as the leaders of this revolt which would in effect continue for another 38 years until agricultural workers on St. Croix achieved their long-demanded improvements in wages and working conditions under the leadership of Judge D. Hamilton Jackson, whose birthday we will soon celebrate on November 1.

These three courageous women would receive long prison sentences for their role in the firebun, which were commuted after 10 years by the King of Denmark. Many of the men who joined them were executed.

Mr. Speaker, this day, October 1, is another proud day and milestone in the long history of my people in our quest for self-determination and freedom. It is especially so for the women of the Virgin Islands, for it represents the significant role we played in shaping and building a society dedicated to social and economic freedom.

Mr. Speaker, I cannot be at home today to join in the celebrations in person, but I join them in spirit, and I thank you, Mr. Speaker, for granting me the time to make this statement in recognition of this day and the important moment in history which it commemorates.

## IN HONOR OF MARK J. RUWET

### HON. NANCY L. JOHNSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 1, 1997*

Mrs. JOHNSON of Connecticut. Mr. Speaker, it is with great pride and appreciation that I rise today to express my congratulations and appreciation to Mark J. Ruwet for his 25 years of dedicated service to the U.S. Department of Agriculture's Farm Service Agency.

Mr. Ruwet has been committed to agriculture throughout his life. For the past 25 years, he has dedicated himself to the farmers of Connecticut, first as a county executive director from Litchfield County and most recently as program specialist. His years of hard work and tireless efforts have brought tremendous benefits to the farmers within the State. Mr. Ruwet's support and commitment to Connecticut's farmers is to be commended.

Mr. Mark Ruwet deserves the many accolades he will receive as he is honored for his accomplishments and dedication. For his tremendous contribution to farmers in Connecticut, I salute and thank him.

## CAMPAIGN FINANCE REFORM

### HON. RON KIND

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 1, 1997*

Mr. KIND. Mr. Speaker, on Monday of this week, 81 former Members of Congress, led by former Vice President Walter Mondale and former Senator Nancy Kassebaum-Baker, called on this Congress to ban soft money. They join a growing list of well-respected leaders of this Nation who have said that a ban on soft money is good for this country and good for our democratic process. Among the other leaders who have endorsed a ban are former Presidents George Bush, Jimmy Carter and Gerald Ford.

Mr. Speaker, if you have no desire to respect the opinion of the majority of the current Members of Congress, at least listen to these former Members. The former Members who called for the ban receive no political gain from their position. They are a bipartisan group from throughout the Nation. They are the people who understand the issue, know how the process works, and recognize that a ban on soft money makes sense for our country.

Mr. Speaker, the list of those who support a soft money ban is only growing. The House leadership is the only road block to taking action on this crucial issue. It is time to allow a vote on campaign finance reform. I will no longer take "no" for an answer.

## REPORT FROM INDIANA—REV. PAUL KNECHT

### HON. DAVID M. McINTOSH

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 1, 1997*

Mr. MCINTOSH. Mr. Speaker, I rise today to deliver my Report from Indiana. This week, I would like to share a special story of a dear and wonderful friend—Rev. Paul Knecht of Richmond, Indiana.

Reverend Knecht has recently retired after serving over 31 years as the executive director of Wernle Children's Home in Wayne County. Wernle Home is a dear place for both Ruthie and me. On many occasions we have visited our friends at Wernle. We've forged friendships with both the children and the wonderful people who care for them.

Working with abused and troubled children requires a special person, a special love, a special faith, and a special heart. Reverend Knecht is and was a special man.

Reverend Knecht dedicated his life to helping abused and troubled children all across Indiana. His service to God, his church and the needy children of Wernle Home will leave a loving presence of acceptance and stability in the lives of thousands of children who came to Wernle.

So today, I would like to commend the efforts for Rev. Paul Knecht. As he retires after 31 years of service, he will be missed. His life work has touched so many people, so many people and lives forever.

That Mr. Speaker is my Report from Indiana.

## INTRODUCTION OF THE HEALTH CARE FRAUD PROSECUTION ACT

### HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 1, 1997*

Ms. DELAURO Mr. Speaker, I am proud to join with my colleagues, Representatives FROST, MCGOVERN, HINOJOSA, SCHUMER, BALDACCI, FRANK, THURMAN, MANTON, OLVER, and DELLUMS to introduce the Health Care Fraud Prosecution Act today. This bill addresses one of the most serious problems facing our health care system—health care fraud.

Members on both sides of the aisle have spent a lot of time this year trying to figure out how to stretch our health care dollars to make sure that Americans have access to the health care they need. If we want to succeed in our goal to reduce costs without sacrificing quality or limiting access, we need to set our sights on those who are cheating the system. Health care fraud consumes nearly 10 percent of our health care dollars, $40 to $90 billion, every year, stolen from our health care system through fraudulent billing.

Medicare and Medicaid are particularly vulnerable to fraud. In one investigation by the Department of Health and Human Services Office of the Inspector General, 75.5 percent of Medicare claims filed by one hospital were found to be fraudulent—that's $25.9 million worth of bad claims from just one hospital.

This is simply unacceptable. We cannot afford this drain on the health care system. Every dollar we spend on fraud leaves us one less dollar to care for a child's ear infection before it gets serious or to help provide rehabilitation for a senior with a broken hip so he or she can return home. We can and we must crack down on health care cheats.

The Health Care Fraud Prosection Act will increase funding or FBI agents, Federal prosecutors, and other criminal investigators to investigate and prosecute health care fraud. It will create stringent penalties for those convicted of robbing our health care system. And it will require those convicted of health care fraud to make restitution payments to patients and Government agencies.

Investing in law enforcement pays off. Right now, the Federal Bureau of Investigation returns $40 to the U.S. Treasury for every $1 it is given to investigate health care fraud. That's a return rate we can truly be proud of.

We all know health care costs are too high. As we search for methods to preserve the access of seniors to quality health care, to extend the life of the Medicare trust fund, and to insure the 10 million American children who have no health care coverage, it is more important than ever to crack down on fraud and abuse in the system.

This legislation will do just that. I urge my colleagues to support and pass the Health Care Fraud Prosecution Act.

## TRIBUTE TO EDWARD R. OBERG

### HON. JAMES P. McGOVERN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday October 1, 1997*

Mr. McGOVERN. Mr. Speaker, it is with great pleasure that I rise before you today to pay tribute to Fire Chief Edward R. Oberg of Holden, MA, who is retiring after 40 remarkable years fighting fires and protecting our families.

Over the course of his career, Ed Oberg has put the lives of complete and total strangers before his own. His entire career epitomizes a common hero. He's not on the news, in the papers, or on the radio. Yet, his commitment to public safety will not be forgotten.

Ed began fighting fires in January 1957, and has been rewarded time and again for his remarkable service. In December 1970, he was appointed lieutenant of the fire department, and only 5 years later he was promoted to captain of the department. Three years later, in 1978, he was appointed fire chief. He was also a member of numerous organizations including the Greater Worcester Fire Chiefs Association, where he served a term as president, and the Fire Chiefs Association of Massachusetts, on whose board of directors he served for 10 years.

Mr. Oberg and his wife, Virginia, are the proud parents of three children: Steven, Anthony, and Bianca and three grandchildren: Lynn, Steven, and Kelley. Ed has served the town of Holden with courage, loyalty, and excellence. His service will be sorely missed by those who relied on his tireless dedication to the town of Holden.

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## INTRODUCTION OF THE ARMS SURPLUS REFORM ACT OF 1997

### HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 1, 1997*

Mr. STARK. Mr. Speaker, I rise today to introduce the Arms Surplus Reform Act of 1997. This legislation will bring much needed reform to the sale of military surplus materiel by the Department of Defense.

If military surplus were simply a matter of combat boots, camouflage, and fatigues, this legislation would not be necessary. But for those in the know, Pentagon surplus can mean a cheap, nearly untraceable supply of weapons and weapons parts that cost the U.S. Government billions of dollars to purchase.

According to the current system, each piece of equipment that the Pentagon designates as surplus is assigned a demilitarization code, or "demil" code. Demilitarization represents the work necessary to make surplus materiel fit for sale to civilians: twisting of gun barrels, mutilation of helicopter frames, removal of explosives from bombs, erasing the memory and software from military application computers, et cetera. Equipment is graded on an alphabetical scale. An "A" code signifies benign materiel when no demilitarization is necessary. A "D" code requires extensive demilitarization before surplus sale.

The problem lies in the execution of the process. Equipment is coded incorrectly and almost always too easily. When Pentagon investigators did a random survey of surplus stock, they found missile simulators, bombs, guidance systems for cruise missiles, fully functional automatic weapons, as well as other potentially deadly materiels. Enforcement of procedure is so lax that an Air Force base in Georgia lost track of $39 million worth of surplus materiel.

This situation represents more than a fiscal threat to our country. Sophisticated weaponry is finding its way to foreign interests while criminals in the United States rely on military surplus to outfit their operations. A methamphetamine lab run by a national gang was raided by drug enforcement agents in Los Angeles, who found machine guns and flame throwers traceable to arms surplus. One military surplus supplier was outfitting Cobra attack helicopters for resale. According to a story filed in U.S. News and World Report, one such citizen, Ron Garlick of Montana, said, "Mine was fully armed. I had rockets on it and machine guns. I was out there shooting coyotes with them." It's a good thing Mr. Garlick was not shooting at people, the Cobra attack helicopter is one of the deadliest helicopters in the world.

The problem extends beyond domestic purchases. The Chinese are the biggest buyers of sensitive electronic surplus materiel. Among the items recovered from Chinese scrap dealers were encryption devices, submarine parts, radar systems, tubes for Patriot missiles, and parts of the Stealth F–117A fighter. Iran and Iraq are also reported to be large purchasers of military surplus.

As former Secretary of Defense William Taft wrote during the Reagan administration, ". . . a U.S. Customs investigation has confirmed that the defense surplus system is a source of supply for arms traffickers." The thought of the U S. Government supplying arms to terrorists, drug runners, and foreign interests is a very disturbing one.

It gets worse. Customs officials examined 240 tons of electronic scrap headed for Hong Kong which originated from the Pentagon Defense Reutilization Marketing Organization [DRMO] base in San Antonio, TX. The officials found massive amounts of sensitive communications and encryption equipment—none of which should have been available for civilian purchase. Thirty-seven internal guidance systems for the Stealth bomber—at an original cost of $22 million—were headed for Shanghai, without any demilitarization modifications whatsoever.

At Robbins Air Force Base in Macon, GA, the DRMO had adopted a expedited processing program. To speed things up and obtain more sales, a surplus sales manager at Robbins told DRMO investigators she had falsified documents and demilitarization statements, registering weapons and other equipment as scrap that was then made available for sale fully intact.

The Pentagon seems unwilling to correct this problem. Perhaps it is a case of misplaced priorities. An internal e-mail message at the Pentagon laid out the priorities of the surplus program as "1. Profits 2. Profits 3. Profits 4. Profits . . . 6. Accountability"—priority No. 7 was demilitarizing lethal weapons. With the Pentagon unwilling to face the problem, the system needs congressional intervention.

This legislation does not outlaw surplus sales. This bill will not infringe on the rights of collectors or enthusiasts. This bill will absolutely be cost effective because we will no longer be selling Stealth fighter parts at 16 a pound. This legislation simply halts sales and gives the Defense Logistics Agency the time necessary to fix the problems in the program.

The Arms Surplus Reform Act of 1997 will place a moratorium on all surplus arms sales until the Pentagon gets its house in order. To lift the moratorium, the director of the Defense Logistics Agency must certify to Congress that: the Department of Defense inspector general has completed a full inventory of military surplus stores and stock; the Defense Logistics Agency has reviewed and correctly classified all improper demilitarization codes; and the Comptroller General has reviewed the surplus sales process and made recommendations to the Director of the Defense Logistics Agency concerning improvements to the program.

Currently each service Branch codes its own surplus. The legislation would establish a central coding office within the Defense Logistics Agency which would have oversight over all surplus coding. The central coding office would also oversee the demilitarization of equipment before civilian sale.

To fight abuses of the surplus sale program, the legislation would create a record of sale for military surplus which contains the following: the Department of Defense source of the item, including the military base where it was demilitarized and sold; the degree of demilitarization required and performed; the name of the person purchasing the item and other such information as the Secretary of Defense deems appropriate.

This legislation would also prohibit the Defense Logistics Agency from advertising its available surplus stock on the Internet until the conditions for lifting the moratorium have been met.

I would like to thank my colleagues who have joined me as original cosponsors of this bill. I am grateful to them and share their vision of a more peaceful world. I thank Ms. Pelosi of California, Ms. Slaughter of New York, Mr. Lipinski of Illinois, Mr. Filner of California, Ms. Hooley of Oregon, Mrs. Maloney of New York, Mr. Yates of Illinois, Mr. McGovern of Massachusetts, Mr. Sanders of Vermont, Ms. Christian-Green of the Virgin Islands, Mrs. Lowey of New York, Mr. Kucinich of Illinois, Mr. McDermott of Washington, Mr. Miller of California, Mr. Markey of Massachusetts, Mr. Sabo of Minnesota, and Mr. Guiterrez of Illinois for joining me in this effort.

There is no excuse for the fraud and abuse in this program—especially when these problems lead to deadly consequences. To quote William Portanova, an Assistant U.S. Attorney in California, "On its best day, the military surplus system is morally embarrassing to the government . . . and it never has a best day." Let's change that.

I urge my colleagues to join me as cosponsors of this legislation.

## THE 100TH ANNIVERSARY OF MEMORIAL BAPTIST CHURCH IN DILLTOWN, PA

### HON. JOHN P. MURTHA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 1, 1997*

Mr. MURTHA. Mr. Speaker, I'd like to take this opportunity before my colleagues in the House of Representatives to congratulate and pay tribute to the Memorial Baptist Church of Dilltown, PA, which is celebrating its 100th anniversary this month.

It gives me great pride—and at the same time, humility—to be able to stand before you to tell you about a church that has been part of its community for an entire century. Memorial Baptist, and many other small churches like it, have been quietly going about their work of teaching and strengthening families and communities so long that we hardly realize, until we stop and think about it, to what great extent they form the backbone of our country. A 100-year anniversary gives us this opportunity.

Memorial Baptist Church has been a source of strength to its members and neighbors through many hard times. The church has provided spiritual support through two World Wars, the Great Depression, two more wars, times of social upheaval that tore many communities apart across our country, and the family struggles that come with many years of high unemployment. Dilltown is a very small, close-knit rural community located in southwestern Pennsylvania, a region hard-hit economically by the downsizing of the steel industry some years ago. Were it not for the good works of the small community churches like Memorial Baptist, many families might have been torn apart—many people might have lost their faith and their hope.

But the Memorial Baptist Church has continued on, continued to be there to serve the people of Dilltown, and for that, we should all be humbly grateful.

So again, I congratulate the pastor and members of Memorial Baptist Church on its 100th anniversary of service to God and community. Keep up the good work, and may you be there for 1,000 more years.

## PERSONAL EXPLANATION

### HON. JOHN N. HOSTETTLER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 1, 1997*

Mr. HOSTETTLER. Mr. Speaker, I inadvertently missed rollcall vote No. 458 on September 26, 1997. Had I been present, I would have voted "yes" on the Bartlett amendment to strike funding for payments for U.N. international organization arrearages and U.N. international peacekeeping arrearages.

## TRIBUTE TO THEODORE W. CHERRY

### HON. MICHAEL PAPPAS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 1, 1997*

Mr. PAPPAS. Mr. Speaker, I rise today to pay tribute to a man whose years of service to South Brunswick, NJ, has made him an icon of the community. Ted Cherry, a former mayor and committeeman of South Brunswick Township was recently honored during a regular meeting of the township committee.

State representatives and members of the committee joined together in honoring Mr. Cherry, South Brunswick's first African-American mayor. Mr. Cherry, the town's mayor in 1979, 1980, and 1982, received a standing ovation while being honored with a resolution passed by both houses of the New Jersey State Legislature. The State honored Mr. Cherry for exemplifying the "true meaning of selfless public service."

Mr. Speaker, Ted Cherry's years of unselfish, dedication to the people of South Brunswick is an example of strong, objective leadership in public service.

"We are here tonight to say we admire you and we feel indebted to you," said State Senator Peter Inverso. This was only one of many kind words that were said about Mr. Cherry. Ted Cherry is an inspiration to us all by the fair and personable way he conducted himself during his tenure as a public official.

As a former local official, I am well aware of the countless hours of hard work that all local officials endure for their fellow residents. I am pleased to join with my fellow elected officials in New Jersey in recognizing the efforts of Ted Cherry.

## EQUITY FOR IMMIGRANTS ACT

### HON. ELIZABETH FURSE

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 1, 1997*

Ms. FURSE. Mr. Speaker, the legislation I am introducing today, the Equity for Immigrants Act, will pay to restore benefits to legal immigrants by cutting corporate subsidies the Federal Government provides to arms merchants for sale of weapons systems to other countries. I am very pleased that 15 other Members are joining me as original cosponsors.

When the welfare reform bill was passed in the summer of last year, I pledged to restore benefits that were denied to legal immigrants. Before then, legal immigrants were eligible for a wide variety of public assistance. I am a legal immigrant and I felt it was extremely unfair to place nearly half the burden of welfare reform squarely on the backs of taxpaying legal immigrants.

Federal spending is all about choices. Earlier this year, this House easily added $27 billion for B–2 bombers that no one wanted. We can provide benefits for legal immigrants who play by the rules, pay taxes, and carry the same responsibilities as citizens.

The Balanced Budget Act that became law in August restored over half of the benefits that had been denied to legal immigrants. My legislation, the Equity for Immigrants Act, restores the remainder of those benefits at a cost of $9.5 billion over 5 years and pays for them by eliminating $9.5 billion in wasteful subsidies provided to U.S. defense contractors.***HD***welfare reform bills

Last year's welfare reform bill established comprehensive new restrictions on the eligibility of legal immigrants for means-tested public assistance. The savings derived from denying benefits to legal immigrants were estimated at $21 billion over 5 years, accounting for nearly half the savings in the entire welfare reform bill.

The welfare reform bill denied Supplemental Security Income [SSI] and food stamps to most legal immigrants. In addition, it gave States the option of providing Temporary Assistance for Needy Families [TANF] and Medicaid to legal immigrants. It also barred most legal immigrants arriving after August 22 of last year from receiving Federal means-tested public benefits—TANF, food stamps, Medicaid, and SSI—for 5 years after arrival.***HD***balanced budget act

The Balanced Budget Act was signed into law August 5, 1997. It restored SSI and Medicaid benefits for legal immigrants who were here before August 22, 1996. It allowed SSI for those who were here on that date who later become disabled. The Balanced Budget Act also extends the exemption from SSI and Medicaid restrictions for refugees from 5 years to 7 years after entry.

The Balanced Budget Act provided $11.5 billion in restored benefits for legal immigrants for the period 1998–2002.

#### BENEFITS RESTORATION TITLE

Title I of my bill restores legal immigrants' eligibility for benefits by repealing title IV of the welfare reform bill. Title IV was the part of last year's welfare bill which eliminated legal immigrants' eligibility for benefits.

The cost over 5 years of restoring those benefits that were not included in the Balanced Budget Act is $9.5 billion.

Repealing the remainder of title IV as my bill does would accomplish the following:

Food stamp benefits would be restored for legal immigrants who were here August 22, 1996 as well as for future immigrants.

SSI and Medicaid would be provided to all future immigrants regardless of date of entry.

Repealing title IV would also eliminate the State option for providing TANF and Medicaid to legal immigrants. This has a potential magnet effect with differing benefits among States.

Repealing title IV would also eliminate the 5-year bar on assistance for new arrivals before they can receive Federal means-tested public benefits.

#### WELFARE FOR WEAPONS DEALERS

Title II of my bill reduces arms export subsidies to fund the cost of providing these remaining benefits to legal immigrants. Taxpayers spend billions of dollars annually for Federal subsidies devoted to helping major defense companies market their wares around the world—plying everything from ammunition to high-technology fighter jets, all at a time when the United States is already the world's leading arms exporter.

Uncle Sam is the world's largest arms dealer, employing nearly 6,500 full-time personnel to promote foreign arms sales by U.S. companies. For the sixth consecutive year, the United States led the world in arms deliveries in 1996.

We are militarizing foreign aid. In 1995, subsidies for arms exports accounted for over 50 percent of U.S. bilateral aid.

Major weapons manufacturing firms buy influence by contributing to congressional candidates—$14.8 million between 1990 and 1994. These firms include Lockheed-Martin, Northrup Grumman, and others.

We are backing losers. The U.S. Government ranks first in the world in subsidizing arms exports. Meanwhile we spend only $150 million a year to help U.S. firms get a foothold in the expanding international market for environmental technologies. That market is expected to reach $190 to $240 billion by the end of this decade. This is at a time that by DOD's own reckoning, the international arms market will likely continue to shrink from its current level of $32 billion.

There is a boomerang effect to our arms sales. Subsidized arms sales have caused more security problems than they have solved. The last five times the United States has sent troops into conflict situations—in Panama, Iraq, Somalia, Haiti, and Bosnia—they faced forces on the other side that had gained access to U.S. weaponry, training, or military technology in the period leading up to the conflict.

"Surplus" weapons giveaways have emerged as a major military assistance program. While other, more visible forms of military aid have been cut since the end of the cold war, shipments of surplus arms through a variety of programs have increased dramatically. The United States transferred military equipment worth $7 billion 1990 through 1995, including 4,000 tanks, 125 attack helicopters, 500 bombers, and 200,000 pistols and rifles. In the majority of cases, the equipment was provided for free.

The Pentagon appears to be giving away still useful equipment in order to justify the procurement of new weapons. Congress never debates or votes on surplus arms grants, as it does with other forms of military aid and these transfers are generally omitted from statistics on the overall value of U.S. arms exports.

### ELEMENTS OF FUNDING TITLE

Section 201 of my bill eliminates the Leased Defense Articles Program, which transfers U.S. equipment to other nations for minimal or no rent. Its cost over 5 years is $3.25 billion.

The United States leases weapons systems that we might want back in the future, rather than selling or giving them away. We also lease equipment when the recipient cannot afford to purchase the weapons outright. The recipient pays rent on the equipment equal to the depreciation of the articles while leased. Weapons systems are loaned for free for cooperative military research and development projects and for joint training exercises.

Section 202 also eliminates the Excess Defense Articles Program, which gives away surplus weapons worth $2 billion over 5 years.

Every year, the Pentagon transfers thousands of militarily-useful items it no longer wants to other countries. These items range from boots and uniforms on up to tanks and fighter aircraft. These transfers offer a way to keep potential customers acclimated to U.S.-made equipment. These giveaways of surplus military hardware help hook foreign armies on U.S. equipment, paving the way for future sales.

Section 203 mandates recoupment fees on weapons sales to foreign purchasers. These fees recover some portion of the taxpayer-financed research and development costs of the weapons system.

All weaponry exported by U.S. firms benefits from billions of dollars of taxpayer investments in research and development and plant and equipment. In order to pay back a part of this taxpayer investment in these weapons systems, for more than 25 years it was U.S. Government policy to assess recoupment fees on foreign sales of U.S. military equipment. The fees are determined by dividing total R&D and other one-time costs by the total number of units that are expected to be produced. These fees are no longer required.

The General Accounting Office estimates that if the fees are imposed on all government and commercial arms sales, revenues recouped by the Treasury would average $500 million per year.

Section 204 of this title eliminates Foreign Military Financing [FMF] funding for Greece, Turkey, Cambodia, Caribbean and South Asian countries, and Partnership for Peace-eligible countries in Central and Eastern Europe and the Former Soviet Union. FMF provides grants and subsidized loans to buy U.S. military equipment. We will spend $1 billion on this funding over the next 5 years.

FMF provides loans and grants to foreign nations for the purchase of U.S. military equipment. The true financial beneficiaries of FMF are not the recipient countries but rather the defense contractors who supply the equipment.

FMF is simply a roundabout way of funneling money from U.S. taxpayers into the coffers of major arms exporting firms; in many cases the funds never leave the United States but are issued to U.S. companies as defense contracts as their work on a given foreign order proceeds. This is a direct export subsidy to the U.S. arms industry.

Section 205 eliminates Economic Support Fund [ESF] moneys for Turkey, Cambodia, Latin America, and the Caribbean. ESF is for strategic considerations rather than development needs. We will spend $1 billion in ESF for these countries over the next 5 years.

The ESF Program provides cash assistance, commodity imports, and other support for countries of particular security concern to the United States. ESF financing serves as an indirect subsidy to foreign purchasers of U.S. weaponry which provides them with either the cash resources or the financial flexibility to sustain their arms purchases from U.S. companies.

If ESF were truly an economic development program, disbursement of the funds would be based on criteria such as level of need of the recipient nation and the bulk of the funds would not be routinely set aside for major U.S. arms clients as is currently the case.

Finally, section 206 eliminates authority to use Federal dollars for participation in international arms bazaars—overseas promotional events and demonstrations for potential weapons buyers.

In a typical year, the U.S. Government helps promote U.S. weaponry at over half a dozen major international air shows. Costs to U.S. taxpayers include revenues foregone from leasing fees that are no longer charged to U.S. manufacturers to display U.S. Government-owned weaponry. These waived fees alone can cost taxpayers $5–10 million per show.

These weapons exhibitions are called training missions so the costs of getting U.S. equipment and personnel to them don't have to be reported to Congress. The flight of a B–2 bomber to the Paris Air Show involved at least a 24-hour round-trip at $14,166 per hour to operate the plane. Pentagon justification for participation in one of these bazaars—in Santiago—stated that it is "consistent" with U.S. goals of "promoting democracy, increasing prosperity and trade ties, and achieving sustainable development" in Latin America.

In addition to Northrup Grumman's B–2, other equipment sent to these shows includes McDonnell-Douglas's F–18 fighter, Lockheed-Martin's F–16 fighter, Sikorsky's Black Hawk utility/assault helicopter, Boeing's Chinook transport helicopter, General Dynamic's Abrams tank, and Raytheon's Patriot missile defense system.

The cost to U.S. taxpayers for these shows in 1995 was $27 million.

In summary, I urge support for my bill. I will be working hard to accomplish the important goals outlined here and I look forward to working with my colleagues to bring about fairness for immigrants.

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## TRIBUTE TO NORMA C. NOTTINGHAM

### HON. BOB CLEMENT

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 1, 1997*

Mr. CLEMENT. Mr. Speaker, Emerson wrote that "To know that even one life has breathed easier because you have lived. This is to have succeeded."

Today, I rise to honor an outstanding American citizen who far surpassed Emerson's definition. I come to the floor to recognize the retirement of a woman who has touched the lives of thousands of our Nation's youth. Mrs. Norma C. Nottingham has reached into each of our districts—transcending partisan politics—to help shape America's air and space forces through the admissions process at the U.S. Air Force Academy.

Mrs. Nottingham retires this week from a key Pentagon post in the Air Force Academy Activities Group where her contributions have been both monumental and long lasting. I rise to not only recognize this retirement, but to honor the woman whose nearly 44-year career in Government service has been marked by a deep commitment, a high level of caring, and an inspiring sense of humor.

Mrs. Nottingham is a native of the Washington, DC area and has performed brilliantly in a variety of positions throughout her career.

She served two U.S. Senators, Ken Keating of New York and Pete Williams of New Jersey, as a staff assistant during the 1970's. Prior to that involvement, she was employed by the Office of the Surgeon General, U.S. Army. Since June 1981, Mrs. Nottingham has been the key point of contact for Congress in the nomination and admissions process for the Air Force Academy.

While serving in her latest position, Mrs. Nottingham's exemplary dedication to the Academy and its mission was a key factor in ensuring the brightest and best young men and women were nominated and appointed to the Academy. Her exhaustive knowledge of Academy policies and programs earned her the respect and trust of virtually every congressional office on Capitol Hill. Additionally, her skills in the political arena were of immeasurable benefit to the Academy and the Air Force on numerous occasions: her experience on Capitol Hill proved invaluable as she assisted in the preparation of legislation, counseled congressional staffers on the Academy's admission procedures, orchestrated staffer visits to the Academy as well as regional instructional workshops for the staffers, and played a key role in the success of hundreds of congressional-sponsored Academy Day events across the Nation.

Mrs. Nottingham personally traveled to my district 9 years ago to assist me with my first Academy Day and has been instrumental in the planning and development of each annual program, providing hands-on service and expert advice to my staff and constituents.

Mrs. Nottingham also contributed significantly to the Foreign Cadet Program through her contact with American Embassies throughout the world, State Department representatives in the Washington, DC area, and key admission officials from other service academies.

Perhaps Mrs. Nottingham's greatest legacy is not what she has personally done, but what she has done to educate, empower and guide hundreds of staffers who will continue to bring her dedication, zeal, and compassion to the academy admissions process. Norma has personally aided hundreds of young men and women, but the staffers she has inspired and taught have touched the lives of thousands more. There can be no doubt that her work will continue for generations because she took the time to do more than her job—she took the time to teach all she knew to hundreds, if not thousands, of other willing men and women dedicated to helping the thousands who yearly seek admission to a U.S. Service Academy.

Not only have lives breathed easier because of Norma Nottingham's direct involvement, but for many, many years to come, her legacy will continue through us to inspire bright, honest, and hardworking young men and women to seek a career in service to our great Nation.

Truly, this is to have succeeded.

## EVERY WOMAN COUNTS

### HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 1, 1997*

Mr. FILNER. Mr. Speaker, I rise today to remind my colleagues that October is National Breast Cancer Awareness Month and to recognize California's Breast Cancer Early Detection Program Partnerships for making available to all California women timely clinical screening, mammography, and treatment for newly detected breast cancers.

This remarkable accomplishment has been made possible by the cooperation of health care providers through the federally funded Breast Cervical Cancer Control Program [BCCCP]. Through the BCCCP, volunteers join with public and private providers in making available clinical examinations, mammography, education and outreach efforts, epidemiology, and the provision and funding of treatment for women in need of these services.

Breast cancer is the most common cancer among women, and far too often the lack of preventative care and examinations serve as a death sentence to low-income women and women of color. Sadly, many women lack the necessary resources to obtain screening services.

In the 3 years, since its inception through March 1997, the San Diego/Imperial County Breast Cancer Early Detection Program Partnership has funded screening services for greater than 5,000 women and has diagnosed many cases of breast cancer among women who may not have received breast cancer screening services without the partnership. Through March 1997, the partnership has funded outreach and educational efforts to an additional 14,500 women. Ongoing education and outreach projects are expected to reach thousands more in 1997 and 1998.

Generous grants from the California endowment and donated services from local hospitals and providers regularly ensure that all women diagnosed with breast cancer who do not qualify for other private or public funds receive state-of-the-art treatment. Many cancer survivors join with other volunteers to provide a helping hand to newly diagnosed women.

I want to also salute Ms. Rebecca Charles, a resident in my 50th Congressional District, who serves as the co-chair of the Volunteer and Recruitment Committee of the Board of Governors of the Scripps Green Clinic for the Early Detection Breast Cancer Awareness Program.

Mr. Speaker and colleagues, please join me in support of these exemplary efforts to reach each and every woman with needed services before it is too late. Every Woman Counts!

## IN HONOR OF NATIONAL MIDWIFERY WEEK

### HON. CAROLYN McCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 1, 1997*

Mrs. McCARTHY of New York. Mr. Speaker, I rise this afternoon to salute the important work of certified nurse-midwives. The week of October 5 through October 11 is National Midwifery Week honoring the professionals who dedicate their lives to this noble calling.

As a nurse and a mother, I recognize the need for safe and satisfying health care for women and newborns. Investing in the health care of women and children is essential to the future of our country and should be of paramount importance to our society. The lack of primary health care providers for women has fueled the rise in the U.S. infant mortality and low-birthweight rates. Certified nurse-midwives, in caring for women and their babies, have made outstanding contributions in reducing infant mortality and low-birthweight rates by making accessible quality care to women. Certified nurse-midwives take a personalized approach to women's health, offering a full scope of care including maternity, well-woman gynecological, and family planning care. Their efforts to bring quality care to an often underserved population are to be commended.

The American College of Nurse-Midwives has declared the theme of this year's National Midwifery Week to be "Listen to Women." I encourage my fellow legislators and all citizens to take this opportunity to learn more about nurse-midwifery and the important work they perform.

## CHILD ABUSE

### HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 1, 1997*

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, October 1, 1997, into the CONGRESSIONAL RECORD:

#### CHILD ABUSE

One of the most difficult questions government at all levels faces is how to protect children from abuse. Everyone agrees that the government has an obligation to intervene when children's health and safety are endangered by their parents. But not everyone agrees on when or how to intervene. Each case of suspected child abuse requires a balance between the government's responsibility to protect children and the right of parents to exercise broad discretion over how their children are raised and disciplined.

#### LEVELS OF ABUSE:

Reports of suspected child abuse and neglect have escalated by nearly 50% in the last decade. Some of this increase is attributed to greater awareness of child abuse, but studies also suggest that many cases of child maltreatment are still unreported.

Most Americans cherish their children, but there is woeful evidence that many do not. Around the country, there are thousands of children who scream for help. In 1996, 3.1 million reports of suspected child maltreatment—either abuse or neglect—were received by state child protection agencies. About one-third were substantiated, meaning that nearly one million children were victims of verified abuse or neglect. Over half of all substantiated cases of maltreatment involve neglect, while the remainder involve physical, sexual, or emotional abuse. About 1,000 children died as a result of maltreatment; most of them were younger than age 5, and over 40% were less than one year old. In Indiana, just over 22,000 children were victims of substantiated abuse or neglect in 1995, and 29 children died as a result.

#### RESPONSE:

State governments are primarily responsible for efforts to prevent child abuse, investigate reports of child abuse, place children in foster care, and punish their abusers. States establish their own definitions of child abuse and neglect and guidelines for determining when children should be removed from home.

The federal government plays an important role by providing funding for these efforts—over $5 billion in 1997—and by imposing certain requirements on states. By far the majority of federal funding is devoted to foster care. Substantial funding also goes toward efforts to prevent child abuse, to provide counseling and other supportive services to families where abuse or neglect has occurred, and to facilitate the adoption of children who cannot be returned to their parents' care.

ISSUES:

Congress and state legislatures are likely to examine a number of issues:

Resources: The enormous increase in reports of abuse and neglect has placed strain on state child protective service agencies. Many critics charge that caseloads are far too large, meaning that caseworkers are not able to conduct thorough investigations or to adequately monitor families where abuse has been substantiated. These critics point to studies which indicate that the families of about 40% of children who die from abuse or neglect had previously been reported to child protective services. In addition, concerns have been raised that better training is needed for caseworkers and others who are required by law to report abuse on how to accurately spot abuse and neglect.

Family preservation: In order to receive federal funds, states must pledge to make "reasonable efforts" to prevent or eliminate the need to place a child in foster care, and to reunite children in foster care with their families. This requirement is based on the belief that many abusive or neglectful parents can become fit if they get appropriate assistance. That could include treatment for substance abuse (which is implicated in between 50-80% of child abuse and neglect cases), parenting classes, economic aid, or other types of assistance.

Most people agree that returning children to their family is desirable. The disagreement occurs with respect to what constitutes "reasonable efforts." Critics say that states frequently put family preservation above child protection. They worry that too often children are reunited with parents who are still dangerous. In addition, critics charge that children are allowed to languish in foster care too long, denying them the stability and security they need to prosper.

Some suggest a different standard for decisions regarding family unification: the "best interests of the child." But concerns have been raised that this is as subjective as "reasonable efforts," and could swing the pendulum too far in the other direction, removing children too hastily from families. Some also argue that family preservation could work more often if only greater resources were available.

Congress has taken some steps to address these concerns. With my support, earlier this year the House passed a bill which clarifies that states do not have to make a "reasonable effort" to preserve families if the child has been subjected to "aggravated circumstances," like abandonment, torture, or sexual abuse; the child's parent has killed or assaulted another of his children; or a parent's rights to a sibling of the child have already been terminated. The bill requires that children's health and safety be of paramount concern in efforts to preserve or reunite families. The bill would also push states to make greater and prompter efforts to place children for adoption if they cannot be reunited with their parents. The Senate has not yet acted on this measure.

CONCLUSION:

The family is the best institution for rearing children, and most families do it very well. The question of what to do when parents fail their children is seldom a simple one. Some cases are clear cut, but many require difficult judgment calls.

Congress must ensure that states have adequate resources to protect children and provide abusive parents who want to change the help they need to do. Efforts to reunite abused children with their families are critical, but we must be willing to abandon those efforts if they are not working. Congress should also ensure that states have flexibility to respond to the unique needs of children and families in crisis. And we must all support the work of community organizations, churches, and other groups which seek to help foster healthy families.

## TRIBUTE TO THE SMALL BUSINESS COMMITTEE

**HON. GLENN POSHARD**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 1, 1997*

Mr. POSHARD. Mr. Speaker, I rise today to commend the tremendous work of the Small Business Committee on the Small Business Programs Reauthorization and Amendments Acts of 1997. As a member of this committee I can attest to the effort that went into this bill. I am especially pleased at the reauthorization of the Small Business Technology Transfer Program [STTR]. In 1992 there was a great need for STTR and I took the lead in supplementing the already successful Small Business Innovative Research Program [SBIR] with this effort to tap into the vast resources of innovation that exist at our universities and nonprofit institutions. This program has stimulated much needed research in the science and technology sectors and has proven successful in developing the best ideas at our universities and federally-funded research centers and allowing then to be commercially viable. I thank Chairman TALENT and Congressman LAFALCE for their support.

This legislation provides much needed funds for worthy programs, such as the Micro-loan program, that help give a jump start to small businesses. Other valuable programs worth mentioning are the Certified Development Companies [CDC's], listed in title II. With this language the CDC's will be able to expand their program to admit more qualified CDC's which would alleviate the load for SBA. Many small business owners will see less redtape and can expect to see a more efficient system that will help expedite their paperwork.

In addition, the SBA reauthorization bill allocates funding to its microlending partners to provide added support for technical assistance for transportation and child care assistance. I applaud Congressmen BALDACCI and FLAKE for their efforts and timeless energy dedicated to this provision in this legislation. The small business community was in great need of such a helpful program. In this day of two income families and single parents, child care assistance is a huge relief for parents who need to work and pay the bills.

Another important provision in the Small Business programs Reauthorization and Amendments Act of 1997 is the Women's Business Enterprises. This legislation continues strong support for women's business efforts, including expanding the women's business center program, which provides seed funding for business training centers throughout this Nation and is one of the SBA's most successful programs.

Mr. Speaker, in the past few years the people of southern Illinois have suffered a great deal due to high unemployment, yet are undaunted. The 19th Congressional District continues to search for new industries and opportunities. Small businesses are critical to this effort. The people of Illinois and the Nation want to move on an capitalize on the many opportunities that await them. It is essential that we continue to provide the SBA with the resources to effect positive economic changes in this country. I congratulate the bi-partisan effort involved in crafting this bill, and urge my colleagues to support it.

## CONGRATULATIONS TO SOOKY GOLDMAN

**HON. HENRY A. WAXMAN**

OF CALIFORNIA

**HON. HOWARD L. BERMAN**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 1, 1997*

Mr. WAXMAN. Mr. Speaker, Mr. BERMAN and I ask our colleagues to join us in congratulating Sooky Goldman, who is being honored by the Maple Counseling Center in Beverly Hills at their 25th Anniversary Ball. We are delighted to join Sooky's family and friends in recognizing her extraordinary charitable contributions.

For the past 25 years, Sooky has been an exemplary leader in civic and philanthropic work. Her efforts have been recognized by more than 30 organizations ranging from the Beverly Hills Chamber of Commerce and YMCA to People Assisting the Homeless [PATH] and the Beverly Hills Police Department. In addition, Sooky created the William O. Douglas Classroom which has provided countless children from all over Los Angeles County the opportunity to experience the beauty of the Santa Monica mountains. She has a well-earned reputation for the tireless dedication and enthusiasm she brings to each project she undertakes.

The Maple Counseling Center in Beverly Hills, which provides low fee mental health counseling for nearly 500 individuals each week, depends greatly on its committed supporters. Its work is particularly needed in the current climate of scarcity of funding for mental health services. As a principal founder of the center, Sooky has enriched and broadened its mission of offering comprehensive and high quality mental health services to those most in need.

While Sooky is active in many causes, she has always placed a great importance on her family. She is fortunate to have a loving and supportive husband, Sam, three children, David, Joel and Kaye, and seven grandchildren. Despite her many commitments, Sooky has successfully managed to strike a balance between her public and private lives.

Our community owes a great debt of gratitude to Sooky, and we ask our congressional colleagues to join us in saluting her for her singular achievements. We wish her every happiness and success in the future.

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## PRESIDENT CLINTON HONORS NINA ARCHABAL AND MARTIN MARTY

### HON. BRUCE F. VENTO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 1, 1997*

Mr. VENTO. Mr. Speaker, I am pleased to rise today to recognize the distinguished work of Nina Archabal and Martin Marty and to congratulate them on their honor. This week, Nina and Martin were among 10 Americans to whom President Clinton bestowed the National Humanities Medal for extraordinary achievement in the humanities. On this the first day of October, the beginning of National Arts and Humanities Month, it is very appropriate that we celebrate those that enable many of us to enjoy and experience the arts and humanities.

As the director of the Minnesota Historical Society, Nina Archabal has renewed interest in Minnesota's heritage and infused it with new life. In the last 5 years, her energy and dedication has carried the Minnesota History Center in St. Paul from a dream to one of the Nation's premier centers for the preservation and presentation of history. By giving all groups the ability to express their unique histories, she allows Minnesotans to celebrate their diversity while transcending their differences in race, ethnicity, age, gender, or creed. Most recently, Nina was selected to serve on the American Folk Life Center board of the Library of Congress.

In these hectic times, it is very easy to lose sight of our cultural and social heritage. However, through the study of history we learn to build on the strengths and traditions of our past to create a better foundation for our future. We realize how our past influences our present and informs us of our decisions and actions in the future. Individuals, like Nina Archabal, dedicate their time and energy to ensure that we will always learn from those that came before us.

Nina's enthusiasm has caught on in Minnesota. Under her leadership, the Minnesota Historical Society has thrived, boasting the largest membership of any State historical society in the Nation. I am personally grateful, as are the people of St. Paul and Minnesota, for the endeavors of admirable individuals, like Nina Archabal, who, through her diligent and spirited efforts has ensured that the heritage of Minnesota will remain alive and accessible for generations to come.

As a religious scholar, professor and author, Martin Marty has been instrumental in bringing religion into the lives of the American people. In this challenging time of balancing work and family responsibilities, more and more Americans are examining the role of religion, faith, and spirituality in their lives. Unfortunately, religion is often used to divide rather than unite individuals. Martin, through the establishment of the religion project at the University of Chicago, reverses this trend and uses religion as a vehicle for understanding among diverse groups and organizations. His values and spirit are instilled not only in his students but also in his son, Minnesota State Senator John Marty. Senator Marty has brought this same level of understanding, fairness, and inclusiveness to his work at the State legislature.

Mr. Speaker, dedicated and creative individuals such as Martin Marty and Nina Archabal are among our Nation's most valuable resources in retaining a positive and comprehensive perspective on our past and future.

I ask that the full text of an article from the St. Paul Pioneer Press be printed in the RECORD so that my colleagues can read about the achievements of these outstanding individuals.

[From the St. Paul (MN) Pioneer Press]

CLINTON HONORS MINNESOTAN FOR HER WORK ON STATE HISTORY CENTER—ARCHABAL AMONG 20 GIVEN MEDALS FOR HUMANITIES, ARTS ACHIEVEMENTS

(By Bill Salisbury)

WASHINGTON.—At a ceremony on the south lawn of the White House on Monday, Minnesota Historical Society Director Nina Archabal was in prominent company. She rubbed shoulders with the likes of actors Angela Lansbury and Jason Robards, jazz singer Betty Carter, bluegrass musician Doc Watson, theologian Martin Marty and author Studs Terkel.

They were among 20 Americans on whom President Clinton and first lady Hillary Rodham Clinton bestowed the National Humanities Medal and the National Medal of Arts.

When the president placed a humanities medal around Archabal's neck before a crowd of more than 1,000, it was in recognition of her leadership in helping develop the 5-year-old Minnesota History Center in St. Paul—one of the nation's premier centers for the preservation and presentation of history—and for her work in bringing history to life.

"She is a fireball who lets no one stand in her way when the issue is to preserve Minnesota's history," Clinton said, "In the state of Minnesota, she's a bridge builder between native peoples and other Minnesotans, helping them to share their stories. To America, she exemplifies how tradition forms everyday life and shapes history.

"Just this morning," he added with a grin, "she told the president that it was high time he hightailed it out to Minnesota to see exactly what she's doing."

Archabal, 57, of St. Paul, has headed the Historical Society since 1986. It has the largest membership of any state historical society in the nation.

The National Endowment for the Humanities said in a statement that Archabal has helped transform meticulous scholarship into history programs meaningful to people. The endowment also praised her for helping Minnesota Indians tell the stories of their culture and traditions to native and non-native people.

After the ceremony, Archabal said: "This award is really for all the people of Minnesota. No one could do this alone, and I wish everyone could have this medal to wear because they deserve it."

What makes Minnesota unique, she said, is its deep, longstanding commitment to preserving a heritage that started with its territorial founders.

"The items we preserve and the stories we tell are not only about the Minnesotans we all know—the Hubert Humphreys and Charles Lindberghs—they are the stories of all the people that make Minnesota what it is today," she said. "That is our strength."

Another of the humanities medal recipients has a Minnesota connection. Marty, a renowned scholar of American religious history at the University of Chicago, is the father of state Sen. John Marty, DFL-Roseville, who attended the White House ceremony with other members of his family.

The senior Marty teaches and directs a public religion project. A past president of the American Academy of Religion, he is the author of 50 books and the senior editor of the weekly magazine Christian Century and the biweekly newsletter Context.

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## MICHAEL DUKAKIS SETS A GOOD EXAMPLE

### HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 1, 1997*

Mr. FRANK of Massachusetts. Mr. Speaker, several very valuable commodities are unfortunately rare in politics these days—as they are in other aspects of our life. Among these prized entities are acts of graciousness, complete intellectual honesty, extremely lucid thinking, and, probably rarest of all, a willingness to go to the aid of a colleague being unfairly attacked, rather than to gloat secretly over his or her distress.

This makes the article written by former Massachusetts Gov. Michael Dukakis in the New York Times for September 29 both extremely rare and extraordinarily valuable. In this article, Governor Dukakis, who was during his many years in elected office a model of integrity, rebuts the unfair accusations that have been made against Vice President GORE and President Clinton involving telephone requests for contributions. I do have one correction—Governor Dukakis refers to a comment I once made about his resistance to any effort unduly to influence him on behalf of contributors by saying that I had referred to him as the only "true ingrate" in politics. In fact, my recollection is that I referred to him as the only example I could think of, of a "perfect ingrate", in that he better than anyone I knew in high office was able to withstand the pressures that result from elected officials having to raise large sums of money from private individuals on a regular basis. Then, and now, I cited his rarity in this regard as the best argument for replacing our current campaign contribution system with public financing—a point Governor Dukakis himself makes in the article. But, like Governor Dukakis, I am prepared to settle for less than perfect reform and the current version of the McCain-Feingold bill seems to me to meet that definition, so I join him in supporting that.

But most important, I want to commend him for his willingness to use his own extremely well earned reputation for absolute integrity to come to the defense of Vice President GORE and President Clinton against some unfair accusations being leveled at them, and I therefore ask that his thoughtful, admirable article be printed here.

### I RAISED MONEY FROM MY OFFICE. SO?

I get an odd sort of flashback when I hear about the uproar over the Vice President's fund-raising phone calls. I can see him reaching for the phone, dialing the number, making his pitch. I can see it all because I've done it myself, under roughly similar circumstances.

When I was running for re-election as Governor of Massachusetts in 1986, I had two phones on my desk. One was white—the state phone. The other was red—the campaign phone, a separate line paid for entirely by my campaign committee.

Massachusetts had (and still has) a law much like the Federal one that's now in the news, prohibiting fund-raising inside a state building. Yet I made hundreds of campaign calls on that red phone, and it never dawned on me or anyone else that doing so violated the law.

It's not that I was cavalier about fund-raising—that's why I had the separate phone lines. I tried to set a very high standard for my gubernatorial campaigns when it came to raising money. (Barney Frank once said that I was the only true ingrate in American politics because I was so unresponsive to my contributors.) No PAC's. No corporations. No registered lobbyists involved in the fund-raising process.

But the red phone never made my "no" list. That's because the Massachusetts law was not intended to prohibit such things, and neither are its Federal cousins.

Both were part of the civil service reform movement of the late 19th century that was intended to end wholesale political patronage, create a merit system and protect civil servants from being forced by their superiors or by party bosses to contribute to political campaigns. Al Gore was treading on none of that territory with his fund-raising calls.

What do his critics expect the Vice President (or the President, who may also have made such calls) to do? Go across the street to a pay phone? And what if the person is not in and calls him back at the White House? Is it a criminal offense for the Vice President or, for that matter, a member of Congress while at his or her desk to accept a call from a political supporter or contributor?

What troubles me about this kind of foolishness is that it is diverting our attention from the things that really need fixing. It's not where you make the phone calls that is the problem. It is the people and organizations that candidates are going after and the virtually unlimited sums of money that the soft-money loopholes permits them to raise.

Millions of special-interest dollars continue to flow into the coffers of both major parties and their candidates. The soft-money loophole that the Federal Elections Commission carved into the post-Watergate campaign reform legislation—and anybody who has run for the Presidency knows how pernicious it is—has made a mockery of our efforts to broaden the base of our campaigns and restore public confidence in the political process.

Unfortunately, much of what is currently passing for a Congressional investigation of the subject is blatant hypocrisy—many of the lawmakers sounding so outraged about fund-raising phone calls by Mr. Gore and President Clinton are experts at taking special-interest money; some of their own campaigns have been fined for taking too much.

And all of it is a smoke screen for Congressional inaction. Speaker Newt Gingrich is leading the way in this regard. Two years ago, he and the President told a New Hampshire audience that reforming our campaign finance laws deserved the highest priority. Last week he pronounced a major bipartisan bill on campaign finance reform, the McCain-Feingold bill, dead-before-arrival in the House.

We know what the problems are: candidates prostituting themselves for big special-interest contributions; the soft-money loophole, which either the Federal Election Commission or the Congress should close immediately; campaigns waged almost exclusively on radio and television; politicians spending too much time with fat cats and not enough time in backyards and living rooms recruiting supporters from the people who ought to count in this country. And then there's the most important problem of all: the profound effect all of this is having on voter turnout and the wililngness of ordinary citizens of get deeply and actively involved in public life.

The solution is painfully simple. Either we decide that public financing is the way to go—something that is a long way from commanding a Congressional majority—or we get behind the McCain-Feingold bill and, to the maximum extent possible, limit the ability of candidates to raise large amounts of special-interest money.

In short, we don't need any more educating about what the problems are, or any distracting sideshows, or any pre-emptory blocking maneuvers from the Speaker's office. We need Congressional action, and we need it now.

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## H.R. 2474, THE RAILROAD TAX EQUITY ADJUSTMENT ACT OF 1997

### HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 2, 1997*

Mr. OBERSTAR. Mr. Speaker, I am pleased to have joined the distinguished chairman of the Subcommittee on Surface Transportation of the Committee on Transportation and Infrastructure, Mr. PETRI, in introducing H.R. 2474, the Railroad Tax Equity Adjustment Act of 1997. This is a significant piece of legislation which will remedy a serious tax equity problem which burdens our important freight railroad industry.

Because of the 1990 and 1993 reconciliation acts, the freight railroads have been paying 5.55 cents-per-gallon in fuel taxes into the General Treasury for deficit reduction. All other modes of transportation—highway, air, water—pay only 4.3 cents per gallon. This is an obvious inequity. Now, as a result of the recent tax reconciliation law, this situation will get even worse. That law transfers the 4.3 cents deficit reduction taxes paid by highway users, including truckers, into the highway trust fund, leaving only the railroad and waterway users paying any taxes toward deficit reduction.

Mr. Speaker, the differential between what railroads pay in fuel tax and what other modes pay—1.25 cents-per-gallon—should be repealed as a matter of equity. In addition, the 4.3 cents in deficit reduction fuel taxes paid by railroads should be eliminated, to the extent such taxes paid by trucks are placed in the highway trust fund and spent for highway improvements. H.R. 2474, the Railroad Tax Equity Adjustment Act of 1997, will accomplish these goals.

The bill has two essential components: First, effective October 1, 1997, the 1.25 cents-per-gallon deficit reduction fuel tax paid uniquely by the railroad industry will be eliminated, reducing the overall deficit reduction diesel fuel tax for railroads from 5.55 to 4.3 cents-per-gallon. Second, in subsequent years, the excise tax rate on diesel fuel paid by the railroads will equal the portion of the corresponding 4.3 cents-per-gallon excise tax paid by highway users, including trucks, which is spent on highway infrastructure improvements in the preceding year. For example, if 2 cents-per-gallon of the highway users' excise tax revenues were spent in fiscal year 1998, the railroad industry's deficit reduction fuel tax in fiscal year 1999 would be reduced by 2 cents-per-gallon to 2.3 cents-per-gallon.

The current fuel tax inequity imposed on America's railroads must be remedied at the earliest opportunity. It is my sincere hope that the Ways and Means Committee will seriously consider including a solution, such as that contained in the Railroad Tax Equity Adjustment Act of 1997, as they develop the tax portion of the ISTEA reauthorization legislation. Furthermore, I fully expect the Committee on Transportation and Infrastructure to include in its reported version of BESTEA sense of the committee language urging that this situation should be remedied, as provided in H.R. 2474.

In the interim, I encourage all Members to give this issue their utmost attention and join with me and others in cosponsoring H.R. 2474.

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## RECOGNITION OF ERIN ROXANE CHEW

### HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 2, 1997*

Mr. LANTOS. Mr. Speaker, I invite my colleagues to join me today in commending Ms. Erin Roxane Chew, a senior at Mercy High School in San Francisco and the recipient of the Congressional Youth Excellence Award in the 12th Congressional District of California.

Erin Chew's scholastic achievements are impressive indeed. She has maintained a high grade-point average while undertaking a challenging class schedule. She has supplemented her regular high school courses by taking a variety of honors and advanced placement courses. Her academic awards include numerous appearances on the principal's honor roll. Ms. Chew has also been recognized in the "Who's Who of American High School Students."

In addition to her outstanding academic record, Erin has a remarkable record of community service. As her teacher, Carole Turner, said, Erin is constantly inquiring: "Do you have any work for me to do?" "I'd like to see us do a service project to help people outside of school that would get some of our more quiet kids involved." She has volunteered at the Donaldina Cameron House as a day camp leader for children in San Francisco's Chinatown. In Mercy High School, she is active with the California Scholarship Foundation, the National Honor Society, and the Service Club. She is also a teaching assistant in the Math Department, working with incoming freshmen.

Erin plans to attend the University of California, Berkeley next fall where she intends to major in computer science.

Mr. Speaker, I invite my colleagues to join me in commending Ms. Erin Roxane Chew for her outstanding service to the community and in congratulating her outstanding achievements.

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## HONORING ARTHUR J. GLATFELTER—RECIPIENT OF THE SHIELD AND DOVE AWARD

### HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 2, 1997*

Mr. GOODLING. Mr. Speaker, I am pleased to honor Mr. Arthur J. Glatfelter, an outstanding York Countian who has given so much back to the people of York County and the Commonwealth of Pennsylvania. On October 28, 1997, Mr. Glatfelter and the Glatfelter Insurance Group will receive the Shield and Dove Award from Stepping Stone Counseling and Education Services, Inc., in recognition of their leadership and dedication to ending the plague of substance abuse and addiction.

Arthur Glatfelter has been a well-respected businessman for over 50 years. His success in the insurance industry has allowed him to contribute in countless ways to the betterment of York County. Through his leadership and willingness to reach out to others in the community, he has touched the lives of hundreds of people from all walks of life. He has opened doors for many young people—those who are disadvantaged, at risk for substance abuse, or without hope by giving them the opportunity and encouragement to learn the skills and gain the self confidence they need to become successful adults and share in the American dream.

Community service and a desire to give back are the values which have always guided Mr. Glatfelter, both in his personal life and business associations. The long list of national and local organizations on which he has served and directed include: the YMCA, the York County Chapter of the American Red Cross, the Historical Society of York County, the York Symphony, the Farm and Natural lands Trust, the United Way, the Civil Justice Coalition, the Margaret Moul Home, and the International Association of Fire Chief's Foundation, just to name a few.

I have had the pleasure of working closely with Arthur on a program which he started several years ago called Project Connections. This initiative involves linking middle-school-aged students with local businesses through mentoring partnerships. Project Connections has provided long-term results, which I have witnessed firsthand, by providing the skills which are so vital to the future job market and exposing young people to various career experiences and learning opportunities they may have never had.

Two very important components of winning the war against drugs are providing ample opportunity to young people so they never have the desire to use drugs and helping those who are addicted find a positive substitute for their destructive behavior. The partnership that Stepping Stone Counseling and Education Services, Inc., has formed with local schools and businesses through their new TREND program [Turning Recreational Excitement in New Directions] addresses those components.

I commend the excellent work of Stepping Stone and applaud their efforts aimed at protecting and freeing York Countians from substance abuse and addiction.

Mr. Speaker, I wholeheartedly congratulate Arthur J. Glatfelter on this well-deserved award. A.J. (Bud) is the greatest anyone could ever have.

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## TRIBUTE TO HAMPTON BAYS VOLUNTEER FIREFIGHTER THOMAS E. WILSON

### HON. MICHAEL P. FORBES

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 2, 1997*

Mr. FORBES. Mr. Speaker, I rise today in this venerable Chamber to ask my colleagues in the U.S. House of Representatives to join me in paying tribute to Thomas E. Wilson, a volunteer fireman who has devoted 50 years of exemplary service to protecting the lives and property of his family, friends, and neighbors in Hampton Bays, Long Island.

On Saturday, October 4, 1997, Thomas Wilson will be honored by the commissioners, chiefs, officers, and fellow firefighters for his 50 faithful years of service to the Hampton Bays Fire Department. Since 1947, whenever fire or other peril threatened the Hampton Bays community, Thomas answered the call, whether it came in the dead of night, on a blustery winter day, or in the wilting heat of summer. Time and again, Thomas joined his comrades as they hastened to the scene, placing themselves in harm's way to aid another human being in danger, regardless of whether it be a friend, neighbor, or stranger.

While the Hampton Bays Fire Department has been truly blessed with many dedicated volunteers, Thomas Wilson has demonstrated an exceptional level of commitment to his community. In his 50 years as a Hampton Bays Firefighter, Thomas has earned the trust and respect of his peers, who have chosen him for numerous leadership positions, including lieutenant and captain.

The residents of Hampton Bays demonstrated that same trust and respect for Thomas Wilson. For 20 consecutive years, the voters in Hampton Bays elected Thomas to the position of fire commissioner, where he served from 1957 to 1976. He is still active today, answering the emergency siren when duty calls and serving as the unofficial historian of the Hampton Bays Fire Department.

Demonstrating that true heroes are created over a lifetime of selfless acts and service to their God, family, and country, Thomas Wilson is the perfect role model for every volunteer firefighter who will come after him. So I ask my colleagues in this esteemed House to join me in congratulating Thomas for 50 years of service to the Hampton Bays Fire Department.

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## TRIBUTE TO HAROLD EDWARD DALE

### HON. GEORGE P. RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 2, 1997*

Mr. RADANOVICH. Mr. Speaker, I rise today to pay tribute to Harold Edward Dale, a man who dedicated his life to flight and the building of aircraft. Mr. Dale built his first airplane, the Heath Parasol, at the young age of 16. During World War II, Harold designed fighter aircraft and was considered to be a valuable asset to the military. He served as project engineer for America's first jet powered bomber, the B–45 Tornado, and was also the project engineer for both the F–100 Super Sabre and the Mach–3 + F–108 Rapier fighter planes.

Harold assisted in the design of the first corporate jet, the Saberliner, as well as the first personal jet aircraft, the Weejet. The Saturn rocket sent Americans to the moon, and Harold served as program manager in the second stage of this endeavor. After retirement, he stayed active as a designated engineering representative for the Federal Aviation Administration. He additionally assisted in the development of the global positioning system used on Air Force One.

Harold was a devoted husband, father and grandfather who served his family, his community, and his Nation. May his memory as one of the great pioneering military jet aircraft designers be honored and blessed.

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## IN HONOR OF POLICE CAPT. DALE E. AMARAL AND HIS 31 YEARS OF SERVICE TO THE RESIDENTS OF NEWARK, CA

### HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 2, 1997*

Mr. STARK. Mr. Speaker, I would like to take this opportunity to honor and congratulate Capt. Dale E. Amaral, a dedicated member of the Newark Police Department. After 31 years of outstanding service, Captain Amaral will be retiring from the force.

Dale Amaral joined the Newark Police Department on February 20, 1966, and has since served in numerous capacities. He began his career as a police officer, serving as patrol officer, narcotics detective, and robbery/homicide detective. He was promoted to detective sergeant in 1981. After a stint as detective sergeant, Dale worked as a patrol sergeant. He was promoted to the rank of lieutenant in 1986, and served as commander of the investigation division and then commander of the records division. In 1992, Dale was promoted to captain. In 1994, Captain Amaral returned to the patrol division as commander of the investigations division.

Captain Amaral was selected as Newark's Officer of the Year in 1971 while assigned as narcotics detective. He was selected as Officer of the Year a second time in 1981 while working as a robbery/homicide detective.

Captain Amaral taught several courses in administration of justice at the community college level, and is a charter member of the Newark Optimist Club. His hobbies include travel, real estate, reading, and learning about space exploration.

Dale so loves law enforcement that he will begin a second career as a deputy sheriff with the Alameda County Sheriff's Department shortly after his retirement from the Newark Police Department. He will be sorely missed by his fellow officers, city employees, and most of all, the citizens of the city of Newark.

The city will be honoring Dale at a retirement dinner on October 3, 1997. I would like to join them in commendation of his hard work and dedication. I wish him much happiness and success in his future endeavors.

## PERSONAL EXPLANATION

### HON. PETER DEUTSCH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 2, 1997*

Mr. DEUTSCH. Mr. Speaker, I was unavoidably absent from the Chamber on rollcall votes Nos. 484 through 489. Had I been present, I would have voted "aye" on rollcall vote 484, "aye" on rollcall vote 485, "aye" on rollcall vote 486, "no" on rollcall vote 487, "aye" on rollcall vote 488, and "no" on rollcall vote 489.

## A TRIBUTE TO DAVID N. PINCUS

### HON. THOMAS M. FOGLIETTA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 2, 1997*

Mr. FOGLIETTA. Mr. Speaker, I rise today to pay tribute to David N. Pincus, a Philadelphian whose generosity and spirit of caring is recognized around the world.

David Pincus was born in Philadelphia in 1926. After graduating from Philadelphia's Central High School, David served in the Navy and upon his return, finished up his degree at Pennsylvania State University in 1948. Later that year, David went to work at Filene's in Boston where he learned the ropes of the retail clothing business. In 1950, he returned to Philadelphia and began working in the family-owned Pincus Brothers apparel manufacturing company, which had been founded by this father, Nathan, and four of David's uncles back in 1910.

Back in Philadelphia, Pincus settled in an apartment downtown and began volunteering two or three nights a week at Children's Hospital. It was there that he first saw children suffering. It was an experience that had a profound effect on him, and one which would eventually lead him to pursue a program of philanthropy and personal intervention on behalf of suffering children world-wide.

Since taking over as CEO of the family clothing business, David Pincus has kept the company profitable in a time when clothing manufacturing in Philadelphia has been in decline. But apart from being a successful businessman, David Pincus has distinguished himself as an exceptional humanitatian. Several times a year, Pincus, as a member of the CARE board of overseers and a board member of the International Red Cross, puts his business in capable hands and flies off to some of the world's most troubled areas to provide aid to children who are the innocent victims of war, famine, and staggering poverty. Since the 1980's he has visited children in Bangladesh, Bosnia, Croatia, Haiti, Rwanda, Romania, Ethiopia, and the Sudan, among others. On his birthdays, he has made a tradition of taking gifts to less fortunate children.

David Pincus commits these acts of generosity and caring not out of a desire for recognition, but because of a strong sense of moral responsibility and because it makes him feel good knowing that he can help ease the suffering of those less fortunate than himself.

Mr. Speaker, in recognition of his contributions to the city of Philadelphia and his commitment to making the world a better place for children, I ask that my colleagues join me today in honoring Mr. David N. Pincus.

## IN HONOR OF RABBI MILTON H. POLIN

### HON. CHARLES E. SCHUMER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 2, 1997*

Mr. SCHUMER. Mr. Speaker, Rabbi Milton H. Polin, spiritual leader of Brooklyn's prestigious Kingsway Jewish Center since 1974 and past president of the Rabbinical Council of America is one of the foremost rabbinic personalities in the United States.

At his ordination 43 years ago, his teachers characterized him as "a gifted young scholar who will inspire a profound reverence for Torah Judaism." More recently he was paid tribute by the U.S. House of Representatives for being "a man highly esteemed and respected by Jews and Christians whose lives have been touched by numerous good works and kind deeds of this outstanding spiritual and civic leader."

His rabbinic leadership has transformed his congregation into a pulsating center of Torah learning and communal activity for hundreds of young, highly educated, religiously observant families. He personally teaches a variety of classes for men and women of all ages and backgrounds at his synagogue. In addition, the Greater New York UJA-Federation recently recognized his congregation's outstanding outreach program for new American families and awarded it a significant Continuity Commission grant.

During his presidency of the Rabbinical Council of America, the largest and most influential Orthodox rabbinical body in the world, he participated actively in the Conference of Presidents of Major American Jewish Organizations and continues to maintain regular contact with the chief rabbis and government leaders in Israel.

Active in the larger community in many capacities, Rabbi Polin was recently invited to join the Orthodox Caucus, the foremost Orthodox think tank in North America, and the board of directors of the Beth Din of America.

A lifelong religious zionist, Rabbi Polin is a national vice president of the Religious Zionists of America after previously serving as president of that organization's Greater New York Council. He is a member of the Rabbinic Advisory Council of the Jewish National Fund.

In the several communities he has served, Rabbi Polin has at various times built a Mikvah, an Eruv, and two synagogues. His interest in Kashruth and responsibility for communal supervision long predated his chairmanship of the Rabbinic Kashruth Commission, the halakhic authority for the Union of Orthodox Jewish Congregations of America Kashruth Division. He currently serves as chairman of the Kashruth Committee of the Vaad Harabbanim of Flatbush.

Rabbi Polin is a trustee of the international Memorial Foundation for Jewish Culture. He was recently reelected vice president of the Coordinating Council on Bikur Cholim of Greater New York. Previously he has served as chaplin of the Kings County Council of the Jewish War Veterans and as a member of both the rabbinic advisory and the executive councils of the Commission on Synagogue Relations, which are agencies of the UJA-Federation of the Jewish Philanthropies of New York. He chaired the Committee on the Public Information and Education of the Task Force on Missionary Activities of the Jewish Community Relations of New York.

In his local community, Rabbi Polin has served two terms as president of the 90-member Vaad Harabbanim of Flatbush and chaired its Jubilee Anniversary celebration. He participated actively on the Board of Education of the Yeshivah of Flatbush for many years.

With his wife Shainees, he was sent to the former Soviet Union more than two decades ago when Jews were not allowed to leave. They have shared their experiences, insights, and concerns for Soviet Jews in several forums. It was this experience that sensitized them to the special needs of today's new American families.

An eloquent speaker and acclaimed scholar, Rabbi Polin's sermons have appeared annually in the Rabbinical Council of America Sermon Anthology. Yeshiva University President Dr. Norman Lamm characterized his sermons as enlightening and creative. His scholarly articles have been published in such journals as "Judaism," "Tradition," and "The Hebrew Theological College Journal." Several of his halakhic studies on Maimonides' Code has been published in Hadarom.

Born in Chicago, IL, Rabbi Polin studied at the Hebrew Theological College—Beth Midrash L'Torah—in his native city from which he received his semikhaha and bachelor of Hebrew literature degree cum laude. At his ordination he was awarded a prize for his Hebrew essay "Rabbi Joseph Albo and the Debate at Tortosa, 1413–14." He also holds a master of arts degree in education from the University of Chicago.

Rabbi Polin is listed in "Who's Who in World Jewry," "Who's Who in Israel," and "Jewish Personalities All Over the World," and "Who's Who in Religion."

He is married to the former Shainee Sachs. They have 5 children, all married, and 18 grandchildren. Three of their children live in Israel, and 13 of their grandchildren are Sabras.

He never fails to leave me inspired by his words and honored by his presence. After 43 years of outstanding congregational and communal leadership throughout the country, he retires from his dedicated and faithful service. Rabbi Polin leaves behind a legacy that has touched us all in so many ways and at so many levels. Thank you, Rabbi, for being such an inspiration.

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## TRIBUTE TO THE MEMBERS FIRST FEDERAL CREDIT UNION

### HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 2, 1997*

Mr. GOODLING. Mr. Speaker, I rise to congratulate the staff and management of the Members First Federal Credit Union on the opening of their new operations center in Mechanicsburg, PA. This new center is located in Pennsylvania's 19th Congressional district which I represent.

Founded in 1950 by employees of the U.S. Naval Supply Depot in Mechanicsburg, Members First provided basic account services to a handful of members. Since then, the credit union has expanded its capabilities to keep pace with the ever changing needs of its members. Throughout its history, Members First has pooled resources to benefit its members—loan by loan, deposit by deposit, sharing a special relationship with each and ever member.

Today, Members First is a full service financial cooperative meeting the needs of more than 78,000 members and offering an array of products and services. The credit union takes great pride in staff, members, and all they have achieved together as they mark another milestone in their history with the mission of "improving economic well being and quality of life of all members."

The new center will offer the latest in financial services technology and house the administrative and support functions of the credit union. The new operations center is not just a building, but a symbol of the pride in the organization and growth of their membership. It is a foundation for the future as Members First strives to meet members' needs in the years ahead by enhancing quality and service to its members.

Again Mr. Speaker, I am pleased to recognize the efforts of the staff and management of the Members First Federal Credit Union on this momentous occasion.

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## A TRIBUTE TO HAMPTON BAYS VOLUNTEER FIREFIGHTER JOHN C. WOURGOLA

### HON. MICHAEL P. FORBES

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 2, 1997*

Mr. FORBES. Mr. Speaker, I rise today in this venerable Chamber to ask my colleagues in the U.S. House of Representatives to join me in paying tribute to John C. Wourgola, who has devoted 50 years of his life to protecting the lives and property of his family, friends, and neighbors as a volunteer firemen in Hampton Bays, Long Island.

This Saturday, October 4, 1997, John Wourgola will be honored by the commissioners, chiefs, officers, and firefighters of the Hampton Bays Fire Department for his half-century of exemplary service. Since 1946, whenever fire or other peril threatened a member of the Hampton Bays community, John was there to answer the call, whether it came in the dead of night, on blustery days or in the stifling heat of summer. Concerned only with assisting a neighbor or stranger in need, John learned to confront the grave danger he and the other firefighters faced with a caution respect, confident he could trust in this training, his skill, and the abilities of his fellow firefighters.

While the Hampton Bays Fire Department has been truly blessed with many dedicated volunteers, John Wourgola has demonstrated an exceptional level of commitment to his community. In his 50 years as a Hampton Bays firefighter, John has earned the trust and respect of his peers, who have chosen him for numerous leadership positions, including lieutenant and captain. John Wourgola remains an active and vital member of the Hampton Bays Fire Department, answering the call to duty with the same dedication and focus that he brought to volunteer service 50 years ago.

Demonstrating that true heroes are created over a lifetime of selfless acts and service to their God, family, and country, John Wourgola is the perfect model for every volunteer firefighter who will come after him. So I ask my colleagues in this esteemed House to join me in congratulating John for 50 years of service to the Hampton Bays Fire Department.

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## CONGRATULATIONS TO JIM PARDINI

### HON. GEORGE P. RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 2, 1997*

Mr. RADANOVICH. Mr. Speaker, I rise today to congratulate Jim Pardini for being selected 1997 Fresno County Harvest of Hope Humanitarian of the Year by the Muscular Dystrophy Association. Mr. Pardini exemplifies genuine dedication and service to the community of Fresno, CA.

Jim Pardini is a second generation restauranteur who has worked and managed his family business since 1968. After considerable success in the seventies, Pardini established a catering division in 1981. Padini Catering soon became one of the largest off-premise catering firms in California. To diversify his services, Pardini opened Pardini's Grill, Lounge and Banquet Room in 1994. This move positioned the Pardini franchise as the premier food service company in California's San Joaquin Valley, capable of accommodating everything from business lunches to weddings.

Currently, Jim Pardini is president and CEO of Pardini's Inc., parent company of all Pardini food service operations. He is also the owner of several Tony Roma restaurants throughout California.

Pardini's accomplishments are not limited to business ventures as he is sincerely committed to the well-being of Fresno, CA. Specifically, Jim Pardini is on the board of directors for Fresno's City and County Convention and Visitors Bureau. This organization advertises the benefits of the city to conferences and tourists. Similarly, Pardini is a board of director for the Saint Agnes Medical Center Foundation. This foundation secures funding for one of the Nation's top 100 hospitals. Finally, he is the former president of the California Restaurant Association, the former president of the Fresno Chamber of Commerce and is a supporter of Fresno's Big Brothers and Big Sisters.

Mr. Speaker, it is with great honor that I congratulate Jim Pardini, the 1997 Fresno County Harvest of Hope Humanitarian Award recipient. I ask my colleagues to join me in wishing Jim Pardini every success on his future endeavors.

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## THE MEDICARE AND MEDICAID PROVIDER REVIEW ACT OF 1997: IT'S ABOUT TIME

### HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 2, 1997*

Mr. STARK. Mr. Speaker, I rise today to talk about the hot new job in health care: compliance. I refer my colleagues to a September 18 Wall Street Journal article which describes how hospitals and other providers are hiring and promoting professionals to ensure their compliance with laws and regulations. It's about time; $23 billion per year in Medicare fraud, waste, and abuse reported by the HHS inspector general is proof positive that we need to take compliance more seriously.

Together with Mr. DELLUMS and Mr. MILLER of California, I have introduced legislation that would require certain health care providers to fund independent, Federal compliance and financial audits as a condition of participation in the Medicare and Medicaid programs. If providers are willing to foot the bill to fly-in compliance consultants from high profile firms like Coopers & Lybrand, they can surely afford Government audits. The last thing we need is for providers to only retain private sector professionals who can show them how to be sneakier. We've already given the health care industry the benefit of the doubt far too long.

The administration also recognizes that audits are needed to ensure financial and regulatory compliance. Health and Human Services [HHS] Secretary Donna Shalala recently announced that home health agencies will have to submit an independent audit of their records and practices every 3 years to receive Medicare funds. In addition, HHS will double the number of home health agency audits it conducts from 900 to 1,800 per year.

While home health agencies may be the system's most blatant abusers, they are by no means the only ones worthy of our best efforts to fight fraud. My bill would require audits of hospitals, nursing facilities, hospices, clinical laboratories, and ambulance companies in addition to home health agencies. Yet HHS doesn't have the funding to audit all categories of providers that have abusive track records. Even if it did, taxpayers shouldn't have to foot the bill. The sum of $23 billion says it's time to make Federal audits a cost of doing business with the Nation's largest health care payer, the Federal Government.

[From the Wall Street Journal, Sept. 18, 1997]

### HOT NEW JOB IN HEALTH CARE: IN-HOUSE COP

(By George Anders)

The hottest new job category in health care doesn't require a medical license or a nursing degree. It's compliance officer, a job borrowed from the defense industry and other businesses under fire from regulators.

Now hospitals and medical schools across the country are rushing to hire their own in-house cops, hoping they'll keep them from running afoul of the government's widening crackdown on health-care fraud—or help minimize penalties when infractions are found.

Consultants estimate that only 5% of the nation's 5,400 hospitals and medical schools have comprehensive compliance departments now. But they suggest the total could double in the next year.

Securities firms in the late 1960s shored up their compliance departments in hopes of averting insider-trading scandals. Defense contractors, thrift institutions and companies worried about pollution regulations have all taken similar steps in the face of greater government scrutiny.

The health-care compliance movement got a boost Monday when President Clinton announced wide-ranging initiatives to combat fraud in home health care. Many hospitals operate home-health units that have been financially lucrative.

Before the President's speech, hospitals had already been galvanized by the government's massive investigation of Columbia/HCFA Healthcare Corp. This year, in which federal agents with search warrants have swooped into dozens of Columbia-owned hospitals. People familiar with the investigation say the government is looking into a wide range of potential billing abuses. Columbia has said it isn't aware of any systemic wrongdoing.

"I've gotten a lot more respect since the Columbia situation hit the media," says Elizabeth Ryan, a compliance consultant who until recently was head of compliance at Valley Baptist Medical Center in Harlington, Texas. "A year or two ago, when I called on people within the hospital, they said: 'What's this all about?' But once they've seen pictures of FBI agents carting away boxes of documents at Columbia, their attitude is: 'Fine. No problem. Come talk to us about whatever you want.' "

In Nashville, Tenn., Columbia itself wants to expand its roster of top executives to include a senior vice president, compliance. Until recently, a mid-level aide to the general counsel was in charge of Columbia's compliance program.

But as Columbia spokesman Jeff Prescott puts it: "Compliance issues are, and will continue to be, very important for our company." The best way to underscore that message to employees, he says, is to make compliance a much more prominent part of Columbia's management structure.

It's unclear how much whistle-blowing the hospital industry really wants from its compliance chiefs. After all, ultra-strict compliance programs can mean higher costs and irritating bureaucracy. Some plump revenue sources could wither away, too, if compliance officers declare them to be off-limits.

But most federal fraud-fighters welcome the effort. "What we're talking about is ensuring that organizations bill appropriately, that they train their staff appropriately, and that they follow good business practices," says Eileen Boyd, deputy inspector general at the Department of Health and Human Services.

When problems do exist, federal sentencing guidelines treat the existence of a compliance program as a mitigating factor that can reduce civil or criminal penalties. Conversely, hospitals without a compliance program may be told to form one as part of settling a federal fraud investigation. For that reason, Ms. Boyd tells the industry: "You can pay for compliance now, or you can pay for it later."

Traditionally, hospitals have counted on low-level internal auditors to catch problems, and report them to senior management. But the new, high-profile compliance chiefs are expected to get involved in potential trouble spots much earlier. They are also expected to flag hospital boards and the government right away if infractions are found.

Paul Flanagan got into compliance work 2½ years ago, after finishing his studies at Creighton Law School in Omaha, Neb. When he asked a local attorney for career tips in health care, the answer amounted to a single word: "Compliance."

He soon because chief compliance officer at Alegent Health in Omaha. Six weeks ago, the 31-year-old Mr. Flanagan jumped to a fast-track job at Coopers & Lybrand, where he will travel around the country, helping as many as 60 hospitals set up compliance departments.

Currently, the HHS inspector general's office and the American Hospital Association are drafting guidelines for a model compliance program for hospitals. Those standards are expected to be issued this fall. They are likely to be welcomed by a hospital industry fearful that the government's anti-fraud campaign could sweep up not just outright rascals but also people who have been trying to obey laws that they don't understand very well.

"The regulations are so complex that organizations can make errors just because of the complexity," says Sister Pat Eck, chairperson of the Bon Secours Health System Inc. chain of Hospitals and nursing homes in Marriottsville, Md.

Sister Pat says that Bon Secours has traditionally relied on its internal audit department to catch problems, adding that she is "comfortable" with its work to date. But she says her board is encouraging her to consider creating a more formal compliance department, something that could happen as soon as next year.

While the most dramatic part of compliance programs may be the detection of wrongdoing, their most important function may be training employees how to follow the rules in the first place, says Ms. Boyd, the deputy inspector general at HHS.

"I'm a big believer in hands-on training, where people have a chance to ask questions and get tested on what they were supposed to learn," she says. "Putting a manual on a shelf—or herding people into an auditorium to watch a video—doesn't do it for me. If the health-care industry is foolish enough to put in compliance programs that aren't viable, they're making a serious mistake."

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## TRIBUTE TO DR. JASON HU, REPRESENTATIVE OF THE REPUBLIC OF CHINA ON TAIWAN

### HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 2, 1997*

Mr. LANTOS. Mr. Speaker, I rise today to pay tribute to Dr. Jason Chih-chiang Hu, the distinguished representative of the Taipei Economic and Cultural Representative Office in the United States. As my colleagues know, Ambassador Hu has served as the chief representative of the Republic of China on Taiwan here in the United States for the past 15 months.

During that time, the friendship between our two countries has benefitted greatly from Jason Hu's outstanding efforts. Although Jason will be leaving Washington, DC, we are fortunate that he will continue to work for better relations between the United States and Taiwan. He will return to Taipei within the next few weeks to assume the critically important position of foreign minister.

Dr. Jason Hu's record of distinguished public service to his nation spans more than a decade. He received his B.L. in diplomacy from the National Chengchi University in Taiwan, and his Ph.D. in International Studies at Oxford University. Jason began his career as a university professor, and he later served as the government's chief spokesman. Since June of 1996 he has been the chief representative to the United States.

We will miss Jason's wisdom and his articulate and informed advocacy for Taiwan. Jason's lovely and charming wife, Shirley, will also be missed. At the same time, Mr. Speaker, this is a wonderful opportunity for Jason and Shirley to serve their country in a new and challenging position.

Mr. Speaker, I invite my colleagues to join me in wishing them bon voyage and great success as they face the new challenges and opportunities that lie ahead.

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## TRIBUTE TO JAMES JOHNSON

### HON. EARL F. HILLIARD

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 2, 1997*

Mr. HILLIARD. Mr. Speaker, I rise today to pay tribute to Mr. James Johnson of Birmingham, AL. Mr. Johnson recently passed away, yet his legacy will remain a shining example to our community for decades to come.

Mr. Johnson was born in Sumpter County, AL, and was educated in the public school system of Alabama. He was a hardworking man who spent decades working in the steel mills of Ensley, AL.

Above all, Mr. Johnson was a brave and courageous man. He was the first black ever elected as a constable, and he served over 20 years.

While James Johnson was confronted with the evils of segregation and legalized Jim Crow laws over 50 years ago, he did something about it. Mr. Johnson stood up and was counted by volunteering to help register black voters throughout Alabama during a period of history when he knew, good and well, that his actions might cost him his life. However, Mr. Johnson was more concerned about righting a wrong and correcting an injustice, than about his personal safety.

I will personally miss Mr. Johnson. He was a great and noble man. My sincere condolences go to his wonderful wife, Mrs. Bernice C. Johnson of Birmingham and all of his children, family, and friends.

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## ST. MICHAEL'S POST 1562, CATHOLIC WAR VETERANS, CELEBRATES 50TH ANNIVERSARY

### HON. JAMES H. MALONEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 2, 1997*

Mr. MALONEY of Connecticut. Mr. Speaker, I want to bring to the attention of the U.S. House of Representatives and the Nation a most important event in my Connecticut district. This weekend, St. Michael's Post 1562 of the Catholic War Veterans, will celebrate its 50th anniversary. The event will be marked with the celebration of a mass and a dinner that evening in Derby, CT.

Post 1562 was officially chartered on December 22, 1947. With 345 members, the post is the largest Catholic war veterans group in the State of Connecticut and the fourth largest in the Nation. In addition to advancing the interests of Catholic war veterans who have courageously served their country, this organization's efforts have served to improve the lives of all residents of the Derby area.

For many years, members of Post 1562 have volunteered their time to patients at the Veterans Administration Hospital in West Haven, CT. Also, the post and its ladies auxiliary combine efforts on a yearly basis to participate in the traditional Cross of Peace Drive at local churches. Furthermore, the post distributes gifts to needy boys and girls at their annual children's Christmas party.

Mr. Speaker, it is extremely heartening to find an organization that makes a critical difference in the lives of so many people. St. Michael's Post 1562 of the Catholic War Veterans of the U.S.A. truly is a model institution. On behalf of the State of Connecticut and our entire Nation, I want to commend the officers and members of Post 1562 for not just their sacrifices to our country in the name of freedom, but also for their invaluable efforts to strengthen the communities of the Derby area.

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## TRIBUTE TO COLONEL JIMMIE D. HOLMANS

### HON. CIRO D. RODRIGUEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 2, 1997*

Mr. RODRIGUEZ. Mr. Speaker, I rise today to honor the dedication, public service, and patriotism of Col. Jimmie D. Holmans. Colonel Holmans, a native Texan, will retire from the U.S. Air Force on October 1, 1997 after more than 29 years of faithful service to our Nation.

Since the beginning of his military career in November 1967, Colonel Holmans has risen through the ranks of the U.S. Air Force, always ready and willing to serve our country in any capacity. Recognizing his potential to serve our great country, the Air Force selected him to attend Officer Training School. He was first assigned as a personnel officer at Reese Air Force Base, TX. Colonel Holmans was then assigned to Korat Royal Thai Air Force Base, Thailand, in 1974, where he worked in direct support of the Cambodian and Saigon evacuations and the recapture of the S.S. Mayguez.

Upon his return from Thailand in 1975, Colonel Holmans was assigned to Hanscom Air Force Base, MA, and was named the Air Force Systems Command's Personnel Officer of the Year for 1976. He returned to Texas with an assignment to the U.S. Air Force Military Personnel Center at Randolph Air Force Base where he was responsible for responding to Presidential, congressional, inspector general, and other high level military inquiries. In 1983, he was reassigned to the 96th Bombardment Wing at Dyess Air Force Base, TX, as the wing transitioned from B–52H to become the first B–1B wing in the Air Force.

After graduating from the Armed Forces Staff College in 1986, Colonel Holmans served as the manpower and personnel staff officer, Plans Branch, North Atlantic Treaty Organization Airborne Early Warning Force Command, Supreme Headquarters Allied Powers Europe, Mons, Belgium. In 1987, he was selected to be the commander, Detachment 1, 1141st United States Air Force Special Activities Squadron at Supreme Headquarters Allied Powers Europe. During this assignment, he served as the senior personnel advisor to the Chief of Staff, Supreme Headquarters Allied Powers Europe, and was additionally responsible for all administrative support to the U.S. Air Force personnel stationed at Headquarters North Atlantic Treaty Organization in Brussels, Supreme Headquarters Allied Powers Europe, and throughout the BENELUX region of Europe. He was reassigned to Headquarters United States Air Forces in Europe, Ramstein Air Base, Germany, as director, Senior Office Management in 1989. During this tour, he was awarded the United States Air Forces in Europe Senior Personnel Manager of the Year for 1991.

In 1992, he returned to the United States to attend Air War College, and upon graduation in July 1993, he was reassigned to Headquarters Air Force Intelligence Command, Kelly Air Force Base, TX, serving as chief, Personnel Programs and Systems Management Division and chief, Senior Officer Management. In November 1993, he served as chief, Assignments and Plans Division, Directorate of Personnel, Air Intelligence Agency at Kelly.

For the past 18 months, Colonel Holmans has held the position of chief, Assignments Division, Air Force Colonel Matters Office, where he has been directly responsible for assignments and professional development of over 4,500 Air Force colonels and colonel-selects.

Colonel Holmans has earned the Legion of Merit, Defense Meritorious Service Medal, Meritorious Service Medal with four oak leaf clusters, and Air Forces Commendation Medal with two oak leaf clusters.

Our Nation, the Department of Defense, the U.S. Air Force, and his family can truly be proud of the colonel's many successes. He is a man of extraordinary talent and integrity, and we owe him a debt of gratitude for his many years of dedicated service to this country. And, let us not forget the contributions and sacrifices made by Colonel Holmans' family, his wife Myra, and his daughter Melissa. On behalf of the citizens of the 28th District of Texas, we wish Col. Jimmie D. Holmans all the best in his future endeavors.

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## HONORING THE SERVICE OF A. KENDALL RAINE, JR.

### HON. JAMES E. ROGAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 2, 1997*

Mr. ROGAN. Mr. Speaker, I rise today to pay tribute to a dear friend who has spent his career serving his family, his community, and his country.

Now more than ever, our Nation looks to its finest citizens for examples of how to live and how to succeed. From his earliest days, Kendall Raine strove to gain a sound education, give more than he took, and dedicate his life to improving the circumstances of others.

As a young man, Kendall learned the importance of a good education. After graduating from Yale, he carried his experience and his insight to the U.S. Army, where he served with the Counter Intelligence Corps during the height of the cold war.

Following his military service, Kendall immersed himself in the world of investment banking as our Nation solidified its position of world leadership in finance. Kendall's experience eventually led him to J.P. Morgan, where he served for nearly 30 years. His expertise with foreign markets and the world's changing economy was frequently called upon by members of the board of directors of one of the Nation's top investment houses.

Kendall has always been a man with a sense of community and a dedication to his family and friends. After nearly three decades of service with Morgan, his focus shifted closer to home. For over 15 years, Kendall served East-West Bank as a counselor, consultant, trusted advisor, and respected member of the board of directors.

Beyond his success in the private sector, Kendall has proven himself to be a man of integrity, grit and determination. Throughout his career—often traveling far from family and home—he has never lost sight of what truly matters.

Mr. Speaker, America is a nation founded on the principles of the free market, dedication to liberty and pursuit of what is right. Kendall Raine has personified these characteristics and instilled these qualities in his friends, family and peers. For his work, for his dedication and for his friendship, I am pleased to pay tribute to A. Kendall Raine, Jr.

## HONORING THE EXEMPLARY CITIZENRY OF JIMMY TOUSSAINT AND ELI BINDER

### HON. CARRIE P. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 2, 1997*

Mrs. MEEK of Florida. Mr. Speaker, I rise today to bring to the attention of my colleagues the outstanding example of honesty and civic responsibility demonstrated by two young men from my district, Jimmy Toussaint and Eli Binder.

Recently, while walking through their neighborhood, Jimmy, who is 11 years old, and Eli, who is 12, noticed that a neighbor, having left in a rush, neglected to close and lock the front door to his home.

They could have kept on walking, but they felt a responsibility to the welfare of their neighbor. After knocking but receiving no response, Jimmy and Eli sought out the assistance of an adult Citizens on Patrol volunteer and informed him that the homeowner had neglected to secure his home. The volunteer locked the door and notified the grateful homeowner, Mr. Bruce Hamerstrom.

These young people have demonstrated an important part of what makes a community: neighbors looking after neighbors. I congratulate Jimmy and Eli for their good sense and judgment, and I know that their parents must be proud of them, as are we all.

## TRIBUTE TO THEODORE S. WEISS

### HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 2, 1997*

Mrs. MALONEY of New York. Mr. Speaker, I rise today to honor the memory of Theodore S. Weiss, who represented New York in the House of Representatives from 1977 until his death in 1992. Earlier this week, a Federal courthouse in New York City was designated the "Ted Weiss United States Courthouse" in his memory.

With Ted Weiss' death in 1992, New York's 17th Congressional District lost a well-loved and highly popular political leader. This district, one of the most liberal in the country, found a voice in Ted. He consistently championed the interests of the poor and the powerless, and supported civil and human rights both locally and internationally.

Born in 1927 in Hungary, Ted escaped Europe one step ahead of the Nazis in 1938, which might explain his life-long opposition to oppressive dictatorships abroad. He criticized the invasion of Granada, lauded the defeat of Pinochet in Chile, and backed sanctions against China, El Salvador, and other countries that perpetrate human rights abuses. When he served on the House Foreign Affairs Committee, he made humanitarian aid a special concern, proposing additional food assistance to drought-stricken Africa. A long-time advocate for peace, Ted consistently voted against funding for military projects and supported a nuclear weapons freeze.

Ted was also an active advocate for the rights of his own constituency. He was a leader for gay and lesbian rights; he sought aid for the mentally ill and homeless; and he fought for reparations for Holocaust victims and Vietnam veterans who were exposed to agent orange. For much of his career, Ted served on the House Education and Labor Committee, where he fought cutbacks in social programs.

Ted was well-known for his concern for the health and safety of his constituents. He pressed the Food and Drug Administration to rigorously guard against dangerous drugs and food additives on the market. He also advocated increased funding for AIDS research and urged the NIH to conduct further experiments in drug treatment.

Ted Weiss demonstrated true dedication and commitment to human and civil rights. It is only fitting that the "Ted Weiss United States Courthouse" be named in his honor, a testament to his efforts on behalf of equity and justice. I respectfully urge my colleagues to take a moment today to remember Ted Weiss, a man who made innumerable contributions to his own district, as well as to the world at large.

## REPUBLIC OF CHINA CELEBRATES NATIONAL DAY

### HON. ROBERT A. UNDERWOOD

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 2, 1997*

Mr. UNDERWOOD. Mr. Speaker, I extend my best wishes to Taiwan as it prepares to celebrate its 86th anniversary of the founding of the Republic of China on October 10, 1997. President Lee Teng Hui and Vice President Lien Chan are to be commended for their leadership. In recent months, both guided Taiwan through many challenges and maintained prosperity and democracy for the 21 million residents on the island.

I also congratulate Representative Jason Hu, Taiwan's top diplomat in Washington. He will return to Taipei and take on the post as the new foreign minister. Mr. Hu's promotion is a clear indication of Taiwan's confidence in his abilities to serve his fellow citizens.

Good luck to both Taiwan and Mr. Jason Hu.

# SENATE—*Friday, October 3, 1997*

The Senate met at 10 a.m., and was called to order by the President pro tempore [Mr. THURMOND].

### PRAYER

The guest Chaplain, Bishop Phillip H. Porter, of All Nation Pentecostal Center Church of God in Christ, Aurora, CO, offered the following prayer:

Lord God of all grace, mercy, and providence, lest we fail of the privilege, responsibility, and favor You have bestowed upon us, we beseech You early. You who are before all things also know the call and cause of this day, its duties, and deliberations. We therefore present ourselves before Your throne that You may so anoint us, that we servants of the power granted only by You may be filled with Your spirit, even to the overflowing for the good of Your people, our fellow citizens.

Out of Your wholeness our Father, I ask that same attention for the soul, body, and spirit of these men and women of this great Senate. Our wholeness emanates from You. For their spouses, children, grandchildren, and constituents, we extend these blessings.

And because of the extraordinary gathering of holy men who will be here present, this Saturday coming, by the divine hand of Your dear Son and according to Proverbs 11:11, "By the blessings of the upright the city is exalted," we cast the enemy from the mind and yield to Your holy spirit's presence and power. Be glorified in us, O God, our Father.

### RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able acting majority leader is recognized.

### GUEST CHAPLAIN BISHOP PHILLIP H. PORTER

Mr. ALLARD. First of all, Mr. President, I want to thank the guest Chaplain this morning for being with us here in the U.S. Senate and leading off the session in prayer.

It is a particular honor for me to be here since I am from the State of Colorado and he is also from the State of Colorado. It is a good thing he is here. It is a good thing that he is chairman of the board of Promise Keepers. It is a good thing he is becoming a leader in this country in talking about those things that are so very important, I think, to this country. It is a good thing he is talking about civility. It is a good thing he is talking about kindness. It is a good thing that he is talking about the integrity and how important integrity is to this country. It is a good thing that he is talking about the freedoms and what this country is all about. I particularly feel it is a good thing he is putting out so much effort to reconcile men through discipleship in the Lord.

I just wanted to take a few moments this morning to recognize him for his effort on behalf of all of us. I just want to wish the very best this week with Promise Keepers.

### SCHEDULE

Mr. ALLARD. Mr. President, today the Senate will be in a period of morning business. Therefore, no rollcall votes will occur during today's session.

As previously announced, there will be no rollcall votes on Monday. It is expected that the Senate will resume consideration of Senate bill 25, the campaign finance reform bill on Monday. In addition, the Senate will resume consideration of the D.C. appropriations bill early next week. It is hoped we can complete work on that legislation and any appropriations conference reports as they become available.

Subsequently, Members' cooperation in the scheduling of floor action next week will be greatly appreciated. Senators are reminded that the next possibility of a rollcall vote will be on Tuesday morning.

I yield the floor.

The PRESIDENT pro tempore. The able Senator from Nebraska.

Mr. HAGEL. I ask unanimous consent I be permitted to speak for up to 30 minutes in morning business.

The PRESIDING OFFICER (Mr. ALLARD). Without objection, it is so ordered.

### BISHOP PHILLIP H. PORTER

Mr. HAGEL. Mr. President, I, too, want to add a welcome for the distinguished bishop from Colorado. My friend and colleague, Senator ALLARD, said it very well; we are much enriched because of the bishop's leadership and his presence this morning.

I note, however, he did not offer a prayer for the Colorado Buffaloes in their anticipated contest with the Nebraska Corn Huskers. That prayer may come later.

### GLOBAL WARMING

Mr. HAGEL. On just as important business, Mr. President, I will address this morning the issue of global warming.

Let me first say that the more attention the media and the American people pay to this issue, the better. For the global climate issue will have a major impact on the future of our country, our people, and, indeed, the entire world. How the nations of the world address the global climate issue will be one of the most important global economic and environmental decisions of the next century.

There are differing opinions on the conclusiveness of global warming and how we should address it. But this is not a debate nor has it ever been a debate about who is for or against the environment. I have yet to meet any American who wants dirty air, dirty water, dirty environment or declining standards of living for their children or grandchildren. We all agree on the need for a clean environment. We all want to leave our children a better, cleaner, more prosperous world. So the debate is not about those for or against a clean environment.

As my colleagues, the media and many people in America know, the nations of the world are currently negotiating a treaty to limit worldwide emissions of greenhouse gasses. This treaty will be presented for signatures this December in Kyoto, Japan. Many of my colleagues and I fear the current treaty negotiations will shackle the United States' economy—meaning fewer jobs, lower economic growth and a lower standard of living for our children and our future generations. This treaty would do so without any meaningful reduction in greenhouse gasses because—because—it leaves out the very nations who will be the world's largest emitters of greenhouse gasses, the more than 130 developing nations including China, India, Mexico, South Korea, and many others.

The U.S. Senate took a very strong and unequivocal stand against this treaty in July when it approved the Byrd-Hagel resolution 95–0. That resolution states that any treaty signed by this administration must come before the Senate for ratification, and the U.S. Senate has stated very clearly that it will not approve a treaty that excludes the developing nations or that would cause serious economic harm to the United States. This body is on record by a vote of 95–0, stating that very clearly.

There is simply no way for the terms of current negotiations of the Global Climate Treaty to satisfy the conditions of the Byrd-Hagel resolution. In fact, I was very disturbed, Mr. President, to learn this week when the administration's chief negotiator on this treaty, Under Secretary of State Tim Wirth, briefed the Senate's global climate change observer group that he said it was very unlikely that the developing nations will be included in any treaty to be signed in Kyoto, Japan, this December. The exemption of these nations would surely bring about the treaty's defeat here in the U.S. Senate.

However, this is not preventing the administration from pressing forward with this treaty. Although its final negotiating position has not yet been made public, instead of telling the Senate, the media, the American people, exactly what the administration will be pushing for at Kyoto in respect to exact emission levels and timetables, the White House has unleashed its typical spin campaign.

For example, Secretary of Interior Babbitt has been out all over America on college campuses lecturing our young people about the dire and horrific consequences of global warming, while failing to mention the contradicting science, the very clear contradicting science or the very real economic consequences that would have a very real impact on this country's standard of living—jobs, future.

In fact, I have to say, Mr. President, in almost unparalleled arrogance Mr. Babbitt has gone so far as to say the following about those who dare disagree with him or the administration on the issue of global warming, and who would have the audacity—can you imagine anyone challenging the administration on this issue—to argue against the treaty? I quote from the Secretary of Interior: "* * * what they're doing is un-American in the most basic sense." From the Secretary of Interior.

The Energy Department released a study which they said shows that the United States can achieve these reductions of emissions called for in the Global Climate Treaty without acknowledging that what they really meant to say was we could get one-third of the way to the goals under the most rosy assumptions by completely shutting down a number of American industries such as the coal industry and by increasing energy costs either through taxes or regulation. They have failed to mention that.

The administration claims that the debate over the science is over. The administration said there is no debate, anymore, on the fact that the globe is warming up. While newspapers across America are writing front page-stories on alternative scientific explanations for the Earth's warming, still the administration persists.

I noted that the White House hosted a session this week for weather forecasters from across America to learn more about global warming and to broadcast their weather forecasts from the White House lawn. That is an interesting photo-op, good public relations. This is what one weathercaster had to say: "I was somewhat skeptical that human beings were really doing anything to affect the weather. But hearing the President and the Vice President state emphatically that the scientific debate is over, well, that went a long way toward convincing me."

The scientific debate is over? Oh, no. No, quite the contrary. The scientific debate is still very much ongoing. Perhaps the White House did not read the lengthy September 23 story in the New York Times describing how a number of respected scientists and climatologists from around the world believe that variations in the Earth's temperature are the result of changes in, imagine this, solar activity. The Sun might, in fact, have something to do with global climate changes. Judith Lean of the Naval Research Laboratory here in Washington was quoted as saying, "We figure that half the climate change from 1850 to now can be accounted for by the Sun." Scientists at the Harvard-Smithsonian Center studied records of the past 120 years and determined that the Sun is responsible for up to 71 percent of the Earth's changes in temperature. Imagine that, when they added other factors into their research, that figure rose to 94 percent.

Perhaps the White House didn't see the "NBC Nightly News" in August on a research ship funded by 23 nations that is going thousands of feet below the surface of the ocean and studying the Earth's geological history. So far, these scientists have sampled 87 miles of rock and sediment from all over the world. And according to one of the main scientists on the ship, Prof. Nicholas Christie-Block of Columbia University, they have captured about 10 million years of the Earth's history in a single core sample of mud, sand, and rock. He said, "The information we have to judge the modern climate is incomplete. We don't have that long-term perspective."

Studying these core samples gives the scientists information on when the Earth's oceans rose and fell. They can chart the Earth's ice ages and hot spells. Some of these scientists believe as you look at the history—specifically the history of the climate of the Earth—that we are actually at the warmest point between two ice ages. The weather forecast from that report? "Hot tomorrow, and 50,000 years from now, skiing in Texas and sledding in Florida." I am sorry to say, Mr. President, that prohibits skiing in Colorado.

Perhaps the White House has never heard from Dr. Richard Lindzen, professor of meteorology at the Massachusetts Institute of Technology, who testified before the U.S. Senate Environment and Public Works Committee that, "a decade of focus on global warming and billions of dollars of research funds have still failed to establish that global warming is a significant problem."

Perhaps the White House is unaware of the research by Dr. Patrick Michaels, a distinguished climatologist and professor of environmental science at the University of Virginia. In a Senate hearing, Dr. Michaels noted that conditions in the real world simply have not matched changes projected by some computer models. Most of the warming this century occurred in the first half of the century when there was not a greenhouse gas emissions problem. He further testified that 18 years of satellite data actually show a slight cooling trend. These data are backed up by balloon data.

Even the chairman of the U.S. Intergovernmental Panel on Climate Change, Dr. Bert Bolin, admits the uncertainty. When informed that Undersecretary of State Tim Wirth stated in testimony that the science was settled, Dr. Bolin stated, "I've spoken to [Tim Wirth], and I know he doesn't mean it."

I fear the White House Conference on Global Warming this Monday will be just as one-sided. There will not be an attempt to present the American people with a full discussion of all aspects of the global warming issue. It will be a propaganda tool to spread the truth according to the White House—another photo op—irrespective of legitimate differing views. I fear that it will not be a serious discussion of all sides.

The administration underlined this attitude last week when they refused to send any witnesses at all to the Senate Energy Committee Hearing held by Senator MURKOWSKI. I will be holding a Foreign Relations subcommittee hearing on this issue next Thursday, and I hope the administration has changed its views about sending witnesses to Senate hearings.

The arrogance of the administration on this issue has been unparalleled. It does not serve the American people, nor the world, when the White House only gives them one side of an issue that will directly affect the lives of all our people and their future.

And the White House, Mr. President, is not alone. Yesterday, Ted Turner ordered that all ads opposed to this treaty be pulled from CNN. This is the kind of suppression of speech we usually expect from totalitarian countries. These ads were being run by American business, business organizations, agriculture, consumer groups, and labor unions, which very much oppose the White House approach to global warming and have very legitimate concerns about the impact this treaty would have on them and the American people. Why are they running these ads? Because the White House is only telling one side of the story and because it has been difficult to get the media to cover any alternative points of view. Yet, Ted Turner thinks the treaty is a great idea. He has spoken on it all over the world—the world is coming to an end. So he unilaterally pulls the ads of those who disagree with him and prevents this viewpoint from being aired to the millions of Americans who watch CNN. Mr. President, we have heard an awful lot about free speech this week in the debate on campaign finance reform—the first amendment, the Constitution, expressions of our people, and the very foundation of America is the first amendment. Mr. Turner's action is a prime example of what will happen when you allow free speech to be cut off. This isn't even free; our people are having to buy it.

I am here to talk about the rest of the story—the point of view you won't hear from Mr. Turner or the White House, and you surely won't hear it on Monday—the point of view you won't hear in many media. Mr. Turner's conduct is outrageous, his arrogance and disregard for the American public and their right to express themselves on the public airwaves is truly unparalleled. I intend, Mr. President, to ask for a Senate hearing on this and get an explanation on Mr. Turner's actions.

I note that in this morning's Wall Street Journal, a rather significant editorial was written about Mr. Turner's actions. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD as follows:

### THIS IS CNN?

President Clinton is intent on using television to pitch his support for a United Nations treaty to curb global warming. This week, he invited 100 TV weather forecasters to the White House hoping they'd propagandize local viewers on behalf of his crusade. Meanwhile, it appears that some other backers of the treaty don't want to allow its opponents to contradict them on TV. Take CNN. After running two ads skeptical of the treaty for three weeks, CNN has ordered them off the air. The cable-news network says it doesn't want them running while they do extended coverage of the issue.

The ads are, or were, being run by the Global Climate Information Project, a coalition of business, labor and consumer groups who think the climate treaty would force the U.S. to cut energy use by 20% while countries such as China, India and Mexico are exempt. Project members include groups such as the National Association of Manufacturers that you might expect to oppose the treaty. But it also includes the National Black Chamber of Commerce, the Small Business Survival Committee, the Seniors Coalition and the United Mine Workers and the AFL-CIO.

The Project's ads lay out the case that higher energy costs imposed by the treaty will raise prices for U.S. consumers while citizens of countries "responsible for almost half the world's emissions won't have to cut back." The ads began running on CNN and many radio stations September 10.

Ben Goddard, an executive with the First Tuesday group that prepared the ads, says he got a call from a CNN executive yesterday morning. He was told the ads were being taken off the air. When Mr. Goddard inquired, he was later told that the decision had been made by Tom Johnson, CNN's chairman, and CNN founder Ted Turner, now a vice chairman of the parent company Time-Warner.

To its credit, CNN, unlike other networks, does accept "issue advocacy" ads of this type. But as CNN spokesman Steve Haworth explained, it has a policy of pulling such ads "during periods of intense media coverage of the subject matter." He argues that inattentive viewers might confuse the ads with the news coverage and vice versa. Mr. Haworth says the decision was made after a "coincidental" complaint alleging the ads were inaccurate was filed by the pro-treaty Environmental Information Center. CNN executives didn't rule on the Center's complaint, but decided to pull the ads because CNN's coverage of the treaty was being stepped up. Mr. Haworth says he "doesn't know" if Mr. Turner participated in the decision.

Mr. Haworth could come up with only two other examples when CNN invoked what he admitted was its "subjective" policy. It didn't pull ads at the height of the debates over NAFTA, health care reform and tort reform.

Let's see if we get the logic here: Insofar as CNN decided not to offer live coverage of the Thompson campaign finance hearings, it presumably would accept "issues" ads promoting their importance to the public.

CNN of course has a right to carry or not carry any ads it wishes. But its sudden reversal on the anti-climate treaty ads smacks of, well, an overheated response. Treaty supporters tend to become apoplectic at anyone who dares suggest that the threat of global warming is theory, not established fact. Last July, Interior Secretary Bruce Babbitt lost it when he claimed that "oil companies and the coal companies in the U.S. have joined in a conspiracy to hire pseudo scientists to deny the facts." He went on to say that "what they are doing is un-American in the most basic sense."

By pulling the plug on a responsible point of view in a public debate, CNN is circumscribing give-and-take over an international treaty of direct consequence to every American. Given that media coverage is already tilted toward global warming doomsayers, the public will be less informed as a result. Ted Turner may now have become the world's number one supporter of the United Nations, but when it comes to citizens of the United States he apparently would just as soon they not hear arguments against the U.N.'s pet treaty.

Mr. HAGEL. Mr. President, the fact is this treaty is not based on sound science. The scientific community has not definitively—even close to definitively—concluded that there is global warming caused by human actions. The science is inconclusive and often contradictory. Predictions for the future range from no significant problem to global catastrophe. The testimony of some of our most eminent scientists and climatologists have made this abundantly clear. The global climate is incredibly complex. It is influenced by far more factors than originally thought. The scientific community has simply not yet resolved the question of whether we have a problem with global warming. But the lack of conclusive scientific data is only one of five reasons why the U.N. Global Climate Treaty is such a very, very bad idea.

The other four reasons are these:

The treaty excludes the over 130 developing nations, including the world's biggest emitters of greenhouse gases over the next 15 years. The treaty excludes these people, rendering the treaty's objectives meaningless. It would not accomplish—even if you accepted the science—what it intends to accomplish.

The economic impact would be devastating for the United States. We would see the loss of millions of jobs, entire industries would flee to other countries, our people would face higher fuel costs, higher taxes, leading to lower productivity and a lower standard of living. It is not because I say this. Why, Mr. President, do we have an almost unparalleled development where American business, American industry, American agriculture, and America's labor unions are all united against this? There must be a reason. There is a good reason. The testimony is very clear on this.

This also cuts to the heart of our national sovereignty. We don't hear much about our national sovereignty. Is that important to me? Yes, it is. I think it is important to every American. It cuts to the heart of our national sovereignty by setting up an international authority that would subject U.S. businesses and industries to its authority and penalties. Never before in the history of this free Nation has that occurred. This is one U.S. Senator that will not allow it to occur.

And it would have a devastating impact on our national security interests. There is not much talk about that either. One of the biggest users of fossil fuels in America is what? The U.S. military. So are we really talking about subjecting our national security and our national defense to unknown environmental quests? I don't think that is smart. I don't think the American people want this body of policymakers to do that.

Even if the scientists could agree—and they don't—this global climate treaty would do nothing to provide a long-term solution because of the first factor here, excluding the world's largest emitters of greenhouse gases over the next 15 years. They don't have to sign up to any mandatory requirements—mandatory by the force of law, incidentally—that the United States and other developing nations would subject themselves to. Over 130 other nations would not have to do that.

This makes no sense, given that these nations include some of the most rapidly developing economies in the world. What would that do to our competition? How would we be able to compete? By the year 2015, China alone will be the world's largest producer of greenhouse gases. They are held harmless in this treaty. Mr. President, let the record show that in all the negotiating sessions leading up to the Kyoto treaty signing, China has made it very clear that it will never agree to binding limits on its emissions of greenhouse gases.

It is the United States and other developed nations who are already doing the most to reduce greenhouse gas emissions. The United States is far beyond most countries here, and we continue to be. So how could any treaty aimed at reducing global emissions of greenhouse gases be at all effective when it excludes these other nations. The exclusion of these nations is a fatal flaw.

It should be pointed out that these treaty negotiations are being chaired by—and this is a particularly interesting point—a diplomat from one of the developing nations. So we have an individual who is chairing these negotiations, whose country will not be required to adhere to the treaty. Yet, he is directing the United States and other developed nations to abide by mandatory treaties obligations. In fact, four of the five U.N. working groups charged with drafting the language of this treaty are chaired by diplomats from developing countries who would not be included in this treaty. All would be exempt from any binding commitments. That doesn't make sense to me, Mr. President.

Third, this global climate treaty would cause a significant slowdown in the U.S. economy. One of the notable aspects of this issue in the United States is that it has united all the different groups that I mentioned. We have heard testimony from the AFL-CIO, the American Farm Bureau, National Association of Manufacturers, noted economists, and dozens of other organizations that represent the rank and file, the working American men and women in this country. They have all agreed on one thing: This treaty would have a devastating affect on America. I could go on and cite economic models, economic analyses, as to what degree. Would we lose 3 percent, as some forecasts have said, from our annual growth? Would we lose 1.5 or 2 million jobs if this treaty goes into effect?

The Wall Street Journal reported yesterday that the President's own economic advisers are very concerned. The President's own economic advisers are very concerned about the impact this treaty would have on the U.S. economy. It was a large back-page story in yesterday's Wall Street Journal. According to the article, some are concerned that "ambitious targets for reducing carbon emissions * * * could trigger economic upheaval greater than the 1970's oil shocks." Does anybody remember that? I do.

Lawrence Summers, Deputy Secretary of the Treasury stated, "What we have to do, what we are all working to do, is find the best way to meet environmental objectives along with meeting strong economic growth."

These are not the rantings and ravings of big business, or the energy industries, or some bizarre group of people—these are the concerns of the President's own economic advisers.

I have not spoken with any American who would choose to relive the high energy prices and gas lines of the 1970's—all for a treaty which excludes so many nations that it wouldn't work anyway.

The Argonne National Labs study, commissioned by the U.S. Department of Energy, concluded that constraints on six large industries in the United States—pertroleum refining, chemicals, paper products, iron and steel, aluminum, and cement—would result in significant adverse impacts on the affected industries. They furthermore concluded that emissions would not be significantly reduced. The main effect of the assumed policy would be to redistribute output, employment, and emissions from participating to nonparticipating countries.

The fourth troubling aspect of this treaty is one which has received very little discussion, but would have long-range and far-reaching consequences. This treaty has the potential of bringing under direct international control virtually every aspect of our Nation's economy. The power of legally binding emissions mandates in this proposed treaty would control nearly all forms of a country's energy use. This kind of international authority cuts to the very heart of a nation's sovereignty. Do we want U.S. companies answering to an international authority on how much and what kinds of fuel they can use at what cost? Do we ant an international body dictating energy prices in America and enforcing these mandates? I don't think so.

The fifth problem with this treaty is another which has received little discussion. America's military is one of our Nation's largest users of fossil fuels. How would legally binding controls on the emission of greenhouse gases affect our military capabilities, military readiness, flying our planes, driving our tanks, our ships?

This treaty could have a serious impact on the readiness of our Armed Forces, and our ability to defend our national security interests around the world. Sherri Goodman, the Defense Department Undersecretary for Environmental Security has said that the U.N. Global Climate Treaty could have large impacts on our military. Two weeks ago Senator INHOFE and I wrote a letter to Secretary of Defense Cohen asking him for an answer to press reports that the administration was planning to adopt draconian new restrictions on U.S. Government use of fossil fuels and asking for any studies the Defense Department had done to assess the impact of forced reductions in greenhouse gas emissions.

Why are we rushing headlong into signing a treaty in Kyoto this December? The scientific data is inconclusive, at times even contradictory. The treaty excludes the nations who will be the world's largest emitters of greenhouse gases. The economic costs would be devastating. This treaty would be a lead weight on America's economic growth, killing jobs and opportunities for future generations. It would cause U.S. companies to have to answer to an international authority. And this treaty could have dramatic consequences for America's national security interests.

An additional threat to the United States on this issue is coming from the Clinton administration. According to press reports, President Clinton is being pressured by environmental organizations to sign the kind of draconian treaty that would have all of the consequences I've just described. Some administration officials have recommended that the President sign a treaty in Kyoto and then withhold it from the Senate for ratification. In the words of one participant in that meeting, "anything that could get through the Senate next year is probably not worth doing." Last month, Majority Leader TRENT LOTT and I sent a letter to President Clinton warning him that it "would be a grave error to go forward with this kind of strategy and treaty, with the explicit intention of withholding such a treaty from the Senate for domestic political considerations."

Undersecretary of State Tim Wirth testified before my Foreign Relations Subcommittee on June 19, and I specifically asked him for assurances that the administration would submit any agreement reached in Kyoto to the Senate in the form of a treaty. Undersecretary Wirth testified that "it will either be a protocol to a treaty or an amendment to a treaty * * * (that) will have to come back up in front of the United States Senate." I expect President Clinton and the administration to honor the commitment stated publicly by Undersecretary Wirth.

Well, Mr. President, we could go on. It is very clear that we have a real concern, a real problem. Many of us in this body are taking a rather active role in addressing this issue. I would like to end, Mr. President, with this quote. This is a quote from a recent newspaper article from Bryan Tucker of Australia, the past president of the International Association of Meteorology and Atmospheric Science, who makes one of the best arguments for why this track to Kyoto is entirely off base. He writes,

> The impossibility of attaining the 1992 Rio targets was not acknowledged at Berlin, let alone the lunacy of setting still more stringent ones . . . The real trade offs were not mentioned, and many new strains of hypocrisy were in evidence . . . Environmental opportunists, grasping at any information no

matter how selective or exaggerated to foment alarm, appeared completely oblivious to the downstream effects of their extravagant demands.

This says it straight. This says it directly.

I know that in this body the American people will hear more about this issue, as they should, and I am grateful for an opportunity this morning to talk a little bit about a very, very important issue. I yield the floor.

Mr. COVERDELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. COVERDELL. Mr. President, parliamentary inquiry: It is my understanding that the next hour is under my control or a designee of my selection.

The PRESIDING OFFICER. The Senator from Georgia is correct.

## IRS HEARINGS

Mr. COVERDELL. Mr. President, I rise this morning to comment on the revelations—that is a good word for it—the "revelations" of the hearings on the Internal Revenue Service which were chaired by the distinguished Senator, BILL ROTH of Delaware, chairman of the Senate Finance Committee.

I think those hearings, while not of any particular surprise to most Americans, nevertheless riveted the country on a confirmation, a ratification, of one dinner discussion and one office coffee klatch after another that had gone on across the country for years that expresses itself in almost every public meeting I attend. Somebody would say, "What are we going to do about this IRS? When are you going to do something about this?"

So it has had the effect of emboldening the Nation as some rather courageous people stepped forward and told their story publicly. American after American said, "Well, that is exactly what happened to me."

It is interesting, but over the last year I have been working with a citizen who made about $19,000 a year and earned an extra $1,000 tutoring and mistakenly thought that the check that he got for this tutoring was after the taxes had been taken out. That was the error. It took the IRS 3 years to discover that. It happened in threats to garnish the wages, letters that one might expect if they were inside a prison preparing to be dragged out for public scorn—threats for the tax on the $1,000 that they discovered wasn't collected 3 years past. By the end of the day, which probably will be another 2 years or more, this fellow will have paid in penalties and in fines almost $4,000. The fellow who makes $19,000 a year—$4,000 in fines and penalties because they didn't get the tax on the $1,000. What would that be? A couple of hundred bucks. That is debtor's prison. That is what that is.

There is not a Member of Congress who cannot cite story after story like that. There is just no excuse for that kind of behavior in this country.

It did make me think and feel that there was a growing propensity to go after—I couldn't certify it—but to go after people who can't defend themselves; easy pickings. This fellow could do nothing to defend himself. Fortunately, at least, we were able to help keep his whole life from collapsing. But this ought not to be the case.

I was reading an article by James Pinkerton, who was in the Bush White House, in the Washington edition of the Los Angeles Times. It is very interesting. He draws several conclusions, but the first one is important.

His first conclusion is that power corrupts. He said, "This is not a new lesson perhaps but an enduring one, and in this particular case we need to be reminded that civil liberties properly extend beyond protesters and criminals to include taxpayers and small businesses."

This fellow that I just talked about, no one in the country should be treated that way by Government employees. They work for this fellow, not the other way around. You would think there would be some feeling of concern about a citizen who was having a tough time anyway. You would think there would be some understanding that this was no purposeful act, this was a mistake, and it ought to have been a simple correction; settle it. But, no. I mean, here we go rolling our way through another $3,000 or $4,000 in fines and penalties.

Power corrupts.

The second conclusion is interesting. "IRS employees are people too, which means that when revenuers become immersed in the shackled-by-their-ankles enforcement culture of the IRS"—which is what this fellow had happen to him—"some become tyrants and many turn into income maximizers. The IRS established its field office performance index quietly flouting a 1988 law that forbade quotas on tax collection." The law said there will not be quotas. Who over there decided that the law didn't apply to them?

The President the other day said, "Well, it is better than it used to be." Well, for Heaven's sake, I can't imagine what it used to be.

"It turned its 33 district managers into 'taxpreneurs' by offering cash awards to top performers."

In other words, if you could get out there—it is like the old speeding ticket scams that we used to read about where the officer on the patrol was rewarded by how many tickets he could give.

I think it probably was pretty stunning to all of those who were watching those hearings to know that even though there is a law that says you cannot have a quota on tax collections, they did it anyway.

Another conclusion: "The checks and balances system is not just constitutional philosophy. It is a practical safeguard for liberty."

In other words, the checks and balances that our forefathers put into the American system, so that, to get at the first conclusion he made that power corrupts, the understanding of that, the forefathers created a government in which one branch was always looking over the other.

Here is a perfect case where the executive branch has a rogue situation, doing nothing about it, and the Congress steps forward and finally assimilates all of these complaints and all of these allegations. We have the spectacular hearings, and, lo and behold, what do we find?

"As so often happens in these situations, the IRS insisted that it had done no wrong."

There was nothing wrong over there. These are just disgruntled taxpayers.

But we have the hearings, and what happens? The IRS apologizes, saying, you are right, we have been doing this, and says it won't do it again.

I see I have been joined by my good colleague from Arizona. I will make one more point about this article, and then I am going to turn to him.

The fourth conclusion was that more than two decades ago an economist named Arthur Laffer started a fiscal revolution by stating the obvious, that too high rates of taxation, if you make them too high, become counterproductive. You get into this maze of circumstances and a code that becomes horribly complicated. "Power corrupts. We had an environment in the agency that fostered bullyism." Thank Heaven, the forefathers had checks and balances so this could be discovered. We made a mess of the Tax Code. We are getting a better, better view of this thing, and there will have to be something done about it and not excuses made for it.

With that, Mr. President, I turn to my colleague, the good Senator from Arizona, and yield up to 10 minutes, if that is sufficient.

Mr. KYL. I thank the Senator from Georgia for taking this time this morning to bring to the attention of our colleagues and the American people again the abuses of the Internal Revenue Service and the necessity for fundamental tax reform as one of the solutions to those abuses.

I also want to commend the chairman of the Senate Finance Committee, Senator ROTH, for holding the hearings last week to expose the problems in the Internal Revenue Service's dealings with taxpayers and to thank the taxpayers and the IRS employees who had the courage to come forward and tell their stories. Although we all knew there were serious problems, I do not think that any of us realized the extent to which there are problems with the way that IRS does its business, as we learned those things from the hearings.

As a matter of fact, as Senator ROTH put it, we found that the IRS far too often targets vulnerable taxpayers, treats them with hostility and arrogance, uses unethical and even illegal tactics to collect money that sometimes is not even owed, and uses quotas to evaluate its employees. It is behavior that is clearly unacceptable.

Obviously, I think we need to say at the outset that most IRS employees are law abiding and professional. We recognize that they have a very difficult and, indeed, thankless task of administering a Tax Code that is exceedingly complex, it is filled with contradictory provisions and open to differing interpretations. But the IRS has tremendous power, power that can bankrupt families, can put people out of their homes, literally ruin lives, and that makes abuse of that power intolerable.

The Finance Committee has been fielding calls from thousands of taxpayers all across the country with horror stories about their encounters with the IRS. My office has been taking calls, too, most frequently from taxpayers who are so fearful of IRS retaliation that they are leery of leaving their names or addresses.

We heard, for example, from a taxpayer who was hounded by the IRS for overpaying his taxes. The IRS put one constituent through the wringer of audits annually for 20 years and never found anything wrong. Another person received a tax refund in error from the IRS. Knowing that it was in error, the constituent never cashed the check, yet when the IRS discovered its own error later, it demanded the refunded check back with interest. One family had a lien placed on its house, worked out a payment plan with one of the IRS agents, only to have another IRS agent later institute foreclosure proceedings.

What is most galling, I think, to the taxpayers is not that they have to pay taxes, clearly, but there is virtually no recourse when the IRS makes an error. The cost of setting things right, hiring attorneys, CPA's, and the like can be so high that people agree to pay the taxes and penalties that sometimes they do not even owe. In fact, reports are that the Clinton IRS has been boosting its efforts to catch people at the low end of the income scale. According to IRS data, the chance of an audit actually quadrupled between 1990 and 1996 for people reporting annual incomes of less than $25,000. By contrast, the odds of $100,000-plus filers being hit with an audit dropped 40 percent.

The Clinton administration, which likes to portray itself as being on the side of the little guy, has been quick to discount all of this taxpayer angst. "We shouldn't politicize it," the President said of the IRS, despite reports that the Clinton IRS itself has been singling out high-profile critics of the administration for audits.

Legislation has been introduced in both the House and Senate to begin to rein in the IRS. For example, Senators GRASSLEY and KERREY introduced the IRS Reform and Restructuring Act here in the Senate.

But I do not think we should be under any illusion that an IRS bill alone will solve the problem. Our Nation's Tax Code as currently written amounts to more than 17,000 pages of confusing, seemingly contradictory tax law provisions. We need to reform the IRS, but unless that reform is followed up with a more fundamental overhaul of the entire Internal Revenue Code, problems with collections and enforcement are likely to persist. If the Tax Code cannot be deciphered, it is going to invite different interpretations from different people, and that is where the problems with the IRS arise.

Replacing the existing code with a simpler, fairer, flatter tax would facilitate compliance by taxpayers, offer fewer occasions for intrusive IRS investigations, and eliminate the need for special interests to lobby for complicated tax loopholes.

There are a variety of approaches to fundamental reform that are pending before the Congress, including the Shelby-Armey flat-rate income tax, the Shaefer-Tauzin national sales tax and the Kemp Commission simpler, single-rate tax. Each has a passionate advocate in Congress and around the country. Any one of these options would be preferable to the existing income tax system.

So why have we not settled on one of them and pressed on with the job of fundamental tax reform? The answer is that while there is overwhelming public consensus in favor of an overhaul of the Tax Code, a public consensus has yet to emerge in favor of a sales tax or a flat tax or some alternative. Given President Clinton's lack of support for any fundamental tax reform, it is likely to take a broad public consensus, the likes of which we haven't seen in recent years, to drive such a tax overhaul plan through the Congress and past the President's veto pen.

Steve Forbes made tax reform the central theme of his campaign for the Presidency 1½ years ago. In fact, he carried the Arizona primary in large part because his tax plan really resonated with the voters in my State. Yet he failed to win the nomination, and neither Bill Clinton nor Bob Dole pursued the issue with much passion or conviction. I think it will take a national campaign to build the kind of consensus that will be needed to move forward with fundamental tax reform, which is probably the most momentous undertaking of the century.

The Finance Committee hearings about taxpayer abuse by the IRS, the Kemp Commission's recommendation in favor of fundamental tax reform last year, new proposals to sunset the IRS Code, and the debate that sponsors of the flat tax and sales tax are expected to take on the road across the country within the next few months, all will help to move the debate forward.

In conclusion, we can pass an IRS reform bill to rein in the IRS and make sure that it treats taxpayers fairly and reasonably and respectfully. But let us not fool ourselves. The IRS cannot be faulted for a tax code that is too complex and filled with contradictory provisions. Until the Tax Code is simplified, problems in one form or another are likely to persist. We must use this opportunity to begin the debate about fundamental tax reform.

Again, Mr. President, I commend the Senator from Georgia for taking the leadership to engage in discussion today.

Mr. COVERDELL. Mr. President, I thank my colleague from Arizona for his comments today and, more importantly, for his dedication to efforts to improve this predicament we have gotten into here.

I spent the first several minutes talking about several conclusions that a very thoughtful young man had put together after watching these hearings. I think he pretty much echoes what probably would be the views of the American public, that the IRS, while there are many good employees in that large institution, has endemic and very, very serious problems.

So you can understand my surprise when I pick up this past Tuesday, September 30, the Washington Times with a headline that says, "White House Champions IRS. President Opposes Citizen Oversight."

That is mind-boggling:

> The White House yesterday came to the defense of the embattled IRS, vowing to vigorously oppose Congressional efforts to create a citizen oversight board to protect Americans from agency abuses. It is a recipe for conflicts of interest, and the notion that the right way to deal with these problems with the IRS is to decrease accountability and have part-time managers who would be themselves involved in a range of financial transactions would be a serious backward step.

So it is better to leave it as it is, I guess, as if the people who currently manage it are not taxpayers and are not involved with financial transactions. The current manager is the Secretary of the Treasury, spent his life in financial transactions.

> They warned the Congress against reacting hastily by legislating broad reforms that could lead to the death of the agency.

Defend the status quo. Leave things the way they are. Things are actually improved. I wonder how many Americans believe that. How could anybody who watched those hearings come to the conclusion that things are better over there and that the Congress should sit here and sort of hold its hands and wait around and see if something improves.

I am going to take just a moment here, Mr. President, to revisit apparently some of this the White House missed.

> Msgr. Lawrence Ballweg, an 82-year-old priest from Florida, told of "devious" IRS agents who erroneously tried to grab $18,000 from a trust fund for the poor set up by his late mother.
>
> Nancy Jacobs, a Bakersfield optometrist's wife, broke down in tears as she explained how aggressive IRS agents hounded her husband for 17 years because they mixed him up with another taxpayer.

Of course, we all know that they spent $4 billion—billion —overhauling their systems, but for 17 years they could not figure out that they were chasing the wrong taxpayer--for 17 years.

> Tom Savage, a Delaware small businessman, said that the IRS concocted an imaginary company that he co-owned with another taxpayer, and then illegally seized $50,000 to pay for the other taxpayer's debts.
>
> Katherine Lund, an Apple Valley, CA, woman, described how the IRS could not keep track of its own records, repeatedly threatening to seize her home if she did not pay a tax debt left over from a former marriage. Although on three occasions she sought to clear the debt, another branch of the agency continued to pester her.
>
> Robert S. Schriebman, a tax attorney from Rolling Hills Estates, testified that in many instances IRS power is too great, citing the authority of the agency to seize homes—

Take a citizen's home—

> with only the signature of a district director.

How many cases are there that we all know of where the IRS has taken a taxpayer to court on a theory about the Tax Code and lost. Of course, by then the taxpayer has spent hours and hours and hours, suffered anxiety after anxiety and lost thousands of dollars, and won in court, setting a precedent on the theory being challenged, and they turn right around and sue another taxpayer on the same theory, paying no attention to the court precedent that had been set by their loss before. Maybe they will win the next one and just keep repeating it.

I might add, the legislation I have introduced in the Senate and Congresswoman DUNN, from Washington State, in the House, would stop that practice, stop them from paying no attention to court precedents.

Late in the hearing Wednesday, Jennifer Long, an IRS agent, testified—this is an IRS agent, testifying before a Senate Finance Committee—that the IRS had fabricated evidence—in other words, made it up, falsified it—in tax cases and targeted individuals who are vulnerable because of low income or modest education. If you remember, I cited a personal case, of which I have personal knowledge, of just that very thing happening: Just beat up on people who virtually have their hands tied behind their backs because they have no resources whatsoever with which to defend themselves. I repeat, an IRS agent testified before the committee that they made up evidence and targeted individuals who are vulnerable because of low income or modest education.

I mentioned a moment ago the Apple Valley woman who drove to Washington with her current husband, Orange County prosecutor Jime Hicks, because the couple could not afford to fly with their children. "My credit is completely destroyed," Ms. Lund said, "and my husband's credit is seriously damaged. We will suffer the effects of the IRS collection for the rest of our lives." It is important to remember that, when you entangle the citizens in this activity, that you often alter the course of their lives forever.

Ms. Lund laid out her story for nearly half an hour, at times breaking into tears. She said her problems with the agency started when the IRS assessed additional taxes of $7,000 after she had filed her 1983 tax return. By then she had divorced her previous husband and was unaware of the tax assessment. It takes them years to find these things out, but then they levee against it all the way back to the point of error, or mistake. The IRS repeatedly came after Lund to pay the bill. She paid the assessment three times, but the agency would send her the money back. You begin to get a hint, if you were getting these checks, that this person was trying to resolve the problem. They sent the money back, saying she did not owe them anything. Then another branch would dun her again. This is almost unbelievable. When she married her second husband, Hicks, the IRS went after him, too, attempting to levy his paycheck from Orange County earlier this year. The couple finally filed for divorce, not to escape their marriage, but to protect his check from the IRS. Lund and Hicks also nearly lost their home to an IRS lien. The entire snafu was caused by the IRS creating a collection record that was never noted in the master computer file, a procedure reflecting old equipment, and the error was corrected only after the committee took its findings to the IRS. So, from 1983 to 1997, this woman and her new husband have been pounded on and pounded on and pounded on by the IRS.

In the case of Savage, the Delaware businessman, an investigation by the committee staff turned up evidence that the IRS had committed serious ethical errors. In 1993, the Justice Department warned H. Stephen Kesselman, the agency's district counsel in Philadelphia, not to pursue the case against Savage because its seizure—taking—of his check was wrongful, not right in the first place. Despite the Justice Department's advice, which was not disclosed to Savage until the hearings, the IRS continued pressing its case against him for another—now, listen—for another year and a half. They took the check improperly. The Justice Department told them they took the check improperly. The Justice Department warned the counsel of IRS they had done something in error. And then, for a year and a half, they kept doing it. Out of control.

Savage eventually paid the agency $50,000 to settle the matter, fearing that a court fight would cost him even more. And every businessman who exists has been through that, in these days. He estimated the episode had cost him a quarter of a million dollars in lost business and legal fees, forcing him to continue working 4 additional years before he retired.

I am going to come back to what I said a moment ago. The White House yesterday came to the defense of IRS, and has warned the Congress not to act hastily. I suggest that Treasury revisit the testimony before they start suggesting that the Congress should be patient, and not get overly concerned, things are better, and that we might act too hastily.

Mr. President, we have been joined by my distinguished colleague from Alabama. I yield up to 10 minutes to the distinguished Senator.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. SHELBY. Mr. President, I want to thank the Senator from Georgia, Senator COVERDELL, for yielding time to me this morning, because I think what we are talking about is very important to the American people.

The hearings that the Senate Finance Committee held last week, regarding the problems that pervade the Internal Revenue Service, were very, very important in bringing to light, as the Presiding Officer knows, the level of abuse taxpayers often are subject to at the hands of the Internal Revenue Service. This sort of activity all across this country has affected people in every State, including my State of Alabama. Today I would like to just share for a few minutes one such instance with you and my colleagues in the Senate, and talk about why we need to do more than simply reform the Internal Revenue Service.

One of my constituents in Alabama, Phillip Prebeck, of Foley, AL, provides an illustration of an average play-by-the-rules Alabamian, or we should say American, who has had to endure the IRS harassment. His story is particularly poignant because it involves his late daughter, Mary Hunt, and it occurred during a time when he was still grieving over her death.

After Mary's death in November of this past year, 1996, Mr. Prebeck prepared his daughter's tax return, deceased daughter's tax return, in early March of this year. And, after including a copy of his daughter's death certificate and a letter explaining the situation as well as other appropriate information, Mr. Prebeck filed the return.

In June, the IRS sent a letter to his daughter, his deceased daughter, indicating that she owed $937, and that she needed to pay up. Think of it in this context. Mr. Prebeck phoned the IRS and informed them again that his daughter, Mary, had passed away and had left no estate. The IRS representative, who would not give her name, informed him that he was responsible for the liability nonetheless. What followed was a series of mixed messages from a slew—really, a slew of IRS representatives, as to whether he was responsible for his deceased daughter's tax liability.

Mr. Prebeck was unable to work through the situation with one IRS representative, because they refused to allow him to call them back. Think about it. This made it very frustrating, because he could not determine what exactly was expected of him, and he was trying to do what was right as a citizen. Eventually, Mr. Prebeck, with the help of my staff, determined that he did not have to pay the IRS, despite what he had been told over the phone by the IRS on several occasions. Nonetheless, Mr. Prebeck continued to receive correspondence from the IRS, which had first been mailed to his deceased daughter's address, warning him that the liability remained.

He then requested a letter from the IRS, absolving him of responsibility, to provide him with some peace of mind as a parent—if you can imagine—and some tangible assurance that he would not continue to be harassed by the Internal Revenue Service. They agreed to provide such a letter, but to this day, and this morning, they have yet to do so.

Mr. President, this type of situation that I have just related is not uncommon in America. It is probably not uncommon in the State of the Presiding Officer, Colorado. For every Phillip Prebeck there are hundreds, perhaps thousands of taxpayers, from Alabama, perhaps from your State of Colorado, perhaps from the State of Georgia—every State in the Union, who contact my office or your offices with similar stories. There are more who have had similar problems but do not call.

I find the Internal Revenue Service's actions particularly appalling in light of the agency's inability to manage its own financial affairs. For example, and I know you have heard of this because the GAO did the report, in 1996 the General Accounting Office reported the following regarding the audit performed on the IRS. Again, I am going to repeat, this was an audit on the IRS by the General Accounting Office. The Senator from Georgia understands it and has read it.

No. 1, this was in 1995, the amount of the total revenue was $1.4 trillion, and tax refunds to the people and companies was $122 billion. But it could not be reconciled to accounting records maintained for individuals in the aggregate. There was a discrepancy of $10.4 billion; $10.4 billion—where? In the IRS itself. The amounts reported for various types of taxes collected—that is Social Security, income tax, excise taxes, for example—cannot be substantiated by the Internal Revenue Service itself. The reliability, according to the General Accounting Office, of reported estimates of $113 billion for valid accounts receivable, and $46 billion for collectible accounts, cannot be determined as of this day.

GAO found that the IRS could not document how, and I will use their words, a "significant portion" of their $3 billion nonpayroll operating budget was spent. In other words, the IRS, the Internal Revenue Service, could not document how they spent $3 billion of nonpayroll operating budget. Can you imagine that anywhere in America?

The amounts that the Internal Revenue Service reported as appropriations available for expenditure of operations cannot be reconciled fully with the Treasury's central accounting records showing these amounts, and hundreds of millions of dollars in differences have been identified.

Indeed, the General Accounting Office determined that because of poor IRS financial management, that it could not conduct a reliable audit of the Internal Revenue Service. Think about it. That is appalling. Mr. President, the Internal Revenue Service should have been forced to provide each American with a copy of this report to read it for themselves. The agency cannot account, again, for $10.4 billion in tax revenue and cannot tell you or the American people how they spent $3 billion. But, they can find time to hound a gentleman over his deceased daughter's $900 tax liability that he is not responsible for under the law.

Thankfully, the Senate Finance Committee's hearings have galvanized support for reform of the Internal Revenue Service. But what I encourage my colleagues to keep in mind is that the complexity of the Tax Code has created the environment that has spawned the problems that pervade the Internal Revenue Service. The IRS's governance, financial management and quality control problems and the Internal Revenue Service's inability to serve the taxpayer are symptoms of a much larger problem. To address only these issues without embarking upon a comprehensive effort to replace the Tax Code, I believe, is to treat the symptoms and not the root cause of the problems.

My concern, and it is a concern of a lot of my colleagues in the Senate, is that after possibly implementing the recommendations of the national commission to restructure the IRS, some may conclude that their job is complete, but that would be a fallacy. On the contrary, I view these proposals only as a beginning, and nothing more than a shortrun solution. Earlier this year, I introduced, again, the Freedom and Fairness Restoration Act that proposes to abolish the Tax Code as we know it and replace it with a flat tax.

While some reforms may offer some short-term solutions and relief to taxpayers, they cannot address the larger problems which continue to plague the Internal Revenue Service and the underlying system itself. I believe we must have broad-based reform of the code that provides the public with a simple formula to calculate their taxes without fear of an IRS audit.

Although I believe that the flat tax is the best replacement of the current system, I am not here to trumpet its virtues this morning. I simply want to remind my colleagues today that we must not forsake ever our broader agenda to seek comprehensive tax reform. Piecemeal reforms are not a substitute in any way for broad-based reform and will not solve the problems that pervade the IRS. We owe it to the American people to reform the Internal Revenue Service as we know it. I yield the floor.

Mr. COVERDELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. COVERDELL. Mr. President, I thank my colleague from Alabama. I think it is particularly noteworthy that he brought to our attention the audit of the IRS itself, which we have all alluded to time and time again, and the badgering of our citizens, but they can't reconcile their own books.

Mr. President, I read a moment ago that the White House's first reaction to all this is it is an overheated exercise and the IRS is really OK.

My hometown paper is often a defender of the White House. I was quite taken by the Atlanta Constitution's response to the hearings with an editorial that led off: "Hey, GOP: Let's End Death Next."

That's supposed to be funny. "Over the years," I will just read part of it, "you come to expect a certain level of hypocrisy in Washington, a certain level of posturing and theatrics that you assume to be the professional standard of the city," says the Atlanta Constitution. "But then every once in a while, the world shifts and you are treated to a performance of breathtaking gall that simply blows you away. There, before your eyes, you see a new standard being set, rendering all prior examples of pandering insignificant by comparison."

In other words, this testimony that I just reread and these hearings were pure hypocrisy and set a new standard of hypocrisy.

I don't think anybody in their right mind could have watched those hearings and not felt some anguish for those who suffered, and welled up support for those who were courageous, and an understanding that something needed to be done and soon.

Hypocritic pandering? I think not. I think it is a deep-seated problem of public servants who thought they were not accountable and had come to misunderstand, Mr. President, that their job is to serve the American people.

This editorial goes on to say that, obviously, tax collectors are going to be unpopular. In other words, enforcement people are, by nature, going to be unpopular. Are FBI agents unpopular? Are police officers unpopular? No; the Nation is not fearful of fair enforcement; never has been. Are they fearful of unchecked power and intimidation and threats? Yes; all people are wherever they happen to be, including the United States.

Wherever it exists, it should be rooted out. Time and time again, whenever we are called upon to do so, we should make sure that all Government servants are reminded they work for the American people who are a free people, who are dedicated free people by our Constitution. And from the very beginning, the premise was that we will not be intimidated nor threatened, nor made fearful of our own Government.

Mr. President, I am going to conclude with that. I think Senator LEAHY wants to make a remark or two.

I yield whatever time is necessary for Senator LEAHY to make his remarks and then we will move to recess.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Thank you, and I thank my friend from Georgia.

## A LANDMINE IS A LANDMINE

Mr. LEAHY. Mr. President, for those who are planning schedules, I do not expect to take long, but I will speak about an issue that I have talked about many times, the issue of landmines, something, I must admit, I think about in waking hours and sometimes in my dreams.

There was an ad in yesterday's Roll Call newspaper. It said:

> There's just one problem with President Clinton's "landmine ban." . . . It doesn't ban landmines.

An ad in the Hill newspaper 2 days ago asked the question:

> Would a landmine by any other name be as deadly?

That may seem like a strange question because the answer is so obvious. Landmines are those tiny hidden explosives that kill and maim randomly. They are strewn by the thousands, by the tens of millions, in over 100 million in over 60 countries.

They do things like what is shown in this photograph. They do it to children in as many foreign countries as there are States in the United States. That was a healthy young child walking down a road. That child in a single instant was maimed, crippled for the rest of his life, if he survives the surgery he will have to undergo. If he survives, he will grow up in a poor country with one arm, one leg and somehow be expected to make a living.

Imagine if something like this was happening in the United States. We would call it terrorism. We would make it a Federal crime. We would do everything possible to stop it. At my own home in Vermont, I can walk through acres of fields and woods, I can do it easily at this time of the year, in the great beauty of the fall foliage. If I was in most of these other countries, I would not dare step off the traveled part of the road.

So there should not be any question about what a landmine is. For hundreds of millions of people around the world, they are a daily, deadly nightmare. Everyday on their way to the fields, or to gather water or in school yards or on roads once safe to travel, innocent people, often children, are blown to bits by these indiscriminate weapons.

A year ago at the United Nations, President Clinton called on the nations of the world to ban antipersonnel landmines. The President said:

> The United States will lead a global effort to eliminate these terrible weapons and stop the enormous loss of human life.

Those were inspiring words. I commend him today for saying them; I commended him at the time.

But today we are confronted with a question we thought had been answered a long time ago: When is a landmine a landmine?

It is relevant today because 2 weeks ago, rather than join 89 other nations, including most of our NATO allies, in agreeing to sign a treaty to ban antipersonnel mines, the White House resorted to doublespeak. Rather than make the hard choice, the right choice, rather than pledge unambiguously to do away with these weapons, they said one thing but then they did another. They said the United States would ban antipersonnel mines, but then in the same breath, they redefined what an antipersonnel landmine is so they wouldn't have to ban them after all.

Mr. President, some people were fooled, but not many. A September 24 article in the Washington Post begins with the same question:

> When is an antipersonnel landmine . . . no longer an antipersonnel landmine?
>
> When the President of the United States says so.

I am told that article upset some people in the Pentagon. I am not surprised. When the Pentagon tried to explain that a weapon that just a few months ago they called an antipersonnel landmine is no longer an antipersonnel landmine today—they said it was yesterday; today they say it is not—it is like watching someone who is caught telling a lie that even he convinced himself was not a lie, and then acting offended at the suggestion he tried to pull a fast one.

A weapon they once called a landmine, now isn't. Why do they say that? So they can say "Look, we banned landmines. Except some of them we renamed so we can still use them." It is Orwellian at best.

The Pentagon thought they could come up with a nifty way to get around a landmine ban that they never wanted. They asked themselves, "How can we be part of a treaty that bans antipersonnel mines, and still keep using them? We'll just call landmines something different. Then you don't really have to ban them, you can just say you are."

If antipersonnel mines are used in the vicinity of an antitank mine, then they miraculously become something different from an antipersonnel landmine even though that is what they were called just a few monts ago. Without changing in any way, shape or form or explosive capability, they suddenly become a submunition, not a landmine.

Thank God, Mr. President, we have banned landmines from our arsenal. Only now we have submunitions. I am waiting for the appropriations bill to come forward to pay to relabel these millions of former landmines. Somebody will have to paint over where it says "landmine" and relabel them as "submunitions." And since submunitions are not banned, presto, the United States can say it is banning landmines even though everyone knows we are not.

Unfortunately, this kind of cynical ploy is seen too often in Washington. That is the problem.

So, Mr. President, I ask unanimous consent that the Washington Post article and a September 19 editorial from the Rutland Daily Herald, a Vermont newspaper that has kept up with the international campaign to ban landmines, be printed in the RECORD at the end of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibits 1 and 2.)

Mr. LEAHY. I thank the Chair.

Mr. President, there are serious issues here. One, of course, is about pretending a landmine is something else, in a last-minute attempt to avoid being embarrassed by being left out of an international treaty that the United States called for a year ago. It is embarrassing. We urged other nations to negotiate a treaty, and when they did we stayed out of the negotiations until the last minute and then we said we would not sign it.

But another serious question is what to do with certain types of antitank mines that the United States has in its arsenal and that are packaged with antipersonnel mines.

I fully understand how important the Pentagon considers these weapons to our defense. I have spoken with people in the Pentagon about this. I do not intend to minimize this problem. What I am saying, though, is face the problem, be straight about it, do not play word games.

Because it is just as important that the United States support a landmine ban. If we are not going to be among the 100 nations that sign the treaty in Ottawa this December—and I understand that is the President's decision—then we need to find a way to remove the obstacles that keep us from signing, because I the United States needs to be part of this treaty. If that means redesigning our antitank mines, then that is what we ought to do.

We need to sign the treaty as soon as possible, because as remarkable an accomplishment as it is, without the United States it is never going to achieve the international ban that everyone, including the President, wants. No country has the ability that the United States has to broaden support for the treaty and obtain adherence to it. Nobody can exert the leadership that the world's only superpower can exert. The American people do not want the United States to use a weapon that does not belong in the arsenal of civilized nations. They do not want the United States to be standing in the way of a treaty that will set a new moral standard for the next century. As the most powerful Nation, it is time to put an end to the doublespeak and the excuses and get busy solving the problem.

Mr. President, I said when I spoke in Oslo to the representatives of nations and organizations that were meeting there, I dream of a century, a new century, when armies of humanity dig up, disarm, and destroy landmines and nobody—nobody—puts new landmines down. Think what a century that would be for the children and the children of the children in those countries.

Think what that would mean to the United States when it sends peacekeepers around the world, when it sends humanitarian workers, missionaries, doctors, whatever. Think what it would mean if they did not have to face the constant threat of landmines.

Think what it would mean if we could go into countries that today have to spend their scarce resources to import food because their people cannot go into their fields to plant or to harvest, fields that are death traps because of landmines. There might be only one landmine in a field, but if you do not know where that landmine is, there may as well be a hundred.

Think what it would mean if we could go to countries ravaged by civil war and now reaching toward democracy, to help them rebuild the infrastructure they need and not have to spend money on removing landmines, expending $100 to $1,000 to remove a $3 or $5 landmine.

Think how wonderful it would be if our country did not have to fund, every year now to the tune of $5 million, the Leahy War Victims Fund which pays for artificial limbs—something that is supported, I say with gratitude, by every Member of this Senate, Republican and Democrat. But think if we did not have to do that. Think if we would not have to see children learning to walk on crude prosthetics. Think what a different world it would be.

We have worked to ban nuclear testing. We have worked to ban chemical weapons. Far more civilians have died and been injured and maimed by landmines than by nuclear weapons or chemical weapons.

We can find a way to protect the legitimate defense needs of the United States and to maintain our legitimate obligations around the world whether on the Korean Peninsula or anywhere else. We can do that and still be part of the remarkable global effort to ban landmines.

Mr. President, I have been in many countries where I have gotten out of a car and been told where I should walk, to be careful, that I should step only here, not a foot away. I remember in one country I was about to step off the road and somebody grabbed my arm and yanked me back because there were landmines there.

These are things I remember, and they are a daily terror for people who live there.

Mr. President, let us join together to bring that to an end.

EXHIBIT 1

[From the Washington Post, Sept. 24, 1997]

### CLINTON DIRECTIVE ON MINES: NEW FORM, OLD FUNCTION

(By Dana Priest)

When is an antipersonnel land mine—a fist-sized object designed to blow up a human being—no longer an antipersonnel land mine?

When the president of the United States says so.

In announcing last week that the United States would not sign an international treaty to ban antipersonnel land mines, President Clinton also said he had ordered the Pentagon to find technological alternatives to these mines. "This program," he said, "will eliminate all antipersonnel land mines from America's arsenal."

Technically speaking, the president's statement was not quite accurate.

His directive left untouched the millions of little devices the Army and Defense Department for years have been calling antipersonnel land mines. These mines are used to protect antitank mines, which are much larger devices meant to disable enemy tanks and other heavy vehicles.

The smaller "protectors" are shot out of tanks or dropped from jets and helicopters. When they land, they shoot out threads that attach themselves to the ground with tiny hooks, creating cobweb-like tripwires. Should an enemy soldier try to get close to the antitank mine, chances are he would trip a wire, and either fragments would explode at ground level or a handball-sized grenade would pop up from the antipersonnel mine to about belly height. In less than a second, the grenade would explode, throwing its tiny metal balls into the soldier's flesh and bones.

In the trade, these "mixed" systems have names such as Gator, Volcano, MOPMS and Area Denial Artillery Munition, or ADAM.

These mines, Clinton's senior policy director for defense policy and arms control, Robert Bell, explained later, "are not being banned under the president's directive because they are not antipersonnel land mines." They are, he said "antihandling devices," "little kinds of explosive devices" or, simply, "munitions."

Not according to the Defense Department, which has used them for years.

When the Pentagon listed the antipersonnel land mines it was no longer allowed to export under a 1992 congressionally imposed ban, these types were on the list.

And when Clinton announced in January that he would cap the U.S. stockpile of antipersonnel land mines in the inventory, they were on that list too.

At the time, there were a total of 1 million Gators, Volcanos and MOPMs, as well as 9 million ADAMs. (Only some ADAMs are used in conjunction with antitank mines, and those particular devices are no longer considered antipersonnel land mines.)

The unclassified Joint Chiefs of Staff briefing charts used to explain the impact of legislation to Congress this year explicitly state that Gators, Volcanos, MOPMS and ADAMs are antipersonnel land mines.

So does a June 19 Army information paper titled "U.S. Self-Destructing Anti-Personnel Landmine Use." So does a fact sheet issued in 1985 by the Army Armament, Munition and Chemical Command.

As does a recent Army "Information Tab," which explains that the Gator is "packed with a mix of 'smart' AP [antipersonnel] and 'smart' AT (antitank] mines."

And when Air Force Gen. Joseph W. Ralston, vice chairman of the Joint Chiefs of Staff, briefed reporters at the White House on May 16, 1996, he said: "Our analysis shows that the greatest benefit of antipersonnel land mines is when they are used in conjunction with antitank land mines. . . . If you don't cover the antitank mine field with antipersonnel mines, it's very easy for the enemy to go through the mine field."

A diplomatic dispute over the types of antipersonnel land mines Ralston was describing then and arms control adviser Bell sought to redefine last week was one of the main reasons the United States decided last week not to sign the international treaty being crafted in Oslo, Norway.

U.S. negotiators argued that because these mines are programmed to eventually self-destruct, they are not responsible for the humanitarian crisis—long-forgotten mines injuring and killing civilians—that treaty supporters hoped to cure with a ban, and therefore should be exempt from the ban.

Also, because other countries had gotten an exemption for the type of antihandling devices they use to prevent soldiers from picking up antitank mines—U.S. negotiators contended that the United States should get an exemption for the small mines it uses for the same purpose.

Negotiators in Oslo did not accept Washington's stance. They worried that other countries might seek to exempt the types of antipersonnel mines they wanted to use, too, and the whole treaty would soon become meaningless.

The administration was not trying to deceive the public, Bell said in an interview yesterday, bristling at the suggestion. Given the fact that the U.S. devices are used to protect antitank mines, "it seems entirely common-sensical to us" to call them antihandling devices.

Said Bell: "This was not a case of us trying to take mines and then define the problem away."

EXHIBIT 2

[From the Rutland Daily Herald, Sept. 19, 1997]

CLINTON'S STUMBLE

Sen. Patrick Leahy is charitable to President Clinton in his statement, printed below, about the treaty negotiated this week in Oslo, Norway, banning anti-personnel land mines.

Leahy says he is convinced Clinton wants to see land mines eliminated and that Clinton's commitment is real.

But his statement also contains a damning account of Clinton's pusillanimous surrender to the Pentagon and his incompetent, eleventh-hour effort to negotiate a compromise. Leahy, a champion of the international effort to ban land mines, covers up his scorn for Clinton's effort with the barest fig leaf of decorum.

The land mine negotiations are an excellent lesson in why the U.S. Constitution ensures that control of the military remains in civilian hands. In a democracy, the U.S. military is an instrument of the people, not a separate warrior caste. Thus, it is up to the civilian government to institute the humanitarian standards and the political boundaries that reflect the people's values. Clinton chickened out.

Clinton used Korea as an excuse, but in doing so he failed to make the necessary calculation; the marginal difficulty of reconfiguring our defenses in Korea weighed against the daily carnage the land mine treaty is designed to prevent.

About 100 nations have signed on to the treaty, which forbids them to use, produce, acquire, store or transfer anti-personnel land mines. They have also agreed to destroy current stocks and to remove any mines they have in place. Further, they have agreed to assist in the care of land mine victims.

The treaty represents an extraordinary response, outside the usual bureaucratic channels of the United Nations, by the governments of the world to a popular demand for change.

U.S. participation is necessary, however, if the ban is to become a true worldwide ban. That's because there is no chance those nations who have not signed will join the ban until the United States does. These include China, Russia, India, Pakistan and Israel, all of which could continue to serve as sources for land mines for terrorist organizations.

Thus, Leahy is holding to his goal of making the United States a signatory of the treaty. A bill of his that has 60 co-sponsors would have established a ban on use of land mines by the United States in 2000. The prospect that that bill might pass goaded the Clinton administration into joining the Oslo talks in the first place.

Now Leahy plans to consult with participants in the Oslo talks, including the Canadians who have led the treaty movement, plus Clinton and members of Congress, to determine how best to move the United States toward signing the treaty. Pushing the Leahy-Hagel bill, which includes an exception for Korea under some circumstances, is one option.

It is clear Clinton needs to be reminded he was elected by the people, not by the Pentagon, and that the people believe progress in ending use of this barbaric weapon is important. Leahy scoffs at the notion that the most powerful nation in the world requires this primitive weapon to protect itself. The message to policymakers in Washington must be that it is shameful the United States has failed to join a worldwide effort to make the world a safer and more civilized place.

Mr. LEAHY. Mr. President, I see my distinguished friend from Georgia back on the floor. So I yield the floor.

Mr. COVERDELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. COVERDELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. COVERDELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

## BIPARTISAN CAMPAIGN REFORM ACT OF 1997

Mr. COVERDELL. Mr. President, I ask unanimous consent that the Senate now resume consideration of S. 25, the campaign finance reform bill.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill.

The bill clerk read as follows:

A bill (S. 25) to reform the financing of Federal elections.

The Senate resumed consideration of the bill.

Pending:

Lott amendment No. 1258, to guarantee that contributions to Federal political campaigns are voluntary.

Lott amendment No. 1259 (to amendment No. 1258), in the nature of a substitute.

Lott amendment No. 1260 (to amendment No. 1258), to guarantee that contributions to Federal political campaigns are voluntary.

Lott amendment No 1261, in the nature of a substitute.

Lott amendment No. 1262 (to amendment No. 1261), to guarantee that contributions to Federal political campaigns are voluntary.

Motion to recommit the bill to the Committee on Rules and Administration with instructions to report back forthwith, with an amendment.

Lott amendment No. 1263 (to instructions of motion to recommit), to guarantee that contributions to Federal political campaigns are voluntary.

Lott amendment No. 1264 (to amendment No. 1263), in the nature of a substitute.

Lott amendment No. 1265 (to amendment No. 1264), to guarantee that contributions to Federal political campaigns are voluntary.

CLOTURE MOTION

Mr. COVERDELL. Mr. President, I send a cloture motion to the desk on the pending Lott amendment No. 1258 and ask for its immediate consideration.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The bill clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the pending amendment No. 1258 to Calendar No. 183, S. 25, the campaign finance reform bill:

Trent Lott, Don Nickles, Jon Kyl, Slade Gorton, Mitch McConnell, Connie Mack, Larry E. Craig, Strom Thurmond, Gordon H. Smith, Kay Bailey Hutchison, Jesse Helms, Christopher S. Bond. Thad Cochran, Rick Santorum, R. F. Bennett, Bob Smith.

The PRESIDING OFFICER. The Senator from Georgia.

CLOTURE MOTION

Mr. COVERDELL. Mr. President, I now send a cloture motion to the desk to the bill S. 25.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The bill clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on Calendar No. 183, S. 25, the campaign finance reform bill:

Trent Lott, Rick Santorum, Jon Kyl, Don Nickles, Mitch McConnell, Connie Mack, Larry E. Craig, Strom Thurmond, Gordon H. Smith, Kay Bailey Hutchison, Jesse Helms, Christopher S. Bond, Thad Cochran, R. F. Bennett, Bob Smith, Ted Stevens.

Mr. COVERDELL. Mr. President, for the information of all Senators, we now have two cloture motions pending to the campaign finance reform bill. I anticipate the first cloture vote, that being a vote to limit debate on the amendment referred to as the Paycheck Protection Act to occur after lunch on Tuesday October 7. If cloture is not invoked on the paycheck protection amendment, then the Senate would immediately proceed to a cloture vote on the campaign finance reform bill.

I ask unanimous consent the mandatory quorum under rule XXII be waived and the cloture votes occur at 2:15 on Tuesday, October 7.

The PRESIDING OFFICER. Without objection, it is so ordered.

## DISTRICT OF COLUMBIA APPROPRIATIONS ACT, 1998

Mr. COVERDELL. Mr. President, I ask unanimous consent that the Senate now resume the D.C. appropriations bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The bill clerk read as follows:

A bill (S. 1156) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1998, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

Coats modified amendment No. 1249, to provide scholarship assistance for District of Columbia elementary and secondary school students.

Graham-Mack-Kennedy amendment No. 1252, to provide relief to certain aliens who would otherwise be subject to removal from the United States.

Mack-Graham-Kennedy modified amendment No. 1253 (to amendment No. 1252), in the nature of a substitute.

### CLOTURE MOTION

Mr. COVERDELL. Mr. President, I send a cloture motion to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The bill clerk read as follows:

### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the Mack second-degree amendment No. 1253 to Calendar No. 155, S. 1156, the District of Columbia appropriations bill:

Connie Mack, Mike DeWine, Barbara Boxer, Bob Graham, Conrad Burns, Wayne Allard, Paul Coverdell, James M. Inhofe, John H. Chafee, Richard G. Lugar, Ted Stevens, Larry E. Craig, James M. Jeffords, Gordon Smith, R.F. Bennett, D. Nickles.

Mr. COVERDELL. Mr. President, I ask unanimous consent that the mandatory quorum under rule XXII be waived and the cloture vote occur at a time to be determined by the majority leader after notification of the Democratic leader but not before 4 o'clock p.m. on Tuesday October 7.

The PRESIDING OFFICER. Without objection, it is so ordered.

## MORNING BUSINESS

Mr. COVERDELL. I ask unanimous consent there be a period for morning business with Senators to speak for up to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

## TRIBUTE TO MICHAEL GUTOWSKI

Mr. JEFFORDS. Mr. President, I want to take a moment to remark on the passing of a valued friend of the U.S. Senate, Michael Gutowski, a specialist in private health insurance issues at the General Accounting Office. Michael died suddenly and unexpectedly on September 23 at the age of 53. He was stricken during a meeting with Labor Department officials while gathering information for a report on the implementation of the Health Insurance Portability and Accountability Act that I requested.

Over the past 10 years, Michael directed a remarkable series of studies, almost 50 in all. Many focused on gaps in private health insurance coverage, gaps that make affordable coverage under reasonable terms unavailable to many groups and individuals. Michael's reports were remarkable in a number of ways. First, they succeeded in keeping the Congress up-to-date on the evolution of the private health insurance market. Second, the reports, while based on thorough and often innovative data collection techniques, were not just a tabulation of statistics. Michael had a remarkable gift for weaving data into a clear and articulate story, one that was immediately comprehensible and compelling.

During my tenure as chairman, the reports, testimony, and briefings Michael developed for the Labor and Human Resources Committee have consistently informed our deliberations on health care policy. We have benefited from the research he led regarding employer strategies in purchasing health insurance, children's health insurance, the role of the Employee Retirement Income Security Act and State insurance regulation, and the implementation of the Health Insurance Portability and Accountability Act of 1996. In all these areas, he drew on his wide knowledge of the real world insurance marketplace. I know that his contribution to other congressional committees and Members on a diverse range of housing, health policy, economic, and workers compensation issues both at GAO and the Congressional Budget Office have been equally valued. In 1995, Michael received the Assistant Comptroller General's award for studies related to health care reform.

Michael was an economist by training but a humanitarian by heart, warn and generous with an unquenchable sense of humor. Michael was very devoted to his wife Lois, and his children Laura and David. In extending condolences to his family, I want them and his colleagues at the General Accounting Office to know that we, too, in the Senate will miss him.

Mr. President, I ask unanimous consent that a list of GAO reports by Michael Gutowski be placed in the RECORD.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

### REPORTS DIRECTED BY MICHAEL GUTOWSKI

Private Health Insurance: Continued Erosion of Coverage Linked to Cost Pressures (July 1997).

Retiree Health Insurance: Erosion in Employer-Based Health Benefits for Early Retirees (July 1997).

Health Insurance: Management Strategies Used by Large Employers to Control Costs (May 1997).

Medicare HMO Enrollment: Area Differences Affected by Factors Other Than Payment Rates (May 1997).

Uninsured Children: Estimates of Citizenship and Immigration Status, 1995 (May 1997).

Employment-Based Health Insurance: Costs Increase and Family Coverage Decreases (Feb. 1997).

Children's Health Insurance, 1995 (Feb. 1997).

Children's Health Insurance Programs, 1996 (Dec. 1996).

Private Health Insurance: Millions Relying on Individual Market Face Cost and Coverage Trade-Offs (Nov. 1996).

Health Insurance Regulation: Varying State Requirements Affect Cost of Insurance (Aug. 1996).

Medicaid and Uninsured Children, 1994 (July 1996).

Health Insurance for Children: Private Insurance Coverage Continues to Deteriorate (June 1996).

Medicare HMOs: Rapid Enrollment Growth Concentrated in Selected States (Jan. 1996).

Medicaid Section 1115 Waivers: Flexible Approach to Approving Demonstrations Could Increase Federal Costs (Nov. 1995).

Health Insurance Portability: Reform Could Ensure Continued Coverage for up to 25 Million Americans (Sept. 1995).

Employer-Based Health Plans: Issues, Trends, and Challenges Posed by ERISA (July 1995).

Health Insurance Regulation: Variation in Recent State Small Employer Health Insurance Reforms (June 1995).

German Health Reforms: Changes Result in Lower Health Costs in 1993 (Dec. 1994).

Medicaid Long-Term Care: Successful State Efforts to Expand Services While Limiting Costs (Aug. 1994).

Access to Health Insurance: Public and Private Employers' Experience with Purchasing Cooperatives (May 1994).

Health Care Alliances: Issues Relating to Geographic Boundaries (April 1994).

Health Insurance: California Public Employees' Alliance Has Reduced Recent Premium Growth (Nov. 1993).

Managed Health Care: Effect on Employers' Costs Difficult to Measure (Oct. 1993).

German Health Reforms: New Cost Control Initiatives (July 1993).

Medicaid Estate Planning (July 1993).

Health Care: Rochester's Community Approach Yields Better Access, Lower Costs (Jan. 1993).

Emergency Departments: Unevenly Affected by Growth and Change in Patient Use (Jan. 1993).

Employer-Based Health Insurance: High Costs, Wide Variation Threaten System (Sept. 1992).

Access to Health Care: States Respond to Growing Crisis (June 1992).

Access to Health Insurance: State Efforts to Assist Small Businesses (May 1992).

Canadian Health Insurance: Estimating Costs and Savings for the United States (Apr. 1992).

Health Care Spending: Nonpolicy Factors Account for Most of State Differences (Feb. 1992).

Health Insurance: Problems Caused by a Segmented Market (July 1991).

Long-Term Care: Projected Needs of the Aging Baby Boom Generation (June 1991).

Canadian Health Insurance: Lessons for the United States (June 1991).

AIDS-Prevention Programs: High-Risk Groups Still Prove Hard to Reach (May 1991).

Trauma Care: Lifesaving System Threatened by Unreimbursed Costs and Other Factors (May 1991).

Health Insurance Coverage: A Profile of the Uninsured in Selected States (Feb. 1991).

Budget Issues: Effects of the Fiscal Year 1990 Sequester on the Department of Health and Human Services (Aug. 1990).

Health Insurance: Cost Increases Lead to Coverage Limitations and Cost Shifting (May 1990).

Health Insurance: A Profile of the Uninsured in Michigan and the United States (May 1990).

AIDS Education: Public School Programs Require More Student Information and Teacher Training (May 1990).

AIDS Education: Programs for Out-of-School Youth Slowly Evolving (May 1990).

In-Home Services for the Elderly: Cost Sharing Expands Range of Services Provided and Population Served (Oct. 1989).

U.S. Employees Health Benefits: Rebate for Duplicate Medicare Coverage (March 1989).

## HONORING THE BENDERS ON THEIR 70TH WEDDING ANNIVERSARY

Mr. ASHCROFT. Mr. President, families are the cornerstone of America. The data are undeniable: Individuals from strong families contribute to the society. In an era when nearly half of all couples married today will see their union dissolve into divorce, I believe it is both instructive and important to honor those who have taken the commitment of "till death us do part" seriously, demonstrating successfully the timeless principles of love, honor, and fidelity. These characteristics make our country strong.

For these important reasons, I rise today to honor Margaret and Ralph Bender of Garden Grove, CA, who on October 11, 1997, will celebrate their 70th wedding anniversary. My wife, Janet, and I look forward to the day we can celebrate a similar milestone. The Benders' commitment to the principles and values of their marriage deserves to be saluted and recognized.

## HONORING THE SHEAS ON THEIR 50TH WEDDING ANNIVERSARY

Mr. ASHCROFT. Mr. President, families are the cornerstone of America. The data are undeniable: Individuals from strong families contribute to the society. In an era when nearly half of all couples married today will see their union dissolve into divorce, I believe it is both instructive and important to honor those who have taken the commitment of "till death us do part" seriously, demonstrating successfully the timeless principles of love, honor, and fidelity. These characteristics make our country strong.

For these important reasons, I rise today to honor Betty and Bob Shea of St. Louis, MO, who on November 30, 1997, will celebrate their 50th wedding anniversary. My wife, Janet, and I look forward to the day we can celebrate a similar milestone. The Sheas' commitment to the principles and values of their marriage deserves to be saluted and recognized.

## MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

### EXECUTIVE MESSAGE REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting withdrawals and sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

## MESSAGES FROM THE HOUSE RECEIVED DURING ADJOURNMENT

Under the authority of the order of the Senate of January 7, 1997, the Secretary of the Senate, on October 3, 1997, during the adjournment of the Senate, received a message from the House of Representatives announcing that Speaker has signed the following enrolled bills:

H.R. 394. An act to provide for the release of the reversionary interest held by the United States in certain property located in the County of Iosco, Michigan.

H.R. 1948. An act to provide for the exchange of lands within Admiralty Island National Monument, and for other purposes.

## ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on October 2, 1997 he had presented to the President of the United States, the following enrolled bills:

S. 996. An act to provide for the authorization of appropriations in each fiscal year for arbitration in United States district courts, and for other purposes.

S. 1198. An act to amend the Immigration and Nationality Act to extend the special immigrant religious worker program, to amend the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 to extend the dealine for designation of an effective date for paperwork changes in the employer sanctions program, and to require the Secretary of State to waive or reduct the fee for application and issuance of a nonimmigrant visa for aliens coming to the United States for certain charitable purposes.

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mrs. MURRAY:

S. 1248. A bill to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for vessel *Summer Breeze*; to the Committee on Commerce, Science, and Transportation.

By Mr. HAGEL (for himself and Mr. REED):

S. 1249. A bill to allow depository institutions to offer negotiable order of withdrawal accounts to all businesses, to repeal the prohibition on the payment of interest on demand deposits, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. FRIST (for himself, Mr. ROCKEFELLER, Mr. BURNS, and Mr. STEVENS):

S. 1250. A bill to authorize appropriations for the National Aeronautics and Space Administration for fiscal years 1998 and 1999, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. D'AMATO (for himself and Mr. BREAUX):

S. 1251. A bill to amend the Internal Revenue Code of 1986 to increase the amount of private activity bonds which may be issued in each State, and to index such amount for inflation; to the Committee on Finance.

By Mr. D'AMATO (for himself and Mr. GRAHAM):

S. 1252. A bill to amend the Internal Revenue Code of 1986 to increase the amount of low-income housing credits which may be allocated in each State, and to index such amount for inflation; to the Committee on Finance.

By Mr. CRAIG:

S. 1253. A bill to provide to the Federal land management agencies the authority and capability to manage effectively the federal lands in accordance with the principles of multiple use and sustained yield, and for other purposes; to the Committee on Energy and Natural Resources.

S. 1254. A bill entitled the "Federal Lands Management Adjustment Act."; to the Committee on Energy and Natural Resources.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HAGEL (for himself and Mr. REED):

S. 1249. A bill to allow depository institutions to offer negotiable order of withdrawal accounts to all businesses, to repeal the prohibition on the payment of interest on demand deposits, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

### THE SMALL BUSINESS BANKING ACT OF 1997

Mr. HAGEL. Mr. President, I rise today to introduce the Small Business Banking Act of 1997. I'm joined in this effort by my distinguished colleague Senator REED of Rhode Island, who is the principal cosponsor of this important legislation.

Passage of this bill will remove one of the last vestiges of the obsolete interest rate control system. Abolishing the statutory requirement that prohibits incorporated businesses from owning interest bearing checking accounts will provide America's small business owners, farmers, and farm cooperatives with a funds management tool that is long overdue.

Passage of this bill will ensure America's entrepreneurs can compete effectively with larger businesses. My experience as a businessman has shown me, firsthand, that it's extemely important for anyone trying to maximize profits to be able to invest funds wisely for maximum efficiencies.

During President Ronald Reagan's first term, one of his early actions was to abolish many provisions of the antiquated interest rate control system the banking system was required to use. With this change to the laws, Americans were finally able to earn interest on their checking accounts deposited in banks. Unfortunately, one aspect of the old system left untouched by the change in law was not allowing America's businesses to share in the good fortune.

Complicating matters is the growing impact of nonbanking institutions that offer deposit-like money accounts to individuals and corporations alike. Large brokerage firms have long offered interest on deposit accounts they maintain for their customers.

While I support business innovation, I don't believe it's fair when any business gains a competitive edge over another due to government interference through overregulation. This is exactly the case we have with banking laws that stifle bankers, especially America's small community bankers, and give an edge to another segment of the financial community. The Small Business Banking Act of 1997 seeks to correct this imbalance and allow community banks to compete fairly with brokerage firms.

I'm pleased to say our bill has the strong support of America's Community Bankers and the American Farm Bureau Federation. In my home State of Nebraska, this bill has the support of the Nebraska Bankers Association and the Independent Bankers Association. These important organizations represent a crosscurrent of the type of support Senator REED and I have for our bill. Senator REED and I also have the support of the Federal regulators. In their 1996 Joint Report, "Streamlining of Regulatory Requirements", the Board of Governors of the Federal Reserve System, the Federal Deposit Insurance Corporation, the Office of the Comptroller of the Currency, and the Office of Thrift Supervision, stated they believe the statutory prohibition against payment of interest on business checking accounts no longer serves a public purpose. I heartily agree.

Mr. President, this is a straightforward bill that will do away with an unnecessary regulation that burdens American business. I urge my colleagues to support it.

Mr. REED. Mr. President, I am pleased to join my colleague Senator HAGEL in introducing the Small Business Banking Act of 1997, legislation that eliminates a Depression-era Federal law prohibiting banks from paying interest on commercial checking accounts. This legislation represents an important victory for small business and the banking industry because it eliminates a costly and burdensome Federal prohibition that has outlived its usefulness.

The prohibition against the payment of interest on commercial accounts was originally part of a broad prohibition on the payment of interest on any deposit account. At the time of enactment, it was the popular view that payment of interest on deposits created an incentive for rural banks to shift deposits of excess funds to urban money center banks that made loans that fueled speculation. Moreover, it was believed that such transfers created liquidity crises in rural communities. However, a number of changes in the banking system since enactment of the prohibition have called into question its usefulness.

First, with the passage of the Depository Institutions Deregulatory and Monetary Control Act of 1980, Congress allowed financial institutions to offer interest-bearing accounts to individuals—a change which has not adversely affected safety and soundness. Second, a number of banks have developed complex mechanisms called sweep accounts to circumvent the interest rate prohibition. Because of the costs associated with developing sweep accounts, however, large banks have become the primary offerors of these accounts. As a result, many smaller banks are at a competitive disadvantage with larger banks that can offer their commercial depositors interest-bearing accounts. Most important, the vast majority of small businesses cannot afford to utilize sweep accounts because the cost of opening these accounts is relatively high and most small businesses do not have a large enough deposit base to justify these costs.

In light of these developments, it has become clear that the prohibition on interest-bearing commercial accounts is nothing more than a relic of the Depression era that has effectively disadvantaged small businesses and small banks, and led large banks to dedicate significant resources to circumventing the prohibition. I am, therefore, pleased to cosponsor this legislation that will eliminate this prohibition and level the playing field for small banks and small business.

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By Mr. FRIST (for himself, Mr. ROCKEFELLER, Mr. BURNS, and Mr. STEVENS):

S. 1250. A bill to authorize appropriations for the National Aeronautics and Space Administration for fiscal years 1998 and 1999, and for other purposes; to the Committee on Commerce, Science, and Transportation.

### THE NATIONAL AERONAUTICS AND SPACE ADMINISTRATION FISCAL YEARS 1998 AND 1999 AUTHORIZATION ACT

Mr. FRIST. Mr. President, I rise to introduce the authorization bill for the National Aeronautics and Space Administration for fiscal years 1998 and 1999. I would like to thank the cosponsors of this bill, Senator ROCKEFELLER, Senator BURNS, and Senator STEVENS, as well as others who support this bill, for their hard work and dedication to making this bill a possibility.

NASA's unique mission of exploration, discovery, and innovation has preserved the U.S. role as both a leader in world aviation and as the preeminent spacefaring nation. It is NASA's mission to: Explore, use and enable the development of space for human enterprise; advance scientific knowledge and understanding of the Earth, the Solar System, and the Universe and use the environment of space for research; and research develop, verify and transfer advanced aeronautics, space and related technologies.

This bill, which authorizes NASA for $13.6 billion in fiscal year 1998 and $13.8 billion in fiscal year 1999, provides for the continued development of the international space station, space shuttle operations and safety and performance upgrades, space science, life and micro gravity sciences and applications, the Mission to Planet Earth Program, aeronautics and space transportation technology, mission communications, academic programs, mission support, and the office of the inspector general.

With this authorization the committee puts in place a sound plan under which NASA can provide assurances to the Congress that the cost and schedule difficulties of the international space station have been contained. In addition, the bill has been crafted to protect to the maximum extent possible the balance between manned and unmanned flight as well as the balance between development activities and science.

Therefore, I, along with my cosponsors urge the Members of this body to support this bill and allow NASA to continue its mission of support for all space flight, for technological progress in aeronautics, and for space science.

Mr. BURNS. Mr. President, I am proud to be a cosponsor of the NASA authorization bill for fiscal years 1998 and 1999, introduced by Senator FRIST, chairman of the Subcommittee on Science, Technology, and Space and Senator ROCKEFELLER, the ranking minority member. I would like to take this opportunity to thank both Senator FRIST and Senator ROCKEFELLER for helping to craft a bipartisan bill which balances the goals and missions of our space agency within fiscal responsibility.

This bill authorizes the full $1.4 billion requested by NASA for Mission to Planet Earth. As many of you know, I'm a strong supporter of this program because it is about using satellite technology to help average citizens in their everyday activities. The goal of this program is to provide farmers, land planners, foresters, scientists and others with cost-effective tools to help them do their work. This program provides the scientific foundation for weather forecasting on a year-to-year basis, land-use management, and to protect people, property, and the environment from natural disasters. To accomplish this goal, Mission to Planet Earth supports scientists in Montana and in other U.S. States, to carry out the experiments necessary to expand our frontier of understanding Earth.

This bill also provides authorization for $10 million for the Experimental Program to Stimulate Competitive Research [EPSCoR] Program. This funding will allow NASA to carry out a new competition to help NASA develop a stronger presence in the vital academic research programs in institutions in rural States like Montana.

Finally, I would like to note that the bill contains a new provision, section 317, which provides insurance, indemnification and liability for coverage for the X–33 and X–34 experimental aerospace vehicle tests. It draws upon provisions in the Space Act as well as the commercial Space Launch Act to provide the necessary coverage to continue innovative research and technology development in aerospace. It also provides the infrastructure needed to allow NASA to work with industry to meet the challenges of the 21st century. The X–33 program partners NASA with industry to develop a single-stage-to-orbit reusable launch vehicle. The goal is to decrease the cost of getting to space while making it safer and more accessible. I'm proud that Montana is part of this program. Malmstrom Air Force Base near Great Falls has been selected as one of the preferred landing sites for the X–33 prototype. Landing at Malmstrom will be the longest flight for this 136-ton wedge-shaped prototype. Knowledge from these tests will be used to create the next generation launch vehicle.

I believe that we have a bill that provides NASA with the funding authorization and policy direction it will need to maintain our world leadership in space and aeronautics.

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By Mr. D'AMATO (for himself and Mr. BREAUX):

S. 1251. A bill to amend the Internal Revenue Code of 1986 to increase the amount of private activity bonds which may be issued in each State, and to index such amount for inflation; to the Committee on Finance.

### PRIVATE ACTIVITY BONDS LEGISLATION

Mr. D'AMATO. Mr. President, I rise today with my friend and colleague, Senator BREAUX, to introduce long overdue legislation to increase the private activity tax-exempt bond cap to $75 per capita or $250 million, if greater, and index the cap to inflation. The current cap, which has not been adjusted in over a decade—not even to account for inflation—is severely restricting the ability of States and localities to meet pressing housing, economic development, and other needed investments in their citizens and communities.

This cap, imposed in 1986, is now $50 per capita or $150 million, if greater. It applies to issuers of tax-exempt bonds for affordable single and multifamily housing, redevelopment of blighted areas, student loans, manufacturing, municipal service, and hazardous waste disposal facilities.

Cap growth is limited to State population increases, but not inflation. As a result, inflation has severely eroded capped bonds' purchasing power. The 1987 bond cap, adjusted for the current limit, would have been $14.3 billion. Ten years later, the 1997 cap is $15 billion a mere 5-percent increase—due to population—over a period of far greater inflation.

Mr. President, Congress never intended to restrict the growth of this program. In fact, Congress never intended the cap to shrink at all. It allowed the cap to grow with State populations and imposed the cap in the same legislation, the 1986 Tax Reform Act, which terminated by 1989 the two heaviest cap users: mortgage revenue bonds [MRB's] for housing, and industrial revenue bonds [IDB's] for manufacturing. That left plenty of room for the remaining capped bonds. Congress then extended MRB's and IDB's several times past the 1989 expiration dates and finally made them permanent in 1993.

What Congress did not do at that time was adjust the cap to accommodate these additional uses. Accordingly, demand for capped bonds now exceeds supply in most States. One example is the overwhelming demand in many States for MRB's, issued primarily by State Housing Finance Agencies [HFA's] to finance modestly-priced first-time homes for lower income families. In 1996, State HFA's issued almost $8 billion in MRB's for nearly 100,000 mortgages, according to the National Council of State Housing Agencies [HCSHA].

Since January 1, 1995, the State of New York Mortgage Agency [SONYMA] has financed more than 1 billion dollars' worth of affordable first-time home mortgage loans with MRB's. SONYMA's Construction Incentive Program has allocated $250 million in MRB funding which will create 2,400 new homes and 6,000 full-time jobs in New York.

The State of New York also relies heavily on tax-exempt bond authority for multifamily housing. In 1997 alone, the New York State Housing Finance Agency expects to finance $420 million worth of multifamily mortgage loans with multifamily housing bonds. This investment will create, 2,150 new, privately owned and managed apartments, 430 of which will be affordable to low-income families. In addition to providing desperately needed housing, this investment will promote economic integration in many neighborhoods.

Unfortunately, home ownership and a decent apartment remain out of reach for thousands more families whom the MRB and multifamily housing bond programs could serve better than any other. State HFA's could have used an estimated additional $2.4 billion in bond cap authority in 1996, according to NCSHA. SONYMA could have used another $100 million last year.

The private activity volume cap also includes tax-exempt bond authority to assist small and midsized companies finance the expansion of manufacturing facilities. These companies often do not have reasonable access to the capital markets and cannot easily finance construction of manufacturing facilities. I used these bonds in my capacity as town supervisor of Hempstead to allow existing businesses to grow and to attract new business. Without this financing, these companies, and their employees, would not be in New York State. Nationwide, over $2.612 billion of tax-exempt manufacturing bonds were issued in 1996. In 1996 alone, New York State issues over $96 million of tax-exempt bonds for manufacturing facilities. The Council of Development Finance Agencies reported that bond issuance increased 32 percent in 1996 from the prior year. In New York, demand for this low-cost financing greatly exceeded the almost $100 million of bonds issued. The Empire State Development Corp., a public agency, reported that demand for tax-exempt bonds to support manufacturing was about 30 percent higher than the over $96 million of bonds actually issued in 1996.

Over the years, these bonds created literally thousands of construction and permanent jobs in my home State, and tens of thousands nationwide. It is critical to raise the bond cap to facilitate job creation by small and midsized manufacturing companies. In many cases, these companies cannot obtain reasonable financing to expand, but for tax-exempt financing.

Mr. President, nationwide, demand for all bonds under the cap outstripped supply by almost $7 billion last year, according to NCHSA. New York alone faced unmet demand of more than $1 billion for all the investments strangled by the cap.

The Nation's Governors have adopted a policy calling for a cap increase. The Nation's State treasurers, National Association of Counties, and Association of Local Housing Financing Agencies [ALHFA] also support raising the cap.

One-third of the House Ways and Means Committee and nearly 100 House Members overall already have cosponsored companion legislation—H.R. 979—to increase the bond cap $75 per capita or $250 million, if greater, and index the cap to inflation.

The current cap is severely restricting the ability of States and localities from making much-needed investments in their citizens and communities. I urge my colleagues to join Senator

BREAUX and me in a bipartisan effort to increase the bond cap.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1251

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. INCREASE IN STATE CEILING ON PRIVATE ACTIVITY BONDS.**

(a) REPEAL OF POST-1987 REDUCTION.—Subsection (d) of section 146 of the Internal Revenue Code of 1986 (relating to State ceiling) is amended by striking paragraph (2).

(b) ADJUSTMENT OF STATE CEILING FOR INCREASES IN COST-OF-LIVING.—Subsection (d) of section 146 of such Code is amended by inserting after paragraph (1) the following new paragraph:

"(2) COST-OF-LIVING ADJUSTMENT.—

"(A) IN GENERAL.—In the case of a calendar year after 1998, each of the dollar amounts contained in paragraph (1) shall be increased by an amount equal to—

"(i) such dollar amount, multiplied by

"(ii) the cost-of-living adjustment determined under section 1(f)(3) for such calendar year by substituting 'calendar year 1997' for 'calendar year 1992' in subparagraph (B) thereof.

"(B) ROUNDING.—If any increase under subparagraph (A) is not a multiple of the applicable dollar amount, such increase shall be rounded to the nearest applicable dollar amount. For purposes of the preceding sentence, the applicable dollar amount is—

"(i) $1 in the case of an adjustment of the $75 amount in paragraph (1)(A), and

"(ii) $5 in the case of an adjustment of the $250 amount in paragraph (1)(B)."

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to calendar years after 1997.

Mr. BREAUX. Mr. President, I am pleased to introduce today with my colleague, Senator D'AMATO, an important bill that will assist States and localities in working with private industry to foster economic development and provide home ownership opportunities to low-income Americans. Specifically, our bill will increase the private activity tax-exempt bond cap to $75 per capita or $250 million, if greater, and index the cap to inflation. Congress created the private activity-exempt bond decades ago to apply to mortgage revenue bonds and other bonds for multifamily housing, redevelopment of blighted areas, student loans, manufacturing, and hazardous waste disposal facilities. However, Congress unintentionally restricted the growth of this program by imposing a cap on the bond volume of $50 per capita or $150 million, if greater, which has meant States cannot meet the demand for these bonds.

Tax-exempt bonds are issued by State and local governments to provide below market interest rates to fund authorized programs and projects. Revenue bond investors accept lower interest from these bonds because the interest income is tax-exempt. Mortgage revenue bonds are issued to help lower income working families buy their first homes with low interest loans from private investment in State and local bonds, significantly lowering the cost of owning a home.

In my own State, the Louisiana Housing Finance Agency has issued over $1.1 billion in mortgage revenue bonds for almost 16,000 affordable home mortgages since the program began. In 1996 alone, the agency issued over $112 million in mortgage revenue bonds for nearly 1,200 home loans. That's 1,200 Louisiana families who now know the pride of owning their own home—Louisiana families that earned, on average, less than $28,000 last year. The Louisiana Housing Finance Agency estimates that it alone could have used another $50 million in bond authority. Nationwide, States could have used an additional $7 billion in bond cap for mortgage revenue bonds, student loan bonds, industrial revenue bonds, pollution control bonds, and other worthy investments.

Student loan bonds are issued to raise a pool of money at tax-exempt interest rates to fund college loans at lesser interest rates. In my State, the Louisiana Public Facilities Authority has issued $745 million in student loan bonds since 1984. These bonds have funded over 80,000 college loans for deserving Louisiana students—students who otherwise might not have been able to afford to attend college.

In Louisiana, the roughly $40 million of remaining 1997 volume cap will not come close to fulfilling the $330 million of demand for these bonds. The total 1997 volume cap for Louisiana was $217,500,000. After funding minimal housing and student loan needs, little volume cap remains available for industrial development bonds for manufacturing purposes. Many of the industrial and manufacturing facilities create substantial employment opportunities that are not possible due in part to a deficiency in volume cap.

Our bill will correct this woeful situation and improve the ability of States and localities to provide home ownership opportunities to low-income families throughout the United States, to help fund student loans for college students and to help finance industrial and manufacturing facilities. These facilities will, in turn, increase employment and the tax base of local governments. I urge my colleagues to join me and Senator D'AMATO in this effort.

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By Mr. D'AMATO (for himself and Mr. GRAHAM):

S. 1252. A bill to amend the Internal Revenue Code of 1986 to increase the amount of low-income housing credits which may be allocated in each State, and to index such amount for inflation; to the Committee on Finance.

THE LOW-INCOME HOUSING TAX CREDIT CAP ACT OF 1997

Mr. D'AMATO. Mr. President, I rise today with my friend and colleague, Senator GRAHAM of Florida, to introduce long overdue legislation to increase the cap on State authority to allocate low-income housing tax credits—housing credits—to $1.75 per capita, and to index the cap to inflation. The current cap of $1.25 per capita has not been adjusted—not even to account for inflation—since the program was created over a decade ago. This cap is strangling a State's capacity to meet pressing low-income housing needs.

Annual cap growth is limited to the increase in State population, which has only been 5 percent nationwide over the past decade. During the same time period, inflation has eroded the housing credit's purchasing power by approximately 45 percent, as measured by the Consumer Price Index.

Mr. President, as you may know, housing credits are the primary Federal-State tool for producing affordable rental housing across the country. Since 1987, State agencies have allocated more than $3 billion in housing credits to help finance nearly 900,000 apartments for low-income families, including 75,000 apartments in 1996. In my own State of New York, the credit is responsible for helping finance 44,000 apartments for low-income New Yorkers, including 4,450 apartments in 1996.

Earlier this year, the General Accounting Office issued a comprehensive report giving the housing credit a clean bill of health. That report documents that the program in fact exceeds a number of important congressional objectives. For example, though the law allows housing credit apartment renters to earn up to 60 percent of the area median income, GAO documented the average tenant's income at just 37 percent, and found that more than three out of four renters have incomes under 50 percent of the area median income. GAO also found that rents in housing credit apartments are well below market rents, up to 23 percent less than the maximum permitted, and 25 percent below HUD's national fair market rent.

The GAO report also documents that States are giving preference to apartments serving low-income tenants longer than the 15 years the law requires. In fact, two-thirds of the apartments GAO studied were set aside for low-income use for 30 years or more.

A second major assessment of the credit has been objectively completed by Ernst & Young, reiterating many of the positive findings of the GAO report, demonstrating a tremendous need for additional affordable housing, and documenting the devastating effect of the current cap on States' ability to finance this critically needed housing.

Despite the success of the housing credit in meeting affordable rental housing needs, the apartments it helps finance can barely keep pace with the nearly 100,000 low cost apartments which are demolished, abandoned, or converted to market rate use each year. Increasing the housing credit cap, as Senator GRAHAM and I propose, would allow States to finance approximately 25,000 more critically needed low-income apartments each year.

Nationwide, demand for housing credits outstrips supply by more than 3 to 1. In 1996, States received applications requesting more than $1.2 billion in housing credits—far surpassing the $365 million in credit authority available to allocate that year.

In New York, the New York Division of Housing and Community Renewal received applications requesting more than $104 million in housing credits in 1996—nearly four times the $29 million in credit authority it already had available. When I think of the immense need for affordable housing within my State, I can only characterize this decade-old limit on State credit authority as an overwhelmingly lost opportunity.

Mr. President, in 1993, Congress made the housing credit permanent with unprecedented, overwhelmingly bipartisan cosponsorship. In addition, the Nation's Governors have adopted a policy calling for an increase in the housing credit cap.

Mr. GRAHAM. Mr. President, today I join my colleague Senator D'AMATO as we introduce legislation to increase the amount of low income housing tax credits allocated to the States and to index the low-income housing credit for inflation.

In a time of fiscal austerity, housing credits encourage private investment in economically sound, privately owned, affordable homes for low-income working families in all 50 States. By helping families that get up and go to work every day to earn their rent and mortgage payments, the low-income housing credit provides families with an important stake in maintaining self-sufficiency.

Mr. President, the low-income housing tax credit was created in the 1986 tax reform bill in the wake of decreasing appropriations for federally-assisted housing and the elimination of other tax incentives for rental housing production. The housing credit encourages the construction and renovation of low-income housing by reducing the tax liability placed on the developers of affordable homes. The credit is based on the costs of development as well as the percentage of units devoted to low-income families or individuals.

The current formula used in determining a State's housing credit allocation is $1.25 multiplied by the State's population. Unlike other provisions in the Tax Code, this formula has not been adjusted since the credit was created in 1986. During the same period, inflation has eroded the credit's purchasing power by nearly 45 percent, as measured by the Consumer Price Index.

The bipartisan bill Senator D'AMATO and I introduce today proposes to increase the annual limitation on State authority to allocate low income housing tax credits to $1.75 per capita and index the cap for inflation. By freeing the 10-year-old cap on housing credits from its current limitation, as requested by the Nation's Governors, our bill will liberate States' capacity to help millions of Americans who still have no decent, safe, affordable place to live.

A brief look at the history of the housing credit provides ample evidence of why our legislation is needed. In the State of Florida, for example, the LIHTC has used more than $187 million in tax credits to produce approximately 42,000 affordable, rental units, valued at over $2.2 billion. Tax credit dollars are leveraged at an average of $18 to $1. Nevertheless, in 1996, nationwide demand for the housing credit greatly out paced supply by a ratio of nearly 3 to 1. In Florida, credits are distributed based upon a competitive application process and many worthwhile projects are denied due to a lack of tax credit authority.

This spring, the U.S. General Accounting Office [GAO], Congress' main investigative agency, released a national audit of the Low-Income Housing Tax Credit Program. The GAO found that the average housing credit apartment renter earns only 37 percent of the local area median income. Further, surveyed properties—more than 450—appeared to be in good condition and well-maintained. Additionally, the GAO reported that housing credit properties "overwhelmingly comply with statutory and regulatory requirements."

Mr. President, I'd like to draw attention to one example of how the low-income housing tax credit has benefited American families. I am referring to the Holly Cove housing community developed by Vestcor Equities near Jacksonville, FL. Vestcor provides clean, safe and affordable living environments for low- to moderate-income residents by developing, renovating, and operating multifamily communities.

In addition to affordable housing, Vestcor, through developments such as Holly Cove provides community services to improve the quality of life of their residents. Through counseling, education, and resident involvement, Vestcor energizes its community and provides residents with the tools they need for success. Activities and educational programs offered include: budgeting and credit counseling, resume writing assistance, GED classes, substance abuse counseling, and after school homework assistance. In short, with the help of the low-income housing tax credit, Vestcor Equities strengthens the community by investing in children and families.

Vestcor Equities provides first-hand evidence of the important role the low-income housing tax credit offers as a catalyst of private sector investment in our communities.

Mr. President, as we struggle to balance the budget and restore fiscal responsibility in Washington, the housing credit allows bureaucrats to step aside and let the free market fill an important need in America's communities. I hope my colleagues will embrace this important legislation.

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By Mr. CRAIG:

S. 1253. A bill to provide to the Federal land management agencies the authority and capability to manage effectively the Federal lands in accordance with the principles of multiple use and sustained yield, and for other purposes; to the Committee on Energy and Natural Resources.

### THE PUBLIC LANDS MANAGEMENT IMPROVEMENT ACT OF 1997

S. 1254. A bill to provide a procedure for the submission to Congress of proposals for, and permit upon subsequent enactment of law, assumption of management authority over certain Federal lands by States and nonprofit organizations; to encourage the development and application to Federal lands of alternative management programs that may be more innovative, less costly, and more reflective of the neighboring communities' and publics' concerns and needs, and for other purposes; to the Committee on Energy and Natural Resources.

### THE FEDERAL LANDS MANAGEMENT ADJUSTMENT ACT

Mr. CRAIG. Mr. President, this week marked the 21st anniversary of the congressional passage of the 1976 National Forest Management Act. It is, therefore, a particularly appropriate time to discuss revisions to modernize NFMA and the Federal Land Policy and Management Act also passed in 1976. Today, I am introducing a revised version draft of a legislative proposal I first circulated for comments and review last December.

Actually, as I will explain shortly, I am introducing two bills today. The first bill, called the Public Lands Improvement Act of 1997, provides a series of reforms to the management programs of the Forest Service and the Bureau of Land Management. The second bill, called the Federal Lands Management Adjustment Act of 1997, provides an opportunity for the States or other parties to seek certain management responsibilities for Federal, multiple-use lands.

These two bills were bound together as one proposal in my December draft. But they have changed significantly as a consequence of six workshops sponsored by the Subcommittee on Forests and Public Land Management, as well as a foot-thick pile of comments provided by individuals and groups who took the time and effort to review the December proposal, offer us their views, and suggest many helpful changes.

The proposal that I am introducing today has been shared with the Clinton administration. We reviewed the proposal with them earlier this week. In the very near future, we will hear their formal comments on the proposal. But I think it is fair to say that, at this point, the administration still embraces the proposition that no statutory changes are needed to the confusing and conflicting mandates that govern the Forest Service and BLM. A number of serious observers and students of these two agencies—most notably the General Accounting Office in a series of research efforts conducted on behalf of myself and Senator MURKOWSKI—disagree strongly.

Nevertheless, the administration's present posture is to inveigh against any changes to the law. This position makes it very difficult for this bill, or any bill, to be introduced with the kind of bipartisan support that will be needed to eventually secure passage of legislation in this area. Consequently, I am introducing this bill alone, even though there are numerous Senators on our side of the aisle who would like to be cosponsors. I have asked the full committee chairman, Senator MURKOWSKI, to join me.

I point out this reality not to pick a fight with the administration. Rather, I want to make it clear that I am introducing it by myself—without political cover—so that a spirit of bipartisan cooperation can have a chance to grow as we move into the formal hearings process. Any significant changes in this area of law will, by both design and necessity, be the product of bipartisan collaboration between the Congress and the administration. I not only accept this—I welcome it.

At the same time, if you look closely at the Interior and related agencies appropriations bill reported by the Senate, you will see a number of instances where Senator GORTON and I have made it clear to the administration that—absent clarifying legislative changes to confusing and expensive statutory mandates—we are not prepared to continue to spend money to no particular end. At this point, we are sending good money after bad.

These existing statutes—NFMA and FLPMA—are 21 years old. Their implementation today conjures the image of a sullen 21-year-old without a job, that's moved back home, is cleaning out the refrigerator and is draining cash without contributing much to the family. In my single year as a member of the Committee on Appropriations, I have seen how many exceptionally worthy efforts are denied funds. I cannot, in good conscience, condone further spending for things like the RPA Program and NFMA plan revisions.

I hope the administration takes the message here seriously, but constructively. That is the fashion in which is being sent. And, obviously I hope that they will review the proposal that we shared with them last week, and provide us their ideas on the statutory changes that should be made.

With that, I would like to highlight a few of the changes that we made in response to reviewers that have provided us their comments since last December.

First and foremost, as I indicated, I am introducing two bills today. We have separated title VI of the December draft and made it a separate bill dealing with increased opportunities for the State—and now others—to take on a larger role in Federal land management. I will treat this idea separately as we move through the hearing process. I'm doing this because a number of middle-of-the-road groups and thoughtful individuals suggested that it is impossible to focus on Federal land law reform if we are simultaneously, that is, in the same piece of legislation, looking at alternatives to Federal land management. Considering alternatives to Federal management of nationally owned lands is an intellectual "bridge too far" for many. It became an impediment to their participation and, I hope, ultimately their support for Federal land management reform.

I can accept this, even though it does suggest a certain timidity of spirit. I will note that the most timid of spirit, by far, were those interest groups, which self-identified by their rhetoric, that vigorously opposed all discussion of this concept in any form.

At the same time, I remain convinced that we ought to be looking at alternatives to Federal land management in a thoughtful and organized way. That is why I have introduced both bills today. We may take up the bills at somewhat different times as we move forward. But we will eventually pursue them both.

The former Chief of the Forest Service, Jack Ward Thomas, and the General Accounting Office felt that both the BLM and the Forest Service need a much clearer statement of mission. Our December draft focused largely upon improved procedures. The GAO emphasized that any attempt to change resource management procedures would not, by itself, be sufficient to cut through the morass of confusion that currently infects Federal agency management. Therefore, we have included a discrete mission statement for both the BLM and the Forest Service in the new proposal.

Additionally, over the past 9 months we have heard a lot from locally base, consensus groups working of Federal land management problems. I have become convinced that we ought to encourage these efforts. Therefore, this bill provides greater opportunity and encouragement to local consensus groups. Also, we provide a greater opportunity for the Forest Service and BLM to seek out local advice from interested elements of the public. I am optimistic that, if we can forge consensus at the local level, many of the national land management conflicts can be diminished in their intensity.

In response to numerous comments, we have also made some significant changes to part B of title I dealing with administrative appeals and judicial review of Forest Service and BLM decisions. We still codify—for the first time—an administrative appeals process for the Forest Service. The existing appeals process is without statutory basis, and could be eliminated by administrative fiat.

We have, however, removed the provision allowing the executive agencies the opportunity to dismiss and penalize frivolous appeals. In the December draft, we tried to use existing jurisprudential standards for discouraging frivolous legal action. Many reviewers were, however, uncomfortable with the notion of providing this authority to the executive branch agencies under any standard.

We also removed a provision in the December draft which stated that, upon injunction of a land and resource management plan, the previous plan would apply. As with frivolous actions, we will now leave to the judiciary the case-by-case determination of an appropriate course of action after the issuance of a broad-scale injunction.

One of the more contentious issues in the December draft was whether the land managing agencies should assure their own compliance with section 7 of the Endangered Species Act. Many groups were unwilling to trust the Forest Service and the BLM to do this on their own. Here, we were guided by the thoughtful comments of the Wildlife Management Institute. The Institute suggested that, with some review and certification of their program capabilities, the land managing agencies could be so trusted. Therefore, this provision has been modified to allow the land managing agencies to do their own section 7 compliance, but only after their programs have been certified by the Fish and Wildlife Service—in consultation with the National Marine Fisheries Service—as competent to carry out this responsibility.

You may recall that, in title IV of the December draft, we created some new funding streams to increase land management activities. We received a number of comments that allowing resource managers to keep these funds locally could create perverse incentives that would result in more intensive land management—whether or not such management is appropriate in individual circumstances. At the same time, we heard from GAO and others that one of the most crying needs for additional funding is monitoring of plan implementation. The GAO emphasized that this is where the Forest Service and BLM often fall short.

In response to both sets of concerns, we are retaining these new funding streams, but channeling any additional revenues into increased monitoring activity. It is our hope that, with better monitoring, we will get more effective plan implementation, and more projects accomplished on the ground.

During the past few months as we have worked on this proposal, we have also been captivated by a separate discussion underway between the administration and groups who wish to bid on timber sales for the purpose of preserving—rather than harvesting—the trees. To date, the administration has correctly interpreted existing law as not providing the authority to entertain such bidders. Section 14(c) of the National Forest Management Act is specific that the purpose of timber sales is to promote the orderly harvesting of the timber.

At the same time, where the sale is for the sole purpose of disposing of a commodity, we believe that the taxpayers should be afforded the best price—whether it is being offered by someone who wants to harvest, or someone who wants to preserve the trees. Therefore, we have added a provision in title IV of the bill which provides the administration authority which it now lacks, to allow nonharvesting bidders to participate in the auction of commodity timber sales that have no land stewardship function associated with them.

Now let me spend a few moments on the second bill dealing with transfer of management responsibilities for Federal lands. As I indicated, this has been split into a separate bill to accommodate those who could not consider alternatives to Federal management at the same time they were proffering their views about how to make Federal management more effective. With regard to the State transfer bill, it is in many respects similar to title VI of our December draft. We do, however, clarify that nothing in the transfer of management responsibility is designed to infringe on Indian tribal or treaty rights.

Additionally, we have been moved by the views of a number of free market environmentalists and scholars who have argued that there should be an opportunity for nonprofit trusts to assume a larger role in Federal land management. We have added this concept to the transfer bill.

These are a few of the changes that we made. As I indicated, the changes are numerous and substantive. My staff indicated that, at last count, we had made some 80 changes in the December draft. It's now time to review these changes, and continue a constructive discussion on how this bill can be improved further.

In that regard, I want to thank a number of individuals and groups who have been instrumental in providing us ideas for the improvements that we have already made. First and foremost, I want to thank former Chief, Jack Ward Thomas, for his advice and participation in our workshops. I also would like to thank a group of retired Forest Service Deputy Chiefs and Regional Foresters led by George Leonard for their thoughtful and detailed comments.

I appreciate the assistance provided by a number of professional societies and other middle-of-the-road conservation groups who assisted us by forming committees made up of their members to review the bill and offer us formal comments. These groups include, among others, the Wildlife Management Institute, the Society of American Foresters, the National Association of State Foresters, and the Association of State Land Commissioners. In each case, their participation has been instrumental in guiding us toward some of the changes I have described.

Now I suppose the next question is: where we will head from here? We will try to convene a first hearing before we recess this session of Congress. At this hearing, I hope to hear from those groups that have taken the extra step of forming committees of their members to review the December proposal. I would like to hear from them how responsive they think we have been to their constructive suggestions.

Then, when we reconvene next year I will hold additional hearings to receive testimony from national interest groups, as well as from the administration. I will endeavor to be as inclusive as possible in soliciting testimony from as wide a range of groups as are interested.

I hope that, by early next year, the administration will see its way clear to sit down with us and suggest constructive changes to this proposal. I would welcome the opportunity to work with them to see if there is a list of changes that we can agree are necessary and meaningful to pursue.

With or without the administration's cooperation, I will nevertheless endeavor to produce a third version of this bill to have ready for committee markup sometime next spring.

I urge all groups involved in reviewing this legislation to take the time to: first, read it; second, reflect on it; third, come in and discuss it with us if they wish; and fourth, commit themselves to moving forward to work with us to develop a land management planning process that is equitable, efficient, and sensitive to environmental, economic, and fiscal concerns.

Mr. President, I ask unanimous consent that additional material be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

### SECTION-BY-SECTION DESCRIPTION—PUBLIC LANDS MANAGEMENT IMPROVEMENT ACT OF 1997

Sec. 1. Short title: table of contents. This legislation—"Public Lands Management Improvement Act of 1997"—provides new authority and gives greater responsibility and accountability to the Forest Service, Department of Agriculture, and Bureau of Land Management (BLM), Department of the Interior, for planning and management of federal lands under their jurisdiction. The two statutes governing the agencies' land planning and management—National Forest Management Act (NFMA) and Federal Land Policy and Management Act (FLPMA)—are now more than two decades old; this legislation preserves those laws' policies and requirements while it updates those laws to reflect the agencies' subsequent performance and experience.

Sec. 2. Findings. This section contains numerous findings which explain the need for this legislation. The findings—

Note the widespread public support for the twin principles of federal land management—multiple use and sustained yield—imposed on Forest Service lands in NFMA and on BLM lands in FLPMA.

Recognize that NFMA and FLPMA, enacted in 1976, established resource management planning processes as the means to apply these land management principles to the federal lands.

State that, in the 2 decades since the enactment of NFMA and FLPMA, fundamental flaws in the planning processes have been exposed, to the dissatisfaction of all stakeholders.

Find that these flaws threaten the planning and decisionmaking processes and undermine the agencies' ability to fulfill their statutory land management responsibilities and accomplish management that is well grounded in science.

Note that Congress' desire for planning to be completed within discrete time frames and to provide secure management guidance has not been achieved.

Describe how planning has yet to be completed 2 decades after the enactment of NFMA and FLPMA, and how the Forest Service and BLM are now engaged in an apparently perpetual planning cycle that deprives both the agencies and the public of stable and predictable management of federal lands.

State that the two levels of planning contemplated and required by NFMA and FLPMA have been expanded by the agencies and the courts to include various planning exercises on multiple, often conflicting planning levels that in many cases are focused narrowly on only one resource, are conducted without the procedural and public participation safeguards in the planning required by statute, and result in guidance that conflicts with the planning that is conducted in accordance with statutory direction.

Find that the procedures and requirements of NFMA and FLPMA often are not compatible, and even conflict, with procedures and requirements of other, more generally applicable environmental laws. The result is often the de facto transfer of planning and management decisionmaking authority from the land management agencies—the Forest Service and BLM—to other environmental agencies—the Environmental Protection Agency, Fish and Wildlife Service, National Marine Fisheries Service, etc.—that do not possess comparable land management expertise.

Find "without doubt" that Congress has failed to reconcile the procedures and requirements of other environmental laws with the planning and management processes established by NFMA and FLPMA.

Describe how, even when the Forest Service and BLM retain planning and management authority, they are often paralyzed by an escalating number of administrative appeals and lawsuits.

Note that existing law does not recognize, nor integrate into planning, important new land management concepts such as ecosystem management and adaptive management which are being imposed or incorporated in federal land planning and management without statutory authority.

State that new processes developed by stakeholders to better participate in federal land planning and decisionmaking, such as the community-based collaborative deliberations of the Quincy Library Group and Applegate Partnership, are not recognized or encouraged by NFMA and FLPMA.

Find that these flaws in planning and plan implementation, including the administrative and judicial challenges, have escalated Forest Service and BLM land management costs and thereby reduced land management capability.

State that these flaws in planning and subsequent inability to secure plan implementation have injured—both environmentally and economically—all stakeholders, but particularly local resource-dependent communities which have no protection nor recourse under NFMA and FLPMA.

Find that NFMA, FLPMA, and their implementing regulations provide much guidance on planning, but virtually none on plan implementation, thereby devaluing the term "Management" common to both Act's titles.

Report the finding of the United States General Accounting Office that the statutory flaws and public distrust discussed in these findings have contributed to, and been compounded by, the agencies' lack of a clear mission statement.

And find that additional statutory direction for planning and plan implementation is needed to secure stable and predictable federal land management and to free the Forest Service and BLM to exercise fully their professionalism in making management decisions.

Sec. 3. Definitions. This section defines the terms used in this legislation. For the purpose of this section-by-section description only two terms need definitions. "Federal lands" means all federal lands managed by the BLM (excluding Outer Continental Shelf lands) and Forest Service (including national grasslands). The four "Committees of Congress" are the authorizing committees with jurisdiction over the Forest Service and BLM: the Committee on Resources and Committee on Agriculture in the House of Representatives and the Committee on Energy and Natural Resources and Committee on Agriculture, Nutrition, and Forestry in the United States Senate.

Sec. 4. Supplemental authority. This section makes clear that this legislation supplements the NFMA, FLPMA, and other applicable law. It also provides that, except for units of the National Wilderness Preservation, National Wild and Scenic Rivers, and National Trails Systems, this legislation will prevail whenever it is in conflict with other applicable law. On the other hand, the laws governing those Systems will prevail whenever this legislation conflicts with them.

Sec. 5. Transition. This section makes clear that existing plans, policies, and other guidance concerning the federal lands that are in effect on the date of enactment of this legislation remain valid until they are revised, amended, changed, or terminated in accordance with this legislation.

## TITLE I—ENSURING THE EFFECTIVENESS OF FEDERAL LAND PLANNING AND IMPLEMENTATION

Sec. 101. Purposes. The purposes of Title I are to provide a mission statement for the Forest Service and BLM and provide Congressional direction to those agencies on the preparation and implementation of resource management plans for, and the planning of management activities on, the federal lands. This mission and direction are intended to avoid the environmental, economic, and social injuries caused by the existing flaws and past absence of mission and direction in federal land planning. Most importantly, this mission and direction are expected to achieve stable, predictable, timely, sustainable, and cost-effective management of federal lands.

### *Part A. In general*

Sec. 102. Mission of the land management agencies. This section provides a new mission for the Forest Service and BLM. It is to manage the federal lands to furnish a sustainable flow of multiple goods, services, and amenities while protecting and providing a full range and diversity of natural habitats of native species in a dynamic manner over the landscape.

Sec. 103. Scientific basis for Federal land decisions. To ensure that federal land planning and management is well grounded in science, this section requires the Forest Service and BLM to use in all federal land decisions the best "scientific and commercial data available." This standard for scientific data is adopted from the Endangered Species Act of 1973.

### *Part B. Resource management and management activity planning*

Sec. 104. Levels of planning. To reduce the proliferating number of federal land planning exercises, this section limits the levels of Forest Service and BLM planning to two—multi-use resource management planning for designated planning units and site-specific planning for management activities. The two agencies are given complete discretion to designate planning units of whatever size and number they consider appropriate in which to conduct the resource management planning.

The agencies may also conduct analyses or assessments for geographical areas other than the planning units (including ecoregion assessments as provided in Title III). However, the results of these analyses or assessments can be applied to the federal lands only by amending or revising the applicable resource management plans.

This section establishes a 3-year deadline for amending or revising existing resource management plans to include policies developed in planning conducted outside of the two prescribed planning levels. That noncomplying planning will no longer apply to the federal lands at the end of the 3-year period.

Sec. 105. Contents of planning and allocation of decisions to each planning level. To eliminate redundant planning that is time-consuming and costly, this section assigns specific analyses to the two levels of planning established in section 104 and clarifies that the analyses may not be repeated elsewhere in the planning process. This section requires that resource management plans contain 4 basic elements: (1) statement of management goals and objectives; (2) allocation of land uses to specific areas in the planning unit; (3) determination of outputs of goods and services from the planning unit; and (4) environmental protection policies. The agencies are admonished to tailor the environmental protection policies, to the maximum extent feasible, not to be prescriptive requirements generally applicable to the entire planning unit but rather to provide guidance for determining specific requirements tailored to identified sites during the planning of individual management activities.

Additionally, the resource management plans are required to contain: (1) a statement of historical uses, and trends in conditions of, the resources covered by the plans; (2) a schedule and procedure for monitoring plan implementation, management of the covered federal lands, and trends in the covered resources' uses and conditions as required by section 115, and (3) criteria for determining when circumstances on the covered federal lands warrant adaptive management of the resources as required by section 115.

This section requires the agencies to assign by a notice-and-comment rulemaking specific analyses and decisions to each of the two planning levels. The agencies may not conduct or reconsider those analyses or decisions in the planning level to which they are not assigned. This section also makes a number of analyses and decision assignments. In addition to the 4 basic elements discussed previously in this section, assigned to resource management planning are resource inventories, cumulative effects analyses, discussion of relationship to State and local plans, identification of federal lands which might be exchanged or otherwise disposed of, and decisions on wilderness, unsuitability of lands for certain uses (*e.g.*, coal mining as required by section 522 of the Surface Mining Control and Reclamation Act and timber harvesting as required by section 6 of the National Forest Management Act), and visual objectives. Assigned to management activity planning are analyses of site-specific resources and environmental effects, and decisions concerning the design of, and requirements for, the activity, including decisions related to water quality, method for harvesting forest products, revenue benefits and a schedule and procedures for monitoring the effects of the activity.

Sec. 106. Planning deadlines. To break the cycle of perpetual planning, this section would set deadlines for conducting the two-level planning. These deadlines are: (1) for resource management planning—30 months for plan preparation, 12 months for amendments defined as significant by regulations, 9 months for amendments defined as non-significant by regulations, and 24 months for revisions; and (2) for management activity planning—9 months for planning significant activities and 6 months for planning non-significant activities.

Sec. 107. Plan amendments and revisions. This section ensures that the 4 basic elements of the resources management plans are accorded equal dignity and that one element is not arbitrarily sacrificed or ignored to achieve another. It prohibits the Forest Service and BLM from applying a policy to, or making a decision on, resource management plan or a management activity which is inconsistent with one of the basic elements. Instead, this section requires that the resource management plan must be awarded to alter or reconcile conflicting basic elements. This decision to amend would be made whenever the inconsistency is discovered, usually during either the planning for a specific management activity or the monitoring of plan implementation required by section 115. The agencies are given the authority to waive an inconsistency without amending the resource management plan on a one-time basis for a single specific management activity if the inconsistency does not violate a nondiscretionary statutory requirement and the determination is made that the waiver is in the public interest.

This section also requires that any change in federal land management that is imposed by new law, regulation, or court order or that is warranted by new information must be effected by amending or revising the appropriate resource management plans. Further, unless the agency determines that the law or court order requires otherwise and publishes that determination, the change in management does not become effective until the amendment or revision is adopted.

This section directs, that when resource management plans are revised, all provisions of those plans are to be considered and analyzed in the environmental analysis (environmental impact statement (EIS) or environmental assessment (EA)) and decision documents. This ensures that the agency does not consider only those portions of the plans that are particularly important to the most vociferous advocates for a particular land use or management policy or are of particular interest to the officials involved in the planning exercise.

Finally, this section clarifies that, while a resource management plan is being amended or revised, management activities are to continue and not be stayed in anticipation of changes that might be made by the amendment or revision. Exceptions to this stay prohibition include whenever a stay is required by this Act, court order, or a formal declaration by the Secretary (without delegating the authority). However, the agencies can stay particular activities for purposes that are unrelated to the purpose or the likely effect of the amendment or revision. To ensure that *de facto* stays do not occur, this section provides that, except as described above, a plan amendment or revision may not become effective until final decisions on management activities that are scheduled to be made during the plan amendment or revision process have been made.

To avoid tunnel-visioned decisionmaking that focuses on one issue to the exclusion of all others, this section directs the agencies to consider in the environmental analysis documents on any amendment or revision of a resource management plan what effect the amendment or revision may have on the 4 basic elements required for each plan by section 105. The decision document on the amendment or revision must include a discussion of the reasons why the effect is necessary and what steps were taken in the planning process and decisionmaking, or will be taken thereafter, to ameliorate any adverse economic or social consequences which will or could result from the effect.

Sec. 108. Disclosure of funding constraints on planning and management. To ensure that planning decisions are not based on overly optimistic funding expectations and are not rendered irrelevant by enactment of differing appropriations, this section requires that the EIS or EA on each resource management plan, or plan amendment or revision, contain a determination on how the 4 basic elements (goals and objectives, land use allocations, outputs of goods and services, and environmental protection policies) will be implemented within a range of funding levels (with at least one level which provides less funds annually, and one level which provides more funds annually, then the level of funding for the fiscal year in which the EIS or EA is prepared).

Sec. 109. Consideration of Federal lands-dependent communities. This section requires that, in preparing, amending, or revising each resource management plan, the Forest Service and BLM must consider if, and explain whether, the plan will maintain to the maximum extent feasible the stability of any community that has become dependent on the resources of the federal lands to which the plan applies.

The procedure for meeting this mandate is to include in the EIS or EA on the plan, amendment, or revision a discussion of: the impact of each plan alternative on the revenues and budget, public services, wages, and social conditions of each federal lands-dependent community; how the alternatives would relate to historic community expectations; and how the impacts were considered in the final plan decision.

This section defines a federal lands-dependent community as one which is located in proximity to federal lands and is significantly affected socially, economically, or environmentally by the allocation of uses of one or more of the lands' resources. The Secretaries are to consult with the Secretaries of Commerce and Labor in establishing by rulemaking criteria for identifying these communities.

Sec. 110. Participation of local, multi-interest committees. To encourage local solutions to federal land management issues developed by neighboring citizens of diverse interests, this section provides for the establishment of two types of local, matter-interest committees. The first is the "independent committee of local interests" established without the direction, intervention, or funding of the agencies and including at least one representative of a non-commodity interest and one representative of a commodity interest. Prototypes for this type of committee are the Quincy Library Group and Applegate Partnership. This section encourages these independent committees to prepare planning recommendations for the federal lands by imposing the requirement on the agencies that they include those recommendations as alternatives in the EISs or EAs which accompany the preparation, amendment, or revision of resource management plans. If more than two independent committees are established and submit planning alternatives for the same federal lands, the Forest Service or BLM will include the alternatives of the two committees it determines to be most broadly representative of the interests to be affected by the plan, amendment, or revision, and will attempt to consolidate for analysis or otherwise discuss the other committees' alternatives. Finally, the section authorizes the Forest Service and BLM to provide to any independent committee whose planning alternative is adopted sufficient funds to monitor the alternative's implementation. These independent committees would be exempt from the Federal Advisory Committee Act.

Second, the agencies are empowered to establish local committees corresponding to the federal land's planning units. The membership of these committees must be broadly representative of interests affected by planning for the planning units for which they were formed. The agencies must seek the advice of the committees prior to adopting, amending, or revising the relevant resource management plans and provide the committees with funding to monitor plan implementation.

Sec. 111. Ecosystem management principles. This section ensures that the relatively new ecosystem management concept is incorporated into planning in a fashion which does not supersede other statutory mandates. It requires that the Forest Service and BLM consider and discuss ecosystem management principles in the EISs or EAs for resource management plans, amendments, and revisions. It also states that these principles are to be applied consistent with, and may not be used as authority for not complying with, the other requirements of this legislation, FLPMA, NFMA, and other environmental laws applicable to resource management planning.

Sec. 112. Fully allocated costs analysis. To ensure that the costs of all uses are revealed, this section directs the Forest Service and BLM to disclose in the EISs and EAs on resource management plans, amendments, and revisions the fully allocated cost including foregone revenues, expressed as a user fee or cost-per-beneficiary, of each non-commodity output from the federal lands to which the plans apply.

Sec. 113. Citizen petitions for plan amendments or revisions. Section 116 establishes deadlines for challenging resource management plans, amendments, and revisions. This section provides a procedure for citizens who believe a plan has become inadequate after the deadlines have passed to seek change in the plan and, if unsuccessful in obtaining change, to challenge the plan. This section authorizes any person to challenge a plan after the deadline solely on the basis of new information, law, or regulation. The mechanism for challenge is a petition for plan amendment or revision. The Forest Service or BLM must accept or deny the petition within 90 days of receiving it. If the agency fails to respond to or denies the petition, the petitioner may file suit immediately against the plan. If the agency accepts the petition, the process of amending or revising the plan begins immediately. The agency's decision to accept or deny the petition is subject to the consultation requirement of the Endangered Species Act, but not subject to the environmental analysis requirements of the National Environmental Policy Act.

Sec. 114. Budget and cost disclosures. To better relate the agencies' planning process with Congress' appropriations process, this section requires that the President's budget request to Congress include an appendix that discloses the amount of funds that would be required to achieve 100% of the annual outputs of goods and services in, and otherwise implement fully, each Forest Service and BLM resource management plan.

In the face of escalating planning costs, particularly those associated with ecoregion assessments, this section also requires the agencies to submit to Congress each year an accounting of the total costs and cost per function of procedure for each plan, amendment, revision or assessment published in the preceding year.

Sec. 115. Monitoring and maintenance of planning. This section contains several procedures intended to ensure that the resource management plans are implemented. First, each agency is required to include in each decision on a management activity a statement that the decision contributes to, or at a minimum does not preclude, achievement of the 4 basic elements (goals, land allocations, outputs, and environmental protection policies) of the applicable resource management plan.

Second, this section requires use of funds from the Monitoring Funds established by section 502 to monitor the implementation of each resource management plan at least biennially. The monitoring is to ensure that no goal, land allocation, output, or policy of the plan is constructively changed through a pattern of incompatible management activities or of failures to undertake compatible management activities. Whenever the agency finds such change has occurred, it must take corrective management actions to restore compliance with the plan, or amend or revise the plan to accommodate the change. The monitoring also is to determine whether circumstances or the federal lands have changed and warrant adaptive management. If so, the agencies are required to undertake the adaptive management—immeidately if no elements would be changed thereby or after amending or revising the plan if any element would be changed.

### *Part C. Challenges to planning*

The purposes of this part are to ensure that challenges—both administrative and judicial—of resource management plans and management activities are brought more timely and by those who truly participate in the agencies' processes. It does not eliminate challenges or insulate agency decisions from challenges.

Sec. 116. Administrative appeals. This section directs the Forest Service and BLM to promulgate rules to govern administrative appeals of decisions to approve resource management plans, amendments, and revisions, and of decision to approve, disapprove, or otherwise take final action on management activities. While allowing the agencies considerable discretion in rulemaking, this section does provide that the rules must: (1) require that, in order to bring an appeal, the appellant must have commented in writing during the agency process on the issues or issues to be appealed; (2) provide that administrative appeals of plans may not challenge analyses or decisions assigned to management activities under section 105 and administrative appeals of management activities may not challenge analyses or decisions assigned to plans under section 105; (3) provide deadlines for bringing the administrative appeals (not more than 120 days after a plan or revision decision, 90 days after an amendment decision, and 45 days after a management activity decision); (4) provide deadlines for agency decisions on the appeals (not more than 180 days for appeal of a plan or revision, 120 days for appeal of a plan amendment, 90 days for appeal of a management activity, with possible 15 days extension for each) and bar additional levels of administrative appeal; (5) provide that in the event of failure to render a decision by the applicable deadline, the decision on which the appeal is based is to be deemed a final agency action which allows the appellant to file suit immediately; (6) require the agency to consider and balance environmental and/or economic injury in deciding whether to issue a stay pending appeal (or petition); (7) provide that no stay may extend more than 30 days beyond a final decision on an appeal of a plan, amendment, or revision or on a petition or 15 days beyond a final decision on a appeal of a management activity; and (8) establish categories of management activities excluded from administrative appeals (but not lawsuits) because of emergency, time-sensitive, or exigent circumstances. This section is more comphrensive than the section of the Fiscal Year 1993 Interior Appropriations Act which concerned appeals only of management activities (not management plans, amendments, and revisions) of the Forest Service (not BLM). As this section supplants that more limited provision, it repeals that provision when the new Forest Service appeals rules required by this section become effective.

Sec. 117. Judicial review. This section establishes venue and standing requirements in, sets deadlines for, and otherwise governs lawsuits over resource management plans, amendments, revisions, and petitions and management activities.

The venue for plan-related litigation is the U.S. Circuit Court of Appeals for the circuit in which the lands (or the largest portion of the lands) to which the plan applies are located. The venue for litigation over a management activity, or petition for plan amendment or revision is the U.S. District Court in the district where the lands (or the largest portion of the lands) on which the activity would occur or to which the plan applies are located.

This section also clarifies that standing and intervention of right is to be granted to the fullest extent permitted by the Constitution. This means those who are economically injured cannot be barred by the non-constitutional, prudential "zone of interest" test developed by the judiciary. This section also limits standing to those who make a legitimate effort to resolve their concerns during the agency's decisionmaking process and do not engage in "litigation by ambush" by withholding their concerns until after the agency decision is made. Specifically, this section requires that the plaintiff must have participated in the agency's decisionmaking process and submitted a written statement on the issue or issues to be litigated, and must have exhausted opportunities for administrative review.

Deadlines for bringing suit are 90 days after the final decision on the administrative appeal of a resource management plan, amendment, or revision, and 30 days after a final decision on the administrative appeal of a management activity or final disposition of a petition for plan amendment or revision. If the challenge involves a statute (*e.g.*, Endangered Species Act or Clean Water Act) which requires a period of notice before filing a citizen suit, the notice must be filed by the applicable deadline and suit must be filed 7 days after the end of that notice period.

This section bars suits brought on the basis of new information, law, or regulation until after a petition for plan amendment or revision is filed and a decision is made on it.

This section also clarifies that suits concerning resource management plans and management activities are to be decided on the administrative record.

## TITLE II—COORDINATION AND COMPLIANCE WITH OTHER ENVIRONMENTAL LAWS

Sec. 201. Purposes. The purposes of this title are to eliminate primarily procedural conflicts among, and coordinate, the various land management and environmental laws without reducing—indeed enhancing—environmental protection.

Sec. 202. Environmental analysis. This section describes how compliance with the National Environmental Policy Act (NEPA) will occur in resource management planning and planning for management activities. It requires that an EIS be prepared whenever a resource management plan is developed or revised. (Plan amendments may have either an EIS or EA depending on their significance.) This section also provides that, for management activities, an EA ordinarily is prepared. The EA for the management activity is to be tiered to the EIS for the applicable resource management plan. The agency may prepare a full EIS on a management activity if it determines the nature or scope of the activity's environmental impacts in substantially different from, or greater than, the nature or scope of impacts analyzed in the EIS on the applicable resource management plan.

Sec. 203. Wildlife protection. This section addresses the relationship of the Endangered Species Act (ESA) to federal land planning and management. First, it provides a certification procedure by which the Forest Service and BLM can become certified by the U.S. Fish and Wildlife Service to conduct the consultation responsibilities normally assigned to the Fish and Wildlife Service and National Marine Fisheries Services by section 7 of the ESA. If they are certified, the two land management agencies will have the authority to prepare the biological opinions under the ESA just as they now prepare EISs under NEPA.

Second, this section addresses situations in which the resource management plan may have to undergo consultation because of a new designation of an endangered or threatened species or of a species' critical habitat, or new information about an already designated species or habitat. This section requires that a decision be reached as to whether consultation is required on the plan within 90 days of the new designation, and that any amendment to or revision of the plan be completed within 12 or 18 months, respectively, after the new designation. It also allows individual management activities to continue under the plan while it is being amended or revised, if those activities either separately undergo consultation concerning the newly designated species or habitat or are determined not to require consultation.

Sec. 204. Water quality protection. This section addresses the relationship of the Clean Water Act (CWA) to federal land planning and management. It provides that any management activity that constitutes a nonpoint source of water pollution is to be considered in compliance with applicable CWA provisions if the State in which the activity will occur certifies that it meets best management practices or that functional equivalent. The agency, however, may choose not to seek State certification and satisfy the separate applicable CWA requirements.

Sec. 205. Air quality protection. This section addresses the relationship of the Clean Air Act (CAA) to federal land planning and management. It provides that, when a Forest Service forest supervisor or BLM district manager finds that a prescribed fire will reduce the likelihood of greater emissions from a wildfire, and will be conducted in a manner that minimizes impact on air quality to the extent practicable, the prescribed fire is deemed to be in compliance with applicable CAA provisions.

Sec. 206. Meetings with users of the Federal lands. This section addresses the relationship of the Federal Advisory Committee Act (FACA) to federal land planning and management. It clarifies that the agencies may meet without violating FACA with one or more: holders of, or applicants for, federal permits, leases, contracts or other authorizations for use of the federal lands; other persons who conduct activities on the federal lands; and persons who own or manage lands adjacent to the federal lands.

## TITLE III—DEVELOPMENT OF ECOREGION ASSESSMENTS

Sec. 301. Purpose. The purpose of this title is to authorize the new practice of preparing ecoregion assessments, and to prescribe how those assessments will be integrated into federal land planning and management.

Sec. 302. Authorization and notice of assessments. This section authorizes the Forest Service and BLM to prepare ecosystem assessments, which may include non-federal lands if the Governors of the affected States agree. It requires the agency to give the four Committees of Congress 90 days advance notice before initiating an ecoregion assessment. The notice must include: (1) a description of the land involved; (2) the agency officials responsible; (3) the estimated costs of and the deadlines for the assessment; (4) the charter for the assessment; (5) the public, State, local government and tribal participation procedures; (6) a thorough explanation of how the ecoregion was identified and the attributes which establish the ecoregion; and (7) detailed reasons for the decision to prepare the assessment.

Sec. 303. Status, effect and application of assessment. This section provides that the assessments must not contain any decisions concerning resource management planning or management activities. It then provides a procedure for applying information or analysis contained in ecoregion assessments to such planning and activities. It directs the relevant agency to make a decision within 6 months of completion of an ecoregion assessment whether any information or analyses in the assessment warrants amendments to, or revisions of, a resource management plan for the federal lands to which the assessment applies. If the decision is made for an amendment or revision, no management activity on federal lands may be delayed or altered on the basis of the assessment while the amendment or revision is prepared. Finally, no federal official may use an assessment as an independent basis to regulate non-federal lands.

Sec. 304. Applicability of other laws. As the ecoregion assessments are nondecisional, this section provides that they will not be subject to the consultation requirements of the Endangered Species Act or the environmental requirements of the National Environmental Policy Act.

Sec. 305. Report to Congress. This section directs the agencies to report biennially to the four Committees of Congress on ecosystem assessments, their implications for federal land management, and any resource management plan amendments or revisions based on assessments. The report also must include the agencies' views of the benefits and detriments of, and recommendations for improving, ecosystem assessments.

Sec. 306. Pacific Northwest forest plan review. This section provides for an independent review of the basis for, and implementation of, President Clinton's Pacific Northwest Forest Plan. It authorizes the appropriation of $5 million for the Consortium of Regional Forest Assessment Centers, through the University of Washington, to conduct the reviews over a 6-month period. The review must include: (1) assessments of the scientific information, assumptions, and modeling both used and not used in the preparation of the Plan; (2) an evaluation of whether the Plan will achieve both its resource protection and resource production purposes, goals, and objectives; (3) a review of the operational and cost effectiveness of the Plan and any alternative approaches; and (4) any recommendations for administrative or legislative changes in the Plan. The Consortium's review is to be submitted to the four Committees of Congress, without submission (of it or any Consortium testimony) to any federal officer or agency for prior approval, comments, or review.

### TITLE IV—DEVELOPMENT OF A GLOBAL RENEWABLE RESOURCES ASSESSMENT

Sec. 401. Purposes. The purpose of this title is to replace the Renewable Resource Assessment and Renewable Resource Program administered by the Forest Service under the Forest and Rangeland Renewable Resources Planning Act of 1974 with a Global Renewable Resources Assessment administered by an independent National Council on Renewable Resources Policy.

Sec. 402. Global renewable resources assessment. This section emphasizes the vital importance of renewable resources to national and international social, economic, and environmental well-being, and of the need for a long-term perspective in the use and conservation of renewable resources. To achieve that perspective, this section directs that a Global Renewable Resources Assessment be prepared every 5 years. The Assessment must include: (1) an analysis of national and international renewable resources supply and demand; (2) an inventory of national and international renewable resources, including opportunities to improve their yield of goods and services; (3) an analysis of environmental constraints and their effects on renewable resource production in the U.S. and elsewhere; (4) an analysis of the extent to which the renewable resources management programs of other countries ensure sustainable use and production of such resources; (5) a description of national and international research programs on renewable resources; (6) a discussion of policies, laws, etc. that are expected to affect significantly the use and ownership of public and private renewable resource lands; and (7) recommendations for administrative or legislative initiatives.

Sec. 403. National Council on Renewable Resources Policy. This section establishes the National Council on Renewable Resources Policy. Its functions are the preparation and submission to Congress of the Global Renewable Resources Assessment and the periodic submission to the Forest Service, BLM, and four Committees of Congress of recommendations for administrative and legislation changes or initiatives.

The Council has 15 members, 5 each appointed by the President, President pro tempore of the Senate, and Speaker of the House. The Chair is to be selected from the members. This section has typical provisions for filling vacancies, appointment of an Executive Director, compensation of the members and the Executive Director, appointment of personnel, authority to contract with federal agencies, and rulemaking and other powers of the Council.

This section strives to ensure the independence of the Council in two ways. First, it requires that the Council submit its budget request concurrently to both the President and the Appropriations Committees of Congress. Second, it requires concurrent submission of the Assessment, analyses, recommendations, and testimony to Executive Branch officials or agencies and the four Committees of Congress. Finally, it prohibits, and requirees the reporting of, any attempt by a federal official or agency to require prior submission of the Assessment, analyses, recommendations, or testimony for approval, comments, or review.

Sec. 404. Repeal of certain provisions of the Forest and Rangeland Renewable Resources Planning Act. This section repeals those provisions of the Forest and Rangeland Renewable Resources Planning Act that direct the Forest Service to prepare a Renewable Resource Assessment and Renewable Resource Program.

### TITLE V—ADMINISTRATION

#### *Part A. In general*

Sec. 501. Confirmation of the Chief of the Forest Service. This section provides for Senate confirmation of appointments to the office of Chief of the Forest Service, thereby establishing the same appointment procedures as those applicable to the Director of the BLM. This section also sets certain minimum qualifications for the appointee: (1) a degree in a scientific or engineering discipline that is revelant to federal land management; (2) 5 years or more experience in decisionmaking concerning management, or research concerning the management, of federal lands or other public lands; and (3) 5 years or more experience in administering an office or program with a number of employees equal to, or greater than, the average number of employees in national forest supervisors' offices.

Sec. 502. Monitoring funds. To encourage effective management of the federal lands and provide a supplemental funding source for important monitoring activities, this section establishes a Public Lands Monitoring Fund for BLM lands and Forest Lands Monitoring Fund for Forest Service lands. The Funds would receive all monies collected from federal lands in any fiscal year that are in excess of federal land revenues projected in the President's baseline budget (minus the State's and local government's share as required by law). The monies in the Funds may be used, without appropriations, to conduct the monitoring required by section 115 or to fund the monitoring of the local, multi-interest committees under section 110.

Sec. 503. Interagency transfer and interchange authority. This section authorizes the BLM and Forest Service to transfer between them adjacent lands not exceeding 5,000 acres or exchange adjacent lands not exceeding 10,000 acres per transaction. These transactions are: (1) to occur without transfer of funds; (2) to be effective 30 days or more after publication of Federal Register notice; (3) not to affect any legislative designation for the lands involved; and (4) subject to valid existing rights.

Sec. 504. Fees for processing records requests. To discourage inordinately broad "fishing expedition" requests under the Freedom of Information Act that severely tax agency funding and personnel, this section prohibits the waiver or reduction of fees under that Act for any records request to the Forest Service or BLM that will cost in excess of $1000 for a single request or for multiple requests of any one party within a 6-month period.

Sec. 505. Off-Budget study. This section tasks the U.S. General Accounting Office with the responsibility to conduct a study for Congress of the feasibility of making the Forest Service and BLM self-supporting by taking the agencies off-budget (no appropriated funds) and returning to them all revenues generated on federal lands (with mineral revenues from national forest lands allocated to the Forest Service), except revenues which by other laws are paid to States and local governments.

#### *Part B. Non-Federal lands*

This part seeks to increase the timeliness and cost efficiency of Forest Service and BLM decisionmaking which directly affects private lands.

Sec. 506. Access to adjacent or intermingled non-Federal lands. This section establishes procedures for processing applications for access to nonfederal land across federal land as guaranteed by section 1323 of the Alaska National Interests Lands Conservation Act (ANILCA). First, this section requires that the application processing be completed within 180 days and, if it is not, the access be deemed approved. It sets a 15-day deadline for notifying the applicant whether the application is complete. This section makes clear that the analyses conducted under the National Environmental Policy Act and Endangered Species Act are to consider the effects of the construction, maintenance and use of the access across the federal lands and not the use of the nonfederal lands to be accessed. Finally, it clarifies that any restrictions imposed on the access grant pursuant to section 1323 of ANILCA may limit or condition the construction, maintenance, or use of the access across the federal lands, but not the use of the nonfederal lands to be accessed.

Sec. 507. Exchanges of Federal lands for non-Federal lands. This section establishes procedures for exchanges under, and amends, section 206(b) of the Federal Land Policy and Management Act of 1976. As any management activity on any federal lands or interests in lands newly acquired under an exchange will be required to undergo full National Environmental Policy Act and Endangered Species Act review, this section provides that on the exchange itself an EA satisfies the environmental analysis requirements of section 102(2) NEPA and any consultation required under ESA will be completed within 45 days instead of the 90-day period provided by section 7 of ESA. Further, this section provides that any exchange mandated by Congress requires no NEPA documentation. This section also explicitly states that no management activity may be undertaken on the newly acquired federal lands or interests in land until NEPA and ESA are fully complied with and, if necessary, the applicable resource management plan is amended or revised. This section requires that processing of the exchange must be completed within one year of the date of submission of the exchange application. Further, the nonfederal land or interests in land in the exchange are to be appraised without restrictions imposed by federal or State law to protect an environmental value or resource if protection of that value or resource is the very reason why the land is being acquired by the federal government.

This section also allows the Forest Service and BLM to offer for competitive bid the exchange of federal lands or interests in land that meets certain conditions. It also authorizes the agencies to identify early or "prequalify" federal lands or interests in land for exchange. Further, when an exchange involves school trust lands, the agency is excused from conducting a cultural assessment under section 106 of the National Historic Preservation Act if it enters into an agreement with the State that ensures State protection after the exchange of archeological resources or sites to the maximum extent practicable. Further, this section authorizes the Forest Service to exchange federally owned subsurface resources within the National Forest System or acquired under the Bankhead-Jones Farm Tenant Act of 1937.

This section establishes special funds with a cap of $12,000,000 for the agencies to use, subject to appropriations, for processing land exchanges (including making cash equalization payments where required to equalize values of exchange properties). Finally, the maximum value of lands in an exchange which may be undertaken on the basis of approximately equal value (rather than strictly equal value) is raised from $150,000 to $500,000.

### *Part C. The forest resource*

This part contains 3 sections concerning sales of forest products on federal lands, expediting and linking such sales to forest health management activities.

Sec. 508. Forest health credits in sales of forest products. This section provides the Forest Service and BLM with an optional approach to undertaking forest health management activities that would be impractical for the agencies to accomplish under existing procedures or within existing programs. Modelled on the provision for road construction credits for purchasers of forest products sales in the National Forest Roads and Trails Act (16 U.S.C. 535(2)), this approach permits the agencies to include new provisions in the standard contract provisions for any salvage sale of forest products or any sale of forest products constituting a forest health enhancement project under section 509. These new provisions would obligate the purchaser to undertake certain forest health management activities which could logically be performed as part of the sale. In return, the purchaser receives "forest health credits" to offset the cost of performing the activities against the purchaser's payment for the forest products. These forest health management activities are subject to the same contractual requirements as all other harvesting activities. Sale contracts with these forest health credits provisions are to have terms of no more than 3 years.

Before forest health credits provisions can be included in a contract of sale of forest products, the agency concerned has to identify and select the specific forest health management activities. Forest health activities would be eligible for forest health credits if the agency concerned finds that: (1) they would address the effects of the operation of the sale or past sales, or involve vegetation management within the sale area; and (2) they could be accomplished most effectively when performed as part of the sale contract, and would not likely be performed otherwise. Forest health management activities are defined to include thinning, salvage, stand improvement, reforestation, prescribed burning or other fuels management, insect or disease control, riparian or other habitat improvement, or other activity which has any of 5 purposes: improve forest health; safeguard human life, property, and communities; protect other forest resources threatened by adverse forest health conditions; restore the integrity of ecosystems, watersheds, and habitats damaged by adverse forest health conditions; or protect federal investments in forest resources and future federal, State, and local revenues.

Once the determination is made to add forest health management activities requirements to a sale of forest products, the specific activities are identified, and their costs are appraised, the required activities and the forest health credits assigned to those activities are identified in the sale's advertisement and prospectus. (After the sale, the agency, with the concurrence of a sale purchaser, can alter the scope of the forest health management activities or amount of credits when warranted by changed conditions.) This section provides that sales with forest health credits need not return more revenues than they cost and are not to be considered in determining the revenue effects of individual forest, Forest Service region, or national forest products sales programs.

Appropriated funds can be used to offset the costs of forest health management activities prescribed in a forest products sale contract (typically when the total cost of such activities would otherwise exceed the value of the offered forest products materials or likely dampen competitive interest in the sale), but only if those funds are derived from the resource function or functions which would directly benefit from the performance of the activities and are appropriated in the fiscal year in which the sale is offered. The amount of any appropriated funds to be paid for forest health management activities under a sale contract also must be announced in the sale's advertisement and prospectus.

In order to provide for a smooth introduction of sale contracts with forest health credits provisions, the agencies are urged to employ, wherever feasible, the already developed and tested Forest Service procedures and requirements for sales of forest products providing purchaser credits for road construction under the National Forest Roads and Trails Act. However, unlike those road construction credits, the forest health credits issued under this section could not become ineffective. All forest health credits earned by the purchaser are redeemable. Earned forest health credits can be transferred to any other sale of forest products held by the purchaser which is located in the same region of the Forest Service or same jurisdiction of the BLM State office, as the case may be. The credits are considered "earned" when the purchaser satisfactorily performs the forest health management activity to which the credits are assigned in the sale advertisement. If the purchaser normally would be required to pay for all the forest products materials prior to completion of a forest health management activity or activities assigned forest health credits, the purchaser could elect to defer a portion of the final payment for the harvested materials equal to the forest health credits assigned to the activity.

This section sunsets in 5 years, but previously awarded contracts for sale of forest products with forest health credits provisions remain in effect under the terms of this section after that time. To assist the Congress in determining whether this section should be reenacted, the Forest Service and BLM are required to monitor the performance of sales contracts with forest health credits and submit a joint report to Congress assessing the contracts' effectiveness and whether continued use of such contracts is advised.

Sec. 509. Special funds. This section gives permanent status to funds for salvage sales of forest products of the Forest Service and BLM and expands their purposes to allow use of the fund monies for a full array of forest health enhancement projects.

Sec. 510. Private contractors. To ensure that processing of sales of forest products is accomplished in a timely manner in an era of severe budget and personnel constraints, this section encourages that the agencies, to the maximum extent possible, use private contractors to prepare the sales. To ensure the integrity of sale decisionmaking, this section also requires the agencies to review the contract's work before making any decisions on the sales and bars the contractors from commenting on or participating in the sales' decisions.

Sec. 511. Non-harvested forest product sales. This section eliminates statutory barriers to those who wish to bid on sales of forest products with the intention of preserving the trees in place instead of harvesting them. For those opposed to particular sales, this provides another avenue besides litigation to challenge them.

Any sales of forest products may be purchased by parties who elect not to harvest the trees ("election sales") except sales involving forest health credits under section 508, sales funded under the Special Funds established by section 509, and sales which have as their primary purpose "vegetative management of lands management other than the disposal of forest products," as defend by regulation. In other words, when sales are offered in situations where removal of trees is necessary for environmental protection reasons, the purchaser must not have the option to leave the trees in place; but, in situations where the sales are offered principally for commodity purposes, that option should be available.

The length of term of an election sale will correspond to the expected silvicultural rotation in a sale designed to generate even-aged stands or the period prior to the next schedule entry for a sale designed to develop and maintain uneven-aged stands. Upon payment of the prorata share of the purchase price, with interest, the Forest Service or BLM can terminate an election sale contract during the contract term if the trees subject to the sale are substantially damaged by fire, windthrow, disease, insect infestation, or other natural event and the determination is made that harvesting is necessary to avoid damage to adjacent areas.

The sale notice must notify prospective bidders if the sale qualifies as an election sale and any bidder who intends to elect non-harvesting must notify the Forest Service or BLM with the bid submission. To ensure that all bids in an election sale that has specifications for road construction or reconstruction are equivalent for purposes of determining the winning bidder, the Forest Service or BLM must deduct from any bid which contains a non-harvesting notice the estimated cost of such construction or reconstruction.

Sec. 512. Exemption from strict liability for recovery of fire suppression costs. Section 504 of FLPMA directed the Secretary of the Interior to promulgate regulations governing liability of users of rights-of-way granted under that Act. The subsequent regulations imposed liability without fault for, among other things, the recovery of fire suppression costs of up to $1 million (43 C.F.R. §2803.1-5). This section would amend section 504 to relieve non-profit entities, particularly entities that use the rights-of-way for electrical transmission to parties who own equity interests in the entities, from strict liability for such costs. This provision does not relieve these entities from liability for fire suppression costs when they are at fault.

### TITLE VI—MISCELLANEOUS

Sec. 601. Regulations. This section requires the Forest Service and BLM to promulgate rules to implement this legislation within a year and a half of its enactment.

Sec. 602. Authorization of appropriations. This section authorizes appropriations to implement this legislation for 10 fiscal years after enactment. It also sunsets at the same time all other statutory authorizations for appropriations to the Forest Service and BLM for management of the federal lands.

Sec. 603. Effective date. This section provides that this legislation will take effect upon its enactment and admonishes that no decision or action authorized by this legislation is to be delayed pending rulemaking.

Sec. 604. Savings clauses. This section ensures that nothing in this legislation conflicts with the law pertaining to the BLM's O&C lands in Oregon. Further, this section bars construing any provision of this legislation as terminating any valid lease, permit, right-of-way, or other right or authorization of use of the federal lands, including any Native American treaty right, existing upon enactment. Finally, this section provides that all actions under this legislation are subject to valid existing rights.

Sec. 605. Severability. This final section contains the standard severability clause.

### SECTION-BY-SECTION DESCRIPTION—FEDERAL LANDS MANAGEMENT ADJUSTMENT ACT

Sec. 1. Short title. The short title of this bill is "Federal Lands Management Adjustment Act."

Sec. 2. Purposes. The bill has two purposes. The first is to encourage the development of alternative management programs for federal lands administered by the Bureau of Land Management (BLM) and Forest Service that are more innovative, less costly, and more reflective of neighboring communities' and publics' concerns and needs than the agencies' current programs. The second purpose is to provide a procedure that would grant authority to the States and nonprofit organizations to implement those alternative management programs on certain of those federal lands.

Sec. 3. Definitions. This section defines the terms used in this legislation. For example, "Committees of Congress" means the Committee on Energy and Natural Resources and Committee on Agriculture, Nutrition, and Forestry of the Senate and the Committee on Resources and Committee on Agriculture of the House of Representatives.

Most important are the definitions of "federal lands" and "eligible federal lands" for which temporary management authority may be granted under procedures established by this legislation. "Federal lands" are defined as lands managed by the BLM (other than Outer Continental Shelf lands) and lands in the National Forest System (including national grasslands) managed by the Forest Service. All "federal lands" are eligible for temporary management by nonprofit organizations under applicable federal laws. Only "eligible federal lands" are eligible for temporary management by the States under State law. "Eligible federal lands" are defined to include federal lands within the National Wilderness Preservation System, National Wild and Scenic Rivers System, and National Trails System, but only if they are managed in accordance with the federal laws establishing those systems. To prevent fragmented management or "cherry picking" of only the most economically remunerative of federal lands by the States, this definition excludes from "eligible federal lands" any area that constitutes less than all the federal lands within a BLM district or national forest and any BLM district or national forest which generates the most revenues in a State (unless the State has less than 2 BLM districts or 2 national forests, or chooses to assume jurisdiction over all BLM-managed federal lands or all Forest Service-managed federal lands in the State).

Sec. 4. Transfer of management authority to States. This section authorizes the transfer of temporary management authority for eligible federal lands under the conditions, and in accordance with the procedures, established in this legislation.

Sec. 5. State application. This section provides the procedure by which the States may initiate the process of transferring temporary management authority over eligible federal lands. The governor of a State (or, if another State entity has authority under State law to acquire and convey State land, then that agency, after consultation with the governor) may submit an application to manage all or certain eligible federal lands within the State to the four Committees of Congress, to the Secretary of the Interior (for BLM lands) and/or Secretary of Agriculture (for Forest Service lands), and to any affected Indian tribes. Each State is limited to one application every 2 years because, once the State has submitted an application, it is prohibited from submitting another application during the 2-year application review period established by section 6. After the review period is completed, however, the State can submit another application regardless of whether the first application was approved or denied by Congress in accordance with section 6. The application must describe the eligible federal lands for which management authority is sought, provide a summary and the text of State laws under which the lands would be managed, and describe the personnel and funding available for managing the lands (including procedures to identify and employ Forest Service or BLM personnel who are knowledgeable about the specific lands and may seek employment if the management authority is transferred).

Sec. 6. Procedures for granting State management authority. This section provides the procedures to be performed by the federal government to grant State management authority over eligible federal lands. First, within 10 days of receiving a State application, the Secretary or Secretaries must publish notice of availability of the application in the Federal Register. Second, within 90 days of receiving the application, the Secretary or Secretaries must submit to the four Committees of Congress and any affected Indian tribe an advisory report on the application which assesses the adequacy of the State law to manage the lands, the qualifications of the State personnel assigned to manage the lands, the adequacy of the State funding for managing the lands, and any effect State management may have on Indian tribes. The report must also provide any recommendations which the Secretary or Secretaries have concerning the application. Any affected Indian tribe is invited to submit its own advisory report on the application within 60 days after the submission of the Secretarial advisory report.

This section also makes it clear that no State can assume temporary management authority over eligible federal lands without an act of Congress. It further states that, if Congress does not enact a law authorizing a State to assume management authority over eligible federal lands identified in a State application within 2 years from the date of receipt of the application by the four Committees of Congress, the application is deemed denied.

Sec. 7. State management of Federal lands. This section provides the minimum general condition for State management. (Of course, the individual acts authorizing State assumption of management authority may contain further conditions.)

This section declares that the eligible federal lands are to be managed by the State subject to valid existing rights in accordance with applicable State law, the federal law authorizing transfer of management authority, and other federal law applicable to State (not federal) lands. The exception is lands within the National Wilderness Preservation System, National Wild and Scenic Rivers System, and National Trails System; those lands must be managed in accordance with the federal laws which established those Systems. The State assumes all rights and responsibilities of the United States under and for federal grazing permits, mineral leases, contracts for sale of forest products, and other authorizations for use of the affected federal lands in existence on the date the management authority is transferred. Those use authorizations will continue under their provisions and applicable federal law until the end of their terms (except the revenues will be paid to the States). At the end of the term of the use authorization it will not be extended or renewed; instead, the holder will be given right-of-first-refusal for the issuance of an authorization for the same use under State law.

Valid existing mining claims, however, remain under federal authority until the mining claims are patented, abandoned, declared invalid, or, at the election of the claimants, converted to State leases or other disposition under State law. The BLM and Forest Service must consult with the States on federal minerals management decisions concerning valid mining claims, and the States have authority to manage the surface estate and dispose of rights and collect any revenues from other minerals and rights.

The State would collect the revenues and fees that were previously imposed by federal law from those federal permits, licenses, etc., which remain in effect after State assumption of management authority over eligible federal lands. Otherwise, the State is free to impose its own revenue and fee collection requirements for those lands under State law. The State also may determine how the revenues and fees are to be used and distributed in accordance with State law.

Other federal land law that continues to apply to the eligible federal lands under State management is the access provisions of section 1323, and the Alaska subsistence use provisions of Title VIII, of the Alaska National Interests Lands Conservation Act. Federal land law that ceases to apply is the Payment In Lieu of Taxes Act and any other law that provides payments to State or local governments to offset declining revenues from federal lands.

Sec. 8. Authorization for transition appropriations. To facilitate the transfer of management authority, this section provides that amounts may be appropriated to a State which has assumed management authority in the first, second, and third fiscal years of State management equal to 75%, 50%, and 25%, respectively, of the appropriated funds expended in managing the lands in the last fiscal year of federal management. These funds must be reimbursed by the State to the federal Treasury within 7 years after the State receives them.

Sec. 9. Transition. This section provides for the transfer of federal records, federal personal property, and unexpended balances of federal appropriations and other funds to the State upon enactment of a management authority transfer law. It also authorizes the detailing to the State of federal personnel for a year or less.

Sec. 10. Term of the State management. This section defines the temporary nature of any transfer of management authority for eligible federal lands to the States. It limits the term of transfer to 10 years, unless provided otherwise in the specific management authority transfer law. A State may seek management authority for additional 10-year terms by filing new applications which would be processed in accordance with section 5. The State also may apply for ownership of eligible federal lands after the initial 10-year management period. The application for either continued State management or State ownership of the eligible federal lands must include a detailed report on the State's management performance on those lands during the terminating 10-year period. Congress would have to enact a law for ownership to pass, and this legislation provides no guidance for that process.

Sec. 11. Return to Federal management. This section provides guidance and procedures for the transfer of management authority for federal lands back to the federal government whenever a State chooses not to apply for, or Congress fails to grant, continued management authority. The guidance and procedures for reassumption of federal management authority are the mirror-image of the guidance and procedures provided in sections 7 and 9 for the transfer of management authority to the States.

Sec. 12. Transfer of management authority to nonprofits. This section provides authority to transfer temporary management authority over federal lands to nonprofit organizations. The conditions and procedures for transfer to nonprofits are similar to those established in prior sections for transfer to States, but with three significant differences: First, all federal lands (not "eligible federal lands" as in the case of the States) are eligible for nonprofit management, with three limitations (not less than all federal lands in any BLM district or national forest, and not more than three BLM districts or three national forests in the same general area). Second, the applicable law remains federal law (not State law as in the case of transfer to the States). The nonprofit, however, need not comply with federal agency regulations or policies if it otherwise complies with the applicable federal laws. Furthermore, in its application for management authority transfer, the nonprofit may identify any provisions of federal law which it desires an exemption or exception. And, if Congress grants the exemption or exception in the legislation authorizing transfer, the nonprofit need not adhere to those particular provisions. Third, no opportunity to assume ownership of federal lands is offered to nonprofits.

To qualify as a nonprofit organization which may submit a management authority transfer application, the organization must be a corporation or other entity that is organized under the laws of the State in which all or a majority of the relevant federal lands is located, has as its express purpose the managing those lands, and is described in section 501(c)(3) of the Internal Revenue Code.

The application for transfer must describe the federal lands for which management authority is sought, document the nonprofit's eligibility to submit an application and qualifications to manage those federal lands, identify the federal law exemptions or exceptions sought by the nonprofit, describe the relationship the nonprofit intends to have with BLM and Forest Service personnel then managing those federal lands, and identify any personnel changes the nonprofit expects to make in the first year it has management authority. In addition to the entities to which the State application must be sent, the nonprofit's application must also be submitted to any affected local government.

As in the case of the States, Secretarial advisory reports and Congressional enactment of legislation are required before transfer of management authority occurs. If the legislation is not enacted within two years of the submission of the application, the application is deemed denied.

This section provides for payment to each nonprofit in the first 3 years it manages the federal lands of 75%, 50%, and 25% of the funds that were appropriated for management of those lands by the federal agency in the last fiscal year prior to transfer. Although section 8 provides for identical payments to States which have assumed management authority, the State payments are authorized while the nonprofit payments are required.

The nonprofit receives all revenues and fees from the federal lands over which it has management authority. The nonprofit will make all employment and compensation decisions, subject to applicable federal law, concerning BLM or Forest Service personnel who manage those lands. Personnel from either agency on the date of transfer or newly employed from either agency after the date of transfer will remain federal employees. Additional personnel employed from outside either agency after the date of transfer will be employees of the nonprofit.

The provisions for length of management term, renewal for another term, and return to federal management are substantively the same as for the States.

Sec. 13. Venues. This section sets the venues for litigation related to transfer of federal land management authority under this legislation. Any litigation concerning any action, other than actions concerning valid mining claims, on eligible federal lands for which a State has assumed management authority must be brought in the appropriate State court. Any litigation concerning the validity or Constitutionality of this legislation must be brought in the U.S. District Court for the District of Columbia and any litigation concerning any law transferring management authority to either a State or a nonprofit organization enacted pursuant to section 6 or section 12 must be brought in the U.S. District Court for the district in which all or a majority of the lands to which the law applies is situated. This litigation must be brought within 60 days of the date of enactment of this legislation or the management authority transfer law, or be barred.

Sec. 14. Effect on other laws. This section makes it clear that State or nonprofit assumption of management authority over federal lands will not trigger changes in federal policies, resource management plans, etc. applicable to other federal lands in the State or region.

## ADDITIONAL COSPONSORS

### S. 623

At the request Mr. INOUYE, the names of the Senator from Washington [Mr. GORTON] and the Senator from New York [Mr. MOYNIHAN] were added as cosponsors of S. 623, a bill to amend title 38, United States Code, to deem certain service in the organized military forces of the Government of the Commonwealth of the Philippines and the Philippine Scouts to have been active service for purposes of benefits under programs administered by the Secretary of Veterans Affairs.

### S. 834.

At the request Mr. HARKIN, the name of the Senator from New York [Mr. D'AMATO] was added as a cosponsor of S. 834, a bill to amend the Public Health Service Act to ensure adequate research and education regarding the drug DES.

### S. 836.

At the request Mr. ABRAHAM, the name of the Senator from Utah [Mr.

HATCH] was added as a cosponsor of S. 836, a bill to offer small businesses certain protections from litigation excesses.

S. 852.

At the request Mr. LOTT, the names of the Senator from Hawaii [Mr. AKAKA] and the Senator from Utah [Mr. HATCH] were added as cosponsors of S. 852, a bill to establish nationally uniform requirements regarding the titling and registration of salvage, nonrepairable, and rebuilt vehicles.

S. 953.

At the request Mr. SHELBY, the name of the Senator from North Carolina [Mr. HELMS] was added as a cosponsor of S. 953, a bill to require certain Federal agencies to protect the right of private property owners, and for other purposes.

S. 980

At the request Mr. DURBIN, the name of the Senator from North Dakota [Mr. DORGAN] was added as a cosponsor of S. 980, a bill to require the Secretary of the Army to close the U.S. Army School of the Americas.

S. 1096

At the request Mr. KERREY, the names of the Senator from Nevada [Mr. REID] and the Senator from Georgia [Mr. COVERDELL] were added as cosponsors of S. 1096, a bill to restructure the Internal Revenue Service, and for other purposes.

S. 1115

At the request Mr. LOTT, the name of the Senator from Pennsylvania [Mr. SPECTER] was added as a cosponsor of S. 1115, a bill to amend title 49, United States Code, to improve one-call notification process, and for other purposes.

S. 1173

At the request Mr. WARNER, the name of the Senator from Virginia [Mr. ROBB] was added as a cosponsor of S. 1173, a bill to authorize funds for construction of highways, for highway safety programs, and for mass transit programs, and for other purposes.

S. 1195

At the request Mr. CHAFEE, the name of the Senator from Nebraska [Mr. KERREY] was added as a cosponsor of S. 1195, a bill to promote the adoption of children in foster care, and for other purposes.

S. 1204

At the request Mr. COVERDELL, the names of the Senator from Kentucky [Mr. FORD], the Senator from Idaho [Mr. KEMPTHORNE], the Senator from Minnesota [Mr. GRAMS], the Senator from North Carolina [Mr. HELMS], and the Senator from Utah [Mr. BENNETT] were added as cosponsors of S. 1204, a bill to simplify and expedite access to the Federal courts for injured parties whose rights and privileges, secured by the U.S. Constitution, have been deprived by final actions of Federal agencies, or other government officials or entities acting under color of State law; to prevent Federal courts from abstaining from exercising Federal jurisdiction in actions where no State law claim is alleged; to permit certification of unsettled State law questions that are essential to resolving Federal claims arising under the Constitution; and to clarify when government action is sufficiently final to ripen certain Federal claims arising under the Constitution.

S. 1225

At the request Mr. HUTCHINSON, the name of the Senator from New Hampshire [Mr. SMITH] was added as a cosponsor of S. 1225, a bill to terminate the Internal Revenue Code of 1986.

S. 1244

At the request Mr. GRASSLEY, the name of the Senator from Minnesota [Mr. GRAMS] was added as a cosponsor of S. 1244, a bill to amend title 11, United States Code, to protect certain charitable contributions, and for other purposes.

SENATE RESOLUTION 119

At the request Mr. FEINGOLD, the name of the Senator from Iowa [Mr. HARKIN] was added as a cosponsor of Senate Resolution 119, a resolution to express the sense of the Senate that the Secretary of Agriculture should establish a temporary emergency minimum milk price that is equitable to all producers nationwide and that provides price relief to economically distressed milk producers.

## NOTICE OF HEARINGS

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. JEFFORDS. Mr. President, I would like to announce for information of the Senate and the public that a hearing of the Senate Committee on Labor and Human Resources will be held on Tuesday, October 7, 1997, 9:45 a.m., in SD–430 of the Senate Dirksen Building. The subject of the hearing is the nomination of Charles Jeffress to be an Assistant Secretary of Labor (OSHA). For further information, please call the committee, 202–224–5375.

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. JEFFORDS. Mr. President, I would like to announce for information of the Senate and the public that a hearing of the Senate Committee on Labor and Human Resources will be held on Wednesday, October 8, 1997, 10 a.m., in SD–106 of the Senate Dirksen Building. The subject of the hearing is the nomination of David Satcher to be Surgeon General and Assistant Secretary of HHS. For further information, please call the committee, 202–224–5375.

SUBCOMMITTEE ON PUBLIC HEALTH AND SAFETY

Mr. JEFFORDS. Mr. President, I would like to announce for information of the Senate and the public that a hearing of the Senate Committee on Labor and Human Resources Subcommittee on Public Health and Safety will be held on Thursday, October 9, 1997, 9:30 a.m., in SD–430 of the Senate Dirksen Building. The subject of the hearing is National Institutes of Health clinical research. For further information, please call the committee, 202–224–5375.

## ADDITIONAL STATEMENTS

### UNITED STATES-JAPAN RELATIONS

• Mr. ROTH. Mr. President, last week witnessed a crucial development in United States-Japan relations: the new guidelines for defense cooperation between the United States and Japan were promulgated. This development will require further action before it become meaningful, however, as the Japanese Diet must pass legislation to make the guidelines operational.

The United States and Japan have maintained a strong and vital security relationship for a half century. Since 1960, the Treaty of Mutual Cooperation and Security has been at the center of that relationship. That treaty also forms the core of our overall security strategy for the Asia Pacific region.

For historical reasons, and reasons having to do with constitutional interpretation, however, Japan's precise role in a regional crisis has been left largely undefined. With the end of the cold war and with raised tensions on the Korean Peninsula, the room for such ambiguity has narrowed significantly. A scenario in which American and Korean troops suffer casualties in a second Korean war while Japan debates what it could and could not do to assist in the effort would be a sure recipe for a collapse in the United States-Japan relationship.

Therefore, I am pleased that the new defense guidelines provide us a clearer understanding of Japan's role in the event of a regional crisis. Still, Japan must enact authorizing legislation to implement the guidelines. In addition, I believe Japan should move to resolve problematic constitutional issues having to do with collective self-defense to ensure even greater clarity in the country's security role. As I often said, the drafters of Japan's Constitution held that the document in no way undermined Tokyo's ability to participate in regional security arrangements or U.N. activities.•

### HONORING DR. HENRY BEECHER HICKS, JR.

• Ms. MOSELEY-BRAUN. Mr. President, the times in which we live, and the challenges we face, require a special type of courage and vision to capture the attention of those we would lead into the next millennium. As never before, leadership is being tested in the crucible of social and family crises. We have witnessed the virtual implosion of the family unit. Violence encroaches on front yards and in schoolyards. The most vulnerable among us—the aged, the infant, the ill—are all impotent in the battle to survive downsizing, right-sizing, and the budget ax. Yet, the bull rush is on.

To be sure, enormous problems demand imaginative, visionary, and courageous answers. Where do these answers come from? In the case of the Nation's Capital—from behind the pulpit has stepped a champion for the people—Henry Beecher Hicks, Jr. The citizens of the District of Columbia, and surrounding environs, are fortunate to have among them an extraordinary man whose vision is focused, and whose commitment to the uplifting of America is unequivocal.

By title, Dr. H. Beecher Hicks, Jr., is the senior minister of the Metropolitan Baptist Church. By practice, he is a relentless advocate for the poor, consistent proponent of self-determination for the District of Columbia, champion for children and quality education, haven for the homeless, Samaritan for the sick, and a preacher's preacher who stands behind a pulpit adorned with a dove.

As an author and a teacher, he is respected in academic circles across the Nation. Never compromising excellence, he demands rigorous study and mental acuity from his students. He is at home wherever he places his bible—from the ivy covered walls of a New England cathedral to a revival tent pitched on the muddy shores of the Mississippi. Dr. Hicks is revered by those in front and behind the pulpit. Academically grounded and oratorically gifted he is one of the Nation's foremost preachers.

On October 18, individuals from around the Nation, as well as those he mentors and pastors, will gather in Washington, DC, to pay tribute to his 20 years of service as senior minister of the Metropolitan Baptist Church. I take this opportunity to join them in saluting this outstanding pastor and preacher.●

## CELEBRATING THE CITY OF HOLLAND'S 150TH ANNIVERSARY

● Mr. ABRAHAM. Mr. President, I stand today to proudly recognize the city of Holland's sesquicentennial anniversary. One hundred and fifty years ago this unique city was founded by a group of Dutch settlers who envisioned a town similar to their native Holland. Today, the city's rich Dutch heritage is still evident and continues to be a source of great pride for residents.

The State of Michigan is home to not only Dutch ancestry but a wide array of different cultures and ethnicities. I strongly believe this multiculturism serves Michigan well as a useful learning tool which links our communities together. Holland has built upon this notion by fully embracing its distinct ancestry and showcasing their Dutch traditions for all to experience and enjoy.

On its 150th anniversary, Holland has pulled out all the stops to ensure this special occasion does not slip away unnoticed. Befitting of this celebration is a visit from Her Royal Highness Princess Margrite of the Netherlands whose presence will serve as a capstone to the festivities. This momentous visit by the Princess and other dignitaries of The Netherlands offers a fine tribute to Holland and highlights the city's strong Dutch roots.

Mr. President, I am honored to pay tribute to the city of Holland on its 150th anniversary, and extend my congratulations to Mayor McGeehan and the residents of Holland on this auspicious occasion.●

## FOREIGN CURRENCY REPORTS

In accordance with the appropriate provisions of law, the Secretary of the Senate herewith submits the following report(s) of standing committees of the Senate, certain joint committees of the Congress, delegations and groups, and select and special committees of the Senate, relating to expenses incurred in the performance of authorized foreign travel:

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON APPROPRIATIONS FOR TRAVEL FROM JAN. 11 TO JAN. 21, 1997

| Name and country | Name of currency | Per diem | | Transportation | | Miscellaneous | | Total | |
|---|---|---|---|---|---|---|---|---|---|
| | | Foreign currency | U.S. dollar equivalent or U.S. currency | Foreign currency | U.S. dollar equivalent or U.S. currency | Foreign currency | U.S. dollar equivalent or U.S. currency | Foreign currency | U.S. dollar equivalent or U.S. currency |
| Senator Ted Stevens: | | | | | | | | | |
| Morocco | Dirham | 4,168.71 | 475.34 | | | | | 4,168.71 | 475.34 |
| Israel | Dollar | | 417.00 | | | | | | 417.00 |
| Kuwait | Dollar | | 358.00 | | | | | | 358.00 |
| Egypt | Pound | 1,475.60 | 435.00 | | | | | 1,475.60 | 435.00 |
| Hungary | Forint | 69,536 | 424.00 | | | | | 69,536 | 424.00 |
| Senator Robert F. Bennett: | | | | | | | | | |
| Morocco | Dirham | 4,168.71 | 475.34 | | | | | 4,168.71 | 475.34 |
| Israel | Dollar | | 417.00 | | | | | | 417.00 |
| Kuwait | Dollar | | 358.00 | | | | | | 358.00 |
| Egypt | Pound | 1,475.60 | 435.00 | | | | | 1,475.60 | 435.00 |
| Hungary | Forint | 69,536 | 424.00 | | | | | 69,536 | 424.00 |
| Senator Mitch McConnell: | | | | | | | | | |
| Morocco | Dirham | 4,168.71 | 475.34 | | | | | 4,168.71 | 475.34 |
| Israel | Dollar | | 417.00 | | | | | | 417.00 |
| Kuwait | Dollar | | 358.00 | | | | | | 358.00 |
| Egypt | Pound | 1,475.60 | 435.00 | | | | | 1,475.60 | 435.00 |
| Hungary | Forint | 69,536 | 424.00 | | | | | 69,536 | 424.00 |
| Senator Thad Cochran: | | | | | | | | | |
| Morocco | Dirham | 4,168.71 | 475.34 | | | | | 4,168.71 | 475.34 |
| Israel | Dollar | | 417.00 | | | | | | 417.00 |
| Kuwait | Dollar | | 358.00 | | | | | | 358.00 |
| Egypt | Pound | 1,475.60 | 435.00 | | | | | 1,475.60 | 435.00 |
| Hungary | Forint | 69,536 | 424.00 | | | | | 69,536 | 424.00 |
| Senator Slade Gorton: | | | | | | | | | |
| Israel | Dollar | | 293.40 | | | | | | 293.40 |
| Senator Conrad Burns: | | | | | | | | | |
| Morocco | Dirham | 4,168.71 | 475.34 | | | | | 4,168.71 | 475.34 |
| Israel | Dollar | | 417.00 | | | | | | 417.00 |
| Kuwait | Dollar | | 358.00 | | | | | | 358.00 |
| Egypt | Pound | 1,475.60 | 435.00 | | | | | 1,475.60 | 435.00 |
| Hungary | Forint | 69,536 | 424.00 | | | | | 69,536 | 424.00 |
| Steve Cortese: | | | | | | | | | |
| Morocco | Dirham | 4,168.71 | 475.34 | | | | | 4,168.71 | 475.34 |
| Israel | Dollar | | 417.00 | | | | | | 417.00 |
| Kuwait | Dollar | | 358.00 | | | | | | 358.00 |
| Egypt | Pound | 1,475.60 | 435.00 | | | | | 1,475.60 | 435.00 |
| Hungary | Forint | 69,536 | 424.00 | | | | | 69,536 | 424.00 |
| Senator Connie Mack: | | | | | | | | | |
| Morocco | Dirham | 4,168.71 | 475.34 | | | | | 4,168.71 | 475.34 |

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON APPROPRIATIONS FOR TRAVEL FROM JAN. 11 TO JAN. 21, 1997—Continued

| Name and country | Name of currency | Per diem | | Transportation | | Miscellaneous | | Total | |
|---|---|---|---|---|---|---|---|---|---|
| | | Foreign currency | U.S. dollar equivalent or U.S. currency | Foreign currency | U.S. dollar equivalent or U.S. currency | Foreign currency | U.S. dollar equivalent or U.S. currency | Foreign currency | U.S. dollar equivalent or U.S. currency |
| Israel | Dollar | | 417.00 | | | | | | 417.00 |
| Robin Cleveland: | | | | | | | | | |
| Morocco | Dirham | 4,168.71 | 475.34 | | | | | 4,168.71 | 475.34 |
| Israel | Dollar | | 417.00 | | | | | | 417.00 |
| Kuwait | Dollar | | 358.00 | | | | | | 358.00 |
| Egypt | Pound | 1,475.60 | 435.00 | | | | | 1,475.60 | 435.00 |
| Hungary | Forint | 69,536 | 424.00 | | | | | 69,536 | 424.00 |
| Sid Ashworth: | | | | | | | | | |
| Morocco | Dirham | 4,168.71 | 475.34 | | | | | 4,168.71 | 475.34 |
| Israel | Dollar | | 417.00 | | | | | | 417.00 |
| Kuwait | Dollar | | 358.00 | | | | | | 358.00 |
| Egypt | Pound | 1,475.60 | 435.00 | | | | | 1,475.60 | 435.00 |
| Hungary | Forint | 69,536 | 424.00 | | | | | 69,536 | 424.00 |
| Susan Hogan: | | | | | | | | | |
| Morocco | Dirham | 4,168.71 | 475.34 | | | | | 4,168.71 | 475.34 |
| Israel | Dollar | | 417.00 | | | | | | 417.00 |
| Kuwait | Dollar | | 358.00 | | | | | | 358.00 |
| Egypt | Pound | 1,475.6 | 435.00 | | | | | 1,475.6 | 435.00 |
| Hungary | Forint | 69,536 | 424.00 | | | | | 69,536 | 424.00 |
| Jim Morhard: | | | | | | | | | |
| Morocco | Dirham | 4,168.71 | 475.34 | | | | | 4,168.71 | 475.34 |
| Israel | Dollar | | 417.00 | | | | | | 417.00 |
| Kuwait | Dollar | | 358.00 | | | | | | 358.00 |
| Egypt | Pound | 1,475.6 | 435.00 | | | | | 1,475.6 | 435.00 |
| Hungary | Forint | 69,536 | 424.00 | | | | | 69,536 | 424.00 |
| Delegation expenses[1] | | | | | | | | | |
| Morocco | | | | | | | 2,297.44 | | 2,297.44 |
| Israel | | | | | | | 177.97 | | 177.97 |
| Kuwait | | | | | | | 177.97 | | 177.97 |
| Egypt | | | | | | | 177.97 | | 177.97 |
| Hungary | | | | | | | 177.97 | | 177.97 |
| Bosnia and Herzegovina | | | | | | | 1,563.97 | | 1,563.97 |
| Jordan | | | | | | | 482.65 | | 482.65 |
| Total | | | 22,279.14 | | | | 5,055.94 | | 27,335.08 |

[1] Delegation expenses include direct payments and reimbursements to the Department of State under authority of Section 502(b) of the Mutual Security Act of 1954, as amended by Section 22 of Public Law 95–384, and Senate Resolution 179, agreed to May 25, 1977.

TED STEVENS,
Chairman, Committee on Appropriations, June 27, 1997.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON APPROPRIATIONS FOR TRAVEL FROM MAR. 21 TO APR. 1, 1997

| Name and country | Name of currency | Per diem | | Transportation | | Miscellaneous | | Total | |
|---|---|---|---|---|---|---|---|---|---|
| | | Foreign currency | U.S. dollar equivalent or U.S. currency | Foreign currency | U.S. dollar equivalent or U.S. currency | Foreign currency | U.S. dollar equivalent or U.S. currency | Foreign currency | U.S. dollar equivalent or U.S. currency |
| Senator Ted Stevens: | | | | | | | | | |
| Russia | Dollar | | 800.00 | | | | | | 800.00 |
| South Korea | Won | 536,800 | 880.00 | | | | | 536,800 | 880.00 |
| Steve Cortese: | | | | | | | | | |
| Russia | Dollar | | 800.00 | | | | | | 800.00 |
| South Korea | Won | 536,800 | 880.00 | | | | | 536,800 | 880.00 |
| Senator Thad Cochran: | | | | | | | | | |
| Russia | Dollar | | 800.00 | | | | | | 800.00 |
| South Korea | Won | 536,800 | 880.00 | | | | | 536,800 | 880.00 |
| Senator Dan Inouye: | | | | | | | | | |
| Russia | Dollar | | 800.00 | | | | | | 800.00 |
| South Korea | Won | 536,800 | 880.00 | | | | | 536,800 | 880.00 |
| Sid Ashworth: | | | | | | | | | |
| Russia | Dollar | | 800.00 | | | | | | 800.00 |
| South Korea | Won | 536,800 | 880.00 | | | | | 536,800 | 880.00 |
| Charlie Houy: | | | | | | | | | |
| Russia | Dollar | | 800.00 | | | | | | 800.00 |
| South Korea | Won | 536,800 | 880.00 | | | | | 536,800 | 880.00 |
| Senator Pete Domenici: | | | | | | | | | |
| Russia | Dollar | | 800.00 | | | | | | 800.00 |
| South Korea | Won | 536,800 | 880.00 | | | | | 536,800 | 880.00 |
| Alex Flint: | | | | | | | | | |
| Russia | Dollar | | 800.00 | | | | | | 800.00 |
| South Korea | Won | | 880.00 | | | | | 536,800 | 880.00 |
| Delegation expenses:[1] | | | | | | | | | |
| Russia | | | | | | | 1,975.72 | | 1,975.72 |
| South Korea | | | | | | | 100.00 | | 100.00 |
| Total | | | 13,440.00 | | | | 2,075.72 | | 15,515.72 |

[1] Delegation expenses include direct payments and reimbursements to the Department of State under authority of Section 502(b) of the Mutual Security Act of 1954, as amended by Section 22 of Public Law 95–384, and Senate Resolution 179, agreed to May 25, 1977.

TED STEVENS,
Chairman, Committee on Appropriations, June 27, 1997.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS FOR TRAVEL FROM APR. 1 TO JUNE 30, 1997

| Name and country | Name of currency | Per diem | | Transportation | | Miscellaneous | | Total | |
|---|---|---|---|---|---|---|---|---|---|
| | | Foreign currency | U.S. dollar equivalent or U.S. currency | Foreign currency | U.S. dollar equivalent or U.S. currency | Foreign currency | U.S. dollar equivalent or U.S. currency | Foreign currency | U.S. dollar equivalent or U.S. currency |
| Senator Phil Gramm: | | | | | | | | | |
| Argentina | Peso | 249 | 244.00 | | | | | 249 | 244.00 |

### CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS FOR TRAVEL FROM APR. 1 TO JUNE 30, 1997—Continued

| Name and country | Name of currency | Per diem | | Transportation | | Miscellaneous | | Total | |
|---|---|---|---|---|---|---|---|---|---|
| | | Foreign currency | U.S. dollar equivalent or U.S. currency | Foreign currency | U.S. dollar equivalent or U.S. currency | Foreign currency | U.S. dollar equivalent or U.S. currency | Foreign currency | U.S. dollar equivalent or U.S. currency |
| Chile | Dollar | | 766.60 | | | | | | 766.60 |
| United States | Dollar | | | | 1,882.95 | | | | 1,882.95 |
| Senator Rod Grams: | | | | | | | | | |
| Argentina | Dollar | | 323.00 | | | | | | 323.00 |
| Chile | Dollar | | 309.20 | | | | | | 309.20 |
| United States | Dollar | | | | 1,854.95 | | | | 1,854.95 |
| Wayne Abernathy: | | | | | | | | | |
| Argentina | Peso | 249 | 244.00 | | | | | 249 | 244.00 |
| Chile | Dollar | | 726.94 | | | | | | 726.94 |
| United States | Dollar | | | | 1,882.95 | | | | 1,882.95 |
| Lianchao Han: | | | | | | | | | |
| Argentina | Dollar | | 249.50 | | | | | | 249.50 |
| Chile | Dollar | | 324.20 | | | | | | 324.20 |
| United States | Dollar | | | | 1,417.95 | | | | 1,417.95 |
| Total | | | 3,187.44 | | 7,038.80 | | | | 10,226.24 |

ALFONSE D'AMATO,
Chairman, Committee on Banking, Housing, and Urban Affairs, Aug. 6, 1997.

### CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION FOR TRAVEL FROM APR. 1 TO JUNE 30, 1997

| Name and country | Name of currency | Per diem | | Transportation | | Miscellaneous | | Total | |
|---|---|---|---|---|---|---|---|---|---|
| | | Foreign currency | U.S. dollar equivalent or U.S. currency | Foreign currency | U.S. dollar equivalent or U.S. currency | Foreign currency | U.S. dollar equivalent or U.S. currency | Foreign currency | U.S. dollar equivalent or U.S. currency |
| Moses Boyd: | | | | | | | | | |
| United States | Dollar | | | | 1,140.95 | | | | 1,140.95 |
| Netherlands Antilles | Dollar | | 450.00 | | | | | | 450.00 |
| Total | | | 450.00 | | 1,140.94 | | | | 1,590.05 |

JOHN McCAIN,
Chairman, Committee on Commerce, Science and Transportation,
July 14, 1997.

### CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON ENERGY AND NATURAL RESOURCES FOR TRAVEL FROM APR. 1 TO JUNE 30, 1997

| Name and country | Name of currency | Per diem | | Transportation | | Miscellaneous | | Total | |
|---|---|---|---|---|---|---|---|---|---|
| | | Foreign currency | U.S. dollar equivalent or U.S. currency | Foreign currency | U.S. dollar equivalent or U.S. currency | Foreign currency | U.S. dollar equivalent or U.S. currency | Foreign currency | U.S. dollar equivalent or U.S. currency |
| Gregg Renkes: | | | | | | | | | |
| Puerto Rico | Dollar | | 664.00 | | 431.00 | | | | 1,095.00 |
| David Garman: | | | | | | | | | |
| Norway | Kroner | | 789.00 | | | | | | 789.00 |
| United States | Dollar | | | | 987.00 | | | | 987.00 |
| Total | | | 1,453.00 | | 1,418.00 | | | | 2,871.00 |

FRANK H. MURKOWSKI,
Chairman, Committee on Energy and Natural Resources, June 27, 1997.

### CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS FOR TRAVEL FROM JULY 1 TO SEPT. 30, 1997

| Name and country | Name of currency | Per diem | | Transportation | | Miscellaneous | | Total | |
|---|---|---|---|---|---|---|---|---|---|
| | | Foreign currency | U.S. dollar equivalent or U.S. currency | Foreign currency | U.S. dollar equivalent or U.S. currency | Foreign currency | U.S. dollar equivalent or U.S. currency | Foreign currency | U.S. dollar equivalent or U.S. currency |
| Senator Jeff Sessions: | | | | | | | | | |
| China | Yuan | 6,234.84 | 753.00 | | | | | 6,234.84 | 753.00 |
| Hong Kong | Dollar | 6,101.48 | 788.00 | | | | | 6,101.48 | 788.00 |
| Total | | | 1,541.00 | | | | | | 1,541.00 |

JOHN H. CHAFEE,
Chairman, Committee on Environment and Public Works, Sept. 25, 1997.

### CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON FOREIGN RELATIONS FOR TRAVEL FROM APR. 1 TO JUNE 30, 1997

| Name and country | Name of currency | Per diem | | Transportation | | Miscellaneous | | Total | |
|---|---|---|---|---|---|---|---|---|---|
| | | Foreign currency | U.S. dollar equivalent or U.S. currency | Foreign currency | U.S. dollar equivalent or U.S. currency | Foreign currency | U.S. dollar equivalent or U.S. currency | Foreign currency | U.S. dollar equivalent or U.S. currency |
| Senator Joseph R. Biden: | | | | | | | | | |
| United States | Dollar | | | | 1,895.25 | | | | 1,895.25 |
| Senator Sam Brownback: | | | | | | | | | |
| Egypt | Dollar | | 226.00 | | | | | | 226.00 |

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON FOREIGN RELATIONS FOR TRAVEL FROM APR. 1 TO JUNE 30, 1997—Continued

| Name and country | Name of currency | Per diem | | Transportation | | Miscellaneous | | Total | |
|---|---|---|---|---|---|---|---|---|---|
| | | Foreign currency | U.S. dollar equivalent or U.S. currency | Foreign currency | U.S. dollar equivalent or U.S. currency | Foreign currency | U.S. dollar equivalent or U.S. currency | Foreign currency | U.S. dollar equivalent or U.S. currency |
| Israel | Dollar | | 189.00 | | | | | | 189.00 |
| United States | Dollar | | | | 5,632.05 | | | | 5,632.05 |
| Senator Gordon Smith: | | | | | | | | | |
| Belgium | Franc | 3,546 | 101.00 | | | | | 3,546.00 | 101.00 |
| United Kingdom | Pound | 393.87 | 642.00 | | | | | 393.87 | 642.00 |
| United States | Dollar | | | | 4,109.45 | | | | 4,109.45 |
| Steve Biegun: | | | | | | | | | |
| Egypt | Pound | | 226.00 | | | | | | 226.00 |
| Israel | Dollar | | 189.00 | | | | | | 189.00 |
| Turkey | Dollar | | 80.00 | | | | | | 80.00 |
| Azerbaijan | Dollar | | 324.00 | | | | | | 324.00 |
| United States | Dollar | | | | 5,272.35 | | | | 5,272.35 |
| Elizabeth DeMoss: | | | | | | | | | |
| Nicaragua | Dollar | | 522.00 | | | | | | 522.00 |
| United States | Dollar | | | | 822.95 | | | | 822.95 |
| Kurt Pfotenhauer: | | | | | | | | | |
| The Netherlands | Guilder | 325 | 171.00 | | | | | 325 | 171.00 |
| Belgium | Franc | 9,936 | 283.00 | | | | | 9,936 | 283.00 |
| United Kingdom | Pound | 393.87 | 642.00 | | | | | 393.87 | 642.00 |
| United States | Dollar | | | | 2,390.70 | | | | 2,390.70 |
| Christina Rocca: | | | | | | | | | |
| Egypt | Pound | | 226.00 | | | | | | 226.00 |
| Israel | Dollar | | 189.00 | | | | | | 189.00 |
| Turkey | Dollar | | 80.00 | | | | | | 80.00 |
| Azerbaijan | Dollar | | 324.00 | | | | | | 324.00 |
| United States | Dollar | | | | 5,272.35 | | | | 5,272.35 |
| Nancy Stetson: | | | | | | | | | |
| Hong Kong | Dollar | 1,568.14 | 218.00 | | | | | 1,568.14 | 218.00 |
| United States | Dollar | | | | 2,363.00 | | | | 2,363.00 |
| Elizabeth Wilson: | | | | | | | | | |
| The Netherlands | Guilder | 285.30 | 150.00 | | | | | 285.30 | 150.00 |
| Belgium | Franc | 9,163.71 | 261.00 | | | | | 9,163.71 | 261.00 |
| United Kingdom | Pound | 390 | 635.70 | | | | | 390 | 635.70 |
| United States | Dollar | | | | 4,157.45 | | | | 4,157.45 |
| Dan Shapiro: | | | | | | | | | |
| Hong Kong | Dollar | | 500.00 | | | | | | 500.00 |
| Ellen Bork: | | | | | | | | | |
| Hong Kong | Dollar | | 1,464.00 | | | | | | 1,464.00 |
| United States | Dollar | | | | 2,973.95 | | | | 2,973.95 |
| Ken Peel: | | | | | | | | | |
| Hong Kong | Dollar | | 4,249.00 | | | | | | 4,249.00 |
| China | Dollar | | 384.50 | | | | | | 384.50 |
| United States | Dollar | | | | 4,947.95 | | | | 4,947.95 |
| Amendment to the first quarter of 1997: | | | | | | | | | |
| Ellen Bork: | | | | | | | | | |
| Laos | Dollar | | 455.00 | | | | | | 455.00 |
| Cambodia | Dollar | | 955.00 | | | | | | 955.00 |
| Hong Kong | Dollar | | 233.00 | | | | | | 233.00 |
| Total | | | 13,919.20 | | 39,837.45 | | | | 53,756.65 |

JESSE HELMS,
Chairman on Foreign Relations, July 25, 1997.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON LABOR AND HUMAN RESOURCES FOR TRAVEL FROM APRIL 1 TO JUNE 30, 1997

| Name and country | Name of currency | Per diem | | Transportation | | Miscellaneous | | Total | |
|---|---|---|---|---|---|---|---|---|---|
| | | Foreign currency | U.S. dollar equivalent or U.S. currency | Foreign currency | U.S. dollar equivalent or U.S. currency | Foreign currency | U.S. dollar equivalent or U.S. currency | Foreign currency | U.S. dollar equivalent or U.S. currency |
| Senator Tom Harkin: | | | | | | | | | |
| United States | Dollar | | | | 9,330.95 | | | | 9,330.95 |
| United Kingdom | Pound | | 195.27 | | | | | | 195.27 |
| Pakistan | Rupee | 5,515.00 | 137.60 | 2,066.00 | 51.54 | 2,067.00 | 51.56 | 9,648.00 | 240.70 |
| India | Rupee | 1,508.00 | 42.17 | 2,416.00 | 67.53 | 4,360.00 | 121.90 | 8,284.00 | 231.60 |
| Maria Rosario Gutierrez Bailey: | | | | | | | | | |
| United States | Dollar | | | | 7,561.95 | | | | 7,561.95 |
| United Kingdom | Dollar | | 203.17 | | | | | | 203.17 |
| Pakistan | Rupee | 4,515.00 | 112.65 | 2,065.00 | 51.53 | 1,267.00 | 31.60 | 7,847.00 | 195.78 |
| India | Rupee | 1,508.00 | 42.17 | 2,416.00 | 67.54 | 4,360.00 | 121.90 | 8,284.00 | 231.61 |
| Total | | | 733.03 | | 17,131.04 | | 326.96 | | 18,191.03 |

JIM JEFFORDS,
Chairman, Committee on Labor and Human Resources, June 2, 1997.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), SELECT COMMITTEE ON INTELLIGENCE FOR TRAVEL FROM APR. 1 TO JUNE 30, 1997

| Name and country | Name of currency | Per diem | | Transportation | | Miscellaneous | | Total | |
|---|---|---|---|---|---|---|---|---|---|
| | | Foreign currency | U.S. dollar equivalent or U.S. currency | Foreign currency | U.S. dollar equivalent or U.S. currency | Foreign currency | U.S. dollar equivalent or U.S. currency | Foreign currency | U.S. dollar equivalent or U.S. currency |
| William Duhnke | | | 58.00 | | | | | | 58.00 |
| Laura Pressler | | | 30.70 | | | | | | 30.70 |
| Taylor W. Lawrence | | | 1,460.00 | | | | | | 1,460.00 |
| Emily Francona | | | 584.00 | | 3,549.25 | | | | 4,133.25 |
| Senator Richard Lugar | | | 1,331.00 | | 4,424.75 | | | | 5,755.75 |
| Ken Myers | | | 2,063.00 | | 4,424.75 | | | | 6,487.75 |

### CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), SELECT COMMITTEE ON INTELLIGENCE FOR TRAVEL FROM APR. 1 TO JUNE 30, 1997—Continued

| Name and country | Name of currency | Per diem | | Transportation | | Miscellaneous | | Total | |
|---|---|---|---|---|---|---|---|---|---|
| | | Foreign currency | U.S. dollar equivalent or U.S. currency | Foreign currency | U.S. dollar equivalent or U.S. currency | Foreign currency | U.S. dollar equivalent or U.S. currency | Foreign currency | U.S. dollar equivalent or U.S. currency |
| Total | | | 5,526.70 | | 12,398.75 | | | | 17,925.45 |

RICHARD SHELBY,
Chairman, Select Committee on Intelligence, July 16, 1997.

### CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMISSION ON SECURITY AND COOPERATION IN EUROPE FOR TRAVEL FROM APRIL 1 TO JUNE 30, 1997

| Name and country | Name of currency | Per diem | | Transportation | | Miscellaneous | | Total | |
|---|---|---|---|---|---|---|---|---|---|
| | | Foreign currency | U.S. dollar equivalent or U.S. currency | Foreign currency | U.S. dollar equivalent or U.S. currency | Foreign currency | U.S. dollar equivalent or U.S. currency | Foreign currency | U.S. dollar equivalent or U.S. currency |
| Orest Deychakiwsky: | | | | | | | | | |
| United States | Dollar | | | | 3,927.65 | | | | 3,927.65 |
| Bulgaria | Dollar | | 1,260.00 | | | | | | 1,260.00 |
| Chadwick Gore: | | | | | | | | | |
| United States | Dollar | | | | 4,591.35 | | | | 4,591.35 |
| Poland | Dollar | | 1,478.00 | | | | | | 1,478.00 |
| Italy | Dollar | | 1,064.00 | | | | | | 1,064.00 |
| Bulgaria | Dollar | | 1,320.00 | | | | | | 1,320.00 |
| Robert Hand: | | | | | | | | | |
| United States | Dollar | | | | 1,505.75 | | | | 1,505.75 |
| Croatia | Dollar | | 1,527.04 | | 439.96 | | | | 1,967.00 |
| Bosnia and Herzegovina | Dollar | | 783.00 | | | | | | 783.00 |
| Janice Helwig: | | | | | | | | | |
| Austria | Dollar | | 14,013.80 | | 163.43 | | 63.19 | | 14,240.42 |
| Marlene Kaufman: | | | | | | | | | |
| United States | Dollar | | | | 3.704.85 | | | | 3.704.85 |
| Denmark | Dollar | | 490.00 | | | | | | 490.00 |
| Ronald McNamara: | | | | | | | | | |
| United States | Dollar | | | | 4,797.55 | | | | 4,797.55 |
| Turkey | Dollar | | 988.45 | | 318.78 | | | | 1,307.23 |
| Michael Ochs | | | | | | | | | |
| United States | Dollar | | | | 1,171.60 | | | | 1,171.60 |
| Poland | Dollar | | 1,515.00 | | | | | | 1,515.00 |
| Erika Schlager: | | | | | | | | | |
| United States | Dollar | | | | 2,346.25 | | | | 2,346.25 |
| Austria | Dollar | | 280.00 | | | | | | 280.00 |
| Slovakia | Dollar | | 392.00 | | | | | | 392.00 |
| Dorothy Taft: | | | | | | | | | |
| United States | Dollar | | | | 866.25 | | | | 866.25 |
| Austria | Dollar | | 280.00 | | | | | | 280.00 |
| Slovakia | Dollar | | 392.00 | | | | | | 392.00 |
| Total | | | 25,783.29 | | 23,833.42 | | 63.19 | | 49,679.90 |

ALFONSE D'AMATO,
Commission on Security and Cooperation in Europe, June 27, 1997.

### ADDENDUM.—CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), AUTHORIZED BY THE MAJORITY LEADER FOR TRAVEL FROM JAN. 1, TO MAR. 31, 1997

| Name and country | Name of currency | Per diem | | Transportation | | Miscellaneous | | Total | |
|---|---|---|---|---|---|---|---|---|---|
| | | Foreign currency | U.S. dollar equivalent or U.S. currency | Foreign currency | U.S. dollar equivalent or U.S. currency | Foreign currency | U.S. dollar equivalent or U.S. currency | Foreign currency | U.S. dollar equivalent or U.S. currency |
| Senator Connie Mack: | | | | | | | | | |
| China | Dollar | | | | | | 443.79 | | 443.79 |
| Hong Kong | Dollar | | | | | | 108.07 | | 108.07 |
| Gary Shiffman: | | | | | | | | | |
| China | Dollar | | | | | | 443.79 | | 443.79 |
| Hong Kong | Dollar | | | | | | 108.07 | | 108.07 |
| Total | | | | | | | 1,103.72 | | 1,103.72 |

TRENT LOTT,
Majority Leader, Sept. 17, 1997.

### CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), AUTHORIZED BY THE DEMOCRATIC LEADER FOR TRAVEL FROM APR. 1 TO JUN. 30, 1997

| Name and country | Name of currency | Per diem | | Transportation | | Miscellaneous | | Total | |
|---|---|---|---|---|---|---|---|---|---|
| | | Foreign currency | U.S. dollar equivalent or U.S. currency | Foreign currency | U.S. dollar equivalent or U.S. currency | Foreign currency | U.S. dollar equivalent or U.S. currency | Foreign currency | U.S. dollar equivalent or U.S. currency |
| Senator Patty Murray: | | | | | | | | | |
| Hong Kong | Dollar | 7,229.16 | 934.00 | | | 3,061.17 | 395.50 | 10,290.33 | 1,329.50 |
| China | Yuan | 4,744.62 | 613.00 | 2,430.11 | 293.48 | 911.79 | 110.12 | 8,086.42 | 1,016.60 |
| United States | Dollar | | | | 3,734.95 | | | | 3,734.95 |
| Ben McMakin: | | | | | | | | | |
| Hong Kong | Dollar | 7,368.48 | 952.00 | | | 3,061.25 | 395.51 | 10.429.73 | 1,347.51 |
| China | Yuan | 9,571.68 | 1,156.00 | 5,320.89 | 642.62 | 911.88 | 110.13 | 15.804.45 | 1,908.75 |
| United States | Dollar | | | | 3,604.95 | | | | 3,604.95 |
| Patricia Akiyama: | | | | | | | | | |
| Hong Kong | Dollar | 7,213.68 | 932.00 | | | 3,061.17 | 395.50 | 10,274.85 | 1,327.50 |
| China | Yuan | 9,430.92 | 1,139.00 | 5,321.05 | 642.64 | 911.79 | 110.12 | 15.663.76 | 1,891.76 |
| United States | Dollar | | | | 3,734.95 | | | | 3,734.95 |
| Senator Daniel Patrick Moynihan: | | | | | | | | | |
| Israel | Dollar | | 1,692.00 | | | | 2,487.00 | | 4,179.00 |
| United States | Dollar | | | | 6,998.65 | | | | 6,998.65 |
| Total | | | 7,418.00 | | 19,652.24 | | 4,003.88 | | 31,074.12 |

TOM DASCHLE,
Democratic Leader, Jul. 11, 1997.

## MEASURES INDEFINITELY POSTPONED

Mr. COVERDELL. I ask unanimous consent the following items be indefinitely postponed. Calendar No. 28, S. 447; Calendar No. 34, Senate Concurrent Resolution 16; Calendar No. 35, Senate Concurrent Resolution 17; Calendar No. 47, S. 536; Calendar No. 55, Senate Concurrent Resolution 27; Calendar No. 100, S. 307; Calendar No. 101, S. 861; Calendar No. 118, S. 1034; Calendar No. 121, S. 1048.

The PRESIDING OFFICER. Without objection, it is so ordered.

## ORDERS FOR MONDAY, OCTOBER 6, 1997

Mr. COVERDELL. Mr. President, I ask unanimous consent when the Senate completes its business today it stand in adjournment until the hour of 1 p.m. on Monday, October 6. I further ask on Monday, immediately following the prayer, the routine requests through the morning hour be granted and the Senate then immediately resume consideration of S. 25, the campaign finance reform bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

## PROGRAM

Mr. COVERDELL. Mr. President, the Senate will be resuming consideration of the campaign finance reform bill during Monday's session. The majority leader has announced no rollcall votes will occur on Monday. Two cloture motions were filed today relative to the campaign finance reform bill, and as a reminder, those votes will occur at 2:15 on Tuesday.

Under rule XXII, all Senators have until the hour of 1 o'clock p.m. on Monday in order to file timely amendments to S. 25. I now ask unanimous consent that that time be extended until 1:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COVERDELL. The Senate may resume consideration of the D.C. appropriations bill on Monday if the remaining outstanding issue can be resolved. A third cloture motion was filed today with respect to the pending Mack-Graham amendment to that appropriations bill. If necessary, that cloture vote would occur during Tuesday's session, as well. The majority leader has also stated that the Senate will be considering any available appropriations conference reports during next week. I thank my colleagues for their attention.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. COVERDELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

## ADJOURNMENT UNTIL 1 P.M. MONDAY, OCTOBER 6, 1997

The PRESIDING OFFICER. Under the previous order, the Senate stands in adjournment until 1 p.m., Monday, October 6, 1997.

Thereupon, the Senate, at 11:54 a.m., adjourned until Monday, October 6, 1997, at 1 p.m.

## NOMINATIONS

Executive nominations received by the Senate October 3, 1997:

### DEPARTMENT OF STATE

STANLEY LOUIS MCLELLAND, OF TEXAS, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO JAMAICA.

CAMERON R. HUME, OF NEW YORK, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE DEMOCRATIC AND POPULAR REPUBLIC OF ALGERIA.

TIMOTHY MICHAEL CARNEY, OF WASHINGTON, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF HAITI.

### DEPARTMENT OF VETERANS AFFAIRS

JOSEPH THOMPSON, OF NEW YORK, TO BE UNDER SECRETARY FOR BENEFITS OF THE DEPARTMENT OF VETERANS AFFAIRS, VICE RAYMOND JOHN VOGEL, RESIGNED.

### DEPARTMENT OF DEFENSE

F. WHITTEN PETERS, OF THE DISTRICT OF COLUMBIA, TO BE UNDER SECRETARY OF THE AIR FORCE, VICE RUDY DE LEON.

### DEPARTMENT OF STATE

THOMAS J. MILLER, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, FOR THE RANK OF AMBASSADOR DURING HIS TENURE OF SERVICE AS SPECIAL COORDINATOR FOR CYPRUS.

AMY L. BONDURANT, OF THE DISTRICT OF COLUMBIA, TO BE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE ORGANIZATION FOR ECONOMIC COOPERATION AND DEVELOPMENT, WITH THE RANK OF AMBASSADOR.

### OFFICE OF PERSONNEL MANAGEMENT

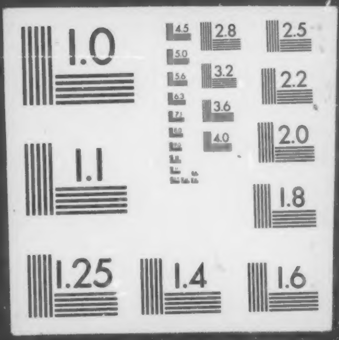
JANICE R. LACHANCE, OF MAINE, TO BE DIRECTOR OF THE OFFICE OF PERSONNEL MANAGEMENT FOR A TERM OF 4 YEARS, VICE JAMES B. KING.

## WITHDRAWAL

Executive message transmitted by the President to the Senate on October 3, 1997, withdrawing from further Senate consideration the following nomination:

### OFFICE OF PERSONNEL MANAGEMENT

JAMES B. KING, OF MASSACHUSETTS, TO BE DIRECTOR OF THE OFFICE OF PERSONNEL MANAGEMENT FOR A TERM OF 4 YEARS.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